UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
SECOND SESSION

VOLUME 118—PART 10

APRIL 11, 1972 TO APRIL 18, 1972
(PAGES 12011 TO 13300)

JAN 1 5 1974

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1972

AUTHENTICATED
U.S. GOVERNMENT
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United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Tuesday, April 11, 1972*

The Senate met at 12 o'clock meridian and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, we thank Thee for life and work, and strength with which to do it. We thank Thee, too, for comrades of earth's pilgrimage with whom we have lived and labored, by whom life has been enriched, and the Nation's welfare enhanced. We remember in gratitude Thy servant, James Francis Byrnes, who has "kept the faith, finished his course, and now rests from his labors." May we undertake our tasks in the spirit of selfless service and unrestrained devotion which was his. May something of his gentle ways, his cultural depth, his human sensitivity, and his patriotic pride be implanted in us and expressed in our daily lives until for us the shadows lengthen, the evening comes, the busy world is hushed, the fever of life is over, and our work is done. Then in Thy mercy grant us a safe lodging, a holy rest, and peace at the last, through Jesus Christ our Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 11, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 10, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 697, 704, 705, 706, 707, and 711.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MANDATORY INSPECTION OF RABBITS SLAUGHTERED FOR HUMAN FOOD

The Senate proceeded to consider the bill (S. 1943) to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with an amendment on page 3, line 11, after the word "to", strike out "January" and insert "July"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as provided in section 2 of this Act, all the penalties, terms, and other provisions in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451–470) are hereby made applicable (1) to domestic rabbits, the carcasses of such rabbits, and parts and products thereof, and to the establishments in which domestic rabbits are slaughtered or in which the carcasses, or parts or products thereof, are processed, (2) to all persons who slaughter domestic rabbits or prepare or handle the carcasses of such rabbits or parts or products thereof, and (3) to all other persons who perform any act relating to domestic rabbits or the carcasses of such rabbits or parts or products thereof, and who would be subject to such provisions if such acts related to poultry or the carcasses of poultry, or parts or products thereof; and such provisions shall apply in the same manner and to the same extent as such provisions apply with respect to poultry and the carcasses of poultry, and parts and products thereof, and to persons who perform acts relating to poultry, the carcasses of poultry, or parts or products thereof.

SEC. 2. (a) The provisions in paragraph (a)(4) of section 9, paragraph (a)(2) of section 15, and section 29 of the Poultry Products Inspection Act shall not apply with respect to domestic rabbits or the carcasses of such rabbits, or parts or products thereof. The two-year period specified in paragraph (c)(1) of section 5 of such Act and the periods contemplated by paragraph (c)(4) of such section shall commence upon the date of enactment hereof, with respect to domestic rabbits and the carcasses of such rabbits, and parts and products thereof; and in applying the volume provisions in paragraphs (c)(3) and (c)(4) of section 15 of such Act, the volume restrictions applicable to turkeys shall apply to rabbits.

(b) For purposes of this Act—

(1) wherever the term "poultry" is used in the Poultry Products Inspection Act, such term shall be deemed to refer to domestic rabbits;

(2) wherever the term "poultry products" is used in the Poultry Products Inspection Act, such term shall be deemed to refer to rabbit product; and

(3) the reference to domesticated bird in section 4(e) of the Poultry Products Inspection Act shall be deemed to refer to domestic rabbit.

SEC. 3. This Act shall become effective upon enactment, except that no person shall be subject to the provisions of this Act prior to July 1, 1972, unless such person after enactment of this Act applies for and receives inspection for the processing for commerce (as defined in the Poultry Products Inspection Act) of domestic rabbits or the carcasses of such rabbits, or parts or products thereof, in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary of Agriculture under this Act. Any person who voluntarily applies for and receives such inspection after enactment hereof shall be subject, on and after the date he commences to receive such inspection, to all of the provisions (including penalties) of the Poultry Products Inspection Act as applied hereby in relation to domestic rabbits, the carcasses of such rabbits, and parts and products thereof.

SEC. 4. The provisions hereof shall not in any way affect the application of the Poultry Products Inspection Act in relation to poultry, poultry carcasses, and parts and products thereof.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–728), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would make rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to rabbits and rabbit products.

The committee amendment would extend the time when any person would involuntarily become subject to the provisions of the bill to July 1, 1972, since the date set out in the bill, January 1, 1972, is now past. Any person who desired to apply for and receive inspection before that date could do so.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970, the committee estimates the costs which would be incurred for carrying out the bill would be something less than $93,000 in the current fiscal year, and about $154,000 in fiscal 1973, $162,000 in fiscal 1974, $170,000 in fiscal 1975, $178,000 in fiscal 1976, and $186,000 in fiscal 1977. This estimate concurs with the estimate furnished by the Department of Agriculture in the following letter:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 25, 1972.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This responds to your request for a report on S. 1943, a bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes.

The Department does not oppose enactment of this bill.

An estimated 20 to 30 million pounds of rabbits are consumed each year. Commercial output of processed rabbit meat is estimated at about 4 million fryers annually, while hobby producers raise another 4 to 8 million rabbits which they often sell locally.

Based on a recent survey made by the Consumer and Marketing Service, a total of 29 plants could come under inspection provided for in the bill. First year costs for fiscal year 1972 (based on 6 months' operation) would approximate $93,000 (including one-time training activities). Costs for program operations would approximate $154,000 for fiscal year 1973, $162,000 for fiscal year 1974; $170,000 for fiscal year 1975: and $178,000 for fiscal year 1976. The survey covered two plants now under voluntary Federal inspection, one which has been surveyed as the first step toward applying for voluntary Federal inspection, 14 plants under State inspection, and 12 additional plants which are not now inspected by Federal or State agencies.

Of these 29 plants, 17 (three having voluntary Federal inspection and 14 having State inspection) could probably qualify for the mandatory inspection program. The remaining 12 plants probably would meet the criteria for exemption as listed in the proposed bill.

In accordance with Public Law 91-190, section 102(2)(C), attached is a statement on the impact this proposed bill would have on the quality of the environment.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

USDA ENVIRONMENTAL STATEMENT

(Prepared in accordance with section 102(2) (C) of Public Law 91-190)

Title of statement: S. 1943, a bill "To provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes."

Nature of legislation or action: Enabling legislation.

BACKGROUND

The raising and processing of domestic rabbits as an added source of meat in the diet is a growing industry. Consumers of this product do not always have the assurance that it is wholesome, unadulterated and correctly labeled. This assurance is presently given on meat and poultry products.

At the present time inspection is available for the processing of rabbits under a voluntary program in which the processor pays for the inspection services provided. The added cost of inspection is passed on to the consumer. This bill would make the inspection of rabbit processing mandatory and assure the uniform certification of the wholesomeness of all rabbit products offered the consumer, and shifts the cost to the Federal taxpayer.

ENVIRONMENTAL IMPACT

The proposed bill will apply to the slaughter, preparation and handling, and the disposal of condemned carcasses and parts in processing establishments preparing domestic rabbits for intrastate, as well as interstate or foreign commerce. The processing waste from these establishments could adversely affect the quality of the human environment.

The grant of inspection would be contingent upon the use of potable water and of a waste disposal system acceptable to or certified by the State or local authorities as not violating applicable water quality standards as required by section 21(b) of the Federal Water Pollution Control Act.

FAVORABLE ENVIRONMENTAL EFFECTS

The most significant favorable effect at this time is the providing for wholesome products from all plants under inspection and the utilization of the authority in the Federal Water Pollution Control Act to control the operations of rabbit processing establishments through the granting of inspection, and the withdrawal of inspection should there be entry of a judgment that the plant has operated in violation of applicable water quality standards.

Adverse environmental effects which cannot be avoided: There are no adverse effects of this bill.

ALTERNATIVE TO THE PROPOSED ACTION

The adverse environmental effects of operations of the regulated industry can be minimized by utilization of all presently existing authorities to refuse or withdraw inspection when applicable environmental requirements are not met. Section 21 of the Federal Water Pollution Control Act provides some authority for such actions, and the regulations promulgated under this bill would provide for the exercise of such authority.

The proposed action is administrative.

RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE OF LONG-TERM PRODUCTIVITY

The short-term benefit or immediate effect of the bill would be to strengthen health protection for consumers of rabbit products.

The long-term benefits will be to further reduce the possibility of adulterated and misbranded rabbit products entering human food channels, and to build the consumer's confidence in the Nation's food supply, thereby, benefiting the legitimate operator while discouraging illegal, undesirable practices. Further, long-term benefits will be of assistance in the prompt correction of environmental pollution problems.

Irreversible or irretrievable commitment of resources: None.

Consultation with appropriate Federal agencies: Not applicable.

Reviewed by State and local agencies developing and enforcing environmental standards: (See Environmental Impact).

CLEAN WATERS FOR AMERICA WEEK

The joint resolution (S.J. Res. 210) to authorize the President to issue a proclamation designating the last full calendar week in May of 1972 as "Clean Waters for America Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to emphasize the need for a continuous program for the control and elimination of water pollution and related problems, and to call the attention of the American people to such need, the President is authorized and requested to issue a proclamation designating the last full calendar week in May of 1972 as "Clean Waters for America Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-735), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

CLEAN WATERS FOR AMERICA WEEK

PURPOSE

The purpose of the joint resolution is to authorize the President of the United States to issue a proclamation designating the last full calendar week in May of 1972 as "Clean Waters for America Week."

STATEMENT

The Congress has passed an impressive number of laws for action programs to do something about improving our environment. Recently the National Environment Policy Act—Public Law 91-190, was signed into law by the President. This act declares that it is the policy of the U.S. Government to create and maintain conditions under which man and nature can exist in productive harmony. Title I states:

"Each person should enjoy a healthful environment and has a responsibiltiy to contribute to the preservation and enhancement of the environment."

The leadership of the Congress has been particularly strong on legislation for water quality and productivity. The Water Quality Act of 1965—Public Law 89-234—was a landmark law, establishing the Federal Water Pollution Control Administration. It called for the States to set standards based on federally promulgated criteria. After 4 years of scientific study and river basin planning, the Nation is making the hard choices and committing the funds to meet these standards. The Clean Waters Restoration Act of 1966 authorized matching funds to local governments for sewage treatment plant construction. Other acts have authorized and funded the extensive works of the Corps of Engineers and the Bureau of Reclamation. Through annual authorizations, the Congress has maintained a strong research and development effort in the desalting of sea water and brines. The Water Resources Act—Public Law 89-80—established river basin commissions and the Water Resources Council. Public Law 90-515 set in motion a 5-year intensive review of the entire water problem by the National Water Commission. These diverse efforts assure steady progress but there are many facets to the water resource issue and water quality is only one part of the broadening interest in the environment.

Priorities must be set and the emphasis of limited revenues and manpower placed on the most critical natural resource areas. The committee believes that water is at the top of the list and that we should periodically remind ourselves of the importance of water while we are recognizing and appreciating the more subtle and particular interactions of man and his surroundings. That is why it is fitting to set aside a time especially to examine the status of water resources and the quality of our streams, lakes, and reservoirs. All are well aware of the enormous requirements of a modern industrial society for water. The laws we have established implement a national policy of multiple use.

Pollution must be corrected in the Great Lakes and most larger river systems and estuaries of the east coast. Water supply crises are always hovering over New York City and the Pacific Southwest. The great increase in boating recreation threatens to overwhelm the recent development of inland reservoirs and lakes. Enormous growth in electric power generation produces corresponding quantities of waste heat which is largely dissipated in surface waters, changing the ecology of the river or bay.

Thus, the observation of Clean Waters for America Week should dramatize the very real accomplishments of the past, the importance of water resource planning for the future, and the urgency with which we must attack some present day pollution problems.

The Federal Government is well organized to participate in such an event. The Water Resources Council coordinates most of the agencies with responsibilities for water quality and the many uses of our rivers, lakes, and ocean areas. All departments should contribute imaginative suggestions for Clean Waters for America Week activities. There should be a variety of opportunities for education of young persons. The demonstration of successful water management is important to sustain taxpayer support for the continuing programs and projects ahead.

Accordingly the committee recommends favorable consideration of Senate Joint Resolution 210, without amendment.

NATIONAL ARBOR DAY

The Senate proceeded to consider the joint resolution (H. J. Res. 563) to authorize the President to proclaim the last Friday of April 1972 as "National Arbor Day."

ONE HUNDREDTH ANNUAL ARBOR DAY

Mr. HRUSKA. Mr. President, a most significant celebration occurs in Nebraska City, Nebr., on April 22–23. It will be the 100th annual observance of Arbor Day. Nebraskans will gather from all over the State and dignitaries will descend on Nebraska City from all parts of the Nation to participate in this worthy celebration and honor the memory of the man who started it, J. Sterling Morton.

This Senator has spoken many times to this body about Arbor Day. I have done so in the sincere belief that the annual observance which represented our Nation's very first efforts at conservation is not taken nearly seriously enough by Americans in this day and age.

Yet the principles espoused by Mr. Morton and his idea that all Americans set aside one day each spring to plant trees are much-needed principles today. If we can return to widespread practice of them, they will stand us in good stead in our current effort to protect and restore our environment.

J. Sterling Morton was a newspaper publisher, horticulturist, and effective public servant. He conceived the idea for Arbor Day as he contemplated Nebraska's tireless plains after he had moved from Michigan to Nebraska City.

He went on to become secretary of the Nebraska Territory, president of the State Board of Agriculture, and Secretary of Agriculture under President Grover Cleveland, but of all his selfless contributions to his State and Nation, the one for which he is best remembered is his inauguration of the annual Arbor Day observance.

In 1872 Mr. Morton told Nebraskans:

> If every farmer in Nebraska will plant out and cultivate an orchard and a flower garden, together with a few forest trees, this will become mentally and morally the best agricultural state in the Union.

Nebraskans responded to his call for Arbor Day by planting more than 1 million trees the first year. Within 16 years after his mass tree planting day had become an official State observance, more than 600 million trees had been planted and 100,000 acres of forest had been created on the once-barren Nebraskan plains.

The idea of Arbor Day spread quickly beyond Nebraska's boundaries and within a very few years, more than 35 States conducted their own observance. Today Arbor Day is celebrated by every State in the Union, and Florida and West Virginia have 2 Arbor Days each year. In addition, a number of foreign countries have adopted the celebration. Among other countries, Arbor Day is commemorated in England, Canada, Australia, British West Indies, South Africa, New Zealand, France, Mexico, Norway, Russia, Japan and China.

Unfortunately, as the New York Times pointed out in a comprehensive and excellent review of Arbor Day 2 years ago, the holiday has assumed a pro forma posture in too many places. While Nebraskans continue to observe the day vigorously and reemphasize the conservation principles which it espouses, the urbanization of our society has led to a general and most unfortunate deemphasis of Arbor Day on a national basis.

This is regrettable. One of our chief national concerns is our deteriorating environment. We are desperately seeking effective means of restoring our once great heritage of natural resources. We have in J. Sterling Morton's concept of Arbor Day one of the most valuable weapons in our environmental struggle, if only we will return to serious pursuit of his principles.

It is understandable that Arbor Day does not seem as important to our highly-urbanized society as it once did to our pioneer forefathers. Millions who live and work in the asphalt acres of our cities have little or no space to plant trees. But it is precisely the nature of our society today which places on us a greater requirement than ever to observe Arbor Day seriously and follow the principles of Mr. Morton more scrupulously than we have been.

The New York Times offers a most convincing argument for making Arbor Day a national holiday. With such official sanction, the day would once again recapture the imagination and vision of the Nation as it did a century ago. It would become one of the most effective stimuli to a unified national approach to our environmental goals.

This Senator concurs wholeheartedly with that thought so well expressed by the Times. I have in the past submitted to this body resolutions which would proclaim the last Friday of April each year as National Arbor Day, thus elevating this annual observance to the national status which it so well deserves and which is needed to increase its effectiveness as a rallying point for sound principles of conservation, and again submitted such a resolution this year. I urge my colleagues to consider it carefully—not just as a matter of pride for my State of Nebraska, which of course it is—but as a valuable tool in our struggle to restore our environment, a tool which can be even more valuable if it is given the official sanction which would come from status as a national holiday.

Because the article so well expresses the problem confronting us today, Mr. President, I ask unanimous consent that the New York Times article on Arbor Day, printed on April 19, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 19, 1970]

WHAT BECAME OF ARBOR DAY?

(By Richard Reinhardt)

Two great holidays of American origin outshine all others in their freedom from chauvinism, sectarianism and commercial exploitation.

One is Thanksgiving, a feast of brotherhood and gratitude based upon a long and honorable historic tradition. The other is a neglected, ridiculed, almost forgotten festival called Arbor Day, which celebrates human kinship with the living earth. Of all our major anniversaries, Arbor Day is the least known and least respected, although it probably is the most significant of all holidays in an era of destructive technology, irretrievable waste and the dark stain of poisons in the air and water.

Unlike the general run of civic and religious celebrations, Arbor Day was the deliberate creation of one man, a Nebraska newspaper publisher named Julius Sterling Morton. It was Morton's happy notion, inspired by ancient European and Middle Eastern folkways, to devote a day each spring to mass treeplanting. During his long career as a horticulturist, editorial writer and politician, he succeeded in spreading this idea to several dozen states and a handful of foreign countries.

Morton first gave evidence of his zeal for forestry in 1854, when he moved from his boyhood home in Michigan to the treeless prairies of Nebraska. Taking squatter's rights on 160 acres of naked loam on the west bank of the Missouri River, he built a four-room house for his young wife and almost immediately began planting slips and seeds. Within a few years he had surrounded the cottage with a jungle of shade trees, shrubbery and vines and was using the columns of his Nebraska City News to urge his neighbors to get busy with their own landscaping projects.

With his friend, Robert W. Furnas, who had started a large orchard in nearby Brownville, Morton toured eastern Nebraska to encourage farmers to plant fruit trees. It was largely to the credit of these two men that the area became an important fruit-growing region.

But Morton's enthusiasm for vegetation went far beyond uses of commercial agriculture. He saw treeplanting as a communal function with social and educational values. He hounded churches, schools and clubs to undertake planting projects, and he came up with the suggestion that Nebraska towns should set out young trees to commemorate such notable events as the visit of a distinguished guest, the dedication of a public building, or the anniversary of a respected leader.

For four years—1858 to 1861—as secretary of the Nebraska Territory, and later as president of the State Board of Agriculture, Morton had frequent occasion to promulgate both his simple, Jeffersonian faith in the nobility of small farmers and his love of trees. He seldom passed up an opportunity to state the case:

"If every farmer in Nebraska will plant out and cultivate an orchard and a flower garden, together with a few forest trees, this will become mentally and morally the best agricultural state in the Union."

This message with its calm faith in the ultimate virtue of hugging close to the earth was balm to the homesteaders of that raw territory, where nature was harsh, tillage was difficult and failure was common. When Morton published a resolution in 1872, calling on this courageous fellowship of farmers to conduct a state-wide day of tree-planting in early April, the Nebraskans responded by planting something over a million trees.

Two years later Morton's friend, Robert Furnas, who had been elected Governor of the state, proclaimed April 8 the official Arbor Day. With this authoritative blessing, the holiday blossomed into Nebraska's favorite public event. Over the next 16 years, the people of the state planted more than 600 million trees and created 100,000 acres of forest on the once-open plains. The Nebraska legislature in 1885 made Arbor Day a legal holiday, setting it on the date of Sterling Morton's birthday, April 22.

Arbor Day spread with marvelous speed. Kansas, Tennessee, Minnesota and Ohio quickly adopted the idea. By 1890, 35 states had established some kind of Arbor Day, each one picking a date that was appropriate to the local climate.

Few states kept Arbor Day with as much enthusiasm as did Nebraska, but few dared to ignore the occasion. Then as now, the word "conservation" was a shibboleth. The United States rapidly was changing from a rural nation of small farmers into an urban nation of factory workers, and this sentimental rural, earth-centered ceremony seemed to provide a link with the past and a promise for the future. Cynical legislators saw this harmless holiday as a sop for the worriers who were already complaining about disappearing forests and lost wilderness. Arbor Day? Why not? How much easier it would be to plant a few trees new once a year than to forbid the wanton cutting of virgin timber.

What has happened to Arbor Day? On paper it is flourishing. Every state in the union gives it some form of official sanction, two states (Nebraska and Utah) make it a legal holiday, and two other states (Florida and West Virginia) celebrate it twice a year. Elementary school classes everywhere set out arborvitae trees along the parking strip. Ladies clubs adorn the facades of telephone exchanges and state and Federal tree nurseries ship out millions of seedlings to be planted in windbreaks, woodlots and erosion barriers.

But these demonstrations of amateur agriculture do not add up to a great national sentiment for the stewardship of the earth. They are only ludicrous parodies of a pioneer ritual that was intended to seal a yearly covenant with nature and to inculcate in young and old a reverence for the earth and a sense of personal responsibility for its perpetual renewal.

The spirit is gone dormant. Arbor Day is a sham. It goes on, year after year, but it no longer seems important.

Part of the trouble is that Arbor Day began in a struggling, frontier society that has disappeared. Once the buffalo grass had been plowed under and "village adornment societies" had done their work of planting cotton woods and elms on the residential streets of the Great American Desert, Arbor Day lost its compelling urgency.

Then, too, America has become an urban nation. Our tastes are more sophisticated. Family picnics at the country fairgrounds no longer amuse us. On holidays we drive 300 to 400 miles to go waterskiing. Arbor Day smacks of the rural past. It reminds us of lukewarm lemonade, speeches on the courthouse steps. Main Street, outhouses, dialect jokes and other crudities we have outgrown.

The saddest reason for the decline of Arbor Day is that many Americans have lost their easy confidence in the positivist principles that guided Sterling Morton and thousands of tree-planting committees since his time. Recent history has given ample evidence that the good, the true and the beautiful do not inevitably triumph. The faith of a Nebraska editor in the ultimate progress of civilization through the promulgation of shade trees and flower gardens now seems blissfully naive. We have learned that trees grow in slums and in concentration camps and on battlefield. How can we pretend that planting trees will guarantee a general improvement in the moral quality of mankind?

The question is why do we bother to keep Arbor Day on the calendar? In its present form, it is a mockery of the very principles it espouses. It would be worth keeping only if it could be revived and reestablished as a national day of homage to the earth. If that should happen, Arbor Day could become the most important holiday in the year.

There are reasons to think this observance would be welcomed by most Americans. The harshness of frontier life has, in a sense, returned to this richly favored continent. In the midst of luxuriant technological development, we find ourselves looking forward into a wasteland as dark and dry as any that confronted a starving immigrant on the Great Plains. Once again, we are confronted by the frailty and finite limits of the natural environment.

It would do us spiritual and practical good to have a day in which to demonstrate that we are not helpless to save ourselves from this crisis, to show that, as a nation, we are capable of sowing as well as reaping, of healing as well as hurting, of creating as well as destroying. Arbor Day would be a pledge to our children that we will not let the world go to waste; that there will, indeed, be blue skies, greenery and clear water, and that trees will endure.

To serve this object, Arbor Day must become a legal, national holiday. Past efforts to accomplish this have failed, but it is time to make the effort again. Even if it is impossible to find a date to suit all climates, a date could be chosen that will satisfy a majority of states. April 22, Morton's birthday, might well be as suitable as any.

When a date has been chosen, Arbor Day could be called each year by Presidential proclamation, as is Thanksgiving. The President could appoint a national committee to advise him on programs of environmental concern that can be undertaken as Arbor Day projects. The committee could coordinate state and local projects so that the impact of Arbor Day would be immediate, conspicuous and exemplary.

Above all, the pattern of Arbor Day activities must change to suit the mood and manners of today. This holiday is too important to be laid out and embalmed in a 19th-century costume. Arbor Day needs a fresh array of ceremonial symbols, an infusion of new ideas.

Mr. WILLIAMS. Mr. President, I strongly urge the passage of House Joint Resolution 563, legislation to authorize the President to proclaim the last Friday in April 1972 as "National Arbor Day." This bill is identical to Senate Joint Resolution 205, which I introduced earlier this year.

Action at this time by Congress on this resolution is especially timely, as this April marks the 100th anniversary of the original founding of Arbor Day in the State of Nebraska in 1872.

Arbor Day was originally conceived by J. Sterling Morton, of Nebraska, who, as a concerned conservationist aware of the need and value of trees in preserving and protecting soil, initiated a statewide tree-planting contest. The successful program encouraged each citizen to plant as many trees as possible. On that 1 day a century ago, more than 1 million trees were planted in Nebraska. Interestingly, within 20 years, 100,000 acres of wasteland were turned into forests. Since that time, many States have continued to recognize Arbor Day with statewide programs. Most common are school programs and individual classroom projects.

At this time I wish to take the opportunity to recognize the outstanding and continued work of those members of all national and State associations and organizations who have actively supported this legislation passed today. I especially wish to commend and acknowledge a citizen of my State, Mr. Harry Banker, of West Orange, N.J., who, as executive secretary of the Committee for National Arbor Day, has dedicated great time and energy to establishing a National Arbor Day. Mr. Banker's personal interest in this worthy observance dates back for nearly 26 years, during which time, as New Jersey State Chairman of the National Arbor Day Committee, he was instrumental in encouraging our State legislature to adopt an annual State observance of Arbor Day. My appreciation for an outstanding accomplishment goes out to Mr. Banker and all those who have worked closely with him.

I also wish to extend my sincere appreciation to Senators HRUSKA and McCLELLAN of the Senate Subcommittee on Federal Charters, Holidays, and Celebrations for their efforts in this regard. Senator HRUSKA's personal and extensive knowledge of Arbor Day is most impressive and his help in this matter was enormous.

Mr. President, in this time of great need for national concern for our environment and with the growing awareness of the serious problem facing this country, I believe that the observance of National Arbor Day is particularly significant in preserving this Nation's natural resources and in protecting our trees and forests. By proclaiming a national observance, all citizens will be given the opportunity to demonstrate their commitment to preserving and improving our ecology.

I am hopeful, therefore, that the President will quickly sign this resolution into law so that all Americans may appropriately observe April 28, 1972, as "National Arbor Day."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–736), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NATIONAL ARBOR DAY

PURPOSE

The purpose of the joint resolution is to authorize the President to issue a proclamation designating the last Friday of April 1972 "National Arbor Day" and to call upon the people of the United States to observe such day with appropriate ceremonies and activities.

STATEMENT

This resolution would be a timely beginning for this decade during which we all hope increased emphasis will be placed on environmental and conservation problems. With the growing awareness today of the environment and the need to protect and preserve our natural resources, passage of the Arbor Day resolution will serve to stimulate public appreciation of our trees and forests.

The committee is of the opinion that this resolution has a meritorious purpose and that proclaiming the last Friday of April 1972 as "National Arbor Day" will focus the attention of the people of the United States to the environmental and conservation problems facing the Nation. Accordingly, the committee recommends favorable consideration of House Joint Resolution 563, without amendment.

The ACTING PRESIDENT pro tempore. The question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed.

FATHER'S DAY

The joint resolution (H.J. Res. 687) to authorize the President to designate the third Sunday in June of each year as "Father's Day" was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–737), explaining the purposes of the measure. There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to authorize the President to designate the third Sunday in June of each year as Father's Day.

STATEMENT

The Congress enacted Public Law 450 in 1966 officially proclaiming Sunday, June 19, of that year as Father's Day. In the 91st Congress, Public Law 595, the act of December 28, 1970, authorized the President to designate the third Sunday in June 1971 as "Father's Day." No resolution permanently recognizing Father's Day has been passed, although Mother's Day has been recognized on a continuing basis since May 8, 1914.

No sound reason appears why similar recognition should not be accorded Father's Day in view of the burdens and responsibilities placed upon them during these trying times.

The committee therefore is of the opinion that this resolution has a meritorious purpose and will accord fathers the recognition they deserve. Accordingly, the committee recommends favorable consideration of House Joint Resolution 687, without amendment.

NATIONAL CHECK YOUR VEHICLE EMISSIONS MONTH

The Senate proceeded to consider the joint resolution (H.J. Res. 1095) authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by the Senator from Indiana (Mr. HARTKE) be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR HARTKE

It gives me great pleasure to see the Senate pass H.J. Res. 1095. That resolution is identical to S.J. Res. 156 which I introduced on September 16, 1971. The essence of the resolution is to designate the month of April as "National Check Your Vehicle Emissions Month".

Although I had hoped for earlier passage of the resolution, nonetheless, I am pleased that the Senate has joined with the House of Representatives to send to the President this timely resolution to call for a voluntary public effort to decrease pollution caused by automobile emissions.

Since time is of the essence, hopefully the President will act expeditiously on the resolution. Prompt action will reinforce current efforts to implement the resolution. Presently substantial efforts are being made in that direction. In addition to massive support from the service industry press many consumer magazines have donated advertising space to support the effort. State and local ecology groups have expressed considerable interest and have indicated their support in any way possible.

As the Judiciary Committee report stated, the program conducted during this month will have four main goals.

First, to publicize to the American people the message that they have a responsibility to keep their automobiles in the best possible running condition in order to help clean up the air;

Second, to teach garagemen and mechanics how to check engines to ascertain amount and type of emissions and their causes;

Third, to convince dealers and service station owners to offer free clean air engine diagnosis; and

Fourth, to urge the American people to bring their automobiles in for this diagnosis.

There are those who have stated that the call for a voluntary effort cannot be the American way to reduce air pollution. I disagree with that contention. I am convinced that the voluntary nature of this resolution will exhibit our collective resolve to reduce air pollution. Many citizens have railed against air pollution, and this resolution provides them with an opportunity to make a positive contribution to decrease pollution.

Hopefully this resolution is only the beginning of a commitment to eliminate the unnecessary pollution caused by vehicle emissions. I am optimistic about the results of "National Check Your Vehicle Emissions Month," and intend to work to make this an annual and ongoing project to encourage every motorist to make the battle against air pollution a very personal one.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–738), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to authorize the President of the United States to issue a proclamation designating the month of April 1972 as "National Check Your Vehicle Emissions Month."

STATEMENT

House Joint Resolution 1095 authorizes and requests the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month" and call upon the motorists and automotive industry of the United States to take appropriate steps during this month to reduce substantially air pollution from motor vehicles.

The program conducted during this month would have four main goals:

First, to publicize to the American people the message that they have a responsibility to keep their automobiles in the best possible running condition in order to help clean up the air;

Second, to teach garagemen and mechanics how to check engines to ascertain amount and type of emissions, and their cause;

Third, to convince dealers and service station owners to offer, free, clean air engine diagnosis; and

Fourth, to urge the American people to bring their automobiles in for this diagnosis.

The program has full industry support at every level and many State governments have indicated their backing of the effort. An ad hoc committee to support a Presidential proclamation designating April 1972 as "National Check Your Vehicle Emissions Month" has been formed.

Its members are: James E. Bates, Ignition Manufacturers Institute; Dr. B. G. Gower, Atlantic Richfield Co.; Gerry Haddon, Motor Age magazine; Richard D. Kudner, Champion Spark Plug Co.; Frank McGonagle, Fram Corp.; Arthur H. Nellen, Jr., Car Care Council; and A. J. "Russ" Russo, Shell Oil Co.

The committee is convinced that this is a very serious effort on the part of industry to conduct a voluntary campaign to help cut down on emission-caused air pollution. In fact, tests have indicated that simple adjustments and minor tuneups could result in a minimum of 15- to 25-percent reduction of automobile air pollution. Furthermore, efficient engines would, in the long run, save motorists money through increased engine life, improved performance, and reduced operating costs. Trucking and bus firms would also be encouraged to participate. The broadcast and print media have promised to donate free time and space to publicize the month.

This type of program could bring an even greater reduction in air pollution than would the Federal emission standards for 1975 model cars. These standards, it is estimated, will bring only a 2-percent reduction.

Studies in Wisconsin, New Jersey, Arizona, and California, along with tests conducted by private industry, show that emission of carbon monoxide and hydrocarbons can be reduced by implementing a program of vehicle inspections and, where needed, repairs. The reductions attainable can range from 15 to 68 percent.

The committee is very optimistic about the results of the programs conducted during National Check Your Vehicle Emissions Month and with the backing of the President and the Congress it can become an annual affairs to encourage motorists and industry to join the battle against automobile-caused air pollution.

Accordingly the committee recommends favorable consideration of House Joint Resolution 1095, without amendment.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

NATIONAL SHUT-IN DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 208) authorizing the President to proclaim the first Sunday in June of each year as "National Shut-in Day."

Mr. ROBERT C. BYRD. Mr. President a great many of our fellow citizens spend each day either bedridden, or confined to a small room. These are the Nation's shut-ins, who, because of old age or illness—or both—suffer a loneliness that sometimes borders on the unbearable.

Too many of these people have found that their forced solitude has been accompanied by indifference on the part of friends and relatives who lead normal, active lives. Too many of our shut-ins have found that their status has brought with it a certain kind of oblivion.

In order to call attention to the plight of these people, I introduced Senate Journal Resolution 208, some time ago, which directs that a Presidential proclamation designate the first Sunday in June of each year as National Shut-In Day. The resolution seeks to have citizens brighten the lives of the shut-ins, at least on this one day, through personal visits.

Mr. President, the Americans who are now confined because of illness or old age have, in the past, made great contributions to our way of life. They have been good parents, hard workers, and concerned citizens. Much of what we have today, we owe to the efforts of these people.

I urge that the Senate pass this joint resolution, and hope that all Americans will help to lessen the solitude of shut-ins by observing this day.

Mr. President, I ask unanimous consent to add my distinguished colleague (Mr. RANDOLPH) as a cosponsor of the joint resolution.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

> **Whereas the sick and the old constitute an often neglected segment of our people; and**
>
> **Whereas many shut-in persons, who now suffer the oblivion of solitude and indifference, have in the past contributed greatly to our present well-being, by being good parents, hard workers, and concerned citizens; and**
>
> **Whereas there is no other hardship more amenable to human kindness than is this problem of loneliness; and**
>
> **Whereas solitude knows no social or racial barriers, but is recognized by all men as a cause for bitterness and heartbreak; and**
>
> **Whereas we, as individuals, possess the will to change our indifference to consolation and useful concern: Now, therefore, be it**
>
> ***Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is hereby authorized and requested to issue a proclamation designating the first Sunday in June of each year as "National Shut-In Day" and calling upon the people of the United States to observe such day by visiting at least one shut-in person on this special day if possible, and by participating in other appropriate ceremonies and activities.**

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FORTHCOMING TRIP TO CHINA BY MAJORITY AND MINORITY LEADERS

Mr. SCOTT. Mr. President, as the press has reported, the distinguished majority leader and I will shortly have the privilege and the honor of visiting the People's Republic of China.

As the distinguished majority leader has so well stated, we will go to look, to listen, to observe, and to do all that is possible for us to do in order to widen and to improve communications between our two great nations and its people.

It will be necessary that we go at the time designated in order to accord with the convenience of our host. That will necessitate certain absences from the Senate which I regret very much, but the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), and the distinguished assistant minority leader, the distinguished Senator from Michigan (Mr. GRIFFIN), will, I am sure, be fully prepared to meet the various responsibilities of the day-to-day operations of the Senate—as, indeed, they have done so well during the time they have held these offices. We both have entire confidence in them.

I am sure that the distinguished majority leader and I would have preferred, had the time been up to us, to have gone during the Senate's recess, as we have been concerned about attendance of Senators at sessions of the Senate this year. It is the more difficult for us to be absent, as we have consistently made that point.

We are, however, as a matter involving the policy of our two nations, held within the framework of the itinerary and, therefore, must comply with developments as they are laid down for us.

I hope for and solicit the understanding of our colleagues during this time. Upon our return, we will be prepared to report to the Senate and to the Committee on Foreign Relations.

I thank the Chair.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. BUCKLEY) is now recognized for not to exceed 15 minutes.

PRESIDENT NIXON'S ACTION IN RESPONSE TO INVASION OF SOUTH VIETNAM

Mr. BUCKLEY. Mr. President, the Communist invasion of South Vietnam is the ultimate and logical consequence of their long-term strategy of aggression. Hanoi has since 1954 attempted to conquer South Vietnam and, more recently, Laos and Cambodia, by subversion and terrorism, guerrilla warfare and armed invasion. All such attempts have failed. Now, in desperation, they themselves have ripped off the final mask. There can no longer be any mistake about Hanoi's motives or its goals as tanks pour across the DMZ in a display of naked force. Nothing less than the complete and final subjugation of the people of Indochina, beginning with South Vietnam, will satisfy the Hanoi politburo's appetite for conquest.

The Russian-made tanks rolled across much more than the DMZ; they rolled across the illusions and the fantasies and the rhetoric of those in our country—those in the U.S. Senate—who have argued that the war is a civil war among the South Vietnamese themselves and that the leaders of the Soviet Union want a peaceful world.

The Russian-made transportable surface-to-air missiles with a highly sophisticated radar tracking system are not devices being used by the simple Vietnamese peasants of fashionable pacifist mythology. These weapons are being used by highly trained troops in a conventional war directed toward conventional military goals. What is at stake now is the fate of the entire Indochinese peninsula. Hanoi has made this last desperate throw of the dice in the hope that what they could not gain in almost 20 years by terrorism and guerrilla warfare they can gain in a few weeks of invasion. There is a desperate gamble to achieve not just a military victory in the field; but most importantly, to achieve a decisive political victory within the United States—within the U.S. Senate itself.

Given the situation, President Nixon's response in calling for American air attacks against Communist positions has been one of remarkable restraint and one which I wholeheartedly support. The initial successes of the Communist invaders have, as I speak, been momentarily checked and this is due in no small part to the swift reaction on the part of the President. The South Vietnamese are battling bravely against the invaders. Political factions hostile to President Thieu have put aside political differences in condemning the invaders and in coming to the aid of their own country.

In the northern provinces, in the area along the Cambodian border, in the delta region, a battle has been joined which either a chance for freedom and peace or the certainty of tyranny will emerge for the South Vietnamese people. Our prayers are with them at this moment as they meet a determined foe. I can understand the feelings of President Thieu when he tells his fellow countrymen that South Vietnam is fighting for its very life.

What I cannot understand—what I find inexplicable to a degree beyond any I have known since I have been in the Senate—is the reaction of certain U.S. Senators toward this invasion.

The New York Times reports that a hundred thousand South Vietnamese have been driven from their homes by this invasion. They have all fled south—

away from the invading Communist forces. They have fled only because they fear the invading forces. Yet the Senator from Massachusetts (Mr. KENNEDY), taking note of the terror being inflicted on these people, condemns not North Vietnam but President Nixon. Senator KENNEDY tells us that the President's Vietnamization program is being tested now and being carried out with "the lives of men and women and children."

Even at the most charitable such an interpretation of the events of the past week seems at the very least perverse. Is it the Senator's point that President Nixon has somehow or other caused the North Vietnamese to invade South Vietnam? Does he suggest that we order the South Vietnamese to lay down their arms, to surrender their freedom and submit meekly to the bloody purges that will inevitably follow?

He states that there is a blood bath but then neglects to state just who is directly and solely responsible for it. Is Senator KENNEDY prepared to call this invasion immoral? It appears not, although the word "immoral" falls from his lips with computer-like regularity when describing any effort to help the South Vietnamese defend themselves against the savage attacks of an enemy sworn to destroy them. The reasoning which impels Senator KENNEDY toward such odd interpretations frankly escapes me. But we at least know this: On the occasion of one of the most outright, clearcut, and unquestionable invasions of one nation by another since September 1939, Senator KENNEDY failed to condemn the invaders. He did, however, compare the American people to Romans who watched the gladiators. He did ask the President—not the leaders of Hanoi—to call for a cease-fire at the DMZ; as if the President had not clearly, on a dozen occasions, called for a cease-fire not only at the DMZ but throughout Indochina.

The Senator from Minnesota (Mr. HUMPHREY) who, many years ago, upheld the right of the South Vietnamese to live in peace and freedom, called Senator KENNEDY's speech "a sensible, constructive message." Senator FULBRIGHT's reaction to the invasion was to call for a cutoff of funds for the Vietnam war—a cutoff of American funds.

Senator HUMPHREY, at least was candid enough to admit that in the past he had believed arguments about Vietnam that "did not make much sense." It is understandable then that he should find Senator KENNEDY's argument "sensible and constructive." But what are we to say about the others—in and out of the Senate—who prefer to pour abuse on the head of the President of the United States rather than utter a single word of criticism against those responsible for an invasion of one sovereign state by another?

For myself, I repeat my support of the President. He is acting within the limits he himself set down as part of the Nixon doctrine by giving aid to a beleaguered nation in the form of air and naval support. The fate of South Vietnam is, as the President knows, in the hands of its people. He is confident—as I am—that the invasion will be met by a united, determined effort on the part of the South Vietnamese people.

In one sense, this naked aggression is welcome: it is no longer possible for honest men to differ as to who is the aggressor. If some feel that it is better now to be silent about the real aggressors of this war, about the real nature of the Communist threat, then let it be. If some feel that our proper course is to terminate the war by the supine surrender of the liberties of the people of South Vietnam, then let it be.

I, for one, not only endorse the steps which the President has taken thus far, I am prepared to give my full support to such new military and diplomatic initiatives which may be required not only to blunt the current offensive, but to hasten the date on which Hanoi will finally give up its dream of conquest and turn instead in good faith to the negotiating tables. The following are the kinds of military initiatives which I am fully prepared to support:

First. Provision of appropriate air, naval, and logistics support for battalion-sized amphibious assaults by South Vietnamese Marines along the coast of North Vietnam in order to give the Communist leadership a useful lesson in the fact that North Vietnam will no longer be regarded as a "sanctuary" from which attacks can be launched at will. Such assaults could result in the recall of a number of NVA divisions now operating in Laos, Cambodia, and South Vietnam, thus relieving pressures on all these fronts.

Second. Execution of surgical strikes on the continuing dredging operations which are needed to keep the port of Haiphong open. Such strikes can be made with a high degree of precision with modern laser and electro-optical bomb-delivery techniques without risk to shipping in the harbor.

Third. Addition, to the approved target list, of all targets in North Vietnam which support the war effort, wherever located, provided ample advance warning is given through leaflets and other means to civilian populations living in the area of any such military support activities.

Fourth. Supplying the South Vietnamese with sufficient F-4 aircraft to enable them to conduct credible retaliation strikes of their own in the case of future North Vietnamese invasions.

Fifth. Recommissioning the battleship *New Jersey* to provide continual harassing fire on appropriate military installations along the North Vietnamese coast. This ship is uniquely equipped for this task, and should be made immediately available.

Any of the above steps is totally consistent with the Nixon doctrine and would not involve the commitment of any additional ground forces. More than that, I believe that the President must take some form of dramatic action in order to finally convince Hanoi that she cannot wait us out. Only then can we hope to see a serious move to terminate this war by the only power which is insisting on its continuation.

On the diplomatic front, I urge the President to assess as carefully as possible the role of the Soviet Union in the current escalation of hostilities. It is clear, of course, that the North Vietnamese could not have launched their multi-front campaign without the massive infusions of evermore sophisticated Soviet equipment. Moreover, there is evidence to suggest that the Russians may have been at least privy to Hanoi's plans for the renewed assaults on South Vietnam. This possibility is suggested by a speech by Mr. Brezhnev reported in Pradva on March 20, 1972, alluding to the possibility of a major attack by Hanoi on the South. It is also supported by the presence in North Vietnam in March of a high level Soviet military mission.

Should such a study reveal a positive Soviet role, then this Senator would support a decision by the President to postpone his intended visit to Moscow until after the present crisis in Vietnam has been resolved. This Senator would also support any questions which the President might raise as to the prudence at this time of any treaties between members of NATO and the nations of the Soviet bloc which are premised on the assumption that Moscow has at long last rejected force as an instrument of its foreign policy and is willing to operate henceforth within the framework of peace.

These are the kinds of initiatives, military and diplomatic, which I am prepared to support, and which I am certain will receive the support of the overwhelming majority of the American people.

Mr. President, I ask unanimous consent to have printed in the RECORD three items which should be required reading for those who tenaciously cling to the illusion that Hanoi is invincible, that the people of South Vietnam yearn for "liberation" from the North, and that the way to avoid further bloodshed is for us to persuade the South Vietnamese to submit docilely to a takeover by the Communist forces.

The first item is a column by Joseph Alsop titled "Last Hurrah for Hanoi" which appeared in yesterday's Washington Post. The second is an article which appeared in the New York Times of April 8 under the headline, "North Vietnamese Drive Reaps Anger in Battle Areas." The third is the introduction by the distinguished Senator from Mississippi (Mr. EASTLAND) to a compendium prepared for the Subcommittee on Internal Security under the title "The Human Cost of Communism in Vietnam."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 11, 1972]

LAST HURRAH FOR HANOI

(By Joseph Alsop)

In preparation for the present major offensive, the Hanoi war-planners ordered massive draft calls of "the undesirables." The "undesirables" are really the unreliables—the remaining North Vietnamese Catholics, for example. Despite the fearful character of North Vietnam's losses, the "undesirables" had always been draft-exempt in the past.

In preparation for the present offensive, again, Hanoi did a good many other things that Hanoi had never done before. The Nixon administration is stressing the flagrant crossing of the supposedly "demilitarized" zone. But here the difference is only that between covert and overt illegality.

The biggest thing that Hanoi had never done before, was, in fact, stripping the whole of North Vietnam of viable fighting troops. As previously reported in this space, the Hanoi war-planners have kept at home only a single division, the 325th, to guard the capital.

In this respect, the contrast with the past is dramatic. Hanoi has poured out its people's blood as though the blood were water. In proportional terms, an American government that had used its people as the Hanoi leaders have used the North Vietnamese people, would now be pushing up toward a horrifying "body-count" of close to 10 million American men.

Yet the Hanoi leaders have never before exposed themselves by leaving North Vietnam all but defenseless except for a single division, plus training detachments, plus unreliable and sometimes disaffected militia. In the biggest offensives of the past, three or four effective divisions have always been kept in North Vietnam as a home guard.

Partly, no doubt, this astonishing divergence from past precedents can be explained by President Nixon's Vietnamization program. While there were a lot of American troops on the ground, the Hanoi war leaders always felt they had to worry about something like the Inchon landing, by which Gen. Douglas MacArthur broke the backs of the North Koreans.

In the main, however, the "more-of-the-same" analyses we are already beginning to hear, are nothing more nor less than purest twaddle. This is not more of the same. It is much more like Adolf Hitler's effort, when he threw all his remaining resources into the famous Battle of the Bulge, which ended at Bastogne.

No rational government bets every last remaining blue chip on a single toss of the dice of war, except under pressure of harsh necessity. Hanoi is eminently rational, if sometimes unwise and always ruthless and cold-blooded. So as we wait breathlessly for the outcome, the question is: Why were all the blue chips bet at this time?

Some say that the motive was a desperate hankering to catch President Nixon between the wind and the water in the election year. There is some sense in this. The Hanoi leaders did not win their war against the French at Dienbienphu or anywhere else in Vietnam. They won their war against the French in Paris. Of course, they want a repeat.

But the planning for this offensive demonstrably began when the "undesirables" began to be drafted, about six months ago. At that time, any sensible man would have said the Democrats had an even chance to beat President Nixon, as the polls also indicated. Except for Sen. Henry S. Jackson, moreover, every single Democratic candidate was publicly pledged to give Hanoi victory on a golden platter, as they all still are.

So why not wait and see? The answer, undoubtedly, had to do with two aspects of Hanoi's own situation. After the human hemorrhages the Hanoi leaders have inflicted on their army and their people, the quality of their regular forces in uniform has naturally deteriorated.

Worse still for the Hanoi leaders, the dilapidation of their one really irreplaceable military asset has been continuous and progressive, ever since President Nixon's Vietnamization began. The Vietcong, inside South Vietnam, are the irreplaceable asset.

At Tet, the present offensive was optimistically scheduled to begin. But at Tet, the remaining Vietcong in the few provinces where the Vietcong are still theoretically strong, quite openly and crossly defied Hanoi's orders.

So Hanoi is going for broke because Hanoi has to go for broke. You do not go for broke without risk to yourself. But that works the other way, too. So one must wait and see, and even go and see, as this reporter will soon be doing.

[From the New York Times, Apr. 8, 1972]

NORTH VIETNAM'S DRIVE REAPS ANGER IN BATTLE AREA

(By Fox Butterfield)

DONGHA SOUTH VIETNAM, April 7.—North Vietnam's attack on Quangtri Province, appears to be angering many people of this devastated region and stirring rarely displayed feelings of patriotism.

The South Vietnamese, 100,000 of whom have fled their homes, are angry because they consider the attacks—by tens of thousands of men backed by tanks and heavy artillery—no longer part of the traditional conflict between different groups of South Vietnamese for control of the country, but outright invasion.

"Why do they send these boys to attack us?" a grizzled, muscular farmer asked yesterday. He was looking at the bodies of eight enemy soldiers who had tried to cut the highway running through his village five miles south of Quangtri city.

The dead, who appeared to be 15 or 16 years old, crossed into South Vietnam last week through the demilitarized zone, according to a captured comrade. They were killed by local militiamen who stood and fought the once-feared enemy regulars without air or artillery support.

MILITIA'S JUBILANT

When the battle was done, the bodies of 16 North Vietnamese lay scattered around the village and only one Government militiaman had been wounded. The militiamen, members of the Regional, or Popular Forces, were jubilant.

"We got them! We got them!" they yelled.

"We will teach them not to attack our homes," said a young soldier who had tied a purple scarf around his neck.

American officials, who have tried unsuccessfully for years to create a sense of South Vietnamese nationhood, say they are astonished at such signs of unity against the North Vietnamese. While the signs are tenuous, the officials hope they will multiply.

Many of the Communists' attacks of the Tet offensive of 1968 were carried out by local, southern Vietcong who found it easy to infiltrate cities and army units. The militiamen were largely ineffective then and the Communists had major bases in South Vietnam.

This week, however all the enemy's attacks have been launched from outside, mostly by North Vietnamese units: On Quangtri from North Vietnam, on Kontum from Laos and on Binhlong from Cambodia.

There are other signs of nascent support for the fight against the North Vietnamese, but American and South Vietnamese officials say they are not sure of the feeling.

OPPOSITION TRIES TO HELP

In Hue, the imperial capital 50 miles south of the buffer zone, a traditionally anti-government center, Buddhists and left-wing university students normally opposed to Saigon have joined with Roman Catholics and Government workers in a widespread volunteer effort to aid refugees from Quangtri.

NO PRECEDENT, BUT . . .

"There really is no precedent for this sort of thing but it does create an opportunity for the Saigon Government," an American adviser in Hue said. "The question is, Will the Government be able to do anything about it?"

In one apparent effort to make use of the current feeling against the North Vietnamese the official Vietnam Press Daily Bulletin announced today the formation of a "front support movement" to raise money, food and clothing for the refugees and the wounded.

The South Vietnamese Army's response to the attacks has varied from unit to unit. The Third Infantry Division, stationed just below the zone in the firebases that were abandoned in the first Communist attacks, behaved badly, according to refugees, Government officials and American advisers on the scene.

MAD RUSH TO THE REAR

"Let's face it—the Third Division was routed," said an American officer in Dongha. "It was nothing but a mad rush to the rear once the North Vietnamese started shelling them," he said. "Thousands of them came running here those first days as fast as they could."

But, that officer pointed out, two other units—the battalion of South Vietnamese marines and the squadron of tanks that were rushed up to Rongha—held the town and stopped the North Vietnamese despite the heaviest enemy bombardment of the war. Dongha has been hit by more than 3,000 122-mm. rockets, 130-mm. artillery shells and mortar rounds.

The town now falls on the boundary between North Vietnamese and South Vietnamese territory. Except for the troops, it is deserted, and almost every building bears scars of the barrages. Dead dogs, dead water buffaloes, smashed bicycles, shreds of bloodied clothing and uneaten rice pots lie in the streets.

The South Vietnamese tanks, American M–48's, had been turned over to the Government troops late last year. The tank squadron was still undergoing training when, on Sunday, it got the call to speed to Dongha.

"They were magnificent," said an American adviser who was wounded in the fighting here.

The South Vietnamese Air Force has also performed bravely, according to soldiers at the front, despite heavy losses from antiaircraft fire and missiles.

Though the Government forces appear to be holding at Dongha, they are not yet ready for a counterattack, for they lack the helicopters, trucks and air-transport capacity that enabled American troops to react quickly. In the meantime, the North Vietnamese are digging strongly fortified bunkers for their men and artillery.

THE HUMAN COST OF COMMUNISM IN VIETNAM

(Introduction by Senator JAMES O. EASTLAND, Chairman, Senate Subcommittee on Internal Security)

This is the third in a series of studies on the human cost of communism published by the Senate Subcommittee on Internal Security.

The first study, "The Human Cost of Soviet Communism," was prepared by the renowned British Sovietologist, Robert Conquest.

The second study, "The Human Cost of Communism in China," was written for the Subcommittee by Professor Richard L. Walker, Director of the Institute of International Studies at the University of South Carolina and one of this country's foremost China scholars.

In attempting to assess the human cost of communism in Vietnam and to come up with some kind of estimate of the human cost of a Communist victory, it was our conviction that a reasonable assessment could best be achieved through a compendium of excerpts from the most authoritative writings on the subject.

The American ground combat role in Vietnam is now rapidly drawing to a close. No one can say at this juncture whether the Communists will continue to spurn the very generous terms that have been offered to them and to reject any settlement that offers them less than total victory. But, in any case, the era of unlimited American assistance is already ended. The scale of future assistance, in addition to being very much reduced, is bound to be determined within relatively narrow limits.

The assertion that a Communist victory

in South Vietnam would result in a ruthless massacre of those the Communists regard as their enemies has been challenged by certain critics of American policy—especially by those critics who believe that the situation is hopeless, that we should cut our losses, terminate our aid program, accept the terms offered by the Communists, and reconcile ourselves to a Communist takeover of all Indochina. For understandable reasons, such critics want desperately to believe that the course they advocate is not attended by the danger of a major bloodbath.

There are others who believe that there is a fighting chance that the Communists may yet come to terms or be held in check, and that it would be politically and morally wrong to withdraw all aid, fold our hands, and accept a Communist victory as foreordained. They see scope for hope in the remarkable successes achieved by the Vietnamization program, the grave disorganization of the Chinese Communist armies in the wake of the Lin Piao purge, and the massive social and political stresses that have become apparent in North Vietnam.

But whatever one believes, the record set forth in this study is something that every honest man will want to keep in mind in assessing the future of our Indochina policy.

It is, of course, impossible to provide mathematical proof for the proposition that a Communist victory in South Vietnam would result in a bloodbath. But there are documents and historical indices that permit one to make an intelligent assessment of what is likely to happen if a Communist regime ever should come to power in Saigon. And an examination of the totality of these documents and historical indices point to the almost certain probability that a Communist victory would be followed by a bloodletting that would rival the worst bloodlettings that have taken place in Communist countries to date.

The documentation that follows presents a wide range of estimates of what might be expected in the wake of a Communist takeover in South Vietnam.

The lowest estimate was that made by Stephen Hosmer in his superbly researched study of terror as an instrument of Communist policy. Always exceedingly careful never to overstate himself, Hosmer considers the possibility that the Communists may decide to limit the bloodletting under certain circumstances—but then goes on to state that, should a Communist regime decide to deal severely with members of the groups listed for repression, he finds it difficult to believe that the number of victims would be much less than 100,000, and that the total might well be very much higher than this.

Professor P. J. Honey of London, widely recognized as one of the foremost authorities on North Vietnam in the free world, predicts that "on the basis of past Communist deeds, and given the size of South Vietnam's population, the minimum number of those to be butchered will exceed one million and could rise to several times that figure."

Colonel Tran Van Dac, a North Vietnamese officer who defected after 24 years in the Communist movement, informed the press that the Communists, if they win, will slaughter up to 3,000,000 South Vietnamese who have resisted them so bitterly for so many years.

Another North Vietnamese colonel, Le Xuan Chuyen, who defected after 21 years membership in the Communist Party, asserted that 5,000,000 people in South Vietnam are on the Communists' "blood debt" lists; that 10 to 15 per cent of these would pay with their lives; that another 40 per cent would be imprisoned; and that the rest would have to undergo "thought reform."

Douglas Pike, author of the definitive work "The Viet Cong," who made an in-depth study of the organized mass killings carried out by the Communists during their brief occupation of a portion of Hue, concludes his study with these ominous words:

"The meaning of the Hue Massacre seems clear. If the Communists win decisively in South Vietnam (and the key word is decisively), what is the prospect? First, all foreigners would be cleared out of the South, especially the hundreds of foreign newsmen who are in and out of Saigon. A curtain of ignorance would descend. Then would begin a night of long knives. There would be a new order to build. The war was long and so are memories of old scores to be settled. All political opposition, actual or potential, would be systematically eliminated. Stalin versus kulak, Mao versus landlord, Hanoi Communist versus Southern Catholic, the pattern would be the same: eliminate not the individual, for who cares about the individual, but the latent danger to the dream, the representative of the blocs, the symbol of the force, that might someday, even inside the regime, dilute the system. Beyond this would come Communist justice meted out to the "tyrants and lackeys." Personal revenge would be a small wheel turning within the larger wheel of Party retribution.

"But little of this would be known abroad. The Communists in Vietnam would create a silence.

"The world would call it peace."

Given the 15 broad categories of political opponents whom the Communists have included in their "blood debt" list, Pike indicates that the estimate of several million victims, if the communists win, may not be excessive.

That there would be a massive bloodletting is something that is taken for granted by virtually every serious student of Vietnamese affairs. And the probability is that the final toll would lie somewhere in the range indicated by Professor Honey, Douglas Pike, and the two North Vietnamese colonel-defectors.

What are some of the indices that point to this probability?

First, there is the merciless body of Communist doctrine—from Lenin to Stalin to Mao Tse-tung to Ho Chi Minh—which justifies and insists on the imperative need for mass terror.

Second, there is the historical record of Communist bloodlettings—in the Soviet Union, in Red China, in North Vietnam, and wherever they have come to power.

Third, there is the record of the Communist terror in South Vietnam during the entire period of the so-called insurgency, including the merciless massacres of men, women and children at Dak Son, Duc Duc and other places.

Fourth, there was the Hue massacre with its systematic killing, which exacted a toll of 5,700 civilian victims, who, according to captured Communist documents were considered "wicked tyrants" or "counter-revolutionaries", who owed "blood debts" to the people.

Fifth, there is the considerable body of evidence of Communist intentions contained in captured documents and in the testimony of defectors.

Let us examine some of the precedents and some of the testimony.

THE SOVIET PRECEDENT

V. I. Lenin told his followers that "not a single revolutionary government can dispense with the death penalty for exploiters (i.e., for landlords and capitalists)." And when the Leningrad Party in June 1918 sought to restrain elements who were engaging in undiscriminate mass terror, Lenin rebuked the Leningrad Party in these words: "This is unheard of. The energy and mass nature of the terror must be encouraged."

Lenin's directives on the need for mass terror were honored to the hilt both in his lifetime and after death. In his monumental work, "The Great Terror," and in the study which he subsequently prepared for the Subcommittee on Internal Security, Robert Conquest came up with the staggering finding that well over 20,000,000 human beings were executed or killed in other ways by the Soviet authorities in successive waves of terror, in the decades after the Bolshevik Revolution. He made the further point that this was a conservative computation, and that the real figure might be closer to 30,000,000. If the casualty roll was extended to include victims of the civil war and the famine and typhus which followed it, then the aggregate figure for the human cost of Soviet communism would be somewhere between 35,000,000 and 45,000,000 human lives.

There was a time, during the 30's and 40's, when it was fashionable among intellectuals to disbelieve or challenge the accounts of mass terror that were brought out by refugees and defectors and critical observers. So determined were they to defend the nebulous belief that Soviet communism represented some kind of brave new world, that they swallowed uncritically Moscow's tortured justification of the purge trials of the 30's—at the same time they damned as "reactionaries" and "extremists" all those who sought to set forth the facts about a mass terror that had already cost many millions of human lives.

But then at the 20th Congress of the Communist Party of the Soviet Union in 1956 Khrushchev made his famous speech on the crimes of the Stalin era—and suddenly it became clear that the charges of mass terror made by the so-called "extremists" and "reactionaries," were, if anything, understatements. Today the mountain of evidence that has become available makes it impossible—even for the most determined sympathizer—to challenge the basic facts about the Soviet terror, or the general parameters of the computation made by Robert Conquest.

About the human cost of Soviet communism, therefore, we need not argue. The facts are in. The record is unchallenged.

THE CHINESE PRECEDENT

An ardent Leninist and Stalinist, Mao Tse-tung added some refinements of his own—like public mass executions—to the pioneering terrorism of his Soviet antecedents. In one of his earliest published works, in March 1927, Mao wrote that a revolution cannot be . . . "kind, courteous, restrained and magnanimous." He said that for the revolution to succeed, "To put it bluntly, it is necessary to create terror for a while in every rural area."

In the case of China, the documentation on the Communist terror, while not nearly so voluminous as it is in the case of the Soviet Union, is nevertheless extensive enough to permit estimates within wider margins. In the study which he prepared for the Subcommittee, it was Professor Walker's estimate, after having studied all the evidence, that communism in China, from the time of the first civil war (1927–1936) until today, has cost a minimum of 34 million lives, and that the total might run as high as 64 million lives.

THE NORTH VIETNAMESE PRECEDENT

A dedicated disciple of Lenin, Ho Chi Minh gave early proof that he understood the importance of liquidating all political opposition. His most formidable rival in the early 20's was Phan Boi Chau, a greatly respected nationalist leader, considered by many to be the Sun Yat Sen of Vietnam. Ho Chi Minh—at the time of Nguyen Ai Quoc—eliminated Phan Boi Chau as a rival by arranging to deliver him to the French Security Service for a reward of 100,000 piastres. He subsequently justified his action with the explanation that he needed the money to finance party activities.

During the final days of World War II, with Japan teetering on the brink of collapse, Ho Chi Minh and the Indo-Chinese Communist Party staged a coup which gave them control of most of North Vietnam. Ostensibly the

"Provisional Government of the Democratic Republic of Vietnam" was a coalition nationalist government, including representatives of other nationalist parties as well as the Communists. With unerring Machiavellianism, Ho Chi Minh played off one nationalist group against the other, and played off the nationalists against the returning French and the French against the nationalists. Meanwhile the assassins and the execution squads were busy. Ngo Ton Dast, the son of a leading Vietnamese Nationalist, has estimated that during a two-month period in the Fall of 1945, some 10,000 people were killed in Hanoi and its immediate environs. The myth of the "coalition government" survived into 1946, while the killing continued unabated. When the charade had played itself out, Ho Chi Minh had achieved the physical elimination of all potential political rivals, including the influential Vietnamese Trotskyist movement. So thorough was his political purge, that by 1947 there was virtually no political personality left alive in Vietnam to challenge his influence.

At a later date, the North Vietnamese Communists openly bragged about their cleverness in exploiting the "united front" tactic to divide their opponents and ultimately to destroy them, both in the events leading up to the coalition government of 1945–46, and currently in South Vietnam. An article in "Hoc Tap" (Hanoi), the Party's theoretical organ, in September 1966, put the matter this way:

"On the basis of keeping firm in strategy, our Party cleverly applied its tactics: On the one hand, it cleverly took advantage of the regional and temporary contradictions of the enemy to sow division among him. On the other hand, it united with anyone who could be united, won over anyone who could be won over, neutralized anyone who should be neutralized, completely isolated the imperialists and their most dangerous lackeys, and concentrated the spearheads of the attacks on them to overthrow them.

"The policy of founding the Indo-Chinese Democratic Front between 1936 and 1939, the Viet Minh Front between 1941 and 1951 and the Lien Viet Front after the August Revolution; the decision of signing the 6 March 1946 Preliminary Accord (on French troop entry into North Viet-Nam) the present NFLSV policy of upholding the mottoes of independence, democracy, peace and neutrality, and so forth are the typical examples of the clever application of the following instruction of Lenin:

"It is possible to defeat a stronger enemy only through displaying great effort and under the necessary condition of taking advantage very minutely, very attentively, very carefully and very cleverly to any rift among the enemy, even the smallest contradiction among the interests of various bourgeois groups and factions in each country . . ."

The word "neutralize" is, of course, a communist euphemism for "destroy." Summarizing the purges which took place after the August 1945 revolution, Bernard Fall wrote:

"In a series of swift stabs, he [Giap] destroyed the back-country strongholds of the nationalist parties; executed hundreds of Vietnamese nationalists and even such old comrades in arms as the Trotskyite leader Ta-Thu-Thau, a personal friend of Ho Chi Minh. Finally, on July 11, 1946, Giap launched a country-wide purge of nationalist leaders and closed down Viet-nam, the last opposition newspaper.[1]

". . . The coalition government in the National Assembly was similarly decimated. By the end of 1946, the non-Communist representatives had been reduced from 70 seats to 20 in attendance and of the 20 all but two voted with the Communists. Of the two, one was arrested and the other went into hiding."[2]

Looking back upon this period, the leaders of the Vietnamese Communist movement concluded that they had killed—not too many people—but too few peple. Truong Chinh, at present the No. 2 man in Hanoi and the recognized theoretical leader of the Party, put it this way:

"We admit that because of the extremely intricate situation in our country and the relatively limited strength of the Vietnamese revolution, it was not possible to carry out a systematic elimination of the counterrevolutionary elements on Jacobean or Bolshevik lines. . . . However, it is to be regretted that energetic, timely and necessary measures to counteract all possible dangers in the future were not taken immediately upon the seizing of power and before any foreign intervention, at a time when the reactionaries in the country were still at a loss, and had not had time to reorganize themselves. . . . We regret only that the repression of the reactionaries during the August period was not carried out more fully, within the framework of the possibilities. . . . For a newborn revolutionary power to be lenient with counterrevolutionaries is tantamount to committing suicide."[3]

If they failed to kill enough people in the wake of the August 1945 revolution, the Vietnamese Communists more than made up for this failure when the Geneva agreement of 1954 established them in undisputed control of North Vietnam. The body of evidence about the mass terror in North Vietnam suffers from major gaps because the North Vietnamese Communists did not publicize their killings, while the handful of foreigners who were there, with few exceptions, had their movements severely restricted. Though the Communists killed in every village, the people in one village generally remained ignorant of the killings in neighboring villages. For this reason, the range of estimates is even wider than it is in the case of China. Bernard Fall placed the human cost of the Agrarian Reform campaign alone at a minimum of 50,000 executed and 100,000 imprisoned. Hoang Van Chi, a leading nationalist who held important posts under Ho Chi Minh, placed the post-Geneva toll at 500,000. This estimate generally coincides with the estimate of Gérard Tongas, a Frenchman who was originally sympathetic to Ho Chi Minh, but who was revolted by what he saw in North Vietnam in the post-Geneva period and put his observations into a book captioned "I Lived in the Communist Hell."[4]

THE SOUTH VIETNAMESE PRECEDENT

About the Vietcong record of terror in South Vietnam there can also be little dispute, because the facts are too well established. Since 1960, when the insurgency was first getting under way, Communist terrorists have killed over 36,000 South Vietnamese civilians (more than 16,000 were killed in the three-year period 1969–1971); they have kidnapped 54,000 (18,000 kidnappings occurred from 1969–1971); and they have, in addition, wounded several scores of thousands. (For a complete tabulation, see table on p. 77.)

As Stephen Hosmer points out, these official figures are, if anything, underestimates because many incidents go unreported.

The terror is not savagery for savagery's sake. Neither is it the work of undisciplined soldiers, operating without instruction or in violation of existing instructions (as a unit of American soldiers did at My Lai). On the contrary, it is a deliberate policy, conceived at the highest level and communicated in detailed directives to Vietcong units at all levels.

What is the purpose of this terror? As Stephen Hosmer puts it:

"The primary object of repression is the disruption and demoralization of the GVN's civilian and military bureaucracies, and is achieved, in the first instance, through the physical removal (by assassination, execution after capture, or incarceration) of substantial numbers of military and civilian officials, cadres, and intelligence personnel who perform important services for the GVN and who are not easily replaced. Another, broader purpose is to demoralize, neutralize, and paralyze those other government officials and cadres who may themselves escape repression for a time but who are fully aware of the fate of their less fortunate colleagues. Thus, by assassinating a selected number of hamlet officials in a given district, the Vietcong hope to frighten other officials enough to force them to resign their positions; or to flee to the district town for protection (go into 'exile'); or to become so security-conscious that they no longer carry out their prescribed duties effectively."

Organized terror—of a ruthlessness and on a scale that defies civilized comprehension—has been a cardinal aspect of Communist policy from the very first day of the Vietcong insurgency. By and large, the Western world knows only of a few of the more massive and gruesome terrorist incidents—like the massacre which took place in the Montagnard Village of Dak Son in December 1967, when the Vietcong, attacking with flamethrowers, moved from hut to hut, incinerating alive more than 250 villagers, two-thirds of them women and children. In addition, 200 Dak Son villagers were kidnaped, never to be heard of again. But the thousands of small incidents of terror—equally merciless, equally gruesome, and which account for far more victims than the big incidents—with exceedingly rare exceptions, go unreported.

It did not make the press, for example, when on October 27, 1969, the Communists booby-trapped the body of a People's Self-Defense Force member whom they had killed—so that when relatives came to retrieve the body, four of them were killed in the explosion. Nor did it make the press in May 1967, when Dr. Tran Van Lu-y told the World Health Organization in Geneva that over the prevous 10 years Communists terrorists had destroyed 174 dispensaries, maternity homes and hospitals; had mined or machine-gunned 40 ambulances; and had killed or kidnaped 211 members of his staff.

If the Free World knew little or nothing of this day-to-day terror despite the presence of hundreds of correspondents in South Vietnam, what chance is there that the Free World would know anything at all about the bloodletting that would inevitably take place in South Vietnam if the Communists came to power, expelled the Western press corps, and then proceeded to deal with their enemies?

THE PRECEDENT OF HUE

During the Tet offensive of 1968, the communists occupied a portion of the city of Hue for 26 days. When they were driven out on February 24, some thousands of civilians were missing. In 1969, a series of mass graves containing the bodies of missing civilians were discovered. Some of the victims had been shot, some had been clubbed to death, some had been buried alive. As more and more graves were discovered, the confirmed toll ultimately rose to 2,750. Counting those still missing—who must be presumed abducted or executed—the estimated civilian toll, according to Douglas Pike, comes to 5,700.

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[1] "Profile of Giap" by Bernard Fall in Vo Nguyen Giap, *People's War, People's Army* (New York: Praeger, 1965) p. xxxvi.

[2] Ibid.

[3] Truong Chinh, *The August Revolution*, 2nd edition (Hanoi: Foreign Languages Publishing House, 1962) pp. 41–43.

[4] The estimates vary, in part, because some of them refer only to the victims of the Agrarian Reform period, whereas others include the victims of the post-Geneva terror and those of the continuing terror after the Agrarian Reform bloodletting and terminated.

It was established that the killings were in no sense random, but were carried out on the basis of explicit directives and from prepared lists of names, the Communists moving through the streets methodically with their clip boards and pulling the victims from their houses. A Vietcong after-action report captured in April 1968, boasted:

"We eliminated 1,892 administrative personnel, 38 policemen, 790 tyrants, 6 captains, 20 second lieutenants and many non-commissioned officers."

Hanoi Radio on April 27, 1969, made this revealing comment on the discovery of the mass graves:

". . . in order to cover up their cruel acts, the puppet administration in Hue recently played the farce of setting up a so-called committee for the search and burial of the hooligan lackeys who had owed blood debts to the Tri-Thien Hue compatriots and who were annihilated by the Southern armed forces and people in early May Than spring (Tet)."

". . . What happened in Hue," says Douglas Pike, "should give pause to every remaining civilized person on this planet. It should be inscribed, so as not to be forgotten, along with the record of other terrible visitations of man's inhumanity to man which stud the history of the human race. Hue is another demonstration of what man can bring himself to do when he fixes no limits on political action and pursues uncautiously the dream of social perfectibility."

If the massive and systematic killings which the Communists perpetrated in Hue over a brief 4-week period are any indication of their intentions if they succeed in imposing their rule on South Vietnam, then clearly the estimates that they may kill from 1,000,000 to 3,000,000 South Vietnamese are in no way exaggerated. And in the years that followed this initial bloodletting—if the precedents established in the Soviet Union, Red China, and North Vietnam have any application—there would come further waves of terror and mass killings that might add many hundreds of thousands more to the final toll of victims.

While the focus of this compendium is on Vietnam, it is not unreasonable to assume that a communist victory in Indochina would have roughly the same consequences for the peoples of Cambodia and Laos as it would for the people of South Vietnam.

THE LISTS OF NAMES

That Hue may indeed be considered a pattern for the future, is apparent from Stephen Hosmer's section dealing with the Communist "blacklists." "For some years," Hosmer points out, "the Communists have assiduously compiled blacklists of large numbers of persons in both urban and rural areas whom they choose to classify as 'tyrants,' 'reactionaries,' 'counterrevolutionaries,' spies, or simply opponents of their movement." Hosmer quotes a top-secret Communist directive from Region II:

"Have the enemy situation in hand to serve the common activities of eliminating traitors in cities; carefully keep the names and records of counterrevolutionary individuals; classify these elements and suggest an examination to be able to take the initiative to eliminate them in every situation and prepare the coming counterrevolution repression."

The facts are in, the record is clear, the auguries of things that may come to pass are delineated with frightening clarity. The only question is whether the free world will pay heed to this record and to these auguries.

* * * * *

I wish to express my gratitude to the subcommittee staff, in particular to Mr. David Martin who served as editor for the project, for putting together this remarkable broad and impressive compendium of excerpts and items dealing with the record of Communist terror in North and South Vietnam. I also wish to thank Mr. Max Friedman for his volunteer assistance on the project.

I wish to thank Praeger and Co. for their permission to reproduce excerpts from "The Two Vietnams" by Bernard Fall; from "From Colonialism to Communism" by Hoang Van Chi; from "Vietnam: The Dragon Embattled" by Joseph Buttinger. I also wish to thank the Rand Corporation for permission to reproduce excerpts from "Viet Cong Repression and Its Implications for the Future" by Stephen T. Hosmer and the text of "On the Question of Communist Reprisals in Vietnam" by Anita Lauve Nutt. Finally, I wish to thank "Southeast Asia Perspectives," (published by The American Friends of Vietnam) for permission to reproduce excerpts from "Vietnam: If the Communists Won" by P. J. Honey.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BUCKLEY, I yield.

Mr. BROCK. Mr. President, I congratulate the Senator on his statement. I wish to add a few remarks of my own. In particular I would like to say to those who would say that the current invasions spells doom for the Vietnamization program, let us await the outcome of the battle. The South Vietnamese are fighting these ground actions alone, whereas in 1968 the United States had 550,000 ground troops there. Today the United States has fewer than 90,000 troops in South Vietnam and none are engaged in combat.

To those who say that Vietnamization is a failure, let them explain why the North Vietnam Regular Army and not the South Vietcong are carrying the battle, and let them explain how after more than a week of intensive fighting, without strong U.S. support, they are fighting vigorously and defending their people and their cities, whereas in 1968 after a few days the U.S. forces were doing the fighting.

It is tragic that at the very time when the Republic of Vietnam and the United States are taking major steps toward peace, Hanoi has chosen to launch a massive invasion of South Vietnam.

But this all-out attack should make Hanoi's objectives absolutely clear to even the most doubtful. Hanoi is committed to follow the path of war rather than the path of peace as they would have the world community believe.

As we watch Hanoi openly commit its regular divisions to an invasion of South Vietnam, even the most doubtful should admit that this is a one-way war.

This ruthless attack explodes for once and for all the myth that this is a people's war.

Hanoi has realized that President Nixon's Vietnamization plan is working. The South Vietnamese Armed Forces and people are substantially increasing their strength. They are rapidly gaining the ability and the desire to defend themselves without American ground support.

In view of this, Hanoi saw no option but to openly violate its "people's war" myth. Hanoi's mistake has been to underestimate the ability of the South Vietnamese.

The South Vietnamese Army, with the support of the South Vietnamese people, is repelling Hanoi's invasion.

The United States can have only the greatest respect for the brave resistance of the South Vietnamese in the face of North Vietnam's all-out offensive.

As he should, President Nixon has provided air, naval, and logistical support to help the South Vietnamese in their successful self defense.

Hanoi's invasion should come as no surprise—her every action has been aimed at this. Hanoi is dedicated to the devastation and eventual domination of South Vietnam.

The only surprise comes to the commentators, columnists and presidential hopefuls who have taken pot shots at Presdent Nixon's Vietnamization plan. They said the South Vietnamese had neither the will or the ability to defend themselves without leaning on U.S. ground troops.

I await their comments now that the South Vietnamese are doing so with courage. They may not win in the face of such odds, but thousands are trying as best they can to secure freedom for their children.

What are the real facts of this invasion?

In my opinion, this Nation can only have the greatest praise for the brave resistance of the South Vietnamese forces in the face of this operation and the massive offensive and invasion by North Vietnam.

I fully support the President's effort to supply the naval, air, and logistical support so that it may be possible for them to forge their own future and form of government. I thank the Senator for his contribution.

I conclude with my prepared remarks on this subject.

NORTH VIETNAM'S INVASION

Twelve of North Vietnam's 14 Regular Army divisions are now engaged in aggression outside its borders against Laos, Cambodia, and South Vietnam.

Hanoi is currently engaged in a three-division offensive across the Demilitarized Zone—DMZ—against the northern part of South Vietnam. Most of these forces including accompanying sophisticated armor, artillery and antiaircraft equipment have come directly across the Demilitarized Zone.

Other large North Vietnamese regular army units are attacking South Vietnamese population centers in the highlands and near the Cambodian border.

NORTH VIETNAM'S VIOLATIONS

The 1954 Geneva Accords provided for a demilitarized buffer between North and South Vietnam.

The 1968 understandings which led to the cessation of U.S. bombardments against North Vietnam specifically provided for respect for the status of the DMZ.

The United States made clear in negotiations leading to this bombing halt that we considered respect for the DMZ as a situation in which there would be no firing of artillery, rockets or mortars from, across or within the DMZ and there would be no movement across or within the DMZ.

Hanoi has illegally constructed a major infiltration route across the DMZ extending far into the northern part of South

Vietnam. Hundreds of tons of military supplies have been moved on this route.

Hanoi's latest invasion across the DMZ the clearest, most blatant and outrageous violations of these 1968 bombing halt understandings.

Hanoi's leaders have now removed any pretense that the war in Vietnam is a local insurgency. This is an outright and massive conventional military assault supported by the most sophisticated military equipment.

U.S. RESTRAINT

Throughout the period of buildup for the anticipated offensive the United States showed great restraint.

The United States and South Vietnam have proposed a comprehensive eight-point peace proposal made public on January 25. The U.S. proposal included provisions for a settlement fair to both sides even as we knew that North Vietnam's offensive preparations were underway.

The United States leaned over backwards to show our will for peace and genuine desire to bring the conflict to an honorable end.

But Hanoi responded with a massive invasion across the Demilitarized Zone and with multidivision attacks across the Laotian and Cambodian borders.

The United States cannot accept the response Hanoi has shown toward the Allies' goodwill for peace.

We have no designs against North Vietnam. Saigon has no designs against North Vietnam.

But as long as Hanoi persists in this invasion; Saigon's forces will resist it with every resource they have. We will support them in their self-defense.

HANOI'S CHOICE

Hanoi's current invasion has made senseless any talk of serious negotiations; it has made senseless any talk on their part that our precautionary steps, taken when we knew as early as last November that they were planning a major military effort, were the cause of the stalemate in the Paris negotiations. The record is absolutely clear with regard to who is responsible for the interruption of the meetings in Paris.

If Hanoi on the other hand chooses to desist from its countrywide offensive plans, if it desists from its invasion, then the United States asks nothing more than to return to principles of the 1954 Geneva Accords and respect for the understanding of 1968. If Hanoi desists, the United States asks nothing more than to negotiate seriously on the basis of proposals both sides have advanced.

VIETNAMESE PERFORMANCE AND U.S. ASSISTANCE

To those who would say that the current invasion spells the doom of the Vietnamization program, let us await the outcome of the battle. The South Vietnamese Army is fighting the ground actions alone, whereas in 1968 the United States had 550,000 ground troops there. Today the United States has fewer than 90,000 and none of these ground forces are engaged in the combat.

To those who would say Vietnamization is a failure let them explain why it is North Vietnam's regular army and not the Southern Vietcong which is carrying the battle. Let them explain how after more than a week of intensive fighting the South Vietnamese Army, without any U.S. ground support, is fighting vigorously to defend their people and their major cities whereas in 1968, after but a few days U.S. troops were fighting Hnaoi's forces in several of South Vietnam's major cities.

The United States can have only the greatest praise for the brave resistance of the South Vietnamese in the face of North Vietnam's all-out offensive, and will provide air, naval, and logistical support to help them succeed against the invaders.

Mr. BUCKLEY. Mr. President, I thank the distinguished Senator for his remarks. I believe we should think back to the prophets of gloom in the spring of 1968 who said the Tet offensive was the end of our efforts to make South Vietnam self-supporting.

We should all reserve judgment as the Senator has suggested until we have the outcome of the present offensive.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for 30 minutes, with a limitation of 3 minutes on statements herein.

VIETNAM

Mr. MANSFIELD. Mr. President, the distinguished Senator from New York said we should all reserve judgment, but he has given the Senate the benefit of his judgment as to what he thinks should be done: Surgical strikes, Haiphong, this, that, and the other thing.

May I say that I am far less interested in the future of Vietnam and the welfare of the North Vietnamese, the South Vietnamese, the Cambodians, and Loatians but I am far more interested in the welfare of Americans who have been fighting for 10 years in Indochina and who have suffered tremendous losses.

The latest figures, through April 1 of this year, and this is no April fool joke—it is a horrible reality—are as follows: 302,820 Americans wounded, 45,679 Americans killed in combat, 10,123 Americans killed in noncombat activities. For this country, our total casualties, U.S. casualties, are 358,622.

We should have been out of Vietnam and Southeast Asia long ago. We should never have become involved in that immoral, in that tragic war. It is an American tragedy, as well as a Vietnamese, Cambodian, and Laotian tragedy. It has cost this Government well in excess of $130 billion. It has accentuated dope addiction among our people, it has lowered the morale of the Army, it has created dissension and division at home. I, for one, want it plainly understood that as far as I am concerned, I am interested in my own country and my own people first and foremost. There should be no division here; there should be unity.

Today we have four aircraft carriers off Vietnam in the South China Sea, five to seven destroyers, and others on the way, even from as far away as Jacksonville, Fla., as well as the west coast. We have air installations on the alert. We have dropped three and one-half times the number of bombs in tonnage that we dropped in World War II and Korea combined.

I am interested in the United States. I am interested in Americans. I am interested in our own future and I think the sooner we bite the bullet, to use a well-known phrase, and face up to the fact that our involvement in Vietnam was a mistake, and admit that mistake, the better off we will be and the greater this Nation will become.

JAMES F. BYRNES

Mr. HOLLINGS. Mr. President, late last night I returned from Cameroon, where I was a member of the congressional delegation to the Inter-Parliamentary Union. Upon my arrival home, I learned the sad news that the greatest South Carolinian of modern times was dead. James Francis Byrnes—lawyer, Member of both Houses of Congress, Associate Justice of the U.S. Supreme Court, Assistant President during the dark days of World War II, Secretary of State during the crucial early years of the postwar era, Governor of South Carolina, and revered elder statesman—now belongs to history. His story will be writ large in the annals of our time. James Byrnes was a great South Carolinian and a great American. He leaves behind a better State—and Nation—for having walked our way. We have lost the wisdom of a good and wise man.

It was my privilege to know Jimmy Byrnes well, and my good fortune to have received his counsel on innumerable occasions. I always found him completely dedicated to what he thought was right. He was totally committed to the people and the country he served so generously.

Governor Byrnes went as far as he did because he practiced the ideals that are too often only preached. He not only believed in service to his people, he worked at it. He not only paid homage to the litany of individual initiative and hard work, he practiced it. He not only testified to great love of country, he lived it.

His was the world of action—the arena of great events. Presidents, Prime Ministers, and Kings eagerly sought his advice. But his wisdom was never exclusively reserved for statesmen and monarchs. It was given as openly and freely to anyone willing to listen. Throughout his life, James Byrnes never forgot the cares and concerns of the little man. How could he, when he was born and raised—and preferred to live—among the people?

He was born in a simpler era, when America was just beginning its great leap into modern times. The Nation in which he began his life was predominantly rural and predominantly isolationist. Yet the Nation in which he wielded such power was overwhelmingly industrialized and involved in the international holocaust of the Second World War. Few men have witnessed as much history and as much profound transformation as Governor

Byrnes did. But those who knew him saw how easily he moved through the passing years. There was always some tremendous inner strength which allowed him to keep his moorings amidst the greatest of changes. Our greatest men seem almost invariably to have that quality.

Through it all, they retain their fundamental faith in their fellow man and their fundamental belief in the destiny of their country. James F. Byrnes had that kind of character. He had greatness.

The great traits of character that Jimmy Byrnes possessed were nourished by superior wisdom. His mind was of the first order. During his career, he demonstrated time and time again the ability to cut through to the heart of a matter, to put aside the meaningless and inconsequential and to deal with the core of problems.

In the Senate, he was known as someone who could deliver. No posturing or flowery oratory or image-building for him—he devoted himself instead to passing legislation and solving problems. Would that we had more such men today. Although he was by no means the Senator highest up in seniority, it was to Jimmy Byrnes that President Roosevelt came when he had a particularly important piece of legislation to get through the Congress. And Senator Byrnes usually delivered.

In 1940, and again in 1944, there was considerable speculation that James Byrnes would be tapped for the Vice Presidency. Had it not been for the accident of his southern birth, he probably would have been Vice President—and quite possibly President. But, as it turned out, James Byrnes wielded far more power than any Vice President in the history of the Republic.

In 1941, a grateful President had appointed Byrnes to the U.S. Supreme Court. On the High Tribunal, the new Justice began another promising career. But, once the United States was plunged into a war for its very survival in late 1941, Justice Byrnes longed to involve himself more directly in the struggle. After little more than a year on the job, his friend in the White House called him to action. President Roosevelt named the distinguished South Carolinian Director of Economic Stabilization.

James Byrnes was not on the job very long before he realized that the war effort demanded a tighter and more cohesive governmental organization. There had to be one control center to coordinate the manpower and industrial and agricultural resources of the country and direct them toward the speediest possible winning of the war. The President came to the same realization, and before long James Byrnes was war mobilizer. Roosevelt referred to him as the "Assistant President." And, in fact, he was. Byrnes had direct, day-by-day stewardship over the direction of the domestic economy. He was trusted and respected, and the President gave him the widest possible latitude of action.

It was not the kind of job that wins a man friends. It called for making choices and taking tough decisions. The new war mobilizer was in charge of regulating prices, wages, and rents; of coordinating all the resources of the country and bending them toward the defeat of the Axis Powers; or rationing foods and fuels to make the most effective use of them; of overseeing Government procurement of the implements of war; and, in general, of overseeing the entire operation of the American economy.

For his unprecedented contribution to victory, he was awarded the Distinguished Service Medal. And he also won the respect of all those with whom he worked. He had shown no partiality, no favoritism, no bad judgment. He had exercised his vast power with maximum respect for the freedom and liberties of the people. In seeing the Republic through to victory, James Byrnes made sure the America of 1945 was as free and open as the America of 1941.

The year 1945 brought Jimmy Byrnes a momentary respite from the tremendous responsibilities he had been carrying. The war was over and better days seemed to be ahead.

These hopes for a peaceful postwar era were short-lived, however. When Franklin Roosevelt died and Harry S Truman became President, the new Chief Executive quickly discovered that the Soviet Union was hell-bent on extending its influence in Europe and elsewhere. Truman needed a man he could trust, a man of judgment, experience, and wisdom, to help him conduct the diplomacy of those dangerous times. He turned almost instinctively to James F. Byrnes. The Nation had a new Secretary of State.

The new Secretary accompanied the President to the important Big Three Conference at Potsdam, and he was the chief American delegate at a series of meetings with the Foreign Ministers of the Big Three. Byrnes quickly grasped the direction of events and he understood the stubborn tenacity of the Soviets in their plans to take over the devastated continent of Europe. The subsequent months of Byrnes' tenure were marked by the formulation of a policy to contain Soviet expansion, maintain the freedom of the peoples of Europe, and protect vital American interests abroad.

As anyone who knew him will attest, Jimmy Byrnes was a man of independence. He stood up for what he thought was right, and he always did so simply and directly. He pulled no punches. By 1947, the Secretary of State was having serious doubts about the direction of domestic policy under Harry Truman's New Deal. Byrnes believed Truman was moving too close to the welfare state. This, combined with some irritation at the President's alleged failure to deal more strongly with the Soviet menace, led to Byrnes' resignation from the Cabinet in 1947.

The next 3 years saw Jimmy Byrnes in private life, although he could never really escape public attention, nor could he avoid speaking out occasionally on the issues of the day. And it was during this period that he became an author, with the publication of an informative and detailed account of his diplomatic experiences.

In 1950, at the age of 71, Byrnes ran for—and won—the Governorship of South Carolina. He served until 1955.

It was during these years that I came to know Jimmy Byrnes well. During Governor Byrnes' term, I was serving in the South Carolina Legislature. And I had the privilege of working with the Governor on some important pieces of legislation.

I was impressed with his program and did everything I could to see to it that his important legislation was written into law. There were some real milestones during his governorship. An increased teacher pay schedule—more school construction funds—improved transportation measures—the establishment of mental health facilities—anti-Klan legislation—all these and many more marked the years of Jimmy Byrnes' governorship.

In addition to the official capacity I so often saw the Governor in, I was fortunate to have him as a neighbor on the Isle of Palms. There I came to know the personal side of the man, and there I learned much about his experiences with the great men and events of his time. It was a true education, and an opportunity that I shall always remember with gratitude.

In his later years, Governor Byrnes interested himself in bettering educational opportunities for the orphaned and under-privileged youth of the State. He established the James F. Byrnes Foundation and contributed much time and effort—and money—to making a reality out of his dreams.

Today, Mr. President, newspapers throughout the State and Nation are filled with the record of this illustrious son of South Carolina. But the accomplishments of his work, and the integrity of his character, will long outlive the newspaper obituaries and the present eulogies. That is as it should be. For in the final analysis, a man's most fitting monument is the legacy of great deeds and good character that he leaves behind.

Today Americans from every station and calling mourn the death of our esteemed fellow citizen. We are saddened that his life is ended. But we are thankful for the years he spent working for the betterment of his country. And we are proud of the historic contributions that this first citizen of South Carolina has made.

CONVENTION ESTABLISHING AN INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention Establishing an International Organization of Legal Metrology, as amended (Executive I, 92d Congress, second session), transmitted to the Senate today by the President of the United States, and that the convention with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The ACTING PRESIDENT pro tempore (Mr. Stevenson). Without objection, it is so ordered.

To the Senate of the United States:

Today I ask the Senate to give its advice and consent to accession by the United States to the Convention Establishing an International Organization of Legal Metrology, as amended.

Legal metrology, as broadly defined, relates to the compatibility of standards of measurement and the legislation or regulations which may affect them.

The International Organization of Legal Metrology, established in 1955, is concerned primarily with standards for instruments and measurement techniques involved in the legal determination of quantity and quality. Presently, many of its 36 member nations and eight corresponding members are European.

The Organization's tasks fall generally into two groups:

—to serve as a center for documentation and information; to foster close working relations with national weights and measures services and other concerned organizations; and to furnish advisory assistance to interested countries.

—to determine the general principles of legal metrology; to recommend uniform international requirements for measuring instruments; and to work out model laws and regulations for consideration by member countries.

The Organization's recommendations are not binding but they are accepted by most member nations—many of which are also our major trading partners.

The United States has in the past been an interested observer in the Organization's work and I believe that accession to the Convention would now be of clear advantage to the United States. As the world's largest trading nation and as a world leader in the standards field, we would be better able to assume a positive role in the setting of international standards for measurements and, in so doing, to expand our international trade.

I recommend that the Senate give favorable consideration to United States accession to this Convention, as amended.

RICHARD NIXON.

THE WHITE HOUSE, *April 11, 1972.*

ORDER FOR DIVISION OF TIME ON THE UNFINISHED BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the unfinished business is laid before the Senate today, the time be equally divided between the sponsor of the amendment, the distinguished Senator from Nebraska (Mr. HRUSKA) or his cosponsor, the distinguished Senator from North Carolina (Mr. ERVIN), and the manager of the bill, the distinguished Senator from Virginia (Mr. SPONG).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day this order was changed to provide for the Senate to adjourn until 9:45 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR TUNNEY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Tennessee (Mr. BROCK) on tomorrow, the distinguished Senator from California (Mr. TUNNEY) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO RESUME THE CONSIDERATION OF THE UNFINISHED BUSINESS FOLLOWING THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the orders for recognition of Senators tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 2956.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following letters, which were referred as indicated:

REPORT ON ADMINISTRATION OF THE WELFARE AND PENSION PLANS DISCLOSURE ACT

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on administration of the Welfare and Pension Plans Disclosure Act, for the calendar year 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON DISASTER PREPAREDNESS

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a report on disaster preparedness (with an accompanying report); to the Committee on Public Works.

REQUEST FOR RETURN PROPOSED PROSPECTUS ON THE WALTHAM, MASS., FEDERAL RECORDS CENTER

A letter from the Acting Administrator, General Services Administration, requesting the Committee on Public Works to return, without further action, the proposed prospectus Project No. 200136–1 on the Waltham, Massachusetts, Federal Records Center; to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STEVENSON):

A resolution of the Legislature of the State of Hawaii; to the Committee on Finance:

"S. RES. No. 138

"Resolution urging the U.S. Congress to enact legislation for a national reform of public welfare financial assistance programs

"Whereas, the number of persons receiving financial assistance from public welfare in Hawaii has more than tripled in the past ten years, and more than two-thirds of this growth has occurred in the past four years; and

"Whereas, welfare costs in Hawaii have risen even faster, increasing more than fivefold in the past ten years; and

"Whereas, the main immediate reason for the rising caseload and cost is simply that more eligible needy people are applying for assistance from the programs that were intended to help them, yet this includes perhaps only one-third of those who might be eligible; and

"Whereas, it is desirable that all persons have at least a minimum income that will assure them a decent standard of living above the poverty level; and

"Whereas, because of rising welfare caseloads and costs and declining State revenues, the State of Hawaii would find it difficult to maintain this standard without additional help from the Federal Government; and

"Whereas, the State of Hawaii is already bearing a relatively greater burden than other States by maintaining higher benefit levels and receiving a smaller share of the cost from the Federal Government; and

"Whereas, the most desirable way to deal with these immediate fiscal problems is not to cut back welfare benefits to recipients but instead to seek greater fiscal support from the Federal Government; and

"Whereas, weaknesses in the present welfare system include not only the fiscal burden it imposes on States but also its inadequate benefit levels, unfair variations from State to State, disintegrating effects on family life, disincentives to work and cumbersome, costly dehumanizing procedures; and

"Whereas, these problems must be dealt with through meaningful, comprehensive, enlightened and progressive reform of the welfare system at the national level; and

"Whereas, in addition to dealing with the immediate problems of the welfare system, all levels of government and the community must deal meaningfully with the underlying issues and problems, including the shortage of decent jobs, educational barriers, inflation, housing shortages and costs, and the breakdown of the family social unit; now, therefore,

"Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that the United States Congress be and is hereby urged to enact public welfare reform legislation embracing the concepts of Federalization of costs, elimination of unfounded variations from State to State, more jobs and work incentives, and simpler administration of benefits; and

"Be it further resolved that the State of Hawaii request that the Congress of the United States review and re-assess the total income maintenance program in relation to other federally sponsored programs which purport to serve the needy; and that those programs which prove ineffective or inefficient be curtailed or abolished and substituted by programs that benefit the needy directly and equitably; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, Senator Hiram L. Fong, Senator Daniel K. Inouye, Representative Spark M. Matsunaga, and Representative Patsy T. Mink."

A resolution of the Legislature of the State of South Carolina; ordered to lie on the table:

"H. 3065

"A concurrent resolution memorializing the Congress of the United States not to ratify the United Nations Genocide Treaty

"Whereas, the Genocide Convention is a United Nations Treaty designed to outlaw the mass extermination of any group of humans because of their national, ethical, racial, or religious classification. This treaty was approved in the United Nations General Assembly December 9, 1948; however it has not been ratified by the United States Congress because of numerous objections; and

"Whereas, the American Bar Association has consistently taken a position against ratification of the Genocide Convention, Frank Holman, former President of the American Bar Association stated that 'Acts are made punishable which are not only purely domestic in character, but public officials as well as private citizens are to be made amenable to international tribunals for a variety of ill-defined and ambiguous so-called acts of genocide—to the extent that the causing of mental harm to a member of a group or complicity in so doing, is an act of genocide.'; and

"Whereas, the dangers of ratifying this treaty are not theoretical. The public officials of South Carolina and ten other states, the President of the United States, the Congress, the Supreme Court, the Attorney General and the Department of Justcie were formally charged with complicity in genocide before the United Nations in 1951. If this convention is ratified, it would give the United Nations legal grounds for action on these charges; and

"Whereas, there can be no question of our abhorrence of genocide against any peoples or our desire to prevent such action; however the members of the General Assembly oppose this treaty in the form submitted to the United States Congress for ratification. Free men do not, with full understanding, surrender their liberty to join an organization or ratify a treaty to prohibit acts they, themselves, have never committed.

"Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

"That the Congress of the United States is hereby memorialized not to ratify the Genocide Convention, which was approved in the United Nations General Assembly December 9, 1948, which is a United Nations Treaty making it an international crime to attempt the destruction of entire national, ethnical, racial or religous groups.

"Be it further resolved that copies of this resolution be forwarded to each member of the Congress of the United States from South Carolina to the Senate of the United States, and the House of Representatives of the United States.

A resolution adopted by the City Council of Seattle, Wash., praying for the enactment of legislation relating to tax-sharing; to the Committee on Finance.

A resolution adopted by the Society of the War of 1812 in the State of Louisiana, New Orleans, La., praying for the enactment of legislation to keep military graduate students from certain universities which have closed their ROTC units; to the Committee on Armed Services.

A resolution adopted by the Society of the War of 1812 in the State of Louisiana, New Orleans, La., expressing opposition to the granting of amnesty to certain draft evaders; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TUNNEY, from the Committee on the District of Columbia, without amendment:

S. 1346. A bill relating to benefits for employees of the Government of the District of Columbia, and for other purposes (Rept. No. 92–744);

H.R. 9395. An act to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts (Rept. No. 92–746); and

H.R. 10344. An act to authorize the District of Columbia to enter into the Interstate Compact on Mental Health (Rept. No. 92–747).

By Mr. TUNNEY, from the Committee on the District of Columbia, with amendments:

S. 1993. A bill relating to educational personnel in the District of Columbia (Rept. No. 92–745).

By Mr. TALMADGE, from the Committee on Finance, without amendment:

H.R. 9900. An act to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict (Rept. No. 92–748).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Dr. Jerome H. Jaffe, of Virginia, to be Director of the Special Action Office for Drug Abuse Prevention; and

Paul Louis Perito, of Massachusetts, to be Deputy Director of the Special Action Office for Drug Abuse Prevention.

ENROLLED BILL SIGNED

The enrolled bill (H.R. 12749) to authorize appropriations for the saline water conversion program for fiscal year 1973 was signed by the Acting President pro tempore (Mr. STEVENSON).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CASE:

S. 3471. A bill to deauthorize United States Army Corps of Engineers projects if Congress has not appropriated funds to carry out the projects for a period of 8 years since authorization. Referred to the Committee on Public Works.

By Mr. ANDERSON:

S. 3472. A bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 3473. A bill for the relief of Armanda Norma Cerro. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3474. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes. Referred to the Committee on Commerce.

By Mr. ERVIN:

S. 3475. A bill to help preserve the separation of powers and to further the constitutional prerogatives of Congress by providing for Congressional review of executive agreements. Referred, by unanimous consent, to the Committee on the Judiciary, and then to the Committee on Foreign Relations, if and when reported by the Committee on the Judiciary.

By Mr. MATHIAS:

S. 3476. A bill to extend for three years the authority of the Secretary of Commerce to carry out fire research and safety programs;

S. 3477. A bill to provide financial aid for fire departments in the purchase of firefighting suits, self-contained breathing apparatus and firefighting equipment;

S. 3478. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes;

S. 3479. A bill to provide for the creation of the National Fire Academy, and for other purposes;

S. 3480. A bill to amend the Flammable Fabrics Act to extend the provisions of that Act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; and

S. 3481. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes. Referred to the Committee on Commerce.

S. 3482. A bill to provide the Secretary of Health, Education, and Welfare to make grants to accredited institutions of higher education for up to 90 per cent of the costs of fire science and training programs. Referred to the Committee on Labor and Public Welfare.

By Mr. BURDICK:

S. 3483. A bill for the relief of Cass County, N. Dak. Referred to the Committee on the Judiciary.

S. 3484. A bill authorizing the construction of certain bank stabilization works on the Missouri River below Garrison Dam. Referred to the Committee on Public Works.

By Mr. KENNEDY:

S. 3485. A bill to establish the Nantucket Sound Islands Trust, to preserve and conserve the said islands, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BUCKLEY (for Mr. MCCLELLAN) (for himself and Mr. BUCKLEY):

S. 3486. A bill to amend title 37, United States Code, in order to provide a special bonus for members of the Armed Forces of the United States who were held as prisoners of war during the Vietnam era. Referred to the Committee on Armed Services.

By Mr. SCOTT (for himself and Mr. SCHWEIKER):

S.J. Res. 221. A joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the National Memorial to Benjamin Franklin. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASE:

S. 3471. A bill to deauthorize United States Army Corps of Engineers projects if Congress has not appropriated funds to carry out the projects for a period of 8 years since authorization. Referred to the Committee on Public Works.

Mr. CASE. Mr. President, I am today introducing legislation that would foster a change in direction by the world's largest engineering organization, the U.S. Army Corps of Engineers.

For many, the Corps of Engineers has had the reputation as the worst environmental offender among all Government agencies. The legislation I am introducing seeks to encourage the Corps of Engineers in its effort to change all that; to become known as a protector of the environment.

The corps, drawing on the best of West Point's engineering graduates and supported by more than 40,000 civilian employees, is potentially the greatest single instrument for the protection of the environment in this country.

Eventually, the Corps of Engineers could provide studies, plans and technical assistance, and, in some cases, it could construct public works for the collection, purification, storage, or reuse of storm waters, sanitary sewage, waterborne industrial wastes, and other liquid wastes. It could restore land areas scarred by strip mining, construction projects or other means. It could reclaim lakes, rivers, streams and other bodies of water that have become polluted to an extent that they are no longer useable for recreational or commercial purposes. It could develop means of reducing or disposing of solid wastes and providing for adequate supplies of potable water. And it could help reclaim deteriorating areas such as waterfronts.

But before all that can happen, we in the Congress have to work out the authorization for such projects in a manner that will assign priorities that the corps can follow in determining which of its responsibilities it should take on first.

In some areas we have in recent years begun to provide the corps with the authority to work on this type of project.

But I believe we have to go further. We have to make sure that older projects, designed to meet the needs of an era when the importance of the environment was not as well recognized, do not get in the way of the corps' new responsibilities.

Currently almost 1,300 Corps of Engineers projects are authorized by Congress and most of them do not relate to protection of the environment. Some of them were authorized as long ago as the late 1880's. Many of them were designed to meet objectives that once were valid but have long since become outdated. Some have not been reviewed in any manner for decades.

It is time that we take a look at these projects in the light of today's needs.

Charles H. Stoddard, former chairman of the Environmental Advisory Board of the Corps of Engineers, in his letter of resignation, said:

> The time for a thorough review of backlogged Corps projects is long overdue.

He went on to say:

> The slate should be wiped clean by the Congress, followed by a hard-eyed review and reappraisal by CEQ (Council on Environmental Quality), and then the Congress, with environmental input at each stage. This would be followed by individual project authorization only after full environmental input analysis.

Later, Stoddard told my office that the corps was so imbued with traditional developmental concepts that it really could not become committed to projects designed to protect the environment so long as the engineers had a backlog of traditional projects.

Therefore, the legislation I am introducing would proclaim the intent of Congress that the Corps of Engineers place increased emphasis on projects it has been authorized to undertake to protect the environment. In addition, the bill provides for automatic deauthorization of any corps project that has been authorized for 8 years or more but has not had construction funds appropriated for it by Congress during that time.

This does not necessarily suggest that all of these projects would be harmful to the environment. The list of projects that would be affected includes some designed to protect against beach erosion and some for flood control, as well as other purposes, that may still be valid.

Therefore, the bill authorizes the Secretary of the Army to submit to Congress a study and recommended plan for reauthorization of any project terminated under the provisions of the bill if the plan for reauthorization reflects environmental standards in effect at the time the plan is submitted.

This bill already has gained widespread public support. Since I announced my intention to introduce the bill in a speech prepared for delivery at Atlantic City, N.J., in February, I have heard from supporters of the concept in all corners of the Nation, from Florida, Washington, California, Indiana, Arizona. New Jersey, New York, Pennsylvania and many other States. In addition, several environmental organizations have informally expressed their support for the concept.

I hope my colleagues in the Senate also will give the bill careful consideration.

Mr. President, I ask that a copy of the bill and an editorial from the New York Times supporting the concept of the bill be printed in the RECORD, at this point.

There being no objection, the bill and editorial were ordered to be printed in the RECORD, as follows:

S. 3471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the intent of Congress that the Secretary of the Army through the Corps of Engineers will place increased emphasis on authorized projects designed to protect the environment.

SEC. 2. In order that the Corps of Engineers may better carry out the intent of Congress, the authorization for any public works project is terminated, if such project has been authorized by law for eight years or more prior to the date of enactment of this Act and if no funds have been appropriated for construction of such project since authorization. The Secretary of the Army is authorized to submit to the Congress a study and recommended plan for re-authorizing any project terminated by this section, if such plan reflects environmental standards in effect at the time the plan is submitted.

[From the New York Times, Apr. 4, 1972]

USEFUL ENGINEERING

Senator Clifford Case of New Jersey has launched a campaign to redirect the misplaced energies of the Army Corps of Engineers. The Corps has long had the reputation of being the Government's own worst offender against the environment—particularly for its tendency to dam up rivers without regard to ecological damage for the sake of an often excessive degree of flood control.

The Senator would make a vigorous start by having Congress rescind authorization for all projects that have remained unfunded on the Corps' list for eight years or more. All these projects, more than half the Corps' backlog, would have to be resubmitted to Congress, along with reappraisals by the Council on Environmental Quality.

Obviously a great deal of dead wood could be eliminated by such action since many of the projects were conceived in a period when development, not environment, was the magic word—some going back as far as the 1880's. Both the Corps and Congress itself would have a chance to reconsider projects that have provoked a proliferation of citizen suits based on environmental issues.

If Senator Case's proposal were purely negative, it could expect a meager response from fellow-Congressmen unwilling to lose pork-barrel handouts for their states and districts. But the plan is to guide the Corps—with the aid of some of the $10 billion that might be saved on the backlog of discarded projects—in the direction of those "designed to protect and enhance" the environment. If it is action the Corps needs, there is more than enough to do in the way of restoring lands defaced by strip mining and waters fouled by industrial waste; of reconstructing decayed waterfronts, redesigning the sewer systems of the cities and building the water treatment plants that country so desperately needs.

The Army Corps of Engineers can and should become a positive force for restoring and preserving the American environment.

By Mr. ANDERSON:

S. 3472. A bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing. Referred to the Committee on Interior and Insular Affairs.

Mr. ANDERSON. Mr. President, in the past decade the lives of perhaps 400 persons, mostly young children, have been lost by drowning in canals associated with irrigation and reclamation projects. Just recently, two children, a 2-year-old and a 3-year-old, drowned in an open waterway operated by the Middle Rio Grande Conservancy District in my State. In that same district, which is only one of literally hundreds throughout the Nation, 41 lives were lost between 1959 and 1968.

Although statistics may not be completely adequate, and indeed they may be conservative, it appears that at least 40 lives are lost each year in waterways throughout the Nation's conservancy systems.

I am today introducing legislation which should be enacted quickly in order to prevent additional needless tragedies. Already, there have been inexplicable and indefensible delays—delays which have provoked frustration and anger among parents who are rightfully fearful for their children's lives. Because of the divided governmental authority, the blame for lack of corrective steps cannot be readily pinpointed. But suffice it to say that the need for safety measures has long been recognized, especially by those who must live with the daily fear, and that the crucial need now is not for recriminations but quick action.

My bill recognizes that Federal financial assistance is necessary, but it also calls for contributions, in cash or in kind, from the local conservancy and reclamation districts.

I had hoped that the Department of the Interior would have responded to a problem of this magnitude with greater speed and evidence of concern. In an August 27, 1970, letter to me from Commissioner Ellis L. Armstrong of the Bureau of Reclamation, this statement was made:

> Legislation is needed which would authorize the Secretary of the Interior to improve safety conditions on federally constructed water conveyance systems, allocate costs in relation to benefits and repayment capability of water users, and enter into appropriate cost-sharing arrangements. We are preparing a draft of proposed legislation which would provide Federal assistance to improve safety conditions on existing systems.

Still, the legislation has not been submitted to Congress. In view of this delay, I intend to seek the submittal of a departmental report on my legislation as soon as possible so that we can move rapidly toward enactment.

My bill calls for a 50–50 cost-sharing system designed to improve safety—through fencing or enclosed conduits—along canals in or adjacent to urban areas. I should state that the 50-percent figure is included only for purposes of devising a proper formula. Hearings could result in modifications of this and other details, a process which is perfectly acceptable to me as long as we produce genuine reforms. Nor are estimated costs known with any degree of accuracy at this time. I believe the hearings will produce more information on this aspect, also. Apparently the central reason for delay, on the part of both the administration and local districts, has been a belief that financial costs would be excessive.

I am inclined to discount this assertion. First, it is unnecessary—and indeed foolish—to contemplate fencing or emplacing conduits along every mile of every canal in every conservancy or irrigation district in the Nation. But we can and should concentrate on constructing safety measures along those waterways in populated areas, places where children are likely to live, places where tragic experience has shown us we must focus our efforts. The safety program I envision would begin immediately to enclose these canal segments, and then in later periods of time the enclosures would be gradually extended to less critical areas. The second point that should be made is that human lives are at stake, especially the irreplaceable lives of adventurous and incautious young children. The Federal Government has a high obligation to participate in federally related projects in such a fashion that the safety of the public is protected.

By Mr. MAGNUSON (by request):

S. 3474. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Traffic and Motor Vehicle Safety Authorization Act of 1972".

SEC. 2. Section 106 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary is authorized to conduct investigations of the facts, circumstances, conditions and causes of motor vehicle accidents for the purposes of gathering information to identify design failures or defects relating to motor vehicle safety, collecting data to assist in the preparation of Federal motor vehicle safety standards for new and used motor vehicles, and conducting other studies to carry out the purposes of this Act. In making such investigations, the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection.

"(2) For the purpose of carrying out the provisions of this subsection, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times and in a reasonable manner, any premises where a motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident is located; (2) to impound temporarily for a period not to exceed 72 hours, such motor vehicle or item of motor vehicle equipment; and (3) to inspect such motor vehicle or item of motor vehicle equipment.

"(3) Whenever the Secretary inspects or temporarily impounds for the purpose of inspection any motor vehicle under this subsection (other than a vehicle subject to Part II of the Interstate Commerce Act), he shall pay reasonable compensation to the owner of such vehicle to the extent that such inspection or impounding results in the denial of the use of the vehicle to its owner or in the reduction in value of the vehicle.

"(4) The Secretary is authorized to obtain, with or without reimbursement, a copy of the report of the autopsy performed by State or local officials on any person who dies as a result of having been involved in a motor vehicle accident.

"(5) No portion of any statement or information relating to a motor vehicle accident which has been furnished by an individual to the Secretary pursuant to this section and no portion of any report of the Secretary relating to such accident or the investigation thereof shall be admissible in any subsequent criminal, civil, or administrative proceeding.

"(6) As used in this subsection, 'motor vehicle accident' means an occurrence associated with the operation of a motor vehicle in or as a result of which any person suffers death or personal injury, or in which there is property damage."

SEC. 3. Subsection (a) of section 108 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1397) is amended by changing the period at the end of subsection (a)(4) to a semi-colon and adding at the end of subsection (a) the following new paragraphs:

"(5) fail or refuse to permit entry, impounding or inspection, as required under section 106;

"(6) fail to comply with any rule, regulation or order issued under this title."

SEC. 4. (a) The first sentence in subsection (a) of section 109 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1398) is amended by deleting immediately after "any provision of section 108" the following: ", or any regulation issued thereunder,".

(b) The second sentence in subsection (a) of section 109 of such Act is amended by deleting immediately after "a provision of section 108" the following: ", or regulations issued thereunder,".

SEC. 5. (a) The first sentence of subsection (a) of section 110 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1399) is amended by inserting immediately after "pursuant to this title," the following: "or to contain a defect which relates to motor vehicle safety,".

(b) The next to the last sentence in subsection (a) of section 110 of such Act is amended by deleting the period at the end thereof and adding the following: "or to remedy the defect."

SEC. 6 (a) Subsection (a) of section 112 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401) is amended to read as follows:

"(a) The Secretary is authorized to conduct such inspection and investigation as may be necessary to enforce this title and any rules, regulations or orders issued thereunder. He shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations or orders issued thereunder, for appropriate action."

(b) The first sentence of subsection (b) of section 112 of such Act is amended by inserting immediately after "purposes of enforcement of this title," the following: "or any rules, regulations or orders issued thereunder,".

(c) Subsection (c) of section 112 is amended to read as follows:

"(c) Every manufacturer of motor vehicles and motor vehicle equipment shall establish and maintain such records and make such reports, and every manufacturer, dealer or distributor shall provide such information, as the Secretary may reasonably require to enable him to determine whether such manufacturer, dealer or distributor has acted or is acting in compliance with this title or any rules, regulations or orders issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, dealer or distributor has acted or is acting in compliance with this title or any rules, regulations or orders issued thereunder. Nothing in this subsection shall be construed as imposing reporting or record keeping requirements on distributors or dealers."

Sec. 7. (a) Subsection (b) of section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402) is amended by inserting immediately after "required by subsection (a)" the following: "or (e)".

(b) Subsection (c) of section 113 of such Act is amended to read as follows:

"(c) The notification required of a manufacturer by subsection (a) or (e) pursuant to the determination of the existence of a defect related to motor vehicle safety or of a failure to comply with an applicable Federal motor vehicle safety standard shall contain a clear description of such defect or failure, an evaluation of the risk to traffic safety reasonably related to such defect or failure, and a statement of the measures to be taken to remedy such defect or failure."

Sec. 2. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"Sec. 121. There are authorized to be appropriated such funds as are necessary to carry out the purposes of this Act."

Sec. 9. Section 123 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410) is amended to read as follows:

"(a) Except as provided in subsection (d) of this section, upon application by a manufacturer at such time, in such manner, and containing such information as the Secretary shall prescribe, the Secretary shall, after publication of notice and opportunity to comment and under such terms and conditions and to such extent as he deems appropriate, temporarily exempt a motor vehicle from any motor vehicle safety standard established under this title if he finds (1) that compliance would cause such manufacturer substantial economic hardship or that such temporary exemption would facilitate the development of new motor vehicle safety features or that such temporary exemption would facilitate the development of vehicles utilizing a propulsion system other than or supplementing an internal combustion engine, and (2) that such temporary exemption would be consistent with the public interest and the objectives of this Act. Notice of each decision to grant a temporary exemption and the reasons for granting it shall be published in the Federal Register.

"(b) The Secretary shall require, in such manner as he deems appropriate, notification to the dealer and first purchaser of an exempted motor vehicle (not including the dealer of such manufacturer) that such vehicle has been exempted from certain motor vehicle standards, and the standards from which it is exempted.

"(c) No exemption granted under this section shall remain in effect after three years after the date such exemption is granted."

"(d) No manufacturer whose total motor vehicle production, as determined by the Secretary, exceeds ten thousand annually shall be eligible for an exemption under this section."

Sec. 10. (a) The first sentence of subsection (a) of section 301 of the National Traffic and Motor Vehicle Saefty Act of 1966 (15 U.S.C. 1431) is amended by deleting all that precedes "except that" and inserting in lieu thereof the following:

"Sec. 301. (a) The Secretary of Transportation is authorized—

(1) to plan, design, and construct new facilities,

(2) to alter existing facilities,

(3) to lease facilities, and

(4) to acquire or lease real property for use as sites for new facilities or the alteration of existing facilities, suitable to conduct research, development, and compliance and other testing in traffic safety, including highway safety and motor vehicle safety,".

(b) The first sentence of subsection (a) of section 301 of such Act is further amended by striking "or construction", each place it appears in the sentence, and inserting in lieu thereof the following: "constructing, altering or leasing".

(c) The second sentence of subsection (a) of section 301 of such Act is amended by deleting "or constructed" and substituting in lieu thereof the following: "constructed, altered or leased".

(d) The second sentence of subsection (a) of section 301 of such Act is futher amended by deleting "and" at the end of clause (3), by deleting the period at the end of clause (4) and inserting in lieu thereof a semicolon and by adding a new clause (5) as follows:

"and (5) a statement of justification of the need for leasing any facilities or real property."

The Secretary of Transportation,
Washington, D.C., March 24, 1972.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill:

"To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes."

Since the enactment of the National Traffic and Motor Vehicle Safety Act in 1966, the Department has issued numerous Federal motor vehicle safety standards and notices of proposed standards designed to improve the safety performance of motor vehicles. In addition, the Department has conducted extensive research in accident causation and in innovative techniques for improving motor vehicle safety. These efforts are beginning to show benefits. Despite substantial annual increases in the number of drivers, vehicles and total vehicle miles since 1966, the rate of highway deaths per 100 million miles driven has steadily declined and the number of annual deaths has stabilized. Yet much remains to be done. Nearly 300,000 persons have lost their lives in highway accidents since the passage of the Act; 55,000 persons died during last year alone.

The purpose of this legislation is to amend the Act to improve the Department's effectiveness in preventing traffic accidents, and deaths and injuries resulting therefrom. The Secretary would be authorized to conduct such investigations as are necessary in the course of research to carry out the purposes of the Act.

Multi-disciplinary accident investigation teams, acting under present authority, have had difficulty in persuading witnesses and parties to accidents to provide information necessary to the conduct of safety research. This legislation would protect these persons by prohibiting the use of investigation teams accident reports as evidence.

The civil penalty authority under the Act would be clarified by expressly providing that it extends to all rules, regulations and orders issued under the Act. This legislation would also authorize the Secretary to seek civil penalties against those persons who impede vehicle safety research by failing or refusing to permit the temporary impoundment or inspection of motor vehicles or the entry of premises for such purposes by accident investigation teams.

This legislation would correct a deficiency in the Act regarding the Department's injunction authority by providing for the restraining of the importation into the country, as well as the sale by American manufacturers, of vehicles which contain a safety defect. At present, the Act provides only for the restraining of the entry into this country or the sale of vehicles that fail to comply with all applicable safety standards.

This legislation would clarify the Secretary's authority to inspect and investigate for the purpose of enforcing those rules, regulations, and orders other than safety standards and determining the existence of a safety defect or noncompliance. It would also require motor vehicle dealers and distributors to furnish requisite performance data and other relevant information. This amendment would enable the Department to enforce the Act under circumstances in which the necessary evidence is obtainable only from dealers or distributors.

Appropriation would be authorized of such funds as are necessary to carry out the purposes of the Act. This open-ended authorization, which would replace the current specific yearly authorizations, would provide the funds necessary to implement the Act after the present authorization terminates on June 30, 1972.

This legislation would renew indefinitely the Secretary's authority to grant, in appropriate circumstances, temporary exemptions from safety standards to manufacturers. It would also expand the authority by authorizing the Secretary to grant an exemption to manufacturers whose annual production is not more than 10,000 vehicles. To encourage the development of safer motor vehicles, this legislation would authorize the Secretary to grant exemptions to such manufacturers to permit them to incorporate new safety features into their vehicles.

To increase the Secretary's flexibility in acquiring test facilities for highway safety research, this legislation would authorize him to lease such facilities and to lease real property for use as sites for the construction of new facilities or the alteration of existing facilities.

We urge the prompt introduction and early enactment of this legislation.

The Office of Management and Budget has advised that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

John A. Volpe.

Enclosures.

Section-by-Section Analysis of Draft Bill To Amend the National Traffic and Motor Vehicle Safety Act of 1966

Section 2. This section adds a new subsection (d) to section 106 of the Act.

Paragraph (1) of subsection (d) authorizes the Secretary to conduct investigations of motor vehicle accidents to gather information and data for the purpose of conducting research authorized by section 106. The Secretary is required to cooperate with State and local officials while conducting his investigations.

For the purpose of conducting the investigations, paragraph (2) of subsection (d) authorizes officers or employees duly designated by the Secretary (1) to enter, at reasonable times and in a reasonable manner, any premises where a motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident is located; (2) to impound temporarily for a period not to exceed 72 hours such motor vehicle or item of motor vehicle equipment; and (3) to inspect such motor vehicle or item of motor vehicle equipment. This paragraph includes the authority to inspect or impound for the purpose of inspection a motor vehicle or impound for the purpose of inspection a motor vehicle or item of motor vehicle equipment located at the scene of the accident in which such vehicle or equipment was involved.

Paragraph (3) of subsection (d) requires that whenever an inspection and/or impounding of a vehicle by the Secretary results in the denial of the use of the vehicle to its owner or reduction in value of the vehicle, the Secretary shall pay reasonable compensation to the vehicle owner.

Paragraph (4) of subsection (d) authorizes the Secretary to obtain a copy of an autopsy report prepared by State and local officials concerning a person who dies in or as a result of a motor vehicle accident.

Paragraph (5) of subsection (d) provides that no portion of any statement or information furnished the Secretary by an individual and no portion of any report of the Secretary relating to a motor vehicle accident or the investigation thereof shall be admissible in any subsequent criminal, civil, or administrative proceeding. This amendment does not prevent a party or witness to an accident from adducing in any proceeding any information which he may have also previously furnished the Secretary concerning such accident.

Paragraph (6) of subsection (d) provides that the term "motor vehicle accident", as used in subsection (d), means an occurrence associated with the operation of a motor vehicle in or as a result of which any person suffers death or personal injury, or in which there is property damage.

Section 3. This section adds (1) the failure or refusal to permit entry, impounding, or inspection, as required under subsection (d) of section 106, and (2) failure to comply with any rules, regulations or orders issued under title I of the Act, to the list in subsection (a) of section 108 of acts which constitute violation of the Act. This section permits the Secretary to seek civil penalties against persons who violate subsection (d) of section 106. It also clarifies his authority to seek civil penalties against persons who fail to comply with rules and regulations other than motor vehicle safety standards.

Section 4. This section deletes from section 109 of the Act language that would become superfluous upon the addition of the failure to comply with any rules, regulations or orders issued under title I to the list in subsection (a) of section 108 of the acts that constitute violation of the Act.

Section 5. Paragraph (a) of this section amends subsection (a) of section 110 of the Act to permit the Secretary to seek an injunction against the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any motor vehicle or item of motor vehicle equipment that contains a defect which relates to motor vehicle safety.

Paragraph (b) of this section amends subsection (a) of section 110 to require the Secretary, whenever practicable, to give notice to any person against whom injunctive relief, authorized by paragraph (a) of section 5, is contemplated, and afford such person an opportunity to present his views, and to remedy the defect.

Section 6. Paragraph (a) of this section amends subsection (a) of section 112 of the Act to clarify the Secretary's authority to conduct such inspection and investigation as may be necessary to enforce title I or any rules, regulations or orders issued under title I.

Paragraphs (b) and (c) of this section amend subsections (b) and (c) of section 112, respectively, to conform with the amendments to subsection (a) of section 112 made in paragraph (a) of this section.

Paragraph (c) also amends subsection (c) of section 112 to require that dealers and distributors of motor vehicles and motor vehicle equipment furnish the Secretary with such information and data as he may require to carry out his enforcement responsibilities. Other requirements in this subsection, imposed upon manufacturers, would not be imposed upon distributors and dealers.

Section 7. Paragraph (a) of this section amends subsection (b) of section 113 of the Act to clarify the requirement that notifications sent by manufacturers pursuant to the Secretary's determination of a defect or noncompliance under subsection (e) of section 113 must be sent to first purchasers, subsequent warranty holders and dealers by certified mail.

Paragraph (b) of this section amends subsection (c) of section 113 to require that purchaser and dealer notifications sent by manufacturers pursuant to a determination by the Secretary under subsection (e) of section 113 of a noncompliance shall contain a clear description of the noncompliance, an evaluation of the risk to traffic safety reasonably related to the noncompliance, and a statement of the measures to be taken to remedy the noncompliance.

Section 8. This section authorizes the appropriation of such funds as are necessary to carry out the purposes of the Act.

Section 9. This section renews the Secretary's exemption authority. It amends subsection (a) of section 123 of the Act by adding to the categories of manufacturers that the Secretary is authorized to exempt temporarily a new category of manufacturers who can demonstrate that a temporary exemption from a particular standard would facilitate the development of new motor vehicle safety features and would be consistent with the public interest and the objectives of the Act. The Secretary is required to publish in the Federal Register each application for a temporary exemption and afford interested persons an opportunity to comment. If the Secretary grants the requested exemption, he must also publish notice of the decision.

This section adopts unchanged the present subsection (b) of section 123, which directs the Secretary to require exempted manufacturers to inform his dealers and first purchasers of his exemption.

This section deletes the present subsection (c) of section 123 which defines the term "limited production motor vehicle." As amended by this section, section 123 makes only manufacturers, whose annual production volume is not more than 10,000 vehicles, eligible for exemption.

This section amends subsection (d) of section 123 by deleting the temporal limitation on the Secretary's exemption authority and redesignating the subsection as subsection (c). It also deletes the word "originally" to clarify the Secretary's authority to renew an exemption previously given a manufacturer if that manufacturer submits a new application for exemption.

Section 10. This section would amend section 301 of the Act by authorizing the Secretary to lease test facilities and to lease real property for use as sites for the construction of new facilities or the alteration of existing facilities. Subsection (a) of section 301 presently authorizes the Secretary to acquire, but not to lease, facilities or real property. This section would also clarify the Secretary's authority to acquire real property for use as sites for the construction of new facilities or the alteration of existing facilities. This authority is implicit in the Secretary's authority to construct facilities.

In accordance with these amendments, this section would also amend section 301 to require that a prospectus, submitted to the Congress pursuant to that section, contain an explanation of the need for leasing, rather than acquiring, any facility or real property.

STATEMENT OF JUSTIFICATION

This legislation would amend the Act by (1) expanding the Secretary's authority to conduct investigations of motor vehicle accidents, (2) expanding and clarifying the injunctive and civil penalty authority under the Act, (3) clarifying the extent of the Secretary's authority to conduct inspection and investigation to enforce title I of the Act, (4) extending to dealers and distributors the requirements concerning submission of performance data, (5) authorizing appropriations of such funds as may be necessary to carry out the Act, (6) renewing and expanding the exemption authority of the Secretary, and (7) making several clarifying or technical amendments.

Section 2. This section would amend section 106 of the Act by authorizing the Secretary to conduct such investigations as may be necessary in the course of research to carry out the purposes of the Act. Pursuant to existing authority under section 106, multi-disciplinary accident investigation teams have been established to conduct in-depth studies of motor vehicle accidents. The data collected by the teams is being used to develop a reliable and extensive data base concerning the cause and effect of motor vehicle accidents. Without an adequate data base, measures concerning vehicle design and driver behavior might be formulated by Federal, State or local governments on the basis of inaccurate information and incorrect assumptions concerning accident causation.

The data collected by the accident investigation teams has already contributed to promulgation or proposal of many Federal motor vehicle safety standards. In addition to aiding in the development of new standards and proposals, the accident investigation data also facilitates evaluation of existing standards.

The full value of the accident investigation teams cannot, unfortunately, be realized under the present authority in section 106. The teams have been hampered in their collection of data by the reluctance of witnesses or parties to accidents to divulge information and the difficulty in gaining access to vehicles involved in accidents. Despite assurances by the teams that their only purpose is research, witnesses and parties to accidents frequently refuse cooperation. The refusal generally stems from advice by legal counsel or insurance companies or from a fear of self-incrimination.

The lack of cooperation has frequently prevented the teams from obtaining information concerning driver behavior. The experience of the teams in attempting to inspect vehicles involved in accidents has often been equally frustrating. Analysis of accident causation is frequently complicated by alteration of the accident scene and the condition of the vehicles by wrecker crews. The inability of the teams to preserve the post-accident condition of vehicles is particularly critical in those accidents in which malfunction or other defect is suspected. Even when the teams succeed in obtaining permission to take a vehicle to their garage, they are not always able to conduct an adequate inspection. Frequently, the owner or an insurance company picks up the vehicle before the inspection can be completed.

To remove these obstacles to motor vehicle safety research, this legislation provides that no information furnished the Secretary by an individual and no portion of any report of the Secretary relating to a motor vehicle accident or the investigation thereof would be admissible in any subsequent criminal, civil, or administrative proceeding. The Department believes that enabling the accident investigation teams to assure parties to accidents and their representatives that their statements will not be used against them will eliminate most of the present difficulty encountered by the teams in gathering data.

To ensure that the accident investigation teams will be able to preserve and inspect the post-crash condition of motor vehicles involved in motor vehicle accidents, this legislation would authorize the officers or employees duly designated by the Secretary to inspect or impound temporarily for the purpose of inspection such motor vehicles. This legislation would also authorize the Secretary to enter any premises for the purpose of such inspection or impounding.

The provision in section 2 of this legislation, that would prohibit the use of information furnished the Secretary as evidence, would not result in denying the public access to the findings of the accident investigation teams. All information concerning malfunctions or other defects in motor vehicles and concerning human behavioral factors related to accident causation would be published, but not so as to disclose the names or identities of individuals.

Sections 3 and 4. These sections of this legislation would clarify the extent of the civil penalty authority under section 109 of the Act by amending section 108 of the Act to include a prohibition against the violation of any rule, regulation or order issued under title I of the Act. These amendments would remove any doubt that the civil penalty authority can be used to enforce all rules, regulations and orders issued under title I, including the tire identification and record keeping regulations and all aspects of the important regulation on vehicles manufactured in two or more stages. These sections would also permit the Secretary to seek civil penalties against those persons who fail or refuse to permit impounding or inspection of motor vehicles or entry of premises for such purpose as required by the proposed new subsection (d) of section 106 of the Act.

Section 5. This section would expand the injunction authority under section 110(a) of the Act so as to permit the restraining of (1) the importation into the United States of vehicles which contain a defect related to motor vehicle safety and (2) the sale of vehicles in this country which contain such a defect. This authority would enable the Department, when it learns of the existence of vehicles that comply with all applicable safety standards but are nevertheless defective, to obtain a court order stopping the manufacturer and/or dealers from continuing to sell the defective vehicles. (Those defective vehicles already sold would, of course, be the subject of a defect notification campaign currently provided for in section 113 of the Act.)

This authority would also enable the Department to seek an injunction to prevent the importation or sale of foreign manufactured vehicles, certified as complying with the standards, but damaged in transit to such an extent that they are considered defective. Presently, these vehicles cannot be prevented from entering this country unless the Department has evidence of noncompliance with an applicable safety standard. During the past year, several foreign vehicle manufacturers advised the Department that unauthorized dealers were attempting to bring irremediably damaged vehicles into this country.

Section 6. Paragraph (a) of this section of this legislation would clarify the extent of the Secretary's authority under section 112(a) of the Act to conduct inspection and investigation. The language of section 112(a) presently refers only to inspection and investigation for the purpose of enforcing the motor vehicle safety standards.

The language of section 112(b), however, is substantially broader. It refers to the entry and inspection of certain premises for the purpose of enforcement of title I of the Act. The proposed amendment would eliminate the inconsistency in the language of these two subsections of section 112 concerning the scope of the Secretary's inspection and investigation authority by amending section 112(a) to authorize expressly inspection and investigation for the purpose of enforcing title I and any rules, regulations or orders issued thereunder. The amendment would remove any doubt that the Secretary has the authority to inspect and investigate for the purpose of enforcing rules, regulations and orders other than motor vehicle safety standards. The amendment would also make clear that the Secretary's authority under section 112 includes the authority, implied by his disclosure authority in section 113(d), to inspect and investigate for the purpose of determining the existence of a defect related to motor vehicle safety.

Paragraph (c) of this section would expand the Department's information-gathering authority by amending section 112(c) to require dealers and distributors to furnish the Department with information relating to investigatory matters. Section 112 presently requires such information from manufacturers only. In some instances, however, information necessary to the enforcement of the Act may be obtainable only from dealers or distributors. The problem is particularly likely to arise in safety-defect investigations or situations in which the dealer or distributor alters a vehicle or item of motor vehicle equipment after the manufacturer has certified the compliance of the vehicle or equipment with all applicable safety standards.

Section 7. Paragraph (a) of this section is a clarifying amendment that would remove any doubt that notifications sent by manufacturers pursuant to the Secretary's determination of a safety defect or noncompliance under subsection (e) of section 113 of the Act must be sent to first purchasers, subsequent warranty holders and dealers by certified mail.

Paragraph (b) of this section is also a clarifying amendment that would expressly set forth the required contents of a noncompliance notification letter. It would amend subsection (c) of section 113 to require expressly that such notification contain a clear description of the noncompliance, an evaluation of the risk to traffic safety reasonably related to the noncompliance, and a statement of the measures to be taken to remedy the noncompliance.

Section 8. This section would authorize the appropriation of such funds as may be necessary to carry out the purposes of the Act. These funds would be used for the following program activities: motor vehicle and equipment safety standards, safety standards compliance testing, defects analysis, and supporting research and development. The current authorization under the Act terminates June 30, 1972.

Section 9. This section would amend section 123 of the Act by renewing the Secretary's exemption authority indefinitely, and expanding its scope. The Secretary's authority under section 123 expired April 10, 1971. Section 123 authorized the Secretary to grant, under specified conditions, exemptions of not more than three years' duration to manufacturers who produced less than 500 vehicles annually. The Secretary's authority under this section permitted him to enable low volume manufacturers to continue production while working toward incorporation of standards for which exemptions had been obtained. Without the exemptions, some manufacturers would probably have been forced to discontinue production and go out of business.

Low volume manufacturers are still subject to the same handicaps which originally led to the creation of the exemption authority in section 123. Their vehicle models seldom vary, their supplies are purchased in large quantities to reduce costs, and their technical staff and testing ability are very limited. Producers of one-of-a kind vehicles, which may have a production period in excess of a year, cannot continually modify production plans to incorporate new standards becoming effective during production. As the motor vehicle safety standards become more sophisticated, these production and compliance limitations will assume increasing importance for the low volume manufacturer.

In recognition of the continued problems of low volume manufacturers, section 9 of this legislation would renew indefinitely the Secretary's authority to grant exemptions of up to three years. If the Secretary's authority is not renewed, low volume vehicle manufacturers would be required to comply with new standards at the same time as the larger manufacturers. The economic hardship which many of the small manufacturers would encounter might force them to cease production or, insofar as foreign manufacturers are concerned, make exportation to the United States economically unfeasible.

In addition to renewing the Secretary's exemption authority, section 9 would also expand the Secretary to grant exemptions to manufacturers whose annual production does not exceed 10,000 vehicles. Such manufacturers share many of the same problems experienced by low volume manufacturers.

In addition to authorizing exemptions for the presently specified reasons, section 123, as amended, would authorize an exemption to facilitate the development of new motor vehicle safety features. The exemption would permit a manufacturer to incorporate in his vehicles new safety developments or devices which, in the absence of the exemption, would conflict with certain existing standards. The Department would grant these exemptions only where the manufacturer could demonstrate that the use of the new safety features in a vehicle would not result in a reduction of the level of the vehicle's safety performance below that set in the standards for which an exemption is sought. Although the motor vehicle safety standards are performance standards, they may be design restrictive to the extent that they cannot be drafted to allow for all future technological innovations. While standards applicable to new safety features might eventually be amended to permit their use, the rulemaking process is often slow. Further, it may not always be possible to amend a standard or set of interrelated standards to permit the use of a new safety feature.

Section 10. This section would amend section 301 of the Act by authorizing the Secretary to lease test facilities and to lease real property for use as sites for the construction of new facilities or the alteration of existing facilities. This section would permit the Secretary to take advantage of those situations in which leasing arrangements would be a more economical means of obtaining the use of facilities or real property than complete acquisition.

This section would also clarify the Secretary's authority to acquire real property for use as sites for the construction of new facilities or the alteration of existing facilities.

By Mr. ERVIN:

S. 3475. A bill to help preserve the separation of powers and to further the constitutional prerogatives of Congress by providing for congressional review of executive agreements. Referred, by unanimous consent, to the Committee on the Judiciary, and then to the Committee on Foreign Relations, if and when reported by the Committee on the Judiciary.

THE ROLE OF THE CONGRESS IN THE MAKING OF EXECUTIVE AGREEMENTS

Mr. ERVIN. Mr. President, today I introduce a bill which will help restore the balance of power between the executive and legislative branches of the Government in the area of international agreements made with foreign nations on behalf of the United States.

Because of the momentous separation of powers problems in this area, I should like to request that this measure be referred to the Senate Judiciary Committee where its Subcommittee on Separation of Powers will be afforded an opportunity to give a careful and definitive examination of the powers, duties, and prerogatives of the two branches of the Government in the area of international agreements.

In recent years, so-called executive agreements have been utilized time and time again in situations where many legal scholars believe that the treaty provisions of section 2, article II of the Constitution should have been followed. The Founding Fathers were, indeed, wise when they formulated the concept of shared powers between the legislative and executive branches of the Government in the making of international agreements. These learned men mentioned only one kind of international agreement in the Constitution: The treaty. From their bitter experience with tyrannical rule, they realized that a system of government serves the people best when its powers are disbursed among various repositories within the government. They were acutely aware that unrestrained Executive power leads to despotism, and for that reason they attempted to make certain that the Congress, as the most direct representative of the people, would play a role in the making of international agreements. To my mind, this bedrock principle is no less important in this era of rapid change and computerization than it was in the simpler times when our Constitution was written.

The bill I introduce is simple. It recognizes that the Founding Fathers' concept of shared powers in the area of international agreements has been substantially eroded by the use of so-called Executive agreements. In plain language, the measure defines Executive agreements and requires that the Secretary of State shall transmit each such agreement to both Houses of Congress. If, in the opinion of the President, the disclosure of any such agreement would be prejudicial to the security of the United States, the bill provides that it shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy. Under this injunction of secrecy, only the Members of both Houses of the Congress shall be permitted to inspect the document.

The bill further provides that each Executive agreement transmitted to the Congress shall come into force and be made effective after 60 days—or later if the agreement so provides—unless both Houses pass a concurrent resolution expressing disapproval of the Executive agreement between the date it is transmitted to the Congress and the end of a 60-day period. In other words, the Congress, in its shared-power role, will have an opportunity to state that it does not approve of an Executive agreement during the 60-day period after the agreement is transmitted to the Congress.

To many, this measure may seem rather strict in its provisions; however, it appears to me that the executive branch of the Government would welcome a method whereby the Congress would share the responsibility for making international agreements which affect the international image of our Nation and its people, the allocation of our tax resources, and, in many instances, impinges upon the possibilities of achieving peace in the world.

In the very near future, the Subcommittee on Separation of Powers will begin hearings on the complex subject of Executive agreements as distinguished from treaties. It is my hope that these hearings will afford the Congress a basis for determining the sort of so-called Executive agreement which, under the provisions of the Constitution, should be submitted to the Congress for its approval and that this measure will provide a focal point for the many views which will be expressed before the subcommittee.

Mr. President, I ask unanimous consent that the bill be referred to the Committee on the Judiciary, with the understanding that after that committee has completed its consideration of the bill, it then be referred to the Committee on Foreign Relations; and I would like to assure the Senate and the Chair that I have consulted with the distinguished chairman of the Committee on Foreign Relations (Mr. Fulbright) and he agrees to this unanimous-consent request as to the reference of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, may I hear the unanimous-consent request?

Mr. ERVIN. It was that this bill, which deals with Executive agreements, shall be referred initially to the Committee on the Judiciary, and that after the Committee on the Judiciary has completed its consideration of the bill, it then be referred to the Committee on Foreign Relations. I assure the Senator from New York that I have consulted with the distinguished chairman of the Committee on Foreign Relations, and he has agreed to this reference.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Whereas, the Constitution of the United States established a system of shared powers between the legislative and executive branches of the United States Government in the making of international agreements; and whereas, the Congress finds that its powers have been substantially eroded by the use of so-called executive agreements, and the Senate is thereby prevented from performing its duties under section 2, Article II, of the Constitution, which provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur," and, whereas, the Congress is often prevented from participating in the conduct of foreign relations by way of prior statute or concurrent resolution, therefore be it enacted as follows:

Section 1. (a) In furtherance of the provisions of the United States Constitution regarding the sharing of powers in the making of international agreements, any executive agreement made on or after the date of enactment of this Act shall be transmitted to the Secretary of State, who shall then transmit that agreement (bearing an identification number) to the Congress. However, any such agreement the immediate disclosure of which would, in the opinion of the President, be prejudicial to the security of the United States shall instead be transmitted by the Secretary to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate written injunction of secrecy to be removed only upon due notice from the President. Each committee shall personally notify the members of its House that the Secretary has transmitted such an agreement with an injunction of secrecy, and such agreement shall thereafter be available for inspection only by such members.

(b) Except as otherwise provided under subsection (d) of this section, any such executive agreement shall come into force with respect to the United States at the end of the first period of 60 calendar days of continuous session of Congress after the date on which the executive agreement is transmitted to Congress or such committees, as the case may be, unless, between the date of transmittal and the end of the 60-day period, both Houses pass a concurrent resolution stating in substance that both Houses do not approve the executive agreement.

(c) For the purpose of subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(d) Under provisions contained in an executive agreement, the agreement may come into force at a time later than the date on which the agreement comes into force under subsections (b) and (c) of this section.

Sec. 2. For purposes of this Act, the term "executive agreement" means any bilateral or multilateral international agreement or commitment, other than a treaty, which is binding upon the United States, and which is made by the President or any officer, employee or representative of the executive branch of the United States Government.

Sec. 3. (a) This section is enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of concurrent resolutions described by subsection (b) of this section; and it supersedes other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purposes of this section, "concurrent resolution" means only a concurrent resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the executive agreement numbered ——— transmitted to (Congress) (the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives) by the President on —————, 19—.", the blank spaces therein being appropriately filled, and the appropriate words within one of the parenthetical phrases being used; but does not include a concurrent resolution which specifies more than one executive agreement.

(c) A concurrent resolution with respect to an executive agreement shall be referred to a committee (and all concurrent resolutions with respect to the same executive agreement shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives as the case may be.

(d) (1) If the committee to which a concurrent resolution with respect to an executive agreement has been referred has not reported it at the end of 20 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the concurrent resolution or to discharge the committee from further consideration of any other concurrent resolution with respect to the executive agreement which has been referred to the committee.

(2) A motion to discharge may be made only by an individual favoring the concurrent resolution, is highly privileged (except that it may not be made after the committee has reported a concurrent resolution with respect to the same executive agreement), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other concurrent resolution with respect to the same executive agreement.

(e) (1) When the committee has reported, or has been discharged from further consideration of, a concurrent resolution with respect to an executive agreement, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the concurrent resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(f) (1) Motions to postpone, made with respect to the discharge from committee, or the consideration of a concurrent resolution with respect to an agreement, and motions to proceed to the consideration of other business, shall be decided without debate.

(2) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a concurrent resolution with respect to an executive agreement shall be decided without debate.

By Mr. MATHIAS:

S. 3476. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs;

S. 3477. A bill to provide financial aid for fire departments in the purchase of firefighting suits, self-contained breathing apparatus, and firefighting equipment;

S. 3478. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes;

S. 3479. A bill to provide for the creation of the National Fire Academy, and for other purposes;

S. 3480. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; and

S. 3481. A bill to establish a national fire data and information clearinghouse, and for other purposes. Referred to the Committee on Commerce.

S. 3482. A bill to provide the Secretary of Health, Education, and Welfare to make grants to accredited institutions of higher education for up to 90 percent of the costs of fire science and training programs. Referred to the Committee on Labor and Public Welfare.

Mr. MATHIAS. Mr. President, fire, primitive man's best friend, is fast becoming modern man's worst enemy. For 6 consecutive years, more than 12,000 men, women and children have died because of fire. Hundreds of thousands more have been injured.

In Maryland, according to preliminary figures, 164 people died from fire last year, 54 in Baltimore City, and 1,625 were injured seriously enough to require hospitalization. The National Commission on Fire Prevention and Control reports that 210 firemen were killed and 38,583 were injured in the line of duty last year, making firefighting the most hazardous profession in the United States. According to the International Association of Fire Fighters, the rate of death in the line of duty among firefighters last year rose to 115 per 100,000 men. This compares to 35 line-of-duty-deaths per 100,000 men in 1964 and 104 in 1969.

Such a staggering increase reflects the fact that while the modern world has compounded the dangers and problems today's firefighter must face, it has not provided the accouterments he needs to fight today's fires.

Firefighters and their officers have voiced dissatisfaction with much of the equipment now in use. Masks are clumsy, heavy and cumbersome. They carry a limited oxygen supply and can become a foe rather than a friend to a firefighter who needs a few more seconds of air to escape from the deadly fumes of a fire fed by modern, toxic fabrics.

The Nation's space program has made technological advances in miniaturization, developed lightweight equipment and flameproof materials to protect and aid our astronauts. But so far the lightweight material carried to the moon has not been employed to lighten the load a firefighter must carry into a burning building. The clothes that could protect him—even save his life—are still hanging in a closet at the National Aeronautics and Space Administration rather than in the Nation's firehouses.

Indeed, the urgent need for such protective clothing is emphasized by the NCFPC which reported that many of the nation's 1,200,000 firefighters use turnout coats which the National Bureau of Standards has found unacceptable under the flammability standards for childrens' sleepwear.

This statistic is especially poignant in Baltimore where Firefighter Thomas Herz was severely burned while fighting a fire here in July 1970. It is a tribute to his courage and determination to live that Tommy Herz is today a member of the fire department's fire alarm office. But at the same time, his experience is an indictment of the scant attention this Nation has paid to the dangers facing its firefighters.

But, as statistics show, the firefighter is not the only one whose life is endangered by fire.

Approximately 6,600 of the 12,200 lives lost last year were in residential fires. About one-fourth of those 6,600 victims—over 1,600—were children and approximately one-third of these youngsters were alone or without supervision at the time struck.

Among the perils facing civilians and firefighters today are high-rise buildings which, according to the NCFPC, can no longer be termed fireproof because of modern funiture fabrics that produce heavy smoke and toxic gases and stairwells, elevator shafts, and mail chutes which vent smoke like the flues of a chimney. In addition, the electronic touch-type elevator call buttons which are found in many high rise apartment and office buildings can be activated by heat with the result that the elevator can be brought to the fire. Once there, the light beam which closes the elevator's doors can become inoperable and may doom passengers on the elevator.

Knowing of these and other hazards help us to explain why the rate of death by fire in the United States is twice that of Canada, four times that of Great Britain and six times that of Japan. Unfortunately they do not explain why we have been so slow to do something about it. The number of fires reported in the first quarter of 1971, 2,303, was more than double the 986 fires reported for the same period in 1970. According to the NCFPC, fires in the United States did an estimated $2.8 billion property damage last year, about $215 million more than losses recorded in 1970.

In an effort to stop the senseless loss of lives and property by fire, I am today presenting a seven bill legislative package that seeks to modernize the Nation's approach to firefighting, fire prevention, and fire protection. Briefly, the bills would:

Create a National Fire Academy to serve as the national center for fire research and education.

Authorize $75 million for fire research and safety programs over the next 3 fiscal years.

Authorize the Commerce Department to pay 90 percent of the cost of training firefighters and up to 90 percent of the cost of fire science programs.

Provide financial aid of up to 90 percent of the total cost so local fire departments can purchase new firefighting equipment.

Establish a national fire data and information clearinghouse.

Amend the Hazardous Materials Transportation Control Act of 1970 to require the placarding of certain vehicles transporting hazardous materials.

Amend the Flammable Fabrics Act to extend its provisions to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and, additionally, authorizes establishing toxicity standards.

I will also recommend that the National Fire Academy be located either here at the Baltimore Fire School or the University of Maryland at College Park. Both locations are convenient to major highways and mass transportation and are easily reached from Washington.

In addition, I am exploring with the Law Enforcement Assistance Administration of the Department of Justice the possibility of funding programs designed to cut the growing number of false alarms and the increased harassment of firefighters. In 1970, 208 firefighters were injured while responding to, or returning from, false alarms.

I hope one immediate result of the introduction of these bills is to attack the complacency that surrounds the Nation's attitude toward fire. While fire prevention programs in schools and businesses have made most of our citizens aware of the dangers of fire and of the need to prevent hazardous situations in their homes, they still seem to have an attitude of, "Well, it won't happen to me."

But it did happen to hundreds of thousands of Americans last year and it will continue to happen until we realize that it takes more than water to fight fire.

By Mr. KENNEDY:

S. 3485. A bill to establish the Nantucket Sound Islands Trust, to preserve and conserve the said islands, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. KENNEDY. Mr. President, the legislation I am introducing today is designed to preserve and conserve the unique characteristics of a unique area of the United States. That area is the group of islands off the coast of Massachusetts which ring Nantucket Sound—principally the islands of Martha's Vineyard and Nantucket.

The legislation will not make these islands into a Federal preserve. To do so would ignore their fragility, would chill their liveliness, and would, in fact, accelerate their destruction. Instead, the legislation seeks to harness and channel local efforts, of both a public and private nature, which hold great promise for securing a guarantee against the islands' ultimate and fast-approaching ruin.

But the local efforts need augmentation. The forces and pressures of development are far stronger than the local governments and local private organizations can successfully withstand. This is a sad fact, but it is true; and it is true because for years local efforts have been hampered by both a lack of sufficient authority and a lack of ample funds. The entry of a Federal presence, then, as envisioned by this legislation, is designed to be a stimulus, a challenge, an assist, to local efforts. It can and should be a complement to the work already underway, and should become a primary step only when and where local efforts fail.

The legislation will establish a Nantucket Sound Islands Trust. The policies of the trust will be established principally by a Nantucket Sound Islands Trust Commission. The Commission will be made up of members predominantly representing the local town and county governments. The U.S. Secretary of the Interior will work with the Commission members in setting standards and policies, and the Commission will be able to draw upon the experience and skills of the Department of the Interior and of other Federal and State agencies in carrying out preservation and conservation plans.

In brief summary, the legislation establishes four general classifications for the land in the islands trust. The first classification is lands forever wild—those areas whose scenic or ecological or other values are so great that no development should be permitted on them, or should ever take place on them. The second classification is scenic preservation lands—those areas in which the intensity of development should not be increased over what it currently is. The third and fourth classifications are town and county lands—those areas to which future development activity should be confined, and in which the town or county governments, as appropriate, will have the authority and responsibility to plan for this development.

In addition to these classifications, all beach lands would be made part of the forever wild classification. This is a guarantee that the most fragile of all parts of the islands—the dunes, headlands, beaches—will not be destroyed as they have been in so many other parts of the United States.

In short, the legislation establishes an overall physical plan for the preservation and conservation of the islands. It also has a workable governmental plan for insuring the smooth administration of this plan, consistent with the principal purposes of the legislation itself—preservation and conservation.

In September of last year I introduced a bill calling for a study of extending the Cape Cod National Seashore to these islands. In the intervening months, I have become convinced of two separate points.

First, there is no real need for another extensive and expensive study. The studies have already been made. Furthermore, to win congressional passage of even the study legislation, to complete the study, and then to win passage of whatever legislation it may recommend, may take 5 years—by which time, sadly, it may be too late.

Second, the model of the Cape Cod National Seashore is not the one most appropriate to the needs of the islands. The national seashore has been highly successful on Cape Cod, and its success has been incorporated in other national seashores in the rest of the country. But the Nantucket Sound islands present a different problem entirely, and the direction taken by this bill reflects a novel approach to their distinctiveness.

It is from the many hundreds of letters I have received, from the extensive commentary in island newspapers, and from the comments of concerned citizens at public meetings that I have drawn these two conclusions and shaped this legislation. As the Congress considers it, I am sure the bill and its concepts will be refined and reshaped even further. When the committees of the Congress hold their hearings on the bill, some of which will take place out on the islands themselves, I am confident that the voices and recommendations of those most concerned with preservation and conservation will be heard and carefully weighed, and will have strong influence on the members of the committees. This was the experience with the Cape Cod National Seashore, and will unquestionably be the case with this bill. I am confident, furthermore, that what may now be active opposition to this proposal on the part of many individuals will, over time, become active support. This, too, has a precedent on Cape Cod, as has been often reported in the islands' newspapers. For example, the president of the Nickerson Lumber Co. on Cape Cod, Mr. Joshua Nickerson, told the Nantucket Rotary Club in January that he was originally one of the many Cape Codders who strongly opposed that Federal project. Now, however, Mr. Nickerson and many of his fellow Cape residents have, after seeing the seashore in operation, come to accept and to actively support it.

This experience—where distrust and opposition has become acceptance and support—has been repeated all across the country; and it can be the case with the Nantucket Sound Islands Trust as well.

In the remarks which follow, I have discussed why the islands are unique, why the need for preservation and conservation action is so acute right now, and finally, how this legislation is designed to carry out this action.

THE UNIQUE NANTUCKET SOUND ISLANDS

A large number of studies down through the years have pinpointed just how serious are the conservative problems which confront islands, and have detailed how strongly concerted action is necessary if they are to be preserved.

The first modern and comprehensive survey of islands was completed in 1934 by the National Park Service of the Department of the Interior, which identified undeveloped ocean shorelines in the United States, with high recreation value, for State or Federal acquisition. Little was done on the basis of these recommendations, however, or on a fellow-up survey completed during the 1950's. The principal reasons for the lack of action were the scarcity of Federal funds and the absence of development pressures.

In 1962, the Outdoor Recreation Resources Review Commission submitted a massive study to President Kennedy and to the Congress. That Commission, chaired by Laurence Rockefeller, recombe taken by Federal, State, and local mended that "immediate action should governments to acquire additional beach and shoreline areas." The Commission reasoned:

> Historically, the shoreline has been relatively neglected by the Nation as a public resource. It has been left for acquisition and use by whoever wanted it . . . The central problem is to secure adequate access to shorelines for public recreation.

In 1968, the President's Council on Recreation and Natural Beauty, with Laurence Rockefeller and Vice President Hubert Humphrey as chairmen, submitted a report to President Johnson entitled "From Sea to Shining Sea." That report stated in part:

> Unfortunately, opportunities to know and enjoy shorelines and islands are steadily diminishing. Natural shorelines increasingly are being fenced, bulldozed, paved, and built upon. Increasingly, scenic stretches of tidelines, beaches, dunes and seacliffs are covered with shacks and chalets, hamburger emporiums and parking lots, highways and billboards, powerplants and even oil derricks. It is time to proclaim the principle that . . . ocean and lake shorelines with high-quality scenic and recreation values are natural resources to be conserved and not destroyed.

In 1969, the National Commission on Marine Science, Engineering and Resources, of which Julius A. Stratton was president, published its report, which states in part:

> Outdoor recreation increasingly is becoming a massive rush to the water . . . Nearly everyone wants to get in or on the water. Marine recreation, including activities on the seashore and in the adjoining water, has become big business and is certain to grow rapidly in the future. Therefore, preservation and development of seashore lands for recreational purposes are matters of National interest and concern.
>
> Steps short of acquisition should be used to the extent feasible, but, when necessary to control coastal use, land should be acquired.

In 1970, the Department of the Interior published a report entitled "Islands of America." Its summary says in part:

> Islands are fragile resources, vulnerable both to destructive natural forces and to the inconsiderate actions of man. The purposes of this report are to alert the Nation to the presence and importance of its islands, to identify conservation opportunities for the various levels of government and the private sector, and to propose a national program for island conservation.

The national program recommended by this 1970 report is a National System of Island Trusts. The legislation I am introducing draws on the recommendations for a National System of Island Trusts, but is more closely tailored to the distinctive needs of the Nantucket Sound islands.

Interestingly enough, this 1970 report did recommend that Martha's Vineyard, Nantucket, and the Elizabeth Islands be studied "for possible National Seashore, National Island Trust, or other protective status." Its reasoning was straightforward and logical:

> These island groups appear to be of a national significance that would warrant some type of Federal action for their protection. Further investigation is required, however, to determine the status that would best protect and enhance their unique values.

This is a conclusion not made superficially. The Bureau of Outdoor Recreation, which conducted the 2-year study for the Department of the Interior, surveyed during the study over 26,000 U.S. islands, compiling extensive resource and ownership data on them. On the basis of this expertise, it found the Nantucket Sound islands deserving of early and forthright Federal action.

The islands covered by the legislation I am introducing include: Monomoy Island, Nantucket Island, Smith's—or Esther—Island, Tuckernuck Island, Muskeget Island, Martha's Vineyard Island, Noman's Land Island, and the Elizabeth Islands.

They lie south of Cape Cod, and total about 110,000 acres overall. The resident population in 1970 totalled 10,088. This year-round population increases to about 56,500 in the summer months, with the addition of summer residents. The short-stay and day-trip visitors totalled about 375,000 in 1970—and it is this annual surge of visitors which greatly intensifies the island's problems.

The islands as they appear geologically today are the product of the great Ice Age glaciers. The beaches, the moraines, the outwash plains, the kettle-bottom ponds, the run-off ponds—these are all products of the glaciers which millions of years ago advanced and retreated over southeastern New England.

The noted geologist G. F. Wright said of the islands:

> In the hills of Nantucket and Martha's Vineyard, we have one of the most remarkable true terminal moraines anywhere to be found in the world.

Another geologist, B. B. Chamberlain, says:

> In its [Martha's Vineyard] past we can read the pasts of Cape Cod and Nantucket; and its clear history reflects the hidden history of New England, indeed, that of the entire eastern seaboard, during the past million centuries.

And the Gay Head Cliffs, on Martha's Vineyard, were designated a national landmark in 1966 because of their geological significance.

The islands are unique in other ways relating to their physical features. On Naushon Island grows the only proven oak and beech forest surviving in New England. In the town of West Tisbury, on Martha's Vineyard, every type of wild flower found in Massachusetts grows wild. It has been said that Nantucket has a larger assortment of plant life than any other U.S. locality. The salt marshes of the islands are among the most unspoiled of any along the entire eastern coastline.

Others than naturalists have recognized the distinctiveness of the islands. In Moby Dick, Melville said of Nantucket:

> Take out your map and look at it. See what a real corner of the world it occupies; how it stands there, away off shore, more lonely than the Eddystone Lighthouse. Look at it—a mere hillock, and elbow of sand; all beach, without a background.

Further along in his classic novel, Melville discusses the whaling activity which in the mid-19th century made Nantucket the whaling capital of the world:

> They pushed off in boats . . . launching a navy of great ships on the sea, explored this watery world; put an incessant belt of circumnavigations round it. And thus have these Nantucketers overrun and conquered the watery world like so many Alexanders; parcelling out among them the Atlantic, Pacific and Indian Oceans. Two thirds of this terraqueous globe are the Nantucketer's. For the sea is his; he owns it.

This affinity of the islands, down through history, with the world's oceans is reflected in much of the architecture. The early 19th century houses of the shipowners, the ship captains, and the more prosperous of the ship's crews still stand, much as they stood then, in the towns of Nantucket and Edgartown. There were no pressures brought on by the industrial revolution to raze them, as there were in so many of our other early settlements, for factories or commerce. Unspoiled, they offer a rare and living picture of what life in seacoast towns was like a century and a half ago.

There is, then, much about the Nantucket Sound islands which makes them distinctive—not only because they are islands, but because even among islands their geology, their architecture, their history, and their current life style sets them apart and makes them worthy of a concerted preservation and conservation drive.

THE IMMEDIATE NEED FOR ACTION

I have become convinced that without an immediate and carefully planned preservation and conservation program, all that is unique about the Nantucket Sound islands will very soon be irretrievably lost. The ravages of unplanned, uncontrolled development are well known to all of us who live in today's metropolitan America—jammed highways, polluted waters, despoiled countrysides, and natural beauty forever destroyed.

Today, Nantucket and Martha's Vineyard stand on the brink. If unchecked development continues its current course, then there will be no turning back, and the generations which follow us will find these offshore islands, in the years to come, little different from today's sprawling suburbs.

But action, today, can freeze the current disastrous course of development and then redirect it along planned, sensible avenues which protect all that so badly needs protection—yet at the same time, offer elbow room for reasonable growth.

The fears for the future of the islands, held by so many concerned citizens, are based on factual analysis and projections, not on hypothetical or irrational suppositions. Two extensive and professional specific studies have recently been completed, which give stark illumination to these fears. The first was carried out by the Urban Design Group of Newport, R.I., for the planning board of the town of Nantucket, and submitted in July 1970. The second was carried out over 2 years by Metcalf & Eddy of Boston, Mass., for the Planning and Economic Development Commission of Dukes County—Martha's Vineyard and the Elizabeth Islands—and submitted in October 1971.

These reports make clear beyond any doubt the nature and magnitude of the current threats to the islands.

On its final page, the Metcalf & Eddy report sets out this challenge to the people of the islands:

> Can you be the exception and protect the rural environment of your county from the ravages caused by unrestricted development or will your failure to act decisively and rapidly result in the indeterminate destruction of natural resources as has happened elsewhere? [Martha's Vineyard] and Nantucket are the last bastions of hope for warm water islands lying off the Eastern Coastline of the United States.

In its summary, the same report says:

> By 1990 the County, particularly the Vineyard, could have destroyed its rural environment at economic disadvantage to itself and the developers will move on to the next unspoiled area.

The next 5 years are critical.

The urban design group report, speaking of Nantucket, says:

> The availability of Nantucket's present historic and scenic assets is a direct consequence of *lack of demand* and therefore low levels of consumption of these resources over the past century. However, a "peaking" of demand has been evidenced during the past decade and, barring the occurrence of any major natural, economic or political disasters, can be expected to experience a similar "peaking" in the next decade. Undoubtedly, the period 1960 to 1980 will be as significant as any point in the Island's previous history.

The present precarious status of the islands has been recognized by other than these planning professionals. The New York Times editorialized in October that:

> Of the Atlantic Islands, perhaps the most desperately in need of protection . . . is Martha's Vineyard . . . , now teetering on the edge of uncontrolled speculative explosion that could destroy in a decade the delicate balance between man and nature that has evolved there in the course of three centuries.

The Nantucket Inquirer and Mirror, that island's weekly newspaper, editorialized in November with the same notes of urgency:

> It's time we moved. The island we have all loved is slipping, slipping, slipping, away from us while we mumble and grumble and sit on our hands. Let's get on our feet and do something about it. Our island lands have never needed protection as much as they do now, and for some of them tomorrow will be too late.

Urgency, then, is the theme struck by all those familiar with these unique islands lying off the coast of Cape Cod. It is the same note struck in 1958 and 1959 and 1960 by those familiar with the Cape Cod outer beaches—now protected by the Cape Cod National Seashore.

We cannot delay in acting on the Nantucket Sound islands, for if we do we have failed.

WHAT THE LEGISLATION DOES

Central to the concept of the Nantucket Sound Islands Trust is local guidance and control of the preservation and conservation purposes of the trust. Corollary to this central concept is another: that local efforts, if they are to succeed, need augmentation from the Federal Government.

The instrument for combining this essential element of local control with the experience and resources of the Federal Government is the Nantucket Sound Islands Trust Commission. This new Commission, created by this legislation, will have 21 members appointed by the Secretary of the Interior, and each will serve 3-year terms.

The Commission's membership will be broadly representative of the interests in and responsibilities for the Islands, and is determined as follows:

One State member, who will be chosen from among recommendations made by the Governor of Massachusetts;

Three county members, one to represent each of the counties of Barnstable, Nantucket, and Dukes. These members will be chosen from among recommendations made by the county commissioners of each of the counties;

Eleven town members. Four will represent the town of Nantucket, and seven—one from each town—will represent the towns of West Tisbury, Edgartown, Oak Bluffs, Tisbury, Gay Head, Chilmark, and Gosnold. These members will be chosen from among recommendations made by the board of selectmen of each town;

One Federal department member, chosen by the Secretary of the Interior;

One Federal agency member, designated by the Administrator of the Environmental Protection Agency;

Four private members, to represent the conservation and preservation groups on the islands. These members shall be chosen from among recommendations made by the U.S. Senators and the U.S. Representatives from Massachusetts.

This 21-member Commission is the basic policy-setting group for the trust. The Secretary of the Interior must consult with it on all matters relating to the trust, and the Commission's members must vote to approve various land-use regulations before they can be put into effect. All members—except the one State and two Federal members—must be either voting residents, or tax-paying residents for at least 5 years, of lands in the trust area, in order to qualify for membership on the Commission.

This is a true partnership, one designed to bring to bear all available resources on the pressing problem of the Island's future. The very existence of the Commission, and the fact that 18 of the 21 members are from the islands, acknowledges beyond doubt the primacy of local knowledge and control. But the presence, on the Commission, of Federal and State members acknowledge the Federal and State interests in the islands, and their representation insures that the public interest, in the broadest sense of that phrase, will be fully served in the trust's administration.

This legislation seeks to give force and effect to the delicate balances between the different uses of land on the islands—present uses as well as future uses.

It achieves this by establishing four separate general land use classifications:

Lands forever wild. These are the lands so noteworthy from a scenic, historic, conservation or other viewpoint that they should be preserved in a natural or wild state forever, without any improvements at all on them. Many of these lands are aegis of private conservation groups or town or State preserves. Many, however, are not so protected, and they should be.

Scenic preservation lands. These are lands presently developed, primarily for residential purposes, which should be frozen in their current state of development. These areas give the islands much of their unique character, and they should be made exempt from the pressures for large-scale subdivisions which are presently being felt.

County planned lands. These are lands for which the appropriate county should have the responsibility for planning and zoning controls. There must be room for growth on the islands, but the growth must not be uncontrolled and haphazard. Thus, in these lands, the county commissioners will set the patterns under which the growth will take place.

Town planned lands. This classification is similar to that for county planned lands, except that the board of selectmen of each town, as appropriate, will set the patterns instead of the county commissioners doing so.

In this legislation all of the lands and water areas of the islands to be included in the trust are assigned to one or another of the classifications.

The boundary lines of each of the classifications, as outlined in this bill, are not intended to be final or dispositive. They are, instead, intended to be illustrative. I hope they stimulate a careful and reasoned discussion, of all the parties in interest, and thus provide a useful framework for the further investigation which is necessary before the exact legal description of the boundary lines is made final.

Without question, when the committees of the Congress consider this legislation, and visit the islands, they will make changes in how the classifications apply to specific property areas. Furthermore, I am sure that even before this, local groups with both expertise and interest will suggest constructive changes; I certainly count on their doing so.

Let me reemphasize—the boundary lines specified in this bill are not intended to be final; they are intended to be a basis for further refinement. In many instances, for example, the boundary lines between the areas are not specified by metes and bounds; instead, they are specified by roads and other prominent features on standard reference maps. This makes them more easily identified than if the more precise legal definitions were used.

It might be helpful if I discussed the classifications, in a general fashion, as they are related to specific areas.

Monomoy Island is now a national wildlife refuge, administered by the Department of the Interior. It would be included in the trust, and the Secretary of the Interior would be given specific authority to make arrangements with private conservation or preservation groups to administer the refuge.

Noman's Land Island is now under the administrative jurisdiction of the Department of the Interior, but is leased to the Department of the Navy for use as a bombing range, which in turn makes it available to private military armaments suppliers for gunnery and bombing practice. It is off limits to visitors, because of the dangers of both the bombing itself and of unexploded ordnance. This legislation would establish Noman's Land as a national wildlife refuge, thus eliminating its use as a bombing range. Furthermore, it would direct the Department of Defense and the Department of the Interior to make the island safe for public access within 12 months. This is a step long overdue, and a critical one.

The islands in the Elizabeth Islands chain are treated differently, as befits their different characteristics. Pasque Island, Penikese Island, and the Weepeckets are classified as forever wild, recognizing their lack of present development and the desirability of keeping them that way. Naushon, Nashawena, and Nonamesset Islands are classified as scenic preservation lands, recognizing their current state of residential development and the value of keeping them safe from the pressures of further development. These are the islands closest to the mainland—with the exception of Monomoy Island—and thus among the most fragile. They are, however, owned and administered by a unique family trust; and if, after an examination of the trust, the Secretary of the Interior is assured that the administration of them will continue to be farsighted and in the public interest, then he may waive zoning and planning requirements. Cuttyhunk Island, which contains the town of Gosnold, is to be divided between forever wild and town planned lands. The Secretary of the Interior is to publish the division after extensive consultation with the officials and residents of the island.

Tuckernuck, Muskeget, and Smiths—or Esther—Islands are classified as scenic preservation lands. All three islands now have on them some small amount of residential development, but this development, is not so extensive as to damage their value for preservation and conservation. In the case of Tuckernuck and Muskeget Islands, the Secretary of the Interior may, however, classify parts of them as forever wild if the public interest so demands.

The islands of Nantucket and Martha's Vineyard are treated similarly. The towns are given responsibility for planning and zoning for growth in the already built-up areas, and in lands immediately surrounding these built-up areas. If the towns carry out this responsibility with imagination and care, then there is ample room for growth in these areas without damage to the fabric of the islands.

On Martha's Vineyard, the county is given responsibilities similar to the towns for areas lying outside those already built up. On Nantucket, the county and town governments are coterminus, and it is thus unnecessary to assign this task to the county as well as the town.

On both islands, the remaining lands are divided between the forever wild and scenic preservation classifications.

In lands classified forever wild, owners of any improvements now on the lands retain a 25 year right of use and occupancy of the improvements. Thereafter, the improvements are to be moved elsewhere on the island or demolished, depending on their state of repair. All forever wild lands will have free and open access, under regulations and conditions developed by the Commission and the Secretary.

In lands classified scenic preservation, there is to be no further construction or improvements beyond that which currently exists. This will prevent subdivisions and continued haphazard growth patterns; and it will help markedly to preserve the unique character of these lands. Owners of improvements on scenic preservation lands, may sell, lease, or bequeath the improvements and lands, and may carry out reasonable replacements, repairs, and extensions, all subject to regulations and conditions developed by the Commission.

These four classifications are flexible and realistic. They offer the means to preserve what needs preservation, and the room to grow within limits set by the local governments themselves. They may appear to work hardships on a very few people, but upon close examination these hardships will prove to be more apparent than real. No one will suffer an economic loss; wherever the incidents of ownership are diminished, fair market value will be paid for this diminution. And the net result will be a guarantee that the islands themselves, in an overall sense, will not be diminished beyond repair.

This bill has a new and novel feature, one intended to reduce significantly the amount of land which would have to be purchased by eminent domain for preservation and conservation purposes. In general, the bill's approach minimizes public purchases by establishing the four classifications of land, freezing further development in the forever wild classification while leaving to town and county officials the planning and zoning controls in the other classifications.

But beyond this general approach is a specific feature designed to recognize special features of the Islands. One of these features is the aggressive and careful preservation and conservation work of local, private organizations and associations. On Nantucket, they are principally, the Nantucket Conservation Foundation; the Nantucket Ornithological Association; the Nantucket Historical Association; the Nantucket Foundation; and the Nantucket Historical Trust. On Martha's Vineyard, they are the Trustees of Reservations, the Sheriff's Meadow Foundation, the Vineyard Conservation Society, and the Massachusetts Audobon Society. There are other groups as well, all similiarly composed of dedicated, hard-working individuals.

Since the work these groups have already done to encourage preservation and conservation is so significant, and because their future plans are so carefully tailored to realistic appraisals of the Islands' real needs, this bill provides a mechanism for greatly amplifying their impact. It does so by exempting from public purchase any lands either actually donated, or irrevocably committed for donation, to one of the organizations or associations, within 2 years after passage of this bill. This concept has historical precedent in Massachusetts. In 1961, for example, the Massachusetts Commissioner of Natural Resources was authorized to acquire 1,000 acres of marsh along the Sudbury River in Concord and Lexington, known to all school children as the place where "the shots heard 'round the world" were fired. But the commissioner was prohibited from purchasing any lands for 1 year, or thereafter, if the landowners had executed restrictive agreements with local private conservation trusts preserving the land in its natural state.

Let me give an illustration. If a particular section of shoreline, or a promontory, or notable dune area, or an upland tract, is classified a forever wild, and then designated for public purchase through eminent domain proceedings, the owner or owners have 2 years to decide whether to donate the particular parcel to a private conservation group, or whether to let the public purchase take place. Many individuals, who share the view that fragile areas particularly susceptible to the pressures of subdivision development should be preserved, would prefer to see the vehicle for this preservation be a local private group than the Federal, State, or local government. Others would prefer the government. But this bill, instead of forcing one option or the other, encourages flexibility and individual decision.

This emphasis upon individual decision echoes and mirrors the local government initiative in the town and county planned lands. It is the combination of these two features which makes this bill a novel and innovative approach to preservation and conservation—a partnership not only between the Federal, State, and local governments, but also between governments and private citizens and groups.

Particular attention is focused upon the islands' beaches. They are all without exception, classified as forever wild. Beach areas are defined as the dry sand areas lying between the line of mean high tide and the visible line of upland vegetation. In most areas, this is not a difficult demarcation to make; in troublesome areas, the demarcation will be made by the Secretary and the Commission.

Massachusetts is one of the few States in the Nation in which ownership extends to the line of mean low tide. This feature of ownership of seashore land in Massachusetts is a result of English common law, statute, and judicial decision. But it is not a complete ownership—there has long been an accepted public right of passage between the lines of mean high and low tide—the area known as the foreshore. This right of public passage and access across beaches is an important, if little known, feature of the laws and customs of Massachusetts.

All forever wild areas will have open access; they will not be closed off. This does not mean, however—and this is an important consideration—that lands upland of beaches will necessarily have the same open access. Scenic preservation lands, for example, do not have open access; they remain, in effect, private property. But the beaches themselves will be open, whether in private, public, or foundation ownership.

It is interesting, in this connection, to review the case of State ex rel. Thornton versus Hay, decided in 1969 by the Supreme Court of the State of Oregon. In that case, the Oregon Attorney General filed suit for an injunction against operators of a tourist facility who constructed fences in the dry sand area between their facility and the ocean. The Oregon Supreme Court upheld the injunction issued by the lower court against construction or maintenance of the fences.

In the course of its decision, the unanimous court said:

> Until very recently, no question concerning the right of the public to enjoy the dry-sand area appears to have been brought before the courts of this State. The public's assumption that the dry sand as well as the foreshore was "public property" had been reinforced by early judicial decisions . . . Recently, however, the scarcity of oceanfront building sites has attracted substantial private investments in resort facilities. Resort owners, like these defendants, now desire to reserve for their paying guests the recreational advantages that accrue to the dry-sand portions of their property.

The court reasoned that a long history of public access to all dry-sand areas granted a continuing right of access to these areas, unobstructed by fences or other restrictions. This decision preserves the beaches forever in their natural condition. Shortly after the decision, the Oregon State Highway Commission banned all nonessential motor vehicles from the dry-sand areas, protecting the dunes and sharply limiting erosion problems.

Erosion is a serious problem on the islands also. The bill would require the Secretary and the Corps of Engineers of the Department of the Army, to survey erosion problems on beach areas in trust lands, and to recommend and carry out erosion control programs wherever they are needed. Some areas are in need of immediate action, while others are more suited for long-range programs. Where immediate erosion control actions are necessary, the programs are to be instituted without delay.

Because a right of public passage along beaches is quite different from public access across the uplands, the bill makes provision for the Secretary and the commission to establish public access to beaches at certain points along the seashore. There are already a number of public beaches, with open access to them, on both Martha's Vineyard and Nantucket. This does not envision a major increase in the number of these public beaches. But it does provide the Secretary with sufficient funds to help to provide adequate facilities at these beaches, and with funds to acquire sufficient property in and around either existing beaches or newly designated ones, to insure their development in a character consistent with the surroundings.

One of the most thorny of all problems confronting the islands in the next decades is that of transportation—both from the mainland to the islands, and then on the islands themselves.

Currently, the bulk of traffic to and from the islands is carried on the ships of the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority, a public instrumentality created by the Massachusetts Legislature. The following table gives some idea of the magnitude of the traffic the authority carries:

Traffic	1968	1969	Percent change
Passengers	792,648	835,410	+5.4
Cars	143,380	156,171	+8.9
Freight (tons)	60,918	67,443	+10.7
Trucks	18,056	19,537	+8.2

Nearly one-third of the passengers traveled in the 2 months of July and August, and over half in the 4 months June through September. More than one-third of all passengers traveled on 1-day excursion rates. The figures are similar for automobiles except that 1-day excursions for automobiles constitute a far smaller percentage of the total than do 1-day passenger only excursions.

It is readily apparent that if this rate of growth continues over any extended period, the character of the islands will be seriously altered. Restricting the number of passengers carried by the public authority or by publicly chartered airlines is a difficult issue. It is strongly repugnant to the American system to limit freedom of travel, and it has long been so. But the Department of the Interior has found it increasingly necessary to limit access to national parks, where overcrowding has reached, in some areas, epidemic proportions. As Stewart Udall, former Secretary of the Interior, put it in a current article:

> [Recently] the Park Service recognized that it had erred by promoting "crowdsmanship" and judging its performance by the sheer numbers of visitors that could be crammed into the most popular parks. Parks are for people, but if we make crowds and the number of people served our central goal—and attain that goal with more roads, more motorized vehicles and more service facilities—the parks will surely wither. The quiet reversal of these misguided policies . . . means the rationing of visitor uses . . .

A good case can thus be made that, upon enactment of this bill with its recognition of the national interest in preserving the islands' unique characteristics, access to the islands should be limited to reasonable numbers. In the bill, the Secretary is directed to give this issue serious consideration and to make recommendations in a short time for meeting it.

The other side of this issue relates to the overcrowding and overloading of the roads and highways on the islands themselves. For the most part, the streets are narrow and the patterns winding; there is, consequently, little room to absorb the sharply rising number of automobiles now on the islands. Public transportation systems of some type may be the best solution to this difficulty. A growing minority of residents believes that the number of automobiles themselves allowed onto the islands should be reduced. But because there are no ready answers, the Secretary is directed to survey this aspect of the problem, as he is the other, and to recommend solutions.

To prevent the uncontrolled land speculation which inevitably occurs when an undertaking such as this is under consideration by Congress, a freeze on all building is an inherent and vital part of this bill. But the freeze must be formulated in such a way as not to work an economic hardship on those who can least afford a freeze on their livelihood—the workingmen of the islands.

Consequently, the bill directs that after April 11, 1972, no building or construction of new improvements of any kind is permitted on forever-wild lands. If construction of new improvements is begun after this date, it is the intent of the bill that any time after its enactment, the Secretary and the Commission may require removal of the improvements at the owner's expense.

Construction of new improvements after this date is permitted, however, on scenic preservation, town, or county planned lands, but only after demonstration of the need for the improvements to the County Planning Commission, Planning Boards, or Boards of Selectmen, as the case may be.

This freeze extends to all new construction of any kind. It will prove no burden, however, for needed public projects such as schools or hospitals—the need for which is self-evident and the approval for which would be readily forthcoming from the appropriate governing body. The importance of this section of the bill is that it will shift the burden of proof to those seeking to build, where it belongs, instead of placing it upon those who seek to limit unchecked building, construction, and subdivision.

All construction actually underway or contracted for on April 11, 1972, however, may be completed without appearance before an approval board. In situations in which permission to build or develop is denied, the Secretary and the Commission will be authorized to compensate those to whom such permission has been denied in an amount equal to the value of the development rights in the property in question, plus a reasonable amount for interest to the time of final enactment of this legislation.

Furthermore, where it can be shown that an individual's livelihood has been seriously jeopardized, as in the case of the small island builder who may no longer have an opportunity to construct sufficient new homes to maintain his business, the Secretary and the Commission are to provide financial assistance and training for reemployment in an allied or similar trade on the island in question. Such obligation shall extend for a period of 4 years.

This last proposal insures economic protection for those who have the most to lose, while at the same time providing a concrete incentive for both the Commission and for the islands' populations to develop specific alternatives to an economy which is presently heavily based upon construction and constant expansion.

Passage of this bill is designed to enhance the preservation and conservation of the islands. To do so will necessarily constrict the extent of construction which has grown at such an alarming pace in the past few years. It will, also, constrict the number of jobs in the construction trades. But there are other employment opportunities on the islands which are presently untapped, opportunities which hold high promise for the future. One of these is aquaculture—fish and shellfish farming. The Japanese have made enormous strides in this field, and we in this country are just beginning to recognize their advances. Oysters are now farmed in the Chesapeake Bay; experimental lobster farming is being studied in Maine. There is a State lobster hatchery on Martha's Vineyard, and this hatchery could well become the nucleus of a large industry.

Another new industry could be viticulture—the cultivation of grapes grown for wine. An experimental vineyard is well underway on Martha's Vineyard and the early results are very encouraging.

The bill directs the Secretary, working where appropriate with the Secretary of Labor, to examine and develop programs of this type, and of others as well, to insure the long-range viability of the islands' economies.

In sum, this bill is a balanced, logical approach to a solution of the dilemma confronting the Nantucket Sound Islands. This dilemma is complex and compound. Its complexity rises out of the delicate balance so necessary between the national interest in the islands' preservation and the essential ingredient of local guidance and control. Its compound nature arises from the critical nature of timing; simply stated, we do not have the luxury of months and months and years and years to consider and act upon a set of gradual steps.

CONCLUSION

This bill I am introducing today is not a panacea to the preservation and conservation crisis confronting the Nantucket Sound Islands. It is instead a working document, a stimulus, a prod.

There is no one in any quarter who suggests that the islands should become a museum, preserved forever in a state of suspended animation. The islands are changing daily and will change continuously every day in the future. The challenge is to devise and establish a framework in which this change can occur without tearing the essential fabric which makes them so unique and so demanding of national attention.

The principal elected officials whose constituencies include the islands have recognized the need for action. In January of this year Senator EDWARD BROOKE, Congressman HASTINGS KEITH, Massachusetts Gov. Francis Sargent, and I sent a joint letter to Mr. George B. Hartzog, Jr., Director of the National Park Service. In that letter, we requested the assistance of the National Park Service in providing study data and recommendations on the alternate methods of assisting the islanders in preserving the character of the Nantucket Sound Islands. We have now received a reply, which I will ask to be printed in the RECORD at the conclusion of my remarks for reference purposes.

The Park Service recommends, in effect, that local initiatives be implemented to safeguard the islands from discordant development. This suggestion ignores the fact that it is precisely because of local interest and concern that the request to the Park Service was initiated. The islanders have long recognized the need for planning and cooperation to determine the best method of maintaining the historic and esthetic character of their islands. Residents of the Cape Cod Islands have pressed their elected officials for assistance in coordinating a program to protect the islands from rampant overdevelopment.

But we simply must do more than plan. We must act. And action, in this context, requires legislation, which is why I am introducing this bill today. Each day that goes by brings more and more building permit applications; each week brings the filing of more subdivision plans; and each month brings more and more off-island developers to Martha's Vineyard and Nantucket. It is my hope that this bill will be the basis for the serious and far-reaching discussions which must take place if action is to be the watchword.

And if action is not the watchword, then the preservation and conservation efforts, directed at all that is unique about the islands, will be no more than a historical footnote.

Mr. President, I ask unanimous consent that the text of the letter from the National Park Service, and the text of the bill I am introducing today, be printed at this point in the RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 23, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in reply to your letter signed by you, Senator Edward W. Brooke, Representative Hastings Keith, and Governor Francis W. Sargent requesting study data and recommendations on alternative methods of assisting the islanders in preserving the character of the Cape Cod Islands.

The National Park Service is indeed interested in the future of these islands and plans to begin a study of the Atlantic Coastal natural region during this fiscal year. Nantucket and Martha's Vineyard, and their satellite islands, would be included. This study is one of a series of natural region studies which serve as a basic reference in determining the significance of various types of natural areas. The study will also nominate those natural areas which are nationally significant and potentially eligible for inclusion in the National Registry of Natural Landmarks. Gay Head Cliffs, on the western tip of Martha's Vineyard, is already so designated. The natural landmark program is explained in the enclosed leaflet. Included also will be recommendations concerning those significant sites in the Atlantic Coastal Plain wihch warrant further study by the Service for possible inclusion in the National Park System.

Historic theme studies conducted in the past have already resulted in national historic landmark designations for the Coffin House on Nantucket Island and the Nantucket Historic District.

Upon completion of the earlier mentioned theme study, and should the results of that study so warrant, we would be pleased to program a further study to suggest alternatives for the preservation of the nationally significant natural and historical sites and any associated recreational and cultural resources.

We share your concern for the Cape Cod Islands and would hope, lest these resources and opportunities be lost prior to the time that we might make definitive recommendations to you concerning possible additions to the National Park System, that local initiatives to include land use planning and zoning might be implemented to safeguard the islands for discordant development and use.

Similar replies are being sent to the Honorable Edward W. Brooke, United States Senate, the Honorable Hastings Keith, House of Representatives, and the Honorable Francis W. Sargent, Governor of Massachusetts.

Sincerely yours,
STANLEY W. HULETT,
Associate Director.

S. 3485

STATEMENT OF POLICY

SECTION 1. The Congress finds that the Nantucket Sound Islands in the Commonwealth of Massachusetts, known generally as the islands of Monomoy, Nantucket, Tuckernuck, Muskeget, Martha's Vineyard, Noman's Land, and the group of islands known collectively as the Elizabeth Islands, possess unique scenic, ecological, scientific, historic, recreational, and other values contributing to public enjoyment, inspiration, and scientific study. The Congress further finds that it is in the best interests of the citizens of the United States for the United States to take action to preserve and conserve such values for the enjoyment of present and future generations, to preserve and conserve the natural ecological environment and improve the recreational potential of the area, and to encourage maximum complementary action by State and local governments and private individuals, groups, organizations, and associations.

NANTUCKET SOUND ISLANDS TRUST

SEC. 2. In order to provide for preservation and conservation of the scenic, ecological, scientific, historical, and other values contributing to public enjoyment and recreation uses of the Nantucket Sound Islands, consistent with the well-being of present and future residents of the Islands, there is hereby established the Nantucket Sound Islands Trust (hereinafter referred to as the "Trust"). The area comprising such Trust shall be as described hereinafter. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the Trust from time to time with a view to carrying out the purposes of this Act, with the approval of a majority of the Islands Trust Commission, as established and described in Section 3 of this Act and hereinafter referred to as the "Commission".

NANTUCKET SOUND ISLANDS TRUST COMMISSION

SEC. 3. (a) There is hereby established the Nantucket Sound Islands Trust Commission.

(b) Such Commission shall be composed of members appointed for a term of three years by the Secretary as follows:

(1) a member appointed to represent the Commonwealth of Massachusetts. Such appointments shall be made from recommendations of the Governor of the Commonwealth of Massachusetts;

(2) a member appointed to represent each of the counties of Barnstable, Nantucket and Dukes in said Commonwealth. Such appointments shall be made from recommendations of the governing body of such counties;

(3) a member appointed to represent each of the towns in said county of Dukes, and four from the town in said county of Nantucket. Such appointments shall be made from recommendations of the Boards of Selectmen of such towns;

(4) a member to be designated by the Secretary;

(5) a member to be designated by the Administrator of the Environmental Protection Agency or such other Federal agency which assumes the responsibility for the protection of the environment by change of law

or by Executive Order, unless that agency is under the administrative jurisdiction of the Secretary; and

(6) four members appointed to represent private nonprofit preservation or conservation groups or associations active in the Nantucket Sound Islands. Such appointments shall be made from recommendations of the Members of the Senate and the House of Representatives of the United States from the Commonwealth of Massachusetts.

(c) The Chairman of the Commission shall be elected by the membership thereafter for a term of not to exceed eighteen months. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. All members of the Commission except those appointed under paragraphs (4) and (5) of subsection (b) of this section shall be either voting residents of Trust lands, or taxpaying residents of such lands for at least five years.

(d) All members of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on the presentation of vouchers signed by the Chairman.

(e) The Secretary or his delegate shall consult regularly with the Commission with respect to all matters relating to the Trust, and with respect to carrying out the provisions of this Act, including but not limited to matters relating to the acquisition of lands, the issuance of regulations specifying standards for zoning ordinances, and the administration of the Trust.

(f) The Commission shall make available to the Secretary and to the public an annual report reviewing matters relating to the Trust, including acquisition of lands, zoning standards policies, and administration, and shall make recommendations thereto.

TRUST BOUNDARIES

SEC. 4. The boundaries of the Trust shall encompass the following lands in the Commonwealth of Massachusetts:

(a) Monomoy Island;

(b) Nantucket Island, and the island to westward called variously Smith's Island or Esther Island;

(c) Tuckernuck Island;

(d) Muskeget Island;

(e) Martha's Vineyard Island, and various islands appurtenant to it;

(f) Noman's Land Island; and

(g) The Elizabeth Islands, including the islands of Cuttyhunk, Nonamesset, Naushon, Pasque, Nashawena, Penikese, and the Weepeckets.

CLASSIFICATION OF TRUST LANDS

SEC. 5. (a) Lands within the boundaries of the Trust shall be assigned to one of the classifications listed in subsection (b) of this section. Upon the date of enactment of this Act, such lands shall be classified as delineated in Section 6 herein: *Provided*, That the Secretary may alter the assignments within ninety days after such enactment upon recommendations therefor by a majority of the Commission.

(b) Classifications of Trust lands;

(1) Class A: Lands Forever Wild. Lands so designated shall remain forever free of development or improvements, as defined hereinafter, of any kind. If improvements or developments exist on any lands so designated on the date of enactment of this Act, then the Secretary shall permit a right of use and occupancy to the owner or owners thereof, or their successors or assigns, for a term of no longer than twenty-five years. Access to such lands shall be free and open, subject only to regulations issued by the Commission and approved by the Secretary.

(2) Class B: Scenic Preservation Lands. Lands so designated shall not be developed beyond their present intensity of use. Owners of such lands, or of improvements thereon, or of both, on the date of enactment of this Act, may transfer, sell, assign, or demise such land or improvements, or both; such owners may not, however, cause to be constructed any additional improvements on such lands. Reasonable replacement, repair and extension shall be permitted, under regulations issued by the Commission and approved by the Secretary;

(3) Class C: County Planned Lands. Lands so designated shall remain within the jurisdiction of the County in which located for purposes of land use planning and zoning ordinances: Provided, That such planning and zoning ordinances must be approved by the Commission and the Secretary as consistent with the purposes of this Act; and

(4) Class D: Town Planned Lands. Lands so designated shall remain within the jurisdiction of the town in which located for purposes of land use planning and zoning ordinances: Provided, That such planning and zoning ordinances must be approved by the Commission and the Secretary as consistent with the purposes of this Act.

ASSIGNMENT OF TRUST LANDS

SEC. 6. Lands within the boundaries of the Trust shall be assigned to the classifications in Section 5 herein as follows:

(a) Monomoy Island. The lands and waters of Monomoy Island shall continue to be a Natonal Wildlife Refuge under the administrative jurisdiction of the Secretary. The Secretary may make such arrangements with a private non-profit organization or organizations for the administration of this National Wildlife Refuge as he deems appropriate and consistent with the purposes of this Act.

(b) Noman's Land. The lands and waters of Noman's Land are hereby established as a National Wildlife Refuge, and the Secretary is directed to prepare and execute the necessary documentation for such establishment forthwith. To make Noman's Land suitable for such establishment, and to make it safe for public access, the Secretary and the Secretary of Defense shall, within twelve months after the date of enactment of this Act, survey Noman's Land for unexploded military ordnance and render such ordnance, where ever it may be found, harmless.

(c) The Elizabeth Islands.

(i) The lands and waters of Penikese Island and the Weepeckets shall be classified as Class A lands.

(ii) The lands and waters of Naushon, Nashawena, and Nonamesset Islands shall be classified as Class B lands: Provided, That if the Secretary is satisfied that the existing legal restrictions against development on these islands are consistent with the purposes of this Act, he may waive the requirements of subsection (a) of Section 7 herein.

(iii) The lands and waters of Pasque Island shall be classified Class A lands.

(iv) The lands and waters of Cuttyhunk Island shall be classified partially Class A and partially Class D. The Secretary shall, sixty days after enactment of this Act, make such classifications consistent with the purposes of this Act and with the classifications of other Trust lands are delineated in this Section, and shall cause such classifications to be publicly available.

(d) Muskeget Island. The lands and waters of Muskeget Island shall be classified as Class B lands: Provided, That if after survey but within twelve months after the date of enactment of this Act the Secretary determines that some portion of Muskeget Island should be classified as Class A lands in the public interest, then he may so classify not to exceed one hundred acres as such Class A lands.

(e) Tuckernuck Island. The lands and waters of Tuckernuck Island shall be classified as Class B lands; Provided, That if after survey but within twelve months after the date of enactment of this Act the Secretary determines that some portion of Tuckernuck Island should be classified as Class A lands in the public interest, then he may so classify not to exceed three hundred fifty acres as such Class A lands.

(f) Smith's or Esther Island. The lands and waters of the island to westward of Nantucket Island called variously Smith's Island or Esther Island shall be classified as Class B lands.

(g) Nantucket Island. The lands and waters of Nantucket Island shall be classified as follows:

(i) Class A Lands:

(A) Great Point-Coatue:

The area circumscribed by a line

Beginning at a point on the mean low-water line of the Atlantic Ocean at a latitude of 41°20';

thence, in a northerly direction along the mean low-water line to the northernmost extremity of Great Point;

thence, proceeding in a southerly direction around such extremity, on the mean low-water line of Nantucket Sound;

thence, proceeding in a southerly and then northerly direction on the mean low water line of Nantucket Sound, around the peninsula to the south of the northernmost extremity of Great Point, and including all islands between this peninsula and the main body of Great Point;

thence, proceeding in a southeasterly direction on the mean low-water line of Nantucket Sound to the mean low-water line of Nantucket Sound near the area known as Coskata Beach;

thence, proceeding on the mean low-water line along the beach of Coatue Point, and proceeding on the mean low-water line in a southerly and easterly direction around the westernmost extremity of Coatue Point;

thence, proceeding on the mean low-water line in a southwesterly direction to the southernmost extremity of Coatue Point and around this extremity;

thence, in a generally northeasterly direction along the mean low-water line of Nantucket Harbor;

thence, along the mean low-water line of the waters known as Head of the Harbor, in a northerly, easterly and then southerly direction to a point on the mean low-water line of these waters at a latitude of 41°20';

thence, in an easterly direction along this latitude to the beginning point.

(B) Saul's Hills:

The area circumscribed by a line:

Beginning at the southernmost extremity of Sesachacha Pond;

thence in a straight line in a generally westerly direction to the intersection of the Polpis Road and its eastern meeting point with the Shimmo Road;

thence, along the western edge of Shimmo Road in a northerly, westerly and then southerly direction to its western meeting point with the Polpis Road;

thence, in a straight line in a generally southeasterly direction to the intersection of Milestone Road and Nobadeer Road;

thence, along the western edge of Nobadeer Road to its intersection with the circle described in clause (D) of paragraph (iv) of this subsection;

thence, in an easterly and southerly direction along the edge of such circle until its intersection with Old South Road;

thence, along the southern edge of Old South Road in a generally eastern direction to its intersection with New South Road;

thence, along the southern edge of New South Road in a generally southern and eastern direction to its intersection with Tom Nevers Road;

thence, in a straight line in a generally easterly direction to the southernmost extremity of Tom Nevers Pond;

thence, along the waterline of such pond in a generally easterly direction to its easternmost extremity;

thence, along a line due north to the intersection of Milestone Road, and across such road;

thence, along the northern edge of Milestone Road in a generally westerly direction approximately 1800 feet to an unimproved dirt road;

thence, along the southern edge of such dirt road in a generally northeastern direction to a point due south of the southernmost extremity of Sesachacha Pond;

thence, along a line due north to the point of beginning.

(C) Trots Hills:

The area circumscribed by a line:

Beginning at the northernmost point of the mean low water line of Madaket Harbor on Eel Point Neck;

thence, due east along a line to where it intersects Eel Point Road;

thence, along a line in a generally southeasterly direction to the intersection of Madaket Road and Warren Landing Road;

thence, along the southern edge of Madaket Road in a generally southwestern direction to the intersection of Cambridge Street;

thence, along the southern edge of Cambridge Street to a point where it meets Massasoit Bridge;

thence, in a line in a southwesterly direction along the western edge of the dirt road running along the eastern shore of Long Pond to a point where a continuation of such dirt road would intersect the mean low water line of the Atlantic Ocean;

thence, along the mean low water line in a generally southeasterly direction to longitude 70°10′;

thence, due north to the southern waterline of Hummock Pond;

thence, along the southern and western waterline of Hummock Pond in an easterly and northerly direction to John's Point;

thence, due north along a line to its intersection with the northern edge of Madaket Road;

thence, in a westerly direction along the northern edge of Madaket Road to the intersection of Madaket Road and Eel Point Road;

thence, along the northern edge of Eel Point Road in a generally northwesterly direction to longitude 70°10′;

thence, due north to the mean low water line of Nantucket Sound;

thence, in a generally westerly direction along the mean low water line of Nantucket Sound, around Eel Point, and to the point of beginning.

(ii) Class B Lands:

(A) All lands and waters on Nantucket Island which are not included in areas classified in this sub-section as Class A or Class D, shall be Class B lands or waters.

(iii) Class D Lands:

(A) Siasconset:

The area circumscribed by a line:

Beginning at the highest point on the head of the bluff immediately to the south of the Sankaty Head Lighthouse;

thence, proceeding in a straight line due west to the eastern edge of the dirt road which intersects Polpis Road;

thence, along the eastern edge of the dirt road to the Polpis Road, and across the Polpis Road and continuing along the eastern edge of such dirt road

to the point where the dirt road diverges from the western boundary of the Sankaty Golf Course;

thence, in a southerly and westerly direction along the eastern edge of this dirt road which becomes Burnell Road, and along the eastern edge of Burnell Road;

thence, proceeding in a generally southerly direction on the eastern edge of Burnell Road to the intersection of Burnell Road and the dirt road just north of the intersection of Burnell Road and Clifton Street;

thence, in a westerly direction along the southern edge of this dirt road to the first intersection with a dirt road which intersects Milestone Road;

thence, in a southerly direction along the eastern edge of such dirt road, through the intersection with Milestone Road, and then along the southern edge of such road until reaching the boundary of the Nantucket Conservation Foundation Location Number Fifteen (15) known as "the Moors and Tom Nevers Pond," and then in a southerly direction along such eastern boundary to the intersection with the dirt road which runs in a southeasterly direction and after merging with another dirt road intersects Ocean Avenue;

thence, along the eastern edge of this dirt road to the intersection of Ocean Avenue;

thence, in a straight line due south to a point on the mean low water line of the Atlantic Ocean near the Coast Guard Station known as the Loran Station;

thence, in a generally northerly direction along the mean low water line to a point due east of the beginning point;

thence, in a straight line in a westerly direction to the beginning point.

(B) Quidnet:

The area circumscribed by a line:

Beginning at a point at the intersection of the eastern edge of Squam Road and the southern edge of the first dirt road, which runs in a generally east-west direction north of the Village of Quidnet;

thence, in a southerly direction along the eastern edge of Squam Road to the northern edge of Sesachacha Pond;

thence, in a straight line in an easterly direction to the mean low water line of the Atlantic Ocean;

thence, in a northwesterly direction along the mean low water line to a point north of the village of Quidnet where the mean low water line intersects a line drawn from the beginning point through the point where the first dirt road north of the village of Quidnet which runs in a generally east/west direction ends near the Atlantic ocean;

thence, in a straight line to the southern edge of this dirt road;

thence, in a westerly direction along the southern boundary of this dirt road to the beginning point.

(C) Wauwinet:

The area circumscribed by a line:

Beginning at a point on the mean low water line of the Atlantic Ocean at a latitude of 41°20′;

thence, proceeding in a direction due east along a straight line to the mean low water line of Nantucket Harbor;

thence, in a southerly direction along the mean low water line of Nantucket Harbor to a point 2600 feet due south of latitude 41°20′;

thence, in line due east

to the mean low water line of the Atlantic Ocean;

thence, in a northerly direction along the mean low water line to the beginning point.

(D) Airport:

All land within a circle of radius 2000 feet whose center is the midpoint of the intersection of Old South Road and Macys Lane.

(E) Town of Nantucket:

The area circumscribed by a line: Beginning on the mean low water line of Nantucket Sound at a point due north of the intersection of Cliff Road and the western edge of Sherburne Turnpike;

thence, due south to the northern edge of Cliff Road;

thence, in a straight line in a generally southerly direction to the easternmost extremity of No Bottom Pond;

thence, in a straight line in a generally southerly direction to the center point of the intersection of New Milk Street, Vesper Lane, and Hummock Pond Road;

thence, in a straight line to the intersection of Bartlett Road and Atlantic Avenue;

thence, along the eastern edge of Atlantic Avenue to a point where it intersects with Fair Ground Road;

thence, along the eastern edge of Fair Ground Road approximately 3300 feet to the intersection with a dirt road;

thence, in a generally southeasterly direction along the southern edge of such dirt road until it intersects with Lovers Lane;

thence, in a straight line to the southwesternmost extremity of the circle described in clause (D) of paragraph (iv) of this subsection;

thence, along the circumference of this circle in a westerly and northerly direction to the northwesternmost point of such circle;

thence, in a straight line in a generally westerly and northerly direction to the intersection of Old South Road and Fair Ground Road;

thence, along the western edge of Old South Road to a point where it intersects with Milestone Road;

thence, in a straight line due north to a point where it intersects with the mean low water line on the shore of Nantucket Harbor;

thence, along the mean low-water line of Nantucket Harbor in a westerly and northerly direction, around Brant Point, around the point at the west jetty, to the point of beginning.

The area circumscribed by a line

Beginning at a point where the mean low water line on the South Shore intersects the longitude of 70°05;

thence, in a line, due north to a point where it intersects with the latitude of 41°15′; then along latitude 41°15′ in a westerly direction, across Surfside Road, to a point on such latitude 1000 feet west of Surfside Road;

thence, in a line due south to a point where it intersects the mean low-water of the South Shore;

thence, along the mean low-water line in an easterly direction to the point of the beginning.

(G) Madaket:

The area circumscribed by a line

Beginning at a point on the mean low-water line on the shore of Madaket Harbor where a continuation of Cambridge Street would intersect such mean low-water line;

thence, along the southern edge of Cambridge Street to a point where it meets Massasoit Bridge;

thence, in a line in a southwesterly direction along the western edge of the dirt road running along the eastern shore of Long Pond to a point where a continuation of such dirt road would intersect the mean low-water line of the Atlantic Ocean;

thence, in a line in westerly direction along the mean low-water line, around the point at Broad Crook, along the mean low-water line of Madaket Harbor to the point of beginning.

(H) Martha's Vineyard Island. The lands and waters of Martha's Vineyard Island shall be classified as follows:

(i) Class A Lands:

(A) South Shore:

The area circumscribed by a line:

Beginning at a point on the mean low-water line of the Atlantic Ocean at the easternmost extremity of the Atlantic Ocean beach of the lands known as Norton Point; thence, along the mean low-water line of the Atlantic Ocean in a westerly direction, along the southern beach of the land areas known as Norton Point, South Beach, and Scrubby Neck, to a point on the mean low-water line of the Atlantic Ocean due south of the westernmost extremity of Chilmark Pond;

thence, in a straight line due north to such westernmost extremity;

thence, in a line running along the northern waterline of Chilmark Pond to the northeastern extremity of Gilbert's Cove;

thence, in a straight line to the northernmost extremity of Queames Cove;

thence, in a straight line to the southwesternmost extremity of Black Point Pond;

thence, along the northern waterline of Black Point Pond and, further, along the northern waterline of the waterway connecting Black Point Pond and Tisbury Great Pond, to the point at which such northern waterline intersects the western waterline of Tisbury Great Pond;

thence, in a straight line running generally eastward to the westernmost point on the waterline of West Point in Edgartown Great Pond;

thence, along the southern waterline of West Point to the point on the waterline of Edgartown Great Pond nearest Crackatuxet Cove;

thence, in a straight line running due east to the point where it intersects the western waterline of Crackatuxet Cove;

thence, along the northern waterline of Crackatuxet Cove to the northern waterline of Mattakeset Herring Brook;

thence, along the northern waterline of Mattakeset Herring Brook until it reaches Mattakeset Bay;

thence, in a line along the mean low water line of Mattakeset Bay and Katama Bay in a southerly and easterly direction, along the northern beachline of Norton Point and around the eastermost extremity of Norton Point to the beginning point.

(B) Chappaquiddick:

The area circumscribed by a line:

Beginning at a point described as the westernmost extremity of Poucha Pond;

thence, in a straight line due south southwest to the mean low water line of the eastern shore of Katama Bay;

thence, along the mean low water line of Katama Bay in a generally south-easterly direction through the strait between Norton Point and Wasque Point;

thence, proceeding on the mean low water line around the southern tip of Chappaquiddick Island and along the mean low water line of the Atlantic Ocean and Nantucket Sound in a northerly direction along the eastern shore of Chippaquiddick Island to Cape Poge;

thence, along the mean low water line of Nantucket Sound around Cape Poge and continuing on the mean low water line of Nantucket Sound and the waters known as Edgartown Harbor along the beach area of the land known as Cape Poge Elbow to the point on the mean low water line of Edgartown Harbor at the southernmost extremity of Cape Poge Elbow;

thence, in a straight line due south to the mean low water line of the waters known as Edgartown Harbor on the northern shoreline of the land known as North Neck;

thence, along the mean low water line of North Neck in a northeasterly direction, around John Oliver Point;

thence, along the mean low water line of Cape Poge Bay in a southerly and easterly direction, following the contours of the land known as Tom's Neck, and along the mean low water line of the inlet to the east of the land known as Tom's Neck, to the point on the mean low water line of the western shore of this inlet where the unimproved dirt road which is a continuation of Chappaquiddick Road divides this inlet from the waters known as Poucha Pond;

thence, in a straight line due south across the strip of land which separates Poucha Pond from the inlet to the east of Tom's Neck to the point on the mean low water line of Poucha Pond which intersects this line;

thence, continuing along the mean low water line of the western shore of Poucha Pond in a westerly and southerly direction to a point on the mean low water line of Poucha Pond which is the beginning point.

(C) Gay Head:

The area circumscribed by a line: Beginning at a point on the easternmost waterline of Squibnocket Pond;

thence, in a straight line due east to where it intersects the mean low water line of the Atlantic Ocean;

thence, along the mean low water line of the Atlantic shore in a southwesterly direction, around Squibnocket Point and then in northwesterly direction, around Gay Head Cliffs;

thence, along the mean low water line of Vineyard Sound in an easterly direction, around the strait at Menemsha Inlet;

thence, along the mean low water line of the western shore of Menemsha Inlet in a southerly direction;

thence, along the mean low water line of the north shore of Menemsha Pond to where an extension of the eastern extremity of Lobsterville Road would intersect such mean low water line;

thence, along the eastern edge of Lobsterville Road in a northerly, then westerly direction to the point at which it intersects the improved dirt road that runs from Lobsterville Road to the intersection of State Highway and the western extremity of Moshub Trail, then along the northern edge of such improved dirt road to where it intersects State Highway and the western extremity of Moshub Trail;

thence, along the southern edge of Moshub Trail in a southeasterly direction to where its eastern extremity intersects State Highway;

thence, along the southern edge of State Highway in an easterly direction to the Gay Head-Chilmark town line;

thence, in a generally southerly direction along such line until it intersects the waterline of Squibnocket Pond;

thence, along such waterline in a generally easterly direction to the point of beginning.

(ii) Class B Lands:

(A) Chappaquiddick:

The area circumscribed by a line:

Beginning at a point described as the westermost extremity of Poucha Pond;

thence, in a straight line due south southwest to the mean low water line of the eastern shore of Katama Bay;

thence, along the mean low water line of Katama Bay in a northerly and westerly direction past Long Point, Snows Point to Chappaquiddick Point;

thence, along the mean low water line of Edgartown Harbor, around Chappaquiddick Point, to John Oliver Point;

thence, along the mean low water line of Cape Poge Bay in a southerly and easterly direction, following the contours of the land known as Tom's Neck, and along the mean low water line of the inlet to the east of the land known as Tom's Neck, to the point on the mean low water line of the western shore of this inlet where the unimproved dirt road which in a continuation of Chappaquiddick Road divides this inlet from the waters known as Poucha Pond;

thence, in a straight line due south across the strip of land which separates Poucha Pond from the inlet to the east of Tom's Neck to the point on the mean low water line of Poucha Pond which intersects this line;

thence, continuing along the mean low water line of the western shore of Poucha Pond in a westerly and southerly direction to a point on the mean low water line of Poucha Pond which is the beginning point.

(B) Mid-Island:

The area circumscribed by a line:

Beginning at a point on the eastern edge of State Highway which lies on the boundary between the towns of Chilmark and Gay Head;

thence, in a generally northerly and easterly direction along the eastern and southern edge of State Highway to the point of intersection of this edge of State Highway and the southern edge of South Road;

thence, along the southern edge of South Road in a generally easterly and then northerly direction to the point on this edge of South Road which intersects the circumference of the circle which describes the boundaries of the town area of West Tisbury, as described in clause (D) of paragraph (iv) of this section;

thence, in a line in an easterly direction along the circumference of this circle to the point where circumference intersects the southern edge of Edgartown-West Tisbury Road;

thence, along the southern edge of Edgartown-West Tisbury Road to the point of intersection with the western edge of Meeting House Road;

thence, along the western edge of Meeting House Road to the end of the road where Meeting House Road divides into several unimproved roads;

thence, in a straight line due south to a point due west of the eastern most extremity of Katama Point;

thence, in a straight line due east to the mean low water line of Katama Bay due east of the extremity of Katama Point;

thence, in a southerly and westerly direction along the mean low water line of Katama Bay and Mattakeset Bay to a point where the mean low water line of Mattakeset Bay intersects the northern waterline of Mattakeset Herring Brook;

thence, in a line in a generally westerly direction, which is the same line described in paragraph (A) of subsection (i) of this section, to the westernmost extremity of Chilmark Pond;

thence, in a line due south to the mean low water line of the Atlantic Ocean;

thence, along such mean low water line in a generally westerly direction to a point due east of the easternmost extremity of the waterline of Squibnocket Pond;

thence, in a line due west to such extremity of Squibnocket Pond;

thence, along the northern waterline of Squibnocket Pond in a generally northwesterly direction to the boundary between the towns of Chilmark and Gay Head;

thence, along such boundary to the point of beginning.

(C) Edgartown-Oak Bluffs:

The area circumscribed by a line:

Beginning at the point of intersection of the eastern edge of County Road and the northern edge of Wing Road;

thence, along the eastern edge of County Road to the intersection with the northern edge of Vineyard Haven Road;

thence, along the northern edge of Vineyard Haven Road to the point where the northern edge of the road intersects a line drawn from the center of Jernegan Pond to the northwesternmost corner of Eel Pond;

thence, along this line drawn from the center of Jernegan Pond to the northwesternmost corner of Eel Pond in a northwesterly direction to the northwesternmost corner of Eel Pond;

thence, continuing on this line in a straight line to the mean low water line of Nantucket Sound;

thence, along the mean low water line of Nantucket Sound in a generally northwesterly direction to a point due east of the southeastern extremity of Farm Pond;

thence, in a straight line due west through the waters of Hart's Haven Harbor to the southeastern extremity of Farm Pond;

thence, along the southern edge of the pond in a westerly direction to the southwestern extremity of Farm Pond;

thence, in a straight line in a generally northwesterly direction to a point on the northern edge of Wing Road one-half mile from the intersection of Wing Road and County Road;

thence, along the northern edge of Wing Road to the beginning point.

(D) Vineyard Sound Shore:

The area circumscribed by a line:

Beginning at a point on the mean low water line of the western shore of Vincyard Haven Harbor 2,200 feet south-southwest from the easternmost extremity of Husselton Head;

thence, in a straight line due west to a point where it intersects the eastern edge of Main Street;

thence, along the eastern edge of Main Street in a northerly direction for 3,300 feet;

thence, in a straight line to a point on the western edge of Franklin St. that is 7,800 feet north of the intersection of West Spring St. and Franklin St.;

thence, along the western edge of Franklin St. in a southerly direction to a point on the western edge of Franklin St. that is 3,700 feet north of the intersection of West Spring St. and Franklin St.;

thence, in a straight line in a westerly direction to a point on the mean low water line of the eastern shore of Lake Tashmoo that is 1,400 feet north-northwest of the intresection of such mean low water line and the latitude of 27'30'';

thence, along the mean low water line of the eastern shore of Lake Tashmoo in a northerly direction, then along the mean low water line of the western shore of Lake Tashmoo in a southerly direction to the southernmost extremely of Lake Tashmoo;

thence, in a straight line in a southerly direction to a point on the Vineyard Haven Road which is also the northernmost point on the boundary of the towns of Oak Bluff and Vineyard Haven which lies just south of the southern end of Lake Tashmoo;

thence, along the northern edge of Vineyard Haven Rd. in a westerly direction to the intersection of the eastern extremity of Lambert's Cove Rd. and Vineyard Haven Rd.;

thence, along the northern edge of Lambert's Cove Rd. in a westerly direction to the intersection of the western extremity of Lambert's Cove Rd. and Vineyard Haven Rd.;

thence, along the western edge of Vineyard Haven Rd. in a southerly direction to where it intersects with North Rd.;

thence, along the northern edge of North Rd. in a southwesterly direction to a point on the mean low water line of the eastern shore of Menemsha Inlet where an extension of North Rd. would intersect such mean low water line;

thence, along the mean low water line of the eastern shore of Menemsha Inlet in a northerly direction, through the strait;

thence, along the mean low water line of the Vineyard Sound shore in a northeasterly direction, around West Chop, along the mean low water line of the western shore of Vineyard Haven Harbor, to the point of beginning.

(E) Lagoon Pond shore:

The area circumscribed by a line:

Beginning at a point on the mean low water line of the eastern shore of Lagoon Pond where such mean low water line intersects a line that runs due west from the intersection of County Road and Wing Road;

thence, in a straight line due east to such intersection;

thence, in a line that runs in generally southwesterly direction to the intersection of Wing Road and the Edgartown-Vineyard Haven Road;

thence, in a line that runs in a northerly direction along the eastern edge of the Edgartown-Vineyard Haven Road until such edge intersects the Tisbury-Oak Bluffs town line;

thence, along such line in a generally northwesterly direction for 2000 feet;

thence, along a line due northeast to its point of intersection with the mean low water line of Lagoon Pond;

thence, along the mean low water line of Lagoon Pond in a northeasterly direction, around Cedar Neck, then in a southerly, then northerly direction to the point of beginning.

(iii) Class C lands:

A. All lands and waters on Martha's Vineyard which are not included in areas classified in this subsection as Class A, Class B or Class D, shall be Class C lands and waters.

(iv) Class D lands:

(A) Oak Bluffs:

The area circumscribed by a line:

Beginning at the point of intersection of the eastern edge of County Road and the northern edge of Wing Road;

thence, proceeding in a generally northeasterly direction along the northern edge of Wing Road for a distance of one-half mile;

thence, in a straight line in a southeasterly direction to the southwestern edge of Farm Pond;

thence, along the southern edge of Farm Pond in an easterly direction to the southeastern edge of the pond;

thence, in a straight line due east from the southwestern edge of Farm Pond, through the waters known as Hart's Harbor to the mean low water line of Nantucket Sound;

thence, in a generally northerly direction along the mean low water line of Nantucket Sound to and past the beach areas of East Chop and thence in a generally southerly and westerly direction along the mean low water line of Vineyard Haven Harbor under the bridge of Beach Road;

thence, proceeding along the mean low water line of the eastern shore of Lagoon Pond to a point due west of the beginning point on the mean low water line;

thence, in a straight line due east from this point to the beginning point.

(B) Edgartown:

The area circumscribed by a line:

Beginning at a point on the mean low water line of Katama Bay due east of the easternmost extremity of Katama Point;

thence, in a straight line due west to the eastern edge of Katama Road;

thence, in a generally northerly direction along the eastern edge of Katama Road to the intersection of the eastern edge of Katama Road and the northern edge of Clevelandtown Road;

thence, in a straight line from this point of intersection to the center of Jernegan Pond;

thence, in a straight line from the center of Jernegan Pond in a generally northeasterly direction to the northwesternmost corner of Eel Pond and thereafter proceeding on this line to the mean low water line of Nantucket Sound;

thence, proceeding in a generally easterly and then southerly direction along the mean low water line of Nantucket Sound past the beach area known as Little Beach and the Edgartown Lighthouse;

thence, proceeding along the mean low water line of Edgartown Harbor on the Edgartown side, passing through the strait near Chappaquiddick Point and along the mean low water line of Katama Bay past the beach area of Clevelandtown to the beginning point.

(C) Gay Head:

The area circumscribed by a line;

Beginning at the northernmost point of Occooch Pond;

thence, in a straight line in a generally northwesterly direction to the point at which it intersects the improved dirt road that runs from Lobsterville Road to the intersection of State Highway and the western extremity of Moshub Trail;

thence, in a straight line in a generally easterly direction to the intersection of the northern edge of the heavy duty road known as Lobsterville Road and the eastern edge of the light duty road which runs from the Gay Head Coast Guard Station to Lobsterville;

thence, in a generally southerly direction along the western edge of Lobsterville Road to the point at which it intersects the State Highway;

thence, in a straight line in a generally westerly direction to the point of beginning.

(D) West Tisbury:

The area circumscribed by a circle whose center is the midpoint of the intersection of South Road and Edgartown-West Tisbury Road, and whose radius is three-quarters of a mile.

(E) Vineyard Haven:

The area circumscribed by a line:

Beginning at a point on the mean low water line of the western shore of Vineyard Haven Harbor 2,200 feet south-southwest from the easternmost extremity of Husselton Head;

thence, in a straight line due west to a point where it intersects the western edge of Main St.;

thence, along the western edge of Main St. for 3,300 feet in a northerly direction;

thence, in a straight line to a point on the eastern edge of Franklin St. that is 7,800 feet north of the intersection of West Spring St. and Franklin St.;

thence, along the eastern edge of Franklin St. in a southerly direction to a point on the eastern edge of Franklin St. that is 3,700 feet north of the intersection of West Spring St. and Franklin St.;

thence, in a straight line in a westerly direction to a point on the mean low water line of the eastern shoreline of Lake Tashmoo that is 1,400 feet north-northwest of the intersection of such mean low water line and the latitude 27' 30'';

thence, along the mean low water line of the eastern shoreline of Lake Tashmoo in a southerly direction to the southermost extremity of Lake Tashmoo;

thence, in a straight line in a southerly direction to a point on Vineyard Haven Rd. that is also the northernmost point on the boundary of the towns of Oak Bluffs and Vineyard Haven, which lies just south of the southern end of Lake Tashmoo;

thence, along Oak Bluffs-Vineyard Haven town boundary in a south-southwesterly direction for 6,400 feet;

thence, in a line due northeast, to the intersection of the mean low water line of Lagoon Pond to the west of Cedar Neck;

thence, along the mean low water line of Lagoon Pond in a northwesterly, then northeasterly direction, around the point at Beach Rd., along the mean low water line of the western shore of Vineyard Haven Harbor to the point of beginning.

ACQUISITION OF LANDS

SEC. 7. (a) Within the boundaries of the Trust, the Secretary may acquire for fair market value but without the consent of the owner such privately owned lands, waters and interests therein which he shall designate as being presently or from time to time needed to carry out the purposes of this Act: *Provided*, That the Secretary may acquire a fee title only in cases where, in his judgement, the acquisition of scenic easements or other less-than-fee interests would not be adequate to carry out the purposes of this Act. The remaining privately owned property not so designated may not be acquired by the Secretary without the consent of the owner or owners (hereinafter referred to as "owner") for one year following the date of enactment of this Act, nor thereafter for so long as an appropriate local planning or zoning agency, or the Commission, shall have in force and applicable to such a property a duly adopted, valid planning or zoning ordinance approved by the Secretary. In order to carry out the provisions of this section, the Secretary shall issue regulations specifying standards that are consistent with the purposes of this Act. Such regulations, and any amendments thereto, must receive the approval of a majority of the Commission before issuance.

(b) The standards specified in such regulations shall have the object of:

(i) regulating new commercial and industrial or other uses of such property consistent with the purposes of this Act and in the public interest; and

(ii) promoting the preservation and conservation of such property by means of acreage, frontage, setback design, and subdivision controls and by prohibiting the cutting of timber, burning of undergrowth, quarrying, removing soil or other landfill, and dumping or storing refuse in such a manner that would detract from the natural or traditional islands scene: *Provided,* That such standards shall not discourage the constructive development and use of land for commercial and other uses which are consistent with the purposes of this Act and with the public interest.

(c) Following issuance of such regulations the Secretary and the Commission shall approve any planning or zoning ordinance or any amendment thereto submitted to them that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved, unless the regulations be changed thereafter in a substantial manner.

(d) No planning or zoning ordinance or amendment thereof shall be approved by the Secretary and the Commission which:

(i) contains any provisions that he considers adverse to the preservation and conservation and development of such property in accordance with the purposes of this Act; or

(ii) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception or amendment made to, the application of such ordinance or amendment.

(e) If any property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this section, is made the subject of a variance under, or becomes for any reason an exception to, such planning or zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the suspension of the Secretary's authority to acquire such property by condemnation is terminated: *Provided,* That the owner of such property shall have ninety days after written notification from the Secretary to discontinue the variance, exception, or use referred to in such notification.

(f) The Secretary shall furnish to any party in interest, upon request, a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Sec. 8. (a) The Secretary is authorized to acquire the lands, waters, and interests therein (including scenic easements) within the Trust boundaries by donation, negotiated purchase with donated or appropriated or borrowed funds, transfer, exchange or condemnation except that such authority to acquire by condemnation shall be exercised only in the manner and to the extent specifically provided in Section 7 of this Act.

(b) With the exception of any lands which the Secretary determines are presently or from time to time needed to carry out the purposes of this Act, any owner of improved property on the date of its designation for acquisition by the Secretary may elect, as a condition to such acquisition to retain a right of use and occupancy of the improved property for noncommercial residential and agricultural purposes for a period ending at the death of the owner or his spouse, or for a fixed term not to exceed twenty-five years, whichever occurs later. The Secretary shall pay to the owner the fair market value of the property on the date of its acquisition less the fair market value on such date of any right retained by the owner. Any retained right of use and occupancy may be transferred or assigned, subject to the election specified in this subsection. Whenever the Secretary finds that the property or any portion thereof has ceased to be used for noncommercial residential purposes, he may terminate the right of use and occupancy upon tendering to the holder thereof an amount equal to the fair market value of the portion of said right which remains unexpired on the date of termination.

(c) As used herein, the term "improved property" shall mean a one-family dwelling the construction of which was begun before April 11, 1972, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling and land for noncommercial residential or agricultural purposes, together with any structures accessory to the dwelling which are situated on the land so designated: *Provided,* That the Secretary may exclude from the land so designated any water bodies together with so much of the adjacent land as he deems necessary for public access thereto.

(d) Any property or interests therein within the Trust which are owned by a State or by any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the Trust may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration by him as part of the Trust.

EROSION CONTROL

Sec. 9. (a) The Secretary and the Secretary of the Army shall cooperate in the study and formulation of plans for beach and shoreline erosion control projects on the Nantucket Sound Islands, especially in those areas most immediately threatened; and any protective works for such control undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary and is consistent with the purposes of this Act.

(b) The Secretary shall undertake a program of dune and headland erosion control beginning with those dunes and headlands most immediately in need thereof. Such erosion may be that caused by natural wind and water action, or by motor vehicle passage; and such programs may have the purpose of remedying both causes.

BEACHES

Sec. 10. (a) All beach lands in the boundaries of the Trust shall be designated Class A lands, notwithstanding that such beach lands may be otherwise classified by other provisions of this Act.

(b) As used in this section, the term "beach land" shall mean the wet and dry sand area lying between the mean low water line and the visible line of upland vegetation. The Secretary and the Commission shall determine which of the lands in the Trust area shall be defined as beach lands.

ADMINISTRATIVE PROVISIONS

Sec. 11. (a) The Secretary shall administer and protect the Trust with the primary aim of preserving and conserving the natural resources located within it and preserving the area in as nearly its natural state and condition as possible. No development or plan for the convenience of visitors shall be undertaken in the Trust which would be incompatible with the overall lifestyle of residents of the area, generally accepted ecological principles, the preservation of the physiographic conditions now prevailing, or with the preservation of such historic sites or structures as the Secretary may already have designated or may designate.

(b) The Trust shall be administered and protected by the Secretary in accordance with the provisions of this Act and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), except that the Secretary may utilize any other statutory authority available to him for the conservation, preservation and management of natural resources to the extent he finds such authority will further the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping, on lands and waters under his jurisdiction with the Trust in accordance with the applicable laws of the Commonwealth of Massachusetts and the United States, except that the Secretary may designate zones where, and establish periods when, no hunting, no fishing, and no trapping shall be permitted for reasons of public safety, fish or wildlife management, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary prescribing any such restrictions shall be issued only after consultation with the appropriate agency of said Commonwealth.

TRANSPORTATION AND GENERAL USES

Sec. 12. (a) The Secretary shall survey access to Trust lands, including that by private and public air and water carriers, and shall make such recommendations to the Congress and the Governor of the Commonwealth of Massachusetts as he deems consistent with the preservation and conservation purposes of this Act, and to carry out such purposes.

(b) The Secretary shall undertake no development or plan for the convenience of visitors to Trust lands which would be incompatible with the preservation and conservation of the unique scenic, ecological, scientific, and historic features thereof: *Provided,* That the Secretary may provide for the public enjoyment and understanding of such features by establishing such public transportation systems, trails, observation points, and exhibits, and by providing such services as he may deem desirable for such public enjoyment and understanding: *Providing further,* That the Secretary may develop such portions of Trust lands as he deems especially adaptable for public uses including but not limited to camping, swimming, boating, sailing, the appreciation of historic sites and structures and natural features of Trust lands, subject, however, to the limitations in this first clause of this subsection.

(c) In any development or plan for the convenience of visitors he undertakes, the Secretary shall not unreasonably diminish for its owners or occupants the value or enjoyment of any improved property within the Trust lands.

PRIVATE NONPROFIT ORGANIZATIONS

Sec. 13. (a) Notwithstanding the provisions of Section 8 and Section 9 herein, or any other provision herein or in any other provision of law, the Secretary's authority to acquire lands by condemnation shall be suspended when:

(i) lands or interests therein which he shall designate as being presently or from time to time needed to carry out the purposes of this Act are in the ownership of private nonprofit conservation, preservation, historic or other organizations or associations, and the restrictions against development of such lands meet the standards referred to in Section 7 herein; and

(ii) lands or interests therein which he shall designate as being presently or from time to time needed to carry out the purposes of this Act are, to his satisfaction and within twenty-four months after enactment of this Act, irrevocably committed to be sold, donated, demised or otherwise transferred to such organizations or associations.

(b) The Secretary is authorized to provide technical assistance to State and local governments, private organizations and associations, and individuals with respect to the preservation and conservation of Trust lands.

(c) The Secretary shall apply the provisions of this section only to those organizations and associations which he determines are bona-fide and general purpose.

POLLUTION

SEC. 14. The Secretary shall cooperate with the appropriate State and local agencies to provide safeguards against pollution of the waters in and around Trust lands, and against unnecessary impairment of the scenery thereof.

NEW EMPLOYMENT OPPORTUNITIES

SEC. 15(a) The Secretary is directed to examine the Trust lands and waters forthwith for opportunities to experiment with, and to encourage development of, aquaculture of all kinds, including, but not limited to, fish and shellfish. Funds appropriated to the Department of the Interior under the authority of this or other laws of the United States may be used for this purpose without restriction.

(b) The Secretary, in consultation and cooperation with the Secretary of Labor, shall investigate, and where appropriate establish, training and retraining programs suitable for residents of Trust lands.

FREEZE DATE

SEC. 16(a) Beginning on April 11, 1972, no construction of any improvement, whether for residential, commercial, industrial or any other purpose, shall be permitted to commence on any lands classified herein as Forever Wild. Construction of improvements shall be permitted on any lands classified as County Planned Lands only upon the granting of specific approval therefor by the governing body of the particular county, after a showing of the need therefor. Construction of improvements shall be permitted on any lands classified as Town Planned Lands only upon the granting of specific approval therefor by the governing body of the particular town, after a showing of the need therefor. Construction of improvements shall be permitted on any lands classified as Scenic Preservation Lands only upon the granting of specific approval therefor by the appropriate governing body, after showing of the need therefor.

(b) In the case of any hardship caused by the provisions of subsection (a) of this section, the Secretary of the Commission shall, on the basis of rules and regulations developed and approved by the Secretary and the Commission, make a valuation thereof and shall award fair recompense to any individual for whom hardship is demonstrated.

APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $20,000,000 for the acquisition of land and interests therein, and not to exceed $5,000,000 for development.

By Mr. SCOTT (for himself and Mr. SCHWEIKER):

S.J. Res. 221. A joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the national memorial to Benjamin Franklin. Referred to the Committee on Rules and Administration.

Mr. SCOTT. Mr. President, I introduce for appropriate reference a joint resolution designating the Benjamin Franklin Institute of Philadelphia, Pa., as the national memorial for Benjamin Franklin.

In 1974, the world famous Franklin Institute of Philadelphia will be celebrating its 150th anniversary. It is one of America's oldest educational, scientific, and technological institutions, having been founded in 1824 by a small group of dedicated scientists and craftsmen.

Benjamin Franklin, for whom the institute is named, was an outstanding printer, statesman, and scientist. An enterprising young man who arrived in Philadelphia at the age of 17, Franklin immediately embarked upon the career of which he was the most proud—printer and publisher. Later on he was to become an inventor of sorts, bringing forth such items as the famous Franklin stove, which is still in use today. Of course, his experiments in electricity, including the flight of his electrical kite, are legendary.

Franklin's interest in the arts and sciences was manifested in his helping to found the University of Pennsylvania and the Pennsylvania Hospital, America's first charity hospital. Franklin is also credited with establishing the first fire insurance company in America. In addition, he introduced street cleaning, lighting, and paving to our earliest and fastest-growing cities.

As a governmental leader and statesman, Benjamin Franklin's record was unequaled. He proposed a plan for a union of the Colonies for security in defense, nearly 25 years before the Declaration of Independence was written. It was at that time that he published what appeared to be the first American political cartoon—a drawing of a snake in eight pieces marked with the initials of the first eight Colonies, footed by the caption, "Join or Die."

Franklin was appointed as an agent in England for several of the colonies and lobbied the monarch in their behalf. Returning to Philadelphia, he was elected to the Second Continental Congress and later was unanimously elected Postmaster General. He was appointed to a committee to draft a Declaration of Independence, and then signed it as a member of the Pennsylvania delegation. Later, he was chosen as a delegate from Pennsylvania to the Philadelphia Convention which framed the U.S. Constitution.

Mr. President, Benjamin Franklin was clearly a man of great wisdom and vision. Nearly 75 years before the Union and the Confederacy were to do battle on the question of slavery, Franklin served as president of the Abolitionist Society and signed a memorial to Congress asking for the discouragement of the slave trade in America. Seeing the need to memorialize Franklin, a group of leading Philadelphians, with the aid of 11,000 public-spirited citizens, formulated plans to build a memorial hall and museum in the Franklin Institute building.

Franklin Memorial Hall was dedicated in May 1938, and millions of visitors have come to see the large statute of Benjamin Franklin within it. The institute itself contains scientific exhibits and other activities which assures the unique living aspect of the memorial. Thus, for more than 30 years, a national shrine dedicated to an outstanding citizen has been maintained without cost to the Federal Government by a not-for-profit institution on behalf of a grateful Nation. It is entirely appropriate that this permanent memorial—which has already served, in fact although not formally in name, as the shrine to Benjamin Franklin for several decades—should be recognized now as the National Memorial to Franklin.

Mr. President, joining me today in sponsoring this resolution is the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER). I am also pleased to note that the entire Pennsylvania delegation in the House of Representatives is sponsoring an identical resolution. Our combined efforts, hopefully, will enable us to honor Benjamin Franklin well before our Nation's 200th anniversary observance.

Mr. SCHWEIKER. Mr. President, I am pleased to join Senator SCOTT in introducing legislation to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as a national memorial to Benjamin Franklin.

The Franklin Institute in Philadelphia has played a major role in promoting the development of science and technology since 1824. In 1934, the main building now occupied by the institute was completed. That building represented a substantial effort undertaken in the 1920's and early 1930's by Philadelphians to build a unique memorial to Benjamin Franklin which is not only impressive architecturally, but also houses a large science museum.

This memorial to Benjamin Franklin was planned over many years and the initial funding was provided by the Philadelphia Board of City Trusts, representing a bequest made by Benjamin Franklin and entrusted to the board, and an equivalent sum made available by the institute.

Following that, the Poor Richard Club of Philadelphia started a movement to develop a fitting memorial to Dr. Franklin. The Benjamin Franklin Memorial, Inc., was established, led by Mr. Cyrus H. K. Curtis and other leaders in industry, invention, civil affairs, and government. Over 11,000 public-spirited citizens worked with the Benjamin Franklin Memorial, Inc., in developing plans for this project.

In May 1938, Franklin Memorial Hall was dedicated. President Roosevelt sent a message to those gathered for the dedication ceremonies, which included delegates from 57 foreign countries.

This national shrine has been maintained without cost to the Federal Government by a not-for-profit institution for over 30 years.

It is certainly appropriate that this memorial be recognized formally as the National Memorial to Benjamin Franklin by the Congress of the United States.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2052

At the request of Mr. THURMOND, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 2052, a bill to establish a National Cemetery System within the Veterans' Administration.

S. 2579

At the request of Mr. HARRIS, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2579, the Ocean Mammal Protection Act of 1971.

S. 2863

At the request of Mr. Harris, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 2863, the Reclamation Lands Authority Act.

S. 3070

At the request of Mr. Thurmond, the Senator from New Jersey (Mr. Case) and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitialization and medical care; and for other purposes.

S. 3227

At the request of Mr. Tunney, the Senator from Nevada (Mr. Bible) was added as a cosponsor of S. 3227, a bill to amend the Internal Revenue Code of 1954 to allow a business deduction under section 162 for certain ordinary and necessary expenses incurred to enable an individual to be gainfully employed.

S. 3357

At the request of Mr. Mondale, the Senator from Idaho (Mr. Church), the Senator from Nebraska (Mr. Curtis), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 3357, a bill to provide price support for milk at not less than 85 percent of the parity price therefor.

S. 3455

At the request of Mr. Inouye, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 3455, a bill to provide that time spent by individuals interned in places operated by the U.S. Government for U.S. citizens and nationals of Japanese ancestry shall be considered creditable service for purposes of civil service retirement.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 282

At the request of Mr. Harris, the Senator from Utah (Mr. Moss), the Senator from Minnesota (Mr. Mondale), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of Senate Resolution 282, to provide American cooperation and assistance for minority populations in Bangladesh and Pakistan.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT—AMENDMENT

AMENDMENT NO. 1116

(Ordered to be printed and to lie on the table.)

Mr. GAMBRELL. Mr. President, the Senate is soon to consider S. 1819 which is a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, of which I am a cosponsor. This bill represents a tremendous effort on the part of Senators Baker and Brock and the entire Intergovernmental Operations Committee of the Government Operations Committee, to give some needed monetary relief to local public agencies.

Georgia, in particular, needs both the economic benefits provided here and effective date extension, because of certain State constitutional problems. As I considered S. 1819 and the accompanying committee report, I was impressed with how well the different needs of States had been met and in particular those of Georgia.

However, I feel that one change should be made in section 222(b) which would give the States an alternative method of paying to the United States that amount which the Federal agency had paid during that period when the State agency could not comply with all provisions of the Relocation Act.

I now submit an amendment to S. 1819 which would allow the United States to deduct amounts owed to it by the State agency from future grants, contracts or agreements in a way so as not to adversely affect the program where the Federal agency made payments that would otherwise be made and partially shared by State and local agencies. This would merely provide an alternative method to that provided in section 222(b).

ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1117

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. STEVENSON. Mr. President, the Economic Opportunity Act of 1964 declares it to be:

> The policy of the United States to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity.

To this end, the Economic Opportunity Act establishes a number of programs—Headstart, Job Corps, Neighborhood Youth Corps, Legal Services, to name just a few—to combat the "paradox of poverty."

Whether they be administered by OEO, HEW, or the Department of Labor, programs authorized by the Economic Opportunity Act are restricted totally or partially to low-income persons.

The manner in which the administering agencies define "low-income persons" results in the inequitable treatment of nearly 2 million poor people. For reasons which have never been clearly articulated, the administering agencies do not use the official Government poverty line. Rather, they have seen fit to adopt their own arbitrary and unrealistic poverty lines, consistently below the official Government poverty line.

Mr. President, no one knows how many million poor people have over the years been shut out of EOA programs by these artificially depressed poverty lines. It is, however, possible to make a reasonable estimate of how many people will be adversely affected by the current OEO-HEW-DoL poverty line. In a document dated November 19, 1971, but issued in January 1972, OEO raised its poverty line for a nonfarm family of four to $4,000—the level reached by the official poverty line a year earlier. Shortly thereafter HEW and DoL followed suit. The official poverty line at the beginning of 1972 was $4,170—$170 higher than the OEO-HEW-DoL level. Based on the most recent Census Bureau figures, there are approximately 1,750,000 Americans whose incomes are above the OEO poverty line but below the official poverty line.

Under the Office of Management and Budget's Circular A-46—Revised Exhibit L, June 17, 1970—each Federal agency must treat these 1.75 million Americans as poor for all statistical purposes, yet OEO, HEW, and DoL persist in excluding them from programs designed expressly for them. In effect, the Federal Government is telling nearly 2 million low-income people, "You are poor. We have programs for poor people, but you cannot take part in those programs because the bureaucracy is a year behind in changing the poverty line." Far from being in the vanguard of the Federal effort to combat poverty, the agencies administering the Economic Opportunity Act are in this instance lagging behind the rest of the Federal Government in recognizing and responding to poverty.

Early this year, OEO published a document entitled "The Poor in 1970: A Chartbook." The document contains no less than 28 charts in which OEO presents a wealth of information about America's poor people. The charts are based, not on OEO's poverty line, but on the official Government poverty line which OEO fails to use in determining eligibility for its programs. In an introduction to the chartbook, OEO Director Sanchez states that:

> The charts in this book . . . are intended to do two things: to inform and to educate.

It is ironic and unfortunate that OEO itself needs to be informed and educated about the poverty line.

When Congress enacted the Economic Opportunity Act in 1964, it intended that all poor people be eligible to participate in EOA programs. It is now clear that the intent of Congress has been frustrated by bureaucratic inertia and nonfeasance.

The amendment I submit today refranchises the poor people who have fallen between the cracks. It requires that agencies administering EOA programs close the gap between the eligibility poverty line and the statistical poverty line. It requires that revisions in the poverty line be made at least annually, in accordance with the simple procedures prescribed by the Office of Management and Budget. In uniformity, in ease of administration, and above all in simple justice to poor people, this approach is better than the existing one.

Mr. President, I ask unanimous consent that the text of my amendment, the most recent OEO issuance defining the poverty line, and exhibit L—revised—of

OMB Circular A-46 be printed at this point in the RECORD.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1117

On page 139, following line 19, add the following new section:

"SEC. 23. The Economic Opportunity Act of 1964 is amended by inserting the following new section immediately after section 622:

" 'SEC. 623. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

" '(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the average percentage change in the Consumer Price Index during the annual or other interval immediately preceding the time at which the revision is made.

" '(c) Revisions required by subsection (a) of this section shall be made and issued not more than 30 days after the date on which the necessary Consumer Price Index data become available.' "

OEO INSTRUCTION—OEO INCOME POVERTY GUIDELINES (REVISED)

Effective date: Immediately.

Applicability: This Instruction applies to all programs financially assisted under Title II or III-B of the Economic Opportunity Act if such assistance is administered by the Office of Economic Opportunity.

1. BACKGROUND

In August 1967, OEO issued uniform income guidelines for all programs it funds which use income to determine program eligibility. These guidelines were based on poverty thresholds derived from a definition of poverty developed for statistical purposes by the Social Security Administration in 1964. In September 1968, in January 1970, and in December 1970, OEO issued new guidelines which reflected increases in consumer prices.

2. POLICY

In order that the level of poverty which is used to determine program eligibility does not change as a result of substantial increases in the cost of living as measured by the Consumer Price Index, OEO revises, from time to time, its income guidelines in order to reflect such increases. Attached are the latest revised income guidelines.

These new income guidelines are to be used for all those OEO-funded programs, whether administered by a grantee or delegate agency, which use OEO poverty income guidelines as admission standards. This revision of the income guidelines does not require current programs which have full enrollments to consider additional applicants. Agencies shall reflect the new income guidelines in reports required by OEO submitted after January 1971. The new income guidelines do not supersede alternative standards of eligibility approved by OEO, such as State Title XIX standards used in programs funded by the Office of Health Affairs.

These guidelines are also to be used in certain other instances where required by OEO as a definition of poverty, e.g., for purposes of data collection and for defining eligibility for allowances and reimbursements to board members. Agencies may wish to use these guidelines for other administrative and statistical purposes as appropriate.

WESLEY L. HJORNEVIK,
Deputy Director.

OEO POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII

	Nonfarm family	Farm family
Family size:		
1	$2,000	$1,700
2	2,600	2,100
3	3,300	2,800
4	4,000	3,400
5	4,700	4,000
6	5,300	4,500
7[1]	5,900	5,000

[1] For families with more than 7 members, add $600 for each additional member in a nonfarm family and $500 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR ALASKA

	Nonfarm family	Farm family
Family size:		
1	$2,500	$2,125
2	3,250	2,775
3	4,150	3,575
4	5,000	4,250
5	5,900	5,000
6	6,650	5,650
7[1]	7,400	6,300

[1] For families with more than 7 members, add $750 for each additional member in a nonfarm family and $650 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR HAWAII

	Nonfarm family	Farm family
Family size:		
1	$2,300	$1,975
2	3,000	2,550
3	3,650	3,100
4	4,400	3,750
5	5,200	4,425
6	5,850	4,975
7[1]	6,500	5,525

[1] For families with more than 7 members, add $650 for each additional member in a nonfarm family and $550 for each additional in a farm family.

BUREAU OF THE BUDGET,
Washington, D.C., June 17, 1970.

REVISION OF EXHIBIT L, CIRCULAR NO. A-46—DEFINITION OF POVERTY FOR STATISTICAL PURPOSES

(Circular No. A-46—Transmittal Memorandum No. 12)

To the Heads of Executive Departments and Establishments:

Attached is a revision of Exhibit L of Circular No. A-46. The purpose of this revision is to continue the use of poverty statistics released by the Bureau of the Census beyond the year 1968.

Transmittal Memorandum No. 9, dated August 29, 1969, and Exhibit L transmitted with it are hereby rescinded.

ROBERT P. MAY,
Director.

JUNE 17, 1970.

EXHIBIT L (REVISED) CIRCULAR NO. A-46

DEFINITION OF POVERTY FOR STATISTICAL PURPOSES

For the years 1959–1968 the statistics on poverty contained in the Census Bureau's Current Population Reports, Series P-60, No. 68, shall be used by all Executive departments and establishments for statistical purposes. For the years 1969 and thereafter, the statistics contained in subsequent applicable reports in this series shall be used.

A number of Federal agencies have been using statistical series on the numbers of persons and families in poverty, and their characteristics, in analytical and program planning work. The basis for these series has been the classification of income data collected by the Bureau of the Census in accordance with a definition of poverty developed by the Social Security Administration.

The Bureau of the Census series continues the Social Security Administration definition for the base year, 1963, except that the differential between poverty levels for farm and nonfarm families is reduced from 30 percent to 15 percent. Annual adjustments in the Census series are based on changes in the average annual total Consumer Price Index (CPI) instead of changes in the cost of the U.S. Department of Agriculture's Economy Food Plan.

The establishment of this standard data series does not preclude departments and agencies from more detailed analyses or from publication of tabulations for specialized needs although, where applicable, totals must agree with totals published by the Bureau of the Census. Other measures of poverty may be developed for particular research purposes, and published, so long as they are clearly distinguished from the standard data series.

The poverty levels used by the Bureau of the Census were developed as rough statistical measures to record changes in the numbers of persons and families in poverty, and their characteristics, over time. While they have relevance to a concept of poverty, these levels were not developed for administrative use in any specific program and nothing in this Circular should be construed as requiring that they should be applied for such a purpose.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 895

At the request of Mr. PEARSON, the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from New York (Mr. JAVITS) were added as cosponsors of amendment No. 895, intended to be offered to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of amendment No. 999, intended to be proposed to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

NOTICE OF HEARING ON S. 3459

Mr. EASTLAND. Mr. President, I hereby announce the Subcommittee on Environment, Soil Conservation and Forestry of the Committee on Agriculture and Forestry will hold a hearing Monday, April 17, on S. 3459, to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation. The hearing will be in conjunction with S. 3105, the forestry Incentives Act, and will be in room 324 Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

RESIGNATION OF UAW PRESIDENT LEONARD WOODCOCK FROM THE PAY BOARD

Mr. HARRIS. Mr. President, last week the representatives of the UAW and AFL-CIO resigned from the Pay Board. Throughout the Nation editorials denounced their decision as irresponsible.

I recently read the withdrawal statement of the UAW president, Leonard Woodcock, in which it is pointed out that the Nation's largest corporations scored a 76-percent gain in profits last year to a high plateau of $29.4 billion. Meanwhile, the administration remains relentless in its efforts to hold down pay increases.

Mr. Woodcock's statement raises a valid point. The wage and price control system set up by this administration serves big business interests. It is weighted against the consumer and the workingman.

I believe other Senators will want to read Mr. Woodcock's statement. Before we denounce someone, we ought to know what he is saying, particularly when it makes sense.

Mr. President, I ask unanimous consent that Mr. Woodcock's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF LEONARD WOODCOCK

It is regrettable when one is forced to withdraw from any public service, but that is the position the actions of the Nixon Administration force me to take.

The administration of the Economic Stabilization Act, as amended, has been so scandalous and unfair that the UAW calls upon Congress for a prompt and full investigation.

When I was appointed to the Pay Board I determined, with the full support of the UAW membership and leadership, to bend every effort to make controls equitable and to make them work. After these many months, I am constrained to say that, despite the strenuous efforts of the Congress and of my labor colleagues on the Pay Board, the Nixon controls are neither equitable nor effective. In these circumstances, the UAW International Executive Board has unanimously agreed that I join other labor members of the Pay Board in resigning forthwith.

The UAW leadership reached this decision with great difficulty. As much as we regret the Pay Board decision to cut down the Longshoremen's pact, we do not leave because of that decision. In our view, the action of the Pay Board in the Aerospace cases was unlawful, unfair and unwise, but we did not leave then even though it was our own members who were being cheated of their just due.

We leave because the whole Nixon control system is an abomination, and the UAW cannot in good conscience maintain any connection whatsoever with that system.

The Pay Board was established—or so the Administration then announced—to control inflation and to stimulate jobs. Neither objective has been realized. The Board has been misused to rigidly control wages while prices and corporate profits soar. The nation's 100 largest corporations scored a 76 per cent gain in profits last year to a high plateau of $29.4 billion. As food prices accelerate their climb, the Administration's agriculture secretary applauds the trend and blames the bewildered housewife for inflation. Seventy-five per cent of retail stores are left free of controls. Dividends as well as profits are under no restriction.

Utilities have been given the green light by the Price Board to gouge the public.

The Administration has failed utterly to take the steps required by law to control finance charges and interest rates.

I am resigning for these reasons:

The Nixon game plan is to take worker money and place it in the pockets of employers through both action and inaction.

Contrary to the Congress' command to exempt the working poor from Pay Board controls, the Cost of Living Council has improperly construed the law so that those who earn below the poverty level are rigidly controlled.

Despite the President's personal written pledge of the Pay Board's autonomy, independence and freedom, the Administration has leaned on the Pay Board with a heavy hand.

The Pay Board has denied elemental due process to parties before it. Industry and so-called "public" members have prejudged cases before the Board began consideration of them; public hearings required by law have not been held; the Board's unholy coalition of big business and Administration puppets has decided actual cases on a political and public relations basis rather than on the facts; the Board has failed, as required by law, to set out discernible and reasonable grounds for its decisions.

The so-called "public members" of the Pay Board are in fact almost entirely representatives of big business and the Nixon Administration.

The control apparatus consistently operates against workers and for big business—in outright violations of the Economic Stabilization Act, as amended, and by one-sided interpretations. The Congress' concern for the encouragement of productivity is practically ignored and the congressional command to exempt certain fringe benefits has been flouted.

The day-to-day operation of wage controls has been largely delegated to the inexpert Internal Revenue Service which offers contradictory and confusing advice to workers and employers.

The Pay Board has already built a backlog of thousands of cases awaiting decision. Many of these cases have been pending for more than four months and some have been lost or mislaid by the Pay Board or the IRS. Collective bargaining is paralyzed. Employers profit while workers wait.

No UAW leader has ever been unprepared to accept the principle of equality of sacrifice. We have always agreed to cooperate in an equitable income policy and other fair controls. When I accepted the President's invitation to serve on the Pay Board, I took him at his word on his stated objectives. As long as I thought there was any chance that controls might become even-handed or that inflation might really be held in check, we were willing to go along. If the Administration had stepped up to its responsibility to check food price rises, to control interest, profits and dividends—to keep down the cost of living—I would have been willing to serve.

It is now plain that only labor is penalized and consumers continue to suffer. They are victims of Administration sabotage. If anyone has sabotaged controls, it is the controllers themselves. We will not be a party to it. We will not be a party to an effort to enrich the wealthy and swell corporate coffers at the price of lowered living standards for workers.

Never in our history have we seen an Administration so attuned to big business. As recent disclosures have shown, neither the White House nor the Justice Department is immune from the taint of big business. Neither is the Pay Board. I do not believe the American people will submit meekly to an economy controlled by big business and Richard Nixon. The ordinary people who trudge in and out of grocery stores are painfully aware that the Nixon economic program is a hoax and a sham.

Despite the dire threats of anti-labor legislation emanating from the White House and its supporters, the time has come when the UAW cannot permit itself to be used; we will not hoodwink our members and the rest of the public.

SUPPORT FOR RURAL DEVELOPMENT ACT OF 1972

Mr. TALMADGE. Mr. President, I am happy to report that there is tremendous interest in and support for the Rural Development Act of 1972, a bill reported to the Senate last Friday. This legislation, S. 3462, would provide a truly comprehensive approach to the development of rural America. It would provide the capital and the technical assistance that is needed to restrain the current ruinous trend of rural out-migration and restore some balance to the growth of this Nation.

The staff of the Committee on Agriculture and Forestry tells me that there is a tremendous demand for copies of the committee bill and report. Already I have begun to receive a number of letters expressing support for the committee's rural development bill. This comprehensive bill, which contains provisions cosponsored by 88 Members of the Senate, is a team effort. It incorporates the ideas of several Members of the Senate and of the President, as well.

Mr. President, I ask unanimous consent, to have printed in the RECORD a letter I have received from the Governor of Alaska expressing his support for S. 3462, the proposed Rural Development Act of 1972, and a letter I have received from the executive vice president of the Federal Land Bank Association in Rock Hill, S.C., expressing that association's preference for the committee's rural development bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
April 4, 1972.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR SENATOR TALMADGE: The "Rural Development Act of 1972" approved by the Senate Committee on Agriculture and Forestry looms as one of the most far reaching legislative acts yet conceived to respond to the problems and promises of rural America. Recognizing that the administration has submitted legislation and the House of Representatives has passed somewhat similar rural development legislation. I can express nothing short of enthusiasm for the rural development legislation of the Senate Agriculture Committee.

The cooperative credit system, revenue sharing provisions and the expanded capability of the Farmer's Home Administration significant to assist in the construction of rural housing and vital community facilities are proposals which, if enacted, could prove instrumental in stabilizing and redeveloping the rural areas of our Nation.

I believe strongly that responses to the problems which the states face are best developed at the state and local level with the Federal Government providing adequate funding and legislative guidance. The excellent provisions of this proposed legislation would allow such local and state initiative and flexibility.

I will appreciate very much being kept informed of the progress of this very important legislation.

Sincerely,

WILLIAM A. EGAN,
Governor.

FEDERAL LAND BANK ASSOCIATION OF ROCK HILL,
Rock Hill, S.C., April 6, 1972.

Re H.R. 12931, Rural Development Act of 1972.

Senator HERMAN E. TALMADGE,
Senator B. EVERETT JORDAN,
Senator LAWTON CHILES.

GENTLEMEN: On behalf of the Board of Directors of this Association and myself, I wish to express our views toward the above bill.

While we fully endorse and support the philosophy of rural development, we are concerned about the features of this bill which would be in competition with existing facilities through the Farm Credit System. We believe the Rural Development Act should be aimed primarily at the establishment of community facilities such as waterworks, sewer systems, recreational parks, and anti-pollution matters, and not for lending for individual needs and purposes with government money in competition with credit agencies who can finance qualified applicants.

It is our understanding that the Senate Agricultural Committee is ready to report out a Rural Development Bill deleting some of the features which we find objectionable in H.R. 12931 and, in effect, returning the Farmers Home Administration to its customary role of supplementary credit.

We urge your continued support of the Senate version of this legislation in the form reported and we are today writing the members of the House Agricultural Committee from the Third Farm Credit District, urging that they, too, support the Senate version when the differing provisions of the House and Senate bills are considered.

The Senate Agricultural Committee's approach to legislature concerning rural development is supported by our Association, and we hope that the House members involved in the final drafting of this bill can be persuaded to accept the Senate version. Your efforts in this direction will be appreciated.

Sincerely,

MELVIN B. CAUTHEN,
Executive Vice President.

ELECTORAL COLLEGE REFORM

Mr. BROOKE. Mr. President, many Americans have become increasingly concerned with the manner in which we select the President of the United States. Today, candidates are still forced to adjust their strategies to conform to a system that was established almost 200 years ago, when such inventions as the diesel engine and wireless telegraph had not even been conceived.

But, it is not only the candidates who suffer as a result of the present structure. The voters must also contend with such factors as a nominating process that has significant variations from one State to the next, with voter registration and balloting procedures that are subject to fraud and abuse, and with an electoral college system that has several times awarded the Presidency to a candidate with a minority of the popular votes.

Public-spirited groups throughout the Nation—including the American Bar Association, the Chamber of Commerce, the League of Women Voters, and the United Auto Workers—have given these problems thoughtful attention. One proposal, the abolition of the electoral college, was approved by the House of Representatives and came within a few votes of being approved by the Senate in 1970.

I am hopeful that, following this year's election, Congress will fully reexamine this vital matter, drawing on the many constructive proposals that have been discussed.

In this regard, Robert Finch, counselor to the President, offered an important discussion of the Presidential selection process in a lecture at Westminster College in Fulton, Mo. on April 4. Mr. Finch has drawn on his broad experience on both the local and national levels to make many progressive suggestions, including the enactment of a Federal uniform elections law.

Although I withhold comment at this time on each of the details of his plan, I do agree with his conclusion that:

> It has fallen to our generation to confront the sobering fact that the struggle to achieve a meaningful representative government is an unending one . . . And we have to make everyone's vote mean something or else no-one's vote will mean anything.

I commend this speech to the attention of Senators and to all Americans who are interested in this vital issue. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

SELECTING THE PRESIDENT: A NATIONAL FRANCHISE—A CRITICAL STUDY OF THE AMERICAN ELECTORAL SYSTEM

(By the Hon. Robert H. Finch, Counsellor to the President, The John Findley Green Lecture, Westminster College, Fulton, Missouri, April 4, 1972)

NOTE: Counsellor Finch may depart from the prepared text, but it is authorized in its entirely

I want to talk tonight about what passes for our national electoral process.

Most Americans assume that the business of registering to vote, voting in Presidential primaries and general elections, and having their votes counted along with those of their fellow citizens is an orderly process which is carried out in an efficient and generally similar way area by area and state by state.

I am sorry to have to say that most Americans are wrong.

Most Americans are confident that once a Presidential election has been held on the first Tuesday in November, a Chief Executive reflecting the popular vote will be sworn in on the steps of the Capitol the following January.

But in fifteen out of the thirty-seven elections in our history, this has not been the case . . . and unless we do some serious thinking and legislating very soon, it may happen again.

Before going further, perhaps I should add a few words to your very generous citation, by way of qualifying myself to speak about the deficiencies in this critical process of election, and to be very precise about the role in which I address you.

For the 29 years of my adult life I have labored as a partisan volunteer for the party and candidates of my choice. I have done this as a student and teacher, and, for twenty years, as a practicing attorney. In this period I have been elected precinct and assembly delegate, County Chairman, Delegate to four National Conventions, Congressional nominee, and statewide official in California. I have been the hcairman of state and national Presidential campaigns, and have served as Federal Department head and Cabinet officer for over three years.

But I hasten to add that what I am going to urge tonight is not in any sense an Administration proposal.

My discussion, analysis, and proposals flow out of my own personal experience and observation, and I speak for myself and as an individual citizen.

It seems to me that as we approach another of the quadrennial encounter sessions we call Presidential elections that a dangerous anomaly undermines the whole structure of our American electoral institutions.

The whole course and thrust of our history during the last century and three-quarters has been to expand and extend the vote and the franchise of the people, but it is the dismal fact that the mechanisms by which that vote and power are expressed and reflected have either become or have remained unresponsive to the needs and forces of our people and of our times.

Today, with all the confusion and controversy surrounding our system of primary elections, voter registration qualifications, voting procedures, and the Electoral College, we are forced to ask whether the very integrity of the American ballot has not been compromised.

I want to begin by briefly tracing the historical development of the way we go about choosing Presidential candidates and then electing a Chief Executive. Then I shall attempt to show how unwieldy and unrepresentative the system has become today. And lastly, I would like to suggest a broad new approach to the solution of these problems.

1. THE PAST

Let us begin by turning back to see how the whole thing began.

Walter Bagehot wrote a classic glorifying the British Constitution because it *doesn't* exist, and General de Gaulle has harkened back to the *spirit* of France emerging from the mists of time.

There is no such mystery or mythology surrounding our own beginnings. Our nation has the very unique advantage of having been born in public.

Representatives of the thirteen American colonies met in Philadelphia in the spring of 1787 with their minds set on forming a more perfect union than the Articles of Confederation had been providing since 1781.

Madison's notes of the Constitutional Convention survive, as do numerous diaries and memoris of the people and the period. There are other unique resources such as *The*

Federalist Papers written by Alexander Hamilton, James Madison, and John Jay to persuade the people to ratify the proposed Constitution.

We know what the Founding Fathers had in mind when they discussed and debated and devised the Constitution; we know what they put in it, and we know why they left some things out. We know the courage and the compromise embodied in the finished document.

Then, as now, one of the most pressing and prickly problems, the Constitutional Convention had to face was that of a chief executive—the manner of his selection, and the parameters of his power.

One of the greatest weaknesses of the Articles of Confederation was their lack of provision for a strong central authority; but the natural colonial resistance to anything even remotely smacking of the monarchy they had just fought to overthrow made this a very testy area.

Partly because the whole question was so controversial, and also partly because there was little doubt that the trusted and beloved George Washington was going to be the first head of whatever form of government emerged from the Convention, the whole problem was, in a way, finessed.

Early on, as we all know, the Convention decided that there must be a strong national government comprised of three supreme, separate and co-equal branches. The Great Compromise between the large and small states settled the thorny question of population and power by arranging that every state would be equally represented in the Senate, but according to their population in the House of Representatives.

"The Executive Power," the Convention decided, "shall be vested in a President of the United States. . ." But that was as far as it got.

After considering and rejecting several plans for electing the President, the question was sent to a committee on postponed matters, which decided that the President should be elected by a group of Electors who would be chosen in each state as the legislature of the state should direct, and as numerous as the state's representation in the Federal Congress.

It was a frank compromise from start to finish in which, as one recent historian remarked, "everybody got a piece of the cake". Even at the time, there was a certain defensiveness about this kind of patchwork Presidency. As James Madison later confessed:

"The difficulty of finding an unexceptionable process for appointing the Executive Organ of a Government such as that of the U.S., was deeply felt by the Convention; and as the final arrangement took place in the later stages of the session, it was not exempt from a degree of the hurrying influence produced by fatigue and impatience in all such bodies . . ."

And James Wilson, one of Pennsylvania's delegates at the Convention, told his colleagues quite bluntly that: "This subject has greatly divided the house, and will also divide people out of doors. It is in truth the most difficult of all on which we have to decide."

When the ninth state ratified the Constitution in 1788, the United States of America officially began. As had been expected, George Washington was its first President. He was easily re-elected in 1792, but already by the end of his second term, an unforeseen division had appeared.

Differences of outlook and opinion in the Congress had led to the formation of solid partisan blocs which quickly formed into political parties . . . and since Presidential candidates were chosen by Congressional caucuses, Party lines had an immediate impact on national life.

By 1824, the partisan elements in the feuding between the Jeffersonians and the Jacksonians had become so heated that of the four presidential candidates that year, none received the majority of electoral votes required by the Constitution to become President.

So less than half a century after the Founders had hoped that time would smooth out the rough edges of the Electoral system they had devised, that system caused a crisis which endangered the very stability and survival of the nation itself.

In the election of 1824, Andrew Jackson, whose candidacy had opposed the power of the Congressional "King Caucus", had a plurality of 50,000 popular votes, but only received 99 electoral votes. John Quincy Adams received 84; William Crawford, 41, and Henry Clay, 37. The election was accordingly sent to the House of Representatives which voted along partisan lines. Adams won seven of the thirteen states and thus became President.

For the first time in our history—but not for the last time—a President of the United States received neither a majority of the popular votes nor of the electoral college.

In 1876 this unfortunate scene was played out again under rather less attractive and honorable circumstances, and with a rather less distinguished cast of characters. After a sordid dispute that dragged on until the morning of the inauguration five months later, Rutherford B. Hayes became President by a majority of one very questionable electoral vote even though his opponent Samuel B. Tilden received 50.9% of the popular votes against Haye's 47.9%.

Only a dozen years later, in 1888, Grover Cleveland lost the Presidency although the records show that almost 45,000 more people had voted for him than for Benjamin Harrison.

In the election of 1828, when Andrew Jackson was finally elected President, there was some experimentation with using state legislatures and state political party organizations and conventions for nominating Presidential candidates . . . and out of this, during the 1830s, emerged the national party conventions which we still have today, and which still do the formal selecting of Presidential nominees.

The convention system moved the power of Presidential selection away from the Federal establishment and out to the states. The evolving and developing thrust of popular democratic and governmental reform during the next century moved power in the states out even further among the people, as delegates to the party conventions were chosen by the party membership in small, local units, in the townships and precincts across the nation.

This was no easy accomplishment or certain course. The immense power and influence involved soon attracted those who would maneuver and manipulate it for their own advantage. The notorious Boss Tweed of Tammany Hall once remarked that "I don't care who does the electing just so I can do the nominating." And he did, for a number of years, as far as New York politics was concerned.

Someone did an analysis of the delegate list to the Chicago Cook County convention of 1896, and found that:

"Among the 723 delegates, 17 had been tried for homicide, 46 had served terms in the penitentiary for homicide or other felonies. 84 were identified by detectives as having criminal records. Considerably over a third of the delegates were saloon-keepers; two kept houses of ill-fame; several kept gambling resorts."

This kind of jobbery got completely out of hand, and around the *turn of the century*, a reform movement grew up, fed by the rising discontent of the growing middle-class of small businessmen, professional men, academics, and independent farmers. This movement finally crystallized into the Progressive Party.

The Progressive leaders increasingly looked to direct primaries for choosing local and state candidates as well as national candidates, as a way of getting the decisions out of the "smoke filled rooms" and back to the people out at the grass roots.

But from the very beginning, there was a problem over which kind of primary best served the peoples' interests and purposes.

The primary system was bedeviled by the dichotomy between being a beauty contest and being a meaningful political exercise.

That is the problem which is still unresolved today.

How do you strike the right balance between choosing a candidate who must be a popular and attractive figure, while at the same time assuring the equally important responsibility and accountability of our political parties? These first reformers were already aware of the potential conflicts of interest and function between popular primary elections and national party conventions. What they tried to find—and what we must still try to find today—is the balance which preserves the best of both ways.

The initial burst of enthusiasm for primaries was short-lived but intense. Florida passed a primary law in 1901 but it was not used for years. Wisconsin passed a law in 1905 calling for the popular election of national convention delegates, but without any provision for indicating the voter's Presidential preference. Pennsylvania passed a primary law in 1908, but did not use it for that year's elections.

So the real honors go to Oregon, which in 1910 passed the first real presidential primary law covering both the popular election of national convention delegates and a binding vote for the Presidential preferential winner.

The primaries were all in place just in time for an historic political watershed. In 1912, Theodore Roosevelt decided to oppose President Taft, his hand-picked successor of four before, for the Republican presidential nomination. T.R. took his case to the people via the newly-constructed primary route. The people responded, and he won 11 of the 13 primaries he entered, including a stunning victory in Taft's home state of Ohio, and thereby secured 278 convention delegates as opposed to Taft's 48.

When the convention chose Taft as the nominee, T.R. bolted and set up his own Bull Moose Party, thus throwing the election to the Democratic candidate Woodrow Wilson.

Wilson was enough of a sutdent of government to be upset by the shambles which had secured his election, and in his first message to Congress in 1913, he proposed a national primary as a way of redeeming the demeaning carnival which the primaries had suddenly become.

The Progressives and the reformers, however, had lost a lot of their heart and steam when T. R. was defeated, and little interest was aroused in trying to reform what they had thought would be instruments of reform. Wilson's proposal was ignored, and over the next twenty-five years, eight of the 25 states which had primary laws actually repealed them.

Until 1960, then, primaries were mainly notable for the hopes they dashed. Wendell Willkie's defeat in Wisconsin in 1944 ended his hopes and his chances for a political come-back.

The same thing happened to Harold Stassen in Oregon in 1948.

In 1952 Senator Estes Kefauver put on his famous coonskin cap and hit the primary trail. He entered 15 out of 16 primaries, won 12 of them, and then lost the Democratic nomination to President Truman's choice, Adlai Stevenson, who had not entered a single one. In the same year, the New Hampshire primary badly damaged Senator Robert Taft's Presidential hopes, just as West Virginia did to Senator Humphrey's in 1960 and California did to Governor Rockefeller's in 1964.

The current state of primaries which besets us began in 1960 when Senator John F. Kennedy announced that he would take his case to the people in the primaries, to prove that his youth, his religion, and his lack of big city political support did not diminish his vote-getting ability.

Richard Nixon used the Republican primaries in 1960 to position himself, and in 1968 to re-establish himself, as the most popular Republican vote-getter.

In politics as in so much else in life, nothing succeeds like success. The primaries, which are now reported and interpreted by a vast and still-growing electronic media, can give nationwide visibility and publicity to the candidates who enter them. They have become, accordingly, more necessary for weak candidates and most attractive for strong candidates.

During the last decade, the main new interest and thrust surrounding the way we elect our President has been in the area of extension of the franchise. The great advances of the last century extending the vote to the former slaves, and of the early part of this century enfranchising women, have been notably built up and built upon by the recent 23rd Amendment of 1961 which extended the vote to the District of Columbia; the 24th Amendment of 1964 which banned the poll tax as a requirement for voting in Federal elections; and the 26th Amendment of last year which enfranchised voters between the ages of 18 and 21.

During this same period, Congress has passed the Civil Rights Acts of 1957, 1960, 1964, and 1965—which add up to a virtual Federal guarantee of the right of all citizens to vote. The Voting Rights Act of 1970 confirms this guarantee.

For all practical intents and purposes, the *quantitative* goal of universal suffrage has not been secured.

In the last decade, a new and important emphasis upon the *qualitative* aspects of suffrage has been accelerated by the sudden activity of the courts, and especially the U.S. Supreme Court.

Having once secured the right of judicial review, the Supreme Court exercised almost a century and a half of judicial restraint, keeping away from what Justice Frankfurter called this "political thicket." Now the courts have belatedly entered this area . . . indeed, some of the District courts seem intent upon making up the lost time!

By a whole string of germinal decisions, the Supreme Court has clearly indicated that it views the franchise in the widest and broadest terms.

In the Court's decision in *Gray* v. *Sanders*, in 1964, Justice Douglas wrote that "The concept of political equality can only mean one thing—one person, one vote." And in 1965 in *Wesberry* v. *Sanders*, the Court read the one-person-one-vote standard into Article I of the Constitution and applied it to elections for the National House of Representatives.

In some more recent decisions like *Carrington v. Rash* (1965), *Harper v. Virginia Board of Election Commissioners* (1966), and *Kramer v. Union Free School District* (1969), the Court has held that a state may neither deny a bona fide resident the opportunity to vote because he is a member of the armed forces; nor impose a poll tax; nor require citizens to own or lease taxable realty in order to vote in a local election.

In the case *Dunn v. Blumstein*, decided last month, the Court struck down even a minimal state residency requirement for voting. Other decisions and the Voting Rights Act of 1970 forbid literacy tests or even English-language requirements as requisite for voting.

Now, I have made this rather extended historical discussion by way of making several important points.

First, I wanted to show how the Electoral College system as it was written into our Constitution was a patchwork compromise made by men who could have no idea or inkling of the course our nation or our politics would suddenly be taking before even a generation had passed. Fortunately for our survival, the slowness of communications at the time and the good temper and patriotism of the men involved in the crises surrounding it, have saved our nation from civil war when the popular will and, at least in one case the public decency, were thwarted by the Electoral College system.

Second, I have shown how the primary system has been a relatively recent and haphazard development which arose as the result of a particular set of historical circumstances.

Third, I have pointed to what I suggest is a very significant trend involving the continual extension of the franchise—a trend which is constantly frustrated by our archaic election laws.

We can no longer send these problems to a "committee on postponed matters" . . . because they can no longer be postponed. The day of reckoning with the most basic problems of representative government—just how that government is chosen and elected—can no longer be left to chance. As America expanded in size and prosperity beyond the Founders' fondest expectations, rules were made as we went along. The result is that today, in 1972, our national politics depends on 50 different and inconsistent state systems which may or may not work well for local matters but which certainly wreak havoc with our Presidential elections.

2. THE PRESENT

We talk about primaries today, but in fact there are two very different kinds of primaries which mean very different things and which have very different results.

There are, first, delegate selection primaries where the voters pick slates of delegates for the national convention who are, depending upon the particular state's laws, either pledged to support a particular candidate at the convention, or who are unpledged to any candidate.

Then there are Presidential preference primaries where the voters get to choose from the candidates who have entered or campaigned. Many states have combinations of the two kinds.

At its best, the primary system is a way for the members of each political party to have their say and exercise their influence on their Party's choice of its nominee for President. At its worst, the primary system has become pretty much a hyped-up beauty contest with little or no inhering political influence or consequence.

And after all this expenditure of time and money and stamina, what does the winner of the primaries have to show for it? Not a lot. For example, this year the primaries represent a total of 2,007 out of 3,016 votes at the Democratic Convention, and 802 out of 1,346 at the Republican Convention.

The problem is that in only 13 states and the District of Columbia do the primaries bind the delegates to follow the results of the Presidential preference vote.

In New Hampshire, Nebraska, and Pennsylvania the delegates are only partially bound—usually for two convention ballots. In some of the biggest and most important states—like New York, Illinois, Ohio, and New Jersey—the delegates are not bound at all. In the biggest state, in California, a winner-take-all rule applies. This means that instead of reflecting the composition of the popular vote by dividing the delegates, all of California's convention votes will be cast for the simple numerical winner, no matter how small his margin may be.

That narrows the number of sure convention votes winnable in the primaries down to 1,001 for the Democrats and 395 for the Republicans, not nearly enough even for one candidate to win either nomination.

In today's primary in Wisconsin, we shall see what I consider the most obvious and ludicrous inconsistency of all the cross-over vote. Wisconsin allows people of either party to vote in the Presidential preference primary of the other party. This allows the practice known as "raiding", where partisans cross over party lines to help elect—or embarrass—the candidates of another party that they consider the easiest to defeat in the general election.

A recent and, I think, very ill-advised District Court ruling upheld the right of cross-over voting in primaries, and we have already seen the effects of that decision in the Illinois primary results.

In Illinois there were at least other state and local offices on the ballot to keep partisan lines and interests intact; but in Wisconsin there are no such constraints on what amounts to a Presidential free-for-all.

Another problem with primaries is their astronomical cost in dollars and other resources. The prenomination primary spending record so far belongs to the Democrats in 1968: $25 million was reportedly spent before the Convention in Chicago was even called to order. It has been estimated that this year the various Democratic candidates had already spent $6 million *before* the New Hampshire polls began to open up.

One commentator has quipped that to run the primary gauntlet today a candidate needs the wallet of a Harriman and the stamina of a Hereford. Why, then, do candidates bother? What keeps the primaries going?

The answer lies in recent history. John F. Kennedy's successful primary strategy led many aspirants to believe that with enough money and "charisma" they could become nationwide household words overnight—or at least in time to win their party's Presidential nomination.

Then came Senator Eugene McCarthy's stunning performance in the 1968 New Hampshire primary. I'm sure that many of you recall that amazing day, as the results poured in showing how Senator McCarthy's antiwar, grass roots, youth-oriented campaign had actually managed to topple an incumbent President in a conservative state.

Well, if that is how those events of just four years ago in the snows of New Hampshire are remembered . . . we'd better refresh our memories.

Because Senator McCarthy *did not win* the New Hampshire primary in 1968. He lost it. He lost it to Lyndon B. Johnson whose name was not even on the ballot. 49½% of New Hampshire's Democratic voters wrote in President Johnson's name—4,257 more of them than actually pulled the lever or marked the ballot for Senator McCarthy.

It was the batteries of TV and press reporters; the tremendous glaring, blaring focus brought to bear on that first challenge to the Vietnam War which served to produce what has been called, or at least interpreted, as a "moral victory" for Senator McCarthy.

It is this important visibility and the symbolic significance now read into primary victories and defeats which compels candidates to run in primaries, often despite their best judgments and against their better interests.

In 1960 there were 18 primaries; this year there are 24, including the District of Columbia and the Virgin Islands. It won't take the mathematicians among you to see that there is some kind of "primary progression" at work here, and we must do some serious thinking about the reform of the present inconsistent system before we rush ahead and add still more to it.

What we have now amounts to twenty-four different sets of rules, players, and stakes. But what can the candidate do but play when they are the only games in town.

Another crucial area of our electoral mechanism is voter registration. I know that this is of particular interest and concern to this audience. Here again, however, our system has become crotchety and unresponsive, especially in terms of the great new constituencies of young people, Spanish-speaking Americans, blacks, and women.

As with primaries, the inconsistencies of voter registration are confusing and overwhelming. If you go out to register here in Missouri, for example, you will find that while registration is not required in rural areas, some counties have permanent registration, some have periodic registration, and some have none at all; while in cities of 10,000 or more, registration exists and is permanent.

If your area has it, it closes 28 days before the primary, and depending upon the local election officials you may or may not be able to register in your precinct as well as at a central office, and you may or may not be able to register on evenings or Saturdays. If the registration is required and is not permanent, you will generally lose it unless you vote every four years.

Again at the discretion of local officials, citizens may be deputized to register voters, and an official canvass is suposed to be made no more than twenty days before the election to purge outdated voting lists. Election day will be a holiday with no liquor sold during voting hours, and depending upon where you vote, you may have a machine or a paper ballot.

Now one thing can be said for sure: this exact list of voting characteristics and qualifications would not be duplicated in any one of the other states or territories. They are all totally different in provision, and equal only in their confusion. If you believe in positive thinking, I guess that you could see some merit in the fact that in North Dakota there is no registration at all, nor are there any state wide provisions for checking vote frauds.

So we have a daunting, demanding disparity of complicated rules and regulations for registration. It is not difficult to see how many votes are wasted, voided, or fixed amidst this confusion, especially when the different—and in some cases exotic—forms of ballots in different areas are taken into account.

In some jurisdictions, people have been able to vote a whole straight party ticket under a symbol—like a rooster or a lightning bolt or a camel—rather than for a particular set of candidates.

While many people today say that individual votes cannot make any difference, it is in fact fair to say that with the unit rule in the Electoral College, individual votes per precinct do literally win or lose our modern Russian roulette elections.

As Tom Wicker of *The New York Times* wrote in 1968 about the 1960 Kennedy-Nixon election:

"All history books record that Kennedy received 303 electoral votes to 219 for Richard M. Nixon. But electoral votes are determined by the popular votes . . . and in 1960, a shift of only 4,480 popular votes from Kennedy to Nixon in Illinois, where there were highly plausible charges of fraud, and 4,491 in Missouri, would have given neither man an electoral majority and thrown the decision into the House of Representatives. If an additional 1,148 votes had been counted for Nixon in New Mexico, 58 in Hawaii, and 1,247 in Nevada, he would have won an ouright majority in the electoral college.

"Any experienced reporter or politician knows that few votes can easily be "swung" in any state by fraud or honest error."

In 1960, in the 50th Precinct of Chicago's 2nd Ward, there were 22 legitimate voters, 82 applications for ballots, and 77 recorded votes cast. And in Precinct 27 of Anglia County, Texas, there were 86 voters who turned out and somehow managed to cast 171 votes according to the supervisor's tally. In Fannin County, Texas, 4,895 eligible voters somehow managed to cast 6,138 votes.

Such vagaries may appear minor, even humorous, pecadilloes in terms of the total national vote, but when a plurality of one could move a whole state's electoral vote into one column or another, there is compelling evidence, it seems to me, for bringing some kind of reform and order to the whole system.

If this nation had been able to have an honest recount on the occasions where the popular vote was challenged, our history might have been different. But even if there was no question of fraud involved, the archaic and inconsistent state laws make it simply impossible in America today to have a recount for the Office of President of the United States. Our system of government is based, as it should be, upon the orderly transfer of power from one Administration to the next. But how can we pretend to do that when, for example, an Arkansas law provides that a Federal recount can only be held after an affirmative vote of the state legislature—which does not meet until the February of the year following the election? Are we to leave the White House vacant or a Presidency of the United States in doubt because of the partisan whims of a one-party state legislature?

If accountability is the keystone of responsibility, then our registration, balloting systems, and state recount laws conspire to limit the voter's intelligent and properly counted vote.

The recent trend in American politics away from the large majorities of the Roosevelt and Eisenhower elections, and toward smaller pluralities of votes in fields which may well include strong Third Party candidates as a permanent fixture for some time, has made it imperative that we address the whole question of the Electoral College.

Governor George Wallace's candidacy in the 1968 Presidential election prodded much thinking and writing about Electoral College reforms, but as is too often the way with such things, once the crisis failed to materialize, a comfortable inertia returned.

As long as the Electoral College remains as it is, however, a sword of Damocles is hanging over the head of American popular democracy.

Americans today do not actually vote directly for the President of the United States, but for a number of *Electors* who get together after the popular election, certify the results, and then cast their electoral votes for President. We the people choose the electors and then they elect our President.

The first structural defect of the Electoral College system is the "unit rule." According to the unit rule, the numerical winner in each state is credited with *all* the votes in that state, *even those that were cast against him*. At a time when, as we have seen, the Congress and the Courts have made one-person-one-vote their operative axiom, the unit rule in the Electoral College still makes Presidential elections a kind of winner-take-all gamble.

The second defect of the Electoral College system is that because of geographic distribution, it makes possible a situation where the candidate with the most popular votes receives the least electoral votes. I shudder to think of the popular discontent and dismay with the results of some future election in which the popular vote winner is not chosen President because of an Electoral College deficiency. Our whole new "Presidential constituency" and electorate which has grown up with the media and been encouraged by the Courts and the Congress, might literally be up in arms at such a seemingly paradoxical and incomprehensible event.

Another defect is the archaic role of the "electors" themselves. At best, they are inaccurate rubber stamps; at worst, they can be spoiling mavericks.

Since the whole system *is* inconsistent and troublesome, we should forestall such future tribulations by acting now to bring it into line with common sense and the common experience and perception.

The sum total of our present procedures for getting a President chosen, elected, and inaugurated, is pretty bleak. Somehow we have managed to muddle through so far, but as the election of 1968 dramatically underscored, we are living on borrowed time.

3. THE FUTURE

So now we have come full circle. We have survived almost 200 years as a nation by guess and by God.

With almost two hundred years of successful nationhood under our national belt, we can now, we must now, address these very basic defects in our representative government.

The problems I have been discussing tonight have been the subject of long and sophisticated discussion and debate. There have been countless proposals, but they have dealt with the problem piecemeal. If I make no other point tonight, it is that the election of our President must be a unified national process; a single procedure embraced by Federal law from registration to inauguration.

I would like to propose a Federal Uniform Elections Law which would address across the board the problems of primary elections, voter registration, ballot uniformity, Congressional accountability, and Electoral College reform.

But I am totally opposed to the idea of a National Presidential Primary. And I do not think that the way to reform the problems posed by twenty-four primaries in 1972 is to add twenty-eight more for 1976. In effect, a National Primary would create a second and equally expensive and cumbersome national election just three months before the real one in November. Indeed, if the results of the national primary required a run-off, that would mean a third national election; and that is just too much to ask or expect.

At the same time, a national primary would serve to eliminate the positive aspects of the visibility function of primaries. I think that there is an important role played by primaries in getting the politicians and the issues out among the people, in different settings, and under different pressures.

I propose a system of Uniform Federal Presidential Preference Primary Elections as part of the Federal Uniform Law. Such Federally-supported uniform primaries could run in sequence, beginning perhaps on the first Tuesday in March, and the states could opt in or not as they choose. Candidates too, would enter voluntarily, and contesting one primary would not require contesting any or all others held on the same day. No one other than the candidate himself would have the power to place his name on any ballot, and there would be no cross-over voting allowed from party to party.

Registration for the uniform primary would be the same as that for the general election, which would be simplified and streamlined, and there would be the same kind of simplified uniform ballot. The distribution of convention delegates would be based on Congressional distribution, and the delegates chosen would be bound to cast their convention ballots in a manner reflective of the outcome of the popular vote, for, say, at least two ballots.

It would be a positive development if several primaries were eventually held on the same day and if those primaries included a representative national cross-section of states. Probably the main inducement to the states to join the uniform Federal primary would be the fact that the Federal Government would be picking up a big chunk of the election tab.

Another key provision in the Federal Uniform Election Law would be a uniform and streamlined Federal Ballot.

The Federal Ballot would separate the Presidential Congressional election from all the other state and constitutional offices up in the Presidential year. Voters would fill in a separate, simple, uniform ballot which would be cast in a separate box or machine under Federal authority to insure the honesty of polling, the immediacy of impounding and counting, and the possibility of recounting the votes if necessary.

This uniform Federal ballot might also have a very important impact in the area of Congressional responsibility.

As David Broder has pointed out in his new book, *The Party's Over*, in only four of the 26 elections from 1900 until 1952 did the Party opposing the President have a majority in either house of Congress. But in 5 of the 10 elections since Eisenhower was elected in 1952, the voters have sent opposition majorities to *both* houses of Congress.

The early days of a new administration should be the time of great and purposeful accomplishment under the impetus of the recent national mandate. I am confident that by including Congressional offices on the Uniform ballot, we would add to the cohesion and responsiveness of our entire system, as every voter would be able to see—quite literally, to see on his uniform ballot—the pattern and relation between the Federal executive and legislative branches.

The uniform Federal ballot would also cover an important question which I am not certain was really addressed in the recent Supreme Court decision invalidating the 30-day residency requirement for voting for Federal officials. That is the question of absentee or floating constituency voting on local issues. I personally believe that local jurisdictions should be able, within the equal protection of the laws, to set some reasonable requirements for voting on issues and candidates of concern only to the local community. I do not think that local taxpayers, life-long residents, should have to live out their lives paying off debts incurred or pledges made by voters who will move on and will not have to live with the effect of their actions.

Every American should be able to cast that Federal ballot wherever he or she is—in school, in the military, or simply traveling in America or around the world. I think that the separate and uniform Federal ballot could solve this problem very neatly and conclusively.

The Federal Uniform Election Law would also include a comprehensive reform of the Electoral College as it has existed for the last century. This would require a Constitutional amendment to modify the Electoral College itself while keeping the electoral system as an automatic counting device. As at present, each state would be entitled to a number of electoral votes equal to its representation in Congress.

Each candidate would be credited with exactly the same proportion of the electoral votes as he received popular votes, and the person with the greatest number would be President.

Under this kind of a procedure, every American would have an active voice in choosing his or her President instead of the mere expression of preference they have right now. Under this new proposal, each vote would count for the candidate the voter voted for, and not, as now happens, for the man he opposed.

The problems are great, but they are not insurmountable; they are daunting but they should not be depressing.

What *is* depressing to me, however, is the apparent lack of interest or concern on the part of so many Americans about their nation or its leadership. The latest Gallup Poll shows that voting registration has not increased measurably during the five months since the last survey, and *as of March 1st, 1972, 40 million eligible Americans over the age of 18 years have still not registered to vote.* Less than half of the eligible voters under 30 years of age are registered.

This may partly be the fault of the political parties which have failed in too many cases, and especially in the cases of the new constituencies I have been talking about, to make themselves meaningful or relevant. I believe that one of the results of the Federal Uniform Election Law I have proposed would be to restore the vitality and integrity of the political parties by forcing them to reorganize and become responsive if they still want to attract the American voter to their ranks. Well, we have covered a lot of ground together tonight: from 1787 to 1972—and beyond.

But we have had one sure and certain focus: the vote.

In his dissenting opinion in the Illinois primary cross-over vote case I mentioned earlier, Judge Abraham Lincoln Marovitz affirmed that:

"Indisputably the right to vote lies at the very heart of the democratic process and is a fundamental element in the principles by which this Nation is governed. Although the manifestation of this right has gone through vast political, social, demographic and geographic transformations over the years assuming the various shapes and forms suitable to the practicalities and exigencies of a particular era, its essential core stripped of historical and periodical gloss—the right of all citizens to choose freely without governmental interference—has always remained the same."

Perhaps because they are so familiar to us, we take our electoral institutions for granted. But more than a century ago, the English writer and economist John Bright expressed an envy which can still be heard around the world. Bright wrote that:

"We know what an election is in the United States for President of the Republic. . . Every four years there springs from the vote created by the whole people a President over that great nation. I think the whole world offers no finer object of ambition on the political stage on which men are permitted to move. You may point, if you will, to hereditary rulers, to crowns coming down through successive generations of the same family, to thrones based on prescription and conquest, to sceptres wielded over veteran legions and subject realms—but to my mind there is nothing more worthy of reverence and obedience, and nothing more sacred, than the authority of the freely chosen magistrate of a great and free people; and if there be on earth and amongst men any divine right to govern, surely it rests with a ruler so chosen and appointed."

I wonder whether an astute observer such as John Bright would be able to write with such conviction today . . .

I believe that we are on the brink of great trouble in America unless we face the fact that the most basic of our national institutions is no longer working for America in the last third of the 20th century.

We have labored and sacrificed imperfectly but nobly to achieve a universal suffrage. But now that all Americans can vote, we are beginning to discover that the vote itself does not do what we want it to do.

It has fallen to our generation to confront the sobering fact that the struggle to achieve a meaningful representative government is an unending one.

We do have a long way to go. And the place to start is right here right now. We all have to work at our institutions if they are going to work for us. And we have to make everyone's vote mean something or else noone's vote will mean anything.

We should make our leaders . . . and our candidates . . . and our friends talk and think about making the necessary reforms in our electoral system and mechanism. No issue is more timely or important; indeed, no issue is more urgent.

The first step is to recognize and define the problem. I hope that my remarks here tonight may have done some good in that direction.

The second and most important step is to make a commitment to solving the problem. And unless we all do that—and do it soon—we will not be worthy of the heritage or the faith of our fathers. And, indeed, we may not keep them much longer.

As one observer has aptly noted:

"A nation is never finished.
You can't build it and then leave it standing as the pharoahs did the pyramids.
It has to be recreated in each generation by believing, caring men and women.
It is now our turn.
If we don't believe or care, nothing can save the nation.
If we do believe and care, nothing can stop us."

ITT'S ACTIVITIES IN CHILE

Mr. HARRIS. Mr. President, on March 30 I sent to Acting Attorney General Kleindienst a letter requesting information on the steps which the Department of Justice is taking to determine whether or not ITT's activities in Chile, as revealed in the documents released by Columnist Jack Anderson, violate sections 953 and 956 of the title 18 of the U.S. criminal code. I believe that other Senators will be interested in the background of this issue. I therefore ask unanimous consent that my letter to the Acting Attorney General be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 30, 1972.

Hon. Richard G. Kleindienst,
Acting Attorney General of the U.S., Department of Justice, Washington, D.C.

Dear Mr. Acting Attorney General: In reviewing ITT documents relating to its investments in Chile, I am concerned that ITT may be in violation of the U.S. criminal code, Title 18, sections 953 and 956. These statutes provide for penalties up to 3 years in prison, monetary fines or both.

Section 953 concerns private correspondence with foreign governments. It states: "Any citizen of the United States, wherever he may be, who without the authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years, or both."

In the ITT memoranda which columnist Jack Anderson has obtained and now released, it is not clear that ITT did carry out correspondence with a foreign government or its agents with the intent to defeat "the measures of the United States." But the tone of the memoranda strongly suggest that this could have happened and that the purpose was to influence political events in Chile. If so, this attempt to interfere in Chilean affairs was taking place at a time when the U.S. was declaring publicly and repeatedly that it remained neutral with respect to internal political developments in Chile. In short, ITT appears to have been working against a clearly enunciated diplomatic policy of the United States Government.

Section 956 states: "If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal bridge, or other public utility so situated, and if one or more such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than $5,000 or imprisoned not more than three years or both."

An ITT memorandum dated September 14, 1970, states that ITT had been "trying unsuccessfully to get other American companies aroused over the fate of their investments, and join us (ITT) in pre-election efforts." A memorandum dated October 9, 1970, confirms that such plans were serious when it notes that "practically no progress has been made in trying to get American business to cooperate in some way so as to bring on economic chaos."

No specific property is mentioned in the memoranda but in their plans to "create economic chaos," ITT officials surely had specific targets in mind. In particular, full investigation might disclose what ITT planned to do to "injure or destroy" its own properties in Chile, which are a public utility as mentioned in Section 956, with a view to creating "economic chaos." That there may have been a "conspiracy" reaching all the way to the office of the ITT President is suggested in virtually every memorandum released by columnist Anderson.

In light of the foregoing, I wish urgently to request information on the precise steps which the Justice Department has taken to determine whether or not ITT has broken the law. As chief legal officer of the United States Government, you will agree that respect for the law is only upheld when our citizens believe that the rich and the powerful must bow to it as well as the poor and helpless.

It will reassure our citizens if they see that the political dispute over ITT's activities within the United States notwithstanding, the Jusice Deparment is moving vigorously to determine whether ITT has broken the law in its activities abroad.

I look forward to your early reply.

Sincerely,

Fred R. Harris,
U.S. Senate.

RADIO LIBERTY

Mr. SCOTT. Mr. President, the Sunday Washington Post published an interesting letter to the chairman of the Committee on Foreign Relations. It was not a letter to the editor. It was a letter from a distinguished journalist, Chalmers Roberts.

Mr. Roberts makes the point, quoting Nobel Prize winning Soviet writer, Alexander I. Solzhenitsyn, that "if we learn anything about events in our country, it is from there," meaning Radio Liberty.

Mr. President, this quotation and the entire letter to the chairman of the Foreign Relations Committee emphasizes for each of us in this Chamber the need to continue financing Radio Liberty because of its successful contact with the people of the Soviet Union.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Letter to Fulbright: Is Radio Liberty a Cold War Relic?

Senator J. William Fulbright,
Foreign Relations Committee,
The Capitol, Washington.

Dear Bill: I see by the papers that you are persevering in your efforts to sink Radio Free Europe and Radio Liberty on the grounds that they are "remnants of the Cold War." What causes me to write you this open letter is Robert Kaiser's recent interview in Moscow with Alexander I. Solzhenitsyn, the Nobel Prize winning Soviet writer.

I was intrigued by this paragraph in Kaiser's account of the interview and I wonder if you spotted it:

"He criticized the Soviet press for its lack of fairness and completeness, and had a good word for Radio Liberty, the station financed by the U.S. government which broadcasts in Russian from West Germany. 'If we learn anything about events in our own country,' he said, 'it's from there.' "

There are a number of passages in the partial text of the interview, as printed in The Washington Post, that also should interest you. For instance, Solzhenitsyn said that "you Westerners cannot imagine my situation." And: "No one dares to stand up and object to a party propagandist, because if he does, the next day he may lose his job and even his freedom." And: "In general, in our country we seem to bait people not with arguments, but with the most primitive labels, the coarsest names, and also the simplest, designed, as they say, to arouse the fury of the masses." And, finally: "It really never occurs to them [those directing the campaign against Solzhenitsyn] that a writer who thinks differently from the majority of society represents an asset to that society, and not a disgrace or a defect."

The day this interview was printed you were quoted as saying your committee intends to have hearings covering "the critical early period of the Cold War" in order to get at the origins of American involvement in the Vietnam war. A great deal of material is now on the public record and it can serve a useful purpose to go back and examine it with perspective. You may have noted that Solzhenitsyn also is trying to do some historical research, into Russian history, but that he had been blocked from many documents and sources and that he complained in the interview that his defamers "refuse to acknowledge the complexity and richness of history in its diversity."

It seems to me, Bill, that you and he are both trying to probe the origins of national attitudes though from different perspectives and that that is all to the good. Fortunately, as the interview shows, it is much easier for you to do than it is for him. He has no congressional committee to help, for one thing. In terms of contemporary affairs and their bearing on future problems in Soviet-American relations he must depend on word of mouth, underground publications and Radio Liberty. But you want to deprive him of Radio Liberty and deprive others like him in Eastern Europe of what they likewise can learn of their own nations from Radio Free Europe.

Of course I realize that you believe the Cold War is over or at least is an anachronism. But wishing does not make it true. What Solzhenitsyn says to me is that he is caught up in the Soviet Union in the internal part of Moscow's own Cold War attitude. The worst phase of the American version of the Cold War was the period of McCarthyism and Solzhenitsyn seems to be fighting a Kremlin version of McCarthyism.

You may respond that what goes on inside the Soviet Union is none of our business; let Solzhenitsyn fight his own battles. He is doing that, of course, but why deny him the help of the American radio stations? Many Americans are exercised about the Soviet government's treatment of its Jews and of its many other minorities. This seems to me a valid concern and the evidence is that the expressions of such concern, short of the extremists here who carry it to the point of violence, have had an effect on Soviet policies.

That does not seem to me to be a Cold War exercise but rather a valid expression of human concern for mankind anywhere and everywhere. You object that such concern has turned the United States into the world's policeman and led us into Vietnam, the Dominican venture and so on. But isn't that because we failed to draw a sensible line, that we crossed over from the mental to the physical form of activity?

I don't have much faith in the theory that American and Soviet policies are moving toward convergence. On the other hand, I do think that what Moscow and Washington do affects the other's actions, internally as well as externally, to some degree.

There is a paragraph in the Solzhenitsyn interview that seems to express your own philosophy:

The study of Russian history, which has now led me back to the end of the last century, has shown me how valuable peaceful outlets are for a country, and how important it is that authority—no matter how autocratic and unlimited—should listen, with good will to society, and that society should assume the real position of power; how important it would be to have righteousness, not strength and violence, guide the country."

Isn't this what you, too, are working for? The Iron Curtain of Churchill's time may be shot full of holes but it has not disappeared. The Cold War has been mitigated but it is not ended. How many Russians come here as Fulbright fellows? How many Americans study in the Soviet Union?

I have been a long-time believer in East-West contacts, as you have. I cannot see the logic of your wanting to end the contact provided by Radio Liberty and Radio Free Europe. They are not calling for revolution; we are long since past John Foster Dulles' "liberation." But they do provide contact, as Solzhenitsyn is my witness.

Chalmers M. Roberts.

DEATH OF FORMER GOV. JOHN S. BATTLE, OF VIRGINIA

Mr. TALMADGE. Mr. President, I was very much saddened by the passing of John S. Battle, former Governor of the State of Virginia.

Governor Battle served his State and Nation with distinction, and he was particularly instrumental in improving the quality of education in Virginia at a time when southern schools were going through a period of social and economic crisis.

John Battle was Governor of Virginia during the time that I served as Governor of the State of Georgia. It became my pleasure to get to know Governor Battle and to work with him on matters affecting our States and region and at Governors' conferences.

Mrs. Talmadge joins me in extending our sympathies to the Battle family.

BANGLADESH

Mr. HARRIS. Mr. President, today in many newspapers there are reports of an impending food crisis in the new nation of Bangladesh. This is yet another example of the callous and indefensible policy which the United States has followed in South Asia since March 1971.

According to the New York Times report of March 30, the $350 million pledged to the U.N. operation so far—the appeal for this year is for about $600 million—the U.S. has offered about $100 million, but almost none of this, which includes $60 million in food, has arrived.

I do not understand why the Congress must continue to read such reports in the press. There is no excuse for the continued delays in the delivery of U.S. supplies to Bangladesh. The U.S. Government seems able to assure the supply pipeline for the war in Southeast Asia. Why cannot it operate with similar efficiency in a relief effort to feed hungry people? I do not believe the Congress should fall silent until an answer is provided.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 30, 1972]

With Economy in Ruins, Bangladesh Faces Food Crisis

(By Sydney H. Schanberg)

Dacca, Bangladesh, March 29.—As a column of horsecarts carrying bagged rice plods along a dirt track on the edge of Faridpur, ragged children scramble in the dust for a few kernels that have escaped from a hole in a bag.

In Khulna 20 United Nations relief trucks sit idle outside a Government office—either for lack of anything to carry or because the Government cannot pay for drivers and maintenance crews.

Disturbances—some observers have called them small riots—have broken out in several areas where shortages of rice and wheat have driven prices far beyond the reach of any but the well-to-do.

Many factories, shops and businesses have not reopened since the December war and unemployment has rocketed. Beggars are multiplying at an unusual rate as the rural poor pour into the cities in the futile hope of finding work or at least a subsistence dole of food.

A FLATTENED ECONOMY

In short, the food situation and the economic picture in general are bleak and worsening in the new Bengali nation of Bangladesh, formerly East Pakistan, which won independence from Pakistan after an eight-month guerrilla struggle and a two-week Indian-Pakistani war that destroyed hundreds of thousands of homes, damaged most roads and bridges and left the economy flattened.

Just about everything is wrecked, and trying to repair the wreckage is like trying to plug a sieve.

By Western standards the situation seems desperate and to some newcomers hopeless. Even by Bengali standards it is a serious crisis. Long-time Western relief workers—always reluctant to predict famine or other cataclysms in a land where the resilient Bengalis have survived chronic floods, epidemics, tidal waves and, lately, widespread slaughter and a civil war—are nevertheless describing the situation as dangerous.

"Even the most inventive and most resilient destitute people," Toni Hagen, the Swiss who heads the United Nations relief operation, wrote in a recent report, "have no chance to survive if they are not given a minimum standby to start with."

The United Nations relief effort, the largest ever attempted, has not really gotten off the ground.

MONEY JUST ONE PROBLEM

One big reason is lack of money, but there are others: appalling bureaucratic delays in both the Government and the United Nations Headquarters in New York; corruption; the failure of the United Nations, the Government and the myriad of foreign private relief agencies to coordinate their programs. Confusion and infighting are rife.

"The Prime Minister has asked how long this mess is going to continue," a Government official told a meeting of relief agencies earlier this month, referring to Sheik Mujibur Rahman.

With things gone sour, at least so far, everyone is blaming everyone else—and there is some truth in all the charges.

The private agencies, most of which have meager funds and can undertake only small projects, say the United Nations is inefficient and incompetent. United Nations officials, hamstrung by their slow-moving bureauracy in New York, say the private agencies have a "short-timer" relief mentality—just dumping charity goods here and moving on to the next disaster without addressing themselves to the real problem, which is rehabilitating the economy and the people.

And the Bangladesh Government, itself debilitated by confusion and delay, accuses them all on occasion of acting like sovereign fiefdoms and not consulting on their activities.

GOVERNMENT GETS BLAME

The Government says further that the wide publicity surrounding the private agencies has "led people to believe that if adequate relief was not reaching them, this must somehow be the fault of the Government."

So far the Government has conveyed no sense of urgency or crisis to the people. There are no signs of mobilization for what may be a famine emergency—no efforts to commandeer river boats and vehicles, no campaign in the interior to organize the conveys of bullock carts and coolie crews that will be the only means of moving the food in remote areas when the rains come.

"Any foreigner who visits Dacca," a disgusted Bengali official commented, "would not have the faintest notion that we are in the middle of what amounts to a wartime emergency. The hotels are full, the girls are dancing, the movie houses are thriving, people are politicking and the Government has imposed no special taxes or issued any special orders."

Observers who are not quite so pessimistic point out that the Government is really less than three months old—dating from Sheik Mujib's return Jan. 10 after more than nine months in West Pakistani prisons—and that it is too soon to make any definitive judgments.

The conventional wisdom about the food situation—in Washington, for example—is the problem is not so much getting supplies to Bangladesh as it is distributing them to the interior. Experts here agree with this, but at the same time they note that for the moment there is virually no food in the ports to distribute.

BIG FOOD GAP FORESEEN

With the food gap for this year estimated at two million tons or more, less than 100,000 tons of food grains have been brought in through the United Nations program so far, and the next substantial shipment—66,000 tons—is not due until the last half of May.

"The dangerous time is the next six weeks, before the food begins to arrive," a food expert here said. "Stocks are very low and the rice price is getting dangerously high. In many cases it has doubled. People can't afford it. There could be trouble, maybe riots, and this could have political implications."

Of the $350-million pledged to the United Nations operation so far—the appeal for this year is about $600-million—the United States has offered about $100-million, but almost none of this, which includes nearly $60-million in food, has arrived.

Many Bengalis and some foreigners contend that the relief situation would not be half so bad if the United States—the only country, they feel, with the resources to make a real dent—had moved in sooner. They feel that President Nixon allowed his foreign policy to get in the way of a humanitarian relief effort. The Nixon Administration adopted an anti-India pro-Pakistan policy during the Bangladesh struggle, and it has still not recognized the new nation of about 75 million.

INDIA HOLDS THE KEY

The Russians, though their relief commitment is much smaller, have moved in quickly to take advantage of the poltical vacuum. They got a salvage contract to clear mines and sunken hulks from the China and Chittagong ports which some observers think will give them a naval foothold here. The United Nations had first option on the contract, but when headquarters dragged its feet for over two months, the Bangladesh Government got fed up.

Whatever the results of either Western, or Soviet aid, the key to the relief crisis for the next few months and perhaps longer will be India, which has the largest stake in keeping Bangladesh not only afloat but reasonably stable.

Enjoying a food surplus for the first time as a result of the "green revolution" in wheat, the Indians have promised to pump at least 500,000 tons of grain into Bangladesh by the end of June.

Yet relief officials here concede that even if all the food promised by India and the United Nations arrives on schedule, there will still be pockets of severe shortage and some people will die—if not of outright starvation then of such diseases as cholera and pneumonia as a consequence of hunger.

Mr. Hagen, the United Nations relief official, whose bluntness about the situation has brought him an admonition from New York to stop talking with the press, wrote in a widely circulated report last month:

"The situation in Bangladesh is desperate. Practically no food grains are in the pipeline. Entirely insufficient measures have been taken so far to restore the transport system. Blankets won't do. Baby food won't do. Midwifery kits won't do. Charity won't do. Cash is required for employment and reconstruction. Plain cash."

UNITED STATES TRAVELING EXHIBITS TO SOVIET UNION AND EASTERN EUROPE

Mr. BELLMON. Mr. President, the United States for several years has been sending large traveling exhibits to the Soviet Union and Eastern Europe under the cultural exchanges program. These exhibits, which include several young bilingual Americans as guides, reach approximately a million Soviet citizens every 2 years and provide them with personal contact with people of this country.

I personally visited a similar exhibit in Plovdiv, Bulgaria, in 1970, on Education in the United States and had the personal experience of seeing the United States reach out and talk through American guides and an outstanding exhibit to the people of Bulgaria—one of the several countries which for political reasons is unable to have the natural, easy, free exchange with us which we all would favor. My own personal experience convinces me of the tremendous value of these exhibits.

Miss Charlotte Saikowski, writing in the Christian Science Monitor, has described our latest exhibit now in Moscow on Research and Development in the United States in a way which illustrates the value of this program most clearly. I ask unanimous consent that Miss Saikowski's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviets Enthusiastic Over U.S. Exhibit

(By Charlotte Saikowski)

Moscow.—The youthful American with long sideburns and moustache was surrounded by a throng of Russians like some matinee idol.

"Olya, it's he," an auburn-haired girl whispered in excited tones, nudging a friend. "It's Nikita Barsky. I recognized him by his voice." The girls giggled and pressed closer into the crowd.

The scene at the American research and development exhibit at Sokolniki Park, was vivid proof that Russians listen to the Voice of America, for Nikita Barsky is a broadcaster for VOA and one of 22 American guides working at the fair. Far from evidencing any hostility, crowds burst into knowing smiles when they learn who he is.

There is enthusiasm generally for the American show, which is the 12th to be held in the Soviet Union, and an anniversary of sorts. It was at the first U.S. exhibit in 1959 that then Vice-President Richard M. Nixon and Soviet leader Nikita S. Khrushchev made world headlines with their "kitchen debate."

Mr. Nixon is to come soon to Moscow again, this time as President. And while it is unlikely there will be a kitchen debate (no kitchen, for one thing), Americans here wonder if the "debater" might not fly to Volgograd, where the exhibit will be running during his Soviet visit.

In any case, a visit to Sokolniki Park provides some insights into how informed Soviet citizens have or have not become in the intervening 13 years.

True, perhaps 80 percent of the thousands of questions fired at the Russian-speaking guides still concern the U.S. standard of living. At the General Electric stand, within a few short minutes one hears Russians ask, "How does an unemployed worker live?" "Is he allowed to keep his car?" "How long do benefits last?" "What does a teacher earn?" "What do you pay for a higher education?"

"How much does a chicken cost?" a man asked.

But the remaining 20 percent disclose a higher level of sophistication and a greater awareness of the world outside than in 1959, a fact probably attributable to the Khrushchev thaw, repeated exhibits, the growing number of tourists, and foreign broadcasts.

It is standard, for instance, to hear: "Why is Angela Davis being persecuted?" But one knowledgeable Russian asked, "We understand that Angela Davis belongs to the American Communist Party, which adheres to the Soviet line. Yet she is a follower of Marcuse and he does not accept the Soviet position. How do you explain that?"

Levels of sophistication vary from city to city, of course. In Tbilisi, the Georgian capital where the exhibit opened in January, the questions tended to be simpler and focused on the gadgetry.

"The Georgians seldom asked about the United States," says Carolyn Smith, a guide from Washington, D.C. "Mostly they wanted to know about the products and what they cost. And tell them about the Lincoln Continental and they were ready to give you rubles for it!"

Not surprisingly, the young Americans are getting many questions about the President's visit to Peking, which clearly overshadows his upcoming trip here. There is no hiding Russians' disappointment that the President will not have touched down in Moscow first, and their suspicion that deals were struck in Peking.

Aside from the popular guides, Muscovites are enjoying such attractions as the Univac 9300 computer, laser devices, consumer appliances, and other items in the exhibit. The racy Javelin, one of three cars on display, has been stripped of its windshield wipers and chrome fittings—by "zealous souvenior hunters," as exhibit officials put it.

Except for a few posters about town, the Soviet Government has given little publicity to the exhibit. Muscovites hear by word of mouth, however. Attendance is strong, and the questions keep pouring forth.

"How did you learn Russian?" a stout, elderly gentleman asked Nikita Barsky.

"A little in the kitchen, a little at the university," he replied. "You see, my grandparents were from Kiev . . ."

A smile crept over the faces of the listeners.

LICENSING OF VACCINES

Mr. RIBICOFF. Mr. President, on Thursday, March 30, I released a GAO report concerning the licensing and regulation of vaccines by the Division of Biologics Standards in the Department of Health, Education, and Welfare. The report revealed that the Division had for years permitted many ineffective vaccines to remain on the market and that it had allowed manufacturers to sell millions of doses of subpotent influenza vaccine.

On April 7 and 8, two articles by Nicholas Wade in Science magazine and by Morton Mintz in the Washington Post reported that a committee had been formed to find a successor to the present Director of the Division of Biological Standards, who has served in that position since 1956. Once a new Director has been chosen, he will reportedly take office immediately.

If these reports are accurate, HEW will have taken an important first step toward the development of a vaccine program that adequately protects the health of the American people. Much more needs to be done, however, before we can have such a program. Just as no single person is responsible for all the problems that have arisen in the Division of Biologics Standards, no single appointment will solve them. What is needed is a thorough and critical reorientation of vaccine regulation so that in all decisions concern for public health will take precedence over a solicitude for commercial interests or a bureaucrat's jurisdiction. Structural change may be needed in order to accomplish this goal.

The Subcommittee on Executive Reorganization and Government Research, which I Chair, has before it legislation that would combine the functions of the Division with those of the Food and Drug Administration in a single agency responsible for regulation of all drugs. We are trying to develop an organizational plan that will best promote effective vaccine regulation. In addition, creation of an independent Consumer Protection Agency, as provided in S. 1177 which I am sponsoring, would go a long way toward improving the protection the public receives from all our regulatory agencies.

I welcome the decision to give the Division of Biologics Standards new leadership and I hope that this decision will be a prelude to solving the multitude of problems that this agency has experienced. Through the subcommittee, I intend to monitor HEW's actions in this area closely. In this connection, I am hoping to receive soon a copy of the important and long-awaited study of the Division of Biologics Standards management prepared by an NIH committee chaired by Dr. James Schriver.

I ask unanimous consent that the article by Nicholas Wade, in the April 7 issue of Science, and the article by Morton Mintz, in the April 8 Washington Post, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

DBS: Agency Contravenes Its Own Regulations

A major deviation from rules by a federal regulatory agency has been documented by the General Accounting Office (GAO), the investigatory arm of Congress. According to an 8-month GAO study released last week, more than half of the influenza vaccine lots certified by the Division of Biologics Standards (DBS) over a 3-year period were known to be less potent than the agency's own prescribed standard. The GAO study also indicates that the DBS director failed to order ineffective and potentially harmful vaccines off the market for fear that his bureaucratic domain would be threatened.

The GAO report is the first detached and independent study of the DBS since the agency was publicly criticized last September. DBS scientist J. Anthony Morris and consumer advocate James S. Turner charged that a major breakdown had occurred in the scientific integrity of the division (*Science*, 3 March). Robert Q. Marston, director of the National Institutes of Health (NIH), appointed a committee of vaccine experts to examine the indictment and announced on the basis of the committee's findings that "the Morris/Turner charges of scientific mismanagement are without merit." The GAO report confirms that in 2 of the 12 specific issues raised by Morris and Turner—influenza vaccine potency testing and the DBS's authority to require efficacy in the vaccines it licensed—the DBS was considerably at fault, although not precisely in the way described by Morris and Turner. The GAO report tends to corroborate the general theme of the Morris/Turner indictment, that the scientific management of the DBS has been less than outstanding. However, NIH officials contend that the GAO report seriously misrepresents the DBS's role in certifying influenza vaccines.

The GAO report was initiated last June at the request of Senator Abraham Ribicoff (D–Conn.), chairman of the subcommittee on executive reorganization. The GAO investigators discovered that on the evidence of the DBS's own records, 130 of the 221 lots of influenza vaccine released by the DBS in 1966–68 failed to meet the standards of potency required by the agency's own regulations. One hundred and fifteen of these lots were subpotent according to the test results submitted to the DBS by the manufacturers themselves. Another 15 lots were potent according to the manufacturers' tests and failed the tests conducted by DBS scientists, yet were released for public use by the DBS management.

Asked by *Science* on 2 March whether

manufacturers had been submitting subpotent vaccines and why a manufacturer was given the benefit of the doubt with a particular lot that had failed the DBS's own tests, DBS director Roderick Murray stated in a written reply: "No lot of vaccine of low potency was knowingly released. . . . The suggestion that benefit of the doubt was given to manufacturers is untrue and is, in fact, reprehensible. The GAO study of the same question concludes: "We found, however, that DBS was releasing lots of influenza virus vaccines during 1966, 1967 and 1968 even when its tests showed the potency of the vaccines to be as low as 1 percent of the established standards."

A second area studied in the GAO report is the legal authority of the DBS to require that the products it licenses be effective. The GAO report states that according to Murray himself, 75 of the 263 products licensed by the DBS are generally not recognized as effective by most of the medical profession. Only 32 of these products are currently on sale to the public. Until recently the DBS claimed it had no legal authority to order these ineffective vaccines off the market (*Science*, 10 March). In November 1971 the Secretary of Health, Education, and Welfare (HEW) accepted an argument by Turner that the DBS did possess such authority under the Federal Food, Drug, and Cosmetic Act of 1962. The GAO report reveals that Murray was advised by HEW counsel in February 1969 that the DBS possessed authority under the 1962 act to enforce vaccine efficacy. Murray refused to use the act—which is the chief legal weapon of the Food and Drug Administration (FDA)—on the grounds that to do so would strengthen the argument of those who wished to merge the DBS with the FDA into a single control agency. As a result, the DBS has allowed to remain on the market vaccines which are not only ineffective but also potentially harmful. The GAO report notes that according to the package label on one of the ineffective vaccines, "there have been reports of children who have developed systemic reactions—consisting of fever, rash, abdominal cramps, and diarrhea—4 to 8 hours after injection."

Murray's memorandum declining to use the efficacy authority of the 1962 act was routed through the front office of the NIH. But until November 1971 the public position of the DBS and the NIH was that such authority did not exist. For example, the NIH committee of outside experts (the Benenson committee) stated in its report, which was endorsed by NIH director Marston, that "there is no legislative requirement that these products [licensed by DBS] be effective." This statement was based on a memorandum prepared by DBS assistant director Sam T. Gibson which, however, neglected to mention that HEW counsel had advised the DBS in 1969 that authority did exist to rule ineffective vaccines off the market.

According to Robert W. Berliner, NIH deputy director for science, the GAO report fails to make allowance for the variability of the test used to assess influenza vaccine potency. The vaccines the GAO describes as subpotent, Berliner told *Science*, were those that fell in the lower half of the statistical scatter about the mean and which may in fact have been potent. If the DBS had raised its potency standards significantly, the stronger vaccines in the statistical scatter would have caused unpleasant side effects. The DBS policy was thus reasonable scientifically, even though it contradicted the precise letter of the DBS's regulations. Asked why the GAO report should misrepresent the situation, Berliner said, "They're out to make a splash."

Morton A. Myers, an assistant GAO director who supervised the study, declined to comment on this remark but stated that Berliner's views had been considered earlier when the NIH was shown a draft copy of the report. The GAO position is that the DBS's own regulations required—and presumably for good reason—that all vaccines should equal or exceed the standard potency, hence vaccines which fell below this precisely defined cut-off point should not have been released.

The precise effect of the DBS policy of releasing subpotent vaccines is hard to estimate but probably some 67 million doses of influenza vaccine were used in the United States during the 3 years covered by the GAO report. If half of these vaccines failed the DBS's own standards, and the cost to each recipient was $1 a head (a conservative estimate), then the DBS has allowed citizens to spend more than $30 million on subpotent vaccines.

On the question of efficacy of influenza vaccine, the GAO report records a difference of opinion between DBS officials, who estimate the vaccine is 50 to 60 percent effective, and studies conducted by the Center for Disease Control, one of which concluded the vaccine had "little if any effectiveness'" and another that its efficacy was "20 to 25 percent at best."

The GAO auditors recommend in their report that the Secretary of HEW should require the NIH to establish milestones for implementing the efficacy provisions of the 1962 act and should monitor the NIH's progress in doing so. The report also advocates that the DBS should revise its philosophy of relying on the manufacturer to do the necessary tests. HEW should require the DBS to prevent vaccines from being released if either the manufacturers or the DBS shows the vaccines to be subpotent, the GAO report advises.

The fact that the GAO, not the NIH, discovered how the DBS went about certifying influenza vaccines raises the question of whether the NIH has exercised adequate supervision over the DBS. Not until last August, some 5 months after the DBS management had been crushingly overruled in a grievance hearing brought by Morris, formerly the DBS influenza control officer, did the NIH launch a formal inquiry to ascertain if all was well within the DBS. Despite the GAO report, however, NIH officials continue to maintain, as reported in *Science* (17 March), that Murray has a good record as a regulatory official.

Be this as it may, a committee chaired by NIH deputy director John F. Sherman has been appointed to search for a successor to Murray. The successor will assume office immediately rather than when Murray reaches mandatory retirement age in August 1973. NIH officials indicate that personnel problems in the DBS rather than any regulatory failing are the reason for this change.

UNITED STATES SEEKS SUCCESSOR FOR VACCINE DIRECTOR

The government said yesterday that it has begun a search for a successor to the director of the much-criticized agency responsible for the safety, potency and efficacy of vaccines.

Dr. Roderick Murray has headed the Division of Biologics Standards, a unit of the National Institutes of Health for 16 years. Now 62, Murray will reach mandatory retirement in August 1973.

The NIH, in a statement, said that Dr. Murray's approaching retirement, along with "newly defined enforcement responsibilities" and unspecified "internal problems" in the standards unit "all point to a special need to provide an orderly and appropriate transition of leadership."

Accordingly, the statement said, NIH has set up a seven-member search committee for a successor to Dr. Murray. This procedure has Dr. Murray's full concurrence," the statement said.

The committee chairman is Dr. John F. Sherman, deputy director of the NIH. Five of the members are officials of the NIH, and the sixth is the general counsel of the Food and Drug Administration.

The NIH statement praised Dr. Murray as "a man of outstanding scientific ability and a dedicated public servant." A different thrust came out of a report made last week by the General Accounting Office, the investigating arm of Congress.

The DBS knowingly allowed 65 million Americans to receive influenza vaccine, some of which was only 1 per cent as potent as required under the agency's own standards, the GAO said.

REMARKS BY REV. DANIEL BERRIGAN

Mr. HARRIS. Mr. President, the internal history of this country during the mid- and late-1960's is scarred with a series of ugly and violent disorders in our cities and on our college campuses.

In most cases, these disruptions stemmed directly from the growing frustrations of millions of Americans with their country's involvement in the war in Vietnam.

As this tragic conflict continued, accompanied by the increasing insensitivity of Government to the rising popular opposition, many young activists escalated their dissent to the level of violence.

During this same period, as violent domestic protest grew, a small number of religious activists began speaking out against the destruction here at home and for a form of nonviolent dissent to the killing abroad.

One of the leaders in this movement for nonviolent reform was the Reverend Daniel Berrigan. In equally convincing terms, he argued for an end to destruction at home and on the battlefields of Southeast Asia.

While many disagreed with his tactics, most saw him as a courageous man, responding to the dictates of his conscience.

Mr. President, because of this man's unique record of nonviolent opposition to this continuing war, I ask unanimous consent that his remarks during a recent appearance on "Meet the Press" be inserted in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

MEET THE PRESS, FEBRUARY 2, 1972

Guest: The Reverend Daniel J. Berrigan.
Moderator: Lawrence E. Spivak.
Panel: Edward B. Fiske, The New York Times; Marquis Childs, St. Louis Post-Dispatch; James Finn, Worldview Magazine; and Edwin Newman, NBC News.

Mr. SPIVAK. Our guest today on Meet the Press is Reverend Daniel J. Berrigan who was paroled this week from a federal prison. Father Berrigan, a Jesuit priest, was convicted for destroying draft records in an anti-war protest in 1968. He received a three-year sentence in April 1970 but hid for four months before he was captured and sent to prison.

Mr. NEWMAN. Father Berrigan, when you came out of prison on Thursday you said that your life would be directed towards "survival and resistance". Is there something threatening your survival?

Reverend BERRIGAN. I think what is referred to in the sentence had a very deep meaning for me at the time, and still does. I think to survive as a human being in America is quite a task these days, and that task grows more intense as far as I am concerned as my life goes forward.

The two words are almost hyphenated in my mind. I don't see how I could survive in another way than a resistive posture as long as the war continues. It seems to me if I were to step backward from that style, I would cease really to survive as a human being. I see the two as one.

Mr. Newman. You propose then to continue resisting the war. By what means will you do it?

Reverend Berrigan. In the main, the means are going to be, I would think, in a continuum with what I was doing before. That is to say, non-violent resistance for me is a tradition that belongs to me and that I wish belonged to America. I can't be any more precise than that.

Mr. Newman. What about breaking the law, Father Berrigan, which you have done in the past as part of the resistance?

Reverend Berrigan. Right. Right. I first of all had to pledge before the parole board that I wouldn't break the law. I wish that question were being asked a little more frequently of those in power instead of those who are powerless, but since you put it to me straight, I have no conscientious objection to breaking the law in a non-violent way, as I think I made clear in Catonsville. I think probably the time for the kind of actions that we did then is past, and I think the main task for those coming out of jail now is the building of the community. That is the way I tend to see it now.

Mr. Finn. I have read enough of what you have written and attended enough to what you have said to know that in your own phrase you are always "moving on." But I would like to ask you about something, a kind of weakness in that conglomerative group of events and people which we call the Movement, to which I think you have sometimes contributed instead of criticizing, that is, there has been a kind of absolutism which is endemic to radical left groups in this country, and I think the Movement has been strengthened by a kind of absolutism we used to locate in the Catholic Church in some areas—not in terms of international affairs, usually. Now that movement has been——

Mr. Spivak. May I have your question, please.

Mr. Finn. Yes. I am sorry.

Let me ask you where the confidence comes, where lies the confidence that declares the major institutions of our country illegitimate but the movement itself highly legitimate to question those institutions?

Reverend Berrigan. I would limit at the question of legitimacy in government to the decision of those who pretend to have life and death power over others. That is to say the power to make limited or unlimited war without even constitutional guaranty, or constitutional approval. And, as far as my own absolutism goes, my tradition teaches me to be absolute about death and life, and these are the questions that we are trying to deal with.

Obviously there are going to be clumsy mistakes in tactic and in language from time to time, but I feel and I would confess publicly that the main direction of what we have tried to do was right. That direction sustained me, that thought sustained me throughout prison, and I retain it undamaged by a very damaging prison experience.

There are a few things that we had better be absolute about.

Mr. Childs. Father Berrigan, when you came out of prison you said "half of me is still captive in the courtroom at Harrisburg."

Of course, you were not named as a codefendant in the second indictment in Harrisburg. Do you expect to go to Harrisburg—

Reverend Berrigan. Yes.

Mr. Childs.—and demonstrate?

Reverend Berrigan. To demonstrate?

Mr. Childs. To do what you can for your brother, Father Phil.

Reverend Berrigan. I will go down there and visit Philip and listen to people and find out a way in which I can be of help. But I am not about to hand down a formula of what I am going to do now. I don't know.

Mr. Childs. Are you allowed to do that under the terms of your parole?

Reverend Berrigan. I am allowed to exercise my constitutional rights.

Mr. Childs. But aren't you restricted to the southern district of New York?

Reverend Berrigan. Yes, geographically, but I can sort of put in for permission to travel.

Mr. Childs. Do you think this will help your brother and do you think that under our system of justice he will receive a fair trial?

Reverend Berrigan. Can we take those one at a time?

Mr. Childs. Please.

Reverend Berrigan. Okay. Number one, I will find out what to do to help my brother. Number two, I would say that the chances of a fair trial in Harrisburg are about the chances that Angela Davis has in California, and I don't rate that very high.

Mr. Fiske. Father Berrigan, earlier you indicated that you plan to continue resisting the war in a non-violent fashion but in an interview almost a year ago from prison you indicated that you are willing to excuse the violence of the Weathermen.

I wonder, does this indicate that you are having some second thoughts about the effectiveness of non-violence, either philosophically or tactically?

Reverend Berrigan. I'd like to get back to the circumstances of that interview. It is almost two years now actually. I found it profoundly unuseful to stand in judgment on the violence of the Weathermen in those days. My objections in principle were well known and always have been.

I like in discussions like this, as far as I can, to shift the emphasis from what I call strictly limited violence against property and the unlimited violence against human life wielded by our government, you know, not that I am trying to use that as an excuse for small people to do small, evil things. I think I tried to make that clear too in many, many ways, but there is some difference, if we can use an analogy, between the violence of the Viet Cong and the violence of the United States Air Force. There is some analogy between those kinds of qualitative differences and the violence that the Weathermen at one point exercised and have not done in quite a while.

Mr. Fiske. What do you think would be the most effective tactics under the current situation for resisting the war?

Reverend Berrigan. Again, I am coming into a very new scene. If I had a one-year plan, even, for changing, let's say the kind of ethical feelings of Americans, I would probably be some sort of genius and, even if I had that kind of formula, I would hesitate to give it out to you.

Mr. Fiske. There seems to be some fairly general acknowledgement, Father Berrigan, among members of the peace movement that the administration's Vietnamization program has thrown them into disarray by pursuing the war but making it a lot less visible to the American public. Do you think this is true and is there anything that can be done to bring the peace movement back together again?

Reverend Berrigan. Again it seems to me you are bringing up questions that I could answer tentatively within a month or two. I still have to get a very acute sense of what has happened in the two years since I have been out of the ordinary public functioning. I don't have that sense yet, except from reading, and that is a poor substitute for being with people.

Of course the Vietnamization program is a big word for a big outrage and the kind of transfer of the public responsibility for continuing murder that this administration is quite skilled in performing, as a trick before the public. What can I do except deplore it, and express my outrage about it? What is to be done about it I have to find out.

Mr. Spivak. Father, may I ask you a question. You have had considerable time to think over the whole question of what you did and what you accomplished by breaking the law and the burning of draft records. What do you think that you accomplished of significance by your act?

Reverend Berrigan. Those questions are always very difficult, I guess because I would consider them irrelevant now.

Mr. Spivak. But you must have some thoughts——

Reverend Berrigan. I don't know how to evaluate the changes that have occurred in people since I have been in jail, for instance. I suspect or I hope—maybe I could put it that way—that what we offered might become viable for others; not as a kind of strict pattern for action, but as a kind of general tendency expressing moral concern. That is to say we tried to dramatize our respect and our love for human life, and our disrespect and our disdain for the kind of property—draft records—that was an active enemy, and obstacle to human life.

Mr. Spivak. But now—

Reverend Berrigan. We are hoping that principle got over.

Mr. Spivak. But now the Washington Post quotes you as saying "I would like to affirm here my respect for the law of the land and my habitual and firm determination henceforth to obey the law."

Why did you agree to that, just to get out?

Reverend Berrigan. No. I agreed to that because that is the way I have always lived.

Mr. Spivak. But you did break the law.

Reverend Berrigan. I broke the law on one occasion when I was forced to it by the lawlessness of our President. For 50 years prior to that I had kept the law as a matter of concern, as a matter of kind of ethical stance, decency, justice, in public. If those in power would keep the law, we would have no difficulty in keeping the law, even with them exercising the kind of disdain for the law that we have. I was very late in breaking it—maybe too late. If I am ever to be judged it is probable that I would be judged for being retarded, and being cowardly and being too late in what I did.

Mr. Spivak. But why did you affirm your respect for the law which you broke and now you affirm determination to obey the law?

Reverend Berrigan. I have already said that this is the way I have lived, this is the way I habitually regard the law of the land, as long as it is not in opposition to the law of humanity and the law of God, and I am willing to reaffirm that once more. I wish those in power would come out with a parallel statement expressing the same terms, but of course they can't and they won't.

Mr. Newman. On that point, Father Berrigan, actions you took may have provided a model or inspiration for actions by others, and particularly young people, which led them into conflict with the law and which may have led them into prison and conceivably into ruined lives. What do you think about that now as you look back on it?

Reverend Berrigan. First of all, I think that is a very heated-up overstatement of anything that actually occurred in my experience. Between the two of us, Philip and I had a rather extended jail experience, rather extended, at least for this society. We never really met inside a jail or heard anyone who had been ruined by our actions. We met a great many young people who had been, as they say, turned on by them and helped by them, and for whom prison was becoming a very tough and firm and quick way of growth. As I say, the idea that a young person would go into serious resistance and then be broken by a jail experience would argue to something very faulty in his understanding of things from the beginning, and I am happy to say that I never found anyone like that.

Mr. Newman. What form would that growth take in jail?

Reverend Berrigan. I think the toughest thing for a prisoner was getting any sense of himself or any sense of his society, which is another way of putting the same thing.

The toughest thing is the discovery of others in jail, because there is a kind of written or unwritten agreement on the part of the authorities that prisoners are not to enter into any sort of let's say, "community," or any sort of mutual understanding or discussion about serious things, and in most of the prisons a very serious effort is made to keep that from happening. So part of that growth, without getting complicated about it was, on our part, a serious discipline about reading and about discussions and about mediation, and an attempt really to bridge the myths that were keeping people apart on the outside and to make that so-called hard time into a very good and human time for ourselves.

Mr. Newman. You said when you came out of Danbury on Thursday that you were sorry to leave prison in the sense that your fellow prisoners could not come with you.

Reverend Berrigan. Right.

Mr. Newman. Did that mean you thought that nobody in that prison belonged there?

Reverend Berrigan. Right. Exactly. Exactly.

Mr. Finn. Father Berrigan, at one point you wrote that maybe man at the peak of his manhood is most revolutionary. Now, "revolutionary" is the kind of term that even President Nixon has borrowed. What do you mean by it and what does it mean to be revolutionary in our society today?

Reverend Berrigan. This could be translated in all sorts of ways. It seems to me that—I was very affected by reading Sam Melville's letters from Attica recently and very struck by an expression that he used that I am still trying to understand. He said that he thought revolution, properly understood, was ecstasy, which is very deep stuff.

I think it had something to do with his conviction that one could so grow under the pressures of adversity and crisis that he could literally stand outside, extol, stand outside his own skin, regard himself with a very lucid, objective and critical view of where his life has been and where it was going and could move into that new self.

Mr. Finn. You can be a revolutionary in this country and habitually obey the law though?

Reverend Berrigan. I don't see how.

Mr. Childs. I would like to pursue this a little further, Father Berrigan. You have been quoted as saying that "the University, as we have known it, just as the church as we have known it, is not going to survive." Do you consider yourself a revolutionary, feeling that you must bring down the whole structure of our society?

Reverend Berrigan. No, the society is doing quite well at that little project itself.

Mr. Childs. You are helping, aren't you?

Reverend Berrigan. Oh, I am more or less at the edge, trying to help interpret the debacle and trying to save what I can from it in human terms, and trying to help others prepare for the alternatives that lie ahead. They are very obscure and very difficult, and ridden with temptations to violence because of its exercise as a habitual matter of course in public, in the structure. So that is the way I'd put it.

Mr. Childs. We have seen a lot of Peking just now on television. We saw that scene of everyone turned out to chip away at the snow. Would you regard that as a more desirable kind of society, Father Berrigan?

Reverend Berrigan. The Chinese?

Mr. Childs. Yes.

Reverend Berrigan. I don't know enough about it. I got out a week too late to be invited on the trip. I thought maybe it would be a toss-up between Billy and myself as to who would go as Court Chaplain, but I don't know who made it.

Mr. Childs. It is completely an egalitarian society.

Reverend Berrigan. Right.

Mr. Childs. In which from high to low, they were all turned out in the streets. Do you feel that that is a more desirable kind of society, Father?

Reverend Berrigan. This is asking a huge question about one little incident. What I read about China and like about China is what I take to be the opportunities of the poor to lead a decent life and I think this is something that we have not, by any means, come up to.

What I dislike and fear and have an obscure dread of is the tremendous levelling off of human differences and of diversity and freedom in many ways. But, as I say, I have never been there, and I would have to be very tentative about this.

Mr. Fiske. During the Catonsville trial you and your fellow defendants seemed to be as much interested in using the court as a platform to state your opposition to the war as you were in trying to win the case.

Reverend Berrigan. Right.

Mr. Fiske. In the Harrisburg trial now going on there seems to be a shift in strategy, of trying to win the legal case.

Do you approve of this shift, which seems to be from one of standing as a witness against something and taking punishment, to one of trying to win within the rules of the system?

Reverend Berrigan. That still has to be shown, that they are going to try to win within the rules. I think they are going to try and they have tried already to expand the rules in a creative direction. The alleged crimes, the defendants, the times, everything is so different in the two instances that one can't argue, it seems to me, to any parallel except one of very profound principle, that is to say, the principle of non-violent resistance offered in both cases. But the fact is that those women and men down there are confronted with charges which are not outrageous, but are heavily laden with punishment, not only absurd, but vindictive because of their great stature, moral stature in the community. So they are facing something entirely different with a different tactic for different times. We could pursue it, but it is a very lengthy topic.

Mr. Fiske. One of the things that you have been quoted on as saying is that what was happening on the campus two or three years ago is now happening in the prisons. Could you elaborate on what you meant by that?

Reverend Berrigan. I am half scared of the statement because there is blood on it but I have, again, an obscure feeling that, let's say the center of gravity, of action and change is shifting very rapidly to the prison scene and Danbury, of course, wouldn't be typical in any sense of that kind of change, except in the case of the small community of resisters and their friends there. But when you get into a scene like Attica, of course, you have something that is not only very clear about the necessity of change and survival, really, and resistance, but you also have the price tag attached to it that Governor Rockefeller put upon it and that was a bloody price indeed. So it is not going to be fun because it is not involving the privileged sons of the middle-class such as we had on campuses in the last decade and a fairly careful treatment of them because of public reaction. But a great deal is going to be coming down, as they say, on it in the prisons. It has already started, and I am just wondering why you gentlemen haven't done a little bit more to tell us what is happening in the prisons. We were getting in the underground, on sort of a grapevine at Danbury, that there were at least four federal prisons on serious strike at present and the only notice I ever saw of it was at Lewisburg at the end of an article about something else. If I could just say this, we had a kind of a suffocated feeling up there that unless there were violence involved, the press was not interested in us. And when a non-violent thing came down in prison, and we tried to our last breath to keep it non-violent, the press stayed away and the press stayed cool. They could only smell blood and that's when they come running. That is a little homily for you.

Mr. Fiske. Can you tell us where those four prisons are?

Reverend Berrigan. I can't because I don't know their names.

Mr. Spivak. Gentlemen, we have less than three minutes.

Father Berrigan, an article in the New Republic last year reported you as saying that "American civilization is ugly, menacing and corrupt beyond remedy." Did you say that? Do you believe that?

Reverend Berrigan. Could you repeat it? The adjectives?

Mr. Spivak. "American civilization is ugly, menacing and corrupt beyond remedy."

Reverend Berrigan. That is pretty good.

Mr. Spivak. Did you say that, and do you believe that?

Reverend Berrigan. Yes. I would like to qualify it a little bit. I think that the remedy, the only remedy that we can offer is the kind of remedy we are trying to offer which is to save the quality of our lives, you know. And whether or not that public thing endures—I don't think it is going to endure much longer—the way into the future is going to be it seems to me the kind of building we are trying to do.

Mr. Spivak. May I follow it up with what you said to Dr. Robert Coles in the New York Review of Books. You said to him "I believe it is entirely possible that the first instance of a really great breakthrough is going to take place in America."

How do you reconcile those things and what kind of a breakthrough do you expect?

Reverend Berrigan. Our hopes have to be in the young people, it seems to me, and they have to be in the kinds of young people that are ready for the millenial, long haul of change, that will not be engineered and cannot be technologically performed and brought about. Our cue is not General Motors, in this, or President Nixon. Our cue is, it seems to me, the Vietnamese people.

Mr. Spivak. Do you see a complete overthrow of our government, a complete change that way?

Reverend Berrigan. Oh, this makes no sense. The government is going to overthrow itself. We don't have to worry about that.

Mr. Newman. Father Berrigan, you have said that the Church right now is not recognizable now as Christ's Church. What do you mean by that?

Reverend Berrigan. I wish Cardinal Cooke were here to help me with that one. It seems to me that the most grievious instance of what I am talking about is the long, long support, support of silence, of the war, by the American Church. And I really cannot recognize in that kind of leadership the figure of Christ.

Mr. Fiske. Father Berrigan, the tradition of martyrdom is a long and honorable one in Christianity. Do you see yourself as a martyr?

Reverend Berrigan. No, not really.

Mr. Spivak. I think you have taken just about the time available to us to answer that one, Father. I am sorry to interrupt but our time is up.

Thank you, Father Berrigan for being with us today on Meet the Press.

WYOMING—DESTINATION SUMMER

Mr. HANSEN. Mr. President, one of the most distinctive magazines, Town & Country, known as "The Dependable Guide to Good Living," has once more brought solid evidence of this dependability.

The April issue, in an article entitled "Destination Summer, Wyoming," guides the wise American to the Equality State for his 1972 vacation. The article is an excellent synopsis of the many delights my State has to offer all Americans and provide a special outline of the attractions at Yellowstone National Park in Wyoming.

Mr. President, 1972 is the centennial of the national park system's establishment, and Yellowstone—the first and greatest national park—is the major focus point for observation of the centennial celebration this year.

Yellowstone recently has conducted an experimental project to broadcast information through automobile radios to park visitors. This has proved successful and is expected to be widely utilized in the national park system. This innovation by the Park Service has improved efficiency of park operations and added to visitor enjoyment.

Mr. President, I ask unanimous consent that the Town & Country article and the Interior Department's explanation of the broadcast information project be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WYOMING—DESTINATION SUMMER

(By Robert L. Sammons)

Because the present-day concern over environment has stirred the ecological conscience of the nation to the point where everybody wants to do at least "something" about it, travelers more than ever are turning their attention toward the great outdoors. And this summer a great deal of that attention will be focused on Wyoming, whose very name is thought to derive from a Delaware Indian word meaning "at the big plains." These big plains (and their surrounding mountains) will be hosting the biggest birthday bash in the nation this summer, and they are inviting everybody to come on out and celebrate the 100th anniversary of Yellowstone National Park.

Although Wyoming's early explorers found the going difficult and dangerous, they were no less enthralled by its natural wonders than travelers are today. The West, fortunately, is still the West: the main difference being that the traders, trappers, and desperadoes that flocked there in former days have been replaced by visiting dudes who become "instant cowboys" almost from the moment of arrival. In summer everyone "goes native." Newcomers head for a Western-apparel store, to emerge a few minutes later in plaid shirt, blue jeans, high-heeled boots, and wide-brimmed hat. Since rodeos and ranch life are staples of local life, cowboys and bucking broncos naturally are much in evidence. Everyone affects a rolling gait, and it soon becomes difficult to tell the authentics from the synthetics. If you spot anyone in a ten-gallon hat, you can almost bet he is a tourist—and, more often than not, you'll be right. But that's only because the itinerants outnumber the indigenes by a very healthy majority.

Even though days are long and active, at night everyone has the energy to gather at one of the local saloons for a dust cutter or two. While evenings can be as active as you wish to make them, you probably will find that you'll get more use out of your riding boots than your dancing shoes. Be sure to pack both, however. Bars are ordinarily open from 6 a.m. to 2 a.m. Monday through Saturday; Sunday, 1 to 8 p.m. But during festivals, fairs, jubilees, rodeos, and other galas (and there is almost always one on during summer), drinking hours are usually extended.

High camp. A great open state that is ideal for outdoor living, Wyoming lies at an average elevation of between five and seven thousand feet; so count on rarefied air and rare, rare views. More than 9,000 campsites dot its countryside, and many are located in remote wilderness areas. For those who wish to waken to the song of birds or the sound of rushing waters, camping represents the ideal way to experience a one-to-one encounter with nature. And it should not be imagined for a moment that you will be "roughing it" in any but a positively princely manner! Recreational vehicles now are being designed as totally equipped homes on wheels: complete with water supply, baths, kitchens, comfortable beds, and picture windows. You can retrace the routes of the fur traders, follow in the footsteps of rough-riding Teddy Roosevelt, or steer a course along the immigrant trails. And you may live as luxuriously as you like! But don't get too carried away! Wyoming state law prohibits pulling any trailer that has an outside width of more than eight feet; and the maximum length of vehicle and trailer may not exceed 65 feet. Speed limit; 65 mph on two-lane, and 75 mph on four-lane highways.

Although Wyoming's two national parks (Yellowstone and Grand Teton) and its eight state parks remain open year round, they are fully staffed only from June through August. Camping in state parks is free, but federal recreational areas charge a fee (usually around $2.50 per night).

Space is allotted on a first-come, first-served basis, and there is usually a two-week limit. Camping occasionally is permitted outside designated grounds, but you must obtain a permit at the nearest ranger station. Dogs and cats are admitted to parks and camping areas if they are leashed. They are not allowed on trails or in boats, however. Park life proceeds at a leisurely pace, and the only time you won't be able to set your own speed will be when you hit a traffic jam. And you will! During the high season highways can be clogged, campgrounds and hotels filled to capacity. Remember to be a good conservationist. Don't pick the daisies and confine your rock hunting to areas where it is permitted. Most important: Do not build a campfire. Fires are forbidden except in certain areas. Get your permit from a ranger station.

Dude ranches. If you happen not to sing along to the song of the open road and prefer to settle in one spot, a dude ranch may be tailor-made to your taste. Although ranches usually maintain requirements for a minimum length of stay and do not accept short-term guests, that should present no problem. Chances are you will want to stick around, anyway. While no two ranches are ever quite the same, the ultimate out-door experience (riding, rodeos, cookouts, pack trips, swimming—the water will be cold—fishing, and hunting) and warm Western hospitality usually are included in their offerings. You might also climb a mountain, join a roundup, or just revel in the informal way of life and the family-style meals. Ranches, usually located in areas that offer easy access to national forests and wilderness areas, literally line the approaches to both Yellowstone and Grand Teton. Ranch life is informal. Days are warm, nights can be cold, so dress for comfort. A single price usually includes lodging, food, and your own horse—which is presented to you on arrival and remains yours for the duration of your visit. Don't expect anything for less than $25 per person per day. A tip: Bring along your fishing rod, rifle, camera, and guitar; and bear in mind that reservations are required during the high season.

Hunting and fishing. Big game means big sport in Wyoming, and hunters are free to roam 63 million acres of mountain and meadow. The world's largest herds of pronghorn antelope and elk call Wyoming home, but they're not the only game in town. Black bear, mouse, bighorn sheep, and white-tail and mule deer also rate high on the list of trophy animals, while bird shooters set their sights on chukar, Hungarian partridge, duck, goose, pheasant, and sage grouse.

A tip: If you plan to hunt in Wyoming, make your plans early. Many licenses are issued on a quota basis, and the quotas are always filled long before the season begins. During midsummer the animals scatter to the high country, so they are most in evidence in early autumn, when snows force them into more accessible areas.

Wyoming issues about 5,500 non-resident elk hunting licenses and more than 1,000 moose and 350 bighorn sheep permits each year. Deer and antelope licenses, which are issued on an unlimited basis, number nearly 15,000 nonresident permits annually. Warning: Non-resident hunters *must* be accompanied by a guide, a rule that becomes quite understandable when you consider the number of hunters that hit the trail. While deer and antelope are plentiful everywhere, elk are found primarily in the national forests. A nonresident elk license, which allows one elk (bull), also entitles you to one deer, one black bear, and a daily limit of game birds and fish. Cost: $125. A bighorn sheep (one male) permit costs $75.; a moose (one bull) permit is the same. A two-black-bear permit is $25; a grizzly bear permit, $75; mountain goat, $75; antelope, $35; deer, $30. A bird license costs $20.

Any angler who likes a challenge will find it waiting in 5,000 lakes and more than 20,000 miles of streams. There are twenty-one varieties of game fish among the eighty-nine species that inhabit Wyoming's waters—and, while trout are the Number One target, walleye, bass, and perch also are abundant. General fishing season runs from May 1 to October 31. A fishing license costs $12 (a five-day license is $4). No license is required in Yellowstone.

The skills of even the most experienced fisherman are tested by Wyoming's six varieties of trout: brook; rainbow (23 pounds is the local record); Mackinaw (record catch, 44 pounds); golden (a high-altitude species usually found above 10,000 feet. World's record—caught in Wyoming—11 pounds); brown (found at low altitudes, but not easy to catch—17½ pounds, the record); and cutthroat (Wyoming's only indigenous trout—record catch, 15 pounds).

OUT FROM CHEYENNE

Since Yellowstone's birthday party will be observed throughout the state, the traveler with time to spend will want to take in as much of the celebration as possible; and Cheyenne's three railways, three transcontinental highways, and its airport make it the ideal jumping-off spot. Cheyenne has come a long way since the Union Pacific's first iron horse opened it to development in 1867. A lively assortment of gamblers, gunmen, hunters, and harlots soon gave the town the reptuation of a "hell on wheels," but Cheyenne long ago went straight and has successfully lived down its once-hairy reputation.

Today it is populated principally by ranchers, miners, and lumbermen—and, except for a few days in late July when *Frontier Days* takes over, it is a peaceful place indeed. Celebrated annually since 1897, *Frontier Days* has won a reputation as the rodeo to end rodeos. Immodestly proclaiming itself "Daddy of 'em all," this rousing show has branched out to include Indian dances square dances, carnivals, parades, rodeo queens and their courts, chuck-wagon races, and antique-carriage displays. None of the best riders in the West would dream of missing it. Neither should you! Holding's Little America (Phone: 307-634-2771) is the best address in town. Suites cost from $22 to $36 per day. The hotel boasts a heated Olympic-size pool and a landscaped garden. Advance reservations are essential during *Frontier Days*. For dining out, try The Hitching Post. Trout, prime ribs, and steaks are your best bets.

CASPER TO CODY

If Cheyenne's *Frontier Days* whets your appetite for more, you will find plenty of it almost everywhere. A mere 180 miles distant, Casper's *Central Wyoming Fair and Rodeo* is that town's own way of telling it how it was. Although oil, agriculture, and mining are Casper's principal industries, the town doesn't overlook its touristic possibilities completely. It still retains many reminders of frontier days, but nearby Hell's Half Acre wins the day as its principal attention-getter. Fantastic rock formations eroded into uncanny ghostlike canyons present a landscape as "lunar" as any you are likely to find in the West. You'll know the meaning of "badlands" once you view this. Ramada Inn (phone 307-235-5713) and Holiday Inn (307-235-2531) offer optimum accommodations. Rates for both run to about $20 per night for a double. The Ramada has suites up to $45. Both hotels have heated pools and air conditioning—much appreciated features both for, even at the 5,000-foot elevation, days can be very warm.

Thermopolis (Greek for "Hot City") earns its name. Lying 4,236 feet up in the Big Horn Basin (130 miles from Casper), it is home to the world's largest hot springs. Canyons, buttes, and towering peaks provide scenic distractions. Hot Springs State Park offers campgrounds, bathhouses, and outdoor sports. *The Rodeo* and the *Hot Springs County Fair and Fiesta Days*, both in August, are highlights on the summer social calendar. Big Spring, which pours out 18½ million gallons of hot (135° F) mineral water every 24 hours, is Thermopolis's big attraction. A tip: The public baths are free. The Californian (307-864-2321) and The Moonlighter (307-864-2321) are the places to stay if you happen not to be traveling in your camper.

Founded in 1901 by cowboy, showman, Indian scout, pony-express-rider William F. Cody (known to the world as Buffalo Bill), the town of Cody lies near (53 miles) the eastern entrance (one of five) to Yellowstone, 83 miles from Thermopolis. It's still a frontier town, and its nearness to the park naturally makes it the capital of dude ranch country. Everybody goes into town early in July for the wild and wooly extravaganza known as *The Cody Stampede*, and throughout the summer visitors stampede the *Buffalo Bill Historical Center*, which houses an assemblage of its namesake's personal possessions as well as a collection of Indian artifacts. *The Buffalo Bill Village and Western Exhibits* encompass several buildings: one a re-creation of Bill's boyhood home. A saloon, a blacksmith shop, ancient wagons, and every other prop you've been seeing in Western movies for years further enliven the reconstruction. At nearby Buffalo Bill State Park and the Shoshone National Forest (where you may visit Bill's Wapiti hunting lodge) you can camp, sail, and fish—or simply be dazzled by an encyclopedia of scenic wonders. The Colonial Inn (phone: 307-587-4208) and the Sunset Motor Inn (307-587-4266) offer air-conditioned doubles in the $15 to $26 bracket. The Bronze Boot, which specializes in steak and lobster dinners and Western décor, features dancing and entertainment until midnight every evening except Sunday.

YELLOWSTONE

The bighorn sheep browse, the buffalo roam, and the deer and the antelope play in Yellowstone. And they're joined by moose, elk, bear (black and grizzly), and other fascinating quadrupeds. Yellowstone's wildlife vies with plant life, glass mountains, gushing geysers, luminous lakes and steaming fumaroles for the visitor's attention. It was the members of the Washburn-Langford-Doane Expedition of 1870 who first hit on the idea of preserving this wilderness wonderland as "a public park or pleasuring ground for the benefit and enjoyment of the people."

Established while the West was still being won (President Ulysses S. Grant signed the bill that created the park in 1872). Yellowstone has remained largely in its natural unspoiled state. Not only was it the first national park ever created; it remains the largest. (At 3,500 square miles in area, it checks in at 2½ times the size of the state of Rhode Island.) And most of its scenic splendors are accessible from its 142-mile Grand Loop road.

The road (U.S. 20) from Cody joins the Grand Loop at Lake, where Fishing Bridge spans the Yellowstone River as it flows out of Yellowstone Lake. The bridge, which lives up to its name, comes alive each day with fishermen who jostle each other for a position as they try to snag the cutthroat trout that are their objectives. (If you make a catch, the chef at your hotel will prepare it to your order.) If you would like to explore the 110-mile shoreline by water (at 7,731 feet above sea level, Yellowstone Lake is the highest large lake in the U.S.), boats can be rented at the Great Village and Bridge Bay Marinas.

At Canyon Village (sixteen miles to the north), where the Yellowstone becomes turbulent, its rushing waters cut a 25-mile-long canyon that averages a thousand feet in depth. Super views can be enjoyed from Inspiration, Grand View, and other aptly named points. Red, yellow, and ocher comprise the color scheme of the canyon walls, and they can be seen in all their brilliance from trails along the rim above. The Upper Falls (109-foot drop) and Lower Falls (308-foot drop—twice the height of Niagara) spill their ribbons of water over their pinnacled brinks, adding to the spectacle that is truly Wyoming's greatest wonder: The Grand Canyon of the Yellowstone. About three miles north of Canyon Junction, the road begins its ascent of Mount Washburn; and at Dunraven Pass it reaches an elevation of 8,859 feet—the highest point on the Grand Loop. At Tower Junction, where Tower Falls (132-foot drop) draws the lion's share of attention, you can rest at Roosevelt Lodge—near the spot where President Teddy Roosevelt camped when he visited Yellowstone.

MAMMOTH HOT SPRINGS

Twenty miles to the west (on U.S. 89, near the park's north entrance) lies Yellowstone's headquarters, Mammoth Hot Springs. Many of its buildings were once part of Fort Yellowstone, which played a significant role in Wyoming's early history. The Mammoth Hot Springs cascade over a series of multicolored terraces, which rise like stairs from the valley floor. The colors (imparted by tiny algae) range from white to brown, with shades of orange, yellow, beige, green, and blue to further brighten the landscape.

Norris Junction, twenty-one miles to the south, numbers steam vents and geysers among its thermal phenomena. The sound effects you hear are provided by the roaring steam vents in the Porcelain Basin. At Madison Junction, 14 miles farther to the southwest, Yellowstone's west entrance (U.S. 20) joins the Grand Loop. Next comes the hissing, sizzling, and bubbling of the thermal wonders of Lower Geyser Basin.

OLD FAITHFUL

Immediately to the south lies The Upper Geyser Basin, home of Old Faithful, Yellowstone's Number One thermal oddity and the most renowned remnant of its bygone volcanic age. Old Faithful is but one of almost 200 among Yellowstone's geysers, and it is neither the most stratospheric nor the most spectacular. It is merely the most faithful obligingly erupting pretty much on shedule—about once every 65 minutes. Since it hasn't missed a scheduled performance in almost a century, Old Faithful has earned its name. A tip: Old Faithful is so popular that you just may have a better view of the people who come to see it perform than you will have of its performance. If that is the case, check in at the adjacent Old Faithful Inn, a relic of olden days and surely the world's largest log cabin. Not all rooms have baths, but some do boast views of the geyser. Be sure to state your preference.

Seventeen miles to the east of Old Faithful lies West Thumb, which is (as its name implies) a thumb of water extending from the west side of Yellowstone Lake. Walking tours of the area lead you to brightly colored, bottomless pools of blue and green known as paint pots. You are now back at Yellowstone Lake (and astride the Continental Divide), whose waters drain into both the Atlantic and the Pacific oceans.

OFF-TRACK TRAVEL

The Grand Loop, for all its grandeur, really merely skims Yellowstone's scenic surface. It shows the park's highlights, to be sure, but it is off the Loop that Yellowstone shows its true self by revealing its endless miles of unspoiled wilderness. A one-thousand-mile network of well-marked foot and bridle trails laces its back country and offers diversion for the hale and hearty. Waterfalls and waterfowl, wild flowers and wildlife can be examined close at hand. Horses may be rented at Mammoth Hot Springs, Roosevelt Lodge, and Canyon Village Motor Lodge. But since trails can be dangerous, riders must be accompanied by a guide.

BEARING UP

Yellowstone's wildlife seems much more accustomed to visitors than visitors are to the wildlife. The black bear population, which throngs the roads in summer, has contributed almost as much renown to the park as has Old Faithful. In addition to the traffic jams caused by cars, you also will be likely to run into a "bear jam." Bears love nothing more than to stop a car and beg for a handout. Be smart: Keep your hand in! Although the bears appear unafraid, they are far from tame. So exercise extreme caution.

Photograph them from inside your car. No matter how sweet they may look or how charmed you may be, do not (repeat, do not) feed them. When they come near, stay in your car with the windows up. Bears are unpredictable in the extreme—and if you should happen to be so unfortunate as to place yourself between a mother and her cubs, you will learn in short order the real meaning of the term "cross as a bear."

OVERNIGHT PARKING

Camps, trailer grounds, hotels, and lodges, spaced throughout Yellowstone, offer overnight accommodations for 9,000 guests. There are seventeen areas for campers and trailers that hold from merely a few to as many as 400. Hotels and lodges are operated by the Yellowstone Park Company under concession to the Department of the Interior. While they cannot all be classed as luxe, even the more rustic usually can provide the expected comforts. Call 307-344-7311 for reservations.

Best Bets: Canyon Village Motor Lodge: In the park at the Loop Road and Canyon Junction. Open: June 4–September 7. Rates for 60 rooms and 100 cabins, $12–$19 for singles; $15.50–$22 for doubles. Lake Hotel and Cabins: Two miles south of Lake Junction, on Loop Road. Open: June 4–August 30. Not all rooms have baths. Rooms: $8.50–$16.50. Cabins: $12.00–$18.50. Mammoth Motor Inn and Cabins: Five miles south of north entrance on Loop Road. There are 108 rooms and 128 cabins. Open: May 14–October 8. Not all have baths. Rooms: $8.50–$16.50. Cabins: $10–$18.50. Old Faithful Inn: On Loop Road overlooking the geyser. Host to Presidents since 1904. 360 rooms. Open: May 22–September 25. Singles: $8.50–$12. Doubles: $11.50–$16.

GETTING THERE

The best bet is to get yourself to Denver first. From there on it is easy. Frontier Airlines provides frequent service between Denver and Cheyenne. Once there the only rushing is on the part of the waters of the mountain streams. Despite summer crowds, peace reigns in the Yellowstone. Life goes on for its animal population almost as it always has. Man flocks in ever increasing numbers to view, to marvel, and—one suspects—perhaps to envy just a little.

DEPARTMENT OF THE INTERIOR NEWS RELEASE: BROADCASTS TO CAR RADIOS CUE YELLOWSTONE VISITORS

An experimental project to broadcast information through car radios to Yellowstone National Park visitors is so successful that it is expected to be widely utilized in the Department of the Interior's National Park System.

Signs at Yellowstone's five entrances read: "Entrance Info./Tune Radio to 650". Tuning in, a motorist hears a message, usually about a minute in length, conveying information of immediate use—the entrance fee, where to go in the park for more information, and the current state of accommodations. For example, if the campgrounds are filled, he is advised of that fact and counseled to stay outside the park for the night.

The radio transmitters are located not only at entrances, but also at such strategic points as campgrounds, scenic overlooks and developed areas. Each message is tailored for its area use, and may draw on a variety of subjects—from the exercise of caution to the taking of a scenic walk.

Yellowstone Superintendent Jack N. Anderson reports use of the system has improved the efficiency of park operations while adding to visitor enjoyment.

"On busy days, we can move cars through our entrances nearly twice as fast as we could before these transmitters were in operation", Anderson said.

"Where there are notable features within walking distance, we urge motorists to get out of their cars, stretch their legs, and take a closer look at nature's beauty," he added.

George B. Hartzog, Jr., Director, National Park Service, points out that the broadcasts are most helpful in implementing the Service's increased emphasis on safety.

At Yellowstone, for example, motorists will be warned not to approach bears, and reminded that it is unlawful to feed them. In a thermal area, they will be advised of the necessity of keeping the family on the trails so no one will break through the thin crust.

Recorded on magnetic tape, messages can be quickly changed with conditions. The notices are prepared by park naturalists, and both men's and women's voices are used for the recordings.

Twenty-five transmitters are now in operation at Yellowstone, but more have been ordered. This year is the hundredth anniversary of the establishment by Congress of Yellowstone, the world's first national park, and President Nixon has proclaimed 1972 the National Parks Centennial Year. For the Centennial summer, the park expects to have 33 transmitters in operation.

Pointing out that surveys show more than half the visitors listening, the naturalists of Yellowstone Park are enthusiastic about use of the broadcasts for park "interpretation"—explanations of an area's geology, archeology, plant life, animal life, and history.

An example they cite is Lake Butte, an overlook from which visitors look down upon a significant expanse of Yellowstone Lake. The radio message there points out that the view includes a vast sweep of one of America's greatest wildernesses, the real back country of the park.

At Norris Geyser Basin, travellers are informed of a system of trails—leading to outstanding scenic features and a museum—which can be traversed during a walking tour which lasts about 45 minutes.

The informational broadcast system was pioneered at the park—by park personnel cooperating with the Yellowstone Library and Museum Association, a group of citizens who advise on, and supply support for, a variety of park activities.

A few transmitters have been installed in other U.S. national parks; still others have put them on order. Soon, visitors approaching many areas of the National Park System will be tuning to 650 "For Info.".

DEATH OF FORMER SENATOR AND SUPREME COURT JUSTICE JAMES F. BYRNES

Mr. TALMADGE, Mr. President, I join the Senate in mourning the passing of James F. Byrnes, a man of exceptional ability, distinction, and service to the United States.

Jimmy Byrnes was a proud South Carolinian who brought great credit to his native beloved State. He was an American statesman whose duties took him all over the world in a most critical time in our history. From humble beginnings, Jimmy Byrnes rose to national and international respect and prominence. President Nixon appropriately paid tribute to this great man when he said in 1969:

> Never in American history has one man held more high offices with more distinction than has Governor Byrnes.

Virtually self-educated in law, young Byrnes began his career as an attorney in Charleston and won election as circuit solicitor. In 1911, the people of his district sent him to the U.S. House of Representatives, where he served an outstanding seven terms. He was elected to the U.S. Senate in 1930. Assuming responsibility and winning the respect of his colleagues, Byrnes served in the Senate until 1941 when President Franklin D. Roosevelt appointed him to the Supreme Court of the United States. He was on the High Court only a year, being called upon by the President to manage programs to insure economic stability during the turbulent years of World War II.

Following President Roosevelt's untimely death in 1945 and Harry Truman's accession to the Presidency, Byrnes was appointed Secretary of State—a post of overwhelming responsibility in the years after the war. He pursued a firm policy and with foresight warned against Communist expansion in Western Europe. He resigned in 1947, and returned to his home State.

He was elected Governor of South Carolina and served from 1951 to 1955. I was Governor of Georgia at that time, and it was my great pleasure and privilege to work with Governor Byrnes, as the chief executive of a neighboring State and at Governors' conferences.

A distinguished statesman has passed from the American scene. Mrs. Talmadge joins me in expressing our deep regret and sympathy.

PLATFORM 1972

Mr. HARRIS. Mr. President, this morning I participated in a news conference with members of the New Democratic Coalition and leaders of other national organizations to introduce "Platform 1972," prepared by the NE Region of the New Democratic Coalition.

The NDC's "Platform 1972" is a well prepared and thoughtful document outlining some very fundamental problems in America and offering what I believe are sound and reasonable solutions.

Although the NDC prepared "Platform 1972" for consideration and adoption by the National Democratic Party, I commend it to all Senators for their consideration and ask unanimous consent that the statement and "Platform 1972" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR FRED R. HARRIS, NEW DEMOCRATIC COALITION PRESS CONFERENCE, APRIL 11, 1972

The New Democratic Coalition's Northeast Region has prepared a "Platform 1972" which speaks clearly and forthrightly to basic and fundamental issues. I join with them today in encouraging the National Democratic Party to consider this New Populist platform and adopt its recommendations during the convention in Miami.

To the ordinary American, the problems are all too clear: the telephone service is shoddy while the rates go up; it costs more to go to the hospital for a week than it does to vacation in Europe for a month; taxes on a yearly salary of $10,000 are two thousand five hundred dollars, while some millionaires pay nothing; supermarket prices are higher for poorer quality food, increasingly produced by agribusiness conglomerates which drive people off the land while collecting millions in government subsidies.

The underlying reason for these and similar problems in America are equally clear. There is a maldistribution of power and income in this country. Unless this imbalance is corrected, we will continue merely to treat symptoms.

Americans want fundamental change. They want a better distribution of income and wealth and power in America. The NDC's "Platform 1972" is an outline of how this can be brought about.

I commend the NDC and the members of the Northeast Region's Platform Committee for their diligent work. I applaud their finished platform document, and I join with them in presenting it to our fellow Democrats for consideration.

NEW DEMOCRATIC COALITION NORTHEAST REGIONAL CONFERENCE, PLATFORM 1972

The platform of the New Democratic Coalition is based on one simple thesis: the institutions in this country are so structured that some people have too much money and power, most people have too little. Therefore, in essence, we offer only one platform recommendation—that the power imbalances between people and groups be eliminated. The fight against the concentration of power and groups be eliminated. The fight against the concentration of power and privilege—open and covert, legal and illegal—is the most important political question of our time. Our goal is a more equitable distribution of wealth and power. This fight for fairness is political; it can be won only by organizing a new political majority in America.

Our present institutions and policies which guarantee power and money to a few, force the rest of Americans to struggle with each other for the little that is left. We must understand that such a struggle between underprivileged groups, fighting over crumbs for minimal survival, will solve no problems, and as we have seen is counter-productive. The purpose of this platform is to focus attention on the solution—a joining together of those without power and adequate resources to change our institutions to bring about a rebalance.

We feel that the best advocates of people's needs and aspirations are the people themselves, acting from positions of equal power. This is so whatever the group—be they Vietnamese or African, labor or the poor, neighborhood or ethnic, Chicanos or the aged.

Our platform deals first with *corporate power*, the underlying source of the unjust concentration of wealth and power, and then with *labor*. Next we consider *campaign financing* and other devices by which the powerful control government and make it impossible for government to deal with corporate power and other basic problems. The *redistribution of wealth and income* is the next major topic. It has two parts: the inequitable manner in which the government raises its revenues through taxation and in which such monies are then spent by the government. This is followed by sections dealing with the rights of *women*, institutional *racism* and the *governmental abuse of citizens*. We conclude with a section on *foreign policy*, which illustrates how the imbalance of power manifests itself in this critical area.

This platform is a serious effort to state the intrinsic problems facing our society and to outline a method of dealing with them. This platform can be a basis of the campaign for the presidency in 1972 and a blueprint for the solution of our society's problems.

This platform was prepared by the Platform Committee of the Northeast Regional Conference of the New Democratic Coalition, following a series of hearings held on: September 14—Washington, D.C.; September 21—Philadelphia; October 6—New York; October 8—Boston; October 12—Washington.

It was adopted by a Convention of Northeast Regional NDC on February 25–26, 1972, in New York City.

ACKNOWLEDGEMENTS

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Leon Davis, Local 1199, Drug and Hospital Employees Union
A. N. Harris, author
Victor Gotbaum, District Council 37, American Federation of State, County, and Municipal Employees
Senator Edmund Muskie
Senator George McGovern
Maria Lopez, South Bronx Community Corporation
Dr. Thomas Hartmann, Rutgers University
Mel Rivers and Fran Christman, Fortune Society

SLUMS AND SUBURBS: PHILADELPHIA, SEPTEMBER 21, 1971

Paul D'Ortona, City Council President
Drayton S. Bryant, Planning and Housing Consultant
William Taylor, Center for National Policy Review
Yale Rabin, Urban Planning Consultant
Michael Davidson, NAACP Legal Defense and Education Fund
Augustus Baxter, Architects Workshop
Professor William Grigsby, University of Pennsylvania
Gordon Cavanaugh, Philadelphia Housing Authority
Nate Smith, Community Action, Pittsburgh
Glenn Claytor, National Urban League
Rose Wylie, National Tenants Organization
Paul Rie, Housing Authority of Chester County
W. Roy Newsome, Department of Community Affairs, Commonwealth of Pennsylvania
W. Wilson Goode, Philadelphia Council for Community Advancement
Richard Wade, urban historian, CCNY
Damon Childs, Philadelphia City Planning Commission
Louis Waldman, Department of Environmental Resources, Commonwealth of Pennsylvania
Annette Altschuler, Homeowners Association of Philadelphia
Fred Drudding, Whitman Park Civic Association, Philadelphia
Denise Venturi, architect and planner, Venturi & Rauch
Leon Weiner, Leon Weiner Associates, housing developers
David H. Moskowitz, Bucks County Legal Aid Society
Stephen C. Miller, Community Advocates Unit, Commonwealth of Pennsylvania
W. Thacher Longstreth, Republican Candidate for Mayor of Philadelphia
Frank Weise, architect
Albert Letson, Commission on Human Relations, Philadelphia
George Gould, Community Legal Services

THE GOVERNMENT AND ITS CITIZENS: BOSTON, OCTOBER 8, 1971

Stanley Jones, Governor's Citizens Committee on Corrections
Russell Carmichael, former Camp Chairman, Norfolk M.C.I.
David Spinney, American Friends Service Committee
Hiller Zobel, Hill & Barlow
Scott Harshbarger, Lawyer's Committee for Civil Rights
Bob Gustafson, Native American Community of New England
Byron Rushing, Community Fellow, M.I.T. Whitney Young Program
Laurence Sidman, student, Boston College Law School
Kathy Segal, Boston Women's Legal Group
Margery Rosenthal, Massachusetts Committee Against Repressive Legislation
Christopher H. Pyle, former Captain, U.S. Army Intelligence
James Ahern, former Chief of Police, New Haven, Connecticut
Ken Bode, Center for Political Reform
Syd Hanlon, author
Alix Smullen, U.N.A.F. Voter Registration Project

HARNESSING THE POWER OF THE CORPORATIONS: WASHINGTON, OCTOBER 12

Mark Green, Corporate Accountability Research Group
Philip C. Sorensen, Project on Corporate Responsibility
Goeffrey Cowan, Center for Law and Social Policy
Jason Newman, Georgetown Law School
Pierce O'Donnell, Nader Task Force
James L. Phelan, student, Yale Law School
Jerry S. Cohen, co-author, *America, Inc.*
James Hightower, Agribusiness Accountability Project
Dr. Jerolyn Lyle, Department of Economics, American University
Frank Mankiewicz
Tom Riddell, Union of Radical Political Economists
Joel F. Henning
Eugene J. McCarthy
Richard L. Ottinger, Grassroots Action, Inc.

FOREIGN POLICY: WASHINGTON, SEPTEMBER 14, 1971

Senator Birch Bayh
Eugene J. McCarthy
Gloria Steinem, writer, feminist
David Dellinger, antiwar activist, author
Marcus Raskin, author
Sanford Gottlieb, National SANE
Shirley Chisholm, Congresswoman
Marcus Raskin, Institute for Policy Studies
Peter Weiss
David Calleo, author, European scholar
Charles Hightower, American Committee on Africa
Allan Solomon, Committee for new Alternatives in the Middle East
Dr. Betty Lall, faculty of Metropolitan District of N.Y. State School of Industry and Labor Relations of Cornell University
Brenda Feigen Fasteau, Member of steering committee of Women's Political Caucus
Congressman Ron Dellums
Congressman Les Aspin
Congresswoman Bella Abzug

We acknowledge with thanks permission to quote from A Populist Manifesto by Jeff Greenfield and Jack Newfield, to be published by Praeger Publishers in February, 1972.

REDISTRIBUTING CORPORATE POWER

Through its enormous size, its control of wealth and power, and its concentration in relatively few hands, the corporate sector has achieved full domination of all "countervailing forces," including government, labor and consumers. Corporate self-interest, which disregards society's urgent needs, has been substantially dictating the economic, political, social and moral direction of this nation. Although the question of whether this power has been exercised reasonably or properly is important, it is only secondary to the basic questions: should this power be exercised by so few, and why are they accountable to virtually no one. We reject the concept of noblesse oblige. It is clear that the unrestricted power exercised by the corporate elite must be shifted to, and shared by, those whose lives are affected by it.

Size and Concentration

The size of the Corporate Monster is mind-boggling. A single example should suffice: total General Motors sales exceed the total budget of any country in the world, save the United States, Russia and Great Britain.

Most alarming, this movement of concentration of economic power into fewer and fewer hands is increasing at a geometric pace.

In 1950, the largest 200 corporations controlled 47% of the total manufacturing assets in the nation. In 1965, these 200 firms controlled 55% of the total assets, and by 1969, they controlled two-thirds of the nation's total manufacturing assets. The top six firms included in "Fortune's 500" earned 25% of all industrial profits!

The obvious danger of corporate size is further magnified by the emergence of the "shared monopoly" as a pattern of corporate behavior. When a group of three or four corporations which together control more than 50% of an industry act in concert the effect is clearly inimical to competition of any sort. "Shared monopoly" is not an isolated phenomenon. It exists in virtually every major U.S. industry.

Furthermore, corporate power has been increased in countless ways—interlocking directorates, joint ventures and, of course, conglomerates run wild.

Consequences of the use of concentrated corporate power

When corporate power is concentrated our society has seen an unimpeded policy of pushing price increases, lagging technical innovation, unemployment and decreased production. It is often suggested that corporate decisions which may lead to these results are justified because millions of shareholders will share in the profits of corporate America. This myth which is basic to the corporate philosophy must be exploded. A 1963 study pointed out that only 1.6% of the country's adult population owned 82.4% of all publicly held stock. The bulk of large corporate profits goes to very few, contributing to the imbalanced income distribution in this nation, and certainly supplying no justification for the grievous injury corporate decisions aimed at increasing profits does to the economy.

Probably the most destructive effect of corporate power concentration is little realized by the American people. It results from the ability of corporations to determine the use of approximately 80% of the productive capacity of this nation (the portion of the GNP which passes through the private sector). Those whose lives are significantly affected by these decisions are excluded from the decision whether the nation's GNP shall be used for schools or for cosmetics, for hospitals or for high-styled automobiles. In this context, the endless debate about re-ordering priorities becomes almost meaningless, since that debate refers only to the remaining 20% of GNP which passes through the public sector. There is absolutely no way in which this 20% can be spread so as to finance the massive social programs so desperately needed.

Even the assumption that the remaining 20% is spent in the public interest is inaccurate.

By use of devices such as campaign contributions, corporate America has gained virtual control of governmental officials. Hence we see the government spending billions of dollars of public funds for highways which help Detroit sell cars but refusing to help urban centers such as Detroit, New York, Philadelphia, with money for mass transit. Similarly, we see the government spending huge sums for military research and development and then spending billions to purchase these armaments from the same corporation it subsidized to develop them, instead of for such essential public services as schools, hospitals, health care, corporate control of the government.

The urgent needs in America for more school, hospitals and mass transit can only be realized significantly if more of the productive resources, both public and private, now controlled by corporations are directed toward these areas. This can be accomplished only when a significant portion of the power to determine how national resources are to be made is placed in the hands of the people.

Social consequences of corporate control

The social consequences of corporate domination have been disastrous. Continued corporate growth depends on an ever-increasing growth of sales. Through persistent bombardment of the public, corporations not only brainwash the public into buying a particular product, but have inculcated into our society the compulsion to buy, buy, buy! The kinds of products, glittering automobiles and exotic cosmetics, rather than schools or health services—linked with intensive advertising which emphasizes constant acquisition, has undermined the national moral fabric. Everything is measured in terms of numbers and quantity, and not by life, love or quality. Materialism pervades every aspect of our lives.

Corporations and war

The health of corporate America demands constant growth. This means that corporations must produce more and more and more goods, and the consumers must purchase more and more of what the corporations produce. Unmatched as the best market in the world today is the United States military establishment. Hence, those with a profound power to set our nation's direction have an enormous vested interest in maintaining and, indeed, in expanding the American military establishment. In this context a 20 year "cold war," a Viet Nam and all of the other foreign adventures become more comprehensible.

The monopoly power achieved by corporate America has left individuals with little power over their lives. Corporations decide the types of people they want us to be, mould the educational system to prepare us for their needs, manipulate the media and thus regulate the most minute details of how we live. Small wonder so many feel frustrated, alienated and powerless.

The basic ideals of a corporate society are technological advance for the sake of technological advance and growth for the sale of growth. In the process of technological advance social cost is not considered. Profits are realized by the corporations and society is left to pick up the social costs of environmental and human destruction.

Moreover, in defining growth as the increase in unevaluated GNP, corporations force our society to produce mindlessly, rather than to choose a better quality of life—to choose two cars in the garage, rather than more leisure or better air. We are not even aware that this choice—between hyper-increasing GNP and leisure—which should be ours, is being made for us.

Corporations and crime

Crime and violence is a terrifying problem in our society. Much of the problem is directly traceable to Corporate America. Given an economic system which dictates that its resources shall go to cosmetics and cars rather than schools and hospitals; which dictates an ever-increasing disparity of income distribution and then blatantly flaunts the disparity of wealth to the have-nots on TV, daily; which is bedrocked on fierce competition; which worships material values and acquisition over all else; which seizes all power and leaves our masses alienated and frustrated; which promotes its government, in its own economic interests, to set an example of senseless and brutal violence—given all this, the result is predictable—crime and criminals attempting to close the distribution gap.

There is yet another face of crime and violence in America—corporate crime and violence. More Americans die from automobile accidents in this nation annually, than in Vietnam. A major portion of such death and violence is clearly avoidable given a responsible automobile industry. The misery of miners in West Virginia; farm workers in California, is a direct result of corporate greed. The massive deception practiced upon the American consumer by the corporate empire is all too well known. It would not be difficult to state that corporations are the worst criminals in our nation.

Corporations on the farms

Rural America is, according to the myth, a heartland of small independent farmers free from corporate spectre. This image, too, is false. The corporation has moved into agriculture with the same avarice it exhibited in industry. By 1964, small independent farmers totalled 56.5% of all farms, but only 7.8% of farm sales. Less than one percent of U.S. farms accounted for 24.3% of all farm sales in 1964. By 1969, this percentage was up to ⅓ of all sales. Such familiar conglomerate names as Boeing, Goodyear, Royal Crown Cola, Tenneco, American Brands, Dow Chemical, Bank of America, and Prudential Life— have moved in and taken control of all aspects of product processing and distribution of farm products. The results are predictable.

In the last 30 years, 100,000 small farms have been lost. By 1980 it is estimated one million of these farms will have vanished. With the loss of the small farms, town and communities which services them also, disappeared. 75% to 80% of farm workers are employed by major food and industrial corporations, which are responsible for the low pay and humiliating working conditions brought to national attention by Caesar Chavez and the United Farm Workers Organizing Committee.

The net results of such "agri-business" are well known. Cities are choked by migration of displaced farm workers who, in turn, are choked by the cities. And back in rural America, 14 million are left in abject poverty.

PART II

There are really two questions involved in assessing corporate power. The focus has almost always been upon the question of whether this power is being used reasonably. This platform rejects such an analysis. We accept the premise of Lord Action that "Power tends to Corrupt" and address our recommendations to programs designed to shift decision-making power from the corporate world to the people.

1. *Deconcentrate corporate power*

Anti-trust laws have been on the books for many years. They have never been seriously enforced. As a result, corporate concentration increases. Moreover, the minimal anti-trust activity to date has primarily been directed against acquisitions rather than for divestiture. The result is the elimination of competition. Big companies stay big and small companies stay small or disappear. While we recognize that anti-trust activity alone is not the solution to over-concentration, we nevertheless urge that as a first step we must use the weapons we already have.

The problem of "shared monopolies" must be met by new legislation—vigorously enforced—which would require corporate divestiture when fewer than four corporations produce more than 50 percent of the goods or services for a particular market.

Federal corporate chartering must be instituted. Charters should include provisions limiting the size and scope of permissible business activities of corporations. Such charter limitations should significantly limit corporate concentration of all types—be it vertical, horizontal or conglomerate.

2. *Enactment of a strict federal chartering law*

The benefits of corporate status, particularly limited liability, are enormous. Like a liquor license or a driver's license, these benefits must be conditioned upon socially desired conduct.

Compelling such corporate responsibility is impossible in the present context wherein states are in frenzied competition to induce local corporate chartering (and the resultant taxes and business activity) by requiring lesser and lesser corporate responsibility. A strict, uniform federal chartering law is the only solution.

Such legislation would not only be used to prohibit corporate concentration. It would also require full corporate disclosure of all financial, non-personal employment, and stockholder records, as well as records of transactions with government and other institutions. It would require a comprehensive annual social and environmental report, a report on minority group assistance and employment, and also would require socially beneficial activity and expenditure in these areas. A federal chartering law would guarantee representation on the board of directors representatives of minority groups, women, consumer and local community in designated percentages. It would prohibit interlocking directorates; require consumer protection in the form of adequate product labeling, warning of dangerous products, reasonable guaranties, free service for unfit products.

Charters should be subject to periodic renewal. A broad range of sanctions, including loss of corporate status and limited liability, should be available.

3. Shift a significant portion of the power to determine the use of national resources from the private to public sector

Every year about one hundred billion dollars of public funds are placed in commercial banks throughout the nation, much of it interest-free. Legislation should be enacted allowing the deposits of such public monies only in banks with substantial investments in programs carefully designed to assist minority enterprises, consumer borrowing, education, ghetto redevelopment and other high priority domestic social programs. Such investment programs should be administered jointly by government and by consumer and other socially oriented interests. Tax incentives, higher interest rates and other devices should be utilized to induce other institutional groups and individuals with investment cash to help by depositing their money in cooperating banks. The net effect would be to shift a massive amount of money away from current corporate control and into socially beneficial programs now starving for funds.

Another vehicle for moving funds from the private to the public sector is the creation of a massive Federal bond program similar to Liberty, Defense or War Bonds. The Government could borrow substantial amounts of money from its citizens and, rather than investing in war, could use the money for social programs. These bonds would be designed and marketed not only as a "patriotic" investment but also would be competitive with securities in the corporate market.

Yet another method of shifting substantial capital from the corporate sector to social purposes would result if the Federal Reserve Board selectively lowered the discount rate in "poverty" areas, requiring that deposits thus freed be used in the community for designated social purposes.

4. Fix more realistic responsibilities and accountability for corporations and their officers

One reason corporate crime continues unbated is that it is considered "merely white collar crime" for which corporate officers and directors generally escape prosecution and penalty. Civil and criminal statutes must be tightened and new ones enacted which require strict accountability for such crimes by corporate principals.

In addition, a flexible array of civil and criminal sanctions should be enacted which will allow suspension of corporate principals in appropriate cases; impose temporary bans on corporate advertising; make public details of corporate violations and misconduct; provide for an end to limited corporate liability and for suspension and revocation of the corporate charter itself where appropriate.

Although middle and upper management corporate personnel are frequently aware of such corporate misconduct as false advertising and harmful products, fear of retribution has discouraged such personnel from exposing or challenging such corporate misconduct. Statutes similar to those protecting union members against management retribution for legitimate union activity must be enacted.

5. Termination of favored treatment of corporations

Tax loopholes favoring corporations must be closed. They are too numerous to describe in full. A few examples should suffice: special tax priveleges for the oil and gas industry, during the years 1963 through 1967, enabled that industry to pay an average tax of 4.9% on before-tax net profits of 21 billion dollars—far less than the percentage paid by the U.S. taxpayer. Corporate advertising is tax-exempt; we must prohibit government subsidy of clearly political advertising such as the insurance industry lobbying against no-fault insurance through its ads, or the trucking industry advertising for more highways in its advertisements.

Other forms of special treatment enjoyed by corporations are found in the recent Lockheed loan (the corner grocery does not get such welfare assistance), and in huge amounts of free research and development done by government for big business.

6. Shifting power to employees and committees

Corporations are unchecked in their power to make decisions which directly, continuously and massively affect the lives of employees and the communities where plants are located. Such powers must be shared. Internal machinery must be created to permit joint decisions in certain areas currently exclusively in the corporate domain. For example, when a corporation decides to relocate, thousands of employees may be affected. Their choice is to uproot themselves or to risk unemployment. They must be allowed to share in the decision to move. Similarly, when a proposed corporate activity will affect the environment of a community, that community's consultation and consent should be required.

7. Encouraging strengthening consumer and community groups

The emergence of community groups advocating corporate responsibility is encouraging. They are, however, at a serious economic disadvantage when compared to a well-financed corporation.

They should be given tax advantages and meaningful access to the media. In addition, all media should be required to carry responsible citizens' reaction to advertisements which they believe involve matters of health, safety, environmental protection or consumer deception.

A federal fund should be created to assist individuals or consumer groups in legal and research costs where they make a prima facie showing of the government's failure to protect consumers.

In addition, bounties should be provided for the successful prosecution of such lawsuits.

8. Public ownership

Public ownership through nationalization, or the use of the TVA model, should be employed in the following situations: When private corporations will not engage in activities necessary for the public meal; or refuse to locate in certain localities because they anticipate little profit; or when corporations particularly in a monopoly situation abuse their advantage by changing too high prices, or are providing inferior and inadequate services.

9. Compel corporations to pay the social costs of their operations

Environmental and human decay resulting from corporate operation must be stopped. But, if such injury occurs, the corporations must pay substantially all of the costs—out of profits and not by passed-on increased prices.

10. Save rural America

What appears as a blatant government effort to supplant the independent farmer with agri-corporations must cease.

Land grant colleges must be forced to reverse their preoccupation with agri-business efficiency and growth. The enormous public resources invested in these institutions must be redirected toward the needs and survival of the small farmer, farm workers and rural communities.

Federal procurement preferences, tax incentives and subsidies must be given to small farmers, and to industries which locate in rural areas offering employment at fair wages and under decent working conditions.

Immigration laws and their enforcement must be strengthened so that profit-hungry corporations can no longer play off poor Mexican workers against poor American workers.

Legislation must be enacted to make the beneficiaries of mechanization responsible to the displaced worker or the community in the name of modernization.

PART III—THE LABOR MOVEMENT

It is urgent that the labor movement play a major role in reshaping America. Rather than acting as a "partner" of big business, labor must constitute the means by which workers can share corporate decision-making, and thereby serve their own essential interests as well as those of society at large.

The labor movement in the past has served to improve dramatically the economic status of working men and women and their families, through collective bargaining and through enactment of responsible labor laws.

The labor movement has emerged as the chief focus of opposition to Nixon's three-phased economic program: wage freeze, continuing inflation with unemployment, and inequitable taxation.

Yet despite its past accomplishments, and despite the presence in its ranks of outstanding unions and union leaders, the labor movement as a whole does not provide, and has not for some time provided, national leadership in the battle to end race, sex, and class injustice. The AFL–CIO Executive Council's continued support of a war that its own rank and file and the rest of society long ago abandoned, is tragic. Labor's record of achieving equal opportunity in its own ranks for all workers regardless of race or sex, has been spotty. Within the labor movement there has too often been concentration of power, that serves its own ends at the expense of working men and women.

RECOMMENDATIONS

1. The labor movement should be—but is not—vitally concerned with the need to broaden workers' participation in the decision-making processes of the firms in which they work. Product priorities, production methods, plant location, and major financial decisions are the legitimate concern or workers in a plant, and a major goal of the labor movement should be the creation of new structures to bring workers into the decision making process.

2. Every effort must be made to insure the existence of a healthy and democratic union movement. The National Labor Relations Act must be strengthened and extended. Farm workers, domestics, the Gulf Coast wood pulpworkers, and others must quickly be brought within the protection of that law.

3. We oppose intimidation as a means of encouraging union membership and we op-

pose discrimination in unions, but we believe that progressivism should be encouraged from within the unions themselves. Therefore we oppose right-to-work laws, state and federal.

4. Public employees must be afforded the same rights as their fellow workers in private industry.

5. Federal and state laws to protect employees' safety and health must be greatly amplified and enforced.

6. Long-overdue national legislation must be passed to protect and make transferable between jobs, workers' rights to pensions and insurance. The disappointed expectations of thousands of American wage earners to honorable and self-supporting retirement constitutes a national scandal.

7. Workmen's compensation and unemployment benefits must be expanded and increased.

8. The labor movement, which has long espoused a policy of full employment, must broaden its identification with the unemployed and the unemployable poor. The policies of corporate America that are antithetic to the interests of laboring men and women are the same policies that condemn those on welfare to lives of hopelessness and poverty.

CAMPAIGN SPENDING: CORPORATE CONTROL OVER PUBLIC OFFICIALS

Corporate freedom to proceed unhindered in the private sector, and its domination of the public sector, have largely resulted from skillful use of economic power to "buy" government's cooperation and assistance. The main tool utilized has been campaign financing. Under the present system, escalating campaign costs make substantial corporate money support an essential element of the electoral process. Unless this system of campaign financing is radically revised, there seems little hope that corporate domination of our society will be ended, and little hope, therefore, that we can deal with the vast array of social problems and inequities.

Corporate domination of the public sector becomes possible because the costs of campaigns are so astronomical. The various local and national campaigns of 1968 were estimated to have cost between $300 million and $900 million. Although the Federal Corrupt Practices Act prevents direct corporate political contributions, it has long been easily evaded. A United States Senator has estimated that 95% of the contributions at the Congressional level comes from business (80% from those whose net worth is over $250,000). These direct contributions from corporate executives are frequently reimbursed by their companies through special bonuses or other benefits.

In view of the deep dependency many elected officials have on corporate financial support, it is not surprising that proposed legislation seeking to cope with the problem of financing campaigns has been so inadequate.

It is equally obvious why there had been no meaningful effort by our nation's public officials to challenge the power of the corporations to reverse the clear direction toward socialism for the rich and "benign neglect" for all others.

The relationship between corporations and the regulatory agencies constitutes a second major aspect of the problem. These "independent" regulatory agencies were the New Deal's answer to corporate greed and irresponsibility. The effort has failed completely. As one witness put it: the "independent" regulatory agencies have become victims of the "law of aerodynamics," that is, "weaker bodies (the regulatory agencies) becoming satellites of the stronger bodies (the corporate giants)."

One reason for this total abdication of responsibility is the absence of meaningful consumer roles within and before the agencies. Equally important is the co-opting of regulatory agency personnel by the same corporations those personnel are supposed to regulate. These "regulators," who are sympathetic to the regulated industry while they are in office, are assured lush jobs with those regulated corporations when they leave the government agency. Promises of private employment to public employees are not limited to individual regulatory agencies. They are also used by contractors at all levels and branches of government. For example, in 1967, 2,072 retired military officers were employed by the top 95 government contractors. Each of the top ten contractors had an average of 106 former military officers on its payroll.

In light of this accepted practice, it is no surprise that the I.C.C. provides two billion dollars annually in railroad subsidies; or that the C.A.B. in effect grants airlines two to four billion dollars a year in excess revenue by restrictions on competition. It also explains why final costs in military weapons contracts average 320% of original cost estimates; a recent study of 13 major aircraft and missile programs totalling 40 billion dollars showed only four of these contractors (with $5 billion in contracts) performed at as much as 75% of design specifications. Similarly, it is clear why the companies with the poorest performance records reported the highest profits, and, nevertheless, continued to receive the lion's share of government contracts.

II

1. The only workable solution to the problem of campaign financing lies in substantial federal assumption of campaign expenditures at all levels, including primaries. Although campaign costs are staggering when viewed from the standpoint of an individual candidate's resources, they are minimal in terms of governmental resources. Certainly they are minimal as an absolute prerequisite to any meaningful progress toward equality in this nation. And tax check-offs or similar programs encouraging small contributions from a broad cross-section of the electorate could be helpful in helping to meet the expense.

In addition, the federal government could certainly help to reduce the cost of seeking elective office by requiring the television, postal and telephone industries to contribute their services to candidates so that the tools these three industries provide for reaching the voter are available on an equal basis to all viable candidates. Legislation must be formulated which readily allows candidates to mount campaigns regardless of personal wealth, or access to the corporate world. It must include appropriate guidelines protecting minority parties and insurgents, including reasonable campaign funding and precluding the use of television commercials as a vehicle for "selling" candidates, without reference to merit or position.

2. *Reconstitute regulatory agencies.* We have seen how the so-called regulatory agencies have been substantially co-opted by the industries they are supposed to regulate. We must have legislation which prohibits those who served on a regulatory agency from obtaining employment in related industries for a period of five years after leaving the agency. Similar legislation is required to assure that a corporate employee do more than superficially change hats when he or she starts to work for a regulatory agency. Agency jurisdiction must be restricted so that no agency is involved in both regulating and promoting a given activity.

In addition, we must have stronger legislation requiring effective institutional representation of consumer interests before regulatory agencies. Such broadening of these bodies should aid in insuring that control over these agencies does not again become vested in the regulated industries. Public hearings on matters affecting a local area should be held in the area concerned at a time and place that will assure the public an opportunity to be heard.

REDISTRIBUTION OF WEALTH AND INCOME

The United States is the wealthiest nation in the history of the world. It is unconscionable that approximately 20% of our people live in poverty, while a few live in princely luxury. This incredible disparity results because of our economic system. In 1968, for example, we distributed 5.7% of the nation's income to the bottom fifth of our country's families and 40.6% to the top fifth. More alarming is the fact that this maldistribution has been getting worse instead of better.

The bottom fifth of our nation is not the only victim of the system. The great working and middle class are also penalized. Although they earn more than the lowest fifth, inflation has bitten massively into their "increased" earnings. They may have more tangible assets now than 20 years ago, but these assets are not luxuries—they are necessities. For example, a factory worker requires an automobile to get to and from work which is far from where he can find housing; twenty years ago he could get to his job by a short ride on a mass transit system which was then safer, cleaner and less expensive. The so-called middle class finds itself barely able to stay afloat. It lives in fear of being unable to pay the medical costs of a serious illness, for example. There is an illusion of being well off, but there is an underlying chronic insecurity.

Government affects the distribution of wealth and income in two fundamental ways—the manner in which it collects revenue from its people and the manner in which it spends such revenues. In both cases, the present structures are heavily weighted in favor of the powerful and against the powerless.

It is clear that a realignment is necessary. The wealth of this country must be more evenly spread. Taxes should be levied in accordance with the ability to pay. Revenue must be spent on the basis of need.

I. TAX REFORM

The lower, working and middle classes shoulder far too much of the tax burden.

Fair and progressive income tax

A steeply progressive income tax, coupled with a minimum guaranteed income above the level of the Bureau of Labor Statistics Lower Living Budget, must be enacted both to insure a fair tax burden according to ability to pay and to pursue a long-run policy of redistribution of wealth. One advantage of insuring a minimum income is that aggregate demand will be sustained above recession levels. There should be no reliance on regressive taxes. We particularly oppose the so-called value-added tax (a disguised national sales tax) which the Nixon administration is considering, because the lower one's income, the greater the burden.

Abolition of favored tax treatment

All income, including capital gains, should be taxed at the same rate. The present income-averaging provisions should apply to such gains in the same way they relate to ordinary income.

The revenue laws are riddled with exemptions and allowances for deductions which favor special interests. They must be substantially eliminated. For example, we must do away with the fiction that mineral or oil depletion or capital gains are so important to economic progress that they deserve special treatment. We must eliminate all existing depletion allowances once the actual cost of the property has been recovered. The privilege of taking immediate deductions for intangible drilling and development costs should be terminated.

Interest on State and local bonds

Interest earned on state, municipal and other local bonds should be taxed at regular income tax rates.

The federal government should ensure marketability of such bonds by guaranteeing and subsidizing them in part.

Similarly, the present exemption under which local governments may issue up to $5 million tax free industrial development bonds should be abolished.

Real estate depreciation

Accelerated depreciation on real estate should be abolished. The only exception should be the more favorable depreciation allowances retained in order to encourage investments in new housing by low and moderate income families. Preferential tax treatment for depreciation on resale should be ended.

Estate and gift taxes

The entire estate and gift tax structure should be revised. A single comprehensive and integrated tax should be placed on all transfers whether made during lifetime or at death. Inheritance tax rates should be significantly increased. We should not permit fortunes to be passed over intact from generation to generation when so many are unable even to achieve a survival-level income.

Special benefits for corporations

Favoritism toward corporations under our tax structure is pervasive. Expense account living can only be ended by stringent enforcement of regulations and the imposition of maximum limitations. The recently enacted investment credit tax will benefit corporations and their wealthy stockholders by 4 to 5 billion dollars. Yet in the view of most economists it will have little stimulating effect on the economy. The Administration has recently given a 3 to 4 billion dollar annual windfall to business through liberalized methods for calculating depreciation.

Favored tax treatment for savings and loan associations and other banking institutions should be ended, eliminating completely their use of excessive bad debt reserves to reduce their tax liabilities, and by ending other special immunities granted them and not to other corporate taxpayers.

Defense industry tax

There should be an excess profits tax on all corporations or departments of large corporations whose primary business is production for defense.

II. GOVERNMENT SPENDING

Revenue spending should be part of the general policy of closing the economic gap. We must put greater emphasis on spending programs that help rebuild the urban environment, eliminate poverty, provide a broader distribution of service in the areas of health, justice, housing, education, and mass transit, and help secure and maintain healthy environment.

This redirection of spending policies can only be accomplished when the Southeast Asian War has ended; we have succeded in stopping the subsidies of redundant weapons systems, extravagant space explorations, loan guarantees for large bankrupt businesses, or the agricultural subsidies that only aid wealthy businessmen farmers; and when we have succeded in placing under public control significant portions of the wealth now controlled by the private sector.

Poverty

The status of the poor in America is the most tragic and convincing example of the inequities within our society.

Statistics, studies, data and reports on poverty are legion. The poor have literally been studied to death. What we need is not more good will studies but more will to make institutional changes. In every aspect of human life, the poor have demonstrably more difficulties than the affluent. We will cite just one example, the area of health care. All diseases afflict the poor far more severely than the rich—except diseases peculiarly associated with old age. Life expectancy among the poor is substantially lower than it is for the rest of the nation.

Infant mortality among the poor is shockingly higher among the affluent and in most other industrial countries.

Race, class, and poverty are interrelated and are closely aligned with malnutrition and ill health. While 47 percent of all nonwhites are poor, only 14 percent of whites fall below the poverty line. Lack of access to good housing sustains poverty.

Approximately 25 million Americans live below the poverty line of $3,900 for a family of four and nearly 50 million below the Department of Labor's poverty line. This large group of poor citizens, many of them Blacks, Indians, Mexicans and Latins, low wage earners in service and domestic industries, the pool of unemployed and underemployed workers, and, finally, the nearly nine million persons consigned to the welfare rolls, represent that segment of the population sacrificed to maintained profit margins within the corporate state. Among them, drug addiction and delinquency are rampant, and illiteracy rates the highest.

We have failed to recognize the social and economic costs to society of such poverty in its midst. If the poor were given a decent life and a stake in society, a good portion of the costs of crime and ill-health would be eliminated.

The aged

Hardly recognized is the fact that poverty is a major problem affecting the aged. Approximately 25 percent of all poor are over 65 or, put another way, about ⅓ of all persons over 65 are poor. It is appalling that this nation, with its work ethic, allows so many of its people to be cast aside when their productivity is gone.

For too long the American ethic of individualism, competition, work and success have conditioned our response to the existence of poverty. The problem, it was assumed, was with the individual. If one could only educate him, train him, employ him, rehabilitate him, everything would be set right. It is time to recognize that the fault is rather with an economic and political power structure that sacrifices people to profits.

RECOMMENDATIONS

1. A federally subsidized full employment program

We must guarantee a job for every American, with government as the employer of last resort. A federally financed program aimed especially at our urban areas where poverty is most heavily concentrated must be instituted. Persons should be employed at decent wages to build and staff the hospitals, neighborhood health clinics, schools, playgrounds and housing which are so desperately needed. Training, education or day care for children should be provided as an integral element of such a full-employment program.

2. New concept of social security

All senior citizens or those who are unable to work should be the beneficiaries of a new concept of social security. This includes a guaranteed minimum income, a pension for all over 65, and a national health insurance program. Such a program should no longer be funded by employer and employees, but by the Federal government. All payments from these programs must be tied to rises in the cost of living.

3. We support a guaranteed minimum income for all Americans above the standard of the Bureau of Labor Statistics Lower Living Budget.

a. Total family income, where more than one member earns income, should be permitted to rise to a reasonable level without forfeit of maintenance payments.

b. Job requirement provisions of income maintenance programs should not interfere with the bargaining efforts of labor unions, nor should they undercut the prevailing wage structure in a particular type of employment; nor should they undercut minimum wage standards.

c. Under no circumstances should a mother be required to be separated from her young children under penalty of losing maintenance payments.

4. We support the resolution of the recent White House Conference on Aging calling for a minimum Social Security payment to support a level of living which is currently at $4,500 annually for a couple and 75% of this for an individual (in line with the Bureau of Labor Statistics standard for an intermediate budget for the elderly), with automatic increases to meet the rising cost of living.

EDUCATION

Recommendations

1. Quality education must be a guaranteed right and therefore must be free for all citizens starting from pre-kindergarten through college and/or career training.

Although raising adequate revenues for education is a serious problem in all areas of the nation, it is most threatening to the larger cities. The population shift has left them with a less affluent population and a resource base which is not growing at a rate sufficient to meet increasing needs. Because large urban areas have higher and more diverse public service needs, a much lower proportion of their expenditures can be devoted to education than in suburban areas. Unfortunately, urban education is also more expensive: expenses are higher in big cities and more children are in need of expensive supplementary educational techniques.

State regulations and state aid rather than compensating for these urban disadvantages more often than not act to exacerbate them.

The federal government has done only a little better. Federal aid to education in the aggregate has at best a barely discernible equalizing effect. With the exception of Title I of the Elementary and Secondary Education Act, federal programs frequently provide more funds to suburban school districts than to central cities.

Although Title I funds tend to go to urban areas, the programs for which Title I funds are used appear to be largely ancillary and not aimed at improving the central portion of the curriculum available to disadvantaged children.

In addition, the total financial commitment of the federal government is simply too small to be of more than marginal help to financially imperiled education systems.

2. The federal government must not only restructure its aid program along more rigidly enforced categorical lines, so that federal money get directly to specific programs, it must put massive new resources into the educational system.

3. The Federal Government should earmark funds to subsidize research and development in colleges and universities to improve knowledge and technology in areas of consumer and social goods, such as pollution control, mass transit, medicine, and housing.

4. It should use the "carrot" of aid to force state governments to redesign their own aid programs and begin to pick up a larger portion of educational costs on a more equitable basis.

5. De jure and de facto school segregation must be ended. All available evidence indicates that quality education for all children requires integration. Artificial geographic boundaries which operate to maintain segregated schools, must be eliminated. We support all efforts to achieve equal educational opportunity and to further integration, including busing.

6. The property tax as the means of financing education has already been judicially recognized as inequitable. Each state, with feedral aid, must assume the full cost of public education in the state.

However, such assumption of cost should not carry with it an increase of state control of curriculum nor an increase in state regulation in educational practices. State assumption of costs should be designed to insure equal educational results.

7. Public funds should not be diverted to non-public primary or secondary general education systems.

8. Urban grant institutions to deal with urban problems should be established and funded at least to the same level as the state land grant agricultural institutions.

9. Federal and state aid to community and junior colleges, wtih their potential for serving the needs of local communities, should receive high priority.

HEALTH CARE

Our society is obligated to provide the best possible health care to all its citizens on the basis of their need for such care and not on their ability to pay.

Fragmented organization, inadequate number and location of personnel and facilities, poor financing arrangements and a narrow outlook make the present system of delivering health care incapable of delivering such services. Simply pumping more money and medical manpower into the present chaotic health delivery system won't solve the problem.

Additional money by itself is not enough. The U.S. spends almost $70 billion a year for health services, a higher percentage of its GNP than any other country in the world. Yet we rank 15th in infant mortality and 18th in male life expectancy.

Additional manpower alone is not enough. New York City, as an example, has 4% of the nation's population but 9% of its physicians. Yet there is a steady and critical decline of physicians available to treat patients in Brooklyn and the Bronx. Increasing the numbers of doctors does not assure that they will practice in the Mississippi delta or in Bedford-Stuyvesant.

Medical thought and practice must also change, from the present crisis-disease-focused orientation to a preventive, comprehensive approach capable both of averting disease and fostering the achievement of mental and physical health. The question of health is related to many broader issues such as adequate diet, clean and safe housing, decent sanitation services, health education, clean air and water, safe working conditions, safe means of transit, and adequate recreational facilities.

Recommendations

Until we recognize that health care is a natural, inalienable human right rather than a commodity to be bought and sold, and act accordingly, we cannot fundamentally change the situation.

Fee for service, in any form, is antithetical to health as a human right.

All health insurance proposals so far advanced would perpetuate fee for service and merely shift the burden of payment. A rational, socialized health care system must be a basic political objective; our ultimate goal is free health service for all.

1. We must have *a program of national health insurance* for all, financed by the federal government. This program cannot be diluted by the availability of any form of alternate insurance sponsored by commercial insurance companies. A broadly representative board should control the cost of drugs, hospital supplies, equipment, and institutional services. National health insurance should include preventive, diagnostic, curative, and rehabilitation services.

2. There should be a major program for training of physicians' assistants. Such personnel should be tested and licensed to assure consistent, quality care to the population. Their training should be conducted under the auspices of existing medical education facilities, with the curriculum standardized on a national basis. Under the supervision of a physician, these assistants can perform many of the routine tasks now unnecessarily burdening the doctor.

3. We must have a *massive increase in enrollment and training programs in the health professions.* It is unconscionable that the present system has deliberately encouraged an influx of physicians from underdeveloped areas of the world to remedy our own failure to train sufficient doctors.

One sixth of he active medical manpower pool in the U.S. consists of foreign-trained M.D.'s.

4. Incentives must be created to encourage medical services in undertended areas, such as forgiveness of student loans, formation of an expanded public health service, or draft exemptions. The maldistribution of physicians is more than geographical. Within the medical profession isself, the tendency toward specialization has greatly reduced the supply of physicians available as family doctors. Although it is generally agreed that at least 30% of our illnesses can be effectively cared for by a well-trained famly physician, almost 85% of today's medical graduates are trained as specialists, and therefore reluctant to practice family medicine. We need legislation to encourage the training of physicians who are capable of delivering comprehensive primary medical care with the family as a focus. Those broadly trained physicians, who might specialize either in pediatrics, or adult medicine would be knowledgeable in psychiatry, minor surgery and in the case of adult medicine, office gynecology. They would also be skilled in working with a health team utilizing to the fullest extent the services of such allied health personnel as social workers, nurses, psychologists, physical therapists, physicians' assistants, and community health workers.

5. The government should require the creation of local and regional community controlled health boards, with necessary technical advice provided by professionals. Such boards should plan for comprehensive health services in their areas.

6. Prepaid group practice offers an economical alternative to the physician as a solo practitioner, who charges a fee for each service rendered. Prepaid salaried group practice can lower costs both because it reduces the need for hospitalization through its focus on preventive care and because overhead expenses are shared by members of the group. However, every legislative means available should be used to prevent profit-making group practice corporations from using health to make money for their stockholders.

7. Until National Health Insurance is a reality there can be no full-scale program of preventive medicine. However, schools can provide vaccination programs and multiphasic screening (hearing, dental, vision, blood and other tests) for all children. Physical examinations should be provided for those children referred by teachers.

8. Nursing homes: federal law should require all nursing homes and similar institutions for the aged to have resident medical staff.

9. Present government programs dealing with mental health are totally unsatisfactory. We need a full commitment to the cure of the mentally ill, from patient care during hospitalization to rehabilitation services following hospitalization, to enable people to return to an accepting community and lead full and productive lives.

MASS TRANSIT

For many years, huge federal and state subsidies have been a basic taxpayers' contribution to the automobile and trucking industries. Continuing these subsidies at this time increases pollution and the paralysis of our overcrowded cities. This funding of highways has been at the expense of mass transit which is disintegrating across the country. Yet mass transit is the only feasible method of transportation for many of our citizens. The almost complete absence of it and its high cost make it impossible for many to reach jobs which are now in the suburbs.

1. We recommend federal funding of mass transit. In particular, the practice of holding up funds which have been appropriated by Congress, must be ended.

2. It is also essential that funds provided by the federal government be made available for whatever transit needs the state and/or local community finds the most pressing. The present restriction of such funds to capital use must be eliminated.

3. Massive transfer of accumulated highway funds to mass transit requirements must begin promptly.

4. Mass transit should be free, a right of citizens.

HOUSING

In 1948 this nation made a commitment to provide decent housing for every family. Twenty-five years later we find housing conditions have worsened. Despite claims of record-breaking numbers of new housing units built in 1971, the nation is currently producing at a rate of about 70% of what it produced in 1950 in terms of numbers of housing units per 1,000 population. The nation's production of housing falls far below the rates of many Western European nations.

The housing supply is not only insufficient, much of what exists is substandard. Most of the substandard housing is concentrated in cities. Escape from these ghettoes is prevented by economics and racism.

Experience has taught us what happens to low-income housing concentrations. As the more fortunate families work their way up the income ladder and out of low-income neighborhoods, their places are taken by the outcasts of the social-economic system. Before long these projects become the victims of crime, drugs, and illness. Those who, in a different social environment, might have realized great potential, are overpowered by the defeatist attitude all around them.

Fifty-six percent of this country's black and minority group families live in cities, and of these nearly two-thirds live in neighborhoods marked by substandard housing. But the problem is not only that of minority groups. In 1966 over 4 million of the nearly 6 million occupied substandard units were inhabited by whites.

We must defeat the atmosphere of alienation which physical concentration in urban ghettoes of low-income citizens creates by pursuing a housing policy that resists it.

A large proportion of the needed moderate-density, moderate and low-cost housing must be built in the suburban parts of metropolitan areas. We are no longer a rural nation; our industrial pattern requires that the housing be built in metropolitan areas. But the city centers are already overcrowded; only the suburbs can provide the large amounts of land needed to build new housing, at land costs low enough to permit housing to be built at decent densities and at low cost per unit. The suburbs also contain the overwhelming majority of the nation's new jobs. Over three quarters of the new jobs developed annually in the metropolitan regions of the nation are in the suburbs.

Not only people with low income are victimized by the housing situation. Middle-income families also suffer from insufficient housing, restrictive zoning practices, escalating rents, and high property taxes.

Recommendations

1. The Federal Government must supply the funds and pursue a policy that will insure the construction of enough housing units each year to meet the needs of a growing population and to replace the housing units worn out each year from age.

2. So-called low income housing should be abolished and replaced in all instances by middle-income housing supplemented by a subsidy where necessary. In addition sub-

sidies must help low income families to buy homes in both urban and suburban areas.

3. We propose a national housing policy which requires that at least 10% to 15% of the units in all housing receiving any kind of public subsidy—federal, state or local—whether hidden or visible—be allocated to low income people who will receive rent subsidies. The policy would apply to high rise apartment construction as well as tract development in the suburbs. It would apply whether the subsidies stem from financing, such as FHA loans, or from governmental assistance for sewers, streets, and/or utilities.

4. States and local communities must be required to alter zoning regulations to allow for scattered-site construction of new moderate income housing, with some low-income residents receiving rent subsidies. This new construction must blend architecturally with the surrounding community and must not be restricted to any one segment of any community.

5. To break down restrictive suburban zoning and other exclusionary practices, the federal government should:

cut off all federal funds for communities which prevent the construction of moderate-cost housing through local laws.

grant incentive funds and impact-aid to communities which do accept new moderate-cost and low-cost housing.

6. To remove the incentive for local communities to zone out or otherwise exclude low- and moderate-income families, the federal government should move, through appropriate agencies, to urge the States to take on the full burden of financing public education, rather than leaving the cost to be raised by local communities through the real property tax.

7. The Federal Government must also legislate strict rent controls to prevent exorbitant profits in highly congested areas.

8. The veterans' housing loan program must be amended to authorize loans for cooperative and condominium apartments at the same interest rate and terms as those applying to single-family homes, including direct federal loans where banks refuse government-guaranteed loans.

The advantages of these programs would be substantial. Low-income families would live throughout a metropolitan area. In these new neighborhoods would be the effective social infrastructure which sustains communities. Those previously consigned to ghettoes would benefit from better schools, competitive buying, good health facilities, extensive social organization, and safer streets and homes. The broader community would be saved the spiraling costs of welfare. Such a housing policy would quite literally "bring us together," closing the dangerous gap which now strains our national fabric.

WOMEN'S RIGHTS

While recognizing the particular problems of women in our society, magnified if not created by the imbalance of financial, political and corporate power, we feel that as long as any group is oppressed all people are oppressed. The women's liberation movement has as its goal the liberation of our entire society from the chains of past traditions, practices and prejudices which deny all our humanity and sisterhood.

To correct the imbalance in power, we must first move in the direction of recognizing that all options that come with being a citizen must be open to women, so they may be able to choose a life-style instead of having one foisted on them. Thus, we urge the elimination of sex roles which lead people into stereotyped behavior and deny them freedom to live in ways which are a personal expression of their individual humanity.

We support a challenge to hierarchical structures. We oppose dictatorships in political parties, schools, business and unions and urge instead the development of new forms of organization which recognize the contribution of the individual. We seek to create new programs and new methods of organizing group activity based on cooperative decision making rather than authoritarian super-structures.

We sadly reflect that a women's platform is necessary in 1972. Yet, close study of other sections of this draft platform reveals that discrimination against women in federal statute and policy has been largely neglected as a subject for protest. While we reject the separation of women's issues and the isolation of women's concerns as a special category, we urge the following recommendations be endorsed so that glaring inequities that remain in our federal statutes be immediately focussed on and eliminated.

1. *Equal Employment Opportunity:* Prompt enforcement of all federal statutes and executive orders barring job discrimination is necessary. All companies subject to federal law in regard to hiring practices should be required to begin creating immediately affirmative action programs to employ women where they are not adequately represented in the work force—especially in management, professional and technical positions. Deadlines for affirmative action programs should be imposed without delay. The federal government should withhold contracts and deposits from firms guilty of discrimination.

The Equal Opportunity Commission should be strengthened to give it "cease and desist" powers. Title VII of the Civil Rights Act should be extended to cover instrumentalities of government, religious institutions and other employers now exempted. The Equal Pay Act of 1963 should cover all workers, including professionals, administrators and executives. The Fair Labor Standards Act should be extended to grant minimum wage protection and overtime pay standards to domestic and service workers, farm laborers and employees of non-profit institutions.

Congressional hearings should be held to examine the nature and extent of job bias against women in industry and government.

2. *Abortion and Contraception:* We affirm a woman's right to control her own body and to decide whether or not to bear a child and call for the elimination of any laws in regard to abortion other than those already governing suits for malpractice.

The federal government should make low cost contraceptives available to women who want them and initiate a liberally financed public education campaign on contraceptives.

3. *Housing and Public Accommodations:* The Civil Rights Act of 1964 should be amended to eliminate discrimination against women in public accommodations, public facilities and all federally-assisted housing programs.

4. *Child Care:* The federal government should provide child care centers as a matter of right to all children whose mothers want it. These centers should be educational or recreational or a combination of both in accordance with the mothers' choice. Existing child care facilities should be expanded with priorities for admission given to children of mothers who work, are looking for work, or who are enrolled in schools, colleges or training programs.

5. The Internal Revenue Law must be amended to allow mothers who work, widowers, and divorced or separated men with responsibility for children to deduct all child care expenses.

6. *Equality in Education:* Federal legislation is needed to bar discrimination in education against women. The federal government should withhold funds or grants to schools found guilty of discrimination.

7. *Women's Rights Amendment:* The Equal Rights Amendment to the Constitution should be passed without any weakening clauses or amendments.

8. *Women in Party and Government Office:* The Democratic Party should pledge to encourage more women to seek nomination for public and party office. Whenever and wherever possible women should be placed in major administrative and policy-making positions. To this end, we support a talent search for women.

9. *National Convention:* We support and endorse guaranteeing women representation as 50% of the delegates to the national party conventions based on their percentage of the population.

10. *Financial Discrimination:* All inequities in tax and social securities must be corrected. All companies subject to federal law in regard to hiring practices should be barred from discriminating on the basis of sex or marital status in fringe benefits, pension, health insurance and life insurance. Health insurance programs should cover abortions and maternity benefits regardless of a woman's marital status. Women should not be required to take maternity leave against their wishes, nor should women be prevented from utilizing any paid accumulated sick leave in lieu of maternity leave; nor should women be permitted to lose jobs because they take maternity leave.

Discrimination on the basis of sex or marital status in the granting of credit by either businesses subject to federal regulation or by government agencies (e.g., the Federal Housing Authority) must be ended.

11. We support government funding for developing of agencies at the executive level of states and territories to enforce equality and justice for women.

INSTITUTIONAL RACISM

For most in this nation whose skins are black, brown, yellow or red, the "American Dream" is a cruel joke. The reality for these Americans is the highest rate of unemployment, the lowest wages, the most dilapidated housing, the worst education, the highest infant mortality rate and the shortest life expectancy. They have been the victims of the most irreparable damage physically, psychologically and economically.

In recent years, although our society has recognized this shameful situation, its efforts have been inadequate and paternalistic. They have been directed towards treating the *symptoms* of economic, social and moral dislocation as the *causes* of our ills. They have defined the victims rather than the victimizers as the problem.

In 1968 the Kerner Commission Report made a significant statement about the problem:

"What white Americans have never fully understood but what the Negro can never forget is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it . . . Race prejudice has shaped our history decisively in the past. It now threatens to do so again. . . ."

It is well that we have finally acknowledged the institutional aspect of racism, and that we can eliminate it only by changing these institutions. It's equally important to realize that for those who reap the benefits of our imbalanced society, these institutional structures are absolutely critical. For example, prior portions of this platform have revealed structures devised by the corporate sector to assure that more of the nation's resources go into high profit ventures such as highways, bombers and spaceships, rather than into health and housing.

Many segments of our society are geared and fixed to maintaining lucrative use of our institutions at the expense of any change in the status of our have-not citizens. Our educational system assures a large number of inadequately educated available to perform menial work. The constant high level of unemployment, considered a norm, assures labor peace. The use of corporate devices for pensions and medical care together with inadequate government programs in these areas assures labor discipline.

There are two parts to institutional racism, the institutions mentioned above and the racism itself, which is the vehicle for assigning non-whites to the subservient position in the institutional structure. This assignment is achieved by convincing the nation that these people are inferior and deserve no better; that they are in their plight because they are inadequate and lack motivation; that they, the victims, and not the victimizers are the problem. Racism is also used as a tool to pit poor non-whites against poor whites. While these groups fight among themselves for the crumbs assigned to them, their attention is skillfully diverted from the fact that the wealth of the nation is being drained off at the top.

Racist ideas produce the basis for legal, extra legal and violent repression of non-whites. This repression, in turn, reinforces racist thinking and provides the opening for repression of all dissension in our society.

Our nation has talked about meeting the problem of racism by creating equal opportunities for all. This approach is deceptive and inadequate. Those who have been denied an equal education and an equal family life, cannot compete equally, even with similar opportunity. It is clear, therefore, that to meet the problem the focus must be shifted from equal *opportunities* to the concept of equal *results*.

We must reject the concept that the only route for black, brown, yellow or red people to participate in the "American Dream" is to sell themselves, their heritage, their culture, their differences, and, in effect, to become carbon copies of white middle class society.

This pressure for conformity is unhealthy for the nation, as well as for the minority groups. We must reject the melting pot concept and move toward a pluralistic society in which all groups can develop in their own ways, thereby enriching us all.

II

1. The structures upon which institutional racism is grounded must be replaced. These structures have been dealt with at length in this platform. They include a grossly imbalanced distribution of wealth and power, and structures calculated to maintain and expand such imbalance. The power and wealth must be shifted and redistributed so that non-whites have an equal share.

2. The government apparatus must be forced to affirmative challenge racism and the institutions upon which it is based. As one example only, federal grants to states must be conditioned upon their using significant designated portions to aid minorities; assured neighborhood participation in the use of funds; enforcement of civil right laws in the use of such funds; and incentives for the states, as a condition to receive the funds, to alter their tax structures in a progressive direction.

3. We must accept and fully utilize the concept of assuring equal results, rather than equal opportunities.

4. Racism as a component of our foreign policy must be eliminated. We deal with this use of racism in our foreign policy plank.

5. The second system in our two systems of justice, which is reserved for the powerless, must be eliminated as set forth elsewhere in this platform. All must be treated fairly, equally and humanly under the law.

6. The organized, devoted and consistent protection of the constitutional rights of racial minorities is essential to maintain the civil liberties of every one of us.

7. To end institutionalized racism requires the public and, in particular, political figures to offer open and creative leadership in opposition to racist ideas and practices. Mere acknowledgement of the existence of such ideas and practices is not enough and is an abdication of responsibility.

GOVERNMENT AND THE PEOPLE

Misuse of government power has become increasingly apparent in recent years. A society whose structure is premised upon the consent of the governed has become one in which manipulation, deceit, intimidation, and outright repression has become the tools by which government controls its people.

All too often, the executive branch of our government fails even to make a pretense of dealing with society's problems within the framework of Constitutional safeguards.

Crime and violence in this nation are serious problems. There are steps which can be taken to deal with them. However, rather than viewing a rising crime rate as a symptom of our country's deeper ills, while yet dealing with it as it occurs, this Administration has sought to curb it through repression, force, and the substantial curtailment of civil liberties. In the name of "law and order" it has applauded the bestiality of the slaughter at Attica; it has sponsored and fought for such repressive measures as preventive detention and unrestricted power to spy on citizens through wiretapping and other electronic devices; and it has attempted to destroy the integrity of the Supreme Court by seeking to appoint to it men whose devotion to the sanctity of "law and order" seems far greater than their reverence for the Constitution in general and the Bill of Rights in particular.

The government's quest for law and order has extended far beyond the concept of "safety in the streets." It has included policies aimed at discouraging all who would dissent, or whose unorthodoxy appears to indicate they might not live according to "accepted" standards. These policies have been of a wide variety. We have seen outright political persecution as epitomized by the Berrigan indictment and the incarceration of Angela Davis; we have learned of the widespread use of political surveillance techniques to infiltrate, and entrap into criminal behavior, groups seeking what appears to be drastic social or political change. We have learned that many agencies of our government are busy compiling political dossiers on Congressmen, political and social leaders of minority groups, and upon thousands of us who have marched for peace and against injustice so often in the last decade. Another aspect of this repression of those who differ, or who are different, in which our government has wholeheartedly participated, in the long-standing deprivation of the most basic civil rights to homosexuals.

It is clear that our courts and District Attorneys have turned their greatest attention to prosecuting political dissenters and those without wealth or power. Those who possess wealth or power have been treated far too favorably by courts, prosecutors, and the laws themselves. Hence we see only the most minimal action against those who, in the pursuit of profit, have caused the death and disability of thousands of miners; who have allowed unsafe cars to be driven on our highways; who have manufactured and distributed food and goods which they know to be potentially injurious to users; who have avoided paying taxes.

We cannot comfort ourselves and exonerate our government by accepting its contention that the rights of political dissidents have been vindicated in the courts. While it is true, largely because of the jury system, such dissenters as Dr. Spock, the Chicago Seven, Bobby Seale, and others have been acquitted, the huge expenditures of time, money and energy required to obtain these acquittals tend to sap not only the will of those on trial but also those who would otherwise have been carrying on the same work for which their leaders were being tried. The effect of this inappropriate use of our judicial structure to strike at those who express dissent is that the dissenters are discouraged and debilitated and their dissension effectively stilled.

Another type of government abuse appears to stem largely from the misguided motive that, if government is to be effective, it must utilize the tools technology has made available. Such proliferation of centralized data banks makes potentially available a vast amount of personal data on individual citizens. This is an unwarranted incursion on the individual's right of privacy and may inflict incalculable harm in the event they are inaccurate or misused.

It is not surprising that government has developed such a callous attitude toward those it governs. It has grown so far apart from the people it is inevitable that it should treat so many of them as adversaries and outcasts.

The very procedures under which government operates are calculated to keep the power away from the people and concentrated in the hands of the few. In the name of "national security," the Executive Branch has withheld essential information not only from its citizens, but also from the Congress.

Just as "law and order" has become an excuse for repression and persecution, "national security" has become the Executive Branch's justification for hiding, manipulating, and distorting information. Congress is kept in ignorance through excessive and unwarranted use of "executive privilege"; the press and television are intimidated by scarcely veiled threats of reprisal; and the people in general are subjected to such a continued series of blatant untruths and half-truths that we no longer know what to believe.

Congressional procedures have made it cumbersome for that body to assert itself over the Executive Branch or even to speak out on issues where the majority's will is clear. The seniority and the committee system under which Congress operates keep the power structure within the Congress untouched. They have the additional effect of dooming efforts to stop the unprecedented abuse of power by the Executive and of allowing the handful of men from one section of the country to determine the laws and direction for the entire nation.

Finally, the structure of our own Party is a mirror of the imbalances implicit throughout government and society. In 1968, the Democratic Party demonstrated for all to see that its procedures on both the national and state levels made it impossible to hold an open or democratic convention. The spectacle of that convention, and the deception and unfairness which it revealed, must be acknowledged as a significant cause for the election of a Republican President. 1968 revealed clearly the extent to which our Party has allowed itself in most states to fall into the hands of a small group who manipulated the rules of delegate selection to thwart democracy in order to safeguard their own power.

The McGovern (now Fraser) Commission created by the 1968 Convention to assure "all Democratic voters . . . a full, meaningful, and timely opportunity to participate" in the selection of delegates and thus in the decisions of the 1972 Convention itself, has mandated admirable guidelines for state parties to follow in preparing for the 1972 convention. While some state Parties have acted to comply substantially with the Guidelines, many state Parties have not. Moreover, in some states where legislatures are dominated by Republicans, the fundamental changes required by the Guidelines have been blocked.

RECOMMENDATIONS

The imbalance in power between government and its citizens requires sweeping reforms. The following recommendations are intended, as are most of the recommendations in this platform, to be illustrative of the total change in approach and focus which is required.

CRIME AND THE COURTS

1. The fundamental cause of crime is the disparity in wealth and power between the

rich and the poor, the black and the white, the rulers and the ruled. Until power is shifted and shared crime will remain an almost insoluble problem.

2. A large majority of those accused and convicted of crimes are black, Puerto Ricans, and Chicano. In contrast, the overwhelming number of those who administer justice—police, judges, District Attorneys, and parole officers—are white and do not speak the language of those accused and convicted. This ratio must be reversed immediately.

3. The criminal law must no longer be used primarily against the powerless and the dissenters. Crimes of the powerful—tax evasion, embezzlement, crimes against ecology, and consumer crimes—must be prosecuted with equal vigor.

4. The relationship between handguns and crime must be recognized. National legislation must be passed immediately requiring the registration and licensing of every handgun and strictly limiting the sale of guns and ammunition.

5. Too many people are unnecessarily and improperly incarcerated in our prisons for too long a time. Inadequate and insufficient courtrooms, out-moded and time-consuming procedures, and too few judges result in crowded dockets with long months and sometimes years of incarceration for the poor before trial. Regulations should be adopted in all courts whereby charges must be dismissed if a speedy trial is not granted. The bail system should be revised so as to assure that those without means are not singled out for lengthy incarceration, and so that excessive bail is no longer required.

6. We must have an end to political trials in which the organizations are put on trial under vaguely drawn indictments based on vague, unconstitutional laws. So-called "conspiracy" prosecutions, against political dissenters, should be eliminated.

7. Laws allowing such practices as "preventive detention," "no knock entry," mass arrests without charges and arrest warrants and government surveillance, must be ended.

8. A re-examination of such behavior as marijuana use, homosexuality, gambling, and drinking as constituting "criminal" acts is required. Modern medical and social thought dictate that such acts are not inimical to society.

A redefinition of these acts to be matters of private concern, not subject to control by society, would be a saner reading of Constitutional intent, and would free the courts and the police for more necessary and effective crime control.

9. The heroin problem, the cause of much vicious street crime, must be treated as a medical problem. Funds and personnel must be provided to treat addicts, in a four-pronged attack involving a) therapeutic communities, b) methadone maintenance; c) non-addictive, and d) if the addict does not respond to any of these, a program of strictly controlled heroin maintenance, to remove the motive for theft and violence.

HOMOSEXUALS' RIGHTS

Millions of women and men in this country are subject to severe social, economic, psychological, and legal oppression because of their sexual orientation.

We affirm the right of all persons to define and express their own sensibility, emotionality, and sexuality, and to choose their own style of life, so long as they do not infringe upon the rights of others. We pledge an end to all social, economic, and legal oppression of homosexual men and women.

Laws prohibiting loitering for the purpose of soliciting for a homosexual liaison are vague and unconstitutional. Nevertheless, they are frequently used as the legal cover for police entrapment of homosexual men and women. Prejudice and myth have led to widespread discrimination against homosexuals.

RECOMMENDATIONS

1. Federal laws must prohibit discrimination in housing, employment, public accommodations, and public services because of sexual orientation.

2. The President should issue an executive order prohibiting the military from excluding, for reasons of sexual orientation, persons who wish to join the Armed Services; and from issuing less-than-honorable discharges for homosexuality; and requiring the upgrading to fully honorable of all such discharges previously issued, with retroactive benefits.

3. The President should issue an executive order prohibiting discrimination in the federal civil service because of sexual orientation.

4. Tax inequities victimizing single persons and same-sex couples should be eliminated.

5. Bars to the entry, immigration, and naturalization of homosexuals should be ended.

6. Where federal money is made available for sex education courses, these courses should include information about homosexuality.

7. The compiling, maintenance, and dissemination of information about an individual's sexual behavior for dossiers and data banks should be prohibited, and existing data of this nature should be destroyed.

8. Persons now incarcerated in detention centers, prisons, and mental institutions, charged with sexual offenses relating to victimless crimes or sexual orientation should be released, and adequate compensation made for the physical and mental duress encountered. Existing records relating to the incarceration should be expunged.

9. State laws prohibiting private sexual acts involving consenting persons should be repealed, as should laws prohibiting solicitation for private voluntary sexual liaisons and laws prohibiting transvestitism and cross dressing. Insurance companies and other state-regulated enterprises should be prohibited from discriminating against applicants because of sexual orientation.

10. Child custody, adoption, visitation rights, foster parenthood and the like should not be denied because of sexual orientation or marital status.

PRISON REFORM

Three out of every four crimes are committed by recidivists—people who have been in jail as convicted criminals. This should be sufficient evidence that our prisons are not performing their role as "correctional" institutions.

1. Our sentencing and incarceration procedures must be changed so that prisoners are protected from one another and are able to spend their time in prison in meaningful ways, geared toward re-entering society as self-sufficient persons.

2. The concept of rehabilitation, rather than punishment, must be fully recognized, funded, and implemented. First, this means substantially more funds to prisons. Second, it means that prisoners are first of all, human beings, and should be treated as such. Third, it means that rehabilitation personnel and techniques and facilities, in substantial amounts, should be introduced into the prisons.

3. The basic demands of prisoners all over the country include an end to overcrowding; relevant vocational training; adequate pay for their work; an end to such inhumane practices as solitary confinement; and religious and political freedom. Substantially all of the 28 demands of the Attica inmates should be accepted as a starting point for prison reform. Essentially, they are all aimed at the goal of treating prisoners as human beings. A reassessment of our attitudes toward those in prison is essential.

4. Steps must be taken to assure that a former prisoner, once a sentence has been served, does not carry the stigma of having been a convict for ever. This must include assuring the right to vote; and government aid in finding employment and decent housing.

5. Parole Reform: instead of political hacks, psychologists and other professionals committed to the rehabilitation of prisoners must be appointed to parole boards. Parole must no longer be conditioned on breaking the will of the prisoner, but on restoring him to a useful role in society.

6. Any state or local penal institution receiving federal aid should be required to meet minimum federal standards.

7. Juvenile prisons have proved totally inadequate. They should be closed and replaced with small-group residences or placement in foster homes. Such placement would be less costly and more effective than institutionalization.

CONGRESSIONAL REFORM

Central to, and symptomatic of the federal government's failure to fulfill its role in a democracy, has been the growing abdication by Congress of its function as a responsible representative of the people. To assure the effectiveness of Congress we recommend:

1. An end to the seniority system and to the diminution of Congress' ability to act because of the grip which aged and conservative committee chairmen have on Congressional procedures.

2. Congress should have access to information in order to legislate responsibility. To this end, it is essential that the procedures for classifying and declassifying information be revised so that they really relate to national security, and not, as recent events have shown, to protecting government from embarrassment. To start, we recommend that all information presently classified be declassified and then reclassified. A blue-ribbon commission should be appointed to make the decisions about reclassification; the commission should include members of all three branches of the government, and citizen representatives.

3. "Executive privilege" should be reserved to the President alone so, that employees or representatives of the Executive Branch can no longer refuse to testify or produce documents before Congress because of "executive privilege."

4. Congress needs an independent analytical arm apart from the General Accounting Office, which as an integral part of the Executive Branch, is inadequate. Such a structure could provide members of Congress with access to information and an independent mechanism for analyzing it.

5. Congress must have a more effective role in long-range planning. This has become apparent particularly in recent floor fights over defense appropriations. If Congress is to be more than a rubber stamp for the President's budgetary requests, it must be supplied with long-term planning information which shows the future impact of current programs.

6. Congress must play a more active role in defending the nation's military policy. It will not detract from the President's need to act in an emergency, if explicit Congressional approval is required, within thirty days of a Presidential decision to commit troops. This approval could be renewed periodically, perhaps every six months so long as the troops remained in use. Even under its present limited options, Congress can and should make more imaginative use of so-called blanket authorization legislation. Congress can condition the authorization of defense funds so that the Executive Branch is required to make visible expenditures for which it will be accountable.

7. The people's access to information concerning the legislative process must be expanded. Members of Congress should not be permitted to "bargain" over questions of national support in "closed" committee meetings.

SURVEILLANCE

1. Electronic snooping instruments must be brought under strict judicial control.

2. Legislation should be enacted to prohibit political surveillance and the maintenance of data banks. Violation of such provisions should be punished by immediate dismissal from, and liability for, government jobs for a period of time.

3. Where the government or private industry maintains legitimate records about private citizens, these citizens must be appraised of their existence and have an opportunity to examine and rebut them.

Executive Reform: the Executive Branch should include a Department of Peace.

PARTY REFORM

The 1972 Democratic Convention must be a representative one. The delegation of any state which the evidence indicates does not represent the freely expressed will of Democratic voters from that state should not be seated. It should be replaced with another delegation which has genuinely tried to be chosen in accordance with the McGovern/Fraser Guidelines.

THE PRESS AND MEDIA

The concept of a free press as envisioned in the Bill of Rights has been grossly impaired by corporate control and governmental restriction. Through mergers and acquisition, large media empires have been amassed. These news cartels seriously endanger independent, competitive news reporting. Just as unhealthy is the increasingly frequent acquisition of newspapers, radio and television stations, and publishing companies by corporate conglomerates who are free to manipulate news coverage to their own business advantage. Most alarming is the general control of the media which corporations exert by virtue of their financial control through advertising expenditures. The use of this power to make us a super-acquisitive society has been dealt with earlier. The general censorship of the ideas and expressions which are and are not permitted to be carried over the airwaves is equally destructive.

Government's efforts to curb a free press have been most recently experienced in the case of the Pentagon Papers. Veiled threats to the media and the press from the White House have been all too frequent.

RECOMMENDATIONS

1. Vigorous antitrust action should be undertaken to break up concentration of media and the press.

2. Commercial corporations should be prohibited from owning broadcasting and publishing companies.

3. Television and radio should be required to give more time to the presentation of issues, with reasonable amounts of time reserved for minority viewpoints.

4. Government intimidation of the press must cease. The concept of the press as a free and equal countervailing force to government must be established in law.

THE DRAFT

As part of the effort to end the excessive influence of the military-industrial complex over our society,

The United States should not maintain the military draft in time of peace. Peacetime is defined as including a time of undeclared war.

RECOMMENDATIONS

1. We oppose any compulsory military reserve system in peacetime.

2. Compulsory participation in civil defense exercises must end.

3. We oppose any form of compulsory civilian national service.

FOREIGN POLICY

Foreign policy is typically the first plank of a political platform. In the context of this platform, however, we have chosen to place it last, because we see our nation's foreign policy as a product of the imbalances and inequities in our society which we have earlier discussed.

For example, the same gap between the powerful and the powerless which we have noted on the domestic scene is quite internationally. So are the related factors of racism and poverty. Accordingly, our approach internationally as well as domestically should be to support the needs and aspirations of the people in New York and in Saigon, the farmers of Kansas and of India, the disenfranchised of Mississippi and of South Africa, and the dislocated migrants of California and the dislocated refugees of the Middle East.

As we ask our government domestically to end its oppressive relationship to many of our citizens, so we must do the same in relation to other peoples and lands. America must not be the oppressor or identify with oppressive governments.

Hence, while it is essential that we compel this nation to remove its armies and navies from southeast Asia, it is far more critical that we confront the active forces, attitudes and institutions which got us into Vietnam.

These deeply ingrained forces, attitudes and institutions are responsible not only for the death and destruction meted out by American troops, but they have also set an example for violence by the rest of the world.

Analysis of the underlying causes of our aggressive foreign policy must start with the nation's economic system. The health of corporate America demands constant growth. This means the corporations must produce more and more goods. It means that consumers must purchase more and more of what the corporations produce. The United States military establishment is unmatched as the best market in the world today. Hence, those with a profound power to set our nation's direction have an enormous vested interest in maintaining and, indeed, in expanding the American military establishment.

One should not be deluded into believing that this interest is limited to a small clique of corporate executives and generals. To the contrary, the broad span of the corporate structure in the nation depends heavily upon military consumption for its health. For example, a 1964 study established that at least 205 of the 500 largest manufacturing corporations were significantly involved in military contracts. This statistic reveals only the direct impact of the military budget upon the corporate sector. Given our highly interdependent economy—the indirect impact of military spending of subcontractors, upon manufacturers of intermediate goods and parts and upon supplies of raw materials reveals that the large direct miltiary contracts are only the tip of the iceberg.

Since such a great cross-section of business has so great a dependency upon military spending, it is obvious that the huge number of employees of such businesses has an equally great stake in military consumption.

Moreover, it should be noted that the more skilled and affluent portion of the labor force has the greatest stake in military spending. For example, a 1962 Department of Labor study of the electronics industry revealed that at the military-space oriented plants of that industry, about 60% of the work force were highly paid engineers, executives or skilled blue collar craftsmen. In sharp contrast, at the consumer-oriented plants in the dustry, 70% of the employees were semiskilled or unskilled blue and white collar workers.

In passing, it is also significant to note a study which reveals that one dollar of military spending generates one half as many jobs but 20% more in salaries than does one dollar of civilian spending. Not only does this demonstrate that miltiary spending is a factor which adds to the mal-distribution of wealth and income, but it further shows that the more skilled and affluent—and therefore more powerful—members of the labor force will support military spending and ventures against the interests of the more powerless members of the labor force.

In addition, we have recently been made quite aware that a large portion of the university population has also become deeply dependent upon defense studies and grants. Of course, the military establishment which has a direct need to perpetuate itself and to grow has a similar dependency.

Given the basic "needs" of this large cross-section of America, an ever expanding, giant sized military establishment is inevitable, and the aggression and violence that spring from it are predictable.

But the market provided by the military is insufficient in and of itself to satisfy the insatiable corporate need to produce more and more goods. Accordingly, vital corporate interests become located in foreign countries because of the need for natural resources and cheap labor. These incursions on foreign soil have been massive. The might of this nation, political and often military, is then used by these corporations to coerce foreign governments to do their will. In this process our government creates and maintains reactionary puppet regimes which carry out corporate economic missions while depriving their own citizens of the most basic economic and political freedoms.

Our deeply ingrained national racist attitudes makes it easier for us to accept the corporate national oppression in other lands and contributes to our failure to back any condemnation of apartheid in Rhodesia, Angola, South Africa with meaningful sanctions. An especially ugly example of American partnership with racism abroad is the fact that the racial classification, population registry and personal identity passbook system by which South Africa's police state controls and exploits its black and colored people is all computerized by IMB equipment.

Another contributing factor is our deep-seated national machismo, now being popularly referred to as the "Masculine Mystique." All of our institutions and attitudes teach us that we must be clear-cut victors in every conflict situation. Applied to foreign powers, this attitude must and does result in burning and bloodshed. In addition those in our nation least affected by the racist tendencies and the "masculine mystique"—the nation's women and minorities—have been essentially kept out of the foreign policy making apparatus.

The needs of the corporate state in America which have constituted the basis for our foreign policy are duplicated in other advanced industrial countries, East or West, and in a similar way comprise the basic motivation for their foreign relations. The secret competition among nations, including wars, hot or cold, has been the nationalist expression of this corporate competition. This competition is too dangerous, self-defeating and self-limiting and represents the needs of a small minority of the peoples of the world. A saner and more productive basis for peoples and nations relating to each other would be a global concern and commitment to the needs of the oppressed have-nots everywhere.

Obviously, since other nations are militarily prepared as part of the corporate competition, we must have a military establishment, but one that is strictly limited to a self-defense posture.

The history of the cold war reads like a tragic, make-believe, self-perpetuating rationalization. It was complete with slogans, labels and fears, some pure fantasy and some with a real component that seemed to give validity to the whole cold war concept.

Convinced by our leaders following World War II that the world was divided between the forces of freedom and the forces of aggressive communism, the American people have willingly supported a foreign policy geared to the containment of communism, and implemented primarily by military means. Since 1946, through the cold war and two hot wars, the United States has invested over one trillion dollars in its military establishment.

In the process we have created and maintained a network of military alliances and bases around the world, produced nuclear weapons and delivery systems far in excess of rational needs in a costly and self-defeating nuclear arms race with the Soviet Union, kept the People's Republic of China out of the community of nations for a generation, subsidized an unsuccessful invasion of Cuba, and intervened militarily in Lebanon, the Dominican Republic, Indo-China and Guatemala.

Through the painful experience of the war in Indo-China, the American people have finally begun to learn that even in a democracy the government lies to the people, that American armed might cannot always change the politics of other countries, that communism is not monolithic and may be animated by nationalism, that even the richest nation cannot simultaneously wage war and meet the needs of its people.

II

It is clear that before the direction of our foreign policy can be effectively changed, corporate domination, racism and the "masculine mystique" orientation must be terminated. These are, of course, some concrete changes in policy that we can effectuate while we make the long-range effort to correct these basic imbalances.

1. A key method of reducing the power of the military-industrial complex is the transfer of federal and corporate resources from the military to urgently needed civilian programs. Major reductions in the military budget are warranted now. Military cost overruns, duplication of weapons systems, overextended military commitments, and the existence of a nuclear arsenal capable of annihilating any combination of potential enemies several times over, are all areas for potential vast savings that can immediately be directed to civilian needs in the public sector.

2. Presidential power in foreign policy-making must be curbed and the congressional role reasserted. To this end changes indicated in our section on government and the people should be effected. These include an end of concealment by the Executive Branch of information needed by Congress to legislate and appropriate intellingently.

3. Vietnam and Amnesty:

a. The war in Indochina must be ended by the immediate withdrawal of all American forces and weapons from Indochina.

b. Those who fought against this immoral war by going to prison, fleeing the country or the armed forces, should be free from the threat of any criminal or military penalties.

4. Since there is general agreement in the scientific community, (with the exception of the Atomic Energy Commission and the Pentagon) that effective supervision of a comprehensive nuclear test ban treaty is possible without on-site inspection, there can be no justification for further delay in negotiating an agreement for a ban on all nuclear testing.

5. Our country should lead the way for the world to find an effective peace-keeping body to which all nations must cede significantly more of their individual power. In view of the admission of the People's Republic of China to the U.N., a strengthened and restructured United Nations whose ability to function cannot, by agreement, be threatened by any one large and powerful nation, might be the vehicle.

a. It should be the major forum for negotiation, mediation, or arbitration of all international disputes.

b. From it could come international agreements such as halt to *all* nuclear testing; a substantial reduction in both nuclear and conventional arms; a disengagement of most opposing military forces in Central Europe and elsewhere; and in general to take all steps necessary to bring about general and complete disarmament, with the use of the resources thus released for domestic and social purposes both here and abroad.

c. While seeking this ultimate goal, and in order to enforce it, our country should lead in the struggle to secure and maintain a small all-volunteer army, committed only to international peacekeeping under the United Nations.

d. In order to bolster the U.N.'s preeminence as chief negotiator and peacekeeper, our country should refrain from giving any military aid, except in those rare instances when an ally's security cannot be assured by any alternate means.

e. As a minimal first and immediate step, Congress should repeal the Connolly Reservation which permits the United States to decide whether it will submit in each case to the jurisdiction of the International Court of Justice.

6. We must bend every effort toward achieving a peaceful settlement of the conflict in the Middle East, guaranteeing the security of the State of Israel, a homeland for the Palestinian Arabs, and free access to all waterways of the region.

7. We condemn the United States government's position in the India-Pakistan war. We urge the immediate recognition of Bangladesh and financial aid to those refugees returning to Bangladesh.

8. To raise living standards in all parts of the world:

a. We must make a vigorous commitment to multilateral economic and social aid programs, without strings attached, to replace the perilous bilateral arrangements for foreign aid we now have.

b. We should move toward freer trade and offer trade preference to those nations whose per capita income or gross national product is beneath a realistically designated living level.

c. We should legislate that American businesses which operate in underdeveloped countries must give control to local leadership as soon as possible, under the provisions of the Federal Chartering concept previously mentioned.

9. Discriminating trade restrictions or boycotts must not be used as a political weapon, except such as are approved by a world body like the United Nations or the GATT.

NUTRITIONAL LABELING—FDA ISSUES STANDARDS

Mr. SCHWEIKER. Mr. President, on Thursday, March 30, 1972, the Food and Drug Administration issued proposed criteria for a nutritional labeling program.

I am pleased to say that FDA's new proposal is very similar to the recommendations I made for legislation in a bill I introduced October 21, 1971, the Nutritional Labeling Act of 1971.

The materials published in the Federal Register regarding this proposal contained some interesting background information which confirms my own belief that consumers want this kind of labeling and that they will use it when it is available. Interestingly, a survey conducted by the Consumer Research Institute concluded that products containing nutritional labeling sell better also. Although no effort was made in the CRI study to evaluate the educational benefits of nutritional labeling, I am convinced that consumer education on nutrition is an important byproduct of nutritional labeling programs.

Mr. President, in order to give broader distribution to the proposals published by FDA, I ask unanimous consent that they be printed in the Record at the conclusion of my remarks.

I should point out that although my bill calls for mandatory nutritional labeling, the FDA program is voluntary. The original printing of this proposal in the Federal Register contained an important typographical error in section 1.16(a) as a result of erroneously substituting the word "must" for the word "may." I have, however, corrected this in the copy I am submitting for the Record. I am certainly hopeful that everyone interested in nutritional labeling will respond to FDA's request for comments on its proposal.

There being no objection, the proposals were ordered to be printed in the Record, as follows:

[From the Federal Register, Mar. 30, 1972]

NUTRITION LABELING: PROPOSED CRITERIA FOR FOOD LABEL INFORMATION PANEL

(Department of Health, Education, and Welfare, Food and Drug Administration [21 CFR Part 1])

The increasing number of processed and formulated foods makes it difficult for consumers to identify the nutritional qualities of the products they purchase. The White House Conference of Food, Nutrition, and Health recommended that the Food and Drug Administration consider the development of a system for identifying the nutritional qualities of food: "Every manufacturer should be encouraged to provide truthful nutritional information to consumers about his products to enable them to follow recommended dietary regimens." Many consumer groups have also requested that uniform nutrition labeling be placed on all foods.

The Food and Drug Administration has accepted the recommendation to develop nutrition labeling for packaged food. Initial activities have been directed toward the development of formats of nutrition labeling which could be evaluated by appropriate consumer testing.

Prior to the White House Conference little had been done on evaluating nutrition labeling as a means of consumer education and information on nutrition and good diet. Improved labeling of foods for special dietary use had been generally recommended by dietitians, and the medical profession had called for fat labeling as an aid to persons on modified fat diets. However, no consumer data were available on the format or detail of nutrition labels or on food classes to be covered.

In 1970, Dr. David Call of Cornell University produced a study report based on questionnaires sent to all members of the American Institute of Nutrition. His report indicated that these professional nutritionists had no specific preference for systems of listing nutrients, but a majority felt that vitamins and minerals should be based on a standard such as the Recommended Daily Allowances (RDA) of the National Academy of Sciences-National Research Council (NAS-NRC). Dr. Call concluded generally that the majority (over 80 percent) of the professional nutritionists think that there should be more nutrition information on food labels, but the group was divided as to what information and what format should be used.

In October 1970, the "Chain Store Age" (a trade magazine) published the results of a study in which consumers were exposed to products with full disclosure of nutrition content. Control groups were exposed to products without nutrition information. In this study the nutrition information was presented in percentages for both major and minor nutrients and calories were also listed. This study indicated that "the type of full disclosure labeling investigated does have an effect of moving customers in the direction of greater purchasing of the full disclosure brands." It was pointed out that the shifts were small. However, in some cases and in certain age groups, the purchase of labeled brands increased by over 10 percent, and brands without nutrition labeling decreased in sales. Younger customers and those with annual incomes under $10,000 were more responsive to the labeling.

Based on the limited information provided by these studies, the Food and Drug Administration developed a working draft outlining various approaches to nutrition labeling. In June 1970, the preliminary drafts were evaluated for scientific correctness by members of the Food and Nutrition Board of the NAS–NRC, representatives selected from the American Dietetic Association, and professional nutritionists selected from the American Institute of Nutrition. The comments from these individuals were carefully evaluated, and a new working draft suggesting six alternate approaches to nutrition labeling was prepared. In August 1970, these alternative labeling systems were sent to a number of professional nutrition groups, consumer groups, food industry associations, home economists, and dietitians. In October 1970 comments on the various labeling systems had been received from all of the individuals and groups contacted by the agency. A trade association requested that the Consumer Research Institute, a private nonprofit research group, assist by carrying out consumer testing of labeling systems which the agency determined were suitable for further study. The agency accepted this support, as it provided a means for immediately beginning to evaluate nutrition labeling.

On the basis of the comments received and of the information available from the few earlier studies, the agency prepared a final working paper including the three basic labeling alternatives which had received the strongest support from the various groups and which appeared to be technically feasible. These three labeling systems had several common features. All nutrition information was presented in terms of a portion, expressed as a household measure, or in units easily identified as a usual serving. All nutrition statements were based on the Recommended Dietary Allowances (RDA) established by the Food and Nutrition Board, National Academy of Sciences-National Research Council. Information on the amount of caloric, fat, protein, and carbohydrate content was presented in all systems. Protein content was also expressed in terms of the percentage contributed toward the RDA protein allowances, and, for the purpose of labeling, the adult protein level of 65 grams was selected as the standard. For practical purposes, a single set of values for the vitamins and minerals to be stated on the labels was compiled from the extensive list of values established by the Food and Nutrition Board, and the following seven nutrients were selected to appear on nutrition labeling: Vitamin A, vitamin C, thiamin (vitamin B), riboflavin (vitamin B_2), niacin, calcium, and iron. As a means of telling the consumer the nutritional value of the product, the vitamin and mineral content was presented as a percentage of the RDA.

The three labeling alternatives differed in the format used for presenting the percentage of RDA for the seven nutrients. The three formats proposed for testing were: A numerical statement of the percent of the RDA, the percent of the RDA expressed as adjectives, and the percent of the RDA expressed as units with 10 units equal to 100 percent of the RDA. The units in the third format could be represented numerically or pictorially.

The testing was designed to answer the basic questions of how to present the information on (1) vitamins, minerals, and protein in relation to nutrient allowances, and (2) whether to provide a complete labeling format on every labeled product or only information on the nutrients present in the product. The testing also sought an indication of consumer support for nutrition labeling and understanding and use of nutrition labeling. The specific questions addressed were as follows:

1. Is there strong consumer support for nutrition labeling when examples of labels are actually available for review?

2. What type of labeling format is most acceptable to consumers and results in changing consumer performance?

3. What aspects of nutrition labeling (calories, protein, fat and carbohydrates, and vitamins and minerals) raises maximum consumer response? Is the combination most effective?

4. Do consumers react better to complete listing of nutrients or to listings which include only those nutrients present in significant amounts?

Consumer Research Institute (CRI) carried out its test in two phases. They developed a protocol for studying the three labeling alternatives in terms of consumer understanding and use. The final protocol was completed in May 1971, and field studies with an independent research group were started in June 1971 and completed in September 1971. CRI also developed a large consumer questionnaire study which was initiated in January 1972 and completed in February 1972. The questionnaires were sent to three population groups: 2,000 consumers selected to represent the American population (U.S. probability sample), 2,000 consumers identified as low income, and 600 consumers identified as "under educated" (having no high school education).

During the development of the alternatives, a number of food chains expressed interest in studying consumer reaction to nutrition labeling. Following a series of preliminary discussions, five chains agreed to carry out instore tests involving one of the labeling alternatives developed by FDA. These in-store tests included not only evaluation of the consumer response to individual labeling but also consumer acceptance of nutrition labeling.

The evaluation of the food chain tests has been divided into two parts: (1) The store evaluation composed of consumer responses, and (2) a formal consumer evaluation being conducted in each area by Drs. Daniel Padberg and David Call of Cornell University, Ithaca, N.Y., under contract to the Food and Drug Administration. This evaluation has attempted to identify the consumers' response and understanding of nutrition labeling to evaluate the consumer interest in nutrition factors, and to obtain some measure of nonuse benefits expressed by consumers. A second phase of the contract with Cornell University was designed to provide more detailed information on the specific formats for nutrition labeling and on consumer understanding of how nutrition labeling relates to developing a good diet.

At the present time most, but not all, of the evaluation studies are complete. Preliminary results have been sent to the Food and Drug Administration. The results of the tests completed and evaluated provide strong support for the concept of nutrition labeling.

The first phase of the CRI activities was designed to answer questions on how nutrition labeling affected purchasing patterns and which labeling format had the greatest effect. In addition, a questionnaire was developed to evaluate changes in consumers attitude toward nutrition, and their understanding of nutrition before and after the labeling study. The study was conducted in 950 educated middleclass households in Connecticut and Georgia who, as part of the panel, did grocery shopping at home using a catalog of food items. The preliminiary results were presented at a public meeting on December 7, 1971. The conclusions stated by CRI were as follows:

1. Nutrient information was used by the consumers observed in this study. This is demonstrated by the fact that their purchase patterns changed after the introduction of nutrient labeling.

2. In situations where a product or brand has a real nutritional advantage over its competitors, there was a major change in that product's share of the market.

3. The consumers' attitudes toward nutrition were found to be rather high before the introduction of nutrition labeling. The changes in attitude were positive but small, since the consumers in the test panel already had very positive attitudes about nutrition.

4. There was a considerable increase in the consumers' knowledge of nutrition, especially in their awareness of vitamins and minerals.

5. All three formats for communicating the amount of RDA (numerical percent, adjective representation, and numerically or pictorially represented units) are understood and used equally well. It would not appear that any of the three has a major advantage over the others among the educated and affluent in our society.

6. No differences in consumer reaction were found between listing all nutrients and listing only those nutrients present.

7. The fact that listing of protein, fat, and carbohydrates in percent composition is useful to the consumer was indicated by changes in purchase behavior.

The second phase of the CRI studies was completed in early February 1972, and a preliminary report was provided to FDA on February 25, 1972. This phase of the study sought to determine (1) whether the quantity of nutrients should be communicated by numerical percent, adjectives, or numerical or pictorial representation of units and (2) whether all key nutrients or only those present in the food should be listed. (The phrase "all key nutrients" refers to the five vitamins and two minerals included as the basic information in all labeling formats.) Questionnaires sent through the mail were used to determine the answers to both of these questions. In addition face-to-face interviews were conducted in studying the first question.

With reference to the first question, the questionnaires were evaluated to determine which nutrient labeling format was most intelligible to the consumer. Attention focused on the consumers' ability to detect differences between two products as well as to select the more nutritious of these products. Over 80 percent of those in the national sample were able to perceive differences between products with each of the three formats, and almost 80 percent could select the more nutritious product with each of the formats. In the lower income groups, approximately 77 percent perceived differences with the numerical percent and numerically or pictorially represented units, but only 70 percent perceived differences with the adjectives. In selecting the more nutritious product, the lower income group did best with the numerical percent and numerical or pictorial units (about 70 percent correct). Only 66 percent of the lower income group was able to select correctly on the basis of adjectives.

In a face-to-face survey of 600 low income consumers with no high school education, approximately 90 percent of all those surveyed were able to perceive differences and to make the correct choice of a more nutritious product using any of the formats. The higher percent of positive responses is associated with the abilities of the interviewer to motivate the person being questioned. As the low income, less educated groups were considered most likely to be confused by nutrition labeling, they were asked to indicate which labeling format they felt they would be able to use best. Approximately 50 percent of the sample indicated that the numerical percent was best, about 33 percent preferred adjectives, and about 16 percent selected pictorial units. (Numerical representation of units was not used in the face-to-face interviews.) Expression in numerical percent was preferred by the majority, because it was considered more exact and easier to use. Adjectives were considered vague and confusing, and pictorial units were considered too silly or childish. Thirty people conducted the interviews. Of these, 24 felt the numerical percent was the easiest for consumers to use.

The questionnaires were also evaluated to determine whether all nutrients or only those present should be listed. The percent of persons making the correct choice and perceiving differences between products was slightly better when the label contained only the nutrients present instead of when all seven nutrients in the labeling format were listed with zero content indicated for those nutrients not in the product. Among the low income group, 77 percent perceived differences when only nutrients present were listed, and about 73 percent perceived differences when all nutrients were listed. In the national sample, a similar difference was observed, with almost 86 percent perceiving a difference with only nutrients present listed and about 82 percent when all nutrients were listed. No attempt was made to evaluate the educational benefit which might be associated with the more complete disclosure.

In considering whether information on the fat, protein, and carbohydrate content should be listed, consumer purchase patterns from the first phase of the CRI study were evaluated to see if presenting this information would improve consumer understanding. In two product classes where fat and caloric differences between products were significant (imitation cheese spread (6 percent fat) versus cheese spread (20–25 percent fat) and salad dressing (65 calories per portion) versus mayonnaise (180 calories per portion)), consumers began purchasing more of the products with lower fat and caloric content.

Two of the five food chains conducting nutrition labeling tests have submitted preliminary reports. In both cases the results were primarily based on consumer interest and response via mail and telephone, although one chain also completed a general questionnaire among consumers in their stores. In one of these two tests the majority of consumers who responded in the first 2 months of the labeling test (approximately 800 letters) asked that nutrition labeling be continued. Of 3,000 consumers questioned in that test, 62.4 percent were aware of the test and over 75 percent were interestd in having nutrition labeling. The second food chain's report shows that the consumer letter response during the early stages of the test was more limited than the response to the first chain's test. This may be because the second test involved much less total promotion, concentrated on in-store activities, and involved fewer labeled products. Out of several hundred letters from consumers, only three opposed nutrition labeling. Those objected because of anticipated price increases resulting from the labeling. Most consumers expressed strong support for the nutrition labeling. The other three chains did not start their studies until after December 1971 and no reports are available. Each of these chains plans some evaluation.

The preliminary report from the Cornell University evaluation covered only the two completed chain tests. The questionnaires were carried out in the stores. Demographic information was obtained so that the relationship of education, income, and racial group to perception and understanding of the purpose of nutrition labeling could be determined. Preliminary results indicate that perception of the labels was correlated to education and income. In the test by the first food chain, 35.7 percent of those interviewed were aware of the labels after 2 weeks. In the second chain test which involved few labeled products and less promotion, only 20 percent of the persons questioned had seen the label. Almost 90 percent of those questioned in the first test understood the purpose of nutrition labeling. A preliminary test was given to a random sample of customers before the labeling study started. Seventy percent of the persons tested gave correct answers when asked specific questions concerning which of several products provided the most of specific nutrients. Twenty weeks later, 80 percent of the persons asked were able to give correct answers to the identical questions. The 10-percent increase in correct answers is significant.

Of particular interest was the consumers' concern with nonuse benefits associated with nutrition labels. Consumers were asked if they felt the following benefits would result from nutrition labeling.

1. Nutrition information for food products will increase consumer confidence in the food industry.

2. If manufacturers have to show nutrition information, they will try harder to make their products nutritious.

3. Nutrition labels encourage advertising that will promote consumer education.

4. More information indicates a greater concern for consumer welfare.

5. Consumers have the right to know the nutrition value of food products on the market.

The results averaged from the two tests studied thus far indicate that 87.9 percent of all persons interviewed agreed that these nonuse benefits would occur with the use of nutrition labeling. In addition, 97.6 percent of all those interviewed agreed that it was the consumers' right to have nutrition information on food products on the market.

The information produced from the tests of nutrition labeling, comments from consumers and nutritionists, and the limited data available before the current programs were initiated strongly supports the consumers' interest in nutrition labeling. The information provided in the various labeling formats was used by consumers. The questionnaire studies indicated that consumers, including those with low incomes and with less than a high school education, were able to understand and use nutrition labeling. The studies also indicated that the numerical percent format is more acceptable to the low-income segment of the population, even though all three formats used in the studies were understood and used by consumers.

In relation to the use of complete listing of the seven nutrients on each label, the slight reduction in the number of persons able to understand and use the labeling has been considered in relation to the education benefits associated with the more complete labeling. It has been suggested that, when a complete listing of nutrients is required, products that do not contain any of the vitamins or minerals or protein are made to appear very inferior. It does not appear reasonable to require the complete listing on products such as vegetable oils and fruits like apples and pears. These products would not have nutrients added under usual circumstances and thus can not have the nutrient levels improved like most formulated products. However, it is possible that some consumers may falsely believe that products with no information on vitamins and minerals are good sources. In order to prevent such misunderstanding, manufacturers would be offered the option of listing the vitamins and minerals which shall be required as part of nutrition information or of stating that the food contains no significant quantities of the vitamins and minerals. After evaluating the information available at the present time, the Commissioner proposes to establish regulations governing nutrition labeling for packaged food products. While all of the issues associated with nutrition labeling have not been definitively resolved, the completed studies have provided the answers to the basic questions. The strong consumer interest in nutrition labeling and the evidence that consumers are able to understand and use nutrition labeling indicate that such a proposal is timely.

While the information obtained thus far in the tests suggests that consumers can utilize the individual nutrient labeling systems, there is no evidence supporting the view that each food company should develop its own nutrition labeling procedure. It is important that a single nutrition labeling guide be established and followed by the food industry. A proliferation of different approaches would lead to consumer confusion and reduce the potential educational benefits of nutrition labeling. As indicated in the notice on nutrition labeling in the Federal Register of November 19, 1971 (36 F.R. 22078), if different types of nutrition labeling resulting in consumer confusion are used, FDA will be obligated to take regulatory action or to seek new statutory authority to control nutrition labeling.

The Commissioner has concluded, on the basis of the information available at the present time, that nutrition labeling should be based on the following general criteria:

1. Vitamins and minerals should be expressed as a proportion of the Recommended Daily Allowances (RDA) modified to provide a single RDA level for all ages and sexes.

2. The labeling should indicate the caloric content and the amounts of protein, carbohydrate, and fat in the product.

3. The nutrition content should be related to a portion or serving of the food expressed in common household terms or in easily identified units.

4. A complete listing of the seven important vitamins and minerals should appear on all products unless the product contains essentially none of those vitamins or minerals.

5. A listing of protein content should appear on all products unless the product contains no protein.

Listing protein in terms of both the amount present in the product and a percent of the RDA offers consumers maximum information. Concern has been expressed that protein quality should be incorporated into this statement. Such a protein quality factor could be established by requiring that any protein with a quality less than that of casein must reduce the claimed contribution by the factor obtained by dividing 100 into the protein quality of the protein expressed as a percent of the quality of casein as determined in standard protein evaluation tests and then multiplying the actual protein content by this factor. This calculation would give the amount of protein to be used in determining the percent DRA for the protein. A lower limit could also be set for any statement relating to protein quality; for example, no protein with a quality less than 50 percent of casein could be stated on the label in terms of the percent RDA. This approach offers maximum information but is complicated both for the manufacturer and for the consumer. Comment is particularly requested on this question.

The Commissioner also requests that comments be provided by interested groups and individuals on whether it would be most useful to consumers for protein, carbohydrate, and fat content to be stated by percent, by weight, or by grams per portion.

The Commissioner is aware that there is variation in the natural nutrient content of food products. In developing a nutrition labeling system, it is therefore important that the manufacturer be permitted a sufficient tolerance so that he may provide useful nutrition information on the label without incurring excess costs for quality control which will result in a significant increase in prices to the consumer. However, consumers will expect that the nutrition labels will honestly represent the product. By using a percentage of the RDA expressed in increments of 5 to 10 percent, some of the variation in products can be accommodated. In addition, for the purposes of nutrition labeling, the statement will be considered in compliance if at least 80 percent of the product in the package meets or exceeds the claimed nutrient levels, and if no sample of the product will have a nutrient content less than 80 percent of the nutrient claim.

Finally, manufacturers frequently ask where to print nutrition labeling and other related information which is not required on the principal display panel. It is important that such information appear in a uniform location so that consumers will have it readily available. Uniformity in displaying such information will make it more easily found and read by consumers under normal conditions of purchase and use. For a number of years canners have utilized an information panel for serving sizes and other pertinent information concerning the contents of a can. Breakfast cereal manufacturers have primarily utilized one panel for nutrition information. An information panel, as well as the principal display panel, is a suitable location for nutrition information. The Commissioner therefore proposes to define the information panel as that part of the label immediately to the right of the principal display panel. If the package has alternate display panels the information panel may appear to the right of either. If the top of the container is the principal display panel, and there is no alternate principal display panel, the information panel is any part of the label adjacent to the top.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701, 52 Stat. 1040–42 as amended, 1047–48 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 343, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 1 by adding the following two new sections:

§ 1.8d. Food labeling; information panel.

(a) The term "information panel" as it applies to packaged food means that part of the label immediately to the right of the principal display panel. If the package has for alternate principal display panel, the information panel is immediately to the right of either principal display panel. If the top of the container is a principal display panel and the package has no alternate principal display panel, the information panel is any panel adjacent to the principal display panel.

(b) All information required to appear on the label of any package of food pursuant to §§ 1.8a, 1.8c, 1.10, or Part 125 of this chapter shall appear either on the principal display panel or on the information panel unless otherwise specified by regulations in this chapter.

(c) All nutrition information appearing on the label of any package of food shall comply with § 1.16 and shall appear either on the principal display or on the information panel unless otherwise specified by regulations in this chapter.

(d) All information required on the principal display panel or the information panel pursuant to this section must appear on the label with the prominence and conspicuousness required by section 403(f) of the Federal Food, Drug, and Cosmetic Act and § 1.9, but in no case may the letters be less than 1/16 inch in height. The requirements for conspicuousness and legibility shall include the specifications of § 1.8b(h) (1) and (2).

(e) All information required on the principal display panel or on the information panel pursuant to this section shall appear on the same panel unless there is insufficient space. If there is insufficient space for all of this information to appear on a single panel it may be divided between these two panels, except that the information required pursuant to any given section or part must all appear on the same panel.

§ 1.16 Food; nutrition labeling.

(a) Nutrition information relating to a packaged food may be included on the label of the product provided that it conforms to the requirements of this section.

(b) All nutrient quantities including vitamins, minerals, calories, protein, fats, and carbohydrates shall be declared in relation to the average or usual serving expressed in common household measurements or in terms of a unit which is easily identified as an average or usual serving. The weight of the serving may also be expressed in grams. The declaration shall contain the following items:

(1) The heading shall be "Nutrition Information."

(2) A statement of the serving size shall be given.

(3) A statement of the caloric content per serving shall be exprsesed to the nearest 5-calorie increment.

(4) A statement of the number of grams of protein, fat, and available carbohydrates per serving shall be expressed to the nearest gram.

(5) A statement of the amounts per serving of the vitamins and minerals listed in paragraph (c) of this section shall be expressed in percentages of the Recommended Dietary Allowances (RDA) as stated in paragraph (d) of this section. The percentages are expressed in 10-percent increments, except that 5-percent increments may be used up to the 20-percent level. Nutrients present in an amount comprising les than 5 percent of the RDA shall be considered insignificant and will be so listed under the RDA percentage. However, if a product does not contain at least 5 percent of the RDA for any of the vitamins or minerals listed in paragrah (c) of this section, the statement, "Contains no significant quantities of vitamins and minerals," may be used in place of the complete listing of the vitamins and minerals required in paragraph (c) of this section. The listing shall follow the order given in paragraph (c) of this section.

(6) A statement of the amount of protein present per serving shall be expressed as a percentage of the 65-gram RDA. The percentages are expressed in 10 percent increments, except that 5-percent increments may be used up to the 20-percent level. Protein present in an amount less than 5 percent of the RDA shall be considered insignificant. In such cases, the amount of protein will be represented either as 0 percent of the RDA or by the words "none" or "insignificant," whichever is appropriate. However, if a product contains no protein, the protein expressed as a precent of the RDA need not be listed.

(c) In the case of vitamins and minerals, the label declaration must contain information on vitamin A, vitamin C, thiamin, riboflavin, niacin, calcium, and iron and may contain information on any of the other vitamins and minerals listed in paragraph (d) of this section.

(d) For the purposes of nutrition labeling, the following daily amounts of vitamins and minerals are the standard Recommended Daily Allowances (RDA):

Vitamin A, 5,000 International Units.
Vitamin D, 400 International Units.
Vitamin E, 30 International Units.
Ascorbic Acid (Vitamin C), 60 milligrams.
Thiamin (Vitamin B_1), 1.5 milligrams.
Riboflavin (Vitamin B_2), 1.7 milligrams.
Niacin, 20 milligrams.
Vitamin B_6, 2 milligrams.
Folacin (Folic acid), 0.4 milligram.
Vitamin B_{12}, 6 micrograms.
Biotin, 0.3 milligram.
Pantothenic Acid, 10 milligrams.
Calcium, 1,000 milligrams.
Phosphorus, 1,000 milligrams.
Iron, 18 milligrams.
Iodine, 0.15 milligram.
Zinc, 15 milligrams.
Magnesium, 400 milligrams.
Copper, 2 milligrams.

These nutrient levels have been adopted by the Food and Drug Administration from information in a report of the Food and Nutrition Board, National Academy of Sciences-National Research Council, "Recommended Dietary Allowances," Seventh Edition, 1968.

(e) A statement may be included offering additional information upon written request to a specified address. Any such additional labeling shall comply with all the requirements of Part 1 and, if applicable, Part 125 of this chapter.

(f) The location of the nutrition information on the label shall be in compliance with § 1.8d.

Interested persons may, within 90 days after publication hereof in the Federal Register, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 27, 1972.

Charles C. Edwards,
Commissioner of Food and Drugs.

[FR Doc. 72–4948 Filed 3–29–72; 8:53 am]

SLEMCO'S COMMENDABLE RECORD

Mr. ELLENDER. Mr. President, Louisiana is indeed fortunate in having the largest rural electric membership cooperative in the Nation located within our borders. As a long time sponsor and supporter of REA legislation, the record compiled by the Southwest Louisiana Electric Membership Corp. is a source of pride to me. It should be a source of pride to other REA supporters and to the citizens of Louisiana and the Nation.

The members of Slemco are good businessmen. They have formulated and pursued policies which led to rational growth, and their actions have been vindicated many times over. The electric consumers of the southwest part of our States have benefited from their good judgment and I compliment the board of directors and its management.

Because of the policies followed, Slemco has not found it necessary to borrow any funds from the Rural Electrification Administration in the last 4 years. The membership corporation has independently conducted and financed its construction, operations, and maintenance program from funds generated through the sale of electricity.

In addition to maintaining low electric rates for the Southwest Louisiana area, Slemco refunds annually to its 39,000 member-owners $900,000 in capital credits. It is one of the outstanding REA operations in the Nation.

Recently I requested of the Slemco management a short résumé of Slemco's current operations. Mr. U. J. Gajan, general manager, responded to my request with a letter providing a summary of the pertinent facts and figures. I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Southwest Louisiana Electric
Membership Corporation,
Lafayette, La., March 24, 1972.
Hon. Allen J. Ellender,
President pro tempore, U.S. Senate, Old Senate Office Building, Washington, D.C.

Dear Senator Ellender: First, let me say it was indeed a pleasure having you down in Lafayette this past weekend, and also the opportunity of visiting with you. During our conversation you expressed an interest in SLEMCO's operation and would be interested in a brief summary of facts and figures.

Accordingly, I will give you a brief outline through our fiscal year ending December 31, 1971.

As of that date we were serving 39,005 member-consumers with transmission and distribution facilities totaling 5,277.9 miles in 8 parishes of Southwest Louisiana.

Our total assets and other debts amount to $23,725,504.00 for which we owe the government $4,555,951.96. Our total allocation from the Rural Electrification Administration amounts to $16,562,000.00. Total advance from the REA amounted to $15,316,155.80.

We have not borrowed any funds from the Rural Electrification Administration in the past four years and have independently conducted and financed our construction, operations and maintenance program from funds generated through the sale of electricity. We spend an average of approximately $2 million annually to construct new transmission distribution lines, which includes system improvements, and to serve new consumers. We feel that our area is now one hundred percent electrified.

We have generated sufficient funds and have placed these funds in temporary investments which total $3,704,766.00. Our operating margins, or profits, for the year 1971 amounted to $2,600,108.00.

We employ 135 employees full time, and operate 55 transportation units, including heavy construction equipment, a marsh buggy which is used in constructing lines throughout the marshes of Southwest Louisiana.

As you know, we are a non-profit corporation and all profits earned by the corporation are credited to the member-consumer account in accordance to his usage. Total margins, or profits, and equities, accumulated by our member-consumers amounts to $18,188,952.00. Annually we refund 5% of this member equity in the form of cash payments to our member-consumers. To date we have refunded $7,329,732.29.

In the year 1971 we purchased 485,233,177 kilowatt hours from Gulf States Utilities and CLECO. Our average cost per kilowatt hour purchased amounted to 6.1 mils per kilowatt hour.

Senator, we are proud of the fact that in addition to maintaining the lowest electric rate in the area, we refund annually to our member-owners $900 thousand in capital credits. These refunds stimulate the economy and makes available to our member-consumers more spendable funds. We are proud of the fact that SLEMCO is recognized nationally as one of the outstanding corporations in the nation.

With sincere best wishes and warm personal regards, I am

Sincerely yours,
U. J. Gajan, P.E.,
General Manager.

CRISIS IN HEALTH CARE

Mr. STEVENS. Mr. President, there seems to be little doubt that the Nation is facing a crisis in health care. The cost of medical care in the United States is soaring far beyond that of other nations, twice as fast as other costs in family budgets. There are not enough physicians to meet the demand. Our entire medical system is badly strained and fails to serve the needs of most Americans. President Nixon has stated that the consequences of our health-care crises could be a breakdown affecting millions of people and has called for legislative action.

An article by Henry Hedberg, an official of the Alaska State Federation of Labor, AFL–CIO, published by the Anchorage Daily News, states the problem clearly and offers a proposal for solution of this critical problem. I ask unanimous consent that the article be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

Labor's Goal: National Health Insurance

(By Henry Hedberg)

National Health Insurance is labor's number one legislative goal in 1972. The crisis in medical care has become a major domestic issue. The crisis cannot be denied.

Medical treatment is the doctor's business. But health is everybody's business. And the nation is concerned. People are talking about the problem. For example, here are three recent statements:

"American medicine, the pride of the nation for many years, stands now on the brink of chaos—much of U.S. medical care, particularly the everyday business of preventing and treating routine illnesses, is inferior in quality, wastefully dispensed and inequitably financed—whether poor or not, most Americans are badly served by the obsolete, overstrained medical system that has grown up helterskelter, without accommodating very well to changing technology, expanding population, rising costs or rising expectations."

"(we have) bluntly stated that there is a health care crisis—that there aren't enough physicians and other health workers to meet the demand, that the increasing cost of care is necessitating development of a universal health insurance program, that something has to be done to improve delivery of care to people in ghettos and rural areas."

"We face a massive crisis in (health care) and unless action is taken both administratively and legislatively to meet the crisis within the next year or two we will have a breakdown in our medical care system which would have consequences affecting millions of people throughout the country."

Those are three pretty tough descriptions of what is wrong with health care in America. They don't come from the AFL–CIO or other liberal organizations. In order, they were from Fortune magazine, the American Medical Association and President Nixon.

Under the present system, America is not coming close to achieving any of these health care goals. Instead, America is falling farther and farther behind other countries, while medical costs are soaring far ahead of all other nations.

America is not number one in health care. Far from it. Think of this:

"In 35 other nations, 10-year-old boys can expect to live longer. Ten-year-old girls can expect to live longer in 10 other nations.

"New-born babies would have a better chance of surviving if they were born in one of the 13 other nations with lower infant mortality rates than the U.S."

As poor as this record is for white, middle class America, it is far worse for the non-whites, the poverty stricken, the residents of ghettos or rural shacks. These Americans have a life expectancy seven years shorter than the average. Their infant mortality rate is about the same as that of Ecuador. Young mothers in this group would have a better chance of surviving childbirth if they lived in Costa Rica.

Why is America lagging behind every other developed nation in the area of human health? Why do we continue to fall farther behind every day?

The answer is simple: The United States is the only industrialized nation that does not have a national health program. We pay a heavy price—in terms of dollars and human lives—for that dubious distinction.

The health care crisis came about in three major areas: costs, delivery and financing.

The cost of medical care is rising twice as fast as other costs in family budgets. Hospital charges are rising an average of 15 per cent a year. The average cost of a hospital bed in 1969 was $70 a day, but in some cities the costs were as high as $100 a day.

There are some who blame rising hospital costs on increased wages for hospital workers. The facts don't back up their argument. Hospital workers, as a result of organizing activity and minimum coverage, have recently received long needed pay increases. But the American Hospital Association reports that wages are increasing at only half the pace of the total hospital costs.

While there has been criticism of hospital workers breaking out of the poverty level wages, little attention has been focused on physicians' incomes. In 1965 doctors averaged $29,000; now their income is conservatively estimated at $43,000. In other words, physicians' incomes have risen three times as fast as workers' earnings.

The second area is the breakdown in delivery. The medical economy is still tied to the outmoded solo practice, fee-for-services way of doing business. Doctors exercise about the same amount of control over the medical economy as the military does over the defense budget in time of war.

Physicians receive only 10 cents of every medical dollar, but are the kingpins of the medical economy. They not only supply services but they largely create the demand for those services. For example, the physicians decide where a patient is to be treated—on an in-patient basis, with its necessarily higher costs, or an out-patient basis, which is less expensive.

The financing of health care—the third area of crisis—is grossly inadequate, inequitable, fragmented and provides no incentives for costs and controls.

While most people have some insurance coverage for hospitals and surgical care, the gaps are unbelievable.

Organized labor believes America must have a comprehensive National Health Insurance system to provide the American people with quality health care. National health insurance must replace the existing fragmented, inadequate system of financing health care.

The AFL–CIO has said there are six principles that must be contained in national health insurance. They are:

Every man, women and child—rich or poor, working or unemployed, young or old—should be eligible for the full range of services.

Benefits should be comprehensive, including preventive, outpatient, in-patient and rehabilitative care in every appropriate setting so that the physician may select the exact type of treatment necessary for the patient's need, regardless of the cost factor.

The program should be financed like Social Security, with contributions by employers and employees with an additional contribution from general revenues. National health insurance would absorb Medicare and Medicaid, making access to health care equal for all Americans regardless of income.

Contracting for medical services should be on a prepayment basis. Hospitals, medical and dental societies, or groups of doctors would be suitable contractors.

Patients should have free choice of physicians and health delivery systems. Physicians should not have to practice within the system if they choose not to.

Financial assistance should be provided for planning development and initial staffing of comprehensive health delivery systems.

STUDENT TRUSTEE AMENDMENT TO HIGHER EDUCATION ACT

Mr. HARRIS. Mr. President, the Washington Post, on March 9, published a story by Eric Wentworth analyzing the efforts of the National Student Lobby in support of the Student Trustee Amendment to the Higher Education Act.

The Student Lobby is a new group formed to involve students directly in the legislative process on issues which affect them directly. The Post article describes well the success of one of their first major efforts.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar 9, 1972]

STUDENT POWER WINS SENATE SUPPORT

(By Eric Wentworth)

During its debate on the controversial busing issue last week, the Senate took time to pass a "sense of the Congress" amendment calling for student membership in college and university governing boards.

Passage of that amendment, sponsored by Sen. Fred H. Harris (D-Okla.), was overshadowed by the far more dramatic roll calls in which the lawmakers narrowly rejected strong busing curbs.

And, since the Harris amendment would require no new federal funding, it seemed a minor addition to the multibillion-dollar higher education-school desegregation aid bill which the Senate later cleared for conference with the House.

To the three happy leaders of the National Student Lobby who gathered afterward for a glass of champagne with Harris and his aides, however, the Senate's 66V28 vote February 29 for "Amendment No. 953" was most important.

It marked the first real Capitol Hill success for the fledgling operation which they hope will become a continuing, effective voice for student interests in the nation's capital.

The Indochina War, has brought large numbers of student protesters to Washington from time to time. After news of the Cambodia invasion, hundreds lobbied for peace in the halls of Congress. Some vowed to stay in town till the war was over. Others set out to campaign for peace candidates in the 1970 congressional elections. But, as frustrations mounted, enthusiasms waned.

Peter Coye and three young colleagues from the University of California came to Washington last summer with something more enduring in mind. Inspired by accomplishments of the California Student Lobby in Sacramento, they set up the national organization, registered as lobbyists, found office space at 1835 K Street NW and—in October—sent out membership invitations to student governments throughout the nation.

"This permanent mechanism," they wrote, "will make students a constituency to which Congressmen will listen, for it will disappear in the summer, nor will its memory be only one to four years long."

Moreover, while the war issue ranks high on its list, the National Student Lobby is concerned with a wide range of subjects including the federal budget, environmental protection, equal rights for women, voter registration procedures and, last but not least, higher education programs.

The Harris amendment, as originally drafted, would have required colleges and universities to put students on their governing boards or face loss of federal aid. Coye, onetime San Francisco State student Bill Mitchell, and Layton Olson, a 29-year-old lawyer who has become the National Student Lobby's executive director, took the draft amendment around to other senatorial offices to get reaction from legislative aides.

They found support for the general principle of having students as college trustees but objections to making this a federal requirement. They compared notes with Harris aides Steve Risto and Bill Maynes, and it was agreed to go with the "sense of the Congress" approach instead.

As Harris unveiled it at a press conference Feb. 24, the amendment said student participation on college governing boards "should be encouraged."

It proposed that every board have at least one student, with full membership rights, who would be chosen by the student body. And it called on the Secretary of Health, Education, and Welfare to give Congress a national status report one year after enactment. As things stood, Harris reported, students were voting members on only 3 per cent of the nation's college and university governing boards.

Joining Harris at the press conference were Olson from the National Student Lobby, President Marjorie Tabankin of the National Student Association, and students government leaders from several local campuses.

When Harris introduced his measure on the Senate floor February 28, he could announce that the National Student Lobby "strongly support the amendment . . . So do student leaders throughout the country."

By then, the student lobbyists with help from NSA were in high gear. They assisted Harris' staff with a mass mailing to student government leaders on some 2,500 campuses, made scores of telephone calls, and went to work on other senators.

"They really picked up the ball and ran with it," Maynes recalled.

Mitchell had talked with Dan Borne, a legislative aide with Sen. Allen J. Ellender (D-La.). At Borne's suggestion, he got in touch with Nicholls State University in Louisiana where the student body president's membership on the campus administrative council had worked out well.

When Mitchell went back to see Borne on February 28, Ellender's office had already received an enthusiastic joint letter from the president and student body president of Nicholls State. Borne proceeded to write Ellender a memo on the amendment, and the senator, as well as several other Southerners, voted for it the next day.

"They did an outstanding job in presenting their case," Borne said of the National Student Lobby.

One of the more skeptical lawmakers was Sen. Gaylord Nelson (D-Wis.). While he supported the general idea of student board members, Nelson told Harris, he was inclined to oppose an amendment that smacked of government interference.

But Coye, a 22-year-old native of Madison, Wisc., where his father was a medical school administrator, had a special tie with the Wisconsin senator. Back in 1968, he had flown in from California one night to Chicago's O'Hare Airport with a pack on his back and several days' whiskers on his chin. Short of cash, he sought to share a taxi which could drop him off at a nearby truck stop where he could hitch a ride up to Madison.

The passenger inside the taxi Coye entered was Gaylord Nelson. They struck up a conversation. And Nelson, concerned about Coye's hitchhiking late at night, invited the youth to go with him instead to the O'Hare Inn where he was spending the night and had a spare room reserved for an aide who wouldn't be there. Coye happily accepted, and the two spent a pleasant evening.

Coye wasn't able to see Nelson before the Senate vote, but he left a note in the senator's office. Nelson got the note in time and, he recalled later, it was a factor in his decision to vote for the amendment after all.

Some observers saw the Senate's 66–28 approval of the Harris amendment as a bid for the "youth vote" in an election year with the voting age lowered to 18. Coye himself noted that a large majority of lawmakers up for reelection had favored the measure.

But while the National Student Lobby is well aware that there are millions of newly enfranchised voters, it is interested in the substantive detail of legislation, including appropriations, and not just in political recognition for youth.

THE INADEQUATE WELFARE SYSTEM

Mr. HUGHES. Mr. President, before long the Senate will be considering legislation which is intended to reform our inadequate welfare system. One of the aims of the reform is to establish a means whereby more people can get out of the welfare cycle into the productive wage-earning mainstream of society. President Nixon has stressed this aspect of his proposal over and over again whenever the troublesome problems involved with welfare have been raised. And if we can succeed in enacting such a program, the benefits will be felt by every man, woman, and child in our country.

I submit, however, that such a program is doomed to failure if governmental agencies work at cross purposes—if one department helps while another denies. Yet this is exactly the situation that has arisen with respect to the work incentive program and the food stamp program as they operate in Iowa.

Iowa has developed a work incentive program of which it is justifiably proud. Its success rate is 51 percent—the highest in the Nation. It presently enrolls over 1,300 participants—persons who now see some hope for the future for themselves and their dependents.

But as a result of food stamp regulations which went into effect on March 1, 1972, most of these participants now see their hopes and dreams falling by the wayside. The new regulations require that payments received from Government-sponsored programs such as the work incentive program must be counted as income in the computation of food stamps, and the result is that they must pay more for their food stamps than previously.

The old regulation stated:

> The amount of incentive payments and training allowances made to enrollees under the second priority of the Work Incentive

Program, i.e., enrollees in institutional or work-experience training, shall be disregarded to determine eligibility and the basis of coupon issuance under the Food Stamp Program.

The new regulations which are being protested state that in defining income, the following must be considered:

> Payments received from Government-sponsored programs such as Agricultural Stabilization and Conservation Service programs, the Work Incentive Program, or Manpower Training Program.

On March 10, 1972, I wrote to Secretary of Agriculture Butz urging an immediate revision of the new regulations. Some 19 days later—almost 3 weeks—I received a reply, not from Secretary Butz, but from his assistant, Mr. Lyng, contending that a disregard of WIN benefits would be unfair to participants in the food stamp program who are not participating in the WIN program.

The Department of Agriculture seems to be working under the theory that work incentive allowances and payments amount to real income. The fact is that they would not be made unless one was enrolled in the WIN program and they are designed specifically to take care of necessary expenses incurred because of such enrollment. The actual incentive bonus amounts to about $6 a week, and most of this is also being used to defray necessary expenses and not for any extra or luxury items.

A letter I have received from the Polk County Department of Social Services states:

> ADC grants which are barely sufficient to cover the costs of basic needs at home cannot pay transportation costs and daily personal expenses at school or on work experience sites. With the above-mentioned WIN payments considered as income, the WIN enrollee loses more than he gains. Thus his plan for becoming employable and hence self-supporting is thwarted.

The truth of the above statement is borne out over and over again in the letters I have received from the WIN participants themselves. They have told me of the high hopes they had when they enrolled in the program, of how they had regained pride and self-respect, of how eagerly they were looking forward to the time when they would no longer be welfare recipients. And they have told me how, with one stroke of the pen, the Department of Agriculture has dashed those hopes by telling them that the one very basic need of us all—food—would no longer be available as before. Because of this, many have told me that they fear they will have to drop out of the program because they will not deny food to their dependents.

The Department of Agriculture's new regulations could easily wreck the work incentive program in Iowa. Moreover, they represent to my mind a direct denial of the administration's professed commitment to helping people get off the welfare rolls. Simple arithmetic will show the Department what is happening as a result of the new regulations. And a simple revision can correct the Department's error. I urge in the strongest possible terms that this be done without delay.

Mr. President, I ask unanimous consent to have printed in the RECORD various newspaper articles and correspondence I have had on this matter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON LABOR AND
PUBLIC WELFARE,
Washington, D.C., March 10, 1972.

The Honorable EARL L. BUTZ,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that the food stamp regulations which went into effect on March 1, 1972, may have severe consequences for Iowa's Work Incentive Program.

Under the Iowa program, a WIN participant receives $44 a month from the Department of Social Services as a training allowance to cover such things as travel, lunch, and clothing expenses, plus an additional $30 a month as a work incentive. Until March 1, none of this $74 a month was counted as income in the computation of food stamps. Under the new regulations of the Department of Agriculture, all but $30 must now be counted as income. This will inevitably mean that families with one or more WIN participants will have to pay more for their food stamps, which will in turn mean drop-outs from the WIN program, for it cannot be doubted which will be the winner in a battle between food and school.

How in good conscience can we urge people to go to school to get the proper training so as to obtain decent employment and then penalize them for doing so through the denial of food? Such a policy can only result in a "What's the use?" attitude on the part of many who have for the first time seen a glimmer of hope for their future.

I urge you to take immediate action to revise the food stamp regulations so as to delete the provision requiring that payments received from Work Incentive Programs be counted as income in the computation of food stamps.

Sincerely,

HAROLD E. HUGHES.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 29, 1972.

Hon. HAROLD E. HUGHES,
U.S. Senate.

DEAR SENATOR HUGHES: Secretary Butz has asked me to thank you for your letter concerning the treatment of income received from the Work Incentive Program under the revised regulations of the Food Stamp Program.

The Food Stamp Program is designed to increase food purchasing power beyond the amount normally available to low-income families. Because of this, the family's actual purchasing power must be considered when determining the purchase price of the stamps. The fact remains that the WIN payment does increase the family's ability to purchase food and, as you state, is partially intended to purchase food. The payment must, therefore, be counted as income.

As a partial compensation for monies received in WIN type programs, our new regulations were written to allow a deduction of 10 percent of the income up to $30 to defray costs incurred in traveling to and from the training site and for other incidental expenses. Moreover, the Food Stamp Program allows deductions for expenses such as excessive shelter costs (including all utilities) and medical and dental expenses of more than $10 a month when figuring the household's purchase price.

In the end, the primary question is one of fairness. If we allowed a total disregard of WIN houses, the households participating in this program would receive benefits not available to other low-income families who are also participating in the Food Stamp Program and trying to improve their existence.

If we can be of further assistance, please let us know.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

POLK COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Des Moines, Iowa, March 29, 1972.

The Honorable HAROLD HUGHES,
The U.S. Senate,
Washington, D.C.

DEAR SIR: As you know, the Work Incentive Program (WIN) under Aid to Dependent Children has been very successful in Iowa. We are first in the nation. We do not want to see potential clients discouraged from enrolling in WIN; more important, we do not want to see those already enrolled forced to discontinue their training. We feel certain that the Department of Agriculture, by its interpretation of Public Laws 88–525 and 91–671, has distorted the intent of Congress.

Members of the Polk County WIN team, Des Moines, Iowa, both Employment Service and Department of Social Services staff wish to register their concern regarding the hardship imposed upon WIN clients by the new Food Stamp regulations which became effective March 1, 1972. The inclusion of WIN work allowance, incentive payment and vendor payments in behalf of WIN enrollees as income in determining the cost of food stamps has an effect of negating WIN benefits.

ADC grants which are barely sufficient to cover the costs of basic needs at home cannot pay transportation costs and daily personal expenses at school or on work experience sites. With the above mentioned WIN payments considered as income, the WIN enrollee loses more than he gains. Thus his plan for becoming employable and hence self supporting is thwarted.

We ask for your assistance in rescinding those regulations enacted by the Department of Agriculture and affecting the WIN program, thus aiding the WIN client's goal of returning to his former role as taxpayer with no further need of ADC.

Sincerely yours,

QUENTEN L. EMERY, *Director.*

STATE OF IOWA,
DEPARTMENT OF SOCIAL SERVICES,
Des Moines, Iowa, April 3, 1972.

Hon. HAROLD E. HUGHES,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUGHES: This is a follow-up of information in relationship to requests for reconsideration of not having to count WIN Program payments in order that you may know what is being done by us in the Food Programs in working with the Commissioner's Office and Mr. Poore, the Director of the WIN Program for the State Department of Social Services.

The basic concern in our request for a reconsideration of this point is because it so definitely affects the amount of cash that recipients and persons under this training program have to pay for the stamps that they receive.

In our old material we had a specific paragraph which related to Work Incentive Programs and this paragraph read as follows:

"The amount of incentive payments and training allowances made to enrollees under the second priority of the Work Incentive Program; i.e., enrollees in institutional or work-experience training, shall be disregarded to determine eligibility and the basis of coupon issuance under the Food Stamp Program."

In the new regulations, as pointed out in the attached letter of February 14, 1972, 271.3 (1) (i) (h) of the Federal Register specifically states under Definition of Income that income from the Work Incentive Program must be considered:

"Payments received from Government-sponsored programs such as Agricultural Stabilization and Conservation Service programs, the Work Incentive Program, or Manpower Training Program."

It seems that this identification of the problem in Iowa is reflected in the attachment and the quotations made because our concern as of July 1 will be in reference to the WIN Program being available to all counties in the state and the conflict which is reflected because all counties are in the Food Stamp Program.

This can be corrected by the Department of Agriculture by removing from this identified paragraph the words "Work Incentive Program".

Very truly yours,

George W. Shove,
Director, Food Programs.

State of Iowa,
Department of Social Services,
Des Moines, Iowa, February 14, 1972.

Mr. Dennis M. Doyle,
Director, Midwest Region, U.S. Department of Agriculture, Food and Nutrition Service, Chicago, Ill.
Attention: Mr. Bernard J. Franta

Dear Mr. Franta: We spent the month of January meeting with county and area staff for interpretation of the new Food Stamp Regulations. We had a total of 17 meetings and feel that we covered the state completely in relationship to the interpretation of our revised manual. However, during this period of time we have received many questions regarding policy regulations and the law and feel that we are now in a position to make requests in relationship to the areas in question as well as to define where the question should be submitted for clarification or reconsideration.

We have reviewed and have submitted to you certain things that we feel at this point could be handled on interpretation and reviewed a good many of them when you were in Des Moines the first and second of February.

The points that we are listing at this time we are requesting that they be reviewed by you and sent on to the Secretary of Agriculture for reconsideration because of the concern that staff in general has in relationship to the restrictive application of these points in the areas in which we feel the Secretary had been given responsibility of setting standards and regulations.

1. Tax Dependency—Ref. Federal Register 271.3(4) (iii) (d).

That the exception to the rule on tax dependency be broadened to also exclude those persons who may be struggling to maintain a subsistence, such as an unwed mother or young married couple.

2. Payments received from Work Training Program—Ref. Federal Register 271.3 Definition of Income (l) (i) (h).

The Secretary review and reconsider the income received from the work training programs permitting the total amount received from that source to be excluded as income.

3. Payments for Medical Expenses—Ref. Federal Register 271.3 Definition of Income (l) (iii) (c).

Consideration be made to include the amount of medical costs under $10.00 as a medical expense. Any expense, no matter how small, creates a hardship on persons in the low income category.

4. Income Deductions—Ref. Federal Register 271.3(l) (iii) (a).

That court ordered child care payments be regarded as an income deduction since this is a hardship in the true sense of the word.

We hope that this can be reviewed at both the Regional and Federal levels at the earliest possible date and that additional information will be forthcoming which may help the states and counties in the carrying out of the Food Stamp Program.

Very truly yours,

George Shove,
Director, Food Programs.

Des Moines, Iowa,
March 8, 1972.

Senator Harold Hughes,
Senate Office Building,
Washington, D.C.

Dear Senator Hughes: This is a letter of protest, concerning the new procedure involving WIN participants. Mainly, the raise in cost of our food stamps.

This additional money will be taken from the forty-four dollars allotted for expenses which occur while attending school.

I enrolled in the WIN program with the goal of becoming self-supporting. Now I have many disillusions, perhaps I should have remained in my home and spent my time with my two sons.

Don't you think my sons and I would be better off, if I could finish school? I do. You will notice I said if! This will be very difficult since I now must meet new expenses.

The WIN program is a wonderful chance for us. We need your help and support.

Sincerely yours,

Cathy Karnes.

February 29, 1972.

Dear Sirs: We participants in the WIN program are writing to plead our case in connection with the new rise in the cost of food stamps. Each of us have our individual problems. As it is, most of us are only scrimping along with our present financial situations. Many feel we cannot handle the increase and will have to forego the food stamps and cut back on our families food. Obviously our diet will become less than adequate, but one can exist on soups and pastas. Are we to be penalized because we're in the WIN program and trying to better our situations? Please don't force us to drop out of WIN to get menial jobs in order to properly feed our families.

LIST OF SIGNATURES

Sarah Porter, Dawson, Iowa.
Patsy Anderson, Boone, Iowa.
Carol Cook, Perry, Iowa.
Connie Sturtz, Boone, Iowa.
Karen Rusher, Ames, Iowa.
Sandra Robinson, Ames, Iowa.
Mary Larsson, Ames, Iowa.
Linda O'Malley, Boone, Iowa.
Linda Launderville, Ogden, Iowa.

Des Moines, Iowa,
March 27, 1972.

Senator Harold Hughes,
New Senate Office Building,
Washington, D.C.

Dear Mr. Senator: May I make a plea for your help and support?

Changes that were made March 1, 1972 in the food stamp program is an injustice to the people who are participating in the WIN program. I will feel the change right along with all other enrollees.

The $44.00 work allowance and $30.00 work incentive is stretched over the expenses of transportation to school, transportation of my children to the babysitter's, clothes, school supplies, and lunches. $74.00 is being counted as income with $30.00 being returned for covering expenses. $74.00 was barely enough to pay the cost of going to school. $30.00 will not cover expenses of going to school. Tuition and books of approximately $54.00 monthly is being counted as income. Now I am told that there is a possibility of my babysitter's pay to be counted as income to me (I never see this money) which is $100.00 monthly.

I am told that I can expect my food stamps to cost me almost double the cost now.

I am trying my hardest to become self-sufficient and get off welfare, but if some action can't be taken to return the WIN program to its prior status then I will be forced to discontinue school. I won't let my children go hungry. It appears that the Department of Agriculture would rather see me and my children dependent on them for food rather then let me become the "breadwinner." I can't do this without school. On top of that the money that has been invested in my education will be wasted if I must quit.

Do you realize that people on welfare who are not working or in training are getting their food stamps reduced!

The action that has been taken by Secretary Butz has discouraged me from having any hope for a new start. Many others have been discouraged also.

Please, Mr. Senator, help us WIN instead of LOSE.

Sincerely Yours

Mrs. Kathy Cobb.

Keokuk, Iowa,
March, 1972.

Senator Harold Hughes,
New Senate Office Building,
Washington, D.C.

Dear Senator Hughes: I am a WIN participant and I think the increase in the price of food stamps is unfair due to the fact, the incentive pay that WIN provides are for the extra costs for going to school, such as transportation, clothing, and other expenses we otherwise wouldn't have if we weren't going to school.

I have to pay an extra $13 for $4 extra dollars worth of food stamps. Why?

I would really use that $13 for clothing which I really need!

I have had to move to this town in order to go to school. I do not know anybody, and therefore have to make due on my own.

I think the WIN program is one of the finest things thats ever happened to me, it is enabling me too finish my education, and also to be self-supporting in the future. But when you have to pay out extra-money in order to participate, it kinda takes something out of it.

Thank you very much for hearing my views

Sincerely,

Mrs. Karen Schutter.

March 27, 1972.

Hon. Harold Hughes,
New Senate Office Building,
Washington, D.C.

Dear Senator Hughes: I am a student attending the Des Moines Area Community College under the WIN program. The March 1, 1972, decision by the Department of Agriculture will double the cost of food stamps for me and my two pre-school children.

The new rules for computing the cost of food stamps will add the $30 incentive pay, the $44 allowance, and the cost of tuition, books, and supplies as income. This means that my income will be computed at $313 a month. Additional money for child care that is paid directly to the babysitter by the welfare department may also be counted as income in the future. This would bring my so-called income up to $413 a month!

This new policy will completely negate the $74 incentive and allowance pay I receive to help with transportation and extra expenses. When I started the WIN program, I set up a budget that allowed me to meet my monthly expenses. There is no possible way that I could strain my actual income of $273 ($199 ADC, $74 allowance) to include the doubled cost of food.

I have been attending Area XI for seven

quarters and have worked very hard to earn a 3.87 grade point. By participating in the WIN program, I am trying to become self sufficient and get off the welfare roles completely. I cannot understand why WIN students should be punished for their effort while ADC mothers who stay at home are being rewarded with a reduction in the cost of their food stamps.

The increased cost of food stamps may force me to give up my participation in the WIN program. The welfare of my children is more important to me than anything in the world. I cannot afford to feed them under the new food stamp policy if I continue to go to school. The only alternative is to stay at home and remain on welfare indefinitely. This will cost the taxpayer a great deal more than the cost of my WIN participation.

The children are the ones who are being hurt by the new policy of the Agriculture Department. The children will *lose* either way a *WIN* student decides to go. If she remains in school, her children will not receive the proper nutrition that food stamps have provided for them in the past. If she stays home in order to be eligible for food stamps, the children will be condemned to a life of poverty on the welfare roles.

Please, Senator Hughes, don't allow this bureaucratic decision to threaten the welfare of all the children of WIN participants. I hope that you will use your influence as a member of the Senate to change this unfair and punitive ruling.

Hopefully,

Mrs. Dorothy E. Cain.

Columbus Jct., Iowa,
March 3, 1972.

Senator Harold Hughes,
New Senate Office Building,
Washington, D.C.

Dear Senator Hughes: I wish to express my concern over the change in the "Food Stamp Programs" for "Win" people. I, myself, just received my first "Win" checks, which will certainly help, but if the food stamps are cut down it takes it away.

I applied for aid and "Win" early in Oct., when my Soc. Sec. check for the children did not come and had been stopped. My income dropped to $120 per month and I swallowed my pride and went to Wapello for aid.

I couldn't get help from "Win" till the 2nd semester so have just received my first check. In Oct. I went into debt (have a $300 bank note) that paid my tuition and books, not covered by my grants. In Nov. I received food stamps and a check of $69 from A.D.C. It is now $79—due to an error.

My rent for a 4 room house is $65—Water & Sewer $10—Utilities $38—Phone $5.40. Plus car expenses for going to Mt. P.

I have a 15 yr. old son 6 ft. 200 lb—a pair of shoes size 11½ triple E are a must tomorrow—$25—His clothes cost me a lot—My 13 yr old girl and I wear the same clothes which we make.

I started to Muscatine C.C. at age 36 & have transferred to Wesleyan & will finish at Thanksgiving this year—2½ yrs—and have been on Honor Roll's each time—Expect to teach in "Special Ed" with Retarded or slow learners.

Feeding a 15 and 13 yr old on $20 per wk. takes planning. Seems as if they can eat around the clock—I use lots of rice and chicken combinations. Any help you can give the "Win" folks on Food Stamp Program will be appreciated.

Sincerely,

Mrs. Rose Brown.

Evansdale, Iowa,
February 26, 1972.

Dear Mr. Hughes: I'm a Win participant. I have just received a letter from Social Services informing us of an increase in our food stamps because of our incentive pay.

It probably won't be more than $10.00 increase which is merely a guess as I haven't spoken to them yet, this being a Saturday.

I'm wondering if the one's that passed this realize what a hardship this makes on most of us.

First let me explain, I have been on ADC for some time. I have only the highest regard for this organization. They have been very good to my family.

They have helped in every possible way they can. I appreciate this beyond words. I know God is working for myself and others in the same position through their hands.

In my case, I have always done hard manual labor till my back gave out on me. Now Win have given me an opportunity to support my family by giving me an education for a better job. I plan to finish my G.E.D. then take Business Clerical.

When completed, I will be able to get a job which should allow me to get off ADC. This is my goal.

Now the issue is this, they had told us the incentive pay was for gas, lunches, and clothes (as most schools have dress codes) etc.

I have been trying, since receiving the notice, that this will increase our food stamps, to figure the least I can go on.

If you have ever checked you'd find just a simple cotton blouse costs $5.00. This is an example of the cost of clothes.

I can only say it is cutting it so close I wouldn't be surprised to see several dropouts.

I am lucky, I have two wonderful children who want this for me and with God's help I'll complete my education.

I realize it won't be easily done. I don't expect to have things handed to me.

If there is anyway you can help to stop this increase in the food stamps, I know everyone in the program would be grateful.

If after reading this you think I'm right in this request, please try to help and God be your guide.

If you think I'm wrong. Thank you for taking time to read my letter and God Bless You.

Sincerely,

Barbara J. Dall.

Evansdale, Iowa,
March 27, 1972.

Dear Senator Hughes: I want to personally thank you for your reply.

I took your letter to school with me and showed the girls. Everyone was very pleased to know you cared what happens to us.

Since I wrote you I have passed 4 of the 5 G.E.D. tests and started my clerical training. Each time something seems a little hard I think of the people like yourself who care, really care about me as an individual and I try that much harder. We all need to know someone cares. Thank you Senator Hughes for caring.

Sincerely,

Barbara F. Ball.

P.S.—I'm enclosing a list of names.

These people desire the same as I and wish to express it in this way.

LIST OF NAMES

Sharon Vaughn, Joyce Lennie, Michelle Buehner, Karen Moe, Judy Peterson, Cleone Moehl Instructor, Wayne Sallis, Shirley Vaughn, Pauline Harris, Lottie Oden, Mildred Eckert, Joann P. Moore, Mary Zwanziger.

JoAnn Qualls, Donald Edward Taylor, Dick Finch, Linda P. Kaufman, Edna Mae McDonald, Sally Anderson, Mike Small, Marlene O'Neal, Marilyn King, Marion Barnes, Ardie L. Proctor.

Des Moines, Iowa.

Senator Harold Hughes,
New Senate Office Building,
Washington, D.C.

Dear Senator Hughes: It has come to my attention recently that mothers involved in the W.I.N. Program, who are on A.D.C. have become merciless victims of this unjust society. These are women attempting to get an education in order to better the future for themselves and their children. This government has found it necessary to count the money these women spend on their tuition as part of their income. While these women are paying for something very much essential, the government ironically views it as income. As a result their food stamps cost much more.

The government has put these women in an unjust position of forfeiting their education, which could better the future of their children, in order to feed their children adequately. Don't these women have the right to feed their children adequately now, as a reward and incentive for their attempting to better their family's future? Why should they be forced to forfeit one for the other?

I ask you to think about the inequity of this situation, and to think about the value of "democracy", which is being abridged here. These mothers need your help, and more importantly, your support on this issue.

Sincerely,

Wendy Rush,
Student, Drake University.

Des Moines Area
Community College,
Ankeny, Iowa, March 8, 1972.

Senator Harold Hughes,
New Senate Office Building,
Washington, D.C.

Dear Senator Hughes: Since you hail from my part of the country (I grew up in Mapleton in Monona County) I have watched your career with interest and pride and have given my support at the polls and in individual and group political action. I have always felt that you could be counted on for rational and just action when support might be needed on a specific issue that affected "little" people adversely. An issue has arisen that needs to be tackled by someone of your caliber who has a real concern for intelligent and compassionate treatment of undereducated and underprivileged people. I am writing to share what knowledge and insight I have of the situation, hopefully to help to influence you to intervene in the recent policy change affecting certification for food stamps.

You are no doubt aware of the technical aspects of the directive recently issued by the Department of Agriculture concerning readjustment of personal income of ADC clients in regards to food stamp certification. My technical knowledge of the policy is nil, but my personal experience with the WIN (Work Incentive Program) clients who are being caught in a bureaucratic squeeze is extensive. I have been working with these people as a parttime instructor in the area of G.E.D. testing preparation, high school completion, college preparatory study, and pre-career training since August of 1970. Prior to this I worked with low income people who were pursuing additional education on their own or under O.E.O. guidelines. I believe I am in a position to say with some certainty that it is an extreme hardship for low income people to make continuous and satisfactory progress in upgrading their skills without supportive help from government agencies. Babysitting, transportation, clothing, lunch money, incidentals: all these people like you and me can easily manage. To low income people these expenses and scheduling details become mountainous obstacles which, when coupled with the daily problems and crises which are inevitable when one is living on a marginal income, eventually destroy their desire to make a better life for themselves and their dependents. I can document, from my files alone, innumerable cases of high motivation-low income-frustration-defeat syndrome. What these people need and have always needed is sensitive and intelligent support of their goals backed up by just a little financial support.

It doesn't take a great deal of money; these people are quite adept at stretching pennies to the utmost.

WIN has provided both sympathetic, intelligent guidance and a stipend. In Polk County it is viewed as a lifeline for those who refuse to accept ADC as a way of life but are temporarily reduced to this necessary means of support. The new policy on food stamp certification directly penalizes WIN clients because it includes their $44 transportation allowance, $30 satisfactory progress bonus, tuition costs, job training costs, and materials expense as part of their personal income. Again, I do not thoroughly understand the system of deductions and allowances before final certification is granted, (but neither do the I.M.U. workers, apparently, for much confusion reigns in the food stamp offices, according to my students) but I do know how my students have been affected, and I know this to be unfair by all standards of moral and ethical conduct. I will give you one example and hope that you consider it representative, which I am sure it is. One of my students with 2 children has been paying $30 per month for $84 worth of food stamps. She recently completed her high school requirements and was enrolled in training to become a cosmetologist. Because her tuition costs, among other items listed above, were included as part of her personal income, she was forced to pay $70 for $84 worth of food stamps this month. Because she must drive her children to a day care center and then park downtown in a high cost area, her transportation expenses have increased while her actual cash-in-the-pocket is appreciably decreased. Yet she never sees a cent of the tuition, training, and materials fees, and the $74 addition to her ADC grant is minimal to cover necessary additional expenses incurred by leaving the home 5 days a week.

Such a result from a policy designed to aid dependent children can only be an example of gross misinterpretation of policy or an incomprehensible lack of awareness of basic facts of survival on the part of policy makers. I am inclined to believe that the latter is true, since this case is only one of many in Polk County alone. All WIN clients will be affected between March 1st and May 1st as this policy is implemented. Every day I must face the frightened and disillusioned faces of my students who were beginning to believe in the possibility of attaining respectable and honorable self-sufficiency. I beg of you as a compassionate human being and demand of you as my representative in the Senate to use your knowledge and influence to make rapid and just changes in this ridiculously unjust policy.

Sincerely yours,

SHIRLEY F. BERTIN,
Instructor, Adult Education.

IOWANS TELL PLIGHT UNDER NEW CURBS ON FOOD STAMPS

(By Janet Bowers)

Iowans who have been cut off from the federal food stamp program as a result of new regulations began voicing protests in hearings Wednesday.

About 40 low-income Polk County residents have filed complants with the State Department of Social Services. Appeals were being heard by Henry Gering, chief hearing officer for the Department.

Wednesday's hearings are just the beginning, Gering said in an interview.

110 APPEALS

In March alone—when the new food stamp rules went into effect—110 persons in Iowa, including the 40 persons from Polk County, filed appeals.

The revised food stamp system is supposed to give more poor people a chance to buy food as less cost.

For instance, a four-member family now can qualify for stamps if its monthly income is less than $360. Before, it couldn't make more than $305 to be eligible.

But the side effects of the new regulations have resulted in many other persons who were receiving stamps being cut off or forced to pay considerably more money for the same amount of food-buying power.

The state hearings being held now probably won't help those persons who need food stamps right away to keep going.

"They might come en masse or march on the Statehouse," Gering said, "but it's not the state rules that are to blame. It's the federal regulations."

FRUSTRATED

Gering added that he is "very distrubed" and "frustrated" because in many cases he would like to defy the federal regulations but can't.

"I'm going to document everything we hear in these appeals and then turn over the information to Washington where the change must come."

Gering suspects that the new rules eventually may be challenged in court for being "discriminatory or unconstitutional."

An aid-to-dependent-children (ADC) recipient, Mrs. Judy Marquardt of 3927 Richmond Ave., declared Wednesday, "I don't think the politicians in Washington knew what they were doing.

"They passed this new food stamp law to get at people who might be cheating, but they're hurting those of us who are trying to get ahead and don't like being on welfare."

Mrs. Marquardt is one of 230 ADC mothers in Polk County participating in the Work Incentive Program (WIN) in which they go to school to train for better jobs so they can get off the welfare rolls.

PAYING MORE

Before the new food stamp regulations were implemented Mar. 1, Mrs. Marquardt paid $10 a month for $84 worth of stamps to feed herself and two children.

Now she must dish out $46 for $88 worth of stamps because the financial benefits she receives from WIN must be counted as part of her "income."

"I just can't scrape up $46 a month for food and still have money enough money to go to school," Mrs. Marquardt said.

Others protesting the new food stamp rates have been cut off entirely, including ADC mothers who are living together so they can save on rent and baby-sitting costs. The new law states that unrelated persons cannot live together and qualify for stamps.

Young adults who have been claimed by their parents as tax deductions also are now ineligible for food stamps for the year they were claimed and for one full year after.

INTENT

The basic problem is "legislative intent" versus "what the U.S. Department of Agriculture is actually doing with those intentions," said Quenten L. Emery, director of the Polk County Department of Social Services.

"Over-all, the new food stamp law is an improvement," he said.

"Congress tried to crack down on middle-class, hippie-type college students who were getting food stamps, but the Agriculture Department went beyond that in carrying out legislative intent," he conceded.

It might take some time, Emery concedes, "but if the public raises enough hassle about this I think Congress will make the Agriculture Department change some of its ways."

CUT IN FOOD FUNDS IMPERILS ADC MOTHERS' JOB TRAINING

(By Janet Bowers)

New federal food stamp regulations hinder rather than help welfare mothers who are going to school in an attempt to get off welfare, a top official of the program here said Tuesday.

Since last Wednesday some 1,300 Aid to Dependent Children (ADC) families in the Work Incentive Program (WIN), in which the mothers are training for better jobs, have had to pay considerably more for food stamps.

The total includes 230 ADC families in Polk County.

Because the food stamps will cost more, "many will be forced to quit school," the WIN supervisor in Polk County, Marion Kieft, said in an interview.

"PENALIZED FOR TRYING"

Example: Before Mar. 1, one ADC family of three—mother and two children—paid $33 cash each month and got $84 worth of food stamps.

Now, that same mother going to school under the WIN program has to dish out $52 for $88 worth of food stamps.

But if she stayed home, she would have to pay only $27 for $88 worth of food stamps.

"She's being penalized for trying to better herself by going to school and learning a trade, while a mother who sits at home is getting more food stamp benefits than ever before," WIN caseworker Robert Lipman told The Tribune.

The reason for this change has to do with new federal rules for determining "adjusted income."

MUST DEDUCT

In an attempt to close up food stamp loopholes, the U.S. Agriculture Department requires welfare recipients to deduct a portion of all their "assets" or "resources," including financial benefits from WIN even though they never see the money.

"It looks like WIN is an innocent victim" of the federal government's attempt to tighten those gaps, said Mrs. Kieft.

WIN is a job-training program financed with 80 per cent federal money and 20 per cent state funds. It is administered jointly by the Iowa Employment Security Commission and the county Department of Social Services.

It works this way:

An ADC mother can go to school free. Many take one-year courses at Des Moines Area Community College Vocational School where tuition, fees, and books cost about $100 a month. In addition to paying these fees, the WIN program takes care of her child-care costs, usually about $100 a month.

NEVER SEES MONEY

The WIN mother never sees the $200 a month which goes for school and baby-sitting expenses. That bill is paid directly by the employment commission.

The student mother also receives $44 a month in pocket money for travel and school extras, plus $30 as a work incentive.

"That $74 barely covers the cost of transportation to and from school, lunches and clothes for school," said WIN caseworker Judy Ballinger. "She's got to have more clothes when she's going to school than when she's just sitting at home watching the children."

Before the new regulations went into effect, the $74 and the $100 tuition were not included in figuring her "adjected income" to determine how much money she had to pay for food stamps.

Now they are: so the AIA-WIN mother finds herself in a higher "income" bracket getting fewer food stamps for every dollar.

THIN MARGINS

The food stamp pinch will hurt WIN women who already are living on thin margins, said director Kieft.

She speculates that many mothers "for a while at least will try to stay in school but "eventually will have to start dipping into their $74 school money" to come up with enough dollars to buy food stamps every month.

"A family needs to eat, but a mother doesn't need to go to school," added caseworker Ballinger. "You know which is going to go first when there's not enough money for both."

None of the three WIN administrators interviewed by The Tribune sees any easy, speedy solution.

"The federal law has to be changed so that a woman's WIN benefits are not considered part of her income," said caseworker Lipman. "We are encouraging our people to file appeals, and the state office already has complained."

DISCOURAGING

But how much weight the Iowa WIN program will carry in Washington is rather dim and discouraging, admits Mrs. Kieft.

Nationally, the four-year-old Work Incentive Program has not been particularly successful. In 1971 four out of every five WIN participants dropped out.

Iowa's WIN program, however, is rated No. 1 in the country.

State records show a 46 per cent "success" rate. Almost one of every two women in Iowa who started school under WIN, Mrs. Kieft said, completed their courses, found jobs they would have otherwise not been qualified for, and reduced their dependency for public assistance.

PROTEST NEW FOOD STAMP RULES

To the Editor:

We are a representative group of WIN (Work Incentive Program) clients who are adversely affected by the recent Department of Agriculture directive on certification for food stamps. ADC is not a way of life for us; it is a necessary means of survival for a temporary period, we hope. The WIN program represents the most realistic and hopeful route for us to upgrade our skills so that we can become self-supporting and return to our former roles of average taxpaying citizens.

In addition to ADC grants, WIN clients receive $44 per month for transportation expenses, etc., and $30 per month as an incentive bonus. This small stipend enables us to meet the additional expenses incurred by attending school or getting on-the-job training five days a week—the education or experience we need to upgrade our skills to become employable at a level that will enable us to get off ADC.

The new regulation includes this $74, our tuition or job-training costs, and the cost of books or other materials as part of our personal income. (Only the $74 is received by us as actual income; other expenses are paid directly to the agency involved.) This readjustment of our declared income results in our paying a higher price for food stamps. For example, one of our group is required to pay $40 per month more, or $70 for $88 worth of stamps.

This recent food stamp directive which penalizes those who make an effort to work their ways to self-sufficiency is unjust. We are writing to Senator Harold Hughes, Senator Jack Miller, Congressman Neal Smith, Governor Robert Ray, and State Commissioner of Social Services James Gillman, seeking their support to have this policy rescinded. We need the help of all who sympathize with our efforts.—Violet Moore, Karen Fister, Viola Brown, Betty Edginton, Noreen Thompson and Theresa Perez, WIN Students in the Area XI High School Completion Center, 105 E. Grand Ave., Des Moines.

THE SPRING OFFENSIVE

Mr. BROOKE. Mr. President, all of us know how distressing it can be to drive along the highway in the spring and see blooming fields of beer cans, and running rivulets of rubbish, where flowers and fresh streams ought to be.

I am pleased to say that Massachusetts, which is one of the foremost tourist States in the Union, is doing something about the problem. Several departments and agencies of State government, under the direction of the regional Environmental Protection Agency, have banded together to enlist community and citizen support for "The Spring Offensive."

Every Massachusetts citizen is being asked to participate in a four-part program, aimed at cleaning up communities and highways, parks and rivers, beaches and lakes throughout the Commonwealth. In the culmination of the program, local communities will be encouraged to set up pilot recycling programs to resolve, on a continuing basis, the problems of pollution.

Mr. President, waste disposal is everybody's business. But I know of no State in the Union where the people have been mobilized to such an extent to combat it.

I commend the imaginative regional administrator of the Environmental Protection Agency, Mr. John McGlennon, as well as the Governor, the Lieutenant Governor, and other members of the State government who have conceived and are cooperating in this massive and constructive project. I call their initiative to the attention of Senators and ask unanimous consent that a small brochure outlining "The Spring Offensive" in more detail be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

THE SPRING OFFENSIVE

WHAT IS THE SPRING OFFENSIVE?

The Spring Offensive is an all-out attack against litter, rubbish and debris that pollute our rivers, destroy our beaches and ruin our parks and forests.

The Spring Offensive is an educational program designed to promote a greater concern, a greater awareness, a greater appreciation of our living environment.

The Spring Offensive is a community action program in which all are urged to participate.

WHO ARE THE ORGANIZERS?

The Spring Offensive is a joint effort between the Environmental Protection Agency, Governor's office, Lieutenant Governor's office, Metropolitan District Commission, Department of Natural Resources, Youth Task Force and numerous citizens' groups throughout the State.

WHAT PROGRAMS WILL BE UNDERTAKEN?

The Spring Offensive will be carried out in four phases, April 22 through May 13.

April 22—Community Cleanup: Local projects will be encouraged. Cities and towns are asked to set up some type of cleanup program and to seek community support for this project.

April 29—Park and Reservation Cleanup: Four areas have been targeted for cleanup during this phase: Pittsfield State Forest; Wachusetts Reservation (Princeton area); Middlesex Falls Reservation (Stoneham-Winchester area); and Stonybrook Reservation Dedham-Hyde Park area).

May 6—River and Beach Cleanup: Selected cleanup areas are: Charles River (both upper and lower); Housatonic River (from Lee to Pittsfield); Revere Beach and Wollaston Beach.

May 13—Recycling Campaign: Local communities will be asked to set up pilot recycling programs. This could involve tin cans, newspapers, aluminum, glass, etc. The programs will work on a trial basis and, if successful, could become permanent. A recycling Committee will work with local communities in helping organize a project.

HOW CAN I HELP?

The success of this effort will depend on the type of community support it receives. We need volunteers. We need trucks. We need *you.*

This is the most ambitious environmental restoration project ever attempted in Massachusetts. It is worthy of support. It will serve as a pilot program for future efforts of this type.

If you don't mind getting your hands a little dirty; if you are interested in working for a cleaner and healthier environment and can spare a few hours for a most worthwhile project, then please fill out the enclosed card and just drop it in a mailbox—no postage is required. Or, you can call our Spring Offensive Hotline at (617) 727-3699 between 9 a.m. and 5 p.m. Monday through Friday.

Remember . . . It is up to us to make this program a success.

SUPPORT THE SPRING OFFENSIVE!

BANGLADESH AND PAKISTAN

Mr. HARRIS. Mr. President, on March 21, the junior Senator from Minnesota (Mr. HUMPHREY) and I introduced a resolution which asked the administration to report to Congress within 30 days on measures that could be taken by the United States and the international community to assist endangered minorities in Bangladesh and Pakistan. Since that date six Senators—Mr. BURDICK, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MONDALE, Mr. Moss, and Mr. MUSKIE—have agreed to cosponsor the resolution.

This was a first step. Yet, despite this initial show of concern by Congress, the general reaction throughout the world for this problem has been one of silence. It is difficult even to obtain information on the living conditions, which are known to be difficult, of the Biharis in Bangladesh or the Bengalis in Pakistan.

An April 3, Washington Post article by Lee Lescaze entitled "Biharis—People Without Future" is, therefore, of special interest. Mr. Lescaze reports that although the killing of non-Bengalis has ceased in Dacca, the "Biharis, non-Bengali Moslems clustered in their enclaves, remains a people without a future." Mr. Lescaze states that the Bihari camps, into which the non-Bengali population has fled in fear, are "staggeringly crowded," that because of the hatreds engendered by the civil war in 1971 Bengali employers refuse to hire Biharis, and that Bangladesh officials have refused to allow the International Red Cross or any foreign organization to inspect its jails where Bihari and other prisoners are held.

This is what is apparently happening in Bangladesh. What is happening to the Bengali minority in Pakistan?

There is no way to know. Press attention to the plight of the Biharis in Bangladesh has been minimal. But press coverage of the conditions in which Bengalis find themselves in Pakistan has been virtually nonexistent. All we know is that some Bengalis also are being forced to live in camps and that Pakistani officials have raised the specter of retaliation against Bengalis in Pakistan if the Biharis in Bangladesh are not better treated.

Mr. President, in a press interview carried in Newsweek for April 3, Pakistan President Bhutto stated that Pakistan would agree to exchange its Bengali minority for Biharis in Bangladesh on a 1-to-1 basis. Long before Bangladesh officials expressed willingness to engage in a limited population exchange.

Certainly no one in either government wishes precipitously to plunge into the enormous problems entailed in a massive population exchange until every alternative has been exhausted. But both sides clearly are ready to work together to ease the plight of minority populations if they can only receive adequate assistance and support from the international community. I therefore urge other Members of the Congress as well as the administration not to ignore this issue until we read of new repression or violence in either Pakistan or Bangladesh.

Mr. President, I ask unanimous consent that the Washington Post article of Mr. Lescaze and the Newsweek interview of President Bhutto be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 3, 1972]

BIHARIS—PEOPLE WITHOUT FUTURE

(By Lee Lescaze)

DACCA, April 1.—Dacca's minority population is being squeezed into smaller and smaller areas as their homes are appropriated by Bengalis.

Killing of non-Bengalis which took place sporadically in the first months after Bangladesh's independence has ceased in Dacca, but Biharis, non-Bengali Moslems clustered in their enclaves, remain a people without a future.

In Mohammedpur, a Dacca suburb, 38,000 Biharis are crowded into five camps where the lucky families live in tents provided by the Red Cross and others have erected flimsy homes of blankets and cotton sheets.

The camps are staggeringly crowded. In one, 16,000 people live within a walled compound about 50 yards square. Their tents cover the roofs of the compound buildings as well as the courtyard. Ten people are assigned to each tent. The community has 23 latrines, four pumps at which people line up for hours to draw water, and their only source of food is the International Red Cross. Small fights broke out today at two of the camps between families which felt they were not getting a fair share of food. An official of one camp said that the community used to receive four times as much grain as the roughly 9,500 pound ration they now receive daily for 16,000 people.

FOOD FIGHTS

Outside the camps are the relatively comfortable houses where Biharis lived before independence. Most of these are now being turned over to Bengali families, and the Biharis have to move into the camps or attempt to find friends who will take them in.

A college teacher who, according to residents of Mohammedpur, is an example of one who chose not to enter the camps is paying a small rent to stay with a friend in Dacca's Old City. He is living on the money he got by selling his Honda, and when that runs out he will sell his clothes, he said.

"When they are all gone I will beg on the street," he added.

BETTER CONDITIONS

In Mirpur, another Dacca suburb, the Bihari residents have been cleared out of roughly half the houses. Conditions are far better than at the Mohammedpur camps because there is considerable open land, there are ponds for bathing, and there are not as many people. But as in all Bihari communities, the people have almost no money. They have not worked since independence, and even if they could leave their community without fear of being beaten or kidnapped and held for ransom, no one would go.

Bengali employers refuse to hire them because of the animosity toward Biharis, many of whom collaborated with the Pakistan army regime here, before Bangladesh won its independence. The official language of Bangladesh is Bengali, and the Bihari clerical workers can only write English and Urdu, the main language of Pakistan. Several Biharis in Mohammedpur and Mipur say they have been arrested, and were freed only after posting bail. They say that the amount of bail is fixed according to how much the jailer believes he can get from them. Bangladesh has refused to allow the International Red Cross or any foreign organization to inspect its jails. The Bihari former prisoners tell stories of overcrowding, lack of food and arbitrary arrests.

In Dacca Jail, one Bihari said, 300 men were kept in a room in which there was not enough room for them to lie down. They stood or sat hugging their knees with their arms all day, he said. For one hour each day the prisoners were allowed to leave the room to go to the toilet. Some days they were given rice twice, and other days only once.

The Bihari, clerk before independence, said he was arrested by police who picked him and other men arbitrarily from a crowd of men in Mirpur and that he and 70 others of the 300 in his room were released equally arbitrarily after being held for 10 days.

The Dacca prison was built for about 2,000 prisoners, according to the government. Bangladesh officials announced recently that there are more than 10,000 prisoners there now.

Most Biharis continue to hope that they will eventually be able to leave Bangladesh. The Red Cross is working to arrange an initial exchange which would fly 1,000 Biharis from here to Pakistan, and 1,000 Bengalis from Pakistan to Bangladesh.

But the numbers of people involved in a total exchange would be huge, and there are almost three times as many Biharis in Bangladesh as there are Bengalis in Pakistan. All statistics are unreliable, but officials estimate 1.5 million Biharis live here now.

Originally the Biharis lived in India, but as Moslems they came to what was East Pakistan after the partition of British India after independence into Hindu India and Moslem Pakistan. Many of them express a preference to return to India rather than going to Pakistan, but Indian Prime Minister Indira Gandhi has said her nation will not accept them.

[From Newsweek, Apr. 3, 1972]

A TALK WITH PAKISTAN'S PRESIDENT BHUTTO

As a result of his country's crushing defeat at the hands of India last December, Pakistan's President Zulfikar Ali Bhutto is faced with the unenviable job of repairing the damage wrought by the military regime that preceded him. Last week, Bhutto discussed some of his major problems with NEWSWEEK Senior Editor Arnaud de Borchgrave. Below, a sampler of Bhutto's remarks:

ON NEGOTIATING WITH INDIA

We recognize the realities of the postwar situation. But it's hard to figure out what [the Indians] really want. Already, hostile propaganda has resumed on their radio. Border incidents, too. Isn't half our country enough? The 93,000 Pakistani prisoners of war [in Indian hands] have to come back sooner at later. They are a wasting asset for India. The international community will demand their return. As for Kashmir, the people must have the right of self-determination . . . [In talks with India] we must start with smaller problems. First one must ease tensions—much the way Willy Brandt did with Ostpolitik. We could restore trade, diplomatic relations, air services, official visits, sports events, etc. We cannot clear the deck of history in one fell swoop, but with evolutionary processes.

ON TIES WITH BANGLADESH

First I released Mujib [Prime Minister Sheikh Mujibur Rahman of Bangladesh] unconditionally. I thought this would be a happy augury for a new era. I was wrong. Well, now I have less birds in the cage. My nightingale has gone. You can't expect me to follow up one unilateral concession with another. If India releases our prisoners [first], then I could take the next step. I am quite prepared to recognize Bangladesh, but there must be a quid for my quo.

ON THE BIHARIS

The status of the Biharis [the 1.5 million non-Bengali Moslems in Bangladesh] is an atrocious nightmare. We can take some—one for every Bengali who wants to leave our side. Mujib says he exercises control. Then he is answerable for the Biharis' safety just as we are for the 400,000 Bengalis on this side.

ON WAR CRIME TRIALS

I am not apologizing for what our generals did in East Pakistan. I repeatedly spoke out against their excesses. But you should remember that it was a vital question of protecting our territorial integrity and sovereignty as a nation. All civil wars are bloody. If Mujib wants to try some of the people who went berserk, we are prepared to oblige. But not another Nuremberg. Heaven forbid. It would only heighten tension.

ON WAR WITH INDIA

Does India want to dismember what is left of Pakistan? Subjectively speaking, I say yes. Obviously speaking, I say she will not . . . We must take a leaf or two out of North Vietnam's military textbook. A people's army rather than a conventional army. That is the philosophy that will guide us in our defense policy. It will require a great deal of indoctrination. Every village will have to be self-sufficient for its own defense.

ON RELATIONS WITH CHINA

I can't go into details [about reports that China has agreed to reequip several Pakistani divisions]. They are helping us. That's undeniable. But it doesn't begin to compare with Russia's military aid to India and with India's own capacity to produce modern weaponry . . . China is now Moscow's obsession. Before, it was the U.S. In any event, we're not interested [in a Moscow-sponsored Asian security pact] and I told the Soviet leaders as much in Moscow recently. I said we were too small to be of harm to Russia or of help to China. Russia had already concluded a far-reaching treaty with India and India a similar one with Bangladesh. It does not require too much of an imagination to understand what is going on. We've had our fill of pacts. But I do not want to leave myself completely naked. In the light of the Indo-Soviet treaty and how it was used to dismember Pakistan, it would be madness for me to abandon old commitments [to the U.S.-sponsored Central Treaty Organization]. I am merely opposed to entering into new ones.

NO-FAULT AUTOMOBILE INSURANCE

Mr. STEVENSON. Mr. President, like many other Senators I am concerned about the uneven coverage and rising costs of automobile insurance. In an attempt to correct the inefficient and costly operation of the present fault system in the District of Columbia, I introduced the District of Columbia Automobile Insurance Reform Act which would provide for a compulsory no-fault auto insurance system in the Nation's Capital where Congress retains legislative jurisdiction. The proposed legislation for the district is not incompatible with a congressional approach to national reform.

Today, I should like to place in the Record an article from the New York Times Magazine of April 9. The article was written by Michael S. Dukakis and Stephen Kinzer. The title of the article is "If Your House Burns, You're Covered No Matter Whose Fault Is Was. And If Your Car Crashes?" The article outlines the progress and success of the Massachusetts plan of no-fault reform. Although it emphasizes the feasibility of reform within the States, it also stresses the need for the Congress to move in a manner which will encourage a coordinated national approach toward much needed reform.

Mr. President, I ask unanimous consent that the article by Mr. Dukakis and Mr. Kinzer be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

If Your House Burns, You're Covered No Matter Whose Fault It Was. And If Your Car Crashes?

(By Michael S. Dukakis and Stephen Kinzer*)

Boston.—Since its adoption in Massachusets in 1970, no-fault automobile insurance has become the nation's most talked-about consumer issue. Florida has already enacted a plan similar to the one in Massachusetts, and three other states have made small steps toward no-fault. More than a dozen state legislatures—New York's among them—are seriously considering the reform, and a proposal for national no-fault insurance was introduced in Congress last year. Massachusetts itself, which first approved no-fault insurance for personal injuries only, has now extended the new system to property damage as well.

No-fault insurance in Massachusetts, the first reform in this complicated field since the days of Henry Ford got off to a very confusing start. Only now, more than a year after the system went into effect, is the smoke beginning to clear. Needless to say, approval of no-fault in Massachusetts is not unanimous, although the insurance companies have, somewhat belatedly, become supporters of it. Unforeseen gaps in the plan have also arisen along the way. Nevertheless, a few of the figures so far are heartening, indeed dramatic.

Before the no-fault plan started, actuaries in Massachusetts were predicting a 25-to-30 per cent increase in bodily injury premiums under the system, rates for all bodily injury coverage went down 15 per cent in 1971. Moreover, rates for the basic compulsory coverage went down *another* 27 per cent in 1972.

There has also been a substantial drop in insurance claims and in reported accidents. The Registry of Motor Vehicles recorded a drop of 30 per cent in reported personal injuries in 1971, down by 58,000 from 1970. The number of accidents alleging personal injury or property damage of more than $200 has dropped by 16,000, or about 10 per cent. Apparently, motorists are beginning to realize that a fabricated accident or exaggerated claim of personal injury no longer pays the dividends it used to. And while the decline in reported accidents doesn't necessarily prove the state's motorists are driving more carefully, neither does it support the contention of those who opposed the plan that no-fault would encourage reckless driving by failing to hold anyone responsible for a collision.

The problems that Massachusetts faced under is old system of auto insurance are essentially those that face every state in the union. The traditional system of compensating victims of two-party automobile accidents consists of two main parts: First, it requires the victim of an accident to prove that the other party was at fault and that he, the victim, was blameless. Second, it provides that if the victim can win the fight over fault, he is entitled not only to his actual losses (medical expenses, lost wages, and so forth) but compensation for his pain and suffering—that is, for the emotional distress that presumably goes along with the injury.

The system's gaping holes are obvious. In the vast majority of auto accidents, it is impossible to prove definitively which party was at fault. Poor highway design, weather conditions, lighting and a host of other factors play a role in many accidents. Furthermore, trying to determine what pain and suffering are worth is often impossible. What for example, is a prolonged backache worth? Three dollars a week? Thirty? Three hundred? Nobody can really say, but today in the states that retain the fault system, judges, juries, lawyers, investigators, claims adjusters, doctors and other members of the tort fraternity spend thousands of hours and millions of dollars each year fighting over that very question.

The result of this inefficient and wasteful system is that a staggering amount of money is paid by policyholders simply for the expense of running the system. In Massachusetts, fully 55 cents of every premium dollar was never returned to the consumer in the form of payments for injuries suffered in accidents. Instead, it was paid to all of the people required by the system to "prove" who was at fault and to argue over the dollars-and-cents value of pain and suffering. The 55-per-cent overhead figure compares with 3 per cent for the Social Security and 7 per cent for Blue Cross-Blue Shield. In other words, it is eight times more expensive to settle auto insurance claims under the tort system than it is to handle a payment under common forms of health insurance.

But the huge overhead expense is not the only factor contributing to the spiraling cost of auto insurance in America. A study completed in 1968 by the American Insurance Association revealed that the tort system can be extremely profitable for the trivially injured victim. According to A.I.A., a person injured in an auto accident who sustains actual losses of less than $100—and these are the great majority of claimants—will on the average receive more than seven times his dollar losses.

Conversely, the A.I.A. found that the more serious one's injury, the less one receives relatively. In fact, those persons whose medical expenses and lost wages exceed $10,000 because of very serious injuries do not on the average even receive their out-of-pocket losses, let alone something for pain and suffering.

Because the tort system requires an injured victim to prove that the driver of the other car was at fault, there are many cases in which a seriously injured or crippled victim of an automobile accident receives little or nothing. He may have been perfectly innocent; his injuries may have been severe. But since he cannot prove in court that the driver of the car that hit him was negligent, he receives absolutely nothing from that driver or his insurance company.

The need for reform is obvious. It was even more obvious in Massachusetts than in most states. Here, a 1927 law had made auto insurance compulsory. With motorists in the state spurred on by the knowledge that every car involved in an accident was covered by some insurance company, Massachusetts achieved the unenviable distinction of having the highest claims frequency in the country—twice the national average. This resulted in a lucrative free-for-all in claims settlements, in which a backache or a "whiplash neck" could prove to be a financial bonanza for a driver with minor injuries, who was often healed by a generous settlement.

Progressive lawyers, legislators and consumer spokesmen around the country have been aware of this problem for years. Insurance rates were skyrocketing, and no end was in sight. But until 1966, no serious and feasible alternative had been proposed. In that year, the first real breakthrough in the fight to reform auto insurance was made. Professors Robert Keeton of Harvard Law School and Jeffrey O'Connell of the University of Illinois College of Law, after a three-year study of the problem, presented a blueprint for change in a book entitled "Basic Protection for the Traffic Victim."

Keeton and O'Connell are both specialists in insurance and personal-injury law. Both had tried cases at the bar before beginning their teaching careers. Their recommendations urged the complete scrapping of the existing tort-liability system in all but the most serious cases. In its place they proposed the adoption of a new system of motor-vehicle insurance under which, as in the case of health-and-accident or homeowners insurance, an injured victim would be paid by his own company for his actual medical expenses, lost wages, and out-of-pocket losses, without regard to fault. The same policy would pay his passenger or a pedestrian injured by him.

Each motorist, under what Keeton and O'Connell called the "basic-protection plan," would be required to carry a policy which provided up to $10,000 for any one person and $100,000 for any one accident in this no-fault, economic-loss coverage. Suits between parties would be prohibited except in cases of serious injury that had caused a loss of more than $10,000 or pain and suffering of more than $5,000. In these cases—and they are only a tiny fraction of the total claim volume—the injured person could sue the operator of the other vehicle in the hope of receiving a court award, just as he would under the tort system.

The advantages of the Keeton-O'Connell plan seemed obvious to many Massachusetts legislators. The vast majority of accident victims would be paid promptly by their own insurance companies for their actual losses. Court congestion would probably be reduced, exaggerated and nuisance claims would be largely eliminated, and the cost of premiums would be drastically cut as a result of administrative savings and the elimination of payments for pain and suffering in small cases. Innocent victims who sustained serious injuries and could not collect because they were unable to prove fault under the existing system would be entitled to compensation up to the no-fault limit, and seriously injured persons who were able to prove fault could sue the wrongdoer and still collect their basic-protection benefits promptly, while awaiting the outcome of their lawsuits.

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* Michael S. Dukakis is a lawyer who served in the Massachusetts Legislature from 1962 to 1970 and was the original sponsor of the no-fault insurance bill. Stephen Kinzer, his legislative assistant then, is now a freelance journalist.

In Massachusetts, where the system was even further out of control than in most states, complaints about auto insurance were deafening. Legislators were constantly asked about their failure to come up with a better auto-insurance system—and at times berated for not doing so. Yet, until Keeton and O'Connell produced their plan, no legislator in Massachusetts or any other state could really give irate constituents a suitable alternative.

Keeton himself was deeply involved in the planning of the Massachusetts drive for no-fault insurance. He met frequently with the original legislative sponsors of the bill and helped put it in a form suitable for Massachusetts. Both he and O'Connell testified at length before the Insurance Committee of the Massachusetts Legislature. Their willingness to iron out problems which arose during the debate over the bill and their ability to work with an increasingly interested Legislature were critical in the effort to win passage of the new plan.

In March, 1967, the Insurance Committee reported out the basic-protection bill (later to become known as the "Keeton-O'Connell," or "no-fault" bill) with a recommendation that it be killed. The bill had not attracted widespread attention, and it was expected to die a quiet death in the Legislature. On Aug. 16, 1967, however, its sponsors moved on the House floor to substitute the basic-protection bill for the unfavorable committee recommendation. To everyone's surprise—and to the consternation of insurance executives and trial lawyers—the House passed the bill by the overwhelming vote of 130–85. In an unprecedented display, the House membership broke into loud cheering and applause upon passage of the measure.

While it is probably fair to say that many of the legislators at that first vote were unfamiliar with the details of the bill, they were under pressure from their constituents to do something to lower auto-insurance rates. The basic-protection bill seemed like the answer. Public reaction to its passage of the bill was overwhelmingly favorable. But three weeks after House passage, Gov. John Volpe announced that he would veto the measure if it came to his desk. All the forces that had not taken the bill seriously until its surprising House passage jumped into action to kill it in the State Senate. After massive lobbying by the trial bar, some segments of the insurance industry and Governor Volpe, the bill was defeated by a vote of 27–8.

In 1968, the measure once again died in the Senate. In its place was substituted legislation authorizing a study of the basic-protection system. By the time the Study Commission released its findings in 1970, political realities in Massachusetts had changed. Governor Volpe had joined the Nixon Cabinet. He had been replaced by Republican Lieut. Gov. Francis Sargent, who had no announced position on the plan. Lobbyists fighting the plan were beginning to show signs of battle fatigue, some going so far as to label it a Communist-inspired plan to undermine the Bill of Rights by taking away the citizen's right to sue. The Study Commission finally recommended that no-fault be applied to property-damage insurance only, and thus did not offer any substantial relief to the state's motorists.

The issue had become a political hot potato. By April, 1970, Governor Sargent, then a candidate for a full term, endorsed the idea of no-fault by saying that he would support a reasonable bill and by directing his staff to work with key legislators to produce a sound compromise. The Democratic Senate President, also a candidate for Governor, announced his support of the bill. Beginning to get frantic, lobbyists had their pet Senators try during late-night sessions to amend the bill to death and to introduce meaningless substitute plans.

Finally, a compromise plan was passed, with only minimal tampering by the Senate. In the election year's greatest political coup, Sargent signed the bill on statewide television, declaring that he wasn't frightened by insurance company threats to leave Massachusetts if the bill was approved. He has since agreed with many Democrats that that TV appearance played a significant part in his successful campaign for election.

As finally passed, the Massachusetts bill is solid and workable. It provides for payment of up to $2,000 in medical benefits and lost wages by the victim's own company without regard to fault. It provides the same benefits for pedestrians injured by the insured or passengers riding with him. Only if the victim's medical bills exceed $500, or if the accident results in death, loss of a body member, permanent and serious disfigurement, loss of sight or hearing, or a fracture, can he sue the other driver.

As in the past, auto insurance is compulsory. Each motorist *must* insure his car with the basic no-fault coverage. In addition, he is required to carry a minimum liability coverage of $5,000 for any one person and $10,000 for any one accident to cover seriously injured victims, and he may carry more liability insurance to protect himself against large claims, just as he did under the old system. He may also decide that he and his family are already well insured under their own health-insurance policy and that he therefore needs no-fault coverage only for injuries that he causes to others. In that case he gets a substantial premium reduction over the basic rate.

Let's see how the new system would work in a particular case. Suppose, for example, that Mr. X is in an intersection collision, that he is bruised and shaken up but not severely injured, that he misses part of a week's work and loses $50 in pay not covered by sick leave or salary, and that he sees his doctor immediately after the accident, incurring medical expenses of $35.

Under the Massachusetts law, Mr. X can expect to be paid the amount of his medical bill ($35) by his own insurance company within days after he submits the bill. He gets this payment even if his medical bill is actually paid under other medical insurance such as Blue Cross-Blue Shield, unless he has elected not to receive his no-fault benefits. Also, Mr. X can expect to be paid promptly by his own company for 75 per cent of his wage loss. (Since insurance benefits are tax free, 75 per cent of wage loss should be roughly equal to take-home pay in most cases.) If he later has any additional lost time from work or medical expense resulting from the accident, he can expect payment in the same way from his own company, soon after he submits his bills.

In a case such as this, not involving serious injury, he does not have any claim against the other driver or the other driver's insurance company. He handles the entire matter with his own company and does not need a lawyer.

In contrast, under the old system his own company would have had no responsibility for his wage loss, and none for his medical expense. Mr. X would have to make his claim against the other driver and the other driver's company. To collect, he would have to show that the other driver was at fault. If Mr. X succeeded, however, he would be able to get something for his pain and suffering in addition to the reimbursement of his medical and wage loss. If he had a lawyer to represent him, he would have to pay the lawyer about one-third of whatever he recovered.

Now let's assume that Mr. X is seriously injured, incurs medical bills of more than $500 and is out of work for several weeks. He may proceed to collect all of his medical and hospital bills and 75 per cent of his lost wages—up to a maximum of $2,000—from his own company, without a lawyer. He may, however, sue the other driver as well, just as he did under the old system. If he collects in that suit, the money he recovers will be reduced by the amount he has already collected from his own company.

The new plan not only spares the victim long delays in recovering some of his costs but also makes a striking difference in auto-insurance premiums for the average motorist. In 1970, before the coming of no-fault, the average Boston car owner paid $117 for his basic coverage; if the no-fault system had not gone into effect, he would have been paying $150 for the same coverage in 1971. Instead, he paid $99.50 in 1971 for his basic coverage and $74 in 1972. If he has good heatlh insurance and wage security and chooses not to receive benefits for himself and his family, he will pay only $52.

There have been additional savings on other kinds of personal injury coverage which many motorists ordinarily buy. Medical-payments insurance, for example, which pays a motorist and members of his family for their medical expenses in the event of an automobile accident, is no longer necessary. Furthermore, "extra-limits" liability coverage above the $5,000-$10,000 amount contained in the new Massachusetts basic coverage is 15 per cent cheaper than it was in 1970. (Under both the old and new systems, this fuller liability coverage was optional.)

Property and physical damage were not included in the final no-fault bill largely because of the political clout of certain insurance companies which wrote large amounts of property damage coverage for assigned (high) risks and made money by refusing to pay claims brought against their insureds by motorists whose cars had been damaged by them. Since the new plan required insurers to pay damages to their own policyholders, these companies felt—probably correctly—that they would lose customers if they continued to play their traditional game with property-damage claims.

As a result, rates for property-damage insurance rose 38 per cent in 1971. Physical-damage insurance (fire, theft and collision) rose 27 per cent. Yet, even taking those increases into consideration, most motorists in Massachusetts are paying less for their auto insurance today than they paid in 1970.

One of the mistakes of the original drafters of the bill, in fact was to underestimate the savings that no-fault would bring to the public. Insurance rates for 1971 were set on the assumption that claims would rise slightly; in practice, they have dropped sharply. The number of bodily injury claims dropped 13,000 (48 per cent) during the first nine months of the system's operation. The average settlement per claim dropped 61 per cent, from $419 to $165.

It is possible, then, that the insurance companies will walk away from 1971 with a multimillion dollar windfall in excess profits, although attempts are being made to force the companies to refund at least a portion of the unexpected largess. In 1971, the Legislature acted to prevent this from happening again. New legislation was enacted which permits the Insurance Commissioner to recoup excess profits by slashing rates in any year which follows a year in which he finds that the earnings of the companies have been unreasonable.

"Even if the companies prevail in all the court cases and walk away with $30-million or whatever it is," the Insurance Commissioner John Ryan explains, "it won't happen again, and it shouldn't happen in other states. There's no reason constitutionally why rates for the first year under a new no-fault system can't be set provisionally."

Ryan, a young lawyer who was appointed soon after Sargent's election, had before that lobbied for passage of the no-fault bill as counsel to the Massachusetts Association of Independent Insurance Agents and Brokers. Like most analysts, he now views the new system as a success. "The amazing thing about the bodily injury bill," he says, "is that after all that fighting, it's pretty damn good."

He is hesitant to place much stress on the drop in claims, however. "We still don't know about claims. Here in Massachusetts the number of claims is down substantially, but we aren't sure whether that will hold or whether it should hold. The theory of no-fault is that people are entitled to compensation, that they shouldn't be discouraged from making legitimate claims. We're still projecting a 20 per cent increase in claims, and if the decrease holds, we can get it back. As the plan becomes better understood, you can't expect any decrease in claims unless in particular states there has been very serious abuse of the old system."

Ryan is also impressed that "there is no indication of any trouble with insufficient payment or slow payment. We get an awful lot of complaints in this office. But we haven't had one about payment problems under no-fault. The companies have set up a very efficient uniform system for making payments—about the only worthwhile thing they have come up with on their own," Ryan says, remembering the industry's attempts in the early days to sabotage no-fault.

One of the concerns expressed by some of the proponents of no-fault was that a pattern of $501 medical bills would emerge because victims were looking for the chance to bring the other guy into court to make some money. It hasn't happened, says Ryan. "Our fraudulent claims bureau is picking up indications of padding by certain doctor-lawyer combinations, but that's nothing new. We don't see many people trying to jump over the $500 threshold."

Encouraged by the success of no-fault for personal injury, the Massachusetts Legislature last year passed the law that extended the new system to property damage. Under the new plan, every motorist must purchase very inexpensive liability coverage to pay for damage to property other than automobiles—when, for example, he backs into somebody's picket fence—or for damage to out-of-state cars.

If he wants to be protected against damage to his own car, he may—but is not required to—buy one of two kinds of coverage. The first, called "all-risk" coverage, will, subject to the deductible of his choice, pay him for any damage to his car without regard to fault. The second, called "restricted" coverage, will pay him only if the other driver was at fault or if his car is damaged under certain specified circumstances—for example, when it is parked, or when it is struck in the rear by another vehicle moving in the same direction.[1]

Benefits under both alternatives are paid by the driver's own insurance company. And if the insurance company does not pay him within 15 days after he submits reasonable proof of damage, a court may order the company to pay him twice his actual damage and attorney's fees.

The new law does away with all claims and suits between Massachusetts motorists for property damage. No longer does a driver have to chase his adversary's insurer for weeks and months to recover for a bent fender. His own company will pay him under either the "all-risk" or "restricted" coverages. Moreover, while the savings are not as dramatic as they have been for bodily injury insurance, most Massachusetts motorists will be paying less for their property-damage coverage under the new system than they would have been paying under the old.

Unfortunately, the Legislature, apparently in an effort to discourage frivolous small claims, had provided for mandatory deductibles of at least $50 under both the "all-risk" and "restricted" coverages. When the new law went into effect in January, Commissioner Ryan was suddenly flooded with complaints from car owners who found that they could not collect for the first $50 worth of damage to their car, even when someone else was entirely to blame.

Ryan moved quickly to eliminate the problem. He obtained the agreement of the insurance companies to provide the first $50 of coverage on an optional basis for a few additional dollars, and the complaints have subsided. Ryan himself wonders now whether the mandatory deductible provision should have been included in the 1971 bill. "In theory it made eminent good sense," he explains, "but I'm afraid it's been widely misunderstood and very inaccurately reported in the press. There have been complaints about it, but maybe people are thinking about insurance for the first time, and they're questioning some things that have always been true."

An industry spokesman, John O'Connor of the Insurance Information Institute, says that "the companies are delighted with the actual operation of the system." He agrees with Ryan that "the claims will be back," but he foresees the possibility of some further consumer savings as a result of lessened administrative expenses for the companies. "There have been no dollar savings in underwriting, but some savings in loss adjustment may develop as time goes on," he says. To the often-heard charge that no-fault has caused the wholesale dismissal of claims adjusters and other insurance personnel, O'Connor answers: "It just hasn't happened. Some people have been shifted to other responsibilities, but this talk about so many people being let go just isn't accurate."

One very serious problem that no-fault proponents had pointed to was the huge number of court cases which must be tried under the fault system in courts that are already overburdened with other matters. Affirming in a court decision that no-fault insurance was constitutional,[2] Justice Paul Reardon of the Massachusetts Supreme Judicial Court spoke directly to this issue:

"No one who has for any time been in charge of a trial court system (as was the author of this opinion for a number of years) can be unfamiliar with the devastating effect upon the administration of justice which the automobile has produced. The courts with their scarce resource of time simply cannot respond to new challenges or meet the new requirements imposed on them in criminal matters as long as their time continues to be consumed to the extent it has been by motor-vehicle accident cases. The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever-increasing numbers of automobile accident claims. . . ."

Reardon noted statistics showing that as much as 60 per cent of the lawsuits in Massachusetts trial courts were for motor-vehicle cases, which he called "a cancer to be rooted out in American courts."

Because so many cases initiated under the fault system are still before the courts, it is difficult to determine the effect of no-fault on crowded calendars. One in-depth study is under way, however, and preliminary data from a few courts indicate that the number of cases is down significantly. The hallways of the Suffolk Superior Courthouse in Boston, once jammed with tort lawyers, are now relatively empty. Indeed, with tort practice decimated by the no-fault system, the organized trial bar is as critical as ever of the reform.

"Ninety per cent of tort cases are gone," explains Mrs. Kathleen Ryan Dacey, president of the Massachusetts Trial Lawyers' Association. "I had a woman call me just today from the hospital. Her whole abdomen is bruised, her hips are in bad shape, she's spent about $150 for X-rays, but there's no fracture. This probably would have meant a $3,000 settlement."

That $3,000 settlement would have depended, of course, on whether the woman could prove that the other driver was at fault. Under the no-fault system, she will get only her medical and hospital expenses, and 75 per cent of her lost wages, but she will get them from her own company quickly and without having to share them with a lawyer.

Mrs. Dacey's organization and others like it are holding seminars to retrain lawyers for medical malpractice suits and other tort cases, "but there really aren't any new fields of law," she points out. "You can go to a big firm, but most of them don't want trial lawyers. The only other place to go is government, and they only have a limited number of places. We've always had a bad general liability law in this state, and now that may go no-fault, too. They're talking about no-fault divorce and no-fault medical-malpractice insurance. I've been advising trial lawyers to find places in Federal, state, and local governments." (Mrs. Dacey herself has recently been appointed an Assistant District Attorney.)

Besides claiming that no-fault abrogates "the common-law right of a person guaranteed by the Constitution to sue a wrongdoer," Mrs. Dacey has written that the law is "discriminatory," in that a person with a $501 medical bill may sue for pain and suffering whereas a person with a $499 medical bill cannot. Further she cites the hypothetical case of a child who suffers brain damage, is kept out of school for several months and may "have his aptitude for study seriously impaired"; he would receive no compensation beyond his medical bills and other out-of-pocket losses, she asserts. This assumes that a child with serious brain damage will not incur medical expenses of more than $500, which is hardly likely.

The American Trial Lawyers' Association, a national organization with headquarters in Cambridge, has also tried to discredit the system. One of their most publicized—and revealing—attempts was a public opinion poll recently released by the Opinion Research Corporation of Princeton, N.J., which A.T.L.A. officials at first denied then later admitted that they had commissioned. On the surface, the poll lived up to its headline, "Massachusetts Accident Victims Consider No-Fault Unfair." The interviewers asked 501 auto-accident victims a series of questions about their opinions on settlement of such cases. One of the results reported was that "77 per cent say that they would favor a system whereby the driver or his insurance company would be required to pay damages in proportion to the degree of fault of the driver in causing the accident."

Among other findings, the survey purported to show that "62 per cent say it's unfair that under the Massachusetts no-fault insurance system neither the driver at fault in the accident nor his insurance company would have to pay for any of their losses." Respondents were asked: "If you were disabled in an accident and lost the use of some part of your body, do you think the other driver or his insurance company should or should not have to pay reasonable compensation for your disability?" Naturally enough, 91 per cent said that the other driver or his company should. Respondents were not asked whether they would be just as happy to have the money come from their own company.

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[1] In this respect "restricted" coverage is much like the type of coverage in other states under which a car owner's company agrees to pay him for injuries caused by an uninsured car, but only if the uninsured motorist was at fault.

[2] In another state, Illinois, a no-fault law was recently declared unconstitutional. The Illinois Supreme Court had not given the reasons for its decision as this article went to press. But the Illinois law differs in numerous respects from the Massachusetts one (for one thing, it excludes taxis and trucks from compulsory coverage) and it is possible that the court decision was on narrow technical grounds that can be easily repaired by the Legislature.

Commissioner Ryan believes no-fault auto coverage sets the stage for other insurance reforms. "For example, it should make it much easier to sell auto insurance on a group basis. We've got some legislation in on that. We're beginning to see what we can do and what we can't. Maybe our threshold ought to go up to $700, down to $300. Once we have some experience here and with other states, we'll be able to work on a factual basis rather than a theoretical basis.

"Ultimate logic suggests an all-out no-fault plan, but we'll have to wait and see. We're going to need some better way of dealing with seriously injured victims, for one thing, and I don't know what the answer is there."

The "ultimate logic" that Ryan mentions also seems to point to the necessity of enacting a national no-fault system. A patchwork of 50 different plans, some good and some bad, will not solve the auto-insurance mess. Rather, it seems far more sensible for the Federal Government to produce a set of uniform standards for state no-fault plans, answering the questions that are being debated in state legislative chambers across the country, such as: What should be the benefit limit? Can no-fault somehow be extended to the seriously injured victim? Should we allow victims to sue if they sustain a minor fracture (as Massachusetts does)? Should we allow them to sue if they lose a bodily function as minor as the full use of a little toe, something which is not permitted in Massachusetts but is under the new Florida system? Should property damage be covered by no-fault insurance?

There has been some interest from Washington. Transportation Secretary Volpe has become a convert to the no-fault idea; Senators Philip Hart and Warren Magnuson have introduced the national no-fault bill, and extensive hearings have already been held on the measure. In New York, the Legislature is weighing two no-fault bills, one backed by Governor Rockefeller that is much like the Massachusetts plan and another that is favored by negligence lawyers. What is likely to emerge is a compromise plan that will preserve more or less of the tort-liability system.

Massachusetts officials learned through painful experience that Band-aid reform cannot hope to change a system so shot through with decay as the tort-liability system. Other state legislatures are learning the same lessons, and much-needed pressure is being put on Congress to act.

During the Progressive era, there was a great deal of talk about the states being laboratories for change. In time when the Federal Government seems to be having trouble just keeping up with the treadmill of social progress, the states must begin to think of themselves as proving grounds for important reforms. The Massachusetts experience demonstrates that states can lead as well as follow. In this as in so many other policy areas, however, Congress must become the arena in which significant national reform is enacted.

MEETING OUR CRISIS IN READING

Mr. MATHIAS. Mr. President, the State of Maryland continues her leading role in meeting social challenges of our day.

I speak of the reading crisis in America, involving 21 million citizens who lack the basic reading skills necessary to daily work and enjoyment. This startling fact is confirmed by a national survey conducted by Louis Harris and Associates in 1971 for the National Reading Center of Washington, D.C.

Last month, citizens of Maryland took a new and promising step toward breaking this pattern of functional illiteracy.

With the objective of helping children with reading problems, more than 100 volunteers from across our State gathered in Baltimore to participate in the National Reading Center's 2-day reading tutor-trainer workshop.

Each of these trainer volunteers has now returned to his or her home community to teach other volunteers how to help children in our school classrooms learn to read.

Represented at the workshop were Baltimore City and the following Maryland counties: Allegany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Frederick, Hartford, Howard, Kent, Montgomery, Prince Georges, Queen Anne's, St. Mary's, Talbot, Washington, and Wicomico.

Among the various organizations involved in this fine volunteer effort to help Maryland children, in kindergarten up to grade 3, are the following:

City and county boards of education and the parent-teachers associations, the Maryland Literacy Council, various chapters of the American Library Association and of the American Associations of University Women, the Retired Teachers Association, the Baltimore Urban League, and many others.

Mr. President, the National Reading Center is taking its tutor-trainer workshop to some 20 States this spring and summer. This fall, and in 1973, the center plans to service the remainder of the 50 States.

There is no charge for the workshop instruction. It is provided as a public service.

I ask unanimous consent to insert a description of the National Reading Center volunteer reading tutor program at this point in my remarks.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

THE NRC VOLUNTEER READING TUTOR PROGRAM

A primary conviction of the National Reading Center (NRC) is that the amount of manpower devoted to helping children and adults to acquire basic reading skills must be increased. Since conventional avenues and the finances required do not permit the increase necessary to resolve the problem, the Center has launched a national effort to prepare trained volunteer reading tutors to help where they are needed and wanted.

NRC's Tutor-Training plan works as follows:

A State Department of Education, and statewide organizations such as the PTA, American Library Association, the Urban League or Church Women United, invite the National Reading Center to conduct a Trainer Workshop in the state.

First, a planning meeting with NRC staff is held in the state. Sponsoring organizations then help assemble 100 Trainers and 50 Coordinators from local communities.

Next, a two-day workshop for Trainers and Coordinators is directed by NRC staff in a central location in the state. Trainers are taught how to use the Center's tutor-training materials. Coordinators are taught how to recruit and organize the volunteer service, leaving Trainers free to concentrate on competent preparation of volunteer tutors.

Each Trainer Workshop can prepare 100 trainers (usually active or retired teachers) from 12 to 15 communities in a state.

The Trainer then returns to the home community and, during the year, trains 100 volunteer reading tutors. Accordingly, up to 10,000 volunteer tutors can be prepared in a state during one year to help primary grade children in the neighborhood schools.

Each volunteer tutor receives 20 hours of training including seven hours of practical experience with children.

The National Reading Center charges no fees at any stage of this program. All instruction, to trainers and volunteers, is without charge:

Trainer Workshops have been scheduled in the following states this spring and summer 1972: California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Nevada, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Texas, Vermont, Washington and Wisconsin.

States not served in the present series can be served this fall or in 1973.

If you will volunteer to tutor children in your neighborhood elementary school, contact your *School Superintendent* or *Principal* and ask if a National Reading Center tutor-training course is, or soon will be, scheduled in your home community.

School officials can inquire about the Volunteer Reading Tutor Program by contacting National Reading Center, 1776 Massachusetts Avenue, N. W., Washington, D. C. 20036; the phone is (202) 833-3300.

The NRC Volunteer Reading Tutor Program can be arranged only through invitation by a State Department of Education, in cooperation with other statewide sponsoring organizations. NRC training materials, and services, cannot be provided *except* through a state-level active program.

MOVING AND THE ICC

Mr. HARRIS. Mr. President, the Washington Post March 19 article by Ronald Kessler describes the problems that many people encounter in moving. Among these problems are unreasonably low estimates, terrible service, and a lack of help from the ICC.

Mr. Kessler quotes Michael Russ, a lawyer who, unfortunately, found occasion to require the "services" of a moving company:

> The guy who gets ripped off is the individual who moves once in his lifetime, and the companies couldn't care less if he comes back.

The ICC has not enforced what consumer-oriented regulations it does have. It has stifled competition. It has ignored pleas for help from the moving companies' customers. It has not made estimates binding. It has shown no desire to correct the abuses in the moving industry.

And the ICC is supposed to be a regulatory agency. This agency is supposed to be standing up for the consumer against industry. Mr. President, earlier, other Senators and I cosponsored a bill to abolish the ICC. I hope that after reading Mr. Kessler's article more Senators will join us in this effort.

Mr. President, I ask unanimous consent that Mr. Kessler's article be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

MOVING: OFTEN A NIGHTMARE

(By Ronald Kessler)

For many Americans the experience of moving is often a nightmare.

This is so despite new Interstate Commerce Commission regulations designed to curb abuses by household movers. The new rules took effect in 1970. Nonetheless complaints continued to pour into the ICC at about the same rate as before—some 350 a week during the peak season. The agency continues to get more than 10,000 complaints a year, ICC officials say.

Moving is of particular concern in the Washington area, which has one of the largest population turnover rates in the country. Nationally, one in five Americans moves each year.

Complaints filed with the ICC as recently as December relate instances of late pickups and deliveries, underestimates of charges, and damaged goods. They are often bitter and denounce movers as liars and cheaters.

The complaints typically begin by saying the family had the "misfortune" of doing business with a particular moving company and may end with vows to sell or burn furniture before entrusting it to movers again.

How many customers feel this way is not known. Many, of course, are satisfied with their moves, and the American Movers Conference, which represents interstate movers, contends the number of complaints is small in relation to total moves.

The association says a certain level of complaints is to be expected in an industry that serves the public, deals with people when they may be under emotional stress, relies on unskilled labor and is subject to variables beyond its control, such as weather and mechanical breakdowns.

However, of those who responded to an ICC questionnaire distributed by movers last fall, two out of three said they were dissatisfied with their moves. Other ICC records show that estimates of charges are under the actual bill by 10 per cent or more in 1 out of 5 moves. And a 1968 ICC study found that the promised delivery date is not met in 3 out of 10 moves made by individual families (the rate is somewhat better for moves paid for by the military and large national companies).

Despite the American Movers Conference claim that the problems are unavoidable, interviews with local representatives of national movers indicate that a common industry practice of paying estimators or salesmen by commission has the effect of encouraging these abuses.

Because of the commissions, these representatives say, it is often to the advantage of moving company personnel to purposely underestimate charges or to promise pickup dates that they know cannot be met.

Rather than correcting abuses, said C. Jack Pearce, a consumer lawyer who was formerly deputy general counsel to President Nixon's consumer adviser, Virginia Knauer, ICC regulation has to a large degree hindered consumers. Rules that are beneficial are not seriously enforced, he said.

Despite the more than 10,000 annual complaints, ICC records show that fines for infractions were leveled against a total of 15 companies last year. The average fine—many against some of the largest companies in the business—was $2,426.

William F. Sibbald Jr., chief of the ICC's motor carrier section, said the fines are set by the courts, not the ICC. He acknowledges that the ICC can suspend or bar a company from doing business but said he doesn't know of this ever happening.

Complainants interviewed said the extent of the satisfaction they had received from the ICC was a sympathetic letter or advice that they hire a lawyer.

According to the complaint of Paul F. Williams, a Federal Aviation Administration flight controller, his contract with a local agent of Aero Mayflower for a move from Woodbridge, Va., to Clarksburg, W. Va., specified a pickup date of last Oct. 27.

The new ICC regulations require movers to adhere to such dates, barring an act of God such as a snowstorm, in which case the customer must be notified of the delay.

Williams recalled that prior to moving day everything was packed, the utilities were turned off, the new owner of the house had been promised possession the day after the move, and he was due in his new job in five days. The 27th came, the family waited, but no movers showed up, he said.

Williams called the company at 4:30 p.m. and was told a van could not be located, and no new date could be given. Williams, pressed to move out before the new owner moved in, hired his own rental truck the next day and moved himself.

"We never heard a word from Mayflower; they didn't say they're sorry," he said. "We wrote to the ICC, which sent us a nice letter saying we could hire our own lawyer," Williams said.

Michael C. Russ, a lawyer, charged in his complaint that representatives of Mayflower purposely promised pickup dates of last June 24, 25, or 26 knowing that the dates could not be met.

Russ, who moved from McLean to Atlanta, says he had made intricate arrangements based on these dates and called the local agent several times to make sure there would be no hitch; each time he was assured there would be none, he said.

He or his wife spent the three days waiting in their apartment for the movers, who never came, he said. Russ said another lawyer in his firm called an assistant vice president of Mayflower to complain and was told the company knew prior to the middle of the week of June 7 that it would be "impossible" to pick up his goods before July 5—10 days after the latest date he had been promised and seven days after the new tenants were to move into the apartment.

Russ finally hired another mover, he said the ICC's response to his complaint was that such a set of facts would be a violation of its regulations.

A Mayflower spokesman in Washington said the company relies on the American Movers Conference to state its position on complaints.

The ICC said Russ' complaint has been filed for possible use in a future prosecution. A hundred or more such complaints may pile up before a company is prosecuted, the ICC said, and then the action is usually based on only one or two of them.

Russ asserts the abuses continue because the companies know nothing will happen to them. He said that although he is a lawyer, it would be futile for him to sue.

"The guy who gets ripped off is the individual who moves once in his lifetime, and the companies couldn't care less if he comes back," Russ said.

ICC officials acknowledge that because nearly all the companies charge the same rates, some try to compete for business by giving unreasonably low estimates. Consumers who are unaware that they will pay the same amount regardless of the company they choose, tend to hire the one with the lowest estimate, they said.

Timothy W. Drescher's complaint is typical. Bekins Moving & Storage's local agent estimated his move from Venice, Calif., to Chicago, where he is dean of Columbia College, at $625, he said. The actual charge was $1,200.

The ICC wrote to Drescher that Bekins must charge by weight and cannot adhere to estimates, he said.

Ken Jai said he hired Bekins for his move from Downey, Calif., to Beaumont, Tex., after he got estimates ranging from $689 to $726 from Bekins and two other companies. The actual charge, he said, was $926.

Further, said Jai, the owner of an oil refinery service company, some $1,400 in new furniture was damaged, and the claim has yet to be paid by Bekins some six months later. The ICC says it has no jurisdiction over damage claims.

"If I ever move again," he said, "I would rather give the furniture away or burn it. I would never hire a mover again."

Laurence Kressel, a Portland State University professor, said the estimate he received from a local agent for Lyon Van Lines when he moved from New York City to Portland, Ore., was off by nearly 100 per cent, and he said the bill he was given turned out to overstate the weight of his shipment by 590 pounds.

Kressel believes the extra weight resulted from someone else's furniture being in the truck at the time his goods were weighed.

Describing his efforts to have the shipment reweighed, Kressel said, "It was the most bizarre thing I've ever been involved in. I had a run-around from the driver, who gave me the responsibility of finding the scales. We went driving around, and he said he'd charge me $8.50 an hour for the drive plus $20 for reweighing."

When the goods were being loaded in New York, he said, the movers insisted until he protested, on dropping furniture out a second floor window. His refrigerator and television set wouldn't work when he got to Portland, but Lyon refused to honor his claim on the grounds the damage was "internal," he said.

They've got you over a barrel," Kressel said. The ICC's response, he added, was that there was nothing it could do.

A similar response was given by the ICC to Michael E. Templeton, a retired executive, after a grand piano arrived with a cracked sounding board in his move from Chevy Chase to Scarsdale, N.Y., his daughter-in-law said. She said the family was "so exhausted" it finally gave up writing letters to the ICC and the mover, Bekins, and got the piano fixed for $150.

Normally the ICC requires that the full bill for a move be paid in cash before the goods are unloaded. But under the new rules, if the bill exceeds the estimate by 10 per cent or more, the ICC allows families 15 days to pay the excess amount.

However, Joseph V. Seazzola, a podiatry student, said the regulation meant nothing to his driver when he moved last December from Scottsdale, Ariz., to Cleveland Heights, Ohio.

The complaint of his wife, Jo Dina E., says the local agent for Atlas Van Lines, Inc., estimated their move at $1,100. That was before the family sold half their belongings, including a refrigerator, washer, dryer, desk, sofa, table, three chests, and two beds, she said.

Nevertheless, they were handed a bill in Ohio of $1,250. The driver refused to unload "one thing" off the truck until he was paid in full, she said. The family did not have the extra money and went "out of our minds" to get it, she said. They finally scraped it together from neighbors and gave it to the driver, she said.

"The ICC hasn't done anything," Mrs. Scazzola added.

As a further deterrent to such practices, the new ICC rules require that each over- and under-estimate of 10 per cent or more be reported to the ICC with an explanation.

Some representatives of local agents say that so long as estimators are paid commissions, they will have an incentive to mislead customers.

Local agents are independent companies that book moves, pack goods, and move them out; the national companies supply the transportation and arrange for unloading of shipments at the destination.

While saying most of the people in the business are honest, Richard R. Kaiser, an estimator with Smith Transfer & Storage Co., a Mayflower agent, said some companies will promise pickup dates they know they cannot meet.

Ed B. Darnall, an estimator with Victory Van Corp., an Allied agent, said errors in estimates of 50 per cent and more don't occur "except purposely."

Such underestimates are a tactic that "some salesmen (estimators) use to get the business," said Robert T. Bishop, an estimator with Bethesda-Chevy Chase Transfer & Storage Co., a North American Van Lines agent.

Another Allied agent, Security Storage Co. of Washington, says it has never paid commissions. Companies that do, said James Green, an estimator with the company, often "undercut just to get the job."

The ICC said it cannot disclose how many complaints it receives against each company because it doesn't break them down this way. In fact, said Sibbald, the motor carrier chief, the agency hasn't counted the exact total number of complaints since shortly after it put the new regulations into effect.

The American Movers Conference and other industry groups vigorously protested the new rules at the time, filing suit against the ICC on the grounds that some of the wording in the rules was unclear.

In a recent interview, Charles C. Coon, president of the conference, said the group actually favors the new regulations. "People think that because you go to court you're against it," he said.

Coon said that some 60 per cent of the moves in the country are made between June and September, creating a seasonal crush that is bound to generate complaints. While some complaints are legitimate, others are the fault of customers who try to take advantage of the companies or don't understand ICC regulations, he said.

Coon attributes many of the complaints to what he calls "fringe operators" who should be put out of business. These are companies who don't respond to customer complaints, knowingly set dates that can't be met, and otherwise mislead customers, he said.

Coon acknowledged, however, that most of the complaints are against the large established campanies, a situation he contends is to be "expected" because these firms handle the largest number of moves.

Congressional interest in the problems of families who move has been almost nonexistent. In recent years, no more than 5 to 10 minutes have been devoted to the subject in oversight hearings on ICC policies held by the surface transportation subcommittee of Sen. Vance Hartke's Senate Commerce Committee, legislative aides and hearing records indicate.

The reason, said Jonathan A. Rowe, author of the chapter on moving companies in Ralph Nader's study of the ICC, is that few people are aware of the seriousness of the complaints because the ICC "sticks them in their file cabinets and forgets about them."

Rowe and other consumer advocates contend an administration bill introduced last November to reduce ICC regulation of transportation industries would solve many of the problems by increasing competition.

Pearce, the former deputy general counsel to Mrs. Knauer, said the industry is potentially highly competitive; little or no capital investment is required since almost anyone can hire a truck and some laborers.

The problem, he said, is that the ICC imposes restrictions upon the formation of new interstate movers that have the effect of limiting the number of such firms to about 2,500 and further limits their operating authority, making it impossible to handle the summer crush of business.

The agency allows the companies to charge the same rates, preventing competition that would lower costs to consumers, he said. And it requires that bill be paid in cash before unloading, severely limiting consumers' chances of obtaining satisfaction on their complaints.

ICC rules require that interstate movers charge by weight of shipments. Estimates, therefore, are not binding.

The administration bill would allow rate competition below certain ceilings, Pearce said, and would permit more companies to enter the business. He said the ICC could still enforce rules to protect consumers.

ICC Chairman George M. Stafford contends the bill would lead to more chaos than now exists. Coon of the Movers Conference says it woud generate "cut-throat competition" and "the very abuses we're trying to get rid of with the new regulations."

Contends Pearce, "It would be hard to make the situation worse than it is now."

MICHIGAN COMMISSION CURBS UTILITY ADVERTISING

Mr. METCALF. Mr. President, the Michigan Public Service Commission recently issued a significant order which requires utility stockholders, rather than the customers, to pay costs of advertising related to Detroit Edison's rate case.

This order will be of interest in numerous States where utilities have burdened their customers with the cost of such advertising, in preparation for rate cases at which the customers pay for the utilities' experts but are not themselves adequately represented or financed.

This imbalance would be redressed by passage of S. 607, the utility consumers' "facts and fund" bill, upon which hearings have been completed by the Senate Subcommittee on Intergovernmental Relations, or the House companion, H.R. 7444, which is before the House Interstate and Foreign Commerce Committee.

Meanwhile, however, the Michigan decision may be of some assistance to rate case participants in other States which have not yet adopted this sensible and fair approach. It is significant to note that the Michigan commission also has decided to investigate allegations that utility ads have been "false, misleading and deceptive."

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the March 20 Bulletin of the National Association of Regulatory Utility Commissioners regarding this matter and the opinion and order of the Michigan commission in this Detroit Edison case.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MICHIGAN PSC ORDERS DETROIT EDISON STOCKHOLDERS TO PAY FOR RATE CASE ADVERTISING

The Michigan Public Service Commission has directed the Detroit Edison Company to charge the cost of advertising related to its current rate case to its stockholders.

At the same time, the PSC announced that it will hold separate hearings on allegations that the utility's ads were "false, misleading and deceptive." The Commission also directed Detroit Edison to refrain from any further advertising concerning its pending application for a $70.1 million rate increase.

The order was signed by Chairman Willis F. Ward and Commissioner Lenton G. Sculthorp. Commissioner William R. Ralls issued a separate concurring opinion.

Three intervenors in Detroit Edison's rate case—the State Attorney General, City of Detroit and UAW-Michigan CAP—filed a motion on December 14 objecting to the utility's ads and so-called "lobbying" activities.

They asked that hearings on the main rate case be adjourned indefinitely on the grounds the ads reduce public participation in the hearings of Detroit Edison's proposed rate increase. They also requested the utility be directed to publish corrective advertisements.

The Commission upheld Chief Hearing Examiner Alfred A. Sullivan's decision to continue hearings on the main rate case. Sullivan ruled the ads, which cost approximately $25,000, and the alleged lobbying activities had not "precluded a fair and impartial hearing" on the rate case.

The so-called lobbying activities involved contacts Detroit Edison made with municipalities in its service area to discuss proposed increases in street-lighting rates. Detroit Edison said it made the contacts because it had been criticized in a previous rate case for failing to provide such information to municipalities prior to establishing new rates.

Ralls said he agreed with Ward and Sculthorp that "there is no justification for allowing as an operating expense—to be borne by the ratepayer—the costs of advertising to promote an increase in rates."

"I firmly believe that neither Edison nor any other utility involved in a rate case before this Commission should be allowed to pass on to its customers the cost of advertising the need to increase their rates," Ralls said.

"However, I think the question of whether or not Edison's advertisements were inaccurate should be decided immediately as part of the pending rate case rather than being made a separate case. If the Commission should find there were in any way inaccuracies in the advertising, a corrective disclosure order of the Commission to be effective must be issued prior to the conclusion of the rate case."

The Commission said it hopes the hearings on Detroit Edison's advertisements will enable it to develop rules and regulations or a statement of policy "which would, in the future, hopefully eliminate the occasion for such controversy" regarding rate case advertising by utilities.

(Case No. U–3910)

STATE OF MICHIGAN, BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

(In the matter of the application of the Detroit Edison Co. for authority to amend its rate schedules governing the supply of electric energy)

OPINION OF COMMISSIONER WILLIAM R. RALLS CONCURRING IN PART

(Submitted on February 21, 1972 regarding the opinion and order issued on the same date)

I agree with my fellow Commissioners in ordering that the costs incurred by The Detroit Edison Company for advertising concerning its pending rate case be disallowed in calculating its cost of service in this rate case. There is no justification for allowing as an operating expense—to be borne by the ratepayer—the costs of advertising to promote an increase in rates. I firmly believe that neither Edison nor any other utility involved in a rate case before this Commission should be allowed to pass on to its customers the cost of advertising the need to increase their rates.

There are many other important issues raised in this matter which my fellow Commissioners agree must be decided by the Commission for guidance of parties in the future. However, I think the question of whether or not Edison's advertisements were inaccurate should be decided immediately and as part of the pending rate case rather than being made a separate case. If the Commission should find that there were in any way inaccuracies in the advertising, a corrective disclosure order of the Commission, to be effective, must be issued prior to the conclusion of the rate case.

Edison, through its advertisments, has spoken out directly on the merits of its rate application, a subject of vital interest and concern to it and the public. It contends that it has the right to do so under the First Amendment of the Constitution.

Certain intervenors have questioned both the propriety and accuracy of the statements made by Edison in its advertisements and contend the advertisements have reduced public participation in the hearings on Edison's proposed rate increase.

One thing is clear: It is the responsibility of this Commission to regulate and control the rate proceedings under the mandate from the Legislature. This Commission, by the very title of the law creating it, is to "regulate and control public utilities and other services affected with a public interest within this state." Under Section 6 of the public service act, the Commission is "vested with complete power and jurisdiction . . . to regulate all rates . . . and all matters pertaining to the formation, operation or direction of such utilities." (M.C.L.A. 460.6)

It is the responsibility of the Commission to maintain meaningful and effective procedures to assure public participation in and understanding of rate cases. This Commission has encouraged such public participation in and understanding of the Edison rate case through publication of a notice announcing the utility's application for a rate increase in newspapers of general circulation, through special public hearings in Detroit at the start of these rate proceedings and through the placement of copies of the official transcript of these rate proceedings in local public libraries in Edison's service area. This is in the interest of both the shareholders and customers of this utility, and could be defeated through inaccurate advertising.

Therefore, any allegation that Edison's advertisements explaining the merits of its application were in any way inaccurate should be determined immediately and as part of the rate case. If the allegations are untrue, then we should so tell the public. If they are not, then a corrective disclosure order should be issued prior to the conclusion of the rate case in order to remedy any misimpressions of the public from the advertising. "A cease and desist order which commands the respondent only to 'go, and sin no more' simply allows every violator a free bite at the apple." 85 Harvard Law Review 477, at 482–83 (1971). In any event, I hope the decision in the separate complaint case now ordered is reached before the rate case is concluded.

(Case No. U–3910)

STATE OF MICHIGAN, BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

(In the matter of the application of the Detroit Edison Co. for authority to amend its rate schedules governing the supply of electric energy)

At a session of the Michigan Public Service Commission held at its offices in the city of Lansing, Michigan, on the 21st day of February, 1972.

Present: Hon. Willis F. Ward, Chairman; Hon. Lenton G. Sculthorp, Commissioner; Hon. William R. Ralls, Commissioner.

OPINION AND ORDER

On December 14, 1971, the Attorney General, the City of Detroit and the UAW–Michigan CAP (Movants) jointly filed a Motion Re Detroit Edison Rate Case Advertising and Lobbying (Motion), objecting to certain advertising and so-called "lobbying" activities by The Detroit Edison Company (Applicant) concerning its pending rate application On December 29, 1971, pursuant to an Application For Order To Serve Interrogatories filed On December 21, 1971, by Movants, this Commission issued its Order for Interrogatories and Notice of Hearing, scheduling a hearing on the Motion for January 10, 1972. On December 17, 1971, Movants filed their Brief in Support of Motion Re Detroit Edison Rate Case Advertising and Lobbying and on January 7, 1972, Movants filed a Supplemental Brief in Support of Corrective Advertising. Also on January 7, 1972, Applicant filed its Answers, Objections and Responses to Interrogatories to The Detroit Edison Company together with a Motion for Hearing of Objections to Interrogatories. On January 10, 1972, Applicant filed Answer to Motion Re Advertising and Lobbying and Brief in Opposition to Motion for Continuance of Proceedings.

Hearing was held on the Motion on January 10, 1972, before Chief Hearings Examiner Alfred A. Sullivan and Chairman Willis F. Ward. At that time, Applicant's objection to Interrogatory No. 5 was sustained as was a portion of Interrogatory No. 8. Further answer was ordered on Interrogatory No. 19, and the objection to Interrogatory No. 23 was sustained. It was agreed between the parties that further answers to the Interrogatories would be made by Applicant in several instances where there existed misunderstanding either as to the interrogatory or the answer thereto.

Subsequent to the hearing held January 10, 1972, Applicant filed Supplemental Answers and Responses to Interrogatories on January 12, 1972; Second Supplemental Answers and Responses to Interrogatories on January 14, 1972; and Third Supplemental Answers and Responses to Interrogatories on January 17, 1972. Also on January 17, 1972, the City of Grosse Pointe Park filed its Brief in Support of Motion Re Detroit Edison Rate Case Advertising and Lobbying.

On January 10, 1972, and on at least three subsequent dates, counsel for Movants and Applicant, and their consultants, have met in an attempt to settle the matters raised by the Motion by negotiation and settlement. At one time, counsel for one of the Movants stated, on the record, that he was optimistic regarding the resolution of most of the advertising issues (T 1848). However, as a result of the most recent conference, which the Commission believes was held on January 26, 1972, it appears that the parties are not now as close to an amicable resolution of the issues as they apparently once were. These conferences, some held with, and some without, the participation of the Chief Hearings Examiner, have proceeded during the conduct of the hearings on the application of Applicant for authority to amend its rate schedules governing the supply of electric energy and without delaying those hearings, the Chief Hearings Examiner having denied motions for continuances of the rate hearings as requested in paragraph "G" of the "Relief Requested" section of Movants' Motion (T 2121, 2210).

With respect to the motions for continuances or adjournments, the main thrust of Movants' argument is that the advertising and lobbying activities deprive the ratepayer of a fair hearing.

Movants' further claim that to continue the hearings in the rate case would be a denial of due process, citing *Certain-teed Products Corp* v *Paris Township* (1958), 351 Mich 434, at page 14 of Movants' Brief. That case involved the decision by an administrative body ". . . under the impact of a completely committed audience re-action . . ." In the present case, the record discloses that, both at the hearings held in Detroit and at those held in Lansing, the audience, measured by those making public statements, has been heavily opposed to the rate increase sought. Of those making statements for the record, only one person fully supported Applicant's request for revenue relief and even that witness was critical of some aspects of Applicant's operations. One or two letters have been placed in the file supporting Applicant in contrast to the many letters and appearances in opposition. The record discloses the occurrence of no outbursts, protests or activities that could be said to have improperly influenced either the Commission or its Chief Hearings Examiner.

Applicant has conceded on the record of the rate case that the advertising expenses objected to should not be charged to the ratepayers. A witness for the Commission Staff has made an adjustment to eliminate $22,000 of advertising expense involved in the May, 1971, ad (T 1957, Exhibit S–21). It appears from Applicant's answer to Interrogatory No. 14 that this adjustment for the test year should be approximately $25,700. Whatever the correct figure, there appears to be no issue regarding the treatment of these expenses in the rate case.

Movants further objected to Applicant's conference with security analysts from New York and elsewhere, and the inclusion in cost-of-service accounts of the expenses connected therewith which were shown to be $2,321.77, in accordance with answer to Interrogatory No. 15. Inasmuch as these expenses occurred outside the test year, no adjustment is necessary in the rate case.

Movants further objected to Applicant's activities in contacting municipalities and public officials and characterized the expenses of such contacts as lobbying expense. Supplemental Response to Interrogatory No. 19 estimated this expense at $2,560 but it is claimed by Applicant that the contacts in many cases covered other subjects beside the rate case. In any event, the estimated expense is rather small, and it certainly appears that such contacts with municipalities did not deter municipalities from objecting to Applicant's case, especially as to the municipal street-lighting rates, inasmuch as the majority of the Intervenors in the rate case, which now total approximately 40, are cities, townships or villages opposing what they believe to be excessive proposed increases in street-lighting rates. Applicant has contended that it made contact with each municipality and supplied rate-case information for the reason that it was subjected to criticism in a prior case for failing to provide all such information prior to the setting of the new rates. Without determining the propriety of Applicant's contacts with the municipalities, it seems abundantly clear on the record that the Intervenors opposing increased street-lighting rates are fully represented. Therefore, these alleged lobbying activities do not justify a continuance or adjournment of the rate-case hearings, nor can such activities be said to have precluded a fair and impartial hearing.

Count II of the Motion refers to the Canons of Professional Ethics published by the Supreme Court of the State of Michigan. If there has been violation of the cited canon, that is a matter for the State Bar of Michigan and the Michigan Supreme Court, not this Commission. If the canons apply to attorneys and clients alike, such expanded application must be made clear by the Supreme Court.

Movants also seek to have the Commission order Applicant to cease and desist from further advertising and also to publish corrective advertisements.

There are many issues raised by Movants' Motion and Applicant's Answer thereto which should be considered by the Commission. Among these issues are the following:

1. May an applicant in a rate case pending before this Commission publish or advertise its position at ratepayers' expense?

2. If not, may it do so at its shareholders' expense?

3. To what extent are the constitutional rights of free speech and the free press impaired by any regulations or restraints that might be imposed by the Commission upon

such an applicant and whether, in fact, such rights are impaired?

4. Should the Commission establish detailed regulations regarding the accounting treatment and maintenance of records regarding expenses incurred by an applicant in rate-case advertising, conferences with security analysts and contacts with municipal and other public officials as referred to in Movants' Motion?

5. May the Commission order the payment of fees, expenses and costs incurred by Movants?

6. Were the advertisements complained of in Movants' Motion false, misleading and/or deceptive in the representations made therein to the public?

7. Is corrective advertising an appropriate and proper remedy for this Commission to order?

Since the issues cited above have not been heretofore decided by this Commission and these issues are appropriate for consideration by the Commission, it appears that the appropriate proceeding would be to treat the Motion as a formal complaint under Rule 22 of the Commission's Rules of Practice and Procedure and to assign to that complaint a docket number separate from Applicant's rate case. This practice was followed in the recent Michigan Bell Telephone Company case involving a similar motion, which case, as separately docketed under Case No. U–3986, was finally resolved by stipulation and corrective advertising.

Movants have submitted an extensive Brief as well as a Supplemental Brief in support of their Motion, and Applicant has filed a brief in opposition thereto. Part III of Movants' Brief recognizes that a continuance is within the discretion of the Commission and/or its Examiners.

Earlier continuances in this rate case were granted by the Chief Hearings Examiner over strenuous objections by Applicant, and at that time the Chief Hearings Examiner, as is disclosed by the record, made very explicit statements that further continuances would be granted only upon the strongest showing, in accordance with Michigan General Court Rule 503.1, which establishes a policy encouraging the diligent preparation and trial of contested matters. It would appear to be the most appropriate procedure to continue the orderly and timely hearing of Applicant's rate case without delaying that case by the issues raised in the Movants' Motion. Since neither the Chief Hearings Examiner, nor the Commission, have been, nor should be, influenced by the advertising and other activities complained of, the hearing on the rate case can continue in an impartial atmosphere to decision on the evidence in the record. At the same time, full opportunity for consideration of the issues raised by the Movants' Motion is given by considering those issues separately. Out of those separate proceedings may come Commission rules and regulations and/or a statement of policy by the Commission which would, in the future, hopefully eliminate the occasion for such controversy.

The Commission has reviewed the evidence submitted in this case to date, has read the record thereof, and has given careful consideration to all the issues involved in this order.

The Commission finds that:

a. Jurisdiction is pursuant to the provisions of Section 1, 2, 6, 7 and 8 of 106 PA 1909, as amended (MCLA 460.551 et seq.); 300 PA 1909, as amended (MCLA 462.2 et seq.); 3 PA 1939, as amended (MCLA 406.1 et seq.); Sections 3 and 4 of 419 PA 1919, as amended (MCLA 460.5 et seq.); Chapter 4 of 306 PA 1969, as amended (MCLA 24.201 et seq.); and the Commission's Rules of Practice and Procedure, 1954 Administrative Code, Supplement No. 54, R 460.11, et seq.

b. The action of this Commission's Chief Hearings Examiner in denying Movants' motions for continuance in the rate case were a proper exercise of the Examiner's discretion.

c. The expenses of Applicant during the test year involved in the advertising in question should be eliminated from the cost of service in the rate case.

d. The expenses of Applicant during the test year involved in contacting municipalities and public officials should not be eliminated from the cost of service, pending a hearing on the Movants' Motion as a separate complaint.

e. Applicant should be restrained from any further advertising in regard to the rate case, pending the decision on the Motion as a separate complaint and the rate case.

f. A decision should be made by the Commission on the seven issues raised in this matter as set forth previously in this order.

g. It is in the public interest that the Commission decide the issues herein involved, separate and apart from the issues involved in the rate case.

h. The advertisements, of which complaint is made in Movants' Motion, have not affected or tainted the atmosphere of the rate case, and the hearings on the rate case can continue in an impartial atmosphere to decision on the evidence in the record.

i. Neither this Commission, nor its Chief Hearings Examiner, have been prejudicially affected by the advertising in question.

Therefore, it is ordered:

A. The Detroit Edison Company shall cease and desist from any further advertising related to, or concerning, the presently pending rate case until after the Commission has issued its final order in that case.

B. The expenses of The Detroit Edison Company for the advertising related to, or concerning, the presently pending rate case shall be eliminated, by appropriate adjustment, from the test-year expenses used in calculating cost of service.

C. The Motion Re Detroit Edison Rate Case Advertising and Lobbying filed December 14, 1971, in Case No. U–3910, together with all supplementary pleadings and materials relating thereto, shall be removed from the file in Case No. U–3910 and entered in a separately numbered docket file as a formal complaint under Rule 22 of this Commission's Rules of Practice and Procedure.

D. The Answer of Applicant to Motion Re Advertising and Lobbying filed by The Detroit Edison Company on January 10, 1972, shall be considered as an answer to the formal complaint according to the Commission's Rules of Practice and Procedure and the issues shall be considered as having been joined.

E. Notice of Hearing on the formal complaint shall be issued by the Secretary of the Commission, setting a time for hearing as soon as possible, consistent with the state of the Commission's calendar.

The Commission specifically reserves jurisdiction of the matters herein contained and the authority to issue such further order or orders as the facts and circumstances may require.

NATIONAL GRANGE RESOLUTION ON GUN LAWS

Mr. STEVENS. Mr. President, at the 105th annual session of the National Grange held in Charleston, W. Va., on November 8–16, 1971, a number of resolutions were adopted as the basis for National Grange policy for 1972 by the delegate body of the National Grange. These were on various subjects, a great number of which are of significant importance and general interest. One in particular is of particular concern to a large number of people across the country. This was the Grange resolution on gun laws. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

It is hereby resolved, that the National Grange oppose legislation that prohibits or restricts ownership of weapons as guaranteed by the second amendment to the Constitution of the United States, and

Be it further resolved, that we go on record as opposing laws which restrict, in any way, the rights of citizens to own a gun, buy ammunition for it and use it to defend himself and his home.

THE POLITICAL POWER OF CORPORATIONS

Mr. HARRIS. Mr. President, on March 26, 1972, Morton Mintz, noted investigative reporter of the Washington Post and coauthor of the best seller "America, Inc.," appeared on the television show "Comment." He discussed the problem of corporate power which finally is becoming a subject of political debate in this country.

Mr. Mintz put his finger on the real issue behind the ITT scandal and others that resemble it. That issue is the power of corporations to receive more favorable treatment under the law than ordinary people. With their money and influence they are able to corrupt our political and judicial system. If an ordinary citizen breaks a law, he is thrown in jail. If the giant auto companies conspire—as they admit they did—to suppress antipollution devices and thus to poison our air, the executives who made these immoral and unlawful decisions are not punished. The Government only makes them promise not to break the law again.

We must be fair about this issue. As Mr. Mintz points out, ITT is not unique nor is this administration. The power of big business intimidates all administrations, Democratic or Republican. But this has to stop if we wish to ask people to believe in the fairness and impartiality of our laws.

It is time for the country to begin to address itself to the vital issues involved in the political and economic power of giant corporations. In early 1972 Senator HART's Subcommittee on Antitrust held hearings on these issues. Press attention was minimal although his hearings will probably have more impact on the quality of life in this country than almost anything else Congress does.

If nothing else, I hope that the ITT scandal will cause the country to understand the extremely important work which Senator HART is attempting. I hope that he can receive full support in both the Congress and among the public as his hearings resume. Certainly no one more fair and thoughtful could be chosen to carry out these hearings.

Mr. President, I ask unanimous consent that the statement by Mr. Mintz be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

MORTON MINTZ STATEMENT ON "COMMENT"

The late George Orwell told us, in "Animal Farm," that all animals are equal, but that some animals are more equal than others. The International Telephone and Telegraph case tells us that all persons are equal, but that corporate persons are more equal than human persons.

If you visit the White House you do so as a tourist. You see the Blue Room and the Green Room. If you are Harold Geneen, president of ITT, you go to the White House to see Peter Flanigan, a top aide to Mr. Nixon; and while you are in town, you see the Secretaries of Commerce and Treasury and the Attorney General. And what you talk about is not the antiques but anti-trust matters affecting ITT.

Harold Geneen comes to Washington as the sovereign of a private government—one of many that often seem to rule the public government. His company in 1970, took in almost $7 billion and had more than 390,000 employees around the world. It owned at least half the stock in 330 corporations that had 700 subsidiaries of their own—and had the power to make or withhold political contributions and other favors commensurate with its size.

ITT isn't unique, and neither is this Administration. A Democratic Justice Department, almost ten years ago, started an investigation of anti-competitive practices by the huge Colonial Pipeline Company; today a Republican Justice Department claims to be continuing the same investigation—and can't predict when, if ever, it will end.

The department filed an anti-monopoly suit against IBM. Three years have gone by, but the suit seems to have gone nowhere. IBM's Arthur Watson, who gave the Republicans $49,000 in 1968, has gone to France, as our Ambassador.

The department sued the auto industry for conspiring to suppress the development and installation of pollution controls. We'll never do that in the future, the industry promised—and it got off. Would you get off if you had been caught conspiring to poison the air?

In the coal mines, accidents, many of them preventable, have killed hundreds of thousands of men. To enforce mine-safety standards this Administration saw fit to pick a GOP fundraiser and former lobbyist for the Iowa Association of Coin-Operated Laundries. Why? Ask the coal companies.

Richard McLaren, the antitrust chief until last month, once told a Senate committee that a bill to permit price-fixing and profit-pooling by jointly operated morning and evening newspapers in 22 cities would entrench "absolute monopoly." The head of a newspaper chain then visited the President, after which Mr. Nixon endorsed the bill, repudiating Mr. McLaren.

It may strike you as odd, or worse, that in the eyes of the law you and a corporation as large as ITT are each a "person." This notion took hold after the Civil War when the Fourteenth Amendment was ratified. Its purpose was to give the newly freed slaves the same protections of life, liberty, and property afforded whites. The amendment speaks of "persons born or naturalized in the United States." It says no state shall "deprive any person of life, liberty, or property without due process of law." Incredibly, a business-oriented Supreme Court began a century ago, to distort the amendment to declare that corporations are "persons," so as to remove them from regulation by the states. This mocks the aspiration of "Equal Justice Under Law." The law can inflict capital punishment on a human person who has a life to lose; it can inflict only punishment of capital on a corporation that is not flesh or blood.

You may recall the oil well blowout in the Santa Barbara Channel in California in 1969. The District Attorney charged four giant oil companies with criminal pollution. Last January each pleaded guilty to one count. A judge dismissed the remaining 342 counts, said the companies had "suffered sufficiently" because they had paid tens of thousands of dollars in damages, and fined each corporation $500. At about the same time in Ohio five men who had been confined for a total of 153 years in a state hospital for the criminally insane came before another judge. He released them after finding they had never been convicted of a crime, and their psychiatrists found them sane.

It is less than "sane" to say that a corporation is a "person," because it makes most all of us—men and women, black and white, poor and middle-class—second-class citizens. "All men are created equal," the Founding Fathers said. No man or woman is created equal to ITT.

The human beings with real problems, Senator Philip Hart once said, haven't the money to get to the airport, let alone to Washington. Even if they could get here, they probably couldn't get to see the men at the centers of power. The Senator was not talking about Harold Geneen of ITT.

THE WASHINGTON CATHEDRAL

Mr. MATHIAS. Mr. President, the spires of the Washington Cathedral, rising on Mount St. Alban over this Capital City, are an inspiration to all of us. The gothic beauty of this church, under construction for 65 years, is a monument to the foresight of those who planned it.

Under the leadership of the dean of the cathedral, the Very Reverend Francis B. Sayre, and the superintending architect, James B. Godwin, a program is underway to complete the nave and narthex of this massive project in time for the Nation's bicentennial celebration in 1976.

Mr. President, I ask unanimous consent to have printed in the Record, an editorial from the Washington Post noting the appointment of Mr. Godwin to the post of superintending architect and the significance of the construction of this 20th-century cathedral.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Washington Cathedral

Officially known as The Cathedral Church of Saint Peter and Saint Paul and the sixth largest church in the world, has a new Superintending Architect. He is James B. Godwin, who was born and raised in Columbus, Georgia, has designed a number of churches and chapels in the Gothic style and looks and talks as we imagine a medieval stone mason might have. Mr. Godwin has been busy since last December preparing the final working drawings for the Cathedral, which has been under construction since 1907, so that any competent architect, expert in Gothic or not, can supervise its completion.

Mr. Godwin is the fourth architect on the job. The initial plans were drawn up by Dr. George F. Bodley, the foremost exponent of English Gothic in modern times. He died before construction began and Henry Vaughan of Boston took over. World War I interrupted the work which, since 1921, was continued by Philip H. Frohman. Still the Cathedral Architect in title, Mr. Frohman, who is now 85, had to relinquish his daily responsibilities.

Mr. Godwin is Heaven-bent to complete the interior of the Cathedral, that is the entire nave and narthex complex, in time for the nation's bicentennial celebration in 1976. The west portal with its two flanking towers, that will resemble Canterbury Cathedral in England, are to bring the building to completion in 12 years. Like his predecessors, Godwin will make the building faithfully Gothic, not just in appearance but also in its method of stone construction, making concessions to modern concrete and steel only to assure greater permanence and fire resistance. Like the Cathedral's Dean, the Very Rev. Francis B. Sayre, he sees Gothic architecture not as an anachronism but as the most perfect expression of the spirit of Christianity. "If we had gone 'modern' when we started this building at the turn of the century," the Dean said recently, "it would look pretty antique now, don't you think?" We are afraid he has a point. And he is right, too, when he points out that the Washington Cathedral, whose central tower, atop Mount St. Alban, rises even above the Washington Monument, has long since become a magnet "even for the long-haired kids who come simply becaue it is so beautiful and because it says something that they are feeling deep down inside them today."

FOREIGN TRADE AND INVESTMENT

Mr. INOUYE. Mr. President, the issue of foreign trade and investment promises to generate one of the most heated controversies of the current Congress. In the face of a massive payments deficit and the first merchandise deficit since 1893, it is perfectly understandable that the economic policies which contributed to this situation should be questioned. This reaction is even more comprehensible when we also scan the sorry statistics which only recently showed massive unemployment, near stagnant economic growth and inflation.

Our Nation has compiled a dismaying record since those years in the mid-1960's, when we earned enormous trade surpluses and possessed a rapidly expanding economy. One byproduct of this deterioration of our economy has been a massive attack on the American multinational corporation. Recently legislation has been introduced to restrict seriously the ability of these corporations to compete effectively abroad.

S. 2592, the so-called Burke-Hartke bill, while seemingly logical in its attempts to protect domestic American producers, jobs, and markets, would actually aggravate our balance-of-payments problem. Moreover, by restricting competition, it would make the American economy even less efficient and competitive than it is now. The cost of these restrictions would be borne by the American consumer, who would be paying more for a limited selection of goods. The fallacies of the arguments underlying the Burke-Hartke bill are exposed well in an article by former Gov. Orville Freeman that appeared in the New York Times on March 5, 1972.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Freeman Terms Arguments Not True

(By Orville L. Freeman)

Does foreign investment by American companies threaten the jobs of American workers?

There is an undeniable appeal to the argument that if United States business would only keep its money at home instead of spending it to build factories in other countries, new jobs would be created for American workers and most of our economic problems would be solved.

That was a key argument in Senator Hartke's article (Feb. 27) in support of the bill he has sponsored with Representative Burke to limit United States business investment abroad, control the export of American technology, and place quotas on imports from America's world trading partners.

The rallying cry of those supporting the Senator's position is that "foreign investment exports jobs."

The trouble with this argument is that, while it may sound logical, it simply is not true. It is an emotional catch-phrase whose validity has never been established by any serious research or study. Most of the arguments advanced to promote other aspects of the bill are equally lacking in hard facts.

On the contrary, there is a large body of evidence available which clearly indicates that foreign investment actually creates jobs at home and has other strengthening effects on the United States economy.

A number of objective studies to determine the domestic effects of overseas investment have recently been made public. The most exhaustive of these was conducted by Business International, an independent research and business advisory organization, whose study covered detailed interviews with 86 multinational American firms with annual sales of $85-billion. The study proves rather conclusively that the more money a company invests overseas, the greater its domestic rate of growth in exports and employment.

In one aspect of our study, we grouped all the companies into four categories according to their level of foreign investment (related to United States investment)—the first category very high, the last very low. To eliminate bias, a company's size was not a factor in making the groupings. The study shows that companies in the top group had by far the largest increases in exports in the period covered, the 1960–70 decade. Specifically, these firms had 1960 exports of $777-million, and 1970 exports of $2.84-billion, an increase of 266 per cent. Companies in the lowest group increased their exports by only 161 per cent. The intermediate categories showed intermediate growth percentages.

The study also shows that the rate of employment growth in the United States by large investors in overseas facilities was more than twice as high as the nation as a whole.

To say, as Senator Hartke does, that foreign investment (i.e., foreign manufacturing plants) export jobs is to say that these plants are producing goods that would otherwise have been produced in the United States, either for domestic consumption, or for export overseas.

The facts say otherwise. With the exception of automobiles produced in Canada, imports from United States-owned plants are presently only 2.4 per cent of all imports. And this is limited largely to office equipment and consumer electronics, The reason many American companies established overseas plants in the first place was to enable them to gain new markets or retain markets that otherwise would have been lost to foreign competition.

If we listen only to the critics of foreign investment, we might get the idea that the efforts of American companies to obtain their fair share of the world's markets are detrimental to the United States economy and do not return any benefits. What is overlooked, or perhaps not even known, is that earnings from foreign operations play a substantial role in the balance sheets of many American companies. This is true in just about any industry you can name.

In 1970, for example, 42.8 per cent of Goodyear's net income came from foreign earnings. Comparable figures, taken at random, for other well-known corporate names include Polaroid, 16.3 per cent; Otis elevator, 35 per cent; Gillette, 49.6 per cent; National Cash Register, 50.9 per cent; Kimberly-Clark, 26.2 per cent.

If American companies were deprived of their foreign earnings, the effect on our economy would be devastating. Many companies might not be able to survive. In order to be able to keep operating, many would be forced to increase prices, triggering sales resistance that would start a downward spiral. The effect on the stock market can easily be imagined, not to mention employment and personal income.

Supporters of the Hartke-Burke bill seem to suggest that investment abroad somehow precludes investment at home—that if you invest overseas you automatically reduce or forgo domestic investment. This is another fallacy, contradicted by Business International's investment and trade study, which shows that the firms that have been expanding their overseas operations at a rapid rate are generally the same ones expanding most rapidly at home.

Furthermore, policy makers should be aware that American companies get only about one-seventh of their capital for overseas investment from domestic sources. Better than 80 per cent of the financing comes from foreign investors. One thing is certain: the establishment of overseas facilities does not inhibit domestic investment. Neither does it add to our balance-of-payments deficit.

As a matter of fact, quite the reverse is true. The largest single "inflow" item in the United States balance-of-payments picture is our dollar income from foreign investments. To curtail or cut off this income would have a most damaging effect on our economy, which would be felt in as little as two to four years. Such a step just doesn't make sense.

Another aim of the bill is to use taxes as a weapon to punish American investors abroad: foreign earnings would be taxed on a current basis, rather than after they are remitted to the United States.

This would be a crushing blow to American companies by pricing them right out of foreign markets. Since their overseas plants are not replacing American labor, and they are generating earnings in competition with foreign companies, one wonders what the purpose of such a punitive action might be.

Senator Hartke also alleges that American workers are hurt by the export of American technology. No sources or evidence for this claim are offered, and to the best of our knowledge, no study on this subject has ever been undertaken. As a practical matter, it is hard to visualize how any effective way could be developed to prevent the export of technology.

We export technology every time we export a product. American companies seem to have little trouble learning each other's techniques and processes, and foreign companies would have just as little. The world of science is nourished by the exchange of ideas and information through books, periodicals, meetings and other forums.

Finally, we get to the subject of quotas and other import restrictions. And here, it may be helpful to get down to basics and remind ourselves what foreign trade is really all about.

Countries simply wouldn't trade with each other if such trade didn't help both of them. The purpose of international trade is to raise the real income and the standard of living of the people in both countries involved. By erecting barriers against the free flow of goods, quotas undermine this objective. Quotas increase prices and play a basic role in generating inflation, which in turn is a major cause of trade deficits. More quotas are demanded for protection, and the vicious spiral grows.

EXEMPTION OF SOFT DRINK INDUSTRY FROM ANTITRUST LAWS

Mr. HARRIS. Mr. President, I am increasingly concerned about the massive lobbying campaign undertaken by the soft drink industry in an effort to obtain an exemption from the antitrust laws. On February 16, 1972, I placed a statement in the Record calling attention of my colleagues to this effort. At that time I described the way Coca-Cola and other big soft drink companies, together with their local bottlers, have reached into every State and every congressional district in their drive for special immunity from the law.

Since then more disturbing evidence of this lobbying campaign has come to my attention. Specifically, I wrote to Acting Attorney General Richard Kleindienst a week ago asking him to investigate the National Soft Drink Association, the Coca-Cola Bottlers' Association, and Mr. Earl Kintner, former chairman of the Federal Trade Commission and now lobbyist for the soft drink industry, for failure to register as lobbyists under the Lobby Regulation Act of 1946. I ask unanimous consent that my letter to Mr. Kleindienst, as well as additional material related to it, be printed in the Record at the conclusion of my remarks.

In addition I have obtained material prepared by the Coca-Cola Bottlers' Association indicating that that organization has set up a "franchise defense fund" to finance its efforts to avoid obeying the antitrust laws. According to a memo dated February 21, 1972, from its executive director, $222,000 was collected for this war chest in 1971 from Coca-Cola bottlers alone. I ask unanimous consent that this memo be printed in the Record at the conclusion of my remarks.

Mr. President, I also ask unanimous consent to have printed in the Record several other memos and materials sent out by the Coca-Cola Bottlers' Association and the National Soft Drink Association. I call the attention of Senators particularly to a memo dated September 3, 1971, from Mr. Douglas A. Taylor, president of the Coca-Cola Bottlers' Association. In explaining why the directors of the association decided to assess each bottler a certain amount to finance its lobbying effort, he said:

> One of the primary reasons the Board decided to raise this fund by assessment rather than liquidating some of its assets was the fact that *the dividend income from the accumulated surplus* represents substantial income to the Association. In fact, it *is now at a level exceeding the revenue received from dues*. This is one of the reasons there has been no increase in the Association's modest dues scale in sixteen years. *The Association's reserve in the stock of the Coca-Cola Company is looked upon by many as a capital endowment* which we should not begin to deplete. (italics mine)

I point this out to indicate that the bottlers' association does not have an armslength relationship with the Coca-Cola Co., to say the least. In fact, the interests of the bottlers' association, representing the local franchise holders, and the Coca-Cola Co.. the franchiser that manufactures the sirup, are essentially the same, especially on this issue.

There being no objection, the items were ordered to be printed in the RECORD, as follow:

U.S. SENATE,
Washington, D.C., March 9, 1972.

Hon. RICHARD G. KLEINDIENST,
Acting Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: It has been brought to my attention recently that there have been several apparent violations of the Lobby Regulation Act of 1946. The persons or groups involved include Mr. Earl Kintner, former Chairman of the Federal Trade Commission and now a partner in the Washington law firm of Arent, Fox, Kintner, Plotkin, and Kahn; Mr. Thomas Baker, Executive Vice President of the National Soft Drink Association of Washington, D.C.; and the Coca-Cola Bottlers' Association of Atlanta, Georgia.

In order to substantiate a charge of this nature, it must be established that these parties are actually engaged in lobbying activities, that these activities are a major function of the individual or association involved, and that during the time of the lobbying effort the parties were not registered as lobbyists with the Clerk of the House and the Secretary of the Senate.

The facts in each of these situations appear to be sufficient to justify investigations into the cases.

It is clear that Mr. Kintner has been lobbying here in Washington. Mr. Kintner was in direct contact with Members of Congress prior to the introduction of legislation to exempt the soft drink industry from certain parts of the antitrust laws. The House bill, H.R. 12261, was introduced on December 13, 1971, and the Senate bill, S. 3040, introduced on January 20, 1972. These bills are identical to a draft circulated last year by the soft drink bottlers (see attachment). While engaged in these activities, neither Mr. Kintner nor his law firm were registered as lobbyists. Perhaps the most conclusive evidence of the lobbying effort is a concession made by Mr. Kintner on January 22, 1972, when he was quoted in the *Washington Post* as saying, "We are indeed trying to . . . secure legislation" for the benefit of his client, the National Soft Drink Association.

Arent, Fox, Kintner, Plotkin and Kahn finally did register with the Secretary of the Senate (although not with the Clerk of the House) on January 24, 1972, two days after I after I called public attention to Mr. Kintner's lobbying (see attachment). This action implicitly acknowledged that the firm should have been registered all along, since, to my knowledge, there was no substantial change in either the methods or volume of lobbying after January 24. Mr. Kintner should have registered, as the law prescribes, "before doing anything in furtherance of such object [influencing legislation]." 2 U.S.C. § 267(a) (1946)

The fact is that before January 24, 1972, Mr. Kintner was violating the Lobby Regulation Act, apparently knowingly. The tardy registration of Mr. Kintner's law firm should not constitute grounds for cleaning of the slate. It should not since a) a violation of the law did occur, and b) should the record be cleared in this case, the Act will have no meaning for future violators, who can reasonably assume that after they are caught, they also can register and be cleared.

The National Soft Drink Association's Executive Vice President, Mr. Thomas Baker, also appears to be in violation of the Act. Mr. Baker has accompanied Mr. Kintner on visits to Members of Congress. Neither Mr. Baker nor the National Soft Drink Association was then registered as engaging in lobbying efforts. In fact, the last time Mr. Baker registered as a lobbyist was February 3, 1959. This is clearly in violation of the Act.

The Coca-Cola Bottlers' Association is also engaged in substantial lobbying activities, although theirs takes the form of initiating letter-writing campaigns. A memorandum dated May 18, 1971, from Mr. John Knox, Jr., the Executive Director of the Association, to local bottlers gives instructions and sample letters to be sent to Senators and Congressmen (see attachment). The effort was not in vain, for a Alan Ward, head of the FTC's Bureau of Competition said in the Washington *Evening Star* of June 10, 1971, "We've had more letters than I've ever seen." This enormous campaign is clearly a case of lobbying.

Neither Mr. Knox nor the Coca-Cola Bottlers' Association is registered at this time, nor have they been registered at any time throughout the lobbying campaign.

In each of these cases, it is reasonable to believe that the provisions of the Act have been violated.

I therefore request that investigations of the practices of Mr. Earl Kintner, Mr. Thomas Baker, and the Coca-Cola Bottlers' Association be opened immediately. Should it be found that these parties have acted in violation of the provisions of the Act, I would urge a vigorous prosecution of each of the cases.

Sincerely,

FRED R. HARRIS,
U.S. Senate.

[From the Washington Post, Jan. 22, 1972]

HARRIS ASSAILS LOBBYING FOR SOFT-DRINK INDUSTRY

Sen. Fred Harris (D-Okla.) said yesterday a former chairman of the Federal Trade Commission is lobbying actively in Congress on behalf of the Coca Cola Co. and other soft-drink firms charged with monopolistic practices by the FTC.

Harris said Earl Kintner, FTC chairman under President Eisenhower, and now an attorney in Washington, is aiding in the effort to find a senator to sponsor the repeal of antitrust restrictions for the soft-drink industry.

Testifying before the Senate's Antitrust and Monopoly subcommittee, Harris said he considers the lobbying campaign and the use of Kintner "a blatant example of the power of big corporations."

Kintner, in a telephone interview with a reporter, said his law firm represents the National Soft-Drink Association and not the Coca-Cola company or any other large company. Most members of the association are small bottlers, he said, adding:

"We are indeed trying to protect their territorial franchises by trying to secure legislation to protect their right to sell their products in an assigned territory in competition with other bottled products."

Coca-Cola declared it "is not engaged in any sort of lobbying." In a statement, the firm said Harris apparently confused the Coca-Cola Co., which makes and sells syrup, with locally owned bottlers. The firm added that soft-drink prices are set by retailers.

The association includes many hundreds of small businessmen, Kintner said, "and I think they are right in that they are trying to protect themselves and their business, a lifetime of investment in this business."

THE COCA-COLA BOTTLERS' ASSOCIATION,
Atlanta, Ga., May 18, 1971.

To: The members of the Coca-Cola Bottlers' Association.

Enclosed are some sample letters which you might use as guides to formulate your own letter directed to your Federal Congressional delegation. Even though you might have written them before, you might want to write them again to emphasize your feelings about this most serious matter.

The most effective type of contact with your elected representatives is, of course, in person. The second best is written communication, but it is most important that your letter be in your own words which best express your own feelings. It is, therefore, important that the enclosures be considered only guides to give you ideas for your own contact with your representatives in your own way.

We will keep you advised of further developments.

Sincerely yours,

JOHN S. KNOX, Jr.

DRAFT NO. 1

DEAR ———: Many thanks for forwarding to me a copy of the letter you received from the FTC staff concerning the proposed complaint against the soft drink companies charging that their territorial practices are unlawful.

I notice that the FTC letter makes no reference whatsoever to the fact that the territorial limitations in the franchise agreements were specifically the subject of a court proceeding and were held to be lawful under the antitrust laws (269 Fed. 796). This agreement has been in effect for over 50 years and has been a matter of public record known to the enforcement agencies and to Congress. Congress never took any action to overturn this decision. And notwithstanding what the staff of the Federal Trade Commission implies, neither the Supreme Court or any other court has ever been faced with this situation to overrule it.

The Court in that case said that bottling companies such as mine have "perpetual" rights, amounting to "property rights" in the territorial franchises. The Federal Trade Commission now seeks to strip me and my fellow bottlers of such "property rights"—without our even being parties to the proceeding and without compensation to us for loss of these rights.

Do you think that is fair? My father and his father before him and now I have made substantial investment in this business for over fifty years and now we stand to see the value of it wiped out by the action of some administrators, not even by the Congress.

Don't you think that is the taking of property without due process? Most bottlers such as myself are relatively small businesses. We are probably the ones who can afford such losses least.

It is no answer that the Commission will go through a lengthy hearing and that if it is wrong either it or an appellate court will reverse it. What am I to do in the meantime? Should I make further investments to promote re-cyclable packages? In advertising possible new product lines? Could I ever sell the business if I wanted to for what I've put into it?

Personally I think the Federal Trade Commission announcement is outrageous, harassing and unfair. It is a detriment to small businesses and the only ones it will help are the big chain stores.

Please help me and other bottlers and small businesses such as myself.

Sincerely yours,

——— ———.

DRAFT NO. 2

DEAR ———: Many thanks for forwarding the letter from the FTC staff concerning the proposed complaint against the soft drink companies challenging the territorial provisions of their franchise agreements.

I notice that the staff claims—or perhaps more accurately I should say that they implied—that the proposed proceedings will help small business by enabling them to expand into adjacent territories.

This is obvious hogwash. Let me just set forth a few facts. My Company is the Coca-Cola Bottling Company of ———. It is now owned by me and my family, and prior to that was owned by my father, and prior to that it was owned by his father. We are the main business of the town of ———. We have a total of —— employees, including —— driver-salesmen. More than 50% of our business is in returnable bottles, which calls for the driver-salesmen not only to deliver the product but also to pick up the empties in their routes.

In order to keep the price low to consumers a nominal deposit is charged on the bottle, which deposit does not cover the cost of the bottle itself. Our Company has a substantial investment in these returnable bottles, in an amount which exceeds our annual profits.

The adjacent Coca-Cola Bottling Company is ———, one of the three public held Coca-Cola bottlers in the country. All others are closely-held family operations such as my own. The Coca-Cola Bottling Company of ——— has assets of $——, annual sales of $——, and approximately —— employees.

Can you really believe that the FTC proceedings, if successful, will enable me to take away the territory and business of this neighboring company and its territory? Don't you think it far more likely that they will come into my territory and wipe me out, together with this business which is so important to the community. How can the FTC say what it says with a straight face?

Let me just go one step further. Suppose this large company comes into my territory and delivers here. Don't you think it would be worth their while to pick up my empty returnable bottles since it would cost them less to pay the deposit on them than to buy new bottles? As noted above if they do that for one year my entire profit for more than that year is eliminated. How long do you think I can stand that?

And for all this, who is to gain by it? Only these larger bottlers and only the chain stores. There will still be only one Coca-Cola bottler in the territory but that bottler will be a large one instead of a small one. Is that what you and Congress have intended?

I think the FTC announcement of its proposed proceeding is an outrage. In its letter to you it flatly ignores the fact that more than 50 years ago in a publicly recorded decision, well-known to the Congress and to the enforcement agencies, the territorial provisions of our bottler franchise agreements were upheld by the district court as not being in violation of the antitrust laws. Never has this decision been overruled by the courts or by Congress and the FTC cannot claim that it has been. Now by action of a few administrators it attempts to take away what the court said was a "perpetual" right in the territorial franchise that amounts to a "property right." I thought only Congress could do that and only if Congress compensated us for the taking away of that property right. Certainly that would be the fair way.

It does not need elaborate proof to establish that the soft drink industry is one of the most competitive industries in the country. The Department of Commerce has even said so. What more can the Federal Trade Commission ask for?

I submit that if the Congress and you are interested in helping the small businessman, such as myself, you will take steps to see that the Commission will not only *not* seek to upset this long-standing lawful agreement, but, in addition, that it disavow its intention to do anything about it in this industry. Because while this threat to change a 50-year rule hangs over my head, I hesitate to make any additional investment in the business. As a practical matter I can't even sell the business at any reasonable figure because everyone knows that if the FTC is successful they can just walk in and take it away from me.

Please do something. I don't know what, but only you and Congress can help me and small businesses like me from the arbitrary action of agencies such as the FTC.

Very truly yours,

—— ——.

Draft No. 3

Dear ———: Many thanks for forwarding to me a copy of the letter you received from the FTC staff concerning the proposed complaint against the soft drink companies charging that their territorial practices are unlawful.

I would like to tell you a little bit about the soft drink industry whose structure the Commission is now admittedly trying to change. First of all, this industry has been based upon getting products available to as many consumers in as many places as possible. This is obvious to everyone who has ever seen Coke in gas stations, train stations, airports, restaurants, lunch counters, bars, delicatessens, Mom and Pop grocery stores, drug stores, supermarkets and many other public places.

This is to the interest of the consumer. It did not happen by accident. It happened because the bottler in a particular territory had the incentive to go and develop that business. It is costly to do that. It is expensive to distribute to individual Mom and Pop stores. But the bottlers are able to deliver to those Mom and Pop stores and enable them to make a profit on the resale of the product because the bottlers have the entire territory and can cover all stores on one trip efficiently.

The result has been that the cost of Coca-Cola to the consumer in a 16 oz. bottle is the same as it was —— years ago. How many other products can make such a statement?

A further result has been that . . .

Now let's suppose the FTC has its way and another bottler can come into my territory. First of all the trip is going to be longer because it's farther away from the plant. This means there will be less time for actual delivery and servicing of stops, such as checking the stock, rotating or putting fresh packages out front, picking up the empties, etc.

So if someone else comes into my territory, he won't be able to serve the same number of accounts and somebody is going to have to be eliminated. Who will that be? Obviously, it's going to be the small-volume low-profit accounts, such as the corner grocery, the drug store, etc. The high-volume accounts, such as chain stores and supermarkets, will continue to be served.

So, now, we've got two bottlers in the territory one of which serves the high-volume high-profit accounts, such as the chain stores and supermarkets, and the other of which serves unprofitable small accounts. It's perfectly plain what's going to happen. The bottler selling the small accounts is going to go out of business. He can't afford it.

The further consequences is that the small stores like thhe corner grocery (to the extent that there are any left), the drug stores, etc., are not going to be served. Why should they be served by a bottler from another territory? They are not going to be adding to his profit.

(To be fair, Mom and Pop stores frequently can be served if the FTC is successful. It doesn't mean that they will never be able to get Coca-Cola. It only means that there is going to be another link in the chain of distribution—namely, a wholesaler who is going to add on his profits and increase the price to the small retailer and ultimately to the consumer. Why does the Commission do things that cost the consumer more money?)

So the ultimate result of the FTC announced proceeding, if it is effective in achieving what it wants to do, is not only to drive out small bottlers such as myself but, also, to eliminate or reduce service to the small retail stores in favor of the chain stores. Anyone in business can tell you this. It does not take an expert. And if the FTC thinks otherwise it is closing its eyes to the obvious. In fact, I'm absolutely certain that they know what its called—namely "skimming the cream off the top of the market."

Now, who is the Federal Trade Commission or the Congress of the United States for? Are they in favor of promoting small businesses such as myself, or do they want to eliminate us and favor the chain stores? They couldn't find an industry more competitve than this—and anyone with this eyes open can see on a firsthand basis the intense rivalry among brands.

Moreover, the United States District Court ruled in 1921 that our territorial franchise agreements with The Coca-Cola Company are lawful under the antitrust laws. Congress has never said anything to the contrary. The Supreme Court has never said anything to the contrary and the FTC cannot claim that it has. Why does the FTC suddenly decide to try to overrule a decision of the courts that has been on the books for more than fifty years? And why the FTC rather than Congress? That is unfair and as a Congressman of the United States I think you ought to protect me and others like me from such unfairness of other governmental agencies.

Indeed, the mere announcement of the FTC's intention to institute the proceeding will have this dilatorious effect upon small companies such as myself. While it is pending should I make an investment in new bottling facilities? In new disposable packages to eliminate litter and waste? In re-cycling facilities? I certainly can't do such things unless I know I'll still be in business—and I won't know that with the FTC proceeding pending.

Please help.

Very truly yours,

—— ——.

Draft No. 4

Dear ———: Many thanks for forwarding to me a copy of the letter you received from the FTC staff concerning the proposed complaint against the soft drink companies charging that their territorial practices are unlawful.

Let me tell you what's going to happen to small business if the FTC is successful. One of the principal sellers of soft drinks in the community serviced by this company is the chain store. In fact the single brand with the greatest volume in chain stores is the private label of the chain itself.

In short, the chains are my largest major competitors. In deed, in this area the chain not only sells its own brand but also owns its own bottling plants.

Who is going to benefit from the FTC proceeding? Well, the principal person is going to be the chain store, a competitor. Who is going to be hurt? Small bottlers such as myself.

The net result is that the Commission proceeding is going to help drive me out of business, all to the benefit of one of my major competitors, the large chain stores.

Is this what Congress wants? I can't believe that it is.

Please help.

Very truly yours,

—— ——.

Draft No. 5

Dear ———: Many thanks for forwarding to me a copy of the letter you received from the FTC staff concerning the proposed complaint against the soft drink companies charging that their territorial practices are unlawful.

I have been seething in slow anger ever since receipt of the Commission's staff letter. It should be obvious to everyone in this Nation who reads the newpapers, magazines or listens to the radio or TV that the soft drink industry is one of the most competitive in the Nation.

As a result of this competition consumers today can buy Coca-Cola in a 16 oz. package at the same price per oz. that it cost them 50 years ago. Are there many other industries that can make the same statement?

The Commission staff speaks grandly of our fears being misplaced. But where is the support for their contention that they will be helping either me, or other small businesses like me or consumers? Where has the consumer had a better price break than this? Where are there industries that are more competitive?

If prices were unrealistically high, why has the number of bottlers in the country declined from 4,500 to 3,500 within the last few years alone?

If the territorial provisions have been unfair, why has the Commission waited 50 years before trying to upset a court ruling that they are lawful (269 Fed. 796)? This ruling has never been overturned. In fact, the Court decided that the territorial provisions are a "perpetual" "property right" of the bottlers.

Please help me and other small businesses like me which are going to be injured by this announced action of the Commission.

I know you may be concerned about interfering with an administrative process. But I submit to you that the shoe is on the other foot and that the Commission is usurping a legislative function. The decision of the courts more than 50 years ago has never been overruled or overturned by any decision of another court. It has been publicly known to the Congress and to enforcement agencies during that entire period. Yet Congress has never done anything to overrule this decision of the courts. To take away a property right of bottlers now without compensation is clearly an exercise of the legislative function—an improper exercise at that—and unfair.

The chips are now down. Whose side is Congress to be on—that of the small businessman such as myself or of large chain stores and other large companies.

Very truly yours,

——— ———.

Draft No. 6

Dear ———: Thank you for sending me a copy of the letter you received from the FTC staff concerning the territorial system established by the major soft drink companies.

My first impression on reading this letter is that the staff has not investigated the business facts of the soft drink industry in depth and has not given much consideration to what may happen to this industry if the proposed complaints are successful.

First, the staff treats bottlers simply as distributors of products made by The Coca-Cola Company. This is not how our industry operates. We are the producers of the soft drinks, using syrups supplied by The Coca-Cola Company and operating as a licensee of its trademarks. Over the years we have invested hundreds of thousands of dollars in bottling plants and equipment and have made much of this investment in recent years in order to satisfy the changing demands of our customers and the developments of our many competitors. This investment I have made and the investments of thousands of other small bottlers like me will be wiped out without any compensation if the proposed FTC action is taken and sustained by the courts.

Our industry is intensively competitive now, and this has been particularly true in the last ten years since the chain supermarkets have gone into competition with me through their private labels sold at minimum cost in their outlets. This competition has kept the price of my products essentially the same per ounce of beverage as it was —— years ago. This competition has also eliminated dozens of soft drink bottlers in this State alone over the last ten years.

While I can accept losing my business because of fair competition, I cannot accept being run out of business to satisfy the economic theories of Government bureaucrats. My family and I have invested our money and our lives in building this business in reliance on a territorial franchise system that gave us a reasonable degree of protection for our investment. We have thought this was reasonable because these soft drink contracts have been reviewed by the courts and upheld as perfectly legal. Now the FTC wants to completely change the rules of the game. It does not make me feel any better to be told that some bottlers will have an opportunity to serve a bigger market. My territory is not strategically placed, does not have the chain store warehouses to compete for, and cannot justify the investment required to compete in a large regional market for the large volume chain store accounts.

Undoubtedly the chain stores will benefit from the FTC action as will a handful of large metropolitan bottlers, but I am extremely skeptical as to how much cost savings will be passed on to consumers. The price of this "improved" competition, however, will be the elimination of many small businesses such as mine and no competition by anyone for the low volume local accounts who depend on my route salesmen for delivery.

I hope you can do something to prevent this injustice.

Sincerely yours,

——— ———.

[From the Washington Post, Mar. 10, 1972]

Justice Asked To Probe Kintner for Lobbying

(By Carole Shifrin)

Sen. Fred Harris (D-Okla.) yesterday asked the Justice Department to look into possible violations of the Lobby Regulation Act by former Federal Trade Commission Chairman Earl Kintner and others.

In a letter to Acting Atty. Gen. Richard G. Kleindienst, Harris suggested that Kintner and officials of the National Soft Drink Association and the Coca-Cola Bottlers' Association had been lobbying in Congress while not registered as lobbyists as required by the act.

Harris contended that their activities were directed toward securing legislation to exempt the soft-drink industry from some anti-trust laws.

The FTC last summer issued complaints against seven large soft-drink firms, charging that their territorial restrictions on licensed bottlers are anticompetitive.

The FTC alleges that each company has a system of restricting its franchised bottlers from selling outside a designated geographical area, thus eliminating competition between each firm's bottlers.

Passage of the legislation being sought, which has been introduced in both the House and Senate, would effectively kill the FTC suits.

Harris yesterday said it was "clear" that Kintner, now a partner with the law firm of Arent, Fox, Kintner, Plotkin and Kahn, was lobbying by being in direct contact with members of Congress prior to the introduction of legislation which would aid the soft-drink industry. He noted an Associated Press story dated Jan. 22 in which Kintner was quoted saying he was "indeed . . . trying to secure legislation . . ." for his client, the National Soft Drink Association.

Kintner's firm registered as lobbying on Jan. 24, Harris said. "The fact is that before Jan. 24, 1972, Mr. Kintner was violating the Lobby Regulation Act, apparently knowingly," Harris wrote.

Kintner could not be reached for comment.

Harris said also that Thomas F. Baker, executive vice president of the soft-drink association appeared to be in violation of the act, having accompanied Kintner on visits to members of Congress. Baker yesterday said the association was registered in 1959 under a "continuing registration" and that "we will file the reports called for."

The Coca-Cola Bottlers' Association was said to be initiating letter-writing campaigns and Harris included in his letter copies of fill-in-the-blank letters supplied to bottlers who were being encouraged to send to their congressmen. UPI quoted John Knox Jr., the association's executive director, as saying he was not registered to lobby because he hadn't considered himself a lobbyist.

[From the Washington Daily News, Mar. 10, 1972]

Harris Cites Illegal Pop Lobby

Sen. Fred Harris, D-Okla., accused a former Federal Trade Commission chairman and two others yesterday of illegally lobbying Congress in an effort to kill an FTC anti-trust suit against the soft drink industry.

The former FTC chairman, Earl Kintner, acknowledged he lobbied for a law client, the National Soft Drink Association. But, Mr. Kintner said, he legally registered as a lobbyist before contacting any congressmen.

Sen. Harris called for a Justice Department investigation of his charges against Mr. Kintner; Thomas Baker, executive vice president of the National Soft Drink Association; and the Coca Cola Bottlers Association of Atlanta.

Sen. Harris said none of the three was registered with the House or Senate as a lobbyist. However, the Senate secretary's office said Mr. Baker registered in 1959 and his registeration was still valid.

John Knox, Jr., executive director of the bottlers association, acknowledged he was not registered to lobby. "I hadn't considered myself a lobbyist," he said.

Sen. Harris released copies of form letters from Mr. Knox to Coca Cola's 780 franchise bottlers. The letters protested the FTC suit and contained blanks so the bottler could fill in the name of his firm and a few other local facts, then retype the letter and mail it to his congressman.

The Federal Lobbying Law requires registration by anyone paid "for the purpose of attempting to influence the passage or defeat of legislation."

A spokesman for Rep. B. F. Sisk, D-Calif., said the bill which would exempt soft drink bottlers from anti-trust action was drafted by the industry. The bill is sponsored by about 170 House members, including Mr. Sisk, and 35 senators.

Mr. Sisk is also sponsoring a bill under which the government would reimburse soft drink bottlers, fruit canners and other firms for losses during the cyclamate ban in 1970.

February 21, 1972.

To: All members.

The purpose of this letter is to remind the membership of the upcoming meeting of the Marketing Committee, to give a report of the Franchise Defense Fund, and to inform the membership that we here in the Association are available to the State Coca-Cola Bottlers' Association groups for an in person report on the current status of the FTC litigation and legislative effort.

The Association's Marketing Committee has scheduled its "input" session for May 1–2, 1972. The success of this committee depends upon the membership sending in its suggestions and comments for review of the committee and discussion with company officials. Your comments should be confined to the general subject of marketing including advertising, strategy, promotions, prestigious national accounts, etc. It is requested that your suggestions be sent in just as soon as possible so that an effective agenda for the meeting can be implemented with adequate preparation.

As for a status report on the Franchise Defense Fund, $222,000.00 was collected as of December 31, 1971. Legal and other expenses in connection with the FTC matter and the legislative effort during 1971, were $86,244.82. Of this amount, the Association itself paid $45,461.59 (before the special fund was established); and the Franchise Defense Fund paid $40,783.23. The unused monies in the fund earned .973 of 1% interest for the few months in 1971, they were held and invested; and 18.37% of the fund was expended during 1971. The above percentages applied to your own contribution may be useful to your tax attorney or accountant in preparing your tax returns and are furnished at the suggestion of the Association's counsel. The Francise Defense Fund is held for the bottlers to be used in the FTC litigation and legislative effort as needed. Any unused funds will be returned to the bottlers.

Some of you may perhaps be interested in getting a first hand report to your state bottler group on the status of the FTC proceedings and the legislative effort from the point of view of bottlers of Coca-Cola. Things are moving so fast that it is most difficult to keep the membership abreast through written reports on these two vital subjects. If you are planning a meeting of your state group and would like a status report; please give me a call, and I will be delighted to come to your meeting unless, of course, it conflicts with any of the pre-hearing conferences or meetings scheduled in Washington.

With best regards, I remain

Sincerely,

JOHN S. KNOX, Jr.

FRANCHISE DEFENSE FUND,
THE COCA-COLA BOTTLERS' ASSOCIATION,
Atlanta, Ga., September 3, 1971.

To: ———.

Please indicate applicable category and return immediately with check.

Made payable to: *Franchise Defense Fund.*

Number of cases sold during 1970:
Up to 25,000, $50.
25,001 to 100,000, $150.
100,001 to 500,000, $250.
500,001 to 1,000,000, $300.
1,000,001 to 1,500,000, $350.
1,500,001 to 2,500,000, $600.
2,500,001 to 5,000,000, $750.
5,000,000 and Up, $1,000.

Please return yellow copy with check.

THE COCA-COLA
BOTTLERS' ASSOCIATION,
Atlanta, Ga., September 3, 1971.

To: All Members of The Coca-Cola Bottlers' Association.

ASSESSMENT FOR FRANCHISE DEFENSE FUND

At a meeting of the Association's Board of Governors held in Atlanta on August 30, the Board reconfirmed its dedication and commitment to an all out fight for the preservation of the territorial franchise system.

This week the Association's counsel on behalf of seven of its members filed a petition with the Federal Trade Commission to intervene in the pending complaint.

At the August 30, meeting the Board of Governors voted to establish a *Franchise Defense Fund* of approximately $200,000 based upon the following scale:

Total cases of all products sold in 1970

Cases:	Assessment
Up to 25,000	$50
25,0001 to 100,000	150
100,001 to 500,000	250
500,001 to 1,000,000	300
1,000,001 to 1,500,0000	350
1,500,001 to 2,500,000	600
2,500,001 to 5,000,000	750
5,000,000 and up	1,000

The fund will be used solely for legal and other expenses in connection with the protection of the franchise including the administrative proceedings in the Federal Trade Commission, expenses of the individual bottlers selected by counsel for the intervention, any necessary appeal to the courts, and the legislative effort which is expected to be under way shortly in the Federal Congress.

An invoice is enclosed. Please check the appropriate bracket and return to the Association with your check *without delay*. Substantial legal expenses are being incurred now. A return addressed stamped envelope is enclosed.

Since it is not possible to estimate legal and other expenses at this time, an annual assessment will be made to keep the fund at the $200,000 level depending upon expenses during the year. It is expected the next assessment to the fund (if required) will not be due until January 1, 1973. The unused portion of the fund will earn interest and at the conclusion of the entire effort *the remaining money in the fund will be returned to the bottler-members in proportion to their contribution.*

We are advised by counsel that in their opinion this assessment does not violate the President's Wage-Price Freeze. One of the primary reasons the Board decided to raise this fund by assessment rather than liquidating some of its assets was the fact that the dividend income from the accumulated surplus represents substantial income to the Association. In fact, it is now at a level exceeding the revenue received from dues. This is one of the reasons there has been no increase in the Association's modest dues scale in sixteen years. The Association's reserve in stock of The Coca-Cola Company is looked upon by many as a capital endowment which we should not begin to deplete. An additional reason for the assessment is that when spread over our 800 members it is a relatively small amount for each individual plant when the serious consequences of the fight we are undertaking are considered.

The Board has deferred any consideration of a dues increase even though additional services to members and rising costs would indicate the necessity of an increase within the next few years. Because of these factors we have been unable to add to our common stock reserve fund since 1962.

When this franchise fight is over, we intend to leave the Association in a strong position financially and otherwise so that we will be fully able to effectively defend any other attack which may be made against our industry.

On behalf of the Board of Governors I want to thank each of you for your support and cooperation.

Sincerely,

DOUGLAS A. TAYLOR.

NATIONAL SOFT DRINK ASSOCIATION,
Washington, D.C.

DEAR INDUSTRY MEMBER: Please give the attached letter your immediate attention.

Thanks,

TOM BAKER.

NATIONAL SOFT DRINK ASSOCIATION,
Washington, D.C., December 3, 1971.

DEAR INDUSTRY MEMBER. At the annual meeting in Houston, Texas, you heard a full report on the status of the Federal Trade Commission action. At vital element of that report concerned the legislative effort being initiated by NSDA to seek Congressional relief from this long and costly judicial process.

Your part must begin now!

Your Congressional delegation will be home very shortly and it is essential that you *personally visit your Congressman and your Senator* and impress upon them the peril to this industry that the FTC action carries with it.

Your task is to specifically ask your Representative and Senator to sponsor the attached legislative draft upon his return to the Congress.

Four attachments are enclosed for your use. Study them.

(1) A fact sheet backgrounds you to present the issues to your congressmen. To this general data *you must add the impact of your personal situation.*

(2) A "talking paper" which states the case and need for legislation in full perspective.

(3) A legislative analysis enables you to tell the congressmen the meaning and purpose of the bill you are asking him to introduce; the type of *law* that would provide the needed relief.

(4) A copy of the legislative language. *This is the bill you want your Representative and Senator to introduce when he returns to the Congress.* Leave it with him along with the analysis and the "talking paper."

Just as quickly as Congress comes back into session after the holidays a determined drive will begin to pass this legislation. You will be hearing of this effort and your essential role very shortly. Between now and then, however, the Congress must be made aware that a genuine, grass-roots need exists in their individual districts. *They must see you and hear you this recess!*

This is the beginning. If the industry misses this first critical step it will fail. Your personal role is as vital as every other industry member. Don't think another bottler can do it for you. Act now!

Above all, advise NSDA of every contact you make and of the opinion of each member of Congress.

Cordially,

TOM BAKER,
Executive Vice President.

NSDA—CONGRESSIONAL CONTACT FORM

Date: ———.
State: ———.
Congressman (Senator) Contacted: ———
Date of Contact: ———.
Contacted By: ———.

I. The Congressional Representative (Check *all* appropriate boxes):

Will introduce industry legislation.
Will not introduce industry legislation.
Will support industry legislation.
Will oppose industry legislation.
Will not definitely commit himself at this time.

II. Give your best, objective impression from your visit:

This member of Congress genuinely wants to help the industry.

This member of Congress gave a fair audience but did not reveal his opinion at this time.

This member of Congress is non-commital, but additional industry contacts may bring him behind the legislation.

This member of Congress, in my opinion, cannot be persuaded to assist the industry.

This member of Congress will definitely oppose industry legislation.

III. Should NSDA staff people call on this member of Congress to further explain the industry position?

Yes. No.

IV. Is another contact scheduled at the home District?

Yes. No.

V. Remarks (Please give all information gained from this contact which will assist understanding the position of this member of Congress. Use additional paper if required).

VI. Submitted by:
Name: ———.
Address: ———.
Telephone: ———.

FACT SHEET—THE SOFT DRINK INDUSTRY AND CURRENT FTC ACTION

1. What has the Federal Trade Commission done?

This agency has charged that eight soft drink franchise companies have illegal clauses in their contracts with soft drink manufacturers. FTC will try to prove that the clause giving a bottler an exclusive sales territory is illegal.

2. Why is the industry going to go to the Congress?

Because if the FTC successfully prosecutes its complaint, it will destroy the franchise system in this industry as it has existed for more than seventy years; and further, it will bring about the destruction of hundreds of franchised bottlers with resultant loss of investments.

3. Since the FTC has filed complaints, why doesn't it make more sense to await the outcome of the cases in the administrative or court processes before seeking assistance from the Congress?

Because the administrative-judicial process can take from five to seven years, depending upon procedures established, legal challenges, rulings, appeals, etc. During this period of uncertainty, most bottlers will be reluctant or unable to invest, expand or aggressively market. The industry can wither during this costly wait. Winning the litigation, you may still be a loser.

4. If the FTC is successful with its complaints, what would be the effect on the soft drink industry?

Because the FTC in its complaints seeks to restructure the industry and is alleging that there must be full intrabrand competition within the soft drink industry, the soft drink franchise manufacturer, depending upon his geographic competitive market, will either be destroyed by his neighboring soft drink manufacturer of the same brand products or he will destroy his neighbor. Consequently, instead of effecting more competition within the soft drink industry, the suit, if successful, would result in there being fewer manufacturers competing. As a result, the soft drink industry will tend to become monopolistic.

5. Will success in the FTC suits be beneficial to the public interests?

Initially, during the restructuring period, the public may realize cost savings as a result of vicious price wars and the struggle for market territories. However, this consumer gain, if secured, will be short-lived. Ultimately, control of the trademarked products will be in the hands of fewer soft drink manufacturers, and prices very likely will rise instead of drop.

6. What other public interest factors should be considered?

A. Soft drink products are widely accessible to the general public at a reasonable price under the franchise distribution system as it exists. The FTC proceedings would destroy most of this availability to the public. Soft drink manufacturers who will invade a neighboring manufacturer's territory will seek only those accounts which are the most profitable (i.e. chain grocery store accounts). If the predator is successful, the manufacturer whose territory is invaded will find himself left with a market which will not support a reasonable profit, as his sole remaining accounts will be smaller grocery stores, filling stations, corner drug stores, delicatessens, vending outlets, hotels, restaurants, etc. Ultimately, these accounts may not be serviced at all, and therefore will not be available to the general public for the purchase of soft drink products. Even if these accounts are serviced in some manner, the price to the consumer undoubtedly will rise.

B. Since soft drinks are a food product, the quality of that product and its wholesomeness are matters of great importance to the consumer, as well as to the soft drink franchise companies. Identification of the manufacturer of a particular item, therefore, should be readily ascertainable. Under the present franchise distribution system, identification can be accomplished as needed. The FTC proceedings, if successful, would destroy that system with its quality control aspects. Suggested alternative identification methods are much less foolproof, and could increase, rather than lessen, confusion, to the detriment of both the consumer and the industry.

7. What effect would a successful FTC proceeding have upon a large grocery chain?

The large grocery chain will actually control the distribution system of soft drink products. This would be contrary to the public interest because grocery chain stores already have controlled brand soft drinks which they distribute mostly as "loss leaders" within their stores. Controlling all soft drink products will enable the chain stores to push selected house or other brands by controlling shelf space and availability in retail outlets to the detriment of many existing brands.

8. Would there be any adverse effects upon the local community by reason of a successful FTC proceeding?

Yes. Success will mean the demise of the majority of small local bottlers. Consequently, a local manufacturing enterprise will disappear from the scene. In addition to a local labor market being lost, the community will also lose tax income and local reinvestments.

9. How would you best sum up the results of a successful FTC proceeding?

(a) Large soft drink manufacturers will become larger, and small manufacturers will be compelled to go out of business; (b) years of financial investments would be eradicated; (c) small manufacturers seeking to ward off larger predators will be financially unable to obtain financial assistance for expansion; (d) consumers will be faced with poorer market service and ultimately price incerases; (e) one-trip container use will be the rule; (f) the soft drink retail market will become monopolistic and chain stores will control the soft drink distribution system in the United States. In addition, investment, incentive, and local growth will be stifled.

10. Are there any other reasons why legislation is necessary?

Yes. In addition to the consequences set out above, legislation is necessary to once and for all establish in the antitrust laws the validity of trademark franchise geographic markets. Moreover, legislation is needed to prevent similar future actions by the government which would divest small independent businessmen of their property.

AMICUS BRIEF FILED ON BEHALF OF THE SENATE IN THE GRAVEL CASE

Mr. ERVIN. Mr. President, on March 23 the Senate adopted Senate Resolution 280, appointing a committee consisting of Senators EASTLAND, PASTORE, TALMADGE, COTTON, DOMINICK, MATHIAS, SAXBE, and myself to represent the Senate as amicus curiae before the Supreme Court in the case of Gravel against United States. The Senate took this action because it feared that an adverse decision would impair the constitutional independence and prerogatives of every individual Senator and the Senate as a whole.

This committee of Senators obtained the requisite consent of the parties and the Court, and filed a brief for the Senate on Friday, April 7. The brief stresses the dangers to the Senate of any infringement of the constitutional protection afforded Congress by Article I, Section 6, the "speech or debate" clause. In essence, the brief contends that a narrow construction by the Supreme Court of this most important clause of the Constitution would upset the delicate separation of powers between the branches of government. A constriction of the protection provided by the clause might mean that the executive and judicial branches of government could question and harass Members of Congress through their personal aides and thereby intimidate Congress as a whole.

On April 4 the Court granted the committee's request for 30 minutes in which to present oral argument on behalf of the Senate's position. The committee plans to make a vigorous defense of the Senate's prerogatives under the Constitution at the time of argument, which should be held on April 19 or 20.

For the information of the Senate and of the American people, who also have a great stake in this controversy, I believe the text of the brief should be printed in the CONGRESSIONAL RECORD.

I therefore ask unanimous consent that the text of the brief, which warns the Court of the Senate's grave concern over these issues, be printed in the RECORD.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the United States, October Term, 1971—No. 71-1026]

BRIEF FOR THE SENATE OF UNITED STATES—AMICUS CURIAE

(United States of America, Petitioner v. Mike Gravel, U.S. Senator, Respondent—On Writ of Certiorari to the United States Court of Appeals for the First Circuit)

The Senate of the United States hereby appears as *amicus curiae* pursuant to Senate Resolution No. 280—the Resolution appears as Appendix A hereto—and with the consent of the Solicitor General of the United States and Senator Gravel. Copies of the letters of consent have been filed with the Clerk's Office.

INTEREST OF THE AMICUS CURIAE

In light of the questions presented, which directly concern the scope and validity of the constitutional privilege created by the "Speech or Debate" Clause of the United States Constitution, Art. I, § 6, the interest of the United States Senate in this litigation hardly needs explication.

OPINIONS BELOW

The opinions of the Court of Appeals for the First Circuit are not yet reported. They are reproduced as Appendices A and B to the Government's petition for certiorari. The opinion of the District Court is reported at 322 F. Supp. 930.

JURISDICTION

The petitions for certiorari were timely filed. Jurisdiction is invoked under 28 U.S.C. § 1254(1).

QUESTIONS REPRESENTED

1. Can a Senator be questioned by a grand jury about his legislative conduct despite the prohibition of the "Speech or Debate" Clause against questioning in any other place?

2. Can a Senatorial aide be questioned by a grand jury about his or his Senator's legislative conduct, where there is no issue of the constitutionality of that conduct, despite the prohibition of the "Speech or Debate" clause against questioning in any other place?

CONSTITUTIONAL PROVISIONS INVOLVED

The "Speech or Debate" Clause of the Constitution, Art. I, § 6 provides:

"The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the

Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their attendance at the Session of their respective Houses, and in going to and returning from the same; *and for any Speech or Debate in either House, they shall not be questioned in any other Place.*" (Emphasis added.)

STATEMENT

In a very important sense, this is not an ordinary brief *amicus curiae*. It is rather a statement by a coordinate branch of the United States Government of that branch's understanding of the meaning of the Constitution of the United States, a Constitution which, like each member of this Court, each member of the Senate has sworn to uphold. In its nature, the brief is in fact testimonial as well as forensic.

The purpose of this brief is to establish the position of the United States Senate that the attempt to subpoena an aide to a Senator to testify before a grand jury as to his activities and those of the Senator whom he serves is an invasion of the Senate's constitutional privilege. Art. I, § 6. It is the contention here advanced that this position ought to be accepted by this Court by reason of the comity due to a coequal branch in the determination of the protections it needs to fulfill the functions with which it is charged. Only if this Court is unwilling, as a matter of comity, to accept the authority of the Senate in its own sphere, need it turn to the history and authority which also establish the propriety of the conclusion here asserted.

In part because of the nature of this brief, and in part because the materials are elaborately collected in the other briefs, it is not intended here to provide a detailed study of the origins and development of the Congressional privilege to operate free from the restraints of both the Executive and Judicial branches. It is the purpose, rather, to assert the basic principles on which the outcome of this case must rest.

In short, this brief is filed on behalf of the Congressional privilege. It is not a defense of Senator Gravel or his aide, nor is it a defense of their conduct in this case. If there were misconduct on their part, they must answer to the Senate itself. Discipline of its own membership is a function committed by the Constitution to each House. Art. I, § 5.

Nor is this brief an attack on the present administration, the President, or the Department of Justice.

In filing this brief, the Senate does not seek a confrontation with either the Executive or the Judiciary. The Senate recognizes that if the three Branches are to function in comity, such confrontations must be limited to those extreme situations where confrontation cannot be avoided. Here the confrontation is forced upon the Senate, and upon the Judiciary, by the insistence of the Executive that the Senate's privilege be limited. The facts of this case are not of sufficient importance to warrant a test of the privilege, nor to require the Judiciary to insert itself between the Executive and the Legislative Branches.

As far as this case is concerned, neither Senator Gravel nor his aide can be reached by the Grand Jury under the opinion of the Court of Appeals. A complete vindication by this Court of the Congressional privilege, much as it is desired by the Senate, would not immunize them any more.

Similarly, this is not a case of such importance to the Executive Branch to warrant a constitutional confrontation, and it is certainly not of such importance to the Executive to warrant an erosion of the Congressional privilege. In context, these Grand Jury proceedings are of little long-run significance compared to the crucial, historical importance of the "Speech or Debate" Clause to the continued vitality of the Congress. There is no need to comment here upon the principal actors in the Pentagon Papers affair: the *New York Times*, Mr. Ellsberg, and others. Their cases are properly in court and the fundamental issues, if any are involved, can be determined in their cases. The crimes suggested by the Solicitor General—retention of public property or records with intent to convert, gathering and transmitting of national defense information, concealment or removal of public records or documents and conspiracy to commit such offenses and to defraud the United States—are by their nature readily provable, if committed, without reference to any involvement of Senator Gravel or his aide. There is no compelling reason of public policy to limit the Congressional privilege in order to make this prosecution easier, even if, in fact, it would do so.

The Solicitor General suggests dire consequences to the functioning of the Grand Jury if Senatorial aides and others cannot be questioned about legislative activities of a member of Congress (Government Question 1) or if an aide may not be questioned about private publication of material introduced by his Senator-employer into a subcommittee record (Government Question 2). Made by anyone but the Solicitor General, the suggestion would not be seriously considered. For if the activities are protected, as Question 1 assumes, they should be beyond inquiry. And if there has been publication—and if publication itself is not protected—the problems of proof for the Government are not so great that an aide of a Senator should be subject to interrogation by the Executive's Grand Jury, when admittedly the Senator could not be. Indeed, if all Congressmen and all of their aides had absolute immunity under all circumstances, a position not here urged, it is difficult to imagine that this would have any substantial effect, or any effect, on the overall administration of justice. It is even more difficult to imagine that it would make any significant difference in this case. The questions raised by the conflict between the Executive and the Senate are serious; the questions raised by the Solicitor General are not.

This is a poor case to test the great constitutional issues involved. The Court might best decide to dismiss the Solicitor General's petition as improvidently granted.

It is important to note that no question is here raised as to whether or not Dr. Rodberg was an aide of Senator Gravel, nor whether the hearing of the Subcommittee on Public Buildings and Grounds, at which Senator Gravel published classified documents was or was not properly called, nor whether such Subcommittee had legislative jurisdiction over the subject matter of the publication. These determinations would historically remain subject to the judgment of the Senate.

The protection of the "Speech or Debate" Clause is not a perquisite of office. Its purpose is not to immunize Members as a reward to them. Its purpose is to enable them to perform to the fullest, without obstacle or harassment, the duties of their offices. One of these duties, important as any other, is the duty of informing other Members, constituents and the general public, on the issues of the day. This is done in many ways, most of which were not technically possible in 1789. Floor debate and belated newspaper reports were practically the only means available at the time of the founding. Now, there are many means of disseminating information: wire services, radio and television, telephone and telegraph, as well as floor debate, newspapers, books, magazines, newsletters, press releases, committee reports, the *Congressional Record*, and legislative services. In today's hectic and complicated world, the various methods of informing vary in effectiveness. Each Member must decide for himself from time to time which issues require ventilation and what methods to use. It is not for the Executive to challenge nor for the Judiciary to judge a Member's choice of issues to publicize or methods of publication regardless of whether they may be considered ill-advised. The Senate as a whole may or may not approve the exercise of the privilege by Senator Gravel in this case. But it joins in Senator Gravel's assertion of the privilege.

Neither the Executive nor the Judiciary can determine the extent of Congressional privilege if "separation of powers" is to retain its function. The Constitution says that Senators and Representatives shall not be questioned in any other place for any speech or debate. It does not say "except when the Executive thinks otherwise and the Judiciary agrees." The very purpose of the privilege is to insulate the Congress from just such scrutiny and determination. Senator Gravel made a record in the Senate and arranged for its publication. If his privilege to do so is subject to challenge by the Executive and determination by the Judiciary, the Congressional privilege is all but dissipated.

I. The origins of the "Speech or Debate" clause

"It was not only fear of the Executive that caused concern in Parliament but of the judiciary as well, for the judges were often lackeys of the Stuart monarchs, levying punishments more to the wishes of the crown than to the gravity of the offense . . .

"There is little doubt that the instigation of criminal charges against critical or disfavored legislators by the Executive in a judicial forum was the chief fear prompting the long struggle for parliamentary privilege in England and, in the context of the American system of separation powers, is the predominate thrust of the Speech or Debate Clause." *United States v. Johnson*, 383 U.S. 169, 181–82 (1965).

The origins and purpose of the "Speech or Debate" Clause are patent. This provision, like many others in the Constitution, was a specific remedy for a specific evil. The evil was harassment by the Crown and its judges of legislators who spoke out in the course of their legislative duties on public issues in a manner not pleasing to the king.

When the "Speech and Debate" Clause is the measure of the rights of the legislature, as it is here, the history of the legislative immunity is especially important. The immunity was finally gained by Parliament only after Charles I had lost his head. And he lost his head, in measure, because he imprisoned members of Parliament who had opposed him in needless and costly wars overseas, even to the extent of refusing to vote him the funds necessary to carry them on. The establishment of the legislative privilege came during the fight by Parliament to establish its independence from a king who claimed total power.

As this Court said in *Tenney v. Brandhove*, 341 U.S. 367, 372 (1951):

"In 1668, after a long and bitter struggle, Parliament finally laid the ghost of Charles I, who had prosecuted Sir John Elliot and others for 'seditious' speech in Parliament. . . In 1689, the Bill of Rights declared in unequivocal language: "That the Freedom of Speech, and Debate or proceeding in Parliament ought not to be impeached or questioned in any Court or Place out of Parliment.' 1 Wm. & Mary Sess. 2, Ch. 2.

"Freedom of speech and action in the legislature was taken as a matter of course by those who severed the Colonies from the crown and founded our Nation. It was deemed so essential for representatives of the people that it was written into the Articles of Confederation and later into the Constitution. . . .

"The reason for the privilege is clear. It was well summarized by James Wilson, an influential member of the Committee of Detail which was responsible for the provision in the Federal Constitution. 'In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of everyone, however, powerful, to whom the exercise of that liberty may occasion offence.' II Works of James Wilson (Andrews ed. 1896) 38."

It was understood from the beginning that provisions of this kind were to be construed broadly, that the protection was not to be niggardly, but expansive, if it were to serve the function that caused its creation. See *Coffin v. Coffin*, 4 Mass. 1, 27 (1808), cited with approval in *Tenney v. Brandhove, supra*, at 373. At the core was always the recognition that the immediate and historic sources of danger to the independence of the legislature—the representatives of the people—was the Executive branch of the government. The provision is a cornerstone of the concept of separation of powers, an assurance of legislative independence similar to the protection of life tenure afforded by the Constitution to the Judiciary, and the rigid rules protecting the President against impeachment also provided by the Constitution. Thus, the Court said, in *Powell v. McCormack*, 395 U.S. 486, 502–03:

". . . we concluded in *United States v. Johnson*, [383 U.S. 169] at 181, that the purpose of this clause was 'to prevent intimidation [of legislators] by the executive and accountability before a possibly hostile judiciary.' . . . we have held that it would be a 'narrow view' to confine the protection of the Speech or Debate Clause to words spoken in debate. Committee reports, resolutions, and the act of voting are equally covered, as are 'things generally done in a session of the House by one of its members in relation to the business before it.' *Kilbourn v. Thompson*, [103 U.S. 168] at 204. Furthermore, the clause not only provides a defense on the merits but also protects a legislator from the burden of defending himself. *Dombrowski v. Eastland*, [387 U.S. 82] at 580; see *Tenney v. Brandhove, supra*, at 377."

It is of some importance to emphasize a distinction of which this Court has taken appropriate notice, the distinction between the privilege against actions taken by the Executive branch of the government, which is involved in this case, and the privilege as asserted against individual action, which is not involved here. This Court said in *United States v. Johnson*, 383 U.S. 169, at 180–81: "Even though no English or American case casts bright light on the one before us, it is apparent from the history of the clause that the privilege was not born primarily to avoid private suits such as those in *Kilbourn* and *Tenney*, but rather to prevent intimidation by the executive and accountability before a possibly hostile jury." It is exactly the latter and not the former proposition that grounds the position asserted here by the Senate of the United States.

The purpose of the "Speech or Debate" Clause—to protect the independence of the Legislative branch from incursions by the Executive—would be seriously eroded if the Court were to retreat from the standards it has heretofore announced. An independent legislature—one in which the legislators are responsible for their actions to their constituents and to the body of which they are members—must be as important to the governance of a free people as the independence of the Judiciary and the independence of the Executive.

In Great Britain, where the horrible experiences occurred that gave rise to the inclusion of the "Speech or Debate" Clause in our Constitution, it is the legislature itself that makes a determination whether the privilege is breached by threatened executive action. Thus, in 1938, in the case of Duncan Sandys, it was the House of Commons that decided that it was a breach of privilege to attempt to require a member of Parliament to divulge to a court of inquiry his source of information about anti-aircraft defenses which he published in putting a question to a minister. (1938) H.C. Pap. 173. The inquiry was based on the possibility of a violation of the Official Secrets Act. The Executive sought to bring Sandys before an allegedly appropriate tribunal. The House of Commons held that Sandys could not be required to respond to any tribunal other than the House itself.

In a more recent case, the House of Commons, contrary to the recommendation of its Committee of Privileges, voted to permit an action to be maintained for a private libel. (1958) 430 H.C. Deb. Col. 208. It is respectfully submitted that the English, without a written Constitution, are more conforming to the concept of separation of powers than we are; that whatever breach of standards committed by a legislator or his aides makes him responsible to the body of which he is a member, in this case, the Senate, is a matter of constitutional provision, Art. I, § 5; that he is not responsible for such actions to the Executive or Judicial branches of the national government is equally a matter of constitutional command. Art. I, § 6. "Courts are not the place for such controversies. Self-discipline and the voters must be the ultimate reliance for discouraging or correcting such abuses." *Tenney v. Brandhove, supra* at 380.

This view was set forth by the Court of Appeals of the District of Columbia in the case of *Cochran v. Couzens*, 42 F. 2d 783, (1930):

"Presumably legislators will be restrained in the exercise of such a privilege by the responsibilities of their office. Moreover, in the event of their failure in that regard, they will be subject to discipline by their colleagues. Article I, § 5."

If this Court is to remain true to the commands of the Constitution, it must hold that neither Senator Gravel nor his aide can be called by the Department of Justice before a grand jury to answer for the Senator's conduct or that of his assistant when they were engaged in their Senatorial duties.

II. For the congressional privilege to be effective it must include legislative aides

A factual aspect of this litigation can be disposed of by common knowledge. For it hardly requires documentation that the dangers of Executive imposition on legislative independence can as readily—perhaps more readily—flow from attacks on legislative assistants as from attacks directly on the legislators themselves. A Representative or Senator simply cannot function in the Congress without aides who are so intimately involved and identified with him as to be in many instances his alter ego. A great deal of the day-to-day work of the Congress is done in the interchange between Members and their own aides, between Members and the aides of others, and even between aides of one Member and aides of another. Congress is no longer a body which meets for only a few weeks of the year, to conduct most of its business on the floors of the House and Senate. It is in more or less continuous session, with staffs both in Washington and in the home districts, and with most of its business conducted by committee, subcommittee, and staff. A Member cannot conduct all of his business himself; he must and does conduct it largely through his aides. If the "Speech or Debate" provision is to be meaningful, it must apply to aides acting for their employer-Member in any situation where it would apply to the Member acting for himself. The Solicitor General's suggestion that harassment of an aide would not distract a Member in the performance of his duties simply misstates the facts of life for Congress today.

This was recognized in *United States* v. *Johnson, supra*, in which it was held that the role of Representative Johnson's aide in the preparation of a speech was within the privilege. *Id.* at 173, 173n. 4.

The only cases in which the privilege has not been extended to Congressional employees are readily distinguishable on two grounds: 1) they involved competing Constitutional rights of individuals; and 2) they involved employees who were engaged in effectuating unconstitutional legislative acts. *Powell* v. *McCormack, supra* at 501–506; *Dombrowski* v. *Eastland, supra*; *Kilbourn* v. *Thompson, supra*.

This is not a case in which the privilege, if sustained, will deny some fundamental constitutional right of a citizen. Nor is there any question here of the constitutionality of the actions taken either by Senator Gravel or by his aide. This is simply a classic, naked conflict between the Executive, concerned by disclosures about its conduct, and a Senator who wishes first to know about this conduct and second to make it known to the people at large. The Executive challenges the conduct of Senator Gravel through his aide. Even attributing legitimacy to the Grand Jury effort in this case, the inquiry into the conduct of a Senatorial aide in his activity for and on behalf of his Senator, if permitted, necessarily diminishes the Speech or Debate privilege.

For not only must the privilege protect a Senator from efforts of the Executive to question his speech, it must, if it is to be meaningful, prevent the Executive from acting in such a way as to inhibit a Senator's use of his aides. To isolate a Senator so that he cannot call upon the advice, counsel and knowledge of his personal assistants is to stop him from functioning as an independent legislator. If an aide must fear that the advice he offers, the knowledge he has, and the assistance he gives to his Senator may be called into question by the Executive, then he is likely to refrain from acting on those very occasions when the issues are the most controversial and when the Senator is most in need of assistance. If the aide must fear that a vindictive Executive or hostile Judiciary will seek to strike at him because it cannot reach his Senator, then the aide will not be able to give his best service to his superior. And the Senator will never be certain whether the advice he gets and the assistance he receives are not the product of the caution and fear engendered by the threats implied. In order that the Senator be protected from Executive interference, the Executive cannot be permitted to delve into what passes between the Senator and his aide.

A recent expression of the argument that the Congressional privilege extends to aides, may be found in the Government's brief in the Court of Appeals for the District of Columbia in the as yet unreported case of *Doe v. McMillan*. In *Doe*, notwithstanding the competing Constitutional claims of the plaintiffs, the Government argued that the aides were privileged because their activity was "within the scope of (their) authority and within the scope of Congress' constitutional power." Government Brief in *Doe v. McMillan*, p. 14. The Government correctly distinguished *Kilbourn v. Thompson, supra*, on the ground that in *Kilbourn* "liability arose from the lack of Constitutional authority." *Ibid.*

Because of its recency, and its applicability and importance to the position of the Senate here, the Government's argument is set forth at length:

"The protection of the Speech or Debate clause extends in this case to those seven appellees who are not members of Congress but are their employees or agents—i.e., the staff members (including the investigator and

consultant) *of the Committee* and the officials of the Government Printing Office. In *Dombrowski v. Eastland*, 387 U.S. 82 (1967), the Supreme Court held that the doctrine of legislative immunity is 'less absolute, although applicable, when applied to officers or employees of a legislative body, rather than to legislators themselves.' *Id.* at 85. 'Less absolute' in this context, we submit, means simply that before applying the doctrine the courts must first determine that the legislative employee was *acting within the scope of his authority and within the scope of Congress' constitutional powers*. The *Dombrowski* case itself illustrates this principle. After sustaining the dismissal of the complaint as to Senator Eastland on the ground of legislative immunity, the Supreme Court reversed the judgment of this Court and remanded the case for further proceedings only because it found a disputed question of fact as to whether the defendant Sourwine, counsel to the Subcommittee of which Senator Eastland was chairman, had by his actions transgressed the limits of congressional power under the Constitution so as to expose himself to civil liability.

"That the umbrella of immunity covers legislative officers and employees was first recognized in *Kilbourn v. Thompson, supra* note 27. While the Court there found the Sergeant at Arms of the House to be subject to civil liability for the illegal arrest of an uncooperative witness, the decision made clear that such *liability arose only from the lack of constitutional authority* . . . .' Government Brief in *Doe, et al. v. McMillan, et al.*, pages 13–14." (Emphasis added.)

This argument was accepted by the Court of Appeals which held that the "Speech or Debate" privilege applied to aides. *Doe v. McMillan, supra.*

The Congressional privilege based upon an express Constitutional provision to encourage the free exchange of ideas and information can hardly be less extensive than the Executive privilege which has no express statutory or Constitutional basis and whose sole purpose is secrecy. Yet the Executive privilege has been extended to the activities of persons whose relationship to the President is far more remote than the relationship of an aide to a Senator.

The need for protecting the confidential relationships between the President and his aides, as the Government has asserted in defending the Executive privilege, is *part passu* applicable to the need for protecting the relationship between Senators and their aides. The parallel was well drawn by the Honorable William H. Rehnquist in the recent hearings before the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary:

"The notion that the advisers whom he has chosen should bear some sort of a hybrid responsibility to opinion makers outside of the Government, which notion in practice would inevitably have the effect of diluting their responsibility to him, is entirely inconsistent with our tripartite system of government. The President is entitled to undivided and faithful advice from his subordinates, just as Senators and Representatives are entitled to the same sort of advice from their legislative and administrative assistants, and judges to the same sort of advice from their law clerks." *Hearings on Executive Privilege: The Withholding of Information by the Executive before the Subcommittee on Separation of Powers of the Committee on the Judiciary, United States Senate,* 92nd Cong., 1st Sess. (1971), p. 424.

This Court has recognized the need to apply the protection of another Executive privilege—also a privilege without constitutional warrant—beyond the highest government officials to those who, in fact, are performing the acts and duties with which the higher officials are charged. In *Barr v. Matteo,* 360 U.S. 564, 572-73 (1959), this Court said:

"We do not think that the principle announced in *Vilas* can properly be restricted to executive officers of cabinet rank, and in fact it never has been so restricted by the lower federal courts. The privilege is not a badge of emolument of exalted office, but an expression of a policy designed to aid in the effective functioning of government. The complexities and magnitude of governmental activity have become so great that there must of necessity be a delegation and redelegation of authority as to many functions, and we cannot say that these functions become less important simply because they are exercised by officers of lower rank in the executive hierarchy."

III. Dissemination of information is a legislative function

The United States Senate contends that Senator Gravel's reading into the Subcommittee record parts of the "Pentagon Papers" protects the Senator and his aide from judicial inquiry into the Senator's effort to inform his colleagues and the public about his views on the war in Vietnam. The Senate further contends that whether such actions were authorized or not is a decision for the Senate and not for the Judiciary.

The Constitution itself makes it clear that it was intended for Congress to inform the public of the matters with which it was concerned. Article I, § 5, provides: "Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may *in their judgment* require Secrecy." (Emphasis added.)

Tested by any of the criteria established by this Court, the informing function is clearly within the scope of privileged activity. The Court has used various words to describe the limits of the privilege:

". . . related to the due functioning of the legislative process." *United States v. Johnson, supra* at 172.

". . . acting in the sphere of legitimate legislative activity." *Tenney v. Brandhove, supra* at 376.

". . . acting in a field where legislators traditionally have power to act. . . ." *Tenney v. Brandhove, supra* at 377.

"It would be a narrow view of the constitutional provision to limit it to words spoken in debate. The reason of the rule is as forcible in its application to written reports presented in that body by its committees, to resolutions offered, which, though in writing, must be reproduced in speech, and to the act of voting, whether it is done vocally or by passing between the tellers. In short, to things generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn v. Thompson, supra* at 204.

An early and often repeated statement of this proposition was made in *Coffin v. Coffin, supra*, quoted with approval in *Tenney v. Brandhove, supra* at 374.

". . . the article ought not to be construed strictly, but liberally, that the full design of it may be answered. I will not confine it to delivering an opinion, uttering a speech, or haranguing in debate; but will extend it to the giving of a vote, to the making of a written report, and to every other act resulting from the nature, and in the execution, of the office; and I would define the article as securing to every member exemption from prosecution, for every thing said or done by him, as a representative, in the exercise of the functions of that office, without inquiring whether the exercise was regular according to the rules of the house, or irregular and against their rules."

To this must be added what this Court said in *Tenney v. Brandhove, supra* at 377:

"The claim of an unworthy purpose does not destroy the privilege."

The actions of Senator Gravel and his assistant that would be the subject of scrutiny by the Grand Jury, if not for the "Speech or Debate" Clause,—were the dissemination of data about the conduct of the Vietnam War. Woodrow Wilson in his classic work on the role of Congress, states the case for the informing function:

"It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. *The informing function of Congress should be preferred even to its legislative function.*" Wilson, Congressional Government 303 (1885), quoted with approval in *Tenney v. Brandhove, supra* at 377 m. 6 (Emphasis added.)

Whether the informing function is more important than the legislative function is not an issue here. It is clear that it is *a* function of Congress.

Again, support for this view is found in the Government's brief in the Court of Appeals in *Doe v. McMillan*. The *Doe* plaintiffs sought to enjoin publication of the report of a Congressional committee and damages because the report contained plaintiffs' names and poor school records. In arguing, successfully, to sustain the right of Congress to make reports and for Congressional immunity under the "Speech or Debate" clause, the Government quoted the following statement from *Methodist Federation for Social Action v. Eastland*, 141 F. Supp, 729, 731–732 (D.D.C. 1956):

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory or not, and whether it is or is not made after a fair hearing. . . . We think it equally clear that *nothing authorizes anyone to prevent Congress from publishing any statement.*

* * * * *

". . . We have no more authority to prevent Congress, or a committee or public officer acting at the express direction of Congress, from publishing a document than to prevent them from publishing the *Congressional Record*. If it unfortunately happens that a document which Congress has ordered published contains statements that are erroneous and defamatory, and are made without allowing the persons affected an opportunity to be heard, this adds nothing to our authority. Only Congress can deal with such a problem." (Emphasis added in the Government Brief in *Doe* v. *McMillan,* page 12.)

Continuing the argument in *Doe*, the Government's brief states:

"It is obvious that the Committee was 'acting in the sphere of legitimate legislative activity.' *Tenney* v. *Brandhove,* 341 U.S. 367, 376 (1951). Indeed, appellants have never alleged otherwise. *This being the case, judicial inquiry is at an end.* 'The courts should not go beyond the narrow confines of determining that a committee's inquiry may fairly be deemed within its province.' *Tenney* v. *Brandhove, supra,* 341 U.S. at 378." Government Brief in *Doe* v. *McMillan*, page 13. (Emphasis added.)

This portion of the Government's brief in *Doe* then concludes with a short statement of the Senate's position here:

"Nor is the protection of the constitutional privilege limited to the mere publication of the report. The members of the Committee are protected from judicial interference in any use to which they may put information

obtained by them in the exercise of their legislative function. Hearst v. Black, 66 App. D.C. 313, 87 F. 2d 68 (1936). If appellants suffer embarrassment or disgrace from the disclosure of certain information by the Committee in its report, their only recourse is to Congress itself, as cases such as *Methodist Federation* and *Hearst* make clear. *They cannot ask the judiciary to intrude upon the constitutional independence of the legislature.*" Government Brief in *Doe* v. *McMillan,* page 12. (Emphasis added.)

That the dissemination of information is an important part of the legislative function is also attested by the filing of this brief by that body most qualified to express an opinion on the subject: The Senate of the United States.

CONCLUSION

There is no basis in history nor in this Court's decisions nor in the prior positions of the Government for the arguments made in this case for the denial of the Congressional privilege to an aide to a Senator, acting on behalf of the Senator, in disseminating information. There is no suggestion of unconstitutionality in the conduct of the Senator or his aide. The cases are clear and unequivocal that the privilege is denied only where there is unconstitutional conduct.

No citizen is here claiming that his Constitutional rights have been infringed by unconstitutional conduct. Instead, the privilege is attacked from the very source from which attack has come historically, the Executive. It was to protect against just such attacks that the privilege evolved.

It is the position of the Senate that, absent unconstitutional activity, neither the Executive, nor the Judiciary has any authority or jurisdiction over Senators or their aides. This control is vested solely in the Senate both expressly in Article I, Section 6, and by the doctrine of separation of powers. The Senate calls upon this Court to use this opportunity to restate the fundamental Constitutional principles challenged by the Government in this case:

1. The Congressional privilege under the Speech or Debate clause extends to aides acting for Members; except where their acts constitute unconstitutional conduct, aides, like Members, "shall not be questioned in any other place."

2. Dissemination of information is an essential function of Congress protected by the Congressional privilege.

Neither Senator Gravel nor his aide should be required to testify before the Grand Jury, and no other witness should be permitted to testify as to the activities of the Senator or his aide.

Respectfully submitted.
Senator Sam J. Ervin. Jr.
Senator James O. Eastland
Senator John O. Pastore
Senator Herman E. Talmadge
Senator Norris Cotton
Senator Peter H. Dominick
Senator Charles McC. Mathias, Jr.,
Senator William B. Saxbe
Counsel for United States Senate.

Philip B. Kurland, Edward I. Rothschild, Suite 2500, 20 South Clark Street, Chicago, Illinois 60670, *Of Counsel.*

Appendix—S. Res. 280

(In the Senate of the United States, March 17, 1972)

Mr. Mansfield submitted the following resolution; which was ordered to lie over under the rule.

March 20, 1972—Ordered to be placed on the calendar.

March 23, 1972—Considered, amended, and agreed to.

RESOLUTION

Authorizing Senate intervention in the Supreme Court proceedings on the issue of the scope of article I, section 6, the so-called speech and debate clause of the Constitution.

Whereas the Supreme Court of the United States on Tuesday, February 22, 1972, issued writs of certiorari in the case of Gravel against United States; and

Whereas this case involves the activities of the junior Senator from Alaska, Mr. Gravel; and

Whereas in deciding this case the Supreme Court will consider the scope and meaning of the protection provided to members of Congress by article I, section 6, of the United States Constitution, commonly referred to as the "Speech or Debate" clause, including the application of this provision to Senators, their aides, assistants, and associates, and the types of activity protected; and

Whereas this case necessarily involves the right of the Senate to govern its own internal affairs and to determine the relevancy and propriety of activity and the scope of a Senator's duties under the rules of the Senate and the Constitution; and

Whereas this case therefore concerns the constitutional separation of powers between legislative branch and executive and judicial branches of Government; and

Whereas a decision in this case may impair the constitutional independence and prerogatives of every individual Senator, and of the Senate as a whole; and

Whereas the United States Senate has a responsibility to insure that its interests are properly and completely represented before the Supreme Court: Now, therefore, be it

Resolved, That the President pro tempore of the Senate is hereby authorized to appoint a bipartisan committee of Senators to seek permission to appear as amicus curiae before the Supreme Court and to file a brief on behalf of the United States Senate; and be it further

Resolved, That the members of this bipartisan committee shall be charged with the responsibility to establish limited legal fees for services rendered by outside counsel to the committee, to be paid by the Senate pursuant to these resolutions; and be it further

Resolved, That any expenses incurred by the committee pursuant to these resolutions including the expense incurred by the junior Senator from Alaska as a party in the above mentioned litigation in printing records and briefs for the Supreme Court shall be paid from the contingent fund of the Senate on vouchers authorized and signed by the President pro tempore of the Senate and approved by the Committee on Rules and Administration; and be it further

Resolved, That these resolutions do not express any judgment of the action that precipitated these proceedings; and be it further

Resolved, That the Secretary of the Senate transmit a copy of these resolutions to the Supreme Court.

CRIB DEATHS

Mr. TOWER. Mr. President, one of the most tragic and the most perplexing killers will strike 28 infants in this country today, over 10,000 this year. Its name is sudden infant death syndrome—more commonly called crib death. It is the leading cause of death among infants between the ages of 1 month and 1 year. It kills three out of every 1,000 children born in this Nation.

Crib death is perplexing because we do not know what it is or what causes it. It is best defined by describing a typical case. An apparently healthy infant, usually between the age of 3 weeks and 6 months, is put to bed without the slightest indication that something might be wrong. He might have the symptoms of a slight cold. Later, while asleep and without a single cry or whimper of warning, the child dies. An autopsy discloses no definite cause of death. This phenomenon—which repeats itself thousands of times each year—is called the sudden infant death syndrome. There is no warning. There is no known reason.

A death of any small child is a tragic event. It is always an extremely traumatic experience for the parents. However, it is shocking that parents of a child who has died of crib death often possess a misplaced sense of guilt or remorse. So little is known of the disease. There is no explanation to offer to family or friends. Furthermore, it is not uncommon for these parents to be subjected to a police investigation and the harrowing experience of a coroner's jury.

The Federal commitment to discovering the cause—much less the cure—for crib death is insignificant. There is a single research grant for $46,000. I believe we must do all we can to find out more about crib death. Therefore, I am pleased to cosponsor Senate Joint Resolution 206—legislation which would focus the resources of the Federal Government in an effort to solve the enigma of crib death. It directs the National Institute of Child Health and Human Development, of the Department of Health, Education, and Welfare, to designate the search for a cause and prevention of sudden infant death syndrome as one of its top research priorities. Furthermore, the Secretary of Health, Education, and Welfare is directed to develop, publish, and distribute literature to be used in educating and counseling coroners, medical examiners, nurses, social workers, and parents to the nature of crib death and the needs of the families affected by it.

I am extremely hopeful that Congress will soon commit the resources and energies of the National Institute of Child Health and Human Development to the identification of the cause and the cure of crib disease.

ITT AND CHILE

Mr. HARRIS. Mr. President, increasingly the candidates for the Democratic nomination are raising the issue of the power of giant corporations in American political life. During my own campaign for the Democratic nomination I made this issue a central feature of my platform.

It is not always easy, however for the voters to understand the true dimension of the problem the country faces. For corporations do not go out of their way to publicize the ease with which they bring pressure on governments.

Jack Anderson's latest bombshell, which concerns ITT's activities in Chile, provides us with a unique inside view of how corporations work. We read of offers to provide money "in seven figures" if the U.S. Government adopts the ITT position on the proper policy to follow vis-a-vis Chile. We learn of interference in the political life of foreign countries. We confirm that ITT has ready access to the highest centers of power both in the United States and abroad.

Unfortunately, the only people able to study these documents at this point are the journalists in Washington provided with copies. I believe that the documents, the contents of which have already been made public, should be available to scholars, journalists, and ordinary citizens throughout the country. I, therefore, ask unanimous consent that the documents be printed in the Record.

There being no objection, the documents were ordered to be printed in the Record, as follows:

ITT Washington Office,
Washington, D.C., September 21, 1970.
To: Mr. W. R. Merriam, Vice President.
From: J. D. Neal.
Subject: Chile.

The excellent Chile report of September 17 to Mr. Gerrity from Hal Hendrix and R. Berrellez is in such depth there is little to add with reference to my call at the State Department on September 16. However, there are a few points of interest.

John Fisher, the new Director of Andean and Pacific Affairs, said Ambassador Korry is fully convinced that if Allende becomes President there will be no half measures—the country will be communist controlled.

Along the lines of the H-B report, State said the Allende-Communist forces moved *very quickly* to take over all possible media, TV, radio, etc.; *El Mercurio* newspaper is about the only source fighting Allende.

State has little or no faith in the Chilean military's willingness or ability to take control.

Should the Christian Democrats make demands of Allende, such as not to change the form of the government, meddle with the military, etc., the State Department said Allende will agree but will not live up to his promises.

I told Fisher we had spoken to the White House and to his boss, Assistant Secretary Meyer, and that we are ready to see anyone or do anything possible. He said he understood our concern, but thought we had covered the water front.

ITT Washington Office,
Washington, D.C., September 14, 1970.
To: Mr. W. R. Merriam.
From: J. D. Neal.
Subject: Chile—White House; State Department; Attorney General.

After you read me Mr. Geneen's suggestions about Chile on Friday, September 11, I took the following action over the weekend:

WHITE HOUSE—KISSINGER'S OFFICE

Late Friday afternoon I telephoned Mr. Kissinger's office and talked with "Pete" Vaky, who is the State Department's Latin American adviser to Kissinger.

I told him of Mr. Geneen's deep concern about the Chile situation, not only from the standpoint of our heavy investment, but also because of the threat to the entire Hemisphere. I explained that $95 million of our holdings are covered by investment guarantees, as are those of other American corporations, but that we are reluctant to see the American taxpayers cover such losses.

I told Mr. Vaky we are aware of Ambassador Corry's position re Alessandri being certified and then resigning in order for Frei to run again. Also, we have heard rumors of moves by the Chilean military.

Mr. Vaky said there has been "lots of thinking" about the Chile situation and that it is a "real tough one" for the U.S. I admitted we understand the difficulty of the U.S. position but we hope the White House, State, etc., will take a neutral position, or not discourage, in the event Chile or others attempt to save the situation.

I told Mr. Vaky to tell Mr. Kissinger, Mr. Geneen is willing to come to Washington to discuss ITT's interest and that we are prepared to assist financially in sums up to seven figures. I said Mr. Geneen's concern is not one of "after the barn door has been locked," but that all along we have feared the Allende victory and have been trying unsuccessfully to get other American companies aroused over the fate of their investments, and join us in pre-election efforts.

Mr. Vaky said to thank Mr. Geneen for his interest and that he would pass all of this on to Mr. Kissinger. He offered to keep us informed.

STATE DEPARTMENT—ASST. SECRETARY MEYER

Early Saturday morning I telephoned Assistant Secretary of State for Latin American Affairs, Charles (Chuck) A. Meyer, at his office. I repeated to him the same rundown I gave "Pete" Vaky.

"Chuck" said he could understand Mr. Geneen's concern and appreciated his offer to assist. He said State is watching the situation as closely as possible and awaiting the October 24 date when the Chilean Congress decides the winner.

He said the Chileans themselves are becoming quite concerned; even the labor unions see a disadvantage in Allende. He said "this is a Chile problem" and they have done a good job in "screwing-up their own dessert."

He said the head of Kennecott Copper has been in to report he feels they have lost their big mining area "El Teniente."

Meyer said he would keep me informed and trusts we will advise his office of pertinent news.

ATTORNEY GENERAL

I went to a wedding reception at the Korean Embassy late Saturday. I was in hopes of finding Secretary Rogers and especially Under Secretary of State U. Alexis Johnson who is a close friend of the Ambassador's, but they did not attend. Mrs. Rogers was there; so we chatted with her.

I ran into Attorney General Mitchell; so decided to mention Chile just in case the subject reached him in a cabinet meeting or otherwise.

Mr. Mitchell mentioned Mr. Geneen's recent visit with him. He said he could understand Mr. Geneen's concern over ITT's Chile investment. I told him I had already spoken to the White House and State Department.

DEFEAT OF ALLENDE UNLIKELY

A congressional defeat for Allende seems unlikely at this point. The Christian Democratic candidate, Radomiro Tomic, who lost, is still backing Allende and can take a sizable segment of the P.D.C. vote with him. Reports from Santiago indicate Allende and Tomic had a pre-election agreement that neither would support Alessandri in a congressional run-off. Considering Tomic's continued unwavering support for Allende, this seems true.

Despite the pessimism, attempts being made to move Frei and/or the military to stop Allende. Also, efforts are continuing to provoke the extreme left into a violent reaction that would produce the climate requiring military intervention.

FREI WEAKNESS

The State Department says one factor which has paved the way for Allende is the failure of President Frei to take a strong position against Dr. Allende. They feel he could be stopped if Frei would stand firm for his country and quit trying to play the part of Hamlet, wishing to go down in history as the great democrat. Frei has not rallied the Christian Democrats as is believed possible.

All past evaluations of Frei's weaknesses in a crisis are being confirmed. Worse, it has been established beyond any doubt that he has been double-dealing to preserve his own stature and image as the champion of Latin American democracy. For instance: he told some of his Ministers he would be quite willing to be removed by a military coup. This would absolve him from any involvement in a coup that would, in turn, upset Allende. Then, he turned right around and told the military chiefs that he was totally against a coup.

A group of respected political and business leaders called on Frei Sunday to call his attention to those lapses. The result of this confrontation or its basic purpose was not determined. The assumption is that by confronting Frei, the group hoped to press him into a definitive move in the one desired direction.

ECONOMIC PRESSURES

Some business sectors are encouraging economic collapse, hoping this eventually will necessitate a military take-over, or strengthen Allesandri in the congressional run-off. Undercover efforts are being made to bring about the bankruptcy of one or two of the major savings and loan associations. This is expected to trigger a run on banks and the closure of some factories resulting in more unemployment.

The pressures resulting from economic chaos could force a major segment of the Christian Democratic party to reconsider their stand in relation to Allende in the congressional run-off vote. It would become apparent there is no confidence among the business community in Allende's future policies and that the over-all health of the nation is at stake.

More important, massive unemployment and unrest might produce enough violence to force the military to move. The success of this maneuver rests in large measure on the reaction of the extreme and violent (Castroite-Marxist) left in Allende's camp. So far he has been able to keep these elements controlled.

It's certain that Allende is on to this scheme. He has referred to it in recent public statements. He is also certainly aware of the government's and Frei's complicity. Last week the Finance Minister issued a pessimistic report on the national economy, placing the blame on the results of the September 4 election. The statement was issued with Frei's blessings. Although it reads as an objective and realistic evaluation of economic conditions, the statement aroused the Allende camp which severely criticized it as provocative.

An extreme rightist faction launched a series of terrorist acts Sunday, September 27 (bombings mostly), in what appeared to be an amateurish attempt to provoke the Castroite-Marxist sector into a violent backlash that would produce the conditions conducive to a military intervention. The bombings failed to arouse anything outside of swift police action which resulted in the arrest of some of the bombers. This, we are told by the most authoritative sources, was the far right's last effort to provoke the far left in this particular manner.

AURA OF FUTILITY

As a result of all this Chilean inertia, an aura of defeat has enveloped important and influential sectors of the community, some businessmen who seemed all gung-ho about stopping Allende are now talking in terms of trying to make deals with him. Others have given up and are getting ready to leave the country.

Another comment by State is that the failure of the Chileans, themselves, to react strongly against Allende is making it difficult for outsiders like the U.S. and Argentina to move in and try to stop Allende openly or covertly.

THE RUSSIANS

Meantime, the Russians are busy helping shore up Allende's defenses. Since the September 4 election, the Russian Embassy staff in Santiago added twenty new members.

INTERNATIONAL TELEPHONE &
TELEGRAPH CORP.,
September 17, 1970.

To: E. J. Gerrity.
From: H. Hendrix/R. Berrellez.
Subject: Chile.

The surface odds and foreign news media appear to indicate that Salvador Allende will be inaugurated as President November 4, but there now is a strong possibility that he will not make it.

The big push has begun in Chile to assure a congressional victory for Jorge Alessandri on October 24, as part of what has been dubbed the "Alessandri Formula" to prevent Chile from becoming a Communist state.

By this plan, following Alessandri's election by Congress, he would resign as he has announced. The Senate president (a Christian Democrat) would assume presidential power and a new election would be called for 60 days ahead.

Such an election would most likely match President Eduardo Frei, then eligible to run again, against Allende. In such a contest, Frei is considered to be an easy winner.

Late Tuesday night (September 15) Ambassador Edward Korry finally received a message from State Department giving him the green light to move in the name of President Nixon. The message gave him maximum authority to do all possible—short of a Dominican Republic-type action—to keep Allende from taking power.

At this stage *the key* to whether we have a solution or a disaster is Frei—and how much pressure the U.S. and the anti-Communist movement in Chile can bring to bear upon him in the next couple of weeks.

The Mercurio newspapers are another key factor. Keeping them alive and publishing between now and October 24 is of extreme importance. They are the only remaining outspoken anti-Communist voice in Chile and under severe pressure, especially in Santiago. This may well turn out to be the Achilles heel for the Allende crowd.

Following are some significant points as we see the Chile situation on this date, plus some comment on various factors and a few basic recommendations:

1. Allende and the Marxist-Socialist coalition (Unidad Popular) are acting like he is the elected President. They are pressing hard on all fronts to consolidate his slim September 4 election plurality into a solid victory in the congressional vote. Chile's Communist Party, a part of the UP coalition, is directing the pressure. Strategy is co-ordinated by the USSR. Party discipline and control thus far is extraordinary.

2. The anti-Communist elements, with Alessandri's supporters in the forefront and Frei in the wings (both prodded by the U.S. government), are manuevering—now rather efficiently—to capture the congressional vote and set the stage for a new national election. Given the atmosphere in Chile today, the prospect of a new election is looking more and more attractive as the future looks more and more bleak.

3. Since Allende and the UP won only a bit more than a one-third of the total national vote, it is strongly believed that in a two-man race and "democracy vs. communism" showdown, Frei would get most of the Christian Democratic vote—since this would put the party back in power—and all the rightest vote that supported Alessandri.

4. For the recent campaign the CD leadership was put in the hands of Radimoro Tomic, who has a deep-grained hatred for Frei and the U.S. The CD national committee is slated to meet early next month and it is expected Frei will regain leadership control. (Tomic already has pledged his support to Allende).

5. Looming ominously over the successful application of the "Alessandri Formula" is the threat of an explosion of violence and civil war if Allende loses the congressional vote. Allende, the UP and the Castroite Revolutionary Movement of the Left (MIR) have made it clear they intend to fight for total victory. Thus, some degree of bloodshed seems inevitable.

6. Is the Chilean military capable of coping with nationwide violence or a civil war? Opinion is divided on this in Santiago. Korry has said he considers the armed forces a "bunch of toy soldiers." Well-informed Chileans and some U.S. advisers believe the army and national police have the capability. There are definite reservations about the air force and navy. We know that the army has been assured full material and financial assistance by the U.S. military establishment.

The Chilean military will not move unilaterally to prevent Allende from taking office. They will act only if it is in the framework of the constitution.

7. President Frei has stated privately to his closest associates, to Alessandri and to a State Department visitor last weekend in Vina del Mar that the country cannot be allowed to go Communist and that Allende must be prevented from taking office. Publicly, however, he is keeping out of the battle up to this point while feeling steadily increasing pressure from the U.S. and his own camp. Never known for displaying guts in a crunch, he is faced with a dilemma of not wanting to be charged with either turning Chile over to Communist rule or contributing to a possible civil war. A parlay of his highly inflated ego and a chance to occupy the presidency six more years may provide the necessary starch for his decision.

To help strengthen his position, efforts are being made this week to turn this weekend's observance of Chile Independence Day into a pro-Frei demonstration. Main feature of the observance will be a military parade by about 25,000 troops assembled in Santiago.

8. Ambassador Korry, before getting a go-signal from Foggy Bottom, clearly put his head on the block with his extremely strong messages to State. He also, to give him due credit, started to manuever with the CD, the Radical and National parties and other Chileans—without State authorization—immediately after the election results were known. He has never let up on Frei, to the point of telling him to "put his pants on."

By the same token, last week when an emissary of Allende called at his office to pay respects and say that the "Allende government wanted to have good relations with the Ambassador and the United States," Korry responded only that he had been "so busy with consulate affairs helping to get visas for Chileans wanting to leave the country that he had not had time to think of the future." Thus ended the interview.

9. The anti-Allende effort more than likely will require some outside financial support. The degree of this assistance will be known better around October 1. We have pledged our support if needed.

10. There is no doubt among trained professional observers with experience in the U.S., Europe and Latin America that if Allende and the UP take power, Chile will be transformed quickly into a harsh and tightly-controlled Communist state, like Cuba or Czechoslovakia today. The transition would be much more rapid than Cuba's because of the long-standing organization of the Chile Communist Party. This obviously poses a serious threat to the national security of the U.S.—Sol Linowitz, Senator Church and others of the same thought notwithstanding—and several Latin American nations. It also is obvious from Allende's pronouncements that existing business and financial links with the U.S. would be strangled.

At a meeting of Arturo Matte at his residence Sunday (September 13), he seemed in a more relaxed frame of mind than on the last visit and he made these points:

A. The "Alessandri Formula" through which the way would be opened for new elections had the government's and Frei's personal approval. Once elected by Congress, Alessandri would resign, thus carrying out a pre-election pledge that he would do so unless he received a plurality or majority of the votes in the regular balloting.

B. Alessandri did publicly announce his plans to resign if elected last week. It was subsequently learned Frei saw and approved the text of the announcement before it was released to the public.

C. Frei and his party (at least that wing that he commands) have a deep interest in this for two reasons: it would block the assumption of power by a Marxist and also give the Christian Democrats a new chance to regain power, this time backed by the Alessandri camp. Alessandri's announcement had the effect of alerting the Marxists and Allende that a powerful last-ditch effort was afoot to block them and it also probably may have partially checked a PDC congressional vote swing toward Allende.

D. Matte said the armed forces are agreed on the extreme danger to democracy that Allende's assumption of power involves. They agree he must be stopped. However, the armed forces leadership and Frei prefer a constitutional way out (i.e., congressional election of Alessandri) that doesn't preclude violence—spontaneous or provoked.

E. A constitutional solution, for instance, could result from massive internal disorders, strikes, urban and rural warfare. This would morally justify an armed forces intervention for an indefinite period. But it was apparent from Matte's exposition that there is little hope for this. The Marxists will not be provoked. "You can spit in their face in the street," Matte said, "and they'll say thank you." This means that the far left is aware of and taking every precaution to neutralize provocation.

F. A plan suggested to Frei, said Matte, calls for the creation of a military cabinet. This would be a form of extreme provocation since it would hint at the makings of a coup. It would have a definite psychological effect on the congressional voters who may be undecided about whom they'll vote for in the runoff. But, added Matte, Frei is reluctant to do it without some reason to justify it in the eyes of the public. We inferred from this that Frei will not act on this unless he is confronted with a severe national crisis.

G. The armed forces boss, Rene Schneider, is fully aware of the danger of Allende moving in. But he will not budge an inch without Frei's okay. One retired general, Viaux, is all gung-ho about moving immediately, reason or not, but Matte said Schneider has threatened to have Viaux shot if he moves unilaterally. Although Viaux has some following after his abortive rebellion a few months ago, it is doubted he commands strength enough now to carry it off alone.

H. Frei, said Matte, is highly worried about the damage to his stature in the hemisphere; he is concerned that he may become, as the Brazilians have put it, the Kerensky of Latin America.

But he still refuses to take the reins in his hand without "moral" reasons, Matte said.

I. Could he be persuaded, Matte was asked, by assurances of fullest support from Washington? He thought that over a while and finally said he thought that would help. The distinct impression, however, was he might have felt this would have to be done with consummate skill and tact so as not to offend Chilean national dignity. (Korry's new mandate may serve this purpose).

J. The military has contingency plans ready for whatever scope operation is necessary, Matte said.

The conclusions from this session were:

The leader we thought was missing is right there in the saddle (Frei), but he won't move unless he is provided with a constitutional threat.

The threat must be provided one way or another through provocation. At the same time, a subtle but firm enough pressure must be brought to bear on Frei so that he'll respond.

Matte did not mention money or any other needs. At the end when it was mentioned we were, as always, ready to contribute with what was necessary, he said we would be advised.

A Communist Party congress was held in Santiago early this week. Among topics discussed was expropriation. The CUT, national labor confederation, was placed in charge of mapping expropriation plans. The CUT is controlled by the Communist party.

According to informants monitoring the party congress, the priority schedule has been put in the hands of a man named Bertini and roughly looks like this:

1. Copper companies.
2. The Mercurio newspaper chain.
3. Two unspecified "attractive" interests.

(These three items would be acted upon quickly. It is assumed in Santiago that Chiltelco probably would fall in item No. 3.)

4. Following the early expropriations, a commission would be named to study which industries should be taken over. The next group of take-overs would be slated for about one year later. Within two years the process would be complete.

The Mercurio chain is hitting at Allende and the Communist party with effect. Allende this week sent one of his top lieutenants, Alberto Jerez, mentioned as his choice for foreign minister, to see A. Edwards chief representative in Santiago.

Purpose of the post-midnight session was to blackmail Mercurio into stopping its anti-Communist campaign. Jerez stated bluntly that Mercurio and A. Edwards were committing suicide with their attitude. He said Allende had no intention of trying to fool Edwards. He planned to expropriate the newspapers and destroy what they stand for. Jerez added that the other Edwards interests in Chile could be affected more or less by the attitude taken by the papers in the weeks ahead. He said the papers was "inciting sedition and if this continued we cannot control the MIR, which wants to burn the plant." He also said Edwards could return to the country (he is in the U.S. on business and his family now is in Baires) but if he came back and the paper refused to change "he could be hanged in the Plaza de Armas" after Allende takes power.

The paper in Santiago is in financial trouble. Since election day it is running about 10 to 15 per cent of its normal advertising. They will have a close squeeze meeting this end-of-the month pay roll.

As you have read in news stories. Chile's economy is sagging badly. But runs on the banks have stopped and the escudo has settled back down to around 25 on the black market.

Unemployment is rising rapidly, especially in the construction sector. About 5000 workers already have been laid off in Santiago construction as projects are being shut down. It is estimated that over-all layoffs will affect about 30,000 in Greater Santiago by the end of this month.

We will be advised what help we can contribute as present activities develop between now and early October.

We have recommended, apart from direct assistance, the following:

1. We and other U.S. firms in Chile pump some advertising into Mercurio. (This has been started).

2. We help with getting some propagandists working again on radio and television. There are about 20 people that the Matte and Edwards groups were supporting and we should make certain they are revived. Allende now controls two of the three TV stations in Santiago and has launched an intensive radio campaign.

3. Assist in support of a "family relocation" center in Mendoza or Baires for wives and children of key persons involved in the fight. This will involve about 50 families for a period of a month to six weeks, maybe two months.

4. Bring what pressure we can on USIS in Washington to instruct the Santiago USIS to start moving the Mercurio editorials around Latin America and into Europe. Up until I left they were under orders not to move anything out of Chile.

5. Urge the key European press, through our contacts there, to get the story of what disaster could fall on Chile if Allende & Co. win this country.

These are immediate suggestions and there will be others between now and October 24 as pressure mounts on Frei and the Christian Democrats.

ITT WASHINGTON, *September 22, 1970.*

Please forward following message to ITT Europe, Brussels.

To: Mr. H. S. Geneen.
From: E. J. Gerrity, ITTW.
CC: F. J. Dunleavy, ITT Europe; J. W. Guilfoyle, ITT N.Y.; E. R. Wallace, ITT N.Y.

(No other distribution of this memo should be made.)

The Hendrix and Berrellez memo which we discussed last Friday has been confirmed. Bill Merrian reviewed the actions being taken today with the man you introduced him to some months ago. It is clear that the strategy outlined in the Hendrix memorandum is the best course to be followed. Bill's contact suggested that all possible pressures be exerted. He reported that pressure is building on the scene.

GERRITY.

ITT WASHINGTON OFFICE,
Washington, D.C., September 30, 1970.

To: Mr. W. R. Merriam.
From: J. D. Neal.
Subject: Chile—A Questionable U.S. Policy.

The unfortunately heavy probability that Allende will take office in November is well known to the State Department and Embassy Santiago. Both believe Allende will start early and systematically attack foreign private enterprise. Thus forewarned, we should hope the Nixon Administration will be prapared to move quickly to exert pressure on Allende. However, because of our weak policy in the Hemisphere during the past two years, we cannot count on such immediate and effective action.

I fear the Department of State will convince the White House to again circumvent the Hickenlooper Amendment—as it has done in Peru, Bolivia, and Ecuador, etc. Instead, I look for the silent pressure (?) which will call for a drying-up of aid and instructions to U.S. representatives in the international banks to vote against or abstain from voting on Chilean loans.

For the past several years the State Department has been predicting an upsurge of Marxism in Chile, and foresaw the culmination of the threat in the September, 1970, elections. Knowing this, the U.S. stepped up its AID program in an attempt to help Chile remain democratic. Following are the figures for economic assistance to Chile between 1961 and 1968 in millions of U.S. dollars:

1961	132.8
1962	169.5
1963	83.7
1964	127.4
1965	130.9
1966	107.7
1967	284.6
1968	99.8
	1,136.4

The 1969 estimate was over 100 million as, no doubt, fiscal year 1970 was the same or more.

The above total includes both AID loans and grants. A few weeks ago, the State Department estimated the *outstanding loan total* in Chile would be in the area of a billion dollars. Allende has already expressed a desire to re-negotiate this figure; probably wishing to offer Chilean bonds!

The foregoing means the U.S. realized the danger of Marxism in Chile; so fought it with grants and loans, but did not have the extra forethought to follow its intuition by taking a more active part during the pre-election period to assure the defeat of Allende.

The State Department and AID admitted in public congressional hearings that "Chile is a country of major U.S. assistance emphasis because of its important political role in the Hemisphere." They continued the hearing by saying the liberal U.S. loan policy to Chile is justified because they were putting the money in there to fight Marxism. However, now that its program failed to prevent Allende from winning the election, the U.S. says, "This is a Chilean matter, thus, we must not interfere!"

Why should the U.S. try to be so pious and sanctimonious in September and October of 1970 when over the past few years it has been pouring the taxpayers' money into Chile, admittedly to defeat Marxism. Why can't the fight be continued now that the battle is in the homestretch and the enemy is more clearly identifiable?

ITT WASHINGTON OFFICE,
Washington, D.C., October 7, 1970.

To: Mr. E. J. Gerrity, Jr.
From: W. R. Merriam.
Subject: Chile.

Our man reports nothing new and picture is not rosy. He says Prewett column exaggerated. Repeated calls to firms such as GM, Ford, and banks in California and New York have drawn no offers of help. All have some sort of excuse. English papers were delivered. His only message is that everyone should keep the pressure on because Allende should not take office with complete support and also for the weakening we might accomplish after he does take office—there is always a chance something might happen later.

The information we are receiving from Hendrix and Berrellez is up-to-date, factual, and concise as any coming out of Chile. The State Department says it is swamped with rumors and facts; so there is no lack of information there either.

Everyone foresees an Allende victory in Congress unless some last minute miracle takes place. There is no, repeat no, solid news showing even a chance that Allende can be stopped.

The State Department says one factor which has paved the way for Allende is the failure of President Frei to take a strong position against Dr. Allende. They feel he could be stopped if Frei would stand firm for his country and quit trying to play the part of Hamlet, wishing to go down in history as the great democrat. Frei has not rallied the Christian Democrats as is believed possible.

The lack of strong political activity on the part of Chile has hampered outsiders like the U.S. and Argentina in trying to help defeat Allende.

Assistant Secretary of State Meyer leaves tomorrow for a week in Haiti and Santo Domingo (while Santiago burns)!

OCTOBER 9, 1970.

From: W. R. Merriam.
To: Mr. McCone.

At Ned Gerrity's suggestion I am attaching a summary of a report which we recently received from our people in Latin America. I think you will find it interesting.

Today I had lunch with our contact at the McLean agency, and I summarize for you the results of our conversation. He is still very, very pessimistic about defeating Allende when the congressional vote takes place on October 24. Approaches continue to be made to select members of the Armed Forces in an attempt to have them lead some sort of uprising—no success to date.

In the meantime, Allende continues to hold meetings with small groups of Army, Navy and Air Force people promising them, personally, that he will see to it that they will be promoted; that their pay will be increased, etc. Thus, it is easy to understand why there is a problem in getting the military to take action.

To follow up the vote last weekend, which ordered the hierarchy of the Christian Democrats to work out the wording of a constitutional amendment which Allende would subscribe to and which would limit him in some of his far-out ideas, various small committees of three have been appointed. It is interesting to note that the persons appointed to serve on these committees are very favorable to Allende although technically Christian Democrats.

Practically no progress has been made in trying to get American business to cooperate in some way so as to bring on economic chaos. GM and Ford, for example, say that they have too much inventory on hand in Chile to take any chances and that they keep hoping that everything will work out all right. Also, the Bank of America had agreed to close its doors in Santiago but each day keeps postponing the inevitable. According to my source, we must continue to keep the pressure on business.

I was rather surprised to learn that in this man's opinion the Nixon Administration will take a very, very hard line when and if Allende is elected. As soon as expropriations take place, and providing adequate compensation is not forthcoming, he believes that all sources of American monetary help, either through aid or through the lending agencies here in Washington, will be cut off. He assures me that the President has taken at this time (better late than never, I guess) a long, hard look at the situation and is prepared to move after the fact. We had heard previously from the lower level at the State Department that Hickenlooper would not be evoked. This policy has either changed or the lower echelon does not know of the change. This is the first heartening thing I have heard because with few exceptions, Nixon has paid very little attention to Latin America.

ITT Washington Office,
Washington, D.C., October 22, 1970.
To: Mr. E. J. Garrity, Jr.
From: W. R. Merriam.
Subject: Chile.

I have just met with Dr. Danielion, Tim Stanley, and Jack Neal on the above subject. All of us went over in great detail possible repercussions in Chile if and when it becomes known that we are pushing the State Department along certain lines. I, personally, feel that we don't have much to lose one way or the other, unless, of course, our so-called "pressures" come back to haunt us in other Latin American countries. This I also doubt.

Awaiting Senate floor action is an Inter-American Bank appropriation amounting to $2.9 billion. This appropriation has passed the House, has been reported out of the Senate Foreign Relations Committee, and supposedly will be taken up after the recess.

We are planning, together with some of the other members of IEPA, to approach Senators Scott and Mansfield to see if they will just "forget" to take up the bill. We could prepare statements from them which would get a message to the other Latin American countries that Chile's action is affecting them too, albeit indirectly.

Dr. Dan plans to hold a meeting of his Latin American Committee early next week to see what other pressures we can drum up to make the State Department stiffen its attitude. We are not hopeful and believe the best pressures must come from other Latin American countries. It was also suggested that we try to determine if any large European companies are in the same position we are in Chile and other Latin American countries. If so, do you think there is any possibility of trying to get them stirred up?

Following is our idea of a white paper to be presented to Assistant Secretary Meyer. Jack and I feel that perhaps it will be more effective if HSG were to talk to Meyers over the telephone rather than deliver a white paper to Meyer's desk. We can do the latter, of course, but the telephone call would be the important thing.

Late this afternoon we can discuss this, as I will be out of the office in Leesburg most of the afternoon, and Jack Neal has some pressing personal business to take care of after lunch. I will call you as soon as I return, around 4:00 or 4:30 p.m.

International Telephone &
Telegraph Corp.,
Washington, D.C., October 23, 1970.
Dr. Henry A. Kissinger,
Assistant to the President,
The White House

Dear Dr. Kissinger: As a result of recent events in Latin America, foreign private enterprise in that area is facing its most serious exposure.

President Nixon, one year ago, in his speech before the Inter-American Press Association said, "We will not encourage private investment where it is not wanted, or where local political conditions face it with unwarranted risks."

ITT does not wish to go where it is not wanted, but we, too, have President Nixon's "strong belief that properly motivated private enterprise has a vital role to play in social as well as economic development."

Our company knows the peoples of the Americas deserve a better way of life and we believe we have a substantial interest in diminishing their problems. The countries themselves are unable to furnish necessary development funds, the U.S. taxpayers cannot, and U.S. private enterprise can provide only that part which a proper climate affords. Everyone agrees the job will have to be done on a coordinated basis.

ITT has given serious consideration to circumstances now facing Hemisphere development. We are convinced the present moment is a most expedient time to reappraise and strengthen U.S. policy in Latin America.

I attach a paper containing our estimations plus specific reference to the Chilean situation. This is respectfully submitted; I would appreciate your comments.

Sincerely,

William R. Merriam,
Vice President.

New York, *September 29, 1970.*
To: Hal Hendrix—ITT HDQS—N.Y.
From: Robert Berreller—ITT LA-B.A. (Dictated today by telephone from Buenos Aires to New York.)
Subject: Chileans.

CAPSULED SITUATION

It appears almost certain that Marriot Salvador Allende will be confirmed by the Congress as Chile's next President.

The Congressional run-off vote is scheduled October 24.

There's only a thin tendrill of hope of an upset based on a sharp and unlikely switch in voting sentiments among the Christian Democrats who hold the balance of power in the run-off. The prevailing sentiment among the P.D.C. is said to favor Allende.

A more realistic hope among those who want to block Allende is that a swiftly deteriorating economy (bank runs, factory bankruptcies, etc.) will touch off a wave of violence, resulting in a military coup.

President Eduardo Frei wants to stop Allende and has said so to intimates. But he wants to do it constitutionally—That is, either through a Congressional vote upset or an internal crisis requiring military intervention.

DETAILS

1. Chances of thwarting Allende's assumption of power now are pegged mainly to an economic collapse which is being encouraged by some sectors in the business and political community and by President Frei himself. The next two weeks will be decisive in this respect. Cash is in short supply. But the government is printing more money. There's an active black market with the escudo moving at a 29 to $1.00 U.S. rate on Monday, September 28. It had gone down to 26.50 to $1.00 on Friday. The pre-election rate was 20/21 to $1.00.

Undercover efforts are being made to bring about the bankruptcy of one or two of the major savings and loan associations. This is expected to trigger a run on banks and the closure of some factories, resulting in more unemployment.

2. The pressures resulting from economic chaos could force a major segment of the Christian Democratic party to reconsider their stand in relation to Allende in the Congressional run-off vote. It would become apparent, for instance, that there is no confidence among the business community in Allende's future policies and that the overall health of the nation is at stake.

More important, massive unemployment and unrest might produce enough violence to force the military to move. The success of the maneuver rests in large measure on the reaction of the extreme and violent (Castroite-Marxist) left in Allende's camp. So far he has been able to keep these elements controlled.

3. It's certain that Allende is on to this scheme. He has referred to it in recent public statements. He is also certainly aware of the government's and Frei's complicity. Last week the Finance Minister issued a pessimistic report on the national economy, placing the blame on the results of the September 4 election. The statement was issued with Frei's blessings. Although it reads as an objective and realistic evaluation of economic conditions, the statement aroused the Allende camp which severely criticized it as provocative.

4. All past evaluations of Frei's weaknesses in a crisis are being confirmed. Worse, it has been established beyond any doubt that he has been double-dealing to preserve his own stature and image as the champion of Latin American democracy. For instance: he told some of his Ministers he would be quite willing to be removed by a military coup. This would absolve him from any involvement in a coup that would, in turn upset Allende. Then, he turned right around and told the military chiefs that he was totally against a coup.

5. A group of respected political and business leaders called on Frei Sunday to call his attention to those lapses. I could not determine the results of this confrontation or its basic purpose. The assumption is that by confronting Frei, the group hoped to press him into a definitive move in the one desired direction.

6. As a result of all this inertia, an aura of defeat has enveloped important and influential sectors of the community, some business men who seemed all gung-ho about stopping Allende are now talking in terms of trying to make deals with him. Others have given up and are getting ready to leave the country.

7. Some Chilean business men have suggested we try to deal in some manner with Allende, in an effort to rescue at least a por-

tion of our investment instead of losing it all. At this writing, we have been told that Allende's representatives have asked for a meeting with Sheraton representatives to discuss Allende's future policies regarding the hotels. My personal view is that we should do nothing to encourage or help the Allende team. Every care should be exercised to insure that we are not—repeat not—identified openly with any anti-Allende move.

8. No hope should be pegged to conditions the Christian Democrats are demanding from Allende in exchange for their support in the Congressional vote. Some believe that if Allende turns them down, the P.D.C. will not vote for him. Allende will promise anything at this stage. Furthermore, many of the conditions the P.D.C. is making are covered by the Constitution, to which Allende will pay lip service for a while until he is firmly in the saddle and has consolidated all the elements necessary to convert Chile into a thoroughly Communist, self-perpetuating state.

9. It is obvious from his latest remarks, however, that Allende feels something is in the wind to deprive him of the Presidency in the Congressional vote. On Monday, he warned publicly that he would bring the nation to civil war if he was not voted into power.

10. Meantime, the Russians are busy helping shore up Allende's defenses. Since the September 4 election, the Russian Embassy staff in Santiago added twenty new staffers.

11. An extreme rightist faction launched a series of terrorist acts Sunday, September 27 (bombings mostly), in what appeared to be an amateurish attempt to provoke the Castroite-Marxist sector into a violent backlash that would produce the conditions conducive to a military intervention. The bombings failed to arouse anything outside of swift police action which resulted in the arrest of some of the bombers. This, we are told by the most authoritative sources, was the far right's last effort to provoke the far left in this particular manner.

THE SUM-UP

1. A Congressional defeat for Allende seems unlikely at this point. The defeated Christian Democratic candidate, Radomiro Tomic, is still backing Allende and can take a sizable segment of the P.D.C. vote with him.

2. Despite the pessimism, efforts are continuing to move Frei and/or the military to act to stop Allende. Efforts are also continuing to provoke the extreme left into a violent reaction that would produce the climate requiring military intervention.

3. Although its chances of success are slender, a roadblock to Allende's assumption of power through an economic collapse should not be dismissed.

ITT WASHINGTON OFFICE,
Washington, D.C., October 15, 1970.

To: Mr. W. R. Merriam.
From: J. D. Neal.
Subject: Chile—Conversation with Ambassador Korry.

This morning, I called on the U.S. Ambassador to Chile, Edward M. Korry, who is in Washington on consultation.

ALLENDE TO PROCEED SLOWLY

The Ambassador believes Allende, upon taking office, will proceed cautiously and slowly. It will not be necessary for him to initiate new legislation because he will already have sufficient authorization to carry out most of his socialistic program.

The Ambassador said that regardless of Allende's many faults and idealistic beliefs, he is known to be a man of his word; so it is quite certain he will carry out his campaign promises. This means nationalization of everything which he thinks should fit into his Marxist scheme.

This action against U.S. private concerns will quickly bring Allende face to face with U.S. policy.

AID STOPPED

Ambasador Korry said he has reduced the amount of U.S. aid "already in the pipe-line" as much as possible. He estimates the amount to be $30,000,000.

Also, there is a much larger amount for which Chile has been given letters of credit, but he didn't say how much.

The Ambassador said he had difficulty in convincing Washington the need to "cut-off" every possible assistance to Chile, but he insisted because he needs this as a bargaining point. This "cut-off" will be denied by State, who will say, as it has in the past, "there has been no shut down of aid to Chile; the program is under review."

MILITARY EQUIPMENT

Ambassador Korry says there is no leverage as regards aid, because Chile will not seek it right away. He feels Allende will quickly need equipment for the military.

I said if we won't furnish that then the Russians will. The Ambassador thinks *not*. Too, he believes it would take too long to convert the Chilean Army from U.S. equipment to Russian.

U.S. HARD LINE

The Ambassador said that if Allende starts to expropriate American businesses, the U.S. will insist on immediate and just compensation in dollars. In the event U.S. mining companies are taken, payment might be arranged in ore.

The Ambassador intimated he plans a hard line with Allende in respect to complying with obligations.

Personally he feels Allende is going to pay his bills in order to maintain Chile's international prestige.

Ambassador Korry believes the U.S. pressure points with Allende include our source of development fund, market for Chile's products, our world prestige, etc. He seems to think he can insist that Allende restrict himself to internal democratic procedures rather than the tool of Castro and Russia.

RUSSIA

With respect to Russia, Korry discounts the part the Russians have played in Allende's election.

FELIPE HERRERA

The Ambassador said he had a long talk with Herrera when he was in Santiago recently. Evidently Herrera's letter of congratulation to Allende was a mistake because Herrera told Korry that Allende told Herrera he was not acceptable as a cabinet member. Korry agreed with me that it was good to have Herrera out of the bank and that he should be replaced by someone who will tighted the bank's administration.

TOMIC

Korry feels the loss of the election by Tomic started him on a downward plunge from which he will not return politically. He seems to have little or no regard for Tomic and believes his secret deal to support Allende in a congressional run-off has hurt him.

U.S. POLICY RE ALLENDE

The Ambassador said there are several alternatives of action, the main ones being to provoke Allende and cause a rupture in our relations with Chile, thus, lose all without a try.

The second would be to try to live with Allende—not appease him—take a firm line, but attempt to negotiate at every turn.

The second alternative seems to be the one the U.S. will take. The position will have to be taken soon because on the November inauguration of Allende, President Nixon must send a message of congratulation or the world will know of the rebuff.

Ambassador Korry wished to know whether Mr. Geneen would be in New York this weekend at which time he would try to see him. I told Mr. Korry that Mr. Geneen would be at the Cape or in Maine, but that maybe he could call the Ambassador early next week.

Mr. Korry said if Mr. Geneen had any ideas about U.S. policy toward Allende's government he hoped this would be relayed to the White House immediately. He said other companies with Chilean investments should do the same. He feels any complaints or ideas should be made now rather than after October 24.

INTERNATIONAL TELEPHONE &
TELEGRAPH CORP.,
October 30, 1970.

To: E. J. Gerrity.
From: Hal Hendrix.
Subject: Charles Meyer.

Per your request for a personal viewpoint sketch of Charles Meyer, following are some of my thoughts:

Meyer came aboard at the Department of State as Assistant Secretary for Inter-American Affairs in March, 1968.

Previously, he was a Sears Roebuck executive in Latin America, with about 14 years residence in Bogota, Colombia, where he performed as an outstanding merchandiser in the Sears Roebuck joint-effort program in Latin America. Sears had been knocked out of business during the 1948 Bogota riots, and, in effect, it was Meyer's mission to restore the company's presence. In that role he performed well. But Meyer's Latin America experience was limited to the north coast of South America and Mexico.

During the last two and one-half years at State, for all his great personal charm, elegance and wit on social occasions, he ranks very high as the weakest Assistant Secretary in recent times—at least during my 22 years of association with the area.

He has only secondary or tertiary relations with the President, for example, who from the beginning has relied on his National Security Council team, Henry Kissinger, and Latin America specialist Viron Vaky for top guidance on the Latin area. His clout with Secretary Rogers is about as potent.

By the same token, Meyer has suffered—as has his area department within State—because of other pressing administration priorities around the world, and surely in the U.S.

But Meyer clearly has been ineffective in the bureaucratic infighting for attention at State, and, therefore, in the Nixon administration.

He also on numerous occasions has exercised bad judgment in dealing with the press that covers Latin America. His contacts with press are extremely limited as a result.

SEPTEMBER 23, 1970.

Mr. R. L. SCHMIDT, W. R. MERRIAM.

In a conversation with Ned this morning, he feels it's about time to move on getting someone to do something about Chile on the floor of the House and or/Senate.

The attached clippings, together with an editorial from the *Washington Post* of yesterday, and Ralph Dungan's stupid piece this morning of the *Post*, should serve as background.

I suggest you get together with Bernie Goodrich to decide what can be prepared. Incidentally, Bernie leaves on Saturday for Europe so you will have to work fast on that end of it.

CHILE: TEST OF AMERICAN MATURITY

(By Ralph A. Dungan)

Whatever else follows, the recent Chilean election—in which a socialist, Salvador Allende, with some Communist Party support was the victor—provides an opportunity for the United States government to demonstrate a maturity in the conduct of its foreign relations which would be as refreshing as the Chilean situation is novel.

Several characteristics of the election can be acknowledged by almost any objective observer. As has been true historically in Chile, the elections were as honest as elections are anywhere—perhaps more so. Participation was high, as usual, and proportionately higher than in most Western countries.

Demagoguery, last minute incidents or external events do not seem to have distorted the results. To the extent that there were seriously disturbing factors present, the urban terrorism attributed to and sometimes claimed by the MIR (Revolutionary Left Movement) was more likely to have benefited center-right candidate Sr. Allesandri. The election by almost every standard was honest, orderly and in the best Chilean and Western tradition.

Therefore, there is every reason for us to adhere fully to our principle of self-determination and maintain strictly neutral posture as the Chilean people move to complete the constitutionally prescribed process on Oct. 24. On that date a joint session of the Chilean Congress will decide in a runoff ballot which of the three candidates will be president. If it adheres to tradition, Sr. Allende having the largest plurality, will be named.

It can be predicted safely that the period preceding the runoff will be marked by political jockeying as the Christian Democrats seek to gain whatever advantage their large number of seats in the Congress will yield after the poor third place showing of their candidate, Sr. Tomic.

One can also expect some panic reaction on the part of the wealthy and the relatively large petty bourgoisie. It will be difficult indeed to stem the flow of currency into foreign banks, the relatively unimportant capital market, like similar institutions in other countries, will no doubt be chaotic. These and other manifestations of unrest and anxiety are to be expected given Sr. Allende's rhetoric during this and previous campaigns.

And the reaction may be more than the fragile social and economic structure of Chile can stand. Some elements of the military might make a move, as they have promised, to prevent Allende's taking power. Or the MIR, taking advantage of the confusion, might make a desperate move. Or, less likely, one of Chile's neighbors might threaten.

But the democratic process does not guarantee stability; it only guarantees people free choice in the selection of their government. A majority (more than 60 per cent) of the Chilean people, quite predictably, have indicated their desire for a government of the left and apparently at least a third of the electorate is not concerned with a Marxist label.

It is hoped that Chileans and Chile's friends outside the country will view the recent election in some perspective and will speak and act with restraint. Foreigners especially should recognize that despite the very susbtantial progress brought about under the Frei government, continued rising expectations, unsolved problems like inflation, and the desire for a change were important factors in the election.

Chile, like other modern democracies, has a large swing vote not clearly committed to party or ideology. This swing vote is young and left-leaning and looking for solutions. The choice of aging, rigid Jorge Allesandri as the candidate of the Conservatives was poorly calculated to attract center-left elements which could have made the difference in this close race.

Then there is Sr. Allende himself. A man historically in opposition, he has had no recent governmental experience. He is intelligent and committed. Above all he is a Chilean and can be expected to look for, as he has suggested, solutions which will suit the Chilean character and spirit. He will inherit large problems including a huge external debt, a probable decline in copper prices, and endemic inflation. Taking nothing away from his ideological convictions, he is too intelligent and sophisticated an observer not to realize that doctrinaire solutions usually don't work.

In any event, the central fact is that the Chilean people have chosen and are in the process of completing a constitutional and free election. It would be most unfortunate if anything interrupted the process which will determine Chile's destiny.

[From the Washington Post, Sept. 22, 1970]

THREAT TO PRESS FREEDOM IN CHILE

The Inter-American Press Association has issued a most urgent and alarming warning about the threatened strangulation of the press in Chile. Earlier this month Salvador Allende, a Marxist supported by the Communist Party, won a plurality in the popular balloting for president, and since then, according to the IAPA, "Communist and Marxist forces and their allies" have attacked the country's independent media, causing the resignation or dismissal of journalists opposed to them and otherwise using union pressure and intimidation to bring the media under their control. El Mercurio, Chile's leading newspaper and one that has stoutly opposed pressure. Its owner, Augustin Edwards, has refused to give in.

Mr. Allende's distaste for the influential Edwards newspaper chain and his stated intent to "liberate" the Chilean media from their "Commercial character," are all too well known. But implementation of such a policy is utterly incompatible with the preservation of the democratic system that, until now has been Chile's pride. Mr. Allende received only 37 percent of the popular vote and he needs the support of other parties in the runoff election in Congress on Oct. 24. The Christian Democrats, as a condition of their support, have demanded that he pledge to keep the democratic system intact. It is essential that Mr. Allende make such a pledge and even more essential that he move immediately to honor it by throwing his weight against those of his followers who, in his name, are threatening to turn Chile 1970 into Czechoslovakia 1948.

To: Mr. H. S. Geneen—Intel. Brussels.
From: E. J. Gerrity.
Date: September 29, 1970.
cc: F. J. Dunleavy—Intel. Brussels; Guilfoyle—ITT N.Y.; Merriam—ITT Washington.

Subsequent to your call yesterday I heard from Washington and a representative called on me this morning. He was the same man you met with Merriam some weeks ago. We discussed the situation in detail and he made suggestions based on recommendations from our representative on the scene and analysis in Washington. The idea presented, and with which I do not necessarily agree, is to apply economic pressure. The suggestions follow:

1. Banks should not renew credits or should delay in doing so.

2. Companies should drag their feet in sending money, in making deliveries, in shipping spare parts, etc.

3. Savings and loan companies there are in trouble. If pressure were applied, they would have to shut their doors, thereby creating stronger pressure.

4. We should withdraw all technical help and should not promise any technical assistance in the future. Companies in a position to do so should close their doors.

5. A list of companies was provided and it was suggested that we approach them as indicated. I was told that of all the companies involved ours alone had been responsive and understood the problem. The visitor added that money was not a problem.

He indicated that certain steps were being taken but that he was looking for additional help aimed at inducing economic collapse. I discussed the suggestions with Guilfoyle. He contacted a couple of companies who said they had been given advice which is directly contrary to the suggestions I received.

Realistically I do not see how we can induce others involved to follow the plan suggested. We can contact key companies for their reactions and make suggestions in the hope that they might cooperate. Information we received today from other sources indicates that there is a growing economic crisis in any case.

Guilfoyle received a call this afternoon from a representative of the key candidate asking us to do nothing to rock the boat because forces are at work to solve the problem.

I advised the visitor that we would do everything possible to help but I pointed out in detail the problems we would have with the suggestions he had made.

Finally, Bob Berrellez has just sent a report which is pessimistic as to the outcome next week. This report is being delivered to you by Mr. Barr of the technical department who is leaving for Brussels this evening.

GERRITY.

SEPTEMBER 30, 1970.

To: Messrs. Merriam/Neal/Ryan.
From: E. J. Gerrity.

Yesterday, subsequent to my visit from Mr. Broe, Jack Guilfoyle was advised of the following by Enno Hobbing of CLA:

Hobbing was visited yesterday by Gregorio Amunategui, who is an Alessandri representative. Gregorio had come from Santiago and his message to Hobbing from Alessandri was—keep cool, don't rock the boat, we are making progress—.

This is in direct contrast to what Broe recommended.

I will call you later to discuss HSG's reaction to my telex in some detail. He agrees with me that Broe's suggestions are not workable. However, he suggests that we be very discreet in handling Broe.

Allende obviously must be aware of this sort of plotting since his Unidad Popular has penetrated nearly everything in Chile. In one impromptu speech early this week he noted that Chile "was now swarming with C.I.A. agents."

A significant straw in the wind was noted this week while in Chile. The Commander of the Navy, Admiral Fernando Porta, was put on temporary leave of absence. His sudden departure from the scene was attributed unofficially to a meeting of four other admirals with Allende, with the reported consent of Admiral Porta. The meeting allegedly was arranged to pledge the Navy's support to Allende.

It also is significant that in spite of all the gossip and speculation about Viaux, no action has been taken against him. However, the Commander of the Army, General Rene Schneider, still shows no open indication of supporting Viaux.

Meanwhile, Allende and his representative have been ardently romancing the armed forces at various levels and have continued to infiltrate the lower ranks. Many have agreed to support Allende after hearing his promises to give the Army a greater role in developing the country's infra-structure, much like the work of a U.S. Corps of Engineers.

Allende also has promised various officers that he will not change the military organizational structure. But he has given no pledges about personnel changes. One retired officer pointed out that all Allende has to do as President is to pick his time to promote a loyal Major or Colonel to General rank and all those officers above his appointee would automatically be retired out of command. This is a tactic not uncommon in Latin America.

While Chile was bubbling with rumors last week, it is completely the opposite this week. The capital is in a bad state of depression, the general public seemingly resigned to the fact that Allende has won and that the next order of business is to determine how to survive and live with a Marxist government. Some anti-Allende spokesmen who show this resignation speak of starting to work toward winning a "second round."

INTERNATIONAL TELEPHONE
AND TELEGRAPH CORP.,
October 16, 1970.

To: E. J. Gerrity.
From: H. Hendrix (dictated by phone from San Juan).
Subject: Chile.

Unless there is a move by dissident Chilean military elements by this time next midweek, the consensus in Santiago is that Salvador Allende will win the October 24 Congressional run-off easily and be inaugurated as President November 4.

The chance of a military coup is slim but it continues to exist—at least to this date.

A key figure in this possibility is former Brigadier General Roberto Viaux, who last October led an insurrection by members of the First Artillery Regiment in a demand for more pay and improved working conditions. This revolt collapsed quickly. Viaux was summarily dismissed from the Army but overnight his actions made him a hero to a large group of active and retired officers and enlisted personnel.

Clearly, Viaux was gearing up to launch a move last week. Rumors that he would trigger a coup on October 9 or October 10 were rampant in Chile and spilled over into Buenos Aires, Argentina.

It is a fact that word was passed to Viaux from Washington to hold back last week. It was felt that he was not adequately prepared, his timing was off, and he should "cool it" for a later, unspecified date. Emissaries pointed out to him that if he moved prematurely and lost, his defeat would be tantamount to a "Bay of Pigs in Chile."

As part of the persuasion to delay, Viaux was given oral assurances he would receive material assistance and support from the U.S. and others for a later maneuver. It must be noted that friends of Viaux subsequently reported Viaux was inclined to be a bit skeptical about only oral assurances.

Meanwhile, Viaux has been conferring with high-ranking and junior officers about taking some action to prevent Allende from becoming President. He has pledges of support from several, but unfortunately not from any key troop commanders, at least to our knowledge.

Whatever resistance starch there was left in many anti-Allende groups was thoroughly dissipated by the Christian Democratic National leadership decision October 5 to support Allende in Congressional balloting. Allende took a firm, hard-line with the P.D.C. once he was certain he had at least 25 of the party's votes in his pocket to assure his election. Since then, groups of the radical and national parties that had been wavering have jumped on the Allende bandwagon. There are even indications now that a significant number of Alessandri votes will swing to Allende.

Allende this week has had a series of meetings with Chilean business leaders, seeking pledges of support. He reportedly made it clear to all visitors that he intended to move as rapidly as possible with his industrial nationalization plans, legally with the aid of a Congress he will be able to control. He has not clearly defined a manner of compensation in his plans to nationalize the basic mining, banking, communications, both national and foreign, enterprises in Chile.

Feedback from some of these sessions indicates that Allende has become gravely concerned about the sick state of the Chilean economy. It is far worse than he first thought, according to some visitors, and it is said Allende is now giving this problem an "agonizing reappraisal." Business conditions are worsening steadily throughout Chile, unemployment is rising, and the flight of capital is continuing.

Allende also is becoming increasingly irritated with labor unions, most of which are under control of the Communist Party. The Communist Party forms a part of the Unidad Popular coalition. Several labor unions are pressing for tremendous wage increases before November 4, feeling it may be a long dry spell for raises under Marxist rule.

Allende's chief concern in this area is with the Anaconda Copper Company workers at the huge Chuquimata mine in northern Chile. More than 5,000 of these workers have been on strike since October 1 and may well still be on strike November 4, giving him a colossal headache with his inauguration. These workers are demanding 51% increase in wages and benefits and have ignored Allende's appeals to return to work. The government, as you know, now owns 51% of Anaconda. The company management is ignoring the workers demands.

We are also experiencing similar union difficulties. Workers at Chiltelco staged an illegal strike Wednesday morning, October 14, demanding special increases in wages and cost of living bonuses. Their demands represented about 18 million escudos, which translates roughly into $1.5 million. By the end of the day more than 3500 workers had joined the strike. Inasmuch as I left late Wednesday night for Puerto Rico, I do not know if the strike continued into Thursday. B. Holmes took the position of ignoring the workers' demands and the company advised both the union and the Frei government that the strike was totally illegal because the union agreement is valid until December 31, 1970.

Workers at ITT COM in Santiago also are pressuring for wage increases and are threatening strike action.

As I explained to E. R. Wallace by telephone, we had a low key press party Wednesday evening in Santiago to show the new Sheraton San Cristobal hotel. About 50 newsmen, including a handful of visiting foreign correspondents, were invited for a walk-through tour of the hotel and treated to a cocktail party afterward. There were no other guests except the local Sheraton management executives and B. Holmes.

General Manager Fernando Hoffman opened the San Cristobal for business Thursday morning, October 15, with no fanfare. His first guests, a group of about 75 on an American Express tour, were expected to arrive in the hotel during Thursday.

The hotel looks great. Its interior decor is in very good taste and done exceptionally well. It will be staffed by a skeleton force of 255 employees. For the time being, only 2 of its 7 floors will be open for guests. Hoffman said he has several American Express tour groups booked into the hotel in the coming months, which will keep it afloat.

INTERNATIONAL TELEPHONE AND
TELEGRAPH CORP.,
October 20, 1970.

To: Mr. H. S. Geneen.
From: E. J. Gerrity, Jr.
Subject: Chile: the Aftermath.

Assuming that Allende will take power on November 4, barring a last-minute coup, the following broad plan of action is recommended both to protect us, as best possible, in Chile and to guard against the inevitable reactions that will occur primarily in Argentina and Brazil.

In fact, though the formal Allende takeover has not occurred the effects are already being felt in Argentina as our reports indicate and as we had assumed.

It is important that we establish the following—on the record as much as possible:

What does the State Department estimate will happen to U.S. investment in Chile?

In the event of expropriation, what will the U.S. do? Will it take a hard line or go the "soft route" followed first in Peru and now in Bolivia? Will it press for payment in dollars to the expropriated owners?

Will it invoke the Hickenlooper Amendment, and if it did would it matter? What is at stake? Will AID funds be cut off? (Please see Jack Neal's memo concerning his conversation with Ambassador Korry who, Neal reports, says he has gotten approval to cut off aid if expropriation occurs, and who adds that aid funds in the pipeline will be cut off *where possible*. If the worst occurs I see no reason why aid in any form should be continued.)

What does State estimate the effect of Allende's takeover will be in the rest of Latin America?

We believe that State should be pinned down on the record in a written exchange of views so that, in effect, a formal history is set down. State has been absolutely wrong on the outcome in Chile, as other Government agencies have, but State has the fundamental responsibility for the U.S. position and it has been wrong consistently. It is our assumption that it will also, based on its record, probably be wrong about the effects of the Allende presidency.

With a member of the board of directors, we propose that the outlined program above be implemented with: Dr. Kissinger, Mr. Meyer and Mr. Irwin of State, with certain other persons to be determined and, ultimately, with Secretary Rogers and the President. When these visits are carried out, we should demand that U.S. representatives of international banks take a strong stand against any loan to countries expropriating American companies or discriminating against foreign private capital.

As part of the overall action, we should ask our friends in Congress to warn the Administration that continued mistreatment of U.S. private capital will bring about a cutoff of the U.S. taxpayers' funds to international banks.

Allende has already moved to take over communications—the press, radio, TV—in Chile—in emulation of his friend Fidel Castro, of the Chinese Reds, and of the so-called proletarian dictatorships everywhere. Only El Mercurio and Radio Cooperativa Vitalicia hold out against his threats and intimidation, and once he is running the country their fate is sealed.

Freedom is dying in Chile and what it means to Latin America, and to us—to free men everywhere—is not pleasant to contemplate.

We should offer an additional action plan which would involve reduction of American diplomatic representation in such South American capitals as Santiago, Lima, La Paz, Quito, etc. This could be on the basis of leaving each post in the hands of a Charge d'Affaires. This wouldn't reduce the coverage of developments in each of the countries, but it would be a diplomatic slap.

We should also consider communication with the press and with members of Congress as the situation develops.

Finally, we must continue to appraise our total position in Latin America—and this should be an assigned chore for a definite group.

This is important because it is plain that events will cause the investment community and our shareholders to scrutinize our activities in Latin America closely. We see, on balance, at this time no reason for anyone to be optimistic.

Because the Chile situation is so interrelated to our overall position in Latin America, and therefore of such importance to our stockholders, I believe that you would want to meet in Washington with the highest officials to personally express our deep concern with developments that have such serious impact.

This program has been discussed with Mr. Aibel, Mr. Brittenham, Mr. Dunleavy, Mr. Guilfoyle and Mr. Merriam, as well as with Mr. Hendrix, Mr. Berrellez, Mr. Perkins and Mr. Wallace, of our Department, and they are aware of the details.

OCTOBER 20, 1970.

The withdrawal yesterday in Santiago of Jorge Alessandri from the Congressional run-off election for President of Chile marked the final step in the collapse of political resistance to the election of Salvador Allende.

In a message to his supporters in the right-wing National Party, Alessandri stated he did not wish them to vote for him in the balloting Saturday. The message also carried a personal endorsement of Allende, thus virtually assuring that Alessandri's backers will throw their votes to Allende in a show of national unity.

That Alessandri would take this action was evident last week in Santiago. His top advisers reported that he was very bitter now towards President Frei, feeling that Frei had double-crossed him in the post-election plans to win the Congressional election away from Allende. Frei did just that.

Now there is general resignation that Allende will win easily in Congress, and most likely will be inaugurated November 4.

Except among the Allende supporters, a cloud of depression and worry has settled over Santiago and there is no outward sign of any organized opposition. Once the Christian Democrats swung to Allende at their national convention October 5, hope of stopping Allende and his Marxist-Socialist Unidad Popular evaporated quickly and the gloom took hold firmly.

In this atmosphere, many Chileans have turned to thinking about what they can now do to survive economically and politically under Marxist rule. Thus, future announcements of deals and arrangements with Allende should not be surprising.

In spite of the forementioned, there remains in Chile a faint whispher of hope—or wishful thinking—that a military coup will be staged to prevent Allende from assuming the presidency.

The chance of a coup diminishes with each passing day, but some civilian and military personnel continue to look toward former Bridgadier General Roberto Viaux to lead a military action against lame duck President Eduardo Frei before November 4, putting the armed forces in power and thus preventing Allende from taking office.

Viaux has considerable popular following in the lower ranks of the armed forces and some support among officers. But so far he has not won any pledges of support from officers who command troops.

Allende is continuing almost daily meetings with business, industrial and military leaders to explain his programs and seek support. His efforts have paid off. He has made it clear he plans to proceed as soon as possible with nationalization of industries that would allegedly benefit Chile, using legal means and providing compensation—without being specific. He has convinced many military officers that he won't disturb the military structure.

Allende will inherit an economy in critical condition. He also will apparently inherit considerable labor strife and has indicated he will take a hard line with union unrest and demands for increased wages. Thus, organized labor—mostly Communist controlled—is pressuring now for wage and benefit improvements through wildcat strikes. The Anaconda strike and one against the Chile Telephone Company last week are examples.

The rift between Ambassador Ed Korry and his supeior at the State Department has reached the point where he deals now directly with the White House and does not always share his input and instructions with State. Korry was in Washington last week for consultations and was supposed to return to Santiago during the past week-end. But he is remaining in the Washington and New York area for a short time. The word among Korry's colleagues is that Charles Meyer and his deputy, John Crimmons, are determined to get Korry out of Chile—and out of the Department, if possible.

In summary, there is little indication now of any remaining resistance to Allende in Chile—apart from the aforementioned long-shot military action. There are some Chileans who speak of planning now for a "second round" against Allende, but they also admit that the odds for a second round are rather slim.

OCTOBER 21, 1970.

Mr. JOHN A. MCCONE,
Los Angeles, Calif.

DEAR JOHN: Attached is a summary of the situation we discussed at length last week. This is based on information from various sources, including the personal observations of Hal Hendrix and Bob Berrellez of my staff who were recently on the scene. Hendrix is now back in New York and Berrellez has returned to Buenos Aires.

We are developing a followup program as suggested during our discussions. I will bring you up to date on that in the near future.

Best wishes.

Sincerely,

E. J. GERRITY.

UNITED STATES AT THE CROSSROADS—A NEEDED REAPPRAISAL OF OUR LATIN AMERICAN POLICY

The ten year adverse trend of Latin American political and military unrest culminated recently in Chile where an avowed Marxist, Dr. Salvador Allende, was elected President. The free world was shocked and private foreign enterprise, already reeling from damaging treatment in Peru, Ecuador, and Bolivia, was left groping for means of protecting its investments.

Policymakers in Washington only a few months previously were using Chile as a democratic symbol. Now they are unable to predict how Dr. Allende's Marxist policies will affect the Chilean people, their democratic rights, and their economy. However, from Allende's pre-election promises, the results can be anticipated.

What has happened in Chile brings the U.S. face to face with reality in Latin America. The Chilean Marxist government justifies an immediate reappraisal of our Latin American policy.

A recent Congressional report says over *eight billion dollars* have been channeled to Latin America from U.S. official sources during the past *seven years*, with "only modest visible development gains."

The report further states "the United States stands at the crossroads with respect to its policy toward Latin America."

The U.S. government time and again during the past few years has admitted our assistance programs in Latin America have not met their objectives. Those of us who have been operating in the area for almost 100 years are intimately aware of these failures.

The American public is appalled by the failure of the countries to help themselves; displeased with the lack of responsibility; and shocked by the unreasonableness with which U.S. tax money is regarded by those seeking it without a sincere intent of assuming the responsibility of its proper utilization.

Foreign private enterprise equally is disenchanted by the unethical political abuse of development projects which, over the past fifty years, could have made Latin America one of the most stable areas of the world. As previously stated, over *eight billion dollars* during the past seven years alone have been poured into Latin America.

A responsible segment within the Hemisphere is increasingly discouraged about future hopes. Radical government moves are retarding development; local capitalists are without confidence; foreign investors refuse to enter a hostile market; international banking prestige has reached a new low; therefore, the hopes of the people are shattered and essential development is stifled.

Like the Congressional report, I, too, feel we are at a crossroads because we must decide not only whether we, ourselves, are to return to fundamental principles on which this country was founded, but also whether we are to stand firm for democracy for the sake of those friends of ours in Latin America who based their hopes and aspirations on our strength. This is not a time to deny your own heritage, but is a moment of truth when we must stand erect to be counted.

I do not visualize retaliation or vengence as a part of our policy. I am only convinced that to assist development of the Hemisphere the leaders must be assured the United States taxpayer is no longer prepared to sacrifice his hard-earned money for tasks which, as the Congressional report stated, "basically must be discharged by the Latin Americans themselves; and, even with the best of effort, many will not be accomplished in the next decade."

Our prestige is at a low ebb in Latin America—this is a consensus. It is low because our policy has been weak and indecisive. We have not used the legislative implements, such as the Hickenlooper Amendment, to our advantage or to the benefit of democracy in the Hemisphere. We continue to grant aid in super-abundant amounts, even when our citizens are being discriminated against; we give funds when and where they cannot be absorbed; we give where it is not appreciated.

Congress feels this type of assistance should end; the people of the United States certainly agree, and our private corporations know too well it has been counterproductive.

The following quotation from the June 22, 1969, Subcommittee on Inter-American Affairs is almost prophetic in content:

"We want to note, however, that cooperation is a two-way street. The flow cannot come from just one direction. Our readiness to fashion new patterns of inter-American cooperation has to be matched by increased self-help and internal reform, by willingness to establish fair and stable rules which will attract private capital and reduce dependence on Government aid, and by other steps which will reinforce our mutual efforts and sacrifices."

U.S. ACTION REGARDING CHILE

In view of the far-reaching threats Dr. Allende made prior to his election, there should be no hesitance on the part of the United States to confront the new President on what the resultant action of the United States Government will be in the event he carries out his threats. This will not be retaliatory on our part, but will be information to Allende as to the orderly procedure which follows if his threatened action is taken.

I believe the United States should consider the following:

I. Under Presidential instructions, have the U.S. Ambassador to Chile seek an early audience with President Allende for the purpose of informing him of U.S. policy. The Ambassador's approach might include:

a. Review of our historical relationship with Chile; the democratic aspirations of our two countries; our contributions in the form of aid, soft loans, military assistance, earthquake and disaster relief; making him aware of this total figure of more than *one billion, five hundred million* poured into Chile during the past ten years.

b. Outline the vast economic and social contribution to Chile by U.S. private investment.

c. Call his attention to his own threats to these corporations, and inform him of the deep concern which resulted.

d. Make reference to the sudden economic fear which struck his country after the September election and advise him of similar repercussions experienced in international banking circles. (United Press International reports the Export-Import Bank has dropped Chile to its worst-risk category. It also reports the Overseas Investment Corporation, another U.S. Government agency, is not insuring new investments in Chile.)

e. Inform President Allende that, if his policy requires expropriation of American property, the United States expects speedy compensation in U.S. dollars or convertible foreign currency as required by international law.

f. Inform him that in the event speedy compensation is not forthcoming there will be immediate repercussions in official and private circles. This would mean a stoppage of all loans by international banks and U.S. private banks.

g. Continue the foregoing trend with every possible pressure which might keep Dr. Allende within bounds.

II. As a reassertion of U.S. Latin American policy, each Hemisphere Ambassador to the U.S.—and to the OAS—should be called to the State Department and individually informed of our diplomatic review with Dr. Allende.

III. Without informing President Allende, all U.S. aid funds already committed to Chile should be placed in the "under review" status in order that entry of money into Chile is temporarily stopped with a view to a permanent cut-off if necessary. This includes "funds in the pipeline"—"letters of credit" or any such.

IV. Consideration should be given to a reduction in U.S. diplomatic representation in certain Latin American capitals. Staffs should be reduced and the post left in the hands of a Chargé d'Affaires.

International Telephone and
Telegraph Corp.,

October 22, 1970.

To: E. J. Gerrity.
From: Hal Hendrix.
Subject: Chile.

Bob Berrellez called this morning from Santiago to report that shortly after 0800 this date an attempt was made on the life of General Rene Schneider, Army commander-in-chief in Chile.

Generel Schneider was gravely wounded by shots fired by occupants of a car described as a white-grey Falcon. One of the shots reportedly struck him in the neck.

The assassination attempt occurred as the general was leaving his home to go to his office. Three vehicles blocked the path of his car, and machinegun fire came from one.

An official communique stated that General Schneider's condition was "delicate." He was rushed to a hospital and underwent immediate surgery. President Frei and other government officials are standing by at the hospital.

The assailants escaped and there was no immediate indication who was involved.

In recent days, however, police and army squads have been picking up extreme right-wing terrorists. Thus, the quick assumption in Santiago is that right-wing terrorists are responsible.

Observers speculate that the attempt is (1) revenge against Schneider for his refusal to support plans for a military coup against Frei to block Allende from taking office, or (2) an attempt to arouse violent reaction among the extreme left. The latter is considered unlikely because of the rigid discipline managed by the Communist Party.

Yesterday, authorities arrested a retired police Major, Jose Cabrera, and found a small arsenal in his home. This morning's El Siglo, the Communist party daily in Santiago, said the capture of the Major revealed a plot to kill Allende. The main conspirators, said El Siglo, were the CIA and General Lanusse of Argentina.

Tuesday, a retired army major, Arturo Marshall, was arrested and described as a leader of a right-wing terrorist group.

In mid-morning, General Carlos Prat, chief of staff, was named interim commander in chief.

The army was put on alert and ordered to remain in barracks. All roads leading out of Santiago have been blocked. There were rumors that air line flights were cancelled but Berrellez says that all international carriers are operating.

Shortly before noon, Allende met with Frei at the Casa Moneda (presidential palace). There was no announcement on what was discussed.

The Technical-University students announced plans to stage street demonstrations this afternoon in support of "institutionality." The meaning of this was not explained in the announcements, but it is interpreted as a warning to the military to stay in their quarters and mind their own business.

Also, the CUT, the national Chilean labor confederation (dominated by the Communist Party), announced that it would go into an emergency session at 5:00 p.m. It did not indicate what the session would deal with.

We will continue to monitor the situation. Whether it will develop into any military action remains to be seen, but at this stage it seems doubtful with General Prat now in command.

Prat supported Schneider in his attitude toward General Roberto Viaux, who had attempted to spark a military coup earlier. Prat does not like Viaux personally. As far as we can determine, Prat will display the same loyalty to Frei as Schneider did in the past.

To: Hal Hendrix, ITTHQNY.
From: R. Berrellez, ITTLABA/CHILTELCO.
Date: October 22, 1970 (sent by traveler).
Subject: Chile.

A group of workers identifying itself as a "Policy Orientation Committee" of the Popular Unity Front (Allende's) visited Standard Electric, Chiltelco, and ICO (World Com) the past week to conduct lectures on communications policy in the new government.

Apparently no one at any of the plants checked into the credentials of the group to determine if it was an authentic delegation or merely a self-appointed team trying to impress (and possibly even intimidate) management and employes.

The lecture at Standard Electric was taped by Dan Gillen. We are to get a copy. Arturo Prat at Worldcom made notes, the gist of which follows:

Gillen says his workers were told there were no immediate plans to take over the factory, but that the government would have a bigger say in future policy and that government and workers would also have representation on the Board of Directors.

At Worldcom, according to Prat's notes, singular emphasis was made on the fact Allende would create a government of the workers. The team spokesman (not identified by name) also said both the telephone company and Worldcom would be nationalized with the process beginning the day Allende takes over, November 5. In response to questions, he said he did not know how long the process would require.

Worldcom and Chiltelco, the spokesman said, suffered from the same malady: poor administrations and outdated equipment. If Chiltelco declares profits of "thirty million dollars," he said, it simply means that the profits are much higher.

All this would be corrected in the future, the spokesman stressed, and "cheaper telephone service would be made available to all, not just a privileged few." A vast expansion program also would be undertaken. Less emphatically, he said that at least during the initial phase of the program salaries and other social benefits would be frozen.

All America Cables would disappear, the spokesman said, because it operates illegally (? ? ?) in Chile.

He asserted the Popular Unity Front does not wish to do away with unions since they represent the workers and the government is of the workers. (This was probably an oblique allusion to swiftly spreading apprehensions in some worker sectors that Allende plans to do away with the trade union movement, a la Castro. Allende heightened these fears when he made it known he would break the backs of the "labor aristocracy" in Chile—the mine workers).

In his private conclusions, Prat observes that the pitch was made to put the workers at ease, all of them including those who might not have voted for Allende.

Prat said the team spokesman did not mention the ITT hotel properties.

He also said the spokesman pointed out Standard Electric would not be nationalized because its production was essential to future telephone system expansion. No one apparently asked if this meant that a nationalized factory's output would be inadequate for expansion purposes.

October 27, 1970.

To: H. S. Geneen.
From: E. J. Gerrity

Attached are two reports on the Chile situation which have just arrived from Bob Berrellez. I thought you would be interested in seeing them as they sum up the situation there as it stands today.

To: Hal Hendrix, ITT HQ NY.
From: Robert Berrellez—ITT LA BA—CHILTELCO.
Date: October 25, 1970 (sent by traveler).
Subject: Chileans.

1. Marxist Salvador Allende has been elected to the Chilean presidency by the congress and the first step toward the total communization of this country has been taken.

2. In view of important recent developments, a major question is what immediate steps the communists will take to consolidate their beachhead. A likely immediate target is Allende himself. Although a Marxist and an admirer of Castro, Allende sees himself as a Western hemisphere Tito who will forge his own utopian version of socialism: at once palatable both to Washington and Moscow.

3. Having just recently given Tito a personal presidential blessing, Washington will certainly arouse liberals everywhere if it turns its back on Allende. Such inconsistencies are fodder for the editorial pages.

4. However, if Washington just sits there and does nothing to thwart Allende, it will be inviting a sharper turn toward leftist nationalism—which translates into more danger for foreign investments—among other Latin American countries.

5. Allende does not have the large personal following that President Frei once enjoyed and thus has no real power base from which to move independently as he hopes. He lacks Castro's charisma and in a crunch could not—as Fidel can—bring the crowds out into the street for massive demonstrations of support. At least not without the acquiescence of the Communists and the leftist bloc that put him in power.

6. Thus the communists can and probably will take the measures necessary to shape Allende to their liking. A key factor here is economics.

7. The general consensus is that the election of Allende by congress pulled the plug from under the anemic Chilean economy. Without help from Washington, Allende

will be forced to turn to the communists and Moscow. The Russians don't want another Tito on their hands. In order to fortify their hold, the communists will have to start tampering with the congress, the trade unions and the military. This will invite some serious troubles for the communists.

8. A main deterrent to this remains the armed forces. The elimination of General Rene Schneider from a key command post (chief of the armed forces) makes Allende and the communists even more vulnerable than before. General Schneider, fatally wounded in an assassination last week, has been described as favorable to Allende. He is known to have consistently blocked coup efforts by more determined general officers.

9. His successor, General Carlos Prats, is described as a political moderate, a professional who'll brook no outside tampering with the armed forces.

10. Contrary to the general expectation, the military did not move against Allende over the weekend. It was believed that the killing of Schneider was a prelude to the coup.

11. A widespread belief is that the Schneider plot was handled from within the army. The job was too professional for ordinary civilians—excluding those trained in Russia and Cuba. The thinking is that if the Schneider shooting was not really the prelude to the coup, it was a skillful maneuver to eliminate from the top the one man who would have permitted Allende to infiltrate and neutralize the military.

UNITED STATES AT THE CROSSROADS—A NEEDED REAPPRAISAL OF OUR LATIN AMERICAN POLICY

The ten year adverse trend of Latin American political and military unrest culminated recently in Chile where an avowed Marxist, Dr. Salvador Allende, was elected President. The free world was shocked and private foreign enterprise, already reeling from damaging treatment in Peru, Ecuador, and Bolivia, was left groping for means of protecting its investments.

Policymakers in Washington only a few months previously were using Chile as a democratic symbol. Now they are unable to predict how Dr. Allende's Marxist policies will affect the Chilean people, the democratic rights, and their economy. However, from Allende's preelection promises, the results can be anticipated.

What has happened in Chile brings the U.S. face to face with reality in Latin America. The Chilean Marxist government justifies an immediate reappraisal of our Latin American policy.

A recent Congressional report says over *eight billion dollars* have been channeled to Latin America from U.S. official sources during the past *seven years*, with "only modest visible development gains."

The report further states "the United States stands at the crossroads with respect to its policy toward Latin America."

The U.S. Government time and again during the past few years has admitted our assistance programs in Latin America have not met their objectives. Those of us who have been operating in the area for almost 100 years are intimately aware of these failures.

The American public is appalled by the failure of the countries to help themselves; displeased with the lack of responsibility; and shocked by the unreasonableness with which U.S. tax money is regarded by those seeking it without a sincere intent of assuming the responsibility of its proper utilization.

Foreign private enterprise equally is disenchanted by the unethical political abuse of development projects which, over the past fifty years, could have made Latin America one of the most stable areas of the world. As previously stated, over *eight billion dollars* during the past seven years alone have been poured into Latin America.

A responsible segment within the Hemisphere is increasingly discouraged about future hopes. Radical government moves are retarding development; local capitalists are without confidence; foreign investors refuse to enter a hostile market; international banking prestige has reached a new low; therefore, the hopes of the people are shattered and essential development is stifled.

Like the Congressional report, we, too, feel we are at a crossroads because we must decide not only whether we, ourselves, are to return to fundamental principles on which this country was founded, but also whether we are to stand firm for democracy for the sake of those friends of ours in Latin America who have based their hopes and aspirations on our strength. This is not a time to deny our own heritage, but is a moment of truth when we must stand erect to be counted.

Considering the background and philosophy of Allende and the strength of the Communist and Socialist parties in Chile, there remains no doubt that a strongly anti-U.S. government is prepared to take power. It should be readily apparent that a Communist-dominated Chile in the southern cone of the hemisphere in tandem with Communist Cuba in the north at our doorstep represents a new critical challenge to the national security and interest of the United States.

Allende has asserted publicly that he plans to establish diplomatic relations with Castro's Cuba, North Korea and North Viet Nam. He has said he is considering inviting a group of Red Chinese technicians to come to Chile. Thus, Cuba can quickly become a new platform for anti-U.S. conferences and propaganda to further undermine United States prestige and influence in Latin America.

A Communist Chile also provides another base for export of Communist-inspired revolutionary violence, especially in countries neighboring Chile, and a transit point for Cuban and Soviet support for guerrilla groupings in several South American nations.

In addition to these political dangers, there is to be considered anew the strategic importance of Chile's resources to the security of the United States. There also exists the real possibility that in the future the Soviet fleet could use Chile as an operating base in the same manner that Cuba is utilized presently.

It is apparent that the interest and designs of the Soviet Union in Latin America are real. So is the threat of a hostile and Communist-supported regime in Chile. Our foreign policy should not ignore these facts of life today. This hemisphere still is in the United States sphere of influence and this should be made clear to the Soviet Union.

We do not visualize retaliation or vengeance as a policy. We are only convinced that to assist development of the Hemisphere the leaders must be assured the United States taxpayer is no longer prepared to sacrifice his hard-earned money for tasks which, as the Congressional report stated, "basically must be discharged by the Latin Americans themselves; and, even with the best effort, many will not be accomplished in the next decade."

Our prestige and influence are at a low ebb in Latin America. They are low because our policies and diplomacy have been weak and indecisive. We have not used properly the legislative implements, such as the Hickenlooper Amendment, to our advantage as a diplomatic tool. Yet, large amounts of U.S. aid continue to flow into the area, in an increasing amount, while at the same time there has been growing discrimination against our citizens.

Congress feels this type of assistance should end; the people of the United States certainly agree, and our private corporations know too well it has been counter productive.

The following quotation from the June 22, 1969, Subcommittee on Inter-American Affairs is almost prophetic in content:

"We want to note, however, that cooperation is a two-way street. The flow cannot come from just one direction. Our readiness to fashion new patterns of inter-American cooperation has to be matched by increased self-help and internal reform, by willingness to establish fair and stable rules which will attract private capital and reduce dependence on Government aid, and by other steps which will reinforce our mutual efforts and sacrifices.'"

U.S. ACTION REGARDING CHILE

In view of the far-reaching threats Dr. Allende made prior to his election, there should be no hesitance on the part of the United States to confront the new President on what the resultant action of the United States Government will be in the event he carries out his threats. This will not be retaliatory on our part, but will be information to Allende as to the orderly procedure which follows if his threatened action is taken.

We believe the United States should consider the following:

I. Under Presidential instructions, have the U.S. Ambassador to Chile seek an early audience with President Allende for the purpose of informing him of U.S. policy. The Ambassador's approach might include:

a. Review of our historical relationship with Chile; the democratic aspirations of our two countries; our contributions in the form of aid, soft loans, military assistance, earthquake and disaster relief; making him aware of this total figure of more than *one billion, five hundred million* poured into Chile during the past ten years.

b. Outline the vast economic and social contribution to Chile by U.S. private investment.

c. Call his attention to his own threats to these corporations, and inform him of the deep concern which resulted.

d. Make reference to the sudden economic fear which struck his country after the September election and advise him of similar repercussions experienced in international banking circles. (United Press International reports the Export-Import Bank has dropped Chile to its worst-risk category. It also reports the Overseas Investment Corporation, another U.S. Government agency, is not insuring new investments in Chile.)

e. Inform President Allende that, if his policy requires expropriation of American property, the United States expects speedy compensation in U.S. dollars or convertible foreign currency as required by international law.

f. Inform him that in the event speedy compensation is not forthcoming, there will be immediate repercussions in official and private circles. This could mean a stoppage of all loans by international banks and U.S. private banks.

g. Continue the foregoing trend with every possible pressure which might keep Dr. Allende within bounds.

II. As a reassertion of U.S. Latin American policy, each Hemisphere Ambassador to the U.S.—and to the OAS—should be called to the State Department and individually informed of our diplomatic review with Dr. Allende.

III. Without informing President Allende, all U.S. aid funds already committed to Chile should be placed in the "under review" status in order that entry of money into Chile is temporarily stopped with a view to a permanent cut-off if necessary. This includes "funds in the pipeline"—"letters of credit" or any such.

IV. Serious and concentrated effort should be made at the Presidential level to strengthen the professional quality of the U.S. diplomatic representation throughout Latin America. The Soviet Union apparently has given such serious concentration and has staffed its embassies with top-flight Spanish-speaking and Portuguese-speaking ambassadors and diplomats. Unfortunately, the same cannot be said of the United States representation in various Latin American nations. In this connection, it should be noted that a year ago it was announced there was to be named an Under Secretary of State for Latin America. This post remains unfilled.

INTERNATIONAL TELEPHONE
AND TELEGRAPH CORP.,
October 29, 1970.

To: Mr. W. R. Merriam.
From: E. J. Gerrity.
Subject: Chile.

On Saturday, Salvador Allende, a Marxist, was elected president of Chile. He did not attain a majority for election when his countrymen balloted last month. He received about 36 per cent of the vote and thus the election was thrown into the Congress. On that basis it is said that a Marxist has for the first time anywhere been freely elected in a democracy.

Three years ago, Allende said:

"The United States is in trouble, everywhere. The wave of the future is Marxist-Leninism."

If that is so, freedom is in danger, everywhere.

Attached is a memorandum describing briefly Allende's background, indicating his thinking. He admires Red China and relies on Fidel Castro for advice. In his hands, Chile's future seems plain.

OCTOBER 26, 1970.

From: E. J. Gerrity.
To: W. R. Merriam.
Subject: The Chilean Candidate.

Here are some pertinent sidelights on Dr. Salvador Allende from a highly reliable but confidential source.

Physically, Allende is short, red-faced, curly-haired, and tough-talking. In real life he doesn't look nearly so young and attractive as in those recent photographs appearing in *The New York Times* and the world press. For one thing, he is not in robust health. He has kidney trouble. He has had hepatitis twice, and it left him with chronic liver problems. He has suffered a heart attack, and two minor strokes that left the right side of his face partly paralyzed. He is also known as a heavy drinker, and of course this aggravates his physical problems.

In compensation, perhaps, he dresses elegantly and modishly. His party propaganda paints him as a man of the masses, but his tastes are refined and capitalistic: he owns a beautiful summer beach home, a yacht, and a full wardrobe of stylish suits.

Intellectually he has an upper middle-class background. But he has turned into a pugnacious Communist while retaining a degree of both worldliness and provincialism.

Since the Chilean elections much of the world press has been expressing fond hopes that Chile will develop its "own brand" of Communism, somehow more democratic and benign, with guaranteed freedoms and minimal disruption of business, social, and cultural life. Such hopes are far from the actual prospects.

No Communist government of an important nation, once installed, has ever been thrown out. It will make no difference that Allende is coming to power as the first Communist head of state ever democratically elected. It is foolish to believe that he will give democracy another chance in six years. Whatever the trappings, there is unlikely ever to be another truly free election in Chile.

Freedom is already dying in Chile. Allende's supporters have intimidated the entire press and broadcasting media serving the country's 9 million citizens. Only one newspaper, *El Mercurio*, and one radio station have held out against being cowed or coerced into support of Allende. And *El Mercurio*, usually appearing in 64-page editions in the springtime season, is now printing 10- to 20-page editions. This universally respected newspaper symbolizes a 150-year tradition of Chilean freedom of the press. Today *El Mercurio* is isolated, and nobody knows how long it can hold out.

Chilean Communism is going to look a great deal like Chinese and Cuban Communism. Allende has paid three extended visits to Red China, has sent his wife and daughter there as well, and has arranged China visits for Chilean newsmen.

Allende's sister, Beatriz, went to Cuba in September. Men of Allende's own party, the Popular Union Committee, have visited Havana regularly for briefings and money—in dollars from the Russians. Beatriz herself received subversion and guerrilla training in Cuba. She carried back a portfolio of sage tips for Allende from her recent visit. For example, 1. "Try to persuade your skilled technicians to stay in Chile. Take administrative measures if necessary." (These measures are already applicable in Chile: All the country needs to do is send a certain man an internal revenue notice that his tax filings are under study and that he may not leave the country until he has been cleared.) 2. "Don't act too revolutionary or you'll give the counter-revolutionaries the pretext to upset your economy." 3. "Direct all copper sales to the dollar market." 4. "Maintain good relations with the military until you've had time to consolidate your popular support."

Allende is following Castro's advice, and we seem to be letting it happen. The Communist virus will certainly not be confined to Chile. Already leftist elements in other countries of the hemisphere are getting bolder. Student militants have taken over all the non-leftist newspapers in Bolivia and are running them by Marxist cooperatives. American-owned mines will almost certainly be nationalized under the new government of General Torres. In Argentina the new Minister of Economics is a leftist economist, Aldo Ferrer. As a matter of fact, there is no longer a respectable "democratic left" in Latin America—men, for example, like Betancourt, former president of Venezuela, who managed to stand up to the 5-year campaign of arson, subversion, and murder personally directed by Castro against Venezuela.

The United States has poured money into Chile since 1964, when the relatively moderate Eduardo Frei won the election despite heavy financial assistance from Havana for Allende. In the years 1964–1967 we gave Chile $658.4 million for AID projects. We were well aware of the need to help the Christian Democratic candidate and keep a Havana-wired Marxist candidate out. This time we kept our nose, financial and otherwise, out of Chile's presidential election. The State Department's opinion seemed to be: "It is unthinkable that Chile will go Communist." Now the unthinkable is on us, but we seem to be shrugging our shoulders and moaning, "We are powerless because the people of Chile elected Allende legally."

Under Frei, a program of economic reform was instituted, involving even a move toward gradual nationalization of some industries, but gradual nationalization of any kind is almost certainly out the window now. We can expect some swift and ruthless seizures.

And we can expect the same kind of repression of the human spirit which the doctrinaire Marxist always imposes—a repression sometimes cynically enforced with raw power plays, sometimes with bumbling bureaucratic idealism. But the result is the same.

Three years ago Allende told an American observer: "The United States is in trouble, everywhere. The wave of the future is Marxist-Leninism."

Yet, when the election of Allende became a new certainty, former OAS Ambassador Sol Linowitz said: "I think the best course for the U.S. is not to rock the boat, respect the decision of the Chilean people, and hope that out of this will come a mature system, with democratic rights preserved."

Far more likely is the comment of a Chilean citizen: "*El Mercurio* is like a candle in a bottle. It will give light for a while, and then will be smothered, leaving only a little black smoke."

That candle is freedom—in Chile today, in the rest of Latin America tomorrow—if Allende stays in power.

NOVEMBER 2, 1970.

To: Keith Perkins.
From: Hal Hendrix.
Subject: Chile—C. Bartlett.

FYI, Charlie Bartlett of Sun-Times Syndicate called Friday and we talked for over an hour about Chile and the general situation in Latin America, plus the attitude of the U.S. and lack of any Nixon policy. Apparently he is planning several columns on the subject in the days ahead. I gathered from a recent column and from some of his comments that he had a copy of one of our earlier memos (Hendrix-Berrellez) on Chile. Don't really know what tack he will take at this point, but presume it will be anti-Allende and anti-administration with respect to U.S. Latin policy—or lack of it.

NOVEMBER 4, 1970.

To: Mr. H. S. Geneen.
From: E. J. Gerrity.
Subject: Charles Meyer.

Attached is an in-depth report. It speaks for itself. Meyer has not done a good job.

Attachment.

To: H. Hendrix—ITTHQNY.
From: R. Berrellez—ITTLABA.
Subject: Chileans.

1. Salvador Allende was inaugurated last Nov. 3 as Chile's President (until 1976) without incident. At every public appearance during the two-day inauguration festivities, he was a living, breathing image of political moderation, a perfect vehicle that Moscow will now thoroughly exploit to give their brand of communism a touch of bourgeoise respectability they hope will make it palatable—and even desirable—in other Latin American countries.

2. Evidence that the ploy is working in Chile can be found among Allende's conservative opposition. The very people who were once urging Washington to take firmer action to stop Allende now believe they can co-exist with him. They say that "Washington must do nothing in terms of economic or political reprisal that will force him to turn toward the extreme left."

3. Allende has made a most compelling pitch for moderation and national unity. And it would be altogether believable were it not for a few grim undercover signs that clearly indicate the leftwing extremists (Castroites, Maoists) have already moved in to consolidate power bases from which democracy will be slowly but thoroughly strangled long before Allende's six-year term is up.

4. Most alarming of these signs is the presence in Santiago of Cuban political police personnel, trained in Moscow, and headed by Luis Fernandez Ona, described as one of their best agents. The Cubans and other Iron Curtain "tourists" and delegates to an industrial fair now underway in Santiago, arrived within hours of the September 4 voting which gave Alende a plurality in the voting.

5. A weekly newspaper, PEC, recently published a detailed account of the clandestine movement of the leftwing extrements in Chile. The account has been termed "highly accurate" by authoritative sources, persons in a position to know.

6. This version, supplemented by information from other sources, indicates the visitors have taken up residence in homes and apartments in Santiago, suggesting a lengthy stay.

7. Fernandez Ona arrived ostensibly on a romantic mission. He fell in love, a purposely muted public version alleges, with Beatriz Allende, daughter of the President, while she visited in Havana. Beatriz is said to have been the bearer of an alleged special message from Fidel Castro urging Allende to (a) keep copper in the dollar market (b) don't fall into the Soviet clutches, and ad infinitum. Once believable, the message's authenticity becomes more questionable when viewed in the light of what has been going on quietly underfoot.

8. Fernandez Ona's mission is said to be concerned mainly with the shoring up of security for the governing coalition against a military coup or subversion from any other quarter. The Popular Unity front that put Allende in power had organized highly effective security units (commandos) that apparently had infiltrated the police. These are expected to serve as cadres for "committees" in defense of the new regime in the same manner that General Alberto Bayo organized "Committees for the Defense of the Cuban Revolution" in 1959. There was one committee to each block in every key urban community. Thus, when the Bay of Pigs invasion came in April, 1961, the committees were ready to finger—and imprison—anyone suspected of disloyalty.

9. Collaborating with the Cubans are Chilean leftist extremists, the self-styled "revolutionary left" that vigorously opposed—until Castro intervened to quiet them—the "peaceful" quest for power by the Communists and more moderate Socialists. Published statements last week showed the "revolutionary left" is still agitating in schools and universities urging "vigilance committees" to prepare now for any move by the moderates to thwart a total socialization of the country.

10. Numerically the extreme left may be small, but it has been proven in post-war Europe and more recently in Cuba that a militant, disciplined minority can quickly and effectively neutralize and overpower a majority.

11. A grim development that may greatly strengthen Allende's and the Communist position was the assassination of Gen. Rene Schneider, head of the Armed Forces until he was gunned down in late October (see Oct. 25 report). What initially appeared to be a professional job handled from within the Army turned out to be a poorly organized and bungled kidnap attempt in which at least two ex-military figures are directly involved.

12. Among those arrested in the Schneider killing was General Roberto Viaux, a retired officer who gained national prominence and a measure of lower-rank following last year when he led an abortive pay-hike rebellion against the Frei government. Viaux, a conservative strongly opposed to Allende and around whom coup elements appeared to be rallying after the Sept. 4 election, has a lawyer who has indicated more Army brass may be involved.

13. If it turns out that some toplevel military chiefs are involved, even indirectly, with Viaux, this will give Allende the moral and political authority to purge the Armed Forces command and move his men into strategic military positions. This would, in effect, neutralize the Armed Forces which so far have displayed nothing but passivity amid the approaching storm.

14. In one of his most revealing press interviews, President Allende told Julio Scherer, a highly respected Mexican journalist (Excelsior of Mexico City) last Nov. 2: (a) He will use the plebiscite (constitutionally corrected) wherever necessary to go around Congress if needed reforms were blocked by legislative action. Asked if this would not eventually lead to the disappearance of Congress as an effective legislative body, Allende said emphatically "Never would we make Congress disappear." (b) Describing the flight of investment capital as part of a "climate of terror," imposed on Chile, he said its continuation would force a limitation of individual guarantees under the Constitution. He added: "If reactionary violence comes, we will respond with revolutionary violence." (c) If Chile finds itself isolated and blockaded as did Cuba, "There then is no alternative but armed insurrection. We are disposed to anything."

Our Havana files are not available, but a flashback to the year 1959 brings memories of highly similar remarks by Castro when, like Allende, he was impressing almost everyone within earshot of his moderate political views while his brother Raul and Che Guevara worked quietly behind the scenes for the mousetrap job that followed. For instance, Castro said that elections were not necessary. That the people were the Congress of Cuba, that until the subversives were liquidated and the climate of terror imposed on Cuba from inside and outside was lifted, there would have to be special "precautions" imposed on the citizenry for the defense of the revolution, that counter-revolutionary violence would be met with implacable revolutionary violence.

THE SUM-UP

1. The view by Chilean conservatives, now trying to make deals with Allende, that U.S. economic and political reprisals will force Allende farther to the left is a correct asessment. It ignores a fact, however, that whether or not he likes it, Allende will be forced far to the left eventually regardless of what policy Washington adopts.

2. The view among another sector that U.S. reprisals will force Allende into the leftwing extremist camp and that this will trigger a popular and military reaction against his government has little merit. The military has shown no disposition to act in the clutch. There is little reason to believe their mood has changed. It is even questionable that they have the capacity to handle the kind of massive nationwide reaction the far left can mount: general strikes, urban guerrilla warfare. Time is swiftly eroding the military capacity to move against the Allende coalition, even in defense of the Constitution, if such a moral issue arises.

November 10, 1970.

To: H. S. Geneen.
Re: Chile.

Attached are several items.

1. The copy of Henry Kissinger's letter of yesterday's date to Bill Merriam. Please note Bill's note at the bottom of the letter. We are advised that Chuck Meyer is under fire. We don't know what decision will be made as to his future.

Additionally, Merriam is delivering to Kissinger the latest information referred to in your note as supplied by Bob Berrellez.

2. Berrellez' telex which I have copied in sufficient number for all members of the Board should you desire to distribute it to them.

Also attached are some newspaper clippings from the New York Times' report on the unveiling of a statue of Che Guevara.

E. J. Gerrity.

The White House,
Washington, D.C., November 9, 1970.

Mr. William R. Merriam,
Vice President, International Telephone and Telegraph Corp., Washington, D.C.

Dear Mr. Merriam: Thank you very much for your letter of October 23 and the enclosed paper on United States policy toward Latin America. I have read it carefully and I have passed it to those members of my staff who deal with Latin American matters. It is very helpful to have your thoughts and recommendations, and we shall certainly take them into account. I am grateful for your taking the time to give them to me.

With best regards,

Henry A. Kissinger.

November 18, 1970.

To: Keith Perkins.
From: Hal Hendrix.
Subject: Ed Korry.

After your inquiry about Ed Korry in Chile, I asked Bob Berrellez to put down his current observations on him since Bob has been spending a lot of time lately in Santiago. His current comments are attached.

Apart from this, I might add my personal view. I did not know Korry until he showed up in Chile and I was working for Scripps-Howard. Since he formerly worked for UPI, which S–H still owns, we had no problem in establishing a good working relationship.

At the outset it was obvious to me that Korry was (and still is) one of the die-hard New Frontier types from the Kennedy administration. He was and is an extremely clever writer and phrase-maker. He also is brash, at times quite arrogant. He is a great name and place-dropper. In many respects he bears a strong resemblance to Peter Jones, which I guess accounted for their former close personal relationship. Like Jones, he has a habit of using people to his advantage until they are of no use to him. He also has a habit, I learned, of saying one thing to one person and a different story to his next visitor. As one good friend, who has worked closely with him, put it to me recently, "Korry is a man that not even the management of the U.S. government or ITT could keep in harness if he didn't like the fit of the harness."

I feel fairly certain from some of his past comments that he is trolling for a position with ITT when he gets bounced by State. If we want two-of-a-kind in the house, that's probably what we would get.

There has been an enormous lack of imagination prevalent in the Latin section of State under Meyer's direction, with very few exceptions. With him and his deputy, John Crimmons, the general theme has been don't make any waves; don't rock the boat. Granted, there is the traditional State timidity within the careerist system for this particular attribute of Meyer's administration, but he has failed to encourage either creative or independent thought. This is a complaint heard throughout Latin America in our embassies. He certainly has not fought for his area or his section in the manner of some of his predecessors, notably Tom Mann, Henry Holland, or even Jack Vaughn in his short sit in the slippery Assistant Secretary chair.

In retrospect Meyer may, of course, be the victim of the new Latin area strait jacket called the "low profile of the U.S. in Latin America," which when applied to Chile today could be a salient reason why the United States failed even to head off in 1970 that which it so successfully and energetically aided Chileans to avoid in 1964—the emergence of a Marxist president. Meyer and Crimmons jointly led the effort to make certain that the U.S. this time did nothing with respect to the Chilean election.

Meyer's public statements in Latin America all seem to be flavored with apology, which certainly doesn't reflect U.S. strength.

As stated in the beginning, I consider Meyer one of the weakest yet in the long string of Assistant Secretaries. I also believe it would be better for us if he returned to Sears Roebuck.

LATIN AMERICA, INC.,
Buenos Aires, Argentina, November 13, 1970.
To H. Hendrix.
From R. Berrellez.
Subject Ed Korry.

1. There are deep doubts among diplomats and U.S. businessmen in Chile that Ambassador Ed Korry, a Nixon political appointee, will survive under the Salvador Allende administration. Korry alienated Chilean friends, antagonized his Chilean critics and embarrassed many Americans with petulance in the final days of the Frei government.

2. Korry estranged himself from the State Department over the Chilean issue and was dealing directly with Nixon on policy and strategy. The source of this information is Korry himself. The Ambassador became a hard liner (economic reprisals, etc., against Chile) after Allende registered a plurality in the Sept. 4 elections while State chose to play it indifferently. Because of this, Korry's diplomatic career certainly seems at an end.

3. Korry also blew his composure with the U.S. news media and became a sort of male Martha Mitchell in off-the-record briefings. He scolded some (Joe Novitsky of the NYK Times was one) for emphasizing what he considered the "wrong leads" in reports. Most of the press came away either angry or unimpressed with Korry. In all fairness, however, we should point out that much of the U.S. news media almost always has been hostile toward our diplomats, with or without reason.

4. From Embassy friends we've learned Korry is fully aware of his position and has put out a few probes into the business community to sample future opportunities. I've not had a chance to verify this personally.

5. Here is a bit of his background for whatever future use it may serve:

6. A former newsman, Korry has been described variously as imaginative, fearless, sharp and even brilliant by some of his closet associates. I can personally vouch for his courage in a crunch: the gutsy final effort to block Allende, so unusual in our diplomats.

7. Originally a Kennedy appointee (he had made his mark as a correspondent in Europe), Korry also impressed Nixon who promised him a job if he ever became president. Korry, who had been ticketed for dismissal after the last presidential elections, took up Nixon on his promise and got the Santiago post.

8. It was almost inevitable that because of his Kennedy background Korry would hit it off well with the Christian Democrats and Frei. But, as one of his associates has remarked, he became blindly enamoured of Frei and his political evaluation suffered accordingly. He failed to see through Frei's duplicity until too late in the ball game. This is said to be Korry's most glaring fault as our envoy in Chile. He loved unwisely and too well.

9. It is no secret that Korry was highly impressed with Christian Democrat Radomiro Tomic's chances of winning the last elections. We cannot verify that he was actually touting him, but at least two months before the voting he reportedly told friends Tomic would win. He changed later on when it became apparent the contest would be between Alessandri and Allende.

10. Although he was close to Frei, Korry apparently did not get along at all with Foreign Minister Gabriel Valdez. He did not attend a farewell cocktail party for the diplomatic colony arranged by Valdez. Korry's official excuse: he had to attend to the dispatch of food parcels to Easter Island. Actually, he was busy on the dismantling of a U.S. installation on the island. Whatever it was, it was clear he did not need to attend to it personally and the snub was all too apparent.

11. The press quickly picked it up. One newspaper "Las Ultimas Noticias" quoted Valdez as saying:

"With no other Ambassador have I had more problems than with this Mister Korry. We have had problems with Argentina, but never formally with its Ambassadors. I cannot stand or accept this diplomat." He added referring to Korry: "What nature does not endow, diplomacy does not lend."

12. El Siglo, the communist newspaper, was less generous. It used the vilest language possible (likening him, for instance, to excrement) in describing his character: "gross, petulant, flatulent, aggressive, brute, etc."

13. It is certain that Foreign Minister Valdez made his personal views on Korry clear to the diplomatic colony. Diplomats could not escape seeing the press barrage.

14. For this reason, Korry's usefulness as a diplomat in Latin America has been destroyed. And his usefulness in a business capacity in this same area now becomes, I believe, questionable.

REFORM OF SOCIAL SECURITY SYSTEM

Mr. GAMBRELL. Mr. President, the problems facing the senior citizens of our Nation should be of concern to all of us. In these times of inflated prices and ever-increasing taxes, all Americans are affected, but the elderly, particularly those living on a fixed income, are affected most severely. Our senior citizens have worked tirelessly, productively to insure that ours is a better nation, and it is time that we offer some security in return.

Legislation aimed at reforming our social security system is now under consideration by Congress. I have asked the distinguished Senator from Texas (Mr. TOWER) to add my name as a cosponsor of two of his bills which seek to reform the social security system.

One of the major injustices in today's system is the limitation placed upon the senior citizen who is willing and able to work. One bill, S. 2563, would give the person 65 and over who continues to work, the choice of asking for a refund of social security taxes or letting the taxes earn additional social security credit. The second bill, S. 639, will raise the maximum earnings for a social security beneficiary from $1,680 to $3,000 a year before benefits are reduced. The need for legislation such as this is great, and I am hopeful that the Congress will act promptly to remove the inequities in the social security system that now exist.

Throughout the country, retired citizens living on fixed incomes are being forced to vacate their homes of many years because they cannot meet their rapidly rising property taxes. I have asked Senator Moss to add my name as a cosponsor of S. 3088, a bill to encourage State and local governments to provide relief from real property taxes for the elderly. I have not sufficiently studied alternative methods of implementing such tax relief to be assured that S. 3088 is the best possible approach, but I enthusiastically endorse the objective of this proposal. Even if we were so callous as to disregard the uprooting of a segment of our population, we should be persuaded of the desirability of such property tax relief by the economics of the inevitable influx of many of these displaced citizens into Government-supported housing.

Just as property taxes have become an impossible burden, housing for the elderly has become a critical problem. I recently introduced S. 3285, a bill responding to the needs of older Americans for suitable housing. Adequate housing facilities should be assured to the elderly, and S. 3285 would result in sufficient funding for 35,000 elderly housing units during the first 2 years the program is in operation. The bill also provides for grants or loans to elderly persons to rehabilitate their homes. The problem is, if property taxes continue to rise, these rehabilitation grants will be worthless. If the elderly cannot afford to pay their property taxes, they do not need home improvement loans.

Mr. President, we often speak of domestic priorities and of problems at home. We now have an opportunity to provide much needed relief to the senior citizens of our country, and it is my hope that Congress will act favorably on this legislation.

ORGANIZED SUPPORT FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, often in the past I have urged Senators to consider and ratify the long-neglected treaty for the prevention and punishment of genocide. By now the merits of this humanitarian document are well known.

Since 1948 numerous organizations concerned with human rights and dignity have forthrightly endorsed the treaty. As resolutions have been sent to my office I have presented them to the Senate in an effort to convey the depth of support for the articles of the Genocide Convention. Recently I received such a resolution from the Jewish women's service organization, B'nai B'rith Women, which has a long history in the fight for humanitarian issues.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION: GENOCIDE CONVENTION

B'nai B'rith Women has consistently supported efforts to achieve ratification by the United States Senate of the Convention on Prevention and Punishment of the Crime of Genocide. We believe that the official labeling of genocide as an international crime demonstrates the concern of civilized nations with the inherent human rights of each individual on earth; as well as belief in a system of international law and morality. World peace, if it is to be accomplished, must be based on these precepts.

We reaffirm our past resolution in light of recent active efforts to bring the matter of ratification to the floor of the United States Senate. Expressing our confidence in the wisdom of the members of this great body, we know they will recognize that the position of the United States will be enhanced internationally by such ratification; and that approval will be a restatement of the principles of liberty and human justice to which this nation has been so passionately dedicated.

Be it resolved, therefore, that B'nai B'rith Women once again calls upon the membership of the United States Senate to confirm America's role as a leader of the community of nations an dour devotion to world peace by voting for ratification of the Genocide Treaty.

AD HOC COMMITTEE ON SENATE REFORM

Mr. HARRIS. Mr. President, on April 13, the Democratic conference will meet to discuss the first two reports of the Ad Hoc Committee on Senate Reform, appointed by the majority leader in February 1971. These two reports and their accompanying resolutions deal with the method for selecting Senate conferees and with the conditions which conference members should continue to enjoy the benefit of seniority deriving from conference membership.

Because of the important issues involved, I ask unanimous consent that documents relating to these two questions be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., November 23, 1971.

Hon. ——— ———,
U.S. Senate,
Washington, D.C.

DEAR ———: At the beginning of the current session the Majority Leader appointed an Ad Hoc Reform Committee of the Senate Democratic Conference to look into these questions: selection of conferees, admission to the Democratic Caucus, and the seniority system. The Committee, composed of Senator Humphrey, Senator Talmadge and myself, is now ready to submit its report regarding the selection of conferees.

As Chairman of the Ad Hoc Reform Committee, I am attaching to this letter the majority report of the Committee and the resolution which it is proposed be submitted to the Senate Democratic Conference. Senator Talmadge will, I'm sure, want to present a minority report.

Because this is a matter affecting the Senate's negotiating relationship with the other body, I believe that members of the Democratic Conference will wish to study the proposed resolution carefully.

I would like to request your comments on the proposed resolution as soon as possible so that the Committee may consider an appropriate date to request a meeting of the Democratic Conference after the first of the year. The member of my staff working on this matter is Bill Maynes (54721).

With best wishes.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

REPORT TO ACCOMPANY THE RESOLUTION OF CONFEREES SUBMITTED BY THE AD HOC REFORM COMMITTEE OF THE SENATE DEMOCRATIC CONFERENCE

The status of the Senate as a co-equal body in the Congress depends in great measure on its ability to negotiate from a position of equal strength with the House of Representatives in committees of conference.

This year this question has been posed more clearly than ever before. In the Legislative Reorganization Act of 1970 the House of Representatives inserted a provision specifying that in conference on legislation passed by both the House and Senate, the House conferees could not consider Senate amendments that would have been non-germane under House rules.

This development has made it even more important that Senate conferees carry with them, in addition to their traditional and personal competence, strong convictions in support of the Senate's position on items in disagreement between the houses.

Your committee believes, therefore, that the Senate Democratic Conference should move to assure that the prevailing view of the Senate on disagreements between the Houses be carried to the Conference Committee by Senators who, by their votes during Senate consideration of the bill at hand, and related issues, have shown their own support for the prevailing view on items in disagreement with the House. We believe that such Senators should be a majority of the Senate conferees.

We submit the accompanying resolution for the consideration of the Senate Democratic Conference, and urge its adoption. It provides that prior to the appointment of Senate members of committees of conference by the presiding officer of the Senate, the Majority Leader, after conferring with the Minority Leader, appropriate committee chairmen, and interested Senators, shall submit a list of conferees to the presiding officer and that at least a majority of the so proposed conferees shall have indicated their support for the bill in question as passed by the Senate and their support for the prevailing opinion of the Senate on the principal matters of disagreement with the House of Representatives which occasioned the appointment of conferees.

Your committee is confident that implementation of this resolution will protect the historic rights of the Senate itself and of the public at large.

RESOLUTION SUBMITTED BY THE AD HOC REFORM COMMITTEE OF THE SENATE DEMOCRATIC CONFERENCE

Resolved: Prior to the appointment of Senate members of committees of conference by the presiding officer of the Senate, the Majority Leader, after conferring with the Minority Leader, appropriate committee chairmen, and interested Senators, shall submit a list of conferees to the presiding officer. At least a majority of the proposed conferees shall have indicated their support for the bill in question as passed by the Senate, and their support for the prevailing opinion of the Senate on the principal matters of disagreement with the House of Representatives which occasioned the appointment of the committee.

U.S. SENATE,
Washington, D.C., March 17, 1972.

The Majority Leader has informed me that he will call a meeting of the Democratic Conference "in the near future" in order to discuss a resolution which the Ad Hoc Committee on Senate Reform is submitting as a majority report wih respect to the method of selection of Senate conferees. The text of the resolution is attached.

A large number of Conference members have already expressed agreement with the resolution's principles. Some expressed the view, however, that the resolution might also establish clearly as a general principle that unless other fundamental considerations are in jeopardy, committee members rather than non-committee members ought to serve as conferees in view of their knowledge of the legislative field in question.

I had intended to make precisely this point during discussion of the resolution during the Conference debate. But I am now convinced that it would be useful to spell out this question beforehand in the resolution. I, therefore, intend during the meeting to offer the following perfecting amendment to the Committee's majority report resolution:

"In the selection of conferees, preference shall be given to members of the relevant committee of the Senate on the basis of past practice to the degree that this does not conflict with the overall objective of this resolution."

This perfecting language will serve another purpose. Limited concern has been expressed that if, under the Committee resolution, the role of the Majority Leader in the selection of conferees is to be enhanced, then under a Leader less even-handed than our present Leader this power might be abused. The perfecting language would establish that the Leader's role will be carefully limited. He will intervene only in the event that a basic principle of democratic procedure is in danger of violation.

I personally do not believe a Majority Leader, elected by his colleagues, would wish to interfere with the right of other Senators, including committee chairmen. But in any event this resolution will reserve, not undermine, the rights of individual Senators. At the same time, it will also protect the rights of the Senate as a whole.

I hope that you will be able to support the Committee resolution at the Conference meeting.

With high regard.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

RESOLUTION ON CONFEREES SUBMITTED BY THE AD HOC REFORM COMMITTEE OF THE SENATE DEMOCRATIC CONFERENCE

The Ad Hoc Reform Committee, to which Senator Harris, Senator Humphrey and Senator Talmadge were appointed, presents for approval to the Senate Democratic Conference in the form of a majority report endorsed by Senators Harris and Humphrey the following resolution governing the selection of Senate conferees:

"Prior to the appointment of Senate members of committees of conference by the presiding officer of the Senate, the Majority Leader, after conferring with the Minority Leader, appropriate committee chairmen, and interested Senators, shall submit a list of conferees to the presiding officer. At least a majority of the proposed conferees shall have indicated their support for the bill in question as passed by the Senate, and their support for the prevailing opinion of the Senate on the principal matters of disagreement with the House of Representatives which occasioned the appointment of the committee."

As a result of consultations with other members of the Democratic Conference, Senator Harris will submit the following perfecting amendment:

"In the selection of conferees, preference shall be given to members of the relevant committee of the Senate on the basis of past practice to the degree that this does not conflict with the overall objective of this resolution."

The Ad Hoc Committee's formal majority report is attached. Following are additional discussion points concerning this resolution:

PRESENT RULES AND PROCEDURES

The Presiding Officer of the Senate is formally charged with naming conferees, but the Senate now has no rules stipulating how the actual selection shall be made. Through precedent, the practice has evolved that a committee chairman selects as conferees majority members of his committee, usually on the basis of seniority, while the ranking minority member selects from the committee conferees of his party, also on the basis of seniority.

Yet even from the point of view of precedent, the method of selection remains cloudy. In 1935 Vice President Garner announced that after receiving the recommendations of committee chairmen, he would exercise some discretion in the selection of conferees. Vice President Garner apparently did not follow through on his intention. But so long as Senate precedent remains so unclear, the possibility always exists that the Vice President, an official not elected by or responsible to the Senate, may attempt to assume the powers to which Vice President Garner alluded.

DISADVANTAGES

The present system of selecting conferees has the grave disadvantage that at times conferees may be nominated who are in opposition to the position taken by the Senate on the principal matters of dispute with the other house. According to precedent, conferees whatever their personal views are to support the prevailing view of the Senate in conference. But this clearly places an unfair obligation on conferees who do oppose the Senate's position. In this regard Randall B. Ripley's *Power in the Senate* points out that individual dissenting views are likely to be expressed the longer a conference committee meets. He quotes a senior Republican Senator as follows:

"It is my impression that conferences always start out with all Senators of both parties supporting the Senate's position. But if the conference drags on, the individual attitudes of the various members begin to show. Particularly if there is strong support in the other body for your position and against the Senate position, and something has got to give somewhere. Then you begin to put pressure on your Senate colleagues to give in to the House because that was the position you had on the bill in the first place."

DIFFICULTIES WITH HOUSE

It is important to minimize potential divisions in the ranks of Senate conferees because the House has been misusing the provision in the Legislative Reorganization Act of 1970 that House conferees may not consider Senate amendments that would be considered non-germane under House rules. This provision has been applied in a manner designed more to gain adoption of House positions than to rule out non-germaneness. The current proposal will not resolve this larger problem, but it will strengthen the hand of representatives of the Senate in their effort to make House conferees apply the germaneness rule fairly.

WHAT PROPOSAL DOES NOT DO

The proposal will strengthen the hands of Senate conferees. But it will not tie them. Senate and House conferees will continue to meet under the same conditions of freedom and secrecy that facilitate negotiation. The proposal affects, in other words, only the selection of conferees.

This proposal also will not deny the Senate of the benefits of experience from the committee system. Under its provisions the Majority Leader must consult with the Minority Leader, interested committee chairmen, and interested Senators before submitting his list of conferees to the presiding officer. On the basis of advice he receives, he will nominate experienced Committee members as conferees. If it happens that more senior Committee members are opposed to the Senate's position on the bill in conference, it will also be possible to dip further down into the Committee's ranks in selecting conferees. In the very unlikely event that virtually no one on the Committee supports the position held by the Senate, this resolution would also grant sufficient flexibility to include non-Committee members as well.

The purpose of Senator Harris' perfecting amendment is to establish clearly as part of the resolution that in the selection of conferees preference shall be given to Committee members on the basis of past practice to the degree that this did not conflict with the overall objective of the resolution. Limited concern has been expressed that without this amendment, the proposed resolution could place too much power in the hands of the Majority Leader and that with a Leader less fair minded than the present Leader, such power could be subject to abuse. The perfecting amendment would ensure that, in embracing reform, the Senate will continue to follow its traditional practices. The amendment will set carefully defined limits to action on the part of the Majority Leader.

REPORT TO ACCOMPANY THE RESOLUTION OF CONFEREES SUBMITTED BY THE AD HOC REFORM COMMITTEE OF THE SENATE DEMOCRATIC CONFERENCE

The Status of the Senate as a co-equal body in the Congress depends in great measure on its ability to negotiate from a position of equal strength with the House of Representatives in committees of conference.

This year this question has been posed more clearly than ever before. In the Legislative Reorganization Act of 1970 the House of Representatives inserted a provision specifying that in conference on legislation passed by both the House and Senate, the House conferees could not consider Senate amendments that would have been nongermane under House rules.

This development has made it even more important that Senate conferees carry with them, in addition to their traditional and personal competence, strong convictions in support of the Senate's position on items in disagreement between the houses.

Your committee believes, therefore, that the Senate Democratic Conference should move to assure that the prevailing view of the Senate on disagreements between the Houses be carried to the Conference Committee by Senators who, by their votes during Senate consideration of the bill at hand, and related issues, have shown their own support for the prevailing view on items in disagreement with the House. We believe that such Senators should be a majority of the Senate conferees.

We submit the accompanying resolution for the consideration of the Senate Democratic Conference, and urge its adoption. It provides that prior to the appointment of Senate members of committees of conference by the presiding officer of the Senate, the Majority Leader, after conferring with the Minority Leader, appropriate committee chairmen, and interested Senators, shall submit a list of conferees to the presiding officer and that at least a majority of the so proposed conferees shall have indicated their support for the bill in question as passed by the Senate and their support for the prevailing opinion of the Senate on the principal matters of disagreement with the House of Representatives which occasioned the appointment of conferees.

Your committee is confident that implementation of this resolution will protect the historic rights of the Senate itself and of the public at large.

U.S. SENATE,
Washington, D.C., March 30, 1972.

I am submitting with this letter the second report of the Ad Hoc Committee on Senate Reform, to which the Majority Leader appointed Senators Humphrey, Talmadge and myself in February 1971. This second report concerns the conditions under which members of the Democratic Conference should enjoy the benefits of membership in the Conference.

The report and the accompanying resolution are endorsed by a majority of the Ad Hoc Committee, Senator Humphrey and myself. It is our intention to submit this resolution to the next meeting of the Democratic Conference, which the Majority Leader has stated will take place in the near future.

The proposed resolution attempts to set forth certain fundamental principles which it is hoped all members of the Conference will be able to accept. At the same time it fully recognizes the independent character of any Senate body in relationship to organizations outside the Senate. Thus, the resolution makes clear that the Conference itself, not some body alien to the Senate, rules in cases in which it is contended that these fundamental principles have been violated.

Because there will be an early meeting of the Conference to discuss the resolution, I would greatly appreciate your written views on the attached documents as soon as possible. The member of my staff working on this matter is Bill Mayes (X. 54721).

With best wishes.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

REPORT OF THE AD HOC COMMITTEE ON SENATE REFORM CONCERNING THE BENEFITS OF SENIORITY DERIVING FROM MEMBERSHIP IN THE DEMOCRATIC CONFERENCE

Tre Democratic Conference in the United States Senate does not now, and never has attempted to impose a detailed code of political behavior on its members. Your Committee continues to regard this traditional practice as wise in motivation and desirable in effect. It would be impractical for the Democratic Conference to attempt to pre-determine the political conduct of its members on the myriad of issues that come before the Senate. Moreover, it would be wrong. A Senator accepting such instructions from the Conference would violate his primary obligation to his electors.

At the same time, however, your Committee believes there are certain minimum standards which Senators seeking the benefits of Conference membership ought to share. For by running under the banner of the Democratic Party, a candidate incurs another obligation towards his electors. This is his pledge that, running with the assistance of the Democratic Party, he will not work to undermine the fundamental principles and programs of that party.

In the opinion of your Committee, the minimum standards which members of the Conference ought to share concern the following fundamental issues: a) racial, religious, or sexual discrimination and b) the basic requirements of party loyalty. This report discusses these two fundamental issues separately.

PRINCIPLE OF NONDISCRIMINATION

Throughout our history the issues of racial, religious or sexual discrimination have troubled American political life. They still do today. But over the years and particularly in the last 18 years the basic principles involved have become clear and settled for all. They should no longer be open for dispute. Consequently, a decision to affiliate with the Democratic Party should indicate a clear commitment to combat racial, religious, or sexual discrimination or exclusion.

Your Committee submits that as a minimum standard Conference members receiving the benefits of seniority from Conference membership ought to refuse the endorsement of any local or state party which practices in any form racial, religious or sexual discrimination or exclusion at any level. It therefore recommends that the Conference adopt this standard as a general principle.

LOYALTY TO THE DEMOCRATIC PARTY

Throughout its history the Democratic Conference has welcomed new members from among those Senators who were not originally elected as Democrats but who found after experience in the Senate that the principles and programs of the Conference conformed most closely with their own. Your committee believes it important that the Democratic Conference continue to welcome such Senators.

At the same time it is also important that the Conference provide some positive encouragement to those at the local and state level attempting to support and strengthen the Democratic Party. In particular, it is absolutely essential that the rules of the Conference not undercut the efforts of those at the local and state level who at considerable personal or political sacrifice work to promote the principles and programs of the Democratic Party.

Your Committee therefore recommends that the Conference declare that as a general principle those desiring the benefits of seniority from Conference membership shall campaign for their re-election as a candidate of the official Democratic Party in their states. The purpose of this provision is to make it clear that the nomination of the Democratic Party brings both benefits and obligations.

For similar reasons, your Committee also believes that as a general principle those Senators desiring the benefits of seniority from Conference membership should not assist through statements of support or campaigning the electoral efforts of the Presidential or Vice Presidential candidates of another party.

Your committee is aware that a campaign for the Democratic nomination for President opens for debate the most politically-charged issues facing the nation. There will be honest disagreements over the manner in which the nation should address those issues. It cannot be expected, therefore, that all members of the Democratic Conference will agree sufficiently with the various positions adopted by the ultimate Democratic nominee to work actively in his campaign effort. Your Committee believes, however, that members of the Democratic Conference enjoying its benefits at a minimum should not assist in the electoral effort of the nominees of another party either through campaigning or statements of support.

CONCLUSION

Your committee submits that the foregoing are minimum and wholly reasonable standards. They would not bar anyone from membership in the Conference but they establish that a Conference member enjoying the benefits of seniority from Conference membership ought to accept certain minimal obligations.

Your committee believes that all members of the Conference should be able to accept these obligations. If in individual cases this is not possible, then our history is dotted with examples of political leaders of many parties who could not in good conscience accept basic policies being advocated by their party majorities. Men like Calhoun, Lincoln, Theodore Roosevelt, La Follette, Morse and Thurmond instead took the honorable course of action and joined other parties which stood for policies that were more nearly their own and in which they could make a substantial contribution.

By accepting these general principles, your Committee believes the Democratic Conference would demonstrate that it was responsive to the significant changes which have taken place in American society since 1945. For despite problems which all recognize, our nation in many respects has grown closer together in the post war period as industrialization and modern communications have blurred regional differences. In the past these differences could not justify, but perhaps might explain, a reluctance to strive for the establishment of certain minimum standards of membership in the Democratic Conference. This is no longer the case. The nation no longer understands the total absence of such standards.

Your Committee wishes to point out that the resolution it is submitting recognizes the independent character of any Senate body in relationship to organizations outside the Senate. Thus, the resolution makes clear that the Conference itself, not somebody alien to the Senate, establishes the standards for membership.

At the same time it also takes into account the permanent ties which have existed and ought to exist between the Conference and organs of the National Democratic Party. Thus, the resolution further stipulates that failure of a local or state party offering endorsement of Senatorial candidates to receive official recognition from the most recent Democratic National Convention shall be among the factors which the Conference shall take into consideration as evidence of violation of the principles enunciated. Final judgment resides with the Democratic Conference.

A text of the proposed resolution follows:

1. It is expected that after January 1972 members of the Democratic Conference receiving the benefits of seniority from Conference membership shall:

(a) refuse the endorsement of any local or state party which practices in any form racial, religious or sexual discrimination or exclusion at any level;

(b) campaign for their re-election as a candidate of the official Democratic Party in their states;

(c) not assist through statements of support or campaigning the electoral effort of the Presidential or Vice Presidential nominee of another party.

2. Among the factors which the Conference shall take into consideration as evidence of violation of the principles set forth in (a) or (b) will be the failure of the local or state party offering endorsement of a Senatorial candidate to receive official recognition from the most recent Democratic National Convention.

* * * * *

The members of the Ad Hoc Committee on Senate Reform are Senator Harris, Chairman, Senator Humphrey and Senator Talmadge. Senators Harris and Humphrey support this report and the accompanying resolution.

HARRIS-HUMPHREY RESOLUTION GOVERNING CONDITIONS FOR THE ENJOYMENT OF THE BENEFITS OF MEMBERSHIP IN THE SENATE DEMOCRATIC CONFERENCE

QUESTIONS AND ANSWERS

1. Has either the Senate Democratic Conference or the Republican Conference in the part attempted to establish standards concerning either admission to the Conference or enjoyment of its benefits?

Precedents in the Senate are mixed. In the 1936 campaign Senator Rush D. Holt, Democrat of West Virginia, apparently held conferences with the Republican nominee, Governor Landon, and openly fought the re-election of his Democratic colleague from West Virginia, Senator Neely. Senator Holt, in his wrecking effort, operated through the new Union Party of Father Coughlin, Dr. Townsend and William Lemke. The chairman of the Democratic Patronage Committee, Senator Carl Hayden, thereupon informed Senator Holt that he would be deprived of patronage positions assigned to him as a Democrat. The Democratic Conference subsequently upheld Senator Hayden's decision.

In the 1924 Presidential campaign several Progressive members of Congress supported the Presidential bid of Senator La Follette. The Republican Conference subsequently placed Senators La Follette, Ladd, Brockhart, and Frazier at the bottom of their committees in terms of seniority.

By contrast, those Democratic Senators in the Presidential election of 1928 who supported President-elect Hoover and opposed the Democratic nominee did not suffer loss of committee rank. In that same campaign, three Republican Senators (Norris of Nebraska, Blaine and La Follette of Wisconsin, "young Bob") openly bolted Herbert Hoover and took the stump for Al Smith. They also did not suffer loss of committee rank. In 1952 Senator Morse openly supported the Democratic nominee, but he resigned from the Republican Party to become an Independent, later a Democrat. Those Senators supporting the 3rd Party Presidential bid of then Governor H. Strom Thurmond in 1948 did not suffer loss in committee rank.

Precedents in the House of Representatives are similarly mixed, but precedents in both houses suggest no one is *entitled* by some automatic right to hold his committee rank if he has opposed his party in the preceding national election.

2. Since precedents are mixed, what justifies the establishment of new principles now?

The Democratic Conference must demonstrate that it is responsive to the major changes which have taken place in American society since 1945. The most significant political event in the U.S. since that date is the civil rights movement. It is time, after so much has happened, that the Senate Democratic Conference take a clear stand against discrimination.

Moreover, despite problems which all recognize, our nation in many respects has grown closer together in the post-war period as industrialization and modern communications have blurred regional differences. Today, because of the mass media, there is a national Democratic Party in the sense that never was true in the past. It is vital for the Party's survival that the voters see that being a Democrat has meaning and that all Democratic Senators embrace certain fundamental principles.

3. The resolution states that members of the Conference enjoying the benefits of seniority from Conference membership shall run for their re-election as a candidate of the official Democratic Party in their state. If this principle is adopted, will a precedent be set which will require denial of seniority to Democratic Senators if they do not receive the nomination of their state Democratic Party and then run and win on the ticket of a third party?

The House of Representatives has a clear set of precedents relevant to this question. Since 1930 there have been eight instances in which members were elected to the House of Representatives on third party tickets for more than one term. None of these members received the normal benefits of seniority. In every instance, freshmen members were placed ahead of veteran third party members.

There are no clear precedents on the Senate side. We have already cited the case of the Progressive Senators who after the campaign of 1924 lost their seniority. But there are conflicting precedents which we have also cited. In any event, all these precedents are not directly relevant to the question of what the Conference ought to do if a Democratic Senator fails to receive the nomination of his state Democratic Party and then runs and wins on a third party ticket.

In such a situation, there would undoubtedly be many factors which the Conference would want to take into account. It is for this reason that the proposed resolution does not make any action on the part of the Conference automatic. Rather the Conference would be required to make a decision on the basis of evidence available to it.

4. What obligations would this resolution place on members of the Democratic Conference if the Democratic nominee were someone whom in good conscience they could not support?

The resolution does not require Conference members to support the Democratic nominee. It does establish the principle that members should not issue statements of support or campaign for the nominee of another party.

5. What sanctions would the Conference take against members who violated the principles in the Resolution?

Conference membership confers the following benefits of seniority: a) assignment to committees; b) committee rank including chairmanship; c) various privileges of longevity, e.g., office space, senate patronage.

Only the Conference, acting in an individual case, could determine (i) which of these rights were in question and (ii) how long a member was in jeopardy of losing them.

6. What steps ought the Conference to

take to prove or disprove the violation of principles enumerated in the resolution?

It would be necessary for the Conference to determine these steps on an individual case basis. Evidence which might be relevant could include whatever the Conference wishes to consider, e.g., court decisions, findings of the U.S. Civil Rights Commission, actions of national, state or local organs of the Democratic Party.

7. If a state party were to fail to receive recognition from the 1972 National Democratic Convention, would Senators from those states who campaign for re-election in 1974 be punished by the Conference regardless of any party reforms made in the interim?

It is because of special cases like this one that the resolution states that the actions of the National Convention shall be *among the factors* which the Conference shall consider as evidence. Clearly in reaching a decision which only it could take, the Conference would want to consider all evidence available to it.

8. If a member were in violation of the resolution's principles, what procedure would the Conference follow in order to bring the issue of his membership to a vote?

In a statement before the Democratic Conference on February 10, 1971, the Majority Leader stated:

"The Leadership reminded the members of its standing practice that there be a call of the Caucus upon the petition of any one Senator for the purpose of presenting a specific matter for discussion."

The Leader also stated:

"Commencing with the 91st Congress, Committee ratios and assignments as recommended by the Steering Committee were made subject to ratification by the full Caucus. That procedure was then established as the practice and rule for our Caucus; it was adhered to this year and, unless specifically ordered otherwise, will be followed as the rule at future organization Caucuses. In addition this year—beginning with the 92nd Congress—a separate ratification procedure was established for the appointment of Chairmen."

These statements and past practice establish a clear procedure for implementing the principles of the proposed resolution.

9. Inasmuch as the organs of the United States Senate are independent bodies and the proposed resolution mentions the decisions of the National Democratic Convention, does such mention undermine the traditional independence of Senate bodies?

The resolution makes it clear that the Democratic Conference considers the decision of the Democratic Conference as *among the factors* constituting evidence of violation of certain principles enumerated in the resolution. No effort is made to bind the hands of the Conference, which remains the sole organ to determine whether in fact a violation has taken place.

It is true that the Democratic Conference is an independent body. But that independence is not undermined if the Conference decides to take into account decisions by other organs of the Democratic Party.

ANNOUNCEMENT OF POSITIONS ON VOTES

Mr. GAMBRELL. Mr. President, I was necessarily absent when several yea-and-nay votes were taken on March 28 because of longstanding prior commitments in Georgia.

I ask unanimous consent that the permanent Record reflect that had I been present on March 28 I would have voted as follows:

First. I would have voted "yea" on H.R. 13955, making appropriations for the legislative branch for fiscal year 1973.

Second. I would have voted "nay" on Senator Mansfield's amendment—as a substitute for committee language—making funds available for preparation of plans for extending west central front of the Capitol.

Third. I would have voted "nay" on S. 1821, to provide for the transportation of Government traffic by U.S. civil air carriers to the fullest extent practicable.

The PRESIDING OFFICER. Without objection, the permanent Record will so reflect.

COMPENSATION PAYMENTS TO VETERANS

Mr. TOWER. Mr. President, I noted with satisfaction the introduction of S. 3338, a bill to increase the rates of compensation payments to veterans whose disabilities are related to their military services. It was introduced by the Senator from Georgia (Mr. Talmadge) and cosponsored by every member of the Committee on Veterans' Affairs. I am pleased, at this time, to be listed as a cosponsor.

It is difficult to formulate a program to compensate a disabled veteran for the losses he has suffered as a result of injuries incurred in service for his country. It is impossible to put a price on the loss of an arm, a leg, or even one's vision. The best method that we have been able to devise is a program of compensation based on the average economic loss resulting from the injury or disease. In other words, compensation payments are based on the degree of disability of the veteran rather than on his need.

The average economic loss is, at best, an inexact way of compensating the disabled veteran. For example, it does not recognize the veteran's pain and suffering—the endless months of hospitalization and rehabilitation. It does not take into account dreams which have gone unfulfilled and talents which have gone undeveloped—the gifted photographer who has lost his sight and the skilled carpenter who has lost an arm. Nevertheless, we have so far been unable to devise a better standard. Therefore, we must continue to base our compensation rates on the average economic loss.

However, we can—and we must—adjust the rates of compensation periodically to meet the rising costs of living. By the end of 1972, the Consumer Price Index will have risen 9 percent since the rates were last adjusted. During this same period of time, social security benefits have increased 10 percent, wages of Federal employees have increased almost 12 percent, and the average weekly take-home pay of workers in the manufacturing industries have increased 11.8 percent. S. 3338 proposes an equitable 10-percent increase in compensation benefits. A disabled veteran with a 50-percent disability would receive an additional $16 a month. A veteran who has 100-percent—or total—disability would receive an additional $45 a month.

The need for such an adjustment is substantiated by a comparison of the median income of a male veteran in the civilian population in 1970—$8,660—to the compensation paid to a totally disabled veteran—$5,400.

I am pleased that Senator Talmadge, chairman of the Subcommittee on Compensation and Pensions, has declared the disability compensation program to be the top-priority item this year. I am hopeful that Congress will act favorably on this measure this session.

F. BRADFORD MORSE

Mr. HARRIS. Mr. President, one of the most challenging jobs in the world today must be those held by the Secretary General and his top assistants. For the U.N. is going through a period of acute crisis. There probably has never been a period in our postwar history when the U.N. was needed more. Yet there also have been few periods since 1945 when the member nations have been more remiss in their U.N. obligations, financial and political.

To bring the U.N. through this period of turmoil, we will need officials who are both creative and dedicated. It is for this reason, Mr. President, that I was pleased to read of the nomination of Congressman F. Bradford Morse as the new Under Secretary of the United Nations.

In Congress Mr. Morse has consistently proven himself as a representative of the national interest instead of party interest. In the early 1960's he was the driving force behind the formation of the Wednesday Group in the House of Representatives, which began meeting once a week to discuss alternatives to the conservative programs being advocated by the congressional leaders of the day. Other members of the group were John V. Lindsay, Charles McC. Mathias, and Robert T. Stafford.

Representative Morse also spearheaded the effort in the House of Representatives to bring to the consciousness of the American people the problems of the emerging nations in Africa. In 1967 he proposed a bombing halt a full year before the previous administration stopped bombing North Vietnam. He is one of the most knowledgeable Members of either the Senate or the House on the problems of Latin America. And he was chief Republican sponsor of legislation to repeal the Gulf of Tonkin resolution.

I believe that every Member of the Senate joins with me in wishing Representative Morse success in his new position. He follows in the footsteps of one of the giants of American diplomacy and human decency, Ralph Bunche. In addition to his own intelligence and sense of fair play, he will need the full support of the American Government including the Congress. I hope he will get it.

Mr. President, I ask unanimous consent that a New York Times' profile of Representative Morse be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 29, 1972]

New Under Secretary at the U.N.—Frank Bradford Morse

(By David E. Rosenbaum)

Washington, March 28.—In the early nineteen-sixties, seven liberal Republican Representatives, calling themselves the Wednesday Group, began meeting once a week to discuss alternatives to the conservative programs advocated by the Republican leaders in Congress. The Wednesday Group is still a thriving organization, but only one of the seven original members—F. Bradford Morse of Massachusetts—is still in the House. John V. Lindsay left not only the House but also the Republican party. Charles McC. Mathias of Maryland and Robert T. Stafford of Vermont have moved up to the Senate. The other original members of the group have left politics.

Now Mr. Morse is about to leave Washington. Yesterday, Secretary General Waldheim announced at the UN that Mr. Morse would become the Under Secretary General for Political and General Assembly Affairs, a position held by the late Dr. Ralph J. Bunche.

Mr. Morse, whose primary interest in Congress has been in foreign affairs and who, according to colleagues, was becoming bored after 11 years in the House, asked for the job and was proposed for it by President Nixon. He will be the highest ranking American in the Secretariat.

" 'Bored,' that may not be the right word," Mr. Morse said in his office this afternoon. "Let's just say that I've accomplished a lot in 11 years here, and I see even greater opportunities in the U.N."

Frank Bradford Morse was born on Aug. 7, 1921, to a working-class family in Lowell, Mass. When he is asked whether he is "really a Bradford," referring to the family of William Bradford, who came over on the Mayflower and became the first Governor of Massachusetts, Mr. Morse replies:

"Nah. In Lowell, there was an apartment house called the Bradford House, and my mother liked the name."

Actually, he says, he has no idea why his parents chose the name, but he was always "Brad" to distinguish him from his father. Frank.

His father died when Brad was 9 years old, and he was reared by his mother, who he now says, was "completely apolitical—I don't even know what party she belonged to."

Despite this, Mr. Morse says, he decided as a child that he would go into politics. He registered as a Republican in the early nineteen forties, he says "because the Democrats were too much identified with the South."

GI IN WORLD WAR II

After serving in the infantry in World War II, Mr. Morse was graduated from Boston University in 1948, got his law degree there in 1949 and taught at the law school until 1953.

He came to Washington then as a counsel on a Senate committee and moved, after a year, to become chief assistant to the Massachusetts Republican Senator, Leverett Saltonstall.

Mr. Morse's predecessor in that job was Elliot L. Richardson, now Secretary of Health, Education and Welfare. His successor was Charles W. Colson, now a top White House aide.

In 1960, Mr. Morse entered politics for himself and, at the age of 39, was elected to Congress. His constituency is largely Democratic and Roman Catholic, but Mr. Morse, a Protestant, has been elected ever since by large majorities.

In 1968, for example, Mr. Morse received 60 per cent of the vote in his district, against President Richard M. Nixon's 33 per cent.

Part of his popularity can be attributed to his good nature. He has a glad hand and a smile for everyone, and one of his colleagues in the House says: "Brad shakes hands with hydrants and tips his hat to telephone poles."

Mr. Morse is a member of the Foreign Affairs Committee and was an early dove on the war in Vietnam. In 1967, he proposed a bombing halt a full year before the Johnson Administration stopped bombing North Vietnam. He was also the chief Republican sponsor of the legislation repealing the Gulf of Tonkin resolution.

Mr. Morse is the ranking Republican on the Inter-American Affairs Subcommittee and, in recent years, has devoted much of his energy to Latin-American problems.

"SPECIALISTS ON AGING"—FORGOTTEN MEN OF HUD

Mr. WILLIAMS. Mr. President, the Senate has already gone on record in support of establishing an Assistant Secretaryship for Housing for the Elderly in the Department of Housing and Urban Development.

That stand was taken in the March 3 vote on the Housing and Urban Development Act of 1972, thus fulfilling a longstanding objective I have advanced as chairman of the Subcommittee on Housing in the Senate Committee on Aging.

Now the issue is before a subcommittee of the House Committee on Banking and Currency, meeting in executive session to consider—among many other items—similar proposals to raise the level and quality of attention within HUD to shelter needs for older Americans.

The administration has staunchly and stubbornly resisted my proposal for an Assistant Secretary, largely on the grounds that HUD needs administrative flexibility.

In addition, the administration seems to take the view that the elderly are already getting their share of attention at HUD.

My purpose today is to draw the attention of the House Committee on Banking and Currency to evidence clearly indicating that housing for older Americans is apparently at a very low level within HUD today.

My findings also should be of interest to participants at the recent White House Conference on Aging, who emphatically supported a recommendation calling for the Assistant Secretary within HUD and also for a return to the 202 direct loan housing program.

Their support of 202 is based largely upon the fact that this program was designed solely for the elderly. In addition, it gave nonprofit sponsors considerable leeway to conduct experiments in livability and design. HUD has insisted, however, that 202 is dead, and contrary to what I have consistently argued is the intent of Congress. In place of 202, HUD has insisted on conversion to the costly, inappropriate, and frustrating 236 interest subsidy program.

As it promoted 236, HUD insisted that older Americans would not be forgotten. The Committee on Aging was assured, for example, that the hardworking and very effective staff persons who manned the 202 program would continue to serve church organizations, unions, and other potential nonprofit sponsors of housing for Americans in the later years of their lives.

I decided to take HUD at its word on this issue, and I asked Committee on Aging staff to make informal inquiries on what has happened to the 202 staff. On the basis of telephone conversations with four of these specialists, I must report that they apparently spend precious little time on matters that absorbed them so completely when they worked for 202.

When the section 202 housing for the elderly program was functioning at full capacity, each regional office of the Department had a man in charge of the 202 program. These men are still operating at the regional level but their staffs and authority have been stripped away.

May I point out that all of these men have developed years of experience and understanding into the real needs of the elderly—a problem that demands special attention. They were administrators of regional section 202 programs that produced thousands of housing units throughout their region. Not one of these projects has ever failed.

A relatively small staff—never more than five or six people—spent 100 percent of their time developing housing for the elderly. The programs were not extensive, but they were responsive to the special needs of the elderly and emphasized quality and social services. The motivation was the tenant—the older American—not bricks and mortar. What is essential to point out here is the existence of badly needed specialization. Very careful note was taken of site location, architectural barriers, construction safeguards, and social services. Intelligent consideration of these important aspects of housing are unavoidable in any workable program to house older Americans.

Let me emphasize, all the 202 projects and the 202/236 pipeline projects have been taken away from the 202 specialists at the regional level and have been transferred out of their offices of the various area offices. Left with no program to administer, these regional specialists also lost their staffs. Their experience is going virtually untapped. Any nonprofit sponsor who now wants to begin a project must go to the area office where, unfortunately, there is absolutely no one with the equivalent experience in dealing with the special housing needs of the elderly; and, more important, no one in the area office specializes in housing for the elderly.

The former administrators of the 202 program still maintain titles such as "Elderly Housing Specialist" or "Specialist on Housing for the Elderly," but far too often it remains just a title. It is simply form without substance. They no longer have staff, authority, or administrative power. In several cases, they do not spend all their time on elderly housing. They work also in areas of rehabilitation and college housing. Their function has become purely advisory.

Mr. President, I think it is clear that HUD should have an Assistant Secretary for Housing for the Elderly. Without a spokesman, without a top-level official with direct access to the Secretary, without a specific and visible leader and line of command, we will continue to witness what I have described today—the gradual disappearance of any form of recognition of elderly housing as an area of growing concern that demands special attention unique to the elderly.

GUN CONTROL LEGISLATION

Mr. GAMBRELL. Mr. President, many of my constituents in Georgia have expressed their concern to me concerning the future of gun control legislation in

Congress. I have been pleased to give them, individually, my personal views on this subject, and I would like to state my position for the RECORD at this time.

As a gun owner myself, I will certainly oppose any legislation which threatens the constitutional right of American citizens to bear arms. The constitutional right referred to is a guarantee that citizens will not be imposed upon by the Government or by lawless elements in society. In addition, guns have a valid use in sporting activities, which I enjoy myself, although not as frequently as I would like.

There is a need for strict regulation of the manufacture, sale, and ownership of the so-called Saturday night special type of pistol. Such weapons are capable of easy concealment, are cheap, and are very easy to use carelessly. Such guns are the ones used to commit robberies, shoot policemen, and victimize law-abiding citizens. They have no value in sportsmanship or recreation, and are not necessary for self-defense. Therefore, I reserve the right to support appropriate regulation of the "Saturday night special."

I am opposed to further legislation which would require registration or impose other restrictions on the use and ownership of shotguns, rifles, and conventional pistols.

CARGO THEFT, PILFERING, AND HIJACKING

Mr. CANNON. Mr. President, for the last several years my distinguished colleague, the senior Senator from Nevada (Mr. BIBLE), has drawn the attention of Congress particularly and the country generally to another facet of the crime-plagued society in which we live and work these days; namely, the theft, pilferage, and hijacking of an estimated $1½ billion of truck, air, rail and ship cargo annually.

As chairman of the Senate Committee on Small Business, Senator BIBLE has conducted committee hearings looking into this problem and its dollar impact on small business carriers and shippers, not to mention the consumer generally. This effort was chronicled in a special security issue of the prestigious national, weekly newsmagazine of transportation management, "Traffic World," on March 20, 1972.

Mr. President, I ask unanimous consent that the article by Senator BIBLE, entitled "A 1972 Look at Cargo Security—Everyone's Business," and an editorial by Editor Joseph C. Scheleen, entitled "Toward Better Handling of Freight—and Claims," be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A 1972 LOOK AT CARGO SECURITY—EVERYONE'S BUSINESS

(By Senator ALAN BIBLE)

(EDITOR'S NOTE.—Senator Alan Bible (D-Nev.) has become a leading crusader in Congress in the war against transportation cargo theft and hijacking. Since becoming Chairman of the Senate Select Committee on Small Business in 1969, he has directed a far-ranging investigation of the problem, originally from the standpoint of the impact of such activity on smaller firms, but inevitably broadening to include other segments of the economy. The results of the Committee's investigations and numerous public hearings have provided a basis for several important legislative proposals introduced by Senator Bible and now pending before the Congress. A member of the Senate since 1954, the senior Senator from Nevada also serves on the Senate Interior Committee, the Interior, Transportation, Defense and Public Works Subcommittees of the Senate Appropriations Committee and the Joint Committee on Atomic Energy.)

Security will be a major challenge for this country's transport system for the 1970s and possibly beyond.

That challenge will be sharpened by an estimated record tonnage to be transported in a society where security from crime and prevention of crime are becoming the goals of a carrier industry's efforts to deal with the biggest multi-billion dollar racket nationally today—the theft, pilferage and hijacking of truck, air, rail and ship cargo.

For the transport industry, yours is the homefront war today against cargo thieves—a war that in 1971 probably cost more in losses than the $1.5 billion estimate for 1970. And the prestigious New York State Motor Truck Association at a Transportation Crime Conference in January asked the more expensive question: Can armed hijack, larceny, theft and pilferage cost the transport industry in excess of $2.6 billion in 1972?

This is the atmosphere in which the carrier industry, shippers, the consumer public and the government find themselves today. One long-time rule of thumb seems to be (whether we like it or not) that when a problem gets big enough (and crime in the transport industry is big enough), then the federal government gets into it. Both the transport industry and the federal government are trying to help row the law enforcement, security-prevention boat in some rough waters these days so that efficient transport can be maintatined on our highways, streets, airlanes, waterways and railways.

Even though the thieves have a good head start, we believe it can accurately be said that progress is being made to deal with the enemy. That progress is the carrier industry generally becoming more alert to a problem that has some carriers almost on the ropes, but similarly the federal government is trying to help coordinate a broadscale campaign. But, there is a long road ahead to win the fight.

Three years ago when the Senate small business committee began investigatory hearings into this general problem, there was very little interest on the part of most carriers, the government or almost anyone else except the small shipper suffering skyrocketing losses that put him out of business all too often, and the American Trucking Associations' trucking industry committee on theft and hijacking which was urging trucking management in 1969 to see the danger signals. As carrier industry executives have told me, their watchword, as they moved record tonnages to the jingle of their cash registers, had been: "Move the goods . . . Let the insurance companies worry about the losses."

Today, fortunately, we believe that general picture is beginning to change along the whole carrier industry front but not necessarily based on the speed of the carriers involved. The Department of Transportation, which showed no affirmative interest in 1969, was severely criticized in 1970 for its "rhetoric, vacillation and negative attitude" by the Senate appropriations committee controlling its funding and by the Senate small business committee. The Department is now marshaling an intensive effort to come to grips with the cargo crime problem under General Benjamin O. Davis, Jr. (U.S. Air Force, retired), Assistant Secretary of Transportation for Safety and Consumer Affairs.

To his great credit, Secretary of Transportation John A. Volpe last June called a four-day cargo crime conference in Washington, marking the first time that a federal agency or industry had really zeroed in on a broad effort to delineate the limits of the problem, to determine roles and responsibilities, and to take an affirmative first step in exploring methods to deal effectively with it.

Secretary Volpe announced to the conference: (1) organization of a Transportation Security Office within his Department; and (2) organization of an Intergovernmental Task Force under the President's direct authorization to seek out ways and means for all executive agencies of the federal government to assist air, truck, maritime and rail carriers to curb growing cargo thievery in cooperation with state and local authorities.

Meanwhile, the Department of Transportation has fashioned a 12-point federal program including physical security guideline measures and pilot security projects. Secretary Volpe has requested every governor to designate a member of his personal staff to work with federal and local organizations to push the program and to ascertain if state funding for such purposes can be secured through Law Enforcement Assistance Administration fundings from the Department of Justice.

Deputy Attorney General Richard G. Kleindienst urged all U.S. attorneys to give particular attention to cargo crime areas for active prosecution.

Additionally, the Transportation Association of America, directed by its president, Harold Hammond, and representing most major carriers and shippers, announced the formation of a Transportation Cargo Security Council made up of carrier, labor, insurance, shipper and associated private industry organizations and manufacturers to assist in the federal-state efforts. All 50 state governors were asked to recognize the severity of the problem and to seek federal funding for cargo security programs locally.

The American Trucking Associations' security arm, the trucking industry committee on theft and hijacking (TICOTH), continued to step up its activities begun back in 1969. The National Truck Theft Association was organized in Jacksonville, Fla., to deal with truck thefts particularly.

Meanwhile, the Interstate Commerce Commission, the Federal Maritime Commission and the Civil Aeronautics Board have adopted or are carrying out uniform cargo loss reporting rule-making proceedings, the two former regulatory bodies with more affirmativeness than the latter's snail-like pace.

To capsule the problem faced by industry and government efforts, let me quote a statement I made before last summer's national conference on the cargo security crisis in Washington, D.C.:

"After two years of listening to testimony from government, transportation and regulatory agencies, carriers, law enforcement officers, insurers, shippers and consumers, one fact comes through loud and clear—the cargo carrier crime crisis is growing alarmingly day by day. Our law enforcement agencies, our shipping regulatory bodies, government and the carrier industry have been unable to mount an effective response."

Two years ago, no governmental, private carrier or trade organization had any kind of a realistic handle on just how big the problem really was. The Senate small business committee, aided by insurance underwriters, carriers, Library of Congress statisticians, national news media and others sought to arrive at a generalized best estimate to shake up the carrier industry from its head-in-the-sand stance, to shake up government from its let-somebody-else-worry-about-it attitude and to bring on the focus of public interest. The committee prodded the ICC into adopting uniform loss reporting for Class I truck and sparked current rule-making proceedings by the Federal Maritime Commission and the Civil Aeronautics Board.

Estimates showed losses were in the neighborhood of $1.5 billion for 1970, with truck theft and hijacking in first place at $900 million, airlines at $110 million, maritime shipping at $210 million, and railroads at $250 million. There seems little reason to believe that this total moved downward in 1971 with truck hijacking substantially on the increase that year and apparently new record highs set for dollar losses per major theft, at least in the motor freight hijack category.

These figures represent only the value of goods stolen or pilfered. But what is the bigger impact such as the cost to business? And what about the consumer, who pays for all the direct and indirect losses by crime-inflated prices?

The American Trucking Association told our committee that for every $1 of direct loss, it costs motor freight carriers from $2 to $5 of indirect costs in processing claims, paperwork and manpower. Shippers say their indirect losses are even greater or $5 to $7 for not having goods for sale, loss of profit dollars, disruption of manufacturers' production lines and the tie-up of monies due them and delayed in the claims reimbursement pipeline.

Therefore, if we add the direct dollar theft loss plus the carriers' and shippers' indirect costs, we may be talking of costs to the national economy approaching $8 to $10 billion annually. Again, it is the consumer who pays the crime-tagged price as that inflation spiral goes round and round.

As another example, a major recreational vehicle manufacturer had a truckload of wheels hijacked, possibly mistaken for a high-value cargo load. Because the wheel manufacturer could not resupply immediately, the vehicle manufacturer was forced to close down its production line, thereby losing its customer orders. Its building overhead expenses continued as did mortgage payments, equipment amortization, executive payroll and warehousing costs for the unfinished vehicles. Regular employes were furloughed and were substantially without pay. Other parts suppliers had to be paid. The company's direct loss for the hijacked wheels was only $30,000 but other costs went into the millions of dollars, indirect though they were but just as expensive as the direct variety.

Today, in this turbulent world of swift change, we try to live with extremes. But today the transportation industry has been victimized by losses never thought possible a few short years ago.

And how do these thefts impact on the four transport modes? According to the American Trucking Associations' TICOTH committee, the cost to the motor freight industry was in excess of $1 billion in 1970.

Sometimes the truck hijack bowling alley—the New York City-New Jersey metropolitan area—is said to stretch from Boston straight down the east coast corridor to Miami. Some believe it is spreading to the midwest and the Pacific coast as terminal and driver security improvements force some ordinary thieves into hijacking.

Yes, hijackings may get the headlines, but the bulk of truck cargo loss, around 80 per cent, is the pilferage and theft of one to several cartons each time and repeated thousands of times every year according to the American Trucking Associations.

Even though 60,000 trucks move in and out of New York City daily via six interstate crossings and $17.3 million worth of goods was stolen in 318 hijackings there in 1970, the hijack rate increased beyond the 350 mark in 1971. However, greater truck losses dollarwise occurred elsewhere from a high of 2.13 per cent of revenue on the Pacific Coast to a low of 1.61 per cent in the Rocky Mountain states.

While figures like these show the problem is a growing one, we are beginning to see more activitv by insurance companies to force carriers to cut losses where possible. After all, insurance companies can't stay in business either if their losses become excessive or if customers are no longer insurable risks. In 1969, one major insurance company's loss ratio on cargo skyrocketed to an unprofitable 151 per cent. By 1971, that company cut its loss ratio to 69 per cent by forcing trucking industry management to institute security and prevention programs.

More than one insurance company executive has said that some trucking firms just cannot see any profit in preventive, security-type programs until the noose becomes so tight about their necks they don't know which way to jump. But in fairness to the trucking industry, can it carry on business as usual if the crime problem has become so rampant that only escort vehicles or western-style armed guards "riding shotgun" can help? Obviously, these expensive alternatives would increase shipping costs tremendously and would be generally impractical for other reasons. Can the motor freight industry operate in a crime-pocked society where it is a favorite and vulnerable target . . . one where truckload thefts are valued at about $35,000 each compared to bank robberies which average about $4,500 each?

As a result of our Committee's hearings about cargo theft and loss, our attention was drawn to the claims practices dealing with loss and damage in commercial transport. Several weeks ago the Interstate Commerce Commission announced it was moving to attack "mounting problems" of shippers in collecting loss and damage claims from railroads, truckers and other carriers. The ICC declared that the motor carrier rules for settlement of loss and damage claims restrict the liability of carriers and are unlawful, and at the same time announced a new set of rules carriers must begin using, including, beginning April 21:

(1) Acknowledgment by carriers of the receipt of each loss and damage claim;

(2) Investigation by the carrier of each claim promptly;

(3) Disposition by the carrier of the claim within a specified period, or the carrier to be required to inform the claimant of the claim and explain why a settlement has been delayed.

This announcement came as a result of an order in the proceedings in Ex Parte 263, dealing with Rules, Regulations and Practices of Regulated Carrier with Respect to the Processing of Loss and Damage Claims.

It appears that the primary judgment made by the Commission in its report in *Loss and Damage Claims*, 340 I.C.C. 515, is that there now prevails throughout the country a tremendous need and a growing public sentiment for a new approach to be taken in attempting to resolve what ICC called "a mounting national crisis in cargo loss and damage claims." The ICC said that the significance of the problem is pointed up by industry figures which show that more than $300 million in cargo is lost or damaged each year, with the railroads and motor carriers, respectively, handling 2.5 million and 1 million claims annually. This waste of our nation's resources, the Commission concluded, no longer could be tolerated.

The ICC announced adoption of a dual program designed to utilize its existing statutory authority to the fullest extent possible. It candidly admits, however, that the limited response it is now able to make to this problem may fall short of the mark needed to achieve appreciable improvements that it has found to be necessary in the public interest.

First of all, the Commission has promulgated sweeping regulations to become effective April 21, 1972. These regulations require all surface transportation companies to acknowledge receipt of each loss and damage claim, to investigate claims promptly, and to dispose of claims within a specified time or inform the claimant the status of his claim and the reason for the delay. The Commission also made a commitment in its report to institute in the near future another rulemaking proceeding in which it will determine whether there is also a present public need for it further to define the term "reasonable dispatch" insofar as it relates to the transportation of perishable commodities.

In the second phase of the dual program outlined in its report, the Commission seeks to bring the cargo claims situation under control by recommending that the Congress grant it the authority (a) to adjudicate cargo loss and damage claims in the first instance, subject, of course, to judicial review, and (b) to issue regulations setting cargo insurance standards for railroads, express companies, and water carriers.

And what about the fast-moving world of air freight? It is setting new tonnage records with gains of at least 20 per cent per year. In 1958 domestic air cargo carriers flew 726 million ton miles. That tripled in 10 years to more than 2 billion ton miles. It should quadruple during the 1970s, far outdistancing passenger traffic increases.

Larger aircraft are on their way which will carry more passengers and more freight, a far cry from the country's first scheduled cargo-passenger flight in Florida in 1914 by the St. Petersburg-to-Tampa Airboat Line. Its motto, ironically enough, was "safety first" and its cargo was a few pounds of hand-carried packages and boxes.

The world's greatest air cargo terminal, New York City's John F. Kennedy International Airport, had reported thefts in 1969 of $3.5 million. Additionally, airmail, parcel post thefts of securities, cash, diamonds and other high-value items at Kennedy were estimated at $65 million from 1967 through 1969. At some airports today, like JFK, U.S. Postal Service guards are "riding shotgun" on ground vehicles hauling mail pouches between airplanes and airport mail handling facilities. The Postal Service advised our committee that in 1969, 1970, and 1971 it levied fines against 15 of the 16 U.S. domestic air carriers operating under mail contracts out of Kennedy Airport because of lax mail handling practices or for losses, such fines totaling $450,000 in 1969, $400,000 in 1970 and $550,000 for the first nine months of 1971. We hope that added security steps being taken by the New York area Airport Security Council, and to its credit, will be affirmatively helpful.

As for maritime shipping, the Senate small business committee found that industry "probably less security-conscious than either the air or truck carriers" as its estimated losses increased from $170 million in 1969 to $210 million in 1970 at docks, piers and warehouses.

And how are the railroads doing in this fight? Our committee's opening day of hearings last June into railway cargo thefts gave support to earlier estimates of $250 million in losses for 1970. Witnesses said the rate of increase in rail thievery in 1970 compared to 1969 was 50 to 77 per cent higher. General Motors, one of the nation's largest shippers, said it experienced a 50 per cent increase in cargo theft and damage. It is reported vandalism loss and damage to 248,000 new automobiles being shipped by rail from assembly plants to dealer showrooms out of a total 1970 production of 2.5 million units. It is now running express-type automobile trains to stop thievery and vandalism, and packaging vehicles so they cannot be visibly detected on railroad cars, or placed inside new Verti-pak cars.

Penn Central's security director, Don Nelson, reported a 54 per cent increase in thievery losses in 1970. Western Carloading, one of the nation's largest freight forwarders, said its rail thefts were up 77 per cent in 1970, a far greater increase than the 11 per cent general crime rise nationally for 1970.

There seems little doubt that the country's transport industry has become the favorite target for organized and unorganized crime. The pickings are richer and easier. Cargoes have overwhelmed facilities. Security efforts have provided little security. And that old crutch of substituting insurance payments for good security has imperiled the insurance industry in some areas and put transportation companies out of business because loss insurance was refused by underwriting companies. One insurance company, which reported only two bankruptcies motor carriers over 30 years, recently revealed that five trucking firms went broke in 1970 because of cargo theft losses.

One insurance executive told our committee:

". . . many of these things are stolen for order and they are handled by organized crime. The markets are already established and the property is absorbed into our economic system just like a huge dry sponge. It just sucks it all up and it disappears. We do not penetrate the activities of the receiver, the fences and the people in possession of this stolen property."

Certainly, the criminal redistribution "fence" system must be attacked from all directions as truck hijacks spread.

And what are some of us in the Congress trying to do to help out in this cargo carrier crime fight?

My bill, S. 942, passed by the Senate and now before the House interstate and foreign commerce committee, would establish a Presidentially-appointed Commission on the Security and Safety of Cargo, with 10 members drawn from truck, air, water and rail carriers, cargo labor unions, shippers, import-export concerns and the President's Cabinet. It provides for an indepth, two-year examination of methods to improve security in our entire carrier system, with an interim report after one year. There are those who say the time period should be shorter, but certainly an overall examination of one of this country's greatest and most complex industries should be examined deeply and fairly if recommendations to deal with its problems in the 1970s, 1980 and beyond are to be made.

In addition to the study aspect, the bill would authorize the Secretary of Transportation to establish federal security standards where necessary at all airports, seaports and other commerce-associated areas when the commission concludes its work. We realize there are no overnight, magic or simple remedial measures to eliminate cargo theft and hijacking, but we believe this legislation offers the broadest, most coordinated, concrete, partnership-type approach yet suggested to face up to a problem that is not getting smaller.

It would provide an opportunity for the development of innovative security methods that would be keyed, not as a hindrance to the free flow of commerce, but as an adjunct to it. Certainly, all transport modes must be examined together because they are intertwined inextricably in their daily jobs.

Another bill offering some promise as an outgrowth of our committee's 1969 hearings is the Treasury Department port security bill, S. 1654. It seeks to get at port security at international ports, both sea and air, through Customs Bureau jurisdiction. Since this measure focuses only on one portion of the broad problem, we believe our overall approach is to be favored because of its broader application of physical security standards.

My bill, S. 2426, is designed to strike at the heart of the criminal redistribution "fence" system which we believe supports truck hijackings nationwide and a substantial share of all cargo carrier thefts generally. This bill would permit transport carriers, shippers, or those lawfully in possession of goods moving in interstate or foreign commerce to recover treble damages from any person who steals them during the course of such movement or who buys, receives, or has them in his possession after they have been stolen, having knowledge of their stolen character.

Obviously, S. 2426 is the first attempt to apply the use of civil remedies to reach criminal acts associated with the fencing of goods stolen from the nation's trnsport system. Since I offered this bill late last year, I have had discussions with the senior Senator from Arkansas, Mr. McClellan, about this general area and the possibility that it might be included as a part of his pending "Victims of Crime Act of 1972" proposal now before his Senate Judiciary Criminal Laws and Procedures Subcommittee. Therefore, on March 3, 1972 I introduced as an amendment to Senator McClellan's bill my own proposal broadening S. 2426 in several ways:

(1) It provides the Attorney General of the United States with the authority to enter a private civil damage suit on a class action basis for all citizens of the United States; and

(2) It grants the Federal district courts power to issue injunctive orders forcing the divestiture of business fronts or assets of those who are engaged in the purchase and resale of stolen cargo.

One of the main reasons for the introduction of legislation to reach criminal activities through civil action is that the burden of proof which must be met to obtain conviction on a charge of possession of stolen goods is so great that it sharply limits successful prosecutions for that crime. The burden of proof required in a civil action is considerably less. In other words, evidence insufficient to obtain a crimnal conviction could well be strong enough to warrant a successful damage judgment in a civil action.

The treble damage provision increases the monetary risk of the fence and the buyer, resulting in a decrease of price to the thief and reduction of profit to each in the chain.

My proposal would permit recovery of damages for losses sustained as a result of the violation or conviction under the theft in interstate shipments act (18 Stat. 659), providing criminal penalties for theft or purchase of stolen goods moving in interstate commerce. It would add a civil remedy to the present criminal statute.

Briefly, my legislation is designed to help take the profit out of marketing stolen goods. Certainly, if a thief does not have a buyer to purchase or "fence" for resale his stolen or "hot" cargo, then his market will dry up. Recovery in civil damages will give to businessmen, shippers, and carriers, who pay the brunt of losses for cargo theft, an opportunity to recover their dollar losses plus treble damages which will hit the thief, the fence or the illegal buyer where it hurts most, his pocketbook. At the same time it will tighten up the shady market area where thieves sell their multi-million dollars worth of stolen goods.

Law enforcement officials plus shipper, carrier, and insurance executives believe most of this massive cargo theft finds its way back into legitimate commerce as a result of the operations of criminal, middlemen fences. Today, legitimate merchants, salvage companies, discount stores, as well as the more shady dealers operating behind the scenes are believed to be the link supporting widespread fence operations. It is believed that many of these merchants are engaged in selling goods which were originally stolen from interstate and foreign commerce shipments. It is charged that these merchants buy goods from middlemen fences who in turn buy directly or control the operations of thieves preying on cargo shipments from all modes of transportation.

If I remember correctly the heyday of the Al Capone reign in Chicago, he was convicted not for murder, theft, violation of the Volstead Act, or other mobster activity but for income tax evasion. Perhaps, it is time we go after the modern day cargo thieves indirectly too, as my bill proposes. Above all, this proposal would furnish a valuable addition to the arsenal of weapons our federal courts can use against those who engage in the theft of goods moving in interstate commerce, those who "fence" such goods and the buyer who deals in stolen goods.

My third bill, S. 1763, would provide airlines a "dollar sign" incentive to improve security practices by requiring them to compensate shippers at full cash value for the theft, loss or damage to cargo, thereby conforming airlines to truck, rail and maritime liability practices of cash value reimbursement.

Just as airlines are beginning to come of age in the cargo transport business, they should also be required to observe a loss compensation divorced from the horse and buggy days. Their current 50-cents-per-pound domestic liability rate is a hand-me-down from the pre-air cargo industry era back in the early 1900s. Today, international air cargo losses are compensated at $7.52 per pound, which proves that the domestic rate is wholly unrealistic and grossly unfair to the shipping public. Whether the whole air carrier industry has yet developed a real commitment to cargo security might seem questionable. Too much of the air carrier industry has not become convinced that cargo losses strike at its profit and loss statements. When they do or someone pushes them into it, we will see more affirmative movement towards a goal of adequate protection for shipments of air cargo. Some airlines have taken constructive steps. We hope the practice will spread.

Meanwhile, we believe that good security is good business for everyone's business. It would seem to be one of today's most important answers if the carrier industry is to serve the country's shipper and consumer public.

PENN CENTRAL LOCKING DEVICE

The Penn Central, in conjunction with certain shippers, is testing a locking device for standard box cars which has proven to be an effective deterrent against looting and vandalism. The device, a "C" clamp with bolt is placed flush against each door in the top guide of the car with the aid of a lengthy extension which is compatible with a standard drivesocket and ratchet wrench. With the bolt tightened, the device makes sliding the door open impossible. At destination, the application is reversed with the aid of another extension, a ladder or from a loading dock.

[From Traffic World, Mar. 20, 1972]

TOWARD BETTER HANDLING OF FREIGHT—AND CLAIMS

(Editorial by Joseph C. Scheleen)

Preparation of material for the annual Perfect Shipping Issue of this magazine in years past has been the sort of exercise in futility that we and other members of our news writing and editing staff have approached with not much more felicity than children experience when they're having teeth filled or extracted. This time, however, the job of rounding up special articles for the Perfect Shipping Issue has been made rather cheerful by some "special" developments.

At least two major aspects of the freight loss and damage problem attracted President Nixon's attention and led him to include, in his State of the Union message last January 20, the statement that "great progress has . . . been made in promoting transportation safety and we have moved effectively against cargo thefts and skyjacking." In an article beginning on page 39 of this issue, Lieut. Gen. Benjamin O. Davis, Jr. (U.S. Air Force, retired), Assistant Secretary for Safety and Consumer Affairs in the U.S. Department of Transportation, reports on the Transportation Department's 12-part cargo security program, aimed against thefts of shipments in interstate or foreign commerce. The President and his aides have become deeply concerned about the seriousness, size and frequency of losses inflicted on American shippers and carriers by thieves or gangs of thieves who are apparently well organized and well informed about movements of valuable cargo. The big-scale perpetrators of such larceny, or pirates of the highways, have hijacked whole truckloads or truck-trailerloads of freight; the smaller-scale filchers have pilfered contents of thousands of cartons of costly merchandise left unattended on docks or loading platforms and have sold their loot (at far-below-cost prices, of course) to profit-hungry "fences" who have no scruples about buying and selling stolen goods.

The huge waste of productive efforts expended in manufacture or processing of the items that are lost or damaged after being entrusted to carriers and the millions of dollars spent annually by the carriers to pay freight loss or damage claims in whole or in part have generated, at long last, sincere interest in the "F. L. & D." problem by people in "high places" in the federal government.

One elected official who has given special heed to this troublesome aspect of the transportation business is United States Senator Alan Bible (D-Nev.). As chairman of the Senate select committee on small business he is trying to get things done to put a stop to such losses, particularly those attributable to hijackings and pilferage.

Reported in the article that Senator Bible has written for this issue of Traffic World (pages 25 to 34, inclusive) are various actions that have been taken by federal government authorities—the Department of Transportation, the Department of Justice, and the transportation regulation agencies—and by non-governmental organizations to curb or prevent the operations of thieves in freight transportation establishments. Notable among the non-governmental groups are the Trucking Industry Committee on Theft and Hijacking (TICOTH), established by the American Trucking Associations, and the Transportation Cargo Security Council, created under the sponsorship of the Transportation Association of America. They are striving to provide weapons needed in what Senator Bible calls "the homefront war that in 1971 probably cost more in losses than the $1.5 billion estimate for 1970."

It seems appropriate, therefore, that most of the special articles in this Perfect Shipping Issue, pursuant to plans made for it by General Editor R. Stanley Chapman, pertain to the current cargo-security campaigns.

Adding encouragement to this year's efforts by Traffic World to stimulate more intensive and effective claim-prevention activity in the American transportation community are the recent decision and order by the Interstate Commerce Commission in Ex Parte No. 263, requiring the carrier respondents in that proceeding to modify, on or before April 20, their freight claim rules and their policies related thereto so as to conform with the rules the Commission now has prescribed and has added to the Code of Federal Regulations as a new Part 1005, Principles and Practices for the Investigation and Voluntary Disposition of Loss and Damage Claims and Processing Salvage. Excerpts from the Commission's decision appear on another page of this issue.

Perusal of the digests of representations by shippers, shipper groups and government interests that appear in Appendix B to the Ex Parte 263 report reveals several instances of advocacy of the establishment of a claims arbitration board or of a small claims court to make final determinations in disputes over freight claims, and, also, some suggestions that the Commission itself handle such arbitration.

In discussion of the arbitration idea the Commission cited a U.S. Supreme Court decision setting aside an arbitration award because of failure by the arbitrator to disclose his so-called "evident partiality." Such arbitrators are not of the character sought or enlisted by the American Arbitration Association as members to provide such service. What the AAA does in this area is clearly explained by Richard E. Lerner, associate counsel of that association, in the article on pages 54 to 56 of this issue.

The Commission apparently feels that arbitration of claims disputes would be lawful and acceptable, but it sees some disadvantages in that kind of procedure and says it agrees with "those parties who believe that the expertise, the nationwide facilities, and the organizational structure of this Commission render it uniquely qualified to determine the facts with respect to claims." We would be the last to disagree with that averment.

The Commission, however, has not been very successful in getting favorable action on its legislative proposals by Congress. It will need a lot of luck to obtain enactment of its legislative recommendation that it be empowered to issue orders binding on all parties to claim disputes, "unless otherwise revised on judicial review." This would involve an outlay of federal money that Congress might be reluctant to grant. Reference of disputes about freight claims to the American Arbitration Association wouldn't cost the taxpayers anything and would be a fair means of settlement.

TAX REFORM

Mr. HARRIS. Mr. President, a Washington Post article of March 20 by Nicholas von Hoffman discusses ways a taxpayer can get away with paying less than his fair share of income tax. Now, no one is suggesting that people should resort to such entrafuges. But the idea behind Mr. von Hoffman's article is a legitimate one. He writes:

> It's not just that our taxes are so high, but that millions of us are catching on to the corruption of a Congress that can legislate tax laws so grossly weighted to favor the rich.

I have long been a critic of our present tax structure, which places an unfair burden of the taxes upon the average American. At the moment, the rich can get away with what amounts to "cheating" on the intent of the income tax system simply by using the tax "loopholes." Until we have made our taxing structure fair, until we have made it equitable, we cannot hope to have general respect for our tax laws.

Mr. President, I ask unanimous consent that Mr. von Hoffman's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Little Man Versus the Tax Man

(By Nicholas von Hoffman)

Karl Meyer, a guy out in Chicago, actually does what most of us want to do but are afraid to. He won't pay his taxes. Absolutely refuses. Not only that, he has no compunctions about falsifying his tax returns in order to do it.

At length the IRS caught up with Meyer, who is one of those Catholic radicals, and had him sentenced to two years in the pokey. He'd claimed 10 deductions when he was entitled to only four.

Because he did what he did on principle, Meyer was given a rougher jail sentence than is handed out to the tax swindling businessman who's too dumb to know you can beat the IRS with legal gimmicks. But, although Meyer wants to beat the tax man for more admirable motives than most of us, he is still in the mainstream of the growing American rage at our tax system.

It's not just that our taxes are so high, but that millions of us are catching on to the corruption of a Congress that can legislate tax laws so grossly weighted to favor the rich. It used to be that folks didn't know about oil depletion allowances, accelerated depreciation and capital gain, but no more. They know, and they also know how congressmen and senators are bribed to keep these laws in effect. Why else the enormous interest in campaign contributions?

They've also learned that each of these successive "tax reforms" is nothing of the kind, and this, plus a new and special hatred for Internal Revenue agents and their officious practices, make them hate the tax laws and disregard them at any time they can. It's not easy for the little man to beat the tax man, however. The system is rigged to get him, but he may get some tax advice—albeit illegal—that isn't offered by H. & R. Block in the April issue of Ramparts Magazine which carries an article entitled, "How To Cheat Your Income Tax: A Guide."

In times past, although most people didn't consider tax cheating a crime, the IRS's reputation of invincible infallibility frightened them off trying. That's beginning to change. The word's out that the IRS is having its troubles, too. Last year the number of delinquent accounts jumped 8 percent and the amount of unpaid taxes increased to an all-time high of $3.5 billion. One of the reasons for this is that the IRS's manpower is being strained by trying to police wages and prices and do other jobs unconnected with the work of tax harvesting. Last year, for instance, IRS audited 363,000 fewer returns than the year before.

The anonymous Ramparts article writer points out that the computerization of the IRS may help the little guy cheat. In the past ever so many tax returns were pulled and audited. That's no longer so. Now "the computer subjects every return to reasonableness tests, comparing each return against averages. Those that flunk come bounding out onto the desk of one of the IRS's agents . . . Overshoot the percentage of your income group's allowance for contributions and out will jump your return," writes our tax consultant who is an accountant doing two to ten for embezzlement, not tax fraud.

But, he says, if you know what averages the computer is programmed for, then you can pile on the phoney deductions just so long as you don't go above the average for your income group. Our man obligingly supplies a table which tells us that if you're in the $9,000 group you can safely say you've spent $350 on medical expenses without getting caught.

Our felonious tax consultant offers the small man other ways of beating the IRS. You can have a business: "Just as thousands of the rich have hobby farms, Bermuda properties and other tax deductible bogus businesses whereat they vacation and entertain, so we can have modest cottage industries to shield from taxes our modest incomes: pottery, weaving, consulting . . . It is not necessary that you actually make any money . . ."

Since this is a poor man's guide to tax chiseling, the amounts you can steal back from the government aren't anything like what an oil company can pull in. Still, the Rampart's illegal method will save a man earning $5,000 $150 bucks, or an $8,000 a year man a little better than $200.00.

There is another out for people who don't want to file for bankruptcy. Instead of filing this year's Form 1040, find the form from 1913, the first year of the modern income tax. You'll save a lot of money. A family of five making $10,000 and using the up-to-date form will have to pay $871.75 plus $468 in Social Security tax, but if they were to use the old, 1913 form, their tax would be a mere $60. The deduction situation was better then, too. A man and wife got a $4,000 deduction; a single person was good for a $3,000 one.

There is yet one other way of escaping taxation without breaking the law. You can do what Karl Meyer is presently doing. He is arranging his life so that his income doesn't push up above the taxable poverty line. He does it by choice, but with the speed they're thinking up new taxes, federal, state and local, we may get pushed under the poverty line whether we like it or not.

GEORGE WALD ON AMERICAN BOMBING IN VIETNAM

Mr. KENNEDY. Mr. President, one of the most tragic aspects of the Indochina war has been the corrosive effect it has had upon America's moral and humanitarian sensibilities. Almost casually—with no sense of involvement or of horror—we read in each morning's newspaper of American planes dropping hundreds of thousands of tons of bombs over North Vietnam and all of Indochina.

We read of statements by our national leadership telling us that the war is "winding down" while American bombing is "winding up." We see the incredible statistics of more tons of bombs dropped by America in Indochina during the last 2 years than during all of World War II.

Just what does 6,250,000 tons of bombs mean?

Few of us see or feel or comprehend what such a statistic means. To do so, one needs to travel to Indochina, and more particularly to North Vietnam, to begin to understand—to see what Prof. George Wald saw during his recent visit to the area. In a most compelling report, Professor Wald, a Nobel Prize winning scientist at Harvard University's biological laboratories, relates some of his observations on the impact of American bombing in North Vietnam.

I commend Professor Wald's article to my colleagues to help bring the tragic reality of this war closer, to help us comprehend what bombing statistics mean in human terms. I ask unanimous consent that his article, a table of official bombing statistics, and an editorial from the Baltimore Sun be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD. as follows:

THE RESULTS OF THE BOMBINGS WERE NOT AS SUCCESSFUL AS HOPED

(By George Wald)

"Bad weather over North Vietnam forced U.S. pilots to pass up a number of important military targets during last week's heavy air raids, the Pentagon acknowledged yesterday for the first time . . . the results of the bombing were not as successful as hoped."—Associated Press, Washington, January 3, 1972.

On the morning of Saturday, February 19, I visited a bombed hospital on the outskirts of Thanh Hoa, a large town about 125 kilometers south of Hanoi. The town had been heavily bombed on December 26, the first day of the renewed heavy bombing of North Vietnam, ordered by President Nixon. That bombing continued for five days and involved one thousand sorties.

As I say, it hit Thanh Hoa on Sunday morning, December 26, the first group of planes coming over at 9:35 a.m. It was a cloudy day. The date, the time, and the weather are all important.

It will no doubt surprise many Americans to know that though only about 10 per cent of North Vietnamese are Christians—for the most part Roman Catholics—the Communist government of that country observes Christmas as a national holiday. Last year it came on a Saturday, and on Sunday morning almost everyone was at home taking advantage of the holiday, and preparing food for outings.

Thanh Hoa has a number of strategic objectives, and has been bombed frequently before. Just before entering the town I crossed the Han Rong ("Dragon's Jaw") Bridge over the Ma ("Horse") river, an old steel suspension bridge carrying a single, narrow gauge track and roadways, started by the French in 1910. Just down river from the bridge I could see a pontoon bridge ready to take over in an emergency. On April 3 and 4, 1965, the Han Rong bridge suffered its first massive air attack. For those two days, 150 to 180 planes were over it constantly; and I was told that 47 of them were shot down. The road at both ends of the bridge was heavily damaged, the bridge only slightly. Within one hour both bridge and road were working again.

For some time after that there were no more massive attacks, only single planes or small numbers, attacking by surprise. That tactic proving unsuccessful, our forces went back to massive attacks. Since 1965 the North Vietnamese estimate that there have been about 4,200 sorties against the bridge, dropping more than 4,000 tons of bombs, not including rockets. A lot of anti-personnel fragmentation bombs were dropped around the bridge. Also for a time mines were dropped into the river, upstream from the bridge, but the Vietnamese managed to detonate all of them before they reached the bridge. Rockets and guided missiles were launched from a distance during three days, but none of them struck the bridge. It has also been shelled from the sea for many days (the bridge is 18 kilometers inland). One can see that every girder in that bridge has been torn and damaged; yet the bridge was never knocked out for more than three hours.

Just after crossing the bridge, we passed a power station on the left, that also has been a prime target. Also the Pearl Mountain, near the bridge, has been bombed so heavily that about one sixth of it has been carried away.

The new bombing on December 26 involved about 100 planes. There were four targets: (1) North of town, six explosive bombs. (2) The hospital. (3) The village of Dong Vinh: 12 explosive bombs and six anti-personnel cluster bombs. (4) The fields of Dong Tan village: six explosive bombs. In all there were 24 dead and 37 wounded in addition to those at the hospital, most at the village of Dong Vinh. There were no military casualties. Two of the raiding planes were shot down, one at Han Rong bridge, marked F4D, which still carried two explosive bombs and two cluster bombs. Both pilots were killed. The second plane tried to escape to sea and on its way dropped bombs on the village of Hoang Dai. Then it fell into the sea about 3 kilometers off shore. When the site was reached there was no sign of the pilots.

Because of the presence of strategic targets, since 1965 the town had ordered schools, hospitals and commercial establishments to disperse. It is mainly for this reason that casualties were not heavier.

I visited a dispersed portion of the Thanh Hoa provincial hospital. Formerly in the town there had been two hospitals: one a tuberculosis hospital with 500 beds, with up-to-date equipment. This was completely destroyed by bombs in June 1965. Several patients and doctors were killed, but few since the hospital had already been largely dispersed. There was also a general hospital with 530 beds. This was destroyed on June 1, 1966.

The hospital I visited was started in September 1970. It is three and a half kilometers from town, and, I was told, about three kilometers from the nearest strategic objective. There is a complex of low buildings of bamboo and thatch and two rather handsome brick buildings are under construction. Across the road there is a technical school, training students to be assistant doctors and pharmacists.

At 9:35 a.m. of that Sunday morning, December 26, a first group of four planes dropped ten explosive bombs, each of one ton. This was followed at ten minute intervals by two further groups, each of four planes, dropping cluster bombs. I was told that each cluster bomb contains 300 pellet bombs, spherical, about two and five eighth inches in diameter, with plastic jackets. The cluster bomb explodes in the air, releasing the pellet bombs, which are intended to explode just above the ground, where they will do the most damage. The pellet bombs in this instance did not contain pellets but the casing itself fragmented to small rectangular pieces of metal each about 4 x 10 mm. Each pellet bomb breaks into about 300 such fragments. The one I was shown had a casing marked L22, was khaki in color, and had been manufactured in August 1971.

The bombing of the hospital completely destroyed two of the buildings and heavily damaged one other. One of the buildings destroyed had been for traditional medicine (Chinese and Vietnamese hospitals ordinarily offer patients a choice between traditional and western forms of treatment). The second building destroyed was the dental clinic. In all, nine persons were killed and eleven wounded. Of the nine killed, four were patients, the others medical workers and their children. Of the eleven wounded, one was an assistant doctor, one a nurse and seven were children. Of the seven persons in the family of one nurse, four were killed, including her husband and three children. She and two others were wounded. The wounded assistant doctor lost a boy in the raid, and two of his other children were wounded. The first bomb to hit a building threw bodies of patients as far as 20 meters; the head of one patient was found three days later 100 meters away.

I saw and photographed the dental clinic, flattened by the blast from a bomb that had fallen nearby. I also examined that bomb, which had been dug out, and another, a dud.

On the body of the unexploded bomb were stamped the words "Mark 84, Model 2. GP2000lbs. Contractor MI. Date Mfd.—11–70." I have since identified the manufacturer of this bomb as the Intercontinental Manufacturing Company of Garland, Texas, a subsidiary of the International Control Company, of Fairfield, New Jersey. This bomb also carried an astonishingly fresh paper label which said. "*From:* Tooele Army Depot Tooele, Utah. *To:* 3CD Port Chicago (NAD Concord). *Ultimate Consignee:* US NAV WPNS STN CONCORD, CALIFORNIA. Weight this piece: 4053." At the small end this bomb carried a part marked, "Adapter Booster", bearing the stamped date 8–71. The exploded bomb was also a Mark 84, Model 2, weighing one ton. The fin assembly was marked with the maker's name, "MECO", which I have identified since as representing the Metals Engineering Corporation of Greenville, Tennessee.

I then went through the wards of the hospitals, going from bed to bed, and examining the patients' records. They included the following:

Girl, Xuong, aged 8. Lower spinal cord cut by pellet from a fragmentation bomb. Lower body permanently paralyzed, and incontinent.

Baby girl, Thao, three months old. She was being held by her grandfather. Her father had been killed in the bombing, her mother, wounded in the backbone, is in the hospital in town. The baby still has a pellet under her jawbone which will be removed later.

Boy Chien, three years old. A bomb fragment tore his left arm so badly that the arm had to be amputated just under the shoulder.

Young male, Manh, 20 years old. He was being treated by traditional medicine and was about to be discharged when the bomb struck. Open skull wound with some brain damage, bone broken in forearm, pellet in chest, all results of a fragmentation bomb.

Man, An, 34 years old. Another patient in traditional medicine. Both lower legs shattered and in a cast. Also so much skin was lost through scraping against the ground that skin grafting will be needed later.

Boy, Thinh, 9 years old. Right foot torn off. Crutches.

Boy, Jaing, 13 years old. Son of the vice-director of the medical school. Fragments in chest that entered through back.

Boy, Hung, ten years old, son of an assistant doctor. His big brother was killed instantly in the raid, the head blown off and the body disembowled. Blast wound on arm. His sister had one buttock torn off.

Girl, Mai, 13 years old, and her sister, Huong, 8. Their mother was a student in the school being trained as an assistant doctor. The mother and brother were killed instantly. The girls' father had recently been killed in the war. These children had only superficial injuries to feet and other parts, caused by the blast. They now, however, have no family.

Boy, Phuc, 12, son of a pharmacy student in the school. A penetrating skull wound, exposing the brain, with some brain damage. He was operated on four hours later.

It was just a cloudy Sunday morning, the morning after Christmas. The bombing was done by Christians, with high ideals of which we have been told. The visibility was poor, but good enough to bring three groups of planes over this target. The bad weather had forced our pilots to pass up a number of important military targets; and the results of the bombing were not as successful as hoped.

U.S. bombing of Indochina

AIR MUNITIONS

Tons of bombs:	
1966	496,000
1967	932,000
1968	1,437,000
1969	1,387,000
1970	977,000
1971	763,000
1972 (estimated 2 months)	300,000
Total tonnage of bombs	6,292,000

ARTILLERY AND GROUND MUNITIONS

Tons of munitions:	
1968	1,150,000
1969	1,100,000
1970	1,200,000
1971	700,000
1972 (2 months)	200,000
Total tons of munitions (of which 80 percent is artillery)	4,350,000

Source: (Compiled from Department of Defense statistics.)

[From the Baltimore Sun, April 4, 1972]

WHEN IN DOUBT OR TROUBLE, BOMB

If the skies over Indochina should clear today or tomorrow, American air power, reinforced by two more carriers recalled to the Gulf of Tonkin, is preparing to increase to massive magnitude its attacks against the current enemy offensive across the demilitarized zone. The United States Command in Saigon is said to be planning this effort in "retaliation" for the offensive—as if retaliation were something unusual in war—and against the troops and material already engaged south of the zone.

It will be recalled that for weeks that stretched into months American aircraft have been striking heavily against an expected offensive, first predicted for the Tet season, that appeared to be building up just above South Vietnam's northernmost province, Quang Tri. The American-South Vietnamese plan, or hope, was so to disrupt the buildup as to render an offensive ineffectual, or at least to blunt it seriously. Some degree of blunting may well have been achieved—yet the enemy attacks are still heavier than intelligence assessments had expected them to be.

The intentions of the enemy, since he holds the initiative, are unknown, but it already seems clear that the North Vietnamese battle plan has not been seriously deterred by American air power. This could hardly come as a surprise to any one who has noted the incredible weight of bombs dropped on Vietnam over the years, and how little they have accomplished in any way that could be called even temporarily decisive.

In the Pentagon it is thought that the South Vietnamese army is doing "pretty well," all things considered, under the onslaught, but at the same time the Pentagon acknowledges that the severer test will come when the enemy runs into better South Vietnamese troops than he has encountered so far. If this sounds familiar, so it is. Meanwhile, civilians flee from towns and cities already under bombardment, and flee from the countryside into those and other towns and cities, seeking safety. There is little to be said about all this except that it seems to have been going on forever, and is not ending now: and that how it may do anything but delay the release of the American prisoners-of-war, who last week had the comfort of an officially proclaimed period of "concern" on their behalf, is altogether impossible to discern.

GRADUATING CLASS AT HICKORY TAVERN HIGH SCHOOL, HICKORY TAVERN, S.C.

Mr. THURMOND. Mr. President, at this particular time of year, we are accustomed to congratulating those who are graduating from our schools. This is a normal and annual activity.

However, I wonder what the odds are against finding 20 percent of a graduating class being twins? As unusual as this sounds, it is actually occuring in one of the high schools in South Carolina. Of the 40 students graduating this year from Hickory Tavern High School, eight of them are twins. Each set is made up of a boy and a girl. Their names are Kay and Ray Sims, Kay and Ray Medlin, Carol and Jimmy Roper, and Paula and Jerry O'Dell.

Mr. President, an interesting article about this unusual occurrence was published in the March 20 edition of the Laurens Advertiser. This article, entitled "Not A Full House—But They Come In Pairs," was written by Jimmy Roper and Jackie Zeller.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOT A FULL HOUSE—BUT THEY COME IN PAIRS

(By Jimmy Roper and Jackie Zeller)

There is really nothing so unusual about a set of twins. But when sets of twins make up one fifth of a class, then you've got a different story.

That's how it is in the graduating class at Hickory Tavern High. In a class of forty, the final graduating class at Hickory Tavern, there are four sets of twins.

It sounds as if there would be a problem of seeing double. That's no problem at all. Each set is made up of a boy and a girl. They're Jerry and Paula O'Dell, Jimmy and Carole Roper, Kay and Ray Sims, and Kay and Ray Medlin.

And that's just the beginning of the coincidences. While two sets have the same first names, three sets, the O'Dells, Ropers and Medlins, all were born within 12 miles of Hickory Tavern High. To top this off, Kay and Ray Medlin have another set of twins in their family. The O'Dells and Ropers have been attending the Hickory Tavern schools together for 12 years. And the Medlins, while a year older than the other three sets, are graduating with them because they both failed the same grade the same year (They swear they didn't study together).

In talking together, each twin decided his personality is very different from that of the other twin, except for the O'Dells. While the O'Dells are the most alike, they're also the most compatible.

The Ropers, who have been friends with the O'Dells since first grade, agree that Paula and Jerry get along well together. They have fun together and are very considerate of one another, the Ropers say.

Paula agrees. "I guess the nicest thing Jerry ever did for me was in the first grade. At the Easter egg hunt he found the golden egg, but he gave it to me and let me get the prize and the praise."

The Sims, on the other hand, consider themselves to be much less congenial. "Life as a twin is very dreary," comments Ray Sims.

The Medlins find their biggest difference in their attitude toward life. Kay takes everything pretty seriously, while Ray is the happy-go-lucky sort.

Of all four sets, probably Carole and Jimmy Roper look the most alike. That's where the likeness stops, however, they agree. "Seems like my whole life has been sharing the backs of the cereal box," Jimmy comments.

Interestingly enough, though thrown together all these years, not one of the twins has ever dated a twin from another set. "We've been such good friends, we've never thought of dating," say the O'Dells and Ropers.

After being together for approximately 18 years, you would think it might affect the twins' plans for the future, but each brother and sister seems to be going his own way after graduation.

The O'Dells are planning a rivalry. He is going to Clemson, she, to Carolina. Ray Medlin hopes to study auto mechanics in Tennessee before entering the military service, while Kay wants to study dental technology at Greenville Tech. The Sims haven't really decided on the future. Neither has Carole Roper, but Jimmy hopes for Clemson and civil engineering.

For most, leaving home next Fall will separate them for the first time. Ray Medlin, who had a 7-week stay in the hospital, is the only twin who has been separated from the other over two weeks.

All eight agree, however, that being a twin hasn't affected their personal identity in any way. About the biggest problem of being a twin, they conclude, is having to share everything from their playpen, when they were small, to their cars, now.

Oh yes, and we musn't forget to give credit to their parents, Mr. and Mrs. Burley G. Medlin, Mr. and Mrs. J. W. Sims, Mr. and Mrs. James B. Roper and Mr. and Mrs. Paul S. O'Dell.

RADIO LIBERTY AND RADIO FREE EUROPE

Mr. McGEE. Mr. President, a newspaper article recently published in the New York Times is entitled, "Why Not Tell the Truth?" The article, written by Mr. Cyrus Sulzberger, pointed out that Radio Liberty and Radio Free Europe were providing the people of the Soviet Union and Eastern Europe with accurate information at a time when the media of those countries was using every available means to misinform their own people, as well as the public abroad, in the hopes of furthering their domestic and foreign policies while harming ours.

At the moment, I do not intend to devote time to praising the work of Radio Liberty and Radio Free Europe. This has already been done convincingly by a number of us in Congress, not to mention the many articles and editorials which have appeared in the American and West European press supporting both radios. Today I should like to look at the other side of the coin. Is there any sign, for example, that the regimes of the Soviet Union and Eastern Europe are prepared to declare a truce in what they describe as the "ideological struggle" against capitalism? And what does their attitude toward "ideological struggle" reveal about their real attitude toward detente?

Since Radio Liberty and Radio Free Europe are in the business of international broadcasting, let us first take a look at what the Communists are doing in the same field.

Altogether, they beam some 6,500 hours of programs abroad every week. This compares to 786 hours for the Voice of America, 543 hours for Radio Free Europe, and 500 hours for Radio Liberty.

Some of these Communist broadcasters are official voices of their governments; while others falsely declare themselves to be operating within the countries to which they are directed and call for the overthrow of governments traditionally friendly to us. Over the past 4 years, these broadcasters have increased their output from 450 to 684 hours a week.

The Soviet Union is by far the largest of the international broadcasters, even though China and the United Arab Republic have been moving up rapidly. Aside from Radio Moscow and many "black" operations situated near its southern borders, the Soviets support something called Radio Peace and Progress. Although housed in the Radio Moscow building, Radio Peace and Progress claims to operate independently of the Soviet Government. For example, when the Indian Government objected to personal attacks on political figures in Peace and Progress broadcasts, Moscow answered that the Soviet Government had nothing to do with the incident. Soviet foreign broadcasting is carried on in 82 languages for nearly 2,000 hours per week, compared to broadcasts in 35 languages for 786 hours per week by the Voice of America. The 82 Soviet broadcasts include 12 indigenous languages of the Indian subcontinent—compared to three for VOA—12 languages of Africa—compared to four for VOA—and two Indian vernaculars of South America—compared to none for VOA.

Not many North Americans listen to short-wave radio, although it is enormously important in most parts of the world. Even so, Moscow alone broadcasts 10 hours a day to North America, in languages of our ethnic minorities as well as in English.

There is a division of labor between the Warsaw Pact countries in international broadcasting. Until recently "Oggi in Italia"—Today in Italy—a clandestine Italian language station, operated out of Prague. Much of the Arabic broadcasting is handled by the East Germans. Programs are beamed to Turkey from Bulgaria, and so forth. No such coordination exists between NATO countries.

Important as this vast external broadcast effort may be in areas of the world where such propaganda may be believed, the totally false picture of world events that these regimes, through the monolithic control by the Communist parties over domestic media, present to their own people is more disturbing to those who hope for detente.

America is the main target and it is not only our country's foreign policies which are misrepresented; as almost everything American is pictured as evil and rotten. Our soldiers are described as stupid and brutal; our youth as festering with hopelessness, drug-ridden and without values; our working people as downtrodden and poverty-stricken; and our political system as arbitrary, autocratic and oppressive.

On March 4, Theodore Shabad, Moscow correspondent of the New York Times, reported on a Soviet TV documentary along these lines concerning the United States. Mr. Shabad described the documentary as "an effort to counteract any elation Russians might feel" due to the President's upcoming trip.

Mr. President, this campaign of calumny is not merely an affront to our Nation's pride. At the time of the 1968 Soviet military invasion of Czechoslovakia we saw how such systematic misinformation about life abroad was exploited by the Soviet rulers to mobilize their people for external aggression.

The Soviet Union's massive effort to imbue its people with fear and hatred of the United States does not serve the cause of detente. We must not forget, however, that this manipulation of public opinion has always been a cardinal aspect of the Soviet system and that, in fact, Soviet leaders always call for sharpening the ideological struggle during periods of slackening international tension.

Mr. President, I am not suggesting that we should ape others by mounting psychological warfare campaigns against them in the same manner they launch them against us.

I do submit, however, that there is no call to declare unilateral moral disarmament by abolishing Radio Liberty and Radio Free Europe. Recently, in an interview published in the New York Times and Washington Post, Aleksandr Solzhenitsyn, the 1970 Nobel Prize winner in literature and generally considered Russia's greatest living writer, praised the broadcasts of Radio Liberty.

He said:

> If we learn anything about events in our country, it's from them.

We all hope for the easing of tension in our relations with the Soviet Union. But I submit that truly harmonious and healthy relations between our countries—a stable and safe detente—can be based only on a public opinion in Eastern Europe, as well as in the United States, which is accurately informed about events at home and abroad.

Congress should, without delay, approve fiscal 1973 authorizing legislation for Radio Liberty and Radio Free Europe. As Mr. Sulzberger says:

> Why not tell the truth?

TRIBUTE TO MRS. JESSE M. BLACKWELL, SOUTH CAROLINA'S MOTHER OF THE YEAR

Mr. THURMOND. Mr. President, the selection of South Carolina's Mother of the Year is an event which takes place annually in my State, as it does in most others. This year, however, something rather unique will be added to the contest for National Mother of the Year, because the entry from South Carolina is the mayor of the county seat town of Bennettsville.

Mayor Jesse Blackwell is a personal friend of mine, and I am fully aware of her unusual ability as an effective administrator as well as a wonderful mother. She is most deserving of the title of "South Carolina Mother of the Year" for 1972, and Mrs. Thurmond joins me in commending her for this honor.

She is the mother of two sons, Robert, Jr., a senior at Francis Marion College in Florence, S.C.; and Breedan, assistant principal at Pine Forest High School in Fayetteville, N.C. Her husband is Robert L. Blackwell, a leader in city and county affairs for Bennettsville and Marlboro County.

Mrs. Blackwell is active in the community not only through her mayoral position but also through her church, civic, political and education work.

She believes, as I do, that involvement is the key to effective leadership. She says:

> If you are going to be heard, you have to be involved.

South Carolina's Mother of the Year has been mayor of Bennettsville since 1967. Prior to that she served on the city council for 8 years. One of only three women mayors in my State, she is overseeing the largest budget her city has ever had, and she is directing many new projects for her town and area.

Since Mayor Blackwell was named Mother of the Year, several articles and editorials about her have been published in South Carolina newspapers. They are: "Bennettsville Mayor Named 1972

S.C. Mother of Year," The News and Courier of Charleston, S.C., March 18, 1972; the Presbyterian Church Bulletin of March 19, 1972; "S.C. Mother of Year Is Named," The State of Columbia, S.C., March 19; "Mayor Blackwell is S.C. Mother of Year," the Marlboro Herald-Advocate, March 20, 1972; "State Mother of the Year," Marlboro Herald-Advocate, March 20; "State Mother of 1972," the Columbia Record, March 21, 1972; "A Tip of the Hat to Her Honor," Florence Morning News, March 22; "Woman Mayor Aids Ex-Convicts," the News and Courier, March 26; and a salute from the Anderson Daily Mail of Anderson, S.C.

Mr. President, I ask unanimous consent that the articles and editorials be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Bennettsville Mayor Named 1972 South Carolina Mother of Year

(By Gale Young)

The New S.C. Mother of the Year, Mrs. Robert L. Blackwell (Jessie), is a many titled woman.

The mayor of Bennettsville and holder of various state organization offices, Mrs. Blackwell was notified Thursday morning by Mrs. James Cuttino of Sumter that she had been unanimously elected the state's 1972 Mother of the Year.

Her nomination for the honor was endorsed by the Mooreland Garden Club of Bennettsville. Mrs. Blackwell and her husband will be at the Waldorf Astoria in New York City the second week in May where she will be considered among 52 Mothers of the Year from the U.S. and Puerto Rico for the national title.

Mrs. Blackwell is here in Charleston this weekend at the S.C. Assn. of Classroom Teachers convention to help her twin sister Mrs. John Hargrave, also of Bennettsville, campaign for the office of secretary.

"This has been quite a week. Earlier I was notified that I had won a freezer in a drawing at a furniture store. When Mrs. Cuttino called and said she was talking to the Mother of the Year, all I could say was, 'It just can't be true'," she said. Materials on Mrs. Blackwell's many activities and letters from a minister, an educator and a government official were the basis of the five judges' unanimous decision.

"We had to enclose a stamped manila envelope if we wanted the materials returned from the judges. Every day when I went to the post office I just prayed that the envelope wouldn't be there," she spoke of the suspense.

She is the mother of two sons, Robert Jr., a senior at Francis Marion College, and Breedan, assistant principal at Fine Forest High School in Fayetteville, N.C.

"When they were old enough, both of them worked after school bagging groceries and in the summer on construction jobs. I took half their paychecks; I told them it was for their room and board. I invested the money and later both boys had enough money from the investments to make down payments on houses," she told.

Her sons, as youngsters in the lower grades, helped her campaign for her councilman offices.

Mrs. Blackwell is active in the community not only through her mayoral position but also through her church, civic, political and education work.

"I like to be involved. If you're going to be heard, you have to get involved," she said.

Mrs. Blackwell served on the city council in Bennettsville eight years before running for the office of mayor. She's been mayor now for five and half years and will seek re-election in March of '73.

"When I first went on the council, Bennettsville was a municipality of only about 5,000 people. There are now about 8,500 within the city limits and 10,000 on the fringes."

One of only three women mayors in the state, Mrs. Blackwell is overseeing the largest budget her city has ever had and directing several new projects for the area. She also has her share of problems.

The city recently obtained a federal grant from the Impact program, designed to relieve unemployment in areas where it is worst. The funds will be used to build a new municipal complex.

Ground was broken March 7 for the building which will house the general government offices, police station and jail, fire department, street department and utilities offices. The construction will employ approximately 100 workers for a year.

"How would you like to be told you can apply for a half million dollar grant if you can come up with a full set of plans in three days? We worked around the clock. Ralph Hope, superintendent of utilities, and Ralph Kelly, city attorney, went with me to Huntsville in October to present our plans. From among applications submitted, we were deemed second in the nation in need of the grant. Our unemployment then was about 9.1 per cent, but it has dropped."

She is currently the state membership chairman of Delta Kappa Gamma, an honor sorority for "key" women teachers. She was among 12 people chosen by the National Education Assn. to participate in the first teacher-political conference in Washington in 1958 and attended it again in 1960. She was a delegate to the NEA convention in Miami in 1967.

Her association with the Austin Wilkes Society, a religious-oriented organization of volunteers who work to rehabilitate prisoners, may have had some bearing on her selection as Mother of the Year, she said. She is also state membership chairman of that group.

"We work in close contact with families while the men are in prison, arranging transportation for them to visit the men and working with the welfare department. We help the men who are up for parole find jobs," she said. "The important thing is letting them know somebody cares. We are proud of the fact that recidivism (repeat criminals) has dropped to 12 per cent in South Carolina, the lowest in the U.S."

Mrs. Blackwell, chairman of the Democratic Women's Council in Marlboro County and the county's Democratic committeewoman, said she had encountered only a little political opposition to the fact that she is a woman.

Her husband, who plans to announce his candidacy for county supervisor Sunday, encouraged her to run for mayor, she said.

The five members of the Bennettsville city council, all men, are very cooperative, she praised. "All of them devote a lot of their time to council work. They love being a part of the city."

Mrs. Blackwell is the only woman member of the executive board of the S.C. Municipal Assn.

Church work is important to Mrs. Blackell, who is a member of First Presbyterian Church which was built by her great grandfather. Her husband is a deacon there. "I was baptized there, married there, both my sons were baptized there and Sunday my second grandchild will be baptized there."

She recently acted as a counselor at the crusade in Fayetteville where Nicky Cruze, a former drug addict, testiefid for Christianity. She has been working with the ministerial association in Bennettsville to schedule the kick-off of Boyce Stadley's Wings For Christ crusade on May 6.

"One of my greatest satisfactions is being a Christian, working every day for Christ," she said.

[From the Presbyterian Church Bulletin, Mar. 19, 1972]

Congratulations to Mrs. Robert L. Blackwell who has been named Mother of the Year for the State of South Carolina.

[From the State, Columbia, S.C., Mar. 19, 1972]

South Carolina Mother of Year is Named

Sumter.—Mrs. Jesse M. Blackwell, mayor of Bennettsville, was named South Carolina's mother of the year Saturday by the Palmetto State Mothers Committee.

The committee said Mrs. Blackwell, mother of two sons, was selected on the basis of outstanding contributions to her state as well as accomplishments in rearing her children.

Mrs. Blackwell is membership chairman of the Alston Wilkes Society, a prisoner-aid group in the state and is a member of the executive board of the State Municipal Association.

She is also a member of the State Advisory Committee on Aging, the Environmental Health Task Force of the State Health Department, the Human Resources Commission of National League on cities, Salvation Army, United Fund and area arts council.

The South Carolina Mothers Committee, chaired by Mrs. James Cuttino of Sumter, also announced that Mrs. Myrtis Logan of Sumter has been named the state's first merit mother. Mrs. Logan has three children.

The committee named Mrs. James A. Carthcart of Columbia as its fourth honorary mother. Mrs. Carthcart is a former state president of American Legion Auxiliary and is a recipient of the National Membership Award.

[From the Marlboro Herald-Advocate, Bennettsville, S.C., Mar. 20. 1972]

Mayor Blackwell Is South Carolina Mother of Year

Bennettsville Mayor Jessie M. (Mrs. Robert L.) Blackwell has been named South Carolina Mother of the Year.

Mrs. James Cuttino of Sumter, chairman of the five-member state selection committee, notified the Herald-Advocate of Mayor Blackwell's selection on Thursday.

Her nomination for the honor was endorsed by the Mooreland Garden Club of Bennettsville, of which she is a member.

In addition to the garden club, Mrs. Blackwell's nomination was supported by letters from a minister, an educator, and a government official.

Mayor Blackwell was in Charleston Friday and Saturday and unavailable for comment. She was there at the S.C. Assn. of Classroom Teachers convention to help her twin sister, Mrs. John L. Hargrave, also of Bennettsville, campaign for the office of secretary.

Mayor Blackwell is in her sixth year as Mayor of Bennettsville and told a News and Courier interviewer that she would seek re-election again next year. She is one of three woman mayors in South Carolina.

Prior to her election as Mayor in 1967, she had eight years previous service on the Bennettsville City Council. She is also the only woman on the executive board of the S.C. Municipal Assn.

In addition to her duties as Mayor, Mrs. Blackwell currently serves as membership chairman for two state organizations: Delta Kappa Gamma, an honorary teacher sorority; and Alston Wilkes Society, a statewide organization formed to help rehabilitate former prisoners.

She is chairman of the Marlboro County Democratic Woman's Council; first vice chairman of the county's Democratic Party; and an alternate delegate to the state Democratic Convention.

She is also a member of the State Advisory

Committee on Aging, the Environmental Health Task Force of the State Health Department, the Human Resources Commission of National League on cities, Salvation Army, United Fund and area arts council.

An active member of First Presbyterian Church, Mrs. Blackwell recently served as a counselor at the crusade in Fayetteville, N.C., where Nicky Cruze, a former drug addict, testified for Christianity.

Mrs. Blackwell is a daughter of Mrs. Jessie B. Matheson of Bennettsville.

The State's Mother of the Year and her husband, who has recently announced as a candidate for Supervisor of Marlboro County, have two sons: Robert Jr., a senior at Francis Marion College; and Breeden, assistant principal at Pine Forest High School in Fayetteville.

In a feature article in Saturday's Charleston "News and Courier," Mayor Blackwell was quoted by writer Gale Young as follows:

"This has been quite a week. Earlier I was notified that I had won a freezer in a drawing at a Bennettsville furniture store. When Mrs. Cuttino called and said she was talking to the mother of the year all I could say was, 'It just can't be true'," she says.

"We had to enclose a stamped manila envelope if we wanted the materials returned from the judges. Every day when I went to the post office, I just prayed that the envelope wouldn't be there," she spoke of the suspense.

About her sons:

"When they were old enough, both of them worked after school bagging groceries and in the summer on construction jobs. I took half of their paychecks: I told them it was for their room and board. I invested the money and later both boys had enough money from the investments to make down payments on houses," she told.

On politics:

"I like to be involved. If you're going to be heard, you have to get involved," she said.

About the new city complex:

"How would you like to be told you can apply for a half million dollar grant if you can come up with a full set of plans in three days? We worked round the clock. Ralph Holt, superintendent of utilities; and Ralph Kelly, city attorney, went with me to Huntsville in October to present our plans. From among applications submitted, we were deemed second in the nation in need of the grant. Our unemployment then was about 9.1 per cent, but it has dropped."

And, about satisfaction:

"One of my greatest satisfactions is being a Christian, working every day for Christ," she said.

STATE MOTHER OF THE YEAR

Congratulations to Mayor Jessie M. Blackwell of Bennettsville upon her selection as South Carolina Mother of the Year.

To our knowledge, this is the first time that this honor has come to a Marlboro County mother.

Mrs. Blackwell has an impressive list of interests and activities and we join her hosts of friends across our state in extending our sincere congratulations to her and her family upon receiving this honor.

[From the Columbia Record, Mar. 21, 1972]

STATE MOTHER OF 1972

One of South Carolina's most time-honored awards is the selection of the State Mother of the Year. This annual salute to motherhood takes into consideration not only what a woman has done for her own family, but also what she means and does for her community and state.

The State Mother of 1972, just announced, is Mrs. Robert L. (Jessie Matheson) Blackwell, a native of Marlboro County and the third-term mayor of the county seat, Bennettsville. She has two sons, Robert L. Blackwell Jr., a senior at Francis Marion College, and Breeden Blackwell, a Pembroke College graduate who is assistant principal of Pine Forest High School at Fayetteville, N.C. She is a graduate of Flora McDonald College.

Besides heading the government of her home town, after promotion from the town council, she holds responsible positions in statewide organizations on municipal government, prisoner reform, the aging, environment, health, human resources and teaching. She formerly taught school in both Carolinas.

Mrs. Blackwell's honor follows a tradition of outstanding State Mothers. Her predecessors have stood high in the national considerations and one of them, Mrs. David R. Coker of Hartsville, was American Mother of the Year in 1958.

[From the Florence Morning News, March 22, 1972]

A TIP OF THE HAT TO HER HONOR

A tip of the hat is in order for Bennettsville Mayor Jessie M. Blackwell. She has been named this year's South Carolina Mother of the Year.

Mrs. Blackwell, one of three women mayors in the state, is the mother of two sons, one a senior at Francis Marion College and the other a high school principal in Fayetteville, N.C.

She has been Bennettsville mayor since 1967 and served eight years on City Council before that. She is the only woman on the board of the S.C. Municipal Association executive board. She is also active in community, civic and church activities as well as Democratic Party affairs.

With the rising concern for over-population, the emphasis in honoring motherhood has perhaps shifted. Large families are no longer applauded. But the deeper reasons for honoring motherhood remain constant.

Mrs. Blackwell's selection as state Mother of the Year suggests that being deeply involved in a wide range of community activities is no bar to fulfilling the responsibilities of motherhood.

A tip of the hat and congratulations.

[From the News and Courier, Charleston, S.C., Mar. 26, 1972]

WOMAN MAYOR AIDS EX-CONVICTS

(By Eppie Richbourg)

BENNETTSVILLE.—Being mayor of a town the size of Bennettsville could be taxing on a member of the fairer sex, but not if Mrs. Jessie Blackwell is an example.

The vivacious lady mayor manages to keep Bennettsville progressive, execute her duties and be state membership chairman and local secretary of the national Alston Wilkes Society, an eleemosynary organization dedicated to working with former inmates of penal institutions. She has a never-ending source of enthusiasm.

"I can talk all day about the Society and the wonderful job it is doing to help parolees and prison inmates," she says.

As the first Alston Wilkes Society in S.C. to be chartered, in 1966, the Bennettsville chapter has grown to roughly 25 members. Last year the chapter financed prison guard Ray Satterfield to accompany young convict Bobby Hunter to the Pan American Games where Hunter's success made him an almost certain contender for the 1972 Olympics in Munich.

If Hunter goes, Mrs. Blackwell said the chapter again plans to take as its project financing Satterfield to accompany Hunter, considered to be a top U.S. hope for a medal in boxing.

The young convict from Charleston took up the sport after being confined in the Manning Correctional Institution in Columbia where he is serving 18 years for manslaughter.

Led by Mrs. Blackwell last October, the Bennettsville chapter was instrumental in organizing a Sunday ministry at the Marlboro County Prison Farm which she considers "the grandest thing our chapter ever did."

And Mayor Blackwell is the program's biggest booster. Every first Sunday she and husband, Bob, attend the prison worship. "I love to go out there . . . so rewarding . . . so much participation by the prisoners. They love to sing and do it beautifully. The program has been such a success."

Prison ministry services are conducted by members of Bennettsville's Men's Evangelistic Club and local ministers.

Probably a large part of Mrs. Blackwell's success with the society is her attitude that "prisoners and parolees are human beings just like the rest of us and they're appreciative of what we're doing for them."

Mrs. Blackwell says the local chapter aids an inmate's family while he is away and attempts to bridge the communications gap for the parolee coming out. This isn't the easiest thing in the world, she says. "Often the family doesn't want the parolee back, particularly in the case of an alcoholic who abused his family before going to prison."

And there are cases she cites of youngsters whose families don't want them, who are even rejected by their mothers. In these cases, counselors or doctors try to work out the problems and are often successful in reuniting the families.

However, most parolees move their families from their original homes because of the stigma they feel the prison sentence has left them, Mrs. Blackwell says. In such cases, the society aids the parolee in setting up a home elsewhere.

Probably hardest for society members is securing jobs for former inmates. "They come out with nothing. No credit rating, can't borrow money, but the local industries here have been most cooperative, Mrs. Blackwell said. "They know what the Alston Wilkes Society is. If they have an opening and if the parolee qualifies, he gets the job and his past is never discussed."

Mrs. Blackwell has visited all but one of the S.C. penal institutions and says all kinds of untapped talent comes to light behind the walls.

For example, an inmate from Scotland who never knew he had artistic talent is putting on an April art show in Columbia, sponsored by the Alston Wilkes Society, showing the works of prisoners from all over the United States. Andrew Wyeth is judge for the show.

[From the Anderson, S.C., Daily Mail]

THE DAILY MAIL SALUTES

Few honors bestowed in our state within a year's time carry more distinction than the title of South Carolina Mother of the Year. The state committee has looked over hundreds of persons nominated for the honor, and has awarded the 1972 honor to Mrs. Jesse M. Blackwell, who, among other distinctions, is mayor of Bennettsville. Her selection was made on the basis of her outstanding contributions to the state, as well as her accomplishments in rearing her children and assuming other family responsibilities. Her services have, indeed, been numerous and spread over many fields. She is state membership chairman for the Alston Wilkes Society, a prisoner-aid group, while she is a member of the executive board of the State Municipal Association. Some of her other activities include membership on the State Advisory Committee on Aging; Environment Health Task Force; the Human Resources Commission of the National League of Cities and others. In her hometown she is also engaged in many community activities including the Salvation Army and the Area Arts Council. She will be especially honored on Mother's Day and on other occasions.

SECRETARY CONNALLY AND TAX REFORM

Mr. HARRIS. Mr. President, I note with interest Secretary Connally's pledge to clean up tax fraud. His concern stems from indications that millions of taxpayers have been getting bad service from tax consultants. I am hopeful that the mistakes of tax consultants, whether willful or innocent, will be halted promptly and that innocent taxpayers will not be harrassed or intimidated.

I would also urge the Secretary, Mr. President, to use some of his new-found fervor for rooting out tax fraud to go after the big fish as well as the little minnows. Billions of dollars are lost every year through unnecessary loopholes and, in many cases, outright evasion of tax obligations. Both the U.S. Government and the American people who must foot the bill for running the country are being defrauded by the wealthy few and big business, who use both legal and illegal fraud, tax loopholes, to keep from paying their fair share of taxes.

As filing time for tax returns grows closer, and as we all wade through the morass of tax forms, spending countless hours trying to figure out just what we are to pay our Government, the resentment against those who do not have to pay becomes more acute. The American people are fed up with our inequitable tax system, and I predict that those responsible for its continuation are in for a big surprise in November.

I would suggest that while Secretary Connally is checking out the returns of millions of Americans, he make a special effort to check the returns of the wealthy barons of big business and the conglomerates, and that he tell us who has not been paying his fair share of taxes and that he come back to Congress with plans from this administration to end the outrageous tax preferences for the rich.

STRIKE LEGISLATION

Mr. TAFT. Mr. President, emergency strike legislation will again be heard tomorrow in executive session in the Labor Subcommittee. Hopefully a bill may be reported by the committee soon. The need for strengthening the Railway Labor Act and the Taft-Hartley law becomes more clear daily. The New York Times on April 5 commented on the problem in its lead editorial.

It is time that the Congress faces up to its responsibilities and moves in the public interest to prevent a paralyzation that could wreck our efforts to stimulate the economy, solve unemployment, and stabilize prices.

I ask unanimous consent that the editorial from the New York Times dated April 5, 1972, entitled "Sputtering Strike Fuse" be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SPUTTERING STRIKE FUSE

President Nixon has used the creaky provisions of the Railway Labor Act to purchase sixty days of grace in two major strie threats on the nation's railroads. Unfortunately, the recent history of that anachronistic law provides little basis for hope that its peacemaking processes will bring settlement of either dispute—one involving freight crews on the Penn Central and the other sheet metal workers employed in repair shops of all railroads.

The probability is that the beginning of June will find the country in the familiar position of having to improvise emergency legislation to deal with both situations before they stifle the economy. Indeed, the necessity for crash action on such legislation may arise even sooner if the Pay Board follows its decision to scale down the oversize wage settlement for West Coast longshoremen by a similar ruling affecting Atlantic and Gulf dock workers.

The initial decision precipitated a walkout from the Pay Board of four of its five labor members, but the West Coast workers have been remaining on the piers pending final board action on the East Coast pact. The Pay Board, now reconstituted as an all-public panel, is expected to make its decision early next month—a decision that may precipitate a shutdown of all deep-sea ports.

Since the goal of any such strike would clearly be to force higher pay in violation of the Economic Stabilization Act, the Government might move to halt the tie-up by injunction. But that remedy is far from clear-cut, and all the cooling-off provisions available under the Taft-Hartley Act have been exhausted.

The looming crises on both the railroads and the docks underscore the necessity for ending the long sit-down strike on Capitol Hill against proposals to tighten the statutory safeguards against strike emergencies in vital transportation industries.

More than two years have passed since President Nixon called for a modified type of compulsory arbitration to resolve such disputes. If the Democrats in control of Congress have a more dependable formula for dealing with the problem, the time to fight the issue out on the floor is now—not to wait once again to pass patchwork laws under the gun of a crisis.

THE LEAGUE OF WOMEN VOTERS STUDY "ADMINISTRATIVE OBSTACLES TO VOTING"

Mr. McGEE. Mr. President, on Monday of this week, the League of Women Voters' educational fund made public a comprehensive analysis of our country's voter registration system. Their study covered 47 States, approximately 250 communities, 2,234 interviews with government officials, party officials, and representatives of citizens groups and observations of over 900 registration and polling places. We should all be aware of the results of this in-depth study.

The League of Women Voters' report reemphasizes the unanimous conclusion of previous studies of our registration system—that it discourages registration and voting. Mr. Richard Scammon's report of the President's Commission on Registration and Voting Participation in 1963 was one of the first detailed inquiries into our registration system. Prof. Stanley Kelley of Princeton University also produced a study which concluded:

> Registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered.

In 1968, a Gallup poll substantiated the previous studies when it concluded that—

> It was not a lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation.

Finally, in 1970, the Freedom to Vote Task Force under the leadership of Ramsey Clark agreed that registration procedures are the major cause of nonvoting.

Page 16 of the League of Women Voters' report states that—

> Considering the all too frequent occurrence of complex forms, unhelpful and poorly trained staff, machine breakdowns, and inconveniently marked registration and polling places, it's surprising that so many citizens do vote. That the system functions at all is a tribute to the sheer determination of citizens to overcome these inconveniences and obstacles.

Gentlemen, this is quite an indictment, especially in light of the fact that it is being said by the League of Women Voters—a respected bipartisan group of citizens not given to radicalism or overstatement.

This report produces some extraordinary data concerning exactly how many registration operations are deficient. They found that 52 percent of the registration locations were not clearly identified with a sign. Twenty percent of the States expressly forbid evening and Saturday registration. Three-quarters of the communities studied had no Saturday or evening registration in the nonelection months. Even among those communities where deputy registrars were authorized, 29 percent of the election officials failed to use them. During the heat of the election period—30 days prior to the closing of registration—nearly 40 percent of the communities provided no additional hours for registration.

Clearly, the above obstacles must be removed so that the American people can register and vote. With this kind of a registration system there should be no question of why America ranks last in the world in its democratic participation.

I urge all Senators to read this short report by the League of Women Voters. It presents in detail the obstacles that stand in the way of this country's voters.

Mr. President, I ask unanimous consent that the report by the League of Women Voters entitled "Administrative Obstacles To Voting," be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ADMINISTRATIVE OBSTACLES TO VOTING

(A report of the League of Women Voters Education Fund)

This publication has been made possible by funds granted to the League of Women Voters Education Fund by the Ford Foundation of New York.

PREFACE

The need for election reform through *federal* legislation has been documented and endorsed by several committees of national prominence. Most notable is the report of the President's Commission on Registration and Voting Participation[1] and the reports of the Freedom to Vote Task Force.[2] A forthcoming report of the National Municipal League will focus on the need for *legislatively enacted*

Footnotes at end of article.

election reform. A model state election code also is being developed by the National Municipal League and will be available to state legislatures for their consideration.[3]

In addition to changes in election laws, there is a need for changes in *administrative practices* of local and state election officials. (For the purposes of this study administrative practices refers to the standards, procedures and structures set up to implement state election laws.) The main purpose of this report then is to document the need for administrative changes and to draw attention to the numerous administrative obstacles which confront all Americans as they seek to implement their right to vote.

The basis for this report is a study undertaken by the League of Women Voters Education Fund (LWVEF) with the assistance of a grant from the Ford Foundation. The administrative practices of election officials in 251 communities were documented through the efforts of over 3,000 League volunteers during the fall election period of 1971.[4]

All types of communities were included in this study; those where problems of registration and voting were likely to be found in the extreme as well as those where the problems were less visible. In general, the information was collected from at least one large city, a suburb, an independent small town, and a rural area in every state. To supplement the League effort, information from some areas of the rural South was collected by local organizations associated with the Voter Education Project. This sample of communities encompassed approximately 40 million people or one-fifth of the total population of the United States.

Data were collected through three methods: (1) recording official registration and voting procedures, (2) interviewing government and election board personnel to determine attitudes and practices, and (3) observing citizen experiences at both registration and polling places. Information also was collected on state administrative practices with regard to elections by some state Leagues of Women Voters.

It should be noted that observations of registration and polling places were made during the period of the 1971 fall elections. This means that administrative behavior was observed in a non-presidential election year in which various types of contests, some considerably more important and appealing than others, were at stake. This factor tends to mute the findings and conclusions drawn from this study. It is reasonable to conclude then that the findings contained in this report might be an understatement of the problems citizens experience when participating in presidential elections.

It is also important to review the findings within the framework of the Constitutionally-guaranteed right to vote of every eligible citizen. This means that although some figures pertaining to a given administrative obstacle to voting may be less than 50%, the finding may nevertheless be highly significant to the extent that it indicates that thousands or hundreds of thousands of citizens are possibly being disenfranchised.

Within the context, then, *the study documents the fact that the current system of registration and voting functions inefficiently for citizens throughout the United States.* Both supportive evidence and specific recommendations for administrative changes are included in this report.

A LOOK AT THE PRESENT SYSTEM

During the next six months, much public attention will focus on the principal candidates and issues of the November presidential election. It is doubtful, however, that very much concern will be given to the electoral process itself—that system of registration and voting procedures Americans must use in order to express their choice on the candidates.

Most citizens show little interest in the process not because they dismiss its importance but simply because they do not recognize the extent to which the current election system impairs the right of all Americans to engage in self-government. The public generally believes that the system has worked well for them in the past and that it will work well for the 140 million Americans of voting age in 1972.

Regrettably, the present election system has not worked well. It still bears the mark of forces which originally gave it birth at the turn of the century: fear of the then-widespread corruption and fraud at the polls and a desire to control the voting participation of millions of European immigrants who threatened the political status quo. Although these particular forces have largely ceased to exist, the system remains saddled with many unnecessarily restrictive laws and exclusionary procedures. It has become an administrative maze in which many of the abuses it was designed to prevent can, in fact, be more easily hidden and through which the average citizen must painstakingly grope in order to exercise his fundamental right to the franchise.

Fear of fraud is often advanced in opposition to proposed reforms of the present election system. It could be argued, however, that such abuses are a function of community mores and will exist in some communities no matter what election procedures are established. More noteworthy, it would seem, is the fraud perpetuated on the American people by a system which excludes millions of eligible voters from the electoral process in the name of preventing a few dishonestly-cast votes.

Indeed, the system works poorly for *all* Americans. In the case of minorities, the poor, the uneducated and the aged, who are unable to meet its complicated requirements easily, the system naturally imposes more heavily than it does on the average mainstream American. These groups can be even further excluded from the electoral process by the arbitrary and uneven application of administrative procedures which, while legal, can be manipulated to serve the political advantage or philosophy of those who control them.

Such misuse of administrative practices is not new to the institutional life of our society. What is notable about the established election system is the extent to which, barring misuse of any kind, it denies the rights and infringes on the convenience of hundreds of thousands of Americans regardless of their racial or economic background.

In the presidential election of 1968, 73 million Americans or approximately 60% of the total population of voting age actually voted for a candidate of their choice; 47 million or approximately 40% *did not* cast a ballot. Compared with other democratic countries, this voting rate of American citizens is embarrassingly low. For example, the rate at which voters in Italy have participated in elections in the last 10 years has regularly approached 90%. Canada records a voting rate of approximately 75% to 80%, and in the last 25 years, West German citizens have voted at rates which range between 78% and 87%.

It is the contention of this report that millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system. Ironically moreover, many of them lose their right to vote not because they are poor, black, uneducated or uninterested, but because they are part of the mainstream of American society. Moving to a better neighborhood, accepting a company transfer, going to college, getting married, serving their country and exercising other rights, freedoms and obligations to their country too often has had the effect of denying citizens their right to vote.

Undoubtedly, the present election system will continue to disenfranchise millions of Americans of every economic and social background unless improvements are made at both the administrative and legislative levels.

THE POWER OF THE LOCAL OFFICIAL UNDER CURRENT ELECTION LAWS

To what extent can electoral reform occur within the context of existing law? To what degree do current state election laws affect the administrative behavior of election officials?

In a few areas of registration and voting, the law is specific. Residency requirements and closing dates for registration are examples. Although the capacity of administrators and local officials to act independently is considerably limited in these instances, they *can* determine the impact of these laws by the vigor with which they make these requirements known and encourage citizens to meet them.

Most of the laws concerning registration and voting, however, are not specific. In many cases, the law only establishes broad minimum requirements, thereby leaving a great deal of discretion to local officials. For instance, the law may require that a central registration office be located in each city of the state but not specify how clearly that office shall be identified. In fact, 52% of approximately 300 registration places observed in this study were *not* clearly identified. Again, the law may state that registration lists must be available to the public but it often does not stipulate the mechanisms for making the lists available. For instance, there was a financial charge for the registration list in 55% of the communities and authorization for access to the list was required in 38% of the cases.

Local officials may be even more powerful where the law is merely permissive. State statutes frequently allow, but do not require, the following: precinct registration, Saturday and/or evening registration hours, and the authorization of deputy registrars. Data from the community study show that in these areas local officials frequently do not use these statutory powers to reach citizens.

In 29% of the communities where deputy registrars were allowed, election officials failed to use this method to reach citizens. While only 10 states[5] expressly forbid evening and Saturday registration, 77% of the communities studied had *no* Saturday registration and 75% had *no* evening registration in non-election months.[6] Even during the heat of an election period, i.e. the 30 days prior to the closing of registration, 38% of the communities provided *no additional hours* for registration. The data clearly suggest, then, that local officials have in many cases failed to use the tools allowed but not mandated by law to make registration and voting easier and more accessible for all citizens.

In addition to their influence in areas where the law is stated in broad or permissive terms local officials are able to influence the electoral process in matters where the law is silent. Although the law may neither require, suggest nor forbid it, an election official might provide information to citizens concerning the election, might conduct extensive training programs for all poll workers, and might provide bilingual clerks where needed. While such initiative would remove many obstacles to voting, local officials have seldom acted in their areas: only 11% of the local officials included in this study published a voter information guide; 28% provided no training for poll workers; and in approximately 30% of the registration places where bilingual assistance was needed, local officials failed to provide this service. Election officials clearly have the power to

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Footnotes at end of article.

make registration and voting procedures easier for citizens but this study has found that, by and large, they don't use it.

To a large extent, local officials retain their discretionary powers by default. The community study found that the state authority charged with responsibility for administering the state election code most often counted it as one of several other major functions of his or her office. In most states, reports from local officials to the state authority are generally required just after elections and contain little else than the total number of people registered and voting in a given jurisdiction and the results of the latest election. Though many states issue guidelines to local election officials, few state administrative mechanisms have been set up to monitor or enforce compliance with the guidelines. In short, state election administrators have little knowledge or control and exert practically no leadership over local election officials and the manner in which they administer the state election code. It is little wonder then that the local election official can, and often does, become the chief policy-maker for all local, state and national elections held within his jurisdiction.

FOOTNOTES

[1] Report published in 1963.

[2] Two reports issued in 1971 by this commission of the Democratic National Committee; "Report of the Freedom to Vote Task Force of the Democratic National Committee" and "That All May Vote".

[3] Developed under a two year grant from the Ford Foundation, the model state election codes will be published in the spring of 1973.

[4] A modified version of the comprehensive survey on which this report is based was conducted by League volunteers in an additional 600 communities. The purpose of this Mini-Survey was to verify the validity of the comprehensive survey sample.

[5] Includes North Dakota with no statewide registration and New Hampshire and Vermont where a checklist system is used.

[6] For the purposes of this study "evening hours" pertain to the hours after 5:00 p.m.

TABLE A.—DISTRIBUTION OF RESEARCH COMMUNITIES ACCORDING TO POPULATION SIZE BY ADDITIONAL TIME AVAILABLE FOR REGISTRATION DURING AN ELECTION MONTH (—MONTH PRIOR TO CLOSING OF REGISTRATION)

	Total communities		Additional hours election month			Additional Saturdays[1]			Additional evenings[1]			Additional evening hours[2]		
		Percent	Percent	Yes	No	Percent	Yes	No	Percent	Yes	No	Percent	<10 hours	>10 hours
Population size	N=200	100	100	62	38	100	70	30	100	83	17	100	52	49
Greater than 1,000,000	4	2	100	[3](1)	(3)	100	(4)	(—)	100	(2)	(2)	100	(4)	(—)
500,000 to 1,000,000	13	6	100	62	38	100	63	37	100	89	11	100	57	42
250,000 to 500,000	21	10	100	41	59	100	75	25	100	77	23	100	----------	100
100,000 to 250,000	33	16	100	68	32	100	90	10	100	70	30	100	36	64
50,000 to 100,000	27	13	100	73	27	100	55	45	100	86	14	100	44	57
25,000 to 50,000	42	20	100	66	34	100	75	25	100	90	10	100	56	44
10,000 to 25,000	46	22	100	60	40	100	67	33	100	93	7	100	61	39
Less than 10,000	22	11	100	56	44	100	44	56	100	60	40	100	83	17

[1] Refers only to those places reporting some additional hours of registration during an election month.

[2] Refers only to those places reporting some additional evening hours of registration during an election month.

[3] Refers to actual number rather than percentages.

TABLE B.—DISTRIBUTION OF RESEARCH COMMUNITIES ACCORDING TO POPULATION SIZE BY AVAILABILITY OF REGISTRATION BY DEPUTY REGISTRARS

	Total communities		Deputy registrars allowed			Deputy registrars used[1]			Limits to number of—					
									Deputy registrars			Forms		
		Percent	Percent	Yes	No	Percent	Yes	No	Percent	Yes	No	Percent	Yes	No
Population size	N=208	100	100	73	27	100	71	29	100	38	62	100	13	87
Greater than 1,000,000	4	2	100	[2](4)	(—)	100	(2)	(2)	100	(2)	(2)	100	(2)	(2)
500,000 to 1,000,000	13	6	100	85	15	100	100	----------	100	20	80	100	----------	100
250,000 to 500,000	21	10	100	71	29	100	64	36	100	40	60	100	10	90
100,000 to 250,000	33	16	100	73	27	100	63	37	100	40	60	100	31	69
50,000 to 100,000	27	13	100	70	30	100	82	18	100	44	56	100	27	73
25,000 to 50,000	42	20	100	83	17	100	80	20	100	46	54	100	7	93
10,000 to 25,000	46	22	100	72	28	100	76	24	100	40	60	100	8	92
Less than 10,000	22	11	100	46	54	100	56	44	100	33	67	100	----------	100

[1] Includes only those communities where deputy registrars are allowed.

[2] Refers to actual number rather than percentages.

PERCEPTIONS AND ATTITUDES OF LOCAL OFFICIALS AND CITIZEN GROUP REPRESENTATIVES

The perceptions and attitudes of officials and community leaders are important to an examination of election systems for several reasons. First, they are frequently reflected in administrative behavior and in evaluations of that behavior. In many cases, they also indicate the willingness or unwillingness of community leadership to undertake needed administrative and legislative reform. Where opinions are backed by the power of an office or the resources of an organization, they take on added importance. Finally, such attitudinal data often show how different groups perceive community problems and the extent to which they are sensitive to citizen needs.

PERCEPTION OF REGISTRATION AND VOTING NEEDS

Long lines, short office hours, inaccessible registration and polling places, and registration periods remote from the date of election are common experiences to many Americans.

Interviews with local officials who hold the authority, responsibility and power to alleviate these problems show that they are generally insensitive to them. For instance, less than one-fourth of election officials held that the following were problems in their communities:

Residency requirements

Complex registration procedures

Complex absentee voting procedures

Inconvenient registration hours

Distant and inconvenient places of registration

Complicated voting procedures, i.e. use of voting machines and paper ballots.

Inconvenient hours of polling

Positioning candidate names on the ballot, and

Insuring the proper functioning of voting machines

On the other hand, most persons representing voting rights groups viewed all of these as serious problems in their communities.

ATTITUDES TOWARD LEGISLATIVE AND ADMINISTRATIVE REFORMS

Although the need for legislative action to reform the electoral process has been documented and endorsed by several committees of national prominence (see page 1), the League of Women Voters Education Fund community study shows that local election officials are reluctant to support many legislative changes and to assume the responsibility for administering reforms. For instance, support by local election officials dipped to less than a majority in regard to the following:

Carrying out door-to-door registration by government officials.

Updating registration lists monthly for public review.

Requiring at least 16 hours of training for election officials.

Extending voting hours from 7 a.m. to 9 p.m.

Conducting elections on a non-work day.

Publishing voter education materials at least 30 days prior to an election.

Placing local election officials under state merit systems.

In short, election officials seem to view the government as a passive participant in the electoral process with no responsibility for reaching out to citizens. They apparently believe that the initiative lies entirely with the citizen. This would seem to suggest at least one reason why 47 million Americans didn't vote in 1968. The issue clearly goes beyond the generally accepted explanation of voter apathy. Viewed from another perspective, the question arises that if the government can find a citizen to tax him or draft him into military service, is it not reasonable to assume that the government can find that same citizen to enroll him as an eligible voter and include him in the active electorate?

TABLE C.—NUMBER AND PERCENT OF ORGANIZATIONAL REPRESENTATIVES BY POSITION WHO AGREE THAT SELECTED REGISTRATION AND ELECTION PRACTICES ARE BASICALLY GOOD IDEAS [1]

[In percent]

Statement	Elected officials		Voluntary organization							Range	
	CCoEO N [2]=158	CCiEO 86	LWV 220	NAACP 120	LCP 166	YG 62	PCC 206	CAL 150	MG 62	Low	High
A. Door-to-door registration should be carried out by local government officials in order to get all eligible citizens on the voter registration lists	31	23	50	69	58	82	25	47	60	23	82
B. Voter registration should not be closed sooner than 30 days before any election	76	73	92	88	89	87	87	83	91	73	92
C. Residency requirements for voting in local elections should not exceed 60 days	61	49	74	81	77	84	65	53	73	49	84
D. Each county should require at least 16 hours of instruction for election officials	46	47	64	83	72	85	48	70	85	46	85
E. On election day, polling places should open from at least 7 a.m. to 9 p.m.	25	34	77	77	69	92	63	60	94	25	94
F. All elections should be held on a nonwork day	29	20	35	41	33	46	18	18	47	18	47
G. 30 days before each election, election officials should send each registered voter a voter information guide	23	24	62	66	46	65	32	44	75	23	75

[1] Not all data from the original interviews are included in this table.

[2] N refers to the number of respondents for the 1st statement. All percents computed on actual N's but sample sizes not reported in this table.

Note: Positions are identified as follows: CCoEO=Chief County Election Official; CCiEO=Chief City Election Official; LW=League of Women Voters; NAACP=National Association for Advancement of Colored People; LCP=Labor Council President; YG=Youth Groups; PCC=Chamber of Commerce President; CAL=American Legion Commander; MG=Nonblack Minority Groups.

TABLE D.—NUMBER AND PERCENT OF ORGANIZATIONAL REPRESENTATIVES BY POSITION WHO BELIEVE THAT SELECTED REGISTRATION AND ELECTION CONDITIONS EXIST IN THEIR COMMUNITY [1]

[In percent]

Statement	Election officials		Voluntary organization							Range	
	CCoEO N [2]=158	CCiEO 86	LWV 220	NAACP 122	LCP 161	YG 61	PCC 203	CAL 150	MG 61	Low	High
A. Many nonvoters would vote if registration procedures were less complex	11	9	60	57	42	74	22	13	69	9	74
B. Many potential voters become "nonvoters" because absentee voting procedures are too complex	20	16	69	61	41	76	27	16	67	16	76
C. The hours of registration set by the election officials are inconvenient, and many potential voters find it difficult or impossible to register	9	8	59	51	46	64	20	14	70	8	70
D. The polls close so early in the day that many potential voters find it difficult or impossible to get to the polls on time	8	6	39	47	31	54	20	11	64	6	64
E. Places of registration are inconveniently located, and many potential voters find it difficult or impossible to register	9	7	60	53	43	73	22	15	64	7	73
F. Many nonvoters are simply frightened by the complicated procedures of voting	20	12	67	65	48	68	25	17	75	12	75

[1] Not all data from the original interviews are included n this table.

[2] N refers to the number of respondents for the 1st statement. All percents computed on actual N's but sample sizes not reported in this table.

Note: Positions are identified as follows: CCoEO=Chief County Election Official; CCiEO=Chief City Election Official; LWV=League of Women Voters; NAACP=National Association for Advancement of Colored People; LCP=Labor Council President; YG=Youth Groups; PCC=Chamber of Commerce President; CAL=American Legion Commander; MG=Nonblack Minority Groups.

OBSTACLES TO ORGANIZED CITIZEN INITIATIVE

Since election officials have so often been unwilling to support outreach efforts, citizen groups have for many years attempted to fill this void through a variety of activities such as: conducting voter registration drives, sponsoring get-out-the-vote campaigns, publishing voter education materials, and providing volunteer staff for mobile registration units. These efforts, however, have all too often been frustrated by the inefficiencies and restrictive practices of the system as indicated by interviews with 584 citizen group representatives.

Approximately 50% of the organizations using registration lists to be inaccurate, and in half those cases the inaccuracy was reported to be greater than 10%. Lists were available to the public in 96% of the communities, but there was a financial charge for the list in 55% of the communities and authorization was required to use the list in 38% of the cases.

Groups were also frustrated when they attempted to have members deputized to register voters. Approximately one-fourth of the organizations seeking to have members deputized were refused the authorization they requested. Of those organizations which succeeded, 31% reported a limit to the number of deputy registrars allowed and 10% reported a limit to the number of forms a deputy registrar could obtain at any one time, an effective way of limiting the number of citizens registered.

These examples once again illustrate an attitude on the part of many election officials which tends to obstruct rather than encourage the efforts of citizen groups to expand the electorate. The instances cited strongly suggest the need for administrative reforms which would place more responsibility for outreach programs with election officials themselves and which would simplify administrative procedures pertaining to outreach efforts by citizens.

SEEKING TO REGISTER AND VOTE: EXPERIENCES OF THE VOTER

Under the system of voter enrollment and participation currently used in the United States, the individual citizen must take the initiative in order to qualify himself as a voter. The preceding discussion has indicated that the law does not require local election officials to take the initiative and that many are unwilling to employ their numerous powers or fully utilize the efforts of citizen volunteers to reach potential voters.

In the context, the experiences of the individual citizen as he seeks to register and vote are extremely important. If the cost in terms of time, energy, inconvenience or personal pride is too high, the individual may choose not to vote. Considering the all too frequent occurrence of complex forms, unhelpful and poorly trained staff, machine breakdowns, and inconveniently located registration and polling places, it is surprising that so many citizens do vote. That the system functions at all is a tribute to the sheer determination of citizens to overcome these inconveniences and obstacles.

Registration is the first step in the voting process and the most crucial. When people register, they usually vote. In the presidential election of 1968, 89% of those persons who were registered actually voted. Observations of registration places and examination of formally stated registration practices provide some dramatic examples of the problems citizens encounter in trying to register.

The first problem that the citizen is likely to encounter will be finding the registration office. He may well have to travel a considerable distance from his home to a central registration office (except perhaps during the last month of registration for a particular election when he is more likely to find facilities in his neighborhood). In 40% of the communities studied, however, no additional registration places were opened even during these rush months. Since 54% of the registration places were not accessible by convenient public transportation, 24% lacked convenient parking, and 52% were not clearly identified as a registration or elections office, the prospective registrant may well be frustrated before he arrives.

TABLE E.—DISTRIBUTION OF REGISTRATION STAFF BEHAVIOR ACCORDING TO SOCIAL CHARACTERISTICS OF REGISTRANTS

Variables	Total samples observed		Registration behavior			Registration staff behavior		
		Percent	Percent	Helpful	Not helpful	Percent	Courteous	Discourteous
Social class [1]	N=209	100	100	48	52	100	62	38
Middle	125	60	100	54	46	100	68	32
Working	53	25	100	42	58	100	58	42
Composite	31	15	100	33	67	100	44	56
Race [1]	N=123	100	100	49	51	100	63	37
White	147	69	100	52	48	100	67	33
Primarily white	46	22	100	52	48	100	61	39
Composite	13	6	100	17	83	100	50	50
Primarily nonwhite	7	3	100	[2](1)	(6)	100	12	88

[1] These classifications are based upon the judgment of registration observers.

[2] Refers to actual number rather than percentages.

Once he has located the registration office, the prospective registrant may find that it is not open for registration. In 29% of the communities. registration closes more than 30 days prior to an election. Even if he arrives before the registration deadline, the office may be closed since 77% of the communities studied had *no* Saturday registration and 75% of the communities had *no* evening registration during non-election months. While 52% of the communities did have additional registration hours during election months, 30% of these still had no additional Saturday hours and 17% had no additional evening hours.

The persistent citizen who anticipates and copes with the numerous obstacles already mentioned will next find himself confronted with a registration form. If the form is confusing or questions arise concerning his eligibility, he may not find the staff very helpful. Fifty-two percent (52%) of the observers at registration places classified staff as not helpful. Furthermore, in 30% of the places where bilingual staff was needed, it was not found.

There is no way to measure the number of citizens who are discouraged from registering even before they get to the registration office, but observations of 5,750 people attempting to register at approximately 300 registration places showed that 3 out of every 100 qualified people who made the effort and found the registration place still left without being registered.

Casting a ballot at a polling place is the ultimate event in the electoral process for the citizen. Although he has been successfully registered, the potential voter may be frustrated in his attempts to vote. Polling places, though usually located in his precinct, may be poorly marked (as were 38% of the polling places observed) and public transportation and convenient parking may be lacking. Fifty-eight percent (58%) of the places observed lacked convenient public transportation and 11% lacked convenient parking. Since polling places are not opened in the evenings in many states, the potential voter may need to take time from work or rush to the polling place before or after work. If he goes early he may not be able to vote because many polls open later than the hour prescribed by law as happened in 7% of the 484 polls observed. If he goes to the polls following work, he may find that he is refused the right to vote even though he is standing in line at closing time. Such refusals occurred at 19 of the polls observed.

The prospective voter who gets into the polling place will probably confront a poorly trained staff usually selected on the basis of their partisanship. If there are voting machines at his polling place, he may well be delayed in casting a ballot by a machine breakdown since this occurred in one out of every ten places having voting machines. His right to vote may be challenged as were the rights of 419 persons at the observed polls. In the event that he successfully casts a ballot, it must be attributed at least partially to his perseverance.

SUMMARY

In a democratic society, no right is more fundamental than the right of every citizen to vote. Indeed, the vote is the very symbol of democracy. It is the basic unit of our representative form of government; the major vehicle through which the consent of the governed is offered or withheld—the prime means by which the American people can express and effect their will. The right to vote, therefore, necessarily carries with it the right of equal access for every eligible citizen to the formal system of regulations and procedures through which the vote is cast.

In studying the way our current election system is administered, the League of Women Voters Education Fund found that the administrative practices of local election officials and therefore citizens' access to the election system vary greatly from place to place, that many state election officials have not established structures and procedures which would insure uniform interpretation and administration of state election codes throughout each state and that the discretion which most state laws give to local election officials is often exercised in a manner which impedes rather than enhances the citizen's right to vote.

There is an urgent need for administrative reform of our present election system. Citizens must no longer be forced to earn the "privilege" but rather must be insured the *right* to vote. They must demand that the direction granted to local officials by current state laws be used for the purpose for which it was originally intended; to give election administrators the margin of flexibility they need to assure the access of all citizens to the vote under the varying social, economic and geographic conditions which exist within states.

RECOMMENDATION OF THE ELECTIONS SYSTEMS PROJECT COMMITTEE

An advisory Committee consisting of nationally prominent authorities and experienced practitioners in the fields of voting rights, citizen participation, and elections was convened by the League of Women Voters Education Fund and the National Municipal League to assist them in designing the Election Systems Project. Upon completion of the LWVEF survey, the Committee reviewed its finding and developed the following recommendations regarding elections administration as a practical means of removing unnecessary obstacles to voting. (See p. 3/NML).

Some of the measures recommended may requires changes in some state election codes. The purpose of this report, however, has been to identify administrative obstacles and to document the need for eliminating them. It is now up to local and state officials and citizens throughout each state to decide which reforms their own election system requires and to employ whatever means would most effectively achieve them.

FINDINGS: CHIEF LOCAL ELECTION OFFICIALS

The administrative practices of local election officials were found to be diverse throughout the states. Data on their attitudes towards reforms that would extend the franchise as well as their perceptions of the problems citizens might encounter under the present system reflect a tendency to conceive of the vote as a privilege rather than as a right. These findings imply serious discrepancies between the citizens' Constitutional right to the vote and the actual practices which govern its implementation.

Therefore, the Election Systems Project Committee recommends: That the chief election official of every community comprehensively analyze community conditions and citizen needs by examining the registration rates of every precinct in his jurisdiction and by talking to representatives of various citizen organizations interested and active in issues of registration and voting participation;

That the chief election official of every community go the full limit of his legal powers in order to aggressively extend the right to vote to every eligible citizen. Such a program could include 1) maximum use of out-of-office registration techniques, e.g., use of mobile and other temporary registration units; 2) maximum authorization of qualified deputy registrars on a paid or volunteer basis; 3) the provision of bilingual staff where needed; 4) the publication and widespread dissemination of voter information guides; 5) the expansion of registration and polling place hours; and finally, 6) the use of all these techniques on the basis of voter need as revealed by his precinct analysis and information obtained through his community contacts;

That the chief election official of every community recruit, appoint, and train registration and polling place staff capable of and willing to respond to diverse citizen needs; that he or she further promote the highest standards of professional conduct by providing at least the federal minimum hours wage to all registration and polling place staff and by selecting staff based on qualifications above and beyond traditional partisanship.

FINDINGS: CHIEF STATE ELECTION OFFICIAL

The LWVEF study found that although the Secretary of State or State Attorney General is usually charged with general responsibility for administering the state election code, in fact, it is one of many duties of his or her office and therefore its implementation is, with few exceptions, decentralized to the local level. Where regular reports are made to a central state authority, moreover, the survey revealed that they generally contain no more than facts and figures regarding registration and voting rates and occasionally information on the kind of voting system used (automatic voting machines, paper ballots, etc.). Furthermore, where the state authority issues guidelines to local officials it usually provides no mechanism for monitoring or enforcing them.

The community study also found that, in the event that local officials are confused about how to interpret any part of the state election code, they must take the initiative in seeking state counsel. Except when their intervention is specifically requested, state authorities generally take little action to insure uniform and liberal interpretations of state election laws at the local level. Finally, state authorities generally do not monitor the way local officials use the extensive discretionary provided by most state election codes.

Therefore, the election systems project

committee recommends: That each state locate responsibility for the implementation of state election laws in a single state official or office and that the uniform interpretation and administration of the election code throughout the state be the sole responsibility of that official or office;

That the state election official establish and issue to every local election official minimum standards and performance guidelines; that the state official also establish a supervisory structure within which he or she can evaluate the performance of local officials under guidelines and take corrective action where the standards are not being met;

That the state authority conduct mandatory training sessions for local officials which cover both the technical aspects of efficiently managing an election system as well as the local officials' legal obligations to aggressively extend the franchise and protect the voting rights of all citizens;

That both the guidelines and the training sessions be developed within the philosophical context of the vote as a right rather than a privilege;

That the chief state election official through an established supervisory structure and regular training sessions keep local election officials abreast of the most current legal opinions on voting rights and establish reporting procedures that will assure local officials' compliance with the most recent court decisions.

FINDINGS: ORGANIZED CITIZEN INITIATIVE IN REGISTRATION AND VOTING

Since election officials have so often been unwilling to support outreach efforts, citizen groups have for many years tried to fill the void by initiating registration and voting services which would meet citizens' needs. The data show, however, that their efforts have often been impeded by the inefficient and restrictive practices of local election officials. Interviews with their representatives also show that citizen organizations recognize problems in the current election system that the officials tend to overlook.

Therefore, the election systems project committee recommends: That citizen organizations add to their present outreach programs and aggressive effort to scrutinize the policies and actions of local election officials during both election and non-election periods;

That citizen organizations demand not only a role in the selection process of the chief local election official in their communities but also adequate representation of their constituencies on local and state boards of election where they exist. Where they do not exist, an effort should be made to create them.

THE ROLE OF POLITICAL PARTIES, MASS MEDIA, AND EDUCATIONAL INSTITUTIONS

Although the LWVEF study did not specifically examine the current role these institutions play in our election system, based on the overall findings and the experiences of Committee members, the following recommendations are offered.

Political parties, because of their vital role in a democratic society have a responsibility to see that responsive and responsible election officials are appointed and elected. They must use their considerable influence to insure that election officials use their discretionary power to aggressively recruit voters and to allocate available resources in a manner that expands the electorate. Political parties should further support all efforts to provide adequate funding for local election officials.

Mass media should direct its enormous capabilities toward both informing the public of its voting rights and increasing the visibility and therefore the public's awareness of the system and administrators through which that right must be exercised. Such efforts might include a regular newspaper column devoted to registration and voting information, e.g., the requirements of the law, location and office hours of local registration and polling places, announcement of deadlines, etc. Reporters should cover not just the election but also the operation of local election systems on election day. Officials should allow reporters access to the polls at any time during the polling process.

High schools and colleges, through their curricular or extracurricular programs, should provide information on the legal and administrative requirements pertaining to the franchise. By this means, not only can the crucial facts be made known, but a new regard for the vote as an undeniable right rather than a privilege might be fostered within every American citizen.

MEMBERS OF THE ELECTION SYSTEMS PROJECT ADVISORY COMMITTEE, LEAGUE OF WOMEN VOTERS EDUCATION FUND

COCHAIRMEN

Mrs. Fay Williams, Trustee, League of Women Voters Education Fund.

Hon. Wilson W. Wyatt, Regional Vice President, National Municipal League.

Monsignor Geno Baroni, Director, Center for Urban Ethnic Affairs.

Charles A. Barr, Director, Political and Economic Education, Standard Oil Company.

Robert L. Bennett, Director, American Indian Law Center, University of New Mexico.

Mrs. Lucy Wilson Benson, Chairman, League of Women Voters Education Fund.

Col. C. K. Blum, Chief, Federal Voting Assistance Task Force.

Earl Blumenauer, Assistant to the President for Student Affairs, Portland State University.

Mrs. Willie Campbell, Chairman, Special Research and Projects, League of Women Voters Education Fund.

Michael Cole, Executive Director, Youth Citizenship Fund, Inc.

Steven Galpin, Manager, Community and Government Relations General Electric Company.

Donald G. Herzberg, Executive Director, Eagleton Institute of Politics, Rutgers University.

Benjamin S. Hite, Formerly Director of Elections, Los Angeles County.

Mrs. Delores C. Huerto, Vice President, United Farm Organization Committee, AFL–CIO.

Mrs. Barbara Jordan, Member, Texas Senate.

Mrs. Charlotte Kemble, Executive Director, Front Lash, Inc.

Dr. Penn Kimball, Graduate School of Journalism, Columbia University.

John Lewis, Executive Director, Voter Education Project, Inc.

John Perkins, Assistant Director, Committee on Political Education, AFL–CIO.

Dr. William J. Pierce, Professor of Law, School of Law, University of Michigan.

Matthew A. Reese, President, Matt Reese & Associates.

John Sayre, Director, Precinct Voting, Republican National Committee (Formerly Chief of the Federal Voting Assistance Task Force).

Richard Scammon, Director, Elections Research Center.

Governor William Scranton, President, National Municipal League.

Mrs. Althea Simmons, Director for Training Programs, NAACP.

Mrs. Albert Sims, Former President, League of Women Voters of Connecticut.

Dr. Richard Smolka, Editor, *Election News*, The American University, Institute of Election Administration.

Mrs. Julia Stuart, Member, National Municipal League Council, Former President, League of Women Voters of the U.S.

Miss Amalia M. Toro, Election Attorney, Office of the Secretary of State, Connecticut.

Richard F. Treadway, Director, U.S. Department of Commerce, Boston Business Services Field Office.

Gus Tyler, Director, Politics, Education & Training, International Ladies Garment Workers Union.

Mrs. Ann Wexler, Director of Voting Rights Activities, Common Cause.

PARTICIPANTS IN COMMUNITY SURVEY: APPENDIX A

(City and State)

ALABAMA

Birmingham
Auburn
*Montgomery
Tuscaloosa
Mobile

ALASKA

Anchorage
Ketchikan-Gateway
Kodiak
North-Star Borough (Fairbank)

ARIZONA

*Gila River Indian Reservation
Phoenix
Tucson
Yuma

ARKANSAS

Pine Bluff
*Pulaski County (Little Rock)
Voter Education Project Texarkana, Texas

CALIFORNIA

Union City Alameda County
Berkeley
Sacramento
Eureka
Los Angeles
North San Mateo County
Los Gatos
Fresno
Redding
*San Diego
San Francisco
Tulare County

COLORADO

Arapahoe County
Boulder
Craig & Moffat County
Denver
Ft. Collins
Jefferson County
Durango

CONNECTICUT

Branford
Bridgeport Area
Greenwich
*New Haven
West Hartford
Wilton

DELAWARE

Laurel, Greater
Wilmington, Greater

FLORIDA

Clearwater Area
Dade County
Hillsborough County
Sarasota County
Tallahassee

GEORGIA

Atlanta-Fulton County
Augusta
Macon
Savannah

HAWAII

Honolulu
Hawaii County

IDAHO

*Boise
Idaho Falls
Lewiston
Pocatello

ILLINOIS

*Chicago
Highland Park
Hinsdale-Clarendon Hills-Oak Brook
Morgan County

Footnotes at end of article.

ILLINOIS—Continued

Peoria
Springfield
Edwardsville

INDIANA

Bloomington
Gary
Indianapolis
South Bend
Fort Wayne-Allen County
Lafayette, Greater
Porter County
Seymour

IOWA

Algona
Des Moines
Keokuk
Mt. Pleasant
Scott County (Davenport)
Sioux City
Waterloo-Cedar Falls

KANSAS

Emporia
Hays
Parsons
Shawnee-Mission
Wichita

KENTUCKY

Boone, Campbell, Kenton Counties
Lexington
Louisville and Jefferson County
Richmond

LOUISIANA

Baton Rouge
Jefferson Parish
New Orleans

MAINE

Bangor
* Lewiston-Auburn
Orono
Portland

MARYLAND

Baltimore City
Baltimore County
Dorchester County
Garrett County
Montgomery County
Prince Georges County

MASSACHUSETTS

Arlington
Boston
* Fall River
* Framingham
New Bedford
Northampton
Plymouth-Kingston
Southbridge-Sturbridge

MICHIGAN

Allen Park
Alpena County
Copper County: Houghton & Ontonag
Jackson County
Flint
Grand Traverse
Kalamazoo Area
* Mt. Pleasant

MINNESOTA

Austin
Roseville
Duluth
Hibbing
Minneapolis
Bloomington

MISSISSIPPI

Jackson
Oxford
Vicksburg-Warren County

MISSOURI

Kansas City
Cape Girardeau County
* Jefferson City-Cole County
Rolla-Phelps County
Springfield
St. Louis

MONTANA

Billings
Helena
Missoula
Ravalli County

NEBRASKA

Kearney
Lincoln
Omaha

NEVADA

Carson City
Reno

NEW HAMPSHIRE

Concord
Keene
Littleton
Petersborough

NEW JERSEY

Camden County
Cumberland County
Franklin Township
Ridgewood
Morristown Area
Newark
Cranford

NEW MEXICO

Albuquerque
Las Cruces
Santa Fe

NEW YORK

Buffalo
Canton & Potsdam
New Rochelle
New York City
Oyster Bay (L.I.)
Rochester (Monroe County)
Syracuse, Metro Area
Utica
New Platz

NORTH CAROLINA

Charlotte-Mecklenburg
Durham
Raleigh-Wake County
Tryon
Watauga County
Winston-Salem & Forsyth County
Eden-Rockingham County

NORTH DAKOTA

Fargo Area
Grand Forks

OHIO

Bowling Green
Cincinnati Area
Cleveland
Columbus, Metropolitan
Dayton Area, Greater
Kent

OKLAHOMA

Bartlesville
Chickasha
Stillwater
Tulsa

OREGON

Medford; Jackson County
Central Lane County
Deschutes County
East Washington County
Lake Oswego
Portland

PENNSYLVANIA

Clarion County
Erie County
Lancaster County
Pittsburgh Area
Radnor Township
*Scranton

RHODE ISLAND

*Barrington
North Providence

SOUTH CAROLINA

*Charleston
Clemson
Columbia Area
Greenville

SOUTH DAKOTA

Brookings City and County
Rapid City
Vermillion
Yankton County

TENNESSEE

Knoxville and Knox City
*Memphis-Shelby County
Murfreesboro
Nashville

TEXAS

Brazos County
Corpus Christi
Dallas
El Paso
Lubbock
San Antonio Area
Tarrant County
Houston

UTAH

Cedar City
Ogden County
Salt Lake City

VERMONT

Champlain Valley (Burlington)
Montpelier
Woodstock

VIRGINIA

Fairfax Area
Lynchburg
Norfolk-Virginia Beach
Richmond Area

WASHINGTON

*Port Angeles
Seattle
Spokane
Thurston County
Yakima

WEST VIRGINIA

Charleston Area
Huntington Area
Logan Area
Morgantown
Wood County
*Wheeling

WISCONSIN

Dane County
La Crosse
Milwaukee, Greater
Neenah-Menasha
Racine
Stevens Point
Superior
Wisconsin Rapids

WYOMING

Laramee County
Casper
Powell Area

WASHINGTON, D.C.

VIRGIN ISLANDS

St. Thomas

PARTICIPANTS IN THE STATE SURVEY (N=47):

APPENDIX B

Alabama
Alaska
Arizona
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho*
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey*
New Mexico
New York
North Carolina
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming**

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*For purposes of this report, data from these communities are not included in the analysis.

**Data from these states were not available for this analysis.

INTERVIEWS COMPLETED: APPENDIX C

	No. of Interviews
Government officials:	
Chief elections officer of city	86
Chief elections officer of county	158
Mayor	193
City manager	111
President of city council	99
Chairman of county commissioners	175
Party Officials:	
Democratic Party chairman	203
Republican Party chairman	200
Third party chairman	41
Representatives of citizen groups:	
League of Women Voters	219
NAACP	118
Labor Council	160
Youth Group	61
Chamber of Commerce	203
American Legion	144
Non-black minority group	63
Total	2,234

APPENDIX D

Number of registration observations:	
Observations at permanent places	299
Observations at temporary places	94
Observations at mobile units	9
Observations at unclassified places	56
Total	458

APPENDIX E

Polling places observed:	
Ethnic white—under $5,000	37
Ethnic white—$5,000 to $10,000	59
Ethnic white—over $10,000	47
Nonethnic white—under $5,000	57
Nonethnic white—$5,000 to $10,000	67
Nonethnic white—over $10,000	70
Spanish speaking—under $5,000	22
Spanish speaking—$5,000 to $10,000	15
Spanish speaking—over $10,000	3
Black—under $5,000	51
Black—$5,000 to $10,000	43
Black—over $10,000	13
Total	484

GENERAL REVENUE SHARING

Mr. BEALL. Mr. President, at the request of the distinguished Senator from Florida (Mr. GURNEY), I ask unanimous consent that a statement by him on the subject of general revenue sharing be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GURNEY

The General Revenue Sharing proposal which has been given tentative approval by the House Ways and Means Committee contains provisions which would force many states to adopt personal income taxes or greatly increase existing ones. One portion of the proposed formula for distribution of funds to the state governments would be a factor based on a state's personal income tax collections. Despite the provision for a minimum payment to states with little or no personal income taxes, the effect and apparent intent of the proposal would be to force every state to adopt heavy personal income taxes in order to participate equitably in General Revenue Sharing funds.

I must oppose any provision which would force personal income taxes on states, both as Senator from Florida and on the grounds of basic political philosophy.

The State of Florida has a strong Constitutional prohibition against personal income taxes. This prohibition has a long history of almost unanimous support from the citizens of Florida, who have made it clear time and again that they choose to finance their government by means other than a state personal income tax.

The Constitution of the State of Tennessee also prohibits personal income taxes. Other states which have no personal income taxes are Nevada, Texas, South Dakota, Washington and Wyoming. Numerous other states utilize personal income taxes to generate only a minor portion of their revenues. It is a well established principle in this country that the people of each state have the right to decide for themselves what state taxes they will impose on themselves, both in nature and amount. These ideas are intrinsic in the famous expression, "no taxation without representation." It would indeed be an ironic situation if General Revenue Sharing—the very proposal originally designed to give individual states greater local control of tax monies—should become the means of the Federal government arbitrarily forcing an unwanted personal income tax on many state governments, and forcing increases in income taxes on other state governments.

I strongly support General and Special Revenue Sharing, and have co-sponsored every Administration bill introduced in these areas. I believe one of the primary arguments for Revenue Sharing is that it would strengthen local and state governments by shifting the "power of the purse" from the Federal bureaucracy to governments closer to the people. Using the power of Federal income tax dollars, collected from the citizens of every state, to force those same citizens to adopt state income taxes against their will certainly does not accomplish this goal.

Accordingly, I feel that I must make it clear at this time that I will find it exceedingly difficult to support any Revenue Sharing proposal which works toward forcing the adoption or significant increase in state personal income taxes. I have today written to my Senate Colleagues who represent states which might be particularly discriminated against by such a proposal, asking them to join me in opposition to a state personal income tax factor in any formula for Revenue Sharing.

I have also called upon the Florida Congressional Delegation to initiate similar action in the House of Representatives.

It is my sincere hope that the General Revenue Sharing proposals now under active consideration will be modified to allow those of us who oppose state personal income taxes, and support the right of the states to fiscal self-determination, to give our full support to a fair and equitable General Revenue Sharing bill.

FILING OF A REPORT ON H.R. 9212, WITH AMENDMENTS, FROM THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. RANDOLPH. Mr. President, the Committee on Labor and Public Welfare recently concluded its efforts to bring about urgently needed improvements to title IV of the Federal Coal Mine Health and Safety Act of 1969, relating to black lung benefits. On yesterday, I was privileged to file the committee's report on this measure.

The House of Representatives passed H.R. 9212 on November 10, 1971. The Subcommittee on Labor of the Committee on Labor and Public Welfare began hearings December 1 last year on that bill and two other measures. I introduced S. 2675 with the cosponsorship of my valued and able colleagues Senator ROBERT C. BYRD, Senator VANCE HARTKE, Senator RICHARD SCHWEIKER, and Senator HARRISON WILLIAMS. I also call attention to S. 2289, sponsored by Senator HARTKE and myself.

At the request of the distinguished chairman of the Labor Subcommittee and of the full committee, I presided over our hearings. A total of 6 days of extensive testimony was taken, including 2 days of hearings in the field—at Beckley, W. Va., and at Scranton. Pa.

The Federal Coal Mine Health and Safety Act of 1969 recognized, for the first time in Federal legislation, the inadequacy of compensation to miners totally disabled by coal workers' pneumoconiosis, commonly called, "black lung." As the Senate report on the original act stated, this irreversible disease was "believed to have afflicted 100,000 of the Nation's active and retired miners."

President Nixon, in his March 1969 message which called for a new coal mine health and safety act, said:

> Death in the mines can be as sudden as an explosion or a collapse of a roof and ribs, or its comes insidiously from pneumoconiosis, or black lung disease.

At the time the Coal Mine Health and Safety Act was signed into law, only 2½ years ago, it was generally thought that coal miners' occupational breathing disabilities were encompassed by the term "pneumoconiosis." Members of Congress, the knowledgeable press, and many physicians believed this to be the case. It was generally believed that title IV of the act, relating to black lung benefits, would be a satisfactory means of compensating miners who were incapacitated by respirable diseases, as well as the surviving widows and children of miners who had died from the dread black lung.

Since the passage of that basic, necessary, desirable act however, experience has taught us that all is not as we expected. As of March 3, 1972, 356,857 claims had been filed since the effective date of the act, December 30, 1969. According to the Social Security Administration 91,784 disabled miners and 74,809 widows have received benefits, for a total of 166,593 claims, while 169,999 claims have been denied.

Not only have the number of claims far exceeded those earlier expectations of Congress, indicating a more widespread and more serious problem than then anticipated, but also the rate of denials—more than 50 percent nationwide, and as high as 70 percent in some States—suggests strongly that the solution has not been nearly as complete as Congress believed and expected.

This is the reason for the legislation which has been reported by the Committee on Labor and Public Welfare. This measure is well-reasoned and carefully deliberated. It will, if enacted into law, provide relief for many thousands of disabled miners, their widows and their children, who urgently need our assistance.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, how much time remains of the period for the transaction of routine morning business?

The ACTING PRESIDENT pro tempore. There are 12 minutes remaining.

Mr. ROBERT C. BYRD. I thank the Chair. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

WAR POWERS ACT

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Under the previous order, the Chair lays before the Senate the unfinished business, S. 2956, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the time between now and the hour of 2 o'clock will be equally divided. Who yields time?

Mr. SPONG. Mr. President, will the Chair advise the Senator from North Carolina, the Senator from New York (Mr. JAVITS), and myself how much time each side will have?

The ACTING PRESIDENT pro tempore. Thirty-six minutes.

Mr. SPONG. I thank the Chair.

Mr. ERVIN. Mr. President, I yield myself such amount of the time in support of the motion to commit the bill to the Committee on the Judiciary as I may use.

Ever since the Prophet Isaiah predicted that the day would come when swords would be beaten into plowshares and spears into pruning hooks, and the nations would learn war no more, there has been an eager yearning for the arrival of that day. I do not know of anything which history shows prompts Americans in general and American Congresses in particular more to abdicate the exercise of their intellectual functions than this very understandable hunger for peace.

The record of the American Government in searching for peace and arrangements which profess methods of attaining that goal during my generation has not been very creditable. After the holocaust of the First World War, this hunger for peace, which has manifested itself to an inordinate degree after every struggle in which America has been involved, caused the summoning of the Washington conference, which, as I recall, met in 1922.

At that time, the United States had the greatest Navy which had ever sailed the seven seas, and it was thought by those in high places in Washington that if we could get an arms limitation agreement applicable to the building of fighting ships, the problem of peace would be solved and that if it should be necessary to the obtaining of such an agreement, the United States should be willing to take a fountain pen and sink the greatest Navy which up to that time had ever sailed the seven seas.

So we had the Washington conference. Those who ruled in America took a fountain pen and sank the greatest Navy which up to that time had ever sailed the seven seas, in return for a few empty promises, particularly in return for promises on the part of the Japanese Empire that it would limit its construction of naval ships. These empty promises were soon broken. No historian who is willing to face the facts will deny that the Washington conference of 1922, which sank a major portion the American Navy for all practical intents and purposes, was one of the contributing causes to the ultimate Japanese invasion of Manchuria and the invasion of China and the sowing of Asiatic seeds for the Second World War.

Then came along another period in which we sang songs to lull ourselves into believing that peace, which had eluded mankind through all the generations, was now at hand. We sang songs such as, "I didn't raise my darling boy to be a soldier. I brought him up to be my peace and joy. Who dares to place a musket on his shoulder to kill some other mother's darling boy?"

We passed a constitutional amendment the other day which, if ratified, will cause the fathers and mothers of the future to sing, "I raised my darling daughter to be a soldier," which is another illustration of how our hysteria for peace and for another concept embodied in the elusive word "equality" obstructs our mental vision.

So, as the result of singing such songs as "I Did Not Raise My Darling Boy to be a Soldier," the U.S. Congress, at the instance of the President of the United States, took steps in the 1930's, when Hitler became dictator of Germany and Mussolini became dictator of Italy, and when the war clouds were looming upon the continent of Europe, to insulate the United States from that prospective war by passing the Neutrality Act of 1937.

The motives which inspired the passing of the Neutrality Act were of the purest nature, just as are the motives of the sponsors of the bill now pending before the Senate. Congress wanted to keep us out of war. Congress wanted to make peace secure.

So the U.S. Congress declared in the Neutraliity Act that the United States in the future would make no distinction between aggressor nations and nonaggressor nations and would not support nations fighting for their liberty against the prospective tyranny of Hitler and the prospective tyranny of Mussolini. Not only did Congress declare that in the Neutrality Act, but also, it said that we would not even furnish munitions or weapons to nations which might strive in the future to prevent the lights of liberty of their people from being extinguished by such dictators as Hitler and Mussolini.

We embargoed our ships from the seas to transport munitions and weapons to warring other nations and agreed to what was known as the cash-and-carry plan, under which we would sell munitions and weapons to other nations only if their ships came for them and they paid us cash on the barrelhead for those weapons and those munitions.

The Neutrality Act further provided that foreign nations engaged in wars could not get any credits or sell any of their securities in this Nation.

The motive behind the passage of the Neutrality Act was laudable. It was to keep the United States out of war. It was to bring about peace for the United States, if nowhere else on earth. But the Neutrality Act was the thing for which Hitler had been thirsting and the thing for which Mussolini had been hungering. All they were waiting for was a declaration by the United States that it was going to isolate itself on the American continent and let liberty be extinguished elsewhere on the face of the earth by ruthless dictators. The Neutrality Act gave them that assurance, and so they plunged the world into the Second World War.

No historian who has the least respect for the truth will ever fail to agree that the passage of the Neutrality Act by the American Congress, at the instance of an American President, was one of the great causes which unleased the dogs of war in Europe and led to the Second World War, in which millions and millions and millions of helpless men and women and children suffered extermination in virtually all areas of the earth.

But there seems to be no way in which one can stop the delusion that Congress in some way, by passing a law, can put an end to war, so far as the United States is concerned. The war clouds continued to gather, and it became necessary for the United States to have a draft law. Yet, on the very eve of the Second World War, when the renewal of the draft law was absolutely essential for the security of America, the House of Representatives was able to enact an absolutely necessary law by a majority of only one vote.

On the even of American involvement in the Second World War, a well-intentioned Representative from Indiana, L. L. Ludlow, proposed a constitutional amendment which provides that before the United States could go to war against any nation other than a non-Western Hemisphere nation, attacking a Western Hemisphere nation, there had to be a national referendum to authorize such war. Virtually every Member of the House of Representatives, trying to manifest his great desire for peace, pledged himself to vote for the Ludlow amendment. It took all the skill, all the ingenuity, and all the power of Franklin D. Roosevelt to prevent a vote in the House on that amendment, and on the eve of the Second World War, when it was apparent to every American who was willing to face reality that we were on the verge of another worldwide holocaust. It was about that time that Congress wrote into the draft law a provision that no drafted man could be sent to fight outside this country. It was thought that this would keep us at peace in a war-torn world where ruthless dictators were seeking to extinguish the light of liberty of freedom loving nations.

After that terrible conflict was over, I had the honor to sit for a short time in the House of Representatives. After V–J Day and the enemy had surrendered the cry arose "Bring the boys home. Bring the boys home."

In 1946, the House of Representatives passed a draft law—at a time when we needed to renew the draft, because of the precarious conditions created in Europe by Russia, then headed by Stalin—and I saw the remarkable spectacle of the House of Representatives passing a draft law under which no one could be drafted. Only three Members of the House of Representatives dared to stand up on the floor of the House and point out to the American people the absurd position of the House in that respect. They were former Senator James W. Wadsworth, then a Representative from New York, Ewing Thomason, of Texas, and myself. I had to borrow 2½ minutes from the Democrats and 2 minutes from the Republicans to make a speech in opposition to the draftless draft bill.

I recall that the draft bill provided that no man could be drafted unless he was 20 years of age or more. We had been engaged in the Second World War for some years when everyone from the age of 18 up had already been drafted. So we solemnly passed a draft law under which no one could be drafted.

So, Mr. President, I do not have the same confidence in the capacity of Members of Congress to write a bill, even in the name of peace, which will improve upon the Constitution of the United States.

This bill is, in effect, an attempt to amend the Constitution of the United States. That is not only my opinion but it is the opinion of Kenneth Crawford who published an article in today's Washington Post entitled "'Hot-Stove' Legislative—Bill Would Curb Warmaking Power of Past Presidents."

He says, at the conclusion of his article:

> Both advocates and foes of the Javits bill are convinced that it is the most important legislation Congress will consider at this session. Advocates believe it can help heal the Vietnam sickness that has infected American society. Foes are equally convinced that it would undermine this country's diplomatic credibility. Yet Senate debate on the issue has attracted a minimum of attention from media and public.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"HOT-STOVE" LEGISLATION—BILL WOULD CURB WARMAKING POWER OF PAST PRESIDENTS

(By Kenneth Crawford)

Congress is now working on a law to prevent Presidents Kennedy and Johnson from involving the United States in the defense of South Vietnam. Since the effort comes ten years or so late, the law's sponsors explain that their object is to forestall "another Vietnam."

The chance that any President would so ignore tragic experience as to undertake again anything remotely like the Vietnam intervention is about the same as the chance that a child who has burned his hand on a hot stove would do the same thing a second time.

Yet there is always someone, after a burning, who feels that there ought to be a law against hot stoves. This time it is Sen. Jacob Javits of New York, author of the so-called war powers bill, now under debate in the Senate and scheduled for a vote today. His measure seems to have majority support in the Senate, though perhaps not in the House. In any case, a presidential veto is virtually certain if it gets as far as the White House.

This is not the first time hot-stove legislation has been handled by Congress. After the first world war and a Senate investigation of "merchants of death", the House and Senate wrote a set of neutrality laws to prevent President Wilson, then long dead, from involving the U.S. in a European war.

The effect of these laws was to hamstring President Roosevelt in his attempt to help contain Adolph Hitler before the Nazis could overrun all of Europe and precipitate another world war. Obviously, Hitler posed a different and more serious threat to the world than Kaiser Wilhelm had. Fortunately, Roosevelt, before it was too late, found ways through, over and around the neutrality laws.

What the Javits bill would do is limit a President's authority to employ armed forces abroad. In emergencies he could order the Army, Navy, Air Force or Marine Corps, or all four, into action overseas. But he could not keep them in action for more than 30 days without specific congressional sanction. Pending amendments would not substantially change the purpose and thrust of the legislation.

Opponents argue that the war powers bill, like the neutrality laws, however well intentioned, would only straightjacket future administrations by undertaking to anticipate unpredictable international developments. They even doubt the constitutionality of the proposed redistribution or war-making powers. Why, they ask, change a system that has served the nation well for almost 200 years, Why abandon flexibility in favor of rigidity at a time when world affairs are as chaotic as they are now?

Proponents counter with the argument that Vietnam has demonstrated the necessity of "redressing" the balance of war powers between Congress and the President. The Constitution gives Congress the exclusive right to declare war but the present war has never been declared. It has been fought by executive decree. What this overlooks is that this country has engaged in armed conflict more than 200 times, going all the way back to George Washington, even though Congress has declared war only five times. A balance that never has existed can't be redressed.

Not all members of the Senate have made up their minds about war powers. Some of them consider the Javits bill innocuous on the assumption that Congress would never in any conceivable circumstance pull the rug from under a President once U.S. military forces were committed. They point out that Congress already has ample authority to stop an American shooting war. Its control of the purse strings could have been used to stop American operations in Vietnam at any point.

When Congress adopted the Bay of Tonkin resolution in 1964 with only two dissenting votes in the Senate and none in the House it was approving President Johnson's escalation as surely as it could have with the Javits bill in effect. Within a year, moreover, Johnson asked for an additional $700 million for Vietnam operations in a message specifically inviting Congress to withhold the funds if it disapproved of his war policy. Again the approving vote was almost unanimous.

Several senators are skeptical of the notion that Congress would be more restrained than a President in the face of provocation. It never has been in the past, not even in the case of Vietnam. Some of the skeptics will nevertheless vote for the Javits bill. Such a vote for them will be a gesture denoting second thoughts about Vietnam. A post facto vote against an unpopular war can't do them any harm.

Both advocates and foes of the Javits bill are convinced that it is the most important legislation Congress will consider at this session. Advocates believe it can help heal the Vietnam sickness that has infected American society. Foes are equally convinced that it would undermine this country's diplomatic credibility. Yet Senate debate on the issue has attracted a minimum of attention from media and public.

Mr. ERVIN. Mr. President, the New York Times for Thursday, April 6, 1972, published an article entitled "Who's Got the Power?" written by Eugene V. Rostow, which points out the futility of this law as an effort to prevent future Vietnams.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO'S GOT THE POWER?

(By Eugene V. Rostow)

NEW HAVEN, CONN.—The Javits war-powers bill confirms Oliver Wendell Holmes' quip that "great cases like hard cases make bad law" more vividly than any proposal since that of the Bricker Amendment. Responding to Vietnam, the Javits bill would radically change the constitutional relationship between Congress and the Presidency in making foreign policy. Ignoring their own repeated votes for Vietnam, the sponsors contend that the cause of the Vietnam tragedy is a modern usurpation of the war power by the President. As Senator Cooper points out, this claim rewrites history.

The Javits bill would annul the military provisions of all outstanding treaties and Congressional resolutions authorizing the use of force by the President, including NATO and the Middle East Resolution, as well as all Presidential commitments.

The bill is full of paradox. While it purports to assure the nation that a pacific Congress will keep jingoistic Presidents from engaging in limited wars like Korea or Vietnam, the bill would not have prevented Vietnam, which was authorized by Congress through the very procedures proposed in the bill as constitutionally proper. In Korea, the Javits bill would have required President Truman to obtain a Congressional resolution within thirty days—which would surely have been voted at the time, although Truman and the Congressional leaders thought it unwise to do so under the circumstances.

But if the Javits bill had been on the books, it would have prevented President Kennedy from handling the Cuban missile crisis as he did. There was no claim on that occasion that we were acting to forestall an imminent threat of armed attack. Under the Javits bill, Mr. Johnson could not have moved the fleet to keep the Soviet Union out of the Six-Day War in 1967. Mr. Nixon could not have used the same method to avert general war in the Middle East in 1970, or to confine the India-Pakistan War of 1972. Nor could earlier Presidents have used force or the threat of force to induce France to leave Mexico in 1865–66, to avoid war with Britain and Spain over Florida, or to send Commodore Perry to Japan.

The Javits bill would deprive the Presidency of powers which were used by George Washington and by nearly every President since—the powers of credible deterrent diplomacy the nation needs most if there is to be any hope of avoiding nuclear war.

With admirable candor, Senator Javits has said that the purpose of his bill is to reduce the elective Presidency, which the Founding Fathers were at pains to establish as an equal branch of the tripartite government, to the humble posture of George Washington during the Revolution, when he functioned as Commander in Chief, appointed by the Congress, and its creature in every respect.

Congress has made no bid for supremacy so bold, and so foreign to the Constitution, since the impeachment of Andrew Johnson. The legal theory of the bill would permit a plenipotentiary Congress to dominate the Presidency (and the courts) more completely than the House of Commons governs in Great Britain.

I do not favor increased Presidential power. But I do defend the constitutional pattern of enforced cooperation between Congress and President we have inherited. Its corollary, however, is democratic responsibility. It is unseemly for astute and worldly men who spoke and voted for SEATO, the Tonkin Gulf Resolution, and other legislative steps into the Vietnam War now to claim that they were brainwashed, and therefore that we—and the world—should treat public acts of the United States as if they never happened. These men were not brainwashed. They knew everything the executive knew. But even if they had been brainwashed, their votes stand. The Fourteenth Amendment is not a nullity because it was ratified by many legislatures which voted under circumstances of fraud, or the coercion of military occupation.

Korea and Vietnam did not come about because the Presidency arrograted Congress' powers over foreign policy. The Congress fully supported those efforts when they were undertaken. The country is in a foreign policy crisis, however—not a constitutional crisis, but an intellectual and emotional crisis caused by growing tension between what we do and what we think. The ideas which guided our response to Korea and Vietnam have suddenly lost their power to command. Those who now believe Korea and Vietnam were errors should recall the prudent wisdom of an earlier time, when the powers of the Supreme Court were left untouched even after the catastrophic error of Dred Scott. We have never needed the strong Presidency we have developed in nearly 200 years of intense experience more than we need it today. The Javits bill would turn the clock back to the Articles of Confederation, and emasculate the independent Presidency it was one of the chief aims of the men of Annapolis and Philadelphia to create.

Mr. ERVIN. Mr. President, I also noticed in the Evening Star a few days ago, a letter to the editor entitled "War Powers Bill" written by Walter Sterling Surrey, who points out the folly of Congress passing this bill in its present form.

I ask unanimous consent to have this article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WAR POWERS BILL

Sir. As one who for many years has practiced and taught in the field of international law, I can only view the Javits War Powers Bill as raising most serious constitutional law issues and as substituting for presidential flexibility in the conduct of our foreign policy an inflexible limitation on the president's power and capacities to act as the principal spokesman for the United States in the field of foreign relations and as the commander-in-chief of the armed forces of the United States.

One can identify, as a citizen, with the frustrations of many congressmen and senators on the position in which we find ourselves in Vietnam; one can, as a citizen, identify with the frustrations of a congressman or senator who today seeks assurances of better, more complete and prompter communications on significant foreign policy matters by the executive to the responsible committees of Congress; one can share with the congressmen and senators—and a large section of the American public—the concerns with the changes in the fabric of our society which Vietnam has caused, and abhor the unknowns that could be brought about in our society and on our form of government by another Vietnam.

However, these frustrations and deep concerns cannot serve as justifications by Congress to seek through legislation, rather than by constitutional amendment, a drastic rearrangement of the constitutional relationships in the conduct of foreign policy between the Congress and the president, arrangements which will seriously affect our capabilities and flexibilities in our conduct of international relations.

Others have documented the specifics that may be made against the bill—its annulment of the Middle East Resolution and of our commitments to NATO, its limitations on the powers of the president as commander-in-chief, which were used so effectively by President Eisenhower in the Lebanese intervention, by President Kennedy in the Cuban missile crisis, by constant presidential actions with respect to Berlin, by President Johnson in the use of the fleet to deter Soviet intervention in the six-day war in 1967, by President Nixon's comparable action in the same Middle East area for the same purpose—to identify only a sampling.

However, at this stage of the legislative history of the Javits bill, it is important that the Congress focus on its course of conduct in order that it may provide full consideration to the terms and consequences of the proposed legislation. The Senate is scheduled to act on the legislation this week.

One can only hope that the leadership of both parties will recognize the full consequences of what the legislation seeks to do and at the very least will want to assure the fullest consideration in both houses of the constitutional implications of the legislation. This could be accomplished in part by the Senate referring the bill to the Senate Judiciary Committee with a 60-day time limit to examine and report to the full Senate the committee's views on the constitutional questions raised by the bill.

In addition, it is important that the House recognize that the Javits bill is very different from the Zablocki bill passed in August 1970. The Zablocki bill provided that wherever feasible the President should seek appropriate consideration by the Congress before involving the United States in armed conflict, and it required the president, in the event of his use of armed forces, to report to the Congress fully on such use.

It is important that the House recognize the grave differences between the two bills and that whether on the floor of the House, in considering the Javits bill, or in a House-Senate conference committee, in the event the Javits bill is handled as an amendment to the Zablocki bill, that these difficulties be given serious consideration by the House members or the House conferees. It is not enough to say, as has been stated on the Senate floor, that we are dealing with a political and not a legal issue. We are dealing in effect with an amendment to the Constitution and with a radical change in the historical relationship between the president and Congress in relation to foreign policy which will have widespread effects on the whole pattern of the conduct of our international relations.

Mr. ERVIN. Mr. President, in my judgment, the Constitution of the United States cannot be improved on to define the war powers of Congress and the war powers of the President.

Article I, section 8, clause 11, provides that Congress shall have the power to declare war.

Mr. President, I wish the time at my disposal were sufficient to allow me to elaborate further on this matter. But that clause is a recognition of the fact that the power of the United States to embark upon an offensive war, as contradistinguished from a defensive war, is a power which must be exercised or should be exercised by Congress.

Mr. President, there are two kinds of wars. There are offensive wars and there are defensive wars.

The Constitution of the United States provides that not only is it the constitutional power of the President, but it is also the constitutional duty of the President to repel invasions of our Nation without the consent of Congress.

The recognition that defensive wars must be fought without the consent of Congress is set forth in two different sections of the Constitution in two different articles.

Article IV, section 4, provides that the United States shall protect each of them—that is, each of the States of the Union—against invasion.

Now, the executive power of the United States is vested in the President. The President is the one who is to determine when it is necessary for the United States to protect a State against invasion—that is, when it is necessary for the United States to fight a defensive war. But, the Constitution does not stop with that. It also provides something about the power of the States to wage war.

This is a provision in the Constitution which reinforces my assertion that the Constitution recognizes the distinction between offensive wars, which Congress must declare or should declare, and defensive wars which it is the duty of the President and, in some instances, the Governor of a State, to fight without consultation with Congress.

Article I, section 10, clause 35 among other things states that no State shall, without the consent of Congress "engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

Thus, Mr. President, this provision in the Constitution recognizes that even the Governor of a State has the constitutional power and the constitutional duty to fight to protect his State against invasion where the circumstances will not admit of delay.

Mr. President, these two provisions are absolutely inconsistent with the idea that Congress has a constitutional voice in determining when a defensive war should be fought, because that constitutional power is reposed in the executive branch of the Government, that constitutional duty is imposed upon the executive branch of the Government.

Now there is another provision in the Constitution which is relevant here, and that is in article II, section 2, as follows:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; . . .

The men who wrote the Constitution were wise men. And I say nothing derogatory to my colleagues in the Senate or to my colleagues in the House of Representatives when I assert that the Founding Fathers had more wisdom concerning how to frame the organic law in this field than is displayed by even the learned gentlemen who have presented the pending bill to the Senate. I respect their devotion to the country and I respect their sincerity. However, I do say that I would rather have this matter considered by another committee. It seems to me it is sort of arrogant for the Senate Foreign Relations Committee to say that a bill that they present cannot be improved upon, especially after they have attempted to improve upon it after it had reached the Senate floor.

What does the bill do? It says in effect that the President can still fight without the consent of the Congress and defend the country against invasion for 30 days. It says that the President can still be the Commander in Chief of the Armed Forces of the Nation for 30 days. But it declares that at the end of 30 days, the Commander in Chief of the Armed Forces of the United States shall be the President, 100 U.S. Senators, and 435 Representatives. That is not what the bill says in its linguistic terms, but that is what it says in practical effect.

The effort of one bill to place a 30-day limit or any other limit of an appreciable time upon one President's power to use the Armed Forces to resist the invasion of one country is wholly unrealistic. There is no way in which a President can disengage forces defending the country against invasion after one expiration of a specified number of days without surrendering or jeopardizing their tactical or strategic position. An act of Congress cannot abolish reality.

It says that after 30 days of exercising his undoubted constitutional power and after 30 days of performing his undoubted constitutional duty to protect this country against invasion, the President of the United States must come to these other 535 Commanders in Chief of the Armed Forces and get permission from them to continue to exercise his constitutional power and to perform his constitutional duty to defend this Nation against armed aggression from without.

Mr. President, there never has been an army yet that ever won a skirmish when it had 536 or any appreciable number of Commanders in Chief. The men who drew the Constitution knew that they could have but one head of the Armed Forces. And they made the President of the United States that head of the Armed Forces. And they have wholly excluded Senators and Congressmen from then assuming directly or indirectly the functions of Commanders in Chief of the American Army.

Imagine what would happen under these circumstances at the end of 30 days. Some of the Commanders in Chief would order the Army to charge. Some of the Commanders in Chief would order the Army to retreat. Some of the Commanders in Chief would order the Army to dig in. What went on in the Tower of Babel would have been intelligent and intelligible as compared with the position that America would be in at the end of the 30 days.

Let me make it clear that if Congress opposes the action of the President in defending the country against invasion at the hands of a foreign foe, it has the constitutional power to compel him to desist from his constitutional duty to resist invasion by exercising its constitutional power of the purse to deny him the necessary appropriations. But Congress has no power to do what this bill undertakes to do—that is to usurp and exercise, in part or in whole, the power of the President to perform his constitutional duty to defend the Nation against invasion.

This bill has some good provisions. I think that Congress might well undertake to regulate the use of the Armed Forces by the President to protect American investors in some banana republic. And Congress might well regulate the conditions under which the President is to use the Armed Forces to protect the evacuation of Americans who have elected to sojourn in foreign lands. This might be wise.

The pending bill does not undertake regulations of that kind. It undertakes to put in a single category the most insignificant use of the Armed Forces and the use of the Armed Forces under circumstances where their use might be necessary to the very survival of this Nation and to subject these diverse uses to exactly the same limitations and the same congressional authority. In other words, there can be no doubt, as many learned men on this subject have pointed out, that this is an effort on the part of the Congress to amend the Constitution and to deprive the President of his power and his duty after 30 days to fight a war and to defend the United States against foreign aggression.

I hate war. But I am compelled to agree with the late Elmer Davis, who said atomic war is bad enough; biological warfare would be worse; but there is one thing worse than either, and that is subjection to an alien oppressor.

To forestall that calamity, the Founding Fathers made it the constitutional duty of one President to defend this Nation against invasion without having to cope in emergencies imperiling our national existence with the diverging voices of 100 Senators and 435 Representatives.

I think some of the provisions of the bill are wise, as I have said. For that reason, I advocate the bill being sent to the Judiciary Committee which primarily has jurisdiction of matters involving the Constitution of the United States and letting that committee study it for a limited period of time.

I cannot see why any person can reasonably object to such referral because the bill can be called back to the floor at any time by a majority vote after a limited period of time.

Mr. President, I would like to inquire as to the time remaining to those who favor the motion to commit.

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. ERVIN. I am sorry that I used so much time. This is a matter of great importance. I would like to yield to the Senator from Arizona, after the Senator from Virginia has spoken, the remainder of the time in favor of the motion.

Mr. President, I yield the floor.

Mr. SPONG. Mr. President, I yield 7 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia.

My position on this matter is well known. I am deeply concerned with the subject matter. I am rather close to it. I have been here a number of years, during two wars. I am not running from any responsibility we have. However, this is not a bill to outlaw war. It is not a bill to stop wars, and I am sure that it will not.

This is merely a measure to try to bring back into focus the responsibilities of Congress. I think it is something that is very much on the minds of the people. In fact, I know that it is.

I think that by and large that awesome responsibility on anyone's mind, regardless of who it is or what position he has, is too much to ask. It is too much to ask that he carry the entire load of saying whether this Nation, with all of its manpower and all of its resources, should be committed to war.

I have to explain that I am not for disarmament as such. That is a dangerous thought. I stand positively for all reasonable preparedness of the very highest quality—not merely quantity but the highest quality—of both manpower and weaponry of the best type, and plenty of it.

I would like to say that I favor some arms limitation if it can be done within reason and with safeguards.

But I feel that there is a direct responsibility here, in view of what has happened since World War II, for Congress to establish something on the lawbooks that shows clearly its responsibility.

I would not favor one iota a reduction in the power and responsibilities of the President of the United States. I have argued that many times here in connection with the war that is going on. I would not be a party to try to affect that war now with this bill. I would not support any bill that did not especially except this war because we are already in it and the course of that war is set.

But I believe that the time has come when, in view of all that has happened since World War II, Congress has a direct responsibility to express its position about what role, if any, it has in committing this Nation to war. There is no doubt about what the Constitution says about it. It says that Congress shall have the power to declare war, in just those few words.

With all deference I do not think we have been living up to that responsibility. I am as guilty as any man here; I place myself No. 1. The fact that I have been here gives me a chance to know something direct about how these things have happened. We go in 1 inch at a time, 1 foot at a time, and I have seen clearly where a President acting alone can get so far in he cannot get out; there is no room for him to turn as he sees his responsibility. I am just old fashioned enough to believe that Congress has this responsibility. I think it got swept out with the trash following World War II when we were all overwhelmed, more or less, by nuclear weapons. Atomic bombs had been dropped. A great number of mutual defense agreements had been made. But even then we always had a provision in the treaties which stated that before this Nation was committed it would require the operation of constitutional processes.

Time after time in the early 1950's the question was asked, What does that mean? Time after time, as I cited the other day, and this is from the man handling the bill, it was said that means a declaration of war. I asked that question myself. Declaration of war by whom? They said by Congress. No mistake about that in all these mutual defense treaties and agreements.

If I felt we were turning our backs on any of our allies by this bill I would not favor that because although I might want some of those agreements changed by mutual negotiations, but I do not favor turning my back on one, not one.

I have just related that all of those agreements except one provide "by constitutional processes." We want to remember our allies and their people, and we must remember our own people, too.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPONG. Mr. President, I yield the Senator 1 additional minute.

Mr. STENNIS. I thank the Senator.

Mr. President, I have had my say. I think these gentlemen proposing the bill have done a marvelous job in getting it together and presenting it. I believe under the facts existing now this bill is the best that Congress can do and it is the best the Senate can do.

I speak with all deference to my friends for whom I have the greatest affection on this other committee, but we have been through all the processes here. The matter is still open to amendment and I do not see how we can reconcile ourselves to the responsibility to our people by doing nothing in this field. I do not think we can meet that responsibility unless we get some legislation and this bill is in good form.

If the bill passes here it will go to a conference with conferees from the House. They do not favor strong language as we have here. We know one of the great things about our system is that by means of a conference there is another forum where all points of view can be aired. But I believe we will regret the day, regardless of who is President—and I back the President to the limit—but regardless of who is President, the next President, we will regret the day if we fail to place something on the statute books. I do not believe we have any choice. I hope we meet our responsibility within a reasonable time on this matter. If the bill is referred to the other committee and is there for 6 weeks and it comes back in the middle of the SALT talks, and everything else, we will never get as good a chance as we have now to have sound action on this matter.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SPONG. I yield 3 minutes to the Senator from Montana.

Mr. MANSFIELD. I thank the Senator for yielding.

Mr. President, I commend the distinguished Senator from Mississippi, who has been a stalwart in supporting this legislation which, to repeat, seeks to take away nothing from the President, nothing at all which is constitutionally his, but gives to the representatives of the people of the several States the opportunity to be heard and to be considered in matters of great import such as this tragic war in which we are now engaged in Vietnam, although it is not included in the present legislation; we are looking to the future. But what we want to do is to try and correct by legislation some of the mistakes which have occurred in the past so that they will not occur again.

This is a matter of great import, it is a matter of accommodation between the President and Congress. It is a matter of partnership under the Constitution.

It appears to me that what we ought to do is stand up for the Senate because there are too many Presidents' men, people who have been close to Presidents and because they have been, anything that any President wants done should be done, and anything which the Senate or Congress attempts to correct is abhorrent to their thinking. Very few of these people were ever elected to public office; they do not have to go home and face their people; all they have to do is follow orders and most of them are just yes men to Presidents, anyway. But we have a responsibility; we have an institution we should fight to uphold. We should fight to uphold the integrity of the Senate at all times and we should not bow down to whoever happens to be President of the United States, but we should work in accord and partnership with him. We know he has grave responsibilities. The Constitution spells them out. But the Constitution also spells out our responsibilities and we have to answer to our people if we do good or if we do ill.

I am delighted that this issue, which is of such overriding constitutional importance, is before the Senate at this time and I hope that the Senate will not refer this to the Committee on the Judiciary come the hour of 2 o'clock because if it is referred, even with a time limitation, it will be only a stalling operation.

As the Senator from Mississippi has pointed out, we have a Democratic Convention ahead of us, which will take some weeks, and a Republican Convention, and the further down the road you get, the more an issue like this will become involved in politics.

It should be considered on its merits, and its merits only, and the spirit in which this measure is being offered should be understood. It is not one of antagonism toward a President—any President. It is a sharing of responsibility. It is an accommodation. It is a partnership proposal. It is one which I think will redound to the benefit of the country as a whole and will be very responsible for preventing mistakes of the kind which have been made in the past being made in the future.

Mr. SPONG. Mr. President, I yield myself such time as I may need.

I want to commend both the Senator from Mississippi and the Senator from Montana for their remarks here today.

The quesiton on which we will vote today—and the Senate should be mindful of this—is not on the bill itself, but on whether or not the bill should be referred to the Judiciary Committee. I think the debate on yesterday clearly established that the opponents and the proponents of this notion have been divided between those who believe this bill is an amendment to the Constitution of the United States and therefore oppose it, and the proponents, who have said over and over again that it is not a constitutional amendment. This is not the Luldlow amendment. This is not the Bricker amendment. This is a bill. This is a bill which seeks to set forth and to delineate a methodology whereby, as the Founding Fathers intended, Congress can share the warmaking powers with the President of the United States.

Those of us who espouse this legislation seek not to amend the Constitution but to fulfill it. Consequently, any Senator who votes to refer this bill to the Judiciary Committee would have to conclude that the bill is an outright amendment to the Constitution of the United States—which it is not.

Turning from the constitutional question, I am inclined to agree with what the Senator from Mississippi (Mr. STENNIS) said in his testimony before the committee and in his floor remarks on at least two occasions in this debate; that is, that this is not primarily a constitutional question. This is a question of public policy. This is a political question.

Furthermore, I agree with what the Senator from Montana has said. The people of the United States expect us, their representatives in Congress, to act. This issue may not be receiving all the public attention that other matters currently before the Congress are, such as the ITT matter which is before the Judiciary Committee, but out there in the States, after a long and divisive war, the people of this country expect some action to be taken which will restore the constitutional role of the Congress in the warmaking process.

But, what will we be doing today if we refer this bill to the Committee on the Judiciary? We will be sending it off for 45 more days, and when it comes back, it will come back at a time in this session when it would be very, very difficult indeed to weigh this legislation in the manner in which it deserves and to debate it as thoroughly as it has already been debated on the floor of the Senate.

It has been suggested that we have not

heard from enough legal experts on this question. The Senator from Arizona (Mr. GOLDWATER) wrote a Law Review article. The Senator from Missouri (Mr. EAGLETON) wrote a Law Review article. I wrote a Law Review article. All of this was in the course of the hearings and debate on this measure.

During our hearings, our writing of these articles, our preparation of the report, we invoked the experts and authorities from all over the United States.

Prof. John Norton Moore has been referred to by those who oppose the bill. He teaches at my alma mater, the University of Virginia. I am the one who invited him to testify. Professor Moore spoke not just for Professor Moore; he spoke, in many ways, for all those who have questions regarding this legislation. We have had some suggestions that we hear from Mr. Quincy Wright. Well, we would have to employ a medium to do that because, unfortunately, that very fine professor passed away 2 years ago. But I can say to all those who are interested that John Norton Moore is the spiritual descendant of Quincy Wright. Prof. Taylor Reveley wrote a very fine paper on war powers. For a while he was at the University of Virginia. He and Professor Moore agree. But the point is that the views of all of these men were represented before the Foreign Relations Committee in the consideration of this measure, whether the individuals testified in person or not.

Because the constitutionality of the pending legislation and the question of whether or not the proposed bill amends or modifies the Constitution have raised so much concern, I would like to discuss them in a little more detail.

As I noted before, the pending bill is not a constitutional amendment. It is, instead, a statute proposed pursuant to the necessary and proper clause of article I, section 8 of the Constitution.

In article I, section 8, the Constitution provides that Congress shall make all laws "necessary and proper for carrying into execution the foregoing powers"—which include its powers to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the Government and regulation of the land and naval forces and to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions—and for carrying into execution "all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Thus, there are two points here. First, Congress can make laws necessary and proper for carrying into effect its own powers. As Prof. Richard Morris of Columbia University noted during committee hearings:

> Since Congress was given under the Constitution the right to declare war, it has the right to pass enabling legislation to indicate just what war is.

That is part of what this bill does. It indicates what Congress considers war to be and it establishes a procedure whereby Congress can exercise its power to declare war. It does this by giving Congress a voice in those decisions involving use of force abroad, which could be expected to lead to war.

Second, the necessary and proper clause authorizes Congress to make those laws necessary and proper for carrying into execution all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

This point was also covered during the hearings. Again, as Professor Morris noted:

> There is a long history of Congress enacting a certain measure of Executive accountability in legislation. Or, as William D. Rogers, of the Arnold and Porter law firm here in Washington said, Congress . . . has had the authority under the necessary and proper clause to lay down legislation with respect to the exercise of the President's commander-in-chief power.

It is perhaps important to note here that the Commander in Chief clause was modeled on the relationship which George Washington had had with the Continental Congress. That Congress expected to issue rules and regulations for Washington's conduct as indicated by his commission as Commander in Chief, which reads in part:

> And you are to regulate your conduct in every respect by the rules and discipline of war (as hereafter given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed.

The commission is an important precedent and one basis for an aspect of the bill. The legislation sets certain procedures for the President to follow in carrying out his role as Commander in Chief. This includes the 30-day provision. During this debate, questions have been raised as to whether or not the President could act at the end of 30 days to protect troops still in enemy territory, despite the fact that Congress may have disapproved the involvement in the specific hostilities. The answer is, of course, that he could take action—without enactment of the bill and if the bill were enacted. Likewise if a new threat of imminent attack arose at the end of the 30-day period, the President would be expected to act to defend our Nation and troops against that. But, the President would have to report to Congress.

Those of us who support the bill never intended that the constitutional prerogatives of the President be limited as a result of this bill. We do not believe that the provisions of the legislation infringe—or ever did—upon those rights. In order to clarify the matter, however, we adopted a perfecting amendment to the bill to specify that the President's defensive powers remained intact, even with the 30-day period.

In general, we view this legislation as simply a specification as to how the President shall carry out his authority as Commander in Chief and as to how the Congress shall participate in those decisions which are in effect or could lead to decisions to initiate offensive hostilities.

For the record, I would like to quote from several other witnesses regarding the constitutionality of the bill:

Prof. Alfred Kelly of Wayne State University:

> But the expression in the Constitution which defines the war declaring powers of Congress is so clear and unconditional that it gives me no constitutional pause at all to say that Congress can implement that (the proposed legislation), particularly when it does it in terms of a gesture toward the Executive in terms of depositing a certain trust in terms of implementation and the like.

Former Supreme Court Justice Arthur Goldberg:

> Under the Necessary and Proper Clause it seems to me very clear that Congress may enact laws which relate to this subject.

Now, I would like to turn again to the matter of referring this legislation to the Senate Judiciary Committee, which I mentioned earlier. I have great respect for those who serve on the Judiciary Committee. They have done a commendable job on many issues. I do not, however, believe there is any reason for this bill to be referred to that committee.

First, as I noted in debate yesterday, both the standing rules of the Senate and the actual referral of bills in the past suggest no reason for reference to the Committee on the Judiciary. The only legislation dealing with interventions abroad and declarations of war which have been referred to the Judiciary Committee were constitutional amendments and were proposed as such.

Second, war-powers legislation has been pending in the Senate for more than 2 years. Hearings on specific war-powers proposals began in the Senate Foreign Relations Committee over a year ago. The issue is not new. In fact, it was debated to some extent during consideration of the Church-Cooper amendment on Cambodia. Consequently, I find it hard to view the attempt to send the bill to the Judiciary Committee as anything other than a delaying tactic and an attempt to weaken the legislation.

Third, I do not believe that we can argue that this bill should be referred to the Judiciary Committee on the grounds that it relates to constitutional issues. Many bills relate to constitutional issues and are not sent to the Judiciary Committee. One example which comes to mind is the Taft-Hartley Act which dealt in part with the right of Congress to determine jurisdiction of courts under the Constitution. Yet, that bill came from the Labor and Public Welfare Committee, not the Judiciary Committee.

As the Senator from New York noted on April 4 (page 11480), there are bills which have been before the Finance Committee which have constitutional implications and as the Senator from Mississippi noted on yesterday, if we are to submit all legislation which seeks to put a gloss on the Constitution to the Committee on the Judiciary, we would by submitting practically all legislation. I do not believe there is either authority or precedence for that.

Fourth, I simply do not believe the questions which have thus far been raised concerning the legislation are sufficient to suggest that the bill should be returned to any committee. Much of the debate has concerned history—what has happened, rather than what the framers of the Constitution meant to happen and rather than what should happen in the future as far as the committing of U.S. troops to hostilities is concerned. As I noted before, the Senator from Mississippi pointed out in his initial statement on this legislation that the question of the exercise of war powers is, to a large extent, a practical problem. Even the Senator from Nebraska, in his statement on Friday, admitted that the problem was partially a foreign policy question, rather than a constitutional matter. Consequently, it is, I believe, most important to bear in mind what we who support this bill intend for it to accomplish in the future, that is, to provide a process, a methodology, for the Congress to exercise the war powers granted to it by the Constitution and thereby to participate in decisions to commit U.S. servicemen to hostilities abroad. Those are, I believe, the important points and I believe the bill pending goes to the heart of those matters.

I hope it will be the pleasure of the Senate today not to refer this measure to the Judiciary Committee, but to let us go on. Let us oppose any amendment that is offered or accept any that will help the bill, but let us vote on this measure now. Two years of consideration is enough.

I yield the floor.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state it.

Mr. GOLDWATER. How much time remains on either side?

The PRESIDING OFFICER. The Senator from Nebraska has 7 minutes remaining.

Mr. ERVIN. Mr. President, on behalf of the Senator from Nebraska, I will yield that time to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, how much time do the proponents have?

The PRESIDING OFFICER. The Senator from Virginia has 17 minutes.

Mr. GOLDWATER. Mr. President, the sole question before us is whether or not the war powers bill is so steeped in constitutional issues that it should be studied further from this angle. We are not trying to sidetrack the bill. The motion before us includes a time certain by which the bill would be reported back to the Senate Calendar. The important matter to me is that the Senate, as a corporate body, shall be given a fair opportunity to have before it a balanced and objective record on the separation of powers implications of the legislation.

Mr. President, there are over 20 eminent authorities who believe the war powers bill is an unconstitutional invasion of the President's prerogatives, including two past presidents of the American Bar Association, the current chairman of the American Section of the International Law Association, and Professor McDougal, the preeminent expert in the law of nations. This is the caliber of people who could give us a balanced record, if the Senate would only take the time to hear them.

Mr. President, the policy questions have received a great deal of attention, that is true. But the separation of powers issue was only touched upon in passing at the hearings by the Senate Committee on Foreign Relations. What I am asking is for a fresh review concentrating strictly on the division of powers question surrounding the bill. For no legislation in the current Congress reaches more deeply to the very core of the separation of powers between the two political branches of Government than does the bill before us.

Mr. President, the war powers bill presents a direct challenge from one branch of Government to another. No matter how you label it, this legislation purports to restrain certain action of the Executive. He is told that he may commit Armed Forces only in certain situations, and he is told how long he may have for action. Those are limits on his freedom of action.

Whether the President can be controlled in this way is something that depends on the arrangement of the separation of powers by the Founding Fathers. This is not a policy question; it is a basic constitutional problem which falls squarely within the jurisdiction of the Subcommittee on Separation of Powers, chaired by the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. President, the sponsors of the bill tell us there is no constitutional issue present. They claim it is obvious Congress has the power to regulate the introduction of troops into hostilities because Congress, and only Congress, can declare war. But, Mr. President, this reveals a major misconception of the sponsors of the bill. They assume the declaration clause gives Congress the sole power to commence war.

Mr. President, the declaration never had such a meaning. The framers deliberately rejected a clause giving Congress the power "to make war" and left with Congress only the power "to declare war." From this, it is obvious the framers had a difference in mind between the two powers.

Mr. President, one way we can learn or have a better idea of what the framers meant by inserting "declare" in place of "make" is to find out what those words meant at that time. I have already covered this point. The term "to declare" was understood as meaning "to make known" or "to proclaim," and that is the only power given to Congress. On the other hand, the power "to make war" referred to the power of the Commander in Chief, the President, and for nearly 200 years it has been so conceived.

How limited this feeling is or was is evident from the fact that declarations of war were already unusual in the 18th century, compared with the number of nondeclared hostilities in which nations were then engaged. That the framers were aware of this fact is proven by Hamilton's comment in the Federalist No. 25 that declarations of war were falling into disuse. Thus, there is no question the Founding Fathers knew that nations frequently engaged in hostilities without a declaration. Yet they vested Congress with no more than the power "to declare war." Surely this indicates the framers fully anticipated that the United States might become involved in war on frequent occasions even though Congress had not initiated it.

The truth is the Founding Fathers were very much concerned with preserving the safety of the Nation. For example, Jay wrote in the Federalist No. 3 that:

> Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first.

Hamilton indicates the overriding importance of this object of Government by adding, in the Federalist No. 23:

> The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed.

These passages must mean that the framers intended for the President, as well as the Congress, to possess extraordinary powers when necessary for the protection of the republic. If the President believes the safety of the Nation to be imperiled, he must react even though Congress has not authorized the specific action.

The Founding Fathers were well aware of the weakness which had accompanied the vesting in the legislature of the power to make war. In fact, they themselves had just emerged from a long war of independence, in which the Continental Congress, clothed with the power to make war, had interfered with Washington's military operations and caused him great trouble and embarrassment.

Far from wanting to continue the example of great weakness and lack of directness that the colonies had suffered under the articles of Confederation, I am convinced the framers intended to infuse a new unity and position of strength into the Republic through the Office of Chief Executive. To rely on the commission given to George Washington by the Continental Congress as a model for interpreting the powers of the new Office of Commander in Chief is to totally ignore the fact that the Constitution was written because of dissatisfaction with what had happened under the articles.

Mr. President, to me this is the basic question we are facing. There is no question about the intent. I find no quarrel with the sincerity of the men who propose this measure. I find myself in agreement with much they are attempting to achieve.

I have, however, suggested that the proper route would be an amendment to the Constitution; but I cannot find one single authority in the United States who would agree with me. I cannot find one single authority among the men who have served in these positions where they should know and have some feeling about it, that these powers should even be tampered with.

I do not charge that this is an amendment to the Constitution. We cannot legislate amendments to the Constitution. But we can come pretty close to it.

I do not think a matter such as this, which has received so little study, should be passed upon by this body. I would say, rather than just a brief review, I would prefer a review in great depth by the Committee on the Judiciary, so that we will know what we are voting on when we get to the time of voting.

Mr. President, these are the kinds of materials which the Senate should reexamine before it acts on war powers legislation. Let us remember the Committee on Foreign Relations took 2 months to agree on its report on the bill, from December 7, when the bill was ordered reported, until February 9, when the report was filed in the Senate. If the committee itself kept the bill from coming to the Senate floor for over 60 days, should not the Senate as a body, in fairness, be granted an additional 45 days to study the separation of powers issue?

Mr. President, I believe deeply that the Senate should approve the referral motion.

Mr. President, I have diverted a bit from my prepared text but it will appear in the RECORD as if I had given it. I merely repeat what I have often said on this floor, that we cannot tie the hands of our President in the defense of liberty. If we do that, we are inviting real trouble—trouble that it will probably be too late for us to correct should the time ever come.

WAR POWERS BILL ILL ADVISED

Mr. ALLEN. Mr. President, the implications of the proposed war powers bill for the future security and independence of the State of Israel and the moderate Arab nations in the Middle East is alarming.

The provisions of the proposed legislation which require prior congressional approval for the deployment of U.S. forces to help stabilize situations in time of crisis could well result in tragedy for our friends.

One wonders what might have happened to the political independence and territorial integrity of Lebanon in 1958 if the United States had not been able to credibly and promptly assert its power in the service of peace and stability in the area.

One wonders what might have happened in the autumn of 1970 to the hundreds of innocent, civilian hostages—many of them Americans—held by extremist Arab guerrillas after the hijacking of commercial American airliners to a desert landing strip in Jordan, if the clear capability of U.S. forces to intervene for their protection had not been near at hand in the presence of the Sixth Fleet.

One wonders if the Syrian invaders of Jordan in September 1970 would have been withdrawn at a time when King Hussein was dealing with a full scale civil war initiated by extremist Arab forces if credible, promptly available U.S. power had not been present in the eastern Mediterranean.

One wonders what the dimensions of Soviet involvement in the June 1967 Arab-Israeli war might have been if the Washington-Moscow hotline had not conveyed a U.S. determination underlined by the presence of the 6th Fleet in the Mediterranean to avoid involvement so long as others avoided intervention.

The greater danger of the Middle East situation has always been the possibility of major power involvement and confrontation. Requiring, as it does, congressional approval for the deployment of U.S. forces in crisis situations, the war powers bill would paralyze the heretofore credible military power of the U.S. 6th Fleet as an instrument for restoring and maintaining stability in the area.

Mr. SPONG. Mr. President, I yield the Senator from New York such time as he may require.

Mr. JAVITS. I thank my colleague.

Mr. President, I feel that the Senate, on this vote, will really be facing the substantive issue. My colleagues, the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. EAGLETON), and the Senator from Mississippi (Mr. STENNIS) have very eloquently made that point perfectly clear. We made it clear in our discussions yesterday.

Mr. President, as to the constitutional issue: Every committee in Congress is charged with constitutional questions. That goes for all of them, from the Committee on Public Works to the Committee on Rules and Administration. Every one of the committees has to take into consideration the Constitution, whether it is the first 10 amendments, the Bill of Rights so fervently espoused by many committees, and particularly the Committee on the Judiciary and Senator ERVIN, a welfare matter which relates to the equal application of the laws, or a civil rights matter, which is handled in the Committee on Labor and Public Welfare, with reference to equal opportunity for employment. In short, Mr. President, every action of Congress, and of our entire Government, emanates from powers conferred upon it in the Constitution.

We have not heard, Mr. President, that those constitutional questions need to be or should be referred to the Committee on the Judiciary. Why, then, should this one? This is not a constitutional amendment. Every effort to make it appear to be such has failed.

Mr. President, we have considered this matter for 2 years. At the suggestion of the Senator from Mississippi (Mr. STENNIS) we took another year beyond the year we had already had last spring. We have a record here of more than 850 pages of testimony of the most closely considered kind before the Committee on Foreign Relations, with some of the most distinguished witnesses in the United States on both sides. Contrary to the assertion of some of the opponents, this bill has been closely scrutinized by virtually all the most recognized constitutional scholars in the Nation.

Mr. President, with all the things it has to do, what is the Committee on the Judiciary going to do in 45 days compared to what we have already done in 2 years? Why refer it?

Obviously, the only reason is to defer it, to put it off. Maybe it will be lost in the shuffle. Maybe it will come before the Senate when it is so busy it cannot deal with the matter, and it will be bypassed, instead of when the calendar is relatively clear and the Senate is able to face the issue.

Mr. President, I see no reason to favor this reference on the part of those who are in favor of the bill. I see every reason to favor the reference on the part of those opposed to it. So this is a substantive question. If you are for the bill, you should be against the reference; if you are against the bill, you would be for the reference. I understand that perfectly.

I turn now to a consideration of the merits of the proposal. I noticed one thing stated or implied in the distinguished speeches made by Senator ERVIN and Senator GOLDWATER today. That is the assertion that only the President of the United States is a great patriot who wants to protect the United States against an invasion; that somehow we are base villains and would allow the United States to be overrun by foreign forces.

What kind of nonsense is that? Do we we have any less sense of responsibility than this very mortal man who is President of the United States? Do we have any fewer principles, any less patriotism, or less conscience? Is that the Constitution of the United States?

Mr. President, we distinctly say "no." We say it is time that we define what war is. War is not an "incident" when it lasts 8 years and exacts such a toll as has been our Vietnam experience. We know that an appropriation cutoff has not proved to be practical and realistic.

Mr. President, no one claims this is the ideal arrangement, but it is a best effort. That is why it is proposed as a law, and not a constitutional amendment. It is an effort to do something about a situation which we regard, right now, as demanding some more provident arrangement than those which have prevailed for the past several decades.

Mr. President, I like the words of Washington Post editorial.

What it says is:

> It is quite so that it took the Vietnam war to bring to wide attention the erosion in congressional powers. Perhaps one should better say the erosion in congressional thoughtfulness and responsibility.

Mr. President, that is what is at issue here. Are we going to give ourselves a methodology by which we, too, are required to exercise that thoughtfulness and responsibility which inhere in the commitment of our people to this horrible ordeal which is war?

Senator ERVIN was perfectly right when he said—and I think I noted his words accurately—

> The Constitution cannot be improved on, in providing the war powers of the Congress and the war powers of the President.

Mr. President, I agree with that. But it is not a question of improving upon the Constitution; it is a question of using the powers which the Constitution gives us, and of delineating more clearly how those powers are to be operative, and how they are to mesh, in response to the demands of our contemporary world situation.

We have not used our powers. We have allowed them to slip away from us. Now we are simply recapturing what is ours; nothing more and nothing less. We are spurred to this effort to recapture by the demands and expectations of the citizens of our Nation. They demand an improvement over the procedures of the 1960's.

I do not agree with the distinguished

Senator from North Carolina that this means creating 535 other commanders in chief. We give ourselves so such power or authority. The President still will conduct the military operations of the country. The President will still command all the Armed Forces.

But, when in his judgment—Mr. President, look how we trust him; have we not the right to ask that he trust us at least as much?—there is a likelihood, an imminent likelihood, of hostilities, we say in this bill, "Mr. President, your decision is much too weighty for you to make it alone. We must join you in making it."

We have the full confidence that he will not cheat us when it comes to "imminent danger" and that he will truly and honestly and in good faith assess that danger. He is bound by the Constitution to "take care that the laws be faithfully executed." What can we do about it? We can impeach him. That is highly unlikely; we know that.

Mr. President, the Senate will be voting in a little while on a very substantive question, and that question is, Shall the Senate address itself to the issue of how the war powers of both Congress and the President can be reconciled? I profoundly believe that we have come up with a method to do that which is good for the country and good for the President as well.

Mr. FANNIN. Mr. President, the war powers bill, S. 2956, raises a number of serious problems for our consideration. Two of the more important questions—which I should like to consider briefly today—are, first, the effect of this legislation on our NATO allies and, second, the even broader and graver question of its dangerous inconsistency with the Constitution.

Turning first to the problem of NATO and the support of our oldest and most importance alliance, it seems clear to me that the drafters of the proposed legislation did not really consider carefully its effect on the viability and credibility of NATO. Not only does it impose serious specific limitations on the power of the President to deploy and commit American forces in Europe, in support of our deepest alliance commitments, but it also—and this is perhaps even more important—signals both our allies and our potential enemies that America's commitment to the defense of Western Europe will be harder to fulfill, and thus more likely left unfulfilled. By creating doubts among our allies, we obviously weaken NATO. And by weakening NATO, while at the same time suggesting to the Soviet Union that we are less capable of supporting Western Europe, we encourage just those hostile and aggressive pressures that the alliance was originally created to deter.

A few specific points come readily to mind. The proposed legislation clearly frustrates the President's ability to build up U.S. forces in Europe or to make a show of force in response to any Soviet concentration or threat where U.S. forces are not directly threatened, and also when there is danger that our reinforcements would risk imminent involvement in hostilities. It could rule out the whole reforger concept, under which we have removed some of our troops from Europe but pledged to our allies that they would be returned in case of need. We have no U.S. combat troops in most of Turkey or Greece, and none at all in Norway and Denmark. Do we want to forbid the President to make a move to strengthen NATO forces in those areas or in adjacent seas in time of crisis simply because they might run a real risk of hostilities? What would that signify to the world as to America's steadfastness? This would strike at the very heart of the NATO commitment by suggesting that an armed attack on our allies, or the threat thereof, if it did not specifically threaten our own forces, would not be regarded as an attack on us—and that American troops might, therefore, sit idly by and watch other allied forces be crushed. It shakes the entire structure of every NATO headquarters of which American officers are a part, since in case of attack their participation in integrated command functions could not be assured. How can NATO commanders make any realistic plans in the face of such uncertainties about the integrity and viability of their own headquarters?

Even should the Soviet Union make a direct armed attack on American forces overseas, it is not at all clear—to American commanders as well as to our allies—just what the United States might do. The proposed legislation authorizes "retaliatory actions" in the event of "an armed attack upon the United States, its territories and possessions," but, should this attack be aimed at U.S. forces outside this country or its territories and possessions, reaction is specifically limited to repelling this attack. In other words, under this concept, U.S. forces, if attacked, could only defend themselves, with no thought of retaliation against an enemy who might assault them in overwhelming strength. This restriction obviously destroys the whole fabric of nuclear deterrence, suggesting to the Soviet Union that it may attack our forces overseas with less fear of nuclear retaliation. The basic credibility—to both the U.S.S.R. and our European allies—of our long-pledged nuclear deterrent is thus called into question.

On the tactical level, there is also considerable doubt about even those actions U.S. forces under attack could be authorized to take to defend themselves. If Soviet aircraft attacked our troops, could an air strike at the enemy airfields on which these planes were based be considered repelling an attack? Or would this be considered retaliation, and thus be prohibited?

Finally, even if a direct attack on American forces should commit them to battle immediately, and overlooking such juridical hairsplitting as I have just suggested, there would still be considerable doubt in the minds of our allies about the reliability of the American contribution to the struggle. Under the proposed legislation, there is no guarantee that American forces would fight beside their allies for more than 30 days, much less that there would be any supporting rapid buildup of additional U.S. troops to help contain the enemy. Under these circumstances, what sort of integrated planning can take place in advance of emergencies, and just how much credence will our allies place in our pledge to support them?

It seems evident that the sponsors of the proposed legislation are at last beginning to acknowledge the validity of at least some of these points. The amendment proposed by the senior Senator from New York recognizes the problem of American participation in allied headquarters and seeks to resolve it. The Senator has taken a step in the right direction, but he still has a long way to go.

Beyond the very practical questions about the effect of the war powers bill on NATO and our security interests in Western Europe lies the more basic problem of the relation of this bill to the Constitution. Although the sponsors of this legislation have attempted to show a clear and specific constitutional division of the war powers between Congress and the President, with the latter restricted to a very limited role, both the propriety and the specificity of the division remain doubtful.

One of the strong points of the American Constitution is its lack of rigidity. Its approach to the problem of the system and process of government is in large measure, general and flexible, subject to the changing needs and interpretations of the passing years. It is this quality that has enabled it to endure so long with so little change. Had it been more precise, more specific, more rigid, it surely would have broken over the years in the face of the divergent views among the constituent branches of the U.S. Government. The Constitution has sometimes been referred to as not so much a document of separation of powers, but rather one of shared powers, in which the exact degree of the sharing is not precisely delineated, leaving this, instead, to the shaping powers of the political process to mold and change—and change again—the vital relationships within our very pragmatic system of government. This had the very great virtue of flexibility—both for developments and contingencies beyond the foresight of the Founding Fathers, and to allow the emergence of new and changing responsibilities in the exercise of political power as the Nation grew.

Among the shared powers within the U.S. Government, one of the most important is the war power. This the Constitution divides between Congress and the President—not precisely and immutably as the sponsors of the proposed legislation would have it, but rather according to broad principles and general guidelines. As I have suggested, this lack of precision was purposeful, and for good reason, and it has served to strengthen and preserve the Constitution where a precise delimitation might well have proved its undoing many years ago.

Now, the proposed war power bill does more than just support the constitutional definition of the authority of Congress and the President in this most important area of national policy. Indeed, it goes far beyond the Constitution in attempting to specify, by detailed restrictions and limitations, the precise role of the President. And some of these restraints, in fact, would place far greater limitations on the Chief Executive than the Constitution would permit. The 30-day restriction on the President's powers to repel attacks without congressional approval obviously infringes on his constitutional authority—indeed, mandate—to defend the United States and its forces. So not only does S. 2956 rush in where the Founding Fathers hesitated to tread, in attempting to enumerate a limitcd number of situations not written in the Constitution which would be the only ones in which the President could act on his own authority, but it is, in effect, an effort to amend the Constitution by legislation—which renders it clearly unconstitutional.

The points that I have just raised are obviously in dispute. Just as the argument over the respective war powers of Congress and the President have gone on since the birth of the Republic, so the argument over the constitutionality of the proposed war powers bill could last for ever. The very fact that it is in such dispute would seem to me to prove the need for more study of this legislation, of its implications, necessity, desirability, and ultimate form and scope.

If the proposed bill crosses the Constitution—and if, as I suggested with reference to NATO, it is too dangerously vague and contradictory for practical implementation—then surely it would be a mistake to act on it hastily here. At the very least, it should be referred to the Judiciary Committee for careful study and analysis. In its present form, for all of the reasons I have already stated, I cannot support it and must oppose it.

Mr. HANSEN. Mr. President, it is a measure of progress that the Senate Foreign Relations Committee reported out S. 2956 on February of this year. But it would be evidence of precipitate action to call for a vote at this time.

We have not yet had the advice of legal experts on the full implications of the war powers bill, either as to its implications domestically or in terms of the safe conduct of our foreign affairs.

My personal view is that the bill, as now drafted, would curtail Presidential action in many important situations that may prove vital to the Nation's interest. In my view, its effect would be to increase—not decrease—the risk of getting this country involved in more wars:

Imagine some equivalent of a renewed Berlin blockade. Would you prevent the President's initiative for a show of strength that might be decisive in warning the other side of our resolve—resolve that might be the critical factor in coming to a peaceful solution? I think not.

Or imagine armed attacks by another country against U.S. citizens abroad or against U.S. merchant vessels on the high seas. Would you wish to restrict the President's ability to deal firmly with such acts? I think not. The effect would be to make the likelihood of them greater.

What about the 30-day limitation clause on the involvement of U.S. Armed Forces in hostilities? I submit that there are built-in pressures here which would lead to the "acceleration of escalation" of military and perhaps nuclear conflicts.

Perhaps some further expert opinion is needed. The views of the American Bar Association should be worthy of consideration.

It seems hasty that we should proceed with a vote without the benefit of their concerned, highly-professional opinion.

Let us find out the real merits and deficiencies of S. 2956. Let us refer it to the Judiciary Committee for a deliberate and searching examination of the constitutional implications of this very important proposed legislation.

Mr. TOWER. Mr. President, I would like to add my voice to those urging that the war powers bill, S. 2956, be referred to the Judiciary Committee.

There are several important reasons for this, not the least of which is that so many Members of the Senate have pointed out the deep constitutional questions involved in this legislation.

First of all, it seems to me that the very philosophy at the root of the war powers bill is contradictory to the American constitutional tradition. The bill seeks a rigid definition of the powers of the President and of Congress, and attempts to draw a precise line of restraints and responsibilities. The Constitution, to the contrary, is nowhere near so explicit and constrictive as the proposed legislation would be. The authors of the Constitution wisely sought to create a document flexible enough to meet the changing needs of time, broad enough to meet the obvious unforeseen contingencies that would inevitably arise over the passage of the years, and subtle enough to allow for the continuing interplay of political forces which is the life-blood of this Nation.

No one would deny that the Constitution assigns certain specific powers—the power to declare war, or to raise and support armies—to the Congress, and that it specifically assigns to the President the role of Commander in Chief. Yet beyond that, it offers only general guidelines, and none of these suggest that the war powers were not to be shared by the executive and the legislature, rather than be strictly divided between the two. By attempting to so divide these powers and, in so doing, to seriously restrict those assigned to the President, the bill casts doubt on any Presidential actions in this area. It leaves the distinct impression, in the eyes of friend and foe alike, that the Chief Executive of this Nation is all but powerless to act—in a military sense—without the consent of Congress.

Surely we do not wish to suggest this. In its present form, the war powers bill would seriously restrict our ability to deploy the land, sea, and Air Forces of the United States. It would prevent, or seriously hamper, military deployments as a show of force or deterrent. It would affect our freedom to act in case of another Berlin blockade or Middle East crisis. It would prevent—even with the addition of an amendment by the senior Senator from New York—the participation of members of the U.S. Armed Forces in NATO integrated commands and, as a practical matter, in integrated military plans and preparations of the alliance.

The effect of these restrictions would be to seriously reduce the faith of our allies in America's capability to support them in the face of a Soviet threat or attack. It would suggest to both the nations of Western Europe and the Soviet Union that the United States was incapable of reacting quickly and decisively in an emergency. It would weaken the credibility of our deterrent and thus seriously affect the viability of the NATO alliance.

There seem, moreover, to be clear dangers in the 30-day limitation on the use by the President of our Armed Forces. In the first place, it suggests that American forces might engage in combat for no more than 30 days, thus leaving our allies with serious doubts about their reliability and commitment. By the same token, the 30-day limitation would in itself create strong pressures for the President to raise the level of hostilities, perhaps to very high extremes, in order to achieve certain military objectives before the expiration of the 30-dav limit. And finally, the 30-day limit seems to be a direct contradiction of the President's constitutional responsibility and authority to repel attacks, since the Constitution itself places no restriction on the length of time that military resistance may be carried on.

These are serious questions, which we must seek to answer before we proceed further with this legislation.

There is also the equally grave question of whether we are not trying to create a law in haste as an emotional reaction to the war in Vietnam. Good laws are rarely created out of hasty emotionalism. And it is clear that the political atmosphere of an election year will do little to slow our haste or calm our emotions.

It seems to me that a careful examination of the basic constitutional and practical problems involved is necessary. I understand that the American Bar Association is now undertaking just the sort of examination required. I feel that by referring the war powers bill to the Judiciary Committee, where it can be studied and analyzed in depth, a far better understanding of the problem can be achieved. And if it is determined that a war powers bill is necessary, the committee should be able to develop a piece of legislation that is in harmony with both the constitutional and practical requirements.

In its present form, I cannot support the bill. I urge its referral to the Judiciary Committee.

Mr. TUNNEY. Mr. President, America has not declared war in over 30 years. A generation of Americans have grown up since we last declared war on another country.

But America has not known peace. In the absence of any declaration of war, over a million Americans have borne arms in Korea, Vietnam, Cambodia, Laos, and the Dominican Republic. Close to 100,000 of these young men have died. That generation has experienced war and has suffered from it—but Congress has never declared it.

The War Powers Act responds to that curious anomaly.

The War Powers Act is one of the most important pieces of legislation to come before this Congress in a generation. It deals with an area which is central to the life of every American, the power to make war. I have studied carefully the arguments for and against the War Powers Act. I have concluded that it serves well the Nation's interests.

The War Powers Act is, above all, a policy document. It attempts to balance, in a nuclear age, the demands of the Constitution with the demands of modern military technology. It strikes that balance extremely well.

The Constitution vests the power to make war in the Congress. Both the language of the Constitution and the historical records of the Constitutional Convention underline the unequivocal conclusion of the framers of the Constitution that the Congress—not the President—was granted the authority to engage our Nation in war. The Supreme Court affirmed that congressional power when it said in the "prize cases" that—

> By the Constitution, Congress alone has the power to declare a national or foreign war. . . . [at 67 U.S. 635 (1862)].

The Constitution recognizes, however, that while the Congress has the power to make war, the President has the power to execute it. The President, as Commander in Chief of the armed services, has the authority to respond to sudden attacks, conduct a war once it had started, and to command the Armed Forces once they are committed to action.

There is no reason that the warmaking powers, defined so clearly by the Constitution, should be altered. Neither modern military technology nor the demands of modern history render obsolete our constitutional tradition. They accentuate instead its wisdom.

In the 18th century, when the horrors of war could be confined to the field of battle, our Founding Fathers concluded that the representatives of all of the people must be involved in the decision to make war. In the 20th century, when the decision to go to war might preordain consequences whose devastating impact would reach every American home, it is even more important to assure the representatives of the people a role in any such determination.

Yet, today, with our people more vulnerable, more exposed than ever before, they feel less control, less ability to affect their destiny. They complain that Government is remote and uncontrollable. But they know that its decisions reach more deeply into their lives.

This has been especially evident in the warmaking area. Despite the Constitution, despite the consistent traditional separation of warmaking powers, affirmed by the courts, the executive branch, and the precedent of a century and a half of our history, the past generation has witnessed the dramatic expansion of the role of the Executive in the power to make war.

It has mattered not whether the President was a Democrat or a Republican. In Korea, in Vietnam, in the Dominican Republic, in Cambodia, and in Laos—a startling variety of locations and activities—the President of the United States has committed a large number of American troops—without congressional approval. Once the Congress was included in the process, it was faced with inadequate information, it was brought into the decisionmaking process well after the inception of the crisis, and often it was confronted with a fait accompli.

This is not to deny that many situations might require an American military presence. It is to stress that the methods selected by recent American Presidents—both Democratic and Republican—in Vietnam, Laos, and Cambodia, for introducing and maintaining American troops in hostilities indicate that defects exist in the process by which warmaking decisions are made. In response to the increasing preponderance of the Executive in this and related areas, it is essential for the Congress to be involved and to be aware.

The War Powers Act should help Congress in this effort. It should restore to the Congress its proper role in the warmaking process. While it may very well be true that the War Powers Act might not have alleviated the tragedy and the foolishness of Vietnam—"cannot create national wisdom where there is none" as Senator JAVITS said—its interposition in the warmaking process might very well have helped create an atmosphere where the Congress was involved from the outset in warmaking decision.

Our foreign policy can only be enhanced when individual members of Congress recognize that they have the responsibility, on an ongoing basis, for evaluating properly the foreign as well as the domestic policies in which our Nation is involved.

The War Powers Act not only restores the proper role of the Congress in the warmaking process. It also reaffirms the proper role of the Executive. It neither denies nor limits his authority. Section 3 of the bill defines the emergency conditions in which the Armed Forces of the United States may be introduced into hostilities in the absence of a declaration of war by Congress. Those conditions are: To repel an armed attack on the United States, and/or to retaliate thereto; to repel an armed attack against our Armed Forces; to protect U.S. citizens and nationals evacuating from other countries; or to protect Americans on the high seas. The President can respond to any of these emergencies for a period of 30 days, after which he must go to Congress—in the absence of certain extraordinary circumstances—to sustain the continued use of the Armed Forces.

Beyond these relatively limited and specific categories, the act provides a final, considerably broader, category which allows the President to introduce the Armed Forces in hostilities in the absence of a declaration of war for any reason—but pursuant to specific statutory authorization.

In other words, the President can respond to military emergencies without going to Congress. The language which allows him to exercise that response is sufficiently flexible. To engage American forces in any other situation he must first obtain the approval of the Congress.

Mr. President, this legislation is urgently needed. Had recent Presidents perceived their constitutional obligation differently and gone to the Congress before introducing our Armed Forces in hostilities, the war powers act might not have been necessary.

This act has been criticized as one which will expose any use of force to public debate. That is not a liability of the act, but an asset. The result should bring praise, not criticism. It should highlight the importance of the act.

Mr. President, the framers of the Constitution recognized that the people should not be insulated from the decision to make war. They constructed a government which had a separation of warmaking powers, in which decisions of war and peace could not be guarded in the secrecy of any one branch. We cannot allow matters of war and peace to be closed, disguised, affairs.

Regrettably, an atmosphere of mystery has overtaken the process by which our military decisions are made. Where candor is required, secrecy prevails. Where a dialog is urgently needed, a static resistance to new ideas is found.

Mr. President, the war powers act restores the constitutional balance; demands debate where it is needed; minimizes Executive secrecy where it is unnecessary and dangerous; and involves the Congress properly in the warmaking process. It is for these reasons that I give it my strong support.

Mr. THURMOND. Mr. President, much has already been said on both sides of the war powers question, but I think that we have not carefully examined the significant impact that this bill will have upon the President's power to conduct foreign relations generally. There is, I believe, general agreement that the primacy for the conduct of foreign relations rests with the President. That is settled constitutional doctrine.

Yet the conduct of foreign relations so as to support American interests ultimately implies the use of such force as is necessary to the situation. We may prefer to conduct international relations on some other basis. We may conclude that the use of force is counterproductive in a given circumstance. Yet we must concede that in some cases that may arise, the sanction of power is the only effective sanction that will keep this Nation from falling into jeopardy.

Moreover, it is clear—and even this bill provides—that the President will necessarily have to consider the use of force in emergency situations, and will have to put soldiers in the field. This bill describes the situations in which this would be allowed.

But then the question arises whether or not the bill's 30-day clauses wrongfully encroach upon the President's obligations as Commander in Chief and his duty to uphold the Constitution as a viability entity. The whole thrust of constitutional interpretation to date upholds the President's rights as Commander once troops are in the field. We have paid too much attention in this debate to the problem of the initiation of hostilities and the initiation of war. Yet this bill itself would allow the initiation of hostilities in certain circumstances, and then clamp restrictions, even including the threat of imminent termination, upon the President's actions.

Such restrictions would be disabling—not only upon the President's conduct of war, but upon the conduct of foreign relations generally. They are restrictions which are not only unconstitutional, but dangerous to this Nation.

Suppose Congress terminates a military action when soldiers are in the field? The President would be left with no other alternative than unconditional surrender or slaughter. The Congress cannot sue for peace, and it cannot command the President to sue for peace. If operations are terminated upon such a a basis, then the enemy—or other enemies—would surely be tempted to launch new aggression. Our enemies would rightly conclude that a Congress that forbade an operation under such circumstances would never approve any military operations.

Moreover, the War Powers Act would also attempt to alter the President's obligations under international law. The powers of any commander-in-chief are well defined in international law. Although the Constitution makes the President Commander-in-Chief, the substance and the contents of the command powers are already determined by international law, and the customary law of war. The President is under a constitutional obligation to apply the customary international law of land warfare in any international armed conflict regardless of whether war had been declared or not.

Mr. President, I have prepared a comprehensive memorandum which authoritatively sets forth the legal basis of the arguments I have been making. It gives in greater detail the constitutional background and the case history of these questions, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

This memorandum will attempt to analyze the Wars Powers Bill (S. 2956) under the following headings: I. The Powers of the Executive; II. Interrelations Between the Foreign Relations and the Command Powers of the President; III. The Foreign Relations Power of the President; IV. The Command Powers of the President; V. Limitations on Congressional Interference with the President's Foreign Relations and Command Powers; and VI. Substance and Contents of the President's Command Powers as Determined by International Law.

I. THE POWERS OF THE EXECUTIVE

It is well established that constitutional practice has been firmly based on the doctrine of executive power as originally stated by Alexander Hamilton. He said that:

"The general doctrine of our constitution then is, that the *executive power* of the nation is vested in the President, subject only to the *exceptions* and qualifications, which are expressed in the instruction."[1] (Hamilton's emphasis.)

Thomas Jefferson did not only support Hamilton's aforementioned doctrine but expressed it in even more explicit terms when he said that:

"The executive . . . possessing the rights of self-government from nature, cannot be controlled in the exercise of them but by a law, passed in the form of the Constitution."[2]

The prevailing constitutional doctrine was aptly summarized in the following words of the Solicitor of the Department of State when he said:

". . . where, by the terms of the constitution the national government is vested with control over a certain *sphere of action*, that portion of the field is the president's which is executive in character. . . ."[3] (Emphasis added.)

II. INTERRELATIONS BETWEEN THE FOREIGN RELATIONS AND THE COMMAND POWERS OF THE PRESIDENT

It is well established that the conduct of the foreign relations of the United States has been solely vested in the President.[4] One of the leading academic authorities on the Constitution, Edward S. Corwin, spoke in this connection of ". . . the President's monopoly of the function of international intercourse and his constitutional independence in the performance of that function."[5] In addition, the Constitution makes the President expressly the Commander-in-Chief of the Armed Forces.[6]

The fact that the President's foreign relations and command powers are closely interrelated to each other has been recognized since Hamilton wrote that the executive department was ". . . the organ of intercourse between the nation and foreign nations" and that it was "charged with command and disposition of the public force."[7] He, then, arrived at the conclusion that:

". . . it belongs to the 'executive power' to do whatever else [except a declaration of war] the law of nations, co-operating with the treaties of the country, enjoin in the intercourse of the United States with foreign powers."[8]

John Marshall, when a member of the House of Representatives, spoke of the interrelations between the aforementioned two powers of the President when he said that:

"The president is the sole organ of the nation in its external relations. . . . He possesses the whole Executive power. He holds and directs the force of the nation. Of consequence, any act to be performed by the force of the nation is to be performed through him."[9]

Similarly, Monroe, in his capacity as Secretary of War, advised Congress that "The power of command was vested in the President primarily for the purpose of giving him that control over military and naval operations which is a necessary attribute of the executive branch."[10]

Justice Nelson, sitting as Circuit Justice and speaking for the court, epitomized the interconnection between the foreign relations and command powers of the President in the following words:

"For this purpose the whole Executive power is placed in his [the President's] hands . . . and different departments of government have been organized, through which this power may be most conveniently executed *whether by negotiation or by force.*"[11] (Emphasis added.)

The reasons behind this combiation of foreign relations and command powers in the hands of the President were aptly stated by Justice Sutherland when he said for the Court that:

". . . he [the President], not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war."[12]

III. THE PRESIDENT'S FOREIGN RELATIONS POWERS

Constitutional doctrine, Congress, as well as the executive and judicial branches of the Government, have consistently maintained that the power to conduct the foreign relations of the United States (foreign relations power), with the exception *expressly* stated in the Constitution, is solely vested in the President. Alexander Hamilton emphasized this point when he said that: "the legislative department is not the organ of intercourse between the United States and foreign nations."[13]

Again, Jefferson emphasized Hamilton's point of view when he said that:

"The transaction of business with foreign nations is Executive altogether . . . except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly."[14]

As early as 1816, the Senate Foreign Relations Committee in a report to the Senate warned against congressional interference with the President's exclusive powers in the foreign relations field on the ground that such interference was bound ". . . to impair the best security for the national safety."[15]

In 1897, the Senate Foreign Relations Committee made a thorough investigation of the question of presidential powers in the foreign policy field in connection with the question of the recognition of Cuba's independence. The Committee arrived at the following conclusions.

"The executive branch is the sole mouthpiece of the nation in communication with foreign sovereignties. . . . In the department of international law, therefore, properly speaking, a congressional recognition of belligerency or independence would be a nullity."[16]

About a decade later, Senator Spooner of the Foreign Relations Committee said in the Senate:

"The Senate has nothing whatever to do with . . . the conduct of our foreign intercourse and relations save the exercise of the one constitutional function of advice and consent which the Constitution requires . . . From the foundation of the Government it has been conceded in practice and in theory that the Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively in the President. And . . . he does not exercise that constitutional power, nor can he be made to do it, under the tutelage or guardianship of the Senate or of the House or of the Senate and House combined."[17]

Similarly, the executive branch stated its position clearly in a memorandum of the Solicitor of the Department of State when he said:

"In all cases the President could direct and control, but in the 'Presidential' Department he could determine *what should be done, as well as how it should be done.*"[18] (Memorandum's emphasis.)

The Supreme Court emphasized in *United States v. Curtiss-Wright Corp.*, the fact that:

"Not only is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm . . . the President alone has the power to speak or listen as a representative of the nation. . . . [H]e alone negotiates. Into the field of negotiations the Senate cannot intrude and Congress itself is powerless to invade it."[19]

The Supreme Court then elaborated upon the nature of the President's foreign relations power by referring to it as:

". . . the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations. . . ."[20]

IV. THE POWERS OF THE PRESIDENT AS COMMANDER IN CHIEF

In Federalist Paper No. 74, Alexander Hamilton stated the constitutional doctrine regarding the President's power as Commander-in-Chief clearly when he said:

"Even those of them which have, in other respects, coupled the chief magistrate with a council, have for the most part concentrated the military authority in him alone. Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exer-

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Footnotes at end of article.

cise of power by a single hand. The direction of war implies the direction of common strength; and the power of directing and employing the common strength, forms a usual and essential part in the definition of executive authority."

This doctrine was reaffirmed by the Supreme Court in a case arising out of the occupation of Tampico in the Mexican War. Chief Justice Taney, for the Court, said:

"As commander-in-chief, he [the President] is authorized to direct the movements of the naval and military forces placed by law at his command and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy."[21]

In 1860, Francis Lieber summarized the doctrine in his *Remarks on Army Regulations*. In connection with his elaboration of the President's exclusive power to direct military movements, Lieber said that the war powers of Congress did not give ". . . it, command of the Army. Here the constitutional power of the President as Commander-in-Chief is exclusive."[22]

The following words of Senator O. H. Browning in the 1862 Senate debate between him and Senator Sumner state convincingly and clearly the reasons for the presidential command powers and the danger inherent in the attempt to interfere with them. In the Senate debate of June 25, 1862, Senator Browning said:

"And now, I again ask whether it is seriously contended that Congress has either the right or the power to judge of and determine upon any of them [i.e., military necessities] a month in advance of its occurrence? Whatever the seeming necessity be now, when the month has elapsed it may no longer exist.

"These necessities can be determined only by the military commander and to him the Constitution has entrusted the prerogative of judging them. When the Constitution made the President 'Commander-in-Chief of the Army and Navy of the United States' it clothed him with all the incidental powers necessary to a full, faithful and efficient performance of the duties of that high office; and to decide what are military necessities, and to devise and execute the requisite measures to meet them, is one of these incidents. It is not a legislative but an executive function, and Congress has nothing to do with it. . . . Nor can Congress control him in the command of the Army, for, if it can, then he is not Commander-in-Chief, and the assertion of the Constitution to that effect is a falsehood. And whenever Congress assumes control of the Army in the field, it usurps the powers of a coordinate department of government, destroys the checks and balances provided for the safety of the people, and subverts the Constitution.

"Congress is to raise and regulate the Army; when raised and regulated, the President is to have the supreme command and direction.

"He [the President] is as supreme in his sphere as the legislative department is in its sphere; and in the performance of his duties, he cannot, without abnegation of his authority, submit to the control of either Congress or the people."[23]

Several days later, on June 27, 1862, Senator Browning said in elaboration of this point:

"When we are engaged in war, and it [the army] is in the field marshaled for strife, I deny that Congress . . . has any power to say to the President, do this or do that . . . advance today and retreat tomorrow."[24]

This doctrine was upheld by the Supreme Court in the *Prize* cases where it said that "He [the President] must determine what degree of force the crisis demands."[25]

The scope of the command powers of the President over the armed forces in the field has to be understood in terms of the relationship between ends and appropriate means. Alexander Hamilton referred to this problem where he said that:

"The means ought to be proportioned to the end; the persons from whose agency the attainment of any end is expected, ought to possess the means by which it has to be attained."[26]

Once United States forces are involved in military operations against enemy forces, the President as Commander-in-Chief is constitutionally required ". . . to use all means calculated to weaken the enemy and to bring the struggle to a successful conclusion."[27]

In *Durant v. Hollins, supra,* Justice Nelson, for the court, said that the question whether it had been the duty of the President to interpose by force for the protection of American citizens in Greytown, Nicaragua, was a question of public policy ". . . which belonged to the executive to determine and his decision is final and conclusive."[28] The Court then held that the two principal means for conducting foreign relations were negotiation or force.

In *Lichter v. United States,* the Supreme Court quoted from an address by former Chief Justice Charles Evans Hughes that "The power to wage war is the power to wage war successfully." In elaborating upon the aforesaid statement the Court, then, held that ". . . the primary implication of a war power is that it should be an *effective power to wage war successfully.*"[29] (Emphasis added.)

In *United States v. Hirabayashi,* the District Court[30] pointed out that:

"The Constitution of the United States was intended by the fathers who framed it to be able to cope with war emergencies. This nation came into being as a result of a successful war. The Constitution was written shortly thereafter and at a time when its framers had every reason, by virtue of their experience and in the light of then world conditions, to expect that this nation be confronted by war in the future."

In the same case [*United States v. Hirabayashi*] the Supreme Court held that the war power of the national government which includes the President's command powers over armed forces in the field ". . . extends to every matter and activity so related to war as substantially to affect its conduct and progress. The power is not restricted to the winning of victories in the field and the repulse of the enemy forces. It embraces every phase of the national defense, *including the protection of war materials and the members of the armed forces from injury and from dangers which attend the rise, the execution and progress of war. . .*" (Emphasis added.)

Consequently, the Supreme Court concluded that the war powers, which include the Presidential command powers, provide a wide scope "for the exercise of judgment and discretion in determining the nature and extent of the threatened injury and danger and in the selection of the means for resisting it."[31] The constitutional doctrine and practice were aptly summarized in the following words:

"The President in time of war has entire control of the movements of the army and navy. Congress has, under the Constitution, the sole power to raise and support armies . . .; but after the forces have been provided and war has begun, the President may order them anywhere he will for the purpose of carrying the war to a successful conclusion.

* * * * *

". . . in time of war the authority of the President is recognized as being absolute as to where the war is to be conducted, whether . . . to carry on an offensive war in the enemy territory, in the territory of an ally, or perhaps even in the territory of a neutral.

* * * * *

"Just as the President decides when and where troops should be employed in time of war, so he alone likewise determines how the forces should be used, for what purposes, the manner and extent of their participation in campaigns and the *time of the withdrawal.*"[32] (Emphasis added.)

V. LIMITATIONS ON CONGRESSIONAL INTERFERENCE WITH THE PRESIDENT'S FOREIGN RELATIONS AND COMMAND POWERS

Already in 1789, the problem of congressional interference with the powers vested in the President and the dangers inherent in such interference were clearly visualized and precisely stated in the following words:

"He [Roger Sherman] seems to think . . . that the power of displacing from office is subject to legislative discretion; because, having a right to create, it may limit or modify as it thinks proper . . . [W]hen I consider that the constitution clearly intended to maintain a marked distinction between the Legislative, Executive and Judicial powers of Government; and when I consider that if the Legislature has a power, such as is contended for [*i.e.*, the power to make provisions for removal of officers appointed with the consent of the Senate], they may subject and transfer at discretion powers from one department of our Government to another; they may, on principle, exclude the Presidents altogether from exercising any authority . . . they may vest it in the whole Congress; or they may reserve it to be exercised by this House. When I consider the consequences of this doctrine and compare them with the true principles of the Constitution, I own that I cannot subscribe to it. . . ."[33]

President Taft stated clearly and precisely the narrow limits of permissible congressional interference with the President's foreign relations and command powers when he said:

"Two principles, limiting congressional interference with the Executive powers are clear. First, Congress may not exercise any of the powers vested in the President, and second, it may not prevent or obstruct the use of means given him by the Constitution for the exercise of those powers."[34]

Similarly, a distinguished former American ambassador to Germany who had been a life-long student of international affairs said that:

". . . the contention that one department of the government may in any way coerce another is a repudiation of the very purpose of the division of power and would result in the destruction of that freedom under law which the Constitution aims to establish."[35]

The Supreme Court has consistently held that the powers of Congress to interfere with the foreign relations and command powers of the President are strictly and narrowly limited. In 1914, the Supreme Court held that:

"It is settled beyond dispute that the Constitution is not self destructive. In other words, that the powers which it confers on the one hand, it does not take immediately away with the other."[36]

In the inter-war period, the Supreme Court reaffirmed the well-established constitutional practice and doctrine that:

". . . he [the President], not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries and especially is this true in time of war.

"This consideration discloses the unwisdom of requiring Congress in this field of governmental power [i.e., federal powers in the field of external affairs] to lay down narrowly definite standards by which the President is to be governed. As we said in *Mackenzie v. Hare,* 239 U.S. 299, 311, 'we should hesitate long before limiting or embarrassing such power.' . . ."[37]

Twelve years later, i.e., after the end of World War II, the Supreme Court held again in *Lichter* v. *United States* that:

". . . the primary implication of a war

Footnotes at end of article.

power is that it should be an effective power to wage the war successfully. Thus, while the constitutional structure and controls of our Government are our guides equally in war and in peace, *they must be read with the realistic purpose of the entire instrument in mind.*" [38] (Emphasis added.)

Finally, in 1958 the Supreme Court approached the same problem from a slightly different angle when it said:

"The restrictions confining Congress in the exercise of any of the powers expressly delegated to it in the Constitution apply with equal vigor when that body seeks to regulate our relations with foreign nations. *Since Congress may not act arbitrarily, a rational means must exist between the content of a specific power in Congress and the acts of Congress in carrying that power into execution. More simply stated, the means . . . must be reasonably related to the act*—here regulation of foreign affairs." [39] (Emphasis added.)

Doctrine and practice were aptly summarized when the court held in ***Palmer v. United States Civil Service Commission*** that:

"The Congress of the United States under the separation of powers in the federal constitution cannot require the President of the United States to surrender any of his executive powder [sic]." [40]

President Kennedy relied on the same well-established constitutional practice and doctrine when he said in a letter to the then Chairman of the House Armed Services Committee, the Honorable Carl Vinson, in connection with the RS–70 debate that:

"Each branch of the Government has a responsibility to 'preserve, protect and defend' the Constitution and the clear separation of legislative and executive powers it requires. I must, therefore, insist upon the full powers and discretions essential to the faithful execution of my responsibilities as President and Commander-in-Chief, under Article II, Sections 2 and 3 of the Constitution.

"Additionally, implicit in the Constitution, of course, is the intent that a spirit of comity govern relations between the executive and legislative. And while this makes unwise, *if not impossible any legislative effort to 'direct' the Executive on matters within the latter's jurisdiction . . .*" [41] (Emphasis added.)

VI. SUBSTANCE AND CONTENTS OF THE PRESIDENT'S COMMAND POWERS DETERMINED BY INTERNATIONAL LAW

As stated heretofore, Chief Justice Taney said for the Court in 1850:

"His [the President's] duty and his power are purely military. As Commander in Chief, he is authorized to direct the movements of the naval and military forces placed, by law at his command. . . ." [42]

In this connection, Attorney General Cushing said in 1855:

"So he [the President], and he alone is the supreme commander in chief of the Army and Navy. . . . That is a power constitutionally inherent in the person of the President." [43]

It is well established that the findings and determinations made by the President in his capacity as Commander-in-Chief are definite and final. The Supreme Court held already in 1827 that:

"We are all of opinion, that the authority to decide whether the exigency [i.e., the President's authority to call the militia into federal service] has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons." [44]

Specifically in regard to armed forces in the field, the constitutional practice and doctrine concerning the command power of the President has been authoritatively stated in the following words:

"As against an enemy in the field the President possesses all the powers which are accorded by International Law to any supreme commander." [45]

Since the substance and the contents of the powers of the President as Commander-in-Chief of the armed forces in the field are determined by international law, the President is under a constitutional obligation to see to it that international law is faithfully executed because the "take care" clause of Article II, Section 3 of the Constitution does not only apply to municipal but also to international law. In this connection, Alexander Hamilton stated already the well-established and generally accepted doctrine when he said:

"The Executive is charged with the execution of all laws, the law of nations, as well as the municipal, by which the former are recognized and adopted.

"The President is the constitutional Executor of the laws. Our treaties and the laws of nations form a part of the law of the land. He, who is to execute the laws, must first judge for himself or their meaning." [46]

Although the Constitution makes the President Commander-in-Chief of the armed forces, the substance and the contents of the command powers are, as heretofore stated, determined by international law. The United States Army Field Manual, The Law of Land Warfare (FM 27-10 (1956), hereinafter "Field Manual") is the principal source for ". . . authoritative guidance . . . on the customary and treaty law applicable to the conduct of warfare on land and the relationships between belligerents and neutral states." [47] The provisions of the Field Manual have "evidentiary value insofar as they bear upon questions of custom and practice." [48]

The President had to be guided by the customary law of war which ". . . applies to all cases of declared war or any other armed conflict which may arise between the United States and other nations." Therefore, the President is under a constitutional obligation to apply the customary international law of land warfare in any international armed conflict regardless of whether war had been declared or not.

CONCLUSION

On the aforementioned grounds, it is submitted that the War Powers Bill (S. 2956), if enacted, would constitute an interference with the foreign relations and command powers *exclusively* vested in the President in his respective capacities as Chief Executive and as Commander-in-Chief of the United States Armed Forces.

Since the substance and the contents of the President's command powers over the armed forces in the field are determined by international law, as authoritatively stated in the United States Army Field Manual, the Law of Land Warfare, the War Powers Bill would also, if enacted, constitute an interference with the rights and duties vested by international law in any supreme commander of armed forces in the field. Thus, the War Powers Bill, if enacted, would constitute an attempt to abrogate or change unilaterally norms and rules of international law. Clearly, this would effectively undermine the credibility of the United States which, as Rome and Britain in times past, has probably the greatest interest in protecting and developing generally accepted principles and rules governing international conduct in peace as well as in war.

FOOTNOTES

[1] 7 Works of Alexander Hamilton 81 (J. C. Hamilton ed., 1851) [Hereinafter "Hamilton, Works"].

[2] 5 Writings of Thomas Jefferson 272 (Ford ed., 1898) [Hereinafter "Jefferson, Writings"].

[3] Memorandum of the Solicitor of the Department of State, October 1, 1930, in connection with Sen. Res. 253. 71st Cong., 2d sess., as quoted in 4 Hackworth, Digest of International Law 643 (1942).

[4] Constitution, Art. II, sec. 2, cl. 2 and 3.

[5] Corwin, The President: Office and Powers 188 (1962).

[6] Constitution, Art. II, sec. 2, cl. 1.

[7] 7 Hamilton, Works, supra, at 79–80.

[8] Ibid., at 84.

[9] 2 Benton, Abridgements of the Debates of Congress 466–467 (1861). See also Annals of Cong., 6th Cong., col. 613, as quoted in *United States* v. *Curtiss-Wright,* 299 U.S. 304, 319 (1936).

[10] American State Papers, Military Affairs I, at 606.

[11] *Durand* v. *Hollins,* 8 Fed. Cas. 111, 112 C.C.S.D.N.Y., (1860).

[12] *United States* v. *Curtiss-Wright,* supra, at 320.

[13] 7 Hamilton, Works, supra, at 79.

[14] 5 Jefferson, Writings, supra, at 161–162.

[15] 8 U.S. Sen., Reports, Committee on Foreign Relations 24 (1816) as quoted in *United States* v. *Curtiss-Wright,* supra, at 319.

[16] Sen. Doc. No. 56, 54th Con., 2d sess., 20–22 (1897).

[17] 40 Cong. Rec., pt. 2, 1418–1419 (1906) as quoted in 5 Hackworth, supra, 28–30.

[18] Memorandum of October 1, 1930, supra, as quoted in 4 Hackworth, supra, at 644.

[19] *United States* v. *Curtiss-Wright,* supra, at 319.

[20] *Ibid.,* at 320.

[21] *Fleming* v. *Page,* 9 How. 603, 614 (1850).

[22] Lieber, Remarks on Army Regulations 18.

[23] Cong. Globe, 37th Cong., 2d Sess., at 2919–2120 (1862).

[24] *Ibid.,* at 2970.

[25] *Prize Cases,* 2 Bl. 635, 670 (1863).

[26] The Federalist, No. 23.

[27] 3 Willoughby, The Constitution of the United States, section 1033, as quoted in *Ebel* v. *Drum,* 52 F. Supp. 189, 194 (D.C. D. Mass. 1943).

[28] *Durand* v. *Hollins,* supra, at 112.

[29] *Lichter* v. *United States,* 334 U.S. 742, 782 (1948).

[30] *United States* v. *Hirabayashi,* 46 F. Supp. 657, 662 (D.C. W.D. Washington, N.D., 1943).

[31] *United States* v. *Hirabayashi,* 320 U.S. 81, 93 1943). See also *Brown* v. *Wright,* 137 F 2d 487, 489 (4 Cir., 1943).

[32] Berdahl, "War Powers of the Executive in the United States," 9 University of Illinois Studies in the Social Sciences 1, 121–122 (1920).

[33] Annals of Cong., 495, 496, as quoted in *Myers* v. *United States,* 272 U.S. 52, 125 (1926).

[34] Taft, Our Chief Magistrate and His Powers 126 (1916).

[35] Hill, Present Problems in Foreign Policy 163 (1919).

[36] *Billings* v. *United States,* 232 U.S. 261, 282 (1914).

[37] *United States* v. *Curtiss-Wright,* supra, at 321, 322.

[38] *Lichter* v. *United States,* supra, at 782.

[39] *Perez* v. *Brownell,* 356 U.S. 44, 58 (1958).

[40] *Palmer* v. *U.S. Civil Service Commission,* 191 F. Supp. 495, 511 (D.C. S.D. Illinois, S.D. 1961); reversed on other grounds, 297 F. 2d 450 (7 Cir., 1962); cert. den. 369 U.S. 849 (1962). See also *United States* v. *Carrollo,* 3 F. Supp. 3, 7 (D.C. W.D. Missouri, W.D. 1939); *Lutcher S. A. Cellulose* v. *Inter-American Development Bank,* 253 F. Supp. 570 (D.C. D.C. 1966).

[41] 108 Con. Rec. 4694 (1962).

[42] *Fleming* v. *Page,* supra, 614.

[43] 7 Ops. Atty. Gen. 453, 464–465 (1855).

[44] *Martin* v. *Mott,* 12 Wheat, 19, 30 (1827).

[45] Sen. Doc. No. 39; 88th Cong., 1st session 452 (1964).

[46] 7 Hamilton, Works, supra at 84.

[47] United States Army Field Manual, The Law of Land Warfare, FM 27–10 (1956} (hereinafter "Field Manual"), sec. 1.

[48] Ibid.

Mr. THURMOND. Mr. President, in the Washington Star on Wednesday, April 5, 1972, published an article by Mr. David Lawrence entitled "Danger in War-Powers Legislation."

Mr. Lawrence relates several of the

disadvantages involved in congressional approval of every U.S. military intervention.

Mr. President, I am sure that there is unanimous agreement that we should make every effort to avoid a third world war. Controversy arises, however, in determining the best way to accomplish this objective.

The article supports the meritorious position that a strong military posture is the best deterrent to armed conflict. We should not minimize our ability to maintain our treaty commitments. Nor should we give possible adversaries the feeling that intervention by the United States is unlikely when our allies need our support.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DANGER IN WAR-POWERS LEGISLATION

(By David Lawrence)

The biggest question mark around the world today is whether the United States is going to repeat history—weaken its military position abroad and give the impression that it will not help to prevent another world war.

If there had been a strong Western Alliance which included the United States, there might have not been a World War I or II. In both instances, the assumption was that the American people were advocates of isolationism and would not participate.

What is happening in Congress, as various members sponsor legislation declaring the executive branch shall have authority to commit military forces for only 30 days and must get congressional permission for continuance of operations beyond that, is being taken to mean that the foreign policy of the United States hereafter will not be regarded abroad as enduring.

As long as the employment of military force by major powers can at any moment upset the peace of the world, the United States must do its planning through use of bases in other countries and by dispersing its submarines carrying polaris missiles, utilizing foreign ports where they are available.

The Germans were convinced that the United States would not enter World War I or II. When they read the American press, they noted that elections were being won in 1916 and 1940 by denouncing any involvement in the war then in progress and by promises of candidates for the presidency to "keep out of war."

There are still those in Congress who think that the United States can stay out of Europe and Asia altogether or that use of military forces should be authorized merely when the other side has begun a war against us. Military men, however, say that wars can be prevented only by having an army, navy and air force distributed in strategic locations and in such size that potential enemies will not dare to take chances and start a war against the United States.

If an adversary thinks that the Congress will have to give its consent for American action in any critical situation around the world, there will be built up a feeling that the United States will no longer be of assistance to smaller countries and will be reluctant to furnish aid even to larger ones.

While the Constitution stipulates that Congress shall have the power "to declare war," it doesn't give either the Senate or the House the right to conduct foreign policy. This is a delicate task and requires a secrecy in planning and in carrying out programs for cooperation with various allies.

If the consent of Congress were required for the presence of American military forces in a friendly country for possible help in certain emergencies involving a broad-gauged policy of protecting American interests and preventing a larger war, the United States would find itself blocked in its dealings with allied nations.

This becomes even more serious if senators insist that the President should have only 30 days in which to conduct a military operation. What is overlooked is that the planning and stationing of armed forces in different parts of the world must take place a long time before any emergency develops.

The prospects are that a third world war is much more likely if it is definitely established that the United States cannot make and commit itself to the necessary preparations with allied countries. Plans for military operations would have to be submitted to Congress in advance in order to be able to get congressional approval and assure allied nations that assistance would be continuous and would not be interrupted by any action of Congress.

There are many other problems that could arise. This is why the State Department and the Department of Defense are emphatic in their statements that the proposals to interfere with the operations of the chief executive in conducting foreign policy can only result in more difficulties. They insist that America's position could be weakened in the world with respect to treaties it has signed and agreements it has made with its allies in the past.

Mr. MATHIAS. Mr. President, I rise to express my support of S. 2956, the war powers bill. I am one of the cosponsors of legislation and was one of the initial supporters of an earlier version of this bill, S. 731, which the distinguished senior Senator from New York (Mr. JAVITS) introduced in January 1971. It is a source of deep satisfaction that S. 2956 incorporates into one bill the essence of Senator JAVITS' earlier version, as well as subsequent proposals of Senators TAFT, EAGLETON, STENNIS, and BENTSEN. It is also encouraging to note that S. 2956 has at present count 26 cosponsors.

Mr. President, it impresses me as particularly fitting that the fundamental issues raised in this bill should come forward at a time when we are approaching the bicentennial of the American Revolution. For, I believe this war powers bill will be an historic milestone along the road back to the balanced concept of government intended by the framers of the Constitution. It will return to the Congress the awesome responsibility for determining whether or not we shall engage in war. And, it will at last bring clarity and order to an area which has for too long been confused and murky, a no man's land which the late Justice Jackson called a "zone of twilight" between Congress and the President. Significantly, it will do all of these things while still reserving to our Chief Executive complete latitude to meet all of the fast moving emergencies and exigencies of a nuclear age.

Clearly, we have a long road to travel before we will have begun significantly to restore that clean balance of powers set forth in the Constitution between Congress and the Presidency. For under present circumstances, the Chief Executive can commit our military forces to battle virtually anywhere in the world in order to protect the countless gradations of our "vital interests" abroad. Indeed, by the simple expedient of declaring a national emergency, he can assume full war powers.

In this modern age, the formal declaration of war has, for all practical purposes, disappeared. Instead we are in an era of protective reaction strikes, of small wars, limited wars, nonwars, and nonpeace. It is an age in which our vital interests are not easy to distinguish and in which the degrees of danger and provocation are limitless and remain shrouded in uncertainty.

But while some of the extraordinary powers now exercised by the President were gained by arrogation, it was we in Congress who, all too willingly over the years, conferred much of our own authority for defense and national security on the Chief Executive. To be sure, each case seemed perfectly justified as Congress granted the President, one after another, emergency powers to meet the emergencies of the day.

But while these crises subsided and disappeared, the powers conferred on the Presidency to meet them did not. Quite to the contrary, they continued to flourish and are very much alive and well today.

All the more reason, therefore, to turn this important corner now and get on with the task of restoring that delicate balance prescribed by the Constitution.

Mr. President, I shall not at this time undertake a detailed examination of the merits of this legislation. These arguments have already been presented by my distinguished colleagues with consumate skill. I would, however, like to focus on what I believe to be the fundamental issue here: namely, the contention of the opponents of this bill that the extraordinary powers now exercised by the Chief Executive are "inherent powers of the President" deriving from his position as Commander in Chief and that it would be unconstitutional to delineate what authority he may discharge in the absence of a declaration of war. In support of this contention, they recite a lengthy litany of historic precedent, suggesting thereby they the so called "inherent powers" of the Executive have been sanctified by tradition and cemented in history.

Mr. President, I would be the last to deny that our history is saturated with cases of military actions undertaken by successive Presidents on their own authority.

It was just such a circumstance which moved Congressman Abraham Lincoln to write to his law partner complaining of President Polk's aggressive policies toward Mexico:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to make war at his pleasure.

Lincoln's concerns were, of course, expressed by others throughout our history. And they bear prophetic similarity to the 1970 "incursion" into Cambodia, our secret war in Laos and the "protective reaction strikes" persisting today.

It should be noted that until World War II, the occasions of military actions undertaken by the President without congressional authorization were limited, almost entirely, to the Western Hemisphere. For the most part, these military actions were in the nature of skirmishes and limited action. They did not have the potential for escalation to nuclear war which overshadows every military initiative this Nation undertakes today.

So, far from being enshrined as historic precedents guiding our course today, such occasions lend urgency to the need to restore clarity and definition to an area in which the constitutional intent has been thwarted and the delicate apportionment of powers thrown out of balance.

Moreover, the emergency powers which we conferred on the Presidency and allowed to remain on the books as the law of the land are not to be viewed as legal precedent but as further reason to hasten to restore the constitutional balance clearly intended by the Founding Fathers.

There is something additional that must be said, not so much to ourselves as to our successors. This bill does not amend the Constitution. It does not abrogate any treaties. It does not alter the chain of command. What it does do is to establish a review procedure.

Whether this procedure is effective or not will depend on the wisdom, the courage, and the tenacity of those who must apply it to an actual situation. It is possible, of course, that under an intense emotional stress, the Congress would be as swept away as we who served here in 1964 were carried astray by the first reports given us of the events in Tonkin Gulf. It will still depend on the character of the men and women who comprise the Congress at a critical moment.

But we are here setting up the guidelines of the responsibility that Congress failed to exercise after the action at Tonkin Gulf. Our experience in the past may illuminate their path in the future. Whether they will see the light will be up to them.

Mr. President, in closing, let me reiterate that the effect of this bill would not in the slightest limit the President's latitude to act instantly to meet any conceivable circumstance which may require his action. The only constraint is that, once he has acted, he must inform the Congress of the circumstances and obtain congressional approval. The distinguished Senator from Mississippi (Mr. STENNIS) put it most succinctly last week when he said:

> I do not want any one in the President's office to sit idly by with indecision or timidity . . . and fail to act in an emergency, fail to move in on a problem and let our country be a victim of aggression in war or in any other matter. . . . I merely want to put Congress back into the role of having to share in decisions as to whether or not our Nation will be committed to war.

Mr. President, in these few words, Senator STENNIS has said it all. And so unless we are willing to accept the concept of an optional Congress and an optional Constitution, we must enact S. 2956, the war powers bill.

Mr. SPONG. Mr. President, how much time remains to the Senator from Nebraska and to the floor manager?

The PRESIDING OFFICER. The Senator from Nebraska has 1 minute, and the Senator from Virginia has 4 minutes.

Mr. SPONG. The Senator from Virginia has nothing to add to the very fine statement made by the Senator from New York.

I hope it will be the pleasure of the Senate to vote down this motion.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Time cannot be yielded back, since the time set for the vote is 2 o'clock, unless the Senator desires a unanimous-consent request.

Mr. SPONG. Mr. President, I suggest the absence of a quorum, the time to be divided as it remains.

The PRESIDING OFFICER. That would also require unanimous consent.

Mr. SPONG. Mr. President, I ask unanimous consent that we have a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

All time on the motion has expired.

The question is on agreeing to the motion of the Senator from Nebraska (Mr. HRUSKA), as modified, that the pending bill be referred to the Committee on the Judiciary for a period not to exceed 45 days from the date of adoption, and that the said bill be deemed reported from the said committee at the end of the 45-day period.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EASTLAND (when his name was called). On this vote I have a pair with the distinguished Senator from North Carolina (Mr. JORDAN). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senators from Indiana (Mr. BAYH and Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) is absent on official business.

I further announce that, if present and voting, the Senators from Indiana (Mr. BAYH and Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 26, nays 60, as follows:

[No. 137 Leg.]

YEAS—26

Allen
Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hruska
McGee
Miller
Scott
Thurmond
Tower
Young

NAYS—60

Aiken
Anderson
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Fulbright
Gambrell
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Eastland, for.

NOT VOTING—13

Bayh
Hartke
Humphrey
Jackson
Jordan, N.C.
Long
McClellan
McGovern
McIntyre
Mundt
Muskie
Pastore
Sparkman

So the motion of the Senator from Nebraska (Mr. HRUSKA), as modified, to refer the pending bill to the Committee on the Judiciary was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. SPONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

AMENDMENT NO. 1101

Mr. GRAVEL. Mr. President, I call up my amendment No. 1101.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> On page 13, line 6, strike out "but" and "not" and insert immediately before "shall" the word "and".
>
> On page 13, line 8, strike out the period and insert in lieu thereof the following new language: "unless by not later than fifteen days after the date of enactment of this Act the Congress declares war against any foreign power with which the Armed Forces of the United States are engaged in hostilities.".

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I am about to make at least one unanimous-consent request, and maybe two or three if the Senate agrees to the first one.

It is my understanding that there are approximately 12 or 13 amendments at the desk. Therefore, without going into any amendments, including the Dominick amendments, which I think number six, the Pell amendment and the McGee amendment, I ask unanimous consent that on the pending amendment there be a time limitation of 60 minutes, the time to be equally divided between the sponsor of the amendment, the Senator from Alaska (Mr. GRAVEL), and the manager of the bill, the Senator from Virginia (Mr. SPONG).

Mr. GOLDWATER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST

The PRESIDING OFFICER. Does the Senator from Alaska wish to have his amendments considered en bloc?

Mr. GRAVEL. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

Mr. GOLDWATER. Mr. President, reserving the right to object, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Mr. President, I thought the Senator from Alaska called up an amendment. Can the Chair explain why there are two amendments?

The PRESIDING OFFICER. The amendment is an amendment to the bill in two places. Therefore, it takes unanimous consent to consider the amendments en bloc.

Mr. GOLDWATER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAVEL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. Mr. President, it was my intention to have a time limitation of 1 hour on this amendment. On the other amendment, which I offer in tandem with this one, I was prepared to agree to a time limitation of 10 minutes. I understand that some of my colleagues now may want to discuss this amendment at length. I would be prepared to discuss it as long as they may want.

If the Chair will correct me, my interpretation is that we will have a vote on the first part, which would be the correction on line 6, and then vote on the second part on line 8.

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRAVEL. Mr. President, I do not need even 1 hour to discuss this matter. It is very easy to understand. That is why I permitted the clerk to read the amendment.

The first part relates to whether or not this war power legislation will affect present hostilities. It strikes me as somewhat ridiculous if we think it important to reassert the prerogatives of the United States and then try not to look at the fact that these prerogatives are being eroded today. We have the power to stop the war, and I think it would be, to some degree, putting the American people on to look to the future and say, "We think Congress should have this power and we are going to pass this measure and make sure Congress does have this power; but because we are not exercising this power right now we are not going to have this apply to present hostilities."

I think when a wrong is recognized and we want to change that wrong, it should be changed now and not sometime in the future. We should not say, "We see the wrong but we will correct it at some future time."

That is the import of what we face here.

The second part is equally simple. It requires that if this legislation passes and it does apply to present hostilities, the Chief Executive of this country will have to bring the war to a halt unless this body, Congress, comes up with a declaration of war to sustain his activities.

Here again, if there is support for the activities that are going on in Indochina today, I would hope Congress would at least have the straightforwardness and candor with the American people to sanctify these activities, this action of the President, by at least declaring war.

That is the only comment I can make on this matter. I do not think I could elucidate any further on the intent of this legislation. If any of my colleagues would like to address questions to me, I would be happy to answer as to the intent of the legislation.

Mr. JAVITS. Mr. President, I rather hope we may avoid two rollcall votes on this particular amendment. Would the Senator accept my suggestion again to ask unanimous consent that the amendments may be considered en bloc, and that the order for the yeas and nays may apply to the amendment en bloc?

Mr. GRAVEL. I have no objection.

Mr. JAVITS. Would the Senator make the request?

Mr. GRAVEL. I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I am prepared to vote at this time.

Mr. SPONG. Mr. President, the Committee on Foreign Relations had before it three or four resolutions and bills dealing with the subject of war powers. Almost all of them with the exception of the one introduced by the Senator from Ohio (Mr. TAFT) were introduced with the specific statement by the sponsors that they hoped that the war powers legislation would be considered exclusive of the war in Southeast Asia.

This matter was thoroughly discussed by the Committee on Foreign Relations which had before it proposals similar in intent to that of the Senator from Alaska, and these were rejected.

Therefore, the managers of the bill, to be true to the deliberations and actions of the committee on this measure, would have to oppose the amendment proposed by the Senator from Alaska.

Mr. JAVITS. Mr. President, the Senator from Virginia has stated the situation very accurately.

With the greatest of respect for the Senator from Alaska, and his intentions in this matter, and the next amendment, and my own actions, votes, and advocacy with respect to the Vietnam war should leave no question on that score, I have been deeply convinced we must deal with the policy of the United States in respect of the war prospectively if we hope to obtain the passage of this measure.

Therefore, I oppose this amendment and I will similiarly oppose the next amendment because I believe they would be counterproductive and defeat the entire measure.

The PRESIDING OFFICER. Is there further discussion?

Mr. GRAVEL. Mr. President, I can only add that if bringing into perspective what we are doing today by this amendment would defeat the whole piece of legislation, I would think that would be a satisfactory occurrence. I must in all candor say I would be prepared to see that measure defeated if this body were not prepared to include it.

Again, let me underscore that we can be very verbose on this floor. But for the American people it is not a very complex issue. If we think there should be some control of a prospective nature with respect to the war powers of the Chief Executive, I can only say that it should also relate to the present situation, particularly in light of the escalation that has been taking place in the last few days.

I am prepared to yield back my time if the opponents are prepared to yield back their time.

Mr. SPONG. I yield back the remainder of my time on the amendment.

Mr. GRAVEL. I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing en bloc to the amendments of the Senator from Alaska. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senators from Indiana (Mr. BAYH and Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Hartke), the Senator from Rhode Island (Mr. Pastore), and the Senator from South Dakota (Mr. McGovern) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Baker) and the Senator from Oregon (Mr. Packwood) are detained on official business.

The result was announced—yeas 11, nays 74, as follows:

[No. 138 Leg.]

YEAS—11

Cranston
Fulbright
Gravel
Harris
Hart
Hughes
Kennedy
Mansfield
Mondale
Nelson
Ribicoff

NAYS—74

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Inouye
Javits
Jordan, Idaho
Magnuson
Mathias
McGee
Metcalf
Miller
Montoya
Moss
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—15

Baker
Bayh
Hartke
Humphrey
Jackson
Jordan, N.C.
Long
McClellan
McGovern
McIntyre
Mundt
Muskie
Packwood
Pastore
Sparkman

So Mr. Gravel's amendments were rejected.

Mr. SPONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13955) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes," agreed to the conference requested by the Senate on the disagreeing vote of the two Houses thereon, and that Mr. Casey of Texas, Mr. Evans of Colorado, Mr. Hathaway, Mr. Roush, Mr. Bevill, Mr. Mahon, Mr. Bow, Mr. Cederberg, Mr. Rhodes, and Mr. Wyatt were appointed managers of the conference on the part of the House.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

BUDGET FOR THE DISTRICT OF COLUMBIA—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Buckley) laid before the Senate the following message from the President of the United States, which, with the accompanying budget, was referred to the Committee on Appropriations:

To the Congress of the United States:

I am transmitting to the Congress the budget for the District of Columbia for the fiscal year beginning July 1, 1972.

This budget reflects a careful allocation of limited resources among important services provided by the city government and among high priority public works projects. The Mayor and the City Council have thoroughly examined these budget proposals, effectively carrying out their responsibilities under Reorganization Plan No. 3 of 1967. In addition, the Office of Management and Budget has reviewed these proposals as specified in the District of Columbia Revenue Act of 1970.

The budget also reflects the city's actions consistent with the economic and Government personnel policies I established last year for Federal agencies. The District's base of authorized positions has been reduced by 5%, and further steps are being taken to improve the management and efficiency of the local government.

Most significantly, this budget does not request congressional approval of additional revenue proposals. Due to the intensive review by the Mayor and the City Council, the expenditure requests transmitted today can be completely balanced within current congressional revenue authorizations and anticipated revenue increases from local government actions.

Because this budget is not predicated on new congressional revenue action, I anticipate that the Congress should be able to complete action on the District's fiscal year 1973 budget by the beginning of the fiscal year. Such action would greatly facilitate more efficient budget planning by the District government in both the current and future fiscal years.

Richard Nixon.

The White House, *April 11, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Buckley) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

(The remarks Mr. Ervin made at this point on the introduction of S. 3475 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

LACK OF PROGRESS UNDER FLAMMABLE FABRICS ACT OF 1967

Mr. MAGNUSON. Mr. President, several weeks ago, the Department of Commerce held a hearing at which most of the witnesses, representing industry interests, criticized and castigated the Bureau of Standards for its flammability standard for children's sleepwear under size 6X. The standard, which was not to go into full effect for 2 years, was the first wearing apparel standard to be developed by Commerce under authority granted under the Flammable Fabrics Act of 1967. It has been no secret that I have been greatly frustrated and troubled by the lack of progress that we have made in the flammable fabrics area since the first act was passed in 1954. The Department of Commerce has been inhibited by a number of factors, including technical difficulties, their own narrow construction of the legislative mandate, an incredible barrage of industry pressure.

Amidst the cries of the industry at that hearing, however, was another voice, the voice of a citizen, a consumer, a mother of a little girl who survived third-degree burns over 50 percent of her body as a result of a fabric related fire. In a very rational and deliberate tone, Mrs. Marijean Brehm proceded to tell the story of her daughter, Elizabeth, and the excruciating pain, anxiety, and disfigurement with which she must live for the remainder of her life. But Mrs. Brehm's testimony was not only an emotional true-life tale designed to force the Department to stand firm with its flammability standard. Her statement also helped to refocus our attention on the reality of the problem; to remind us that we are dealing with a very real problem involving very real lives.

The Department of Health, Education, and Welfare estimates that 150,000 to 200,000 persons are injured annually from burns involving flammable fabrics. Mrs. Brehm reminded us that these are not just statistics, but are individuals. She helped to underscore the urgency of the problem which the Flammable Fabrics Act was programed to remedy. I ask unanimous consent that Mrs. Brehm's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Mrs. Marijean Brehm

Gentlemen: You have met here today to discuss the technical difficulties encountered in making children's nightwear flame-retardant. I have brought my child here today to show you the human difficulties encountered when children's nightwear is not flame-retardant—but is, in fact, highly flammable.

I am here as a self-appointed representative of the parents of children who have been injured, many fatally, in fabric fires. There are thousands of us; HEW estimates that 150,000 to 200,000 persons are injured annually from burns involving flammable fabrics and the vast majority of those injured are children. I do not claim to be the best representative of this group—I'm sure there are others who are far more articulate, far more accustomed to public speaking. I am here because I feared no one else would be. And I submit that holding hearings on flammability without burn victims or their parents present is like holding hearings on alcoholism without alcoholics! I am here to ask this committee to give long-overdue priority to the child inside that nightgown rather than to the technological difficulties the industry has flameproofing that gown—difficulties which I suspect are centered around the almighty dollar.

A child will die today, a child died yesterday, and a child will die tomorrow of burns involving a flammable fabric. In fact, at least one child dies every day of fabric-related burns. My child was one of the "lucky" ones; she survived third degree burns over 50% of her body. She was "lucky"; she lived, lived to face excruciating pain, incomparable anxiety, and permanent disfigurement. She survived, to find herself, at various times, unable to walk, unable to move her arms or her head with any facility. She has survived thirty surgeries, and awakened to find herself encased in a variety of casts—a body cast for over six months—to find pins through her fingers, to find herself minus one finger and most of her ears and, at one point, her entire scalp. To date, she has survived her physical wounds and the stares and comments of the curious. But, as she grows older and more vulnerable, will she still want to swim and dance when she considers the scars not covered by the swim suit and ballet costume, will she still wear short sleeves and open-necked tops, or will she hide herself as completely as possible? How deep will the psychological wounds be? Will they also be third degree and leave deep, irreparable scars? And I wonder how she'll cope with the agonizing knowledge that all her suffering was unnecessary, that her injuries need never have occurred if the garment industry had thought her life, her well-being was worth the few cents necessary to have flame-proofed the nightgown she was wearing, or the even lesser amount necessary to attach a warning label to the gown.

Beth's nightgown was 100% cotton flannelette, a name-brand product. It was a birthday present from a family that loves her very much. It had been worn once previous to her accident, on the night of her third birthday. It had been laundered only once. The next time she wore that gown was on the night of Friday the 13th of March, 1970. We had come to my parent's home in northwest Iowa to attend the funeral of my uncle who had been killed in a plane crash the previous Tuesday. After his burial a small dinner was served at my parent's home for close friends and family. Since I was busy and Beth was playing with her cousins, it was later than usual when I decided to put her to bed—it was 9:30 p.m. As I was telling her that it was bedtime, my son, Christopher, who was two months old that day, awoke. Someone then offered to feed Chris. My husband, Dennis, and I took Beth upstairs where I put double diapers and rubber pants on her, and put her nightgown on over her undershirt. We put her in her crib in my 16 year-old brother's room, the room she always slept in when we visited my parents. We then went downstairs, leaving a small hall light on and the door open. I picked up the baby, burped him, held him for a few minutes, and then put him in the bassinet. I walked to the kitchen and looked at the clock once again. I would like to say that I am not ordinarily a clock watcher, but I had just gotten Chris on schedule and was checking to see if he was still on schedule. It was about 10 p.m. As I turned from looking at the clock, I heard a scream. It was a scream like I had never heard before, full of terror and pain. I ran in to where the baby was, saw immediately that he was all right, and yelled for my husband to go to Beth. As he raced up the stairs, I heard her scream again. As I moved toward the stairs, I heard him scream my name. If I can ever forget the sound of her screams, I know I'll never forget the sound of his. Another uncle of mine and a close friend of the family, a registered nurse, were near the stairs and ran up ahead of me, and as they reached the room, Mary called for someone to get the doctor. I backtracked and relayed the message, and as I reached the top of the stairs again, I heard her say to forget the doctor and call the hospital. I also called those instructions down the stairs. So, by the time I finally did get upstairs, Mary and my uncle had placed Beth in a tub of cool water and were wrapping her in cool cloths.

My husband was clenching the towel rack for support and repeating over and over, "My god, the fire was all over her." He had put the flames out by flinging her down on the mattress and using the blanket and his hands to smother the fire. As I looked down at her, I noticed that some of her skin looked like it was peeling off, that it looked yellow and black, like she had been scorched, and that her lips were starting to swell. We rushed her to the nearest hospital and I carried her into the emergency room and started to remove her clothing. Her rubber pants were intact where the waist band and leg bands would be, and her diapers were blackened, but mostly intact. As I removed her diapers, I put one of the diaper pins in my pocket because I had noticed that the plastic safety head was pocked and melted and, in that sickening moment, I realized how hot the flames from that gown actually were. She received emergency treatment and we were told she probably would not live. The doctor explained to us that, considering how badly her mouth was burned, it did not seem possible that her lungs and throat would not be burned also, and that tends to be fatal. She was then flown to Iowa City where she received further emergency treatment and was put in the Burn Unit there. When we were allowed to see her, she was wrapped in stockinette from head to toe like a mummy, blood was being pumped from her stomach, she was being fed intravenously, and she was terribly swollen—her mouth was swollen to about four times its normal size. We then spoke with Dr. Charles Hartford, an extremely dedicated and skillful surgeon, who, as far as we're concerned, saved her life, and now works continuously to make that life worth having saved. The prognosis, again, was not good. She could die at any time—she would remain on the critical list almost to the day that she would leave the hospital. She could die of any number of causes—if she survived the tremendous infection caused by burns, she could die of cardiac arrest on the operating table, or of pneumonia, etc. If she lived, she faced countless, painful surgeries, and the possible loss of limbs. If she lived she certainly would be scarred, possibly horribly scarred. He said that she would have to face surgeries till she was full grown, and would be hospitalized almost constantly for at least two years. He indicated that it would be absolute hell, and it was.

Have you ever visited a burn unit or a Shrine Hospital? If not, then you really don't know what you're arguing against. Can you imagine how parched, how terribly thirsty a person must be after suffering a severe burn? Do you know what it's like to be unable to give your parched child the smallest drink of water for three days because she is bleeding internally from a burn ulcer? Knowing that the child has to have nourishment to live, have you ever force-fed a child whose G.I. tract has stopped functioning and thus has no appetite? Or worse, forced bottle after medicine bottle of vile tasting medicine down her? You have not known true agony until you've seen your child being wheeled out on a surgery cart—and know that you may never see her alive again. I've been there 30 times, and I've waited over a 100 hours for her to return from the operating room. Torture, gentlemen, is watching your child try to walk again and hearing her scream in pain with each step.

To hear her scream for five solid days when she lost chest grafts and lay there with that area raw or to hear her scream in pain every time her dressings were changed. Do you know what it's like to have your child wake in terror and ask if it's time to have her dressings changed—four months after she's released from the hospital? If the same gentlemen who encouraged their workers to write this commission in opposition to the new regulations would also take them and spend a day in a Burn Unit, I doubt that their employees would pick up their pens so fast.

During the time Beth was in the Burn Unit, we began to try to reconstruct what occurred during the ten minutes when she was alone upstairs. Her crib was about 2 feet away from a chest of drawers, on top of which was a dresser scarf and cufflink box. She pulled the dresser scarf toward her to enable her to reach the cufflink box which was on the far end of the dresser. The box was closed at the time. According to my brother Terry, the box contained cufflinks, a few kitchen matches, a couple match books (ironically my brother doesn't smoke, but it was his job to burn the garbage) and two lighters. One of the lighters was very old (my grandfather's) and inoperable. The other was a small souvenir lighter, the size found on keyrings. From this lighter, Beth evidently got enough of a spark to catch the bottom of her gown on fire. Unsolicited statements by Beth shortly after the accident confirmed our suspicions that it was the lighter. Also, she still exhibits a fear reaction toward lighters and, at no time, has she reacted that way toward a match flame.

It is also likely that the lighter merely sparked, since my brother cannot remember filling the lighter with fluid since the previous summer. After ignition, she stood up and the fire spread up the front of the gown first and when my husband reached her, the flames were shooting as high as the top of her head. We estimated that the time lapse between her first scream and my husband's extinguishing the fire as 10–15 seconds. This same estimate was arrived at by a professional testing laboratory where we sent the remainder of the gown and two others for testing. It is frightening to realize that, if we had been in the basement when she screamed, we could never have reached her in time.

It is agonizing for us to realize that, had this gown been flame-retardant, it probably would not have caught fire at all. It is maddening to know that new flammability standards could have been established in 1967, the year she was born, but there wasn't even a meeting held for 18 months. The garment industry has, for the most part, fought any attempt at instituting the new standards. They have insinuated that only children of negligent parents get burned, which is adding insult to injury. I am not a negligent parent; my child was in excellent physical and mental condition prior to March, 1970. My only negligence was in unknowingly putting your product on my child. By the way, gentlemen, would you consider it poetic justice for a child to be consumed by flames if he does happen to be the offspring of negligent parents? Or, if only children of negligent parents get burned, how do you explain away the large percentage of burns suffered by the elderly—or do you consider being burned to death one of the unfortunate side effects of senility?

I fail to understand the logic of limiting the standards to cover garments only through size 6x—are you holding the average six year-old responsible for his decisions? I regret that you do not have the same concern for the lives of our children as the government of England does, as evidenced by their flammability laws of 1964?

I would agree that most consumers today, given the option, would not spend the extra money for flame-retardant nightwear, but only because they have no knowledge, no comprehension, of how fast non-retardant nightwear combusts or of the tremendous pain, expense, and side-effects of a burn injury. Most people, for example, think skin grafts are performed for strictly cosmetic purposes. People cannot comprehend the full ramifications of an automobile accident unless they experience one, but seat belts are required standard equipment. Similiarly, when buying children's nightwear, the consumer should have no choice between flame-retardant and non-retardant garments, for the life of that child has got to be protected.

It is difficult for me to believe that industry is really concerned about the costs that will be incurred by the consumer—I have never noticed any reluctance to raise consumer prices when the innovations was one they favored. I would like to ask just how much extra it does cost to flame-retard a nightgown?

You have seen my child. I am certain that at some point, possibly in adolescence, she will turn to me in sorrow and rage and frustration and say, "Why didn't you let me burn?" Now I turn to you in the same sorrow, rage, and frustration and ask, "How could you let her burn?" As for what you do in the future, I don't know why I care, for the children that these new standards will protect are your children, gentlemen, it's obviously too late for mine.

TRIBUTE TO LUKE QUINN

Mr. MAGNUSON. Mr. President, one day soon we will complete the conquest of cancer. When that day comes there is one man all of us will place at the very top of the honor roll of dedicated citizens responsible for that blessing to mankind: Luke Quinn. Because it was, after all, Luke who combined fierce commitment to the goals of cancer research with a diamond hard knowledge of the ways and byways of Congress. And it was Luke who channeled the enthusiasm and energies of cancer society volunteers to productive legislative efforts. I considered him always a good friend and a vital ally. His loss is already felt very deeply.

Mr. President, Claudia Levy wrote a most fitting obituary which appeared in the Washington Post, March 13. I ask unanimous consent that that obituary be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

LUKE C. QUINN, CANCER FIGHTER, DIES

(By Claudia Levy)

Col. Luke C. Quinn Jr., 64, a lobbyist for the American Cancer Society who played a major, behind-the-scenes role in the passage last year of the Conquest of Cancer bill, died Saturday at the Clinical Center of the National Institutes of Health.

A legislative representative for the society and other public health groups here for 20 years, he died of a cancer that was discovered last summer. The retired Air Force officer put off further treatment until the fall, his assistant said, because Congress was holding hearings on the cancer bill he had fought so hard for.

That bill, signed into law by President Nixon two days before Christmas, authorized a $1.6-billion federal crusade against cancer and gave the President a special responsibility for finding new research and treatment methods against a disease that kills 325,000 Americans a year.

The compromise legislation, Col. Quinn's associates said, was in part a tribute to the lobbyist's skill in encouraging both President Nixon and Sen. Edward Kennedy to join forces. He had also worked hard to marshal the support of citizens and scientists while the legislation was being fought out

"There were so many bills floating around, and unless there was a single person to coordinate, we could have ended up with a mess," said Dr. Solomon Garb, cochairman of the Citizens Committee for the Conquest of Cancer.

The colonel had asked him and others to form the committee in 1969, said Garb, science director for the American Medical Center in Denver, Colo., because he was alarmed at the continuing cutbacks in cancer research funding.

A native of New York City who had studied at Columbia and American universities and the City College of New York, Col. Quinn served during World War II as an intelligence officer in Italy and then was assigned to Capitol Hill as the Air Force liaison officer. In 1952, after he retired from the service, he became a registered lobbyist for a number of professional and scientific groups interested in expanding medical research, including the cancer society.

He lobbied successfully for a $10-million special task force on genetic diseases and was instrumental in the establishment of the National Eye Institute and the Fogarty International Center at the National Institutes of Health.

He also helped create the John E. Fogarty Foundation for research into children's diseases in Providence, R.I., an institute that is named for the late congressman who was among the first to urge Col. Quinn to take on health legislative work.

"Quinn carefully kept his name out of the news for the 20 years he spoke for health interests," his assistant, Noel Noel, said.

"There was an element of martyrdom in what he did (last summer)," Garb said. "I think he probably sacrificed his own chances for survival to insure that a good bill was passed."

"The historic Cancer Act passed last year in Congress will be a permanent memorial to Luke Quinn," Sen. Kennedy said. "Because of his tireless efforts, we enacted the most important milestone so far in our national effort to conquer cancer. The disease claimed his life, but because he lived, millions will be saved."

Col. Quinn, who lived at the Watergate Apartments, is survived by a sister, Dorothy Judge, of Caldwell, N.J.

WAR POWERS ACT

The Senate continued with the consideration of the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

AMENDMENT NO. 1102

Mr. GRAVEL. Mr. President, I call up my amendment No. 1102.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I ask unanimous consent to make a technical modification, in view of the fact that we have already adopted the Javits amendment dealing with that same section.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. GRAVEL. The technical modification is to insert, after the word "through" the following:

The word "Act." on line—

The modification is at the desk.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. JAVITS. May we have the amendment read as modified?

The assistant legislative clerk read as follows:

On page 13, strike out lines 4 through the word "Act." on line 8 and insert in lieu thereof the following:

SEC. 9. A state of war is hereby formally declared to exist between the United States and the Democratic Republic of Vietnam (North Vietnam); and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Democratic Republic of Vietnam (North Vietnam); and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

Mr. GRAVEL. Mr. President, obviously this amendment speaks very eloquently for itself without any words from me. I merely want to add that we have been waging war in Southeast Asia, but for some reason unknown to me we have never bothered to declare war. Yet Senators stand on this floor to insist and appeal that we should do more bombing, and that we should be putting forth a stronger effort to resolve that conflict.

The courts of this land have ruled that a de facto war exists, when they have been faced with the issue, on the simple basis that we, the Congress of the United States, though we have not declared war, have appropriated the money for it, and that means that we want to wage a war. We have had numerous efforts on this floor to try to stop it, to no avail. Perhaps this effort will bring about the candor and the straightforwardness that are needed in this day. If we are going to double, as we have done in the last few days, the number of B–52's with which we have been bombing these poor people, who represent not one iota of threat to our survival, then we at least ought to have the gumption, the honesty, and the straightforwardness to look them in the face and say, "We declare war against you. We know we are killing you now, but at least we will formalize it and declare war."

I do not know what a negative vote on this matter would mean, but I know what my vote will mean. It will mean simply that I do not want any war there. So I am going to vote "No" on this amendment.

I want to make known loud and clear to the Chief Executive of this country, and make known to the American people, that I do not want a war there.

So if Senators will join me in this, I think we may show—if there are sufficient "no" votes—that the Chief Executive has no support for his activities. The American people may interpret a "no" vote to mean that the Senate does not want to continue to wage the war. Then, obviously, the question will occur, "Why do we continue?"

Mr. President, I have nothing more to add to this. If the manager of the bill is willing to yield back his time, I am willing to yield back my time, so that we can vote.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is there any time limitation on this debate?

The PRESIDING OFFICER. There is no time limitation on the debate.

Mr. JAVITS. Mr. President, the Senator from Alaska, as is his right, has offered an amendment of the most portentous character in respect of this matter, going far beyond the amendment which he offered before and upon which we just voted.

The managers of the bill, Senator Spong and I, have consulted about this matter. We felt that we could understand the substantive question raised, that this bill, in the view of the Senator from Alaska, should be made to apply to the Vietnam war, because, by its own terms, it does not apply if there is a declaration of war. "Unless there is a declaration of war," said the previous statement, and the Senate has rejected that, and therefore has voted on a substantive proposition which is directly related to this bill, and on which we did not prevent any substantive vote.

But, Mr. President, this is a declaration of war; and it seems to us that it is so much a matter apart from any consideration which goes to this bill that it really would be most unfair to compel Senators to vote "aye" or "nay" on this proposition in the context of the Senate's consideration of this bill.

I feel that my credentials in respect of opposition to the Vietnam war are certainly adequate. The Senator from Alaska, himself, says that he is going to vote "nay" on his own amendment.

So Senator Spong and I have decided that it will be our duty to move to table this matter. I have not made the motion, and I will not make the motion until Senator Gravel has debated the matter to the full extent that he wishes to, in order to expose to the Senate his reasons for offering the amendment. I simply serve that notice at this time, on behalf of Senator Spong and myself, for the information of the Senate and for the information of the Senator from Alaska, so that Senator Gravel may be guided accordingly.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOLDWATER. I think it is very wise that the managers of this bill have decided to move to table the amendment.

It is typical of the fears I have expressed on the floor during the debate that this approach could constantly bring up more or less frivolous attempts to get things said and get things done that would embarrass the Senate in the doing of them, not to mention the voting on them.

I hope the Senator from New York and the Senator from Virginia will make the motion to lay on the table. I certainly will support them, although they know that I am not in sympathy with their bill.

Mr. JAVITS. Mr. President, may I say in response that I do not believe this amendment is frivolous. On the contrary, it is with the deepest conviction and sincerity on the part of the Senator from Alaska. I would be the first to attest to that. But I do feel that it is imposing a burden upon the Members of the Senate to vote "Aye" or "Nay" upon a matter the implictions of which are not readily perceivable either way and that, therefore, the procedures of the Senate allow us a method by which that decision need not be made substantively, and Senator Spong and I have decided to utilize that method in this case. We all are reluctant to do that, or to vote for it, but we feel that in this particular case there is no other course open to us.

Mr. GRAVEL. Mr. President, I can understand my colleague's desire not to vote on this issue on an up and down basis. However, I cannot think of—and I have searched my mind—a more proper piece of legislation upon which to have this type of amendment. Here is a piece of legislation that talks of the President's war powers. I think we are all prepared to agree privately, if not publicly, that we are at war. So it strikes me as a very logical consequence to offer an amendment to this bill.

Perhaps the Senator from New York could point out a piece of legislation that would be more apt to receive such an amendment. I know of none. It may be the military appropriations bill, but that would govern other facets of it. It would be most difficult to try to carve out the appropriation moneys that go directly to Indochina. In fact, it would be impossible to do it on a line item basis.

I think that when we are talking of declaring war, we are talking of a philosophical, ideological state that the country then develops. What better bill could there be in which to face this issue? And I use the terminology "face this issue."

I am distressed and chagrined that the Senator from Arizona would feel, ever so slightly, that this might be a frivolous amendment. I really cannot understand that from the Senator from Arizona, because it was he who advocated—at least, I read it in the press, and the reporting could have been erroneous—additional bombing in the north.

I think a child can understand that if you get on an airplane and take a bomb and bomb people and kill them, you are at war with them, that a state of war exists. What purpose does it serve us not to recognize this? Is there a game we play in our minds? I do not understand it. If we are doing something and there is a name for what we are doing, and it is waging war, why are we reluctant to make an official determination of that status?

The Senator from New York states that this would be a momentous decision and that it would send signals throughout the country. There is no question that it would send out signals. If we voted not to declare war, it would make our actions in Indochina look somewhat ridiculous to the world. If we voted to declare war, it would also send out a signal to North Vietnam that we stand foursquare behind the activities of the President.

I can only interpret a move not to face the issue straight on as a move to try to fuzz the issue, hoping that it will go away. I can assure my colleagues that it will not go away. I can assure my colleagues that for the remainder of 1972, as we move around the country, we will be faced with this question, "Why didn't you do something? Why didn't you stop the war?" I think we have a very polite and proper and effective way to do it, and that would be not to hamstring the President in any of his policies but just say, "We, the United States, do not want to wage war so, therefore, we will not vote to declare war." A simple no vote, up or down, on the issue, would send out the signals that should be sent out, that this insanity, this sickness which beleaguers us, must stop.

Certainly, South Vietnam, North Vietnam, Cambodia, and Laos do not represent a threat to our security. Certainly, we are sophisticated enough to appreciate that we are not being opposed by a monolithic system of communism.

What sense does it make to have the President of the United States, whom I applaud for his action, going to Peking and sitting down and supping with the Communist Chinese, a nation which by its sheer numbers does conceivably constitute a threat to us, while 600 miles away we kill people because, supposedly, they are Communists?

What sense does it make to have the Secretary of Commerce go to the Soviet Union to negotiate trade agreements, for the State Department to prepare a pamphlet telling our businessmen how to drink vodka so they will not have a hangover the next day and can cut a good Yankee deal?

What sense does it make to anyone to have that kind of relationship with the only nation in the world which can really threaten our safety, and then go to the other side of the world and kill human beings because they are Communists? It makes no sense at all.

I believe it makes no sense at all not to make a straightforward decision with the candor required in this day and age—with the candor demanded by the youth of this country. They do not want to see any more fudging or any more fuzzing. They want to see the issue decided straight out. So many times we in Congress have found ways to circumvent a straightforward decision.

I hope that today will not be one of them.

Mr. President, I have no further comments to make. If my colleagues feel that they must take action on this amendment, I step aside.

Mr. CHILES. Mr. President, I am tempted to vote for the amendment to include the present conflict in Southeast Asia as a part of the war powers bill because it would again allow me to express my disappointment in our continued involvement long after we have realized it was not in our national interest and we should not have engaged our troops and expended the lives of American boys in this remote area of the world.

If Southeast Asia were included in the war powers bill and it passed, Congress would be required to perform the last of its proper constitutional role by expressing itself and sharing with the President the decisions in this war.

However, I realize we have a unique opportunity to pass the war powers bill by excluding the Southeast Asia conflict, and I know the chances are little or none that such a bill could pass which included Southeast Asia, so I shall vote against the amendment.

Mr. JAVITS. Mr. President, I believe that this debate has resolved the respective points of view. I should like to close by saying that if the signal the Senator from Alaska (Mr. GRAVEL) is seeking is that we do not want to declare war, certainly the refusal even to consider this amendment would be an even more decisive signal.

Accordingly, Mr. President, I move to table the amendment of the Senator from Alaska and ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BUCKLEY). The question is on agreeing to the motion of the Senator from New York to table the amendment of the Senator from Alaska (Mr. GRAVEL).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

I further announce that, if present and voting, the Senator from Indiana (Mr. HARTKE) and the Senator from South Dakota (Mr. MCGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is detained on official business.

The result was announced—yeas 78, nays 7, as follows:

[No. 139 Leg.]

YEAS—78

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, Idaho
Magnuson
Mansfield
Mathias
McGee
Miller
Montoya
Moss
Nelson
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—7

Cranston
Gravel
Harris
Hart
Kennedy
Metcalf
Mondale

NOT VOTING—15

Bayh
Fulbright
Hartke
Humphrey
Jackson
Jordan, N.C.
Long
McClellan
McGovern
McIntyre
Mundt
Muskie
Packwood
Pastore
Sparkman

So Mr. JAVITS' motion to lay Mr. GRAVEL's amendment on the table was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BUCKLEY). The Chair, on behalf of the Vice President, and pursuant to Public Law 84–689, appoints the Senator from California (Mr. TUNNEY) to attend the North Atlantic Assembly.

EXTENSION OF TIME FOR FILING REPORT OF SPECIAL COMMITTEE ON AGING

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Idaho (Mr. CHURCH) I ask unanimous consent that the time for filing the report of the Special Committee on Aging "Developments in Age: 1971 and January–March 1972" be extended from April 15 to May 5, 1972. This additional time is needed to consider new developments, including the President's message of March 22, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3054) to amend the Manpower Development and Training Act of 1962.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR POWERS ACT

The Senate continued with the consideration of the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

AMENDMENT NO. 1084

Mr. FULBRIGHT. Mr. President, I call up my amendment No. 1084.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. FULBRIGHT. Mr. President, I send to the desk a substitute for that amendment.

The PRESIDING OFFICER. The clerk will read the amendment as modified.

The legislative clerk read the modified amendment, as follows:

On page 13, line 8, after the word "Act" insert the following:

SEC. 9. The preceding sentence, however, shall not be deemed in any manner to confer upon the President any authority to use the Armed Forces of the United States not otherwise conferred upon the President under the Constitution or other provision of law.

Mr. FULBRIGHT. Mr. President, this amendment to section 9 of the bill is designed to avoid any implications, even by indirection, that the Congress is giving negative or implicit sanction to the continuation of the war in Vietnam.

I realize the necessity of keeping the issue of the Vietnam war separate from the general issue of war powers. Nevertheless, I think it is possible that by stating that nothing in this bill should apply to present hostilities, we are by indirection indicating that the present hostilities are constitutional or endorsed by the Congress.

My amendment has the effect of keeping the controversy about the Vietnam war out of this bill, and yet at the same time avoiding any implication that we approve, or disapprove, of the legal basis upon which that war is being waged.

I realize that it is the intention of the sponsors of the bill, which, I think, has many virtues and many good aspects in it, not to have it apply to the Vietnam war, but I see no reason to leave that in any way subject to doubt.

There are certain aspects of the bill which I shall consider and discuss in connection with my next amendment which might possibly allow some people to reason that there is some application of the bill to the present war in Vietnam.

I, of course, say this not because the present war in Vietnam should be approved in any way; it is for exactly the opposite reason that I offer the amendment. It is a very simple amendment. I hope the sponsors of the bill will accept it, because I do not think it is in any way inconsistent with their purposes, but up to now they have shown no disposition to do so.

I yield the floor.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. I wonder if I might put a question to the distinguished Senator from Arkansas, who is the sponsor of this amendment.

As I understand it, the Senator from Arkansas has now changed his original amendment No. 1084 so that it no longer has the effect of taking out those words which specifically excluded the hostilities in Southeast Asia.

Mr. FULBRIGHT. The Senator is correct; I do not strike the language in the bill on page 13. I simply add what I believe to be a bit more explicit statement that this bill is not to affect in any way the legality of the position of the President or Congress or anyone else with regard to the war in Vietnam, to go a step further, and make it more clear and more explicit that this bill is not designed in any way to endorse or in any other way affect the present war in Vietnam. I believe that was the intention of the sponsors. I think the language I add is simply clearer and more explicit.

Mr. SPONG. So, the amendment as now amended by the Senator from Arkansas would say, first, that the act shall take effect upon the date of enactment, second, that it does not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of the act, which would exclude Southeast Asia, and third, that it is not the intent of the legislation to in any way confer additional powers, under the Constitution or under this bill, on the President of the United States insofar as the use of the Armed Forces is concerned.

Mr. FULBRIGHT. That is correct; in any respect, not only in South Vietnam but in any other respect.

Mr. SPONG. I thank the Senator from Arkansas for his responses.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, it is with some reluctance that I rise to oppose the modified amendment of the Senator from Arkansas. I recognize that, as chairman of the Committee on Foreign Relations, he has been interested in seeing that this legislation went in some direction toward achieving what he seeks with the modified language.

The principal opposition to his amendment, as amended, so far as the Senator from Virginia is concerned, is based upon the fact that it suggests that the bill adds something to the powers of the President. The entire thrust of the opposition arguments has been that not only have we limited the constitutional powers of the President, but also, in effect, that we are amending the Constitution by this bill.

Thus, if we were to adopt the language suggested by the Senator from Arkansas, it certainly would follow that others would want to come along and say that nothing in this bill takes away any constitutional powers from the President. Then, those who feel that the rights and the responsibilities of Congress may in some way be enlarged or diminished might ask for language concerning that.

On that basis, I believe that we should stand where we are. The bill does not confer any additional powers upon the President as Commander in Chief, which is what the Senator from Arkansas is, with his amendment, asking us to spell out, and the bill does not take away any powers from the President as Commander in Chief. Furthermore, the bill neither confers additional powers upon Congress nor limits Congress in any way.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. FULBRIGHT. I submit that it is true that technically a bill such as this cannot constitutionally change the Constitution. I agree with that. But some of us think that in the interpretation of the Constitution in recent years—not, I may say, initially nor primarily by this administration—the executive has developed a rather enlarged view of his powers under the Constitution; and with regard to Vietnam in particular, there is great question as to his constitutional right to pursue this war as he is now pursuing it. It arises from the recent escalation or reescalation of the war.

There is no Gulf of Tonkin resolution; it has been repealed. There is no declaration of war. It is not a question of taking away his constitutional powers. It is taking away or removing any doubt about what they are. There is a great difference of opinion on that. There is a difference of opinion between Attorneys General or former Attorneys General such as Katzenbach and the present Secretary of State, who used to be Attorney General. It is in that area that I think it does not hurt anything to be explicit about it.

Mr. SPONG. I would say to the Senator from Arkansas that I concur that there is at present a vacuum, that the repeal of the Gulf of Tonkin resolution leaves it incumbent upon Congress in some way to express itself regarding Southeast Asia. But I would also say to the Senator from Arkansas that it has been the hope and intent of the principal sponsors of this bill that policy in Vietnam not be considered in connection with this legislation.

That is a very difficult thing to do, because the situation in Southeast Asia has cropped up constantly in the debate on this bill. But, this is a bill on methods, on procedures and not on policy.

It is the judgment of the Senator from Virginia that if we accepted this language, it would be, in effect, opening the bill to other amendments, amendments which we do not think are necessary. So, frankly, I think it is a case of Tweedledum and Tweedledee.

I can only say to the Senator from Arkansas exactly what we have been saying to the Senator from Arizona, the Senator from Colorado, and the Senator from North Carolina who have spoken against the bill, which is that we are not taking away anything from the President that he already has under the Constitution. And, I will also say to the Senator that we are not adding anything. Furthermore I think that in offering the modified amendment, the Senator from Arkansas has moved away from his original purpose with the amendment, which was to substitute this for the exclusion of current hostilities. He has instead brought in an amendment, which I will concede does little to the legislation, but which I fear, will open the door for many other amendments containing reassuring language that we do not believe is necessary.

Mr. FULBRIGHT. I do not say there should be any concern about this bill which is, after all, just a bill, removing any constitutional powers. It obviously is a bill that does not change the Constitution. It takes a constitutional amendment to do that. The bill itself does not obviously give or take away anything. If someone wants to put on a sentence about taking away anything, from the President's powers, I have no objection. He has usurped—he has exercised powers which I do not believe he legitimately has.

I repeat, I do not say this in any partisan manner, because his predecessor originated this course of action—not this President. I think it is partly due to carelessness or at least lack of judgment or lack of foresight on the part of Congress. I am not trying to assess any fault anywhere. I do not know why anyone should be worried about taking away any power when the President is exercising a power which I believe he does not have any constitutional basis to use.

Mr. SPONG. I should like to try to distinguish for the Senator from Arkansas the difference between a Presidential interpretation of the Constitution, which goes back to the Truman administration, or even beyond that, and an objective interpretation of the Constitution, which is based on several factors, including the intent of the framers of the Constitution. The sponsors of the bill did not interpret the Constitution to give the President all the powers all Presidents have claimed. That is what led to this legislation.

I repeat, I must reluctantly oppose the amended amendment of the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I want to read one paragraph from a recent letter from the Director of Research, Hoch Reid, and Joseph H. Crown, the cochairman of the Lawyers Committee on American Policy Towards Vietnam:

> It is shocking—indeed incredible—to learn of Secretary Rogers' "warning" that the War Powers legislation "would violate the Constitution and, far from preventing future military involvement, would increase the likelihood of such involvement". In the face of the Indochina war initiated by President Johnson and now being pursued by President Nixon, and in the face of President Nixon's wanton violation of the Constitution and of the laws of the land in continuing to wage war in Indochina despite the Mansfield Amendment declaring it to be "the policy of the United States" to terminate all military operations in Indochina at the earliest practicable date and despite the repeal of the Tonkin Gulf Resolution which removed from an undeclared war its last vestige of legislative sanction, it is the sheerest effrontery—and an insult to the intelligence of those conversant with the Constitution—to hear such irresponsibile expostulations. Indeed, it is well nigh obscene that a bill to correct presidential violation of the Constitution should be viewed as unconstitutional by a Secretary of State who has never raised his voice against the presidential usurpation of Congress's power to initiate war. Our Committee is confident that you will accord the Secretary of State's remarks the ignominy they deserve.

Mr. President, I do not wish to prolong this discussion. I think we should vote on the matter.

I believe that there is nothing more pressing today than the war in Vietnam. There was a period when the administration had apparently persuaded the American people that the war was disappearing, but the news in the past few days leads us to a very different conclusion. So, it is all the more important that we make it explicit the bill in no way confers or adds to, in any fashion whatever, his authority to continue the war in Vietnam.

Mr. President, I ask for the yeas and nays.

There was not a sufficient second, and the yeas and nays were not ordered.

Mr. STENNIS. Mr. President, I shall be quite brief. I have said many times that my idea was, if we passed anything, it should leave out the war entirely. I am proud that the Senate has voted that way. I understand that the Senator from Arkansas is agreeable to that, too. I appreciate very much the contribution the Senator has made in this field, and on this subject matter as a whole.

However, I am compelled, as the Senator from Virginia has said, reluctantly to conclude that it would be better to leave out this amendment from the bill.

All the way through, we have insisted over and over that we are not conferring anything on the President and that we are not taking anything away from him, that the purpose of the bill is merely to bring the legislative branch of Government back to its activities and responsibilities regarding the warmaking power.

So, with the greatest deference and really regret——

Mr. FULBRIGHT. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I feel that we should oppose the Senator's amendment and hope that he may wish to withdraw it, after he has made his position clear.

Mr. FULBRIGHT. If it is a question of depriving him, and that question is a serious one, I cannot imagine anyone so presumptuous as to think that we could deprive the President of anything under the present circumstances, but I would be willing to say, "to confer upon or to deprive the President of any authority." I am perfectly willing to make it evenhanded, if that would add to it at all; but I wish to make it explicit, that no President in the future can in any fashion claim that this legislation confers or—I am not worried about its depriving him because we cannot make him do that now—but I am worried about his interpretation of the "conferring."

I may be unduly sensitive about this, but having been taken in with the Gulf of Tonkin resolution, having it been sold to me on a basis absolutely contrary to what the real purpose and intent was, I am sensitive to it. That is all. I would be willing to change it if the Senator thinks deprivation is any serious matter. I am perfectly willing to change it, if that is what the Senator wants, and have it changed by a voice vote.

Mr. STENNIS. If I may just finish my thoughts first, and then the Senator can get the floor again, let me say that the whole intent of the act, all the way through, is not an attempt to take away the President's constitutional powers in any way, and not trying to confer anything upon him. So, I think it is best to leave it with that express intent all the way through the bill. It is in the debates and in every other way.

I believe that if this amendment should be adopted, we will have others coming along on the same general course, but for a different purpose, and we had better leave them off.

I thank the Senator. Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I would like to be positive about this matter. I think that the Senator from Arkansas knows that I would yield to no one in the Chamber in my sympathy for what I know is in his mind. So, as the manager of the bill on this side, I wish to state categorically and affirmatively, just so that it is in the RECORD, that this bill does not confer any additional power to the President, that he does not already have under the Constitution.

I have every confidence that the Senator from Virginia, the manager of the bill on the part of the majority, would join me in that flat declaration.

Also, and again on the positive side, I would like to point out to the Senator from Arkansas one thing that has not been stated here at all, and that is the purposes and policies of the act, especially the language found on page 7, lines 10 through 19, which read:

> At the same time, this Act is not intended to encroach upon the recognized powers of the President, as Commander in Chief and Chief Executive, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to repel attackers or forestall the imminent threat of attacks against the Armed Forces of the United States, and, under proper circumstances, to rescue endangered citizens and nationals of the United States located in foreign countries.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, one would say about the Fulbright amendment, "Even though the amendment is from the chairman of the committee who brought about the bill, we do not need it. However, even though it is surplusage, why not put it in?"

Here is the difficulty that has been encountered. And again I repeat that I do not know of anyone in the Chamber who would be more reluctant to make that argument than I.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. The language the Senator read says it is not intended to encroach upon the powers of the President. That is explicit in the bill. Many of us think the powers are already encroached upon by the President. I am saying that it shall not be deemed in any manner to confer upon the President any authority. I think that my amendment does make it evenhanded. It is already explicitly said that it does not intend to encroach upon his power—which would be included in my language. However, I want to make it explicit that we are not giving him some power.

In connection with my next amendment, I will cover that. Some people believe it is intended to specify, as section 3 does, that we are giving him some authority to act which he could assume in an incident similar to Tonkin Gulf. I object to that.

However, I do not want to elaborate on it at the moment. However, there is a probability that a President could act in accordance with what he thinks is certain authority. He could say, "I am authorized to do this." He is under no obligation to prove to the satisfaction of the Congress and the country that his actions were justified by the Constitution. He could cite this particular provision of the bill and say that he was authorized to act. That is an argument which I shall make on my next amendment.

I do not see, if Senators agree, and they do, that it is not intended to take away or to add powers—and it is already stated in here that it is not intended to encroach upon powers—why we cannot provide that it does not confer upon the President any authority.

We are merely trying to educate, as I understand the legislation, the House and the Senate and the people, upon the proper interpretation of the Constitution.

None of us believe that we can change

the Constitution in this manner. I do not believe it, and I do not believe the opponents believe it. This is an exercise that, to a very great extent, by virtue of the law, in my view reestablishes a traditional and sound interpretation on the Constitution.

I think this bill is in the best tradition of a strict constructionist of the Constitution, if I may say so. That is the purpose.

We want to get back to the proper interpretation of the Constitution. And, of course, being Members of the legislature, we particularly want to legislate in the matter so that the problem will be resolved.

We—a number of us are, at least, as shown by the vote—think that the Senate is an important instrument in the Government. We would like to see the Senate assume its role in the Government, especially in view of the tragedy which has already occurred.

We are not changing the Constitution or the President's powers. This is an educational venture. Therefore, the expression that we are not intending to confer any power upon him is just as important as saying that this is not intended to encroach upon his powers.

I think it is a very sensible and reasonable proposition.

Mr. JAVITS. No one is more pleased than I at the conviction with which the Senator from Arkansas has addressed this measure and its fundamental purposes.

We are dealing now with a specific addition to it. The question is whether we should add something which the sponsors of the bill say is so, notwithstanding the fact that it is surplusage, in my judgment.

This is what it gets into. I have just examined the six amendments introduced by the Senator from Colorado. Three of the six purport to do what the Senator from Arkansas is trying to do; to say that the bill does not say what it does not say.

For example, the Senator from Colorado (Mr. DOMINICK) would ask us to say, in amendment No. 1112:

> And nothing in this Act shall be construed as requiring prior statutory authorization for, or as imposing any time limitation on, the deployment of the Armed Forces of the United States by the President in any area of the world as a "show of force" . . .

In amendment No. 1110, the Senator from Colorado says:

> And nothing in this Act shall be construed to limit any authority which the President was authorized to exercise . . . pursuant to the North Atlantic Treaty.

In amendment No. 1113, the Senator from Colorado would provide:

> And nothing in this Act shall be construed to limit the authority of the President to carry out intelligence activities determined by him to be necessary to the interests of the United States.

Mr. President, there could be 20 of these. There could be all kinds of hypothetical situations. Nothing in this submission shall affect or change or confer or deny any power. It is interminable, Mr. President.

The minute we start along that route of trying to be sure that the bill does not say what we say it does not say, we will go on and on and on with these amendments. If we have one, why should we not take 20 of them? Finally, if each of these amendments presents a separate problem, we are opening a door to yet another problem.

They want to be sure, or at least they say they want to be sure, it does not do this, that, or the other, and we have limitless negatives. Simply to now negative every possibility anybody can dream up I think would get us into an interminable position to defeat the purpose we are trying to achieve.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. What would be the Senator's attitude if on page 7, line 10, the language he referred to:

> At the same time, this act is not intended to encroach upon the—

and there add the word "constitutional" powers of the President as Commander in Chief.

Mr. JAVITS. Recognized powers.

Mr. FULBRIGHT. Recognized by whom? I do not like "recognized." The Secretary of State recognizes powers that are utterly inconsistent with the Constitution. I say constitutional powers. Who are they recognized by? The Secretary of State recognized some powers I do not admit, just as Mr. Katzenbach and Dean Acheson did. They assumed unlimited power of the Executive to do as he pleased. I do not recognize it. But "constitutional power" would reach the same point. The Senator says "encroach upon," and I say I do not want to add to it.

Mr. SPONG. This Senator, in his initial remarks, noted that we are not, by this legislation, adding to the "constitutional powers" of the President, but I would be happy to join the Senator from New York in reaffirming that.

Looking down the road, it seems to me the Senator from Arkansas may be working at cross purposes here if he is going to pursue both of his amendments. In his second amendment he seeks to substitute his section 3. I am only giving the Senator the benefit of my interpretation of his amendment, but I think that in his amendment he is giving to the President more power under the Constitution than I believe the President really has. I think he is opening the door for the President to continue almost as he has, by proposing to substitute for the specifics of section 3 of the pending bill a general authority.

I believe—although I do not think the language the Senator has suggested in his amended amendment does any violence to the bill—it could open the door for other amendments. Therefore, I continue to oppose it.

Mr. FULBRIGHT. I will not prolong the debate longer. I understand the addition of the short three or four words have no more appeal to the sponsors than my amendment. I assume that. It would reach the same purpose. I do not want to encroach upon nor do I wish to confer. That is the only purpose, but I do not want to prolong the debate. I thought that possibly might appeal to the sponsors of the bill because I detected a certain reluctance on the part of certain of them to oppose the amendment. If not, I am willing to go ahead with the vote.

I wish to make one further point. It is a peculiar thing what different language means to different people. That is the name of the game. We are supposed to be experts in the interpretation of words in this bill, but it is a strange thing that the Senator from Virginia thinks I am broadening it. I definitely think my next amendment removes the probability of a President using the specified language to justify actions which he would find it more difficult to do without specific authority. I want to take that up in the next amendment.

Mr. SPONG. I know the views of the Senator from Arkansas well enough to concede he does not think he is broadening the President's authority in the next amendment.

Mr. FULBRIGHT. That is right.

Mr. SPONG. I am simply trying to give him my interpretation of his next amendment, and I believe that, inadvertently, he would be broadening the President's prerogatives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG), is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), and the Senator from South Dakota (Mr. MCGOVERN), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from Alaska (Mr. STEVENS), are detained on official business.

The Senator from South Carolina (Mr.

THURMOND) is necessarily absent, if present and voting, the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND), would each vote "nay."

The result was announced—yeas 28, nays 56, as follows:

[No. 140 Leg.]

YEAS—28

Aiken
Brooke
Burdick
Byrd, Robert C.
Case
Church
Cooper
Cranston
Ervin
Fulbright
Gravel
Harris
Hart
Hughes
Kennedy
Mansfield
Mathias
Metcalf
Mondale
Montoya
Moss
Nelson
Pell
Proxmire
Ribicoff
Stevenson
Symington
Williams

NAYS—56

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Inouye
Javits
Jordan, Idaho
Magnuson
McGee
Miller
Packwood
Pearson
Percy
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Taft
Talmadge
Tower
Tunney
Weicker
Young

NOT VOTING—16

Bayh
Goldwater
Hartke
Humphrey
Jackson
Jordan, N.C.
Long
McClellan
McGovern
McIntyre
Mundt
Muskie
Pastore
Sparkman
Stevens
Thurmond

So Mr. FULBRIGHT's amendment (No. 1084), as modified, was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more votes tonight. It is my understanding that the distinguished Senator from Maryland (Mr. BEALL) is prepared to call up his amendment, make his opening remarks thereon, and leave the vote until tomorrow. So, if the able Senator will now obtain recognition, I would like him to yield to me.

AMENDMENT NO. 1099

Mr. BEALL. Mr. President, I call up my amendment No. 1099.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established a commission to be known as the Commission on the Proper Roles of the Congress and the President in the Use of the Armed Forces Abroad and in Undeclared Wars (hereafter referred to in this Act as the "Commission").

MEMBERSHIP OF THE COMMISSION

SEC. 2. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of twenty-four members as follows:

(1) twelve appointed by the President, of which no more than four may come from the executive branch of the Government;

(2) six appointed by the President of the Senate, four from the Senate, and two from private life; and

(3) six appointed by the Speaker of the House of Representatives, four from the House and two from private life.

(b) POLITICAL AFFILIATION.—Of each class of members appointed under subsection (a), not more than one-half shall be from the same major political party.

(c) VACANCIES.—Any vacancies in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointments were made.

(d) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall elect a Chairman and a Vice Chairman from among its members.

(e) QUORUM.—Twelve members of the Commission constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received from their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received from their service in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall be compensated in accordance with section 3109 of title 5, United States Code, when engaged in the actual performance of duties vested in the Commission (including traveltime), plus reimbursement for actual travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 4. (a) STAFF.—The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, but at rates not to exceed the maximum daily rates prescribed for GS-15 under section 5332 of that title, except as may be authorized in accordance with section 5108 of that title.

(b) EXPERTS AND CONSULTANTS.—The Commission may employ experts and consultants in accordance with section 3109 of title 5, United States Code.

DUTIES OF THE COMMISSION

SEC. 5. (a) SCOPE OF STUDY.—The Commission shall make a thorough study of the authority of the Congress and the President in the use of the Armed Forces abroad, including authority to pledge United States military assistance, authority to deploy the Armed Forces abroad, authority to commit the Armed Forces to combat abroad, authority to conduct hostilities, and authority to terminate hostilities. The Commission shall in making its study examine the constitutional structure and intent of the framers, constitutional history and practice, relevant judicial precedents, and relevant functional strengths of the President and Congress under present international conditions. The Commission shall undertake its study with a view to determining the proper role and relationship of the President and Congress in the modern world and shall recommend such measures in its judgment as are useful for strengthening the present structure.

(b) REPORTS.—The Commission shall submit its final report and recommendations to the President and Congress no later than one year after the date of enactment of this Act. The Commission shall cease to exist thirty days after submission of its final report. The final report of the Commission shall include, but not be limited to, such legislative proposals as in the judgment of the Commission are necessary to carry out its recommendations.

HEARINGS AND SESSIONS

SEC. 6. The Commission or, on the authorization of the Commission, any subcommittee thereof may, for the purpose of carrying out the provisions of this Act, hold such public hearings at such times and places as the Commission may deem advisable.

COOPERATION BY EXECUTIVE DEPARTMENTS AND AGENCIES

SEC. 7. The Commission is authorized to request, at the direction of the Chairman, from any executive department or agency any information and assistance deemed necessary to carry out its functions under this order. Each department or agency is requested, to the maximum extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

AUTHORIZATION

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Amend the title so as to read: "A bill to establish a Commission on the Proper Roles of the Congress and the President in the Use of the Armed Forces Abroad and in Undeclared Wars."

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield briefly to me?

Mr. BEALL. I yield.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS BEALL AND SPONG TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that following the recognition of the two leaders tomorrow under the standing order, the distinguished Senator from Maryland (Mr. BEALL) be recognized for not to exceed 15 minutes, and that he be followed by the able Senator from Virginia (Mr. SPONG) for not to exceed 15 minutes. These speeches, of course, will precede the two unanimous-consent orders for 15-minute speeches that have heretofore been entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR POWERS ACT

The Senate continued with the consideration of the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

Mr. BEALL. Mr. President, the Senate finds itself in the midst of a long and spirited debate on the merits of the pending war powers bill, but I would point out that this is not a new debate in our Nation's history. It confronts the second session of the 92d Congress because the framers of the Constitution and subsequent generations have been unable to adequately clarify and codify the proper allocation of war-making powers. Clearly our Founding Fathers sought to avoid vesting in one man power comparable to that held by the British monarchs, from whom we had just obtained our independence. On the other hand, the framers of the Constitution were aware of the shortcomings of congressional government. During the Revolutionary War, the "central government" of the United Colonies or United States consisted of the Continental Congress. There was for all intents and purposes no national Executive and I think it could be said that there was very little "National Government." General Washington received his commission from the Continental Congress and he displayed a consistently high level or respect for an obedience to that body. I am inclined to believe that this is primarily because of his sense of duty and profound respect for representative government rather than a true recognition of either their prestige, their power, or their status in the eyes of the American people. Lesser men might well have "won the war" and then accepted the offer to establish a monarchy but we are fortunate that General Washington chose not to do so.

The Articles of Confederation, which succeeded the Revolutionary War form of government again provided our Nation with a weak national government primarily consisting of a Congress that elected a presiding officer who served a 1-year term as "President of the United States in Congress Assembled." In spite of the progress our Nation made in the period from 1781 to 1789, it is generally conceded that the Articles of Confederation failed to provide the Republic with the type of national leadership needed to insure its survival. Thus, the Constitution of 1789 was drafted and the framers of this document devoted considerable time and effort to the issue of who would be responsible for committing our Nation to war. The Constitutional Convention divided into two basic groups on this issue; one advocating that the primary responsibility for war-making powers should be vested in the executive branch of our Government while the others wished to make the legislative branch primarily responsible for this awesome responsibility. The compromise occurred on August 17, 1787 when the draft of the Constitution was changed so that Congress would have the power to "declare war" instead of the broader power to "make war" which had been incorporated into earlier drafts. Thus, the executive branch was given the power to defend our national interests whenever they were subjected to "sudden attacks." The Congress on the other hand was given the responsibility for declaring war, although the "conduct of the war" would be left in the hands of the executive branch. The Constitution went on to grant the Congress the power to "raise and support armies," "provide and maintain a navy," "to make rules for the government and the regulation of the land and naval forces," and to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers." The Constitution determined that the executive power shall be invested in a President of the United States who "shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States, when called into the actual service of the United States." In addition, "he shall have power, by-and-with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by-and-with the advice and consent of the Senate, shall appoint Ambassadors and other public ministers and consuls." The President serves as the Chief of State and thus he is the embodiment of our Nation's sovereignty in our dealings with the outside world.

As we all know, the Constitution serves primarily as an outline for the powers, responsibilities, and structure of our Nation's Government. It makes general grants of authority but it also allows sufficient latitude so that our structure of government could accommodate the changes that have taken place since the founding of this Republic. In many areas, the Constitution is clearly neither black nor white and I think it is safe to say that we have been seeking for 183 years to understand and delineate the powers and responsibilities that our forefathers vested in the three branches of our Government. The distinguished Members of the Senate, who has worked long and hard drafting S. 2956 are sincere and able men who are clearly seeking to define, in law, the proper balance that should exist between the White House and Capitol Hill. I personally commend them for their efforts in this regard, but I am not at all certain that the legislation that is pending before us will, if enacted, achieve the objective of its sponsors.

As the situation stands today, no one questions the right of Congress to "declare war." Likewise, I have not heard a single Senator advocate any course of action that would deny the President the right to retain unrestricted and exclusive authority to repel a "sudden attack." The problem develops when we seek to outline in advance what the best course of action would be while dealing with a situation that falls between the two ends of this spectrum.

The framers of the Constitution, in effect, deliberately failed to draw the line between the authority of Congress and the authority of the Presidency. Even after almost two centuries of practical application, I think it is safe to say that this line of demarcation remains unclear. Mr. Justice Felix Frankfurter declared in his concurring opinion in the case of *Youngstown Sheet and Tube Company* v. *Sawyer*, 343 U.S. 579, 610 that "The Constitution is a framework for government. Therefore the way that the framework is consistently operated thoroughly establishes that it has operated according to its true nature. Deeply imbedded traditional ways of conducting government cannot supplant the Constitution or legislation, but they give meaning to the words of the text . . ."

In the very early days of this Republic, we began to get recognition by both Congress and the Supreme Court that the United States may legally become engaged in undeclared armed hostilities with foreign powers. Between 1798 and 1800, the United States became involved in "an undeclared naval conflict" with France which constituted a limited commitment on the part of the United States for limited objectives, and thus a full congressional declaration of war was considered unnecessary, inappropriate, and undesirable. The fifth Congress did, however, authorize President John Adams to "instruct the commanders of the public armed vessels which are, or which shall be employed in the service of the United States to subdue, seize and take any armed French vessel, which shall be found within the jurisdiction limits of the United States, or elsewhere on the high seas. . . ."

Thus, Congress was authorizing and sanctioning a middle latitude conflict which was limited in both its objectives and its nature. The Supreme Court further affirmed the existence of undeclared wars when it stated:

> If it be declared in form it is called solemn, and is of the perfect kind, because one whole nation is at war with another whole nation; and all the members of the nation declaring war are authorized to commit hostilities against all the members of the other, in every place and under every circumstance. In such a war, all the members act under every circumstance. In such a war, all the members act under a general authority, and all the rights and consequences of war attach to their condition.
>
> But hostilities may subsist between two nations, more confined in its nature and extent; being limited as to places, persons and things; and this is more properly termed imperfect war; because not solemn, and because those who are authorized to commit hostilities act under special authority and can go no further than to the extent of their commission. *The Eliza* 4 Dall. 37, 4041. (Date 1800.)

In countless incidents throughout the 19th century we see examples of presidential action sometimes subsequently ratified by Congress and sometimes not, being upheld by our Nation's judiciary.

President Jefferson committed us to war against the Barbary pirates, while President Polk ordered our military forces into action against the Republic of Mexico, thus triggering the Mexican War of 1845. It is interesting to note that President Polk ultimately received a declaration of war from the Congress and an ex post facto rebuff from the House of Representatives as a result of the boldness of his initiative. In 1854, President Pierce ordered a naval bombardment of Greytown, Nicaragua, as an act of retaliation against the revolutionary government of Nicaragua for refusing to protect American citizens from acts of violence and to make reparations for damages done to American property. In the case of *Durand* v. *Hollis*, 4 Blatch, 451 (1860), Judge Nelson—later a Justice of the U.S. Supreme Court—ruled:

> As the Executive head of the Nation, the President is made the only legitimate organ of the general government, to open and carry on correspondence or negotiations with foreign nations, in matters concerning the interests of the country or of its citizens.
>
> It is to him also, the citizens abroad must look for protection of person and of property, and for the faithful execution of the laws existing and intended for their protection. For this purpose, the whole executive power of the country is placed in his hands, under the Constitution, and the laws passed in pursuance thereof . . .
>
> Acts of lawless violence, or of threatened violence to the citizen or his property, cannot be anticipated and provided for; and for the protection, to be effectual or of any avail, may, not unfrequently, require the most prompt and decided action . . .
>
> The question whether it was the duty of the President to interpose for the protection of the citizens at Greytown against an irresponsible and marauding community that had established itself there, was a public political question, in which the government, as well as the citizens whose interests were involved, was concerned, and which belonged to the executive to determine; and his decision is final and conclusive, and justified the defendant in the execution of his orders given through the secretary of the Navy. 4 Blatch. 454–455.

In 1861, President Lincoln's military moves against the Confederacy were based solely upon his authority as Commander in Chief. In a Supreme Court decision by Justice Grier, the High Court ruled that the President's constitutional designation as Commander in Chief serves as a substantive source of authority:

> Whether the President in fulfilling his duties, as commander-in-chief, in suppressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided by him, and this court must be governed by the decisions and acts of the political department of the Government to which this power was entrusted. "He must determine what degree of force the crisis demands." The proclamation of blockade is itself official and conclusive evidence to the court that a state of war existed which demanded and authorized a recourse to such a measure, under the circumstances peculiar to the case. 2 Black, 635, 670, (1863).

In a more recent ruling, Mr. Justice Jackson, in a concurring opinion in the Youngstown Sheet & Tube Co. against Sawyer case, clearly stated that the President gained very broad and sweeping powers from his position as Commander in Chief of our armed services:

> We should not use this occasion to circumscribe, much less to contract, the lawful role of the President as commander in chief. I should indulge the widest latitude of interpretation to sustain his exclusive function to command the instruments of national force, at least when turned against the outside world for the security of our society. 343, U.S. 579, at 645 (1952).

In the 20th century, President McKinley sent 5,000 American troops to serve as part of an international force designed to suppress the Boxer Rebellion in China. His successor, President Roosevelt used American force to secure the independence of Panama from Colombia and boasted that he "took the Panama Canal while Congress debated."

President Wilson on several occasions committed American Armed Forces to suppressing revolutionary and bandit activity in Mexico as well as authorizing the arming of American merchant ships in clear defiance of the will of Congress. These actions were taken by President Wilson in accordance with his concept of his powers as the Commander in Chief of the armed services.

President Truman committed large-scale U.S. forces to the defense of South Korea without ever asking for congressional approval. In addition, the President made his initial moves prior to U.N. Security Council action which was later used as an additional basis to justify the President's military moves.

Perhaps the significance of the Korean conflict was the extent to which the President used his authority as Commander in Chief as well as his reliance upon the United Nations Charter as a basis for his actions. It is important to note that the U.N. Charter, while it was ratified by the Senate, does not override or supersede the constitutional processes of our Government. Thus, President Truman's actions serve as the "highwater mark" of presidential assertion of power under the provision of the Constitution designating him Commander in Chief.

In addition to these presidential commitments to armed hostilities, there have been many occasions when the President of the United States has deployed American forces in such a way as to run the risk of provoking armed conflict. Certainly President Wilson's decision to arm American merchant vessels before the U.S. entry in World War I was clearly an act hostile to the central powers. Likewise, President Wilson's occupation of sections of Siberia and North Central Russia at the conclusion of the First World War constituted the deployments of troops without a basis in congressional action. Prior to World War II, President Roosevelt ordered American troops to occupy numerous colonial possessions of European nations that had been overrun by Nazi expansionism as well as ordering American naval forces to "sink on sight" foreign submarines and war vessels that were found to be in the "defensive waters" of the United States. In addition, the famous lend-lease agreements with Great Britain were clearly an act designed to benefit that island nation's effort to resist Hitler's onslaught.

Following World War II, President Truman committed four U.S. divisions to the defense of Europe within the framework of NATO. Congress finally acquiesced to the President's actions and American forces have remained in Europe for over 20 years.

I assume that all of us believe that there are many circumstances that make a declaration of war undesirable because it gives the executive branch a completely blank check to conduct military operations against a foreign power that are designed ultimately to bring about the total subjugation of that nation. The more modern concept of limited war and limited objectives makes a middle latitude state of hostilities not only necessary but desirable and I am in full agreement with Yale University law professor, Alexander M. Bickel's contention that Congress has the authority under the Constitution to authorize conditions of hostilities short of a full declaration of war.

This, in effect, brings us to our consideration today of the pending legislation, and I must add, Mr. President, that the longer I have studied this bill the more inclined I am to believe that it is wrought with dangers that may well exceed the ability of its authors to correct. I have attempted, during my consideration of this bill, to determine whether or not Congress in 1972 can adequately outline all of the contingencies that might confront our Nation in the years to come. Some of the questions that have caused me the greatest concern, Mr. President, include the following:

First, the sponsors of this bill, during the recent debate on the perfecting or technical amendments which were approved by this body last week, provided that American forces that were in the process of being disengaged could continue to defend themselves after midnight on the 30th day if they were "fighting their way" out of a possible entrapment, and so forth. I am somewhat uncertain as to whether or not the President would be allowed to continue to conduct military activities if the personnel so entrapped were not military personnel but were instead civilians. American businessmen, or missionaries, or passengers on board a hijacked plane, and so forth might remain in the hands of a potentially hostile force. Also there is the distinct possibility that a spreading conflict might involve Americans in neighboring areas during the latter days of the 30-day presidential commitment, thus leaving the President with little opportunity to provide for their safety.

Second, I am wondering how free the President would be to protect these entrapped American military personnel in the process of being disengaged. Would he have the latitude to order retaliatory attacks or to undertake any type of offensive activity to protect these personnel?

Third, during the discussion of the amendment regarding American vessels on the high seas, I was wondering what would happen if an American ship were seized but no American personnel were endangered. This could come in the unlikely event that the crew was totally made up of non-American Nationals or one might also envision a circumstance where a ship could be seized and the Americans could immediately be released unharmed leaving the vessel in hostile hands and the President with unclear authority to take appropriate actions.

Fourth, another interesting potential situation that developed recently was when a Cuban gunboat seized a foreign flag vessel in the territorial waters of the Bahamas. On board this vessel was an American National who, I believe, is still being held by the Cuban authorities. I was wondering whether or not the provisions in S. 2956, even as amended, would provide for the protection of American citizens under such circumstances.

Fifth, in another area, the bill seeks to define when Americans may participate in integrated commands and I am afraid that two problems seem to be developing—one would be the simple defining of what is a "high level" military command and the other would be to determine at which point in a top-to-bottom integrated military command you would draw the horizontal line of demarcation below which American personnel could not participate in military activities. If the Americans had been deeply involved in planning and logistics, and so forth, prior to the outbreak of hostilities, this might prove to be extraordinarily disruptive to the unified military command. A third point along the same lines will be the inability of American personnel to participate in long-range planning when either they were not authorized to engage in hostilities or when their engagement was possibly of only a 30-day duration.

Sixth, on a wider scope involving hypothetical, although possible, circumstances that could develop in today's world, excluding for the time being attempts to make long-range predictions as to what our national security needs will be like in the coming decades, let us look at several of the trouble spots that have flared since 1960 or which could become troublesome in the coming months or years; the 81st Congress enacted Public Law 81–329 which permitted the United States to furnish military assistance to certain other nations. In accordance with this public law, President Truman negotiated an executive agreement providing for mutual defense assistance to Indochina. This agreement, known as the pentalateral agreement, which was signed in Saigon on December 23, 1950, established a framework for U.S. assistance to flow to the four Indochina states. Under the provisions of this law and this executive agreement, American military advisers in South Vietnam numbered 680 at the end of 1960. President Eisenhower, as expressed in his book "Mandate for Change" stated his desire to see America's commitment to Indochina limited primarily to low level military and economic aid plus the training of some military personnel in the United States. During the first year President Kennedy held office, he increased our military assistance advisory group to 3,200 military men, an increase of approximately fivefold. In light of the existence of Public Law 81–329 and the executive agreement negotiated in accordance with it, I question whether legislation such as S. 2956, had it been in effect in the early 1960's when we deepened our involvement to the defense of South Vietnam, would have or could have prevented such an increase in advisory personnel. Prior to 1961 our presence was clearly in accord with the Geneva agreement and even had the approval of the international control commission. 1961 was also a significant year in that at that point American helicopter and air support was provided in South Vietnam as well as the assignment of U.S. advisers down to the battalion level.

Can we assume that legislation such as this war powers bill would have prevented the gradual, almost inpreceptible change in our commitment which occurred in the period of 1961–62?

If this is the case, how would such a restriction affect our commitments pursuant to the pentalateral agreement—based on Public Law 81–329—and the SEATO treaty?

Seventh, if you assume that the basic premises which I have outlined in my immediately preceding remarks are correct, then one must assume that sufficient American air, naval and ground personnel were in combat areas so as to make an incident such as the shelling of the barracks at Pleiku or the Gulf of Tonkin occurrence almost unavoidable, such an incident obviously invokes the President's right to repel a sudden attack and it also gives him the perfect political moment to come to the Congress and receive congressional approval and support for the "determination of the President as Commander in Chief, to take all necessary measures to repel any armed attack against the United States and to prevent further aggression." The point I am making, Mr. President, is that the events which took place in Indo-China during the early 1960's, leading to our long and costly involvement could well have happened even if legislation such as S. 2956 was the law of the land over a decade ago.

Eighth, as we all know, war broke out in the Middle East in June of 1967. The United States has no formal treaty agreements with any of the nations in that area and there were relatively few American nationals or military personnel in this region that would clearly warrant large scale U.S. intervention under the provisions of this legislation. Yet the President of the United States moved the American fleet and other forces into position to exert an influence on the participants in this conflict, which has become known as the Six-Day War, and the U.S. Soviet hot line was employed to advise the Soviets that we did not want to become involved in this conflict but would do so if they intervened. As we all know, this war did not last very long and the Soviet Union stood aside while the Arab states took a very severe beating at the hands of Israel. While one might argue that the Soviets did not have the wherewithal in the immediate vicinity to effect the outcome of such a short conflict, I am inclined to think that they might have tried harder to do so if the United States had shown less firmness and determination at the outbreak of the crisis. I am wondering whether the existence of legislation, such as S. 2956, would have impaired the President's ability to move decisively at this critical moment in the history of the Middle East.

Ninth, since 1967, the Middle East has remained a very tense and potentially explosive area but we now find that the Soviet Union has established a very considerable and credible military force in the eastern Mediterranean. Soviet military personnel in Egypt alone number between 15,000 to 20,000 and they are serving not only as advisers but as active military participants in a number of ways. I have been advised that they man missile defenses—although the missile batteries along the Suez Canal appear to be manned primarily by Egyptians—they pilot at least some of the aircraft in the Egyptian Air Force, and they have considerable personnel in command positions in the Egyptian air defense system. If the cease-fire were to break down in the Middle East, we would find the Egyptians resuming the war of attrition along the Suez Canal. The Israelis could be expected to pursue such hostilities with their usual vigor and it is conceivable that the Egyptian position might well deteriorate before the onslaught of the Israeli counterthrusts. If this course of events develops, the Soviets might be placed in a position of assuming an active role in shoring up the position of their Egyptian allies. If this happened, would the President of the United States have the flexibility to respond to such developments in a credible and decisive way, thus containing a very dangerous situation?

Tenth, in September of 1970 King Hussein of Jordan sought to suppress the Palestinian guerrillas that were a threat to his government as well as to the State of Israel. During this internal conflict, forces of neighboring Syria crossed the Jordanian border and threatened the continued existence of the Hashemite kingdom. President Nixon moved the American fleet into the Eastern Mediterranean and clearly established in Damascus—and in Moscow—our determination to prevent such outside intervention in a purely Jordanian internal affair. The Israeli Government also mobilized forces to take action if the situation deteriorated further, and because of a combination of factors—not the least of which was vigorous Jordanian resistance—the Syrians withdrew and the crisis subsided. I for one would hate to see the President's freedom of action in such a crisis limited as it might well be by the passage of this legislation.

Mr. President, the Jordanian crisis was explained in detail by Benjamin Welles in an article in the New York Times of October 8, 1970, and I ask unanimous consent that the text of this article be printed in the CONGRESSIONAL RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES-ISRAELI MILITARY ACTION ON JORDAN WAS ENVISIONED

STEP-BY-STEP RECONSTRUCTION SHOWS HOW PLAN WOULD HAVE BEEN USED IF TANKS FROM SYRIA HAD NOT BEEN HALTED

(By Benjamin Welles)

WASHINGTON, Oct. 7.—The United States and Israel were preparing to take coordinated military action in the recent Jordanian crisis, according to American and Israeli sources.

This plan envisioned an Israeli attack on the Syrian tank forces that had entered Jordan if it appeared that King Hussein's army was incapable of stopping them. In this event, the United States would have used Sixth Fleet and other units to safeguard Israel's rear and flanks from Egyptian or Soviet attacks from the Suez Canal area.

The plan was not put into effect because the Syrian tanks, harassed by King Hussein's jets and armor, began retreating into Syria. Informed sources here believe that it was the combination of Israel's troop build-up plus American military alerts—both well publicized—that sobered the Syrians and the Soviet Union.

President Nixon assumed personal direction of the intense diplomatic and military activity as the crisis approached its climax. As the United States-Israeli agreement was being negotiated here it was transmitted, step by step to the unified military commands overseas and major striking forces—notably the Sixth Fleet—thus committing American power to a contingency plan whose outcome was obscure.

The bond between the United States and Israel in this crisis was their joint determination that King Hussein must not be overthrown by outside intervention in Jordan because they assumed he would be replaced by a regime closely linked to Moscow.

In fact, an urgent message from King Hussein asking the United States and Britain to consider what military support they could provide him gave impetus to the American planning. But perhaps an equally strong force for quick action was the feeling in Washington that Israel would consider herself compelled to strike the Syrian forces if they continued to penetrate into Jordan in support of the guerrillas who were challenging King Hussein's authority.

Another, more publicized, factor was concern over some 400 United States citizens and 54 hostages, including 38 Americans, in the hands of Palestinian guerrillas in Jordan at the time.

The following reconstruction of the situation leading to the American-Israeli contingency agreement emerged from interviews with officials of the State and Defense Departments, members of the domestic and foreign intelligence communities here, from Arab and Israeli diplomats and from reports of correspondents of The New York Times with the Sixth Fleet, at the United Nations and in Beirut, Cairo, Jerusalem and Moscow.

The plan was worked out Monday, Sept. 21, in nonstop American-Israeli consultations at the White House. Many draft agreements passed back and forth as well as cablegrams to and from Israel. But events outraced the paperwork so, essentially, each government relied on the other's oral pledges for coordinated military action—in the event either had to use force. There was no signed agreement.

Both sides recognized that the following contingencies might prompt an Israeli military strike:

If Syria sent more of the 700 tanks she had in reserve to join the original 250 tanks that entered northern Jordan during the night of Sept. 19–20, and if they began driving south toward Amman.

If Syria sent units of her 195-MIG air force into action against Jordan's armed forces, thus dispelling any illusion that only "Palestinian fedayeen" were using Syrian equipment against King Hussein.

If the Iraqi force of perhaps 18,000 men with 200 Soviet-supplied tanks, based at Mafraq, in northern Jordan since the 1967 war, joined in the fighting.

The plan was defensive, it is stressed. At no time, sources here insist, did Israel contemplate attacking any targets except the two Syrian tank brigades that had crossed the Jordanian border and had occupied the Ramtha-Irbid-Jarash triangle. Israel would have attacked first by air, had this failed she would have used ground forces.

None of the sources suggested that Israel's action would have been other than defensive—aimed, that is, at preventing the overthrow of King Hussein and his replacement by a militant government backed by Moscow. There have been no suggestions that the Israeli action would have led to the acquisition of additional Jordanian territory by Israel.

At no time, it is said, did the United States contemplate attacks on Arabs—let alone Russians—except to protect Israel.

President Nixon assumed direction of the diplomatic activity on Monday morning, Sept. 21, and that day he and his advisers agreed that the United States might have to intervene militarily to safeguard King Hussein's Government and rescue the hostages.

A HOLDING OPERATION

Had a decision to actually intervene been reached, one of the two airborne battalions of the United States Eighth Infantry Division on alert at Mainz, West Germany, would have parachuted into the Amman airport to establish perimeter defenses. The other would have landed soon after in transport planes, guarded by Sixth Fleet fighters, with vehicles, weapons and materiel. This would have been primarily a holding operation until reinforcements from the Sixth Fleet, from West Germany or from the United States could arrive.

The principals in the drama were the President, Secretary of State William P. Rogers, Joseph J. Sisco, Assistant Secretary of State for Near Eastern and South Asian affairs, and Henry A. Kissinger, the President's adviser on national security.

Others involved included U. Alexis Johnson, Under Secretary for Political Affairs; Richard Helms, Director of Central Intelligence and Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff.

Of the non-Americans those most closely involved were Yuli M. Vorontsov, Soviet charge d'affaires in the absence of Ambassador Anatoly F. Dobrynin, who was on leave and has since returned; the Israeli Ambassador, Itzhak Rabin, and his deputy, Shlomo Argov and the Jordanian Ambassador, Abdul Hamid Sharaf.

The center of the United States activity was the "Situation Room" in the basement of the White House, one of a complex of specially-fitted rooms created for President Kennedy during the Cuban missile crisis in 1962 by McGeorge Bundy, his adviser on national security. The complex is manned around the clock by officials of the Central Intelligence Agency.

"SECURITY COUNCIL" MEETING

When President Nixon attended the sessions—and he constantly came and went—they became a "National Security Council" meeting. When Mr. Kissinger presided they dropped slightly in the terminological hierarchy to a "Wasag" meeting—an acronym for the Washington Special Action Group set up, just under the presidential level, for crisis management.

The Sit Room, as it is known has a rectangular table for about 14, sound-absorbing carpets, paneling and wall maps, indirect lights and—most important of all—it is tied electronically to the C.I.A. to the Pentagon's National Military Command Center, which tracks troop movements around the world and to its National Security Agency.

Here, in the soundproofed basement of his residence, the President and his senior aides followed the crisis via reports flowing in constantly from the State Department, the Pentagon, the C.I.A. and Israeli intelligence sources as well as from United States Embassies in Amman, Moscow, Tel Aviv, London, Bonn, Paris and elsewhere.

Here, and in his upstairs offices, President Nixon decided the balance of public and private diplomacy—public rumors about Sixth Fleet reinforcements balanced by private warnings to Moscow to "lean on" the Syrians; publicized alerts of the 82d Airborne Division and private intimations to King Hussein that he had nothing to fear from Israel on his flank.

During the crisis the 58 units of the Soviet Fifth Naval Squadron in the Mediterranean kept close to the United States Sixth Fleet, whose three aircraft carriers and 250 planes had started to concentrate between Crete and the Israeli coast from the start of the crisis in mid-September, Soviet warships intermingled with the United States warships, while United States helicopters for their part hovered over the Soviet vessels photographing them.

Moscow's degree of responsibility for Syria's initial tank incursion into Jordan and for her pullout 48 hours later remains unclear, although intelligence reports ranged between attributing to the Soviet Union total responsibility down to "marginal" responsibility.

The crisis began developing on Thursday, Sept. 17. On that day King Hussein's newly formed military Government struck against the armed fedayeen, the Palestinian extremists, in a bid to clear them out of Amman and the northern cities and to reassert the royal authority. The King was hoping to complete the operation within 48 hours.

On that same day President Nixon, talking to newspaper editors in Chicago, said that the United States might intervene if Syria or Iraq threatened King Hussein's Government. While the President's words were supposedly off the record. The Chicago Sun-Times printed his warning, and later Mr. Nixon was said to have praised the paper for giving his warning world attention.

TANK CROSSINGS REPORTED

On Friday, Sept. 18 the United States received from Jordanian and Israeli sources the first clear reports that some Syrian tanks had crossed into Jordan.

On Saturday both Ambassador Sharaf and Ambassador Rabin reported that a Syrian tank "brigade" of at least 100 tanks had crossed the border during the night.

By Sunday morning, Israel was reporting that Syrian armor and infantry forces were "pouring" into Jordan and the Amman radio said that a Syrian "division" had invaded Jordanian territory. This prompted Secretary Rogers to issue a statement denouncing the Syrian "invasion" as an "irresponsible and imprudent" act likely to widen the war. He called on Syria to withdraw.

On Sunday alarming reports continued to arrive from Jordan and Israel and Mr. Sisco called in Mr. Vorontsov, to warn him of the danger of Syria's action. Mr. Sisco is said to have implied that if the Syrians continued their invasion Israel would probably attack. The United States was calling on the Soviet Union to use its influence to persuade Syria to pull out.

A message from King Hussein that day asked the United States and Britain to consider what quick military support they could send him. His appeal, which some officials here termed "panicky," was made over an open, nonconfidential telephone line from the palace to the United States chancery in Amman, then ringed by armed Palestinian guerrillas. For security reasons this—and subsequent—royal messages to the United States had to be conducted in a sort of the English double-talk: "I'm O.K. up above but in bad trouble down below"—meaning his air force was intact but his armored forces were badly battered.

FREEMAN CALLS ON ROGERS

About 10 o'clock that night Israel reported that the Syrians had occupied Irbid, previously in guerrilla hands, and that Syria had 300 tanks in the country. This was viewed seriously by the State Department and for the first time since taking office Secretary Rogers remained at the department overnight, sleeping on a cot.

On Monday, Sept. 21, the issue clearly was whether the United States should intervene to shore up King Hussein's Government and, simultaneously, to try to rescue the hostages in guerrilla hands.

The British Ambassador, John Freeman, called on Secretary Rogers that day to state that Britain would not intervene militarily and to express hopes that the United States would not do so either.

It was evident also that other Western European governments would have opposed such United States action.

So, instead, the decision was taken to coordinate United States actions closely with those of the Israelis, who had already begun a partial mobilization and movements of tanks toward the northern part of the Jordan River Valley.

The Israeli-United States coordination proved successful. Within 24 hours of her "invasion," Syria had begun extricating her crippled or damaged tanks from Jordan. The remaining tanks in Jordan never resumed moving south.

The White House, meanwhile, ordered publicity on the movement of the second Sixth Fleet carrier—the Saratoga—to join the Independence off the Lebanese-Israeli coast; on the dispatch of the helicopter carrier Guam with 1,500 marines to join the Sixth Fleet; on the alerting of the 82d Airborne Division in Fort Bragg, N.C.; on the alerting of two airborne battalions of the Eighth Infantry Division in West Germany.

On Monday evening, there was the first glimmer of Soviet cooperation. Mr. Vorontsov called on Mr. Sisco to repeat Soviet warnings against "all" outside interference, to disclose that the Soviet Union was in touch with Syria and to urge the United States to restrain Israel from intervening.

HUSSEIN ORDERS ATTACK

On Tuesday, King Hussein, convinced that the United States was supporting him, ordered an attack.

Jordanian Hawker Hunter jets attacked the Syrian tanks while Jordanian armor rolled north. By the end of the day there were the first reports of Syrian withdrawal. Meanwhile, President Nixon had ordered a public de-emphasis of United States troop movements, and the emphasis switched to diplomacy.

By Wednesday, Sept. 23, Washington was confident that King Hussein had won despite the damage to Amman and the continuing sporadic resistance. Two days later on Friday, King Hussein and Yasir Arafat, the guerrilla chief, agreed on a cease-fire negotiated in Cairo by President Gamal Abdel Nasser of the United Arab Republic and other Arab leaders.

Israel was pleased with the outcome, and Premier Golda Meir praised the American role in the affair.

Mr. BEALL. Mr. President, in the much talked of Dominican Republic crisis of 1965, we remember that approximately 2,500 Americans were in the Dominican Republic when the Government of that nation advised the United States of its inability to protect the safety of American citizens. The landing of American forces enabled us to evacuate over 1,000 Americans plus 1,400 people of other nationalities. While this action on the part of former President Johnson remains highly controversial, I am not sure that S. 2956 would have prevented it nor am I at all certain that Congress would have withheld approval in the light of the presence there of a sizable American community as well as a diverse international community that was clearly endangered by the breakdown of civil order.

Mr. President, let me restate the basic reasons why I have proposed this amendment. After considerable study and re-examination, I have concluded that the passage of S. 2956 is unwise and undesirable for the following reasons:

First, there is considerable evidence that the other body will refuse to approve a bill such as the one that is presently pending before the Senate. The chairman of the House Foreign Affairs Committee's Subcommittee on National Security Policy and Scientific Developments recently stated that even if the Senate passes S. 2956—

> It is very unlikely that war powers legislation will be taken up again.

He went on to say that the Senate bill—

> Presents a number of constitutional and practical difficulties which make its passage undesirable.

Today the Washington Post contains an editorial which, needless to say, endorses the concept of the War Powers bill but it concedes that—

> To become law, of course, the bill must not only pass the Senate, but the less independent-minded House; if that happens, a presidential veto could be anticipated.

Mr. President, I ask unanimous consent that the full text of this editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, second, we cannot overlook the issue of this bill's constitutionality. The constitutionality question, which hangs like a cloud over S. 2956, is in itself an interesting "double edged sword." Either we are significantly curtailing the powers of the President as Commander in Chief—thus running the risk of violating his constitutional mandate or else we are leaving his powers as Commander in Chief intact which means we are failing to substantively alter the President's ability to "make war." Since 1789, Chief Executives have deployed American forces abroad over 150 times without a congressional declaration of war. The absence of significant legislative or judicial efforts to define or curb this Presidential power lends credence to the argument that our forefathers meant to invest the President of the United States with broad authority to make and carry out our Nation's foreign policy. On an issue of this magnitude, it is important for us to do more than simply "posture" the Senate. We must ultimately decide upon a course of action that is clearly constitutional, completely compatible with our national security interests, and unquestionably credible to the people of this Republic.

Third, I believe that there is a possibility that we could see an "extended debate" develop in this body over the merits of this "war powers" legislation. Since this is a presidential election year, the Congress must complete its important tasks between now and early July. Since even its supporters doubt that this proposal stands any serious chance of being enacted into law in 1972, I suggest that it would be prudent for us to follow the course of action I have outlined in my proposed substitute amendment and then proceed with the other pressing measures that directly affect the health, safety, and welfare of our 200 million people.

Fourth, the power of the President in foreign affairs and military matters stems from the recognition that he is Chief of State, Chief Executive of the Government, and Commander in Chief of our armed services. I am inclinded to believe that the President, or any of his 35 predecessors, would be very reluctant to sign this measure into law. The President is responsible for preserving the prerogatives and integrity of the Presidency.

Fifth, I believe that this bill is an aftermath of the tragic conflict in Southeast Asia even though its sponsors have seriously tried to detach the two. In spite of the care taken by the drafters of this bill, I do not believe that we have or can divorce it from the emotionalism that has resulted from the conflict in Indochina. I do not believe that we can constructively legislate on a matter of such importance under present circumstances and I fear that we may all regret such action should it become law. The National Commission, composed of outstanding scholars, would study this issue in a scholarly way and make recommendations that would be free from the political pressures that are at work on the Congress. With a balanced study, clearly laying out the pros and cons of this issue, the 93d Congress would be in a far better position to define the division of the warmaking power than we are today.

Sixth, as I have studied this legislation, I have tried to determine whether S. 2956 is going to seriously tie the President's hands in a highly undesirable way or whether we are simply posturing the Senate without truly altering the power of the Commander in Chief to "make war." Either outcome, in the extreme, would be undesirable and we must never underestimate its impact on foreign powers, who could misinterpret our actions and thus miscalculate in terms of their dealing with us in the future.

Seventh, lastly, I believe that the Congress has lost much of its say in shaping our foreign policy because we have not used the authority granted to us in the Constitution. We have abused our power by failing to use it in the vigorous way envisioned by the Framers of the Constitution. The Senate and the House can begin today to take meaningful steps designed to restore the balance between Capitol Hill and the White House on matters of foreign and military policy. For instance, we could:

First, we can avoid the open ended—blank check—resolutions, such as the Middle East resolution, the Formosa resolution, and so forth, that have remained in effect long after the initial crisis has subsided, thus forming the base for future Presidential actions.

Second, we can avoid the indiscriminate use of the national security waiver which has become a current device for allowing the Congress to appear to be making a foreign policy decision when such is not the case. For example, the Congress recently voted to terminate aid to Greece when everyone in this body was certain that the President would invoke the waiver. Thus we postured ourselves but we did not really add credibility to the claim that Congress contributes to the making of foreign policy. We asserted ourselves on the issue of the importation of Rhodesian chrome ore and the foreign policy of the United States was adjusted in accordance with the will of the Congress.

It is substantive actions on the part of the Congress that will redress the current imbalance in power between the legislative and executive branches of our Government. I believe that the pending bill is a substitute for meaningful congressional action. We will not recover our authority by standing on the beach and telling the tide to recede.

Mr. President, we are dealing with an extremely volatile matter, with its passionate fires fanned by the issues of the day. This is no ordinary piece of legislation. What we have before us is, in effect, a de facto amendment to our Constitution. Such an important step, I believe, demands that we not hasten into a course of action which may well come back to haunt us at some future date.

In today's Washington Post column entitled "'Hot-Stove' Legislation: Bill Would Curb Warmaking Power of Past Presidents," Kenneth Crawford reminds us that earlier Congresses have responded to similar pressures by enacting legislation based on hindsight that proved to be detrimental in a rapidly changing world. In his article he states that—

> After the first world war and a Senate investigation of "merchants of death," the House and Senate wrote a set of neutrality laws to prevent President Wilson, then long dead, from involving the U.S. in a European war. The effect of these laws was to hamstring President Roosevelt in his attempt to help contain Adolph Hitler before the Nazis could overrun all of Europe and precipitate another world war. Obviously, Hitler posed a different and more serious threat to the world than Kaiser Wilhelm had. Fortunately, Roosevelt, before it was too late, found ways through, over and around the neutrality laws.

Mr. President, I ask unanimous consent that the full text of Mr. Crawford's column be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BEALL. Mr. President, my amendment is not intended to push this matter "under the rug." On the contrary, it is designated to bring it further into public view and study. Many of us in this Chamber, and a great many knowledgeable persons outside these legislative halls, consider this bill to be one of the most important measures Congress will examine in this session.

Thus, it is pure folly to rush this matter to a decision when so little objectivity has been given to the compilation of data. No attempt was apparently made to gain the views of our former Presidents, former Secretaries of State, former White House staff people such as Eugene Rostow, et cetera. To the best of my knowledge, only one current professor of constitutional law was called before the Foreign Relations Committee to testify in opposition to this measure.

I think our interests are best served when a thorough public airing is given a proposal of this sort.

It is essential that adequate time be spent listening to the various legal, constitutional, historical, diplomatic, and practical objectives being raised by thoughtful dissenters.

Mr. President, no one is more concerned in this Chamber than I regarding the war powers issue. No one is more concerned about reasserting the responsibility of Congress in this most crucial area. We need legislation to clarify this complex matter. But it must be good legislation. I, for one, am not convinced that we in the Congress have taken the necessary steps yet to insure that all contingencies have been covered, that all parties have been heard from, or that we even realize the full impact of our work. The significance of this legislation was summed up in a letter to the editor of the Sunday Star by Walter Sterling Surrey, who is a distinguished lawyer, a law professor at Tufts University—formerly at George Washington Law School—and a former Foreign Service officer.

In his letter Dr. Surrey states:

> It is not enough to say, as has been stated on the Senate floor, that we are dealing with a political and not a legal issue. We are dealing in effect with an amendment to the Constitution and with a radical change in the historical relationship between the President and Congress in relation to foreign policy which will have widespread effects on the whole pattern of the conduct of our international relations.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the full text of Dr. Surrey's letter.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. BEALL. Mr. President, all I ask is that we slow down long enough to give serious consideration to this matter. For that reason I am proposing as a substitute for this legislation that there be appointed jointly by the President and Congress a Commission to give further study to legislation on which we can legislate in this important field.

EXHIBIT 1

[From the Washington Post, Apr. 11, 1972]

THE WAR POWERS BILL

The Senate's war powers bill represents a long and well considered effort to end the 20th century practice of presidential wars by restoring to Congress the basic right of deciding whether the nation should be committed to war. It would let the President take military action—in the absence of a congressional declaration of war—to repel or forestall an attack on the United States or on American forces overseas; to protect endangered American citizens abroad; or "pursuant to specific statutory authorization." To fight longer than 30 days, however, for purposes other than disengagement, the President would have to win congressional sanction in the meantime, as Kenneth Crawford notes in his criticism of the bill elsewhere on this page today.

It is quite so that it took the Vietnam war to bring to wide attention the erosion in congressional powers—perhaps one should better say, the erosion in congressional thoughtfulness and responsibility—which underlies the current bill. It would be quite misleading, however, to view the war powers bill—which does not apply to Vietnam, in any event—as an instrument of liberal catharsis or institutional revenge or partisan challenge. Senator Javits drafted the bill but nine Republicans and 16 Democrats, including the likes of John Stennis, Herman Talmadge, Everett Jordan and Lloyd Bentsen, are co-sponsors. What unites these men is a common belief that legislation is required to bring Congress its larger and rightful role in war decisions.

The administration has made any number of claims about the alleged unconstitutionality and unwisdom of the war powers bill. Suffice it here to note that it has been unable to win audible support for its claims from any senator recognized for expertise in either the constitutional or foreign-policy field. One should not be surprised that a President would instruct his lieutenants to fight hard for presidential powers. Still, the caliber of argument is embarrassing: the Secretary of State, for instance, professes to believe that the bill would limit the President's authority to defend American territory. The administration is expected to try today to kill the bill. Few think it will succeed.

To become law, of course, the bill must not only pass the Senate, but the less independent-minded House; if that happens, a presidential veto could be anticipated. So the bill is a long, long way from enactment. That means, in turn, that what is involved now is not a fundamental "reaffirmation" or "rearrangement" of presidential and congressional powers in respect to war-making. The Senate bill is essentially an exercise in educating the Congress and the country and the President in what are the appropriate limits within which foreign policy must henceforth be made and implemented. Indeed, it is essentially no more than an attempt to make somewhat more explicit the guidelines for the very "consultation and cooperation" which the President constantly insists are the preferred substitutes to new legislation. This makes it all the more unfortunate that Mr. Nixon should choose to view the bill—gratuitously, in our judgment—as a political and constitutional challenge.

EXHIBIT 2

"HOT-STOVE" LEGISLATION: BILL WOULD CURB WARMAKING POWER OF PAST PRESIDENTS

(By Kenneth Crawford)

Congress is now working on a law to prevent President Kennedy and Johnson from involving the United States in the defense of South Vietnam. Since the effort comes ten years or so late, the law's sponsors explain that their object is to forestall "another Vietnam."

The chance that any President would so ignore tragic experience as to undertake again anything remotely like the Vietnam intervention is about the same as the chance that a child who has burned his hand on a hot stove would do the same thing a second time.

Yet there is always someone, after a burning, who feels that there ought to be a law against hot stoves. This time it is Sen. Jacob Javits of New York, author of the so-called war powers bill, now under debate in the Senate and scheduled for a vote today. His measure seems to have majority support in the Senate, though perhaps not in the House. In any case, a presidential veto is virtually certain if it gets as far as the White House.

This is not the first time hot-stove legislation has been handled by Congress. After the first world war and a Senate investigation of "merchants of death", the House and Senate wrote a set of neutrality laws to prevent President Wilson, then long dead, from involving the U.S. in a European war.

The effect of these laws was to hamstring President Roosevelt in his attempt to help contain Adolph Hitler before the Nazis could overrun all of Europe and precipitate another world war. Obviously, Hitler posed a different and more serious threat to the world than Kaiser Wilhelm had. Fortunately, Roosevelt, before it was too late, found ways through, over and around the neutrality laws.

What the Javits bill would do is limit a

President's authority to employ armed forces abroad. In emergencies he could order the Army, Navy, Air Force or Marine Corps, or all four, into action overseas. But he could not keep them in action for more than 30 days without specific congressional sanction. Pending amendments would not substantially change the purpose and thrust of the legislation.

Opponents argue that the war powers bill, like the neutrality laws, however well intentioned, would only straightjacket future administrations by undertaking to anticipate unpredictable international developments. They even doubt the constitutionality of the proposed redistribution or war-making powers. Why, they ask, change a system that has served the nation well for almost 200 years? Why abandon flexibility in favor of rigidity at a time when world affairs are as chaotic as they are now?

Proponents counter with the argument that Vietnam has demonstrated the necessity of "redressing" the balance of war powers between Congress and the President. The Constitution gives Congress the exclusive right to declare war but the present war has never been declared. It has been fought by executive decree. What this overlooks is that this country has engaged in armed conflict more than 200 times, going all the way back to George Washington, even though Congress has declared war only five times. A balance that never has existed can't be redressed.

Not all members of the Senate have made up their minds about war powers. Some of them consider the Javits bill innocuous on the assumption that Congress would never in any conceivable circumstance pull the rug from under a President once U.S. military forces were committed. They point out that Congress already has ample authority to stop an American shooting war. Its control of the purse strings could have been used to stop American operations in Vietnam at any point.

When Congress adopted the Bay of Tonkin resolution in 1964 with only two dissenting votes in the Senate and none in the House it was approving President Johnson's escalation as surely as it could have with the Javits bill in effect. Within a year, moreover, Johnson asked for an additional $700 million for iVetnam operations in a message specifically inviting Congress to withhold the funds if it disapproved of his war policy. Again the approving vote was almost unanimous.

Several senators are skeptical of the notion that Congress would be more restrained than a President in the face of provocation. It never has been in the past, not even in the case of Vietnam. Some of the skeptics will nevertheless vote for the Javits bill. Such a vote for them will be a gesture denoting second thoughts about Vietnam. A post facto vote against an unpopular war can't do them any harm.

Both advocates and foes of the Javits bill are convinced that it is the most important legislation Congress will consider at this session. Advocates believe it can help heal the Vietnam sickness that has infected American society. Foes are equally convinced that it would undermine this country's diplomatic credibility. Yet Senate debate on the issue has attracted a minimum of attention from media and public.

Perhaps this is because, like all debates on Constitution-related questions, this one has been serious and unspectacular. War powers lack the spice of an ITT investigation. [Indifference may be partially explained, too, by doubts that Cogress could pass the Javits bill over a presidential veto. Secretary of State William Rogers, obviously speaking for the White House, has challenged both the validity and the practicality of the proposed legislation.]

However, neither in floor debate nor in Rogers' statements has the most telling cloakroom argument against the bill been mentioned. It is that passage would be regarded by America's allies as a signal that Chairman William Fulbright and his Senate Foreign Relations committee are about to assume control of American foreign policy. Fulbright has been taking positions so extreme and so suggestive of an American retreat into isolationism that they frighten friendly world capitals.

He regards American overseas broadcasts as relics of a cold war that never should have been a war. He proposes to cut off funds for Vietnam as it faces the threat of extermination by an invading army. His recent article in the New Yorker, "In Thrall to Fear," argues that American intrasigence was primarily responsible for the enmity of the Soviet Union and China after the second word war. Nikita Khrushchev's Cuban missiles, he writes, were merely a gesture of appeasement for the benefit of unhappy Soviet generals.

EXHIBIT NO. 3

LETTERS TO THE EDITOR—WAR POWERS BILL

SIR: As one who for many years has practiced and taught in the field of international law, I can only view the Javits War Powers Bill as raising most serious constitutional law issues and as substituting for presidential flexibility in the conduct of our foreign policy an inflexible limitation on the president's power and capacities to act as the principal spokesman for the United States in the field of foreign relations and as the commander-in-chief of the armed forces of the United States.

One can identify, as a citizen, with the frustrations of many congressmen and senators on the position in which we find ourselves in Vietnam; one can, as a citizen, identify with the frustrations of a congressman or senator who today seeks assurances of better, more complete and prompter communications on significant foreign policy matters by the executive to the responsible committees of Congress; one can share with the congressmen and senators—and a large section of the American public—the concerns with the changes in the fabric of our society which Vietnam has caused, and abhor the unknowns that could be brought about in our society and on our form of government by another Vietnam.

However, these frustrations and deep concerns cannot serve as justifications by Congress to seek through legislation, rather than by constitutional amendment, a drastic rearrangement of the constitutional relationships in the conduct of foreign policy between the Congress and the president, arrangements which will seriously affect the capabilities nad flexibilities in our conduct of international relations.

Others have documented the specifics that may be made against the bill—its annulment of the Middle East Resolution and of our commitments to NATO, its limitations on the powers of the president as commander-in-chief, which were used so effectively by President Eisenhower in the Lebanese intervention, by President Kennedy in the Cuban missile crisis, by constant presidential actions with respect to Berlin, by President Johnson in the use of the fleet to deter Soviet intervention in the six-day war in 1967, by President Nixon's comparable action in the same Middle East area for the same purpose—to identify only a sampling.

However, at this stage of the legislative history of the Javits bill, it is important that the Congress focus on its course of conduct in order that it may provide full consideration to the terms and consequences of the proposed legislation. The Senate is scheduled to act on the legislation this week.

One can only hope that the leadership of both parties will recognize the full consequences of what the legislation seeks to do and at the very least will want to assure the fullest consideration in both houses of the constitutional implications of the legislation. This could be accomplished in part by the Senate referring the bill to the Senate Judiciary Committee with a 60-day time limit to examine and report to the full Senate the committee's views on the constitutional questions raised by the bill.

In addition, it is important that the House recognize that the Javits bill is very different from the Zablocki bill passed in August 1970. The Zablocki bill provided that wherever feasible the President should seek appropriate consideration by the Congress before involving the United States in armed conflict, and it required the President, in the event of his use of armed forces, to report to the Congress full on such use.

It is important that the House recognize the grave differences between the two bills and that whether on the floor of the House, in considering the Javits bill, or in a House-Senate conference committee, in the event the Javits bill is handled as an amendment to the Zablocki bill, that these differences be given serious consideration by the House members or the House conferees. It is not enough to say, as has been stated on the Senate floor, that we are dealing with a political and not a legal issue. We are dealing in effect with an amendment to the Constitution and with a radical change in the historical relationship between the President and Congress in relation to foreign policy which will have widespread effects on the whole pattern of the conduct of our international relations.

WALTER STERLING SURREY.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. BEALL. I am happy to yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I have listened with great interest to the speech of the able Senator from Maryland. I know that the proponents of this measure will want to respond in detail later in the debate. I would only make one observation at this time and that is that, in my judgment, the matter of whether or not this legislation constitutes an amendment to the Constitution was decided this morning by the first vote we took. I recognize that is contrary to what Mr. Surrey said in his letter, what Mr. Rostow said and what the Senator from Maryland said, but nevertheless I believe that the debate in the past 2 days narrowed to one issue, which was decided by the vote on the referral motion that was before us. Those who wished to have this matter referred to the Committee on the Judiciary argued that we were amending the Constitution.

I would like to ask the Senator from Maryland one question so that the record will be clear.

The Senator from Wyoming has introduced an amendment which also calls for a study commission. Is the Senator from Virginia correct in stating that the essential difference between the amendment now before the Senate, introduced by the Senator from Maryland, and the amendment of the Senator from Wyoming, is that the amendment of the Senator from Maryland is a substitute for the bill or an alternative proposal, whereas the proposal of the Senator from Wyoming is an amendment and an addendum to the bill which concedes its passage, at least by this body, and states this matter should be studied during the early years after the bill's enactment?

Mr. BEALL. The Senator from Virginia is substantially correct. My amendment is a substitute amendment for the whole bill. I am offering it in the hope that as a result of the study that would take place the issue can be studied in depth, we can have the kind of testimony that will answer the questions I have in my mind, and we can proceed next year. The committee is requested to report back 1 year from the date of establishment of the commission.

The Senator from Wyoming has a similar amendment which is in the sense of the bill sponsored by the Senator from Virginia now under consideration.

Mr. SPONG. I thank the Senator from Maryland. I commend him on his very thorough presentation. I assure him the proponents will respond later.

Mr. BEALL. I thank the Senator from Virginia. I have no doubt there will be responses.

I also wish to state that it is true the Senate did act earlier today on a supposedly constitutional question. I am not a lawyer. It is difficult for me to answer these constitutional questions. But I have read the Constitution. Not being a lawyer I have raised these questions that I have not had answered. Even though it might not be studied by the Committee on the Judiciary, that has not answered for me the questions. Not being a lawyer, I need more elementary explanations than I received that that section would or would not be constitutional.

My prime objective is to get answers to questions regarding how this legislation affects our ongoing foreign policy and the future relationship of this country with other countries of the world, and where we stand if we legislate in this manner. That is what I hope to clear up in the discussion.

Mr. SPONG. I thank the Senator from Maryland for his response.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock meridian on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM THURSDAY UNTIL FRIDAY, APRIL 14, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Thursday, it stand in adjournment until 10 o'clock a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL MONDAY, APRIL 17, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 10 o'clock a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9:30 a.m. tomorrow. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators BEALL SPONG, BROCK, and TUNNEY.

At the conclusion of the speeches of the aforenamed Senators, there will be a period for the transaction of routine business for not to exceed 30 minutes, with statements limited to 3 minutes therein, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 2956, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

The pending question at that time will be on the adoption of the amendment that has been offered by the distinguished junior Senator from Maryland (Mr. BEALL). The yeas and nays have not been ordered on that amendment, but it is the intention of the author of the amendment to ask for the yeas and nays. Therefore, there will be a yea-and-nay vote on that amendment. It is hoped that a vote will occur on that amendment sometime during the early afternoon tomorrow.

Other votes on other amendments are anticipated for tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.

Mr. GRIFFIN. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to; and at 5:34 p.m. the Senate adjourned until tomorrow, Wednesday, April 12, 1972, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 1972:

SUBVERSIVE ACTIVITIES CONTROL BOARD

Timothy J. Murphy, of Massachusetts, to be a member of the subversive Activities Control Board for a term of 5 years expiring April 9, 1977, vice Simon F. McHugh, Jr., term expired.

DEPARTMENT OF JUSTICE

John T. Elfvin, of New York, to be U.S. attorney for the western district of New York for the term of 4 years, vice H. Kenneth Schroeder, Jr., resigned.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve Commissioned officers of the Army, under provisions of title 10, United States Code, section 593(a) and 3384:

To be major general

Brig. Gen. Constant Collin Delwiche, SSAN [redacted].

Brig. Gen. Frederick William Duncan, Jr., SSAN [redacted].

Brig. Gen. George Fleming Hamner, SSAN [redacted].

Brig. Gen. Albert Bruce Jones, SSAN [redacted].

Brig. Gen. Cyrille Pierce LaPorte, SSAN [redacted].

Brig. Gen. Charles Stockard LeCraw, Jr., SSAN [redacted].

To be brigadier general

Col. Lawrence Holt Allen, Jr., SSAN [redacted] Infantry.

Col. Raymond Astumian, SSAN [redacted] Infantry.

Col. Charles Beach, Jr., SSAN [redacted] Field Artillery.

Col. Edward James Joseph Breen, SSAN [redacted] Infantry.

Col. Michael Paul Lagana, SSAN [redacted] Corps of Engineers.

Col. Lee Lawrence, SSAN [redacted] Infantry.

Col. John Ryle McKee, SSAN [redacted], Infantry.

Col. Willard Phaup Milby, Jr., SSAN [redacted] Infantry.

Col. Gorman Curtis Smith, SSAN [redacted] Infantry.

Col. Robert Murray Sutton, SSAN [redacted] Infantry.

I nominate the Army National Guard of the United States officers named herein for promotion as Reserve Commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3385:

To be major general

Brig. Gen. Austin Clifford Chidester, Jr., SSAN [redacted].

Brig. Gen. Paul Victor Meyer, SSAN [redacted].

Brig. Gen. John Joseph Remetta, SSAN [redacted].

To be brigadier general

Col. Harry Warren Barnes, SSAN [redacted] Infantry.

Col. Stephen Samuel Crane, SSAN [redacted] Infantry.

Col. George Melvin Donovan, SSAN [redacted] Armor.

Col. Merril Wetzler Goss, SSAN [redacted] Armor.

Col. Guy J. Gravlee, Jr., SSAN [redacted], Armor.

Col. Helmut Joseph Haag, SSAN [redacted] Ordnance Corps.

Col. Robert Archibald Hughes, SSAN [redacted] Armor.

Col. Merritt Alden Johnson, SSAN [redacted] Infantry.

Col. Charles Hayden Jones, SSAN [redacted] Corps of Engineers.

Col. James Simonet O'Brien, SSAN [redacted] Infantry.

Col. Jean Gordon Peltier, SSAN [redacted] Field Artillery.

Col. Harold Roden Story, SSAN [redacted] Field Artillery.

Col. William Harrison Vanderlinden, Jr., SSAN [redacted] Infantry.

Col. Frederick John Van Roo, SSAN [redacted] Field Artillery.

I nominate the Army National Guard of the United States officers named herein for appointment as Reserve Commissioned officers of the Army under provisions of title 10, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. David C. Matthews, SSAN [redacted].

To be brigadier general

Col. William Harold Cheeseman, SSAN [redacted] Field Artillery.

Col. Edgar LeRoy DeGraw, SSAN [redacted] Field Artillery.

Col. William Porter Marshall, SSAN [redacted] Armor.

Col. Robert William Steele, SSAN [redacted] Infantry.

Col. Harry Wellington Thode, SSAN [redacted] Finance Corps.

Col. William Lawrence Youell, SSAN [redacted] Field Artillery.

IN THE COAST GUARD

The following officers of the United States Coast Guard for promotion to the grade of lieutenant (junior grade):

Charles E. Sibre
Joseph G. Milo
Robert H. Trainor
Kelly S. Callison
Kenneth P. Rothhaar
Alan Gracewski
James T. Clarke
Charles D. Wurster
Ronald H. Frazier
Thomas M. Gemmell
Kenneth W. Bicknell
Roger W. Coursey
Charles D. Pike
William R. Phillips
Charles C. Beck
William J. Gamble
John P. Wiese
John T. Orchard
Peter A. Tebeau
Joseph T. Kuchin
Paul H. Millewich
Donald C. Gerber
Gordon D. Marsh
Donald B. Gilbert
Stewart I. Marsh
Stephen C. Ploszaj
Richard V. Harding
Michael M. Leone
Ronald F. Silva
Daniel E. Kalletta
Bo C. Josephson
Robert W. Gulick
Robert N. Tabor
Jay E. Taylor
James T. Armstrong
Larry M. Wilson
Wayne E. Varry
Stanley J. Norman
Charles H. King
Laurance H. Howell
John G. Hersh
William J. Inmon
Daniel R. Whicker
Kenneth R. Borden
Henry P. Libuda
Edward F. Murphy
Gregory S. Cope
Larry H. Gibson
David E. Henrickson
Bruce W. Platz
Gerald G. Kokos
James R. Riesz
Carl A. Swedberg
William E. Willis
Alan L. Klingensmith
Richard A. Myszka
Richard E. Cox
Tom R. Wilson
Patrick A. Turlo
Ralph D. Lewis
Donald E. Plake
David J. Ramsey
Robert C. Foley
Stephen J. Decesare
Bryant M. Nodine
Jonathan K. Waldron
Michael A. Conway
Charles S. Harris
Wynn O. Harper
Ray W. Coye
James A. Kinghorn
Tony E. Hart
Charles D. Kroll
Kenneth R. Mass
Thomas J. Marhevko
Thad W. Allen
Dennis W. Cleaveland
James A. Sylvester
James A. Brokenik
Carl R. Schramm
Albert F. Sganga
Kenneth M. Coffland
Paul D. Barlow
Fred S. Fox
Robert J. Camuccio
Gregory D. Mucci
Richard D. Phillips
Norman L. Sealander
Richard X. Engdahl
Timothy J. Flanagan
Anthony Bordieri
Robert F. Gonor
Steven A. Wallace
David J. Isbell
Hallie D. Bohan
Peter A. Barrett
Norman J. Dufour
Charles S. Allen
John P. Wood
Robert P. Moore
Jon E. Rosselle
David L. Edwards
Steven J. Cornell
Brian T. Kingsbury
David F. Wallace
Thomas A. Rummel
Robert A. Gau
Donald T. Wetters
Philip C. Volk
Michael M. Krystkiewicz
Frank J. Kline
Paul W. Ljunggren
Richard C. Sasse
Terry A. Robertson
Robert W. Slack
Bradley R. Troth
Henry R. Przelomski
John M. Smith
Robert D. Alling
Don E. Bumps
James B. Willis
William M. Miller
Gary R. McCaffrey
John K. Roberts
Philip J. Cappel
Robert A. Kasper
George E. Bills
Bruce E. Lee
Rand D. Lymangrover
Robert M. Bush
Craig D. Eide
Alan R. Dujenski
Robin A. Wendt
James R. McGuiness
Daniel F. Shotwell
John R. Walters
Albert A. Joens
Robert M. Letourneau
Donald E. Estes
Melvin L. Kankelfritz
Perry W. Campbell
Robert W. Zimmer
Robert E. Carmen
Duane E. Sulerud
Milton D. Moore
Frederick F. Lieder
Roger D. Holmes
Charles K. Bell
William T. Horan
Harold B. Morton
Edward J. Park
William G. Shorter
Edson J. Reeves
Joseph H. Thompson Jr.
Charles T. Winfrey
Clyde R. Keller Jr.
John G. Witherspoon
David C. Nelson
Alvin A. Sarra Jr.
William J. Seney
David L. Robinson
Robert C. Dorfler
Charles R. Mumford
Thomas Heald III
John D. Leslie
James R. Nagle II

HOUSE OF REPRESENTATIVES—*Tuesday, April 11, 1972*

Rev. Howard R. Peters, Ghent United Methodist Church, Norfolk, Va., offered the following prayer:

Almighty and Eternal God, as we meet here today—the elected Representatives from every part of this great Nation—we acknowledge once more that ours is a nation "under God." We believe that Thou art the Creator and Source of all our liberties, even as the Founding Fathers affirmed: "We hold these truths to be self-evident that all men are created equal and are endowed by their Creator with certain inalienable rights among which are life, liberty, and the pursuit of happiness."

Help us, O God, to deal wisely with the weighty problems which are constantly before us. Grant unto us a spirit of appreciation and respect for each other. Though there may be diversity of opinion, may there be no difference in our aim or purpose to make this Nation the finest country it can be.

This, too, is our prayer, that as a nation we may prove to be a benediction to all the rest of the world, promoting peace and good will among peoples everywhere.

In the name of Jesus Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13361. An act to amend section 316 (c) of the Agricultural Adjustment Act of 1938, as amended.

The message also announced that the Vice President, pursuant to Public Law 91-129, appointed Mr. CHILES to the Commission on Government Procurement in lieu of Mr. JACKSON, resigned.

REV. HOWARD PETERS, MINISTER OF GHENT UNITED METHODIST CHURCH, NORFOLK, VA.

(Mr. WHITEHURST asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WHITEHURST. Mr. Speaker, we have been pleased this morning to have the Reverend Howard Peters, minister of Ghent United Methodist Church in Norfolk, Va., deliver our prayer.

Howard Peters is my pastor. He has been with us at Ghent for almost a year, having served his previous church in Charlottesville for a number of years. His effectiveness from the pulpit has already won wide admiration for him in Norfolk, and I am particularly moved by the close rapport he has achieved with his new congregation in so short a period of time.

It is therefore with great pride that I welcome him as my guest in Washington today and have him offer our daily prayer in this Chamber.

THE HONORABLE CLIFFARD D. CARLSON

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois, Mr. CLIFFARD D. CARLSON, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will the Member-elect present himself in the Well of the House to take the oath of office.

Mr. CLIFFARD D. CARLSON appeared at the bar of the House and took the oath of office.

INTRODUCTION OF RESOLUTION OF INQUIRY ON U.S. ESCALATION OF ITS COMBAT ROLE IN INDOCHINA

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, the American people have made it clear that they want this Nation to stop the bombing and to withdraw—now—from Vietnam.

They want us to set a date for total and complete withdrawal, contingent only upon the return of our prisoners. They want to stop the bombing, to withdraw our support from the Thieu dictatorship, and to get out. Section 601 of the Military Procurement Act of 1971 makes this the policy of the United States, and President Nixon is violating the law by his failure to carry it out.

I am today introducing a resolution of inquiry seeking information on the nature and extent of our current involvement in Indochina. It makes 10 specific and detailed requests for information from the President and the Secretary of Defense, for the American people and the

Congress have a right to know why the President is escalating this war instead of taking us out of it.

We want to know the number of military personnel currently in Vietnam.

We want to know the comparative figures for U.S. killed, wounded, and missing in action during the first 10 days of March and the first 10 days of April.

We want to know the number of bombing sorties flown, the tonnage dropped, and the cost of the bombing during the same two periods.

We want to know the target date for the independence of the South Vietnamese Army of U.S. air, ground, and naval support.

We want to know whether the administration has taken any steps to comply with section 601 of the Military Procurement Act of 1971 and, if so, what those steps have been.

This information is necessary in order for the Congress to have any integrity in the eyes of the American people.

The SPEAKER. The time of the gentlewoman from New York (Mrs. ABZUG) has expired.

THE CONTINUED BOMBING IN VIETNAM

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the events in Southeast Asia during the recess should have shattered any illusions of even the most ardent believers in the Nixon Vietnamization policy. It is, and has been, a failure. It has not brought peace. It has brought only more death and destruction. The war has been intensified. Countless more refugees have been driven from their homes. No end is in sight.

The war is not winding down; it is raining down—raining down ton after ton of devastation dropped from American aircraft. This is a tragic and unacceptable regression to the disastrous and discredited bombing policies of the past. The failure of this strategy has been apparent throughout the past 7 years. It has not broken the will of the North Vietnamese to resist, but it has yielded untold death, vast devastation, and millions of refugees.

On April 6, as the administration resumed the bombing of North Vietnam, I sent an urgent telegram to the President urging him "in the strongest possible terms to order an immediate and complete halt to all American air strikes in Southeast Asia," and calling upon him to immediately resume the Paris negotiations.

But Congress cannot shirk its responsibility by leaving the conduct of foreign policy to the whims of the executive branch.

Time and time again the American people have made their steadfast opposition to this war clear—in the public opinion polls, in the voting booths, in the streets. As their Representatives, Congress has a responsibility to carry out their will.

As I have urged for the past 7 years, Congress must take legislative action and cut off the funds which fuel the expanding air war.

In addition, Congress must demand that the President comply with section 601 of the Military Procurement Act of 1971 which declares it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina and to provide for the withdrawal of all U.S. military forces at a date certain subject to the release of all American prisoners of war.

It is way past time for the Vietnam war to end, and Congress must end it.

The SPEAKER. The time of the gentleman from New York (Mr. RYAN), has expired.

VIETNAMIZATION IS WORKING

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I came into the House Chamber just as my colleague, the gentleman from New York (Mr. RYAN) was commenting on the current North Vietnamese invasion of South Vietnam and saying that this proves that our policy of Vietnamization is not working. Well, Mr. Speaker, the policy of Vietnamization is designed to give the South Vietnamese who, 2 or 3 years ago, were not very good in handling military affairs, the ability to defend themselves.

I just sat in on a briefing by the Chairman of the Joint Chiefs of Staff. I cannot comment on what he said, of course, but I will say to you that my own personal impression was that the South Vietnamese are doing a pretty darn good job in a battle in which virtually all of the military forces of North Vietnam are committed in a conventional invasion. And to me that appears to be a pretty good demonstration that Vietnamization is working. If this is not so, then I do not know what we need to convince us.

THE SITUATION IN VIETNAM

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CEDERBERG. Mr. Speaker, I have listened with a great deal of interest to the gentlewoman from New York (Mrs. ABZUG) and the gentleman from New York (Mr. RYAN) condemning the U.S. Government and the South Vietnamese. I am waiting for the day when they are going to condemn the Communists for invading South Vietnam. That is the problem. If the North Vietnamese would go home, there would not be any need for the bombing.

It seems to me, Mr. Speaker, the time has come when we ought not to be apologizing for the actions that we are taking to prevent civilians being killed and displaced.

The gentleman from New York referred to refugees. Well, those refugees would still be in their homes if the North Vietnamese stayed behind the demilitarized zone where they belong. That is the problem, and we ought to be making some speeches concerning that factor.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. Of course, I will yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, is the gentleman familiar with section 601 of the Military Procurement Act of 1971, legislation passed by the House and Senate which requires the President to terminate at the earliest practicable date all military operations in Southeast Asia and to set a date for the withdrawal of our troops? It also calls upon the President to negotiate a cease-fire.

Mr. CEDERBERG. Mr. Speaker, I will state to the gentleman from New York that I am aware that the President of the United States is withdrawing our troops, and in doing so, is attempting to protect those troops who are still in South Vietnam.

But let me ask the gentleman from New York, are you going to condemn at any time the actions of the North Vietnamese for invading South Vietnam?

The South Vietnamese are not the ones who are invading, they are the ones who are being invaded.

Mr. RYAN. The situation in Southeast Asia remains what it has been from the beginning—essentially a civil war. As I have said so often, it is not susceptible to a military solution but requires a political solution.

Mr. CEDERBERG. We will see plenty more civilians killed over there if we continue to let the North Vietnamese just keep going. It is interesting that the refugees are moving south rather than to North Vietnam. This indicates they understand that North Vietnam has a history of maltreatment of refugees. They know where their friends are.

The SPEAKER. The time of the gentleman from Michigan has expired.

OUR ECONOMIC ADVANCE GAINS MOMENTUM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BROWN of Ohio. Mr. Speaker, evidence of business improvement is continuing to accumulate. Economic statistics are continuing to show signs of an accelerating economic expansion.

The Federal Reserve's index of industrial production showed a strong advance in February, rising eight-tenths of a point. The output gains were widespread in consumer goods, business equipment and materials. This is the sixth successive increase in this measure since last August, signaling rapid growth in the manufacturing sector.

The index of leading economic indicators also registered significant gains in February. This composite measure of economic statistics which typically precede economic expansions rose five-tenths of 1 percent, the eighth successive monthly advance. This series has not risen 8 months in a row since the 1960–61 period.

As expected, this business improvement has generated substantial increases in employment. Employment has risen by more than 1.1 million workers since December. Over the last 12 months, employment has grown 2.4 million, an unusually high increase. And in March, seasonally adjusted employment rose by 618,000, the largest increase for any single month in 12 years.

These recent economic indicators give ample cause for optimism, though not complacency. In spite of unusual employment gains, the unemployment rate remains high. The labor force has expanded at an extraordinary rate to keep the unemployment rate from falling in the face of the large increase in employment. However, the outlook for both business expansion and increased employment during the rest of this year remains encouraging.

APPOINTMENT OF CONFEREES ON H.R. 13955, LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. CASEY of Texas, EVANS of Colorado, HATHAWAY, ROUSH, BEVILL, MAHON, BOW, CEDERBERG, RHODES, and WYATT.

PROVIDING FOR THE EXPENSES OF THE HOUSE SELECT COMMITTEE ON CRIME

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 910 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 910

Resolved, That, for the further expenses of conducting investigations and studies pursuant to H. Res. 115, by the Select Committee on Crime, acting as a whole or by subcommittee, not to exceed $470,000, including expenditures for the employment of investigators, attorneys, individual consultants or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent funds of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $50,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the House Select Committee on Crime shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulation established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 102]

Abernethy
Abourezk
Alexander
Aspin
Badillo
Bingham
Blatnik
Broomfield
Byrne, Pa.
Caffery
Chisholm
Clancy
Clark
Clay
Conyers
Corman
Coughlin
Crane
Davis, S.C.
Dellums
Diggs
Dorn
Dowdy
Dwyer
Edwards, La.
Eshleman
Fish
Flood
Galifianakis
Gallagher
Giaimo
Gray
Griffin
Griffiths
Gude
Halpern
Hansen, Wash.
Hays
Hébert
Jones, Ala.
Kee
Keith
Kuykendall
Long, La.
McKay
Macdonald, Mass.
Mailliard
Mathias, Calif.
Mikva
Miller, Calif.
Monagan
Moorhead
Morse
Nix
Patman
Peyser
Pryor, Ark.
Railsback
Rangel
Rhodes
Rosenthal
Satterfield
Scheuer
Sebelius
Shipley
Sikes
Stokes
Stubblefield
Symington
Teague, Calif.
Teague, Tex.
Vigorito
Widnall
Wilson, Charles H.

The SPEAKER. On this rollcall 359 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR THE EXPENSES OF THE HOUSE SELECT COMMITTEE ON CRIME

The SPEAKER. The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, before the quorum call I had called up, by direction of the Committee on House Administration, House Resolution 910, and unanimous consent had been granted that the further reading of the resolution be dispensed with.

Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California (Mr. HOLIFIELD).

(By unanimous consent, Mr. HOLIFIELD was allowed to speak out of order.)

THE JACK ANDERSON COLUMN OF APRIL 11, 1972

Mr. HOLIFIELD. Mr. Speaker, Mr. Jack Anderson in his column of April 11, 1972, seeks to impute some wrongdoing to my action in writing a letter to the Department of Defense on behalf of a southern California electronics manufacturer.

My records contain a copy of a letter dated December 19, 1968, which I wrote to Dr. Harold Brown, then Secretary of the Air Force. A perusal of this letter shows that it is of the usual variety asking for fair consideration of a proposal by ITT/Gilfillan, a California company based in Los Angeles. This company was in competition with two other companies for a contract to furnish a ground control radar device.

My letter also refers to a briefing given to Members of the California delegation by the Gilfillan Co. on the proposal to the Air Force.

I find that my letter of December 19, 1968, was written on my office stationery as a Member of Congress, typed by my secretary, and in no way referred to my capacity as chairman of the Subcommittee on Military Operations.

In accordance with Advisory Opinion No. 1 issued by the House Committee on Standards of Official Conduct, I consider it my duty as a Representative to urge that fair consideration be given to potential Government contractors located in my State. As have other Members of Congress, I have written hundreds of letters on behalf of labor unions, universities, community action programs, and manufacturers during my congressional service—all without compensation of any kind.

In this case, the Secretary of the Air Force merely assured me that the experience and past performance of all competitors would receive consideration in awarding the contract. As Mr. Anderson points out, the Gilfillan Co. did not receive the contract award, which was, in fact, made to Raytheon, a northeastern corporation, on January 24, 1969.

It is ridiculous on the face of it that a routine letter of this sort, written after a briefing with other members of the California delegation, is made to appear as a service rendered for compensation, which, of course, would be illegal under Federal statutes.

If any individual connected with ITT ever made any contribution to my political campaign, I have no recollection or record of having received it. If such a contribution had been made to me, it would have been duly recorded. Mr. Anderson's allegation or suggestion that I received a payoff from an ITT company for writing a letter is absolutely false.

A copy of my letter of December 19, 1968, is attached:

DECEMBER 19, 1968.

Dr. HAROLD BROWN,
Secretary of the Air Force,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I have been advised that the Air Force will momentarily decide on the successful contractor to manufacture the next generation of Ground Control Approach Radar.

With our airways becoming more and more crowded with commercial traffic, the development of modernized flight safety equipment is of concern to all Americans who travel our airways, whether civilian or military.

Some weeks ago I, along with other members of the California Congressional Delegation, attended a briefing on the ITT/Gilfillan proposal for the USAF AN/TPN-19 contract. It is my understanding that Gilfillan is well experienced in this field. My particular interest is that this work be done in Southern California; there are approximately 2,100 vendors of various components which will be used in this system located in Southern California alone. I trust that those who are evaluating the competitive proposals would give necessary emphasis to the performance and experience which this California firm has developed.

Sincerely yours,

Chet Holifield.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 910 authorizes an amount not to exceed $470,000 of additional funds for the Select Committee on Crime.

Briefly, the Select Committee on Crime was established by House Resolution No. 17 on May 1, 1969. During the 91st Congress the committee requested a total of $1,250,000 for its operations. The House reduced that request by authorizing a total of $975,000 for its operations. The committee actually spent $932,762 during the 91st Congress.

The Select Committee on Crime was reestablished for the 92d Congress by House Resolution 115, adopted on March 9, 1971.

The request for this year was cut by the committee in the amount of $74,000.

I refer my distinguished colleagues to the last paragraph of page 2 of the House report, which states—

> House Resolution 910 is similar to House Resolution 857, which was introduced by the Hon. Claude Pepper, Chairman of the Select Committee on Crime. However, House Resolution 910 provides $74,121 less than the amount Chairman Pepper requested. The Committee on House Administration recommends the reduction on the basis that the activities of the Select Committee on Crime do not justify or require an increase over the amount approved by the House of Representatives for 1971. The Select Committee on Crime was authorized to spend $675,000 during 1971. When added to the unexpended carryover, House Resolution 910 would make $696,404.06 available to the Select Committee on Crime during 1972. The $21,000 increase will be adequate to cover the 5.5 percent pay increase for committee employees.

Does the gentleman from Missouri wish me to yield?

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding and, apropos the points that he has just made so well, I would say, first, that I appreciate his good offices in not calling this bill up by request on March 29 as it was originally scheduled.

Second, and as I said, apropos his most recent statement, if I recall the debate on the floor of the House at the time of the second continuation or the reestablishment in the 92d Congress of the Select Committee on Crime, the statement was made that there would be a need for lesser funds in the 92d Congress than there were in the 91st.

If I correctly understand the statement of the gentleman from New Jersey at this time, even in spite of the good action of the Committee on House Administration in reducing this year request, we are granting this committee additional funds over and above those used in both sessions of the 91st Congress. Am I to understand that this is completely justifiable in view of my warm friend from New Jersey's committee action, consideration and recommendation?

Mr. THOMPSON of New Jersey. I might say to the gentleman from Missouri, first that the Select Committee on Crime has introduced two requests for funds during the 92d Congress for a total of $1,294,121. This represents $44,121 more than requested during the 91st Congress, $319,121 more than the House authorized the committee to spend during the 91st Congress, and $361,359 more than the committee spent during the 91st Congress.

By the end of March of this year the Select Committee on Crime had spent a total of $575,576 for its operations during the 92d Congress. Thus, at the end of the last month the committee had an unexpended balance of about $99,000 carried over from last year's authorization. If the committee is authorized to spend an additional $470,000, which the current House resolution provides for, the committee will have available about $569,000 for its operations during the 9 remaining months of this Congress.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, of course, we do not plan to operate in the 9 remaining months of the year. I believe the leadership has said we hope to be out of here by the last of July for the various conventions, and certainly in an election year we want to be home campaigning and perpetuating ourselves and doing whatever is necessary for the balance of the year. I, as a "lame duck," would certainly hope we do not have to come back here in one of those infamous lame duck sessions. I am not so naive as to believe the Select Committee on Crime would continue its operations during those remaining months if the Congress is not in session, and I know full well we do not have to spend all the money we authorize, but I also know Parkinson's law.

Apparently answer No. 1 of my good friend, the gentleman from New Jersey, is "Yes," they are authorized more in spite of the fact they would need less. Second, he would answer that he believes it is justified on the part of his committee.

Mr. THOMPSON of New Jersey. Yes; the subcommittee of which I am chairman, and the full committee, after review and hearing from the chairman and the ranking minority member, does feel the amount is justified.

With respect to adjournment, I might suggest to my dear friend, the gentleman from Missouri, that the leadership hopes its hope, as he expresses it, becomes a reality—and I would make the word HOPE all capitals.

With respect to the gentleman himself, of course, I would gather that he would like to complete his office work in this, his last term with us, not being one of us who has to seek reelection. I might say I think a great majority of us—perhaps just one or two will not—will miss the gentleman tremendously. The gentleman from Iowa (Mr. Gross) for instance, is going to have to get a new personal physician. I do not know whether Dr. Morgan from this side of the aisle or Dr. Tim Lee Carter from the other side will take that place. There is also Dr. Melcher who might fill in, who is a veterinarian. Then there is Dr. Ray in case some really unique problem arises.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I certainly do not want a lame duck doctor.

Mr. THOMPSON of New Jersey. I do not blame the gentleman from Iowa. It has been bad enough while his doctor was not a lame duck.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I will say there is no need to bring the name of our friend, the gentleman from Montana, into this, because he does not specialize in widgetry as some of us do who limit ourselves to practice on genus homo sapiens.

Now if we can get back to the House Resolution 910, I appreciate the surveillance, oversight, and review of the Committee on House Administration. I presume from the remarks that we have reached the point where we have to have faith in the good judgment and this oversight of the committee.

Is there any information available to the committee as to whether this Select Committee on Crime will complete its mission and objectives during this Congress?

Mr. THOMPSON of New Jersey. For purposes of answering that question, and those purposes alone, I will yield to the gentleman from Florida (Mr. Pepper).

Mr. PEPPER. I thank the gentleman for yielding.

I will say to the able gentleman, as I said to the distinguished gentleman from Missouri when he raised that question at the time our resolution was up for consideration in 1971, that if our committee feels at the end of this session, of this Congress, there is no more useful work for our committee to do, that would have some major impact on the crime problem in our country, we would certainly not ask our colleagues to continue our existence.

Remember that the resolution continuing this committee would have to be reintroduced. It would have to come up before the Rules Committee and would have to be approved by the House.

I can assure the gentleman that ours has been a hard-working committee. If we do not feel there is some real justification for our efforts, we will not ask our colleagues to continue them.

On the other hand, the problem of crime in this country is still a very challenging one. We are having a difficult time trying to find something to do about it. Our 11-member committee, of six Democrats and five Republicans, conscientious and dedicated men, are concerned about this problem. If we should feel there is some contribution of import we can make I am sure we would feel disposed to lay it before our colleagues for their consideration.

Mr. Speaker, the Select Committee on Crime was created on May 1, 1969. The committee was authorized and directed to investigate and study all aspects of crime in America. This broad mandate allows the select committee to assist and complement the standing committees of this House in meeting their enormous responsibility in combatting crime in America.

The select committee has made a continuous and dedicated effort to meet its responsibilities since it was constituted.

Substantive areas of the national crime problem have been investigated. Public hearings have been conducted in many parts of the country. In all over 19 cities have been the sites of committee hearings or other activity. Numerous reports containing recommendations for remedial legislation have already been submitted to this House for consideration.

The causes of crime are not easily understood. We must know the effect of crime on our society, yet an accurate evaluation of that effect is most difficult. The wisdom of the law and the fair administration of justice must be closely examined and constantly improved. The treatment of individual citizens who violate the law must be enlightened and rehabilitative rather than vengeful and harmful to our society as a whole. Although the problem of crime cannot be quickly or easily solved, I believe that every effort to do so must be made.

The Select Committee on Crime conducted the following public hearings:

LOCATION, CRIME IN AMERICA INQUIRY, AND DATE

Washington, D.C., and Lorton, Va.: The improvement and reform of law enforcement and criminal justice in the United States; July 28–31; Aug. 4, 7, 11, 12; Sept. 17, 18, 1969.

Boston, Mass.: Drug abuse and criminal justice; August 25, 26, 1969.

Omaha and Lincoln, Nebr.: A mid-America view; Oct. 9–11, 1969.

Washington, D.C.: Views on marihuana; Oct. 14, 15, 1969.

San Francisco, Calif.: Illicit and dangerous drugs; Oct. 23–25, 27, 1969.

Washington, D.C.: Why 8 billion amphetamines?; Nov. 18, 1969.

Columbia, S.C.: Response of a mid-south community; Nov. 21, 22, 1969.

Miami, Fla.: Aspects of organized crime, court delay and juvenile justice; Dec. 4–6, 8, 1969.

Washington, D.C., Fairfax, Va., Riverdale, Md.: In the Nation's Capital; Feb. 25–28, 1970.

Baltimore, Md: Youth in trouble; Mar. '19, 20, 1970.

New York, N.Y.:Heroin importation, distribution, packaging and paraphernalia; June 25–26, 1970.

Philadelphia, Pa.: Youth gang warfare; July 16, 17, 1970.

Washington, D.C.: The heroin paraphernalia trade; Oct. 5, 6, 1970.

Washington, D.C.: Narcotics Research, Rehabilitation and Treatment; April 26, 27, 28; June 2, 3, 4, 23, 1971.

Washington, D.C.: American Prisons in Turmoil (Pt. 1); Nov. 29, 30; Dec. 1, 2, 3, 1971.

Washington, D.C.: Organized Crime Converting Worthless Securities into Cash; Dec. 7, 8, 9, 1971.

New York, N.Y.: American Prisons in Turmoil (Pt. 2); Feb. 25, 1972.

The committee's public hearings initially sought a broad view of the crime problem. Later, the committee's attention was focused on juvenile delinquency and the Nation's tremendous drug problems. Our public hearings were conducted for the purpose of evolving specific legislation to meet the problems of heroin addiction and the heroin paraphernalia trade.

The epidemic increase in heroin addiction is the most tragic and baffling problem facing our Nation today. Ten years ago heroin use was apparently decreasing. Within the past 5 years there has been a dramatic resurgence of heroin addiction, especially among the young. While heroin was once found exclusively in the ghettos, it is now found in every section of the country, and among every segment of the population. The Select Committee on Crime endeavored to ascertain the scope and magnitude of the heroin problem. The committee concluded that unless a massive war is immediately and effectively waged, we will risk losing a generation of Americans to this heroin epidemic.

Heroin can only be made from opium. The sole source of opium is the opium poppy—papaver somniferum—which does not readily grow in the United States. The Bureau of Narcotics and Dangerous Drugs has estimated that more than 80 percent of the heroin used in the United States originated in Turkey. The heroin smuggling routes, from the Middle East to France, and into the United States, are well known. Even so, present Federal law enforcement programs prevent less than 20 percent of the smuggled heroin from reaching American addicts.

There are presently more than 500,000 heroin addicts in the United States. More persons are being addicted each day. New York State's addict population has risen dramatically in the past 5 years, from 50,000 to more than an estimated 200,000 addicts. The dangers and deleterious physical effects of heroin use are well known. However, of all the terrible facts and figures regarding heroin, perhaps the most profoundly shocking is that of the 900 addict deaths in New York City in 1969, 224 were teenagers. In 1970, 48 percent of the cases disposed of in New York City by the Supreme Court of New York involved narcotics violations. Drug related cases account for more than 40 percent of the prison population in the State of New York.

Heroin addiction is no longer just a New York City problem; it is not even just a city problem. Arrest records demonstrate that it has spread like a plague to the suburbs of our great cities and even to rural areas in the Nation. In the last decade our national drug arrests have soared over 700 percent and now number more than 400,000 a year. In Virginia during the 1960's, narcotic addiction jumped 556 percent and Atlanta, Ga., is bracing for a growth in its addict population next year which will double or triple current numbers.

In Detroit, with an estimated 20,000 addict population, arrests soared 442 percent during the last 4 years. Flint, Philadelphia, Savannah, and innumerable other towns and cities present a similar picture. A recent study of drug abuse in Florida universities and colleges indicated that well over 2,000 students a year drop out as heroin addicts.

The direct impact of heroin addiction on crime in America is so extensive it defies accurate measure. A confirmed addict may need from $50 to $100 a day to support his drug habit. Since legitimate employment is usually impossible, most addicts turn in desperation to crime. It matters little to the addict whether his criminal act be petty larceny, prostitution, or a violent street crime. His need will justify almost any means.

We have developed legislation specifically designed to create a national research program to combat heroin addiction. The committee concluded that a national program for medical research to find a drug to combat heroin addiction is of paramount and overriding importance. No other proposed solution to the problem has such great potential for long-range success in entirely eliminating heroin addiction in this country. The committee recommended a concentrated national effort of emergency priority to find a nonaddictive, safe, long-lasting drug to combat heroin addiction. To initiate an immediate heroin research program, the committee proposed legislation directing the Federal Government to utilize the expertise, experience and laboratory resources of our pharmaceutical manufacturers, by contracting with these firms to conduct intensive research and development of heroin addiction control drugs. Our legislative proposals were cosponsored by 110 Members of the Congress. The legislation has been endorsed and encouraged by 22 State Governors, and numerous attorney generals, mayors of our large cities, district attorneys, and members of the scientific community.

Mr. Speaker, I am happy to report that the operative provisions of our bill have been incorporated in the Special Action Office for Drug Abuse legislation recently enacted by this body.

The Director of the President's Special Action Office of Drug Abuse Prevention has recently commended the committee for its contribution in developing this legislation.

In addition to the research report, comprehensive reports relating to nationwide drug rehabilitation efforts are being prepared and edited. We are presently consulting with various administration officials about reconciling proposed legislation in this area.

The committee moreover, found that the heroin trade is not plied by criminals alone. "Legitimate" business plays an essential part. While the substance a drug user introduces into his body may be called heroin, that substance is usually only 10 percent heroin. The remainder is dilutants such as mannite, quinine, or lactose. The heroin street pusher typically sells his product packaged in a No. 5 gelatin capsule or a small glassine envelope. The heroin user often uses needles or syringes. Without question, there are legitimate uses for lactose, syringes, and gelatin capsules and glassine envelopes of a certain size. However, would anyone expect to find that their neighborhood pharmacy sold 4 tons of mannite, 40,000 ounces of quinine, 47 million glassine envelopes, and 25 million No. 5 gelatin capsules in the past 3 years. The committee located this very drugstore in New York City, and disturbingly this "druggist" had violated no law.

The committee has submitted a report to Congress entitled "Heroin and Heroin Paraphernalia." This far-reaching report includes a history of heroin addiction in the United States and in other parts of the world, an analysis of the existing addiction crisis, the detail of international heroin smuggling routes, and an expose of the highly unethical heroin paraphernalia trade. The report sets forth the status of the medical search for substances that may be used to help cure heroin addiction.

The report contains 28 specific recommendations to Congress and the Federal executive branch, including measures regarding international conventions and controls of heroin smuggling, the existing legalized American opium trade, law enforcement procedures regarding heroin, the relationship between drug related crimes, criminal laws dealing with narcotics, and the treatment and rehabilitation of heroin addicts.

In addition, a distinguished member of the committee, Mr. MORGAN MURPHY of Illinois, added substantially to the expertise of the committee by having conducted a special study mission on the world heroin problem. These activities—sponsored by the Foreign Affairs Committee—provided our committee with additional first-hand knowledge of international narcotics trafficking and assisted us in making a number of recommendations for international control of heroin production.

Our proposed model legislation controlling heroin and heroin paraphernalia is presently the subject of hearings before the District Committee of the House of Representatives, which resume tomorrow. H.R. 8569 is a bill designed to assist the District of Columbia government in suppressing the drug paraphernalia trade, namely the materials used to dilute and package heroin for street sales as well as the needles and syringes used to inject heroin into the user's system. By making it more difficult to obtain these materials, street sales of heroin itself will be simultaneously hindered.

In addition, new legislation and regulations were recently adopted in Pennsylvania and Virginia designed to control the heroin paraphernalia trade, in significant respects, as a result of the Select Committee on Crime pioneering hearings, which for the first time drew attention to this aspect of the heroin trade.

The committee's extensive work in the area of narcotics addiction and its effect on crime has been observed throughout the country. We were most pleased last month when our contribution in this field was cited by the American Bar Association's Special Committee on Crime Prevention and Control and by the Ford Foundation's survey project on drugs.

Also recently, a Special Assistant Attorney General appointed by the President to lead a drive against heroin peddlers throughout the country had occasion to comment on the activities of the committee. The Special Assistant Attorney General noted that he was "personally aware of the pioneering work of the Select Committee on Crime in the drug field. The committee helped alert the Nation to the drug abuse crisis. Among other things, your hearings and reports pointed out the vital need for a better-coordinated approach to the fractionalized efforts in drug abuse treatment and law enforcement."

Of course, our national drug epidemic also involves the abuse and misuse of amphetamine-type drugs.

Regulations promulgated by the Food and Drug Administration and contained in the Federal Register on August 8, 1970, stated that amphetamines may be legitimately prescribed for the treatment of narcolepsy, a rare sleeping sickness, the treatment of hyperkinetic children and in the early stages of weight control. For these few uses, officials at the National Institute of Mental Health have estimated there is annual national need for a few hundred thousand doses of amphetamines. However, legitimate manufacturers have been producing 5 to 8 billion amphetamine doses annually. The Bureau of Narcotics and Dangerous Drugs estimate that more than half of these are diverted into illegal channels. Of the supply remaining within the legal channels, medical authorities state that promiscuous prescribing has led to serious misuse.

The committee solicited the opinions of hundreds of medical authorities and heard testimony from both law enforcement officials and representatives of drug companies. At public hearings, the committee heard terrifying and explicit testimony regarding the physical and psychological consequences of amphetamine addition among the young. Dependency on amphetamines is not only a significant cause of all types of crime, but it is a deadly destroyer of minds and bodies.

The committee was told that lax laws and regulations have engendered a situation where more than 60 percent of the amphetamines exported to Mexico are smuggled back into the United States and sold in the black market. Though legitimate manufacturers are not the only source of these dangerous drugs, they are the largest single source. The committee learned that little technical expertise or experience is needed to construct and operate a crude laboratory capable of producing these drugs. There is little Federal or State control over the purchase of the immediate precursors of chemical ingredients needed to manufacture amphetamines.

The committee prepared legislation designed to deal with the amphetamine problems exposed by its investigations and hearings. The first bill introduced would have prohibited the manufacture and distribution of methamphetamines—one of the most powerful and widely abused "speed" drugs. The second bill sought to place strict controls on the manufacture and distribution of all amphetamine-type drugs. Both bills would have imposed stricter limits on the sale of the chemical ingredients of amphetamines.

However, the Drug Abuse Prevention and Control Act of 1970 did not contain adequate controls to prevent the further diversion of legally manufactured amphetamine-type drugs. The members of the select committee believed so strongly in the need for increased controls that they unanimously sponsored an amendment to that act rescheduling amphetamines, methamphetamines, methylphendidate, and phenmetrazine, all central nervous system stimulants, from schedule III to schedule II. The committee believed that the increased production controls, registration requirements, and export regulations applied to compounds in schedule II would greatly reduce diversion and abuse of all types of amphetamines. The legislation we proposed has been adopted by administrative action which rescheduled these drugs.

The committee submitted a report to Congress entitled "Amphetamines." The report outlined the history of amphetamine abuse in the United States, the disastrous physical and psychological effects of the misuse and abuse of these drugs and the relationship of this problem to violence and crime. The report details the experiences of Japan and Sweden, both of which have had significant problems with amphetamine-type drugs. The report analyzes the laws and practices which allowed billions of amphetamines to be spewed out annually into the black market.

The report contains specific recommendations for stricter controls of amphetamines and the ingredients of amphetamines, the adoption of the International Psychotropic Drug Protocol, the improvement of international border security procedures, and the prohibition or tighter regulation of mail-order shipments of amphetamines.

As a direct result of our actions the production of additive and deadly amphetamines has been reduced from 8 billion to less than half a million—an 82-percent reduction in annual production. This is a critically significant step in the fight against crime through drug abuse because amphetamine abuse is one of the first steps taken by teenagers along the road to heroin addiction.

Juvenile delinquency is regarded as a major crime problem in the United States. The Federal Bureau of Investigation compiled national crime statistics which showed that approximately 40 percent of those arrested for crimes of violence and 70 percent of those arrested for crimes involving private property were under 21 years of age. The Select Committee on Crime attempted to find out why so many young people are turning to crime.

To further these efforts members of the committee personally inspected juvenile correctional institutions in five States.

The youth corrections system in the United States is, on the whole, a travesty. We have hundred-year-old correctional institutions which lack proper rehabilitation facilities and, in many instances, do not attempt to institute even the simplest of reforms.

The committee was most impressed, however, with one facility in Red Wing, Minn. The advanced techniques there can and need to be emulated in other institutions throughout the country.

These observations and many more are contained in the committee report entitled "Juvenile Justice and Corrections." As a result of this report, our inspection trip, and hearings we submitted legislation to establish a Juvenile Justice Institute.

The recommendations were merged into legislation offered by the Honorable Tom Railsback of Illinois and retitled to create an "Institute for Continuing Studies of Juvenile Justice."

That legislation is due to be considered on the floor of this House within the next several weeks and I believe that the prospects are good that it will be approved and sent to the Senate.

In December of last year—after a 4 months' intensive investigation—the committee conducted hearings which related to the treatment and rehabilitation of prisoners in Federal and State prisons. The committee was most gratified when these hearings were described by a leading penologist "as the most comprehensive inquiry ever conducted by the Congress." The first volume of our hearings entitled, "American Prisons in Turmoil," has been distributed to the Congress.

Part of our hearings dealt with events which led up to the tragic circumstances of Attica. One phase of the investigation involving the testimony of a number of inmates has been concluded this year. The committee is now analyzing the facts educed at the hearing and drafting recommendations and proposed legislation for evaluation by the Congress. The analysis, recommendations, and proposed legislation will, of course, be supplied to the entire House of Representatives in the form of a committee report.

Also, in December of last year, the committee held hearings relating to a nationwide apparatus of criminals who use worthless paper to defraud banks, stock brokerage firms, insurance companies, and the public of millions of dollars each year. The investigation revealed that a religious foundation fell into the control of a number of organized criminals who issued more than $25 million of worthless securities. Those securities were given the facade of respectability by a beautifully printed brochure distributed by the foundation which claimed it had $20 million of assets. Next, the foundation obtained fraudulent financial statements from corrupt accountants—again giving their securities a facade of value where none actually existed. Finally, the Dun & Bradstreet Co. incorporated the fraudulent financial reports in their publications without a minimal check of the listed assets and disseminated the information to the financial community.

The testimony in relation to this investigation has been completed, but the analysis, legislative recommendations, and report must be processed during this year.

In conclusion, Mr. Speaker, I can assure the Congress that the committee will utilize the funds provided by this resolution to continue its most resolute efforts in combating the crime problem in the Nation today.

Mr. THOMPSON of New Jersey. Mr. Speaker, the Select Committee on Crime was established by House Resolution 115 adopted March 9, 1971. Reference has been made to Members from Missouri, Dr. Hall being on the floor now. There was at that time a colloquy between our distinguished colleague from Missouri (Mr. Bolling) and Chairman Pepper.

I yield for purposes of debate to the gentleman from Missouri (Mr. Bolling) with respect to that.

Mr. BOLLING. I thank the gentleman from New Jersey.

I would reiterate what I said in effect during the debate on the reestablishment of this select committee.

At one point in the consideration of the matter before the Rules Committee I thought that the matter had been finished. I thought that we were not going to reconstitute the select committee.

I feel as strongly today, despite the good work of the select committee and its members. I feel exactly the same way I did that date some time ago, that we should not have select committees which become perpetual select committees.

I can guarantee to the gentleman from Missouri, whose presence in the next Congress I will miss if I am fortunate enough to be returned here, that if I am returned I will make an effort to see to it that this select committee is not continued and that its jurisdiction—it will obviously need further attention judged by statistics—is taken up by the appropriate standing committee.

I believe it is a very, very poor idea to have select committees that go on and on and on. I believe it should be very clear that an effort is going to be made to see to it that 4 years is the full life of this particular select committee.

I do not say this in any personal way. I do not say it in any criticism of the Members, or even of the select committee. It is merely my view, in a situation where there is a shortage of space, a shortage of money—all kinds of shortages—that if our standing committees are not functioning in a way to carry out their duties there is something very seriously wrong.

On that fundamental principle I want to serve notice that if I am able—in other words, if I am here—as a member of the Rules Committee I intend to oppose that resolution, as I did in this Congress, and also to oppose it on the floor if the majority of the Rules Committee decides to support it.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. THOMPSON of New Jersey. I will be glad to yield, but I wonder if the gentleman would mind, in the light of a commitment which I made earlier, if I yield 5 minutes to the gentleman from Indiana (Mr. Madden) first, and then we will return to this colloquy, following which Mr. Dickinson, the ranking member of the subcommittee, wants to be recognized.

I yield for the purpose of debate only to the gentleman from Indiana (Mr. Madden).

Mr. MADDEN. Mr. Speaker, I rise in support of full funding to carry on the work of the Select Committee on Crime and its able chairman, Claude Pepper of Florida, our esteemed colleague who has devoted his life to the cause of improving the lives of others.

I wish to remind this body today of some of the major accomplishments achieved by the Crime Committee in its relatively brief existence of 3 years.

It is important to remember that the Crime Committee was not given the powers of legislative initiative but was created as a prober, as an investigative body empowered to make recommendations to standing committees.

In its life span, the committee has forwarded more than 120 legislative recommendations, some of which have resulted in legislative action and many of which are under active consideration before various committees of the House.

Just tomorrow, Chairman Pepper will appear before the House District Committee to urge the passage of a unanimous recommendation of the Crime Committee to make the possession of the "tools of the trade" of heroin pushers prima facie evidence of trafficking in this most evil of dangerous drugs.

It was the Crime Committee that first brought to the attention of the Congress and the country the urgent need for action against those who furnish the bags, the syringes, the equipment to the pusher and who do it without breaking any existing laws.

It was the Crime Committee that more than two and a half years ago called for a reexamination of the marihuana laws and pointed out the inconsistencies from State to State and the uneven application of the law against those found in possession of the drug.

The Crime Committee did the early spadework in this area and it played a part in the administration's decision to reconsider the Federal law as it pertains to simple possession of marihuana and place it in a misdemeanor category.

It was the Crime Committee that a year and a half ago exposed the pittance which the Government and private industry was spending to develop new drugs to combat the national heroin epidemic.

On March 23, President Nixon signed into law a bill establishing the Special Action Office for Drug Abuse Prevention and, with it, earmarked $75 million for pharmacological research to develop new drugs to counter the effects of heroin addiction.

It was no coincidence that this section was added to the SAODAP legislation after more than 100 Members of this House and hundreds of public officials, scientists and prosecutors from across the country joined in a call for such research.

It was also the Crime Committee that nearly 3 years ago first threw the public spotlight on the diversion of millions upon millions of amphetamines—the so-called pep pills—into the illicit markets.

These were the pills which were ruining the lives—and in increasing numbers claiming the lives—of thousands of young people. These were the pills which in the language of the street became known as "speed."

It was the Crime Committee which relentlessly kept the pressure on the Food and Drug Administration and the Bureau of Narcotics and Dangerous Drugs to place these pills under quotas and limit their distribution to legitimate medical needs.

There were as many as 8 billion of these pills which rolled out of the drug factories at the time the committee began its inquiry into this pill-popping phenomena.

Today, Mr. Speaker, there are controls on these pills and no more than 470 million will be produced this year—an almost unheard of cutback which can be credited to the good work of CLAUDE PEPPER's committee.

What we are seeking, Mr. Speaker, is the coming to fruition of many of the early initiatives of the Crime Committee.

And there is more work to be done.

The fight against crime in America is not the sole responsibility of the Crime Committee. Many of the standing committees of the House must consider some aspect of crime in the performance of their legislative duties.

The Select Committee on Crime is intended to perform a complementary role.

In a greater sense, the responsibility to curb the rise in crime lies not only with the Congress, but with the entire Federal Government. The executive branch is constantly devising new programs, implementing new projects and perfecting new approaches to improve the enforcement of the laws. The Federal judiciary is constantly striving to improve the administration of justice.

Yet we have heard criticism of the Law Enforcement Assistance Administration. And we have heard criticism of various Federal agencies responsible for enforcing the drug laws of this country. But this criticism does not mean that we abandon these efforts.

The executive branch has not solved America's crime problem. The standing committees of the House have not solved America's crime problem. And the Select Committee on Crime, alone, will not solve America's crime problem.

It will take all of these agencies and committees, working in concert, to make our streets safe and our homes secure.

The Select Committee on Crime has worked tirelessly toward this objective and it deserves our support and our expression of gratitude for its contributions to date.

Mr. THOMPSON of New Jersey. Does the gentleman from Missouri wish me to yield further to him?

Mr. HALL. Mr. Speaker, for the second time, I appreciate the gentleman asking me if I would like him to yield.

I think insofar as my part in this is concerned I would like simply to reexpress my appreciation for withholding the action on this resolution from the 29th of March, until today; because, that has given me a chance to research and to study in a probative way the actions of this select committee.

Second, I simply want to say that I agree thoroughly with my colleague, the gentleman from Missouri (Mr. BOLLING) in his determination to limit so-called select or ad hoc committee, and it makes me almost willing to renege on my determination to retire and come back in order to aid, help, and abet him in his plan to forsake these special and select committees.

Mr. THOMPSON of New Jersey. Why does not the gentleman do that?

Mr. HALL. Mr. BOLLING's interest and mine both comes not out of any personalities involved, but out of our work on the reorganization of the Congress and our conviction that we should do our work through our regularly established committees and subcommittees rather than the so-called select committees and others.

It is for that reason, plus the fact that I am sorely concerned about the fact that the duly constituted committees or the subcommittees responsible have not carried out this function, and as far as our research has indicated, do not plan to carry out this function; including reorganized subcommittees to which the duties, aims, and objectives could be assigned, that I have asked for this delay.

My first concern, naturally, is that there is an overexpenditure of taxpayers' funds for this committee and the mighty "iffy" statement made by the chairman in response to my other question, as contradisposed to the very direct statement he made to my colleague from Missouri last year wherein he says:

> I will say to my friend it is my purpose as the introducer of the resolution for the Select Committee and the prospective chairman of the committee to try to conclude our work at the end or by the end of the 92d Congress.

Now, he says if in the opinion of the committee they have completed their mission they will not ask for an extension. That is a mighty "iffy" postulate and is about the same as the chairman from Florida saying that they would require less funding in the 92d Congress than they did in the 91st, when we turn around and fund them for an extra $47,000, and he asked for even more.

Mr. Speaker, these are my concerns, plus the natural tendency that we see in history and by tradition, to continue indefinitely once a committee is established or formed, and that it makes nice headlines but produces no great output that is not duplicative or otherwise cared for by the regular committees. This is the glory road to self-perpetuation.

However, as a part of some of my research I have found—and over the Easter recess have read and studied—not one but five separate reports by the Select Committee on Crime of the House of Representatives. Some of them are most valuable and some of them are in areas where there is no function on the part of the regular standing committee. Therefore, although I came to the conclusion at the time this funding bill was brought up rather suddenly, that it should be deferred, I have no great personal objection to the continuation of this select committee throughout the balance of this particular year.

Mr. Speaker, again I thank the gentleman for yielding.

Mr. THOMPSON of New Jersey. Mr. Speaker, if I may, I would like to make a few comments.

First, I am glad of the interest of the gentleman from Missouri in this subject and would hope that somehow or other we could draft the gentleman from Missouri so that he would reconsider and seek reelection, because this would be a very happy event for a number of us in the House.

Second, I would like to assure the Members of the House that in each and every instance when the legislative committees have come before us we have reminded them very strongly of their oversight responsibilities.

In a colloquy with the chairman of the Select Committee on Crime, the gentleman from Florida (Mr. PEPPER), I determined that the select committee has no legislative jurisdiction and that in every instance in which they find an area where legislation is demanded or should be considered they refer it to the appropriate legislative committee.

It is my hope that the Select Committee on Crime will finish its business by the end of this Congress, but, in any event, the House will work its will at the beginning of the next Congress; that is, those of us who will be here at that time, and decide whether to continue it or to discontinue it. If, by chance, it is continued, then I can assure the Members, my colleagues, that if I am occupying the chairmanship of the subcommittee, as I do now, that I shall go into this matter very, very carefully.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from California (Mr. HANNA) for a question only.

Mr. HANNA. Mr. Speaker, I thank the gentleman for yielding, and I would like to ask the gentleman from New Jersey if he has any plan or any approach that would encourage the chairmen of our standing committees to set up effective, operating, empowered, and funded subcommittees so that the utilization of the great manpower that is in this House can be made and so that this House can proceed much more broadly in the handling of its responsibilities.

Mr. THOMPSON of New Jersey. The answer to the question of the gentleman from California is absolutely "Yes." In each and every instance we have asked the chairman and the ranking member of each of the legislative committees if their subcommittees are functioning, if they are funded properly, and if they are abiding by the oversight responsibility required by the Legislative Reorganization Act of 1970.

Mr. HANNA. Mr. Speaker, I thank the gentleman for his reply.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. DICKINSON), for the purposes of debate only.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding.

I would just like to say that, as a member of the subcommittee, I supported the reduction of the $74,000 if, in fact, I was not the member who originally recommended it.

I, too, share the concerns expressed by the gentlemen from Missouri (Mr. Bolling and Mr. Hall) and the Members from other States, also, as to the wisdom of authorizing these funds and whether they are in fact needed.

We went into this in some detail, and I have very serious and very grave reservations as to the necessity for the continuation of this select committee. I know that, considering the membership of the select committee, it is a very prestigious group and, as a consequence, we—and I know speaking for myself—have acceded to their requests because we have such great confidence in the complement and make-up of this select committee.

It is also my personal feeling, however, that the gentleman from Missouri (Mr. Bolling) is eminently correct that the functions of this select committee should be handled by a standing committee.

As a matter of fact, the chairman of the full Committee on House Administration observed to the chairman of the Committee on the Judiciary when he came before us and asked for only $400,000 for the Judiciary Committee's annual budget and compared that to his counterpart in the Senate who used $4 million for his annual budget, that either the Committee on the Judiciary of the House was not doing enough or the Senate Committee on the Judiciary was doing too much, or maybe it was a little of both.

I would like to ask, if I may, of the chairman of the Select Committee on Crime one additional question. I listened to the earlier question and I heard your answer as to the life expectancy of this group.

I would like to ask the gentleman for the record if it is your anticipation that this select committee will conclude the business that is now pending before it during this Congress.

Mr. PEPPER. I want to give the able gentleman an honest answer—I do not know.

The resolution of the House enacted in early 1971 authorized a continuation of this committee for the 92d Congress. This is simply a resolution to provide funding for the second year of the 92d Congress.

Mr. DICKINSON. I know what it is.

Mr. PEPPER. If the gentleman will allow me, next year a new Congress will be in session and by the end of this year we will know what we have been able to accomplish.

I want to tell the gentleman so far as I am personally concerned, I gladly bear the labors that the chairmanship of this committee has imposed upon me because I feel we are making a significant contribution to the reduction of crime, we have 11 members of this committee however and I am not going to preclude what that committee may resolve to ask this House to permit it to do against crime next year by what I say here today.

Mr. DICKINSON. If the gentleman will allow me, I think the gentleman must have missed the thrust of my question. I am not asking you to exercise a judgment for the 11 members of the committee. I am asking the gentleman if, in your opinion, your committee will conclude the work it has.

Mr. PEPPER. The only honest answer I can give the gentleman is I do not know. We are working very hard. We have accomplished much but there is much to be done.

Mr. DICKINSON. I thank the gentleman.

Let me say, I think the committee has served a useful purpose. I voted for it when it was constituted and I would hope that it will conclude its special purpose this year. I would like to serve notice now that I will vote against its being reconstituted in the next Congress and do what I can as a member of the House Administration Committee to deny funds in the next Congress.

Mr. PEPPER. I think all of us can rely on the exercise of the good judgment of the House, if and when that question comes before the House at the beginning of the 93d Congress.

Mr. THOMPSON of New Jersey. Mr. Speaker, does the gentleman from Missouri (Mr. Hall) want me to yield once more?

Mr. HALL. Yes. I realize I have used an undue portion of the time, but I do want to point out indelibly and clearly for all of the Members the paradox that we face once more. This is not against the Select Committee on Crime. If we have to be an "aginner"—this is against the present organization of the subcommittee of the Judiciary.

There are seven of them. It was brought out in the colloquy that there is no apt or appropriate attention being paid to the problems of crime in these various subcommittees—indeed, that function is presumably assigned to subcommittee No. 6 which is entitled "Patents, Trademarks, and Copyrights." There is no subcommittee of the Committee on the Judiciary for crime prevention, crime abuses, or the crime on the streets problem or drug abuse et cetera. This is a part of our paradox that I would hope the Committee on House Administration would challenge and not only next year on the continuation of this select committee, but the chairman of the standing committee to see a proper reorganization within the reorganization of the Congress under the act of 1970 is carried out.

Mr. Speaker, I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3054, AMENDING MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Mr. DANIELS of New Jersey. Mr. Speaker, I call up the conference report on the bill (S. 3054) to amend the Manpower Development and Training Act of 1962, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 29, 1972.)

Mr. DANIELS of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with inasmuch as it has been printed in the Record and has been available since March 29, 1972.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PERKINS. Mr. Speaker, first let me compliment the gentleman from New Jersey (Mr. Daniels), the distinguished chairman of the Select Labor Subcommittee whose work and leadership have brought this conference report to the floor for our consideration.

Mr. Speaker, S. 3054 extends for 1 year title II of the Manpower Development and Training Act of 1962, and authorizes a grace period of 2 years within which school districts which lost Federal property when the U.S. Postal Service was created could continue to receive impact assistance while phasing out of that program.

The MDTA extension is necessary to allow the Department of Labor to continue to fund such ongoing programs as opportunities industrialization centers, on the job training and institutional training programs, and area skill centers. These programs are currently serving 150,000 enrollees and are funded at $750 million.

Last year the Congress adopted a comprehensive manpower bill that restructured the character of manpower delivery systems. Unfortunately that bill did not become law and we are facing a further reevaluation of the entire manpower program. In order to carry out the necessary comprehensive review of all of these programs we must extend the existing law for at least 1 year.

An amendment was added by the other body to S. 3054 which had the effect of extending for 2 years—one of which is the current fiscal year—the practice of counting postal employees for the purpose of determining entitlement for funds under the Federal impact aid program. This legislation was necessitated by the conversion of the Post Office Department to the Postal Corporation. Identical legislation has also passed the House under suspension of the rules.

Under the present impact aid program school districts having Federal property which is transferred to other ownership during a school year continue to receive their impact aid payments for that school year and for 1 additional year after the transfer has occurred.

When the U.S. Postal Service was created earlier this year and the General Services Administration transferred the post offices under its jurisdiction to this new corporation, over 700 school districts unexpectedly lost property which the Office of Education had considered Federal property for purposes of the impact aid law. And then the general counsel of the Department of Health, Education, and Welfare compounded the problem by ruling that these particular transfers of Federal property could not qualify for the normal grace period because of a quirk in the definition of Federal property contained in Public Law 81-874.

The simple purpose of this bill is to correct the inequity caused by this opinion and to make these districts eligible for the same kind of grace period as all other impact aid districts. This period will allow them to finish this year with the impact money which they have already budgeted and to continue 1 more year while they make plans to lessen their reliance on impact aid or to eliminate their participation altogether.

Mr. Speaker, I urge the adoption of the conference report on S. 3054.

Mr. DANIELS of New Jersey. Mr. Speaker, authorization for title II of the Manpower Development and Training Act expires on June 30, 1972. The act also provides that no expenditures for that title can be made after December 30, 1972.

The House bill provided for a 1-year extension of the authorization under title II and also provided that no expenditures pursuant to this new authorization could be made after December 30, 1973.

The Senate bill did not provide for an extension of the authorization under title II of the MDTA. In addition, it deleted altogether the termination date for authority to expend funds.

The conference report provides for another year's authorization for the Manpower Development and Training Act, because it is unrealistic to expect that we can enact new comprehensive manpower legislation before June 30, 1972.

Since its original enactment, the MDTA has contained a proviso limiting expenditures to a period ending 6 months after the end of the authorization. This is a very unusual provision, which was put into the original MDTA because it was a new and untried program. After 10 years of operation, this special proviso probably serves no useful purpose, and the House receded on the Senate provision that deletes it altogether.

The Senate bill also contained a provision to continue treating property of the U.S. Postal Service as though it were Federal property for purposes of the impact aid program. An identical provision was contained in H.R. 11809, which was favorably reported from the Education and Labor Committee and passed the House under suspension of the rules on December 6, 1971.

The House conferees accepted this provision.

I urge all my colleagues to support the conference report.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDING SECTION 613 OF THE MERCHANT MARINE ACT, 1936

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 914 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 914

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9552) to amend the cruise legislation of the Merchant Marine Act, 1936. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for one hour.

Mr. BOLLING. Mr. Speaker, those who listened to the resolution will understand its purpose. There appeared no opposition to the matter made in order by House Resolution 914, the bill H.R. 9552, and I reserve the balance of my time. I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 9552 is to aid the U.S.-flag passenger fleet which has now dwindled to four vessels. Of these four vessels, two sustained large operating losses in 1970. This bill provides greater cruising flexibility and increased opportunity for carriage of cargo and mail in order to improve the financial situation of these carriers.

Existing law provides that the Secretary of Commerce may permit passenger vessels covered by operating differential subsidy contracts to cruise off their essential trade routes for two-thirds of the year. This bill would authorize such cruising for the full year if the Secretary of Commerce finds that the operation of the vessel on its trade route is not required.

The bill would also amend existing law to permit U.S.-flag passenger vessels to carry mail and cargo between ports not on their regular routes, if this is not in direct competition with a carrier offering U.S.-flag passenger service. If such carriage is in direct competition with a U.S.-flag passenger carrier, then the consent of the next scheduled U.S.-flag carrier must be obtained.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GARMATZ. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9552) to amend the cruise legislation of the Merchant Marine Act, 1936.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9552, with Mr. CULVER in the chair.

The Clerk read the titles of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. GARMATZ) will be recognized for 30 minutes, and the gentleman from Washington (Mr. PELLY) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Maryland.

Mr. GARMATZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 9552 would amend the cruise legislation—section 613—of the Merchant Marine Act of 1936.

At the present time there are only four U.S.-flag passenger vessels operating and they work out of the west coast. The provisions of this bill would apply to any operating U.S.-flag passenger vessel, but as the situation now stands, it would apply to the four U.S.-flag passenger vessels now operating, namely, the SS *Mariposa*, the SS *Monterey*, the SS *President Cleveland*, and the SS *President Wilson*.

Section 613 of the Merchant Marine Act of 1936 now provides that the Secretary of Commerce may permit passenger vessels with respect to which an operating differential subsidy contract was entered into prior to January 2, 1960, to cruise off their essential trade routes for two-thirds of each year. H.R. 9552 would amend section 613 to authorize cruising for the entire year if the Secretary finds that the operation of the vessel on its trade route is not required.

The bill would also amend section 613 to permit U.S.-flag passenger vessels to carry mail and cargo between ports not on their regular service if such carriage is not in direct competition with one or more carriers offering U.S.-flag berth service between those ports, or, if such carriage is in direct competition with one or more carriers offering U.S.-flag berth service between such ports with the consent of the next scheduled U.S.-flag carrier. Such consent shall not unreasonably be withheld in the judgment of the Maritime Administrator.

Unfortunately, these four passenger vessels operate, at best, at a marginal profit. Since we would like to keep these few remaining U.S.-flag passenger vessels running, it is hoped that the added cruising flexibility recognized from H.R. 9552, as well as the limited carriage of cargo permitted within the restrictions of the bill would provide some additional financial assistance to the continued operation of these few remaining U.S.-flag passenger vessels.

For the reasons mentioned above, I urge all my colleagues present to support this important cruise measure.

Mr. PELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill, H.R. 9552 and urge its immediate passage.

A further explanation of the purpose and need for the legislation is amply covered in the report of your committee. Very briefly, section 613 of the Merchant Marine Act of 1936 now provides that the Secretary of Commerce may permit subsidized passenger vessels to cruise off essential trade routes for two-thirds of each year.

This bill, H.R. 9552, would amend section 613 to authorize cruising for the entire year if the Secretary finds that the operation of the vessel on the trade route is not required.

The bill also would amend section 613 to permit the four remaining U.S.-flag passenger vessels—SS *Mariposa*, SS *Monterey*, SS *President Cleveland*, and SS *President Wilson*—to carry mail and cargo while cruising between ports not on their regular service if such carriage is not in direct competition with other U.S.-flag carriers or, if there is direct competition, with the consent of the next scheduled U.S.-flag carrier. If such consent should be unreasonably withheld, in the opinion of the Maritime Administrator, he may allow such a carriage.

Mr. Chairman, as I have indicated there are only four active U.S.-flag passenger ships at this time. There are eight U.S.-flag passenger ships laid up. Two of these four passenger vessels sustained large operating losses in 1970. The provisions of H.R. 9552, allowing cruising for the entire year and the carriage of cargo and mail, will be of some assistance to our four active passenger ships, placing them on a more competitive basis with the many foreign-flag ships cruising from our ports.

This legislation is supported by the administration and was reported unanimously by your committee. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. GARMATZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DE LA GARZA), a member of the committee.

Mr. DE LA GARZA. Mr. Chairman, I rise in support of H.R. 9552.

Chairman GARMATZ just pointed out that the bill in question would aid our few remaining passenger vessels by giving them greater cruising flexibility and by allowing them to carry cargo and mail with certain restrictions.

As most of my colleagues may realize, there are no longer any U.S.-flag passenger vessels operating out of the east or gulf coasts of the United States, and the only four U.S.-flag passenger vessels now operating run from the west coast.

Just the other day, one of our colleagues wrote us concerning the problem of no American musicians being employed aboard the many cruise ships sailing from Florida to the Caribbean. As we all know, this is a lucrative and very active trade. Unfortunately, all these U.S. passengers going from Florida ports are going on foreign-flag cruise vessels. Thus, there is no way we can force the employment of American workers, musicians, or otherwise, on these vessels.

I just pointed this out as an example of what happens when our U.S.-flag passenger vessels are displaced by foreign-flag vessels. I cannot think of a greater reason for the passage of this bill than that it will help the operation of the four remaining U.S.-flag vessels—the remnants of our once proud U.S.-flag passenger fleet.

I urge all the Members to support H.R. 9552, because it is in the best interest of the U.S. merchant marine, and U.S. industry and labor in general.

Mr. GARMATZ. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ANDERSON), a member of the committee.

Mr. ANDERSON of California. Mr. Chairman, I commend our chairman for the great deal of time he has given to this particular problem.

Mr. Chairman, I rise in support of H.R. 9552, a bill which would, first, allow passenger vessels to cruise off their essential trade routes for the entire year and, second, allow those passenger vessels to carry mail and cargo between ports not on their regular service if such carriage is not in direct competition with another U.S.-flag carrier in that trade.

This legislation is designed to give greater flexibility in the operation of passenger ships. It would also provide a means of earning increased revenue from the carriage of mail and cargo.

At the present time, our once proud passenger fleet has shrunk to our operating ships: the SS *Mariposa*, the SS *Monterey*, the SS *President Cleveland*, and the SS *President Wilson*. Of the four ships in operation, only two of them did not sustain large operating losses in 1970.

We also have eight American-flag passenger ships which are currently laid up. The layup costs for the eight vessels currently idle are substantial—currently $6.3 million a year—and may ultimately affect the ability of the owning companies to operate as cargo carriers.

The provisions of H.R. 9552 which would allow cruising for the entire year and the carrying of cargo and mail may be of some assistance to our financially troubled passenger vessel-owning companies. While it is doubtful that this bill would cause the reactivation of any laid-up ships, it could help those still in operation.

This legislation may very well enhance future earnings of the passenger ships, making it possible to seek out the business where the markets and traffic are most promising. This is exactly the same freedom of operation that all foreign-flag cruise ships, based in the U.S. ports, are permitted. This is to erase another gesture of legislation which hampers U.S.-flag operations while, at the same time, permitting our foreign-flag competitors a trade advantage.

Retaining these American-flag passenger ships, manned by the great work force of American seamen, constitutes an important integral part of our national defense posture.

These ships have provided a source of prestige and productivity for our U.S. maritime industry. With the passage of H.R. 9552, the four American passenger ships in operation will be able to continue to carry the American flag around the world.

This bill is worthy of the support of the entire House of Representatives, and I urge all of my colleagues to cast an affirmative vote for H.R. 9552.

Mr. PELLY. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, in 1966 I was authorized by the chairman of the Merchant Marine and Fisheries Committee to participate in a congressional delegation which went to Russia and Poland to view the merchant marine activities behind the Iron Curtain. Following that visit my colleague, Mr. ROGERS from Florida, and I wrote a report entitled "The Soviets and the Seas." I would like to take this opportunity to point out a few of the relevant facts included in that report.

Between 1960 and 1966, the Soviet fleet expanded at a phenomenal rate, climbing from 11th place to sixth place among the world's fleets. While we had only 41 merchant ships on order in that year, the Soviets had 464 on order. At the same time, about 70 percent of our fleet was over 20 years old, while, on the other hand, 80 percent of the Soviet merchant fleet was less than 10 year sold.

Since that time, now almost 6 years past, our merchant fleet has continued to diminish in size, and, needless to say, the Soviet fleet has continued to expand at an alarming rate. Further, in 1966 the Soviet expenditure for ship construction exceeded $600 million. Today, your Merchant Marine and Fisheries Committee is supporting the authorization of $250 million for the aquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships. Although this request calls for an increase of $20,313,000 over the 1972 appropriation, it is still a far cry from the $600 million appropriated by the Soviets 6 years ago.

The total request of $525,860,000 is in furtherance of the administration's commitment to revitalize the American merchant marine and restore this country to its place as a leading maritime power. Every dollar spent in the construction of merchant shipping generates many more dollars than are indicated in the cost of a particular vessel. More people are employed in the shipyards, more people are employed at sea and on the docks, more people are involved in the intermodal transportation of our Nation's commerce, and, of course, more goods are shipped in American bottoms thus easing our balance of payments.

Our country is on the threshold of an energy crisis. We are also on the threshold, or the ground floor at least, of a completely new transportation system that, hopefully, can serve to meet this crisis. It is projected, for example, that within the next decade scores of liquified natural gas carriers will be constructed for the transportation of this vital gas from the fields all over the world to the largest consumer: the U.S. market. The nations controlling that transportation system will, naturally, be able to greatly influence the cost of the cargo. The ships authorized in this bill before us today will help us to play a lead role in competing in world markets for these fuels that will be required for us to participate in world commerce and industry in the years ahead.

Mr. PELLY. Mr. Chairman, I have no further requests for time.

Mr. GARMATZ. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1183), is amended as follows:

(a) Subsection (b) is amended as follows:

(A) By striking out "effective before January 2, 1960, is required for at least one-third of each year, but not" and inserting in lieu thereof "effective before January 2, 1960, is not required".

(B) By striking out "(1) on such service, route, or line for such part of each year" and inserting in lieu thereof "(1) on such service, route, or line for some part or no part of each year".

(C) By striking out "(2) on cruises for all or part of the remainder of each year" and inserting in lieu thereof "(2) on cruises for all or part of each year". (b) Subsection (d) is amended as follows:

(A) By inserting after the numeral "(1)" the words "except as provided in subdivision (4) of this subsection" and a comma.

(B) By inserting a new subsection (4) to read as follows:

"(4) with the approval of the Secretary of Commerce, it may carry cargo and mail between ports to the extent such carriage is not in direct competition with a carrier offering United States-flag berth service between those ports, or, if such carriage is in direct competition with one or more carriers offering United States-flag berth service between such ports, with the consent of all such competitive carriers or subject to contractual arrangements with any such competitive carrier."

(c) The first sentence of subsection (e) is amended by inserting after the words "after consideration of all relevant matter presented, shall" the words "approve the proposed cruise" and by striking out the last comma in the sentence and the words "approve the proposed cruise" at the end of the sentence.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, lines 12 through 20, delete all of subsection 4 and insert in lieu thereof the following new subsection 4:

"(4) Any other provisions of the Merchant Marine Act, 1936, or of the Shipping Act, 1916, to the contrary notwithstanding, with the approval of the Secretary of Commerce, it may carry cargo and mail between ports to the extent such carriage is not in direct competition with a carrier offering U.S.-flag berth service between those ports, or, if such carriage is in direct competition with one or more carriers offering U.S.-flag berth service between such ports, with the consent of the next scheduled U.S.-flag carrier, which consent shall not be unreasonably withheld in the judgment of the Maritime Administrator."

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to ask one question. Will approval of this legislation, liberalizing operation of these vessels open the door to anything in the nature of a hidden subsidy?

Mr. GARMATZ. No, sir.

Mr. GROSS. I thank the gentleman.

Mrs. SULLIVAN. I rise in support of H.R. 9552. Mr. Chairman, we had a major battle here in the House last December over a bill to permit the sale to foreign purchasers of certain U.S.-flag passenger ships which have been withdrawn from service prior to the expiration of their 20-year-service contract because it was not economically feasible for their owners to continue to operate them. I opposed that bill, H.R. 11589, because I felt that we had not made a sufficient effort—neither the Government nor the operators had made a sufficient effort—to enable those ships to operate profitably under the American flag. Nevertheless, the bill passed the House on the theory that nothing we could do would make it practical for American-flag operators to continue to operate those ships. That bill is now pending in the other body.

In the meantime, however, we have four U.S.-flag passenger ships continuing to operate off the west coast. The bill now before us, H.R. 9552, would improve the capability of the operators of those ships to keep them in service. It would remove restrictions on their year-around operation as cruise ships, which is the most profitable kind of passenger ship operation today. At present, the owners of those four ships can utilize them in off-route cruise service a maximum of 7 months a year.

In addition to enabling the four ships to cruise all 12 months of the year, H.R. 9552 would enable the operators of these vessels, under limited circumstances, to carry some cargo and mail, subject to reasonable objections by other American-flag carriers. The key point is that any competitors' objections to such cargo and mail service must be reasonable ones.

I urge support for H.R. 9552. The Department of Commerce concedes that this legislation provides adequate protection against unfair competition by the cruise ships and could help keep in service the four U.S. passenger ships still operating. I feel it may also make possible the reactivation of some of our laid-up passenger ships as well. I feel we should make every effort to keep the American flag on the high seas in the passenger trade. We have not really worked at it. Consequently, we have lost from 5,000 to 7,000 oceangoing jobs previously held by American citizens. This has occurred at the same time that the cruise trade out of American ports—cruising by American citizens—has reached fabulous proportions, with virtually every maritime nation in the world except the United States benefiting greatly from this lucrative activity made possible by American customers.

Except for the four ships sailing out of west coast ports, the SS *Mariposa*, the SS *Monterey*, the SS *President Cleveland*, and the SS *President Wilson*, there are no American-flag ships providing cruise service for American passengers. Certainly, we should encourage their continuation in this service, and the possible reactivation of some of our other fine American-flag passenger ships.

When an American family takes a cruise on a foreign-flag ship, all of the money spent leaves the United States. Virtually none of this money comes back. It helps to pay the wages of foreign seamen, it adds to the profits of foreign operators, and contributes to the American balance-of-payments deficit. Through the concessions made by H.R. 9552, our four operating American-flag passenger ships can better compete for business in the cruise trade, and other American passenger ship owners can perhaps get back in the business of cruise ship operation. All of the money spent on fares in U.S. passenger ships stays in the United States.

The bill should be passed.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. CULVER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 9552) to amend the cruise legislation of the Merchant Marine Act, 1936, pursuant to House Resolution 914, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. JACOBS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 374, nays 0, not voting 59, as follows:

[Roll No. 103]

YEAS—374

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
McMillan
Madden
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—59

Abernethy
Alexander
Aspin
Bingham
Blackburn
Blatnik
Byrne, Pa.
Caffery
Chisholm
Clancy
Clark
Conyers
Corman
Crane
Davis, S.C.
Diggs
Dorn
Dowdy
Dwyer
Edwards, La.
Eshleman
Fish
Galifianakis
Gallagher
Griffin
Griffiths
Halpern
Hays
Hébert
Jones, Ala.
Kee
Long, La.
McCormack
McKay
Macdonald, Mass.
Mailliard
Mathias, Calif.
Melcher
Mikva
Miller, Calif.
Monagan
Nix
Patman
Peyser
Pryor, Ark.
Railsback
Rhodes
Satterfield
Scheuer
Sikes
Smith, Calif.
Stanton, James V.
Stokes
Stubblefield
Stuckey
Symington
Vigorito
Widnall
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Hays with Mr. Widnall.
Mr. Sikes with Mr. Blackburn.
Mr. Blatnik with Mr. Fish.
Mr. Davis of South Carolina with Mr. Crane.
Mr. Stubblefield with Mr. Symington.
Mr. Jones of Alabama with Mr. Long of Louisiana.
Mr. Macdonald of Massachusetts with Mr. Clancy.
Mr. Miller of California with Mr. Mailliard.
Mr. Mikva with Mr. Halpern.
Mr. Satterfield with Mr. Dowdy.
Mr. Charles H. Wilson with Mr. Smith of California.
Mr. Alexander with Mr. Patman.
Mr. Byrne of Pennsylvania with Mr. Eshleman.
Mr. Caffery with Mr. Pryor of Arkansas.
Mr. Clark with Mr. Railsback.
Mrs. Griffiths with Mrs. Dwyer.
Mr. Monagan with Mr. Mathias of California.
Mr. Melcher with Mr. Griffin.
Mr. James V. Stanton with Mr. Peyser.
Mr. Corman with Mr. Nix.
Mr. Diggs with Mr. Scheuer.
Mrs. Chisholm with Mr. Vigorito.
Mr. Kee with Mr. Conyers.
Mr. Aspin with Mr. Abernethy.
Mr. Stokes with Mr. Bingham.
Mr. McKay with Mr. McCormack.
Mr. Stuckey with Mr. Gallagher.
Mr. Dorn with Mr. Galifianakis.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. LEGGETT. Mr. Speaker, my name appeared as a coauthor of House Joint Resolution 1138. My name was included as a result of a mistake of fact.

PROVIDING FOR CONSIDERATION OF H.R. 13324, MARITIME AUTHORIZATION, 1973

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 916 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 916

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska, and pending that I yield myself such time as I may consume.

I know of no objection to this rule and reserve the balance of my time, Mr. Speaker.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this bill is to authorize funds for the programs of the Maritime Administration in fiscal year 1973.

The Committee on Merchant Marine and Fisheries increased the Administration's request of $525,860,000 by $30,000,000 so that the total cost of the bill is now $555,860,000, which breaks down as follows:

First, $280,000,000 for all expenditures dealing with the acquisition, construction, or reconstruction of vessels;

Second, $232,000,000 for ship operation subsidies;

Third, $30,000,000 for research and development;

Fourth, $3,900,000 for reserve fleet maintenance expenses;

Fifth, $7,670,000 for marine training at the Merchant Marine Academy at King's Point, and;

Sixth, $2,290,000 for financial assistance to State marine schools.

The $30,000,000 added in the committee amendment is for the acquisition of modern break-bulk U.S.-flag vessels for lay up in the national defense reserve fleet.

It is anticipated that this amount will provide for the purchase of about 10 such vessels.

I understand this came out of the committee unanimously and there was no opposition vote in the committee or in the Committee on Rules.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 13188, COAST GUARD AUTHORIZATION, 1973

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 915 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 915

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska, and pending that I yield myself such time as I may consume.

Mr. Speaker, again I know of no opposition to the resolution. I do understand that it is expected that an amendment will be offered by a member of the Committee on Merchant Marine and Fisheries to the bill that this resolution will make in order.

I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 13188 is to authorize appropriations for the Coast Guard for fiscal year 1973.

The Committee on Merchant Marine and Fisheries increased the original request of $135,660,000 by $6,160,000 for a total of $141,820,000 which is the figure in the committee report. This figure is a technical error. The Committee on Merchant Marine and Fisheries also added a new section 3 to the bill which provides for an additional $12,500,000 for payment to bridge owners to alter bridges to permit free navigation. This brings the total cost of the bill to $154,320,000.

The amount is broken down as follows: $81,070,000 for the procurement and maintenance of vessels; $15,100,000 is for the procurement and maintenance of aircraft; $45,650,000 is for construction of installations and facilities; and $12,500,000 is for payments to bridge owners noted above.

The largest single item in the bill is an authorization of $66,000,000 for the construction of a new polar icebreaker which is to be the most powerful icebreaker in the world.

In addition, this bill authorizes the Coast Guard to maintain an average active duty strength of 39,074 for fiscal year 1973.

Mr. Speaker, I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MARITIME AUTHORIZATION, 1973

Mr. GARMATZ. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13324, with Mr. Culver in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. Garmatz) will be recognized for 30 minutes, and the gentleman from Washington (Mr. Pelly) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Maryland (Mr. Garmatz).

Mr. GARMATZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to urge passage of H.R. 13324, a bill to authorize appropriations for six programs of the Maritime Administration of the Department of Commerce for fiscal year 1973. In a nutshell, the bill would authorize $555,860,000 for the third year of operations of that Agency under the Merchant Marine Act of 1970, which envisions the construction of approximately 300 ships over a 10-year period, substantial improvements in the operating-differential subsidy program, and a number of other provisions to revitalize the U.S.-flag merchant marine.

With respect to the construction program, the Administration requested $250 million for the funding of about 17 highly productive ships in the third year of phased buildup of the ship construction program in preparation for a full-scale construction effort expected to reach a level of 30 ships per year in 1974. Your committee approved this amount, and approved an additional $30 million for the purchase of about 10 modern break-bulk U.S.-flag vessels for layup in the national defense reserve fleet.

With respect to the operating subsidy program, the Administration requested and your committee approved, $232 million to be used primarily for operating subsidies for four passenger vessels, 196 cargo liners and 20 bulk carriers. This will be the first year that operating subsidy is granted to bulk vessels as contemplated by the Merchant Marine Act of 1970. Generally, it will involve the payment of subsidy rather than the payment of premium freight rates by agencies such as the Department of Agriculture.

With respect to the research and development activities of the Maritime Administration, the Administration requested and your committee approved, $30 million for the continuation of a program that will continue to serve the needs of the entire maritime complex, including Government, shipbuilders, shipowners, and labor.

With respect to reserve fleet expenses, the administration requested and your committee approved, $3,900,000 to preserve and maintain ships in three reserve fleet sites to supplement the active fleet in times of national emergency.

Finally, the administration requested and your committee approved $7,670,000 for maritime training at the Merchant Marine Academy at Kings Point; and $2,290,000 for financial assistance to State marine schools. These funds are used for the training of cadets as officers for the U.S.-flag merchant fleet. With respect to Kings Point, these funds would be for the continued maintenance and operation of the Academy. As to the State schools, the requested funds would assist the six participating schools in performing this function.

The bill was ordered reported unanimously, with one amendment, after full and careful consideration of the record. I strongly urge the House to support H.R. 13324 so that the Maritime Administration can implement the third year of expanded activities envisioned by the Merchant Marine Act of 1970, and we can restore this country to its place as a leading maritime nation.

Mr. PELLY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I discuss the bill I feel that I should mention our chairman, the gentleman from Maryland (Mr. GARMATZ), who as chairman of the Committee on Merchant Marine and Fisheries, guided the program through, under which this country will eventually replace our old and obsolete vessels and the American-flag again will fly over our ships on the seven seas.

Our chairman, the gentleman from Maryland (Mr. GARMATZ) has announced his retirement, and I hope that at some later date we may be able to extend to him proper credit for what he has done, but, in the meanwhile, those of us who are intimately connected with the maritime industry know that we owe him a great debt.

Mr. Chairman, I am pleased to rise in support of this legislation authorizing funds for the programs of the Maritime Administration for fiscal year 1973. This is the third annual authorization bill to be considered by the Congress following enactment of the Merchant Marine Act of 1970. It represents a continuation of the President's commitment to rebuild the American merchant marine during the decade of the 1970's. As you will recall, the President has established a goal of building 300 highly productive merchant vessels during this decade which will be capable of transporting a substantial percentage of our foreign trade.

Two hundred and fifty million dollars has been requested for 1973, an increase of more than $20 million over the 1972 appropriation. A substantial number of contracts are under consideration by the Maritime Administration for award during fiscal year 1973. Should all of these contracts be approved, as much as $175 million in additional funds may be required. The President made it clear in his budget message earlier this year that these additional funds will be requested as a supplemental as soon as the number of contracts to be let can be established. The $250 million now requested will be sufficient to provide the Federal share for the construction of 17 ships at a subsidy rate average of 41 percent.

It is noteworthy, Mr. Chairman, that for many years a subsidy rate of 55 percent was in effect reflecting the much higher cost of constructing ships in the United States as opposed to the low-cost foreign shipyards. The Merchant Marine Act of 1970 called for a gradual reduction in the rate of subsidy with a goal of 35 percent to be achieved by 1975. The 1972 goal of 43 percent has been met. The 1973 goal of 41 percent will likewise be met. This is rather dramatic evidence of the ability of our shipyards to achieve greater productivity while at the same time constructing increasingly larger and more complex ships.

Some disappointment has been expressed by a number of my colleagues over the fact that the American merchant marine is still carrying a relatively small percentage of our total waterborne foreign trade. There has indeed been no dramatic increase as yet in the relative volume of our trade carried in U.S.-flag ships. We must remember, however, that until the Merchant Marine Act of 1970, the American merchant marine had been allowed to flounder in a sea of bureaucracy and indecision at the highest levels of Government. At the same time, our foreign trade was increasing by millions of tons each year.

The result of decades of indifference cannot be reversed in 1, 2 or even 5 years, but important strides are being made. Perhaps most importantly, we are creating a climate in which private investment in the merchant marine will be encouraged. To illustrate this point, the $250 million called for in this legislation will be matched by over $300 million in private capital coming from the shipowners, to some extent, but most importantly from insurance companies, trust funds, and other sources of capital which are being encouraged to invest in the merchant marine. This is where the long-term strength of our program lies as the Federal share of ship construction cost declines each year.

In the important area of operating-differential subsidy, fiscal year 1973 will mark the beginning of our efforts to subsidize directly the operation of bulk carriers and to eliminate the payment of premium freight rates for the carriage of Government-impelled cargoes now financed principally by the Department of Agriculture.

The greatest increases in our foreign trade during the past decades have occurred in the bulk area, the carriage of petroleum, various ores, and agricultural commodities. While the Merchant Marine Act of 1970 authorized for the first time operating subsidy for ships engaged in the carriage of these bulk commodities, the establishment of an equitable payment formula has taken a great deal of time.

The Merchant Marine and Fisheries Committee has been conducting extensive hearings over the past 6 months on the vital question of insuring that the ships we are building will indeed carry an increasing share of our foreign trade with particular emphasis upon the transportation of our essential bulk imports. It is this sector of our foreign trade where we are most heavily dependent upon foreign-flag vessels. The American economy cannot function without these imports, and we cannot afford to be so totally dependent upon foreign interests to insure the steady flow of these raw materials. I am confident, Mr. Chairman, that the continued support of the President for this program, as evidenced by the bill under consideration, together with the continuing oversight efforts of the Committee on Merchant Marine and Fisheries, will result in the attainment of the goals which we have established for this decade.

I, therefore, urge my colleagues to support this important legislation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank my friend, the gentleman from Washington, for yielding.

Mr. Chairman, do I understand from the report that subsidies have been reduced from around 55 percent to——

Mr. PELLY. Forty-one percent in the fiscal year 1973 is estimated.

Mr. GROSS. Forty-one percent to 43 percent; is it not?

Mr. PELLY. It is estimated that it will come down to 41 percent and by 1975 down to 35 percent.

Mr. GROSS. Does this indicate a higher cost of shipbuilding in Japan and other shipbuilding countries?

Mr. PELLY. I think it indicates the wisdom of the administration in asking for a program under which they would build several ships of one class so that a contract would be let for say 10 ships as against one ship, so that the costs are reduced.

Mr. GROSS. None of this reduction is attributed to higher shipbuilding costs in foreign yards?

Mr. PELLY. The costs are based upon the differential between foreign shipyards and our own shipyards, and I am sure that due to inflation, costs in those countries, like in our own, have been going up, in some cases even more than in our own.

Mr. GROSS. Subsidies in the past have been based upon production in Japanese yards, have they not, as being the lowest cost yard?

Mr. PELLY. The lowest cost yard; that is correct. I know of the interest of the gentleman from Iowa in efficiency and economy, and therefore I might mention that we never will have to build as many ships as we have had in the past of the old type vessel. Each one of these modern ships, because it will be larger and faster in its turnaround time and much more efficient, will do normally what three to five of the old conventional ships would do. With these new ships we presume that we will now be able to compete with foreign lower wage ships. I believe the whole picture is one of progress, and certainly reflects very careful study and oversight on the part of our committee.

Mr. GROSS. And the $555.8 million authorized under this legislation has the approval of the Office of Management and Budget?

Mr. PELLY. No. The committee raised the budget request by $30 million in order to buy up the old bulk cargo vessels and put them in the defense reserve fleet. Then in turn we will build new, efficient ships which will operate under conditions in commercial service and not like wartime conditions when the military needs the older type of vessel.

Mr. GROSS. Then the gentleman is saying that this legislation authorizes $30 million, an expenditure of $30 million above the budget?

Mr. PELLY. The gentleman is correct. The committee took that upon itself.

Mr. GROSS. I thank the gentleman.

Mr. PELLY. I reserve the balance of my time.

Mr. GARMATZ. Mr. Chairman, I yield to the gentleman from Virginia (Mr. Downing), a member of the committee, as much time as he may consume.

Mr. DOWNING. Mr. Chairman, I rise in support of H.R. 13324 and urge its adoption by the committee.

I yield to the gentleman from New York (Mr. Wolff).

Mr. WOLFF. I thank the gentleman for yielding.

Mr. Chairman, I would like to express my support for H.R. 13324, maritime authorization for fiscal year 1973, which is now pending before this body. In addition to providing much needed funds for the maintenance and upgrading of our merchant marine fleet, this legislation also authorizes $7,670,000 for the training of midshipmen at the Merchant Marine Academy at Kings Point, N.Y.

Mr. Chairman, I feel a particular interest in this legislation for two reasons: first, the Merchant Marine Academy at Kings Point, N.Y. is located in the congressional district I represent and over the years I have had a warm working relationship with the Academy as its Congressman. Second, having been elected as chairman of the Merchant Marine Academy Board of Visitors last year, I have come to know both the high quality of training this institution provides for our country's future maritime officers and the areas that are deficient to meet the needs of a first-rate Federal academy.

For example, the classrooms, laboratories, and barracks, which were built in 1942 at the beginning of World War II, are only now beginning to undergo modernization and expansion. Likewise, the athletic facilities are substandard and do not measure up to those of a modern high school. While athletics should not be overemphasized, I do think my colleagues would agree that we cannot attract qualified young men to the Academy to train for careers as merchant marine officers and Naval Reserve officers without the proper facilities. I would like to take this opportunity to commend the Merchant Marine and Fisheries Committee for recognizing in its deliberations on this legislation the basic needs of the Academy as well as the need for modernization and improvement of athletic facilities at the Academy and for initiating in this authorization a program to modernize athletic facilites at Kings Point.

Mr. Chairman, in urging my respected colleagues to join with me in supporting H.R. 13324 and voting for its passage today, I would like to point out the enormous service the Merchant Marine Academy has provided to the country. Since its founding in 1942, over 13,000 young men have graduated, with the skills and training necessary to man our merchant fleets and serve as leaders in the maritime transportation industry, and today the Academy continues to serve as the major Federal institution producing qualified officers for the U.S. merchant marine and Naval Reserve.

I would like to add at this point my regrets that my New York colleague, whose congressional district, as a result of redistricting, has been combined with mine, and therefore now includes the Kings Point home of the U.S. Merchant Marine Academy, was not present on the floor today to register his support for H.R. 13324 and for the outstanding service the Merchant Marine Academy provides to the Nation. I am certain that he would want to add his voice of support if he were here.

Mr. DOWNING. Mr. Chairman, I would like to take this opportunity to sincerely commend the work that has been done on this committee by our chairman, the Honorable Edward A. Garmatz, of Maryland, and by the ranking minority member, the Honorable Thomas M. Pelly, of the State of Washington. The committee is going to miss these two gentlemen when they retire from the Congress at the end of this session. They have been true leaders in our efforts to revitalize and promote a merchant marine which had sagged down to a muddy bottom. Due to their efforts, I think this country will have a strong, viable, modern merchant marine in the 1980's and I hope that they are around to view that happening when it does occur.

The Nation and this Congress are also going to miss these two gentlemen. But they can always look back and see the contribution they have made to the country in the form of a revitalized merchant marine.

Mr. Chairman, I rise to urge passage of H.R. 1324, a bill that would authorize appropriations for certain programs of the Maritime Administration for fiscal year 1973. Within this authorization request is $250 million for the construction of about 17 highly productive ships in 1973, as the third year of phased buildup of the ship construction program in preparation for a full-scale construction effort expected to reach a level of 30 ships a year in 1974.

Your committee made careful inquiry as to the need for these funds as it would appear that construction appropriations for fiscal year 1972 have not been expended to date. The Assistant Secretary of Commerce for Maritime Affairs testified that not only would these funds be committed, but that the demand for new construction may exceed funding availability by as much as $175 million. Should this occur, there is a provision in the budget of the United States for fiscal year 1973 that provides:

> The Administration will seek supplemental funds for additional ships if industry response to the proposed construction program surpasses current estimates.

On balance, your committee concluded that the fiscal year 1973 authorization request should be approved, and unanimously reported the bill.

Mr. Chairman, I strongly urge the House to support H.R. 13324 so that we can restore the U.S.-flag merchant marine to its rightful place in the world as contemplated by the Merchant Marine Act of 1970.

Mr. EDWARDS of Alabama. Mr. Chairman, I rise to offer my support of H.R. 13324, authorizing appropriations for programs of the Maritime Administration for fiscal year 1973. The Maritime Administration performs an outstanding service to our Nation by administering programs to aid in the development, promotion, and operation of the U.S. merchant marine. It administers subsidy programs which assist greatly in the construction, reconstruction, and reconditioning of ships. The Administration helps industry generate increased business for U.S. ships, and conducts programs to develop ports, facilities, and intermodal transportation systems. It conducts research and develops activities which in turn improve the efficiency and economy of the merchant marine, and it operates the U.S. Merchant Marine Academy, the main fountainhead of merchant marine officers and specialists. While these are just a few of the many functions of the Maritime Administration, I think they point out the need for this legislation.

The merchant marine makes a definite contribution to the area around Mobile, Ala., in my district, and to the entire Nation. Making the merchant marine a viable contributor to the commerce of our Nation is something which I have worked toward for some 8 years and something which the President of the United States has steadfastly supported. We must continue our shipbuilding and rebuilding programs to provide the merchant marine with the means to perform its important tasks. I urge passage of H.R. 13324 so that the work of the Maritime Administration and the merchant marine can proceed.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I am pleased to rise in support of H.R. 13324, authorizing a total of $555.7 million to restore America to its rightful place among the shipping nations of the world.

It is a tribute to the outstanding effort by the Committee on Merchant Marine and Fisheries, its distinguished chairman, the gentleman from Maryland (Mr. Garmatz), the distinguished ranking minority member, the gentleman from Washington (Mr. Pelly), and to my distinguished colleague, the gentleman from Massachusetts (Mr. Keith).

I consider this legislation essential to the national interest in three ways.

First, an adequate, self-sufficient merchant fleet is an economic necessity in the world markets of today and tomorrow. Threatened, and in some cases dominated, as it is in world trade, this country needs to regain its premiere position as a simple matter of economic survival.

One way to make the road back from a trade deficit to a necessary surplus much quicker and easier is to provide a merchant fleet that can deliver American goods economically and on time. Such a fleet, under our direct control and not subject to any foreign whims, places this country in a much more competitive position and creates a solid foundation on which to rebuild our trade advantage.

Mr. Chairman, I see no other way for the United States in the future than to regain and improve its trade position, and I see no other way to do that than to create the best merchant fleet in the world.

Let it suffice to say that Japan is now

the leading shipbuilding nation in the world and probably the leading trading nation as well. That is strong evidence that the two go hand in hand.

Beyond the overall advantages of shipping commensurate with our national need to compete effectively in world trade, there are the even more immediate and more precise advantages of an expanded shipbuilding program.

So, the second benefit of this legislation would be jobs. And in a shipbuilding State like Massachusetts, at a time of little or no shipbuilding and economic malaise otherwise, such a program would have an instant impact.

Under this legislation as many as 12 of the authorized ships could be built at the Fore River Shipyard in Quincy, Mass. And believe me, spring would not be any more welcome than that kind of activity which would send tremors of hope and confidence throughout eastern Massachusetts.

Economic recovery is contagious, Mr. Chairman, and after the long, cold winter of recession and discouragement, a revitalized shipbuilding industry could be just the spark to touch off a chain reaction of recuperation. This bill would be an act of direct economic assistance to Massachusetts.

Third, Mr. Chairman regardless of what the world of the future holds for this country's interests abroad, there is going to exist a need for the protection of national security.

Even minimal preparedness requires a fleet capable of keeping open economic lifelines and assuring flexibility and maneuverability on the high seas. We simply cannot afford to do without that.

So, Mr. Chairman, to regain trade advantages, to restore the domestic economy, and to protect our future, I strongly urge approval of this legislation.

I would also like to take this occasion Mr. Chairman, to pay tribute to Mrs. Helen Bentley, Chairman of the Federal Maritime Commission, who is doing such an outstanding job overseeing the Nation's shipping. She is one of the most knowledgeable and effective members of the executive branch and one whose ability requires the challenge of an expanded and updated American shipping industry as provided in this bill.

Mr. GARMATZ. Mr. Chairman, I thank the gentlemen for their very kind remarks. I have no further requests for time.

Mr. PELLY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 13324

To authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1973, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships $250,000,000;

(b) payment of obligations incurred for ship operation subsidies, $232,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operation), $30,000,000;

(d) reserve fleet expenses, $3,900,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $7,670,000; and

(f) financial assistance to State marine schools, $2,290,000.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 10, strike out "$250,000,000", and insert in lieu thereof, "$280,000,000, of which $30,000,000 is for the purchase of modern break-bulk U.S.-flag vessels for lay-up in the National Defense Reserve Fleet".

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it has been my pleasure and privilege to have served on the Merchant Marine and Fisheries Committee for a little more than 15 years. During that time I have developed in my own mind and belief a very strong respect for our chairman, the Honorable EDWARD GARMATZ, from the great State of Maryland, and also for the ranking minority member of the committee, the Honorable TOM PELLY, the gentleman from the great State of Washington. I want to take this occasion, since they have both announced their intention not to return to Washington for the 93d Congress, to say the Nation owes them a great debt of gratitude for the dedicated service which they have rendered to this Nation of ours, particularly as it related to our merchant marine.

We must think about the fact that today in all the billions and billions and billions of dollars worth of imports and all the billions and billions and billions of dollars worth of every type of export engaged in by this Nation, we carry in American-flag vessels less than 5 percent of all that cargo which is imported into this country and exported from this country. We have only four American-flag passenger vessels today, and they are operating off the west coast. We tried to help them a few minutes ago with legislation. There is not one vessel operating off the gulf coast or the east coast. I believe this will change with the 1970 act and the authorization act of 1971 and the authorization act and the funding of 1971 and 1972, and now with this 1973 act through which we have endeavored to revitalize that fleet.

I would take this time to respond to the gentleman's comments with respect to $30 million for the national defense reserve fleet. We have a national defense reserve fleet of approximately 140 vessels, but the average age of those vessels is 27 years. It was the definite and positive conclusion of the Department of the Navy, speaking through the Military Sealift Command, that we had to do something to upgrade our national defense reserve fleet. So this committee, after consultation with the Navy and with the DOD, and particularly the Sealift Command of the Navy, made the decision that the time had come when we had to acquire at least 10 vessels of recent modern vintage of the break-bulk type in order to meet any contingency or emergency that this Nation might be faced with. That is the reason why the decision was made to add this additional money. I do not think any really true American could differ with the logic of the viewpoint we took.

Mr. Chairman, I urge passage of H.R. 13324, the maritime authorization bill for fiscal year 1973.

Mr. Chairman, our distinguished chairman has mentioned that your committee amended the request for so-called construction subsidy to include $30 million specifically earmarked for the purchase of about 10 modern break-bulk vessels for layup in the national defense reserve fleet.

The condition of vessels in the national defense reserve fleet has been a source of grave concern to your Committee for some time, as they will continue to be a vital national asset until the privately owned U.S.-flag merchant fleet is capable of providing the total commercial shipping capability required to meet defense shipping requirements. This situation is not expected to occur until the late 1970's. It is anticipated that at least for the next decade defense emergency shipping requirement will include a significant volume of break-bulk capacity for the transport of vehicles, ammunition and other supplies in small portable lots. The war-built vessels in the national defense reserve fleet have this capacity, but they are old and their reliability under sustained operations cannot be assured. Your committee concluded that the break-bulk capability of the national defense reserve fleet must be upgraded, and amended the authorization request to include $30 million for the purchase of suitable vessels.

These break-bulk vessels will be selected by the Maritime Administration for their suitability for military use with respect to heavy lift, refrigerated cargo capacity, speed, and age.

Since the bill was reported, your committee received a letter from the commander of the Military Sealift Command, Department of the Navy, where he said:

> The need to modernize the NDRF is critical, and in my opinion is of pressing urgency . . . I greatly appreciate your support of the responsibilities of the Military Sealift Command and the Maritime Administration through this timely and significant legislation.

Mr. Chairman, I strongly urge the House to support H.R. 13324, as amended and unanimously reported by your committee.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I commend the chairman and the entire Committee on Merchant Marine and Fisheries for this fine bill.

Today, the Committee of the Whole House is scheduled to take action on the maritime authorization for fiscal year 1973. While hardly one of the most controversial measures which will be appearing or has already appeared before this body, this year, this should, nevertheless, not detract from the tremendous importance of this measure. The open seas are just too important to any nation in this world, both from the viewpoint of the Nation's security and the Nation's economy for any member here from whatever State to be unconcerned about what this measure is all about. For too long this Nation was willing to sit back and allow other nations to perform what was regarded as the menial task of ferrying goods and people back and forth from one country to another. This Nation deliberately, in administration after administration following World War II, allowed other nations to do the merchant marine job for us. Eventually the folly of such policies, conscious or otherwise, became apparent for all to see. The effect on our balance of payments was unfavorable, the total dependence of our merchants on the availability and the prices charged by the ships of other nations was working to our increasing disadvantage in foreign trade. Furthermore, one of this Nation's vital natural resources was withering on the vine and decaying rapidly. I am referring to this Nation's shipbuilding capacity. Once a yard closes because of lack of orders, it is virtually impossible to reassemble it at a future date. Meanwhile, the shipyards of other nations were filled to overflowing with contracts and orders inspired at least in part by firm commitments from American companies and their needs. The Merchant Marine Act of 1970 was a pubic admission of the errors of the past and represented a complete about-face and a total commitment to a massive new marine program, envisioning the construction of probably 300 ships over a 10-year period.

Well, now we come to the question that probably bothers not a few of us today: What have we got to show as a result of the passage of this act? "Very little" is the only honest reply. It just goes to show how impossible it is to legislate action and translate good intentions into fact in government. I would be less than honest if I did not confess to a certain disappointment over the administration of this act to date. Certainly we should have more to show for this program 2 years later than we do. It certainly is not a problem of money. Construction appropriations for fiscal year 1972 have not even been expended to date. And here we are being requested to authorize the expenditure of another $280 million for fiscal year 1973. This is why I was particularly interested in the testimony of the Assistant Secretary of Commerce for Maritime Affairs before the Merchant Marine and Fisheries Committee on this authorization proposal. This was obviously going to be the question he had to answer before the testimony was concluded. I want to make it absolutely clear, therefore, that the only justification for voting for this measure today is the word of the Assistant Secretary of Commerce that in this, the third year of the buildup of the ship construction program, we will witness actual contracts being signed and ships under construction. We have had enough promises, enough rosy estimating, enough dreaming about a revitalized merchant marine program to carry us through 1980. What we need in 1972 are ships, ships here and now, ships that will sail, ships that will work, ships that will be built. For 3 years now the workers in our shipyards have been waiting for this work. In a few cases, there is serious question about just how much longer they can wait without closing down. I know firsthand of at least one yard, in my own congressional district, the historic Fore River Shipyard in Quincy, Mass., which has been waiting to participate in this program—to offer competitive bids for the past 3 years now. It is still waiting.

What with the Defense Department cutbacks and the general slowdown in our Navy shipbuilding program, the only real long-range hope, and indeed the short-range hope, for the yard has to be the commercial shipbuilding field. This is as it should be. There is, after all, a genuine demonstrated need for a greater merchant marine shipping capacity. This certainly beats artificially high defense budgets just to keep people at work. We all know the Congress is committed to this program. We all know that Congress has on every occasion passed requested authorizations and appropriated huge amounts for this program. We are being asked today to authorize and appropriate a further $280 million for this program. Yet the delays and the redtape from one Government agency or another are delaying this program to the extent that there is a real possibility that some yards may not be around to compete for the work which will surely come one day.

Therefore, I attach the greatest importance to the information gleaned from the Assistant Secretary of Commerce's testimony and published in the report accompanying H.R. 13324. The major justification it would appear, that the Assistant Secretary of Commerce had to offer for Congress approving the authorization before us today is that contracts will shortly be awarded for the construction of six large tankers for Maritime Dynamics Corp. I know I speak for the whole New England economy when I say that I hope this "shortly" will indeed be short and that work can begin soon on one of the largest commercial orders in the history of this Nation's shipbuilding capabilities. It is also a matter of record that the Commerce Department's principal justification for requesting this authorization today is that within the next 2 or 3 months contracts are expected to be let or finalized for the construction of six liquefied natural gas container vessels at a total cost of about $520 million with Government participation at about 25 percent. In view of the tremendous crisis facing the American consumers on the east coast as far as natural gas is concerned, this liquefied natural gas import program cannot come about a minute too soon. As a sign of just how serious the natural gas shortage is, it is no longer just a case of holding the east coast consumer to ransom to higher and higher gas prices.

We have moved to the situation where gas companies all over the east coast have been forced to place an embargo on future installation of gas heating and appliance systems in whole communities because there is just not enough supply of natural gas to go around to the homes already equipped. Congressmen need look no further than the metropolitan Washington area to verify what I am saying. This Nation's energy needs can no longer be satisfied with American sources entirely. It is time those Government agencies with responsibility in this area faced up to the facts and approved the importation, not only of gas, but also of oil in sufficient amounts not only to keep consumer prices down but just to guarantee the availability of the fuels themselves.

So, for me at any rate, and I would argue for the whole Nation, today's bill has a great deal of importance. It ties in directly with vital policies affecting this Nation's future—its merchant marine policy and its energy requirements of the future. For me, representing a coastal shipbuilding district, there are additional future and immediate implications in today's vote—implications for the future economy of the Greater Boston area and indeed that of all New England. My constituents have an immediate interest in the full and immediate implementation of the 1970 Merchant Marine Act. As an area whose demonstrated capabilities in shipbuilding go back to the earliest days of our Republic, we feel we have something to offer to this program. It would indeed be a tragedy, not only for us, but for the Nation as a whole if, because of delays and failure to cut through redtape, we were to, in a manner of speaking, "miss the boat" and not see some of this work spread around this Nation. It would be a very serious mistake to have this Nation totally dependent upon one or two shipyards in the future. More competition is what is needed, not less. In summary, in urging my colleagues to vote for this bill today, I want to make it clear I am urging the administration to get this program moving, too.

The **CHAIRMAN.** The question is on the committee amendment.

The committee amendment was agreed to.

The **CHAIRMAN.** Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CULVER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, pursuant to House Resolution 916, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER.** Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER.** The question is on the

engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROSTENKOWSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 365, nays 13, not voting 55, as follows:

[Roll No. 104]

YEAS—365

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Hagan
Haley
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
McMillan
Madden
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—13

Burlison, Mo.
Collins, Tex.
Findley
Gross
Hall
Hamilton
Jacobs
Kastenmeier
Lujan
Pickle
Roberts
Rousselot
Schmitz

NOT VOTING—55

Abernethy
Alexander
Anderson, Ill.
Aspin
Bingham
Blackburn
Blanton
Byrne, Pa.
Caffery
Chisholm
Clancy
Clark
Corman
Crane
Diggs
Dowdy
Dwyer
Edwards, La.
Eshleman
Fish
Galifianakis
Gallagher
Griffin
Griffiths
Halpern
Hays
Hébert
Jones, Ala.
Kee
Long, La.
McCulloch
McKay
Macdonald, Mass.
Mailliard
Mathias, Calif.
Mikva
Miller, Calif.
Monagan
Moss
Nix
Patman
Peyser
Pryor, Ark.
Railsback
Rhodes
Satterfield
Scheuer
Sikes
Stanton, James V.
Stokes
Stubblefield
Symington
Thompson, Ga.
Widnall
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Anderson of Illinois.

Mr. Hébert with Mr. Widnall.

Mr. Miller of California with Mr. Mathias of California.

Mr. Charles H. Wilson with Mr. Mailliard.

Mr. Mikva with Mr. Railsback.

Mr. Byrne of Pennsylvania with Mr. Eshleman.

Mr. Blanton with Mr. Long of Louisiana.

Mr. Sikes with Mr. Blackburn.

Mr. James V. Stanton with Mr. Fish.

Mr. Jones of Alabama with Mr. Gallagher.

Mr. Macdonald of Massachusetts with Mr. Rhodes.

Mr. Monagan with Mrs. Dwyer.

Mr. Satterfield with Mr. McCulloch.

Mr. Caffery with Mr. Peyser.

Mr. Alexander with Mr. Crane.

Mr. Clark with Mr. Clancy.

Mr. Corman with Mr. Halpern.

Mrs. Chisholm with Mr. Kee.

Mr. Diggs with Mr. Bingham.

Mr. Nix with Mr. Galifianakis.

Mr. Aspin with Mr. Abernethy.

Mr. Moss with Mr. Dowdy.

Mrs. Griffiths with Mr. Scheuer.

Mr. Patman with Mr. Pryor of Arkansas.

Mr. Stokes with Mr. Symington.

Mr. Griffin with Mr. McKay.

Messrs. JACOBS and ROBERTS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

COAST GUARD AUTHORIZATION, 1973

Mr. LENNON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13188, with Mr. CULVER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. LENNON) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. KEITH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to voice my strong support for H.R. 13188, which would authorize appropriations for the procurement of vessels, aircraft, and the construction of shore and offshore establishments. This bill also authorizes the average annual active duty personnel strength of the Coast Guard and authorize an additional sum of money for the alteration of bridges in fiscal year 1973.

The House Merchant Marine and Fisheries Committee increased the original amount of the bill of $135,660,000 by $6,160,000, so that the total authorization in the bill for acquisition, construction, and improvements is $141,820,000, plus an additional $12,500,000 for the alteration of bridges. This authorization sum is broken down as follows:

First, $82,070,000, for procurement and increasing capability of vessels.

Second, $15,100,000, for procurement and extension of service life of aircraft.

Third, $45,650,000, for construction of installations and facilities.

Fourth, $12,500,000, for bridge alterations.

Fifth, 39,074, the average active duty personnal strength for the Coast Guard for fiscal year 1973.

I think it is important to note that the Coast Guard's original preview estimate for the fiscal year 1973 authorization was $300,000,000, the DOT request to OMB was reduced by $125,600,000 to $174,400,000. The amount finally established by OMB was a further reduction of $38,740,000 to $135,660,000. These figures clearly show the amount of funding requested by the Coast Guard and how it was cut both by DOT and the Office of Management and Budget.

There are a number of critical projects set forth in this year's Coast Guard authorization. Foremost among these is the authorization of $66,000,000 for the construction of the second of a series of polar icebreakers to replace the old *Wind* class of icebreakers. It is interesting to note that this is the largest single unit line item in the bill and the main purpose of this program is to begin the replacement of the Coast Guard aging icebreaker fleet which operates in the Arctic, the Antarctic, and the Great Lakes region. The Coast Guard keeps one of its best icebreakers, the CGC *Mackinaw*, on station in Cheboygan, Mich., to service the Great Lakes.

As to aircraft acquisition, H.R. 13188 provides for the procurement of two C–130 long-range search aircraft. One C–130 aircraft will provide long-range search and rescue law enforcement and surveillance capability in the Caribbean and Gulf of Mexico. The other aircraft will be assigned to Kodiak, Alaska, to service the growing law enforcement requirements there as well as for search and rescue missions. The cost of these two long-range search aircraft in the bill is $10 million.

Although this year's authorization bill contains the authorization for the hardware items mentioned above, as with last year's bill, H.R. 13188 is generally people oriented. Because of the dip in Coast Guard personnel retention rates in recent years, the Coast Guard is faced with a shortage of experienced personnel and must invest increasing amounts in facilities for the health, comfort, and training of its personnel. Obviously, the most modern and sophisticated equipment is useless without trained and experienced personnel to operate it.

In the important area of pollution abatement there are items to abate pollution from Coast Guard vessels and from Coast Guard shore stations. It should be noted that there is substantial Coast Guard funding for pollution control items via direct appropriations for Coast Guard operations and for R. & D. for pollution control equipment. In this connection, the Commandant testified at the hearings on H.R. 13188 that there is some $11 million in the President's budget under research and development for pollution control items. As soon as the kinks in these systems have been worked out and their development completed, we can look for the authorization for these systems in future authorization bills.

I do not want to take any more of the Members' time in pointing out such obvious facts as the vast range of Coast Guard activities, nor do I think it necessary to call your attention to the efficiency and competence of the Coast Guard.

I believe that this bill speaks for itself and the members of our committee strongly urge the House to support this reasonable Coast Guard authorization of appropriations.

There are members of both the majority and minority of our committee who are present and who may wish to speak in behalf of this bill.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I am glad to yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I rise today in support of the bill H.R. 13188, the Coast Guard authorization. I am particularly concerned about that portion of the bill which provides for the renovation of the Sandy Hook Station in New Jersey.

As my colleagues know, and particularly those from the coastal areas, the presence and capability of the Coast Guard stations is vitally important to the safety of our waterways—for large merchant and passenger ships, private sailors, and fishing vessels. These last two are especially important to my own Third District. Because of our position along the New Jersey shore, a significant portion of our economy is based on fishing and boating. Aside from their economic aspects, they are among the greatest recreational pastimes in the area.

Aside from insuring the general safety of our waterways, the Coast Guard plays a very important role in the care of our environment by watching for oil spills from passing tankers, and other possible human and environmental hazards.

The bill under consideration today will greatly add to the safety of our area by restoring the Sandy Hook Station which, although very important to our area, has been sadly neglected over the years.

Most of the buildings at this station were constructed prior to 1905. Over the years, maintenance of this station has become increasingly difficult because of the age, number and physical separation of these buildings and attendant equipment. The expense of maintaining this station in its present state is almost prohibitive.

As it currently exists, despite its vital importance to the maritime public along the New Jersey shore and in the entrance to the New York Harbor, the berthing facilities are inadequate, the plumbing is defective and its electrical wiring only barely capable of handling the required load.

Under the terms of this legislation, I am pleased to say that the Coast Guard proposes to change all this. Plans call for a consolidation of operations and support facilities, which are now widely spread. Adequate office space and housing facilities will be built to accommodate present and additional personnel, and new dining facilities will be added.

Additionally, the present totally inadequate mooring and maintenance facilities will be modernized and expanded with new moorings and covered boat slips. A new boathouse and maintenance station will better enable the personnel to haul out and repair their assigned boats.

Perhaps most important to the area is the proposed installation of modern navigational aids, monitoring and control facilities, which will greatly enhance the capabilities of this station in their assigned job of protecting the safety of ships in the area, as well as preventing and controlling environmental hazards.

Mr. Chairman, I strongely urge my colleagues to accept this legislation because of the very important role played by the Coast Guard all along our waterways. Certainly, the authorization for Sandy Hook Station is small when compared to the great benefits which will be derived for the maritime public.

I offer my compliments to the committee for a fine piece of legislation taking into full consideration the needs of this important arm of our Government, as well as the needs of the maritime public.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I am delighted to yield to the distinguished gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I simply want to say that earlier today during consideration of the maritime authorization bill I referred to the chairman of our committee and how much he will be missed next year when he retires.

I, certainly, had in mind that when the gentleman from North Carolina rose at the appropriate time I wanted to also indicate the loss that I think this body will suffer when as a result of his announced intention to retire. I have served with the gentleman from North Carolina for certainly 15 years. I know as chairman of the Subcommittee on Oceanography of his great ability and dedicated service. I watched the gentleman patiently and persistently develop a program to provide this country with a very forward looking program to create an agency to concentrate on measures having to do with the sea and the atmosphere, and now I want to say that no one retiring this body will be missed more than the gentleman from North Carolina (Mr. LENNON).

So Mr. Chairman, I take this time to pay my respects to the gentleman and also to other Members. It so happens at this time that the gentleman from Massachusetts (Mr. KEITH) who is handling the bill on this side is retiring. Speaking from my heart I feel that I would like to say that I know firsthand the contributions these Members have made. I hope that in the future our trails will cross so we can continue in other fields to indicate our interest in these programs.

Mr. Chairman, I thank the gentleman for yielding.

Mr. LENNON. Mr. Chairman, I thank the gentleman from Washington (Mr.

PELLY) for his very gracious and kind remarks.

Mr. Chairman, at this time I yield to the gentleman from Texas (Mr. CASEY), a former member of the committee.

Mr. CASEY of Texas. Mr. Chairman, I would like to say a few words in support of H.R. 13188, the authorization of appropriations for the Coast Guard.

An interesting and one of the most important items in the authorization bill is the inclusion of $2 million to establish a vessel traffic control system in Houston, Tex. This project will provide a communications network with electronic surveillance over limited areas to support a vessel traffic control system.

Houston is the third largest port in the United States, handling over 62 million tons of cargo per year, of which 40 million tons is bulk liquid. Seventy percent of the cargo handled at Houston is classified dangerous, and 90 percent of poison transported by water in the United States moves through Houston. Thus, it is readily apparent that some sort of traffic control is necessary in the Houston port complex.

At the present time, the only traffic control system in existence is an advisory system which the Coast Guard operates in San Francisco Harbor. This system in San Francisco has been in operation for several years, is operated with old equipment, and is not mandatory, but only advisory.

These traffic control systems under consideration can only operate permanently with the passage of basic legislation known as the port and harbor safety bill. The House Merchant Marine and Fisheries Committee worked diligently on this basic port and harbor safety legislation over the past several years and the committee's efforts resulted in the passage of its bill; H.R. 8140, on October 18, 1971. Unfortunately, this important legislation has been languishing in the Senate since that time. This comprehensive port and harbor safety legislation would give the Coast Guard permanent authority to establish mandatory traffic control systems where necessary in the harbors and waterways of the United States. There are numerous harbor and waterway areas which may ultimately have waterway traffic systems but studies indicate that New York and New Orleans are the next port areas to receive such traffic control systems.

In light of the increased carriage of cargo and numbers of vessels plying our waters, it is readily apparent that some sort of mandatory traffic control system in these congested areas is necessary. I think the project in the bill argues strongly in support of this authorization bill. I ask all Members to join me in voting for passage of the bill.

Mr. LENNON. I thank the gentleman.

Mr. Chairman, I am delighted to yield now to the gracious gentlewoman from Missouri (Mrs. SULLIVAN), who I feel sure will be the chairman of the Committee on Merchant Marine and Fisheries in the 93d Congress.

Mrs. SULLIVAN. Mr. Chairman, I thank the gentleman from North Carolina (Mr. LENNON) for yielding to me. I want to join in the statement he has made concerning the needs of our Coast Guard.

Mr. Chairman, we have before us today H.R. 13188, a bill to authorize appropriations for the Coast Guard for vessels, aircraft, and shore installations.

It is interesting to note that of the $81,070,000 set out in this authorization bill for procurement of vessels, $66 million is allocated for the construction of the second of a series of polar icebreakers to replace the old *Wind*-class breakers. This $66 million is the largest single unit line item in the bill. The Coast Guard's present fleet of polar icebreakers consists of six *Wind*-class breakers constructed between 1943 and 1947, and the *Glacier*, constructed in 1955. This proposed polar icebreaker will replace the equivalent of almost two of the old *Wind*-class vessels since the new icebreaker will be much more modern with a vastly improved performance capability.

I would like to point out to the Members that the first of this series of replacement icebreakers was authorized and appropriated in fiscal year 1971, and that there is a contract for its construction with the Lockheed Co. in Seattle, Wash.

This replacement vessel will embody a new concept in this class of ship and new to the Arctic marine environment. It will have conventional diesel engines for normal cruising and gas turbines for maximum power situations. The Coast Guard indicates that this propulsion system will provide available shaft horsepower which will exceed that of any icebreaker afloat, including Russia's nuclear-powered *Lenin*.

The mission of these replacement icebreakers will be to provide logistic support for U.S. defense units and maritime commerce and U.S. scientific research; for marine transportation research; for scientific research in support of economic development of Arctic Alaska and the Alaskan Continental Shelf; and polar commerce search and rescue.

In approving this expenditure, the members of our committee realized that $66 million is a considerable amount of money for one vessel and we are fully aware of the many demands on our financial resources and of the necessity of establishing fiscal priorities. However, it must be recognized that we are authorizing the construction of vessels of advanced design, which are highly sophisticated and which embody new and complex technical marine concepts and systems. Thus, I feel this authorization is fully justified and I ask the support of all the Members of this body for the passage of H.R. 13188.

Mr. LENNON. Mr. Chairman, I now yield to the gentleman from Illinois (Mr. METCALFE).

Mr. METCALFE. Mr. Chairman, I urge the support of all Members present for the passage of H.R. 13188, the authorization of appropriations for vessels, aircraft, and installations for the Coast Guard.

In addition to authorizing appropriations for vessels, aircraft, and installations for the Coast Guard last year, in the fiscal year 1972 bill, we also added the authorization authority for the average annual active duty personnel strength of the Coast Guard. This authorization authority was transferred from the House Armed Services Committee with the agreement between the two committees that, since the Merchant Marine and Fisheries Committee already had the authorization authority for hardware and programs and installations, it properly should also have the authorization authority for the personnel which would man and operate the Coast Guard vessels, aircraft and installations. This authorization bill for fiscal year 1973 authorizes an annual average active duty personnel strength of 39,074.

I urge all my colleagues to vote in support of this old and honored agency through its authorization bill.

Mr. LENNON. Mr. Chairman, I now yield to the gentleman from Virginia (Mr. DOWNING), a member of the committee.

Mr. DOWNING. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, I would like to take this opportunity to say how sorry I am that this subcommittee is going to lose the services of the gentleman from Massachusetts (Mr. KEITH) who has served the committee so faithfully and for so long, and that we are going to lose our subcommittee chairman, the gentleman from North Carolina (Mr. LENNON).

Mr. Chairman, it has been my privilege to serve with both these gentlemen for the 14 years I have been in the House of Representatives. I do not believe you could find two finer men to serve their constituencies than these two gentlemen. Both have made important contributions to our country, and it is indeed unfortunate, I think, for the country that we will lose their services.

Mr. Chairman, as a long time friend and backer of the Coast Guard, I would urge my colleagues to vote in support of this Coast Guard authorization bill.

As a background to this authorization for Coast Guard vessels, aircraft, construction of installations, alteration of bridges, and active duty personnel strength, I would like to point out to my colleagues that Coast Guard search and rescue operations are projected to increase 5 percent annually. During the past year, the Coast Guard answered 44,000 calls for search and rescue assistance, assisted a quarter of a million people and saved 2,500 lives and an estimated $4½ billion in property. I think this is an impressive record and one in which both we and the Coast Guard can justifiably take pride. In addition, I cannot think of a better argument for the passage of H.R. 13188. Thus, I urge all Members present to vote for the passage of this bill.

Mr. LENNON. Mr. Chairman, I yield to the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Chairman, I rise in support of this legislation and to take this opportunity to ask two questions of the subcommittee chairman, the gentleman from North Carolina (Mr. LENNON).

The first question deals with the two aircraft for which authority is being sought, two long-range search aircraft.

Is my understanding correct that this is the aircraft C–130 Hercules?

Mr. LENNON. I will say to the gentleman, I do not have the honor of being the chairman of this particular subcommittee. The gentleman from Pennsylvania (Mr. CLARK) is the chairman, but he is out of the city at the time and I am substituting for him.

I am assured by committee counsel that that is so.

Mr. BRINKLEY. Mr. Chairman, I appreciate the gentleman's response. Knowing of the excellent capabilities of this particular aircraft which is the workhorse of the Air Force, I am pleased to receive that response and serving with the gentleman with whom I am having this colloquy on the Committee on Armed Services and knowing of his capabilities, I certainly assumed that he was the subcommittee chairman.

The next comment, if the gentleman will yield, deals with section 3 on page 7 of the bill which provides that:

> For fiscal year 1973 for the use of the Coast Guard for payments under the Act of June 21, 1940 (54 Stat. 497), as amended, to bridge owners for the cost of alteration of railroad and public highway bridges to permit the free navigation of the navigable waters of the United States, $12,500,000.

I certainly commend the committee and the Members for this provision which is so important to the prosperity of the section of the country I represent to keep developing rivers unclogged and open to free navigation. I am grateful for the fact of the committee's cognizance of that need and I urge my colleagues in the House to support the bill.

Mr. LENNON. I thank the gentleman.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I am delighted to yield to a distinguished member of the committee, the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Chairman, I would like to make a few remarks in support of H.R. 13188, the Coast Guard authorization bill.

In considering this particular piece of authorization legislation, we should bear in mind the Coast Guard's dominant role in attacking oil spills as they occur in our navigable waters. The Coast Guard is really the agency connected with this oil pollution problem that has the equipment and the personnel to reach a spill which occurs in our navigable waters.

In fiscal year 1971, $1,390,000 was authorized and appropriated for an air deliverable antipollution transfer system. In fiscal year 1972, $1,600,000 was authorized and appropriated for the same type system, which can be flown to a damaged vessel or one in distress, air dropped, and used to rapidly offload and temporarily store liquid cargo before it spills into the water. Studies have indicated that removing substantial amounts of an oil tanker's cargo soon after it is damaged is considerably more effective than attempting to contain and recover this oil after it has spilled into the water.

There is a sum of $3,200,000 allocated in this authorization bill for alterations to be made aboard Coast Guard vessels in order to prevent the dumping of sewage and other effluents into the navigable waters. This is pursuant to the Water Quality Improvement Act of 1970—Public Law 91–224, signed on April 3, 1970—which requires vessels to have marine sanitation devices meeting required standards of performance to be issued by the Environmental Protection Agency.

In addition to the vessel abatement pollution project, $300,000 is set out in H.R. 13188 to abate pollution from Coast Guard shore stations. Executive Order 11507, issued on February 4, 1970, requires all Federal facilities to meet water quality standards and related plans of implementation adopted pursuant to the Federal Water Pollution Control Act.

Aside from the equipment and projects mentioned above, it should be recognized that the items in this bill contribute either directly or indirectly to the Coast Guard's oil spill operation when such a disaster occurs. Obviously, Coast Guard vessels, aircraft, communications systems, and personnel all combine into a coordinated network necessary for the control and containment of any spill in the navigable waters of the United States.

It may be noted that the only items for pollution control under H.R. 13188 are the items for vessel and shore installation abatement. However, there is substantial funding via direct appropriations for Coast Guard operations and for R. & D. for pollution control equipment. The following is what the Commandant of the Coast Guard had to say at the hearings on H.R. 13188 on this subject:

> I should like to emphasize that our efforts in protecting and enhancing the marine environment are not limited to those coming under the aegis of this authorization. For the Coast Guard, the President's budget provides nearly $11 million under research and development for this purpose.
>
> Included among the efforts for which these funds will be used are: development of a high-speed delivery technique for our oil-containment system, prototype development of two different oil-recovery systems, evaluation of oil-slick cleanup agents as a backup for mechanical recovery systems and continuation of development of suitable sewage treatment equipment for our vessels.
>
> The costs of operating reactivated aircraft for pollution surveillance and to pay our augmented strike forces are funded from our Operating Expense appropriation, as are some small projects for abating pollution from Coast Guard facilities.

I have gone into these pollution matters because I think it emphasizes my point that the money authorized in this bill is a reasonable and modest price to pay for the maintenance and further development of an effective Coast Guard.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman.

Mr. FINDLEY. Mr. Chairman, I appreciate the gentleman yielding and I have asked him to do so in order to clarify the relation of this bill to the President's budget.

As the gentleman knows, the President's budget is about $25 billion out of balance. I could not determine from the committee report as to whether the bill, as reported, is within the President's budget request. Could the gentleman clarify that?

Mr. LENNON. The bill is $6,160,000 above the President's budget. It is, however, about $126 million less than the Coast Guard said it must have to do a creditable job.

It is about $39 million less than the Department of Transportation requested.

So we think that we have made a rational and reasonable and happy compromise.

Mr. FINDLEY. Would the gentleman say that it is approximately 4 percent over the President's budget request?

Mr. LENNON. If you want to sit down and figure it out, it is $6,150,000 over the President's request of $135 million.

Mr. FINDLEY. I thank the gentleman.

Mr. LENNON. Of course, the $12,500,000 for bridges is in the budget. They sent it up as a separate bill by mistake and the Secretary then came up and recognized that it should be in the Coast Guard authorization.

Mr. FINDLEY. I just overheard someone observe that the tolerance here seems to be within the Price Commission's guidelines.

Mr. GARMATZ. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the distinguished chairman of the committee who would like to respond to the gentleman's statement.

Mr. GARMATZ. I would just like to point out for the benefit of the gentleman that the Coast Guard estimate was roughly $300 million. The Department of Transportation reduced it to $174,400,000. Then the Bureau of the Budget or the OMD cut it down to $135,660,000.

I might add it was such that $66 million was practically itself for half of the overall budget for the Coast Guard.

Mr. LENNON. Mr. Chairman, I yield to the distinguished chairman, the gentleman from Maryland (Mr. GARMATZ) such time as he may consume.

Mr. GARMATZ. Mr. Chairman, I rise in strong support of H.R. 13188, a bill to authorize appropriations for the procurement of vessels, aircraft, and the construction of installations for the Coast Guard.

This bill would allow the Coast Guard to acquire a needed mix of hardware, personnel projects, communications systems, and pollution equipment in order to continue to meet its worldwide duties and commitments. This bill is really a combination of the following elements: People, plant, pollution, and training. Because of the dip in retention rates in the last several years, the Coast Guard has found it necessary to devote a larger portion of its funds to personnel-oriented projects.

I was especially pleased to note the presence of a large line item amount of $66 million for the second in a series of polar icebreakers. The House Merchant Marine and Fisheries Committee has been interested over the last several years in getting this replacement icebreaker program underway. This program is especially necessary since the Coast Guard icebreaking fleet is old and becoming obsolescent.

I feel that the amount of $141,820,000

for authorization of appropriations for acquisition, construction, and improvements, plus an additional $12,500,000 authorization for bridge alterations is really modest when considered in the context of the varied and far-reaching responsibilities of the Coast Guard and its contributions to the Nation. Thus, I urge the passage of this important authorization bill.

Mr. KEITH. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I would like, first of all, to make it crystal clear, to use a favorite expression of the chairman of the subcommittee, the gentleman from North Carolina (Mr. LENNON), to my colleagues in the Congress, that his service to this Congress and this committee is truly an example for all of us to follow. I have served with Mr. LENNON on this subcommittee for several terms now, and I have found him and his colleague on the Republican side of the aisle (Mr. PELLY) to be extraordinarily well informed on that subject matter before the committee, and to be dedicated to our country and to his constituents, courteous, conscientious, and enlightened conservative people, if he would allow me to so categorize him. I join with others here in this Chamber in wishing him the very happiest years in private life as he goes back to his constituency, whom he knows so well and loves so dearly.

This legislation today is, in my view, needed by our Nation—to an extraordinary degree—and is such that we must enact it unanimously.

It is my understanding that an amendment which provides for a marine traffic control system in Long Island Sound, may be offered by a Member on this side of the aisle. I appreciate the fact that he did not appear before the committee at the proper time, but since the committee held its hearings there has been a very serious accident with an oil tanker on the outskirts of Long Island Sound. This casualty has alerted the people throughout the Northeast to the possible dangers that lie in the years ahead as we have to import more and more of our oil. If this Nation is to have the oil and the liquified natural gas necessary to fuel our economy and to heat our homes, the people must have confidence that it is coming here in an efficient way that will not endanger or disrupt our ecology.

So I hope that when the time for that amendment arrives, it will be favorably considered on both sides of the aisle.

Mr. Chairman, once again I pay my tributes to Mr. PELLY and Mr. LENNON for their many years of service to this House and to this committee.

I have no further requests for time.

Mr. LENNON. Mr. Chairman, I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I take this time to ask the chairman a question on a matter pending before the Merchant Marine and Fisheries Committee. I shall not oppose this authorization for the Coast Guard. Obviously, we need the authorization and we want to get it through. But a number of the Members of the House, including myself, some time ago introduced a resolution calling upon the Coast Guard to rename the Coast Guard *Vigilante* the SS *Simas Kudirka*, who was the Lithuanian sailor who escaped from a Soviet ship and sought asylum and sanctuary in the United States, a situation that was thoroughly investigated by the Congress.

You may recall that Kudirka was returned back to the Soviets.

The gentleman may recall that Kudirka was returned to the Soviets, and he is now, as far as we know, in a prison in Russia. We had at that time proposed the *Vigilante* be renamed the *Simas Kudirka* to serve as a constant reminder to all ships at sea that the United States has not abandoned its historic role of providing asylum and sanctuary to those seeking freedom and liberty. That resolution remains before the committee today, and it would be my hope that it could be brought to the floor for action, for, indeed it is as valid today as it was when Simas Kudirka was returned to the Soviets.

I wonder if I may have the reaction of the Chairman of the full Committee or of the subcommittee as to the prospects for this legislation and for getting it before the House? I am most hopeful this resolution will indeed be adopted by the Congress.

Mr. LENNON. Mr. Chairman, I yield to the chairman of the full committee, the gentleman from Maryland (Mr. GARMATZ) for a reply to that question.

Mr. GARMATZ. Mr. Chairman, I had taken this particular resolution up with the Commandant of the Coast Guard, and they had objected to it a great deal, but I assure the gentleman from Illinois we will go back to the Coast Guard to see what can be done and to see if we can have a better understanding with the Commandant of the Coast Guard and perhaps approval. I assure the gentleman that action will be taken in the full Committee.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield further, I appreciate the remarks of the chairman, but I might add this footnote: That asking the Coast Guard if they have any objections to this resolution is like asking the fox if he objects to locking the chicken coop, because it was the Coast Guard which handled the situation as tragically as they did. I can assure the gentleman the Coast Guard is not happy to perpetuate the memory of this incident, but we proposed the renaming of that ship so it would be a constant reminder for time eternal that this Nation does have as its basic ethic the seeking of freedom and liberty. So I hope the Committee will take that action on this resolution independently of whatever the Coast Guard says, whether the Coast Guard is for or against it.

Mr. Chairman, I thank the gentleman for his time.

Mr. EDWARDS of Alabama. Mr. Chairman, the U.S. Coast Guard performs many vital tasks for our Nation. Through the Coast Guard's search and rescue activities, its law enforcement role, its boating safety programs, its efforts toward merchant marine safety, and its many aids to navigation, the welfare of life and property at sea and on our navigable waterways is insured. This branch of our Armed Forces maintains a state of readiness to function as a specialized service in the Navy in time of war. The Coast Guard is responsible for port security in our Nation, including the loading and unloading of dangerous cargoes. A full listing of the services rendered our Nation by the Coast Guard, while worthwhile, would simply take too long.

H.R. 13188 authorizes appropriations for the Coast Guard for fiscal year 1973. Specifically the bill authorizes money for ships, planes, shore facilities, and installations, aids to navigation, bridge alterations, pollution control for fiscal year 1973, and for the average active duty personnel for the year. All of these authorizations will enable the Coast Guard to carry out the important functions I have noted. I urge for the passage of H.R. 13188.

Mr. DELLENBACK. Mr. Chairman, I urge passage of H.R. 13188.

The authorization includes $2.5 million for a much-needed Coast Guard helicopter station at North Bend on the southern Oregon coast.

Because of the distance involved along this stretch of coastline, I am certain Coast Guard funds and personnel can be much more efficiently utilized than is now possible without helicopters.

The versatility of helicopters would allow the Coast Guard not only to conduct search and rescue operations, but also to perform the important tasks of guarding against possible foreign fishermen's violations of U.S. territorial waters and checking for possible pollution along the Oregon coast.

In sum, the station at North Bend would make the Coast Guard better equipped to carry out its responsibilities relating to law enforcement, to search and rescue, and to conservation of fishing resources.

Mr. LENNON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1973 for the use of the Coast Guard as follows:

VESSELS

For procurement and increasing capability of vessels, $81,070,000.

A. Procurement—

(1) replace one icebreaker.

B. Increasing capability—

(1) renovate and improve selected buoy tenders.

(2) conduct major repairs on cutter (polar icebreaker) *Glacier*.

(3) renovate two Wind class polar icebreakers for interim service.

(4) abate pollution from vessels.

AIRCRAFT

For procurement and extension of service life of aircraft, $15,100,000.

A. Procurement

(1) two long range search aircraft.

(2) an administrative aircraft.

B. Extension of service life

(1) repair outer wings on nine HC–130 aircraft.

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $45,650,000.

(1) Marshfield and Otis Air Force Base, Massachusetts: modernize radio station facilities;

(2) Brooklyn, New York: construct barracks and messing facility at air station;

(3) Fort Hancock, New Jersey: rebuild Sandy Hook Station;

(4) Portsmouth, Virginia: construct new base (phase II);

(5) Islamorada, Florida: construct permanent facilities;

(6) Monterey, California: rebuild Monterey Station and construct moorings at Santa Cruz;

(7) Coos Bay, Oregon: construct new air station;

(8) Cape May, New Jersey: expand electrical capacity at training center;

(9) Yorktown, Virginia: construct barracks at training center;

(10) Cocoa Beach, Florida: establish C–130 aircraft facility at Patrick Air Force Base;

(11) Fort Pierce, Florida: rebuild station;

(12) Port Isabel, Texas: renovate station;

(13) Dana, Indiana: renovate barracks at Loran Station;

(14) Various locations: abate pollution from stations;

(15) Washington, District of Columbia: procure and install National Response Center Information System equipment;

(16) Various locations: aids to navigation projects on selected waterways;

(17) Various locations: automate light stations;

(18) Presque Isle, Maine: construction station for Loran-C development projects;

(19) Houston, Texas: establish marine traffic control system;

(20) Various locations: public family quarters;

(21) Various locations: advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law;

(22) Curtis Bay, Maryland: construct supply building at the Coast Guard yard;

(23) Cheboygan, Michigan: rebuild moorings for Coast Guard Cutter Mackinaw.

SEC. 2. For fiscal year 1973 the Coast Guard is authorized an average active duty personnel strength of 39,074.

SEC. 3. For fiscal year 1973 for the use of the Coast Guard for payments under the Act of June 21, 1940 (54 Stat. 497), as amended, to bridge owners for the cost of alteration of railroad and public highway bridges to permit the free navigation of the navigable waters of the United States, $12,500,000.

Mr. GARMATZ (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT OFFERED BY MR. STEELE

Mr. STEELE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEELE: On Page 5, lines 19 and 20 strike $45,650,000 insert $48,650,000

On Page 7, line 16, change the period to a semicolon and insert immediately following line 16

"(24) Long Island Sound: establish marine traffic control system."

Mr. STEELE. Mr. Chairman, in a special report on oil pollution prepared for President Johnson, it was estimated that a major oil spill off Long Island Sound during summer months might cost as much as $30 million in lost tourist business alone. This estimate does not include the costs of cleaning up an oil spill or the serious environmental damage that a spill might cause.

Today, I am offering an amendment to H.R. 13188 that will authorize the Coast Guard to spend $3 million in the development of a marine traffic control system for Long Island Sound. The precedent for this legislation was established in the expenditure for a similar system in Puget Sound and one that will be established for the Houston Waterway.

A marine traffic control system enables the Coast Guard to closely monitor the movement of ships in a given body of water. In the case of Long Island Sound it will allow the Coast Guard for the first time to carefully chart the movement of oil tankers and other dangerous shipping through the shallow and sometimes perilous waters of the sound. It would also make it easier for State and Federal authorities to monitor those ships that are still pumping oily bilge wastes into the Sound. In some respects, the marine traffic control system would enable the Coast Guard to monitor the movement of ships in much the same way that the FAA monitors the movement of aircraft.

For several months now we have talked about cleaning up our waterways and moving against municipal and industrial polluters. Today we have the opportunity to begin protecting a body of water that is a playground for over 12 million people. Over 185,000 pleasure craft are registered in areas surrounding Long Island Sound. Millions of people use Long Island Sound to boat in, to fish, to dig for clams, to relax and swim. In fact, it is probably the most heavily populated and heavily used body of water on either coast.

On March 21, a 240-foot oil tanker ran aground on a reef in the sound and spilled nearly 100,000 gallons of fuel oil into the water. Many of my colleagues may have read about the spill in their local newspapers and may have also seen the picture of the ship as it oozed out a 20-square-mile oil slick. It is unfortunate that many people mistakenly assumed that this type of spill is a rare occurrence, because oil spills in Long Island Sound are becoming more and more frequent.

For instance, in 1970 there were 51 spills reported in the sound. Forty-seven of these spills occurred in Connecticut waters and accounted for nearly 800,000 gallons of various oils being dumped into the sound. In 1970 and 1971 major spills of over 300,000 and 600,000 gallons occurred.

As air pollution statutes are more rigorously enforced requiring heavily refined, clean fuels to replace coal and other cruder fuels, the dangers of oil spills in Long Island Sound will grow. Both sides of the sound have numerous oil tank farms and refineries and the sound provides perfect shelter for oil tankers and barges. Estimates by energy experts show that the amount of oil required by New England will increase several times over the next 10 years.

In 1970, 22,781,515 short tons of various petroleum and products were recorded for the Connecticut ports of Long Island Sound. When increased tanker traffic is combined with the traffic of pleasure boats and cargo ships the totals are frightening because of the possibility of increased spillage.

The statistics for the decade of the sixties are proof of the extreme danger of oil spills. From data supplied by the American Bureau of Shipping on 488 American tankers of 30,000 tons deadweight or more, it was determined that they were involved in 553 collisions, 17 underwater collisions and three damaging collisons with ice. An official at the Bureau explained that some ships had as many as three or four collisions during the 10-year period, while others had none. These collisions were but a small part played in the nearly 10,000 oil-spill incidents that occurred in 1971 alone throughout the world.

Movement of crude oil or its products now accounts for half of the world's ocean tonnage. More than 4,000 tankers carry over 600 million tons of oil each year.

The extent to which oil pollution has affected the Atlantic Ocean was well illustrated by Dr. Max Blumer, senior scientist, department of chemistry, Woods Hole Oceanographic Institution. at a Boston symposium on oil pollution. To make this point about the extent of oil pollution, Dr. Blumer read from the record of a research ship from Woods Hole that had towed a special net in the Sargasso Sea to collect certain marine organisms. The quote follows:

> The tows, over a distance of 630 miles, brought up oil tar lumps inevitably during every tow up to 3 inches in diameter. After 24 hours of towing, the mesh became so encrusted with oil that it was necessary to clean the net with solvents. It was estimated that there was 3 times as much tarlike material as sargasso weed in the nets.

This quote shows quite clearly that oil spills have a profound effect on the marine aquatic environment and that even the best methods of control and cleanup are inadequate in preventing significant amounts of oil to float freely in the ocean.

A recent article in the Sierra Club bulletin describing conditions in Long Island Sound states that over 75,000 acres of bottom land in the sound is contaminated and closed to shell fishing.

Too often in the past this legislative body has argued about spending small sums for preventive measures against pollution and then later appropriated huge sums to stave off disaster. Long Island Sound may soon turn from the "urban sea" to the "dead sea of the Atlantic."

Many spills have cost more than $3 million to partially alleviate environmental and other damage caused by the spread of oil. In this last spill most of the oil dissipated into the sound—the same sound that many of us will want to use for swimming or boating or fishing in the summers ahead.

Mr. Chairman, the Long Island Sound problem has just been brought into sharp focus by the March 21 oil spill, and although the time factor has not permitted hearings on the amendment, there is both solid precedent for the proposal and urgent need. While Long Island Sound does not have as much tanker traffic as some areas and therefore has not been given top priority for a marine traffic control system by the Coast Guard, it is nonetheless clear to all concerned that major oil spills in Long Island Sound have as much or more tragic and costly consequences than oil spills anywhere else in the United States.

Certainly $3 million for a marine traffic control system is very cheap insurance for the future.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. STEELE. I yield to the gentleman.

Mr. WOLFF. I thank the gentleman for yielding.

I take it that the gentleman is aware of the studies being made by the New England River Basins Commission to set up a comprehensive plan for Long Island Sound.

Mr. STEEL. Yes; I am.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. PELLY, Mr. STEELE was allowed to proceed for 1 minute.)

Mr. PELLY. Will the gentleman yield?

Mr. STEELE. I am glad to yield to the gentleman.

Mr. PELLY. Mr. Chairman, I want to commend the gentleman from Connecticut (Mr. STEELE). I have long known of his interest in protecting the waters of Long Island Sound. I do think the traffic control programs in various areas such as Long Island Sound are essential, and I am sure that the time is coming when not only Long Island Sound but other important bodies of water will have the Coast Guard supervising traffic on them. Personally, of course, I would wish that his programs had been presented to the distinguished committee that has authorization over the Coast Guard, but, nevertheless, because of the fact that we in Puget Sound are having such a system developed and I am so sold on it and he has made such a fine and forceful presentation, I wish to state that I will support the gentleman's amendment.

Mr. GROVER. Mr. Chairman, I rise in support of the amendment with a little reluctance and misgiving since I am a member of the committee and we did not have an opportunity to give it a hearing as we did the other projects that were considered priority matters.

However, I am convinced, as one of the New York Congressmen whose district abuts Long Island Sound, that the proposal has great merit.

Long Island Sound, as the gentleman from Connecticut has pointed out, is a large body of water which has some difficult and treacherous navigational problems. In addition to other traffic, we have large and heavy tankers, and we have had a number of substantial oil spills. A recent dramatic oil spill incident prompted this amendment even at this late date. The body of water composing Long Island Sound is ideally suited and almost unobstructed in its length and breadth for the purposes of suitable radar controlled navigation.

I might point out to those gentlemen present—and it will strike a familiar note to all of you, I am sure—that Long Island Sound at its mouth is now the graveyard of the *Andrea Doria*. Had we had the navigational system that the gentleman from Connecticut is proposing today, the *Andrea Doria* would still have been sailing and so would the tanker with which it had a collision.

I think the gentleman's proposal, even if not considered timely in the sense of orderly process before our committee, does have great merit. The threat to our ecology and the degradation of the water occurring as a result of these insipid oil spills and other pollution problems can be cured or helped to be cured if we adopt his amendment. We do need it very badly at the present time, and in the future it will save a great deal with regard to our environmental problems, and I compliment the gentleman from Connecticut (Mr. STEELE) for the outstanding leadership he has demonstrated in this and so many other matters of both regional and national import.

Mr. WOLFF. Will the gentleman yield?

Mr. GROVER. Yes, sir.

Mr. WOLFF. I thank the gentleman for yielding.

Perhaps I can finish the original question that I was offering to the gentleman from Connecticut.

Would the gentleman say that this amendment would be restricted to a prior review by the New England River Basins Commission?

Mr. STEELE. The answer in a nutshell is "Yes." I have discussed that with the Coast Guard and they would probably use on all work that has already been done in the field.

Mr. WOLFF. I thank the gentleman and I commend him for offering this amendment.

Mr. GARMATZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, basically we cannot help but be in sympathy with the objectives of the gentleman from Connecticut, and all of us realize the necessity of taking measures to obviate tragic and damaging vessel collisions and spills. However, I urge my colleagues to vote in opposition to this amendment for the following reasons:

First of all, the Coast Guard has a priority list. And, further, if I may say this, I can appreciate the gentleman's problem in New York. I as chairman of the committee who represents the Harbor of Baltimore and has done so for the past 25 years. However, we are not included. So, if there was anything we could do about the situation, to take the priority away from the Coast Guard, I surely would have included Baltimore Harbor. I therefore think we cannot be selfish but that we must stay with the priority system which the Coast Guard is working up.

The basic mandating legislation which would give the Coast Guard permanent authority to establish such systems has not yet passed the Senate, H.R. 8140, the Port and Harbor Safety Act.

The amendment is, thus, inappropriate at this time.

It would interfere with the Coast Guard's order of priority for the establishment of mandatory vessel traffic control systems and the Coast Guard is the administering agency having jurisdiction over these systems.

This matter was not brought up before the House Merchant Marine and Fisheries Committee either in the hearings on H.R. 13188, the Coast Guard authorization bill, or in executive session.

It is for these reasons, Mr. Chairman, that I urge my colleagues to vote in opposition to the amendment.

Mrs. GRASSO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment and wish to commend my colleague, the gentleman from Connecticut (Mr. STEELE), for offering the amendment.

The problem of oil spills is becoming increasingly serious to the people of Connecticut and all who enjoy the opportunities of Long Island Sound. The recent disaster of the oil spill put into focus the fact that if we have priorities that have been established, those priorities should be reexamined. This waterway is one of our most important waterways and one which provides essential services for commerce and industry as well as pleasure for our people. The area truly deserves consideration which this amendment provides.

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise in opposition to the amendment. The Coast Guard Subcommittee considered the priorities that had been presented by the Coast Guard to the Department of Transportation. They had $126 million worth of projects that had priority over this.

The Department of Transportation cut this amount. When the Department of Transportation went to the Office of Management and Budget, they had about $40 million worth of priorities and they were all cut.

Mr. Chairman, we would be establishing a very bad precedent in this House when nothing was brought before the subcommittee in its many days of hearings, and then in executive mark-up and then to the full committee. To bring it up to the floor at this time, which is understandable, is in my opinion not the appropriate procedure to follow.

Let me call to the attention of the members of the Committee of the Whole House on the State of the Union, if I may, the fact that in October of last year the House passed the so-called—and this is a technical legal definition— Port and Harbor Safety Act, H.R. 8140, on October 18. We sent it to the other body and just this week the other body got ready to start to do something about it. They finally got to it. It so happens that on the Senate side there have been no hearings on the Coast Guard authorization bill by the Subcommittee on Merchant Marine which is a subcommittee of the Committee on Commerce. No hearings have as yet been held on the Coast Guard authorization.

Mr. Chairman, I have discussed this matter with the distinguished gentleman from Connecticut—and I must tell you ladies and gentlemen of the House that I am a substitute, frankly, for the gentleman from Pennsylvania (Mr. Clark) who is the chairman of this subcommittee—I discussed it with our distinguished friend from Connecticut week before last when it looked as if there was a possibility of this bill being considered then.

I discussed it with him again today. I discussed it with the other gentleman also. I suggested to them that I could not speak for the chairman of this subcommittee, the gentleman from Pennsylvania (Mr. Clark), nor could I speak for the chairman of the full committee, the gentleman from Maryland (Mr. Garmatz), but that I thought that they should take their case to the public hearings being held by the Senate Committee on the Merchant Marine which has comparable jurisdiction to the Subcommittee on the Coast Guard of the Committee on Merchant Marine and Fisheries of the House of Representatives. Then if the Senate in their wisdom decides to substitute this project for one of the great number of other projects that the Coast Guard felt there was priority for, that the Department of Transportation thought there was the priority for, and that the Bureau of the Budget thought there was priority for that then they could get it in the Senate bill. And I told them I felt sure that if I were a member of the Committee on Conference, which I may or may not be, that I would certainly look on it with favor, but I would want to know the background.

I can understand the position of the gentleman and the gentlewoman from Connecticut who represent that section of the country. However, I still state that I believe the House of Representatives will be establishing a bad precedent to come in here, after the Coast Guard has said that in their judgment it would be an inequity to have it in here—that is what they said to us—and that is what the Department of Transportation said and that is what the Bureau of the Budget said—to come in here and attempt to handle the matter through this method.

So, Mr. Chairman, I urge the Members to take this matter before the public hearings of the Senate and further urge that the House vote down this amendment offered by our good friend and colleague, the gentleman from Connecticut (Mr. Steele).

Mr. KEITH. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment offered by the gentleman from Connecticut (Mr. Steele).

Mr. Chairman, I live in an area that fringes upon Long Island Sound. I have traversed it from end to end and I know of the differences as they exist in its approaches as compared to the approaches to Baltimore Harbor. They are entirely different and more complex than those at Baltimore Harbor. The waters off Baltimore are not comparable to the area around the Scilly Isles where the *Torrey Canyon* went aground, I believe in 1966—but those at the southern approach to Long Island Sound are similar.

Following my visit to the site of the *Torrey Canyon* disaster and seeing the tragedy that followed, I came back and reported to this House and to the committee the need for a traffic control system such as this amendment provides.

Our Coast Guard moves too slowly. We should have done this back in 1966 or 1967 or 1968.

The winds, the currents, the fog, the volume of shipping and the fragile nature of the shorelines, all argue for our accepting this amendment.

I would also remind the Members of the House that this is only an amendment to an authorization bill and that the gentleman still has to prove his case later before the Committee on Appropriations.

Mr. Chairman, I think the need is so great that we should support the gentleman from Connecticut on his amendment.

Mr. McKINNEY. Mr. Chairman, I rise in support of the amendment offered by my colleague from Connecticut, Representative Bob Steele. The additional $3 million he calls for to construct a marine traffic control system for Long Island Sound represents a sound investment of public moneys.

Three weeks ago a 240-foot oil tanker ran aground on a reef in the sound and spilled nearly 100,000 gallons of oil into the water. While such an incident generates page 1 headlines and photographs, we all too frequently view such a spill as a rare occurrence.

However, that is far from reality because oil spills in Long Island Sound are becoming increasingly frequent. As marine traffic increases, as it has over the last decade, the possibility of collisions and oil spills rises in direct proportion. The facts and statistics which Representative Steele offered just a few minutes ago graphically illustrate the potential for irreparable harm to the ecology. One need not reiterate a litany of ecology damages resulting from recent oil spills in Santa Barbara and the Gulf of Mexico, to recognize that the cost to restore the environment after an oil spill is infinitely more expensive than those sums appropriated for preventive measures.

This amendment would establish a system whereby the Coast Guard could closely monitor the movement of ships in the sound. Such a system would for the first time, allow the Coast Guard to chart the movement of oil tankers through the shallow, crowded waters of Long Island Sound.

I view this legislation as an insurance policy for those of us who view Long Island Sound not only as a commercial waterway, but also as a water playground utilized by our 185,000 pleasure craft and millions of residents who flock to the shore during the summer months.

I would urge your support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. Steele).

The question was taken; and on a division (demanded by Mr. Steele) there were—ayes 11, noes 31.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Culver, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, pursuant to House Resolution 915, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced the ayes appeared to have it.

Mr. WOLFF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 373, nays 1, not voting 59, as follows:

[Roll No. 105]

YEAS—373

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier

Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
McMillan
Madden
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Quillen
Randall
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

O'Konski

NOT VOTING—59

Abernethy
Alexander
Aspin
Bingham
Blackburn
Broomfield
Byrne, Pa.
Caffery
Carey, N.Y.
Chisholm
Clancy
Clark
Corman
Crane
Diggs
Dowdy
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Fish
Flood
Galifianakis
Gallagher
Gray
Griffin
Griffiths
Halpern
Hays
Hébert
Jones, Ala.
Kee
Kyros
Long, La.
McKay
Macdonald, Mass.
Mailliard
Mathias, Calif.
Mikva
Miller, Calif.
Morse
Moss
Murphy, N.Y.
Nix
Patman
Price, Tex.
Pryor, Ark.
Railsback
Rhodes
Satterfield
Scheuer
Seiberling
Sikes
Stanton, James V.
Stokes
Stubblefield
Symington
Widnall
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Kyros.

Mr. Hébert with Mr. Widnall.

Mr. Miller of California with Mr. Mathias of California.

Mr. Charles H. Wilson with Mr. Mailliard.

Mr. Evins of Tennessee with Mr. Railsback.

Mr. Mikva with Mr. Eshleman.

Mr. Byrne of Pennsylvania with Mr. Long of Louisiana.

Mr. James V. Stanton with Mr. Morse.

Mr. Alexander with Mr. Broomfield.

Mr. Stubblefield with Mr. Crane.

Mr. Sikes with Mr. Blackburn.

Mr. Jones of Alabama with Mr. Gallagher.

Mr. Macdonald of Massachusetts with Mr. Rhodes.

Mr. Carey of New York with Mrs. Dwyer.

Mr. Satterfield with Mr. Pryor of Arkansas.

Mr. Caffery with Mr. Fish.

Mr. Clark with Mr. Clancy.

Mr. Corman with Mr. Halpern.

Mrs. Chisholm with Mr. Kee.

Mr. Diggs with Mr. Bingham.

Mr. Nix with Mr. Galifianakis.

Mr. Aspin with Mr. Abernethy.

Mrs. Griffiths with Mr. McKay.

Mr. Patman with Mr. Scheuer.

Mr. Stokes with Mr. Symington.

Mr. Griffin with Mr. Price of Texas.

Mr. Flood with Mr. Dowdy.

Mr. Moss with Mr. Murphy of New York.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the three Committee on Merchant Marine and Fisheries bills passed by the House today.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISTRICT OF COLUMBIA BUDGET, 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-215)

The SPEAKER laid before the House the following Message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I am transmitting to the Congress the budget for the District of Columbia for the fiscal year beginning July 1, 1972.

This budget reflects a careful allocation of limited resources among important services provided by the city government and among high priority public works projects. The Mayor and the City Council have thoroughly examined these budget proposals, effectively carrying out their responsibilities under Reorganization Plan No. 3 of 1967. In addition, the Office of Management and Budget has reviewed these proposals as specified in the District of Columbia Revenue Act of 1970.

The budget also reflects the city's actions consistent with the economic and Government personnel policies I established last year for Federal agencies. The District's base of authorized positions has been reduced by 5%, and further steps are being taken to improve the management and efficiency of the local government.

Most significantly, this budget does not request congressional approval of additional revenue proposals. Due to the intensive review by the Mayor and the City Council, the expenditure requests transmitted today can be completely balanced within current congressional revenue authorizations and anticipated revenue increases from local government actions.

Because this budget is not predicated on new congressional revenue action, I anticipate that the Congress should be able to complete action on the District's fiscal year 1973 budget by the beginning of the fiscal year. Such action would greatly facilitate more efficient budget planning by the District government in both the current and future fiscal years.

RICHARD NIXON.

APRIL 11, 1972.

GENERAL LEAVE

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the amendment offered by my colleague the gentleman from Connecticut (Mr. STEELE) during today's debate on the bill H.R. 13188.

The SPEAKER pro tempore (Mr. GONZALEZ). Without objection, it is so ordered.

There was no objection.

REAP AMENDMENT

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation to amend the Soil Conservation and Domestic Allotment Act to provide that the rural environmental assistance program—REAP—cost-share ratio for reorganizing irrigation systems, land leveling, and underground drainage systems be on a 50-50 basis.

REAP was authorized by Congress in

1936 and has been in effect continuously since then. Cost-share ratios during this period have generally been established on a 50–50 basis. As a part of the redirection effort for 1972, the U.S. Department of Agriculture has limited the cost-share ratio for some of the irrigation programs to 30 percent of the cost rather than the normal 50 percent. This was done with the feeling that farmers would ordinarily perform the practices of reorganizing irrigation systems, land leveling, and construction of underground drainage systems without cost-share assistance.

However, 523 citizens of my State of Wyoming have taken the time to write me personal letters or to sign petitions stating that a cut in the cost-share ratio is going to impose a hardship upon them, and in many cases my constituents state that without the 50–50 sharing they cannot afford the construction involved. For this reason, I introduce this proposal to reestablish the 50–50 cost-share ratio.

Mr. Speaker, there are three major reasons why I feel Congress should do what it can to reestablish the 50–50 ratio.

First of all, irrigation is of vital importance to Wyoming and to the rest of the arid West. Nearly every ranch in Wyoming does some irrigating, and most people who irrigate have a need for some REAP program. If the cutback is not reversed, we are going to have fewer farmers and ranchers who are able to afford the construction of irrigation systems and the land leveling work. This is going to affect the small towns whose sole purpose is to service surrounding farms and ranches, and we are going to have another group of unemployed in our Nation.

Second, as we all know, irrigation increases production. Given the continued rise in the prices of land, farm equipment, and construction, the only way America's farmers and ranchers can keep an even footing is through increased production. If marginal farmers are unable to afford irrigation systems, they are simply going to be forced off their farms.

Third, Mr. Speaker, land leveling, irrigation pipelines, cement ditches, tile drainage systems, and similar structures all makes a major contribution toward water pollution control, water conservation, and minimal soil erosion. Since the House of Representatives has refused to adopt an amendment to exempt farmers and ranchers from the Federal Water Pollution Control Act, the least it can do is to provide adequate funding for one of the few avenues farmers and ranchers have to control irrigation runoff pollution.

The 92d Congress has provided a rather generous amount of monetary assistance to many of the environmental-related programs that have come before us. Money has been authorized for the protection of wild horses and burros, an environmental data system, a National Advisory Committee on Oceans and Atmosphere, marine mammal protection, recreational development of fish and wildlife areas, and several wilderness, national park, and national recreation areas.

And now funds have been reduced which are for the purpose of helping our farmers and ranchers to do their part in helping to clean up our environment. I am hopeful Congress will see fit to restore the cost-sharing ratio to the traditional 50–50 level and thereby encourage agriculture, the largest single employer in this Nation, to do its part in our fight against pollution.

GATES OF AMERICA SHOULD BE OPEN TO ONLY VISITORS WHO COME IN PEACE

(Mr. GOODLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GOODLING. Mr. Speaker, I am incensed over an incident that took place last Wednesday in my congressional district. Some antiwar individuals demonstrated what were contended to be parts of bombs supposedly dismantled by workers of the American Machine Foundry Co. in York, Pa. One of the demonstrators was Eqbal Ahmad, a Pakistani immigrant and a defendant in the just concluded conspiracy trial of the Harrisburg Seven.

The irony of the case centers in the fact that he is not an American citizen and that he had the gall to castigate our public officials and threaten violence in the event the war in Vietnam was not terminated. He is a menace and a threat to the security of the United States.

As reported, Ahmad informed the demonstrators as follows:

> I do promise you that if this war goes on, and if there is no accountability on the part of public officials, the papers will have to be destroyed, buildings will have to be broken, draft boards will have to continue to be raided and discussions about citizen arrests of officials whom we consider guilty or, at the very least deserving of trial for crimes against humanity, will continue to take place.

America is a country that welcomes visitors from abroad, but just as she extends this courtesy to foreigners, so does she expect certain considerations in return.

Ahmad, a Pakistani, does no credit to his country by this kind of sordid performance. In a like manner, those Americans around him who encourage this kind of conduct have little about which they can be proud.

As everyone knows, the trial of the Harrisburg Seven ended on April 5 in a jury deadlock on the key conspiracy charges. It is truly ironic that Ahmed, having just experienced how patient the American system of law can be, failed to reciprocate with a similar display of patience and, instead, threatened a resort to violence if the Vietnam war does not conclude on the schedule he sets forth.

I demand that this ungrateful and dangerous immigrant be deported immediately from the United States. I am communicating today toward this end with both the Immigration and Naturalization Service of the Department of Justice and the Department of State.

Mr. Speaker, the gates of America must swing open to those who want to visit this country in peace. They must slam shut, however, on those who enter carrying a torch of violence and threaten to burn down the legal and cultural foundations of this country. Mr. Ahmad is one of these, and he must go.

INTRODUCTION OF RESOLUTION OF INQUIRY ON U.S. ESCALATION OF ITS COMBAT ACTIVITIES IN INDOCHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, it grieves me to say this, but I almost feel as if today could be April 11, 1968, instead of April 11, 1972. Four years ago, candidate Richard Nixon told us that he had a plan to end our involvement in Vietnam, but today U.S. planes and ships are pounding the soil of that beleaguered nation as never before and other U.S. forces are being mobilized for its further and perhaps final devastation.

The American people have made it clear that they want this Nation to withdraw—now—from Vietnam. They want not only the withdrawal of our men, but also of our military hardware and dollars. I believe that although Mr. Nixon may be giving them the first of these desires—and I am not wholly certain of that—he is most certainly not giving them the second and third.

I am today introducing a resolution of inquiry seeking information on the nature and extent of our current involvement in Indochina. It directs the President and the Secretary of Defense, within 10 days after its adoption, to furnish this House with information as to the following:

The number of U.S. military personnel, including combat personnel, presently in South Vietnam;

Figures on the number of bombing sorties flown, the tonnage of bombs and shells dropped, and the cost of this bombing and shelling, in North and South Vietnam for the first 10 days of March 1972 and the first 10 days of April 1972. This comparative information should indicate clearly the degree to which the administration has stepped up the war in recent days as well as the overall level at which it is conducting our military operations;

A similar comparison of U.S. personnel killed, wounded, or reported missing in action;

Whether the Vietnamization policy of our Government really seeks complete independence of U.S. military support for the South Vietnamese Army and, if so, the target date for its full and final realization;

Information as to bombing and shelling activities of our forces in Laos and Cambodia since the beginning of this year, including the same information as to number of sorties, tonnage, and cost;

The degree to which the administration has increased the flow of military equipment and personnel to Southeast Asia in recent days, for this will constitute a clear indication of whether it really is planning to terminate our involvement or merely to move it from the ground to the air and the sea. The newspapers report that an American armada is sailing to Indochina, troops at stateside military installations have been placed on alert, and rumors of National Guard callups abound. These are hardly the signs of an end to our involvement, and it is important that the Congress know whether these reports are accurate.

Finally, the resolution asks what steps the administration has taken to comply with section 601 of the Military Procurement Act of 1971, also known as the modified Mansfield amendment. This provision declared it to be U.S. policy to terminate all of our military operations in Indochina at the earliest practicable date, and current activity on our part leads me to question whether this policy is being carried out.

Mr. Speaker, I do not believe the President's assertions that our continuing and devastating air and naval presence in Vietnam is necessary to protect our troops in the South or to speed the return of our prisoners of war in the North.

As far back as 1967, the Jason study of the Pentagon's Institute for Defense Analysis concluded that—

> The U.S. bombing of North Vietnam has had no measurable effect on Hanoi's ability to mount and support military operations in the South.

This study is fully discussed at pages 122 to 127 of volume II of book 6 of the Government Printing Office edition of the Pentagon Papers, and I am including it in the Record at the conclusion of my remarks.

Insofar as our POW's are concerned, it is apparent that they will not be returned until our military involvement in Vietnam is ended; all that our continuing activity is doing is to place more of our men in North Vietnamese POW camps and to extend the period of internment for those already there.

In addition to passing this resolution, the Congress should be making its own independent inquiry, sending Members and staff to Saigon, Paris, and, if possible, Hanoi to see for themselves the conduct of the United States with regard to Vietnam, and I have already called upon congressional leaders and the national chairman of my party to do this.

The course that we must take is clear. We must withdraw immediately from Vietnam—not only in terms of men, but in terms of machines and money as well—if we are to have our prisoners of war return home and begin the reordering of our priorities to the crying needs here at home.

I include the following:

H. Res. 918

Resolved, That the President and the Secretary of Defense be, and they are hereby, directed to furnish the House of Representatives, within ten days after the adoption of this resolution, with full and complete information on the following—

1.a. The number of United States military personnel in South Vietnam at the present time;

b. The number of these indivduals who are combat personnel;

2.a. The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of March 1972;

b. The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of April 1972;

c. The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of March 1972;

d. The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of April 1972;

3.a. The tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of March 1972;

b. The tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of April 1972;

c. The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of March 1972;

d. The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of April 1972;

5.a. The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

b. The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of April 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

c. The cost of all bombing and shelling carried on by the United States in or over South Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

d. The cost of all bombing and shelling carried on by the United States in or over South Vietnam during the first ten days of April 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

6. List separately the number of United States military personnel (if any) killed, wounded or reported missing in action during (a) the first ten days of March 1972 and (b) the first ten days of April 1972, specifying how many in each such category were killed, wounded or reported missing in action in or over South Vietnam and how many in each such category were killed, wounded or reported missing in action in or over North Vietnam.

7. Whether there is a target date for the achievement by the Army of the Republic of Vietnam of complete military independence of United States air, naval and ground support and participation and, if so, what date;

8. Whether there has been any bombing or shelling carried on by the United States in or over Laos or Cambodia since January 1, 1972 and, if so, the number of sorties flown by United States military airplanes, for bombing purposes, in or over Laos or Cambodia since that date, the tonnage of bombs and shells fired or dropped by the United States into or over Laos or Cambodia since that date, and the cost of all bombing and shelling carried on by the United States in or over Laos or Cambodia since that date, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

9. Whether there has been an increase in the movement of military airplanes, military ships, other military equipment, military supplies, or military personnel of the United States to Southeast Asia, including the islands of the South Pacific Ocean, since March 15, 1972 (relative to the 30 day period immediately preceding that date) and, if so, the nature and extent of the increase in each such category;

10. What actions, if any, have been taken to comply with the provisions of section 601 of Public Law 92-156, approved November 17, 1971.

Text of Telegram Sent to President Nixon by Representatives Abzug, Bingham, Chisholm, McCloskey, and Scheuer, April 4, 1972

Stepup of bombing in Vietnam flaunts the will of the American people who want immediate halt to all repeat all bombing and immediate withdrawal of all U.S. troops. This escalation of the war proves that Vietnamization policy merely substitutes U.S. bombs for U.S. troops.

We must stop tying the fate of our men and our Nation to the fate of the Thieu dictatorship. The U.S. must stop all repeat all bombing and announce an immediate date for withdrawal of all U.S. troops. Announcement of such a policy would be the best way to assure speedy return of our prisoners.

The Jason Study

While DOD was internally examining bombing suspension scenarios, IDA's JASON division had called together many of the people who had participated in the 1966 Summer Study for another look at the effectiveness of the bombing and at various alternatives that might get better results. Their report was submitted in mid-December 1967 and was probably the most categorical rejection of bombing as a tool of our policy in Southeast Asia to be made before or since by an official or semi-official group. The study was done for McNamara and closely held after completion. It was completed after his decision to leave the Pentagon, but it was a powerful confirmation of the positions on the bombing that he had taken in the internal councils of the government over the preceding year.

The study evaluated the bombing in terms of its achievement of the objectives that Secretary McNamara had defined for it:

Secretary McNamara on August 25, 1967 restated the objectives of the bombing campaign in North Vietnam. These objectives are:

1. To reduce the flow and/or to increase the cost of the continued infiltration of men and supplies from North to South Vietnam.

2. To raise the morale of the South Vietnamese people who, at the time the bombing started, were under severe military pressure.

3. To make clear to the North Vietnamese political leadership that so long as they continued their aggression against the South, they would have to pay a price in the North.

Taking up the first of these stated objectives, the Jason study reached an emphatically negative conclusion about the results from Rolling Thunder:

"As of October 1967, the *U.S. bombing of North Vietnam has had no measurable effect on Hanoi's ability to mount and support military operations in the South.* North Vietnam supports operations in the South mainly by functioning as a logistic funnel and providing a source of manpower, from an economy in which manpower has been widely under-utilized. Most of the essential military supplies that the VC/NVA forces in the South require from external sources are provided by the USSR, Eastern Europe, and Communist China. Furthermore, the volume of such supplies is so low that only a small fraction of the capacity of North Vietnam's flexible transportation network is required to maintain that flow.

"In the face of Rolling Thunder strikes on NVN, the bombing of infiltration routes in Laos, the U.S. naval operations along the Vietnamese coast, and the tactical bombing of South Vietnam, North Vietnam infiltrated over 86,000 men in 1966. At the same time, it has also built up the strength of its armed forces at home, and acquired sufficient confidence in its supply and logistic organization to equip VC/NVA forces in South Vietnam with a modern family of imported 7.62mm weapons which require externally supplied ammunition. Moreover, NVN has the potential to continue building the size of its armed forces, to increase the yearly total of infiltration of individual soldiers and combat units, and to equip and supply even larger forces in South Vietnam for substantially higher rates of combat than those which currently prevail.

"Since the beginning of the Rolling Thunder air strikes on NVN, the flow of men and materiel from NVN to SVN has greatly increased, and present evidence provides no basis for concluding that the damage inflicted on North Vietnam by the bombing program has had any significant effect on this flow. In short, the flow of men and materiel from North Vietnam to the South appears to reflect Hanoi's *intentions* rather than *capabilities* even in the face of the bombing.

"NVN's ability to increase the rate of infiltration of men and materiel into SVN is not currently limited by its supply of military manpower, by its LOC capabilities, by the availability of transport carriers, or by its access to materials and supplies. The VC/NVA are effectively limited by constraints of the situation in the South—including the capacity of the VC infrastructure and distribution system to support additional materiel and troops—but even given these constraints could support a larger force in the South. The inference which we have drawn from these findings is that NVN determines and achieves the approximate force levels that they believe are needed to sustain a war of attrition for an extended period of time.

"Despite heavy attacks on NVN's logistic system, manufacturing capabilities, and supply stores, its ability to sustain the war in the South has increased rather than decreased during the Rolling Thunder strikes. It has become increasingly less vulnerable to aerial interdiction aimed at reducing the flow of men and materiel from the North to the South because it has made its transportation system more redundant, reduced the size and increased the number of depots and eliminated choke points.

"The bombing of North Vietnam has inflicted heavy costs not so much to North Vietnam's military capability or its infiltration system as to the North Vietnamese economy as a whole. Measurable physical damage now exceeds $370 million and the regime has had to divert 300,000 to 600,000 people (many on a part-time basis) from agricultural and other tasks to counter the bombing and cope with its effects. The former cost has been more than met by aid from other Communist countries. The latter cost may not be real, since the extra manpower needs have largely been met from what was a considerable amount of slack in NVN's underemployed agricultural labor force. Manpower resources are apparently still adequate to operate the agricultural economy at a tolerable level and to continue simultaneously to support the war in SVN and maintain forces for the defense of the North at current or increased levels.

"Virtually all of the military and economic targets in North Vietnam that can be considered even remotely significant have been struck, except for a few targets in Hanoi and Haiphong. Almost all modern industrial output has been halted and the regime has gone over to decentralized, dispersed, and/or protected modes of producing and handling essential goods, protecting the people, and supporting the war in the South. NVN has shown that it can find alternatives to conventional bridges and they continue to operate trains in the face of air strikes.

"NVN has transmitted many of the material costs imposed by the bombing back to its allies. Since the bombing began, NVN's allies have provided almost $600 million in economic aid and another $1 billion in military aid—more than four times what NVN has lost in bombing damage. If economic criteria were the only consideration, NVN would show a substantial net gain from the bombing, primarily in military equipment.

"Because of this aid, and the effectiveness of its countermeasures, NVN's economy continues to function. NVN's adjustments to the physical damage, disruption, and other difficulties brought on by the bombing have been sufficiently effective to maintain living standards, meet transportation requirements, and improve its military capabilities. NVN is now a stronger military power than before the bombing and its remaining economy is more able to withstand bombing. The USSR could furnish NVN with much more sophisticated weapon systems; these could further increase the military strength of NVN and lead to larger U.S. losses."

These conclusions were supported copiously in a separate volume of the study devoted specifically to such analysis. The second objective of the bombing, to raise South Vietnamese morale, had been substantially achieved. There had been an appreciable improvement in South Vietnamese morale immediately after the bombing began and subsequent buoyancy always accompanied major new escalations of the air war. But the effect was always transient, fading as a particular pattern of attack became a part of the routine of the war. There was no indication that bombing could ever constitute a permanent support for South Vietnamese morale if the situation in the South itself was adverse.

The third function of the bombing, as described by McNamara, was psychological—to win the test of wills with Hanoi by showing U.S. determination and intimidating DRV leaders about the future. The failure of the bombing in this area, according to the Jason study, had been as signal as in purely military terms.

"The bombing campaign against NVM has not discernibly weakened the determination of the North Vietnamese leaders to continue to direct and support the insurgency in the South. Shortages of food and clothing, travel restrictions, separations of families, lack of adequate medical and educational facilities, and heavy work loads have tended to affect adversely civilian morale. However, there are few if any reliable reports on a breakdown of the commitment of the people to support the war. Unlike the situation in the South, there are no reports of marked increases of absenteeism, draft dodging, black market operations or prostitution. There is no evidence that possible war weariness among the people has shaken the leadership's belief that they can continue to endure the bombing and outlast the U.S. and SVN in a protracted war of attrition.

"Long term plans for the economic development have not been abandoned but only set aside for the duration of the war. The regime continues to send thousands of young men and women abroad for higher education and technical training; we consider this evidence of the regime's confidence of the eventual outcome of the war.

"The expectation that bombing would erode the determination of Hanoi and its people clearly overestimated the persuasive and disruptive effects of the bombing and, correspondingly, underestimated the tenacity and recuperative capabilities of the North Vietnamese. That the bombing has not achieved anticipated goals reflects a general failure to appreciate the fact, well-documented in the historical and social scientific literature, that a direct, frontal attack on a society tends to strengthen the social fabric of the nation, to increase popular support of the existing government, to improve the determination of both the leadership and the populace to fight back, to induce a variety of protective measures that reduce the society's vulnerability to future attack and to develop an increased capacity for quick repairs and restoration of essential functions. The great variety of physical and social countermeasures that North Vietnam has taken in response to the bombing is now well documented but the potential effectiveness of these countermeasures has not been adequately considered in previous planning or assessment studies."

The Jason study took a detailed look at alternative means of applying our air power in an effort to determine if some other combination of targets and tactics would achieve better results. Nine different strategies were examined including mining the ports, attacking the dikes and various combinations of attack emphasis on the LOC systems. This was the emphatic conclusion: "We are unable to devise a bombing campaign in the North to reduce the flow of infiltrating personnel into SVN." All that could really be said was that some more optimum employment of U.S. air resources could be devised in terms of target damage and LOC disruption. None could reduce the flow even close to the essential minimum for sustaining the war in the South.

After having requested that some portions of the study be reworked to eliminate errors of logic, Mr. Warnke forwarded the final version to Secretary McNamara on January 3, 1968 with the information copies to Secretary Rusk, the Joint Chiefs and CINCPAC. In his memo he noted the similarity of the conclusions on bombing effectiveness to those reached not long before in the study by the CIA (see above). Specifically, Mr. Warnke noted that, "Together with Sea Cabin, the study supports the proposition that a bombing pause—even for a significant period of time—would not add appreciably to the strength of our adversary in South Vietnam." Thus was laid the analytical groundwork for the President's decision to partially curtail the bombing in March.

[Public Law 92-156, Nov. 17, 1971]

Title VI—Termination of Hostilities in Indochina

Sec. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

[From the New York Post, Apr. 10, 1972]

REPORT A U.S. "ARMADA" IS SAILING TO INDOCHINA

WASHINGTON.—The U.S. appears to be preparing new buildups of its air and sea power in Southeast Asia in response to the continuing North Vietnamese offensive in South Vietnam.

Sources said yesterday that two more aircraft carriers, the Midway and Saratoga, were hurriedly preparing for departure to the Far East, and that three or four squadrons of F–4 Phantom fighter-bombers were on alert for possible duty in Southeast Asia.

A group in Cambridge, Mass., calling itself the Ad Hoc Military Buildup Committee, said early today that the 3d Marine Aid Wing at El Toro Marine Station, Cal., had received immediate orders from Vietnam.

The committee also said a minimum of 50 planes had been sent to Indochina during the past few days. And it claimed it had learned that Army troops based at Ft. Hood, Tex., and Ft. Dix, N.J., and a number of transport planes at McGuire Air Force Base, N.J., had been placed on alert.

The Pentagon, following standard procedure regarding information on military maneuvers, refused to discuss reported alerts and movements in connection with the 12-day-old Communist offensive.

However, an officer aboard the U.S.S. Saratoga at Mayport Naval Station in Florida said crewmen of the giant carrier had been informed yesterday that it would sail tomorrow for an unexpected eight-month tour off the coast of Vietnam.

The San Francisco Chronicle reported that the guided-missile destroyer Somers and the destroyers Eversole and Ozburn were to sail for Vietnam waters today from Long Beach, Cal. The newspaper said nuclear-powered cruiser Long Beach, which left California March 28, was canceling a planned week-long visit to Japan as it rushed to the Gulf of Tonkin off North Vietnam.

FURTHER SAILINGS

Four other ships were reported sailing from San Diego, headquarters of the 11th Naval District and Pacific Destroyer Fleet, but they were not identified.

In Honolulu, the local Vietnam Veterans Against the War said three destroyers and a dozen support craft are set to leave for Southeast Asia today and a squadron of Marine F–4's already has left Kaneoche Marine Air Station in Hawaii bound for Japan. The Pacific Naval Command refused comment on the report.

Within the past week, about 75 Air Force and Marine aircraft, including B52 bombers and F105 and F4 fighter-bombers, have been ordered to Southeast Asia from the U.S. and Japan. The buildup has marshaled more than 700 American warplanes within striking range of North and South Vietnam.

[From the New York Daily News, Apr. 11, 1972]

ARMADA GATHERS OFF VIET

(By James Wieghart)

WASHINGTON.—The United States is positioning the greatest naval fighting force assembled since World War II off the coast of Vietnam in an effort to help turn back the massive 12-day-old North Vietnamese invasion of South Vietnam, Pentagon sources said today.

The U.S. Naval buildup was under way as Defense Secretary Melvin R. Laird said today that more air and naval forces are being dispatched "as additional needed insurance" for American troops being withdrawn from South Vietnam and to prevent the North Vietnamese from overrunning the South.

TWO MORE CARRIERS

Laird declined to give details of the buildup, but Pentagon sources said the Southeast Asian Naval Task Force, already strengthened by the addition of a fourth aircraft carrier last week, will be joined soon by two more attack carriers—the Midway, ready to leave from the West Coast, and the Saratoga, being diverted from the East Coast and its planned assignment in the Mediterranean.

Both of the supercarriers are being accompanied by powerful flotillas of destroyers and cruisers, sources said.

Pentagon sources said that Laird has also ordered into the Southeast Asia theater more land-based supersonic jet fighter-bombers and B–52 bombers, which have begun raiding targets in North Vietnam for the first time in four years.

HUNDREDS MORE PLANES

In the last two weeks the B–52 bomber force, operating from bases in Guam and Thailand, have been increased 25%, from about 80 to 100 aircraft.

At the same time, the tactical fighter-bomber force for Vietnam has been increased by 50%, from about 400 to 600 aircraft.

Although Laird would not spell out what additional forces were on the way to Vietnam in his discussion of the matter in a speech to the Defense Advisory Committee on Women in the Services, he said they involved air and sea forces and not ground combat troops.

"These augmented forces will be available to Gen. Abrams (Gen. Creighton Abrams, U.S. commander in Vietnam) and the Southeast Asian Command later this week," Laird said. "They are the additional needed insurance showing the determination of the United States as this massive violation, not only of the 1954 (Geneva) Accords, but also the 1968 understanding (to halt U.S. bombing of North Vietnam), has been undertaken by the enemy."

Laird added, in some of the strongest language he has used thus far, "We have been patient and we have been restrained, but our restraint and our patience have been answered by provocation, by propaganda, and by this invasion."

He said the South Vietnamese "are performing well in the face of the three-pronged attack across the demilitarized zone in the north; the tri-border area of Laos, Cambodia, and South Vietnam on the west; and the area around Au Loc, only 60 miles north of Saigon.

Regarding what Pentagon planners consider the most serious front—in the north, across the border—Laird said the South Vietnamese strategy "of holding along the Cua Viet River is working out very well." The Cua Viet River is the first natural barrier crossed by the North Vietnamese 11 days ago in their drive over the supposedly demilitarized border zone.

NO TALKS IN PARIS

Meanwhile, the State Department and the White House made it clear that the United States has no intention of resuming the Paris peace talks, suspended by the U.S., under pressure of the military attacks.

President Nixon was in touch with his top-level strategists on the Vietnam war today and met with the chief U.S. negotiator at the Paris talks, Ambassador William J. Porter.

Deputy White House Press Secretary Gerald Warren said there was no time set for Porter's return to Paris, where the talks were suspended at Nixon's request.

[From the New York Daily News, Apr. 11, 1972]

B–52'S STRIKE THEIR DEEPEST INTO THE NORTH

(By Joseph Fried)

SAIGON.—United States B–52 bombers making their deepest strike of the war inside North Vietnam bombed petroleum storage tanks and other supply targets near the city of Vinh today in the American air campaign to crush the Communist offensive in South Vietnam.

Military sources said about 40 more Air Force Phantom jets were being rushed to Indochina bases as part of the U.S. buildup.

Heavy South Vietnamese losses were reported in an ambush 72 miles northwest of Saigon as the enemy campaign broadened along South Vietnam's central coast.

A brigade of 5,000 South Vietnamese paratroopers leading a counteroffensive to relieve pressure on the provincial capital of An Loc, 60 miles north of Saigon pushed to within 20 miles of the city. It is surrounded by North Vietnamese forces.

Headquarters said the B–52s raiding targets near Vinh, a coastal city 140 miles north of the demilitarized zone, were trying to stop the flow of supplies feeding the enemy offensive in South Vietnam.

FIRST STRIKE AT HEARTLAND

Sources said the Vinh raid was part of a series of B–52 strikes against major transshipment points in the supply line south. The decision to use the eight-engine Stratofortresses stemmed directly from the North Vietnamese invasion across the demilitarized zone, they said.

The Vinh mission was the first by B–52s into North Vietnam's heartland. In the previous B–52 strikes against North Vietnam in 1966 and 1967, the bombers struck periphery areas such as the Mu Gia Pass which skirts the Laotian border just above the buffer zone.

The Hanoi radio claimed that U.S. Navy warplanes carried out heavy raids against Vinh and that two of the jets were shot down. Sources in Saigon said the Communists were probably confused about the type of attacking aircraft. Headquarters said there was no U.S. report on B–52s lost in the Vinh mission.

FOURTEEN RAIDS OVER SOUTH

In addition B–52 bombers continued attacks against Red troops concentrations in South Vietnam with 14 raids late tonight.

Viet Cong sappers, meanwhile, blew up a big ammunition dump barely 11 miles east of Saigon today. The Reds penetrated defenses to get into the dump and set off a charge which destroyed 35% of the stores and shook the capital. One sapper was killed and two guards wounded.

The U.S. buildup in air power continued with military sources reporting two more squadrons of Phantom fighter-bombers on the way to bases in South Vietnam and Thailand to bring existing squadrons up to full strength. A squadron numbers 18 to 20 aircraft.

MARINES SENT EARLIER

Previously, two Marine Phantom squadrons and an Air Force Thunderchief squadron were sent to help South Vietmanese ground units repulse the enemy offensive that began March 30. An additional B–52 squadron was moved to the war zone from the U.S. last week.

South Vietnamese headquarters claimed 1,082 enemy soldiers slain and 47 tanks destoryed in a day of heavy fighting in northernmost Quang Tri Province. A communique said this was a better than 100-1 "kill ratio" for government forces. The South Vietnamese commander on the northern front said North Vietnam's invasion across the demilitarized zone had been stopped.

RELIEF FORCE SHATTERED

Military sources said the ambush was sprung on a South Vietnamese force trying to reach Fire Base Thien Ngon 72 miles northwest of Saigon in Tay Ninh Province. Sources said Communist forces destroyed five U.S. artillery pieces, including four 155-mm. howitzers, 10 armored personnel carriers, two tanks and 11 trucks and shattered the South Vietnamese relief unit of more than 500 men.

RESULTS OF 1972 QUESTIONNAIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 30 minutes.

Mr. MICHEL. Mr. Speaker, I have just tabulated the answers to my questionnaire sent to residents of the 18th Congressional District of Illinois. The results show that President Nixon's programs and policies have the solid backing of the people in my district.

The poll showed that President Nixon's effort to reduce our commitment in Vietnam has the approval of 72 percent of the people of the 18th District. His reduction of troop levels from 590,000 to 69,000 has indicated that he has done everything within reason to end the war as far as active U.S. participation in ground warfare is concerned. And the President's efforts to stabilize and normalize relations with Red China won the approval of 70 percent of Peoria area residents answering the survey.

The wage-price policies drew a 77-percent approval rate, with that percentage wanting the present system of controls continued as a keystone in the war on inflation.

School busing was decisively turned down by 73 percent of those answering the questionnaire, following a pattern that has developed nationwide against forced busing as a means of attempting racial balance in education.

The farm program drew the only disapproving percentage for the Nixon administration in the 12-question poll, with 49 percent unsatisfied with the present farm program, 36 percent approving and 15 percent reserving judgment.

Showing their concern for the environment, 18th District citizens approved by an overwhelming 81 percent majority the idea of subjecting industry to large fines for air and water pollution if found guilty of violations after a 1975 cutoff date.

Using food stamps to help break strikes was opposed by a whopping 87 percent of those answering the poll, who believe that striking workers should not be eligible for Federal food stamps.

Deficit financing is not popular in my congressional district, even if intended to drive the unemployment rate below the 5-percent level. Some 60 percent opposed the use of Federal debt for this purpose.

Day care centers for working mothers were turned down by 62 percent of the people.

Increasing social security taxes to fund a national health insurance program was opposed by 59 percent, the identical figure as last year's questionnaire.

A national sales tax was also voted down by 70 percent of the pollees as an alternative plan for financing education from the Federal level.

The space program drew 58 percent general support for continuance of the present pace of space exploration.

I was most impressed by the small percentage of "no response" answers on this poll. This indicates to me that the people in my district are following closely the activities of the President, both at home and abroad, and are watching the Congress and its performance in meeting the current problems that need solution.

Because of damaged IBM cards, we were only able to tabulate 11,631 out of more than 14,000 returned questionnaires, and I want to thank all who took the time to answer this poll. It will prove valuable to me in consideration of the bills yet to come before this Congress. Our Nation has had many problems build to crisis levels over the past decade. The poll indicates that the people in my congressional district, who I believe reflect nationwide sentiment on most issues, want progress, they want action, and they want sound and practical answers. I believe this poll was most worthwhile, and herewith present the results of its tabulation for comparison by my colleagues in Congress with similar polls conducted in their own district.

The tabulation follows:

REPRESENTATIVE ROBERT H. MICHEL—1972 QUESTIONNAIRE RESULTS

Question and answer	Responses	Percent
1. Do you feel the President is doing everything within reason to end the war in Vietnam?		
Yes	8,389	72.3
No	2,920	25.2
No response	296	2.6
Total	11,605	
2. Do you favor formal U.S. recognition of Communist China?		
Yes	8,119	70.0
No	2,889	24.9
No response	583	5.0
Total	11,591	
3. Do you favor continuation of wage and price controls?		
Yes	8,951	77.2
No	2,234	19.3
No response	404	3.5
Total	11,589	
4. Do you feel Federal deficits are justifiable in times when unemployment exceeds 5 percent?		
Yes	3,345	28.8
No	6,986	60.2
No response	1,265	10.9
Total	11,596	
5. Should workers going out on strike automatically become eligible to receive food stamps?		
Yes	1,197	10.3
No	10,061	86.8
No response	336	2.9
6. Should the Federal Government establish free day care centers for the children of working mothers with incomes under $4000?		
Yes	3,995	34.4
No	7,081	61.1
No response	521	4.5
Total	11,597	
7. Do you favor a constitutional amendment prohibiting busing of school children to achieve racial balance?		
Yes	8,481	73.3
No	2,797	24.2
No response	285	2.5
Total	11,563	
8. Do you favor a national health insurance program to cover catastrophic illnesses for everyone, financed by an increase in social security taxes?		
Yes	4,159	35.9
No	6,873	59.3
No response	556	4.8
Total	11,588	
9. Do you think industry should be subject to large fines if found guilty of polluting the air or water after 1975?		
Yes	9,332	80.6
No	1,841	15.9
No response	412	3.6
Total	11,585	
10. Do you favor a national sales tax to finance education?		
Yes	3,017	26.0
No	8,108	70.0
No response	464	4.0
Total	11,589	
11. Are you satisfied with the current farm program?		
Yes	4,112	35.5
No	5,658	48.8
No response	1,821	15.7
Total	11,591	
12. Do you generally support our space program?		
Yes	6,768	58.3
No	4,431	36.2
No response	414	3.6
Total	11,605	

GOV. GEORGE WALLACE—FRIEND OF THE WORKINGMAN?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 10 minutes.

Mr. LEGGETT. Mr. Speaker, with George Wallace today attracting crowds around the country on a platform of building up our National Defense while we cut out 50 percent of our wasteful Federal tax payments to Washington, his believers should be advised of the facts.

Let's look at the past 10 years. Where have we collected the taxes and where have we spent the money.

If we compartmentalize our thinking it will help our understanding. Let's look at the Treasury Department's budget in brief.

Our national receipts for individual Federal income taxes over the 10-year period 1963–73 completed by the pending budget period are listed to total $775.6 billion.

Total defense spending in the same period is listed as totaling $758.5 billion. The budget defense figures do not include supportive assistance a defense item that pays for guns, and so forth in foreign countries, but is included in the foreign affairs budget—so add another estimated $5 billion—total $763.5. Restated, 98.4 percent of our individual Federal income taxes over the past 10 years have been "cookie jarred" directly into national defense.

Governor Wallace might say that I am forgetting the fat cat taxes that we should be collecting from corporations?

Again, let us look at the little budget document of the Treasury and aggregate the corporate taxes paid over the same past 10 years—a whopping $325.4 billion. Did these go into domestic programs? Not quite.

These funds just happen to have been needed to pay in large part our past war debts. The 10-year tag alone for veterans benefits totals $76 billion.

Interest on the national debt now bursting through the $430 billion barrier also must be considered as a past war expense. This is true mainly because we had no debt before World War I, have had no substantial debt expansion between our wars and our growth in the national debt has a 90-percent correlation factor with World War I, World War II, Korean war, cold war, and, finally, the interminable Vietnam war. The total interest bill is $162 billion—or a total 10-year past war bill of $238 billion.

While our 10-year past war costs only eat up 73 percent of our 10-year past collected corporate taxes, let us look at what happens in 1973 according to the budget document. On page 77 the Bureau of the Budget projects corporate taxes as bulging next year from $30.1 to $35.7 billion. Our past war debt, however, of debt interest and veterans benefits is catching up fast, totaling $32.9 billion next year. Restated, if we do not have a slow year next year and everything goes as planned, 93 percent of corporate taxes will be needed to satisfy past war debts.

Where Mr. Wallace intends to effect the economies remains a mystery to many economists in Washington today.

Of course, Wallace might say that I have ignored the other Federal income? Bananas—there's no other legitimate Federal income that amounts to a hoot.

Certainly no legitimate economist or honest politician would count on continuing to steal from the highway, medicare, social security, and retirement trust funds. Past Presidents have already swiped $128 billion from these sources—and that ain't hay.

There are the paltry excise, estate, and tariff taxes remaining—about $16 billion of collections are expected from these sources this year—these funds grow at an annual rate of 1 percent per year—well behind our annual 4- to 6-percent inflation rate.

Things are expected to get a lot worse before they get better. Take military retirement pay as an example. When Lyndon Johnson took office in 1963, we were paying $1.015 billion in retirement benefits. This has increased steadily over the past 10 years to the point where the 1973 budget calls for $4.326 billion. But this is only the beginning; we have been merely sitting on the apron revving up our engines; the takeoff is yet to come. Assuming a 6-percent average annual increase in military pay, and a 4.5 percent average Consumer Price Index increase, by the year 2000 we will be paying $36.8 billion per year in retirement benefits. Add in one-time recomputation and we will pay $43.1 billion—60 percent of our current defense budget.

We cannot continue to accept the comfortable assertion that military spending is stabilizing at 7 or 8 percent of the gross national product. Seven or 8 percent sounds small, but the blunt fact is we cannot afford it.

Governor Wallace might ask the question—well if all of our tax money has gone for defense and war costs, where did we get the money to waste on poverty, education, health, and manpower training programs?

That answer is simple—we simply charged it. Over the past 4 years we have the Nixon deficits again according to the budget document $12 billion for 1970, $30 billion for 1971, $45 billion for the current fiscal 1972, and $37 billion projected for next year, totaling $124 billion for a 4-year period if everything goes right next year. The debt is projected to go through the roof this year at $480 billion.

Governor Wallace wants to cut out this national debt without cutting national defense and wants to cut taxes in half to boot.

The Governor forces reasonable economists to conclude that he will soon after his election totally terminate all health, education, training, agriculture, pollution, transportation, housing, and space programs.

What else can we conclude from the Budget Bureau's figures—and Wallace is the friend of the working man?

A BREAK FOR THE HOMEOWNER

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. HALPERN), is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, it is high time we gave a break to the homeowner—the backbone of our Nation. For far too long, the homeowner has been the forgotten man on the American scene, and the one hardest hit by the tax collector.

The American homeowner—the pillar of our communities—has no organized pressure group for massed demands upon the Congress. His basic rights and needs have a way of being lost in the turmoil of behests and pleas which always swirls about this Hill.

I urge all of my colleagues in this House to remember that we are the spokesmen for the American homeowner, and he depends upon us to be aware of his burdens and needs, and to act for the fulfillment of those needs.

One of these needs, and one of the most important, is a meaningful measure of tax relief. I have pressed for such relief in previous sessions of this House, and I shall strive for this goal again in this Congress.

For that reason, I am introducing today two bills aimed at assisting homeowners, and helping to fortify American communities against the spreading blight which results from lack of repairs and improvements to homes.

The first bill would provide depreciation allowances to make up for wear, and tear on a home. We have ample precedent for this in the depreciation allowances enjoyed by the owners of business and commercial property.

Homes are the stock in trade of American communities, providing the taxes which form a major part of local tax income. If they are kept in good repair, the locality's tax resources remain strong.

The general economic health of cities, towns, and villages reflects the condition of their homes. The money spent for upkeep and repairs goes into the tills of local businessmen. Furthermore, the businessmen of a well-kept home area are always more prosperous—and let us not forget that their income taxes swell the Federal Treasury.

Even more basic than that, we must never lose sight of the fact that the construction industry is the bellwether of the overall economy in urban areas. When the construction industry thrives and its mechanics are earning steady incomes, local industry and commerce also thrive.

My proposals can provide the incentive to homeowners to maintain the condition of their homes and to improve them, providing a tremendous shot-in-the-arm to the construction industry, and helping it to help the economy.

The second bill I am introducing today would provide for a deduction of up to $750 in the owner's income tax return for expenses incurred by the taxpayer on improvements and repairs to his residence. This is the heart of my program. It is a forceful incentive to home beautification and continuing upkeep.

I am certain that many of us have observed increasing signs of general depreciation in many communities. This is especially evident in lower income communities, and that is understandable in the light of the soaring costs of materials and skilled labor.

Home depreciation is a progressive blight. A repair that goes undone one year may cost twice as much to correct in the second year, and four times as much in the third year.

Eventually, if the regular, periodic maintenance work has not been carried out, there comes a point where the cost of repairs becomes so prohibitive as to be impossible. From that point on, creeping blight becomes rampaging blight.

The Bureau of the Census in 1960 reported that only 74 percent of all the housing in America could be deemed to be in sound condition. Since then, there has been a steady increase in the costs of home maintenance. We can hardly hope that the rate of deterioration had decreased. In fact, we can safely assume that dilapidation has spread.

We must do everything in our power to encourage the physical preservation of the American home, for it is the foundation of the American community.

Enactment of the two laws I have introduced today will go a long way toward making that preservation more possible.

U.S. HUMANITARIAN ASSISTANCE TO SOUTH ASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, now that the administration has formally recognized the independent State of Bangladesh, it may be well to attempt to separate fact from fiction regarding the U.S. humanitarian effort in South Asia.

There has been much understandable confusion on this score and some misinformation. One popular misconception has been that relief and humanitarian assistance to Bangladesh could not be provided in the absence of formal diplomatic recognition. Another charge has been that the administration has been "dragging its feet" in supplying relief aid to the Mujib regime for essentially political reasons. The record shows both of these allegations to be false.

At the same time, it must be conceded that the "record" has been a confusing one—statistically. A major source of this confusion has been the cancellation of contracts between the Governments of the United States and Pakistan as a result of the December hostilities and the subsequent loss of control by Pakistan over its former Eastern Province. For instance, some $97 million of the original $158 million "commitment to the 60 to 70 million people in East Pakistan," mentioned by President Nixon in his state of the world address on February 9, had to be "deobligated" and "reprogramed"—a process which is still going on.

From an accounting standpoint, at least, an already confused situation—involving the enforced diversion of shipments from East Pakistan to other South and Southeast Asian ports during the December war—has become a bureaucratic nightmare leading to charges and counterclaims about exactly how much food and other relief supplies actually reached their destination. Unfortunately, this controversy has tended to obscure the very real efforts undertaken by the U.S. Government, in cooperation with the United Nations, to meet an emergency of immense proportions.

In this connection, I should like to share with my colleagues a very detailed and informative report which I have just received from Mr. Maurice Williams, Deputy AID Administrator and Coordinator of U.S. Disaster Relief Assistance for South Asia.

This report summarizes the specific actions being undertaken at the present time to speed the movement of food to Bangladesh to avert famine in 1972. It also calls attention to the U.S. record of relief accomplishment last year—a record which many critics of our South Asian policy seem to have overlooked. For instance, Mr. Williams notes:

> In the critical year from the November 1970 cyclone to the (December, 1971) war, the U.S. put on the high seas over a million tons of food—1,049,000 to be exact—valued at $104 million. *Of this total, 699,570 tons were actually delivered at what is now Bangladesh—enough food for four million people for the entire year*—a dramatic way of depicting our relief accomplishments. . . .

It should be added that the U.S. contribution in humanitarian relief assistance to South Asia has not been surpassed by any other nation on earth.

When viewed in this perspective, the "tilt" we have heard so much about in recent months appears to have been very much in favor of the people of Bangladesh.

Mr. Speaker, I insert in the RECORD at this time Mr. Williams' letter to me, dated April 7, 1972:

DEPARTMENT OF STATE,
Washington, D.C., April 7, 1972.

Hon. PETER H. FRELINGHUYSEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRELINGHUYSEN: We are very concerned with reports of food shortages in Bangladesh, particularly reports of low public stocks and actual or potential food riots. I want to assure you that we are doing all we can to address food needs and to speed the movement of food into Bangladesh.

A.I.D. announced last week a further grant of 75 thousand tons of rice. This brings to 500,000 tons the total of wheat, rice and vegetable oil authorized by the U.S. in response to UN requests during the past six weeks. Deliveries of this food are being rushed. 23,000 tons have already sailed. 48,000 tons are now being loaded. We are also redirecting to Bangladesh food on the high seas from less critical areas as it is needed. The balance will be shipped as rapidly as possible.

The UN Mission in Dacca now estimates food deliveries from abroad of 80,000 tons for April (20,000 of this from the U.S.) and 165,000 tons for May (of which about half is from the U.S.)

A factor of importance is that India, favorably situated to move grain over land and possessing an historically high level of stocks, has agreed to provide 500,000 tons of wheat and rice to Bangladesh in addition to the above imports, and is working to move this total by summer. It is now moving at the rate of 7,000 tons a day.

In addition, protein food for children granted by the U.S. last year is being made available as needed. Some 25,000 tons of this nutritious food recently arrived in Bangladesh, enough to give vital food supplement to 3 million children for three months.

Without minimizing in any way our concern, we need to understand that the total food situation in Bangladesh has—from the best accounts available—both positive and negative aspects. As you know, there are problems of internal distribution which the Bangladesh authorities and the UN are working on. The internal food distribution is complicated—in fact worsened—by stories of shortages which tend to encourage speculative hoarding and create artificial shortages. Also both the Indian and Bangladesh authorities are attempting to stop speculators from moving Bangladesh rice to Indian markets. The problem of purchasing power makes it urgent to get industry working again and for the authorities to move on employment-creating public works. A start has been made on this. On the positive side the major rice crop in December and the one now being harvested total—by the most pessimistic of reports—at least 7 million tons or 6 to 7 months total supply into July 1972 without any imports, if these availabilities could be properly distributed. The major need for imported food is to break speculative hoarding and build government stocks for the serious overall food deficit which occurs in the Fall months.

You will recall that in addition to requests for food, the UN provided us with a broad range of requirements, in cash and in kind. In response A.I.D. made a grant of $35 million: $31 million of this total has now been turned over to the UN in cash and the balance of $4 million is being used by the U.S. Government to procure American trucks, requested by the UN.

The UN will be using this grant money for many purposes including the charter of aircraft, minibulkers, tugs, and barges, the procurement of vacuvators and other cargo handling equipment, local costs involved in the repair of port facilities, the paying of stevedores, as well as the procurement of a wide range of relief commodities such as roofing materials, cement, fuel, fertilizer, power tillers, irrigation pumps, high yield variety rice seeds, etc. In short, I believe this $35 million grant along with the contributions of other nations gives the UN Relief Operation in Dacca the resources and flexibility it needs to get on with the job.

International commitments from all sources to the relief effort in Bangladesh now total over $400 million, of which $115 million is from the U.S.

I was favorably impressed by Sir Robert Jackson as the newly designated head of the UN relief operations. He will provide the leadership and vitality which is sorely needed. Sir Robert sees the UN role in Bangladesh as essentially one of supporting the efforts of a sovereign government, marshalling world-wide contributions, and coordinating the myriad activities of voluntary agencies.

Our support of the voluntary agencies program in Bangladesh now exceeds $7 million in grants. The first of these was a $3 million grant to the Catholic Relief Service (CRS) for purchase and transport of metal roofing sheets. The roofing is part of a program to house an estimated 200,000 returned refugee and displaced families.

A $650,000 grant for housing has also been made to CARE. The grant will assist CARE in implementing a 62-village housing demonstration project using "cinva ram" construction techniques.

To aid 9,000 former college students made destitute by the recent fighting, many of whom were Mukti Bahini guerrillas, a $1.7 million grant was made to the International Rescue Committee (IRC) for college scholarships. This will enable 9,000 students to resume their studies for at least one year.

A grant of $450,000 was made to IRC for

emergency financing of the local costs of the Cholera Research Laboratory, which operates a hospital in Dacca and another in Matlab Bazaar. In addition, the grant funds will provide emergency preventative and therapeutic health services.

Also in the field of health, a $1.5 million grant to the American Red Cross will help the International Committee of the Red Cross carry out a program of nutritional and medical assistance for an estimated two million persons, including minorities.

To bring food and other emergency relief supplies to "pockets of distress" within Bangladesh, a grant for $1.5 million is being made to the Foundation for Airborne Relief which will airdrop supplies of food to communities unreachable by surface transport, using two Boeing C97G Stratofreighters, two light helicopters and two light Cessna amphibians. Using doubled, internal explodable bag techniques approximately 4,400,000 lbs. of food a month will be distributed.

UN and World Bank experts are now completing an assessment of the needs and costs of the longer-term tasks, such as rehabilitation of educational institutions, drilling tubewells and taking other water supply measures, dredging waterways and constructing canals, rebuilding rural health clinics, restoring telecommunications, and reviving the jute and other industries. We expect to receive these rehabilitation findings of the World Bank team by late April. In response to their findings, we expect that the bulk of the $200 million appropriated for FY 72 will be committed during this fiscal year.

Recognition of Bangladesh by the U.S. Tuesday will not change our basic policy of supporting in every way possible a broad international effort coordinated by the UN and World Bank. Recognition is a constructive political move which, among other things, should relieve emotional feelings and attacks which previously focussed on the recognition issue and spilled over on the U.S. relief effort.

At the risk of seeming defensive, I think it is important that we keep in mind the record of U.S. relief prior to the Indo-Pakistani war last December. The U.S. played a major part in averting the famine which many feared as a result of the civil disturbances and fighting last year. The critical relief need was—as it currently is—food and food transport. You know of the lead we took in chartering river boats which before the December fighting were carrying half the total food tonnage which moved from the ports. In the critical year from the November 1970 cyclone to the war, the U.S. put on the high seas over a million tons of food—1,049,000 to be exact—valued at $104 million. Of this total, 699,570 tons was actually delivered at what is now Bangladesh—enough food for four million people for the entire year—a dramatic way of depicting our relief accomplishment. And in the months after March 1971 this accomplishment involved the delicate task of persuading the warring parties to let the food pass on "above the battle" humanitarian grounds.

Substantial tonnage of food was on the high seas enroute at the time the war broke out. Many ships' masters turned back from the naval blockade and bombings and strafing, others naturally requested safe haven ports and alternative destinations and we rescheduled this food for PL 480 programs in other countries—rather than pay extensive demurrage charges or return it to the U.S.

In addition to the million tons actually shipped from the U.S. a further 700,000 plus tons had been authorized for what had been East Pakistan but had not been shipped by the time hostilities prevented further delivery. We are transferring this food to new commitments for Bangladesh as the UN calls it forward. Critics have made much of these so-called "cancellations" and "diversions" at sea to other destinations last December, but our purpose was to reprogram needed food under the revised circumstances, as the UN called it forward.

We believe the record of relief accomplishment in averting famine in 1971 stands. The task is to repeat the performance of avoiding famine in 1972 and to get on with the job of reconstruction.

Sincerely,

MAURICE J. WILLIAMS,
Coordinator of U.S. Disaster Relief Assistance for South Asia.

REPUBLIC OF ITALY HONORS HENRY FALCHER, IMMIGRATION AND NATURALIZATION SERVICE OFFICIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, on March 24, 1972, Henry Falcher, District Director of the Immigration and Naturalization Service—Rome, Italy—an outstanding U.S. Government official, and my longtime friend, was awarded "Commandatore del Ordine della Republica Italiana." This award was presented to Mr. Falcher in Rome by Senator Lodovico Montini, older brother of Pope Paul and head of the International Aid Administration of Italy, a close personal friend of Mr. Falcher.

The award is for outstanding activities promoting and strengthening the ties of friendship between the United States and Italy and was signed by the President of the Republic of Italy, Giovanni Leone.

Senator Montini, in presenting the award, said that it displayed the great interest and importance of good relations between Italy and the United States. Furthermore, he said the commendation displayed symbolically a declaration of close relationship on this problem of resettling refugees from throughout Europe.

At the presentation ceremonies were the Honorable Graham Martin, U.S. Ambassador to Italy, Bishop Paul Marcinkus, head of the Vatican Treasury; Mark Antinucci, publisher and president of the Rome Daily American; and director general of immigration for Italy, Ministry of Foreign Affairs, Hon. Penna Cabone.

I am proud to bring to the attention of the House this honor bestowed upon Henry Falcher. He is a credit to the Department of Justice and to the United States. His ability as an immigration officer and his fairness and understanding as an individual have well served the interests of the United States and our relationship with Italy.

HIGHER EDUCATION AMENDMENTS OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. BOGGS) is recognized for 15 minutes.

Mr. BOGGS. Mr. Speaker, one of the most important pieces of legislation passed by the House this session, the Higher Education Amendments of 1971, is now in conference with the Senate. Our esteemed colleague, Representative HUGH CAREY, delivered a most informative address on the purpose of this vital legislation to the National Catholic Education Association in Philadelphia on April 5. His presentation provides a comprehensive history of the great achievements of the Congress in the 1960's in Federal aid to higher education.

I want to place his address in the RECORD and recommend to all my colleagues that they read and study this significant report.

Mr. CAREY served for 10 years on the Higher Education Subcommittee and was one of the legislative architects of Federal aid to higher education during the decade of the 1960's, the greatest period of growth in this program in the history of our country.

The address follows:

NATIONAL PRIORITIES IN HIGHER EDUCATION—THE LEGISLATIVE PROCESS

I am really delighted to have the opportunity this morning to meet with the Presidents, Administrators, and Trustees of the Catholic colleges and universities of the United States.

My remarks today, will be very much "all in the family" because I received both my Bachelor's and Law degrees from one of your member universities, am a trustee of others, and have had sons and daughters enrolled in four different and I might add differing institutions.

As if the burden of my education were not enough to test the ingenuity of the private sector, Mrs. Carey and I have compounded the burden into this and I hope the next generation.

In brief, if you have the places and program, we have the people—let us both hope a benign Uncle Sam is inclined to join us in pluralistic "burden sharing."

The key word today for me is "pluralism"—what it is, what it is worth—whether it can survive. Pluralism has many different meanings.

To Monsignor Baroni in Washington it may mean the value of our ethnic watersheds.

To the political observers like Fred Dutton it is the newest political movement substituting people, issues and cause for the parties and organizational patterns.

To Father Reinert in his splendid work "Turn the Tide" it is potential—potential for change, for innovation—for choices.

Even to my young son, 8 year old Paul who saw it scribbled over and over in my notes it had meaning as I explained it.

He said, "I guess it's a lot of different people doing many things all together."

On the theme of pluralism I want to speak frankly to you about both the philosophy and some of the specifics of our priorities in Federal aid to higher education. Your officers have also asked me to discuss the problem of how you and your institutions relate to the Federal legislative process. How do you communicate with the Congress on this crucial matter of a pluralism of priorities?

First, I want to assure you that I and the majority of my colleagues in the House of Representatives recognize the enormous importance of the contributions made to higher education in the United States by the private and church-sponsored colleges. The fact of a dual and pluralistic system of higher education in the United States is a most unique and precious asset. No other people in the world support such a system which I believe maximizes real educational opportunity for the student, academic freedom for the University, and educational quality in the broadest sense.

So I say at the outset—our most important national priority should be to maintain this system intact and strengthened—not weakened!

In the ten years that I served on the Higher Education Subcommittee of the House, every major federal aid to Higher Education enactment was designed to treat both private and public institutions equitably.

Three major federal aid laws were passed. The Higher Education Facilities Act of 1963; The NDEA Amendments of 1964; The Higher Education Act of 1965—with amendments in 1967 and 1968.

I believe that I can say that every single institution represented here this morning benefited from these programs. New classrooms, laboratories, and libraries were erected with both grants and loans. Hundreds of thousands of your students were assisted in paying rising tuition with direct and subsidized loans, equal opportunity and work-study grants. Hundreds of your junior faculty were assisted in completing their Ph.D. with NDEA Fellowships.

Indeed, the 1960's was the greatest decade of development of federal support for higher education in the history of this nation.

But in my opinion, ladies and gentlemen, these legislative landmarks were just the beginning of the structure of Federal support. Their scope and impact should not be viewed as a ceiling. They were not meant to encounter ceilings when we drafted them. None of the titles of Higher Education Act of 1965 have been been fully funded up to their statutory authorizations. Furthermore, these direct forms of categorical federal aid must be analyzed in the context of the total federal support to colleges and universities from all sources.

Access to post-secondary education in the U.S. is at an all-time high. In 1940, we had 1.5 mil. students attending our colleges and universities; in 1970, 8.5 million. In the 1940's we were spending $678 mil. or 0.74% of G.N.P. and in 1970, $16.5 bil. or 2.8% of the G.N.P. on higher education. In other words, as was pointed out by Rep. Edith Green in opening the hearing on the Higher Education Amendment of 1971, "in 30 years the dollar expenditure for higher education has multiplied 23 times and the percentage of G.N.P. devoted to higher education has almost tripled." I believe that this nation has responded dramatically to its higher education needs—more than any other developed country.

There are some new disturbing facts, however. In the last 10–15 years, the proportion of students enrolled in our private institutions has declined from 50 to 25% of total enrollment. Current projection see this percentage going to 20% by 1980. Furthermore, there are now over 250 private institutions with serious financial deficits that could lead to bankruptcy and closures.

Across the pluralistic map of higher education we mark a dichotomy—we see growth and decline side by side.

In a decade of record support for students numbering over 8 million with grants, loans and work study aid in hand we see doors about to close. The closing of these doors must mean narrowing of choice and possible narrowing of perspective.

The closing of these doors may mean the survival not necessarily of the best—but rather the biggest public institutions.

How do we explain the growth of student demand and the reduction of the supply of institutions to serve that demand.

In brief it is because while we endowed the student with his three legged stool—grant, loan or work study aid, we did not give sufficient support to the institution of his choice in terms of the cost above tuition. It was as though we paid a heavy stipend for interest in education and failed to recognize the need to make payments on the principal—to the institution itself.

In the words of Colman McCarthy in the Washington Post OpEd article entitled "Up Against the Ivy Wall" it is now a question of "How to Save Spring Hill."

Mr. McCarthy's comments are found in a review of Father Reinert's book "To Turn the Tide." His analysis of current conditions and their cause is cogent and I quote:

"Many of the schools operating on deficit budgets, or soon facing them, fell into their depression following years of fast growth and steady solvency. The decade from the mid-1950s to the mid-1960s was golden. Enrollments grew, new buildings popped up and government-foundation money was secure. Some of the present bankruptcies were caused by management mis-judjments (a polite phrase for stupid decisions made by college presidents), but these were the exceptions. More devastating were the uncontrollables, the economic slump that brought not only a recession but an inflation, the reluctance of donors to give money to schools that were falling behind, not moving ahead, the reductions of federal aid to education In addition, the customers were going elsewhere: While state schools attracted students because of low tuition, fewer students went to the private schools and thereby forced tuition rates even higher. William Jellema of the American Association of Colleges wrote in his report, "The Red and the Black," that if the present trend continues, the average tuition charge at typical independent colleges and universities by 1985 will be $17,324. Even then, this sum is less than half of what the average cost to the institution will be for educating the student for one year; $36,859."

Between fiscal years 1967 and 1970–71, Federal funds to universities and colleges declined by $227 million or nearly 7%, to a level of $3.2 billion. This represents the lowest level of funding since 1966, and the first decline, in actual dollars, in direct Federal support since 1963.

In the Federal student financial aid picture, we see some interesting developments. A national survey of black and white college students for the academic year of 1969–70, has shown that 29% of black students received scholarships and 21% received loans, compared with about 10% from each source for white students. Black students consistently received 70% higher amounts than whites.

This survey by College Scholarship Services of CEEB revealed that 41% of the black students receiving all forms of Federal and institutional financial aid, were enrolled in higher tuition private colleges, compared with 27% of white students. This fact was explained by the policy of the private institutions generally offering a greater amount of packaged aid—including their own funds—to these students.

Hence it is quite clear that our private institutions have strained and struggled to provide educational opportunity to the disadvantaged. In New York State, the combined 1971 deficit of the 5 largest private institutions—over 20 mil.—is exactly the same amount as the institutional funds awarded by these universities for student aid. Something has to give!

The new Federal support structure must take account of the critical situation of our private institutions. That is why the House of Representatives has passed the Higher Education Amendments of 1971 with a new provision of direct assistance grants to colleges and universities. As you know in Title VIII, Higher Education General Assistance, grants to colleges are based both on total enrollment and enrollment of Federally assisted students.

I believe it is imperative at this time to maintain, in conference with the Senate, the principle and fact of General Assistance. We in the House, after the most extensive hearings, and after consultation with you and your associations, are convinced that this is absolutely necessary to assist in bringing financial stability to our private institutions. Secondly, only general assistance can begin to bring some equity to the total Federal support program. *It is simply not wise or just Federal policy to concentrate 71% of all Federal aid in 100 institutions!*

The second new priority is to provide Federal student financial aid programs that assist the sons and daughters of middle-income families; these families that are now excluded from benefits of most social programs financed by the Federal government.

We have already seen that the Federal student aid program—as they were intended—are presently aiding three times as many blacks and whites. We must now broaden, not narrow, the eligibility guidelines, so that more middle-income students can benefit. This will give them the option to attend a private as well as public institution.

I have myself, introduced H.R. 11424 entitled the STP or Shared Tuition Plan which would work as follows: The parent, or taxpayer financially responsible for the tuition of any student enrolled in an institution of higher education, would be allowed a tax credit of an amount equal to the lesser of either 50% of the educational expenses paid during any given year or $1500. To be eligible for this credit, the parent and student would enter into an agreement with the Secretary of the Treasury under which the student would agree to repay the amount of the tax credit granted to the parent. The repayment would include interest incurred from the date of the allowance of the credit for the account of the taxpayer. A reasonable limit on the total amount of borrowing would be set in order to regulate the deferred revenue and prevent borrowers from incurring inordinate obligations.

I cite this bill of mine as a sign of action on the tax credit front and mine is not unique.

As you know tuition tax credits carried in the Senate last October but failed to survive in Conference. Most recently however there have been significant new sponsorship.

Chairman Mills and others have introduced a bipartisan approach to tax credit beginning at the elementary and secondary level. Mr. Burke of Massachusetts has a well developed plan of deferred income credit supported and designed by the senior Life Underwriters.

I mention these to indicate that your policy considerations should extend to other committees in Congress besides those specifically charged with Education bills.

This is especially true as we hear more of tax reform every day from leading candidates for Federal office. Any such reform should certainly attend to the problem of financing a full Federal share of educating our young citizens.

Finally, we must reform the Veterans education benefit legislation. The present benefit of a flat $175 a month, discriminates severely against the Viet Nam veteran's option to attend the college best suited to his needs. Obviously, most must enroll at a low-tuition public institution. Slightly more than 50% of all World War II veterans enrolled at private institutions; but only 20% of Viet Nam veterans have been enabled to attend the private colleges.

As one who received his post graduate education under the G.I. Bill, I am disturbed to admit that we are not treating our veterans, disabled, dependent and otherwise as well as I was treated after World War II.

I would like to see veterans committees formed on every campus with administration and faculty participation to end a short changing of the students who have served their country in recent years.

Now for some friendly advice on your participation in the legislative process. I merely want to sketch an approach here, because I expect we can be more concrete in the discussion to follow this presentation.

I would like to propose that one of your primary responsibilities as Presidents, is as chief federal relations officer for your institution. In the large institutions, you should have a knowledgeable vice-president or special assistant who does the staff work and manages the process for you. But the legislative process from which Federal priorities in higher education is the outcome, will not meet the needs of your institution or the country, if your participation has not been effective. What precisely, can higher education do to communicate its needs to the Congress?

We need to hear from students, faculty, parents, and trustees, as well as the Presidents.

Occasionally, I get a call from a parent about a student loan or grant case. When some NSF or ACC research program, is being developed, we hear from your academic specialists who will directly benefit. But we need to hear more from the total university community about Federal educational policy.

Complete and frank disclosure of your financial needs is by now an accepted expectation. I recommend that you imitate the techniques of Mayors and county officials. They did it and would probably pass revenue sharing!

Publish budgets—not just financial reports!

Provide your congressional representative and the Education Committees with copies.

Define needs; explain gaps, if available funds are not adequate.

Make Members of Congress, including those who are your alumni, feel like really important and highly regarded alumni. Put them on your 'special' and 'executive' mailing lists. Invite them to really important functions. I am not suggesting that I and my colleagues are looking for flattery, or honorary degrees or snowjobs either. But how would you treat a trustee or alumnus who was annually responsible for your institution getting $200,000, or 2 mil., or 10 mil. dollars in gifts or grants.

Perhaps one kindness would be to avoid having the Congressman as a commencement speaker in even years with all those new 18 year old voters in the audience.

Another would be to actually invite a member of Congress to come and live with your institution, its faculty, students, its pride and its problems for a quiet week of consultation.

The Farm bloc and the urban delegation are now exchanging information visits.

I know of no better way to update Congress than have visitations to your institutions. Such visitations by Congressional Boards have annually brought increases of comfortable size to the Army, Air Force, Naval and Merchant Marine Academies. I say join the parade. Most of my colleagues are not hard to live with.

Members of the House, particularly the Congressman from the district in which your institution is located, want to hear from you and not just your associations and their Washington staff—as useful and indispensable as they are.

I have often been asked, "Did the campus unrest and turmoil in 1968–70 damage the higher education support in Congress? Let me give you my reaction.

Not since the 13th Century was there such a crisis in academic freedom in the University, as we had in recent years, not only in the United States but throughout the world.

Militant students and militant minority and political groups literally closed down many of our great universities. The U.S. Congress had invested billions of U.S. taxpayers' dollars in your institutions. These dollars came from citizens, many of whom, could not afford to enroll their children and get the draft deferment that accompanied enrollment.

The U.S. Congress could have been tempted to withdraw or cut-off funds. We received thousands of letters suggesting this. But not once did we legislate a significant cut-off. I and other colleagues such as Rep. Brademas, O'Hara, and Reid, consistently and successfully resisted all proposals of limiting legislation in our committee.

The U.S. Congress is the object of a continuous stream of academic criticism. The professors charge that the House of Representatives is outmoded in structure, and unresponsive to the valid needs of the nation. The committees are dominated by reactionary and unrepresentative chairmen, and the House, itself, by inept leadership.

I submit that our performance in support of academic freedom when confronted by outrageous provocation was cool and responsible. What I am calling for here, is a new spirit of cooperation and sympathetic understanding between the members of Congress and the leaders of higher education. We will stand or fall together, in the crisis of confidence that still besets our country.

Finally, what can the Congress look to from the colleges, in order to justify the financial support for higher education as a national priority?—besides a well-educated graduate.

What can you do to help us solve national problems? I am more concerned here about attitudes than about specific public service from institutions of higher education.

I speak to many intellectuals, and professional people, graduates of our better colleges, who are political illiterates or at best, political snobs.

Public and political service is still rated below banking, the ministry, law, and medicine, as a vocational aspiration. Lately, however, I have noticed that the career educator now ranks somewhere down below—with us in politics—as a vocational choice of American youth.

I am confident, my friends, that both our universities and our federal government, are basically sound structures. Together, we can preserve this Republic. We can show new courses of educational opportunity and genuine political freedom, without compromising the necessary autonomy of either institution.

The government cannot perform its public policy formation responsibilities without a truly free and responsible university system, pluralistic, public, and private; church-sponsored and independent.

Thank you very much for this opportunity to share my thoughts with you this morning.

I welcome your comments and questions.

INCOME TAX INEQUITY FOR SINGLE TAXPAYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 10 minutes.

Mr. FULTON. Mr. Speaker, our House Ways and Means Committee currently is holding hearings on our Federal income tax structure as it effects unmarried taxpayers.

There is, most recognize, a degree of inequity in the rates which single persons have to pay today simply because they pay more. There was considerable adjustment made in the Tax Reform Act of 1969 to reduce this inequity but the demand persists for further adjustment.

Testifying before our committee this morning was Miss Osta Underwood, president of the National Federation of Business and Professional Women's Clubs, Inc. Osta Underwood is a resident of my community, Nashville, Tenn., and I have been privileged to know her for many years. She is one of the most competent and dynamic women in America and her testimony this morning attests to this fact.

Mr. Speaker, I ask unanimous consent to include Miss Underwood's testimony to our Ways and Means Committee in the Record at this point and highly commend it to the attention of my colleagues.

Testimony Presented on the Part of the National Federation of Business and Professional Women's Clubs, Inc.

(By Osta Underwood)

Mr. Chairman, I am Osta Underwood. It is my honor and privilege to address this Committee concerning H.R. 850 and H.R. 14193, legislation which will extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns, and which will remove rate inequities for married persons where both are employed.

As President of The National Federation of Business and Professional Women's Clubs, Inc., I repreesnt working women in all of the fifty states, the District of Columbia, Puerto Rico and the Virgin Islands, who are vitally interested in the future of these bills. Our members are lawyers, clerks, saleswomen, secretaries, teachers, managers, and Ph. D.'s. They suffer the inequities of current tax laws in all income brackets. Among our members are women who are married, single, divorced, and widowed; women who are mothers and grandmothers; women who have in the past and are now, even after their unswerving efforts at tax reform, paying inequitable amounts of income tax vis-a-vis each other and vis-a-vis the rest of the taxpaying public.

We approach you now to urge your prompt approval of the legislation before you which will deal with us uniformly and fairly and will eliminate the inequities I will describe.

Across the nation our membership has come into contact with individuals uniting to defeat the continuation of the unreasonable tax classifications reflected in the rate schedules. From Minnesota, where the State Legislature adopted a Resolution urging the Congress to pass legislation comparable to that presently before you,[1] to Connecticut where Vivian Kellems' long-suffering efforts against the "penalty" tax for unmarried individuals began,[2] to here in the metropolitan Washington area where the Committee of Single Taxpayers (COST), sponsored by former Senators McCarthy and Murphy among others, is flourishing,[3] our membership has seen the attention of the nation turn to the cause we have long supported.

Consider the history upon which we base our position here today.

As you know, the income splitting procedure may be thought of as a product of historical accident. Before World War II, eight states had community property laws which treated income as divided equally between husband and wife. The U.S. Supreme Court ruled that married couples in these states could divide their income and file separate U.S. tax returns.[4] With this in mind, several other states soon passed laws giving their citizens similar tax advantages. In an effort to restore tax equality and to prevent wholesale disruption of local tax and property laws, Congress in 1948 made income splitting a national procedure. While solving the problem for married couples, this legislation increased the relative tax burden on single citizens. Attention was given to this inequity when, in 1951, the heads-of-households provision was enacted giving one-half of the income splitting benefits of married couples to widows, widowers, and certain other single persons with dependents in their households. In 1954 surviving spouses with dependent children were permitted to use the joint return tax rates with full income split-

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Footnotes at end of article.

ting for two years following the death of the husband or wife.

Prior to the 1969 Tax Reform Act, a single person's tax bill could have been as much as 40.9 percent higher than the tax bill due on a joint return with the same amount of income. The 1969 Act provided a new rate schedule for single taxpayers which reduced this gap to a still staggering 20 percent. The schedule is designed to provide tax liability for single persons which is 17 to 20 percent above that of married couples for taxable incomes between $14,000 and $100,000, with the maximum differential of 20 percent being reached at $20,000. Below $14,000, where income splitting is less beneficial, the excess of the single person's rates over those of married couples gradually decreases. This is also true above $100,000, again where the benefits of income splitting becomes less significant.[5]

The Tax Reform Act of 1969 also set up a new head-of-household tax rate schedule conveying tax benefits half way between the schedule applicable to joint returns and the new schedule applicable to single persons, and extended the head-of-household tax rates to certain married individuals living apart from their spouses.[6]

That is the history which has given birth to the two inequities which we seek to rectify today:

1. A single person making $8,000 a year pays $210 more in Federal income taxes than a married person making the same salary. A single person making $12,000 annually pays $370 more than a married person making the same salary. The penalties for being unmarried range from a difference of $10 yearly (with an income of $1,500) to $12,110 (with an income of $200,000).[7]

2. A married person making $14,000 a year, whose spouse also earns $14,000 a year, pays $680 more in Federal income taxes, if both spouses file jointly, than two singles who each earn $14,000 a year and file separate returns using the unmarried individual's tax schedule.[8]

To deal with the inequity perpetrated upon the single individual by the current law, H.R. 850 and H.R. 14193 would establish a uniform rate structure for *all* taxpayers and end the tax penalty imposed on the unmarried taxpayer.

As to the inequity perpetrated upon married individuals filing jointly, the establishment, under H.R. 850 and H.R. 14193, of a uniform rate structure for *all* taxpayers would end the tax penalties imposed on married persons where both are employed.

Because of its effectiveness in remedying the two problems we set forth earlier, and in establishing an equitable system of income taxation for *all* citizens, we strongly urge your support of this legislation.

We feel it our duty to deal with those criticisms of the legislation of which we are aware.

In support of leaving a 20 percent gap between the tax paid by single and that paid by marrieds filing jointly, the Report of the Senate Finance Committee on the 1969 Tax Reform Act says:

". . . some difference between the rate of tax paid by single persons and joint returns is appropriate to reflect the additional living expenses of married taxpayers . . ."[9]

and, in support of leaving a 10 percent gap between single and heads-of-households, the Report says:

". . . there is good reason for maintaining a tax differential between single persons and heads-of-household who in fact maintain a household for a dependent."[10]

To these statements we offer, first the words of Senator Ribicoff:

"The income tax should reflect differences in condition and responsibilities by allowing reasonable deductions. However, once the taxable income is determined the same rate should apply to all who have the same income, regardless of whether they are married or single.

Many people attempt to explain the present system by saying that single persons do not bear the costs and responsibilities of raising children. But income splitting under present law does not differentiate among (married) taxpayers in this respect, since the benefit is the same whether or not they have children."[11]

It cannot be stressed too strongly that differences in the responsibilities of individuals should not, and cannot continue to be reflected in the *rate* of tax they pay on their base income after deductions and exemptions. These responsibilities, which surely must be recognized from an income tax standpoint, should be brought home to those who have them in the form of beneficial deductions and exemptions. (To the end that this may be a meaningful benefit, we support legislation to increase the exemption for dependents.)

If this policy change does not take place, the misplaced good intentions of prior Congresses will cause the anomalous situation to persist in which widows and divorces supporting one or more children will pay a higher tax based on their adjusted income than that of a married couple which is childless.

Although the Senate Report does not explain why it chose the rate adjustment route instead of the deduction and exemption method of reflecting the peculiar responsibilities of taxpayers, *if* that choice is based on *any* statistical data intended to be reflected in the rate differentials set, surely *that* data can be converted into a system of deduction and exemptions, just as fairly reflecting the differing costs of the responsibilities involved, and allowing adjusted incomes to be taxed at a uniform rate.

If the rate differentials set are *not* based on such data, they represent an arbitrary method of taxation, inherently inequitable, and surely deserving of re-examination.

In support of allowing marrieds filing jointly to pay a greater tax than two singles filing separately, the Staff of the Joint Committee on Internal Revenue Taxation explains:

"This is a necessary result of changing the income splitting relationship between single and joint returns. Moreover, it is justified on the grounds that although a married couple has greater living expenses than a single person and hence should pay less tax, the couple's living expenses are likely to be less than those of two single persons, and therefore the couple's tax should be higher than that of two single persons."[12]

This, of course, would be the case only if the two single persons were not living together. Without seriously believing that the legislation was intended to encourage the promiscuity, contrary to our public policy, which it seems to reward, we think it too is susceptible to the argument that any provable relationship between costs of living as a married couple and tax benefits conferred to offset these expenses can be more equitably translated into deductions and exemptions than they can into rate differentials on adjusted income.

Therefore, based on the sincerely held belief that incomes should be taxed at an equal rate, allowing each citizen tax benefit for the responsibilities he or she assumes in our society before adjusted income is determined, The National Federation of Business and Professional Women's Clubs, Inc. strongly urges you to report favorably on H.R. 850 and H.R. 14193.

Thank you.

FOOTNOTES

[1] Congressional Record, vol. 117, pt. 32, p. 42193.

[2] Congressional Record, vol. 117, pt. 3, pp. 3037–38; Congressional Record, vol. 117, pt. 6, pp. 6884–87; Grider, "Miss Kellems Bugs IRS Again," *The Washington Post*, October 19, 1971, at A6, col. 1.

[3] *The Washington Daily News*, August 7, 1971, "Potomac Patter," col. 1.

[4] Poe v. Seaborn, 282 U.S. 101 (1930).

[5] Senate Committee on Finance, Tax Reform Act of 1969, S. Rep. No. 91–552, 91st Congress, 1st Sess., 260–261 (1969).

[6] *Id.*

[7] Int. Rev. Code of 1954, 1 (a) and (c).

[8] *Id.*

[9] *Supra*, note 5, at 260.

[10] *Supra*, note 5, at 262.

[11] Congressional Record, vol. 117, pt. 3, pp. 3037–38.

[12] Staff of The Joint Committee on Internal Revenue Taxation, 91st Congress, 1st Sess., General Explanation of the Tax Reform Act of 1969 (December 3, 1970).

LAS CRUCES, N. MEX.—THE AMERICAN FRONTIER CELEBRATION CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. Runnels) is recognized for 10 minutes.

Mr. RUNNELS. Mr. Speaker, it is my pleasure to present to the Congress an aggressive, far-reaching plan which has been developed by the citizens of Las Cruces, N. Mex., to help commemorate the U.S. Bicentennial Celebration starting in 1976.

An all-out effort is being made to make this historic city in southern New Mexico the American Frontier Celebration Center for the 200th anniversary celebration of our Nation.

As proposed today by the "10–25 Task Force" of the Las Cruces Chamber of Commerce, the plan was instigated because of concern the community has over the impact that the bypass of two interstate highways, I–10 and I–25, will have on the economy of the city.

The community leaders, hoping to help alleviate the immediate problem caused when these two highways bypass Las Cruces, have been exploring several ways to strengthen Las Cruces as a national and international tourist community.

In the words of the Task Force Chairman, Mr. Paul Rader:

> Las Cruces is the logical claimant for the Frontier Bicentennial celebration. All the elements of the Western Frontier are at hand, and the Gadsden Purchase, which was acknowledged in the Mesilla Plaza near Las Cruces, finished putting together the continental United States.

As visualized by the task force, the American frontier center could include an all-tribal Indian trading post operated and controlled by the Tribal Council of New Mexico. It would be the only such center in America.

Also visualized is a western frontier village, complete with riding stables and an authentic reproduction of a Wells Fargo stagecoach station. A colorful event for the 1976 Bicentennial would be a ceremonial stagecoach trip from Philadelphia to Las Cruces, symbolizing the drama of the opening of the American frontier.

Another attraction, planned by the task force, would be authentic Indian and western frontier museums, as well as a game refuge along the Rio Grande River. This game refuge would be visible from the interstate highways and feature standing heads of buffalo and other animals identified with the frontier.

The far-sighted plan of the Las Cruces Chamber of Commerce would expand an already existing tourist pattern for the area by emphasizing present strengths and adding new dimensions.

I applaud the efforts of the citizens of Las Cruces on this progressive plan and will work with other members of the New Mexico congressional delegation to coordinate the Las Cruces proposal with the Presidential American Revolution Bicentennial Commission, recently established by President Nixon.

The Las Cruces Chamber of Commerce anticipates 100 percent cooperation from its community and the entire State of New Mexico in helping to make their dream a reality.

It is foreseen by these aggressive-minded citizens that the efforts to make Las Cruces the American frontier center will result in a permanent position on the national and international tourism scene.

Thank you, Mr. Speaker, for the opportunity to present to you this plan which I feel encompasses the true American spirit—a community with a dream and determination to make it a reality.

DYER COUNTY HIGH SCHOOL BAND, NEWBERN, TENN.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of Tennessee. Mr. Speaker, Saturday, April 8, 1972, was a cold and uncomfortably raw day. But the Dyer County High School Band from Newbern, Tenn., met the challenge of the competition and the cold, and carried away the honors of the 1972 Cherry Blossom Festival's Parade of Princesses.

The Dyer County Band took first place honors for bands of under 75 pieces. I managed to reach the band shortly after they were informed of their first place standing. There was still plenty of time for another band to beat their score, but each member was bubbling with joy.

For the next few hours the band waited in anticipation of the final results. As time passed, they became more and more confident. Their confidence was not self-indulgence, but a product of their talent and hard work. It was a confidence well earned through many hours of practice.

To win in the tough competition of the Parade of Princesses is indeed an honor. However, it is especially an honor for a band that has been organized for only 5 years and in competition for only 3.

Band director Bobby Baker is an unusually talented and able leader. He displays his natural leadership throughout the band program at Dyer County High School. Band members have tremendous admiration for him. They glory in his words of praise while living in fear of his reprimands. Each one is convinced that Mr. Baker catches every wrong note or missed beat in every performance. And from all indications they are correct.

Much of the credit must go to the Band Booster Club and area leaders who made the trip possible. It is no easy task to raise the funds for a trip of this type. It took the cooperation and contributions of band parents, school leaders, merchants, city officials, newspapers, and the entire community to turn this dream into a reality.

I am pleased with the support this band has received. Dozens of adults made the trip to Washington and joined the week's festivities. Those I talked with all seemed impressed with their Nation's Capital.

The band itself enjoyed several tours of the city in addition to giving a sterling performance at the parade. Young people such as these, who sacrifice hours of freedom for hours of practice deserve respect from us all. They are learning the lessons of life—that worthwhile things can be accomplished through hard work. All during the visit they displayed their maturity as well as their talent. I am proud to be their Representative.

YOM HASHOA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, today is Yom Hashoa, Holocaust Remembrance Day, observed by people of conscience all over the world in memory of the 6 million Jews and the millions of non-Jews butchered by the Nazis before and during World War II.

These millions of innocent men, women, and children were guilty of only one thing—being. Most died for simply being what they were—Jew, Gypsy, or any other unfavored non-aryan life form. Others had the good fortune of dying for their principles—democracy, equal rights, and opposition to inhuman acts of torture, repression or anti-semitism.

But what can be said of millions of people, degraded, labeled, numbered, shipped, sorted, then gassed, cremated, shot or just ripped apart, whose remains were processed into byproducts such as soap, candles and the like?

Historians, theologians, sociologists, psychologists and just ordinary people have puzzled ever since—how does such a thing happen? How does a civilized nation harness technology for sadism and destruction so mind-boggling?

In our own times, when purposeless violence has become the fashion, and apathy the vogue, it is a question we would all do well to explore.

Mr. Speaker, I ask a moment's silence for remembrance of those innocent millions and for contemplation.

MASS TRANSIT AND THE HIGHWAY TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, last month I had the opportunity to testify before the House Public Works Subcommittee on Roads on a proposal to put some flexibility in the highway trust fund. I have been working with my friend and colleague from Connecticut, LOWELL WEICKER, on this proposal.

I was delighted to see that after our initial efforts, Secretary of Transportation Volpe adopted a similar, but not identical approach.

For my colleagues and the readers of this RECORD, I will insert a copy of my statement before the subcommittee.

TESTIMONY OF THE HONORABLE WILLIAM R. COTTER BEFORE THE HOUSE PUBLIC WORKS SUBCOMMITTEE ON ROADS, ON H.R. 12654, THE HIGHWAY TRUST FUND AND MASS TRANSIT, MARCH 1, 1972

Mr. Chairman, Members of the Subcommittee, it gives me great pleasure to appear before you today.

I am testifying on behalf of my legislation, H.R. 12654. This bill is designed to open a portion of the Highway Trust Fund to needed mass transit programs. This bill was introduced in the Senate by my friend, Lowell Weicker, and represents a bipartisan effort to provide funds to continue necessary highway construction while simultaneously upgrading and expanding vital mass transit systems. The proposed legislation, I believe, serves each of these goals. It also retains essential local control, with appropriate Federal participation, in the allocation of these funds.

This is permissive and voluntary legislation. It does not tell the States how to use their own transportation funds or Federal matching funds, but allows each State to make its own decision on how to most effectively use transportation money.

For too many years there has been a seemingly insurmountable problem in developing efficient mass transit systems. Out of all the rhetoric and, yes, even name calling, there have emerged two schools of thought on the Highway Trust Fund. There are those who believe that the Highway Trust Fund has almost a divine mandate and that mandate runs to roads alone. On the other hand, the opponents of the Highway Trust Fund scorn the real contributions of the Federal highway program and call for its abolition. As with many polar positions, the Truth falls somewhere in between. I believe that both positions miss one essential point; that the main goal of the Trust Fund is to move people efficiently and safely. My bill attempts to further increase the effectiveness of the Highway Trust Fund, providing increased flexibility in the use of the Trust Fund revenues.

I know each Member realizes the need for mass transit systems *and* highway construction. Debate in the past years, as I pointed out, has been clouded by an unnecessary and harmful dicotomy: *either* highways *or* mass transit. The issue should be stated in a different manner. The question is: how can we have both necessary highways and effective mass transit, and, further, how can the Federal Government reasonably participate in achieving these interdependent goals.

The answer, I believe, rests in opening the Highway Trust Fund to mass transit programs without endangering the completion of the Interstate System. My legislation assures completion of the Interstate System.

Over 32,392 of the 42,000 miles of the Interstate Highway System are now completed. The latest projection from the Department of Transportation indicates that of the remaining roads, 4,115 miles are under construction, 4,386 miles are in planning and only 1,600 miles are not allocated. The remaining cost is anticipated to be $30.9 billion. The cost of the whole Interstate System has increased from $41 billion in 1956 to its present estimated level of approximately $76.3 billion.

I am informed that the remaining 9,000 miles are among the most difficult. Therefore, it is not unreasonable to expect that there might be some delay in finishing the final miles.

On the other hand, it has become painfully apparent that the inter- and intracity surface traffic has not reached a crisis condition affecting both the physiological and psychological health of the driver and the pedestrian.

I am not joking about psychological aspects of traffic conjestion. I believe that the daily grind of driving to work not only lowers productivity but increases anxiety.

The other factor, one in which this Public Works Committee is intimately involved, is the physiological aspect of driving. According to the Second Annual Report of the Presidential Council on Environmental Quality, at least 39% of the Nation's air pollution is caused by auto traffic, and up to 80% of air pollution in major cities is caused by auto emissions. This report goes on to state that the EPA estimates that the economic loss because of air pollution, to which automobiles contribute significantly, is over 316 billion per year. Even with the necessary Clean Air Amendments of 1970, for which this Committee was largely responsible, the problem of air pollution created by cars will continue. The plight of city air pollution can be alleviated by effective mass transit. If there were effective mass transit, the sight of millions of workers driving *alone* to work could be eliminated.

There is another factor that must be considered. The automobile contributes directly to our energy crisis. Just recently the Department of the Interior released a study that suggests that U.S. oil refining capacity will not be equal to needs by 1975. More devastating are reports from the Interior suggesting that the U.S. will be increasingly dependent on foreign oil in the future.

I mention these conditions not to downgrade automobile transportation, but just to place the problems in perspective. Our Nation is a nation on wheels. For the foreseeable future the family car and an upgraded highway system are not a luxury but a necessity! What I am arguing for today is that we plan, or more accurately, allow the States to plan for alternative modes of effective mass transportation.

What my proposal does is to allow a portion of the Highway Trust Fund to be used for mass transit. It does not require that the Fund be used for mass transit. It just makes this money available for this use. Again, it allows the States, working with the Federal Government, to choose the means to best handle their transportation problems.

To ensure that needed highway funds are provided, my proposal would take only a portion of the Highway Trust Fund for mass transit, the bulk of the funds would remain for needed highway construction. Of the approximately $5 billion available in the Trust Fund in any year only $2 billion could be used for mass transit. This year the Trust Fund is expected to be $5.4 billion.

Specifically, here is what H.R. 12654 does—

First, my proposal requires completion of the Interstate System. However, it expands the time for completion and reduces the yearly expenditure from $4 billion to $3 billion. This is not unrealistic since expenditures for the last several years have averaged approximately $3 billion. As this system approaches completion there are increased delays caused by planning, legal and environmental obstacles. Delays are inherent in an effort of this size. Some towns and regions are reasonably objecting to certain routes. These problems must be resolved in a manner to satisfy local concerns.

Therefore, I believe this new figure of $3 billion per year is a realistic allocation for completion of the Interstate System.

The remaining $1 billion will be available for mass transportation programs and will be placed in the Federal Aid Urban System which in my bill is authorized at $1 billion for FY 73. These funds can be used to upgrade deteriorating mass transit systems, to buy new buses, new railroad cars, or to help build an entirely new mass transit system using such novel experiments as Turbotrain and dial-a-bus concepts.

The point to be stressed again is that these funds will be available for mass transit only if the States, working with the Federal and local governments, give mass transit a higher priority than their highway construction. This, again, gives the States flexibility.

Further, the bill also permits the $1.1 billion authorized for primary and secondary roads to be used for mass transit if the States so decide. Thus, under the proposal it would be possible to have $2 billion available for mass transit development.

While it is understandable that most concerned people focus on the level of funding for both highway construction and mass transit, one central provision in the bill is the reassertion and, I believe, strengthening of the requirements of State governments to plan comprehensively for intra- and interstate transit systems. This legislation correctly maintains a judicious balance between state-local responsibility and Federal oversight. It specifically provides for local participation and provides an effective and realistic funding mechanism for both highway construction and mass transit through use of the Trust Fund.

In summary, this proposal, unlike others, assures the Interstate System will be completed and other necessary highway construction will continue.

It gives flexibility and responsibility to State and local governments to plan and act on transportation needs, but does not restrict them solely to highway construction. It leaves the choice up to the States. To accomplish this flexibility over $2 billion from the Trust Fund is earmarked either for highway or mass transit use.

The bill maintains the role of the Federal government in assuring that Federal tax dollars are used effectively to solve transportation problems.

In conclusion, this bill represents a reasonable and realistic position. It does not pick up the entire Trust Fund and earmark it for mass transit. On the other hand, it does not maintain the current rigidity of the Fund which excludes mass transit.

It does introduce a new flexibility to State and Federal planning for our Nation's transportation needs. I am hopeful that the Subcommittee will act upon this proposal.

I appreciate the opportunity to testify before you today.

ALASKA LAND DEALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, I would like to call to the attention of the House two articles by Mr. Al Delugach, staff writer for the Los Angeles Times, which appeared in that newspaper on December 6 and December 26, 1971.

ALASKA MYSTERY—WHO FINANCED BIG LAND DEALS?—L.A. MAN WHO ACQUIRED PROPERTY ALONG PIPELINE ROUTE WON'T TALK ABOUT IT

(By Al Delugach)

VALDEZ, ALASKA.—Philip J. Matthew of Los Angeles went on an Alaskan land buying spree three years ago. A short time later the route of the trans-Alaska oil pipeline was announced.

The bulk of some 200 parcels of land Matthew had bought in central and southern Alaska turned out to be along the pipeline route.

And here in Valdez, selected over three other cities as terminus of the pipeline, Matthews had acquired much of the town's undeveloped land, including a waterfront site for possible docking facilities.

The pipeline, yet to be constructed, is to bring oil out of Prudhoe Bay on the North Slope. In 1968 drillers struck what is believed to be the biggest oil find in North America.

$1 MILLION VALUE CLAIMED

The land—totaling about 500 acres—was purchased for an estimated $300,000. Conservative estimates place its value today at more than $600,000. Matthew, himself, has said that it is worth $1 million.

Who is Philip J. Matthew?

That same question has been asked by the federal government and by people in Alaska. Still a question is who may be associated with him in his Alaskan land deals.

While he has remained out of the news, Matthew, who is 49, had a meteoric rise in the world of finance about 10 years ago. His ventures included savings and loan associations in Los Angeles, Baltimore and Honolulu.

Key financing was provided through a little known but rich Caribbean entity called the Bank of World Commerce, Ltd., Nassau, Bahamas.

The list of his associates at that time included:

Clifford A. Jones, former Nevada lieutenant governor, friend of Bobby Baker and onetime casino owner in Las Vegas and the Caribbean.

Edward A. Levinson, a big-time Las Vegas gambler who was fined in a gambling profits "skimming" case involving the Fremont Hotel.

Meyer (Mike) Singer, now dead, an ex-Teamsters official widely considered as the West Coast representative of James R. Hoffa.

NO INDICTMENTS RETURNED

Alvin Malnik, Miami lawyer, a key figure in the 1966 federal grand jury investigation of suspected underworld involvement in the multimillion-dollar stock promotion of Scopitone, a movie-jukebox invention. People from coast-to-coast were subpoenaed as witnesses. No indictments were returned.

Other assorted Las Vegas gamblers, including Irving (Niggy) Devine, G. C. Blaine, Charles Turner, Ben Siegelbaum and Charles (Kewpie) Rich, as well as James (Jake) Gottlieb, casino owner and friend of Hoffa.

None of these names appears in the public record as being associated with the Alaskan ventures.

Nor is there any public record on who owns the more than 600,000 shares of stock issued in Matthew's firm—Financial Land Investment Corp.—in whose name the Valdez properties are held.

Records he has filed in Juneau show the corporation was incorporated in Delaware in February, 1969, the month he bought the Valdez properties. He is listed as president and treasurer. The vice president is a retired Los Angeles intelligence agent for the Internal Revenue Service, Walter E. Schlick.

The corporation secretary is Eugene Hettleman, a lawyer of Baltimore, which is listed as the corporation's principal place of business. Directors are Matthew, his wife Elayne and Hettleman.

One year after Matthew bought the Valdez land, Mel Personett, then Alaska commissioner of public safety, appeared before the state Senate Judiciary Committee.

While answering questions about Alaskan law enforcement problems, he voiced concern about the entry of associates of organized crime figures into legitimate business.

Personett then told of a man operating in the Valdez area who he said had associates who are underworld figures or who associate with them. Under further questioning, Personett named Matthew as the man he was talking about.

WITNESS CRITICIZED

Several senators at the hearing criticized Personett for naming in public hearing a man who had not been charged with any crime in Alaska.

Sen. Terry Miller (R-Fairbanks), who was committee chairman and now is Senate majority leader, says he later wrote a letter to Matthew inviting him to appear before the committee "in case he wanted to rebut anything anybody said about him at the hearing." Matthew didn't answer the letter, Miller says.

The subject was not pursued. "We felt the least said the better for everybody," says Miller. Personett was replaced as department head when a Democratic administration was elected last year.

INTERVIEW DENIED

Matthew, a wiry man with a moustache who wears lumberjack shirts at his handsome home in Tarzana, doesn't care to answer questions about his Alaska activities or associates.

Several weeks ago, in declining an interview, he said deprecatingly: "We don't have very much up there now."

After a review of his holdings in public records in Alaska, a reporter again sought to talk to Matthew.

"Write what you want," he snapped. "I have nothing to say."

Matthew is known by acquaintances in Alaska to have a more expansive side. They have heard him talk of his bank in the Bahamas, the savings and loan associations, the right hand man who is an ex-IRS agent.

Matthew showed up at the state land office in Anchorage in January, 1969, and proceeded to snap up most of the nonhomestead land available for sale by the state.

Contrary to an impression widely held by outsiders, Alaska is not a place where unlimited land is available for purchase. The federal government still owns most of it, and the state presently has a "minuscule" amount for sale to the public.

Matthew appeared to have considerable financial resources, and thus attracted unusual interest in the land office.

Although nearly three years have gone by, a veteran state employe clearly recalled Matthew's wholesale land purchases. In two visits about a week apart, she said, he bought in his and his wife's name almost all the residential and commercial lots available in a number of scattered cities and towns in central and southern Alaska.

CHECKS FOR 10 PERCENT

He put up cashier's checks for the 10% down payment (balance payable at 10% a year) on each parcel. The sales prices totaled $175,000.

This was before even the tentative pipeline route was generally known. The state land on sale over the counter on a first-come-first-served basis was considered cheap by experts.

Then Matthew turned up in the southern port of Valdez (pop. 1,008) on Prince William Sound. Making friends with the city administration at the time, he bought up much of the remaining property in the new townsite (adjacent to the one destroyed by the 1964 earthquake).

When the oil industry filed its proposed pipeline route several months later, the terminus selected was Valdez.

A land developer recently recalled meeting Matthew in Valdez in February, 1969.

"I had figured out the pipeline had to end there," Jerry McCutcheon said.

How had Matthew figured it out? He was accompanied by a financial writer, the developer recalls. Matthew may have found out some information about the pipeline route from this man, who presumably learned it from his sources, McCutcheon theorizes.

Even now Matthew's name is little known in Alaska except in Valdez, where he visits a couple of times a year.

HELPED TEAM

He has the image here of an outsider with money to invest, a high pressure style and a lot of business savvy.

His admirers, generally the town's old establishment, recall that Matthew once laid out $500 to help send a boy's basketball team to a distant playoff game.

"I don't know who his backers are—that's his business," says Ed Walker, a motel man who was on the Valdez city council that cooperated with Matthew after his arrival.

It is the attitude Alaskans have traditionally taken. There is a widely observed convention that one does not nose into a newcomer's life prior to his arrival in what is aptly called the nation's Last Frontier.

Matthew's name is no better known in Los Angeles than in Alaska, though it is there he lives.

He resigned from the California Department of Savings and Loan in the late 1950s to go to work for Empire Savings and Loan in the San Fernando Valley, where he became executive vice president.

In 1961 Matthew emerged as a business investor on his own—to the tune of hundreds of thousands of dollars. One of his first associates was an old acquaintance, Teamster business agent Singer.

This was followed by a surge of well-financed business ventures that kept them busy on a circuit that included Honolulu, Los Angeles, Las Vegas and Miami.

Key to the ventures was the formation in June, 1961, of the Bank of World Commerce at Nassau with Miami lawyer Alvin Malnik.

Matthew, who had also formed a Bahamian bank for his former S&L employer, was the biggest shareholder in Bank of World Commerce with a listed investment of $230,000. Jones, Levinson and Devine, were among the early investors.

LANSKY ASSOCIATE

Another, who became president, was John Pullman. He is known to federal investigators as a long-time associate of gambling kingpin Meyer Lansky. Pullman is said by government sources to have been a courier between Las Vegas and Switzerland and in recent years has handled investments for American organized crime figures in Swiss banks.

The Bank of World Commerce, whose address was reportedly only an office with one employe, has been described by government sources as organized to finance a financial empire.

One of the bank's first acts, under directors that included Matthew and Malnik, was to make an unsecured loan of $250,000 to Allied Empire, Inc., Beverly Hills. Matthew and Singer, having bought about 19% of Allied's stock in the several months preceding, were turning the former television cartoon producing firm into an S&L holding company.

Matthew, who had become Allied's president, used the $250,000 toward purchase of San Gorgonio S&L, in Banning, for $1.5 million.

The $250,000 loan was just for openers for the Bank of World Commerce, which lent a lot more to Allied. Between July, 1961, and September, 1962, the average unpaid balance on the loans reportedly ranged from $250,000 to $750,000.

A sidelight on the Allied venture was that Hoffa and his daughter reportedly got in on the ground floor of a tremendous market rise in Allied's stock.

About June 1, 1961, the Hoffas bought 1,100 shares at prices ranging from $4.75 to $6.75 per share and sold 600 shares six months later at $50.50 to $53.50 per share. At its peak, Nov. 24, 1961, Allied's stock hit $76 per share.

HONOLULU VENTURE

Busy as they were, Matthew and Singer found time in September, 1961, to launch the Waikiki Savings and Loan Assn. in Honolulu.

Matthew was the biggest original shareholder of record, as well as president. Other original subscribers included Levinson, Devine and other Las Vegas gamblers, as well as Jones and Pullman.

A later investor was Robert (Bobby) Baker, once secretary to the Senate Democratic majority. Baker, who was sold 2,500 shares by Matthew, later went to prison for his role in financial scandals unrelated to the Hawaiian venture.

(It was disclosed in 1963 that Baker endorsed Jones and Levinson for gambling casino concessions in hotels of a Pan American World Airways subsidiary in the Caribbean. Baker was quoted as saying he was doing a political favor.)

ISLAND PLANTATION

By December, 1961, Matthew was spearheading a takeover attempt in the big Ewa Plantation in Honolulu through his bases in Waikiki S&L, Allied Empire and the Bank of World Commerce.

The attempt was beaten down by major Hawaiian interests. But the price of Ewa stock was driven up in the process—greatly enhancing the value of the minority holdings.

Matthew's base at Allied Empire crumbled in January, 1963, when he resigned as president. Minority stockholders reportedly forced a change in management.

A long legal battle began between Matthew and his successor at the helm of Allied, Philip Nasser. While maintaining his family residence in Tarzana, Matthew spent the next couple of years in Israel.

Matthew and Nasser accused one another of fraud in civil suits which dragged out for years.

Nasser tried to attach Matthew's 43,476 shares in Allied Empire, which had changed its name to Riverside Financial Corp. But, in a key ruling, the Los Angeles Superior Court held that Matthew had previously transferred his interest in the stock to Clifford Jones on behalf of some 40 persons.

GAP IN RECORD

These included gamblers Levinson, Devine, Blaine, Turner, Seigelbaum and Rich, as well as Gottlieb.

There is a gap in the public record as to Matthew's business activities in the two or three years preceding his arrival in Alaska in January, 1969.

In Valdez he found a city administration receptive to selling him commercial and residential tracts remaining for development.

The present city management, however, views as a mistake the leniency toward Matthew and a few others who signed up as "developers" under an urban redevelopment program for the land in the new townsite.

By promising to develop the property in specified ways, Matthew and the others got lots for as low as $400. Such lots would cost perhaps 10 times the amount they paid if bought in another Alaskan city.

The new city council in Valdez has recently begun legal action to declare some of the development contracts in default.

Matthew avoided the situation by selling back to the city about 50% of his holdings after a dispute over which side was responsible for failure to develop the land.

Matthew has not built anything whatever on any of his Valdez properties, says city manager Herbert Lehfeldt, former Southern Californian who was city manager of Bell Gardens and Palmdale in the 1960s.

For many months, he said, the previous council granted one time extension after another to the developers.

"The council never forced the issue until now," added Lehfeldt. "We've got to break it open. People who move to and want to build a house in Valdez can't even buy a piece of land here.

"The city is strangling as a result of these redevelopment contracts."

In addition to the purchases from the city, Matthew bought a seafood processing plant in Valdez in 1969 from the Small Business Administration.

An SBA official in Anchorage refused to give the figures, commenting that "the media has not always been kind to the SBA."

However, it is reported by others familiar with the deal that Matthew bought the plant from the SBA for about half the original cost—and on easy terms—after the SBA's original deal went sour.

The federal agency had foreclosed in 1967 a loan reported at around $100,000 to a local group in Valdez. Last spring, Matthew finally was able to lease the plant to a major seafood processor.

Matthew writes long and frequent letters to city and state officials and to the local newspaper to air his grievances.

One is the city's refusal to sell him some land near the seafood plant which he said he was promised and which the processor needs.

Another is rejection of his $100,000 bid for a tract that was sold for half that amount to a Montana developer.

In contrast to the earlier honeymoon mood, Matthew and the attorney for his corporation have threatened to sue the city.

The new city council and Lehfeldt have established the policy of dealing firmly with Matthew.

Lehfeldt described the attitude previously as one in which councilmen were "overpowered and perhaps a little frightened" at Matthew's high-powered style.

A long Matthew letter of complaint directed to Lehfeldt and the council last Aug. 30 concluded with the typical flourish:

"I refuse to believe that the answer lies in going back in history and not having law and order in the City of Valdez. Maybe 100 years ago there was not law and order in Alaska or the Far West. But we are civilized today and we should be thankful for that.

"We cannot advise our children to live the golden rule and then act in hypocritical fashion by breaking the law just because we are mature in age . . . Will the City of Valdez act in a just and honorable way in its dealings with redevelopers, regardless of whether they are so-called outsiders or not?"

ALASKA SPENDS ITSELF INTO DEBT PREPARING FOR "DELAYED" RICHES

(By Al Delugach)

VALDEZ, ALASKA.—A thin, weathered, middle-aged truck driver glances out of the cafe window at his tractor-trailer rig parked amid the drifts of the four-foot, early winter snowfall.

He gets up to start on his routine: A 360-mile drive to Fairbanks on an ice-covered road that goes through treacherous mountain passes and across uninhabited stretches of the interior where it is 20 below zero in November and much colder in full winter.

"All I do all day is drive and talk to myself," he muses. "By night, I'm starting to answer."

The truck driver and his lonely ordeal are symbolic of the Last Frontier where prospects for great industrial growth appear like so much daydreaming in the face of a land and climate so hostile.

Alaska, which has many of the characteristics of an underdeveloped nation, is like an island in a sea of fabulously-valuable oil. And the thinly-populated state (300,000 persons, including 60,000 natives, most of whom live in deep poverty) is suffering the pangs of growth—even before the growth is a reality.

First, with riches from oil production in sight (but not in hand) the state government has embarked on large-scale spending programs that will keep it in the red even when and if the oil starts to flow.

Moreover, Alaska has many of the earmarks of a one-industry town. The oil industry is the undisputed giant of this state, which is twice as big as Texas, and the common attitude toward it is deference.

Many of the establishment people identify their economic interests with the desires of the oilmen—especially for the proposed pipeline to take out the oil. And average citizens, for the most part go along.

There are signs in the early going that the public's elected representatives have tumbled over themselves in a desire to accommodate the oil industry. Some decisions have been a case of acting in haste, perhaps to repent at leisure.

Valdez is a case in point.

The oil industry has designated this ice-free, deep-water port as the terminus of the proposed pipeline to be built from Prudhoe Bay on the North Slope. For some, the pipeline signifies more business, higher land prices. For others it means jobs.

Like the rest of the state, Valdez is still waiting for it to happen.

Valdez is a little off the beaten path. Though it is accessible by highway from both Anchorage and Fairbanks, as well as by small aircraft and the state-operated ferry boats that ply Prince William Sound, winter travel by road and air is hazardous. On a day when it snowed 24 inches and planes were grounded, this visitor made it by a six-hour ferry trip from Cordova 85 miles across the sound.

It has 1,000 permanent residents and another 300 temporary ones, many of them working at the town's pride: the plant where the pipeline pipe is being coated.

Prospects at mid-1969 were for an early start on the pipeline. The oil industry was confident. Without waiting for federal right-of-way permits, it bought $100 million worth of 48-inch pipe from Japan for the 789-mile line.

By September, 1969, the first pipe was stacked in Valdez. By October, 1971, the last pipe was stacked in Valdez. Still no permit for a start on pipeline construction in the fragile environment of tundra and permafrost.

One obstacle has been cleared, a big one. It is the settlement of Alaskan native land claims by Congress on Dec. 14.

Another key to opening the way to the pipeline is an environmental impact statement by the Interior Department. It is expected to go to the White House and to the Council on Environmental Quality soon.

The local Establishment in Valdez went all-out in 1969 to get the nod over three other contestants as the oil industry's choice for the terminus.

City Manager Herbert Lehfeldt, as well as his predecessor, Dale Cutler, told The Times, however, that they feel the former mayor and city council gave unnecessary generous terms to the pipeline on pipe storage facilities and tariff for the use of the dock,

Cutler, the town's first professional city manager, said when he arrived in October, 1969, he found that the late Mayor George Gilson had leased for $1 a year a large city-owned tract to the pipeline company for storage of the pipe.

The city then spent $25,000 or more to clear the land, which is in the old townsite destroyed by the 1964 earthquake and accompanying tidal wave. Cutler said he found the lease had not been signed. He renegotiated the lease on terms that included prepayment by the pipeline company in the amount spent by the city, Cutler said.

However, he said, he couldn't talk the city council out of reducing to 10 cents a ton from $1.50 a ton the pipeline company's payment for unloading the pipe on the city dock.

Although the oil industry spent $250,000 to beef up the city dock to handle the heavy pipe, Cutler's successor as city manager, Lehfeldt, said the city would have gotten much more than that under the old tariff. He called it a "fantastic" deal for the pipeline company.

Cutler says he "fought that like hell," but didn't prevail. Mayor Gilson died last year, but Ed Walker, a businessman who was on the council until recently, stoutly defends the dealings with Alyeska Pipeline Service Co., owned by the consortium of oil companies that will own the pipeline.

Walker, a tall rough-hewn, middle-aged man, and his wife, Frances, operate a new motel financed by a $100,000 Small Business Administration loan. The motel is kept filled, largely with business from the pipeline company and the pipe-coating plant. He also is one of the redevelopers with contracts for purchase of bargain-priced city land, as was the late Mayor Gilson.

Walker speaks proudly of the way the Gilson administration went after the oil companies to get the pipeline terminus. He frankly says they were prepared to give everything free to the industry and credits the selection of Valdez to such inducements.

Meanwhile, looking beyond Valdez, the old question is once more raised: Is Alaska viable as a state?

During Alaska's territorial status, preceding statehood in 1959, the economy was heavily underpinned by federal expenditures, including those for military and for assistance to the native Eskimo, Indian and Aleut population.

The first decade of statehood was one of austere budgets for the state government. Then, in 1968, came the discovery of what may be the biggest oil deposits in the United States.

People started talking about the state's getting a good share of the riches. The first installment was $900 million paid in September, 1969, by oil companies for additional North Slope leases.

Expecting royalties to begin flowing by 1973, the state began spending its patrimony hand over fist.

Now, with oil production set back at least two years, the state is faced with the specter of running into the red by 1977 with a deeper descent each succeeding year. Projections now are for a deficit of anywhere from $425 million to $670 million by 1981.

SPENDING BEGINS

The big spending began in the 1969–71 fiscal year, when Republican Keith Miller was governor. State legislators upped the budget by 32% to $169 million. The next year, with pipeline hopes still rampant, the ante was boosted by another 77% to $300 million. However, the budget enacted by the 1971 Legislature for the current fiscal year reduced the $300 million to $292.1 million.

Much of the increased spending appears to have been for genuine needs, such as more welfare for impoverished natives, and better schools, roads and public utilities.

The premature honeymoon has been called off. Gov. William Egan, a Democrat elected last year, has his departments working overtime on ways to hold down the budget.

He also has them toiling over the feasibility of the state's buying and owning the pipeline itself—a recent suggestion of his that startled a lot of people and started a lot of arguments among Alaskans nervous about the delay.

Egan spoke of netting $100 million a year or more, in addition to oil royalties, from state ownership. Some opponents wonder where he got the pencil to figure that.

The oil industry played it close to the vest in reacting to Egan's proposal. Except for Humble Oil & Refining Co., which quickly cried that it would lead to more delay in the pipe-line construction, major firms have tended to wait and see what the state would come up with in a full study of feasibility of state ownership.

Airline, trucking and construction firms that plunged for huge amounts of equipment in anticipation of a financial killing were severely hurt—some to the point of bankruptcy.

These operators were largely in Fairbanks, jumping off place for freight shipment and road construction to the North Slope. Some were in Anchorage, the state's largest city.

Despite the blows to some Alaska entrepreneurs by the failure of the boom, the state's general economy is on a fairly even keel—to the surprise of some observers.

This is relative, however, since unemployment in the state has been constantly high for some time (10% or more) and the aboriginal native groups live in rural poverty that experts agree is worse than any other section of the United States.

One of the bright spots has been construction, with increases over last year in both residential and commercial building. This is especially true in Anchorage, the main population center (130,000 persons).

"There have been some problems, but it's no disaster—that's for sure," says James N. Tveit, FHA deputy director in Anchorage.

Eric Wohlforth, state revenue commissioner, points out that the state has embarked on a public works program to provide jobs. This effort to soften the impact of the pipeline delay has included issuance of $15 million in general obligation bonds.

According to Richard Eakins, the state's acting director of industrial development, Alyeska, the pipeline company, eased the burden on some contractors who were held up in building the big pipeline service road.

It bought out some of the contractors. Others had contractual provisions for payment on a retainer basis for equipment obtained for the project.

Eakins expresses hope the settlement of land claims of the state's 50,000 natives by Congress will provide a start on the great problem of developing a viable economy in the rural areas, where most of the Eskimo and Indians live. A bill passed by Congress provides about $1 billion in addition to land.

There is no question, however, that the state government depends for solvency on oil production. To get that, there must be a way to take it out of the frozen desert that is the north slope.

"Oil lease sales have bailed us out in the past," says Eakins. Once the $900 million plus from the 1960 sale is eaten up, and if the pipeline is not bringing in revenue, the state will be in real trouble by 1976."

When North Slope oil is produced, the state expects to get $128 million royalties the first year. $180 million the second, $198 million the third and $234 million a year thereafter.

At least $400 million would be spent in the state during pipeline construction, it is estimated in a book-sized examination of the impact, good and bad, of the pipeline. But the study by the state law department states:

"Alaska is not deluded into believing that the pipeline construction with its jobs and money will be a social and economic panacea."

NATIONAL EMERGENCY REAL ESTATE TAX RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 15 minutes.

Mr. PUCINSKI. Mr. Speaker, I have today introduced the National Emergency Real Estate Tax Relief Act which is designed to meet the crises facing local taxpayers all over America in the wake of mounting real estate taxes which have reached a confiscatory level in many communities.

This is emergency legislation for 1-year only and follows the historic pattern of our Nation in providing emergency relief during natural or man-made disasters.

Funds for this emergency measure could come from the $5.3 billion already budgeted by the administration for revenue sharing this year.

I believe a direct rebate to taxpayers is the most effective method of revenue sharing.

The rebated money will ultimately find its way back into the Nation's economic stream and help stimulate the economy so that local governments can increase their income from a stepped-up economy.

The staggering real estate tax increase for 1971 being felt by local homeowners and farmers throughout the Nation is tantamount to an economic disaster. I fear that unless we provide this emergency relief from Federal resources, we will witness a wave of foreclosures paralleled only by the tragedy of the early 1930's.

My bill provides that the Secretary of the Treasury shall rebate from the Federal Treasury whatever local real estate taxes a homeowner or farmer has paid which are in excess of 6 percent of the family's income for 1971.

In other words, a family with a $10,000 income would spend 6 percent of that gross income on real estate taxes and if the local real estate tax falls below $600 for 1971, there would be no rebate.

But if the real estate tax exceeds $600 on this family's property, the Treasury would rebate to that family the difference.

If the real estate tax on the family home was $1,000 for 1971, the Treasury would rebate that family $400 to help meet this rising cost of local real estate taxes.

I have selected 6 percent because that is the figure most economists agree should be the "circuit breaker" in excessive real estate taxes.

The bill provides that social security, veteran's benefits, or widow's benefits would not be included in computing the annual income for 1971.

In the case of renters, the bill provides a presumption that 30 percent of the annual rent paid to a landlord goes for real estate taxes. The renter would compute 30 percent of the total rent paid for 1971 and if this 30 percent exceeds 6 percent of the family income, the renter would be entitled to a similar pro rata rebate from the Federal Treasury.

This bill should be enacted by Congress as a 1-year emergency measure.

Statistics show that real estate taxes in the United States yield $40 billion annually.

I believe local taxpayers are carrying a disproportionate burden in providing police, fire, health, education, and sanitation to local communities.

I am also firmly convinced that rising real estate taxes tend to discourage new home buyers, and everyone knows that any setback to the building industry has an adverse effect on the entire economy.

It is for this reason that I hope Congress will enact this legislation as an emergency measure so that the Treasury can start immediately refunding checks to hard-pressed taxpayers all over the country.

Failure by Congress to recognize this emergency can have disastrous consequences on local communities throughout America. We are already faced with critical shortages in our school system.

But if there is a wholesale inability by local taxpayers to meet their real estate obligations for 1971 which are coming due this and next month, I can foresee local communities being forced to severely curtail even further essential services, and in some instances local communities conceivably could come to a complete standstill.

I do not believe I exaggerate the severity of the situation, and the Congress must face up to this responsibility.

I believe one argument in support of this proposal is that the Federal Government now collects 64 cents out of every dollar in taxes collected in the United States. But the Federal Government pays only 6 percent of the cost of education, with local and State communities picking up the rest.

This emergency bill is in effect a one-shot revenue-sharing proposal to bring immediate relief to the Nation's homeowners and renters.

It would be my hope that Congress will find a more durable formula of aid to local communities and taxpayers in a permanent tax reform bill.

I know the Ways and Means Committee is now working on a comprehensive tax reform bill, but I am sure that that approach is going to be long and tedious. The thousands upon thousands of local real estate tax bills cannot wait for a major overhaul of the Nation's economic structure. These people need help now and enactment of this bill would bring them such help without undue delay.

The Advisory Committee on Intergovernmental Relations has advised me that this act would probably cost $2 billion.

WHEN WILL THE POLICE FIND THE MURDERER OF PETER DETMOLD?

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, since last Friday when a mobster, Joey Gallo, was killed in New York City, much of the media of this country have made that the No. 1 story.

A very decent man by the name of Peter Detmold was killed on January 6, 1972. He was stabbed to death in the lobby of his building on East 48th Street in New York City. He was one of the most active and able of community leaders. I suspect, and I hope I am not being unfair to the Police Department of the City of New York, that they have assigned more men to find the killer of Joey Gallo than they have to find the killer of Peter Detmold. His murder still remains unsolved.

The citizens of New York City have

had it in terms of street crime, running the gamut of purse snatching from elderly ladies to muggings and to the ultimate crime—murder. The fascination which our society has for the members of organized crime is incredible. It is about time that we paid more attention to the ordinary law-abiding citizen who does the best he or she can in a society that sometimes seems "gone amok." Instead of giving so much attention to the destroyers of our society and romanticizing some of the most despicable of their actions, let us pay attention to the needs of the decent law-abiding people in our country. They are the ones requiring the Government's protection and help.

TAX EQUALITY

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record.)

Mr. RONCALIO. Mr. Speaker, today I am joining over 100 of my colleagues in supporting legislation which would extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married persons filing joint returns.

In the Revenue Act of 1948, Congress began the practice of permitting married couples who file a joint return to divide their total income for tax purposes. Because of our graduated income tax system, this generally means that married persons using the income splitting procedure fall within a lower tax bracket than would otherwise be the case. Since single persons have not had income splitting privileges, they usually end up paying higher taxes than married couples at the same income levels.

Congress has made initial steps in the last few years to help relieve the tax burden from single persons. The Tax Reform Act of 1969 sets a limit that tax on single persons can be no more than 20 percent of what is paid on a joint return with the same amount of taxable income. The Tax Reform Act also established the much needed head-of-household tax rate schedule halfway between the joint return and the single person schedules.

However, Mr. Speaker, there is no reason why the head-of-household rate should be 20 percent above the joint single schedules, and there is no reason why the new single taxpayer schedule should be 20 percent above the joint schedule. These should be purely and simply equal.

SOVIETS ENTHUSIASTIC OVER U.S. EXHIBIT

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, last September I had an unusual opportunity to view firsthand the effectiveness of the American exhibit on Educational Technology in Yugoslavia. As the President's representaitve, I officially opened the exhibit in Zagreb and escorted President Tito through it. This was one of a number of major exhibits which included young bilingual Americans as guides sent by our Government to countries in Eastern Europe and the Soviet Union. Having personally experienced the effectiveness of that exhibit, I am convinced of their great value in reaching people in that part of the world.

A recent issue of the Washington Post printed an item from the Christian Science Monitor News Service by Miss Charlotte Saikowski describing our Government's latest exhibit now in Moscow on Research and Development in the United States. It illustrates most clearly not only the value of this program but also the effectiveness of the Voice of America in reaching the people of the Soviet Union.

I ask unanimous consent that the article be printed in full in the Record.

SOVIETS ENTHUSIASTIC OVER U.S. EXHIBIT

(By Charlotte Saikowski)

Moscow.—The youthful American with long sideburns and moustache was surrounded by a throng of Russians like some matinee idol.

"Olya, it's he," an auburn-haired girl whispered in excited tones, nudging a friend. "It's Nikita Barsky. I recognized him by his voice." The girls giggled and pressed closer into the crowd.

The scene at the American research and development exhibit at Sokolniki Park, was vivid proof that Russians listen to the Voice of America, for Nikita Barsky is a broadcaster for VOA and one of 22 American guides working at the fair. Far from evidencing any hostility, crowds burst into knowing smiles when they learn who he is.

There is enthusiasm generally for the American show, which is the 12th to be held in the Soviet Union, and an anniversary of sorts. It was at the first U.S. exhibit in 1959 that then Vice-President Richard M. Nixon and Soviet leader Nikita S. Khrushchev made world headlines with their "kitchen debate."

Mr. Nixon is to come soon to Moscow again, this time as President. And while it is unlikely there will be a kitchen debate (no kitchen, for one thing), Americans here wonder if the "debater" might not fly to Volgograd, where the exhibit will be running during his Soviet visit.

In any case, a visit to Sokolniki Park provides some insights into how informed Soviet citizens have or have not become in the intervening 13 years.

True, perhaps 80 percent of the thousands of questions fired at the Russian-speaking guides still concern the U.S. standard of living. At the General Electric stand, within a few short minutes one hears Russians ask, "How does an unemployed worker live?" "Is he allowed to keep his car?" "How long do benefits last?" "What does a teacher earn?" "What do you pay for a higher education?"

"How much does a chicken cost?" a man asked.

But the remaining 20 percent disclose a higher level of sophistication and a greater awareness of the world outside than in 1959, a fact probably attributable to the Khrushchev thaw, repeated exhibits, the growing number of tourists, and foreign broadcasts.

It is standard, for instance, to hear: "Why is Angela Davis being persecuted?" But one knowledgeable Russian asked, "We understand that Angela Davis belongs to the American Communist Party, which adheres to the Soviet line. Yet she is a follower of Marcuse and he does not accept the Soviet position. How do you explain that?"

Levels of sophistication vary from city to city, of course. In Tbilisi, the Georgian capital where the exhibit opened in January, the questions tended to be simpler and focused on the gadgetry.

"The Georgians seldom asked about the United States," says Carolyn Smith, a guide from Washington, D.C. "Mostly they wanted to know about the products and what they cost. And tell them about the Lincoln Continental and they were ready to give you rubles for it!"

Not surprisingly, the young Americans are getting many questions about the President's visit to Peking, which clearly overshadows his upcoming trip here. There is no hiding Russians' disappointment that the President will not have touched down in Moscow first, and their suspicion that deals were struck in Peking.

Aside from the popular guides, Muscovites are enjoying such attractions as the Univac 9300 computer, laser devices, consumer appliances, and other items in the exhibit. The racy Javelin, one of three cars on display, has been stripped of its windshield wipers and chrome fittings—by "zealous souvenir hunters," as exhibit officials put it.

Except for a few posters about town, the Soviet Government has given little publicity to the exhibit. Muscovites hear by word of mouth, however. Attendance is strong, and the questions keep pouring forth.

"How did you learn Russian?" a stout, elderly gentleman asked Nikita Barsky.

"A little in the kitchen, a little at the university," he replied. "You see, my grandparents were from Kiev . . ."

A smile crept over the faces of the listeners.

ENDING THE WAR

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, I am today introducing a resolution designed to force an end to our involvement in the fighting in Vietnam within 60 days after enactment.

Although I stand behind every word of this resolution, I frankly doubt its efficacy. The way to get us out of this miserable war is by simply cutting off appropriations and authorizations for waging it. Despite his campaign pledges of nearly 4 years ago, President Nixon and his administration seem reluctant to get us all the way out; if anything, the recent escalation of U.S. air actions would indicate we are again becoming bogged down in the Vietnam quagmire.

In the past year, I have attempted to help hasten an end to the U.S. presence in this endless war though support of "date certain" withdrawal amendments offered by colleagues such as Congressmen Nedzi and Whalen, and in the other body, by Senator Mansfield. In general, these proposals, which are soundly rooted in political, military, and moral reality, have attracted more support than any of the end-the-war plans offered in Congress. Also, these amendments, particularly that offered last June by Messrs. Nedzi and Whalen, have served as rallying points for Common Cause and other groups working with Members of Congress to get us out of Vietnam.

The antiwar resolution which I introduce today merely formalizes an antiwar position well known to my constituents.

Had it not been for certain pressures directed at some of us, I probably would not have introduced it all—not because I do not fully subscribe to the sentiments it expresses but because I regard the resolution as superfluous to the many more significant opportunities for action to end the war.

The pressure was applied, in the form of threatened newspaper ads, by a coalition of southern California peace groups known as "Set the Date." The mere fact I am proposing this resolution today would indicate that to some extent their campaign was successful, but I think I can demonstrate that the opposite is true, that this well-intended lobbying in the long run is bound to be self-defeating.

The Set the Date leaders have talked blithely of an electoral revolution to oust incumbent Congressmen who fail to meet the coalition's own litmus test of unthinking acceptance of any antiwar proposal to come before the House, regardless of merit.

In the first version of the ad, which was subsequently modified, "dis-election" was urged for 21 of the 25 House Members from southern California. As all of our colleagues would know, Mr. Speaker, these 21—comprising 84 percent of the entire southern California delegation—would naturally champion a wide range of views on Vietnam and every other substantive issue. Yet, for the simplistic purposes of Set the Date, they were lumped together, at least in that initial version.

The main result of such a campaign would be to undermine congressmen who were sympathetic to the goals of the coalition, by helping opponents misrepresent their basically antiwar records.

Clearly, the time has come for a more concerted effort, in and outside Congress, to liquidate our investment in the Vietnam mess, once and for all.

Mr. Speaker, I myself remain totally wedded to the concept of a mandated end to U.S. involvement in the hostilities in Vietnam, but I also must insist that any such orders be conditioned on the release of U.S. prisoners of war. Just as Congress shares responsibility for sending these men to Vietnam in the first place, so now we are obligated to assure their return.

Text of my resolution follows:

H.. Res. 1153

Joint resolution to improve the foreign relations of the United States and enhance the prospects of peace

Whereas the Congress of the United States wishes to improve the foreign relations of the United States and enhance the prospects of peace: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the release of all American prisoners of war who are being held captive by the Democratic Republic of Vietnam, and other adversary forces in Indochina, the President shall terminate all United States Armed Forces ground, naval, and air operations within Southeast Asia and shall remove all military forces actively engaged in offensive military operations, including military advisers and intelligence personnel, from Southeast Asia within sixty days of the enactment of this joint resolution.

Sec. 2. No funds will be available or appropriated for the continuation of United States Armed Forces ground, naval, and air operations or for the assignment of military advisers, and intelligence personnel in Southeast Asia after sixty days of the enactment of this joint resolution, without a declaration of war by the Congress of the United States.

AMERICAN REESCALATION IN VIETNAM—A MOCKERY OF DEMOCRACY

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the people of this country are confronted by an appalling reescalation of the Nation's military involvement in the Vietnam war, in violation of common sense, common morality, and the public pledges of the President of the United States.

My office is being flooded with calls from servicemen and families of servicemen who have had their leaves cancelled, wedding plans called off and their personal lives uprooted again so that they can be shipped off to the bottomless pit of Indochina.

Already new destruction and death is hailing down onto the shattered landscape and mutilated people of Vietnam from the ships and planes of the United States, acting under the orders of the President who 4 years ago promised a plan to end our Nation's military involvement in Vietnam.

The President has talked about "a generation of peace," but has acted to cause more bomb tonnage to be dropped than any other man in history. How many more people must die, how much more of the resources so desperately needed by the American people must be wasted before the administration's false sense of "honor" will be satisfied?

The will of the American people is unmistakably clear. Every national opinion survey shows that the American people, by an overwhelming margin, demand an end to this tragic nonsense. In my own congressional district, we have just completed tabulating the results of a survey mailed to 158,000 homes in the district. Based on the 17,500 replies received as of mid-March, 62 percent said they favor complete U.S. withdrawal from Vietnam by the end of June, conditioned only on the return of all U.S. prisoners of war. Only 20 percent favor President Nixon's announced policy of gradual withdrawal. Only 4 percent favor a policy of escalation for military victory.

Asked to choose the Nation's priorities, more constituents—40 percent—"ending the Vietnam war" than any other item.

How can the Government of a democracy continue to ignore the deep, persistent, and growing demand of the vast majority of the people on an issue of the gravest national policy? Obviously the President has abandoned even the pretense of following the public's desires on this issue. This leaves it up to the Congress. How can Members of this House face the voters this fall if they have not done everything in their power to force an early end to this pointless horror?

Mr. Speaker, I am privileged to number among my constituents Mr. John S. Knight, president of Knight Newspapers and one of the most courageous, earliest, and incisive public critics of this misbegotten military misadventure. In his latest "Editor's Notebook", published in newspapers all over the United States, Mr. Knight reiterates that the direction for the United States in Vietnam is "Out" and the time is "Now." Mr. Knight's editorial follows:

JOHN S. KNIGHT'S NOTEBOOK—SOUTH VIETS MUST HACK IT THEMSELVES

It has been five years since I was in Vietnam, and naturally many things have changed since then.

"Pacification" was the Johnson administration's slogan for rooting out the Viet Cong's "infrastructure," a fancy term for the enemy guerrilla establishment which dominated the hamlets and villages by night.

"Winning the hearts and minds of the people" was another euphemism coined by the State Department. This phrase gave Americans at home a kind of quiet confidence that the South Vietnamese welcomed us as their saviors and fellow believers in the brotherhood of man.

Those were the days, remember, when nearly everyone in the U.S. was gung ho for this mad adventure which has now cost us 45,679 American combat death, 302,820 wounded and 10,123 dead from non-hostile action—to say nothing of the billions of dollars sapped from our not unlimited resources.

I recall chatting about the war one evening with Amb. Ellsworth Bunker at the American Embassy in Saigon. He is a wise diplomat with long experience in dealing with troubled situations in Argentina, India and the Dominican Republic. His words were prophetic: "Certainly we can prevent and indeed have prevented the South Vietnamese from losing the war, but they must in the end win it themselves."

Was this remark the forerunner of President Nixon's Vietnamization policy, the training and equipping of South Vietnam's forces since they "must in the end win it for themselves"?

The massive withdrawal of American fighting men by the Nixon administration—while continuing impressive naval and air support—confirms that view. President Nixon's confidence in the ability of the South Vietnamese to fend for themselves has always been high. To say that much of this confidence flows from political expediency and pragmatic judgments is not an overstatement.

But now, the latest offensive from North Vietnam gives early indication that Mr. Nixon's well-laid plans may be in jeopardy. While the South Vietnamese have more than a million men under arms, Robert S. Boyd of our Washington bureau reports that "South Vietnam's army, facing its most crucial test, is stretched awfully thin:

"The 1,084,000 men under arms actually boil down to a relatively few combat troops able to compete with the tough North Vietnamese regulars. About 200,000 soldiers organized in 13 combat divisions must bear the brunt of the fighting."

South Vietnam's numerically large military force includes 258,000 lightly armed Popular Forces, described by Boyd as "largely peasant boys who have been given a carbine and a little training while assigned to guard their home villages or hamlets. They have poor leadership, are often overrun by Viet Cong guerrilla bands and are no match for regular soldiers."

Another 294,000 South Vietnamese serve in the Regional Forces. Their assignment is to provide security for districts and provinces against Viet Cong guerrillas and main force units. Boyd says that while they are said to be vastly improved in the last year, the RF's are still outclassed by North Vietnam's regulars.

The remaining 532,000 men in the South Vietnamese army (ARVN), navy and air force are widely distributed in four military regions. The North Vietnamese have some 480,000 regulars in South Vietnam, Laos and Cambodia. The United States is down to nine combat battalions (about 800 men each) in South Vietnam, compared to 172 battalions a few years ago.

President Nixon likes to refer to "his options." Actually, he has very few remaining in Indochina. He is committed by his withdrawal decision to place his faith in what Rowland Evans and Robert Novak call "an Asian army of U.S. design and manufacture, but never before put to this kind of test."

Hanoi, on the other hand, can seriously weaken Nixon's bargaining power prior to the President's journey to Moscow on May 22. Evans and Novak suggest that the purpose of the North Vietnam attack is to force Nixon into crucial war-settlement talks on Communist terms.

Hanoi's leaders are well aware that South Vietnamese forces are no match for their regulars in the field. And, for the first time in the war, the North Vietnamese are deploying their own air power and anti-aircraft missiles with considerable success.

Of course, the President could exercise the option of even heavier bombing in the North and perhaps including Hanoi and the port of Haiphong. Yet the negatives lie in curdling our attempts to improve relations with Peking and Moscow, and bringing the war back to the front pages and the television tubes in an election year.

Beyond that, there is no evidence to show that our previous heavy bombing attacks have in any way weakened the determination of the North Vietnamese to fight.

The question is often raised as to why the North Vietnamese have the will to carry on and are so truculent in negotiations, while the South Vietnamese fail miserably in leadership and national unity.

Historically the North Vietnamese have never accepted the concept of two Vietnams. The 17th parallel is said to divide North and South Vietnam, but the 1954 Geneva agreements stipulated that the parallel was to be "a provisional military demarcation line," and not a political boundary or national frontier.

Withdrawal of North Vietnamese from the South was a temporary arrangement pending general elections after which the country was to be reunited. As Professor George McT. Kahin of Cornell University explains: "The Geneva agreements did not leave two separate states. They left two contesting parties within a single national state. The North Vietnamese will never accept the proposition that they are an 'outside force' in Vietnam."

In 1954, the then President Ngo Dinh Diem of South Vietnam refused to proceed with elections which Prof. Kahin argues "were the major quid pro quo in inducing Ho Chi Minh's Vietminh to abandon control over a substantial part of the territory that had been wrested from the French."

The betrayal of Hanoi—if such it was—is the compelling reason why the North Vietnamese will never accept a cease-fire and armistice until a political settlement is reached with South Vietnam. And that is why the negotiations at Paris are stuck on dead center.

So what should President Nixon do? As I see it, he should protect the safety of our withdrawing troops, gradually remove our air and naval forces and then declare the war to be at an end so far as the United States is concerned.

This course of action would undoubtedly produce anguished lamentations about our "sacred commitments," and dire predictions of a blood bath in South Vietnam.

I say that we have fulfilled our "commitments," if indeed we had any. We stopped aggression from the North, armed and equipped a huge South Vietnamese army, inflicted extensive bombing on North Vietnam, Laos and Cambodia, and sent more than half a million Americans to Indochina.

We said we were "fighting a limited war for limited objectives." Those objectives were achieved so long as we maintained a huge fighting force prior to Mr. Nixon's doctrine of Vietnamization.

So what other objectives remain? If South Vietnam can't hack it now, when will Saigon be prepared?

As Amb. Ellsworth Bunker said in 1967: "The South Vietnamese must in the end win the war for themselves."

And the hour is now.

POTOMAC NATIONAL RIVER

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, time is running out on open space, recreation areas, and wilderness. Our Nation now has a population of more than 200 million, and this will increase to 300 million within the next 50 years even if families limit themselves to an average of two children. It will double if the average is three children.

Such a growth potential puts considerable stress on our resources. Greatly increased industrial development in the Potomac River Valley is assured, and this makes it imperative that we begin planning now for the world our children will be living in, in just a few years.

For this reason I have introduced H.R. 14020, a bill to establish the Potomac National River. This bill provides for protection by the Department of the Interior of 70,000 acres in the Potomac River Valley through acquisition of about 40,000 acres and the use of scenic easements, zoning, sellback-leaseback arrangements, and other possible planning tools for the remainder.

In the past, geography, history, and economic forces have protected the natural and man-molded treasures of the Potomac River Valley from destruction by intense development. The flood of westward growth parted in its course and left a relatively natural Potomac Valley. But today time is catching up with the river—and us; more good fortune can no longer be depended upon to protect an irreplaceable resource from urban sprawl which is moving from population centers in Washington, Maryland, Virginia, and even Pennsylvania.

Another factor illustrating the pressures is the rise in land values along the Potomac. If we do not act today, the costs will be much higher when we are finally forced into action.

The cost of land in Montgomery County, Md., is increasing at an average of 10 percent per year. Certainly, the areas along the river are no exception. Land in the Great Falls area is today worth from $15,000 to $20,000 per acre.

Naturally, land costs are lower as one gets away from the metropolitan area. The rate of increase in value, however is still quite high. In Frederick County, Md., recreational land costs have experienced an average annual increase of 12.5 percent over the last 5 years.

These rising land values have been experienced on the Virginia side of the river as well. Over the last few years, land costs in Fairfax County, for example, have gone up at a rate of at least 10 percent a year.

In order that the States which form the Potomac Basin and the citizens generally can be as closely involved as possible in the development of the Potomac National River, I provide in my bill for a permanent 14-member Advisory Commission. This Commission will meet at least semi-annually with the Secretary of the Interior in order that he might report and consult with the Commission concerning the development and administration of the National River.

The membership of the Commission would be appointed by the Secretary of Interior as follows:

First. Eight citizens recommended by the Governors of Potomac Basin States who must be residents of counties containing a part of the National River:

Two from West Virginia;

Two from Virginia; and

Four from Maryland—but no more than two from any one county.

Second. One member, a resident of the District of Columbia, recommended by the District of Columbia Commissioner.

Third. Two members to be appointed from recommendations made by the Chesapeake and Ohio National Historical Park Commission.

Fourth. Three members designated by the Secretary from the general public, two of whom shall be members of regularly constituted conservation organizations and one of whom shall be the Chairman of the Commission.

In order to insure adequate planning for the entire river, my bill directs the Secretary of the Interior, after consultation with appropriate State and local authorities, to study and report within 2 years to Congress the Department's recommendation for extending the National River from the District to the Chesapeake Bay or providing for other conservation and recreation measures for preservation of the lower river or Potomac estuary.

Two years ago the passage of the Chesapeake and Ohio Canal Development Act was the first step toward the preservation of the Potomac River Valley. At that time, I pledged my efforts toward making the Potomac National River an eventual reality.

The choice is between a river comprised of wilderness, open space, developed recreation areas and farmland, interspersed with towns and areas of commerce, or a mammoth open storm drain running through a nightmarish strip of oversized cities and suburbs and Coney Islands.

And the choice is clear for citizens and their government; the administration has an obligation to support a comprehensive plan and goal for the Potomac, the Interior Committees of the House and Senate have an obligation to hold hearings, and Potomac citizens must make clear their determination that specific action will begin to save an irreplaceable area of their environment and the environment of their children.

The full text of H.R. 14020 is inserted below for the information of my colleagues and the general public.

H.R. 14020

A bill to establish the Potomac National River in the States of Maryland, Virginia, West Virginia, and the District of Columbia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and develop for the enjoyment of present and future generations the main stem of the Potomac River and adjacent land areas in Maryland, Virginia, West Virginia, and the District of Columbia which possess unusual natural, scenic, historic, fish and wildlife, and recreational values, including the historic and scenic Chesapeake and Ohio Canal, there is hereby established the Potomac National River (hereinafter referred to as the "national river"). The national river shall consist of the lands, waters, and interests therein within the area generally depicted on the drawing entitled "Boundary Map, Proposed Potomac National River," numbered PNR 20,000, dated March 1972. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the national river from time to time, but the total land acreage within the national river shall not exceed seventy thousand acres, of which title to not more than forty thousand acres shall be acquired and retained in fee simple absolute, and with respect to the remaining acreage, only such easements and other interests in land shall be acquired, or retained (when prior acquisition of the underlying fee is determined to be necessary or desirable) as may be necessary to carry out the purposes of this Act: *Provided,* That no lands owned by any State shall be included in the boundaries of the park—

(1) unless they are donated to the United States, or

(2) until a written cooperative agreement is negotiated by the Secretary which assures the administration of such lands in accordance with established administrative policies for national park system areas, and

(3) until the terms and conditions of such donation or cooperative agreement have been forwarded to the Committees on Interior and Insular Affairs of the United States House of Representatives and Senate at least sixty days prior to being executed.

SEC. 2. (a) The Secretary may acquire lands, waters, and interests therein (including scenic easements) within the national river by donation, purchase with donated or appropriated funds, or exchange, but the Secretary shall refrain from acquiring, for two years from the date of the enactment of this Act, any lands designated on the boundary map for acquisition by any State if he has negotiated and consummated a written cooperative agreement with such State pursuant to section 1 of this Act. Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for use by the Secretary in carrying out the purposes of this Act.

(b) When an individual tract of land is only partly within the national river, the Secretary may acquire the entire tract in order to avoid the payment of severance costs. Land so acquired outside the boundaries may be exchanged by the Secretary for non-Federal land within such boundaries, and any portion of said land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended. Any funds received in the disposal of such lands shall be credited to the appropriation for the acquisition of lands, waters, and interests therein for the national river, and any such funds are authorized to be appropriated for such purpose in addition to the amount authorized in section 11 of this Act.

(c) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the national river, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the States of West Virginia, Virginia, and Maryland, which he classifies as suitable for exchange or other disposal. In all other respects, the Secretary shall exercise his exchange authority in accordance with the provisions of section 5(b) of the Act of July 15, 1968 (Public Law 90–401; 82 Stat. 354).

(d) In exercising his authority within the national river pursuant to section 5(a) of the Act of July 15, 1968 (Public Law 90–401; 82 Stat. 354), the Secretary shall afford to the heirs or devisees of any owner or owners of record who may have died within the two-year period referred to in section 5(a), the same rights that any such owner or owners of record may have had thereunder.

SEC. 3. (a) The Secretary shall encourage the States of West Virginia, Virginia, and Maryland, and their political subdivisions within the vicinity of the national river, to plan, acquire, develop, and manage lands within and adjacent to the national river for recreation, fish, and wildlife conservation, or similar public purposes. Funds allocated to the States under the Land and Water Conservation Fund Act of 1965 shall be available for such planning, acquisition, and development.

(b) Whenever any such plan in regard to lands outside the boundaries, but in the vicinity of the national river shall have been presented to the Secretary and approved by him, upon such terms and conditions as shall be satisfactory to him, the Secretary may grant to the political subdivision presenting such plan funds to assist in the acquisition of needed lands, which funds shall not exceed 25 per centum of the total cost of said lands, and which shall be in addition to any funds granted from the allocation to the States, pursuant to the Land and Water Conservation Fund Act of 1965: *Provided,* That any such funds shall be appropriated from the funds accruing to the Federal share of the Land and Water Conservation Fund.

(c) In carrying out the purposes of this Act, the Secretary shall take into account local and State development, land use, conservation and recreational plans affecting or relating to areas in the vicinity of the national river, shall, consistent with the purposes of this Act, exercise the authority granted by this Act in a manner that will not conflict, with such local or State plans.

(d) The Secretary may refrain or agree to refrain from exercising his authority under this Act to acquire private property within the boundary of the national river so long as he finds that the applicable plan or ordinance continues to promote the use and development of such property in a manner consistent with the purposes of this Act.

SEC. 4. (a) With the exception of property that the Secretary determines is necessary for purposes of administration, preservation, or public use, any owner or owners (hereinafter in this section referred to as "owner") of improved property may, on the date of its acquisition by the Secretary, retain an existing right of use and occupancy for the purposes hereinafter set forth of the improved property for a definite term of not more than twenty-five years or, in the case of natural persons in lieu thereof for a term ending upon the death of the owner or his spouse, whichever is later, such term to be elected by the owner, for (1) noncommercial residential purpose, including use of a family vacation residence; (2) agricultural purposes; or (3) educational purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner. Such right (A) shall be subject to such terms and conditions as the Secretary deems appropriate to assure that the property is used in accordance with the purposes of this Act, (B) may be transferred, assigned, or devised, and (C) may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for (i) noncommercial residential, including use as a family vacation residence, (ii) agricultural purposes, or (iii) educational purposes, as the case may be, and upon tender to the holder of the right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains in effect on the date of termination.

(b) As used in this section the term "improved property" means (1) a detached one family dwelling (A) which serves as a place of abode of the owner, whether full or part time, (B) construction of which was begun before January 1, 1967, (C) and which at the time of acquisition meets the requirements of applicable State, county, or municipal laws, ordinances, codes, rules, or regulations relating to building, construction, or public health, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, or (2) any property that is used exclusively for agricultural purposes and continues in such use, including housing directly incident thereto, or (3) any property that is used exclusively for educational purposes and continues in such use: *Provided,* That the Secretary may exclude from improved properties any waters of land fronting thereon, together with so much of the land adjoining such waters or land as he deems necessary for public access thereto.

(c) Notwithstanding any other provision of law, the Secretary is authorized to negotiate and enter into such concession contracts, for periods not to exceed twenty-five years, as he may deem necessary for the accommodation of visitors, with any former owner or operator of property which, in the judgment of the Secretary, was at the time of its acquisition being operated for public commercial recreational purposes.

(d) The operation and occupancy of lands and improvements thereon by recreation or conservation organizations may, in the discretion of the Secretary and in accordance with rules and regulations promulgated by him, be continued by lease, permit, or agreement for such terms as the Secretary may determine not, however, to exceed a total period of twenty-five years for any such organization.

SEC. 5. With the occupation of those lands and waters, included within the national river pursuant to section 7 of this Act, the Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the national river in accordance with the appropriate Federal and State law, to the extent applicable, except that he may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and employment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities.

SEC. 6. (a) The Secretary shall administer the national river in accordance with the provisions of the Act of August 24, 1916 (39 Stat. 535), as amended and supplemented (16

U.S.C. 1–4), except that any other statutory authority available to the Secretary for the conservation and management of natural and historical resources may be utilized to carry out the purposes of this Act. In administering the national river or any part thereof included within the boundaries, the Secretary may enter into cooperative agreements with non-Federal public bodies for the operation and management by either the Secretary or such bodies of certain portions of lands within the boundaries of the national river in accordance with a mutually acceptable management plan.

(b) In the administration of the national river, the Secretary may issue easements, licenses, or permits for rights-of-way through, over, or under the lands in Federal ownership within the national river, or for the use of such lands by the owners or lessees of adjacent lands, for such purposes and under such terms, regulations, and conditions as he may determine to be appropriate and consistent with the use of such lands for the purposes of this Act.

(c) Except as may be specifically set forth in this Act or other Acts of Congress, nothing herein contained shall be deemed to affect or alter the exercise of existing jurisdiction or rights of any State in which the national river is located, regarding the control or regulation of the waters of the Potomac River, including the flow, usage, and quality thereof.

SEC. 7. (a) The Chesapeake and Ohio Canal National Historical Park, as established by the Chesapeake and Ohio Canal Development Act (84 Stat. 1978) is hereby included within the national river and shall continue to be administered as the Chesapeake and Ohio Canal National Historical Park within the national river as an identifiable unit threof, in accordance with the authorities contained in the Chesapeake and Ohio Canal Development Act: *Provided*, That any lands within the boundaries of the national river may be added to the historical park by the Secretary for reasons of historic integrity, or for the purpose of facilitating administration or the restoration of major historical and engineering features of the park.

(b) Harpers Ferry National Historical Park, as authorized by the Act of June 30, 1944 (16 U.S.C. 450bb), or as may hereafter be augmented, redesignated, or modified by Act of Congress, is hereby included with the national river, and shall continue to be administered as the Harpers Ferry National Historical Park within the national river as an identifiable unit thereof, in accordance with all authorities available to the Secretary for administration of the national river and the Harpers Ferry National Historical Park.

SEC. 8. (a) The enactment of this Act shall not affect adversely any valid rights heretofore existing, or any valid permits heretofore issued, within or relating to areas authorized for inclusion in the national river.

(b) Where privately owned lands are located between lands acquired for the national river and the Potomac River, the owners of those lands shall have access to their lands, subject only to such restrictions or requirements as the Secretary may find essential to the preservation and sound management of the river.

SEC. 9. Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance within the national river of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already constructed or under license to be constructed.

SEC. 10. (a) There is hereby established a National River Advisory Commission (hereinafter referred to as the "Commission"), composed of fourteen members appointed by the Secretary as follows:

(1) Eight members, who shall be residents of counties any part of which is included within the boundaries of the national river: two from Virginia, two from West Virginia, and four from Maryland. Each member shall be appointed from recommendations made by the Governors of the respective States of Virginia, West Virginia, and Maryland. However, no more than two members so appointed shall be residents of any single county in any one State.

(2) One member, who shall be a resident of the District of Columbia, appointed from recommendations made by the Commissioner of the District of Columbia.

(3) Two members to be appointed from recommendations made by the Chesapeake and Ohio Canal National Historical Park Commission established by the Chesapeake and Ohio Canal Development Act (supra).

(4) Three members designated by the Secretary from the general public, two of whom shall be members of regularly constituted conservation organizations and one of whom shall be Chairman of the Commission.

(b) The members of the Commission shall serve for a term of three years, except that the terms of the initial members shall be from one to three years, as designated by the Secretary at the time of appointment, in such manner as to insure that the terms of not more than four of them will expire in any one year: *Provided*, That any vacancy in the Commission shall be filled in the same manner as the original appointment, for the remainder of the term: *Provided further*, That upon the termination of the Chesapeake and Ohio Canal National Historic Park Commission, the Commission established by this Act shall be composed of the twelve members designated pursuant to (1), (2), and (4) of this section.

(c) Members of the Commission shall serve without compensation as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(d) The Commission may make such rules and regulations concerning the conduct of its business as it deems advisable to carry out its function under this Act.

(e) The Secretary shall, from time to time but at least semiannually, meet with, report, and consult with the Commission on general policies and specific matters related to the plan of development and administration of the river.

(f) The Commission may advise and consult with other Federal agencies, State agencies, local governments, and persons on matters relating to public recreation, historic preservation and interpretation, scenic protection, wildlife protection, and conservation and protection of natural resources, including water resources, within and in the vicinity of the river.

SEC. 11. (a) Within two years after the enactment of this Act the Secretary shall report to Congress his recommendations as to the extension of the national river or other legislative action for the conservation, scenic protection, and improvement of public recreational opportunities from the area established by this Act to the mouth of the Potomac River at Chesapeake Bay: *Provided*, That any such lands or interest in land shall not be considered in calculating the limitations on acreages set forth in section (1) of this Act.

SEC. 12. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

THREAT TO ACADEMIC FREEDOM THROUGH POLITICIZING EDUCATIONAL PROCESS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the Vice President today addressed the first of a series of "Headliner Luncheons" in the new quarters of the Capitol Hill Club, the national Republican club. Vice President AGNEW sounded a significant warning about a serious threat to academic freedom through the politicizing of the educational process. Because of the challenging and thought-provoking content of his remarks, I insert here the full text of the Vice President's speech.

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

My subject today is a threat to academic freedom—specifically the threat to the availability of scholarly, diverse research products which arises because some intellectuals are attempting to impose an ideological conformity on American education.

Over two years ago, I directed public attention to the lack of diversity in the process of deciding what news should be presented to the American people, and in the singular ideological conformity of those who make news judgments for the television networks and most major publications of national impact.

My topic here is of equal, if not greater, importance to the future of our system. For if, in the words of Epictetus, "Only the educated are free," then the politicizing of the learning process and the substitution of indoctrination for education strikes at the very roots of a free society.

This politicizing process takes many forms.

At its worst, it can be described as nothing less than anti-intellectual Yahooism on the part of members of the academic community who, however few in number, have at times been permitted to disrupt or have encouraged disruption of the process of free discussion and inquiry.

A notorious example of the activities of these academic Yahoos occurred at the convention of the American Association for the Advancement of Science at Philadelphia several months ago.

At that meeting, tomatoes were thrown at a United States Senator, while other speakers had to be given police protection. All this, keep in mind, was the result of the tactics of fewer than one hundred persons given permissive rein to disrupt the proceedings of a convention of 5,000 scholars representing an organization of an estimated 180,000 members.

To his credit, one of the vice presidents of the organization, Dr. Daniel Patrick Moynihan, denounced members of this militant Yahoo minority, charging them with "political harassment that has no place in a scientific meeting."

"I'm a political scientist," said Dr. Moynihan, "and I smell fascism."

Less credit, however, is due officers of the association who sought to appease the incipient totalitarianism in their midst.

One of these officials was quoted as saying, after the tomato-throwing episode—and I quote directly: "If there weren't these disruptions it would mean these meetings are not significant."

Let me submit, ladies and gentlemen, that the death of free speech and inquiry is never a unilateral act. It comes in two parts.

First, there are those vicious members of a community who would kill freedom; second, there are those fatuous leaders of a community who, by their acquiescence and lack of intellectual fortitude, stand by and permit the murder to occur.

This threat of dogmatism and intolerance of diverse opinion in the academic community is a matter of concern to every American.

For history has demonstrated that there can be no more dangerous form of anti-intellectualism than that kind practiced by highly educated, self-righteous intellectuals who consider themselves superior to the point of infallibility.

Indeed, we know that the worst excesses of the mob during the French Terror were carried out under the leadership of "men of learning" who thought themselves the ultimate products of the Age of Reason and Science; that the ideological precursor of Mussolini's fascism was a poet-philosopher; and that the Minister of Propaganda and Enlightenment of Hitler's Germany held a Ph.D. from one of his country's most respected universities.

In this regard, Frederic Lilge, in his book, *The Abuse of Learning*, pointed out how the politicizing of the universities during the years of the Weimar Republic laid the ground work for the rise of the Third Reich. Wrote Professor Lilge of the German academic scene during the Weimar period:

"The universities were unable to remain islands on which the unpolitical scholar and scientist could live in seclusion from the fierce agitation on all sides . . . . already, years before Hitler was made chancellor, groups of nationalist conspirators and, later, Nazi students began to foment unrest and provoke violence inside the universities."

That "strong-arm bullying" has become a feature of many scholarly gatherings here in America during recent years is attested by Bruce Biossat in a recent report. Beyond what Mr. Biossat describes as "disreputable shouters who make a specialty of mindlessness," there are those, the columnist asserts, who carry their ideological bias onto the school grounds and the campus.

Scholars-with-a-cause, they too often permit their devotion to that cause to outweigh their dedication to scholarship, or even to the elementary principles of free inquiry.

We find such narrow-minded academic ideologues, says Mr. Biossat, engaging in faculty boycotts or harassment of fellow scholars "who, in the past decade or so, have dared to labor for the federal government."

We are all familiar with notable cases of this kind in recent years. In my opinion, such boycotting and harassment have written a shameful chapter in the annals of American education. It is a chapter made all the more hypocritical by the participation or acquiescence of many educators who in the past intoned their views regarding "academic freedom," deploring what they viewed as Right-wing efforts to "intimidate" the free academic system.

A similar debasement of scholastic professionalism occurs when political academic fill the air—to quote Mr. Biossat "with confusing and exaggerated statements on major public issues."

An example of this facet of academic Yahooism, cited by Dr. Jean Mayer, has been the pseudo-scientific clamor surrounding recent national debates over the anti-ballistic missile, the supersonic transport, and the underground nuclear tests at Amchitka.

Yet, well-publicized as are these examples of the politicizing of the academic community, they nevertheless do not reveal the disease of academic anti-intellectualism in its most pernicious form.

That occurs when the ideological virus is brought into the classroom and the teaching process itself.

Recently Professor Sidney Hook addressed his attention to a deeply disturbing aspect of this problem: the conversion of formerly authoritative and objective sources of encyclopedic information into vehicles of propaganda.

This is not to say that all such sources have been so converted. But as has occurred in the area of news reporting, recent years have witnessed a growing tendency toward the "interpretive" rather than the "objective" in a number of research publications as well as textbooks of significant circulation.

Professor Hook's special concern was the transparent ideological bias shown by the new editors of one major encyclopedia who refused to publish a previously accepted study by the respected conservative scholar Ernest van den Haag.

Writes Professor Hook of this incident: "Signs are multiplying that partisan criteria utterly irrelevant to genuine intellectual achievement are being brought to bear on the evaluation of scholarly findings. Judgments on scholars and on their work all too often now reflect ideological prejudice rather than scrupulous evaluation of contributions."

Unless checked, such opinion imbalance, similar to that which affects our national news media, holds ominous implications.

For if biased segments of the news media can distort the view of the world in which we live it necessarily falls to the educational community in its pursuit of truth and fact, to assure today's distortion is not perpetuated in tomorrow's history books.

Nevertheless, the incident of editorial bias involving Professor van den Haag would seem to be only a single exhibit evidencing the fact that the Sander Vanocurs have their doctrinaire counterparts in the groves of academe. This is substantiated by an examination of the kind of politicized material that *is* getting into standard works that teachers and parents rely on as general reference books for today's students.

For example, one major encyclopedia company—other than that which refused to publish the van den Haag study—produces an annual yearbook that can be found in school libraries and homes throughout the country. It bears a respected name in the publishing world. Yet, the New Leftward bias of its current editors can readily be ascertained by any fair-minded teacher or parent who takes the time to read its contents.

To illustrate this point, let me compare the manner in which this particular yearbook dealt in its annual "People in the News'" section with two Americans prominent in the news during the year 1970.

First, consider what young readers will learn about a person to the editor's ideological liking—the Radical Left Attorney William Kunstler:

"The American legal system has given rise over the years to a remarkable breed of courtroom lawyer—the sharp, resourceful, selfless defense attorney, who often at the risk of reputation and pocketbook will take up unpopular causes, defend unpopular individuals, and, in the folklore at least, emerge triumphant . . .," the yearbook tells students.

"One of the most remarkable of this breed is William Moses Kunstler, who fights with conviction for causes that he feels are relevant to social and political justice in America. . . . What makes William Kunstler a different type of lawyer is that he has come to feel he and his colleagues are the last line of defense against the destructive forces of tyranny and, in particular, that the lawyer has a duty to help pave the way for important social changes to overcome tyranny . . .

"Kunstler has been criticized for his overdramatic manner, for his faulty preparation of cases, and for his phenomenal ego. But his sincerity and his devotion to his clients and to his causes have never been in question. This selflessness has made him a kind of folk hero to the young. . . ."

To be sure the advanced student of propaganda can only pay tribute, however grudging, to the skilled manner in which the writer of that paean to Mr. Kunstler makes the point that his subject is an admirable individual whom the young reader might emulate, regardless of what he might hear around the family dinner table.

Nor should this artful technique be considered accidental. The same yearbook features equally laudatory biographies, some verging on the ecstatic, covering such New Left folk-heroes and heroines as the Berrigans, Angela Davis and Jane Fonda.

On the other ideological hand, there are less admirable Americans whose "sincerity" and "devotion to causes," not to mention "selflessness," are less apparent—at least to the editors.

Indeed, a comparison only of the opening line in the Kunstler biography with that given the President of the United States is sufficient to draw the pejorative inference the editors intend:

"Richard M. Nixon is president of the United States," they tell the young reader, "but he is above all a politician."

Now if that, for a starter, doesn't open a youngster's eyes, there follows sufficient innuendo to do so, including even the Radical Left canard that the President once labeled all students "bums."

In this regard, since it bears strong witness to the matter of anti-intellectualism in the academic community, let me take this occasion to lay that blatant distortion to rest once and for all.

Here we see a prime example of the big lie technique perfected by Hitler's propaganda and enlightenment ministry. For the fact is—and it is readily ascertainable fact—that the President's mention of "bums" in the spring of 1970 was made with specific reference to arsonist vandals who had destroyed the lifework of a foreign scholar at Stanford University—and I, for one, believe that, if anything, the President was restrained in so describing the perpetrators of such a senseless, despicable and cruel act of destruction.

The President has never applied that term to protestors or young people, however. The contention that he did is simply one of many gross falsehoods in the propaganda arsenal of those latter-day Goebbels of the Radical Left who daily assault, not simply this President, but rather the institution of the Presidency itself—an assault strengthened by the ready and all-too-willing cooperation of their ideological allies in the national news media and, as we see, the academic world.

Nor is that the only Left-inspired untruth the editors of this encyclopedic yearbook set forth as objective fact. In addition, they included in their 1970 yearbook the misrepresentation that "tweny-eight (Black) Panthers have been killed in police clashes since 1968"—a propaganda myth now thoroughly discredited but which still remains, unretracted, in public and home libraries, as part of encyclopedic history.

Unfortunately, Professor Hook informs us, such examples of politicized standard reference works are no longer isolated cases. Rather, they represent what he terms a "disquieting phenomenon" of our times.

The fact is that teachers and parents can no longer take it for granted that scholarly objectivity and thoroughness will be the standards in much of the material students use for basic reference.

To discover, in Professor Hook's words, that once "reputable and time-honored" reference works have "now fallen into the hands of editors who have ideological axes to grind . . ." is indeed disquieting, not only in itself but in its symptomatic meaning to the entire American educational system.

Disquieting as it may be, however, no American can ignore the danger such politicizing presents to our educational system.

I have therefore spoken out on this issue today because responsibility for maintaining the academic integrity of our educational system is a matter of major concern to every American.

What I have urged is not the imposition but the *elimination* of ideological conformity; not censorship but *freedom of inquiry*; not the interjection of the politics of the Nixon Administration or any other administration, but the *removal* of current politics from American education; not book-burning but more books, covering every point of view and not just the propaganda of the view favored by the professor.

Yet, I have little doubt that despite this purpose, there will be criticism in the days to come that the Vice President seeks to "intimidate" or "repress" dissenters at scientific meetings, not to mention limit the latitude of encyclopedia editors. At the very least, we will be advised by self-serving spokesmen that in discussing the ideological bias of such individuals I have somehow had a "chilling effect" on academic freedom.

So be it. I myself have no intention of being intimidated, repressed, chilled or deterred by the propaganda techniques of those who desire that they and they alone shall choose the parameters of public dialogue on issues that affect the American people.

Through nearly two centuries, we Americans have considered education to be a major social priority—in the words of the 16th President who died 107 years ago this week, "the most important subject which we, as a people, can be engaged in."

As a free people, we have rejected the totalitarian concept that education should be a weapon of the state or of a single ideology.

Thus, despite the political passions that have characterized given periods in our history, we in the end always have recognized that solutions to human problems and differences can best be found not in the heat of ideological warfare but in the light of rational discourse.

For this, we can credit a tradition of free inquiry nurtured and sustained by the American educational community.

Upon American educators in this critical period, therefore, the burden of that tradition now falls. Today, as in the past, the people of America—and most especially, young Americans—look to them for responsible scholarship and an academic atmosphere free of political zealotry.

This then is one of the most critical challenges of our time: to assure for this and succeeding generations of American youth an educational system based not on the ignorance of superstition or ideological stricture, but on the principle of free inquiry and rational dialogue in a society of diverse and competing opinion.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Mann, for April 12, 1972, to attend funeral of Hon. James F. Byrnes.

Mr. Pettis (at the request of Mr. Gerald R. Ford), for April 12, 1972, and the balance of week on account of official business.

Mrs. Griffiths (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Stokes (at the request of Mr. O'Neill), for an indefinite period, on account of official business.

Mr. Charles H. Wilson (at the request of Mr. O'Neill), for today, Tuesday, April 11, through Thursday, April 13, on account of official business.

Mr. James C. Corman, for Tuesday, April 11, on account of illness.

Mr. Satterfield (at the request of Mr. O'Neill), for today and the balance of the week, on account of illness.

Mr. Alexander (at the request of Mr. O'Neill), for today, April 11, through Thursday, April 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Michel, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Leggett, for 10 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. Pucinski, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Rousselot) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Halpern, for 10 minutes, today.
Mr. Frelinghuysen, for 5 minutes, today.
Mr. Harsha, for 5 minutes, today.

(The following Members (at the request of Mr. Runnels) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, today, for 10 minutes.
Mr. Aspin, today, for 10 minutes.
Mr. Howard, today, for 10 minutes.
Mr. Rodino, today, for 10 minutes.
Mr. Boggs, today, for 15 minutes.
Mr. Fulton, today, for 10 minutes.
Mr. Runnels, today, for 10 minutes.
Mr. Jones of Tennessee, today, for 5 minutes.
Mr. Podell, today, for 10 minutes.
Mr. Cotter, today, for 5 minutes.
Mr. Burton, today, for 5 minutes.
Mrs. Abzug, on April 12, for 10 minutes.
Mr. Rangel, on April 12, for 60 minutes.
Mr. Patten, on April 12, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dellenback (at the request of Mr. Keith) to extend his remarks in Committee of the Whole on H.R. 13188.

(The following Members (at the request of Mr. Rousselot) and to include extraneous matter:)

Mr. Hansen of Idaho.
Mr. McCloskey.
Mr. Halpern in three instances.
Mr. Gude in seven instances.
Mr. Esch.
Mr. Robinson of Virginia.
Mr. Schmitz in two instances.
Mr. Whitehurst in two instances.
Mr. Bell in two instances.
Mr. Derwinski in three instances.
Mr. Wyman in two instances.
Mr. Young of Florida in five instances.
Mr. McKinney.
Mr. Pettis.
Mr. Buchanan.
Mr. Schwengel.
Mr. Price of Texas.
Mr. Landgrebe in two instances.
Mr. Spence.
Mr. Hosmer in three instances.
Mr. Byrnes of Wisconsin.
Mr. Conte.
Mr. Smith of New York.
Mr. Mizell in eight instances.
Mr. Devine in two instances.
Mr. Snyder in three instances.
Mr. Morse in two instances.
Mr. Michel in four instances.
Mr. Broyhill of Virginia in two instances.
Mr. Harsha.
Mr. Riegle.
Mr. Nelsen.
Mr. Crane in five instances.

(The following Members (at the request of Mr. Runnels), and to include extraneous mattter:)

Mr. Dingell in three instances.
Mr. Gonzalez in three instances.
Mr. Eilberg.
Mrs. Hicks of Massachusetts.
Mr. Rodino.
Mr. Dent.
Mr. Badillo in three instances.
Mr. Pucinski in 10 instances.
Mr. Fraser.
Mr. Rangel in three instances.
Mrs. Griffiths in two instances.
Mr. Byron in 10 instances.
Mr. James. V. Stanton in two instances.
Mr. Karth.
Mrs. Grasso in 10 instances.
Mr. Fulton in two instances.
Mr. Evins of Tennessee in two instances.
Mr. Pickle in five instances.
Mr. Alexander.
Mr. Hagan in three instances.
Mr. Steed in two instances.
Mr. Anderson of California in three instances.
Mr. Leggett in five instances.
Mr. Hawkins in five instances.
Mr. Ryan in five instances.
Mr. Patten in 10 instances.
Mr. Drinan.
Mr. Fisher in three instances.
Mr. Harrington in three instances.
Mr. Hathaway.
Mr. Waldie.
Mr. Carney.
Mr. Hungate in three instances.
Mr. Long of Maryland in two instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 218. Joint resolution to extend the authority conferred by the Export Administration Act of 1969; to the Committee on Banking and Currency.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 12749. An act to authorize appropriations for the saline water conversion program for fiscal year 1973.

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 12, 1972, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1971, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following reports for printing in the Congressional Record pursuant to section 4(b) of Public Law 85–804:

National Aeronautics and Space Administration,
Washington, D.C., April 10 1972.
Hon. Carl Albert,
Speaker of the House of Representatives, Washington, D.C.

Dear Mr. Speaker: This is a report to the Congress pursuant to Section 4 of the Act of August 28, 1958 (72 Stat. 972), submitted to the Speaker of the House of Representatives pursuant to Rule XL of that House.

During calendar year 1971, the National Aeronautics and Space Administration utilized the authority of the above-cited statute as follows:

Extraordinary contractual adjustment denied by the NASA Contract Adjustment Board:

a. The Board considered one request for extraordinary contractual adjustment during 1971. Acme Machine & Tool Co., Inc. requested relief in the amount of $24,672.63 on the basis of the Government's and the contractor's mutual mistakes. The request was denied.

Sincerely,

James C. Fletcher,
Administrator.

Assistant Secretary of Defense,
Washington, D.C., April 7, 1972.
Hon. Carl Albert,
Speaker of the House, Washington, D.C.

Dear Mr. Speaker: In compliance with Section 4(a) of Public Law 85–804, the calendar year 1971 report on extraordinary contractual actions to facilitate the national defense is transmitted herewith.

Table I shows that 245 contractual actions were approved and that 112 actions were disapproved. Included in the number of actions approved are 112 actions for which a potential Government liability cannot be estimated.

Table II lists the actions which have an actual or potential cost to the Government of $50,000 or more. Also included in this list are the 112 actions above for which a potential cost cannot be estimated.

Sincerely,

Barry J. Shillito,
Assistant Secretary of Defense (Installations and Logistics).

EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE (PUBLIC LAW 85–804) JANUARY–DECEMBER 1971

TABLE I.—SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85–804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY–DECEMBER 1971

[Dollar amounts in thousands]

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense, total	245			112	
Amendments without consideration	2	$1,512	$1,341	27	$23,956
Correction of mistakes	74	3,814	3,625	66	1,236
Formalization of informal commitments	31	372	366	9	99
Contingent liabilities	112			1	
Disposition of property	3			2	
Other	21	672	672	7	
Amendments without consideration (Lockheed)	2	(1)	623,000		
Army, total	53			25	
Amendments without consideration				6	8,275
Correction of mistakes	21	476	386	11	726
Formalization of informal commitments	25	347	342	7	40
Contingent liabilities	3			1	
Disposition of property	2				
Other (Secretarial authority and residual powers)	1				
Amendments without consideration (Lockheed)	1	(1)	123,000		
Navy, total	106			11	
Amendments without consideration	2	1,512	1,341	5	8,593
Correction of mistakes	18	2,820	2,847	4	18
Formalization of informal commitments	3	12	11		
Contingent liabilities	82				
Disposition of property	1			2	
Air Force, total	46			35	
Amendments without consideration				3	5,762
Correction of mistakes	16	410	295	28	305
Formalization of informal commitments	1	7	7	2	59
Contingent liabilities	27				
Other (contract modification or termination)	1			2	
Amendments without consideration (Lockheed)	1	(1)	500,000		
Defense Supply Agency, total	40			41	
Amendments without consideration				13	1,326
Correction of mistakes	19	108	97	23	187
Formalization of informal commitments	2	6	6		
Other	19	672	672	5	

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[1] Lockheed financial requirement exceeded $1,000,000,000 for all programs.

TABLE II.—LIST OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85–804 TO FACILITATE THE NATIONAL DEFENSE JANUARY–DECEMBER 1971

Name and location of contractor	Actual or estimated potential cost	Description of product or service	Justification
AMENDMENTS WITHOUT CONSIDERATION			
Navy:			
Gap Instrument Corp., 110 Marcus Blvd., Hauppauge, N.Y.	$1,091,329	MK-53 attack consoles	The company has asserted that it faces a financial crisis of such major proportions that without immediate relief it will be unable to continue operations. The MK-53 units, which constitute an integral portion of a shipboard underwater fire control system, are tightly scheduled for installation as Government furnished equipment on 2 classes of Navy vessels presently under construction. A number of the remainder are for delivery to foreign governments. Although other companies have produced the console under prior contracts, none are currently in production. Should this company be forced to cease operations the Navy stands to lose its advance payments of approximately $2,265,000. In addition the estimated cost of reprocurement is approximately $6,000,000.

Name and location of contractor	Actual or estimated potential cost	Description of product or service	Justification
S.W. Electronics & Manufacturing Co., 12 Fellowship Rd., Cherry Hill, N.J.	250,000	AN/ARR-69 auxiliary radio receivers	The contractor is a small firm of approximately 60 employees and its financial distress was precipitated when it became unable to make delivery and receive payment under a contract for the Government of Pakistan after the U.S. State Department imposed temporary restrictions upon the shipment of military supplies to that country in April 1971. The AN/ARR-69 radios are being purchased for use by both the Navy and the Air Force on F-4J, A-4B, TA-F4 and A-7E aircraft. Government inventories have been exhausted and equipment is not available for installation on operational aircraft. Introducing another source would entail a delay of from 12 to 18 months and a substantial increase in unit prices.
Air Force: Lockheed Aircraft Corp., Burbank, Calif	500,000,000	C-5A aircraft	In March 1970 the company submitted a letter to DOD citing its contractual and financial problems on several major Defense programs including the Cheyenne helicopter and the C-5A aircraft. The company asserted that "the unprecedented dollar magnitude of the claims and disputes" in which these programs among others were involved would "make it financially impossible for Lockheed to complete performance of these programs if we must await the outcome of litigation before receiving further financing from the Department of Defense." After a thorough review of this matter, the Deputy Secretary of Defense determined on June 4, 1971, that it was necessary to continue these essential defense programs as such action will thereby facilitate the national defense. Although such action will permit the company to continue operations its losses on these programs will be severe. In the case of the C-5A aircraft contract a fixed loss of $200,000,000 was negotiated with the company.
Army: Lockheed Aircraft Corp., Burbank, Calif	123,000,000	AH-56A helicopters	The actions taken with respect to the AH-56A Cheyenne basically involved a restructuring of the AH-56A research and development contract and the settlement of the claims of the corporation, then in litigation, relating to the AH-56A production contract which had been terminated for default. These actions were based on the authority of Public Law 85-804 and the authority to resolve disputes arising under the provisions of government contracts. The company's loss on the AH-56A contracts is estimated at $119,000,000. For further details see comment above concerning the C-5A aircraft.
FORMALIZATION OF INFORMAL COMMITMENT			
Army: Stromberg Datagraphix, Inc., 1600 Kapiolani Blvd., Honolulu, Hawaii.	269,144	Ancillary micromation equipment	General Services Administration placed a contract with Stromberg for the installation and rental of equipment at USARPAC overseas commands during fiscal year 1969. During fiscal year 1970 the Government continued to use this equipment while a new contract was being negotiated. The resulting contract excluded these commands which should have been covered.
CORRECTION OF MISTAKES			
Army:			
Polarad Electronics Corp., 43-20 34th St., NW., Long Island City, N.Y.	165,400	Signal generator AN/URM-103	The contract escalation clause cited Code No. 1-25 ("Wholesale prices and price indexes") published by the Department of Labor as a price indicator. This price index has been found to be inappropriate and inadequate and is being changed to U.S. Department of Labor Standard Industrial Classification (SIC) 366.
North Electric Co., 553 South Market St., Galion, Ohio.	66,252	7th Army tactical switching systems	The U.S. Army Electronics Command issued an RFQ for 3 7th Army tactical switching systems with an option to purchase 3 more. The requirement to install, test and check the system was not set out as a separate item but appeared by way of a footnote. When the contract was awarded it required the contractor to furnish 6 systems instead of 3. The contractors bid covered the installation of only 3 systems instead of 6.
Navy:			
Bendix Corp., Electrodynamics Division, Lankershim & Sherman Way, North Hollywood, Calif.	2,658,406	AN/APN radar Altimeters	The original contract for 880 AN/APN-141 radar altimeters was a fixed price incentive contract permitting both fixed price or fixed price redeterminable purchases to be made. The pricing formula set the initial ceiling at 115 percent of target cost. Amendment No. 4 called for 450 additional units and excluded all reference to the ceiling. The effect of this modification was to increase the total final price permitted by the ceiling.
Lockheed Aircraft Corp., Lockheed California Co., 2555 North Hollywood Way, Burbank, Calif.	98,182	P-3B aircraft	On Jan. 13, 1966, contract was awarded for 45 P-3B aircraft at a total fixed price Shortly thereafter the contracting officer ordered various modifications to be made to 17 of the aircraft which required extra work as well as partial termination of some work originally required on those planes. No provision was made at that time for the additional costs.
OTHER			
Defense Supply Agency: Steuart Petroleum Co., 4646—40th St., NW. Washington, D.C.	671,723	Removal of ceiling contained in escalation clause of residual fuel contracts	Steuart Petroleum Co. is the only supplier capable of supplying and distributing all No. 6 fuel oil requirements for the Federal Government in the Washington metropolitan area. There are over 200 separate delivery points within the area. Contractor would incur loss as a direct result of ceiling on escalation under the contract. Ceiling did not foresee price rise due to shortages in both product and transportation.

CONTINGENT LIABILITIES

Provisions to indemnify contractors against liabilities on account of claims for death or injury or property damage arising out of nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 112 contracts (the potential cost of these liabilities cannot be estimated inasmuch as the liability of the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives or performance in hazardous areas.

Name of contractor	Number of contracts		
	Army	Navy	Air Force
Aerojet General Corp			3
Avco Corp		2	
Bendix Corp		1	
Boeing Co			3
General Dynamics Corp		17	
General Electric Co		10	1
Hercules, Inc		1	1
Honeywell, Inc		1	
Hughes Aircraft Co		1	
Litton Systems, Inc. (Ingalls Shipbuilding (Division)		2	
Lockheed Aircraft Corp		11	
Martin Marietta Corp			2
Murphy Pacific Marine Salvage Co		1	
Newport News Shipbuilding and Drydock Co		7	
North American Rockwell Corp		14	3
Nuclear Engineering Co., Inc		2	
Raytheon Co		2	
Thiokol Chemical Corp			4
Vitro Corp		1	
Washington Technological Associates, Inc		1	
Western Electric Co	1		
Westinghouse Electric Corp		8	
Proposed awards	2		10
Total	3	82	27

Note.—In addition to the above, indemnification clauses will be inserted into all air transportation contracts entered into by the Military Airlift Command for transportation services to be performed by air carriers which own or control aircraft which have been allocated by the Department of Transportation to the Civil Reserve Air Fleet.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1841. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 18, 1971, submitting a report, together with accompanying papers and an illustration, on Panama City Harbor, Fla., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted June 8 and June 9, 1965 (H. Doc. No. 92-196); to the Committee on Public Works and ordered to be printed with an illustration.

1842. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated December 7, 1970, submitting a report, together with accompanying papers and an illustration, on Des Moines River at Attumwa, Iowa, requested by a resolution of the Committee on Public Works, House of Representatives, adopted October 5, 1966 (H. Doc. No. 92-197); to the Committee on

Public Works and ordered to be printed with an illustration.

1843. A letter from the Acting Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to suspend operation of the restrictions on authorized strength of Army officers in the grade of major for fiscal year 1972; to the Committee on Armed Services.

1844. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of country allocations of grant military assistance for fiscal year 1972, pursuant to section 653 of the Foreign Assistance Act of 1971; to the Committee on Foreign Affairs.

1845. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report that NASA has provided no specialized or technical services to State or local governments during 1971 under the authority of title III of the Intergovernmental Cooperation Act of 1968 or section 203 of the National Aeronautics and Space Act of 1958; to the Committee on Government Operations.

1846. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the disposal of foreign excess property by NASA during 1971, pursuant to 40 U.S.C. 514; to the Committee on Government Operations.

1847. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of the denial of one request for an extraordinary contractual adjustment during 1971, pursuant to 72 Stat. 972; to the Committee on the Judiciary.

1848. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on extraordinary contractual actions taken by the Department of Defense to facilitate the national defense during 1971, pursuant to section 4(a) of Public Law 85-804; to the Committee on the Judiciary.

1849. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a report on disaster preparedness, pursuant to section 203 (h) of Public Law 91-606; to the Committee on Public Works.

1850. A letter from the Acting Administrator of General Services, transmitting a request for the return of the proposed prospectus on the Waltham, Mass., Federal Records Center; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1851. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improving the institutional manpower training program in South Carolina, Department of Labor and Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 4634. A bill to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway; with an amendment (Rept. No. 92-969). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 8209. A bill to amend and extend for a temporary period the act of November 9, 1966, permitting persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes; with an amendment (Rept. No. 92-970). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. S. 766. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile (Rept. No. 92-971). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 736. A bill to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness (Rept. No. 92-972). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 1915. A bill to provide for the conveyance of certain real property of the United States (Rept. No. 92-973). Referred to the Committee of the Whole House.

Mr. MILLER of California: Committee on Science and Astronautics. H.R. 13034. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards; with an amendment (Rept. No. 92-974). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 13434. A bill to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior; with amendments (Rept. No. 92-975). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Science and Astronautics. H.R. 14070. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities and research and program management, and for other purposes (Rept. No. 92-976). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Georgia: Committee on Science and Astronautics. H.R. 14108. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 92-977). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. S. 978. An act authorizing the conveyance of certain lands to the University of Utah, and for other purposes (Rept. No. 92-978). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interior and Insular Affairs. H.R. 13918. A bill to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes; with amendments (Rept. No. 92-979). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 14261. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. ANNUNZIO:

H.R. 14262. A bill to amend the River and Harbor Act of 1970 relating to the Chicago River, Ill.; to the Committee on Public Works.

By Mr. BROOMFIELD:

H.R. 14263. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY:

H.R. 14264. A bill to amend title II of the Social Security Act to provide that full old-age, survivors, and disability insurance benefits (when based upon the attainment of retirement age), and medicare benefits, will be payable at age 60 (with such insurance benefits being payable in reduced amounts at age 57); to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 14265. A bill to remove the limitation on payments for consultant services in the Community Relations Service; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. ANDERSON of Tennessee, Mr. BOLAND, and Mr. GUDE):

H.R. 14266. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. EDMONDSON (for himself, Mr. CAMP, and Mr. STEED):

H.R. 14267. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission docket No. 298, and the Absentee Delaware Tribe of Western Oklahoma, et al., in Indian Claims Commission docket No. 72, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EDMONDSON:

H.R. 14268. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FREY:

H.R. 14269. A bill authorizing the entry or parole into the United States of Cuban refugees; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 14270. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. GETTYS (for himself and Mr. ICHORD):

H.R. 14271. A bill to amend the Economic Stabilization Act of 1970, to provide for the pass through of extra costs reasonably attributable to an increase in the minimum wage; to the Committee on Banking and Currency.

By Mr. GIBBONS:

H.R. 14272. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have not indicated they wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 14273. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MACDONALD of Massachusetts:

H.R. 14274. A bill to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for President and Vice President; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 14275. A bill to provide for crediting service as an aviation midshipman for purposes of retirement for non-Regular service under chapter 67 of title 10, United States Code, and for pay purposes under title 37, United States Code; to the Committee on Armed Services.

By Mr. RONCALIO:

H.R. 14276. A bill to amend the Soil Conservation and Domestic Allotment Act, to provide that with respect to certain irrigation cost-sharing programs the Secretary of Agriculture shall pay at least 50 percent of the cost of each such program; to the Committee on Agriculture.

H.R. 14277. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 14278. A bill to provide military assistance to Israel in order to assist in the resettlement of Russian refugees; to the Committee on Foreign Affairs.

H.R. 14279. A bill to provide financial and other aid to enable the United States to assist Jewish refugees to emigrate from the Soviet Union to Israel or the country of their choice; to the Committee on Foreign Affairs.

By Mr. STEELE:

H.R. 14280. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of fair stained and better india ruby mica films first or second quality; to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 14281. A bill to amend the Highway Safety Act of 1966 to provide for highway safety programs on Indian reservations, and for other purposes; to the Committee on Public Works.

H.R. 14282. A bill to modify the project on the Little Colorado River for local flood protection at Holbrook, Ariz.; to the Committee on Public Works.

By Mr. THOMSON of Wisconsin:

H.R. 14283. A bill to provide financial aid to local fire departments in the purchase of advanced firefighting equipment; to the Committee on Science and Astronautics.

H.R. 14284. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

By Mrs. ABZUG:

H.R. 14285. A bill to amend section 7 of the Small Business Act; to the Committee on Banking and Currency.

H.R. 14286. A bill to authorize the Secretary of Health, Education, and Welfare to encourage and assist in the development on a demonstration basis of projects to meet the special health care and related needs of elderly persons in a campus-type setting; to the Committee on Banking and Currency.

H.R. 14287. A bill to provide homemaker services to elderly individuals in need thereof; to the Committee on Education and Labor.

H.R. 14288. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Assistance Administration to carry out a program of financial assistance to encourage and assist the States in registering votes; to the Committee on House Administration.

H.R. 14289. A bill to amend the Public Health Service Act to provide for grants for establishment and operation of departments of geriatrics, programs for training physicians' assistants and medical assistants, and to establish a National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

H.R. 14290. A bill to require the Secretary of Transportation to prescribe regulations requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke; to the Committee on Interstate and Foreign Commerce.

H.R. 14291. A bill to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 14292. A bill to amend the Narcotic Addict Rehabilitation Act of 1966 to broaden the scope of its programs for prisoners in such a way as to include various categories of prisoners not now eligible for such treatment; to the Committee on the Judiciary.

H.R. 14293. A bill to amend title 5, United States Code, to provide that Japanese Americans who were placed in internment camps during World War II shall be credited for civil service retirement purposes with the time they spent in such camps; to Committee on Post Office and Civil Service.

H.R. 14294. A bill to repeal the meat quota provisions of Public Law 88–482; to the Committee on Ways and Means.

By Mr. ANDERSON of Tennessee:

H.R. 14295. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. ANDERSON of Tennessee (for himself and Mr. Davis of Georgia):

H.R. 14296. A bill to require the President to notify the Congress whenever he impounds funds, or authorize the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. CAMP:

H.R. 14297. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DELLUMS:

H.R. 14298. A bill to provide for the assignment of unused laboratory space and facilities to unemployed scientists; to the Committee on Science and Astronautics.

H.R. 14299. A bill to assure a more adequate retirement income for employees by requiring the establishment of employee pension and profit-sharing-retirement plans and providing additional protection for the rights of participants in such plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan insurance program under corporate administration, to provide for the portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission to carry out these programs and enforce these requirements, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 14300. A bill to provide that a State or political subdivision may levy a tax with respect to a federally assisted housing project which under Federal law is otherwise exempt from State and local taxes but is required to make payments in lieu of taxes, where such payments are less than the amount of the taxes from which it is so exempt; to the Committee on Banking and Currency.

By Mr. HAWKINS

H.R. 14301. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI (by request):

H.R. 14302. A bill to amend title 10 of the United States Code to establish separate optometry services in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 14303. A bill to amend section 5042 (a)(2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 14304. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. LLOYD:

H.R. 14305. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER:

H.R. 14306. A bill to amend the Older Americans Act of 1965 to authorize a special program of transportation services for older persons; to the Committee on Education and Labor.

By Mr. NEDZI:

H.R. 14307. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 14308. A bill to amend title 38 of the United States Code in order to provide that partial disability and death pension be paid in the case of persons whose annual income exceeds the annual income limitation by an amount not in excess of the minimum amount of pension payable in 1 year; to the Committee on Veterans' Affairs.

By Mr. O'KONSKI:

H.R. 14309. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. PODELL:

H.R. 14310. A bill to amend the Interstate Commerce Act of 1887 and the Federal Aviation Act of 1958 to authorize reduced-rate transportation for individuals aged 65 and older during nonpeak periods of travel; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI:

H.R. 14311. A bill to provide emergency relief to real estate taxpayers; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 14312. A bill to provide for the compensation of innocent victims of violent crime, to make grants to States for the payment of such compensation and for other purposes; to the Committee on the Judiciary.

By Mr. STRATTON (for himself, Mr. Carey of New York, Mr. Cleveland, Mr. Collins of Texas, Mr. Hunt, Mr. King, Mr. Koch, Mr. Reid, and Mr. Waldie):

H.R. 14313. A bill relating to the expenditure of funds for repair or construction work on or about the U.S. Capitol: to the Committee on Public Works.

H.R. 14314. A bill to abolish the Commission for Extension of the United States Capitol, to repeal the authority for the extension of the west-central front of the U.S. Capitol, and for other purposes; to the Committee on Public Works.

By Mr. STRATTON (for himself, Mr. Carey of New York, Mr. Cleveland, Mr. Collins of Texas, Mr. Gude, Mr. Hunt, Mr. King, Mr. Koch, Mr. Reid, and Mr. Waldie):

H.R. 14315. A bill relating to the expenditure of funds for the restoration or extension of the west-central front of the U.S. Capitol; to the Committee on Public Works.

By Mr. WHITEHURST:

H.R. 14316. A bill to create a fund in the Treasury of the United States to be known as the fund for endangered wildlife, to be administered by the Department of Interior, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. ABZUG:

H.J. Res. 1149. Joint resolution to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts; to the Committee on the Judiciary.

By Mr. DULSKI:

H.J. Res. 1150. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.J. Res. 1151. Joint resolution authorizing the President to proclaim the month of May as "National Bedding Plant Month"; to the Committee on the Judiciary.

By Mr. MORGAN (for himself, Mr. Barrett, Mr. Biester, Mr. Byrne of Pennsylvania, Mr. Clark, Mr. Coughlin, Mr. Dent, Mr. Eilberg, Mr. Eshleman, Mr. Flood, Mr. Gaydos, Mr. Goodling, Mr. Green of Pennsylvania, Mr. Heinz, Mr. McDade, Mr. Moorhead, Mr. Nix, Mr. Rooney of Pennsylvania, Mr. Saylor, Mr. Schneebeli, Mr. Vigorito, Mr. Ware, Mr. Whalley, Mr. Williams, and Mr. Yatron):

H.J. Res. 1152. Joint resolution to designate Benjamin Franklin Memorial Hall at the Franklin Institute, Philadelphia, Pa., as the national memorial to Benjamin Franklin; to the Committee on Interior and Insular Affairs.

By Mr. VAN DEERLIN:

H.J. Res. 1153. Joint resolution to improve the foreign relations of the United States and enhance the prospects of peace; to the Committee on Foreign Affairs.

By Mrs. ABZUG:

H. Res. 918. Resolution requesting certain information from the President and the Secretary of Defense relative to the military involvement of the United States in Indochina; to the Committee on Armed Services.

By Mr. ANDERSON of Tennessee (for himself and Mr. Jones of Tennessee):

H. Res. 919. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

By Mr. CELLER (for himself and Mr. Bennett):

H. Res. 920. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. DULSKI:

H. Res. 921. Resolution urging supplemental appropriations to implement the President's message of March 17, 1972, calling for equal educational opportunities; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII,

366. The SPEAKER presented a memorial of the Senate of the State of Oklahoma, relative to the establishment of certain governmental offices within Oklahoma to be manned by Oklahoma Indians, which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 14317. A bill for the relief of Flora Chen; to the Committee on the Judiciary.

H.R. 14318. A bill for the relief of Lola Wong; to the Committee on the Judiciary.

H.R. 14319. A bill for the relief of Jesus Chea and his wife, Maria Chea; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 14320. A bill for the relief of Larry Hoyt Lunsford and Estelene Lunsford; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 14321. A bill for the relief of Maria Francisca Bieira; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 14322. A bill for the relief of Ismael Bautista Corona; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

AN INVITATION FOR THE VICE PRESIDENT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, April 11, 1972

Mr. BOGGS. Mr. President, we who are from the First State have always prided ourselves in knowing a good thing when we see it; and often the Delaware General Assembly is far ahead of the rest of us in that regard.

I recently received in the mail a copy of a resolution adopted by the General Assembly inviting the Vice President of the United States, the Honorable Spiro T. Agnew, to participate in the Third Annual Delaware Legislative Invitation Golf Tournament and banquet on June 9 in Dover, Del.

The resolution makes note of the challenge offered by the previous all-time 18-hole high score of 156 and of the many beautiful shade trees which make expeditions into the rough a pleasure.

I hope that the Vice President takes note of this kind invitation, as I am certain his presence would lend great dignity to the occasion.

Mr. President, I ask unanimous consent that the resolution, sponsored by Representative George Jarvis, be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

House Concurrent Resolution No. 44

ANNOUNCING THE FORTHCOMING LEGISLATIVE INVITATION GOLF TOURNAMENT AND BANQUET AND EXTENDING AN INVITATION TO ATTEND SAME TO VICE PRESIDENT SPIRO T. AGNEW

Whereas, it has been decided that the Third Annual Delaware Legislative Invitation Golf Tournament and Banquet will be held on June 9, 1972, at Maple Dale Country Club in Dover; and

Whereas, it is the desire of the committee (Senator Melvin A. Slawik and Representative Arthur W. Dobberstein, Co-Chairmen; Lt. Governor Eugene D. Bookhammer; Representatives George Jarvis, Hudson E. Gruwell and R. Glen Mears, Sr.) to make this a super day and evening; and

Whereas, the Vice-President of the United States, noted links-lover Spiro T. Agnew, a resident of our neighboring State of Maryland, was unable to accept an invitation to display his well-publicized golfing talents (?) to a Delaware audience because of an overseas assignment from his boss, the Honorable Richard M. Nixon; and

Whereas, the 126th General Assembly of the State of Delaware would be delighted to have the Vice-President take aim on the all-time high score (156) of the Legislative Invitation, established by Representative Kenneth W. Boulden last year, or the previous high total (134) scored by Senator David H. Elliott in 1970; and

Whereas, the Maple Dale Country Club members on the committee (Representatives Dobberstein and Gruwell) assure the Vice-President that the numerous beautiful trees on this course are most conducive to keeping one cool while searching for errant shots that stray into the rough.

Now therefore, be it resolved by the members of the House of Representatives of the 126th General Assembly, the Senate concurring therein, that a cordial invitation be extended to Vice-President Agnew to participate in the June 9 (rain date: June 12) event.

Be it further resolved that a copy of this resolution be forwarded immediately to Vice-President Agnew with additional copies to U.S. Senators J. Caleb Boggs and William V. Roth, Jr., Congressman Pierre S. duPont IV, Governor Russell W. Peterson and Republican National Committee Co-Chairman, Thomas B. Evans, Jr., golfer extraordinaire.

REMARKS OF AXEL SPRINGER TO THE GERMAN ATLANTIC SOCIETY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. SPENCE. Mr. Speaker, last fall I had the privilege of visiting the Springer Verlag in Berlin. I have always been deeply impressed by the quality of the Springer Press and its international reputation. It was only after meeting Axel Springer, its distinguished publisher, and observing his fine organization, however, that I came fully to understand the reasons for that quality and to appreciate that the outstanding reputation of this man and his publications is well deserved.

It is because of the high esteem in which I hold him, as well as the great significance of the issue of detente and the pivotal role in which West Germany has been cast in that drama, that I feel I should call to the attention of my colleagues Mr. Springer's address to the German Atlantic Society in Stuttgart on March 7. I include the full text of the address at this point in the RECORD:

TRANSLATION OF A SPEECH BY AXEL SPRINGER AT THE GERMAN ATLANTIC SOCIETY IN STUTTGART ON MARCH 7, 1972

Mr. Prime Minister, ladies and gentlemen, I am very grateful and glad of the opportunity to come to Stuttgart today to address the German Atlantic Society.

I am extraordinarily happy to have come, because I know your aim, as laid down in your statutes, is identical with mine: to foster the Atlantic Community.

Only recently, on October 26th, last year, I spoke at the "National Press Club" in Washington, and said that the freedom of Europe stands and falls with the Atlantic Alliance, with the close friendship with America.

Are we steering, I asked, towards a pax americana, or a pax sovietica?

The danger that we might swing over towards the pax sovietica has since become even more distinct.

It is about this that I want to talk today to this expert, interested forum, dedicated to freedom as it is.

I come to you from Berlin, the city on our continent which in our times has endured more than others.

Reinhold Schneider, the poet of your homeland who regrettably died so comparatively early once said about this city of Berlin:

"But what is more painful, on an autumn evening in the cold, rainy fog, than to drive through the Brandenburg Gate, before which the 'other' flag flies; over the square where the palace stood and under which, who knows where, the old Electors lie buried; into a strange land, that is yet homeland."

What would Reinhold Schneider have said, had he lived to see that monstrous symbol of what is understood, in communist countries, as human dignity—the Berlin Wall?

From this partitioned city I come to you. My publishing house in the old newspaper quarter of Berlin, in Kochstrasse, the seat of our publishing house, occupies a length of 400 metres directly along the Wall, only a stone's throw from Checkpoint Charlie.

We built the house, with its dismal view into East Berlin, in the years between 1959 and 1966, as a sign of our trust in the future of this city, which has the right to be the German capital, and lives on the hope of again being the capital.

From this city, especially since 1945, there emanated the main impulses for the preservation of freedom in our part of Germany, and for the efforts to bring freedom also to those Germans who must live within the jurisdiction of Soviet tanks.

One of the events I think of in this context is a campaign in 1958 carried by all the democratic groups in our country jointly. I mean the appeal "Open the Gate", which said:—"Unanimously all parties of the German Bundestag have made known before the world the intolerable state of the partition which divides our people.

Unanimously the men and women of our people call for German unity.

For over a decade millions of citizens have been refused the basic right to freedom without which a life of human dignity is unthinkable.

The time has come to cry out to all: Give us the right to self-determination. Remove first of all the barriers which separate us.

We demand: freedom of travel in Germany, free choice of domicile, free choice of workplace; freedom of utterance."

That was in 1958, and all joined in! From A to Z, no-one stood aside. It would take far too long to list all the signators.

The list reached from Konrad Adenauer, Fritz Berg and Willy Brandt at the beginning of the alphabet, to Franz Josef Strauss, Herbert Wehner and Georg August Zinn at the end.

Willy Brandt, then Mayor of Berlin and President of the German Municipalities Association, said on the day the appeal was made:

"From all German cities, works and communities the call must come, not to be overheard: We will not be torn asunder. Berlin is the capital of Germany."

When we recall this campaign, we can see how far we have departed from what should be self-evident. Matters of course which, incidentally, applied for everybody, even up to summer 1969, to be exact: until the day after the last general elections.

What happened? What has changed? Have these short-winded politicians of the day lost the breath one needs if one is to survive in history?

Do people believe, 25 years after the frightfulness done in the name of Germany, that everything should have swung back to normality?

Twenty-five years are a mere sigh of history, I once said on another occasion. One must know how to wait, have patience—and prove oneself.

History has a long breath.

But one can also regard these 25 years differently:

For 25 years we have been a diligent, peaceful, democratic people, ready to reflect and to compensate for our errors and aberrations, a people which has found a place in the Western community, and has taken on responsibility.

And had we not reached favourable starting positions for our national future?

Have we forgotten what stands in that treaty which on 23 October 1954 ended the Occupation Statute in the Federal Republic, the "Convention on Relations between the Three Powers and the Federal Republic of Germany", which is still entirely valid.

It cannot be said often enough:

Article 7 of this treaty states:

1. The Signatory States are agreed that an essential aim of their common policy is a peace settlement for the whole of Germany, freely negotiated between Germany and her former enemies, which should lay the foundation for a lasting peace. They further agree that the final determination of the boundaries of Germany must await such a settlement.

2. Pending the peace settlement, the Signatory States will co-operate to achieve, by peaceful means, their common aim of a reunified Germany enjoying a liberal-democratic constitution, like that of the Federal Republic, and integrated within the European community.

That is a clear contractual agreement, of which the Federal Government should properly avail itself, instead of what it is now doing, namely want only virtually releasing the Western powers from it.

Now that I am so vehemently criticising the needless abandonment of substance, and claim that we are heading for a kind of last struggle for freedom, which we have only just acquired through hard effort, the question may be important whether the man who stands before you actually always thought as he does now.

The question, that is, whether my way was always the one which has long marked me and which, I believe, I have followed consistently, and quite certainly at the price of most massive attacks upon me and the great economic setbacks these have cost.

In answering the question an article is helpful which referred to my recent book, Von Berlin Aus Gesehen (A View From Berlin). This article appeared on January 14th in Welt Der Arbeit the organ of the German Trade Unions Federation.

The author of this essay—incidentally a signator of the "Open the Gate" appeal—puts forward the thesis that after a journey to Moscow in 1958 I suddenly changed my political convictions. And the reason for this change of mind is said to be that the oversensitive publisher Axel Springer could not get over the unkind treatments the Soviets had meted out to him and the fact that he had not been granted a talk with Khrushchev.

That is one of those examples of how the truth is twisted to produce pseudo-psychoanalytical theses.

I have seldom been received in any country with so much attention as in 1958 in Russia. (I was told that in totalitarian countries such attentiveness is often afforded to private persons.)

The talk with Khrushchev not only took place, it lasted over two hours and naturally brought me considerable insight.

It was the most enlightening, shattering—and loudest—political conversation I ever had.

I came back as a man who had learned his lesson.

By the way, I did not go to Moscow as a newsman, to get an interview or to collect material for reports. I went to Moscow as one who thinks and acts politically and as a citizen of our country conscious of his responsibility.

My legislation, or if you like, my accreditation, was the concern of Germany.

It was 13 years after the war, and I suffered—as I still do today—under the partition of our Fatherland.

Seventeen million of our compatriots lived—then as today—virtually in slavery under a system which differs from national socialism solely in name and colour.

And if there is one thing we should have learnt from our recent history, it is that one must not leave minorities, especially in one's own people, in the lurch.

On the other hand I well knew that it had been German soldiers who in the Second World War brought death and destruction to Russia. And so I still believed then that if Germany took too great a part in defending the West, the Russians as a people might take fright, thus giving the communist rulers a cheap propaganda weapon.

Starting from this attitude I went to Moscow. I hoped my talks would deliver arguments which would help to persuade the Russians to withdraw the boot of occupation from large parts of Germany and free our compatriots in their occupation zone.

My arguments were carefully prepared and checked politically. It is not yet the time to talk about details.

In regard to Khrushchev, not all his intelligence and peasant slyness could conceal that my partner in the conversation was the representative and organiser of an unjust regime, who thought in quite different categories from ours in the West; and for whom completely different rules unacceptable to us applied.

Every reasonable argument met either dead ideology or sheer might.

I encountered those hard faces which, when it seems useful, can beam and laugh, but which hide the iron will to whip the communist doctrine of "salvation" through the world as they have always done.

And with painful admiration I must still say that what Khrushchev told me then has, over all the years and despite changing personalities, remained the Soviet policy for Germany. The policy which the German Bundestag is now to sanction was even then his goal.

My disillusionment after the visit to Moscow was great. It became alarm when in the same year, in November 1958, Khrushchev launched his ultimatum. The ultimatum with which the Kremlin then tried to enforce its Three-States theory for splitting Germany, which today, 14 years later, is to be effectuated through the Moscow and Warsaw treaties and with a Soviet policy of "keep smiling".

It was the then mayor of Berlin, Willy Brandt, who suggested to me a joint, more spectacular ceremony at the sector boundary to demonstrate the principles of freedom, unity, reunification and fearlessness.

He suggested advancing the laying of the foundation stone for my publishing house in an elaborate ceremony, and thus to show the Berliners, even before the ultimatum expired, that the Soviets' attempt at intimidation came up against united resistance.

The foundation stone was laid as planned. From the other side of the city many people waved furtively from the windows.

Willy Brandt spoke of freedom and reunification. He spoke of the great things we still had to accomplish together, and would do, for the cause of the people of Germany.

A little later he also wrote me a letter which I would like to quote. It was concise, and said:

"DEAR MR. SPRINGER: I take this way to say just a word of my personal and official pleasure about your plans in Berlin. You will surely not mind if we describe you as an example for German investors in Berlin.

With kind regards,

Yours,

WILLY BRANDT."

That was a different Brandt from the one we know today.

Now please take careful note of what I am now going to read to you:

"I have the impression that in the country, but also to some extent abroad, it is not yet understood that the Soviet Union has begun the large-scale attempt . . . to cement the present situation, in international law, and formally to open a new page of history in which two more or less sovereign states are to begin their recognised existence on German soil . . .

"One can impose upon a people, such as we have known in the past few years, partition, but one cannot bring the people to accept it, to put up with it and to subscribe to it. The result would not serve peace."

This, ladies and gentlemen, still has its full validity today, this 7th of March, 1972, and no patriot could better formulate Soviet policy.

But it was not I, not Die Welt, not a commentator in Welt Am Sonntag, not my Berlin papers which said this. It was Willy Brandt, on June 17th, 1961, in Berlin.

What, I ask, has happened to this man, in contrast to his former views, that he should offer the "Ostpolitik" treaties with their cementing of German partition, as an act of peace?

Should one explain it as Martin Luther said:

"When I look behind me I can only be amazed at what a mighty spirit the Devil is, that he can strike stone blind so many learned people"?

Apart from Martin Luther's interpretation, I see only these other possible explanations:

Either those responsible in Bonn believe, despite their own experience and despite all the information from secret and non-secret services which they continuously receive so copiously, that one can now trust the Soviets, that they have changed.

Or: Those responsible in Bonn have given up and believe there is no more chance for a free society to prevail against the Communists, and so one must try to come to an arrangement with the inevitable.

Or, finally: Those responsible *desire* victory for socialism and the elimination of a free society because they believe in a "just" and working socialism or even a "humane" communism.

Or perhaps a further possible interpretation, that irrational trend towards the left which has seized the SPD on a broad front and put its moderate leaders under duress.

For me it is unshakably clear:

That the Soviet Union's western policy has not altered one iota of its aims since the war. The aim was always:

1. Consolidation of military, conquest in eastern Europe.

2. Sovietisation of all Germany and finally

3. Hegemony over Europe.

This is the old great Russian aim, as documented by a truly competent man, a witness who cannot be suspected of being a modern cold warmonger or even a bondsman of Springer.

"Russian policy is unchangeable", says this expert. "Russia's methods, tactics, maneuvers, can change; but the Pole Star of Russian politics—to rule the world—is a fixed star.

There is only one way to deal with a power like Russia, and that is the way of fearlessness . . . if Europe retreats, it does so not with a simple defeat but bows, so to speak, to the Claudian yoke, the yoke of humiliation."

Who wrote that? The London correspondent of the New York Daily Tribune in his reports on eastern policy.

The author wrote a great deal, he is the greatest intellectual authority of the left and a sacred pillar of communism. His name: Karl Marx.

This unchangeability of Russian policy for Europe, described by Karl Marx 120 years ago, was also evident after 1945.

The first step to the control of Europe, consolidation of military conquests, was taken with draconic force in breach of numerous wartime agreements.

Every form of democratic stirring was nipped in the bud wherever the Russian armies had taken control. Prague 1948 and Prague 1968 are symbolic examples of this policy.

The second step, sovietisation of Germany, could only be carried through in the part of the country where Soviet arms have also suppressed all movement towards freedom since 1945.

That the plan failed to sovietise the western part of Germany we owe not least to the prudent reaction of the German workers, to the wisdom of the leaders of the Social Democratic party at the time, above all Kurt Schumacher, the clear sight of trade union leaders like Hans Böckler, and a few individuals like Ernst Reuter, Jakob Kaiser, Ferdinand Frienensburg, Franz Neumann and Ernst Lemmer.

Decisive aid in these first struggles was the insight and support of the Western powers, above all the Americans.

Without this second step, sovietisation of all Germany or at least neutralisation of the free part of Germany and absorption of the Federal Republic into the Soviet sphere of influence and control, the last phase—hegemony over all Europe—cannot be reached.

Those therefore are the Kremlin's goals. Unchanged since 1945. Unchanged also since those January days in 1958 when day after day in Moscow I looked into hard, immovable faces marked by the Soviet ambition for power and rule.

This ambition to rule is served up to the Germans today in cheap demagogics as a peace policy. But for the Soviets it is a policy for preparing the conquest of the rest of Europe.

That, ladies and gentlemen, is the opposite of peace and security. And for that reason I consider it so undescribable when a political party uses an advertising campaign in Baden-Württemberg to praise its policy to the public as the only possible policy for peace, stamping all opponents of this policy as unchristian warmongers in the process.

The abuse of the word peace is, however, not the invention of the gentlemen in the Federal Press Office. The longing for peace has always been treated execrably.

Peace in our time! Hope and appeal.

But what mischief has not been done with appeals for peace? Of all people we Germans should know, for we were called upon once before: 'Those in favour of peace, vote "Yes"!' (A Nazi election slogan in the early thirties—translator)

The speculation has its attraction. Who would want to vote against peace?

Who then had the vision to see already the course of events and had the courage to write on his ballot-sheet: "For your peace I have no longing!"?

Ladies and gentlemen, I would not have recalled the Nazis' abuse of the term peace had not Herbert Wehner in the Bundestag debate on the treaties of Moscow and Warsaw hurled at his parliamentary opponents the demagogical question:

"Do you want total war?" (Goebbels's rhetorical question to the masses in the Sportpalast, 1943—translator)

Peace, we should have learned by now, springs not from hope, from wishful thinking. Peace must be ensured by those who desire it with such a high premium that those who expect to gain anything from un-peace lose all desire for bellicose adventure.

General Frank Howley, the former American commandant in Berlin, the cool defender of the city in the days of the Air Lift, wrote me a letter some time ago, pointing to a historic parallel.

It was the old example of Carthage.

Carthage is a favorite example held up to us Germans as a warning. Bert Brecht supplied the penetrating formula:

"Great Carthage made three wars. It was still mighty after the first. Still habitable after the second. It could not be found after the third!"

The latest quotation of this German parable by Brecht we heard in the Bundesrat (the Upper House—transl.) on February 9. Minister of Justice Posser, of North-Rhine-Westphalia, cited the poet's menetekel.

He made it clear not only whom it was aimed at, but also enjoined upon us to apply it usefully: We should ratify the treaties of Moscow and Warsaw so that we might be spared the fate of Carthage.

It will therefore interest you to know what it was that the gallant General Howley had pointed out to me.

I quote: "For almost 25 years Cato ended all his speeches in the Senate of Rome with the solemn reminder: 'ceterum censeo Carthaginem esse delendam' (Carthage must be destroyed).

In 151 B.C. he finally prevailed. Rome declared war on Carthage and an expeditionary force set sail for Africa.

The Carthaginians, now peaceful and unprepared for a great war, tried desperately to buy their way out. Their hastily dispatched delegates obtained from the Romans the promise to leave Carthage in peace if 300 children of prominent families were handed over as hostages.

With deep misgivings the Carthaginians complied.

But it did not stop at that. Rome's next demand was that the Carthaginians hand over all remaining ships and all war equipment of their city-state.

This was also done. Thereupon the Romans called for the evacuation of Carthage, in order that it could be burnt down as the alleged nest of the warmongers.

When the Carthaginians heard this terrible demand, they knew they had been deceived through one of history's most perfidious acts.

In rage and shame they made desperate efforts to rebuild their defence.

Too little and too late. After three years' bitter siege the Romans broke through the walls and killed almost the entire population.

The town was razed to the ground, the land made barren with salt."

This was what General Howley recalled in his letter.

And just as the Romans deceived the Carthaginians, so the Russians desire to deceive

Germany and the rest of Europe. They want to weaken and prepare it for take-over—naturally if possible without resorting to war.

That is what remains of the lesson which Herr Posser borrowed from Brecht in his recommendation to ratify the treaties of Moscow and Warsaw.

This "Ostpolitik" of the present Government implies a deadly danger for our country and our people; and I consider it at the same time a menace to Europe and the entire free world.

Only recently an English friend confirmed this when he said:

"What happens to Germany could be a matter of indifference to me. But I am committed and agitated because the death of freedom in Germany would be nothing but the overture to the death of freedom in all of Europe."

I believe that too, and that is why I am against communism, and if that makes me an anti-Communist, well and good!

I also, incidentally, embrace capitalism as it has grown in our country:

As a symbol for what I mean I will mention only a name: Ludwig Erhard. I mean the capitalism of the social market economy which has helped our people to unprecedented prosperity. It must not be undermined.

Of course I know that much must still be improved. Nothing is perfect. We can only aspire to perfection in this world.

The important thing for me is that with our social system the chance for the individual, for every individual, is better than in any other.

But for all that I am not a "burning anti-Social Democrat", as people like to say. I never was.

Godesberg (SPD convention, November 1959, when a new party platform was developed.—translator) filled me, like many others, with the great hope that Social Democracy had become a genuine people's party and had thrown overboard its ideas of nationalisation from the previous century.

But that has, unfortunately, obviously changed again. I say this not without sorrow.

Attempts are also made to make me the bogy of the trade unions. But I am not an enemy of the trade union. Not with my upbringing, experience and knowledge!

I know very well how essential the trade unions' role is in society in a free economy.

They are a necessary and important regulating factor. For the employer they are a permanent conscience, for the worker a necessary safeguard.

What I object to today are certain aims which even trade unions abroad have declared to be false. I am against trade union officials seizing economic power in our country. I am against this not only in the interest of the businessmen and industrialists but just as much in the interest of the workers.

I also reject what is called "democratisation in the works".

What wonders can be achieved by the magic word "democratisation" is shown by the way things are going in our universities.

Woe betide the economy if it too were brought down by "democratisation"!

Ladies and gentlemen, our country, our society, are in gravest danger.

Many fail to see it. They are culpably careless in the face of internal dangers and also those from outside.

The NATO Secretary General, Dr. Luns, speaking recently at the National Press Club in Washington, at the same rostrum where I explained my warning against a change in course in the foreign policy of West Germany last October, said:

"The growth of Soviet military power exceeds all reasonable requirements of self-defence."

There is no doubt that he is right: the Soviet Union is not disarming within the framework of a policy of détente, it is arming. Above all in the field of conventional weapons.

Russia is forming new, powerful armored forces and is exerting every effort to outstrip NATO in sea power.

In construction planning of up-to-date submarines the Soviet Union, without its allies, is ahead of NATO by four to one.

For the first time in more than ten years exercises in the transfer of long range Soviet aircraft on a grand scale are again being held—in East Germany.

I could go on quoting such items for hours, but it can be read about everywhere—it is simply not given attention.

It is just as significant that espionage by the Soviets and the other Warsaw Pact states has reached a record scale in the countries of the Atlantic Alliance.

And just at this time information which has so far not been denied is being spread that the West German Government is drastically reducing its own reconnaissance service in eastern Europe, "in the spirit of détente".

Especially what the "GDR" (East Germany) proclaims is not rapproachment, it is the policy of so called delimitation, that is, hostility.

The East Berlin SED (communist party—translator) chief, Honecker, coined the phrase, speaking to his staff early this year:

"The imperialist Federal Republic of West Germany was compelled by the pressure of the military superiority of socialism in Europe to condescend to take steps towards détente and agreement. But in our image of the enemy nothing has changed."

Nothing changed! The objective remains one way or another to overcome the "enemy", that means us.

Why do they want this? Because communism can only exist unchallenged in East Germany once democracy is eliminated from the Federal Republic, West Germany. Otherwise its magnetic attraction for the 17 million Germans under the red yoke will persist.

That is why it is so important for the Soviet imperial league to banish from its glacis the permanent temptation of freedom. That is why Berlin is such a disturbing factor.

This objective is pursued by the East in various ways. One is directed to political capitulation by the West. Important landmarks in this are the treaties of Moscow and Warsaw. A great deal has been said about these in the last Bundestag debate.

But in this circle I will emphasize one point in particular; as long as the Americans remain engaged in Europe, the Soviets will not attain their objective.

An American withdrawal is therefore the top-priority long-term objective of Soviet policy for Europe.

American withdrawal is the actual main objective of the repeatedly propagated European security conference, which West Germany has promised in the Moscow treaty to support.

Once the US troops are gone, however, the NATO will be a mere chimera; the decisive prerequisites for Soviet hegemony over European will then have been created.

The call for withdrawal of American troops comes not from Moscow alone, as we know. It is raised by American appeasement politicians as well, because "there is no longer a threat from the East".

This is making the wish into a political demand.

In Germany such utterances, bound up with a completely false appreciation of the United States, are misinterpreted by many politicians—including those in highest office—as though the USA no longer had the strength to fulfill its obligations in Europe.

Therefore, so the argument runs, an adjustment to a pro-Soviet policy is imperative.

Such flirtations with the Soviets in turn strengthen the hand of the American appeasement politicians, and so it goes on, a circle without end.

But if the Americans leave Europe, the Kremlin then expects, according to credible information, that not even ten years would be needed, after a neutral interval, to bring western Europe under Soviet hegemony.

At the end of these ten years direct bolshevisation can begin.

Already in the next few weeks, ladies and gentlemen, we will probably witness skillfully presented campaigns in nearly all the countries of Europe to mobilise the people for the security conference.

The Communist parties of Europe, of course including the DKP, the (west) German Communist Party, will found "committees for European Security".

"Liberal" professors, socialist "idealistic", "progressive" writers, indeed "progressive" industrialists will be found who will call out for peace through friendship with the East Bloc.

From all these activities and objectives the course of Soviet policy for Europe becomes clearly visible:

Within the next few years Soviet aims in all of Europe are to be pursued first and foremost by undermining the existing orders.

What other explanation could there be for the fact that just now espionage activities are being intensified in West Germany? Infiltration in the Federal Republic is rapidly increasing. It is particularly massive in certain industrial focal points.

Agitation groups of the extremist organisations and associations are trained in East Germany, where they travel on friendship excursions. Other groups are schooled by specialised agents from East Germany here, within our walls.

There are, I repeat, unequivocal signs that in the West civil war cadres, specialists in terror and violence, are being prepared for active work.

The ever-repeating Communist "tactical chain" for the subjection of countries or parts of countries is again described in a brochure recently published by the American labour federation, the AFL/CIO.

This chain of measures for the takeover of power is described like this:—

Demonstration — agitation — infiltration — intimidation — deception — fraud — undermining of society and finally, control.

Ladies and gentlemen, let me get back here to the business that is my profession, the passing on of information, of news.

One can differ over opinions, one can sweep them from the table. News one has to analyse.

So this evening I want to convey to you some very significant information which has become known about the Soviets' military objectives and plans.

It is material supplied by two Czechoslovakian general staff officers who occupied posts in the supreme command of the Warsaw Pact, were initiated into top secret intelligence and only recently came over to the other front. I do not even want to mention their initials.

I can assume that the Federal Government is also informed about the material. I wonder, though, why the people are not informed about such information. Above all when vital conclusions can be drawn just at a moment when decisive changes of course in German politics are being discussed.

This information represents proof against the thesis that the German treaties with the East in their present form remove the threatening dangers of military blackmail or even use of force against us. On the contrary, it documents that the Kremlin's calculations still include warfare as a political means with the object of conquering all Germany, indeed that these means are being furthered in the shadow of the treaties.

The two former general staff officers have brought with them information which proves that the Soviets have done some strategic rethinking which we had already suspected.

The great general war, conceived both as a European and a world-wide struggle, is now overlaid in Soviet thinking by two other concepts of war which since 1965 have gained in importance: limited and local warfare.

These forms of war are conceived to enlarge the communist sphere of influence with minimum risk and to improve the geopolitical situation, if need be by military means, by a few hundred kilometers westwards. The speed of this improvement would be 40 kilometers a day—that is ten days to reach the Rhine.

It is also important that the Soviet leaders, as the reports say, think it possible to restrict such a war to Europe and to end it by political means before it grows into a world war.

This would be achieved by waging the limited, local war exclusively with conventional weapons. Nuclear weapons retain the function of a deterrent only.

Because of the panic international fear of a nuclear war, the red marshals believe they could keep a military intervention under control.

Or rather: the limited war will be waged under the umbrella of the nuclear equilibrium and not deteriorate into a worldwide conflagration.

The news also says that the form of restricted or local wars have moved to the forefront of consideration in the Soviet Union since Marshal Grechko was appointed Defence Minister. The informers document this with facts about changes in the organisation, equipment and training of troops.

Especially important for us in West Germany is the doctrine of the so called local war.

This states that it must be waged as far as possible by only a single country of the "bloc" with direct military means.

The other countries would be responsible for screening the campaign against aid to the victim by his allies: diplomatically—mainly in the United Nations—and ideologically.

Optimum importance will naturally go to ideological preparation.

No effort, no means are to be spared in building up resistance and diversive organisations and guerrilla groups in potential objective countries for attack.

Internal action before the outbreak of open hostilities in a local war will initially be directed against leading public figures, so called militant persons.

Everything is prepared to "neutralise" these people, as the term goes, on Day X.

In the plan of action for the underground fighters, paralysing of administration, the economy, the mass media and transportation, takes only second place.

Before hostilities begin groups of "sympathisers" will be formed, to include people who should be known to the public as non-Communists. These groups will have to present to the public an apparently acceptable political solution of the conflict before the actual military attack takes place; this is intended to disorient and split up those who are prepared to resist.

The particular objective of the attacks will be those forces which endanger the Communist Bloc's strategy. They are dubbed, as I mentioned before, "militant" groups.

I and my house, for instance, count as such "militant" groups.

Ladies and gentlemen, you will admit that this information is agitating and disturbing.

I am not a man of military detail myself. For me it is the principle that counts.

I mean that the alleged policy of détente or coexistence of the Soviets outwardly makes it possible for them internally to carry on almost total and in peacetime unprecedented build-up of their military machine.

That is what is at the heart of present Soviet western policy, which the Federal Government propagates as German 'Ostpolitik'. I am sorry I must say this.

The Federal Government's 'Ostpolitik' is anything but a policy of security. There is incidentally only one criterion which could make it anywhere credible:

That is for a German Federal Government at the same time to combat energetically, visibly and effectively those premises which on the present information must already be regarded as the prior stage of subjection of the Federal Republic under the Soviet yoke;

I mean the decisive combating of the German Communist Party and its political devices; e.g. the establishment of foreign Communist Party dependencies in the Federal Republic.

I mean also the combat against the agents who are the advance guard of the intervention; the combat against the destroyers of our free order of society, the underminers of our social system, wherever they appear, for instance in the universities, and against the open and secret enemies of the alliance with the West.

"Where the forces of order fail to carry the load", Reinhold Schneider once said, "the forces of the abyss assume the burden and drag it into the depths."

A clear attitude towards the enemies within could create a basis for new reasonable treaties with the East.

What we are witnessing today is a German 'Ostpolitik' dictated inter alia by the wishful thinking of late-Marxistic redemptorists.

What we are witnessing today is also a policy of geopolitical rethinking: instead of a libertarian Europe which would remain within the ties of a transatlantic community with America, many heads are haunted by the idea of a Socialist Europe, concealed under the term "pan-European peace order".

What we are witnessing today is after all once more the attempt at a policy of appeasement.

And all that—one hardly believes one's eyes and ears!—again under the device of peace!

But whoever refuses to accept this pseudo-peace is not only accused of imperiling peace; even war is threatened:

Only a few days ago, at a meeting of the Society for German-Soviet Friendship in West Berlin—a prominent Soviet expert on Germany let the cat out of the bag.

In the event of the Bonn parliament rejecting the treaties he threatened "grave consequences", especially for Berlin.

Asked about a possible change of govenment in Bonn he answered that then everything "we have so far created" would be destroyed. There would be a new cold war and even "a hot war is possible".

But the accusation that opponents of the treaties endanger peace comes not only from the East. We are used to that.

In black and white (in the SPD-magazine "Neue Gesellschaft") was printed that the opponents of such recognitions were steering towards a war.

And that because we refuse to speak of a "European peace order" before it is made clear that it would only deserve the name when the right to self-determination for all the peoples of Europe—so naturally also for the German people—is restored and guaranteed.

The notion of peace includes not deceiving oneself that the arming of the aggressive enemies of Israel, the military throttling of the longing for freedom in Cechoslovakia, the partition of Germany through blood, iron and cement, the violent subjection of Poland, Hungary, Rumania and Bulgaria, the military expansion of the Soviet Union in the Middle East and eastern Asia, and all the other facts of a "peace against freedom", are incompatible with our notion of peace.

When we say peace there must be no doubt that we do not regard it as accomplished unless it also means freedom and right.

The politics made in Bonn now do not lead to this peace.

Peace, this greatest of all great goals—we must know—must not be turned into a cheap election slogan.

Ladies and gentlemen, let me in conclusion turn my thoughts back to Berlin.

It is surely not a mere coincidence that the Soviet official, Bereshkov, uttered his threats in Berlin; the threat about what would happen if the Bundestag did not ratify the treaties or even if there were a change of government in Bonn.

Little as this utterance, intended as blackmail, or similar phrases in Pravda, surprise me or even impress me, I am still horrified that the Bonn coalition should use such threats to bring home their own policy.

Once again, the politics of fear!

It was in Berlin over 25 years ago.

In autumn 1946, in the whole city of Berlin the first and so far the only free, secret and direct elections after the war were held.

A few days before the polls Hans Wallenberg, then editor of the "Neue Zeitung" (the organ of the American occupation forces) and an American officer, wrote a leading article which is still full of significance, titled "Do not fear!".

"Had fear not always been an element of rule in Germany" the article read, "it would not have been able to drain its satanic triumph to the dregs as it did under Hitler."

Wallenberg's article dispersed rumours put about by the Soviet Union and its election aides in those days, which fomented suspicion against the Americans and the British with the object of arousing fear and concern among the Berliners.

"If the people of Berlin decisively reject fear", the article says towards the end "they will be making the greatest contribution to the restoration of democracy in Germany."

The Berliners overcame fear. The elections of October 20, 1946 brought an overwhelming decision for freedom.

When today, despite all talk of détente by the Soviets, threats are again in use, and when certain politicians in our country take up these threats and misuse them, the rejoinder must be made that such methods have even less effect today than they had in the dismal period just after the war.

No election under the threat of fear!

Our Atlantic alliance is still intact, and if democrats, if free men hold together, the proud cry to the irresolute is now justified, as it was then:

"Do not fear!"

CONCURRENT RESOLUTION BY THE SOUTH CAROLINA GENERAL ASSEMBLY REGARDING THE GENOCIDE TREATY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 11, 1972

Mr. THURMOND. Mr. President, on March 29, 1972, the South Carolina General Assembly passed a concurrent resolution memorializing the Congress of the United States not to ratify the United Nations Genocide Treaty.

The Genocide Treaty has been twice condemned by the house of delegates of the American Bar Association, and I am pleased to note that the South Carolina

Legislature joins the opposition to this treaty.

Mr. President, the Genocide Treaty attempts to use treaty-making power to negate some of the fundamental principles of the American legal system. Under our system, all the physical acts listed in the treaty are already punishable as crimes if committed on U.S. territory. The existing laws of the several states and the United States are adequate to punish any such offenders.

This treaty would put the United States under an obligation to prosecute and punish acts whose nature the Genocide Treaty does not even reveal. If we ratify the treaty, members of the U.S. Armed Forces fighting in foreign countries would be triable and punishable in foreign courts for discharging their duty pursuant to the rules of warfare.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A Concurrent Resolution Memorializing the Congress of the United States Not To Ratify the United Nations Genocide Treaty

Whereas, the Genocide Convention is a United Nations Treaty designed to outlaw the mass extermination of any group of humans because of their national, ethnical, racial, or religious classification. This treaty was approved in the United Nations General Assembly December 9, 1948; however it has not been ratified by the United States Congress because of numerous objections; and

Whereas, the American Bar Association has consistently taken a position against ratification of the Genocide Convention, Frank Holman, former President of the American Bar Association stated that "Acts are made punishable which are not only purely domestic in character, but public officials as well as private citizens are to be made amenable to international tribunals for a variety of ill-defined and ambiguous so-called acts of genocide—to the extent that the causing of mental harm to a member of a group or complicity in so doing, is an act of genocide."; and

Whereas, the dangers of ratifying this treaty are not theoretical. The public officials of South Carolina and ten other states, the President of the United States, the Congress, the Supreme Court, the Attorney General and the Department of Justice were formally charged with complicity in genocide before the United Nations in 1951. If this convention is ratified, it would give the United Nations legal grounds for action on these charges; and

Whereas, there can be no question of our abhorrence of genocide against any peoples or our desire to prevent such action; however the members of the General Assembly oppose this treaty in the form submitted to the United States Congress for ratification. Free men do not, with full understanding, surrender their liberty to join an organization or ratify a treaty to prohibit acts they, themselves, have never committed.

GAYLE MAKING HISTORY WITH COURSES ON HORSES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HUNGATE. Mr. Speaker, I call attention to an article in the Louisville Times concerning an innovative educational program at William Woods College in my district.

The article follows:

Gayle Making History With Courses on Horses

(By Marvin N. Gay, Jr.)

Through the efforts of Gayle Lampe of Louisville, William Woods College of Fulton, Mo., is making history. The college has announced that it is offering a Bachelor of Science degree in equestrian studies.

Miss Lampe has spearheaded a spectacular growth in the equitation department since she arrived on the campus four years ago. And, as might be expected, she is excited about the new program.

Dr. Clifford M. Shipp, academic dean of the college told her, "to my knowledge, this program is the first of its kind in the world."

Miss Lampe, the daughter of Judge Stuart Lampe and Mrs. Lampe, explained that the new four-year program will prepare students in managing, training and riding techniques. Students will be working with more than 50 college-owned horses.

"William Woods is a girls school, but Westminster College, for boys, is affiliated with it," Miss Lampe said. "The schools have separate campuses, just a few blocks apart, which makes it rather nice. The boys and girls sometimes are in classes together."

Her equitation classes have some students from Westminster, but "the girls are in the majority," said Miss Lampe, 26, speaking from her office near the stables at Fulton.

Miss Lampe did her riding as a teenager at Rock Creek Riding Club, where she still is a member. She decided early that she would enjoy teaching others.

A sense of humor helps her in her work. "I sometimes scream out at some of them—you have to if you are to get results. Then I tell them they have to excuse that. I tell them, 'That is a fault that goes with being a redhead.' "

Miss Lampe says she enjoys the challenge of teaching. "There is always something different, working with animals and people on animals," she said, laughing softly. "The students seem to never get tired of it."

How, she was asked, does she keep up their interest?

"It isn't so hard, really," she said. "There is always a more difficult horse, a new challenge. I'll start them with rather gentle horses and they'll get their opportunity with the more spirited ones as they advance. They want that diploma, just as does someone majoring in English, journalism or anything else."

The toughest part of Miss Lampe's job is making decisions as to which students are ready to compete in horse shows, usually at Kansas City and St. Louis. The college is about half way between the two cities.

"Aside from the shows, the students participate in many clinics," Miss Lampe said. "We feel that we have made considerable progress in the last four years."

GIVES MANY CAREER OPPORTUNITIES

William Woods was one of the first colleges to offer a minor in equitation. Miss Lampe, who is the equitation instructor, notes that the program offers training that could lead to careers in teaching or riding, training of horses, and management and ownership of stables, breeding farms and riding academies.

"We have many breeds of horses to work with," Miss Lampe said. She pointed out that, for example, a student with a major in equestrian studies and a minor in business can own or manage a horse farm, public or private riding stables, guest ranch or summer camp.

She is proud of the caliber of horses in the college's stables. "The stock is excellent," she said. "Recently the school purchased a mare from California for $30,000." She added that yes, a program such as this would be helpful for a girl with ambitions to become a jockey.

So how does Miss Lampe, who studied psychology in college, relax when not teaching and working with horses?

"I go somewhere and watch professional trainers work with horses," she said. "That's more relaxing for me than a hobby."

REV. DR. PARK W. HUNTINGTON

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, April 11, 1972

Mr. BOGGS. Mr. President, the Reverend Dr. Park W. Huntington, a great Delawarean and a great American, has passed from our midst.

I join all Delawareans in grief for the loss of this fine man who has contributed so much to our State and our country. I also extend my deepest sympathies to his wife, Marie, and to his family.

At the age of 76, Doctor Huntington was still an active man, pursuing his many interests and concerns and working for the welfare of mankind. He lived a full and most useful life, and all our lives will be less full for his passing.

Dr. Huntington, who lived in Wilmington, Del., was pastor emeritus of St. Stephen's Lutheran Church and was the first director of Delaware's Department of Welfare. He was pastor of St. Stephen's from 1926 until 1951, during which period the congregation grew from 300 to more than 1,500 members.

He helped organize the Department of Welfare and served as its first director from 1951 to 1953.

A native of Vicksburg, Pa., Dr. Huntington was educated at Susquehanna University. He served as pastor of St. John's Lutheran Church in Jersey Shore, Pa., before accepting the position at St. Stephen's.

After his retirement from St. Stephen's Dr. Huntington conducted a radio ministry for 7 years, then served as interim pastor for smaller Lutheran parishes in the area.

He was active in many other worthy efforts, having served as a director of the State chapter of the American Red Cross, the Delaware Safety Council, and the Travelers Aid Society. He was chairman of the Delaware Chapter of the National Multiple Sclerosis Society, a trustee of the Delaware Easter Seal Society for Crippled Children, a member of the Boys Home of Delaware, and the State Human Relations Commission. He was a Rotarian and a 33d Degree Mason.

Dr. Huntington was most active in the American Legion, having served as national chaplain in 1934 and 1935 and on the national executive committee from 1962 to 1964. He served as chaplain of the Department of Delaware seven times.

Dr. Huntington joined the Army's Ambulance Corps in 1917 as an enlisted man. Between the two World Wars he served as chaplain in the Army Reserve and the Delaware National Guard. He was reordered into service in 1940, served in the Pacific and was discharged as a colonel in 1946. In 1955, he has made a brigadier general in the Delaware National Guard.

He held a Bronze Star for gallantry in combat and was national chaplain and past national commander of the National Retreads, an organization of officers who served in both World Wars.

In addition to his widow, Dr. Huntington is survived by a son, Dr. Park W. Huntington, Jr., and a daughter, Mrs. Joseph A. DeLuca III and three grandchildren.

Their loss is enormous, and Mrs. Boggs and I join their many friends in extending condolences.

SOCIAL SECURITY BENEFITS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. GAYDOS. Mr. Speaker, it is a deplorable fact today that 5 million of the 20 million Americans over 65 are living on incomes below the official poverty level. It is a shameful situation that becomes more intolerable when one realizes these are the people who have spent the best part of their lives laboring to build the foundation of the society younger Americans now enjoy.

According to a recent article in U.S. News & World Report, current social security benefits average $2,628 a year per couple. That is just slightly above the $2,000 level the Federal Government has proclaimed to be the poverty line. For a single person the average benefit is $1,572 a year. That is a shabby reward for a lifetime of work.

The amount is ridiculous when you consider what these men and women must spend for the necessities of life: their food, clothing, medicine, housing, transportation, and so forth. Many of them face the cruel decision of giving up a home they have struggled to pay for over many years. The hard truth is the home must go if they are to meet the soaring cost of inflation and property taxes. In many cases, it is all they have to show for the years of sacrifice and hardship they endured while rearing and educating their families. I have personal knowledge of senior citizens in my own 20th District who actually have apologized for not contacting my office on private matters simply because they could not stretch their budget to cover the cost of a telephone toll call or an 8-cent stamp.

Such conditions are disgraceful, but they make it all too clear why Congress must provide substantial increases in social security benefits. Several years ago, when I first came to Congress, I proposed a 50-percent increase in benefits. Regretfully, my proposal did not receive the necessary support. Instead, social security payments were approved in dribbles that were quickly absorbed by the rising cost of living and taxation. However, over the years, those bits and pieces Congress doled out represent a total increase of 30 percent and now there are several bills, including one of my own, which would increase social security benefits by another 20 percent. I am hopeful my colleagues will support this legislation to give our senior citizens a decent income.

Mr. Speaker, I insert the news article mentioned above in the RECORD for the attention of my colleagues. I believe when they have read it, they will agree our senior citizens' "golden years" are anything but that:

COST SQUEEZE: PLIGHT OF RETIRED PEOPLE

Despite wage-price controls, many elderly Americans are being pushed toward poverty. Personal interviews show that, for some, the "golden years" are tarnished by rising expenses, taxes and illness.

Few people have a greater stake in the success of the Administration's wage and price-control program—now moving into its second six months—than the millions of Americans living on retirement incomes.

Years of steadily rising prices have forced many of these elderly folk into desperate financial straits.

Consider the Chicagoan who came to the United States from Europe during World War II and opened a small business. He and his wife retired not long ago, but can take little comfort from their present circumstances.

Says the immigrant:

"We lost everything we had in Europe during the war, and built it up again in this country. Now we are losing everything again, to inflation. The trouble is that now I am an old man, and I can't start over."

A retired public-school teacher in New England declares:

"For the past 15 years, I've been living on my teacher's annuity. That's all I have, except for the house I inherited.

"Month after month," she adds, "I've seen my buying power whittled down by rising prices. Property taxes, household repairs, food, all keep going up. If prices aren't stabilized soon, I don't know what I'm going to do."

Many elderly folks across the U. S. are living comfortably on retirement incomes. But many others are feeling the pinch of steadily rising expenses.

To find out how they are coping with today's cost-of-living problems, staff members of "U. S. News & World Report" talked with retired individuals and couples, and sifted through Government reports and congressional documents.

This is the pattern that emerges:

The number of elderly men and women officially regarded by the Government as poverty-stricken is climbing rapidly.

Many other retired persons, although not classified as poor, must count their pennies to pay for even the necessities of life.

Even people who thought they had planned carefully for the leisure years find their reserves running low under the pressure of rising prices and taxes.

Some of the elderly are in imminent danger of losing their homes—in many cases the only major possession they have—and being cast onto the welfare rolls.

The medicare program, criticized by some as radical and excessively expensive when it was enacted seven years ago, now is being attacked by many retired people for not paying a larger portion of their health-care costs.

Government officials in Washington are starting to focus attention on money problems of the retired, and the elderly themselves leave no doubt that they are well aware of what is happening.

Says a spokesman for a group of retired persons in New York City:

"We are not senile morons. We are intelligent, experienced people, greatly handicapped with the inflationary spiral cutting into our income all the time."

"OVERWHELMED" BY INFLATION

Nelson H. Cruickshank, president of the National Council of Senior Citizens, told the Senate Finance Committee recently:

"The elderly do not parade their poverty. As a matter of pride, they do their best to hide it. . . . The stark fact is that more and more low-income elderly are being overwhelmed by the ever-rising tide of inflation."

Interviews with retired persons by staff members of this magazine bear out that contention.

Mrs. Kathleen E. Houston, a widow in Houston, Tex., retired from her secretarial job in 1957 and now, at age 78, has a pension of $318 a month.

"I'm having a terrible time," Mrs. Houston says. "I've already run through my savings. I couldn't make it if I didn't work to make some extra money each month."

A retired accountant in Trumbull, Conn., reports he had counted on dividends from stocks to augment his company pension and Social Security. Now, he notes:

"Several companies in which I have stock have reduced or discontinued dividends. Right now, if I could get out of the market unhurt, I would be very much tempted to do it."

In Fort Wayne, Ind., Mrs. Charles E. Geller, widow of a wholesale grocer, says she must live on a small Social Security check and proceeds from a mutual-fund investment made when she sold her home and moved into an apartment. Mrs. Geller adds:

"Last year was really hard, because the mutual fund didn't pay any capital gains. It was a shock to me."

Some aged persons say they realize now they did not start preparing soon enough for retirement.

Mrs. Thaddesia Moss, a former stenographer in Atlanta, Ga., explains that she and her husband are getting by on a combined monthly income of $436—but with little to spare for emergencies. Mrs. Moss comments:

"When I got my first job in 1927, it would have been better to start saving right then and there. But we wanted to spend it all right away."

WHEN PLANNING FAILS

Sometimes, however, even what appears to be adequate planning for retirement can prove insufficient.

George L. Martin of Houston, Tex., notes that he felt pretty well prepared with his company pension, Social Security and a company health-insurance policy. But he now has to work part-time to make ends meet. Explains Mr. Martin:

"It takes everything I get each month to break even. If things go any higher, I'll probably be forced to dig into my savings."

Government reports show that nearly 5 million of the 20 million Americans who are 65 and older have incomes below official poverty levels.

This number of recognized poor among the aged had declined for a decade before 1968, but since then it has risen by more than 100,000 and continues to grow.

The chances of being classified as "poor" double if you are over 64. If you are black as well as old, your chances of being poverty-stricken double again. About half of the aged widows in this country are considered poor, and that figure soars to nearly 80 percent among elderly Negro women living alone.

For statistical purposes, the Government figures anyone who is living alone is poor if he has income of less than $2,000 a year. For a couple living in a nonfarm setting, the poverty line is $2,600 annually.

The Government estimates that current Social Security benefits average $2,628 a year per couple—just above the poverty level. Typical Social Security benefits for a single person amount to $1,572 annually—more than $400 short of the poverty line.

In the spring of 1970, the Department of Labor computed a series of sample budgets for retired couples—not what they actually spend but what they would spend if they lived normally, owned their own homes and were in reasonably good health.

The "intermediate" budget calls for outlays of $4,489 a year—a figure that nearly 40 percent of the elderly could not attain today, even without allowing for inflation over the last two years.

The table on page 68 shows such intermediate budgets for 40 areas—plus "minimum" and "more comfortable" budgets.

Government experts estimate that 6 million elderly persons in this country are living in inadequate housing. Federal programs, authorities say, have provided only about 350,000 low-cost housing units for the elderly in the last 10 years—compared with a need for 120,000 units every year.

Although at least 36 States provide some measure of property tax relief for the elderly, the financial burden of maintaining a home is proving too much for many.

Government estimates indicate that elderly persons with incomes below $5,000 a year are paying some 1.5 billion dollars annually in property taxes.

A retired couple in the Detroit suburb of Birmingham, Mich., recalled that taxes on their house were $190 when they bought the property in 1943. Now the levy is nearing $1,700 a year.

"I don't see how we can keep paying the taxes if they reach $2,000," the wife declares.

PENSIONS THAT GROW

Some retired persons, especially former Government employes, believe the economic pinch has been eased by cost-of-living increases built into their pensions.

James Campbell, who worked for the State of California, finds retirement easier than he expected in Sonoma, Calif. Says Mr. Campbell:

"We had thought at the time I retired that we would have to live at just one level. But cost-of-living raises have been made. As costs have gone up, my pension has gone up. So now, we're not hurting."

But official estimates show that pensions other than Social Security provide only about 11 per cent of total income received by the aged.

Transportation is a vexing problem for the elderly, since many of them can no longer afford automobiles, or are physically incapable of driving.

James A. Willoughby, a retired federal worker living in Washington, D.C., sold his 1966 car after he suffered a stroke. He and his wife managed to save $85 to buy an awning for their back porch, but by the time they had arranged for transportation across town to the store, they had spent the money on other things.

The transportation problem is alleviated in at least 50 cities, where the aged ride buses at reduced rates during nonrush periods. In Minneapolis-St. Paul, they can ride free much of the day.

In parts of cities with high crime rates, federal investigators report, numerous elderly residents are virtual prisoners in their homes and apartments because they are afraid to venture into the streets.

"ONE GOOD MEAL"

The Senate Special Committee on Aging has heard from many elderly persons on the economic squeeze.

In Pitman, N.J., a retired worker told the Committee that he and his wife have to live on $1,920 a year. He then added:

"We cannot afford three full meals each day, so we manage on one good meal. The prices of meat are outrageous, and to have a roast or steak once a week is beyond our reach."

Many elderly citizens are protesting the $1,680 a year ceiling on earnings under Social Security. If a person younger than 72 earns more than the limit, his Social Security payments are reduced.

A widow in New London, Conn., wrote to the American Association of Retired Persons on this issue, saying:

"The fact that I am receiving Social Security payments causes me not only to have to kill time, but I think it's slowly killing me. I am not sufficiently occupied and am not accustomed to being so inactive. It's a perfectly intolerable situation."

A woman from New York complains:

"If relief for me is not forthcoming, I will be forced to give up my job and go on welfare, where I will receive more in the long run than working. I will have my rent paid, get a color TV, have my insurance paid and no income tax to pay. Utopia!"

PROBLEMS OF HEALTH

Sickness is a particularly dreaded threat to the elderly in times when the expense of medical care is one of the fastest-rising items in the cost of living.

Government researchers report that persons 65 and older spend, on the average, about three times as much on health care as younger citizens. Less than half the bill, experts say, is covered under medicare.

A spokesman for a group of elderly persons in New Jersey says:

"Medicare to us is like a leaking umbrella. You go outside when it is raining, and you think you have protection. You open it up, and the rain comes right through it."

Many aged persons complain about the increasing premiums they have to pay for optional physician's coverage under medicare, and the fact that it does not pay for many health aids or for out-of-hospital prescription drugs.

An elderly woman in Riverside, Conn., is one who finds that expenses for items such as hearing aids, glasses and other devices have been "terrific." She adds:

"It cost me $48 recently at the dentist's for just a couple of fillings and a cleaning of my teeth. There ought to be some way to help out on that."

Government programs to aid the elderly have expanded in recent years.

The Administration on Aging reports that federal spending directed entirely or largely to the aged has risen from 25 billion dollars in the fiscal year that ended June 30, 1967, to more than 46 billion dollars in the current fiscal year—representing a gain from 16 per cent to 20 per cent of the total budget.

However, many critics insist this is far from enough. Senator Frank Church (Dem.), of Idaho, chairman of the Senate's Special Committee on Aging, said recently:

"No Administration to date—whether it be Democratic or Republican—has really come to grips with the predicament of the elderly. . . .

"The retirement-income crisis which now affects millions of older Americans . . . deserves no less than a national commitment to eliminate poverty for the elderly and to allow them to share in the economic abundance which they have worked most of their lives to create."

An elderly woman in New Jersey put it a bit more strongly in telling Government investigators:

"I am so tired of hearing what you are 'going' to do for the senior citizens, the golden-agers, et cetera. What you are doing is driving us to the wall.

"I wish everyone would stop talking about what they're going to do—and get busy and do it."

	A "minimum budget" for health and well-being	A "moderate comfort" budget	A "more comfortable" budget
Northeast:			
Boston	$3, 306	$5, 113	$8, 623
Buffalo	3, 412	4, 973	7, 977
Hartford	3, 558	5, 158	8, 039
Lancaster	3, 081	4, 460	5, 964
New York area	3, 390	5, 209	8, 531
Philadelphia	3, 044	4, 695	7, 683
Pittsburgh	3, 121	4, 526	7, 215
Portland	3, 233	4, 679	7, 162
North Central:			
Cedar Rapids	3, 131	4, 501	7, 221
Champaign-Urbana	3, 194	4, 681	7, 361
Chicago	3, 075	4, 584	7, 342
Cincinnati	2, 997	4, 313	6, 613
Cleveland	3, 320	4, 807	7, 591
Dayton	3, 102	4, 377	7, 062
Detroit	3, 139	4, 563	7, 503
Green Bay	3, 000	4, 375	7, 267
Indianapolis	3, 240	4, 686	7, 475
Kansas City	3, 195	4, 578	7, 442
Milwaukee	3, 152	4, 604	7, 464
Minneapolis-St. Paul	3, 212	4, 576	7, 232
St. Louis	3, 150	4, 529	7, 048
Wichita	3, 090	4, 413	6, 917
South:			
Atlanta	2, 781	4, 039	6, 283
Austin	2, 814	4, 070	6, 416
Baltimore	3, 039	4, 410	6, 984
Baton Rouge	2, 797	4, 035	6, 316
Dallas	2, 968	4, 309	7, 023
Durham	2, 982	4, 239	6, 473
Houston	2, 909	4, 217	6, 863
Nashville	2, 944	4, 255	6, 636
Orlando	3, 006	4, 150	6, 273
Washington	3, 256	4, 656	7, 380
West:			
Anchorage	4, 457	6, 127	9, 286
Bakersfield	2, 977	4, 289	6, 673
Denver	3, 063	4, 373	6, 970
Honolulu	3, 562	5, 166	8, 312
Los Angeles area	3, 241	4, 626	7, 630
San Diego	3, 103	4, 419	7, 027
San Francisco-Oakland	3, 431	4, 913	7, 776
Seattle-Everett	3, 451	4, 848	7, 467

RESULTS OF MY QUESTIONNAIRE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. PETTIS. Mr. Speaker, during February and March of this year I sent over 230,000 questionnaires to every household in both my old and newly reapportioned congressional districts. Having received over a 10-percent return, I would like to share the results with my colleagues. I think that the responses will be particularly helpful in showing what problems are of concern to my constituents. Also, I would like to take this opportunity to thank each respondent who returned the questionnaire as I will be using them to provide the best representation possible.

Each respondent was asked to rank in order of importance eight major issues and was given the opportunity to suggest other areas of concern. Overall in the San Bernardino and Los Angeles County areas of my district, crime was named as the most important issue followed by environmental protection, economic policy, Southeast Asia, labor disputes, health care, and foreign policy. While the crime issue was very important in most areas of the district, economic policy ranked first in the Upland-Alta Loma area, and environmental protection ranked first in the Redlands-Loma Linda and Claremont areas. Concern over Southeast Asia has dropped measurably since the last questionnaire reflecting the lower American profile in that area of the world. Other issues listed often were foreign policy in the Upland-Alta Loma and Claremont areas, labor disputes in the Redlands-Loma Linda, desert and mountain areas, and health care in the mountain and desert areas.

Important issues written in by my constituents included: social security-aid to the elderly, congressionl absenteeism, population control, loss of national spirit, taxes-tax reform, national defense, lax morals, welfare, Government waste, unemployment, consumer protection, modernize Congress, against abolition of capital punishment, pornography, communism, racism, equal education for all, minimum wage, courts legislating, decentralization of Government, property tax, increase space exploration, campaign spending control, court procedure reform, insurance rates, against smoking on airlines, women's liberation, against foreign aid, better transportation, prayer in schools, legalize marihuana, control narcotics, anti-gun-control laws, release POW's, more judges and courts, anti-United Nations, assist American Indians, antivictimless crime laws, monopolies, inflation, nuclear control, 200-mile limit, and pension funds.

A four-part question was asked concerning wage-price controls and their effect on the economy. In response to the question, "Do you feel that Wage-Price Controls should be immediately ended?", a large number, 51 percent responded "no." However nearly an equal number in all areas of the district were undecided on what action should be taken. Overall 16 percent voted to end controls, 51 percent voted to keep controls, and 33 percent were undecided.

In response to the question, "Do you feel that wage-price controls should be terminated in January 1973 if a low rate of inflation has not been achieved by then?", the response was yes, 28 percent; no, 42 percent; and undecided 30 percent. A similar question asking "Do you feel that wage-price controls should remain in effect until a low rate of inflation is achieved?", drew a yes vote of 64 percent, with a no vote of 13 percent, and 33 percent undecided. My constituents continue to support wage-price controls as a counter to inflation, but there is a very large number who are undecided on the question.

By a slim margin my constituents reported that wage-price controls are having an effect in curtailing inflation. Overall 50 percent answered yes; 33 percent answered no, and 17 percent remained undecided.

Turning to the problem of consumer protection, those responding to the questionnaire overwhelmingly approved having stricter controls on the advertising and selling of manufactured products for the protection of the consumer. In both counties the response was 81 percent yes, 17 percent no, and 2 percent undecided. The highest vote of approval came from the desert area with 85 percent "yes" vote.

An equally overwhelming response approved a Federal no-fault automobile insurance program. On this question 72 percent approved the proposal, 21 percent disapproved, and 2 percent were undecided. The Ontario-Chino area was high with a 78 percent vote of approval.

In the field of environmental protection, I asked if "at this point, do you feel that the Federal Government is making adequate inroads in the areas of pollution abatement and environmental protection?" The majority by a 77 percent vote said that current efforts are not enough. Only 20 percent were satisfied with the present Federal programs, and 3 percent were undecided. This feeling was reflected in all areas of the district with the highest vote of dissatisfaction coming from the Fontana-Bloomington area—86 percent.

The problem of education finance was raised with the question, "Do you favor removing property taxes and substituting a value-added tax—national sales tax—for the support of public education?" Overall the response was 57 percent yes, 30 percent no, and 13 percent undecided. However, this response varied widely throughout the district. The Mountain areas supported the proposal with 75 percent approval, while the Claremont area voted 54 percent against the proposal.

As a member of the Committee on Ways and Means, I am particularly interested in the public's feelings on health insurance. I asked my constituents, "Do you favor Federal legislation providing full medical and hospital insurance coverage for catastrophic illness? The response was 69 percent yes, 23 percent no, and 8 percent undecided in the two county area. Redlands-Loma Linda supported this proposal by an 84 percent positive response.

Regarding our defense posture in Europe the question was asked, "Do you favor a reduction of our troop strength in Europe?" A majority of 55 percent responded yes, with 39 percent responding no, and 6 percent undecided. In all areas of the District, troop reductions received majority approval.

In order to gage the current opinion on the aid policy to Southeast Asia, I asked my constituents to choose what type of aid should be extended: economic aid only, economic and military aid, military aid only, or no aid at all. The overall response was 38 percent for no aid at all to Southeast Asia, 30 percent for economic aid only, 21 percent for economic and military aid, 8 percent for military aid only, and 3 percent undecided. Economic aid only ranked highest in Pomona, Redlands-Loma Linda, Fontana-Bloomington, and Upland-Alta Loma areas. No aid at all ranked highest in La Verne, Ontario-Chino, and San Bernardino city.

While questionnaires of this type do not give the citizen a full opportunity to explain his feelings, these questionnaires are most helpful to me in keeping in touch with the people of the 33d Congressional District. Knowing what problems are of concern helps me to better serve as their Representative.

Included below are the complete tabulations of the questionnaire:

1972 PETTIS QUESTIONNAIRE RESULTS

[In percent]

Area	Yes	No	Undecided
1. Do you feel that wage-price controls are having any effect in curtailing inflation?			
33d Congressional District	50	33	17
San Bernardino County portion	50	32	18
Los Angeles County portion	49	34	17
San Bernardino City area	45	33	22
Pomona area	48	39	13
Ontario-Chino area [1]	50	39	11
La Verne area	50	39	11
Redlands-Loma Linda area [1]	56	22	22
Claremont area	50	29	21
Desert area [1]	50	33	17
Fontana-Bloomington area [1]	53	26	21
Upland-Alta Loma area [1]	57	31	12
Mountain area [1]	55	30	15
Do you feel that wage-price controls should remain in effect until a low rate of inflation is achieved?			
33d Congressional District	64	13	33
San Bernardino County portion	63	10	27
Los Angeles County portion	65	16	19
San Bernardino City area	61	16	23
Pomona area	63	18	19
Ontario-Chino area	58	14	28
La Verne area	67	12	21
Redlands-Loma Linda area	66	10	24
Claremont area	66	14	20
Desert area	68	13	19
Fontana-Bloomington area	63	10	27
Upland-Alta Loma area	69	9	22
Mountain area	70	5	25
Do you feel that wage-price controls should be terminated in January 1973 if a low rate of inflation has not been achieved by then?			
33d Congressional District	28	42	30
San Bernardino County portion	22	42	36
Los Angeles County portion	30	35	35
San Bernardino City area	26	36	38
Pomona area	27	34	39
Ontario-Chino area	34	40	26
La Verne area	31	37	32
Redlands-Loma Linda area	14	50	36
Claremont area	15	32	53

Area	Yes	No	Undecided
Desert area	23	50	27
Fontana-Bloomington area	30	40	30
Upland-Alta Loma area	37	43	20
Mountain area	25	55	20
Do you feel that wage-price controls should be immediately ended?			
33d Congressional District	16	51	33
San Bernardino County portion	13	50	37
Los Angeles County portion	19	49	32
San Bernardino City area	13	45	42
Pomona area	15	51	44
Ontario-Chino area	11	55	42
La Verne area	9	53	38
Redlands-Loma Linda area	12	58	30
Claremont area	8	44	48
Desert area	13	33	54
Fontana-Bloomington area	10	36	54
Upland-Alta Loma area	6	51	43
Mountain area	35	50	15
2 Do you believe the Federal Government should impose stricter controls on the advertising and selling of manufactured products for the protection of the consumer?			
33d Congressional District	81	17	2
San Bernardino County portion	81	17	2
Los Angeles County portion	80	16	4
San Bernardino City area	84	13	3
Pomona area	82	16	2
Ontario-Chino area	78	20	2
La Verne	70	20	10
Redlands-Loma Linda area	74	22	4
Claremont area	84	14	2
Desert area	85	10	5
Fontana-Bloomington area	83	10	7
Upland-Alta Loma area	80	17	3
Mountain area	70	25	5
3. Do you believe the Congress should enact a no-fault automobile insurance program?			
33d Congressional District	72	21	7
San Bernardino County portion	72	20	8
Los Angeles County portion	70	20	10
San Bernardino City area	73	18	9
Pomona area	67	24	9
Ontario-Chino area	78	15	7
La Verne area	76	15	9
Redlands-Loma Linda area	72	18	10
Claremont area	72	12	16
Desert area	75	20	5
Fontana-Bloomington area	69	17	14
Upland-Alta Loma area	54	37	9
Mountain area	55	40	5
4. At this point, do you feel that the Federal Government is making adequate inroads in the areas of pollution abatement and environmental protection?			
33d Congressional District	20	77	3
San Bernardino County portion	20	75	5
Los Angeles County portion	17	78	3
San Bernardino City area	16	78	6
Pomona area	19	76	5
Ontario-Chino area	26	68	6
La Verne area	12	82	6
Redlands-Loma Linda area	20	76	4
Claremont area	17	79	4
Desert area	18	75	7
Fontana-Bloomington area	14	86	0
Upland-Alta Loma area	23	77	0
Mountain area	30	70	0
5. Do you favor removing property taxes and substituting a value-added tax (national sales tax) for the support of public education?			
33d Congressional District	57	30	13
San Bernardino County portion	58	28	14
Los Angeles County portion	45	44	11
San Bernardino City area	55	30	15
Pomona area	52	38	10
Ontario-Chino area	59	25	16
La Verne area	42	45	13
Redlands-Loma Linda area	62	24	14
Claremont area	36	54	10
Desert area	60	30	10
Fontana-Bloomington area	63	20	17
Upland-Alta Loma area	46	43	11
Mountain area	75	15	10
6. Do you favor Federal legislation providing full medical and hospital insurance coverage for catastrophic illness?			
33d Cobgressional District	69	23	8
San Bernardino Coubty portion	69	25	6
Los Angeles County portion	65	28	7
San Bernardino City area	70	23	7
Pomona area	63	31	6
Ontario-Chino area	65	28	7
La Verne area	73	19	8
Redlands-Loma Linda area	84	14	2
Claremont area	68	28	4
Desert area	73	18	9
Fontana-Bloomington area	59	30	11
Upland-Alta Loma area	63	34	3
Mountain area	60	35	5
7. Do you favor a reduction of our troop strength in Europe?			
33d Congressional District	55	39	6
San Bernardino County portion	54	39	7
Los Angeles County portion	58	33	9
San Bernardino City area	51	40	9
Pomona area	56	36	8
Ontario-Chino area	52	37	11
La Verne area	51	37	12
Redlands-Loma Linda area	52	44	4
Claremont area	68	13	19
Desert area	57	38	5
Fontana-Bloomington area	53	40	7
Upland-Alta Loma area	60	31	9
Mountain area	55	40	5

	(A)	(B)	(C)	(D)	(E)
8. The U.S. aid policy in Southeast Asia should be: (A) Economic aid only, (B) economic and military aid, (C) military aid only, (D) no aid, (E) undecided.					
33d Congressional District	30	21	8	38	3
San Bernardino County portion	28	21	9	38	4
Los Angeles County portion	39	17	6	34	4
San Bernardino City area	28	19	4	44	5
Pomona area	37	20	7	33	3
Ontario-Chino area	13	24	8	48	7
La Verne area	31	12	3	46	7
Redlands-Loma Linda area	38	24	6	28	4
Claremont area	50	13	4	27	6
Desert area	30	25	8	30	7
Fontana-Bloomington area	33	14	17	23	13
Upland-Alta Loma area	40	26	6	26	2
Mountain area	35	20	0	35	10

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[1] Sample too small for further breakdown.

9. Please rank the following issues in order of importance to you.

33rd Congressional District
Crime (27%).
Environmental Protection (18%).
Economic Policy (18%).
Southeast Asia (8%).
Labor Disputes (6%).
Health Care (6%).
Foreign Policy (3%).
Misc. (9%).

San Bernardino County portion:
Crime (27%).
Economic Policy (19%).
Environmental Protection (18%).
Southeast Asia (8%).
Labor Disputes (7%).
Health Care (6%).
Foreign Policy (5%).
Busing (4%).
Misc. (6%).

Los Angeles County portion:
Crime (26%).
Environmental Protection (18%).
Economic Policy (17%).
Southeast Asia (8%).
Foreign Policy (6%).
Health Disputes (4%).
Health Care (5%).
Labor Disputes (4%).
Busing (4%).
Misc. (12%).

San Bernardino City area:
Crime (30%).
Environmental Protection (20%).
Economic Policy (18%).
Southeast Asia (9%).
Health Care (7%).
Labor Disputes (6%).
Health Care (5%).
Busing (2%).
Misc. (13%).

Pomona area:
Crime (26%).
Environmental Protection (18%).
Economic Policy (16%).
Southeast Asia (7%).
Health Care (6%).
Busing (5%).
Foreign Policy (4%).
Labor Disputes (4%).
Misc. (14%).

Ontario, Chino area:
Crime (26%).
Economic Policy (18%).
Environmental Protection (13%).
Southeast Asia (8%).
Foreign Policy (8%).
Labor Disputes (6%).
Health Care (5%).
Busing (2%).
Misc. (13%).

La Verne area:
Crime (34%).
Economic Policy (20%).
Environmental Protection (14%).
Southeast Asia (5%).
Health Care (5%).
Busing (2%).
Labor Disptes (2%).
Foreign Policy (2%).
Misc. (16%).

Upland, Alta Loma area:
Economic Policy (31%).
Crime (17%).
Environmental Protection (17%).
Foreign Policy (8%).
Health Care (6%).
Southeast Asia (6%).
Busing (3%).
Labor Disputes (0%).
Misc. (12%).

Redlands, Loma Linda area:
Environmental Protection (28%).
Crime (22%).
Economic Policy (14%).
Labor Disputes (12%).
Southeast Asia (4%).
Foreign Policy (4%).
Health Care (2%).
Busing (0%).
Misc. (14%).

Claremont area:
Environmental Protection (20%).
Crime (19%).
Economic Policy (17%).

Southeast Asia (14%).
Foreign Policy (13%).
Health Care (4%).
Labor Disputes (4%).
Busing (2%).
Misc. (5%).
Desert area:
Crime (28%).
Economic Policy (15%).
Health Care (15%).
Labor Disputes (13%).
Environmental Protection (10%).
Southeast Asia (8%).
Foreign Policy (3%).
Busing (0%).
Misc. (8%).
Fontana, Bloomington area:
Crime (33%).
Economic Policy (13%).
Environmental Protection (13%).
Health Care (7%).
Southeast Asia (7%).
Busing (7%).
Foreign Policy (7%).
Labor Disputes (3%).
Misc. (10%).
Mountain area:
Crime (26%).
Environmental Protection (23%).
Economic Policy (23%).
Labor Disputes (8%).
Southeast Asia (8%).
Health Care (8%).
Busing (4%).
Foreign Policy (0%).
Misc. (0%).

SCHOOL BUSING

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HARSHA. Mr. Speaker, in the past year I have received many excellent letters from my constituents on the issue of schoolbusing. While I found all of these letters interesting and helpful, one letter impressed me the most.

As I believe my colleagues will share my interest in the views expressed by Mrs. Gladyce M. Steward of Chillicothe, Ohio, in her recent letter, I would like to include her thoughtful discussion of this controversial issue in the CONGRESSIONAL RECORD.

Mrs. Steward's letter follows:

CHILLICOTHE, OHIO,
March 17, 1972.

The Honorable WILLIAM H. HARSHA.

DEAR SIR: Occasionally I receive a letter from you, and I am always interested in what you have to say. I do not write unless I feel that I have something that needs to be expressed. Today seems to be one of those times.

These are difficult days for persons in public office. No matter what decisions are made, someone or some group will be dissatisfied. And so, it takes stamina, courage, and honesty to stand firm for what you believe is the right decision for the greater number of civilians. We have a tendency these days to mongrelize and twist terms to fit a certain pattern, and in this guise people who have no knowledge are confused and led astray by those who want to exploit them for their own purposes.

This is done continually among the colored people, and it is spreading in an alarming way. Those who dare to oppose or disagree are lambasted as "racists" or "Uncle Toms" and are terrorized or coerced into joining the movement. Negroes in public offices, good paying jobs, the ministry, or the entertainment world are under constant pressure from the Black groups. Only a very few people seem to be aware of what is actually happening in our Country. Or, if they are aware, they are afraid to speak out and the evil forces gather more strength each day.

I was certainly pleased to have President Nixon take a definite stand on the busing problem and explain it so lucidly. I have been against it from the beginning because I knew it was morally wrong and was a clever weapon used to keep strife and turmoil between the races. It was for no good purpose and accomplished nothing constructive. I agree that there should be equal opportunity and educational facilities for all persons. And I should because I am colored, and I definitely belong to the low-income group. But I also know how it should, and can, be accomplished.

I believe Governor Wallace's recent victory opened the eyes of many who have attempted to straddle the fence or to use slang to talk with a "forked tongue." People are not all stupid, and they admire honesty. He knows what is going on in America, and he is not afraid to expose it for what it is. And all his followers are not Caucasian. They are made up of people who are tired of the strife, the violence, and the permissiveness of this present decade.

I personally appreciate the President because I believe he is honestly doing the best job anyone could possibly do. But he is being hindered in many ways by those who have personal ambitions or affiliations with criminal groups. We are not unaware of this, and we have only to listen and watch carefully to evaluate each person. We wrestle now against rulers of darkness in this world and wickedness in high places. I hope our honest rulers will awaken before calamity falls upon America. The easiest and most subtle way to destroy a country or nation is through turmoil and strife from within. Weakening the moral fiber by decadence, immorality, and mind blowing through drugs, an insane nation can hardly defend itself from a sudden invasion.

I will close with a notation to read Proverbs 10.

Sincerely yours,
GLADYCE M. STEWARD.

THE 150TH ANNIVERSARY OF THE DAMASCUS UNITED METHODIST CHURCH

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. BYRON. Mr. Speaker, this year marks the 150th anniversary of the founding of the Damascus United Methodist Church in Damascus, Md. The actual anniversary was April 9; however, the celebration will continue throughout the year. I would like to add my congratulations to the members of this historic congregation and wish them well during the anniversary year.

Cochairmen of the anniversary celebration are Mrs. Roland Green and Mr. Emerson Slocum. Exhibits of artifacts and pictures associated with the church and its history will be on display throughout the anniversary year. Special celebrations will include homecoming days, an all-congregation dinner, old fashioned socials, and long term member and family days. Also featured will be a family picnic, a style show, and special musical presentations. A complete church history is being compiled for publication.

I would again like to congratulate the Damascus United Methodist Church on the attainment of 150 years of distinguished history and to join the members in commemoration of this achievement.

DO-GOODERS ENCOURAGE COP KILLERS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. DEVINE. Mr. Speaker, J. Edgar Hoover, the dedicated and distinguished Director of the Federal Bureau of Investigation, again put it on the line.

In the April FBI Law Enforcement Bulletin, Mr. Hoover, pointed up the apologists for murderers of police officers, and very aptly addressed himself to the problem and the great disservice to law enforcement by those who encourage and rationalize these outrages. The article follows:

MESSAGE FROM THE DIRECTOR

A special kind of killer haunts many of our communities today. He is the cowardly jackal who murders law enforcement officers. For many of his victims, he will be forever faceless because the fatal assaults are at the officers' backs and they have no opportunity to defend themselves. For others, the murderer's leering face is their last cognizable reality before the deafening explosion of gunfire brings their lives to an end.

Last year, 126 local, county, and State law enforcement officers were murdered. This is 26 more than the number slain in 1970. For the years 1962 through 1971, 722 law enforcement officers were killed by criminals. During the same 10-year period, of the 965 offenders arrested on charges relating to the killings, 73 percent had prior arrests for criminal charges. Firearms were used in 96 percent of these slayings.

The sharp increase in the number of police officers slain from ambush is particularly alarming and foreboding. During the period 1968–71, 49 officers were killed from ambush. There were seven ambush slayings in 1968, three in 1969, 19 in 1970, and 20 in 1971.

The murdering of a police officer from ambush is a shocking, unconscionable act. Beyond this, in many instances it is the ultimate penalty exacted from an officer because of his availability. A foot patrolman hearing the cries or screams of an alleged crime victim responds immediately; officers in a police cruiser race to the scene of a reported crime or disturbance without question—each is an act of duty and human compassion. But today, all too often it turns out to be a dastardly planned scenario for deranged killers bent on the ambush slaying of peace officers.

Too many people are misled by the revolutionary romanticism babbled by self-styled guerrillas who cry of repression and abuse while plotting to overthrow the Government and undermine society. The law enforcement officer, as the front-line symbol of the orderly process of justice, has become a primary target of assassination. After some police slayings, certain insurgents have gloatingly pronounced their groups were responsible. This indicates the depths of depravity to which men can sink.

Most ambush slayings are not caused by the negligence of the victim officers. However, the increasing frequency of these tragic incidents makes it imperative that each police officer be constantly alert to the planned terrorism directed against him by extremists. No complaint or call for police should be handled as "routine." This fact has been made evident by the number of officers slain while on their regular patrols.

The barbaric murderers must come to know that when law enforcement officers pay the supreme sacrifice, our society will demand a supreme penalty. To allow police killers to go without just punishment would be to encourage the growing assaults against the rule of law and the principles of self-government. Further, the blood of every slain officer is on the hands of those who, by word or deed, condone, encourage, minimize, or excuse the terrorist tactics of extremists.

JOHN EDGAR HOOVER, *Director.*

HUMAN WAREHOUSES: A BOARDING HOME STUDY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. GAYDOS. Mr. Speaker, a few days ago I called my colleagues' attention to a magazine article describing the financial strain many of our Nation's senior citizens are placed under today. I found that situation to be deplorable.

Today, I am going to focus attention on a situation which is so tragic, so unbelievable it challenges the mind and sickens the stomach. I refer to that segment of our senior citizen population comprised of men and women with no family, no home, no money. They live but are not alive. They exist. Old and sick, they spend their so-called golden years in filth and squalor. Alone and unwanted, they wait only to die.

These people, these Americans, live in what Dr. Frank B. Clack, director of Allegheny County Health Department in Pennsylvania, and Pearl R. Roberts, chief of the department's Bureau of Community Services Development, label "human warehouses." It is his description of boarding homes which reek from the smell of human waste; where food, if served, is meager and ill prepared; where beds or cots are jammed together to accommodate as many people as possible. Such "homes" frequently are found in poverty districts where they flourish without the restriction of licenses, rules, regulations or zoning codes. Their cost depends on what the occupant can pay. These boarding homes are cheaper than a decent apartment or a good nursing home, it is true. But the occupants of these homes have an income far below the $2,000 poverty line. They cannot afford the luxury of a decent apartment, a nursing home or proper medical care. Despite their meager income, they pay between $48 and $350 a month to be stockpiled in a warehouse.

Dr. Clack's study is confined to Allegheny County, but the cases he describes are typical of what exists throughout the Nation. Many of the occupants of these "homes" are ill, often with communicable diseases. Some are bedfast. They need care and medical treatment. They receive neither. Their "homes" are overcrowded, sanitation is a thing to be mocked and building code requirements are ignored.

Dr. Clack reports it was impossible to determine the number of these "human warehouses" and their population. He describes the difficulty in attempting to document statistics and problems. However, he did manage to interview 589 occupants involving 81 boarding homes. The median age of those interviewed was 73; but nearly 30 occupants were over 90, and two were more than 100. Almost all required some kind of medical or mental care and treatment.

Individual care was totally lacking. No special precautions were taken for the dietary needs of diabetics, for example. Amputees and blind persons were found living on the second and third floors of their "homes." Medication was distributed haphazardly and not administered by trained personnel.

Some of the cases cited by Dr. Clack are appalling. In one "home," which reeked of urine, there were 11 boarders. Three of them were bedfast and lying on soiled sheets. Other than two bottles of soft drink and a frozen turkey, there was no food in the house. In another home, equipped with illegal heating and electrical systems, the occupants were given a half of a sandwich and a cup of coffee for lunch. The monthly cost at this establishment was $250 per month.

Another home housed 18 people in seven rooms. There was no television and for recreation the occupants gathered in one of the rooms to sit and listen to a radio. The occupants paid between $101 and $150 a month, netting the owner an average monthly income of $2,340.

Of course, not every boarding home is a "human warehouse." Dr. Clack points out in his study that 41 of the 81 homes visited were rated "good" or excellent." Unfortunately, he adds, the supply of good homes does not begin to meet the demand for them.

Mr. Speaker, I am inserting a copy of Dr. Clack's report in the RECORD. I hope my colleagues will read it. It will not be pleasant. On the contrary, the material is ugly and shocking. But, it graphically describes what has happened to many Americans and what will happen to many more if something is not done to help our growing senior citizen population:

HUMAN WAREHOUSE: A BOARDING HOME STUDY

I. INTRODUCTION

(By Pearl R. Roberts, MSW, Chief, Bureau of Community Services Development, Allegheny County Health Department, March 21, 1972)

The aged, chronically ill residing in boarding homes are among the most disadvantaged groups in urban America. They cannot afford nursing home care; their average income is far below the poverty level; their nutritional, emotional, physical, and medical needs are generally ignored.

For those aged living alone in single rooms or apartments, society has, in most cases, provided meagre services: homemakers, meals-on-wheels, escort services to clinics and hospitals. Social agencies send nurses, social workers, and others to the home, providing the aged with some friendly visitation and links to the outside world. However, for those who can no longer live alone, there are few options open.

One option is the boarding home, unlicensed and free to operate without restrictions, rules or regulations, and free to charge whatever the traffic will bear.

The boarding home is frequently found in poverty areas where zoning laws permit them to flourish, and have helped perpetuate the intolerable environment. Since the population is statistically insignificant, they have no lobbying power.

Medicare, with its fixed time and payment limitations and MH/MR legislation forcing mental hospitals to reduce the number of custodial care patients; in addition to responding to strong pressures to release patients to the community, have greatly increased the boarding home population.

Hospital utilization committees demand discharge of the chronically ill who are either ineligible for nursing homes, or have exhausted their Medicare benefits or insurance benefits. Patients with no family ties unable to care for self and on marginal incomes have no recourse but to resort to the boarding home.

II. BACKGROUND

In 1969, a boarding home was closed by Court Order as a dangerous fire hazard. This condition was revealed when a Health Department social work assistant visited a client who had been transferred there by a general hospital following a heart attack.

The worker reported that a small, six-room private frame and brick dwelling housed 32 aged boarders; eleven of whom slept in the concrete cellar. Sleeping cots were placed side-by-side with little room for passage. Several of the boarders were bedfast and appeared to need immediate medical attention. Small rooms housed two to four occupants.

Environmental health investigators found a number of violations which included: overcrowding, sanitation, and electrical wiring.

Prior to the closing of the house, a medical evaluation team from a local geriatric center visited the premises and examined each boarder. As a result, some boarders were hospitalized, others sent to nursing homes; and the remaining were transferred to other boarding homes. Soon reports filtered back that the new boarding homes were no better, and in one case worse than the one they left.

Concern over the extent of this problem in Allegheny County led the Health Department to attempt to document the number of boarding homes and the problems of their population.

Procedure

Every general, state and county hospital social service department was contacted in person by a social worker requesting cooperation in compiling a list of boarding homes. In addition, social, health and welfare agencies were also contacted.

Without exception all persons contacted expressed concern with the problem and cooperated without hesitation. The Ad Hoc Committee of the Medical and Health Council of the Pittsburgh Chapter of National Association of Social Workers offered their services on a volunteer basis, and helped identify sources. Lists were compiled and collated; but no specific definitions had been given for boarding, rooming, intermediate care and nursing homes. Consequently, lists contained all types. Many listings were duplicated, and approximately 12 homes appeared on most lists.

Only three sources had inspected the homes on their list and made attempts at qualitative placement. Others, would take no responsibility for their listings. Two stated that lists dated back over a ten-year period and new names were added and used; but older listings had not been deleted.

All agencies recognized the need for inspection but pressures of work and time precluded this. Most requested guidelines and help, and hoped that some agency could assume this responsibility.

Housing permits, licenses, and certificates were confusing to landlords and social agencies alike. For instance, zoning permits were offered as evidence of license to operate a boarding home; and sanction by the issuing agency.

Methodology

The population of Allegheny County is 1,600,000 who are served by the Health Department through five district offices. To accomplish the task of surveying the boarding homes, the final list of 334 addresses were divided by district and census tract number.

A questionnaire was devised for computer analysis to evaluate the house structure, as well as the medical, social and emotional health of the borders. Eighty variables were listed. Thirty-two teams of social work assistants and environmental health investigators visited each home. Where possible, every border, owner, manager, or other help was interviewed; and while the questionnaire was closed-end, several questions required narrative response.

Findings

Visits revealed that many boarding homes had gone out of business; structures had been razed due to urban renewal or fire. The list included rooming houses, hotels, nursing homes, half-way houses and several foster homes (one or two border) indiscriminately. Sixteen names on the list were outside of Allegheny County and were not visited. Rooming houses, foster homes, (one or two boarders) hotels and nursing homes were excluded from the tabulations. It was later learned that 31 nursing homes were unlicensed. Personal interviews were conducted at every home visited, except for 31 which denied entry.

All interview schedules were tabulated, but, only boarding homes were included in the final study which consisted of 589 interviews and 81 houses.

A. *Condition of Housing:*

Eight homes were found with emergency structural violations. (An emergency violation is defined as something very hazardous to the occupant or to the public such as exposed wires, lack of heat, lack of water, or sewage problems.) Thirty old properties were listed as having major structural violations. (A major violation is defined as anything that seriously affects either the structure or the tenants of the building to a great extent.) A total of 46 homes were found containing a major emergency or a major structural violation. Of the total number of homes listed, we were concerned only with the boarding houses and found only 81 in that category. Rooming houses, foster homes (one or two boarders) hotels and nursing homes were excluded from the tabulations.

B. *Location of Boarding Homes:*

Table I shows the distribution of single residency homes in Allegheny County by districts. Most homes were found in poverty areas; old dwellings which had been converted for multiple dwelling. The greatest number were owner-managed with help consisting usually of an outside maid, or a member of the family keeping house.

TABLE I

Total homes surveyed by district

Northwest	61
Northeast	109
Central	70
Southwest	61
Southeast	33
Total	334

Actual boarding homes surveyed and tabulated by district

Northwest	15
Northeast	22
Central	17
Southwest	18
Southeast	9
Total	81

Homes where interviewers were refused entry by districts

Northwest	2
Northeast	7
Central	3
Southeast	2
Total	14

A. *Population in Boarding Homes:*

Residents of boarding homes are primarily the aged, the chronically ill, who exist on marginal income, and in most cases have no family ties. The median age of persons interviewed was 73, and 29 individuals were found over 90 years—two over 100 years of age. The largest group fell in the 80 to 89 year old bracket. One hundred sixty-two individuals, three-fourths of all boarders were over 60 years of age. Later when we compared the medical findings with the age group, figures indicated that almost all individuals residing in boarding homes require care of one kind or another, if facilities were available.

TABLE II

1. PATIENT OCCUPANCY BY DISTRICTS: AGES—BOARDING HOUSE RESIDENTS

	Northwest	Northeast	Central	Southwest	Southeast	Total
Male	75	49	60	72	22	274
Female	86	71	46	53	48	308
Not known		1		5	1	7
Total	161	121	106	130	71	589

2. AGE RANGE BY DISTRICT

	Under 40	40 to 49	50 to 59	60 to 69	70 to 79	80 to 89	90 to 99	Over	Not given	Total
Northwest	22	8	13	30	35	39	6		8	61
Northeast	3	7	5	30	35	30	9		2	121
Central	20	9	7	19	19	22		1	9	106
Southwest		3	16	16	34	48	7	1	5	130
Southeast	2	2	3	14	20	23	5		2	71
Total	47	29	44	109	143	162	27	2	26	589

Total number of individuals on which individual information was given—589. The median age range of persons interviewed—73.

Table II, graphically depicts the poignant fact that one-third of the residents of boarding houses are over 80 years of age.

B. *Medical Problems Were Prevalent in All the Boarding Homes Visited:*

Five hundred and eighty-nine individuals visited listed 827 medical problems, most of which were chronic in nature. Bed patients were found in boarding homes with no personal care available.

The following table depicts the severity of the medical problems found.

TABLE III—*Medical problems of occupants of boarding homes*

	Number of Occupants
Cardiovascular disease (strokes, high blood pressure, "heart trouble")	159
Arthritis	118
Blind:	
Total blindness	31
Partial blindness	45
Diabetes	42
Nutritional (Obesity, underweight)	32
Respiratory	22
Amputees	13
Epilepsy	7
Cancer	3
Others (including fractures, dental problems, podiatrics, genitary-urinary, deafness and other problems)	—

Of the 582 individuals, 286 appeared mentally normal. Almost one-half exhibited visible symptoms of mental confusion, loss of memory, bizarre behavior, etc. Some had been referred from state mental hospitals. (The question arises whether patients are inhumanely served by discharging custodial care cases to the community?) Many appear to be far worse off than they were in the hospital.

A. Since most boarding homes are staffed by owner-managers with little outside help, individual care is totally lacking. No special provisions were found for the dietary needs of diabetics. Amputees were sometimes housed on second and third floors, as were the blind. Many occupants relied on other boarders for their personal needs. Medication was haphazard and not administered by trained personnel. One home was found where all the medication of eleven boarders was kept in one cupboard and distributed without fixed schedule and what appeared to be at random. Medication costs are high and one incident was reported of an owner who refused to purchase medicine since the total welfare allotment barely covered room and board. The patient was given the choice of moving or buying her medicine! For those patients on public welfare, the problem of medication was not as acute as for those on Social Security or pension funds.

C. *Medical Care:*

Medical care is totally lacking for 176 individuals in boarding homes. Seventy-one boarders stated they were under the care of a private physician and he was called when needed. Two hundred fifty-three relied on hospital outpatient clinics, neighborhood health centers or neighborhood doctors who made house calls to the boarding homes. Since managers provided the information on the availability of medical services, there is some question as to the reliability of this information.

Of the total population, only 296 were listed as being able to take care of themselves. One hundred sixty-five needed some type of help. Twenty-eight were listed as needing considerable assistance in personal care and 42 needed direct supervision. The obvious conclusion is that half the patients in boarding homes rightfully belong in intermediate care facilities, nursing homes or hospitals.

Since the time of this study, evidence is mounting that this is indeed the case. Recently the following boarding home was brought to our attention:

Mrs. A., a licensed practical nurse, operates a boarding home with eleven aged boarders. On a recent inspection of the premises by an environmental health investigator, he discovered three bed patients, the house smelling of urine, soiled bed sheets and no food in the house. An inspection of the refrigerator revealed two bottles of coca-cola and one frozen turkey.

The following day, an investigator from the Department of Public Welfare visited the premises and observed two quarts of vegetable soup were served for dinner—the main meal for eleven occupants. The following day, a medical evaluation team visited the premises and five of the eleven patients were to be transferred to a geriatric center—a short-term hospital for the aged. The owner was warned in writing that she could no longer accept bed patients. To the question, "By whom is medication administered?", only 58 boarders listed that their medication was self administered. One hundred six patients relied on staff to administer their medication. All others did not respond to this question, but at the most superficial inquiry, it is evident that half the population relies on management to care for medical needs.

D. *Social Information of Occupants: Health insurance*

Medicare	229
Blue Cross	67
Blue Shield	58
Other	77
Not given, or none	274

Many of the individuals listed above as having insurance list more than one source such as combinations of Medicare, Blue Shield, Blue Cross but the number having no insurance of any kind at least matches those for whom it is provided.

Cost of boarding home care displays a wide variation from one individual paying $48.00 a month to a number of homes charging $350.00. In many cases, the entire income is turned over to the boarding house management in exchange for care, leaving nothing for the patient's own personal needs. Patients rely on management to provide for bare necessities. Quality of care could not be equated with cost as some low-rental boarding homes received as good or better care than those paying higher rates.

Sources of income are shown in Table III. Less than half are supported by Public Welfare, which underlines the financial pressures that medication or any extraordinary expenses impose.

E. *Source of Occupants Income by Districts:*

TABLE IV

	Northwest	Northeast	Central	Southwest	Southeast	Total
Department of Welfare	44	58	49	33	27	211
Social security	76	55	35	47	27	240
Blind pension	1	2	4	2	13	22
VA pension	12	4	4	16	2	38
Railroad pension	1	1		3		5
Other retirement plans	14	7	8	7	9	45
Family	8	11	1	32	2	54
Trust fund, bank guardian, court, estate	2	1	2	9	1	15
Bureau of Vocational Rehabilitation			4			4
Unemployment compensation	1					1
Savings	1	2		2		5
Employment	4	4	10			18
Not known or refused to give	24	9	3	5	15	56

F. *Occupancy by Rooms in Boarding Houses:*

Of the 81 homes surveyed, half were rated as good to excellent; and where these existed, it suggested the possibility that with appropriate reinforcement licensure, and medical surveillance, the boarding home might be brought into a continuum of services to provide comprehensive health care to the aged.

Occupancy patterns reveal a broad range from the best of one occupant per room to seven in a room. Eleven boarding homes were found renting basement space. Overcrowding and third floor occupancy statistics present alarming warnings when matched with physical and mental conditions cited previously. When matched with the ages of the individual occupants danger to life is evident. What elderly individual with arthritis, cardiac, respiratory or other physical or mental condition could be evacuated safely in case of fire?

Some of the interviewers' comments suggest the climate and environment that our senior citizens must spend their last remaining days in:

005—Interviewer visited the home during the lunch time and observed that patients received ½ a sandwich and a cup of coffee for lunch. Many of the boarders complained to the interviewer that they wanted to go home. Cost of this care in this home is $250.00 per month. Environmental health cited this home as having illegal heating and electric.

002—Interviewers were in the home for four hours, 11:00 a.m. to 2:30 p.m. and observed no food preparation nor was any lunch served. All occupants sit in one small room—a room of one of the boarders—and listen to a small radio. There is no television or recreation space. Occupants complained that they see their checks when they are given them to sign. Rates of payment range between $101.90 and the highest is $150.00. Six of the eleven occupants pay $136.00 a month, which is the maximum D.P.W. grant for a single person. There were 18 occupants residing in seven rooms; or a monthly income averaged at $2,340 per month, to the owner.

(Author's note—the first floor of this human warehouse could not be depicted. Since investigation, this home was closed).

028—Seven occupants reside in one room on the first floor, which also serves as a common eating area. Four of the seven have beds, while the other three use roll-away cots. One unit on the second floor has four occupants and one on the third has five. Only five occupants in this home would give the interviewer the cost and the low was $136.00 ranging to a high of $233.00.

While payment for room and board appears to be modest, if we will take eighteen occupants residing in seven rooms at the rate of $136.00 a month, we find a monthly income of $2,448 or an annual income of $29,376.

With overcrowding, lack of sufficient quantity of food, very little help in the home, it is readily apparent that boarding homes are profitable and that the answer does not lie in increased subsidization but rather in medical surveillance and licensure, connecting with the health care delivery system so that patients can receive the care needed when needed. The same patient at different times may need a nursing home, a personal care home, a hospital, or a boarding home. It is illogical to assume that patients discharged from other types of care at a medium age of 73, will not require any further care until it becomes an emergency. The warehousing of our aged ill is the result of this system.

028—This home is described by the interviewer as intolerable. The basement floor was extremely cluttered. There was a strong urine smell. Six occupants resided in the basement. On the first floor, a side door had no screens; and flies were all over the eating table which had not been wiped clean after lunch. The boarders lie in their rooms all day long. Although the occupants had physical and mental problems that they discussed with the interviewer, the manager denied this and claimed they were all self sufficient.

Some managers did not permit the interview team to speak to the boarders stating, "This would be too upsetting." In the above-named home, the manager lacked any medical knowledge and the occupants took their own medication. Twenty-two people resided in this home.

In No. 006, the interviewer found a patient tied to a chair, one bedfast, and one epileptic had two seizures while the interviewer was in the home.

Unsubstantiated reports of abuses in boarding homes included:

1. Landlords forcing tenants to turn over all assets of the individual including insurance, personal property, etc.

2. One home was reported as forcing all the boarders to kneel and pray for long periods of time prior to retiring at night. Several occupants of this home complained of this as a hardship and against their religious belief.

3. Not having resources to take patients to hospitals or clinics for medical care.

4. The house that was cited and closed as a fire hazard was reported as moving to California and taking 15 boarders. This was reported to Neighborhood Legal Services for follow-up action. One former resident of this house told an official inspector that Mrs. G.

had absconded with the deed to her home and jewelry.

The question of communicable disease in a boarding house is alarming. One case was reported when a patient left a state tuberculosis hospital against medical advice and moved into a boarding home. Several weeks later, three active cases of tuberculosis were reported and eleven positive reactors. The boarding house owner outraged at the spread of the disease wanted to evict the patient, and a call was made requesting the name of another boarding home so that he would have a place to live! (The patient was returned to the hospital.)

G. *Summary:*

Of the 81 boarding homes visited, 41 were found to be excellent or good. Evaluation included physical structure and the social environment. Unfortunately, the number of good homes does not not begin to meet the need of the chronically ill discharged from the health delivery system, and as a result, human warehouses have been allowed to flourish—housing urban rejects: the aged, infirmed dischargees from medical and mental hospitals, the blind, the amputees, the chronically ill and disabled.

How many such human warehouses exist in Allegheny County is unknown? This list was derived from social agencies and medical hospitals. There is no way of knowing how many others exist. Rooming houses and hotels also include this type of population: too sick to be on their own, too well (?) for hospital, nursing home or intermediate care home. The success of the meals-on-wheels program in this county attests to the fact that the needs of the chronically ill aged are not being met. Social, medical and psychiatric problems are endemic. Ties to families, churches and societies are either absent or tenuous. They live in a depersonalized, apathetic environment and apparently have no life choices.

The boarding home problem is complex in both human and housing dimensions. In some instances, the boarders themselves accentuate the problems. In other instance, the disrepair of the houses and zoning laws make it difficult or impossible to open new homes in residential areas.

Recommendations:

In order to improve housing and custodial care for the aged it is imperative that legislative action be taken to assure proper standards.

Program Strategy:

1. *Licensure*—All boarding homes should be licensed by the Department of Public Welfare and entered into the health delivery system. Persons should have egress to and from each setting as it meets his need.

2. *Medical Surveillance*—All boarding homes should be visited on a regular basis by a medical team to insure that those patients too ill to be cared for in this setting be transferred to appropriate resources.

3. *Renovation* of some of the existing facilities where needed and motivation for small entrepreneurs to enter the boarding home business to upgrade the quality of existing homes and provide additional homes to meet the need.

4. *Standard Setting*—Housing considerations should include space per occupancy requirements, recreation areas, nutritional needs, with some social service programming to provide sensory input as well as community linkage. Boarders able to use community facilities, such as Golden Age Clubs, community churches, etc., be provided, opportunities to use those resources standard setting should be the joint responsibility of the Department of Public Welfare and the Health Department.

THE PRACTICAL RETURNS FROM THE SPACE PROGRAM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. ANDERSON of California. Mr. Speaker, all of us marvel at the accomplishments of the aerospace team in placing man on the moon.

All of us are impressed by the dedication and talents of those involved in the space program.

But all of us do not know the everyday benefits that accrue to the general public through the application of space technology to other fields.

This past year, the National Aeronautics and Space Administration was authorized over $3 billion, approximately 1.3 percent of the Federal budget.

For fiscal year 1973, the space program is expected to spend approximately the same amount.

What does the taxpayer gain from the investment of his dollar in the exploration of outer space? What are the specific, down-to-earth benefits that accrue to today's business, industry, agriculture, and the man in the street?

COMMUNICATIONS

Perhaps the most obvious benefit of space technology is in the field of communications, especially international television. Due to a network of communications satellites orbiting thousands of miles above the earth, millions witnessed the Winter Olympic Games from Sapporo, Japan, the journey of the President to China, and also the daily news from crucial localities all over the world.

International commerce has increased due to the satellite's ability to provide cheaper and more reliable long-range communications.

Last year, a communications satellite enabled more than 30,000 doctors in Europe to participate in a 3-hour trans-Atlantic conference with doctors in Houston and San Antonio, Tex., literally a closed circuit convention.

Planning has begun to establish a new communications satellite system, called the Biomedical Communication Network, which would link medical personnel and medical centers throughout the country.

WEATHER FORECASTING

The meteorological satellite has proved an effective tool in increasing the reliability of short-range weather forecasts. However, longer range weather predictions have not been perfected. But, recent advances in the development of sensors—devices which can sense from orbit such atmospheric conditions as temperature, moisture, and air movement—point to significant near-future extension of forecast time.

Accurate long-range predictions of weather offer sweeping advantages to just about everyone. It has been estimated that the savings resulting from an accurate 2-week forecast—savings in farming, fishing, construction, and other fields—would be billions of dollars each year.

Perhaps the most dramatic effect of the meteorological satellite is its ability to save human lives by a forwarning of destructive storms. From its port in space, the satellite can detect the buildup of a destructive storm and alert meteorologists of its existence. A continued relay of photos enables the weatherman to track the storm, estimate its force, and predict with accuracy when and where it will strike inhabited areas.

An example of the satellite's effectiveness was in detecting Hurricane Camille, while still in the developing stage, in the Caribbean in August 1969. By alerting the inhabitants of the predicted impact area, an estimated thousands of lives were saved.

BUSINESS AND INDUSTRY

The space program represents one of the broadest and most rapidly progressing technological undertakings of all time. The demand for reliability and performance has created the need for a new order of technology.

As each specific technical contribution is realized, it adds to current awareness of the state-of-the-art in that particular discipline. Often the technology developed through the space program is adapted to nonspace application.

Technology used to develop astronaut couches led to the invention of an energy absorbing device which was incorporated in a highway barrier system, now in a number of States. This same technology has been adapted to automobile bumpers, highway rail guards, and shock absorbers for elevators.

A digital computer, developed to analyze the behavior of elastic structures in space flight, is being used by the automobile industry to predict the performance of steering linkages and other components of the 1973 lines of light trucks.

An infrared camera which was designed for nondestructive testing of space components is being used by the tire manufacturing industry to detect flaws in tire designs.

Aircraft, ship and automobile manufacturers are interested in an electromagnetic hammer which was designed by engineers at the Marshall Space Flight Center to smooth and shape metals without weakening them.

MANAGEMENT

To coordinate the work of some 20,000 contractors, to insure an orderly flower of components to the assembly line, and to maintain equipment quality and reliability, NASA found it necessary to develop a new order of managerial capability. The organizational experience and the broad range of management techniques developed by the aerospace industry and NASA are now being utilized by other industries and by Government to improve commerce and to systematically attack society's problems.

To meet the demands on police, fire and ambulance service, the city of Los Angeles turned to space program management techniques by utilizing procurement procedures developed by NASA.

The computer industry has increased rapidly in recent years, until today it does about $8 billion worth of business a year. This development has, generally, coincided with the growth of the space program and its demand for quick, accurate, reliable information storage and retrieval.

ENVIRONMENTAL PROTECTION

Activities from the technology developed to curb pollution and protect the environment has been adopted from the U.S. space program.

Pollution from aircraft emissions is being significantly reduced due to NASA-related research which uncovered practical methods of reducing the smoke and carbon monoxide in the exhaust system.

To alleviate noise from aircraft engines, NASA has joined with airframe manufacturers to redesign a component of the engine. In addition, NASA is developing a quiet engine capable of high performance with a pronounced decrease in perceived noise levels.

In an effort to trace the photochemical production of pollutants associated with smog and to follow their dispersion in the atmosphere, NASA has coordinated a series of airborne investigations over the San Francisco Bay and the Los Angeles area.

Sensors, devised by NASA, can detect and determine the size of oil slicks that occur at sea. Often it is impossible to detect oil slicks from aircraft, but in order to enforce our laws and to protect the sealife and our beaches, the sensor can spot the slick, and action can be immediately initiated.

OTHER AREAS

In the field of medicine, NASA research has led to improved methods of monitoring, recording, and evaluating various physiological conditions.

As a result of the scientific and technical gains of the space program, the scientifically oriented programs in our schools are better equipped to disperse knowledge to budding, young scientists and engineers.

In the marketplace, the housewife can now purchase lightweight, insulated garments, using the same fabrics that were developed for space flight. Accurate digital clocks can be produced more economically and in quantity as the result of technology developed by the Space Agency.

FUTURE

In the future, we will learn much more about the oceans—the oceanic processes that interact with sea food production and ocean pollution. We will gather detailed knowledge of the sources of the water supply.

We will develop durable foams to suppress fires, improved interstate and intercity communications systems, portable oxygen generators for the sick to use at home, new sources of electric power, new devices to curb air pollution at the source, new methods of refuse disposal and water reclamation, and many, many more aids to the human race.

CONCLUSION

The benefits of space technology are serving mankind every hour, and every day of the year. The benefits are real, not just a vague possibility of a distant tomorrow.

These benefits, often unplanned and unforeseen, are extra dividends which result from the application of space experience by business, industry, and Government.

The long-term product of space exploitation is knowledge—knowledge of the universe, the mechanisms at work within it, and of our planet. Some of the knowledge has no immediate applicability to practical use. However, a tremendous amount of the knowledge gained through the space program is immediately transferable to practical use.

I feel that the Congress has an obligation to continue the space program, and to continue the expansion of our knowledge of the universe, the planet Earth, and ourselves.

VIETNAM WAR ECOLOGICAL ASSESSMENT ACT OF 1972

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. FRASER. Mr. Speaker, February 16, I joined the gentleman from Maryland (Mr. GUDE) and several other colleagues in introducing legislation calling for an evaluation of the damage done to the environment of Indochina as a result of U.S. military operations.

The fact of this damage cannot be denied. We have wreaked havoc upon the country. We are doing so today. American air operations are increasing. Two descriptions of this devastation have recently come to my attention. The first is an eyewitness, impressionistic account of the damage as seen by Michael L. Kopp of Minneapolis. Mr. Kopp's letter calls for passage of the legislation we have introduced.

The second account of our destructive efforts in Indochina appeared in the November 1971 issue of the Journal of Forestry. Barry R. Flann and Jay H. Cravens, U.S. Forest Service employees, authored "Effects of War Damage on the Forest Resources of South Vietnam." This dispassionate description of war-related ecological damage makes clear the magnitude of what we have done to destroy a priceless asset of Vietnam—that area's forest resources.

We must plan to make good on what Mr. Kopp calls our "moral obligation to South Vietnam, Laos, and Cambodia—and a spiritual obligation to the earth of those countries—to heal—the flesh of our torn and bleeding planet."

The materials follow:

Hon. DONALD M. FRASER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FRASER: It seems appropriate that my first act of citizenship since leaving the Army should be this letter expressing my support for H.R. 13155, the "Vietnam War Ecological Assessment Act of 1972," introduced on 16 February 1972 by you, Mr. Gude and others.

I spent 15 months in South Vietnam as a photographer and correspondent for the interservice newspaper Stars and Stripes. During that time I flew above the mountains, valleys and paddies in helicopters, bird dog scout ships and transports, for more than 300 hours, from the Demilitarized Zone to the Southernmost reaches of the Delta, from the South China Sea to the borders of Cambodia and Laos.

"Never could I look down upon any part of that country for long without seeing some evidence of devastation caused by the Allied war effort. Over the corrugated central highlands, with their brawling mountain streams, blasted hilltops and bare, eroding hillsides marred the wilderness. Over the seacoasts the beach sands were pocked with craters, the mangrove swamps were deathly brown and devoid of vegetation. Over the Delta rice paddies and crop fields lay barren and cratered even during the rainy growing season.

At DaNang, the nation's second largest city, I photographed the Marble Mountains, archeologically, religiously and historically significant, and a prime scenic and park resource of the future. Its twin peaks above a centuries-old Buddhist temple and monastery were denuded for use by U.S. Special Forces observation outposts. Its marble flanks and grottoes were pockmarked with bullet holes, and the expended paraphernalia of warfare lay all about. Hard against the sheer flank of one of the smaller peaks a junkyard of military refuse smoldered and belched noxious fumes day and night for months.

Daily I looked up from the press camp on the DaNang River (into which we dumped our raw sewage) to see fleets of "Ranch Hand" defoliation planes winging over the great natural bay towards the mountains. Their regular target was the 300-square-mile Bach Ma—Hai Van hardwood forest, one of the largest and greatest of Southeast Asia's nature and wildlife preserves—and incidentally a Vietnamese national park. Reports of the area of this park defoliated ranged up to 40 percent.

The mountains surrounding DaNang and its bay were scarred by quarrying operations for gravel used in military construction projects. Their peaks were surmounted by military installations and crude roads snaked along their exposed flanks.

In the course of interviewing the director of Vietnam's Nature Preservation Service in Saigon I was told that the country's only other national park, about 20 miles north of Saigon, near Bien Hoa, was also in ruins. It had been bulldozed by "Rome Plows" to deny cover to the enemy and provide easy maneuvering and a road for Allied troops.

These were a few of the desecrations of the natural resources of Vietnam as a direct result of the American war effort which I witnessed. It was futile then and perhaps is too late now to cry out against these methods of warfare, although many of my ecologically-minded friends in Service and I noted and remarked upon them. But the implacable command machinery remained deaf—or worse, defiant—to our cries and those of others in the U.S.

And the bombing goes on, each bomb leaving a yard-wide crater to disrupt cultivation and catch stagnant water for malaria-carrying mosquitos to breed. And those mosquitos will perhaps bring the spraying of DDT for their extermination. From what I saw I can believe the figures indicating that up to 30 percent of the usable land area of South Vietnam has been damaged by the war.

I believe we must undertake the survey and planning for restoration proposed by your bill. Such actions would be consistent with what we have done for other countries allied with us in earlier conflicts. Certainly we have incurred a moral obligation to South Vietnam, Laos and Cambodia—and a spiritual obligation to the earth of those countries, which is the flesh of our torn and **bleeding planet.**

Would that I could be involved in such a survey as a visual documentarian. In the meantime I will do what I can to aid you in the passage of this bill. When formal hearings on this bill are held, I would like such of my remarks as you feel appropriate inserted in the official record. I hope your office will keep me informed on the progress of this important bill.

Sincerely,

MICHAEL L. KOPP.

[Journal of Forestry, November 1971]

EFFECTS OF WAR DAMAGE ON THE FOREST RESOURCES OF SOUTH VIETNAM

(By Barry R. Flamm and Jay H. Cravens)

(NOTE.—The authors are, respectively, assistant to deputy chief for programs and legislation, and regional forester, Eastern Region, U.S. Forest Serv.)

Concern for the many problems in Vietnam led the writers to volunteer in January 1967 for service in that country with the Agency for International Development (AID). Cravens went as leader of a six-man team[1] and Flamm as a management inventory specialist, later becoming forestry team leader and chief of the forestry branch. In addition to the planned forestry project activities, while in Vietnam, we had close and continuous contact with various aspects of defoliation. Since returning to the U.S. we have continued to keep up with the further development of the forestry program and activities in Vietnam.

VIETNAM'S FORESTS AND FOREST INDUSTRY

To appreciate the impact of defoliation on Vietnamese forests, it is first necessary to have some understanding of the forests and forest industry in the country.

The forests of Vietnam, covering about two-thirds of its land area (11 million hectares) and containing many valuable trees, have been referred to by capable observers as a "sleeping giant." The Directorate of Waters and Forest reports 1,500 woody plants, very few of which are well known outside Vietnam. The most important commercial species, dau (a *Dipterocarpus*), belongs to the same family as Philippine mahogany or Lauans. Many species can be used for high-grade veneer and plywood, and quality furniture.

Detailed information on the extent, make-up, and condition of the forest is lacking. Table 1 is, however, a fairly accurate representation of major vegetative types, based on work by military intelligence and the economic development group.

TABLE I. MAJOR VEGETATIVE IN VIETNAM

	hectares
Hardwood forests	10, 020, 425
Pine forests	180, 000
Mangrove and rear mangrove	618, 740
Total forest area (including rubber plantations)	10, 819, 165
Brushwood, coffee, and tea plantations	1, 00, 625
Crops	3, 748, 900
Savannah	131, 300
Dune grass (including areas planted to trees)	108, 525
Swamps and marshes	845, 870
Urban areas	3, 100
Total area	16, 757, 485

There is such variety in Vietnam's hardwood forests that description and systematic typing are confounded. Vietnamese, French and American foresters have often chosen different methods of classification. The system in use by the DWF and Agriculture Research Institute, a combination of floristic or natural vegetative types and condition classes, designates the major types as: (1) dense forest; (2) secondary forest; (3) Lagerstroemia; (4) clean or open forest; (5) 3-needle pine; (6) 2-needle pine; (7) mangrove, and (8) rear mangrove.

Although it is relatively unsophisticated, Vietnam's forest industry is extensive. At our last count there were 317 operating sawmills (probably twice that many prior to increased hostilities), one pole-treating plant, one 16,000-ton, wood-based pulp and paper plant, one plywood plant, one particle board plant, 403 wood working shops, and 150 charcoal plants. The sawmills are small and differ from most U.S. sawmills. The most common is the French-designed, but locally manufactured mill called the "CD-4." One of its unique features is a horizontal band saw. We estimated in 1968 that the forest industry provided employment for 80,000 persons.

Vietnam lacks mineral wealth. Forests, however, offer an excellent chance for industrialization and the creation of wealth. Current demand for industrial wood is estimated to be 1,500,000M.^{3} In addition, the annual consumption of fuelwood is estimated to be 420,000M.^{3} In addition to lumber, the annual industrial demand includes 60,000 sheets of plywood, 55,000 tons of pulp, 80,000 utility poles, and other forest products. Within 10 years the need for industrial wood is expected to double. Although it is not so important as long as there is a large American presence, Vietnam will eventually need to earn foreign exchange to pay for its many needed imports. Based on the experience of other less developed countries in Southeast Asia, Vietnam should be able to develop exports of $150 million annually. Vietnam's timber harvest has been lower than other Southeast Asian countries, such as the Philippines and Malaysia. The reported high was 552,000M^3 in 1956. This dropped to only 205,324M^3 in 1967. Subsequently this falling trend was reversed and the cut climbed to 462,722M^3 in 1969.[2] However, compared to approximately 11,000,000M^3 cut in the Philippines on a similar forest area, it is quite insignificant.

Aside from their commercial value the forests are essential to the protection of watersheds, regulation of streamflow, and protection of soils. Highland forests offer recreational opportunities and wildlife habitat. Thus it can be readily seen that whatever affects the forest will affect the welfare of the Vietnamese people.

Recognizing their importance, former Secretary of Agriculture Orville Freeman recommended that a closer look be taken at the forests and forest industries. Accordingly, in the spring of 1966 a forestry mission was sent to Vietnam to study and propose short- and long-range programs. This group recommended a program of technical assistance for the Government of Vietnam. AID agreed with the recommendations and asked USDA to furnish a team of forestry specialists to carry it out. The team's primary job was to work with Vietnamese foresters and forest industry people.

Responsibility for the administration and protection of forest lands and wildlife in Vietnam lies with the Directorate of Waters and Forests (DWF) of the Ministry of Land Reform and Agriculture. The DWF is one of the larger Directorates in the Ministry, with 740 employees in 1969. Thirty-two are professionally trained foresters. Most of the older foresters were educated in Hanoi, but young men now receive professional training at the College of Agriculture, Animal Husbandry and Forest in Saigon. Four young DWF foresters had received degrees in the United States.

For administrative purposes the country is divided into six cantonments or regions. Each region is further divided into 41 forest districts located principally in province capitals.

The major activities in the past have been control regulation, and taxation of forest products. The budget for the Directorate in 1969 was approximately 100 million $VN (exchange rate at that time: $1 U.S.—$118 VN). There are four forestry experiment stations located in Darlac, Tuyen Duc, Ninh Thuan, and Bien Hoa Provinces. The total research budget for forestry in 1968 was 2,957,000 $VN.

EFFECTS OF DEFOLIATION

During our tours beginning early in 1967, we frequently examined defoliated areas through aerial reconnaissance flights, treetop helicopter flights, and ground examinations—the latter sometimes accomplished in the company of military patrols.

Based on our observations alone, we estimated that about 1 million hectares of forest had been sprayed with herbicides by mid-1967. Later this estimate was substantiated by official records and other reports. Since the indication at that time was that the defoliation program was increasing in size, it was easy to imagine the destruction of the commercial forests in a few years. We later learned that 2,500,000 hectares were scheduled for treatment by the end of 1969. The naked and blotted appearance of the canopy over large areas of III Corps was particularly alarming.

As we were uncertain how long these standing timbers would remain usable under tropical conditions, salvage logging operations were begun. Class III woods were expected to deteriorate in one or two years, but it was hoped that disease- and insect-resistant woods (Class I) might remain sound for several years.

Aerial reconnaissance helped to determine the gross nature and extent of defoliation. After considerable experience and practice combined with ground observations, treetop helicopter flights could provide considerable detailed information. Certain trees, the Dipterocarps for example, could be identified with some degree of accuracy. Refoliation and respouting as well as the condition of the understory and the amount of grass and bamboo, could be generally determined.

At every opportunity we observed forest stands firsthand on the ground. Vietnamese foresters, particularly local inhabitants, helped us identify plants and determine the cause of mortality or defoliation. Seedlings and saplings could not generally be identified with any degree of certainty.

Observations indicated variations between susceptibility of various species. *Lagerstroemia* appeared to be very susceptible to defoliation. However, checks of the inner bark sometimes showed trees originally believed dead to have green and moist inner bark. If given a chance these trees may have actually recovered. Unfortunately key study areas were resprayed preventing a determination of recovery rates. *Dipterocarpus* species appeared resilient and resistant to herbicides. Single treatments probably had only minor effects on healthy specimens.

Other apparently sensitive species were: *Anisoptera sp.* (Ven Ven), *Vatica divers, Parinarium sp., Hopea odorata* (sao), and *Pahudia cochinchinensis* (go do.). Go do is a very popular and sought after furniture wood while sao is one of the most important Class I woods and the principal boat-building material in Vietnam.

The Mangrove type was the most susceptible to defoliation. Herbicide treatments in one area, the Rung Sat, have resulted in almost 100 percent kill. Tschirley[3] estimated it would take 20 years for this area to be reestablished.

DEFOLIANTS

For meaningful evaluation it was imperative to know the type of defoliant and the number of applications. As the program grew,

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Footnotes at end of article.

the military records correspondingly improved. But for obvious reasons, missions could not always be flown according to plan and there were times when the entire load of herbicide had to be jettisoned. It was therefore difficult to determine precisely what had happened on the ground.

By the spring of 1968, some forest areas had been sprayed two and three times. Agent Orange (a butyl ester 2, 4-D, and 2, 4, 5-T, 50–50 mix) was the herbicide most commonly used to defoliate forested areas. It was applied directly from the drums at about 27 lb./gal. acid equivalent per acre, many times greater than the concentrations generally used in the U.S.

Tordon 101, [2 lb. 2, 4-D + ½ lb. picloram/gal (isopropanol amine salts)] coded Agent White, a more persistent herbicide, was being more heavily used.

At the beginning of the program a formulation known as Agent Purple was in use. Because its drums had a distinctive purple stripe, the pilots and crews who applied it were known as the "Purple Providers." These planes took an incredible number of antiaircraft hits in the course of flying herbicide missions.

RUBBER PLANTATIONS

Because of our herbicide experience in the U.S., we were requested by the mission to examine and evaluate alleged damages to rubber plantations and other crops. Great concern has been expressed by Embassy and USAID officials over accidental spray damage to rubber plantations in the III Corps Military Zone during the spring of 1967. This brought us into contact with the commanding officer of Chemical Operations and "Ranch Hand."[4]

In June 1967 Flamm accompanied the commander and others from Chemical Operations, Ranch Hand, and the agricultural advisor from Bien Hoa on a follow-up examination of several rubber plantations near the Cambodian border. About two months earlier the mission had received numerous complaints regarding accidental damage from spray drift to these plantations and about 14 others.

We examined these plantations by helicopter and on the ground. Most were decadent and past the economic life of rubber plantations, and because of labor shortages they were poorly maintained. Only minor losses could be attributed to herbicides. The exception was an accidental discharge over one plantation resulting in a strip of heavily damaged rubber trees. In other cases we noticed mortality at the perimeters of military bases, which appeared to be from ground spray operations.

Natural rubber, at this time, was not doing well in the market place. Even in Malaysia, old plantations were frequently being replaced by oil palm. Many factors were at play in Vietnam, and we do not believe that the reduction in latex yield can be attributed to defoliation alone. Communications with the Malaysia Rubber Institute, Forest Service research personnel, and Dow Chemical Company failed to disclose to us any studies or evidence to indicate that temporary defoliation significantly affected latex yields. Later, the Vietnam Rubber Research Institute reported a loss in yields, but it must be remembered that this Institute was supported by plantation owners.

Some plantations, like the large Michelin holdings east of Tay Ninh, were staging and hospital areas for enemy troops. Mature rubber plantations have a nearly closed canopy which foils aerial detection, yet the open park-like condition under the trees permits ease of movement. In spite of this obvious military problem, plantations and 5-kilometer buffer strips were held inviolate to defoliation. Thus, islands of rubber were protected while the surrounding forests were defoliated. However, in 1967 great concern was directed toward accidental rubber and crop damage.

DEFOLIATION RATIONALE AND MOTIVES

There were several reasons for this. First of all the forests were thought of as jungles—considered worthless. Many persons, including agriculturalists, considered the destruction of the "jungle" to be desirable so that additional food crops could be grown. Few Americans or Vietnamese seemed to appreciate the value of Vietnam's forest resources. Some forests had been cut over and subjected to centuries of shag (shifting agriculture) and thus were not productive. However, the largest continuous block defoliated during that period was in War Zone D, northeast of Saigon. This area contained the largest stands of virgin lowland hardwood in Vietnam. The military goal was to defoliate vegetation to make the enemy, its camps, and installations visible, particularly from the air. Thus, dense forests such as War Zone D, from the military point of view, were logical targets.

Some field commanders expected immediate exposure of the enemy, but of course there is at least a one- to two-week delay before leaf-fall. In the multicanopy forest the first application succeeds mainly in "knocking" the top out of the upper-most canopy, leaving a heavy understory. Treatments of dense forest with less understory may at first be more effective in exposing the ground. In many areas heavy stands of bamboo were exposed once the canopy was removed. Chemical Operations hoped that spray treatments would have beneficial military effects for six to nine months, before subsequent regrowth would again conceal the enemy. Then key areas would be scheduled for retreatment.

Forest damage was not always brought to the attention of officials because of military and political points of view.

Broadly speaking, there were areas held by our side, contested areas, and areas conceded to be enemy territory. The latter were considered the territory of a foreign communist power; not the land of the country we were aiding. The people and resources of these areas were the enemy. The forests fell almost entirely in this category. For example, practically all of War Zone C was a free-fire zone, yet earlier much of this area had been the main log and lumber supply area for the Saigon market. Thus, when officials reviewed and considered projects, they considered possible effects on friendly areas—not those held by the enemy. Logical perhaps, but shortsighted. Many military Embassy, and USAID officials began to share our concern at this time.

Throughout the summer and fall of 1967, we saw the defoliated area grow. Frequently we were asked to examine crop damage areas and rubber plantations, but very active military campaigns limited extensive travels into key forest areas. We became increasingly anxious to examine closely these areas on the ground. In fall 1967, we began negotiations with Military Assistance Command Vietnam (MACV) to make such field trips. However, work pressures and other complications prevented a trip at that time.

HERBICIDE REVIEW COMMITTEE

Late in 1967 an important decision was made. The U.S. Mission decided that a complete review of the herbicide policy was in order. A Mission Herbicide Review Committee was formed, chaired by David Carpenter of the Embassy Political Section. Membership consisted of the Embassy Political Section, Chemical Operations Commander, Joint Economic Office, JUSPAO (Joint U.S. Information Office), Office of Science Advisors, Deputy Ambassador's Office, Agriculture Office, and Forestry Branch. Other civilian and military experts participated in the review and witnesses were called to testify.

At the first organization meeting in January 1968, the scope of the study was discussed. We made ardent pleas to include damage to the forests and potential resulting economic damage in the review. The pleas were recognized and thereafter, the forests were given full consideration in the review, including a special subcommittee to deal with this subject alone.

At an early meeting, the need for an ecological evaluation of the consequences of the defoliation operations was stressed. We strongly recommended such an examination and suggested that the necessary expertise was lacking in Vietnam. Subsequently Fred Tschirley was selected by the Department of Agriculture to make the ecological evaluation. His reports have contributed significantly to our knowledge.

The Tet Offensive in 1968 interrupted the work of the review committee. However, as soon as possible the committee resumed its work. We became more and more convinced of the need to make ground examinations of defoliated areas in War Zones C and D. It was our intention to examine stands of important forest types on various soil types in areas that had been subjected to varying numbers of treatments and chemicals.

These areas were held by the enemy and at the time the heat of the Tet offensive had not yet cooled. Soon the spring offensive would again engulf the land in what became, with the Tet offensive, the most active military period of the war. Flamm, however, arranged to make his survey by working out of Special Forces camps.

FOREST SURVEY RESULTS

Based on forest type maps, soil maps, frequent aerial reconnaissance trips, Chemical Operations and Ranch Hand maps, we tentatively located study sites. Lieutenant Colonel Sam Bass and Flamm then checked these in low-level helicopter flights. Nyuyen Dinh Mo, chief of the Bureau of Forest Inventory and Management, DWF, accompanied Flamm at Thien Ngon, Katum, and Tong Le Chon, Special Forces camps in Tay Ninh and Binh Long provinces.

Following an extensive survey, Flamm concluded:

"Light to moderate mortality occurs in forest stands following one application of herbicides. Heavier losses appear to occur from "White" than "Orange." After one year, all trees killed by defoliation remained sound and salvageable. Reproduction representative of the overstory is found in adequate numbers. However we admit this could be subject to question because of difficulty in identifying seedlings.

"Two treatments in successive years result in heavy mortality of sawtimber and loss of reproduction. Grasses appear to increase and it can be expected that bamboo will also increase. Three treatments will probably result in domination by bamboo.

"Evaluation of damage is difficult during the dry season. When possible, evaluation should be made during full natural foliage. Followup examinations were to be made the following summer, particularly of the *Lagerstroemia* stands, to check on mortality rates.

"Log salvage operations should commence the second year following initial herbicide application, as mortality can be judged accurately at this time and logs remain sound."

Flamm reached similar conclusions after an aerial examination of forested areas in III Corps. In a progress report dated October 28, 1968, Flamm reported "light to moderate mortality occurs in the forest stands following one application of herbicides. Two or more treatments in successive years result in heavy mortality of sawtimber and loss of reproduction. Grasses appear to increase and it can be expected that bamboo will also increase."

Through May 1968, the Herbicide Committee and its subcommittees were busy gather-

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Footnotes at end of article.

ing data, questioning, discussing, and evaluating various aspects of the program. Late in the spring the Committee report was completed and submitted for review and approval by MACV, JUSPAO, and USAID, CORDS, and Ambassador Bunker. The report recommended changes of target areas, proposed project review and processing changes, urged care to prevent accidental damage, recommended improvement in war damage claim procedures, and recognized the need for additional evaluation. It brought to the attention of the Mission the importance of the forest and the need for a thorough ecological evaluation and study when security permitted.

Based largely on Tschirley's and our recommendations, the Herbicide Review Committee reached the conclusion that defoliation of large blocks of forests such as War Zone C and D was highly undesirable and if it were absolutely essential to military objectives, then strips of green timber or seed sources and biological refuges should be left. The program should be limited to lines of communications and around military bases; the need to control vegetation around such areas was fairly obvious.

The report not only brought changes but also increased official awareness of the problems. Many more officials in the Mission became familiar with the scope of the operation. The review also opened communications between various military and civilian interests, with beneficial results.

However, as the war has continued, the multiple effects can be readily seen. In addition to the Ranch Hand C123 operations, helicopter use increased for small area applications near bases. Ground spray units, often operated by ARVN, were also in use. The landscape was pockmarked by artillery and bomb craters; fire scorched the landscape; Rome plows cleared almost 100,000 hectares; and trees throughout Vietnam were loaded with shrapnel. Shrapnel damage is so widespread that the industry must assume all logs contain shrapnel. Walter Pierce estimates "average infection of shrapnel in trees throughout Vietnam is 4 percent" and "the cost of locating, removing, shrapnel and loss of wood to be VN \$120/M^3. It is estimated 0.5 percent of timber will have no value because of shrapnel damage."

The estimates in Table 2 are based on our personal knowledge and reports from Walter Pierce in Saigon.

CONCLUSIONS

The damages to the forest may have serious long-term effects. Rare luxury woods may have been permanently removed from large areas of forest. Occupation of sites by bamboos, grass, shrubs, and vines may prevent reestablishment of desirable trees for decades.

Acreage figures alone do not indicate the significance of the loss. Some of the best stands in Vietnam have been affected. The area of heavy defoliation in III Corps is on flat, easily logged land of high site quality and located near important market areas. Over 100 sawmills, a plywood plant, and a particle board plant are located in the Saigon area. Over 50 sawmills were located in Tay Ninh. Altogether there are 266 sawmills in III Corps whose future supply of logs has been threatened. In II Corps similar situations exist near Ban Me Thuot and other highland towns.

On the other hand, one may argue that the present annual cut is so small that the war will not affect the supply of wood. Salvage of the resistant woods may continue for up to 10 years, thus minimizing the economic losses from these war-devastated areas.

The significance of damage to the natural forest will also turn on the Vietnamese government's decision of what part of their land base they will devote to forests. Prior to the war, permanent forest reserves totalling 1,216,571 hectares had been established. Many of these have been severely damaged. All other forest areas are temporary and subject to conversion to other land use. This permanent forest area was based on estimated domestic need with little room for future expansion. No consideration was given to development of foreign markets. This forest base is totally inadequate. For the long-term needs of the nation, 50 percent of the total land area should be maintained in natural forests or plantations. This will be sufficient to meet local needs, develop a vigorous foreign market, protect watersheds, regulate streamflow, minimize soil erosion, provide wildlife and recreation areas, and maintain the natural environment.

FOOTNOTES

[1] Other members of the team were Martin Syverson, Walter Pierce, Lewis Metcalf, Jack B. Shumate, and Pieter Hoekstra.

[2] The predicted cut for 1971 is estimated by Walter Pierce to be 750,000 M^3.

[3] F. H. Tschirley. 1969. Defoliation in Vietnam. *Science* 163:779–786.

[4] An Air Force code name for the operation that actually flew and dropped the herbicides.

TABLE 2.—ESTIMATES OF WAR DAMAGE TO FORESTS AS OF JUNE 1, 1970

	Area hectares [1]	Damage class
Herbicides (defoliation) 1962–69:		
1 treatment	900,000	10–20% kill, (13,500,000 M^3) damage and loss of growth.
2 plus treatments	450,000	50–100% kill, (33,750,000 M^3) heavy damage to remaining stems.
Subtotal	1,350,000	
Rome plow clearings	100,000	100% kill.
Craters:		
6 million B-52 craters (50'×50').	140,000	90% kill.
Other shellings	50,000	80% kill.
Fires	10,000	50% kill.
Total	1,650,000	(ca. 4,125,000 acres).

[1] 1 hectare=2.471 acres.

MY 4-H STORY BY BILLY DON PETZOLD

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. STEED. Mr. Speaker, for many years the 4-H Clubs of America have been providing meaningful and productive activities for the rurally oriented youth. Recently I had the opportunity to read a short narrative written by Billy Don Petzold, an 11-year-old 4-H'er from Granite, Okla. I believe that the spirit he has expressed in his essay epitomizes the feelings of pride and accomplishment which result from 4-H programs. I am pleased to place his article in the RECORD so that we may all benefit from his inspiration.

MY 4-H STORY

(By Billy Don Petzold)

I joined 4-H because other 4-H boys and girls did things I liked to do. It's lots of fun doing things with boys that like to do the same things you like to do.

It's fun to farm and to grow things and to raise cattle. I've always wished for some ground to farm all my own.

Last year I rented 50 acres which I sowed in Nora Oats. I didn't make a high yield because it was dry land and we didn't get any rain for nine months. I made 1,250 bushels and gave 625 bushels for rent. I have 40 acres rented this year and sowed it in Nora Oats. I used 18-46-0 fertilizer for pre-planting. I top dressed it with 28-0-0 fertilizer.

When farming I always practice safety with all the equipment. I won Grand Champion in the Tractor Driving Contest in 1971.

My livestock project really keeps me busy. I own one Angus cow which will have a half Limousin calf in May. My sisters and I show beef animals in the Fat Stock Show County Fair and State Fairs. In 1970 I had a Grand Champion Shorthorn Heifer also in 1970 I had 4th place Hereford Steer and in 1971 I had 5th place Charolais Steer.

Last year I gave a talk on fertilizer in a speech contest and I won Reserve Grand Champion in the Junior Division. I'm going to give this year an illustrated talk on fertilizer.

I help my little sister with the eggs and rabbits. In 1970 I had 2nd place eggs and 2nd place rabbit. In 1971 I had 3rd place eggs. I also placed 4th on my Guar Stalk.

My parents, Mr. Dennis our vo-ag teacher and our County Agent Mr. Anderson work with all of our 4-H'ers. It's so much more fun when our whole family takes part in our projects. I wish all boys and girls could have a chance to belong to 4-H.

A BEAUTIFUL SERMON, DATED 1692

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. LANDGREBE. Mr. Speaker, I wish to call to your attention the following statement or sermon that was found in St. Paul's Church, Baltimore, Ind., dated 1692.

This beautiful message was sent to me by Dr. William M. Shorly, M.D., Lafayette, Ind.

The item follows:

A SERMON DATED 1692

(NOTE: Found in Old Saint Paul's Church, Baltimore; dated 1692.)

Go placidly amid the noise & haste, & remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quietly & clearly; and listen to others, even the dull & ignorant; they too have their story.

Avoid loud & aggressive persons, they are vexations to the spirit. If you compare yourself with others, you may become vain & bitter; for always there will be greater & lesser persons than yourself. Enjoy your achievements as well as your plans.

Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism.

Be yourself. Especially, do not feign affection. Neither be cynical about love; for in the face of all aridity & disenchantment it is perennial as the grass.

Take kindly the counsel of the years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue & loneliness. Beyond a wholesome discipline, be gentle with yourself.

You are a child of the universe, no less than the trees & the stars; you have a right to be here. And whether or not it is clear **to you, no doubt the universe is unfolding** as it should.

Therefore be at peace with God, whatever you conceive Him to be, and whatever your labors & **aspirations, in the noisy confusion of life keep peace with your soul.**

With all its sham, drudgery & broken dreams, it is still a beautiful world. Be careful. Strike to be happy.

RESPONSE TO PRESIDENT NIXON'S BUSING STATEMENT BY THE BLACK LAW STUDENTS OF HARVARD UNIVERSITY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HAWKINS. Mr. Speaker, I submit for the RECORD an excellent response to President Nixon's busing stand by the Harvard black law students.

Their letter to the President and statement are offered in the belief that those of us who still believe in constitutional rights will gain new hope that black students are fully capable of assuming leadership roles in tomorrow's society.

The letter follows:

MARCH 20, 1972.

Hon. RICHARD M. NIXON,
President, United States of America,
Washington, D.C.

DEAR MR. PRESIDENT: Your television address of March 16, 1972 and its proposals are worse than unwise at this time, or at any time. Our fundamental objection is that your legislation accepts and writes into law the opposite to all the essential holdings of the Supreme Court since *Brown*, namely, that there is an affirmative duty to disestablish systems of legally enforced segregation and to correct the present effects of past segregation.

While it might be argued that even with Brennan's footnote 10 in *Katzenbach v. Morgan* (1966), Congress can lay down national standards as long as they are even-handed, where the denial of the remedy is in effect the denial of the fundamental right, where the Constitutional guarantee is diluted, your piece of legislative law has no justification in *Katzenbach*, and flies in the face of all the holdings since *Marbury v. Madison* concerning the jurisdiction of the courts.

Couching an attempt to cut back on the enforcement of the technical limits of the equal protection clause under the issue of busing, is a deceit and a fraud.

Enclosed please find a copy of our official statement. We hope that you will seriously reconsider the gravity of what you are doing and the precedents it will set for future Presidents and future Courts, but most of all, for the future of minority rights.

Respectfully,
THE BLACK LAW UNIVERSITY
OF HARVARD UNIVERSITY.

RESPONSE TO PRESIDENT'S ADDRESS

We, the black law students of Harvard Law School, are appalled by the President's television address of March 16, 1972, which suggests, at worst, a withdrawal of stringent enforcement of the Fourteenth Amendment, and, at the least, is a blatant denial of the doctrine of *Brown* v. *Board of Education* (1954).

The President's characterization of busing as one of the most difficult issues of our time **is a red herring; the real issue is the enforcement** of minority rights. In the eighteen years which have transpired since *Brown*, this nation has slowly become aware of the fact that political, social and economic factors operate in such a manner that make the notion of separate inherently unequal. We view the President's proposal to upgrade the schools in the central city "so that the children who go there will have just as good a chance to get quality education as do the children who go to schools in the suburbs" as a return to the doctrine of *Plessy* v. *Ferguson* which the Supreme Court rejected in *Brown*.

The President's call directing "all agencies and departments of the Federal Government at every level to carry out the spirit of this message in all their actions" can only mean a retrenchment of this nation's commitment to *Brown* as the supreme law of the land in removing the "badges of servitude" applied by "invidious discrimination" not only in education but also in housing, employment, access to public facilities and other rights of citizenship.

With the merits of busing as a means of achieving equal educational opportunity in dispute, we should not close an avenue that may well be beneficial in achieving quality education. In fact, Nixon-appointee Chief Justice Burger, in writing the majority opinion in *Swann* v. *Charlotte-Mecklenburg Board of Education* (1971), stated ". . . we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school."

Roughly eighteen million of the nation's public school children were transported to their schools by bus in 1969–1970 throughout the nation. Approximately 65% of those students rode to school every day for reasons that had nothing to do with school desegregation. The fears of the parents and Mr. Nixon result not from the bus ride per se, but from a fear of the destination of the bus—inner-city schools. The move to the suburbs wouldn't work anymore.

At this time, we reject any proposal of a constitutional amendment on busing.

The President's denouncement of the judicial propriety of various District Court decisions in the area of busing, as having exceeded the bounds of the requirements laid down by the Supreme Court in *Swann* is premature. Such prejudicial statements should not be made by the nation's Chief Executive prior to a ruling by the Supreme Court—a Court that has been substantially shaped by the President. Attempts to circumvent the slowness of the judicial process, such as those proposed by the President, undermine the basis of an ordered society under law.

Upon examination, we do not find the President's alternative to busing, that of improving the inner-city schools, a viable one. It is estimated that to bring the inner-city schools to the level of their suburban counterparts would require spending three to four times as much as to maintain the suburban schools. In a time when expenditures for education are already inadequate, is it to be expected that the government will make this vast commitment to inner-city schools? That this commitment is less than a full one is readily seen from the source of the two and a half billion dollars: $1.5 billion of that is already currently available each year under a proviso of the 1965 Elementary and Secondary Education Act and the remaining $1 billion under emergency school aid legislation is already awaiting action in a Senate-House conference committee. There is nothing new in Mr. Nixon's proposal.

One can see an analogy to the actions of Rutherford B. Hayes which led to the withdrawal of Federal troops from the South, tolling the death knell of reconstruction in the South.

STATEMENT OF FRANK L. KELLOGG

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. RODINO. Mr. Speaker, on March 12, 1972, I was privileged to address the 88th annual meeting of United HIAS Service in New York City—a meeting that was attended by nearly 1,000 persons interested in the activities of HIAS. This large turnout certainly demonstrated the faith that people have in HIAS and likewise demonstrated their interest in the future of this service organization.

Sharing the dais with me on this ocsion was the Honorable Frank L. Kellogg, Special Assistant to the Secretary of State for Refugee and Migration Affairs.

In the course of the meeting, Ambassador Kellogg was presented with a special citation by Mr. Harold Friedman, president of United HIAS honoring the U.S. Refugee program for the good deeds accomplished through the program in its nearly 10 years of existence.

The remarks of Ambassador Kellogg in accepting this citation so ably recall the history of the U.S. refugee program and the close work and cooperation of HIAS that I welcome the opportunity to insert Ambassador Kellogg's remarks in the RECORD:

STATEMENT OF FRANK L. KELLOGG, SPECIAL ASSISTANT TO THE SECRETARY OF STATE FOR REFUGEE AND MIGRATION AFFAIRS, TO THE 88TH ANNUAL MEETING OF UNITED HIAS SERVICE NEW YORK

Madam Chairman, President Friedman, Chairman Rodino, Mr. Fisher, distinguished guests . . . and warm friends . . . your organization is 88 years old. The United States Refugee Program is 20 years old this year. I have been in office, and administering USRP among other operations, only about 14 months. So it is with a sense of humility as well as with considerable pride, that on behalf of your Government I accept your special citation to USRP.

It might be useful to recall the origin of this program with which United HIAS Service has had relationships from the beginning. In the early 1950's, during Harry Truman's Presidency, there was a great deal of human suffering in Europe. The postwar refugee organizations had disappeared. There was almost no one to assist the newly-arriving refugees of the era—Eastern Europeans fleeing to freedom to escape the oppressions of Communist governments.

The only havens many of these helpless people could find were leftover wartime camps—in Greece, Germany, Austria, Italy, Turkey—where food, clothing and medical assistance were at subminimum levels and processing for resettlement was almost nonexistent. "Cesspools," I have heard some of these camps described, "where the thing in shortest supply of all—was hope". It was close to an international scandal.

The voluntary agencies, including HIAS, played a large role in mustering public opinion to obtain U.S. Government action. In 1951 when the Congress was considering the foreign aid act, a last-minute amendment was made—it passed in both Houses almost unanimously—which gave the President options and authorized funds for assistance to escapees. Some of you will remember the principal architects of what was first called the "President's Escapee Program" and then the "United States Escapee Program;" George Warren, then the "State Department Advisor on Refugees and Displaced Persons", under whose overall supervision the program was developed; Laurence Dawson, then George Warren's deputy and now Senior Advisor on Refugees in my office, who drafted and established USEP and directed it for many years; Eric Hughes, who helped organize the program in Europe and later served as its chief of operations in Washington; Richard Brown, who for a long time directed operations in Europe and the Near East. And there were others.

Larry Dawson is here with us today. And while I think about it, Raymond Laugel, my deputy, wanted to be here, but has been called to Geneva on ICEM business.

In setting up the program in 1952, Larry Dawson met with key voluntary-agency personnel in this country and in Geneva to develop a partnership approach between the voluntary agencies and Government. The resulting contractual relationships with HIAS and other organizations pioneered what is now a wide range of joint U.S. Government-voluntary agency humanitarian operations.

In 1966, the U.S. Escapee Program was renamed the U.S. Refugee Program, but the operations remained the same—to provide for the reception, interim care and earliest possible resettlement of refugees from oppression in Europe. In the last 20 years, the program has helped some 350,000 people reestablish their lives in new homes. The flow of refugees has been continuous, with sharp increases when there has been an explosion of some kind in one of the communist countries. During the abortive revolt of 1956, 180,000 Hungarians fled to Austria and another 20,000 to Yugoslavia. USEP provided friendly reception and interim care for all of them, and helped bring about their resettlement in Western Europe, this country, and elsewhere.

Among other peaks were the emigration of Polish Jews in 1968 and, in the same period, the resettlement of perhaps 50,000 refugees from Czechoslovakia. And currently, of course, USRP is playing a role in providing interim care and maintenance for Jews emigrating from the Soviet Union, more than 15,000 of them since January of last year.

The families who are with us today—the Beckovitches and the Oksenszteyns—are visible evidence of this program. I know Miss Watson joins me in welcoming them to the United States, and wishing them a happy and productive future here.

Over its 26-year history, USRP has operated on very small budgets, as Government budgets go. Annual costs have ranged in the area of $3 million, up to nearly $10 million in the peak year of 1957. This year—with the resettlement of Soviet Jews a major activity of USRP—we came close to winding up with no funds at all. Our request for $2.9 million for USRP was eliminated during the early stages of the legislative process. The resulting outcry from voluntary agencies—and Gaynor Jacobson and your other officers played a leading role—played a significant part in restoration of the money by the Congress, which, in the context of the American tradition of freedom of movement and the large heart of this nation, has a great record of response to humanitarian challenges of this kind.

Over the years my predecessors, and over the past 14 months I myself, have enjoyed close and effective relationships with United HIAS Service. I am pleased to note this special recognition of the program in which we have worked most closely together. I hope our useful humanitarian work will continue for many years to come. On behalf of my colleagues and the Government, I accept the citation to USRP with warm appreciation.

MILITARY WASTE AND MISMANAGEMENT COST U.S. TAXPAYERS BILLIONS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. EVINS of Tennessee. Mr. Speaker, waste and mismanagement in the military industrial complex are costing the American taxpayer billions of dollars.

In this connection the Memphis Press-Scimitar recently published an article by the excellent and capable Washington correspondent for the Memphis and Knoxville Scripps-Howard press, Mr. Lee Stilwell—based on my newsletter, Capitol Comments, which I place in the RECORD herewith because of its interest to my colleagues and the American people.

The article follows:

REPRESENTATIVE EVINS BLASTS MILITARY-INDUSTRIAL WASTE, POINTS TO COST OVERRUNS OF $35 BILLION

(By Lee Stillwell)

WASHINGTON.—Waste and mismanagement in the military-industrial complex is costing the American taxpayer billions of dollars, Rep. Joe L. Evins (D-Tenn.) charges.

Evins said a current report discloses costs of 45 selected weapons currently being built will exceed original cost estimate by more than $35 billion.

"The disturbing fact is that despite continued warnings by Congress, the armed services continue to play costly games with big business defense contractors—with initial estimates of weapons costs almost invariably ballooning into much higher costs," Evins said.

Evins called facts produced by Congressional committees and General Accounting Office during investigations into the Department of Defense Operations an incredible revelation of waste and mismanagement in the research, development, and procurement of weapons systems.

"Certainly we must have a strong defense—but we must not permit our armed services to become so inefficient that the increased costs will severely curtail their capacity to adequately plan and prepare our national defense," Evins said.

Evins pointed out fiscal years 1969, 1970 and 1971 were years of cost overruns with original contract prices for weapons systems soaring.

In substantiating his accusations, Evins said:

GAO just reported the Air Force knowingly made overpayments of more than $1 billion on the giant C5A transport plane to Lockheed Aircraft Corp. to finance overruns.

It was disclosed a Navy admiral instructed subordinates to spend $400 million as quickly as possible this fiscal year in an effort to avoid cutbacks by Congress in next year's budget.

The director of Naval Materiel Command Procurement Control and Clearance Division charged "blatant fraud of some sort" in a claim by a Lockheed subsidiary for $46.3 million more than original contract price for destroyers and other ships.

The per plane cost of the F111 tactical aircraft increased from the original estimate of $3.4 million per plane to $15 million per plane. The overrun was held at $1 billion by reducing the number of planes ordered by 1,200.

Costs increased by $714 million to $2.6 billion for the Mark 48 Naval torpedo.

The price tag for the Cheyenne helicopter exceeded the original contract cost by $35 million.

Minuteman II missile costs soared $152 million above original estimates.

Original cost estimates for the Short Range Attack Missile (SRAM) increased from $161.6 million to $413.4 million.

Costs of the F14 aircraft increased from the original $8.3 million per plane price to $12.5 million per plane.

Evins pointed out retiring President Dwight Eisenhower warned that the nation should beware of the military-industrial complex, adding a recent Senate report said weapons have become noted for "electronic frills and gold-plating, for being excessively priced, overcomplicated and under achievers."

Evins charged that vast subsidies are given and losses incurred by the military weapons production industry by the government's failure to insist on full performance on contracts and accepting less than agreed to by contracts.

"It is widely known in Washington that many Defense Department officials retire and assume executive positions with big business defense contractors—thereby establishing an easy 'family' relationship between the government and big business that tends to work to the disadvantage of taxpayers," Evins said.

"In the interest of the American taxpayer, economy, efficiency, changes and improvements in our system of defense procurement must be implemented," Evins concluded.

LAW OF THE SEAS CONFERENCE SCHEDULED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. WALDIE. Mr. Speaker, a worldwide Law of the Seas Conference sponsored by the United Nations, is scheduled to take place next year in Geneva. A number of serious problems pertaining to the oceans will be considered there.

One of the most serious problems concerns this country. For a number of years, fishermen from foreign countries—Russians, Germans, Ecuadoreans—have been mercilessly taking thousands of fish from our offshore waters. At present, about 30 nations, including the United States, observe the 3-mile limit on territorial waters. Fifteen countries have limits of 4 to 10 miles; 40 others have a 12-mile limit, and 11 have limits ranging all the way up to 200 miles.

The United States proposed late last year at a meeting of the U.N. Committee on Peaceful Uses of the Seabed in Geneva, that 12 miles be set as a standard limit on a nation's territorial waters.

There would be recognition of the right of transit through straits used for international navigation between one part of the high seas and another. At that meeting, the United States also proposed the establishment of international bodies to regulate fisheries and to insure conservation of the oceans' resources.

The following article on this subject from a recent issue of Life magazine was brought to my attention by a constituent. It illustrates the effect this rape of our fishing grounds is having on the American people:

Law of the Sea Conference That Could Avert Disaster

Just to the south of the rocky undersea canyons where the Blue Surf seeks a living, the fertile Georges Bank extends in sandy shallows 160 miles out from Cape Cod. A generation ago, New England fishermen were taking thousands of tons of haddock and cod and flounder from Georges every year, and hardly denting the supply. Ten years ago the Russians appeared, then the Poles, the Germans (East and West), the Spaniards and even the Bulgarians. At times their fleets totaled more than 500 vessels, many of these the new factory ships able to freeze everything they caught and to stay at sea for months.

In this situation the Americans never had a chance. Most of the foreign vessels were either state-owned or built with subsidies that ranged from 50% to 100%. For Americans, it was—and is—the other way around. Since 1792 federal law has subsidized the U.S. boat-building industry by stipulating that all American fishing vessels must be built in this country. Today our fishermen have to pay twice as much for a vessel as their foreign competitors do. Considering the low duties charged on most fish, it is thus possible for foreign vessels to fill their holds almost within sight of the American coast, carry the fish back home and then ship it right back here at a profit. In 1970, the excess of fishery imports over exports cost the U.S. $700 million in our balance of payments.

In the U.S., the immediate damage has been to people: to the men of Gloucester and New Bedford and other East Coast ports where the unemployment rates are among the highest in the country, to the veteran fishermen who no longer can expect their sons to follow in a tradition as old as the country, to owners who see their means of livelihood rotting away uselessly beside a wharf.

The long-term loss has been to the fishing grounds. Some biologists estimate that if all fishing stopped tomorrow, the haddock would never return to Georges Bank in the numbers that existed there just ten years ago. Like huge mechanical combines harvesting a field of wheat, the foreign vessels have raked over the grounds until they are now little more than a wasteland. One Canadian study defined the problem: "What is everybody's property is nobody's responsibility."

By 1970, when it was perfectly apparent they had wiped out nearly every living thing on the North Atlantic banks, the fishing nations involved got together and agreed on a quota system. It was no more than an admission of damage already done and is not likely to reverse the process of destruction. The foreign fleets came to the North Atlantic after they had cleaned out the Baltic and the North Sea. When they clean out the banks near our shores they will go elsewhere.

American fishermen have been powerless to halt the rape of their own fishing grounds, partly because the U.S., as a maritime power, has insisted on the three-mile territorial limit as a guarantee of free passage through all the world's oceans and straits. On this point we have the unfamiliar but wholehearted support of the Russians. Our dogged insistence on narrow limits is a major cause of the uncontrolled slaughter of fish. But this doesn't have to be the case.

In 1973 the U.S. will take part in a worldwide "Law of the Sea" conference in Geneva. We could lead a return to sanity by sponsoring three measures there:

Dual seaward limits for all coastal states: 12 miles as the limit of sovereignty, with an additional fishery conservation zone extending out to the point where the continental shelf slopes off into the ocean depths. Most fish live on the shelf, not in the depths. By placing responsibility for the word's fish stock in the hands of the nations bordering the seas, the world would take a practical step toward preservation and regulation. A coastal state should not be able to restrict all fishing to its own boats. But it should be able, through licensing, to limit the total catch to a sustainable yield.

International limits on the different species of tuna that would cut off the fishing worldwide when a set quota is reached. Tuna range through all the world's oceans, and tight conservation measures in one area mean nothing if it's open season at the fishes' next port of call.

Agreement that river-spawning fish such as salmon should never be caught on the high seas but only at the mouths of the rivers in which they are born and where they return to spawn and die. If salmon are netted during the oceanic part of their life cycle, it may well mean that when the time comes for them to return to their native rivers, none are left to strike up certain streams, while other rivers are glutted. Two improbable villains in the present situation are Denmark in the Atlantic and South Korea in the Pacific. Neither nation has a salmon river of its own and both insist on the right to catch salmon on the high seas. If their attitude wins out in the name of "freedom of the seas," the salmon may go the way of the whale.

There is no reason why laws cannot be written that would acknowledge the basic right of free passage and still allow for the conservation of the world's fisheries. In fact, unless such laws are written, we will be preserving only the right of passage over a dead sea.

VOICE OF DEMOCRACY CONTEST

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HATHAWAY. Mr. Speaker, I am sure you and my colleagues are aware of the annual Voice of Democracy Contest sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. This year nearly 500,000 secondary school students participated in the contest. I am very proud at this time to place in the RECORD the winning speech from the State of Maine delivered by Allen Otis, a junior at Mount Blue High School in Farmington, Maine.

My Responsibility to Freedom

(By Allen Otis)

Prior to the American Revolution one of the complaints made by the colonists was their lack of representation in the British Parliament. After the passage of the Stamp Act and Townshend Acts they realized that only a representative government would respect and preserve their freedom. A conclusion that I have drawn from this is that preserving our democratic form of government is absolutely necessary for preserving our freedom.

My first responsibility to freedom is that of self education. I must have a knowledge of the liberties I am entitled to if I am to help preserve them. Also necessary is an understanding of the past and present history of my government and society. Only by being an informed citizen can I carry out my other obligations to freedom. The importance of an informed public to maintaining freedom is illustrated by a characteristic of dictatorial governments. Such governments nearly always have, as a policy, censorship of the news media. The leaders in such governments realize that their rule is endangered if the people are informed of the freedom that they lack.

Knowing that my freedom is guaranteed by the Constitution, its Bill of Rights, and other laws will not, in itself, preserve my liberties. One of my responsibilities is to keep these laws alive by using them. Laws that are not used have a tendency to be forgotten. If a liberty such as freedom of the press is restricted once by a government, with no apparent opposition from the people, then the government may limit freedom of the press again, because of the lack of opposition that it originally encountered. Thus it is my responsibility to keep my freedoms viable by using them and opposing any unlawful restrictions on them. In other words, I must not become an apathetic citizen. I am obligated to participate in the government that guarantees my freedom. Voting in federal, state, and local elections is one of the most important ways of participating.

Like anything else, freedom has limits and can be overused. Essentially, one man's freedom stops where another person's rights begin. This means that in using my liberties it is my responsibility not to interfere with other citizen's rights. To protect the rights of others many liberties have restrictions attached to them. Two examples are the freedoms of speech and press. These freedoms do not grant the right to libel or slander another person. Restrictions on freedom can be prompted by excessive use of freedom. By using freedom with a degree of restraint I can help minimize the need for laws restricting freedom.

In preserving freedom there is another concept which must be considered. One person cannot preserve or gain freedom alone. A successful effort to gain and preserve freedom involves a majority of the population with each person working towards equal freedom for all. Thus I must help preserve my fellow citizen's freedom as well as my own.

It was this spirit of cooperation and concern by the American Revolutionaries that made their quest for freedom and a representative government successful.

A GOOD COP

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. McKINNEY. Mr. Speaker, I have resided in Fairfield, Conn., for more than 35 years. For 33 of those years, Phil Ganser has been a member of the Fairfield Police Force, the last 11 of those as chief. Now, after more than a third of a century of service to the people of Fairfield, he has tendered his resignation to the board of police commissioners. Quite rightly, it has been accepted "with regret."

Like a great number of Fairfield residents, I share the regret expressed by the members of the board for in Chief Ganser, we are losing one of Connecticut's finest law enforcement officers. I hasten to add that none of us would deny him the peace, quiet, and enjoyment of his deserving retirement years and perhaps, for a change, an uninterrupted meal with his lovely wife, Marie.

When the chief joined the force, he worked 12 hours a day, 7 days a week and got 2 days off a month, all for the grand sum of $1,500 a year. With tongue in cheek the Fairfield Citizen recently noted, "Conditions have changed somewhat since." Indeed they have and rightfully so. The most incredible part of his record, however, is the fact that he has never been known to take a day of sick leave.

Mr. Speaker, in these days when we receive constant reports of strained police-community relations, the work of Chief Ganser, and those who work with him, stands out as a model for those dedicated to crime prevention and justice. There are innumerable accolades which can be rightfully showered on this man, but I would like to offer only one; the one which I feel means the most to him: Mr. Speaker, Phil Ganser is a good cop.

Recently, the Fairfield Citizen noted Chief Ganser's retirement. If there is no objection, I would like to include that article in the RECORD at this point. The article follows:

POLICE CHIEF GANSER TO RETIRE

After almost 33 years of service to the town of Fairfield as a member of its Police Department, with 11 of those years spent as Police Chief, Fairfield native and graduate of Roger Ludlowe High School, Chief Philip A. Ganser has tendered his resignation to the Fairfield Board of Police Commissioners. It has been accepted "with regret" and with the highest words of praise for the work of a 'superb chief.'

The announcement of Chief Ganser's resignation was made by Police Commissioner Chairman John T. Dooley with the action becoming officially recognized by a special commissioners meeting which took place last night.

Although it was expected that Chief Ganser would depart for a much anticipated vacation on May 1st, the Commissioners have asked him to stay on active duty as a consultant to the man who will be Acting Chief, Uniform Division, Captain Anthony Mastronardi, until an examination and complementary ratings determine who the next actual Chief of Fairfield Police will be.

The four men eligible for this are Captain Mastronardi, Captain Patrick L. Carroll, Jr. of the Detective Division; Captain Edward J. Chervansky of the Uniform Division; and Captain Thomas J. Lennon of the Accident and Special Services Division.

That Captain Mastronardi has been asked to fill the interim position of Acting Chief is in no way significant according to the Police Commissioners, nor has it any bearing on the final appointment to the position. Mastronardi is the senior captain and it has been the custom for some time for him to act as chief in Ganser's brief absences.

"We feel," said a Commission spokesman, "that it would be advisable to retain Chief Ganser as a consultant to insure a smooth transition of work within the department. It is possible, after all, that Captain Mastronardi will not be the permanent chief and this will mean the Force will have to learn to work with two different leaderships within a brief space of time."

Police Commissioner Ed Dougiello said that "we are fortunate to have four qualified captains of such high caliber from among whom to appoint a new chief. They are all ambitious, enthusiastic and hardworking. We have a good choice."

It is felt that it would take at least until May 1 to choose a new Chief on the basis of a state exam and other considerations. These include some standards set up by the local Board of Police Commissioners and would include such things as training, experience and a rating by the incumbent chief.

After joining as a rookie motorcycle cop on August 1, 1939, Philip A. Ganser worked his way up through the ranks steadily until he gained the highest position the Force has to offer. A promotion to sergeant came through on January 1, 1950 and after being assigned to the Youth Bureau in 1954, upon the death of Sgt. Murphy, he was made a lieutenant in July, 1955.

His captaincy came on May 15, 1958 and on December 11, 1961, he scored best in a field of seven contenders to become Fairfax Police Chief, succeeding James Kranyik.

His first salary was $1,500 per year, working seven day a week, two days off a month, 12 hours a day, 84 hours a week and no sick leave. Conditions have changed somewhat since.

The force now numbers 102 men (if the five are added according to the new budget) from its complement of 18 just prior to World War II. Chief Ganser's salary at the date of his retirement is $18,736 and no one around Police Headquarters remembers his ever taking sick leave although it has been part of the Police Department working conditions for some time now.

TOM McCAFFREY, VALLEJO POSTMASTER, COMPLETES FEDERAL SERVICE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. LEGGETT, Mr. Speaker, Tom McCaffrey, my friend and benefactor of the entire Fourth Congressional District of California, met his untimely demise last Sunday, March 26.

Tom, a war veteran, businessman, politician, administrator, and beloved postmaster of Vallejo, Calif., contributed measurably to the progress of his home State of California during his 52 years.

The grief of his wife, Jane, is shared by thousands of Californians.

The Vallejo Times Herald editorialized this morning as follows:

PASSING OF TOM MCCAFFREY

At 10 a.m. this morning, hundreds of Solano County residents will pay their last respects to Tom McCaffrey, Vallejo postmaster for the past seven years. He will be missed, not only in the postal ranks where his conscientious devotion to duty made the Vallejo post office one of the most efficient in the state, but also by civic groups and in Solano County Democratic circles.

His army of friends was stunned by the news of his death early Monday morning following an emeregncy operation. But they long will remember Mr. McCaffrey as an upstanding citizen, a leader, one who knew his capabilities, which were great, and carried out his responsibilities to the limit.

This is reflected in the various positions in which he was asked to serve to make life better for his fellowman . . . national chairman of the Veterans Affairs Commission and the National Federation of Catholic Students. Locally, when the veterans organizations and the Solano County Central Democratic Committee needed an able leader, they called on Tom McCaffrey. He served as secretary of the central committee for two terms, was co-chairman of many important committees, then capped his civic functions by being a successful co-chairman of Solano County for the election to the U.S. Senate of Clair Engle.

A native and life-long resident of Vallejo, McCaffrey was a graduate of St. Vincent High School. After his discharge from the United States Air Force in 1945, he entered Notre Dame University. While there, he was listed in the "Who's Who in American Colleges and Universities" for his fine scholastic leadership.

He served Sen. Luther E. Gibson well in Sacramento as his field representative for more than three years and gathered prestige and stature with members of the Legislature and state officials because of his knowledge of the problems of our cities, county and our people.

I could not have chosen a better informed person to assist Dugald Gillies and me in processing the legislation affecting Solano County," Sen. Gibson said.

McCaffrey retired as senator's representative to become postmaster of Vallejo.

Former Governor Edmund Brown also noted the expertise of Mr. McCaffrey when he appointed him a member of the State Water Pollution Control Board, a field in which Mr. McCaffrey was active before becoming Vallejo's postmaster.

McCaffrey's ability to accept responsibility proved itself during his three years in the Air Force during World War II. A B-24 gunner, McCaffrey's plane was shot down at sea on his seventh mission. He survived for 28 hours afloat on a raft before he was rescued by the Navy. Later he was awarded the Purple Heart decoration.

Vallejo has lost a valuable citizen, but thousands now have a better appreciation of life by knowing, associating and working with him to make life better for Solano County residents.

MISUSE OF FOREIGN AID

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. ASPIN. Mr. Speaker, I am publicly releasing today a memorandum written by U.S. Ambassador to South Vietnam, Elsworth Bunker, which reveals that some of our food for peace commodities are being fed to pigs, cattle, and water buffalo instead of the hungry people of Vietnam.

Ambassador Bunker cabled last September to senior officials in Washington that—

> Many recipients—were given this unfamiliar commodity—processed wheat—with little or no knowledge of its food value and method of preparation. For these people bulgur—the processed wheat—inevitably became identified as livestock feed.

After reading Ambassador Bunker's cablegram and other documents which I have obtained but not released, I am convinced that it was the ultimate act of stupidity to send $28.7 million worth of wheat to South Vietnam without determining whether it would be used to feed hungry people or pigs. At a minimum, the Agency for International Development should have surveyed the Vietnamese situation and determined what kind of foods would be acceptable to the Vietnamese. Instead, the United States chose to send bulgur which, while acceptable to Western palates, is considered livestock feed by the South Vietnamese.

In addition, the memorandum reveals that Ambassador Bunker is seeking the approval of officials in Washington to provide 7,000 tons of additional bulgur during 1972. Supposedly the additional bulgur will be used to assist Montagnard tribesmen in rice deficient areas and to provide processed wheat to Vietnamese and government institutions.

I have asked Director Hannah to assure the Congress and the American people that the shipment of 7,000 tons of wheat will feed hungry human beings, not pigs and cattle.

The concept of the food for peace program is to provide assistance to hungry refugees and war victims. It is a sound concept. But the reality of Vietnam and the terrible conflict there has perverted our food for peace program into a corrupt system that provides money for merchants, feed for pigs, and not enough help for the innocent victims of the Indochina war.

The cablegram written by Ambassador Bunker and my letter to Dr. Hannah follows:

CABLEGRAM

1. Bulgur has been controversial in past due in part to emergency nature of Vietnam Title II program in which large quantities of all available commodities were programmed to fill actual need and anticipated needs which did not always materialize. Excessive inventories led to excessive distributions with insufficient controls over and use of this commodity. Many recipients in non-institutional situations were given this unfamiliar commodity with little or no knowledge of its food value and method of preparation. For these people bulgur inevitably became identified as livestock feed.

2. Concomitantly bulgur prepared in central kitchens for institutional feeding was valued and consumed by recipients usually mixed with rice. Such cases of proper use of bulgur received little notice since misuse by non-institutional categories was widespread and conspicuous.

3. Title II program FY 1972 no longer emergency program. Total tonnage and number of recipients substantially reduced and unmanageable categories eliminated. Cornmeal, rolled oats, and rolled wheat not programmed. Tighter controls have been effected to prevent misuse of commodities. With this realistic program and effective controls USAID believes that bulgur should be distributed to institutions where it is acceptable and properly used.

4. CORDS/War Victims Directorate very concerned about destitution among Montagnard tribes in rice deficit areas. Field reports indicate Montagnards in some areas suffer malnutrition and are dependent on external source of food at certain times of year. Title II commodities including bulgur are consumed by Montagnards who otherwise would go hungry. Bulgur is programed for Montagnards because it is needed as rice substitute easily prepared and appreciated by these people reportedly in need of food assistance. Title II food supplements for Montagnards will consist only of bulgur, milk, vegoil, and C.E.M. Flour is not distributed because of lack of baking facilities in Montagnard areas.

5. GVM has requested 5,658 M/T bulgur only for institutional and Montagnard feeding projects. C.E.S. has requested 1,507 M/T for institutional feeding. USAID recommends approval of bulgur only for these two categories of institutions and Montagnards. First arrivals of bulgur for FY 1972 programs expected end of December 1971 thereby making total request sufficient for 12 months of CY 1972. Call forwards of bulgur will be limited to actual requirements of approved projects.

6. USAID reminded Ministry of Social Welfare of expected bumper rice crop in CY 1972 in Vietnam. By CY 1973, MSW hopes to replace Title II bulgur with local rice rations for recipients in need of food assistance.

BUNKER.

APRIL 7, 1972.

Dr. JOHN A. HANNAH, *Director,*
Agency for National Development,
Washington, D.C.

DEAR DR. HANNAH: I have obtained a copy of a cablegram written last September by United States Ambassador to South Vietnam, Ellsworth Bunker, regarding the use of bulgur in our AID Food for Peace program.

Ambassador Bunker writes: "Many recipients . . . were given this unfamiliar commodity with little or no knowledge of its food value and method of preparation. For these people bulgur inevitably became identified as livestock feed." Apparently U.S. food intended to feed hungry Vietnamese has become, instead, meal for pigs and cattle.

It was the ultimate act of stupidity to send $28.7 million worth of wheat to South Vietnam without determining whether it would be used to feed hungry people or pigs. One would have to assume that the Agency for International Development would have the foresight to investigate whether American food would be used to feed the hungry or the livestock.

Ambassador Bunker, in his cablegram, also indicates that the South Vietnamese are requesting an additional 7,000 tons of processed wheat for 1972. Supposedly the additional 7,000 tons would be used to assist Montagnard tribesmen and Vietnamese government institutions. I can hope that you can assure the Congress and the American people that the new shipment of 7,000 tons of wheat will feed hungry human beings, not pigs and cattle.

All of us would agree that needy Vietnamese refugees, orphans and war victims should be given assistance. I presume in the future your agency plans to help the hungry rather than supply grain meal for livestock.

I hope that you will give this matter your immediate attention.

Sincerely,

LES ASPIN,
Member of Congress.

HON. PAUL N. McCLOSKEY, JR., AND THE NEW HAMPSHIRE PRIMARY

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. RIEGLE. Mr. Speaker, one of our colleagues, the gentleman from California (Mr. McCLOSKEY) recently sought to espouse the cause of peace in the New Hampshire presidential primary. That he obtained some 20 percent of the vote is perhaps less important than the fact that he placed before the American public a number of strongly dissenting views on major national issues, particularly with respect to our continuing involvement in the war in Southeast Asia, and truth in government.

That these views were of value to the Nation was recognized in a recent editorial by one of New England's most distinguished writers, Edward DeCourcy of the Newport Argus-Champion. From over 100,000 editorials considered by the International Conference of Weekly Newspaper Editors last year, Mr. DeCourcy's work won both the first and second prizes. He is one of 42 elected individuals of the New England Academy of Journalists and one of only two weekly newspaper editors so honored.

Mr. DeCourcy's comments on the recent New Hampshire primary should thus furnish some small degree of pride to this House as well as to the gentleman from California.

The comments follow:

THE SPECTATOR

(By Edward DeCourcy)

Most of us in New Hampshire didn't notice it at the time, but we were witnesses to one of the most encouraging incidents in America in many years.

Right before our eyes and ears, during the whirlwind of the recent Presidential primary, there occurred a revival of the kind of political campaign based on sheer principle that was intended by the architects of America's greatness.

Now that the primary's storm has subsided and there has been opportunity for tranquil reflection, we begin to realize that many of us met a man who was campaigning for the Presidential nomination not because he wanted to live in the White House, not because he wanted the power or the glory of the office, but simply because he believed the nation is in peril and that he, or someone, ought to restore the people's faith in their government.

He was Cong. Paul N. McCloskey Jr., the Republican from California, who conveyed a deep conviction that it didn't really matter whether he became President, but that it mattered urgently whether his standard of honesty in government prevailed.

What we witnessed in Mr. McCloskey, usually without realizing it, was a rejection of tawdry begging for votes, cynical preying on emotions, the kind of appeal that has been cheapening Presidential campaigns and the office of President in recent decades. We saw, again without grasping its significance, a return to the kind of rugged adherence to conviction and the eagerness to defend that conviction in vigorous debate that our founding fathers believed would make the United States of America a great nation.

Most of us didn't realize the profound significance of this phenomenon at the moment. It escaped us because our attention was being diverted to trivial non-issues, most of them fanned by crass appeal for votes on a candidate's shoddy conviction that he ought to be President. Few of us recognized during those tumultuous months that a rebirth was going on in our midst, a return to the kind of issue-oriented campaigning that was intended to make our government serve the people.

Using the techniques that sell toothpaste to elect Presidents is a denial of the aspirations on which our nation was founded.

Those who would be President were supposed to be leaders. Those who scan their pollsters' reports to find out what are popular issues, whether or not they are important issues, and then build their appeal for votes on what they think the people think are not leaders. They are followers.

They are hucksters selling a product, not men deserving the majesty of the Presidency.

America will always need genuine leaders, men of courage and intellect who will study developments, measure them against history and analyze their impact on our nation's future. We need men who will thus determine what are really the most urgent issues, carefully determine the best course of action, however harsh or unpopular that may be, and go forth to expound that action.

We need to replace the vote-hungry candidate who goes before the people to tell them he is for what his surveys tell him they are for, with the candid, courageous candidate who will go before the people, tell them he is for what they are against, and convince them he is right.

Such men are leaders. Such men are also rare.

America is a search for truth, a continuing struggle for freedom, equality, justice and humanity and for discovering the instruments of government to attain them.

That discovery is supposed to be what our political campaigns are all about.

It is the goal that the learned men who formed our Constitution knew could best be achieved through tough and honest debate, untainted by envy, venom or pride, the debate that is a relentless testing of ideas and solutions, the debate through which honest men change their minds.

We have strayed far in the Twentieth Century, and Mr. McCloskey did much, now that we look back on it, to put us back on the path to truth and purpose.

Mr. McCloskey did not win the primary here. He probably never expected to.

Yet, now that we think of it, he may have done much to accomplish his real purpose, which was essentially to restore our faith in our system of government.

NO-FAULT AUTO INSURANCE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HUNGATE. Mr. Speaker, as the debate over no-fault insurance continues, the following article in the New York Times should provide some interesting food for thought:

[From the New York Times Magazine, Apr. 9, 1972]

IF YOUR HOUSE BURNS, YOU'RE COVERED NO MATTER WHOSE FAULT IT WAS—AND IF YOUR CAR CRASHES?

(By Michael S. Dukakis and Stephen Kinzer)

(NOTE.—Michael S. Dukakis is a lawyer who served in the Massachusetts Legislature from 1962 to 1970 and was the original sponsor of the no-fault insurance bill. Stephen Kinzer, his legislative assistant then, is now a free-lance journalist.)

BOSTON.—Since its adoption in Massachusetts in 1970, no-fault automobile insurance has become the nation's most talked-about consumer issue. Florida has already enacted a plan similar to the one in Massachusetts, and three other states have made small steps toward no-fault. More than a dozen state legislatures—New York's among them—are seriously considering the reform, and a proposal for national no-fault insurance was introduced in Congress last year. Massachusetts itself, which first approved no-fault insurance for personal injuries only, has now extended the new system to property damage as well.

No-fault insurance in Massachusetts, the first reform in this complicated field since the days of Henry Ford, got off to a very confusing start. Only now, more than a year after the system went into effect, is the smoke beginning to clear. Needless to say, approval of no-fault in Massachusetts is not unanimous, although the insurance companies have, somewhat belatedly, become supporters of it. Unforeseen gaps in the plan have also arisen along the way. Nevertheless, a few of the figures so far are heartening, indeed dramatic.

Before the no-fault plan started, actuaries in Massachusetts were predicting a 25-to-30 per cent increase in bodily injury premiums under the old "fault" system. Instead, under the new system, rates for all bodily injury coverage went down 15 per cent in 1971. Moreover, rates for the basic compulsory coverage went down *another* 27 per cent in 1972.

There has also been a substantial drop in insurance claims and in reported accidents. The Registry of Motor Vehicles recorded a drop of 30 percent in reported personal injuries in 1971, down to 58,000 from 1970. The number of accidents alleging personal injury or property damage of more than $200 has dropped by 16,000, or about 10 percent. Apparently, motorists are beginning to realize that a fabricated accident or exaggerated claim of personal injury no longer pays the dividends it used to. And while the decline in reported accidents doesn't necessarily prove the state's motorists are driving more carefully, neither does it support the contention of those who opposed the plan that no-fault would encourage reckless driving by failing to hold anyone responsible for a collision.

The problems that Massachusetts faced under its old system of auto insurance are essentially those that face every state in the union. The traditional system of compensating victims of two-party automobile accidents consists of two main parts: First, it requires the victim of an accident to prove that the other party was at fault and that he, the victim, was blameless. Second, it provides that if the victim can win the fight over fault, he is entitled not only to his actual losses (medical expenses, lost wages, and so forth) but compensation for his pain and suffering—that is, for the emotional distress that presumably goes along with the injury.

The system's gaping holes are obvious. In the vast majority of auto accidents, it is impossible to prove definitively which party was at fault. Poor highway design, weather conditions, lighting and a host of other factors play a role in many accidents. Furthermore, trying to determine what pain and suffering are worth is often impossible. What, for example, is a prolonged backache worth? Three dollars a week? Thirty? Three hundred? Nobody can really say, but today in the states that retain the fault system, judges, juries, lawyers, investigators, claims adjusters, doctors and other members of the tort fraternity spend thousands of hours and millions of dollars each year fighting over that very question.

The result of this inefficient and wasteful system is that a staggering amount of money is paid by policyholders simply for the expense of running the system. In Massachusetts, fully 55 cents of every premium dollar was never returned to the consumer in the form of payments for injuries suffered in accidents. Instead, it was paid to all of the people required by the system to "prove" who was at fault and to argue over the dollars-and-cents value of pain and suffering. The 55-per-cent overhead figure compares with 3 per cent for Social Security and 7 per cent for Blue Cross-Blue Shield. In other words, it is eight times more expensive to settle auto insurance claims under the tort system than it is to handle a payment under common forms of health insurance.

But the huge overhead expense is not the only factor contributing to the spiraling cost of auto insurance in America. A study completed in 1968 by the American Insurance Association revealed that the tort system can be extremely profitable for the trivially injured victim. According to A.I.A., a person injured in an auto accident who sustains actual losses of less than $100—and these are the great majority of claimants—will on the average receive more than seven times his dollar losses.

Conversely, the A.I.A. found that the more serious one's injury, the less one receives relatively. In fact, those persons whose medical expenses and lost wages exceed $10,000 because of very serious injuries do not on the average even receive their out-of-pocket losses, let alone something for pain and suffering.

Because the tort system requires an injured victim to prove that the driver of the other car was at fault, there are many cases in which a seriously injured or crippled victim of an automobile accident receives little or nothing. He may have been perfectly innocent; his injuries may have been severe. But since he cannot prove in court that the driver of the car that hit him was negligent, he receives absolutely nothing from that driver or his insurance company.

The need for reform is obvious. It was even more obvious in Massachusetts than in most states. Here, a 1927 law had made auto insurance compulsory. With motorists in the state spurred on by the knowledge that every car involved in an accident was covered by some insurance company, Massachusetts achieved the unenviable distinction of having the highest claims frequency in the country—twice the national average. This resulted in a lucrative free-for-all in claims settlements, in which a backache or a "whiplash neck" could prove to be a financial bonanza for a driver with minor injuries, who was often healed by a generous settlement.

Progressive lawyers, legislators and consumer spokesmen around the country have been aware of this problem for years. Insurance rates were skyrocketing, and no end was in sight. But until 1966, no serious and feasible alternative had been proposed. In that year, the first real breakthrough in the fight to reform auto insurance was made. Professors Robert Keeton of Harvard Law School and Jeffrey O'Connell of the University of Illinois College of Law, after a three-year study of the problem, presented a blueprint for change in a book entitled "Basic Protection for the Traffic Victim."

Keeton and O'Connell are both specialists in insurance and personal-injury law. Both had tried cases at the bar before beginning their teaching careers. Their recommendations urged the complete scrapping of the existing tort-liability system in all but the most serious cases. In its place they proposed the adoption of a new system of motor-vehicle insurance under which, as in the case of health-and-accident or homeowners' insurance, an injured victim would be paid by his own company for his actual medical expenses, lost wages, and out-of-pocket losses, without regard to fault. The same policy would pay his passenger or a pedestrian injured by him.

Each motorist, under what Keeton and O'Connell called the "basic-protection plan," would be required to carry a policy which provided up to $10,000 for any one person and $100,000 for any one accident in this no-fault, economic-loss coverage. Suits between parties would be prohibited except in cases of serious injury that had caused a loss of more than $10,000 or pain and suffering of more than $5,000. In these cases—and they are only a tiny fraction of the total claim volume—the injured person could sue the operator of the other vehicle in the hope of receiving a court award, just as he would under the tort system.

The advantages of the Keeton-O'Connell plan seemed obvious to many Massachusetts legislators. The vast majority of accident victims would be paid promptly by their own insurance companies for their actual losses. Court congestion would probably be reduced, exaggerated and nuisance claims would be largely eliminated, and the cost of premiums would be drastically cut as a result of administrative savings and the elimination of payments for pain and suffering in small cases. Innocent victims who sustained serious injuries and could not collect because they were unable to prove fault under the existing system would be entitled to compensation up to the no-fault limit, and seriously injured persons who were able to prove fault could sue the wrongdoer and still collect their basic-protection benefits promptly, while awaiting the outcome of their lawsuits.

In Massachusetts, where the system was even further out of control than in most states, complaints about auto insurance were deafening. Legislators were constantly asked about their failure to come up with a better auto-insurance system—and at times berated for not doing so. Yet, until Keeton and O'Connell produced their plan, no legislator in Massachusetts or any other state could really give irate constituents a suitable alternative.

Keeton himself was deeply involved in the planning of the Massachusetts drive for no-fault insurance. He met frequently with the original legislative sponsors of the bill and helped put it in a form suitable for Massachusetts. Both he and O'Connell testified at length before the Insurance Committee of the Massachusetts Legislature. Their willingness to iron out problems which arose during the debate over the bill and their ability to work with an increasingly interested Legislature were critical in the effort to win passage of the new plan.

In March, 1967, the Insurance Committee reported out the basic-protection bill (later to become known as the "Keeton-O'Connell," or "no-fault" bill) with a recommendation that it be killed. The bill had not attracted widespread attention, and it was expected to die a quiet death in the Legislature. On Aug. 16, 1967, however, its sponsors moved on the House floor to substitute the basic-protection bill for the unfavorable committee recommendation. To everyone's surprise—and to the consternation of insurance executives and trial lawyers—the House passed the bill by the overwhelming vote of 130–85. In an unprecedented display, the House membership broke into loud cheering and applause upon passage of the measure.

While it is probably fair to say that many of the legislators at that first vote were unfamiliar with the details of the bill, they were under pressure from their constituents to do something to lower auto-insurance rates. The basic-protection bill seemed like the answer. Public reaction to its passage of the bill was overwhelmingly favorable. But three weeks after House passage, Gov. John Volpe announced that he would veto the measure if it came to his desk. All the forces that had not taken the bill seriously until its surprising House passage jumped into action to kill it in the State Senate. After massive lobbying by the trial bar, some segments of the insurance industry and Governor Volpe, the bill was defeated by a vote of 27–8.

In 1968, the measure once again died in the Senate. In its place was substituted legislation authorizing a study of the basic-protection system. By the time the Study Commission released its findings in 1970, political realities in Massachusetts had changed. Governor Volpe had joined the Nixon Cabinet. He had been replaced by Republican Lieut. Gov. Francis Sargent, who had no announced position on the plan. Lobbyists fighting the plan were beginning to show signs of battle fatigue, some going so far as to label it a Communist-inspired plan to undermine the Bill of Rights by taking away the citizen's right to sue. The Study Commission finally recommended that no-fault be applied to property-damage insurance only, and thus did not offer any substantial relief to the state's motorists.

The issue had become a political hot potato. By April 1970, Governor Sargent, then a candidate for a full term, endorsed the idea of no-fault by saying that he would support a reasonable bill and by directing his staff to work with key legislators to produce a sound compromise. The Democratic Senate President, also a candidate for Governor, announced his support of the bill. Beginning to get frantic, lobbyists had their pet Senators try during late-night sessions to amend the bill to death and to introduce meaningless substitute plans.

Finally, a compromise plan was passed, with only minimal tampering by the Senate. In the election year's greatest political coup, Sargent signed the bill on statewide television, declaring that he wasn't frightened by insurance company threats to leave Massachusetts if the bill was approved. He has since agreed with many Democrats that TV appearance played a significant part in his successful campaign for election.

As finally passed, the Massachusetts bill is solid and workable. It provides for payment of up to $2,000 in medical benefits and lost wages by the victim's own company without regard to fault. It provides the same benefits for pedestrians injured by the insured or passengers riding with him. Only if the victim's medical bills exceed $500, or if the accident results in death, loss of a body member, permanent and serious disfigurement, loss of sight or hearing, or a fracture, can he sue the other driver.

As in the past, auto insurance is compulsory. Each motorist *must* insure his car with the basic no-fault coverage. In addition, he is required to carry a minimum liability coverage of $5,000 for any one person and $10,000 for any one accident to cover seriously injured victims, and he may carry more liability insurance to protect himself against large claims, just as he did under the old system. He may also decide that he and his family are already well insured under their own health-insurance policy and that he therefore needs no-fault coverage only for injuries that he causes to others. In that case he gets a substantial premium reduction over the basic rate.

Let's see how the new system would work in a particular case. Suppose, for example, that Mr. X is in an intersection collision, that he is bruised and shaken up but not severely injured, that he misses part of a week's work and loses $50 in pay not covered by sick leave or salary, and that he sees his doctor immediately after the accident, incurring medical expenses of $35.

Under the Massachusetts law, Mr. X can expect to be paid the amount of his medical bill ($35) by his own insurance company within days after he submits the bill. He gets this payment even if his medical bill is actually paid under other medical insurance such as Blue Cross-Blue Shield, unless he has elected not to receive his no-fault benefits. Also, Mr. X can expect to be paid promptly by his own company for 75 per cent of his wage loss. (Since insurance benefits are tax free, 75 per cent of wage loss should be roughly equal to take-home pay in most cases.) If he later has any additional lost time from work or medical expense resulting from the accident, he can expect payment in the same way from his own company, soon after he submits his bills.

In a case such as this, not involving serious injury, he does not have any claim against the other driver or the other driver's insurance company. He handles the entire matter with his own company and does not need a lawyer.

In contrast, under the old system his own company would have had no responsibility for his wage loss, and none for his medical expense. Mr. X would have to make his claim against the other driver and the other driver's company. To collect, he would have to show that the other driver was at fault. If Mr. X succeeded, however, he would be able to get something for his pain and suffering in addition to the reimbursement of his medical and wage loss. If he had a lawyer to represent him, he would have to pay the lawyer about one-third of whatever he recovered.

Now let's assume that Mr. X is seriously injured, incurs medical bills of more than $500 and is out of work for several weeks. He may proceed to collect all of his medical and hospital bills and 75 per cent of his lost wages—up to a maximum of $2,000—from his own company, without a lawyer. He may, however, sue the other driver as well, just as he did under the old system. If he collects in that suit, the money he recovers will be reduced by the amount he has already collected from his own company.

The new plan not only spares the victim long delays in recovering some of his costs but also makes a striking difference in auto-insurance premiums for the average motorist. In 1970, before the coming of no-fault, the average Boston car owner paid $117 for his basic coverage; if the no-fault system had not gone into effect, he would have been paying $150 for the same coverage in 1971. Instead, he paid $99.50 in 1971 for his basic coverage and $74 in 1972. If he has good health insurance and wage security and chooses not to receive benefits for himself and his family, he will pay only $52.

There have been additional savings on other kinds of personal injury coverage which many motorists ordinarily buy. Medical-payments insurance, for example, which pays a motorist and members of his family for their medical expenses in the event of an automobile accident, is no longer necessary. Furthermore, "extra-limits" liability coverage above the $5,000–$10,000 amount contained in the new Massachusetts basic coverage is 15 per cent cheaper than it was in 1970. (Under both the old and new systems, this fuller liability coverage was optional.)

Property and physical damage were not included in the final no-fault bill largely because of the political clout of certain insurance companies which wrote large amounts of property damage coverage for assigned (high) risks and made money by refusing to pay claims brought against their insureds by motorists whose cars had been damaged by them. Since the new plan required insurers to pay damages to their own policyholders, these companies felt—probably correctly—that they would lose customers if they continued to play their traditional game with property-damage claims.

As a result, rates for property-damage insurance rose 38 per cent in 1971. Physical-damage insurance (fire, theft and collision) rose 27 per cent. Yet, even taking those increases into consideration, most motorists in Massachusetts are paying less for their auto insurance today than they paid in 1970.

One of the mistakes of the original drafters of the bill, in fact was to underestimate the savings that no-fault would bring to the public. Insurance rates for 1971 were set on the assumption that claims would rise slightly; in practice, they have dropped sharply. The number of bodily injury claims dropped 13,000 (48 per cent) during the first nine months of the system's operation. The average settlement per claim dropped 61 per cent, from $419 to $165.

It is possible, then, that the insurance companies will walk away from 1971 with a multimillion dollar windfall in excess profits, although attempts are being made to force the companies to refund at least a portion of the unexpected largess. In 1971, the Legislature acted to prevent this from happening again. New legislation was enacted which permits the Insurance Commissioner to recoup excess profits by slashing rates in any year which follows a year in which he finds that the earnings of the companies have been unreasonable.

"Even if the companies prevail in all the court cases and walk away with $30-million or whatever it is," the Insurance Commissioner John Ryan explains, "it won't happen again, and it shouldn't happen in other states. There's no reason constitutionally why rates for the first year under a new no-fault system can't be set provisionally."

Ryan, a young lawyer who was appointed soon after Sargent's election, had before that lobbied for passage of the no-fault bill as counsel to the Massachusetts Association of Independent Insurance Agents and Brokers. Like most analysts, he now views the new system as a success. "The amazing thing about the bodily injury bill," he says, "is that after all that fighting, it's pretty damn good."

He is hesitant to place much stress on the drop in claims, however. "We still don't know about claims. Here in Massachusetts the number of claims is down substantially, but we aren't sure whether that will hold or whether it should hold. The theory of no-fault is that people are entitled to compensation, that they shouldn't be discouraged from making legitimate claims. We're still projecting a 20 per cent increase in claims, and if the decrease holds, we can get it back. As the plan becomes better understood, you can't expect any decrease in claims unless in particular states there has been very serious abuse of the old system."

Ryan is also impressed that "there is no indication of any trouble with insufficient payment or slow payment. We get an awful lot of complaints in this office. But we haven't had one about payment problems under no-fault. The companies have set up a very efficient uniform system for making payments—about the only worthwhile thing they have come up with on their own," Ryan says, remembering the industry's attempts in the early days to sabotage no-fault.

One of the concerns expressed by some of the proponents of no-fault was that a pattern of $501 medical bills would emerge because victims were looking for the chance to bring the other guy into court to make some money. It hasn't happened, says Ryan. "Our fraudulent claims bureau is picking up indications of padding by certain doctor-lawyer combinations, but that's nothing new. We don't see many people trying to jump over the $500 threshold."

Encouraged by the success of no-fault for personal injury, the Massachusetts Legislature last year passed the law that extended the new system to property damage. Under the new plan, every motorist must purchase very inexpensive liability coverage to pay for damage to property other than automobiles—when, for example, he backs into somebody's picket fence—or for damage to out-of-state cars.

If he wants to be protected against damage to his own car, he may—but is not required to—buy one of two kinds of coverage. The first, called "all-risk" coverage, will, subject to the deductible of his choice, pay him for any damage to his car without regard to fault. The second, called "restricted" coverage, will pay him only if the other driver was at fault or if his car is damaged under certain specified circumstances—for example, when it is parked, or when it is struck in the rear by another vehicle moving in the same direction.[1]

Benefits under both alternatives are paid by the driver's own insurance company. And if the insurance company does not pay him within 15 days after he submits reasonable proof of damage, a court may order the company to pay him twice his actual damage and attorney's fees.

The new law does away with all claims and suits between Massachusetts motorists for property damage. No longer does a driver have to chase his adversary's insurer for weeks and months to recover for a bent fender. His own company will pay him under either the "all-risk" or "restricted" coverages. Moreover, while the savings are not as dramatic as they have been for bodily injury insurance, most Massachusetts motorists will be paying less for their property-damage coverage under the new system than they would have been paying under the old.

Unfortunately, the Legislature, apparently in an effort to discourage frivolous small claims, had provided for mandatory deductibles of at least $50 under both the "all-risk" and "restricted" coverages. When the new law went into effect in January, Commissioner Ryan was suddenly flooded with complaints from car owners who found that they could not collect for the first $50 worth of damage to their car, even when someone else was entirely to blame.

Ryan moved quickly to eliminate the problem. He obtained the agreement of the insurance companies to provide the first $50 of coverage on an optional basis for a few additional dollars, and the complaints have subsided. Ryan himself wonders now whether the mandatory deductible provision should have been included in the 1971 bill. "In theory it made eminent good sense," he explains, "but I'm afraid it's been widely misunderstood and very inaccurately reported in the press. There have been complaints about it, but maybe people are thinking about insurance for the first time, and they're questioning some things that have always been true."

An industry spokesman, John O'Connor of the Insurance Information Institute, says that "the companies are delighted with the actual operation of the system." He agrees with Ryan that "the claims will be back," but he foresees the possibility of some further consumer savings as a result of lessened administrative expenses for the companies. "There have been no dollar savings in underwriting, but some savings in loss adjustment may develop as time goes on," he says. To the often-heard charge that no-fault has caused the wholesale dismissal of claims adjusters and other insurance personnel, O'Connor answers: "It just hasn't happened. Some people have been shifted to other responsibilities, but this talk about so many people being let go just isn't accurate."

One very serious problem that no-fault proponents had pointed to was the huge number of court cases which must be tried under the fault system in courts that are already overburdened with other matters. Affirming in a court decision that no-fault insurance was constitutional,[2] Justice Paul Reardon of the Massachusetts Supreme Judicial Court spoke directly to this issue:

"No one who has for any time been in charge of a trial court system (as was the author of this opinion for a number of years) can be unfamiliar with the devastating effect upon the administration of justice which the automobile has produced. The courts with their scarce resource of time simply cannot respond to new challenges or meet the new requirements imposed on them in criminal matters as long as their time continues to be consumed to the extent it has been by motor-vehicle accident cases. The problems of society to which the courts have been called no longer permit the luxury of using them as a forum for resolving the ever-increasing numbers of automobile accident claims. . . ."

Reardon noted statistics showing that as much as 60 per cent of the lawsuits in Massachusetts trial courts were for motor-vehicle cases, which he called "a cancer to be rooted out in American courts."

Because so many cases initiated under the fault system are still before the courts, it is difficult to determine the effect of no-fault on crowded calendars One in-depth study is under way, however, and preliminary data from a few courts indicate that the number of cases is down significantly. The hallways of the Suffolk Superior Courthouse in Boston, once jammed with tort lawyers, are now relatively empty. Indeed, with tort practice decimated by the no-fault system, the organized trial bar is as critical as ever of the reform.

"Ninety per cent of tort cases are gone," explains Mrs. Kathleen Ryan Dacey, president of the Massachusetts Trial Lawyers' Association. "I had a woman call me just today from the hospital. Her whole abdomen is bruised, her hips are in bad shape she's spent about $150 for X-rays, but there's no fracture. This probably would have meant a $3,000 settlement."

That $3,000 settlement would have depended, of course, on whether the woman could prove that the other driver was at fault. Under the no-fault system, she will get only her medical and hospital expenses, and 75 per cent of her lost wages, but she will get them from her own company quickly and without having to share them with a lawyer.

Mrs. Dacey's organization and others like it are holding seminars to retrain lawyers for medical malpractice suits and other tort cases, "but there really aren't any new fields of law," she points out. "You can go to a big firm, but most of them don't want trial lawyers. The only other place to go is government, and they only have a limited number of places. We've always had a bad general liability law in this state, and now that may go no-fault, too. They're talking about no-fault divorce and no-fault medical-malpractice insurance. I've been advising trial lawyers to find places in Federal, state, and local governments." (Mrs. Dacey herself has recently been appointed an Assistant District Attorney.)

Besides claiming that no-fault abrogates "the common-law right of a person guaranteed by the Constitution to sue a wrongdoer," Mrs. Dacey has written that the law is "discriminatory," in that a person with a $501 medical bill may sue for pain and suffering whereas a person with a $499 medical bill cannot. Further, she cites the hypothetical case of a child who suffers brain damage, is kept out of school for several months and may have his aptitude for study seriously impaired"; he would receive no compensation beyond his medical bills and other out-of-pocket losses, she asserts. This assumes that a child with serious brain damage will not incur medical expenses of more than $500, which is hardly likely.

The American Trial Lawyers' Association, a national organization with headquarters in Cambridge, has also tried to discredit the system. One of their most publicized—and revealing—attempts was a public opinion poll recently released by the Opinion Research Corporation of Princeton, N.J., which A.T.L.A. officials at first denied then later admitted that they had commissioned. On the surface, the poll lived up to its headline, "Massachusetts Accident Victims Consider No-Fault Unfair." The interviewers asked 501 auto-accident victims a series of questions about their opinions on settlement of such cases. One of the results reported was that "77 per cent say that they would favor a system whereby the driver or his insurance company would be required to pay damages in proportion to the degree of fault of the driver in causing the accident."

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[1] In this respect "restricted" coverage is much like the type of coverage in other states under which a car owner's company agrees to pay him for injuries caused by an uninsured car, but only if the uninsured motorist was at fault.

[2] In another state, Illinois, a no-fault law was recently declared unconstitutional. The Illinois Supreme Court had not given the reasons for its decision as this article went to press. But the Illinois law differs in numerous respects from the Massachusetts one (for one thing, it excludes taxis and trucks from compulsory coverage) and it is possible that the court decision was on narrow technical grounds that can be easily repaired by the Legislature.

Among other findings, the survey purported to show that "62 per cent say it's unfair that under the Massachusetts no-fault insurance system neither the driver at fault in the accident nor his insurance company would have to pay for any of their losses." Respondents were asked: "If you were disabled in an accident and lost the use of some part of your body, do you think the other driver or his insurance company should or should not have to pay reasonable compensation for your disability?" Naturally enough, 91 per cent said that the other driver or his company should. Respondents were not asked whether they would be just as happy to have the money come from their own company.

Commissioner Ryan believes no-fault auto coverage sets the stage for other insurance reforms. "For example, it should make it much easier to sell auto insurance on a group basis. We've got some legislation in on that. We're beginning to see what we can do and what we can't. Maybe our threshold ought to go up to $700 down, down to $300. Once we have some experience here and with other states, we'll be able to work on a factual basis rather than a theoretical basis.

"Ultimate logic suggests an all-out no-fault plan, but we'll have to wait and see. We're going to need some better way of dealing with seriously injured victims, for one thing, and I don't know what the answer is there."

The "ultimate logic" that Ryan mentions also seems to point to the necessity of enacting a national no-fault system. A patchwork of 50 different plans, some good and some bad, will not solve the auto-insurance mess. Rather, it seems far more sensible for the Federal Government to produce a set of uniform standards for state no-fault plans, answering the questions that are being debated in state legislative chambers across the country, such as: What should be the benefit limit? Can no-fault somehow be extended to the seriously injured victim? Should we allow victims to sue if they sustain a minor fracture (as Massachusetts does)? Should we allow them to sue if they lose a bodily function as minor as the full use of a little toe, something which is not permitted in Massachusetts but is under the new Florida system? Should property damage be covered by no-fault insurance?

There has been some interest from Washington. Transportation Secretary Volpe has become a convert to the no-fault idea; Senators Philip Hart and Warren Magnuson have introduced the national no-fault bill, and extensive hearings have already been held on the measure. In New York, the Legislature is weighing two no-fault bills, one backed by Governor Rockefeller that is much like the Massachusetts plan and another that is favored by negligence lawyers. What is likely to emerge is a compromise plan that will preserve more or less of the tort-liability system.

Massachusetts officials learned through painful experience that Band-aid reform cannot hope to change a system so shot through with decay as the tort-liability system. Other state legislatures are learning the same lessons, and much-needed pressure is being put on Congress to act.

During the Progressive era, there was a great deal of talk about the states being laboratories for change. In a time when the Federal Government seems to be having trouble just keeping up with the treadmill of social progress, the states must begin to think of themselves as proving grounds for important reforms. The Massachusetts experience demonstrates that states can lead as well as follow. In this as in so many other policy areas, however, Congress must become the arena in which significant national reform is enacted.

CHALLENGES IN AMERICAN EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HAWKINS. Mr. Speaker, I am honored to share with my colleagues in the House the brilliant and thought-provoking ideas on American education by Vivian W. Henderson, the distinguished president of Clark College in Atlanta, Ga.

The address was delivered at the recent National Policy Conference on Education for Blacks in Arlington, Va., on March 31, 1972:

Text of Address by Vivian W. Henderson

In coming before you today I find myself on both familiar and unfamiliar ground. The most recent part of my life has been that of scholarship and educational administration removed from the hurley-burley of politics of every day life. Another part has been that of a political activist in the South. But we have had to face a few things in the colleges in recent years, and my experience as an educator gives me some sense of what it means to be confronted on a regular basis by people who disagree with my programs, criticize my motives, and disturb my routine.

But I didn't come here to try to tell you about my political involvement nor about how difficult my job is. I came, instead, because I have some realization of the difficulty of our time, and because I wanted to add my voice to those of many others in praise of the stands that the Congressional Black Caucus has taken on some of the most significant issues in American society and add my support to the work underway by the Congressional Black Caucus. The Congressional Black Caucus has no equal in the Congress of the United States in defending the underdog and in insisting that all Americans of whatever race, color, or creed not only have equal rights but also require positive action by national government to insure that those rights are available in their daily lives. Members of the Congressional Black Caucus understand better than most people through the experience of being black in 20th century America that putting rights on paper doesn't bring them to the people. The Congressional Black Caucus is a powerful voice in the battle to move from words to action. I trust and hope that that voice will never be stilled or grow tired, and I pledge you my support as you courageously pursue the important business of helping black Americans turn the guarantees of the law and the Constitution from promises to reality.

I am an economist by profession and a college president by accident—and what a hell of an accident. At any rate, I must unfortunately confess that I come before you today from the world of education. Because I come from the world of education, and this is a conference on educational policy, I want to talk about that world. There are other realms of housing, of political rights, of economic opportunity, that may be equally important, but except for economic problems I can't speak of them with the same authority. For 25 years, I have been in direct touch with America's schools and colleges, and with the problems black people have in them, and it is with the knowledge gained from this experience that I make bold to take advantage of the time you have given me tonight. In doing so, *I want to comment on five items to which I give highest priority.* All are matters that have been, are, or will be before you for major consideration. All carry with them the hopes, and fears, and future of black people, and of white people as well, in the American republic. I stress this point about white people because I think we blacks sometimes forget, in focusing so intently on our own very real problems, that it isn't only our future that is tied up in the problems we have of achieving equality in American society. It is also the future of everyone else in that society. A man we all respect once said that this nation cannot exist half slave and half free. Neither can it exist in a condition that keeps most of the whites affluent and most of the blacks poor or that opens the doors of education more generally to whites than to blacks. Such a condition is a fundamental denial of the most treasured principles of this republic, and unless we make progress on remedying it, both the principles and the republic will have no meaning for anyone, black or white.

I said that I wanted to talk to you on five matters which have been, are, or will be on your agenda. Let me tell you briefly first what they are and then make some comments upon each:

1. The first is the need to reduce racial isolation in our schools by every possible means.

2. The second is the absolute requirement that we transform the schools in our urban centers so that they serve more effectively the children who attend.

3. The third is the importance of finding ways to pay for our schools that will guarantee quality education even where property values are low, and that will make Uncle Sam a more vigorous partner of state and locality in supporting elementary and secondary education. In advocating this, and here I speak as an economist, I have a deep concern that some simplistic approach like the so-called "value-added tax" will be foisted on our people under the banner of reform, thus charging the poor people proportionately more than the rich for the costs of schooling.

4. Fourth, I would address myself to the education issues now before the Conference Committee of the House and Senate in regard to Federal support of higher education.

5. Fifth and finally, because of the commitment I have to the kind of institution I now lead, I must speak to you of the significance of America's traditionally black colleges and the obligations I see for the Federal Government in insuring their health.

I know that I am trying to cover too much in trying to talk about all five of these items. Each is a speech in its own right. But I don't get the chance to give the Congress of the United States my free advice very often, and so I decided, as the farmer said, "to dump the whole load."

I turn now to my *first point* about the importance of the effort to reduce *racial isolation in our schools*. In all the talk there has been about the evils of busing, I haven't heard enough about a fact that has been documented by scholars, verified by our Supreme Court and widely accepted by a growing proportion of Americans—the simple proposition that racial segregation, however caused, creates for its minority group victims a permanent sentence to second-class citizenship. There is no way to make racially segregated schools equal schools and more important there is no way to undo in later life the disqualifications imposed by racial segregation. No amount of money, no combination of additional teachers and new buildings and special services, no compensatory program can provide the racially isolated minority child with the kind of education to which he has a right as an American citizen.

This is not the prejudiced opinion of a

black man seeking special interests. It is the considered judgment of the best minds both black and white with the best available information. By every test we know, it is the truth.

We know also, of course, that the truth is not always popular, and today in the United States one of our central issues is whether we Americans have the guts to face the truth about racial isolation or not.

Demagogues among us are raising all sorts of red herring about busing. They are awakening emotional feelings that may be good politics in the short run, but that are bad Americanism in both the short turn and the long. You and I must be vigilant, forceful, united, and courageous on this subject. More than the schools are at stake. The free society that many Americans have given their lives to create can never be built on a doctrine of accepting racial separation in the name of convenience and personal preference.

Some of us here grew up in the South and many South and non-South were bussed to segregated black schools by law. We are denied the right to go to the white school next door. Apparently that was "good busing." The fact is, of course, that in and of itself busing is neutral. It is neither good nor bad, unless it is excessive. It offers a way to get to an educational institution which may be worth the trip or not because of its characteristics—not the characteristics of the bus ride. No racially segregated institution is worth a bus ride; many integrated institutions are worth it. And this goes whether it is blacks going to the white school or whites going to the black school.

I know that some will point their fingers at me and say, "Yes, but you are running a separatist college, a traditionally black institution." I say to them that my college, and others like it, has been open and continued to be open to all comers. We have blacks and whites in our student body and our faculty, although a preponderance of blacks.

I say also, that the process of bringing about integration in America seems for some reason always to involve the black man in joining white institutions run by whites, and I am proud of the fact that I run a black institution, which, as it integrates, will have *black leadership*. Integration must be a two-way street.

I know, also, that there have been some blacks in recent years who have advocated a new kind of separatism on black initiatives. To me that view is self-defeating. We blacks need the identity and the confidence which comes with running some of our own affairs and providing leadership for significant enterprises. This we have already demonstrated in several areas of business, in the newspaper and magazine fields, in education and other areas. In the long run separatism and racial exclusion denies equality. But we must not confuse black leadership, management, control and involvement with racial exclusion by philosophy and design. There is nothing wrong with having black institutions. The pluralism of our society demands the perpetuation of such institutions. But there is much wrong with black institutions that are racial exclusive. I think W. E. B. DuBois made the point many years ago when he pointed out that the true test of democracy in this country would not come by eliminating that which is black from our midst but only when blacks and whites, black institutions and white institutions, can live and function side by side and respect and interact with each other not on the basis of color and race but on the basis of worth as human beings and as human institutions. So I ask you to support the legislation for emergency Federal school aid to assist with integration of the schools and to mount all possible pressures against crippling, anti-busing amendments.

If this country were to pass a constitutional amendment to enable legal segregation of schools, as has been seriously proposed, it would set race relations back more than 50 years. The only recourse for blacks, who would thus be denied the protection of the Constitution, would be in that fundamental document which reads in part, ". . . whenever any form of government becomes destructive of these ends (life, liberty, and the pursuit of happiness) it is the right of the people to alter or abolish it . . ." I refer, of course, to the Declaration of Independence.

While I am no expert on the *inner-city schools*, I know two things about them to be facts. One is that they are increasingly populated by black children, and the other is that they are underfinanced and sometimes ineffective institutions. I am not going to attempt here to explore in detail all the complexities lying behind these facts. But I do believe that you hold in your hands a portion of the solution to the problem of the city schools. The amount of Federal money those schools get and what they can use it for is decided in the halls of Congress. No decision that you make has more important implications for the future of America.

It is fashionable these days to be critical of the Federal efforts in providing additional monies to the schools by saying that the Federal programs have failed. The fact is that the programs have been too small and have only just gotten started. Educators don't know very much about how to overcome through schooling the handicaps that 100 years or more of deprivation and denial of rights have imposed on poor people and black people. They never turned their attention to this matter in any responsible and vigorous way until five or six years ago. It is unreasonable to expect our schools to have solved quickly problems that were 100 years and more in the making.

What I hear from my friends in the world of elementary and secondary education is that these past five years of trial and error, of experimentation, and, indeed, of some wastage of Federal resources have begun to make more clear the kinds of things we have to do if the city schools are to serve the children in them.

Early on in the school reform movement of the 1960's we had the simplistic idea that remedial add-ons to the school program would somehow change everything and made children with massive handicaps suddenly successful. Now we know that without changing the entire program of the schools, retraining the teachers, re-thinking the curriculum, and above all, altering the human relationships that exist there, we are probably not going to get anywhere. To do these things will require still more money and more time than we have invested to date. But there will be more hope in what we do from now on because we have had the opportunity to learn a few things.

So I urge you not to give in to the beguiling argument that the educators have failed. The fact is that the educators have just started to learn. They are now beginning to design and to try out the kinds of fundamental changes that are necessary. It is the duty of Congress and the Congressional Black Caucus to make sure that the resources they have from the Federal Government get to the people who need them the most—the poor people and the black people of both our urban and rural areas.

The present administration is making all sorts of plans for what is called "revenue sharing". In effect, this means giving the money to the states to let them do with it what they will. If that is done, I'll tell you where it will go. *It will go to the people who have political power in the states and not to the poor people and the black people.*

One of the great things about the Federal education programs of the 1960's—the Elementary-Secondary Education Act, the Headstart program, the Follow-Through program, and others—is that they were directed to the concerns of those who were down-and-out in American society and most needed help. So I ask you to think twice about the proposition that the Federal Government has no place in the schools except by turning its money over to the states. I shudder when I think about how some state governors, county commissioners and mayors in the south would do with free unrestricted money coming to them from Uncle Sam. One thing I feel sure of, the poor and the black would come up with the short end of the stick. Black people know so well that state government has provided them precious little for the last 100 years and that the Supreme Court of the United States, the Congress of the United States, and a couple of presidents have done more to bring them long-denied rights than all the other institutions in society put together.

It is imperative, therefore, that we keep Federal programs that focus sharply on the problem of poor people in the schools and that we fund them adequately. This need for adequate funding brings me to my *third point*, the much talked about *value-added tax*.

While President Nixon has apparently not proposed this instrument officially, it is clear that his cohorts are working hard to give it respectability and that it has been floated in an effort to attract the votes of property holders. Make no mistake about it: the value-added tax is nothing but a national sales tax. As such, it is regressive. It takes proportionately more money from the poor than from the rich. It would be an affront to low-income Americans, too many of whom are black.

One of the sad commentaries about our society during the last 25 years is the increasingly regressive nature of the tax structure. Local, state and federal taxes have placed disproportionate burdens on the poor in financing public responsibilities. Whatever else it is called a value added tax is a national sales tax to be disproportionately paid by the poor.

Joseph Alsop predicted in his December 10 column that this tax would raise the ire of the "true blue liberals". I don't know what that phrase means. But I know that I'm a black liberal and that this proposal masquerading as a relief to property taxpayers, will move money from the have-nots to the haves and won't necessarily help the schools. So if this notion surfaces in the Congress, I hope you'll have the nerve to see it for what it is—*a raid on the poor man's and the black man's pocketbook*, regardless of the tricky phrases persons in positions of power and influence may issue.

The way to get more money into all our domestic social programs, including education, is to use the greatest instrument of public policy and social policy this country has ever devised, the progressive income tax. Sad to relate, when the present administration took office, the first thing it did was to abolish the surtax and increase the privileges of corporations. In effect, it passed a relief bill on behalf of the rich, and now it proposes to have us consider a tax bill which will send the bill for social programs to the poor. We must be vigilant on these matters.

The *fourth item* on my agenda is the general problem of *adequate financing for higher education* in the United States. In this area there are two broad issues—1) how are we going to make it possible for every person who wants and can benefit from higher education to have that opportunity; and 2) how are we going to maintain a healthy, diverse set of institutions interested in changing their programs to meet the constantly changing needs of society.

The great Federal role in higher education that has developed over the past 15 or more years has been primarily in response to the first of these items. It has been stated by both Democratic and Republican presidents that the first obligation of the Federal Government in higher education is to provide equality of access and equality of opportunity regardless of a student's race, or culture, or financial circumstances.

The programs that have been devised in the Congress have made Congressional Black Caucus and members of the Congress have made significant progress toward this goal, but there is still room to do more. The Senate-adopted higher education bill now in the Conference Committee is a major new step in providing the kind of help poor people need to go to college. In addition, it provides some significant assistance to the colleges themselves by awarding to those colleges that attract Federally-aided students additional funds to help support the institutions. In essence a college is rewarded for providing opportunity for low income students. It provides an incentive for institutions to enroll the poor black student and it certainly helps the black college. This seems to me a totally valid concept and vastly to be preferred to the rather unimaginative and rigid approach found in the House of Representatives bill. That legislation would simply pay colleges on the basis of the number of students they happen to have regardless of their economic status. It would, therefore, rigidify the existing set of institutions in the United States and have little effect on calling forth imaginative responses from colleges in the service of those new classes of people now for the first time having the opportunity to reach for higher education.

Having said this, I have to say also that I am enough of a political realist to believe that a Conference Committee of the Congress can't go all one way. So I suggest that you use your influence to guarantee that the program that emerges for higher education has at least half of its financing based on the Senate-sponsored principle, and the remainder on the idea that has emerged from the House of Representatives for direct payoff on enrollment.

Finally, I want to comment on the situation of the institutions I represent, at least in the symbolic sense, the predominately black colleges of this country. These institutions have been short-changed by every funding agency there is, public and private. In the lean years of the first half of the 20th century they existed on northern philanthropy, as white Southerners took the view that the Yankees wanted to educate the blacks, so let them pay for it. In the period of the 1960's when most of higher education knew unprecedented growth and prosperity, the black colleges continued to suffer, and they suffer now.

In 1969 we established an organization of black colleges with the name National Association for Equal Opportunity in Higher Education. Our objectives were to provide a voice for black higher education, to actively participate in the development of public policy in higher education and to bring pressure to bear on public and private sources of funding for higher education with the objective of getting a greater share of the funds to flow into the black colleges. Out of the 4 billion dollars of federal funds, black colleges get less than 4 percent, somewhere in the neighborhood of 120 million dollars. Out of the ---------- million dollars in corporate giving to American higher education, black colleges get about 2 percent; out of the -------------- given by private foundations, black colleges get only about ----------- We need more, we are entitled to more, and we must get more.

About two years ago the present national Administration made a $30 million gesture to the black colleges, but that's all it was. It involved the rescheduling of funds that had already been appropriated. Virtually all was in the form of loans. The timing and nature of its administration were such that few of the neediest colleges could benefit from it. But at least it was a recognition that the problem exists.

Now I am happy to say that the President's budget contains more than a gesture for the coming year, and I applaud Mr. Nixon for this development. Title III of the Higher Education Act, the Developing Institutions Program, has been augmented by some $40 million. I have heard that a large proportion of these funds is intended for the traditionally black institutions, although I know of no guarantee to that effect. It seems to me that one of the greatest services you could perform would be to use your influence in ways that will insure the effective flow of these new monies to a group of institutions in dire need, and which include the most important set of institutions under black control and leadership in this country. Their record is clear, it is unmistakably a great record, they are an important national resource. They continue to this day to graduate 70 percent of all black college graduates in the country. Their future is important to all of us.

On our part in the black institutions, I say to you that we will use funds coming to us not just to prop up ailing and inefficient programs, but to devise new efforts leading to new, expanded and better career opportunities and options for young blacks. This $40 million is not enough to do the job, and it will have to be repeated and increased year after year if a real dent on the problems is to be made. In addition, private philanthropy from many sources will have to do its share. But I am heartened by the existence of this item in the Federal budget, and I hope that with your guidance and appropriation will not only be made but it will be used to provide the kind of help we need.

One of the problems we face in black education, both in college and in elementary and secondary schools, is the absence of structural vehicle or mechanism by which to continually bring the best thought to bear upon the problems. We do not have a firmly established research base which can continually set forth problems, solutions and policies for black education. This is unfortunate and is not right. Significant pressures can be brought to bear on funding agencies, public and private, on policy makers and the educational establishment itself, only to the extent that proper information is available on what is going on. I believe, therefore, that the time is long overdue for the establishment of a well-financed and well-staffed Commission on Black Education under the leadership of blacks with the express purpose of dealing with the problems and finding solutions and recommending policy regarding the education of blacks. This Commission should be privately endowed and have the freedom to act and move according to policies and programs the Commission sets for itself. Let us give some thought to this proposal, and I urge your support of the idea.

I count it an extraordinary privilege to have been given this opportunity to speak to you. There is nothing I can say which will adequately convey my appreciation for the work of the Congressional Black Caucus. The hopes and fears of all Americans are sorted out in these settings from day to day. This is a time and perhaps a place of destiny, and you as black members of the Congress are men of destiny, and those of us in the black public march with you. The degree of your success with the kinds of programs I have been discussing will really determine whether the United States of America becomes the land of promise for all its people, or tends to drift, as it does now, in a limbo somewhere between the hopes of tomorrow and the discouraging actualities of today.

NEED FOR CONGRESS TO PRESCRIBE STRONG TREATMENT FOR AILING FOREIGN AID PROGRAM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. MOORHEAD. Mr. Speaker, I would like to call to the attention of my colleagues and the American public sections III and VI of House Report No. 92–718 "U.S. Economic Assistance for Laos—Stabilization Programs," correspondence dated March 13, 1972, from the Agency for International Development, and a letter from me—as chairman of the Foreign Operations and Government Information Subcommittee—further pointing out the fallacy of the stabilization program in Laos and again calling upon the Agency for International Development to bring its Laos stabilization program under control.

Copies of the fiscal year 1973 "Congressional Presentation for Security Supporting Assistance" and other programs administered by the Agency for International Development were delivered to my office last Friday, April 7, 1972. The Agency for International Development is again calling upon the American taxpayer to provide another $18 million for the Laos "Foreign Exchange Operations Fund." Additionally, the Agency wants $19 million for a "Cambodian Exchange Support Fund." For Vietnam, the Agency is proposing that the American taxpayer provide $50 million for an "Economic Support Fund" and $75 million for an "Economic Development Fund."

The FEOF-type cancer has now spread into the U.S. funded economic programs in Cambodia and Vietnam. Our foreign assistance program is thus becoming less healthy each year. It will be the inexorable responsibility of this Congress to prescribe treatment for our ailing foreign assistance program and insist that the prescribed treatment be strictly followed; otherwise, the U.S. foreign assistance program will surely expire.

In an effort to make the utmost use of studies made by the Foreign Operations and Government Information Subcommittee during the last year, I have provided much of the aforementioned data to the Members of the House and Senate foreign assistance authorization and appriation committees. It is important to the world that the United States remain in the foreign assistance business. It is equally important that our foreign assistance programs be conducted with the utmost of wisdom and efficiency.

Mr. Speaker, at this point I would like to insert in the RECORD sections III and VI of House Report No. 92–718, correspondence dated March 13, 1972, in reply to House Report No. 92–718, my letter dated March 23, 1972, further pointing out the fallacy of the Laos stabilization program, and a recent article on this subject by Tammy Arbuckle which appeared in the Washington Star on April 9, 1972.

The articles follow:

Excerpts From House Report No. 92-718 U.S. Economic Assistance for Laos—Stabilization Programs

III. CASH GRANT PROGRAMS

BUDGETARY SUPPORT

The initial U.S. cash grant program started, with the independence of Laos, in 1955. By 1961, when the program was finally phased out—as an undesirable AID program—the United States had provided outright cash grants of $208 million to the RLG. These cash transfers could be used to pay for imports or services, of any sort, which were not provided under foreign aid donor commodity import programs; end up in the RLG Central Bank or Laos commercial bank reserves; or be held—as a result of capital flight—in personal funds or bank accounts outside of Laos.

The purpose in providing outright cash grants was simply to support the RLG budget. Without foreign exchange, the RLG could not provide the hard currency necessary to obtain the imports not necessarily essential but nevertheless desired by the Lao people nor could it provide the foreign currency needed to pay for RLG governmental operations abroad; international postal, telephone, and telegraph service; schooling of Lao nationals who were studying abroad; and so forth. The United States was overly generous and soon Laos was filled with many luxury goods not really essential to the living standard of the average lower and middle class Lao. It became apparent that certain selected individuals were quickly becoming wealthy—at the U.S. taxpayers' expense—and they were able to open bank accounts abroad or buy gold for a rainy day. The United States was unable to audit the RLG's expenditures and, therefore, had no assurance of what the local currency, which was being soaked up with U.S. dollars, was actually used for.

During the first 6 years of its existence, the RLG was able to open 10 embassies in the free world plus three in the Communist bloc countries. By 1961, the RLG had accumulated more than sufficient foreign exchange reserves for its immediate needs. During the foreign assistance appropriations hearings for 1964, before the House Committee on Appropriations, AID officials readily admitted that the Lao Government had purchased almost $2 million in gold from the United States in 1961 and that this had been made possible by the United States multi-million-dollar cash grants to Laos. U.S. officials had freely given them the U.S. taxpayers' dollars "needed" to sustain the Lao people. The RLG had not only managed to save some of the U.S. taxpayers' dollars but was wisely buying our gold with "their" savings.

The House Committee on Appropriations repeatedly asked what the RLG was doing with the millions of dollars of cash grants being given to them. Without audit rights, however, our officials simply had no way of knowing. Finally, in 1961, AID closed down its cash grant program for Laos. The program had cost the U.S. taxpayers $208 million but, unfortunately, it was not a lesson well learned. AID officials testified[1] in June 1963 that they had given up their aid program of budget support for a "well controlled" commodity import program for Laos. Less than 6 months later, however, AID and the RLG concluded agreements whereby AID agreed to provide the foreign exchange required to support both essential and nonessential Lao needs.

LAO STABILIZATION PACKAGE

With the cessation of cash gifts from the United States in 1961, the RLG found itself in a quandary. Its foreign exchange reserves were quickly depleted. The RLG was faced with extreme economic difficulties created by high prices of basic commodities, the disparity between the official rate of exchange and the black-market rate, and the uncertainty caused to its business community and the 500,000 people in the Lao monetized sector by the wide fluctuations in the value of the kip and prices. The RLG decided to enter into new programs to stabilize its economy. It had to come up with the foreign exchange needed to obtain essential commodities for the Lao monetized sector, to pay its foreign currency expenses abroad, and also to provide the dollars desired by its people for luxuries and other nonessential purposes.

Commodity import programs were rapidly established to supply essential commodities needed by the Lao monetized sector. As shown in section IV of this report, fraud and corruption quickly developed in the U.S.-financed commodity import program for Laos. Small commodity import programs provided to Laos by Australia and the United Kingdom were subjected to the same abuses and both of these donors terminated their commodity import programs in 1968.

As shown in section V of this report, the United States financed the foreign exchange expenditures of the RLG abroad until the U.S. Congress strongly questioned the wisdom of a small country such as Laos maintaining governmental activities abroad costing amounts far in excess of its potential foreign exchange earning power. This program terminated in 1969. Currently, financing of these costs is made possible by the Foreign Exchange Operations Fund for Laos.

One additional element was needed to make the Lao stabilization package complete. That was a program to provide the foreign exchange desired for nonessential purposes by the 500,000 people in the monetized sector of Laos. Such a program was brought into being with the establishment of the Foreign Exchange Operations Fund for Laos (FEOF).

FEOF—WHAT IT IS AND HOW IT WORKS

FEOF was established in December 1963 in accordance with arrangements developed between the International Monetary Fund, the RLG, and foreign aid donors to Laos consisting of the Governments of Australia, France, Japan, the United Kingdom, and the United States. The sole stated purpose of FEOF is to stabilize the exchange value of the Lao kip. To the extent that Lao importers are able to consistently trade the same amounts of kip for the same amounts of foreign exchange, prices of imported goods in Laos tend to remain relatively stable. Since the establishment of FEOF, the program has permitted the importation of luxury goods and has undoubtedly led to capital flight. This is so because no controls were imposed upon the expenditure of FEOF funds. Quite candidly, an AID assistant administrator stated, shortly after the program was established, that "FEOF was * * * set up to meet the demand for foreign exchange for nonessential purposes."

In reality, FEOF is nothing more than a money changing operation. Through FEOF, the market value of the Lao kip has been artificially "pegged" at 505 kip for each U.S. dollar.[2] The exchange rate remains static simply by FEOF buying and selling kip and dollars in sufficient amounts to meet the demand at the 505:1 price level. Stabilization in Laos is as simple—and artificial—as that. Not too surprisingly, U.S. participation in FEOF started—like many questionable U.S. assistance programs—without the blessing of the U.S. Congress. U.S. contributions to FEOF for 1964 and 1965 were made from funds which AID had requested for financing the commodity import program for Laos.

BUDGETARY SUPPORT IN DISGUISE

At the end of each year, sufficient kip is transferred from FEOF to the RLG to balance the RLG's budget. As with the previous U.S. financed budgetary support programs for Laos, foreign aid donors are unable to examine the RLG's actual expenditures and, therefore, have no real assurance as to the actual use of the kip being soaked up by FEOF and provided to the RLG for budgetary support. In this regard, FEOF has the same exact shortcomings as the previous U.S. multi-million-dollar budgetary support program.

BASIC FEOF DEFICIENCY

While FEOF generally has accomplished the purpose for which it was established—monetary stability—and done so to a greater extent than previous commodity import or cash grant programs, FEOF nevertheless contains a basic fault which could well make it unacceptable for U.S. funding. There are absolutely no controls over use of foreign exchange obtained from the fund. Through FEOF, dollar exchange is available to anyone—Communist and non-Communist alike—for any purpose including capital flight and procurement of nonessential luxury goods from any source—including Communist countries. As communistic Pathet Lao and North Vietnamese are able to acquire kip, they can readily exchange it for U.S. dollars. FEOF readily provides a means for corrupt Lao officials and other profiteers in Laos to convert ill gotten kip to U.S. dollars. FEOF, in reality, promotes rather than discourages fraud, corruption, and dishonesty.

SKYROCKETING COST OF FEOF

Within its first year of operation, sales by FEOF increased markedly due to a lack of confidence in the kip. As foreign aid donor commodity import programs were drastically cut or terminated because of widespread abuses, the demands on FEOF for foreign exchange grew even more. Essentially all of these increases were met by additional U.S. funding as shown in the following schedule.

[In millions of dollars]

Donor	1964	1965	1966	1967	1968	1969	1970	Total
Australia	0.4	0.4	0.8	0.6	0.8	0.7	0.7	4.4
France	1.7	1.3	1.7	1.7	1.7	1.7	1.7	11.5
Japan		.5	1.7	1.7	1.7	1.7	2.0	9.3
United Kingdom	1.7	1.7	1.7	1.7	1.7	1.7	1.7	11.9
United States	4.0	8.0	13.7	13.8	17.7	19.9	19.9	97.0
Totals	7.8	11.9	19.6	19.5	23.6	25.7	26.0	134.1

RATIONALIZATION FOR INCREASED U.S. CONTRIBUTIONS

AID officials rationalized the increases in the U.S. contributions to FEOF on the basis that subsidized commodity import programs were being substantially curtailed. By funneling the U.S. taxpayers' dollars through FEOF, the United States was able to soak up 505 kip for each dollar instead of 240 kip under the commodity import programs.

In response to questioning by subcommittee Chairman William S. Moorhead, an AID official replied[3] that "there has been an upward shift in the average rate of all official rate and open market foreign exchange (FEOF) transactions so that the Lao consumer is generally paying more for imports now than he was in 1964. To this extent there has been a "de facto devaluation" and a partial shift of the cost of inflation to the Lao consumer. When gasoline was transferred from the U.S. import program to the open market, for example, the effect was to raise the price of gasoline and reduce consumption."

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[1] Hearings on "Foreign Operations Appropriations for 1964," p. 255.

[2] The Lao kip was devalued to 600 for each U.S. dollar in November 1971.

[3] Hearing before the Foreign Operations and Government Information Subcommittee, "Economy and Efficiency of U.S. Aid Programs in Laos and Cambodia," July 12, 1971, p. 70, hereinafter cited as hearing.

With the shift of Lao commodity imports from the 240:1 rate to the 505:1 rate, however, also came a 100-percent increase in wages in Laos. While FEOF was soaking up twice as much kip as the commodity import programs, a significant increased amount of kip was being pumped into the Lao economy because a large segment of the monetized sector is made up of military and civilian employees salaries. To the extent that some imports were still available at the 240:1 rate, the Lao importers and merchants profited even more; and, thus, there was an even further demand on FEOF to get their additional profits out of the country.

As shown in section IV of this report, raising Lao importation prices on gasoline had the effect of equalizing Lao and Thai gasoline prices and, thus, the incentive to reexport gasoline to Thailand was eliminated. With the reexport market gone, the importation of gasoline into Laos naturally dropped off.

U.S. officials, by shifting from the U.S. financed commodity import program to FEOF, effectively removed what little control that may have existed over the expenditure of the U.S. taxpayers' money provided to Laos. Although this was done for the attempted purpose of increasing monetary stability, controls to limit type and quantity of goods imported, sources of supply, and end-use checks by U.S. auditors to ensure that the U.S. taxpayers' gift to the Lao people was efficiently and economically used were all casually eliminated by U.S. officials. Without these controls, our officials simply had no basis to file claims for any future irregularities in U.S. financed importation of commodities into Laos—because any future irregularities were effectively concealed.

U.S. financial support to the 500,000 people in the Lao monetized sector—costing the U.S. taxpayers millions of dollars yearly—has, for all practical purposes, reverted to unrestricted cash grants; a form of assistance clearly deemed untenable by the United States in 1961 when the previous cash grant programs for Laos were phased out.

If effective controls could have been imposed on a commodity import program, something that has proved impossible to date, such a program could have been operated at the same rate of exchange as FEOF and could have produced the same degree of stability. There are those in AID who will contend that U.S. financed commodities are simply not competitive in Laos unless provided under a subsidized rate of exchange. As shown in section IV of this report, however, their views are simply unsupportable.

WHERE THE FEOF MONEY GOES

Over the past 4 years, officials of the U.S. aid mission to Laos (USAID/Laos) have been repeatedly asked for information on uses made of foreign exchange supplied to FEOF. Essentially, their answers have always been the same. In response to a 1967 U.S. General Accounting Office inquiry, the USAID/Laos mission director replied that "we regard it as unlikely that any reporting system imposed upon users of FEOF will elicit reliable data as to the use of foreign exchange obtained through that mechanism. We have made vigorous efforts to secure such data; the results have not proved to be worth the effort." The director further stated that "the amount and extent of capital flight cannot be directly measured."

AID inquiries directed to the mission in 1970 and 1971, seeking information on possible capital flight from Laos, resulted in a mission reply that "foreign transactions of the Lao economy are too inexact to provide any firm evidence and measure of Lao capital flight." On the basis of the very limited data available, however, the mission did advise that over $50 million in foreign exchange made available to the public by the Lao banks during 1967–70 could not be accounted for by commodity imports into Laos. All or any part of this $50 million may well represent capital flight as a result of the fraud and corruption which exists in Laos.

USAID/Laos officials have been well aware of the shortcomings in fiscal management and control of funds within the Lao Government and have considered it necessary to perform certain purchasing functions for the RLG because of the lack of integrity of some of its personnel. Mission officials were aware over 2 years ago that prices paid by RLG agencies for locally purchased commodities were as much as 20 percent higher than prices charged on the local market because of the need for merchants to make kickbacks, not only to obtain the order but also to get paid after delivery of the merchandise. Currently, there are four RLG officials awaiting trial for embezzling large amounts of kip—which could readily be exchanged for U.S. dollars through FEOF.

Instance after instance of outright theft and corruption have been forcefully brought to the attention of our AID officials. They are fully aware of the total lack of control over the FEOF operation. Nevertheless, they are obsessed with the need to generously give the U.S. taxpayers' money to FEOF to obtain the kip needed to balance the RLG's budget. Years ago, AID officials advised AID/Washington that there are "ever-increasing demands on the Foreign Exchange Operations Fund * * * because of the deteriorating RLG budgetary situation."

By mid-1971, with AID still pumping millions of the U.S. taxpayers' dollars into FEOF, USAID/Laos reported that "FEOF sales reached new heights * * * commercial imports remaining low, evidently the demand for exchange for uses other than to pay current imports of goods has been increasing."

Over the years, the United States has spent over $400 million of the U.S. taxpayers' money to stabilize an economy for less than a half million people. It becomes increasingly apparent that congressional action is required to insure economy and efficiency in our stabilization efforts in Laos.

VI. PROGRAM OVERHAUL NEEDED

CONCLUSIONS

U.S. Government programs designed to stabilize the Lao economy over the past 15 years have been basically uneconomical for the United States and have promoted rather than curtailed fraud and corruption. The value of the Lao currency has been maintained, in recent years, not by any true measure of monetary stability in Laos but simply by foreign aid donors to Laos, mostly the United States, artificially controlling the Lao currency market by buying and selling kip at a fixed price. If the exchange rate rises, kip is bought, if the rate declines, kip is sold back into the Lao money market. Stabilization of the kip is as simple and artificial as that.

The system has provided an excellent vehicle for the Lao importers to import luxury goods for sale, at sizable profits, in Laos, Thailand, and Cambodia. As Lao officials were able to acquire kip, they were able to convert it to hard currency and transfer it to accounts in other more secure countries. Without such convertibility—which is mostly financed by the United States—the kip would hardly have been worth acquiring.

If we are to help the Lao people, a major overhaul of our aid program for Laos is necessary beyond any doubt. Competent personnel need to be assigned. They will need to be thoroughly versed in the shortcomings of the economy and efficiency of our previous programs in Laos and will need to take a realistic approach if we are ever to be successful in our foreign assistance programs for Laos. AID officials in Washington will need to constantly monitor the Laos program to prevent slippage.

Our foreign assistance programs for Laos have contained all the elements needed but our excessive generosity has precluded any real and lasting success. Where a shopping bag was needed, we sent a truck load.

U.S. Government programs for Laos provide food and equipment for the Lao military. Other U.S. programs provide essential government services, such as agricultural development, education, health care, and road maintenance. Still other U.S. programs provide full support in the form of food, clothing, and shelter for Laos refugees. Yet, in addition to all this, we have also saddled the U.S. taxpayers with multi-million-dollar "stabilization" programs to support the monetized sector of Laos, which consists of no more than a half million people. The Lao stabilization programs may have been more successful had they been more limited in size, more efficiently administered, and more firmly coupled with stringent RLG fiscal and monetary controls. Most of the Lao people have not benefited from these programs, only a wealthy few. If our AID program in Laos is to be economical and efficient, it simply must be brought under control. Determinations need to be made as to kind and amounts of commodities actually needed by the Lao monetized or sector—and these commodities need to be supplied from U.S. sources. Controls needs to be established to insure that the economic assistance financed by the U.S. taxpayers is properly utilized and benefits the Lao people generally rather than only a selected few.

If fraud and corruption cannot be prevented, then there simply is no basis for a U.S.-financed program.

It is relatively obvious that our partners have never really bought the FEOF stabilization program. As the costs of the Foreign Exchange Operations Fund skyrocketed, our partners have not been willing to increase their contributions; the U.S. taxpayers picked up the tab for the additional input into the fund. Nor has there ever been adequate information or controls to insure the efficient and economical use of the U.S. taxpayers' gifts to the monetized sector of Laos.

From a U.S. Government viewpoint, the beneficial aspects of the FEOF program in providing a degree of economic stability may have been outweighed by the lack of effective controls—leading to the importation of nonessential luxury goods, capital flight, and the acquisition of dollars by Communists.

France, for all practical purposes, has been using FEOF to acquire the kip needed for its local expenses in Laos. Japan has reserved its kip being acquired through FEOF for future uses and has indicated that it will not increase its contributions to FEOF. Australia and the United Kingdom are—in all probability—also looking for ways to gracefully rid themselves of FEOF. Action to establish a properly controlled program is long past due.

Unrestricted cash grant programs of the types funded by the United States in Laos are uncontrollable and lack assurance that the foreign assistance is efficiently and economically used and, therefore, deserve little consideration in our foreign assistance program. Every grant or loan given by the U.S. Government should clearly be for a specific and definite purpose and adequate controls should be established to insure that the U.S.

taxpayers' money is specifically used for the intended purpose. Anything less than this is an open invitation to fraud and corruption.

It's been said[1] before that "this type of administration of this (AID's) program is making us look utterly foolish in the eyes of friend and foe alike."

RECOMMENDATIONS

1. The United States, in assisting Laos to achieve stability, security and development, must devise programs which are far more effective and economical than those of the past. There is a need to develop programs which assure the Laotian people a supply of essential commodities necessary for maintaining a reasonable standard of living, but without facilitating smuggling, corruption, or the importation of nonessential goods. There is a need to develop fiscal and monetary stability, including the imposition of an adequate tax structure and a realistic exchange rate, while preventing the misuse of foreign exchange or an unacceptable burden on the U.S. payments balance. There is a need to assist in the planned development of the Laotian economy, in cooperation with other developed nations, while sharing equitably in the award of sponsored projects and in the supply of goods. Finally, there is a need to establish effective controls and restrictions to assure that the programs so established are working according to plan—something unachieved to date.

To accomplish the above, it is essential that far more information be obtained about the workings of the Laotian economy and society, about consumption habits, about types and quantities of commodities required, and about many other necessary factors. Too often in the past, the United States has been operating in the dark in Laos and has made serious mistakes as a consequence. Neither a commodity import program nor a foreign exchange stabilization program nor a cash grant program has proved satisfactory. The fact is that no acceptable solution has yet been found. In the meantime, the U.S. taxpayers have been subjected to an unfair burden. There is a vital need for AID to initiate studies immediately and intensively with other U.S. agencies, the International Monetary Fund, other international agencies, and with other nations to develop programs that will assist the Laotians in achieving their goals and objectives, but in keeping with the economic needs of the United States.

For almost two decades, U.S. financial assistance has been misused in Laos. The American taxpayers have grown tired and disgusted in seeing their money spent in Laos on nonessentials, luxuries, hoarding, and corruption. AID must assign highly competent personnel under top priority status to dedevelop and recommend to Congress—within 90 days—new programs which will accomplish the goals and objectives outlined above with regard to U.S. assistance efforts in Laos.

2. AID must press for a satisfactory conclusion to negotiation of fair and equitable, freight rates for commodities transported through Thailand to Laos. AID should also conduct appropriate cost audits to insure proper freight charges. If this matter cannot be satisfactorily negotiated—now—with the Thai Government, consideration should be given to making appropriate reductions in U.S. economic assistance to Thailand.

3. AID should also insure that commodities provided for construction of the Nam Ngum Dam in Laos are fairly priced. As the U.S. Government provides 50 percent of the $30 million required for construction of this dam, it is imperative that AID insure that the funding provided is properly spent.

4. The Committee on Government Operations further suggests that the Foreign Assistance Authorization and Appropriation Committees of both the House and Senate consider amendments to Foreign Assistance Authorization and Appropriation Acts specifically prohibiting the use of unrestricted cash grants except in those instances where specifically and separately authorized by the Congress.

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., March 13, 1972.

Hon. WILLIAM S. MOORHEAD,
Chairman, Foreign Operations and Government Information Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to enclose detailed comments on House Report No. 92–718 of the Committee on Government Operations regarding our economic stabilization assistance to Laos.

These comments sketch the political and economic context within which we must operate in Laos and then respond to the four recommendations made in your report.

Your letter of February 18 to Assistant Secretary of State Abshire indicated special interest in that part of Recommendation No. 1 which states: "A.I.D. must assign highly competent personnel under top priority status to develop and recommend to the Congress—within 90 days—new programs which will accomplish the goals and objectives outlined above with respect to U.S. assistance efforts in Laos."

A.I.D. people highly competent to evaluate U.S. assistance efforts in Laos in relation to U.S. goals and objectives have reexamined these efforts most carefully. They have discussed the report with senior officials of the International Monetary Fund (IMF), on whose expert advice the Foreign Exchange Operations Fund (FEOF) was established, and with representatives of other governments contributing to FEOF. The results of this evaluation are set forth in the report which is attached.

In addition to the evaluation which was carried out, we are seeking to improve on certain aspects of the FEOF operation through the negotiation of the agreements which will govern FEOF during this calendar year. As soon as these agreements have been concluded, we will be pleased to provide the Committee with a summary of the results, including any changes or improvements which are incorporated.

Sincerely,

MATTHEW J. HARVEY,
Director, Office of Legislative Affairs.

AID COMMENTS ON HOUSE REPORT NO. 92–718

RECOMMENDATION NO. 1

This recommendation states, in part; "The United States, in assisting Laos to achieve stability, security and development, must devise programs which are far more effective and economical than those of the past. . . . there is a need to establish effective controls and restrictions to assure that the programs so established are working according to plan. . . . Neither a commodity import program nor a foreign exchange stabilization program nor a cash grant program has proved satisfactory. . . . There is a vital need . . . to develop programs that will assist the Laotians in achieving their goals and objectives, but in keeping with the economic needs of the United States . . . A.I.D. must assign highly competent personnel under top priority status to develop and recommend to the Congress—within 90 days—new programs which will accomplish the goals and objectives outlined above. . . ."

COMMENTS

Importance of Lao political and economic stability

As was stressed by the United States in the recent communique issued by President Nixon and Chinese Prime Minister Chou En-Lai at Shanghai, a primary objective of U.S. policy in Indochina is that the peoples of the area should be allowed to determine their destiny without outside intervention. The Nixon Doctrine, which provides for a reduction in direct U.S. involvement in Indochina, assumes the continuation of U.S. military and economic assistance to permit these nations to survive. An essential element of this policy is the maintenance of an independent Laos, neutral within the framework of the 1962 Geneva Agreements, and capable of defending itself against North Vietnamese aggression. Essential to this objective is the political stability of the Royal Lao Government, for which economic stability and progress are indispensable.

North Vietnam, although a party to the Geneva Agreements, has openly flouted them by sending to Laos approximately 100,000 soldiers, who deny control of almost half the territory of the country to the Lao Government. In these extremely precarious circumstances, the stability of the Royal Lao Government has been a remarkable achievement which serves U.S. interests by contributing substantially to the prospects for the just and lasting peace we seek in Southeast Asia.

We do not believe that the current degree of political stability could have been preserved had there been serious economic upheavals during the period. We doubt that the government of Prime Minister Souvanna Phouma could have resisted as successfully as it has the political and military pressure resulting from the North Vietnamese invasion if it had also been faced with serious economic disruptions. In addition, it is this government, headed by the Neutralist Prime Minister, which can, better than any foreseeable alternative, facilitate on the international as well as the internal scene progress toward a political settlement for the entire area.

Scope of economic stabilization problem

The war in Laos has forced upon the Royal Lao Government military and civilian expenditures greatly exceeding its revenues. In FY 1971 the RLG expended 19.2 billion kip but collected revenues of only 7.5 billion kip ($38 million and $14.9 million, respectively, at the then open market rate of 505 kip to $1). Thus revenues amounted to only 39 percent of expenditures.

The essential problem confronting the foreign assistance donor governments is how and to what degree to transfer resources to Laos in order to help meet the resource gap of the simple and very unsophisticated Lao economy, with a scarcity of personnel trained or experienced in fiscal, monetary or other types of management. The Committee Report describes the difficulties of the earlier stabilization programs in Laos. The RLG could not play an effective policing role under either the direct cash grant program or the large commodity import program. The former provided too many opportunities for misuse of funds; and the latter, ill-suited to the Lao market with numerous small importers and with many of the eligible commodities not meeting real demands of the Lao economy, afforded too many possibilities for re-export and other abuses.

Current economic stabilization program

In light of the above experiences and on the recommendation of the International Monetary Fund, the current stabilization program, with the Foreign Exchange Operations Fund (FEOF) its core, was established in 1964.

The U.S. had abandoned its direct cash grant program in 1961. With the advent of FEOF, the U.S. substantially reduced its commodity import program; only $700,000 is being devoted to commodity import financing in FY 1972 and the U.S. plans to devote no more than $500,000 to this program in FY 1973. Australia and the United Kingdom terminated their commodity import programs in 1969. In FY 1969 the U.S. terminated its "invisibles" program, under which it had helped support the RLG foreign exchange budget by providing foreign exchange to help the RLG finance its official expenditures abroad.

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[1] Representative John J. Flynt, Jr. Hearings on "Foreign Operations Appropriations for 1964," p. 269.

FEOF sells foreign exchange contributed by the U.S. and four other donors—Australia France, Japan, United Kingdom—for local currency which is removed from circulation either permanently or for limited periods. In this way FEOF counteracts inflationary pressures created principally by RLG deficit spending, which is financed by borrowing from the National Bank of Laos.

The terms of the donors' contributions and the fiscal performance expected of the RLG are fixed by written agreements between the donors and the RLG. In addition, the donors and the IMF Resident Representative, on a continuing basis, advise the RLG with respect to fiscal and monetary policy and performance.

Stabilization success of FEOF

Once FEOF got under way, its success in holding down price increases was striking. The Lao general price level, which had risen by 147 percent in 1963, rose by only about 8% a year, on the average, over the period 1964–1970. It remained constant in 1971 until the November devaluation mentioned later in these comments.

Indeed, the Committee's report notes (on page 5) that "FEOF has generally accomplished the purpose for which it was established—monetary stability."

Cost of stabilization

The Committee, however, expresses concern over the "skyrocketing cost of FEOF" (page 5).

The Committee's report contains, on page 5, a table of contributions to FEOF from its inception in 1964 through 1970. From 1968 on, these figures do not agree with—and are higher than—our own, perhaps because the Committee may have included estimates of U.S. purchases through FEOF in those years of local currency for the procurement in Laos of rice for refugees. (The foreign exchange thus made available to FEOF is a FEOF resource but over time does not have a net stabilizing effect because an equivalent amount of local currency is spent for the rice. We finance these purchases of local currency from our refugee relief program rather than from FEOF funds.) Our own figures on FEOF contributions for those years plus 1971 are shown in the first section of the attached table.

Further, a different picture emerges when one looks not at FEOF contributions alone but at total stabilization assistance. The attached table shows, in addition to FEOF contributions, the cost of all donors' commodity import programs and the cost of the U.S. "invisibles" program terminated in FY 1969. (These two types of costs are readily available only on a fiscal year basis rather than the calendar year basis on which FEOF contributions are made.)

Our table shows total U.S. stabilization assistance in 1970 (the last year included in the Committee's table) only $300,000 higher than in 1964 and substantially lower than in 1966, 1968 (the peak year) and 1969. It shows that the U.S. FEOF contribution increased by $4 million in 1971 over 1970 but that our total stabilization contribution for 1971 was still less than in 1968. We would also note that in 1969 $500,000 and in 1971 $1,000,000 of our FEOF contribution did not represent net additions to our overall economic assistance but came from funds made available from our refugee relief program as the result of Japanese provision of rice we would otherwise have bought for refugees.

Controls on FEOF foreign exchange

The report also criticizes the absense of controls on the use of FEOF foreign exchange. It states (on page 23): "Every grant or loan given by the U.S. Government should clearly be for a specific and definite purpose and adequate controls should be established to insure that the U.S. taxpayer's money is specifically used for the intended purpose."

The U.S. contributions to FEOF are clearly for a specific and definite purpose—economic stabilization. Adequate controls do exist to insure that these contributions are used for this purpose. This purpose is achieved, as we have explained above and in presentations of proposed A.I.D. programs to Congress and in Congressional hearings, by the sale of FEOF foreign exchange for local currency which is retired from circulation either permanently or for limited periods.

One of the principal reasons for the establishment of FEOF was precisely that it would not involve import or exchange controls, difficult to administer effectively in most countries, and judged to be, like the previous cash grant program and the large commodity import program, beyond the administrative capacity of the Royal Lao Government. Moreover, limitations on the purposes for which FEOF foreign exchange may be used would result in more local currency remaining in the Lao economy and therefore increased inflationary pressure. Particularly in view of these factors and the fact that, as constituted, FEOF has been achieving its purpose, we do not consider it advisable to require such controls, the cost of which would add to the RLG budgetary deficit that constitutes the principal inflationary pressure in Laos.

The Lao Government cannot purchase dollars from the Fund without the express agreement of the donor governments. The Committee, however, charges fraudulent acquisition of kip by individual RLG officials who then use the kip to buy FEOF foreign exchange. We recognize that corrupt acquisitions of kip within the Lao Government have sometimes occurred, and we can not state absolutely that they will not re-occur. But policing of kip expenditures is essentially an internal matter for the Royal Lao Government, and we feel that the RLG approaches this problem seriously.

The interest of the RLG in improving its capacity to audit kip transactions was demonstrated by the recent activation and staffing of a National Audit Commission with broad fiscal surveillance powers. The Commission has embarked on a program of expenditure audits and our Mission reports that the Commission is taking a strong approach to its work.

The four RLG officials mentioned in the report (page 7) as awaiting trial for embezzlement have each received three and one-half year prison terms. Since then another RLG Treasury employee has been charged and is in prison pending trial. The Treasurer of the RLG has expressed the opinion that he has now cleaned up all such embezzling activities in the Treasury. In a recent private sector case the RLG moved swiftly and decisively to apprehend, jail and prepare court action for embezzlement against a Lao employee of a U.S. petroleum company.

It is not correct that, as the report states on page 5, "foreign aid donors are unable to examine the RLG's actual expenditures". Since 1966 at least one U.S. and two third-country national advisors have worked within the Ministry of Finance and have devoted about one man/year annually solely to expenditure analysis, the balance of their time being devoted to revenue analysis, budget preparation, and other technical assistance. Another U.S. advisor was added in January 1972 and is spending a large part of his time on expenditures. The IMF Residential Representative spends full time on analysis, consultations and advisory services over the entire range of fiscal and monetary problems of the RLG. As a sovereign government the RLG of course retains final control of its records, but access to information has rarely been hampered or denied.

Improving the situation

We have not reviewed with complacency the fact that the FEOF component of our stabilization costs has increased over the years. Although our contribution in CY 1969 was somewhat less than in CY 1968 and again dropped in CY 1970, it went up again, by $4 million, in CY 1971. This was the result principally of the inability of the Royal Lao Government to keep its budget deficit in check. Revenues lost through the great diminution of gold imports and therefore of gold import duties were not sufficiently offset by increases in other revenues, and expenditures were not sufficiently curbed to prevent a substantial increase in the RLG budgetary deficit.

With this budgetary situation and with demand on FEOF increasing, the RLG on November 8, 1971, at the recommendation of the International Monetary Fund and with the support of all FEOF donors, took courageous remedial measures. It devalued the kip from 505 kip to $1 to 600 kip to $1, substantially increased customs duties on luxury goods and other non-essentials comprising about one-third of all imports, and froze government salaries, military and civilian, for at least five months. FEOF demand did not quickly recede, one reason apparently being that numerous members of the Lao business community continued to draw heavily on FEOF out of fear that another devaluation might follow.

The revenue—increasing effects of the new customs rates and the full effects of the devaluation on the economy and on FEOF demand are not yet clear. FEOF demand has somewhat receded, however, in CY 1972. Sales over the first nine weeks amounted to $4,605,000 (a weekly average of $511,666) as against sales of $5,110,000 (a weekly average of $567,777) over the corresponding period of 1971.

At the present time, the U.S., the other donors and the IMF are working intensively with the RLG to devise techniques for curbing the RLG budget deficit and keeping FEOF demand within available and expected resources. We also hope that means can be found to reduce FEOF demand further in future years, although we cannot predict what financial requirements the war will place on Laos in the future.

Fiscal performance

The Committee mentions as ways to reduce the RLG resource gap improving the tax structure, changing the exchange rate and assisting in the planned development of the Lao economy.

One of the highest priority concerns of the A.I.D. Mission in Laos is to improve RLG fiscal performance. Success in some areas has been achieved but not enough to offset unfavorable developments in other areas. Non-customs revenues have increased by about 48 percent since 1968. Part of this increase was achieved by putting into effect recommendations of a tax expert sent to Laos by the IMF in 1970. But these gains were more than offset by the steady fall-off of tax revenues from the gold trade through Laos which followed the introduction of the new price system for gold in March 1968. As a result, total revenues were less in FY 1971 than they were in each of the previous three fiscal years. During the same four-year period expenditures rose due to increased veterans and dependent benefits and increased expenditures on economic and social development activities. The overall result was an increasing deficit.

We are hopeful that the new import duties will have a salutary effect on RLG revenues, and we are giving the RLG considerable technical help in customs collection, but we are not relying on those measures alone. We have recently stressed to the RLG at high levels the necessity to take all other measures possible to expand revenues and to avoid any but absolutely essential expenditures. We trust the newly activated National Audit Commission will be helpful in the latter regard.

Although we must not underestimate the difficulties or time required in developing the capacity of the Lao Government in fiscal administration (the RLG became fully independent only in 1953, and very few Lao were involved in the colonial administration), we are hopeful that with the urgings and help of the other donors, ourselves and the IMF the budget deficit can be held within limits that will not exert undue pressure on FEOF.

Exchange rate

As to changing the exchange rate, we have mentioned that this was done in November 1971. This appeared necessary at that time, but the general price level has since risen by about 20 percent in spite of RLG price controls. The experience since November 1971 shows the limited ability of the RLG to control prices. Further price increases stimulated by another devaluation would add to the pressures that already exist for increases in military and civilian salaries which would in turn increase the Government's budget deficit unless revenues could be increased correspondingly. We feel, therefore, that the best course of action at this time is to concentrate on effective means to keep the budgetary deficit down.

Economic planning

Laos is classified by international organizations and students of development as one of the least developed countries in the world. It is recognized by the USG, other donors to Laos and the RLG itself that some economic development of the country must be undertaken concurrently with the highest priority programs—economic stabilization, refugee assistance and maintenance of essential RLG services.

In 1969 with USAID assistance the Commissioner of the Plan published the first economic development plan the RLG had ever prepared. The Plan identified, organized within priority sectors, and costed out development projects the RLG desired to see implemented, and tentatively indicated the proposed source of funds for the project where possible. The Plan Cadre, as it is called while imperfect and by no means all inclusive, represents a positive step forward by the RLG to try to plan orderly development in Laos.

Also, since 1969 a senior U.S. advisor has been working full-time with the Ministry of the Plan to assist with development-planning rationale, project analysis, assignment of priorities, etc., and in general to strengthen the role of the Plan within the RLG as the focal point and coordinating body for all development actvities sponsored by the RLG and by the countries and international institutions assisting Laos.

As part of the U.S. effort to encourage development of the infrastructure required to support development, a USAID Credit and Banking Advisor has been working closely with the Lao Development Bank to improve and strengthen its capacity to analyze loan applications and administer an Industry Loan Fund established initially with a local currency grant from USAID. In a related activity USAID/Laos has established a modest fund to finance feasibility studies of possible industrial development projects. The USAID has also actively encouraged other donors to prepare investigations of development projects, both in the industrial and agricultural sectors. Recent examples of the latter types of investigations have been a feasibility study for a slaughterhouse by New Zealand, for an industrial estate by India, and for an irrigation project by Israel.

Since 1965 USAID has sponsored and supported the Agricultural Development Organization (ADO) which makes available credit and modern technological inputs such as improved seeds, fertilizers, insecticides and agricultural implements to farmers to assist them in increasing agricultural production. In addition to the U.S. commodities contributed by the U.S. to ADO, the Japanese government has donated on an annual basis several hundred thousand dollars worth of tractors and other pieces of equipment for sale by ADO on concessionary terms. And the United Kingdom has donated irrigation pumps for sale by ADO.

Because of the lack of resources available to the RLG most economic development projects are financed by grants of soft loans, tied to procurement from the donor nations. The Asian Development Bank (ADB) has in the last three years become more active in projects for Laos, making its first loan in 1969 of $973,000 for the Tha Ngon Irrigation Project, construction of which was open to bidding on an international basis. As the loan was financed by a Special Fund, created within the ADB by contributions of member countries to permit loans on concessionary terms to underdeveloped countries and to which the U.S. had not contributed, U.S. contractors were not eligible to bid on it.

Development of an electrical distribution system is being jointly financed by loans of $4 million from the Federal Republic of Germany and $3.3 million from the Special Fund of the ADB. While the U.S. has now agreed to contribute to the ADB Special Fund, at the time of this second ADB loan it had not done so and therefore could not participate in the bidding.

The U.S. contributed 50 percent of the funds of the $28 million Nam Ngum Dam project sponsored by a nine-nation consortium and managed by the International Bank of Reconstruction and Development. U.S. contractors were encouraged actively to compete for the award of the various contracts. However, three U.S. firms which evidenced preliminary interest in the project did not choose to submit bids on it. There have been no other multilaterally sponsored projects in Laos since that time in which U.S. firms could have participated.

In the last two years there has been a concerted effort by Japan, France and the U.S. to improve the telecommunications of Laos. The various phases of the project have been coordinated by the RLG with the three donors and the United Nations, which has recently established a school for training telecommunications technicians. The final system will be fully integrated despite the variety of sources of its component parts. The Japanese and U.S. portions of the program are funded by grants and are being installed by engineers of these countries. The French portion is financed by a combination of grants and concessionary loans and is being installed by a French contractor.

While economic development in Laos can not in the midst of a war have the highest priority, the U.S. role in such development has been an active one; and we have encouraged other donors to participate in an ever increasing degree in such development activities. Doubtless when security improves there will be a greater role for the U.S. and all donor nations to play in promoting economic development and hopefully increased opportunities for participation by U.S. contractors and suppliers in such activities.

Summary comments on recommendation No. 1

Given the stakes in Laos, the scope of the stabilization problem there and the vital need to meet it, the experience over the years with other types of stabilization programs and the success of FEOF, we do not feel that the cost of FEOF has been exhorbitant or that its essential characteristics should be changed. Given the basic purpose of FEOF and the lack of RLG capacity effectively to administer controls over the use of FEOF foreign exchange, we do not feel that imposing such controls would be advisable or feasible. Some improvements can, however, be made in administering and controlling demand on FEOF. In cooperation with the other donors to FEOF and the IMF we are doing everything possible to urge and help the RLG to take whatever measures it can along these lines, principally by improving Lao fiscal performance.

We also hope that measures can be taken to reduce FEOF demand further in future years, although these efforts are made more difficult and unpredictable because of the war in Laos. In our economic assistance program, stabilization, refugee assistance and maintenance of essential RLG services have to be given highest priority; but we are to the degree feasible helping the Lao plan and undertake long-range development. Other countries and multilateral institutions are also helping Laos in this field. We feel that the nature of our current program is properly geared to basic U.S. foreign policy interests and thus serves the interests of U.S. taxpayers.

COSTS OF ECONOMIC STABILIZATION IN LAOS [1]

	1964	1965	1966	1967	1968	1969	1970	1971
FEOF Contributions:								
Australia	.400	.400	.800	.6	.800	.720	.72	.72
France	1.700	1.300	1.700	1.7	1.700	1.700	1.70	1.70
Japan		.500	1.700	1.7	2.100	1.700	2.00	2.30
United Kingdom	1.700	1.700	1.700	1.7	1.695	1.700	1.70	1.70
United States	4.000	5.200	13.700	13.8	16.786	16.600	16.10	20.10
Total FEOF contributions	7.800	11.900	19.600	19.5	23.083	22.415	22.22	26.52
Commodity import programs (CIP):								
United States CIP	11.000	7.400	5.000	1.9	4.500	2.500	1.50	1.50
United Kingdom CIP	2.800	2.800	2.800	1.5	.750	.750		
Australia CIP	.335	.335	.335	.2	.100	.150		
Total CIP	14.135	10.535	8.135	3.6	5.350	3.400	1.50	1.50
Foreign exchange budget support: U.S. invisibles program	2.300	3.700	2.500	1.5	1.000	.800		
Total U.S. stabilization contributions	17.300	16.300	21.200	17.2	22.286	19.900	17.60	21.60
Total all donor contributions to stabilization programs	24.235	26.135	30.235	24.6	29.433	26.615	23.72	28.02

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[1] FEOF contributions are shown on a calendar year basis, as actually contributed. Commodity import and invisibles costs are not readily available on a calendar year basis and are shown on a fiscal year obligations basis.

RECOMMENDATION NO. 2

"A.I.D. must press for a satisfactory conclusion to negotiation of fair and equitable freight rates for commodities transported through Thailand to Laos. A.I.D. should also conduct appropriate cost audits to insure proper freight charges. If this matter cannot be satisfactorily negotiated—now—with the Thai government, consideration should be given to making appropriate reductions in U.S. economic assistance to Thailand."

COMMENTS

The recommendation is preceded by the following statements, among others, on pages 14–15 of the report: "Imports for Laos, either originating in Bangkok, or coming through the port of Bangkok, are transported to Laos by a Thai Government transportation corporation which monopolizes rail and truck transportation to Laos. . . . In testifying before the Appropriations Subcommittee, on July 1969 and April 1970, A.I.D. officials indicated the total cost for transporting commodities from Bangkok to Laos—for use in A.I.D. projects—for fiscal year 1970 to be about $600,000.

The organization in question—The Express Transport Organization of Thailand (ETO)—is a Government corporation which exercises, under Thai Government decree, a monopoly on the transportation to Laos of all international cargo offloaded in Thailand. Total USAID/Laos payments to ETO were about $172,000 in FY 1970 and about $221,000 in FY 1971. They are expected to approximate $235,000 in FY 1972.

USAID/Laos is free to, and always does, contract with other companies for the transportation to Laos of goods originating in Thailand or which have entered Thailand as imports (although ETO has the legal authority, which it does not exercise, to monopolize the transportation to Laos of the latter). From these other companies the Mission obtains better rates than ETO's. Included in ETO's rates, however, are the costs of certain services not required of other companies, such as clearing the goods through customs upon their arrival at Bangkok and, if the goods are not received in Laos, paying the Thai customs duties on them since they have then not been delivered to a duty-free customer.

ETO rates have been reduced six times over the past twelve years; they are now more than 20 percent less than they were prior to June 1, 1960. A Joint Lao-Thai Committee for Economic Cooperation, which held its first meetings in 1970 and is concerning itself with transportation matters among others, was responsible for the last two reductions.

In late 1967 the Defense Contract Audit Agency (DCAA) made a special study of ETO in-transit rates for USAID/Laos in connection with a study DCAA was making of rates charged the U.S. military. (The latter rates are higher than those charged for all general cargo, which are the rates charged USAID, partly because of the special handling required for dangerous cargo.) The DCAA concluded that the rates charged USAID were reasonable for the services rendered. Although the present rates are actually somewhat lower than those in effect at the time of the 1967 audit, we will continue to keep the rates under review.

RECOMMENDATION NO. 3

"A.I.D. should also insure that commodities provided for construction of the Nam Dam in Laos are fairly priced. As the U.S. Government provides 50 percent of the $30 million required for construction of this dam, it is imperative that A.I.D. insure that the funding provided is properly spent."

COMMENTS

Construction of the Nam Ngum Dam, completed in December 1971, was governed by the Nam Ngum Development Fund Agreement, 1966, which among other things defined the project and assigned to the International Bank for Reconstruction and Development the responsibility for carrying out the project. For all commodities procured with funds provided under this agreement, the competitive bidding procedures of the IBRD had to be used. The IBRD utilized the services of Acres International, a Canadian engineering firm, to prepare the contract documents, supervise the bidding and make the appropriate awards. The Bank reported quarterly to A.I.D. on the status of the various contracts and the progress of construction. There was never the slightest indication of an improper award.

Earlier parts of the report (pp. 14–15) indicate that this recommendation is particularly concerned with the supply of $2.9 million worth of cement from Thailand. Of that cement, $1.65 million worth was provided under the terms of the Nam Ngum Agreement, using supervised competitive bidding as described above. The remaining $1.25 million worth was provided under a bilateral agreement between Thailand and Laos. The latter amount is being repaid by the Lao Government in the form of power for Thailand.

RECOMMENDATION NO. 4

"The Committee on Government Operations further suggests that the Foreign Assistance Authorization and Appropriation Committees of both the House and Senate consider amendments to Foreign Assistance Authorization and Appropriation Acts specifically prohibiting the use of unrestricted cash grants except in those instances where specifically and separately authorized by the Congress".

COMMENTS

Cash grants can, in principle, be funded from three separate appropriations accounts—Technical Assistance, Supporting Assistance and the Contingency Fund. The Appropriations Act for Foreign Assistance requires that appropriations from Technical Assistance and Supporting Assistance not "be used to initiate any project or activity which has not been justified to the Congress". Those cash grants whose need can be foreseen in the normal Congressional Presentation for the ensuing fiscal year are included in that Presentation. With respect to a cash grant whose need is unforeseen at the time of the Congressional Presentation, a separate and specific justification is submitted. Therefore, Congress, through the Appropriations Committees, does have an opportunity to review and pass upon the use of cash grants funded from either Technical Assistance or Supporting Assistance. In the case of cash grants provided under the Contingency Fund, the Agency is required by the Foreign Assistance Act Sec. 451(b) "to provide quarterly reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives on the programming and the obligation of funds under subsection (a) [Contingency Fund]." Present legislation thus in large part meets the concern of the Committee that Congress have a role in approving the use of cash grants.

Rather than the requirement for justification before Congress, the Committee's recommendation, if put into effect, would necessitate specific and separate authorization from Congress, presumably in the A.I.D. legislation, for each grant funded from Technical Assistance or Supporting Assistance. The requirement would also extend to cash grants provided under the Contingency Fund. Such a change would not take into account the need for a cash grant arising during the fiscal year. An approval procedure going beyond that presently utilized under the provisions of the Appropriations Act would affect the speed with which cash grants could be implemented, a matter which takes on importance because most cash grants serve immediate security-related purposes. The Committee's proposal would appear to unduly limit this flexibility—a flexibility which is preserved while still involving, as noted above, a Congressional role.

The Agency is not now, however, prepared to take a formal position on the Committee's recommendation, for to do so would be premature. The Committee's recommendation is directed toward the Foreign Assistance Authorization and Appropriations Committees of both the House and Senate. Not until those committees consider legislative amendments to carry out the recommendation would the Agency feel it appropriate to provide a formal position.

HOUSE OF REPRESENTATIVES, FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., March 23, 1972.

Hon. JOHN A. HANNAH,
Administrator, Agency for International Development, Washington, D.C.

DEAR DR. HANNAH: I have received Mr. Harvey's letter of March 12, 1972, which represents AID's reply to House Report No. 92–718, "U.S. Economic Assistance for Laos—Stabilization Programs." In my opinion, the reply is not responsive.

I hope that you will personally read and carefully consider House Report No. 92–718, Mr. Harvey's letter, and the contents of this letter. I would also appreciate your personal reply to recommendations 1, 2, and 3 of the report.

AID's reply is essentially the same line that has been used to "justify" the U.S. economic assistance program for Laos for many years. As you know, the United States has provided billions of dollars worth of military equipment and food supplies for the defense of Laos. House Report 92–718, however, is concerned with the weaknesses in the economy and efficiency in U.S. economic programs designed to stabilize the economy for less than a half million people in the monetized sector of Laos.

In this regard, I would like to quote a few lines from a previous Committee report (House Report 546, 86th Congress) on our programs in Laos.

"ICA officials have sought to excuse deficiencies and maladministration in the aid program in Laos, after they have been demonstrated, with the assertion that our aid program, however poorly administered, has saved Laos from going Communist. This assertion is purely speculative, and can be neither proved nor disproved. The subcommittee rejects the reasoning of ICA officials, and, on the evidence, believes that a lesser sum of money more efficiently administered would have been far more effective in achieving economic and political stability in Laos, and in increasing its capacity to reject Communist military aggression or political subversion."

These words are just as true today as when included in House Report No. 546, of the 86th Congress, dated June 15, 1959. It would have been much wiser for the AID officials directly responsible for the U.S. aid program for Laos to have spent the past few months diligently looking for new approaches in Laos rather than attempting to alibi for past mistakes. While it is of no real importance, I think that a careful search of your records will show that the FEOF scheme was in fact developed by the U.S. AID mission in Laos. Subsequently, the FEOF scheme was endorsed—not recommended—by the International Monetary Fund.

The FY 1971 Country Field Submission and page 13, Annex I of the FY 1972 Country Field Submission for Laos clearly show how the Subcommittee staff arrived at the "Skyrocketing Cost of FEOF." You will also note that the "total U.S. stabilization assistance" referred to on pages 3 and 4 of the A.I.D. comments on House Report No. 92–718 is inconsistent with the data shown in the Laos Country Field Submissions.

According to the Country Field Submissions, the United States supplied $10.6 million in 1964 to soak up local currency expansion in Laos and, thus, stabilize the Laotian monetary system. Dollars provided to pay for Laos' official "invisibles", i.e., its embassies costs, do not soak up local currency. By 1970, the United States was supplying $22.2 million—an increase of $11.6 million over 1964.

This, however, illustrates only a part of the real increase in U.S. support of the Lao monetary system. Because of a change in exchange rates, the $10.6 million in 1964 absorbed only 3.6 million kip while the $22.2 million in 1970 absorbed 10.4 billion kip—three times as much local currency had to be absorbed in 1970, as compared to 1964.

FEOF has been able to maintain monetary stability in Laos only as a result of the huge inputs of the American taxpayers' dollars. Further, as clearly shown in House Report 92–718, there are absolutely no controls over use of foreign exchange supplied through FEOF. The dollar exchange is available to anyone—communist and non-communist alike—for any purpose including capital flight and procurement of nonessential luxury goods from any source—including Communist countries.

Further, it is readily admitted by AID officials that the 1964 program, which was mostly a subsidized commodity import program, was laced with fraud and corruption. That is the reason the United States, United Kingdom, and Australia essentially eliminated the commodity import programs. In 1970, the United States provided $11.6 million more than it did in 1964. What assurance is there that the fraud and corruption didn't exist even more in 1970 ($11.6 million more) than it did in 1964? Under the FEOF scheme, fraud and corruption is effectively hidden.

The view that FEOF is truly multilateral is a mockery. France and Japan use the fund to convert their currency into Laotian currency which they either use currently or will use at a later date. The FY 1972 Country Field Submission indicates "that the British may be looking for a convenient way to withdraw from FEOF."

AID's reply to our report states "It is not correct that . . . foreign aid donors are unable to examine the RLG's actual expenditures." Though obvious to us, perhaps our meaning was not too clear. What we meant by "examine" is full-fledged audits by qualified U.S. Government auditors. The United States currently provides about $20 million yearly which is converted into Laotian currency which is then used to pay more than half of the Lao Government's yearly cost. If it is true that the United States has audit rights over the RLG's expenditure records, then by all means, I—as Chairman of the specific Congressional subcommittee which has jurisdiction over the expenditure of the taxpayers' money for U.S. Government foreign operations—want and am entitled to full information as to the U.S. Government's right to audit the Lao Government's expenditures. You may be assured that—if we in fact have this right—I will immediately request the U.S. General Accounting Office to perform such an audit. For your information, following is a listing of the Lao Government's yearly expenditures as reported by the U.S. AID mission in Laos. As you can see, they have been climbing steadily, especially in the civil administration area.

[In billions of kip]

Fiscal year	Armed Forces	Civil police	Civil adm.	Total
1964	3.484	.888	1.708	6.080
1965	6.389	.761	3.165	10.315
1966	8.393	1.173	4.824	14.390
1967	8.345	1.185	5.780	15.310
1968	8.260	1.159	6.565	15.984
1969	8.253	1.160	7.489	16.902
1970	8.534	1.220	8.554	18.308

Dr. Hannah, this subcommittee is well aware of the almost total lack of U.S. Government control over the FEOF in Laos, the Exchange Support Fund being proposed for Cambodia, and the two funds which are being thought of for Vietnam. I understand that the two "free money" funds for Vietnam could cost the American taxpayers one quarter billion dollars a year.

You should be well aware of the substantial loss of Congressional support for the foreign aid program. Each year the aid bill comes closer to defeat. I sincerely hope that you will personally look into these fancy cash grants. It would be very regretful if these cash grants proved to be the final straw in attempting to obtain support for the FY 1973 foreign aid program.

One final comment, Mr. Harvey indicates in the last paragraph of his letter that AID is currently considering entering into a FEOF Agreement which will extend into FY 1973. If AID should enter into such an agreement prior to enactment of the FY 1973 AID authorizing and appropriation bills, I very definitely want a copy of the agreement.

With warm regards,

Sincerely,

William S. Moorhead,
Chairman.

[From the Washington Star, Apr. 9, 1972]

United States To Curb Cash to Laotian Fund

(By Tammy Arbuckle)

Vientiane.—The United States has told the Laos government that it is no longer willing to put additional dollars into the Lao Foreign Exchange Operations Fund (FEOF) to cover losses caused by merchants' speculation and government overspending.

The fund was formed by the United States, Britain, Australia, France and Japan. Last year it gave Laos $24 million to back the almost worthless Lao monetary unit, the kip.

Laos Finance Minister Sisouk Na Champassak told reporters yesterday the U.S. contribution will remain $16.8 million for fiscal 1973 and announced tough reforms to best Chinese merchants-speculators who he said have been "misusing the Laos system of liberty and free life." The minister did not give details on government spending curbs, but indicated tighter revenue-gathering measures were on the way.

A $12 MILLION JUMP

The government deficit, along with the merchants' steady withdrawal of FEOF dollars to finance according to Sisouk, nonexistent imports, raised the U.S. contribution from $4 million in 1964 to $16.8 million last year. The contributions of other nations stayed around $2 million.

An unprecedented $4 million run on the fund in August by Chinese merchants forced Washington to contribute an additional $4 million to keep FEOF in action. The kip also was devalued by 20 percent to 600 to $1.

Between March 20 and 27, local speculators pulled a similar trick, taking $790,000 out of FEOF in one week, no doubt expecting the U.S. to refill the kitty.

But this time the government has been told there is only so much money available and unless officials impose restrictions, they will be in trouble.

A tightlipped and rather angry Sisouk, in a series of meetings with merchants and the press, announced the reforms—mostly restrictions on the withdrawal of FEOF dollars under false pretenses.

Merchants will have to take out letters of credit to carry out import business, the special official rate of 240 kip to the dollar for merchants was abolished and foreign embassies have been cutoff from FEOF dollars.

Laos residents can only draw a maximum of $600 FEOF dollars for travel abroad and then only on showing a foreign visa and air ticket.

Sisouk said some people have been drawing up to $15,000 for trips abroad, then staying in Laos and depositing the money, which represented profits, into Swiss banks.

Lower-ranking American officials here expressed relief that top officials were not putting more American funds into the FEOF and were halting U.S. funding of the high-living Lao elite and the Vietnamese and Chinese merchant group.

These sources said officials are in effect protecting the Lao and Chinese who have been involved in speculation. Their names must be available, sources said, because since November documents had to be signed to draw out money.

Asked about this, a U.S. official said the documents were in the Lao National Bank and the U.S. did not have access to them.

The black market in U.S. dollars yesterday afternoon soared 25 percent to 800 kip for a dollar.

Angry Lao officials charge the Chinese merchants are establishing a black market and raising prices in retaliation for the new restrictions.

The government says enough dollars are available for bona fide merchants and there is no shortage of dollars to back the kip.

Some U.S. officials are blaming the Lao themselves for not taking stricter price control measures, but top U.S. AID officials doubt if such measures could work.

Meanwhile, the ordinary Laotian is the most hurt.

HELPS HOUSEWIFE

Rising prices make it impossible for most Laotians to even buy a can of sweetened milk for their children. Although the kip was devalued in November by only 20 percent, the cost of a can of milk went up from 70 kip to 150 kip.

Finance Minister Sisouk toured Vientiane's bustling main market yesterday in one stall, when he found a Lao housewife being overcharged for meat, he bought the meat himself at a lower rate and handed it to the woman. The vendor, of course, knew who Sisouk was.

The Lao government, reluctant to admit its budgetary incompetence and overspending, has never fully explained the role of certain powerful Vientiane merchants in the Laos economy.

Instead, it blamed "foreigners," which many Lao translated as Americans, who refuse to support the Lao economy.

One young American official who asked to remain unidentified said a Lao military officer recently tried to run him down with a new Mustang car while shouting imprecations about "Americans not wanting to help Laos any more."

THE ADMINISTRATION'S BUSING AND SCHOOL AID LEGISLATION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. SCHMITZ. Mr. Speaker, congressional leaders in the fight against busing called a special meeting which I attended on March 28, to work out their position on the administration's new busing and school aid legislation unveiled by the President March 16. After 2 hours of discussion, the group reaffirmed its previous commitment to a constitutional amendment which would override court busing decrees and to legislation halting the use of Federal funds for busing, but came to no conclusion on the administration's program. Members stressed the need for a realistic appraisal of just what the administration legislation would and would not do.

First of all, it was pointed out that the heavily emphasized "busing moratorium" would be in effect only from the time the bill is signed into law—which could be months away—to July 1 of next year or until the companion measure, the "Equal Educational Opportunities" Act, is passed, whichever comes sooner. This means that if the two bills were passed and signed into law together, the moratorium would never take effect at all. Even if it did apply for a few weeks or months, it would not stop any busing ordered up until then by any Federal judge.

The "Equal Educational Opportunities" Act is much more comprehensive legislation prescribing new ways to spend $2.5 billion for "compensatory education" for lower income school districts, though the President himself admitted that many of the funds already spent on such programs have been swallowed up in general revenue and used to pay administrative and other overhead costs without measurably improving children's learning. Given the inescapable fact that bureaucrats always first take care of their own, it may be doubted that any new set of criteria for this kind of spending will improve matters.

However, this bill also includes language placing tight new limits on court orders to schools which judges say are racially segregated. Its wording prohibits new busing for younger children—sixth grade and below—and states that racial balance in the schools is not to be required. It would allow busing for older children only after a showing that none of six other remedies for the alleged segregation would suffice. If actually put into effect, these limitations on court-ordered busing could do much to save the neighborhood school.

But will they ever go into effect? Previous legislation, the Civil Rights Act of 1964, contained a specific prohibition on busing public schoolchildren for purposes of racial balance. The Federal courts have simply ignored it, claiming that their interpretation of the 14th amendment to the Constitution supersedes any statute. There is every reason to believe that they can and will likewise ignore these provisions of the "Equal Educational Opportunities" Act of 1972, if it is passed. A constitutional lawyer present at the March 28 meeting cast serious doubt on the power of Congress to prescribe by statute what the courts may or may not order in cases where they have jurisdiction and claim to have found a constitutional violation.

However, participants in the meeting agreed that Congress can take action under article III, section 2 of the Constitution—such as the Griffin amendment which failed of passage in the Senate by only three votes last February, and H.R. 10614 which I have introduced in the House—to deprive the Federal courts of all jurisdiction over cases involving the transportation of public schoolchildren because of their race.

The other route to the same goal, a constitutional amendment, had been officially recommended 2 years ago by then Assistant Attorney General, now Supreme Court Justice William H. Rehnquist; but the President turned it down. Many of the Members of Congress present at the March 28 meeting evidently still hope to persuade the President to support this course of action or the removal of this issue from court jurisdiction, as the only legal safeguards against forced busing that will really work.

CLEVELAND AS AMERICA'S "ETHNIC CAPITAL"

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. JAMES V. STANTON. Mr. Speaker, as you know, I have expressed myself repeatedly in this Chamber as advocating the establishment of an ethnic heritage studies program with Federal assistance. Many of my colleagues here have also taken a vigorous and affirmative stand on this issue, and I am certain they would be interested in learning about an unusual event that will be held in Cleveland, Ohio, on April 28—on the campus of the Cuyahoga Community College. On that day, for the first time, an International Youth Forum on Heritage will be held under the auspices of Ohio's distinguished morning newspaper, the Plain Dealer, and the National Conference of Christians and Jews. High schools in the area will send student delegations to the forum, where participants will try in various ways to acquaint one another with their diverse ethnic backgrounds. I will add at this point—although I am certain that most of you here already know it—that Cleveland has often been referred to as "the ethnic capital of the United States." We are proud of this reputation, and I, personally, am proud to bring you the news of what my city is contributing to the enrichment of American culture and to the strengthening of mutual understanding. I would like to commend all those persons who are taking part in this event, adults and young people alike.

THE NEED FOR FUTURES MARKETS IN CURRENCIES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. PUCINSKI. Mr. Speaker, Dr. Milton Friedman, the prominent economist at the University of Chicago, has prepared a penetrating analysis for the Chicago Mercantile Exchange concerning the need to establish in the United States a futures markets in currencies.

Due to the recent dollar devaluation and the closing of the gold window, currencies are now allowed to fluctuate between wider bands than previously allowed under the Bretton Woods system. Therefore, there is a great need for a futures market in currencies to permit foreign traders and investors to hedge against future devaluations or revaluations of currencies, and Dr. Friedman discusses the desirability of basing such a futures market in the United States.

I am pleased that the Chicago Mercantile Exchange is taking steps to organize a futures market in currency exchange in Chicago. The CME is particularly equipped for such a mission because of its tremendous experience in the futures field.

The analysis follows:

THE NEED FOR FUTURES MARKETS IN CURRENCIES

(By Milton Friedman)

Under the Bretton Woods system, the central banks of the world undertook to keep the exchange rates of their currencies in terms of the dollar within ±1 percent of the par value as determined by the official values of gold registered with the International Monetary Fund. In practice, the central banks generally kept the margins even narrower— ±½ of one per cent or ±¾ of one per cent so long as they had confidence that these limits would be maintained indefinitely, persons engaged in foreign trade were subject to negligible risk from fluctuations in exchange rates. Even so, large traders with sharp pencils found it desirable to hedge any future transactions by buying foreign currencies forward to meet commitments coming due or selling foreign currencies forward to match scheduled receipts. These forward transactions were handled by the large commercial banks, often with the active participation of foreign central banks in the forward market.

Episodically, confidence that the par value could be maintained waned. Whenever this occurred, there were major movements of funds both in the spot and futures markets. Since there was seldom any doubt which way the exchange rate would be changed, if it were changed, the movement was in one direction only, and the funds could be absorbed only by large scale central bank operations in both the spot and futures market.

The most recent episodes of this kind were in the spring of 1971, when appreciation of the German mark became widely expected; and after President Nixon's August 15 measures, when appreciation of the Japanese yen became widely expected. The German central bank bought something over $5 billion before finally letting the mark float; the Japanese central bank a similar or even larger sum before letting the yen float. In both cases, the currencies appreciated promptly by over 5 percent as soon as they were permitted to float and then continued to appreciate subsequently.

Under a system of rigidly fixed rates that do not change—the ideal envisioned by some supporters of Bretton Woods—there is only limited room or need for a broad, resilient public futures market in currencies. The central banks plus the large commercial banks can readily provide the need. Under a system of rigidly fixed rates subject to large jumps from time to time—the Bretton Woods system in practice—there is great need for a futures market in currencies to permit foreign traders and investors to hedge against the occasional large changes that will occur.

But it is almost impossible for such a market to exist because most of the time there is little for it to do, and when there is a role for it, the speculation is one-sided.

Bretton Woods is now dead. The President's action on August 15 in closing the gold window was simply a public announcement of the change that had really occurred when the two-tier system was established in early 1968. No one can be sure just what kind of a system will develop in coming years—whether the world will continue on a dollar standard or whether a substitute international standard will emerge; what role the International Monetary fund will play; whether the recent formal agreement among the Group of 10 on a pattern of exchange rates will last, or will be extended to a broader group of countries, and so on. But two things do seem clear.

First, even when central banks establish official exchange rates, they will permit a wider range of fluctuations about them—the recent agreement provided for a range of ±2.25 percent instead of ±1 percent. This reflects the widespread acceptance of the view that greater flexibility is essential to avoid repeated crises.

Second, the official exchange rates will be less rigid, will be changed in response to much less pressure, and transitional floats will probably be resorted to as the chief device for shifting from one level to another.

The German Central bank in the spring of 1971 in effect paid well over $500 million to postpone the floating of the mark by two weeks—this minimum estimate assumes that it purchased only $5-billion to hold the earlier par and that it will be able to dispose of these dollars at a mark exchange rate appreciated only 10% above the prior par. Similarly, the Japanese Central bank paid a comparable price to postpone floating the yen for about two weeks. Once bitten, twice shy. It is hard to believe that any foreign central bank will again be willing to pay so high a price for so trivial a gain.

Transitional floats have now become respectable. In mid-1970, almost any U.S. banker would have been willing to give heavy odds against what actually occurred: a situation a year later when the mark, the guilder, the Canadian dollar and the Japanese yen were all floating. No one will any longer be surprised at such developments.

Whatever else happens in international financial arrangements, these two changes create a major need for a broad, widely based, active, and resilient futures market. "Foreign trade is often conducted on narrow margins." A range of ±2.25 percent in exchange rates offers a risk to a trader selling goods for future payment that he may receive 4.5% less—or more—than he might judge from spot rates. This could make a substantial difference to the profitability of a trade. The actual risk may be even greater if he is operating in different currencies. If the pound and the mark, for example, are each held within 2.25% of a par stated in terms of the dollar, the cross-rate between the pound and the mark can vary within ±4.5% (from the pound at top of its range and the mark at the bottom, for example, to the other way around). And the occasional transitional floats add to the possible exchange risk.

Foreign trade will not be hampered by these risks if, and only if, there is a futures market in which they can be hedged. There is such a futures market now—in London, Zurich, New York—but it has neither the breadth, nor the depth, nor the resilience that is needed.

A really satisfactory futures market cannot depend solely on hedging transactions by persons involved in foreign trade and investment. Even though foreign payments are in balance so that, over a long period, forward sales of currencies for hedging purposes just balance forward purchases for hedging purposes, there is nothing to assure such a balance within short periods of time or for each foreign country separately. The market needs speculators who are willing to take open positions as well as hedges. The larger the volume of speculative activity, the better the market and the easier it will be for persons involved in foreign trade and investment to hedge at low costs and at market prices that move only gradually and are not significantly affected by even large commercial transactions.

Fortunately, the same features that make a futures market so essential for foreign trade assure that it will also attract speculators. The wider range of fluctuation even when central banks are pegging, and the occasional transitional floats provide much greater and more continuous opportunity for profitable—or interesting—speculation than has hitherto existed.

The demand that will arise for forward cover under the new circumstances, and the greater opportunities for speculation, mean that the present futures markets are bound to expand—soon and rapidly. The only question is where—in London, Zurich, or the United States.

The U.S. is in many ways a natural place for the major futures markets to develop and it is very much in the national interest that it should develop here.

The U.S. is a natural place for the futures market because the dollar is almost certain to continue to be the major intervention currency for central banks and the major vehicle currency for international transactions. Exchange rates will almost surely continue to be stated in terms of the dollar. In addition, the U.S. has the largest stock in the world of liquid wealth on which the market can draw for support. It has a legal structure and a financial stability that will attract funds from abroad. It has a long tradition of free, open, and fair markets.

It is clearly in our national interest that a satisfactory futures market should develop, wherever it may do so, since that would promote U.S. foreign trade and investment. But it is even more in our national interest that it develop here instead of abroad.

As Britain demonstrated in the 19th century, financial services of all kinds can be a highly profitable export commodity.

The development of the Euro-dollar market abroad is a cautionary tale. It developed abroad largely because of the imposition of a Regulation Q ceiling on interest rates that commercial banks could pay on time deposits and of controls on foreign lending and investment. The result was a seriously disturbing element for U.S. monetary policy as well as the loss of profitable business. If the futures market develops abroad, it will encourage further expansion of the Euro-dollar market. On the other hand, if it develops here, it will not only yield earnings from the export of services, it will also encourage the return of international financial business of all kinds to the U.S. and the gradual reduction of the Euro-dollar market.

As the British example illustrates, there is a high degree of complementarity among different financial activities connected with foreign trade. If we develop an active futures market, it will be used for hedging by traders involved in deals between two other countries and this in turn will attract them to the U.S. for still other financial services.

The development of an active futures market in the United States would ease the problem of executing monetary policy in several ways. In the first place, it would reduce the problems that have been raised by the growth, and more important, the fluctuations in the Euro-dollar market. The Euro-dollar market would decline in importance. In the second place, if the futures market develops mostly outside the United States, its operations will produce flows of dollar funds out of and into the United States as speculation waxes and wanes in non-dollar currencies, because the dollar will continue to be the vehicle and intervention currency for such transactions. If the market develops in this country, the effect will mostly be to transfer existing balances from one account within the United States to another. In the third place, a minor by-product of the development of a futures market here would be the further broadening and strengthening of the money market in this country in which the Fed now conducts its open market operations.

The one objection that is sometimes made to encouraging a futures market in foreign currency is that extensive speculation will prove destabilizing and will lead to wider fluctuations in exchange rates than would otherwise occur. There are three answers to this objection.

First, a more active and broader market will unquestionably develop in any event; certainly its being in the U.S. rather than abroad will not make it more destabilizing.

Second, the behavior of the current exchange rate depends on actual spot transactions, not on future transactions, and a futures market has no direct effect on spot markets. Consider, for example, a wholly separate futures market in which in practice all contracts are settled in dollars so that delivery of a foreign currency never occurs. Such a market would clearly have no direct effect on spot exchange rates since it would provide neither a supply of spot currency nor a demand for spot currency. The linking of such a futures market with a spot market and the settling of some transactions by delivery does not affect the basic situation. No participant needs to accept spot delivery unless he wishes to possess the currency involved. Hence, the linking of the two markets simply leads some transactions to take place through delivery on the futures market that would otherwise have taken place on the spot market. Insofar as the availability of hedging facilities provided by the existence of the futures market expands trade, it leads to a larger volume of commercial transactions that are surely stabilizing. In addition, the futures market may have an indirect effect insofar as it leads speculators to hold changing spot inventories of foreign exchange to take advantage of abnormal spreads between spot and futures prices. These too are almost surely stabilizing. Only insofar as the futures market somehow leads speculators to hold widely varying open spot inventories of other currencies is there even a possibility of a destabilizing effect.

It is worth noting that in general speculation can destabilize exchange rates only if speculators buy spot to hold when prices are high and sell spot out of inventories when prices are low. In that case, speculative transactions do make the swing in rates wider—but also speculators lose money. The belief that speculation is destabilizing is therefore largely equivalent to the belief that speculators on the whole lose money. It is not easy to accept such a view, but if it were true, the speculators' loss would be the trader's gain.

Third, a great deal of empirical evidence has accumulated in recent years, particularly on the basis of studies of Canadian experience with flexible rates, indicating that speculation stabilizes exchange rates and reduces their fluctuations, rather than the reverse. Canada had floating rates from 1950 to 1962 and again since 1970. After the first few years, the Bank of Canada almost completely stayed out of the foreign exchange market. The rates have been highly stable and show no signs of the erratic behavior that some critics of floating rates have feared. More important, students of the detailed pattern of rate changes, in accordance with the analysis of the preceding paragraph, demonstrated that there was no systematic opportunity for profitable speculation based on the pattern of rates sufficient to offset trading costs. The clear conclusion is that speculation was stabilizing.

To summarize this analysis: changes in the international financial structure will create a great expansion in the demand for foreign cover. It is highly desirable that this demand be met by as broad, as deep, as resilient a futures market in foreign currencies as possible in order to facilitate foreign trade and investment. Such a wider market is almost certain to develop in response to the demand. The major open question is where. The U.S. is a natural place and it is very much in the interests of the U.S. that it should develop here. Its development here will encourage the growth of other financial activities in this country, providing both additional income from the export of services, and easing the problem of executing monetary policy.

THE 26TH ANNUAL TECHNICAL CONFERENCE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, the American Society for Quality Control is presenting its 26th Annual Technical Conference in cooperation with the International Academy for Quality in its first triennial conference in Washington, D.C., on May 8–10, 1972. The theme of the conference is "The Consumer—An International Quality Concern." Proven principals and advance techniques for applying these principals within the assurance sciences will be presented by outstanding leaders in their respective field. Representatives from many industries, governmental activities, educational institutions, and foreign countries will provide a wealth of broad experience and afford conferees the opportunity to update their knowledge of the state of the art in quality practices throughout the world. Two afternoon sessions each day will be presented by representatives from some 17 countries sponsored by the International Academy for Quality. Twelve sessions per afternoon will be presented by the nine technical divisions and 17 technical committees of the American Society for Quality Control. The Governor of Maryland, the Governor of Virginia, and the Mayor of Washington, D.C. have signed proclamations designating the week of May 7–13, 1972, as Quality Control Week in their respective States and District. This conference will stress the important need of improving the quality of product, service, and life in our modern and complex technological society.

MUNICIPAL BOOTSTRAPS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. ESCH. Mr. Speaker, I would like to take this opportunity to introduce an article which appeared in the magazine, Nation's Cities. The article makes some extremely valuable points about the direction of today's cities and offers some alternatives to urban blight. The article follows:

MUNICIPAL BOOTSTRAPS

There is nothing to keep the cities from putting more of their idle cash balances to work earning interest instead of (as too often now) just letting it lie in some favored financial institution.

There is nothing to keep the cities from assembling the land for in-city industrial parks and using tax-exempt bonds to finance them (as New York has done and is doing).

There is nothing to keep the cities from providing better street lights to make their streets safer. (But the rise in crime on the streets will not be reversed until (1) the rise in drug abuse is reversed, and (2) teenage and Negro unemployment is corrected. The Devil finds work for idle hands to do, especially if those idle hands can lay hold of a needle.)

There is nothing to keep the cities from inaugurating an occupancy permit program under which all residential units must pass inspection for code compliance before a new owner or a new tenant can move in. University City, Mo., won a management innovation award from ICMA for launching such a program, under which 40,000 building deficiencies have been corrected in the past five years and urban decay has been first halted and then reversed in several neighborhoods.

There is nothing to keep the cities from trying to balance housing growth and job growth by using some of their federal urban renewal money to help build places for people to work along with building places for people to live. In Washington's North Capitol Street project, for example, urban renewal has built housing on one side of the street and an industrial park on the other.

Finally, there is no reason why cities should let themselves be pushed or drawn into new programs they cannot pay for or do right. They should try to limit their spending to what they can do well.

TODAY'S URBAN CRISIS IS JUST NOT A FINANCIAL CRISIS BUT ONE INVOLVING ALMOST EVERY ASPECT OF URBAN LIFE

Most of the $190 billion a year for federal taxes and most of the $50 billion for state taxes comes from our urban areas and is paid by city-centered business and people who earn their money in the cities.

If the cities are rich enough to pay most of the costs of state and federal government, how can they be too poor to pay their own? Why must so many mayors spend so much of their time begging the state and federal governments to share with the cities these city-derived and city-paid revenues?

This is the great urban paradox, and until that paradox and its reasons are understood it will be hard for anyone to understand why so many cities cannot in reality do most of the things they could and should be doing to help themselves and why so many cities now need so much help from other layers of government.

As things are today, too many cities do indeed need more help than they are getting from the federal government—mostly money help to tide city governments over their immediate money crises. All the cities need more help and a big new deal from their state governments. They need help and a closer working partnership from their countries. And they need a self-evident kind of help from their own suburbs that are now taking advantage of an almost free ride on so many services the cities are providing for them. The bigger the city and the older the city the more help it is likely to need.

More specifically, the cities need help to straighten the jumble and confusion of intergovernmental relations so their taxpayers will no longer be stuck with such an excess tax burden for costs like poverty and education that are no longer truly local. They need help to end the fragmentation of local government. They need help to correct what is so obviously wrong with their tax system. They need help to cut their municipal costs. They need help to reverse the exodus of industry and the outmigration of middle- and upper-income taxpayers that is eroding their tax base.

But most of all they need a freer hand to help themselves, more willingness and determination to help themselves if they are given that freer hand, and a better understanding of how to go about working together to help themselves. And alas! Too many of the things cities might be doing to help themselves could be politically costly to the mayor who tried them.

Some of the reasons for the paradox that leaves our cities needing so much help are fiscal, some are competitive, some are legal, some are political, some are traditional, some are humane, some are organizational, some are due to unionization, some reflect poor city management, and some stem from the misapplication of their biggest tax. We must take time to spell out these reasons before it would make much sense for us to venture our suggestions for what our cities could do to help themselves.

For the short pull, the most immediate need of too many cities is money help to meet their soaring municipal budgets, so most of us would favor some form of federal revenue sharing at least as generous as anything now contemplated by either Congress or the President. And most if not all the added dollars for the cities should go to the responsible elected city government instead of being fragmented around a long list of independent urban agencies, thereby making the confusion in local government even worse.

But more money from Washington is only a small and perhaps temporary part of the help the cities need, for today's urban crisis is not just a city-hall-is-broke crisis. It is not just a race crisis or a slum crisis.

It is an almost total crisis involving almost every aspect of urban life and the urban economy—downtown decay, white flight to the suburbs, housing abandonment, welfare-as-a-way-of-life, air pollution, water pollution, traffic congestion, crime on the streets, soaring municipal labor costs, school desegregation and now resegregation up to 80 per cent black, neighborhood resistance to change, underused and wasted land, too much demolition, too little rebuilding, etc.

All these urban problems are interrelated, so whatever is done to solve one problem will affect the solution of one or more of the others. All of them will cost money to solve.

And most of them are either causes or consequences of one great basic problem that haunts most of the central cities. . . .

JOBS AND TAXPAYERS ARE LEAVING THE CENTRAL CITIES AS JOB NEEDERS AND WELFARE FAMILIES KEEP MOVING IN

For this, the all-too-obvious and all-too-simple explanation is that too many central cities have let themselves become less attractives to employers and taxpayers than they are to the jobless and the poor.

So New York, to cite one extreme example, has lost more than 400,000 industry jobs and put 800,000 more people on welfare. St. Louis has lost 380,000 population and more than 200 industrial employers while adding 100,000 people below the poverty line. Chicago's no-population-growth master-plan would make it necessary for 500,000 white adults plus say 500,000 still-to-be-born white children to move to the suburbs between now and 1980 just to make room in the city for the natural growth of 500,000 still-to-be-born nonwhites.

Concludes a study by the Congressional Research Service for the Subcommittee on Intergovernmental Relations:

"Since World War II this country has seen a mass migration of the more affluent from cities to suburbs; and another mass migration, this one involving the rural poor, black and white, from farm to center city. The city has lost those who are able to care for themselves and gained those who require the help of city institutions and funds. The municipal government must finance an increasing load of welfare, public health, and public recreation. It must continue to provide sanitation, transportation, and police services for hundreds of thousands of suburban commuters as well as for its own residents. It must maintain the facilities of its role as the educational, cultural, and governmental center of the metropolitan area. Meanwhile, the affluent, whose taxes would support these functions, have moved beyond the city's taxing powers. . . ."

All this is eroding the central city tax base just when the poverty influx is increasing the central cities' revenue problems. It raises the preposterous prospect that before long most of the central cities' white-collar workers may be living out of town and commuting *in* to their office jobs while most of the poor live in town commute *out* to look for factory jobs. But now office jobs are beginning to follow the exodus of their workers; since 1965 New York has lost (or is losing) the headquarters of 22 very big companies, including, for example, Univeral Oil, Johns Manville, American Can, Shell Oil, Cyanamid, Pepsi-Cola, and Flinkote.

This job-and-taxpayers' exodus is the central cities' most urgent problem, and the one best thing our cities could do to help themselves would be to shift enough of their priorities so business and taxpayers would want to move in instead of moving out.

This poses for the cities some very tough decisions about how to allocate their far-from-unlimited resources.

The suburbs almost everywhere have made this decision. They have decided they want to make themselves attractive to middle- and upper-income families who will pay taxes instead of expecting public support. They want to attract tax-paying industry to help hold down the taxes on their homes. Conversely, they want to keep out people who will not be able to carry their full share of local costs, i.e., the poor.

None of us would want to suggest that the cities should try to make themselves unattractive to those in need, but unless the cities can make themselves at least equally attractive to taxpayers and employers the poor may find themselves abandoned and jobless in bankrupt cities they would not want and could not afford.

So the poor have as much reason as anyone else to want the cities to make themselves more attractive than they now are to business and to higher-income families.

Unless some way can be found to make the leaders and pleaders for the poor understood that the poor have a big selfish stake in reversing the industry-and-taxpayer exodus there is a very grave danger that as the welfare vote grows and the poverty vote grows they will put stronger and stronger pressure on City Hall to spend more and more of its limited resource to do more for the poor and correspondingly less to keep city locations attractive to business and the middle-class. This would create a vicious circle that could soon fulfill the forecast that Newark provides a foretaste of what will soon happen to many other cities.

Suburbs and satellites likewise have good reason for wanting to strenthen instead of (as now) weakening the economic base of their central cities. For without a good central city to subtend most of them would just be a huddle of country towns, few if any of them big enough to offer their people the choice and variety job opportunities, recreation opportunities, cultural opportunities, and social contacts that only a sizable city can provide and few of them big enough to offer business the variety of job skills, supply sources, supporting services, and local markets that are so essential to all but the biggest and most self-contained companies.

Sooner or later suburbs, satellites, and counties will have to recognize their own stake in the future of their central cities, but this recognition will not come quickly. For the present, few of us think the suburbs will willingly share the city burdens and problems their people moved out to escape. Few of us think the suburbs will willingly stop bidding against their cities to lure away more jobs and strengthen their own industrial tax base. And few of us think either the state or federal governments will do much to right the city vs. suburb imbalance, for the suburbs have grown to have more voting population and more political clout than the cities they subtend.

So better late than never the central cities had better start giving much more thought to what they can do to help make themselves more attractive to taxpayers and employers. As a first step to that end we suggest that every city should ponder some simple questions about why the poor are still pouring into the cities and what employers and taxpayers want that too many central cities no longer offer them.

The reason why the poor keep pouring into the cities is the same today as it has always been for thousands of years: they know no other place to look for jobs and no other place to try to find housing—good, bad, or worse—that they could afford. Even if today's suburbs would take them the suburbs have little to offer anyone who cannot afford a car. Farm mechanization has driven and is still driving millions of workers off the farms. Urban slums are their only refuge, even where the cities offer too few jobs they are qualified to hold or (in these days of rising expectations) willing to take. Higher welfare payments in some states like New York, New Jersey, and Connecticut and more subsidized housing in some cities like Newark and New Haven may have made some cities extra attractive, but even cities that were slow to accept federal subsidy money like Colorado Springs, Indianapolis, Fort Wayne, and Manhattan, Kan., have tripled their low-income population.

Industry gives two primary and two secondary reasons for quitting the central cities. The secondary reasons are:

(1) The cities have let their streets get so traffic jammed that in-city locations are losing their long-time advantage of easier accessibility. Many suburban locations near expressways are now easier to reach for trucks and for anyone who can afford a car.

(2) City streets are not as safe as suburban streets. This can be a real problem for the night shift.

The two primary reasons given are:

(1) Around every central city there are dozens of tax jurisdictions where local taxes are much lower.

(2) Land in the central cities is much too expensive and much too hard to assemble. This is not because there is any land shortage in any city; it is because underused land in most cities is so underassessed and, undertaxed that its owners are under no tax pressure to release it for reuse at a price that would be profitable for the buyer. That's why federal urban renewal subsidies are now needed to buy up land at three or four times its reuse value. And that's why, to cite a specific and shocking example, the owners of one almost-abandoned block in St. Louis that was taxed only $700 a year could afford to hold out for a price of $519,000 before they would release it for reuse.

Reasons middle- and upper-income taxpayers give for leaving the cities are:

(1) Property taxes are lower in many suburbs for the services they want.

(2) Streets and homes are safer in the suburbs.

(3) Air is cleaner in the suburbs.

(4) Schools are better in the suburbs and their children won't be bused to schools that are fast being resegregated close to 90 per cent black (in Washington) or close to 80 per cent black (in Manhattan, Philadelphia, Baltimore, etc.).

None of these reasons for employers and taxpayers wanting to move out is incurable if the cities can get the needed state, federal, and county cooperation. But that will still leave the problem of how to make the cities more attractive to employers and taxpayers so they will actually want not to leave.

THE STATES ENACT MOST OF THE LEGAL REASONS WHY OUR CITIES FIND IT SO HARD TO HELP THEMSELVES

So the cities need more responsibility-sharing by the states at least as urgently as they need more revenue-sharing from Washington. For the long pull this may well prove much more important, for cities are the creatures of their states and have no independent powers of their own.

Under today's setup the cities have most of the domestic problems, the federal government has most of the money, and the states have most of the authority to make the needed changes.

All of us support the Advisory Committee on Intergovernmental Relations conclusion that:

"State governments occupy the strategic high ground from which basic urban and rural problems can be attacked effectively. . . . The states can and must provide constructive leadership and assistance on the local government frontier by strengthening their counties and cities, by providing direct fiscal and program incentives, by expanding the local revenue base, by arbitrating intra-jurisdictional disputes—in short, by fully recognizing and accepting their responsibility as the legal parent of local government."

Here are some of the areas where help from the states is urgently needed:

(1) The states determine the form and organization of city government, and too many states have fragmentated local government under a host of semi-independent boards, agencies, commissions, authorities, and special districts. "By fragmenting local authority and responsibility we have made it impossible for local governments to govern," says HUD's assistant secretary for Model Cities. In Oakland, Calif., for example, only 15 per cent of the federal subsidy dollars poured into that city under 134 federal subsidy programs was channeled through the elected city government. California is not the only state where 50 per cent of the property tax receipts are likely to be earmarked for the independent school board, 30 per cent for the county, and perhaps another 8 per cent for various independent agencies, so only 12 per cent ever reaches City Hall. As for state aid to cities: in New York 60 per cent goes to the independent school board, only 8 per cent to the city government.

(2) The states set the rules under which city boundaries are fixed, and too many states have so written those annexation rules that expanding the city to facilitate metropolitan planning and broaden the tax base for urban services is difficult if not impossible. Notable exceptions are Texas and North Carolina.

(3) The states determines the scale of wel-

fare payments and allocate how much of the poverty cost must be paid out of local city or county revenues. In some cities like New York these state-assigned welfare costs consume more than half as much money as is collected from the local property tax.

(4) Too many states weaken the local property tax base by adding homestead exemptions, veteran's exemptions, farming exemptions, disability exemptions, low-income homeowner exemptions, senior citizens exemptions, and even golf course exemptions to charitable and religious exemptions that in some states cover commercial uses too. Most notoriously, California has exempted temporary open space reserves, thereby enabling big landowners to hold land off the market indefinitely at virtually no tax cost at all! The least the states should do is reimburse local governments for tax losses the legislature votes for added exemptions.

(5) Most states multiply the cost and difficulty of slum clearance by prescribing long waiting periods before tax-abandoned properties can be taken over for redevelopment.

(6) All states provide the judicial system to which police must take their cases. Too many states make it harder for the police to cope with crime on the streets by providing too few courts and too few prosecutors so too many criminals know they can get off with almost no punishment if they make a deal to relieve the overcrowded court calendar by pleading guilty.

(7) The states provide the prison system, and in too many states prison inmates come out more hardened criminals than they went in.

(8) The states decide what responsibilities should be assigned to the cities and paid for by the cities, which should be assigned and paid for by the counties, which should be scattered around among independent agencies, and which should be kept in the hands of the state and paid for by the state. Under this state-determined allocation, too many cities and city-centered-counties are burdened with more costs than their state-authorized tax resources can meet—including heavy costs for welfare and education that are borne as a matter of course by the national governments in almost every other country.

(9) The states determine the basis on which the cities must compete with their suburbs to attract and hold industrial jobs and taxpaying industry, and too many states permit suburban tax shelters where the taxes of industrial parks may be as little as 10 per cent as high as in the nearest cities.

(10) Almost all states are delaying, complicating, or blocking county home rule that is so important to better teamwork between city and county.

(11) The states write the minimum wage laws that worsen the cities' poverty problem by making it hard for teenagers and other untrained labor to find work.

(12) Too many states fail to live up to the responsibilities they do accept in principle. For example, Houston had to set up a city university because the state refused to provide a state university in the state's largest city, and Houston had to build a tuberculosis hospital because the state would not put up the money for a state tuberculosis hospital there.

(13) All states except Texas let the fire insurance companies set wasteful and archaic fire protection standards for their cities to meet.

(14) Some states are enacting shorter work weeks for municipal workers. For example, New York has ordered a 40-hour week for firemen that will add $1.7 million a year to the Syracuse payroll.

(15) Perhaps most important, the states determine what taxes the cities may impose to meet their state-assigned responsibilities. Too many states forbid or limit their cities' power to levy sales and/or income taxes. Too many states set a low ceiling on how much money their cities can raise by the only levy traditionally reserved for their use, the property tax. And with two minor and half-way exceptions (Pennsylvania and Hawaii) all states forbid their cities to shift the weight of the property tax off the owner-paid value of improvements (which in many states are so overtaxed that the levy is a major deterrent to improvements) onto the community-created value of the location (which almost everywhere is so undertaxed that the undertaxation encourages and subsidizes decay, blight, slum formation, land waste, and sprawl).

We are almost unanimous in recommending that the states should repeal their constitutional limits on local taxing powers and reconsider the need, wisdom, and desirability of their legal limits.

ANOTHER REASON WHY CITIES NEED HELP IS TO MEET LOW-TAX COMPETITION FROM THEIR LOWER-COST SUBURBS

Too many cities feel that in order to attract and hold taxpaying and job-creating business and industry they must keep their tax rates lower than the rates needed to cover their municipal costs.

State governments could minimize this problem if they would take over the basic costs of school education as recommended by the Advisory Commission on Intergovernmental Relations and the National League of Cities. Then the cities would no longer have to compete with outlying tax shelters zoned to enjoy a big industrial tax base with few children to educate. Freed from any gross inequality in the school tax—an inequality that helps some New Jersey tax shelters offer tax rates nearly 90 per cent lower than the nearby cities—much if any remaining tax difference would just reflect the comparative quality and desirability of local service plus whatever excess costs of poverty the state may make the city carry.

Some of us believe very strongly that the states should raise the money for education from some source other than the property tax, but others agree with the recommendation of the Fiscal System Task Force in Oregon that most of the money should be raised by a uniform statewide property tax on land only. They argue that taking school costs entirely off the property tax would be capitalized into higher land prices (as shown by the experience of Australia and many other countries) and so worsen the land price inflation that has sent land prices here soaring six times as fast as the rest of the price level; and they cite the California referendum in which the voters turned down a proposal to cut the property tax there by some 50 per cent by setting a 1-percent-of-true-value ceiling on the levy. Said the Calfornia Taxpayers' Association "such a ceiling would necessitate either tripling the state sales tax or doubling the state income tax." Said the California Statewide Homeowners' Association: "Our members would have ended up paying more taxes instead of less if the property tax had been cut in half. The only beneficiaries would have been land speculators and slum owners."

In California the property tax base per school child ranges from a low of $103 to a high of $952,156 and the state supreme court has ruled that this unbalance denies children in poorer districts their constitutional rights under the equal protection clause. So legislation is already pending in Sacramento to levy a uniform statewide property tax for redistribution to local school districts on an equal per pupil basis. This would not necessarily preclude an additional local school levy where the voters wish to tax themselves more heavily to provide better-than-state standard schooling for their children.

A uniform statewide school tax would ease the property tax burden in most cities. For Los Angeles, for example, it would lower the tax rate by about 22 cents per $100 of assessed valuation and still give the school board $25 million more to spend.

Similar court rulings to that handed down in California regarding school taxation have been rendered in New Jersey and Texas. Others are expected.

HERE ARE FIVE MORE REASONS THAT HELP EXPLAIN WHY CITIES FIND IT HARD TO HELP THEMSELVES

Traditional Reason is that our American tradition and practice has left local governments burdened with two very heavy costs that are no longer truly local—poverty and education. These costs are borne as a matter or course by the national governments in almost every other country. They fall most heavily on the central cities because (1) poverty and welfare families are concentrated in the city slums and (2) it costs more to educate slum children than to provide the same quality of education to children from more cultured homes. We are unanimous in recommending that the basic costs of education should be taken over by the state and the basic costs of welfare should be borne by the federal government.

Fiscal Reason is that the state and federal governments are taxing so many tax dollars out of the cities and there is a limit to how big a total tax burden any community can support. To meet this problem we are almost unanimous in recommending that the higher level governments should let local taxpayers take more credit for their local taxes as a bigger deduction on their state and federal income taxes. That would give the cities a bigger incentive to help themselves by raising their own taxes, for the more local taxes a local resident or business was asked to pay the less his state or federal tax would be.

Labor Union Reason is that labor accounts for some 75 per cent of all municipal costs and most cities are peculiarly vulnerable to strikes. We can stand an indefinite auto strike; we got along without any new cars at all for four years during World War II. We can stand an indefinite construction strike—we got along with no new construction except for defense all through the war. Stockpiles and imports can make a long steel strike tolerable; truck competition can ease a long rail freight strike. But few central cities can stand a week's garbage strike, no city should have to stand even a one-day police or firemen's strike, and few cities can stand more than a few hours' utility strike.

The long pull solution of this labor and unionization problem will depend on what city governments themselves can do to professionalize their labor relations, improve the morale of the work force, and upgrade its lagging productivity; but right now the cities need much more help from their states to establish reasonable and effective labor relations systems for public employees to replace today's ineffective and unenforced laws forbidding public service strikes.

We will have more to say in another section of our report about their labor problems.

Misapplication-of-the-property-tax Reason is that as now applied with too much weight on the owner-paid-for value of the improvement and too little weight on the community-created value of the location the tax abets and subsidizes urban decay and penalizes urban improvement. We will have more to say later about the urgency of property tax reform.

Humane Reason is that even if the cities had no legal obligation to care for their poor few cities would willingly neglect them.

DESPITE THESE OBSTACLES, BETTER MANAGEMENT COULD ENABLE MOST CITIES TO DO THEIR JOB MUCH BETTER

Here is a 14-point checklist every city could profitably apply to see how well and how economically each municipal function is being performed. Some of us think many cities could achieve very great savings if they would apply these better management standards.

(1) There is nothing to keep the cities from increasing their top management salaries to attract the kind of competence needed to run large and complex enterprises. Too many cities set the pay of their mayors and/or their key department heads at about the federal GS-8 grade for senior clerks. In some cities they get less than the new scale for postmen! No city can hope to attract and hold the needed quality of public official unless it is willing to pay for good work.

Too many cities now need a much more professional competence at the level between the politically elected mayor and city council and the appointed operating heads of the various city departments. Without a highly competent professional staff the mayor will too often find it impossible to pass informed judgments on departmental performance and economy, to appraise departmental progress in introducing new and better methods, and to assure good teamwork between departments (each with its own internal pressures for self-aggrandizement in order to get more money to pay more people more).

(2) There is nothing to keep a city from coordinating its zoning, land acquisition, and improvement spending with a carefully conceived plan for orderly urban growth instead of yielding (as too often now) to selfish pressures for rezoning here and improvements there that would serve mostly to enrich the applying beneficiary.

Planning ahead for growth can save many millions of dollars. For example, planning ahead enabled Cincinnati to buy park sites at $1,800 an acre that would cost $13,000 now, school sites at $3,600 an acre that would cost $20,000 now. Dayton saved a total of $512,000 by advance purchase of the land for eight neighborhood playgrounds. Tacoma saved $150,000 by holding on to land acquired through tax delinquency for inclusion in future school sites.

But far more important than this savings potential is the need to focus the city's investment spending on the kind of services and facilities that will best contribute to the kind of growth the city wants. No city can afford to dissipate its far-from-unlimited resources trying to be all things to all people and provide everything for everybody. Wichita's Planning Department applied systems analysis to give scores and rankings to competiting proposed capital improvements projects for water, parks, sewers, thoroughfares, and urban renewal.

(3) There is nothing to keep a city from employing systems analysts for continuing systems analysis that would explicitly consider citizen impacts, forecast future as well as current costs, evaluate capital vs. operating expenses, consider viable alternatives, and help identify unnecessary or marginal services.

(4) There is nothing to keep a city from taking fuller advantage of expert volunteer help from the private sector like the long-range planning committee set up by the Houston Chamber of Commerce. A still better example might be the way the New York Economic Development Council fielded a team of 10 executives on leave at full pay from the Metropolitan, New York, and Equitable life insurance companies to work full time for nine months on a program for rationalizing the operation of New York's almost hopelessly backlogged criminal courts. Within four months prompt action on the task force recommendations reduced the backlog from 59,406 cases to a still-impossible total of 39,573. The presiding justice has called the report "a landmark in pointing out to the entire nation how the private and public sectors can work together for the common good."

Now the Economic Development Council has been asked to field similar task forces to study the workings of the city's $2-billion-a-year school system and the Human Resources Administration whose costs (including Welfare) are budgeted for $2.4 billion.

In Newark a similar study team provided by the Chamber of Commerce at the request of Mayor Kenneth A. Gibson found ways to cut city costs by more than $10 million.

(5) There is nothing to keep a city from attacking the red tape, inertia, and ancient procedures that cause so many delays on city projects. For example, the project monitorship approach recently adopted by New York.

(6) There is nothing to keep a city from giving its employees a better understanding of the objectives of the service on which they are employed and holding them responsible for maximizing the desired output. Most specifically, most of us think it is high time to begin rerating the school systems that consume most of the local tax dollars on the basis of their outputs instead of on the basis of their inputs, that is, on the basis of how much the pupils learn instead of on the basis of how many teachers are paid how well to teach.

(7) There is nothing to keep a city from making fuller use of private facilities when, as, and if private enterprise could perform some service (like waste removal, water supply, and some health care or education functions) better for less. For example, a 1970 study for the New York City administrator's office found that private cartmen can collect refuse at $18 a ton while paying taxes and making a profit vs. the Sanitation Department's cost of $50 a ton. Gary, Ind., has contracted with Behavioral Research Laboratories to run a school for $800 a pupil and guarantee 100 per cent faster learning than the previous average. Newark cut the maintenance cost of city hall from $500,411 to $97,713 by farming the job out to a maintenance company.

(8) There is nothing to keep a city from offering financial and advancement incentives to encourage a more innovative attitude among city employees, so they will be among the first instead of the last to introduce new labor-saving and money-saving equipment, methods, and techniques.

(9) There is nothing to keep a city from employing outside experts on a short-time basis to help introduce more efficient methods, systems, and equipment.

(10) There is nothing to keep the cities (or their counties) from raising their assessment standards by employing only trained and classified appraisers and paying them enough to attract and hold good men, and there is nothing to keep the cities (or their counties) from introducing computers to keep their assessments closer to current values. Correcting today's gross underassessments on properties that underuse or misuse valuable locations could be the quickest and best (though not necessarily the most popular) way for most cities to increase their local tax revenues, but no city should expect to get good assessments at a cost lower than 1 per cent of its projected property tax receipts.

(11) There is nothing to keep a city from seeking to create a more friendly and cooperative attitude at City Hall and so encourage a more cooperative response from more people and a revived belief that the city is worth working together to save. For example, Greensboro, N.C., earned a management innovation award from the International City Management Association for setting up a human relations department, a human relations commissioner, and a community relations office in the police department.

(12) There is nothing to keep the cities (especially the smaller cities) from coordinating their specifications and pooling their purchases to get better and more competitive prices reflecting bigger volume (as in Michigan through the Michigan Muncipal League) and there is nothing to keep all the cities—big and small—from putting more money into cooperative product and method research through their state and national organizations.

(13) There is nothing to keep the cities from applying the new concept of "total cost" or "guaranteed maintenance" purchasing instead of today's common practice of accepting the lowest price offered by a responsible bidder. This can be particularly important on the heavy equipment needed for various public works, including dump trucks, waste collection trucks, and motor graders. More than 35 communities in Massachusetts alone are saving money by this new procedure, which invites the bidder on big-ticket items to include with his standard quotation (1) a trade-in offer for any equipment to be replaced, (2) a guaranteed maximum maintenance price covering the anticipated useful life of the new equipment, and (3) a guaranteed repurchase price at the end of that time.

(14) There is nothing to keep a city from inviting large-scale citizen involvement, like the sensationally successful Goals for Dallas Program launched by former Mayor Erik Jonsson—a program that enlisted the active participation of 75,000 citizens and has already (among other achievements) floated a $180-million bond issue, bought the first 5,000 acres for a 10,000-acre greenbelt around the city, started a $20-million Science-Technical Center to help provide the kind of technical workers needed by the city's industries, started a flood-control program to salvage 10,000 never-before-usable acres along the Trinity River, and played a large part in creating 34,300 new jobs in 1970, half of them in industry.

PERHAPS MOST IMPORTANT, THERE IS NOTHING TO STOP A CITY FROM PROFESSIONALIZING ITS LABOR RELATIONS

Employee relations and union relations are now the gut problem for almost every city budget. They are the gut problem because (1) three out of every four operating dollars go for the payroll, (2) the recent and perhaps belated unionization of so many municipal employees is now pushing up city payrolls faster than any other municipal cost and faster than wages in industry, (3) city wage costs have already soared 118 per cent in the past five years and huge further increases are built into current contracts, (4) higher pay has brought little if any corresponding rise in municipal productivity, and (5) most cities feel pretty helpless when, as, and if some union defies the usually pretty toothless laws forbidding public service employees to strike.

Coping with this gut problem calls for a high degree of professional know-how, but the sad fact is that most cities are letting amateurs handle their employee relations and are paying a high price for so doing. In too many cities the mayor is tempted to pay too high a price for labor peace or to include in the settlement pensions and other fringe benefits that will not hit the city budget until after election. And too often the city finds higher wages and shorter hours mandated by state legislation.

We can't even begin to list here the changes a professional team would want and need to make in municipal labor relations. Among other things, they would have to be knowing and alert to correct legitimate grievances before they could become an issue. They would find out which classes of municipal workers are making quite a bit less than they could make in private employ and would take the initiative to get their pay adjusted. In contract negotiations they would press for work rule and compensation method changes (like differential pay based on better outputs rather than straight seniority) that would permit and encourage greater productivity as at least a partial offset to higher pay scales.

They would try to get down to the nittygritty of better job definitions, performance ratings, and output standards—like the aerial photographic study that showed up street-by-street just which waste collectors were doing their job well or badly in Washington. They would insist that department heads should think of themselves as representatives of management even if they themselves belong to the union. They would try to make workers realize how much their tax-free fringe benefits are adding to their weekly pay, and they would take steps to make sure the voters understand that any unreasonable wage cost increase would have to come right out of their own pockets through higher taxes.

Whether even the most professional labor relations team could stop the accelerating inflation of city labor costs is another question. Even with Taft-Hartley injunctions and/or last minute antistrike laws (two big assists no city could invoke) the well-paid professionals employed by the auto industry and the railroads could not save their employers from highly inflationary wage increases running to more than 40 per cent over the next three years. All we can say for sure is that professionals could not do worse than most of the nonprofessionals who now handle municipal labor relations.

Public service strikes are the most unpopular strikes of all for the simple reason that their whole purpose is to inflict such immediate loss, inconvenience, and sometimes danger on the public that the city government will have to pay a high price to get the strikers back on their jobs quickly (whereas in most private sector strikes the public feels little effect unless and until any wage increase included in the settlement is passed on in higher prices). But inflicting such quick and painful loss on the voters can be a dangerous game for labor to play. The unions can ill afford to thus antagonize the public on whose goodwill and support the unions must depend for continuing today's very favorable labor laws.

Sooner or later our cities will have to learn how to take public service strikes and how to meet the problems such strikes entail. Milwaukee took a police strike and the strikers must have been chagrined to find there was less crime on the streets than when the police were on the job (presumably his own and his family's safety). London took a garbage strike that lasted much longer than New York's. It was unpleasant, but after the strike was settled without meeting the union's demands labor found that something very significant had happened in municipal labor relations in England.

And some of us think that sooner or later we will all have to face up to the question of "How much longer and how much further can the unions in either the private sector or the public sector force wages up without a corresponding rise in productivity?" It used to be held axiomatic that where prices are not regulated by competition they must be regulated and fixed by government. But we have specifically exempted the unions from the antimonopoly provisions of the antitrust laws without imposing any corresponding requirement for regulating the wages their monopoly power lets them impose. As a result, thousands of union members enjoy compensation based not on what they earn by working but on how much loss they could cause by not doing their jobs and not letting anyone else do their jobs.

Compulsory arbitration is not the right answer or even a good substitute for the right answer to the cities' need for better labor management and better labor relations. In Michigan, for example, compulsory arbitration awards for police and firemen last year averaged 13 per cent, which is 61 per cent more than the 8 per cent increase the Civil Service Commission approved for state employees.

FIRE SERVICE OFFERS A PRIME TARGET FOR APPLYING THESE BETTER MANAGEMENT PRINCIPLES, BECAUSE—

(1) Next after schools, police, streets, and sewage, fire service costs more money than any other municipal operation—a total of $1.6 billion in 1969. This $1.6 billion fire protection cost is three-quarters as much as the 1970 building fire loss of $2.2 billion.

(2) Because in too many cities close to 90 per cent of that money goes for standby charges. When fire service is needed it has to come fast and it has to be good, but nearly 90 per cent of the time the pumpers, the trucks, and their crews just wait in the fire stations to be called out. On three eight-hour shifts the average fire company answers hardly one alarm, and more than half of these fires are so small that two men and a minipumper could put them out instead of the standard first-alarm response of two or three big pumpers and a truck.

Standby costs were no problem when yesterday's firemen were willing to stay on duty around the clock with only a few days off each month, living, cooking, and eating upstairs at the fire house, sleeping half dressed on cots, and sliding down poles to get to the trucks and their always-half-harnessed horses a few seconds faster. As late as 1918 their workweek was just being shortened to 80 hours. But now firemen work as little as 40 hours a week and expect to go home like everyone else when their stint is over.

(3) Because today's far better fire engines (costing up to $150,000 vs. say $3,000 some 60 years ago and pumping 1,500 gallons a minute vs. say 250 then), plus today's better city water systems and higher pressures, today's better and faster communications, today's wider and better streets, and today's more fire-resistant construction all work together to permit far more changes and economies than any city has been able to realize.

(4) Because there is still no such thing as a standard fire engine, so every pumper and truck purchase entails the added costs of a special order.

(5) Because no one city can afford to put up the money needed for basic fire safety research, no one manufacturer can afford the money needed for basic equipment research, and the federal government has failed to provide more than token funding under the 1968 Fire Safety Research Act.

(6) Because firemen who come to the rescue in time of need are just about the most popular public servants, so there is little public resistance to their union demands which have raised fire service wage and fringe benefit costs in some cities as high as $20,000 a year per man.

(7) Because fire service costs are inflated by requirements that seem to us archaic and excessive in the Ameircan Insurance Association's deficiency rating schedule on which fire insurance premium charges are based. This schedule has been only slightly modified since the 1922 revision, and its specifications are so stiff that despite all today's firefighting advances not one city has been able to qualify for a No. 1 rating.

It may have made good sense when fire engines were horse-drawn to insist that "No point in any high value district shall be more than one mile from an engine company," but today it makes little or no sense to base this location requirement on distance rather than on response time. It makes little or no sense to impose the same full-crew requirements night and day when almost twice as many fires occur at night. It makes little sense to measure fire service against the danger of conflagrations which are now not only improbable but almost impossible in most cities.

As an example of what can be done to meet all these problems, consider some of the things one city (Syracuse) is actually doing to hold down the cost of better fire service:

(1) Launching a $4-million fire service improvement and rationalization program budgeted to save $400,000 a year and reduce from 121 to 69 the number of additional men required to meet the new state-mandated 40-hour week.

(2) Erecting seven better-located fire stations that will enable 11 fire stations to serve the city's needs faster than today's 16 and yesterday's 26 whose locations were chosen in the days of horse-drawn engines. The new locations were picked with special attention to the path of urban blight where the fire load is heaviest.

(3) Cutting the number of fire companies from 26 to 21 over the objections of the rating board.

(4) Programming the purchase of eleven $15,000 minipumpers (one for each fire station), so only two men will be needed for 59 per cent of all alarms, leaving enough men at the station to answer another alarm should it come in while the minipumpers are out. This minipumper economy is possible only because (unlike too many other cities that still stick to telegraph alarms) Syracuse long ago farmed out its alarm system to the telephone company, which provides (along with a teletype hookup) a direct line from each callbox to the fire alarm switchboard. This phone service not only saves money; it lets the caller report not only the location of the fire but also its size and kind, giving the dispatcher the information he needs to decide whether more than a minipumper is needed.

(5) Concentrating its other equipment purchases on $60,000+ maxipumpers with 1,500-gallon-a-minute capacity and a 50-ft. telescopic water tower and aerial ladder.

(6) Equipping all its pumpers (as fast as the needed $4,000 hardware can be brought) so they can use "slippery water"—water chemically treated to reduce friction so it will flow faster through smaller, lighter, and easier-to-handle hoses.

(7) Activating a manpower company with an on-duty strength of seven men that will respond to all full alarms. This will permit first-alarm assignments to be reduced from three to two pumpers.

(8) Starting a recall procedure under which off-duty firemen will be recalled on overtime pay perhaps 15 times a year when more men are needed to back up the standard on-duty force of 95.

(9) Assigning on-duty firemen between alarms to do fire safety inspection and fire safety instruction work.

(10) Sponsoring a fire-science course at Onandaga University in the hope of recruiting higher quality fire service personnel.

Scottsdale, Ariz. (population 73,000) farms out the operation of its firefighting equipment to a private company that provides 12 full-time trained firemen who man one of the five fire stations around the clock. The city mans the other four stations with a fully-trained reserve of "fire wranglers" who also have full-time city jobs in the sanitation, park, street, maintenance, and other departments and get paid an extra $25 a month standby fee plus $4.80 an hour for their fire service work.

Each wrangler working on his other job wears a page boy radio on his belt that buzzes to sound the alarm and call him to fire duty. The wrangler working nearest the fire brings the fire engine to the blaze; the others rush directly to the spot. This system provides 12 full-time firemen and 10 wranglers on call at all times and holds Scottsdale's fire service budget to $246,000 a year, hardly a third as much as two nearby cities of about the same population.

All these improvements still leave a great need for basic research no one city can afford, including specifically more research into how to improve the fire safety of today's theoretically fireproof buildings, too many of which are turning out to be "stoves," that is, buildings whose contents can be destroyed and whose occupants killed by smoke or poisonous fumes without destroying the structure. Even a 50-foot tower is not much help fighting a fire on the 20th floor of a "fireproof" office building.

CITIES SHOULD HELP THEMSELVES BY USER CHARGES BUT MOSTLY TO ALLOCATE THEIR RESOURCES BETTER

Whether or not they bring in more revenue, some user charges can serve a good purpose by letting the price mechanism show what municipal services the public is willing to pay for and whether the public is ready to pay for them in locations where their cost is high.

For example:

We all think that where parking is permitted on busy streets it is foolish not to set the meter rates at least as high and preferably higher than the rates charged nearby for off-street parking. The higher rates might not bring in more revenue, but they would permit faster traffic and less congestion by getting parked cars off the street.

Likewise:

We all think water should be metered. Without a big rate increase this might not bring in enough more money to cover the added cost of metering, but in the long run it could save a lot of money by discouraging the waste of what is no longer an unlimited resource.

All of us think that other cities might be wise to ponder the example that may soon be provided by New York where the authorities have approved new and/or doubled bridge and tunnel tolls in the hope that they will help keep more cars from entering Manhattan than its streets and parking facilities can handle. If the rates are set high enough to discourage traffic they might not bring in any more revenue, but they might save the money that would be needed to pay the cost of more expressways, bridges and tunnels (a cost officially estimated at $22,000+ for each added car the new facilities could bring in during rush hours. If the double tolls do bring in more money it might well be used to subsidize mass transit inside the city.

Most of us wish some way could be found to impose rush-hour tolls on expressways leading downtown.

All of us applaud the Minneapolis example of financing the capital cost of new neighborhood parks by neighborhood assessments against the landowners whose property values the park will increase. These assessments do not provide more money for the city's general purpose budget, but they have given Minneapolis the world's finest system of neighborhood parks.

Contrariwise, and again for example:

We think it would be a mistake to raise the admission charge (if any) for a city's swimming pools. This might price them beyond the means of too many of the poor children for whose use the pools were built.

We think a good case can be made for reducing mass transit fares instead of raising them again in the vain hope that the unions will let the transit system break even. Higher fares have always resulted in less use of mass transit and more downtown congestion due to more people switching to more private cars. Conversely, lower fares or no fares should pay off in more use of mass transit, thereby cutting the cost of too many cars in town.

Today, alas, too many hard-pressed cities are rushing to pile on more or bigger user charges just to get more money. The sorry joke is that they are trying to tax everything that moves, and if it doesn't move they tax it for not moving. We are unanimous that before any user charge is changed the city government should give careful thought to the good or bad side effects the heavier charge will induce. Some user charges can safely be used primarily for revenue; some should be used for reallocative purposes only. The cities must look to their "product mix" to achieve a balanced distribution of services and a balanced receipt of revenue.

User charges can also serve to make suburbanites pay more of their share of some central city costs. Syracuse found, for example, that 41 per cent of the people using its $1.1 million-a-year public library system lived out of town and were contributing nothing towards its cost.

To discourage waste and allocate resources better, user charges should vary not only with how much is used but also in some cases with where it is used. Everyone understands that parking charges should be higher in high-land-cost areas, but too few people seem to understand that for similar reasons water, mass transit, and other utility charges should be much higher when extended into outlying low-density areas, for the cost of most municipal services is not only increased but multiplied by distance. Charging the same rates where the cost is high as where the cost is low can serve only to subsidize sprawl at the expense of the city center.

We are almost unanimous that for many urban user charges the state and federal governments should allow taxpayers the same income tax deduction that they allow for property taxes. There is no earthly reason why, for example, water charges should be tax deductible when they are hidden is the property tax but not if the city bills them separately; there is no good enough reason why the cost of a neighborhood park should be a tax deduction if buried in the property tax, but not if financed by a special assessment.

IF THE STATES WOULD LET THEM, CITIES WOULD RAISE MANY BILLIONS MORE BY REFORMING THE PROPERTY TAX

Even now property tax receipts are climbing far faster than receipts from any other long-established levy. In 25 years from 1946 to 1970 they climbed 617 per cent from $4.986 billion to $35.723 billion. This is 28 per cent faster than the 460 per cent rise in federal income tax collections and 53 per cent faster than the 368 per cent growth in the Gross National Product.

Without any rate increase at all property tax receipts would have risen at least $10 billion more if assessment increases had kept pace with the rise in property values (as the tax returns every taxpayer must file each year automatically keep the income tax base rising in step with each taxpayer's rising income). Most assessors would agree that the assessment lag averages about five years. If so, the five-year lag would multiply out to 36 per cent at the 7.2 per cent-a-year assessment growth rate indicated by the actual 1961–66 rise; and 36 per cent higher assessments in 1970 would have brought in $12.96 billion more revenue.

Without any rate increase at all property tax collections could be increased an estimated $ 6.66 billion more just by correcting assessment disparities and bringing all assessments up to the same percentage of true value that the top quartile accepts. (The $6.66-billion figure is taken from the consensus of an earlier roundtable cosponsored by the International Association of Assessing Officers. [See "Better Assessments for Better Cities," NATION'S CITIES, May 1970, Page 17.] The added billions would come largely from correcting the widespread and often notorious underassessment and undertaxation of vacant acreage, slums, and otherwise misused or underused land.

Without any assessment change at all, property tax collections could be increased several billions more if tax districts in the South would raise their property tax rates to the level that has long prevailed in most of the Northeast and Middle West. (Georgia 2.99 per cent of personal income, Louisiana 2.30 per cent, North Carolina 2.58 per cent, Alabama 1.54 per cent, Texas 3.98 per cent, Kentucky 2.44 per cent vs. New York 5.16 per cent, New Jersey 5.78 per cent, Connecticut 5 per cent, Massachusetts 5.86 per cent.)

Economic impact of collecting so much more money by property taxation would be much better if the states would let their cities shift most or all of the tax off improvements (which in some cities like Boston, Baltimore, New York, Syracuse, Milwaukee, and Minneapolis are already so overtaxed that the tax is a major deterrent to in-city improvements and is helping to drive businesses and taxpayers out) onto land, which is almost everywhere so undertaxed that land prices have been soaring 6.19 times as fast as the rest of the price level, climbing so high that high land prices are providing a second major deterrent to investment in improvements.

If the cities should try to increase their revenue by increasing their sales taxes they would drive many more sales out across the city line. New York City reduced its sales tax instead of increasing it when the figures came in showing how many jobs and how much business each 1 per cent added to the sales tax was driving out of town.

If the cities should try to increase their revenue by increasing their income taxes they would speed the taxpayers exodus that is already one of the cities' most basic problems.

Urban land is the only taxable that cannot move out of the city to escape taxes. By definition the value of unimproved urban land means what land in that location would be worth if its past or present owners had never done anything or spent anything to improve it; it is a value created not by the owner but by an often enormous investment of other people's money and other taxpayers' money to develop the community around it and make land in that location reachable, livable, and richly salable. So how big a land tax increase a city would want to impose would depend on how much of this community-created value the city would want to recover through higher taxes.

Any economist can show that a tax on unimproved land values is the only tax that cannot discourage production (because all the unimproved land in America was produced millions of years ago). Coupled with a lowering of the improvement tax, a higher tax on unimproved land values would actually stimulate instead of discourage improvements by increasing the holding cost of underused land and thereby putting tax pressure on its owners to let it be put to better use to bring in the added income needed to pay the levy.

And any economist can show that a tax on land is the only tax that cannot be passed on to the consumer, so (except under rent control) there is no way slum owners could pass a higher land tax on to the poor people who live in the slums. They are already paying all the traffic will bear, so over the years a heavy tax on land would tax the slums out of existence.

SOME CITIES COULD HELP THEMSELVES BY JUST DUMPING SOME OF THEIR PROBLEMS BACK ON THE STATES TO MEET

For example, the Constitution of New Jersey (and quite a few other states) specifies that it is the state's responsibility to provide a fair and equitable education for every child in the state. Up to now the local government of every New Jersey community has relieved the state of most of this cost, but now a number of New Jersey cities have taken the state to court and are successfully challenging the state's legal right to dump the state responsibility on the local governments.

Most suburbs have picked and chosen what services the people want the local government to provide—mostly fire protection, police protection, and a special kind of school that explains at least in part why suburban schools cost so much more per pupil than city schools—a special kind of school that often provides a baby sitting service, a dance hall service, a cafeteria service, an athletic field for the children to play on, a community theater, runs a library, teaches tennis, swimming, and archery, etc. For many other services they try to spend as few of their own tax dollars as possible, hoping these needs will be met for them by the state or the county or private enterprise or the nearby city.

There is nothing in the law to keep city governments from being equally selective about what services they want to use their tax dollars to support. Some of us would go further and wish that above a certain minimum standard our cities could allow a certain amount of neighborhood option to decide what the city should spend more for in that part of town. A survey might find some neighborhoods willing to put up with less frequent waste collection and street cleaning in exchange for more police protection or better street lights, and vice versa.

There is nothing in the law to compel cities to provide services whose cost is beyond their tax resources. There is nothing to keep cities from going into what some of us would call "creative bankruptcy." So Syracuse has announced that it is closing down its public libraries because it cannot raise the tax revenue needed to cover their $1.1 million-a-year operating cost, and Syracuse may soon close down the local zoo. Syracuse hopes the county will take over these functions the city can no longer afford, pointing out that 41 per cent of its library users live outside the city and have not been contributing to the library's support. By threatening to close its libraries and museums St. Louis has pressured its suburbs to create a special city-and-suburb tax district for their support. But Oakland has just about decided there is no reason why any level of government should pay to continue to support the public libraries there, for their cost has been running $9 per book circulated—nearly half of it for comic books the children could have bought for 25¢ or less!

No city can afford to provide the best of everything. If any city should succeed in providing more jobs than job seekers, more good housing than home seekers, more recreation facilities than recreation seekers, etc., it would soon attract so many of the jobless and the homeless that almost overnight it would once again have too few jobs and too little housing.

FASTER APPLICATION OF NEW TECHNOLOGIES OFFERS MANY OPPORTUNITIES TO CUT MUNICIPAL COSTS

If every city could take advantage of all the new labor-saving methods and technologies some other city has found a way to employ they could lower the cost of municipal service by hundreds of millions of dollars a year.

Many if not most operations in both private business and government service can be done better by fewer people today. Without the great growth in productivity made possible by better work organization to use new and better equipment, industry could not possibly afford today's much higher wages—and neither can city governments.

We can't even begin to list here the hundreds of ways already being used to cut the cost of better municipal service. Milwaukee alone reports saving $700,000 on 234 different operating improvements last year, including such prosaic economies as $30,000 saved by renting better duplicating machines and $40,000 saved by switching one big building from steam to gas-fired hot water.

Here are just a few examples of the savings offered by common-sense application of today's new capabilities:

(1) Scottsdale, Ariz., has developed a fork lift waste-collection truck that enables one man listening to taped music in an air-conditioned cab to collect and empty standard-size waste containers faster than the four sweating men formerly employed to do the job. This helped win Scottsdale a management innovation award from the International City Management Assocation. It will cut Scottsdale's waste collection costs by $200,000 a year (44 per cent) while absorbing the cost of the equipment and also the cost of supplying every home with a $35 standard wheel-mounted waste container. Applied nationally, this one innovation alone could cut the soaring cost of waste collection by much more than $100 million a year.

(2) New York is applying today's new chemical knowledge to fire fighting, injecting a polymer to make water so "slippery" that it will flow as fast through a light 1½-inch hose as ordinary water will flow through a heavy 2½-inch hose. At a yearly cost of $100,000 this weight cut can save as much time getting water on a fire as adding a man to each engine crew at a cost of $20 million—a 200-to-1 savings ratio.

(3) Aerial photographs from helicopters have helped both New York and Washington re-study just how their waste collection system was functioning as a first step towards improving both its service and its economy.

(4) Computers provide a revolutionary new means to cut the cost of getting better assessments much quicker. After a first cost of $1.50 per house to tape the answers to 100 pertinent questions, California assessors are finding that computers can keep 85 per cent of their assessments current and accurate within 5.25 per cent of market at a yearly cost of only 11 to 15 cents each. Applied nationally, any program that can shorten today's assessment lag by as little as one year (from five years to four) could increase property tax collections by more than $2.5 billion a year. Keeping them all current could bring in another $10 billion.

HERE ARE SIX WAYS CITIES COULD BE RELIEVED OF SOME OF THEIR EXCESS LOAD OF REGIONAL COSTS

(1) The city and the county could be combined into a single unit, following the examples of Nashville-Davidson County in Tennessee, Indianapolis-Marion County in Indiana, Jacksonville-Duval County in Florida, Columbus-Muscogee County in Georgia, and seven others. Many more are now being agitated.

(2) Without a merger the state could shift to the county government some regional costs that are now borne only by the central city. (Today, alas, too many counties use county taxes collected on in-city property to pay part of the cost of county services the county provides only outside the city line).

3. The states can make it easy for the central cities to extend their boundaries and annex nearby unincorporated territories that might otherwise be able to take advantage of city services without contributing to their support. Such annexation can too often be blocked by the hasty incorporation of the outside area, so the cities of North Carolina are asking the state to forbid any further incorporations within five miles of a city of 100,000 population, three miles of a city of 50,000 population, and one mile of a city of 5,000 population.

Even without annexation some states are giving the cities extraterritorial planning and zoning authority to control development of the surrounding area and provide for orderly expansion.

(4) The cities can make a deal with their suburbs under which each suburb will take a percentage of low-income families instead of zoning them all out and leaving the central city stuck with almost 100 per cent of the poverty problem and poverty cost. Such a deal was worked out and accepted unanimously by all the suburbs of Dayton, each of which decided it would be wiser to accept its proportionate share of the poverty problem staged over 10 years in return for being freed from the fear that suburban blockbusting might bring in a minority flood. When they were shown a list of the numbers to be assigned to each suburb the suburban voters decided they were too small to be a menace.

(5) The states can authorize regional councils of local government and empower them to undertake for the whole region any functions that either cities or counties are authorized to perform, including specifically water supply, sewage disposal, pollution control, solid waste disposal, and area mass transit. Eight such regional councils are now operating in North Carolina. The biggest such regional council is off to a very good start in the seven-county Twin Cities area in Minnesota.

(6) The states can follow the example set by Minnesota for the Twin Cities area and spread 40 per cent of all tax increases over the entire territory.

None of these plans for getting the suburbs and satellites to share the cost of regional services now borne by their central cities is likely to find wide acceptance unless and until the people who live in suburbs and satellites can be persuaded to recognize how dependent they are on the variety and diversity that only the nearness of a thriving central city can assure them. The Indianapolis-Marion County merger was enacted by the state legislature without giving the county people living outside the city a chance to vote it down. The Columbus-Muscogee County merger was approved only because the 4-to-1 "yes" vote inside the city outnumbered the 5-to-3 "no" vote outside.

Alternatively, the suburbs and satellites might be easier to interest in sharing regional costs if they knew more about the added benefits being achieved in the 11-county Dallas-Fort Worth area, which includes more than 100 cities. This area is implementing a regional purchasing program that will assure the smallest city the same prices as the biggest, standardizing and coordinating its 100-odd building codes to reduce construction waste, operating a regional police academy and working towards the establishment of training centers for other municipal services, exploring the possibilities of inter-local contracting, and (in a state notorious for the fragmentation of its assessments into hundreds of districts too small to employ competent appraisers) it is trying to improve and speed up assessments by making the county the smallest assessment district.

Meanwhile, many cities—including a few that are far from small—are finding they can reduce the cost of improving many of their services by contracting them out to the county. More than half the 77 cities in Los Angeles County (back East some of them would be villages) have entered into a total of 1,650 separate contracts with the county covering a wide range of services, including police and fire protection, health service, and street construction and maintenance. In the first year this system saved Glendora $125,000 on fire service alone. In Monroe County around Rochester, N.Y., 15 joint departments and city-county agencies are functioning well.

WHEATON: A LACK OF RESEARCH AND IMAGINATIVE PLANNING

Many of our urban problems are generated by persistent poor-mouthing and inadequate performance.

New York City still is the highest per-capita-income city in the world. It still has the greatest productivity, per capita, of any metropolitan area in the world—twice that of any other city outside the United States and about 20 or 30 per cent greater than that of any other metropolitan area within the United States—so there is good reason why people continue to want to move to this horror. They pay a very high price to share in a very substantial benefit. By and large, the people who move to New York improve their condition and contribute to the production of the metropolitan area and we have good studies to show that by and large, they don't go on welfare any more quickly than people who have lived there all their lives.

So a lot of our real problems stem from misapprehensions combined with the problem of too-rapidly-rising expectations.

Too many cities have been chasing something that's gone—chasing manufacturing industry. Why, that's a declining sector of the American economy; in another decade, it will be down where agriculture is now. There hasn't been any real growth in manufacturing employment in the country for a decade. . . .

There are some functions that still belong in the cities—the managerial functions, the entertainment functions, the finance functions, the government functions, and, in some degree, the education functions. Those are the pre-eminent central city functions—and, fortunately for the cities, they are the growth areas in our economy.

By effort and confidence and faith and a sense of community and willingness to take risks, we could keep central cities viable. . . .

Let's consider New York as an example of what the cities have been doing wrong. New York has built more office buildings than the rest of the country put together—and it's all trash. It's all built on exactly the same model of 1920, and it's obsolete. These tall office buildings should have been built on a platform probably five or six levels high, to house functions like stores, restaurants, etc., that need easy access to the street, all connected by some modern systems of transportation connected by moving walkways out to the edges of the area where you have to put the cars. You can see that kind of building on a pad in Hartford's Constitution Plaza, in San Francisco's Golden Gateway, and now on a still bigger scale in the new projects for Houston.

Not just New York, but all our cities need to think much more imaginatively about the requirements of the future. . . .

The federal government has been spending $5 billion a year for research, but not 1 per cent of it was being spent for research into any urban problem unless you consider health a strictly urban need. . . .

Today we just plain don't know what policies our cities should be following because we haven't researched the facts. If Congress won't give HUD the money it needs for research, the cities had better get together and put up their own cooperative money for the research they need.

Without researching the facts too many people are saying we ought to scatter the poor and ease their concentration in the cities. But it's a good hypothesis that we can more efficiently modernize the poor and make them self-sustaining right in the cities where they seem to want to live than by scattering them over the landscape.

FRYER: IT'S NOT TOO LATE FOR SMALLER CITIES

The report that our cities are dead is greatly exaggerated.

The great cities may be almost over the dam, but it is not too late for the great majority of the 13,500 smaller cities to solve their problems if they work together. They can work together. They can work together to help the counties get county home rule. They can work together to get better annexation laws. They can adopt uniform building codes. They can impose user charges that will let the pricing mechanism function to ration certain municipal services. They can learn by each others' past mistakes to avoid those mistakes in the future.

MADDEN: A NEED FOR A NATIONAL URBAN GROWTH POLICY

People who have been voting with their feet to escape the city can only run so far. The bulk of the country's physical assets now domiciled in cities cannot be allowed to rot in discard.

In fact, concern with environment argues squarely for economizing such physical resources as never before. Ecology adds a new dimension to scarcity—the scarcity of earth, air, and water. The duplication of utilities that suburbanizing the whole population would involve comes only at astronomical real cost. Looking ahead for half a century, can anyone seriously argue that dominant civilizations will abandon cities?

If we are to rebuild our cities rather than desert them, how shall we assure a livable environment?

We need a government policy for urban growth and metropolitan innovation. It should preserve our remarkable freedom of movement for people, jobs, and money but set national environmental standards.

It should foster mass-produced modular and component elements, promote revision of state building codes to set uniform nationwide performance standards, and free up the nation's construction work force from its scandalous monopoly grip on large portions of the building industry. It should reject the financial gimmickry which now pushes the housing industry further into government control and unleashing private creativity from the shackles of outmoded habit.

Government policy cannot function by thinking of the city itself alone. The archaic restriction of the city will kill it in a few years. Already suburbs are learning that a dying city spreads its infection. The suburbs cannot fence themselves away from the city, because they live on it.

Reform is badly needed in municipal tax systems. The metropolitan tax base needs broadening. A powerful tool for rebuilding urban centers through private initiative lies in reforming the property tax. Higher urban taxation of location values and lower taxation of improvements would help push land into more effective use. Growth of the city upwards rather than outwards would economize on expensive utilities. Combined with multi-use zoning, such development would restore human scale to urban life, create variety, and contribute to urban safety.

BECKER: SHIFT REALTY TAXES TO LOCATION VALUES

If improvements were untaxed and the whole weight of the realty tax were shifted to location values:

(1) More new homes would be built in the city to take advantage of the tax exemption of improvements.

(2) Building more new homes would give slum dwellers a better chance to escape from the slums.

(3) Rents would come down as new construction eases the housing shortage.

(4) Urban redevelopment would be accelerated *at no cost to the taxpayers*. Over the years the heavier land tax would tax the slums and their almost worthless buildings out of existence.

(5) Commercial and industrial construction would likewise be stimulated.

(6) This would create more commercial and industrial jobs.

(7) New buildings would be built better and existing buildings would be improved if we stop penalizing quality by taxing good buildings more heavily than cheaper buildings.

(8) The building boom would create many more jobs in the construction trades.

(9) The construction boom would give city planners a better chance to get their plans off the drawing board and translated into reality.

(10) Less close-in land would be wasted. This would save city governments billions of dollars now wasted by sprawl, for all municipal costs are multiplied by distance.

(11) Premature subdivision would no longer be profitable, and this change should make ecologists and other lovers of open space much happier.

(12) Subsidies would no longer be needed to make it profitable for private enterprise to take on most of the job of rebuilding and revitalizing our cities.

(13) The new construction and all the resulting increase in in-city business activity would strengthen the local tax base and make our cities less dependent on state and federal aid.

FORRESTER: CURRENT URBAN PROGRAMS WON'T ALLEVIATE THE CRISIS

The search for more money from outside dominates almost all discussion of the urban crisis, but no one stops to explain why we have an urban system that demands ever more outside support. We built our cities in the first place by internal economic processes. Why do we believe it is impossible for internal forces to maintain them? There are indications that cities would revive by themselves and be self-sustaining if we eliminate the positive incentives that are causing their decline. There are also indications that at best more money would just postpone the day when the fundamental causes of urban decline must be faced and at worst more money would hasten this decline.

The desperate effort to raise more money is leading to actions that are self-defeating, even from the monetary viewpoint. The graduated state income tax, the tax on improvements rather than on land, the tax shift from persons to business, and similar proposals all penalize the most mobile parts of the urban community. The result is a selective process that draws to the central city those people and activities that are not self-supporting and repels those people and activities that are most needed to maintain a heterogeneous community, social stability, and economic vitality. The current crop of urban programs will not alleviate the urban difficulties. They will fail at one of two stages. First, most of them depend on huge infusions of outside money, money which will not be available, so the programs will fail by not being implemented. Second, if such a program is implemented it will not be dynamically sound.

Today's property and income tax laws both favor old buildings whose aging is an intimate part of the urban decline process. Shifting taxes off from real estate and onto incomes means that the old buildings and the land they occupy can be allowed to decay with little tax penalty. This reduces the pressure for replacement. The income tax laws allow a building to be depreciated several times against current income; this gives an old building value and helps to keep it in place until it contributes to urban decline.

Zoning allocates too much urban area for residential use and not enough for industry. Unless there is rezoning to provide more space for industry the aging area lacks economic vitality to maintain all of its housing stock and the area begins to depreciate. Failure to zone so that only forests and agriculture are allowed in the rural areas immediately adjacent to urban areas permits urban sprawl and removes the necessity to rebuild and reuse the aging urban areas so these aging areas are abandoned rather than being revived.

A low-cost housing program alone moves exactly in the wrong direction. It attracts more low-income people. It makes the area differentially more attractive to the poor who need jobs and less attractive to those who create jobs.

Over the last several decades the country has slipped into a set of attitudes about our cities that have become an integral part of the system that is generating greater troubles. If we were malicious and wanted to create urban slums, drop low-income people in ghetto areas, and increase the number of people on welfare, we could do little better than follow the present policies.

ALEXANDER: GHETTO CONDITIONS MUST BE ELIMINATED

The Syracuse city administration has poured in $18 million into building downtown garages to attract business and industry into the city, including specifically insurance companies and department stores. We have built skyscrapers for these insurance companies. A $4 billion corporation came into the city, and [we] gave it over $6 million to come.

But during that same period of time, 12,000 people left the city to live outside and I will tell you why. It is because they are scared to death of the central-city crime rate and ghetto conditions. As long as we have the slums and ghettos inside the city, the city is never going to be an attractive place, even if we bring the jobs inside.

ROVNER: HOW CAN THE CITIES MEET THE COSTS OF POVERTY?

We keep talking about the core city as if it is the dominant force, but the fact is that the core city is no longer the colossus sitting there with the satellites around it. The satellites have more people, more votes, and more political power than the city.

Now we must decide what the future function of the core city should be. Is its function to include playing host to the remittance men of America, the poor and the underprivileged and people who can't pay their way?

Somebody has to provide a place for the poor to live. I don't think New York or Philadelphia or Baltimore has any right to say "No more public housing in our city—go out and starve in the fields." If the cities won't take them, where can these millions of poor people go? But if they are to stay in the city, the city must be given the outside help it needs to do something more than "warehouse" them, which is what most cities are doing now.

I will give you a very quick example of just what I am talking about.

If you put public housing in, the city now has to accept a payment in lieu of taxes that comes to roughly 10 per cent of what the taxes would be if the housing were privately held and operated. Instead I would suggest that the federal subsidy should be, not 10 per cent, but 110 per cent.

Another function that should stay in the core cities is to house the highly specialized services that make it possible for the ancillary services to function in the ring around the city—the specialized services that can exist only where there is a tremendous concentration of population. And the core cities should provide for people who want immediate proximity to these specialized services and are willing to pay for it.

If these are the assignments given to the city and a rational distribution of ancillary ones is given to the rest of the metropolitan area, I think you can start adjusting costs, programs, service, delivery, allocation of resources, and so forth.

SVIRIDOFF: WHAT ELSE COULD THE CITIES DO ABOUT THE POOR?

It's wrong to look to the city to develop a systems approach to problems which are really national problems; it's wrong to blame the mayors for what has happened to the cities; it's wrong to say that mayors should not use urban renewal, Model Cities, public housing, or manpower programs; it's wrong to say the mayors should not use whatever is available when their backs are against the wall.

When the poor and unskilled keep pouring into the cities and staying there while large sectors of the middle-income population leave, are the mayors to do nothing? In 1953 when one of the few tools available was urban renewal, should New Haven not have availed itself of it? Should it have allowed itself to go the way of neighboring Bridgeport or other cities which have deteriorated more rapidly?

No mayor could survive in office if he neglected the housing needs of the people in order to concentrate exclusively on the strengthening of the job base. Indeed, why should these objectives be considered mutually executive?

WOODRUFF: A PRESCRIPTION FOR FINANCIAL DOWNFALL

High welfare payments help make any city attractive to welfare families, and high taxes help make it unattractive to working taxpayers, so working taxpayers move out and so do many of the companies where they work. The taxes in New York, for instance, are much higher than the taxes outside. The size of the "welfare vote" is now such in New York that the attitude of the community is no longer friendly to business. Any city that simultaneously hangs out bait for further immigration of the poor and pulls in the welcome mat for solvent corporations and individuals is writing a prescription for its own financial downfall.

Not long ago a survey was made of people who recently moved out of one city to find out what they wanted in the suburbs that they were not getting in the city. They wanted (1) safety, and they feel safer in the suburbs. They wanted (2) better schools for their children, and feel that suburban schools are "better," and they wanted (3) clean streets. These are the very services on which many cities economize in order to meet mandated welfare costs.

Each welfare family averages $1,703 per year for direct benefits and has an average of 2.75 children in school; since the education cost is $904 per child, the family education bill is about $2,486, so each family costs $4,189. The average tax contribution of each working family is about $920, so it takes all the taxes paid by 4½ families working full time to support one welfare family.

KEANE: THE BIGGEST NEED IN LOCAL GOVERNMENT

Elected political leaders need topnotch overall management in order to be effective. Individual departments have a natural tendency to be isolated, independent, and focused on a narrow field. The biggest need in local goverment is to pull it all together so it makes sense and provides services to all the citizens on an equitable and efficient basis. Local government will break down unless the political leaders have an experienced, tough-minded and socially-oriented executive who can make their programs work on an integrated basis.

CHARKOUDIAN: CAN WASHINGTON BUY OUT THE CITIES' PROBLEMS?

The states hold vast powers over local governments—almost life and death—including the power to restructure them geographically, administratively, and fiscally. These powers, if wisely used, can be more important than the efforts of the federal government over the past 20 years to "buy out" community problems. Money from Washington has not solved these problems. On the contrary, some federal grants have actually aggravated local difficulties.

But the cities can themselves undertake many self-help activities, including structural reorganization, new management techniques, intermunicipal cooperative agreements, and contracting with private firms to provide certain municipal services. This last could achieve greater productivity and avoid the constraints that occur in civil service procedures.

In larger cities any major reorganization should envisage the decentralization of certain responsibilities to the neighborhood level to make these functions more responsive to neighborhood wishes. . . . Today's outdated civil service laws should be revised to permit better and current personnel and recruitment procedures. . . .

Local education systems too often attempt to meet state and/or federal criteria rather than meeting local needs. They should strive to meet the community's particular needs for vocational training and be flexible enough to adapt to changing local job markets and changing local income levels. . . .

Decentralization of government operations is just as necessary as regionalization of government sources.

JACKSON: THE CITIES ARE TRYING TO DO TOO MUCH

I am convinced that the cities are trying to do too much. They are trying to do more than they have the financial resources to support.

By way of contrast, consider what a smart game the suburban cities of from 15,000 to 50,000 population have been playing—and I commend them for it. They have identified what services and functions their people want enough to pay for them—mostly quality education for their children, good fire service, and good police protection. They have excluded from their spending the costs that are least likely to make their cities work. They try to get these less profitable services from the central city without paying for them or they try to get them provided by some other level of government.

If we go on expecting the core cities to perform all the many services that government can perform and continue to let suburban governments accept responsibility for only a limited number of services the central cities will always be at a disadvantage both economically and tax wise.

So the central cities might be wise to declare a creative bankruptcy in regard to those government functions they do not have the money to perform and let the states take over.

ANCIENT ORDER OF HIBERNIANS OF MAHONING COUNTY, OHIO, HONORS THOMAS BARRETT OF YOUNGSTOWN AS "IRISHMAN OF THE YEAR"

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. CARNEY. Mr. Speaker, recently I had the privilege of attending the Mahoning County Ancient Order of Hibernians testimonial honoring Mr. Thomas J. Barrett of Youngstown, Ohio as "Irishman of the Year." This honor was presented to Mr. Barrett at the Order's annual luncheon on St. Patrick's Day by Judge Joseph O'Neill. The invocation and benediction were given by Father Thomas Kelly, introductions by Richard McGuire, welcome address by Judge John Lynch, songs by the Cow Singers Division 5, and special award by State Representative John V. McCarthy.

Tom Barrett has been a lifelong member of the AOH and has served many years in public office, including 10 terms as an Ohio State Representative. In addition, he has held the position of Youngstown finance director, member of the Ohio Water Resources Commission, member of the board of review of the Ohio Bureau of Unemployment Compensation, and member of the Ohio Comprehensive Health and Planning Council. He is currently serving as a Mahoning County commissioner.

Mr. Speaker, Tom Barrett is known throughout the Mahoning Valley as an able and dedicated public servant. Among his close friends, he is also known as an Irish singer of great note. It is with much pride that I join with the AOH Mahoning County Board and his many friends in congratulating my good friend and fellow Irishman, Thomas J. Barrett.

The names of the members of the AOH Mahoning County Board and the many friends of Thomas Barrett follow:

Congratulations Tom.—A.O.H. Mahoning County Board.

Richard E. McGuire, President, Charles Bryne, Vice President; J. Edward Joyce, Treasurer; Joseph Nalley, Fin. Sec.; Joseph Nalley, Jr., Rec. Sec.; Agnes Burke, Ladies Aux.; Father Paul McNally Chaplain.

FRIENDS

Mr. and Mrs. Joseph T. Nalley Sr., Mr. and Mrs. Joseph T. Nalley Jr., Mr. and Mrs. Charles V. Byrne, Mr. and Mrs. Thomas J. Glenn, Mr. and Mrs. James D. Kelly, Mr. and Mrs. Ronald J. Hagan and family, Mr. Thomas Miller.

Mr. and Mrs. Timothy Franken and Family, Mr. and Mrs. John F. Hynes II and Family, Mr. Sam Capusela, Florence Tavern, Mr. and Mrs. W. J. Peake III, Lame Duck, Mr. Robert W. Hartwig Jr.

Jim Anker, Bob Sheridan, George Franklin, Mr. and Mrs. Jerry Sause, Mr. and Mrs. James Murphy, Dave Crosetto, Mr. and Mrs. Chuck Phipps, Mr. James Cortese.

Mr. and Mrs. Gregory M. Dunn, Kathleen Kracko, Mr. and Mrs. James Cahill, The Zanzi Bar, Mr. and Mrs. George A. Hunter, Tom T. Kelly, Joe Shirilla, Don McKenzie, Bill Grady, Mr. and Mrs. Philip E. McGuire Jr.

Mr. and Mrs. William Gorkie, The Troubadore Lounge, T. Gordon Welsh, Toots and Honey Crawford, Mr. and Mrs. Joseph Bannon, Don Skrowron, Bob Hardie, Mr. and Mrs. Norman Newell, Mrs. Marguerite I. McGuire, Mr. and Mrs. Charles White, Mary Margaret McGuire, Mr. and Mrs. Donald Rudolph.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

PROBLEMS OF DRUG ABUSE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. DERWINSKI. Mr. Speaker, WMAQ-TV, NBC, Chicago, channel 5, presented what I believe to be an especially thoughtful, pertinent commentary on the report of the National Commission on Marihuana and Drug Abuse in its news broadcast of April 1.

The point very properly made in the editorial is that there are still questions to be answered and that the recommendations of the Commission contained many inconsistencies. As a result, the entire report adds fuel to the controversy rather than producing clear-cut answers to the problems of drug abuse.

The editorial follows:

EDITORIAL

One way we try to solve problems in this country is to appoint committees or commissions to study them. But the answers you get from a committee can be more perplexing than the original question.

Take the issue of marijuana use. For a long time we have needed some solid evidence about the effects of using marijuana. So a year ago, the National Commission on Marijuana and Drug Abuse started to work. It listened to the experts and collected the evidence. Now there's a report.

The commission decided that marijuana is not very dangerous. It does not kill people nor cause them to kill. The normal use of marijuana does not lead to sexual promiscuity or to harder drugs. There's no evidence it causes genetic damage. But, the commissioners could not agree whether marijuana should be legal or illegal, so they compromised. They recommended that marijuana use be "decriminalized." Now there's a word that sounds like it was invented by a committee.

We're going to try to explain the commission's recommendations for new laws as clearly as we can. But if it sounds like all the possibilities were thrown into a hat and the final recommendations were picked out at random, don't be surprised.

The commission thinks it should be all right to have marijuana in your home and to smoke it there. But, if a policeman catches you taking a little bit home to smoke, he would confiscate it, but you would not be charged with a crime. If he catches you smoking it on your way home, that would cost you a hundred-dollar fine, and it would be another hundred if you were carrying more than a little bit—more than one ounce.

It would not be against the law to buy marijuana for your own use. But no one would be allowed to grow it or sell it for profit. You could sell some to a friend on a non-profit basis—except if the transaction took place out in public. Then it would cost you a $100 fine.

We realize the commission was dealing with a delicate issue. It is no easy job trying to convince the American public that marijuana appears to be a lot less dangerous than alcohol. But these recommendations are so utterly contradictory that they're almost funny.

If it is true we now have sufficient evidence that marijuana is not dangerous, then it would make a lot more sense to legalize it and control its use as we do with alcohol.

We do not think anyone should be encouraged to use marijuana. But let's have a sensible policy. Straddling the fence is such an awkward position.

(This editorial was broadcast at various times on April 1 and April 3, 1972.)

NORTHERN ENVIRONMENTAL COUNCIL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD the very fine resolutions adopted by the Northern Environmental Council composed of a number of organizations in the Northern Great Lakes Basin States.

These resolutions merit careful consideration by all men interested in advancing the cause of conservation and good environmental management in this country:

NORTHERN ENVIRONMENTAL COUNCIL RESOLUTION

Full finding of Land and Water Conservation Fund

Whereas, the Land and Water Conservation Fund was enacted several years ago to provide $2,000,000,000 annually for all levels of government to purchase outstanding scenic and recreational lands, and

Whereas, from this fund, the allocation to the U.S. Forest Service is $31,900,000 for fiscal year 1973 for all the nation with $9,800,000 going to Region 9, which is east of the Mississippi River where the need for recreational land is the greatest, and

Whereas, the administration's Office of Management of Budget is now cutting this amount to $10,919,000 for the nation and to $2,396,100 for Region 9 for fiscal year 1973.

Now therefore be it resolved that the Northern Environmental Council, meeting in quarterly session on February 26, 1972 in Duluth, Minnesota, urges the Senate and House Appropriations Committees to restore the full allocations of money to the U.S. Forest Service from the Land and Water Conservation Fund for fiscal year 1973.

February 26, 1972.

NORTHERN ENVIRONMENTAL COUNCIL RESOLUTION

National forest "mini-wilderness"

Whereas, east of the Mississippi River, the U.S. Forest Service has no areas large enough with pristine values that it would qualify to be under the protection of the National Wilderness System, and

Whereas, within the 1.4 million acres of the Nicolet and Chequamegon National Forests in Wisconsin there is not one acre that has been designated a no-cut area or is not subject to all terrain vehicles, and

Whereas, within these two National Forests there are many places with unique natural values such as: Blackjack Springs—Vilas County, Dumbell Springs—Forest County, Porcupine Lake and Marengo Hills—Bayfield County, Tucker Lake—Price County, Morgan Falls and St. Peters Dome—Ashland County, to name a few,

Now therefore be it resolved that the Northern Environmental Council meeting in quarterly session in Duluth, Minnesota on February 26, 1972 urges the U.S. Forest Service to adopt (by law, if necessary) a special designation of "Mini-Wilderness" or "Primitive Area" for places with unique timber stands or ecological interest from timber cutting, road building and all-terrain vehicles.

February 26, 1972.

Northern Environmental Council Resolution

Lake Superior water level

Whereas, the construction of water level control structures at the end of Lake Superior above the Soo Locks and St. Mary's River and diversion of Canadian water into the Lake have been constructed to hold the Lake at an artificially high water level, and

Whereas, the red clay banks along Wisconsin's South Shore and Apostle Islands are caving in disastrously as the result of continued uninterrupted high water levels, and

Whereas, the U.S. Army Corps of Engineers maintains these high water levels solely for commercial navigation with regard to other environmental impacts, and

Whereas, in the memory of older citizens a fine sandy beach once existed all the way along the South Shore of the Lake and has since been covered by sliding red clay banks,

Now therefore be it resolved by the Northern Environmental Council, meeting in quarterly session in Duluth, Minnesota on February 26, 1972, that the International Joint Commission and the U.S. Army Corps of Engineers be requested to provide a full set of data and analysis of the status and changes in Lake levels before the control structures were erected in the 1920's and since that time.

February 26, 1972.

Northern Environmental Council Resolution

Funding atomic breeder reactors

Whereas, the Atomic Energy Commission is requesting from the Congress $230 million for construction of a liquid metal fast breeder reactor (F.B.R.), and

Whereas, a F.B.R. cooling system will utilize liquid sodium, which is highly corrosive and explodes on contact with air, and

Whereas, F.B.R.s generate plutonium which, unlike uranium fuel currently used in present reactors can easily be used for construction of nuclear weapons by unauthorized parties, and

Whereas, the F.B.R. will generate even greater increases in radioactive wastes (currently we have 100 million gallons of potentially lethal radioactive waste in storage) and pose greater accident hazards than current reactors,

Now therefore be it resoved by the Northern Environmental Council meeting in quarterly session in Duluth, Minnesota on February 26, 1972 that Congressmen and Senators from this Region be requested to halt funding of the Fast Breeder Reactor until an independent review of the hazards of this program be conducted and the Atomic Energy Commission's environmental impact statement be presented at open public hearings.

February 26, 1972.

Northern Environmental Council Resolution

Channelization and impoundments

Whereas, channelization and impoundments will convert more than one-half of the nations free-flowing waters into artificial ditches and reservoirs within twenty-eight years, and

Whereas, these so-called water improvement projects are responsible for the extinction of many aquatic species of life from the earth, inundation of archaeological and historical sites, drainage of vast areas of wetlands that supported wildlife, and the loss of much high quality fishing,

Now therefore be it resolved by the Northern Environmental Council meeting in quarterly session in Duluth, Minnesota on February 26, 1972 that the Governor of Minnesota withdraw the State's support of the channelization and impoundment projects presently being carried out by the U.S. Army Corps of Engineers and the Soil Conservation Service, and

Further that the Governor encourage more extensive studies of the many alternatives to channelization and impoundments for purposes of flood protection, irrigation, power generation, pollution dilution, or transportation.

February 26, 1972.

Northern Environmental Council Resolution

New recycling industry for Duluth-Superior region

Whereas, the closing of the blast furnaces by U.S. Steel Company has left over 1,000 men without jobs, and

Whereas, the local market for iron and steel scrap has been seriously impaired by the loss of this plant, and

Whereas, a demand for finished steel products manufactured in Duluth still exists for nails, wire, etc., and

Whereas, thousands of tons of scrap iron are shipped to Japan and other foreign countries which could be smelted in this area, and

Whereas, *Fortune Magazine* in an article on recycling stated:

"Because there is a pervasive throwaway psychology in the U.S., we do not come close to realizing—or even envisioning—the potentialities of recycling. In many instances where recycling is dismissed as economically unfeasible, the possibility has not been carefully examined. The steel industry nowadays recycles much less scrap that it used to because the basic oxygen furnace, unlike the older open hearth, supposedly cannot assimilate very much cold scrap; industry leaders argue that heating costs make recycling uneconomic. Research scientists at M.I.T. disagree. They point out that the basic oxygen furnace produces a lot of hot waste gases. These could be passed up a tower filled with pulverized steel scrap, which could thus be heated enough for recycling."

Now therefore be it resolved that the Northern Environmental Council, in quarterly meeting on February 26, 1972 at Duluth, Minnesota strongly urges the Northeastern Minnesota Development Association (NEMDA) and United States Steel Company to undertake a joint study of the economic feasibility of a basic oxygen process to replace the out-dated and closed down blast furnaces.

February 26, 1972.

Northern Environmental Council Resolution

Knife River, Minn., uranium enrichment facility

Whereas, in October 1968 the press carried a story that the Atomic Energy Commission and Union Carbide Corporation were acquiring options on lands along the Knife River for a nuclear fuel enrichment plant, and

Whereas, investigation indicates that these options are still being held and that the Northeastern Minnesota Development Association is actively promoting the establishment of such a plant, and

Whereas, irreparable damage in the form of a two billion gallon per day (2,000,000,000) effluent of hot water with radioactive materials would be discharged into Lake Superior, and

Whereas, the affected region including people living on Lake Superior's shoreline have not been consulted or given the benefit of any hearing on this issue and all plans have been made at the Washington political-industrial level without public participation,

Now therefore, be it resolved that the Northern Environmental Council, meeting in quarterly session in Duluth, Minnesota on February 26, 1972, requests that full public disclosure of the current status of the proposed Knife River uranium fuel enrichment facility be made at public hearings in Minnesota during 1972, and

Be it further resolved that any planning and actions regarding the proposed Knife River uranium fuel enrichment facility be halted until an environmental impact statement complying with provisions of the National Environmental Policy Act of 1969 is made public,

Be it further resolved that representative John Blatnik and Atomic Energy Commission Chairman James Schlesinger be specifically requested to provide full current information on the status of this project in response to this request.

February 26, 1972.

Northern Environmental Council Resolution

Opposition to Project Sanguine appropriation

Whereas, the Defense Department and Navy have requested the Congress to triple the budget for Project Sangine from $4 to $12 million in order to go into Phase II, and

Whereas, specific instructions and prohibitions were given to the Navy in the current Fiscal Year 1972 appropriation bill to complete an Environmental Impact Statement and a feasibility study by the National Academy of Sciences to the satisfaction of qualified objective scientists not tied to Pentagon contracts, and

Whereas, the Navy has the audacity and effrontery to request a triple increase in appropriations for this project, which promises to be environmentally very damaging and over which serious questions as to its feasibility have been raised, and

Whereas, alternative and superior communication systems to underwater submarines have been developed with satellites and aircraft, and

Whereas, there are other much greater needs for federal program funding in northern Wisconsin which would provide far greater employment as well as natural resources benefits such as sewage treatment plants, soil conservation in the red clay area along Lake Superior, and protecting lake and river shorelines from encroachment.

Now therefore be it resolved by the Northern Environmental Council, meeting in quarterly session in Duluth, Minnesota on February 26, 1972, to oppose any further appropriations for this unnecessary and wasteful Project Sanguine and urge instead the Congress allocate the $12 million for sewage treatment plants at Ashland and Superior, Wisconsin and for stabilizing the eroding red clay watershed and lakeshore banks on Lake Superior, and

Be it further resolved that this resolution be sent to Senators Proxmire, Nelson, Stennis and McIntyre; Representatives David Obey and Mahon of the House of Representatives Appropriations Committee; President Richard M. Nixon; and Secretary of Defense Melvin Laird, and

Be it further resolved that the Northern Environmental Council immediately enlist all nationwide conservation groups to assist in defeating this environmetally destructive project.

February 26, 1972.

RADIO FREE EUROPE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. McCLOSKEY. Mr. Speaker, with the funding and continued existence of

Radio Free Europe and Radio Liberty at issue, I would like to suggest careful consideration of the point of view of a great American whose foresight and vision have been proven correct on many occasions, Mr. Cyrus Eaton:

STATEMENT BY CYRUS EATON

The appeal to President Nixon by eight members of the West German government underlines the desirability of closing down Radio Free Europe and Radio Liberty. Location of these sources of American propaganda in West Germany constitutes a considerable source of embarrassment to Chancellor Brandt, and impedes his efforts to establish friendship with the countries of eastern Europe.

In my frequent visits to these communist nations, I have made a special study of the effect of broadcasts from the two stations. As could naturally be expected, the statesmen, press and radio are offended, because their unreliability is strongly implied by the broadcasts. The vast majority of the people themselves are similarly affected. Since the regular broadcasts of BBC and French stations are readily available, it is not as if they had no contact with the outside world.

The origin of the broadcasts in Germany, moreover, serves as a constant and unfortunate reminder to eastern Europeans of Hitler and his savage campaigns against their countries. Instead of making converts, therefore, the broadcasts stir up anger and bitterness toward the United States, which finances them, and resentment toward West Germany, where the stations are located.

Let us ask ourselves how we would feel if the Soviets set up a special station in one of our neighboring countries in an attempt to arouse the American citizenry, or some racial or ethnic segment of it, against its government and media. Not only would the politicians and the press and radio of the United States be deeply resentful of the implication of their unreliability, but the American public itself would also be in an uproar of protest against such obvious propaganda. The American people would certainly not for one instant put up with being told what to do and how to do it by an outside power of opposing ideology.

The proponents of our propaganda stations go after Senator Fulbright hammer and tongs, on the grounds that he is trying to deny the people of eastern Europe access to the truth. Actually, he is completely right in his recognition that these radio programs are unwise and counterproductive and, in addition, place a further burden on the American dollar, already in serious trouble.

The flight from the dollar continues on an alarming scale. America must give up the luxury of overseas spending to tell the rest of the world what to do and how to do it. A good place to start is by terminating the folly and expense of Radio Free Europe and Radio Liberty.

IRS TURNABOUT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HANNA. Mr. Speaker, over the course of the past 14 months I have, along with a few other Members of the House, attempted to call the attention of the Congress and the Internal Revenue Service, to the need for protection of U.S. taxpayers from unscrupulous and unqualified tax return preparers.

On May 3, 1971, I expressed concern that the IRS seemed unwilling to take the necessary steps to remedy the problem. In a letter dated March 8, 1971, the service informed me that:

> Frankly while we are concerned about the increases in the number of incompetent preparers, we are still of the view that the service should not attempt to control these firms or individuals.

The letter further claimed that "the service is without authority to police this area." It was this attitude which caused me to introduce H.R. 7973 giving IRS the authority to establish regulatory procedures in the area of tax return preparers. Similar legislation has been introduced by Senator MATHIAS and Congressman MONAGAN.

Interest in this subject has been widespread, especially in this current tax season. A number of newspaper articles have appeared across the country, and three States, California, Vermont, and Massachusetts, have shown some interest in dealing with the problem.

Over the past 5 months the IRS seems to have changed their turn 180 degrees. Last December, Commissioner Walters was reported to have said that the Service was considering several alternative regulatory possibilities. The Service subsequently called for advisory opinions and suggestions from concerned groups. The first to respond with specific recommendations was the National Society of Public Accountants.

The latest evidence of a change of heart is a speech by Treasury Secretary John Connally in Chicago yesterday. According to an AP release, the Secretary told a meeting of the National Association of Broadcasters that a departmental survey revealed that 97 percent of the returns prepared by someone other than the taxpayer involved instances of fraud. The Secretary is quoted as saying bluntly:

> We are going to do something about this.

My reaction to the Secretary's remarks are mixed. On the one hand, I am glad to see the Department reverse its head-in-the-sand position of last year, but at the same time, I am concerned about the tone and implication of the Secretary's remarks. He is making a very sweeping indictment which must cover the professional trained and experienced accountant as well as the quick-buck artist to whom I have been calling attention. It would seem that the Secretary has failed to take account of the complexity of tax law and of tax forms and the great extent to which both are open to conflicting interpretation. No two tax authorities are going to agree on the fine points of tax law. To apply the term "fraud" to a situation of conflicting interpretation of the law is, I think, intemperant and unfair. Who, after all, is responsible for the complexity of our tax law. The blame must be borne jointly by IRS and the Congress.

The Legal and Monetary Affairs Subcommittee of the Committee on Government Operations has announced that it will hold hearings on the subject of tax preparers during the next 2 weeks. I am hopeful that during the deliberation the survey to which Secretary Connally referred will be made available. I further hope that due considerations will be made of the complexity of existing tax law and the fact that the Congress and the IRS have forced the average taxpayer into the position of having to seek outside help in the preparation of his returns.

Following is a copy of the report of the Secretary's remarks:

[From the Washington Post, Apr. 11, 1972]

CONNALLY REVEALS WIDE FRAUD BY TAX CONSULTANTS

(By Dennis J. Sorensen)

CHICAGO, April 10.—Treasury Secretary John Connally said today that perhaps millions of tax returns that might have gone uninspected will receive a thorough audit by the Internal Revenue Service because of what he called widespread fraud by tax consultants.

Connally, addressing the 50th annual meeting of the National Association of Broadcasters, said a survey of several hundred recently completed by the Treasury Department in the southeastern United States showed that 97 per cent of tax returns prepared by persons other than the taxpayer were fraudulent.

"We are going to do something about this," he declared, "Forty indictments have been handed down as a result of the investigation we made, and we are going to check thousands, perhaps millions, of returns we had not intended to check before."

He did not elaborate further.

Talking about the nation's economy, the former Texas governor said Americans are in for rough days and that individual sacrifices will have to be made to return the country to the world leadership status it enjoyed in post-World War II days.

In 1946, he said, the United States had the only viable economy in the world and was alone in its ability to produce. He said America set out to share with the people of the world, to rebuild and rehabilitate.

"And we have been successful," he said, "because we no longer stand alone on a pedestal. We have expended our surplus to the point where we've had to devaluate the dollar.

Now, he said, there are other economic forces in the world and the United States is in competition with equals that often outproduce this country and often are more efficient.

"We have to make some basic decisions about what kind of a nation we are going to be," he said. "We have to make certain sacrifices. We didn't ask for the mantle of leadership that we had.

"It was a conscious decision on the part of everyone to accept it and it will take the same kind of individual decisions to restore America to its position of world leadership."

In defending President Nixon's economic policies, Connally said the President "knew we could no longer live with the inflation, wages and prices we had. He knew we had to pause and take stock. He realized that the leadership this nation provided for a quarter of a century was in danger. And he had the raw courage to take unprecedented action and institute freezes."

He said Phase II of the Nixon plan is going to work "because there is no alternative." But he said it will not work if no one supports it and no one cooperates because the program is primarily a voluntary one.

AMERICAN FISHING INDUSTRY

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to share with my colleagues a most timely and informative talk made recently at the State Club in Boston by Mr. Joseph S. Gaziano, president of the Prelude Corp. of Westport, Mass.

Mr. Gaziano, the dynamic young president of the Prelude Corp. has been the most powerful and outspoken champion of the American fisherman and his dwindling supply of gear and fish. The Prelude Corp. is the largest and only deep sea lobstering firm in the United States owning more than $4 million of highly sophisticated fishing gear and equipment and has suffered the highest losses of any U.S. lobstering company from damage and harassment by foreign fishing vessels.

The speech is as follows:

Ladies and Gentlemen: Thank you for inviting me to be your speaker tonight.

I should like to comment on our company's rather unusual name. The dictionary defines Prelude as an introductory performance of action preparing for the principal or a more important matter. And in fact, that's just how the founders of the Prelude Corporation regarded their activities a few years ago when the company had its start. More recent events, however, have given this choice of names an onimous overtone.

Since I left the defense business for a peaceful and serene life in Westport, I've begun to ponder if this is the Prelude, then Black Plague has to be next.

When the company was organized in 1966, the then President—or more properly the entire company, Bill Whipple, was a divinity student at Boston University and he started lobstering as a means of paying his tuition. As luck would have it, the place he chose to start was Westport, Massachusetts.

Before long Bill Whipple had discovered that at certain times of the year, he could catch significant quantities of lobsters many miles further at sea from traditional lobster grounds. Bill fortunately had the vision to see that he was on to something big, and thus Prelude Corporation had its beginning.

The company has come a long way in the past few years. We now have four 100-foot semi-automated, refrigerated, vessels fishing the edge of the continental shelf, fishing a new, plentiful, untapped resource which scientists assure us is completely separate from our traditional inshore lobster harvested for generations off the New England coast.

One eventual result of all this find should be of particular interest to tonight's audience. Prelude is able to harvest lobsters year round, efficiently enough to achieve substantial volumes at a steady rate. This year, for example, we are operating at about 30% the volume of the total Maine lobster industry. The results of these factors should eventually be that the rarest of all restaurant delicacies; the premium lobster will have a guaranteed year round price. That's what we're aiming for, and to that end we have recently acquired the elements of a substantial nationwide distribution system—Wickford Shellfish Company in Rhode Island, and Deep Deep Ocean Products in Boston and Gloucester.

Aside from our success at fishing lobster, I am sure you are aware of the ecological disaster which is occurring off the East Coast of the United States. The rush towards this disaster begun in 1961 when a Soviet Armada, which peaked at 460 ships in 1965, began saturation fishing the traditional and very productive grounds off New England. This area known as Georges Bank was the most abundant fish resource in the world.

In 1965 the Soviets alone took 2½ billion pounds of fish from these waters. This catch was mostly composed of cod and haddock; and, as a result of this overfishing, we have now an almost totally depleted resources. This level of total catch maintained itself until 1968; and as the foreign vessels absorbed more and more of the resources, the catch, of course, began to decline. One by one they have picked off haddock, cod, yellow tail, herring, scallops and who knows what's next! In 1971 there are still 310 foreign fishing vessels in Georges Bank area; however, the catch in 1971 has fallen to the lowest yield in the 10-year history—less than 400 million pounds or down eight-fold from the peak yield in 1965.

I think of significant interest to us is what happens to a good deal of this fish. Does it go back to the Communist-bloc nations to feed their starving proletariat? I'm afraid not. A good deal of it goes to Canadian ports where it is off loaded onto freighter vessels and shipped to the United States for our domestic market. Some United States companies admit and are proud of the fact they are buying millions of dollars of Communist-bloc fish. In effect these vessels are not fishing for fish at all; they are fishing for dollars. They are catching or destroying resources off our banks and bringing home American dollars which are used to finance additional fishing vessels in Communist shipyards. Recently the Japanese and Spanish are beginning the same process. The American fisherman, of course, feels this equation unfair, at best. He must compete with a wholly owned and wholly government subsidized fishing enterprise at sea and then compete with the same subsidized fishing product in the United States market. I personally know of no other industry that has ever been saddled with such a handicap.

To get some perspective of the dollars involved, the Soviet fishing industry is over $2.7 billion per year. A significant contribution to their economy.

Prelude was unlucky enough to bring this problem to international attention over our conflict with Soviet fishing trawlers off the East coast last spring, then again with our seizure of a Russian freighter in San Francisco harbor and finally when we settled the dispute in direct negotiations with representatives of the Soviet government at Prelude in November. During this conflict, it was a difficult task to get any action from the United States government. We received much advice but little support. I am sure there is nothing unusual about our plight.

Since that time I have attended many meetings with State Department officials and officials of other branches of the government over the terrible position of the United States fisheries, and it is obvious to me that very few members of our government are interested in this problem. Most alarming, however, is that they offer little encouragement other than that somehow we must learn to live and compromise with the vast foreign fishing fleets off our shore.

In the meantime,

1. A great and plentiful fishing resource is being destroyed.

2. The American fishing industry is in a bad financial situation, unemployment in this industry continues to rise and fewer and fewer young people are interested in fishing as a way of life.

3. Our fishing vessels are being seized off foreign shores while foreign fishing vessels continue to harvest off ours.

4. New resources attract new foreign fishing vessels to our shores to deplete new resources as they have the old in the past.

5. Our American fishermen receive continued harassment from foreign fishing fleets.

With all this, it appears that little in the way of positive action is being taken by our government. However, I do not feel that this lack of action stems from ineptitude, but from lack of "National Fisheries Policy." I feel that our entire heritage will be lost unless the United States government forms a policy and makes a commitment to the preservation of our fishing resource and fishing industry.

What does the lack of "National Fisheries Policy" mean to the restaurateur? I am sure that you gentlemen know better than I that fried chicken now comes in a bucket and that Massachusetts restaurants earned their fine reputation from the great seafood, indigenous to the region, which your restaurants have delightfully prepared for generations. The increase in cost and gradual disappearance of these products from your menus, I am sure, will prove very harmful to you in the future. People come to New England to eat our clam chowder, lobsters, fish and scallops, so obviously you can see that it is in our interest to stop the destruction of these resources.

What does all this mean to an average American citizen? Dr. Frederic Stare, a renown nutritionist and head of Harvard Department of Nutrition stresses that we in the United States are in the midst of a coronary epidemic and that the American diet must, not should, include more fish to stem this epidemic. Let us then suppose that medical researchers determine in the coming years that we must eat certain quantities of fish each day for us to stay healthy. Where will the fish come from? Once this resource has been destroyed by the foreign fleets, it will not return. Are we so wise in 1972 to abandon a resource that may be critically needed in 1982? Our wisdom and foresight in the past give me little confidence that this traditional and natural food supply won't be abandoned.

Unfortunately, in my opinion, a disease has permeated our country in the last decade, somehow we have adopted the policy that all our problems must be solved by compromise and compromise means choosing the lesser evil. Rape is better than murder, and of course robbery is better than rape. The United States must constantly surrender some of what rightfully is hers to obtain something where we have no business. In this we have destroyed our willpower, and what is certainly more harmful, the eroded confidence in our government. I unfortunately share some of that lack of confidence, but like most Americans fervently want to regain the spirit and confidence that made America a great nation, a respected nation. I cannot believe that is in a democracy's interest to ignore unjustices and evils for the penalty for such a policy is to lose respect throughout the world.

Nations respect the character of the United States or any other government when it has the fortitude to protect itself, its people, or its resources. The cost of such unwillingness to protect the country's great resource and her fisherman can be measured both in lost catch and respect. I can personally assure you after many hours of negotiations with foreign fishing interests, that they are bewildered with the United States lack of action to protect its fisherman and resources, and I assure you that they intend to take full advantage of the situation.

Now the point of this entire discussion focuses on what you can do to stop the foreign fishing fleets from destroying the resource. I would not be speaking to you tonight if Prelude had not received considerable notoriety and public support in our conflict with the Soviets last spring. It is obvious that the wheels of this government and all democratic governments turn on public opinion. When the administration and Congress feel that destruction of our fishing resources is of significant public concern it will move to protect it quickly. Therefore, it is your opinion that is important not this speech. Your opinion carries value and weight, why not use it? Let your congressman know how concerned you are about this problem. Ladies and gentlemen—the weight of public opinion can "tip the scale" and put the United States back as a leader in world fisheries where she rightfully belongs."

The Ninth Congressional District which I represent, has a fishing industry depletion and imminent extinction of the fishing resources plus the serious damage to the gear. I feel the State Department has been almost completely indifferent to their plight and the time is now that all Americans awaken to the plight of the fishing industry which unless we lend the helping hand, will become extinct. I commend Mr. Gaziano for his courageous stand and trust his message will bring a response from the American people to save America's fishing industry.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD the Monthly Calendar of the Smithsonian Institution. The April Calendar of Events follows:

APRIL AT THE SMITHSONIAN

SATURDAY, APRIL 1

Exhibition: *Arabia Felix*. An exhibition of the culture of Ancient South Arabia—the homeland of the Queen of Sheba—showing the agriculture, incense trade, and art in Islamic times. Museum of Natural History.

Exhibition: *A Korean Village: Its Changing Culture*. Based on collections recently made in South Korea, the rapidly changing lifestyle of the Korean people is shown by a comparison of old and contemporary objects. Museum of Natural History.

Exhibition: *Apollo 16*. Information about the mission and objectives the Apollo 16 flight plans to accomplish. Arts and Industries Building.

Kite Flying Competition: Sponsored by the Smithsonian Associates and Parks for All Seasons, National Capital Parks. Washington area competition: 10 a.m.–1 p.m. (registration closes at 12 noon). National competition: 2–3:30 p.m. No recreational flying will take place this day. Washington Monument Grounds. For weather cancellation, call 381–6354. In case of rain, competition will be held on April 2. For detailed information on competition rules, call 381–5157.

Workshop/Lecture: *Indian Music Traditions*. Louis Ballard, American Indian composer and music-curriculum specialist for the Bureau of Indian Affairs, will lecture on how these music traditions have influenced his work. Mr. Ballard will also conduct a workshop in chanting and show a film "Discovering American Indian Music." 1 p.m., Lecture Hall, National Collection of Fine Arts.

Concert: *The Dupont Circle Consortium* performs Louis Ballard's music. (See Workshop above.) 3 p.m., Granite Gallery, National Collection of Fine Arts.

TUESDAY, APRIL 4

Illustrated Lecture: *Civilization and the Cochiti Potters*. Robert S. Stites discusses the controversy over the origins of prehistoric American culture and the similarities between Cochiti pottery and that of ancient China and Greece. Mr. Stites is the author of *The Sublimations of Leonardo Da Vinci*. 8:30 p.m., Natural History Building auditorium. Sponsored by the Smithsonian Associates.

WEDNESDAY, APRIL 5

Free Film Theatre: *Hemingway's Spain*. Three films showing different aspects of Spain as related to Hemingway novels. 12:10 and 1:10 p.m., Natural History Building auditorium.

Design Films: *The Music Rack*. Craftsman Wendell Castle is shown making a complex plywood music rack. Continuous half-hour showings from 11 a.m.; last showing at 2:30 p.m. Grand Salon, Renwick Gallery.

THURSDAY, APRIL 6

Free Film Threatre: *Hemingway's Spain*. Repeat. See April 5 entry for details.

Creative Screen: *Now That the Buffalo's Gone*—a powerful protest against the decline of the American Indian; *The Real West*—legends of famous gunfighters narrated by Gary Cooper; *Catlin and the Indians*—the paintings and contributions of artist George Catlin. Films shown continuously from 11 a.m., last showing at 2 p.m. National Collection of Fine Arts.

Seminar: *Dynamics of the American Political System, 1972: Trends and Directions*. "What Do People Want"—an examination of the mood of the country, "the hopes and fears" of the American people. Moderator: former Presidential Assistant George Reedy, Guest Scholar at the Woodrow Wilson Center. Speakers: David Broder, Richard Scammon. Commentators: Meg Greenfield, Denis Hayes, Daniel Mahoney, Louis Martin. 8 p.m., Natural History Building auditorium. First in a series of four public seminars sponsored by the Woodrow Wilson International Center for Scholars. Remaining seminars: April 27, May 18, June 8.

FRIDAY, APRIL 7

Exhibition: *Two American Painters: Fritz Scholder and T. C. Cannon*. The Pop, put-on and protest paintings of Scholder, considered "the best Indian painter working today" and the highly individualistic paintings of Cannon, whose work represents an affirmation of traditional American Indian culture. Approximately 30 large paintings are included. National Collection of Fine Arts, third floor. Through May 29.

Exhibition: *World Health*—an exhibit commemorating World Health Day. Museum of History and Technology. Through April 1973.

SATURDAY, APRIL 8

Exhibition: *The Edith Gregor Halpert Memorial Exhibition*. Paintings, drawings and five small sculptures from the vast collection of the late Mrs. Halpert, acknowledged dean of dealers in 20th century American art. Among the many artists represented are John Marin, Yasu Kuniyoshi, Ben Shahn, Charles Sheeler and Stuart Davis, National Collection of Fine Arts, through June 25.

Creative Screen: *Now That the Buffalo's Gone; The Real West; Catlin and the Indians*. Films of the American West. Repeat. See April 6 for details.

Folk Concert: *Sampler*. A special concert featuring performing members of the Folklore Society of Greater Washington. $1 FSGW members; $2 non-members. 8:30 p.m., Natural History Building auditorium. For ticket information call 381–5395.

MONDAY, APRIL 10

Audubon Lecture: *Ecological Ecstasy*. Dr. Maurice Broun, professional photographer and ornithologist, presents his color slides which reveal the startling beauty and design in the varied inhabitants of the natural community, 5:15 and 8:30 p.m. Natural History Building auditorium. Sponsored by the Audubon Naturalist Society.

WEDNESDAY, APRIL 12

Lunchbox Forum: *Bombers of the Black Cross*. Informal discussion led by Ray Fredette, USAF Historical Division. Room 449, Smithsonian Institution "Castle" Building. 12 Noon—Bring your lunch.

Design Film: *Glas-leerdam*. A Dutch film on the design and manufacture of glass, shown in conjunction with the Renwick exhibition "The Glass of Frederick Carder." Continuous showings every half hour from 11 a.m.; last showing at 2:30 p.m. Grand Salon, Renwick Gallery.

Free Film Theater: *The Day Manolette Was Killed*—The story of the death of the great matador; *I Think In Shapes*—The works of Henry Moore exhibited at the London Tate Gallery, discussed in the film by the artist. The two-film program begins at 12:10 and 1:10, Natural History Building auditorium.

THURSDAY, APRIL 13

Seminar: *Evolution As Reflected in the Fine Structure of DNA*. Lecturer: David Kohne, University of California. One in a series of graduate level lectures on current research in the origin of life, genetic engineering and evolution jointly sponsored by the Consortium of Universities of the Washington Metropolitan Area and the Smithsonian Institution. A question and answer period follows each lecture. 7:30 p.m., History and Technology Building auditorium. Additional lectures April 20 and 27.

Illustrated Lecture: *The Sanchi Torso, an Indian Masterpiece*. John Irwin, of the Victoria and Albert Museum, discusses this work of art of the Gupta period. The Freer Gallery of Art. 8:30 p.m.

Free Film Theatre: *The Day Manolette Was Killed: I Think In Shapes*. Repeat. See April 12 for details.

FRIDAY, APRIL 14

Preservation Conference: *The People Speak*. Two-day conference on the preservation problems and potentials in the nation's capital. Open to the public. Natural History Building auditorium. For information on attendance or participation, call 524–9867. Sponsored by the Society of Architectural Historians and the National Trust for Historic Preservation.

Folk Concert, *David and Tony Arthur and John Harrison*, British singers, perform original and traditional songs. 8:30 p.m., Natural History Building auditorium. Sponsored by the Folklore Society of Greater Washington. Free to FSGW members; $1 non-members.

MONDAY, APRIL 17

Concert: *Hanna Lachert*, violinist from Poland, presented by the Washington Performing Arts Society and Carnegie Hall-Jeunesses Musicales, Inc. 8:30 p.m., History and Technology Building auditorium. For ticket information call 393–3808.

TUESDAY, APRIL 18

Demonstration Lecture: *The Contribution of Progressive Myopia to the Rise of Impressionism: Visual Problems in the History of Art*. Dr. Cary Lu, of the California Institute of Technology explores some of the subtleties of vision and explains the distinction between appearance and reality. 8:30 p.m., Natural History Building auditorium. Sponsored by the Smithsonian Associates.

WEDNESDAY, APRIL 19

Informal Concert: *Roberta Caraviello*, soprano, and *Richard Glenn*, lute and guitar, performing works of Almeida, Compion, Dowland, Gerard, van detr Staak and Villa-Lobos. 1:30 p.m., Hall of Musical Instruments, Museum of History and Technology.

Free Film Theatre: *Matisse*—A vivid view of the achievement of this great artist; *Raphael*—The tapestries in the Sistine Chapel designed by Raphael for Leo X are analyzed as works of art and revolutionary designs. Two-film program begins at 12:10 and 1:10 p.m., Natural History Building auditorium.

Design Film: *The Music Rack*. Repeat. See April 5 for details.

THURSDAY, APRIL 20

Seminar: *Genetics of Isoenzymes in Fish*. Lecturer: James E. Wright, Pennsylvania State University. See April 13 for seminar details.

Creative Screen: *Now That the Buffalo's Gone*—a protest against the decline of the American Indian; *Discovering American Indian Music*—songs and dances of several tribes performed in costume; *The Hands of Maria*—the remarkable talent and techniques of a famous Indian potter. Films shown continuously from 11 a.m.; last showing at 2 p.m. Lecture Hall, National Collection of Fine Arts.

Free Film Theatre: *Matisse; Raphael*. Repeat. See April 19 for details.

FRIDAY, APRIL 21

Illustrated Lecture: *The Chesapeake . . . People, Places and Resources*, by William W. Warner, Smithsonian Assistant Secretary for Public Service. A dedicated conservationist, Mr. Warner will discuss the effect of the Bay on the people around it and the people's effect on the Bay. He will also cover the history of the Bay from its formation to the present time, its current ecological and economic problems and the outlook for the future. 8 p.m., Natural History Building auditorium.

SATURDAY, APRIL 22

Creative Screen: *Now, That the Buffalo's Gone; Discovering American Indian Music; The Hands of Maria*. Repeat. See April 20 for details.

Exhibition: *22 X RISD:* Prepared by advanced sculpture students of the Rhode Island School of Design, exhibit includes photographs, drawings, scale models and full-sized works. National Collection of Fine Arts, through June 2.

Demonstration: *Sculpture techniques* demonstrated by students whose work appears in the 22 X RISD exhibition, including raku, stone carving, welding and metalworking. 11 a.m.–4:30 p.m., National Collection of Fine Arts courtyard.

Lecture: *Wendell Castle*, whose work is included in the Renwick exhibition "Woodenworks," lectures at 3 p.m. in the Grand Salon, Renwick Gallery.

SUNDAY, APRIL 23

Demonstration: *Sculpture techniques*. Repeat. See April 22 for details.

TUESDAY, APRIL 25

Illustrated Lecture: *Neferliti and the Computer*, by Ray Winfield Smith, Director of the Akhenaten Temple Project. The reconstruction by means of photography and computer of ancient buildings at Karnak on the Nile. A BBC documentary film on the computer project will be shown. 8:30 p.m., Natural History Building auditorium. Sponsored by the Smithsonian Associates.

WEDNESDAY, APRIL 26

Free Film Theatre: *Siberia: The Endless Horizon*. A new image of a country long associated with faceless exiles and a grim, unrelenting climate. 12:10 and 1:10 p.m., Natural History Building auditorium.

Lunchbox Forum: *U.S. Coast Guard Aviation*. Informal discussion led by Cdr. W. S. Black, U.S.C.G. Room 449, Smithsonian Institution "Castle" Building. 12 Noon—Bring your lunch.

Design Films: To be announced. Continuous showings from 11 a.m.–2:30 p.m. Renwick Gallery.

THURSDAY, APRIL 27

Seminar: *Genetic Variation and Evolution*. Lecturer: Ernst Mayr, Harvard University. See April 13 for seminar details.

Seminar: *Dynamics of the American Political System, 1972: Trends and Directions*. "Four Megastates: California, Illinois, New York and Texas"—a comparison and contrast of the characteristics and attributes of four key states. Moderator: Alton Frye, Joint Fellow of the Woodrow Wilson Center and the Council on Foreign Relations. Speaker: Neal Peirce. Commentators: Lou Cannon, Jack Germond, D. B. Hardeman, Adlai E. Stevenson III, Robert Teeter. 8 p.m., Natural History Building auditorium. Open to the public. Sponsored by the Woodrow Wilson International Center for Scholars.

Free Film Theatre: *Siberia: The Endless Horizon*. Repeat. See April 26 for details.

Demonstrations

Museum of History and Technology

Musical Instructions, from the Smithsonian's collection, Monday, Wednesday, Friday, 3 p.m. Hall of Musical Instruments, 3rd floor.

Music Machines—American Style. Mechanical and electronic music machines. Monday, Tuesday, Thursday and Sunday, 1:30 p.m., 2nd floor. As part of this exhibit, films are shown continuously as follows:

March 31–April 6, MGM Musicals.
April 7–13, Musicals of '30s II.
April 14–20, MGM Musicals.
April 21–27, Musicals of the '30's, I.
April 28–May 5, MGM Musicals.

Spinning and Weaving. Tuesday, 10:30 a.m.–12:30 p.m.; Wednesday through Friday, 10:30 a.m.–12:30 p.m. and 1:30–3:30 p.m.

Museum tours

Highlight Tours, conducted by Smithsonian volunteers, begin at the Info Desks by the Mall entrances, on the following schedule. No tours will be conducted March 31 through April 9, in any but the Renwick Gallery.

Museum of History and Technology:

Monday through Friday, 10:30, 11:30 a.m.

Saturday and Sunday, 10:30 a.m., Noon, 1:30, 3 p.m.

Museum of Natural History:

Saturday and Sunday. By appointment, call 381-6471.

Arts & Industries Building (Air & Space Museum):

Saturday, 10:30, 11, 11:30 a.m., 1, 2, 3 p.m.

Sunday, 1, 2, 3 p.m.

National Collection of Fine Arts:

Saturday and Sunday, 2:30 p.m. (Tour begins at 9th Street entrance)

Renwick Gallery:

Half-hour walk-in tours of the building architecture and the two period rooms, 12 and 1 p.m. Monday through Friday.

Radio Smithsonian

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for April:

2nd—Folk Concert. Alan Jabbour and Pete Hoover playing fiddle and banjo.

9th—*How To Live in a Stately Home and Stay Solvent*. An interview with Lord Montagu of Beaulieu, owner of one of England's most impressive mansions; *Ecolibrium*. Dr. Athelstan Spilhaus, Chairman, AAAS, discusses his thoughts on maintaining an environmental balance.

16th—*Ballooning: Man's First Step into the Air*, with Roger Pineau, historian for the Smithsonian's new exhibit on ballooning, and Constance Wolf, holder of the major world's records for women balloonists.

23rd—*Concert*. The Danzi Woodwind Quintet of Amsterdam.

30th—*Latest Discoveries at Lake Rudolf*. Dr. Richard Leakey talks about his newest findings concerning man's ancestors; *A Global View of the Human Environment*. Interview with Swedish statesman Rolfd Edberg.

Domestic tours

A Musical Weekend in Washington: April 28–30. Splendid music, tours of the Smithsonian, Kennedy Center, Filene Center, and social events in private Georgetown homes, and historic houses. For information and reservations write to Mrs. Lois Howard, Division of Musical Instruments, Smithsonian Institution, Washington, D.C. 20560.

The Smithsonian Associates sponsor tours listed below. For further details, write Mrs. Kilkenny, Smithsonian Associates, Washington, D.C. 20560.

Death Valley: April 14–20.
Northern Pueblo Indians: June departures.
Navaho Land: June departures.
Windjammer Cruise: June 25–July 1.
Solar Eclipse: July 15–11. Prince Edward Island.
Archaeology Dig: August 6–12. New Hampshire.

Foreign study tours

For members of the National and Resident Associates. For further details on tours, listed below, write to Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

No-tour Tour: Dulles-Paris-Dulles. May 29–June 19.
Greece and Yugoslavia: June 12–July 10.
No-Tour Tour: New York-Amsterdam-New York, July 17–Aug. 7.
King Arthur's England: July 11–Aug. 1.
The Pilgrimage Road: Sept. 11–Oct. 9.
No-Tour Tour: Dulles-London-Dulles, Sept. 11–Oct. 2.
Russia: Sept. 12–Oct. 3.
Pakistan and Afghanistan: Oct. 9–Nov. 8.

Summer hours

(Beginning April 1)

Museum of History and Technology; Museum of Natural History; Arts and Industries Building: 10 a.m.–9 p.m. seven days each week.

Freer Gallery of Art; National Collection of Fine Arts; National Portrait Gallery; Renwick Gallery; 10 a.m.–5:30 p.m. daily.

National Zoo buildings: 9 a.m.–4:30 p.m., daily. Beginning April 30: 9 a.m.–6 p.m.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

THE AMERICAN COLLEGE THEATRE FESTIVAL

(Produced by the Smithsonian Institution and the Kennedy Center for the Performing Arts)

Ten American College Theatres and a Warsaw Theatre Academy—the first foreign group to participate in the Festival—have been chosen to present their theatre productions at the Kennedy Center April 17–29. Each company will give two performances at 2 and 7:30 p.m. Matinee seats $2.50; Monday-Thursday evenings $3 and $4; Opening night, Friday and Saturday evenings $3.50 and $5. Student tickets available. Schedule listed below. For more information call 254-3600.

The Roar of Greasepaint, The Smell of the Crowd, United States International University (April 17); *Oedipus Rex*, So. Methodist University (April 18); *The Price*, Montana State University (April 19); *Acts & Exercises on Shakespeare*, Warsaw Theatre Academy (April 20); *The Little Foxes*, North Carolina School of the Arts (April 21); *Black Dragon Residence*, University of Hawaii (April 22); *Evening of Scenes*, Irene Ryan Scholarship Awards (April 23); *365 Days*, University of Minnesota (April 24): *Acts & Exercises on Shakespeare*, Warsaw Theatre Academy (April 25); *The Misanthrope*, Portland State University (April 26); *Home*, Southern Illinois University (April 27); *Of Mice and Men*, Southeastern Oklahoma State College (April 28); *The Boy Friend*, University of Miami (April 29).

RESIDENT PUPPET THEATRE

Eureka! The story of a small boy, Murphy, his unusual friend Worm and their travels through time and ideas. Performances continue through April 16—Wednesday through Friday, 10:30 and 11:30 a.m.; Saturday and

Sunday, 10:30 a.m., 12:30 and 2:30 p.m., in the History and Technology Building auditorium. Admission: $1 children; $1.25 adults; group rates available for 20 or more. Tickets are on sale at the box office; or call 381-5395.

The Marvelous Land of Oz. Beginning April 26. L. Frank Baum's own sequel to his classic *The Wizard of Oz* tells the further adventures of the Scarecrow, Tin Woodsman and introduces many new characters. Same hours and prices as above.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the RECORD the April 3 edition of the American Revolution Bicentennial Commission's News Bulletin. I take this action to help keep my colleagues informed of bicentennial activities. The bulletin is compiled and written by the Communication Committee staff of the Commission. The bulletin follows:

BICENTENNIAL BULLETIN, APRIL 3, 1972

On Saturday, April 1, the U.S. Postal Service announced that four 8-cent postage stamps commemorating the Bicentennial will be issued on July 4th at Williamsburg, Virginia. The stamps depict four colonial craftsmen—a glass maker, a silversmith, a wigmaker and a hatter. These will be printed on the same sheet. The horizontal stamps have identical inscriptions, and will be printed deep brown on buff paper. The print order is 135 million. Across the top is "Colonial American Craftsmen," and "Bicentennial Era" appears in the upper center. The vignettes were engraved by Edward P. Archer and the lettering was engraved by Albert Saavedra of the Bureau of Engraving and Printing. The Designer is Leonard Everett Fisher, Westport, Conn., who is well known for the books he has written and illustrated on colonial life. First day cancellation requests should be directed to "Bicentennial Stamp, Postmaster, Williamsburg, Va. 23185," enclosing proper remittance which is 8 cents for each stamp desired, and with request postmarked no later than July 4.

The next meeting of the ARBC Executive Committee will be on Thursday, April 20, in New York. On Tuesday, April 18, the ARBC Communications Committee and the Philatelic Advisory Panel will both meet in Washington, D.C.

The New York State ARBC has announced that publication of a paperback edition of Carl Becher's essay, "The Spirit of '76," with introduction and notes by Dr. Louis L. Tucker, Executive Director of the Commission. The book may be purchased for $1.00 from Gifts and Exchange Section, New York State Library, State Education Department, Albany, New York 12224.

The Director of the Seattle, Washington Opera Association, Glynn Ross, recently called a meeting of 100 interested Seattleites to enlist their support for an American Wagnerian Festival as part of the national Bicentennial celebration. The Wagner Festival would take place in the summer of 1976 and Mr. Ross hopes that a special new theatrical facility, similar to Wolf Trap Farm outside Washington, D.C., could be created for the Bicentennial event.

Temple University's campus and activities were proposed recently as an educational attraction for the Bicentennial in Philadelphia. University officials have offered to organize and sponsor with appropriate groups an artistic, musical, performing arts and sports program for Bicentennial visitors. In addition, it will organize a series of exhibits, films, displays, workshops, conferences and field events, as well as "Bicentennial Scholarships" to Temple for at least two students "from every country in the world" during 1976.

The Gaspee Day Committee, Warwick, Rhode Island, has informed the ARBC that in honor of the 200th anniversary of the Year of the Gaspee Incident (on June 9, 1772 some Rhode Islanders burned the British customs schooner, the Gaspee, that was patrolling the coastal waters for smugglers), the Havilland China Company of France has chosen the episode as the first of five major events to warrant attention in the production of U.S. Bicentennial Commemorative special additions. Governor Frank Licht was presented with the first plate by Mr. Havilland on March 21. Rhode Island will be commemorating the Year of the Gaspee throughout 1972 as the first of several Bicentennial events.

Mayor Julius Wilensky of Stamford, Conn., has confirmed that restoration of old Fort Stamford will be the highlight of that city's observance of the national Bicentennial. Fort Stamford, it is believed was laid out by General Waturbury, a close friend of General Washington. Its very existence is thought to be a strong reason why Stamford was not invaded during the Revolution.

The recently organized Women for the Bicentennial in Philadelphia have announced plans to establish one or more youth hostels during the Bicentennial to encourage young people to come to Philadelphia and stay for a small fee. The Women's group is also encouraging young people to play an active and important role during the Bicentennial celebration, such as serving as tour guides and host and hostesses at hospitality centers.

As of April 1, 1972, the ARBC has received 182 press clippings pertaining to the Bicentennial Parks concept from newspapers in 43 States. The concept has also been endorsed in 33 newspaper editorials. Below are comments extracted from correspondence from Governors on the Bicentennial Parks concept:

William A. Egan, Governor, Alaska, March 14: "The concept is indeed all encompassing and will, I am sure, provide many states an opportunity to provide additional leisure and recreational facilities closely tied to historical events for the people of urban areas."

Stan Hathaway, Governor, Wyoming, March 16: "I am excited about the Bicentennial Parks concept. I hope that Congress will look fvorably upon this program in appropriating sufficient money to implement it.

"I met with my Bicentennial Commission in Wyoming for two and a half hours yesterday, and you may be sure of our support and enthusiasm for the work that lies ahead."

Dale Bumpers, Governor, Arkansas March 13: "I am asking the Chairman of this Commission to give serious thought and consideration to the Bicentennial Parks concept for the Commission's review and study.

"We hope to cooperate in every way possible in making the Bicentennial Celebration a success in Arkansas."

Cecil D. Andrus, Governor, Idaho, March 9: "It is indeed a stimulating and original concept and one which I hope we will be able to implement.

"We have, as you probably know, a vigorous and active state commission, headed by our Attorney General. I intend to work closely with them—not only on the park concept, but on other matters as well."

SEXISM IN MORTGAGES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mrs. GRIFFITHS. Mr. Speaker, for years I have raised the question of the credit practices both of lending institutions and the Federal Housing Administration concerning the lending of money to women for the purchase of homes. The smooth answer always has come back that there is no discrimination. This, of course, has been a complete lie.

Approximately 3 years ago a friend of mine told me that her beauty operator's husband had died. The man had been ill a long period of time. The wife had been the complete support of the family. Before the body was cold in the ground, a representative of the FHA had the colossal nerve to call that woman and ask her to use the insurance, if any, to make a complete payment on the home. She inquired from me if she had to do it. I assured her that she did not. The truth was that the woman's money had paid for the home from the beginning.

This is one of the types of discrimination that the equal rights amendment would wipe out. Mortgage lenders have told me that a woman is more apt to pay for a home than a man.

When the housing legislation comes to the House floor, I intend to offer an amendment that FHA cannot back the mortgage of any lender who makes any discrimination in lending practices on the basis of an individual's sex.

At this time, I insert two articles that appeared recently in the Detroit press on this subject of women and mortgages. The articles follow: Detroit Free Press, "Sexism Lessens in Mortgages"; Detroit News, "Income of Wife Carries Weight in Home Buying." The articles follow:

SEXISM LESSENS IN MORTGAGES

It's still not as easy for a woman to get a mortgage as it is for a man, but it's getting easier.

John P. Farry, president of the United States Savings and Loan League, says that traditional barrier to granting mortgages to women are falling fast.

"There are regional differences as well as differences between one institution and another in the same locality," said Farry, who is president of First Federal Savings and Loan Association of Albert Lea, Minn.

"But generally speaking, the working woman or the divorcee or widow with their own financial resources has a far better chance of getting a mortgage today than she had two or three years ago."

One reason, Farry said, was the changing attitude toward women in the work force. As more women work and move into positions of greater responsibility, it becomes obvious that their sex is no barrier to handling the obligations of a mortgage.

Other reasons include new birth-control methods and changing attitudes toward family size, which mean that young women are more likely to continue working when they marry. And the women's liberation and consumer movements have also helped to persuade lenders to review policies toward women borrowers.

"But the most important reason is probably the development of the condominium, and along with it the planned unit development," Farry said.

"This is the logical type of housing for a women because it provides the benefits of home ownership without the hard work involved in maintaining a single-family dwelling.

"In the past, many lenders have been reluctant to make home loans to women because they doubted the woman's ability to maintain the property.

"With the condominium, where all outside maintenance is taken care of, this is no longer a factor. The question now becomes purely one of economics—can she afford the home and is her income sufficient and steady enough to make the payments?

Other reasons why women can now get mortgages include the growth of the private mortgage-insurance business, which reduces the lender's risk, and the creation of secondary markets in conventional mortgages through the Federal National Mortgage Association and the Federal Home Loan Mortgage Corp.

Under the latter two plans associations can sell non-government backed loans to these agencies.

"Naturally," Farry said, "the type of work a woman does will have a bearing on her ability to get a mortgage, especially if she's still of child-bearing age.

"Just as with working wives, lenders give more weight to applicants with skills likely to remain in demand even if she should marry later and drop out of the work force to have children."

INCOME OF WIFE CARRIES WEIGHT IN HOME BUYING

Not long ago, if a working wife was of child-bearing age, the only jobs recognized as contributing to her husband's ability to carry a mortgage were those of nurse or school teacher.

It was felt that no matter how many children she had, a woman with training in those fields could always find work to go on supporting the family's mortgage obligation.

But John P. Farry, president of the United States Savings and Loan League, said that in recent years there has been a marked increase in the weight given to the money which all working wives earn.

Savings associations are the nation's biggest mortgage lenders, and the U.S. League's nearly 5,000 member-institutions make more home loans than do all other major home lenders combined.

"When a couple applies for a mortgage, the lender's main concern is the husband's ability to carry the debt," Farry explained.

"If the husband can swing it alone, there's no problem.

"But if he can't, even the most conservative lender today would recognize at least part of the wife's income if there was a reasonable chance of her continuing in her job—and the more liberal lenders might credit all of it."

Farry said the reasons for this change include new attitudes toward working women generally.

"Where young couples are concerned, in some sections of the country today the working wife is the rule, not the exception," he said.

"Today's mortgage-lending practices merely reflect the fact that working women are earning higher salaries and moving into positions of greater responsibility."

Another reason, he went on, is the changing attitude toward family size. With families getting smaller, it's easier for a woman to go back to work after having one or two children.

Still other reasons include the development of private mortgage insurance, which has reduced the lender's risk, and the creation of a secondary market in conventional loans by some government agencies, which means these loans can be sold if the lender wishes to sell them.

Farry emphasized that policies toward working wives' incomes vary from institution to institution and according to the circumstances of each case.

"The work the wife does is still of crucial importance," he explained.

"The higher her skill or training for her services, the more weight her income will command.

"If the couple depends on her income to carry the mortgage and she takes off to have children, there should be some assurance her skills are such that there would be little question about her being able to find work later."

Farry also observed that lenders would be more inclined to credit a wife's income if the couple had been married for several years and she had been working all that time. Similarly, income would be more likely to be credited if the wife had left her job to have one or more children and then returned to work.

GOV. BUFORD ELLINGTON

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. FULTON. Mr. Speaker, the people of Tennessee were shocked and saddened to learn of the untimely death of our former Governor, Buford Ellington.

Mr. Ellington was stricken last Monday morning while playing golf at his retirement home in Florida.

Only 15 months out of political office, Buford Ellington had earned, deserved, and reason to look forward to a full and pleasant retirement but he was taken at the relatively young age of 64.

Mr. Ellington twice served the people of Tennessee as their chief executive, from 1959 to 1963 and from 1967 to 1971. Prior to that he served in our State Senate and a Secretary of Agriculture under the late Governor Frank G. Clement. Governor Ellington was well known throughout the Nation for his work in behalf of State government under former President Lyndon B. Johnson whom Mr. Ellington served as Director of the Office of Emergency Planning in 1965. In that capacity he also served as Mr. Johnson's personal White House liaison officer with the State Governors.

One of the late Mr. Ellington's close personal friends was James G. Stahlman, dean of southern newspaper publishers, who is president and publisher of the Nashville Banner.

Mr. Speaker, I include in the RECORD at this point an editorial, "Buford Ellington," which was published in the Nashville Banner on April 4, 1972, and commend it to the consideration of my colleagues.

The editorial follows:

BUFORD ELLINGTON

Shock and sorrow mark Tennessee in the passing of former Gov. Buford Ellington—more than a name, a personality and character high on the honor roll of the state; esteemed in memory for the faith he kept in public service.

In that concept bespeaking conviction—first and foremost, a sense of duty—acquaintance with the man would discern his proper epitaph. It was coextensive with his public career; an able steward in every responsibility, possessed of rare administrative skill, and with that the eye to discern and the courage to pursue the course of conscience.

Buford Ellington had no illusions of personal grandeur; he aspired to no garlands of rank and adulation. He was a man of the people—basically of the soil that was his first calling; and he served the people by repeatedly taking time out from his personal business. Though comfortable in the presence of those associate dignitaries who sought and received his valued assistance in bearing problems of state—at both the Tennessee and the national level—he was at home on the farm; and he shared, as one of them, Lincoln's classic view that the Lord must have loved common people because He had made so many of them.

Tennessee knew him in that image, without frills and without subterfuge—speaking his mind frankly on any subject under discussion, and with a sense of honor paramount keeping every promise.

As distinguished citizen, as Commissioner of Agriculture, and as Chief Executive twice elected to the highest office within the power of the people to bestow, constituents of the state he loved knew and respected and honored him—feeling close to him with the regard of kinship and mutual interest he reciprocated.

The nation recognized his administrative stature—as underscored by President Lyndon B. Johnson's recruitment of him as old and trusted friend to serve as director of the Office of Emergency Planning. He ably filled that assignment, as the President's right arm in a period of crisis, and resigned that vital national post only to accept the urgent call of Tennessee to stand again for the gubernatorial position.

The former President put into words the feelings of a personal and public grief when he noted that with the passing of this longtime associate "all 50 states have lost an advocate. We shall all miss him."

He was one who could fulfill with distinction the exacting standard stated in Kipling's "If":

"If you can walk with crowds and keep your virtue,
Or talk with kings, nor lose the common touch;
If neither foe nor loving friend can hurt you—
"If all men count with you, but none too much . . ."

The breadth of Buford Ellington's interest in people was the span of society; young and old, rich or poor, irrespective of race, they were constituents—and he respected them as people; the components of a state to whose service he had taken oath.

In any showdown with a threat against the peace and order within the domain of his authority, he was always on the side of law; and acted with courage when, in contrast to that, at some points across the nation, there was surrender.

For Buford Ellington believed in the integrity, the conscience, the judgment and courage, of the people of Tennessee; he reciprocated in that the trust these had placed in him.

Public office in its numerous aspects of assigned responsibility was, to him, a public trust.

Heavy and time-consuming as was the load he carried, involving the business of his state, he always gave liberally of his time to assist in youth work . . . the ready colleague of Boy Scout and Girl Scout efforts, Boys Club activities, 4-H and Future Farmer work.

His dedication to the economic development of Tennessee was a feature of his Executive tenure; it was an interest antedating election in that capacity, and did not cease with expiration of his term. Much of the industrial expansion that has occurred, particularly in the matter of new industries attracted, was the direct result of recruitment campaigns led by the state.

In still another wondrous detail, Buford Ellington will be remembered. He was a distinguished family man, beloved of his wife, the treasured father and grandfather—his exemplary home life the ideal of responsible society; the churchman, worthy of that illustrious calling, too.

As he has honored the trust reposed in him by his state and his generation, so will history honor his memory.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. GUDE. Mr. Speaker, the Members of this body are well aware of the problems caused by growth in metropolitan areas, both in their home jurisdictions and here in the Metropolitan Washington area. Today, I would like to bring to their attention 15 years of progress in helping to relieve such problems as traffic congestion, inadequate housing, crime, air pollution, water supply, and the need for regional planning—all problems which defy city, county, and State lines.

Fifteen years ago tonight 40 key officials from the District of Columbia and surrounding suburban areas met to discuss common problems. Their goal was the establishment of some forum in which to share their jurisdictions' common concerns and their ideas on alleviating them. This early roundtable of regional officials grew into the successful Metropolitan Washington Council of Governments of today.

The 193 local elected officials from the 15 major cities and counties of Metropolitan Washington, and the State and Congressional Representatives from the area make up the Council of Governments. Together they establish regional policies aimed at the solution of these intergovernmental problems, the same problems that confront every metropolitan area of the Nation in this generation.

I am pleased to be a member of the Council of Governments along with four other distinguished Members of this body, Mr. HOGAN of Maryland, Mr. BROYHILL and Mr. SCOTT of Virginia, and Mr. FAUNTROY of the District of Columbia.

Individually our elected officials—and only they—can carry out these policies in their local areas. Thus, they can develop recommendations on the solution of regional problems without sacrificing any traditional authority or responsibility.

The Council of Governments works on a broad spectrum of regional concerns. In the past 15 years the progress which this voluntary association of local officials has made in strengthening regional public safety programs is typical of its work in other fields as well. Even in its formative years COG established radio and teletype networks linking area police and fire departments and established an areawide computerized police information system.

In more recent years, police mutual aid agreements were worked out, which now make it possible for police officers to cross city, county, or State lines to aid neighboring jurisdictions in times of areawide emergency.

I might point out, Mr. Speaker, that this is the first interstate area in the Nation to accomplish such regional agreements. This was recognized by President Nixon, who through Attorney General Mitchell, sent his personal congratulations on the occasion of the signing of these pacts in January of last year.

Similar arrangements were developed for fire mutual aid in 1968, enabling suburban jurisdictions to answer 268 fire alarms in the District of Columbia during the civil disturbances in April of that year.

I am proud to say, Mr. Speaker, that I had a hand in the beginning of the COG work in trying to combat one of the most recent threats to our young people in city and suburb alike, that of drug abuse. I was privileged to address the board of directors of the Council of Governments in the summer of 1969 and to share with them my concern that positive action must be taken quickly to save our youth from the pitfalls of hard drugs. At the direction of the local officials on its drug abuse task force, COG has since developed an innovative drug abuse prevention curriculum that is being tested in seven of our area junior and senior high schools and three youth correctional facilities, including the Federal reformatory at Lorton.

This spring, teachers from all 24 school districts in my home State of Maryland will be trained in the use of this very different approach at showing students some of the reasons people turn to various forms of escape including drugs, and ways they can deal with their own individual worries. By next fall I hope that this curriculum will be taught in at least one high school in each Maryland county and the city of Baltimore.

As an example of its progress in other fields, the Council of Governments has developed and adopted a distribution formula devised to help allocate federally subsidized low- and moderate-income housing units throughout the Washington area on a "fair share" basis. This concept has already been endorsed by two of the largest suburban jurisdictions, my own Montgomery County and Fairfax County, where the major portion of the low- and moderate-income housing would be apportioned, and by the cities of Rockville and Alexandria.

COG was a pioneer in the air pollution battle before the subject became a household word, by establishing a scientific laboratory analyzing the region's air on a 24-hour-a-day basis and with a guide ordinance which is the basis for air pollution laws adopted in every major jurisdiction of our urban area. It was my pleasure to sponsor the law adopted by the Congress for the District of Columbia. The region's air pollution alert system—which informs citizens in advance of potential air pollution buildup and steps they can take to help reduce pollutants—was also prepared through COG.

The area's first major transportation survey since 1955 was conducted by the Council of Governments' Transportation Planning Board. This was the most complete survey ever attempted here, interviewing 100,000 citizens to determine travel needs and habits as part of a regional transportation plan being prepared by COG.

Through the Council of Governments, express bus experiments have been started in Maryland, Virginia, and the District, using shopping center parking lots to help both District of Columbia residents and suburbanites get to work more easily. Ten of these express bus lines have been made permanent as a result of the COG-conducted experiment, and each week several thousand of my constituents are able to get downtown to their jobs without relying upon automobiles.

Several hundred more suburban businessmen and Federal employers such as the Department of Health, Education, and Welfare in Rockville are benefiting from the express transportation which brings their workers from the inner city.

Another experiment conceived and begun by the Council of Governments created express "bus-only" lanes on Virginia's Shirley Highway. Four thousand former auto users have switched to riding the bus. This project was begun through the Council of Governments in 1969, and is currently operated by the Northern Virginia Transportation Commission.

The Council of Governments is the only agency responsible for regional planning for all of the Washington area. In this role it is undertaking an exhaustive look at the "Year 2000 Plan" with an eye toward giving local jurisdictions a choice in the kind of region they want now and by the turn of the next century. COG is also the agency charged with review of all applications by local governments for projects involving Federal funds. In the first 4 years of this process the Council of Governments has reviewed 516 applications for projects totaling more than $655 million.

As a State legislator in the Council's formative years and as a Member of Congress during the time when the Council of Governments has become a guiding force in regional progress through cooperation, I ask you, Mr. Speaker, and the Members of this House to join me in saluting the Metropolitan Washington Council of Governments on its 15th anniversary.

HAVE FUNDS, NEED DEMAND TO FIT SUPPLY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. ASHBROOK. Mr. Speaker, we are led to believe that the executive departments are retrenching, cutting expenditures to the bone, in response to President Nixon's effort to reduce deficit spending and to curb inflation. Poor mouthing is the order of the day. But the economizing is quite selective.

Currently, one department is soliciting applications for projects to be funded by the Federal Government. The Behavioral Scientist Administrator of the Population and Reproduction Grants Branch of the Center for Population Research, of the National Institute of Child Health and Human Development, of the Public Health Service, of the Department of Health, Education, and Welfare, has sent letters to members of the American Sociological Association inviting them to submit proposals for research grants "on the behavioral-social science aspects of population, family planning, and reproductive behavior." Translated this means: bring in your pet projects and we will see how much money we can give you.

The solicitation reads as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE, NATIONAL INSTITUTE OF HEALTH,
Bethesda, Md., November 15 1971.

DEAR DOCTOR: The Center for Population Research is deeply interested in research grant proposals on the behavioral-social science aspects of population, family planning, and reproductive behavior. This is viewed as a highly important long term program, with a continuing need for many more members of your discipline to become involved in population research. Research grant proposals submitted by social scientists in your profession are especially welcome and will receive careful evaluation by expert reviewers.

Postdoctoral and Special Research Fellowships are also offered by the Center.

Enclosed is material intended to give you some idea of the broad scope of population areas of interest to the Center. This is meant to suggest research ideas, but you may think of additional ones, since the enclosure is not considered all-inclusive.

The deadlines for submission of research grant proposals are February 1, June 1, and October 1, while deadlines for Fellowship applications are January 1, June 1, and October 1.

I will be looking forward to hearing from you. If information is needed quickly, or if it is desired to discuss any matters with me, please call me (area code 301, 496-6515).

Sincerely yours,
SIDNEY H. NEWMAN, Ph.D.,
Behavioral Scientist Administrator, Population and Reproduction Grants Branch, Center for Population Research, National Institute of Child Health and Human Development.

OUTLINE—BEHAVIORAL AND SOCIAL SCIENCE ASPECTS ON POPULATION AND REPRODUCTION RESEARCH PROGRAM

I. Fertility and fertility trends.

A. Determinants; related factors:

1. Age.

2. Familial.

3. Social-political.

4. Economic.

5. Educational.

6. Phychological.

7. Urban-rural.

8. Historical.

9. National.

10. Other.

B. Fertility regulation; family planning programs; contraception.

1. Factors contributing to or related to family planning, child spacing, and contraception.

a. Origin and development of motivations, attitudes, and preferences involved in family planning and contraception.

2. Antecedents and consequences of abortion and sterilization.

3. Effects of family planning and contraception.

a. Medical.

b. Familial.

c. Psychological.

d. Social-political.

e. Economic.

f. Other.

4. Frequency, antecedents and consequences of pre-marital conception and illegitimacy.

C. Measurement and prediction (forecasts).

1. Development of methods of measuring and predicting.

a. Base lines.

b. Trends.

c. Expectancy and prediction figures.

d. Simulations.

e. Data systems.

II. Antecedents, Processes and Consequences (demographic, social, psychological, political, economic) of Population Structure, Distribution, and Change.

A. Population Structure.

1. Age and sex.

2. Marital status.

3. Ethnic.

4. Income.

5. Education.

B. Population Distribution.

1. Political and territorial (county, state, region).

2. Urban and rural.

C. Change.

1. Growth or decline.

2. Migration (redistribution).

III. Family Structure, Sexual Behavior, and the Relationships Between Childbearing Patterns and Child Development.

A. Variations in family structure and fertility behavior.

1. Major patterns—minority groups.

a. Male and female roles.

b. Nuclear and extended families.

c. Family solidarity and stability.

2. Role of women in society.

3. Motivations for childbearing and parenthood.

4. Status of children.

5. Factors in divorce and broken homes.

B. Variations in sexual behavior, attitudes, and norms.

1. Familial factors.

2. Educational factors, especially sex education.

3. Social, psychological, and economic factors.

C. Childbearing patterns and child development.

1. Ages of spouses at time of first and subsequent children.

2. Child spacing.

3. Family size and interactions.

4. Role of family and other institutions in rearing children.

5. Unwed mothers and illegitimate children.

6. Role of adoption.

7. Socio-economic factors on childbearing patterns.

IV. Population Policy.

A. Implications of population dynamics, structure, distribution, and growth for national policy.

B. Relation of educational, political, social, economic, and other policies and practices on population growth and development.

C. Attitudes and values in relation to population policy on the part of:

1. "General public"

2. Various socio-economic groups

3. Legislators and opinion leaders

4. Business and financial community

5. Others

D. Effects of selected legislation on population phenomena.

1. Housing legislation.

2. Tax legislation.

3. Food programs.

4. Other

E. Prediction of probable effects of population policy and relevant legislation on population phenomena.

1. Development of methods for predicting.

For further information, telephone Area code 301, 496-6515 or write Sidney H. Newman, Ph.D., Behavioral Scientist Administrator, Population and Reproduction Grants Branch, Center for Population Research, National Institute of Child Health and Human Development.

I AM A SICK AMERICAN

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. PRICE of Texas. Mr. Speaker, in this day of the so-called new morality, when so many prominent figures and such a great proportion of the news media are apologizing for, attempting to vindicate, and even glorifying that which is off-color, perverted, warped, indecent, and immodest, the voices of the old morality grow fewer and weaker. Many newspapers, magazines, and movies sink ever deeper into the quagmire of journalistic rubbish—the exposes are drenched in sensationalism—"anything goes" in most cases is the motto of today.

And yet, what are the fruits of the new morality—what are the effects on our society of the standards of the now generation? To get the answer, all we need do is look at the statistics which measure the heartbeat of society—we find skyrocketing rates for crime, divorces, illegitimate births, suicides, broken homes, drugs and all the other symptoms of a demoralized people.

It does not have to be that way, for I believe the great majority of Americans to be responsible—they still believe in God, they still love their families and their Nation, and they possess the spirit of a great people. It is up to us as their leaders to restore their faith in their government and in their institutions. And in spite of the prognosticators of gloom and doom, we can overcome our problems and continue building a better America to leave for our children.

Mr. Speaker, I have been reminded of the spirit of frustration felt by so many Americans today by a most interesting article appearing in a recent North Plains Electric Cooperative, Inc., Newsletter entitled "I Am a Sick American." Although anonymous, the writer of this statement tells it like it is. He has spoken eloquently that feeling which is held in the hearts of so many Americans. And if anyone should care to label this statement as a bit of flag waving, I say, great. Until recently, flag waving was not a dirty word.

I commend this article to each of my colleagues. We have been charged to represent and lead the American people. And if we let the frustrations expressed by this American go unnoticed, we have failed our countrymen and are not deserving of their continued confidence.

Mr. Speaker, I insert into the RECORD the article "I Am a Sick American" by an unknown author.

The article follows:

I AM A SICK AMERICAN

(Author Unknown)

There are those that claim ours is a "sick" society; that our country is sick; our government is sick; that we are sick. Well, maybe they're right. I submit that I'm sick . . . and maybe you are, too. I am sick of having policemen ridiculed and called "pigs" while cop killers are hailed as some kind of folk hero.

I am sick of being told that religion is the opiate of the people . . . but marijuana should be legalized.

I am sick of being told that pornography is the right of a free press, but freedom of the press does not include being able to read the Bible on school grounds.

I am sick of commentators and columnists canonizing anarchists, revolutionaries and criminal rapists, but condemning law enforcement when such criminals are brought to justice.

I am sick of paying more and more taxes to build schools while I see some faculty members encouraging students either to tear them down or burn them.

I am sick of Supreme Court decisions which turn criminals loose on society—while other decisions try to take away my means of protecting my home and family.

I am sick of being told that policemen are mad dogs who should not have guns—but that criminals who use guns to rob, maim and murder should be understood and helped back to society.

I am sick of being told it is wrong to use napalm to end a war overseas—but if it's a molotov cocktail or a bomb at home, I must understand the provocations.

I am sick of not being able to take my family to a movie unless I want to have them exposed to nudity, homosexuality and the glorification of narcotics.

I am sick of pot-smoking entertainers deluging me with their condemnation of my moral standards on late-night television.

I am sick of riots, protests, demonstrations, confrontations, and the other mob temper tantrums of people intellectually incapable of working within the system.

I am sick of hearing the same phrases, the same slick slogans, the cries of people who must chant the same thing like zombies because they haven't the capacity for verbalizing thought.

I am sick of reading so-called modern literature with its kinship to what I used to read on the walls of public toilets.

I am sick of those who say I owe them this or that because of the sins of my forefathers—when I have looked down both ends of a gun barrel to defend their rights, their liberties and their families.

I am sick of cynical attitudes toward patriotism. I am sick of politicians with no backbone.

I am sick of permissiveness.

I am sick of the dirty, the foul-mouthed, the unwashed.

I am sick of the decline of personal honesty, personal integrity and human sincerity.

Most of all, I am sick of being told I'm sick. I'm sick of being told my country is sick—when we have the greatest nation that man has ever brought forth on the face of the earth. Fully fifty percent of the people on earth would willingly trade places with the most deprived, the most underprivileged among us.

Yes, I may be sick, but if I am only sick, I can get well. I can help my society get well—and help my country get well.

Take note, all of you . . . you will not find me throwing a rock or a bomb; you will not find me under a placard; you will not see me take to the streets; you will not find me ranting to wild-eyed mobs.

But you will find me at work, paying taxes, serving in the community where I live. You will also find me expressing my anger and indignation to elected officials.

You will find me speaking out in support of those officials, institutions and personalities who contribute to the elevation of society and not its destruction. You will find me contributing my time, money and personal influence to helping churches, hospitals, charities and other establishments which have shown the true spirit of this Country's determination to ease pain, suffering, eliminate hunger and generate brotherhood.

But, most of all, you'll find me at the polling place. There—if you listen—you can hear the thunder of the common man. There, all of us can cast our vote . . . for an America where people can walk the streets without fear.

THE PROPOSED "WEST FRONT" EXTENSION OF THE U.S. CAPITOL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. SCHWENGEL. Mr. Speaker, continually the public has been given information in some of our most prestigious newspapers that is untrue, partially true and irrelevant in regard to the proposed "West Front" extension.

One of the latest appeared in the Sunday New York Times on April 2, 1972. The article is entitled "Capitol: A Slight Delay for Alterations."

Mr. Speaker, I have evaluated and analyzed the article and have written an answer and forwarded it to the New York Times. So that the Members and others may have a correct and factual statement. I am inserting the article with my answer in the RECORD.

The article and answer follows:

CAPITOL: A SLIGHT DELAY FOR ALTERATIONS

(By Robert Sherrill)

WASHINGTON.—It had seemed inevitable: The Congressional leadership was going to rip out the West Front of the United States Capitol—the last remaining exterior portion of the original Capitol building—to allow an expansion that would include 40 toilets, a barbershop, two "garbage refrigeration rooms," six dining rooms and cafeterias, and about a hundred posh offices for the comfort of the Congressional leaders.

In addition, the grand old terraces designed by Frederick Law Olmsted—best known in New York City as the designer of Central Park—were to be torn down and a new driveway installed to make things easier for deliverymen and garbage collectors who come to the Capitol. (At present the West Front contains about 60 offices—including those of the majority whip and the Capitol architect—a prayer room and other rooms.)

The beginning of the end seemed imminent on March 8 when the Commission on the Extension of the Capitol—Spiro Agnew, Carl Albert, Hale Boggs, Gerald Ford, Mike Mansfield and Hugh Scott, along with the architect of the Capitol, George M. White—met secretly for an hour; and then emerged to say that they were ordering the extension work to proceed immediately.

As always when the West Front is in peril, there were vigorous protests. New York Congressman Samuel S. Stratton warned that the new Capitol bulge would be nothing but "a giant Howard Johnson." Senator Edward Kennedy said the leadership was planning a sacreligious act, comparable to tampering with St. Peter's in Rome. Senator William Proxmire called Capitol architect White a disgrace to his profession for approving the plans and demanded that he resign.

Everybody agrees that the sandstone front is cracked and run down. But history buffs argue that it can be preserved by internal renovation. Not so, say the expansionists; they fear the West Front may come tumbling down on the Capitol's occupants any day and that it simply has to be replaced. Anyway, the senior Congressman want more rooms with that handsome view down the Mall.

To settle the argument—or so it thought—Congress in 1969 said the front should be torn down and rebuilt *unless* an independent study showed that it could be renovated safely, conveniently and for less than $15-million. But when the study, completed in December, 1970, by Praeger, Kavanaugh and Waterbury of New York City, showed that renovation was indeed possible under those terms (a report supported by a task force of the American Institute of Architects), the Congressional leadership early in March simply junked the report and ordered the extension program to begin anyway—at an estimated cost of at least $60-million.

There seemed little hope of stopping this push to "rebuild" the West Front—until, that, is, last week, when Senator Ernest Hollings of South Carolina, chairman of the subcommittee through which the rebuilding money must pass, stepped to the fore. He rounded up the votes to checkmate, at least temporarily, Senator Mansfield's amendment to appropriate the $60-million to push on with final extension plans.

Senator Hollings certainly dominated the two-hour debate on the issue, but perhaps that isn't saying much. The extensionists hardly could have expected to overpower him with arguments like Senator John Pastore's that $60-million is a relatively trivial amount considering how much tax money is "going down the drain" elsewhere and considering the pressing need to have in the Capitol "a place where visitors can get a hamburger."

But perhaps Senator Hollings's biggest assist came from Senator Mansfield himself, who, it turned out, was asking funds for the final restoration plans when, as he admitted, he didn't even know what the preliminary plans contained.

APRIL 6, 1972.

The EDITOR,
The New York Times,
New York City, N.Y.

DEAR SIR: You published in your April 2, 1972, Sunday edition, a misleading and highly inaccurate article relating to the West Central Front of the Capitol, by Mr. Robert Sherrill, whom you describe as a Washington-based freelance writer. I believe you will wish to correct, through the publication of this letter, the most flagrant statements of your freelance writer.

Article: Congressional leadership is going to rip out the West Central Front, the original exterior portion of the building to allow for expansion:

Correct Information: The leadership has approved extension of the West Central Front of the Capitol, in a manner similar to Extention of the East Central Front 1958–1962. The old wall will not be ripped out, but will remain in place and become an inside wall, portions of which will be exposed for historic and esthetic reasons. Thus, protected, the old wall should last indefinitely.

Article: The expansion will be used for toilets, a barbershop, refrigerated garbage rooms, dining rooms and cafeterias and about a hundred posh offices for the comfort of the Congressional leaders.

Correct Information: The writer of the article picked out just those new facilities which suited his purpose to mislead the public. He did not say that the toilets and eating facilities are primarily for the use of the public which now visit their Capitol in numbers of 30,000 or more in one day during the Spring and Summer months. He did not mention the substantial space in the extension that would be available as committee and subcommittee hearing rooms and offices close to the legislative chambers, where they are needed for official purposes.

Article: The Commission in charge met secretly and then emerged to say that they were ordering the extension work to proceed immediately.

Correct Information: The Commission was required by law to determine whether the so-called restoration study and report met five conditions spelled out by the Congress itself. The Congress directed that if any of the five conditions could not be met, then the Commission must direct the final planning of the extension. The Commission, having determined to its satisfaction that all five of the conditions could not be met, unanimously agreed to direct the Architect of the Capitol to proceed with the final extension planning. This is precisely what the Commission was required to do.

Article: One Member of the House described the new extension as "a giant Howard Johnson".

Correct Information: This is a worn out expression which we have heard for years and years to whip up anti-extension passions. It was coined some years ago by an elderly Member of the Congress, now retired. In fairness, will you again look at the beautiful rendering of the new front, published with Mr. Sherrill's article and determine if it resembles any building except the Capitol itself. The fact is that many reporters and others don't know that the rendering is not the existing front.

Article: Everybody agrees that the sand stone front is cracked and run down. But History buffs argue that it can be preserved by internal renovation.

Correct Information: No one, not even the history buffs, have argued that the building can be preserved by "internal renovation". Whatever is done, is essentially an outside operation.

Article: But when the restoration report showed that renovation was indeed possible under those terms (five conditions specified by the Congress), the Congressional leadership early in March simply junked the report and ordered the extension to begin anyway.

Correct Information: While the restoration report, as an opinion, gave answers purporting to say all five conditions could be met, those answers were glossed over and qualified. The Commission gave thorough consideration to the report and in doing so asked the present Architect of the Capitol, an eminently qualified professional architect and engineer, if each of the five conditions could be met. His answer was that in his professional judgment, after studying the project for more than a year and discussing it with general contractors and other professionals, that two of the five conditions could be met; that one was in doubt; and that two could not be met. The Architect also considered, beyond these specified conditions, what solution would best serve the people of the Nation and on that question, he felt compelled by sound planning and good judgment to vote in favor of extension. The decision of the Commission was made, therefore, on the basis that the five conditions specified by the Congress could not be met through restoration.

Article: Senator Hollings rounded up the votes to checkmate Senator Mansfield's amendment to appropriate $60 million to push on with final extension plans.

Correct Information: There was no money in the bill under consideration for either the final plans or construction of the extension. Senator Mansfield's amendment had nothing to do with an appropriation of $60 million. His amendment would have permitted the final planning to proceed in the usual order and in the manner already agreed to by the Congress. The $2 million for this purpose was appropriated in the 1969 Legislative Appropriation Act.

With respect to the preliminary plans and estimates of cost for the extension, the Congress appropriated funds for that purpose; the plans were made in great detail and distributed to every Member of the Senate and House in 1967. These plans were given freely to the press and were examined in great detail before both the Senate and House Appropriations Committee and on the floor of the House. The Rendering you published with Mr. Sherrill's article resulted from these plans.

Your freelance writer, like so many who write about the West Front project, obviously had few facts available or, if he had the facts, he used them sparingly.

Sincerely yours,

FRED SCHWENGEL,
Member of Congress.

ARKANSAS WILDLIFE FEDERATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. DINGELL. Mr. Speaker, I have received a report from Ralph Gillham, president, Arkansas Wildlife Federation, on the actions taken during the Federation's annual meeting in Fort Smith, Arkansas, on March 17–19, 1972. I insert the text of this report in the RECORD.

The report follows:

ARKANSAS WILDLIFE FEDERATION ANNUAL MEETING, FORT SMITH, ARK., MARCH 17–19, 1972

Quote Preface—1971 Resolutions

1. We oppose the extent and scope of channeling, impounding and other structural developments of streams and waterways because of their effects on timberlands, streams systems, associated Fish and Wildlife and outdoor recreation values, and support the Blackburn and/or comparable legislation which would permit the Department of the Interior (Fish and Wildlife Service) to make judgments on the effects of channeling on other natural resources.

2. We support proposed legislation and other actions, which would separate the planning and construction phases of water development projects now planned and constructed by the U.S. Corps of Engineers and other Federal Agencies, which would delegate planning functions to the U.S. Department of the Interior, a (proposed) Federal Department of Natural Resources, or other agency which is not committed to construction aspects of such developments.

3. The Cache River system constitutes one of the few remaining lowland streams that are important to wildlife and recreation in this section of Arkansas. We believe that drainage adequate to accomplish protection of adjacent agricultural land can be achieved without the destruction of vast acreages of rare woodlands, and oppose, existing Federal plans for channeling this stream with its attendant projected losses of thousands of acres of bottomland hardwoods and damages to the biology and hydrology of the Cache River and it's tributaries.

4. Whereas Big Bayou Meto and it's tributaries, comprising 160 miles of lowland streams and hardwood timber, is one of the better wetland wildlife areas remaining in Arkansas:

And whereas any drainage project in this basin would do irreparable damage to the 34,000 acre public-owned Bayou Meto Wildlife Management Area:

And whereas channelizing of these streams would cost approximately $50 million of public tax monies resulting in an increase of surplus croplands:

Be it herein resolved that the Arkansas Wildlife Federation opposes any and all plans directed toward channelization of these streams.

5. We support the continued efforts of the State Committee on Stream Preservation to establish a Scenic River System, and recommend that the administration pursue this effort in the best interests of the people of Arkansas.

6. We support efforts to ban the use of hard pesticides which have been proved to be destructive to fish and wildlife and human and other natural resources.

7. We support efforts to regulate strip mining and estabilshment of laws requiring restoration of damaged lands and resources.

8. We believe coordination of various agency plans and efforts to manage natural resources is essential, and propose establishment of a Federal Department of Natural Resources. We likewise support establishment of such a department in the Arkansas Government to coordination programs of the State Natural Resource Agencies.

9. We support the development of an Arkansas land and water use plan which is identified as a state plan and takes precedence over plans and proposals developed by Federal agencies.

10. The Federal Land and Water Conservation Fund Act, administered by the State Government, was promoted by Conservation interests to provide for acquisition and preservation of lands and waters important to wildlife, for outdoor recreation and environmental preservation, which are so rapidly disappearing. We propose that the original intent of this legislation be redefined, and acknowledged, and that acquisition and preservation of such lands and waters take precedence over programs which utilize large portions of these funds for such things as golf courses and artificial swimming pools which can be developed at any time and through other means.

11. We fully support revisions in guidelines for planning and construction of water resource projects as proposed by the Water Resource Council, particularly revisions in discount rates, but request further clarification of these guidelines with more concern for development of standards to preserve and protect flood plains, establish flood insurance as a substitute for structural means in the management of water resources, and more concern for environmental impacts not definable nor defined as economic benefits.

12. We support efforts to preserve the Cossatot River in South Arkansas as a free flowing stream.

13. We wish to commend the Congress on passage of the Bill establishing Buffalo National River, and recommend that the Wildlife Federation express it's appreciation to members of Arkansas' Congressional delegation.

14. We support plans of the Arkansas Department of Planning for establishment of a system of natural and wild areas for their historical, scientific, educational and other important values.

15. Recognizing that there are many conservation and resource problems of common concern to all conservation and outdoor recreation interests and that there is strength in unity, we recommend that the Arkansas Wildlife Federation coordinate it's conservation efforts with those of other citizens groups, including the Audubon Society, Ozark Society, Friends of the Land, Sierra Club and others.

The following resolutions were separately presented by Federation chapters:

I. We support the addition of certain areas of the White River National Wildlife Refuge into the National Wilderness Preservation System.

II. Whereas timber can and should be managed for the betterment of wildlife:

And whereas proper management should include selective cutting;

And whereas the State Game and Fish Commission owns and manages over 250,000 acres of timberland for public hunting;

And whereas the Game and Fish Commission recently initiated a new timber management program under the guidance of a timber specialist with assistance from biologists in the Commission's Game Division;

And whereas the program provides for public hearings prior to cutting on any area;

Be it herein resolved that the Arkansas Wildlife Federation does support the Game and Fish Commission's timber management program as presently designed.

III. Whereas this organization feels that the present Federal land management program fails to place the propagation of fish, wildlife and recreational uses in proper perspective with commercial management practices and, whereas, increased access restrictions to public lands are denying their free use for recreational purposes.

The Arkansas Wildlife Federation proposes a re-evaluation of the federal land management program that would place increased emphasis on the improvement of game and fish habitat that shall include the guarantee of reasonable free access to all federal lands for the purpose of engaging in legal recreational activities.

And after securing the proper permit, no state, county or individual shall possess the authority to impose guide or discriminatory residency requirements as a prerequisite for gaining access or use of public lands for legal recreation purposes.

And those engaged in the leasing of public lands for grazing purposes shall provide free reasonable public access to such leased lands.

This resolution passed March 2, 1972 by the Yell County Wildlife Federation for recommendation to the Arkansas Wildlife Federation.

TRIBUTE TO THE PRESIDENT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. GUDE. Mr. Speaker, as we look ahead to President Nixon's forthcoming trip to Moscow, the memory of his historic journey to China is still fresh in our minds.

The people of this Nation are behind the President in his efforts to lessen world tension and establish a lasting peace. I would like to insert at this point a text of a resolution passed by the Maryland House of Delegates, at the time of the China trip, congratulating the President for his intiative.

The resolution follows:

House Resolution No. 71

(By Delegate Hopkins)

House Resolution congratulating and commending President Richard Nixon on his efforts toward world peace and unity.

Whereas, The House of Delegates is totally in favor of any actions which contribute to the cause of world peace and unity; and

Whereas, President Richard Nixon has visited 71 foreign countries while in office in search of world peace and unity; and

Whereas, The attention of the entire world is focused on the President's current history-making visit to the People's Republic of China; and

Whereas, The very fact such a journey could be made reflects a lessening of international tension; now, therefore, be it

Resolved by the House of Delegates of Maryland, That President Richard Nixon be congratulated and commended for his continuing efforts toward world peace and unity on the occasion of his departure from the People's Republic of China; and be it further

Resolved, That copies of this Resolution be sent to President Richard Nixon, 1600 Pennsylvania Avenue, Washington, D.C., The Honorable Charles McC. Mathias, New Senate Office Building, Washington, D.C., The Honorable J. Glenn Beall, Jr., New Senate Office Building, Washington, D.C., and the Honorables William O. Mills, Clarence D. Long, Edward A. Garmatz, Paul Sarbanes, Lawrence J. Hogan, Goodloe E. Byron, Parren J. Mitchell, Gilbert Gude, House Office Building, Washington, D.C. 20515.

By the House of Delegates, February 25, 1972.

Read and adopted.

By order, James P. Mause, Chief Clerk.

MRS. M. EDNA McLEAN—36 YEARS SERVICE WITH RED CROSS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. MORSE. Mr. Speaker, during my 11 years in the Congress, I have had the high privilege of working with Mrs. M. Edna McLean, one of the most dedicated and outstanding members of the Lowell Red Cross Chapter.

Mrs. McLean, who first joined the Red Cross in 1936, has devoted abundantly of her time and energies to serving the veterans in the Greater Lowell area. Now in her 36th year of service, her impressive record includes everything from helping to acquire the present headquarters of the Lowell Chapter House of Red Cross, to filing veterans' pensions, insurance and burial claims, to assisting with all disasters and emergencies that occurred in the area, regardless of the time of day or night.

Always available to those in need, Mrs. McLean has built a long and widely admired career, and has contributed tirelessly to the well-being of the residents of the Lowell area. Although she officially retired as Veterans Claims Officer in January of this year, it is to the enormous benefit of everyone in the Greater Lowell area that she is continuing her duties on a voluntary basis. Few people have given so much of themselves to the needs of others, and Mrs. McLean's years of dedicated service will be long remembered. I am honored to have the opportunity to bring to the attention of my colleagues a recent article in the Lowell Sun on the outstanding service of this most remarkable woman, and I insert the article at this point in the Record:

Service to Veterans a Life-Time Devotion

(By Ann Geib)

Lowell.—When you mention service to veterans in the Greater-Lowell area, you automatically associate the term with Mrs. M. Edna McLean of the Red Cross Chapter on Pawtucket Street which services the city and surrounding towns.

Mrs. McLean, now in her 36th year of dedicated service, officially retired on Jan. 1 of this year as Veterans Claims Officer, but still maintains her duties at the office two days a week on a voluntary basis.

She also made it very clear that her "clients" may reach her on a 24-hour basis either at the office or at home.

This is how it has always been with her and how she wants to keep it.

Sitting back in her desk chair, Edna briefly recalled her long and highly admired career with Red Cross.

It was back in 1936, at the end of the Great Flood in the Merrimack Valley, that Edna was asked at the request of a friend who was a key worker at the Lowell Chapter House of Red Cross, to come to their assistance. Mrs. McLean's acquaintance knew of her excellent social service work in the Boston area and knew Lowell and the surrounding towns would benefit if Mrs. McLean would accept the position.

Mrs. Donald McNeill was Home Service Director and Edna McLean was her assistant. First Aid and Safety Director then was Stephen Ashton, who has recently retired, and William Burke was his assistant. Mr. Burke is still with the Red Cross.

Edna also reminded the Sunday Sun that Theodore Reed was chapter chairman that year and Mrs. Virginia Cole was the executive director with Floyd B. Harold, assistant to the director.

"All aspects of Red Cross in Lowell," said Edna, "have changed in the last 30 years, both in work and personnel. I'm the last of that senior group that help acquire this building."

The building Mrs. McLean refers to, is at the present Pawtucket Street location which was donated by Dr. John Lambert in 1939. The many offices were furnished by area business merchants and citizens.

Mrs. McLean's duties involve filing claims for the veteran servicemen, they include pension claims for the veteran and their dependents, insurance and burial claims, as well as school approval forms.

In her work, Edna keeps in close touch with field directors in Washington, D.C., Philadelphia, Pa., and Boston for new legislation for the veteran.

As she puts it, "The legislation for veterans is always changing and I keep right up with the newest rulings. Congressman F. Bradford Morse's office works very closely with me and if there is any tardiness in processing forms in Boston, Congressman Morse gets on the problem and assists."

At present, the Red Cross veteran worker handles between 40 and 50 cases of all types.

But, back during the days of World War II, it was a 24-hour-a-day job. "I handled anywhere from 400 to 500 cases a month in those years," remarked the spry Mrs. McLean, "and you didn't make any hullaboo about it!"

Continuing, she commented, "I covered all the fires, floods and any other emergency that came up, no matter what time it was. I did a lot of emergency case work at night and the former Lowell Police Chief, Michael Winn, assisted with my night emergency trips by supplying me with an officer and cruiser."

During those trying years, Lowell had many lodging houses and this is where emergency cases were put up. If the lodging houses were filled, they were accommodated at the Tewksbury State Hospital until room was available.

It wasn't unusual for Mrs. McLean to accompany the wife of a soldier to court if she was involved in any kind of a crime. Oftentimes, a serviceman during World War II would be concerned and worried about his wife if he hadn't heard from her. Edna would hear about it and get in touch with the woman in question and try to straighten her out.

As she said, "I went through the alleys and byways to clean up for the military and, believe me, I saw a lot."

Prior to and during World War II, Mrs. McLean organized a group of 100 women who would meet at the First United Baptist Church and make clothing for military families.

For 20 years, this highly respected lady covered disasters for Red Cross by herself until 1966 when the new disaster group was founded.

Mrs. McLean summed it up very appropriately by saying, "I'd be lost if I gave up my work, it's in my blood."

HOUSE OF REPRESENTATIVES—*Wednesday, April 12, 1972*

The House met at 12 o'clock noon.

Dr. Jack P. Lowndes, president, Home Mission Board, Southern Baptist Convention, and pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

So teach us to number our days, that we may apply our hearts unto wisdom.—Psalms 90: 12.

We join in prayer together.

O God, You have given to those here the great responsibility of making laws for our Nation. We are thankful for their willingness to accept this place of service for their fellow men.

Help all of us to remember that people are always more important than things and men are always more important than machines.

Give to them, we pray, wisdom in mind, clearness in thinking, truth in speaking, and love in the heart so that what they do will unite us and not divide us. May they put loyalty to what is right above loyalty to any other interest so that at the end of the day they will have the respect of a grateful nation and "Well done" from Thee.

This I pray in the name of Jesus who walked among people as one who served. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 563. Joint resolution to authorize the President to proclaim the last Friday of April 1972 as "National Arbor Day";

H.J. Res. 687. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month."

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1943. An act to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes.

S.J. Res. 208. Joint resolution authorizing the President to proclaim the first Sunday in June of each year as "National Shut-In Day"; and

S.J. Res. 210. Joint resolution to authorize the President to issue a proclamation designating the last full calendar week in May of 1972 as "Clean Waters for America Week."

The message also announced that the Vice President, pursuant to Public Law 84–689, appointed Mr. TUNNEY to attend, on the part of the Senate, the North Atlantic Assembly.

THE LATE HONORABLE ADAM CLAYTON POWELL

Mr. ROONEY of New York. Mr. Speaker, just a few short days ago, last Sunday afternoon, funeral services were held in New York City for a great man. I refer of course to our late colleague, the Honorable Adam Clayton Powell. Much has been said and much will continue to be said about Adam, but I would like to say at this point that he was without a doubt the ablest person who ever ran for public office in his part of New York City. I knew Adam well since I came to the House of Representatives in June 1944 and he came in January of 1945 and over the years we became very good friends. Adam was a proud man—proud of his blackness and proud of his ability and, when you were with him, you could not help but share in his pride. He led and fought for equality long before the fight was popular or even close to success.

He was above all things a man. He was, too, an excellent Congressman and his record as chairman of the House Committee on Education and Labor will stand for many, many years as his monument. He led the fight for, and produced, legislation increasing minimum wages, guaranteeing equal pay for women, manpower development and training, and care for the aging. Through the committee he brought forth a host of laws improving all phases of education—from elementary schools to colleges and vocational training. Adam Powell was a fighter all his life and we shall not see his like again for many a year. Mr. Speaker, I wish that all my colleagues could have been in New York last Sunday afternoon. They would have seen just how many, many people this man affected and how he was loved in Harlem. It was a sad but deeply moving experience. To his family and many friends I offer my sincere condolence in their great loss.

COMMITTEE ON FOREIGN AFFAIRS

Mr. BOGGS. Mr. Speaker, I offer a resolution (H. Res. 922) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 922

Resolved, That during the remainder of the Ninety-second Congress, the Committee on Foreign Affairs shall be composed of thirty-nine members.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL HUNTING AND FISHING DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 117) asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 117

Whereas in the congestion and the complexities, the tensions and frustrations of today's life, the need for outdoor recreation—the opportunity to "get away from it all"—has become of crucial importance, and

Whereas there are few pursuits providing a better chance for healthy exercise, peaceful solitude, and appreciation of the great outdoors than hunting and fishing, and

Whereas this is evident in the fact that more than fifteen million hunting licenses and twenty-four million fishing licenses were issued in 1970, and

Whereas the purchase of these licenses brought nearly $200,000,000 into State and local government treasuries, and

Whereas this income provides a rich source of funds for fish and wildlife conservation and management and for the salvation, preservation, and propagation of vanishing species, and

Whereas hunters and anglers traditionally have led in the effort to preserve our natural resources, and

Whereas outdoor sportsmen also have led in the promotion of proper respect for private as well as public property, of courtesy in the field and forest, and in boating and firearm safety programs, and

Whereas there is no present national recognition of the many and worthwhile contributions of the American hunter and angler: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States declare the fourth Saturday of each September as "National Hunting and Fishing Day" to provide that deserved national recognition, to recognize the esthetic, health, and recreational virtues of hunting and fishing, to dramatize the continued need for gun and boat safety, and to rededicate ourselves to the conservation and respectful use of our wildlife and natural resources.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer amendments.

The Clerk read as follows:

> Amendments offered by Mr. EDWARDS of California: On pages 1 and 2 strike the entire preamble.
>
> On page 2, line 4, strike the phrase "each September" and insert in lieu thereof "September 1972".

The amendments were agreed to.

Mr. SIKES. Mr. Speaker, I am very pleased that the House is acting today on the National Hunting and Fishing Day resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day." This special recognition will honor more than 50 million hunters and fishermen for their contributions to conservation and outdoor recreation.

It is indeed time that the Congress recognize the services of the sportsman in the wise use of our natural resources and for their participation in and encouragement of healthful recreation.

Americans get away from the asphalt jungles, from the jangling of the telephone, from the pressures of the daily struggle in rural areas and in cities by going to the countryside "out with nature." Some play golf, some hike in the forests and parks, some bird watch, and increasing hundreds of thousands each year go hunting and fishing. There are few recreations which provide a better opportunity to get exercise which all citizens need, to find solitude, to breathe some of the little remaining fresh air, and to forget daily cares than hunting and fishing.

For the privilege of hunting and fishing, the participants pay nearly $200 million each year for licenses, tags, permits, and stamps. This income provides a rich source of funds for fish and wildlife conservation and management. Many of the activities being undertaken today to protect wildlife threatened with extinction and to reestablish breeds and strains who are losing their battle for survival have come from hunting and fishing license funds.

It has been found that the true hunters and fishermen are vitally interested in the preservation of our wildlife. They are leaders in local and national efforts to rebuild the Everglades, to stop wanton destruction of threatened breeds of wildlife, to insure that pollution of our waters does not wipe out our fishlife.

In addition, responsible hunters and fishermen are among the leaders of those who promote safety in hunting and fishing. Many of the hunting and fishing safety laws in this country have been developed, brought to the attention of the legislatures, and eventually passed into law at the behest of those who are our hunters and fishermen.

It is time to give some national recognition to the responsible hunters and fishermen of the country by proposing that the President of the United States set aside the fourth Saturday of each September to recognize this form of recreation and sport in our country. At the same time, we can use this day to assure that we rededicate our Nation to the adequate protection of the land and water wildlife of the Nation, and to promote again and redouble our efforts to see that hunting and fishing recreation is carried on at the highest level of safety for those who participate.

Legislation has already been approved by the Senate for this purpose and I am pleased that over 50 Members of the House have cosponsored my bill, House Joint Resolution 798. The Senate bill, Senate Joint Resolution 117, was introduced by Senator THOMAS J. MCINTYRE and cosponsored by 37 other Senators.

A great national movement is already underway to celebrate the fourth Saturday of September—September 23—as National Hunting and Fishing Day. Forty national groups representing wildlife enthusiasts, environmentalists, sportsmen, service clubs, labor organizations, foresters, and recreationalists are working to see that September 23 is a meaningful day.

A steering committee to conduct national activities on September 23 has been set up. It is headed by Mr. Thomas L. Kimball, executive vice president of the National Wildlife Federation, and Mr. Raymond C. Hubley, executive director of the Izaak Walton League of America. Mr. Charles Dickey, conservation director of the National Shooting Sports Foundation, who has worked long and diligently on this resolution is acting as secretary of the national effort.

The Governors of 23 States proclaimed State hunting and fishing days during 1971 and indications are that there will be at least 45 States to do so in 1972. Many activities occurred around the country in September of last year even though no national recognition had been given to the celebration at that time.

The enormous and spontaneous support that has been given to National Hunting and Fishing Day clearly indicates that this kind of recognition of those who participate in the sports of hunting and fishing is due.

Mr. Speaker, again I say that I am pleased the House is moving ahead today to provide this recognition.

Mr. QUIE. Mr. Speaker, I am happy that the House Judiciary Committee has approved Senate Joint Resolution 117 calling upon the President to proclaim the fourth Saturday of September as "National Hunting and Fishing Day."

Speaking from experience, I know there is nothing quite as refreshing as getting into the great outdoors to hunt or fish. With the pressures of our society weighing heavily on us, the opportunity to get closer to nature by sitting on a stream bank or fishing in a lake provides a welcome change of pace. This interest of mine is shared by at least 24 million other Americans who purchased fishing licenses in 1970.

I also enjoy getting into the fields and woods to hunt game birds and animals. This sport is also shared by at least 15 million other Americans. The hunting and fishing avocation actually adds about $4 billion to the economy annually so it contributes to the economic well-being of the country as well as to the psychological benefit of the individual participants.

I am happy that all levels of Government have recognized the need to provide more recreational opportunities for our citizens and hope the passage of this resolution will draw attention to the importance of hunting and fishing to the American way of life.

Mr. CLEVELAND. Mr. Speaker, each year over 15 million Americans enjoy hunting while over 24 million participate in the sport of fishing. Because of these pursuits, these men and women have perhaps the deepest appreciation of all for the outdoors, wildlife, and life in general. As we strive to discover how to improve the quality of life, it is important to note the significant role hunting and fishing play in this quest. It is for these reasons that I have cosponsored and today will vote for legislation asking the President of the United States to declare the fourth Saturday of each September, "National Hunting and Fishing Day".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "Asking the President of the United States to declare the fourth Saturday of September 1972 'National Hunting and Fishing Day'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TO PAY TRIBUTE TO LAW ENFORCEMENT OFFICERS ON LAW DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 169) to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 169

> Whereas the first day of May of each year was designated as Law Day, U.S.A. and was set aside as a special day of celebration by the American people in appreciation of their liberties and in reaffirmation of their loyalty to the United States of America; and of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life: Be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the celebration of Law Day, May 1, 1972, special emphasis be given by a grateful people to the law enforcement officers of the United States of America for their unflinching and devoted service in helping to preserve the domestic tranquillity and guaranteeing to the individual his rights under the law.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edwards of California: On page 1 strike the entire preamble.

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL ARTHRITIS MONTH

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1029) to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 1029

Whereas arthritis and rheumatic diseases are the Nation's number one crippling diseases affecting seventeen million Americans of all ages, causing limitations in their usual activities and great suffering;

Whereas arthritis and rheumatic diseases are second only to heart disease as the most widespread chronic illnesses in the United States today;

Whereas the annual cost of arthritis and rheumatic diseases to Americans is estimated to exceed $3,500,000,000 annually in lost wages, medical and disability payments, and taxes lost to the Federal Government;

Whereas advances in research and treatment show promise of significant breakthrough leading to a better understanding of and cure for these diseases;

Whereas the month of May is the period during which the Arthritis Foundation conducts its annual fundraising campaign to support its efforts in arthritis research and treatment; and

Whereas the most common form of arthritis strikes mainly older Americans and the White House Conference on Aging has been meeting during the week of November 29, 1971, to focus attention on the problem of this important group of citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue annually a proclamation (1) designating the month of May in each year as "National Arthritis Month", (2) inviting the Governors of the several States to issue proclamations for like purposes, and (3) urging the people of the United States, and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the necessary assistance and resources to discover the causes and cures of arthritis and rheumatic diseases and to alleviate the suffering of persons struck by these diseases.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer three amendments and ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Edwards of California: On pages 1 and 2 strike the entire preamble.

On page 2, line 4 strike the word "annually".

On page 2, line 5 strike the phrase "in each year" and insert in lieu thereof the phrase "of 1972".

The amendments were agreed to.

Mr. PRYOR of Arkansas. Mr. Speaker, the following distinguished colleagues should be considered cosponsors of House Joint Resolution 1029, which authorizes the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month":

Mr. Archer, Mr. Ashley, Mr. Bennett, Mr. Biaggi, Mr. Biester, Mr. Donohue, Mr. Drinan, Mr. Edwards of Alabama, Mr. Halpern, and Mr. Hillis.

Mr. Mallary, Mr. McCloskey, Mr. O'Hara, Mr. Rees, Mr. Robinson of Virginia, Mr. Schwengel, Mr. Steiger, Mr. Thompson of New Jersey, Mr. Wilson, and Mr. Wolff.

I would also like to point out that I have twice introduced this measure and was joined by 48 colleagues in sponsorship. Those who joined me on House Joint Resolution 1145 are:

Mrs. Abzug, Mr. Aspin, Mr. Begich, Mr. Bell, Mr. Blackburn, Mr. Brasco, Mr. Buchanan, Mr. Burton, Mrs. Chisholm, Mr. Collins of Illinois, and Mr. Cotter.

Mr. Danielson, Mr. Duncan, Mr. Eilberg, Mr. Findley, Mr. Gerald R. Ford, Mr. William D. Ford, Mr. Forsythe, Mr. Garmatz, Mrs. Grasso, Mr. Gude, Mr. Hamilton, Mr. Hammerschmidt, and Mr. Harrington.

Those who joined me in sponsorship of House Joint Resolution 1146 are:

Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Kemp, Mr. Kuykendall, Mr. Kyros, Mr. Lent, Mr. Link, Mr. Long of Maryland, Mr. McClure, Mr. Matsunaga, and Mr. Melcher.

Mr. Morse, Mr. Podell, Mr. Rosenthal, Mr. Ruppe, Mr. Ryan, Mr. Sarbanes, Mr. Stokes, Mr. Symington, Mr. Veysey, Mr. Whalen, Mr. Winn, and Mr. Young of Florida.

Because of public apathy, chronic diseases have by tradition been given little priority by Federal health agencies, although they affect more Americans than do the acute diseases. It is apparent that we Americans prefer to react to crises, rather than to continuing need for improved health care. Thus, the aging, the chronically ill, and the handicapped become second-class citizens—shunted aside with token Federal support.

In a chronic disease, such as arthritis with which over 17 million Americans are afflicted—one in every four families—there is no crises point, no time at which the progress of the disease can be dramatically reversed and the patient returned to a state of normalcy. The chronic disease comes to stay, often forever.

Yet, as a nation, we have not begun to give near adequate recognition to the serious proportions of arthritis. It is time that national recognition be given to such a major health problem. But coupled with that recognition, we need substantive legislation and increased funding to cause a national massive effort to forcefully attack this present and future hazard to national good health.

Mr. DULSKI. Mr. Speaker, I rise in support of the pending resolution, which is similar to my bill—House Joint Resolution 1150—authorizing a Presidential proclamation designating the month of May as "National Arthritis Month."

The subject of this measure is a chronic disease, arthritis, to which too little attention has been paid. It is conservatively estimated that more than 17 million Americans are afflicted with the painful and crippling disease.

Enactment of this resolution, of course, is not going to bring any cure. But it will bring the disease to national attention and, hopefully, give needed encouragement and support to scientific efforts to find effective treatment and a cure.

Mr. Speaker, the broad support for this measure in the House is heartening and we can only hope that it reflects a proper recognition of a chronic illness that warrants greater attention at all levels of government and medical science.

I urge passage of the pending resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize the President to issue a proclamation designating the month of May of 1972 as 'National Arthritis Month'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE LATE HONORABLE MYRON V. GEORGE

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, it is my sad duty to advise this House of the death on April 11, 1972, of Myron Virgil George, a Representative from Kansas in the 81st through 86th Congresses. Mr. George, a native of Erie, Kans., had lived most of his life in Labette County in southeastern Kansas. He died in Parsons in his 72d year following a lengthy illness.

Myron George was my friend—a valued friend and political counselor to me but more importantly—a friend to all who asked his help. He represented in this body the old Third District in Kansas and I could ask no more for myself than to achieve as good a record of representation as did he.

A graduate of Labette County High School he enlisted at 17 for World War I service. Upon his discharge 2 years later he became a newspaper owner and publisher of the paper at Edna, Kans., for the next 17 years. It was here that he made his mark as a knowledgeable and honorable man, a trusted friend, a hard-working devotee in the Republican political vineyard. It was here that he acquired that commonsense knowledge that stood him in such good stead in place of the formal education earlier denied him.

When a fellow Kansas newspaper editor, the late Herbert A. Meyer died while a Member of the 81st Congress, Mr. George resigned his position as executive director of the Kansas State Highway Commission to run both for the unexpired term and the full term in the 82d Congress. He won handily and thereafter was reelected to the next three Congresses. He ran unsuccessfully for the 86th Congress and thereafter returned home to Parsons where he became engaged in construction and transportation operations.

During his service in Congress Mr. George was an important member of the Committee on Public Works and the fact that southeastern Kansas today is among the top districts in the number of flood control projects is a monument to Myron George. He was also a high-ranking member of the Committee on Banking and Currency. I am sure that a number of my colleagues will recall Mr. George's service here.

Mr. George's wife, the former Hazel Eplee of Parsons, and two sons and a daughter survive him. One son, formerly on the medical staff at Walter Reed Hospital, now practices in Wichita. His second son, a veteran of service in the Air Force, now resides in the State of Washington. He is an official with the State highway commission. His married daughter lives in Kansas City.

A funeral service will be held tomorrow in Altamcnt, the longtime home of his parents where his father published the Altamont Journal and where he learned the printer's trade as a boy. Myron George was of that vanishing breed of sturdy, self-reliant midwesterners. His friends mourn his passing and Mrs. Skubitz and I join with that legion of them in extending my deepest and sincerest condolences to Mrs. George and their three children.

Mr. SHRIVER. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I am glad to yield to my colleague from Kansas.

Mr. SHRIVER. Mr. Speaker, I join with my colleague from Kansas (Mr. SKUBITZ) in expressing my deep sorrow over the passing of a distinguished Kansan and former Member of this House Myron V. George. Mrs. Shriver and I convey our heartfelt sympathy to Mrs. George and her fine family over their great loss.

Myron George served with distinction in the House from 1950 to 1959. He was a valuable member of the Public Works and Banking and Currency Committees. He was a newspaper publisher in Kansas and also contributed significantly to highway development in our State through his services as executive secretary of the Kansas Highway Commission.

Our Nation and the State of Kansas are beneficiaries of the outstanding public service of Myron George. He will be missed by all of us.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I knew Myron George. He served with me in the Congress in the early days of my career here. He was an outstanding, effective, and dedicated Member of the House of Representatives.

All of the fine things that the gentleman from Kansas has said about him are 100 percent true.

All of us are saddened by the passing of Myron George.

I extend my sincere condolences to his family.

Mr. SKUBITZ. I thank the distinguished minority leader for his kind remarks.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I am glad to yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I appreciate the gentleman yielding.

I concur in the remarks that have been made by the gentleman from Kansas and his colleagues from Kansas as well as those of the distinguished minority leader.

It so happens that I served as chairman of a subcommittee of the Committee on Ways and Means, working with a similar Committee on Public Works, in drafting the very far-reaching interstate highway legislation. Our former colleague from Kansas, Myron George, was most helpful and most instrumental in bringing about the passage of that very significant and monumental legislation.

Myron George was hard working, dedicated, and loved by his colleagues.

Mr. Speaker, I join in expressing my sincere sorrow to his family in his passing.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORTS ON H.R. 13025 AND H.R. 13752, UNTIL MIDNIGHT SATURDAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Saturday night to file reports on two bills, H.R. 13752, to amend the National Environmental Policy Act of 1969; and H.R. 13025, to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ARMS CONTROL AND DISARMAMENT ACT AMENDMENT

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 917 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 917

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13336) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 917 provides for consideration of H.R. 13336, which, as reported by our Committee on Foreign Affairs, would extend the authorization for appropriations for the Arms Control and Disarmament Agency. The resolution provides an open rule with 1 hour of general debate, after which the bill shall be read for amendment under the 5-minute rule.

H.R. 13336 would authorize $22 million to fund the operations of the Agency for a 2-year period. The bill contains no allocation to specific years. However, the Agency has programed $10 million for fiscal year 1973 and $10.5 million for fiscal year 1974. The remaining $1.5 million would cover salary increases authorized by Public Law 91-656.

In comparison, the appropriation for fiscal year 1971 was $8.64 million and for fiscal year 1972 it was $9 million.

It is noteworthy that, except for the authorization of funds, the bill makes no change in the existing authority of the Arms Control and Disarmament Agency.

As its name signifies, the Arms Control and Disarmament Agency plays an indispensable role in U.S. arms control efforts. The Agency provides recommendations and policy assessments on arms control to the President, the Secretary of State, and other officials of the executive branch.

For example, it has been deeply involved in the current strategic arms limitation talks—SALT—between the United States and the Soviet Union to reduce the risk of accidental nuclear war. The direct telephone communication between Washington and Moscow, the so-called "hot line," was installed through the efforts of the Arms Control and Disarmament Agency. Another area of significant Agency involvement has been the Geneva-based conference of the Committee on Disarmament, which recently produced two important international agreements—one, banning the emplacement of nuclear weapons in the seabed, and the other, prohibiting biological methods of warfare.

It is evident that with the increased proliferation of nuclear weapons, an effective Arms Control and Disarmament Agency is of paramount importance, if not indispensable.

Mr. Speaker, I urge the adoption of House Resolution 917 in order that H.R. 13336 may be considered.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 13336 is to authorize $22 million to fund the operations of the Arms Control and Disarmament Agency for 2 years.

Except for this authorization, no change is made in the existing authority of the Arms Control and Disarmament Agency.

Of the $22 million to be authorized, the Agency has programed $10 million for fiscal year 1973 and $10,500,000 for fiscal year 1974, with the remaining $1,500,000 to cover salary increases authorized by Public Law 91-656. The appropriation for fiscal year 1971 was $8,645,000 and for 1972, $9 million.

The increase in funding is required because of three factors: First, inflation; second, increased personnel costs; and third, increased responsibilities. For example, U.S. costs from the SALT talks, unlike previous arms control conferences are being funded entirely out of the Agency budget.

The report of the Committee on Foreign Affairs contains no minority views or departmental letters.

The bill was reported unanimously by the Committee on Foreign Affairs.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13336) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13336, with Mr. FLOWERS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. FRELINGHUYSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the legislation before us this afternoon is H.R. 13336 which authorizes $22 million to finance the operations of the Arms Control and Disarmament Agency for a 2-year period.

This bill makes no change in the existing law governing the Arms Control and Disarmament Agency. It provides only an authorization of appropriations.

Although the legislation does not provide a specific breakdown by year, the Agency has budgeted $10,560,000 for fiscal year 1973 and $11,440,000 for fiscal year 1974.

That amount is $4.5 million more than was authorized for the preceding 2-year period. A more detailed breakdown of these figures may be found on page 2 of the committee report.

Although the Agency is asking for an increase in its appropriation, the committee believes the request is amply justified by the very important and difficult responsibilities which the Agency currently has.

As you know, Mr. Chairman, the Arms Control and Disarmament Agency was created by the Congress in 1961 to provide advice and assistance to the President and other officials of the executive branch on arms control matters.

The major efforts of the Agency are centered on the formulation of arms control policies, the coordination and direction of international arms control initiatives, and the planning and management of the negotiations of arms control agreements.

Since it was established the Agency has had three distinct phases of development:

The first phase was from 1962 until 1969. During that period the emphasis was on research into arms control and the Agency's authorization averaged about $10 million annually.

The second phase was from 1969 to 1971 and marked a transitional period. During this period the need for research slackened while the Agency prepared for, and began engaging in, substantial arms control negotiations.

As a result, the Agency actually reduced its spending by $1 million annually and eliminated some 19 positions in the Agency.

Today the Agency has entered into its third and most important phase—one of active negotiations on a variety of arms control issues. To carry out its work effectively it now has need of additional funds and additional personnel.

The Agency has provided the committee with a detailed breakdown of how the additional 4.5 million will be spent during the forthcoming 2-year period.

The effect of mandatory pay acts will consume $2.1 million. Other wage and price increases will account for $300,000, and the dollar revaluation abroad for $200,000.

New positions in the Agency—10 to be created in fiscal year 1973 and 10 more in fiscal year 1974—will cost an additional $500,000. Finally, external research and field testing related to ongoing Agency negotiations is budgeted for $1.4 million of the increase.

In considering this increased authorization, it should be recognized that it is only $1 million more annually than Congress provided the Agency in 1964—when the dollar was worth about one-third more than it is today.

In terms of constant dollars, then, we are actually being asked to provide less money for the Agency than we did 8 years ago.

Moreover, in that same 8-year period, the amount of the Agency's funds which go for personnel costs has increased considerably from 33 percent of its budget to almost one-half—largely as the result of congressionally enacted pay increases for Federal employees.

As a final justification of the increase, it should be noted that the cost of arms control negotiations, which in the past was usually funded from the budget of the Department of State, now is being charged to the Arms Control and Disarmament Agency. The cost of the Strategic Arms Limitation Talks alone has meant an extraordinary expense of more than $1 million annually to the Agency.

The same important responsibilities which have required increased funding for the Agency also have made necessary the increase in personnel. According to a breakdown on those new positions provided to the committee, they are all directly involved with the negotiations in progress or in prospect.

At this point let me review briefly the forums in which the Arms Control and Disarmament Agency is active, and the positive achievements which have resulted in the past few months.

At the SALT negotiations with the Soviet Union—currently in session in Helsinki, Finland—two initial agreements were reached last summer. One increases the reliability of the Washington-Moscow "hot line" communications and the other pertains to measures agreed by both sides to reduce the possibilities of accidental war.

Even more important, the present negotiations may result in an agreement on ABM's and some controls on offensive weapons which would be ready for President Nixon to sign during his trip to Moscow in May.

At the Conference of the Committee on Disarmament, which meets in Geneva, two recent international arms control agreements were developed during the past 2 years. One places a ban on the emplacement of weapons in the seabed; the other prohibits biological methods of warfare.

Among other arms control developments in which the Agency played an important role were U.S. ratification of the Treaty for the Prohibition of Nuclear Weapons in Latin America—which makes the area the world's first "nuclear free zone"—and agreements which have been reached in Vienna on nuclear safeguards under the Nuclear Nonproliferation Treaty.

Prospects are for continued international negotiations in the arms control field. Even if an initial SALT agreement is reached, there is certain to be a second phase of the talks in which attempts will be made for more comprehensive limitations on strategic weapons systems.

Moreover, in coming months the United States and its NATO allies could begin negotiations with the Soviet bloc on mutual and balance force reductions—MBFR—in Europe—an effort in which the Arms Control and Disarmament Agency would play a key role.

In monetary terms, this Agency is not expensive. The cost of running it for 1 year is roughly the cost of a single modern fighter aircraft.

More important, funds allocated to this Agency are an investment. If, for example, the SALT negotiations should be successful, billions of dollars may be saved through the limitations on anti-ballistic-missile systems.

As it carries out its important responsibilities, the Arms Control and Disarmament Agency deserves the strong support of the Congress.

I, therefore, urge approval of full funding for the Agency as authorized in H.R. 13336.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the full committee Dr. MORGAN, has already explained the purpose of this bill and gives some background on the Arms Control and Disarmament Agency. I, too, rise in support of the bill. It was approved unanimously by our committee. This agency has been in operation now for some 10 years, and its work has been of great significance to our country.

The bill would authorize a very modest amount, $22 million, to finance the operation of the agency for the fiscal years 1973 and 1974. The money would be spent at the rate of $10 million for fiscal year 1973 and $10.5 million for fiscal year 1974. The remainder will be used to cover mandatory salary increases authorized by Congress.

The Arms Control and Disarmament Agency under its Director, Gerard Smith, is performing a vital and sensitive role.

In my opinion, both Mr. Smith and his distinguished predecessor as Director, William Foster, have been men of experience and exceptional ability. These two men have made very substantial contributions to the achievements of the Arms Control and Disarmament Agency.

As our chairman has pointed out, the strategic arms limitation talks already have resulted in two new agreements, one to improve direct communication between the heads of the Soviet Government and the American Government by use of satellite communications, and the other to exchange certain information to reduce the risk of accidental nuclear war. The agency is also responsible for the preparation and conduct of the U.S. effort in the Geneva disarmament talks.

In fact, last Monday the Biological Weapons Convention signed by 74 nations here in Washington came out of that Geneva Conference.

Mr. Chairman, I am hopeful that first phase agreements on offensive and defensive strategic weapons will be reached this spring at the stratgic arms limitation talks currently underway in Helsinki.

The agency's work will not, of course, end with the first phase agreements, if they are achieved. Rather, its work will increase as the agency carries out further negotiations looking toward more comprehensive limitations on strategic weapons systems.

If the modest investment called for in this legislation can halt or even slow the costly arms race, it will have been one of the best investments this Congress could make.

I should like to compliment Director Smith and his staff on the effective manner in which they are carrying out their difficult task, and I urge the support of the Members for this legislation.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Illinois.

Mr. FINDLEY. It has been my privilege to be present for a number of briefings by Ambassador Smith and his staff, both here and in Washington and in Vienna, in connection with the SALT talks. I have also attended some discussions with our NATO Ambassador, who, at that time, was Mr. Robert Ellsworth. The impression I have from these briefings is that Ambassador Smith and his staff have done an exceptional job in keeping our NATO allies informed as to the trends and progress of the SALT talks. They have made sure that our allies are kept closely associated with us in these most delicate negotiations.

It is my impression also from attending some of the international conferences that our allies feel comfortable about the leadership we are providing in these disarmament discussions. I think this is a great tribute to Mr. Smith.

Mr. FRELINGHUYSEN. I thank the gentleman for his comments.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, in the past at least there has been some criticism from some sources—including myself—of the Arms Control and Disarmament Agency's tendency to emphasize in-house research on the subject of its cognizance, rather than to contract with outside universities and other agencies for such research. I see that the external research item has gone up about a half million dollars in 1974, that is estimated, but in 1973 it does not seem to have gone up any over what it was in 1972.

Mr. FRELINGHUYSEN. I think there is a modest increase for 1973, and an additional increase in 1974. I do not happen to have the committee report before me, but I yield to the chairman of the committee.

Mr. MORGAN. Mr. Chairman, there is a modest increase, but I want to say to the gentleman from California that I remember his position a few years ago. Research has been drastically cut back. The modest increase for 1973 and 1974 in the in-house costs are all directly related to the SALT negotiations.

Mr. HOSMER. I see. So it is not going into other items?

Mr. MORGAN. No. I am sure most of the objectionable research, the kind that the gentleman opposed years ago, has been eliminated.

Mr. HOSMER. Does the gentleman anticipate that after November of this year, it will be necessary to support any more expenditures on SALT, or will we be continuing this negotiation in that regard?

Mr. FRELINGHUYSEN. I would think there would be certainly some need for continued expenditure, because the second round of the SALT talks will have started about that time.

Mr. HOSMER. I was thinking of it in the context of the President's visit to Moscow and the possibility of arriving at some conclusions about arms limitations at that time.

Mr. MORGAN. There is a long road to go after the President's visit to Moscow. That only takes care of a preliminary agreement on offensive weapons.

Mr. FRELINGHUYSEN. I would agree with my chairman that it is perhaps too early to speculate as to what may come out of the Moscow talks, if they take place, and I hope they do. I hope there will be an opportunity for further discussion with the Soviets with respect to strategic weapons, if first-phase agreements are reached next month.

Mr. HOSMER. I thank the gentleman.

If the gentleman will yield further, I was wondering if there was before the committee any evidence that the Arms Control and Disarmament Agency is very actively engaged in the preparation of some kind of a complete and total nuclear test ban treaty—or is this particular subject in abeyance at the moment?

Mr. FRELINGHUYSEN. To my knowledge this subject is in abeyance.

Mr. HOSMER. I thank the gentleman.

Mr. SCHMITZ. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I am glad to yield to the gentleman from California.

Mr. SCHMITZ. At the bottom of page 3 of the committee report it says:

> U.S. costs from the SALT negotiations, unlike previous arms control conferences, are being funded entirely out of the Agency's budget.

Does that mean that the Soviets are not paying any share of the cost of the SALT talks?

Mr. FRELINGHUYSEN. Of course it does not. I might say to the gentleman, we are talking about our share of the cost of the conference. It is a question of where the money comes from to pay for our share of the cost of the conference.

Mr. SCHMITZ. The Soviets are paying?

Mr. FRELINGHUYSEN. I can assure the gentleman that the Soviets pay their share of the cost of the conference.

Mr. SCHMITZ. What percentage do they pay? Is it 50 percent?

Mr. FRELINGHUYSEN. I do not happen to have a budget on how much the

Soviets are paying on anything, let alone the SALT talks. That is not our worry. We have no financial responsibility for their contribution.

Mr. SCHMITZ. The report says, "unlike previous arms control conferences." How does this differ from previous conferences?

Mr. FRELINGHUYSEN. I yield to the chairman of the full committee.

Mr. MORGAN. It used to be that the State Department paid for its costs of such negotiations. Now it is included in the budget of this agency.

Mr. SCHMITZ. I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of H.R. 13336, which provides an authorization of $22 million to operate the Arms Control and Disarmament Agency for the next 2 years.

As an original cosponsor of the legislation which created the Agency, I have followed its activities closely since it was created in 1961.

In my judgment, on the basis of cost-effectiveness, no agency of the Government has a more distinguished record of achievement during the past decade than this one.

Among the international agreements to control arms which it has been instrumental in formulating, and gaining approval for, are:

The ban on the use of nuclear weapons in outer space;

The partial test ban treaty, limiting signatories to underground nuclear weapons tests and ending widespread, harmful, atmospheric testing;

The ban on the use of biological methods of warfare;

The prohibition against the use of the seabeds as a location for the fixing of nuclear weapons;

The designation of Latin America as a "nuclear free zone"—prohibiting the importation of nuclear weapons there;

An agreement with the Soviets on upgrading the "hot line" between Moscow and Washington; and

A United States-Soviet agreement on diminishing the chances for accidental war involving weapons of mass destruction.

These and many other accomplishments have been made with a budget which has averaged about $10 million annually and a staff which has never exceeded 268 persons.

Past efforts, however, are overshadowed by the importance of the principal negotiation in which the Agency is now involved.

That negotiation is, of course, the Strategic Arms Limitation Talks—SALT—now being carried on with the Soviet Union.

If an agreement can be reached at SALT, and there appears to be a reasonable prospect for that, a significant step toward curbing the arms race will have been taken and the world will, for that reason, be in somewhat less peril of a nuclear holocaust.

Moreover, if an agreement results in a curb on antiballistic missile systems, the ultimate savings to the American taxpayers would pay the cost of operating this Agency many hundreds of times over.

By the end of next month—possibly before this bill has been enacted—a SALT agreement may be reached and signed by the President.

If such an agreement does result, much of the credit must go to the Arms Control and Disarmament Agency; its director and our chief spokesman at SALT, the Honorable Gerard Smith; and his highly qualified team of negotiators.

As chairman of the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, I have been privileged to preside at no less than nine meetings over the past 3 years at which members of the committee were briefed by Mr. Smith and his associates on the SALT talks.

It is my understanding that other House and Senate committees also have been abreast of developments during the talks.

At a time when the foreign policy interests and objectives of the executive and legislative branches seem so often to be in conflict, the quality of cooperation which ACDA has exhibited in dealing with the Congress is extraordinary.

It is my belief that Agency officials have been utterly candid in providing continuing information to the members of our committee on developments at SALT. On our part, there have been no "leaks" which could have been very damaging in such sensitive negotiations and which sometimes have made executive branch officials reluctant to provide members of Congress with detailed information on important security matters.

In short, the relationship between the Arms Control and Disarmament Agency and the relevant committees of Congress deserves study and emulation as a model of the cooperation between the branches of Government which is required for effective national security policies.

As a direct result of the close consultation provided to Congress through its committees during the current negotiations, I believe, ultimate congressional endorsement of a SALT agreement has been significantly facilitated.

That, however, must be left to the future. Right now we in Congress have an opportunity to express our endorsement of the Arms Control and Disarmament Agency, its past accomplishments, and its present work.

We can make such an endorsement by approving the amount of money which the Agency has requested for its operations over the next 2 years—an amount which the Committee on Foreign Affairs, after due deliberation, has approved unanimously.

Therefore, I strongly urge the passage of H.R. 13336, to amend the Arms Control and Disarmament Act.

Mrs. ABZUG. Mr. Chairman, disarmament has been declared to be high on this Nation's agenda for over two decades, and many of us have been working for the control of arms for even longer. Once again, the Congress, through its vote in support of the Arms Control and Disarmament Agency, has a chance to emphasize the importance we attach to that goal and, at the same time, to express our dissatisfaction with the progress achieved thus far.

ACDA has been in existence for more than 10 years, and it has some modest agreements to its credit. But, as we all know, it has not come close to bringing the arms race to a halt. There are more arms in the hands of more countries, and more spending on new arms, than ever before. We are even further behind in our quest than we were when ACDA was created.

The Congress must give ACDA, and the cause it represents its full support, and all of the terribly modest budget it has requested. We certainly should not be thinking in terms of reducing the paltry authorization contained in this bill. But we must recognize that more money is needed. The Agency must become an advocate for peace and arms reduction within the councils of Government. Until now, it has been a weak voice, pushing marginal steps while the arms race rushes on:

It has settled for a partial nuclear test ban, while this country continues testing at an unprecedented rate. Now that there have been great advances in detection technology in the past few years, ACDA should be leading the drive within the Government for a full ban on nuclear testing.

It has settled for limited proposals for a standstill agreement on missile launchers, while condoning the installation of MIRV warheads on all our ICBM's. It should be leading the drive for a complete halt in the expansion of strategic weapons arsenals, both through voluntary limitations on our own missile expenditures and through agreements with the Soviet Union.

It has settled for a limitation on biological warfare, while accepting the use of equally deadly chemical weapons by ourselves and others. It should be leading the drive for a total ban on all chemical and biological warfare.

It has settled for a bystander's role in the making of American military policy regarding both the procurement of weapons and their use on the battlefield. It should be leading the drive within the Government for reduced expenditure on wasteful, destructive weapons and, most important of all, for an end to American participation in the war in Vietnam. For too long, this has been looked on as somehow peripheral to the question of arms control, while this country uses the heaviest weapons in its arsenal to destroy a people that offers no threat to us.

ACDA must become a more forceful voice on all of these issues, advocating a return to sanity in this country's war-making capacity. But, realistically, it will not do this unless those of us outside the executive branch—in the Congress and among the American people—speak out for a cutback in our spending on weapons and a halt in our attacks on other peoples. It is about time that this really became an era of negotiation, and that our country turned from its policy of military pressure and armed might to one of international cooperation and the limitation of arms.

Mr. WHALEN. Mr. Chairman, I rise in

support of H.R. 13336, the amendment to the Arms Control and Disarmament Act, extending the authorization for appropriations for fiscal years 1973 and 1974. As most of my colleagues are aware, the Arms Control and Disarmament Agency was established by an act of Congress in 1961. This action was taken because it was believed that the question of arms control was far too important to be relegated to a small office in the State Department.

Since the creation of the Agency, we have seen real progress in halting the spread of nuclear weapons. In 1963 a treaty was signed which banned the testing of nuclear weapons everywhere except underground. In 1967 a treaty was signed which prohibited the stationing of weapons of mass destruction in outer space. In 1970 the nuclear nonproliferation treaty, which was signed in 1968, went into force. Its purpose is to prevent the spread of nuclear weapons to nonnuclear powers. In 1971 a treaty prohibiting the emplacement of nuclear weapons and other weapons of mass destruction on the seabed and the ocean floor was signed. It is expected to come into force in the near future.

In November 1969, the strategic arms limitation talks with the Soviet Union began in Helsinki. These negotiations have been characterized by the President as "one of the most momentous negotiations ever entrusted to an American delegation." The seventh round of these talks began on March 28 at Helsinki and it is hoped that in the near future agreement may be reached on a treaty limiting antiballistic missile systems and on other measures constraining strategic offensive systems. The SALT delegation is ably chaired by the Director of the Agency, Ambassador Gerard Smith. If these agreements can be reached, the result will be to enhance U.S. security and greatly improve the prospects for peace in the world.

The Agency is responsible for the Washington preparations as well as for the conduct of the U.S. effort at the Geneva Disarmament Conference. It was in this forum that many of the arms control agreements that I have mentioned were negotiated. This week another major step toward controlling arms was taken when the Biological Weapons Convention was signed in Washington, London, and Moscow. This Convention, which was negotiated last year at Geneva, prohibits the possession and acquisition of these terrible weapons. The Agency deserves a great deal of credit for this success.

On February 29 the Geneva Conference opened its 1972 session. Arms control measures being discussed at Geneva this year include a chemical weapons ban and a ban on underground nuclear weapons testing.

I wish to take this opportunity to wish the Agency well in its endeavors, as I believe they are among the most important of those in which the U.S. Government is involved. I believe the comparatively very small sum that is being requested to advance our national security by negotiating arms control agreements is more than amply justified.

Mr. Chairman, I support this new 2-year authorization for the Arms Control and Disarmament Agency.

Mr. DONOHUE. Mr. Chairman, as one of the original sponsors of legislation which resulted in the creation, in 1961, of the Arms Control and Disarmament Agency, I most earnest urge my colleagues to overwhelmingly approve H.R. 13336, which provides an authorization of $22 million to operate the Arms Contral and Disarmament Agency for the next 2 years. Such action taken today will stand as proof that this House and our country is dedicated to the vital goal of maintaining peace in this world through arms control and disarmament.

The Arms Control and Disarmament Agency has now been in existence for 10 years and there can be little doubt that in a world burdened with increasing tension and constant uncertainty, it has moved vigorously forward in pursuing peace for our world. I believe that we ought to recognize that this agency, with limited funding, has made a most valuable contribution toward achieving the peace that we all desire.

Today, we ask that this agency be provided with $22 million to continue in its task of seeking ways and means to lessen the risk of nuclear war, to halt the continued spread of nuclear weapons and bring an end to the costly burden of massive armaments. Could there be a more important objective for the civilized world?

The task that faces the Arms Control and Disarmament Agency is an ominous one. Their responsibility is great. Our provision of $22 million could easily prove to be one of the most prudent investments in the history of Government. Therefore, for the progress and security of all Americans and all mankind everywhere, now and in the future, I hope this bill will be given the resounding approval of the House.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

Mr. FRELINGHUYSEN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2589(a)), is amended by inserting immediately after "$17,500,000", the following: ", and for the two fiscal years 1973 and 1974, the sum of $22,000,000,".

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 1, line 7, strike out "$22,000,000" and insert "$18,000,000".

Mr. GROSS. Mr. Chairman, I am not opposed to maintaining an organization to discuss disarmament and control of weapons, but for the life of me I cannot understand the $4 million increase that is proposed in this bill. As a matter of fact, I believe the figure I would leave is too much. All I am trying to do is effect a reasonable saving in this bill for, the Lord knows, the people of this country need a few savings in the authorizing and appropriation bills that are to come before Congress this year.

This setup started out some years ago in the White House with an annual appropriation of something around $1 million, that maintained a few people available at the White House to discuss arms control and disarmament when some nation wanted to talk about it. I reiterate that was done at a cost of $1 million or less a year.

Now this thing has burgeoned into a request for $22 million, and practically all of the money is spent for salaries and personnel and apparently on entertainment or costs of upkeep of the agency in Switzerland.

Moreover, it is a strange contradiction that we should be spending millions each year to talk about disarmament when this Government is peddling around the world each year some $2 billion worth of arms. I am unable to relate this business of helping arm the world and still spending, as in this bill, a requested $22 million to give lip-service to disarmament.

So my amendment is simply a small attempt to save a few dollars in behalf of the taxpayers of this country. If we do not start to save a few million dollars here and there we are never going to save billions and we are never going to do anything about the national debt and the $22 billion a year interest that is being paid on the Federal debt alone. I do not know of a better place to save a few million dollars than here to bring this into conformance with what was spent in the current fiscal year.

Mr. HOSMER. Will the gentleman yield?

Mr. GROSS. Yes; I yield to the gentleman.

Mr. HOSMER. I am inclined to support the gentleman in his amendment. We all know it is not quantity of effort in these areas that produces results; it is the quality of the effort. The increases reflected in the current bill are largely those that have to do with quantity items. It is just more money for the pay of people, and so forth. It seems to me a lean type of operation in this particular area would far greater serve the interests of the Nation than otherwise, because, after all, disarmament is not like producing something that comes out by the inch or the yard.

This is something that has to do with the whole attitude as between one or more nations and other nations. It seems to me we can get along just as well in this area on the money we have had in the past as we can in expanding it. Therefore, I would hope that the gentleman's amendment carries.

Mr. GROSS. I appreciate the observations of the gentleman from California and once again emphasize that this $22 million will be spent on salaries, entertainment, and other expenses that go with sumptuous living in Switzerland and elsewhere.

Mr. Chairman, this Agency was given $9 million to spend in the present fiscal year. Now it wants $22 million for the next 2 fiscal years or an increase of $2 million in each of the next 2 years. My amendment would bring it back to $9 million per year which would mean a saving of $4 million.

There is no record of accomplishment that warrants even the $9 million that was expended last year. In view of the financial situation that confronts the Nation, I am trying to provide a modest saving. I urge adoption of the amendment.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Arms Control and Disarmament Agency is a very small organization; it operates on a limited budget of about $10 million a year; it has a very small staff. Since 1961, I know of no Government agency that has done more considering the amount of money available to it than the Arms Control and Disarmament Agency.

We are facing some very important negotiations that are now going on in Helsinki. These are very important to everybody in the world. The Arms Control and Disarmament Agency provides the technical back up for these very complex negotiations.

Mr. Chairman, even a cut of $4 million which has been offered in the amendment by the gentleman from Iowa will interfere with this operation. There is not any question about it. This budget is justified; it contains no unwarranted expenditures. I have studied the committee budget and examined it with care.

I should make clear that $2.1 million of this $4.5 million is put aside solely for the pay raises voted by this body for Government employees. We should not apply this kind of a cut only to this Agency. Why not apply it to all Federal employees, including Members of Congress? We have given everyone a pay raise.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I shall yield to the gentleman from Iowa in a moment.

The other reason as to why we should not cut this budget is the fact that we are in an inflationary period. The devaluation of the dollar has increased the overseas expenditures of this Agency. Only one-half million dollars of the $4.5 million requested here actually is going to be paid out on salaries. In this most crucial year, with the inflationary period in which we live, there is not going to be too much money available. All of this expense is going to be tied directly to the important negotiations that are now going on. So, Mr. Chairman, I would think this is no Agency where this kind of a cut is less justified.

The gentleman from Iowa is a very valuable member of our committee, but I do not believe that this kind of economy is justified here. This is an Agency that really produces. I feel that every dollar spent here is a dollar that is going to bring a real return to this country.

Mr. GROSS. Mr. Chairman, now will the gentleman yield?

Mr. MORGAN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. So, let us postpone until tomorrow and the next tomorrow and still another tomorrow just a little economy in an organization that certainly can stand some economy?

Does not the gentleman think that they can reduce the expenditures of this organization in order to take care of the $4 million? If not, we are in a hopeless situation in this country.

Mr. MORGAN. The cost of this Agency for 1 year is about the same as what it takes to produce one jetplane. We are supplying jetplanes to other countries to assist in our own defense. Yet, here, we cannot spend $10 million, the cost of one jetplane, to help to bring peace to the world.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, I would say that I am not in favor of giving jetplanes to countries all around the world. Moreover, I thought we were supposed to be joining in disarmament, not arming the world.

Mr. MORGAN. I am just comparing the cost of this Agency to some of the other wasteful expenditures in Government. I feel that this is one place where we should stand fast against any cuts.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I, too, want to rise in strong opposition to this amendment.

The gentleman from California in advocating support of the amendment says that this is an Agency where quality is important. Of course, it is. We have put employees in the Agency and they are entitled to the mandatory pay increases, which accounts for a large part of the very modest increase that is being asked for in this bill. I think it would be foolish for us to take it out of the skins or the hides, in my opinion, of the qualified employees.

There are underway very delicate SALT talks, so-called, in Helsinki which have increased the financial demands on the Agency and which are expected to continue to increase the demands. However, the overall amount is very modest. I would hope we would not take a $4 million cut.

I disagree with the chairman in suggesting that this is a small amount. It could be a very substantial amount for an agency of this kind but, in my opinion, in this case it is not.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment by the gentleman from Iowa.

I would like to ask a question of the gentleman from Pennsylvania, the distinguished chairman of the Committee on Foreign Affairs. Does the gentleman suppose that the addition of this $4 million that you are now arguing is needed will reduce the incidence of Russian tanks in South Vietnam? This is supposed to be a disarmament activity. Will this help reduce the number of tanks now being used against our men in South Vietnam? I am referring to the "so called progress" we are told is being made in the SALT talks.

Mr. MORGAN. If the gentleman is familiar with the history of the agency he must realize that it has not focused on conventional weapons. The SALT talks deal only with nuclear weapons systems.

Mr. ROUSSELOT. I am familiar with that point. But the gentleman is talking about 4 million additional dollars that is supposed to be used for peace, and more personnel that are trying to achieve peaceful settlements with the Russians. Yet the Russians are now sending tanks into South Vietnam. How will this $4 million help in the reduction of arms that are being used in situations like that? Whether the weapons are conventional or advanced type weapons makes little difference to the American or South Vietnam soldier on the battlefield.

Mr. MORGAN. I want to repeat to the gentleman that never that I know of since the start of the Agency in 1961 have we reached the stage where we have had serious negotiations concerning conventional weapons. Most of the weapons that have been discussed are advanced type weapons that threaten the destruction of the world.

Mr. ROUSSELOT. I understand that. But the gentleman from Pennsylvania was just saying that this $4 million was tremendously necessary because it was going to help in all of our "peace" activities through this agency. But I see no direct results from these SALT talks on really reducing the Russian involvement around the world in their very aggressive military activities. I just wonder if this $4 million is going to be used for any competent personnel to really secure some results.

Mr. MORGAN. Does the gentleman not feel that there have been any results from the disarmament talks since 1961?

Mr. ROUSSELOT. I have not seen any really tangible results.

Mr. MORGAN. What about the nonproliferation treaty?

Mr. ROUSSELOT. I have not seen any positive results from that treaty. It appears to me that the Russians have accelerated their armament programs. Maybe the gentleman from Pennsylvania can illuminate me on that.

Mr. MORGAN. What about the nuclear-free zone in Latin America? The gentleman realizes how close it is to us, and that this may contribute to the safety for this continent.

Mr. ROUSSELOT. I do not really see, as I have stated before, that there have been any meaningful results that have come out of this Agency. I am just as much in favor of the search for a genuine peace. But I do not see that the expenditures that we have made so far in this agency—and I am not being critical of the personnel in this Agency because I am sure that they are trying hard to achieve peace—that we have had any really tangible results that we can really talk about on the basis of expenditures we have made. And why we really need to add another $4 million to this Agency to achieve it through the discussions the chairman is talking about. I favor Mr. GROSS' amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, if the gentleman will yield, how would the gentleman from California characterize the signing in Washington last Monday of a treaty covering the use of biological warfare weapons? Does the gentleman not consider that that is a desirable document because this Agency was able to develop a basis for an agreement with the Soviet Union on this subject?

Mr. ROUSSELOT. I am sure if the Russians would abide by the treaty that it would be, but on the basis of our previous experience we do not know whether they will actually abide by the treaty.

So, as I say, I do not know of any real progress that has been made. Can you furnish proof of such process?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would ask this question: Is there any reason why the State Department with its inhouse expertise could not have negotiated the same kind of a treaty? If not, what are we maintaining the State Department for, and all their experts over there?

Mr. ROUSSELOT. Maybe the gentleman from New Jersey would be able to respond to that.

Mr. FRELINGHUYSEN. I think the answer is obvious. I would think the gentleman, who is on the committee, would understand that the specific responsibility of this agency is to concern itself with and be responsible for arms control agreements where they have been reached, and that it would be inappropriate for the State Department, if it did have the expertise, to come up with that kind of an approach. I think that the justification for the agency is pretty well established. I think the gentleman from California himself is recognizing that it has already accomplished a great step if the Soviet Union keeps their obligation.

Mr. ROUSSELOT. Assuming that they do.

Mr. FRELINGHUYSEN. Progress has been made, I think the record will show, where agreements have been reached concerning the Soviet Union. Certainly progress has been made. And we can hope for more of the same, and perhaps more significant agreements if we only continue to fund this agency on an adequate basis. I think it would be foolhardy in the extreme to argue that, because the war is in a difficult phase and the Soviet Union is still furnishing arms to North Vietnam, that this agency does not have a major, sensitive, and important role to play.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SCHMITZ. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there has been a blind assumption here of the truth of a myth and that is that these types of disarmament treaties improve the prospects for peace.

We are talking about $22 million—people say, is it not worth spending $22 million for peace? George Washington said that one of the most efficacious means of preserving peace is to let it be known that you are always prepared for war.

A while back, just a few months ago, a book was published which did not get the publicity it deserved. It was a book called "The Treaty Trap" by Lawrence W. Beilenson.

The author of "The Treaty Trap" covered a span of approximately 300 years in this book. Studying various nations throughout this 300-year period, he found the truth about negotiations and treaties to be the exact opposite of what people are led to believe.

He found that those nations which depended upon peace through strength have had peace.

You know, John Jay, one of our first diplomats said:

> I would not give a farthing for any parchment security whatever. They have never signified anything since the world began, when any prince or state, of either side, found it convenient to break them.

Parchment security lasts only so long as nobody tears it up.

These types of treaties are putting us to sleep. We are told: Do not worry about war because of a paper treaty, even when it is exactly the type we know from past experience leads to war.

I favor the gentleman's amendment, but I will vote against the bill even if the amendment passes because I do not think we should be spending even as much as a farthing on parchment security.

Because you get war when your enemies believe that when they attack you, they will win.

You have peace when your enemies know that if they attack, they are going to get clobbered. It is as simple as that.

This is the kind of treaty that just puts us to sleep and that makes it more likely that we are going to have a war.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentleman.

Mr. GROSS. The Disarmament Agency has not been very effective when you think in terms of Czechoslavakia and Hungary, and when you think in terms of the explosion of the 60-megaton bomb.

Mr. SCHMITZ. Do not think that the President going to Peking now will preserve peace in Southeast Asia. What happened within 2 weeks after he left there? That war is bigger than it has ever been.

It is not just the war in Southeast Asia as Beilenson showed in his study of a period of 300 years, documenting the fact that paper treaties have led to war. So let us not assume that we are spending $22 million on peace. We are going on a false assumption that cannot be proved from history.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I think the key question is—how this money is being so spent on what might be just a piece of paper.

But it is just like a man at the racetrack and betting a few dollars on a long shot.

To keep up your defenses and what we are doing on the defense budget and investing $22 million in a possibly effective means of keeping peace, as a return on our investment.

Mr. SCHMITZ. One of the proudest boasts of this administration and previous administrations is that they have "reordered our priorities." We are robbing defense Peter to pay Socialist Paul. We have been deemphasizing defense all through the past 15 years. The proportion of Federal expenditures going to defense has dropped from about 60 percent roughly to 30 percent, while the Socialist side, the human resources side, has gone up roughly from 20 percent to 40 percent.

We brag that we now are spending more on butter than on guns, and that we are not putting this $22 million into more guns.

Mr. DERWINSKI. The gentleman should not be putting the entire thrust of his argument on the administration and the Members, our good friends on the other side of the aisle, who reorder the priorities with consultation with this body.

So it is not just the President who should share some of the blame that the gentleman mentions.

Mr. SCHMITZ. The gripe I have with the present administration is that it has not changed from the previous administration's policy on disarmament.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentleman.

Mr. GROSS. With respect to the other side of the aisle—we are trying to save them from themselves and their spendthrift ways.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. The question was raised as to what this Agency has accomplished. The gentleman from California should be fully aware that this Agency does not spend the moneys authorized for unilateral disarmament.

Mr. SCHMITZ. But that has been the effect; has it not?

Mr. ZABLOCKI. It has not been.

Certainly, the gentleman is aware that this agency helped frame a ban on nuclear explosions in outer space, and that it helped accomplish the partial Test Ban Treaty.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ZABLOCKI, Mr. SCHMITZ was granted 2 additional minutes.)

Mr. ZABLOCKI. This agency has, as I said, helped negotiate a partial test ban treaty: a nuclear test ban treaty to restrict testing, particularly atmospheric testing. I am sure the gentleman, being an environmentalist from California, is in favor of that particular feature of our effort.

Mr. SCHMITZ. We did not need a treaty to do that, because we can stop our own testing wherever we want, but we have no reason to believe that the Soviets would honor such a treaty. They have broken treaties with more than 50 nations. After all, Lenin said: "Promises are like piecrusts—made to be broken." So why should we now assume that they are going to carry out their side of the bargain?

Mr. ZABLOCKI. There is no evidence that any arms control treaties we have negotiated with the Russians have been violated or broken.

Mr. SCHMITZ. How do we know? They will not allow on-site inspection.

Mr. ZABLOCKI. There are sufficient inspection methods to make it very clear whether there are violations. May I further——

Mr. SCHMITZ. If I had such faith, I would not be taking the stand that I am.

Mr. ZABLOCKI. Does the gentleman agree that it is worthwhile to negotiate a treaty to ban biological warfare?

Mr. SCHMITZ. I will stand on the statement of John Jay that a paper treaty will last just as long as either side refrains from tearing it up.

Mr. ZABLOCKI. If the gentleman will yield further, I see no hope for mankind in arrangements that depend only on the theory the gentleman refers to. We must work to keep our sophisticated weapons from annihilating the world.

Mr. SCHMITZ. It does not take two to make a fight; it takes only one. If one does not want to fight, he only gets clobbered sooner. History shows that the Communists have not abided by their treaties, so what is the use of making treaties with them?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOSMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do not go quite as far as my colleague from California in his suspicion and derogation of the principle of international cooperation and treaties. As a matter of fact, we have found from our historical experience in the United States that we cannot simply depend upon our own brute strength alone for the safety of the Nation. We have woven a network of treaties—NATO, SEATO, and a number of other international arrangements into which we have combined our forces with those of other nations and, as a consequence, in many respects multiplied our safety.

Mr. SCHMITZ. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to my colleague from California.

Mr. SCHMITZ. Is it not true that the treaties the gentleman has mentioned are treaties with friends? I was talking about making treaties with enemies.

Mr. HOSMER. I am getting to that next. In many areas we find that people who have nothing in common and are totally antagonistic have for one reason or another signed a treaty. For example, the Soviet Union and Nazi Germany signed a treaty just a few months before apparent harmony was all broken up by a gigantic attack by Germany on Russia. In that particular case there was no mutual self-interest amongst those two countries for keeping the arrangement. The only mutual self-interest they had was in trying to fool the rest of the world as to what their true intentions were at the particular moment they entered the sham arrangement.

But there are other and different circumstances wherein antagonists may make commitments to each other which are beneficial to each and reasonably stable in duration.

The reason we establish such things as this Arms Control and Disarmament Agency is for the very purpose of exploring areas in which there could possibly exist some mutual self-interest in forgoing a resort to some kinds of armaments, or some kinds of explosive tactics, or some particular kinds of violence that have not been formally inhibited before. Where, when and if you find that there exists such an area of mutual self-interest, then even nations which are in a generally antagonist posture can profit by making an agreement about the specific subject. Moreover, they can expect such an agreement to be kept for so long as the self-interest remains reasonably mutual. That does not mean you can go away and indefinitely forget about it. You must keep your eyes and ears open for change. As a matter of fact you should limit your participation in these mutual, self-interest-type treaties to areas where you dependently have the capability to monitor such changes by nonintrusive type of inspections that is the only way you can make sure that the other side still retains an interest in keeping the treaty and that you can have any real confidence that it is being kept.

In the case of the Outer Space Treaty that particular principle of monitorability was forgotten. In an effort to get a treaty for a treaty's sake we entered into a ban on weapons in outer space without any actual mechanics of making certain that the people who signed that treaty would be keeping the treaty. In that kind of a treaty realism dictates little, if any, confidence.

In certain strategic nuclear areas, by way of contrast, we can foresee certain kinds of limitations which appear both beneficial and monitorable. For instance, in the case of large-scale strategic nuclear weapons systems, at some point quantitative limitations become mutually desirable. At the same time, nonintrusive means of inspection are now available to the great nations which make it fairly certain that any breach of the limitations would be rather quickly discovered by each sides' own, independent national inspection capabilities. That is an area into which we can safely go, because the treaty would be limited to specifically defined armaments concerning which there is an obvious financial benefit to both sides to limit, there is minimal security risk in doing so, and mutual self-interest and be assured each side, by nonintrusive means, can make certain the other side is not violating the limitation.

Now insofar as the Arms Control and Disarmament Agency is concerned, and insofar as it tends to that kind of knitting, and insofar as it does not expend an unreasonable amount of money in doing so—I, personally, think we can wisely make some more than token investment. I think we probably appropriated little more money in the last 2 years than was necessary. I think that if we scale back for the next 2 years to what the gentleman from Iowa suggests, then we will have sized it about properly. For that reason I urge support for his amendment.

Mr. WHALEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. GROSS) which would reduce this authorization by $4 million. Specifically, I will address myself to the point that this amendment is offered to save the taxpayers' money.

In my opinion, the development of sound arms control policies and measures actually results in significant net savings to the American people. For example, the termination of our biological and toxin offensive weapons programs brings a saving in the neighborhood of $8 million a year. This is nearly 80 percent of the Arms Control and Disarmament Agency's annual budget.

Even more important than this specific saving is the effect arms control measures will have on future military budgets. In this respect, I would point out that as a result of the Outer Space Treaty and the Seabed Arms Control Treaty, it will not be necessary to research, develop, or procure weapons of mass destruction to be placed in outer space or on the seabed. Further, if an ABM limitation agreement can be achieved at the strategic arms limitation talks, expenditures of staggering magnitude will be saved. As we all know, the estimated cost of a "thick" ABM system ranges from $50 to $400 billion.

Mr. Chairman, I believe the authorization request for the Arms Control and Disarmament Agency should be supported. It will not only advance the cause of peace and our national security but it also will be extremely economical in the long run. Therefore, I urge the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. HOSMER) there were—ayes 11, noes 25.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLOWERS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13336) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, pursuant to House Resolution 917, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHMITZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 349, nays 20, not voting 64, as follows:

[Roll No. 106]

YEAS—349

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspinall
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
Madden
Mahon
Mallary
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Passman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Quie
Quillen
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zwach

NAYS—20

Ashbrook
Baring
Blackburn
Clawson, Del
Flynt
Griffin
Gross
Haley
Hall
Hull
Jones, N.C.
Martin
Price, Tex.
Rarick
Rousselot
Schmitz
Smith, Calif.
Snyder
Steiger, Ariz.
Waggonner

NOT VOTING—64

Abernethy
Alexander
Anderson, Ill.
Aspin
Badillo
Bevill
Bingham
Broomfield
Byrne, Pa.
Caffery
Carney
Clark
Collier
Corman
Crane
Davis, S.C.
Dorn
Dowdy
Dwyer
Edwards, La.
Eshleman
Ford, William D.
Galifianakis
Gallagher
Gettys
Griffiths
Halpern
Hébert
Jones, Ala.
Kee
Kuykendall
Leggett
Long, La.
McCormack
McKay
McMillan
Macdonald, Mass.
Mailliard
Mann
Mathias, Calif.
Miller, Calif.
Murphy, N.Y.
O'Neill
Patman
Pelly
Pettis
Pryor, Ark.
Pucinski
Purcell
Railsback
Satterfield
Scheuer
Sikes
Spence
Stanton, James V.
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Waldie
Ware
Wilson, Charles H.
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Anderson of Illinois.
Mr. Hébert with Mr. Broomfield.
Mr. James V. Stanton with Mr. Railsback.
Mr. Sikes with Mr. Pelly.
Mr. Abernethy with Mr. Spence.
Mr. Stokes with Mr. Bingham.
Mr. Bevill with Mr. Mailliard.
Mr. Carney with Mr. Kuykendall.
Mr. Clark with Mr. Mathias of California.
Mr. Byrne of Pennsylvania with Mr. Collier.
Mr. Macdonald of Massachusetts with Mr. Crane.
Mr. Miller of California with Mr. Ware.
Mr. William D. Ford with Mr. Zion.
Mr. Gettys with Mr. Eshleman.
Mr. Jones of Alabama with Mrs. Dwyer.
Mrs. Sullivan with Mr. Pettis.
Mr. Charles H. Wilson with Mr. Halpern.
Mr. Waldie with Mr. Dowdy.
Mr. Mann with Mr. Galifianakis.
Mr. Murphy of New York with Mr. Gallagher.
Mr. Purcell with Mr. Patman.
Mr. Stubblefield with Mr. Symington.
Mr. Satterfield with Mr. Kee.
Mr. Davis of South Carolina with Mr. Pryor of Arkansas.
Mr. Pucinski with Mr. McKay.
Mr. Stuckey with Mr. Alexander.
Mr. Leggett with Mr. Scheuer.
Mrs. Griffiths with Mr. Dorn.
Mr. Aspin with Mr. Badillo.
Mr. Corman with Mr. Caffery.
Mr. McMillan with Mr. McCormack.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 13336) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENSION ASKED FOR HIGHER EDUCATION

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, today I am introducing in the House a bill that would extend for 1 year the existing Federal programs in the field of higher education at current levels of authorization. As the membership is well aware, a conference between the Senate and the House is presently meeting to resolve the differences in the versions of the extensive higher education bills passed earlier by the two bodies.

My move to introduce a simple 1-year extension of existing programs, comes not through any change of opinion about the merits of many of the constructive changes offered in the House bill—nor, for that matter, a number of useful reforms offered by the Senate. Rather it is an expression of my deep discouragement over some developments in the conference, and my concern that those in the Nation who work in the varied fields of postsecondary education have a reliable basis on which to develop their program plans for next year. College and university presidents, administrators and finance officers simply must be allowed reasonable time to organize next year's efforts and to let students know what will and what will not be available in regard not only to course offerings, but in the way of Federal financial assistance.

I must report to my colleagues in the House that, in my opinion, the prospect of a higher education bill emerging from the present conference that would be acceptable to a majority of House Members is a darkening prospect. In regard to a number of major items on which the House expressed its position by wide majorities on recorded votes, the House conferees are expected to forthrightly defend that House position within the conference. That is the rule of the House. That rule is binding upon conferees sent to represent the House, rather than their own preferences and predilections. While compromise is the essence of conference under our system, compromise does not take in the notion of giving away programs supported in the House by decisive majority vote prior to the conference dialog. And clearly, the House in its recorded votes and its work on the higher education measure did not contemplate the gutting or phasing out of existing programs that have worked extremely well.

This 1-year extension is introduced today so it can be assigned to subcommittee and we can begin work immediately. If worse comes to worse and there is no compromise between the House and Senate that the House can live with, then it becomes necessary for the House to pass this simple 1-year extension as quickly as possible.

This, I suggest, is preferable to the abandonment of programs of proven effectiveness that have meant so much to colleges and students.

Also, Mr. Speaker, I am addressing a letter to the chairman of the Democratic caucus with suggested changes in the rules governing any conference committee. It seems to me very important that the House look carefully at congressional reform in this vital part of the legislative process.

I am also inserting the text of the 1-year extension bill which I am introducing:

H.R. —

A bill to continue for an additional year at current levels the authorization of appropriations for carrying out higher education programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is authorized to be appropriated for the fiscal year ending June 30, 1973, for carrying out the programs for which appropriations are authorized by the provisions of law listed in subsection (b), an amount for each such program equal to the amount authorized to be appropriated for such program for the fiscal year ending June 30, 1971, under such provisions of law.

(b) The provisions of law referred to in subsection (a) are—

(1) sections 101, 201, 221, 231, 301(b), 401(b), 408(e), 433(c), 441(b), 451(a), 451(b), 502(f), 504(b), 511(b), 518(b), 528, 532, 543, 555, 601(b), 601(c), 802, 925, 1002(a), and 1103 of the Higher Education Act of 1965,

(2) sections 101(b), 105(b), 201, and 303 (c) of the Higher Education Facilities Act of 1964,

(3) sections 201, 301 (first sentence), 301 (second sentence), and 601(b) of the National Defense Education Act of 1958,

(4) section 105(a) of the International Education Act of 1966.

SEC. 2. (a) During the fiscal year ending June 30, 1973, the total principal amount of new loans made, and installments paid pursuant to lines of credit, to students covered by Federal loan insurance under part B of title IV of the Higher Education Act of 1965 shall not exceed the limit applicable for the fiscal year ending June 30, 1971.

(b) The number of fellowships the Commissioner of Education is authorized to award under title IV of the National Defense Education Act of 1958 during the fiscal year ending June 30, 1973, shall be the same as the number he was authorized to award during the fiscal year ending June 30, 1971.

SEC. 3. (a) All programs with respect to which funds are authorized to be appropriated by the first section and the provisions of law referred to in section 2 shall continue to be carried out during the fiscal year ending June 30, 1973, notwithstanding any provisions therein providing that they will expire prior to such date.

(b) Section 404 of the General Education Provisions Act shall not be applicable with respect to the authorization of appropriations provided in this Act.

HEARINGS ON PREPAID LEGAL SERVICES PLANS FOR WORKERS

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I wish to announce to my colleagues that the special Subcommittee on Labor will hold hearings on April 20, 26, and May 16 on H.R. 13938, a bill which I hope will encourage the growth of prepaid legal services plans for workers.

H.R. 13938 will remove a legal obstacle to the negotiation by labor and management of jointly administered legal services plans, by permitting employer contributions to trust funds established to finance such plans.

Section 302 of the Labor-Management Relations Act prohibits all payments by employers to employee representatives for purposes other than those specifically expected in that section. This section was enacted to prevent bribery, extortion, and other corrupt practices, and to protect the beneficiaries of lawful employer-supported funds. Section 302(c) contains seven exceptions to this general prohibition, and thus permits employer contributions to trust funds to finance medical care programs, retirement pension plans, apprenticeship programs, and other specific programs.

This bill would add an eighth exception to section 302(c)—jointly administered trust funds for the purpose of defraying the costs of legal services—and thus legalize such jointly administered programs.

MIDDLE-CLASS PARENTS NEED HELP TO MEET THE COST OF COLLEGE EDUCATION

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, today I am joining with several of my colleagues in sponsoring a bill to help middle-class parents meet the cost of their children's education.

The cost of college has become a nightmare for middle-class parents. The Office of Education in the Department of Health, Education, and Welfare estimates a more than 50-percent increase of college costs through 1977. A college education already costs more than $15,000 at a typical private college in the East.

In the city of New York, parents fear the eventual disappearance of free tuition at the City University. The State University of New York has already adopted a policy of matching private college cost increases.

The very rich, of course, will always be able to pay. Ninety-four percent of the total financial needs of low-income students are covered by current Federal programs.

The middle-class parent stands alone—faced with the difficulty of paying these college costs. Not all of them can pay those costs any more. As a result, an increasingly large number of middle-class children will be deprived of a college education.

This bill, the Higher Education Funding Act, is not a handout to the middle-class—they do not want that. The plan is designed to encourage self-financing by the parents of students. The bill would just permit parent-taxpayers to deduct from their gross taxable income, the money they contribute, over a number of years, to a special fund they have established for their children's college education.

The idea embodied here is similiar to the Keogh Act which permits self-employed persons to set aside annually, tax-deductible funds for future retirement purposes. This idea has been effective in helping people develop retirement funds and should work for college financing.

Moreover, unlike other college financing plans, this is a low-cost program and will allow maximum individual freedom in the selection of colleges. Most proposals have been defeated because of the many billions of dollars they required. Now, I and many of my colleagues feel the benefits of those plans would outweigh the costs. But we are not a majority and action is needed now. If we wait for full tuition subsidies, parents will get no help at all. This program would not make such a large dent on the Federal budget, but would be a large help to the home of many families.

This is an important piece of legislation which deserves serious consideration from the Ways and Means Committee. This bill is not only supported by many of our colleagues in the House and Senate, but is recommended by the Federation of State Associations of Independent Colleges and Universities as well.

The Higher Education Funding Act is not the perfect be-all and end-all solution to all the needs of higher education. On the other hand, the Higher Education Act, which is now languishing in conference committee, would take care of many institutional needs in higher education, but it ignores the needs of the parents of college youngsters. My bill would meet those needs in a quick, realistic way. Mr. Speaker, the most important argument for this bill is that for very little cost, it will help the forgotten families of America—middle-class families—who by sending their children to college and paying dearly for that education, show a great hope in America. We should encourage that hope by passing this bill.

THE PRICE OF MEAT TO THE CONSUMER NOT THE RESULT OF THE PRICE PAID TO THE PRODUCER—HEARINGS SHOW LIVESTOCK PRICES INADEQUATE

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MAYNE. Mr. Speaker, the Subcommittee on Livestock and Grains, on which I have the honor to be ranking minority member, has just completed its first 2 days of hearings on beef prices. The testimony heard thus far not only shows that livestock producers are not profiting unreasonably from the absence of controls on agricultural products but that present livestock prices are in fact inadequate to give farmers a fair return and insure adequate future supplies of meat.

With the exception of a very brief interval last February cattle prices have been continuously lower than they were 20 years ago. During the same 20-year period, farm production expenses have doubled, farm debt has quintupled, per capita disposal income has increased 2.3 times and general wage rates 2.4 times. But the farmer is getting a lower price for cattle than he did 20 years ago even in today's greatly depreciated dollars. Two farmers from northwest Iowa, Frank Buryanek from Hawarden and Ed Ladd from Rock Rapids, testified that there is no future in livestock production at present prices and so few young farmers are entering this essential field that there is real danger that our Nation will eventually face a serious meat shortage. Mr. Speaker, the record in these hearings has already conclusively established that controls on livestock prices are unnecessary, unwise, and definitely not in the national interest.

We have also in these hearings been able to expose grossly unfair and false advertising tactics on the part of the Giant Food Store chain which has misled the American public into thinking that farmers not chainstores are exploiting lack of controls to earn excessive profits. The undisputed evidence developed at these hearings is that wholesale prices on beef, that is, the price paid by Giant, had been declining for 18 straight days prior to March 21. Nevertheless Giant ran an ad in Washington papers on March 31 stating meat prices were high and strongly suggesting this was caused by lack of controls on exorbitant livestock prices. "Why are they so high? It begins at the source. Livestock prices are not controlled. Prices from our suppliers have skyrocketed." This at a time when Giant was failing to pass substantial reductions in its own costs on to its customers in lower retail prices. And at a time when chainstores on the average had increased their margin on choice beef 4½ cents a pound from November to February, according to Don Paarlberg, Director of Economics for the USDA.

Mr. Speaker, I gave the witness, Clarence G. Adamy, president of the National Association of Food Chains, every opportunity to express his organization's disapproval of this false and misleading Giant ad but he failed to do so. He admitted the association makes no effort to require truth in advertising, or maintain standards of honesty among its members. He indicated he and the association would be content to leave protection of the public up to law enforcement officers, assuming they would act if any law were actually violated. Thus did the spokesman for the food chainstores wash the industry's hands of any responsibility for Giant's false and fraudulent accusations against the Nation's livestock producers. The National Association of Food Chains' shocking indifference to a proved deception of the consuming public by one of its members indicates stronger legislation is needed to insure truth in advertising to protect consumers and others injured by false advertising as our livestock farmers have been injured by this outrageous Giant ad. I am confident that members of our subcommittee on both sides of the aisle will want to consider such legislation when the hearings are completed.

RISING FOOD PRICES

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, this morning, I testified before the Price Commission on the high cost of food and the failure of the Nixon administration's "stabilization" program to curb it.

The President claims that he is trying to stop inflation, but he has left unregulated the entire area of raw agricultural products, an area in which great price fluctuations are commonplace. I realize that he needs the farm vote if he is to be reelected in November, but he needs the urban vote too. He is not going to get it if he persists in limiting working people's wages while the cost of their food climbs higher and higher.

As I suggested to the Price Commission, agricultural prices must be placed under price controls if economic stabilization is to be at all fair. In addition, since the President is not interested in enforcing even existing price regulations, we should enact legislation to pay the attorney's fees of consumers who successfully sue violators, plus a nominal reward for their work in enforcing the law. Finally, the administration should investigate the practices and profit margins of food processors, whose remarkable ability to drastically reduce the price of beef on one day's notice makes one wonder how wide their profit margins are.

Mr. Speaker, I include the text of my statement before the Price Commission in the RECORD at this point:

BELLA S. ABZUG: TESTIMONY BEFORE THE PRICE COMMISSION ON RISING FOOD PRICES

Mr. Chairman, Members of the Price Commission, I appreciate this opportunity to appear before you to discuss the desperate and ever-worsening plight of the American consumer, a plight that has grown to alarming proportions during the past few months.

This tragic situation had its genesis long ago, when we began to commit tens of billions of dollars and tens of thousands of men to an illegal and immoral war in Southeast Asia. The war has continued, and with it the myth of our economic security has dissolved. When the President instituted his wage-price freeze, a program to control the wages of our American labor force while interest, dividends and profits went untouched, our true economic outlook became all too clear. Workers' wages were frozen or severely limited, while the big businesses, including large supermarkets, were asked to fix prices "voluntarily" during the economic "stabilization" period.

The result? An effective wage freeze, while prices, especially food prices, have continued to increase.

President Nixon's inability to create an effective price control machinery in our supermarkets is understood clearly when we read in the New York Times that food prices have climbed to an annual increase rate of 22.4 percent. Such family staple products as milk, sugar, potatoes and coffee have increased in most Manhattan supermarkets between 3 and 17 percent. Celery is up a record 26 percent since September, and spare ribs are up 23 percent in the same period.

People in my district are desperate. Many elderly and handicapped individuals, and working people too, have given up meat and fresh fruit. Some pick through canned goods hoping to find damaged or label-less cans that can be purchased at a discount. I think that this commission should come up to New York to hear first hand about the situation there, and I invite you to come into my district and to hear witnesses to the almost extortionate quality of food prices there.

While it is unclear whether the overall price scale in large supermarkets has risen, there has definitely been a marked increase in individual items which are essential to the normal American family household.

What is the cause of the dramatic rise in the prices of certain food items, a rise which has reached such an exorbitant level that many American shoppers simply cannot afford essential food for their families?

The answer is twofold. For quite some time, farmers' associations and retail food store owners have disagreed vehemently over which group is to blame for the unreasonable food prices to which consumers are being subjected. The farmers claim that the middlemen, the retail supermarkets, have increased their profits substantially through inflationary and unjustified price increases. The farmers reason that since the retailers reaped large profits during past periods of falling prices for raw agricultural products, they should now be required to absorb at least some of the increases in prices today.

It should be noted here that the Nixon administration has wholeheartedly agreed with the farmer, laying the blame for food price increases on the middleman. Secretary Connally met with supermarket chain owners and convinced them to lower beef prices, but just how long these reductions will remain effective is yet to be seen.

The supermarkets, on the other hand, have pointed at increased farm prices as the major reason for price increases on certain food items. They have pointed to the blatant favoritism shown the farmers by the administration through its institution of higher farm price support levels and its exemption from price guidelines of raw agricultural products.

Mr. Nixon is putting the entire blame for food increases on the middleman because he needs the farm vote in this election year. In fact, Agriculture Secretary Earl Butz has expressed joy at the food price hikes and is pushing for still higher and bigger subsidies in hopes of buying farm votes at the expense of the consumer.

But we should not be deluded, however, into thinking that the increase in farm prices alone has caused the large price increases in our stores, for the supermarkets themselves have flagrantly violated the price freeze and price controls.

Many large supermarkets in Manhattan, for example, failed or refused to list their base prices until subjected to considerable pressure from "Operation Price Watch" of District Council 37 of the American Federation of State, County and Municipal Employees.

On September 15, 1971, one month after the beginning of the freeze, 98 out of 102 supermarkets checked in Manhattan had failed to list their base prices. By October 11, nearly a month later, half the stores had still not posted their lists.

The very fact that meat prices dropped immediately after Secretary Connally met with the supermarket owners showed that there exists an unduly wide profit margin in at least some food items.

The one thing that is crystal clear here is that the consumer is the real loser. It is apparent that both the farmers *and* the middlemen are to blame for the food price increase. Department of Agriculture, in a report issued earlier this year, stated that the price of meat per pound has increased 9½ cents over the past few months; of this increase, 4.8 cents was due to the increase in farm prices and 4.5 cents was due to the increase in the profit margins of retail supermarkets.

President Nixon must decide whether he is interested in halting the food price spiral, thus relieving millions of Americans of a burden which is overtaxing their budgets, or whether he is interested in gaining the favor of farmers for re-election purposes. If he wants to help the millions who feel the pinch of this inflation, he must institute some or all of the following actions at once:

1. Place agricultural products under price controls. If the economic stabilization program is to stop or significantly slow the inflationary spiral, it cannot leave so large and volatile an area unregulated;
2. Request and press for legislation which would pay attorney's fees, plus a minimum bonus recovery of at least $100, to consumers who successfully sue retailers and wholesalers who violate economic stabilization regulations;
3. Request and press for legislation which would provide that any citizen who provides information which leads to a criminal conviction and fine for violators of price regulations receive half of the fine as a bounty;
4. Reduce inflationary farm prices support levels;
5. Stop pressure for increased price supports for dairy and grain products;
6. Investigate the practices and profit margins of food processors and retailers. Specifically, the administration should check whether the suddenly reduced *retail* price for beef this month correlates with changes in the wholesale price of beef at and immediately preceding this time.

In addition, this Commission must open up its procedures to the public. Information submitted by companies seeking price increases is kept secret, with consumers not being permitted to see it or to take part in the decision-making process. Also, there is no public disclosure of violations which the Commission finds to have taken place; consequently, although over 20,000 violations have been found, consumers have practically no information to guide or support them in seeking the millions of dollars in refunds to which they are entitled.

I think that the situation with regard to food prices is a perfect example of the failure of economic stabilization in the hands of a business-oriented Republican administration. If we are to have controls at all—and I am inclined to believe that we should not—then either you on the Price Commission must see that they are fairly administered or we in Congress must step in and write legislation which narrowly limits your discretion.

THE LATE HONORABLE ADAM CLAYTON POWELL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 1 hour.

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members be granted 5 legislative days to revise and extend their remarks on the life, character, and service of the late Honorable Adam Clayton Powell.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, to the people of my community, Harlem, Adam Clayton Powell was a giant, a man who showed us how to keep the faith. For all of Harlem, April 4 represents a day of personal tragedy since a close friend has passed on.

To many people outside our community, Adam was a puzzle, a man who played the white man's game and beat him at it. He played the seniority game, and won. Some Members of Congress rose to pinnacles of power, to chairmanships of important committees, simply because they were able to muster overwhelming majorities at the polls, election after election. For decades they blocked legislation which would have aided black Americans and poor Americans by pretending that seniority was only slightly less holy than the principles enumerated in the Ten Commandments. Adam represented the brilliant urban answer to those who blocked the road of social change, for he could do everything they could, from rolling out the pork barrel to living it up on congressional junkets.

Adam Clayton Powell will be recorded in the history books of our children and grandchildren as a legislative giant. In the quest for social justice, he had no equal. He was an apostle and uncompromising champion of racial justice and equal opportunity.

It was Adam Clayton Powell who was an early leader in the fight for civil rights. He worked to outlaw racial discrimination in the Armed Forces, in housing, in public accommodations, and in housing. He labored to create a permanent Fair Employment Practices Commission and to ban the poll tax designed to bar the black citizen and the disadvantaged citizen from the ballot box.

It was Adam Clayton Powell who had the courage to seek a full-scale investigation into discrimination in Federal facilities in 1947 and to urge the cutoff of Federal funds to States and school districts which maintained segregated educational systems.

It was Adam Clayton Powell who brought the first senior citizens apartment house built under the Community Facilities Act to Harlem. Job training programs, cooperative housing facilities, and Small Business Administration projects all came to Harlem as a result of his leadership and commitment to the community.

As chairman of the Committee on Education and Labor, Adam did more to help the children of America, the unemployed, the handicapped, and the downtrodden than any other legislator in the history of our country. As former President Lyndon B. Johnson wrote to Adam on March 18, 1966:

> The fifth anniversary of your Chairmanship of the House Education and Labor Committee reflects a brilliant record of accomplishment.
>
> It represents the successful reporting to the Congress of forty-nine pieces of bedrock legislation. And the passage of every one of these bills attests to your ability to get things done.
>
> Even now, these laws, which you so effectively guided through the House, are finding abundant reward in the lives of our people . . .
>
> Only with progressive leadership could so much have been accomplished by one Committee in so short a time. I speak for the millions of Americans who benefit from these laws when I say that I am truly grateful.

The Powell record is unmatched. Vocational education programs, an increased minimum wage, school construction funds, and occupational safety legislation were enacted under his direction. The Juvenile Delinquency and Youth Offenses Control Act, the Manpower Development and Training Act, the Higher Education Academic Facilities Act, and the Older Americans Act of 1965 all bear Adam's imprint. It was Adam Clayton Powell who made the President's Committee on Employment of the Physically Handicapped and the National Foundation on the Arts and the Humanities realities. It was Adam who guided the landmark war on poverty legislation through the tortuous halls of Congress.

His 26-year career in politics altered the course of history. But, despite the legislative power he wielded, he did not believe that the law is automatically sacred.

He once remarked:

> When the law of man and custom conflicts with the law of God, defy the law of man.

And defy the law of man and of custom he did. He sounded the death knell of unquestioning black subservience to the rules of an elitist society. As a result, he found himself expelled from the House of Representatives on March 1, 1967, the victim of a double standard which ignored the wrongdoings of white Members and preyed on the wrongdoings of a black Member. On January 16, 1967, shortly before Adam was excluded from this Chamber and long before he was vindicated by the Supreme Court, I made my maiden speech to the New York State Assembly. I told my colleagues on that day:

> Our Congressman was arrogant and made apologies to no one outside of his community. Somehow the people felt that he was doing what they could not do and saying what they were afraid to say.

The people of Harlem found themselves without a spokesman in Congress and they, too, were victims of this double standard.

Until the darkness of death engulfed him, Adam Clayton Powell maintained his robust faith in the ability of black Americans to overcome the repression brought forth by a sick and often misguided society. Despite his epic struggles, obstacles, and frustrations, he always kept the faith. And he was able to impart that faith to others. Adam doggedly believed that he—and now the rest of us—could push America forward and eradicate the cancer of racism.

We shall miss him.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I am glad to yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, I should like to join my distinguished colleague from Manhattan, the successor in this House of the late Adam Clayton Powell, in paying tribute to the memory of Congressman Powell, whom I knew for many years as a colleague in the Congress and more important, as a friend.

Adam Clayton Powell knew well the multifaceted problems, concerns, and needs of his 18th Congressional district, and he understood how important it was to make those concerns and needs understood in the Congress of the United States.

While chairman of the House Committee on Education and Labor, he provided effective and sound leadership toward the legislative goals of both Presidents Kennedy and Johnson. He was very proud of the fact that over 50 major bills were passed during his chairmanship, including the Economic Opportunities Act which created the war on poverty.

As chairman of the committee, he made it possible for junior members of the committee to have their names attached to landmark legislation. When the administration would send proposed legislation to his committee, instead of introducing it in his own name—the usual practice for a committee chairman—frequently he would invite a less senior member to introduce it. That was characteristic of him.

Adam Clayton Powell's dedication to equality and justice was already well established before he came to Washington. He had been at the forefront of the struggle against discrimination in private industry in the city of New York.

He entered politics in 1941 as the first black leader to run for and win a New York City Council seat.

To describe his career as controversial is an understatement. Anyone who felt as strongly about life as he did was not apt to move through it without causing waves. He was often in the eye of the storm.

It has been said that he "gaily defied convention." If that is so, it was because he made it clear that he was not going to take a back seat or enter by the side door.

He had an uncompromising disdain for all kinds of hypocrisy.

In 1944 the people of his district sent him to Washington as their elected Representative, and the streets, homes, and stores of Harlem knew his face, knew his voice, and will remember him as their champion who did battle on behalf of a neglected minority. And his energies were devoted to the advancement of human rights and dignity.

The legislation that he fought so long and so hard to see enacted remains as a memorial of his consummate skills as a practical politician—in the best sense of that honorable but often misused term.

Adam is gone, but the major social legislation of two administrations belongs to the Nation—the war on poverty, aid to education, laws dealing with juvenile delinquency, vocational rehabilitation, the school lunch program, library service, and a host of measures designed to end discrimination and to bring about the full dignity and recognition so long denied black people.

Mr. Speaker, I am happy to take this time to pay tribute to one who, for all the controversy which swirled about him, nevertheless did valiant battle for the disenfranchised, dispossessed and disadvantaged whose needs this Nation has yet to fulfill.

Mr. RANGEL. I thank the distinguished gentleman from New York for his comments.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I commend the gentleman in the well for taking this time of the House to commemorate the memory of one who, despite the odds against him, rose to heights aspired to by all men.

While Adam Clayton Powell was a controversial public figure, criticized by most, he did serve a purpose while he was here among us. He did call to the attention not only of Americans but also of the world the fact that here in the United States there existed a social situation which begged to be corrected.

The most delightful manner in which Adam Clayton Powell pursued his purpose in life will be long remembered. He was the one and only and personified the inimitable.

I had the personal experience of greeting him in Hawaii and spending some time with him there. Even in Hawaii he attracted public attention to the degree that no one else could have.

One of the things that I remember most about Adam Clayton Powell is that he took me as being one of "the group." So he said, but whenever I voted against one of his so-called Powell amendments he would come up to me and say, "Sparky, you look all right but your prejudice is showing," knowing full well that even as a civil rights advocate I would have voted as I did.

Mr. Speaker, perhaps the one other thing for which Adam Clayton Powell will be remembered is the style which he employed in the well of the House. I do not think we have had anyone who could spontaneously and with so much color to his speech, gain so much attention even when he was talking about little things. He had a flair for public speaking. We certainly miss the Adam Clayton Powell type of oratory here in the House today.

Mr. Speaker, I join the distinguished gentleman in the well (Mr. Rangel), and other Members of the House in extending deepest sympathies to the widow of Adam Clayton Powell, and to his family, and to wish for them that God may grant them the courage and comfort to face the future without Adam.

Mr. RANGEL. Mr. Speaker, I now yield to the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Speaker, Adam Powell was a friend of mine. He was a great committee chairman. He was a friend of humanity and of the poor and the dispossessed.

For a variety of reasons, Chairman Powell and I, who knew each other before I was fortunate enough to be elected to the House, were good friends. I was personally heartsick when the Democratic caucus decided to remove Chairman Powell as the chairman of the Committee on Education and Labor. I was outraged when my colleagues, contrary to the clear language of the U.S. Constitution, refused to seat Mr. Powell, despite the fact that he was elected by his constituents from his district in New York.

At this juncture I would like to say that our distinguished colleague in the well, the gentleman from New York (Mr. Rangel) has filled the place of our departed colleague with courage, with an equal commitment to the poor and with all of the restless and determined energy to eliminate the social and racial injustices that abound in this land, as did our good friend, Adam Clayton Powell.

No one could ever speak for Adam. I certainly cannot purport to so do. But I affirm, as one friend who knew and loved him, that if the gentleman from New York had to be replaced, if he could no longer serve as my colleague, I can think of no one with whom it is more comfortable to fight side by side, than the gentleman from New York (Mr. Rangel).

During the effort to inflict damage on the image of our dear friend I had placed into the Record the enormous accomplishments that resulted from the chairmanship of Adam Clayton Powell.

Mr. Speaker, at this time, If I may, I would ask unanimous consent to have inserted in the Record at this point those accomplishments.

The SPEAKER pro tempore (Mr. Roberts). Is there objection to the request of the gentleman from California?

There was no objection.

(The material referred to follows:)

Mr. BURTON. On August 30, 1966, I made the following remarks which appear in the Record of that day:

Chairman Powell of the Committee on Education and Labor

Mr. Burton of California. Mr. Speaker, I was most disappointed and shocked to hear one of our colleagues attack the distinguished chairman of the Committee on Education and Labor.

Congressman Powell's constituents have reelected him by margins exceeded by virtually no other Member of this House.

His effective efforts as the chairman of the Education and Labor Committee and the great benefits which the legislative production of that committee has brought to this country speak for themselves.

I think the Members will be interested in some of the concrete achievements of Chairman Powell's already distinguished legislative and political career.

On June 25 of this year, the Negro newspaper publishers of America voted to give Chairman Powell 1 of the 10 Russwurm Awards for 1966. The other nine honorees included Pope Paul VI; Mrs. Lyndon B. Johnson; Vice President Hubert H. Humphrey; Attorney General Nicholas deB. Katzenbach; Andrew Brimmer, member of the Board of Governors of the Federal Reserve System; Asa T. Spaulding, president of the North Carolina Mutual Life Insurance Co.; Willie Mays, San Francisco outfielder; John H. Johnson, publisher and editor of Ebony, Jet, and Negro Digest; and Gov. Edward T. Breathitt of Kentucky.

Earlier this year on March 18, President Johnson wrote Chairman Powell a letter congratulating him on his outstanding 5-year record as chairman of the Education and Labor Committee.

The President's letter follows:

The White House,
Washington, March 18, 1966.

Hon. Adam Clayton Powell,
U.S. House of Representatives.

Dear Adam: The fifth anniversary of your Chairmanship of the House Education and Labor Committee reflects a brilliant record of accomplishment.

It represents the successful reporting to the Congress of forty-nine pieces of bedrock legislation. And the passage of every one of these bills attests to your ability to get things done.

Even now, these laws, which you so effectively guided through the House, are finding abundant reward in the lives of our people.

The poverty program is rapidly paving new pathways to progress for those whom the economic vitality of this land had previously bypassed.

The education measures are being translated into fuller opportunity for all our citizens to develop their God-given talents to their fullest potential.

Minimum wage, long a guarantee of a fair return for an honest day's work, has been increased and greatly extended.

And the problems of juvenile delinquency are being met and curtailed by positive and determined action.

Only with progressive leadership could so much have been accomplished by one Committee in so short a time. I speak for the millions of Americans who benefit from these laws when I say that I am truly grateful.

Sincerely,

Lyndon B. Johnson.

On the fifth anniversary of Representative Powell's chairmanship, his office released a background summary of his political career and the list of 52 laws in the various fields of education and labor which were shepherded through his committee. That background summary follows:

The Legislation Record of Representative Adam Clayton Powell, Chairman, Committee on Education and Labor, U.S. House of Representatives

Congressman Powell was first elected to the 79th Congress on November 7, 1944, from Harlem, which is now the 18th Congressional District of New York State.

He became Chairman of the Education and Labor Committee of the U.S. House of Representatives in January 1961.

This year—1966—Rep. Adam Clayton Powell celebrates the completion of his fifth year as Chairman.

In the five years of his Chairmanship, Congressman Powell has successfully guided to passage 52 major laws from his Committee. He has never had a bill from his Committee defeated once it reached the floor of the House of Representatives.

In those five years, some of the most important legislation in the history of this country and the United States Congress has been passed: Increasing the Minimum Wage, The War on Poverty, Aid to Elementary and Secondary Education, Barring Discrimination in Salaries paid to Women for the same work performed by Men, Manpower Development and Training for more Jobs, Anti-Juvenile Delinquency, Vocational Rehabilitation, School Lunch Program, Library Services.

Following is the record of the 52 laws which were passed in the first five years of Congressman Powell's Chairmanship of the Education and Labor Committee:

EIGHTY-SEVENTH CONGRESS

Public Law 87-22: Amending Vocational Education laws to include and help practical nurse training programs.

Public Law 87-30: Increasing the coverage of Minimum Wage legislation to include retail clerks; also increasing the minimum wage to $1.25.

Public Law 87-87: Increased Benefits for Longshoremen and Harbor Workers.

Public Law 87-137: Provides for one additional Assistant Secretary of Labor.

Public Law 87-262: Establishes a teaching hospital for Howard University; transfers Freedmen's Hospital to Howard University.

Public Law 87-274: The Juvenile Delinquency and Youth Offenders Control Act.

Public Law 87-276: Providing for the training of teachers of the deaf and handicapped children.

Public Law 87-294: Education of the Blind.

Public Law 87-300: Study of health and safety conditions in metal mines.

Public Law 87-344: Extension of the laws providing funds for school construction and maintenance in Federally impacted areas.

Public Law 87-339: Amending the Federal Employee's Compensation Act.

Public Law 87-400: Amending the National Defense Education Act regarding student loans.

Public Law 87-415: The Manpower Development and Training Act, to make more jobs available.

Public Law 87-420: Amending the Welfare and Pension Plans Disclosure Act.

Public Law 87-581: The Work Hours Act of 1962, establishing standards for pay and work of laborers and mechanics.

Public Law 87-715: Educational and training films of the deaf.

Public Law 87-729: Amending the Manpower Development and Training Act regarding railroad unemployment insurance.

Public Law 87-823: Liberalizing formula under National School Lunch Act.

EIGHTY-EIGHTH CONGRESS

Public Law 88-38: Equal pay for equal work.

Public Law 88-204: Higher Education Academic Facilities Act.

Public Law 88-210: Improving the quality of vocational education, providing for its expansion and strengthening.

Public Law 88-214: Amending the Manpower and Development Training Act.

Public Law 88-269: Increasing Federal Assistance for public libraries.

Public Law 88-321: President's Committee on Employment of the Physically Handicapped.

Public Law 88-349: Amending the prevailing wage section of the Davis-Bacon Act.

Public Law 88-368: Amending the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending it for 2 more years.

Public Law 88-444: National Commission on Technology, Automation, and Economic Progress.

Public Law 88-458: The War on Poverty.

Public Law 88-508: Amending the Federal Employees Compensation Act.

Public Law 88-579: National Council on the Arts.

Public Law 88-582: Registration of contractors of migrant workers.

Public Law 88-665: Amending and extending the National Defense Education Act of 1958.

EIGHTY-NINTH CONGRESS

Public Law 89-10: Improving elementary and secondary educational opportunities.

Public Law 89-15: Amending the Manpower Development and Training Act of 1962.

Public Law 89-36: National Technical Institute for the Deaf.

Public Law 89-69: Amending the Juvenile Delinquency and Youth Offenses Control Act of 1961.

Public Law 89-73: The Older Americans Act of 1965.

Public Law 89-77: Amending Public Law 815, providing for school construction in Puerto Rico, Wake Island, Guam, and the Virgin Islands.

Public Law 89-125: Amending the National Arts and Cultural Development Act of 1964.

Public Law: 89-178: Providing for analysis of manpower shortage in correctional rehabilitation.

Public Law 89-209: National Foundation on the Arts and the Humanities.

Public Law 89-216: Bonding Provisions of Labor-Management Reporting and Disclosure Act of 1959.

Public Law 89-253: Expanding the War on Poverty.

Public Law 89-258: Expansion of loan service of educational media for the deaf.

Public Law 89-286: Labor standards for persons employed by Federal contractors.

Public Law 89-287: Financial assistance for students attending trade, technical, business and other vocational schools, after secondary education.

Public Law 89-313: Providing for assistance in construction and operation of public elementary and secondary schools in areas affected by major disaster.

Public Law 89-329: Strengthening the educational resources of our colleges and universities; and to financially assist such students.

Public Law 89-333; Amending the vocational Rehabilitation Act.

Public Law 89-376: Federal Coal Mine Safety.

Public Law 89-488: Amendments to the Federal Employees Compensation Act.

Public Law 89-511: Library Services and Construction Act Amendments.

Mr. Speaker, it is not my intention to keep my many colleagues here on the floor listening to me much longer, but it is important to me that I do not in any perfunctory way participate in this special order dealing with one of the giants in the history of the U.S. Congress and one whose last few years on earth, I know, will not be permitted by the historians to mar the noble and tremendous record of production of our distinguished former colleague, Adam Clayton Powell.

My wife and I shall miss Adam. We shall miss him for the joy he brought to his friends over the years. We shall miss him for his concern for little people of all colors and hues and we shall miss him even more because in the last few years of his life on earth, we were robbed of the opportunity to share more often his company.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman.

Mr. KOCH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I did not serve in the Congress when Adam Clayton Powell was chairman of the Committee on Education and Labor. I know of his reputation in that capacity and the laws which were passed by this Congress as the result of his leadership. I do not intend, therefore, to talk about something I know only by way of reputation. I would rather confine my remarks to something I know of on a personal basis.

I first met Adam Clayton Powell when I was elected as a Democratic district leader in 1963 to the New York County executive committee. He was also a democratic district leader at that time and I remember very well the first occasion when we met. It was shortly after my election, but he had been district leader for many years. When he came into the room it did not make any difference who was there or what was taking place, Adam Clayton Powell without uttering a word became the center of attention. There was a magnetism about him that defies description.

When I came to Congress in 1969 one of the first votes I cast—indeed, I think it was the first vote I cast, immediately after the election of the Speaker of the House, was to seat Adam Clayton Powell. Notwithstanding the years of tribulation that had taken place as a result of his not being seated and the toll of the illness that he was then suffering from—he walked into the House with that same magnetism that I had first seen in 1963 and in the interim years when we served as district leaders in New York County. I remember vividly how the Members who had been here for so many years came over and crowded around him to wish him well.

There are very few people who have this quality. But there are very few people who merely by their presence are accorded leadership position wherever they are. It is an amazing sight to behold. Every people can point with pride to men and women of leadership, whether they are Italians, Jewish, Irish, Slavic, Hispanic—whatever ethnic group we may be talking about. And the blacks in this country will always be able to look back and say, "There was a prince among princes," because that is exactly what he was.

And I do not think we have to forget the fact that he was under attack and at times deserving of criticism, but as was said 2,000 years ago, "Let he who is without sin cast the first stone." So many other people did what he did and were not punished. But I think the criticism of Adam Clayton Powell must pale when compared with the great good that he did. And as has been pointed out by others who have spoken today, particularly by the gentleman in the well, my good friend from New York (Mr. RANGEL), the legislation which he left is an inheritance, not just for blacks, not just for Puerto Ricans, not just for the depressed nonwhites in this country, but for all of the oppressed of every color, creed, or national origin.

He was leading the battle for all of us in this special area of lifting up the oppressed, of dealing with those problems that those who have no defenders face every day, and he was a defender of the poor without regard to color, unsurpassed over the years.

This Congress and the Congresses to come will look back on Adam Clayton Powell's role in the many Congresses in which he served with pride, and say, "There was a man among men that all of us can revere," and know that the Congress will always be the poorer for having been bereft of the leadership he could have given in this Congress, and that which we are now denied because of his death.

Mr. REID. Mr. Speaker, will the distinguished gentleman from New York yield?

Mr. RANGEL. I yield to the distinguished Democrat from New York.

Mr. REID. I thank the gentleman for yielding.

Adam Powell was a friend of mine during the entire time we served together in the House and, indeed, we worked together prior to that in establishing the first store-front office of what was then called the State Commission Against Discrimination. Adam well understood that a State office way downtown, open only in the daytime, did not meet the needs of people, many of whom could only talk to Government representatives to secure their rights, and he understood the importance of a store-front State office.

I had the privilege in the House of serving with him for a number of years and on his Committee on Education and Labor. Indeed, I believe he was the first gentleman after my swearing-in, or even before that, to cross over the aisle and welcome me to this body.

Throughout his leadership and chairmanship of the Education and Labor Committee Adam Powell brought a sense of urgency and direction to the national agenda. It is a matter of record, now historical record, that under his chairmanship more important legislation in the field of education (such as the Elementary and Secondary Education Act), in the field of arts, in the field of antipoverty—such as the Office of Economic Opportunity Act—and in many respects in the field of labor law were passed by his committee and then the Congress. In my judgment, most of these bills are landmark legislation. They will vitally affect the future of our country for years to come.

If the full impact of this legislation has not been felt, it has been due primarily to war and to the fact that many of the authorizations have not been fully met by adequate funding.

But Adam Powell brought something else to this House. It was not just a question of leadership nor a question of vision.

He brought courage to this House. I remember the days when he would fight for civil rights legislation when very few others would do it, either with his clarity or with his sense of urgency. I remember when he not only showed courage and was not cowed by convention nor intimidated by precedents, but he also had a very real sense of humor—a sense of humor about himself and about his country. I remember when sometimes members of the committee or others were, perhaps, indulging a little excessively in the 5-minute rule, Adam with a very definite sense of humor would right the balance and bring order back to the committee and point the direction forward again. These are qualities badly missed, the quality of a genuine sense of humor with a genuine sense of purpose in back of it.

At the time when most of us were voting to try to keep Adam seated and during the debate on exclusion, I said at that time I thought the action of this House was unconstitutional, and I think the record ultimately will show that the first action to exclude was not wholly constitutional. But be that as it may, there are many who have pointed to differences of opinion with Adam, areas where there were disagreements—and there is no question there were areas for genuine disagreement—nonetheless anyone who served in this House knows Mr. Powell brought a magnetism, a sense of purpose, and a sense of vision to the business of this body.

In my judgment, he, during his lifetime, made a difference in the United States. Many of those who followed after him—whether it was Dr. Martin Luther King or Ralph Abernathy or Jesse Jackson, as well as others who have fought for the same goals—in no small measure owed both the opportunity and the effectiveness of their campaigns to the earlier trek that Adam Clayton Powell had made in this body and in international conferences overseas and in conferences throughout America.

Mr. Speaker, I commend the gentleman in the well for taking this time and for his representation as he occupies the seat of Adam Clayton Powell. The gentleman has been a great credit in that position.

I also would like to recall very briefly the moving funeral service of the Abyssinian Baptist Church in New York. I think those of us who were privileged to be there felt the relevance that Adam Clayton Powell had to all Americans who felt the deep affection for him in New York and in his Harlem constituency. Above all I feel that here was a man who was unafraid, and who was willing to challenge the future and to virtually bodily move this country forward to meet needs that had been deferred for two centuries. Whatever the criticism and however serious it may have been of Adam Clayton Powell's life, nothing can detract from his record of leadership in passing legislation of fundamental and lasting benefit to the American people.

Finally, on behalf of myself and Mrs. Reid and others. I would like to extend our deep sympathy, in which all Members of the House I am sure join, to Adam Clayton Powell's family and say how deeply we will miss him.

Mr. DIGGS. Mr. Speaker, as the senior black Member of Congress, I delivered the following remarks on behalf of the Congressional Black Caucus at the funeral of the late Adam Clayton Powell.

Only a tiny handful of men have influenced the implacable forces of our time. To this small circle, Adam Clayton Powell truly belongs. For this we pay him homage today.

No one shares in this memorial with a greater sense of historical perspective than the Congressional Black Caucus and the members of the New York congressional delegation, who are here headed by the distinguished dean of the House, EMANUEL CELLER.

We know how much Adam was loved, feared, and hated, as were few of his contemporaries. We know he leaves a legacy of solid legislative achievement to rebuke his detractors and benefit for generations to come the poor and disinherited, whose champion he was through decades when he had few to join him in the battles that he waged.

We know he was one of the principal architects of black political empowerment in this Nation and that growing ranks of black elected officials, North and South, who now assert their newfound strength and independence, are laying down a broad highway along the trail Adam Powell blazed.

It was his audacious genius to be well ahead of his time. From his base at Abyssinia Baptist Church far back in depression days, he was marching and leading boycotts for bread and butter, economic and social gains. Before he and others marshaled the forces which translated the marching feet of the black nonviolent revolution of the sixties into historic civil rights legislation, Adam Powell had for years been stubbornly attaching the antidiscrimination amendments which bore his name to the business-as-usual legislation of his colleagues.

No one demonstrated better than this white knight that black is not just a color but a state of mind and no one demonstrated better to our younger rebels that age does not limit one's capacity for relevance.

As chairman of the House Education and Labor Committee, he laid the groundwork for the empowerment of the poor, the unskilled, and the youth of this Nation by brilliantly piloting to passage landmark antipoverty, manpower, and education statutes.

While our own National Government hesitated and opposed, he had the courage and the foresight to set out on his own at the Bandung Conference in 1955 to forge the links of friendship and common concern among the black, brown, and yellow people of the world.

The envious and mediocre men, who moved to strip him of his power did not in the final analysis win, for they could not deprive him of his zest for life, of his burning intellect and wit and compassion, which made the Congress a smaller place without him. Most of all, they could not take from him the love which he earned from the black and oppressed people of his time, who always reserved in their hearts a special place for Adam.

If any man has drunk of life and given even more freely than he received, that man was Adam Powell. In his abundant life he earned his rest and those of us who knew him, who worked and fought by his side, cannot even now think of him as dead, except in the words of the Prophet, who might have been speaking of Adam Clayton Powell, Jr. when he said of death:

> Only when you drink from the river of silence shall you indeed sing. And when you have reached the mountain top, then you shall begin to climb. And when the earth shall claim your limbs, then you shall truly dance.

Mr. ADDABBO. Mr. Speaker, the passing of our former colleague, Adam Clayton Powell, was a time of sincere mourning for literally millions of Americans who respected the courage and leadership ability of the former Harlem Representative. I had the opportunity to witness this man's ability and charisma first hand in this Chamber. I also witnessed as an honorary pallbearer the outpouring of public grief and admiration as thousands of New Yorkers lined the street corners of Harlem this past Sunday. That crowd which gathered Sunday, and again on Monday, at Seventh Avenue and 125th Street in New York City remembered the battles which Adam Powell waged in the Congress and throughout this Nation for a better life, not only for black people but for all Americans.

The landmarks in Adam Powell's congressional career which we remember today include civil rights legislation and the successful fight for Federal aid to education, increase in minimum wage and manpower retraining to name just a few. We accept aid to education today as a basic Federal program but 10 years ago the very mention of such a program evoked bitter debate. It was the leadership of Congressman Powell as Chairman of the Education and Labor Committee which decided that debate and established as a national priority the improvement of our educational system and manpower resources.

I hope that history will record the highlights of Congressman Powell's career in a light which will reveal the true importance of his contributions to the changing of America's priorities and not as Mark Antony proclaimed:

> The evil that men do lives after them, the good is often interred with their bones.

Adam Clayton Powell was one of the great leaders in the fight for equality for all and I join my colleagues in expressing sorrow to his family at his passing.

Mr. BRASCO. Mr. Speaker, Adam Clayton Powell has passed away, leaving a void that no one will really be able to fill. In his life, more than a few criticisms were leveled at him. Yet when the balance sheet is totaled, he emerges as an outstanding legislator of great ability who played a major role in constructing the educational system of this country.

Today, millions of American children, including uncounted numbers from underprivileged families, have a better chance at a decent education because of his efforts. The structure of Federal aid to education was in large part put together by a few people, prominent among whom was Adam Clayton Powell.

His congressional career was marked by single-minded devotion to a series of progressive causes which for many years had searched in vain for champions on the Federal level. His concern for the dispossessed knew no boundaries, and his championship of his own people was a constant concern.

There will be those who would choose to ignore his contributions. There will be others who will choose to ignore his shortcomings. And, there will be yet others who will look at both, understanding the man, and praising a life that was far more constructive than most people are able to lead.

His monument will be found in the millions of Americans who will grow into adulthood with a better chance for a decent life. More than this, no one can ask.

Mr. HATHAWAY. Mr. Speaker, it is difficult to express in words the feelings I hold for our former colleague, Adam Clayton Powell. I served under his chairmanship of the House Education and Labor Committee during the great 89th Congress. During that Congress Chairman Powell directed the enactment of such historic legislation as the Economic Opportunity Amendments of 1965 which has led to great progress in our efforts to fight poverty in this country; the Elementary and Secondary Education Act of 1965 which represented a giant step forward in improving the educational quality of our schools; the Higher Education Act of 1965 which recognized the responsibility of the Federal Government toward financing education beyond the high school level. This legislation has made it possible for millions of young people to attain a college degree which would not otherwise have been possible for them; the Equal Employment Opportunity Act of 1965 which erased much of the discrimination in hiring practices across the Nation. These are just a few of the major bills which came from Chairman Powell's committee during his tenure as chairman. I was proud to have served under him on the committee and to have played a part in the enactment of this landmark legislation. As a freshman Congressman I learned a great deal from Adam Clayton Powell and for his assistance and guidance during those early years in my congressional career I shall be forever grateful.

Congressman Powell was remarkable in many ways. His constituency was grateful to him for his efforts in their behalf and reelected him to Congress several times despite the personal problems he was experiencing. To them he was a good Congressman; to me he was an admired committee chairman and a man whose efforts have made for him a place in our history.

Mr. REUSS. Mr. Speaker, Adam Clayton Powell, who died last week, was one of the first to show black Americans—by his example—that they had a vital role to play in the Nation's political system. That demonstration was a singular achievement.

As Harlem's unquestioned political leader for more than 2 decades, he served a constituency far broader than the congressional district he officially represented.

Rising to a powerful role in Congress as chairman of the House Education and Labor Committee, he piloted into law a wide range of measures broadening opportunities in civil rights, employment, and education.

During the many years I served in this House together with Adam Clayton Powell, I witnessed the zeal with which he pursued justice and fair treatment for all people. I mourn his passing.

Mr. MACDONALD of Massachusetts. Mr. Speaker, the death of Adam Clayton Powell signifies more than the passing of a fine human being. It signifies the end of a phenomenon in American politics. It is a loss suffered not only by the people of Harlem whom he represented so long and so well, but a loss to the millions of Americans who benefited by his achievements here in the Congress.

Many of the Federal programs in existence today which provide services to the poor, the unemployed, the handicapped and the undereducated are tributes to Adam's dedication.

Sadly, perhaps, he will be remembered by the majority of Americans more for the things he did than for the person he was. An ordained minister, a newspaper publisher, cofounder of the National Negro Congress, a fine Congressman for 25 years, an influential committee chairman—the list goes on and on. But those of us who had the privilege to serve with him for many years here in the House of Representatives knew him as a man—a man of deep conviction and great personal drive. Adam was an electric individual who had the knack for doing things with a flourish, but yet doing them well.

As one Member of Congress who got to know him well and came to admire him both as a Congressman and as an individual, I am deeply saddened by his death. While he leaves many landmarks behind him in the fields of civil rights, labor, and education, he leaves also a great void for those of us who shared many of those years—both happy and troubled—with him.

Mr. WILLIAM D. FORD. Mr. Speaker, it was with deep sorrow that I learned of the death of Adam Clayton Powell, our former colleague, and my former Chairman on the House Education and Labor Committee.

I had the honor to be appointed to the Education and Labor Committee shortly after I came to the Congress in January 1965. Mr. Powell was serving as chairman at that time. I quickly learned that he was a knowledgeable, effective, and cooperative chairman.

As a new member, I found him unfailingly helpful, always willing to take the time to explain the complexities of the legislative process. Under his guidance during the 89th Congress, the Education and Labor Committee produced an inordinate share of the great outpouring of progressive legislation that marked the 89th Congress.

It was due in large measure to Mr. Powell that the 89th Congress was dubbed "The Education Congress" by former President Johnson. It was during this period that we produced the landmark Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Economic Opportunity Act.

These important bills were made possible by Mr. Powell's excellent working relationship with the chairman of his subcommittees and the members of his committee.

This Nation and its people will benefit for years to come from the results of these and other legislative accomplishments which were drafted, refined and finally enacted under Mr. Powell's guiding hand.

I will always consider it a privilege to have served my committee "apprenticeship" under Adam Clayton Powell. I extend my sincere condolences to his family and his wide circle of friends.

Mrs. ABZUG. Mr. Speaker, Adam Clayton Powell was truly a great American and a great member of this House. As an editorial in today's Washington Post so aptly noted:

> When he walked in Harlem, people turned their heads and when he worked on the Hill, the legislation came rolling forth.

He served here for 26 years, and for 6 of them was Chairman of the Committee on Education and Labor. As a member and a chairman, he was responsible for many of the significant programs of the last 20 years. He rose in the legislative power structure without being coopted, and even at the height of his power, he never stopped speaking out and fighting on behalf of the oppressed.

He broke a lot of the "rules" here in the House, but his record on producing legislation—and that is what really counts—was nothing short of incredible. His committee was the source of a flood of major and progressive legislation, including the $1.25 Minimum Wage Law, the Juvenile Delinquency and Youth Offender Control Act, the Manpower Development and Training Act, the Equal Pay for Equal Work for Women Act, the Economic Opportunities Act, the Elementary and Secondary Education Act, and the Higher Education Act of 1965.

Last Sunday, I was privileged to attend the funeral services for Adam. They were held at the Abyssinian Baptist Church in Harlem, whose minister he was for 40 years, and the outpouring of thousands of people there proves that his memory will not be forgotten.

They don't often make them like Adam Powell, and we will miss him.

Mr. CONYERS. Mr. Speaker, at a time when no thought was given to civil rights for black Americans, and the doors of most public facilities in even the Nation's Capital were closed to nonwhites, Adam Clayton Powell, Jr., arrived in Washington as the Congressman from the Nation's largest black ghetto, Harlem.

By the time his 26 years in Congress and his 63 years of life had ended, he had pioneered what we now call the civil rights movement, both in Congress and in the streets of his beloved Harlem.

In the course of a lifetime that was full enough for three men, "Chairman Adam" achieved the status of a king in the heart of black America.

As chairman of the powerful House Education and Labor Committee from 1961 to 1967, he skillfully piloted a record-breaking 60 pieces of major progressive social legislation through Congress. These bills, once regarded as impossible dreams when Powell began introducing them in the 1940's and 1950's, are now the bulwark of the Federal Government's and the courts' battle against a wide array of injustices ranging from poverty to discrimination.

Part of this list of monumental legislative achievements are the mainstays of the war on poverty. They include the Economic Opportunity Act and the Manpower Development and Training Act, only yesterday reaffirmed by this body.

Others include the Juvenile Delinquency and Juvenile Offender Control Act, increasing the minimum wage to $1.25, Equal Pay for Equal Work for Women, the Vocational, Elementary and Secondary and Higher Education Acts; and the Administration on Aging to name a few.

Even though Adam's flamboyant style drew much criticism from within and outside Congress, he also drew much praise for the incisive, yet sensitive way he handled the business of the Nation that came before his committee.

His mental ability and legislative skill never ceased to amaze me. At times, when he seemed bigger than life and above the battle, I knew it was because he fought with no thought of the wounds. He had known and fought the very knights that had championed slavery a century before, but was still able to think and act in the interest of the Nation in the Halls of Congress.

But it is the personal loss of a friend and close colleague that I feel most deeply, just as I am sure it is the loss of Adam the personal man that now grieves his family and friends most. My friendship with him was starred with many separate encounters, each of which further filled me with a deep respect for his dignity, strength of mind and will, as well as the overwhelming sensitivity to his constituents needs that he possessed and used to guide him through the political and procedural maze of both the House and New York politics.

Knowing the man Adam Clayton Powell has been a privilege and a cherished experience. For not often in a lifetime does one meet a legend, an undying part of both black and American history who, long after he has passed from this life, will be remembered as one of the handful of men who left a positive mark on America in a way that cannot be ignored.

A strong man of great integrity, he earned the acclaim of presidents and poverty-ridden ghetto folks alike. I feel proud to have called him my friend.

For just as no segment of the Nation went untouched by the prowess of this giant of a legislator, no one in Harlem went unaffected by his efforts there, both before and after his coming to Washington.

He carried picket signs and led marches against some of Harlem's and New York City's most powerful institutions and businesses to force them, often successfully, to stop their racist discrimination against black people—his people. But he did it at a time when it had rarely been done before and was not only unpopular, but dangerous.

His election from Harlem in 1941 as New York City's first black city councilman challenged the Tammany Hall political machine, making him the first black man, and one of the few persons of any race, to do so successfully up to that time.

The courage and determination he showed in that situation—with an all-white city council intent on frustrating his efforts for his people and on sending him back to Harlem permanently—should go down in history as a milestone in black political participation in a white-controlled system.

As pastor of Harlem's Abyssinian Baptist Church, the Rev. Dr. Powell—a title he earned but never used—delivered sermons that told a story of a people struggling for freedom. His life was a gloriously important part of a successful chapter in that struggle.

Adam came to Washington not only as the Congressman from the 18th Congressional District of New York, but one of the few Congressmen representing black America. He ably represented the millions of blacks who were unable to get out from under the generations of oppression that face much of black America even today.

His special place in black America could be seen in his mail, ever-flowing in from blacks across the country. Adam offered this segment of America hope and cheer, for most of them had little chance of being allowed to elect a Congressman of their own. Indeed, many black Americans still find themselves in this position.

Some of his mail was addressed to the White House. Perhaps this was aptly so, for it was Adam Powell, more so than any other black national figure, who came closest to being the President of the black United States.

But as the Rev. Gardner Taylor of New York said during funeral services for Adam in Adam's city last Sunday, the only thing wrong with Adam Powell was America. Adam, like few others before him, was able to make America a little more right in his time.

My deepest prayers and condolences go out to his family and close friends who have suffered the immeasurable loss of this man. I feel certain that many of my colleagues join me in saying that we in Congress and all America will miss his voice in these troubled times.

Mr. BADILLO. Mr. Speaker, I am pleased to have this opportunity to take part in today's special order in honor of the late Adam Clayton Powell. I commend our colleague (Mr. RANGEL) for taking this time and join with him and our other colleagues in recognizing the many and unique accomplishments of Adam Powell.

I want to take exeception to a recent newspaper editorial which maintained that Adam Clayton Powell left no great heritage or accomplishment, in contrast with the late Martin Luther King, Jr. That assertion was both wrong and unfortunate in its approach. With the tensions and divisions in our society what they are today, this is no time to be playing off the memory of one black leader against that of another.

And let there be no doubt that Adam Clayton Powell was a black leader. As much as anyone, he worked tirelessly to foster black pride and a spirit of achievement among his people. He was an immensely popular figure throughout the Nation and with good cause.

I have had the privilege to serve on the House Committee on Education and Labor—the committee Adam Clayton Powell chaired—for more than a year now. There has not been one hearing, one markup session, one caucus—in which the achievements of this committee under his direction and leadership were not very much before us. Whether it be in the area of education, or manpower training, or minimum wage legislation, the solid accomplishments of Adam Clayton Powell cannot be denied. And when we experience difficulties in moving legislation along, we realize even more how important his leadership qualities were.

This Nation owes a tremendous debt to Adam Clayton Powell—and I do not mean just the black community. The historic bills that moved through his committee—the Elementary and Secondary Education Act, the Economic Opportunity Act, minimum wage bills, and many others—all strengthened opportunity for all Americans. They benefited the young and the old, the blacks and Spanish-speaking minorities in our core cities as well as the forgotten poor of the rural areas; the college student as well as the steelworker.

When our words today are long forgotten, those historic bills will stand as a living memorial to Adam Clayton Powell.

Mr. BIAGGI. Mr. Speaker, I rise to join my colleagues in paying tribute to the late Congressman Adam Clayton Powell of New York.

Former Congressman Powell, although a controversial figure throughout most of his career, he was instrumental in ushering through the Congress several legislative measures of national significance. As the Chairman of the House Committee on Education and Labor, he managed to have the following major legislation reported out of his committee and enacted into law. Public Law 87–30, increasing the minimum wage to $1.25; 87–274, The Juvenile Delinquency and Youth Offender Control Act; 87–415, The Manpower Development and Training Act; 88–38, Equal Pay for Equal Work for Women; 88–204, The College Facilities Act; 88–210, Vocational Education; 88–452, The Economic Opportunities Act; 89–10, The Elementary and Secondary Education Act; 89–73, Administration of the Aging; 89–209, The National Foundation for the Arts and Humanities; and 89–329, The Higher Education Act of 1965. This is indeed an incredibly impressive legislative record which deserves the praise of the Members of this body and the millions of Americans who benefited from these laws.

In recognition of former Congressman Adam Clayton Powell, the President of the Borough of Manhattan, Percy E. Sutton, declared April 9, 1972, as a Day of Memorial for the legislator. Mr. Sutton urged all 1,600,000 residents of the Borough to mourn the loss of this influential American.

Mr. Speaker, in reflecting upon the loss of our former colleague, Adam Clayton Powell, we should remember that he was responsible for bettering the living conditions of millions of working people throughout America as well as lifting the level of education and literacy for millions of schoolchildren across the land. This legacy will remain a monument to Adam Clayton Powell for generations yet unborn.

Mr. DERWINSKI. Mr. Speaker, any Member who served with the late Adam Clayton Powell in the Congress would, I believe, attest to his ability, energy, and legislative effectiveness.

Adam Powell has been properly eulogized for his role in the development of black political consciousness and for the political battles that he fought on behalf of his constituents. He should also be remembered by all of us as a very effective legislator, an outstanding debater, and a strong committee chairman.

In our system of government, a Member of the House very properly gives special attention to the views and needs of his constituents. He is their voice in Government and their intermediary with the frustrating bureaucracy at all levels of the executive branch. In this traditional role as a spokesman for and Representative of his constituents, Adam Clayton Powell was a truly effective Representative. I know that his memory will long be cherished by his constituents who remember the personal attention and service that he rendered to them.

Mr. Speaker, I am pleased that Adam Clayton Powell's distinguished successor, CHARLES RANGEL, alerted the Members of the House to the special order held this afternoon so that we might participate in this tribute to our late former colleague.

Mr. STOKES. Mr. Speaker, I wish to commend the gentleman from New York (Mr. RANGEL) for taking out this special order and providing all of us with this opportunity to eulogize a great leader. I join with my colleagues in expressing a deep sense of personal loss occasioned by the passing of Adam Clayton Powell. We knew him as Adam, a fierce and unrelenting fighter for equality. For over 20 years, his eloquent voice was the lone but powerful voice for black people on the national scene.

He had style and dignity. He commanded the respect of both friends and opponents. He was an eloquent preacher, a committed and powerful legislator, and a great man and a good friend.

Mr. Speaker, Adam Clayton Powell's legislative record serves to show us what can be accomplished by an exceptionally able and dedicated Member of Congress. As Chairman of the Education and Labor Committee, he steered 55 pieces of civil rights and social reform legislation through the House. President Johnson recognized and commended him for his effective leadership of the committee as this Nation began to commit itself to a war on poverty.

Adam's record may never be matched, but our work remains to be done. We must continue his efforts to bring about equality for all men.

Mr. Speaker, Adam Clayton Powell took pride in being a member of the original Congressional Black Caucus. At that time there were only 9 black Members of the House. It was the first time in the history of the Congress that 9 black Members had occupied seats in the House simultaneously. We were equally proud to put our shoulders next to his for we realized how long he had at one time fought the fight alone.

He was sensitive, articulate, intelligent, and totally committed to the eradication of the injustices which confront black and other minority people.

Mr. Speaker, the America which I grew up in was full of racial hatred, segregation, and discrimination directed toward black people. As a young man, I became determined that someday I would be able to fight to eliminate these oppressive and cancerous conditions from our society. At the age I decided upon this course of action, I looked for a black leader whom I could derive inspiration from. Mr. Speaker, there was no Congressional Black Caucus to inspire me. There was one lone black man in the U.S. Congress. That man was Adam Clayton Powell, a fierce and unrelenting fighter for his people. A man who dared to take on the white establishment with all of its bigotry, racism, and prejudice. The establishment never forgave him. Adam paid a horrendous price for his dedication to the principle that he would accept nothing less than total equality for himself and his people. I admired Adam. I am privileged to have served with one of my heroes: I am a little better man for having known him. History in its own inevitable way will assign him a position of martyrdom. Adam Clayton

Powell is one of the few men in history who became a legend in his own lifetime. Adam, you may be assured that we who loved, respected and admired you—and we who benefited so much from your leadership—will always be mindful of your last admonition to us—Keep the Faith, Baby.

Mr. UDALL. Mr. Speaker, 5 years ago in this Chamber I rose to pay tribute to Adam Clayton Powell and to plead for his seat in this body as a duly elected Representative of the people of Harlem. My plea was rejected and Adam Powell was temporarily excluded from this House that he had served so long and, for the most part, so well. Today we come to mourn his death.

Adam Powell was a gifted man, a brilliant man, with a magnetic personality and sparkling wit. It was my privilege to serve as his colleague and to know him well. He used his gifts but wasted them, too. He seemed to thrive on controversy and he lived in high style—a symbol to his people of a black man who had "made it" in a white man's world.

But Adam Powell never forgot his people. He served as a trailblazer not only to blacks who looked to him for leadership but to all the poor and downtrodden who benefited so substantially from his remarkable legislative accomplishments. Amidst all the controversy, the facet of his congressional career tends to be overlooked. I think it fitting that we call attention to it now so as not to forget the real legacy of Adam Clayton Powell.

As one of the first black chairmen of a congressional committee, Adam Powell led the way in establishing legislative landmarks for education, unemployment, the poor, and the handicapped. His vigorous advocacy produced a higher minimum wage, Federal aid to elementary and secondary schools and colleges, the poverty program, a National Arts Foundation. Not the least, of course, was the role he played in bringing about passage of the very important civil rights bills of the 1960's.

Yes, Mr. Speaker, Adam Powell made his mark on this House and on his country. He will be remembered as much more than a mere footnote in history.

Mr. PRICE of Illinois. Mr. Speaker, today in paying tribute to our late colleague, the Honorable Adam Clayton Powell, I want to stress his important contributions to the enactment of progressive legislation beneficial to countless numbers of American citizens.

As chairman of the House Education and Labor Committee, Adam Clayton Powell was responsible for fashioning into law increased minimum wages, the Juvenile Delinquency and Youth Offender Control Act, the Manpower Development and Training Act, equal pay for equal work for women, the College Facilities Act, the Vocational Education Act, the Economic Opportunities Act, the Elementary and Secondary Education Act, the Administration on Aging Act, the National Foundation for Arts and Humanities Act, and the Higher Education Act.

Few men in Congress could point to such a distinguished legislative record. Chairman Powell was not content to serve as a passive legislator. His flamboyance and energy were directed toward the development of responsible legislation.

Adam Clayton Powell was an articulate and forceful voice for his people. It is indeed appropriate that he is honored today for his legislative service, particularly for his work as chairman of the House Education and Labor Committee.

I was in the uniform of an enlisted man in the U.S. Army when I first met Adam Clayton Powell. I was on a weekend pass visiting my home in East St. Louis in October 1944. Adam was in East St. Louis that weekend making a speech in my behalf as a candidate for Congress. He was himself a candidate for Congress. We were both elected in November of 1944 and we entered the 79th Congress together in January 1945.

Mr. NIX. Mr. Speaker, we have lost a dear friend and a great man with the passing of Adam Clayton Powell. His death is a deprivation for all Americans who feel as he did that equality, regardless of race, must be more than a slogan. He championed the cause of blacks in America at a time when their spokesmen were few, and unmuted voices, among them, even fewer.

As a chairman of the House Education and Labor Committee he fought long and hard for the type of legislation that would bring a large measure of progress to a nation that urgently required change. He was understandably proud of the fact that his leadership helped to pass more than 50 major bills during the administrations of Presidents Kennedy and Johnson, including the legislation for the war on poverty, statutory landmarks of which we are told he was especially proud.

I knew Adam over the span of many years, and I came to appreciate his dedication to a cause and his ability to mobilize public opinion to support that in which he so strongly believed.

He had a very special kind of rapport with the people of his district, a special kind of appeal which was evident whether he spoke to a mass crowd of admirers in the streets of Harlem, or from the pulpit of his Abyssinian Baptist Church.

Scripture tells us that Adam was created as the first man—and for the tens of thousands of people of his district Adam Clayton Powell became in both deed and word their "first man." He will be deeply missed by others throughout the Nation, as well.

Mr. O'NEILL. Mr. Speaker, one of the finest orators in the House of Representatives, Adam Clayton Powell, has just died.

I wish to join my colleagues in the House and the hundreds of thousands of Americans across the country who mourn the passing of Harlem's unquestioned political leader for more than two decades. One of two black Representatives in the House for years, he was a symbol of achievement, confidence, and defiance for many black Americans.

A skilled politician, Adam Clayton Powell was a man of flamboyant style and legislative brilliance.

I will remember Representative Powell as one of the most productive chairmen of a major congressional committee. More than 60 pieces of major legislation were passed under the aegis of his powerful committee, the House Education and Labor Committee. These included measures covering minimum wages, manpower development and training, antipoverty, and juvenile delinquency. Many of his early "Powell amendments" which sought to deny Federal funds to discriminatory projects are now the laws of the land.

Adam Clayton Powell's constituents in Harlem will remember him as a man of justice, a leader in the fight for equal job opportunities and better housing for his people. His colleagues in the House of Representatives will remember his superb legislative achievements in the issues of social justice and equality.

Mrs. O'Neill joins me in expressing our condolences to the bereaved family of Adam Clayton Powell.

Mr. CAREY of New York. Mr. Speaker, I rise at this time to join my colleagues in this special order to pay tribute to our former colleague and past Chairman of the House Education and Labor Committee, the Hon. Adam Clayton Powell, of New York.

I am certain that when history makes its judgment on Dr. Powell, he will fare most favorably. Nearly 50 programs of major degree in education, better labor standards, and aid to the poor and elderly became law as a result of his efforts and leadership. He presided over the passage of minimum wage increases, the war on poverty, manpower training programs, aid to colleges and libraries and, most significantly, the 1965 breakthrough on Federal aid to elementary and secondary education.

As one who worked with Adam Powell, I learned in the committee and on the floor of his gifts as well as his problems. Particulary, I learned of his overriding love and devotion to the work of Congress.

He valued his friendship in this body and respected his colleagues to a high degree. It was because of that that he labored with such determination to regain his seat and was eventually upheld in that determination and perseverance by the highest court in this land.

Now he has gone before the Creator of us all in the highest tribunal which he faces, and that judgment, of course, is the one which will override all others. I trust and I hope that the God he loved and served will remember his zeal for the poor, for children, for equality, and against injustice. Whether you were one who agreed with Adam and admired him, as I did, or one who opposed him on matters when you felt he had to be opposed, I think we can all agree on this: For the life he led and the work he did and the way he served Harlem and New York, I think he deserves the respect of our colleagues all over the land at this time. But over all I think he said it best himself when he evaluated his own contribution to his work in public service by saying, "No matter how you look at what I did, I paid my dues."

Mr. Speaker, the Members of this body owe Adam Powell great respect for his leadership and service for 26 years.

THE 80TH BIRTHDAY OF CARDINAL JOSEPH MINDSZENTY, PRIMATE OF THE HUNGARIAN ROMAN CATHOLIC CHURCH

The SPEAKER pro tempore (Mr. ROBERTS). Under a previous order of the House, the gentleman from New Jersey (Mr. PATTEN) is recognized for 60 minutes.

Mr. PATTEN. Mr. Speaker, today it is indeed an honor for me to speak about a man whom all freedom-loving peoples over the world admire as a proud symbol for patriotism, religion, freedom, and human rights. He is a man, who in our world of compromises, lies, and half-truths, has steadfastly refused to exchange truth for security, justice for individual or group interest, integrity of character for questionable compromises in the name of "progress."

As his predecessor in England, Thomas Beckett, he is a man who would not bargain away the right of individual conscience, the privileges of his church in order to survive under a Godless regime. Such a regime, despite any economic reforms and palliatives in the political sphere, still prevents freedom of religious instructions, forbids a Catholic press or any youth organizations, and pressures the Vatican to agree to the appointment of the most notorious collaborators to three of the four bishoprics in Hungary in the last few months.

But Cardinal Mindszenty is not just a man of integrity and an uncompromising fighter for the freedom of religion and individual conscience against the totalitarianism of Communist ideology.

He is also a teacher of his people who revere him despite his enforced exile since October 1971 and already during his stay in prison and isolation in the U.S. Embassy. His sermons during the 3 years after the war before his arrest, his recent pastoral letter, show him as a man to whom religious truths, the commands of Christian morality, are not only the leading polestar but a condition sine qua non, if social justice and individual freedom are going to be implemented in our crisis-plagued world. I ask for unanimous consent to insert in the RECORD after my remarks the English translation of his last Pastoral Letter of Advent 1971 written in Vienna for Hungarian Catholics in Hungary and throughout the world.

Cardinal Mindszenty is not only an example of courage and integrity he is also a man of ecumenic spirit. Long before Vatican II, he attracted Protestants and Jews to himself, becoming a symbol not only of Catholic faith, but also of all Christians and God-fearing people against dialectical materialism, and atheistic communism. People relate to me that his sermons, and even devotions, were often attended by non-Catholics, in order to show solidarity for the fighter for human rights, democracy, and morality.

A good friend of mine. Prof. Z. Michael Szaz, Secretary of International Relations of the American Hungarian Federation, Troy State University, visited the cardinal in Vienna on March 26. He reports that the cardinal is in good health physically and mentally, and did not lose either the profundity of his thinking, or his wit. To him he described our world as going through a period of spiritual and moral fog where truths could no longer be easily pinpointed. He added:

> If we can only disperse some of the fog of moral errors and remind the peoples of the world of the truth, we already have accomplished an important task in our life.

Today, I would like to contribute my humble share to the admonition of the great cardinal by reminding my colleagues and the American people of his great example and that despite political compromises which might become necessary as a result of the changing international balances of power, we understand his message that there can be no compromise for any God-fearing people with the ideology of atheistic communism. We promise, in congratulating the cardinal, that we will not fall into the temptation of our times to regard eternal truths and the self-evident truths of our Declaration of Independence from a viewpoint of moral and political relativism. Rather, we will pay the price for freedom, eternal vigilance and loyalty to the principles of the Constitution, based on our Judeo-Christian heritage, in the same spirit in which the cardinal keeps his allegiance to his nation and church now in the enforced exile in Vienna. May God give him health and many fortunate returns.

FROM THE PRIMATE OF HUNGARY

My Reverend Brothers, dear Faithful, and fellow Hungarians!

I am speaking to you after a long and compulsory silence. My words at first are those of gratitude to the Divine Providence which has preserved me amid my many sufferings. I owe a debt of gratitude to all those who, at least spiritually, shared with me the burden of the cross, and who tried to understand the meaning of my fate in the spirit of the Gospel, and supported me with their prayers. At this time, I cannot forget those few who accepted the sufferings in the service of the same ideals, and which has ended or will end in so many cases only by a redeeming death.

If one accepts one's misfortunes in accordance with the Divine will, the faithful man really makes whole through his body the sacrifice of Christ and his body serves the welfare of the Church (Col. 1, 24). Our redemption was born of suffering and we believe that the sacrifices accepted for the sake of Christ were not even secularly in vain. We have crossed the threshold of prison and the temporary frontier that destroys human like with faith and hope in God. What would be a more timely topic that this unbreakable, always young and new, redeeming hope which forms a pillar both of our supernatural and our decent, serious secular life as well?

The liturgy of the Church also speaks to us of hope: we are celebrating advent and the new year. The words of the prophets shall ring in our ears: "The heavens shall give praise and the earth shall give thanks . . . before the Lord Who has come . . ." (Ps. 95, 11–13) "Tell those of little faith: Do not fear! God himself is coming to bring you redemption." (Is. 35, 4, 7) Refer to the Divine promise and talk about His plans and nourish in the people of God the hope in the coming of Messiah. In the fullness of time his hope has been fulfilled and Lord Jesus himself gave "testimony of the truth." (1 Tim. 6, 13), From Him we learned to pray: "Thy Kingdom come." From Him we borrowed the words and parables of hope: of the yeast which is hidden in the flour but changes it into dough, of the tiniest seed which grows into the mightiest tree. These parables speak of future times. The kingdom of God does not arrive in a moment, the Christian must pray and work for its coming.

The historical appearance of the Lord, the Gospel, and the Church itself, i.e., the community of those "who see in Jesus Christ the author of redemption and the basis for unity and just peace." (Const. lumen gentium, Cap. II, n. 9) are not only historical facts and beings. They are also continuous programs, tasks, but simultaneously also sources of strength. For the Church as the "community of faith, hope and love" (Const. lumen gentium, Cap. I, n. 8) is also both in its external appearances and effects a revelation of the faith permeating its members, of the hope giving life to the faithful, and of the love which binds them together.

Among my correspondence in Rome before arriving to Vienna, there was a Hungarian letter that arrived from northern Italy. Its sender describes that she was born in Nagykikinda after World War I. While a small child, she was adopted as one of nine Hungarian orphans by an intelligent, educated Hungarian woman, and became a sister. Educated by her, the sister came as a refugee to the West and knocked on the door of this nunnery.

There has been nobody for decades to whom she could talk Hungarian. In October 1971 she also heard the news: the Hungarian primate is in Rome. She felt that somehow she still belongs to him. She sat down and wrote a two page letter in Hungarian. She apologized but this had been her first Hungarian letter in decades. Her highest order superior wrote an understanding accompanying Italian letter to it. All Hungarian relationships were missing from the life of this dear sister. Her fate was most unfortunate even among the emigres; it is really surprising that she had been able to write in Hungarian at all. In contrast, it is a fortune that the majority of the refugees still has contact to the large and the small Hungarian community: the family. The nation lives in its language. The family is the great anchor of our hope, it does not let the mother tongue to fall silent. If we cannot leave any other inheritance to our children, we should at least bequeath to them the language of our ancestors. Of course, the knowledge of the language of the nation which has adopted them is praiseworthy, but there is nothing more depressing in the life of the parents than the lost language of their country in their children.

Another strength and obligation remains the Hungarian-language mass on Sundays and holidays, and the Hungarian-language sermon. If the Church, understanding the need of souls, permitted the Hungarian language as the language of the Holy Mass at home and abroad, it would be painful if those given this grace amid a world crisis and loss of their country would not appreciate and value it. And we cannot mass the sermon St. Paul teaches that faith comes from hearing, from the hearing of the words of Christ (Romans 10, 17).

In order to give our children a Christian education, it is absolutely necessary to listen to the sermon on Sundays and holidays.(It is true that) in order to achieve the 1456 victory at Nádorfehérvár (Belgrad) St. John Capistrano, although he did not speak Hungarian, could successfully enthuse the Hungarian crusaders so much that they forced the (troops of the) Turkish Empire extending to three continents to run for their life. His sanctity and the (military) genius of his friend Hunyadi, were adequate for the task. But not even the most proficient foreign-tongue orator can compete with the sermon in the mother tongue. Count Albert Apponyi, despite his worldwide renown, often listened attentively to sermon of the new chaplain celebrating his first mass. Those who miss the sermon cannot fulfill the obligations as fathers, mothers and educators. In the present disintegrating world their children will be like lone, unsupported leaves blown by the wind. Abroad we cannot afford to give to our children and their souls less than what we have received from our caring parents. The right to the mother tongue is the most natural human and individual right.

In addition, every family should have a Hungarian-language New Testament, and every family should subscribe to the monthly of Hungarian Catholic refugees, Eletünk (our Life). Our other Christian brethren are also taking care of their own.

I want to emphasize strongly for my priests visit the families, despite their manifold duties. Without it, even at home, there never has been or will be a serious and adequate fulfillment of pastoral duties. This is even more true abroad.

Charity which finds expression in deeds is absolutely necessary toward those in need. How can we expect help from foreigners if affluent Hungarians are indifferent toward those in misery among their fellow countrymen.

St. Paul teaches: "We are kept alive by hope." Our example in regard to mercy is the homeless Tobias, and Jesus has said and promised: "Happy are the merciful, for they shall receive mercy." (Matth. 5, 7).

I am sending my blessing to you, my Reverend Brothers, dear Faithful, to those at home, to those detached (from Hungary) and to those scattered over five continents.

Vienna, Pazmaneum
Advent 1971

JÓZSEF MINDSZENTY, m.p.,
Archbishop of Gran, Primate of Hungary.

Mr. ALBERT. Mr. Speaker, I am pleased to join my distinguished colleague from New Jersey in congratulating the cardinal-primate of the Hungarian Catholic Church, Joseph Mindszenty, who celebrated his 80th birthday on March 29.

Cardinal Mindszenty has been a source of inspiration, solace, and hope for all of us, regardless of our religious denomination, for the past two and a half decades. His historic fight for individual and religious freedom during the late 1940's in Hungary established the cardinal's place for all time in the hall of fame of heroes of the Hungarian people. His sufferings, both physical and mental, during his long imprisonment aroused the sympathy of the entire world and illustrated the courage of this steadfast man. His years in prison and in semi-isolation in the U.S. Embassy proved that the vicissitude of loneliness could not break a spirit engaged so actively in the cause of human freedom and dignity.

Now, in his exile, Cardinal Mindszenty is active again. He is finishing his memoirs which will be published next year, and he has started a new book on the history of his country. He has issued a pastoral letter to Hungarians everywhere in the world, and I am proud to join his well wishers from many nations in wishing him Godspeed in his religious and intellectual endeavors and many happy returns.

Mr. HELSTOSKI. Mr. Speaker, a few days ago, Joseph Cardinal Mindszenty, Archbishop of Gran—Esztergom—and Primate of the Hungarian Catholic Church has celebrated his 80th birthday in Vienna.

He moved there last October after spending a few weeks in Rome, receiving honors and a very warm welcome from Pope Paul VI. He is still in good health and is mentally extremely alert. He is finishing the final editing of his memoirs and is working on a second book concerning Hungarian history.

All of us know the life and record of this courageous Cardinal who has been a living testimony to his faith, church and his fatherland. He steadfastly opposed the limitation and suppression of individual and human rights and the usurpation of church and personal liberties by an all-powerful dictatorial state regardless whether this state was exercising its illegal powers under the guise of fascism or communism. His pastoral letters in the 1940's, his sermons and personal example constituted the most outstanding record for the defense of true democracy and human dignity in a Hungary which was already then under Soviet occupation and upon which was foisted a Stalinist regime alien to the temperament and desires of the Hungarian people.

His sufferings which include the use of will-paralysing drugs and 45 days of straight interrogation, a life sentence for crimes which he had not committed intentionally, his liberation during the 1956 Hungarian fight for freedom and his moderate radio speech to his people the day before Soviet tanks crushed the fight for freedom are all part of historical record which had transformed him into more than just a great prelate of the Catholic Church. To Hungarians everywhere regardless of their denomination or political views, he has become the martyr for their nation, and for traditional moral concepts and human rights. But even beyond the frontiers of his nation, Cardinal Mindszenty remains an example for all of us in their uncompromising belief in democracy and human dignity amid the many dangers that beset democracy today.

Therefore, we salute him on his birthday and wish him Godspeed and a fruitful work in his remaining years and many happy returns. May I also express the hope that the present Hungarian Government will finally realize the real greatness and honorable motives of the Cardinal and quash his sentence so that he may live his life in retirement in his beloved native country where for the last 22 years he was either a prisoner or an isolated refugee at the U.S. Embassy.

Mr. SCHERLE. Mr. Speaker, among the more than three and a half billion people alive in the world today, few have attained the kind of fame that causes the Congress of the United States to commemorate their birthday. Fewer still have achieved eminence by representing the aspiration of the anonymous billions of human beings whose birth, life and death go unremarked by posterity.

Stefan Cardinal Mindszenty, Primate of Hungary, celebrated his 80th birthday recently, still in exile from his people as he has been for 16 years. By most pragmatic standards, the last decade and a half of his life has been a failure, a futile, quixotic gesture of protest in a lost cause. Yet we, as representatives of the American people, honor him today, paying tribute not only to the man's own bravery and tenacity, but to the indomitable spirit of the nameless millions he represents. The cardinal's perseverance in the cause of religious freedom has come to symbolize the inner faith which flourishes behind the Iron Curtain despite a generation of official repression. In honoring him, we honor all who cherish his name as the rallying cry of the persecuted, and all who live their lives in silent emulation of his ideals.

GENERAL LEAVE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject matter of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PARTICIPATION OF VOICE OF AMERICA, RADIO FREE EUROPE, AND USIA LIBRARIES ABROAD IN INTERNATIONAL DRUG CONTROL EFFORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I would like at this time to urge passage of House Concurrent Resolution 574—my bill to instruct the Voice of America, Radio Free Europe, and the U.S. Information Service Libraries abroad to exhibit and broadcast information on the effects of heroin addiction to those countries which are known to produce, process, and traffic in opium.

To illustrate the need for this legislation, I would point out that the average poppy farmer in such a country as Turkey has no idea whatsoever of the death, crime, and human misery caused by the heroin which is ultimately derived from his production.

This lack of information is further reinforced by the fact that Turkey has no domestic heroin problem itself, and has for centuries been growing poppy as a staple product—to be used for everything from baking bread and pressing oil from the seeds, eating the leaves as salad greens, using the stalks for firewood and animal fodder, and prescribing small quantities of the gum as painkilling medication.

Mr. Speaker, I have witnessed children as young as 6 busy hoeing, weeding, and cultivating the flourishing late spring crop during the course of my 11-nation study mission last year—a survey which resulted in the publication, by the House Foreign Affairs Committee of my report entitled "The International Narcotics Trade and Its Relation to the United States."

We have, for years, overlooked an excellent means of supporting bilateral and multilateral drug control efforts. The Voice of America, Radio Free Europe, and the U.S. Information Service Libraries in foreign countries would represent most appropriate vehicles for impressing those countries implicated in the illicit narcotics traffic with the catastrophic effects of heroin addiction. Even those countries which only produce or process opium are in danger of developing a serious heroin addiction problem at any time. Iran, which succeeded only temporarily in its efforts to clamp down on drug use and traffic, is a case in point.

We can expect little success in crop substitution and law enforcement policies in opium-producing nations, unless the farmers and local government officials in those countries are aware of the devastating effects of heroin, not just in the United States, but in all sections of the world.

MISINFORMATION ON CORPS OF ENGINEERS SURVEY AFFECTING RICHLAND AND ASHLAND COUNTIES IS CORRECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Ashbrook) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, a great amount of the controversy surrounding the Lake Erie and Cleveland-Akron Area Regional Waste Water Management Study is based on misinformation. I recognize that some of this comes because of political oratory which can be discounted, but a considerable amount of the misunderstanding is based on newspaper reports.

First of all, when the first Corps of Engineers report on this feasibility study was made available in July 1971, both Congressman Jack Betts and I immediately objected to the concept of making Richland and Ashland Counties any leachbed. Although the use of Richland and Ashland County farmland was only a part of that feasibility study, it was obvious that this was not one of the alternatives which should be pursued in our comprehensive effort to attack the water pollution problem. We consulted with the Public Works Committee and our own Ohio member on that committee, Representative William Harsha, of Portsmouth. Through the cooperation of the Public Works Committee and especially Congressman Harsha, H.R. 11896 now contains a specific provision which should set many of the fears of those in Richland and Ashland Counties at rest. Misinformation had led many to believe a plan would be foisted on them without any recourse and although this was not possible, the bill as passed contained a clear statement of congressional intent to allay all of these fears.

When I received the endorsement of the Mansfield News Journal in my very first campaign for Congress, it was based in large nature on the belief of that paper that the representative in Washington should work to pierce the bureaucratic maze which even then was engulfing us, rather than perpetuate it and further spread its tentacles over the taxpayers. I feel I have been consistent through the years on this point and have fought bureaucracy rather than furthered its goals. I say this because I am well aware that a feasibility report in 1971 can lead to an accomplished fact 2, 5, or 10 years later. At the same time, there are two points to bear in mind.

First, in probing areas where difficult and hard solutions lie ahead, few if any answers are known or obvious at this point. It is impossible to mount an attack in an area such as pollution and in advance know what actions will be advocated. I completely support the concept that all alternatives should he explored which is far different from saying that any and all recommendations made would be either accepted or supported. At this point, the Corps of Engineers is merely coming forward with alternative plans as a part of a solution to a difficult problem.

Second, the Corps of Engineers is not like most of the "creeping" bureaucracy here in Washington. They are professional, open and direct, as well as nonpolitical. They do their job efficiently and to the letter of the law. You may recall that in 1964 I indicated that the bureaucrats in Health, Education, and Welfare would work to implement, step by step, forced busing to achieve racial balance even though at that time they insisted they would not. A far greater danger is presented by the "creeping" bureaucrats who talk one way and implement, step by step, programs which are the result of their own social views. On the basis of my experience, this is not a problem with the Corps of Engineers. There has never been a sneak attack from them.

I would point out that there have been hundreds of feasibility studies in thousands of areas. For example, for years there was a feasibility study regarding the proposal to link Lake Erie with the Ohio River by means of a canal. I did not oppose this study but I opposed 100 percent any recommendation that such a canal be built. The corps has studied many subjects where final recommendations did not result in a project.

In discussing the Corps of Engineer's alternative plan which calls for the use of lands in Ashland and Richland Counties in the Cleveland-Akron proposal, they indicated that further detailed investigation of potential sites will concentrate in areas near Cleveland and Akron. They have merely stated at this point that Ashland and Richland Counties have not been eliminated from consideration. I believe the Congress will feel, as I do, that sites nearer those cities would reduce pumping costs and thus would be more desirable if this plan ever is finally recommended.

In the legislation before us last month, Representative Harsha and the Public Works Committee added a safeguard for the people of our area. Although I have indicated that the Corps of Engineers is not to be treated like other bureaucratic agencies, many felt one loophole did remain.

That was the very remote possibility that the project could be implemented as a pilot project without congressional approval. I did not believe the proposal could legally be rushed through as a pilot project but this language makes sure. Through the good work of the committee, on page 231 of the bill in section 108 (d)(1), it specifically states that the Secretary of the Army, acting through the Chief of Engineers, is—

> Directed to design and develop the Demonstration Waste Water Management program for the Rehabilitation and Environmental Repair of Lake Erie. Prior to initiation of detailed engineering and design, the program, along with the specific recommendations of the chief of engineers and recommendations for its financing, shall be submitted to the Congress for statutory approval.

This means that any proposal would be treated as a straight public works project. In other words, it would require authorization and then specific funding. At all stages, there is opportunity for hearings and amendments.

This is not to say that the Mansfield News Journal and the citizens of Richland and Ashland Counties should not be alarmed at this point. It is, however, to report that there are very definite safeguards which will present us with a proper opportunity and forum to block this radical proposal if it becomes a part of their final plan.

Colonel Hansen, district engineer in Buffalo, informed me that their current study is scheduled for completion in February 1973. The Corps of Engineers has properly studied alternatives and options as directed by Congress. Nine original alternatives were considered. Congressional intent clearly urged the corps to consider total land disposal systems rather than the traditional sewage systems which dump effluents in our waters. Of the nine original alternatives studied, three basic alternatives were reported by the Corps of Engineers to be most promising, one of them including the regional waste water system which would dump in our area.

In the current stage of the Corps of Engineer's survey, they are now studying alternate land disposal sites in addition to the Richland-Ashland area. It is very clear that pumping sites near the cities would reduce costs and be more desirable if this particular approach is to be advocated and, as stated earlier, it is merely one of three proposals currently being considered by the corps.

The first determination I made in studying the situation was whether or not the project could be fully implemented as a pilot project without congressional approval. The answer to this was "no." Congressional intent was nonetheless made clear in the bill as stated above. Second, and of equal importance, the total limit of the authority of the Corps of Engineers is to submit the completed plan to the State of Ohio for its consideration and approval. So we have a second safeguard which has been overlooked. The State of Ohio will have authority to say "yes" or "no" to any project which is ultimately advocated by the Corps of Engineers in our area.

Thus, any suggestion that doomsday is around the corner or that our interests have not been adequately protected is not borne out in the facts. Congressman Betts and I have received fine cooperation from the committee and from the Corps of Engineers. When the Corps presents its ultimate report, you can be assured that I would vigorously oppose it if it were to advocate the unnecessarily expensive and undesired long-distance pumping of sewage into our area. At the same time, there is no reasonable way anyone can oppose the study of all the alternatives available.

Let me give you a similar example. Suppose the Mansfield News Journal were to advocate that an overall, comprehensive program be developed for the downtown area in Mansfield to combine the objectives of beautification, renovation, housing, parking, Federal, county, and municipal office buildings, parks, and improved commercial and office space. A commission is set up and it begins its study. Word gets out that one of the nine feasibility suggestions—just suggestions at this point, no final plan or agreed course of action—included a proposal to raze the area which now includes the Mansfield News Journal plant.

At this point, before the commission can even make its final recommendations, the newspaper calls for an abolishment of the commission, an abandonment of its study and that no report of any kind be finalized.

I think the paper would be subject to criticism that it really did not want to solve the problem. Yet, that newspaper is in effect, suggesting that JACK BETTS and I take the same course of action because one of the possible consequences of a badly needed comprehensive study might be that our area could adversely be affected if many contingencies were all resolved against us. If, repeat if, these Ashland-Richland farm use proposals were to be embodied in the Corps of Engineers' final report. If, repeat if, that report were authorized by the Congress and in subsequent action, if, repeat if, the State of Ohio approved this land use and finally, if, repeat if, Congress funded the request, the project could be implemented.

Part of the misunderstanding regarding my position was caused by the News Journal front page story on Thursday March 30. A reporter correctly stated that an amendment I supported affirms the House's intentions that spray irrigation disposal systems be seriously explored as a tool for cleaning up the Nation's waters. This is precisely the position of the House over the past several years. No one is positive what should be done, we have specifically asked that alternative system be surveyed and in some cases pilot projects have been implemented. What is wrong with that? Yet the paper jumps from that solid statement of fact to an illusory conclusion, totally improper, that I was in effect further encouraging the Government to dump treated sewage in Richland and Ashland counties. This is totally untrue.

What did the Vander Jagt amendment say? Simply that we asked the administrator of the Environmental Protection Agency to encourage the development in areas of resources management systems the recycling of pollutants into resources, thereby producing income rather than just incurring operating costs. The amendment itself reads as follows:

AMENDMENT OFFERED BY MR. VANDER JAGT

Mr. VANDER JAGT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANDER JAGT: Page 241, between lines 23 and 24 insert the following:

"(d) The Administrator shall encourage waste treatment management which results in the construction of revenue producing facilities providing for—

"(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture or aquaculture products, or any combination thereof;

"(2) the confined and contained disposal of pollutants not recycled;

"(3) the reclamation of wastewater; and

"(4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

"(e) The Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designated regional management agency to aid in financing other environmental improvement programs.

"(f) The Administrator shall encourage waste treatment management which combines 'open space' and recreational considerations with such management.

Page 241, line 24, strike "(d)" and insert "(g)".

That this concept is being considered in the Lake Erie area is true but it does not follow we are promoting the dumping of waste in Ashland and Richland counties. This is a nationwide problem and the current studies are progressing in many different areas, not just ours. The overall concept and principle is sound. Implementation in Richland and Ashland counties would not be.

The question has also been raised whether or not the Lake Erie proposals would be "legal" under the 1909 Treaty with Canada. That treaty provided that any action which would change the level of the Great Lakes must be agreed upon mutually. The impact of the Corps proposals on the lake level is being studied. It may be subject to agreement. The proposal itself certainly is not illegal. Currently, waste treatment in the Chicago area results in dumping Lake Michigan water in the Mississippi River which takes water from one watershed to another. There is little doubt that Canada will have something to say about any Lake Erie proposal. The State of Ohio will also have something to say. The Congress will have something to say. This again indicates a failure of those raising objections to recognize the difference between a proposal in its early stages and a completed, comprehensive program enacted into law and funded. Many hurdles are ahead but it would be erroneous, in my opinion, to suggest the project is not legal in this, the survey stage.

I do not believe that problems are solved by engaging in press release wars and have taken all of those steps which, I think, are necessary and responsible to give our area proper representation on this controversial issue. One of the few virtues, I feel, I have is that, as a Congressman, I have never worried about criticism or whether or not actions, I believe to be correct, are generally understood.

However, this whole controversy does have a rather interesting irony. After doing all of this in achieving an absolute safeguard against any "sneak attack" on our area, I still determined that I would vote against the entire measure on final passage so the record would be clear. As such, I was one of only 14 to vote against the bill. It passed, 380 to 14. The bill had some other bad features, but on the whole, it was a giant step forward in the overall problem of combating water pollution. In effect, I could say that I am one of the only Members of Congress on record in opposition to the proposal, and this would be accurate, but, as I pointed out, it is a far more complex situation than that.

At the same time, it is interesting that, despite my nay vote on the overall bill of more than 200 pages, it is being charged that I have promoted the scheme, at worst, or have not given diligent representation to the Richland-Ashland area's interest, at best. I think the record clearly discloses that neither of these charges are accurate.

VETERANS ASSISTANCE DAY AND JOBS FOR VETERANS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, during the recent congressional Easter recess, I had the opportunity to participate in one of the most rewarding experiences ever since becoming a Member of Congress. The event to which I refer was a combined Veterans Assistance Day and jobs for veterans program in Meridian, Miss., on Tuesday, April 4. I had the honor of serving as chairman of the event which benefited veterans and their dependents in a nine-county area of east central Mississippi. The program also drew veterans from west central Alabama. I will be quick to point out that the success of the Meridian Veterans Assistance Day resulted not from my chairmanship, but from the hard work and dedicated efforts of officials at the veterans center in Jackson, Miss. These men and women, plus representatives from the Mississippi Employment Security Commission, U.S. Department of Labor, Civil Service Commission, and the Armed Forces all worked as a team for one of the most successful veterans assistance days ever held in the United States. We had a total of 787 veterans and/or dependents register and conducted a total of 2,186 interviews into such benefits as GI loans, education benefits, medical care, and employment. The most rewarding aspect of the program was the fact we were able to place over 200 veterans in jobs and expect to place another 100 within a few weeks. My colleagues might also be interested to know that 93 certificates of eligibility for GI loans were issued on the spot.

Mr. Speaker, I would like to pay special tribute to two Veterans Assistance Officers stationed at the Jackson, Miss., VA

Center. They are Ken McDonald and Claude Guice. These two men spent many long and hard hours working out all the details that contributed to the outstanding success of the Meridian Veterans Assistance Day. Without their knowledge, experience, and dedication to bettering the lives of our veterans and their dependents, the program would not have been a success.

Mr. Speaker, other organizations which are deserving of our thanks are the Meridian Chapter of the American Red Cross, members of the Knights of Columbus in Meridian, the Meridian VFW Chapter, the news media, plus many more.

I would like to share with my colleagues the following information which shows statistically the success of the Meridian Veterans Assistance Day:

VETERANS ASSISTANCE DAY, MERIDIAN, MISSISSIPPI, APRIL 4, 1972

Number veterans and/or dependents attending	787
Total interviews	2,186
Breakdown of type interviews:	
Education and On-The-Job Training	441
Compensation and Pension	381
Medical-Dental-Outpatient	186
G. I. Loans	339
Insurance	93
Employment—State	446
Employment—Federal	160
Military	75
Veterans Farm & Home Board	42
Other (Review of Discharge, Social Security, etc.)	23
Interviews per veteran	2.78

93 Certificates of Eligibility for Home Loans were issued.

THE HIGH PRICE OF FOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 30 minutes.

Mr. ROSENTHAL. Mr. Speaker, today I had the privilege to testify before the Price Commission hearing on the subject of meat and other food prices. This hearing was particularly important because the Price Commission is the quickest instrument for bringing food prices down to a level where they are within the reach of all Americans. The hearing was particularly fitting as well, because the Price Commission is responsible, in a material way, for the high cost of food. My interest in and familiarity with the problem of food prices extend somewhat beyond the fact that I represent a large urban constituency. In 1964, I was appointed by President Johnson to the National Commission of Food Marketing. That Commission examined problems associated with the entire food marketing system—from farmer, to consumer. Last month, as chairman of the House Democratic Study Group's Consumer Task Force, I held 2 days of hearings of the subject of meat prices and the effect on those prices of our meat price import quota policies. Last week, I conducted a shopping survey of 10 supermarkets in my district in Queens, New York and discussed food price problems with shoppers, supermarket officials, store employees and representatives of the Internal Revenue Service who are responsible for enforcing compliance with phase II price regulations.

The purpose of the Price Commission hearings—the unscrambling of the food price tangle and, hopefully, the implementation of solutions to the problem—represent a task as formidable as it is urgent.

While I possess only a limited knowledge about the complexities of today's food marketing system, I do think that I was able to offer some useful recommendations.

To date, the search for the cause of high food and meat prices has deteriorated into a propaganda contest between competing producer interests. Moreover, this controversy demonstrates that consumers do not stand on an equal footing with producers in addressing market price difficulties—even though they are the principal victims of those difficulties. During the past several weeks, we have heard much from representatives of the farm groups—including the Secretary of Agriculture—from the representatives of the cattlemen, and of course, from the food retailers—but not much at all from representatives of the consumer interest.

Thus far, the debate has shed more heat than light on the subject. This is largely because rhetoric of proponents of one point of view or another is filled with statements and restatements of marketplace myths which have been accepted for far too long as reality. It would be useful, therefore, in considering this vital matter, if the Price Commission rejected forever the following damaging myths:

First. Myth No. 1 involves the assertion most frequently made by the Secretary of Agriculture and apologists for the food industry, that the American housewife spends only 15.6 percent of her disposable income on food. This totally fictitious figure, which is predicated on the false assumption that income is distributed equally to all Americans is designed, of course, to dampen consumer anger over rising food costs. It is misleading, at best; and at worst, a mean insult to the millions of Americans who are deeply disturbed about the high cost of food and beef products.

In an effort to expose the meaninglessness of the 15.6 percent figure, I asked the Director for Agricultural Economics of the U.S. Department of Agriculture and the Economics Division of the Congressional Research Service of the Library of Congress to comment on its validity as a truthful indicator of the amount of money spent for food by the broad spectrum of American families. USDA's Director of Agricultural Economics acknowledged that the 15.6 percent figure "is not an accurate measure for a typical American family . . .". The Economics Division of the Congressional Research Service concluded that the 15.6 percent figure:

> Is not an informative figure, representative of the food costs for most Americans to whom food prices are a significant matter.
>
> The percentage might be characteristic of the food and disposable income relationship for a comparatively small number of families with incomes somewhat above $20,000, but would not be representative of persons with lower or higher incomes.

To illustrate the nonrepresentative character of the overall percentage figure, the Congressional Research Service calculated that if in 1969 the 10.4 million lowest income families in America had spent only 16.7 percent of their disposable income on food—the fictitious figure for that year—the average family of four could have bought each day—only two loaves of bread, a quart of milk and not quite a full can of fruit juice.

The Congressional Research Service, using Department of Labor Statistics for food expenditures as a percentage of urban family budgets in the spring of 1970, estimated that families earning approximately $6,300 a year would spend about 30.5 percent of their disposable income on food; families earning around $9,000 a year, 27.2 percent on food; and urban families with an annual income of around $12,700 would spend approximately 24.5 percent of their disposable income for food purchases.

Although the percentage of disposable income spent on food purchases may have declined modestly since the spring of 1970—the decline, if any, would be less than one-half of 1 percent—it can still be seen that the 15.6-percent figure we have heard so much of recently, is nothing less than a fraud on the consuming public. Even the Director of Agricultural Economies of the USDA estimates that the real percentage of disposable income spent on food for a median family—$5,554—was 20 percent or more.

It is my hope, of course, that after today the 15.6 percent figure will disappear from the debate on food prices and will be replaced by a figure which has more meaning and relevancy for the millions of American families who now find that they cannot afford a decent diet.

Second. Myth No. 2 involves the distortion inherent in the assertion that the price of raw food products are up only 9 percent over 20 years ago; or, in the case of beef, that cattle prices have merely reached the level that existed in 1951. This 20-year figure—which, to the uninitiated, sounds like an offhand, almost accidental standard of measurement—is utilized time and time again by representatives of producer groups to justify the present level of livestock and retail beef costs.

If there be any validity to the arguments that farm meat prices today are not high; that the 5- to 6-percent increase in farmers gross income is reasonable; that prices received by farmers for food are not inflationary; and, that food still remains one of the most reasonable buys available then, proof beyond the "20 years ago" standard is necessary.

The fact is, of course, that the Korean war was being fought 20 years ago in 1951 and 1952. It is also a fact that livestock and retail beef prices were atypically high during that period. For example, the Consumer Price Index for meat in 1951 and 1952 averaged 90.6 cents per pound. During the subsequent 5-year period from 1953–57, meat averaged only 82.4 cents per pound. Additionally, the average price of choice steers per hundredweight at Omaha in 1951–52 was $33.64. During the subsequent 5 years, the price averaged about $10 per hundredweight less, at $23.

Third. Myth No. 3 may be the most damaging and, certainly, the most ironic of all. It is that the economic stabilization program is designed to keep food prices down to the 2.5-percent increase level established for the economy as a whole. This is because the Price Commission's phase II policy permits packers, processors, and retailers to pass along to consumers not only actual dollars and cents invoice cost increases but markup percentages as well. The ability of packers, processors, and retailers to maintain their markups in the face of nonexistent or disallowed increases in overhead costs, adds, dramatically, to the cost of food and particularly, meats to consumers.

Using an example furnished by the Price Commission itself in a booklet entitle, "Price Controls and You", this is the way it works: if the invoice cost of a can of peas is $1 and the retailer sells the peas for $1.10, his markup is 10 percent. If the invoice cost to the retailer increases to $1.20, the retailer may apply his 10 percent markup to his new cost and sell the peas for $1.32. While the actual cost to the retailer increases only 20 cents, the consumer's cost goes up 22 cents. Although there may be justification for the maintenance of markup during a relatively inflation-free period, it seems to me inexcusable to permit it on all food products at this time.

What significance does this have for the consumer and the price he or she pays for beef? Using the Department of Agriculture's own figures, we can deduce the following:

Each American now consumes approximately 113.3 pounds of beef annually;

The average price of choice beef per pound at retail in February 1971 was $1.04; in February 1972, it was $1.16;

The yearly per capita expenditure for choice beef in February 1971 was $117.52; in February 1972 it was $131.43. In other words, beef cost an individual $13.90 more in February 1972 than in February 1971 or 11.8 percent more;

For every penny increase in the cost of live cattle, the retailer receives from the consumer 3.5 cents. Of this 3.5 cents, 2.25 cents is justified—based on a conversion of live to retail weight—but 1.25 cents is pure profit. That is, 35.7 percent of the 3.5 cents is unjustifiable profit;

Multiplying $13.90 by 35.7 percent, we find that $4.96 per person or $992 million for the Nation as a whole is spent for beef purchases each year because of this margin pass-through allowed by the Price Commission under phase II.

Beef purchases annually cost the American consumer $1 billion extra if prices continue to rise at the 10 to 12 percent rate and if the phase II guideline on permissible markups in the beef distribution system are continued. It must be remembered that this $1 billion excess cost is permitted even though increases to cover rising overhead costs are forbidden.

The public and the Price Commission should also be reminded that the $1 billion excess relates to beef purchases only; undoubtedly, the consumer is being overcharged tens of millions of dollars in other commodity areas because of this permissible margin pass-through.

It is, of course, true that under phase II guidelines, the retailer may not increase prices if it results in an overall rate of profit that is greater than the company's rate of profit for two of the company's last three fiscal years. If the Commission measures overall profit on the basis of "sales" as opposed to "invested capital", then the supermarket chain stores can maintain the rate of profit on sales while increasing the rate of profit on invested capital because of their ability to turn-over stock at a faster rate. Moreover, the enormous problems confronting the Price Commission in other sectors of the economy and the Commission's limited resources, convince me that challenges to a retailer's rate of profit will not be many or successful.

MEAT PRICES TODAY

Although we are all abundantly aware of the high cost of food in general and meat in particular, I think it would be useful to recite some food price statistics to illustrate the plight of the shopper.

Retail choice beef prices per pound in February were up 3.9 percent over January and 14 percent higher than a year before. Consumers paid 43.1 percent less for beef in 1967 than they do today. Also since 1967, the Consumer Price Index for meat has increased more than 21 points. In 1967, choice beef averaged 80 cents per pound; now it averages around a $1.15.

While the entire CPI has been rising at an annual rate of 3.7 percent since the beginning of phase II in November 1971, food prices have risen at a 6.2 percent annual rate. Although food comprises only 30 percent of the CPI, it is responsible for 60 percent of the rise in living costs since phase II began. Meat prices, as we all know, have been leading the food charge. In February, soaring food prices raised the Consumer Price Index 0.5 percent over January. Higher prices for food, particularly for food at home, accounted for three-fourths of the total index rise. Food at home rose 1.9 percent over January—the biggest increase for any month in 14 years. Meat and poultry prices at retail rose 4.4 percent.

The Wholesale Price Index in February provided similarly depressing news for food consumer: Livestock prices were up 5.6 percent over January and were 17.4 percent higher than one year earlier. Processed meat, poultry, and fish were up 4.1 percent over January and were 13.3 percent higher than a year earlier.

The Wholesale Price Index for March was greeted by administration officials as good news for housewives—but their optimism is not, in my judgment, convincing or well-founded. While livestock prices were 2.1 percent lower than in February, they were still 19 percent higher than livestock prices a year earlier. This represents a 1½ percent greater annual spread than the yearly spread in February. Processed meats, poultry, and fish were down 2.5 percent under February 1972, but they were 12.8 percent higher than a year earlier.

The Bureau of Labor Statistics provided me with the average retail prices and percent changes in prices of selected meat items in New York, Washington, D.C., and Los Angeles between February 1971 and February 1972. The results of that survey are found below:

	Prices for February 1971	Prices for February 1972	Percent change from February 1971 to February 1972
Frankfurters (pound):			
New York	83.8	90.8	8.2
Washington	78.8	81.7	3.9
Los Angeles	77.7	83.0	5.7
Bologna sausage (8 ounce):			
New York	58.2	61.3	8.4
Washington	52.8	55.9	5.4
Los Angeles	54.1	56.7	5.9
Salami sausage (8 ounce):			
New York	65.1	68.1	3.4
Washington	58.5	64.0	9.8
Los Angeles	62.9	65.5	4.8
Hamburger (pound):			
New York	87.8	97.3	11.3
Washington	70.3	74.1	5.7
Los Angeles	60.2	69.2	15.4
Chuck roast (pound):			
New York	74.9	89.0	18.1
Washington	74.5	85.7	15.1
Los Angeles	70.4	80.7	15.3
Round steak (pound):			
New York	158.4	179.3	14.0
Washington	136.2	152.3	12.2
Los Angeles	116.7	133.6	16.1
Sirloin steak (pound):			
New York	136.9	153.4	11.4
Washington	133.9	149.3	11.6
Los Angeles	182.9	208.7	14.1
Veal cutlet (pound):			
New York	280.5	312.7	14.0
Washington	282.2	300.6	7.3
Los Angeles	208.0	268.2	21.7

WHAT DOES THE FUTURE HOLD?

We might characterize as myth No. 4, the view espoused by some in the administration that the future for meat prices is encouraging. My reading of the facts in this matter lead me to an opposite conclusion: Food prices and particularly meat prices will continue to rise in 1972 and beyond, at an unacceptable level. Even the Secretary of Agriculture acknowledged in a recent interview in U.S. News & World Report that—

> Over the long pull, fresh meat prices are going to rise.

According to the "National Food Situation, February 1972," published by the Economic Research Service of the U.S. Department of Agriculture:

> Food prices in 1972 may average 4 and ½ percent higher than in 1971, up from the 3 percent increase last year (1970–1971) . . . prices of food at home likely will rise close to 4 percent compared with the 2 and ½ percent in 1971.
>
> Beef supplies will probably expand at a faster rate later this year and the prices could ease some. *However, strong demand will hold the prices at a relatively high level* . . ."

This last statement would seem to contradict denials by the Secretary of Agriculture that " we are short of beef."

The Director of Agricultural Economics of the USDA in a speech on January 6, 1972, before the Kansas Livestock Association Convention, said:

> First, the short run. This year shapes up as being one of the better years for livestock producers. Red meat out-put will likely be about the same as last year.
>
> We expect marketings to be up next summer and fall because the cattle inventory is rising and cattle-feed price relationships generally favor expanded feeding. Usually, when we see sizable increases in beef output ahead, we anticipate lower cattle prices. *But it looks like any weakness in cattle prices that may develop will be limited . . . the price effects of increased beef out-put in 1972 likely will be offset by the sharp reduction in pork out-put now developing. There probably will be another rapid rise in consumer incomes.*"
>
> Now let's take a quick look at some of the longer-term aspects of the livestock situation . . . the beef production projected for 1980 would mean a rise of around a third over that produced in 1970. *This is a slower rate of increase than from 1960–1970 . . . thus, in the years ahead, the pace of expansion in beef out-put will slow . . .*
>
> *Price trends in the cattle business will continue irregularly upward even with an increase in production because consumer demand will be up even more.*

CAN PHASE II SLOW FOOD PRICE RISES

It is my position, as stated above, that Phase II requirements regarding markups actually encourage unreasonable food prices to consumers. It follows that Phase II has had virtually no salutary effect on rapidly rising food prices. Even the frantic round of jawboning conducted by the Secretary of the Treasury quite recently may not be as totally effective even in the shortrun as many people believe. In New York City, for example, a price survey of nine beef items disclosed that as of last Friday—April 7, 1972—only one item was priced lower than the preceding month—chuck fillet steak, from a $1.18 to $1.56; three were the same price—California chuck roast, chuck pot roast boneless, and ground chuck; while five actually increased in price—boneless shoulder steak from $1.28 to $1.39; flank steak from $1.59 to $1.65; top sirloin roast boneless from $1.29 to 1.39 and round roast bottom boneless from 1.29 to 1.39 and round roast bottom boneless from 1.19 to 1.29.

In a major Washington, D.C. area supermarket, a survey conducted for my office by the Virginia Citizens Consumer Council found that of 13 items surveyed on March 25 and April 8, 1972, seven remained the same price, two were actually higher and only four were of lower price.

But let us examine, for a moment, what one of the administration's most involved economists has to say about the effect of Phase I and Phase II on livestock prices. The Director of Agricultural Economics with the Department of Agriculture in a January 6, 1972 speech before the Kansas Livestock Association Convention stated that—

> Phase I of the administration's new economic policy, announced in mid-August, had no major effect on livestock prices. Of course, livestock were exempt under the 90 day freeze, but cattle and hog prices could have been indirectly effected by the limitations set on wholesale or retail meat prices. However, the livestock market seemed to move freely at levels near those existing 30 days prior to the freeze.
>
> Shortly after Phase II went into effect in mid-November, the Price Board granted processors of agricultural products permission to pass along increases in costs of their raw materials. Thus, higher prices of slaughter animals could be passed on the wholesalers and retailers. For example, in December, the cattle market rose well above prices paid during the 90 day freeze and the wholesale beef market moved right along with it."
>
> *With this flexibility in pricing of agricultural products, we do not expect Phase II to have any appreciable effect on livestock prices in 1972, if pricing policies for meat and livestock are not changed from those now in effect.*

Let me say at this point that I am enormously sympathetic with the difficult task that confronts the Price Commission. My own view is that the Commission would do well to ignore both those who are cheerleading for higher livestock prices and those who choose to blame high prices on only one segment of the food marketing system. What is necessary and achievable is an objective evaluation of the reasons for high food prices across-the-board, and the establishment of a broad policy that will enable producers to remain in production at adequate profit levels and which will, at the same time, provide consumers with reasonable meat prices. In my view, it is entirely proper for consumers not to care very much about the profits of producers and middlemen in their quest for reasonable food prices. It is proper, as well, for farmers to relish their new-found prosperity. The point is that Government—in this case, the Price Commission—must develop and implement immediately a policy that will provide relief for consumers; and, in the longer run, that will provide farmers with a fair rate of return on their capital and labor.

I made the following recommendations to the Commission:

First. As an immediate first step, the Price Commission should freeze the price of raw agricultural commodities for 60 days. Thereafter, it should prohibit for an additional 180 days the maintenance markups by packers, processors and retailers. Only actual dollars and cents invoice increases should be permitted passed to consumers during this period. If this policy is successful in dampening food and meat price increases, then consideration should be given at the end of this 8-month period to restoring the permissibility of markup—based increases, but only as to those commodities which are increasing in price at the 2.5-percent annual level.

Incidentally, these alternate policies should be made retroactive to price levels at the beginning of phase II in November 1971.

Second. Simultaneously, the administration should suspend all meat import quotas and without requiring foreign nations to limit their export of beef. It is important to note, in this regard, that the recent 7-percent increase in the importation of beef quotas will only expand the total domestic availability of beef by one-half of 1 percent. In the words of the Secretary of Agriculture, this is not sufficient to cause a "flutter in the market."

Third. Based on my work on the National Commission on Food Marketing, it is my conclusion that there is gross inefficiency and unnecessary cost in the food marketing system beyond the farm gate. This includes inefficiencies in transportation policies—the wasted space in railroad cars because whole carcasses are shipped rather than butchering the animal at central locations close to areas of production—inefficiencies at slaughterhouses, packingplants, and distribution centers. The Department of Agriculture now spends less than one-half million dollars a year out of its $8 billion budget to research these inefficiencies and improve the food marketing system. Incidentally, the Department spends $5 million a year or 10 times as much controlling the fire ant in the South.

Fourth. If the Price Commission is sincerely interested, as I believe it is, in providing consumers with information at the point of sale adequate to assist the Government in ferreting out phase II violations, then it must revise drastically the information required in base price books located in supermarkets and other retail establishments. Presently, all that is listed there, with respect to food prices, is the base price cost of a product. But since food retailers are permitted to maintain their markups, and since the percentage the retailer applies to the cost of the product in order to calculate the selling price is missing from the base price book, there is no way possible for the consumer to know whether the current price violates the Price Commission's guidelines. Moreover, during my survey of 10 Queens, New York supermarkets, I found numerous violations of the "retailer's price posting requirements," which specify that a sign be prominently posted in each department indicating the location of the central base price list. I would not urge the enforcement of this requirement until such time as the proper and adequate information is included in the base price books themselves.

The burden on the Price Commission is great, and consumers are becoming increasingly impatient with the administration's economic stabilization program. On April 1, I polled 100,000 of my constituents on their reaction to the President's new economic policy; 96 percent of those responding stated their belief that prices are "still rising at an unacceptable level."

Accordingly, I urged the Commission

to take whatever steps are necessary to reverse the continuing trend toward higher food prices.

NEW YORK TIMES NEWSSTORY ON PANAMA CANAL TREATY NEGOTIATIONS INADEQUATE AND MISLEADING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, in an address to the House of Representatives in the CONGRESSIONAL RECORD of November 1, 1971, I commented at length on the anti-American, distorted, inaccurate, and misleading propaganda in a newsstory in the New York Times concerning the Panama Canal. Following that exposure, I noticed that a subsequent newsstory in the New York Times by the same writer on the same question was substantially improved in quality, commended him in an address to this House in the CONGRESSIONAL RECORD of February 9, 1972, and issued a press release thereon emphasizing that the dangerous situation arising from the pro-Communist revolutionary government at Panama requires protective action by the United States.

The latest newsstory on the Panama Canal situation in the New York Times was by C. L. Sulzberger in the April 9, 1972, issue of that paper under the condemnatory title of "Removing an Old Blemish." In this article its author displays a knowledge of current treaty negotiations that discloses his access to official sources but fails to show a realistic understanding of the subjects discussed. The story is, therefore, significant not for what it states but for what it fails to present.

The following are some of the highlights of the article:

First. That "quiet negotiations" between Panama and the United States for new canal agreements have progressed to the point where they may be completed before the end of 1972.

Second. That writer Sulzberger condemns President Theodore Roosevelt's action in acquiring the Canal Zone as "unabashedly crude."

Third. That he obviously supports the surrender of U.S. sovereignty over the Canal Zone to Panama.

Fourth. That he describes our government as wishing for a "new deal" for Panama and an opportunity to "remove the blemish on its posture of anti-imperialism."

Among the important points that Mr. Sulzberger did not reveal are these:

First. That the United States not only holds full sovereign powers over the Canal Zone but also obtained title to all privately owned land and property in the Zone by purchase from individual property owners.

Second. That in supporting a vast and extravagant sea-level undertaking he failed to show that it is unjustified economically and that this has been admitted even by its proponents and that the advent of thermonuclear warfare had made any type of canal vulnerable to destruction regardless of its design.

Third. That he failed to state that the supervessels for which a sea-level canal is being promoted were constructed for the purpose of avoiding the transit of the Panama Canal and the payment of tolls as it is more economical for them to sail around Cape Horn than to pay tolls.

Fourth. That he ignores the ecological angle in a sea-level undertaking and the danger of infesting the Atlantic Ocean with the poisonous Pacific sea snake and the crown of thorns starfish.

Mr. Speaker, in reply to such propaganda as that presented in the Sulzberger story, I would stress that the Canal Zone and Panama Canal are not a mere piece of real estate and a shopping center type of development suitable for placing on an auction block or an outlying post such as Okinawa but part of the coastline of the United States at the strategic center of the Americas absolutely essential for hemispheric defense. Surrendering its indispensable protective frame of the zone territory to Panama would be about as sensible as opening the White House grounds for commercial development.

In order that the Congress and the Nation at large may have the indicated news story for reading and evaluation, I quote it along with the 1971 memorial to the Congress of the Committee for Continued U.S. Control of the Panama Canal, which is one of the most comprehensive brief summaries of the Panama Canal problem ever prepared.

[From the New York Times, Apr. 9, 1972]

REMOVING AN OLD BLEMISH

(By C. L. Sulzberger)

UNITED NATIONS, N.Y.—Quiet negotiations between the United States and Panama have now advanced to the point where it is hoped a new agreement governing the famous Atlantic-Pacific canal—and possibly even the right to construct another interoceanic channel—can be reached before the end of this year. Using a period of tranquility in relationships between the two countries, diplomatic representatives appear to see light at the end of a murky tunnel.

The basic accord still governing the Canal dates from 1903 after Teddy Roosevelt's unabashedly crude manipulations carved Panama from Colombia. Although the original understanding was modified three times, the changes were relatively insignificant. The U.S. still pays Panama only $1,930,000 a year for the waterway itself although Americans living and working in the Canal Zone spend almost a hundred times that much annually.

What irks the Panamanians most is the unarguable fact that, through suzerainty in the Zone, Washington continues to practice the imperialism it officially eschews. Moreover, had tentative new agreements been ratified in 1964, as first foreseen, Panama would today be receiving something like $25 million yearly in shipping tolls alone. The draft treaties were to regulate the existing cut, another sea-level canal and mutual defense.

Two basic issues have flared since Panama began to feel its rights were being ignored in this new anticolonial age. These are continued existence of the Zone, which clearly infringes on Panamanian sovereignty, and the fact that tolls have never been increased. In recent years, moreover, it has become evident that the vital necessity of the present Canal is self-liquidating because it is too narrow for existing ship designs and too vulnerable to attack.

Contemporary large cargo vessels and modern U.S. aircraft carriers can no longer traverse it. Moreover, the system of locks adjusting the difference in water level between the Atlantic and the Pacific makes the Canal an easy target in an age of nuclear-tipped missiles. For both peacetime and emergency wartime reasons it is desirable to construct a new and lockless link between the two oceans which can handle the increased volume of maxi-ship traffic and is also less vulnerable to possible destruction.

In 1970 Washington proposed a joint U.S.-Panama "unified canal system" to continue operating the existing waterway and to excavate another sea-level cut. Other surveys have studied the feasbility of different routes in the East Panamanian province of Darien or just across the frontier in Colombia.

Intermittent negotiations than ran into impasses despite Washington's indication that it was prepared to cede substantial territory from the Zone and accept new legal jurisdictional rules in what remained plus additional commercial concessions. The U.S., however, wishes to insure its right to defend and operate the existing Canal and to decide whether this should be enlarged or a new sea-level cut should be excavated.

To erase the "colonialist" image which has been attached to the United States, there has been agreement in principle to elide from any future treaty a phrase giving the U.S. the right to behave in the Zone in a sovereign manner for a period defined as "in perpetuity." An argument continues over the time period during which Washington would retain military rights of defense and more limited administrative rights.

In March the latest series of talks, which had been taking place in Washington, appeared deadlocked. However, U.S. negotiators were sent to Panama and there appears to be confidence that a new understanding can be reached within a few months.

It is of major importance that this be done at a time when U.S.-Panamanian relationships are not marred by public agitation as in January, 1964. A series of anti-American riots then produced a break of several weeks in diplomatic relations.

Washington wants a new deal and a chance to remove the blemish on its posture of anti-imperialism; but it doesn't want to seem to be doing so under pressure. Panama, on the other hand, wants more money, more legal rights, more territorial jurisdiction and, above all, no more of the humiliating implication that part of its territory can perpetually be ruled by a foreign power. An end to this archaicism is in sight.

PANAMA CANAL: SOVEREIGNTY AND MODERNIZATION—MEMORIAL TO THE CONGRESS

(Committee for Continued Control of the Panama Canal, 1971)

Honorable Members of the Congress of the United States: The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express their views:

1) The report of the interoceanic canal inquiry, authorized under Public Law 88-609, headed by Robert B. Anderson, recommending construction of a new canal of so-called sea level design in the Republic of Panama, was submitted to the President on December 1, 1970. The proposed canal, *initially* estimated to cost $2,880,000,000 exclusive of the costs of right of way and inevitable indemnity to Panama, would be 10 miles West of the existing Canal. This recommendation, which hinges upon the surrender to Panama by the United States of all sovereign control over the U.S.-owned Canal Zone, has rendered the entire canal situation so acute and confused as to require rigorous clarification.

2) A new angle developed in the course of the sea level inquiry is that the Panamic biota (fauna and flora), on which subject, a symposium of recognized scientists was held on March 4, 1971 at the Smithsonian Institution. That gathering was overwhelmingly op-

posed to any sea level project because of the biological dangers to marine life incident to the removal of the fresh water barrier between the Oceans, now provided by Gatun Lake, including in such dangers the infestation of the Caribbean Sea and Atlantic Ocean with the poisonous yellow-bellied Pacific sea snake (Pelamis platurus).

3) The construction by the United States of the Panama Canal (1904–1914) was the greatest industrial enterprise in history. Undertaken as a long-range commitment by the United States, in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." Congressional Record, August 7, 1969, pp. 22845–22848), the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tolls that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

4) Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant in perpetuity from Panama (Hay-Bunau-Varilla Treaty of 1903). In addition to the indemnity paid by the United States to Panama for the necessary sovereignty and jurisdiction, all privately owned land and property in the Zone were purchased by the United States from individual owners; and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22). The cost of acquiring the Canal Zone, as of March 31, 1964, totalled $144,568,571, making it the most expensive territorial extension in the history of the United States. Because of the vast protection obligations of the United States, the perpetuity provisions in the 1903 treaty assure that Panama will remain a free and independent country in perpetuity, for these provisions bind the United States as well as Panama.

5) The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,349,931,421, making a total net investment by the taxpayers of the United States of more than $5,000,000,000; which, if converted into 1971 dollars, would be far greater. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

6) In 1939, prior to the start of World War II, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The program for the enlargement of Gaillard Cut started in 1959, with correlated channel improvements, was completed in 1970 at a cost of $95,000,000. These two works together represent an expenditure of more than $171,000,000 toward the major modernization of the existing Panama Canal.

7) As the result of canal operations in the crucial period of World War II, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception included provisions for the following:

(1) Elimination of the bottleneck Pedro Miguel Locks.

(2) Consolidation of all Pacific Locks South of Miraflores.

(3) Raising the Gatun Lake water level to its optimum height (about 92′).

(4) Construction of one set of larger locks.

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, which would improve marine operations by eliminating lockage surges in Gaillard Cut, mitigate the effect of fog on Canal capacity, reduce transit time, diminish the number of accidents, and simplify the management of the Canal.

8) Competent, experienced engineers have officially reported that all "engineering considerations which are associated with the plan are favorable to it." Moreover, such a solution:

(1) Enables the maximum utilization of all work so far accomplished on the Panama Canal, including that on the suspended Third Locks Project.

(2) Avoids the danger of disastrous slides.

(3) Provides the best operational canal practicable of achievement with the certainty of success.

(4) Preserves and increases the existing economy of Panama.

(5) Avoids inevitable Panamanian demands for damages that would be involved in the proposed sea level project.

(6) Averts the danger of a potential biological catastrophe with international repercussions that recognized scientists fear might be caused by constructing a salt water channel between the Oceans.

(7) Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

9) All of these facts are elemental considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty aspects. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty. These are paramount factors in the overall equation.

10) In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1970 to cost $2,880,000,000, exclusive of the costs of the right of way and indemnity to Panama, has long been a "hardy perennial," according to former Governor of the Panama Canal, Jay J. Morrow. It seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite the economic, engineering, operational, environmental and navigational superiority of the Terminal Lake solution. Moreover, any sea-level project, whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, *or* be wholly borne by the taxpayers of the United States.

11) Starting with the 1936–39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion, in 1967, of negotiations for three proposed new canal treaties that would:

(1) Surrender United States sovereignty over the Canal Zone to Panama;

(2) Make that weak, technologically primitive and unstable country a senior partner in the management and defense of the Canal;

(3) Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This Clause vests the power to dispose of territory and other property of the United States in the entire Congress (House *and* Senate) and not in the treaty-making power of our Government (President and Senate)—a Constitutional provision observed in the 1955 Treaty with Panama.

12) It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State, in direct violation of the indicated Constitutional provision, have been, and are yet, engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Panama Canal project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world trade.

13) Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal as provided by existing treaties;

(2) The *major* modernization of the existing Panama Canal as provided for in the Terminal Lake Proposal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States, aiming at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

14) In the 1st Session of the 92nd Congress identical bills were introduced in both House and Senate to provide for the *major* increase of capacity and operational improvement of the *existing* Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution, which competent authorities consider would supply the best operational canal practicable of achievement, and at least cost without treaty involvement.

15) Starting on January 26, 1971, many Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization in derogation of present treaty provisions.

16) The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. The recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long

range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approach to the Panama Canal, and as was accomplished in the case of the Suez Canal, which the Soviet Union now wishes opened in connection with its naval buildup in the Eastern Mediterranean and Indian Ocean. Thus, the real issue at Panama, dramatized by the Communist take over of strategically located Cuba and Chile, is not United States control versus Panamanian but United States control versus Soviet control. This is the issue that should be debated in the Congress, especially in the Senate. Panama is a small, weak country occupying a strategic geographical position that is the objective of predatory power, requiring the presence of the United States on the Isthmus in the interest of Hemispheric security and international order.

17) In view of all the foregoing, the undersigned urge prompt action as follows:

(1) Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions and,

(2) Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching saturation of capacity.

Dr. Karl Brandt, Palo Alto, Calif: Economist, Hoover Institute, Stanford, Calif., Former Chairman, President's Council of Economic Advisers.

Comdr. Homer Brett, Jr., Chevy Chase, Md.: Former Intelligence Officer, Caribbean Area.

Hon. Ellis O. Briggs, Hanover, N.H.; U.S. Ambassador retired and Author.

Dr. John C. Briggs, Tampa, Florida: Professor of Biology, University of South Florida, Tampa.

William B. Collier, Santa Barbara, Calif.; Business Executive with Engineering and Naval Experience.

Lt. Gen. Pedro Adel Valle, Annapolis, Maryland: Intelligence Analyst, Former Commanding General, 1st Marine Div.

Herman H. Dinsmore, New York, N.Y.: Former Associate Foreign Editor, *New York Times*, Editorialist.

Dr. Lev E. Dobriansky, Alexandria, Va.: Professor of Economics, Georgetown Univ.

Dr. Donald M. Dozer, Santa Barbara, Calif.: Historian, University of Calif., Santa Barbara, Authority on Latin America.

Lt. Gen. Ira C. Eaker, Washington, D.C.: Former Commander-in-Chief, Allied Air Forces, Mediterranean. Analyst and Commentator on National Security Questions.

K. V. Hoffman, Richmond, Va.: Editor and Author.

Dr. Walter D. Jacobs, College Park, Md.: Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va.: Engineer and Author.

Edwin J. B. Lewis, Washington, D.C.: Professor of Accounting, George Washington University; Past President, Panama Canal Society of Washington, D.C.

Dr. Leonard B. Loeb, Berkeley, Calif.: Professor of Physics Emeritus, University of California.

William Loeb, Manchester, N.H.: Publisher and Author.

Lt. Col. Matthew P. McKeon, Springfield, Va.: Intelligence Analyst, Editor and Publisher.

Dr. Howard A. Meyerhoff, Tulsa, Okla.: Consulting geologist; formerly head of Department of Geology, University of Pennsylvania.

Richard B. O'Keefe, Fairfax, Va.: Asst. Professor, George Mason College, University of Virginia, Research Consultant on Panama Canal, The American Legion.

Capt. C. H. Schildhauer, Owings Mills, Md.: Aviation Executive.

V. Adm. T. G. W. Settle, Washington, D.C.: Former Commander, Amphibious Forces, Pacific.

Jon P. Speller, New York, N.Y.: Author and Editor.

Harold Lord Varney, New York, N.Y.: President, Committee on Pan American Policy, New York; Authority on Latin American Policy, Editor.

Capt. Franz O. Willenbucher, Bethesda, Md.: Lawyer and Executive.

Dr. Francis G. Wilson, Washington, D.C.: Professor of Political Science Emeritus, University of Illinois; Author and Editor.

Atty. William R. Joyce, Jr., J.D., Washington, D.C., Lawyer.

Institutions are listed for identification purposes only.

EQUITABLE TAX LAWS AND REALISTIC EDUCATIONAL POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, with Chairman WILBUR D. MILLS I introduced on March 1, 1972, H.R. 13495 to make our tax laws more equitable and our educational policies more realistic. Some 5 million American children attend private nonprofit elementary and secondary schools. The parents of these children are finding it increasingly difficult to shoulder the financial burden of educating their children in these schools. Rising costs have forced some nonprofit schools to introduce tuition payments for the first time. The same rising costs are forcing schools that have been charging very modest tuition to increase those charges by substantial amounts. The result is the threat of a severe depression in the private educational sector—a depression that would imperil the quality of American education and the freedom of parental choice guaranteed by our Constitution.

H.R. 13495 provides a carefully limited Federal income tax credit to parents for half the tuition they pay for the education of their children in private nonprofit elementary and secondary schools. No educational expenses except tuition are eligible for the credit. There is an upper limit of $400 per child. Taxpayers with adjusted gross income in excess of $25,000 will have their total credit reduced by $1 of credit for every $20 of excess income, thus preserving the sound principle of ability to pay.

Mr. Speaker, H.R. 13495 will save money for all American taxpayers, at all levels of government—Federal, State, and local. It will particularly aid those families—some 2 million families—who are carrying a dual burden for the education of their children. These families are paying taxes for support of the public schools and at the same time paying tuition to send their children to private nonprofit schools. We should recognize their unique claim for tax relief. That is the purpose of my bill.

Mr. Speaker, the cost to the Federal Government for my bill in terms of revenue loss is substantial—some $500 million—but it is small compared to the value received. Parents of non-public-school children are paying some $1.4 billion in tuition alone and this is only a fraction of the actual cost of education in the private sector. When you consider what it would cost to educate these same 5 million children in the public schools at the current national average per pupil cost of $858, I call my tax credit bill a bargain for the Federal Government.

There are millions of Americans ready, with relatively small help from the Government, to maintain their nonpublic schools. In these days, when we need enormous revenues to meet the social problems that beset our country, the loss of the private investment in education would be a catastrophe. Every non-public-school child that transfers to a public school costs the taxpayer money. Such transfers, especially on a large scale, are most imminent precisely in our major metropolitan areas.

Mr. Speaker, my bill will take no money away from any public school. Indeed, it will save money for all public schools and, in many of our large metropolitan areas, it will help prevent financial disaster. We are all aware of the grave financial crisis facing our State and local governments, a crisis which has given rise to the demand for revenue sharing by the Federal Government. My tax credit bill should be considered as part of the effort by Congress to meet this financial crisis, particularly in the cities. I have introduced H.R. 13495 to provide responsible, constitutional aid to the parents of non-public-school children.

The American educational tradition is a tradition of pluralism and of the primacy of parental choice. Nonpublic schools are not aliens in our midst. They date from the foundation of the Republic and contribute the indispensable element of diversity to our educational culture. They play a vital role in the religious and intellectual life of our country.

The existence of private nonprofit schools is also vital to the preservation of fundamental parental rights in education. Fifty years ago the Supreme Court ruled that "the child is not the mere creature of the State." Parents have a wide sphere of constitutionally guaranteed freedom in directing the education of their children.

Fortunately, the laws that the Supreme Court struck down during the 1920's have disappeared from the American scene. Now, however, some 50 years later, we are faced with the imminent prospect of the steady attrition of nonpublic schools. This attrition is being caused, not by any lack of parental desire for such schools, but by financial pressures that can and should be alleviated by government.

Some of these financial pressures are directly attributable to government itself. When both taxes and educational costs were low in comparison to what they are today, it was possible for parents to band together, especially with the help of church organizations, and support nonpublic schools on their own. Government, however, has been substantially increasing both the taxes it collects and the amounts it spends on education. The result is to leave less private money available for much higher private educational costs.

We must never forget that education is

not luxury. The welfare of our Nation depends on the education of our children. In recognition of this elementary truth, Government directly subsidizes education in many different ways and provides tax incentive for private investment in education. We need not fear that the Federal Government will abandon its historic neutrality toward parental choice between public and nonpublic schools. Rather, what we have to fear is the certainty that, without tax credit legislation, this neutrality will disappear. The education of children in nonpublic schools is not a private matter. We should promptly extend the help that my tax credit proposal would provide.

Mr. Speaker, I am appending to my remarks a section-by-section analysis of my bill.

The analysis follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 13020

Section 1(a) adds a new section 42 to the Internal Revenue Code.

Section 42(a) provides a credit against the individual income tax for tuition an individual pays to a private nonprofit elementary or secondary school on behalf of any dependent of the taxpayer. The credit does not include books, supplies, fees, and other items.

Section 42(b) limits the credit for any year on behalf of any dependent to 50 percent of the tuition paid up to a maximum credit of $400. Additionally, the aggregate credit allowable is reduced by one dollar for every $20 by which the adjusted gross income of the taxpayer (or if married, the taxpayer and his spouse) for the taxable year exceeds $25,000.

Section 42(c)(1) defines tuition as any amount paid for attendance at a private nonprofit elementary or secondary school. Meals, specifically excluded.

Section 42(c)(2) defines private nonprofit elementary or secondary schools as an institution regularly offering education at the elementary or secondary levels that fulfills the requirements of State compulsory education laws. Additionally, the organization must be one described in section 501(c)(3) and 503(b)(2) of the Internal Revenue Code.

Organizations described in section 501(c)(3) must be organized and operated exclusively for charitable educational purposes with no part of any net earnings inuring to any private shareholder or individual. Under Rev. Rul. 71–447, the Internal Revenue Service has held that such a school must not discriminate as to race on the basis of any of its policies or programs.

Section 503(b)(2) describes an organization that normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

Section 42(c)(3) makes it clear that the credit is inapplicable to education beyond the twelfth grade.

Section 42(d) limits the credit to the amount of taxable income remaining after the application of the other credits allowable against individual income tax (e.g. the foreign tax credit). However, the credit for taxes withheld and certain fuel taxes is applied after the credit for tuition provided by the bill.

Section 42(e) provides the Secretary with regulatory authority.

Section 1(b) corrects section headings.

Section 2 makes the bill effective for taxable years beginning after December 31, 1971.

PROBLEMS FACING NEW ENGLAND FISHING INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 10 minutes.

Mr. O'NEILL. Mr. Speaker, today I had the pleasure of being the speaker at the weekly meeting of the Seafarers Institute luncheon. My subject was one of the great problems facing the New England fishing industry. Recently the New England congressional delegation met with all segments of the industry to discuss their problems and we will shortly be filing legislation to try to lessen their burdens. I am grateful to Hugh O'Rourke of Boston for calling this meeting, and to Phil Conley of the Seafarers for allowing me to be the guest at today's luncheon.

We are very proud of our tradition in New England. Proud of the New England town meeting, the old village squares, the buildings that date back before the American Revolution, and we are very reluctant to let any of that heritage disappear when there are reasons to keep it, and means and methods to preserve it, available to us.

And today I want to tell you of my great concern that one part of that strong heritage may be disappearing. I strongly believe however, that we have at hand several ways of preserving it and making it once again strong and durable.

I refer to the dilemma of the New England fishing industry. It is, of all the Nation's industries, perhaps the most traditional. The art and skill of fishing is passed from one generation to the next and an age-old routine is followed.

Because of the traditional customs and practices of the New England fishing industry, it is being victimized by the "hit and run" character of its foreign competition.

The tradition of fishing that causes the greatest problem for New England fishermen today is that they do not practice overkill. That is, they fish enough to supply the market, yet leave enough to restock the breed of fish for the next season, the next year, and for the next generation.

The ecologists who continue to tell us how all industry is inconsiderate of ecology might be glad to know that New England fishermen have been the most considerate of men in regard to their catch. And they still are. But that leads to great problems for them.

For the fishing industry around New England is a highly competitive one. Foreign vessels fishing near New England's shores outnumber the American fishing boats by more than 3 to 1. And their practices amount nearly to rape of the fishing grounds.

These foreign fleets use fishing methods that are remarkable for the amount of fish they bring in, and appalling for the wholesale slaughter they wreak. One of them is the "pulse" method in which fish are stunned by beams and then simply harvested as if they were so much corn. But, where corn leaves seeds on earth, the fish are completely removed from the sea. All sizes, all varieties, all specimens of fish are pulled up in the foreign nets, never to be seen again in that part of the sea.

American fishermen, New England fishermen do not want that kind of catch. Both morally and economically, that is a method to be shunned and condemned.

Yet there is little we can do about it as the law is presently constructed. Outside the 12-mile limit, foreign fleets are free to pillage and plunder as they like. And that is wrong.

Why, yes, there are international bodies supposed to control such things. One of them is the U.S. State Department's International Conference on North Atlantic Fisheries, unfortunately, it has gotten bogged down in diplomacy to the point that it cannot protect the fish of he North Atlantic. And in some cases it seems that, for diplomatic reasons of course, it would rather bow to the Russians, the Danes, and the Norwegians than acknowledge the existence of the New England fishermen.

We need to change that. We can declare lobster and scallops "creatures of the shelf." Meaning that they belong to the Continental Shelf over which the United States maintains jurisdiction, and that fishing for lobster and scallop could be strictly watched and controlled by the Coast Guard.

It is a step that we should have taken for the haddock that once swam in such abundance over Georges Bank. We did not and now, in the words of the New England Fisheries Advisory Committee with which I have worked very closely, "The resource is now commercially almost nonexistent." The committee said that while U.S. fishermen "exploited the resource at acceptable levels" it was for years "devastatingly overexploited" by foreign fishermen while the State Department failed to enforce the regulations of the International Conference of North Atlantic Fisheries.

But now the New Englanders are pleading for the protection of lobster and scallop resources from the same overfishing techniques that ruined the haddock schools. We in Congress would have to have a very deaf ear indeed not to hear that plea.

And we in Congress have been distressed, to say the least, to hear of incidents in which the massive fishing fleets of foreign nations have smashed New Englander's lobster traps and other equipment during their plunder of the sea.

The gear offshore lobsterman must have is expensive, and yet, because of the repeated attacks of foreign fleets, American insurance companies have grown greatly reluctant to insure the New England fishermen. And even when they decide to insure them, the policies they write are oftentimes beyond the economic reach of the New England fisherman.

And New England fishermen traditionally are strongly independent people, and they don't want their fleet to become dependent on the Government. But I think that insurance for the fishermen provides the Government with an opportunity to do something of value without interfering in any way with the operation of the fishing fleet.

By setting up an insurance subsidy for the New England fishermen, the Government could help that fleet maintain its competitive balance by assuring the fleet that payment for damage would be made.

And there is good reason to think that such a subsidy would pay itself back, since a part of the New England catch is exported, thus aiding our balance of payments and our balance of trade. Those are rather impressive credentials for Government help.

And there is another problem of tradition that must be overcome. That is the problem of technology. For devices have become the biggest news in fishing. Not just the pulse device I mentioned earlier, but fish finding sonar and a host of technology currently beyond the financial reach of most fishing boats.

And if these boatowners were to buy and install the new devices they need, the expense of operation could force many of them out of business.

Here again we see the problem that confronted the Nation's merchant marine before passage of the Merchant Marine Act of 1970. The technology needed for a modern fleet was known, but the money was not available. Congress made those funds available through the act. And it will prove to be a wise investment.

I believe that Government must find a similar remedy for investment in the fishing fleet. And the time to do that is now. Perhaps the answer is some form of tax credit to encourage installation of the needed gear, or perhaps some kind of subsidy. The point is, it can and must be done and done soon.

For without some kind of help, both through modern regulation of the fisheries that provide these New Englanders with their livelihood and through assistance to bring about a new era in New England fishing, the fleet must soon die.

And if it were to do that, we would have lost New England's oldest industry, one that began in Gloucester, Mass., in 1623, and if that is lost, America will have been diminished. We cannot let that happen.

We cannot let it happen because the collapse of that American industry would put us completely at the mercy of foreign fleets for the seafood we eat and and the fish products that are used in a host of ways by several other industries.

The fishing fleet is an important and integral part of the American maritime industry and we, as a nation, must fight for its continuance and preservation.

APPROPRIATIONS FOR ALASKA IN THE BUDGETS OF THE INTERIOR DEPARTMENT AND RELATED AGENCIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, as you know, those Departments and Agencies of the Federal Government which are responsible for lands and natural resources are particularly vital for Alaska. Today, I have testified before the Appropriations Subcommittee on Interior and Related Agencies, and have submitted a supplementary letter, as well. So that other Members, and all Alaskans, might know my own priorities and the needs of Alaska in these budgets, I am inserting these statements in today's RECORD.

HON. NICK BEGICH, ALASKA—TESTIMONY FOR APPROPRIATIONS COMMITTEE, SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES, APRIL 12, 1972

Madame Chairman: In any given year, the budget for the Department of Interior is of vital importance to the State of Alaska. The various agencies of the Interior Department control about two-thirds of Alaska's 375 million acres, and this is a vast responsibility both to the State of Alaska and to the Nation. I value the relationship of Alaska to the Department of Interior, and my remarks here today are in general support of the various budget requests of the agencies of the Department.

What must be specifically noted, however, is that this year and those following are of substantially greater importance than previous years. The passage of the Alaska Native Land Claims Settlement Act (P.L. 92–203) will drastically expand and accelerate the responsibilities of the Department of Interior in Alaska. Thus, the theme of my remarks is that the budget of the Interior Department must insure that the meaning of the Land Claims Act is not lost through inadequate funding.

First, let me direct attention to the Interior Department Supplemental requests for F.Y. 1972. I note, and strongly support, the appropriation of $12.5 million in this request for "start-up" money for Native Regional Corporations under the Land Claims Act. Similarly, I strongly support the requests of the B.I.A. for $500,000 for Native enrollment and $500,000 for assistance in resolving Native land allotment issues stemming from earlier land laws. Also included in the Supplemental request is the total of $1 million by the B.L.M. to provide 85 new persons to carry out responsibilities under the Land Claims Act. ($600,000 for Cadastral Survey activities and $400,000 for the resource management and records program). While this is the sort of additional budgeting which is necessary, I must say that, especially in the case of survey capabilities, I question whether the amount budgeted is enough, and request consideration of an additional amount.

My principal concern with the F.Y. 1972 Supplemental request is the absence of any funding for the Joint Federal-State Land Use Planning Commission created by Section 17 of the Land Claims Act. This Commission has a duty to the State of Alaska, to the Native people of Alaska, and to the public interest of the Nation, and I believe that some fraction of the authorized ceiling of $1.5 million should be appropriated this year to allow the Commission to begin its activities properly. I note that in recent Senate confirmation hearing, the recently appointed Federal co-chairman of the Commission, Mr. Jack Horton, promised that money would be available, but did not elaborate on the source or amount. I respectfully request that the Committee insure that this promise is fulfilled.

Moving now to the F.Y. 1973 budget requests, I would make the point that this is the first year of a full funding cycle to implement the Land Claims Act. The budget for F.Y. 1973 will be examined by all Alaskans to determine whether or not the Interior Department fully appreciates its role under the legislation and is willing to increase its level of activity.

This expanded role seems to be reflected in the F.Y. 1973 request, based on my preliminary evaluation, which indicates an 18% increase over last year's budget.

Allow me to briefly set out some specific areas of support and concern.

The B.I.A. request contains $50 million for the Alaska Native Fund, which I strongly support. In examining other aspects of this request, I believe two items are worthy of special mention. First, I believe the amount budgeted for the construction of school buildings and facilities in Alaska is inadequate given the demonstrated needs. Second, I believe the general level of funding for higher education is inadequate, especially given the substantially higher funding (by $8 million) for adult-vocational education services.

The B.L.M. request is also vital to Alaska. Again, I note the absence of money for the Joint State-Federal Land Use Planning Commission and request that both the F.Y. 1972 Supplemental and the F.Y. 1973 budget provide part of the $1.5 million authorized. In addition, I am concerned that the $3.1 million provided for B.L.M. functions directly related to the Land Claims Act ($1 million for cadastral survey; $2.1 million for land management and records) may be inadequate. The problem is not final completion of this task, as much as completing it on a rapid schedule, and as much as $5 million may be necessary to make F.Y. 1973 truly productive.

Similarly, the budget request for the Geological Survey is important, if Alaska is to begin to move forward after years of inactivity. Although it is difficult to break out the figures for any state, my information is that the overall U.S.G.S. for Alaska is only increased $70,000 for F.Y. 1973. If this is so, it seems entirely inappropriate in a year in which the Land Claims Act is implemented, in which the Trans-Alaska Pipeline may be approved, and in which mineral exploration in Alaska will certainly increase the need for good survey information.

Regarding the Indian Health Service, I want to compliment the improvements being made, and to request that an additional sum be made available to allow even better delivery of health care in Alaska. Specifically, I request that $2 million be added to the national budget for contract health care, with $150,000 being for dental care and $1,850,000 for medical care. This money can be immediately absorbed in Alaska rural medical and dental care programs alone.

I have two specific points regarding the Forest Service requests, both of which represent important environmental measures. First, I note that research funding in Alaska has been cut by $35,000 to $947,000 for F.Y. 1973. I respectfully submit that, under all the circumstances in Alaska, this figure must be raised to $1.2 million. Second, I note that the figure for forest roads and trails in Alaska has been cut by *over* $1 million to only $2,774,000. Quite frankly, this will result in increased clearcutting of timber, because without adequate road building funds, the new, smaller, clearcutting tracts agreeable to all parties (Forest Service, timber companies, environmentalists) cannot be reached and larger tracts will be cut using existing roads. I respectfully request that this be increased at least to last year's level of $3,861,000.

Finally, within the limited time available, I want to express strong general support for the F.Y. 1973 requests of the Park Service and to compliment the 1972 program.

I thank the Committee for its time and attention.

CONGRESSMAN NICK BEGICH,
Washington, D.C., April 11, 1972.

Hon. JULIA BUTLER HANSEN,
Chairman, Subcommittee on Department of the Interior and Related Agencies, Committee on Appropriations, U.S. House of Representatives.

DEAR MRS. HANSEN: I would like to take this opportunity to specifically highlight the very important need for increasing the research program by the U.S. Forest Service in Alaska.

Alaska is on the threshold of rapid development of her natural resources. The forests, lands, and watersheds of Alaska need to be managed wisely. The research for these renewable resources lies mainly with the U.S. Forest Service.

It is my intention today to request an increase of $550,000 for Forest Service research in Alaska. This amount would provide the first increase in the Forest Service's plans to expand forestry research in Alaska. It would provide necessary research in 1) fire, 2) watershed management, 3) wildlife habitat, 4) salmon spawning habitat, and 5) recreational development in Southeastern Alaska.

FIRE RESEARCH

($100,000 Increase Desirable)

Every year forest fires sweep through Interior Alaska destroying thousands of acres of timber and, of course, countless forms of wildlife.

Additional funding could effectively be utilized in FY '73 for fire research to better predict both the beneficial and harmful effects of fire and, hopefully, lead to more efficient fire control strategies.

WATERSHED MANAGEMENT

($100,000 increase desirable)

A permafrost environment creates particularly unique problems with regard to water sources. Increased funding could enhance the development of a better understanding of soil-water-land relationships and the man-caused and natural disturbances of ecological systems in a cold-dominated climate.

Increased research would be of considerable value when one considers that Interior Alaska's watersheds produce more than one-third of the fresh water runoff in the United States.

WILDLIFE HABITAT

($100,000 increase desirable)

A better understanding is needed of the relationships between big game populations and forest and shrub vegetation. Big game is definitely affected by the amount and availability of the winter food supply. In a great many areas of Alaska, big game is necessary for subsistence.

SALMON SPAWNING HABITAT

($150,000 increase desirable)

More attention is needed to better understand the relationship between timber harvesting and protection of salmon spawning streams in Southeastern Alaska. The coastal mountains of Southeastern Alaska where improper logging practice will cast sediment into the streams needs study so as not to reduce the salmon spawning opportunities and the industrial base for the fisheries industry.

There is little question of the inadequacy of Alaska's program of forestry research when you consider the immensity of our 49th State. Your subcommittee's attention to Alaska's need will be greatly appreciated.

Sincerely,

NICK BEGICH.

CAB'S CONSUMER AFFAIRS OFFICE COMPILING ENVIABLE RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, the Air Line Pilot, the magazine of professional flightcrews, has in its March issue a very interesting story written by Jean Earnshaw that deals with passenger gripes. The news article is a detailed account of the Civil Aeronautics Board's Office of Consumer Affairs, the first of its kind in the Federal regulatory system.

Created by CAB Chairman Secor D. Browne, and headed by Jack Yohe, a former newspaperman from my Pennsylvania congressional district, this Office has established itself for its accomplishments in handling airline passenger problems whenever they arise. Incidentally, the overall airline record for complaints is not bad. About 8,000 complaints were filed with the Board from the more than 150 million persons who used air service in 1971.

A strong advocate of consumers' rights, Mr. Yohe believes, the news article points out:

> . . . the airline passenger has a right to know, in advance, the service he can expect, the cheapest available fare, the restrictions and conditions applicable to the fare, any additional charges he will have to pay for visual and audio entertainment and beverages he may consume. He has the right to be fully apprised, in advance, of the carrier's limit of liability for damaged or lost baggage, and of the alternatives open to him to protect his possessions beyond those liability limits. And the oversold passenger has the right to be fully apprised of the carrier's obligations to him. I believe, if consumer complaints arise at all, the consumer has a right to expect them to be handled with the speed befitting the pace of travel to which the air age has accustomed us.

I ask unanimous consent, Mr. Speaker, that this news story be printed in the RECORD.

PASSENGER GRIPES

(By Jean Earnshaw)

An airline passenger wrote the Civil Aeronautics Board he had read that a certain airline would carry a piano on one of its flights. "I might be subjected to the piano peckings of a child or the improvisations of a tipsy amateur," he said. "Whoever the artist, I am not paying for transportation to be made a captive audience."

The letter is one of over 8,000 that have come in the last year to Jack Yohe at CAB's new Office of Consumer Affairs. The gripes come from disgruntled passengers, angry about canceled flights, oversold space, lost or damaged baggage, lost cargo, rude personnel and a host of miscellaneous causes.

Yohe hears from that percentage of the 170-million U.S. airline passengers whom the airlines have alienated—the out-for-blood and hardship cases—as well as an occasional crank or crook who is determined to make trouble for the industry. Believing that the men in the cockpit might be interested in what the consumers in the cabin are complaining about, *Air Line Pilot* took a look at the CAB consumer complaint files.

There is the case of the William Delaneys, an elderly couple on a pension. They decided last February to go on an Orient Adventure Tour. They sent $1,769 to a travel service that handles package tours. In less than two weeks Mrs. Delaney was hospitalized and underwent three operations, including amputation of the toes on her left foot. The Delaneys canceled their trip and asked for a refund. Instead they received two roundtrip airline tickets.

The travel service took the position that the trip should have been canceled 60 days before departure.

"When I heard the agency was using a technicality as an excuse for not paying off, I really started raising a fuss," Yohe recalled. "I called the travel service and told them I was very disturbed about the way they had handled the case."

"All right," the company representative agreed. "We'll pay them back $1,000."

"The amount is "$1,017," Yohe insisted.

"You'd hold us up for $17?"

"You bet I will," Yohe replied firmly.

The additional $17 arrived by special delivery messenger while Yohe was talking on the telephone to the Delaneys.

Yohe, a tall man with prematurely gray hair and a quiet manner that belies his record of getting things set straight fast, handles most consumer gripes on the telephone. He feels strongly that writing letters is time consuming and expensive. Because Yohe was for many years CAB director of information, he is on a first-name basis with most airline executives. His calls frequently go directly to the men at the top.

The Juergen Oelsner case hung fire for almost two years before his attorneys wrote to Yohe's office for help. In June 1969, Oelsner shipped $23,000 of household goods, fully insured, from Quito, Ecuador to Montevideo, Uruguay. The shipment was picked up by one airline in Ecuador and transferred enroute to another for delivery in Uruguay After he discovered the packages had been damaged and $12,000 worth of personal belongings were missing, Oelsner was told to contact the second carrier, which he did. Six months later, this carrier wrote the claim should have been filed with the airline that had first accepted his shipment. Almost one year from the date of the shipment, the original carrier replied it was sending the entire file to its insurers in Chicago. Then silence. In March 1971, Oelsner phoned the Chicago firm, which advised it was denying the claim because it had not been filed within 90 days after receipt of goods.

Oelsner's attorneys at this point wrote to Jack Yohe, who contacted the first airline's claims manager. About his conversation with the Chicago adjusters, Yohe says: "They told me they would gather all the facts and consider the claim. I asked them why they had not already done so. I had to go all the way to Lloyds of London to solve this case, which was a tough one. The insurer eventually discounted the $12,000 claim by 20% because of poor packaging and paid $8,856, to the satisfaction of the claimant."

The Office of Consumer Affairs, tries to get prompt action on complaints. If a passenger has a valid case, the office is successful in solving his problem. As of Dec. 31, Yohe estimates he had settled close to $140,000 worth of claims by airline passengers.

Establishment of Yohe's office is the second major consumer-oriented action taken by CAB Chairman Secor D. Browne during his tenure. In 1970 a consumer advisory panel was set up, and Reuben B. Robertson, an associate of Ralph Nader, was named to head the nine-man panel. Early in 1971 the Nader group formed its own Aviation Consumer Action Project. The group has petitioned CAB to suspend Eastern Air Lines conditional reservation fares (the petition was dismissed), to change Trans-World Airlines-Flying Mercury, Inc. group tour practices, to lower United Air Lines fares in California and to change CAB regulations on carrying the physically handicapped in airlines.

The biggest gripes of airline passengers during 1971? Canceled or delayed flights and reservation problems, which accounted for 18% and 17%, respectively of the consumer complaints. Fares, rates and refunds racked up an additional 14% of problems, followed by lost, damaged or delayed baggage (11%), cargo problems (6%), personnel attitude (4%) and inflight service (3%). Under 1% each were caused by service in general, rate discrimination or racial problems. The remaining 20% were attributed to "miscellaneous" causes because they didn't fit into the categories now in use. Examples are complaints regarding smoking in the cabin, showing X-rated movies to children and stewardesses on international flights who cannot speak the language of the passengers.

Of the troubles plaguing airline passengers last year, many were apparently caused because passengers were not aware of airline procedures. People did not understand that the airlines limit baggage liability to $500 on domestic flights and $7.50 per pound on international flights (in spite of the fact it is included in small print on their tickets.) A new CAB rule requires airlines to post this information prominently.

Promotional fares seem to confuse many passengers who don't understand why they can get standby fares from Chicago to the West Coast but cannot get them from Washington to Chicago. When Discover America excursion fares were in existence, people in the Midwest did not understand why they could not take advantage of the almost-50% discount, which applied only to trips 1,500 miles or more from the starting point. The "Take Your Wife Along for $99 for Four Days" fares to the West Coast have engendered complaints from single women who claim the fares are discriminatory. A brother and sister wrote asking why they couldn't take advantage of this type of family discount.

A hornets' nest of consumer complaints rose with an angry hum last summer when a rash of youth fare discounts to Europe slashed air rates 58–62% New York to London and 66–76% New York to Rome. Middle-aged air passengers complained so bitterly that the Department of Transportation got into the fray saying youth fares are discriminatory. On Sept. 1, CAB ordered a formal investigation to decide the issue. CAB will also determine if international discount fares for persons over 65 are discriminatory to other passengers.

Passengers complain long and loud about lack of flight information. They don't like it when their flights are delayed and they are not told why; or when there is a delay and their messages to waiting family or friends by the airlines get garbled in the transmission or don't arrive at all.

Overselling space accumulates one of the biggest piles of complaints, accounting for almost 10% of the total. Add other reservation problems and the figure jumps to 17%. Take the case of Frank A. Jones who planned and saved for years so he and his wife could take a trip to the Near East. He paid for a ticket on a flight leaving Kennedy Airport at 6:40 p.m. last July 1. Jones later wrote to the airline's customer relations manager in New York: "Our flight did take off July 1 at 6:40 p.m. but without my wife and me. I want to know why. During the long hours of waiting, someone got the information I was bumped to give my seat to Iberian Airline passengers."

The flight was oversold by 53 seats, and 41 more passengers showed up without recorded reservations. The delay was not explained to Jones, he said, and he got little sympathy from the man at the airline office, who told him: "If you don't like being bumped, cancel your trip and stay home."

"The only human being who tried to ease the pain of that bad experience," wrote Jones "was the captain . . . He apologized for the delay. Delay? An overnight stay!"

When Jones received a check from the air line for $400 for being bumped and not being rerouted to arrive at his destination within the four hours required by CAB on international flights, he again wrote to Yohe's office: "Thank you very much for your attention to this matter. I feel if it had not been brought to your attention, no one at the airline would have gotten too excited about it. It really restores my faith as a layman to know that someone cares about us, the consumers."

According to John Smith, one of Yohe's staff of 10 that runs the CAB Office of Consumer Affairs on a yearly budget of $123,000, there is a great difference between the complaints of frequent and occasional air travelers. "The occasional traveler sees things in magnified form," Smith explained. "He complains about 'surly' or 'inattentive' stewardesses and rude ticket agents. He wants to know why he is not served vegetarian, salt-free or kosher meals or hot dogs. The meal portions are too large or too small. The drinks are too small. (Actually, they are larger than average—a full two ounces, it is the glasses that are small and the bottoms deceptive.) The seats don't work or are cramped, the toilet facilities are inadequate, the air-conditioning is either not working or too cold. He doesn't like it when a Boeing 707 is substituted for a 747."

The professional traveler, on the other hand, will overlook minor problems. He will put up with almost anything except baggage loss or time delays.

Baggage loss, damage and delay problems account for about 11% of the complaints, received. Soft-side luggage is extremely vulnerable to a knife; and it sometimes is either totally lost or arrives damaged with valuable items missing. Passengers apparently still don't realize the carriers cannot be liable for expensive jewelry, cameras, or cash carried in suitcases. One man put $2,000 cash in a suitcase, and when it was lost asked the carrier to pay. No way!

Many passengers complain about the special attention they feel they require and don't always get. A blind man who had to make connections in Pittsburgh wrote he had called and arranged for one carrier to escort him to the next because he didn't have a seeing-eye dog. The airline didn't provide the help.

A 14-year-old retarded girl who was promised an escort in St. Louis, was never met, said her parents, and was found wandering around the terminal. Unescorted children, they complained, are sometimes left unattended, despite prior arrangements that seem to get lost in the computers.

One of the most sensitive areas of passenger complaints concerns the travel of disabled passengers who may not be able to take care of themselves and evacuate the aircraft alone in an emergency. Under a 1962 airline agreement approved by CAB, passengers who are not able to board and deplane from an aircraft unassisted or move about in an aircraft unassisted must be evaluated by a physician designated by the carrier or be accompanied by an attendant.

An airline that flies paraplegics usually handles this by having its company doctor check out the case with the patient's own doctor. The carrier is not obligated to transport persons who cannot use the standard airline seat in a sitting or reclining position; and it may, at its own discretion, limit the number of handicapped persons carried on a given flight for safety reasons. There seems to be—judging from the complaint files at the CAB—a lack of realization by the public and a lack of communication by the carriers as to what these medical criteria are.

In June, Nader's ACAP filed a formal petition with CAB to change air carrier rules regarding carriage of the handicapped, including stretcher cases. Claiming current airline practices are discriminatory and illegal under the Federal Aviation Act of 1958, ACAP asked CAB to change its regulations to require airlines to carry the physically handicapped, either in wheelchairs or stretchers, at no additional fare, attendants at half fare, and to give handicapped passengers all "reasonable" help at no additional cost, with a fine of $1,000 for each violation.

In an advance notice of proposed rulemaking, the board said it has noted an increased amount of public dissatisfaction with the air carriers' handling of disabled persons and will re-examine the subject. Public comments were filed at the board Dec. 15, 1971. Among them was a strong response from ALPA's Steward & Stewardess Division explaining how a survey of its 15,000 members in 1970 showed a frightening increase in problems related to physically handicapped persons traveling on transport airplanes. The S&S Division said it had given its figures to the Air Transport Association and asked for a clarification of its rulings. It cited recent emergency evacuation where handicapped persons blocked or prevented egress for other passengers and an accident in England where a stewardess died trying to help a crippled passenger from a burning aircraft. The board is now considering the problem.

CAB Office of Consumer Affairs ombudsman Jack Yohe says he gets very few complaints regarding pilots. There are also few of what CAB calls "efficiency complaints," those regarding operation of the aircraft, such as hard landings. A few passengers have written in to say either that pilots talk too much over the intercom, or don't talk enough. Yohe sometimes gets unsolicited complimentary letters about pilots and stewardesses, which he passes along to the airline. Hopefully, they will end up in the crew members' files.

Very few of the complaints received are concerned with safety. When one does appear, it is referred to FAA. If Yohe's office sees a trend in the way a carrier or travel agency is handling problems, such as oversales or baggage losses, it sends its studies to the board's Bureau of Enforcement, which begins a field investigation.

Yohe agrees with Stuart Tipton, president of the Air Transport Association, that U.S. airlines have set a pretty good record for reliability and service. Certainly their $250-million worth of computer-backed electronic reservation systems, which handled 330-million reservations last year, have set a service standard for other industries to strive for. The majority of airlines also do a good job of handling most customer complaints.

Yet Yohe has strong feelings about an airline passenger's "Bill of Rights." He believes:

"As in any other contractual relationship between the consumer and the provider of the product or service he buys, the airline passenger has a right to know, *in advance*, the service he can expect, the cheapest available fare, the restrictions and conditions applicable to the fare, any additional charges he will have to pay for visual and audio entertainment and beverages he may consume. He has the right to be fully apprised, *in advance*, of the carrier's limit of liability for damaged or lost baggage, and of the alternatives open to him to protect his possessions beyond those liability limits. And the oversold passenger has the right to be fully apprised of the carrier's obligations to him. I believe, if consumer complaints arise at all, the consumer has a right to expect them to be handled with the speed befitting the pace of travel to which the air age has accustomed us."

Yohe added this one-sentence interpretation: "In other words, airline representatives should tell the airline passenger, before he asks, what the fine print says."

Yohe admits his biggest job is catching up on the backlog of complaints. His processing system begins each letter within a few days after it is received, usually within a week of the incident. When he gets additional manpower he will be able to use a new computer system, for which the programing has already been worked out, to analyze complaints by type and airline. The computer readout will indicate trends in complaints.

Because of Yohe's findings during the 12 months he has been the focal point for passengers' gripes, CAB has published three notices of proposed rulemaking: on requiring a standardized airline complaint report form; posting notice of baggage liability (it became a rule Oct. 26), and confirming space reservations (carriers have already begun to comply with this proposed rule). The board has also published an advance notice of proposed rulemaking on carriage of disabled passengers. That's four down, wtih more to come on subjects like the self-claim baggage system, cargo damage, delay and loss, failure to remit COD charges and safety and advertising problems with charter operations.

Since the Office of Consumer Affairs was established in December 1970, several airlines have created similar consumer-oriented programs—Pan American, TWA, United (which has upgraded its director of consumer relations) and Eastern Air Lines, to mention a few.

There seems to be a growing awareness in the aviation industry that the nation is entering an era of consumerism and that it will be here for a long time.

If any man can bridge this gap between the demanding public and the airlines he is Jack Yohe. Even CAB's critics have announced confidence in him. Certainly many consumer complaints are unfounded and many are due to lack of information. On the other hand, in the director of consumer affairs, consumers have found an ombudsman who will listen to their problems and help them if he can. The whole air transportation industry may benefit from his efforts.

WASHINGTON POST PLAYS FOOTSIE WITH ITS BIG ADVERTISERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ), is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, as some of my colleagues are aware, I have taken more than a cursory interest in the recent furor over high retail prices of beef. I have cited chapter and verse to prove that it is not the farmer, the beef producer, who has been the beneficiary. Fortunately, in recent days, some of my colleagues, notably in the other body, and Secretary of Agriculture Butz and his staff people, have exposed the real culprit—the middleman and the retailer, primarily the superchains.

Facts demonstrate that retailer margins remained upped while slaughter prices went down. Meanwhile, the superchains with pious advertisements, attributed to their public-loving consumer advisers, urged buyers to eschew meat make better buys in protein-high foods such as cheese, fish, and poultry, on all of which, incidentally, the chain's profit margins were even greater than on beef.

The ultimate in gall, in chutzpah, came when the Giant superchain lifted, with permission, of course, a commendatory editorial from the Washington Post. That editorial made the Giant and its consumer adviser out to be saints, whose primary devotion is the public weal.

I felt that the Post should not be permitted to get away with allowing a major advertiser to use an uninformed and incorrect editorial as grist for that advertiser's mill. After all, the Post is one of those supposedly great newspapers that publicly boasts that its editorial policies are never influenced by its advertisers.

The Post has not yet seen fit to publish my "Letter to the Editor." In a way, I understand why. So that my colleagues will be informed of developments, I ask that the text of my letter to the editor of the Washington Post be herewith printed in the CONGRESSIONAL RECORD.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 7, 1972.

The EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: Although I resented the thrust of your editorial on April 2, "Making No Bones About It," primarily because it dealt uninformedly and less than factually with a subject on which the editorial writer had obviously the most superficial knowledge, I refrained from comment simply because it was an editorial, an opinion you had a right to air.

But when Giant is permitted to lift it to again purchase a full-page advertisement to present itself as a pious, public-loving, public spirited institution, I must protest. I must protest that the editorial writer fell for the buncombe that superchains like Giant and Safeway and A&P constantly drum up as if they were in business for the benefit of the poor housewife and not for profit.

Why didn't the original Giant ad explain why meat, and particularly beef, "costs too much?" Why did retail meat prices drop in the superchains after, but not until, there had been public outcry and official notice of meat prices by various government officials from President Nixon down?

The fact that slaughter prices fell off sharply didn't affect the price of beef already in the processing line for retail consumption for which the chains had paid the earlier higher price. The fact is that the superchains reduced their profit margins when the heat went on. The fact is that the chains decided that it was prudent public relations to accept the reduced profit margins. The fact is that both your newspaper and its esteemed evening contemporary refused advertisements from an area consumer chain that sought to prove that meat was selling for less when lower profit margins were acceptable.

The superchains saw the opportunity to push other high protein foods on which the profit margins were greater, substantially greater than beef, and your editorial writer fell for the bait, hook, line, and sinker.

That's exactly the clap-trap that the Giant's "consumer adviser" was trying to sell to the housewife. If your editorial writer believes that Giant hired Mrs. Peterson to present sound economic buying advice to Giant customers, or that Mrs. Peterson's buying suggestions are dictated by her's and Giant's concern for the welfare of their customers, he is indeed too naive to be writing editorials.

Mrs. Peterson's suggestions that people "buy less meat" and "buy something else" were not, in short, the *pro bono publico* statements the Post editorial paints them and that Giant now gleefully reprints. Mrs. Peterson and Giant would have been a great deal less disingenuous if they had advertised *mea culpa*.

Of course, cattlemen were quick to cry unfair. Of course, beef prices were at a twenty-year peak, the highest since the Korean war. Is your editorial writer suggesting that farmers and beef producers alone among all American workers and industries should be paid what they were paid twenty years ago; that while labor costs and the Cost of Living Index, and the prices of virtually every commodity a person buys, including the cost of the Post, and indeed the retail cost of beef in those same chain stores, all rose in a range from 26% to more than 100%; that while all this took place the beef producer should be paid the same price he received twenty years ago?

Would it not have been more honest, and at least a bit fairer, in quoting Mrs. Peterson that beef prices were the highest since the Korean war, to also note that fresh vegetables and fruits were higher than ever before in modern history, that canned fruits and vegetables were the highest in twenty years, that the prices of staples such as cereals, soaps, toilet paper, etc., etc., all reflect the spiraling inflation that we have experienced in the past two decades?

Why single out farmers whose average income in Kansas for 1970, the latest figures available, came to $4,877? Why doesn't the editorial writer note that level of annual earnings as a pertinent one, and point out that it is less than the average urban welfare recipient receives—a sum, incidentally, for which that Kansas farmer toils at manual labor for 10, 12, and even 14 hours a day. When the Post writes about farmers, it prefers to note the high level of subsidy payments to a few hundred larger corporate landowners.

Some of these facts, I submit, belong in an editorial in a newspaper that prides itself on attempting to be factual and honest and belief-worthy. Again, I'm not nearly as dismayed with the misinformed view of the editorial as I am that the advertising department agreed to prostitute the Post's editorial for the Giant's economic gain.

Sincerely,

JOE SKUBITZ.

REPRESENTATIVE GERALD R. FORD SENDS QUESTIONNAIRE TO HIS CONSTITUENTS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, every year I send a questionnaire to all of my constituents in Michigan's Fifth Congressional District. My 1972 questionnaire is about to go out. With the thought that my colleagues may be interested in the questions I am posing to my constituents, I include my 1972 questionnaire at this point in the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
1972.

DEAR FRIEND: The issues of 1972 have become quite clear. Many important questions are still facing the Congress this year. It would be helpful to me if I could have your opinions on those questions.

I must, of course, reserve the right to make my own decisions. I do not think you would want it otherwise. But I value your guidance.

Please take a few minutes to answer the questions below. Results of this poll will be reported to you, to the Congress, and to the President.

Sincerely,

JERRY FORD,
Your Congressman.

The attached questionnaire is designed so that husband and wife and young people can express an opinion. Please place your answers in the appropriate boxes, detach the questionnaire at the fold, and return to me as soon as possible. If you want to make some special comment, please write me at the following address: Rep. Gerald R. Ford, Room H-229, U.S. Capitol Building, Washington, D.C. 20515.

If you want direct help with a problem, please contact my district office: 425 Cherry S. E., Grand Rapids, Mich. 49502. You may also, on an urgent matter, talk with me or my staff in Washington without charge. Simply call my district office, 456-9607, and the call will be put through to Washington.

JERRY FORD 1972 QUESTIONNAIRE

	His		Hers		18 to 20 year old	
	Yes	No	Yes	No	Yes	No
1. Do you favor a moratorium on forced busing to achieve racial balance, coupled with special Federal aid to disadvantaged schools?	☐	☐	☐	☐	☐	☐
2. Do you favor Federal legislation to prevent national emergency strikes in transportation (railroads, airlines, shipping and trucking)?	☐	☐	☐	☐	☐	☐
3. Do you favor diverting some of the highway user taxes to finance urban mass transit systems?	☐	☐	☐	☐	☐	☐
4. Do you favor sharing of Federal income tax revenue with the cities and States on a fixed percentage basis?	☐	☐	☐	☐	☐	☐

	His		Hers		18 to 20 year old	
	Yes	No	Yes	No	Yes	No
5. In the last 4 years the Soviet Union has increased its strategic missile capability and greatly expanded its naval forces. Do you favor an increase in U.S. military spending to offset this?	☐	☐	☐	☐	☐	☐
6. Do you favor continuing wage and price controls until inflation is curbed?	☐	☐	☐	☐	☐	☐
7. Do you favor a substantial increase in social security benefits if this means higher social security taxes?	☐	☐	☐	☐	☐	☐

	Multiple choice (choose one)		
	His	Hers	18 to 20 years old
8. On health insurance, which do you favor?			
(A) An improved nationwide private health insurance system, with employers required to pay 65 to 75 percent of the premiums and employees the rest, and with insurance companies placed under Federal regulation and control	☐	☐	☐
(B) A Federal Government program financed with special payroll taxes	☐	☐	☐

	Multiple choice (choose one)		
	His	Hers	18 to 20 years old
9. On Vietnam, the U.S. Government should:			
(A) Declare a ceasefire within the nation of Vietnam and immediately withdraw all American military personnel therefrom	☐	☐	☐
(B) Withdraw all American forces from South Vietnam, conditioned on release of U.S. prisoners of war, a ceasefire throughout Indochina and the holding of an internationally supervised presidential election in South Vietnam	☐	☐	☐

REPRESENTATIVE GERALD R. FORD INTRODUCES A PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR THE HOLDING OF A NATIONWIDE PRESIDENTIAL PRIMARY ELECTION EVERY 4 YEARS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, I have today introduced a proposed constitutional amendment providing for the holding of a nationwide presidential primary election every 4 years.

While this primary election would determine the identity of our presidential candidates, political parties would continue to nominate the vice presidential candidates and to adopt party platforms.

My proposed amendment is identical with one introduced in the Senate March 13 by Senate majority leader MIKE MANSFIELD of Montana and Senator GEORGE AIKEN, Republican of Vermont.

It calls for a national presidential primary the first Tuesday after the first Monday in August in the year preceding the expiration of the regular term of the President and Vice President.

The person receiving the greatest number of votes cast by registered voters of his party affiliation—a plurality of at least 40 percent—would become his party's official candidate for President.

If either of the parties failed to give its highest vote-getter at least 40 percent, a runoff election would be held between the two top vote-getters of the party on the 28th day after the day on which the primary election was held.

Only persons eligible to vote in the primary election could vote in the runoff.

To get on the primary ballot in all the States, a major party candidate would be required to file petitions signed by qualified voters equal to 1 percent of the vote cast in the last election for presidential candidates of his party in each of 17 States.

For candidates of minor parties—which did not have electors on the ballot in 17 States but polled at least 10 percent of the vote cast nationwide—the requirement would be 1 percent of the total vote cast throughout the Nation in the last election.

Only persons registered by party affiliation could vote in the primary, and there could be no crossovers.

After observing the antics of presidential hopefuls in the various State primaries this year, I feel we should put an end to this chaotic situation by having 1 same-day primary throughout the Nation. Unlike the present primaries, the national primary I proposed would decide something. It would, with a runoff if necessary, give us our presidential candidates.

MASS COMMUNICATION IS AN AREA OF DEEP CONCERN TODAY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, mass communication and its role in our pluralistic society is an area of deep concern today.

The ability to reach thousands of people at any given moment is both a marvelous technical achievement and an awesome responsibility. By nature mass communication is a one-way channel, and the burden for presenting a broad, balanced viewpoint, whether in hard news, public information, or entertainment, rests squarely with the originating medium.

It is a privilege for me to bring to your attention WFBL radio in Syracuse, N.Y., a radio station which has not only met its responsibility as a major broadcaster, but in fact has been a leading example of a community-oriented mass communicator since its inception in 1922.

On the air only a few hours a day and with only two employees, one of whom, Mr. Charles Phillips, is still with the station, WFBL was the first licensed radio station in central New York in February 1922. From this modest beginning it has grown to a full 24-hour-a-day broadcast operation with 30 employees.

Particularly noteworthy is the recent public service series on the related problems of solid waste disposal and our ecological dangers.

Mr. Speaker, I join with thousands of other central New Yorkers in thanking WFBL on its 50th-year anniversary for half a century of better listening.

A WATCHDOG FOR PRISONERS—THE CORRECTIONAL OMBUDSMAN

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, a few months ago, a man by the name of Robert Landman, Jr. testified before the House Judiciary Committee's Subcommittee No. 3, of which I am a member. This subcommittee has jurisdiction over corrections, and Mr. Landman is an exoffender. He was also the plaintiff in a landmark prisoners' rights decision handed down last fall by Judge Robert Merhige of the Federal district court in Virginia. I want to quote briefly from Judge Merhige's opinion, because it is very much relevant to one of the basic reforms needed in our Nation's prisons:

> Commencing in 1964, Landman embarked upon a career, wellknown to this Court, as a writ-writer. The evidence before the Court is that between that time and the time of his release, on behalf of himself he filed a minimum of 20 suits, and it is estimated that in addition he assisted fellow inmates in approximately 2,000 other petitions . . .
>
> In short, the Court finds that there was imposed upon Landman over 265 days of solitary confinement and in no instance did he receive even the rudimentary elements of a hearing or opportunity to defend any allegations made against him. The Court is satisfied that Landman's exercise of his right to file petitions with the courts, and his assisting other prisoners in so doing, were the primary reasons for the punishments put upon him.

Robert Landman Jr. served 265 days in solitary confinement merely for exercising a legal right!

On January 11, 1972, another man, Edward L. Morgan, was released from the District of Columbia jail, almost a month after having been acquitted on a robbery charge. Mr. Morgan spent that month in jail because there had been a mix-up in the files, and he was thought—despite his protestations—to be another man.

There are many more stories—many much more gruesome—of repression and mistakes in our prisons, and even violence and murder. One of the major reasons for these stories is the simple fact that prison walls serve as much to keep the public out as they do to keep the prisoners in. The prisoners are a silent minority in this country, except their silence is not one of choice, but of imposed rules and regulations and sometimes abuses.

In part, we are all to blame for this. Society has allowed our prisons to fester, isolated from public scrutiny and even public interest. The shock of Attica produces a brief spasm of outcry, and then silence descends again.

That silence must end. And to achieve this, I am introducing the Correctional Ombudsman Act of 1972. The idea is a straightforward one—to create a permanent public watchdog, with effective powers, to open up our prisons to the public eye and to end the abuses which pervade these institutions.

Prof. Walter Gelhorn of the Columbia University Law School has stated aptly the need for a correctional ombudsman in his book, "When Americans Complain:"

> Nowhere is the need for external examination of grievance greater than in America's prisons, jails, and other places of detention . . . (The) inmates, many of them ill-adjusted socially and resistant to discipline, live perforce in an authoritarian setting: . . .

The term "ombudsman" may be new to some ears, but in Sweden there has existed such an office since 1809. Since then, numerous other countries have established an official citizen protector, or watchdog, and lately, in this country, such officials have begun to appear.

Thus, today, ombudsmen exist in Finland, Tanzania, New Zealand, Norway, and in four Canadian provinces. In 1967, the Hawaii legislature created the office of ombudsman, and in 1969 Nebraska followed suit. Appointed ombudsmen exist in Oregon and Iowa. Just this past year, a bill to create a prisoners' ombudsman was passed by both house of the California Assembly, but was vetoed by Governor Reagan.

The utility of having a correctional ombudsman is not a one-sided matter, although I think it very clear that given the current state of our correctional institutions, it is the inmate who is in most need of protection. Remediation of prisoners' grievances by an ombudsman would assist correctional administrators by lowering the level of bitterness and hostility which builds up behind bars. I think it significant, for example, that one of the demands presented by the prisoners at Attica was the creation of an ombudsman.

It is clear, of course, that correctional administrators are not going to be quite so sanguine about the advantages of having an ombudsman office looking over their shoulders, and thus the mere enticement of some additional Federal dollars is not going to do the job. Consequently, the Correctional Ombudsman Act provides that no State shall receive Federal funds for corrections under the Law Enforcement Administration Act unless a State ombudsman is established. Thus, my bill does not propose the incentive of dangling a few extra Federal dollars; it mandates the drying up of all Federal funds less the office is established.

Moreover, stringent controls are established by the bill so that a meaningful correctional watchdog is created, and not some mere sham. The State ombudsman must be politically independent. On the staff of the ombudsman office must be at least one attorney, one experienced investigator, one criminologist, one sociologist, and one ex-offender. The makeup of the staff is to reflect the ethnic and racial composition of the prison population, so far as that is constitutionally feasible.

Under the provisions of the Correctional Ombudsman Act, the ombudsman may enter any correctional institution at any time; he can meet with any person or view any documents pertinent to any investigation. He may hold public hearings, and he may establish a permanent office within the confines of any institution.

The correctional ombudsman will have also a variety of remedies available to him. He can work within the administrative structure of the corrections department, seeking changes through administrative remedies. He can report to the State legislature on the need for remedial legislation. He can hold press conferences, and seek public scrutiny thereby; this includes his being able to bring the press into any institution. If the corrections people are resistant, or if there is not time for delay, the ombudsman will be able to issue cease and desist orders to compel immediate action. And finally, the ombudsman can provide legal counsel for prisoners, and he can himself go into court seeking judicial assistance.

In my own State, the names Attica, the Tombs, Rikers' Island all stand as testament to desperate need for massive change in our corrections system. The Correctional Ombudsman Act of 1972 proposes, I believe, a vehicle to speed that change. Equally important, if not more so, it creates a means to end immediately the abuses, the degredation, the deprivation of rights, and the subtle psychological repression, which indeed make our prisons colleges of crime.

AN OMBUDSMAN TO PROTECT THE MENTALLY DISABLED

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Willowbrook State School in New York has now assumed its place on the long list of institutions of despair and abuse in this country. Willowbrook is the largest institution for the mentally retarded in the world. And indeed, the word "institution"—and all the sterility, grayness, and impersonality which the word implies—is the correct name for this facility. To describe it as a "school" is to abuse the English language.

Were Willowbrook unique in its failings, that would be tragedy enough. That it is not unique is apt testament to the alacrity with which the mentally disabled are shunted aside by society, deprived of care, and decent training; deprived, in sum, of a chance and of hope. In Maryland, for example, there is Rosewood State Hospital, housing some 2,600 patients. When the director of Maryland's State mental retardation administration assumed his post last year, he called Rosewood "one of the worse I have seen." He has also said:

> The impersonality of it, the lack of dignity, the homosexuality that I think nobody would deny—we must do better.

Unfortunately, like so many other aspects of our society which have failed and which are victimizing those who cannot protect themselves—the prisons, our ghetto schools, our system of administering the Indian reservations, our migrant camps—public attention is short lived. A furor arises when some new revelation breaks into the news, but soon subsides as the news media turn to other stories. Yet the degradation and the despair continue.

I intend to introduce the Mentally Disabled Protection Act of 1972. It has one major aim—to create a permanent watchdog body which will exercise continuing independent scrutiny of our facilities for the mentally ill and mentally retarded.

The Mentally Disabled Protection Act of 1972 is not an answer for the sore lack of funds which afflicts every mental health facility in this country. That shortage is one which may well be perpetuated so long as the great mass of people can conveniently forget that such facilities exist. But this bill does propose that we will not let the public forget; that there will be constant pressure being exerted—on legislators, on private organizations, on Government, and on the press—to make the scandal of these institutions everyone's responsibility.

Equally, if not more important, the Mentally Disabled Protection Act will provide just what its name states—protection. This bill amends the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to provide that no Federal funds shall be made available under this act unless the State establishes an ombudsman agency which will serve to protect the mentally disabled in institutions within the State.

This concept of an "ombudsman" is not a new one in other countries. Since 1809, Sweden has had such an official—a person who serves as a watchdog or monitor, to protect citizens against adverse governmental action. In the intervening century and a half, several other countries have established such an agency. In this country, Hawaii created by statute an ombudsman in 1967; Nebraska did the same in 1969. Ombudsmen have been created administratively in Oregon and Iowa.

It is the ombudsman's function, whether his jurisdiction extends across all governmental activity or is focused just on one aspect of government—such as corrections or treatment of the mentally ill—to act as a check against arbitrary or invidious actions. He has the function of directing an outside, independent, investigatory eye on governmental activity, and he has the resources to then seek a remedy.

The bill which I will introduce—and I have introduced similar legislation to create State ombudsmen for prisons—requires that the ombudsman be politically independent. It also requires that the ombudsman established in the State shall have a staff which includes at least one attorney, one investigator, one psychiatrist, one psychologist, one individual who has had experience working with retarded and mentally ill institutionalized individuals, and one former institutional patient.

The ombudsman office created by the Mentally Disabled Protection Act will have a variety of tools to use to bring about change. The ombudsman will be able to enter any institution at any time, accompanied by press if he chooses, and to interview any patient. He may, if he chooses, establish a permanent office at any or all institutions. He will be able to make recommendations to the Governor and to the State legislature. In addition, he will have the authority to utilize the power of public scrutiny by directly contacting and informing the press as to his findings and recommendations.

The ombudsman will also be able to provide legal counsel for patients who need such assistance. And he will be able to go into court to bring suit against the appropriate State agency if that is required.

These are stiff requirements, and certainly no State health administration is going to welcome this type of protector of the rights of the helpless. Thus, the bill looks to the particular power of the Federal dollar, denying grants to any State which fails to establish such an ombudsman agency.

In 1965, Robert F. Kennedy compared Willowbrook State School to a "snakepit." Tragically, there are many more such snakepits across the land. The Mentally Disabled Protection Act of 1972 is needed to end the horrors which are inflicted upon the helpless and the forgotten.

ACQUISITION AND PROTECTION OF CONGRESSIONAL CEMETERY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing a bill which would authorize the Secretary of the Interior to acquire the property known as the Congressional Cemetery, in the District of Columbia, for the administration as a part of the National Capital Park System.

The approximate 30 acres of land at 1801 E Street, Southeast, Washington, D.C. are the last resting place of many of the greats of American history.

The history of the cemetery dates to 1795, when the Maryland Legislature authorized the establishment of Washington Parish. Pursuant to an agreement with the new Christ Church, influential parishioners obtained a 4½-acre trace for a burial site for Senators and Representatives who might pass away while attending Congress. In 1812, the Vestry accepted the cemetery, reserving 100 burial sites for Members of Congress. In 1820, the reservation was extended to include the heads of Departments of the General Government and families. Until the establishment of Arlington National Cemetery, additional sites in the Congressional Cemetery were reserved for Government use. In return, the Government periodically appropriated moneys, labor and material toward upkeep and improvement.

From the time of its establishment until the close of the War Between the States, the remains of three Presidents, at least two Vice Presidents, possibly 75 Members of the Senate and House of Representatives were carried to and interred at Congressional, as well as those of many high-ranking administrative and military officers of the Government.

The three Presidents who died in Washington during this period were William Henry Harrison, Zachary Taylor, and John Quincy Adams, although Adams was a Member of the House at the time of his death in the Capitol, February 23, 1848. The remains of these Presidents and of a number of Senators and Representatives were later removed to home cemeteries, as were those of Dolly Madison, but there still remain in Congressional the remains of 14 Senators and 43 Members of the House of Representatives, including those of Vice President Elbridge Gerry. It is also the last resting place of famed photographer Matthew Brady, the musician and composer, John Philip Sousa, and former Speaker of the House Phillip Barbour.

Congressional Cemetery is owned by Christ Church, Washington Parish, the oldest Episcopal parish in the District of Columbia and is still operated as a cemetery. Although it is listed on the Register of National Historic Places, and so eligible for matching grants for historic preservation under the provisions of the National Historic Preservation Act, I am advised there are no funds available for preservation and restoration of the historic monuments or for replacement of trees and other landscape work which would give the cemetery the beautiful appearance its rich historic heritage deserves.

Proper development, rehabilitation, and interpretation of this unique and hallowed place justifies the singular congressional consideration contemplated by this bill.

The text of H.R. 14339 is as follows:

H.R. 14339

A bill to provide that the historic property known as the Congressional Cemetery may be acquired, protected, and administered by the Secretary of the Interior as part of the park system of the National Capital, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of protecting and interpreting the property consisting of approximately thirty acres at 1801 E Street, Southeast, in Washington, District of Columbia, known as the Congressional Cemetery, the Secretary of the Interior is authorized to acquire the same by donation or with donated funds for administration as a part of the park system of the National Capital.

SEC. 2. There are authorized to be appropriated such sums as may be necessary for the proper development and operation of the Congressional Cemetery in accordance with the provisions of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN, for Wednesday, April 12, on account of illness.

Mr. WILLIAM D. FORD (at the request of Mr. O'HARA), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROUSSELOT) and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. ASHBROOK, for 15 minutes, today.

(The following Members (at the request of Mrs. ANDREWS of Alabama) to revise and extend their remarks and include extraneous matter:)

Mr. MONTGOMERY, for 5 minutes today.

Mr. GONZALEZ, for 10 minutes today.

Mr. ROSENTHAL, for 30 minutes, today.

Mr. FLOOD, for 15 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. DENT, for 60 minutes, on April 18.

Mr. GAYDOS, for 60 minutes, on April 18.

(The following Members (at the request of Mr. KEMP), to revise and extend their remarks and to include extraneous matter:)

Mr. SKUBITZ, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROONEY of New York to extend his remarks immediately following reading of the Journal today.

(The following Members (at the request of Mr. ROUSSELOT) and to include extraneous matter:)

Mr. ANDREWS of North Dakota.

Mr. LANDGREBE in five instances.

Mr. SPRINGER in five instances.

Mr. HALPERN in two instances.

Mr. MCKINNEY in two instances.

Mr. SANDMAN in two instances.

Mr. SCHMITZ.

Mr. WHALEN.

Mr. DEL CLAWSON.

Mr. WHITEHURST in two instances.
Mr. STEIGER of Wisconsin.
Mr. HOSMER.
Mr. BLACKBURN in two instances.
Mr. ROUSSELOT.
Mr. MCKEVITT.
Mr. ZWACH.
Mr. WYMAN in two instances.
Mr. QUILLEN.
Mr. ARENDS.
Mr. KEMP in two instances.
Mr. SKUBITZ.
Mr. PRICE of Texas.
Mr. BROTZMAN in two instances.
Mr. BRAY in two instances.
Mr. HUNT.
Mr. BELL.

(The following Members (at the request of Mrs. ANDREWS of Alabama) and to include extraneous matter:)

Mr. GONZALEZ in three instances.
Mr. ABOUREZK in five instances.
Mr. MATSUNAGA in 10 instances.
Mr. FRASER in five instances.
Mr. ROSENTHAL in 10 instances.
Mr. HAMILTON in two instances.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.
Mr. RARICK in five instances.
Mr. ADDABBO.
Mr. GREEN of Pennsylvania in five instances.
Mr. WOLFF.
Mr. FAUNTROY in five instances.
Mr. BIAGGI.
Mr. ANNUNZIO in two instances.
Mr. BENNETT.
Mr. MONAGAN.
Mr. DELLUMS in two instances.
Mr. BOGGS
Mr. EVINS of Tennessee.
Mr. BRASCO.
Mr. ANDERSON of California.
Mr. STEPHENS.
Mr. SYMINGTON.
Mr. VAN DEERLIN.
Mr. BEGICH in three instances.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1943. An act to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes; to the Committee on Agriculture.

S.J. Res. 208. Joint resolution authorizing the President to proclaim the first Sunday in June of each year as "National Shut-In Day"; to the Committee on the Judiciary.

S.J. Res. 210. Joint resolution to authorize the President to issue a proclamation designating the last full calendar week in May of 1972 as "Clean Waters for America Week"; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 563. Joint resolution to authorize the President to proclaim the last Friday of April 1972, as "National Arbor Day";

H.J. Res. 687. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3054. An act to amend the Manpower Development and Training Act of 1962.

ADJOURNMENT

Mrs. ANDREWS of Alabama. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 26 minutes p.m.) the House adjourned until tomorrow, Thursday, April 13, 1972, at 12 o'clock noon.

OATH OF OFFICE OF MEMBERS

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 92d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C. title 2, sec. 25), approved February 18, 1948:

ELIZABETH (MRS. GEORGE) ANDREWS, Third District of Alabama; CLIFFARD D. CARLSON, 15th District of Illinois.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1852. A letter from the Assistant Director, Office of Management and Budget, Executive Office of the President, transmitting a Federal plan for meteorological services and supporting research for fiscal year 1973, pursuant to section 304 of the Department of Commerce Appropriation Act, 1963; to the Committee on Appropriations.

1853. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the committees which advise and consult with him in carrying out his functions under the Social Security Act, pursuant to section 1114(f) of the act, as amended; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 5404. A bill to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes, without amendment (Report No. 92–980). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 13089. A bill to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes; without amendment (Report No. 92–981). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 1379. An act to authorize the Secretary of Agriculture to establish a volunteers in the national forest program, and for other purposes; with amendments (Report No. 92–982). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSENTHAL: Committee on Foreign Affairs: House Concurrent Resolution 471. Concurrent resolution to seek relief from restrictions on Soviet Jews; with an amendment (Report No. 92–983). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 14323. A bill to raise needed revenues by gearing the income tax more closely to an individual's ability to pay, by broadening the income tax base of individuals and corporations, by integrating the gift and estate taxes, and by otherwise reforming the income, estate, and gift tax provisions; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 14324. A bill to amend the student loan provisions of the National Defense Education Act of 1958 to provide for cancellation of student loans for service in mental hospitals and schools for the handicapped; to the Committee on Education and Labor.

By Mr. BLACKBURN:

H.R. 14325. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs; to the Committee on Public Works.

H.R. 14326. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rate as unmarried individuals; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 14327. A bill to establish minimum prisoner and parole standards for prisons in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 14328. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

By Mr. FRENZEL:

H.R. 14329. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. FREY:

H.R. 14330. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 14331. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself and Mr. Nedzi):

H.R. 14332. A bill to amend chapter 55 of title 10, United States Code, to provide maternity care in service facilities for certain members of the uniformed services and their dependents after such members are separated from active duty; to the Committee on Armed Services.

By Mr. HUNGATE (for himself, Mr. Burlison of Missouri, Mr. Ichord, and Mr. Melcher):

H.R. 14333. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. KOCH (for himself and Mr. Scheuer):

H.R. 14334. A bill Newsmen's Privilege Act of 1972; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Bell, Mr. Boland, Mr. Burton, Mr. O'Hara, and Mr. Ryan):

H.R. 14335. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

By Mr. KOCH (for himself and Mr. Wolff):

H.R. 14336. A bill to amend chapter 3 of title 3, United States Code, to provide for the protection of foreign diplomatic missions; to the Committee on Public Works.

By Mr. ROE:

H.R. 14337. A bill to establish in the Department of Health, Education, and Welfare an Office for the Handicapped to coordinate programs for the handicapped, and for other purposes; to the Committee on Education and Labor.

By Mr. RYAN:

H.R. 14338. A bill to provide for the creation of correctional ombudsmen; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.R. 14339. A bill to provide that the historic property known as the Congressional Cemetery may be acquired, protected, and administered by the Secretary of the Interior as part of the park system of the National Capital, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

H.R. 14340. A bill to limit the authority of the government of the District of Columbia with respect to the levying and collecting of certain taxes; to the Committee on District of Columbia.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 14341. A bill to amend the Public Health Service Act to increase the fiscal year 1973 authorizations for project grants for health services development and for project grants and contracts for family planning services; to the Committee on Interstate and Foreign Commerce.

H.R. 14342. A bill to provide certain benefits for American civilian prisoners of war in Southeast Asia, for Federal employees in a missing status, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of Georgia:

H.R. 14343. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 14344. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WINN:

H.R. 14345. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Florida:

H.R. 14346. A bill to amend title 39, United States Code, to restrict the mailing of chain letters containing statements implying or predicting harm or misfortune to recipients failing to transmit the letters or copies thereof according to instructions therein, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROTZMAN:

H.J. Res. 1154. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. GERALD R. FORD (for himself and Mr. McKevitt):

H.J. Res. 1155. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. LUJAN:

H.J. Res. 1156. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.J. Res. 1157. Joint resolution authorizing the President to proclaim the first Monday in May as Industry Day; to the Committee on the Judiciary.

By Mr. RARICK:

H.J. Res. 1158. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 1159. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. KING:

H. Con. Res. 577. Concurrent resolution requesting the President to proclaim the week of June 18 through June 24, 1972, as "National Children's Theater Week"; to the Committee on the Judiciary.

By Mr. McDONALD of Michigan:

H. Con. Res. 578. Concurrent resolution relating to the denial of admission to any military service academy of the United States solely on the ground of sex; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII,

367. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Virginia, requesting Congress to propose an amendment to the Constitution of the United States concerning the assignment of public school students; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SPRINGER introduced a bill (H.R. 14347) for the relief of Monroe A. Lucas, which was referred to the Committee on the Judiciary.

SENATE—*Wednesday, April 12, 1972*

The Senate met at 9:30 a.m. and was called to order by Hon. Frank E. Moss, a Senator from the State of Utah.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art high and lifted up, Lord of our life and our salvation, come upon us here and throughout this land to be—

Lord of our homes
Lord of our schools
Lord of our churches
Lord of our ballot boxes
Lord of our Government
Lord of our peace tables
Lord of this Chamber.

Enable us to affirm by our lives and our actions that we are a nation "under God."

We pray in the name of our Lord and Master. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The second assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., April 12, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Frank E. Moss, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. MOSS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of

Tuesday, April 11, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order numbered 708, 709, and 710.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION TO FIX CERTAIN FEES

The bill (S. 1338) to authorize the government of the District of Columbia to fix certain fees was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Council is authorized and empowered to fix, from time to time, in accordance with section 2 of this Act, the fees authorized to be charged by the following Acts or parts of Acts:

(1) Section 2 of the Act entitled "An Act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia", approved March 3, 1931 (46 Stat. 1486; D.C. Code, sec. 1–232).

(2) Sections 571, 586a, 753, and 754 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1280, 1282, 1312), as amended (D.C. Code, secs. 1–514, 29–414, 35–905, and 35–906).

(3) Sections 5 and 6 of the Act entitled "An Act to regulate and license pawnbrokers in the District of Columbia", approved August 6, 1956 (70 Stat. 1037, 1038; D.C. Code, secs. 2–2005 and 2–2006).

(4) Sections 7, 40, and 42 of the Act entitled "An Act to amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes", approved June 19, 1940 (54 Stat. 483, 490; D.C. Code, secs. 29–807, 29–840, and 29–844).

(5) Section 121 of the District of Columbia Business Corporation Act, approved June 8, 1954 (68 Stat. 228), as amended (D.C. Code, sec. 29–936).

(6) Section 92 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 300, 301; D.C. Code, sec. 29–1092).

(7) Section 2 of Chapter 2 of the Act entitled "An Act to regulate the business of life insurance in the District of Columbia", approved June 19, 1934 (48 Stat. 1130; D.C. Code, sec. 35–402).

(8) Section 13 of title V of the Act entitled "An Act to regulate marine insurance in the District of Columbia, and for other purposes", approved March 4, 1922 (42 Stat. 408; D.C. Code, sec. 35–1113).

(9) Section 41 of chapter II and section 53 of chapter III of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1081, 1082), as amended (D.C. Code, secs. 35–1345 and 35–1363).

(10) Section 7 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 123), as amended (D.C. Code, sec. 40–423).

(11) The Act entitled "An Act relating to tax sales and taxes in the District of Columbia", approved February 6, 1879 (20 Stat. 283), as amended (D.C. Code, sec. 47–306).

(12) Section 21 of title II of the District of Columbia Revenue Act of 1939, approved July 26, 1939 (53 Stat. 1096; D.C. Code, sec. 47–1521).

(13) Section 4 of article I of title V of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 342; D.C. Code, sec. 47–1564c).

(14) Paragraphs 14, 15, and 16 of section 6, and paragraph 42 of section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 621, 622, 628), as amended (D.C. Code, secs. 47–1706, 47–1707, 47–1708, and 47–2101).

(15) Sections 1 and 4 of title II of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 675; D.C. Code, secs. 47–1801 and 47–1804).

(16) Section 3 of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (43 Stat. 107), as amended (D.C. Code, sec. 47–1903).

(17) Sections 1 and 3 of the Act entitled "An Act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes" approved June 19, 1878 (20 Stat. 173, 174), as amended (D.C. Code, secs. 47–2001, 47–2002, and 47–2003).

(18) Section 2 of the Act entitled "An Act to prevent fraud at public auctions in the District of Columbia", approved September 8, 1916 (39 Stat. 846; D.C. Code, sec. 47–2202).

(19) Section 138 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 113; D.C. Code, sec. 47–2615).

(20) Section 2 of the Act entitled "An Act to provide for the regulation of closing-out and fire sales in the District of Columbia", approved September 1, 1959 (73 Stat. 450; D.C. Code, sec. 47–3002).

(21) Section 1 of the Act entitled "An Act to authorize associations of employees in the District of Columbia to adopt a device to designate the products of the labor of their members, to punish illegal use or imitation of such device, and for other purposes", approved February 18, 1932 (47 Stat. 50), as amended (D.C. Code, sec . 48–401).

SEC. 2. The District of Columbia Council may, with respect to each of the fees established by the Acts or parts of Acts listed in the first section, after public hearing, increase or decrease such fees to such amounts as may, in the judgment of the Council, be reasonable in consideration of the interests of the public and the persons required to pay the fee, and in consideration of the approximate cost of administering each Act or part of Act to which the fee relates.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–739), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the legislation is to vest authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits.

License and user fees are presently fixed by statute, and many such fees have not been adjusted over the years to reflect current costs for performing the governmental duties related to the activity for which the fee is charged.

NEED FOR LEGISLATION

The bill is part of the President's legislative program for the District of Columbia, and is fully described as to purpose and effect in the following letter to the President of the Senate from Graham W. Watt, Assistant to the Commissioner.

THE DISTRICT OF COLUMBIA,
Washington, D.C., January 26, 1971.

THE PRESIDENT,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: The Commissioner of the District of Columbia has the honor to submit herewith a draft bill to authorize the Government of the District of Columbia to fix certain fees.

The purpose of this proposed legislation was stated by the President in his April 28, 1969, message to the Congress recommending legislation for the District of Columbia, as follows:

"The Reorganization Plan which established the present [District of Columbia] government left to Congress many mundane municipal functions which are burdensome chores to it but important functions for good local government. At present, Congress must allot a portion of its legislative calendar to setting ordinances for the District of Columbia, in effect performing the duties of a local City Council for the Capital. It thus deals with matters which are of little or no importance to the Nation as a whole—the setting of a fee, for example, to redeem a dog from the city pound. The concerns of the District are frequently shunted aside to allow for higher-priority legislative business. 'No policy can be worse than to mingle great and small concerns,' argued Augustus Woodward, one of the founders of our city, when Congress considered establishing a territorial form of government in 1800. 'The latter become absorbed in the former; are neglected and forgotten.'

"Legislation will be proposed to transfer a number of specific authorities to the District Government—*including authority to change various fees for user charges now fixed by statute,* * * * and modernize the licensing of various businesses, occupations and professions." (Emphasis and bracketed language supplied.)

The Commissioner of the District of Columbia accordingly proposes that the Congress enact legislation to authorize the District of Columbia Council to change, from time to time, a number of fees specified by the Congress in 21 separate statutes. The fees provided by the statutes presently range from ten cents for certain notary services to $500 for licenses for pawnbrokers, private banks, and the stock exchange. The Commissioner believes that these fees, which are listed and described in the attached chart, should be examined from time to time and, if appropriate, increased or decreased to such amounts as the Council determines after public hearing to be reasonable in consideration of the interests of the public and the persons required to pay the fee, and in consideration of the approximate costs of administering each of the District's statutory duties related to the activity for which the fee is charged.

The Commissioner believes that legislation of this nature is highly desirable, both from the standpoint of relieving the Congress of these mundane municipal fee-fixing functions and from the standpoint of vesting in the municipal government and people of the District of Columbia more responsibility in local matters. Accordingly, the Commissioner recommends the enactment of the attached draft bill. The District of Columbia Council has expressed its support for this legislation.

Sincerely yours,
GRAHAM W. WATT,
Assistant to the Commissioner.
For: WALTER E. WASHINGTON,
Commissioner.

FEES SPECIFIED IN ACTS OF CONGRESS RELATING TO THE DISTRICT OF COLUMBIA

District of Columbia code citation	Type of fee	Amount
1. 1-232	License for an outdoor sign	$5 per year.
2. 1-514	Notary fees for various services	$0.10 to $1.75.
3. 2-2005, 2-2006.	Pawnbroker license	$500 for 1st year and $250 per year thereafter.
4. 29-414	Filing of certificate of incorporation of institution of learning.	$25.
5. 29-807	Filing of amendment of articles by cooperative association.	$1.
6. 29-840	Filing of certified copy of amended articles by cooperative association.	$5.
7. 29-844	License of cooperative association	$10 per year.
8. 29-936	Fees for licenses, filing documents, etc., by business corporations.	$1 to $20.
9. 29-1092	Fees for filing documents and issuing certificates by nonprofit corporations.	$1 to $10.
10. 35-402	Various fees for life insurance companies	$5 to $50.
11. 35-905	Service of process of Superintendent of Insurance	$3.
12. 35-906	Permit to do business in District of Columbia from Superintendent of Insurance.	$5.
13. 35-1113	Marine insurance company fees	$100 to $200.
14. 35-1345	Various fire, casualty, and marine insurance fees	$5 to $50.
15. 35-1363	License fee for financing insurance premiums	$50 per year.
16. 40-423	Service of process on District Government for nonresident motorist.	$2.
17. 47-306	Certificate of taxes and assessments due	$1.
18. 47-1521	Copy of income tax return furnished to taxpayer for a year prior to 1947.	$1.
19. 47-1564c	Copy of income tax return furnished to taxpayer for 1947 and any year thereafter.	$2.
20. 47-1706	Unincorporated private banks	$500 per year.
21. 47-1707	For business done on Washington Stock Exchange	Do.
22. 47-1708	For note brokers	Do
23. 47-1801	Certificate of authority for insurance companies	$25 per year.
24. 47-1804	Filing of annual statement by insurance companies	$20 per year.
25. 47-1903	License fee for motor vehicle fuel importers	$5 per year.
26. 47-2001	For each dog owned or kept in the District of Columbia	$3 per year.
27. 47-2002	Certified copy of record of payment of dog fee	$0.25.
28. 47-2003	Impoundment fee for stray dogs	$2.
29. 47-2101	License fee for employment agencies	$100.
30. 47-2202	Public auction permit	Not to exceed $50.
31. 47-2615	Copy of sales tax return furnished to taxpayer	$2.
32. 47-3002	License for closing out sale	$100.
33. 48-401	Registration of union label	$1.

The committee fully endorses the above letter for the reasons stated therein.

HISTORY OF LEGISLATION

An identical bill to S. 1338 was introduced in the Senate during the 91st Congress and passed the Senate on August 13, 1970, but received no action in the House.

On January 26, 1971, the previously printed letter transmitted and recommended the proposed legislation. S. 1338 was introduced in the Senate on March 23, 1971, and hearings were held by the Subcommittee on Business, Commerce, and Judiciary of the Senate District Committee on December 1, 1971. Representatives of the District of Columbia testified in support of the legislation.

ANALYSIS OF THE BILL

Section 1 authorizes the District of Columbia Council to fix, from time to time, fees authorized to be charged by a number of acts or parts of acts. The affected activities are listed above in the letter from Mr. Watt.

Section 2 provides that in exercising its authority in section 1 the Council may increase or decrease such fees, after public hearing, to such amounts as, in the judgment of the Council, may be reasonable in consideration of the public interest and the persons required to pay the fee, and in consideration of the proximate cost of administering each act or part of act to which the fee relates.

DISTRICT OF COLUMBIA LICENSING PROCEDURES ACT

The Senate proceeded to consider the bill (S. 1363) to revise and modernize procedures relating to licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

SEC. 101. That this Act may be cited as the "District of Columbia Licensing Procedures Act".

SEC. 102. The Congress hereby finds it desirable that the government of the District of Columbia (hereinafter "District") revise and modernize procedures relating to the licensing by the District of persons engaged in certain occupations, professions, businesses, trades, and callings. The Congress further finds it to be in the interest of such licensees, of the general public, and of the District that such licensing procedures be made as nearly uniform as may be feasible, depending on the circumstances involved in each type of license. Accordingly, the Congress intends by this Act to vest in the District authority to adopt and promulgate regulations establishing licensing procedures relating to persons engaging in occupations, professions, businesses, trades, and callings in the District.

SEC. 103. The District of Columbia Council (hereinafter "Council") is authorized and empowered to make, from time to time, usual and reasonable regulations which require a license for any occupation, profession, business, trade, or calling, including those occupations, professions, businesses, trades, or callings heretofore regulated by Act of Congress. Such regulations many include, but are not limited to, provisions prescribing qualifications and standards for the licensing of persons to engage in the occupations, professions, businesses, trades, and callings affected by such regulations, establishing classes of such licenses, fixing license fees, prescribing grounds for the suspension or revocation of such licenses, prescribing procedures for the granting, renewal, denial, suspension, or revocation of such licenses, establishing the periods for which such licenses are to be valid, and fixing penalties of a fine not exceeding $300 or imprisonment for not exceeding ninety days, or both, for the violation of such regulations, including, but not limited to, any violation of a provision prohibiting a person from falsely holding himself out, in any manner, as being either qualified or duly licensed under the authority of regulations adopted by the Council pursuant to the provisions of this Act. The Council is further authorized and empowered, if it deems such to be necessary, to make regulations fixing penalties of a fine not exceeding $1000 or imprisonment for not exceeding three years, or both, for a second or any subsequent conviction of any violation of a provision prohibiting a person from falsely holding himself out in any manner, as being either qualified or duly licensed under the authority of regulations adopted by the Council pursuant to the provisions of this Act.

SEC. 104. The unlawful practice of the occupations, professions, businesses, trades, and callings as defined by the regulations made pursuant to this Act may be enjoined by the Superior Court of the District of Columbia, sitting as a court of equity, on petition by the Commissioner of the District of Columbia. In any such proceeding, it shall not be necessary to show that any person is individually injured by the act or acts complained of. A temporary restraining order may be issued by the court enjoining such unlawful practice prior to a hearing on the petition if the court determines that such order is necessary to protect the public. If, on the trial, it is shown that the respondent has unlawfully practiced an occupation, business, trade, or calling regulated pursuant to this Act, the court shall permanently enjoin him from so practicing or continuing to practice, unless and until he has been duly licensed. The remedy by injunction given hereby is in addition to criminal prosecution and punishment based thereon, and not in lieu thereof. Such cases shall be advanced for trial on the docket of the trial court, and shall be advanced and tried in the appellate court, in the same manner and under the same law and regulations as apply to other suits for injunction.

SEC. 105. The Commissioner of the District of Columbia is authorized, in accordance with regulations issued by the Council under the authority of this Act, to issue, deny, suspend, or revoke, for such cause as may be set forth in such regulations, any of the licenses authorized by any such regulations.

SEC. 106. All prosecutions for violations of any regulations issued by the Council under the authority of this Act and all proceedings looking toward the suspension or revocation of licenses or registration and toward the issue of injunctions, under the provisions of this Act or regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

SEC. 107. Any judicial or administrative proceeding initiated prior to the effective date of this Act under any Act or part of Act specified in section 108 of this Act, or under regulations made pursuant to any of the said Acts or part of Act, shall proceed to its conclusion without regard to the provisions of this Act or of any regulations made pursuant thereto.

SEC. 108. The following Acts are repealed on the effective date of this Act:

(1) An Act to regulate the practice of the healing art to protect the public health in the District of Columbia, approved February 27, 1929 (45 Stat. 1326), as amended (D.C. Code, title 2, ch. 1).

(2) An Act to amend the Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June 6, 1892, and Acts amendatory thereof, approved July 2, 1940 (54 Stat. 716), as amended (D.C. Code, title 2, ch. 3).

(3) An Act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia, approved February 9, 1907 (34 Stat. 887), as amended (D.C. Code, secs. 2–401 through 411).

(4) The District of Columbia Practical Nurses' Licensing Act, approved September 6, 1960 (74 Stat. 803; D.C. Code, secs. 2–421 through 440).

(5) The Physical Therapists Practice Act approved September 22, 1961 (75 Stat. 578; D.C. Code, secs. 2–451 through 472).

(6) An Act to regulate the practice of optometry in the District of Columbia, approved May 28, 1924 (43 Stat. 177; D.C. Code, title 2, ch. 5).

(7) An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, approved May 7, 1906 (34 Stat. 175), as amended (D.C. Code, title 2, ch. 6).

(8) An Act to regulate the practice of podiatry in the District of Columbia, approved May 23, 1918 (40 Stat. 560), as amended (D.C. Code, title 2, ch. 7).

(9) An Act to regulate the practice of veterinary medicine in the District of Columbia, approved February 1, 1907 (34 Stat. 870), as amended (D.C. Code, title 2, ch. 8).

(10) An Act to provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants, and for other purposes, approved September 16, 1966 (80 Stat. 785; D.C. Code, title 2, ch. 9).

(11) An Act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia, approved December 13, 1924 (43 Stat. 713), as amended (D.C. Code, title 2, ch. 10).

(12) The District of Columbia Barber Act, approved June 7, 1938 (52 Stat. 620), as amended (D.C. Code, title 2, ch. 11).

(13) An Act to regulate boxing contests and exhibitions in the District of Columbia, and for other purposes, approved December 20, 1944 (58 Stat. 823), as amended (D.C. Code, title 2, ch. 12).

(14) An Act to provide for the examination and licensing of those engaging in the practice of cosmetology in the District of Columbia, approved June 7, 1938 (52 Stat. 611; D.C. Code, title 2, ch. 13).

(15) An Act to regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898 (30 Stat. 477), as amended (D.C. Code, title 2, ch. 14).

(16) An Act to regulate steam engineering in the District of Columbia, approved February 28, 1887 (24 Stat. 247), as amended (D.C. Code, title 2, ch. 15).

(17) The Professional Engineers' Regulation Act, approved September 19, 1950 (64 Stat. 845), as amended (D.C. Code, title 2, ch. 18).

(18) An Act to define, regulate, and license real estate brokers, business chance brokers, and real estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real estate transactions; and for other purposes, approved August 25, 1937 (50 Stat. 787), as amended (D.C. Code, title 45, ch. 14).

(19) Paragraph 44A of section 7 of the Act approved July 1, 1902, as added by the Act approved August 1, 1947 (61 Stat. 711; D.C. Code, sec. 47–2344a), relating to the licensing of undertakers.

(20) Subsection (b) of the first section of the Act entitled "An Act to grant additional powers to the Commissioners of the District of Columbia, and for other purposes", approved December 20, 1944 (58 Stat. 819, 820), as amended (D.C. Code, sec. 1–244(b)), relating to the bonding of persons, firms, and corporations, other than utility companies, engaged in the business of plumbing or gas fitting, or of installing, maintaining, or repairing heating, ventilation, air conditioning, or mechanical refrigerating apparatus, equipment, appliances, systems or parts thereof, or of installing, maintaining, or repairing apparatus, equipment, fixtures, appliances, or wiring, using or conducting electric current.

(21) An Act to regulate the practice of psychology in the District of Columbia, approved January 8, 1971 (84 Stat. 1955; Public Law 91–657).

SEC. 109. This Act shall become effective one year after the date of enactment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–740), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, S. 1363, is to provide for the modernization and streamlining of the laws governing the various occupations, professions, businesses, and trades in the District of Columbia, in order to better meet the needs of the general public and the regulated occupations and professions alike.

At the present time, the various occupations are licensed, registered, or certified under twenty one Acts of Congress, seventeen of which were last revised more than a dozen years ago. Because of the cumbersome and time consuming process of regulating by statute, the various laws lack uniformity and timeliness which creates difficulties in their administration and application.

NEED FOR LEGISLATION

The bill is part of the President's legislative program for the District of Columbia, and is fully described as to purpose and effect in the following letter to the President of the Senate from Graham W. Watt, Assistant to the Commissioner.

THE DISTRICT OF COLUMBIA,
Washington, D.C., January 29, 1971.

THE PRESIDENT,
U.S. *Senate,*
Washington, D.C.

DEAR MR. PRESIDENT: The Commissioner of the District of Columbia has the honor to submit for the consideration of the Congress a draft bill "To revise and modernize the licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes." A section-by-section analysis and a statement of purpose and justification of the provisions of the bill are also included.

The purpose of this proposed legislation was stated by the President April 28, 1969 in his message to the Congress, recommending legislation for the District of Columbia, as follows:

"The Reorganization Plan which established the present government [of the District of Columbia] left to Congress many mundane municipal functions which are burdensome chores to it but important functions for good local government. At present, Congress must allot a portion of its legislative calendar to setting ordinances for the District of Columbia, in effect performing the duties of a local City Council for the Capital. It thus deals with matters which are of little or no importance to the nation as a whole—the setting of a fee, for example, to redeem a dog from the city pound. The concerns of the District are frequently shunted aside to allow for higher-priority legislative business. 'No policy can be worse than to mingle great and small concerns,' argued Augustus Woodward, one of the founders of our city, when Congress considered establishing a territorial form of government in 1800. 'The latter become absorbed in the former, are neglected and forgotten.'

"Legislation will be proposed to transfer a number of specific authorities to the District Government—including authority to . . . *modernize the licensing of various businesses, occupations, and professions.*" (Emphasis and bracketed language supplied)

The Commissioner of the District of Columbia accordingly proposes that the Congress enact legislation to vest in the District of Columbia Council authority to make regulations from time to time, as appropriate, upgrading the qualification requirements for a number of licenses, modernizing procedures and making such procedures as uniform as possible, modifying the grounds for suspension or revocation of these licenses, and increasing or decreasing fees connected with the issuances of such licenses.

The Commissioner strongly urges favorable consideration of this legislation, not only in order to relieve the Congress of the chore of involving itself in the details of the licensing of the various professions, occupations, businesses, trades, and callings affected by the bill, but also in order to vest in the municipal government of the District of Columbia more responsibility in local matters. The District of Columbia Council has expressed its support for this legislation.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner.
FOR: WALTER E. WASHINGTON,
Commissioner

STATEMENT OF PURPOSE AND JUSTIFICATION

Physicians, dentists, dental hygienists, registered nurses, practical nurses, physical therapists, optometrists, pharmacists, psychologists, podiatrists, veterinarians, certified public accountants, architects, barbers, persons participating in boxing contests, cosmetologists, plumbers and gas fitters, steam engineers, professional engineers, real estate and business chance brokers and salesmen, undertakers, and electrical and refrigeration and air conditioning contractors are licensed, registered, or certified, as the case may be, under the authority of twenty-one acts of Congress. The earliest of these Acts were enacted in 1887. The most recent was enacted in 1970. Thirteen of the Acts were enacted before 1939, while eight were enacted since 1944. The Commissioner believes that it may readily be appreciated that there is considerable need to modernize many if not all of these Acts which were enacted more than twelve years ago; i.e., seventeen of the twenty-one Acts.

From time to time, action is initiated by persons interested in a particular profession, occupation, business, trade, or calling to revise the Act of Congress relating to such profession, occupation, business, trade or calling. These revisions may range from a complete rewriting of an Act (such as has been proposed by the pharmacists, the optometrists the cosmetologists, the barbers, and the real estate brokers and salesmen) down to such a simple matter as permitting the acceptance of the results of national board examinations in connection with the licensing of podiatrists. The number of Acts involved, and the need for revising them to meet changing needs, inevitably results in the submission to each Congress of requests for such changes.

The principal problems confronting the Government of the District of Columbia and the persons affected by these Acts of Congress are lack of uniformity in the methods and procedures prescribed by such Acts, and certain obsolescent or inadequate standards and requirements established by them. In the eighty-three year span between the earliest of the Acts and the most recent, the many Congresses have prescribed a variety of standards, requirements, and procedures which, by reason of their lack of uniformity, create difficulties in the administration and application of such Acts. Particularly affected by this lack of uniformity are those attorneys who may be retained by persons contesting the proposed denial, suspension, or revocation of a license, certificate, or reply on a standard, uniform procedures, must make sure that what registration, since an attorney so retained, rather than being able to rely on a standard, uniform procedure, must make sure that whatever action he takes conforms with the particular requirements of the applicable statute. Further, he must also familiarize himself with the regulations adopted under the authority of such statute, and these in turn, because of the requirements of the statute under which they are adopted, may also vary from regulations issued under the authority of other of the twenty-one Acts of Congress. In the August, 1963 issue of the Journal of the Bar Association of the District of Columbia, in an article by Marion Edwyn Harrison, Esquire, entitled "Licensing Procedures in the District of Columbia" (pages 395–411), the situation which has come to exist is described as follows (page 402):

"V. A POTPOURRI OF PROCEDURES: THE DEPARTMENT OF OCCUPATIONS AND PROFESSIONS

"Occupations and Professions in its present form was created by Reorganization Order No. 59 (1953), since amended, and it is an interesting and varied collection of committees, commissions and boards, with varying procedures, published and unpublished, and existing pursuant to various statutes and regulations. This variety stems partially from the collection of statutory enactments, seemingly created almost willy-nilly by Congress, and partly from the fact that the various committees, commissions and boards do not appear to correlate their activities or unduly to be aware of the existence of each other."

The other principal problem is that relating to the standards and requirements established by the various Acts. Certain of them do not prescribe educational or experiential qualifications best designed to meet the needs of the public, as measured by present-day standards. Other standards relating to the grounds for the suspension or revocation of licenses are, in the view of the Commissioner, inadequate to protect the public interest. It is the recommendation of the Commissioner that, in order to meet the needs of the public and to protect its interests, the District be given authority to take action to improve and up-grade the educational and experiential requirements of the various Acts, and to prescribe, for the suspension or revocation of licenses, standards which will adequately protect the interests of the general public.

The Commissioner believes there is considerable need to revise and modernize most of the twenty-one Acts of Congress providing for the licensing, registration, or certification of persons engaging in certain professions, occupations, businesses, trades, or callings. The Commissioner believes, however, that even were the Congress able to undertake and accomplish a thorough full-scale revision and modernization of these Acts, the needs of the public would not fully be met, since the piecemeal revision and modernization of these Acts would very likely continue in existence the present lack of uniformity in standards, requirements, and procedures. Further, the Commissioner believes that there is need for consolidating, in one publication, a particular licensing act and the regulations issued under the authority of such Act, so that persons affected thereby may readily inform themselves of the requirements of the licensing act and the regulations issued pursuant thereto.

Accordingly, the Commissioner proposes that the District be authorized to issue regulations revising and modernizing certain specified Acts or parts of Acts of Congress establishing licensing procedures relating to persons engaging in certain occupations, professions, businesses, trades, and callings. Further, the Commissioner proposes that the District be authorized, in such regulations, to restate the language of the applicable statute together with the language of such additional implementing regulations as the District has adopted or may adopt pursuant to the authority contained in such statute, all to the end of making it more convenient for persons affected by a particular licensing statute and the regulations issued pursuant thereto to acquaint themselves with the requirements of such statute and regulations and to reduce to a minimum the differences in the qualifications and procedures established by such licensing statutes and their accompanying regulations.

In furtherance of the effort to meet a long-recognized need for a simplified method of accomplishing desired changes in the written requirements, policies, and procedures applicable to the various licensing programs administered by the Department of Economic Development of the Government of the District of Columbia, the Commissioner has prepared a bill which would authorize the District of Columbia Council, after public hearing, to adopt regulations which would, in their form, be a combination of the language contained in a particular statute and the language of regulations adopted by the District of Columbia Government under the authority of that statute, with such revisions and modernizations in the language of both the statute and such regulations as may, after such public hearing, be considered desirable. In short, the bill is designed to authorize the District, by regulation, to revise and modernize some twenty-one Acts of Congress, retaining or improving upon (or perhaps in some cases deleting) the requirements and procedures established by the specified twenty-one Acts of Congress, and retaining or improving the qualifications for licensing established by such Acts.

Amendment

The amendment in the nature of a substitute is merely a more direct way of achieving the same objectives as the original language of S. 1363. It was explained in the testimony of Graham W. Watt, Assistant to the Commissioner, as follows:

Since submission of this legislation, we have continued to review the proposal and the problems with which we have been confronted in the regulation of occupations and professions.

While I continue to believe S. 1363 would be adequate to allow the gradual amendment of the various acts of Congress, a more far-reaching approach would be one which simply repeals the 21 existing laws and authorizes the District government to regulate all occupations, professions, businesses, trades, and calls in the District.

This new proposal . . . has exactly the same objective as S. 1363—the modernization and streamlining of the laws affecting occupations and professions—but does so in a more concise and straightforward manner. The new proposal is also consistent with recent efforts to transfer local authority and local functions to the local government.

History of the legislation

On January 29, 1971, the Commissioner of the District of Columbia wrote a letter, previously printed in this report, to the President of the Senate transmitting and recommending the proposed legislation. S. 1363 was introduced in the Senate on March 24, 1971, and hearings were held by the Subcommittee on Business, Commerce, and Judiciary of the District Committee on December 1, 1971. Representatives of the District of Columbia government testified for the bill.

THE DISTRICT OF COLUMBIA LAW ENFORCEMENT AND CRIMINAL JUSTICE ACT

The Senate proceeded to consider the bill (S. 2209) relating to crime and law enforcement in the District of Columbia which had been reported from the Committee on the District of Columbia with amendments on page 3, after line 5, strike out:

OBTAINING CONTROL OF CREDIT CARD AS SECURITY FOR DEBT

SEC. 104. A person who obtains possession or exerts control over a credit card as security for a debt shall be fined not more than $500 or imprisoned for not more than one year, or both.

At the beginning of line 13, change the section from "105" to "104"; on page 4, at the beginning of line 3, change the section number from "106" to "105"; at the beginning of line 18, change the section number from "107" to "106"; on page 5, at the beginning of line 3, change the section number from "108" to "107"; in line 9, after the word "card", strike out "which he knows or reasonably should know is expired or revoked" and insert "which he knows or has cause to believe is expired, revoked, or illegally possessed"; at the beginning of line 20, change the section number from "109" to "108"; on page 6, after line 4, strike out:

DEFENSES NOT AVAILABLE

SEC. 110. In any prosecution for violation of this title, the Government is not required to establish and it is no defense that some of the acts constituting the crime did not occur in the District of Columbia or were not a crime or element of a crime where they did occur.

At the beginning of line 12, change the section number from "111" to "109"; at the beginning of line 18, change the section number from "112" to "110"; on page 7, line 20, after the word "knows", strike out "or should know" and insert "or has cause to believe"; on page 9, at the beginning of line 16, strike out "amended by inserting the subsection designation "(a)" immediately before the first word of such subsection and by adding the following new subsection" and insert "amended by adding the following new subsection"; and at the beginning of line 20, strike out "(b)" and insert "(d)"; so as to make the bill read:

S. 2209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The District of Columbia Law Enforcement and Criminal Justice Act".

TITLE I—PROHIBIT THE UNAUTHORIZED USE AND POSSESSION OF CREDIT CARDS IN THE DISTRICT OF COLUMBIA

SHORT TITLE

SEC. 101. This title may be cited as the "District of Columbia Credit Card Crime Act".

DEFINITIONS

SEC. 102. (a) CARDHOLDER.—"Cardholder" means the person or organization named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(b) CREDIT CARD.—"Credit card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value on credit.

(c) EXPIRED CREDIT CARD.—"Expired credit card" means a credit card which is no longer valid because the term shown on it has elapsed.

(d) ISSUER.—"Issuer" means the business organization or financial institution or its duly authorized agent which issues a credit card.

(e) REVOKED CREDIT CARD.—"Revoked credit card" means a credit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

(f) INCOMPLETE CREDIT CARD.—A credit card is "incomplete" if part of the matter other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder, has not yet been stamped, embossed, imprinted, or written on the credit card.

PURCHASE OF CREDIT CARD OF ANOTHER

SEC. 103. A person who buys or rents a credit card from a person other than the issuer shall be fined not more than $500 or be imprisoned for not more than one year, or both.

ILLEGAL POSSESSION OF CREDIT CARD OF ANOTHER

SEC. 104. (a) A person who possesses a credit card without the consent of the cardholder or the issuer shall be fined not more than $500 or imprisoned not more than one year, or both.

(b) A person who possesses a credit card issued to another with intent to use the same to defraud the issuer, cardholder, or any other person shall be fined not more than $5,000 or imprisoned not more than five years, or both. A person in possession of two or more credit cards issued to two or more persons other than himself without the consent of the issuer or the cardholder shall be presumed to have violated this subsection.

FRAUDULENT USE OF REVOKED OR EXPIRED CREDIT CARD

SEC. 105. A person who, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, uses for the purpose of obtaining money, goods, services or anything else of value a credit card which he knows is expired or revoked shall, if the value of all money, goods, services and other things of value obtained in violation of this section does not exceed $500 in any six-month period, be fined not more than $1,000 or imprisoned for not more than one year, or both, and shall, if such value does exceed $500 in any six-month period, be fined not more than $5,000 or imprisoned for not more than five years, or both. Knowledge by the cardholder of revocation shall be presumed upon return of a requested receipt.

FRAUDULENT TRANSFER OF CREDIT CARD

SEC. 106. A person other than the issuer who, without the consent of the cardholder, sells, exchanges, transfers, or delivers a credit card issued to another, or a person other than the issuer who sells, exchanges, transfers, or delivers an incomplete credit card, or a counterfeit, forged, or falsely made or altered credit card, shall be fined not more than $5,000 or imprisoned for not more than five years, or both.

FRAUD BY PERSON AUTHORIZED TO PROVIDE GOODS OR SERVICES

SEC. 107. A person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a credit card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer or the cardholder, furnishes money, goods, services, or anything else of value upon presentation of a credit card which he knows or has cause to believe is expired, revoked, or illegally possessed shall if the value of all money, goods, services, and other things of value furnished in violation of this section does not exceed $500 in any six-month period be fined not more than $1,000 or imprisoned for not more than one year, or both, and shall if such value exceeds $500 in any six-month period be fined not more than $5,000 or imprisoned for not more than five years, or both.

POSSESSION OF MACHINERY, PLATES, OR OTHER DEVICES, OR COUNTERFEIT, OR INCOMPLETE CREDIT CARDS

SEC. 108. A person, other than the cardholder, possessing an incomplete credit card with intent to complete it without the consent of the issuer, or a person possessing, with knowledge of its character, a counterfeit, forged, or falsely made or altered credit card, or machinery, plates, or any other device designed to reproduce instruments purporting to be credit cards of an issuer who has not consented to the preparation of such credit cards, shall be fined not more than $5,000 or imprisoned for not more than five years, or both.

TITLE NOT EXCLUSIVE

SEC. 109. This title shall not be construed to preclude the applicability of any other provision of the criminal law which presently applies or may in the future apply to any transaction which violates this title, unless such provision is clearly inconsistent with the terms of this title.

SEVERABILITY

SEC. 110. If any provision of this title or its application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and to this end the provisions of this title are declared to be severable.

TITLE II—LICENSING SECONDHAND DEALERS

SEC. 201. The last sentence of subparagraph (c) of paragraph 39 of section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended (D.C. Code, sec. 47–2339(c)), is amended to read as follows: "For the purpose of this paragraph 39, the term 'secondhand personal property' shall not include any item of personal property (1) which the possessor thereof has acquired by reason of its return to him for credit, refund, or exchange by a person having purchased such item from such possessor, or (2) which is offered for sale, trade, or exchange by the person who repossesses the same."

TITLE III—ASSAULTS AGAINST POLICE OFFICERS AND FIREMEN

SEC. 301. Section 432 of the Revised Statutes, relating to the District of Columbia, as amended (D.C. Code, sec. 22–505), is amended by adding the following new subsection:

"(c) Whoever within the District of Columbia throws any stone or other missile into or in the direction of any group of five or more persons and who knows *or has cause to believe* that there is present in said group any officer or member of any police force operating in the District of Columbia or any officer or member of any fire department operating in the District of Columbia, who is engaged in the performance of his official duties, shall be fined not more than $5,000 or imprisoned for not more than five years, or both. For purposes of this subsection, the term 'missile' shall mean any object which when thrown, under the circumstances, caused or could have caused bodily injury."

TITLE IV—PROHIBIT POSSESSION OF FLASH PAPER OR WATER SOLUBLE PAPER

SEC. 401. Section 863a of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D.C. Code, sec. 22–1502), is amended to read as follows:

"SEC. 863a. (a) It shall be unlawful for any person, within the District of Columbia, knowingly to have in his possession or under his control any record, notation, receipt, ticket, certificate, bill, slip, token, paper, or writing, current or not current, used or to be used in violating the provisions of section 863, 865, or 869 of this Act.

"(b) It shall be unlawful for any person, within the District of Columbia, to knowingly have in his possession or under his control any paper, whether blank or with writing upon it, which is commonly referred to as 'flash paper' or which is commonly referred to as 'water soluble paper'.

"(c) As used in this section the term 'flash paper' means any paper which, when heat or flame is applied to it, combusts nearly instantaneously and is completely destroyed leaving little or no ash. As used in this section the term 'water soluble paper' means any paper which, when water is applied to it, rapidly disintegrates and loses its characteristic as paper.

"(d) For the purpose of this section, possession of any record, notation, receipt, ticket, certificate, bill, slip, token, paper, writing, flash paper, or water soluble paper shall be presumed to be knowing possession thereof.

"(e) Any person who violates the provisions of subsections (a) or (b) of this section shall, upon conviction of each such offense, be fined not more than $1,000 or be imprisoned for not more than one year, or both."

TITLE V—AUTHORITY TO SEIZE MOTOR VEHICLES USED IN NARCOTICS VIOLATIONS

SEC. 501. Section 17 of the Uniform Narcotic Drug Act, approved June 30, 1960 (D.C. Code, sec. 33–423) is amended by adding the following new subsection:

"(d) Any conveyance, including an aircraft, vehicle, or vessel, which is used, or intended for use, in violating any provision of this Act shall be subject to seizure by any member of the Metropolitan Police force or the United States Park Police, or by the United States Marshal for the District of Columbia or any of his deputies, and any such conveyance so seized, regardless of its value, shall be proceeded against in the Superior Court of the District of Columbia by libel action brought in the name of the District of Columbia by the Corporation Council or any of his assistants, and shall, unless good cause be shown to the contrary, be forfeited to the District of Columbia and shall be made available for the use of any agency of the government of the District of Columbia, or otherwise disposed of as the District of Columbia Council may, by regulation, provide, except that (a) no conveyance used by any person as a common carrier shall be forfeited under this Act unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this Act;

and (b) no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of the District of Columbia, or of any State. If there be any bona fide lien against the property so forfeited, the government of the District of Columbia may make payment of such lien and retain the property, or the property shall be disposed of by public auction. The proceeds of the sale of such property shall be available, first, for the payment of all expenses incident to such forfeiture; and, second, for the payment of such liens; and the remainder shall be deposited in the Treasury of the United States to the credit of the District of Columbia. To the extent necessary, liens against said property so forfeited shall, on good cause shown by the lienor, be transferred from the property to the proceeds of the sale of the property."

TITLE VI—AUTHORIZE THE DISTRICT OF COLUMBIA TO MORE FULLY UTILIZE POLICE RESERVE CORPS VOLUNTEERS FOR ACTIVE POLICE DUTY

SEC. 601. (a) The Commissioner of the District of Columbia (hereinafter, "Commissioner") is authorized to select, organize, train, and equip as reserve police officers (hereinafter, "reserve officers") individuals who may volunteer for duty in connection with the policing of the District of Columbia: *Provided,* That the Commissioner shall, with respect to the selection of such reserve officers, establish such standards relating to personal character and physical and mental health, as will best insure the proper performance of their duties: *Provided further,* That such reserve officers shall be given such training in the use of firearms as the Commissioner deems appropriate to the performance of the duties to which they will be assigned. Reserve officers shall have such of the powers, and perform such of the duties of regular officers and members of the Metropolitan Police force of the District, as the Commissioner may vest in and impose upon them. Reserve officers shall serve without compensation, but otherwise shall be considered employees of the government of the District of Columbia and members of the Metropolitan Police force for all purposes and under all provisions of law except those relating to retirement, insurance, health benefits, veterans' preference, or any other law under which benefits are made available only to compensated employees of such government, unless otherwise provided in this title or in regulations adopted pursuant to this title. The provisions of the Act approved July 7, 1898 (30 Stat. 666; D.C. Code, sec. 1–215) or of any other law prohibiting the acceptance by the District of Columbia of volunteer services shall not apply to the acceptance of volunteer services of reserve police officers pursuant to this title.

(b) The District of Columbia Council is authorized to make rules and regulations to carry out the purposes of this title, including, without limitation, (1) provisions for suspension or dismissal of reserve officers, with or without trial, and (2) provisions prohibiting, permitting, regulating, and controlling the possession, carrying, and use by reserve officers of weapons (including firearms).

SEC. 602. (a) Reserve officers serving under the authority of this title shall be deemed to be employees of the District of Columbia for the purposes of eligibility under subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work injuries), and any subsequent amendment thereto. Said subchapter shall apply and be administered by the Secretary of Labor in the same manner and to the same extent as if such reserve officer were a civil employee of the District of Columbia injured while in the performance of his duty: *Provided,* That for purposes of benefit computation under said subchapter, regardless of pay or status, such reserve officer shall be deemed to have had a monthly pay of one-twelfth of the current annual rate of basic compensation for a police private, class 1, subclass (a), in the Metropolitan Police force who had been employed for the same length of time that the reserve officer had been selected as a member of the reserve force.

(b) For the purposes of section 8116(c) of title 5, United States Code, in determining the rights of all employees of the District of Columbia, including reserve officers under this title, the term "United States" shall be deemed to include the District of Columbia.

SEC. 603. The Commissioner is authorized to delegate any function vested in him by this title.

SEC. 604. Appropriations are hereby authorized to carry out the purposes of this title.

TITLE VII—ISSUANCE OF MOTOR VEHICLE OPERATORS' PERMITS, WITHOUT COST, TO POLICE OFFICERS DRIVING POLICE VEHICLES IN THE DISTRICT OF COLUMBIA

SEC. 701. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925, as amended (D.C. Code, sec. 40–301(a)), is amended by adding at the end thereof the following new paragraph:

"(7) Any officer or member of any police force operating in the District of Columbia shall be issued, without charge, a permit to operate Government-owned vehicles, including passenger vehicles, motorcycles, and motor bicycles, while engaged in official business, upon the presentation of a certificate from the chief of such police force or his delegate, to the effect that he is assigned to operate a Government vehicle and is qualified to drive, and upon proving to the satisfaction of the Director of Motor Vehicles that he is familiar with the traffic regulations of the District of Columbia."

TITLE VIII—AUTHORIZE PAYMENT FOR LABOR OF IMPRISONED PERSONS

SEC. 801. Section 1192 of the Act of March 3, 1901 (D.C. Code, sec. 24–412), is amended to read as follows:

"SEC. 1192. Persons sentenced to imprisonment in any facility of the Department of Corrections may be employed at such labor and under such regulations as may be prescribed by the Commissioner. Payments for such labor in such amounts as the Commissioner may authorize may be made to such persons or to their dependents or for other purposes intended to provide innovative aid in their rehabilitation as the Commissioner deems proper."

TITLE IX—DISTRICT OF COLUMBIA AUTHORIZED TO ADHERE TO INTERSTATE PAROLE AND PROBATION COMPACT

SEC. 901. As used in this title, the term "State" means any of the several States of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, and the term "Governor" means the chief executive officer of any such jurisdiction.

SEC. 902. The Commissioner of the District of Columbia is hereby authorized to execute a compact on behalf of the District of Columbia with any of the States legally joining therein in the form substantially as follows:

"A COMPACT

"Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America (4 U.S.C. 112) given to states (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia) to enter into compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies.

"The contracting states solemnly agree:

"(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called 'sending state') to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called 'receiving state') while on probation or parole if—

"(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

"(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person's being sent there.

"Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

"A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

"(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

"(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of the states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: *Provided, however,* That if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such a state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

"(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

"(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

"(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

"(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto."

TITLE X—INCREASE AUTHORITY OF PAROLE BOARD

SEC. 1001. Section 6 of the Act of July 15, 1932, entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes" (D.C. Code. sec. 24–206), is amended by striking out "shall not" in the last sentence of the first paragraph and inserting in lieu thereof "may in the discretion of the Parole Board".

TITLE XI—PROHIBIT POSSESSION OF A KNIFE WITH UNLAWFUL INTENT

SEC. 1101. Subsection (b) of section 14 of the Act approved July 8, 1932 (47 Stat. 650, 654; D.C. Code, sec. 22–3214(b)), relating to the possession of certain dangerous weapons, is amended by striking out "or knife with a blade longer than three inches" and inserting in lieu thereof "knife."

TITLE XII—TECHNICAL AMENDMENT

SEC. 1201. The second paragraph under the subheading "For Executive Office" of section 1 of the Act approved July 1, 1902, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes" (32 Stat. 591; D.C. Code, sec. 22–702), is amended (a) by striking out "Commissioners" and inserting in lieu thereof "Commissioner" and (b) by striking out "them" and inserting in lieu thereof "him".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–741), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 2209 is an omnibus bill designed to accomplish several varied purposes. First, the legislation defines certain credit card abuses as an offense and establishes a penalty for violations. Heretofore, prosecutions were usually based on the generalized statutes of forgery, larceny, and false pretenses. Second, the bill authorizes the District government to regulate between 25 and 30 stores, which receive secondhand property, usually as trade-ins and which presently are not required to report the receipt of these items to the police. Except for these 25 to 30 stores, all other dealers (approximately 275) in secondhand personal property are licensed and required to report all secondhand property to the police for possible identification. Third, the legislation fills the gap in our criminal law by making it an offense for throwing missiles in the direction of any group of five or more persons if the thrower knows, or has cause to believe that an officer of the police or fire department is present in the group.

The legislation also makes it a crime to possess flash paper or water soluble paper which are both used to record illegal bets by organized gambling operations. Further, S. 2209 authorizes the seizure of motor vehicles used in a narcotics violations. At the present time, Federal officers including the U.S. Marshal in the District may seize motor vehicles employed in narcotics violations.

Specifically, the purposes of S. 2209 are as follows:

Title I: To prohibit the unauthorized use and possession of credit cards in the District of Columbia.

Title II: To regulate and license certain dealers in second-hand personal property in order to restrict the sale or trade of stolen merchandise.

Title III: To prohibit acts on policemen and firemen not otherwise considered an assault.

Title IV: To prohibit the possession of "flash paper" and "water soluable paper," so as to limit the ability of those involved in gambling enterprises to destroy certain evidence.

Title V: To authorize members of the Metropolitan Police Force or U.S. Park Police, and the U.S. Marshal and his deputies to seize motor vehicles used in narcotics violations.

Title VI: To authorize the District to more fully utilize police reserve corps volunteers for active police duties.

Title VII: To authorize the issuance of motor vehicles operators' permits, without cost, to police officers driving police vehicles in the District.

Title VIII: To authorize such appropriations as are necessary for inmate pay and incentive pay for prisoners employed under the auspices of the District government.

Title IX: To authorize the District to become a signatory member of the Interstate Parole and Probation Compact, thereby enabling it to participate in a nation-wide program in which the various jurisdictions serve as each other's agent in the supervision of persons on probation or parole.

Title X: To authorize the Parole Board to credit "street time" for a prisoner whose parole is revoked.

Title XI: To prohibit possession of any knife with the intent to use it unlawfully.

Title XII: To make a perfecting amendment to existing law (D.C. Code 22–702).

PROVISIONS OF THE BILL

Title I

Title I of the legislation defines credit card abuses and establishes penalties for that offense. Such conduct in the District of Columbia must not be prosecuted under statutes relating to forgery, false pretenses, larceny, robbery, or receiving stolen goods. A statute specifically prescribing the most flagrant abuses of credit cards is needed.

The fraudulent use of credit cards is one of the fastest growing criminal activities throughout the nation. In a report compiled by United Press International in the latter part of 1967, total losses were estimated at $150 million annually, with organized crime deriving $100 million a year from credit card rackets. In the past two years, the amount of credit outstanding under bank credit cards alone has more than doubled. Increases of credit outstanding under department store and oil company credit cards have also been recorded. The continued growth of the use of credit cards is inevitable; a corresponding growth in the number of frauds will not be avoided unless strong measures are taken to combat this crime.

In the past year, criminal indictments in Chicago and New York City, to mention only two metropolitan areas, have charged organized credit card swindles involving more than 12 million dollars. Investigations of such frauds by postal inspectors have increased over 700 per cent in the past four years. Recently, an official of the First National City Bank of New York testified before a State legislative committee that "demands for stolen credit cards by the organized underworld far surpassed the supply." Prices paid for cards, he said, go as high as $200 each.

Credit cards are unique, in that many relatively small transactions can be fraudulently effected in a short period of time in scattered locations. High total credit charges may be accumulated before a card holder even realizes the loss of his card. Moreover, the time required to simply communicate a card loss to all business organizations honoring the card gives ample time for multiple criminal acts to be committed.

Although all major metropolitan areas have experienced an expanding pattern of criminal credit card activities, a survey of a nationwide department store chain showed that the Washington area leads the country in credit frauds. Offenses in greater Washington have more than doubled annually for the last three years, causing losses in the millions which must be absorbed by local consumers and businessmen. Credit cards are being sold and rented daily on the streets of the District of Columbia. Prices charged range from $25 to $100 each.

The local traffic in stolen credit cards is either the objective or the profitable by-product of robberies, purse-snatchings and muggings. Merchants report that perpetrators of credit card thefts and frauds often are drug users who use this form of crime to support their habits. There is little doubt that the proceeds of credit frauds are funneled to suppliers of illicit drugs as well as to "fences" and other receivers of stolen goods.

Forty-nine States have laws on their statute books specifically relating to credit card abuses.

Only the State of Louisiana and the District of Columbia are lacking in this regard. Some States have very comprehensive laws relating to credit card crimes; a law enacted in the neighboring Commonwealth of Virginia is an example. The State of Maryland in 1967 amended its bad check law to include credit card frauds.

As stated, the District of Columbia has no law on the books designed specifically to deal with credit card crimes. Prosecutions must now be based on generalized statutes of forgery, larceny, and false pretenses. The lack of specific law unduly complicates the investigation and handling of credit card crimes.

The Commissioner recommends strong, specific credit card crime legislation for a number of reasons. For one, the lack of such specific laws probably leads criminal elements to belief that there is a loophole in existing law, and thus encourages them to think they can take advantage, with impunity, of this gap in the local criminal code. If clear prohibitions are provided in the law, this will in itself be a deterrent to attempts to commit credit card frauds. Further, the law of larceny in the District requires a taking, plus a criminal intent. This is a difficult burden to sustain when it is so easily alleged that a credit card was merely found or given to the person possessing a credit card belonging to another. Under this title the willful withholding of a card without the issuer's or cardholder's consent, or the unjustified possession of a credit card belonging to another, would be sufficient to establish a violation. Further, under District of Columbia law there is no clear-cut provision to deal with a person who sells or rents a credit card to another person who uses it fraudulently.

One particularly vexing problem is with respect to the multiple use of a stolen credit card. Here, losses may run up into many hundreds or thousands of dollars, but each transaction may consist of less than one hundred dollars. In such instances, the charge under present law is only one or more misdemeanors. Title I would permit the accumulation of all offenses during a six-month period for purposes of determining whether the charge should be a felony or a misdemeanor.

The proposed legislation is not intended to replace existing remedies now provided in the District law to counter credit card frauds. Its purpose is to complement existing law, including that relating to larceny, false pretenses, and forgery. For example, the District of Columbia forgery law (D.C. Code, sec. 22–1401) would continue to apply with respect to credit cards which are stolen.

The wrongful possession and the fraudulent use and sale or other transfer of credit cards, specifically prohibited in this title, have proven to be extremely costly to law abiding citizens, merchants, and those who issue credit cards. It is apparent that existing laws are not adequate to deal with this serious and growing problem.

Several members of the criminal bar of the District of Columbia Bar Association advised the Committee that sections 104 and 110 were unnecessary and conceptually unsound. After much consideration, and discussions with representatives of the District government, the Committee decided to strike these sections from the bill. The legislation as amended makes the District laws more effective and efficient in regulating the use of credit cards in our Nation's Capital.

Title II

Pursuant to the Act approved July 3, 1956 (D.C. Code, sec. 47-2339), the District of Columbia is authorized to license and regulate certain dealers in second-hand personal property. Any business in the District which buys or sells second-hand personal property is presently regulated by provisions contained in the Police Regulations. Such businesses as pawn shops, second-hand furniture stores, and certain large department stores are required to obtain a license as second-hand personal property dealers from the Metropolitan Police Department. These businesses are required to submit daily reports to the Metropolitan Police Department of all items of second-hand personal property which come into their possession. The regulations also require such dealers to hold these items of property for 15 days before disposing of the property in any way.

This regulatory procedure is an extremely important law enforcement tool. Large quantities of stolen property are recovered each year because of the reporting requirements. If a citizen's apartment is burglarized and certain items of property are stolen, the Police Department is immediately notified if the thief sells that property to any dealer in second-hand personal property. Not only will the stolen property be recovered and returned to the true owner, but important investigative leads will thereby be provided which may lead to the ascertainment of the identity of the felon.

At present, approximately 275 dealers in second-hand personal property are licensed and regulated pursuant to statute. In recent years, it has come to the attention of the Metropolitan Police Department that approximately 25 or 30 businesses in the District of Columbia which, in effect, deal in second-hand personal property, are expressly excluded by statute from regulation. These businesses, which include certain jewelry stores, camera shops, household appliance stores, and stores selling office equipment, obtain possession of second-hand personal property as partial payment for the sale of new or rebuilt personal property. As these stores are not required to report to the police any item of second-hand personal property which they obtain, persons who have stolen property such as jewelry, typewriters, or cameras, will take such items to one of these stores and "trade it in" for new or rebuilt typewriters, jewelry, or cameras.

Since a great deal of stolen property is disposed of in this manner, an amendment to existing law which would permit the District to regulate these 25 or 30 businesses would be an important additional law enforcement tool. The additional burden which would be placed thereby on these businesses would be relatively minor—a burden already carried by some 275 other second-hand dealers in the District of Columbia. The benefit to law enforcement and the public in recovering substantial quantities of stolen property and identifying felons would, however, be substantial.

Title III

The District of Columbia, as the seat of the Federal Government, has been the site of many peaceful demonstrations in recent years. Occasionally, however, some groups of citizens have gone beyond peaceful demonstration and have resorted to violence.

During a number of recent demonstrations there have been incidents in which persons have thrown rocks, bottles, broken glass, and even Molotov cocktails at police lines or at firemen, causing, in come cases, injury to officers and members of the Departments. Ostensibly, whenever any police officer is injured by an object thrown by a demonstrator, the latter can be charged with assault on a police officer or assault with a dangerous weapon. As a practical matter, however, such a prosecution is not feasible. In order to successfully prosecute a charge of assault on a police officer or assault with a deadly weapon the Government must prove beyond a reasonable doubt that the defendant assaulted the particular police officer who was injured. In demonstrations a police line may be established in front of which may be a crowd of hundreds of persons. Those who are intent upon throwing missiles at the police line many remain deep in the crowd and hurl their missiles in the general vicinity of the police line. Even if an officer should see a particular demonstrator throwing a missile, the Government would be unable to prove, beyond a reasonable doubt, at which police officer the missile was being thrown. In fact, when the individual throws the missile, his intention often is not to assault a particular police officer; but rather that, by chance, the missile will hit and injure any police officer who happens to be within range. As a consequence officers are injured by these randomly hurled missiles, and the individuals are injured by these randomly hurled missiles, and the individuals throwing such missiles cannot be readily prosecuted for assault on a police officer or assault with a dangerous weapon. Under present law, the only criminal violation which can be charged is that provided under section 22-1109 of the D.C. Code relating to the throwing of stones or missiles. This law, enacted in 1892, provides as a maximum penalty a fine of $5.

In order to fill this serious gap in the criminal law of the District, it is proposed that the penalty for throwing missiles be substantially increased, and that the offense be extended to include members of any fire department operating in the District of Columbia.

Title IV

Flash paper is specifically treated with chemicals such as nitric acid and when heat or flame is applied to it, it almost instantaneously consumed leaving little or no ash. Water soluble paper, when dropped into a bucket of water, almost completely dissolves when the water is agitated. These two kinds of paper have in recent years been consistently used by organized gambling operations to keep records of illicit bets. Gamblers use this paper so that in the event of a raid, they can quickly drop a match into the pile of paper or drop the paper into a container of water as the officers are coming in and thereby destroy the evidence of their illicit gambling activities. The officers see only a yellow low burst of flame if the gamblers use flash paper. If the gambler is using water soluble paper, the officers merely find a container of milky white water with colored ink suspended on it.

At the present time two companies within the United States manufacture flash paper. Water soluble paper is manufactured only in Europe and Japan. The sole legitimate use for flash paper is as a novelty item. Amateur magicians sometimes use it because of its surprisingly quick combustion. From a public policy point of view, the value of this very limited legitimate use of flash paper is far outweighed by the harmful illicit use of flash paper by illegal gambling operations. At present, organized gamblers can buy flash paper in large quantities on the open market at novelty shops. By making possession of flash paper and water soluble paper illegal, organized gamblers will not be able to buy this relatively expensive type of paper as easily on the open market. Consequently, it will be less likely that gamblers will continue to use this paper to readily destroy the evidence of their illicit activities.

It is the intention of the Committee that the person actually knows that the paper in his possession or under his control is, in fact, flash paper or water soluble paper. We hasten to add that the Committee does not view this title as a haven for charging innocent persons with an offense. The short of it is that we recognize the need of the District government to have this law to arrest the ever increasing gambling activities in our Nation's Capital. Similarly, we recognize that there are cases where persons may have this type of paper in their possession or under their control and not be aware that it is flash paper or water soluble paper. Under the latter circumstances, the Committee does not intend that the innocent party be charged with an offense.

Title V

This provision authorizes the seizure by any member of the Metropolitan Police Force or the United States Park Police, or by the United States Marshal for the District of Columbia or any of his deputies, of conveyances used in narcotics violations, in like manner as they are presently authorized to be seized in connection with gambling violations (D.C. Code, sec. 22-1505). Such authority will constitute a useful enforcement tool and obviate the present unsatisfactory procedures whereby the Metropolitan Police Department relies on the Federal Narcotic Agency to seize vehicles used in narcotics violations under a provision of the Federal Statute (U.S. Code, sec. 26-7302; property used in violation of internal revenue laws).

Title VI

The purpose of title VI is to authorize the District Government to select, organize, train, and equip reserve police officers for duty in connection with the policing of the District of Columbia. The Commissioner would, in addition, be authorized to bestow upon such police reserve officers such of the powers and duties of regular officers and members of the Metropolitan Police Department as he may deem necessary and proper. The bill also provides that reserve officers shall serve without compensation, but otherwise shall be considered employees of the Government of the District of Columbia and members of the Metropolitan Police force for all purposes and under all provisions of law, with certain specified exceptions. The bill would effectively broaden and improve present law, contained in section 4-133, D.C. Code, concerning reserve police activities in the District of Columbia.

Section 601(b) of title VI authorizes the District of Columbia Council to make rules and regulations to carry out the purposes of the title, including rules and regulations governing suspension or dismissal of reserve officers, with or without trial, and regulations governing the possession, carrying and use of weapons (including firearms) by reserve officers.

Pursuant to section 402(93) of Reorganization Plan No. 3 of 1967 the District of Columbia Council has been vested with the function of "(m)aking and modifying rules and regulations for the proper government, conduct, discipline, and good name of the Metropolitan Police force . . ". In conjunction with this authority, the Committee believes it to be appropriate that the function of making rules and regulations governing the police reserves also be vested in the Council.

Section 602(a) provides that the provisions of law commonly referred to as the "Federal

Employees' Compensation Act" (5 U.S.C. § 8101, et seq.) shall apply in cases of injury or death of reserve officers. Since the reserve officers are not compensated under the bill, they are deemed to have a monthly pay of one-twelfth of the current annual rate of basic compensation for a police private, class 1, subclass (a), in the Metropolitan Police Department, modified according to the length of service, for the purposes of the Federal Employees' Compensation Act.

Section 602(b) makes applicable to reserve officers the provisions of section 8116 (c) of title 5, providing that "the liability of the United States or an instrumentality thereof" under the so-called Federal Employees' Compensation Act shall be exclusive. Further, in view of the fact that employees of the District of Columbia are subject to the provisions of the Act, in like manner and to the same extent as Federal employees (5 U.S.C. § 8101), the limiting language in section 8116(c). making, as it does, a distinction between the United States and the District of Columbia, appears to be an inadvertence. Accordingly, in order to provide for the equal treatment of Federal and District employees, insofar as the liability of both governments under the Federal Employees' Compensation Act is concerned, section 602(b) provides that the term "United States" as used in the above-quoted phrase from section 8116(c) shall be deemed to include the District of Columbia.

The Committee believes that the objective of title VI in permitting trained volunteers to assume certain active police duties with the Metropolitan Police Department, and in freeing regular police officers for more comprehensive protection of the District, is a desirable one. The use of police reserves in this fashion can be expected to contribute greatly to the District's fight against crime and to provide an effective tool in this effort. It is not, however, contemplated by the District that the reserve officers will be utilized in such manner as to require them to deal directly with persons committing the more serious criminal acts. Nor will the reserve officers engage in actions which require highly professional performance on the part of a regular member of the Metropolitan Police force. The reserve officers will supplement, but will not be a substitute for, the regular members of the force, and, which such reserve officers may accompany the regular members of the force in the performance of the duties of such regular members, the reserve officers will be used only for those duties for which they are trained and qualified.

It is anticipated that reserve police would not be—used for patrol duty in the high crime areas of the District; permitted to make or participate in any search or seizure; or utilized for any police duty requiring a high level of qualified police performance.

Notwithstanding the foregoing limitations on the anticipated use of the reserve officers, it can nevertheless be expected that they will make a substantial contribution toward the solution of the crime problem in the District, by freeing from the performance of routine police duties the regular members of the Metropolitan Police force, thereby allowing their use in high crime areas or in police activities requiring the use of highly qualified personnel.

Of equal and perhaps even greater importance, the establishment of a police reserve corps comprised of persons who may be assigned to perform their duties in those areas of the city in which may be located their residences or places of employment or business, of necessity will bring the community into a closer relationship with the Metropolitan Police force and promote better community-police relations.

The Committee believes that the benefits to be derived from title VI, as set forth above, will exceed considerably the cost of establishing such a program, estimated at $226,000 for the first year, based on providing uniforms and equipment for 700 members of the reserve, while the subsequent annual cost may approximate $80,000.

Title VII

Officers in the Metropolitan Police Department residing in Maryland and Virginia have motor vehicle operators' licenses issued by such jurisdictions authorizing them to drive passenger vehicles. Many of these officers are assigned to drive motorcycles and motor scooters in the District of Columbia and must obtain a special license from either Maryland or Virginia to operate such vehicles. To obtain these special licenses for motorcycles and motor scooters, the officers must pay additional fees and take written examinations and road tests administered by either the Maryland or Virginia Department of Motor Vehicles. The problem is complicated even more by the fact that motor scooter officers, unlike officers operating motorcycles, are not permanently assigned to a particular motor scooter. Each Department-owned motor scooter is operated 24 hours a day by a different officer during each 8-hour shift. Consequently, after a group of officers has completed its motor scooter training, the Department has had to load a number of motor scooters on a van and transport the scooters and the officers to an appropriate testing station in Maryland or Virginia. Virginia officials recently agreed to send testing officers into the District to administer the written examination and the road test to police officers. Although Maryland officials will administer the road test in the District, the police officers must take the written test in Maryland. This procedure keeps officers from their more important law enforcement duties for as much as a full day.

The above procedures were informally agreed to by officials in Maryland and Virginia as a courtesy to the Metropolitan Police Department. However, at any time the Department may have to revert to the more cumbersome procedure of transporting vehicles and men to Virginia and Maryland for written examinations and road tests.

Officers secure such operators' licenses and pay the requisite fees solely in order to operate official police vehicles while on duty in the District of Columbia. Accordingly, it is proposed that existing law be amended to provide for licensing police officers operating official vehicles within the District in a manner similar to that authorized under section 40-301(a)(5) of the D.C. Code for members of the Armed Forces who operate official vehicles in the District of Columbia. The proposed amendment would provide for the issuance of licenses without fee to police officers by the District's Department of Motor Vehicles and would authorize these officers to operate official vehicles of the Metropolitan Police Department while on duty in the District. Such licenses would be issued only after appropriate certification by the Chief of the Metropolitan Police Department or his designated agent.

Title VIII

The Commissioner is now empowered to authorize retention of accumulated profits from the Correctional Industries Fund for payments to inmates other than those employed in industrial operations, or for payments to their dependents of such amounts as the Commissioner deems proper. (78 Stat. 1000; Pub. L. 88-622; D.C. Code, sec. 24-454.)

The Department of Corrections currently employs inmates in various positions within its facilities utilizing profits from the Correctional Industries Fund as payments for their labor. However, these profits have declined, and may not be adequate to continue these worthwhile, highly desirable and necessary applications of proper rehabilitative treatment.

The cost of additional personnel required by the Department to properly function if the utilization of inmate labor in certain specified areas were no longer possible, would greatly exceed the cost of inmate pay and incentive pay.

Title IX

This provision of the bill authorizes the District of Columbia to become a signatory member of the Interstate Parole and Probation Compact, thereby enabling the District to participate in a nationwide program in a nationwide program in which the States, Puerto Rico, and the Virgin Islands cooperate and serve as each other's agents in the supervision of persons on probation or parole.

The compact is applicable to all adult probationers and parolees. It would enable the District of Columbia to place its potential parolees, mandatory releasees, and probationers in their resident jurisdictions in a more orderly and effective manner. It would also provide for the more orderly placement, return, and control of adult probationers and parolees who come from other jurisdictions to live in the District of Columbia.

Adherence to the compact, as authorized by this article, would also enable law enforcement agencies in the District of Columbia to remove fugitives and violators from the District of Columbia with greater speed and less cost than at the present time. Authorities in other jurisdictions would also be better able to return parolees and probationers from other jurisdictions to the District of Columbia when such persons have been declared to be violators. However, members of the criminal bar of the District of Columbia Bar Association have raised the question of whether it is legally sound to permit an officer of the District government to enter a party State to apprehend and return the person to the District without minimal due process. The Compact provides for the party State to waive all requirements of extradition and rely entirely upon the District's decision to retake. Equally so is the case where a party State comes into the District to apprehend and retake a person on parole or probation. No exception is made for special cases.

The Committee views the practice as terribly disturbing and unwise. However, there are compelling reasons for favoring the enactment of the Compact. It is the Committee's understanding that any tinkering with the provisions of the Compact would affect the District's chances of membership. Believing, as we do, that the Compact, as a whole, is a gigantic step forward in modernizing our criminal justice laws, we urge the enactment of this title.

The Committee hopes that the District government will devise a plan which minimally requires that its officers take an individual to a judicial officer in a party State prior to returning him to the District. Similarly, that it negotiates with member States to take a person to a judicial officer in the District before returning to their State. It is not the Committee's intention that a full extradition hearing be required. Rather, a simple procedure to ascertain proper identification and a statement of rights would appear to suffice.

The District of Columbia is the only remaining jurisdiction eligible to become a signator to the pact that has not done so. Enactment of this title and signing of the compact will provide for the more uniform administration of parole and probation procedures throughout the United States.

Title X

Section 6 of the Act of July 15, 1932 (D.C. Code, sec. 24-206) has been consistently construed by the United States Court of Appeals for the District of Columbia Circuit to deny a parole violator credit against his original sentence for "street time" on parole prior to revocation. See for instance, *Bates* v. *Rivers*, 116 U.S. App. D.C. 306, 323 Fed. 2d 311 (1963).

where the majority opinion stated that "The language of the statute is clear and the import of similar language under the general federal parole statute has been acknowledged in numerous cases."

The District of Columbia Board of Parole has stated that this provision of law, prohibiting the deduction of the time that the parole violator spent under supervision from the unexpired term of his imprisonment, is "most restrictive and oppressive and prohibits them from deciding a violator's case on a realistic individual basis."

The D.C. Parole Board has further stated:

"There are many cases where men under the jurisdiction of the Board have responded excellently to supervision for a number of years, yet, for a variety of reasons and circumstances, have been returned to custody for violation of the conditions of their release. In these cases, if the violations are serious enough to warrant revocation, and in many cases they are, the Board has no alternative but to revoke and require the individual to start serving the balance of the sentence remaining. Quite often these men are returned to Lorton feeling resentful, hostile and with an attitude that prevents affirmative response to the rehabilitative process, and their chances for successful reentry into society upon their eventual release are considerably lessened. Too, the Board feels that legislation to allow credit for all or any part of the time spent under supervision would be a most valuable correctional tool and would provide continuity in parole procedures."

Parole procedures in the District of Columbia are contained in title 24 of the D.C. Code, sections 201-209. Section 204 states that:

"While on parole, a prisoner shall remain in the legal custody and under the control of the Attorney General of the United States or his authorized representative until the expiration of the maximum of the term or terms specified in his sentence without regard to good time allowance."

Parole may be regarded as just one segment of the overall spectrum of custody which may include solitary confinement with reduced diet, "normal" imprisonment, trusteeship, work release, parole, probation, examination in a mental hospital and variations of the foregoing.

The courts have recognized that the restraints imposed on a parolee are real and substantial. In *Jones* v. *Cunningham*, 371 U.S. 236, 242 (1963), the Supreme Court stated that ". . . . in fact, as well as in theory, the custody and control of the Parole Board involve significant restraints on petitioner's liberty because of his conviction . . .". The court noted that the parolee was "confined . . . to a particular . . . house and job, . . . admonished to keep good company and . . . live a clean, honest and temperate life."

When a prisoner fails to receive credit for the period he was on parole, he remains in custody for a period of time greater than that specified in his original sentence The unfairness in a particular situation is apparent from a hypothetical example of two prisoners paroled after 5 years of a 10-year sentence. One spends four years on parole with no violations, then loses his job, begins drinking and has his parole revoked. He returns to jail for five years. The other spends one week on parole, loses his job and begins drinking. He returns to jail for five years and has lost only the one week on parole. It is evident that under the present law, the penalty for a parole violation increases each day the parolee is on parole. Both committed the same act, yet one had to not only serve his entire prison term, but also spend four years in the custody and under the control of the Parole Board.

As has been demonstrated above, revocation of parole accompanied by the denial of credit for time spent on parole results in the imposition of additional imprisonment.

The Committee favors the enactment of title X because, as stated by the Parole Board, the statutory provision contained in section 206 of title 24 of the D.C. Code, in its present form, is most restrictive and oppressive and prohibits the Board from deciding a violator's case on a realistic individual basis.

Title XI

Existing law (D.C. Code, sec. 22-3214(b)), prohibits possession, with intent to use unlawfully against another, of a knife with a blade longer than three inches. Title XI deletes the three-inch requirement in existing law so as to provide that possession of a knife of any length, when coupled with the intent to use unlawfully against another person, shall constitute an offense. The proposed deletion will overcome the ambiguity in existing law since, in the case of a knife less than three inches in length, it is now necessary to prosecute the offense under section 22-3204 of the D.C. Code, which does not expressly refer to an intent to use a knife unlawfully.

Title XII

This title substitutes the word "Commissioner" for the word "Commissioners" in section 22-702 of the District of Columbia Code, relating to bribery. This amendment is necessary because of a decision by the District of Columbia Court of Appeals in the case of *United States* v. *Bishton*, D.C. App. No. 5081, decided April 13, 1970, in which it was held that a prosecution could not be brought under section 22-702 of the D.C. Code because that section referred to "Commissioners" rather than "Commissioner".

HISTORY

On June 7, 1971, the Commissioner of the District of Columbia wrote a letter to the President of the Senate transmitting and recommending the proposed legislation. S. 2209 was introduced in the Senate on June 30, 1971. Hearings were held on S. 2209 by the Subcommittee on Business, Commerce, and Judiciary of the Senate District Committee on December 1, 1971. Representatives of the District of Columbia Government testified in support of the legislation. No testimony was received in opposition to the bill, nor has any expression of opposition been received by the Committee.

AMENDMENTS

The amendments to title I were necessary to strike sections 104 and 110 which the Committee determined were unwise and conceptually unsound.

The amendment on page 7, is technical in nature and is considered better language for a criminal statute. The words "or should know" are usually found in a tort statute. Whereas, "has cause to believe," is the generally accepted criminal analogy.

The amendment on page 5, increases the burden on persons authorized to provide goods or services to ascertain not only whether the credit card has expired or is revoked but whether it is "illegally possessed."

The two additional amendments are technical in nature and were proposed by the District government for changes which have occurred since the bill was originally transmitted.

CONCLUSION

For the reasons indicated above, the Committee is of the opinion that the provisions of this bill will provide for a more effective and desirable administration of criminal justice and law enforcement in the Nation's Capital. Accordingly, the Committee urges that S. 2209 be enacted.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar under "New Reports."

There being no objection, the Senate proceeded to consider executive business.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination on the Executive Calendar under "New Reports."

The second assistant legislative clerk proceeded to read the nominations under "Special Action Office for Drug Abuse Prevention."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there recognition for the minority side? Apparently not.

Under the previous order, the Senator from Maryland (Mr. BEALL) is to be recognized.

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may proceed. We are working together on this project, as on all other projects——

The ACTING PRESIDENT pro tempore. The junior Senator from Maryland has arrived, and under the previous order he will be recognized for 15 minutes.

Mr. BEALL. I thank the Chair. Mr. President, I yield to the senior Senator from Maryland so that he may conclude the sentence he was in the middle of.

Mr. MATHIAS. I was just going to say that we work closely together on all these matters, and we are interested in a little colloquy this morning which we will engage in with our colleagues the Senators from the Commonwealth of Virginia. So I would suggest that the junior Senator from Maryland proceed, and we will carry on our colloquy for the next 15 minutes as arranged.

The ACTING PRESIDENT pro tempore. The junior Senator from Maryland is recognized.

PROPOSED TAX BY DISTRICT OF COLUMBIA COUNCIL ON AUTOMOBILES PARKED IN COMMERCIAL PARKING LOTS

Mr. BEALL. Mr. President, I thank my senior colleague from the State of Maryland and point out that we have, indeed, worked across the river, between Maryland, Virginia, and the District of Columbia, to try to jointly solve problems that affect the whole metropolitan area, and to find solutions for these problems equitably and, hopefully, for the good of all the people who live in the community; but we are disturbed by the recent proposal by the District of Columbia Council which would have the effect of adding an additional tax on motor vehicles parked in commercial lots in the District of Columbia. The Council feels it has authority to do this under the air pollution legislation passed by the Congress, and it has proposed that automobiles parked in commercial parking lots in the District of Columbia be taxed at the rate of $1 per car per day.

We who live in these areas feel this is a rather unfair and inequitable tax. The Council gives as a reason for the tax that it would result in a reduction of the number of vehicles coming into the District of Columbia and would thereby bring about a reduction in the air pollution from automobiles coming into the District of Columbia. That may be true. If fewer automobiles come into the District of Columbia, however, it seems to me that other means of transportation would have to be found, and it seems that the only other means of transportation available to the people living in the area is by bus, and buses are available in a rather limited number. I do not believe that buses could be classified as nonpolluters.

It seems to me that all of the people who live in the area should be responsible for the problems of air pollution and all should be responsible for trying to reduce air pollution. I do not think the solution should be a burden only on the man or woman who must park in a commercial parking lot. The responsibility must be shared by all. I think the proposed tax is a highly inequitable one and, at the same time, it is a tax that is very regressive in nature, because it would tax those least able to pay it.

The person who is forced to park on a private commercial lot is being told that he has to pay the tax, but the more so-called "important" public official or the higher paid employee of a private corporation who has the benefit of a parking place or the Federal employee who is provided a parking space by the Federal Government is not called upon to pay the tax. So really the tax is upon those who are least able to pay, rather than upon those who can afford to pay the tax. So such a tax on those who depend on their cars for a livelihood is a very regressive tax.

Also, it occurs to me that people must get to work, but if they cannot come into the District of Columbia by automobile, they must do so by other means. The only other available means is to come by bus. Unfortunately, buses are not available in sufficient quantities to provide for the needs of all the people who would be called upon to pay that additional cost.

It is interesting to note that, because of intergovernmental cooperation—and by "intergovernmental" I mean the District of Columbia, the State of Virginia, and the State of Maryland—we are in the process of building a metro system in this area. My colleagues, the senior Senator from Maryland and the Senators from Virginia all played a part in the creation of that legislation before I arrived in the Congress. This system will greatly improve the opportunity for public transportation in and out of the District of Columbia and will work to the benefit of all those who live in the suburbs and certainly help the people of the District of Columbia in promoting the general economy of the area; but the metro is far from completed. It seems to me that before we penalize those people who have to get back and forth to work, we should provide some alternative method of transportation which would be available to those people.

So I hope that those who run the District of Columbia will think twice before pursuing this kind of legislation.

An interesting editorial published in the Washington Evening Star last night indicated that in the opinion of that great newspaper, this action is precipitate. I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of the colloquy between the Senators from Maryland and the Senator from Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. BEALL. I am happy to yield to one of my colleagues for further discussion of this matter.

Mr. MATHIAS. Mr. President, I thank my colleagues for yielding.

I simply want to say that we are engaged now in some very interesting projects to improve transportation in and about the District of Columbia and throughout the Washington metropolitan area. We are engaged in the construction of a subway system which some people have described as the largest public works project in the history of the world. We are considering some changes in the bus system. There is considerable public discussion and controversy, at least, about the need for some changes. We are engaged in highway construction. We are right in the middle of a number of significant changes. The railroads are now, I think, awakening to their responsibility for carrying some commuters. We do not have all the problems resolved there, but at least we are in the middle of a period of change.

We do not have any of the new systems completed yet, and it seems to me to be the height of folly to talk about restrictions and restrictive and inhibiting methods of taxation before we have alternatives prepared. I think this is one of the things that drives the public up the wall about the confusion that exists at the various levels of Government. We are talking about, unhappily, some restrictions on some of the rail traffic coming into Washington, which does provide service for commuters, at the same time that we are talking about limiting the number of private automobiles that can come into the District. There is considerable confusion of thought.

So I think this would be very premature action. I think what we need to do is consider very carefully which a balanced transportation to serve the needs of the metropolitan area should be, in all its aspects, all the ways it can be made to work, all the ways it can serve people. When we have considered that, then I think we will be in a position to talk about solutions for different facets of the problem. But it seems to me that this is the big picture which we ought to be trying to get, and that premature action now does not lend itself to comprehension of the big picture.

Mr. BEALL. I thank the Senator.

Mr. President, I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator from Maryland. I am very pleased to join my colleagues from Maryland in a discussion of this proposed tax. Before focusing on the tax itself, I should like to comment further on something the Senator from Maryland (Mr. MATHIAS) has just said.

The Committee on Commerce recently held hearings on the need for areas and regions to improve their long-range planning for balanced transportation, and I observed then that this area—the Nation's capital—was providing a miserable example for other jurisdictions in the United States to follow. Here, as the Senator from Maryland has just pointed out, after several years of marching up the hill and down again, we still are not proceeding with either the highway system or the Metro system as planned. We have, as I have been moved to remind the Senate on numerous occasions, the most unbalanced regional airport plan of any area in the United States. The Maryland airport is going bankrupt unless the State rescues it, as I understand it is trying to do, and one of the government airports in Virginia is under-utilized while the other is overcrowded. So I quite agree that it is the height of folly to engage in new schemes affecting transportation until we complete something of what has been undertaken in the past decade.

Mr. President, the District of Columbia City Council is now considering a proposed tax on all-day commercial parking within the District on grounds that it will contribute to improvement of air quality within the city.

While I fully support the objective of air pollution control, I do not believe the proposed District parking tax is either a fair or practical means to that end.

In my opinion, the proposal is discriminatory in that it exempts parking facilities operated by the Federal and District governments, as well as those provided by private businesses for their employees and customers. Surely, autos using exempted lots contribute as much to pollution as those which are targeted for this tax.

It seems to me grossly unfair to levy this tax on Federal employees who are unfortunate enough to have to pay for their parking in commercial lots, while exempting those lucky enough to have an assigned parking space. I was not aware that the auto of a GS-5 secretary makes more pollution than that of her GS-14 boss.

In this town, by the nature of things,

a Federal employee who is forced to use a commercial lot is almost always in the lower grades and least able to afford an additional tax. Frankly, I believe that all Federal employees should be treated equally. The tax now being discussed by the City Council is a tax on the lower-grade employees of the Federal Government.

Coming at this time, the parking tax proposal seems to me most impractical since even with an added economic incentive it is unlikely that many commuters will turn to bus transit. We may all wish that it were otherwise, but the fact is bus service to the suburbs is today expensive, slow and not always reliable.

When the Metro is in operation and we have a general upgrading of bus transit service, a tax of the kind proposed may make more sense.

If the City Council is in earnest about cleaning up the air in the District of Columbia, and not simply finding new sources of revenue, I would suggest it explore the possibility of taxing each jet aircraft coming into or leaving National Airport a certain amount, say $100. Not only would this help to offset the cost of aircraft noise and pollution, but it might also serve as a financial inducement to the air carriers to transfer some of their operations to Dulles and Friendship Airports.

I was recently advised by the Environmental Protection Agency that:

> Airport facilities are required to meet applicable air and water quality standards established under the Clean Air Act and Federal Water Pollution Control Act, respectively.

Even though the District is prohibited from taxing within the boundaries of National Airport, it might be possible for both the District and the affected Virginia and Maryland suburbs to take some action under the quoted authority.

In any event, Mr. President, I want to go on record as strongly opposed to the proposed parking tax now pending before the District of Columbia City Council, and have so advised the chairman of the Council, Mr. Gilbert Hahn, by letter.

Mr. President, if there is any time remaining of the time assigned to me, I should be glad to share it with my colleagues, if they have any further comments.

Mr. BEALL. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

The Senator from Virginia is entitled to 15 minutes, under the previous order. Therefore, the Chair recognizes the Senator from Virginia for not to exceed 15 minutes, and he may yield time if he wishes.

Mr. SPONG. Mr. President, I was under the impression that I had used part of my time. But I yield to either Senator from Maryland for any comments he may wish to make.

Mr. BEALL. I thank the Senator from Virginia.

I think it is important to observe that I did make some comment about the equity of this tax. The credibility of any government really relates to the manner in which it imposes its taxes. Does it impose its taxes in a fair and equitable manner? I think it is obvious from the remarks of the Senator from Virginia that a tax of this sort is extremely regressive in nature and is contrary to the principles of good, fair, equitable taxation; because, as the Senator eloquently pointed out, this is a tax upon the people who are least able to pay. The person who is lucky, who has the status symbol of a free parking space provided by the Federal Government or by his corporation, is exempt from this kind of tax.

It is inconceivable to me that the District Council could even consider such a proposal when we are all concerned about the equity with which we impose taxes.

Another facet that has to be considered is the human element involved. I heard from a constituent in upper Montgomery County, and he pointed out that he used to ride the bus to work, but it took 4 hours per day in commuting time. Out of desperation, so that he could spend some time with his family, so that he could lead a more or less normal life, he went to driving his car. This kind of tax would put him back on the bus, with 4 hours of commuting each day.

I do not think we ought to impose that kind of hardship on people until we have adequately provided alternate kinds of transportation for them.

Mr. SPONG. I thank the Senator.

There is no question that alternative modes of transportation are not being provided at the present time.

I yield to Senator Mathias.

Mr. MATHIAS. I thank the Senator for yielding.

I think the Senator from Virginia has brought up an important element in this matter—the question of what happens to Government employees under such a radical change. After all, Government is the largest single business in the Washington metropolitan area. It is why the area was created. I believe that we have a very serious responsibility toward those who carry on the day-to-day chores of government.

We are not only faced here with the seriously escalating cost to the Government employees who park in commercial facilities. We are also faced with the somewhat chaotic and unpredictable situation which would be created if the proposal which is now under consideration by the Office of Management and Budget, to eliminate all assistance of special parking for selected Government employees, were to go into effect on the 30th of June. I do not know what impact that would have. But I can see that it would have an enormous impact on the transportation patterns. It involves between 25,000 and 30,000 parking spaces which are controlled or owned by the Government, and presumably it involves between 25,000 and 30,000 cars that are coming into various Government facilities.

This is just a new element of the chaos which could be created, and I think it suggests that we have to look at this problem as an overall problem, not just as one which has a single face, a single facet.

I believe there is also an element of comity. Governments of adjoining jurisdictions have to work together. There is no doubt about how this provision is viewed by the government of Maryland.

Mr. President, I ask unanimous consent to have Resolution 164 of the Maryland Senate printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Resolution No. 164

Senate Resolution requesting the Maryland Delegation in the Senate and House of Representatives of the United States to procure the enactment of legislation preventing a commuter's parking tax in Washington, D.C.

Whereas, U.S. District Court Judge John L. Smith, Jr. has ruled that the D.C. City Council, without specific congressional authorization, has the power to impose a dumping fee on private trash haulers; and

Whereas, Gilbert Hahn, Jr., the Chairman of the D.C. City Council has asserted that this decision also means that the Council has authority to impose a tax on commuters who park their cars downtown while working; and

Whereas, Such a parking tax has already been proposed by the D.C. City Council; and

Whereas, The Chairman of the City Council believes that as a result of Judge Smith's decision, the enacting of a parking tax on commuters could be blocked only by congressional action; and

Whereas, The Senate of Maryland has repeatedly demonstrated its sense of comity through its cooperative efforts to deal with regional problems of recreation, transportation, police, pollution and water supply emanating from the Federal City; and

Whereas, Those citizens of Maryland who commute to work in the District of Columbia already bear a substantial tax burden imposed on them through taxes they pay as consumers in the Federal City; now, therefore, be it

Resolved by the Senate of Maryland, That the Maryland Delegation in the Senate and House of Representatives of the United States is requested to use all available means and all due diligence to procure the enactment of legislation to prevent the D.C. City Council from imposing a parking tax on commuters; and be it further

Resolved, That copies of this Resolution be sent to each member of the Maryland delegation in the Senate and House of Representatives of the United States.

Mr. SPONG. Mr. President, the Senator from Maryland has just brought up the matter of the possibility, as reported in this morning's newspaper, of the Government's removing all free parking assistance to Federal employees in the District. I have just read that story. My office is seeking to determine just what the impact would be in terms of the parking spaces now available. If this suggestion is pursued, I shall want to comment on it to the Senate at a later date.

As of now, I agree with what the Senators from Maryland have said this morning—that what is done by the District Council should be equitable. In my judgment, the proposed tax is not equitable.

Second, whatever is done with regard to the transportation problems in this area must be done within a far greater regional context than is now taking place, despite the best efforts of the District and some of the subdivisions.

To get back to my original observation to Senator MATHIAS: If there is any place in the United States today that needs a more balanced approach in long range planning with respect to its transportation and needs, it is certainly this area. Congress certainly is involved in this matter so far as the District of Columbia is concerned, and I find it regrettable that we have not always provided the best example to the rest of the Nation, not only in how to plan, but also in how to achieve results.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. MATHIAS. The Senator has used the word "regional," and that is really the key to what we are concerned with here this morning—a regional consideration.

I have been an advocate of home rule since 2 or 3 years after I came to Congress, and I believe in it very deeply. I am not suggesting anything which abrogates the principles of home rule. But I say to the Senate that the City Council of the District of Columbia can no more stop the stream of cars by its action alone than it can stop the Potomac River from coming down over its accustomed course. It cannot be stopped by any single action. But what can be done is to regulate and control and ameliorate the conditions by regional action based on long-range planning. That is what has to be done.

If anything cries out for early action, it is the coordinated effort of the District, of Virginia, and of Maryland to deal with the whole problem of transportation.

These are human problems of getting people to jobs, giving them an opportunity to earn a living, to maintain their families, with the minimum amount of time spent in unnecessary travel. These are the kinds of long-range problems we ought to be thinking about, not doing the little piecemeal things which exacerbate rather than help.

Mr. SPONG. I agree with the Senator from Maryland.

EXHIBIT 1

[From the Washington Evening Star, April 11, 1972]

HAHN'S SECOND THOUGHTS

Prior to the D.C. City Council's hearings the other day we questioned the basis of Chairman Gilbert Hahn's claims in proposing a $1 parking tax in the downtown area, and that proposition apparently is now undergoing radical surgery. While second thoughts are in order, however, the revisions—as reported—present more new questions than answers.

According to Hahn, the justification for the new tax is to discourage automobile use by commuters in order to (1) advance the District's legal obligation to clean up the city's air and (2) turn a large number of motorists into bus riders. But the degree to which either of these goals actually would be achieved by a parking tax, and the question of whether the gains, if any, could offset the problems created, are fuzzier now than ever.

The council hearings last week, for example, produced a paucity of evidence and no solid data on the clean-air issue. The most expert pollution witness, a federal Environmental Protection Agency official, guessed that the deterrent effect might be to eliminate about 1 percent of the city's annual auto-pollutant emissions but conceded that his agency has not completed a real evaluation. On switching motorists to buses, one witness estimated 7,000 commuters a day might be encouraged to go the transit route; Hahn cites a figure of 14,000—and obviously no one really knows. It was the view of several witnesses sympathetic to the tax concept, in fact, that a $1 levy for all-day parking would be insufficient to have any appreciable effects. They advised a higher tax.

Yet, in the revision being drafted, Chairman Hahn and Councilman Henry Willard say they are now backing a 50-cent tax on all-day parking downtown instead of $1, with a 25-cent levy imposed on parking lots on the downtown's periphery. These and a number of other changes presumably are responsive to protests that a $1 tax would severely impair the central city's economy and encourage more commuting suburban motorists to fringe-park on the city's already congested residential streets. There is no doubt that the latter would occur.

But what happens—with the proposed reduction—to Hahn's arguments on clean air and transit? If, as appears to be the case, a $1 tax would have a minimal impact on the District's dirty air, how can a 50-cent tax possibly be defended as vital to the health and welfare of the Nation's Capital? It is highly dubious, by the same token, that such a tax—as bitterly resisted as it would be—would persuade many motorists to leave their cars at home in favor of the sorry transit service now available.

It is not our position, as noted previously, that the concept of a parking tax is totally unworthy of consideration. A $1 tax—or 50 cents for that matter—would of course return a tidy sum to the city treasury in urgently needed revenues, and a more rational argument, at least, might be advanced for it on those grounds. But that is not the justification—or the legal authority—cited for the current proposals.

The unanswered questions, the uncertain effects and the flimsy study given the subject thus far offer no support whatever for Chairman Hahn's advocacy of a hurry-up vote on the issue this month, and the City Council should flatly reject the pressure.

Mr. SPONG. Mr. President, unless either Senator from Maryland has anything further to say, I am prepared to yield back the remainder of my time.

Mr. ROBERT C. BYRD. Would the Senator reserve his time and request a quorum call?

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at such time as the distinguished Senator from Tennessee (Mr. BROCK) is recognized under the order previously entered, the Senate proceed to the consideration of Calendar No. 692, S. 1819.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

At this time, in accordance with the previous order, the Chair now recognizes the distinguished Senator from Tennessee (Mr. BROCK).

Also in accordance with the previous order, at this time, the Chair lays before the Senate Calendar No. 692, S. 1819, which the clerk will please state.

The assistant legislative clerk read as follows:

S. 1819 to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with an amendment to strike out all after the enacting clause and insert:

That (a) section 207 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by striking out "in the case of any real property acquisition or displacement occurring prior to July 1, 1972," and by inserting before the period at the end of such section, "required by section 210".

(b) Section 211(a) of such Act is amended by striking out "215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972" and inserting in lieu thereof "and 215".

(c) Section 221(b) of such Act is amended by striking out "1972" wherever it appears and inserting in lieu thereof "1973, or the end of the thirty-day period which begins on the last day of the first regular session of the State legislature commencing after July 1, 1972, whichever is earlier" and by adding at the end of such subsection (b) the following: "Notwithstanding the foregoing provisions of this subsection, section 210(3) shall be completely applicable to all States after July 1, 1972".

(d) Title II of such Act is amended by adding at the end thereof the following new section:

"INTERIM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION EXPENSES

"SEC. 222. (a) At any time during the period from July 1, 1972, through June 30, 1973, during which section 210 (other than paragraph (3) of such section) or section 305 is not completely applicable to a State, the head of a Federal agency authorized to provide Federal assitance to a State agency of that State under any grant, contract, or agreement of the kind referred to in such sections, shall take all steps necessary to insure that the payments, assistance and services to displaced persons, and expenses to property owners authorized by such sections shall be provided.

"(b) On and after July 1, 1972, or such earlier date that a State is able, under its laws, to comply with sections 210 and 305, the head of a Federal agency shall not approve any grant to, or contract or agreement with, any State agency, of the kind referred to in such sections, unless such State agency satisfies the head of the Federal agency that the State is taking appropriate measures to pay to the United States an amount equal to the payments made by the Federal agency in carrying out subsection (a) of this section that the State would have paid if it had been in full compliance with such sections after July 1, 1972.".

Mr. BROCK. Mr. President, I was pleased to introduce this measure jointly with the Senator from Tennessee (Mr. Baker) last May 11, and am gratified that since that time it has received the bipartisan endorsement of some 28 additional Senators.

The bill has been examined indepth by the Senate Government Operations Committee, and I am satisfied that the measure we consider today will greatly enhance the workability of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The act for the first time established a single uniform Federal policy for relocating persons forced to move from their homes or businesses which were located on land acquired for a Federal or federally assisted program. Certainly, Public Law 91-646 represents a major social accomplishment of the 91st Congress.

S. 1819 amends the 1970 act by extending indefinitely the compliance date for State and local participation in relocation assistance made available under federally assisted programs. The bill will insure that local project agencies will not be required to participate in the cost of relocation payments mandated under the act on the same basis that they share in other project costs. I strongly believe the Congress did not intend to place a new financial burden on the State and local governments when it passed the law, and this measure assures that we do not.

The Government Operations Committee, under the very able and experienced leadership of the Senator from Arkansas (Mr. McClellan) has amended the bill to postpone the effective date of the act to give any State unable under its laws to come into compliance—additional time to pass legislation authorizing State and local agencies to comply with the act's requirements.

Additionally, language has been included which will assure that relocation payments are not denied to eligible individuals after the present effective date, July 1, 1972, by authorizing Federal agencies to make payments that would otherwise be made, and partially shared, by State and local agencies where legal obstacles prevent States from making those payments. The bill further provides that such States must take appropriate measures to reimburse the Federal Government for such payments.

On the basis of convincing evidence from many local communities that they will not be able to meet the matching share requirement within their limited resources by July 1, 1972, I fervently hope the Senate will wholeheartedly support S. 1819 and send it quickly to the House of Representatives so that the issue can be resolved at an early date.

Mr. CHILES. Mr. President, I want to express my support for the amendment to the Uniform Relocation Act, S. 1819. Hearings were held on this bill before the Subcommittee on Intergovernmental Relations on February 24, 1972. I was acting chairman and had a good opportunity to study this proposal as well as the testimonies that were submitted at that time.

The Uniform Relocation Act was enacted at the end of the last Congress after years of consideration by that subcommittee. That act established a single uniform Federal policy for relocating persons forced to move from residences or business located in the path of Federal or federally assisted projects.

Federal and federally assisted projects force an estimated million or more families to be displaced every 10 years. Before the Uniform Relocation Act, State and local programs had inconsistent or inadequate policies regarding displacement and relocation and the real victims of this confusion were the families themselves. The Uniform Relocation Act was designed to bring order to the chaos. It increased relocation benefits and required that these benefits be provided equitably to all families, businesses, and farms displaced by Federal or federally assisted programs. But the act also provided that the Federal Government would fully reimburse a State agency for the first $25,000 of any relocation payment required by the act only until July 1, 1972. That is, after July 1 of this year, the States will be required to share all relocation costs with the Federal Government on a formula basis. S. 1819 would delete the reference to July 1 and make the current full Federal funding a permanent feature of the law.

I believe cost sharing would impose severe financial hardships on State and local governments. The testimony I heard at the hearing and the numerous letters I have received in my office from State and local officials clearly indicate to me that local governments would be forced to curtail renewal projects in order to come up with the matching funds. I think one mayor of a city in Florida summed it up pretty well when he said:

> If this law is not rescinded, amended, or the time for the cities to participate extended, it is going to kill urban renewal in most cities, large and small alike.

The provisions of S. 1819 would also promote an efficient uniformity in the implementation of the act, because it would provide full Federal funding for all relocation costs regardless of the cost-sharing formula governing a particular program.

In addition to providing for full Federal funding, S. 1819 would also postpone the effective date of the act to give the States the chance to pass legislation authorizing State and local agencies to comply with all the act's requirements. Another provision has been included to assure that relocation payments will not be denied to eligible individuals after the July 1, 1972, effective date. Federal agencies are authorized to make payments that would otherwise be made, and partially shared, by State or local agencies where legal obstacles prevent States from making those payments.

Just as I welcomed the assistance the 1970 act provided, I now welcome the amendment to this act which would make sure that Federal relocation help is available not only through fiscal year 1971, but indefinitely.

Mr. SCOTT. Mr. President, I rise in support of S. 1819, a bill to continue, after July 1, 1972, full Federal funding for the first $25,000 in relocation payments made by State and local agencies under the act to assist persons displaced from their homes, businesses, or farms by federally-assisted programs and projects.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act became law over 1 year ago. It provided that the Federal Government would absorb 100 percent of the first $25,000 of each individual payment required by the act through June 30, 1972.

S. 1819, of which I am a sponsor, extends indefinitely the period during which the Federal Government pays the entire amount of any payment $25,000 or less. At a time when massive Federal programs are underway to revitalize our Nation's urban and rural areas, the unhampered continuation of this relocation assistance program is vital. Real progress can never be achieved or maintained unless we can compensate those who may become the "victims" of progress. This bill provides a genuine answer to this problem, and I urge its enactment as soon as possible.

Mr. BROCK. Mr. President, my colleague (Mr. Baker) and the Senator from Maine (Mr. Muskie) and I have prepared an amendment which I send to the desk at this time and ask that it be stated.

The PRESIDING OFFICER. The amendment will please be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new subsection:

(e)(1) Section 101(3) of such Act is amended to read as follows:

"(3) The term 'State agency' means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, a State, and any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States."

(2) Title II of such Act, as amended by subsection (d) of this section, is amended by adding at the end thereof the following new section:

"ASSISTANCE TO PROGRAMS AND PROJECTS UNDERTAKEN DIRECTLY BY PERSONS

"Sec. 223. (a) Notwithstanding any other provision of law, whenever the acquisition of real property for a program or project, to be undertaken by a person furnished Federal financial assistance by a Federal agency pursuant to a grant, contract, or agreement, will result in the forced displacement of any person on or after the effective date of this Act, the head of the Federal agency furnishing such financial assistance shall provide—

"(1) fair and reasonable relocation payments and assistance to or for such displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 to or for such displaced persons; and

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings to such displaced persons in accordance with section 205(c)(3).

"(b) With respect to any person displaced under this section after the effective date of this Act but prior to the effective date of this section, the head of the Federal agency administering the program that resulted in such displacement shall take all reasonable and necessary steps to assure that such displaced person is made aware of his entitlements under this section and that the payments, services, and other benefits due such person under this section are provided.

Mr. BROCK. Mr. President, I ask unanimous consent that prepared remarks of the senior Senator from Tennessee (Mr. BAKER) be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BAKER

The purpose of this amendment is quite simple, and I will not long detain the Senate in my exposition of it.

It is abundantly and unarguably clear from the long legislative history of Public Law 91–646 that the purpose of the Act was to extend its benefits to any person displaced as a result of Federal and federally assisted programs. That is the clear and simple mandate of the Act. Wherever a federal dollar reaches, there lie the rights and benefits guaranteed by the Act.

However, it has come to my attention that an extremely narrow construction of the language of section 210 of the Act might result in situations where persons are displaced as a result of federally assisted programs without being provided the rights and benefits due them under the Act. My amendment seeks to end, once and for all, any questions as to the extent of the reach of the Act.

Section 210 of the Act as now written prohibits the head of any federal agency from approving any grant to, or contract or agreement with, "a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person" unless such State agency provides satisfactory assurances that such person or persons will be provided the rights and benefits set out in the Act. The clear intent of section 210 was to assure that all federally assisted programs and projects would be brought immediately under the ambit of the Act.

However, because section 210 makes mention only of contracts and agreements with or grants to "a State agency," questions have arisen as to whether the Act applies to federal grants, contracts, and agreements when the recipient of the federal assistance is a State itself (as opposed to an agency of the State) or when the recipient of the federal assistance is a private person, corporation, or any entity other than a "State agency." My amendment would make it perfectly clear, if there lingers any doubt, that State governments and any "person" as defined in section 101(5) of the Act are covered by the Act.

This amendment would amend section 101(3) of the Act to include "a State" in the definition of a "State agency." This will assure that where a State, acting as a State and not through one of its agencies, will be covered by the provisions of section 210.

The amendment would also add a new section 223 to the Act, which would make clear the fact that any federal agency providing assistance to recipient other than a state agency, i.e. a "person" as defined in section 101(5), would be required to provide the benefits of the Act to any person displaced as the result of the program or project being so assisted. For example, if a federal agency contracts with, enters into an agreement with, or makes a grant to a private contractor or other "person," to undertake a project that will result in the involuntary displacement of any person, the agency head must provide to any person displaced the benefits set out in new section 223.

I wish further to emphasize in the strongest possible terms that the benefits of the Act extend to affected individuals wherever federal funds are involved, regardless of how indirect the funding route may be. For example, if a federal agency were to contract with a private developer for the purpose of rehabilitating existing housing, such a contract would clearly fall within the meaning of new section 223.

I would also make it clear that my amendment is intended to cover any and all dislocations that may have occurred since the date of enactment of Public Law 91–646. If any agency has made any grant to, or approved any contract or agreement with, any State or "person" which resulted in the dislocation of any person on or after January 2, 1971, that agency has the affirmative responsibility to see to it that any such dislocated person receives the benefits to which he is entitled under the Act, except in any case where a State was unable to comply under its laws with section 210, as provided for in section 221(b) of the Act.

Mr. BROCK. Mr. President, the purpose of the amendment is to be sure that a narrow construction of the act does not hamper the achievement of the desired end result, which is that displaced persons received deserved assistance.

We have had instances of very limited construction of the prior act where some individuals who were aggrieved simply did not have adequate protection. This was particularly true in Federal assistance programs other than direct Federal programs. This amendment seeks to end once and for all any question of the reach of this Federal act.

Mr. GAMBRELL. Mr. President, will the Senator yield for a question?

Mr. BROCK. I yield to the Senator from Georgia.

Mr. GAMBRELL. Mr. President, I would like to ask the distinguished Senator from Tennessee how the amendment offered by the two Senators from Tennessee and the Senator from Maine (Mr. MUSKIE) would relate to private enterprises and whether such private enterprises might have the power of condemnation.

Mr. BROCK. Mr. President, normally a private enterprise does not have the right of eminent domain obviously. But even so, in the case of a citizen who does not own his dwelling, such as a tenant farmer in Tennessee or Georgia, such a person has very limited rights. If someone wants to build a private hospital on that land with Hill-Burton funds, they can purchase the land from the landowner, and this tenant farmer would be displaced without any choice in the matter at all. We are trying to protect those kinds of people.

There is this additional problem which I would like to address for the purpose of the legislative history. That concerns the area where a small landowner owns his own land and it is acquired by persons or industry for section 235 housing or Hill-Burton hospital construction. We do not intend to allow the developer to pay a lower price for that land and then have the landowner sue the Government for relocation assistance. That is not the purpose at all. The bill is entitled to help those people who are forced to move and move involuntarily and who are not in a position to negotiate a fair purchase price for their property. The benefits of the act are not extended to persons who are free to refuse a purchase offer from a buyer who has no eminent domain authority.

Mr. GAMBRELL. Mr. President, it is not the purpose or intent of this amendment to permit the Government to be required to pay for any of the cost of redevelopment. Is that correct?

Mr. BROCK. No, it is not. The purpose of this amendment is to protect those individuals who have no rights and are forced to be relocated, and at some considerable expense, such as a small business or small tenant farmer or tenant in a residential unit. These people have no protection unless we agree to this amendment. The amendment is not intended in any way to have the Federal Government participate in property acquisition costs that should be borne by a university, hospital, developer, or other entity receiving Federal financial assistance.

Mr. GAMBRELL. I thank the Senator from Tennessee.

Mr. BROCK. I thank the Senator for his clarification. I hope that the legislative history will reflect our full intent and purpose.

Mr. President, I have no further comment with regard to this particular amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GAMBRELL. Mr. President, at this time I call up amendment No. 1116 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be reported.

The assistant legislative clerk proceeded to state the amendment.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 3, beginning with line 15, strike out all through line 25, and insert in lieu thereof, the following:

"(b) On and after July 1, 1973, or such earlier date that a State is able, under its laws, to comply with sections 210 and 305, the head of a Federal agency shall (1) not approve any grant to, or contract or agreement with, any State agency, of the kind referred to in such sections, unless such State agency satisfies the head of the Federal agency that the State is taking appropriate measures to pay to the United States an amount equal to the payments made by the Federal agency in carrying out subsection (a) of this section that the State would have paid if it had been in full compliance with such sections after July 1, 1972, or (2) after giving the State agency a reasonable period of time to seek funds to pay the United States such amount deduct sums totaling such amount from Federal assistance available under such grant, contract, or agreement (except relocation payments) to that agency, over a period and in a manner that shall not substantially and adversely affect the program or project so assisted."

Mr. GAMBRELL. Mr. President, I would like to make a few explanatory comments about some provisions of section 222(b).

Regarding the clause in section 222 (b), subsection (1)—

> That the State is taking appropriate measures to pay to the United States—

The committee report No. 92–721 in other places, but in particular on page 10, it states that the State agency satisfy the head of the Federal agency—

> That the State is taking all appropriate measures under its Constitution to pay to the United States—

What this means in simple terms is that the State, bound by its constitution and laws, is doing what it can to pay this amount to the United States. This does not of necessity require that the State follow any particular course of action nor that the procedures in every State be identical. It only requires that the State take the legal resources available to it and applying them make a good faith effort to comply with this subsection.

Now this leads me to offer an explanation of the substance of the amendment I propose today which would be section 222(b) subsection (2). In the event that after a State has exhausted the alternatives available to it to make the required payment to the United States then the option provided in subsection (2) may be applied. This alternative allows that after a State agency had a reasonable period of time to seek funds to pay the United States and fails in this effort then the amount which the State owes the United States can be deducted from future Federal assistance available to that State agency spread over a period of time and in such a way so as not to substantially or adversely affect the program or project being assisted. Thus, the State legislature is given the first opportunity to satisfy the requirements of section 222(b). However, if for any reason these efforts are not satisfactory, the State agencies will not be penalized by a total loss of Federal funds because in the alternative they will be able to have these amounts deducted from future Federal assistance grants and in that way will be able to fully comply with requirements of section 222(b).

Mr. President, I would like to take this brief opportunity to congratulate the Senator from Tennessee (Mr. BROCK), the Senator from Tennessee (Mr. BAKER) and other members of the Government Operations Subcommittee for the outstanding work they have done in proposing the development of certain adjustments in the Relocation Assistance and Real Property Acquisition Policies Act of 1970 in order to make the operations of that act more equitable and fair not only to the local property owners, but also as mentioned, to the participation of the local agencies.

I support the bill pending in the Senate today.

The amendment which I have offered relates to a minor change which will accommodate the State of Georgia and agencies there, as well as those in a number of other States.

The Senator from Tennessee (Mr. BROCK) has outlined a proposal in the act to the effect that relief be extended to State agencies which are under legal restrictions against the participation requirements contained in the original act of 1970.

The bill pending on the floor today does contain those reliefs, but provides that where the participation requirements have been extended beyond July 1, 1972, provision should be made by the States and agencies for refunding that sum to the Government when those legal restrictions are eliminated.

My amendment would simply offer the additional or alternative method of making that provision. For instance, in the State of Georgia, we have a constitutional prohibition which we are in the process of removing at the present time. It will be voted on in a referendum this fall. But today in the State of Georgia, and in other States, it would be legally impossible to set aside any funds to refund the Government after July 1, 1972. My amendment would make it possible for this refund to be accomplished at a later date by a withholding on the part of the Federal Government of some of the participation funds for future projects, in order that the Federal Government might compensate and repay itself for moneys advanced after July 1, 1972.

I do not think there is any objection to this amendment. So, unless there is further debate, I ask that the question be put.

Mr. BROCK. Mr. President, I know of no objection to the amendment. I think it makes the matter clear and gives the States every opportunity to participate in this program. I appreciate the Senator's offering the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

Mr. GAMBRELL. Mr. President, I thank the Senator from Tennessee for his cooperation. I also thank the members of the committee and staff for helping work out this awfully difficult problem that we have in our State and in other States across the country.

Mr. BROCK. Mr. President, I appreciate the remarks of the Senator from Georgia. He has made an excellent contribution to the bill.

Mr. STEVENS. Mr. President, I am pleased today to speak in support of S. 1819, a bill amending the Uniform Relocation Assistance in Real Property Acquisition Policies Act of 1970. At the time that act was drafted, I was privileged to serve on the Government Operations Committee and to work with the able members of that committee in drafting this most important piece of legislation.

The act itself permits the establishment for the first time of a uniform Federal policy to assist in relocating persons who are forced to move from their homes or places of business because of Federal or federally financed programs. As such, the act alleviates some of the severe hardships imposed upon many people, particularly those who can least afford to bear the cost of a major move. Moreover, the act provides fair and uniform procedures to insure that people in like situations will be treated similarly. The act also increases the relocation benefits for such persons. The bill was designed to compensate such persons for their economic losses and to return them to an economic position comparable to that which they occupied prior to their relocation. Because this provision was beneficial to so many people, the bill received wide support and continued to be well received once it was enacted.

However, since the act's passage certain problems have arisen. Particularly important are problems concerning the cut-off date, July 1, 1972, which is the last date Federal reimbursement can be made to State agencies under the act. This bill before us today deletes that particular date. Second, the effective date of the act for each State is extended from July 1, 1972, until July 1, 1973, or the end of the 30-day period which begins on the last day of the regular session of the State legislature commencing after July 1, 1972, whichever is earlier.

This will permit many States constitutionally or legally prohibited from participating to reap the benefits accorded all the other States. Finally, this bill authorizes heads of Federal agencies to take all steps necessary to insure that relocation payments and assistance under the act are provided to all persons displaced by a federally assistance program after July 1, 1972. Under this bill Federal agencies may make relocation payments directly to displaced persons if necessary or require certain safeguards to insure Federal reimbursements by State agencies.

Once again, because this bill is so beneficial, to many different localities which are presently unable to participate or will be after July 1 of this year, I believe it will continue to receive wide support. I was very pleased to cosponsor this legislation and urge my colleagues to carefully consider its merits today.

The PRESIDING OFFICER. Does the Senator from Tennessee yield back the remainder of his time?

Mr. BROCK. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICERS. The bill

having been read the third time, the question is, shall it pass?

The bill (S. 1819) was passed, as follows:

S. 1819

An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 207 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by striking out "in the case of any real property acquisition or displacement occurring prior to July 1, 1972," and by inserting before the period at the end of such section, "required by section 210".

(b) Section 211(a) of such Act is amended by striking out "215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972" and inserting in lieu thereof "and 215".

(c) Section 221(b) of such Act is amended by striking out "1972" wherever it appears and inserting in lieu thereof "1973, or the end of the thirty-day period which begins on the last day of the first regular session of the State legislature commencing after July 1, 1972, wherever is earlier" and by adding at the end of such subsection (b) the following: "Notwithstanding the foregoing provisions of this subsection, section 210(3) shall be completely applicable to all States after July 1, 1972".

(d) Title II of such Act is amended by adding at the end thereof the following new section:

"INTERIM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION EXPENSES

"SEC. 222. (a) At any time during the period from July 1, 1972, through June 30, 1973, during which section 210 (other than paragraph (3) of such section) or section 305 is not completely applicable to a State, the head of a Federal agency authorized to provide Federal assistance to a State agency of that State under any grant, contract, or agreement of the kind referred to in such sections, shall take all steps necessary to insure that the payments, assistance, and services to displaced persons, and expenses to property owners authorized by such sections shall be provided.

"(b) On and after July 1, 1973, or such earlier date that a State is able, under its laws, to comply with sections 210 and 305, the head of a Federal agency shall (1) not approve any grant to, or contract or agreement with, any State agency, of the kind referred to in such sections, unless such State agency satisfies the head of the Federal agency that the State is taking appropriate measures to pay to the United States an amount equal to the payments made by the Federal agency in carrying out subsection (a) of this section that the State would have paid if it had been in full compliance with such sections after July 1, 1972, or (2) after giving the State agency a reasonable period of time to seek funds to pay the United States such amount deduct sums totaling such amount from Federal assistance available under such grant, contract, or agreement (except relocation payments) to that agency, over a period and in a manner that shall not substantially and adversely affect the program or project so assisted.".

(e)(1) Section 101(3) of such Act is amended to read as follows:

"(3) The term 'State agency' means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, a State, and any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States."

(2) Title II of such Act, as amended by subsection (d) of this section, is amended by adding at the end thereof the following new section:

"ASSISTANCE TO PROGRAMS AND PROJECTS UNDERTAKEN DIRECTLY BY PERSONS

"SEC. 223. (a) Notwithstanding any other provision of law, whenever the acquisition of real property for a program or project, to be undertaken by a person furnished Federal financial assistance by a Federal agency pursuant to a grant, contract, or agreement, will result in the forced displcement of any person on or after the effective date of this Act, the head of the Federal agency furnishing such financial assistance shall provide—

"(1) fair and reasonable relocation payments and assistance to or for such displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 to or for such displaced persons; and

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings to such displaced persons in accordance with section 205(c)(3).

"(b) With respect to any person displaced under this section after the effective date of this Act but prior to the effective date of this section, the head of the Federal agency administering the program that resulted in such displacement shall take all reasonable and necessary steps to assure that such displaced person is made aware of his entitlements under this section and that the payments, services, and other benefits due such person under this section are provided.".

The title was amended, so as to read: "A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the Act."

ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, in accordance with the previous order, the Chair recognizes the junior Senator from California for not to exceed 15 minutes.

(The remarks Mr. TUNNEY made at this point on the introduction of S. 3487 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. At this time, in accordance with the previous order, there will be a period for not to exceed 30 minutes for the transaction of routine morning business with speeches by Senators limited to 3 minutes. Is there morning business to be transacted at this time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF MRS. ABRAHAM A. RIBICOFF—LEAVE OF ABSENCE FOR SENATOR RIBICOFF

Mr. ROBERT C. BYRD. Mr. President, I am sorry at this time to have to announce to the Senate the sad news of the death this morning of the wife of our able and beloved colleague, the senior Senator from Connecticut (Mr. RIBICOFF). I am sure I express the sentiments of all of his colleagues in stating that our deepest sympathies are with Senator RIBICOFF during this time of great sorrow.

I ask unanimous consent, under rule V, that a leave of absence be granted to this supremely dedicated and able Member, the Senator from Connecticut, during today and during such additional days as may be necessary under the circumstances.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. MOSS) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF TITLE 10, UNITED STATES CODE

A letter from the Acting Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to suspend operation of the restrictions on authorized strength of Army officers in the grade of major for fiscal year 1972 (with an accompanying paper); to the Committee on Armed Services.

REPORT ON COMMITTEES ADVISING THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on Committees which advise and consult with him in carrying out the functions of the Social Security Act, as amended, for the calendar year 1971 (with an accompanying report); to the Committee on Finance.

REPORT ON CERTAIN TECHNICAL SERVICES PROVIDED TO STATE OR LOCAL GOVERNMENTS BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on certain technical services provided to State or local governments by that Administration, during the calendar year 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT ON DISPOSAL OF CERTAIN FOREIGN EXCESS PROPERTY BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the disposal of certain foreign excess property by that Administration; to the Committee on Government Operations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunities for

Improving the Institutional Manpower Training Program in South Carolina," Department of Labor, Department of Health, Education, and Welfare, dated April 11, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT ON SOIL SURVEY AND LAND CLASSIFICATION IN THE OAHE UNIT, JAMES DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classifications of the lands in the Oahe Unit, James Division, Pick-Sloan Missouri Basin program, has been completed (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON CONTRACTUAL ADJUSTMENT DENIED BY THE NASA CONTRACT ADJUSTMENT BOARD

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, that during the calendar year 1971, that Administration had denied the Acme Machine & Tool Company, Inc. relief in the amount of $24,672.63; to the Committee on the Judiciary.

REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on extraordinary contractual actions to facilitate the National defense, during the calendar year 1971 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Moss):

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 7

"Memorializing the Congress to propose an amendment to the Constitution of the United States

"*Resolved by the Senate, the House of Delegates concurring,* That the Congress of the United States is hereby memorialized to adopt and offer to the states for ratification or rejection the following amendments to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several states within seven years after the date of final passage of this Joint Resolution;

"'Article —

"'SECTION 1. No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.'

"'SEC. 2. Congress shall have the power to enforce this article by appropriate legislation.' And be it further

"*Resolved,* That the Clerk of the Senate is hereby instructed to send copies of this Joint Resolution to the members of the Virginia delegation in the Congress of the United States, to the Clerk of the House of Representatives of the Congress, and the Clerk of the Senate of the Congress, and to the Governors of the several states of the United States.

"Agreed to by the Senate February 15, 1972.

"Agreed to by the House of Delegates March 8, 1972."

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on Public Works:

"SENATE JOINT RESOLUTION No. 13

"Petitioning the U.S. Congress and the U.S. Department of Transportation for a critically needed extension of the Interstate and National Defense Highway System

"Whereas, the Hampton Roads Metropolitan Area is both a vital military complex and a centuries-old urban core exhibiting critical socio-economic problems; and

"Whereas, the vast amount of non-taxable federal property in metropolitan Hampton Roads warrants federal investments which could contribute to economic development; now, therefore, be it

"*Resolved by the Senate, the House of Delegates, concurring,* That the Virginia General Assembly hereby petitions the United States Congress and the United States Department of Transportation for legislative action to add a segment of approximately twelve miles to the system of Interstate and National Defense Highways for the purpose of completing a metropolitan circumferential "Beltway" from Interstate Highway 64 at its Bowers Hill terminus in the City of Chesapeake to Interstate Highway 664 at its Craney Island terminus in the City of Portsmouth; and in addition thereto 11.1 miles to be allocated for construction of a north-south expressway in the city of Newport News, so as to link Interstate Highway 664 to Interstate Highway 64 at a point at or near the Patrick Henry Airport interchange of Interstate Highway 64 in the city of Newport News, the 11.1 additional miles requested for allocation to the north-south expressway in the city of Newport News, however, is not requested or intended to modify or re-route the segment of Interstate Highway 664 in the cities of Hampton and Newport News as presently planned and approved. The General Assembly is informed that while this freeway corridor passes through what is defined by the United States Bureau of the Census as an "Urbanized Area", it would result in an insignificant dislocation of dwellings and businesses; and be it

"*Resolved further,* That the Commissioner of Highways is hereby authorized to pursue this matter; and be it

"*Finally resolved,* That the Clerk of the Senate is directed to send a copy of this resolution to each of the members of the Virginia Delegation to the United States Congress, and to the clerks of the United States Senate and House of Representatives, respectively.

"Agreed to by the Senate February 8, 1972.

"Agreed to by the House of Delegates March 8, 1972."

EXECUTIVE REPORTS OF COMMITTEES

Mr. MAGNUSON. Mr. President, as in executive session, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

John D. O'Malley, and sundry other officers, for promotion in the Coast Guard Reserve;

Eleanor C. L'Ecuyer, for promotion in the Coast Guard Women's Reserve;

Frances S. Turner, for reappointment in the Coast Guard Women's Reserve, from the temporary disability retired list;

Jules A. Peebles, for promotion in the Coast Guard; and

Eric J. Williams III, and sundry other officers, for permanent appointment in the Coast Guard.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TUNNEY:

S. 3487. A bill to amend the Public Health Service Act to provide for research into the chronic effects of microwave radiation. Referred to the Committee on Labor and Public Welfare.

By Mr. PEARSON:

S. 3488. A bill to provide for the assignment of Foreign Service officers to certain public organizations. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S. 3489. A bill to amend title 38, United States Code, to permit eligible persons training under chapter 35 to pursue programs of education at certain educational institutions outside the United States. Referred to the Committee on Veterans' Affairs.

By Mr. GURNEY:

S. 3490. A bill to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day." Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 3491. A bill to amend the Flammable Fabrics Act to provide for a certification procedure, and for other purposes. Referred to the Committee on Commerce.

By Mr. MATHIAS (for himself, Mr. BEALL, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. COOPER, Mr. HATFIELD, Mr. JAVITS, Mr. PERCY, Mr. SAXBE, Mr. STEVENS, Mr. TAFT, and Mr. WEICKER):

S. 3492. A bill to provide for a comprehensive program designed to strengthen the criminal justice system in the United States, to attack urban street crime, to undertake new training programs for law enforcement personnel, to improve the training, care and rehabilitation of criminal offenders, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3493. A bill to provide for benefits in case of certain individuals interned during World War II. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY:

S. 3487. A bill to amend the Public Health Service Act to provide for research into the chronic effects of microwave radiation. Referred to the Committee on Labor and Public Welfare.

Mr. TUNNEY. Mr. President, I am pleased to take this oportunity to introduce legislation to amend the Radiation Control for Health and Safety Act of 1968—a part of the Public Health Service Act—to provide for increased emphasis on research on the chronic effects of microwave radiation. This type of research is needed in order to determine the degree of risk associated with chronic exposures to microwave radiation and the possibility of disability later in life. With this type of information, controls can be enforced and the danger from unnecessary radiation avoided.

I consider this type of research to be

particularly important in view of the enormous increase in exposure to electromagnetic radiation which is predicted for the next several decades. Large numbers of our citizens are already exposed to environments which have an unusually high incidence of microwave radiation. Without information on the biological effects of continuous exposure to low levels of electromagnetic radiation we have no idea of the extent to which damage may be occurring.

While we do not know the extent of the damage, we do know that it is severe. We know that microwave radiation can cause severe damage to the eye, leading to blindness. We know that it can cause sterilization. We know that it can cause severe burns. We also know that it has been theorized that microwave radiation might cause severe psychological problems.

Scientists and engineers still have some differences of opinion as to exactly what portion of the energy spectrum they include in the term microwave. The frequencies generally considered to comprise the microwave band of the total electromagnetic spectrum range from about 10 million cycles per second—MHZ—to about 10,000 million—or 10 billion—cycles per second as defined by the American National Standards Institute or about 300 to 300,000 million cycles per second as defined in most European countries. Microwave radiation is a form of electromagnetic energy which is generated during the operation of such devices as radar, communication relay systems, electronic—microwave—ovens, medical and dental diathermy apparatus, alarm systems, microwave power devices, and certain other commercial and industrial apparatus.

The widespread use of microwave energy did not occur until the initiation of the Second World War although many of the characteristics of this energy had been under investigation prior to this time. Since World War II, there has been an enormous expansion in the numbers and types of devices which give off microwave radiation. Radars in military use have become more powerful and now utilize more frequencies. Private use of radar systems on boats and ships have become common. The use of various microwave devices in communications systems has grown almost expotentially.

As pointed out in a recent paper delivered by Dr. Wilbur A. Mills of the Environmental Protection Agency:

> In the meantime, the possibility of more people being exposed to more radio-frequency radiation increases: populations ease closer to transmitting towers, new stations are established, and new uses for the technology are developed. Recently, for example, a microwave system for transmitting converted solar energy in space to earth for conversion to electrical energy has been suggested. . . .
>
> The proliferation of the broadest sources of radiation, which are directed at people, plus the increasing use of nonionizing (microwave) radiation sources in industry and consumer products intensify a potential health hazard to an extremely large proportion of the population. That a hazard exists at current environmental levels has not been established. We must, however, measure and evaluate this radiation source before possible effects become apparent. *So large a population has never been exposed so nonselectively to any radiation source* (Emphasis added).

The Radiation Control for Health and Safety Act of 1968 (Public Law 90–602) assigned broad responsibilities to the Secretary of Health, Education, and Welfare to set and enforce performance standards for electronic products to protect the public health. In addition to other requirements, Public Law 90–602 requires the Secretary of Health, Education, and Welfare to study and evaluate emissions of, and conditions of exposure to, electronic product radiation and intense magnetic fields and to make grants and assign contracts in support of studies on the effect of electromagnetic radiation. The Secretary of Health, Education, and Welfare also is required to prepare reports to the Congress on the administration of Public Law 90–602.

A number of the comments provided within recent reports serve to emphasize the continuing and increasing danger of uncontrolled microwave radiation in the environment and also reveal that progress on the accumulation of knowledge about the chronic affects of exposure to such radiation is not occurring with any sense of urgency. For example, in the report for the year 1969—the 1969 annual report to the Congress—on the administration of Public Law 90–602, the comment is made that—

> A general problem facing the Department (HEW) is the lack of information to speak adequately to questions concerning the risk to human populations from insults of electronic product radiation. . . .

In the report to the Congress on progress during 1970, the following comments were noted:

> Little information is available of long-term biological effects associated with low-level exposure to most electromagnetic radiation. Epidemiological research during the past year has been principally confined to studies of ionizing radiation.
>
> Only a minute portion of these spectrums and a very limited biological area can be investigated with the current staff and budget. . . .

Although the report for 1971 is not available as yet, I have no reason to believe that the priority of work on biological effects has changed significantly.

I am convinced that the level of current effort to determine the long-term, as well as near-term, biological effects of electromagnetic radiation is not sufficient to promise any reasonably prompt development of data. It is my understanding that the Bureau of Radiological Health has programed about $3 million for work on electromagnetic radiation problems during fiscal year 1972. Most of this money is apparently directed toward electronic product surveillance. Less than $500,000 of these dollars are available for the study of the biological effects if radiation.

Nevertheless; it has come to my attention that the Office of Telecommunications Policy, Executive Office of the President, has studied carefully the possibility of radiation hazards from communications activities, which study was extended to include the hazards from electromagnetic radiation in general. OTC has developed a proposal which involves the expenditure of $63 million over a 5-year period. It is time to begin to provide the requisite funds to control the potential disaster which microwave radiation might create.

The bill which I am offering would require an increase in effort and require that the authorization for research on the biological effects of microwave radiation be increased by $10,000,000. This money would be specifically authorized for research in order to get answers as promptly as possible to the problem of determining the impact of nonionizing electromagnetic radiation on human beings. Research on this potential danger has been poorly supported for too long.

Public Law 90–602 indicates that it is the intent of the Congress to develop the solution to these problems and to protect the public from unnecessary exposure to electromagnetic radiation. Enactment of the legislation I am now introducing would serve notice that a higher priority is required in the conduct of research on this problem.

Mr. President, I send the bill to the desk for appropriate reference, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 356(a) of the Public Health Service Act is amended by redesignating paragraph (6) as paragraph (7) and inserting immediately after paragraph (5) the following new paragraph:

"(6) conduct research on the chronic effects of microwave radiation;".

(b) Section 356 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) There are authorized to be appropriated $10,000,000 for the purposes of carrying out research required under paragraph (6) of subsection (a) of this section. Amounts appropriated under this subsection shall be available until expended.".

By Mr. PEARSON:

S. 3488. A bill to provide for the assignment of Foreign Service officers to certain public organizations. Referred to the Committee on Foreign Relations.

Mr. PEARSON. Mr. President, the Foreign Service officers who represent the United States in countries around the world and perform vital foreign policy analysis in Washington are as fine a group of civil servants as this country has. Willing to serve anywhere in the world from Europe to dangerous assignments in Southeast Asia, time and again, Foreign Service officers have proven their expertise in the arts of diplomacy and execution of foreign policy. These men and women deserve the high esteem and thanks of us all.

Foreign Service officers recognize better than most that the Foreign Service and the Department of State are badly in need of reform. One of the most positive contributions made by Federal employees was the work done by the American Foreign Service Association's task forces which studied the Service and made recommendations for change. Those efforts at reform from within have already produced and will continue to produce positive changes in the Department of State and the Foreign Service.

The task of reform is, however, not yet complete. Too many outstanding young officers are leaving the Service, in part, because the number of qualified candidates for interesting, responsible and rewarding positions far exceeds the availability of those positions. Young people are turning elsewhere for careers in foreign affairs because they, too, understand that the Foreign Service may not have jobs to match their training and aspirations.

The legislation I introduce today would help to alleviate this problem, and alleviate it in a positive, productive way. This bill would make four basic contributions to the Foreign Service and to the United States. It would reduce the number of officers competing for the limited number of responsible positions. It would utilize the talents and training of Foreign Service Officers while providing badly needed skilled personnel to State and local governments and other public institutions in the United States. It would help to reacquaint the Foreign Service Officers with their own country at a time when they are on the threshold of assuming their most responsible posts. Finally, it would provide a new means of informing Americans in all parts of the country about American foreign policy.

This bill is not complex. It provides that each Foreign Service Officer serve 22 to 26 months in a position in the public service outside of Washington, D.C. between the eighth and 15th years of his Foreign Service career. At present, the Secretary of State has the necessary authority to assign officers to such service; this legislation simply makes such service mandatory unless the Secretary should waive its provisions in the interest of the United States. The officer may, of course, state preferences with respect to the type of organization and job to which he would be assigned and certainly should be encouraged to do so.

This bill would, in my opinion, offer several positive remedies to current problems. For the Foreign Service, it would provide interesting, rewarding positions for a larger number of officers. Those familiar with the Department understood how unfortunate it is for the bright, capable officer seeking responsibility to be given a task in the Department or abroad which underutilizes his talents and training. I believe that this underemployment of Foreign Service Officers is, in large part, responsible for the low morale of the Foreign Service. In addition to that, as the officers seek responsibility, they sometimes attempt to secure a "piece of the action" of foreign policy decisions. This too often adds to the list of horizontal and vertical clearances and unnecessarily slows down the decisionmaking process in the Department of State. This bill would help to alleviate both of those serious problems.

The quality of the positions Foreign Service officers hold under provisions of the bill is of critical importance. The Government of the United States will be paying their salaries and other expenses; they are, therefore, virtually free help for State and local governments and other public institutions in this country. I would anticipate a high demand for their services. The personnel office and the officers themselves should be quite demanding concerning the positions and the responsibilities involved in the job.

It would not be in the interest of the Foreign Service officers, the Department, or the host institution to ask for an officer unless the function he will perform is challenging and interesting to him. The positions may range from city manager of some small community to instructor in a community college. But the important point is that the task be a mutually beneficial one for the officer and the institution.

I believe that the corollary benefits to a 2-year assignment in the United States are almost as beneficial as the job itself. It is vital that the men and women who represent the United States and help formulate and execute its foreign policy remain in touch with their own country and its people. This is no idle, populist statement; it has a sound basis in principle.

Part of the function of the Foreign Service officer is to explain what is happening in the United States to officials and citizens of foreign countries. This cannot be done properly if one only reads about the United States from the New York Times, the Washington Post, or the International Herald-Tribune. To interpret properly events in this country, a diplomat must have what can only be described as a "feel" for what is happening in the United States. To acquire this understanding, a Foreign Service officer must spend time in this country, but not in Washington which, for all of its merits and attractions, is not representative of the entire Nation.

Finally, a Foreign Service officer living in a small community or even some larger cities would be a reservoir of knowledge and experiences about the foreign relations of this Nation that is seldom available to people outside of major metropolitan areas or university communities. To the extent that isolationism still exists, the experience and explanations of a foreign affairs professional could bring some of the intricacies of foreign affairs home to people of this country.

This legislation provides a simple, positive answer to some very complex problems and it does so at little or no additional cost to the American taxpayer. It is beneficial to the Foreign Service officers, to the Department of State, and to the country. I urge prompt consideration of this bill.

By Mr. HARTKE:

S. 3489. A bill to amend title 38, United States Code, to permit eligible persons training under chapter 35 to pursue programs of education at certain educational institutions outside the United States. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, I am introducing legislation today to remove a bar to the children of severely disabled veterans who desire to attend a university of their choice in a foreign country. Under existing legislation this limitation restricting school choice abroad does not apply to veterans who are themselves eligible for educational benefits, but it does act to preclude eligible children of 100 percent disabled veterans from attending a school located abroad. My attention was called to this inequity in the law by a double amputee rated 100 percent disabled by the Veterans' Administration, and I shall include in the RECORD his letter and the response received from the Veterans' Administration.

While this proposal may only affect a limited number of students, I feel very strongly that it is a group of students that is exceptionally entitled to select the school of their choice because of the many sacrifices made by their parents and sacrifices they themselves must make because of their parents' disabilities. I am hopeful that we can act early and in an affirmative manner to have this injustice removed.

Mr. President, I ask unanimous consent that Mr. Kaminsky's letter and the reply from the Veterans' Administration be printed in the RECORD as part of my statement.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL AMPUTATION CHAPTER,
Whitestone, N.Y., March 22, 1972.

Senator VANCE HARTKE,
Chairman, Senate Veterans' Affairs Committee, Washington, D.C.

DEAR SENATOR HARTKE: As you know, I am a double leg amputee who lost my limbs in World War II. I am 100 percent service connected Disabled American Veteran and as a service connected veteran my dependents are entitled to educational assistance.

I was under the impression that my daughter Maxine was eligible for study at the American College in Jerusalem. She passed all the necessary examinations and has been accepted for enrollment in September 1972. I now learn that Maxine is not eligible for this college as she is only the dependent of a 100 percent service connected veteran.

For your information J. T. Taaffe, Jr., Director, Compensation, Pension and Education Services, of the Veterans' Administration wrote a letter on September 18, 1972, to the President of the American College in Jerusalem, that eligible veterans may receive educational assistance. This is being denied my daughter Maxine. She is heartbroken and I quite frankly cannot see their reasoning. If an eligible veteran is entitled to receive an education in this college, why not a dependent of a 100 percent service connected veteran?

Your help in this matter to allow my daughter Maxine to attend the American College in Jerusalem will be greatly appreciated.

Sincerely yours,
SOL KAMINSKY.

VETERANS' ADMINISTRATION,
Washington, D.C., April 5, 1972.

Hon. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the inquiry on behalf of the daughter of Mr. Sol Kaminsky, who is interested in attending a school overseas under the War Orphans' and

Widows' Educational Assistance Act, as set forth in Chapter 35, Title 38 of the United States Code.

There is a prohibition in the existing law governing the program of educational assistance to children of veterans who have service connected disabilities totally and permanently disabled which limits payment of educational assistance to programs of education pursued in the United States or the Republic of the Philippines. Legislative change would be necessary to permit Miss Kaminsky to attend a college overseas and receive VA educational assistance.

We have asked The General Counsel to furnish your office with the legislative language necessary to accomplish a change in law which would permit children to train overseas. His office will furnish this to you shortly.

Sincerely yours,

OLNEY B. OWEN,
Chief Benefits Director.

By Mr. GURNEY:

S. 3490. A bill to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day." Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, I am introducing a bill calling for the designation of August 26 as "Women's Rights Day." My bill would set aside a day to commemorate our achievements in the field of women's rights. Unfortunately, as history shows, we have been all too slow in granting equality under the law to the women of this Nation—a group one could hardly term "minority."

August 26 represents a major landmark in the history of the struggle for equality, for on that day, in 1920, the 19th amendment giving women the right to vote was officially certified as part of our Constitution. It is only fitting therefore, that this day be designated women's rights day each year.

However, designation of this date will also recognize the culmination of the effort, which occurred just a few days ago when the Senate passed another landmark amendment, assuring equal rights under the law for men and women. As a cosponsor and strong supporter of the equal rights amendment, I was particularly pleased with the outcome of this vote, and I hope the States will move quickly to ratify this amendment.

The history behind both of these amendments, suffrage and equal rights, lends itself to an interesting comparison. It took the ladies almost three-quarters of a century to get congressional approval of their right to vote, but when it did pass, the margins were overwhelming: 304 to 90 in the House and 56 to 25 in the Senate. It took 36 State legislatures just over 1 year to ratify the amendment.

The track record for congressional approval of equal rights was similar; it took nearly 50 years to get this measure through Congress, but when it did pass Congress the votes were again overwhelming, 354 to 23 in the House and 84 to 8 in the Senate.

Mr. President, given these similiar legislative histories of these two historic amendments perhaps it is not too much to hope that the States will continue this comparison. As a matter of fact, we lopped nearly 25 years off the consideration process, and widened the congressional vote margin considerably, so if the States will do their part, we might even have ratification by August 26, 1972—all the more reason to celebrate "Women's Rights Day."

By Mr. SCHWEIKER:

S. 3491. A bill to amend the Flammable Fabrics Act to provide for a certification procedure, and for other purposes. Referred to the Committee on Commerce.

FLAMMABLE FABRICS ACT AMENDMENTS OF 1972

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the Flammable Fabrics Act to provide for a certification procedure, and for other purposes.

Mr. President, the Flammable Fabrics Act Amendments of 1972 are resigned to strengthen the existing Flammable Fabrics Act by speeding up the standard-setting procedure of the Department of Commerce and by giving the Federal Trade Commission new enforcement powers.

The original Flammable Fabrics Act was first enacted into law in 1953 after a series of tragic deaths in the late 1940's and early fifties which resulted mainly from burns received from children's rayon pile cowboy chaps and brushed rayon "torch" sweaters. At that time, the legislation applied only to wearing apparel.

The test of flammability was set by the statute. In 1954, in reaction to the rigid standard in the statute, an amendment was added to allow the marketing of apparel made from sheer fabrics like tulle and organdy.

Regretfully, the scope of the statute was too limited and the legislative standard was impractical.

Additional amendments were added in 1967 to apply the act to all articles of wearing apparel and to interior furnishings used in homes, offices, and other places of assembly or accommodation. The 1967 amendments did create a new mechanism for the setting of better flammability standards and the hope was that enforcement of the legislation would improve.

In the meantime, large numbers of serious injuries and deaths are still occurring from flammable fabrics. From 3,000 to 5,000 deaths a year occur. Nonfatal injuries amount to 150,000 to 250,000 per year. The financial loss is estimated to be over one-quarter billion dollars per year. Obviously, the pain and suffering caused to victims of these tragic burns cannot be estimated.

Our senior citizens, persons of 65 years or older, represent a large group of burn victims. Senior citizens account for about 10 percent of our country's total population, but they include 20 percent of all burned clothing cases.

Amazingly, the President's National Commission on Fire Prevention and Control has found that many firefighters use coats made of materials which the National Bureau of Standards has found to be unacceptable under the flammability standards recently issued for children's sleepwear.

In the history of this legislation, only three standards have been issued by the Commerce Department. In 1970, a standard was issued for small carpets and rugs.

On July 29, 1971, a standard was issued for children's sleepwear. Under the current procedures, which I intend to streamline with my legislation, the children's sleepwear standard will not become effective until July 29, 1972. Even then, cautionary labeling will be permitted for another year until July 29, 1973. Thus, 2 years will elapse between the initial publishing of the standard and its final applicability.

The third standard, originally issued back in 1970, deals with mattresses. Again, substantial delays have occurred in the setting of this standard.

One of the most serious problems has been the built-in delays in the standards-setting procedure. Under section 4(a) of the act, "Proceedings for the determination of an appropriate flammability standard" are to be instituted only after the Secretary of Commerce finds "that a new or amended flammability standard . . . may be needed . . ."

The procedural rules set up by the Secretary of Commerce involve two separate proceedings. An initial proceeding is for the development of an appropriate flammability standard. Later, after the conclusion of the initial proceeding, the Secretary either withdraws his finding that a new flammability standard may be needed or institutes a second "rule-making" proceeding for the actual determination of the flammability standard.

These procedures are not required by the statute. My legislation will make it clear that only a single proceeding for the development and determination of a standard will be instituted by the Commerce Department.

In addition to the other problems I have mentioned, the Federal Trade Commission which is charged with the responsibility of enforcing the legislation, has been seriously hampered by the statutory language. In June 1970, then Chairman, Caspar W. Weinberger of the Federal Trade Commission testified before the Subcommittee on Consumers of the Senate Committee on Commerce and recommended amendments to the existing legislation to improve the ability of the Commission to enforce the act. Although amendments incorporating Chairman Weinberger's suggestions have previously been before Congress, no changes have been made and I am incorporating these suggestions into the Flammable Fabrics Act Amendments of 1972 in the hope that they will be enacted into law soon.

Here is what the Flammable Fabrics Act Amendments of 1972 would do:

First, it would require the Secretary of Commerce to submit a report to the Congress within 90 days setting forth the specific types of fabrics for which new flammability standards should be adopted. The Secretary would also be required to submit a schedule describing when he intends to institute proceedings for the determination of such new standards. A specific section of the report will be required regarding the need for new standards covering senior citizens.

Second, it would streamline the standard-setting procedure by making clear that only one administrative proceeding for the development and determination of an appropriate flammability standard should be held by the Commerce Department. Thus, the dual proceedings which are not now required by the statute would be done away with.

Third, my bill would speed up the standard-setting procedure by making new flammable fabrics standards effective immediately, not 1 year after the standard becomes final. At the present time, there is a grace period permitted by the statute which prevents new flammability standards from going into effect for 12 months following publication in the Federal Register.

In order to prevent an inequitable application of a new standard, however, my legislation would permit firms which can affirmatively show that they cannot comply with a new standard to obtain an exemption for 1 year if a cautionary label is included on the product. That label must indicate first that the fabric does not meet the new standard and therefore is flammable; second, that the fabric should not be worn near sources of fire; and third, the particular standard from which the fabric has been exempted. Thus, if the standard simply could not be met, a 1-year delay with a cautionary label would be permitted.

Fourth, this bill calls for a new certifying procedure. No products could be manufactured for sale or sold unless the product is certified by the manufacturer or the importer to meet the requirements of the applicable standard.

Violations of the certification provisions will be unlawful and will constitute an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act. The Federal Trade Commission would be charged with enforcement of the certification provisions.

Fifth, the legislation amends section 7 of the Flammable Fabrics Act which provides criminal sanctions for willful violations of the act. In accordance with suggestions made by the FTC, violations of the act "with knowledge," but not necessarily with "willfullness", will constitute felonies.

Sixth, the legislation specifically requires that within 6 months after the date of enactment, new standards be issued for children's sleepwear covering children up to the age of 12. Currently, proposed standards only cover children up to 6 years old, and this should be broadened.

Furthermore, any act in violation of the statute would be a misdemeanor.

Also, the legislation provides for civil penalties which will give the Federal Trade Commission an immediate sanction and will permit the Commission to go after violators where criminal sanctions are not appropriate.

Although this legislation is written to conform with the present statute which gives authority over the matter to the Commerce Department, if legislation to set up a new consumer safety agency is passed, jurisdiction over flammable fabrics might well become vested in the new agency. These amendments are equally applicable to any such new agency.

Mr. President, we have had the Flammable Fabrics Act on the books since 1953 and when you review the progress we have made in almost 20 years, it becomes clear that we simply have not done enough to meet the problem. I am hopeful that the Senate will act quickly on this much-needed legislation.

By Mr. MATHIAS (for himself, Mr. Beall, Mr. Boggs, Mr. Brooke, Mr. Case, Mr. Cooper, Mr. Hatfield, Mr. Javits, Mr. Percy, Mr. Saxbe, Mr. Stevens, Mr. Taft, and Mr. Weicker):

S. 3492. A bill to provide for a comprehensive program designed to strengthen the criminal justice system in the United States, to attack urban street crime, to undertake new training programs for law enforcement personnel, to improve the training, care, and rehabilitation of criminal offenders, and for other purposes. Referred to the Committee on the Judiciary.

OMNIBUS CRIMINAL JUSTICE REFORM AMENDMENT OF 1972

Mr. MATHIAS. Mr. President, today Senators Beall, Boggs, Brooke, Case, Cooper, Hatfield, Javits, Percy, Saxbe, Stevens, Taft, Weicker, and I are introducing the Criminal Justice Reform Amendments of 1972. It is a massive bill—nine titles, 68 pages, and 18 programs—making up one of the most comprehensive criminal justice reform bills ever introduced in this Congress. It calls for new expenditures of upwards of 1½ billion dollars.

This legislation results from many months and hours of work on the part of each of us. Most of the proposals are new; some reflect ideas already introduced in a preliminary form by the sponsoring Senators; and still others are refinements of bills introduced by Senators on the other side of the aisle. In putting this package together, some of us disagreed among ourselves on certain provisions. Some Senators would still like to modify certain proposals, but we have all agreed to stand behind the bill as a package and push hard for its enactment this year. The most important fact, however, is that the bills together represent one effort—one proposal, making the sum greater than any of its parts.

Crime is not a partisan issue, for surely if this Nation is to stop its growing crime rate, Republicans and Democrats alike must join together. Although the initial effort on this bill was undertaken by a group of Republican Senators, we welcome the support of all. Democrats and Republicans must be willing to have their names side by side on legislation if we are ever to go to the conference table and sit side by side to enact meaningful legislation.

The legislation encompasses the full range of the criminal justice system. It covers prison reform, juvenile delinquency, court administration, criminal court procedures, urban crime, prisoners' rights, training of law enforcement officers, rights of victims, and benefits for law enforcement officers. It calls for comprehensive studies of the whole thrust of our criminal justice system and especially its utility in the area of victimless crime.

If we are to tackle the criminal justice problem in America, we cannot do it in an isolated way. It is not enough to hire police if we do not fully train them; it is not enough to buy new court facilities when we have few professional court administrators to run them effectively; it is not enough to improve our jails if we ignore our courts and our police.

The criminal reform system is one chain linked together by people and institutions. The chain starts when a person is arrested and ends when he is released back into the community. The unfortunate thing about the role of the community, however, is that it often has the inappropriate burden to undo the failures of the criminal justice system, rather than to extend its success.

To make the chain effective, we must repair each link, for today the failure of one is the failure of all. For instance, if the prisons do not rehabilitate, it makes little difference whether the police are competent, but rather as we have seen, the failure of the prisons only provides more grease for the revolving doors of arrest-trial-prison.

The bill which we have introduced recognizes this need for a well-balanced, overall approach to criminal justice reform. We have put together a package which, if enacted, would move the entire system along the path toward greater responsiveness, responsibility, and public trust.

We believe this comprehensive approach as embodied in this bill will reduce the intolerably high level of crime in this country. It will reform our prisons, which now graduate those prepared and trained to commit more crimes. It will reform our courts which lack fairness and efficiency. It will aid our law enforcement personnel who desire and need greater training and professionalism. And, it will reform our attitude about the way we deal with the plight of the innocent victims of crime. These proposals will complement and supplement the great initiatives of this administration.

Let me briefly go through the bill. The summary which will follow these remarks should be sufficient for a detailed explanation.

A good deal of the legislation amends the Omnibus Crime Control and Safe Streets Act of 1968. This is the law which established the Law Enforcement Assistance Administration, alphabetically called the LEAA. This Administration, as many of you know, distributes almost all of the Federal Government's crime fighting money to the States in order to implement statewide plans to fight crime.

Titles I and II of our bill provide the Administrator of LEAA with three additional programs and with an additional authorization of $600 million. Both titles accept the notion that each State must develop and implement criminal justice reforms which they, as individual States and cities, deem appropirate. However, we feel it is necessary that each State and city that develops progressive reforms should be rewarded and encouraged by the Federal Government.

Title I appropriates money to States which enact certain reforms and which submits a statewide comprehensive criminal justice reform plan designed to aid the police, corrections, and court administrators.

Title II creates two programs to directly assist our large metropolitan areas. One program is similar to the one in title I, except here money is passed directly to the large cities. The second is a codification of the President's program on impacted aid to fight "street crimes." The bill recognizes that the city is where the real crime battle must be waged and won.

Title III deals with juvenile delinquency. Few realize that 75 percent of all first-time juvenile offenders are likely to commit further offenses. Ninety percent of all adult felons have juvenile offense records. And to cite one more statistic—perhaps the most meaningful—over 50 percent of all serious crime in America is committed by persons under 18 years of age. Clearly, the juvenile crime of today is the adult crime of tomorrow, and unless we stop this progression, we will have guaranteed crime in America for generations to come. A dollar spent on a juvenile delinquent will be many dollars saved—and, more important, a juvenile saved.

LEAA, through its State plans, distributes the bulk of the money to combat juvenile delinquency, At present they are allocating about 20 percent or $120 million to juvenile delinquency; an amount woefully inadequate considering the amount of juvenile crime. The Youth Development Delinquency Prevention Administration, alphabetically called YDDPA, of the Department of Health, Education, and Welfare, distributes most of the remainder, approximately $10 million.

YDDPA as originally conceived, was to deal with prevention of juvenile delinquency, while LEAA was to deal with treatment and rehabilitation within the traditional criminal justice system. This bifurcation has been blurred and needs once again to be restated.

Title III requires each State to have within its statewide plan, as required by LEAA, a juvenile justice component; that is, a plan as to how the State anticipates to spend its money on juvenile delinquency. A certain percentage of the money which a State received from LEAA must be devoted to juvenile delinquency and this juvenile justice component.

Each State's juvenile plan must contain certain reforms, and $500 million is authorized to implement these reforms. Provision must be made for the existence and coordination of certain youth services and adequate resources for cities. Most important, I believe, is the requirement that States treat and detain juveniles in separate facilities from adults, and, among juveniles, that States treat and detain separately those juveniles who have committed offenses which, if committed by an adult, would not be a criminal act at all. If you put a high school pot smoker or car thief in the same cell as an adult murderer, the juvenile will be likely to suffer and come out a hardened criminal. It would also seem logical that if a child who has been charged as being a "runaway" or a "truant" is put in the same cell as a juvenile rapist, the former will hardly benefit.

This title repeals the YDDPA program and in its place sets up a full-fledged program within HEW for the prevention of juvenile delinquency. The program is a modification of a proposal suggested by LEAA. The Juvenile Delinquency Prevention and Coordination Administration is created with an authorized appropriation of 250 million dollars.

Each State, through an established State Planning Agency, would submit a comprehensive plan in the area of delinquency prevention. States would be allocated adequate money for the creation of such an agency, the required plan, and for the implementation of these plans. Provision must be made for the existence and coordination of certain youth services and adequate resources for cities.

The establishment of this new agency clearly puts HEW on an equal footing with LEAA in the area of juvenile delinquency.

The last section of this juvenile delinquency title sets forth the rights and privileges of juveniles before Federal courts. Until we are certain that the courts and correctional systems are truly going to protect the children of this Nation, we must enact the necessary safeguards. Parents and often judges themselves believe that once a juvenile is subject to the sanctions of the criminal justice system, his interests will be primarily considered. Such a trust has been proven to be illusive for we see the rights and dignity of juveniles trampled upon by the system.

These amendments codify to some extent recent Supreme Court rulings. Their purpose is to afford to juveniles the same procedural rights afforded to adults when appearing before Federal courts, for clearly experience has shown us that the correctional system and its effects make little distinction between adults and children.

Title IV creates regional academies. These academies will have the primary function of providing a uniform 3-year course of instruction for high school graduates desiring a college equivalent degree in one of the many law enforcement fields, including police science, courts, administration, and corrections. In order to graduate, a student must successfully complete a 1-year internship in his or her vocational field in the region in which the academy serves. This internship provides the graduate with a necessary local vocational experience.

The academies in addition would provide other training and educational services to State and Federal correctional personnel, the community, and related professions.

A competent and well-trained cadre of men and women to work in the law-enforcement field is the best guarantee to an efficient and fair criminal justice system. I find it astonishing that we spend millions to train men and women to walk on the moon and only pennies to train law-enforcement officers to walk the streets of our cities.

There is little professional input throughout the entire criminal system. Prosecuting attorneys are asked to decide whether a defendant should be diverted from the criminal justice system. Judges are asked to sentence criminals, and parole boards are asked to decide the appropriateness and the conditions of the offender's release. All of these responsibilities are placed upon these officials, but usually without any professional help. It is an unfair burden to these officials and to the individual offenders.

An administrator at a parole hearing will spend only a few minutes to make a decision that will affect an inmate's life and livelihood. The Board holds an average of 12,000 hearings every year amounting to more than 250 per each working day.

Defendants are now papered through the bail agency to the probation office, to the prison and then to the parole board with little continuity of supervision and with much duplication. It would be better if these functions were performed and coordinated by one body.

If rehabilitation is going to work, we must individualize treatment; we must assess the offender's needs, and relate to him our expectations. No one system of rehabilitation can be tailored for all inmates. To meet these objectives the bill creates a uniform and predictable system of Federal probation and parole administered by district boards. These boards, professionally staffed, will recommend appropriate sentencing, study the progress of the individual offender, recommend parole and conditions for parole, and, in general, provide the needed continuity and supervision which is now lacking.

Title V also creates a commission on correctional standards which will establish broad standards for all of America's prisons. If we are to expect graduates from our correctional system to act and live in society—95 percent of all inmates return to our society—we must treat them in a way which furthers their rehabilitation, rather than their alienation.

When we speak of standards we are not talking about providing a country club setting, but only the guarantee of adequate medical care, food, clothing, and basic constitutional rights. Prison is a place of confinement. But current problems of lack of human rights and dignity are adverse not only to the interests of the inmates themselves, but to the interests of the public in the administration of its justice and to the civilization which we are sustaining.

Title VI provides specific correctional reforms. Inmates in Federal prisons are paid between 17 and 49 cents per hour for work performed in the Federal prison industry. By providing greater benefits and incentives for inmates to work, you are strengthening the rehabilitative system as well as saving money. For instance, for those inmates who are heads of a household, by depriving them of adequate pay to sustain their families, you are furthering the likelihood of having that family's being placed on the welfare rolls to the fiscal burden of the Government. In addition, you are gradually separating the ties with the family, which can be the anchor for any rehabilitative efforts. If an inmate becomes accustomed to work and begins to enjoy it, and desires and receives employment because of it, that is, many times all that is needed for adjustment to society.

Title VI gives inmates in Federal prisons a minimum hourly wage of 75 cents and, to encourage States to do the same, it forbids the Federal Government from purchasing goods produced by State prisons unless a similar wage scale is provided.

The amendment also provides that all profits from the prison industry be used for the rehabilitation of its inmates. Although the Federal Bureau of Prisons has the authority to accomplish this objective now, without legislation, this would make it mandatory and a declared congressional policy. The Federal prison industry must be concerned with producing men and women capable of functioning in society rather than producing profits.

Title VI enables all inmates to get social security credit for time spent working in prison industries. Again, if we are to expect adjustment by the inmates when they return to society, we must make this road to adjustment as short as possible.

The title specifically provides two necessary constitutional rights for all inmates. First, it gives all offenders the right to vote in Federal elections after they have been released from the jurisdiction of the courts. A similar measure was recently passed for the District of Columbia. States determine the qualifications of its citizens to vote. At times, the Congress, the courts and the Constitution have limited that power with regard to voting qualifications for Federal elections. This would create one more such limitation.

Some would extend this right to all elections. We do not go that far. Some would restore the right to vote immediately after release from prison and still others would prevent its denial. We do not go that far. What we say is that when the court no longer has jurisdiction over a particular defendent, at that time the State cannot deprive the offender of his right to vote in Federal elections. Of course, if a State restores this right earlier in the judicial process or never deprives it, then this amendment would have no application.

There is no greater symbolic act of acceptance, nor no greater act of rejection than the denial of the right or the right to vote. In a democratic, free, and dynamic society, the denial of the right to vote makes one less than a citizen for he is denied a most fundamental right. How can we expect ex-offenders to respect the political system—the system which created the courts and the prisons which judged and treated him—if they have no right to vote and exercise their opportunity to lawfully register his views in that system?

Graduates of our penal system should not be identified by society, but only with society.

If one commits an offense against the electoral process, it seems appropriate to deny him his right to vote, for, that would be a rational consequence of his illegal action. This amendment makes such a stipulation. But when one commits a crime, which is unrelated to his right to vote, it is unfair to deny him that right. It reminds me of the illogical application of the sanctions of the law when one is found guilty of stealing a car and the offender is deprived of his license to vote but not of his license to drive.

If our criminal penalties more appropriately fit the crime, all citizens including offenders, would have more respect and less resentment for the law. In the long run, in such a system, there would be greater chance of rehabilitation, for then rehabilitation would be a specific failure of taking into account a specific consequence of a specific act.

Second, a corresponding and relating amendment provides inmates with the right to sue in Federal courts for the restoration of their civil rights. Specifically, the amendment changes title 42, section 1988 of the U.S. Code. This is the section of Federal Civil Procedure which determines the rights of those to have standing to sue in Federal courts. Federal courts however apply the ruling of Erie against Thompson, that is, that applicable State rule on procedure must be applied with regard to the standing of the plaintiff to bring suit. All States have varying forms of procedure including some which provide no standing at all for certain offenders to bring civil action actions, making them—in the eyes of that State law and in their own eyes—civilly dead. This amendment would enable inmates to sue in Federal courts for vindication and restoration of these civil rights.

Lastly the title enables Federal surplus food commodities to be given to State and Federal prisons.

Title VII creates a Federal Commission on Victimless Crimes which will study and recommend to the Congress its findings as to the appropriateness of criminal sanctions to certain crimes where there is no recognized "victim" besides the perpetrator of the crime. Crimes such as drug addiction and use, prostitution, gambling, vagrancy, disorderly conduct, truancy, alcoholism, selective service violations, are some of the crimes which the Commission would consider.

Every major investigation into the criminal justice system in the United States, including the prestigious President's Commission on Law Enforcement and the Administration of Justice, have highlighted this problem. It is often said that if the courts and the correctional system discharges those who are in no need of criminal sanctions and rehabilitation, it would leave those men and women who were indeed criminally dangerous to society.

I would not be surprised to find that those who have been found guilty of victimless crimes become the second offenders—the recidivisits who we often talk about. When you put in the same cell or the same prison one found guilty of gambling or drug abuse with one who has been found guilty of homicide or rape, the results are obvious—the offender of the victimless crime will likely commit a crime with a victim.

Our institutions should deal with these people, but not at the expense of the public and the overburdened criminal justice system. The question is which is the best and most economic approach? It could be that in many cases, health and mental care would be less costly to the society and to the individual. The Commission, it would be hoped, would answer these questions.

Titles VIII and IX relate to a most important area—the real victims of crimes—the people who are robbed, killed, and raped, their families and those who must now care for the victim. And, also the law enforcement personnel who are killed in the line of duty. These are the direct and innocent victims of crime and it is about time the Congress provided for them.

Title VIII provides death benefits of up to $50,000 for law enforcement personnel killed in action. Title IX creates a comprehensive system of reimbursing these victims of crime. This bill is essentially the one introduced by Senator MANSFIELD and already considered by Senator MCCLELLAN's Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee. It provides a mechanism by which citizens who have been injured or killed by violent crimes can be compensated up to $25,000. Similar State programs would be able to be established and funded. The State of Maryland has already established such a system for victim compensation and they should be lauded for their leadership.

Crime, as we all know, is born out of poverty and frustration. This bill makes no attempt to attack all the causes of crime. It should be obvious, however, that we can create an efficient court system, produce trained and competent police, and build modern jails with successful rehabilitative techniques, but if the ex-offender is returned to the same destructive environment we would not have maximized our investment and a good deal of our efforts would be wasted. The cosponsors have addressed these social issues in other legislative proposals. Perhaps we will join together again in a legislative package toward attaining once again these objectives.

Mr. President, I ask unanimous consent that a summary of the provisions of the bill be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE OMNIBUS CRIMINAL JUSTICE REFORM AMENDMENTS OF 1972

TITLE I: MODEL CRIMINAL JUSTICE GRANT PROGRAM

This Title enables the Law Enforcement Assistance Administration (LEAA) to administer funds to qualifying states under a model Criminal Justice Program. A state desiring to qualify for funds must set forth a comprehensive criminal justice reform program for the entire state and its local levels of government. The Federal Government would grant up to 75 percent of the cost of implementing approved projects. A state's comprehensive program must touch all of the facets of criminal justice, including programs designed to renovate facilities, improve law enforcement personnel, improve court administration and the correctional systems of the state. The moneys allocated to any state under the Plan would be *in addition to* any money received from LEAA under existing programs.

The Administrator of LEAA will prescribe basic criteria and requirements for applicant states. For instance, the Title provides that all states must establish: uniform recruitment, retirement and advancement standards, adequate compensation, and mandatory training for all law enforcement personnel.

With regard to court reform, each state and locality within such state must implement such reforms as will insure that the trial of all adult offenses will be commenced no later than 60 days from date of arrest or charge. These reforms may include increasing the number of prosecutors and judges and improving the efficiency of criminal court procedures and administration.

In the area of corrections, each state and where appropriate each locality, under this Title, must: (1) individualize treatment and security through classification procedures; (2) provide comprehensive vocational and educational programs; (3) provide separate detention facilities for juveniles; (4) establish statewide standards for jails; (5) provide extended parole and probationary services; (6) establish statewide training and compensation standards for correctional personnel; and (7) develop and operate community programs for drug and alcohol addicts.

Each state must have under study (1) the consolidation of the law enforcement agencies within the state and (2) the application of criminal laws to victimless crimes.

The Administrator is authorized to provide technical assistance to states and localities in order to implement the objectives of the Title.

The Administrator is authorized to waive some of the basic criteria.

Fifty percent of the funds appropriated under this Title shall be allocated to the State Planning Agencies established in Title I of the Safe Streets Act with the remaining 50 percent left to the discretion of the Administration to be divided among cities and other local governments.

TITLE II: AID TO THE CITIES

This Title authorizes the Law Enforcement Assistance Administration (LEAA) to grant to cities with a population of over 250,000, 300 million dollars to fight crime under either of two proposed programs. Any money received under either program would not decrease any allocated amount eligible to be received by that city under any other program administered by LEAA.

Program #1 (Police, Courts and Corrections) A program is established by which LEAA is authorized to grant up to 80 percent of the appropriated money to eligible cities in order to pay up to 90 percent of the costs of carrying out certain crime fighting programs. An "eligible city" is one which is among the top 25 cities in the United States having the highest crime index as determined by the Federal Bureau of Investigation.

An eligible city shall submit its application directly to the Administrator of LEAA. Such application shall set forth a program for:

(1) *strengthening the police,* including programs designed to: facilitate recruitment and training; improve administrative machinery; aid auxiliary police organizations; and aid enforcement of narcotics laws.

(2) *reforming the courts,* including projects designed to: improve efficiency of court administration; improve efficiency of personnel in connection wtih disposition of criminal cases; establish uniform criteria for pretrial detention; provide alternatives to the bail bond system and establish pretrial services.

(3) *improving the corrections,* including projects designed to: establish appropriate qualifications and standards for correctional officers; facilitate recruitment and training of such officers; provide separate detention facilities for juveniles and relieve overcrowding in existing correctional facilities.

Each eligible city can spend up to ⅓ of its funds on each of the above three components.

In addition, the application must set forth adequate assurances for fiscal control auditing and adequate reporting and evaluation.

Program #2 (Street Crimes) The purpose of this program is to reduce street crimes, such as robbery, rape and homicide and assault.

Any eligible city desiring to participate shall make an application directly to the Administrator of LEAA. Such application shall contain a detailed description of those activities which will best contribute to reducing street crime, including: Public education, increased police patrolling or any innovative police activity or equipment designed to reduce street crimes; programs to create priorities in prosecuting those who commit street crimes, programs for speedy trials and strengthened criminal court procedures and special rehabilitative efforts designed to help first offenders.

In addition, the application must set forth assurances for adequate auditing and evaluation.

The Administrator of LEAA can grant up to 20 percent of the appropriated money to carry out the purpose of this program. The Federal Government is authorized to pay 90 percent of the costs of any project.

TITLE III: JUVENILE DELINQUENCY

This Title repeals the present Juvenile Delinquency Prevention and Control Act of 1968 and creates in its place a comprehensive program to combat juvenile delinquency in America. It proposes a change in the operation of the Law Enforcement Assistance Administration, the Department of Health, Education and Welfare and their respective activities as they relate to juvenile delinquency as well as substantive changes in Title 18 of the U.S. Code governing the rights of juveniles in Federal courts.

A. *The Juvenile Delinquency Prevention and Coordination Administration.* It is envisioned that the Juvenile Delinquency Prevention and Coordination Administration (Federal agency) which is proposed to be created within the Department of Health, Education and Welfare, headed by a Presidentially appointed Administrator, will be the primary grantor of Federal planning and action money for the *prevention* of juvenile delinquency and for the coordination and implementation of youth services among the fifty states.

In order to encourage development of comprehensive approaches to the prevention of juvenile delinquency, the Federal agency is authorized to make grants for the establishment and operation of a State Juvenile Delinquency Prevention and Coordination Planning Agency (State agency). Any existing state-wide agency which meets the legislative requirements can qualify. The State Agency must have the authority to coordinate related juvenile delinquency prevention activities of state operating agencies involved in education, mental health, public health, welfare, youth development and vocational education. The State Agency must be representative of all agencies relating to the prevention of juvenile delinquency in the state and local governments.

The primary function of the State Agency is to develop and coordinate in accordance with regulations and guidelines set forth by the Federal agency, a state-wide comprehensive youth services system (or plan) for juvenile delinquency prevention. This plan shall set forth means in which the state and its localities intend to prevent juvenile delinquency including, but not limited to: individual, family and group counseling; diagnostic services; vocational remedial education and tutoring, and other educational opportunities outside the established school system; emergency shelters; halfway houses; extended probationary and parole services; after-care services; health services; drug abuse programs; social, cultural and recreational activities; para-professional volunteer programs; community awareness programs; runaway homes; foster care and shelter care homes and group homes.

The Federal government shall pay 100 percent of the costs for the establishment of such State Agencies and for the development of these Comprehensive Youth Services Plans. Each state shall receive $250,000 for this purpose and remaining planning money will be divided among the states according to their need and population. Provision is made to assure that adequate planning money will go to local levels of government.

The Federal Agency appropriates "action" money to implement these state-wide plans. However, no state plan will be approved as comprehensive and thus no action money appropriated unless the plan meets certain requirements. Among these are the need to devote adequate resources to (1) urban areas, and (2) alternative methods of handling traditional law enforcement problems which involve juvenile delinquents. The plan must meet certain technical qualifications; for instance, it must set forth a description of the state and local agencies and their juvenile delinquency prevention programs which are planned to be coordinated, five and ten year implementation goals and program coordination with the state LEAA administration. In addition, the Plan must adequately protect privacy rights, provide for assurances of adequate hearings, adequate evaluation and auditing proceedings and assurances that it will provide enough resources to minority and disadvantaged youth.

Seventy percent of the "action" money will be distributed among the states on the basis of their population, retaining 30 percent of these funds for direct distribution to the cities and other levels of government on the basis of need.

The program enables the state administration of courts and corrections upon their approval and designation, to take advantage of these programs as a part of their juvenile justice program.

The Federal agency will be authorized to provide both technical assistance and evaluating services to the states to assist them in carrying out the purposes of this Title. The Federal agency will also serve as a research center in the area of juvenile delinquency and related youth problems. And in order to test this research, the agency is authorized to give demonstration grants for innovative and experimental programs.

Finally, there is established an Inter-Agency Council to be headed by the Administrator of this newly created Federal Agency, and other Presidentially appointed members, for the purpose of coordinating all Federal activities and services relating to juvenile delinquency.

Two hundred and fifty million dollars is authorized to carry out the provisions of this Title.

B. *Amendments to the Crime Control and Safe Streets Act of 1968.*

This Title proposes changes in the operation of the Law Enforcement Assistance Administration as its programs relating to the treatment and rehabilitation of juvenile delinquents.

The Amendments provide that each comprehensive state-wide plan as now required by the Omnibus Crime Control and Safe Streets Act of 1968, must contain a juvenile justice component; that is, a plan by the state and its localities on how it intends to spend its Federal LEAA money for the treatment and rehabilitation of juvenile delinquents. Furthermore, the Amendments provide that a certain percentage of these LEAA funds as determined by the Administrator of LEAA, must be devoted by each state to the implementation of this juvenile justice plan.

The plan to be funded must contain or provide, among other things that:

(1) at least 50 percent of its allocated resources be devoted to the development and use of alternative methods of incarceration and rehabilitation other than in the traditional detention center, training and reform schools and prisons.

(2) the state will treat and maintain in separate facilities and programs juveniles who have committed violations which, if committed by adults, would not be a criminal act, and

(3) sufficient advanced techniques in the development of services and facilities including community based services, diagnostic facilities, expanded use of probation as an alternative to incarceration, etc.

Five hundred million dollars is authorized to be appropriated to the states to implement these plans.

C. *Criminal Code Amendments:*

This Title amends Title 18 of the U.S. Code as it relates to the procedure and rights of juveniles before Federal courts. The Amendment does the following:

Trial Procedure:

(1) Juveniles will not be tried in a United States District Court unless there is no appropriate state juvenile court or state rehabilitation services associated with an existing juvenile court. The burden is upon the Attorney General to so certify; If the Attorney General does not so certify, the juvenile is surrendered to state authorities for appropriate action.

(2) If the Attorney General does so certify, the juvenile is proceeded against through an information (rather than instituting criminal prosecutions); however, criminal prosecutions can be initiated against the juvenile who has committed a crime which, if committed by an adult, would be a felony, provided after a hearing, it is found that there is no reasonable prospect for rehabilitating the juvenile before his majority.

(3) The Attorney General is not permitted to detain any juvenile alleged or found to be delinquent in any institution in which adults are convicted of a crime or awaiting trial.

Rights of the Juvenile Once Detained are set forth:

(A) Juveniles must be advised of legal rights upon initial detention and detailing offices must immediately notify Office of Attorney General and forthwith take juvenile before a committing magistrate.

(B) Juvenile can only be detained in a juvenile home or other suitable place designated by Attorney General. However, once arrested, the juvenile cannot be detained beyond the time than is necessary to produce the juvenile before a committing magistrate.

(C) The committing magistrate shall with all reasonable speed release the juvenile to his parents or appropriate guardians upon their promise to bring the juvenile before the court unless the committing magistrate determines that the juvenile should be detained because he is (1) danger to the community, (2) has no person to supervise his release, or (3) his return to court is uncertain.

(D) The juvenile shall have right to counsel (appointed if necessary) through all stages of the proceeding and unless advised by legal counsel no prior statements of the juvenile while in custody about his guilt or innocence is admissable in court.

(E) The juvenile shall be afforded the privilege against self-incrimination.

(F) Any extra-judicial statement or evidence which would be constitutionally inadmissable in a criminal proceeding against the juvenile shall not be admitted into evidence over the objections made by or in behalf of the juvenile.

(G) All confessions or admissions to support a finding that the juvenile committed the act must be corroborated.

TITLE IV: TRAINING AND EDUCATION PROGRAMS IN THE AREA OF LAW ENFORCEMENT

This Title creates a unique means of providing education and training for those who have an interest in law enforcement. To obtain this objective regional academies are created throughout the country under the supervision of a Coordinating Council.

An eleven member Coordinating Council for Regional Law Enforcement Academies (National Council) is authorized to assist the Secretary of HEW and the Administrator of the Law Enforcement Assistance Administration in creating not less than seven regional academies. The Council shall, among other things, supervise the operation of these academies, establishing general policy guidelines with respect to curriculum development and the general operation of the academies' grant degrees and report annually to the Congress on the operation of the academies.

The heart of the legislation is the creation of regional academies to serve the geographic region which the Academy represents. Although it shall be so located as to best serve the particular region, an existing college campus is given some priority. The regional academy is administered by a Regional Board comprised of two persons from each state within the region appointed by the State Planning Board established in the Omnibus Crime Control and Safe Streets Act of 1968.

The Regional Board's main function is to operate the regional academy. It shall appoint a chancellor and develop, along with guidelines set forth by the National Council, curriculums of study.

A wide spectrum of people will be eligible to attend the numerous types of programs at the Academy. Its major program will be a course of instruction which will lead to a degree in one or more areas in the field of law enforcement. The academy will be authorized to provide a three-year course of instruction for those interested in pursuing vocations in police, court administration, corrections and other related law enforcement fields. The three years of instruction will provide not only specific instuction in a particular vocational field, but also emphasis will be placed on a general liberal arts education including courses in humanities, community relations, civics, psychology, etc. The three year course of instruction in each academy is to be similar throughout the nation in order to achieve uniformity of instruction and competence among its graduates. However, to qualify for the degree and in order to make the education relevant to the region in which the Academy is located, a one-year internship program is required in a law enforcement agency located within the region. Those who attend this degree program will be eligible to receive Federal stipends.

The Regional Academy is authorized to provide full or part-time training programs for state and Federal correctional personnel. In addition, the Academy is authorized to establish programs which will enable it to serve as (1) a training institution for students and practitioners of criminal justice; (2) a centralized channel for the recruitment of criminal justice personnel for Federal, State and local criminal justice agencies; (3) a consultation center for criminal justice agencies and professional schools and (4) a research center for basic and applied studies in criminal justice; $100,000.00 is authorized to be appropriated to carry out the objectives of this Title.

TITLE V: CORRECTIONAL REORGANIZATION AND STANDARDS

A. Reorganization of Federal corrections

This Title creates a unique scheme of assuring uniformity and predictability and an underlining fairness with regard to the treatment of all Federal prisoners throughout all stages of their incarceration and court supervision. At the supervisory level is a Federal Circuit Offenders Disposition Board (Federal Circuit Board). This is an 11 member Presidentially appointed Board. Each appointee represents one of the eleven Federal judicial circuit throughout the country. The Board's main function is to oversee the operation and promulgate guidelines for the operation of the District Boards located within each Circuit Board.

The Circuit Board formulates a national policy for the treatment of offenders under the jurisdiction of all Federal courts. This policy shall include sentencing guidelines and standards for probation and parole.

In each judicial district within the eleven judicial circuits a District Court Disposition Board (District Board) is created. The District Board is to be well equipped and staffed and capable of assuming the functions previously performed by bail agencies, probation and parole boards.

The District Board shall have continuing authority over each defendant and have the responsibility of recommending to the Federal Court such things as the appropriate sentencing for the offender, goals for the offender to attain while incarcerated, and the appropriateness of parole and the type of parole supervision and programs.

The District Boards involvement commences after arraignment of a person charged with a Federal crime. The Board makes a complete investigation of the defendant's background, including family ties, employment record, etc. Where appropriate it shall order mental observations and tests for drug addiction and alcoholism. Within 30 days it submits a report of its findings to the defendant's counsel and the office of the U.S. Attorney having jurisdiction over the case. The report is made a permanent part of the defendant's record and shall include recommendations for alternatives to prosecution and other diversionary programs.

If the defendant is convicted the Board then files a report which recommends sentencing for the defendant.

The District Board, in order to carry out the functions of the Board of Parole and Probation, shall hold annual hearings for each offender. At the hearing the offender shall have the right to counsel and right to cross-examination. It shall make its recommendations to the court as to the form and time of release for the offender.

B. Correctional standards

This part creates a National Advisory Commission on Correctional Standards. The Commission would establish, after one year of study, national minimum standards of policy for the treatment of all inmates—in both state and Federal prisons.

Standards would be developed consistent with 13 general objectives set out in the bill—following hearings by the Commission. Members of the Commission are appointed by the President and will be broadly representative of all fields of criminal justice. Following presentation of standards to the Attorney General of the United States, they would not be changed except by a majority vote of the Commission. The created standards must be pursued by those state correction programs funded by the Law Enforcement Assistance Administration.

In addition, all state and local correctional departments must promulgate and implement within a reasonable period of time these established standards or face a cut off of Federal funds from the Law Enforcement Assistance Administration.

The standards are to be broad in nature and include not only legal rights and administrative policy, but general policies to foster improved inmates-institution relations. The 13 general objectives that the bill sets out can be summarized in four categories:

First, minimum standards to promote respect for the human rights of inmates. Basic needs of the prisoner for adequate food and medical care, sanitary living conditions, recreation facilities, hygienic needs and freedom from sexual attacks and abuse are here considered. Regulations will also cover the sending and receiving of mail, including the opening, censoring and confiscation of correspondence, the right to communicate with those outside the prison, at least with family and friends, access to legal assistance, the right to vote and visiting privileges.

Second, standards will apply to the establishment of mechanisms to raise issues and complaints relating to the basic conditions under which inmates live, the improvement of such conditions and the resolution of grievances. Regulations will also deal with the publication and notice of inmates of rules governing their conduct and the conduct of correctional personnel, and procedures to be followed in adjudicating charges for violations, minimum and maximum penalties and forms of punishment.

Third, standards will relate to the utilization and employment of professional and paraprofessional minority group personnel and to the inclusion of bilingual minimum education services in the prison.

Fourth, standards will relate to special rules applicable to the incarceration or detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex.

TITLE VI: CRIMINAL OFFENDERS' REHABILITATION AND RESTORATION OF RIGHTS

1. With regard to the Federal prisons and the operation of their "Prison Industries," this Title provides that—

(a) *all* profits shall be used for the rehabilitation of inmates under the jurisdiction of the Federal Bureau of Prisons;

(b) a minimum hourly wage of 75 cents per hour for inmates working in the Industry and further provides in order for the Federal Government to purchase goods from a State prison industry, that state prison must pay its inmates an hourly wage of 75 cents per hour.

2. This Title would enable:

(a) State and Federal prisons to deduct social security payments from the salary of inmates received while working in prison;

(b) all inmates in the country to have the right to sue for restoration of their civil rights under the Civil Rights Act.

3. This Title would provide for surplus commodities acquired through Federal price support operations to be given to State and Federal correctional institutions.

4. This Title would grant those convicted of a crime the right to vote in Federal elections when he or she has been pardoned or when he or she is no longer subject to the jurisdiction of the court which originally imposed the sentence.

TITLE VII: COMMISSION ON VICTIMLESS CRIMES

This Title creates a one-year National Commission on Victimless Crimes composed of 15 members appointed by the President. The Commission's function shall be to undertake a complete study and investigation of the application of criminal law and its sanctions to those Federal and state crimes whose only victim is the perpetrator of the crime, so called "victimless crimes." The Commission shall determine for the Congress the propriety of applying the sanction of the law to this area of activity and recommend to the Congress alternative means, if any, of dealing with such violations.

Victimless Crimes includes such crimes as prostitution, narcotic and drug addiction and use, gambling, vagrancy and disorderly conduct, alcoholism, truancy, runaways and other juvenile crimes which, if committed by an adult, would not be crimes.

TITLE VIII: DEATH BENEFITS—LAW ENFORCEMENT PERSONNEL

This Title enables the Federal Government, through its Law Enforcement Assistance Administration, upon certification that a full or part-time law enforcement officer was killed as a result of his employment, to grant $50,000 to the dependents or spouse of said officer. The term "law enforcement officer" is broadly defined to include police, sheriffs, deputy sheriffs, highway patrolmen, firemen, including voluntary firemen, parole and probation officers, correctional personnel, judges, magistrates, justices of the peace, and alcoholic beverage control agents.

The death benefits paid are excluded from one's gross income for purposes of the Federal Income Tax.

TITLE IX: COMPENSATION OF VICTIMS OF CRIMES

This Title creates an Independent Executive Agency run by a three-member Presidentially-appointed Commission called "The Violent Crimes Compensation Commission." The Commission's principal function is to receive and process applications for compensation to the victims of crimes.

Compensation may be awarded for "personal injury" or death which results from an enumerated list of violent crimes. Such crimes include assault, robbery, homicide, kidnapping, obscene acts, rape, indecent acts with children and other crimes which have as an essential element "force" to the person injured. The term "personal injury" for purposes of coverage, is defined broadly to include not only actual bodily harm, but also nervous shock, mental distress, injury to one's reputation and pregnancy.

Compensation may be awarded not only to the injured person but also to any person who incurred a pecuniary loss in maintaining for the victim. In the case of death of the victim, compensation may be awarded for the benefit of dependents or closest relative or again any person who suffered a pecuniary loss, such as funeral expenses. Attorney fees are recoverable under the Act.

Actual compensation may be given for not only the usual reasonable expenses, but also loss of earning power, pecuniary loss to dependents of deceased victims and pain and suffering to the victim. There is a $25,000 limit for any award on behalf of the victim. To be eligible to recover, an application must be filed within two years of the alleged injury.

The Commission and the compensation awarded is independent of any guilt or innocence of the person alleged to have caused the injury. Its only concern is that an act or omission did occur which resulted in a loss to the victim and to the extent of a loss, this Title declares that the Federal Government has a responsibility to compensate. If a person's guilt is determined in a court of law after due appeals are taken, this serves only as conclusive evidence that an offense has been committed.

The Title contains the novel provision that in order for the Commission to pay any claim, the victim must provide satisfactory evidence of a good faith attempt to recover damages from the offender.

The program of compensation covers only Federal crimes and those within the District of Columbia. However, the Act enables each state to adopt similar programs in order for the Federal Government to pay a share (75 percent) of the costs of such program with regard to state crimes.

Mr. TAFT. Mr. President, some people would have us believe that the words "law and order" are merely code words for racial prejudice and bigotry. I believe that the words "law and order" should properly reflect the concern which each man has for the safety of his wife on her way to the market and the safety of his children as they come home from school.

Crime in the inner-city is no myth. It affects black and white, rich and poor, worker and welfare recipient alike. During the decade from 1960 to 1970 our crime rate rose 144 percent. The violent crime rate increased 126 percent. In 1970, in our cities having a population over 250,000 the crime rate was 2½ times as great as it was in our suburban areas and over five times as great as in our rural areas. In 1970 the robbery rate in these cities was over 10 times as great as it was in our suburban communities and over 40 times as great as in our rural areas.

A recent survey published by Life magazine indicates that 78 percent of Americans feel unsafe in their own homes. Of big city residents, 80 percent are afraid to be in the streets at night. Four out of every 10 who responded said that they, or a member of their families were victimized by criminals last year. Thirty-percent keep a gun. Forty-one percent feel that police protection is inadequate.

In 1970, according to FBI statistics, 11 serious crimes were committed each minute. One murder was committed every 33 minutes. One aggravated assault was committed every 96 seconds. A robbery was committed every 91 seconds. Every 43 seconds, a violent crime was committed. Every 34 seconds an auto theft occurred. One larceny was committed every 18 seconds, and one burglary was committed every 15 seconds.

During that year over 100 police officers were slain in the performance of their duty.

Let us make no mistake about it, crime affects the lives of all inner-city residents.

When crime forces companies to take their factories out of the inner city it means a loss of jobs to the very people who can least afford to be unemployed. When burglars rob inner-city homes they steal from families which can least afford the loss. When women are afraid to shop in the inner city, they reduce the number of jobs and the tax base that the inner city needs if it is to survive.

Crime also affects blacks more than whites. In a recent year, out of 100,000 white women, 22 were raped, but out of 100,000 nonwhites, more than 82 were raped.

Out of 100,000 whites, 58 were victims of robbery, but 204 nonwhites were robbery victims; 186 whites were victims of assault but 347 nonwhites were assault victims; and 822 whites were victims of burglary compared with 1,306 nonwhites.

If crime goes unabated in our inner cities, America's great cities will be of uncertain fate. As the crime problem reaches out to our suburbs and our rural areas all of America has a vital interest in crime control.

I am pleased to join with my colleagues in introducing this comprehensive bill that will represent a major commitment on the part of each of us to deal with the crime problem. The time for rhetoric has passed. The time for responsible legislative solutions has arrived.

As this bill demonstrates, a concerned attack on the problems of crime it does not have to be insensitive to our cherished civil liberties. Anticrime legislation does not have to erode the constitutional safeguards which are such a cherished part of America's heritage. But comprehensive crime legislation does have to be effective, and I believe that this measure reflects that balance.

Mr. BOGGS. Mr. President, it is indeed a great pleasure today to sponsor the "Omnibus Criminal Justice Reform Amendment of 1972." This is far-reaching legislation that touches upon every aspect of our war on crime—the criminal, the victim, the law enforcer, the prisons, the courts, and the law. It incorporates many progressive ideas advanced by the finest criminologists in the country and proven successful in test programs.

The people of Delaware, like people throughout the country, are alarmed at the increase in violent crime. In a recent poll taken by Governor Russell W. Peterson, Delawareans ranked crime as the issue that concerns them most and crime reduction as the goal which deserves top priority from the State government.

The response of State and local leaders to the crime problem has been commendable. There is significant movement in many areas. Governor Peterson, who recently took personal charge of the Delaware Agency to Reduce Crime, has announced an all-out drive against violent crime in the State and has made specific recommendations for court reform, prison reform and jobs for defendants. Similarly, Mayor Harry G. Haskell of Wilmington earlier this year declared that "war on crime" would be his No. 1 priority this year. In addition, State Senator Michael Castle, a former deputy Attorney General for Delaware, has introduced legislation into the State Legislature to modernize the State Criminal Code. And Delaware Supreme Court Justice Daniel Herrmann is leading a study into the possibility of dealing with victimless crimes outside of the criminal courts.

I am much encouraged by these developments. These are knowledgeable and dedicated men whose work to reduce crime on all fronts—on the streets, in the courts and in the prisons—will go far toward controlling this problem. I commend them for their efforts. But the Federal Government must take the lead in combating crime and its causes. We cannot expect the States to do it all.

Mr. President, the Congress has acted with vision and responsibility in the area of criminal justice over the last several years. In 1966 we passed the Narcotic Addict Rehabilitation Act. In 1968 we passed the Omnibus Crime Control and Safe Streets Act which created the Law Enforcement Assistance Administration. And in 1970 we passed the Omnibus Crime Control Act and the Organized Crime Control Act.

These measures have provided us with a good beginning and a solid foundation for our war on crime. I was pleased to support each one. Now, with several years of experience behind us, I believe it is time we take a good, hard look at what we have accomplished in this field and what still needs to be done. The "Omnibus Criminal Justice Reform Amendment of 1972" that we are introducing today builds on the foundation of this legislation, strengthening it in a number of ways.

Although significant advances have been made in reducing the number of violent crimes in some areas, we still have far to go. The facts speak for themselves. Drug-related crime is on the rise, in many communities accounting for as much as 50 percent or more of the robberies and burglaries. Court dockets are clogged with criminal cases, creating a backlog which allows offenders to commit more crime before they are brought to justice. Prisons are overcrowded and understaffed or lacking in personnel skilled in the most advanced methods of correctional rehabilitation.

Mr. President, we cannot hope to reduce violent crime by ignoring any one of these facts. Violent crime is the result of multiple causes calling for multiple remedies. That is why I am particularly pleased with the provisions of this bill relating to the special needs—for too long neglected—of the youthful offender, the drug-addicted offender, the law enforcement officer, and the victim of violent crime.

Under title III of this legislation, States applying for Federal law enforcement assistance funds would be required to place a heavy emphasis on juvenile justice in their State plan. Lifetime patterns of criminal activity are usually established during the adolescent years, and so I believe it is of the greatest importance that we concentrate our efforts on diverting the young offender from a life of crime at the earliest moment.

Under this bill, States would be encouraged to finance juvenile justice programs that have proven successful. These include half-way houses, foster homes, family counseling, drug treatment and expanded probationary services, all of which seek to give the youthful offender personalized attention in a noninstitutional atmosphere. The bill also enumerates the rights of a juvenile offender, including the right to be tried in a juvenile court whenever possible and the right to be kept apart from hardened criminals whenever he is confined.

The bill also proposes measures to relieve the Federal courts of much of the burden of drug-related crime. It would establish a District Court Disposition Board in each of the 96 Federal District Courts. The Disposition Boards would review the record of each defendant who is brought before the District Court to determine if he should be tried or diverted from the criminal justice system altogether. Drug addicts, alcoholics and first offenders could, on the recommendation of the Disposition Board, be committed to appropriate detoxification or rehabilitation programs rather than tried, released or imprisoned which would normally lead them to commit more crime. The District Court Disposition Boards provide an opportunity to break this costly cycle.

I might add that the importance of channeling drug-addicted offenders into rehabilitative programs rather than into the courts has been recognized on the Federal level. The city of Wilmington is currently under consideration by the Law Enforcement Assistance Administration for a pilot project of this nature. I am hopeful that it will soon be approved, as such a program would, I believe, have positive ramifications throughout the criminal justice system in Delaware and serve as an example to the Nation.

This legislation, I am happy to note, makes further proposals designed to relieve the courts of their current caseloads and to achieve a goal of trial within 60 days. Title I would provide general funds to States to improve their criminal justice machinery, and this money could be used to increase the number of judges, court administrators, pretrial investigators and other necessary personnel. Title VII would establish a Commission on Victimless Crimes which would undertake a national study of alternate methods of dealing with crimes of gambling, drug abuse, and vagrancy rather than through the overburdened criminal courts.

I am especially pleased with the provisions of this bill dealing with public safety officers including policemen, firemen, and correction officers. I have only the highest regard for these men and women who have an enormous responsibility in our society. They are on the front lines of the war on crime. They did not create the social and environmental conditions that lead to crime. They did not make the laws they must enforce. They do not run the courts or the correctional facilities which are inadequate to meet society's needs. Yet they must daily risk their lives to protect law-abiding citizens from the threat of violent crime. And they are often the most criticized simply because they are the most visible link in our criminal justice system.

Mr. President, I believe they are doing an outstanding job and they are deserving of our overwhelming support. The legislation that we are introducing today takes note of the crucial importance of law enforcement personnel. Grants to the States under title I may be used for the recruitment, training, and compensation of law enforcement officers. Title IV would establish regional law enforcement academies around the country so that police and corrections officers might benefit from the most advanced knowledge in their fields.

Title IX of this legislation takes special note of the needs of perhaps the most neglected group of all—the innocent victims of violent crime. Under this legislation a Federal Violent Crimes Compensation Commission would be created to provide up to $25,000 to needy victims of a violent crime against Federal law. It would also provide grants to States for up to 75 percent of the cost of carrying out similar programs for victims of violent State crimes. Such a system of reimbursement has proven highly successful in the seven States where it is now operating. I have sponsored similar legislation before, and I am pleased to do so again.

All of these features and others which I do not have time to mention merit our consideration. My special interest in this legislation stems from title VII, the "law enforcement personnel death benefits program." This title would provide a death benefit of $50,000 to the survivors of any policeman, corrections officer, or fireman killed in the performance of his duties. I introduced this provision as separate legislation last year—S. 2748—and I was pleased that it was included in the "Victims of Crime Compensation Act of 1972"—S. 2994—introduced by the distinguished Senator from Arkansas (Mr. McCLELLAN).

Police officers, corrections personnel and firefighters, whether they be paid or volunteer, are no less the innocent victims of crime than the private citizens who are injured or slain. The fact is that public safety officers are much more likely to fall victim to violent crimes because of the hazardous nature of their duties.

In many States death indemnities and survivors' benefits for public safety officers are set at an adequate level. Congress, in fact, has already enacted a $50,000 death benefits for policemen in the District of Columbia. But this is not true in all States and all communities, many of which do not offer any death benefit beyond a survivors' pension based on a percentage of the officer's income.

This legislation would provide such a benefit nationwide for any public safety officer certified by the Governor of his State to have died in the line of duty. I believe we owe this protection to the wives and children of these men who must live with anguish and uncertainty each time their loved one is on the job. I also believe we cannot expect to continue to attract responsible family men and women into these increasingly hazardous occupations without offering this kind of benefit.

The need for this benefit was dramatized not long ago in my own State of Delaware when two State troopers, Ronald L. Carey and David C. Yarrington, were slain while pursuing a robbery suspect. They left two widows and four small children without breadwinners. Although the people of Delaware rallied to meet the immediate needs of these families, their needs will be great in the years ahead. As tragic as these deaths are, they are not isolated cases even in Delaware. In 1963 another Delaware State trooper, Robert M. Paris, was slain while on duty, and only a year ago, State Trooper William C. Keller died in a traffic accident while on duty.

Over the period from 1960 to 1970, 1,024 policemen died in the line of duty and 790 firefighters lost their lives. In 1970 alone 100 policemen were slain and 115 firefighters died in the performance of their duties. Comparable figures on the number of corrections officers who have died in the line of duty are not available, but recent disturbances at Attica and San Quentin would indicate that the number has risen sharply.

Mr. President, I conclude my remarks by stressing the importance of this legislation in terms of our continuing commitment to the reduction of violent crime in this country. There are many constructive proposals in this legislation, but I would hesitate to give my unqualified support to all of them without the benefit of full hearings. I urge that they be held at an early date.

Mr. SAXBE. Mr. President, despite fashionable charts and studies we find that crime still remains a serious problem in the United States. It is no longer possible to elude this fact by pretending that the soaring crime rate is the product of keener detection. The question is, What can we do about it? Frequently, the answer is to be compassionate and seek out the roots and primary causes of crime. However, I feel the answer must begin by balancing the rights of victims with the rights of the accused and convicted.

I am convinced that the legislation we are introducing today is an excellent beginning to equalize the rights of the victim and to rectify the injustices currently being done to people accused and convicted of crimes. I feel it is a giant step in the direction of criminal justice reform. And, I am encouraged by the Senators that are dedicating themselves and their energies to the laudable goal of swift, reliable justice for all.

My contribution to this omnibus bill was title I and title II.

Title I is entitled the "Model Criminal Justice Grant Program" and is designed to encourage State and local governments to embark upon a planned, comprehensive statewide program of cooperation to reform their criminal justice system. This title is much like a bill I introduced last year, S. 400, with Senators BROOKE, MONDALE and EAGLETON. Senator BROOKE is here today and we plan to invite Senators MONDALE and EAGLETON as well as all members of the majority to cosponsor this legislation.

Title II is a codification of the President's high impact program to reduce street crime. It gives economic aid directly to cities of having over 250,000 people, to fight crime in either of two programs. The first parallels the statewide comprehensive reform program requiring a modernization of law enforcement agencies, municipal courts and city jails. Whereas, the second program is directed at stimulating immediate programs like public education, increased police patrolling or activity to immediately reduce street crimes such as robbery, rape, homicide, and assault.

All of us here today feel that this bill is a valid start in solving our pressing and long-term crime control problems. I sincerely hope that the Judiciary Committee will hear the bill in a prompt fashion and that the administration, especially LEAA, will give us their support and assistance.

REFORM OF THE CRIMINAL JUSTICE SYSTEM

Mr. PERCY. Mr. President, I join today with 11 of my distinguished Republican colleagues in introducing the Omnibus Criminal Justice Reform Amendments. The bill stands as a positive Republican initiative in the reform of the criminal justice system. It is the result of a great deal of hard work, and represents combined initiatives from all of us and our offices.

There are four parts of this bill which it was my responsibility to research and draft.

The first part is a reorganization of the system of parole, probation, and other related services on the Federal level. The new system proposed in title V of this bill would replace the diverse functions now being performed by the U.S. Board of Parole, the probation office, and bail agencies across the country. In their stead would be local disposition boards on a district court basis. Each District Board would have prime responsibility for an offender from the time of his arraignment through the time that he is released from the jurisdiction of the court.

At each stage of the criminal justice process, the District Board would recommend to the court various actions to be taken, which would range from actions such as drug addiction treatment, alcholic rehabilitation, diversion in lieu of trial, to sentence recommendation upon conviction. The local board would also have the responsibility for determining parole eligibility and in supervising any parole or probation release.

Since the time that I introduced this bill separately on February 17 as S. 3185, I have been heartened from the positive response that it has received from those both within the Government and interested parties in private life. I am pleased now to have the added support of the cosponsors of this bill.

The second part of the bill which I had the responsibility of drafting was that provision in title VI that insures that prisoners will be able to have social security payments deducted from whatever wages they earn while in prison. In this way, they will be qualified for the payment quarters that they spent in prison, and their benefits at a later time in life will be consequently increased. At the present time this is not being done, and this practice needs to be corrected immediately.

Former Secretary of Labor, George Shultz, supported this concept in a speech in Chicago on November 6, 1969, before the Second Annual Business Leader's Emergency Conference on Crime and Delinquency. At that time he stated:

> Provision should be established for prisons to make payments to . . . the social security system based on the prisoner's economic contribution to the prison industries or to the maintenance of the prison. Such a program would serve the need to provide a form of income support for the former prisoner. . . . Moreover, it would serve a psychological need of the prisoner to realize that he has not been completely isolated from the world of work and the community at large.

I look forward to the continued support of the administration in this area.

The third part of the bill which I authored is a provision to amend 42 United States Code 1988. This section governs the jurisdiction and procedural practice of the Federal courts in all civil and criminal matters arising under the civil rights provisions of both title 18 and title 42. As it presently is interpreted, prisoners in 13 States could be precluded from bringing an action to enforce any of their civil rights. This is because these 13 States have "civil death" statutes which deprive a prisoner from bringing any civil suit. I am happy to note that Illinois is not one of these States.

The amendment I propose today will rectify this potential injustice. We will never be able to effect true reforms of our system of criminal justice as long as an individual can be denied the right to redress wrongs committed against him in the name of that system.

The last section of the bill, which I helped in the drafting of, was that part which reenfranchises ex-offenders. I was pleased to be able to join with Senator Mathias in the drafting of this section. Once an ex-offender has paid his debt to society, and society has exacted its pound of flesh, why in the world should we continue to punish that man? Continued punishment is directly contrary to a philosophy of rehabilitation. If we want a man to behave like any other citizen, then we should give him the tools to carry out his complete and total rehabilitation. Too often, by being refused the right to vote, a former offender is never quite permitted to live down what may have been a once-in-a-lifetime mistake, one for which he supposedly has paid his debt to society.

Mr. President, I believe that these four parts of the bill and all other parts deserve the attention of all the Members of Congress who are interested in positive initiatives that will help to reduce the problems of crime by reforming the system that attempts to control crime. I am proud to have joined with my colleagues in this endeavor.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1377

At the request of Mr. Mathias, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 1377, a bill to ban the sale of nonreturnable beverage containers in interstate commerce.

S. 2161

At the request of Mr. Hartke, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2440

At the request of Mr. Cranston, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 2440, a bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes.

S. 2657

At the request of Mr. Bentsen, the Senator from Utah (Mr. Bennett), the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from South Carolina (Mr. Hollings), and the Senator from North Dakota (Mr. Young) were added as cosponsors of S. 2657, a bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings.

S. 3021

At the request of Mr. Bentsen, the Senator from Arizona (Mr. Fannin), the Senator from Colorado (Mr. Dominick), and the Senator from New Hampshire (Mr. McIntyre) were added as cosponsors of S. 3021, a bill to amend section 2031(b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students.

S. 3063

At the request of Mr. Bible (for Mr. Muskie) the Senator from Kentucky (Mr. Cooper) and the Senator from Virginia (Mr. Spong) were added as cosponsors of S. 3063, a bill to amend the Internal Revenue Code to permit tax-exempt organizations to engage in communications with legislative bodies.

S. 3199

At the request of Mr. Hatfield, the Senator from New York (Mr. Buckley) was added as a cosponsor of S. 3199, a bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes.

S. 3380

At the request of Mr. Moss, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 3380, a bill to permit immediate retirement of certain Federal employees.

S. 3393

At the request of Mr. Cook, the Senator from Nevada (Mr. Bible) and the Senator from Oklahoma (Mr. Harris) were added as cosponsors of S. 3393, a bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment.

SENATE JOINT RESOLUTION 180

At the request of Mr. Roth, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of Senate Joint Resolution 180, authorizing the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 38

At the request of Mr. Stevens, the Senator from Delaware (Mr. Boggs) and the Senator from Wisconsin (Mr. Nelson) were added as cosponsors of Senate Resolution 38, relative to the Select Committee on Small Business.

SENATE RESOLUTION 275

At the request of Mr. Stevens, the Senator from Minnesota (Mr. Mondale) and the Senator from Maine (Mr. Muskie) were added as cosponsors of Senate Resolution 275, authorizing Senators to hire interns.

NATIONAL INSTITUTE OF ADVERTISING, MARKETING, AND SOCIETY ACT—AMENDMENT

AMENDMENT NO. 1118

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. MOSS. Mr. President, I submit for appropriate reference, an amendment to S. 1753, a bill to establish a National Institute of Advertising, Marketing, and Society.

Almost a year ago I introduced S. 1753 to establish a National Institute of Advertising, Marketing, and Society, and since then I have been most encouraged by the support shown for this legislation. On October 4, 1971, the Senate Commerce Committee held a hearing on S. 1753 as well as another piece of advertising legislation, S. 1461, the Trust in Advertising Act.

Following the hearing, I asked the Commerce Committee majority staff to meet with the minority staff to develop a compromise proposal which removed the few objections voiced concerning S. 1753 as originally introduced. I am pleased today to introduce an amendment to S. 1753 which incorporates most of the changes agreed to by the majority and minority staffs.

Of particular concern to the marketing and academic community is the revision of section 6, the Advisory Council on Advertising, Marketing, and Society. In the original legislation, the provision for our advisory council were insufficient to handle the scope of marketing problems. Therefore, I propose that an advisory council consisting of representatives of business, consumer groups, labor, the academic community, and other interested persons make up the advisory council. Several other minor changes are also incorporated in the text of the amendment.

Mr. President, I ask unanimous consent that the amendment be printed in the Record at the completion of my remarks.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Strike out everything following the enacting clause and insert in lieu thereof the following:

SHORT TITLE

Section 1. That this Act shall be known as the "National Institute of Advertising, Marketing and Society Act."

POLICY AND PURPOSE

Sec. 2. (a) The Congress hereby finds that—

(1) mass marketing and advertising have significant impact on American Society;

(2) marketing and advertising utilize highly refined techniques about which little information of significance is available to the public and to governmental agencies;

(3) the public interest requires the widest possible range of social and scientific research applied by an institution independent of economic and political pressures; and

(4) there is a need for a focused, scientifically sound program of behavioral research on the economic psychological and social impact of marketing and advertising to be conducted by an appropriate independent institution.

(b) It is the purpose of this Act, therefore, to establish the National Institute of Advertising, Marketing, and Society.

ESTABLISHMENT

Sec. 3. (a) There is hereby established within the National Science Foundation an agency to be known as the National Institute of Advertising, Marketing, and Society.

(b) The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of six years. Under the general supervision of the Director of the National Science Foundation, the Director of the Institute shall be responsible for carrying out the functions of the Institute and shall have authority and control over all personnel and activities of the Institute.

FUNCTIONS OF THE INSTITUTE

SEC. 4. (a) In order to carry out the objectives of this Act, the Institute shall—

(1) undertake, on its own initiative, research projects concerning the impact of advertising and marketing upon society, including the economic, psychological, and social effects of advertising and marketing techniques;

(2) undertake, at the request of any agency or the Advisory Council, specific research projects concerning the impact of advertising and marketing upon society;

(3) testify upon the request of any Federal agency with respect to any issue affecting the impact of advertising and marketing upon society;

(4) collect, analyze, and disseminate to the public relevant information on economic and behavior research relating to advertising and marketing; and

(5) prepare at least annually, and at such other times as the Director may deem appropriate, a report to the Congress concerning its activities together with such recommendations as the Director deems advisable.

(b) The Director shall, whenever feasible, enter into contracts with public or private educational or research institutions for the purpose of undertaking any particular study or research project authorized by this Act.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In addition to any authority vested in it by other provisions of this Act, the Institute, in carrying out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which the Institute's functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Institute, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no more than three individuals so appointed shall receive compensation in excess of the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Act, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(8) provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Director may reasonably require;

(9) make advances, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(10) make other necessary expenditures;

(11) each recipient of a grant under this subsection shall keep such records as the Director may prescribe, including records which can be used to support fully the amount of his grant, and such records as will facilitate an effective audit; and

(12) the Director and the Comptroller General of the United States or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant under this subsection.

(b) Each member of a committee appointed pursuant to section 6 of this Act who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. Each committee member shall be entitled to reimbursement for necessary travel expenses (or in the alternative, mileage for use of his privately owned vehicle and a per diem in lieu of subsistence not to exceed the rates prescribed in 5 U.S.C. 5702, 5704), and other necessary expenses incurred by him in the performance of duties vested in the committee, without regard to the provisions of subchapter I, chapter 57 of title 5 of the United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

ADVISORY COUNCIL ON ADVERTISING, MARKETING, AND SOCIETY

SEC. 6. (a) There is hereby established in the Institute a National Advisory Council on Advertising, Marketing, and Society composed of twelve members appointed by the Director for terms of four years without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and composed of representatives of business, consumer groups, labor, the academic community, and other interested persons.

(b) In addition to the duties established in section 5(a)(7), the Council shall advise the Director of the Institute with respect to appropriate research projects to be conducted by the Institute and to suggest criteria for the priority of such projects.

(c)(1) Members shall be appointed for four-year terms, except that of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of two years, and three shall be appointed for a term of three years as designated by the Director at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall only serve for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) A vacancy in the Council shall not affect its activities, and seven members thereof shall constitute a quorum.

(d) The Director shall designate the Chairman from among the members appointed to the Committee. The Committee shall meet at the call of the Chairman but not less often than four times a year. The Director shall be an ex officio member of the Council and is to be its Executive Secretary. The Council shall keep a complete summary of the proceedings of its meetings which shall be available to the public.

(e) Members of the Council who are not officers or employees of the United States shall receive compensation at an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the Council. Members of the Council shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties in accordance with section 5(b) of this Act.

(d) In addition to the authority vested in it by other provisions of this Act, the Institute is authorized to appoint one or more ad hoc committees composed of such private citizens as the Director deems advisable to advise the Institute with respect to its function under this Act.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR

SEC. 7. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Director, the National Institute of Advertising, Marketing, and Society.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(130) Deputy Director, National Institute of Advertising, Marketing, and Society.".

DEFINITIONS

SEC. 8. As used in this Act the term—

(1) "Council" means the National Advisory Council on Advertising, Marketing, and Society;

(2) "Director" means the Director of the National Institute of Advertising, Marketing, and Society.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated to carry out the provisions of this Act $5,000,000 for the fiscal year ending June 30, 1972, $5,000,000 for the fiscal year ending June 30, 1973, $6,000,000 for the fiscal year ending June 30, 1974, and $6,000,000 for the fiscal year ending June 30, 1975.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1119

(Ordered to be printed and referred to the Committee on Finance.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1100

At the request of Mr. STEVENSON, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of amendment No. 1100, intended to be proposed to the bill (S. 3193) a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on April 20, and 21, in room 3110, New Senate Office Building, on the following bill:

S. 2465, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

ADDITIONAL STATEMENTS

DEATH OF MRS. ABRAHAM A. RIBICOFF

Mr. ALLOTT. Mr. President, all those who were privileged to know Ruth Ribicoff were deeply saddened to learn of her death today.

The Senate is a community of friends who, although divided by political differences, are nonetheless united in a unique mutual respect and affection. Senate wives are not only included in this community of friends, they contribute immeasurably to the vitality and grace of the community. Ruth Ribicoff was a particularly gracious member of this community.

We are all diminished by her death, just as we were all fortunate to have known her.

Welda joins me in expressing our deepest sympathy to Senator RIBICOFF.

COG'S 15TH ANNIVERSARY

Mr. SPONG. Mr. President, the Metropolitan Washington Council of Governments had its 15th anniversary yesterday. This organization grew out of a simple realization that there were certain regional problems which could be best attacked through regional cooperation. Today, as it fulfills its potential for good, COG has won the recognition which its excellent record over the years justifies.

Metropolitan Washington is the fastest growing major metropolitan area in the Nation. The area grew from 2 million people in 1960 to 2.8 million people in 1970, an increase of 211 citizens every day.

With such a rapid rate of urban development, we realize the need for the Council of Governments as the most effective instrument to gain solutions to regional problems such as traffic congestion, inadequate housing, air pollution, water supply, crime and many other problems that do not stop at city or county lines.

The Metropolitan Washington Council of Governments, third oldest of the 250 regional organizations throughout the Nation, has instituted a variety of area-wide programs aimed at reducing these problems.

COG has established radio and teletype networks linking area police, fire and civil defense departments. An area-wide computerized police information system was also developed through COG. It developed a concept for allocating federally-subsidized lows and moderate-income housing throughout the District of Columbia area on a "fair share" basis. I am proud to say, Mr. President, that Fairfax County and Alexandria in my own State of Virginia, along with Montgomery County, Rockville and Bowie in Maryland, have adopted this concept.

"Buses only" express lanes on Virginia's Shirley Highway are another project begun through COG. Aimed at alleviating commuter traffic congestion, the project, now under the direction of the Northern Virginia Transportation Commission, has expanded its services with the addition of 90 new buses to be used exclusively for these lanes. Four thousand more people are riding these buses each day since the project started in 1969.

COG was instrumental in coordinating a high school course on drug abuse now being taught in seven area schools and three youth correctional institutions.

This same body established a data center to disseminate census information to the local jurisdictions on a continuous basis.

COG's efforts to curb the problems of waste and pollution include preparations for a regional sanitary landfill at Lorton, Va. The landfill will initially be able to handle 1,000 tons of refuse, paper, metal, and garbage per day and 2,000 tons per day within 6 months in a completely sanitary manner.

Across the Nation, the Metropolitan Washington Council of Governments has been recognized as the most successful of its kind. Evidence supporting this is the recognition it has received from members of regional organizations who voted members of the Metropolitan Washington COG to the top position of the National Association of Regional Councils in 3 of its first 5 years.

Even a list this long is not complete in this case. For all these achievements in behalf of our local governments and our citizens, I salute the Metropolitan Washington Council of Governments and wish it continued success for the future. Its success is truly our own.

THE ATTACK ON SOUTH VIETNAM

Mr. BENNETT. Mr. President a week ago today, the North Vietnamese military forces, armed with scores of tanks, other armored vehicles, missiles and artillery in direct violation of the Geneva Accords of 1954 and the understandings of 1968 concerning the DMZ, openly violated the DMZ and began a massive invasion of the territory of South Vietnam. This dastardly invasion, which is a direct departure from the guerrilla warfare, should not, and cannot be ignored by Congress, the American public, or the other democratic nations of the world. If we, as a nation, ignore this outright Communist invasion, to subjugate another democratic nation, we will have failed in our historical fight for freedom and self-determination.

There should not be any doubt in anyone's mind about who has prolonged this war and who has been the aggressor in this war. While the United States has been withdrawing its forces from South Vietnam—more than 450,000 men have been withdrawn—the North Vietnamese have been building-up their military forces and preparing for this brutal invasion. While the United States has been abiding by the 1968 understandings in refraining from bombing, the Communist North Vietnamese have once again demonstrated that understandings and agreements will be abiding by them only when it suits their military and political objectives.

The North Vietnamese objectives are quite clear. They are seeking to take over South Vietnam by any kind and all means possible to them—by using most of their combat divisions. They are out to disrupt the Vietnamization program which is designed to prepare the South Vietnamese to defend themselves. They are out to threaten the remaining U.S. forces, some 95,000, in South Vietnam—the vast majority of which are logistical or support troops. We cannot allow these enemy forces to threaten the safety of our diminishing forces. I believe that the United States should take whatever actions are necessary to prevent them from being successful in this dastardly attack on the South Vietnamese.

The North Vietnamese forces have already caused tens of thousands of refugees to flee their homes. They have caused and have inflicted a large number of civilian casualties. They have destroyed South Vietnamese outposts and fire bases by heavy artillery and mortar attacks and have advanced 10 or more miles on a broad front into South Vietnam. This wanton destruction by these forces cannot be ignored.

I hope that Members of Congress who have been calling for an immediate withdrawal of U.S. forces will recognize this dastardly attack by the North Vietnamese as an outright conventional attack and invasion on the South Vietnamese who are only trying to defend themselves and to have the right of self-determination. We cannot fail to help them have that right. Nor can we fail to protect our own remaining forces. The President is making every effort to terminate American involvement in the Vietnam war in a way to insure a lasting peace and to preserve the credibility of the United States to keep its commitments. I believe he deserves the support of Congress and the American people in this undertaking.

BOMBING IN INDOCHINA

Mr. EAGLETON. Mr. President, I returned from a fact-finding trip to Indochina 1 year ago this month. I did not claim that my trip had made me an instant Indochina expert, but I saw what I believed to be serious miscalculations on the part of our policymakers.

In testimony before the Foreign Relations Committee on May 11, 1971, I expressed some of my misgivings:

I come back convinced that the President . . . foresees an indefinite United States presence in Vietnam to insure the survival of a friendly Saigon regime; . . . predicates the safety of those U.S. troops left behind on an overly optimistic assessment of South Vietnamese capabilities and an unfounded hope for North Vietnamese inaction; . . . has taken a risk, by allowing American soldiers and prestige to be held hostage to Saigon's survival, that is neither wise nor acceptable in view of what can be gained.

In the full report of my Indochina trip I discussed what I felt were the long-range intentions of the North Vietnamese:

There is no indication that either North Vietnam's leaders or soldiers have lost their desire to continue to fight. This one fact stands out. Indeed it is the only thing on which journalists in Vietnam and military men seem to agree, and it is extremely important, especially when juxtaposed against our own war weariness.

The North Vietnamese well recognize the depth of American disillusionment over the war from the left and the more recent post-Calley disillusionment from the right; the volatility of the U.S. electoral process which begins in New Hampshire on March 14, less than 11 months away, and the influence of their actions on both American public and U.S. politics.

Therefore, I suspect that the North Vietnamese will stage something dramatic by the summer of 1972. This dramatic endeavor need not be as massive as TET '68. It might be an assault on Phnom Penh or perhaps even Vientiane. It might be several systematic assaults on American manned installations or a sweep through several "fire bases" or towns, in an attempt to exact sizeable American casualties. Or it might be a terrorist blitz in Saigon.

Whatever the mode, the intent will be to force the war back on the "front page" and at the same time force President Nixon to act.

An enemy offensive, depending on its nature, could force President Nixon to take escalatory action, send in U.S. troops or heavy air support, resume bombing of the North, or simply stop withdrawing soldiers. Or, far less likely, it could force him to totally withdraw Dunkirk-style.

I believe the United States could avoid this dilemma by announcing a fixed withdrawal date now, and tailoring our policies accordingly.

Unfortunately, President Nixon did not agree with this assessment. It sometimes appears that nonexperts are more capable of seeing and admitting the failures of erroneous policies than the experts.

Mr. President, I do not claim to have a monopoly on vision, but I do expect that the administration, with its superior facility for gathering information, would not have a monopoly on myopia, either.

The Vietnamization program was wrong in 1971, and it is even more wrong today.

It is apparent now that the administration's "peace initiative" announced on January 25, 1972, was intended to gain the advantage, not at the negotiating table, but in the arena of partisan politics. Some commentators said at the time that the President had "bought time" for his Vietnamization program.

Mr. President, the time has run out.

What is the picture in April, 1972? We have resumed bombing the North. The South Vietnamese army is falling back. The list of POW's and MIA's is growing. We hear talk of recommitting U.S. combat forces.

And the negotiating table in Paris? Vacant.

The American people elected a man President in 1968 because he had a "plan to end the war." Mr. President, the time has run out.

On Sunday, April 9, 1972, the Washington Post published an editorial entitled "The Bombing." This excellent editorial contains some frightening statistics on the United States' bombing effort in Indochina since President Nixon took office.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE BOMBING

In his three years in the White House, Mr. Nixon has dropped more bombs by ton in Indochina, some three million tons, than Lyndon Johnson did in his five years. If you count the 500-pounders and the white phosphorous and the 7½-ton "Cheeseburgers" and all the rest, Mr. Nixon has dropped more than one ton of bombs per minute during every single minute of his administration. He has become—here's a "first" for you—the man who has assembled and let loose more devastation from the sky than anyone else in the history of creation; all this, mind you, while "winding down" the war.

Yet in the past week North Vietnam has been able to send some tens of thousands of troops, with heavy artillery and armor and antiaircraft and even SAMs, across the demilitarized zone into South Vietnam; it has an estimated 20,000 troops pushing off from the Cambodian border near Saigon; it is conducting other military operations in the Mekong Delta and elsewhere. Leaving aside the civilian and environmental damages, one is surely entitled to ask just what military purpose has been served by this torrentuous rain of explosives from the sky?

An obvious reply is, of course, that political constraints have prevented Mr. Nixon from bombing North Vietnam proper in the style to which his predecessor had become accustomed. Instead he has had to do most of his bombing elsewhere in Indochina, and he could not focus the daily devastation on the buildup above the DMZ. Yet the whole Johnson record indicates that although bombing raises Hanoi's costs, Hanoi is prepared to pay those costs. Even the heavy unconstrained bombing on the Ho Chi Minh Trail in Laos has not kept North Vietnam from mustering the threat it now poses in Cambodia opposite Saigon and in the Delta.

Moreover, Mr. Nixon has done much bombing in North Vietnam. Though Mr. Johnson ended regular daily attacks on the North in 1968, sorties by the thousands have been authorized by Mr. Nixon in the name of "protective reaction" against Vietnamese efforts to track or down American planes flying reconnaisance missions over the North and interdiction missions over Laos. Some of these "limited-duration protective-reaction strikes" have gone on for a week or more.

President Nixon's general bombing rationale, as restated by the American command in Saigon just the other day, has been "to help protect the lives of the diminishing United States forces in South Vietnam." Yet virtually none of he remaining Americans are in a combat role (except in the air) or in a combat zone: their lives are *not* threatened. Asked on Thursday about the current raids, Admiral Moorer, chairman of the Joint Chiefs, candidly avoided the customary misleading bows to "protective reaction" and "protecting American boys." The bombing will continue, he said, "so long as the battle that is currently going is supported with resources from North Vietnam . . . as long as there are valid military targets supporting this operation." Defense Secretary Laird confirmed the point on Friday. For at least the span of "this operation," then, we are back essentially to the Johnson policy of regular daily attacks on North Vietnam. A record 500 tactical aircraft and a record 100 B–52s are on the job; a record fifth carrier is being readied to steam into the waters off Vietnam. The ranks of American POWs are again being increased.

In sum, having established himself as the greatest bomber of all time, having surpassed Lyndon Johnson in havoc wrought to the land if not also to the people of Indochina having failed nonetheless to break the will of Hanoi or to deter its largest offensive since Dienbienphu, and having addicted Saigon more than ever to a reliance on American air power even while proclaiming ever greater success for "Vietnamization"—having done all this, Mr. Nixon is bombing still more, while the Russians, undeterred, are providing ever heavier firepower, in the form of artillery and SAM missiles, to their North Vietnamese allies. In what conceivable sense can this be described as "winding down"—let alone ending—the war?

OPPRESSION OF JEWISH CITIZENS OF SOVIET UNION

Mr. MATHIAS. Mr. President, the Congregation of B'nai Israel of Washington, D.C., has shown deep concern for the difficulties suffered by Jewish citizens of the Soviet Union. They are particularly concerned with the welfare of Eva and Hillel Butman and have adopted them as a family.

On March 21, 1972, Mort Yadin of the Congregation B'nai Israel had a revealing telephone conversation with Eva Butman. Hillel Butman is a prisoner of conscience in the Potma Labor Camp. Their dialogue offers a cogent appraisal of the tragic situation faced by many Soviet Jews.

I ask unanimous consent that the text of this conversation, along with a telegram from Congregation B'nai Israel to Ambassador Anatoly Dobrynin, be printed in the Record.

Ambassador Anatoly Dobrynin,
Embassy U.S.S.R.,
Washington, D.C.

On March 20, Eva Butman, wife of Jewish prisoner Hillel Butman, was interrogated, searched, threatened and beaten by KGB agents Stochenko and Lovin after visiting her husband in Potma Prison Camp. As Congregation which adopted the Butman family, we protest this Hitlerite terror tactic against defenseless woman and request assurances it will not reoccur. Committee of this Congregation requests meeting with you to discuss matter. Please advise convenient time and date of such meeting.

Henry Segal,
Rabbi.
Williard Mazie,
President, B'nai Israel Congregation.

Conversation Between Mort Yadin and Eva Butman—Wife of Hillel Butman, Interred in Potma Labor Camp

M. Hello, Eva. Did you visit your husband on March 17th?

E. Yes, I visited him on the 17th, 18th and 19th. On Monday, March 20th, after I left my husband with my escort, Oleg Secheravi, and we arrived at the Potma station in order to go back to Leningrad, we were taken to a militia station and detained on the basis of a fake document which was a provocative document prepared in advance. According to this false document, they said that we had some stolen diamonds and other valuables hidden on us. They conducted an internal and external search. Our request that they should call the prosecutor or produce a search warrant was ignored. And, I was beaten up.

M. Excuse me, were you beaten up?

E. Yes, I was beaten up. I was hit on the face, and my head was hit against the wall. All my face is disfigured and swollen.

M. Did they find anything on you?

E. No, on me, personally, nothing was found.

M. So they beat you up and let you go?

E. In some way they claimed that they found on my escort some notes that were allegedly written by my husband. I also wanted to tell that when I went to visit my husband, I took with me letters from our friends and relatives in Israel. Before going to visit my husband, I turned them in for an inspection so that my husband should be able to read them. After the visit, this correspondence was not returned to me. During the search, all of a sudden, this correspondence was found in the personal belongings of my escort, Oleg Secheravi. Also, they found some notes which were allegedly written by my husband (the handwriting was not my husband's). The search lasted for six hours, 2–8 p.m.; and, of course, no diamonds were found. After the search, two K.G.B. agents arrived, Stochenko and Lovin. Stochenko interrogated me. He asked how it happened that these notes got into the possession of my escort. He said these notes were written by my husband and that my husband will have to pay for this and will get. Do you understand?

M. Yes, I understand.

E. Today I will send a telegram to the camp commandant, Colonel Osipov.

M. I had a telephone conversation with Col. Osipov.

E. When?

M. On February 24th.

E. What did he tell you?

M. He did not give a reply to any of my questions. He said, "All questions concerning prisoners have to be addressed in writing to the Association of the Russian Red Cross. I cannot give any information concerning prisoners over the phone." I told him that in Washington everything is known and all the information will be relayed to President Nixon.

E. (she burst into tears) Please relay to the President that he should help the prisoners and that they, and we, should not perish here!

M. Do not worry, you will not perish; and we will not forget you. I will give all this information to the Press.

E. On February 11th, Penson's mother came to visit him.

M. We know of this incident. The authorities told her that the room for visitors was not ready yet; and after traveling all the way to Potma, she had to go back.

E. There was a four day hunger strike because Misha Shepshilovitch was not permitted a visit by his mother. For a hunger strike there is no prescribed punishment. You can only get solitary confinement. But they got punished anyway. Their extra food was taken away for a whole month. Extra hard labor, carrying of lumber, is done by *Zaslavsky, Penson* and *Kirshner*. They were working with their brigade and performing their quotas 100% and over. In spite of this, they lost their special allowance of two rubles, which they get when the prescribed work quota is done. With this they can buy additional food. Zaslavsky, Penson and Kirshner are not getting their two rubles. *Misha Shepshilovitch* is working in painting; and, although he preforms his quota, he also does not get his two rubles.

M. What else?

E. *Anatoly Goldfeld* is being threatened that he will not receive his parcels which he is supposed to receive after three months. Even the two parcels which a prisoner can receive a year are being threatened. *Lev Yagman's* health is still serious, and it has to be brought to the attention of the International Red Cross. After he left the hospital, he was supposed to get light work; but the doctor did not give a sick ticket; so he has to do hard labor. The only medication that he gets is drops to relieve his heart pains. When he was in the hospital, the doctor promised to assign him to light work but, when he left the hospital, the promise was not kept. *Victor Bugoslavsky* also had a heart attack. Now I can tell you about their diet.

M. Most probably borscht and black bread.

E. Breakfast: ½ litre of meatless, watery soup.

Lunch: 200 grams of peas or oats, which are fit for cattle to eat, or some kasha. 200 grams, that's all.

Supper: 20 grams of what they call fried fish (it does not look like fish) and some rotten potatoes (they even give them plates in which to throw the potatoes because they know they're not edible) and 15 grams of sugar per day.

M. Did you receive my letter?

E. Yes, I received your letter where you informed me that Mr. Goldkind sent me a parcel. I have, as yet, not received the parcel.

M. You will, most probably, get it soon.

E. Thank you very much. I told my husband that we have such good friends in Washington.

M. Did you receive the photograph of Hillel's chair that I sent you?

E. Yes, I received the letter with the photograph.

M. I also sent you a letter on December 15th. You did not receive this letter?

E. No, the December letter I have as yet not received.

M. I sent you a letter on February 29th, and I got the return receipt dated March 10th, signed by you. Is it your signature?

E. Yes, it is my signautre. It is very good that you sent your mail registered with return receipt.

M. This is what we always do. If the letter is not delivered and is not returned, the Soviet government has to pay a Fifteen Dollar fine.

E. Wonderful, wonderful. Very good. I told Hillel that we have wonderful "relatives" in Washington and that I found a good "uncle" who is concerned about us; and he was very glad to hear about our warm "relatives".

M. We will let the Press know what happened. Did you complain to the authorities?

E. Today I will write a complaint to the Minister of the Interior, Shokolov; and I will also send a telegram to Colonel Osipov, commandant of the camp where I will say that I was illegally detained and searched illegally, internally; and also that the K.G.B. agent, Stochenko, threatened to dispose of my husband in the appropriate manner.

M. How does Hillel feel, himself?

E. Fair. He does not have any appetite. I brought some good food. He looked at it, but did not eat any. He lost his appetite and his desire to live.

M. Do you know if the Prisoners receive the parcels that we send from America?

E. Let me give you an example. A food parcel was sent to Aron Shpilberg. The parcel was shown to him, and they said that they would store this parcel with his personal belongings; and when it rots, they would throw it out. Shpilberg asked that the parcel be returned, but they said, "No, it will rot with your personal belongings, and then we will throw it out." Hillel got a Fifty Dollar draft and made arrangements for me to receive his power of attorney in order to cash the draft; but I have not gotten the power of attorney. I think that I will receive it.

M. Some money has been sent to you. Did you receive this money?

E. Yes, yes, I received the money; and it is very helpful. I am grateful, for I could not do without it. Please thank all my "relatives" for it.

M. I will give all your "relatives" regards, and I will also ask your "relatives" to relate your predicament to President Nixon.

E. Now, please listen. The conditions in the camp are unbearable. The prisoners live 40 to a barrack, and they are not allowed to visit their friends in another barrack. If, even by accident, they happen to be in another barrack, another prisoner comes out and reports this to the authorities. Usually this other prisoner is a former Nazi who was responsible for the deaths of thousands of Jews. Immediately, a prison controller appears, and our boys are punished severely for this prison infraction. There is a lot of anti-semitism in the camp.

E. It would be beneficial if our prisoners could be separated from the other prisoners, since they consider themselves foreigners. Our prisoners have no future in the Soviet Union and do not want to have any ties with the U.S.S.R. Their future and ties are with Israel.

In your conversations with your governments or organs of the Red Cross, please stress that these prisoners do not want to have any ties with the Soviet Union, and they are in the camps for reeducation. Why reeducate them when they want to leave the Soviet Union and have no ties with the U.S.S.R.? If they would be let out, everybody would benefit—our husbands, their families and the Soviet Union—since the prisoners no longer consider themselves citizens of the U.S.S.R. and do not want to live in the Soviet Union.

M. We are writing to the International Red Cross, but it is unfortunate that the International Red Cross does not have a representative in the U.S.S.R.

E. Is it possible to have some kind of International inspection of the camps?

M. We are trying. We are sending letters and telegrams. I think that President Nixon will help.

E. We have great hopes in President Nixon.

M. He wrote a letter to Ruth Averbach (Alexandrovitch) and told her that he sympathized with the Jewish problem in the U.S.S.R. and the condition of the prisoners and that he would raise the issue during his Moscow visit. This letter was broadcast by Voice of America to the U.S.S.R. Did you hear it?

E. No, I did not. Do you know the time and the waves of these broadcasts?

M. No, I do not know. Do you listen to Kol Israel?

E. Yes, definitely, every day.

M. Two times a week the Voice of America broadcasts to the Soviet Union on the subject of Soviet Jews. The broadcasts are in Russian. Do you work?

E. Yes, I still work.

M. Where do you work, and in what capacity?

E. I work as an engineer. This is my second job. I was fired from my first job, and I do not know how long they will keep me here.

M. You have my address. Please write me a letter and mail me photographs of Hillel, yourself and your daughter.

E. I will definitely write you a letter.

M. The next call will be on Saturday night, April 1st, which is Passover.

E. Have a happy Pesach and wish all our "relatives" a happy holiday.

M. Be healthy and do not lose your spirits. We will not let you down!

GIL HODGES: A DISTINGUISHED HOOSIER

Mr. HARTKE. Mr. President, recently the world of baseball lost one of its most beloved and widely respected members in the untimely death of Gil Hodges.

We who are from Indiana were particularly saddened to hear of the passing of Gil Hodges for we were proud to have claimed him as one of our most renowned native sons.

Gil Hodges was born in Princeton, Ind., on April 4, 1924. His mother, Mrs. Irene Hodges, still lives in Petersburg, Ind., and his brother is a resident of Evansville.

During his youth and throughout high school, he was regarded as an outstanding player in both baseball and basketball. In fact, it was by virtue of a basketball scholarship that Gil was able to attend St. Joseph's College, in Rensselaer, Ind. During his sophomore year in college, however, Gil was spotted by a scout from the Brooklyn Dodgers and he immediately signed a contract to play for that team.

Little need be said about Gil Hodges' long and distinguished career as a member of the old Brooklyn Dodgers—a team that included such greats as Roy Campanella, Jackie Robinson, Pee Wee Reese, Duke Snider, and Carl Furillo. As the Dodgers' all-star first baseman, Gil compiled an impressive array of records—many of which still stand in both the American and National Leagues. He hit more home runs—370—than any other right-handed batting first-sacker in National League history; he collected a still-standing record of 14 career grand-slam home runs; he put together a string of seven successive seasons in which he had 100 or more RBI's; and finally, he was one of only six players ever to have hit four home runs in one game.

Following his playing days, Gil embarked upon equally distinguished career as a big-league baseball manager. From 1963 to 1968, Gil managed the now departed but scarcely missed Washington Senators—a thankless job, to be sure. Yet at the helm of the Senators, Hodges managed to improve the team's win-loss record each successive year.

In 1968, Gil Hodges assumed the duties of managing the New York Mets following the retirement of that team's first skipper, Casey Stengel. It was with the hapless, fledgling Mets that Hodges reached perhaps the zenith of his career—in just 3 short years, he piloted his errant crew of ragamuffins to a world's championship over the seemingly invincible Baltimore Orioles. This achievement, to most baseball fans, was truly the fulfillment of an impossible dream.

This, then, is the legacy of Gil Hodges. It is said of him that he was one of the nicest guys in all of baseball. Both on the field and off, he demonstrated an unflappability and poise uncharacteristic of most of his peers. Truly he was a man filled with goodness, humility, and gentleness. Not only will the world of sports be diminished by his passing—we shall all miss Gil Hodges.

CHIEF JUSTICE BURGER INSTALLED AS PRESIDENT OF BENTHAM CLUB

Mr. ALLOTT. Mr. President, the recently installed president of the Bentham Club, otherwise known as Chief Justice Warren Burger, has used the occasion of his installation in that office to deliver a most impressive address on "The Doctrine of Judicial Review: Mr. Marshall, Mr. Jefferson, and Mr. Marbury."

This address, delivered February 1 at the University College, London, not only proved that the Chief Justice is a master student of constitutional theory and history; and it not only proved what his service on the Court has already demonstrated—that he is a great servant of the law; it also proved that he was a wise choice to be honored as the first American invited to deliver the Bentham lecture.

It has been said that judicial review is the distinctively American contribution to the art of government. Perhaps that is true. What certainly is true is that it is the instrument by which our living written Constitution translates into power the reverence with which it is regarded by the people.

The existence of judicial review is conforting to all those who believe, as I do, that constitutionalism is the highest social achievement of mankind. And the presence of men such as the Chief Justice to administer judicial review—prudently, with due regard for the popular basis of our Government—is a comfort and an inspiration.

Mr. President, as an American I am deeply gratified by the honor accorded our Chief Justice. As a friend of the Chief Justice I am pleased, but in no way surprised, by the excellence of his address. As a Senator I wish to share his address with the Senate, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE DOCTRINE OF JUDICIAL REVIEW—MR. MARSHALL, MR. JEFFERSON, AND MR. MARBURY

(Presidential address to the Bentham Club by Warren E. Burger, Chief Justice of the United States)

I do not know quite how to express my appreciation for being the first American invited to deliver the Bentham Lecture. I understand that by virtue of the invitation I am to join in the honored roll of Bentham Presidents. Perhaps it tells something of the crushing burdens of that office that it is assumed I will be able to perform from a distance of 3,000 miles!

There are countless American judges, lawyers and legal scholars who would have been more appropriate candidates for this lecture, but you extended the invitation and, in the euphoric mood that often surrounds engagements more than one year in the future, I immodestly accepted.

I was influenced, no doubt, by the pleasure that it would give me to visit London if only for a day or two in the middle of a Term of the Supreme Court. But more than that I felt honored to be given the opportunity not only to be the Bentham lecturer but to be included in this select company.

By sheer coincidence it was 182 years ago today (February 1) that the Supreme Court of the United States first sat—then under the title of the Supreme Judicial Court of the United States.

Reflecting on the background of the Bentham Society, and reading the learned lectures delivered by distinguished judges and scholars who have appeared here, I concluded I would be on safer ground by far if I selected as my subject an aspect of our constitutional jurisprudence that until fairly recent times has been unique to our system of jurisprudence and our form of government.

Lord Bryce once observed that "No feature of the government of the United States has awakened so much curiosity in the European mind, caused so much discussion, received so much admiration, and been more frequently misunderstood, than the duties assigned to the Supreme Court and the functions which it discharges in guarding the Ark of the Constitution."[1] I should add that in some quarters, the Supreme Court's guardianship of that Ark probably has received more guarded praise than in distant places where its impact is purely theoretical.

Lord Bryce, of course, had reference to the doctrine of judicial review, sometimes described as the doctrine of judicial supremacy, in the interpretation of constitutional terms and principles. The writings of Jeremy Bentham reveal little as to his views on this question other than fleeting and uncomplimentary references to the notion that mere judges should be able to declare null and void the acts of a legislative body,[2] and I gather that this view continues to have considerable acceptance in England.

It is helpful to an understanding of this subject to examine it in the setting in which *Marbury* v. *Madison* was decided in 1803 with all its momentous consequences for our country and to suggest to you that this great case had its antecedents in our colonial experience, and its taproots in the declarations of fundamental rights of Englishmen back to Magna Carta.

Very early in the history of our country the colonial experience of living under a parliamentary system with no check on the legislative or executive branch, except that of popular will in a limited way, led our Founding Fathers to feel strongly the need for limitations on all branches of government. The intellectual spadework for the system ultimately adopted for our federal government had been done, of course, by such 17th and 18th Century political theorists as Hobbes and Locke.[3] As we know, the great rationalist Montesquieu contributed the notion of a separation of powers within the government itself, in order that each branch might act as a sort of brake upon the others.[4] As the system works today, one of the checks exercised by the Supreme Court involves measuring executive or legislative action against the Constitution whenever a challenge to such action is first properly brought within the framework of a "case" or "controversy,"[5] and then properly brought within the "appellate jurisdiction"[6] of the Supreme Court.

It has been suggested from time to time that the subject of judicial review of Congressional Acts was not in the minds of the delegates to the Constitutional Convention in 1787. However, such an obviously important question could not have entirely eluded their attention. Some of the delegates, without doubt, looked to an independent judiciary with fixed tenure as a means of protecting the states against the powers of the new national government, whose scope was as yet unseen and unknown and therefore feared. Others, particularly the propertied classes, probably regarded a Supreme Court and an independent Federal Judiciary as a source of protection against the egali-

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tarian popular government advocated by Jefferson. They could not fail to be aware that the exercise of such powers by the judiciary must in some way involve limitations on legislative and executive action.

Some residual controversy remains as to the exercise of judicial review today, but it is largely as to scope, not basic power. It is now accepted that the original assertion of the power was not judicial usurpation as Jefferson considered it.[7] Needless to say, the major challenges to the power have occurred during those periods when, for whatever reason, the Supreme Court has been under attack for its role in contemporary affairs. As an example, many polemics as well as some of the most thoughtful and scholarly challenges were written during the 1930's when, to many of its critics, the Supreme Court represented the dead hand of the past impeding legitimate experimentation and innovation in trying to cope with a crisis. At present, it is fair to say that, absent some unforeseeable convulsion of great magnitude, the doctrine of judicial review, as announced by Marshall in 1803 in *Marbury* v. *Madison*,[8] is likely to remain part of the American system.

It is often assumed that the doctrine was the invention of Chief Justice John Marshall in that most famous of all his opinions. It is true, of course, that Chief Justice Marshall first announced this keystone doctrine of our constitutional law in the *Marbury* case; and it is also true that our written Constitution makes no reference to the theory in defining judicial power.[9] But Marshall was not and never claimed to be the originator of the doctrine since he was well aware of a growing acceptance of the idea that constitutional adjudication was inherent in the very nature of a written constitution. This is not to disparage Marshall for he was the one who recognized the need to enunciate the doctrine as part of Federal jurisprudence and seized—some might say forced—the first opportunity to assert the power of the Court to measure an act of Congress by the yardstick of the Constitution.

But this takes me ahead of my story, and I must turn back to 1776, the very year of the Declaration of Independence. In that year the people of the town of Concord, Massachusetts, held a Town Meeting and adopted a resolution that "a Constitution alterable by the Supreme legislative is no security at all to the subject against encroachment of the Governing Party on any or all of their rights and privileges." Earlier, when the Colony of Massachusetts Bay was under British Colonial rule, the sturdy farm people of Berkshire County refused to let the Colonial courts sit from 1775 to 1780 until the people of Massachusetts adopted a Constitution with a Bill of Rights enforceable by judges.

Notice the premise in these events, 25 years before *Marbury*, that a written constitution would govern the acts of a legislature and protect fundamental liberties. And notice also the tacit assumption that the judicial branch was the appropriate vehicle for providing that protection.

In 1793, ten years before Marshall's decision in *Marbury* v. *Madison*, Spencer Roane, a great judge of the Virginia Court and an intimate of Thomas Jefferson, said, in the case of *Kamper* v. *Hawkins*,

> "If the legislature may infringe this Constitution [of Virginia], it is no longer fixed; . . . and the liberties of the people are wholly at the mercy of the legislature."[10]

To be sure, Judge Roane was speaking to the power of the state courts to strike down legislative acts contrary to the Virginia Constitution, but conceptually the doctrine is indistinguishable from *Marbury*. In 1793 the Commonwealth of Virginia, of course, regarded itself as a sovereign at least equal to the new National Government. Some lawyers, including very good ones of that day, would later hesitate and ponder before taking the final step to make the doctrine equally applicable to a Federal Constitution and a Federal Legislature, but very quickly their strong sense of the rights of the states, that were widely viewed as sovereign in the 18th and early 19th Centuries, would impel them to accept such a restraint on the federal legislative body. Their hesitation was no more than that of thoughtful men chary of granting open-ended power to anyone.

Although I attributed a certain uniqueness to the American doctrine of judicial review as formally articulated in *Marbury* v. *Madison*, it is quite clear that this, like almost all else in our law, has its roots in English legal thought.

Magna Carta, of course, was primarily intended by the Barons as a limitation on King John; but it has come to stand for a limitation on princes and parliaments alike. In one of the very early opinions of the Supreme Court of the United States, *Bank of Columbia* v. *Okely*, 4 Wheat. 235, 244 (1819), one of many containing references to Magna Carta, it was said:

> ". . . after volumes spoken and written [about the guarantees of Magna Carta], the good sense of mankind has at length settled down to this: *that they were intended to secure the individual from the arbitrary exercise of the powers of government. . . .*" (Emphasis supplied.)

Another thread of influence originates with the struggle between Lord Coke and the Stuart kings. Coke's writings and Reports were well known to the American colonists and, even though the dictum in *Dr. Bonham's Case* has never been very closely followed in England, it has been seminal on ours. In that case Coke asserted that

> ". . . in many cases, the common law will controul Acts of Parliament, and sometimes adjudge them to be utterly void: for when an Act of Parliament is against common right and reason, or repugnant, or impossible to be performed, the common law will controul it, and adjudge such Act to be void." 8 Co. 113b, 118a, 77 Eng. Rep. 646, 652 (1610).[11]

And even that super authoritarian, Cromwell, said, 150 years before *Marbury* v. *Madison*,

> "In every government, there must be something fundamental, somewhat like a Magna Carta which would be unalterable . . ."[12]

I doubt that the stern Mr. Cromwell intended to propound the idea a judicial body like our Supreme Court, independent of both the executive and legislative branches, should be empowered to act as a sort of umpire, but obviously he was concerned about unbridled legislative power.

A very important point of departure from England's jurisprudence was the American insistence on written guarantees that would be definite and would narrow the area for interpretation. Each of the thirteen original states of the Union had a written constitution, giving tangible expression to what the farmers of Concord and Berkshire, Massachusetts, demanded as early as 1775. Having said that the idea of written guarantees in a constitution departed in a sense from England's procedents, I am bound to note that even this idea traces directly back to Magna Carta and to the written charters of the colonies.

An important function of a constitution is its organic allocation of powers of government and in this area alone the authority must reside somewhere for a binding pronouncement that, for example, treaty making power is shared by the Executive and the Senate, that the veto power is exclusively for the Executive, the overriding power exclusively in the Congress. More than a decade before *Marbury*, Justices of the Supreme Court sitting on circuit held that state laws contrary to the Federal Constitution were invalid and this was confirmed in *Van Horne Lessee* v. *Dorrance*, 2 Dallas 304 (1795).[13] In his opinion in that case Justice Paterson, sitting on circuit, asserted flatly:

> "I take it to be a clear position; that if a legislative act oppugns a constitutional principle, the former must give way, and . . . it will be the duty of the Court to adhere to the Constitution, and to declare the act null and void." *Id.*, at 309.

We see, therefore, that long before *Marbury* American political leaders, including many of the most distinguished lawyers and judges in the Colonies and in the original 13 states, accepted it as fundamental that a written Constitution was a restraint on every part of the federal government. It does not disparage John Marshall's greatness as a judge or a statesman to say that when he wrote the opinion in *Marbury* he was doing little more than declaring what was widely accepted by so many of the best legal minds of his day—at least when they could divorce politics from reason! If it had not come in *Marbury*, it would have come later but John Marshall was not a man to wait for perfect opportunities if a plausible one offered itself. It had to be said, and Marbury was the fortuitous circumstance that made it possible to establish this great principle early in our history.

The setting in which this great case developed is important. The incumbent President Adams was defeated by Thomas Jefferson in the election of November 1800. But between the time of the election and the following March when Jefferson actually took office, Adams remained in control of the government and in control of what we call a "lame duck" Congress.[14] One of the first things he did after his defeat was to encourage the ailing Chief Justice Ellsworth to resign. The Federalist Adam was, of course, deeply concerned about the future of the country, and undoubtedly about the future of the Supreme Court in the hands of Jefferson and his Republicans. Parenthetically, I should point out that political parties change their names in our country as well as in yours, for Jefferson's Republican Party became the present Democratic Party.

An interesting footnote to history, often overlooked in the appropriate recognition of John Marshall and the wisdom of John Marshall and the wisdom of John Adams in appointing him, emerges from the circumstance that Marshall was not Adams' first choice for Chief Justice after Ellsworth resigned. John Jay, who had served as the first Chief Justice of the United States by appointment of George Washington, resigned as Chief Justice in 1795 to become Governor of New York State. Adams wrote to Jay urging him to return to his old position as Chief Justice but he declined. Interestingly, Jay refused because, as he put it, "I left the [Supreme] Bench perfectly convinced that under a system so defective, it would not obtain the energy, weight and dignity which are essential to its affording due support to the National Government, nor acquire the public confidence and respect which, as the last resort of the justice of the nation, it should possess."[15] His decision not to return to the Court in that frame of mind, thus opening the way for Marshall, was one of the most fortuitous events in the two centuries of our history.

Whatever Jay may have thought of the office, you may be sure that Jefferson was anything but overjoyed at the eleventh hour appointment of John Marshall, who was his distant kinsman but not a friend.

Jefferson's deep and bitter hostility toward Marshall is one of the unplumbed mysteries of this complex man. Some historians explain it in terms of his opposition to Marshall's judicial philosophy, but other explanations are also suggested.[16] Jefferson's choice for Chief Justice, had Marshall not

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been appointed, was Spencer Roane, an able Virginia judge. Yet Judge Roane, described by Professor Charles Warren[17] as "an ardent strict constructionist of the Constitution," showed his basic agreement with Marshall in an opinion for the Virginia court in 1793, stating:

"It is the province of the judiciary to expound the laws. . . . It may say too, that an act of assembly has not changed the Constitution [of Virginia], though its words are expressly to that effect. . . . [I]t is conceived, for the reasons above mentioned that the legislature have not power to change the fundamental laws. . . . [W]ould you have them [judges] to shut their eyes against that law which is of the highest authority of any . . .?[18]

From the day Jefferson took office as President on March 4, 1801, those who were even slightly aware of his hostility toward the Supreme Court, the Federal Judicial Branch as a whole, and John Marshall in particular, could sense that these events foreshadowed a collision of two strong men who had quite different views as to how the United States could best fulfill its destiny.

Underlying the impending conflict was a very fundamental difference between the Federalist belief that a strong national government was the key to the future of the new nation and the opposing belief of the Jeffersonian radical Republicans who feared all centralized power and wanted to keep the states the strong and indeed the dominant political power. When he took office Jefferson still looked with considerable favor on the French Revolution, notwithstanding its later excesses and horrors. Jefferson had been largely aloof from the hardships of our war or rebellion; he lacked the firsthand experience that Washington, Hamilton, and even Marshall, as a junior officer, shared in a war in which 13 quarrelsome and disunited colony-states, functioning through an impotent confederation and a parochial Congress, fumbled and almost failed in raising, equipping and maintaining armies. Jefferson's lifelong passion for minimal government had never been subjected to the acid test of trying to conduct a war with a truly "minimal" government.

Jefferson's remarkable political instincts enabled him to see, far ahead of his contemporaries, that the latent power of the National Judiciary, and especially the Supreme Court, could be a major obstacle to his dream of a simple, loose-jointed national confederation, linking but not binding the several states.[19] But Jefferson was at heart a majoritarian. What the People wanted, the People would have.

Whatever his earlier beliefs, by 1800 Jefferson's distrust of an opposition to the federal judiciary had hardened. From 1800 onward, Jefferson did not waver in this attitude, and in 1820 we find him declaring that:

"To consider the judges as the ultimate arbiters of all constitutional questions . . . would place us under the despotism of an oligarchy."[20]

Similarly, in a letter to a friend dated August 18, 1821, Jefferson wrote—some would say, prophetically—

"It has long . . . been my opinion, and I have never shrunk from its expression . . . that the germ of dissolution of our federal government is in the Constitution of the federal judiciary; an irresponsible body (for impeachment is scarcely a scare-crow), working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one. To this I am opposed; because when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the centre of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated."[21]

From the time he was President to the end of his life, Jefferson did not alter his hostility either to strong central government or to the federal judiciary, and the Supreme Court, in particular, was the target of repeated bitter comments. Of course in the United States we judges have had to learn to accept philosophically all manner of "slings and arrows," and by modern standards Jefferson's characterization of Federal judges as "thieves" is a fairly moderate comment. If he ever recognized that the unsound pronouncements of the Supreme Court could be "reversed" through the constitutional amending process by the People he trusted to much, I have not discovered evidence of it. However, Jefferson would also well understand difficulties of the amending process.

So much for the setting. We now come to the final act.

As sometimes is true of great events in history, *Marbury* v. *Madison* was an accident. But it was an accident which the solid, steady and resourceful Marshall exploited to the fullest. The accident or fortuitous combination was the coincidence of a need, an opportunity, and a man—a man with the foresight, the wit and the courage to make the most of his chance.

Adams, as I have noted, was a "lame duck" President after November 1800, with a "lame duck" Congress on hand for five months after the election. Naturally he made as many appointments as possible. Persuading Ellsworth to resign to make way for Marshall as Chief Justice was one step. The appointment of a goodly number of Federal judges was another. But the far lesser post of Justice of the Peace was the grist of Marbury's case. The story is too well known to be chronicled in detail. Marbury was one of those whose commission as a Justice of the Peace was signed by President Adams and sealed by Marshall (who was still acting as President Adams' Secretary of State even after being appointed as Chief Justice and confirmed by the Senate). But Marbury's commission was not delivered. Legend, supported by letters, tells us this was because of Marshall's careless error as he hastened to complete his duties as Secretary of State and don his robe as Chief Justice before March 4, 1801.

The minor office of Justice of the Peace was hardly worth a lawsuit, but Marbury was a spunky fellow and he sought a direct mandamus in the Supreme Court against Madison, Jefferson's Secretary of State, to compel what Marbury rightly claimed was the purely ministerial act of delivering the commissions that Madison's predecessor Marshall, as Secretary of State, had forgotten to mail out. In the Supreme Court it can be assumed that the first reaction was, "of course," since the Judiciary Act provided that precise remedy—mandamus by an original action in the Supreme Court.

Marshall saw it otherwise. If mandamus issued and Jefferson's Administration ignored it—as was likely—the first confrontation between Court and Executive would be lost—and all of it over a Justice of the Peace commission! The Court could stand hard blows, but not ridicule, and the ale houses would rock with hilarious laughter. If the Court simply refused to issue mandamus in the face of the very explicit authority of the Federalist-drafted Judiciary Act of 1789, this, too, would be an ignominious retreat by the Court—a Court fearing to act because it would not be obeyed.

But if, as no one had even remotely suspected up to that time, Congress could not vest original jurisdiction in the Supreme Court in any cases except those specifically recited in Article III, then the Court could say, "Yes, Marbury was duly confirmed"; and "Yes, the Commission was duly signed and sealed"; and "Yes, this Court may examine into the manner in which the Executive conducts its own affairs"; and "Yes, delivery is a purely ministerial act," and "Yes, it is shameful that the new administration will not perform the simple, ministerial act of delivery"; but the Court could also say, "However, this Court has no power under the Constitution to entertain any original action except those specified in Article III, and hence Sec. 13 of the Judiciary Act of 1789[22] purporting to give the Supreme Court such authority is invalid and, sadly, this action to compel the Executive to do its duty cannot be entertained here as an original action."

And this is precisely what Marshall persuaded the Court to do in a straight-faced, long-winded opinion that exhaustively—and exhaustingly—explored every possible alternative. After doing so, he sadly concluded that the Federalist Congress of 1789 had passed, and the Federalist President, George Washington, had signed, an Act—drafted by no less than Ellsworth, Marshall's distinguished predecessor—that everyone had thought excellent for 13 years, but Section 13 of which was void because it conflicted with Article III of the Constitution.

Jefferson's Secretary of State, Madison, had won the battle; Marbury, the Federalist, had lost, and the real war, the great war over the supremacy of the Supreme Court in constitutional adjudication, had been won by Marshall—and by the United States.

Because it was a small case—almost a joke—few people cared. But Jefferson the lawyer and politician saw that he had been outmaneuvered by the holding of the Court near the time of an election—1803—when it would be very difficult to make an issue of a case decided in his favor and against Marbury, his political opponent. Not even a Pyrrhic Victory! Small wonder he likened the federal judiciary to thieves in the night!

For salt and vinegar in Jefferson's wounds, in the same Term the Supreme Court announced in solemn tones with respect to another section of the same Judiciary Act of 1789 (as to which its Section 13 had now been declared void) that:

"Practice and acquiescence under it [the Act of 1789] for a period of several years [13 years!], commencing with the organization of the judicial system . . . has . . . fixed the construction . . . [and] is too strong . . . to be shaken . . . is at rest, and ought not now to be disturbed."

Marshall is spared the charge of judicial hypocrisy for, having sat as the trial judge on circuit, he took no part in the case in which this was said, *Stuart* v. *Laird,* 1 Cranch 299, 309 (1803).

Not for 54 years after *Marbury* did the Court hold another Act of Congress unconstitutional.[23] In another irony of history, the Court decided in 1857 that Congress had no power to ban slavery in the Louisiana Territory under an 1820 Act known as The Missouri Compromise. This case was the infamous Dred Scott Decision[24] that added fuel to the fires leading to our Civil War.

Another interesting footnote to Mr. Marbury's case is that after 10,000 words, more or less, Marshall held that the Court had no jurisdiction of the case since the statute purporting to create jurisdiction was void. So we have, perhaps, the most important single opinion of the Court in nearly 200 years pronounced in the context of a holding that the Court had no jurisdiction at all! From this, of course, we authoritatively conclude that the Court always has jurisdiction to decide its own jurisdiction!

As with so many great conceptions, the idea of judicial review of legislation, now seems simple and inevitable in the perspective of history. People, not governments, delegated certain powers to the national government and placed limits on those powers by specific and general reservations. The people having flatly stated certain guarantees relating to religious freedom, to speech, to searches, seizures and arrests, would it be

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Footnotes at end of article.

reasonable to think that legislative action could alter those rights? The very explicit procedures for constitutional amendments, standing alone, negate the idea that a written constitution could be altered by legislative or executive action. The language of Article III vesting judicial power "in one supreme Court" for "all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States and Treaties . . ." would be sterile indeed if the Supreme Court would not exercise that judicial power by deciding conflicts between the Constitution, federal laws and treaties on the one hand, and Acts of Congress, the Executive, or States on the other.

To speak of the doctrine of judicial review and of *Marbury*, and fail to add at least a few more words on Marshall would be to serve a great claret without letting it breathe and in a thick porcelain mug.

When one speaks of the "Great Chief Justice" on our side of the Atlantic, every literate person knows the reference is to John Marshall. It does not disparage his unique qualities but rather emphasizes his unparalleled gifts to note that he had no formal education and read law at William and Mary College for a mere few weeks before he was admitted to practice. This becomes more important when we remember that his contemporaries included Alexander Hamilton, Thomas Jefferson, James Madison, and Aaron Burr, who were all highly educated in the classics, all deeply read and trained in law.

There are several other factors, all relating to the political climate, that may help to understand Marshall and his place in history. Going back to the appointment of the first Court in 1790, we must recall that there were no political parties and it was then devoutly hoped that none would evolve. But men who risk all to conduct a revolution must be passionate believers, and our Founding Fathers were just that.

Thus it is not at all surprising, therefore, that when the newly-created Supreme Judicial Court of the United States[25] met for the first time on February 1, 1790, it was composed of men who tended to reflect the views of George Washington and his administration. In short, they were all federalists—the word was not uniformly capitalized then—and they were firm believers in the need for a strong federal or national government as a condition of survival. The Federalists remained in power until Jefferson defeated them in 1800—over twelve years. Quite naturally, then, when Marshall came to the Supreme Court every one of its members shared his political and judicial philosophy.

Since the Court had delivered opinions in only a handful of cases when John Marshall was appointed, there could hardly be a more propitious moment for a judge of great intellectual capacity and remarkable qualities of statesmanship to ascend the highest court in the country. He had every advantage in his favor: he was very literally writing on a clean slate, with the support of five colleagues who shared his basic philosophy, and he had the wit and courage to make the most of his opportunity. As a soldier in the Continental Army, he had learned the need for a unified and strong national government to ensure the cohesiveness essential to survival of a new nation composed of 3 million highly individualistic and scattered people. As a political leader of Virginia, a member of its legislature, a member of the national Congress and a Secretary of State, he understood government. Moreover, as one of the leaders in the Virginia struggle to secure adoption of the new Constitution over the vigorous opposition of men of such stature as Thomas Jefferson and Patrick Henry, he knew how fragile were the ties that held the former colonies together.

Thus to the everlasting benefit of a country begotten in revolution and weaned in confusion and conflict, the United States of America was to be tutored in Constitutional law for 34 formative years by a man who knew precisely what was needed to make a strong nation.

Small wonder, then, that John Adams in 1823, looking back, saw his appointment of Marshall to the Court as one of his greatest contributions to his country. How indeed could there have been a greater one?

FOOTNOTES

[1] James Bryce, *The American Commonwealth*, Vol. I, New York: Macmillan & Co., 1931, p. 242.

[2] "By this unincompetence, by this negation of all limits, this also is to be understood, namely, that let the legislature do what it will, nothing that it does is to be regarded as null and void: in other words, it belongs not to any judge so to pronounce concerning it: for, to give such powers to any judge would be to give the judge . . . a power superior to that of the legislature itself." 9 *The Works of Jeremy Bentham* ("The Constitutional Code") 121 (Bowring ed. 1843).

[3] Thomas Jefferson, in writing the Declaration of Independence, relied heavily upon Locke's *Second Treatise on Government*, almost to the point of plagiarism.

[4] Montesquieu's *L'Esprit des Lois* contains the clearest expression of the principle.

[5] "The Judicial Power shall extend to . . . Cases . . . [and] Controversies. . . ." U.S. Const. Art. III, § 2, cl. 1

[6] [T]he Supreme Court shall have appellate Jurisdiction both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make." U.S. Const. Art. III, § 2, cl. 2.

[7] Although most scholars agree that Article III (granting the judicial power and extending it to "Cases . . . arising under this Constitution, [and] the Laws of the United States . . .") coupled with the Supremacy Clause in Article VI, cl. 2, necessarily includes the power to disregard state or federal statutes found to be unconstitutional, several major efforts to lay a scholarly basis for the contrary conclusion have been made. *See, e.g.*, Boudin, *Government by Judiciary* (1932), and Crosskey, *Politics and the Constitution in the History of the United States* (1953). However, the understanding of the Constitutional Convention seems to have been quite clearly in favor of such a power, *see, e.g.*, Farrand, *The Framing of the Constitution* (1913), and C. Warren, *The Making of the Constitution* (1937 ed.). *See generally* Hart and Wechsler, *The Federal Courts and the Federal System*, 7–37.

[8] 1 Cranch 137 (1803).

[9] The reasons for not writing it into the Constitution are speculative at best. Perhaps it would have been too controversial for some; it could have delayed the final draft; others may have thought it part of the warp and woof of a system of delegated and divided power. In any event, since our Constitution is a document to divide and assign powers and governing functions, the choice of the "one supreme Court" to construe and enforce "the supreme Law of the Land" seems simple, and the grant of power a necessary corollary of that choice. Thus the omission of any reference to the theory may have been due to an unwillingness to elucidate the obvious.

[10] *Kamper* v. *Hawkins*, 1 Virginia Cases 20, 38 (1793). This is by no means the only state case in which state legislative acts were declared unconstitutional by state courts or in which the principle of judicial review was announced. In addition to Virginia, a number of states had each either announced the principle or strongly hinted at it. Among them were Maryland (*Whittington* v. *Polk*, 1 Harris & Johnson 236, 241 (1802)), South Carolina (*Lindsay* v. *Comm'rs.*, 2 Bay 38, 61–62 (1796); also *Bowman* v. *Middleton*, 1 Bay 252, 254 (1792), a conspicuous case in which the court declared an act void because it was against "common right" and "magna charta"), North Carolina (*State* v. ———, 1 Haywood 28, 29, 40 (1794)), Kentucky (*Stidger* v. *Rogers*, 2 Kentucky 52 (1801)), New Jersey (*State* v. *Parkhurst*, 4 Halstead 427 (1802)), and Pennsylvania (*Austin* v. *Univ. of Pennsylvania*, 1 Yeates 260 (1793)). For further detail and a more complete list of early State cases *see* McLaughlin *A Constitutional History of the United States*, 312 n. 34.

[11] For a more complete discussion *see* Haines, *The American Doctrine of Judicial Supremacy*, 29–43 (1959).

[12] Oliver Cromwell, *Letters and Speeches* (Carlyle), Part 7, Speech 3 (Sept. 12, 1654).

[13] Sec. 25 of the Judiciary Act of 1789 in terms granted federal appellate jurisdiction to review judgments of state courts concerning the validity of a treaty or statute of the United States under the Federal Constitution. Sec. 1 Statutes at Large 85.

[14] In Marshall's time, the old Congress met in December after the November elections, and the newly elected Members did not take their seats until the following March. Since some of the old Members had been voted out of office, the December to March sitting came to be called a "lame duck Congress." The problem has been solved by the 20th Amendment which shortens the delay between the time a Member is elected and the time he takes his seat.

[15] C. Warren, 1 *The Supreme Court in United States History* 173.

[16] S. E. Morison, *The Oxford History of the American People*, at 362, states: "Toward Marshall his kinsman Jefferson entertained an inplacable hatred because he [Marshall] had shown him up and broken the sentimental . . . bubble in the XYZ affair."

[17] C. Warren, *Congress, The Constitution and the Supreme Court* (1935 ed.) 58–59.

[18] *Kamper* v. *Hawkins*, 1 Virginia Cases 20, 38 (1793), *supra*

[19] Somewhere along the line in the development of his political philosophy, Jefferson had lost trust in the belief, expressed in a letter to a friend in 1798, that:

"The laws of the land, administered by upright judges, would protect you from any exercise of power unauthorized by the Constitution of the United States." Jefferson to Rowan, 9/26/1798 *writings;* Ford ed., VIII, 448.

[20] Jefferson to Jarvis, 9/28/1820 *Writings;* Ford ed., XII, 162.

[21] *The Writings of Thomas Jefferson*, H. A. Washington Ed., VII, 216.

[22] Sec. 13 of the First Judiciary Act provided: "The Supreme Court . . . shall have power to issue writs of . . . mandamus . . . to any courts appointed, or persons holding office, . . . of the United States." 1 Stat. 81.

[23] However, in *Martin* v. *Hunter's Lessee*, 1 Wheaton 304 (1816), Justice Story for the Court firmly asserted the power of the Supreme Court to invalidate a state statute contrary to the Federal Constitution.

[24] *Scott* v. *Sandford*, 19 Howard 393 (1857).

[25] The Journal of the Court used this title for the Court until the February 1791 Session.

GENOCIDE AND THE GRAND ILLUSION

Mr. PROXMIRE. Mr. President, the eye of the artist often perceives our society with far greater clarity than we do ourselves. Perhaps this stems from a certain detachment, but somehow the picture of mankind revealed through literature, art, and music strikes to the very depths of our humanity and civilization. It reveals a truth and simplicity that we but rarely comprehend.

This has been true of all the great

artistic masterpieces. We examine them and are refreshed by a new and clearer understanding of the strengths and weaknesses of our own character and of our collective humanity. One such artistic creation was the brilliant cinematic work by Renoir, La Grande Illusion. For those of us who have had the great fortune to see this film classic, our very perception of life has been heightened.

I raise this piece of artistry in connection with the treaty for the prevention and punishment of genocide, for it teaches a lesson. Renoir's masterpiece depicted the inanity of war and the senselessness of violence. Set during World War I, the film focused on the conflict between Frenchman and German, but with uniforms set aside it became the story of every man. It became the tale of class conflict, of rampant militarism, and of covert anti-Semitism. In a brilliantly subtle pattern the director wove together the intricate threads that make up mortal man; his love and hate, courage and fear, friendship and fickleness.

But the most crucial and profound revelation of the film was man's inexhaustible ability to delude himself. Renoir saw in all mankind the penchant to believe that problems would solve themselves. War and its concomitant misery would be swiftly ended, evil could be wished away. The untainted goodness of nature would prevail. This, Renoir poignantly reveals, is the grandest of illusions.

Certainly optimism is a virtue in life, but only when tempered with realism. Renoir realized this and, so must we. The evils of the world never can or will be swept away by good intentions or wishful thinking. Rather, bold initiatives and concrete steps must be taken to move mankind forward and to insure a free and peaceful world community.

The Genocide Treaty represents such a forthright initiative. If we are ever to get out from under the tragic grand illusion which Renoir perceived, we must move to ratify this treaty to outlaw mass violence and brutality. No longer can we sit idly by, waiting for a better world.

NATIONALIZATION OF U.S. RAILROADS WOULD BE A COLOSSAL MISTAKE

Mr. TAFT. Mr. President, with five of America's major eastern railroads in bankruptcy, there are increasing suggestions that our railroads should be nationalized. The enthusiasts of nationalization fail to recognize that America's railroads, despite their handicaps, generally earn more money and generally have lower rates than nationalized systems. In 1968, for example, the profit and loss picture for major world railways excluding subsidiaries, was as follows:

	Millions
United States (All class I)	$565
Canadian Pacific Railway	21
Netherlands Railways	(41)
Canadian National Railways	(116)
British Railways	(354)
Japanese National Railways	(376)
Italian State Railways	(578)
German Federal Railway	(704)
French National Railways	(901)

During that same year, freight revenue per ton mile was as follows:

	Cents
Canadian Pacific Railway	1.28
United States (All class I)	1.31
Canadian National Railways	1.32
Japanese National Railways	1.66
Netherlands Railways	2.07
Italian State Railways	2.40
French National Railway	2.83
German Federal Railway	2.88
British Railways	3.34

In my judgment, nationalization would be a colossal mistake. I believe that it is far preferable for us to implement policies which would permit the railway industry to regain its competitive posture and regenerate itself. Since March of last year I have repeatedly pointed out the extent to which unproductive branch lines sap the vitality of our railway systems. Others have pointed out the extent to which other discriminatory policies adversely affect our railway systems The American taxpayer does not need to be saddled with the burden of operating or subsidizing our railways, if we can only provide the type of economic climate in which an intelligent railway management can operate.

The General Electric Corp. has recently issued a statement with respect to America's railways entitled "The Spirit of 1776." I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE SPIRIT OF 1776

Liberty is the breath of progress . . . the opportunity to explore, to experiment, to start fresh, and to succeed.

It is freedom of thought and thrust . . . freedom to move forward without arbitrary influence and freedom to contribute to the great American enterprise.

Liberty . . . the spirit of free men in a free economy . . . the spirit of our forefathers and, God grant, the spirit we hand our sons and daughters.

Now, as our nation stands on the threshold of its 200th anniversary, we need, more than ever before, a rekindling of this spirit of '76 in the minds of Americans.

This is the destiny of Seaboard Coast Line Locomotive 1776.

Colors flying as it powers its way throughout the countryside or under lights in ceremonial glory, Locomotive 1776 serves as a visual testimony of the vital role which free railroads and free enterprise, working together, have played in building America's health and strength.

Continuation of our national growth depends on the improved service which a strong rail network will contribute in a balanced transportation system.

To this balanced utilization of all modes, the steel wheel on the steel rail brings unique assets.

It alone has the ability to move the massive volume of freight that our expanding economy will generate.

In addition, railroads hold the answer to several ecological challenges. They consume less resources per ton mile of traffic, while helping reduce pollution and congestion.

Railroads have helped meet the national growth challenges with progressive technologies like high horsepower locomotives, automatic car identification, development of piggyback traffic, and the unit train.

These advances allow the same number of locomotives to move 31% more ton miles of freight than they did in 1961.

Yet, the industry's financial position has never been so vulnerable.

In the face of unequal taxes and regulation, as well as policies which force the continuation of uneconomical services, it is losing its ability to build for the future.

The financial stress caused by this imbalance has led some to advocate federal ownership of American railroads.

Perhaps, then, it is appropriate to remind ourselves of the benefits provided by our privately-owned railroads.

A recent study shows that the cost of moving freight is higher on nationalized railroads than on those in America.

Moreover, the study points out that only privately-owned railroads operate at a profit—inadequate though it may be to revitalize them.

These facts substantiate what the experts have long known . . . that nationalization is not the answer.

History tells us that once the discipline of private ownership is removed from one industry, costly nationalization spreads.

Thus, our privately-owned railroads must be allowed to modernize through legislation that provides equal regulation and balanced opportunity.

General Electric supports the objective of restoring railroads to the viable industry this nation must have if it is to enjoy continued growth and prosperity.

Many of the following proposals designed to strengthen the railroad industry should be seriously considered:

Loan guarantee policies, financial assistance programs, and investment tax credits which allow railroads to continue long-term modernization required to meet the transportation needs of an expanding economy and population.

Balanced regulation among all transportation modes, rate levels adequate to cover costs and a fair return on investment, and the freedom of adjusting rates in order to attract new business, retain present traffic and improve earning.

Elimination of unequal tax assessments imposed on railroads by states and municipalities.

Permission to abandon facilities and light density lines which do not generate the revenue required to offset operating costs.

Allocation of transportation trust funds to increase safety at rail-highway crossings.

Removal of preference taxes from present amortization available to railroads and speeding up depreciation guidelines for rolling stock. A depreciation program which covers investment in fixed plant.

Inclusion of railroads in the federal assistance that other modes receive after damage caused by acts of nature.

A railroad industry-government research program and the balancing of federal research and development efforts among all modes. In 1969, only 2% of the $463.3 million allocated to transportation research was spent on railroads.

Increased government support of commuter and medium-distance service pending the conclusion of market research.

These proposals, if made effective, will give railroads equal opportunity in a balanced and progressive national transportation system.

They will help the railroad industry keep pace with our national growth by allowing it to invest in a panorama of exciting new customer service concepts and retain its prominent position in the greatest free enterprise system in the world . . . a system conceived and nurtured by generations of patriots who dedicated their vision, their vitality, their very lives, to the American dream and what it means—a dream in which stirs the spirit of '76 and the breath of progress.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, this past month, the United States suffered its second highest trade deficit in history. Imports exceeded exports by more than $597 million dollars in February—an increase of $278 million over the January deficit.

Despite the rhetoric of rosy promises, the administration's approach of currency devaluation, negotiations and more studies is not going to bring us out of the trade crisis, save American industry nor find jobs for the hundreds of thousands of Americans that have been thrown out of work because of imports.

Despite the evident exporting of hundreds of thousands of American jobs, there have recently been a host of studies that purport to show that transnational companies have created domestic jobs. Most of these have come from private associations of transnational firms. It is no surprise that these studies and surveys have been self-serving. Relevant questions are not asked, the firms covered by a survey remain anonymous so that an independent check is precluded and the figures are usually not corrected for acquisitions. What is shocking is that the U.S. Department of Commerce has become involved in similar manipulations of data.

Mr. President, Mr. George Meany, president of the AFL–CIO, recently wrote to Commerce Secretary Peterson pointing out distortions in the Commerce Department study of transnational firms. Although a Government department is supposed to be on the side of the public and a servant of the truth, the study questioned by Mr. Meany involved ignoring damaging data to make transnational firms look good. As Mr. Meany put it, Commerce simply "omits half of the iceberg."

Because Mr. Meany's letter so clearly points up a distortion in this area of growing public debate, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 20, 1972.

Hon. PETER G. PETERSON,
Secretary of Commerce,
Washington, D.C.

DEAR SECRETARY PETERSON: A Commerce Department report, "Policy Aspects of Foreign Investment by Multinational Firms," misrepresents AFL–CIO views on international trade and investment. The report even presents an unfair analysis of employment figures to conclude that "an examination of the relevant data . . . does not bear out labor's contention that overseas investment operations result in declining employment." I urge you to correct the public record.

The AFL–CIO has asked for modernization of U.S. trade, tax, investment and related international policies, because the world has changed and jobs of millions of Americans are now adversely affected. The AFL–CIO also supports the Burke-Hartke bill, H.R. 10914 and S. 2592, legislation designed to modernize U.S. laws on international trade, taxes and related issues. The Commerce Department report emphasizes only multinational firms with misleading analysis.

Unemployment is a serious problem in the United States. The AFL–CIO has stated that complex changes, including the operations of multinational firms, increase that unemployment. Any fair examination even of the employment figures used in the report as "relevant data" shows that the analysis is distorted:

For employment figures, the Commerce Department selected 14 industries "which include the largest overseas investors" to suggest the multinational firms' relationship to employment.

Employment gains of 11 industries with rising employment are said to be "nearly equal" to total U.S. employment gains between 1965 and 1970.

A fair analysis would show that total U.S. employment rose 2½ times faster than employment in the 14 industries selected. The reason for the difference is that the report's analysis included only 11 industries with rising employment in its comparison with total employment rises of all U.S. industries. In other words, the analysis omitted three industries with declining employment of the total 14 selected in a comparison with total employment gains of all industries. All 14 industries—those with declining and rising employment—showed a 7% employment increase, and all U.S. industries—those with declining and rising employment—showed a 17% employment increase. A fair analysis would have made that comparison instead of omitting three industries with declining employment and comparing 11 out of the 14 with all U.S. industries to show that the employment gains were "nearly equal."

The three industries with declining employment accounted for 44% of the 14 industries' employment in 1965. The analysis does not mention this relationship and thus omits half of the iceberg. These three industries showed a decline of over 80,000 jobs in the five-year period. By 1970, their share of employment fell to 39%.

The 14 industries' share of total U.S. employment dropped from 6.2% in 1965 to 5.6% in 1970. The analysis does not mention this fact.

The employment figures used for the 14 industries selected are for all workers in those industries, not just employees of multinational firms. Thus the figures do not even reflect the employment trends of firms with overseas investment or employment trends of multinational firms which have production in those industries. If BLS data on all U.S. industries were used to compare those industries with rising employment and the 11 industries with rising employment the percentages would be 21% and 16% between 1965 and 1970.

Therefore, the analysis is biased and the conclusion is false.

In the interest of accurate public information, I urge you to correct the public record.

Sincerely,

/S/ GEORGE MEANY,
President, AFL–CIO.

OPPRESSION IN THE SOVIET UNION

Mr. ALLOTT. Mr. President, the current shameful persecution of Alexander L. Solzhenitsyn by the Soviet authorities should sharpen our awareness of the persecution suffered by all the oppressed persons in the Soviet Union.

A principal case in point is provided by the Byelorussian people. We have recently commemorated the 14th anniversary of the proclamation of the Declaration of Independence of the Byelorussian Democratic Republic.

The independence of that Republic was short lived. It now enjoys only a fictitious freedom. But like the brave Solzhenitsyn, we should all rededicate ourselves to bring about the day when sham freedom will be replaced by real independence for all the peoples currently suffering under Soviet domination.

HATCH ACT REFORM HEARINGS: "SALUTE TO THE PRESIDENT"

Mr. MOSS. Mr. President, on April 26, the Senate Committee on Post Office and Civil Service will begin hearings on several long overdue proposals to reform the Hatch Act—the statute which has restricted the political activities of Government employees for the past 30 years.

The purpose of these reform measures is twofold:

To permit Government workers greater participation in our democratic processes, while at the same time protecting the same employees from pressure to make financial or any other politically related contributions, in order to maintain their status in the Government service.

For a long time, now, I have been concerned primarily with the first of these goals—the liberalization of the Hatch Act to permit Government employees their fullest rights of citizenship, including the right to participate actively in political organizations and campaigning.

Reform would be incomplete, however, if it failed to take account of the second goal. Existing law has proved itself inadequate in protecting Federal employees from pressure to make financial contributions to the political activities of the incumbent administration.

Early this year, six ranking executives in the GSA's Federal Supply Service were charged with Hatch Act violations. They were accused, specifically, of pressuring their subordinates to buy $7,000 in tickets to a nationwide "Salute to the President" dinner staged on November 9.

A number of serious unanswered questions surrounding this case demand investigation by Congress.

First of all, why did the Civil Service Commission, which is responsible for enforcement of the Hatch Act, fail to take any action whatsoever in this GSA matter until November 24, and then only after the story had already appeared in the newspaper?

Second, why has the Justice Department failed to take criminal action against those indicted by the Civil Service Commission even though the actions with which they are charged also constitute infractions against Federal statutes prohibiting the solicitation for political purposes on Federal property?

A more interesting question revolves around the quota system itself. Why has the Justice Department failed to investigate the Government-wide implications of the Federal agency being pressured into buying a certain number of tickets to the Presidential dinner?

These are among subjects related to the GSA case which should be taken up in the Hatch Act reform hearings.

DANVILLE, ILL., POLICE INSTITUTE PEDESTRIAN SAFETY PROGRAM AMONG GRAMMAR SCHOOL CHILDREN

Mr. PERCY. Mr. President, automobiles are more lethal than all of the armaments of war. And, as in wartime, the victims are most often the innocent. The number of automobile fatalities is alarmingly high. Last year alone, nearly 55,000 people were killed in automobile accidents. Of these, 10,400 were pedestrians, and of this figure, in turn, one-third of those killed were children.

In Danville, Ill., something is being done about the problem. The local police there have instituted a program among the grammar school children in Vermilion County to emphasize pedestrian safety.

Of course, it is impossible to say how many young lives will be saved as a result of this police initiative. I think, however, that, if one child's life is preserved, the program will have paid for itself many times over.

Mr. President, I ask unanimous consent that an article published in the April issue of the FBI Law Enforcement Bulletin be printed in the RECORD. The article was written by William Brey, chief of police in Danville, who deserves great credit for initiating this important program.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRIENDLY TOWN

(By William Brey)

During the fall of 1969 the members of the Danville Police Department, after reviewing accident statistics for a number of years, determined that the normal accident prevention programs used within the city were not reaching the persons who were increasingly becoming involved in motor vehicle collisions.

The pedestrian accident rate involving children aged 4 through 9 was increasing at an alarming rate, and it was evident that our programs were reaching into the elementary school too late to prevent many of the tragedies which were occurring on the streets in our community. To effectively combat this problem, we would obviously have to take a fresh approach to educate our preschool and elementary school children in the basic principles of traffic safety.

Members of the police department staff and interested city officials, after reviewing programs which had been conducted in other cities the size of Danville, decided that the best approach to the problem would be an offstreet facility. There police officers and other persons interested in traffic safety could instruct young people in a controlled situation having all the elements necessary to create an effective learning process. Offstreet projects had been constructed in other cities throughout the country, but, since each community has its own peculiar traffic problems, we decided that our program would be designed for the particular problem in Danville.

Members of the city council and the mayor pledged their support to the program and, in addition, placed approximately 1½ acres in a city public park at the disposal of the police department for construction of the project. Since the time involved in the program would be extensive, the Vermilion County Civil Defense Director, Mr. Earl Winland, volunteered his services as project coordinator and was appointed as such by the City Council of Danville. Initial planning began in 1970, and the rough sketches and draft of the street complex in the program were given to a local architect who volunteered his time to develop the initial plan into a final draft.

At this time it became apparent from contacts with various groups in the community that some support other than public contributions would be needed if the program was to become operational within the near future.

The coordinator and members of the police department staff presented a program on the planned construction of the project to the county board of supervisors and members of the city council and obtained approval to submit a request for funds through the State to the National Highway Safety Bureau.

The project application was submitted and approved by Federal and State authorities, and $32,000 was allotted in Federal matching funds for the construction of the project.

In the meantime, to stimulate public support, members of the police department and other interested persons appeared at every possible public gathering and civic club to explain the concept of traffic safety education for elementary school children. A scale model of the project was constructed by an interested citizen to help illustrate the program.

The name Friendly Town was applied to the project at this time to express the idea that it is designed not only to stimulate awareness of traffic safety, but also to make young people realize that the policemen involved in the project are their friends and persons to be respected in the community.

CLASSROOM AND FIELD STUDY

In spring 1970 the project received final approval from Federal authorities, and construction of the street complex and sidewalks was begun in March 1970. After many delays and problems, construction of the first building, a full-size classroom, was completed in September 1970. The first class, grade school students from an elementary school in Danville, began on October 19.

To teach the program, we assigned an officer from the department to supervise activities of Friendly Town on a full-time basis. Other officers are assigned on a part-time basis. The local school system contributed classroom equipment, including desks, chairs, and audiovisual aids. The classroom is fully equipped for that phase of the instruction.

Both the county and city school systems cooperated in the development of the lesson plans for the project, and every class that visits it during the school year is accompanied by its teacher. The students begin their instruction in the air-conditioned facility, and the emphasis during the classroom instruction is on identification of traffic safety signs, use of crosswalks, and obedience to traffic signals. The local telephone company installed a closed-circuit telephone system for use in instruction on reporting an emergency. A valuable teaching aid, this system permits students and instructors to simulate emergency situations.

Setting an age limit was an obvious necessity, for accepting the thousands of students throughout the county who might want to attend would be impossible. Therefore, the age group of 4 through 9 years was selected by experienced persons in the school system who felt that this is the group exposed to the most hazards in traffic safety and with the least knowledge of the subject.

After the students have completed their classroom instruction of approximately 1 hour, they move into the field operation, where each group of students is closely supervised by a trained police officer. Fully operative signals and marked crosswalks give the children experience in realistic traffic situations, and while one half of the class is being instructed in pedestrian safety, the other half is instructed in motor vehicle safety. Eleven small electric vehicles used in the training were contributed by interested businessmen or citizens in the community. Officers explain to the drivers the meaning of traffic control signs and road markings and the importance of obeying all these regulations. Particular emphasis is placed on seatbelts, and each child is required to use his seatbelt when in a Friendly Town vehicle.

The instructors also emphasize that the same laws apply to both the driver of a motor vehicle and the rider of a bicycle. In this way we correlate the child's thinking so he understands that, with the exception of the driver's license law, all motor vehicle operators and bicycle riders are subject to the same regulations and have the same problems traveling through traffic on city streets or on rural highways.

During the field instruction, the drivers and pedestrians are rotated to give each child instruction in both vehicular and pedestrian safety. At the completion of the field instruction, the children return to the classroom for a short critique and review of what they have learned in the field and also a brief review of the classroom instruction. Classes are conducted from approximately April 1 through the middle of November, depending largely on weather conditions. During the summer months, a 4-hour, 8-hour session is conducted, with children attending either 2 hours in the morning or 2 hours in the afternoon. It is, of course, the belief of the department that the 8-hour session is far superior to the short field trip instruction of 2 hours given during the school year. However, an expansion of time for safety instruction is difficult because the schools have their time planned, to a large degree, for other academic programs during the school year.

FACILITIES

The project, as it was finally constructed, encompasses approximately 64,000 square feet and has 1,800 feet of paved roadway as well as 1,200 feet of sidewalk and curb. The remaining 600 feet of roadway has no sidewalk or curb and is used to instruct children from rural areas the safe way to walk along a highway, which they often do in going to and from school. The traffic signs used throughout the project are all full size and conform to the State traffic code. The two signalized intersections have full-size traffic lights contributed by the city to Danville. These lights are fully operative and controlled by automatic timing devices. In addition, an operating railroad crossing with flashing red signals and bell was installed to, again, teach pedestrians as well as drivers their obligation at a railroad crossing.

The project presently has, in addition to the full-size classroom, six other buildings which were constructed by interested organizations, including the Danville Police and Fire Departments, the Vermilion County Civil Defense Agency, and private businessmen who contributed their time, effort, and funds to make Friendly Town a complete city. The buildings are generally used as storage facilities for either the vehicles or other equipment necessary for the maintenance of the project; an exception is the police department building, which is being developed into a museum and display on police activities and general information regarding the Danville Police Department. The last building constructed in the project was completed during June 1971 and is unusual in two respects.

First, it is a nondenominational chapel, and although it is only approximately 12 by 16 feet in size, it actually seats approximately 18 adults and is furnished in the interior as any other church or chapel would be. The second unusual aspect of this building is the fact that it was constructed almost entirely with funds from only two persons. The mayor of Danville and his wife, Mr. and Mrs. Rolland Craig, dedicated this chapel to the memory of their parents and financed the construction so that our Friendly Town would be complete in all respects, including a religious structure.

ADDITIONAL FACILITIES

We do not anticipate at this time that additional buildings will be constructed on the project site because our instructors must have adequate space to supervise the young people taking field instruction. All buildings have been placed in such a way that vision is not obstructed.

In reviewing the program as we have outlined it in this article, it is, of course, impossible to give credit to the literally hundreds of people who gave so much of their valuable time to make the project a reality, and it is difficult to enumerate the many aspects of the program which we believe have made Friendly Town a success in our city. However, the most gratifying part of the program has been the outstanding assistance received from Federal, State, county, and local officials in the development of the program and the time and funds contributed by the many businessmen and private citizens to make it successful.

In addition, many of our officers within the department have contributed literally hundreds of hours to assist in the instruction in the program and to provide the necessary maintenance to keep the vehicles and buildings in operable condition.

PUBLIC RELATIONS

Although Friendly Town was conceived basically as a pedestrian and safety education center, it has become one of the most effective police-community relations devices that I have seen in my career as a police officer. The young children who attend the program in their formative years are exposed to police officers who are engaged in the most positive type of approach—that of helping and assisting young people to be better citizens and, we hope, ultimately safe pedestrians as well as safe drivers.

These young children who will someday be the leaders of our community are certainly exposed to a different view of the police officer in the city of Danville. The program is, of course, dedicated to these young children and hopefully is helping them to solve some of the problems that they have in traffic and in other areas of safety. In a plaque which has been placed on the front of our classroom building, a simple quotation from the Bible expresses our hope for the future: "And a little child shall lead them." Isaiah 11: 6.

OIL FACTS—API MISREPRESENTATIONS

Mr. PROXMIRE. Mr. President, the American Petroleum Institute produces an enormous amount of material defending the oil industry. Although I have often disagreed with their interpretation of the facts, until now I have not had occasion to question the accuracy of those facts. I must now.

The API has printed who knows how many thousands of booklets containing Dr. Richard Gonzales' testimony before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee and distributed them as an accurate assessment of the facts relating to the oil industry and the oil import quota program. The API has done this knowing full well that Dr. Gonzales has radically changed his analysis in response to some staff studies of his "facts."

Dr. Gonzales in the testimony which the API is distributing originally estimated that the natural gas consumers of this country received benefits of about $3 billion from the oil import program. This seemed much too high a figure to me so I had my staff look at his figures. They came up with a benefit figure of about $314 million using Dr. Gonzales' analysis.

Dr. Gonzales responded that, yes, his first analysis—the one the API is now distributing—was inaccurate, that the gas consumers only received a benefit of $1.3 billion from the oil import quota program. This still seemed high to me so I had my staff look at his new analysis and we concluded the best benefit that his facts would support was $220.6 million, or about 4.4 percent of the cost of the oil import quota program.

Putting aside for the moment the question whether Dr. Gonzales' second estimate or my staff's estimate is correct, I think the important fact here is that the API is now distributing information it knows to be inaccurate. Even Dr. Gonzales admitted the first analysis he presented was erroneous. Yet, the API continues to distribute it. I think in the interests of fair play and accuracy the API ought to distribute to all those who got the original testimony a revised version reflecting Dr. Gonzales subsequent discussion.

In order that there be no mistake about these "facts," I ask unanimous consent that Dr. Gonzales' original speech and the subsequent analyses be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OIL AND GAS—TO SERVE AMERICA'S NEEDS

I. INTRODUCTION

My name is Richard J. Gonzales. I am a consulting economist with experience in teaching and in business. My association with Humble Oil & Refining Company as economist, treasurer, and director, extended from 1937 to 1965. I am a member of the National Petroleum Council and was chairman of its committee responsible for a report on "Factors Affecting U.S. Exploration and Development, 1946–1965." I am also a member of the Energy Advisory Committee to the Secretary of the Interior.

I have been active for many years in committees of several industry associations, including the American Petroleum Institute. I have been a consultant to the American Petroleum Institute for the past 2 years. In that capacity, I have agreed to appear on its behalf at these hearings.

This statement presents my own analyses and views. While this statement may differ in some details from views held by others in the industry, I believe that there is widespread agreement on the key points that (1) consideration must be given to oil and gas together, not to oil alone; and (2) federal policies should be designed to encourage investments in the discovery and development of U.S. energy resources which are needed to insure that the public interest may be well served with respect to economic progress, increasing productivity, reasonably stable prices, a better environment, and national security.

The major energy issue facing the United States is the need for the development of additional supplies of secure energy which will be required for the achievement of many economic and social goals. Consumers prefer clean energy, such as gas, in order to reduce pollution. This preference and the prospect that domestic supplies of crude oil and natural gas may not be able to keep pace with demands have led to serious consideration of processes and plants for producing synthetic oil and gas from coal at substantially higher costs. Environmental regulations requiring the use of more expensive low-sulphur fuels and the steps being proposed to provide expensive substitutes for natural gas indicate that the public wants both clean fuels and adequate supplies of energy as insurance against any disruptions of normal economic activities. The public is not likely to be tolerant of even the temporary reduction of employment at plants that are forced to shut down by the diversion of gas on interruptible contracts to other uses during periods of peak winter demands.

The issue of petroleum prices must be considered in terms of adequacy of supplies in the forms desired for environmental reasons as well as of costs bearing on prices and inflation. Oil and gas are joint products of petroleum exploration and development. Gas has become more important as a source of energy from domestic petroleum operations than oil. Since federal petroleum policies, including oil import controls, affect supply and price for both of these fuels, my analysis will stress the need to consider oil and gas together.

Realization of major goals of full employment, reduction of poverty, increasing productivity, less inflation, and national security requires federal petroleum policies designed to provide secure supplies of energy in all forms, including nuclear power and synthetic fuels if necessary. It is also desirable that fuel supplies be provided at the most reasonable costs and prices consistent with values placed on other goals, such as national security and a good environment.

The extreme proposal made by a few people that the nation must plan to use less energy to achieve a better environment would mean less output of goods and services, more poverty, and a general reduction in living standards. I do not believe that the public will accept these alternatives. The public wants both better economic conditions and a better physical environment with a proper balance between these 2 goals. The quality of air and water is being improved and can be restored to good levels at reasonable cost without sacrificing economic progress. It should be noted, however, that the achievement of these 2 goals will require more energy: more energy to support economic progress, and more energy to process and reclaim waste materials, and to reduce undesirable emissions from the combustion of fuels.

II. OIL AND GAS SUPPLIES, PRICES, AND INFLATION

Control of inflation over the long run requires increased productivity and steadily rising real output of goods and services. Gains in productivity and real output are closely related to the use of mineral energy. These relationships mean that increasing supplies of energy are needed to combat inflation. Shortages of energy adversely affect production and employment, thereby causing additional inflationary pressures.

The close relationship between the use of commercial fuels and the real value of national production can be seen in the variation of living standards among nations and in the progress of any nation over a period of time. The United States experienced gains between 1950 and 1970 of slightly more than 100 per cent in both real gross national product and energy consumption. Almost all of the additional energy used in this period was obtained from oil and gas in about equal proportion in terms of heat content.

Efforts to improve living standards among the world would have caused a great surge in demands for energy. World energy use increased more in the decade of the 60's than in the prior 35 years (1925–60). If the rest of the world is to make the progress it desires in raising living standards even slightly toward the level enjoyed in the United States, foreign use of energy particularly oil and gas, will rise very rapidly for the rest of this century. Such an effort will affect the availability and cost of imported oil and gas in the future much more than in the past when temporary foreign surpluses existed. We must bear in mind that the United States with less than 6 per cent of the world population uses about one-third of the world output of fuels, or about 8 times as much energy per capita as the average for foreign countries. There is a limit on how much energy the United States can expect to import without adversely affecting other countries and causing prices for foreign energy to rise sharply.

In the United States, continuing progress toward realization of many economic and social goals will require expansion of real national product at about 4 per cent per year and comparable gains in the use of energy for improved productivity and greater output. At that rate, energy used in the United States would increase by at least 80 per cent between 1970 and 1985. Even under optimistic assumptions about growth in the use of coal and nuclear power, the demands for both oil and gas can be expected to increase by more than 60 per cent if sufficient supplies can be made available.

Consumers naturally want to obtain needed supplies of secure energy at the best possible prices immediately and for the long run. However, short-term savings secured at the expense of inadequate future supplies are no bargain. Indeed, misguided short-run policies can result in an increase in the total cost of energy to consumers over a period of years. This situation is now developing for natural gas as shortages caused by federal price regulation force consumers to use more expensive and less desirable alternatives. The public interest is served best by prices that bring forth the desired level of supplies on a continuing basis.

III. MAGNITUDE OF THE OIL AND GAS SUPPLY PROBLEM

In 1970 the U.S. consumed 5.4 billion barrels of liquid petroleum products and 22 trillion cubic feet of natural gas. These quantities represented 44 per cent and 33 per cent, respectively, of total energy used in the U.S. By 1985, the requirement for these fuels probably will be in the range of 9 billion barrels of oil and at least 33 trillion cubic feet of gas. Cumulative requirements for the 15-year period are expected to exceed 100 billion barrels of oil and 420 trillion cubic feet of gas if the necessary supplies can be made available.

In 1970, U.S. wells supplied 3.5 billion barrels of crude oil (including lease condensate), 22 trillion cubic feet of gas, and 606 million barrels of liquids extracted from natural gas. Combined production of oil and gas is very close to maximum capacity except for the giant Prudhoe Bay field on the North Slope of Alaska.

Development of new petroleum resources in the U.S. during the period 1950–70 (by discoveries, extensions, and revisions in estimates of proved reserves) averaged about 3.3 billion barrels of crude oil per year and 19 trillion cubic feet of natural gas, including Prudhoe Bay. This rate of development has now been exceeded by production.

Prudhoe Bay is the largest oil field ever discovered in this country. The second largest field, East Texas with about 6 billion barrels of recoverable oil, was found in 1930 and not followed by any other discovery of similar size. Whether Prudhoe Bay is also a unique giant in an area with much smaller fields, or only one of several giants, is a matter of great importance to the consumers of this nation. The answer can be determined only by further drilling and development on the North Slope after transportation facilities are approved and completed, and additional investments become economically feasible. Even if construction begins in 1972, Prudhoe Bay reserves will not be a source of supply before 1975 or 1976.

Now that domestic production is near capacity, steadily increasing demands for oil and gas required to achieve national goals can be met most economically by the right combination of more rapid development of potential resources in the United States plus limited use of additional imports, preferably from areas with minimum risk of disruption of shipments.

The potential exists for more rapid development of U.S. oil and gas resources if accelerated exploration, drilling, and recovery become economically attractive. The large volume of sedimentary formations considered favorable for accumulations of oil and gas deposits leaves no doubt that many more fields remain to be found, particularly in the major new geologic provinces of Alaska and the offshore Continental Shelf, if the decline in exploratory drilling for the past 15 years due to decreasing profitability can be reversed by a change in federal policies. The potential for future discovery and recovery, in addition to presently known reserves, is generally rated in the range of several hundred billion barrels of oil and around 1,000 trillion cubic feet of natural gas. These resources are ample in relation to prospective demands, but the amount and rate of discovery and development of potential resources will depend on governmental policies and the prospective profitability of new petroleum investments relative to other opportunities. For example, all leasing of the other Continental Shelf is subject to federal control, with the result that decisions to delay or prevent leasing for petroleum exploration would reduce drastically the potential of future domestic supplies of oil and gas.

Imports are another possible source for meeting additional demands. They now supply about 23 per cent of the oil used in the United States and less than 4 per cent of the natural gas. Venezuela and Canada are our principal sources of supply in the Western Hemisphere, but it does not appear likely at this time that they can provide much larger shipments of oil to the U.S. since their spare capacity is nominal in relation to our increasing demands. Canada has recently rejected an application for substantial exports of gas to the U.S. in order to maintain assured supplies for its own expanding needs. Venezuela has adopted laws placing control of prices and other costs entirely in the hands of the government.

Additional imports of oil and gas would have to come primarily from the Eastern Hemisphere over long routes. The movement of oil from these sources has been disrupted periodically in the past by various circumstances, including nationalization, embargoes on exports, enforced curtailment of production by government orders, and military conflicts. Eight major producing nations a year ago threatened a joint embargo to enforce higher prices. In addition, the cost of foreign oil is increasing as a result of the sharp rise in demand relative to supply enabling exporting countries to modify long-term concessions and impose such higher taxes on their production. Rapidly growing demands and the effect of these demands on taxes, the major element in the cost of foreign oil, raise serious questions for the United States about the long-run availability and cost of imported oil and gas.

In comparing the cost of foreign and domestic petroleum, both oil and gas must be taken into account because the United States needs and wants more gas as well as more oil. Statistics on production and reserves show that domestic petroleum operations supply about 6 MCF of natural gas per barrel of crude oil produced or discovered. Environmental considerations place even greater emphasis on gas relative to oil for the future. Therefore, the development of additional supplies of secure energy from petroleum at favorable costs and prices must be viewed in terms of both gas and oil and not in terms of oil alone.

IV. RELATIVE COST OF DOMESTIC AND FOREIGN OIL AND GAS

Comparisons of relative costs of domestic and foreign petroleum have been misleading in their emphasis on crude oil only. Conditions in the 1960's caused some to assume that the price of foreign oil would remain low indefinitely and always be available in unlimited amounts. While the nation could enjoy both cheap U.S. natural gas and cheap foreign oil, warnings about the long-run consequences of such a course were often described as being special interest pleadings not worthy of attention.

Conditions have changed greatly in the past 3 years. Awareness that development of new gas resources depends upon exploration for both oil and gas is increasing. The shortage of natural gas has become a reality and a matter of common knowledge. Some local public utility regulatory boards have even had to forbid the connection of new customers. Spare productive capacity for crude oil in the U.S. has virtually been exhausted. This change limits the ability of the U.S. to cope effectively with disruptions in the movement of foreign oil as it did in the past.

Foreign crude oil prices have increased sharply reflecting increased payments to producing country governments. Since the fall of 1970, payments to governments have increased by some 40¢ per barrel on typical Persian Gulf crudes and substantially more on short-haul Libyan and Nigerian crudes. Further periodic increases are scheduled through 1975. Despite the 5-year settlements arrived at in early 1971 in Tehran and Tripoli with member countries of the Organization of Petroleum Exporting Countries (OPEC), these countries are already demanding still further upward adjustments in prices and government participation in existing concessions.

Various developments have combined to reduce the differential advantage in the East Coast delivered cost of foreign oil of comparable quality to U.S. production. Worldwide economic and political forces are working to increase foreign crude oil prices substantially and to move the delivered cost of foreign oil still closer to equilibrium with U.S. prices.

Reliance on foreign oil will lead inevitably to the use of more expensive alternatives in place of U.S. natural gas because imports affect development of both gas and oil. Proposals have already been made for large imports of liquefied natural gas (LNG) from Algeria and for the manufacture of synthetic gas from naphtha, principally from foreign sources. These alternates will cost in the range of $1.00 to $1.25 per MCF delivered to the city gate or to large industrial users. (The reported cargo price of LNG aboard ship at U.S. ports should not be misinterpreted as the total cost of this alternate since unloading, storage, regasification, and transmission to points of consumption will add materially to the delivered price.) The long-run cost of gas from overseas sources is likely to be above rather than below $1.00 per MCF.

By comparison U.S. gas was delivered at average wholesale prices of 35¢ per MCF in 1970 as indicated by the cost of 12 trillion cubic feet consumed by industrial users, including electric utilities. These delivered prices ranged from 22¢ per MCF in the South Central states (near sources of production) to 50¢ along the East Coast. The advantage to U.S. consumers in 1970 of domestic gas over imported LNG was about 65¢ per MCF. Even a substantial increase in domestic petroleum prices designed to bring forth large additional supplies of domestic oil and gas would still leave average delivered wholesale prices for U.S. natural gas more than 50 per cent or 50¢ per MCF below the probable cost of imported LNG.

This cost differential between U.S. and overseas gas must be considered along with the differential for crude oil in determining what consumers can expect to pay for meeting their additional demands for petroleum in the ratio of 6 MCF of natural gas per barrel of oil, which has been the actual experience of the past 15 years (1955–70). The basic choice is between U.S. oil and gas developed in the relationship of 6 MCF of natural gas per barrel of oil and imports in the same ratio.

Assuming that foreign oil would be available in the quantities needed to meet all additional demands without any disruption in deliveries and at a long-run price advantage of 90¢ per barrel over domestic crude oil at U.S. ports, that advantage would be entirely offset by the use of 6 MCF of imported LNG if the premium for that gas were as low as 15¢ per MCF over U.S. natural gas. The prospective price advantage of U.S. natural gas over imported LNG of at least 50¢ per MCF far outweighs the maximum probable gain in using foreign crude oil in place of the domestic oil that must be developed and produced in order to supply additional gas.

The advantage of using domestic oil and gas rather than foreign supplies varies regionally because of transportation costs and differences in the relative use of gas and oil. Even for the East Coast, which will need 2 to 3 MCF of gas per barrel of oil to cope with pollution problems, the cost saving on U.S. natural gas relative to imported LNG fully offsets the price advantage of foreign crude oil.

This analysis shows that crude oil and natural gas in the mix characteristic of U.S. petroleum development and usage over the past 15 years will cost consumers more if supplied from foreign rather than domestic sources. This would be true even if there should be a substantial advance in U.S. prices of oil and gas to the extent necessary to stimulate exploration and development in keeping with growth of demands.

V. OTHER CONSIDERATIONS AFFECTING RELIANCE ON IMPORTED OIL AND GAS

Considerations other than those of relative prices must be taken into account in determining national policies with respect to imports of oil and gas.

First, a large increase in imports would seriously impair the U.S. international trade balance at a time when the nation is working hard to improve that balance. Considering annual increases in U.S. demand in the range of 200 million barrels of oil and more than a trillion cubic feet of gas, it is apparent that meeting additional demands largely through imports would require additional payments of billions of dollars for foreign currencies. Some of this outflow would be recovered in different ways, but the amounts involved would aggravate existing problems in balancing our international payments.

Second, there are risks and costs involved in increased reliance on imports from distant sources in the Eastern Hemisphere. The East Coast is more than 95 per cent dependent on imports for residual oil and is approaching 50 per cent overall dependence on imported oil. The East Coast could be in serious trouble in case of a prolonged disruption of imports.

Third, heavy reliance on foreign oil involves risks to national security and to freedom of action in international affairs. These risks are not limited to situations involving the United States in war. Oil producing countries have imposed embargoes on exports in the past and can be expected to do the same in the future in an effort to promote their own economic and political objectives.

Fourth, oil import controls assure the continuation of competition in domestic petroleum operations. In the absence of import quotas, only the large international companies could survive. They could draw on foreign reserves to remain in business, but small operators would have to liquidate and withdraw.

These points are highly crucial and carry weight in favor of limiting reliance on imports even though opinions may differ as to the risks and costs involved in greater use of foreign oil and gas. When oil and gas taken together (in the mix desirable for environmental reasons) are cheaper from U.S. sources than from foreign sources, as would still be the case even with somewhat higher prices, these fuels from domestic sources are a real bargain.

The question is sometimes raised whether controls on imports have been of any value since they have not achieved the objective of increasing the rate of development of new resources in keeping with demands. The answer is that the situation would have become much worse without import controls. These controls resulted in major discoveries and the development of reserves on the Continental Shelf and in Alaska which would not otherwise have been made. To that extent import controls have contributed to added supplies of oil and gas for consumers and to national security by limiting dependence on insecure foreign oil to a fraction of what it would otherwise be.

VI. ALTERNATIVES FOR LIMITING PETROLEUM COST AND PRICE INCREASES

The prospect of having to pay more in order to secure increasing supplies of energy in the forms needed for economic and environmental reasons naturally leads to consideration of possible ways of limiting cost and price increases. Several points are relevant in this connection.

Consideration must be given first to the impact of environmental regulations on the supply and cost of fuels. Air pollution standards limiting the sulphur content of fuels have reduced the choice of using coal, increased demands for gas and low-sulphur fuel oils, and added substantially to the cost of fuels used by utilities and industry. The price of coal has increased by about $4.20 a ton since 1968 or more than 60 per cent on new purchases according to statistics published by the government. This increase is equivalent to $1.05 a barrel for high-sulphur fuel oil and 17¢ per MCF for natural gas. Examination of the impact of air pollution regulations on fuel costs is essential as a basis for intelligent decisions about the relationship of benefits to costs. Development of effective and low-cost methods for removing sulphur from coal is highly desirable in order for the nation to make effective use of an abundant potential resource which could be of help in controlling energy costs and prices.

Other environmental regulations are also affecting the supply and price of fuels. Measures affecting surface mining of coal, for example, limit output and raise energy costs. Delays and added costs incident to construction of pipeline to move oil from the North Slope of Alaska postpone the availability of a large new known source of supply and work against the exploration and drilling needed to test the further potential of the North Slope. These delays in Alaska, restrictions on the development of oil off the coast of California, delays in offshore leasing by the federal government and opposition to offshore leasing along the East Coast all serve to limit future supplies and to increase future prices to consumers. The best chance for limiting future cost and price increases on domestic oil and gas is for several giant fields to be found and developed promptly in new areas.

Concern about pollution incident to petroleum operations, including that caused by tankers bringing foreign oil to the United States, is commendable only up to the point that benefits exceed the costs of actions that limit supplies and raise energy prices. An unstated but important premise for much of the opposition to oil and gas developments offshore and in Alaska is the incorrect assumption that alternative supplies of energy can be secured from other sources without added costs and with less pollution. In fact, there are high costs involved in foregoing development of potential petroleum resources in the U.S. These costs are environmental as well as economic in view of the need for gas to reduce air pollution and of the added worldwide oil pollution likely as the reliance on more imports by tankers increases the risk of oil spills. The public deserves to be informed about all the facts concerning costs of foregoing the development of potential U.S. resources, including loss of jobs, as well as of the estimated value of any net environmental benefits.

It should be noted that the petroleum industry has been pressing for an opportunity to develop resources offshore and in Alaska more rapidly. Such action, if permitted, would make more supplies available and help to control prices. Opposition to these efforts based on environmental considerations has ignored the resulting economic impact on oil and gas supplies and prices and other offsetting environmental costs. This unsatisfactory situation for the public should be resolved by Congress and the Administration by prompt analysis of relative priorities and of the relationship of net environmental benefits to economic costs.

The possibilities of securing more gas relative to oil and of clean synthetic fuels from U.S. coal and shale also deserve consideration. If much more gas could be secured by modest increases in gas prices alone, without corresponding changes for oil, that might permit continued enjoyment of both cheap gas and cheap imported oil as in the past. Theoretical econometric models have been designed to indicate that large additional supplies of gas could be secured through limited increases in prices for new gas only. However, in my opinion these models do not reflect correctly the economic realities of the joint nature of oil and gas exploration or the relationship of required outlays to revenues derived from higher prices for new gas. Higher gas prices will, of course, bring forth additional gas supplies, but not in amounts sufficient to meet demands unless prices for oil also operate to stimulate exploration for both oil and gas.

Synthetic fuels from coal and shale have been under study for a long time. The processes for extracting oil and gas from such sources are well known, but the problem has been to make costs competitive with crude oil and natural gas. Some synthetic fuel plants are being planned now because of the urgent need for supplies even though anticipated costs are much higher than present or prospective prices for crude oil and natural gas. To the extent that needed supplies can be secured from crude oil and natural gas at lower costs than from synthetics, the interests of consumers and the nation will be served best by encouraging more rapid development of conventional petroleum resources in this country.

Creation of government owned reserves fully developed for use only in case of emergencies has also been proposed. Such reserve capacity would involve large investments of billions of dollars and substantial annual interest, maintenance, and standby costs. Furthermore, these plans deal only with oil and not with gas, whereas a correct appraisal of costs must consider both gas and oil. Calculations as to the incremental cost of reserve capacity in the Elk Hills Naval Reserve in California are misleading and of no help in estimating correctly the total cost of endeavoring to establish the millions of barrels daily of reserve producing capacity which would be required if imports were unrestricted and should rise sharply above the current level of about 4 million barrels daily.

VII. SAFEGUARDS AGAINST RUNNING OUT OF OIL

Actual and impending shortages of oil and gas cause some people to worry that U.S. resources are about to be exhausted. In that case they conclude that it would be a mistake to accelerate discovery, development, and production. They suggest instead that U.S. oil resources be saved for future use and that we use as much foreign oil as possible when it is available.

This superficially appealing proposition rests on 2 incorrect assumptions: (1) that the U.S. is about to run out of oil and gas, and (2) that the nation can wait until an emergency arises to develop more oil and gas.

The U.S. is not about to run out of oil and gas and will not do so if prices are allowed to serve their proper function of balancing demand and supply. Resource experts in government and in industry agree that very large potential exists for additional recovery from known fields as well as the discovery of new fields. Potential resources are more than adequate for the relevant planning period (20 to 30 years) of concern to consumers and investors making decisions now with respect to fuel use and supply. Considering synthetic fuels as well, the U.S. can continue to meet its energy needs for scores of years.

In the unfortunate event that disruption of imports of oil and gas should cause an emergency, the nation could not hope to cope with the resulting problems by a crash program to find and develop more domestic resources. The long lead-time of 5 to 10 years for development of major new supplies (either from new fields or from synthetic plants) means that we must act now to prepare for the possibility of emergencies that hopefully will not come sooner than 5 years hence. In an emergency, only fully developed reserves and facilities capable of immediate use would be of help.

Reliance on foreign oil and gas discourages exploration and drilling required to convert potential but undiscovered and undeveloped U.S. resources into developed reserves and supplies useful in meeting demands. Potential resources are of no help in holding down costs and prices.

The most effective means of serving the public interest in adequate, secure supplies of energy to promote economic progress and combat inflation will be to encourage more rapid development of potential U.S. resources of all forms of energy for the long run in keeping with expanding needs.

In conclusion, I wish to express my appreciation to the Committee for the opportunity to present this statement on important petroleum problems affecting the public interest.

SUPPLEMENTAL STATEMENTS

Following the presentation of the statement on January 12, two supplemental statements by Doctor Gonzales were submitted for the Committee record:

January 12, 1972:

1. A shortage of natural gas exists and is of great concern for both economic and environmental reasons. U.S. natural gas is far cheaper than imported LNG, and will continue to be cheaper even if U.S. gas prices were to rise substantially. This emphasizes the point made in my testimony that domestic oil and gas are cheaper than foreign supplies in the quantities used and desired by consumers.

2. Oil import controls have provided large benefits to consumers and the nation in terms of additional supplies of secure energy at attractive prices. U.S. production of oil and gas in 1970 was 31 per cent higher than in 1965. In the absence of import controls, production would surely have been lower. The increase in production between 1965 and 1970 was 659 million barrels of crude oil and 5.9 trillion cubic feet of gas, or about 9 MCF of natural gas per barrel of oil. Domestic oil and gas production increased by 10.3 quadrillion Btu's in 1965–70 (from 33.6 to 43.9), and accounted for about 73 per cent of the increase in U.S. consumption of energy of 14.1 quadrillion Btu's.

Without import quotas, I am convinced that:

a. There would have been less exploration for and development of oil and gas in the U.S.;

b. Oil and gas reserves and productive capacity would be far below current levels; and

c. The U. S. would be importing more oil, with a serious impact on its balance of payments, and short of gas by much more than it is now.

All these developments would already have been detrimental to the nation and to consumers and would continue to be increasingly detrimental over the years.

3. If oil import controls had been changed from quotas to tariffs in 1970, as recommended by the Cabinet Task Force, the survival of small independent refiners and marketers would have been jeopardized because they would have lost the assured advantage that quotas provide for them as to a large part of their supplies. International companies with foreign supplies could adjust more readily to such transition provided the tariffs set were not used to drive prices down, but the degree of competition from small firms would tend to be reduced. Furthermore, any system whereby the U.S. Treasury collects large tax revenues on foreign production would have been an invitation to exporting countries to raise their taxes on exports so that they rather than the U.S. would realize the added revenues. The Cabinet Task Force report provided an additional measure for exporting nations as to the value of their oil resources. As such, it was another factor, in my opinion, contributing to sharp increases in foreign oil taxes and prices in 1970–71. The Venezuelan government has now taken the additional step to fixing oil prices unilaterally on the basis of its needs and evaluation of world markets.

4. The key point about the movement of oil from northern Alaska is that these supplies are needed to meet increasing U.S. demands as soon as possible, preferably not later than 1975, in order to strengthen the position of all consuming nations relative to oil exporting countries when present price contracts expire. The longer access to these resources is delayed the weaker the position of major oil consuming nations will be relative to the oil exporting countries. The ideal situation would be development of large additional resources in northern Alaska and in the Arctic areas of Canada, as stated in my testimony, so that more supplies of secure oil and gas may be forthcoming within a few years for both Canada and the U.S. However, that ideal has little chance of timely realization unless the proposed pipeline across Alaska can be built promptly.

The alternative of a pipeline through Canada would mean further delay of several years at best, but cannot be considered unless and until the Canadian government indicates that it is willing to authorize construction of such a line on terms acceptable to investors who will have to provide the billions of dollars of capital required for construction. It is to be hoped that the Arctic areas of Alaska and Canada may develop large resources of both oil and gas at reasonable costs for use in Canada and the U.S. Canada will not export oil and gas that it considers necessary for its own future needs. Controls on oil imports into North America are essential to development of potential Canadian petroleum resources. It would be mutually beneficial for Canada and the U.S. to cooperate in formulating policies for more rapid expansion of North America resources, but we must remember that Canada is a sovereign nation sensitive about pressures from us which appear designed to exploit its resources for our benefit.

5. On the issue of differential tax provisions for petroleum and mining, such as percentage depletion and the current expensing of intangible development costs. I have testified on this subject at length before the House Ways and Means Committee and submit that testimony for the record of these hearings. The essential point about these provisions is that they do attract capital into exploration and drilling that would not otherwise be risked, that they do increase supplies of oil and gas that are of great benefit to our economy, and that they make it possible for consumers to have more oil and gas at lower costs and prices than would otherwise be possible. These provisions are not subsidies paid in addition to market prices, but differentials that affect costs and market prices. If Congress wants to increase taxes on oil and gas by changing these provisions, as it did by reducing percentage depletion from 27½ per cent to 22 per cent in the Tax Reform Act, then it must recognize that the higher taxes are costs that will have to be paid for by consumers in terms of smaller supplies and higher prices.

6. As for the foreign income tax credit, it must be kept in mind that the provision applies to all foreign operations of U.S. companies it is designed to avoid double taxation of the same income and to assure that income taxes paid on foreign operations are at least as high as the U.S. would apply on those operations. Foreign income taxes on petroleum generally exceed those that would be due to the U.S. on such operations. Those tax costs as well as all other costs reflected in prices are paid by the consumers of the foreign oil. U.S. consumers pay for foreign taxes on petroleum only to the extent that the U.S. relies on imports of oil and gas.

7. Joint pipeline ventures are required to achieve the important economies of large diameter lines in reducing transportation costs. The regulated rates for such ventures will certainly not be any lower if the shippers are precluded from owning the joint line, and may be higher due to greater interest costs if the credit rating of the alternate owners of the line is not as good as that of the shippers supplying the oil for the line.

8. Proposals that refining and marketing be divorced from production appear to be based on concern that integrated major companies keep prices of gasoline and other products lower than they might otherwise be. To the extent that such a situation exists, enforced divestiture might result in higher rather than lower costs and prices for consumers.

9. Any proposal for a direct subsidy of exploration must cope with the complex problems that the government would face in deciding on which of the thousands of exploratory wells drilled annually should be subsidized and on how much subsidy each well should receive. Unless the subsidy is related to success in discovery, as percentage depletion is automatically through its

relation to revenues on production, the subsidy may be effective only in stimulating efforts to make money off of drilling without any corresponding contribution to reserves. If the subsidy is related to success, it must be similar to percentage depletion in terms of relation to production or else involve the government in the task of estimating the reserves of each well that is subsidized. The serious administrative problems encountered in reaching agreement on the discovery value of new wells led Congress to change to percentage depletion in 1926. The problems now would be greater because of the larger number of exploratory wells drilled.

APPRAISAL OF THE COST OF OIL IMPORT CONTROLS

January 17, 1972:

An important reason why estimates that oil import controls cost consumers billions of dollars annually are incorrect is that they do not take into account offsetting gains to consumers from the use of additional gas made possible by the larger reserves of both gas and oil due to the influence of those controls on petroleum exploration and drilling in the United States.

The total effect of the program on consumers can be determined only by considering gas as well as oil, not by looking at oil alone as in the estimates of "Minimum Consumer Cost of Oil Import Quota Program" prepared by the staff of the Joint Economic Committee. This staff memorandum estimates a consumer cost based on the value of import allocations (unsupported by any evidence as to how this value was determined) of $10,666 million for 1959–64 and $18,066 million for 1965–70, or $7,400 million more in the 6 years 1965–70 than in the preceding period 1959–64. These figures show an estimated averaged annual cost of $2,445 million for the 11.75 years from April 1959 through 1970 and of $2,587 million in 1970.

Testimony that I presented at the hearings of the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee on January 12, 1972, showed that in 1970 consumers enjoyed an advantage in the delivered price of natural gas over imported liquefied natural gas of at least 65¢ per thousand cubic feet. This testimony also pointed out that U.S. operations of the petroleum producing industry develop and supply more than 6 MCF of natural gas per barrel of crude oil and noted that the demand for gas in 1970 exceeded the available supply.

In view of the importance and economic as well as environmental advantages of natural gas to consumers, the net effect of the oil import control program depends on the relationship of the savings on gas to the estimated additional costs for oil. The necessary calculations can be made by taking into account the effect of the estimated cost of the program to oil consumers on the supply of gas and resulting cost savings on gas to consumers.

If the oil import program cost consumers $28.7 billion for the period 1959–70, then it must have added that much to the gross revenue of petroleum producers in the U.S. The gross revenue on U.S. production of oil and gas in the years 1959–70 was $133 billion. If the staff estimate for oil is accepted as correct, it means that import controls increased gross revenues by about 28 per cent from $104.3 billion without controls to $133 billion with controls.

If import controls increased gross revenues on U.S. oil and gas production by 28 per cent, their impact on cash flow and profits and on the ability and incentives to invest in new oil and gas must have been increased by more than 28 percent because of the leverage that incremental revenues exert in relation to costs. Therefore, the staff estimate leads to the conclusion that import controls must have served to bring about expeditures for discovery and development of new oil and gas reserves exceeding the levels that would have prevailed without import controls by much more than 28 per cent. These relationships mean that the most conservative estimates of the impact of oil controls on gas reserves and supplies would start from the premise that such controls have been responsible for at least 28 per cent of the gross additions to new reserves of gas in the period 1959–70.

Gross additions to gas reserves in the years 1959–70 were 206 trillion cubic feet of natural gas, excluding the reserves of Prudhoe Bay, which would raise the total by more than 10 per cent. Applying a minimum figure of 28 per cent to the gross additions to gas reserves means that the oil import control program must be given credit for the favorable economic results due to the addition of at least 57.7 trillion cubic feet of natural gas for 1959–70.

Gas production is 1970 was 22 trillion cubic feet equivalent to 8 per cent of the reserves at the beginning of the year. At that rate of production, the minimum additional gas reserves attributable to the oil import program of 57.7 trillion cubic feet provided no less than 4.6 trillion cubic feet. On this production, consumers saved at least 65¢ per thousand cubic feet compared with the cost of imported liquefied natural gas. Therefore, the savings on gas due to the oil import program were at least $2,990 million in 1970.

The staff memorandum estimated that import controls increased costs to consumers by $2,587 million for oil in 1970. If the staff estimates for 1959–70 are accepted as correct and used to calculate the total consequences for oil and gas, the savings to consumers on natural gas in 1970 turn out to be in excess of $2,990 million. Correct appraisal of the cost of oil import controls requires that both of these figures be considered together because of the joint nature of oil and gas exploration and development and of the fact that U.S. petroleum operations supply more energy as gas than as oil.

Considering both gas and oil, the preceding calculations based on the estimates of the staff of the Joint Economic Committee show that the oil import program resulted in net savings to consumers of oil and gas in 1970 in excess of $403 million.

COMMENTS ON DR. RICHARD GONZALES' SUPPLEMENTAL STATEMENT

(By Martin Lobel)

Dr. Gonzales supplemental statement on behalf of the American Petroleum Institute makes three points which must be examined before any rational cost benefit analysis can be made of our Nation's oil policies.

1. STAFF ESTIMATES OF OIL IMPORT QUOTA PROGRAM'S COST

Although Dr. Gonzales said that the staff estimates are "unsupported by any evidence as to how this value was determined," this is not true. The record shows that the staff estimates were based on Official Office of Emergency Preparedness statistics furnished to Senator Proxmire on December 3, 1971.

As a matter of fact, the committee staff estimates are much too low because they do not take into consideration the economic distortions caused by the oil import quota program to our economy and they are based on figures from OEP which are much lower than the figures OEP supplied to President Nixon's Cabinet Task Force on Oil Import Control. The OEP estimates furnished to Senator Proxmire put the 1969 market value of oil import tickets at $1.30 a barrel in District I, $.80 in Districts II–IV and $.95 in District V. Yet, the OEP estimates to the Task Force for the same time span were $1.50, $1.10 and $.85 just about the estimates of the Interior Department to the Task Force of $1.40, $1.10 and $.95.

The staff recognized that its estimates were too low because its estimates were headlined "minimum consumer cost". Even General Lincoln recognized that fact because he stated in his estimates to Senator Proxmire they are "implicit unit market values realized by refiners without foreign overseas crude oil which trade out allocations." The actual value differentials are much higher and would be reflected in the market if imports were competitively obtained rather than allocated by government fiat. There are other additional costs of the oil import quota program such as its distortive effects on the location and structure of the oil industry as well as the composition of demand patterns that ought to be included in an accurate cost benefit analysis of the oil import quota program. To take just one example, vast quantities of energy, oil and gas as well as capital are devoted to extracting otherwise abnormal proportions of light ends from each barrel of crude oil in refining while consumers are being forced to use increasingly scarce natural gas for heating rather than oil.

Even Standard Oil of New Jersey, the largest oil company in the world, recognized in its submission to the Cabinet Task Force on Oil Import Control that elimination of the oil import quota program would result in immediate consumer savings of $3.45 billion in 1969. It also recognized that the immediate savings would be less than the full cost of the program because ". . . short run factors . . . would prevent consumers from enjoying the full benefits of unrestricted trade in the first year of decontrol."

2. NATURAL GAS AS AN COPRODUCT

Dr. Gonzales' estimate of consumer savings on natural gas because of increased oil prices resulting from the oil import quota program is based on 3 assumptions: 1—all natural gas availability is derived from oil exploration and development, 2—the increased revenues to the oil industry from the higher oil prices caused by the oil import quota program result in a proportionate expansion of outlays on oil and gas exploration which yield a corresponding increase in natural gas reserves, and 3—the cost savings to consumers of natural gas is equal to the difference between the projected cost of imported liquified natural gas (LNG) and the average cost of natural gas from domestic sources.

He thus estimated that consumers saved $2.99 billion in 1970 on natural gas as a result of the oil import quota program. Unfortunately, even if we adopt his theory, the facts indicate the actual savings to be only $314 million compared to a cost of the oil import quota program of at least $5 billion. Thus, even if we adopt Dr. Gonzales' theory users of natural gas received benefits amounting to about 6% of the cost of the oil import quota program.

The Report of the Cabinet Task Force on Oil Import Control estimated that only 28% of natural gas is related to oil. This means that Dr. Gonzales' estimate of consumer benefit has to be reduced to 28% of his figure because he has assumed that the impact of oil prices affected 100% of natural gas supplies.

Dr. Gonzales' assumed that increased expenditures are proportionate to the increased receipts from higher oil prices. But during the years 1965 to 1970 as compared to 1959 to 1964 revenues were up 30% while expenditures for exploration and drilling went up only 22.3%. Thus, we must conclude that increased revenues only yield a ¾ increase in expenditures so we must reduce Dr. Gonzales' estimate of consumer savings from 28% to 21% of his original figure.

Next he assumes that the gas which is attributable to the oil import quota program would be replaced by LNG costing 65¢ per MCF more than domestic gas. But this is like comparing apples and oranges. The 65¢ is the spread between the *average* cost of the domestic gas and the *marginal* cost of imported LNG. The relevant comparison is with new domestic gas delivered to the east coast where imported LNG is to be used. There the actual unit cost differential is about ½ of the 65¢ used by Dr. Gonzales. Accordingly, the 21% needs to be reduced to 10.5%.

Thus, after applying Dr. Gonzales' theory to the facts we conclude that the consumer savings on natural gas from the oil import quota program is about $314 million as against a cost of the oil import quota program of at least $5 billion. In other words, even if Dr. Gonzales is right, the consumers of natural gas get a benefit worth about 6% of the cost of the oil import quota program. But even this 6% figure is high because other factors reduce this benefit further. For example, the adjustments do not take account of reduced yield of reserves of the incremental investment or the impact of the substitution of oil for natural gas if the oil import quota program were abolished.

Analysis of Joint Economic Committee Staff Comments on the Relation of Gas Benefits to Oil Costs Due To Import Controls

(By Richard J. Gonzales)

1. In testimony before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee on January 12, 1972, I made the point that oil import controls provide large benefits for consumers in terms of gas supplies that must be considered as a major offset to the estimated costs considering oil alone.

2. In a supplementary statement of January 17, 1972, I submitted calculations for 1970 on the estimated benefits from added gas supplies due to oil import controls that exceeded the estimate of costs for oil used by the staff of $2,587 million in that year by $403 million.

3. Mr. Martin Lobel of the Joint Economic Committee staff has released a comment on the calculations in the supplementary statement. His comment recognizes the validity of the point made in my testimony that the oil import control program does provide benefits for consumers through its impact on gas supplies which must be taken into account along with the commonly used estimates that consider only oil.

4. The comment makes incorrect adjustments in my estimates of gas benefits by cumulative reductions based on various assumptions first by 72 per cent, then by 25 per cent, and finally by 50 per cent to arrive at a figure of $314 million, equal to 10.5 per cent of my estimate of $2,990 million.

5. The reduced gas benefit estimate of $314 million is based on a difference in delivered cost between domestic gas and imported liquefied natural gas of $0.325 per Mcf applied to 966 billion cubic feet of gas attributed to the oil import program. Both of these assumptions are entirely too low, as can readily be demonstrated.

(a) The 1972 report of the Council of Economic Advisers places the advantage of domestic gas over imported LNG delivered to the same market at $0.50 per Mcf or more (Pages 121–122 of the Economic Report of the President, 1972).

(b) The estimate of 966 billion cubic feet represents less than 20 per cent of the actual production of associated and dissolved gas alone in 1970 of 4,846 billion cubic feet, whereas that production would have declined far more in the absence of oil import controls, even before any consideration of the admitted impact of oil exploration on discovery and production of non-associated gas.

6. The comment endeavors to minimize the significance of gas benefits still further by relating the incorrect figure of $314 million to an oil cost said to be at least $5 billion in 1970, or about twice the cost estimate of $2,587 million used at the hearings on January 10–12, 1972. If the cost estimates are to be revised upward, then corresponding adjustments must also be made in estimates of the impact on gas supplies and benefits to consumers. These two estimates are inescapably interrelated regardless of efforts that may be made to place high values on oil costs and low values on gas benefits.

7. My supplementary statement used a simplified approach to estimate benefits from gas supplies attributable to oil import controls in order to show that these benefits were large in 1970 in relation to estimated oil costs, in the same manner that estimates of oil costs are arrived at by simplified assumptions based on exchange values for import tickets without regard to the added transportation costs for moving imported supplies inland to the extent that dependence on imports would exceed consumption at coastal cities in the absence of controls. If more complex procedures are to be applied to calculate costs and benefits, they must be used for oil as well as for gas.

8. As stated in my supplementary statement, I used a very conservative estimate of the impact that a sharp cut in domestic oil prices (implied as the result of absence of controls by the estimate of oil costs) would have on exploration and drilling affecting both oil and gas. A reduction in gross revenues for the period 1959–70 from $133 billion ($103 for oil and $30 for gas) to $104 billion, as implied by the estimated cost of $28.7 billion on oil due to import controls, would affect profits and incentives to invest by much more than the 28 per cent figure used in my supplementary analysis.

9. If the estimated oil cost of $28.7 billion is to be analyzed in terms of impact on oil and gas separately, then the appropriate basis for analysis is the reduction in oil revenues from $103 billion to $74 billion. If the operating margin before income taxes were assumed to be as high as 40 per cent of gross revenue, then the reduction of $28.7 billion in the absence of oil import controls would have caused a decline in profit margins of about 70 per cent in 1959–70.

10. Because of the very conservative approach used in calculating the impact of lower oil prices on the exploration and drilling that resulted in gross additions to reserves of 32 billion barrels of crude oil and 206 trillion cubic feet (Tcf) of natural gas in 1959–70 (excluding Prudhoe Bay), my supplementary statement did not deal with oil and gas separately.

11. Calculations of the effect that import controls have on oil and gas are desirable, though more involved and dependent on more assumptions, provided that appropriate factors are used and due consideration is given to associated and dissolved gas developed along with crude oil as well as to non-associated gas.

12. The estimated oil cost of $28.7 billion for import controls in 1959–70 represents $0.85 per barrel on actual crude oil production of 33.5 billion barrels. A reduction of this amount if there had been no controls would have reduced operating profit margins by 70 percent. Under these circumstances, it is conservative to assume that there would have been a 50 percent reduction in the search for oil if removal of oil import controls had caused oil revenues to decline by $28.7 billion.

13. For 1959–70, new oil reserves from discoveries, extensions, and revisions were 32 billion barrels, on which a reduction of 50 per cent would amount to 16 billion barrels. Associated and dissolved gas has generally been from one to two thousand cubic feet per barrel of crude oil. (At the beginning of 1970, associated and dissolved gas reserves [59.6 Tcf] were about 2 Mcf per barrel in relation to crude oil reserves of 29.6 billion barrels.) A conservative estimate would be that lack of oil import controls in 1959–70 causing a decrease in oil revenues of $28.7 billion would have resulted in failure to locate and develop 1.5 Mcf per barrel on 16 billion barrels of crude oil, or 24 Tcf of associated and dissolved gas.

14. In 1970, associated and dissolved gas production of 4.8 Tcf was 8 per cent of initial reserves. That rate applied to 24 Tcf results in an estimate that the cost of oil import controls presented by the staff for 1959–70 served to provide about 1.92 Tcf of associated and dissolved gas in 1970.

15. Total new gas reserves from discoveries, extensions, and revisions in 1959–70 were 206 Tcf. On the basis of 1.5 Mcf per barrel for the 32 billion barrels of new crude oil, this figure represents the sum of 48 Tcf of associated and dissolved gas and 158 Tcf of non-associated gas.

16. If operators can anticipate correctly 85 per cent of the time whether a successful exploratory well will find principally oil or gas, my analyses of drilling experience since 1946 indicate that about 30 per cent of gas discoveries have been due to the search for oil. If oil exploration alone had been depressed, the proportion of gas discoveries due to oil exploration could have dropped to 20 per cent, as estimated by the Cabinet Task Force staff in the report on oil imports.

17. Assuming that only 20 per cent of non-associated gas supplies respond in proportion to oil price changes and that without import control oil prices would have decreased by $0.85 a barrel or 28 per cent on the average price of $3.00, it follows that these controls deserve credit for about 8.85 Tcf of new non-associated gas in 1959–70 (158 Tcf x 0.20 x 0.28).

18. The relation of non-associated production of 17.1 Tcf in 1970 to initial reserves of 21.9 Tcf was 8 per cent. This rate applied to 8.85 Tcf indicates that import controls added 0.71 Tcf of non-associated gas to 1970 supplies.

19. Adding 1.92 Tcf of associated and dissolved gas and 0.7 Tcf of nonassociated gas raises to 2.62 Tcf the total 1970 gas supplies on which benefits due to oil import controls must be calculated.

20. Since gas consumption on the East Coast from Florida to Maine in 1970 was 3.6 Tcf, it is highly unlikely that all of the gas supplies in 1970 due to oil import controls can reasonably be assumed to affect only that area. Even if that were assumed to be the case, the benefits would have to be calculated on the basis of a savings relative to imported LNG of at least 50¢ per Mcf.

21. The benefits of 1970 gas supplies attributable to oil import controls by this type of analysis appear to be in the range of $1.3 billion at 50¢ per Mcf and $1.7 billion at 65¢ per Mcf in relation to the estimates of oil costs used by the staff, which were $2,587 million in 1970 and $28.7 billion for the period 1959–70. The estimated gas benefits offset about 50–65 per cent of the estimated oil costs.

22. The simplified estimate in my supplementary statement indicated gas benefits equal to 115 per cent of the estimated oil costs of import controls for 1970. On the basis of analysis of oil and gas separately, the gas benefits offset 50–65 per cent of the estimated oil costs.

23. Both analyses support the basic conclusion advanced in my testimony that import controls result in gas benefits that must not be ignored in discussing the cost of those controls. Failure to take both factors into account has been misleading and is proving expensive to consumers and the nation because of shortages of gas that is in great demand for many reasons. Consumers prefer to use gas rather than oil because gas is more convenient and attractively priced. They are not forced to use gas, as alleged in the comment. Stringent environmental standards are placing even greater value on gas, with the result that the relation of gas benefits to oil costs for import controls will be more favorable in the rest of this decade than in 1970.

Dr. Gonzales' Estimate of Natural Gas Benefits From Oil Import Quota Program: Second Rebuttal

INTRODUCTION

Dr. Richard Gonzales testified before the Joint Economic Committee on behalf of the American Petroleum Institute on January 17, 1972. At that time he estimated that the oil import quota program resulted in indirect consumer savings from lower natural gas prices of $3 billion. Subsequently, on February 16, 1972 in response to my first rebuttal which showed the true consumer savings according to his calculations to be only $314 million, he lowered his estimate of consumer savings to $1.3 billion.

An examination of his new analysis shows that the real consumer savings attributable to lower priced natural gas discovered because of the oil import quota program is only $220.6 million, not the claimed $1.3 billion. This means that the estimated consumer benefit from natural gas attributable to the oil import quota program is just over 4.4% of its estimated $5 billion a year cost.

I reduced his estimate by specific steps to clarify why his estimate was too high, although my estimate is based on his formulation. My new estimate of $220.6 million is lower than my first estimate of $314 million because Dr. Gonzales provided a new starting point on a different theory and some new factors were incorporated into the analysis such as oil-associated gas found in the search for non-associated gas, the substitution of oil for gas in consumption, and the foreign component of the extra costs of the program.

Although it may appear that there are duplicate reductions, I have avoided duplication by applying successive modifications to the reduced base. The same percentage adjustments could be applied in a different sequence and still give the same result.

SCALING DOWN THE NEW ESTIMATE—SUMMARY

1. His $1.3 billion estimate is cut 24.4% to $982.8 million because his assumption as to the amount of associated gas per barrel of crude oil discovered as a result of increased exploration and development was too high.

2. This is then reduced 8.44% to $900 million on account of associated natural gas reserves estimated to be found in the search for gas but credited to crude oil.

3. This is then reduced 33.3% to $600 million because he applied his assumed exploration stimulus to the wrong base.

4. This is then reduced 50% to $300 million because his exploration stimulus factor was too large.

5. This is then reduced 14% to $258 million because that portion of the extra costs of the program is realized on the imported oil and is, therefore, not a stimulant to domestic oil and gas.

6. Finally, this is reduced 14.5% to $220.6 million to account for the substitution of oil for natural gas if oil imports were available at world competitive prices.

COMPARISON WITH COST OF OIL IMPORT CONTROLS

Dr. Gonzales wanted to compare the natural gas savings with my minimum consumer cost estimate for 1970 of $2.587 billion. But that would be an erroneous comparison. First, my memorandum showed *minimum consumer cost* not true economic cost. This cost was based on OEP figures supplied to me that were at least 10% below the figures supplied by OEP to the Cabinet Task Force on Oil Import Control. These figures were ticket value realizations in exchanges as the indicator of the unit costs of the program. Those figures did not include the values retained by the international oil companies who made the exchanges—substantial values protected from competition by the quota system. The sluggishness with which ticket exchange values responded to reduced tanker rates in 1971 and 1972 shows that such values understate the costs of oil import controls. The importation of overseas crude oil into Districts II and III further illustrate both the understatement of the costs of the program as measured by ticket values and additional inefficiencies of the program. Finally, 1970 was not a typical year because high tanker rates in the second half cut the realizable exchange values of crude oil allocations.

A much more realistic estimate of the costs of the oil import quota program is $5 billion a year. The figure used by the Interior Department in its January 15, 1972, Addendum to its Final Environmental Impact Statement for the proposed offshore Eastern Louisiana lease sale.

QUESTIONS ON NATURAL GAS AVAILABILITY

Although for purposes of this memorandum the need to import LNG or oil from which to make gas at quite high prices has been accepted, this need should be closely scrutinized. Natural gas reserve figures are open to question as even the FPC admits. For example, committed reserves reported to the FPC in New Mexico far exceed its American Gas Association proved reserves. Similarly, the wide gap between productive capacity and natural gas production should be examined. AGA figures indicate that Southern Louisiana had capacity to produce 8.6 trillion cubic feet of non-associated gas in 1970, but it produced less than 6.3 trillion cubic feet of such gas.

The FPC staff supposedly estimated a supply shortfall of .9 trillion cubic feet during 1971. But one might ask if the 1970 capacity-production gas were sustained in 1971, could there have been more than that amount of spare capacity in Southern Louisiana? Other questions that need be asked include: what is the risk of consumers being committed to unjustifiably high gas costs, what unusual features in gas supply such as reserve and productive capacity data exist and what special arrangements including subsidized tankers and international deals have been consummated? All these questions should be answered before imports of LNG or oil for the production of gas are permitted. Hopefully, OEP will provide answers to these questions in its probe of proposed imports of petroleum feedstocks for the production of pipeline gas, but if history is any guide I wouldn't hold my breath.

DETAILS OF COST ESTIMATE REDUCTIONS

Dr. Gonzales reduced his original estimate of consumer savings on natural gas from $3 billion to $1.3 billion, a reduction of $1.7 billion, because of a more realistic assumption regarding the differential between the cost of gas from imported oil and the cost of new contract U.S. natural gas delivered to the East Coast. The $1.3 billion figure he uses in his new estimate is based on the Council of Economic Advisers' estimate of a difference of 50¢ per thousand cubic feet of natural gas. Although the 50¢ differential is high, I have used it for the purpose of this analysis.

Although Dr. Gonzales recognized after it was pointed out to him that not all natural gas is associated gas and accordingly dropped his original estimate by $1.7 billion, he has still failed to take into several significant considerations which lower the benefits still further—all the way down to $220.6 million.

1. *Associated Gas per Barrel of Crude Oil Reserves:*

Dr. Gonzales assumed 1,500 cubic feet of associated natural gas per barrel of crude oil discovered. However, for the 5 years 1966 to 1970, the official AGA API statistics show a relationship of only 694 cubic feet of gas per barrel of oil discovered (exclusive of Alaska). While one could use this figure with some justification, I think in all fairness a higher figure should be used. I chose 1,000 cubic feet as a fair approximation because it is halfway between Dr. Gonzales figure and the AGA figure for 1966–70. Unfortunately, the AGA did not publish figures for associated natural gas production prior to 1966 when there was probably a higher relationship so I had to use an educated guess rather than hard data to arrive at 1,000 cubic feet.

Use of 1,000 cubic feet of associated natural gas with each barrel of discovered oil requires that we reduce by ⅓ the associated natural gas Dr. Gonzales attributes to oil import controls. Of the 2.62 trillion cubic feet of 1970 natural gas he assigns to the oil import program, 1.92 trillion were on account of associated gas. A reduction by ⅓ of the associated gas cuts total gas involved by 24.4%, and his consumer benefit estimate is reduced accordingly to $982.8 million.

Dr. Gonzales assumed that additional investment in exploration would result in a proportionate increase in reserves, but this is not true. Experience indicates that the reserves would increase less proportionately than the investment, but I have not factored that in to this analysis.

2. *Associated Gas Attributable to Exploration for Non-Associated Gas:*

The Federal Power Commission staff in its submission to the Cabinet Task Force on Oil Import Control estimated that about 20% of non-associated gas was discovered by oil exploration. This is what is called "directionality" or the extent to which exploration for oil yields oil. Naturally, this is a two way street and oil is found although gas is being sought. According to the API reports for the period 1966 to 1971, the number of gas exploratory wells was equal to 57.6% of oil exploratory wells. Assuming a 20% directionality which Dr. Gonzales does, we multiply 57.6% times 20% and conclude that 11.5% of crude oil reserves are found in the search for gas. Consequently, the 11.5% gas associated with these oil reserves, which 8.44% of natural gas, should not be credited to the search for oil and the estimate is accordingly reduced to $900 million.

3. *Exploration Stimulus Base:*

Dr. Gonzales estimated that oil import controls increased industry revenue 28% which he assumed increased exploration and development 50%. He then attributed 50% of oil reserves proven during 1959 to 1970 to oil import controls. Even if his theory were correct, his arithmetic is wrong. A 50% effect would mean that exploration and development goes from 100 to 150, a 50 increase on a base of 100. But he took 50% of 150, an increase of 75, rather than the actual increase of 50. This means that his result must be cut 25 or 33.3%. Correcting his arithmetic reduces his estimate from $900 million to $600 million.

As a matter of fact, recent API statistics indicate that oil exploration and development may be even less responsive to increased revenue than he assumed. According to recent API statistics, between 1968 and 1971 development oil well footage declined 17.1%, exploratory oil well footage declined 30.5%, and stratigraphic and core test footage declined 92%, although crude oil prices increased more than 15%. However, rather than pursue this approach I have adopted Dr. Gonzales' approach for purposes of analysing his figures and conclude in the next section we have to reduce his figures still further.

4. *Exploration Stimulus Factor:*

I had to reduce Dr. Gonzales' estimate further because, in addition to applying his assumed stimulus to the wrong base, he uses too high a stimulus factor.

In his earlier analysis he assumed that a 28% increase in revenue from oil import controls resulted in a 28% increase in expenditures on exploration and development. Now, he stipulates that a 28% increase in revenues stimulated a 50% increase in expenditures on exploration and development of oil which increased discoveries 50%. Without any real explanation he tilted the impact of additional finds nearly two fold (actually 1.78). Part of the impact of the tilt was reduced by adjusting the 50% factor to 33.3% by applying it to the correct base, but the tilt must be reduced further to correspond to reality.

In my first rebuttal I pointed out that although industry revenues increased 28% in the last 6 years, exploration and development outlays increased only 20%. In other words, outlays on exploration and development increased at about 75% of the rate of increase in revenues.

The 20% factor applies to the lower level of exploration and development which would be experienced in the absence of the revenue stimulant, not to the resultant. In terms of the effect on that larger base, the impact is 16.67% not 20%. (I inadvertently omitted this in my earlier rebuttal.) So, the exploration and development expenditure impact is 16.67% instead of the adjusted 33.3% in Dr. Gonzales' model after adjusting for the use of the incorrect base. This reduces his estimate by 50% to $300 million.

5. *Discount for Value Attributed to Imported Oil:*

Dr. Gonzales' estimate of increased exploration attributable to higher oil costs caused by the oil import quota program must be reduced by the amount of extra costs that the consumer pays for imported oil. The anticompetitive character of the quota program prevents the consumers from getting the benefits of low priced imported oil. Imported oil is sold in the United States at domestic prices even though it costs much less and the differential is pocketed by the international major oil companies. I don't believe anyone would claim that the additional income on foreign production spurs domestic exploration. Thus, we must discount Dr. Gonzales' figure by the cost of the program applied to imported oil. The report of the Cabinet Task Force on Oil Import control estimated that in 1969 approximately 14% of the cost of the oil import quota program was on imported oil. 20% in District I, 5% in District II–IV, and 25% in District V. According Dr. Gonzales' estimate must be reduced 14% to $258 million.

6. *Substitutibility of Oil for Natural Gas:*

Dr. Gonzales did not take into account user substitutibility of oil for natural gas that would have resulted if more oil were available and natural gas prices climbs. He estimated that the East Coast used 3.6 trillion cubic feet of natural gas in 1970, of which 2.62 trillion cubic feet were available because of oil import controls. According to the AGA, gas utilities average about $1.25 per thousand cubic feet of natural gas sold to consumers. If costs increased 50 cents per thousand cubic feet on 2.62 or the 3.6 trillion cubic feet he says were used in East Coast States, the combined average would be $1.62 per thousand cubic feet, an increase of 29%. Although the response of demand to natural gas prices is sluggish, it is reasonable to expect that over a decade a 29% cost increase would be accompanied by a demand reduction of half that percentage or 14.5%. Such a reduction would still mean a considerable growth in the use of natural gas on the East Coast. Deliveries there increased by nearly 96% between 1959 and 1970. Consequently, the estimate is reduced to $220.6 million. This reduction would involve a reduction of 522 billion cubic feet of natural gas demand which corresponds to about 255,000 barrels a day of oil, a readily feasible number compared with 1970 actual demand in the East Coast States of over 5.93 million barrels a day for all petroleum products. Such a 4.3% increase in a demand should pose no problems.

PROPOSED PRINCIPLES AND CRITERIA ON WATER RESOURCE PROJECT ANALYSIS

Mr. ALLOTT. Mr. President, on March 20 and 21, 1972, hearings were held in Washington, D.C., by the Water Resources Council on the proposed new standards and principles for planning water and related land resources.

I am informed that none of the statutory members of the Water Resources Council were present at any of the hearings. This lack of attendance could be attributed to one of two factors: either the Water Resources Council is so bureaucratically arrogant that the views of the public, the planners, the engineers, the users, the local officials, and most important those whose dreams and aspirations depend upon the control and beneficial uses of our limited and essential water resources were of no interest to the Council; or, the decision to publish the proposed standards and principles was tantamount to publication for implementation, and therefore, the hearings were merely a formality—an empty gesture—a hoax.

Perhaps a more accurate conjecture would be that the Water Resources Council had little voice in the conjuration of the proposed principles and standards, and thus robbed of its statutory responsibilities, the members boycotted the hearings in silent protest.

Whatever the reason for the conspicuous absence of the Council members, in order that the Nation can be aware of at least some of the comments of witnesses, I intend to place some of their statements in the RECORD from time to time. If the hearings of the Water Resources Council cannot provide an opportunity for views to be heard, perhaps the Council will find time to at least read them; and by placing these statements in the CONGRESSIONAL RECORD Members of Congress will know what views are being expressed on a subject so vital to the well-being of so many Americans.

Mr. President, I ask unanimous consent that the following statements made to the Water Resources Council be printed in the RECORD.

First. Statement of Felix L. Sparks, director, Colorado Water Conservation Board.

Second. Statement of Roland C. Fischer, secretary-engineer, Colorado River Water Conservation District.

Third. Statement of Russell Alley, mayor, city of Montrose, Colo.

Fourth. Statement of Robert Lewis, president, Five Projects Council of Colorado.

Fifth. Statement of Richard Edmondson, manager, Tri-County Water Conservancy District, Colorado.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROPOSED PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

(Statement of Felix L. Sparks, director, Colorado Water Conservation Board)

Mr. Chairman and Gentlemen of the Council:

I appear here today as a representative and director of the Water Conservation Board of the state of Colorado at the direction of the members of that board to express opposition to many of the salient features of the proposed principles and standards. The Colorado Water Conservation Board is charged by statute with the responsibility for protecting, developing and conserving the waters of the state of Colorado and the prevention of floods. The board has overall responsibility for state water planning and has the specific responsibility of coordinating its activities with those of other states and the federal government. It was one of the first state water planning agencies established in the United States and has functioned in this capacity now for over thirty years.

The state of Colorado supported the enactment of the Water Resources Planning Act in 1965. We were in accord with Section 103 of that act which directs this council to develop uniform procedures for federal participation in the planning and development of this nation's water resources. We are, however, appalled at the results.

The principles now under consideration have been proposed for the use of the many thousands of people in the state and federal governments who are responsible for water resource planning. They should, therefore, be comprehensible to the average person engaged in such endeavor. Unfortunately, the principles consist mostly of random economic theories expressed in rambling and extensive prose. No precise analysis of much of the verbal garbage contained in the proposed principles is possible. However, the conclusion is inescapable that an initial decision was made that water resource development is an evil thing which could be best controlled by a process of bureaucratic strangulation. While it was not easy to reach these conclusions in the mind-numbing process of analyzing the proposed principles, we offer the following supportng observations.

The water resource planning process is already a time consuming and costly endeavor. The average time lag for projects in Colorado from date of initial study to construction exceeds twenty years. For many projects this time lag has exceeded thirty years. It can hardly be argued that water resource projects are hastily conceived and thereafter hastily constructed.

Nevertheless, this interminable delay is to be stretched out even further, and perhaps into the millennium, if the proposed principles are adopted. The ingredients for this delay are contained in the quixotic assumptions that everyone from the man in the street to the man in the White House should be directly involved in the planning process, assisted by layer upon layer of governmental agencies.

The more obvious tool for delay is the fluctuation of the so-called discount rate. This fluctuation is not new but only aggravated by the proposed principles, as I shall illustrate.

In 1965 a series of disastrous floods occurred in the state of Colorado with the tragic loss of over twenty human lives and staggering property damages in excess of a half a billion dollars. The greatest flood in terms of water volume, but not in property damage, occurred in the Bijou Creek drainage of northeastern Colorado. The Corps of Engineers was immediately requested, among other things, to initiate planning leading to the control of floods on Bijou Creek. By late 1969 the Corps had developed a feasible plan for controlling floods originating in that area. Those plans were then submitted for review at the Washington level, but a funny thing happened. They were returned to the Omaha office for reformulation using a new and higher interest rate. Under this new criteria, the Corps presented its revised plans to the state water board about two weeks ago, almost seven years after the 1965 flood. The revised plan drastically reduces the previously planned control of Bijou Creek floods. Since this revised plan cannot be submitted to the Congress before next year, it will be subject to another new and increased interest rate if the proposed principles are adopted. And so ad infinitum.

It is most interesting to note that the proposed principles apparently place no value on human life nor on human suffering. Apparently these elements have no monetary value.

Having made these generalized unkind observations, I would like to turn a few more specific criticisms, including the proposed seven percent discount rate. I do not purport to fully understand the theoretical opportunity cost of federal investment as it relates to the discount rate, a rate actually described in the principles as being at ten percent. This rate apparently is borrowed from a study made by Mr. J. A. Stockfisch in 1969 for the Institute for Defense Analyses. If in fact the average rate of return on the investment of private capital is ten percent, then the millions of Americans who annually invest their capital at a lesser rate should be somewhat surprised. Why, for instance, should Americans invest millions of dollars annually in treasury bills which are currently returning less than four percent. Perhaps all investors should hold out for a ten percent rate, or even seven percent. The results on the American economy would be interesting and probably catastrophic.

The originators of the proposed discount rate also suggest that the opportunity rate is based in part on the alleged fact that the federal government foregoes tax revenues when it competes with the private market to build water resource projects. It has long been my understanding that the federal government taxes the interest which is received by investors on government securities. No weight apparently was given to this fact, nor the fact that water resource projects in themselves generate considerable tax revenues, or, in the case of flood control projects, reduce tax deduction by reducing casualty losses.

I realize that these criticisms of the proposed discount rate may not be accurate. Those of us who live in the real world sometimes find it difficult to adjust our thinking to the Olympian world of abstract economics. Nevertheless, the proposed rate smells more like a device to prevent further water resource development in this country than it does to promote the welfare of its citizens, a welfare based to a major extent on the use of water and the prevention of water-caused disasters.

In the event the proposed discount rate is not sufficient to destroy federal participation in water resource development, the five year construction start requirement can be used to administer the coup de grace. As we read the proposed principles, authorized projects on which actual construction or other similar activity is not commenced within five years from date of authorization will be reviewed in accordance with the proposed principles. The words "or other similar activity" are confusing. We know of no activity which is similar to construction except construction itself. We urge that as a minimum change, the Council consider inserting the words "or advance planning", in lieu of the words "or other similar activity".

It is extremely rare to have construction commence on any project within five years of date of authorization. The time lag between authorization and the initial appropriation for advance planning is usually at least two years. A time lag of four or five years is not unusual. Advance planning usually consumes another three or four years, primarily because of fiscal limitations.

As an example of the already ridiculous time lag, I cite the example of the Savery-Pot Hook unit, a joint Colorado-Wyoming project. This project was accorded a top priority by the Colorado Water Board in 1938. It was finally authorized by the Congress in 1964. Although advance planning was completed several years ago, construction has not yet started. However, construction funds have been appropriated by the Congress for the past two years but withheld by the Office of Management and Budget. By what legal authority that agency is able to flaunt the laws of Congress, we have not been able to determine.

We are not unaware of the domination of the Office of Management and Budget in the preparation of the proposed principles, although the Water Resources Planning Act gives that agency no such authority. The ironic comedy of the five year limitation is that the Office of Management and Budget can, and is, making it impossible to get project construction started within the five year period.

Insulated and protected from normal democratic procedures, the administrative branches of this government are rapidly assuming the total executive, judicial and legislative functions separately reserved by the Constitution. If the laws enacted by Congress can be ignored and rejected by the shadowy fourth body of administrative government, the question remains as to why we bother with the elective process in the first place.

During the past decade, ten multi-purpose water resource and flood control projects have been authorized by the Congress for construction in the state of Colorado, on which construction has not yet started. Because of past limitations, there is no way that construction on seven of these projects can be started within the proposed five year time limit. With a little more help from the Office of Management and Budget, the other three projects can also be pushed into the never ending cycle of re-analysis. Cumulatively, over 200 years of planning effort and several millions of dollars have been applied to achieve the present status of these projects. Now it is proposed that the hopes, dreams and aspirations of thousands of our citizens be callously crushed by administrative fiat. We may be forced to submit to this type of administrative tyranny, but not without a fight.

We vigorously dissent to this limitation in all of its aspects. Its adoption would constitute a flagrant invasion of the powers reserved to the Congress. Its use would constitute an effective veto over acts of Congress in a manner neither contemplated nor permitted by the Constitution or statutory law. Not even a tortured construction of the Water Resources Planning Act can justify this limitation as a part of planning principles and standards. We therefore urge that this provision be eliminated.

The proposed principles provide that: "The regional development objective will be used in formulating alternative plans only when directed." While we are not sure what this means, the statement appears to violate Section 104 of the Water Resources Planning Act. That section plainly states without reservation that special regard shall be given to achieving optimum use of water in the area involved. While national goals are also to be given special consideration under the quoted section, there is nothing in the act which indicates that national goals are to have any preference.

Neither national goals nor the national economy are separate entities. They are merely the total of many component parts. National goals are at the best difficult to define and are constantly changing. If regional objections must be subjugated to some mystic and ever changing national goal, then this nation is doomed to stagnation. We therefore urge that the proposed principles follow the mandate prescribed by Congress.

We note that the Council reserves the authority to amend whatever standards are adopted from time to time. This provision appears to be necessary and in accordance with the powers granted by the Congress. However, we find neither comfort nor justification in the statement that such amendments are subjected to concurrence by the Office of Management and Budget. The question naturally arises as to whether or not Congress created a Water Resources Council or a subservient arm of the Office of Management and Budget. A careful reading of the Water Resources Planning Act does not reveal that the Office of Management and Budget was to play any part in the formulation of water resource planning principles. This is a futile argument, but we make it anyway.

It has been reported that a former huckster for Lipton tea has made the statement: "All dams are an obscenity. Floods and pestilence have been a means of controlling population." The gentleman is entitled to his opinion, but there are others who would disagree. There are people in West Virginia today, both living and dead, who would certainly disagree. I know from past association that this Council would also disagree with the statement, but I am not so sure about the other agency which participated in the preparation of these proposed principles.

In Colorado, as in most western states, about fifty percent of our total yearly water supply flows down our rivers during two months of the year. In order to support our current population and economy, we must store the excess waters of the spring runoff for use during the remainder of the year. This requires dams.

Most civilizations and their cities developed along perennial streams and rivers. Such was and is the case here in the United States. I am sure that most people do not feel that they should be drowned or their property destroyed because of mankind's ancient habits. Flood protection also requires dams. If all of these dams are obscene, then let us be classed as an obscene people.

We believe that the proposed principles and standards for water resource planning unjustly and illogically single out water resource development for discriminatory treatment. We know of no other governmental activity, either federal or state, which is subjected to a similar discount rate or planning procedures.

There have been, and probably will continue to be, errors in judgment in the development of our natural resources and the treatment of our environment. Remedial measures are necessary. However, the proposed principles appear to be more punitive than remedial. We therefore urge that they be revised in their entirety in a comprehensible form, with the objective in mind that both water resource development and flood control will forever be essential to the welfare of the people of this nation.

Statement of the Colorado River Water Conservation District, Proposed Principles and Standards for Planning Water and Related Land Resources

Mr. Chairman and Members of the Water Resources Council, I am Roland C. Fischer, Secretary-Engineer of The Colorado River Water Conservation District. This District is a quasi-municipal corporation of the State of Colorado, established by the State Legislature in 1937 (CRS 1963, Chapter 150, Article 7), and is governed by a Board of 15 Directors, who are appointed by the Boards of County Commissioners of the 12 counties and parts of 3 counties included within the District. The Board of Directors has authorized my appearance here today.

The location of The Colorado River Water Conservation District is shown on Map 1 attached to this statement; it also shows the 1972 Directors and their respective counties. The total area of the District is approximately 29,000 square miles, which is nearly equal to the combined areas of the States of Maryland, Massachusetts, New Hampshire and Rhode Island. The principal headwaters of the Colorado River originate within the District; they contribute over 60% of the flow of the Colorado River at Lees Ferry, Arizona (the dividing point between the Upper and Lower Basins); before the massive transversions of water from the high mountain streams, the percentage was even higher. Map 2 shows some of these headwater streams.

The goals and responsibilities of this District and the Water Resources Council are marketedly similar. As set forth in its legislative declaration, this District is established to safeguard and encourage the conservation, use and development of the water resources of the Colorado River and its principal tributaries to which the State of Colorado is equitably entitled under the Colorado River Compact (now there are two compacts relating to the Colorado River Basin). The Water Resources Planning Act of 1965 (PL 89–80) established the Water Resources Council "to encourage the conservation, development and utilization of water and related land resources of the United States on a comprehensive and coordinated basis . . .".

In meeting its reponsibilities, this District has applied for and been awarded many decrees for the beneficial use of the waters of the Colorado River Basin in Colorado by the State Courts under Colorado's appropriation system. The District has also been active in water resources in the Federal Courts. In two 1971 cases, the United States Supreme Court ruled unanimously that agencies of the United States must adjudicate its claims for water in the State Courts of Colorado. Federal claims are now being adjudicated in Colorado State Courts; the results can affect the Water Resources Council's future activities and policies.

The Water Resources Council and its staff are to be commended for the work so thoroughly done in carrying out the mandate of the Water Resources Planning Act of 1965. The result of the work to date is published as to the Proposed Principles and Standards in the December 21, 1971 Federal Register. The work was necessarily extensive and the Proposed Principles and Standards are complex. They are difficult to understand and so their potential effect on water resources development projects in Colorado cannot be estimated at this time, but the effect would surely be serious and far reaching.

At page 24144 there is a discussion of the work of the Council's Special Task Force, which after extensive review, evaluation and public hearings submitted its final recommendations to the Council.

The Findings and Recommendations of the Special Task Force are set forth in a July 31, 1970 memorandum and report (Senate Committee Print, Serial No. 92–20, 92nd Congress, 1st Session "Procedures for Evaluation of Water and Related Land Resource Projects—Findings and Recommendations of the Special Task Force of the United States Water Resources Council"). In the memorandum the Special Task Force concludes and recommends that planning for the use of water and related land resources can best be carried out in the context of four broad objectives and that each of the objectives should be given equal consideration in the management and use of our water and land resources. The objectives are to enhance:

1. National economic development
2. Quality of the environment
3. Social well-being
4. Regional development

However, as now published (p. 24145 of the above referenced Federal Register) the Council has changed the objectives to 3; they are to enhance:

A. National economic development
B. Quality of the environment
C. Regional development

This District urges the Council to reestablish the Task Force's social well-being objective. The regional development objective as published in the Federal Register is de-emphasized in favor of the other two categories; the District urges Regional Development be given equal consideration.

Since the Task Force recommendations of objectives were prepared, there has been extensive review, both public and official, and the Proposed Principles and Standards have been published. The Task Force objectives were originally somewhat flexible, but with more and more review and comment, the published objectives will tend to become fixed and inflexible. The original flexibility should be retained.

Water Resources development is one of the few, perhaps the only, class of projects that has historically been and is now subject to any benefit-cost analysis at all. Other federally-assisted programs are not required to prove their worth. In field tests the guidelines for implementation of the Task Force objectives proved stringent and difficult to meet but there was some opportunity to include heretofore unrecognized benefits.

Colorado and the West must develop its water resources to have an economy and living standards comparable to the rest of the nation, which has already developed regional resources and built a strong economy on them. To develop our water resources, we must go to the only banker capable of loaning the funds for these necessarily large-scale projects with long term payouts; that banker is the United States Government. The banker's loan committee is the United States Congress. The water user is unique; he repays all or most of the principal of the loan.

Even though the Congress authorizes water resource projects after careful analysis and ultimately appropriates construction funds intending that projects be built; they are not being built. The will of the Congress is not being carried out apparently because of administrative veto by the Office of Management and Budget, which prevents the spending of construction funds appropriated by the Congress by putting them into "reserve" or simply not releasing them. We have authorized projects in Western Colorado for which the Congress has repeatedly appropriated construction funds and Office of Management and Budget has repeatedly refused to release the funds.

On Page 24150 (Federal Register, December 21, 1971, under para. E, "Schedule for Applying Standards") we read: "Plans, Programs or Projects which have been authorized by the Congress and on which actual construction or other similar activity has not commenced within 5 years after authorization will be reviewed in accordance with these principles and standards".

Water projects by their very nature are not hastily authorized or hastily funded. Only rarely is construction started within 5 years of authorization; the whole process necessarily takes a long time. Table I (attached) is a partial list of Western Colorado projects with dates of relevant legislation. The elapsed times indicated are not at all unusual; the Congress seems to prefer it this way.

Although some of the conservancy districts and water users on the list will submit independent statements to the Council, this District also represents all of their interest and the interests of approximately 18 more water user groups within its boundaries.

The normal process requires more than 5 years from Congressional authorization to construction; this is difficult enough. Now the Office of Management and Budget can withhold appropriated construction funds and make it impossible to meet the requirement to start construction within 5 years.

By this procedure there is, in fact, no review or evaluation of water resource projects under any criteria. Projects are simply not built no matter the will of the Congress or the people.

During the period of delay when appropriated construction funds are not released, inflationary forces continue to drive project costs up. Water resource projects are then criticized because of high costs as if the water user is responsible for inflation.

In fact, the Proposed Principles and Standards are not needed; the system of evaluating water resources development projects used historically has worked. In addition to concern about the effect of the general principles and standards, we are concerned about detailed specific proposals. Of the detailed proposals, the proposal to adopt a 7% discount rate for evaluating water resource plans and projects is the most onerous. Use of a 7% discount rate will retard vitally needed water resource development in the west and western Colorado. The Special Task Force (page IV–8, "D. Discount Rate" of "Findings and Recommendations of the Special Task Force . . .", Senate Committee Print, Serial 92–20, cited above) recommended: "The rate to be established on the adoption of these standards is 5½ percent.".

The 7% discount rate should not be used. The Council's own Task Force report opposes it. The Task Force recommendation of 5½% is much more realistic and closer to the contemporary figure of 5⅜%, which is significantly higher than the 3¼% used prior to 1968.

This District would like to point out that the "opportunity cost" concept the Council uses in arriving at the discount rate is unrealistic. There are very legitimate differences of opinion that a 7% discount rate accurately measures the real rate of return on Federal investments. The case for the opportunity cost method is partly based on the thesis that the Federal Government forgoes tax reviews when it competes for funds; no mention is made of the fact that water resource projects generate significant tax revenues.

The adoption of a discount rate based on opportunity cost as related to the "private sector" of the economy indicates a turnabout from the historic concept that the people have a role and a voice in setting policies concerning land and water resources. The responsibilities and benefits associated with Federally-assisted water projects are not the same as those of the "private entrepreneur". Public benefits and public desires, as expressed through the Congress, include values not measured in terms of short-term economic efficiency. Private and Federally planned water resource projects are virtually not comparable. The two types of projects are almost never physically alike and the benefits not the same. The differences are usually in areas that are rightfully not the concern of private financiers.

This District would like to ask if planning based on a high discount rate in the name of economic efficiency takes into account the important social and regional considerations recommended by the Task Force. The national well-being is the sum of regional and local well-being.

This District agrees that some discount rate must be used in project evaluation. A rate that is too low could waste valuable resources; one that is too high will prevent development of vitally-needed water resources. We urge that the Council hold hearings specifically to determine an equitable discount rate.

Several administrations and congresses have expressed a policy of population dispersal. Water resource development and associated economic growth in under-developed areas will prevent additional social and economic costs to the nation in the long term.

We would like to point out to the Council that the proposed criteria, especially the 7% discount rate, will tend to further concentrate population in already heavily impacted, heavily polluted areas. Problems of population concentration, increasing urban welfare costs and rural economic development will ultimately be greatly aggravated. Interestingly, rural water resource project areas have few, if any, social problems.

Of the 15 counties comprising this District, 6 counties lost population in the 10 years ending 1970, but some gain was recorded and new businesses are moving in. However, the area of this District is predominantly rural in character and has been relatively slow to develop economically and the water it generates is used to subsidize the growth of metropolitan eastern Colorado, Southern California, Central Arizona and Central Utah. This is probably one of the biggest water subsidies in the history of the United States.

This District is relatively large; the area is rich in natural resources, including the world's largest reserves of oil shale. It is vitally important to the well-being of the nation. The enactment of the proposed principles and standards will tend to support publicly and privately financed water resource speculators to the everlasting detriment of the area and the nation. The result will be that less and less of the water originating in the District will be available for its own use. It is in the long term best interests of the nation to actively encourage the development and use of these water resources within the District. Therefore, the Colorado River Water Conservation District urges that the Council's Proposed Principles and Standards, as published, not be adopted.

Respectfully submitted,

ROLAND C. FISCHER,
Secretary-Engineer.

PARTIAL LIST OF WATER RESOURCE DEVELOPMENT PROJECTS WITHIN BOUNDARIES OF THE COLORADO RIVER WATER CONSERVATION DISTRICT

Project Name, Legislation and Date

Basalt, PL 87–590 (July 16, 1962) Secretary of Interior to expedite planning as a participating projects under CRSPA.

Bluestone, Participating Project, CRSPA, (April 11, 1956).

Fruitland Mesa, PL 88–568 (September 2, 1964).

Grand Mesa, PL 485 (April 11, 1956).

Lower Yampa, Investigation: PL 90–537 Colorado River Basin Project Act (September 30, 1968).

Middle Park, First USBR Report 1946 PL 90–537 (September 30, 1968) Secretary of Interior to give priority to completion of planning report.

Savery-Pot Hook, PL 88–568 (September 2, 1964).

Dallas Creek, PL 90–537 (September 30, 1968) To be constructed simultaneously with Central Arizona Project.

Upper Gunnison, PL 90–537 (September 30, 1968).

Upper Yampa, PL 90–537 (September 30, 1968).

West Divide, PL–483 (April 11, 1956) PL 90–537 (September 30, 1968) To be constructed simultaneously with Central Arizona Project.

Yellow Jacket, PL 485 (April 11, 1956) Secretary of Interior to give priority to completion of planning report.

NOTE.—PL 485 is Colorado River Storage Project Act (April 11, 1956), abbreviated as CRSPAR.

PROPOSED PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

(Statement of city of Montrose, Colo.)

The National Water Resources Council has published in the Federal Register of December 21, 1971, Proposed Principles and Standards for Planning Water and Related Land Resources, which contemplate the use for calculating water project benefits and costs of an interest or discount rate, based on "opportunity cost", which roughly approximates the average return from private investment and which is estimated at 10 per cent. These standards set this discount rate initially at 7 per cent for a five-year period.

The City of Montrose, Colorado, believes that this proposed 7 per cent interest rate is unfair, inequitable and contrary to the public interest because:

(1) This policy of restricting water storage project construction, conflicts with the administration's declared objective of strengthening the economy and reducing unemployment.

(2) It will make impossible, the construction of many major water projects, that are badly needed to meet the economic and environmental needs of Colorado and the Western United States.

(3) It, in effect, enforces a moratorium on planning of future water projects, conceivably, to a time when water shortages occur, leaving inadequate time to get needed projects reauthorized and time to get these projects built.

(4) The interest rate cannot be economically justified, either on the basis of the average long term interest cost on money borrowed by the federal government or of the average private industry or business.

(5) There is a substantial division among federal officials on the feasibility of the 7 per cent interest rate, as evidenced by the recommendation of a Task Force of the National Water Resources Council, that a 5.5 per cent rate be used, as well as the opposition of many federal officials and members of Congress.

(6) The interest rate discriminates against water projects, since no other form of federal construction activity is faced with such restrictive criteria.

The City of Montrose opposes the proposed 7 per cent interest rate and urges the Water Resource Council to delay implementation of the proposed Principles and Standards, until Congress has had the opportunity to hold hearings on the full effects of this proposed criteria. Congress should, under our Democratic form of government, vote on these proposals and, therefore, have the final word in the form of a law, by the people and for the people.

This seems much more just, than having these Principles and Standards set by appointees, rather than by people, who are selected by the citizens of the United States.

FIVE PROJECT COUNCIL

(Statement by Robert Lewis)

Gentlemen:

I am Robert Lewis, President of the Five Projects Council. I have also served for 14 years as President of the Tri-County Water Conservancy District Board and am presently serving as an Executive Director of that board. I have been in the livestock operation for roughly 40 years in south west Colorado. The past 8 years, because of some heart trouble, these operations are seriously curtailed. I consider that I am well informed upon water as well as most of the things affecting the economy of the area.

The Five Projects Council was formed in March 1969, after the authorization of the Central Arizona Project. It was formed for the express purpose of co-ordinating funds for the construction of the five projects, which lie in Colorado but are an integral part of the 1968 Act, S. 1004—the Lower Colorado River Basin Act, which provides that all six projects proceed concurrently.

This Council also attempts to disseminate information regarding the five projects to both the Upper Colorado River Conservation Board as well as the Southwestern Water Conservation District. From time to time we are asked for information by The Colorado Water Conservation Board, regarding priorities within the "Five Projects." I have served as President since its founding in March 1969.

My understanding from the Bureau of Reclamation is, that if construction is not started upon a project within five years after authorization by Congress, a different formula must be used, involving a 7% interest rate or possibly up to 10%, whatever might parallel those rates used by private business, in figuring benefit cost ratios on new starts.

I am sure that this Council is as aware as I am, that such action would close the door on all funding for new starts in our Western States.

So, we are here to urge you not to use this criteria in determining approval of funding for our Colorado projects. It is my understanding that the Council's own releases do not evaluate on this criteria.

It also appears to me that hearings should decide the discount rate, provided those hearings are advertised, so that the parties affected are aware they are being held.

The Federal Register is not generally available to Water Conservation Districts who are not Federal employees.

I feel sure that it was the intent of the Congress to build these projects mentioned in S1004 concurrently, because the bill is so worded. Therefore, this Five Projects Council will take the attitude that any start on any of the six projects within the five years, after authorization period, automatically qualifies the other five projects.

Certainly gentlemen, unless we wish to further widen the "creditibility gap", more road blocks should not be thrown in the way of these six fine projects.

I would like to thank you for your time and patience in hearing me and especially commend your office in making it possible for me to present testimony, even though I was late.

Thank you.

TRI-COUNTY WATER CONSERVANCY DISTRICT

(Statement by Richard Edmondson)

Gentlemen:

I am appearing here today on behalf of the Tri-County Water Conservancy District of Colorado.

We would like to appeal to you to change your new proposed criteria. Tri-County represents three Colorado Counties, consisting of 4,704 square miles and 34,214 people. This area has been a depressed area since the days of the gold and silver era. We feel the water development that has been done has kept our people from completely moving away and into the cities.

We have had a good agricultural valley but the economy has been limited because of poor access to the markets. We have seen our area start to become a tourist area since we have been working on the "Dallas Creek Project." We are also seeing many people from the conjested areas of the United States moving into our valley to get away from the problems of the city.

We just recently were blessed with the announcement of Russell Stovers Candy Company moving to Montrose with a factory that will employ 600 people. It will also use large quantities of water.

We also have two new cities planned within the District that HUD and E.D.A. are involved in and these people are going to need water. Our authorized project has 65% of its stored water already committed for Municipal and Industrial Water. This water will be used by the Towns of Montrose, Ridgway, Colorado Pines, Voice of Youth, Olathe and Delta, along with our own rural domestic system that is now in and being used by 5,814 people. We anticipate that in two years we will be serving 13,500 people.

We are one of the last frontiers of the United States but without water we cannot grow. One of the factors that has hurt us, is that only 28% of the land pays taxes. The remainder of the land is Federally owned, but our local governmental units have to maintain the roads, furnish police and fire protection, garbage and trash collection. Now that we can see our economy start to bloom, we are gravely concerned over these new proposed changes by your group on water development.

We have heard Congress and our present Executive Branch talk about stopping the rush of people from the rural areas into the cities, and consequently, being untrained when they reach the city and ending up on the welfare rolls. We are concerned also about our youth that leave the rural areas and go to college and then settle in the cities because jobs are not available in the rural areas.

In almost every area that water has been developed, we have seen new industries developed and in so doing, creating new jobs and new supporting industries, businesses and services. We want to enjoy this type of economy, as do a good share of the areas in the United States.

We feel that as long as REA is only paying 2% for their loans from the Government, low income housing loans are only 2½% and HUD and EDA give away grant funds that do not have to be repaid, that the present 5⅜% interest is more than sufficient for water development, Bureau of Reclamation Project.

We have seen HUD give away many millions of dollars for model cities and new water and sewage treatment plants. Without a supply of water stored, there would be no need for water treatment plants.

Short Term Government Bonds are at 3½% and Long Term Bonds are at 4½%, which is a far cry from the 7% discount rate that your Council is proposing. We feel that all Government loans should be based on the same interest rate and it must be a rate that is economically feasible for the citizens of the United States to pay back.

Another item that we are strongly in opposition to, is the Principle that states: "Plans, programs or projects which have been authorized by the Congress and on which actual construction or other similar activity has not commenced within five years after authorization, will be reviewed in accordance with these principles and standards."

It is extremely rare to have construction commence on any project within 5 years of authorization. If final planning can be construed as a similar activity, then our project has a chance, but if not, we will probably be de-authorized. Our final planning was delayed and segmented out over the past three years. This was not done by us or the Bureau of Reclamation or the Congress of the United States but by the Office of Management and Budget. It is highly possible under this proposed policy that the Office of Management and Budget could hold up our funds and everyone else's funds, past the five year period, making it impossible for any and all Bureau of Reclamation projects to be able to fulfill the five year construction requirement.

Many people in Colorado feel that this proposed new criteria is intended to stop any and all water development in the rural undeveloped areas in the United States.

NEW EXCUSES FOR UNEMPLOYMENT

Mr. MOSS. Mr. President. unemployment remains a serious national problem. On Friday, the Department of Labor reported that the Nation's jobless rate, long predicted to decline, had climbed to 5.9 percent of the work force—its highest monthly level since 1971.

These March jobless figures must have come as one more blow to the employment prospects of those Americans out looking for work but unable to find it.

To the administration, on the other hand, the report offered just one more opportunity to exercise unemployment "double-talk."

For 2½ years, Nixon policymakers argued that a high jobless rate was the necessary sacrifice for price stability. The only way to fight inflation, they argued, was by cutting back on employment.

Now the administration economists have come up with a new excuse. Unemployment is high, they argue, not because of their own mismanagement, but because of the influx of so many women and young people into the work force.

The logic of their new argument leaves a lot to be desired. Joblessness is no less severe because it affects women, most of whom are their family's breadwinners, than when it affects men. As Hobart Rowen, financial columnist for the Washington Post, put it yesterday:

> The administration has been trying to grapple with the unemployment problem by redefining it.

Mr. Rowen maintained that—

> The honest thing for [the Administration] to say, if that's [their] policy, is the country cannot afford full employment for a couple of years. Of course, they don't have the nerve to put it that way.

Mr. President, I believe it is articles like this that keep the administration "honest" on a problem that is all too real to the families of those affected. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon Team Makes Light of Working Women's Role

(By Hobart Rowen)

The Nixon administration has been trying to grapple with the unemployment problem by redefining it. The last Economic Report, for example, complains that the estimate of 4 per cent unemployment as the equivalent of "full" employment was more or less an historical accident, the "result of repetition, even though the 4 per cent rate was seldom achieved."

Both Economic Council Chairman Herbert Stein and Treasury Secretary John Connally have indicated they think that 5 per cent unemployment is a more realistic definition of full employment in the context of today's labor force because more women and teenagers (who have higher unemployment rates than men) are involved.

In March, in the figures just reported by the Labor Department (overall rate: 5.9 per cent), adult male unemployment was at a rate of 4.1 per cent, while the jobless level among women was 5.4 per cent and, for teenagers, 17.9 per cent, or roughly the highest level in 9 years.

How to reconcile full employment and reasonable price stability has been the central economic dilemma perplexing this nation (and other major industrial countries) since World War II.

It has been the subject of a great deal of learned literature in the last couple of years, typified by George Perry's Brookings paper at the end of 1970, suggesting that the "tradeoff" between inflation and unemployment has worsened in the last decade.

But the difference between Perry and other academic analysts on the one hand, and the administration on the other is that Nixon's men have thrown up their hands and quit. As Walter Heller said a few weeks ago in a letter to Rep. Henry S. Reuss, supporting Reuss' "Jobs Now" bill, just because it's tougher to get down to 4 per cent than it used to be is "no excuse for ignoring the social costs and tensions" created.

But what Mr. Stein & Co. have now decided is that to strive for the full potential of the economy too quickly will cause a dangerous inflation. But the honest thing for them to say, if that's the policy, is that the country can't afford full employment for a couple of years. Of course, they don't have the nerve to put it that way.

Instead, the administration is trying to make us believe that the present prospective situation isn't too bad, because the women and young people employed aren't as important as men.

The simple fact is that what happens to working women is more important than ever before. An article in the current Monthly Labor Review of the Department of Labor shows, for example, that increasing numbers of women with family responsibilities are looking for jobs. By 1971, the Review says, one-third of the women in the labor force had both husbands and dependent children.

Dr. Carolyn Bell Shaw, a Wellesley College economics professor, suggested in a recent speech that the administration is slandering "the contribution of women to the economy."

Dr. Bell took particular umbrage at a hypothetical table in the latest economic report which shows that, if the age-sex composition of the 1971 labor force had been the same as it was in 1956 (that is, fewer women), the unemployment rate for the year would have been only 4.5 per cent instead of 5.9 per cent.

"The projection that women will continue to constitute a high proportion of the labor force," the Stein council said, "suggests a continuing relatively high level of transitional unemployment."

For Dr. Bell, the real translation of the above paragraph is that "we (should) get used to a high level of unemployment. They're only women . . .

"If, they suggest, you pretend that the labor force today was 70 per cent male and only 30 per cent female, the way it used to be, then you could see that, in fact, the economic policies followed by the administration have succeeded. If it weren't for all those troublesome women, the unemployment rate (the CEA is saying) today would be very close to the goal of 4 per cent."

Dr. Bell then marshaled some interesting facts, which Messrs. Stein and Connally would do well to consider:

Since 1950, the labor force has increased by only 7 million men and by about 13 million women. Thus, women account for a major hunk of the rise in national output. "The people who recalculated the labor force to get unemployment down," Dr. Bell observes, "conveniently forgot that such a recalculation would also, inevitably, result in a smaller national output and income."

Although the myth is widely-held that most women are part-time workers, 4 out of 5 adult women (over 20) are full-time workers. And the same 80 per cent ratio applies to unemployed women: 4 out of 5 are looking for full-time jobs.

Contradicting the notion that only adult married men are the "breadwinners," over half of the married men in the U.S. had wives who worked at some time during 1971. The Labor Department's own statistics show that almost 8 million wives in 1970 earned between $4,000 and $7,000, and two-thirds of them were married to men who earned less than $10,000. These working wives contribute more than $1 out of every $4 in total family income. That's a lot of bread by anyone's definition. As a matter of fact, more than 20,000,000 persons look upon a woman as "breadwinner" in the family, including 6,000,000 households which depend solely on a woman for their means of support. Besides, there is an unknown number of families with the man listed as "head of household," but with the woman actually the breadwinner because the husband is ill or unable to work.

Most of these female breadwinners are poor, and an important percentage is black. Black or white, the choice of jobs is not the same as available to men. (The Urban Coalition's Counterbudget, published last year, provides a supporting analysis of the "blatant discrimination against women in the labor market.")

This critique of the administration, for an anti-social, crass attitude toward women, applies as well to teen agers. We can't complain about the radicalization of youth if we tell them as they approach manhood that whether they have a job isn't economically significant.

No one denies that Messrs. Nixon and Stein have a problem on their hands (which they helped to create with an excessively depressing "game plan" in 1969 and 1970). But it won't go away just by changing the definition of full employment.

EQUAL EMPLOYMENT—MORE THAN A HIRING POLICY

Mr. BROOKE. Mr. President, too often the commitment to equal employment opportunity stops with "employment." But opportunity for minority workers should not end with the hiring process. Each employee deserves and must have have an equal chance on the way up. It is perhaps not an easy task. It is certainly not a task to which all large companies have been committed.

But I am pleased that progress is being made in some firms, and I invite the attention of Senators to a speech by Samuel Higginbottom, president and chief operating officer of Eastern Airlines, outlining what Eastern is doing to insure that equal opportunity is more than a hiring policy.

I ask unanimous consent that Mr. Higginbottom's remarks before the Black Achievers Dinner in New York on March 16 be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE NEW FRONTIERS OF OPPORTUNITY

(By Samuel L. Higginbottom)

Good evening. Before I start I should tell you that I approached this evening with some trepidation—not because I'm apprehensive about what I'm going to say—but rather because I have always been ill at ease talking to any group outside of my own company. Your committee tonight anticipated that though and surprised me with a table full of my friends from Eastern, some of whom are being honored—so I say without any hesistancy, I'm at ease—and it really is a pleasure for me to be here tonight. This annual dinner is an important indication, I think, of two vital facts of American life: First, that we are committed to achievement, encouraging and honoring it; and second, that we have finally come to recognize that black achievement is not only desirable, but in fact essential to our national progress.

This too is a time for taking stock. In this place, in the presence of so many people who have overcome so many obstacles to both carve out their niche in our society and in the process to contribute so much to the life of this country, we should look around us and ask some fundamental questions. What can we as a nation do to encourage more of the achievement on which our future depends? What can we as a nation do to broaden the opportunities for *everybody* in this land—regardless of skin color, religion, or national heritage—to go as far and as fast as their talents will take them?

Very soon now, this country will be celebrating its 200th birthday. We are now in what might be called the countdown period before the 1976 bicentennial. At this time, then, and on this very fitting occasion, perhaps you will permit me to share with you a few thoughts I have on this country as a whole and what we—all of us, in one way or another, members of minority groups—can do to make our lives and those of our children more satisfying, more productive, more fulfilling than ever.

Since 1776, when this country was born, we've come a long way. We have espoused great purposes. We have said many times—and these are not empty words—that our goal is the extension of peace and prosperity, and true equality of opportunity. But still in today's society, all too often, considerations of birth, of religion of regional or racial differences, still outweigh considerations of merit, ability, and character. Nevertheless, there has been notable change in the right direction, as vividly evidenced by the high caliber, and the number, of honorees assembled here tonight. But that fundamental goal of true equality of opportunity has certainly not yet been reached.

It is mandatory that we achieve this goal of real democracy in practice, not just in theory. If this country is to fulfill its true potential—and if we, its citizens, are to be whole men—the frontier of opportunity must be opened wider now. Without achievement of this goal, we will continue to spend much of our nation's energies and talents on internal bickerings and devisiveness—at a time in history when we need all of our talents applied to securing our leadership dominance in the emerging multi-national world society. My industry which is already competing on a worldwide basis perhaps feels and sees this need sooner than most industries. That not only gives us the opportunity to speak earlier than some other more parochial industries, it gives us the absolute obligation to take positive actions to assure we do in fact have democracy being practiced.

I noticed that most of you achievers here tonight are also from the corporate sector. You particularly can appreciate this point and can do much to help assure such action in your own companies.

Thomas Jefferson, returning from his ambassadorship to France, was one of the first to foresee the problems we are facing today. Standing on a ship off Virginia, awaiting the tide that would permit him to dock. He commented to an aide that this country would grow and prosper so long as there was room for physical expansion. Then, he said, it would encounter the difficulties of urbanization that were already prevalent in Europe.

From that time until the relatively recent past, his prophecy held true. When individual frustrations reached unbearable proportions, young people in quest of better opportunity and freedom moved on to less restricted geographical frontiers. That was what made this rich land a mecca for immigrants from all parts of the globe. But today our geographical frontiers are no longer and we are contending with all of the problems of urbanization.

Like it or not, our social system today depends in great measure on the strength of our urban centers, and their efficiency and effectiveness as centers of commerce, industry, financing, and transportation.

Without denying the importance of rural and suburban America, it would appear that as our cities go, so will go the nation. Yet our cities today, in so many respects, are ailing.

The problem is rooted deeply in a number of interrelated areas—employment, education, housing, public safety, welfare, mass transportation and the solutions will come from the youth of today, who are the leaders of tomorrow.

So we must develop a strategy to improve the lot of *all* youth. Not just black youth, but all those to whom the mantle of leadership in this Nation will one day be passed.

During the past 20 years or so, many of the handicaps and barriers that for so long blocked the paths particularly of black youngsters—and men and women—from social and economic improvement have been removed. The process of lowering and removing these barriers is continuing and their total dissolution promises to become a way of life rather than an exception to it.

In the past our bigger corporations have for the most part only paid lip service to upward mobility. Now we're going to have to change that. It's not going to be enough to simply hire minority group employees. We're going to have to promote blacks and other minority group members into the ranks of management and on up the ladder to executive policy making authority. When department heads tell us there aren't any qualified minority applicants, we must tell them that's not true! Look again, and find the man or woman who can do the job and promote him or her now, and must insist that it happen. And that practice must spread throughout our society.

We are doing that today in Eastern Airlines, and while progress has been slower than I hoped for as our company shrank in size these past months, we are again growing and progress will now be much more rapid.

But of more importance, our minority group management people are proving themselves to be outstanding managers—and are doing more by example to break down barriers than I can ever do by edict—or even persuasion. Take one example: In electing Jim Plinton to a vice presidency, we were aware that we were opening a new frontier. Sure we hoped that our example would be followed by other airlines, and other companies in every line of business.

But we didn't hire Jim just because he's black. A company that takes in over a billion dollars a year, yet can't keep a penny on the dollar as profit, simply can't afford to hire minority group officers just to keep the equal opportunity enforcement people off our backs. We hired Jim because we thought he could make money for us. That is the reason we make any man a vice president.

We needed Jim—more than he needed us. I worked for Trans World Airlines when Jim was there. I saw how he helped that airline expand into Africa. We are looking for expansion into the Caribbean, and Jim is helping us immeasurably in establishing strong relations with the burgeoning new island nations in that area—and in developing our marketing strategies so that we are capturing more than our fair share of travel to those vacation destinations.

So we were more than altruistic in our motives. Competitive businessmen *have* to be in the pursuit of profitability. Jim is a capable, experienced executive with drive, ideas and ambition—and we got an unexpected bonus in Jim, for he directly and by example has been more instrumental than any other member of our management in breaking down the barriers against minority hiring and promotion. We would have been foolish indeed to deny ourselves Jim's talents. So, too, would we be shortsighted to deny ourselves the services of the pilots, stewardesses and other minority group members who are now part of Eastern Airlines, all told nearly 3500 of them—or to tolerate any thwarting of their progression on merit.

What then do we do to further open the way for more Jim Plintons, Milt Branches, Joe Forrests, Joan Bryans? No one company or industry, no matter how committed, can do this alone. Widening the frontiers of opportunity involves the corporate sector, Government, *and* those in leadership positions within the critical urban areas. Not necessarily individual leaders, but agencies such as the Harlem YMCA, where programs devised around the slogan "Youth Is Our Business" can and must succeed. These programs must deal with more than the relatively obvious unemployment. They must also come to grips with the alarming level of *under*-employment. Talking with Henry Lenoir gives me great encouragement—he's so far ahead of my shallow thoughts—I'm glad I'm concentrating presently on what one airline can do!

The force of Government, long applied to assist developing nations, must be more effectively committed to developing these underdeveloped parts of our urban centers. The call is growing for a reorientation of our Nation as well as local priorities. There is a public demand that we concentrate more programs and funding on our domestic problems.

All of this will help—but for some of these actions we will have to wait. And yet there are many things that can be done right now without waiting for government. At eastern, for example, as a matter of high priority corporate policy, we *are* proceeding to upgrade as many of our minority employees as possible, and on an urgent basis. We recognize that the time has come when we must, through positive action, demonstrate that their efforts to educate and train themselves will be rewarded.

Our program, instituted last year, has three objectives. One, to demonstrate to *all* personnel that top management is dead serious about the practice of equal opportunity. Two, to fill job vacancies with more black and other minority group youth, and get them started on the upward road. And three, to encourage all minority group employees. This latter we can best do by letting them witness the fact that the productive employee no matter what his origin is being rewarded with opportunities for advancement and promotion. As so many of you in this room know—achievement is not only habit-forming, it's catching.

Toward these ends, we established a five-man integrated task force, of which Jim Plinton is a member. It is reviewing all promotions made within the company to assure minority group employees priority in these upgrading opportunities.

Not satisfied with waiting for these things to just happen, the task force is now busy reviewing the backgrounds and potential of every minority group employee at eastern to determine his or her eligibility for promotion, and it will then recommend who should be upgraded to what type of position.

Our task force is a competent team. They view the situation through experienced eyes. They are the keepers of our equal opportunities intentions. They apply constant pressure to assure our managers we do fulfill our commitments and obligations in these regards.

This task force has also spotlighted and labeled the sometimes obvious, more often subtle discriminatory tricks that had slithered into the hiring policies and blocked off qualified minority employes in some places—and under that continuing spotlight we are weeding out those roadblocks.

Beyond all of this, eastern's management is consciously encouraging preferential treatment both in hiring and promotion of people from minority groups.

As we continue to do this it does place an unusual obligation on the people so favored. Specifically, we can be successful in our efforts only for as long as the people so favored perform outstandingly well. This is a message that you achievers can help us carry not just to your associates in your company, but to your associates throughout society. You who are so aptly demonstrating that can be very effective in this effort.

We realize the importance of preparedness where employee performance is concerned. Control of technology does require knowledge and airline operations are increasingly dependent on technology—and increasingly seeking more technically trained people. Obviously, more technical training opportunities for minority groups commencing with youngsters in high school, are indicated.

Just a short distance from this hotel, in Jamaica, Queens, is one of the nation's first predominantly black, public technical high schools. It is called the Captain August Martin Technical High School, and was opened last September. That high school was named for Jim Plinton's friend and former Air Force wing mate, Captain August Martin, who was the first black scheduled airline captain in the United States. He was killed in Nigeria in 1968 while flying food and supplies to starving Biafrans.

Eastern is helping this school develop the technical potential of young black Americans, so that they may begin to qualify for a future as pilots, engineers, or highly qualified technicians.

We also have training programs within the company where we are helping ambitious employees upgrade their knowledge and skills, and we underwrite college extension education for our employees willing to devote their time to it. All helps participating employees expedite qualifying for bigger, better, jobs and responsibility.

Slowly but surely, then, the new frontiers of opportunity are opening. All of us, particularly those of you in this room who are, in the truest sense of the word, achievers, have parts to play. You are committed to guide, steer, push and inspire. All Americans need your help so we don't stray from the path upon which we have embarked. You have to plan and act, to watch with wisdom and courage, to keep us all honest.

On behalf of Eastern Airlines, I pledge we will do more than our fair share.

Thank you.

DEATH OF MRS. ABRAHAM A. RIBICOFF

Mr. ALLEN. Mr. President, news of the death of Mrs. Ruth Ribicoff, the beloved wife of our distinguished colleague, Senator ABRAHAM RIBICOFF, came as a great shock to me and to other Members of the Senate.

Mrs. Allen and I extend our deepest sympathy to Senator RIBICOFF and other members of the family. I asked my wife, Maryon, who knew her well and loved her and had enjoyed the warmth of her friendship, to express her feelings at the loss of her dear friend. I ask unanimous consent that her tribute be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

MRS. ABRAHAM RIBICOFF—A DEAR FRIEND

(By Maryon Allen)

A fine and wonderful lady passed away today, and fellow Senate wives will miss her immeasurably. Wherever Ruth Ribicoff walked, there also walked compassion and kindness. Her true goodness and her concern for all others were accepted and most appreciated facets of her being. She was greatly loved, particularly by the Senate wives who looked forward to being with her every Tuesday at the Ladies of the Senate Red Cross.

Ruth never failed to extend her friendship and know-how to new Senate wives, and I especially treasure the wisdom she shared with me. My respect and love for her deepened with each moment spent with her. Her wit was famous and quite devastating, prized all the more, since she was sparing with it.

There are no words adequate to describe her immense pride and love for her husband, indeed for all her family, but most especially for her Abe, with whom she had shared such a distinguished life. Ruth brought grace and dignity to her husband's public life, and love and warmth and beauty to their private life. She bore him children, who rounded out their personal existences, and she, as all mothers do, thrilled to these children's many accomplishments. And I do believe she was the most loving grandmother I have ever known. Each Tuesday brought at least one "Proud Grandma" story.

A pitiful void has been left in her family's life, but also in the hearts of her many, many friends. Ruth Ribicoff was a truly great woman . . . a giving, contributing, caring, and loving person. She will be missed sorely by those whose lives she touched with her singular beauty.

The Ladies of the Senate pay tribute to Ruth Ribicoff, a dearly beloved member. She was a very special person. Personally, I will forever be grateful that I had the honor of knowing her and calling her my friend. She left the world more beautiful where she had passed.

ADEQUATE PENSIONS FOR WORLD WAR I VETERANS

Mr. TOWER. Mr. President, I have joined the distinguished Senator from South Carolina (Mr. THURMOND) as a cosponsor of S. 3070, a most needed proposal to provide an adequate pension program for our World War I veterans and their dependents.

The World War I doughboys, some 4,700,000 strong, came sailing home from Europe to jubilant parades of tickertape. However, as a nation, we did not realize the problems that were created by a global war. World War I had disrupted our economy, displacing men and material. We did not have such programs as GI education benefits, vocational rehabilitation, GI home loans, and veterans' preferences that have since been instituted to assist our veterans in readjusting to civilian life.

In retrospect, Congress has provided a pension program for these deserving veterans of World War I and their dependents. Today, there are over 1,400,000 World War I veterans. Their average age is 77. As they advance in age, we must seek to provide an adequate pension plan so that they may live their lives with dignity and pride, without fear of want.

S. 3070 would provide $135 a month for a single eligible veteran and $150 for a veteran who is supporting a wife or dependent child. If he needs regular aid and attendance, his pension would be $275 a month. A permanently homebound single veteran would be entitled to $185.

A widow of a World War I veteran would receive $100 a month; $125 a month if she supports a child; and $20 a month for each additional dependent child.

Under the proposed legislation, the income limitations would be raised so that the veteran and the widow would be subject to a limitation of $3,000 for a single pensioner and $4,200 for a pensioner with dependents. Furthermore, future increases in monthly payments under the Social Security Act and the Railroad

Retirement Acts would not be included in the determination of income.

A final provision of S. 3070 would grant World War I veterans participating in this pension program a priority in admission to VA hospitals and health clinics.

I give my wholehearted endorsement to this proposal. We cannot do less for our older veteran population who have contributed so much to the greatness of this Nation.

ADMINISTRATION URGED TO RETURN TO PARIS PEACE TALKS

Mr. KENNEDY. Mr. President, tomorrow will mark the fourth straight week of President Nixon's unconscionable boycott of the Paris peace talks. I urge the President, in the strongest possible terms, to order Ambassador Porter back to the talks, and end the outrageous spectacle of the empty American seat at Paris.

Again and again, the administration has insisted that it is willing to go the extra mile for peace, and to seek a negotiated settlement to the war. Yet, when the chips are down, when there is a clear and present step to take, when the eyes of all nations and peoples of the world are on us, America holds back in Paris, and the seat at the peace table stays empty.

Whatever other policies we favor on the war and the means to end it, surely there can be no disagreement that at this time of profound new crisis in the fighting, the United States should be at the conference table. At this time of massive new escalation on the battlefield in Vietnam, both sides—but especially the United States—ought to be exploring every conceivable avenue for an immediate ceasefire to end the devastating new killing and destruction.

To be sure, our boycott of the Paris talks does not seem of long duration. It was on March 23 that President Nixon ordered Ambassador Porter to walk off the job in Paris. But that brief interval has been an eternity in the war, in terms of the vast new violence that has been unleashed in recent days. Worse, it has been a lifetime for countless innocent men and women and children, caught in what may well become the deadliest slaughter of this war.

How can any nation that genuinely desires peace be absent from the peace table at a time like this? Perhaps the new offensive must inevitably run its course. Perhaps no negotiations at this time could prosper. Perhaps no fruitful discussion could take place. But how can we refuse to make the effort?

It is precisely when the pursuit of peace is most difficult that those who desire peace the most should be making the greatest effort. How can we abandon even the most fragile chance for peace, when so much new killing is taking place?

Perhaps, even now, the administration is pursuing some secret peace initiative to stop the killing. I hope that this is so. But all the signs point otherwise. To hide the abject failure of the Vietnamization program, the administration is whipping the Nation into a new war frenzy. The daily headlines trumpet the movements of naval forces and the search for more B–52's to send to war. They tell of vast bombing raids over Indochina, and vast new casualties on the battlefields by soldiers and civilians.

And to what end? Does anyone seriously believe that the Government of South Vietnam could survive this new offensive on its own, without the support of massive American air power? If that is what Vietnamization really means, then the administration has misled the American people with its promise to end the war, and the policy of Vietnamization is revealed as just a cruel and murderous hoax on the people of Indochina, bringing them more of the same death and destruction that President Nixon promised years ago to end. The only promise we really see at all is not a promise to end the war, but a promise of war without an end.

I yield to no one in my condemnation of the new offensive by North Vietnam, but I do not believe that the administration can escape its very real share of the responsibility for the present crisis. In recent days, we have watched the killing mount. And as it mounts, the President stays silent, while a parade of spokesmen for the administration have cast about in an effort to escape responsibility.

"One last throw of the dice," they say, and then there will be peace. That is just the latest—and possibly the cruelest—metaphor in this long immoral war—as if somehow we had the right to gamble so casually with the lives of men and women and children.

Perhaps it is just a throw of dice to the planners in the Pentagon and in the White House, but it is not a game—and it is certainly not a game of dice—to the soldiers dead on the battlefield, to the civilians slaughtered by the bombs and bullets, and to the American fliers newly taken prisoner.

Hundreds of lives are lost each day, while the administration tries to fix the blame. They blame this, they blame that. They blame the weather for preventing American air strikes. They blame the Russians. They blame the Chinese. They blame everyone but themselves.

But I do not think these excuses will fool the American people. How can we seriously blame the Russians, when a month from now the President will be off to Moscow in search of peace? How can we blame the Chinese, when a month ago the President was elegantly toasting Chou En Lai in Peking to the strains of "America the Beautiful?" If we can talk to the Russians in Moscow and the Chinese in Peking, why not to the North Vietnamese in Paris?

No, there is blame enough for all sides in Vietnam. Indeed, history may well record that our boycott of the Paris talks last month was the final shock that drove North Vietnam to mount this new offensive. We know that this offensive has been rumored for many months. We engaged in massive bombing raids last Christmas, supposedly to forestall it. When the President traveled to Peking, we again resumed the bombing, so that no untoward offensive would embarrass that historic trip.

For months, the offensive failed to materialize. But, while we were bombing on the battlefield, we were slowly foreclosing any real hope of progress in the Paris talks. Earlier this year, for considerations based largely on domestic political advantage, President Nixon broke the veil of secrecy surrounding the private talks in Paris, and attempted to justify our public position at the conference table by resort to the secret talks.

And so the avenue of private talks was blocked. It is not difficult to believe, therefore, that when our boycott of the public talks began last month, the avenue to peace in Paris was now so clearly closed that the planners in Hanoi who favor war instead of peace gained the upper hand, and began the current offensive that is bringing such senseless daily slaughter to the people of North and South Vietnam.

When war has broken out like this in recent years, America has tried to stop it. In spite of our months of neglect while conditions deteriorated over Bangladesh, we reacted instantly when war broke out between India and Pakistan last December, and we tried at once to stop it.

The same is true of the Middle East. Some of the finest chapters in the history of America's concern for peace have been written in the tireless efforts of our recent leaders, including especially the leaders of this administration, to secure and preserve a ceasefire in the Middle East.

How, then, can we be so blind when the fighting suddenly rages in Vietnam?

Time out of mind, we have prayed for peace in Vietnam, but all we have found is war. The prayer we ask now is a simple one, in which I hope that all our people can join. We urge you, Mr. President, to go back to Paris, to go back to Paris tomorrow, and to try again to end the killing. Let all the world see clearly that America does want peace.

APPEALS PROCEDURE FOR FOREIGN SERVICE AND USIA PERSONNEL

Mr. MOSS. Mr. President, on October 6, 1971, I introduced on behalf of the Senator from Iowa (Mr. MILLER) and myself a bill, S. 2662, whose purpose was to promote the foreign policy of the United States by improving the Foreign Service personnel system of the Department of State and the U.S. Information Agency through the establishment of an equitable appeals procedure for officers and employees in the matters of adverse actions and grievances.

Last October, the Committee on Foreign Relations received testimony from the American Federation of Government Employees endorsing S. 2662.

On March 30, 1972, AFGE national president John F. Griner submitted supplemental testimony to the Foreign Relations Committee in support of my bill. Mr. Griner also adverted to several other matters of great concern to Foreign Service personnel of the Department of State, the U.S. Information Agency, and the Agency for International Development.

I should like most of all to call attention to Mr. Griner's expression of "hope" that the "external causes of crisis" affecting the foreign affairs agencies "will not result in punitive cuts" in their budgets. Mr. Griner also requested that "sufficient additional funds be authorized and appropriated for salaries and expenses to staff the needed new appeals machinery," called for in my bill, "with competent professional personnel." He also observed that "funds will also be needed to reinstate officers who had been improperly selected out and to provide restitution to the victims of other past improper personnel practices."

With specific reference to S. 2662—and S. 2659, a similar bill introduced by the Senator from Indiana (Mr. BAYH)—Mr. Griner said the following to the Foreign Relations Committee:

> We wish to reiterate our previous urgent appeal that your Committee report out this year a bill establishing by statute a grievance appeals procedure for the Foreign Service. We also hope that such a bill would not appear later on the floor of the Senate than the Authorization Bill which you are currently considering for the Department of State. In the event your Committee, in its wisdom, decided to combine the Moss-Miller or the Bayh Bill with the State Department Authorization Bill, perhaps as a "rider", we would consider that to be a most judicious solution in light of the lateness of the present legislative calendar.

I ask unanimous consent that Mr. Griner's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN F. GRINER

The American Federation of Government Employees, AFL–CIO, appreciates the opportunity afforded it by the Senate Foreign Relations Committee to submit supplemental testimony directed to showing the interconnections between several matters before your own and other Committees of the Senate. Among these are the following:

1. Authorization and Appropriation Bills for the Department of State; for the United States Information Agency; and for the Agency for International Development
2. The Moss-Miller (S. 2662) and Bayh (S. 2659) Bills, providing a statutory grievance appeals mechanism for personnel
3. The Magnuson Bill (S. 2754), establishing an International Commerce Service separate from the Foreign Service
4. U.S.I.A. Director Shakespeare's new concepts for promotions to U.S.I. Officers Class–1
5. General Reform of the Foreign Service.

Common to all these matters is the climate of crisis and urgency affecting the three foreign affairs agencies. The central fact of this crisis is their loss of status consequent to a lack of confidence in them by the White House; by the Congress; and by the general public, especially the business and commercial community.

The internal symptoms of crisis are equally apparent in the demoralization of the officers and employees of these agencies, resulting from arbitrary and capricious personnel policies in the appointment, assignment, promotion and firing through selection out of officers and employees.

I shall direct my testimony primarily to the internal symptoms and causes of crisis. However, I should like first to state that I hope the external causes of crisis will not result in punitive cuts in the budgets of the foreign affairs agencies, rendering them even less capable of discharging their missions. Secondly, I should like to request that sufficient additional funds be authorized and appropriated for salaries and expenses to staff the needed new appeals machinery with competent professional personnel. Funds will also be needed to re-instate officers who had been improperly selected out and to provide restitution to the victims of other past improper personnel practices.

THE ABSENCE OF DUE PROCESS IN THE STATE DEPARTMENT

As you know, our organization has at its main reason for existence the protection of the rights and welfare of all Federal employees. For example, we have always been in the forefront to obtain equitable and just pay rates for Federal employees based on comparability with private enterprise. We have led in the development of proposals for due process in the appointment, promotion and assignment of all career employees based solely on merit without regard to outside political influence or to inside managerial race, creed, color, sex, age or other personal reasons. We have made it a cardinal principle to safeguard all Federal employees from capricious and arbitrary managerial decisions leading to firings by "selection out" without the protections of an appeals procedure.

We have appeared before your Committee on several occasions primarily to protest against the absence of "due process" in the personnel systems of the State Department and of other Foreign Affairs Agencies. We have submitted evidence showing that the so-called "merit" in the "Foreign Service Merit Promotion System" is in fact a myth. During the Hearings on Bayh Bill, S. 2659 (originally S. 2023), and the Moss-Miller Bill, S. 2662, we presented evidence as to how both the promotions and the selections-out of Foreign Service Officers are manipulated by the top personnel managers of the Department of State behind a facade of apparent competition on the basis of merit. We showed that the subjective ratings both in the so-called Efficiency Report and in the secret Development Appraisal Report revealed at best the inter-personal relations between the rating and the rated officer.

PAST SELECTION BOARD "RANKING ORDER" PRACTICES

As to the alleged independence of "selection boards" in ranking officers, firm evidence now exists that, in some instances, top managers of the State Department refused to accept the original "rank order" for promotions and selections-out but have sent these back to the selection panels for re-grouping. With very rare exceptions, these selection panels then submitted new "rank order" lists both for promotions and selections-out more acceptable to the State Department's personnel managers.

SELECTION OUT

Regarding "selection out," our organization is fundamentally opposed to this system as it is practiced by the Foreign Service of the State Department.

"Selection out" has been used as a special tool by the State Department to achieve a variety of different goals. First, it has been used to carry out "firings" in reductions-in-force programs. These "selections out" have usually taken the form of "reducing the time in grade" provisions of the precepts sent to the selections boards. Generally, these precepts then also provided that "experience" in grade was not to be considered a positive factor in favor of the rated officer.

"Selection out" has also been used to create new positions for political favorites. Since the number of positions are fixed in the authorization and appropriation bills, the easiest way to vacate "slots" is to fire the incumbents. Thus, career employees were "fired" by selection out to provide positions for non-career employees.

In neither of these uses of "selection out" was there any provision for a genuine appeals procedure.

Worst of all, "selection out" has been used by the State Department as a kind of subtle and covert diplomatic "witchhunting." Usually, this has taken the form of placing certain officers in the "lowest three, or lowest five, or lowest ten percent of class." Evidence is now available suggesting that some of the officers rated in these "lowest percentages" were previously "marked men." Sometimes they were in disfavor because they had sought to change policies; sometimes because they had refused to submit intelligence reports which would have substantiated or supported established policies. Sometimes, they were "marked" solely because they, or their wives, had incurred the personal enmity of some superior.

Others, it is true, were marked men because management officials, perhaps sometimes rightly and certainly sometimes wrongly, had concluded that they were "unsuitable" for the Foreign Service because of personal character traits. Our organization concedes that in some of these cases, the charge of "unsuitability" would have been sustained by the standards of the American community. However, we object to the use of "selection out" procedures in matters of "suitability" and insist that any person so charged should have the right to defend his career and his reputation under adverse action proceedings. In brief, these officers should be dismissed only for "cause."

The apologists for using "selection out" for the purpose of removing allegedly "unsuitable officers" claim that this procedure saves both management and the officers embarassment through confrontation. They invoke the image of the "McCarthy period" and state that their sole concern in "selecting out unsuitable officers" is the public reputation of the Foreign Service.

We consider this argument specious. We contend that such use of "selection out" deprives the officer of due process. Secondly, it tempts management to abuse and distort the Foreign Service merit system by resorting to surreptitious practices. Recent evidence shows that one of these questionable practices was an "arrangement" between personnel, inspection and security officers in Washington, D.C. with certain cooperating "rating" officers in the field. This "arrangement" involved the insertion by the rating officer of comments in the secret Development Appraisal Report which really originated in Washington but which took the form of an apparently independent judgment by the "rating" officer in the field.

DIRECTOR SHAKESPEARE'S NEW PRECEPTS FOR PROMOTIONS TO FSIO CLASS 1

This year the Director of the USIA, Mr. Frank Shakespeare, has reverted to a practice previously employed by Director Edward Murrow. This practice is to promote Foreign Service FSIO Class 2 officers to Class 1 on a basis not strictly in accord with the rank-order in which they were, or would have been, rated by the Selection Panel.

Director Shakespeare has explained that of the 156 FSIO–2 officers who were rated, thirty-one were listed in the "top quintal" or fifth of their class. Of these 31, fifteen were further designated as "highly promotable" and thus, in fact, they were in the top tenth of their class. Of these "highest 15" officers, Director Shakespeare argued, he should have the right to choose the actual 8 who would be promoted without regard to the specific or rigid rank order in which these top 15 officers would be designated by the selection panel.

In justifying his decision, Director Shakespeare has stressed that the selection panel for this class actually had only four members and that only two of these members were really knowledgeable. These two were FSIO Class 1 officers, with their own personal views about the rated officers. The third member was a Foreign Service Officer of the State

Department; the fourth was a so-called "public member."

Director Shakespeare has emphasized that the "public member" did not know anything at all about the rated officers, apart from the files before him. The State Department FSO knew some of the rated officers personally. And the two FSIO Class 1 officers personally knew most of the 156, at least superficially. Thus the last two members really held the key to the rank-order in which the topmost officers would appear.

Director Shakespeare said that he thought such a panel was not really constituted in such a way as to pass objective final and authoritative judgments so refined and so infallible that the panel could in fact really establish without any doubt as to which officer was genuinely number 1; which was genuinely number 2; etc. In short, his contention is that the best the panel could do was to establish a list of the top tenth of class. Any effort to refine the choice more than that was to ascribe to the panel a mystique of wisdom which it does not in fact possess.

I recommend that the Foreign Relations Committee take note of Director Shakespeare's reasoning because he has described a real limiting factor handicapping Selection Panels as they are now constituted. Their members are asked to make refined judgments beyond their actual capabilities, given the restrictions and the conditions set on them by management.

We are pleased that Director Shakespeare has chosen to make public his reasoning. We are most gratified that he has also publicly taken the responsibility of informing the President and the Congress that he has reserved to himself the choice of the final 8 officers to be nominated. We believe he should be commended for not taking the alternative course, often chosen by the State Department, of trying to return the original list to the panel with the suggestion that the panel submit a new rank-order list more in keeping with his own preferences.

Nevertheless, we regret that Director Shakespeare has not proceeded one step further and joined us in calling for a comprehensive and fundamental review of the other assumptions and other "myths" used in the Foreign Service "selection up or selection out" system.

We also regret that he did not publish the names of the top fifteen officers in the rank order in which the selection panel would have rated them.

We regret that he did not provide some supplemental merit assignment or award for all those officers who were listed higher by the selection panel than the ones he actually nominated.

Finally, we do see certain potential threats to the merit system if Director Shakespeare and his successors adopt his practice without explicit safeguards of the career rights of these officers. These dangers could certainly arise if some FSI Officers Class 2 appeared year after year in the top ten percent and were passed over time and time again. We fear that this situation would in fact arise if a USIA Director remained in office for many years. In this situation, without explicit safeguards for career officers, the merit system in the United States Information Agency would be diminished and compromised.

Thus, while we grant that there is some merit to Director Shakespeare's arguments, we also see those dangers to which he has not been attentive. For this reason, we would be grateful if your Committee held hearings specifically addressed to the question as to what are the genuine abilities of Selection panels to rank officers in strict numerical order. During these hearings, we would submit proposals forbidding any agency official from influencing the selection panels in any way and strictly limiting the right of the head of any agency repeatedly to disregard the rank order selection by panels rating FSO–2 and FSIO–2 grade officers.

In brief, we believe that a new formula can be devised which preserves the essential elements of a career system; which realistically appraises the actual abilities of selection panels to rate officers; and which still accords management some latitude of its choice of top officers without its having to resort to such covert manipulations of the promotion and selection-out system as now exist in the State Department.

A GRIEVANCE APPEALS MACHINERY—THE MOSS-MILLER AND BAYH BILLS

We have appeared before you previously requesting the enactment preferably of the Moss-Miller (S. 2662) and alternatively of the Bayh Bill (S. 2659). The main substantive difference between these two Bills is that the Moss-Miller Bill provides explicitly for an appeal outside the State Department in the event that the Secretary of State refuses to carry out the findings and recommendations of the Grievance Panels. Otherwise, the Bills are variants of each other.

During the Hearings on S. 2662 and S. 2659, Senator Cooper indicated he had some reservations regarding the composition of the grievance panel which would hear the petitions of the grievants. Several alternative formulae have been suggested since that time, which would appear to satisfy the conditions of "objectivity" which Senator Cooper wished to guarantee. Thus, there doesn't appear to be at this time any major substantive obstacle to the passage of the Moss-Miller or the Bayh Bill.

We wish to reiterate our previous urgent appeal that your Committee report out this year a Bill establishing by statute a grievance appeals procedure for the Foreign Service. We also hope that such a Bill would not appear later on the floor of the Senate than the authorization Bill which you are currently considering for the Department of State. In the event your Committee, in its wisdom, decided to combine the Moss-Miller or the Bayh Bill with the State Department Authorization Bill, perhaps as a "rider", we would consider that to be a most judicious solution in light of the lateness of the present legislative calendar.

GRIEVANCE BOARDS ARE PART OF ANY PROPER MERIT SYSTEM

Most recently, two separate grievance appeals boards, one under the jurisdiction of the civil service and the other under the old grievance procedures of the Foreign Service, have recommended immediate promotions for two Foreign Service Class-4 officers, Alison Palmer and John Harter. According to press reports, the Board of the Foreign Service has accepted these recommendations and their names will be submitted shortly to the Senate for confirmation as Class-3 officers.

Certain groups, most prominently the American Foreign Service Association, have argued that the Department of State does not have statutory authority to grant these promotions. We reject this contention as legally unfounded.

These groups have also sought to establish a "straw-man" issue, asserting that promotions granted on the basis of the findings of grievance panels are somehow not "merit promotions". They have invented the term "compensatory" promotions, to seek to draw a distinction between allegedly "merit" promotions and allegedly "non-merit" promotions.

We should like to recall for the record that every comprehensive personnel "merit" promotion system has an appeals mechanism which is designed to assure that due process in promotions is maintained. The "appeals mechanism" is one of the guarantees, and sometimes it is the only effective guarantee, that promotions shall be made only on the basis of "merit". The findings of the appeals panels in matters of promotions therefore are findings that the merit system itself had been vitiated in some way by improper or illegal actions of the promoting authority. The use of these grievance panels is to keep the "merit" system meritorious.

To argue that appeals systems deal primarily with other issues than "merit" is to suggest that the real purpose of the appeals mechanism has nothing to do with the "merit personnel system" for which it has been established. This argument can be made only if one postulates the "myth" that the real merit system resides exclusively in such bodies as "selection boards", which are presumably infallible in their judgments of "merit".

We are pleased that the Board of the Foreign Service has recognized the need to grant these two promotions; we consider them to have been granted on the basis of "merit"; and we insist that no "merit" system can exist unless it has within it a self-enforcing mechanism to review and to correct denials of equity and justice and due process in any "merit" system.

THE MAGNUSON BILL, S. 2754

The so-called Magnuson Bill, S. 2754, would create a new "International Commerce Service," independent from the Department of State. Under this Bill, responsibility for, and the staffing of, economic and commercial representation abroad would be transferred from the Department of State to the Department of Commerce.

The Bill would also vest in the Secretary of Commerce controls over appointments and promotions and selections out similar to those now vested in the Secretary of State.

We understand that the principal reason for the introduction of this Bill was to respond to the many criticisms from American businessmen about the service provided them abroad by commercial officers of the Department of State. The Bill's principal goal therefore is to strengthen American commercial facilities outside our borders.

As this Bill is now drafted, however, we feel this principal goal is not likely to be achieved. It is true that the personnel system of the State Department has discriminated against commercial officers, as it has against consular officers, labor attachés, and many other groups who are not members of the "elite." It is true that far too many commercial officers of distinction have left the service because promotions were not available to them; others were fired by arbitrary "selection out."

Nevertheless, we believe that the solution is not to fragment the Foreign Service even further. We believe that the best way to strengthen the commercial facilities abroad of the Foreign Service is to improve personnel practices affecting *all* Foreign Service officers and employees, including commercial officers, consular officers, diplomatic officers, technical and staff officers and employees.

Improvement is not likely to come piecemeal. The United States is unlikely to be able to salvage and upgrade part of its international representation abroad by severing it from the rest which is allowed to stagnate at its present level.

For this reason we oppose enactment of S. 2754. We feel, however, that the record should also show that the Foreign Service is in dire need of major reform and reorganization. We suggest that some of the purposes sought by Senator Magnuson *might be* achieved on the model of the relationship now in existence between the United States Information Agency and the Department of State. If the Congress of the United States is convinced that the Secretary of Commerce must have a greater role in our commercial representation abroad, we suggest that it might be useful to ascertain whether the model established for United States Information Officers might be relevant for accommodating also the needs of a more efficient, more specialized career service for commercial Foreign Service officers.

In any event, at this time we are opposed to enactment of the Magnuson Bill as harmful to the best interests both of the United States and of Federal employees.

Fictitious Foreign Service Reserve Officer and the Illegal F.A.S. Corps

One of the most prevalent questionable personnel actions of the Department of State is the appointment of "Reserve" Foreign Service Officers solely for duty in the United States. This is in clear violation of the Foreign Service Act of 1946, which requires that these appointments be for positions abroad.

The Department of State recently sought even to go further in its illegal actions by seeking to convert these illegally appointed officers to a new permanent category, entitled Foreign Service Reserve Officer Unlimited, established under P.L. 90–494 which provided a statutory basis for a career Foreign Service Information Officer Corps at the United States Information Agency.

Simultaneously, the State Department announced that it was creating a new Foreign Affairs Specialist Corps to which it would assign all classified civil service employees in officer positions (GS–7 and higher); all Foreign Service Reserve Officers; and all Foreign Service Staff Officers.

Under this program, the Foreign Service Staff Officer Corps would die out. All its current staff officer members would be eligible for conversion to Foreign Service Officer; Foreign Service Reserve Officer Unlimited; or Foreign Affairs Specialist Officer. No new appointments would be made to the Foreign Service Staff Officer Corps.

Significantly, Foreign Service Staff Officer Corps personnel are *not* subject under the Foreign Service Act to "selection out". All FSO, FSIO and FSRU officers are now subject to "selection out"; and all members of the illegal FAS would also have been subject eventually to "selection-out".

Thus, without any statutory basis for its actions, the State Department proceeded to act as a law to itself.

These illegal actions were stopped only by the suit brought by our organization, the American Federation of Government Employees, on behalf of our two locals at the State Department (Local 1534) and at the United States Information Agency (Local 1812).

For the moment, our union has obtained only a temporary injunction and we are in the process of having it made permanent. Despite the fact that we have made it clear that we are *not* opposed to the conversion of the traditional limited Foreign Service Reserve Officers to career status, as FSRU Officers, the State Department has misled its personnel by pretending that our suit was directed also against them. We wish the record to clearly show that we consider the State Department in further violation of the law by refusing to convert at this time genuine Limited Foreign Service Reserve Officers to permanent status as career Foreign Service Reserve Officers of Unlimited Tenure.

EMERGENCY DISPUTES IN TRANSPORTATION INDUSTRY

Mr. PACKWOOD. Mr. President, for many long months the Committee on Labor and Public Welfare has been wrestling with the thorny problem of emergency disputes in the transportation industry, their impact on regional and national economies, and the role of Congress in protecting the public when crippling transportation strikes occur.

Our distinguished chairman, the Senator from New Jersey (Mr. WILLIAMS), has been proceeding with hearings on the numerous bills which are now pending before the Labor Subcommittee. Testimony has so far been received from a variety of groups and individuals who are directly or indirectly affected by the proposed legislation and from several objective and experienced observers.

I am sure that all Senators share my deep appreciation for Chairman WILLIAMS' recognition of the devastating impact of transportation tie-ups, as witnessed by his expeditious handling last February of legislation to deal with the west coast dock strike, and now as witnessed by the committee's agreement today either to report some form of permanent strike legislation by May 19—just a brief 12 days before our next potential transportation crisis erupts—or to release members of the committee to bring transportation strike legislation to the floor for consideration by the full Senate.

Naturally, I am profoundly hopeful that the committee, following what will surely be long and intense executive sessions, will be able to reach some consensus and report out a workable, equitable, and effective bill. Nevertheless, should this not be possible, the distinguished chairman should be commended for agreeing to permit the subject to be brought to the floor of the Senate for debate and discussion, without prejudice, and without regarding such action as a circumvention of due committee consideration or a subversion of the committee process in any way.

The distinguished Senator from New Jersey (Mr. WILLIAMS) deserves the highest praise for agreeing to move ahead with the proposed legislation, accommodating both his own busy schedule and the Labor Committee's crowded agenda, to give transportation emergency legislation the careful and considered attention it deserves.

Again, I wish to express my deep gratitude to our most capable and dedicated chairman for his fine cooperation in bringing this vital legislation before the Senate for consideration, hopefully before another transportation crisis precipitates yet one more instance of ad hoc congressional intervention.

MORAL IMPERATIVES IN THE INDOCHINA WAR

Mr. CRANSTON. Mr. President, a profound and provocative statement concerning the moral imperatives confronting the American people in the Indochina war appeared in the March issue of "Klai-Rat"—Thai Citizens—a newspaper published in Los Angeles by Thai Citizen News, Inc.

The article was written by Dell Scott, a prominent Los Angeles attorney.

Knowing that it will be of interest to Senators and to American citizens generally, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MORAL IMPERATIVE TO END THE INDOCHINA WAR

(By Dell Scott)

In the bitter and continuing debate over bringing the war in Indochina to an end, those of us who favor an immediate end to that war are almost invariably met with the question of why do we always criticize our side and not raise criticisms with respect to the North Vietnamese. The answer is that many of us have criticized the North Vietnamese, but as citizens in a democracy, each of us has some control over our own government. When the course of action which our government is taking is wrong, by voicing our opposition we can hopefully, change that course.

As the truth about our involvement in the war came out into the open and as protest against that involvement broadened, there has at last been some response on the part of our government looking toward our getting out of Indochina.

But we are still not out. And death and destruction continue every day. The toll in human life has been appalling. Over fifty thousand American soldiers have died, aside from the thousands and thousands of wounded and injured, not to speak of the countless hundreds of thousands of civilians wounded and dead.

The toll in human values has been tragic. Oppression, assassinations, defoliation, napalm, tiger cages, torture and massacres have become everyday occurrances and indeed, have become methods and instruments of our national policy in Vietnam.

Over five million acres have been denuded and demolished by defoliants so that the surface of the earth looks like the barren surface of the moon.

On Con Son Island people have been caged like animals—five to a five-foot by nine-foot cage—and have had lime poured on them. Is not Con Son the counterpart of Auschwitz and Dachau?

The tragic story of My Lai has been spread before the American public. Is not My Lai the counterpart of the Katyn Forest massacre?

Vietnam has had a corrosive effect on our country, on our society, on our national morale. Nothing has so divided our people.

In the aftermath of the holocaust, the phrase, "the crime of silence", has become a crushing indictment of those who could have spoken out, but didn't. In the aftermath of the "Nuremberg trials, many of the German citizens, when confronted with the horrible detail which came out of those trials, said "we didn't know." This is an evasion in which we cannot indudge. We do know! The shadow of Nuremberg falls darkly over each of us.

In his testimony before the Senate Foreign Relations Committee on April 15, 1970, Mr. Louis B. Lundborg, then Chairman of the Board of Bank of America, said "I see no profit to the country in trying to fix the blame for what is past; no matter who initiated the first involvement and the subsequent expansions, the rest of us have gone along pretty supinely. If anyone is to blame, it is people like me who are not speaking up and have not spoken up sooner and for not asking "what goes on here."

There are no excuses for any of us. Each of us knows "what goes on here." We must get out from under the shadow of Nuremberg. We must bring the war in Indochina to an immediate end.

POLITICAL PROFIT FROM ITT HEARINGS

Mr. BELLMON. Mr. President, the junior Senator from Oklahoma is no newcomer to the political scene and he thoroughly understands the need for and respects the methods used by political adversaries in gaining attention and support for their cause. However, the effort of the opposition party to squeeze political profit out of the ITT hearings has gone beyond all bounds of common sense. I recognize their difficulty. They are without a genuine issue in this presidential election year. I fully recognize their need to try to create such an issue. But in the ITT matter they are trying to make the horse carry more than he can bear.

What we are seeing now is more than an effort to create a campaign issue out of whole cloth. At its roots this is an effort to slay the President with the jawbone of a lobbyist.

The hearings have now become an effort to destroy the precedents upon which executive privilege is based, and thus to effectively eliminate the President's essential right to privacy within his official family.

If matters of state cannot be discussed in confidence among the men who advise the President and with the President himself, then it becomes virtually impossible for any President, Republican or Democrat, to govern at all. So the choice which the Democrats are trying to force upon the President is "give up executive privilege" or "give up Richard Kleindienst."

This is an irresponsible use of congressional leverage to hamper and restrict the executive branch of the Government for doubtful temporary political gain.

I would hope that those who are inclined to engage in such an effort would carefully consider not simply the dubious short-range political advantages they seek, but rather the long-range effect, which will be to destroy privileged communications within the executive branch, and therefore to seriously damage the ability of any President to govern effectively.

This is dangerous in its own right. It is particularly objectionable in view of the fact that the vehicle is a phony attack on the integrity of a man whose nomination as Attorney General should have been confirmed weeks ago.

GENERAL ACCOUNTING OFFICE EMBARKS ON IMPORTANT STUDY OF HEALTH FACILITY CONSTRUCTION COSTS

Mr. RANDOLPH. Mr. President, on November 18, 1971, the Comprehensive Health Manpower Training Act of 1971 became law—Public Law 92-157. This measure will be vital to the health of America. It means more doctors and other health professionals. It means improved curricula and teaching facilities. And it means innovation and improvement in medical technology, along with the distribution of urgently needed health care throughout our Nation.

I call to the attention of my colleagues an important provision of this law, section 204, which requires the Comptroller General to conduct a study of health facilities construction costs. It requires that the study consider the feasibility of reducing the cost of health facilities constructed with assistance provided under the Public Health Service Act, particularly with respect to innovative techniques, new materials, and the possible waiver of unnecessarily costly Federal standards. The study is required to be completed and a report submitted to the Congress within 1 year after the date of enactment of the act.

It was my privilege in the Committee on Labor and Public Welfare to add to the health manpower bill the amendment requiring this study. The House-Senate Conference Committee accepted the amendment, and it was in the legislation signed into law by the President.

The purpose of adding this provision was to determine whether the funds available for health facilities construction can be stretched. During hearings conducted by the Committee on Public Works in 1969 on the Appalachian Regional Development Act legislation, the chairman of the Southern West Virginia Regional Health Council stated that significant savings could be obtained in the construction of hospitals under the Hill-Burton program through the use of innovations, design improvements, and less restrictive standards. If this proves to be feasible, the demand for increasing appropriations, which has been a strain on the Federal budget, may in turn be reduced. In addition, today's high hospital daily rates, insofar as they relate to construction costs, may be stabilized or possibly even reduced.

Reducing or stabilizing the cost of constructing health facilities will become increasingly important as the Congress considers national health insurance legislation in the coming years. The cost of constructing health facilities is currently running about $3 billion a year, and is expected to be about $5 billion a year by 1980. HEW studies show that the average cost per bed of constructing a hospital has increased from approximately $25,000 in 1963 to about $48,000 per bed in 1971. In the same period, the average cost per square foot of constructing a hospital has doubled—from about $25 in 1963 to about $50 today.

Mr. President, these are some of the reasons why I sponsored the amendment in committee and why I believe the study being made by the Comptroller General is extremely significant.

Members of my staff and the staff of the Committee on Labor and Public Welfare recently met with representatives of the General Accounting Office to discuss the study. I am encouraged by the enthusiasm shown toward this study by the GAO, and I assure my colleagues that the General Accounting Office has initiated a broad-scale study which will include not only the factors having a direct bearing on the "bricks and mortar" aspects of construction but will also include consideration of many other factors which have a bearing on health facility costs.

The General Accounting Office has identified through an intensive state of the art review, significant innovations which should be considered whenever construction of a new hospital facility or an extensive renovation or addition to an existing facility is proposed. The innovations to be considered pertain to planning, design, construction, and operation of health care facilities. The review will assess the advantages and disadvantages in construction giving consideration to the impact the innovations will have on initial construction costs and on operating costs over the life of the facility. Such concepts as prefabricated construction, interstitial space, modular construction, accelerated construction scheduling, automated materials handling systems, and improved dietetic services will be carefully studied. GAO sent questionnaires to over 300 leading authorities in the health and construction field asking them to identify significant innovations, and to comment on their experience with the innovations and have visited over 60 hospitals to obtain cost and operating data.

GAO will also use computerized life-cycle cost models to quantify the benefits or disadvantages of each of the significant innovations identified. The life-cycle cost models will be used to determine the savings, in terms of initial construction costs and operating costs, if health facilities were constructed incorporating the innovations. They plan to demonstrate the effect on initial construction and operating costs that certain significant innovations would have if incorporated into a recently built hospital. This demonstration will require the redesign of certain parts of the preselected prototype hospital in order to incorporate the innovative features being considered and to give recognition to the impact such items have on costs. Using sensitivity analysis techniques the parameters of the prototye model will be expanded to consider various size ranges of hospitals.

GAO plans to examine the process the sponsor of a hospital has to go through in order to obtain approval and adequate funding of a project. Proper planning is very important and here, as in contracting, time means money and this factor will be probed in depth. What is very important is that the study will also include a review of Federal standards to determine whether there are any unnecessarily restrictive standards which contribute to increasing the construction cost of hospitals. In this regard, a variety of standards is being used by Federal, State, and local jurisdictions.

In addition to the factors directly affecting construction costs, there are many significant factors which have an indirect impact. These in the final analysis may turn out to be the more significant. The GAO study will include an evaluation of the various means by which institutional requirements for space could be met without constructing new facilities, expanding facilities, or renovating facilities. This can be done in essentially two ways; first by reducing the demand by the user or patient and second by optimizing the utilization of existing facilities.

During the study, consideration will be given to whether health care is being provided in the appropriate type of facility, whether health insurance incentives should be changed, and whether preventive maintenance programs will result in less inpatient care.

The answers to these questions are

most critical to the determination of the kind of health care that will be furnished to the people of the United States in the years ahead. Ways in which provider demand can be reduced may include the sharing of facilities, providing specialied care on a regional basis, upgrading of facilities rather than constructing new facilities, utilizing areawide planning, and requiring certificates of need prior to constructing a facility.

Mr. President, these are some of the considerations included in the broadscale, highly important, and very exciting study now underway in the General Accounting Office. It is my hope that the study is the first of many steps to be taken which will improve the delivery of health care to every citizen at lower cost.

SENATE COMMENDED FOR POSITIVE ACTION ON DISEASES THAT KILL AND CRIPPLE MOST AMERICANS

Mr. RANDOLPH. Mr. President, the passage of S. 3323 by a unanimous vote of the Senate last Friday signals the declaration of a new all-out effort to combat the stark health statistics involving heart disease, pulmonary and respiratory ailments, and other diseases of the circulatory system. I am privileged to be a cosponsor of this measure.

The National Heart, Blood Vessel, Lung, and Blood Act of 1972, if approved by the House of Representatives, will represent a new war on these diseases that kill or cripple most Americans.

The bill will enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood.

These diseases collectively cause more than half of the deaths each year in the United States, and the combined effect of the disabilities and deaths from such diseases is having a major social and economic impact on the United States. Elimination of such cardiovascular diseases as significant causes of disability and death could increase the average American's life expectancy by about 11 years. Moreover, the significant conquest of these diseases could provide for annual savings to the economy in lost wages, productivity and costs of medical care of more than $30 billion each year.

Chronic respiratory diseases affect an estimated 10 million Americans. Just one aspect of this national problem is spotlighted in the current deliberations on amendments to the Federal Coal Mine Health and Safety Act of 1969, and our efforts to provide benefits to the many thousands of coal miners who suffer from pneumoconiosis, or black lung, and the attendant diseases of emphysema, bronchitis, and asthma.

Mr. President, we are told that someday medical technology will advance to the point where the aging process may be arrested or even reversed, that someday vital parts of the body might be interchanged on a routine basis, and that the average lifespan of human beings could conceivably be doubled.

These developments are, admittedly, far in the future. Today we are dealing with one giant step in the continuing battle against diseases that threaten mankind. The 10-point program plan contained in this bill constitute a rational approach to the problem of organizing a national attack against cardiovascular and pulmonary diseases, as well as diseases of the blood.

It represents a recognition and acceptance of responsibility by both Congress and our leading medical authorities that the incalculable human suffering and avoidable economic loss resulting from these major killers must be diminished.

I congratulate the distinguished chairman of our Subcommittee on Health (Mr. KENNEDY). Those of us who serve on the Committee on Labor and Public Welfare know of his constant work to accomplish this important advance in safeguarding the health of our citizens. Members of the Health Subcommittee and our parent committee were helpful in the consideration and commitment to this positive effort.

EMPLOYMENT OF THE HANDICAPPED—ESSAY BY HARRY L. GILBERT, RENO, NEV.

Mr. BIBLE. Mr. President, recently the President's Committee on Employment of the Handicapped sponsored a national essay contest which attempted to focus public attention on the capabilities, potential, and accomplishments of the 32 million handicapped citizens in our country. Junior high and high school students from 44 States took part in the contest.

I am pleased to report that Harry L. Gilbert of Reno, Nev., has been named the first place winner. His thoughtful essay points out that for too long we have simply viewed the handicapped as faceless statistics while ignoring them as individuals.

I know that others will find his award-winning essay well worth reading, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

EMPLOYMENT OF THE HANDICAPPED: HOW WELL IS MY COMMUNITY INFORMED

(By Harry L. Gilbert)

I have often heard it said that man fears what he does not understand. This idea is a broad one and can apply to a wide range of situations, but it seems to relate particularly well to the employment problems of the handicapped. Perhaps more than any other group in today's society, these people have had to struggle against public ignorance to dispel the instinctive fear they have encountered.

Mrs. Billy Qualey is one person who has been winning her struggle. Ever since she was stricken with polio at the age of eight, she has had to fight to overcome people's reactions to her handicap. Now, as a credit department employee at Montgomery Ward, she can speak from experience and is able to pinpoint the cause of the public's misunderstandings and fears. "People don't know enough," she says, "and this is because the information services just don't tell enough." [1] This remark sums up the situation neatly, for although a survey of local businessmen showed that most were familiar with the "Hire the Handicapped" advertisements that appear from time to time on radio and television and in print, only a few could recognize any of the details of those ads.[2] They knew that "It's good business to hire the handicapped," but that's about all they knew. And, of course, few of them had ever had much contact with a handicapped person. In view of this lack of knowledge, it cannot be very surprising that when many employers actually come face to face with a person who is handicapped, their reaction is one of subdued terror. They are unprepared for the strange experience, and they tend to withdraw in fear. Mrs. Qualey adds, "Everyone likes to say 'hire the handicapped,' but when it gets right down to doing something, people are leery of the whole thing."

Recently, however, this attitude has begun to change. Agencies helping the handicapped have expanded and formalized their public-relations departments and have increased their efforts to bridge the gap between employers and trained handicapped job-seekers.[3] Counselors from the agencies give programs to service clubs and other organizations, since members of these groups are often potential employers. Counselors also visit new industries in town to explain their programs and to survey the types of jobs that will be available for their clientele. Later they return to the employer with a specific client's records to set up an interview. As with any employment situation, though, the interview is still the most important step, because it allows the handicapped person to prove himself in front of the employer, thus placing the final responsibility for success or failure on the applicant himself.[4] The agencies report that the response to this program has been excellent. In the fiscal years 1969 and 1970 alone, the State Rehabilitation Division helped 933 disabled people to become productive members of our society.[5]

The methods of the rehabilitation agencies have brought impressive results, but to date their impact has been restricted because of the limited number of industries that the agencies work with. If these methods—dealing intensely with specifics rather than with generalities—were applied to the whole of society, the effects could be staggering. The way to help the community really know and understand its handicapped is to throw out the vague and ineffective advertising campaigns now in force and replace them with greatly expanded programs that would present the disabled in a new light. They need to be shown neither as an anonymous group of people who need help nor as statistics on a chart, but rather as real individuals—each with his own needs, troubles, desires, and fears—who just happen to be disabled. They need to be presented as actual people in personal interviews, in editorials, and in picture stories in publications all over the country, from the smallest local newspaper to the largest national magazine. If everyone had the chance to meet Mrs. Qualey and see her at work, moving confidently about in spite of her crutches, no one would wonder why "it's good business to hire the handicapped."

I cannot say that such a comprehensive national advertising campaign would solve all the problems of the disabled, nor even that it would lead to their being fully employed. Nothing is ever that simple. But I can say that what people know and understand they can accept; for as Emerson has written: "Knowledge is the antidote of fear." [6]

FOOTNOTES

[1] Mrs. Billy Qualey, employee at Montgomery Ward, in an interview January, 1972.

[2] Surveys of 17 businesses, conducted at the Village Shopping Center and in downtown Reno, January, 1970.

[3] Mr. William Kelly of the State of Nevada Rehabilitation and Adjustment Center, and

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Footnotes at end of article.

Mr. Virgil Wedge of the Washoe County Association for Retarded Children, in interviews, January, 1972.

[4] Mrs. Mary Morrison of the Reno Junior College of Business, interview January, 1972.

[5] Ibid., Mr. Kelly, Footnote 3.

[6] Ralph Waldo Emerson, "Courage," *Society and Solitude* (Oxford, 1927), page 255.

CHARLESTON WETLANDS RESEARCH LABORATORY

Mr. HOLLINGS. Mr. President, in early March, I called to the attention of the Subcommittee on Appropriations for the Department of Interior and Related Agencies, the need for the initiation of construction of a Wetlands Research Laboratory in South Carolina. This center was proposed by the Forest Service as a part of the fiscal year 1972 appropriation bill but had to be deleted as exact cost figures were not then available. The service has now determined that the cost of constructing the center will be $1,370,000, which includes the $125,000 for planning.

The need for this center becomes apparent upon looking at the present situation. The demand in this country for wood and wood products is tremendous. The five Southeastern States now supply one-third of the Nation's pulpwood, one-eight of the lumber and one-twentieth of the plywood. The demand for southern pine timber is expected to triple and the demand for southern hardwood is expected to double in the next 50 years. Because of topography, soils, land-use patterns and population trends, a large portion of the Nation's timber and paper will be produced in the loblolly pine and wetland forests of the Atlantic Coastal Plain and the Piedmont.

However, unless forest productivity is increased, timber prices will not be able to remain competitive. Both the loblolly pine ecosystem and the wetland hardwood ecosystem have the potential for significantly increased productivity, provided adequate research and action programs can be undertaken. The Forest Service would propose to undertake this type of extensive and intensive research at the Charleston Wetlands Research Center.

At the present time, the Southeastern Forest Experiment Station in Charleston is housed in quarters rented from General Services Administration. What research which they have undertaken to date has been severely limited by the fact that these rental quarters provide office space only. The type of research program described cannot be undertaken without adequate laboratory facilities, including control growth chambers and special greenhouses. A federally owned 15-acre tract near Charleston has already been transferred to the Forest Service for this laboratory. It is time to act on this project now.

In further support of this center, on April 5 the South Carolina Legislature adopted a concurred resolution memorializing the Members of Congress to support funding of a planned U.S. Forest Service Forestry Sciences Laboratory in Charleston, S.C.

I ask unanimous consent that the concurrent resolution be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION MEMORIALIZING THE MEMBERS OF CONGRESS TO SUPPORT FUNDING OF A PLANNED U.S. FOREST SERVICE FORESTRY SCIENCES LABORATORY IN CHARLESTON, S.C.

Whereas, the Southeastern Forest Experiment Station of the U.S. Forest Service proposes to expand its forest research program in Charleston, South Carolina, by the construction of a Forestry Sciences Laboratory; and

Whereas, accelerated research efforts are needed to stimulate the productivity and environmental quality of the coastal loblolly pine and hardwood forest ecosystems, which are dominant components of the forest resources of South Carolina. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the members of Congress are respectfully requested to support plans of the U.S. Forest Service to construct a Forestry Sciences Laboratory in Charleston by seeking the inclusion of planning funds for the laboratory in the fiscal 1973 budget of the United States.

Be it further resolved that copies of this resolution be forwarded to the United States Senators and members of the House of Representatives from South Carolina.

UTAH'S SKI SLOPES

Mr. MOSS. Mr. President, skiers the world over know—or have heard—about the quality of the ski slopes in Utah, and particularily those at the Park City Resort east of Salt Lake City. But few of them know that one reason the heavy mantle of snow is so thick and firm is that there is a thick grass cover underneath.

And even fewer realize that this thick grass cover results in the main from good soil conservation practices worked out by the Kamas Valley, Utah, in cooperation with the Soil Conservation Service of the U.S. Department of Agriculture.

Soil Conservation, the magazine published by the SCS, carries a story on its February 1972 issue on the work which has been done to put the Park City ski runs in such excellent condition, and discusses other ways in which both Federal and Utah State agencies are working to make the Park City a desirable recreation area both in the winter and the summer.

I ask unanimous consent hat the article, entitled "Grass, A Friendly Base for Ski Fun," and written by Ralph H. Felker, Areas Conservationist, SCS, at Provo, Utah, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GRASS—A FRIENDLY BASE FOR SKI FUN

(By Ralph H. Felker)

Skiers on the slopes at Utah's Park City Resort, east of Salt Lake City, know little of the preparation and work that went into getting the course into its present splendid condition.

They glide and swoop over the heavy white mantle of snow made more firm and lasting by the insulating effect of the thick grass cover underneath.

A. W. (Woody) Anderson, manager of the resort, says that a snow course is in some ways like a house. "It must have a good foundation," he explains. An avowed conservationist, Anderson is aware of the need for plant cover for protection of the land in most of its uses.

Park City has nearly 35 miles of skiing slopes between the 7,000- and 9,400-foot elevations. Seven lifts accommodate skiers at the rate of 7,000 an hour.

The planning of Park City began in 1962. Professional ski-run designers helped with the overall layout.

For help in developing a long-range plan for the entire 12,000 acres of range and forest land, Anderson went to the Kamas Valley Soil Conservation District. He explained to the district supervisors that he had in mind sheep grazing, improved wildlife management, watershed conservation, and an 18-hole golf course in addition to the ski enterprise.

SCS people assigned to the district were ready to help with the conservation work. DeWitt Grandy, a range conservationist, proposed trail field plantings of six varieties of grass. Seed for four varieties—Tegmar intermediate wheatgrass, Pomar orchardgrass, Durar hard fescue, and Sodar wheatgrass—was provided by the SCS Plant Materials Center at Aberdeen, Idaho, because it was not available at the time from commercial sources. Smooth brome and the intermediate wheatgrass seemed to fit the need best.

In 1963 clearing began.

"That was when I got scared," Anderson admitted. "I could see a heavy rainstorm turning the runs into rough, rugged gullies."

By the time the course was ready for use, the grass was doing its job.

In mid-August each year the grass and aspen sprouts are clipped about 8 inches from the ground. The clippings are left on the ground, thus helping to reduce soil loss and to improve water percolation into the soil. They also add to the insulating effect.

"Where the clippings have accumulated, we have an earlier snowpack and earlier skiing," Anderson explained.

Fire is a continuing threat, especially in August and early in September. The Utah Department of Forestry has worked with Park City Resort on a fire control plan.

The skiing season lasts about 150 days, from mid-November to late April. But there is activity before and after. Deer habitat has improved; visitors riding the gondola lift frequently see deer on the slopes below. Sheep graze certain areas in summer. The entire watershed is protected by improving the vegetation, which keeps water pollution by sediment at a minimum. The 18-hole golf course will be playable next summer.

In winter Anderson and his staff keep a watchful eye on the places where accidents occur. These locations are studied, and the terrain is changed sometimes to reduce the hazard. Disturbed areas are seeded promptly to prevent erosion and to provide the grass base for snow.

There is still work to be done to make the course more efficient, claims Anderson. One objective is to install an electronic snow measuring device to get prompt and accurate information on snow conditions. The Kamas Valley Soil Conservation District is helping with this. The U.S. Weather Bureau has installed a station on the upper part of the complex. With the measuring device to report snow conditions on a moment's notice and the Weather Bureau station to provide forecast information, the Park City staff will be able to keep skiers fully informed.

About 21 percent of the winter days in the area are overcast and snowy, but 55 percent are sunny with day temperatures averaging 20 to 30 degrees. With plenty of snow on the slopes, skiers couldn't ask for anything more.

RATINGS ON OREGON CONGRESSIONAL DELEGATION

Mr. HATFIELD. Mr. President, a new book, "The Almanac of American Politics," has just been published which contains ratings on each Member of the Senate and House. These voting profiles represent the observations of several national organizations. Because of the interest that has been expressed concerning voting records, I ask unanimous consent that Clarence Zaitz' UPI article on the Oregon delegation be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ALMANAC GIVES A RUNDOWN ON SOLONS' RATINGS, RECORDS

(By Clarence Zaitz)

SALEM.—Labor likes Sen. Mark Hatfield the best and business likes Congressman Wendell Wyatt the best among Oregon's congressional delegation.

A new book, "The Almanac of American Politics" gives a rundown on every member of the Senate and Congress and details the "ratings" given them by several different national organizations.

It shows, for example, that Hatfield voted "right" as far as the Committee on Political Education (COPE) of the AFL-CIO was concerned, 92 per cent of the time, while Wyatt and Rep. John Dellenback voted properly 50 per cent of the time. It shows the National Association of Businessmen (NAB) as rating Wyatt right 85 per cent of the time.

The almanac, published by gambit, is put together by three young men, Michael Barone, Grant Ujifusa, and Douglas Matthews.

It contains a masterful political profile of every state and every district in every state, backed up by statistical tables on a myriad of details, including how much money each district gets from various federal appropriations.

A key feature of the almanac is a table showing how senators voted on 21 key issues during the past three years and how representatives voted on 15 key issues.

The authors say they have purposely chosen issues which provide the "best single objective indicator of his position on a specific issue and of his general ideological persuasion."

They say they have "tried to choose hotly contested, revealing 'key votes' on important and illustrative issues of 1969, 1970, and 1971 that have demonstrated what decision a legislator made when the chips were down."

HATFIELD RECORD

It is interesting to note that Hatfield, who is often criticized for missing votes while he is on the lecture circuit has a "perfect" voting record on the 21 key issues.

Only Al Ullman also had a perfect score. Sen. Bob Packwood missed 4 of the 21 votes, and Wyatt, Edith Green, and Dellenback each missed two.

Some of the votes which were analyed for this purpose include the ABM, the SST, racial busing, confirmation of Harold Carswell, military spending, and legalization of marijuana.

Packwood and Dellenback were rated as voting right 82 per cent of the time as far as the NAB was concerned, while Ullman did so only 8 per cent of the time and Hatfiield, 18.

The Consumer Federation of America (CFU) rated the representatives and gave Ullman and Green the highest rating—83 per cent. Wyatt was given a 61 and Dellenback, 44.

The Americans for Democratic Action (ADA) gave Hatfield the highest rating, with an 84 per cent score, and Dellenback had the lowest, 32 per cent. ADA ranked Packwood at 50, Ullman at 41, and Wyatt and Green at 40.

A conservative group, the Americans for Constitutional Action (ACA) gave the best ranking to Wyatt, a 69. Hatfield received only a 17 from ACA; Packwood had 50, Dellenback, 47, and Ullman and Green, 41 each.

Hatfield was favored by the National Farmers Union (NFU) also, getting a 94 per cent score from them; Packwood got a 71. In the House, Ullman had 69, Green, 64, Dellenback, 61, and Wyatt, 45.

Hatfield and Packwood voted together more often than not. The main issues where they split included: Reduction of Pentagon public relations funds, with Hatfield against the funds and Packwood for; to cut oil and gas depletion allowances—Hatfield for and Packwood against; and to provide greater warranties to consumer, Hatfield voting for, and Packwood against.

WELFARE REFORM

Mr. STEVENSON. Mr. President, legislation to reform the welfare system will soon be before the Senate. I have been deeply concerned with the inequities, inadequacies, and abuses of our present welfare system, and I believe welfare reform is both necessary and long overdue.

I strongly feel that our primary goal must be to assure that as many people as possible receive their income from employment rather than welfare. Those who are unable to receive an adequate income through employment must have access to a just and humane welfare system. In that regard, the provision in H.R. 1 establishing a $2,400 allowance for a family of four with no other income, a level which is inadequate to provide that family with the basic necessities of life, is in need of amendment. It does not provide the basic necessities of life. It does not sufficiently help those States which do. One of many ways to help the helpless—and the States—is to continue the eligibility of welfare recipients for food stamps. Other ways are needed.

Welfare reform is far-reaching legislation, which, if amended and enacted, will benefit not only the recipients and our hard-pressed cities and States but, indeed, all elements of our society.

The Chicago Daily News has recently published a series of articles by Lois Wille which explain and analyze our welfare problem. Mr. President, because I found Mrs. Wille's series to be exceptionally well researched, perceptive, and balanced, I ask unanimous consent that they be printed in the RECORD, and I highly commend them to the Senate.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Chicago Daily News, Mar. 25, 1972]

WELFARE IN ILLINOIS: $1 BILLION HEADACHE

(By Lois Wille)

One in every four children in Chicago is on relief. By almost any standard, that means they are poor.

They get about 87 cents a day for food.

They get about $25 a year for pants and shirts or skirts and dresses, $5 a year for underwear and $9 for a coat.

These children—338,000 of them aged 18 and under—are the biggest single block in the swelling Illinois relief rolls.

Two years ago 20 per cent of Chicago's 1,150,000 children aged 18 and under were supported by public aid. Today 29 per cent get public aid.

About a million people in Illinois received some form of aid. Paying the bill—well over a billion dollars a year—takes every bit of ingenuity the state's budget experts can muster.

Early in April Gov. Richard B. Ogilvie will ask the Legislature for a $166 million deficiency appropriation for the Public Aid Department. If the Legislature refuses, the relief coffers will be empty by mid-May.

Where the money will come from is not yet certain. But, according to a number of studies, there isn't much doubt about where the poor are coming from.

There are two major reasons behind skyrocketing relief rolls:

A slow, steady increase began in the late 1960s, spurred by antipoverty workers who spread the word to millions of poor that they were eligible for welfare benefits.

A rapid increase in welfare rolls began in mid-1970, when the economy faltered.

Public aid rolls in Illinois climbed 25 per cent from 1965 through 1969, when jobs were plentiful. They soared 60 per cent from 1970 through 1971, when the recession hit.

87,000 JOBS LOST

Since 1969, about 87,000 jobs were lost in the Chicago area, most of them in factories, steel mills and construction.

All the eligible poor still have not been absorbed by welfare rolls, according to a new study by the New York City Rand Institute commissioned by the state.

After analyzing census reports and other population studies, Rand estimated that in 1967 only 37 per cent of all eligible persons in Cook County received aid. In 1971, about 62 per cent received it.

The biggest uncovered group, Rand said, are the aged, blind and disabled. Nearly all those eligible for Aid to Families with Dependent Children (ADC) receive help.

Other heavily populated states are even worse off than Illinois. Relief rolls doubled here in the last 10 years, but they tripled in California and New York and quadrupled in New Jersey.

Chicago taxpayers, in particular, have been lucky. The city pays only a tiny portion of the public aid bill—about $10 million a year.

If Illinois followed the New York system, Chicago would have to pay about $190 million a year.

In New York and a number of other states, the federal government pays half the bill, the state pays 25 per cent and cities or counties pay the other 25 percent.

In California, the federal government pays half, the state pays 20 per cent and counties pay 20 per cent.

STATE GETS THE TAB

But in Illinois social services traditionally have been the state's responsibility. Here, the federal government pays half, and the state picks up nearly all of the remainder.

Chicago contributes only to general assistance, a catchall category for poor persons who don't fit into the federally subsidized categories: ADC and aid to the aged, blind and disabled.

The increase in public aid rolls probably would be much more readily accepted by taxpayer if it were not for these three frustrating facets of the system:

1. PUBLIC AID MAKES IT EASIER FOR FATHERS TO DESERT THEIR FAMILIES

In Illinois and in most Northern states, an unemployed father is eligible for ADC. He doesn't have to disappear to get help for his family. Also, if he works at a job that pays less than public aid grants, he can get subsidized up to the welfare standard of about $3,200 a year for a family of four.

Despite these aids designed to keep families together, the father is not living in the home in 83 per cent of all ADC cases.

Only about 7 per cent of these absent fathers contribute to their children's support. About 45 per cent are not married to the mothers.

Technically, the Public Aid Department tries to find missing fathers and sues them for support. But, as one caseworker says:

"If a man doesn't want to be found, it's almost impossible to find him."

2. Public aid families move to Illinois from states with smaller welfare benefits.

In a recent 12-month period, an average of 580 families a month were added to Illinois welfare rolls after living here less than a year.

The biggest contributors were Mississippi, Missouri, Indiana, Tennessee and Puerto Rico, which pay considerably less than Illinois. In Puerto Rico, a family of four gets $480 a year. In Mississippi, it gets $672 a year.

But other big contributors were California and Michigan, states that pay about as much as Illinois does. Both were hit much more heavily by unemployment than we were.

3. Large sums of welfare money go to people who, according to the rules, should not get it.

Last year Illinois lost an estimated $47.3 million in payments to ineligible persons and overpayments to eligible persons.

This is less than 4 per cent of the state's welfare budget, but it would have gone a long way toward making up the deficit the budget now faces.

Random samplings by investigators working for the state Public Aid Department reveal that:

Of the 171,700 ADC cases in Illinois, about 3.8 per cent are not eligible. They get about $18.5 million a year in cash grants and $4.2 million in medical care.

Of the 106,290 aged, blind and disabled cases, 3.7 per cent are not eligible. They get about $4.3 million a year in cash and $3.4 million in medical care.

Of the 95,600 persons not on public aid who receive free medical care, about 12 per cent are not eligible. Their incomes are above the cutoff of $200 a month for a family of two and $300 for a family of four.

These ineligible persons get about $4.8 million a year in medical care.

About 22 per cent of all ADC cases get more money than they should—an average of $442 a year for each family. About 17 per cent get an average of $216 a year less than they should. The net loss to the state is $10.4 million.

About 13 per cent of aged, blind and disabled persons are overpaid and about 10 per cent are underpaid. The net loss is $1.7 million.

MISTAKES ABOUND

Not all of this money goes to "cheaters," by any means. The state investigators report that about half the errors are due to faulty calculations by public aid personnel.

The mistakes are easy to understand. A public aid family in Illinois does not get a flat grant based on its size, as in some states. Instead, budgets are based on about 100 variables—whether the family needs a telephone, how it does its laundry, whether anyone needs a special diet, how old the children are, how many school books they need, and on and on.

The procedure is extremely complex, and caseworkers often are inexperienced. About 35 per cent of the 1,230 workers in Cook County quit every year.

It is certainly possible, though, for a family to lie about its financial status and be accepted for public aid.

To be eligible, a family of four must have less than $300 in savings and an income less than it would get on public aid.

Verification is difficult. Usually, public aid workers accept a family's word—and that is that.

Unless the state hires thousands of investigators to shadow welfare recipients, it is virtually impossible to determine if a mother gets undeclared support from an absent father, or if a family member works under a fake Social Security card.

A recent column in Wright College's newspaper gave this intriguing advice to coeds considering abortions:

"An alternative could be ADC," the columnist wrote. "You will be asked who the father is. It is advantageous for the father and for yourself to answer that you do not know. . . . If you claim the father, the welfare department will try and receive money from him.

"As your baby grows, you can work part time under a fake name and social security number."

Many caseworkers would not report small-time cheating, even if they did know about it. "The grants are so low that people have got to have some other means to live decently," said one woman. "I don't consider that fraud. I consider it trying to stay above water."

WHERE THEY COME FROM

States contributing the most new residents (here under a year) to Illinois welfare rolls in fiscal 1972 are:

Mississippi—770 families.
Missouri—682 families.
California—507 families.
Puerto Rico—474 families.
Foreign countries—374 families.
Indiana—370 families.
Tennessee—361 families.
Michigan—306 families.
Arkansas—302 families.
Texas—299 families.

[From the Chicago Daily News, Mar. 27, 1972]

OUR $1 BILLION HEARTACHE: WHY MOTHERS TURN TO ADC

(By Lois Wille)

Lucy's hand trembled and she bit her lip when she got to the key question.

Why, asked the long white form, are you requesting public aid?

"My husband left me," she wrote. "I don't have any support."

Later, she turned her head away from the caseworker who sat beside her in the cubbyhole office and spat out: "Three weeks before Christmas he walked out on me. With another baby on the way. That isn't a man. That's a rat."

Those words, or something similar, can be heard a thousand times a month in public aid offices throughout the state.

Although it's easy to lump all "welfare mothers" together into one gigantic, tax-consuming statistic, each has a bitter, tragic story to tell.

About 10,000 children whose fathers are dead are supported by Aid to Families with Dependent Children (ADC) in Illinois.

Another 85,000 children whose fathers are unemployed or disabled are supported by ADC.

And 410,000—about 81 per cent of the total—have fathers living somewhere, but not with them. Only 30,000, or 7 per cent, get some financial help from their absent fathers.

To people who blame welfare mothers for high taxes, welfare mother Johnnie Tillmon says:

"That's a special version of the notion that Eve, and Eve only, brought sin into the world."

Mrs. Tillmon, a New Yorker who is a founder of the National Welfare Rights Organization, wrote in the new magazine "Ms":

"Stop for a minute and think what would happen to you and your kids if you suddenly had no husband and no savings . . . If you don't have a man to pay for everything, then everything changes. You've failed as a woman, because you've failed to attract and keep a man."

Lucy Moore, 22, mother of a 3-year-old boy and six months pregnant, wife of a sporadically employed dishwasher, housekeeper of a shabby three-room flat in a West Side ghetto, says she should have known she couldn't count on Eddie.

She was 18, working in a dime store, when she got pregnant. "Eddie was mad and blamed me," she says. "I cried a lot until he said he'd marry me.

"It wasn't what I had dreamed about. But what else could I do?"

Eddie, expelled from Marshall High School for truancy and fighting when he was 16, had a lot of jobs in the next three years. He was a gas station attendant, a stockroom clerk, a dishwasher. The most he ever earned was about $80 a week.

"Sometimes he'd act crazy because he couldn't find a better job," she says. "He'd drink and throw things and bust out crying. I was scared for myself and the baby."

He was furious when he found out she was pregnant again. "I didn't want another baby either," she says. "But I had heard birth control pills would give me cancer."

Eddie walked out last December, in a rage because Lucy was too frightened to go to a neighborhood abortionist he had contacted.

"All he left me with," Lucy says, "is a pile of bills."

Her public aid application was easy to complete:

"Address of spouse: Not known.

"Spouse's present employment: Not known.

"Spouse's Social Security number: Not known."

Lucy and her child will get about $180 a month on ADC and, when her baby is born, she'll get another $24 a month.

If her husband is found, and successfully sued for support by the Public Aid Department, the money he pays will be deducted from her monthly checks. But, judging from past experience, he won't be found.

About 60 per cent of all Illinois ADC mothers are black, like Lucy. But she is younger, better educated and has fewer children than the typical ADC mother.

She graduated from high school; 75 per cent did not. She is 22, about 10 years younger than the median.

Illinois ADC families have been getting smaller in recent years, probably a result of the state's 8-year-old program of free birth control services for the poor. In 1960 the typical ADC family had five children. In 1966 it had four children. Today it has three.

It is the number of fathers unable or unwilling to support their children that is swelling public aid rolls, not the birth of babies to ADC mothers.

In 1967 state public aid roles increased by 3,200 cases as a result of fathers who deserted or stopped support payments. In 1971 the rolls increased by 16,800 cases because of those two reasons.

In 1967 nearly 18 per cent of absent fathers helped the Public Aid Department support their children. In 1971, only 7 per cent helped.

The stereotyped ADC mother is unwed, her children illegitimate. But in Illinois and throughout the country, most ADC mothers are, or were, married to the fathers. In this state about 37 per cent of ADC children were born to unwed parents—a figure that has remained constant for at least six years, throughout the period of enormous growth in welfare rolls.

The "unwed" themselves don't fit into easy stereotypes. In a mid-North Side public aid office, a woman in a well-cut pantsuit, her auburn hair streaked with gray, explained why she needed help.

"After 10 years my husband found out he isn't my son's father," she said. "He kicked us out—me, my boy and my mother. She's crippled with arthritis, in a wheelchair. He has his own insurance business, but he says he'll never give us another dime."

A young Oriental woman wept as she told a caseworker of the birth of her infant son. Her husband, paralyzed from multiple sclerosis, has been in a veteran's hospital for years. "He doesn't know me when I visit him," she said.

She worked as a waitress, earning about $400 a month to support her two daughters.

Last spring she began to date a man she met in a restaurant.

"I was so stupid," she says now. "I got pregnant. I tried calling him after that but he never called back.

"I called him when I went to the hospital, but he never came to see me. The other women, the nurses, they all asked, "Where is your husband?" I cried all the while I was in the hospital.

"I thought I would go crazy."

The man told her he drove a truck for a food store chain, but the company says it never heard of him. She wonders now whether he gave her his real name.

"What will become of my little boy?" she asked, tears streaming down her face.

For the next several years, she probably will support him on welfare checks of about $260 a month. The Public Aid Department will keep the $72 a month she gets in Social Security benefits for her invalid husband. That means she will have about $200 a month less in cash than when she worked as a waitress. But she will get free medical care and food stamps worth about $40 a month.

She talks about going back to work in three years, when her baby boy is old enough for a child-care center—providing she can find one that she can afford. When she worked, she paid $80 a month for child-care for her 4-year-old daughter. The state Public Aid Department pays only $65 a month.

Until she can work again, she represents one of the toughest problems facing welfare authorities and the taxpaying public: How shall we provide for women and children left with no resources?

"Our attitude now," says Johnnie Tillmon, "is to keep them as poor as possible, punishing them because they don't have a man."

Mrs. Tillmon and her National Welfare Rights Organization want a federally funded grant of $6,500 a year for a family of four. President Nixon's proposed welfare package has a federal minimum of $2,400 a year, with states supplementing the minimum as they see fit. Illinois now gives about $3,200, half of it in federal funds.

"Of course that's not enough," one caseworker in the Uptown area said of the public aid budget. "But the other day one of my clients told me she hopes her husband, who went back South, never comes home.

"She told me, 'Welfare is a lot more dependable than he is.'"

CHILDREN ON AID ROLLS

Growth in number of children on Illinois welfare rolls:

June, 1960, 115,300.
June, 1961, 146,000.
June, 1962, 206,100.
June, 1963, 199,700.
June, 1964, 200,400.
June, 1965, 201,900.
June, 1966, 194,800.
June, 1967, 200,300.
June, 1968, 229,500.
June, 1969, 258,600.
June, 1970, 309,500.
June, 1971, 446,000.
Dec., 1971, 494,700.

[From the Chicago Daily News, Mar. 28, 1972]

A $1 BILLION HEARTACHE: ONE FAMILY'S WELFARE LIFE

(By Lois Wille)

When the Singletons and their nine children lived in West Virginia, they got about $165 a month in public aid and life was terrible.

Today they live in Chicago. Four of their children are grown, and the rest of the family gets $418 a month plus free medical care and $70 in food stamps.

Life isn't exactly sweet, but it certainly is better than it was in West Virginia.

"It was a good move, coming up here," says Dora Singleton.

Not many Illinois taxpayers would agree with her.

Every month about 580 families who have lived in Illinois less than a year are added to welfare rolls. And, while this is only a small percentage of all new cases, it does mean that every month the billion-dollar-a-year welfare budget grows by about $140,000 in cash grants and $35,000 in medical aid—for a cumulative total of nearly $14 million a year.

The 1969 Supreme Court order banning residency requirements for public aid recipients often is blamed for heavy migrations into states like Illinois. But it isn't that simple.

Before the one-year residency requirement was dropped, the majority of public aid recipients—about 70 per cent—had lived in Illinois less than 10 years. About 20 per cent lived here less than three years.

Today the percentages are about the same.

This means the poor have been migrating to Illinois for years, long before the residency requirement was banned.

The difference is that today they can get welfare benefits as soon as they run out of money. Years ago, they somehow struggled along for 12 months, living on handouts from friends and relatives, picking up occasional part-time work.

Even the Singletons, who never had much hope of being self-supporting, managed to exist for several months on gifts of food and cash from their married children before they sought public aid.

"We had to leave West Virginia," says Dora Singleton, a round, blond, motherly woman of 45 who is so glad to have visitors she begs them to stay for dinner. And on her food budget—87 cents a day for each person—that is a generous offer indeed.

"The children were growing up and there's nothing back there for them, just nothing," she says of her small hometown in the hills. "It's a lot of work there just plain living—hunting for wood for the stove, no plumbing. We didn't have buses, and there was no doctor in the town."

The Singletons are, in many ways, typical of a chronic welfare family: Plagued by bad health, crippled by lack of schooling, squeezed into a shabby flat much too small for them, rearing children who seem destined for serious troubles of their own.

One daughter, mother of two, is married to an alcoholic. She goes off and on welfare rolls, depending on whether or not he works.

Two of the younger Singleton children have severe asthma attacks. Several have learning problems which the mother attributes to "that backward one-room school back home."

("The children, the children," cries out one young public aid caseworker. "If I only knew of some way to give them a better break. Sometimes I get so despondent over their futures, I can hardly stand this job.")

Tom Singleton, 60 and looking 85, caught tuberculosis in the lung-searing mines of West Virginia. That was 26 years ago, and the family has been on welfare ever since.

The father has been in and out of hospitals for years, and today is a gaunt, bent, skeletal figure of a man, groaning to a visitor that he is a failure, forced to leave all family responsibilities to his wife.

("Of course, his sickness didn't keep him from having nine children, did it?" says a woman who lives in the same Mid-North Side building. "That's the trouble with these people.")

(Mrs. Singleton protests that she loves children deeply, "and what else have we got in our lives but our babies." Besides, she adds, her two grown daughters know all about birth control—something she never heard about when she was young.)

Dora Singleton, too, has medical problems. She had ovarian tumors and a hysterectomy, and now she has a slipped spinal disc.

She's overweight and always short of breath, and she hopes that's not a sign her heart is going bad.

("I'm continually amazed at the serious health problems my families have, and at such young ages," says a caseworker in the Singleton's neighborhood. "Women not much older than me with cysts and tumors, and so much TB and heart trouble."

(Medical costs of welfare are so high—40 percent of the state public aid budget—that Illinois welfare officials wonder whether they are being cheated. They recently stationed observers in major city hospitals, checking to see whether welfare cases actually need the treatment they get.)

Ever since her youngest child started school, Dora Singleton has tried to get a job. Now she has her heart set on being a cook at a public school, working from 10 a.m. to 2:30 p.m. for about $140 a month.

Under welfare rules, she could keep $67 of that $140—the first $30 plus one-third of the rest. The remainder would be deducted from her public aid check.

"But I don't think the job will come through," she says. "I've been waiting for months to hear. I've about given up hope."

More than 10 percent of all welfare mothers in Illinois—about 16,000—earn small small amounts of money under this "work incentive" plan set up several years ago by federal officials.

Some welfare administrators complain that it is badly designed, encouraging families to stay on the rolls when they could be self-sufficient.

Here is how it works:

A woman recipient with three young children and no job gets about $210 in cash, food stamps worth $32 and medical care worth about $73 a month—a total of $313.

If she has a job paying $200 a month, she can keep $87 of it for a total of $400 a month. If her job pays $300 a month, she can keep $120 for a total of $433 a month.

But if she finds a job paying $350 a month, her earnings would exceed public aid levels. She would be on her own, without welfare aid, food stamps or free medical care. So she would be better off sticking with the lower paying job.

A system that always makes it more profitable to work than to receive public aid would be preferable. But that would mean adding even more complexities to the incredibly complex welfare rules. Current state public aid regulations comprise a file 16 inches thick. In the ADC program, 18 cents is spent on administration for every dollar given in aid.

There is another glaring inconsistency in the work incentive plan: Federal rules restrict it to women. If any of the 20,000 unemployed fathers on ADC rolls in Illinois find work that gives them a small income but is not enough to make them self-supporting, they must deduct the entire amount from their welfare checks. They can't keep a dollar.

It was another cruel inconsistency that brought the Singletons to Illinois: The difference between the quality of life in West Virginia and in Chicago. President Nixon's welfare reform package would set a federal minimum of $2,400 a year for a family of four, more than a number of Southern states now pay. But that alone would not keep the poor back home.

As long as there is widespread unemployment, people will migrate from country town to city, and from city to city, looking for a better break.

California, for example, pays about the same in welfare benefits as Illinois. But California now is the third biggest contributor to Illinois welfare rolls, right after Mississippi and Missouri.

A 21-year-old Cuban-born father, his 18-year-old wife and their infant son sat in the jammed waiting room of a public aid office at 4238 N. Lincoln one recent morning, applying for ADC. "We came here in February from Los Angeles," he said. "There was no work back there. I thought there would be something here. I was wrong."

GROWTH OF AID IN ILLINOIS

GROWTH OF WELFARE ROLLS IN ILLINOIS (NUMBER OF PERSONS)

Aid to families with dependents	1960	1965	1970	December 1971
Children (ADC)	146,600	261,000	366,700	679,600
Aged	75,000	56,500	37,800	33,625
Blind	3,100	2,500	1,700	1,700
Disabled	18,100	29,000	39,300	[1]71,000
General assistance	132,300	70,400	79,800	[1]52,900
Medical only	(2)	15,800	61,700	95,610

[1] The shift in these categories is largely due to the transfer of handicapped persons from State-funded general assistance rolls to federally aided disabled rolls.

[2] No program.

[From the Chicago Daily News, Mar. 29, 1972]

Our $1 Billion Heartache: "ADC Father" Wants Work—Not Welfare

(By Lois Wille)

In January Bertrand Bennewate ran an air hammer for eight hours a day, made $1,200 a month and thought welfare was something that ought to be stopped, the way taxes were eating up his paycheck.

In March Bertrand Bennewate stares at his tropical fish, watches daytime television and waits for his first relief check.

Bennewate, 38, wiry son of old Chicago Anglo-Saxon stock, Bridgeport homeowner, member of Mayor Richard J. Daley's parish, has become an "ADC father."

It happened about 3 p.m. one Friday afternoon. He was working with his construction crew in the Grant Park underground garage.

"The foreman called some names out and said we were being laid off," Bennewate says.

"That was it. No warning, nothing. It hits like a hard punch in the stomach. Six of us got it—three with big families, 16 kids total."

His employer, the Chicago Park District, does not contribute to an unemployment compensation fund, so Bennewate was not eligible for unemployment benefits.

There he was with a mortgage on his small gray frame house a few blocks from the mayor's bungalow, with a wife and five children to support, with tuition bills from Nativity of Our Lord School.

He made the rounds looking for work, but his timing wasn't very good. In February, when Bennewate lost his job, unemployment in Illinois hit 5 per cent, the highest in 10 years. About 153,000 men and women were looking for work in the Chicago area.

As unemployment rises, so do welfare rolls. In March, 1967, when unemployment was only 2.7 per cent in Illinois, there were only 3,100 out-of-work fathers receiving Aid to Families with Dependent Children (ADC). In March, 1970, unemployment crept up to 3.1 per cent, and the number of ADC fathers rose to 4,700.

Today, after two rocky years which saw 87,000 jobs disappear in the Chicago area, there are nearly 20,000 out-of-work dads, on the ADC rolls. About 55 per cent are white.

In recent months one of every five new ADC cases has been a father who lost his job. Women have been hit even harder by the job crisis. About 25 per cent of new ADC cases are breadwinning women—the sole support of their children—who lost their jobs or who are paid so little that they are eligible for subsidies to bring them up to the welfare level.

Most of the other new ADC cases sought help because the father deserted or stopped support payments. These, too, often can be traced to lack of a decent job.

"You think a man wants to sit there, listening to his baby crying, with not enough food in the house," says Addie Garel, president of The Woodlawn Organization's Welfare Union.

"His wife tells him, 'Get out. I can do better without you.' "

Most of the ADC fathers, like Bennewate, did not finish high school. In today's tight job market, that is a severe handicap.

"The other day I left home at 4:30 in the morning to drive to Joliet and look for work at the big refinery Mobil Oil is building there," he says.

"They gave me an application, but they said they only wanted people with a high school education.

"Why should that matter if you know the work, if you know what the score is?"

His little girl Faith, 2, played at his knees in the small living room, holding up a doll for him to admire. His collie, Nellie, rubbed against the sofa, waiting to be petted.

Suddenly Bennewate's eyes filled with tears.

"Why am I here, in the middle of the day? I want to be out working. I've worked hard since I was 16. I didn't want to quit high school. I did it to help support my grandparents. They raised me.

"Now, after 22 years of solid work, the union office says, 'There's nothing. Sorry.' You make the rounds of construction work, like at Standard Oil building, and there's a big sign out, 'No hiring today.' "

When asked if his food stamp card had arrived yet, he cried out:

"I don't even want it. I don't want food stamps, I don't want welfare. I just want a steady job."

On Sunday he often sees the mayor and his family in church. He doesn't want to ask them for a job.

"His sons know I'm out of work," Bennewate says. "But there's not much they can do. They have so many asking for help. They can't take care of them all."

The tragedy is that no one can take care of all the unemployed today.

Private industry can't make room for them, and government hasn't put up enough money to create sufficient public service jobs.

In all, there are about 28,000 able-bodied men on welfare rolls in Illinois and about 52,000 women whose children are in school. If all of these 80,000 got jobs that could support their families, welfare rolls would be cut by about 35 per cent.

But most of them have very limited skills and work backgrounds. In today's job market, where could they find work?

The federal Emergency Employment Act has made small amounts of money available to states and cities for public service jobs. In Illinois 4,000 welfare recipients soon will go to work under this program—but that is only a small percentage of able-bodied adults on welfare rolls, and the jobs will average only $5,000 a year.

With the economy foundering and with no big federal commitment to a job creation program, welfare experts don't see much logic in the recent passage by Congress of a compulsory work plan initiated by Sen. Herman E. Talmadge (D-Ga.). The Talmadge bill is almost identical to the work plan in President Nixon's proposed welfare package. It requires all able-bodied male relief recipients and all women recipients with no children under age 6 to go to work or enroll in a job training program.

But in Illinois and in most states there aren't enough openings in public aid training programs to handle all the volunteers, let alone those forced to enroll.

About 660 of the 22,000 enrolled in Cook County's welfare Rehabilitation Service, found jobs last month—but another 4,000 applied for the program. Their jobs average only $2.28 an hour.

Employers who place job orders are becoming increasingly harder to please, according to Wellington Howard, director of the service. He pulled one job order card from his file:

"Laboratory technician for chemical company, $2.50 an hour, male, work 9 or 10 hours a day; must be high school graduate and have two years of college or heavy chemical background; will also have to do errands; good work record a must."

The waiting room outside Howard's office at 125 E. 21st St. was jammed with nearly 100 men and women. More were crowded into the halls. The small rooms where applicants take entrance tests were so full there wasn't room to sit down.

"Some days we have to fight through the crowds to get to our desk," Howard says. "It's enough to make you scream."

"You come out here and look at them—men and women and young kids here because they want work—and there's nothing you can do about it, except hope it doesn't explode."

UNEMPLOYED DADS ON ADC SOARING

Unemployed fathers receiving ADC in Illinois:

March, 1967—3,143.
March, 1968—4,179.
March, 1969—3,801.
March, 1970—4,737.
March, 1971—13,336.
March, 1972—19,500 (estimated).

[From the Chicago Daily News, Mar. 30, 1972]

Welfare Workers Air Gripes

(By Lois Wille)

When public aid caseworkers talk about their jobs, sooner or later they get to the painful core: They're torn between sympathy and plain old-fashioned exasperation.

They don't come right out and say, "Why can't they be more like us?"

But, with many, that's close to what they mean.

"My families are just so unrealistic about life," said a young woman in her early 20s, two years out of college.

"They'll get married and buy several thousand dollars of furniture and a new car and all kinds of appliances. And then the husband can't stand the pressure of the bills and he'll leave."

Her friend, who works in a nearby area on the Mid-North Side, added: "I have several very young women, 19 or 20 or 21, with no thoughts of working, no thoughts of the future.

"They never did think of the future. There was this guy, and they thought he'd take care of them, and he didn't, so the state will.

"That's what really irritates me—this father thing. They know the state will support their children if they don't.

"A lot of my ADC mothers just say their husbands were no good, and sometimes I say, 'Why did you get married? Did you love this man?'

"They look at me as if those were the strangest words."

A young man, an English major in college, described the people on his caseload:

"I have 20 families, five old people and 295 drunks."

His alcoholics live in a few residential hotels. Each gets about $150 a month in Aid to the Disabled. This includes $75 a month for food, nearly three times the food allowance of a mother receiving Aid to Families with Dependent Children (ADC).

The alcoholics get more because they live in hotel rooms without kitchen facilities, and must eat in restaurants.

Some of his clients, he says, tell him they sell the cards that entitle them to free medical care.

"They rent it to someone for a few hours in exchange for a bottle of wine."

The green medical card bears the recipient's name, address and birth date, but no photograph.

The caseworkers' words may sound harsh at times, even tough. But they didn't start out that way, and the toughness doesn't go very deep.

Typically, they began fresh from college, thinking they were going to help the poor.

And, typically, they soon discovered there was little they could do except provide some of the bare necessities of life.

Whenever there is time, they visit a family and listen to troubles foreign to their own backgrounds, sometimes difficult for them to accept—and impossible for them to cure.

A woman who joined the Public Aid Department five years ago says bluntly:

"I must admit that every so often my middle-class values rebel.

"It's difficult for me not to think, 'But couldn't you have tried harder to make it?'

"But I know that, except for an accident of birth, there I would be."

An inordinate amount of red tape, most of it required by federal regulations, compounds the frustrations of the job.

"I have to fill out 15 forms to get someone into a job training program," one worker said. "Sometimes when they ask for training I simply don't have time, so I drop it."

All of this red tape means that 18 cents is spent for welfare administration for every dollar given to an ADC family.

Every day about 200 public aid checks are lost in Cook County, at least 40 of them stolen. That sounds absurdly high until you consider that 400,000 checks are mailed each month, and thousands of families are moving each month.

Whenever a check is lost or stolen, a complicated investigative mechanism creaks into operation. It may take a year before the family gets its missing check—if it ever does.

Every family crisis may take several working days to solve, and public aid families constantly are going through crises.

Mary Winter, caseworker in the Lawndale area, recently visited a 45-year-old woman, crippled by a stroke, with two teen-age children.

She learned the woman had no washing machine and couldn't walk to a laundromat. Miss Winter will try to get a washer, but public aid allows only $45 for one.

She learned the woman's husband, a state employe who deserted her about a year ago, used his key to get into her flat several times and took his children's camera and their phonograph records.

Miss Winter promised to try to get money to change the lock. She promised to get the woman a telephone. All of this, Miss Winter said "could take a couple of months."

Why isn't the father, who has a home on the far South Side, contributing to his family's support?

"He's being sued for support," Miss Winter said. "The last time he was in court he got the case postponed so he could get a lawyer."

Visits like this often uncover a host of problems, but caseworkers don't have time for many visits. In the past two years the number of welfare cases in Cook County jumped 68 per cent, but the number of caseworkers is about the same.

Today there are about 1,200 caseworkers in Cook County to serve 250,000 cases. Some say they see their families only about once a year.

"Well, we don't have resources to help them anyway," says one worker. "If I have a woman who is just not able to give her children much—no incentive, no encouragement, not even enough to eat—what can I do?

"Get her some expert counseling service? Find a great nursery school? A new apartment in Barrington so her kids will have good schools? What a laugh. This is an awful job."

[From the Chicago Daily News, Mar. 30, 1972]

Our $1 Billion Heartache: Three Big Areas for Slashing Enormous Welfare Outlay

(By Lois Wille)

The enormous Illinois welfare bill could be slashed drastically if some superperson could figure out how to:

Find jobs for about 80,000 men and women, most of them with little education and no marketable skills.

Locate, and collect money from, about 130,000 absent fathers who don't help support their children.

Vastly improve the health of the state's 933,000 welfare recipients—or persuade hospitals, physicians, nursing homes and pharmaceutical houses to slash their prices.

Medical bills account for nearly 40 per cent of the state's $1.2 billion-a-year public aid budget. This seems so inordinately high that state welfare and public health officials have begun investigations of medical claims.

But, as one state physician says, the explanation may be that "poor people are just a lot sicker than other people."

The foundering economy and the increasingly high level of skills demanded by employers have stymied job placement efforts for welfare recipients.

And the missing fathers? "There's a point at which you spend more money trying to track them down than you will get from them in contributions," says one state welfare authority.

The Cook County state's attorney's office sues about 1,500 men a year for nonsupport, most of them fathers of welfare recipients. But it doesn't have the staff to hunt for the missing men.

The likelihood of solving all of these three problems, welfare authorities agree, is about as great as the likelihood that all Americans will compute and pay their taxes in total honesty.

And if that happened, the welfare bill—and a number of other government bills—no longer would be such a problem.

Sen. William Proxmire (D-Wis.), after hearing weeks of testimony on the federal tax structure, identified $60 billion in revenue lost to government through hundreds of loopholes drilled into tax laws over the decades.

In 1970 the Internal Revenue Service examined 1.6 million income tax returns flagged by computers as "irregular." They found shortages totaling $3.4 billion.

"We are indignant when a chiseler is found on relief rolls," says Helen Harris Perlman, associate professor at the University of Chicago's School of Social Service Administration.

"Is it not naive to expect that the poor should be more honest than the other income brackets?"

Edward T. Weaver, director of the state Public Aid Department and the man charged with unraveling these messy problems, says:

"I wish the critics of the welfare system could sit in my chair for 30 days. They would find out how complex the issues are, how overstated the cases of abuse, and how little authority the director, or the state, has to change the system."

He sees his job as an uneasy blend of "two conflicting missions."

"We have to get money to people who have no money," Weaver says. "That's the objective of the welfare system, and we haven't yet provided for them all."

(The New York City Rand Institute, in a study for the state, analyzed 1970 census data and concluded that only 62 per cent of all those eligible for public aid in Cook County are receiving it. In another study, state welfare review teams found that about 3.7 per cent of all those receiving aid are ineligible.)

His second "mission," Weaver says, is to decrease welfare rolls. "That's the job assigned to us by policy makers and by much of the public."

He thinks that may be an impossible task. "After all," he says, "it wasn't the public aid recipients who made the decisions that turned the economy down, and it isn't public aid recipients who are responsible for the quality of education in this country."

Gov. Richard B. Ogilvie is equally frustrated by the welfare problem. He would like to charge public aid recipients a "token payment," maybe 50 cents for each physician's visit and $1 for each day in a hospital, in an effort to stop possible abuse of medical care privileges.

But he knows that as soon as he tries this, legal aid attorneys will sue him and probably obtain an injunction stopping the plan—unless Washington welfare officials stop it first.

Ogilvie says he is aware of the hardship imposed on welfare families because the state has refused to give cost-of-living increases for 18 months.

But Illinois recipients are "fortunate," he says, that they don't live in one of the many populous states that cut public aid grants in the wake of the welfare explosion.

"I keep getting kicked in the fanny for what I'm not doing," Ogilvie says. "Everyone shakes a fist at me, saying we need more money for schools, more money for mental health, more money for welfare."

Ogilvie and other governors caught in the welfare crisis are pinning their hopes on increased federal aid.

Currently, Washington pays about half of the $3,200 Illinois gives to a welfare family of four. President Nixon's welfare package would increase the federal contribution to $2,400.

This new federal share would reduce the inequities between state welfare budgets, but it would not wipe them out. States could decide whether or not to supplement the $2,400. Some would, some would not.

It has been nearly three years since the welfare bill was introduced. The House has passed it, but for many months it has been bottled up in the Senate Finance Committee. Sen. Russell B. Long (D-La.), committee chairman, says he won't approve it unless there is accompanying legislation "to remove from the welfare rolls the vast number of recipients who have no business being there."

NUCLEAR ERRORS: A THREAT TO AMERICAN INDUSTRY?

Mr. GRAVEL. Mr. President, a table which summarizes the state of knowledge about nuclear core cooling capability was prepared in August 1971, by the AEC's principal private contractor for nuclear safety, Aerojet Nuclear Corp.

That table is still another warning to anyone who feels complacent about nuclear safety. It was introduced by the National Intervenors as exhibit No. 1038 at the AEC's hearing in Bethesda on emergency core cooling systems.

The table, which lists 30 items, states the current status of information, importance to emergency core cooling performance, and urgency of work needed on each item.

EXISTING TECHNIQUES DESCRIBED AS "INACCURATE, INADEQUATE, UNCERTAIN"

Out of 30 items, eight were listed as very high urgency, one as medium high urgency, 15 as high urgency, four as medium urgency, and two as low urgency. All the items, except those in the last two categories, are classified as of prime importance to ECCS performance.

The status of the eight "very high urgency" problems is presented below:

"VERY HIGH URGENCY" PROBLEMS IN EMERGENCY CORE COOLING PERFORMANCE

Number given in Aerojet table IV	Information or capability need	Existing techniques: current status
8	Choke flow rate	Inaccurate.
9	Low and oscillatory core flow	Uncertain.
16	Transition from choke to friction ΔP at break.	Inaccurate.
19	Entertainment of ECC in piping.	
20	Thermodynamic mixing of ECC and blowdown.	Inadequate.
21	Penetration of ECC down annulus	Do.
24	Core ECC entrainment versus containment pressure.	Incomplete.
25	Steam binding overall system	Uncertain.

WHY ARE 23 PLANTS OPERATING?

Overwhelming evidence is on public record in Bethesda that the AEC's experts do not know whether the most serious nuclear accident of all can be controlled or not by the very system assigned to the task. Without effective emergency core cooling, there is no so-called "defense in depth" against nuclear calamities.

Under such circumstances, reasonable people have been wondering how the AEC Regulatory Staff could justify its permission for current nuclear power plants to operate.

Suddenly a new question has arisen from the hearing: Has information been withheld from the AEC Licensing Division by the AEC division which is in charge of safety research?

THE PROBLEM OF CENSORSHIP

I would like to quote the statement issued April 11th by Myron Cherry, who is attorney for the National Intervenors:

> Aerojet Nuclear Corporation, the AEC's prime private contractor on nuclear safety, prepared a review of the state of the art in reactor emergency cooling systems.
>
> The review was prepared in August 1971 for the AEC's Division of Reactor Development and Technology, which withheld all but an appendix of the document from the AEC Regulatory Staff.
>
> Included in the suppressed part of the document was the Table [IV], which summarizes the problems in this area quite succinctly: it identifies basic information needs and the quality of the data presently available. See the "Current Status" column. This table was introduced by the National Intervenors as Exhibit No. 1038 at the ECCS hearing.

Mr. Cherry states in addition:

> At the ECCS hearings last week, the AEC's Director of Reactor Development and Technology (RDT), Mr. Milton Shaw, admitted that his division "censors" monthly and other reports from Aerojet Nuclear. . . .
>
> One day later, Mr. Curt Haire, the head of Aerojet Nuclear's nuclear safety program, was asked whether in fact censoring of Aerojet Nuclear has anything to do with technical judgment.
>
> Mr. Haire answered that the censoring did not have to do with technical judgment, but rather was a deliberate inhibition of free and open discussion about nuclear safety by Aerojet Nuclear.
>
> Mr. Haire added, "I believe that (the Division of) Reactor Development and Technology is trying to avoid the problem or burden, if you will, of having to spend a lot of time answering public inquiries that are addressed to Congress and referred to them . . . on general questions of nuclear safety." That statement is from the hearing transcript, page 7593, April 6, 1972.

INDUSTRY UNPROTECTED FROM NUCLEAR CALAMITIES

This is an extremely inappropriate time for the Joint Committee on Atomic Energy to present H.R. 14065, or any other bill, which would permit the operation of nuclear powerplants prior to public license hearings. It is thanks only to license "intervenors," that information is surfacing about serious safety problems.

It would be far more appropriate for the joint committee to produce some overdue information for Congress about nuclear hazards, and for Congress to consider a temporary moratorium on nuclear licensing, as proposed in S. 3223.

It is strange that nuclear dangers are under discussion from coast to coast in the mass media, but not in the "watchdog" committee of Congress, or any other committee.

Protection of the nuclear industry is leaving all other industries without protection from nuclear calamities. I wonder how long this situation will be tolerated.

JAMES FRANCIS BYRNES

Mr. HOLLINGS. Mr. President, I have just returned from the funeral services for South Carolina's most distinguished son, James Francis Byrnes. It was an impressive and moving experience.

It was our privilege to journey to Columbia with the First Lady of the land, Mrs. Nixon. Senator THURMOND and I, along with members of the South Carolina delegation to the House of Representatives, are grateful for the kindness of the President and Mrs. Nixon during this time of sadness for all South Carolinians.

The memorial services were held in the Statehouse in Columbia, and at the Trinity Episcopal Church of that capital city. The late Governor Byrnes' good friend, the Reverend Billy Graham, offered the opening prayer. Bishop Grey Temple of the Episcopal Diocese of South Carolina officiated at the church service in the fitting and appropriate manner that always marks his appearances. The chaplains of the South Carolina Legislature also were in attendance, Rev. George E. Meetze from the senate and Rev. Alton C. Clark of the house.

The eulogy was delivered at the Statehouse by Governor Byrnes' close friend and comrade, Gen. Lucius Clay, The general and the Governor had served together to mold a realistic foreign policy toward the growing Soviet menace in those difficult days following the Second World War. Lucius Clay is another of the giants of our time, and his name will earn him the gratitude of all future generations when the history of these troubled years is written.

The eulogy was one of the most eloquent tributes I have ever had the opportunity to hear. It deserves to be widely read.

For that reason, Mr. President, I ask unanimous consent that the text of General Clay's remarks be printed in the RECORD.

Mr. President, I was impressed, too, with the people who gathered to pay homage to James Byrnes today. They came from every section and all walks of our national life. From the councils of government came representatives of every branch. The Chief Justice of the United States, Hon. Warren Burger, was present, recalling that time when James Byrnes served on the Highest Tribunal in the land. There were many legislative friends. And from the State Department came men such as Charles Bohlen, who worked with Secretary of State Byrnes during the Truman administration. The list of distinguished guests could be extended many pages. Suffice it to say that this outpouring of sentiment from his coworkers and close associates testifies to the impact of James Francis Byrnes. His was one of the most wide-ranging and influential careers in the history of this Republic.

But it was not only the presence of so many men of power at the service which made it so memorable. Even more moving was the outpouring of genuine affection and sympathy on the part of citizens from throughout the State and Nation. The farmers, the factory workers, the mechanics, the teachers, the civil servants—these were the people who knew and admired and trusted James Byrnes. These were the people who called upon him to do a job. And these were the people among whom he preferred to live.

I also noted the presence of over 300 Byrnes scholars—young men and women from disadvantaged pasts who had been given the opportunity of education by the James F. Byrnes Foundation.

Mr. President, it was an honor to know James F. Byrnes. We knew one another both within and outside the councils of government. I knew him as a man of sterling character, great intelligence, and much wisdom. I shall miss him, as I know many Members of this body, the U.S. Senate, will miss him.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY BY GENERAL CLAY

Dear Friends, all of us are here today to pay our last respects to Justice Byrnes. Many of us were privileged to have known him and to have enjoyed his friendship beyond measure. It is not a day to be sad. He and Mrs. Byrnes had a full and wonderful life, and in their long years together they won the love and friendship of all who really knew them. Rather, it is a day in which we, his friends, remember how great and enduring was his capacity for friendship, and how much he contributed to our own lives.

His lifetime of service to the state of South Carolina needs no elaboration here. He held every major political office which his state had to offer, and how he fulfilled the responsibilities of these offices is best evidenced by the love and affection in which he was held by the people of his state and by the respect shown to him as he lay in state in the State Capitol.

Far beyond his contributions to the state of South Carolina, as many and valuable as they were, were his contributions to his country and to the world. He was recognized as an outstanding member of the House of Representatives and again of the United States Senate before he became a Justice of the Supreme Court. When the problems of war confronted our country and the President asked him to accept the responsibility for establishing the Economic Stabilization Administration, he did not believe that he should do this as a Justice on leave, and he resigned from the Supreme Court because he felt that he could contribute more to the nation in war by taking an active role in government. Soon thereafter he became the Director of War Mobilization, and it was in this capacity that President Roosevelt delegated to him full responsibility for the domestic front. It was while he was the Director of War Mobilization that I became his deputy in December, 1944, and so quietly had he performed his offices that it was only then that I realized the many problems which came to him each day for final solution, and the calm and objective decisions which he made to maintain our economic stability and our productive power while we were forced to wage war on two fronts. It was during this period that he first became deeply involved in our foreign affairs, almost by accident. President Roosevelt asked him to come with him because he wanted his company during the Yalta Conference. There, both President Roosevelt and Mr. Hopkins became ill and, although he was not even a delegate, he found himself an active participant in the Conference, and indeed when the President's party returned, it was Mr. Byrnes who was designated by the President to meet the press and tell them of the results of the Yalta Conference.

Shortly thereafter President Roosevelt died, to be succeeded by President Truman, who asked Mr. Byrnes to return to Washington as Secretary of State. It was a crucial period for American foreign policy, for we were still at war with Japan, our troops were being rapidly withdrawn from Europe, and even with victory over Japan the demand at home for the return of our soldiers was overwhelming. Underlying this demand was a more fundamental question: Did it mean that America was returning to isolationism? And, indeed, for a while this appeared to be the trend. Fortunately, Secretary Byrnes—with the support of President Truman—saw immediately that it was no longer possible for America to live alone and that even a partial return to isolationism would be a serious threat to world stability and to lasting peace.

Recognizing the fact that most of eastern Europe was either in Russian hands or dominated by the threat of Russian force, Mr. Byrnes believed that only the immediate conclusion of peace treaties with the countries of eastern Europe would make it possible for democratic regimes to be established with any hope of success. Although the interim coalition governments formed under these peace treaties were not to survive, there was no other way short of willingness to use force to have any chance of obtaining democratic governments in these countries. However, his determination prevented a Communist dominated government in Italy, which was not under the influence of Russian arms, and in Austria, where both our own and Russian troops were in occupation.

The extent of his effort to conclude these peace treaties can best be measured by the extent of his travel during this period. 1945 found him in Yalta and Potsdam for Big Three meetings, in London for the Foreign Ministers Council, and in Moscow for a Big Three meeting. In 1946, he was in London for the United Nations General Assembly, in Paris for a Big Four meeting, and again in Paris for the Peace Conference.

It was at the latter conference that he became convinced of Soviet intransigence and determined that they would make no further gains in Europe. It was there, with the consent of the then President Truman, he agreed to accept an invitation to address an audience of Americans and Germans in Stuttgart to include the four Ministers appointed by Military Government as chief administrators of the four German states in the American Zone of Occupation. In an impressive setting, Justice Byrnes made a major-policy speech of tremendous import to Europe, as it meant to them—as it did to me—that the United States, in pledging that its troops would continue in Europe as long as the troops of any other government remained, had definitely abandoned and renounced isolationism. I think it was his finest hour, and the policy which he announced then is still our basic policy. We had taken a major step to accepting the leadership of the free world, later to result in the Marshall Plan, the North Atlantic Treaty Organization, and the ultimate establishment of the West German Government.

Following this speech, Justice Byrnes met for lunch with our own military and State Department personnel and with German officials holding office under Military Government. It was the first such meeting with Germans and marked the beginning of our realization that the rehabilitation and restoration of Western Germany was essential to prevent a vacuum in central Europe which could lead only to economic and political disaster throughout Europe. Following this luncheon, accompanied by Mrs. Byrnes, Senators Vandenberg and Connally, who were members of our delegation in Paris, and their wives, we left Stuttgart by train for a quiet weekend in Bavaria. This was still a land of occupation and the scars of war were evident everywhere, and you may be sure that we had taken every measure we know how to take to insure the safety of this train and its passengers. Our distinguished guests had gone to their staterooms for a brief rest when, suddenly, I realized the train had made an unscheduled stop, and in looking out the window the absence of American troops on guard quickly told me this was not a scheduled stop. With some concern I rushed from my stateroom, there to find Justice Byrnes standing on the back platform signing autographs as best he could, where several hundred German commuters had already gathered and were pushing and shoving each other aside in their eagerness to obtain his autograph. I could not help but reflect how quickly a defeated enemy had recognized the magnanimity and good will of this American statesman.

In all the conferences which I attended with him, and in which he headed the American delegation, I was always impressed with the respect which he had gained from the statesmen of other countries—with Mr. Churchill and Mr. Eden, and on their departure with Mr. Attlee and Mr. Bevin, with Mr. Bidault, and indeed with Mr. Molotov and Mr. Vyshinsky. I was astounded at his ability to meet the challenges and even the insults from the Soviet representatives effectively and yet to avoid rancor and bitterness, even at a time when it was most difficult not to be angry. Yes, he was a respected world leader among world leaders, recognized as a man of good will representing a powerful country and intent that its power be used only in the interests of peace and freedom. Yet, even during these trying days, he found time to improve the Foreign Service as a career service by personally securing the enactment of legislation which had been pending before the Congress for some time.

Of course, there are too many highlights in his career for but one or two to be mentioned. However, I am sure that one of the happiest occasions that I ever remember being with him was following his inauguration as Governor of South Carolina, and the great joy he took in this opportunity to serve his friends and neighbors. Nevertheless, his impressive record of public service does not do full justice to the measure of this man to whom Senators, Representatives, Cabinet Members and Heads of State came with their problems to seek his advice and counsel. Never sparing of himself, he was always available, and above all they knew that whatever they talked about with him would forever remain confidential as far as he was concerned.

Serving as his deputy in War Mobilization, and as Deputy Military Governor of Germany during the period in which he was Secretary of State, I learned far more than I ever learned elsewhere. Someone once asked me, when I was Military Governor, if I had had any real experience in government, and my reply was: "A post graduate course in four months under Justice Byrnes."

During the period in which I was his deputy it was his practice to hold a small staff conference every evening at 6 o'clock, at which time we would discuss the efforts of the day. Usually, there were present besides myself Don, now Judge Russell; Walter Brown; Fred Searls, now gone; and sometimes our counsel, Ben Cohen. In the outer room, Miss Cassie Connor, protected the privacy of our meetings. We were his family and the warmth of his affection still binds us together. When I speak of him, I know I speak for them too. It was in these conferences that his experience and wisdom were at their best. Justice Byrnes enjoyed these conferences just, indeed, as he enjoyed life. Prodigious worker as he was, he did not believe that life consisted only in work, but that it also had to include some time to meet and be with friends. To spend an evening with him and Mrs. Byrnes was ever an experience to be remembered and to be enjoyed to the full. Their home, wherever it was, was filled with song and music and reminiscences and above all with their love for each other, which overflowed to embrace their friends.

With a quick and ready wit, he loved good company, good conversation, song, laughter and fun. Although, as all men in public life must be, he had to disagree at times with the policies and views of others. I have never heard him utter a cruel or vindictive word about anyone. Once he said to me: "I am often called a compromiser and, indeed, I must be, for politics is the art of compromise. However, if you will examine the record, I always compromise in the right direction and sometimes it takes two or three compromises to reach my original goals. There are more ways than one to gain a final victory, and a politician who does not recognize this can never become a statesman."

Once, when I was Military Governor, there was a movement made to replace me shortly after Justice Byrnes had resigned as Secretary of State. Not wanting his ill will, the proposal was conveyed to him, and his immediate reply was: "Attempt it and I will fight you all the way." The attempt was not made. It was years later when I heard of this, and you may be sure it was not from Justice Byrnes.

How can we express our feelings for a man like this, other than to say we loved him. Above and beyond his many accomplishments was the one thing which none of us will ever forget—his capacity for true friendship, for love of his fellow man. Of course, the Byrnes Scholars are one evidence of his concern for others. He met with the great and with the humble, and was at home with both. His warm compassion, his deep and abiding loyalty, and his faith in America and its people were very inspiring.

There are only a few—a very few—in a world of many people who can by virtue of both character and achievement be called great. Justice Byrnes was such a man. But of the few who are recognized as great, there are an even smaller number who are both great and good. Justice Byrnes was also a good man.

South Carolina can be proud of the contribution made by this great and good man to the state and to the nation, and the nation can be proud of the contribution which he made to preserve the free world and in working for peace among nations. We, as friends share this pride while we are ever grateful for the additional privilege that we have of having known and loved Mrs. Byrnes and Justice Byrnes. May God be with us all.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

WAR POWERS ACT

The PRESIDING OFFICER (Mr. ALLEN). In accordance with the previous order, the Chair lays before the Senate the unfinished business, S. 2956, which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 1099) of the Senator from Maryland (Mr. BEALL).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote occur on the pending amendment at 12 noon today.

Mr. BEALL. Mr. President, reserving the right to object, and I will not object, I want it understood that I will ask for the yeas and nays.

Mr. ROBERT C. BYRD. Of course; yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the time between now and 12 noon be equally divided between the distinguished manager of the bill, the Senator from Virginia (Mr. SPONG), and the distinguished Senator from Maryland (Mr. BEALL).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the cloak rooms should advise Senators that this will be a yea-and-nay vote and that the order for the yeas and nays will be sought prior to the vote.

The PRESIDING OFFICER. Who yields time?

Mr. BEALL. Mr. President, yesterday afternoon, I offered my amendment, which is the pending business before the Senate at this time. I had some rather lengthy remarks to make on the amendment at that time which I am not going to repeat today, but I would like to point out that yesterday afternoon I introduced an amendment in the form of a substitute for the pending legislation, the so-called war powers legislation. My amendment would create a commission in order to give this matter further study because I think we do not want to act precipitately.

Mr. President, there are many questions which have gone unanswered. I noted in my remarks that there were some well-known legal scholars around the country opposing this legislation who had not been asked to testify before the Foreign Relations Committee.

I believe that many of us are desirous that Congress should get about the business of codifying the procedures under which the President may commit troops in foreign lands in various kinds of emergencies, and I would like to see the air cleared on the matter.

But, as I pointed out in my introductory remarks, even though the votes may be here in the Senate to pass the pending legislation after the amendments are disposed of, frankly, I do not believe that the House of Representatives will consider legislation of this kind. As a matter of fact, the chairman of the subcommittee in the House of Representatives indicated that he did not think the House would get about the business of considering this Senate legislation.

Additionally, as I pointed out, and I have no information on this from those who know, but it seems to me that it would be highly unlikely that the President of the United States would sign legislation of this sort, should it get through both Houses of Congress and be sent to him in final form.

Under these circumstances, therefore, it seems to me also likely that, since final disposition of the matter will not be made this year and as we get farther away from the conflict in Southeast Asia the emotional fires will die down, and it is probable that the whole issue might dry up and blow away before Congress considers it again.

I do not think that this should happen because, as I said at the outset, we would do the country and ourselves a favor if some way could be devised in which we could find procedures under which Congress may reassert itself and act in conjunction with the executive branch when we get into foreign entanglements.

So for that reason I suggested we establish a commission to be appointed jointly by the President, the President of the Senate, and the Speaker of the House of Representatives. I also suggested that such a commission would see to it that those people who have not been heard from on this subject, such as former Presidents of the United States, former Secretaries of State, as well as calling in other people from other departments of the Government who have great experience in these matters, whether with the State Department, the Department of Defense, or in the executive branch generally and, perhaps, very importantly, they could call in those distinguished historians and legal scholars from around the country who were not heard from when the Committee on Foreign Relations considered this matter.

A report by the commission will be made to the next Congress within a year after formation of the commission and Congress would then be able to consider this matter again. It would not die. Perhaps it would be considered in a less emotional light and perhaps, and I think likely, a greater opportunity will be afforded to pass the legislation and place it on the books, more so than seems likely today.

Therefore, Mr. President, I have introduced the substitute for the pending measure and I would hope that the Senate would consider it favorably.

Mr. President, I raised certain questions during the course of this discussion on this matter and would like to raise another question that troubles me. As I explained to the distinguished Senator from Virginia (Mr. SPONG), the manager of the bill, yesterday afternoon, I am not a lawyer. Therefore, I am not really competent to talk about the constitutional questions involved, although I have read with great interest the discussions which have taken place as to the constitutionality of the pending legislation. But there are some serious practical questions regarding legislation of this kind. I enumerated some of them in my remarks yesterday.

I have another one: We are all concerned at this point in history about what is going to be the relationship of the United States with the other countries of the world. Our country has been the greatest free country in the world in recent years. We have been the protector of liberty throughout the world. We have given great encouragement and comfort to other countries who have or want to have a democratic form of government so that they can be free from encroachment by other foreign powers. Our military forces have been a deterrent to war.

I would hope that we would want to participate as a full fledged member of the world community as the greatest free country on the face of the earth and that we would not go into a period of isolationism. We have responsibilities to ourselves as well as to other countries in the world to maintain our position as an active participant in the world community.

Now, Mr. President, I should like to speculate for a moment or two as to what might happen. I do not know how the thought processes work of the other leaders who profess ideologies different from ours, but it would seem to me that in the past, as certain countries around the world would look to possible encroachment upon the territorial rights of another country, they would have serious questions to take into consideration before they did so. One of those considerations would be the presence of the United States. We have used our Navy, for instance, as an extension of our foreign policy. When we have seen trouble brewing in different parts of the world, seeing one country trying to encroach upon another's territory, we have been able to move our Navy into that part of the world and its mere presence has caused them to stop, look, and listen for a little bit.

They have said, "Maybe we had better not go into that country, because the U.S. Navy is there and maybe if we encroached upon that country we would get the United States involved. We do not want to do so, because we do not know what the United States would do, we will not be as aggressive as we might like to be because of the presence of the U.S. Navy."

It seems to me, under the pending legislation, that we would cause a different kind of thinking on the part of people elsewhere who might have some acquisitive desires. For instance, it is conceivable now that, if a country somewhere in the world wanted to encroach upon the territory of another country, they would look around and consider all the things that must be considered, including the possibility that the United States could deploy its Navy, as we have done in the past. I am wondering, if the Navy would be a deterrent to such a country, if this bill becomes law. The leaders doing the thinking would look at the situation, and they might well say, "There is the U.S. Navy but we will be able to go into this country and take it over. The Navy does not worry us any longer, because Congress recently enacted a law laying out the conditions under which the American President may commit American troops and Congress has said to the President that if he does commit American troops he must come to Congress within 30 days to receive some sort of affirmation of what he wants to do before he can continue to deploy American Forces.

It seems to me that a foreign power, in that case would be able to say, "We do not have to worry about the United States any more because there is no muscle behind its Navy." They would say that the Congress has recently had its fingers burned in Southeast Asia. And even if the President of the United States wanted to protect a country whose territory was about to be encroached upon the enemy will not have to worry, because Congress is not about to give the President of the United States the kind of affirmative support he needs to fulfill our commitments. It seems to me that under those circumstances American military power can no longer be used for peace, as military power should be used.

I think that we might be weakening our position in relation to the rest of the world. I wonder if the Senator from Virginia would like to comment on that particular point.

Mr. SPONG. Mr. President, I would be pleased to comment upon the two questions posed by the Senator from Maryland. The first question concerns the effect of passage of this legislation upon our relations with other nations of the world.

The proponents of the bill believe that over the long run this legislation would give assurances to other nations of the world that the Government of the United States was united in its foreign policy. The events that have transpired in the last 25 years, when limited wars have created divisiveness and unhappiness here at home, have often given this Nation the image abroad of a nation bitterly divided, with the President and the Secretary of Defense and the Secretary of State saying one thing, and the Members of the Congress, who do not consider themselves in any way fully committed to an involvement, because they have not participated in it, saying something else.

This has resulted in a very confused picture of what the policy of the United States is.

So this legislation is designed to help bring about, particularly in situations where hostilities result, an allied effort between the Congress and the executive branch of the Government. Then we could have pronouncement of policy which resulted from both congressional and Presidential actions. In that way, Congress would have participated to some degree in the use of force decisions. The American people believe that consultation, that participation, has taken place all along, but it has not. There have been no incidents in our history in the last quarter of a century where there was a genuine consultation and approval regarding the use of forces for hostilities abroad between Congress and the President.

I believe the second question posed by the Senator from Maryland has already been covered in the debate. It had to do with the use of the U.S. Navy.

Let me preface what I am about to say by noting that few Senators would be more reluctant to predict the demise of the U.S. Navy in the future than the Senator from Virginia who comes from the Norfolk-Portsmouth area of Virginia, which has extensive naval facilities. I do not for one minute contemplate that is going to happen at all. It is well established that this legislation has no effect whatsoever upon the right of the President of the United States as Commander in Chief to send our Navy into international waters anywhere in the world that he chooses.

The Congress under this legislation is not asking to consult with the President about where the 7th Fleet goes or where the 6th Fleet goes. It is only when there are hostilities and only when there are use of force decisions that the President, under the legislation, reports and then Congress has this period in which to concur, to disapprove or to do nothing.

An example that has been used extensively on the floor by those who join the Senator from Maryland in opposing this legislation is the Cuban missile crisis. I think it is a good one. But the President had, up to a point, the authority to send our surface vessels into an area. He has that right as Commander in Chief.

I quoted 4 or 5 days ago in this debate the testimony of Mr. McGeorge Bundy who, in his appearance before the Foreign Relations Committee, said that there was nothing that took place during the Cuban missile crisis that this legislation, had it been in effect, would have impeded at all.

I want to make it clear to the Senator from Maryland that if we send the fleet somewhere where it has not been and hostilities against some nation are initiated, if we are attacked, then certainly this legislation, should it be enacted, would apply. But there is nothing in the bill to interfere with the operation of the Navy throughout the world.

Mr. BEALL. I am aware of that. I am aware that the President still has the authority to send the Navy wherever he wants to send it. My point is that I am wondering if, under those conditions, the Navy would be the same deterrent, the same positive force for peace as it is today.

As I pointed out in our little excursion into hypotheses, a foreign power knows today that there is no restriction on the President's use of the Navy. However, if this law were to go into effect, there would be a 30-day restriction. A foreign country would look at the Navy and say, "If we start to encroach upon a neighboring power and the President wants to use the Navy, he could do so for only 30 days." They do not have to worry about it, because he has to come back to the Congress and get some affirmative action.

It seems to me that the use of the Navy is a deterrent which the President can use, along with our other Armed Forces, as a visible force for peace around the world.

Mr. SPONG. I see nothing in the legislation, assuming that the Navy stays at its present strength, that would deter a show of strength or a show of force demonstration. I think that the Senator from Maryland has to understand the 30-day limitation. I do not envision 30 days of foot-shuffling by the Congress while the Navy waits to see what it will do in the future. That would just not happen. The President, as Commander in Chief would be directing the Navy. If the Navy is attacked or if there is imminent danger of American nationals or American troops being attacked, the President of the United States has authority under the Constitution and under this legislation to employ the U.S. Navy. I do not think for 1 minute that those commanders are going to be impeded by any 30-day limitation. The 30 days is there for Congress to have an opportunity to weigh the extent of the emergency and to pass a judgment on what type of emergency it is.

I think it is clear that the President has this authority to deploy the Navy and that the Navy can go wherever it has been going.

Mr. BEALL. I understand that, as the

Senator from Virginia has explained it, there would be no restriction on the President's ability to send the Navy into foreign waters and there would be no restriction on his ability to use the Marines if he feels American nationals are in danger.

But I feel that the United States, being the greatest free country on the face of the earth, wants to be in a position so that it can be the promoter of peace, and effectively use its Armed Forces, as those Armed Forces should be used, as a deterrent to war. Therefore, if a 30-day restriction is placed on the President, in effect we are saying the United States does not have the muscle behind its troop deployments that it formerly had; and it seems to me that, if I were in a decisionmaking position in a foreign country, and I had the desire to encroach upon the territory of another nation and I saw the U.S. fleet off shore, I would realize, should this legislation pass, that the President of the United States no longer had the freedom to move the U.S. Navy or to make a show of force, and it might not be the same deterrent to war it is today, because of the 30-day limitation.

Mr. SPONG. Implicit in that position is complete confidence in the President and a lack of confidence in Congress. Let us consider why we want the legislation. We want to be sure the Executive does consult and is careful before committing the Navy or any troops to hostilities. I want to underline the words "to hostilities."

The Senator talks about preserving peace. Of course, that is what this legislation is about. We want our forces to continue to be a deterrent throughout the world, but we also want to be very careful that these forces are not committed to hostilities by the decision of one man alone. The latter situation could create and achieve just the opposite of what the Senator from Maryland is seeking, that is, a peaceful solution.

We have had a history of 25 years where there have been use of force decisions by Presidents alone and where troops have been sent into situations which could have resulted in much broader wars.

There has, however, been no instance—with the possible exception of the Cuban missile crisis, and I believe Mr. Bundy's testimony covered that—where 1 or 2 days would have changed the result. What would have been changed is that the American people, through their representatives, would have participated in the decisions that could have gravely affected their lives.

Mr. President, if the Senator will allow me, I want to use a little of my time to speak against the amendment offered by the Senator from Maryland. The Senate will vote on the amendment at 12 o'clock noon and I have to leave the floor momentarily. I will delegate my authority as floor manager to the Senator from Missouri (Mr. EAGLETON) at the conclusion of these remarks, but I do wish to speak against the amendment which is before us.

Mr. President, I hope the Senate will reject the amendment of the Senator from Maryland. In my opinion it goes much further than the measure on which we voted on yesterday. The Senator from Nebraska (Mr. HRUSKA) amended his amendment to refer this legislation to the Committee on the Judiciary to assure its return to this floor in 45 days. If that amendment had been adopted this legislation could have again been considered in 45 days. Under the amendment offered by the Senator from Maryland, however, this legislation would be delayed for at least a year, and undoubtedly longer.

I am persuaded in part by some of the arguments the Senator from Maryland made yesterday. But, his suggestion for a 1-year study would have been much more appropriate 2 years ago when we began thinking about war powers legislation. It would have been more appropriate at the time the Senator from Mississippi (Mr. STENNIS) asked for a year's delay in the course of this matter. But, the Senator is offering his amendment after more than a year's consideration of war powers legislation by the Senate Foreign Relations Committee.

I would say there are some historians and some legal scholars who have not been heard from. But I stated yesterday that if one anlayzes the literature that is in the RECORD, he will find that everyone has had his point of view expressed. Specific individuals may not have testified, but their points of view have been expressed. Furthermore, those who did not testify have had no hesitancy in expressing their views in other forums.

I think what Mr. Rostow had to say has been placed in this RECORD eight times. Everybody who speaks against the bill puts it in the RECORD. It has been published in the New York Times. All of us are aware of his views on this matter.

We had good testimony before the committee. The substantive issues on which this legislation is based has been debated for years, going to back to the Korean treaty and picking up the debate of Senator TAFT's father, called the great debate, over sending divisions to Europe. There has been much debate over the principles involved in this legislation. So I hope the Senate, which yesterday declined to send this measure to the Committee on the Judiciary, will today certainly decline to study it more and send it to a study commission.

I say again that I think the suggestion would have been appropriate a year ago or 2 years ago, but it is not appropriate now. The hearings and this floor debate provide quite a record. I have been in this body almost 6 years and I find few records on legislation comparable to the testimony received. Therefore, I hope it will be the pleasure of the Senate to defeat the amendment when the vote takes place.

The PRESIDING OFFICER. Who yields time?

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, will the Senator from Maryland yield me 6 minutes?

Mr. BEALL. If I have 6 minutes remaining, I am glad to yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Maryland has 16 minutes remaining.

Mr. BEALL. Very well. I am happy to yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I wish to commend the distinguished Senator from Maryland (Mr. BEALL) for offering this amendment to set up a commission on the proper roles of Congress and the President in the use of the Armed Forces of this Nation abroad and in undeclared wars. This approach is a much better approach than that of sending the measure to the Committee on the Judiciary for a limited study of 45 days, especially in view of the fact that the Committee on the Judiciary seems weighted down with matters that have been before it for weeks and that will probably continue to occupy the time, thought, and study of that committee for some days yet to come.

I feel that the commission approach provides for a wider, broader, deeper spectrum of the available political and philosophical constitutional thought of the great minds of this country. I feel it would be wise to bring in Members from the House, six to be appointed by the Speaker of the House, not more than four Members of the House, two from private life; six to be appointed by the President of the Senate, not more than four to be Senators and two from private life; and 12 to be appointed by the President, not more than four to be actually in the executive department.

This is a question that requires additional study, and I do not feel that anything would be lost by additional study.

It is understood that the measure does not apply to the present conflict in Southeast Asia, and I do not believe that public opinion would support the start of another conflict similar to the Vietnam conflict.

The significance of this bill can hardly be overestimated, because it is a bill which will affect the most momentous decisions of this Republic, and which will touch the lives of every present and every future citizen. It is a matter of the first importance, and its implications are so far-reaching that perhaps none of us have adequately foreseen them.

Because of this, it seems to me neither proper nor fitting that the debate on this bill be confined to this Chamber. The great strength of this country is its intelligent, articulate citizenry—let us hear from them. Before we take action on a bill involving the most fundamental relationships in our governmental system, let us be sure that our people understand and approve our position.

Some of the finest legal minds in this country have discussed S. 2956—let us be sure to hear from them. Some of these experts have raised questions, and their questions deserve to be heard and explored. In these days of general skepticism toward this Government and of increasing public distrust of all our institutions; can we afford to ignore the experts on such an essential question?

Within the last decade we have witnessed revolt and turmoil in our cities and on our campuses; we have heard the shouts, and often the insults, of those who felt that they could not make themselves heard without shouting. And I do not need to remind any here of the recent, rapid proliferation of groups formed to demand a greater voice in the making of decisions that are vital to their lives.

In effect, S. 2956 charges the Executive with ignoring the wishes of Congress. But will not we be susceptible to the charge of ignoring the wishes of the people if we pass this bill hastily, without encouraging a comprehensive debate by the public? Would not the purposes of all be served by a thorough discussion of S. 2956 in our journals, on our campuses, in the media?

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. BEALL. I yield 2 minutes to the Senator.

Mr. ALLEN. We have nothing to lose from such a debate, but we have much to gain. This Republic has gotten along for almost 200 years without this bill; it will undoubtedly survive for a few months longer.

I can think of no better way to actively promote debate on this issue than to establish a National Advisory Commission, as the amendment by the Senator from Maryland does, and I can think of few actions that would reflect more credit on this Congress.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BEALL. Mr. President, I want to thank the Senator from Alabama for his comments on this amendment. The matter needs additional study. During the course of my colloquy with the Senator from Virginia, he suggested he would have been amenable to this proposal 2 years ago. Well, I would have been happy to have offered it 2 years ago, but I was not here at that time. I would have been happy to offer it, because this is a matter that deserves further consideration.

During our discussion we were talking about the deployment of the U.S. Navy. I agreed at that time, that this measure does not restrict the President's power to deploy the Armed Forces of the United States as occasion arises, but I am not so sure I should have agreed, because I read from page 787 of the hearings on this matter, when Mr. Arthur Goldberg was in discussion with the Senator from New York (Mr. JAVITS) on the matter of deployment of the Armed Forces, and Mr. Goldberg said:

> Widespread deployments of troops without explicit congressional authority raises to me constitutional questions because of the danger of it leading to war, and that is covered by the resolution Senator Javits has been working out with Senator Eagleton.

Senator JAVITS said: "Right."

Then there is some doubt as to the extent of the President's authority. But that is not the point of this discussion. The point of the discussion remains, as far as I am concerned, that there are very serious practical questions raised by the proposal. The most important practical question in my mind is that I am afraid that under the proposal as it stands, the Armed Forces of the United States, which have been effectively used as an instrument for maintaining peace around the world, would not be able to be used in this capacity any longer because of the 30-day restriction being placed on the President. It seems to me that if a foreign power looked at the United States and the U.S. Navy, whereas today it views the U.S. Navy as possibly being used against it if it should take aggressive action, in the future, should this measure become law, it might look at the U.S. Navy and say to itself, "Congress has imposed a 30-day restriction on the President. Therefore, we do not have to take that Navy into consideration any more, because the muscle is no longer behind it."

That is what concerns me. I would hope the Armed Forces of the United States could be used to deter war around the world. I would hope that we could live in a world of peace. I would hope the United States would be the leader of all countries in promoting peaceful coexistence throughout the world. But I am afraid we would be tying our hands in this matter if we passed the proposal which is before us now. For that reason, I think the matter deserves further study.

I believe the Senator from Virginia pointed out that there is a very voluminous publication containing the testimony taken before the committee. I would suggest that in that testimony there was a lot more evidence from proponents of the legislation than from people who oppose it or who raise questions about it. For that reason, I think the public interest would be better served if we were able to have the kind of commission I have proposed, with the commission required to come back in a year, letting everybody who wanted to be heard on the matter have an opportunity to do so.

Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken from the time of the Senator from Missouri, because I do not have enough time.

Mr. EAGLETON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. EAGLETON. Mr. President, how much time remains to the advocates of the amendment?

The PRESIDING OFFICER. The proponents now have 5 minutes. The opponents have 15 minutes.

Mr. EAGLETON. Mr. President, I yield myself 3 minutes to speak in opposition to the amendment offered by the distinguished Senator from Maryland.

Like the Senator from Maryland, I have been here only a relatively short period of time, just a shade longer than he has been. I have been here a little over 3 years, but even in that rather short period of time I have noted what seems to be the most popular governmental trend—to wit, to appoint a study commission, whether it be in the realm of education, nutrition, housing, crime, dirty books, marihuana, and now the warmaking powers.

There seems to be a tendency to want to push the problem aside, to pretend, like Don Quixote, that it will go away if we appoint a study commission.

I would like to see a study made of study commissions. I would bet, in sheer weight of numbers, that there are several hundred commissions, committees, and groups appointed by Presidents, both past and present, that are studying things now.

That is the easy way out. It is the simple way out. It is the simple way not to face up to the stark reality of a problem. It is a design to postpone.

Once again, I think the amendment of the Senator from Maryland is just another in the ever-continuing litany of proposed study commissions, too many of which have already been authorized.

What are the results of study commissions, Mr. President, whether the famous Kerner Commission report, or the one filed just last week by former Governor Shafer of Pennsylvania relating to marihuana? Each and every one of those reports becomes a collector's item on a sociologist's bookshelf, and there it sits, after the considerable time, effort, and expense it took to get the information that went into the report, gathering dust. There it sits, regardless of the admirable effort to focus attention on the subject of the report.

The hearings on this measure began on March 8, 1971, over a year ago, and continued throughout calendar year 1971. It is an immense record, Mr. President, consisting of close to 900 pages of testimony from legal scholars, former State Department personnel, current State Department personnel, Senators, and Representatives. It has an enormous appendix containing much of the current literature, including law review articles and the like, relating to this subject.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EAGLETON. I yield myself 2 additional minutes.

We are not flying blind on this matter. This is not some hasty conclusion, dictated hurriedly, transcribed by a stenographer and thrust upon the Senate in the darkness of night, in secrecy. This issue has been before the Senate, directly and indirectly, for years, because implicit in this bill are the failures of our decision-making process in the instance of Vietnam and the hope for prevention of future Vietnams.

There is nothing new, novel, or hidden about this proposal. It has been studied in great detail and great depth, not only by its sponsors, Senator JAVITS, Senator SPONG, and myself, but before the full Committee on Foreign Relations, which is not considered to be a group of neophyte amateurs, but some of the finest minds in the Senate. Some of the most astute legal and diplomatic scholars in the Senate serve on that committee with distinction.

We do not have to designate yet another group to study this situation to its ultimate demise. Time for study has been given, and the results are contained in the record of these hearings and the debate we have heard on this floor.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. JAVITS. First I would like to commend the Senator for his tremendous cooperation in the evolution of this bill. His mark is very much on this bill.

Mr. EAGLETON. I thank the Senator from New York.

The PRESIDING OFFICER. The additional 2 minutes have expired.

Mr. EAGLETON. I yield such time as the Senator from New York may require from the time set aside for the opponents of the pending amendment to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Maryland (Mr. BEALL) has properly indicated that his amendment is an alternative. The question, is his alternative necessary, was really decided by the Senate yesterday. The issue was put to the Senate on that vote: Does this proposal need more study?

The Senate decided the question in the negative. In my judgment, the Senate expressed itself as feeling that it had a very adequate record upon which to act. And, Mr. President, I think that really is decisive upon this question.

I appreciate the good faith of the Senator from Maryland, and his desire to give the Senate another way in which to look into the matter further, if it chose to; but I believe that the Senate has really made its decision that the record is entirely adequate, and I deeply believe that it is.

Mr. President, this is the time to act. I must recall a speech made by the Senator from Connecticut (Mr. WEICKER), in which he said:

> There is a time when the Senate will devote itself to this question.

The calendar is readily available for debate at this time. The debate has itself been a liberal education. I hope this debate will be separately printed. I shall do my best to see if we can work that out. I think it is really a magnificent development of the American constitutional system.

So, with the greatest respect for the good faith and the deep interest of the Senator from Maryland, really feel that this is the time—and the place—to deal with the war power question. It is for that reason, rather than as any challenge to the idea of going into any gravely important matter as deeply as we humanly can, that I hope that the Senate will reject this alternative amendment.

Mr. DOMINICK. Mr. President, will the Senator from Maryland yield briefly to me?

Mr. BEALL. Mr. President, before I yield, to respond briefly to the Senator from Missouri, I do not want him to think I am reflecting in any way on the fine work done by the committee in this matter. I think the committee has gone into the matter and has listened to some people, and I think this debate has been a splendid debate, in the best interests of the people of this country.

My point is that I do not want to see the debate ended here, and the matter dropped. I do not think this matter will be enacted into law this year, and I think a study group which would have to report back by law next year could take this very debate and build a further record upon which Congress, next year, could enact some legislation which I think would not face the practical difficulties that this legislation now poses for me.

I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I thank the Senator from Maryland. He has just quoted some of the thoughts with which I rise in support of his amendment.

I think, Mr. President, it is worthwhile to point out that although the Committee on Foreign Relations did have a number of hearings, and heard quite a number of people testifying both for and against this particular bill, when it came to the floor and the Senator from Arizona (Mr. GOLDWATER) and I and a few others pointed out some of the practical problems the bill would create. After those conversations the distinguished proponent of the bill, the Senator from New York (Mr. JAVITS), put in three amendments of his own to clarify the particular points I had raised to begin with. This would indicate, as it usually does in the process of a debate, that no bill is perfect when it comes from the committee.

In addition to those points, I have offered six amendments which I think would further clarify the meaning of this measure and the particular circumstances which we may face during the next 4 or 5 years. And over and beyond those amendments, whether they be accepted, rejected, or whatever the action may be, we have had expressions of contrary views by a great number of extremely prominent persons, despite what the Washington Post said. These people have been active in the constitutional field and the foreign relations field, not the least of whom, as I have mentioned before, is Gene Rostow, the dean of the Yale Law School, who worked for the State Department during the Johnson administration. He has written a 75-page article pointing out the problems this measure would create in terms of foreign policy, and also commenting rather liberally that he does not think it is constitutional. In fact, he refers to it as a disaster, and far worse, in his opinion, than the Bricker amendment would have been in 1954.

Under the circumstances, I intend to put in the RECORD later the names of a number of distinguished lawyers and authorities who are prominent experts in this field, who all contend the bill is loaded with problems. It would, therefore, seem to me much more sensible to take the Beall approach, to say that we are going to have a commission which can take evidence from all these people and then determine next year what we should or should not do.

No other Member of the Senate would like more than I would to get more information from the State Department, from the Defense Department, and from the White House on what the international scenes may be in various sections of the world which could create problems for our country. I have been talking about that particular need for some 6 years, trying to figure out a format of my own that I thought would be of help to the Senate and to the country as a whole, in order to have a judgment input from them to us and from us back to the executive department.

But what I did not want to do—and what this bill does, unfortunately—is to confuse the judgment input and output with the decisionmaking. Someone has to make the decision; and the question is, Is the decision going to be made downtown, as the final place where the buck no longer passes, or is it going to be made by 535 Members of Congress?

If it is to be made by the 535 Members of Congress, we are going to have an interminable debate. Nobody agrees in this group—and I hope they never will—on all issues, certainly not on foreign policy. I can see an interminable debate in almost every circumstance if we keep the decisionmaking here, as this bill would do.

This is why I think a commission should study the constitutional problems, the practical problems, and the need for finding some method by which we can get input and judgment both ways between Congress and the executive department. This format for a commission could give us some guidance on that type of recommendation. It does not necessarily mean that we are going to accept whatever the Commission is going to recommend, but we will have a big input in terms of prominent people engaging in what I think will be a nationwide debate before that Commission, in terms of giving evidence and trying to give their own decisions to two members of the Commission who will make recommendations for Congress to act on next year.

I cannot see why it is necessary to take this bill and ram it through in this session of Congress, when we know that almost undoubtedly—I am not speaking with any inside information—it is going to be vetoed, anyhow, if it is passed, so we are not going to get it this year. Why not go at it peacefully and quietly and with more time, with the process of this commission that the distinguished Senator from Maryland has suggested, and get something with which we can live and work next year?

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. EAGLETON. I yield such time to the Senator from Colorado as he may desire, from our time, not to exceed 6 minutes.

Mr. DOMINICK. I thank the Senator from Missouri.

I think I have covered most of the points I want to make, except for one or two.

I looked at this editorial from the Washington Post yesterday. I read it three times, because all I could see in the first two readings was that they were, in effect, saying, "Why talk about this? Just go ahead and pass it. It does not make any difference, anyhow. Let us pass it and get it out of the way." That is all right, but it is not a very strong editorial position. They say:

> Suffice it here to note that it has been unable to win audible support for its claims

This is the alleged unconstitutionality—

> from any senator recognized for expertise in either the constitutional or foreign-policy field.

I find that quite entertaining. I have always thought that Senator ERVIN was rather widely acknowledged around here in connection with constitutional issues of our Government, and he certainly supported the vote for referral to the Committee on the Judiciary the other day.

Over and beyond that, one Senator after another yesterday quoted law professors who are recognized authorities on the Constitution who have said that the constitutionality of this bill is in grave doubt.

It would seem to me that, with that kind of background, if the Post wants to come out in favor of this bill and be different from its position in the 1950's, I am sure, in connection with the Bricker amendment, it should just come out in favor of it and say, "This is a good idea. You ought to clip the wings of the President." I do not remember anybody saying it until after President Johnson had made the big escalation in Vietnam, which this bill would not have touched. If they are against the bill, I wish they would come out and say that.

It does seem a little exasperating to have this kind of approach, acting like a group that really does not know what it is doing, but trying to be courteous to someone, and I do not know who that is.

The other thing that I think needs to be said is that in the format of this Commission is a great representation. Twelve are appointed by the President, and no more than four of those 12 can come from the executive branch. Six are appointed by tne President of the Senate—four from the Senate and two from private life. That will let both sides of this issue get in before the Senate. Six are appointed by the Speaker of the House—four from the House and two from private life. So there will be a big input: Eight from the President, two from the President of the Senate, and two from the Speaker of the House—all from private life. Twelve of the 24 members, or 50 percent of this Commission, would be made up of private personnel who have had a chance to study these issues, who have expertise in it, and who will be able to give their input very decidedly to the Commission format.

Then, the Commission, as I understand it, would give recommendations not only to the President but to us as well, not later than 1 year after the date of the enactment of the act, so that we are not holding it up.

It seems to me that all these points make great sense, and I congratulate the Senator from Maryland for having done what I think is a great service. I hope his amendment will be adopted.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute?

Mr. EAGLETON. I yield 1 minute to the Senator from New York, and then I will yield 1 minute to the Senator from Maryland.

Mr. JAVITS. Mr. President, one thing the Senator from Colorado said immediately has an impact on me. He outlined how the commission is to be appointed. Obviously, this is heavily weighted as the President's commission. We all know how the President feels about this. But this is uniquely a matter for initiative by Congress, and that is exactly the line we have taken. No matter what is said, the RECORD is very complete and the experts are numerous. I have debated with Mr. Rostow on national television, and the vote was approximately 4 to 1 against him on the poll which was taken on this matter.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield my remaining time to the Senator from Maryland.

Mr. BEALL. I point out to the Senator from New York that the Commission would be equally divided, 12 and 12, between the President and Congress. I do not know how we can be more fair about this.

I am very anxious that Congress reassert itself and make certain that at all times it is treated as a coequal branch of Government. I do not know how else it could be done, other than to divide the membership equally.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, S. 2956, the war-powers bill, deals with the historic and sensitive balance between the executive and legislative branches on the subject of national defense. Tampering with this balance not only risks distortion of our Founding Fathers design, but even more important it risks disaster in face of a military emergency.

Shakespeare once had Ulysses in "Troilus and Cressida" denounce those who would tamper with a great instrument.

> Take but degree away, untune that string
> And hark what discord follows!

Mr. President, I am concerned that this bill could play havoc with our Constitution—that it could bring harm to our country. I, therefore, want to join my good friend, the junior Senator from Maryland, in his support of a National Commission on the Proper Roles of the Congress and the President in the use of the Armed Forces abroad and in undeclared wars.

This Commission of leading lawyers, scholars, statesmen—of men who are constitutional authorities—could spell out what these proposed changes would mean to our Constitution.

For example, the Commission could clarify what is meant by the phrase "initiation of hostilities." The Commission would say whether such language could preclude the President from sending military advisers to foreign countries where there is not actual fighting by our Armed Forces.

The Commission could also clarify what is meant by allowing the President to respond to "the imminent threat of attacks" yet advising him to seek congressional approval. The Commission could say whether such language affords the President the right to vote according to his own perception of what is imminent danger.

Finally the Commission could also clarify what is meant by allowing the President to rescue endangered citizens under proper circumstances. The Commission could say just how dangerously restrictive the words are.

Mr. President, I think all the Members of this body desire a classification of the roles of the executive and legislative branches in the face of confrontation. And I think all the Members of this body would not want any constitutional change that jeopardized our national capacity for survival.

Therefore, let us have the benefit of the detached judgment of constitutional authorities on what are the implications of such changes. If we do not, we may run the risk of what Alexis de Tocqueville once said of his French compatriots on the enactment of revolutionary legislation.

> Halfway down the stairs, we threw ourselves out of the window to reach the ground the more quickly.

The PRESIDING OFFICER. All time on the amendment has now expired, under the previous order.

The question is on agreeing to the amendment of the Senator from Maryland. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Louisiana (Mr. ELLENDER), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Louisiana (Mr. ELLENDER), the Senator from Hawaii (Mr. INOUYE), and the Senator from North Carolina (Mr. JORDAN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The Senator from South Carolina (Mr. THURMOND) is absent to attend the funeral of the Honorable James F. Byrnes and, if present and voting, would vote "yea."

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Wyoming (Mr. HANSEN) is detained on official business.

The result was announced—yeas 23, nays 56, as follows:

[No. 141 Leg.]

YEAS—23

Allen
Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hruska
Mathias
McGee
Smith
Tower
Young

NAYS—56

Aiken
Anderson
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Eastland
Fulbright
Gambrell
Harris
Hart
Hartke
Hatfield
Hughes
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Metcalf
Miller
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams

NOT VOTING—21

Bayh
Ellender
Goldwater
Gravel
Hansen
Hollings
Humphrey
Inouye
Jackson
Jordan, N.C.
Mansfield
McClellan
McGovern
McIntyre
Mondale
Mundt
Muskie
Pastore
Ribicoff
Sparkman
Thurmond

So Mr. BEALL's amendment (No. 1099) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will receive a message from the House of Representatives.

ENROLLED JOINT RESOLUTIONS ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 3054) an act to amend the Manpower Development and Training Act of 1962.

The enrolled bill was subsequently signed by the President pro tempore.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will receive messages from the President of the United States.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on April 11, 1972 the President had approved and signed the act (S. 2601) to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 2 p.m. today.

The motion was agreed to, and at 12:55 p.m. the Senate took a recess until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENS).

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and the call will go the route.

The PRESIDING OFFICER (Mr. STEVENS). The clerk will call the roll.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 142 Leg.]

Bennett
Bentsen
Buckley
Byrd, Robert C.
Fannin
Griffin
Inouye
Montoya
Pell
Proxmire
Roth
Scott
Spong
Stevens
Weicker

The PRESIDING OFFICER (Mr. STEVENS). A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Fong
Fulbright
Gambrell
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hruska
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
Metcalf
Miller
Moss
Nelson
Packwood
Pearson
Percy
Randolph
Saxbe
Schweiker
Smith
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Williams
Young

The PRESIDING OFFICER (Mr. PEARSON). A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936;

H.R. 13188. An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard; and

H.R. 13324. An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled joint resolutions:

H.J. Res. 563. Joint resolution to authorize the President to proclaim the last Friday of April 1972, as "National Arbor Day";

H.J. Res. 687. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month".

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H.R. 9552. An act to amend the cruise legislation of the Merchant Marine Act, 1936;

H.R. 13188. An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard; and

H.R. 13324. An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

RECESS FOR 10 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 10 minutes.

The motion was agreed to; and at 2:32 p.m. the Senate took a recess until 2:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PEARSON).

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, having conferred at considerable length with various Senators, including the distinguished manager of the bill (Mr. SPONG), the distinguished assistant Republican leader (Mr. GRIFFIN), the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Colorado (Mr. DOMINICK), the distinguished Senator from Arkansas (Mr. FULBRIGHT), the other distinguished Senator from Colorado (Mr. ALLOTT), the distinguished Senator from Wyoming (Mr. MCGEE), and the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.), I propose the following unanimous-consent request:

I ask unanimous consent that time on any amendment to the pending bill, motion, or appeal, with the exception of nondebatable motions, be limited to 10 minutes to be equally divided between the mover of such and the manager of the bill;

Provided further, that there be exceptions as follows:

That time on an amendment by the Senator from Arkansas (Mr. FULBRIGHT) be limited to 2 hours;

That time on an amendment by the Senator from Wyoming (Mr. MCGEE) be limited to 1 hour;

That time on four of the five amendments by the Senator from Colorado (Mr. DOMINICK) be limited to 1 hour each, and that time on the fifth amendment to be offered by Mr. DOMINICK be limited to 2 hours.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. ROBERT C. BYRD. I yield.

Mr. DOMINICK. Two hours on amendment No. 1114.

Mr. ROBERT C. BYRD. Provided further, that time on an amendment by the Senator from New York (Mr. BUCKLEY) be limited to 2 hours;

Provided further, that the time in each case be equally divided between the mover of the amendment, motion or appeal and the manager of the bill;

Provided further, that no non-germane amendments shall be in order;

Provided further, that a vote on the final disposition of the bill occur tomorrow at 2 o'clock p.m.

The PRESIDING OFFICER. Does the Senator request a waiver of rule XII?

Mr. ROBERT C. BYRD. And I ask unanimous consent that the mandatory quorum call under rule XII be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. PERCY. Mr. President, reserving the right to object, I should like to ask this question of the distinguished acting majority leader: I have kept both the majority and minority leaders advised of an unusual request. I have been requested to give a speech tomorrow as a replacement for Hon. Lester Pearson of Canada at a banquet honoring the Hon. Paul Hoffman. I have accepted that invitation on an emergency basis. I am informed that the last plane I can get tomorrow is at 2 p.m. at National Airport. Is it possible to set the final vote at 1:30, and come in a half-hour earlier, or stay even later tonight. I commend the acting majority leader on being able to arrive at an agreement for a vote, and I want to cooperate in every way I can, but I feel this is an appointment that I cannot get out of.

Mr. ROBERT C. BYRD. Mr. President, the Senator's request is a reasonable one, and I modify my request to provide that the vote on the disposition of the bill occur at 1:30 p.m. tomorrow, with the further proviso, in accordance with a request I shall shortly make that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning, rather than 12 o'clock noon as earlier ordered.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object—and I shall not object—I wonder, though this is not usually done, whether we could have an agreement for unanimous consent that if we have to have a quorum call in order to get enough Senators on the floor so that we can get the yeas and nays, time for that purpose shall not be taken out of the time of the Senator proposing or defending an amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, in connection with this order, that it be in order to order the yeas and nays on any amendment and on final disposition of the bill at any time. I think this will accomplish what the Senator desires.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. JAVITS. Mr. President, is it understood that amendments to amendments shall be in order, notwithstanding the limited time?

Mr. ROBERT C. BYRD. It is so understood.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, as I add up the number of hours involved, it seems to me that they add up to 10 or 12 hours on only the amendments which the Senator from West Virginia has enumerated. I just wonder whether all of that business can be accomplished by 1:30 tomorrow, or even by 2 o'clock tomorrow.

Mr. ROBERT C. BYRD. Mr. President, the able Senator has calculated precisely on a mathematical basis. But in our discussions, it was indicated by various Senators that they felt that sufficient time could be yielded back on each amendment to accommodate the final vote at no later than 1:30 p.m. tomorrow.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. ROBERT C. BYRD. May I add this: Considering the present state of the calendar, I think I can say with the approval of the distinguished majority leader that if this bill is disposed of by 1:30 o'clock tomorrow afternoon, there will be no session on Friday, or at least there will be no business transacted on Friday if any Senators wish to come in and make speeches.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank all the Senators.

The unanimous-consent agreement reads as follows:

Ordered, That during the further consideration of S. 2956, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress, debate on any amendment, motion or appeal, except non-debatable motions shall be limited to 10 minutes (except as specified below:

An amendment to be offered by the Senator from New York (Mr. Buckley)—2 hours

An amendment to be offered by the Senator from Arkansas (Mr. Fulbright)—2 hours

Amendment #1114 by the Senator from Colorado (Mr. Dominick)—2 hours

An amendment to be offered by the Senator from Wyoming (Mr. McGee)—1 hour

Four amendments to be offered by the Senator from Colorado (Mr. Dominick)—1 hour each). In each case the time on the amendment shall be equally divided and controlled by the mover thereof and the manager of the bill.

Ordered further, That amendments not germane shall not be received and that it shall be in order to order the yeas and nays on any amendment at any time.

Ordered further, That the vote on final passage of the bill shall come at 1:30 p.m. on Thursday, April 13, 1972.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR POWERS ACT

The Senate continued with the consideration of the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

AMENDMENT NO. 1114

Mr. DOMINICK. Mr. President, I call up my amendment No. 1114, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Congress reaffirms its powers under the Constitution to declare war. The Congress recognizes that the President has the authority and the duty to defend the United States and its citizens, and in certain extraordinary and emergency circumstances has the authority to commit the United States military forces in hostilities, or to situations where imminent involvement in hostilities is clearly indicated by the circumstances, without specific prior authorization by the Congress.

SEC. 2. It is the sense of Congress that the President should seek appropriate consultation with the Congress before involving the Armed Forces of the United States in armed conflict, and should continue such consultation periodically during such armed conflict.

SEC. 3. In any case in which the President without specific prior authorization by the Congress—

(1) commits United States military forces to hostilities, or to situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation;

the President shall submit promptly to the Speaker of the House of Representatives and to the President of the Senate a report, in writing, setting forth—

(A) the circumstances leading to such action;

(B) the authority under which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(4) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

SEC. 4. Nothing in this Act is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield briefly?

Mr. DOMINICK. I yield myself 15 minutes, and yield 1 minute to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, does the Senator wish to ask for the yeas and nays on his remaining amendments at this time?

Mr. DOMINICK. No.

Mr. ROBERT C. BYRD. Very Well.

Mr. DOMINICK. Mr. President, the amendment I am calling up has been reported by number by the clerk, but I think it would be worth while, in connection with the explanation I am going to make, for me to read it.

It is an amendment in the nature of a substitute which strikes the language of the present act we have before us.

We would also amend the title of the bill.

Mr. President, this is close to, but not identical with, House Joint Resolution 1, which was introduced by Representative ZABLOCKI, for himself and a number of other Members of the House, which was originally passed by that body in 1970.

Mr. JAVITS. Mr. President, will the Senator yield for two questions?

Mr. DOMINICK. I yield.

Mr. JAVITS. First, is it correct that this resolution was passed by the House on a voice vote, without debate?

Mr. DOMINICK. So far as I know, that is correct.

Mr. JAVITS. Second, could the Senator, as a service to us all, point out how his amendment differs from the Zablocki resolution?

Mr. DOMINICK. I will be happy to do so. That is the next thing I intended to do.

In the Zablocki resolution, in the first resolution paragraph, before coming to section 2, I have deleted the words "in certain extraordinary and emergency circumstances," in line 5, and inserted the words "and duty" in line 6, after the word "authority."

After the word "citizens," I have inserted "and in certain extraordinary and emergency circumstances has the authority to commit the U.S. military forces in hostilities, or to situations where imminent involvement in hostilities is clearly indicated by the circumstances, without specific prior authorization by the Congress."

In section 3 of the Zablocki resolution, under section 1, I have deleted the words "armed conflict," which I did not think referred to any specific words of art, and inserted "into hostilities or the imminent threat of hostilities."

In section 3(A), line 17, page 2, of House Joint Resolution 1, I deleted the words "necessitating his" and inserted the words "leading to such action."

In subsection (B), I deleted the words "the constitutional, legislative and treaty provisions under" and simply left in as being better grammatically, "the authority under which he took such action," so that we are not saying that he has to specify whether it was a constitutional, legislative, or treaty provision. What we are trying to do is to get information.

Those are the changes that were made. In part, they are substantive; in part, they are grammatical.

I suppose the next question is, Why do I propose this? I think that is an issue that we ought to deal with immediately.

I have been maintaining from the very beginning that a distinction should be made between the right of Congress to give input into the executive department in cases of deployment of troops, or the question of injecting them where there might be hostilities, and the need for Congress, in turn, to receive information from the executive department in greater detail than we have been receiving up to date, and to distinguish between those items which we call informational or judgment input in the decisionmaking process.

The bill which the Senator from New York has been defending very valiantly and capable, and which he is proposing for our action, gives Congress the decisionmaking power.

I do not think that can be done consistent with the interests of the United States, and I say that in all deference to Congress, because I do not think that is the role that Congress is supposed to play, within our constitutional separation of powers, and with regard to international affairs and the deployment of troops.

We are asked in most cases, if the Constitution is interpreted the way it seems to me it should be interpreted, to advise. We are asked to advise and consent. We are not asked to take the role of a tactical military commander in chief. As a matter of fact, that role is given to the President specifically in the bill.

Consequently, what I have been trying to do in this amendment is to get the judgment input back and forth wherever a decisionmaking process has been put into effect by the President, so that we will have the information coming to us—hopefully, before as well as after—and to enable us to get our input to him, but not to make the decisions. Therefore, I have inserted a sense of Congress in the effective portion of this amendment, under subsection (2), with regard to the appropriate consultation before involving the Armed Forces, and then showing that there are certain instances in which we know he will have to move or might have to move without having to consult Congress first. Then we ask the President to let us know, under those circumstances, what he is doing and how long the action will go on, so that we may have, among other things, some estimate of what the cost might be in terms of lives, first, and in terms of money, second, which we have to authorize and appropriate for the defense requirements of this country.

Frankly, I think that this is a better way to approach the problem. I think so because I have grave doubts as to the constitutionality of the bill we are now considering. Yet, I do not think there is a problem of any kind with the constitutionality of the substitute I have proposed.

Now, I made a brief reference this morning, in support of the amendment of the Senator from Maryland (Mr. BEALL) on the study commission, to the editorial in the Washington Post of yesterday, which I categorize as being pretty sad, on the ground that it does not really say anything other than the fact that they wish we would all shut up.

The article reads in part:

> The administration has made any number of claims about the alleged unconstitutionality and unwisdom of the war powers bill. Suffice it here to note that it has been unable to win audible support for its claims from any senator recognized for expertise in either the constitutional or foreign-policy field.

It goes on:

> Still, the caliber of argument is embarrassing:

Mr. President, I do not know who this embarrasses, the editor of the Washington Post or whether it is supposed to be another one of those intellectual knockdowns on what we are trying to do, and on those of us who oppose this.

But it is worthwhile to say that here is a list of distinguished people who are opposed to the bill and I think it should be noted in the RECORD and by my colleagues that the list includes:

Herbert Brownell, former Attorney General.

Cecil Olmstead, President, American Section, International Law Association.

David F. Maxwell, former ABA President.

Monroe Leigh, former Assistant General Counsel, Department of Defense.

Edward J. Lawler, former President, American Bar Foundation.

Prof. Gordon Baldwin, University of Wisconsin Law School, Madison, Wisconsin.

Prof. John N. Moore, University of Virginia Law School, Charlottesville, Virginia.

Incidentally, he was the only one who testified before the Foreign Relations Committee, so it seems apparent that the rest have not been able to get their words in, so far as I know.

Prof. Carl Christol, University of Southern California Law School, Los Angeles, California.

Herman Phleger, former legal adviser, Department of State.

Bernard G. Segal, former ABA President.

George Ball, former Undersecretary of State.

Prof. Arthur Schlesinger, State University of New York on Long Island.

Prof. Louis Sohn, Harvard Law School, Cambridge, Massachusetts.

Arthur H. Dean, former president, American Society for International Law.

Eberhard P. Deutsch, leading attorney in New Orleans, Louisiana.

Benjamin V. Cohen, distinguished attorney.

Professor Eugene Rostow, Yale Law School.

Professor Myers McDougal, Yale Law School, primary authority on international law.

Dean Rusk, former Secretary of State.

Dr. James McGregor Burns, Pulitzer Prize winner 1971, Woodrow Wilson Professor of Government, Williams College, Massachusetts.

Professor Abram Chayes, Harvard Law School.

Professor Henry Monaghan, Professor of Law, Boston University.

Mr. President, that is a list of some 22 distinguished lawyers and authorities, right off the bat, who are opposed to the bill, who have grave doubts about its constitutionality and even greater doubts about its wisdom in the event it should ever be determined to be constitutional—which I personally doubt.

So it seems to me, with all deference to the Washington Post, that these are eminent authorities who think on the same basis that we have been discussing; namely, that it is unwise and probably unconstitutional. Some people say it would be a total catastrophe.

Let me, for the purposes of the Record, in the process of defending my own amendment, quote from a 75-page article written by Eugene V. Rostow for a Law Journal article, which I believe will be published later this year, with respect to this particular bill. He says:

> My thesis here is that the Javits Bill rests on a premise of constitutional law and constitutional history which is in error, and that its passage would be a constitutional disaster, depriving the government of the powers it needs most to safeguard the nation in a dangerous and unstable world. Even if a President were to ignore such a statute, assuming that it passed over his veto, on the ground that it is unconstitutional, the passage of the Bill would create uncertainties, and envenom politics, in ways which would themselves be dangerous, both at home and abroad. It would tend to convert every crisis of foreign policy into a crisis of will, of pride, and of precedence between Congress and the President, making the policy process even more athletic than it is today.
>
> The Javits Bill is a more serious attack on the Constitution, and the security of the nation, than one or another of the Bricker Amendments which were nearly recommended by the Congress in the middle fifties. Those Amendments dealt only with the legal effect of treaties as internal law. They would have required affirmative action by Congress before treaties became operative as the supreme law of the land.
>
> The Javits Bill is more ambitious. . . .

The PRESIDING OFFICER (Mr. Pearson). The time of the Senator from Colorado has expired.

Mr. DOMINICK. Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 additional minutes.

Mr. DOMINICK. Mr. President, I think this gives some indication of the concern which very distinguished scholars and very distinguished and knowledgeable people in the international relations field have for the act as it now stands. This, however, does not derogate from the very distinguished efforts which have been made by the Senators from New York and Virginia in an effort to assert the right of Congress to have more say so on the question of whether our troops should be deployed which might lead to or imminently lead to hostilities.

I think we need more input. I have been saying so for some 6 years. I know that the distinguished Senator from New York has been saying so and has done a great deal of work on it, too.

My point is, what we need is either a study group—which has already been defeated by the Senate this morning—or something which will indicate the sense of Congress without binding us, until such time as we can get from this distinguished group of scholars their ideas about what kind of law we should put into effect.

I can say, without any fear of being overly critical, that there were not only extensive hearings in the Committee on Foreign Relations but rather extensive debate on the bill. As I pointed out on a prior occasion after the bill came to the floor and after I had pointed out a few of the interpretations that could be made under the bill, the Senator from New York made amendments to the bill itself to take care of at least some of the problems which I had indicated in my initial talk. We still do not have, for example, any indication as to whether, under the bill, we have to have an act of Congress before we can have patrols going through the DMZ in Korea.

Obviously, every time we do that kind of thing, what we are doing is putting our troops in the position of being exposed to an imminent threat of hostilities. Some of them have been killed. We have no peace in Korea—nothing but an armistice. Our troops happen to be there without any specific congressional authorization of any kind. All we have to back up our action there have been authorizations and appropriations over the course of the years. There are other things which I will get to at a later time. But in this substitute, what I have done is specifically to point out that we reaffirm our own power under the Constitution to declare war—exactly what Representative Zablocki did.

We also recognize that the President has the authority and the duty to defend the United States and its citizens. I do not think that anyone would disagree with that. I added the word "duty" because I think it is implicit in the whole oath of office that the President takes and in his concern for the interests of the United States.

I have also pointed out, as does the bill, that there are certain situations where he can deploy troops into hostilities or into the imminent involvement in those hostilities without prior authorization from Congress. The bill itself recognizes that, and this is all in section 1.

Then it says Congress should receive consultation from the President before he takes any of these actions, if he possibly can. Where he does not, then it requires that he come up and let Congress know why and let Congress know the extent and the scope and such other information as might be useful in the fulfillment of its constitutional obligations.

For the life of me, I can see nothing wrong with the substitute. As a matter of fact, I think it is good, because among other things it will give us something that we can get through this year.

If my guess is right, we are not going to get anything as the bill is written now, because it will fare badly if it ever gets to conference, or it will be changed around in the House according to the information I have. And if it does get through, I repeat that I strongly suspect the President will veto it.

This type of approach would give us the time to do some further work on this matter. I feel that we have an excellent chance of reinforcing a better exchange of informational resources between the executive department and the Congress of the United States.

Mr. President, I reserve the remainder of my time.

Mr. SPONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. Stevens). The Senator from Virginia is recognized for 5 minutes.

Mr. SPONG. Mr. President, I would like to ask the Senator from Colorado a question or two on my time. If I understand it correctly, the Senator from Colorado has offered his amendment as a complete substitute for the bill reported by the Foreign Relations Committee.

Mr. DOMINICK. The Senator is correct.

Mr. SPONG. And the substitute that he is offering is, with a few minor changes, the Zablocki resolution which passed the House by a voice vote.

Mr. DOMINICK. The Senator is correct. I think the changes are largely minor, although I believe that some are substantive.

Mr. SPONG. Mr. President, I thank the Senator from Colorado.

Mr. President, I hope that the Senate will reject the amendment. On yesterday, by a substantial margin, the Senate rejected an effort to refer the bill to the

Judiciary Committee. This morning, by a very substantial margin, the Senate declined to have this subject matter referred to a Presidential commission for a study period of 1 year.

I think that the Senate itself would be derelict in its responsibility and in its regard for the work thus far done over the period of 2 years were it to, at this point and at this time in the debate, adopt a House resolution that is a substitute for its own work.

Regardless of what the Senate may do with the legislation or what the House may do with legislation of this type in the future, and regardless of how the conference may act, the Senate has its own responsibility to shape up to the legislation that it believes fulfills the prerogative of Congress under the Constitution.

I want to say that I think that as far as it goes, the Zablocki resolution is good legislation. I think it would be desirable as a substitute for the present situation that we have, if we can do no more. But I think that we have a responsibility to the American people and that Senators have a responsibility to the Senate as a body to endeavor to do more and to see that our prerogatives under the Constitution to participate in decisions involving the initiation of hostilities continue and that there be participation.

The Zablocki resolution, while requiring reporting, which I think is indeed desirable, fails to recognize the power of Congress to declare war, to participate in those decisions which involve U.S. servicemen in hostilities abroad and to conduct no process or no procedure which would enable Congress to carry out its constitutional prerogatives.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. SPONG. I am pleased to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I just want to point out that in the very first sentence of the proposed amendment, which is also in the Zablocki resolution, it says that the Congress reaffirms its power under the Constitution to declare war.

Mr. SPONG. I would point out that this debate has established firmly that Congress has only declared war five times in its history. Thus, if we are to interpret "declare war" to mean more than a formal declaration of war, the resolution does not suffice. It does not provide Congress with any means of participating in the warmaking process up to the point where the President as Commander in Chief takes over. It does not provide for participation in the decisionmaking process, which results in the committing of troops to hostilities.

Mr. President, I reserve the remainder of my time. I yield to the Senator from New York such time as he may require.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I think we are getting into some version of the numbers game. As has been mentioned on a few occasions by my distinguished friend, the Senator from Colorado, 22 distinguished Americans think this measure should not be passed.

I might point out to the Senator that on our vote this morning 23 Senators did not think this bill should be passed. The vote was 56 to 23. Fixty-six Senators thought it should be passed.

This is pretty much the situation which we face in any major historic debate. There is nothing new about this.

I debated Eugene Rostow on this question publicly. It is interesting, though again not a decisive point, to know that on the national television show called "The Advocate," a vote is taken after the debate. It is a mail vote. I had no involvement in it any more than Dean Rostow did.

The results of the vote following my war powers debate with Dean Rostow is interesting. Out of the total number polled, 1,987, or 68.2 percent, sided with me, and 913, or 31.3 percent, sided with Dean Rostow.

These are rank and file American citizens who obviously are very much concerned about their own security incorporated within the security of our country. Again, I say that this is not decisive in any way. There are opponents, but there are more proponents. We cannot expect unanimity.

With the President on the other side, I am surprised that the figures are what they are. I think that is important. The President says that he does not want this. Two-thirds of all the people who voted say they think that he needs it in terms of the security of this country.

Mr. President, the Zablocki resolution is really an effort to incorporate, as mildly as possible, what the President says he desires.

I agree with the Senator from Virginia. He does not do it, though he says he does.

Mr. President, that is all the Zablocki resolution does. We feel that that is not adequate in terms of Congress reasserting its constitutional war powers. The fundamental difference between those who are for this measure and those who are against this measure is that those against it cannot get over the proposition that somehow or other we are seeking to change the Constitution and that we are seeking to take some power away from the President which the Constitution gives him and which we are trying to deprive him of. Mr. President, this could not and is not being done. We can, and do, delineate the powers under the "necessary and proper" clause.

The Senator from Colorado (Mr. DOMINICK) said, and I know he has spent a great deal of time and work preparing himself very well for this debate, and I think I noted his words correctly, "This bill gives to Congress the decisionmaking power." He said, "We are asked to advise and consent."

Mr. President, under the specific provisions of article I, section 8 of the Constitution, we are not at all asked to advise and consent. We are enjoined to make judgments on the question of war which means the lives and property of the people of America and the survival of this country. We are not asked to advise and consent. This is not the appointment of an ambassador, a minister, or a Cabinet officer. We are enjoined to make judgments. That is why we are the representatives of the people. On the other hand, we do not have the decisionmaking power alone; the President must join us. He touches off the procedure under the bill by telling us he is committing or proposes to commit troops in hostilities or where there is danger of hostilities. Then, our power becomes operative under the bill.

The Zablocki resolution is inadequate to reclaim for Congress the powers under the Constitution in this area.

We have an infinitely more effective way to come abreast of the situation. It is very interesting to read the Zablocki measure, and the way in which the Dominick amendment has sought to revise that resolution. I wish to give one example to the Senate.

Section 3(D) is carried over from the Zablocki resolution. I wish to read the language in the amendment and comment on it because it is so telltale as to the difference between the amendment and our bill. It reads that the President is to give us a report where the President without specific prior authorization by Congress commits U.S. troops to hostilities or to situations where imminent danger of hostilities is indicated, and—

> such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States armed forces abroad.

It is we who are taking this responsibility under our bill. We are not waiting for a handout from the President. This is not arrogance; it is what the American people—and the Constitution—expect of us. We have had such bitter experiences as we have with undeclared wars in the last 7 or 8 years. We have come up with what we believe to be a formula which appeals to a great number of Senators as a way to get at this highly subtle equation of how to get in a war. We have fixed the time, and we believe it is a reasonable time, in which we believe that an incident or response to an attack, to repel an attack, and so forth, becomes a war. When that happens a President should not be able to proceed without us. That is our responsibility under the Constitution. We know that no President, and I refer to any President, not just this President, apparently likes the present wide open arrangement very much. But hard experience dictates what we have to do; adopt S. 2956.

The Zablocki measure in the other body does not do what needs to be done. It not only falls short of what the situation requires but it does not carry out what should be the purpose of Congress in respect of a methodology by which it can get abreast of this problem.

So this will not do what it seems to me a great majority of the Senate wants to see done and which the great majority of the Senate believes the security of our Nation, the tranquillity of our Nation, and the security of its people so urgently requires.

As the Senator from Virginia said this matter should not now be laid aside in order to adopt a weak and inadequate restatement of what the President claims he is doing now with respect to his relations with Congress in the matter of undeclared war.

For all those reasons I hope the Senate will reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SPONG. Mr. President, I yield myself such time as I may need. I only wish to comment on one matter the Senator from New York touched on in his remarks in response to the Senator from Colorado.

I think the record should show that of those the Senator from Colorado said should be heard on legislation of this type, some have testified. For instance, he referred to George Ball. Mr. Ball testified on this bill. He appeared before the committee and we had the opportunity to cross-examine him. Professor Chayes testified in the House on the war powers legislation. Mr. James McGregor Burns testified in the House on war powers legislation. During the course of the House hearings, Senator JAVITS had introduced his first bill. It was sent over there during their hearings. One of the interesting developments was that Professor Bickle, in testifying in the House, said his inclinations were against any effort to codify the war powers. In the year that ensued he studied the matter. Then, he came before the Senate committee and testified in favor of a proposal essentially akin to what Senator JAVITS had initially introduced. I think many of the people who have written or said they disagree with the bill or some feature of the bill have been heard from directly or indirectly.

The argument over who has or has not testified relates more to the debate over referring this matter to the Committee on the Judiciary or placing it in a study commission, than to the pending amendment. Thus, I simply restate what I said before: The Zablocki measure is an improvement on the present situation, but it does not go far enough to assure the participation of Congress in the war declaring and making process.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Colorado has 35 minutes.

Mr. DOMINICK. I yield myself 15 minutes.

First of all, I think it is important to note again for the purpose of the RECORD that House Joint Resolution 1, Mr. ZABLOCKI's resolution—which is substantially what I am putting in—was originally passed in the House by a rollcall vote of 288 to 39 in 1970, and it was again passed by the House, under a suspension of the rules, by a voice vote, on August 2, 1971. So when we originally said it was passed by a voice vote, that was technically correct, but I think it is more important to note that, on a previous vote, it was passed by a rollcall vote of 7 to 1, in round figures.

Why am I introducing this type of substitute for the existing bill? First of all, it has been passed by the House. I do not think the pending measure is going to get through the House, and I see a need to take a step forward, as the Senator from Virginia said. This is one way of getting it accomplished.

Second, I think the existing bill—and when I say this I wish the managers of the bill were on the floor, which they will be in a minute—even as amended by the Senator from New York, creates very, very grave problems for our interests and our alliances in the free world.

Let me go over some of the things that I talked about originally when I was talking in general on the bill. On page 9, at line 14, there is the following wording:

> Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

I point out that that alone would destroy the capability of NATO and would probably destroy the capability of the North American Defense Command, because it would eliminate our ability to do anything with respect to the Canadian Air Forces and other forces which are a part of NORAD, and it would put in danger the command and deployment of our troops and defenses which we have in Korea under the United Nations Armed Forces.

In reply to that, the Senator from New York introduced—and it was accepted—an amendment which reads as follows:

> Nothing in section 3, subsection (4)—

Which I just read—

> Of this act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the Armed Forces of one or more foreign countries in the headquarters operations of high level military commands which were established prior to the date of enactment of this act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

In the process of the discussion on this matter, the Senator from New York said:

> I want to point out, Mr. President, that this provision is very narrowly drafted. It does not except any use of actual combat forces. It does not except any command arrangements which are included only in contingency plans, and it refers solely to the use of members of the Armed Forces in "headquarters operations of high-level military commands which were established prior to the date of enactment of this Act. . . ."

For the life of me, I cannot understand how this Nation can be involved in mutual security defenses and forces and now have Congress say, "Well, you can be involved in that, but if anything happens so that it triggers it, you cannot act; all you can do is be a part of the command system which would order somebody else's troops to get into it, even though our troops are already stationed there and even though our troops may be considered to be the bulwark of that particular effort."

Under this particular provision, unless we had a specific act of Congress, we could not go to the aid of Germany, France, Greece, Italy, or any other one of the NATO countries; all we could do would be to participate in the command of the other troops to get into the action.

Under this particular act, we could not do anything in Korea except participate in the command structure, and we could not use any American forces that have been established there as a defense force as a part of the United Nations participation group, unless we had an act of Congress. How long is that going to take?

Under NORAD, which happens to have its headquarters in my State, there is an agreement with the Canadians for the joint mutual defense of the continental United States and Canada, among other things—the North American Defense Command. We could participate in the command structure, but we could not use any of our forces if Canada should be attacked. So we could not implement any agreements that have been made unless we went to Congress and got an act passed.

What would happen in the meanwhile to our allies and our allied forces or anybody else? How credible are our agreements or our mutual defense pacts going to be? Maybe we do not want any. Maybe we should not have had them in the first place. Maybe we should have knocked them out in the first place. Does anyone think we can live alone these days with the possibility of fractional orbiting bombs over our heads, with the certainty that within 30 minutes with the threat of submarines we could be under nuclear attack. Can anyone say we are going to live alone, without allies, simply because we do not want to get involved in nuclear war? That is going far afield.

I think we would hamstring ourselves. I think we would hamstring the freedom of our country and its citizens. In my opinion, we would not be acting in the way we should, even though we want to regain some of the authority which some Members here think they have lost.

That is just one point. It is a massive one. It involves perhaps some of the most important, sensitive areas that we have in the world—Korea, the European Continent, and the North American Continent. What in the world are we going to say to our allies?

Here is another provision, on page 9 of the proposed act, section 3, subsection (4), which again refers to treaties hereafter ratified. It says that any treaty hereafter ratified must be implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation.

The point of this, I gather, is to change the words "constitutional processes" which are a part of every treaty into a specific definition of what a constitutional process is. So the Senate is going to arrogate unto itself the determination of what a constitutional process is, and it does this by the passage of this law.

What about a joint resolution of Congress? Is that enough? Apparently not.

You have got to have an act. You have got to debate it, pass it, put it through both committees, and do all this before any treaty can become effective.

Maybe that is desirable. But meanwhile, where is the credibility of our defense? Where is the credibility of any alliance, if, every time we are going to do this, we are going to have to say, "We think it is a good idea, but we have got to wait for 535 Members of Congress to make up their minds before we can act, even though we have already ratified the treaty"?

I would say if we are going to do this, what we ought to do is put it in the treaty, not in separate legislation. I would say if this is only going to be effective after Congress has passed a law, let us put it in the treaty provisions, rather than leave it to any other committee to determine what the constitutional processes are.

We point out the situation of U.S. citizens in foreign vessels on the high seas, and that we could not take any action there, because it could not be done without prior specific authorization. The Senator from New York changed that, and added an amendment. He also added the provision that the 30-day clause would not apply if the President certifies to Congress in writing that unavoidable military necessity respecting the safety of the Armed Forces of the United States engaged pursuant to one of the other sections that permit them to be engaged requires the continued use of the Armed Forces in bringing about a prompt disengagement from such hostilities.

What do we do in a case like Korea? We have moved in, we do not have authority from Congress ahead of time, but we have moved in and we get involved with the Chinese, who come pouring down after the 30-day period of engagement, and yet the only way that we can continue is if we are going to disengage: not to counterattack, not to try to stop it, but only if we are going to try to disengage.

What kind of a military tactic would that require? After 30 days, we would have to say, "Sorry, gentlemen, we are only shooting, because we want to get out."

Is this going to help us in the European theater, if we should unfortunately get caught up there? Is it going to help us in Korea? Is it going to help us anywhere, for that matter? Or will it simply give incentives to the military forces who might be killing our own men to continue their drive, because they would know that until Congress acted, the only thing the President could do was get out?

I say with deep feeling that this is a terrible position to put a commander in, be he the President of the United States, the general of the forces, or the private carrying a rifle in the snows of Korea.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Current Foreign Policy: Congress, the President, and the War Powers," which consists of a statement by Secretary of State Rogers made to the Senate Committee on Foreign Relations on May 14, 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CURRENT FOREIGN POLICY: CONGRESS, THE PRESIDENT, AND THE WAR POWERS

I. INTRODUCTION

It is, as always, my privilege to appear before this committee. I am grateful to you, Mr. Chairman [Senator J. W. Fulbright], and to members of the Committee for the opportunity to testify on the serious questions under consideration.

The Committee has helped stimulate an important examination of the war powers of the President and Congress under our Constitution. This administration, of course, fully respects Congress' right to exercise its constitutional role in decisions involving the use of military force and in the formulation of our Nation's foreign policy. We realize that under our constitutional system decisions in this vital area should reflect a common perspective among the legislature, the Executive, and the electorate so that each may play its proper role. We also recognize that this common perspective can only be built through cooperation and consultation between the legislative and executive branches. Generally speaking, the constitutional process so wisely conceived by the Founding Fathers has worked well throughout our history. Any attempt to change it should be approached carefully and should be subjected to long and full consideration of all aspects of the problem.

The issue before us involves the constitutional authority to commit forces to armed combat, and related questions. These questions have been the subject of considerable debate and scholarly attention.[1] Unfortunately, they are often approached polemically, with one side arguing the President's constitutional authority as Commander in Chief and the other side asserting Congress' constitutional power to declare war—the implication being that these powers are somehow incompatible. The contrary is true. The framers of the Constitution intended that there be a proper balance between the roles of the President and Congress in decisions to use force in the conduct of foreign policy.

In discussing these issues with you today, I wish first to review the historical background of the war powers question, beginning with the Constitution itself and tracing the practice of the Nation throughout our history. I would then like to place the war powers issue in the modern context and discuss with you the factors which I see bearing on the issue of the exercise of presidential and congressional powers now and in the foreseeable future. Finally, from this perspective, I will describe what I believe the national interest requires in terms of a proper balance between the President and the Congress.

First, let me stress that cooperation between the executive and legislative branches is the heart of the political process as conceived by the framers of the Constitution. In the absence of such cooperation, no legislation which seeks to define constitutional powers more rigidly can be effective. Conversely, given such cooperation, such legislation is unnecessary. Obviously there is need for—and great value in—congressional participation in the formulation of foreign policy and in decisions regarding the use of force. But at the same time there is a clear need in terms of national survival for preserving the constitutional power of the President to act in emergency situations.

Footnotes at end of article.

II. HISTORICAL BACKGROUND

A. Textual authority and the intention of the framers

Let me turn, then, first to the historical background, beginning with the Constitution, Article I, section 8, of the Constitution grants Congress a number of specific powers relevant to our discussion, including the power "to . . . provide for the common Defence . . .; To declare War . . .; To raise and support Armies . . .; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces. . . ." The Senate, in particular, is given certain foreign relations powers, to advise and consent to treaties and to the appointment of ambassadors and other officials.[2] Congress has the power to make all laws which are necessary and proper for carrying out powers vested by the Constitution in the Federal Government.[3] In addition, Congress has the sole authority to appropriate funds[4]—a vital power in the war powers and foreign relations area.

The powers of the President which are relevant to this inquiry are found in article II. The President is vested with the executive power of the Government, he is named Commander in Chief of the Army and Navy and is required to "take Care that the Laws be faithfully executed."[5] From these powers and the power to make treaties and to appoint and receive ambassadors is derived the President's constitutional authority to conduct the foreign relations of the United States.

The framers of the Constitution were not writing in a historical or political vacuum. Experience during the colonial period and under the Articles of Confederation had shown the need to strengthen the Central Government. The problem was to create a strong Federal system and yet prevent tyranny.[6] Accordingly, the framers established three powerful Federal branches of government and depended upon the independence of each branch and their coequal powers to provide the checks and balances necessary to preserve the democracy.

The division of the war powers between the legislative and executive branches is illustrative of the general constitutional framework of shared powers and checks and balances. By this division, the framers changed prior United States practice under the Articles of Confederation, where the "sole and exclusive right and power of determining on peace and war" had been vested in the Legislature.[7] They wished to take advantage of executive speed, efficiency, secrecy, and relative isolation from "public passions."[8] At the same time, they wished to avoid the dangers to democratic government exemplified by the unchecked British monarch who, as Hamilton noted, had supreme authority not only to command the military and naval forces but also to declare war and to raise and regulate fleets and armies.[9] Mindful of the hardships which war can impose on the citizens of a country and fearful of vesting too much power in any individual, the framers intended that decisions regarding the initiation of hostilities be made not by the President alone nor by the House or Senate alone, but by the entire Congress and the President together.[10] Yet it is also clear that the framers intended to leave the President certain indispensable emergency powers.[11]

The grant to Congress of the power to declare war was debated briefly at the Constitutional Convention, and that well-known debate reveals the essential intention of the framers. The Committee of Detail submitted to the general Convention a draft article which gave the Congress the power "to make war." Pursuant to a motion by Madison and Gerry, this was amended to the power "to declare war." This change in wording was not intended to detract from Congress' role in decisions to engage the country in war. Rather, it was a recognition of the need to preserve in the President an emergency power—as Madison explained it—"to repel sudden attacks," and also to avoid the confusion of "making" war with "conducting" war, which is the prerogative of the President.[12]

The necessity to repel sudden attacks was the case cited by the framers in which the President clearly had power to act immediately on his own authority. That was the one situation, in 1787, in which it was evident that emergency action was required. But I submit that the rationale behind the concept is broader; that is, that in emergency situations the President has power and a responsibility to use the Armed Forces to protect the Nation's security.[13] This conclusion is borne out by subsequent practice and judicial precedents, as I will show later. In fact, much of the debate at the time centered on the need to curb the European monarch's tradition of precipitating offensive wars and to transfer to the Federal Government the war powers previously exercised by the States; little attention was given to the scope of the President's power to use the Armed Forces for defensive purposes to protect the Nation or its security interests.[14]

The constitutional division of authority in the war powers area, as I see it, parallels the constitutional balance between the Executive and Legislature in other fields. By dividing these powers between the two branches, the Constitution established a system that, except in emergency situations, would function most effectively if decisions to involve the Nation in armed conflict were arrived at jointly by the President and Congress.

B. *Selected historical examples*

In addition to the textural authority and the framers' intentions regarding the war powers of Congress and the President, we should consider the practical exercise of those powers since the Constitution was adopted. Many scholars have reviewed the historical records,[15] and I do not intend to cover all of this ground again. I think it is important, however, to identify the trend which developed.

From the earliest years of the Republic we find examples of presidential use of the Armed Forces without congressional approval. These were, at first, very limited in character. For example, in 1801 President Jefferson sent on his own authority a squadron of ships to protect American vessels from the Barbary pirates, but he authorized them to take only defensive actions.[16] The scope of presidential initiative expanded during the 19th and early 20th centuries. President Polk sent American forces into the disputed territory near the Rio Grande in January 1846, where they engaged in battle with the Mexicans purely on the presidential authority.[17] In 1900 President McKinley sent 5,000 troops to China without congressional authorization, to protect Americans and help put down the Boxer Rebellion.[18] President Theodore Roosevelt on his own authority dispatched gunboats to the Canal Zone area.[19] Later, President Roosevelt, Taft, Wilson, and Coolidge intervened and temporarily occupied other Latin American and Caribbean countries without prior congressional approval.[20] Nicaragua, for example, was occupied and, in effect, administered by U.S. Marines for nearly 7 years, from 1926 to 1933. Congressional approval was never requested.[21]

This history shows an increasing exercise by the President of his consttitutional powers to use American armed forces abroad without the prior authorization of the Congress. And yet there was remarkably little complaint from the Congress. It is interesting to speculate why this was so. It seems to me there may have been several possible factors. In the first place, I suppose that Presidents were acting in the context of a generally popular consensus in the country that the United States should assume a posture consistent with its emerging power, particularly in the Western Hemisphere. Second, a large majority of the 19th and early 20th century presidential actions occurred in the Caribbean, where this country's power was so predominant that there was little or no chance of forcible response to our actions. Therefore, the risks to the Nation which article I, section 8, was designed to reduce, never arose. In short, there being no risk of major war one could argue there was no violation of Congress' power to declare war.[22]

It has been suggested that even Franklin Roosevelt's executive agreements in 1940–41 with Britain effecting an exchange of destroyers for bases in the Western Atlantic, and agreements with Denmark and Iceland for bases in Greenland and Iceland, can be considered a legitimate exercise of hemispheric defense.[23] However, the factor distinguishing these agreements from prior presidential actions in the Western Hemisphere was that in 1940–41 there was most unmistakably a great risk that the United States would become involved in a major war.

I cite these historical precedents not because I believe they are dispositive of the constitutional issues your committee is considering—far from it—but to illustrate how the constitutional system adapts itself to historical circumstances. Whatever the reasons for presidential initiatives during this period, they seem to have been responsive to the times and to have reflected the mood of the Nation.

You are, of course, equally familiar with the post-World War II history surrounding the exercise of war powers by the President and the Congress.

At the invitation of the Government of the Republic of Korea and pursuant to resolutions of the United Nations Security Council, President Truman committed over a quarter million air, naval, and land forces to a war in Korea without congressional authorization.

The Truman administration based its authority to commit these troops squarely on the President's constitutional authority. It asserted that "the President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof."[24] Citing past instances of presidential use of armed force in the broad interests of American foreign policy, the administration asserted that there was a "traditional power of the President to use the Armed Forces of the United States without consulting Congress."[25] Reliance was also placed on the fact that the action was taken under the United Nations Charter, a part of both the treaty and international law which the President is constitutionally empowered to execute.[26]

President Eisenhower sought congressional authorization of possible engagement of American forces in the Middle East[27] and in the area around Formosa.[28] In his request for a resolution on Formosa he stated his view that:[29]

"Authority for some of the actions which might be required would be inherent in the authority of the Commander in Chief. Until Congress can act I would not hesitate, so far as my constitutional powers extend, to take whatever emergency action might be forced upon us in order to protect the rights and security of the United States.

"However, a suitable congressional resolution would clearly and publicly establish the authority of the President as Commander in Chief to employ the Armed Forces of this Nation promptly and effectively for the purposes indicated if in his judgment it became necessary."

When President Eisenhower sent 14,000 troops into Lebanon in 1958, he did so without seeking specific congressional approval and without specifically basing his authority on the 1957 Middle East resolution. He said that the troops were sent "to protect American lives—there are about 2,500 Americans in Lebanon—and by their presence to assist the Government of Lebanon to preserve its territorial integrity and political independence." "I have, however," he said, "come to the sober and clear conclusion that the action taken was essential to the welfare of the United States. It was required to support the principles of justice and international law upon which peace and a stable international order depend."[30]

In 1962 President Kenndey ordered the quarantine of Cuba, "acting under and by virtue of the authority conferred upon me by the Constitution and statutes of the United States, in accordance with the aforementioned resolutions of the United States Congress and the Organ of Consultation of the American Republics, and to defend the security of the United States. . . ."[31] The resolution of Congress referred to by the President was passed one month before the Cuban missile crisis and the quarantine proclamation. The Cuban resolution, unlike the other area resolutions, contained no grant of authority to the President; it simply declared that the United States was determined to use any means necessary to prevent Cuba from extending its subversive activities through the hemisphere and from creating or using an externally supported military capacity which would endanger United States security.[32]

In April 1965, President Johnson sent United States Marines into the Dominican Republic without congressional authorization and stated initially that he was exercising the President's power to protect the safety of American citizens.[33] A few days later when the peacekeeping objectives of the action became predominant, he explained his action as an exercise of the President's power to preserve the security of the hemisphere in accordance with the principles enunciated in the OAS Charter.[34] At no time during the Dominican action did the President seek congressional authorization.

When President Johnson began sending American combat troops to South Viet-Nam in 1965, he relied as authority for his action on a combination of his own constitutional authority as Chief Executive and Commander in Chief, the Senate's advice and consent to the SEATO treaty, and the authority granted by the Congress in the Tonkin Gulf resolution.[35]

Looking back, then, over the last 20 years, one can see that Presidents have given varying rationales for executive action and varying interpretations of the necessity of congressional authorization. I think there are two points to be made regarding this period of our history. First, certainly the area resolutions were some evidence of congressional approval. Usually, however, they arose in an atmosphere of crisis or else in a different factual context than that in which they were eventually relied upon. The question is not whether these resolutions are useful to Presidents—of course they are—but instead whether such open-ended delegations are an effective means for Congress to exercise its constitutional authority.

Second, it serves no useful purpose to argue today whether or to what extent past presidential decisions regarding the use of military force have served the national interest. The very concept of that which best serves the national interest of the United States has undergone significant change since the uses of force of the 1950's and 1960's. The Nixon doctrine represents a recognition that protection of our national interest does not require an automatic United States military response to every threat. The

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aim of the Nixon doctrine is to increase the participation of other nations in individual and collective defense efforts. While reaffirming our treaty commitments and offering a shield against threats from nuclear powers aimed at our allies or other nations vital to our security, we now look to the nation directly threatened to assume the primary responsibility for providing the manpower necessary for its defense. I am sure this new approach will be of great help in achieving balanced executive-legislative participation in decisions regarding the use of military force.

C. Judicial precedents

Let me turn now briefly to an examination of judicial precedents in the war powers area. There are relatively few judicial decisions concerning the relationship between the Congress and the President in the exercise of their respective war powers under the Constitution. The courts have usually regarded the subject as a political question [36] and refused to take jurisdiction. For example, in *Luftig* v. *McNamara,* the D.C. Court of Appeals upheld the dismissal of a suit by an Army private to enjoin the Secretary of Defense from sending him to Viet-Nam on the ground that the war was unconstitutional. The court stated: [37]

"It is difficult to think of an area less suited for judicial action than that into which Appellant would have us intrude. The fundamental division of authority and power established by the Constitution precludes judges from overseeing the conduct of foreign policy or the use and disposition of military power; these matters are plainly the exclusive province of Congress and the Executive. . . ."

Accordingly, to the extent issues regarding the war powers are resolved, their resolution is likely to come, as has been the case in the past, through political interaction of the President, Congress, and the electorate. And, in the final analysis, that is the most appropriate means for the settlement of fundamental constitutional questions of this character.

There are, however, a few court decisions which contain expressions of judicial opinion relevant to the war powers issue. These cases suggest some rough guidelines. First, the decisions indicate that courts recognize and accept the President's authority to employ the Armed Forces in hostilities without express congressional authorization.

For example, in *Durand* v. *Hollins,*[38] the second circuit held in 1860 that in the absence of congressional authorization, the Executive had broad discretion in determining when to use military force abroad in order to respond quickly to threats against American citizens and their property. In the *Prize* cases [39] during the Civil War, the Supreme Court upheld President Lincoln's Southern blockade despite the absence of a declaration of war or other specific congressional authorization. The Court held that when war is initiated by the other party, the President is not only authorized but obliged to resist force by force and has broad discretion in deciding what measures are demanded by the crisis. The decision was also based on the Court's finding of a general congressional sanction of the war from ancillary legislation and subsequent congressional ratification.

The *Steel Seizure* case, *Youngstown Sheet & Tube Co.* v. *Sawyer,*[40] in which the Supreme Court held invalid President Truman's seizure of the steel mills during the Korean war, is sometimes cited as indicating the limits of the President's independent constitutional authority. However, it is important to note that the precise issue in that case was not the President's authority to conduct hostilities but the scope of his power over a clearly domestic matter—labor-management relations. Moreover, the Court noted and several Justices based their concurring opinions [41] on the fact that Congress had enacted a number of laws concerning domestic labor disputes and in so doing explicitly withheld the power of seizure from the President.

This aspect of the *Steel Seizure* case leads to a second observation: that throughout our history a head-on collision between legislation and Presidential action has rarely, if ever, occurred in the field of foreign policy.[42] This is a testament to the strength and flexibility of our system and to the statesmanship of the Nation's leaders.

There are few judicial pronouncements on what would happen in the event of a clear collision in the area of the war powers. In *Ex parte Milligan,*[43] the concurring opinion of four Justices indicated there were limits to what Congress might do by legislation:[44]

"Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as commander-in-chief."

But perhaps Mr. Justice Jackson stated the wisest rule when he said that in the event of a clear collision between legislation and presidential action, ". . . any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law." [45]

A third guideline that emerges is that when acts of Congress authorize presidential action, the President's power is at its zenith; it encompasses both the authority delegated to him by Congress and whatever independent constitutional authority he may have with respect to the subject matter. It is in this third situation that we find the much-quoted case of *United States* v. *Curtiss-Wright Export Corp.,*[46] in which the Supreme Court held that the normal legal restrictions upon congressional delegations of power to the President in domestic affairs do not apply with respect to delegations in external affairs because of the Executive's extensive independent authority in that realm and the desirability of allowing him maximum flexibility in exercising that authority.[47] There are numerous other examples of wide definition of presidential powers when acting under and in accordance with an act of Congress.[48]

III. THE MODERN CONTEXT

As we turn from an examination of history to an analysis of the modern context in which the President and Congress operate, I am impressed by the fundamental changes in the factual setting in which the war powers must be exercised. And indeed, it is this very change in setting which has raised difficult constitutional issues that cannot be answered by reference to history alone.

The primary factors underlying this transformation are rather evident and need only be summarized. They include, first, the emergence of the United States as a world power. Since World War II we have found it necessary to maintain a large standing military capacity which is sufficiently well equipped and mobile to enable the United States to play a major peacekeeping role almost anywhere in the world, and often with little delay. This development has generated a reliance upon the United States by other nations to help protect them—which has been translated into a series of defense treaties—and a sense of responsibility on the part of the country to fulfill our commitments in good faith.

Let me say again, because I think it is important to the issue before us, that this Administration has begun to reverse the trend of expanding U.S. military involvement abroad. The Nixon doctrine means that while the United States must continue to honor its commitments and to play a large and active role in world affairs, we should not seek in all cases to have the preponderant role. We seek a new partnership with nations of the world in which they become increasingly self-reliant and assume greater responsibilities for their own welfare and security and that of the international community.[49]

The second factor which characterizes the modern context is the development of technology, especially in the field of nuclear weaponry. The fear of nuclear war and the importance of deterrence have engendered a sense of need to be able to take prompt, decisive Executive action. On the other hand, the fact that even a minor skirmish could lead to a confrontation of the major powers and raise the specter of nuclear war serves to emphasize the desirability of appropriate congressional participation in decisions which risk involving the United States in hostilities.

Third, the institutional capacities of the Presidency have facilitated the broad use of presidential powers. The heightened pace, complexity, and hazards of contemporary events often require rapid and clear decisions. The Nation must be able to act flexibly and, in certain cases, without prior publicity. The institutional advantages of the Presidency, which are especially important in the area of foreign affairs, were pointed out in *The Federalist:* the unity of office, its capacity for secrecy and dispatch, and its superior sources of information.[50]

Unlike the Presidency, the institutional characteristics of Congress have not lent themselves as well to the requirements of speed and secrecy in times of recurrent crises and rapid change. The composition of Congress with its numerous members and their diverse constituencies, the resultant complexity of the decisionmaking process, and Congress' constitutional tasks of debate, discussion, and authorization inevitably make it a more deliberative, public, and diffuse body.[51]

Yet, in order to balance this picture, we must also note the inherent limitations of the Presidency. There are few significant matters which can be accomplished by presidential order alone. The essence of presidential power is the ability to enlist public support for national policy,[52] and in this the President needs the cooperation of Congress. Virtually every presidential program requires implementing legislation and funding. Through their powers of investigation and supervision, congressional committees have amply demonstrated their ability to inspire national debate, focus public opinion, and thereby influence presidential policy. The Senate's power to advise and consent to treaties and appointments serves as a constant reminder of the Senate's indispensable role in foreign policy.

Of course, the electorate is the ultimate restraint upon the President and Congress in the exercise of the war powers. As President Nixon said in his "State of the World'" message: "Our experience in the 1960's has underlined the fact that we should not do more abroad than domestic opinion can sustain." [53] The President and Congress must be sensitive to the people's willingness to suffer the potential physical, economic, and political costs of military actions. The Nation's ability to sustain long-term military action depends on the ability of the President and Congress to convince the people of the wisdom of their policies.

IV. THE PROPER BALANCE BETWEEN CONGRESS AND THE PRESIDENT

Thus far I have discussed what has happened to the war powers over the course of our history and described the modern context in which those powers must be exercised. The most difficult question is still before us: What should we seek for the future—what is the proper balance between the Congress and the President?

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It seems to me that we must start from the recognition that the exercise of the war powers under the Constitution is essentially a political process. It requires cooperation and mutual trust between the President and Congress and wise judgment on the part of both if the Nation's interests are to be well served.

Your committee now has before it several bills [54] which attempt to define and codify the war powers of the President and Congress in a way that I believe would not serve the Nation's long-term interests. I believe that the objectives of the sponsors of these bills, including Senator Javits, Senator Taft, and Senator Eagleton, and most recently Senator Stennis, are the same as the objectives of this Administration. We both want to avoid involving the Nation in wars, but if hostilities are forced upon us we want to make certain that United States involvement is quickly and effectively undertaken and is fully in accordance with our constitutional processes. So the difference is not in our objectives but in how to achieve those objectives.

I am opposed to the legislation before you as a way to achieve these objectives because (1) it attempts to fix in detail, and to freeze, the allocation of the war power between the President and Congress—a step which the framers in their wisdom quite deliberately decided against—and (2) it attempts in a number of respects to narrow the power given the President by the Constitution.

Regarding the first point, these bills reflect an approach which is not consistent with our constitutional tradition. The framers of the Constitution invested the executive and legislative branches with war powers appropriate to their respective roles and capabilities, without attempting to specify precisely who would do what in what circumstances and in what time period, or how far one branch could go without the other. This was left to the political process, which is characteristic of the constitutional system of separation of powers. Our constitutional system is founded on an assumption of cooperation rather than conflict, and this is vitally necessary in matters of war and peace. The effective operation of that system requires that both branches work together from a common perspective rather than seeking to forge shackles based on the assumption of divergent perspectives.

As for the second aspect, although the bills recognize to a significant extent the President's full range of constitutional authority, they do tend to limit the President in some questionable ways. It appears, for example, that two of the bills [55] do not cover situations like that of the Cuban missile crisis. In failing to recognize the need for immediate action and the propriety of a presidential response to such situations, the bills are unduly restrictive, it is inconceivable for example, that the President could have carried out the delicate diplomatic negotiations with the Soviets which led to the removal of the missiles from Cuba if there had been a full-scale congressional debate prior to his deciding on a course of military and diplomatic action.

Some of the bills would also seek to restrict the President's authority to deploy forces abroad short of hostilities. This raises a serious constitutional issue of interference with the President's authority under the Constitution as Commander in Chief. Moreover, requiring prior congressional authorization for deployment of forces can deprive the President of a valuable instrument of diplomacy which is used most often to calm a crisis rather than inflame it. For example, such a restriction could seriously limit the ability of the President to make a demonstration of force to back up the exercise of our rights and responsibilities in Berlin or to deploy elements of the 6th Fleet in the Mediterranean in connection with the Middle East situation.

At least two of the bills would require that action initiated by the President within his specified authority be terminated after 30 days unless Congress enacts sustaining legislation,[56] and three of the bills would permit Congress to terminate presidential action in less than 30 days.[57] The bills would provide for expedited action on such legislation but would not and could not insure definitive congressional action within the 30-day period. This raises another constitutional issue; that is, whether the President's authority under the Constitution—for example, to protect the Nation against sudden attack—could be limited or terminated by congressional action or inaction. The 30-day limitation also raises practical problems regarding the conduct of our forces. Once our forces are committed to hostilities, it might prove impossible to terminate those hostilities and provide for the safety of our forces within an arbitrary time period. To the extent the legislation would impinge in these ways upon the President's authority as Commander in Chief and Chief Executive, it is of doubtful constitutionality.

There is another consideration. To circumscribe presidential ability to act in emergency situations—or even to appear to weaken it—would run the grave risk of miscalculation by a potential enemy regarding the ability of the United States to act in a crisis. This might embolden such a nation to provoke crises or take other actions which undermine international peace and security.

I do not believe we have sufficient foresight to provide wisely for all contingencies that may arise in the future. I am sure the Founding Fathers acted on that premise, and we should be most reluctant to reverse that judgment. Moreover, I firmly believe that Congress' ability to exercise its constitutional powers does not depend on restricting in advance the necessary flexibility which the Constitution has given the President.

At the same time, I want to make clear that I do not interpret "flexibility" as a euphemism for unchecked executive power. Some have argued that Congress' power to declare war should be interpreted as a purely symbolic act with little real substance in a world in which declared wars have become infrequent despite the existence of real hostilities.[58] In my judgment, it would be improper to do so. Congress' power to declare war retains real meaning in the modern context. While the form in which the power is exercised may change, nevertheless the constitutional imperative remains: If the Nation is to be taken into war or to embark on actions which run serious risk of war, the critical decisions must be made only after the most searching examination and on the basis of a national consensus, and they must be truly representative of the will of the people. For this reason, we must insure that such decisions reflect the effective exercise by the Congress and the President of their respective constitutional responsibilities.

V. CONCLUSION

What needs to be done to insure that the constitutional framework of shared responsibility for the exercise of the war powers works in the Nation's best interests?

First, we are prepared to explore with you ways of helping Congress reinforce its own information capability on issues involving war and peace. For example, I would be prepared to instruct each of our geographic Assistant Secretaries to provide your committee on a regular basis with a full briefing on developments in his respective area, if you believed this would be helpful. Regular and continuing briefings would enable the committee to keep abreast of developing crisis situations. This would be in addition to the numerous official and informal contacts which regularly take place between members of the two branches.

Second, there needs to be effective consultation between Congress and the President, and we have tried to follow this policy. It is not only Congress that is weakened by a lack of consultation. Our Nation's foreign policy is itself weakened when it does not reflect continuing interaction and consultation between the two branches.

Third, the Congress must effectively exercise the powers which it has under the Constitution in the war powers area. In its 1969 report on the National Commitments Resolution, your committee recognized that "no constitutional amendment or legislative enactment is required" for Congress to assert its constitutional authority. "If Congress makes clear that it intends to exercise these powers," the report states in referring to Congress' war powers, "it is most unlikely that the executive will fail to respect that intention." [59] I agree with that conclusion.

Fourth, there is the need to act speedily, and sometimes without prior publicity, in crisis situations. We should try to find better institutional methods to keep these requirements from becoming an obstacle to Congress' exercising its full and proper role. Suggestions have come from a number of quarters for the establishment of a joint congressional committee which could act as a consultative body with the President in times of emergencies. If, after study, you believe this idea has merit, we would be prepared to discuss it with the committee and determine how best we could cooperate.

Fifth, there is, in my view, the clear need to preserve the President's ability to act in emergencies in accordance with his constitutional responsibilities. This ability to act in emergencies, by its very nature, cannot be defined precisely in advance. Let me emphasize that I am not suggesting a presidential *carte blanche.* As I indicated at the beginning of my statement, I believe the framers of the Constitution intended decisions regarding the initiation of hostilities to be made jointly by the Congress and the President, except in emergency situations. I believe that constitutional design remains valid today.

In conclusion, I would like to refer to the suggestion which the distinguished Senator from Mississippi, Senator Stennis, made last Tuesday that the war powers question requires thorough consideration and full study. He said, "I think this matter should be pending for a year or more. It must be understood in every facet and the people must understand fully the question that is involved." [60] I believe that is wise advice. This is a basic question affecting our constitutional structure and the security of our Nation. It is most important that such a matter be considered deliberately and calmly, in an atmosphere free from the emotion and the passions that have been generated by the Viet-Nam conflict.

We in the executive branch are prepared to continue the discussion of the war powers question with you. Our sole objective is to insure that the Nation's interests are best served in this vital area.

My own view is that the constitutional framework of shared war powers is wise and serves the interests of the Nation well in the modern world. The recognition of the necessity for cooperation between the President and Congress in this area and for the participation of both in decisionmaking could not be clearer than it is today. What is required is the judicious and constructive exercise by each branch of its constitutional powers rather than seeking to draw arbitrary lines between them.

FOOTNOTES

[1] See generally: Background Information on the Use of United States Armed Forces in Foreign Countries, House Committee on Foreign Affairs, 91st Cong., 2d sess. (Committee print 1970) (hereinafter cited as Background Info. 1970); Documents Relating to the War Power of Congress, the President's Author-

ity as Commander in Chief and the War in Indochina, Senate Committee on Foreign Relations, 91st Cong., 2d sess. (Committee print July 1970) (hereinafter cited as Docs on the War Power 1970); Hearings on Congress, the President, and the War Powers before the Subcommittee on National Security Policy and Scientific Developments, House Committee on Foreign Affairs, 91st Cong., 2d sess. (Committee print 1970).

[2] U.S. Constitution, art. II, sec. 2.

[3] *Ibid.*, art. I, sec. 8, clause 18.

[4] *Ibid.*, art. I, sec. 7; sec. 8, clauses 1, 2, 12; and sec. 9, clause 7.

[5] *Ibid.* art. II, secs. 1–3.

[6] W. Solberg, The Federal Convention and the Formation of the Union of the American States, p. xc (1958).

[7] Articles of Confederation of 1781, art. IX. This consolidation of power in the Legislature was principally intended to put the war powers in the hands of the Central Government rather than the States, except in certain specified emergencies. A division of the war powers between Congress and the President was not at issue for the fear and dislike of monarchy was so great among the colonists that the Articles did not provide for an independent executive branch. Had the framers intended to give Congress exclusive control of the war powers, they could have incorporated the same war powers provision into the Constitution.

[8] See The Federalist, Nos. 70–75 (J. Hamilton ed. 1864) (A. Hamilton); *ibid.*, No. 49, pp. 390–92 (A. Hamilton); *ibid.*, No. 63, pp. 476–77 (A. Hamilton).

[9] *Ibid.*, No. 69, p. 516.

[10] II M. Farrand, the Records of the Federal Convention of 1787, pp. 313, 318–19 (1911). See C. Berdahl, War Powers of the Executive in the United States, p. 95 (1921): "The power of the President with regard to a declaration of war does not end with the functions of communication or information, and of recommendation. A declaration of war, like any other bill, order, resolution, or vote requiring the concurrence of both house of Congress, must be submitted to the President for his approval or disapproval."

[11] Farrand, *supra*, pp. 313, 318–19. That the scope of these emergency powers was controversial from the beginning is evidenced by Hamilton's vigorous attack on President Jefferson's conservative interpretation of his defensive powers in his conduct of the limited war with the Barbary pirates in 1801. See note 16 *infra*.

[12] Ferrand, *supra*, pp. 313, 318–19.

[13] For example, the President's power to repel sudden attacks undoubtedly includes the power to provide against the imminent threat of attack. This concept was recognized early in connection with Congress' constitutional power to call forth the militia to repel invasions. In *Martin* v. *Mott,* 25 U.S. (12 Wheat.) 19 (1827), Mr. Justice Story found constitutional the act of Congress of 1795 which empowered the President to call forth the militia if the country were invaded or in imminent danger thereof. "[T]he power to provide for repelling invasions includes the power to provide against the attempt and danger of invasion, as the necessary and proper means to effectuate the object. One of the best means to repel invasions is to provide the requisite force for action, before the invader himself has reached the soil." *Ibid.*, at 28. See also *Durand* v. *Hollins,* 8 F. Cas. 111 (No. 4186) (CCSD NY 1860), recognizing the Executive's emergency power and duty to respond quickly to threats against the lives and property of American citizens abroad. The origin of the notion, set forth in the *Durand* case, that citizens have a right to protection abroad is unclear. It is listed as an unquestionable privilege of Federal citizenship in the *Slaughter-House* cases, 83 U.S. (16 Wall.) 36, at 79 (1873), with no authority given and mentioned also in *In re Neagle,* 135 U.S. 1, at 64 (1889). See also 22 U.S.C. secs. 1731–32. For authority that this is more properly a matter within the Executive's discretion, see E. M. Borchard, The Diplomatic Protection of Citizens Abroad, pp. 29–30 (1928).

[14] R. Russell, The United States Congress and the Power to Use Military Force Abroad, Apr. 15, 1967, pp. 25–63 (unpublished thesis in Fletcher School of Law and Diplomacy Library); see The Federalist, No. 4, at 65–70 (J. Hamilton ed. 1864) (J. Jay).

[15] See, e.g., R. Russell, *supra,* pp. 64–389.

[16] J. Rogers, World Policing and the Constitution, pp. 46–47 (1945); Background Info. 1970, supra, p. 40. In his first annual message to Congress on December 4, 1801, Jefferson explained his actions: "Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defence, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offence also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that, in the exercise of this important function confided by the Constitution to the Legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight." II *Annals of Congress* 12 (1801). Jefferson's conservative interpretation of his war powers, even against a declared adversary, was vigorously attacked by Hamilton. In his view, once the Nation is attacked, or war is declared by a foreign nation, the President is authorized to respond with whatever force he thinks necessary. "[I]t is the peculiar and exclusive province of Congress, *when the nation is at peace* to change that state into a state of war; whether from calculations of policy, or from provocations, or injuries received; in other words, it belongs to Congress only, *to go to War*. But when a foreign nation declares, or openly and avowedly makes war upon the United States, they are then by the very fact *already at war*, and any declaration on the part of Congress is nugatory; it is at least unnecessary." 7 Works of Alexander Hamilton, pp. 746–47 (J. Hamilton ed. 1851) (emphasis in original); see Wormuth, "The Vietnam War: The President versus the Constitution" in 2 The Vietnam War and International Law, pp. 723–25 (Falk ed. 1969). Hamilton's view received judicial approval in the *Prize cases*, 67 U.S. (2 Black) 635 (1863).

[17] Wormuth, *supra*, p. 726; Rogers, *supra*, pp. 48–49; Background Info. 1970, *supra*, p. 39. Although the Mexican War subsequently became a declared war (act of May 13, 1846, ch. 16, 9 Stat. 9), there was some initial congressional opposition. See 15 *Cong. Globe*, 29th Cong., 1st sess., 782–88 (1846). This opposition had so increased two years later that the House passed a rider to a resolution honoring General Taylor reading "that the war was unnecessarily and unconstitutionally begun by the President of the United States." A subsequent motion to strike the rider was defeated. See 17 *Cong. Globe*, 30th Cong., 1st sess., 95, 343–44 (1848).

[18] Rogers, *supra*, pp. 58–62; Background Info. 1970, *supra*, p. 40.

[19] Rogers, *supra*, pp. 73–74; Background Info. 1970, *supra*, p. 41; S. Bemis, A Diplomatic History of the United States, pp. 513–15 (4th ed., 1955).

[20] Rogers, *supra*, p. 74–78; Wormuth, *supra*, pp. 748–49; Bemis, *supra*, pp. 519–38.

[21] Rogers, *supra*, pp. 77–78; Background Info. 1970, *supra*, p. 43.

[22] "Congress, the President and the Power to Commit Forces to Combat," 81 *Harv. L. Rev*. 1771, at 1790 (1968).

[23] Henry Steele Commager, hearings on S. 731 before the Senate Committee on Foreign Relations, 92d Cong., 1st sess. (Mar. 8, 1971). The statement is based on the assumption that the President's emergency powers can, under certain circumstances, encompass hemispheric defense as a necessary correlative of his power to defend the United States.

[24] U.S. Department of State, "Authority of the President to Repel the Attack in Korea," 23 *Department of State Bulletin* 173 (1950).

[25] *Ibid.*, p. 174.

[26] Powers of the President To Send the Armed Forces Outside the United States, Senate Committees on Foreign Relations and Armed Services, 82d Cong., 1st sess., pp. 2–3, 20–22 (Committee print Feb. 28, 1957).

[27] Public Law 85–7, sec. 2, 71 Stat. 5 (Mar. 9, 1957), as amended by sec. 705 of the Foreign Assistance Act of 1961, 75 Stat. 424 (1961).

[28] Public Law 84–4, 69 Stat. 5 (Jan. 29, 1955).

[29] 101 *Cong. Rec.* 601 (Jan. 24, 1955).

[30] 104 *Cong. Rec.* 13, 903–04 (1958), for July 15, 1958, statement of the President.

[31] Presidential Proclamation No. 3504, 27 *Fed. Reg.* 10,401 (Oct. 23, 1962).

[32] Public Law 87–733, 76 Stat. 697 (Oct. 3, 1962).

[33] See New York Times, Apr. 29, 1965, p. 1, col. 8; *ibid.*, Apr. 30, 1965, p. 1, col. 8.

[34] See statement by the President, May 2, 1965, in New York Times, May 31, 1965, p. 10, col. 1. The OAS subsequently authorized a multination peace-keeping force.

[35] U.S. Department of State, "The Legality of United States Participation in the Defense of Viet-Nam," 54 *Department of State Bulletin* 474 (1966). The Tonkin Gulf resolution, Public Law 88–408, 78 Stat. 384 (Aug. 10, 1964), repealed by Public Law 91–672, sec. 12 (Jan. 12, 1971), provided that "the Congress approves and supports the determination of the President, as Commander-in-Chief, to take all measures necessary to repel any armed attack against the forces of the United States and to prevent further aggression," and that "the United States is . . . prepared, as the President determines, to take all necessary steps, including the use of armed force."

[36] *Massachusetts* v. *Laird, motion for leave to file complaint denied,* 400 U.S. 886 (1970); *Mora* v. *McNamara,* 387 F. 2d 862 (D.C. Cir.), *cert. denied,* 389 U.S. 934 (1967); *Luftig* v. *McNamara,* 373 F. 2d 664 (D.C. Cir.), *cert. denied,* 387 U.S. 945 (1967); *Mitchell* v. *United States,* 369 F. 2d 323 (2d Cir. 1966), *cert. denied,* 386 U.S. 972 (1967). A "political question" has been defined as a question which the Constitution requires to be determined by an agency of government other than the judiciary. See generally: A. Bickel, The Least Dangerous Branch (1962); H. Wechsler, Principles, Politics and Fundamental Law, pp. 3–48 (1961); Scharpf, "Judicial Review and the Political Question: A Fundamental Analysis," 75 *Yale L. J.* 517 (1966); Tigar, "Judicial Power, the 'Political Question Doctrine,' and Foreign Relations," 17 *U.C.L.A. L. Rev.* 1135 (1970); Brief for Defendant at 35–41, *Massachusetts* v. *Laird, supra.*

[37] *Luftig* v. *McNamara,* 373 F. 2d 664, at 665–66 (D.C. Cir. 1967).

[38] 8 F. Cas. 111 (No. 4186) (CCSD NY 1860), involving a suit for damages against a Navy commander who, on orders of the President and Secretary of the Navy, bombarded and burned the city of Greytown, Nicaragua, in retaliation against a revolutionary government which refused to make reparation for damage done there to U.S. citizens and their property. Mr. Justice Nelson (on assignment to the second circuit) decided in favor of the defendant; the case never reached the Supreme Court. Cf. *Perrin* v. *United States,* 4 Ct. Cl. 543 (1868).

[39] 67 U.S. (2 Black) 635, 665 (1862), involving suits by four shipowners alleging their ships had been illegally seized as prizes under President Lincoln's blockade against the Confederacy. The Court held the blockade legal. Mr. Justice Nelson and three others dissented, arguing that the President had no authortiy to impose a blockade and

seize the property of U.S. citizens without a congressional declaration of war.

[40] 343 U.S. 579 (1952).

[41] Concurring opinions of Mr. Justice Frankfurter, *ibid.*, at 604–09; Mr. Justice Burton, *ibid.*, at 655–60; Mr. Justice Clark, *ibid.*, at 662–65.

[42] See E. Corwin, The President: Office and Powers 1787–1957, p. 259 (1957): "Actually Congress has never adopted any legislation that would seriously cramp the style of a President who was attempting to break the resistance of an enemy or seeking to assure the safety of the national forces."

[43] 71 U.S. (4 Wall.) 2 (1866). The case arose as a *habeas corpus* proceeding contesting the legality of a conviction by a military tribunal of a Northern civilian in Indiana during the Civil War. The Court invalidated the conviction, holding that the military tribunal had no jurisdiction, since neither the Congress nor the President could constitutionally authorize the trial of a civilian before a military tribunal in a State which had been loyal to the Union during the Civil War. *Ibid.*, at 118–22.

[44] *Ibid.*, at 139.

[45] *Youngstown Sheet & Tube Co.* v. *Sawyer*, *supra*, at 637. In an early case involving seizure of vessels on the high seas, it was held that the President could not act inconsistently with a specific legislative prohibition. *Little* v. *Barreme* (*The Flying Fish*), 6 U.S. (2 Cranch) 170 (1804) involved the seizure of a ship sailing *from* a French port which was made in accordance with Presidential orders interpreting the act of 1799 (which only provided for seizure of ships bound *to* French ports). Chief Justice Marshall, for a unanimous Court, held the seizure unlawful but noted in passing that the Presidential order might well have been lawful in the absence of congressional authorization were it not for the express negation of authority contained in the act. See also the concurring opinion of Mr. Justice Clark in *Youngstown Sheet & Tube Co.* v. *Sawyer*, *supra*, at 660–61.

The Flying Fish involved an issue squarely within the specific grant of authority to Congress to "make Rules concerning Captures on Land and Water," (U.S. Const., art. I, sec. 8) and for this reason should not be considered authority for congressional predominance in an area of shared powers, such as the war powers. Moreover, *The Flying Fish* was decided before the doctrine of "political questions" was formulated by Chief Justice Marshall in *Foster* v. *Neilson*, 27 U.S. (2 Pet.) 253 (1829), and, therefore, although it has never been overruled, a similar case would probably never reach decision on the merits today.

[46] 299 U.S. 304 (1936). See also *Martin* v. *Mott*, *supra*, involving an act of Congress of 1795 which delegated authority to the President to call forth the militia in the event of an invasion or the imminent threat thereof.

[47] *Ibid.*, at 319–22. The *Curtiss-Wright* case is more often cited for the Court's dicta than its holding. The Court saw the foreign affairs powers as inherent attributes of national sovereignty and, consequently, vested exclusively in the Federal Government, to be exercised by the President as "the sole organ of the nation in its external relations." The Court suggested that this "very delicate, plenary and exclusive power of the President" with respect to foreign relations did not depend upon congressional authorization, although, like every other governmental power, it had to be exercised in subordination to the applicable provisions of the Constitution. *Ibid.*, at 320. The case holding has been interpreted as withdrawing "virtually all Constitutional limitation upon the scope of Congressional delegation of power to the President to act in the area of international relations." Jones, "The President, Congress and Foreign Relations," 29 *Calif. L. Rev.* 565, at 575 (1941). But see recent Supreme Court decisions which contain warnings that the *Curtiss-Wright* holding may not be followed should a similar set of facts arise in the future. *Afroyim* v. *Rusk*, 387 U.S. 253 (1967); *Zemel* v. *Rusk*, 381 U.S. 1 (1965); *Reid* v. *Covert*, 354 U.S. 1 (1957).

[48] See *Youngstown Sheet & Tube Co.* v. *Sawyer*, *supra*, at 635, n. 2.

[49] See, e.g., Richard M. Nixon, President of the United States, United States Foreign Policy for the 1970's—Building for Peace, Report to Congress, Feb. 25, 1971, pp. 10–21; United States Foreign Policy 1969–70, Report of the Secretary of State, Mar. 26, 1971, p. 11 and pp. 36–39.

[50] See the Federalist, No. 64, pp. 485–86 (J. Hamilton ed. 1864) (J. Jay); *ibid.*, No. 74, p. 552 (A. Hamilton); *ibid*, No. 75, p. 559 (A. Hamilton).

[51] Reveley, "Presidential War Making: Constitutional Prerogative or Usurpation?," 55 *Va. L. Rev.* 1243, at 1271 (1969).

[52] See R. Neustadt, Presidential Power: The Politics of Leadership, p. 23 (1960): "The President of the United States has an extraordinary range of formal powers, of authority in statute law and in the Constitution. Here is testimony that despite his 'powers' he does not obtain results by giving orders—or not, at any rate, merely by giving orders. He also has extraordinary status, *ex officio*, according to the customs of our government and politics. Here is testimony that despite his status he does not get action without argument. Presidential power is the power to persuade."

[53] Richard M. Nixon, Report to Congress, Feb. 25, 1971, *supra*, p. 16.

[54] See, e.g., S.J. Res. 18, 92d Cong., 1st sess. (introduced by Senator Taft Jan. 27, 1971); S. 731, 92d Cong., 1st sess. (introduced by Senator Javits Feb. 10, 1971); S.J. Res. 59, 92d Cong., 1st sess. (introduced by Senator Eagleton Mar. 1, 1971); S.J. Res. 95, 92d Cong., 1st sess. (introduced by Senator Stennis May 11, 1971).

[55] S. 731, *supra*, would only authorize the President to use the Armed Forces, in the absence of a declaration of war, in four specific situations: (1) to repel a sudden attack against the United States, its territories, and possessions; (2) to repel an attack against U.S. armed forces on the high seas or lawfully stationed abroad; (3) to protect the lives and property of U.S. nationals abroad; and (4) to comply with a "national commitment" as defined in S. Res. 85, 91st Cong., 1st sess. (1969). S.J. Res. 59, *supra*, would limit unauthorized Presidential military action to (1) repelling an attack on the United States; (2) repelling an attack on U.S. armed forces; and (3) withdrawing U.S. citizens from countries where their lives are subjected to an imminent threat.

[56] S. 731 and S.J. Res. 95, *supra*.

[57] S. 731, S.J. Res. 59, and S.J. Res. 95, *supra*.

[58] Formal declarations of war are often deliberately avoided because they tend to indicate both at home and abroad a commitment to total victory and may impede settlement possibilities. The issuance of a formal declaration can also have certain legal results: Some treaties may be canceled or suspended; trading, contracts, and debts with the enemy are suspended; vast emergency powers become operative domestically; and the legal relations between neutral states and belligerents can be altered. See Eagleton, "The Form and Function of the Declaration of War," 33 Am. J. Int'l L. 19–20, 32–35 (1938). On the other hand, Professor Moore argues that "probably the most compelling reason for not using a formal declaration . . . is that there is no reason to do so. As former Secretary of Defense McNamara has pointed out '[T]here has not been a formal declaration of war—anywhere in the world—since World War II.' " Moore, "The National Executive and the Use of the Armed Forces Abroad," *21 Nav. War. Col. Rev.* 28, at 33 (1969). See generally: J. Maurice, Hostilities Without Declaration of War (1883).

[59] Docs. on the War Power 1970, *supra*, p. 32.

[60] *Congressional Record*, Vol. 117, pt. 11, p. 14335.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. DOMINICK. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. SPONG. How much time do the proponents have?

The PRESIDING OFFICER. The proponents have 20 minutes remaining. The opponents have 43 minutes remaining.

Mr. SPONG. The proponents have 43 minutes?

The PRESIDING OFFICER. The proponents of the amendment have 20 minutes remaining. The Senator has 43.

Mr. SPONG. We have 43?

The PRESIDING OFFICER. Yes.

Mr. SPONG. I ask that it be taken out of our time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I have nothing to add to my earlier remarks, except to say that I hope it will be the pleasure of the Senate, at this late stage in this debate, which has occupied so many days, to reject this effort to pass an alternative proposal. I hope that, consistent with its earlier actions in declining to send this bill to the Judiciary Committee and declining to place it before a study commission, the Senate will reject the amendment.

Mr. DOMINICK. I yield myself 2 minutes.

Mr. President, I am glad the Senator from New York is in the Chamber, because I should like to ask him a question, if I may have his attention for a moment.

Do I correctly understand that if we are in hostilities which have gone on for 30 days or more, the only way we can continue is that the President certifies that we are continuing our use of forces in order to disengage?

Mr. JAVITS. My answer to that question is that it is not the only way we can continue. I cannot accept that. But under this measure, in order to continue, the President has to have the concurrence of Congress, unless he certifies that he is in the process of disengagement and that he still has to protect our forces.

I cannot accept the word "only," because we make it clear that we cannot and do not abrogate the powers of the President under the Constitution, whatever they may be. I will not say now that this is the only way or that it cuts him off in a given set of circumstances on the 31st day.

I would not wish to foreclose that question, and I do not think it would be good, in the interest of the country or in the interest of those who are for this bill, to do that.

We cannot change the President's powers—we do not seek to do so—whatever they may be. But we are offering a methodology to deal with what seems clearly to be an anomolus situation—the question of undeclared war.

Mr. DOMINICK. I thank the Senator from New York.

Under those circumstances, for the life of me, I cannot understand what section 5 and perhaps section 6 are all about.

Section 5 reads:

> The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated . . . shall not be sustained beyond 30 days from the date of the introduction of the Armed Forces—

Into those situations, unless the President certifies to Congress, as I understand it, that the continued use of our forces is necessary in order to disengage.

I would presume that these circumstances would arise because Congress, over a period of 30 days, has said that it would not pass any authorization bill in order to ratify what the President was doing, for one reason or another, either because it did not want to declare war and thereby implement all the emergency powers that are given the President under that, or for some other reason unknown at this point.

I say to the distinguished Senator from New York that this could make it mighty uncomfortable, indeed, for commanders in the field, if they are ordered by their President to do one thing and Congress says they only have to do the other, and in the meantime they are told to disengage, thereby inciting the enemy to go on even further, when what might be needed would be a counterattack in order to be successful or to protect our men.

It is difficult for me to accept this. I regret this, and I brought up this substitute so that we can preclude problems of this kind.

Mr. President, at this point, unless the Senator wants me to yield on his own time——

Mr. JAVITS. I did not want to take the Senator's time. I will reply to the Senator on my own time. Would the Senator let me reply now?

Mr. DOMINICK. Yes—on the Senator's time.

Mr. JAVITS. Mr. President, will the Senator yield me 5 minutes?

Mr. SPONG. I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, this raises the exact point we have been trying to make all the time, because the opponents of this measure insist that we are trying to amend the Constitution. We have established a methodology which will obtain in the situation, where the President has reacted and the President persists in that reaction through a period which transforms the reaction into war.

We do not know what other situation the President might wish to invoke at a given time. Given the situations which normally face a President and which historic experience demonstrates have faced a President, he is bound by this provision. That is what we say.

We establish a methodology which we believe will work in terms of the historic experience we have encountered and the eventualities which the human mind can foresee. We trust the fact that the President of the United States will not defy Congress when Congress has spelled out the law and he has concurred in it—or he has been overridden, if he vetoes—in the specifics in which we have explained it.

Mr. DOMINICK. Mr. President, I yield 10 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Colorado for yielding to me.

I rise to support the pending Dominick amendment. On Monday, in colloquy with the Senator from Colorado, I pointed out that I felt the best approach to the problem was to substitute the provisions of House Joint Resolution 1 for the language of S. 2956. The pending amendment would do that.

The increasingly vocal and emotional debate over the proposed war powers bill, S. 2956, draws our attention more and more to the basic principle involved in this piece of legislation. This is the relationship between the President and Congress over the use or the threat of the use of force in U.S. foreign relations. The form and substance of this relationship, we know, is not a matter of recent discussion. It has a long history, going all the way back to the Constitutional Convention, nearly two centuries ago, if not indeed to earlier debates over the power of king and parliament. It is clearly not a question to be treated lightly, or in the heat of emotion, as I fear possibly we are doing in this body.

We are all aware of the arguments and frustrations of the Founding Fathers over this question. And we are equally aware that the solution they finally reached—after many hours of debate, deliberation, and study—was that the problem was basically unsolvable and, indeed, best left unsolved. They recognized that any attempt to define in specific terms the precise authorities of and restrictions on the President and Congress in this vital area would very likely upset the delicate balance so carefully structured between the coequal branches of the Federal Government. They understood, also, that narrow restraints spelled out in precise detail would either be too impractical to enforce, or could not be effectively maintained without tearing down the broad and powerful new organs of government they were creating to replace the weak and ineffective system that had preceded it.

The result, as has been pointed out so many times before, was that the Founding Fathers determined to lay out a relationship between President and Congress that was neither narrowly strictured nor overly balanced on one side or the other. A few important and obvious provisions were stipulated, but beyond that the relationship was implied rather than specified, and was left a part of the broad, general division of powers within the area of the country's foreign relations.

The use or the threat of force is an extremely important part of the implementation of foreign policy. Because of—rather than despite—this, it was left to develop within a political rather than a narrowly constitutional framework. Instead of attempting to tie the hands of either the President or Congress, the authors of the Constitution created a relationship of shared rather than divided powers. It was a relationship neither fixed nor exact which the interplay of political forces, practical necessity, and dynamic leadership in Congress as well as the White House has permitted to develop and shift back and forth over the years. It has allowed a flexibility and resilience in foreign affairs that otherwise would have been impossible. And it has resulted in a historical pattern that has, generally speaking, been one of cooperation between Congress and the President rather than of rivalry and opposition, as the proposed war powers bill would imply.

The spirit of cooperation between Congress and the President is the only feasible way of conducting foreign relations. This is especially so in the important area of the use or threat of force. In a practical sense, neither Chief Executive nor Congress can make extensive use of force without the support or consent of the other. They both rely heavily on each other for the effective use of this ultimate national power. Neither can exercise it alone, and both have the capability of crippling undesired utilization. Congress especially, as we know, can withhold the means of executive action: by refusing to provide funds, men, and equipment; by specifically ending Presidential authority to employ the Armed Forces in particular places and at certain times; and by developing and publicizing the important facts about any aspect of Presidential military activity.

The important point here is that the broad, normal forms of congressional authority are sufficient to halt or prevent Presidential actions that Congress opposes. Properly focused and exercised, these congressional powers may be much more effective in blocking careless or unwise Executive military initiatives than any precise statutory limitations—which in themselves may be unconstitutional—that we may enact at this time. Any such legislation will either be too broad and sweeping to take into account the many specific contingencies that may arise; or else it will be so specific and detailed that it ties the President's hands unnecessarily, crippling his powers in an emergency and, as I suggest, raising basic constitutional questions too important to be decided in the heat and emotion of floor debate.

The constitutional questions are basic. The war powers bill attempts to legislate what the authors of the Constitution specifically avoided including in that document: Precise, rigid restrictions on the President's war powers. It seeks to delimit and divide between President and Congress what the Constitution establishes as shared, cooperative powers. It seeks, furthermore, in effect to amend the Constitution, restricting to 30 days—where in the world does that figure come from?—the President's clear, unlimited power and responsibility to use force to repel attacks so long as he thinks necessary.

If the President has authority to act in the specific fields that S. 2956 will allow him to act in, then by what stretch of the imagination can his powers to act be limited to 30 days?

If the doubtful constitutionality of this legislation is not enough to underline the undesirability of the bill, one may also seriously question its wisdom. Not only does it tie the President's hands in unforeseen emergency situations, but it also seriously affects his ability to meet our present needs. It badly cripples his freedom to deploy our military forces in support of a national expression of will and determination—such as in another Middle East crisis, Berlin blockade, or Cuban missile situation. It affects our participation in NATO and weakens the credibility of our deterrent power. In so doing, incidentally, it encourages the development of just those types of situations which might conceivably lead to hasty military actions—by our potential enemies as well as by ourselves.

What, then, should be done about the war powers bill? For all of the reasons I have just listed, it is clear to me that its passage would be wrong, either as an honest effort to correct what may appear to some as an imbalance between Congress and the President, or as a means for expressing congressional sentiments about Presidential actions. I would suggest, instead, that we turn to a much more modest proposal. By this I refer to the Dominick amendment which would reassert congressional war powers while at the same time recognizing that the President, too, has important powers in this area, and that both Congress and the President must work together to ensure the proper implementation and coordination of the Government's war powers as a whole for the greater good of the Nation.

The Dominick amendment emphasizes the President's responsibility to consult with Congress before and after involving U.S. military forces in combat, committing them to the territories of foreign nations, or making major increases in their size after such commitment. It calls for specific reports on the circumstances, authority for, and scope of such action. Above all, it avoids any implication that it seeks to alter the existing constitutional authority of either Congress or the President.

It is a far better means of expressing the sentiments that many of my colleagues are hoping to voice through the proposed war powers bill. And it puts them in a context far more sensible and responsive to their needs. It is a more meaningful and responsible approach.

Mr. President, I urge support of the pending amendment.

Mr. DOMINICK. Mr. President, I yield myself 1 minute to express my thanks to the distinguished Senator from Alabama (Mr. ALLEN) for bringing up an extremely important point, points which he and I discussed on the floor before and which are in support of my substitute and in opposition to the bill. I will be pinpointing these later. However, I want to express my appreciation to the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the Senator.

Mr. SPONG. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. SPONG. Mr. President, the Senator from Alabama has consistently from the early moments of consideration of this bill made contributions to the debate. He has propounded certain questions and made certain comments, almost since the debate began, which were very helpful in making a record.

I differ with him however on one point in the remarks he just made. The Senator from Alabama on at least three occasions referred to this as an emotional debate. I do not think it has been a very emotional debate. It has been rather dull at times. It has certainly been repetitive.

I think that this measure and the amendments have been considered in a rather calm manner, and that those who have been working on this legislation for a long time have tried to present their views detached from any emotionalism. Furthermore, they have succeeded. The Senator from Alabama whenever he has expressed his thoughts on the floor, has contributed to that atmosphere. But I could not let his remarks go by without saying that we have been going at this matter for two weeks now, and if this is an emotional debate, then I have been somewhere else.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. SPONG. Mr. President, I yield 2 minutes to the Senator from Alabama to reply.

Mr. ALLEN. The emotionalism arises not so much from the emotion displayed by the phlegmatic Senators, as the distinguished Senator from Virginia has pointed out. It refers to the emotionalism arising from the Vietnam war and the fact that it is designed, supposedly, to prevent the occurrence of another Vietnam.

I think it does not reach the Vietnam situation. Obviously it does not apply to Vietnam. However, I think it would allow the emotionalism regarding the Vietnam conflict. That is where the emotionalism comes in rather than in the demeanor of the Senators.

The emotionalism arises from the Vietnam conflict and the desire to see, I assume, that that situation does not occur again.

Mr. SPONG. Then the Senator's reference is to an emotional debate beyond the confines of this Chamber.

Mr. ALLEN. Yes. There does not seem to be too much emotion over this measure from the standpoint of the advocates certainly, as well as the opponents.

Mr. SPONG. Mr. President, I thank the Senator.

Mr. President, unless the Senator from New York has some further comments to make, I am prepared to yield back the remainder of my time, if the Senator from Colorado is prepared to yield back the remainder of his time.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 5 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I am not trying to prolong the debate, but I think the Record needs to be made clear.

In the debate on the pending bill, for which I have proposed a substitute, the Senator from New York says that we cannot by statute change the constitutional authority of the President. I would agree with the Senator. Nevertheless, I would say that the proponents of this measure are trying. But even if it is not a question of constitutional authority, it would strike me that what we want to do legislatively is most unwise. Whenever we have Armed Forces of the United States engaged in hostilities or where they are subject to attack or where they have to defend themselves, the fact of the matter is that under the pending bill, if Congress passes it, they will have to stop and there is nothing they can do about it.

They are told to stop by the Congress of the United States. And they are told to fight by the President of the United States.

We say they must stop not necessarily because of the 30 days, but because we have passed an act. We say, "You can't fight any more. You have to stand there and be shot."

This is not very sound. I do not want my boy—and he has been involved for 2 years in the Army—and I do not want anyone else's son to be in that position. If we are going to engage in hostilities, the least we can do is to give some kind of reassurance instead of these constant attacks on the military. They must have the support and backing of the people. They are asked to put their lives on the line; not the Members of the Senate of the United States.

I think, and I say again with all due deference, that the amendments to this bill by the Senator from New York have not clarified that problem. I do not think it is a sufficient answer to say that they can keep on even though we have passed an act providing the President says that he will disengage. Suppose that he does not want to disengage. Suppose that the only way to get out of the situation and bring about peace is to reinforce the attack. Maybe that is the only way we can go from a military standpoint.

Will Congress take the responsibility for many of these tactical decisions? That is what I have been saying. We cannot make 535 generals out of the Congress.

That is what it does. It totally destroys our responsibility to use our forces as an instrument in determining wherever necessary how we will maintain peace in an uneasy world.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I will not take up any more time. I have covered my concern with the bill. I think that we do reaffirm our position and our right to have an input and an output insofar as advice and judgment is concerned and still leave the President of the United States in a position where he is the one who has to make the decision in terms of the national policy and the Armed Forces.

It strikes me that this is a clear indication under the Constitution. I hope that we maintain it.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. SPONG. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Washington (Mr. JACKSON), the Senator from Alaska (Mr. GRAVEL), the Senator from Illinois (Mr. STEVENSON), the Senator from North Carolina (Mr. JORDAN), and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. AIKEN) and the Senator from Tennessee (Mr. BAKER) are detained on official business.

The result was announced—yeas 22, nays 56, as follows:

[No. 143 Leg.]

YEAS—22

Allen
Allott
Beall
Bellmon
Bennett
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
McGee
Scott
Thurmond
Tower
Young

NAYS—56

Anderson
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Eastland
Ellender
Fulbright
Gambrell
Hart
Hartke
Hatfield
Hollings
Inouye
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Smith
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Tunney
Weicker
Williams

NOT VOTING—22

Aiken
Baker
Bayh
Ervin
Goldwater
Gravel
Harris
Hughes
Humphrey
Jackson
Jordan, N.C.
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pastore
Ribicoff
Sparkman
Stevenson

So Mr. DOMINICK's amendment (No. 1114) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPONG. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. TAFT). The question is on the motion to lay on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1113

Mr. DOMINICK. Mr. President, I call up my amendment No. 1113.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

> On page 13, at the end of section 9 of the bill, add the following: "And nothing in this Act shall be constructed to limit the authority of the President to carry out intelligence activities determined by him to be necessary to the interests of the United States.".

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

Mr. President, the word "constructed" on line 2 of the amendment should be "construed," and I ask consent that it be modified to that extent.

The PRESIDING OFFICER. The amendment is so modified.

Mr. DOMINICK. Mr. President, I do not know whether the distinguished managers of the bill are willing to accept this kind of amendment or not. It certainly is innocuous, and apparent fits in with what they thought was already included; but it most certainly does not appear to be included in many interpretations of the bill.

Before I take a lot of time to say why this amendment is needed, I wonder if the Senator from Virginia or the Senator from New York might give me some reaction to this amendment.

If they decide not to accept it, I can, of course, call for a rollcall vote. I am not sure that it would improve anything, but, for the sake of the record, it would be worth it. I would hope that they would accept it and show once again that this was part of what was intended within the wording of the bill.

The PRESIDING OFFICER. The Chair will inquire whether the amendment the Senator has called up is one of the amendments pursuant to the agreement.

Mr. DOMINICK. Yes; it is No. 1113. There is a half hour a side. I yielded myself 5 minutes, which I have used, so I will take my seat.

Mr. JAVITS. Mr. President, I wish to enlighten the Senator as to the attitude of the managers of the bill on amendments Nos. 1113, 1110, and 1112.

Will the Senator yield me 5 minutes for that purpose?

Mr. SPONG. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. These amendments are all designed to do the same thing. They are designed to state something which the act shall not be considered to inhibit. They are not positive; they are negative—to rebut some alleged presumption which arises out of the act.

I call to the attention of the Senator from Colorado that we dealt precisely with this sort of question yesterday, when the Senator from Arkansas (Mr. FULBRIGHT) offered an amendment which, if anything, was far more innocuous. We opposed that amendment because we knew these amendments were going to be offered, and we used these amendments in our opposition, and we said when one tries to negate something that the act may mean, he introduces problems both of surplusage and counterintention, counterpurpose, which we simply cannot accept.

The instance amendment reads:

> Nothing in this Act shall be construed to limit the authority of the President to carry out intelligence activities determined by him to be necessary . . .

Mr. President, intelligence activities could be an expeditionary force to Cuba or East Germany. Intelligence activities could be anything that the President says they shall be.

There is nothing in the bill that inhibits intelligence activities per se, except when, under the cover of intelligence activities, we are committing our forces to the imminent danger of hostilities or to hostilities.

I could get up and say there is no limitation whatever on intelligence activities because intelligence activities do not include any hostilities or the imminent threat of hostilities, but that would be neither here nor there as far as the Senator from Colorado was concerned, and perhaps other Senators who have his point of view.

There is no inhibition in the bill respecting intelligence operations per se. There is no inhibition respecting the constitutional authority of the President under the North Atlantic Treaty. We have adopted a perfecting amendment, adopting command arrangements, et cetera—that is under No. 1110. Under No. 1112, there is the show of force argument. Yes, if a show of force is going to put us in war, we want to be in on it; and if it does not, the President is free to go ahead.

We have the same problem before us as we had in Senator FULBRIGHT's amendment. We must in all conscience oppose them.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

I am somewhat distressed that the Senator from New York has apparently taken the position that he is not going to accept even reasonable amendments, apparently doing it on the basis that we do not need such amendments because the bill is clear on each of these points. However, I disagree.

Therefore, I call for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, the Senator from New York may think that intelligence activities do not involve sending troops into areas where there is an imminent threat of hostility. I do not think he remembers history very well. What happened to the *Pueblo?* I would say the crew of the *Pueblo* thought they were in hostilities, whether they were on board the ship, when they got taken over, or whether they were in the Korean jail. I would say that the crew members of the EC–121, which was shot down and destroyed and the men killed, also thought they were rather sharply under attack.

There is nothing in this bill which says anywhere, as far as I can see, that we can conduct any kind of activity of that kind without prior specific authorization from Congress; and if you get prior specific authorization from Congress, then you do not have an intelligence activity. What we are doing is something which is designed to find out whether or not a potential enemy is going to do harm to us or our allies, and for the life of me I cannot understand why the manager of this bill would not accept an amendment which says that the President can go forward with intelligence activities even though he does not have prior authorization from Congress, and such activity would be in the best interests of the United States.

We can say, if we want to, that a whole expeditionary force is an intelligence activity, but my recollection of history does not bear out such an assertion. Intelligence activities that we know of, that have been talked about openly, include the U–2 over the Soviet Union, which was shot down. Was that an illegal act that the President conducted? Possibly it could be under this bill, it would seem to me.

What would happen in the case, as I say, of the EC–121 and the *Pueblo,* and their crews? What happens to other people who are deployed in intelligence activities which do not involve a large number of men and a large amount of materiel, but do involve, obviously, sending people who may be in the defense forces or the Armed Forces into very dangerous areas? The degree of the danger has already been shown. Hopefully we will not be doing very much of that but, that is not to say that we are necessarily wise in ruling it out.

Surely, we have a satellite capability, as I am sure we will be told, which can get information for us by a variety of other methods. But we can also be blinded, as has been said publicly on this floor and in the newspapers, by the antisatellites which have already been dedeveloped and tested by the Soviet Union, in which case we would not have anything unless we went back to one of the methods which have created problems for us before.

Why not put a simple thing in to say that the President is permitted to use the Armed Forces for the purpose of gathering intelligence? What in the world is the matter with that?

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPONG. Mr. President, I yield myself 1 minute.

I join the Senator from New York in asking that this amendment be defeated. As the Senator from New York pointed out yesterday, the floor manager opposed an amendment of the same nature offered by the Senator from Arkansas, which said nothing should be construed to give the President of the United States more power than he had under the Constitution.

There is nothing in this bill preventing intelligence activity. The judgment and decision of the President will come into play if intelligence activities lead to hostilities in which the Armed Forces need to be employed. Then the bill comes into play. But nothing in this measure prohibits intelligence activity.

Mr. DOMINICK. Mr. President, will the Senator yield to me, since I have yielded back my time?

Mr. SPONG. I am happy to yield.

Mr. DOMINICK. Why does the Senator say what he just said? The bill before us says that only under certain circumstances could the President put certain forces in. If we say this is not an imminent threat of hostilities, he is not entitled to do it; and if it is an imminent threat of hostilities, he can only do it for 30 days.

Mr. SPONG. What I said was that there is nothing in the bill to prevent intelligence activities. That is all. If something happens—and the Senator brought up the *Pueblo;* I think that is an unhappy chapter in our history, but I may as well use it as an example—there is nothing in this bill that would prevent the continued use of that type of activity. It is hostilities and not the intelligence activity that concerns us.

Thus, if that ship is attacked, the President makes a judgment as to what he wishes to do. If he wishes to respond with force, he does so and reports under this bill as the Zablocki bill we have just talked about would have required him to do. But under this bill there is a 30-day provision which would become operative and which would encourage the President to weigh carefully his actions.

Mr. DOMINICK. Will the Senator yield for a further question?

Mr. SPONG. I am pleased to yield.

Mr. DOMINICK. This is what I do not understand: There is a specific provision in the act which says you cannot use the Armed Forces of the United States without prior authorization from Congress except in limited circumstances. Is the Senator saying that intelligence activities do not come within those circumstances, do I gather?

Mr. SPONG. I said that twice.

Mr. DOMINICK. If you say that, you have to have prior authorization from Congress; do you not?

Mr. SPONG. No, I did not say that. I said, first, intelligence activities do not come within the purview of the bill. I said, second, if the intelligence activities result in an attack upon those conducting them, then the President has the authority to respond as he sees fit. He is, however, required to report to Congress. That is all. Then there is a 30-day period, and Congress then positively condones or authorizes what the President has done, or they say that continued response, which might lead into a wider war, is not necessary.

In the case of the *Pueblo,* which was the Senator's example, there is nothing in this legislation to prevent such activities as were being conducted. In the event of a repeated incident of that type, the President would make a judgment as to how to respond. The President is not restricted. But, he comes under the language of this bill, because there is an emergency, there is an attack upon American forces. Therefore, the bill comes into play, and the President must report to Congress.

I do not wish to be repetitive. We have tried to make that point on this floor for 5 or 6 days, but I repeat it again.

Mr. DOMINICK. Well, let me just ask—will the Senator yield for one further question?

Mr. SPONG. I am pleased to yield.

Mr. DOMINICK. The bill says, under section 3:

> In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities . . .

Only under certain circumstances. What I am saying is, we are using members of the Armed Forces in intelligence activities.

Mr. SPONG. That is right.

Mr. DOMINICK. Well, now, as I understand the bill, as I read it—and maybe I am wrong—in sections 2 and 3 it says that he cannot introduce them in situations where there is an imminent danger of hostilities unless he has consent from Congress.

Mr. SPONG. The Senator from Colorado is a victim of a strained interpretation. It is very clear what it says. It says:

> In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

And, the situations are specified. There is nothing to prohibit it. It goes back to a point we previously debated.

Mr. DOMINICK. But the word is "only," and then it is listed. It does not say anything about intelligence activities.

Mr. SPONG. Under this bill, the President can do everything that he is doing presently as Commander in Chief. He cannot introduce troops into hostilities for the purposes of offensive warfare under the Constitution or under this bill without authorization.

Mr. DOMINICK. Will the Senator yield for one more question?

Mr. SPONG. I yield.

Mr. DOMINICK. If we are not doing anything in this bill except for sections 5 and 6, why do we try to outline under section 3 the only places where the President can use Armed Forces? The Senator knows as well as I do, because he is a very distinguished lawyer, that when you start itemizing what you can do, everything that is not itemized is left out, and one of them is the intelligence activities.

Mr. SPONG. We have outlined herein the circumstances, under the Constitution, in which we interpret the President, as Commander in Chief, to have the prerogative to act in emergency situations. This not only is based upon early interpretations of the Constitution which includes Madison's notes on the repelling of an attack, but also is backed up by case law which has subsequently been decided, although that has been sparse.

We have outlined these to make it very clear that the President has these powers. In specifying these powers, it is the position of the sponsors of the bill that we are giving the President no powers that he does not have under the Constitution, nor are we taking any powers away from the President.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. SPONG. I have no objection to yielding to the Senator except that it is on our time.

Mr. GURNEY. For a question.

Mr. SPONG. I yield.

Mr. GURNEY. It has to do with the *Pueblo* incident, which the Senator from Virginia and the Senator from Florida have been discussing.

Suppose we have this situation. Suppose the *Pueblo*—as it was—was cruising off the North Korean coast; but instead of an abrupt sneak attack, as occurred in the *Pueblo* incident, the Government of North Korea advised the United States openly that if the *Pueblo* continued cruising off the coast of North Korea, North Korea was going to blast it out of the water. What about a case such as that?

Mr. SPONG. We have that information, and then the President has alternative choices.

I will tell the Senator what I would do if I were President. I would call the leadership of Congress and tell them that that was the situation, and I would seek their concurrence in the degree of response I took. I would weigh its effect upon our policy.

Mr. GURNEY. I think the Senator misunderstands my question.

Mr. SPONG. I do not think I misunderstand it.

Mr. GURNEY. I was not talking about a degree of responsibility. I was talking about whether the President would have the authority, under this bill, to continue the intelligence activity, not whether he had to send another fleet or a great many airplanes, but just continued to have the *Pueblo* going up and down the coast.

Mr. SPONG. The President would have the authority to continue the intelligence activity. The reason why the Senator from Virginia mentioned the degree of response was that that is what we who support this legislation are concerned about.

Mr. GURNEY. What does this language mean, then: "or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances?" It seems to me that any reasonable man might assume that "imminent hostilities" might be included in that sort of situation.

Mr. SPONG. As the Senator from Virginia has said to the Senator from Florida, the President has alternatives there. He can respond on his own. But, then he comes under the bill.

Mr. GURNEY. How can he? Under the bill, he is prevented from using the Armed Forces then.

Mr. SPONG. No, he is not. If the Senator says there is an imminent threat, the President has the right, under the bill, to forestall. That is clearly spelled out, and he can move. All he has to do is come back to Congress. What I said to the Senator from Florida, in response to his question, was that the President has alternatives. He can move, under this bill. He can forestall. He clearly has that right. And he comes to us later or, as I suggested, which I wish had been done in several instances, he can consult; because under the circumstances given by the Senator from Florida, the hostilities had not begun.

Mr. GURNEY. That is true.

Mr. SPONG. And there is time for consultation. We all agree that there has been too little consultation.

But, to answer the Senator from Florida: First, intelligence activities would not be impeded; second, the judgment as to the response would be up to the President of the United States, who, under this bill, is not precluded from responding, but has the authority to do so if the threat is imminent.

Mr. GURNEY. I would not quarrel with the Senator's analysis of what the bill could or could not permit the President to do. But I would make this observation: As I see it, the President would, indeed, have the authority, under the bill, to continue the patrolling of the *Pueblo* for another 30 days.

Mr. SPONG. In that instance, that is correct.

Mr. GURNEY. Then he would have to come back to Congress and say, "May I continue it further?"

That is the most ridiculous situation I have ever heard of. Every time the President is going to be faced, on the high seas or somewhere else, with intelligence activities by another nation, he is going to have to come back and ask the Committee on Foreign Relations or someone else, "May I continue to do this act?" I think this is what Senator DOMINICK was getting at—that it places the President in a ridiculous situation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. JAVITS. I do not think the Senator's analysis is correct.

Mr. GURNEY. I was using the Senator's analysis, not mine.

Mr. JAVITS. The Senator was not using the analysis of the Senator from Virginia.

Mr. GURNEY. This Senator says that he was using the analysis of the Senator from Virginia.

Mr. JAVITS. I am not quarreling with the Senator.

Mr. GURNEY. The Senator sounds as though he is.

Mr. JAVITS. The Senator has said that his example was that the *Pueblo* was cruising near North Korea, in international waters, and that the North Koreans said they would blow us out of the water. Is that not what the Senator said?

Mr. GURNEY. That is correct.

Mr. JAVITS. If the North Koreans said they would blow us out of the water, then there is an imminent threat of attack on our forces, and the President can respond to such an attack or threat of an attack by the North Koreans. He can forestall it by sending aircraft over North Korea or anything——

Mr. GURNEY. The Senator does not understand what I was talking about, because that is not what I was talking about.

Mr. JAVITS. Will the Senator allow me to finish?

Mr. GURNEY. Why can we not get our facts straight?

Mr. JAVITS. If the Senator will allow me to finish, I will allow the Senator to finish.

As I understand the Senator's question, the President could have the right to forestall that attack in any way he deemed advisable, including letting the vessel continue to cruise. That is his judgment. But if, at the end of 30 days, Congress does not back him, and he has certified to Congress that he had this threat, it is not just a question of the cruising of the ship. There is imminent danger of hostilities, and then Congress has a right to say, "No, we do not want to get into war over this one." That is what the bill says.

Mr. GURNEY. That is exactly what I thought it said.

My point is that if I were an enemy, reading this kind of language, I would make sure you had all kinds of incidents such as that, and then the President and Congress will be conferring regularly, year after year, at the end of 30 days, on whether we will send a submarine here or a ship there or an airplane somewhere else. That is how ridiculous this language is.

I thank the Senator for his time.

Mr. SPONG. Mr. President, how much time do the opponents have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. SPONG. I understand that the Senator from Colorado has yielded back the remainder of his time.

The PRESIDING OFFICER. The Senator from Colorado has done so.

Mr. SPONG. I yield back the remainder of our time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina

(Mr. Ervin), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Montana (Mr. Mansfield), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from Alabama (Mr. Sparkman), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), the Senator from Iowa (Mr. Hughes), and the Senator from Alaska (Mr. Gravel) would each vote "nay."

On this vote, the Senator from North Carolina (Mr. Jordan) is paired with the Senator from Washington (Mr. Jackson). If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Washington would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from Utah (Mr. Bennett) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Aiken) is detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett) would vote "yea."

The result was announced—yeas 29, nays 49, as follows:

[No. 144 Leg.]

YEAS—29

Allen
Allott
Baker
Beall
Bellmon
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Long
McGee
Miller
Saxbe
Scott
Smith
Stevens
Taft
Thurmond
Tower
Young

NAYS—49

Anderson
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Eastland
Ellender
Fulbright
Gambrell
Hart
Hartke
Hatfield
Hollings
Inouye
Javits
Kennedy
Magnuson
Mathias
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Spong
Stafford
Stennis
Stevenson
Symington
Talmadge
Tunney
Weicker

NOT VOTING—22

Aiken
Bayh
Bennett
Ervin
Goldwater
Gravel
Harris
Hughes
Humphrey
Jackson
Jordan, N.C.
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pastore
Ribicoff
Sparkman
Williams

So Mr. Dominick's amendment (No. 1113) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I yield to the distinguished Senators from West Virginia.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the information of Senators, it is anticipated that there will be four more votes today. The pending amendment by the Senator from Arkansas (Mr. Fulbright) has a time limitation of 2 hours. However, it is not expected that the full time will be utilized. Upon the disposition of that amendment, the Senator from Colorado (Mr. Dominick) has 3 amendments which will be taken up in succession, 1 hour on each amendment. Again it is the hope that the full time will not be consumed.

Senators are alerted, therefore, to the fact that there will be four more rollcall votes today, and that it will be a reasonably late session.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2770.

The PRESIDING OFFICER (Mr. Bentsen) laid before the Senate the amendment of the House of Representatives to the bill (S. 2770) to amend the Federal Water Pollution Control Act, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Federal Water Pollution Control Act Amendments of 1972".

Sec. 2. The Federal Water Pollution Control Act is amended to read as follows:

"TITLE I—RESEARCH AND RELATED PROGRAMS

"DECLARATION OF GOALS AND POLICY

"Sec. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

"(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

"(2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by 1981;

"(3) it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;

"(4) it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works;

"(5) it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State; and

"(6) it is the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans.

"(b) It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent and abate pollution, to play the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act. It is further the policy of the Congress to support and aid research relating to the prevention and abatement of pollution, and to provide Federal technical services and financial aid to State and interstate agencies and municipalities in connection with the prevention and abatement of pollution.

"(c) It is further the policy of Congress that the President, acting through the Secretary of State and such national and international organizations as he determines appropriate, shall take such action as may be necessary to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, control, and abatement of pollution in their waters and in international waters and for the achievement of goals regarding the elimination of discharge of pollutants and the improvement of water quality to at least the same extent as the United States does under its laws.

"(d) Except as otherwise expressly provided in this Act, the Administrator of the Environmental Protection Agency (hereinafter in this Act called 'Administrator') shall administer this Act.

"(e) Public participation in the development, revision, and enforcement of any regulation, standard, or effluent limitation established by the Administrator or any State under this Act shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes.

"(f) It is the national policy that to the maximum extent possible the procedures utilized for implementing this Act shall encourage the drastic minimization of paperwork and inter-agency decision procedures, and the best use of available manpower and funds, so as to prevent needless duplication and unnecessary delays at all levels of government.

"(g) In the implementation of this Act, agencies responsible therefor shall consider all potential impacts relating to the water, land, and air to insure that other significant environmental degradation and damage to the health and welfare of man does not result.

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"Sec. 102. (a) The Administrator shall, after careful investigation, and in cooperation with other Federal agencies, State water pollution control agencies, interstate agencies, and the municipalities and industries involved, prepare or develop comprehensive programs for abating or reducing the pollution of the navigable waters and ground waters and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Administrator is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

"(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

"(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Administrator, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

"(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

"(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

"(5) No license granted by the Federal Power Commission for a hydroelectric power project shall include storage for regulation of streamflow for the purpose of water quality control unless the Administrator shall recommend its inclusion and such reservoir storage capacity shall not exceed such proportion of the total storage required for the water quality control plan as the drainage area of such reservoir bears to the drainage area of the river basin or basins involved in such water quality control plan.

"(c)(1) The Administrator shall, at the request of the Governor of a State, or a majority of the Governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed three years, which period shall begin after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control and abatement plan for a basin or portion thereof.

"(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin or portion thereof which—

"(A) is consistent with any applicable water quality standards, effluent and other limitations, and thermal discharge regulations established pursuant to current law within the basin;

"(B) recommends such treatment works as will provide the most effective and economical means of collection, storage, treatment, and elimination of pollutants and recommends means to encourage both municipal and industrial use of such works;

"(C) recommends maintenance and improvement of water quality within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan; and

"(D) as appropriate, is developed in cooperation with, and is consistent with any comprehensive plan prepared by the Water Resources Council any areawide waste management plans developed pursuant to section 208 of this Act, and any State plan developed pursuant to section 303(e) of this Act.

"(3) For the purposes of this subsection the term 'basin' includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

"INTERSTATE COOPERATION AND UNIFORM LAWS

"SEC. 103. (a) The Administrator shall encourage cooperative activities by the States for the prevention and abatement of pollution, encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and abatement of pollution; and encourage compacts between States for the prevention and control of pollution.

"(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

"SEC. 104. (a) The Administrator shall establish national programs for the prevention and abatement of pollution and as part of such programs shall—

"(1) in cooperation with other Federal, State, and local agencies, conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and abatement of pollution;

"(2) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of activities referred to in paragraph (1) of this subsection;

"(3) conduct, in cooperation with State water pollution control agencies and other interested agencies, organizations and persons, public investigations concerning the pollution of any navigable waters, and report on the results of such investigations;

"(4) establish advisory committees composed of recognized experts in various aspects of pollution and representatives of the public to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research;

"(5) in cooperation with the States, and their political subdivisions, and other Federal agencies establish, equip, and maintain a water quality surveillance system for the purpose of monitoring the quality of the navigable waters and ground waters and the contiguous zone and the oceans and the Administrator shall, to the extent practicable, conduct such surveillance by utilizing the resources of the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the Coast Guard, and shall report on such quality in the report required under subsection (a) of section 516; and

"(6) initiate, and promote the coordination and acceleration of research designed to develop the most effective practicable tools and techniques for measuring the social and economic costs and benefits of activities which are subject to regulation under this Act; and shall transmit a report on the results of such research to the Congress not later than July 1, 1973.

"(b) In carrying out the provisions of subsection (a) of this section the Administrator is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities referred to in paragraph (1) of subsection (a);

"(2) cooperate with other Federal departments and agencies, State water pollution control agencies, interstate agencies, other public and private agencies, institutions, organizations, industries involved, and individuals, in the preparation and conduct of such research and other activities referred to in paragraph (1) of subsection (a);

"(3) make grants to State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals, for purposes stated in paragraph (1) of subsection (a) of this section;

"(4) contract with public or private agencies, institutions, organizations, and individuals, without regard to sections 3648 and 3709 of the Revised statutes (31 U.S.C. 529; 41 U.S.C. 5), referred to in paragraph (1) of subsection (a);

"(5) establish and maintain research fellowships at public or nonprofit private educational institutions or research organizations;

"(6) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying water quality and other information pertaining to pollution and the prevention and abatement thereof; and

"(7) develop effective and practical processes, methods, and prototype devices for the prevention or abatement of pollution.

"(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons caused by pollutants. In order to avoid duplication of effort, the Administrator shall, to the extent practicable, conduct such research in cooperation with and through the facilities of the Secretary of Health, Education, and Welfare.

"(d) In carrying out the provisions of this section the Administrator shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

"(1) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

"(2) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

"(3) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control pollution not susceptible to other means of abatement.

"(e) The Administrator shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

"(f) The Administrator shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving pollution problems (including additional waste treatment measures) with respect to such waters.

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Administrator shall finance pilot programs, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Administrator is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Administrator is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Administrator is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Environmental Protection Agency with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Administrator shall submit, through the President, a report to the Congress not later than December 31, 1973, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Administrator is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and abatement of pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purposes.

"(i) The Administrator, in cooperation with the Secretary of the department in which the Coast Guard is operating, shall—

"(1) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention, control, and elimination of oil and hazardous substances pollution;

"(2) publish from time to time the results of such activities; and

"(3) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used in the control of oil and hazardous substances spills.

In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary of the department in which the Coast Guard is operating shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary of the department in which the Coast Guard is operating shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any regulations established under section 312 of this Act. In carrying out this subsection the Secretary of the department in which the Coast Guard is operating may enter into contracts with, or make grants to, public or private organizations and individuals.

"(k) In carrying out the provisions of this section relating to the conduct by the Administrator of demonstration projects and the development of field laboratories and research facilities, the Administrator may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Administrator as the circumstances require.

"(l)(1) The Administrator shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than October 3, 1972, develop and issue to the States for the purpose of carrying out this Act the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) The President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct studies and investigations of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit reports, from time to time, on such investigations to Congress together with his recommendations for any necessary legislation.

"(m)(1) The Administrator shall, in an effort to prevent degradation of the environment from the disposal of waste oil, conduct a study of (A) the generation of used engine, machine, cooling, and similar waste oil, including quantities generated, the nature and quality of such oil, present collecting methods and disposal practices, and alternate uses of such oil; (B) the long-term, chronic biological effects of the disposal of such waste oil; and (C) the potential market for such oils, including the economic and legal factors relating to the sale of products made from such oils, the level of subsidy, if any, needed to encourage the purchase by public and private nonprofit agencies of products from such oil, and the practicability of Federal procurement, on a priority basis, of products made from such oil. In conducting such study, the Administrator shall consult with affected industries and other persons.

"(2) The Administrator shall report the results of such study to the Congress within 18 months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

"(n)(1) The Administrator shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, continuing comprehensive studies of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such studies shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

"(2) In conducting such studies, the Administrator shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

"(3) The Administrator shall submit to Congress, from time to time, reports of the studies authorized by this subsection but at least one such report during any three year period. Copies of each such report shall be made available to all interested parties, public and private.

"(4) For the purpose of this subsection, the term 'estuarine zones' means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term 'estuary' means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

"(o) (1) The Administrator shall conduct research and investigations on devices, systems, incentives, pricing policy, and other methods of reducing the total flow of sewage, including, but not limited to, unnecessary water consumption in order to reduce the requirements for, and the costs of, sewage and waste treatment services. Such research and investigations shall be directed to develop devices, systems, policies, and methods capable of achieving the maximum reduction of unnecessary water consumption.

"(2) The Administrator shall report the preliminary results of such studies and investigations to the Congress within one year after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and annually thereafter in the report required under subsection (a) of section 516. Such report shall include recommendations for any legislation that may be required to provide for the adoption and use of devices, systems, policies, or other methods of reducing water consumption and reducing the total flow of sewage. Such report shall include an estimate of the benefits to be derived from adoption and use of such services, systems, policies, or other methods and also shall reflect estimates of any increase in private, public, or other cost that would be occasioned thereby.

"(p) In carrying out the provisions of subsection (a) of this section the Administrator shall, in cooperation with the Secretary of Agriculture, other Federal agencies, and the States, carry out a comprehensive study and research program to determine new and improved methods and the better application of existing methods of preventing and abating pollution from agriculture, including the legal, economic, and other implications of the use of such methods.

"(q) (1) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods of preventing, abating, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems.

"(2) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods for the collection and treatment of sewage and other liquid wastes combined with the treatment and disposal of solid wastes.

"(r) The Administrator is authorized to make grants to colleges and universities to conduct basic research into the structure and function of fresh water aquatic ecosystems, and to improve understanding of the ecological characteristics necessary to the maintenance of the chemical, physical, and biological integrity of freshwater aquatic ecosystems.

"(s) The Administrator is authorized to make grants to one or more institutions of higher education (regionally located and to be designated as 'River Study Centers') for the purpose of conducting and reporting on interdisciplinary studies on the nature of river systems, including hydrology, biology, ecology, economics, the relationship between river uses and land uses, and the effects of development within river basins on river systems and on the value of water resources and water development activities. No such grant in any fiscal year shall exceed $1,000,000.

"(t) The Administrator shall, in cooperation with State and Federal agencies and public and private organizations, conduct continuing comprehensive studies of the effects and methods of control of thermal discharges. In evaluating alternative methods of control the studies shall consider (1) their relative engineering and technical feasibility, (2) their relative social and economic costs and benefits, and (3) their relative impact on the environment, considering not only water quality but also air quality, land use, and effective utilization and conservation of natural resources. Such studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results of these studies shall be reported by the Administrator as soon as practicable, but not later than one year after enactment of this subsection, and shall be made available to the public and the States, and utilized by the Administrator in proposing regulations with respect to thermal discharges under section 316 of this Act.

"(u) There is authorized to be appropriated (1) $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, for carrying out the provisions of this section other than subsections (g), (p), and (r); (2) not to exceed $7,500,000 for fiscal year 1973 for carrying out the provisions of subsection (g) (1); (3) not to exceed $2,500,000 for fiscal year 1973 for carrying out the provisions of subsection (g) (2); (4) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974 for carrying out the provisions of subsection (p); and not to exceed $15,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, for carrying out the provisions of subsection (r).

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 105. (a) The Administrator is authorized to conduct in the Environmental Protection Agency, and to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of—

"(1) any project which will demonstrate a new or improved method of preventing and abating the discharge into any waters of pollutants from sewers which carry storm water or both storm water and pollutants; or

"(2) any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes), or new or improved methods of joint treatment systems for municipal and industrial wastes;

and to include in such grants such amounts as are necessary for the purpose of reports, plans, and specifications in connection therewith.

"(b) The Administrator is authorized to make grants to any State or States or interstate agency to demonstrate, in river basins or portions thereof, advanced pollution treatment and environmental enhancement techniques to control pollution from all sources, within such basins or portions thereof, including nonpoint sources, together with in-stream water quality improvement techniques.

"(c) The Administrator is authorized to conduct in the Environmental Protection Agency, to make grants to, and to enter into contracts with, persons for research and demonstration projects for prevention of pollution by industry including, but not limited to, treatment of industrial waste. No grant shall be made for any project under this subsection unless the Administrator determines that such project will develop or demonstrate a new or improved method of treating industrial wastes or otherwise prevent pollution by industry, which method shall have industrywide application.

"(d) In carrying out the provisions of this section, the Administrator shall conduct, on a priority basis, an accelerated effort to develop, refine, and achieve practical application of:

"(1) waste management methods applicable to point and nonpoint sources of pollutants to eliminate the discharge of pollutants, including, but not limited to, elimination of runoff of pollutants and the effects of polluants from inplace or accumulated sources;

"(2) advanced waste treatment methods applicable to point and nonpoint sources, including inplace or accumulated sources of pollutants, and methods for reclaiming and recycling water and confining and containing pollutants so they will not migrate to cause water or other environmental pollution; and

"(3) improved methods and procedures to identify and measure the effects of pollutants on the chemical, physical, and biological integrity of water, including those pollutants created by new technological developments.

"(e) (1) The Administrator is authorized to (A) make, in consultation with the Secretary of Agriculture, grants to persons for research and demonstration projects with respect to new and improved methods of preventing and abating pollution from agriculture, and (B) disseminate, in cooperation with the Secretary of Agriculture, such information obtained under this subsection, section 104(p), and section 304 as will encourage and enable the adoption of such methods in the agricultural industry.

"(2) The Administrator is authorized, (A) in consultation with other interested Federal agencies, to make grants for demonstration projects with respect to new and improved methods of preventing, abating, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems, and (B) in cooperation with other interested Federal and State agencies, to disseminate such information obtained under this subsection as will encourage and enable the adoption of new and improved methods developed pursuant to this subsection.

"(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

"(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

"(2) No grant shall be made for any project in an amount exceeding 75 per centum of the cost thereof as determined by the Administrator; and

"(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

"(g) Federal grants under subsections (c) and (d) of this section shall not exceed 75 per centum of the cost of the project.

"(h) For the purpose of this section there is authorized to be appropriated $70,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, and from such appropriations at least 10 per centum of the funds actually appropriated in each fiscal year shall be available only for the purposes of subsection (e).

"GRANTS FOR POLLUTION CONTROL PROGRAMS

"SEC. 106. (a) There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section—

"(1) $60,000,000 for the fiscal year ending June 30, 1973; and

"(2) $75,000,000 for the fiscal year ending June 30, 1974;

for grants to States and to interstate agencies to assist them in carrying out programs for the prevention and abatement of pollution.

"(b) From the sums appropriated in any fiscal year, the Administrator shall make allotments to the several States and interstate agencies in accordance with regulations promulgated by him on the basis of the extent of the pollution problem in the respective States.

"(c) The Administrator is authorized to pay to each State and interstate agency each fiscal year either—

"(1) the allotment of such State or agency for such fiscal year under subsection (b), or

"(2) the reasonable costs as determined by the Administrator of developing and carrying out a pollution program by such State or agency during such fiscal year,

whichever amount is the lesser.

"(d) No grant shall be made under this section to any State or interstate agency for any fiscal year when the expenditure of non-Federal funds by such State or interstate agency during such fiscal year for the recurrent expenses of carrying out its pollution control program are less than the expenditure by such State or interstate agency of non-Federal funds for such recurrent program expenses during the fiscal year ending June 30, 1971.

"(e) Grants shall be made under this section on condition that—

"(1) Such State (or interstate agency) files with the Administrator within one hundred and twenty days after the date of enactment of this section:

"(A) a summary report of the current status of the State pollution control program, including the criteria used by the State in determining priority of treatment works; and

"(B) such additional information, data, and reports as the Administrator may require.

"(2) No federally assumed enforcement as defined in section 309(a)(2) is in effect with respect to such State or interstate agency.

"(3) Such State (or interstate agency) submits within one hundred and twenty days after the date of enactment of this section and before July 1 of each year thereafter for the Administrator's approval its program for the prevention and abatement of pollution in accordance with purposes and provisions of this Act in such form and content as the Administrator may prescribe.

"(f) Any sums allotted under subsection (b) in any fiscal year which are not paid shall be reallotted by the Administrator in accordance with regulations promulgated by him.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 107. (a) The Administrator in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control, including techniques that demonstrate the engineering and economic feasibility and practicality of using sewage sludge materials and other municipal wastes to diminish or prevent pollution from acid, sedimentation, or other water pollutants and to restore the lands on which such projects are located to usefulness for forestry, agriculture, recreation, or other beneficial uses.

"(b) The Administrator, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Administrator; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL ON GREAT LAKES

"SEC. 108. (a) The Administrator, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicability of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Administrator.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of subsections (a) and (b) of this section, which sum shall be available until expended.

"(d)(1) In recognition of the serious conditions which exist in Lake Erie, the Secretary of the Army, acting through the Chief of Engineers, is directed to design and develop a demonstration waste water management program for the rehabilitation and environmental repair of Lake Erie. Prior to the initiation of detailed engineering and design, the program, along with the specific recommendations of the Chief of Engineers, and recommendations for its financing, shall be submitted to the Congress for statutory approval. This authority is in addition to, and not in lieu of, other waste water studies aimed at eliminating pollution emanating from select sources around Lake Erie.

"(2) This program is to be developed in cooperation with the Environmental Protection Agency, other interested departments, agencies, and instrumentalities of the Federal Government, and the States and their political subdivisions. This program shall set forth alternative systems for managing waste water on a regional basis and shall provide local and State governments with a range of choice as to the type of system to be used for the treatment of waste water. These alternative systems shall include both advanced waste treatment technology and land disposal systems including aerated treatment-spray irrigation technology and will also include provisions for the disposal of solid wastes, including sludge. Such program should include measures to control point sources of pollution, area sources of pollution, including acid-mine drainage, urban runoff and rural runoff, and sources of in-place pollutants, including bottom loads, sludge banks, and polluted harbor dredgings.

"(e) There is authorized to be appropriated $5,000,000 to carry out the provisions of subsection (d) of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 109. The Administrator is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 110. (1) A grant or contract authorized by section 109 may be made only upon application to the Administrator at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 109 and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 111;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

"(2) The Administrator shall allocate grants or contracts under section 109 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purpose of this section.

"(3) (A) Payment under this section may be used in accordance with regulations of the Administrator, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 111. (1) The Administrator is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Administrator may determine but not to exceed four academic years.

"(2) The Administrator shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Administrator shall approve a program of any institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 110 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Administrator for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4) (A) The Administrator shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Administrator shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Administrator finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Administrator by or pursuant to regulation.

"(6) The Administrator shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Administrator determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 112. (a) As used in sections 109 through 112 of this Act—

"(1) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Administrator for this purpose. For purposes of this subsection, the Administrator shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(2) The term 'academic year' means an academic year or its equivalent, as determined by the Administrator.

"(b) The Administrator shall annually report his activities under sections 109 through 112 of this Act, including recommendations for needed revisions in the provisions thereof.

"(c) There are authorized to be appropriated $25,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out sections 109 through 112 of this Act.

ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 113. (a) The Administrator is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and elimination or control of pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of pollution for all native villages in such State.

"(b) In carrying out this section the Administrator shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Administrator shall report to Congress not later than January 31, 1974, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

"(d) There is authorized to be appropriated not to exceed $2,000,000 to carry out this section.

"ECONOMIC GROWTH CENTERS

"SEC. 114. In the case of any economic growth center designated under section 143 of title 23, United States Code, the Administrator is authorized to make a supplemental grant to such center in any case where such center receives a grant for construction of treatment works under this Act. Such supplemental grant shall be for such percentage of the costs of such works as the Administrator determines. There is authorized to be appropriated to carry out this section not to exceed $5,000,000.

"TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

"PURPOSE

"SEC. 201. (a) It is the purpose of this title to require, and to assist the development and implementation of, waste treatment management plans and practices.

"(b) Waste treatment management plans and practices shall provide for the application of the best practicable waste treatment technology before any discharge into receiving waters, including reclaiming and recycling of water, and confined disposal of pollutants so they will not migrate to cause water or other environmental pollution and shall provide for consideration of advanced waste treatment technology and aerated treatment-spray-irrigation technology.

"(c) To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution, including in place or accumulated pollution sources.

"(d) The Administrator shall encourage waste treatment management which results in the construction of revenue producing facilities providing for—

"(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture, or aquaculture products, or any combination thereof;

"(2) the confined and contained disposal of pollutants not recycled;

"(3) the reclamation of wastewater; and

"(4) the ultimate disposal of sludge in a manner that will not result in evironmental hazards.

"(e) The Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designated regional management agency to aid in financing other environmental improvement programs.

"(f) The Administrator shall encourage waste treatment management which combines 'open space' and recreational considerations with such management.

"(g) (1) The Administrator is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works.

"(2) The Administrator shall not make grants from funds authorized for any fiscal year beginning after June 30, 1974, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that—

"(A) alternative waste management techniques have been studied and evaluated and the works proposed for grant assistance will provide for the application of the best practicable waste treatment technology over the life of the works consistent with the purposes of this title; and

"(B) as appropriate, the works proposed for grant assistance will take into account and allow to the extent practicable the application of technology at a later date which will provide for the reclaiming or recycling of water or otherwise eliminate the discharge of pollutants.

"(3) The Administrator shall not approve any grant after July 1, 1973, for treatment works under this section unless the applicant shows to the satisfaction of the Administrator that each sewer collection system discharging into such treatment works is not subject to excessive infiltration.

"(4) The Administrator is authorized to make grants to applicants for treatment works grants under this section for such sewer system evaluation studies as may be necessary to carry out the requirements of paragraph (3) of this subsection. Such grants shall be made in accordance with rules and regulations promulgated by the Administrator. Initial rules and regulations shall be promulgated under this paragraph for later than 120 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

"FEDERAL SHARE

"SEC. 202. (a) The amount of any grant for treatment works made under this Act from funds authorized for any fiscal year beginning after June 30, 1971, shall be 60 per centum of the cost of construction thereof (as approved by the Administrator); except that the amount of such grant shall be increased to 75 per centum of such cost if the State agrees to pay at least 15 per centum of the cost of construction of each treatment works for which Federal grants are to be made from funds allocated to such State for such fiscal year. Any grant (other than for reimbursement) made prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from any funds authorized for any fiscal year beginning after June 30, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under this section.

"(b) The amount of the grant for any project approved by the Administrator after January 1, 1971, and before July 1, 1971, for the construction of treatment works, the actual erection, building or acquisition of which was not commenced prior to July 1, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under subsection (a) of this section for grants for treatment works from funds for fiscal years beginning after June 30, 1971, with respect to the cost of such actual erection, building, or acquisition. Such increased amount shall be paid from any funds allocated to the State in which the treatment works is located without regard to the fiscal year for which such funds were authorized. Such increased amount shall be paid for such project only if—

"(1) a sewage collection system that is a part of the same total waste treatment system as the treatment works for which such grant was approved is under construction or is to be constructed for use in conjunction with such treatment works, and if the cost of such sewage collection system exceeds the cost of such treatment works, and

"(2) the State water pollution control agency certifies that the quantity of available ground water will be insufficient to meet the future requirements for public water supply, unless effluents from publicly owned treatment works, after adequate treatment are injected into the ground to replenish the supply of ground water.

"PLANS, SPECIFICATIONS, ESTIMATES, AND PAYMENTS

"SEC. 203. (a) Each applicant for a grant shall submit to the Administrator for his approval, plans, specifications, and estimates for each proposed project for the construction of treatment works for which a grant is applied for under section 201(d) (1) from funds allotted to the State under section 205 and which otherwise meets the requirements of this Act. The Administrator shall act upon such plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such plans, specifications, and estimates shall be deemed a contractual obligation of the United States for the payment of its proportional contribution to such project.

"(b) The Administrator shall, from time to time as the work progresses, make payments to the recipient of a grant for costs of construction incurred on a project. These payments shall at no time exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

"(c) After completion of a project and approval of the final voucher by the Administrator, he shall pay out of the appropriate sums the unpaid balance of the Federal share payable on account of such project.

"LIMITATIONS AND CONDITIONS

"SEC. 204. (a) Before approving grants for any project for any treatment works under section 201(d) (1) the Administrator shall determine—

"(1) that such works are included in any applicable areawide waste treatment management plan developed under section 208 of this Act;

"(2) that such works are in conformity with any applicable State plan under section 303(e) of this Act;

"(3) that such works have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with any applicable State plan under section 303 (e) of this Act;

"(4) that the applicant proposing to construct such works agrees to pay the non-Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring proper and efficient operation, including the employment of trained management and operations personnel, and the maintenance of such works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency, after construction thereof;

"(5) that the size and capacity of such works relate directly to the needs to be served by such works, including sufficient reserve capacity. The amount of reserve capacity provided shall be approved by the Administrator on the basis of a comparison of the cost of constructing such reserves as a part of the works to be funded and the anticipated cost of providing expanded capacity at a date when such capacity will be required;

"(6) that no specification for bids in connection with such works shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment, or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words 'or equal'.

"(b) (1) Notwithstanding any other provision of this title, the Administrator shall not approve any grant for any treatment works under section 201(d) (1) after June 30, 1973, unless he shall first have determined that the applicant (A) has adopted or will adopt a system of charges to assure that each recipient of waste treatment services within the applicant's jurisdiction, as determined by the Administrator, will pay its proportionate share of the costs of operation, maintenance (including replacement), and expansion of any waste treatment services provided by the applicant; (B) has made provision for the payment to such applicant by the industrial users of the treatment works, of that portion of the cost of construction of such treatment works (as determined by the Administrator) which is allocable to the treatment of such industrial wastes to the extent attributable to the Federal share of the cost of construction; and (C) has legal, insitutional, managerial, and financial capability to insure adequate construction, operation, maintenance, and expansion of treatment works throughout the applicant's jurisdiction, as determined by the Administrator.

"(2) The Administrator shall, within one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and after consultation with appropriate State, interstate, municipal, and intermunicipal agencies, issue guidelines applicable to payment of waste treatment costs by industrial and nonindustrial recipients of waste treatment services which shall establish (A) classes of users of such services, including categories of industrial users; (B) criteria against which to determine the adequacy of charges imposed on classes and categories of users reflecting all factors that influence the cost of waste treatment, including strength, volume, and delivery flow rate characteristics of waste; and (C) model systems and rates of user charges typical of various treatment works serving municipal-industrial communities.

"(3) Revenues derived from the payment of costs by industrial users of waste treatment services, to the extent costs are attributable too the Federal share of eligible project costs provided pursuant to this title, as determined by the Administrator, shall be retained by the grantee for use solely for the operation, maintenance, expansion, and construction of treatment works which are publicly owned, in accordance with regulations promulgated by the Administrator.

"(4) Approval by the Administrator of a grant to an interstate agency established by interstate compact for any treatment works shall satisfy any other requirement that such works be authorized by Act of Congress.

"ALLOTMENT

"SEC. 205. (a) All sums authorized to be appropriated pursuant to section 207 for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For the fiscal years ending June 30, 1973, and June 30, 1974, such ratio shall be determined on the basis of the table on page 18 of volume I of Senate Document 92–23 entitled 'The Cost of Clean Water'. Allotments for fiscal years which be- shall be made only in accordance with a gin after the fiscal year ending June 30, 1974, revised cost estimate made and submitted to Congress in accordance with section 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

"(b) (1) Any sums allotted to a State under subsection (a) shall be available for obligation under section 203 on and after the date of such allotment. Such sums shall continue available for obligation in such State for a period of one year after the close of the fiscal year for which such sums are authorized. Any amounts so allotted which are not obligated by the end of such one-year period shall be immediately reallotted by the Administrator, in accordance with regulations promulgated by him, generally on the basis of the ratio used in making the last allotment of sums under this section. Such reallotted sums shall be added to the last allotments made to the States. Any sum made available to a State by reallotment under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this title during any fiscal year.

"(2) Any sums which have been obligated under section 203 and which are released by the payment of the final voucher for the project shall be immediately credited to the State to which such sums were last allotted. Such released sums shall be added to the amounts last allotted to such State and shall be immediately available for obligation in the same manner and to the same extent as such last allotment.

"REIMBURSEMENT AND ADVANCED CONSTRUCTION

"SEC. 206. (a) Any publicly owned treatment works in a State on which construction was initiated after June 30, 1966, but before July 1, 1972, which was approved by the appropriate State water pollution control agency and which the Administrator finds an application was made prior to initiation of construction for financial assistance under this Act and which the Administrator finds meets the requirements of section 8 of this Act in effect at the time of the initiation of construction but which was constructed (1) without financial assistance authorized by such section 8 solely because of the lack of authority or of Federal funds or (2) with financial assistance authorized by such section 8 but in a lesser percentage of the cost of construction than authorized by such section 8 shall qualify for payment and reimbursement of State or local funds used or committed (including retroactive use or commitment of State funds) for such project prior to July 1, 1974, from sums allocated to such State under this section for any fiscal year ending prior to July 1, 1974, to the maximum extent that assistance could have been provided under such section 8 and for which it would have qualified if such project had been approved thereunder and authority for and adequate funds had been available (including retroactive State participation).

"(b) Any publicly owned treatment works constructed with or eligible for Federal financial assistance under this Act in a State between June 30, 1956, and June 30, 1966, which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of section 8 of this Act immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 but which was constructed without assistance under such section 8 or which received such assistance in an amount less than 30 per centum of the cost of such project shall qualify for payments and reimbursement of State or local funds used for such project from sums allocated to such State under this section in an amount which shall not exceed the difference between the amount of such assistance, if any, received for such project and 30 per centum of the cost of such project.

"(c) There is authorized to be appropriated to carry out subsection (a) of this section not to exceed $2,000,000,000 and, to carry out subsection (b) of this section, not to exceed $750,000,000. The authorizations contained in this subsection shall be the sole source of funds for reimbursements authorized by this section.

"(d) (1) In any case where all funds allotted to a State under this title have been obligated under section 203 of this Act, and there is construction of any treatment works project without the aid of Federal funds and in accordance with all procedures and all requirements applicable to treatment works projects, except those procedures and requirements which limit construction of projects to those constructed with the aid of previously allotted Federal funds, the Administrator, upon his approval of an application made under this subsection therefor, is authorized to pay the Federal share of the cost of construction of such project when additional funds are allotted to the State under this title if prior to the construction of the project the Administrator approves plans, specifications, and estimates therefor in the same manner as other treatment works projects. The Administrator may not approve an application under this subsection unless an authorization is in effect for the future fiscal year for which the application requests payments, which authorization will insure such payment without exceeding the State's expected allotment from such authorization.

"(2) In determining the allotment for any fiscal year under this title, any treatment works project constructed in accordance with this section and without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Administrator, or the availability of funds from which this project is eligible for reimbursement has expired, whichever first occurs.

"AUTHORIZATION

"SEC. 207. There is authorized to be appropriated to carry out this title, other than sections 208 and 209, for the fiscal year ending June 30, 1973, $5,000,000,000, for the fiscal year ending June 30, 1974, $6,000,000,000, and for the fiscal year ending June 30, 1975, $7,000,000,000.

"AREAWIDE WASTE TREATMENT MANAGEMENT

"SEC. 208. (a) For the purpose of encouraging and facilitating the development and implementation of areawide waste treatment management plans—

"(1) The Administrator, within ninety days after the date of enactment of this Act and after consultation with appropriate Federal, State, and local authorities, shall by regulation publish guidelines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems.

"(2) The Governor of each State, within sixty days after publication of the guidelines issued pursuant to paragraph (1) of this subsection, shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. Not later than one hundred and twenty days following such identification and after appropriate consultation with the officials of all local governments having jurisdiction in such areas, the Governor shall designate (A) the boundaries of each such area, and (B) a single representative organization capable of developing effective areawide waste treatment management plans for such area. The Governor may in the same manner at any later time identify any additional area (or modify an existing area) for which he determines areawide waste treatment managment to be appropriate, designate the boundaries of such area, and designate an organization capable of developing effective areawide waste treatment management plans for such area.

"(3) With respect to any area which, pursuant to the guidelines published under paragraph (1) of this subsection, is located in two or more States, the Governors of the respective States shall consult and cooperate in carrying out the provisions of paragraph (2), with a view toward designating the boundaries of the interstate area having common water quality control problems and for which areawide waste treatment management plans would be most effective, and toward designating, within one hundred and eighty days after publication of guidelines issued pursuant to paragraph (1) of this subsection, of a single representative organization capable of developing effective areawide waste treatment management plans for such area.

"(4) Existing regional agencies may be designated under paragraphs (2) and (3) of this subsection.

"(5) Designations under this subsection shall be subject to the approval of the Administrator.

"(b) (1) No later than two years after the date of designation of any organization under subsection (a) of this section such organization shall have in operation a continuing areawide waste treatment management planning process consistent with section 201 of this Act. Plans prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved.

"(2) Any plan prepared under such process shall include, but not be limited to—

"(A) the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquisition of land for treatment purposes; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works;

"(B) the establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

"(C) the establishment of a regulatory program to—

"(i) implement the waste treatment management requirements of section 201(c),

"(ii) regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area, and

"(iii) assure that any industrial or commercial wastes discharged into any treatment works in such area meet applicable pretreatment requirements;

"(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

"(e) the identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

"(F) a process to (i) identify, if appropriate, agriculturally related nonpoint sources of pollution, including runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(G) a process to (i) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

"(H) a process to (i) identify construction activity related sources of pollution, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources; and

"(I) a process to (i) identify, if appropriate, salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and (ii) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan.

"(3) Areawide waste treatment management plans shall be certified annually by the Governor or his designee (or Governors or their designees, where more than one State is involved) as being consisted with applicable basin plans and such areawide waste treatment management plans shall be submitted to the Administrator for his approval.

"(c)(1) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, may designate one or more waste treatment management agencies for each area designated under subsection (a) of this section and submit a list of such designations to the Administrator.

"(2) The Administrator shall approve any such designation, within ninety days of designation, only if he finds that the designated management agency (or agencies) is authorized—

"(A) to carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of this section;

"(B) to manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b) of this section;

"(C) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b) of this section;

"(D) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

"(E) to raise revenues, including the assessment of waste treatment charges;

"(F) to incur short- and long-term indebtedness;

"(G) to assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

"(H) to refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area; and

"(I) to accept for treatment industrial wastes.

"(d) After a waste treatment management agency has been designated under this subsection for an area and a plan for such area has been approved under subsection (b) of this section, the Administrator shall not make any grant for construction of a publicly owned treatment works under section 201(d)(1) within such area except to such designated agency and for works in conformity with such plan.

"(e) No permit under section 402 of this Act shall be issued for any point sources which is in conflict with a plan approved pursuant to subsection (b) of this section.

"(f)(1) The Administrator shall make grants to any agency designated under subsection (a) of this section for payment of the reasonable costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) The amount granted to any agency under paragraph (1) of this subsection shall be 100 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section for each of the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975, and shall not exceed 75 per centum of such costs in each succeeding fiscal year.

"(3) There is authorized to be appropriated to the Administrator to carry out this subsection not to exceed $100,000,000 for the fiscal year ending June 30, 1973, and not to exceed $150,000,000 for the fiscal year ending June 30, 1974.

"(g) The Administrator is authorized, upon request of the Governor or the designated planning agency, and without reimbursement, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in the development of areawide waste treatment management plans under subsection (b) of this section.

"(h)(1) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Administrator is authorized and directed, upon request of the Governor or the designated planning organization, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

"(2) There is authorized to be appropriated to the Secretary of the Army, to carry out this subsection, not to exceed $50,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974.

"BASIN PLANNING

"Sec. 209. (a) The President, acting through the Water Resources Council, shall, as soon as practicable, prepare a Level B plan under the Water Resources Planning Act for all basins in the United States. All such plans shall be completed not later than January 1, 1980, except that priority in the preparation of such plans shall be given to those basins and portions thereof which are within those areas designated by a Governor or Governors under paragraphs (2) and (3) of subsection (a) of section 208 of this Act

"(b) The President, acting through the Water Resources Council, shall report annually to Congress on progress being made in carrying out this section. The first such report shall be submitted not later than January 31, 1973.

"(c) There is authorized to be appropriated to carry out this section not to exceed $200,000,000.

"ANNUAL SURVEY

"Sec. 210. The Administrator shall annually make a survey to determine the efficiency of the operation and maintenance of treatment works constructed with grants made under this Act, as compared to the efficiency planned at the time the grant was made. The results of such annual survey shall be included in the report required under section 516(a) of this Act.

"SEWAGE COLLECTION SYSTEMS

"Sec. 211. No grant shall be made under this title for a sewage collection system unless such system is for an existing community and is necessary to the integrity of a total waste treatment works system.

"DEFINITIONS

"Sec. 212. As used in this title—

"(1) The term 'construction' means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineeering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

"(2)(A) The term 'treatment works' means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

"(B) In addition to the definition contained in subparagraph (A) of this paragraph, 'treatment works' means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with sections 301 or 302 of this Act, or the requirements of section 201 of this Act.

"(C) For the purposes of subparagraph (B) of this paragraph, the Administrator shall, within one hundred and eighty days after the date of enactment of this title, publish and thereafter revise no less often than annually, guidelines for the evaluation of methods, including cost-effective analysis, described in subparagraph (B) of this paragraph.

"(3) The term 'replacement' as used in this title means those expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

"(4) The term 'industrial user' means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category 'Division D—Manufacturing' and such other classes of significant waste producers as, by regulation the Administrator deems appropriate under this title.

"TITLE III—STANDARDS AND ENFORCEMENT

"EFFLUENT LIMITATIONS

"Sec. 301. (a) Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.

"(b) In order to carry out the objective of this Act there shall be achieved—

"(1)(A) not later than January 1, 1976, effluent limitations for point sources, other than publicly owned treatment works, (i) which shall require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of this Act, or (ii) in the case of a discharge into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, which shall require compliance with any applicable pretreatment requirements and any requirements under section 307 of this Act; and

"(B) for publicly owned treatment works in existence on January 1, 1976, or approved pursuant to section 203 of this Act prior to June 30, 1974 (for which construction must be completed within four years of approval), effluent limitations based upon secondary treatment as defined by the Administrator pursuant to section 304(d) (1) of this Act; or,

"(C) not later than January 1, 1976, any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, establish pursuant to any other State or Federal law or regulation, or required to implement any applicable water quality standard established pursuant to this Act.

"(2) (A) except as provided in section 315, not later than January 1, 1981, effluent limitations for point sources, other than publicly owned treatment works, (i) which shall require the elimination of the discharge of pollutants, unless on the basis of facts presented by the owner or operator of any such sources, among other information, the State under a program approved pursuant to section 402 of this Act (or, where no such program is approved, the Administrator) finds, that compliance is not attainable at a reasonable cost, in which event there shall be applied an effluent limitation based on that degree of effluent control achievable through the application of the best available demonstrated technology, taking into account the cost of such controls, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of this Act, and the environmental impact, or (ii) in the case of a discharge of a pollutant into a publicly owned treatment works which meets the requirement of subparagraph (B) of this paragraph, which shall require compliance with any applicable pretreatment requirements and any requirement under section 307 of this Act; and

"(B) not later than January 1, 1981, compliance by all publicly owned treatment works with the requirements set forth in section 201(d) (2) (A) of this Act.

"(3) The Administrator may extend for any point source the dates prescribed in subparagraphs (A) and (B) of paragraph (1) of this subsection. No extension or extensions of such date shall exceed a total of two years from the date prescribed in such subparagraph. Public hearings must be held by the Administrator in connection with any such extension prior to granting such extension. No extension shall be granted unless the Administrator determines (i) that it is not possible either physically or legally to complete the necessary construction within the statutory time limit, or (ii) that a longer time period is provided in the plan of implementation for the applicable water quality standard. An extension of dates under this authority may also include a waiver for the same period of any applicable water quality standard.

"(c) Any effluent limitation required by paragraph (2) of subsection (b) of this section shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under such paragraph.

"(d) Effluent limitations established pursuant to this section or section 302 of this Act shall be applied to all point sources of discharge of pollutants in accordance with the provisions of this Act.

"(e) Notwithstanding any other provisions of this Act it shall be unlawful to discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the navigable waters.

"(f) Notwithstanding any other provision of this Act, any point source the construction or modification of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and before the expiration of the one-year period which begins on the date of submission of the report required by section 315 of this Act, and which is so constructed or modified as to meet effluent limitations based upon the best available technology at the time of such construction or modification, shall not be subject to any more stringent effluent limitations with respect to such effluents during a 12-year period beginning on the date of completion of such construction or modification or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever periods ends first.

"WATER QUALITY RELATED EFFLUENT LIMITATIONS

"SEC. 302. (a) Whenever, in the judgment of a State or the Administrator, discharges of pollutants from a point source or group of point sources, with the application of effluent limitations required under section 301(b) (2) of this Act, would interfere with the attainment or maintenance of that water quality in a specific portion of the navigable waters which shall assure protection of public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water, effluent limitations (including alternative effluent control strategies) for such point source or sources shall be established which can reasonably be expected to contribute to the attainment or maintenance of such water quality.

"(b) (1) Before establishing any effluent limitation under subsection (a) of this section, the Administrator shall issue a notice of intent to establish such limitation to the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, and the Director of the Office of Science and Technology. Each person so notified shall have a ninety-day period to submit to the Administrator written comments and recommendations which shall be made part of the public record with respect to the establishment of such limitation. If any part of such written recommendations are not accepted by the Administrator, then the Administrator shall notify, in writing, the person submitting such recommendation, of his failure to so accept such recommendations together with his reasons for so doing. Thereafter, the Administrator shall issue notice of intent to establish such limitation and within ninety days of such notice hold a public hearing to determine the relationship of the economic, social, and environmental costs of achieving any such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the economic, social, and environmental benefits to be obtained (including the attainment of the objective of this Act) and to determine whether or not such effluent limitations can be implemented with available technology or other alternative control strategies.

"(2) Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the State shall issue notice of intent to establish such limitation and within ninety days of such notice hold a public hearing to determine the relationship of the economic, social, and environmental costs of achieving any such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the economic, social, and environmental benefits to be obtained (including the attainment of the objective of this Act) and to determine whether or not such effluent limitations can be implemented with available technology or other alternative control strategies.

"(3) If a person affected by such limitation demonstrates at such hearing that (whether or not such technology or other alternative control strategies are available) there is no reasonable relationship between the economic, social, and environmental costs and the benefits to be obtained (including attainment of the objective of this Act), such limitation shall not become effective and the State or the Administrator shall adjust such limitation as it applies to such person. Whenever the Administrator adjusts or refuses to adjust any limitation as it applies to any person under this paragraph he shall, prior to the time such limitation takes effect, set forth in writing his reasons for such action, and such reasons shall be part of the public record with respect to such limitation.

"(c) The establishment of effluent limitations under this section shall not operate to delay the application of any effluent limitation established under section 301 of this Act.

"WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

"SEC. 303. (a) (1) In order to carry out the purpose of this Act, any water quality standard applicable to interstate waters which was adopted by any State and submitted to, and approved by, or is awaiting approval by, the Administrator pursuant to this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, shall remain in effect unless the Administrator determined that such standard is not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall, within three months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after the date of such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section.

"(2) Any State which, before the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, has adopted, pursuant to its own law, water quality standards applicable to intrastate waters shall submit such standards to the Administrator within thirty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Each such standard shall remain in effect, in the same manner and to the same extent as any other water quality standard established under this Act unless the Administrator determines that such standard is inconsistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. If the Administrator makes such a determination he shall not later than the one hundred and twentieth day after the date of submission of such standards, notify the State and specify the changes needed to meet such requirements. If such changes are not adopted by the State within ninety days after such notification, the Administrator shall promulgate such changes in accordance with subsection (b) of this section.

"(3) (A) Any State which prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 has not adopted pursuant to its own laws water quality standards applicable to intrastate waters shall, not later than one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, adopt and submit such standards to the Administrator.

"(B) If the Administrator determines that any such standards are consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall approve such standards.

"(C) If the Administrator determines that any such standards are not consistent with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, he shall, not later than the ninetieth day after the date of submission of such standards, notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standards pursuant to subsection (b) of this section.

"(b) (1) The Administrator shall promptly prepare and publish proposed regulations setting forth water quality standards for a State in accordance with the applicable requirements of this Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if—

"(A) the State fails to submit water quality standards within the times prescribed in subsection (a) of this section,

"(B) a water quality standard submitted by such State under subsection (a) of this section is determined by the Administrator not to be consistent with the applicable requirements of subsection (a) of this section.

"(2) The Administrator shall promulgate any water quality standard published in a proposed regulation not later than one hundred and ninety days after the date he publishes any such proposed standard, unless prior to such promulgation, such State has adopted a water quality standard which the Administrator determines to be in accordance with subsection (a) of this section.

"(c) (1) The Governor of a State or the State water pollution control agency of such State shall from time to time (but at least once each three year period beginning with the date of enactment of the Federal Water Pollution Control Act Amendments of 1972) hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Results of such review shall be made available to the Administrator.

"(2) Whenever the State revises or adopts a new standard, such revised or new standard shall be submitted to the Administrator. Such revised or new water quality standard shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses. Such standards shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. Such standards shall be established taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses, and also taking into consideration their use and value of navigation.

"(3) If the Administrator, within sixty days after the date of submission of the revised or new standard, determines that such standard meets the requirements of this Act, such standard shall thereafter be the water quality standard for the applicable waters of that State. If the Administrator determines that any such revised or new standard is not consistent with the applicable requirements of this Act, he shall not later than the ninetieth day after the date of submission of such standard notify the State and specify the changes to meet such requirements. If such changes are not adopted by the State within ninety days after the date of notification, the Administrator shall promulgate such standard pursuant to paragraph (4) of this subsection.

"(4) The Administrator shall promptly prepare and publish proposed regulations setting forth a revised or new water quality standard for the navigable waters involved—

"(A) if a revised or new water quality standard submitted by such State under paragraph (3) of this subsection for such waters is determined by the Administrator not to be consistent with the applicable requirements of this Act, or

"(B) in any case where the Administrator determines that a revised or new standard is necessary to meet the requirements of this Act.

The Administrator shall promulgate any revised or new standard under this paragraph not later than ninety days after he publishes such proposed standards, unless prior to such promulgation, such State has adopted a revised or new water quality standard which the Administrator determines to be in accordance with this Act.

"(5) No revised or new standard under this subsection shall have any application to thermal discharges in accordance with regulations issued pursuant to section 316 of this Act.

"(d) (1) Each State shall identify those waters within its boundaries for which the effluent limitations required by section 301 (b) (1) (A) and section 301 (b) (1) (B) are not stringent enough to implement any water quality standard applicable to such waters. The State shall establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters. Each State shall establish for the waters so identified, and in accordance with the priority ranking, the total maximum daily load, with seasonal variations and margins of safety, for those pollutants which the Administrator identifies under section 304(a) (2) as suitable for such calculation. Such load shall be established at a level necessary to implement the applicable water quality standards with a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.

"(2) Each State shall submit to the Administrator from time to time, with the first such submission not later than one hundred eighty days after the date of publication of the first identification of pollutants under section 304(a) (2) (D), for his approval the waters identified and the load established under paragraph (1) of this subsection. The Administrator shall either approve or disapprove such identification and load not later than thirty days after the date of submission. If the Administrator approves such identification and load such State shall incorporate them into its current plan under subsection (e) of this section. If the Administrator disapproves such identification and load, he shall not later than thirty days after the date of such disapproval identify such waters in such State and establish loads for such waters as he determines necessary to implement the water quality standards applicable to such waters and upon such identification and establishment the State shall incorporate them into its current plan under subsection (e) of this section.

"(3) For the purpose of developing information, each State shall identify all waters within its boundaries which it has not identified under paragraph (1) of this subsection and establish for such waters the total maximum daily load, with seasonal variations and margins of safety, for those pollutants which the Administrator identifies under section 304(a) (2) as suitable for such calculation, at a level that would implement the water quality standards.

"(e) (1) Each State shall have a continuing planning process approved under paragraph (2) of this subsection which is consistent with this Act.

"(2) Each State shall submit not later than 120 days after the date of the enactment of the Water Pollution Control Amendments of 1972 to the Administrator for his approval a proposed continuing planning process which is consistent with this Act. Not later than thirty days after the date of submission of such a process the Administrator shall either approve or disapprove such process. The Administrator shall from time to time review each State's approved planning process for the purpose of insuring that such planning process is at all times consistent with this Act. The Administrator shall not approve any State permit program under title IV of this Act for any State which does not have an approved continuing planning process under this section.

"(3) The Administrator shall approve any continuing planning process submitted to him under this section which will result in plans for all navigable waters within such State, which include, but are not limited to, the following:

"(A) effluent limitations and schedules of compliance at least as stringent as those required by section 301(b) (1), section 301 (b) (2) (B), section 306, and section 307, and at least as stringent as any requirements contained in any applicable water quality standard in effect under authority of this section;

"(B) the incorporation of all elements of any applicable areawide waste management plans under section 208, and applicable basin plans under section 209 of this Act;

"(C) total maximum daily load for pollutants in accordance with subsection (d) of this section;

"(D) procedures for revision;

"(E) adequate authority for intergovernmental cooperation;

"(F) adequate implementation, including schedules of compliance, for revised or new water quality standards under subsection (c) of this section;

"(G) controls over the disposition of all residual waste from any water treatment processing;

"(H) an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet the applicable requirements of sections 301 and 302.

"(f) Nothing in this section shall be construed to affect any effluent limitation, or schedule of compliance required by any State to be implemented prior to the dates set forth in sections 301(b) (1) and 301(b) (2) nor to preclude any State from requiring compliance with any effluent limitation or schedule of compliance at dates earlier than such dates.

"INFORMATION AND GUIDELINES

"SEC. 304. (a) (1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) criteria for water quality accurately reflecting the latest scientific knoweldge (A) on the kind and extent of all identifiable effects on health and welfare including, but not limited to, plankton, fish, shellfish, wildlife, plant life, shorelines, beaches, esthetics, and recreation which may be expected from the presence of pollutants in any body of water, including ground water; (B) on the concentration and dispersal of pollutants, or their byproducts, through biological, physical, and chemical processes; and (C) on the effects of pollutants on biological community diversity, productivity, and stability, including information on the factors affecting rates of eutrophication and rates of organic and inorganic sedimentation for varying types of receiving waters.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this title (and from time to time thereafter revise) information (A) on the factors necessary to restore and maintain the natural chemical, physical, and biological integrity of all navigable waters, ground waters, waters of the contiguous zone, and the oceans; (B) on the factors necessary for the protection and propagation of shellfish, fish, and wildlife and to allow recreational activities in and on the water; and (C) on the measurement and classification of water quality; and (D) on and the identification of pollutants suitable for maximum daily load measurement correlated with the achievement of water quality objectives.

"(3) Such criteria and information and revisions thereof shall be issued to the States and shall be published in the Federal Register and otherwise made available to the public.

"(b) For the purpose of adopting or revising effluent limitations under this Act the Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, publish within one year of enactment of this title, regulations, providing guidelines for effluent limitations, and, at least annually thereafter, revise, if appropriate, such regulations. Such regulations shall—

"(1)(A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best practicable control technology currently available for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the control measures and practices to be applicable to any point sources (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with subsection (b)(1) of section 301 of this Act, shall take into account the age of equipment and facilities involved, the process employed (including whether batch or continuous), the engineering aspects of the application of various types of demonstrated control techniques, process changes, the cost and the economic, social, and environmental impact of achieving such effluent reduction, foreign competition, and such other factors as the Administrator deems appropriate;

"(2) (A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best available demonstrated control measures and practices including treatment techniques, process and procedure innovations, operating methods, and other alternatives for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b)(2) of section 301 of this Act to be applicable to any point source (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best available demonstrated technology shall take into account the age of equipment and facilities involved, the process employed (including whether batch or continuous), the engineering aspects of the application of various types of demonstrated control techniques, process changes, the cost and the economic, social, and environmental impact of achieving such effluent reduction, foreign competition, and such other factors as the Administrator deems appropriate; and

"(3) identify control measures and practices available to eliminate the discharge of pollutants from categories and classes of point sources, taking into account the cost of achieving such elimination of the discharge of pollutants.

"(c) The Administrator, after consultation, with appropriate Federal and State agencies and other interested persons, shall issue to the States and appropriate water pollution control agencies within one year after enactment of this title (and from time to time thereafer) information on the processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of this Act. Such information shall include technical and other data, including costs, as are available on alternative methods of elimination or reduction of the discharge of pollutants. Such information, and revisions thereof, shall be published in the Federal Register and otherwise shall be made available to the public.

"(d)(1) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within sixty days after enactment of this title (and from time to time thereafter) information, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, on the degree of effluent reduction attainable through the application of secondary treatment.

"(2) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall publish within nine months after the date of enactment of this life (and from time to time thereafter) information on alternative waste treatment management techniques and systems available to implement section 201 of this Act.

"(e) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue to appropriate Federal agencies, the States, water pollution control agencies, and agencies designated under section 208 of this Act, within one year after the effective date of this subsection (and from time to time thereafter) information including (1) guidelines for identifying and evaluating the nature and extent of nonpoint sources of pollutants, and (2) processes, procedures, and methods to control pollution resulting from—

"(A) agricultural and silvicultural activities, including runoff from fields and crop and forest lands;

"(B) mining activities, including runoff and siltation from new, currently operating, and abandoned surface and underground mines;

"(C) all construction activity, including runoff from the facilities resulting from such construction;

"(D) the disposal of pollutants in wells or in subsurface excavations;

"(E) salt water intrusion resulting from reductions of fresh water flow from any cause, including extraction of ground water, irrigation, obstruction, and diversion; and

"(F) changes in the movement, flow, or circulation of any navigable waters or ground waters, including changes caused by the construction of dams, levees, channels, causeways, or flow diversion facilities.

Such information and revisions thereof shall be published in the Federal Register and otherwise made available to the public.

"(f)(1) For the purpose of assisting States in carrying out programs under section 402 of this Act, the Administrator shall publish, within one hundred and twenty days after the date of enactment of this title, and review at least annually thereafter and, if appropriate, revise guidelines for pretreatment of pollutants which he determines are not susceptible to treatment by publicly owned treatment works. Guidelines under this subsection shall be established to control and prevent the discharge into the navigable waters, the contiguous zone, or the ocean (either directly or through publicly owned treatment works) of any pollutant which interferes with, passes through, or otherwise incompatible with such works.

"(2) When publishing guidelines under this subsection, the Administrator shall designate the category or categories of treatment works to which the guidelines shall apply.

"(g) The Administrator shall, within one hundred and eighty days from the date of enactment of this title, promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to section 401 of this Act or permit application pursuant to section 402 of this Act.

"(h) The Administrator shall (1) within ninety days after the enactment of this title promulgate guidelines for the purpose of establishing uniform application forms and other minimum requirements for the acquisition of information from owners and operators of point sources of discharge subject to any State program under section 402 of this Act, and (2) within ninety days from the date of enactment of this title promulgate guidelines establishing the minimum procedural and other elements of any State program under section 402 of this Act which shall include:

"(A) monitoring requirements;

"(B) reporting requirements (including procedures to make information available to the public);

"(C) enforcement provisions; and

"(D) funding, personnel qualifications, and manpower requirements (including a requirement that no board or body which approves permit applications or portions thereof shall include, as a member, any person who receives, or has during the previous two years received, a significant portion of his income directly or indirectly from permit holders or applicants for a permit).

"(i) The Administrator shall, within one year after the effective date of this subsection (and from time to time thereafter), issue such information on methods, procedures, and processes as may be appropriate to restore and enhance the quality of the Nation's publicly owned fresh water lakes.

"(j)(1) The Administrator shall, within six months from the date of enactment of this title, enter into agreements with the Secretary of Agriculture, the Secretary of the Army, and the Secretary of the Interior to provide for the maximum utilization of the appropriate programs authorized under other Federal law to be carried out by such Secretaries for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under section 208 of this Act.

"(2) The Administrator, pursuant to any agreement under paragraph (1) of this subsection is authorized to transfer to the Secretary of Agriculture, the Secretary of the Army, or the Secretary of the Interior any funds appropriated under paragraph (3) of this subsection to supplement any funds otherwise appropriated to carry out appropriate programs authorized to be carried out by such Secretaries.

"(3) There is authorized to be appropriated to carry out the provisions of this subsection, $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974. Sums so appropriated shall remain available until expended.

"WATER QUALITY INVENTORY

"SEC. 305. (a) The Administrator, in cooperation with the States and with the assistance of appropriate Federal agencies, shall prepare a report to be submitted to the Congress on or before July 1, 1973, which shall—

"(1) describe the specific quality, during 1972, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, of all navigable waters and the waters of the contiguous zone;

"(2) include an inventory of all point sources of discharge (based on a qualitative and quantitative analysis of discharges) of pollutants into all navigable waters and the waters of the contiguous zone; and

"(3) identify specifically those navigable waters, the quality of which

"(A) is adequate to provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allow recreational activities in and on the water;

"(B) can reasonably be expected to attain such level by 1976 or 1981; and

"(C) can reasonably be expected to attain such level by any later date.

"(b)(1) Each State shall prepare and submit to the Administrator by July 1, 1974, and shall bring up to date each year thereafter, a report which shall include—

"(A) a description of the water quality of all navigable waters in such State during the preceding year, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, correlated with the quality of water required by the objective of this Act (as identified by the Administrator pursuant to criteria published under section 304(a) of this Act) and the water quality described in subparagraph (B) of this paragraph;

"(B) an analysis of the extent to which all navigable waters of such State provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;

"(C) an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality which provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water, have been or will be achieved by the requirements of this Act, together with recommendations as to additional action necessary to achieve such objectives and for what waters such additional action is necessary;

"(D) an estimate of (i) the economic, social, and environmental costs necessary to achieve the objectives of this Act in such State; (ii) the economic, social, and environmental benefits of such achievement; and (iii) an estimate of the date of such achievement; and

"(E) a description of the nature and extent of nonpoint sources of pollutants, and recommendations as to the programs which must be undertaken to control each category of such sources, including an estimate of the costs of implementing such programs.

"(2) The Administrator shall transmit such State reports, together with an analysis thereof, to Congress on or before April 1, 1975, and annually thereafter.

"NATIONAL STANDARDS OF PERFORMANCE

"SEC. 306. (a) For purposes of this section:

"(1) The term 'standard of performance' means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

"(2) The term 'new source' means any source, the construction or modification of which is commenced after the publication of proposed regulations prescribing a standard of performance under this section which will be applicable to such source, if such standard is thereafter promulgated in accordance with this section.

"(3) The term 'source' means any building, structure, facility, or installation from which there is or may be the discharge of pollutants.

"(4) The term 'owner or operator' means any person who owns, leases, operates, controls, or supervises a source.

"(5) The term 'modification' means any construction (other than construction of pollution abatement facilities as determined by the Administrator or appropriate State agency) which may alter the nature or may increase the amounts of pollutants, or combinations of such pollutants, discharged by a source.

"(6) The term 'construction' means any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

"(b)(1)(A) The Administrator shall, within ninety days after the date of enactment of this title publish (and from time to time thereafter shall revise) a list of categories of sources, which shall, at the minimum, include:

"pulp and paper mills;

"paperboard, builders paper and board mills;

"meat product and rendering processing;

"dairy products processing;

"grain mills;

"canned and preserved fruits and vegetables processing;

"canned and preserved seafood processing;

"sugar processing;

"textile mills;

"cement manufacturing;

"feedlots;

"electroplating;

"organic chemicals manufacturing;

"inorganic chemicals manufacturing;

"plastic and synthetic materials manufacturing;

"soap and detergent manufacturing;

"fertilizer manufacturing;

"petroleum refining;

"iron and steel manufacturing;

"ironferrous metals manufacturing;

"phosphate manufacturing;

"steam electric powerplants;

"ferroalloy manufacturing;

"leather tanning and finishing;

"glass and asbestos manufacturing;

"rubber processing; and

"timber products processing.

"(B) As soon as practicable, but in no case more than one year, after a category of sources is included in a list under subparagraph (A) of this paragraph, the Administrator shall propose and publish regulations establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one hundred and twenty days after publication of such proposed regulations, such standards with such adjustments as he deems appropriate. The Administrator shall, from time to time, as technology and alternatives change, revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance, or revisions thereof, shall become effective upon promulgation. In establishing or revising Federal standards of performance for new sources under this section, the Administrator shall take into consideration factors relating to the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of demonstrated control techniques, process changes, the cost of and the economic, social, and environmental impact of achieving such effluent reduction, foreign competition, and such other factors as he determines appropriate.

"(C) Such standards of performance shall apply to all sources within such category, unless, upon application from an owner or operator of any source which as a result of modification is subject to this section, the Administrator determines, after public hearing, that the economic, social, and environmental costs of implementing such standard bear no reasonable relationship to the economic, social, and environmental benefits (including water quality objectives) to be obtained. Any such determination shall be accompanied by an appropriate adjustment of such standard for such source, which shall reflect the greatest degree of effluent reduction which the Administrator determines can reasonably be achieved by such source.

"(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards and shall consider the type of process employed (including whether batch or continuous).

"(3) The provisions of this section shall apply to any new source owned or operated by the United States.

"(c) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

"TOXIC AND PRETREATMENT EFFLUENT STANDARDS

"SEC. 307. (a)(1) The Administrator shall, within ninety days after the date of enactment of this title, publish (and from time to time thereafter revise) a list which includes any toxic pollutant or combination of such pollutants for which an effluent standard (which may include a prohibition of the discharge of such pollutants or combination of such pollutants) will be established under this section. The Administrator in publishing such list shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in the receiving waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms.

"(2) Within one hundred and eighty days after the date of publication of any list, or revision thereof, containing toxic pollutants or combination of pollutants under paragraph (1) of this subsection, the Administrator, in accordance with section 553 of title 5 of the United States Code, shall publish a proposed effluent standard (or a prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistent, degradability, the usual or potential presence of the affected organisms in the receiving waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standards (or prohibition) shall be promulgated.

"(3) If after a public hearing the Administrator finds that a modification of such proposed standard (or prohibition) is justified, a revised effluent standard (or prohibition) for such pollutant or combination of pollutants shall be promulgated immediately. Such standard (or prohibition) shall be reviewed and, if appropriate, revised at least every three years.

"(4) Any effluent standard promulgated under this section shall be at that level which the Administrator determines provides an ample margin of safety.

"(5) When proposing or promulgating any effluent standard (or prohibition) under this section, the Administrator shall designate the category or categories of sources to which the effluent standard (or prohibition) shall apply.

"(6) Any effluent standard (or prohibition) established pursuant to this section shall take effect on such date or dates as specified in the order promulgating such standard, but in no case more than one year from the date of such promulgation.

"(7) Prior to publishing any regulations pursuant to this section the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, States, independent experts, and Federal departments and agencies.

"(8) After the effective date of any effluent standard or prohibition promulgated under this subsection, it shall be unlawful for any owner or operator of any source to operate any source in violation of any such effluent standard or prohibition.

"(b)(1) The Administrator shall, within one hundred and eighty days after the date of enactment of this title and from time to time thereafter, publish proposed regulations establishing pretreatment standards for introduction of pollutants into treatment works (as defined in section 212 of this Act) which are publicly owned for those pollutants which are determined not to be susceptible to treatment by such treatment works or which would interfere with the operation of such treatment works. Not later than ninety days after such publication, and after opportunity for public hearing, the Administrator shall promulgate such pretreatment standards. Pretreatment standards under this subsection shall specify a time for compliance not to exceed three years from the date of promulgation and shall be established to prevent the discharge of any pollutant through treatment works (as defined in section 212 of this Act) which are publicly owned, which pollutant interferes with, passes through, or otherwise is incompatible with such works.

"(2) The Administrator shall, from time to time, as control technology, processes, operating methods, or other alternatives change, revise such standards following the procedure established by this subsection for promulgation of such standards.

"(3) When proposing or promulgating any pretreatment standard under this section, the Administrator shall designate the category or categories of sources to which such standard shall apply.

"(4) Nothing in this subsection shall effect any pretreatment requirement established by any State or local law not in conflict with any pretreatment standard established under this subsection.

"INSPECTIONS, MONITORING, AND ENTRY

"SEC. 308. (a) Whenever required to carry out the objective of this Act, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this Act; (2) determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance; (3) any requirement established under this section; or (4) carrying out sections 305, 311, 402, and 504 of this Act—

"(A) the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as he may reasonably require; and

"(B) the Administrator or his authorized representative, upon presentation of his credentials—

"(i) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under clause (A) of this subsection are located, and

"(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under clause (A), and sample any effluents which the owner or operator of such source is required to sample under such clause.

"(b) Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"FEDERAL ENFORCEMENT

"SEC. 309. (a)(1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any condition or limitation which implements sections 301, 302, 306, 307, 308, or 316 of this Act in a permit issued by a State under an approved permit program under section 402 of this Act, he shall proceed under his authority in paragraph (3) of this subsection or he shall notify the person in alleged violation and such State of such finding. If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order requiring such person to comply with such condition or limitation or shall bring a civil action in accordance with subsection (b) of this section.

"(2) Whenever, on the basis of information available to him, the Administrator finds that violations of permit conditions or limitations as set forth in paragraph (1) of this subsection are so widespread that such violations appear to result from a failure of the State to enforce such permit conditions or limitations effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such conditions and limitations (hereafter referred to in this section as the period of 'federally assumed enforcement'), the Administrator shall enforce any permit condition or limitation with respect to any person—

"(A) by issuing an order to comply with such condition or limitation, or

"(B) by bringing a civil action under subsection (b) of this section.

"(3) Whenever on the basis of any information available to him the Administrator finds that any person is in violation of sections 301, 302, 306, 307, 308, or 316 of this Act, or is in violation of any permit condition or limitation implementing any of such sections, in a permit issued under section 402 of this Act by him or by a State, he shall issue an order requiring such person to comply with such section or requirement, or he shall bring a civil action in accordance with subsection (b) of this section.

"(4) A copy of any order issued under this subsection shall be sent immediately by the Administrator to the State in which the violation occurs and other affected States. Any order issued under this subsection shall be by personal service and shall state with reasonable specificity the nature of the violation, specify a time for compliance, not to exceed thirty days, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1) of this subsection) is issued to a corporation, a copy of such order (or notice) shall be served on any appropriate corporate officers. An order issued under this subsection relating to a violation of section 308 of this Act shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator concerning the alleged violation.

"(b) The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under subsection (a) of this section. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State.

"(c)(1) Any person who willfully or negligently violates section 301, 302, 306, 307, 308, or 316 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation or by imprisonment for not more than two years or by both.

"(2) Any person who knowingly makes any false statement representation or certification in any application record report plan or other document filed or required to be maintained under this Act or who falsifies tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment for not more than six months or by both.

"(3) For the purposes of this subsection, the term 'person' shall mean, in addition to the definition contained in section 505(5) of this Act, any responsible corporate officer.

"(d) Any person who violates section 301, 302, 306, 307, 308, or 316 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator, or by a State, and any person who violates any order issued by the Administrator under subsection (a) of this section, shall be subject to a civil penalty not to exceed $10,000 per day of such violation.

"(e) Whenever a municipality is a party to a civil action brought by the United States under this section, the State in which such municipality is located shall be joined as a party. Such State shall be liable for payment of any judgment, or any expenses incurred as a result of complying with any judgment, entered against the municipality in such action to the extent that the laws of that State prevent the municipality from raising revenues needed to comply with such judgment.

"INTERNATIONAL POLLUTION ABATEMENT

"SEC. 310. (a) Whenever the Administrator, upon receipts of reports, surveys, or studies from any duly constituted international agency, has reason to believe that pollution is occurring which endangers the health or welfare of persons in a foreign country, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State or States in which such discharge or discharges originate and to the appropriate interstate agency, if any. He shall also promptly call such a hearing, if he believes that such pollution is occurring in sufficient quantity to warrant such action, and if such foreign country has given the United States essentially the same rights with respect to the prevention and control of pollution occurring in that country as is given that country by this subsection. The Administrator, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the hearing, and the representative of such country shall, for the purpose of the hearing and any further proceeding resulting from such hearing, have all the rights of a State water pollution control agency. Nothing in this subsection shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of pollution in waters covered by those treaties.

"(b) The calling of a hearing under this section shall not be construed by the courts, the Administrator, or any person as limiting, modifying, or otherwise affecting the functions and responsibilities of the Administrator under this section to establish and enforce water quality requirements under this Act.

"(c) The Administrator shall publish in the Federal Register a notice of a public hearing before a hearing board of five or more persons appointed by the Administrator. A majority of the members of the board and the chairman who shall be designated by the Administrator shall not be officers or employees of Federal, State, or local governments. On the basis of the evidence presented at such hearing, the board shall within sixty days after completion of the hearing make findings of fact as to whether or not such pollution is occurring and shall thereupon by decision, incorporating its findings therein, make such recommendations to abate the pollution as may be appropriate and shall transmit such decision and the record of the hearings to the Administrator. All such decisions shall be public. Upon receipt of such decision, the Administrator shall promptly implement the board's decision in accordance with the provisions of this Act.

"(d) In connection with any hearing called under this subsection, the board is authorized to require any person whose alleged activities result in discharges causing or contributing to pollution to file with it in such forms as it may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the board may prescribe, and shall be filed with the board within such reasonable period as it may prescribe, unless additional time is granted by it. Upon a showing satisfactory to the board by the person filing such report that such report or portion thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge trade secrets or secret processes of such person, the board shall consider such report or portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code. If any person required to file any report under this paragraph shall fail to do so within the time fixed by the board for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $1,000 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States in the district court of the United States where such person has his principal office or in any district in which he does business. The Administrator may upon application therefor remit or mitigate any forfeiture provided for under this subsection.

"(e) Board members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing board business, entitled to receive compensation at a rate fixed by the Administrator but not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

"(f) When any such recommendation adopted by the Administrator involves the institution of enforcement proceedings against any person to obtain the abatement of pollution subject to such recommendation, the Administrator shall institute such proceedings if he believes that the evidence warrants such proceedings. The district court of the United States shall consider and determine de novo all relevant issues, but shall receive in evidence the record of the proceedings before the conference or hearing board. The court shall have jurisdiction to enter such judgment and orders enforcing such judgment as it deems appropriate or to remand such proceedings to the Administrator for such further action as it may direct.

"OIL AND HAZARDOUS SUBSTANCE LIABILITY

"SEC. 311. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bareboat-chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to mimimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit;

"(14) 'hazardous substance' means any substance designated pursuant to subsection (b)(2) of this section.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2)(A) The Administrator shall develop, promulgate, and revise as may be appropriate, regulations designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

"(B)(i) The Administrator shall include in any designation under subparagraph (A) of this subsection a determination whether any such designated hazardous substance is itself actually removable.

"(ii) The owner or operator of any vessel, onshore facility, or offshore facility from which there is discharged any hazardous substance determined not removable under clause (i) of this subparagraph shall be liable, subject to the defenses to liability provided under subsection (f) of this section, as appropriate, to the United States for a civil penalty per discharge established by the Administrator based on toxicity, degradability, and disposal characteristics of such substance, in an amount not to exceed $50,000, except that where the United States can show that such discharge was a result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States for a civil penalty in such amount as the Administrator shall establish, based upon the toxicity, degradability and disposal characteristics of such substance.

"(3) The discharge of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (4) of this subsection, is prohibited, except (A) in the case of such discharges of oil into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(4) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil and any hazardous substance the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(5) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(6) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance is discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $5,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c) (1) Whenever any oil or a hazardous substance is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil or substance at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil and hazardous substances, pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal, and removal of oil and hazardous substances, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil and hazardous substance pollution control equipment and material, and a detailed oil and hazardous substance pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil and hazardous substances to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and hazardous substances and actions to minimize damage from oil and hazardous substances discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil or hazardous substance.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil or a hazardous substance is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an on-shore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b) (2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil or a hazardous substance in violation of subsection (b) (2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil or substance by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section, proves that such discharge of oil or hazardous substance was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil or substance by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred if such owner or operator were liable. If the United States can show that the discharge of oil or a hazardous substance in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil or hazardous substance.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil or a hazardous substance is discharged in violation of subsection (b)(2) of this section acts to remove such oil or substance in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil and hazardous substances, (B) establishing criteria for the development and implementation of local and regional oil and hazardous substance removal contingency plans, (C) establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges and (D) governing the inspection of vessels carrying cargoes of oil and hazardous substances and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (d), (i), and (l) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam and the Trust Territory of the Pacific Islands, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly owned or privately owned property resulting from a discharge of any oil or hazardous substance or from the removal of any such oil or hazardous substance.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or hazardous substance into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective April 3, 1971, with respect to oil and one year after the date of enactment of this section with respect to hazardous substances. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"MARINE SANITATION DEVICES

"SEC. 312. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bare-boat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico. the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b) (1) As soon as possible, after the enactment of this section and subject to the provisions of section 104(j) of this Act, the Administrator, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c) (1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Administrator, may distinguish among classes, type, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b) (1) of this section and certifications under subsection (g) (2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Administrator and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from a vessel of any sewage, whether treated or not, into such waters.

"(g) (1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Administrator as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideraion of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Administrator or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Administrator or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by the Administrator or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g) (1) of this section and subsection (h) (1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punishsd by such court as a contempt thereof.

"(j) Any person who violates subsection (g)(1) of this section or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam and the Trust Territory of the Pacific Islands, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"FEDERAL FACILITIES POLLUTION CONTROL

"SEC. 313. Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants shall comply with Federal, State, interstate, and local requirements respecting control and abatement of pollution to the same extent that any person is subject to such requirements, including the payment of reasonable service charges. The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any such a requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption.

"CLEAN LAKES

"SEC. 314. (a) Each State shall prepare or establish, and submit to the Administrator for his approval—

"(1) an identification and classification according to eutrophic condition of all publicly owned fresh water lakes in such State;

"(2) procedures, processes, and methods (including land use requirements), to control sources of pollution of such lakes; and

"(3) methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes.

"(b) The Administrator shall provide financial assistance to States in order to carry out methods and procedures approved by him under this section.

"(c)(1) The amount granted to any State for any fiscal year under this section shall not exceed 70 per centum of the funds expended by such State in such year for carrying out approved methods and procedures under this section.

"(2) There is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973; and $150,000,000 for the fiscal year 1974 for grants to States under this section which such sums shall remain available until expended. The Administrator shall provide for an equitable distribution of such sums to the States with approved methods and procedures under this section.

"NATIONAL ACADEMIES STUDY

"SEC. 315. (a) The National Academy of Sciences and the National Academy of Engineering, acting through the National Research Council, shall make a full and complete investigation and study of all of the technological aspects of achieving, and all aspects of the total economic, social, and environmental effects of achieving or not achieving, the effluent limitations and goals set forth for 1981 in section 301(b)(2) of this title. A report shall be submitted to Congress of the results of such investigation and study, together with recommendations, not later than two years after the date of enactment of this title. Notwithstanding the provisions of section 301(b)(2) of this title or any other provision of this Act to the contrary, effluent limitations, goals, and policies established for 1981 for point and nonpoint sources (other than publicly owned treatment works) and later years for point and nonpoint sources, by this Act shall not take effect until such time as Congress shall, by statute enacted after the submission of the report required by this subsection, specifically so provide.

"(b) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Academies in carrying out the requirements of subsection (a) of this section, and shall furnish to such Academies such information as the Academies deem necessary to carry out this section.

"(c) There is authorized to be appropriated to the President, for use in carrying out this section, not to exceed $15,000,000.

"REGULATION OF THERMAL DISCHARGES

"SEC. 316. (a) As soon as practicable, but not later than one year after enactment of this section, the Administrator shall issue proposed regulations with respect to control of thermal discharges.

"(b) Such proposed regulations shall recognize that the optimum method of control of any thermal discharge may depend upon local conditions, including the type and size of the receiving body of water. The regulations shall require any person proposing to make such a discharge to consider all alternative methods for controlling such a discharge, including, but not limited to (1) utilization of available water bodies or cooling devices, including once-through cooling, mixing zones, cooling ponds, spray ponds, evaporative or nonevaporative cooling towers, (2) dilution of heated waters with cooler waters, and (3) an alteration of the outlet configuration. In evaluating such alternative methods of control consideration shall be given to (1) their relative engineering and technical feasibility, (2) their relative social and economic costs and benefits, (3) their relative impact on the environment, considering not only water quality but also air quality, land use, and effective utilization and conservation of natural resources, and (4) methods of minimizing adverse effects and maximizing beneficial effects of such discharges.

"(c) The Administrator shall afford interested persons an opportunity, not to exceed sixty days, for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one hundred and twenty days after publication of such proposed regulations, final regulations. The Administrator shall, from time to time, as technology and alternatives change, revise such regulations.

"(d) Such regulations shall apply to thermal discharges from all sources, unless the Administrator determines, after a public hearing requested by the owner or operator of a point source, that the economic and social costs of implementing the regulations at a point source bear no reasonable relationship to the economic and social benefits (including water quality objectives) to be attained. Any such determination shall be accompanied by an appropriate adjustment of such regulations for such source, which shall reflect the greatest degree of control which the Administrator determines can reasonably be achieved at such source.

"(e) The provisions of this section shall apply to point sources owned or operated by the United States or instrumentalities thereof.

"FINANCING STUDY

"SEC. 317. (a) The Administrator shall continue to investigate and study the feasibility of alternate methods of financing the cost of preventing, controlling and abating pollution as directed in the Water Quality Improvement Act of 1970 (Public Law 91-224), including, but not limited to, the feasibility of establishing a pollution abatement trust fund. The results of such investigation and study shall be reported to the Congress not later than two years after enactment of this title, together with recommendations of the Administrator for financing the programs for preventing, controlling and abating pollution for the fiscal years beginning after fiscal year 1976, including any necessary legislation.

"(b) There is authorized to be appropriated for use in carrying out this section, not to exceed $1,000,000.

"AQUACULTURE

"SEC. 318. (a) The Administrator is authorized, after public hearings, to permit the discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project under Federal or State supervision.

"(b) There is authorized to be appropriated not later than January 1, 1974, establish any procedures and guidelines he deems necessary to carry out this section.

"TITLE IV—PERMITS AND LICENSES

"CERTIFICATION

"SEC. 401. (a) (1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 306, 307, and 316 of this Act. In the case of any such activity for which there is not an applicable effluent limitation or other limitation under sections 301(b) and 302, and there is not an applicable standard under sections 306 and 307, and there is not an applicable regulation under section 316, the State shall so certify, except that any such certification shall not be deemed to satisfy section 511(c) of this Act. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it and, to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where a State or interstate agency has no authority to give such a certification, such certification shall be from the Administrator. If the State, interstate agency, or Administrator, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Administrator, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Administrator of such application and certification. Whenever such a discharge may affect, as determined by the Administrator, the quality of the waters of any other State, the Administrator within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate any water quality requirement in such State, and within such sixty-day period notifies the Administrator and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Administrator shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Administrator, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality requirements. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Administrator, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Administrator, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with the applicable provisions of sections 301, 302, 306, 307, and 316 of this Act because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, (C) the water quality criteria applicable to such waters or (D) applicable effluent limitations or other requirements. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or, if appropriate, the interstate agency or the Administrator, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted, which changes may result in violation of section 301, 302, 306, 307, or 316 of this Act.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or, if appropriate, the interstate agency or the Administrator to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Administrator that the operation of any such federally licensed or permitted facility or activity will violate applicable effluent limitations or other limitations or other water quality requirements such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Administrator, as the case may be, that there is reasonable assurance that such facility or activity will not violate the applicable provisions of section 301, 302, 306, 307, or 316 of this Act.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under this Act that such facility or activity has been operated in violation of the applicable provisions of section 301, 302, 306, 307, or 316 of this Act.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) In any case where actual construction of a facility has been lawfully commenced prior to April 3, 1970, no certification shall be required under this subsection for a license or permit issued after April 3, 1970, to to operate such facility, except that any such license or permit issued without certification shall terminate April 3, 1973, unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this section.

"(b) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with any applicable water quality requirements. The Administrator shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable effluent limitations, or other limitations, standards, regulations, or requirements, or water quality criteria, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such limitations, standards, regulations, requirements, or criteria.

"(c) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

"(d) Any certification provided under this section shall set forth any effluent limitations and other limitations, and monitoring requirements necessary to assure that any applicant for a Federal license or permit will comply with any applicable effluent limitations and other limitations, under section 301 or 302 of this Act, standard of performance under section 306 of this Act, or prohibition, effluent standard, or pretreatment standards under section 307 of this Act, or any regulation under section 316 of this Act, and shall become a condition on any Federal license or permit subject to the provisions of this section.

"NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

"SEC. 402. (a) (1) Except as provided in sections 318 and 404 of this Act, the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants or any thermal discharge, notwithstanding section 301(a), upon condition that such discharge will meet either all applicable requirements under sections 301, 302, 306, 307, 308, 316, and 403 of this Act, or prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of this Act.

"(2) The Administrator shall prescribe conditions for such permits to assure compliance with the requirements of paragraph (1) of this subsection, including conditions on data and information collection, reporting; and such other requirements as he deems appropriate.

"(3) The permit program of the Administrator under paragraph (1) of this subsection, and permits issued thereunder, shall be subject to the same terms, conditions, and requirements as apply to a State permit program and permits issued thereunder under subsection (b) of this section.

"(4) All permits for discharges into the navigable waters issued pursuant to section 13 of the Act of March 3, 1899, shall be deemed to be permits issued under this title, and permits issued under this title shall be deemed to be permits issued under section 13 of the Act of March 3, 1899, and shall continue in force and effect for their term unless revoked, modified, or suspended in accordance with the provisions of this Act.

"(5) No permit for a discharge into the navigable water shall be issued under section 13 of the Act of March 3, 1899, after the date of enactment of this title. Each application for a permit under section 13 of the Act of March 3, 1899, pending on the date of enactment of this Act shall be deemed to be an application for a permit under this section. The Administrator may authorize a State, which he determines has the capability of administering a permit program which will carry out the objective of this Act, to issue permits for discharges into the navigable waters within the jurisdiction of such State. The Administrator may exercise the authority granted him by the preceding sentence only during the period which begins on the date of enactment of this Act and ends either on the ninetieth day after the date of the first promulgation of guidelines required by section 304(h)(2) of this Act, or the date of approval by the Administrator of a permit program for such State under subsection (b) of this section, whichever date first occurs, and no such authorization to a State shall extend beyond the last day of such period. Each such permit shall be subject to such conditions as the Administrator determines are necessary to carry out the provisions of this Act. No such permit shall issue if the Administrator objects to such issuance.

"(b) At any time after the promulgation of the guidelines required by subsection (h)(2) of section 304 of this Act, the Governor of each State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact. In addition, such State shall submit a statement from the attorney general (or the attorney for those State water pollution control agencies which have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of such State, or the interstate compact, as the case may be, provide adequate authority to carry out the described program. The Administrator shall approve each such submitted program unless he determines that adequate authority does not exist:

"(1) To issue permits which—

"(A) apply, and insure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

"(B) are for fixed terms not exceeding five years; and

"(C) can be terminated or modified for cause including, but not limited to, the following:

"(i) violation of any condition of the permit;

"(ii) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

"(iii) change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

"(D) control the disposal of pollutants into wells;

"(2)(A) To issue permits which apply, and insure compliance with, all applicable requirements of section 308 of this Act, or

"(B) Except with respect to sources owned or operated by the United States, to inspect, monitor, enter, and require reports to at least the same extent as required in section 308 of this Act;

"(3) To insure that the public, and any other State the waters of which may be affected, receive notice of each application for a permit and to provide an opportunity for public hearing before a ruling on each such application;

"(4) To insure that the Administrator receives notice of each application (including a copy thereof) for a permit;

"(5) To insure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing;

"(6)(A) To issue permits which apply, and insure compliance with, all applicable requirements of section 316 of this Act; or

"(B) Except with respect to sources owned or operated by the United States, to apply and enforce control of thermal discharges from point sources located in such State to at least the same extent as is provided in section 316 of this Act;

"(7) To insure that no permit will be issued if, in the judgment of the Secretary of the Army acting through the Chief of Engineers, after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired thereby; and

"(8) To abate violations of the permit or the permit program, including civil and criminal penalties and other ways and means of enforcement.

"(c)(1) Not later than ninety days after the date on which a State has submitted a program (or revision thereof) pursuant to subsection (b) of this section, the Administrator shall suspend the issuance of permits under subsection (a) of this section as to those navigable waters subject to such program unless he determines that the State permit program does not meet the requirements of subsection (b) of this section or does not conform to the guidelines issued under section 304(h)(2) of this Act. If the Administrator so determines, he shall notify the State of any revisions or modifications necessary to conform to such requirements or guidelines.

"(2) Any State permit program under this section shall at all times be in accordance with this section and guidelines promulgated pursuant to section 304(h)(2) of this Act.

"(3) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section in accordance with requirements of this section, he shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have made public, in writing, the reasons for such withdrawal.

"(d)(1) Each State shall transmit to the Administrator a copy of each permit application received by such State and provide notice to the Administrator of every action related to the consideration of such permit application, including each permit proposed to be issued by such State.

"(2) No permit shall issue if the Administrator within sixty days of the date of his notification under subsection (b)(5) of this section objects in writing to the issuance of such permit.

"(3) The Administrator may, as to any permit application, waive paragraph (2) of this subsection.

"(e) In accordance with guidelines promulgated pursuant to subsection (h)(2) of section 304 of this Act, the Administrator is authorized to waive the requirements of subsection (d) of this subsection at the time he approves a program pursuant to subsection (b) of this section for any category (including any class, type, or size within such category) of point sources within the State submitting such program.

"(f) The Administrator shall promulgate regulations establishing categories of point sources which he determines shall not be subject to the requirements of subsection (d) of this section in any State with a program approved pursuant to subsection (b) of this section. The Administrator may distinguish among classes, types, and sizes within any category of point sources.

"(g) The Administrator or any State shall not issue a permit under this section for any point source unless such permit shall assure the maintenance or enhancement of the quality of any affected waters.

"(h) Any permit issued under this section for the discharge of pollutants into the navigable waters from a vessel or other floating craft shall be subject to any applicable regulations promulgated by the Secretary of the Department in which the Coast Guard is operating, establishing specifications for safe transportation, handling, carriage, storage, and stowage of pollutants.

"(i) In the event any condition of a permit for discharges from a treatment works (as defined in section 210 of this Act) which is publicly owned is violated, a State with a program approved under subsection (b) of this section or the Administrator, where no State program is approved, may proceed in a court of competent jurisdiction to restrict or prohibit the introduction of any pollutant into such treatment works by a source not utilizing such treatment works prior to the finding that such condition was violated.

"(j) Nothing in this section shall be construed to limit the authority of the Administrator to take action pursuant to section 309 of this Act.

"(k) A copy of each permit application and each permit issued under this section shall be available to the public, in an appropriate place (1) in each State; (2) in a regional office of the Environmental Protection Agency; or (3) with the Administrator, whichever is appropriate. Such permit application or permit, or portion thereof, shall further be available on request for the purpose of reproduction.

"(l) Compliance with a permit issued pursuant to this section shall be deemed compliance, for purposes of sections 309 and 505, with sections 301, 302, 306, 307, 316, and 403, except any standard imposed under section 307 for a toxic pollutant injurious to human health. Until January 1, 1976, in any case where a permit for discharge has been applied for pursuant to this section, but final administrative disposition of such application has not been made, and such discharge is not in violation of any applicable water quality standard under subsections (a) and (b) of section 303 of this Act, and is not in violation of any applicable regulation under section 316 of this Act, such discharge shall not be a violation of (1) this Act (other than an order under section 504), or (2) section 13 of the Act of March 3, 1899, unless the Administrator or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application.

"OCEAN DISCHARGE CRITERIA

"SEC. 403. (a) No permit under section 402 of this Act for a discharge into the territorial sea, the waters of the contiguous zone, or the oceans shall be issued, after promulgation of guidelines established under subsection (c) of this section, except in compliance with such guidelines.

"(b) The requirements of subsection (d) of section 402 of this Act may not be waived in the case of permits for discharges into the territorial sea.

"(c)(1) The Administrator shall, within one hundred and eighty days after enactment of this Act (and from time to time thereafter), promulgate guidelines for determining the degradation of the waters of the territorial seas, the contiguous zone, and the oceans, which shall include:

"(A) the effect of disposal of pollutants on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

"(B) the effect of disposal of pollutants on marine life including the transfer, concentration, and dispersal of pollutants or their byproducts through biological, physical, and chemical processes; changes in marine ecosystem diversity, productivity, and stability; and species and community population changes;

"(C) the effect of disposal, of pollutants on esthetic, recreation, and economic values;

"(D) the persistence and permanence of the effects of disposal of pollutants;

"(E) the effect of the disposal at varying rates, of particular volumes and concentrations of pollutants;

"(F) other possible locations and methods of disposal or recycling of pollutants including land-based alternatives; and

"(G) the effect on alternate uses of the oceans, such as mineral exploitation and scientific study.

"(2) In any event where insufficient information exists on any proposed discharge to make a reasonable judgment on any of the guidelines established pursuant to this subsection no permit shall be issued under section 402 of this Act.

"PERMITS FOR DREDGED OR FILL MATERIAL

"SEC. 404. (a) The Secretary of the Army, acting through the Chief of Engineers, may issue permits, after notice and opportunity for public hearing, for the discharge of dredged or fill material into the navigable waters, where the Secretary determines that such discharge will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

"(b) In making the determination required by subsection (a) of this section as to whether a permit may be issued, the Secretary shall apply any guidelines which have been promulgated by the Administrator pursuant to section 403(c)(1), together with an evaluation by the Secretary of the effect on navigation, economic and industrial development, and foreign and domestic commerce of the United States. In applying the guidelines established by the Administrator, the Secretary shall consult with the Administrator and shall give due consideration to the views and recommendations of the Administrator in that regard and also in regard to the designations of the Administrator of recommended sites for disposal. The Secretary may issue no permit for discharge of dredged or fill material which would violate the designation of the Administrator, found necessary to protect critical areas, of a site within which certain material may not be discharged. In regard to the designation of recommended sites or sites where certain material may not be discharged, the Secretary after consultation with the Administrator, need not follow the designation of the Administrator where the Secretary certifies that there is no economically feasible alternative reasonably available.

"(c) In connection with Federal projects involving dredged or fill material the Secretary may, in lieu of the permit procedure, issue regulations to govern the discharge of dredged or fill material into the navigable waters which shall require the application to such projects of the same criteria, other factors to be evaluated, the same procedures, and the same requirement which are made applicable to the issuance of permits under subsections (a) and (b) of this section.

"TITLE V—GENERAL PROVISIONS

"ADMINISTRATION

"SEC. 501 (a) The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

"(b) The Administrator, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

"(c) Each recipient of financial assistance under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(d) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

"(e)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Administrator shall, in consultation with the appropriate State water pollution control agencies, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality requirements under this Act, or otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Administrator shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established under this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Administrator and the awarding of such recognition shall be published in the Federal Register.

"(f) Upon the request of a State water pollution control agency, personnel of the Environmental Protection Agency may be detailed to such agency for the purpose of carrying out the provisions of this Act.

"GENERAL DEFINITIONS

"SEC. 502. Except as otherwise specifically provided, when used in this Act:

"(1) The term 'State water pollution control agency' means the State agency designated by the Governor having responsibility for enforcing State laws relating to the abatement of pollution.

"(2) The term 'interstate agency' means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator.

"(3) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(4) The term 'municipality' means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of this Act.

"(5) The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

"(6) The term 'pollutant' means, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, agricultural, and other waste discharged into water. This term does not mean (A) 'sewage from vessels' within the meaning of section 312 of this Act; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if such State determines the injection or disposal of such water, gas, or other material will not result in the degradation of ground or surface water resources; or (C) thermal discharges in accordance with regulations issued pursuant to section 316 of this Act; or (D) organic fish wastes.

"(7) The term 'pollution' means the man-made or man-induced alteration of the natural chemical, physical, biological, and radiological integrity of water.

"(8) The term 'navigable waters' means the navigable waters of the United States, including the territorial seas.

"(9) The term 'territorial seas' means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

"(10) The term 'contiguous zone' means the entire zone established or to be established by the United States under article 25 of the Convention of the Territorial Sea and the Contiguous Zone.

"(11) The term 'ocean' means any portion of the high seas beyond the contiguous zone.

"(12) The term 'effluent limitation' means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents (other than thermal discharges) which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules and timetables for compliance.

"(13) The term 'discharge of a pollutant' and the term 'discharge of pollutants' each means (A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

"(14) The term 'toxic pollutant' means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) and physical deformations, in such organisms or their offspring.

"(15) The term 'point source' means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged, or from which there is or may be a thermal discharge.

"(16) The term 'biological monitoring' shall mean the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants (A) by techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain, appropriate to the volume and the physical, chemical, and biological characteristics of the effluent, and (B) at appropriate frequencies and locations.

"(17) The term 'thermal discharge' means the introduction of water into the navigable waters or the waters of the contiguous zone from a point source at a temperature different from the ambient temperature of the receiving waters.

"(18) The term 'discharge' when used without qualification includes a discharge of a pollutant, a discharge of pollutants, and a thermal discharge.

"WATER POLLUTION CONTROL ADVISORY BOARD

"SEC. 503. (a)(1) There is hereby established in the Environmental Protection Agency a Water Pollution Control Advisory Board, composed of the Administrator or his designee, who shall be Chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate, and local govermnental agencies, of public or private interests contributing to, affected by, or concerned with pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of pollution prevention and control, as well as other individuals who are expert in this field.

"(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term.

"(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Administrator, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(b) The Board shall advise, consult with, and make recommendations to the Administrator on matters of policy relating to the activities and functions of the Administrator under this Act.

"(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Environmental Protection Agency.

"EMERGENCY POWERS

"SEC. 504. Notwithstanding any other provision of this Act, the Administrator upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons, may bring suit on behalf of the United States in the appropriate district court to immediately restrain any person causing or contributing to the alleged pollution to stop the discharge of pollutants causing or contributing to such pollution or to take such other action as may be necessary.

"CITIZEN SUITS

"SEC. 505. (a) Except as provided in subsection (b) of this section, any citizen may commence a civil action on his own behalf—

"(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of (A) an effluent standard or limitation under this Act or (B) an order issued by the Administrator or a State with respect to such a standard or limitation, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an effluent standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be, and to apply any appropriate civil penalties under section 309(d) of this Act.

"(b) No action may be commenced—

"(1) under subsection (a)(1) of this section—

"(A) prior to sixty days after the plaintiff has given notice of the alleged violation (i) to the Administrator, (ii) to the State in which the alleged violation occurs, and (iii) to any alleged violator of the standard, limitation, or order, or

"(B) if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any citizen may intervene as a matter of right.

"(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator,

except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of sections 301, 302, 306, and 307 of this Act, or in violation of a permit, or conditions thereunder, issued by the Administrator under section 402 of this Act, or in violation of an order issued by the Administrator pursuant to section 309 of this Act. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(c)(1) Any action respecting a violation by a discharge source of an effluent standard or limitation or an order respecting such standard or limitation may be brought under this section only in the judicial district in which such source is located.

"(2) In such action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(d) The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any effluent standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(f) For purposes of this section, the term 'effluent standard or limitation under this Act' means (1) effective July 1, 1973, an unlawful act under subsection (a) of section 301 of this Act; (2) an effluent limitation or other limitation under section 301 or 302 of this Act; (3) standard of performance under section 306 of this Act; (4) prohibition, effluent standard or pretreatment standard under section 307 of this Act; (5) certification under section 401 of this Act; or (6) a permit or condition thereof issued under section 402 of this Act, which is in effect under this Act (including a requirement applicable by reason of section 313 of this Act).

"(g) For the purposes of this section the term 'citizen' means (1) a citizen (A) of the geographic area and (B) having a direct interest which is or may be affected, and (2) any group of persons which has been actively engaged in the administrative process and has thereby shown a special interest in the geographic area in controversy.

"(h) A Governor of a State may commence a civil action under subsection (a), without regard to the limitations of subsection (b) of this section, against the Administrator where there is alleged a failure of the Administrator to enforce an effluent standard or limitation under this Act the violation of which is occurring in another State and is causing an adverse effect on the public health or welfare in his State, or is causing a violation of any water quality requirement in his State.

"APPEARANCE

"SEC. 506. The Administrator shall request the Attorney General to appear and represent the United States in any civil or criminal action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator within a reasonable time, that he will appear in a civil action, attorneys who are officers or employees of the Environmental Protection Agency shall appear and represent the United States in such action.

"EMPLOYEE PROTECTION

"SEC. 507. (a) No person shall fire, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems apropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violations did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not liimted to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall isue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act.

"(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees), as determined by the Secretary of Labor, to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

"(d) This section shall have no application to any employee who, acting without direction from his employer (or his agent) deliberately violates any prohibition of effluent limitation or other limitation under section 301 or 302 of this Act, standards of performance under section 306 of this Act, effluent standard, prohibition or pretreatment standard under section 307 of this Act, thermal discharge regulation under section 316 of this Act, or any other prohibition or limitation established under this Act.

"(e) The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the issuance of any effluent limitation or order under this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such limitation or order. Any employee who is discharged or laid-off, threatened with discharge or lay-off, or otherwise discriminated against by any person because of the alleged results of any effluent limitation or order issued under this Act, or any representative of such employee, may request the Administrator to conduct a full investigation of the matter. The Administrator shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than five days notice, and shall at such hearings require the parties, including the employer involved, to present information relating to the actual or potential effect of such limitation or order on employment and on any alleged discharge, lay-off, or other discrimination and the detailed reasons or justification therefor. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Administrator shall make findings of fact as to the effect of such effluent limitation or order on employment and on the alleged discharge, lay-off, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the Administrator to modify or withdraw any effluent limitation or order issued under this Act.

"FEDERAL PROCUREMENT

"SEC. 508. (a) No Federal agency may enter into any contract with any person, who has been convicted of any offense under section 309(c) of this Act, for the procurement of goods, materials, and services if such contract is to be performed at any facility at which the violation which gave rise to such conviction occurred, and if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

"(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a) of this section.

"(c) In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's water, the President shall, not more than one hundred and eighty days after enactment of this Act, cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

"(e) The President shall annually report to the Congress on measures taken in compliance with the purpose and intent of this section, including, but not limited to, the progress and problems associated with such compliance.

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"SEC. 509. (a) In connection with any determination under section 301(b)(3) of this Act, or for purposes of obtaining information under section 305 of this Act, or carrying out section 507(e) of this Act, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for effluent data, upon a showing satisfactory to the Administrator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(b) Review of the Administration's action (1) in promulgating any standard of performance under section 306,(2) in making any determination pursuant to section 306 (b(1)(C), (3) in promulgating any effluent standard, prohibition, or treatment standard under section 307, (4) in making any determination as to a State permit program submitted under section 402(b), (5) in approving or promulgating any effluent limitation or other limitation under section 301, 302, or 306, and (6) in issuing or denying any permit under section 402, may be had by any interested person in the district court of the United States for the district in which such person resides or transacts such business upon application by such person. Any such application shall be made within thirty days from the date of such determination, approval, promulgation, issuance or denial, or after such date only if such application is based solely on grounds which arose after such thirtieth day.

"(c) In any judicial proceeding brought under subsection (b) of this section in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"STATE AUTHORITY

"SEC. 510. Except as expressly provided in this Act, nothing in this Act shall (1) preclude or deny the right of any State or political subdivision thereof or interstate agency to adopt or enforce (A) any standard or limitation respecting discharges of pollutants, or (B) any requirement respecting control or abatement of pollution; except that if an effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or thermal discharge regulation is in effect under this Act, such State or political subdivision or interstate agency may not adopt or enforce any effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or thermal discharge regulation which is less stringent than the effluent limitation, or other limitation, effluent standard, prohibition, pretreatment standard, standard of performance, or thermal discharge regulation under this Act; or (2) be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

"OTHER AFFECTED AUTHORITY

"SEC. 511. (a) This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the United States under any other law or regulation not inconsistent with this Act; (2) affecting or impairing the authority of the Secretary of the Army (A) to maintain navigation or (B) under the Act of March 3, 1899 (30 Stat. 1112); except that any permit issued under section 404 of this Act shall be conclusive as to the effect on water quality of any discharge resulting from any activity subject to section 10 of the Act of March 3, 1899, or (3) affecting or impairing the provisions of any treaty of the United States.

"(b) Discharges of pollutants into the navigable waters subject to the Rivers and Harbors Act of 1910 (36 Stat. 593; 33 U.S.C. 421) and the Supervisory Harbors Act of 1888

(25 Stat. 209; 33 U.S.C. 441–451b) shall be regulated pursuant to this Act, and not subject to such Act of 1910 and the Act of 1888 except as to effect on navigation and anchorage.

"(c) The requirements of the National Environmental Policy Act of 1969 (83 Stat. 852) as to water quality considerations shall be deemed to be satisfied—

"(1) by certification pursuant to section 401 of this Act with respect to any Federal license or permit for the construction of any activity; and

"(2) by certification pursuant to section 401 of this Act and the issuance of a permit pursuant to section 13 of the Act of March 3, 1899, or section 402 of this Act with respect to any Federal license or permit for the operation of any activity.

"SEPARABILITY

"SEC. 512. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"LABOR STANDARDS

"SEC. 513. The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on treatment works for which grants are made under this Act shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"AGRICULTURAL FACILITIES

"SEC. 514. In the case of any water pollution control facility required to be constructed for any property used for any agricultural purpose, no owner or operator of any such property shall be required to expend any funds for the construction of any such facility (A) until a plan for such facility and its operation shall have been approved by the Administrator; and (B) until a certification by the Administrator that such plan, and the construction and operation of any facility in accordance with such plan, will not result in a violation of the laws or regulations of any local, State, or Federal health agency or other governmental agency.

"EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

"SEC. 515. (a)(1) There is established an Effluent Standards and Water Quality Information Advisory Committee, which shall be composed of a Chairman and eight members who shall be appointed by the Administrator within sixty days after the date of enactment of this Act.

"(2) All members of the Committee shall be selected from the scientific community, qualified by education, training, and experience to provide, assess, and evaluate scientific and technical information on effluent standards and limitations.

"(3) Members of the Committee shall serve for a term of four years, and may be reappointed.

"(b)(1) No later than one hundred and eighty days prior to the date on which the Administrator is required to publish any proposed regulations required by section 304 (b) of this Act, any proposed standard of performance for new sources required by section 306 of this Act, or any proposed toxic effluent standard required by section 307 of this Act, he shall transmit to the Committee a notice of intent to propose such regulations. The Chairman of the Committee within ten days after receipt of such notice may publish a notice of a public hearing by the Committee, to be held within thirty days.

"(2) No later than one hundred and twenty days after receipt of such notice, the Committee shall transmit to the Administrator such scientific and technical information as is in its possession, including that presented at any public hearing, related to the subject matter contained in such notice.

"(3) Information so transmitted to the Administrator shall constitute a part of the administrative record and comments on any proposed regulations or standards as information to be considered with other comments and information in making any final determinations.

"(4) In preparing information for transmittal, the Committee shall avail itself of the technical and scientific services of any Federal agency, including the United States Geological Survey and any national environmental laboratories which may be established.

"(c)(1) The Committee shall appoint and prescribe the duties of a Secretary, and such legal counsel as it deems necessary. The Committee shall appoint such other employees as it deems necessary to exercise and fulfill its powers and responsibilities. The compensation of all employees appointed by the Committee shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title V of the United States Code.

"(2) Members of the Committee shall be entitled to receive compensation at a rate to be fixed by the President but not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title V of the United States Code.

"(d) Five members of the Committee shall constitute a quorum, and official actions of the Committee shall be taken only on the affirmative vote of at least five members. A special panel composed of one or more members upon order of the Committee shall conduct any hearing authorized by this section and submit the transcript of such hearing to the entire Committee for its action thereon.

"(e) The Committee is authorized to make such rules as are necessary for the orderly transaction of its business.

"REPORTS TO CONGRESS

"SEC. 516. (a) Within ninety days following the convening of each session of Congress, the Administrator shall submit to the Congress a report, in addition to any other report required by this Act, on measures taken toward implementing the objective of this Act, including, but not limited to, (1) the progress and problems associated with developing comprehensive plans under section 102 of this Act, areawide plans under section 208 of this Act, basin plans under section 209 of this Act, and plans under section 303 (e) of this Act; (2) a summary of actions taken and results achieved in the field of water pollution control research, experiments, studies, and related matters by the Administrator and other Federal agencies and by other persons and agencies under Federal grants or contracts; (3) the progress and problems associated with the development of effluent limitations and recommended control techniques; (4) the status of State programs, including a detailed summary of the progress obtained as compared to that planned under State program plans for development and enforcement of water quality requirements; (5) the identification and status of enforcement actions pending or completed under such Act during the preceding year; (6) the status of State, interstate, and local pollution control programs established pursuant to, and assisted by, this Act; (7) a summary of the results of the survey required to be taken under section 210 of this Act; (8) his activities including recommendations under sections 109 through 111 of this Act; and (9) all reports and recommendations made by the Water Pollution Control Advisory Board.

"(b) The Administrator, in cooperation with the States, including water pollution control agencies and other water pollution control planning agencies, shall make (1) a detailed estimate of the cost of carrying out the provisions of this Act; (2) a detailed estimate, biennially revised, of the cost of construction of all needed publicly owned treatment works in all of the States and of the cost of construction of all needed publicly owned treatment works in each of the States; (3) a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and (4) a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain the water quality objectives as established by this Act or applicable State law. The Administrator shall submit such detailed estimate and such comprehensive study of such cost to the Congress no later than February 10 of each odd-numbered year. Whenever the Administrator, pursuant to this subsection, requests and receives an estimate of cost from a State, he shall furnish copies of such estimate together with such detailed estimate to Congress.

"GENERAL AUTHORIZATION

"SEC. 517. There are authorized to be appropriated to carry out this Act, other than sections 104, 105, 106(a), 107, 108, 112, 113, 114, 206, 207, 208 (f) and (h), 209, 304, 311 (c), (d), (i), (l), and (k), 314, 315, and 317, $250,000,000 for the fiscal year ending June 30, 1973, $300,000,000 for the fiscal year ending June 30, 1974, and $350,000,000 for the fiscal year ending June 30, 1975.

"SHORT TITLE

"SEC. 518. This Act may be cited as the 'Federal Water Pollution Control Act'."

AUTHORIZATIONS FOR FISCAL YEAR 1972

SEC. 3. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1972, not to exceed $11,000,000 for the purpose of carrying out section 5(n) (other than for salaries and related expenses) of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

(b) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, not to exceed $350,000,000 for the purpose of making grants under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

(c) The Federal share of all grants made under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from sums herein and heretofore authorized for the fiscal year ending June 30, 1972, shall be that authorized by section 202 of such Act as established by the Federal Water Pollution Control Act Amendments of 1972.

(d) Sums authorized by this section shall be in addition to any amounts heretofore authorized for such fiscal year for sections 5(n) and 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

SAVINGS PROVISION

SEC. 4. (a) No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity or in relation to the discharge of his official duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall abate by reason of the taking effect of the amendment made by section 2 of this Act. The court may, on its own motion or that of any party made at any time within twelve months after such taking effect, allow the same to be maintained by or against the Administrator or such officer or employee.

(b) All rules, regulations, orders, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, and pertaining to any functions, powers, requirements, and duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, shall continue in full force and effect after the date of enactment of this Act until modified or rescinded in accordance with the Federal Water Pollution Control Act as amended by this Act.

(c) The Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall remain applicable to all grants made from funds authorized for the fiscal year ending June 30, 1972, and prior fiscal years, including any increases in the monetary amount of any such grant which may be paid from authorizations for fiscal years beginning after June 30, 1972, except as specifically otherwise provided in section 202 of the Federal Water Pollution Control Act as amended by this Act and in subsection (c) of section 3 of this Act.

OVERSIGHT STUDY

SEC. 5. In order to assist the Congress in the conduct of oversight responsibilities the Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to prevention and control of water pollution, including waste treatment and disposal techniques, which are conducted, supported, or assisted by any agency of the Federal Government pursuant to any Federal law or regulation and assess conflicts between, and the coordination and efficacy of, such programs, and make a report to the Congress thereon by October 1, 1973.

INTERNATIONAL TRADE STUDY

SEC. 6. (a) the Secretary of Commerce, in cooperation with other interested Federal agencies and with representatives of industry and the public, shall undertake immediately an investigation and study to determine—

(1) the extent to which pollution abatement and control programs will be imposed on, or voluntarily undertaken by United States manufacturers in the near future and the probable short- and long-range effects of the costs of such programs (computed to the greatest extent practicable on an industry-by-industry basis) on (A) the production costs of such domestic manufacturers, and (B) the market prices of the goods produced by them;

(2) the probable extent to which pollution abatement and control programs will be implemented in foreign industrial nations in the near future and the extent to which the production costs (computed to the greatest extent practicable on an industry-by-industry basis) of foreign manufacturers will be affected by the costs of such programs;

(3) the probable competitive advantage which any article manufactured in a foreign nation will likely have in relation to a comparable article made in the United States if that foreign nation—

(A) does not require its manufacturers to implement pollution abatement and control programs,

(B) requires a lesser degree of pollution abatement and control in its programs, or

(C) in any way reimburses or otherwise subsidize its manufacturers for the costs of such programs;

(4) alternative means by which any competitive advantage accruing to the products of any foreign nation as a result of any factor described in pargaraph (3) may be (A) accurately and quickly determined, and (B) equalized, for example, by the imposition of a surcharge or duty, on a foreign product in an amount necessary to compensate for such advantage; and

(5) the impact, if any, which the imposition of a compensating tariff or other equalizing measure may have in encouraging foreign nations to implement pollution and abatement control programs.

(b) The Secretary shall make an initial report to the President and Congress within six months after the date of enactment of this section of the results of the study and investigation carried out pursuant to this section and shall make additional reports thereafter at such times as he deems appropriate taking into account the development of relevant data, but not less than once every twelve months.

INTERNATIONAL AGREEMENTS

SEC. 7. The President shall undertake to enter into international agreements to apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, uniform controls over the discharge and emission of toxic pollutants, and uniform controls over the discharge of pollutants into the ocean. For this purpose the President shall negotiate multilateral treaties, conventions, resolutions, or other agreements, and formulate, present, or support proposals at the 1972 United Nations Conference on the Human Environment and other appropriate international forums.

LOANS TO SMALL BUSINESS CONCERNS FOR WATER POLLUTION CONTROL FACILITIES

SEC. 8. (a) Section 7 of the Small Business Act is amended by inserting at the end thereof a new subsection as follows:

"(g) (1) The Administration also is empowered to make loans (either directly or in cooperation with banks or other lenders through agreements to participate on an immediate or deferred basis) to assist any small business concern in affecting additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operation of such concern to meet water pollution control requirements established under the Federal Water Pollution Control Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this subsection.

"(2) Any such loan—

"(A) shall be made in accordance with provisions applicable to loans made pursuant to subsection (b) (5) of this section, except as otherwise provided in this subsection;

"(B) shall be made only if the applicant furnishes the Administration with a statement in writing from the Environmental Protection Agency or, if appropriate, the State, that such additions or alterations are necessary and adequate to comply with requirements established under the Federal Water Pollution Control Act.

"(3) The Administrator of the Environmental Protection Agency shall, as soon as practicable after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and not later than one hundred and eighty days thereafter, promulgate regulations establishing uniform rules for the issuance of statements for the purpose of paragraph (2) (B) of this subsection.

"(4) There is authorized to be appropriated to the disaster loan fund established pursuant to section 4(c) of this Act not to exceed $800,000,000 solely for the purpose of carrying out this subsection."

(b) Section 4(c) (1) (A) of the Small Business Act is amended by striking out "and 7(c) (2)" and inserting in lieu thereof "7(c) (2), and 7(g)".

ENVIRONMENTAL COURT

SEC. 9. The President, acting through the Attorney General, shall make a full and complete investigation and study of the feasibility of establishing a separate court, or court system, having jurisdiction over environmental matters and shall report the results of such investigation and study together with his recommendations to Congress not later than one year after the date of enactment of this Act.

NATIONAL POLICIES AND GOALS STUDY

SEC. 10. The President shall make a full and complete investigation and study of all of the national policies and goals established by law for the purpose of determining what the relationship should be between these policies and goals, taking into account the resources of the Nation. He shall report the results of such investigation and study together with his recommendations to Congress not later than two years after the date of enactment of this Act. There is authorized to be appropriated not to exceed $5,000,000 to carry out the purposes of this section.

EFFICIENCY STUDY

SEC. 11. The President shall conduct a full and complete investigation and study of ways and means of utilizing in the most effective manner all of the various resources, facilities, and personnel of the Federal Government in order most efficiently to carry out the objective of the Federal Water Pollution Control Act. He shall report the results of such investigation and study together with his recommendations to Congress not later than two hundred and seventy days after the date of enactment of this Act.

ENVIRONMENTAL FINANCING

SEC. 12. (a) This section may be cited as the "Environmental Financing Act of 1972".

(b) There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The Authority shall be subject to the general supervision and direction of the Secretary of the Treasury. The Authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

(c) The purpose of this section is to assure that inability to borrow necessary funds on reasonable terms does not prevent any State or local public body from carrying out any project for construction of waste treatment works determined eligible for assistance pursuant to subsection (e) of this section.

(d) (1) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(2) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

(e) (1) The Authority is authorized to

make commitments to purchase, and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any project for the construction of waste treatment works which the Administrator of the Environmental Protection Agency has determined to be eligible for Federal financial assistance under the Federal Water Pollution Control Act.

(2) No commitment shall be entered into, and no purchase shall be made, unless the Administrator of the Environmental Protection Agency (A) has certified that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs; (B) has approved the project as eligible under the Federal Water Pollution Control Act; and (C) has agreed to guarantee timely payment of principal and interest on the obligation. The Administrator is authorized to guarantee such timely payments and to issue regulations as he deems necessary and proper to protect such guarantees. Appropriations are hereby authorized to be made to the Administrator in such sums as are necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations.

(3) No purchase shall be made of obligations issued to finance projects, the permanent financing of which occurred prior to the enactment of this section.

(4) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (A) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead whenever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (B) the market yields on municipal bonds.

(5) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

(f) To provide initial capital to the Authority the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this subsection without fiscal year limitation.

(g) (1) The Authority is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

(2) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to paragraph (1) of this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this paragraph. All purchases and sales by the Secretary of the Treasury of such obligations under this paragraph shall be treated as public debt transactions of the United States.

(h) The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense accrued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to subsection (e) of this section.

(i) The Authority shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this section in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(j) The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (A) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (B) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(k) All obligations issued by the Authority shall be lawful investments, any may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

(l) In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in preparation, custody, and delivery of such obligations.

(m) The Authority shall, as soon as practicable after the end of each fiscal year transmit to the President and the Congress an annual report of its operations and activities.

(n) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association".

(o) The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authority in the same manner as they are applied to the wholly owned Government corporations.

(p) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under subsection (h) of the Environmental Financing Act of 1972."

SEX DISCRIMINATION

SEC. 13. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal assistance under this Act, the Federal Water Pollution Control Act, or the Environmental Financing Act. This section shall be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendment of the House on S. 2770, and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Muskie, Mr. Randolph, Mr. Bayh, Mr. Eagleton, Mr. Boggs, Mr. Cooper, and Mr. Baker conferees on the part of the Senate.

WAR POWERS ACT

The Senate resumed the consideration of the bill (S. 2956) to make rules governing the use of the Armed Forces of the

United States in the absence of a declaration of war by the Congress.

AMENDMENT NO. 1085

Mr. FULBRIGHT. Mr. President, I call up my amendment, No. 1085.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, beginning with line 21, strike out through line 23 on page 8 and insert in lieu thereof the following:

"SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be employed by the President only—

"(1) to respond to any act or situation that endangers the United States, its territories or possessions, or its citizens or nationals when the necessity to respond to such act or situation in his judgment constitutes a national emergency of such a nature as does not permit advance congressional authorization to employ such forces; but, except in response to a nuclear attack or to an irrevocable launch of nuclear weapons, the President may not use nuclear weapons without the prior, explicit authorization of the Congress; or".

On page 8, line 24, strike out "(4)" and insert in lieu thereof "(2)".

On page 10, line 1, strike out "(4)" and insert in lieu thereof "(2)".

Mr. FULBRIGHT. Mr. President, the fundamental purpose of the war powers bill is to "reconfirm and define with precision the constitutional authority of Congress with respect to 'undeclared' wars."

In the commendable effort of Senator JAVITS and his colleagues, they have in section 3 stated that "in the absence of a declaration of war" the Armed Forces of the United States may be committed to hostilities by the Commander in Chief only in specified instances—to repel an armed attack; to retaliate; to forestall the direct and imminent threat of attack; to repel an armed attack on forces of the United States located outside the United States; and for other specified purposes.

The difficulty I have with this approach is that by specification, the language may by implication have the unintended effect of giving more power to the President than is withheld.

For example, authority to "forestall the direct and imminent threat" of an attack might be used as the basis of an intervention of the type undertaken in 1970 when we invaded Cambodia; or, for example, the President might cite secret reasons for believing that an attack was imminent and, thus justify the use of armed force.

In short, the language of section 3 in the war powers bill makes it possible for the President to cite fairly specific authority for the widest possible range of military initiatives.

My amendment is a simple, straightforwarded recognition of the fact that the President may find it absolutely necessary to use the Armed Forces without, or prior to, congressional authorization. If he does so, this language puts the burden of responsibility squarely on the shoulders of the President, where it belongs.

In other words, it puts the responsibility on the President after the fact and after the circumstances are known to Congress and the people to justify it.

My amendment will leave the President free to act but without the prop of specific authorization. He would need to act entirely on his own responsibility and with no advance assurance of congressional support.

A prudent and conscientious President, under these circumstances, would hesitate to take action that he did not feel confident he could defend to the Congress—to whom he would be accountable within 30 days.

There is one other aspect of this amendment to which I call attention.

There now exists the danger that a President on his own authority could escalate conventional hostilities into a nuclear war.

To escalate a conventional war into a nuclear conflict cannot be considered a mere change of tactics.

My amendment states that:

> The President except in response to a nuclear attack or to an irrevocable launch of nuclear weapons . . . may not use nuclear weapons without the prior, explicit authorization of Congress.

Mr. David Lawrence, reputedly a columnist with a close relationship with the White House, stated in his column of April 3 that:

> The United States is willing to pledge not to use nuclear weapons provided other governments will do likewise.

If the administration is willing to go this far, I see no reason why we should not make it clear that the United States will not be the first nation to use nuclear weapons in a war—particularly in the "undeclared war" situation to which this war powers bill is directed.

Mr. President, as I said yesterday in debate, I consider that this bill is a very important piece of legislation designed to reconfirm what I believe to be the traditional constitutional purpose that our Founding Fathers intended by the Constitution. It is not a departure from it; it is not intended to be by the authors. It is intended to reaffirm and redefine, if we can, the responsibilities of the President and Congress in making war.

It is to a great extent an educational process. It is not intended, as was made very clear yesterday, to take away from or add to the constitutional powers of the President or Congress. In recent years, especially since World War II, there has grown up, I think, considerable confusion about this matter, but more important to me, I think there has grown up the idea that the President, as Commander in Chief, has some inherent power not designated or defined in the Constitution.

I think powers have been assumed at the expense of the legislative body in our constitutional system and I think this is very dangerous. This goes back a number of years. Certainly, I would not for a moment leave the impression that I think this administration has in any way contributed as much as or more than previous administrations.

One of the most extreme statements on this subject was made as long ago as 1951 by Dean Acheson in connection with the consideration of legislation having to do with NATO. I think it is well to call his statement to the attention of the Senate. This is carried in the National Commitments report of the Committee on Foreign Relations. I would like to read it for the RECORD because it shows where this started. I think it fair to the present administration to make it quite clear that we are not trying to leave the impression that this President has in any way gone beyond what his predecessors did or that they are especially deserving of credit.

I might add that I think Congress has acquiesced in these matters; so from that point of view there is no question that I or the sponsors of this legislation are trying to blame anyone. All we are trying to do is to review the circumstances that have led us to a very serious situation in our international relations.

In 1951 the Committee on Foreign Relations and the Committee on Armed Services held joint hearings to discuss President Truman's plan to station six divisions of American soldiers in Europe. Secretary of State Acheson came before the committee and gave the following interpretation of the President's powers:

> Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of power which it has under the Constitution.

He thought it inappropriate to even discuss constitutional matters. He said that we are "in a position in the world today where the argument as to who has the power to do this, that, or the other thing is not exactly what is called for for America in this very critical hour."

I think that states the proposition quite well and I think the thrust of this legislation is to challenge particularly that last statement; that it is not for the Congress to even discuss or call into question the authority of the President to do as he pleases in the field of foreign relations.

I confess that this bill is not self-executing and it is not going to hamstring the President in doing as he pleases with respect to the Armed Forces he commands. But I think it will develop a much more accurate view of what his rights and responsibilities are, and legitimate powers under the Constitution, and those of Congress. Our system is based on a mutual respect of one division of Government for another. We do not want and it will not work if we have to rely on force. We have no force at our command comparable to what the President has. He is the President, and the Army obeys his commands; he can do as he pleases.

In most countries of the world today there is a totalitarian system or dictatorship. There are totalitarian systems of government and many of them resulted from the executive taking the armed forces and abolishing congress. For example, in Africa not too long ago a president said in effect:

> We cannot afford Parliament any more, they cost so much and they talk so much. We will abolish them. It is a luxury we cannot afford.

This is a sentiment that prevails in much of the world. I am not sure it does not prevail in this country.

I believe this measure is designed to reestablish a proper respect for the Constitution, and not only on the part of Congress but also this and future executives. This general subject arose some years ago, and in thinking about this debate today I looked up my remarks made in connection with a resolution which was often called the Middle East resolution.

I thought, just for my own satisfaction, I would read this. I believe it is interesting to see that this is not entirely a new issue.

Before I do that, I want to read the general proposition in the National Commitments report which was passed by the Senate by a very large majority in 1969. It had the overwhelming support of the Senate, and it was directed at the same purpose, as I understand, to which the present legislation is.

On page 25 of that report, it reads as follows:

> Finally, should the President find himself confronted with a situation of such complexity and ambiguity as to leave him without guidelines for constitutional action, it would be far better for him to take the action he saw fit without attempting to justify it in advance and leave it to Congress or the courts to evaluate his action in retrospect. A single unconstitutional act, later explained or pronounced unconstitutional, is preferable to an act dressed up in some spurious, precedent-setting claim of legitimacy. As a member of the Nation's First Congress, Alexander White, of Virginia, said:
>
> > It would be better for the President to extend his powers on some extraordinary occasions, even where he is not strictly justified by the Constitution, than the legislature should grant an improper power to be exercised at all times * * *.

That quotation from Alexander White, it seems to me, sums up very succinctly the feeling that I have about this undertaking in section 3, to specify, or, as he says, to grant, an improper power to be exercised at all times. That is, as I conceive it, the danger of attempting to specify.

Reading that in connection with our very sad experience in this body, and in the country, with the late Gulf of Tonkin resolution—which I am glad this body repealed, and, as I recall, the distinguished Senator from Pennsylvania pointed out very clearly that we repealed it twice, and the House also repealed it—I think it is very relevant to that experience.

There we did grant, clearly, an improper power to be exercised at all times—at all times as long as it lasted—and I think we paid a very high and heavy price. All but two Members of this body voted for it, and a great many Senators have acknowledged it was a great mistake to do it. At least, I have on innumerable occasions, because it has been a cause of a great deal of soul-searching on the part of a great many Members of this body.

In connection with that resolution in 1957, which again attempted to grant to the President in advance an authority to do whatever he deemed proper, in effect the language was not unlike that of the Tonkin Gulf resolution.

To make the record clear, I opposed it and made a statement about it, which appeared on page 1856 of the RECORD for February 11, 1957:

> I am not unaware that cases can arise as they have arisen in the past, where Presidents have employed the Armed Forces of the Nation in military operations without the express consent of the Congress. I am not unaware that the actions of the Executive in these emergency cases have well served the defense of the Republic. Experience tells us that when the highest interests of the country are at stake, an Executive who is timid represents a far greater danger to the preservation of our constitutional system than does one who exceeds the letter of the law in a vigorous use of Executive power to defend the Government, the Nation, and the Constitution. Yet experience also tells us something else. It tells us that we do a disservice to ourselves and the Executive if we try to define in exact terms what emergency power is. Why so?
>
> An official who is required to justify the exercise of a power which he does not legally possess is in a very different situation from an official who is charged with abusing a power which is legally his, and who pleads necessity as a legal defense. The former will be very careful to see that the necessity which he pleads to excuse his act is clear and beyond question; he will also take care that the necessity he pleads did not arise from a fault of his own, lest his excuse be turned against him. The latter official can act with much less caution. An abuse of power, unlike the usurpation of power, is condoned by the nonaction of Congress. There is in this case no necessity for seeking the positive approval of the constitutional authority, that is, the Congress. And that is what this resolution would absolve the administration from doing.
>
> Instead of coming to us after the fact, when all the circumstances are known, and asking for our approval, this administration, not being willing to trust the fairness and justice of this body, asks us for an acquittance in advance of the fact, when none of the circumstances justifying the acquittance can possibly be known. I, for one, am unwilling to accept such a drastic change in constitutional practice.
>
> In the First Congress, in 1789, a distinguished Member from Virginia, Alexander White, stated the applicable principle clearly and succinctly . . .

And I quoted the same principle that I just read from the report which I think sums up the matter extremely well.

I think that describes as well as I can the thought behind it. If we put this language in section 3 in the legislation, in effect authorizing the anticipation of an imminent attack, it reminds me very much of the circumstances of Cambodia, even though there was not an imminent attack. That is a case which at best would be an abuse of power as distinguished from a usurpation of power which he does not have. The language I am suggesting here does not give him any specific power to move under circumstances that are attempted to be described in that language.

It is almost impossible to anticipate all of the circumstances of any occasion in this general language. The trouble about the Gulf of Tonkin situation was this.

I do not like to dwell upon it. It is a very distasteful subject. But it was presented as a move primarily to show the unity of the Congress and the country with the President's retaliation for an unprovoked attack. We proceeded on the assumption that those allegations were correct.

In contrast, for example, if he had taken the action he did and proceeded as he did, and then came in, in the light of the facts, when we knew the facts, I think we would have had a very different situation. As a matter of fact, I do not think he would have taken the action he did. Certainly, we would not have approved it if we had known the facts as they were. Specifically, it was not an unprovoked attack. It was a long time after that we discovered all the circumstances that surrounded the initial attack. But even the ultimate purpose, which he finally fulfilled, of a full scale war in South Vietnam was never suggested in the presentation of the administration's case before the committee or on this floor. I myself represented on the floor what the purpose of the administration was, repeating what they had told us in the committee and in the briefing at the White House. That proved to be incorrect. It was not just unity they wanted. They went all out for a military victory and it amounted to a major war.

I am not saying that was his intention at the time. I do not know what his intention was. There is no way to read a man's mind. But it was certainly inconsistent with what was said in the meeting before the committee. The record before the Committee on Foreign Relations is there for anyone who doubts that.

In this connection, there was just one more brief statement at that time that I think is relevant.

> That this fear is not mere idle speculation, but on the contrary is precisely the situation we now have in our Government is demonstrated by comparing the responsible attitude Jefferson took toward an incident in 1806, with the attitude of the present administration toward its responsibility in the Middle East.
>
> "In 1806, during the recess of Congress, the *Leopard* attacked the *Chesapeake*. War with England appeared a possibility. The magazines were ill-provided with some necessary articles, nor had any appropriations been made for their purchase. In these circumstances Jefferson did not hesitate to provide them and place the country in safety, even though in so doing he violated the appropriation laws. Then he made a full disclosure to Congress and asked for an acquittance: 'To have awaited a previous and special sanction by law would have lost occasions which might not be retrieved. * * * I trust that the legislature, feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve, when done, what they would have seen so important to be done if then assembled.' In due course the retrospective sanction which he asked was given."

I think it is rather interesting to see their attitude. Jefferson, having been one of the architects of our Constitution, and of our country, for that matter, was very conscious of the role, the rights, and the prerogatives of the President and of Congress, and he did not wish to undermine Congress, but I think the practice that he followed there of exercising in an emergency his power as President—and Congress, of course, did give him an acquittance and did approve of it—is the proper procedure to follow in the circumstances which are sought to be dealt with in section 3.

The language of section 3 is broad enough to let the President do anything he wants, but it is narrow enough to give his action the apeparance of congressional sanction in advance. My amendment will leave him with the same but no greater leeway, while depriving him of any appearance in advance of congressional sanction.

He would be wholly accountable for his acts.

I think that is a very healthy thing to do. It would not inhibit his doing whatever he believes to be in the national interest, and to guarantee our security, but we would have—any man would, I think—a very different approach. He would be very conscious that after the fact, after he is well acquainted with all the circumstances, he is going to have to then explain and justify his action; and no one, the President or this body, can anticipate those facts and circumstances which may arise in any kind of an emergency such as we have had in the past or which we may have in the future.

So I submit to the sponsors of this legislation, who have done so much to bring this measure to the floor, the Senator from New York, the Senator from Virginia, the Senator from Missouri, and others, that this is a very serious amendment, and that I believe it could improve the prospect of the bill's acceptance, not only by the President but certainly also by constitutional lawyers. I think my amendment is more in accord with constitutional practice, especially in the early days, if not in recent days.

Congress has a record of having passed some of these resolutions. At least one—the Middle East resolution—was passed over my opposition. I cannot recall the exact vote, but there was a substantial dissent, I think in the neighborhood of something like 25 or 30 votes, and those votes were based upon what I call the strict constructionist point of view.

We did not want to authorize in advance whatever he wished to do. We were not saying, "No, he shall not do it"; we did not undertake to do that, nor am I saying he shall not do it. We simply recognize his responsibility to do what is necessary in the mind of a reasonable man, but it is a precaution, and keeps alive the responsibility of the President to justify after the fact, after whatever occurs is known to the Congress and the people, and to me this would have a much more restraining effect. It does not prohibit anything, but would be restraining in the sense that consideration, deliberate and profound consideration, would be given by the President before he took action to commit this country to war.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 30 minutes remaining.

Mr. FULBRIGHT. I reserve the remainder of my time.

Mr. SPONG. Mr. President, I yield myself such time as I may require.

I ask the Senator from Arkansas, if he will, to respond to one or two questions with respect to his amendment.

If I understand the presentation of the Senator from Arkansas correctly, his amendment does two things: First, it replaces the language in section 3 of the bill before us which seeks to delineate the circumstances or emergencies under which the President may go to war, and replaces it with a general authority for the President to respond to any act or situation that in his judgment endangers the United States or its territories, its citizens or nationals. That portion deals with conventional situations. Is that a true statement?

Mr. FULBRIGHT. I would accept it, with one amendment. I do not think we should confer upon the President any authority he does not have. It is a recognition of what I believe to be the best constitutional practice. We simply are recognizing it. I am not attempting to confer upon him any powers he does not have, but my amendment recognizes what I believe to be sound constitutional practice in conventional situations, that is correct.

Mr. SPONG. Of course, as shown by my exchange yesterday with the Senator from Arkansas, my interpretation of the language is that it confers—the Senator's language is that it recognizes—but I believe it confers additional powers. Aside from that, however we are dealing with conventitonal situations. Is that correct?

Mr. FULBRIGHT. That is correct.

Mr. SPONG. And situations involving nuclear warfare are addressed as an exception. Is that correct?

Mr. FULBRIGHT. That is correct.

Mr. SPONG. And the exception is that the President may not use nuclear weapons without the prior explicit authorization of Congress except in response to a nuclear attack or to an irrevocable launch of nuclear weapons?

Mr. FULBRIGHT. That is correct. This, may I say, is an effort to extract from the committee's language that we are not going to be the first to start a nuclear war. That is about what that amounts to, and that seemed to be the best way we could phrase that idea.

Mr. SPONG. So, under the amendment of the Senator from Arkansas, the President may in the conventional situations, if in his judgment the situation endangers the United States, proceed without prior congressional authorization. In the nuclear situations, however, unless the attack has taken place or there is an irrevocable launch—I assume that means it has been shot off, and you have a period of time when you can act—a prior authorization is required?

Mr. FULBRIGHT. That is correct. As I say, I think that is the equivalent of saying or attempting to say that we are not going to be the people who start a nuclear war. We are the only country that has dropped nuclear weapons in anger, in warfare, and I think it is our responsibility to try, as reasonably as we can, to assure the world that it is not our intention to be the first country to start a nuclear war. Other countries, I think China is one of them, have made positive public statements that they will not be the first to use nuclear weapons. They do not say they will not use them in retaliation. I would hope that all countries would take that position. If they would, there would not be a nuclear war.

Mr. SPONG. The Senator from Virginia hopes that this country never would be the first one to use nuclear weapons.

But is it correct to say that the amendment of the Senator from Arkansas differentiates the constitutional powers of the President in conventional situations, as opposed to nuclear situations?

Mr. FULBRIGHT. It is a matter of degree, except that nuclear weapons, I think, are a very different matter and one which, in view of our history, deserves a slightly different approach; because, as I have said, we are the only country that has used them. Since that time, on various occasions, there has been great apprehension that we may use them again.

This matter came up at one period in the war in Vietnam. There were rumors that we had nuclear weapons in ships off the shore and that we might use them. I think it would be very helpful if we took the position that we were not going to be the first to use nuclear weapons.

As to the other matter, I can only repeat that I do not think we are giving him any new powers. I am recognizing what I believe to be good constitutional practice as it now exists.

I think the Senator takes these words to mean something else. I do not think we are. We are saying, "You are the leader, and you can take these actions, but you are responsible for them. We are not giving you advance authority to do these things."

Fundamentally, except in an emergency, he should come to Congress and get its approval. I thought we all agreed upon it. That is the main thrust of this bill—that except in dire emergencies, he should have the authority of Congress.

Mr. SPONG. That is the idea of the bill. The Senator from Virginia, in his later questions, was only trying to point out that emergencies involving conventional situations are treated differently in the amendment of the Senator from Arkansas than are emergencies involving nuclear situations.

Mr. FULBRIGHT. The Senator is correct. We have special laws on our books. We treat nuclear weapons and nuclear affairs differently from the way we treat conventional situations. We have a Joint Committee on Atomic Energy, which has much to do, of course, with the basic problem of the supply of atomic energy to be used in nuclear weapons as well as peaceful uses. We have treated it differently all along. I stated in the report of the committee on this bill, as clearly as I could, on page 26:

> So enormous is the significance of nuclear war that the conversion of any conventional conflict into a nuclear conflict cannot realistically be considered a mere change of tactics in a continuing conflict. In effect, the introduction of nuclear weapons would constitute the beginning of a whole new war.

I think that is true. This is what I meant.

It was on the minds of some Members of this body in a recent hearing, when they specifically asked representatives of the Executive, "Is there any plan or intention to use nuclear weapons if the situation in Vietnam escalates to a very dangerous situation with regard to the program of Vietnamization?" They denied it.

The administration takes a different view at this time in the conduct of the war. They are dropping unlimited amounts of high explosives on Vietnam, but they are not using nuclear weapons. They, themselves, recognize that there is a great distinction in using tactical or any other nuclear weapons and conventional.

So I think this is not inconsistent with the recognized policy of the Government as it is now conducted.

Mr. SPONG. I thank the Senator for his response. I intend to address myself a little later to my own opinion that under the Senator's amendment we would be conferring more powers upon the President than the Constitution confers.

At this time I yield to the Senator from New York such time as he may need.

Mr. JAVITS. Mr. President, this amendment, as has already been developed in the very interesting questions and answers between Senator SPONG and Senator FULBRIGHT, has two very delineated parts.

In one part, the specificity of paragraphs 1, 2, and 3 of section 3 would be eliminated in favor of a general declaration; and the other part of the amendment deals with the ultilization of nuclear weapons. I will discuss each separately, because I think they are separate questions.

Before I do so, it should be stated, in connection with an amendment offered by the chairman of the Committee on Foreign Relations, that it is very doubtful that this bill would be before us at all were it not for the interest in this whole concept, both as a teacher and a leader in the Senate, of the Senator from Arkansas. I want that very clear. We may have some difference—and we do—on this amendment, precisely what it would accomplish and so fourth; but no question should arise as to the dedication and leadership of the Senator from Arkansas in the effort to find some way to codify the issues respecting undeclared war. His role has been indispensable in bringing this measure to where it is, where it has the chance to become an historic measure. So before in any way discussing the amendment upon which we may intellectually differ, I feel it my duty to acknowledge the indispensable position of the Senator from Arkansas in bringing this measure to the Senate.

As to the amendment itself, as to the first part, for me, the specificity which is contained in the first part, as we move into an area where in order to get a true participation in the war powers we need specificity, is more desirable than the general approach which the Senator from Arkansas has used.

Our problem has been that Presidents have construed their own powers so broadly that the very absence of parameters has caused them gradually, in my judgment, to erode the power and narrow the role of Congress. I would consider that I was joining in compounding the historic situation which brought about the really urgent need for this bill were I to go for less specificity than we have arrived at.

I do not want to go for less specificity in spelling out the situations in which the President can put us into hostilities without a declaration of war, or specific statutory authorization as defined in section 3(4).

No one knows better than I the grave problems which will be presented to Congress to stop a war which the President has started. That will be difficult enough. I do not want to pyramid that difficulty with any lack of specificity such as is here presented as an alternative. I much prefer this formulation to the general provision, which again, as I say, invites the President to extend his authority and to erode our authority, in my judgment.

Mr. President, I have a deep difference with the Senator from Arkansas as to the latter part of his amendment, which involves the question of nuclear response. This problem, with which we are trying to deal, is itself so monumental and so historic that I do not believe it contributes to its solution to raise the separate question and endeavor to solve the total nuclear policy of the United States. The fact is that we do not have, as a matter of national policy, the doctrine of "no first use," with respect to strategic weapons. The implications of a flat and total "no first use" doctrine are far-reaching, and fundamental to the whole strategic posture of the United States.

Also Senator FULBRIGHT's concept, which I think is a most interesting one and deserving of the most prayerful consideration, is that in an on-going war the initiation of nuclear hostilities, even tactical nuclear hostilities, creates a new war and there is a separation, indeed a wall of separation between conventional weapons. I do not wish to move into the whole question of nuclear response and responsibility.

I am constrained to oppose the amendment. But, Mr. President, there are yet other problems with the amendment. For example, there is a subtle constitutional question involved here.

It is one thing to deny a weapon. We can prevent a weapon from going into the arsenal of the United States. That goes for tactical as well as strategic nuclear weapons. Indeed, we have had a tremendous struggle on this floor with respect to denying a nuclear weapon or a weapons system. But, Mr. President, that weapon or weapons system, once having been placed by Congress in the arsenal of the United States, there is a question in my mind whether we can then instruct the President as to whether, when, or how to use or not to use it. That may be a Commander in Chief prerogative, so long as he has authority to use any weapon in hostilities.

I can appreciate the intellectual—dialectical, if you will—problem which faced the Senator from Arkansas and the reason for his coming up with the concept of a separate war precisely on that point. I am not prepared to accept that concept. I believe, so far, until we come to some other conclusion with respect to our national policy, that the nuclear weapon is a weapon, and an awesome one, to be treated with the greatest respect, to be negotiated for a limitation, and so forth, if we can humanly limit it; but, nonetheless, a weapon in our arsenal, as is the B–52 with its "block-buster" and "cheeseburger" bombs.

I have a deep concern, and I am not trying to conclude the question, as to whether the President of the United States with his constitutional authority as Commander in Chief can be prevented from using a weapon in our arsenal in defense of the United States or in defense of the Armed Forces of the United States. I do not believe that this is the time or the place to make the decision that we will not use a nuclear weapon under any circumstances, here I quote from the Senator's amendment, "except in response to a nuclear attack or to an irrevocable launch of nuclear weapons."

Finally, we are entering into the SALT negotiations, hoping, deeply and fervently, that they may be successful. I would not wish, in even so historic a measure as this, to throw into the balance some basic decision on the use of nuclear weapons which I feel would be represented by this amendment.

For all those reasons, Mr. President, and again stating the tremendous debt which all of us interested in this legislation owe to the Senator from Arkansas (Mr. FULBRIGHT), I am constrained to oppose the amendment.

Mr. SPONG. Mr. President, I yield 10 minutes to the Senator from Missouri (Mr. EAGLETON).

The PRESIDING OFFICER (Mr. TALMADGE). The Senator from Missouri is recognized for 10 minutes.

Mr. EAGLETON. Mr. President, I thank the Senator from Virginia for yielding me this time. I rise to speak in opposition to the Fulbright amendment——

Mr. FULBRIGHT. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. EAGLETON. I am happy to yield for that purpose.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. I thank the Senator from Missouri.

Mr. EAGLETON. Mr. President, the distinguished chairman of the Foreign Relations Committee is as much responsible for this legislation as any of the major sponsors. Under his leadership the Foreign Relations Committee has conducted hearings which will serve as a graphic record of the deliberation which went into the drafting of this bill.

But Senator FULBRIGHT's contribution to this bill amounts to much more than the strong influence he has had on the drafting of it. He has been a persistent conscience to this body during times when Congress has seemed most reluctant to fulfill its constitutional obligations. We are here today largely because of his persistence.

Because I understand the great contribution the Senator has made to this bill, I take no joy in having to differ with him on this amendment.

The Senator is justifiably concerned that the war powers legislation before this body be as airtight as possible. In his "Additional Views," which were included with the committee report, he states that he is "apprehensive that the very comprehensiveness and precision of the contingencies listed in section 3 may be drawn upon by future Presidents to explain or justify military initiatives which would otherwise be difficult to explain or justify. A future President might, for instance, cite 'secret' or 'classified' data to justify almost any conceivable foreign military initiative.

I recognize that Presidents may well attempt to circumvent this legislation by withholding vital information from Congress. This is exactly why I am convinced that we must circumscribe his emergency powers in a most comprehensive way. If we do this we will be more capable as a body to weigh the available evidence, whether open information or classified, against the specific provision cited by the President.

Further on that point, Mr. President, I cite to my colleagues the testimony of Professor Bickel of Yale relative to the President's emergency powers, on page 588 of the hearing record.

To set the scene for the professor's testimony, let me point out that at the outset of the hearings and the deliberations before the committee on war powers legislation, Professor Bickel of Yale was of the mind that we should not attempt to categorize or codify the President's emergency powers to repel attacks but that we should describe them in a more general or amorphous way. But he changed his initial viewpoint and he said as follows:

> As I said before, Senator Spong, my doubts then were not about the constitutional powers of Congress to act. My doubts were the normal reaction of a common law trained man. We don't like codes. I have since come to the view that, (*a*) that a code can be—Senator Javits taught me that with his successive drafts, that the code in this instance can be written so as to avoid most of what we common law lawyers think is bad about codes and I, secondly, have come to the view if something of this sort is not done now, we will have passed this great opportunity to redress the balance without doing anything.

Mr. President, I think this quotation from Professor Bickel is especially important because——

Mr. FULBRIGHT. Mr. President, will the Senator from Missouri yield at that point for a clarification?

Mr. EAGLETON. Yes, I would be very pleased to yield to the Senator.

Mr. FULBRIGHT. It is my impression that Professor Bickel is not talking about the explicit provisions at issue but is talking about the bill as a whole. He is for the bill, as I am. I do not think that goes to the issue that is between us on this amendment. This is the way he was saying it, by way of this whole business, that we need a bill now—not this specific language. Is that not the way the Senator interprets it?

Mr. EAGLETON. Frankly, it is not. I was not present, at the time the testimony was given, not being a member of the Foreign Relations Committee, but in reading the testimony I was of the impression that I was reading it in the proper context of the exchange between Senator SPONG and Professor Bickel. Professor Bickel was not only saying he favored this bill or a bill, but he was saying to the Senator that he preferred a bill which would codify the situations under which the President could act unilaterally and those situations where he would be prohibited from acting unilaterally vis-a-vis the Congress. But this was a specific quote by Professor Bickel that goes to the proposition of what can be done in a general way—as it is under the Zablocki resolution which the Senator from Virginia (Mr. SPONG) spoke about in his questioning of Professor Bickel—or whether it should be specified and codified.

I also feel that the Bickel quote can be explained by his own general attitude, that he originally had a leaning to an amorphous approach, but had concluded as in the last sentence of this quote:

> . . . and I, secondly, have come to the view if something of this sort is not done now, and I interpret that to mean codification, we will have passed this great opportunity to redress the balance without doing anything.

Mr. FULBRIGHT. Mr. President, before we get away from that, the Lawyers Committee made this suggestion. However, it is quite different from the bill as reported. And this was not Mr. Bickel. It was the Lawyers Committee who discussed this point. They were willing to say:

> Repel a sudden attack against the United States, its territories and possessions;
>
> Repel a sudden attack against the armed forces of the United States on the high seas or lawfully stationed on foreign territory.

If that is what we had here, and if the Senator would like to require that—which I do not think is unrecognized and I do not know anybody that does not agree that the President has that responsibility—and if that is all it was, I would not offer my amendment. However, we go much further than that when we begin to talk about anticipating imminent attacks, et cetera. This is what aroused my interest in the beginning.

I am so clearly reminded of our recent experiences in Cambodia. I think the reasons given there did not prove to be valid. And I do not want to be in a position of giving color or credence to a repetition of that sort of thing by a future President who can say, "Here is the authority." And he does not have to explain anything. He can say, "It is already authorized. It is in the law. How can Congress raise the question?"

I want him to be in a position of always being responsive. The question is raised by his act and he has to explain it. It shifts the burden to him rather than to us. The Senator is proposing to relieve him of the burden if he confines this to the lawyers' committee suggestion, about which I think there is no question. Then this does not arise.

I was worried about going further and describing a kind of situation like Cambodia where the President says it involves the protection of troops from imminent attack from Cambodia. When we look at the result of that now, I do not think we are far apart.

Mr. EAGLETON. Mr. President, I fully share the concern and apprehension of the Senator from Arkansas with respect to the fact that a future President of the United States might, under a given factual circumstance try to take refuge in the language of this bill, or in the language of the Senator's amendment, and find in that language sanction to do that which he had no authority to do.

I am not saying that future Presidents of the United States will be men of ill will. Quite the contrary. We have to operate in this country under the assumption that he who occupies that high office will be a man of good will.

I submit to the Senator from Arkansas that a future President could find safer refuge in the generalized language of this amendment than he could in the specific and codified language in the bill before us. That is, based on such information as the President would provide us either in the public domain or such classified information as might be imparted in a session of the Senate as a whole or the Foreign Relations Committee.

The specific language gives a much more precise benchmark against which to measure the action proposed by the President so that the Congress can judge whether or not it should go along with it. To emphasize it another way, I think a future President with the language suggested by this amendment would be able to take safe refuge and could find in this language the "authority" for his conduct which that same President might not be able to find in the specific language contained in the Javits bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPONG. Mr. President, I yield the Senator from Missouri 3 additional minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 additional minutes.

Mr. EAGLETON. Mr. President, under the generalized emergency provision contained in Senator FULBRIGHT's amendment a President would still be able to withhold information but without a specific citation, the Congress would find it much more difficult to assess the President's justification.

The problem of the Executive withholding information that the Congress must have to fulfill its constitutional responsibilities is a serious one. In my second appearance to testify before the Foreign Relations Committee on this bill, I discussed this problem at some length. I suggested in that testimony that Congress—

> Must be willing to demand, receive and act upon relevant information it needs to exercise the most solemn of its constitutional responsibilities—making the decision that takes this country to war.

I ask unanimous consent that the complete text of this testimony of July 27, 1972, be printed in the RECORD directly following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. Mr. President, I would also like to acknowledge that Senator FULBRIGHT has taken a very important initiative to attempt to solve this problem by introducing legislation pertaining to the alleged right of "Executive privilege." I suggest that is a much overused and abused right.

The second part of Senator FULBRIGHT's amendment would require congressional authorization for the use of nuclear weapons other than to respond to a nuclear attack. I share Senator FULBRIGHT's concern about the use of nuclear weapons in conventional warfare. I feel, however, that any restriction of this type should remain separate from this legislation.

The purpose of this bill is to define and delineate the war powers of Congress and the President. The sponsors have taken great care to avoid encroaching upon the recognized powers of the President to conduct authorized hostilities.

This bill is not the proper vehicle for restricting the President's use of weapons previously appropriated by Congress to the executive arsenal by defense procurement and appropriations measures.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPONG. Mr. President, I yield the Senator from Missouri 2 additional minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 additional minutes.

Mr. EAGLETON. Mr. President, if Congress feels that the use of any weapon should be restricted, this should be accomplished by amendment to those measures. I would be pleased to join with the Senator should he wish to offer such an amendment.

Mr. President, I wish to emphasize again that I have the utmost respect for the contribution that the Senator from Arkansas has made to this bill. The printed hearings on this act are ample testimony to the great personal input of Senator FULBRIGHT and to his continuing effort to make this body comprehend and fulfill its responsibilities.

EXHIBIT 1

STATEMENT OF SENATOR EAGLETON

I believe the release of the Pentagon Papers throws new light on the crucial decision of the Vietnam War—new light that is relevant to this Committee's deliberations regarding the war powers of Congress.

Viewed broadly in the context of determining foreign policy, the Pentagon Papers portray an ever-broadening, almost boundless unilateral decision-making role by the post World War II Executive Branch. The papers show decisions being made without the knowledge and consent either of the Congress or of the people.

The key to this enormous accretion of power to the Executive Branch is secrecy, motivated by a far-too-broad view of the President's foreign policy prerogatives. According to every recent occupant of the White House, the President can pursue foreign policy not only by diplomacy, but by the threat of force, or even the actual use of force, as well.

Admittedly the President does have great diplomatic latitude. Diplomacy by referendum or consensus was not sensible when the Constitution was drafted and it is no more sensible today. Unquestionably the President is this nation's chief diplomat.

But when diplomacy fails or when diplomacy leads to an impasse which threatens to result in war, the decision is no longer the President's alone. The Constitution mandates that when the talking stops, Congress, not the President, decides if the shooting starts.

In fact, nothing is clearer from the deliberations of the Founding Fathers than their desire to ensure that the decision to go to war, as distinguished from the routine conduct of diplomacy, be a collective decision.

But as Neil Sheehan of the *New York Times* wrote, the intent of the Constitution was a secondary consideration as the post-World-War-II Executive decided that the use of force was necessary in Vietnam:

"To read the Pentagon Papers in their vast detail is to step through the looking glass into a new and different world. This world has a set of values, a dynamic, a language and a perspective quite distinct from the public world of the ordinary citizen and of the other two Branches of the Republic—Congress and the Judiciary...

"Clandestine warfare . . . naturally has an important effect on public events. Covert operations also occasionally violate treaties and contradict open policy pronouncements.

"Clandestine warfare against North Vietnam, for example is not seen, either in the written words of the senior decision-makers in the Executive Branch or by the anonymous authors of the study, as violating the Geneva Accords of 1954, which ended the French-Indochina War, or as conflicting with the public policy pronouncements of the various administrations. Clandestine warfare, because it is covert, does not exist as far as treaties and public posture are concerned. Further, secret commitments to other nations are not sensed as infringing on the treaty-making powers of the Senate because they are not publicly acknowledged.

"The guarded world of the government insider and the public world are like two intersecting circles. Only a small portion of the government circle is perceived from the public domain, however. Vigorous internal policy debates are only dimly heard and high-level intelligence analyses that contradict policy are not read outside. But as the Pentagon Papers demonstrate, knowledge of these policy debates and the dissents from the intelligence agencies might have given Congress and the public a different attitudes toward the publicly announced decisions of the successive administrations.

"The segments of the public world—Congress, the news media, the citizenry, even international opinion as a whole—are regarded from within the world of the government insider as elements to be influenced. The policy memorandums repeatedly discuss ways to move these outside "audiences" in the desired direction, through such techniques as the controlled release of information and appeals to patriotic stereotypes. The Pentagon Papers are replete with examples of the power the Executive Branch has acquired to make its influence felt in the public domain."

In short, the picture that emerges of the post-World-War-II Executive Branch can give little comfort to a Congress intent on reclaiming its constitutional war powers and restoring deliberate decision-making on whether or not we go to war.

For if knowledge is power, the President has become all-powerful in the conduct of both diplomacy and war-making. By taking secret actions suggested by a few men in secret sessions, a President can effectively limit Congressional war-making options in advance, or distort Congressional judgment by withholding crucial information—as in the Gulf of Tonkin incident.

Unless Congress has regular access to information about Executive decisions which could move us towards war, any "war powers" legislation emerging from this Committee will be only a half step.

The Pentagon Papers indicate that if Congress is going to reassert its rightful authority to decide when this country goes to war, it must have the pertinent and vital material to make an informed judgment. Such a judgment requires more than the material which the Executive Branch force-feeds Congress, more even than the specific information Congress requests. Such a judgment requires all revelant information that deals with Executive actions that could take us into war.

That information must be secured on a regularized basis.

Senator Cooper has taken a step in this direction with the introduction of S. 2224, which amends the National Security Act of 1947 and requires the Central Intelligence Agency to keep the germane committees of Congress "fully and currently" informed through regular and special reports to Congress and special reports in response to requests made by the appropriate committees.

The importance of this step cannot be underestimated.

Executive privilege is likewise coming under closer Congressional scrutiny as indicated by Senator Fulbright's testimony before Senator Ervin's Separation of Powers Judiciary Subcommittee which is delving into executive privilege.

Through the years Congressional indifference has allowed to go unchallenged the broad Presidential claims of constitutional power to withhold information from Congress.

One of the clearest, and one of the most constitutionally unsupportable views of "Executive privilege, was expounded by then Attorney General William P. Rogers in 1954 when he stated:

"For over 150 years—almost from the time that the American form of government was created by the adoption of the Constitution—our Presidents have established, by precedent, that they and members of their Cabinet and other heads of executive departments have an undoubted privilege and discretion to keep confidential, in the public interest, papers and information which require secrecy. American history abounds in countless illustrations of the refusal, on occasion by the President and heads of departments, to furnish papers to Congress, or its committees, for reasons of public policy. The messages of our past Presidents reveal that almost every one of them found it necessary to inform Congress of his constitutional duty to execute the Office of the President, and, in furtherance of that duty, to withhold information and papers for the public good."

Past Presidents probably assumed that withholding the full extent of our commitment to, and covert operations in, Southeast Asia was for the "public good." It certainly was the most effective way to work without the hinderance of public opinion or of Congress.

No one denies that the Executive has the right to counsel from his advisors in private. However, when that private counsel becomes national policy, announced or covert, then Congress has the need and the right to know.

Some mechanism, and I admit that I am not sure at this time what that mechanism should be, must be found to ensure that Congress has access to relevant information regarding all decisions calling for action, beforce those decisions lead to violent reaction elsewhere in the world.

Finally, Congress itself must want to, and be prepared to, participate in the process by which we go to war.

For Congress to pay more than pious lip service to its war making role, it must not only pass a strong war powers bill, but also must be willing to demand, receive and act upon relevant information it needs to exercise the most solemn of its constitutional responsibilities—making the final decision that takes this country to war.

The PRESIDING OFFICER. Who yields time?

Mr. SPONG. Mr. President, I yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, I would prefer that the Chair would notify me when 5 minutes have expired.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, I share the concern of the distinguished Senator from Arkansas with respect to that part of his amendment which deals with nuclear weapons.

But we must note that the Senator's amendment is a complete substitute for that part of section 3 which would express the interpretation by the Congress of the powers of the President to enter hostilities without a declaration of war or expression of approval by Congress. I refer to constitutional power.

I must say that I do not believe there was any testimony before the committee and I do not know of any support on the part of those who oppose the bill or who support the bill, which support the thesis of the first part of the Senator's amendment.

His amendment would condition the constitutional authority of the President to act only in those situations when a national emergency exists. All constitutional authorities I have heard or read, hold that the President has the right to use force to repel an attack on our forces, our possessions, and upon this country.

The amendment differs. Even if there should be an attack upon the United States, its possessions or forces, unless the President determines it a national emergency he would be prohibited by the amendment from repelling the attack or defending our forces. Similarly, if a situation arose which the President considered an imminent threat to our country or forces, unless there was a national emergency he would be prohibited from acting.

It could limit a national emergency to an attack by the Soviet Union or some power which had the capability to destroy our country. I must say I know of no constitutional authority which would prohibit the President from his duty to protect this country and its people.

There is a great deal of talk about priorities, but I believe the obligation to protect our country and its people is a first priority. The sponsors of this bill were very careful to provide that in case the President should act to forestall an attack, the threatened attack must be imminent and authority would be only to repel that attack. The safeguards are in the bill.

There must be authority to protect our forces, our country, and its possessions if they are attacked. We cannot wait for a national emergency. The national emergency may grow out of the failure to protect our country, its possessions, and its troops, while if we stand supinely by and let such an attack proceed.

I am concerned about the second part of the Senator's amendment. The Senator has not made it a separate part but includes it in the body of the amendment. The question of the use of nuclear arms is one of the most serious questions before the world today. If a nuclear attack of any kind is ever launched it is conceivable it could escalate into major nuclear exhanges which would destroy our country and the attacking country, because the United States and the Soviet Union have the capability to destroy the other even though subjected to the first strike of nuclear warheads.

All of our Presidents have said they would not use our nuclear power in a first strike.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. FULBRIGHT. I would like to put that in the Record if the Senator can tell me where he heard that.

Mr. COOPER. I may be wrong.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPONG. Mr. President, I yield the Senator 5 additional minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 additional minutes.

Mr. COOPER. Mr. President, frankly, I regret that the latter part of the Senator's amendment has been presented as a part of the amendment. I will tell the Senator why I make the statement.

As the Senator from New York (Mr. Javits) said, we are engaged in the SALT talks. Whatever action we may take on this amendment, if it has any effect on world opinion or the negotiation, some may interpret a vote against it as the will of one body of Congress that we should use nuclear weapons in a first strike.

If Senators vote for the provision, some might interpret it, no matter what the exigencies, even to the very existence of our country, to mean it could be destroyed without the ultimate effort to protect it.

I do not think that writing this language into a statute can in any way limit the constitutional authority of the President to use nuclear weapons if he thought it necessary to protect the existence of our country. We cannot by statute deny the constitutional power of the President. I would hope that as the Senator feels deeply about this, and I do, that would be placed in a resolution expressing the sense of the Senate that nuclear weapon should not be used in a first strike. I would support it.

The use of nuclear weapons can hardly be contemplated, because if they are ever used, tactical or otherwise, the possibility of escalation could occur until all is destroyed. It is horrendous to contemplate.

I say this with great respect to the Senator. I am sorry he has presented the matter in this way because I do not think it accomplishes anything, except to provide for misinterpretation of our vote. In some ways on the floor of the Senate, with others, I have introduced amendments to prevent the development of nuclear systems which would increase the danger of nuclear instability and war. In that effort we learned a great deal about their awesome capability. I share the Senator's concern, but I regret the form in which he presents this subject to us.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, I regret the Senator from Kentucky takes the view he does about this being a measure, the rejection of which would have a great significance for our purposes. As a matter of fact, I do not recall at any time that this or any other President made a commitment against first use of nuclear weapons, and Congress has not done anything, and the Congress I still think is an important part of our Government. I do not accept the idea that what we say is not significant; we should not presume to downgrade Congress in this fashion.

I do not recall any President saying we will not be the first to use nuclear weapons. They like to keep the option open as a form of pressure on other countries, so that they cannot be too sure of our intentions and do not take us for granted.

From a military point of view I suppose that is true, and I suspect military authorities, if they were consulted, would resist a declaration that we should not be the first to use nuclear weapons. I think it would be a good policy, we already having demonstrated that we will use them; that we do not refrain from using them. We are the only country in the world that has used one in war, which puts us in a little different class from other countries. No other country to my knowledge has used nuclear weapons in anger. They have used them in experiments.

That, in itself, puts some responsibility on this country to express itself about the matter and I think Congress should share in the expression.

Fundamentally I return to what was said yesterday. I thought it was agreed that the bill is not an amendment to the Constitution; it is not giving or taking away constitutional power of the President. It is not a presumption on my part or anyone else's part that we are changing the constitutional power of the President. Senators can engage in all the rhetoric they like and make great speeches here, but it does not change the constitutional power of the President. If we are going to change it, it has to be in the form of an amendment to the Constitution. I am not changing his power.

I think what I am doing, as we said yesterday, is engaging in an educational project. I think we are restating, as closely and accurately as we can, what we believe to be the real meaning of the Constitution.

The Constitution, of course, speaks for itself, but every man looks upon these matters in the light of his own experience, and no two men look at it exactly alike. If one is accustomed to the acceptance of the dominance of the Executive, he sees these values in a different light from one who is accustomed to thinking of the legislative as an important body.

I was brought up in the school that the Legislature is an important body. I believe, as I read the Constitution, that it has primacy in the question of making war. I would say from my background of experience, when I read the language that says the Congress shall have that power, that it means something. It means the Congress, not the President, has the power to declare war and to make war, and that Congress has the power to make regulations for the governing of the Armed Forces.

The Senator from New York says we have no business telling the President he cannot use nuclear weapons first. I do not know what he thinks the Constitution means when it says Congress shall have the power to determine on war and regulate the Armed Forces. It does not say the President has that power. It does not even say "in conjunction with the President." The only power the President would have in this case, if it is a law, in connection with something that would be a regulation, is the veto power. That is no final power. All he has is the power to have it passed again by two-thirds.

If I read the Constitution correctly, the President does not have power to make regulations governing the Armed Forces. The Constitution does not say the President shall have exclusive power to use nuclear weapons. They did not even have nuclear weapons at that time. The control of the use of weapons used by the country seems to me to be within the power of Congress to determine. I do not see that that is a constitutional question——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FULBRIGHT. I yield myself 5 more minutes.

There is reference here to an emergency. With reference to the way the Senator from Kentucky interprets the language, I do not read that language to mean this country must be on the verge of complete defeat and overwhelming disaster in order for the President to employ the forces in accordance with the language of subsection (1). The President will rationalize a particular situation in accordance with his particular background. Whether it would be a relatively minor matter, whether it would be the involvement of a few individuals whose lives were in danger, whether it would involve a ship at sea, or whatever it was, if it was significant in the President's view to warrant intervention, he has that power. All in the world he does—this has been done many times, and nobody is questioning it—is, in response to an incursion against our ships at sea, for example, or the mistreatment of our citizens if they are in a place where they have a right to be, and so on, is to respond and act. Those are recognized examples.

What is at issue here is a very simple proposition. Do we wish to make it very easy for future Presidents to invade a country like Cambodia, as an example, or to fight a war and use our forces in a place like Vietnam, or do we wish to cause him to ponder about it and to be more careful—he might even consult Congress—in order to be sure, himself, that he is not making an irresponsible judgment or that he should have some further advice? He might even be so bold as to consult Congress in advance and say, "Look, I am confronted with such and such. What do you think"? He would do it through committees, of course. That is the usual way. I assume he would. That, I think, would be a very healthy thing. I think the participation of more people in these decisions is, to some degree, insurance against serious mistakes. That is about what it comes down to.

I do not for a moment think that either the bill as presented or what I am submitting is going to deprive him of or give the President more constitutional power. It will, if it is taken seriously and the Congress accepts it and the country approves it, give him pause and cause him to be more careful in arriving at decisions to employ our Armed Forces in warfare.

I would call it an educational—psychological if you like—exercise so that in the future Presidents will be much more careful than they have been in the past in committing our troops.

As I have tried to say, I think beginning certainly not later than Secretary Acheson's statement that I read a moment ago, there has grown up a feeling that the President can do anything he likes, regardless of Congress. He does not even have to consult it. In recent years there has developed the concept of inherent presidential power. When I went to law school many years ago I do not remember any professor or teacher telling about the inherent presidential power to make war, or the inherent presidential power to do this and that. They talked about his constitutional powers.

What does the Constitution give the President? The Constitution does not give him the power to make war. I should be more precise; I should say the constitutional authority to make war. So long as the Army will obey his commands, he has the raw power to do it, no matter how unconstitutional it is. That is what has happened.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 3 minutes.

I have supported these measures. I appreciate the fine compliments of the sponsors of the bill. That is customary when they are getting ready to vote against a Senator. They say what a great fellow he is. I wish someone would stand up and denounce me but vote with me. I would like to have a little balance.

I think this is important, but not in the sense implied, that we are giving or conferring or taking away power, legitimate constitutional power. I think it is important because we are giving advice to the President and we are causing people to ponder this question.

As I see it, the difference between my suggestion and the committee's proposal is that I say, "Look, you be more careful. You must go ahead and justify it. You do whatever the circumstances require, be it little or big." It says here "in his judgment." "But just remember, when you do it, you are going to have to answer for it to the Congress and the people." Instead of that, the proposal is to say, "Look, if there is an attack or an imminent threat, go to it. You do not have to come back. We are giving you the authority in advance. We are saying, 'Go to it.' "

All he has to do, when it is over, no matter how irrelevant his action may have been to the facts, or how faulty his judgment may have been, is say, "Look, you gave me the authority"—just as President Johnson did. When anybody asked him about Tonkin Gulf, he carried the resolution in his hip pocket, and every time I saw him—which was not often—he would say, "Here, look what Congress said." He did not have to bother going to the merits. He did not have to say, "Look, this is a very serious question. The future of this country is involved in Vietnam." He did not say, "Look, even though you think it is silly to go 10,000 miles away, even though you do not think Vietnam is a great and imminent threat to us." He did not have to explain. He did not have to go into detail. He said, "Look, you authorized anything I wanted to do."

When Secretary Rusk would come up, he would first try to justify it by talking about the threat of communism and containing Red China, and when that began to be exploded by events, he turned to it in the beginning but he went back to the SEATO treaty.

I said to him, "I do not believe the SEATO treaty ever contemplated any such action," but in his desperation, all his other justifications having evaporated, he retreated to the SEATO treaty, saying, "You passed it."

So what are we doing under these particular circumstances? Inviting future Presidents to take decisions of great importance more lightly than they otherwise would, is about what it comes down to, thinking they are already authorized to do whatever they want to do.

The President is going to do whatever he wants to do anyway. The difference is that in one case he may do it quickly and impulsively, because he does not have to bother about justifying it. In the other case, under my language, he might think, "Oh, my goodness, I better think about that twice. Maybe I even better consult with somebody besides Mr. Kissinger. Maybe I better talk to the Secretary of State, or even maybe a Senator, because they are going to be involved."

That is about the practical difference. On the one hand, he will feel free to do, with practically no consideration, whatever his impulse may tell him at the moment. On the other hand, I think he would very seriously consider the consequences of his action. And that is about what this proposal comes down to. In neither case is this bill going to put any strong inhibitions upon any President, because it does not change the Constitution.

I would conclude by saying that I think my language describes what the constitutional situation really is better than the language of the bill, and that is about what it comes down to.

Mr. President, I am prepared, if the other side is, to yield back the remainder of the time and vote.

Mr. SPONG. Mr. President, I shall be prepared to yield back my time in a few moments.

I laughingly say to the Senator from Arkansas that, while other Senators have made commendatory remarks, I have so far, as the junior member of his committee, sat moot. He has made a great contribution to this legislation and to this debate.

I want just 1 or 2 more minutes to summarize. Whether or not his approach increases or restricts the President's powers is a matter of interpretation of language. I think the words "in his judgment" broaden the possibilities. The Senator from Kentucky has talked briefly about the idea that "national emergency" may restrict the situation.

Nevertheless, I agree with the Senator from Arkansas that the purpose of all this legislation will be to bring about more consultation before the fact, before actions are taken.

Mr. FULBRIGHT. Mr. President, will the Senator permit me to ask, whose judgment does he think the President is going to use? I do say "his judgment"; I cannot imagine his using anyone else's.

Mr. SPONG. Of course not, and under our bill, he has a great deal of latitude. But under the circumstances recited by the Senator from Arkansas in the past, he would not have been prohibited from using his judgment by the Senator's amendment.

If a President had information that he did not want Congress discussing, or if he felt even remotely that a situation resembled a national emergency, he could go ahead and act.

Second, I want to agree with the Senator from New York, the Senator from Kentucky, and the Senator from Missouri that this matter of the nuclear situation should be addressed outside of the context of this bill.

With these closing remarks, unless the Senator from New York or the Senator from Kentucky have something further to say, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McGee). Do both sides yield back their time?

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McGee). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Arkansas (Mr. Fulbright). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from North Carolina (Mr. Ervin), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Montana (Mr. Mansfield), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from New Jersey (Mr. Williams), the Senator from Alabama (Mr. Sparkman), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Louisiana (Mr. Ellender) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. Ribicoff), is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender), the Senator from Rhode Island (Mr. Pastore), the Senator from North Carolina (Mr. Jordan), the Senator from Connecticut (Mr. Ribicoff), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Utah (Mr. Bennett), and the Senator from Arizona (Mr. Goldwater) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock) is detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett) would vote "nay."

The result was announced—yeas 10, nays 68, as follows:

[No. 145 Leg.]

YEAS—10

Cranston
Fulbright
Gravel
Hart
Hartke
Mondale
Nelson
Pell
Proxmire
Stevenson

NAYS—68

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
Miller
Montoya
Moss
Packwood
Pearson
Percy
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NOT VOTING—22

Aiken
Bayh
Bennett
Brock
Ellender
Ervin
Goldwater
Harris
Hughes
Humphrey
Jordan, N.C.
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pastore
Ribicoff
Sparkman
Williams

So Mr. Fulbright's amendment was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. Proxmire). The amendment will be stated.

The legislative clerk read the amendment as follows:

> On page 13, at the end of section 9, add the following: "And nothing in this Act shall be construed to limit any authority which the President was authorized to exercise in implementation of the United Nations Charter or any treaty ratified by the United States prior to the date of enactment of this Act."

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, first I say to my colleagues, I should like to ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Second, I do not intend to take long on this amendment. I believe I have a half hour and I will yield myself 6 minutes to start with.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 6 minutes.

Mr. DOMINICK. Mr. President, this amendment is a variation of a printed amendment, No. 1110. The reason I varied it was to conform with the wording which was used by Senators Spong and Javits in their limitation of what would happen under this bill with respect to NATO; but, unfortunately, in my opinion, they did not go far enough in that, in order to keep NATO a viable method for protecting a vital part of the free world.

Let me, if I may, precisely outline why I say that.

Section 4(B), on page 9 of the bill, starting on line 14, reads in part as follows:

> Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

When I called the attention of the Senators from New York and Virginia to the problems which this would create with respect to NATO, the Senator from New York added an amendment at the back of the bill which provided that, notwithstanding what was said in 4(B), nothing would prohibit an American from participating in the command authority in headquarters. In his particular statement interpreting his own amendment, the Senator from New York said, and I quote from the Record.

> I want to point out, Mr. President, that this position is very narrowly drafted. It does not except any use of actual combat forces. It does not except any command arrangements which are included only in contingency plans, and it refers solely to the use of members of the Armed Forces in their "headquarters operations of high-level military commands which were established prior to date of enactment of this act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date."

The difficulty with this, as I see it—and I say this with all due respect to my friends from Virginia and New York—is that the whole concept of NATO forces in Europe, or for that matter the United Nations forces in Korea, is based on a universal response to an attack on any member.

In each one of these, I am willing to admit that in the NATO Treaty it says "in accordance with constitutional processes, and so forth," but the constitutional processes are not spelled out. But they are spelled out in this bill, as I understand it.

Now, what have we done under the bill?

We have said that none of our troops in Western Europe can respond to an attack on Greece or on Germany or on England or on France unless the President decides that this is a tremendously serious situation, and then he has to interpret it, to say whether this puts our own troops in the problem.

Second, by virtue of the interpretation which the Senator from New York put on his own amendment when he put it in the bill, it means that we can continue to participate in imminent hostilities or in hostilities themselves as part of a command authority, but that we cannot do that at a lower level, that we cannot, by virtue of that, take action with respect to American forces. All we can do, as I understand his amendment, is to participate in the process of helping in the command and control of our Allied Forces there, not with our own. So it puts us in the position where the President or any of our allies, frankly, will not know what kind of response might or might not be made under the agreements that have been reached, before or under a contingency plan, unless Congress acts.

With all due deference, this is equally as important in the Korean situation as it is in NATO from the point of view of the exposure of our Armed Forces. This amendment does not say that we have to go to war. It does not say we have to do anything. It merely says that whatever other authority the President had in these situations he retains, despite the provisions of the bill. This seems to me to leave the President with much more flexibility and a far greater degree of credibility insofar as our allies are concerned, so that each ally on the United Nations forces in Korea or in our NATO forces in Europe will not have to try to interpret what the language in the bill means by itself, or to determine whether a mutual defense alliance has any bearing at all.

I do not believe that this is a difficult amendment. It does not hurt the bill. It would be my hope that this could be one of the amendments we could possibly pass as a worthwhile amendment, to try and salvage what I believe is an important part of the internal strength of the free world.

Mr. President, I reserve the remainder of my time.

Mr. SPONG. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, this is another of those "nothing in this bill shall" amendments. I spoke before of the difficulty which we get into in trying to negate what the bill does not mean. I have opposed a number of amendments on that score. But this particular amendment has yet another problem which is contained in it.

It will be noted that this measure provides, and I read now from page 9, line 21 of the bill, to the first word on line 1 of page 10:

> No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause . . .

The reason we did that was that we locked into law the determination of the State Department, officially made to us, that under the NATO Treaty the President had no power except pursuant to the constitutional process.

The State Department has officially construed the whole treaty, and it was in the original Foreign Relations Committee report that accompanied the treaty, to mean that he may only use our forces pursuant to the constitutional process.

What the Senator from Colorado is contending for in this amendment is that we leave this question open. We have already said in the amendment to which he referred, and quite properly, that it lets our top commanding echelon, in association with the commanding echelon of the other NATO forces function, even if there are hostilities, without coming under the inhibitions of this bill, the 30 days, et cetera. That is already in. And now the Senator from Colorado wants to extend that. We oppose it because it leaves open the question of what the NATO Treaty may mean. It invites the construction that under the NATO Treaty the President cannot respond automatically if another NATO country is attacked.

If another NATO country is attacked he can come to Congress. We say that, but we do not in any way negate the other parts of this bill which give the President, or confirm the power—we do not give it to him—to repel an armed attack on the United States or to forestall it if he considers it a direct and imminent threat on the United States or the forces of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPONG. Mr. President, I yield the Senator from New York such time as he might require.

Mr. JAVITS. Mr. President, the Senator from Colorado has properly said that the President has to determine whether his action is of such a nature—that is, the action against NATO allies—as to involve an imminent threat to the United States or to the Armed Forces of the United States. In that case he can act against it, with the use of the Armed Forces of the United States, subject to the provisions of the bill.

In short, there is nothing in the definition of the NATO Treaty which I have described which changes the capability of the President to move against any attack or imminent threat of an attack against the United States or the Armed Forces of the United States. Therefore, we believe that the network of his authority is kept the way this bill defines that it should be. At that point, if he finds that he construes that as a major thing which threatens the United States or its forces, we have the 30-day provision.

That is why we do not feel that we should have this broad-scale exemption. There is ample power in the bill to deal with major situations, and we do not want the President, without our authority, to use the pretext of minor situations and escalate them to the point of the utilization of hostilities by the Armed Forces of the United States, without our authority, remembering always that the President's good faith is involved here.

The President is the one who decides whether the situation is of such size as to justify him in determining that he has to use the Armed Forces because of an imminent threat against the United States or against the Armed Forces of the United States.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPONG. Mr. President, what the Senator from New York is saying is correct. But is it not true that when the NATO exemption was made all of us recognized that the NATO treaty was not self-executing and that we cannot make it self-executing by this legislation.

Mr. JAVITS. The Senator is correct.

Mr. SPONG. Secondly—and the Senator from New York has pointed this out—the response is a matter of discretion with the President of the United States. For instance, if Greece was attacked by Warsaw Pact nations, the President could certainly construe this as the threat of imminent attack on NATO forces and respond accordingly.

Mr. JAVITS. Our NATO forces?

Mr. SPONG. Our NATO forces; the Senator is correct. If, on the other hand, there is a fight on Cyprus between various factions, but involving Greece, this is a matter which the President can choose to ignore. There is no call upon the President to act or upon the United States to respond in the latter situation.

Mr. JAVITS. The Senator is exactly correct. There is one additional fact, that in all the time, with any of these situations, the NATO Command, of which we are a part, continues to function. We have expressly made that clear in the bill.

Mr. SPONG. I thank the Senator.

Mr. JAVITS. I thank the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I have listened with great interest to the remarks of the Senators. They say on the one hand that we do not need it. On the other hand they say that the bill covers contingencies which we did not want the NATO Treaty to cover to begin with.

This is quite interesting, because I refer now to the committee print of the 82d Congress, the 1st session in 1951, entitled "Powers of the President Regarding the Armed Forces Outside of the United States."

On page 26 of this, referring to the NATO Treaty, this is what was said:

> That article 5 might require the President to order the armed forces into action was

clearly foreseen by the opponents to the treaty in the Senate. To forestall this possibility Senator Watkins introduced a reservation to the treaty which read as follows:

> The United States understands and construes article V of the treaty as follows:
>
> That the United States assumes no obligation to restore and maintain the security of the North Atlantic area or to assist any other party or parties in said area, by armed force or to employ the military, air, or naval forces of the United States under article V or any article of the treaty, for any purpose, unless in any particular case the Congress, which under the Constitution has the sole power to declare war or authorize the employment of the military, air, or naval forces of the United States, shall by act or joint resolution so provide (vol. 95, Congressional Record, July 21, 1949, p. 9898).
>
> This reservation was rejected by a vote of 84 to 11 (ibid., p. 9916). The Senate thus repudiated the idea that the President could not use the armed forces of the United States to carry out article 5 without congressional authority.

So, many of the arguments that are being presented by the Senator from Virginia and the Senator from New York were advanced by former Senator Watkins of Utah in 1951 and were overwhelmingly rejected by the Senate. Then they went on to take care of the NATO Treaty itself.

What I am saying is not designed to clarify that situation to say that Watkins was wrong or right, or whatever it might be. All I am saying is that nothing in the bill shall prevent the President from exercising these powers and in fact he has not.

In other words, it gives him the authority as may have been conveyed upon him by past practices and procedures and by the number of situations in which this country has been involved where the President had to move. It may not have been a move in defense of the United States. President Eisenhower moved into Lebanon with marines. He did that without authorization of Congress. He got out in 2 weeks, which would have been within the 30 days provided in this bill, but by so doing we established a stable government in the area, in a situation which otherwise could have been a holocaust for the Middle East.

All I am saying is allow the President to retain his flexibility; do not constantly try to block him, so that the President, with all the intelligence information at his hands would subsequently have to find out whether or not he has been violating the law in taking action he thought necessary for the safety of the American people, or for allies, for that matter.

This world is too small for us to build a wall around ourselves and become a fortress America. This is one more step in that direction. We must not do it.

Here I am speaking as a conservative talking in favor of internationalism. Is that a new word for a conservative? I guess it is, but I feel deeply about this matter.

Unless we go forward with alliances with our allies around the world we are going to be pushed further and further into a corner until we will have to do something. That does not gain peace; it increases the dangers of real war. All I am doing here, to repeat again, and this will be my final statement on this matter, is to provide that:

> Nothing in this Act shall be construed to limit any authority the President was authorized to exercise in implementation of the United Nations Charter or in any treaty ratified by the United States prior to date of enactment of this Act.

I cannot see any problem with the amendment and I hope it is agreed to.

Mr. JAVITS. Mr. President, I will just take 2 minutes.

Mr. SPONG. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I take this time only to deal with the question of the Watkins reservation. If Senators will refer to the RECORD of the other day they will find on April 4, 1972, page 11481, a reference, and this is in the State Department memorandum, to the report of the Committee on Foreign Relations on the NATO Treaty. The Foreign Relations Committee report of the time states:

> "The committee wishes to emphasize the fact that the protective clause 'in accordance with their respective constitutional processes' was placed in article 11 in order to leave no doubt that it applies not only to article 5, for example, but to every provision in the treaty. This safeguard is thus all-inclusive.

Obviously the Watkins reservation was rejected. We know the Watkins reservation might have required the renegotiation of the treaty. The committee made clear the power remained in Congress. We are locking that in at a time when we are setting a legislative framework in which this whole operation of going into an undeclared war—actions on the United States and its Armed Forces—shall be set. We say this should not be left open as the Dominick amendment would leave the matter open. The NATO Treaty is not automatic.

I hope the amendment is rejected.

Mr. SPONG. I am prepared to yield the remainder of our time.

Mr. DOMINICK. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "yea."

The result was announced—yeas 24, nays 53, as follows:

[No. 146 Leg.]

YEAS—24

Allen
Allott
Baker
Beall
Bellmon
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Jackson
Jordan, Idaho
McGee
Miller
Smith
Taft
Thurmond
Tower

NAYS—53

Anderson
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Eastland
Ellender
Gambrell
Gravel
Hart
Hartke
Hatfield
Hollings
Inouye
Javits
Kennedy
Long
Magnuson
Mathias
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Young

NOT VOTING—23

Aiken
Bayh
Bennett
Cooper
Ervin
Fulbright
Goldwater
Harris
Hruska
Hughes
Humphrey
Jordan, N.C.
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pastore
Ribicoff
Sparkman
Williams

So Mr. DOMINICK's amendment was rejected.

Mr. JAVITS. I move to reconsider the vote by which the amendment was rejected.

Mr. SPONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1105

Mr. MCGEE. Mr. President, I call up my amendment No. 1105, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MCGEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCGEE's amendment is as follows:

> On page 13, line 5, strike out "This" and insert in lieu thereof "Sections 1 through 9 of this".
>
> At the end of the bill, add the following new section:

"NATIONAL COMMISSION ON UNITED STATES FOREIGN POLICY, NATIONAL COMMITMENTS, AND WAR POWERS

"SEC. 10. (a) Since the world situation and relations between nations have vastly changed since our Founding Fathers drafted the Constitution in 1787, and since questions have arisen as to the respective constitutional powers of the executive and the legislative branches of our Government with respect to the formulation of United States foreign policy, national commitments, and war powers, it is essential that a comprehensive review of these questions be conducted by our best minds of diverse backgrounds and philosophies to determine whether, and to what extent, if any revisions are necessary in the Constitution, laws, and decisionmaking processes of the United States as they relate to formulation of United States foreign policy, national commitments, and the war powers. Accordingly, there is established a National Commission on United States Foreign Policy, National Commitments, and War Powers (hereafter referred to as the 'Commission'), which shall conduct such comprehensive review.

"(b)(1) The Commission shall be composed of the following twenty-four members:

"(A) Twelve members appointed by the President from private life;

"(B) Six members of the Senate appointed by the President of the Senate; and

"(C) Six members of the House of Representatives appointed by the Speaker of the House of Representatives.

Appointments to each class of membership under this paragraph shall be made on the basis of experience and knowledge in the areas of United States foreign policy, national commitments, and war powers, and on the basis of diversity of backgrounds and philosophies. Of each such class, one-half of the members shall be from each of the major political parties.

"(2) Twelve members of the Commission shall constitute a quorum. Any vacancies in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointments were made.

"(3) The President shall select a chairman of the Commission from among those members appointed under paragraph (1)(A) of this subsection.

"(4) Each member of the Commission appointed under paragraph (1)(A) of this subsection shall receive $100 a day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission appointed under paragraph (1) (B) or (C) of this subsection shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

"(c) The Commission shall submit a report on its review not later than two years after funds are first appropriated to carry out this section. Such report shall include findings and recommendations the Commission considers appropriate, including any proposed constitutional amendments, legislation, or administrative action. The Commission shall cease to exist thirty days after the submission of its report.

"(d)(1) The Commission is authorized to appoint and fix the compensation of such personnel as it deems advisable, without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not to exceed the maximum daily rate prescribed for GS-18 under section 5332 of that title.

"(2) The Commission may employ experts and consultants in accordance with section 3109 of title 5, United States Code.

"(e) The Commission or, on the authorization of the Commission, any subcommittee thereof, may for the purpose of carrying out the provisions of this section, hold such public hearings at such times and places as the Commission may deem advisable.

"(f) There are authorized to be appropriated such sums as may be necessary to carry out this section.".

Amend the title so as to read: "A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress, and to establish a National Commission on United States Foreign Policy, National Commitments, and War Powers.".

The PRESIDING OFFICER. How much time does the Senator from Wyoming yield himself?

Mr. McGEE. Mr. President, it appears I shall yield myself 4 or 5 minutes, and be prepared to yield back the remainder of my time so that we can get out of here.

Mr. SYMINGTON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. SYMINGTON. What does the amendment say?

Mr. McGEE. I shall state for the Senator from Missouri what the amendment says in my 4 or 5 minutes. I was trying to be cooperative.

Mr. ROBERT C. BYRD. Mr. President, is it the intention of the distinguished Senator to ask for the yeas and nays?

Mr. McGEE. I ask for them. Maybe we can withdraw them later.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, all this amendment does is accept the overwhelming——

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. PROXMIRE). The Senate is not in order. The Senate will be in order.

The Senator from Wyoming may proceed.

Mr. McGEE. The Senator from Wyoming would say he is grateful for the disorder in the Senate; with this many bodies around him, he feels we are away ahead of the game.

But I do want to say all this amendment does is follow up the earlier proposal of the Senator from Maryland (Mr. BEALL) that, now that the will of the Senate has been overwhelmingly expressed again and again as to this war powers bill we have been voting on in several respects, what I would propose is a supplement to it, not to tamper with it in the least, but to set up a Presidential commission to follow through upon the Javits, Spong, and so forth bill, for it is my judgment, and I think the judgment of a good many, that we are still trying to change the mechanism, trying to update it, trying to make it as modern as we can in terms of warmaking powers and the responsibility for decisionmaking, and this proposal would create a Presidential commission made up of six Members of the Senate appointed equally from the two sides by the President of the Senate, six from the House on the same terms appointed by the Speaker of the House, and 12 public members appointed by the President, to be distributed over the spectrum of philosophy, expertise, and the like.

The purpose of the Commission, very frankly, is to have a look at where we are in the real world now, and what it is we ought to do in our system to keep us responsible and to keep the authority and the proper relationship across the board. This is simply saying what we should have done long, long ago: The times have changed since 1787. The Fathers could not have envisaged the kind of things we are faced with now, and that is why we are in this debate; that is why we are in this bind. The times have changed.

Look at the warmaking declaration itself under the Constitution. It is reserved to the Congress. Yet we find ourselves in a period of modern history, where wars, many believe, cannot be declared again because of nuclear capabilities, but they are nonetheless waged, and this is to update, to have a look at what these times require of us constitutionally, in statutory matters, in terms of decisionmaking, in the warmaking powers, which we believe ought to be examined in depth.

Very frankly, the pending measure has been an effort on the part of the members of the Committee on Foreign Relations, on which I also serve, to try to make sure that in the interim, nothing else can happen to involve us in reckless and irresponsible ways.

But I would submit to my colleagues that it is not going to happen that way, probably, the next time anyway. All of us have learned a great deal by what we have been through in the last 10 years, but there will be another kind of crisis, and we will be caught short again, because it will come up under different circumstances.

My position is that we look at that now, while we have this legislation before us that we are about to enact, and see which way we ought to be pointing toward, and the way we ought to be addressing ourselves to it.

That is all this amendment would do. It would add this on to the pending action of Congress. It in no way alters or substitutes for any of the aspects of the pending legislation.

It does specify that the group would serve for not more than 2 years, report back at the end of that time, and then go out of existence.

With that explanation, I am prepared to yield back the remainder of my time, if that is agreeable.

Mr. SPONG. Mr. President, I yield myself such time as I may require.

I rise in opposition to the amendment of the Senator from Wyoming. If we add his amendment to the bill, it would represent as an uncertain trumpet the finished work of the Senate on this legislation. Two years have lapsed from the time this legislation was introduced until the time when it will be voted upon tomorrow. The legislation, in my judgment, should go forth from this body, regardless of what fate awaits it on the other side of the Capitol, or at the hands of the President, on its own as the best collective thinking of the

Senate on the question of the war powers division of power between Congress and the President of the United States.

I respect the Senator from Wyoming, who has been consistent from the time of his dissent on the national commitments resolution and through this debate in his view that the world has changed so much that perhaps the Constitution of yesterday does not meet the requirements of today. Nevertheless, the proper course of action, in my judgment, would be that if a study is indicated in the future, it should be considered as separate legislation. Do not tie it on the end of this legislation, so that the House of Representatives or anyone else who views it can say, "Well, that is an uncertain body. They debated for almost 2 years, they studied for almost 2 years, they developed a hybrid bill out of five different approaches on the subject of war powers, and then, on the end of it, they said, 'But we better turn it over to a Presidential commission to study during the first 2 years of its enactment.' "

It is on this basis that I oppose the amendment, as we did the suggestion by the Senator from Maryland which was voted on, many hours ago, today.

I respect the thoughts of both these Senators that this very complex matter needs additional study. Perhaps it does. But to send this legislation forth now as a measure that would say, "This is what we have decided to do, but we better study it 2 more years," would indeed be an uncertain trumpet.

Mr. President, I yield to the Senator from New York such time as he may require.

Mr. JAVITS. Mr. President, I have no desire to say anything on this score. I think the Senator from Virginia has said it superbly well.

The Senator from Wyoming is a member of the Committee on Foreign Relations. Should the Senate see fit not to accept his amendment, I hope the Senator will introduce it as an affirmative bill.

The Senator from Virginia (Mr. SPONG), too, is a member of the Foreign Relations Committee, and there are others on the floor who are members of the committee. Such a measure would certainly have the most respectful and thorough consideration in the committee.

I might remind Senator MCGEE that in the current bill on the State Department authorization, Senator AIKEN and Senator FULBRIGHT have proposed a commission to consider the organization of the handling of our foreign affairs. Conceivably, these two might fit together.

I agree thoroughly with Senator SPONG that we should not try to attach it to this bill. But I would hope that no one would consider that any final prejudice to the idea which the Senator has proposed to us.

Mr. McGEE. Mr. President, I yield myself 2 minutes to respond.

The reason why I believe it belongs here now is that I gather it is a rather widely held view that the proposed legislation is not the ultimate, that this was designed in the short run to meet the kind of crisis we may face next month, next year, or a year from now.

I once discussed with the distinguished Senator from New York the thought of a substitute for his bill through this procedure, and the objection was raised—and understandably—that this puts it off for another 2 years, that it is a delaying action. I am suggesting here that we not delay anything, that we support this measure, because it does cover the short run. I think most Senators here would be the last to suggest that it holds the ultimate of the answers on the question of facing future policy crisis decisions. We still have not caught up with the changing times. This amendment would only urge that we put this group at work right now, looking ahead, to make recommendations back. It, in turn, does not prejudice what we are doing here tonight. It seems to me that it strengthens it by saying to all who would listen to us that we want this done over the long range, the right way. We have waited too long as it is.

Thus, they go in tandem; and, traveling in tandem, I think it makes a much stronger case than to handle them first one and then, if luck has it, handle the other. I think they are quite inseparable in the dimensions of the overall problem.

Mr. SPONG. Mr. President, I yield to the Senator from Mississippi such time as he requires.

Mr. STENNIS. Mr. President, I think it has been clear all the way through that this bill is an attempt to bring Congress back into the picture for more direct exercise of its responsibility, just on the question of when the manpower resources of this Nation actually will be committed to war. The bill certainly makes some headway in that direction. It is not perfect. It seems to have the overwhelming support of this body, as a whole.

Anything the Senator from Wyoming proposes in this field certainly is worthy of the Senate's consideration, and certainly has mine. But I think that now, having inched forward somewhat in the single purpose of the bill, we would confuse the issue, and the interpretation would be that we did not know which we wanted to do.

I would favor this overall reconsideration or renegotiation of our commitments in the light of conditions as they exist now. I have said that many times here in arguing the procurement bill. But they are different matters.

The idea of the Senator from Wyoming deserves the fullest consideration of this body as a bill—the weighing of it, the careful wording of it, the consultation with the executive, and all the considerations that would go into an exhaustive review of all the matters that he mentions, not only the war powers but also the U.S. foreign policy and national commitments.

So I hope that at this late time the Senate will not mar the bill—if I may use that term—and its single purpose, but will save this idea for a separate consideration on its own merits.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPONG. Mr. President, I am prepared to yield back the remainder of the time of the opponents to the amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Virginia reserve 1 minute of his time and yield to me?

Mr. SPONG. I yield to the Senator.

Mr. ROBERT C. BYRD. Mr. President, I take this time in order that we might foresee what remains ahead of the Senate tonight and tomorrow.

I ask whether any Senator has an amendment to offer which we are not aware of at the present time. I am aware of one more amendment by the distinguished Senator from Colorado (Mr. DOMINICK) and one amendment by the distinguished Senator from New York (Mr. BUCKLEY). Is there any other amendment? I see no indication of such.

Mr. President, this will be the last rollcall vote, therefore, today. The distinguished Senator from Colorado (Mr. DOMINICK) will call up his amendment tonight, and disposition of that amendment will occur tomorrow morning. Thereafter, a vote will occur on the amendment by Mr. BUCKLEY, and a final vote on the bill will occur at 1:30 p.m. tomorrow.

Mr. SPONG. I yield back the remainder of my time.

Mr. McGEE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Wyoming. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from North Carolina (Mr. JORDAN), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Nebraska (Mr.

Hruska), and the Senator from Utah (Mr. Bennett) are necessarily absent.

If present and voting, the Senator from Utah (Mr. Bennett) would vote "yea."

The result was announced—yeas 19, nays 57, as follows:

[No. 147 Leg.]

YEAS—19

Allen
Beall
Bellmon
Buckley
Byrd, Robert C.
Cranston
Dole
Dominick
Fong
Gravel
Griffin
Hansen
Jackson
Long
McGee
Miller
Stevens
Thurmond
Tower

NAYS—57

Anderson
Baker
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Curtis
Eagleton
Ellender
Fannin
Gambrell
Gurney
Hart
Hartke
Hatfield
Hollings
Inouye
Javits
Jordan, Idaho
Kennedy
Magnuson
Mathias
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Young

NOT VOTING—24

Aiken
Allott
Bayh
Bennett
Eastland
Ervin
Fulbright
Goldwater
Harris
Hruska
Hughes
Humphrey
Jordan, N.C.
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mundt
Muskie
Pastore
Ribicoff
Sparkman
Williams

So Mr. McGee's amendment (No. 1105) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1111

Mr. DOMINICK. Mr. President, I call up my amendment No. 1111 and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> On page 8, line 8, strike out "possessions," and insert in lieu thereof the following: "possessions; to take necessary and appropriate retaliatory actions in the event of such an attack;".

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the Senator for yielding.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it may be in order to order the yeas and nays upon both the Buckley amendment and on the final passage of the bill with one show of hands.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered on both the Buckley amendment and the bill.

Mr. DOMINICK. Mr. President, is it my understanding that the amendment will remain the pending business and will be the pending business tomorrow morning?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. Mr. President, in the remaining time I will explain the amendment briefly. I hope the managers of the bill will accept the amendment. I think that there is a chance that they may. Hence I did not ask for the yeas and nays on the amendment now in case there is an acceptance of it tomorrow. The amendment, of course, is very brief. On page 8 under subsection 1, it gives the President the power not only to repel attacks on the United States but also to take retaliatory action. Under section 2 it provides that he has power to repel attacks against the Armed Forces of the United States located outside of the United States. But it says nothing about the power to take retaliatory action. I have simply inserted this in order to conform it so that in the same possessions, whether inside or outside, we have power to take retaliatory action.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Rhode Island (Mr. Pell) be recognized for not to exceed 5 minutes, with the time being charged to neither side. It is a matter of personal privilege.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONAL STATEMENT BY SENATOR PELL

Mr. PELL. Mr. President, on Thursday, April 6, the junior Senator from Kansas (Mr. Dole) was in the State which I am honored to represent here in the Senate. During his visit to Rhode Island he was quoted in the press as saying:

> If you see your junior Senator, remind him we are in session this year.

I will readily confess that I try to spend as much time as possible in my home State. In doing so, however, I make great efforts, as I know most of my colleagues do, not to neglect official duties here in Washington.

In fact, I find upon examining the Record, that I have voted on 94.4 percent of all rollcall votes in this session of the Congress, a record that is well above the average for the Senate as a whole.

The record also shows that the junior Senator from Rhode Island has, in fact, missed fewer rollcall votes in this session of Congress than has the junior Senator from Kansas.

I would note further that while the junior Senator from Kansas was in Rhode Island to deliver allegations about me and my voting record, I was in Washington tending to my duties.

Mr. President, I expect a certain amount of rough and tumble in the politics of an election year. But, I also expect among my colleagues a respect for accuracy of the record, particularly when a colleague is visiting in my own State.

WAR POWERS ACT

The Senate continued with the consideration of the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from New York (Mr. Buckley) may be recognized without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, on tomorrow I will be calling up my amendment No. 1106.

I would like to take this occasion to outline its objective so that my colleagues may familiarize themselves with this matter before the debate on tomorrow as it relates to an area beyond that which is directly covered by the War Powers Act and also relates directly to that purpose.

The amendment which I will be calling up is designed to tie up a loose end which is not covered by the act. It is designed, in fact, to restore congressional control over an area where there is a potential delegation to the United Nations, the Security Council, of authority to deploy U.S. forces in combat.

Mr. President, to place this discussion in focus, it is necessary to quote from chapter 7 of the United Nations Charter, which chapter is entitled "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression."

> The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41 suggests peaceful means of enforcing peace such as economic sanctions and the rest.

Article 42 reads as follows, and it is germane to the subject matter of my amendment:

> Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Other articles in this chapter provide for member states to enter into an agreement or agreements with the United Nations by which the size and numbers of forces and military facilities could be made available to the Security Council to utilize pursuant to the authority granted in this chapter.

In 1945, the Congress of the United States enacted what is called the United Nations Participation Act of 1945. Section 6 of the act reads as follows:

> SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general locations, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining internatonal peace and security in accordance with article 43 of said Charter.

In other words, this legislation authorizes the President to set up that standby machinery not addressed to any particular crisis, but one which would help to provide a body of military force, air, sea, and land, to be available to the Security Council for its peacekeeping mission.

The section then goes on to read:

> The President shall not be deemed to require the authorization of the Congress to make available to the Security Council, on its call in order to take action under article 42 of said charter and pursuant to such special agreement or agreements, the Armed Forces, facilities, or assistance provided for therein.

In other words, after Congress has ratified or approved the agreement or agreements entered into by the President and the United Nations, from that moment forward the President and the Security Council may commit those forces to whatever action is approved by the Security Council without specific referral back to the Congress of the United States.

I suggest that this is a delegation of agreements which have not been negotiated before, which delegation flies in the face of the intent of the War Powers Act which is now the subject of debate. I feel this is a loophole which should be covered. I feel if we are not willing to have the President of the United States in his discretion exercise broad powers we certainly do not want a group of foreign nations to have the power which we are trying to recapture for this body. My amendment would modify the second sentence of section 6 to read as follows:

> "The President shall be required to obtain the prior authorization of the Congress to make available to the Security Council on its call . . . the Armed Forces"

provided for in the agreement between the President and the United Nations.

Mr. President, this is enough description to outline the amendment I am going to offer tomorrow.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. I understand the Senator from Virginia wishes to make comment on the amendment I am going to propose tomorrow.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that I may speak without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, before commenting on the amendment offered by the distinguished junior Senator from New York, I want to say I strongly support the pending legislation, namely the War Powers Act. Throughout this debate and throughout the numerous rollcall votes which have taken place on proposed amendments I have voted against all amendments which have been presented. I have supported the bill as it was reported by the committee.

The purpose of the War Powers Act is to more clearly define and to tighten the responsibilities of the President and Congress insofar as sending U.S. forces into war is concerned. I support this proposal.

Now, we come to the amendment to be offered by the distinguished Senator from New York (Mr. BUCKLEY). It seems to me he has focused attention on a part of a law enacted in 1945 that should appropriately be considered by the Senate in connection with tightening the opportunities to send U.S. troops into combat.

Mr. President, I wish to read parts of Public Law 264, 79th Congress, chapter 583, first session, Senate 1580, an act to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations and to make other provision with respect to the participation of the United States in such organization. I want to read section 6 of the United Nations Participation Act approved by Congress on December 20, 1945. I will read parts of this section for emphasis and then I shall ask unanimous consent that the entire section consisting of only two sentences be inserted in the RECORD.

Section 6 states:

> The President is authorized to negotiate a special agreement . . . with the Security Council. . . .

and that agreement shall be subject to approval by Congress by appropriate act for joint resolution.

But the next sentence states that once an agreement is concluded, and I quote section 6 of United Nations Participation Act:

> The President shall not be deemed to require the authorization of the Congress to make available to the Security Council . . . the armed forces, facilities, or assistance provided for therein.

Mr. President, I ask unanimous consent to have printed in the RECORD the two sentences of section 6 of the United Nations Participation Act to which I have referred.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general locations, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements, the armed forces, facilities, or assistance provided for therein:

Mr. HARRY F. BYRD, JR. Mr. President, a reading of section 6 of the United Nations Participation Act approved by Congress on December 20, 1945, shows that under certain conditions the President shall not be deemed to require authorization of Congress to make available to the Security Council the Armed Forces of the United States. What the Senator from New York seeks to do is simply to require prior congressional authorization for the deployment of U.S. forces under the United Nations command. He does that by adding at the end of the bill section 10 which states that the second sentence of section 6 of the United Nations Participation Act of 1945 is amended by striking out "not be deemed to require the" and insert in lieu thereof "be required to obtain the prior approval of the Congress."

This is an ideal time for the Senate to tackle this section of the United Nations Participation Act, because by tackling it in the way suggested by the Senator from New York it does precisely to the United Nations what the Senate is seeking to do to the President; namely, to require that before the Armed Forces of our country are put into use, that prior approval must be obtained from the Congress of the United States.

The President, under the pending legislation, can act in emergencies, but at the end of 30 days he must seek approval from Congress, but unless the United Nations Participation Act is changed the law will read that, insofar as the United Nations is concerned, under certain conditions the President and the United Nations may utilize U.S. troops without coming to Congress.

If we are going to tighten—and I think we should—the potential use of American troops by the President of the United States, then I do not see how we can justify not tightening the use of American troops by the United Nations.

I think that sentence—it is only a brief sentence—in section 6 of the United Nations Participation Act—and I will read it again—"The President shall not be deemed to require the authorization of the Congress to make available to the Security Council * * * the Armed Forces" of the United States, is a sentence which should be tackled now. This is the time to tackle that problem and to remove that wordage from the United Nations Participation Act.

As a matter of fact, if we are not willing to do that, it seems to me it negates to a considerable extent the importance of the pending War Powers Act, which I strongly support. I think it is important legislation. I think it is important that it be passed.

I would hope that Senators who are sponsoring this bill would take a very careful look at the language of section 6 of the United Nations Participation Act, and in so doing I would be hopeful that they would support the amendment offered by the distinguished Senator from New York.

I realize that there are many in this Chamber who feel that the United Nations are sacrosanct. They do not want any word raised against the United Nations. They do not want any word said or any act done that would in any way reduce the authority and the power of the United Nations. Well, if we are going to seek to circumscribe in an appropriate way the power of the President of the United States in regard to the use of the Armed Forces, then it seems to me we are not only justified in applying, but obligated to apply, that same principle to the authority which is contained in this statute permitting the United Nations and the President together to utilize the Armed Forces without congressional consent.

I want to say, since I have mentioned the United Nations in a little stronger way than I had expected to, that I came back from the Pacific, from Okinawa, on the day the United Nations was born, or in the same month the United Nations was born. I came back through San Francisco when the world leaders were meeting there to set up the United Nations, and I felt at that time that it was a very important world organization and it was one which would make it unnecessary for people like myself, in the years to come, to go overseas to fight the battles for the United States and citizens of other countries of the world to do the same thing.

So I have been a strong supporter of the United Nations down through the years. I think it is an important organization. That does not mean that I am willing to turn over to that organization vast authority over American troops. It does not mean that I am willing to overlook the great shortcomings of that organization that have developed through the years. I do not think the United Nations is perfect, but I think it is a desirable organization to have, and I support it. But I do not like to see in the American statutes language which states—and I will read it again—"Section 6. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council * * * the armed forces * * *" of the United States.

I hope the Congress, in considering the War Powers Act, which consideration up to this point has been directed entirely at the powers of the President, will also consider the power which was given to the United Nations by the Congress some 26 years ago.

Some persons will say that, since the Congress approved the establishment of the United Nations, adopted the Participation Act of 1945, we should not attempt to change it now. But, Mr. President, I am convinced that if the United Nations Participation Act were to come before the Senate today in its original form as it did in 1945, the Senate would never approve such language as is contained in section 6. Times have changed. The attitude of Congress has changed. The attitude of the American people has changed. The very fact that we are considering the War Powers Act in 1972 makes clear that there has been such a change in attitude. I do not think any such act as this would have been approved by the Senate or by the House of Representatives 10 years or 5 years ago.

So times have changed. And if we are going to do the job that needs to be done—and I think the War Powers Act is good legislation; I emphasize again I have voted against every single amendment that has been proposed to it, because I favor this proposal—I think we should consider tackling one very important area, and that is the power that Congress in previous years granted to the United Nations.

For that reason, I support the proposal introduced by the distinguished Senator from New York (Mr. BUCKLEY). I think he has brought to the Senate's attention what he calls—and I agree with him—a loophole in the pending legislation. So, Mr. President, I end by saying that, if we are going to tackle the problem and the question of congressional authority over the use of the Armed Forces of the United States, then we should at the same time tackle this language in the United Nations Participation Act which says—and I quote again:

> Section 6. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of such Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein.

The amendment of the Senator from New York (Mr. BUCKLEY) would simply require prior congressional authorization for use of U.S. forces under United Nations command. That certainly seems to me to be a logical amendment and one which, if we are going to do a thorough job insofar as war powers are concerned and the use of American troops are concerned, should be approved by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I ask unanimous consent that I may be permitted to proceed very briefly without the time being taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, the hour is late, and I shall be very brief indeed, but I am compelled to say a few words in connection with this amendment which is offered by the Senator from New York. I am compelled to say a few words, because it is somewhat of a coincidence that my good friend from Virginia, with whom I almost always agree, but with whom I disagree at this time, as a friend of this bill and one who is supporting it, favors the Buckley amendment; and I, who am not a friend of the bill and do not intend to support it, and have voted consistently to amend it and will vote against it, join him in favoring the amendment offered by the Senator from New York.

I think the Senator from New York has rendered a distinguished service to the Senate and to the country by offering this amendment; and if we must have the passage of this bill, it would be highly fitting that the amendment should be a part of it.

But even if the bill should not pass—I expect it will, as indicated by the voting so far—or even if it should not survive the House and become law, I still think that the amendment offered by the Senator from New York should be offered as a separate measure, and be acted upon.

I shall not take the time of the Senate to go into any great discussion of the merits of the bill before us. I simply want to say that I have in mind three very valid experiences in my life which I wish to share with the Senate.

I have served as a Member of Congress a little more than a quarter of a century. When I was a freshman Member of the House of Representatives, I remember vividly being a guest in a private home in New Hampshire, and among the other distinguished guests—a group of Republicans who had been gathered from the countryside; we were approaching then, as we have since then, a New Hampshire presidential primary—the late Wendell Willkie was in a sense the guest of honor at that home, but by happenstance former President Herbert Hoover was also there.

I remember sitting in the living room with about 35 of the party leaders of the State when this matter of the Presidential powers as Commander in Chief was discussed, and I remember very vividly what Herbert Hoover said about it.

He said, "There always has been and there always will be, inevitably, a twilight zone under the Constitution as to just how far in his warmaking powers the President of the United States, in his capacity as Commander in Chief of the Armed Forces, may go and," he added, "how long." And he said, "It must be so, because, while most Presidents would not take the terrific responsibility and the burden of leading this country into war without the formal sanction of the Congress, nevertheless, as world relations grow more complex and as the fearful weapons of war become more horrendous, the President of the United States must, in my opinion," said ex-President Hoover "have reposed in him the authority for instant action in an hour of crisis. It might be abused sometimes, but the President of the United States is the man in whom the Republic has placed its confidence, and that twilight zone must remain." And he added, "In my opinion, there is no way to bridge it."

That is the first reason why I oppose this bill. Then I remember two other incidents which will not take me but a moment to relate.

As a Member of the House of Representatives, I remember when President Truman formally advised the Congress of his intention of sending troops into Korea, and instantly—instantly—he received the almost unanimous approval of the House of Representatives and the Senate.

Then I remember as a Senator—and remember with keen regret, I must confess, and some feelings of humiliation and shame, because it is a vote that I regret—when President Johnson called on us for approval of sending troops into Vietnam.

We could all read. We could all read that resolution. In plain English, it authorized him to take such steps as he saw fit. So there is no excuse to say that there were only two votes against it, and all the rest of us proceeded on the assumption, on which I proceeded, that he had no intention of starting a ground war in the morasses of Asia. The point is that he received the approval of the Senate with only two dissenting votes, and the unanimous approval of the House of Representatives, which is certainly tantamount to reminding us that whenever a President feels it necessary to use American Armed Forces in what he considers an emergency—something more than simply sending the Marines in to bring some Americans out of a dangerous spot in another country—something of significance, usually the circumstances surrounding it are such that a wave of patriotism sweeps over everyone, and my experience does not encourage me to believe that if we pass this war powers bill, we can expect any more careful or considered, accurate decision on the part of Congress than we can on the part of the Executive.

So I have opposed and shall oppose this war powers bill. But the point raised by the distinguished Senator from New York is, in my opinion, of great merit. And it is an interesting thing to recall that when President Roosevelt led this country into the United Nations—and he did so properly, and I honor him for it—it is a point of interest to remember that on the issue of who would sit on the Security Council, he thought he was accomplishing a certain purpose in seeing to it that the four other nations that would sit with us on the Security Council were nations that each owed us a debt of gratitude—Britain, France, Russia, and China. We had just finished pouring out our blood and our treasure, fighting by their side to save them; and he believed, and I think with justification, that all four of them should have, and perhaps did have, with the possible exception of the Soviet Union, a deep sense of gratitude. But the years have gone on, and nations change, as men change; and I am not speaking in a hostile way of these countries. But the years have gone on, and we have come to the point where those nations which were placed in a position to veto and a position of power in the United Nations have long since forgotten, to a large degree, the sacrifices that this Nation has made for each of them. The makeup of the General Assembly has changed until many countries, emerging countries, countries for whom we have the best wishes in the world, but who have not been in being long enough to develop keen and careful and balanced statesmanship, have entered the United Nations with exactly the same power of a vote as the United States of America, which paid such a high price to form that organization.

I sat in my living room and watched on television the demonstration that followed the vote on the China question that humiliated our country. I saw delegates springing to their feet and jumping up and down and cheering, because they had succeeded in slapping the face of and striking a blow at a nation that has never once—at least, since the Mexican War—sought to conquer territory or wage war or engage in diplomacy for its own selfish ends, but has made more sacrifices in the interests of peace and in the interests of the brotherhood of the nations of this world than any other nation in all the history of this world.

I promised myself that I would never let the anger that I felt that night—frankly, I was so enraged that it seemed to me I did not close my eyes until 2 o'clock in the morning—affect in any way a position I would take on any question as long as I am permitted to remain in the Senate.

So I, too, have no purpose in saying anything to hurt the influence of the United Nations. We must maintain our position within its ranks. It is a forum in this world in which we cannot afford to be silent and not be represented. We must bear at least our fair and just share of its expense.

But one thing is certain: The time has come when Congress should revoke that surrender of power to permit any President of the United States—I do not care who he is—from pledging this Nation to join the United Nations in such action as they determine to take without the prior approval of Congress. That is one safeguard that is vital.

I am glad, if this war powers bill is to pass, that the Senator from New York has offered this amendment. I shall support it. If by any chance this war powers bill should fail somewhere along the line, before it passes both Houses and is approved by the President, I hope the Senator from New York will offer his amendment as a separate bill or resolution, and it will be my privilege and pleasure to support it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may speak during the remainder of today's session without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I just want to express my gratitude to the Senator from Virginia and the Senator from New Hampshire for their eloquent words in support of my amendment. I hope that the sponsors of the bill may see fit to accept it. We will be back here tomorrow to argue its merits.

ORDER FOR PRINTING OF CLEAN COPY OF BILL

Mr. SPONG. Mr. President, I ask unanimous consent that a clean copy of S. 2956 be printed overnight to reflect the perfecting amendments adopted heretofore by the Senate, in order that this copy might be available on the desk of each Senator tomorrow, before final passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, April 12, 1972, he presented to the President of the United States the following enrolled bill:

S. 3054. An act to amend the Manpower Development and Training Act of 1962.

ADDITIONAL COSPONSORS OF BILLS

S. 3409

At the request of Mr. GRAVEL, the Senator from Maine (Mr. MUSKIE), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Indiana (Mr. BAYH) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 3409, a bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos.

S. 3442

At the request of Mr. KENNEDY, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 3442, the Communicable Disease Control Amendments of 1972.

AUTHORIZATION FOR THE COMMITTEE ON COMMERCE TO FILE ITS REPORT, WITH INDIVIDUAL AND MINORITY VIEWS, ON S. 3419 PRIOR TO MIDNIGHT ON THURSDAY, APRIL 13, 1972

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I ask that the Committee on Commerce be given permission to file its report on S. 3419, a bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes, together with individual and minority views, at any time prior to midnight on Thursday, April 13, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPLANATION FOR LATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I want to express my appreciation to all Senators and to explain the reasons for such a late session today.

It was close to 3 p.m. today when the agreement was finally reached to provide for final disposition of this bill at 1:30 p.m. tomorrow. At the time, there were at least seven amendments, three of which would require 2 hours each, four of which would require 1 hour each, making a total of seven amendments and a total of 10 hours, if all time should be required, for the handling of those amendments.

A Democratic caucus previously had been scheduled to convene tomorrow at 10 a.m. This made it impossible to convene the Senate earlier than 11 a.m. tomorrow. Consequently, in order to dispose of this number of amendments, with the hours required for each, before a final vote on the disposition of the bill tomorrow at 1:30 p.m., it was necessary to go into the evening hours today.

I might say, in further explanation, that objections had been placed to any vote on final disposition of this bill later than 2 p.m. tomorrow in one instance, and 1:30 p.m. tomorrow in a second instance.

However, in view of the agreement which was reached providing for final passage of the war powers bill tomorrow, and considering the current state of the calendar, the Senate either will not be in session on Friday, or, if in session, no business, except possibly noncontroversial business which can be handled by unanimous consent, will be transacted.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m., following a recess.

There will be no period for the transaction of routine morning business in the early hours of tomorrow. Immediately, following the prayer, and any remarks by the two leaders, the Senate will resume its consideration of the pending amendment by the Senator from Colorado (Mr. DOMINICK) on which there is a time agreement of 1 hour.

Following the disposition of that amendment, the Senate will then proceed to the final amendment, the amendment of the Senator from New York (Mr. BUCKLEY), on which there is an agreement for 2 hours of time.

The yeas and nays have already been ordered on the amendment of the Senator from New York (Mr. BUCKLEY).

The yeas and nays have also been ordered on the passage of the bill.

The bill will be voted on tomorrow at 1:30 p.m.

It has been indicated by the able authors of the two remaining amendments, by the able manager of the bill, and by the able ranking minority member on the committee, that time will be yielded back at certain points so as to assure the disposition of the two remaining amendments and also to conform with the required vote on final passage of the bill at 1:30 p.m. tomorrow.

RECESS TO 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 9 p.m. the Senate recessed until tomorrow, April 13, 1972, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 12, 1972:

DEPARTMENT OF STATE

Curtis W. Tarr, of Virginia, to be Under Secretary of State for Coordinating Security Assistance Programs (new position).

Joseph S. Farland, of West Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran.

DEPARTMENT OF THE TREASURY

Lee H. Henkel, Jr., of Georgia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service), vice K. Martin Worthy, resigned.

FEDERAL COMMUNICATIONS COMMISSION

Benjamin L. Hooks, of Tennessee, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1972, vice Robert T. Bartley, term expiring.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 12, 1972:

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Dr. Jerome H. Jaffe, of Virginia, to be Director of the Special Action Office for Drug Abuse Prevention.

Paul Louis Perito, of Massachusetts, to be Deputy Director of the Special Action Office for Drug Abuse Prevention.

EXTENSIONS OF REMARKS

OFFSHORE OIL RESOLUTIONS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HARRINGTON. Mr. Speaker, there is a growing concern in New England and particularly in Massachusetts about the dangers posed by the proposed oil drilling off the New England coast.

I and several other Members of Congress from New England have consistently opposed this proposed offshore drilling, and have introduced legislation on the subject. We have also made known our views in meetings and communication with officials of the Nixon administration, particularly Secretary Rogers Morton of the Interior Department.

As an indication of the strong public opposition to offshore drilling in the North Atlantic, I insert into the CONGRESSIONAL RECORD resolutions of opposition from six municipal governments in my own congressional district. I would ask that these resolutions from Gloucester, Swampscott, Rockport, Salem, Beverly, and Essex be printed in the RECORD.

I applaud the efforts of these municipal governments in their efforts to block offshore drilling in the North Atlantic. I hope that the inclusion of these resolutions in the RECORD will result in just this action.

The resolutions follow:

CITY OF GLOUCESTER,
Gloucester, Mass., March 24, 1972.

Congressman MICHAEL J. HARRINGTON,
Cannon Building,
Washington, D.C.

DEAR SIR: The Gloucester City Council at its regular meeting held on January 20, 1972, voted unanimously to adopt the following order:

Ordered, that the Gloucester City Council respectfully petition Governor Sargent, Senators Brooke and Kennedy and Representative Harrington to vigorously oppose any legislation that would permit the drilling for oil off the New England Coast.

Yours very truly,
FRED J. KYROUZ, *City Clerk.*

TOWN OF SWAMPSCOTT,
Swampscott, Mass., March 8, 1972.

Mr. MIKE MILLER,
c/o Congressman Michael J. Harrington,
Cannon House Office Building,
Washington, D.C.:

The Swampscott Board of Selectmen, at its meeting held February 3, 1972, voted unanimously to respectfully petition Governor Sargent, Senators Brooke and Kennedy and Representative Harrington to vigorously oppose any legislation that would permit the drilling for oil off the New England Coast.

Yours very truly,
JOSEPH C. SINATRA, *Secretary.*

CITY OF SALEM, MASS.,
March 3, 1972.

Congressman MICHAEL J. HARRINGTON,
Cannon House Office Building,
Washington, D.C.

DEAR SIR: At a regular meeting of the Salem City Council held in the Council Chamber on Thursday, February 24, 1972, it was voted to oppose any legislation that would permit the drilling for oil off the New England Coast.

This action was approved by Mayor Samuel E. Zoll on March 2nd.

Very truly yours,
AUGUSTINE J. TOOMEY, *City Clerk.*

TOWN OF ROCKPORT, MASS.,
March 13, 1972.

Hon. MICHAEL J. HARRINGTON,
House Chamber,
Washington, D.C.

DEAR CONGRESSMAN HARRINGTON: The Rockport Board of Selectmen voted unanimously in favor of being recorded as opposed to any legislation that would permit drilling for oil off the New England coast. Your support would be appreciated.

Very truly yours,
NICOLA A. BARLETTA,
Chairman.

CITY OF BEVERLY,
February 22, 1972.

Ordered: That the Beverly Board of Aldermen respectfully petition Governor Sargent, Senators Brooke and Kennedy and Representative Harrington to vigorously oppose any legislation that would permit the drilling for oil off the New England Coast.

A true copy,
Attest:
JOHN L. COUHAG,
City Clerk.

TOWN HALL,
Essex, Mass., February 28, 1972.

Representative MICHAEL HARRINGTON,
Cannon House Office Building,
Washington, D.C.

DEAR MIKE: This is to advise you that at a regular meeting of the Board of Selectmen of the Town of Essex held on Tuesday evening, February 22, it was unanimously voted to endorse the order adopted by the Gloucester City Council at its regular meeting held on January 20, 1972, wherein you were requested to vigorously oppose any legislation that would permit the drilling for oil off the New England Coast.

Our Town is very dependent upon its shellfish industry. Also the commercial and sports fishing industries form a vital part of our economy. We feel that offshore oil drilling will seriously endanger the fragile and irreplaceable resources of our coastline.

We trust that you will take all action necessary to make certain that this further depredation of our environment will not be allowed to occur.

Sincerely yours,

SAMUEL HOAR,
Chairman, Board of Selectmen.

YOU HAVE TO BE A COLLEGE GRADUATE TO UNDERSTAND THE FEDERAL INCOME TAX FORMS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. ASPIN. Mr. Speaker, it takes a college graduate to understand the present Federal income tax forms. That is the conclusion of a Government-financed study done by the Vocational Reading Power Project, located in Pontiac, Mich., which I am releasing today. The study was funded by the Department of Health, Education, and Welfare.

This excellent and highly informative study, which was based on the 1971 Federal income tax forms—instructions for form 1040 and schedules A and B—concludes that—

> A taxpayer will probably have to read at the level of the average college graduate (over 16th grade equivalent) to be able to comprehend, without assistance, the entire content of the Tax Instructions.

The study also concludes that, first, the taxpayers who would benefit from itemizing their deductions, rather than taking the standard deduction, might be discouraged from doing so, because of the complexity of the instructions on itemizing; second, there is great variation in the reading difficulty of the different sections, ranging from the fourth grade level to the college graduate level; and; third, in the study's own words:

> The more specific the information gets, the harder it is to comprehend.

The study's summary of its findings are included at the end of my statement along with a chart of the readability level of the various subsections. Since it is impossible to put the computer study itself into the RECORD, the study will be available in my office for inspection and duplication by any of my colleagues' offices.

It is certainly interesting to note that IRS Commissioner Johnnie Walters said recently that the 1972 tax forms are so simple that a taxpayer who opts to take the standard deduction, rather than itemize, could have his "daughter in the fifth grade" fill out the form. Maybe Mr. Walters' fifth grade daughter can figure it out, but that does not do much for the rest of us struggling to figure out whether we should itemize or not.

As you know, Mr. Speaker, 78 House Members have joined me in sponsoring legislation, appropriately numbered House Joint Resolution 1040, that would set up a select congressional committee to figure out how to significantly simplify the Federal income tax return process. Apparently, Mr. Walters believes that the present form is simple enough. But if you want to know why more than half of the American taxpayers—about 39,000 million people—are forced to turn to professional tax return services, this study contains the answers. The fault lies not with the mentality of the American taxpayer, but with the IRS for not paying more attention to devising simpler tax forms, and with Congress for passing all the loopholes that make the tax laws so complex.

I am writing Commissioner Walters today to ask him if he has a copy of the inch-thick computer data on which the Michigan study is based. If he does not have a copy, I will be overjoyed to supply him with one. I will suggest, however, that he not have it analyzed by a fifth grader.

The study's conclusion and a chart of its findings follow:

SUMMARY OF THE READABILITY ANALYSIS OF THE "1971 FEDERAL INCOME TAX FORMS"—INSTRUCTIONS FOR FORM 1040 AND SCHEDULES A AND B

Our readability analysis of the "1971 Federal Income Tax Forms" (Instructions for Form 1040 and Schedules A and B) shows that there is considerable variation in reading difficulty among the different sections (major content areas) of the Instructions. This variation follows a particularly interesting pattern.

The most easily understandable parts of the Instructions are:

(1) the "Special Message from the Commissioner" (page 1),

(2) the section giving general information about Form 1040 ("Where to Get Forms", etc.), and

(3) the headings of the "Tax Tables" (pages 9, 12, and 17).

These sections have a relatively low reading difficulty level (from 4th to 9th grade equivalent), but they provide the least amount of specific information used in the actual computation of an individual's Federal Income Tax.

The two sections providing more detailed information—about pages 1 and 2 of Form 1040—are significantly harder to comprehend: the readability of the topics in these sections ranges from 9th to 13th grade equivalent, with an average reading difficulty level of 11th grade equivalent.

Most difficult to comprehend are the sections which explain how to prepare Schedules A ("Itemized Deductions") and B ("Dividend and Interest Income".) The average readability of these sections is 14th grade equivalent, and the reading difficulty levels of the topics within these sections range from 11th to over 16th grade equivalent. With respect to the section covering Itemized Deductions, our data suggest that many taxpayers who would otherwise benefit from itemizing their deductions might be discouraged from doing so because of the highly difficult reading demands of the instructions for that Schedule.

To summarize, our readability analysis indicates that:

1. There is considerable variation in the reading difficulty levels of the different sections of the "1971 Federal Income Tax Forms" (Instructions for Form 1040 and Schedules A and B).

2. Information related to actual tax computation is presented at a higher reading difficutly level than is general information; in other words, the more specific the information gets, the harder it is to comprehend.

3. The instructions for Schedules A and B have very high reading demands.

4. A taxpayer probably would have to read at the level of the average college graduate (over 16th grade equivalent) to be able to comprehend, without assistance, the entire content of the Tax Instructions.

VOCATIONAL READING POWER PROJECT ESEA—TITLE III

READABILITY ANALYSIS OF THE "1971 FEDERAL INCOME TAX FORMS" (INSTRUCTIONS FOR FORM 1040 AND SCHEDULES A AND B: TOPIC IDENTIFICATION)

Topic (sample No.)	Page	Topic identification	Readability grade equivalent
1	1	A message from the Commissioner	8
		Form 1040 instructions:	
2	3	Where to get forms	8
3	3–4	Who must file	9
4	3	You may have IRS compute your tax	8
		Instructions for p. 1 of form 1040:	
5	4	Filing status	9
6	4	Special computations	11
7	5	Exemptions	10
8	5–6	Reporting your income	11
9	6–7	Tax credits, payments	10
10	6	Should you use the standard deduction?	11
11	7	Declarations of estimated tax	10
		Instructions for p. 2 of form 1040:	
12	7	Pt. II. Income	10
13	7	Pt. III. Adjustments	13
14	8	Pt. V. Credits	10
15	8	Pt. VI. Other taxes	9
16	8	Pt. VII. Other payments	12
		Instructions for schedule A (Form 1040):	
		Itemized deductions:	
17	9	Medical and dental expenses	16+
18	9	State gasoline tax table	7
19	9–10	Taxes	11
20	10	Contributions	16+
21	10	Interest expense	14
22	10–11	Miscellaneous deductions	13
		Instructions for schedule B (Form 1040):	
		Pt. I:	
23	11	Dividend income	11
24	11	Dividends exclusion	14
25	11	Pt. II. Interest income	13
26	12	1971 tax tables (instructions)	9
27	17	1971 tax rate schedules (instructions)	4

PUBLIC SCHOOL DESEGREGATION—18 YEARS AFTER BROWN

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HAWKINS. Mr. Speaker, it is my pleasure to insert in the RECORD a recent address by the eminent Negro psychologist and educator, Kenneth B. Clark.

The address was presented at the National Policy Conference on Education for Blacks held in Arlington, Va., on March 29 to April 1, 1972.

I recommend its carefully prepared text and recommendations to all Americans seriously concerned with educational policies and goals.

The address follows:

PUBLIC SCHOOL DESEGREGATION—18 YEARS AFTER BROWN

(Address by Kenneth B. Clark)

On May 17, 1954, when the United States Supreme Court handed down the historic *Brown* decision, there was reason to hope that on the basis of the finding that racially segregated schools were inherently unequal, that at long last the American public school system would be reorganized from a bi-racial to a non-racial system and as a consequence the quality of education for minority group children would be substantially raised without detriment to the majority.

In May of 1955 the Supreme Court handed down the "deliberate speed" implementation decision which suggested ways in which the transition from segregated to non-segregated systems of public schools could proceed with minimum disruption. Unfortunately, those who were opposed to any desegregation of the American public school system interpreted the "deliberate speed" decision of the Court as an invitation to procrastination and evasion. Eighteen years after the original *Brown* decision the process of the desegregation of American public schools is still not only incomplete, but is confronted with a new pattern of barriers—subtle and overt resistances—which could not only postpone, but reverse the process of public school desegregation in America.

For those who are concerned with the quality of education for all American children, it is now imperative to define and examine as objectively as possible the present problems related to the desegregation of the public schools and to seek and implement affirmative solutions to these problems. Given the present strange combination of enemies and subterfuges, the struggle for the desegregation of American public schools must now be intensified if the promises of the *Brown* decision are not to become another in a long list of cynically broken promises for racial justice in America.

The basic premises for the focus of this paper are:

1. The cases which led to the *Brown* decision of 1954 were argued on the grounds that Negro children in segregated schools were being denied equal educational opportunity because the segregated schools which they were required to attend were inferior.

2. It was also argued that the *Plessy vs. Ferguson* doctrine of "separate but equal" inevitably led to inferiority of educational and other segregated facilities provided for segregated minority groups.

3. The Court's finding that "separate educational facilities are inherently unequal" is as true today as it was when stated on May 17, 1954.

4. There is no evidence to support the contention that the inherent inferiority of segregated schools will be any less damaging to the segregated children when such segregation is demanded by the victims than when inflicted upon them by the majority group.

5. Segregated schools are insidiously damaging to members of the majority group even as they are flagrantly damaging to members of the minority.

CONTEMPORARY PROBLEMS

Given the validity of the above argument and assumptions, one must examine the present forms of resistance to public school desegregation and review the related developments during the past 15 years in order to arrive at a present position and strategy for continuing and accelerating the struggle for desegregation of the public schools.

In the years immediately following the *Brown* decision, the issue of public school desegregation was seen primarily, if not exclusively, as a problem for the 17 states and the District of Columbia which had laws requiring or permitting the segregation of public schools. The struggle was seen primarily as a struggle against the *de jure* segregation of Southern and border states. The schemes for evasion and massive resistance to effective desegregation were devised and presented by Southern governmental officials and spokesmen. The problem of the *de facto* segregation of public schools in Northern urban communities did not surface as a significant aspect of the struggle for the desegregation of American public schools until the 1960's when the center of gravity of the civil rights movement shifted from the South to the North. Inferior education in the public schools in Northern urban ghettos emerged as a pervasive factor and a significant grievance in the series of riots which characterized many of America's cities during this period.

As the pattern of racial unrest and the demands for remedies on the part of Northern urban blacks increased, resistance to change intensified in Northern communities. Resistances to the desegregation of *de facto* segregated schools in Northern cities were similar, if not identical, to the resistances to the desegregation of *de jure* segregated schools in the South. This was true in spite of the evidence that the psychological and academic damage to minority group children in Northern *de facto* segregated schools was identical to the damage imposed upon these children in Southern *de jure* segregated schools. The consistent finding in Northern school systems that as the percentage of minority group children increases in a given school or school system the level of academic achievement decreases did not result in the implementation of programs to desegregate schools in Northern cities. The consistent relationship between the percentage of lower status minority group children and degree of academic retardation was permitted to continue without remedy in the South and in Northern cities.

This fact of persistent academic retardation—low quality of education and low achievement on the part of Negro children attending *de jure* or *de facto* segregated schools—was glibly explained by a variety of educational, psychological and social science theories. In fact, Northern American educators did not lack for support from social scientists who seemed all too eager apologists for the educational status quo. Explanations such as the inherent or genetic inferiority of Negro children resurfaced.

It has been stated with varying degrees of sincerity that these children were culturally deprived, came from poor homes; that their parents were not motivated educationally and therefore were unable to motivate their children for academic achievement; and therefore the schools cannot be expected to teach them to read. It has even been seriously suggested by white and black "friends" of deprived black children that schools should not attempt to raise their academic achievement—should not teach them to read and speak standard English—because this would frustrate them and result in self-hatred. Aside from the patent absurdity and the pseudopsychology of these arguments, their common denominator is that these children are uneducable and therefore the schools are not to blame for their low academic achievement. These explanations—those based upon genetic inferiority of Negro children and those which explain their low achievement in terms of cultural and environmental deprivation—also have in common the justification of the continued educational deprivation of these children and suggest that practically no technique, including the desegregation of schools, can be successful in raising their academic achievement.

It should be noted that these explanations did not become fashionable until after the *Brown* decision which required desegregation of the public schools. They seemed to have increased in the intensity of public discussion—both in the professional journals and in the mass media—when the problem of public school desegregation of the *de facto* segregated schools of Northern communities became a basis of controversy and conflict.

The problem of the widespread and uncritical acceptance of these defeatist explanations of the continued educational inferiority inflicted upon these children tended to retard the already slow momentum toward desegregation of the public schools. The issue of public school desegregation has been further complicated by the fact that within the past five or more years the growth of black separatism emerged as a contributing factor in retarding the process of desegregation of the public schools. It is important to understand that black separatism emerged as a consequence of the slow pace of public school desegregation in the South and as a reaction to the subtle and insidious forms of evasion of desegregation of the *de facto* segregated schools in Northern cities.

Frustrations arising from the fact that those responsible for policy and practice in the desegregation of schools were not serious in developing and implementing effective desegregation plans gave rise to demands for community control and decentralization of public schools in predominantly black areas of our cities. The lack of seriousness in the implementation of desegregation plans throughout the country contributed to the total pattern of black separatism and strengthened the appeal of black segregationists. In spite of this historical and psychological understanding of the basis of black separatism there remains the overriding fact that the quality of education provided for minority group children in predominantly black schools continues to be inferior and the psychological damage inflicted upon them is as great when these segregated schools are demanded by, or allegedly controlled by, blacks themselves.

The insidious and persistent resistance of Northern whites to the desegregation of *de facto* segregated schools and the reinforcement of this position by black separatists have now strengthened the overt resistance of Southern segregationists to effective desegregation of American public schools. This new and unexpected alliance—this strange spectacle of interracial bedfellows—has confused, temporarily bewildered or exploited the ambivalence of those Southern and Northern whites who assumed the risks necessary to obtain and attempt to implement effective school desegregation programs. A presently undetermined number of blacks—still a minority, no greater than 20% according to the latest surveys—seem bewildered and uncertain about whether the goals of desegregated schools are still worth pursuing.

During this period of desegregation stagnation a number of educational programs, plans and gimmicks were developed and offered to blacks as substitutes for serious and effective public school desegregation. In spite of the *Brown* decision, Southern and Northern resistance to desegregation sought to make continued school desegregation palatable and acceptable under one or another contemporary form of the discredited "separate but equal" doctrine. Some advocates of these special "enrichment" programs tried to enhance the salability of their specious products by even suggesting that by some miracle of racial status inversion the separate could be superior.

Compensatory education and enrichment programs were designed to raise the academic achievement of Negro children in predominantly black schools. Some of these education plans appear to have some temporary positive effects. Over a period of time, however, the results from these programs mockingly betray the overriding fact of the inherent inequality in racially segregated schools.

Whatever the combination of factors associated with the social reality of the perceived low status of segregated schools—low morale of teachers, inadequate supervision, inadequate teaching, low motivation on the part of parents and pupils, inadequate educational facilities—the fact remains that racially segregated schools are inferior schools. The inferiority of these schools continues to be expressed in the fact of low academic achievement and low self-esteem in the pupils who are required to attend these schools. The compensatory educational programs, the infusion of Title I funds and the increase in such funds do not and probably will not change this fact as long as American racism remains the dominant reality of American society and American education.

Resistance to the acceptance of this reality has spawned other attempts to circumvent serious programs for effective desegregation of the schools. In recent years performance contracts and voucher systems have been offered as panaceas and alternatives to effective school desegregation. The evidence so far supports the conclusion that performance contracts do not result in sustained improvement in the academic achievement of segregated and educationally neglected children. The performance contract approach to this problem is clearly an additional burden on taxpayers and diverts attention from the fundamental problem that inefficiency in the public schools is a responsibility of school officials and school personnel who are paid by the citizens to provide effective education for all children. The primary educational contract exists between taxpaying citizens and school personnel. Even if performance contracts were found to be more successful than they have been, there would still remain the serious question of how it is possible for an outside group to obtain positive educational results which school personnel could not itself obtain.

The voucher system has been proposed by many distinguished educators as a means for providing parents with an opportunity to choose among private and public schools those schools which they believe will provide their children with a higher quality of education. This approach as an alternative to serious desegregation of the schools also presents many serious questions. It is true that for the masses of middle and low income families the public schools have exercised an educational monopoly which has been abused. These parents do not generally have a choice in protecting their children from educational inefficiency through alternative educational programs.

It is a serious question, however, whether such choice can be provided to them through voucher systems without at the same time further weakening the public schools; accelerating the growth of private racially and economically segregated schools and academies supported at public expense; and, most important, retarding and regressing the rate of public school desegregation even more than at present. The indications are that there are no effective safeguards against the abuses of a voucher system and that such a system is likely to proliferate segregated schools. Those who are still seriously concerned with desegregating the public schools and raising the quality of education in these public schools should be cautious in any support of voucher systems; in fact, such systems should be opposed.

The combined problems of public school desegregation and equitable financing of local public school districts have emerged dramatically as a result of the decision in the *Serrano* case. In this case, the California State Supreme Court held that inequities in expenditures for public school education among various school districts in a given state were violative of the equal protection clause of the 14th Amendment. While this judgment has not yet been confirmed by the United States Supreme Court there is every reason to believe that there will be a greater involvement of the states in the financing of public education at the local level. This increase in state involvement will have to be in the direction of equalization of school expenditures among the districts throughout the state. If this is true, then the states will have to take a more active part not only in the financing of education, but state education boards and commissioners will have to be concerned with educational standards and the actual achievement of pupils in the local school districts throughout the state.

In fulfilling this basic evaluative responsibility, the states will have to develop effective instruments for measuring the educational efficiency of the public schools and, therefore, will have to deal more objectively with the critical problem of educational accountability. If one could assume that greater involvement in the financial and physical support of public education on the part of state educational bodies would directly or indirectly facilitate the process of public school desegregation this would be most desirable. Those of us who are concerned with facilitating general public school desegregation should therefore support enthusiastically this new development. There is still the question of whether the opponents of desegregation could so construe and implement the Court's decisions on state responsibility for the equalization of expenditures among school districts as to retard rather than to facilitate public school desegregation. All such attempts should be watched most vigilantly and resisted intensively.

Probably the most effective technique by which the Serrano type approach could be blocked as an effective approach for desegregation would be through the passage of antibusing for desegregation statutes or constitutional amendments on the state and federal level. All of the proposals for prohibiting the transportation of students for purposes of desegregation are racially restrictive proposals. President Nixon's explanations for his assuming the leadership in obtaining antibusing legislation must be rejected for the following reasons, among others:

1. They are racally restrictive in that they seek to prohibit transportation of students for purposes of desegregation while permitting transportation of these children for all other purposes.

2. They reflect the fact that the President of the United States is using the power of his office in a racial controversy on the side of those who have been consistently opposed to equality of educational opportunity for racially rejected minorities.

3. They represent the first attempts since Reconstruction to have the Legislative branch of the federal government enact legislation which would constrict or qualify the rights of minorities.

4. They represent an attempt on the part of the President of the United States not only to slow the pace of public school desegregation, but to return the civil rights movement to a point at or before the *Plessy* "separate but equal" stage.

5. The President's proposal would seek to restrain the federal courts as an independent protector of the rights of minorities against the oppression, passions and prejudices of the majority. In short, the President's proposal, intentional or not, could lead to a resegregation of those school systems that have already moved toward desegregation.

In seeking to turn back the clock of racial progress in America, President Nixon and his advisors must be aware of the fact that he is threatening the constitutional protections of all Americans—and that in doing so he is eroding the foundation of a constitutional government, substituting a government by the tyranny of whim and passion rather than a government of law. This is the very high price of racial prejudice and political expediency which he seeks to extract from all the American people—white as well as black.

In this regard it might be significant to note that in seeking to justify his position, the President stated that some black separatists were in favor of antibusing legislation. The fundamental constitutional questions, however, are not answered by this diversion. Constitutional rights can no more be abrogated by the alleged desires of the victims of oppression than by those who would seek to oppress. In seeking to obtain control over all black schools and insisting upon racially segregated schools through their support of black separatists are not only pursuing an impossible mirage but they are also, cynically or naively giving aid and comfort to those who would use the laws of the Federal government to constrict the rights of Negroes—and to erode the democratic rights of all American citizens. In this regard they are indistinguishable from racial reactionaries—and they are accessories to the crime of destroying the democratic safeguards inherent in our constitutional government of checks and balances.

Inadvertently, President Nixon's gratuitous, inconsistent, dangerous—if not morally irresponsible—partistan involvement in the antibusing issue could have a positive effect. It is possible that this flagrant politically expedient position of the President of the United States could boomerang by alerting and reminding the masses of the American people about the more serious problems of public education which remain to be resolved. The meretricious may sometimes make the genuine more clear.

The transparent hyprocrisy which now surrounds the anti-busing controversy could have beneficial consequences if it forces those of us who have been concerned with the quality of public education to restate our goals, re-examine our strategies and tactics, and to mobilize our resources and redouble our efforts to obtain for all American children that quality of education which might prevent them from making the near fatal blunders of their parents.

We must state without apology that the primary issue is the issue of a form of American education appropriate to the multidimensional complexities of a present and future world. America cannot afford an educational system geared to a world of the 19th and early 20th Century social realities. We must educate American children for a world in which the white President of the United States and his wife are required to visit the non-white heads of China.

Education for the future must accept the fact of diversity among the peoples of the world; must accept the fact that the status relationship between whites and non-whites has abruptly changed and will continue to change; and must accept the fact that, if mankind is to survive, these changes must be accepted affirmatively and somehow made an integral part of the educational process. We must now re-double our efforts in the struggle for desegregated schools because we are concerned with obtaining this high quality of humanizing education for all children. We cannot permit them to be educated in ways which will perpetuate the ignorance, superstitions and injustices of the past—this type of education will be fatal for the future.

It is ironic, but probably inescapable, that the burden of insisting upon an education essential for future survival must be borne by America's rejected minorities—those who have been the more obvious victims of educational neglect—those who have been educationally and economically most exploited. But this is just another burden which American Negroes have been required to bear in the seemingly endless struggle for justice in America. Each victory obtained by American blacks strengthens the base and protections of democracy for all American citizens.

We can contribute to the strengthening of the base for democratic education in America by insisting upon the desegregation of American public schools. We must insist upon this because racially segregated schools cannot be equal in a racist society—and there is no need for racially segregated schools except in a racist society. We must also argue that racially segregated schools damage white children as much as they damage black children. Racially segregated schools contribute to the moral and ethical retardation of whites even as it contributes to academic retardation of blacks. America's white children who are the products of racially isolated schools are required to struggle with inner moral conflicts, guilt, a gnawing sense of alienation and personal incompleteness. These certainly must militate against a sense of personal fulfillment and are antithetical to that quality and substance of life essential for humanity.

We must insist that the education now being provided for children in predominantly black schools be now raised to a tolerable level of academic efficiency. We must demand an improved quality of teaching and supervision in these schools—and we must insist upon reasonable standards and criteria of accountability which will guarantee that these children are not being shortchanged by those who are being paid by taxpayers to teach them. The schools, school officials, supervisory and teaching personnel must be made more responsive to the needs and aspirations of pupils and parents.

We must see that parents who care about the education of their children become actively involved in assuring high quality of education in our schools. Parents cannot passively accept educational inefficiency. They cannot and must not accept the prevailing alibis among educators as to why their children cannot be taught to read or to do arithmetic or to speak and write correct English. These excuses are destructive of our children. They must be challenged and rejected by concerned parents.

It is hereby proposed that those of us who are concerned with this most serious business of improving the quality of education for black and white children—those of us who are concerned with the immediate and eventual desegregation of American public schools—give some thought to the development of parent organizations in every urban school district which would have the following primary objectives:

Protecting the educational rights of their children in the public schools;

Holding the school system *accountable* for their children's achievement;

Involving themselves in appropriate methods in the actual education of their children, within and outside of the schools and classrooms;

Monitoring and lobbying in local, state, and national legislatures for effective educational programs to benefit their children (rarely is there a group or agency representing the interests of parents and pupils when educational legislation is being discussed and passed by government officials);

And above all to protect the general educational interests of black children who have been neglected—consigned to the educational dungheap—by an insensitive society.

It is all too tragically clear that black children are considered and treated as if they are expendable. Those blacks and whites who would use them as pawns in a gruesome and self-defeating power game, do not yet understand that to sentence millions of children to the prison of segregated educational inferiority is to perpetuate that pattern of social pathology which threatens the stability of the whole society. No one is so privileged as to be immune from the dangers inherent in a hard core of the uneducated within the heart of our cities.

Even as we redouble our efforts to increase the quality of education for our children; as we seek greater accountability in our schools; as we seek more equitable financing for all local school districts; as we fight the diversionary educational gimmicks; as we reveal the political hypocrisy of the anti-busing for desegregation advocates; and as we seek more direct control over the operation of the schools attended by our children—we canot permit our understandable enthusiasm to obtain these objectives to delude us into believing that we can obtain high quality education for our children within the framework of racially segregated schools. All positive educational programs worthy of intelligent support by blacks and concerned whites must be compatible with the actual process of desegregation—or must be a step toward eventual desegregation of the public school system.

The bait of "separate but equal" education is as spurious now as it has been since the post Reconstruction era. Let me, therefore, conclude with the words of the United States Supreme Court:

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

It is even more urgent now that this dictum be the standard by which we judge all educational proposals, policies and programs. Only from this perspective will we be able to protect the future of our children and be worthy of their respect.

CONCERN FOR OUR POW'S

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. LANDGREBE. Mr. Speaker, many Americans are concerned about our military men held in North Vietnamese prisons for many years.

Yes, Mr. Speaker, many speeches have been delivered on the floor of this House of Representatives expressing sympathy and concern for the plight of those great men, but little or no known efforts have been made to "bring them home."

Therefore, I wish to place in the CONGRESSIONAL RECORD a copy of the telegram that was recently sent to President Nixon expressing the feelings of the National Association of Attorneys General. This copy was provided me by Theodore Sendak, attorney general of Indiana:

THE NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
March 28, 1972.

The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This letter confirms action of the Executive Committee of the National Association of Attorneys General at a meeting held in New Orleans, Louisiana, Monday, March 27, 1972. To inform you of the concern of the Association with the plight of American servicemen and to request action on alternate proposals yet untried, the following telegram was sent to you yesterday:

"Hon. RICHARD M. NIXON,
President,
The White House,
Washington, D.C.:

"Following example of your Proclamation the Executive Committee of the National Association of Attorneys General in session today in New Orleans observed a moment of prayer for American servicemen who are prisoners of war and missing in action in Southeast Asia.

"Resolution of National Association of Attorneys General regarding POWs and MIAs sent to you following December 1971 national meeting urging exploration of every honorable avenue within Geneva accords for securing humane treatment and early repatriation of POWs and MIAs was reaffirmed.

"To this we today add request that you personally instruct State and Defense Departments to consider alternate proposals of Attorneys General Sendak (Indiana) and Morgan (North Carolina) which proposals have hitherto not been tried for effectuating humane treatment and ultimate repatriation of our POWs and MIAs.

"Respectfully yours,
"GARY K. NELSON,
"Attorney General of Arizona and President-Elect NAAG."

Very truly yours,
JOHN K. HICKEY,
Secretary.

TRIBUTE TO THE BOY SCOUTS OF AMERICA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. EILBERG. Mr. Speaker, in this time of increasing antagonism and misunderstanding between the older and younger generations, I would like to call attention to a group of men, women, and boys who exemplify the very best of what America has to offer its young.

I am talking of the dramatic and too often unheralded role the Boy Scouts of America play in presenting our American youth with the opportunity to develop their character, bodies, and minds so they can contribute as fully aware citizens to this great democracy of ours.

A total of 4.5 million boys from 8 through 16 years of age participate in the Scouting program—that is one of every four boys.

I have found that in communities with active scouting programs, vandalism and juvenile crime are greatly reduced. It seems that the guidance of responsible adults from their community teaches the boys a sense of community spirit, pride, and direction.

I would like to especially praise two Boy Scout projects which should serve as models for other youth-involved groups—Operation Reach and Project SOAR—Save Our American Resources.

Operation Reach is a nationwide fight against the use of drugs. As part of the project, Scouting units in many cities have drug education programs in cooperation with State and municipal agencies.

Project SOAR demonstrates the startling results that more than 1 million Scouts and their leaders, working together, can accomplish.

On Scouting Keep America Beautiful Day, these Scouts cleaned 112,000 miles of roadways and streambanks, and 240,000 acres of parks, recreation areas, and other public places. More than 550,000 tons of trash were collected in nearly 100,000 truckloads.

All in all, a phenomenal demonstration of what one group of goodhearted, concerned Americans can accomplish.

For these two projects and the countless others which help to enrich the lives of our youth and make our communities and our Nation safe and secure, I pay tribute to the leadership and boys of the Boy Scouts of America.

PTA MEMBERSHIP PLUNGES

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. WHITEHURST. Mr. Speaker, for some time I have been expressing my concern over the detrimental effects on education which have resulted from massive forced busing to bring about racial balance. Let me reiterate, as I have said before, that I believe in integration. I am proud of the fact that Virginia now has an open housing law, and I have every hope that we will see some positive benefits from it in the near future.

Nevertheless, I am convinced, as an educator, that on the elementary level especially, the neighborhood school is vital to the proper education of all children. Without the neighborhood school, it is difficult to have an effective school breakfast program, since children who come by bus do not arrive at school until it is time for classes to begin. Without the neighborhood school, it is hard to maintain valuable extracurricular activities like Cub Scouts, Brownies, and the like.

And without the neighborhood school, it is difficult to maintain parent interest and involvement in school activities. At this point in the RECORD, I would offer an article which appeared in the April 6, 1972, issue of the Norfolk, Va., Ledger-Star, outlining what has happened to the PTA membership in our area in the past 3 years. I do not believe that it is a coincidence that the Norfolk membership has declined as busing has increased.

PTA MEMBERSHIP PLUNGES

(By Richard C. Bayer)

NORFOLK.—Membership in Parent Teacher Association units in Norfolk has dropped from a 1968–69 level of 15,015 to 3,771, according to the first vice president of the Norfolk PTA Federation.

Mrs. Sadie Minium, who will succeed Eugene Gordman, a Norfolk lawyer, as federation president on May 22, reported the figures in an interview and offered several reasons for the decline.

"In some schools, it's apathy on the part of parents who don't feel they have to be actively involved in their children's activities.

"Very often it is an administrator who—after talking with his faculty—doesn't want a PTA in his school.

"Sure, it's a bother having a PTA. If faculty members could understand what good a PTA can do for a school . . ." she said.

Mrs. Minium gave other reasons for the loss of interest in PTA in a 50,000-pupil system, which last fall—under court order—abandoned neighborhood elementary schools:

(About 24,000 pupils in Norfolk are now assigned outside their neighborhoods in order to balance the races).

"Parents hesitate to go across town to a meeting, especially at night," Mrs. Minium said.

"Some parents are simply angry and will not participate because PTA hasn't taken a firmer stand on busing.

"Most units elect their officers in May or April. Some schools lost all or almost all their PTA officers because their children were transferred to other schools. Some haven't replaced them yet."

Over the past six years, Norfolk PTA membership hit its peak in 1968–69, up from 12,000 in 1966–67 and 10,000 in 1967–68, Mrs. Minium said.

She reported 12,560 on the rolls in 1969–70 and 9,038 in 1970–71.

There are 71 schools in the Norfolk system. Forty of them have PTA units, Mrs. Minium—who is a school-community worker at Norview High—reported.

A few Norfolk schools have parent-teacher groups which are not affiliated with PTA.

While Norfolk PTA membership declined, Virginia Beach membership went from 9,492 in 1968-69 to about 15,000, according to the state PTA office.

Virginia Beach had 9,492 PTA members in 1968, the state office reported. Portsmouth had 5,914 members in 1968 and 7,335 as of March and Chesapeake had 8,499 in 1968 and 7,431 in March.

The sharp membership drop had an inevitable effect on finances of the Norfolk PTA Federation, Mrs. Minium said.

"Only about two-thirds of our units are in good standing with their dues paid," she said.

She said the federation is now operating on a surplus accumulated in previous years.

The state PTA office in Richmond reported a Virginia membership, as of June 1971, of 269,500. There were 289,097 paid members in 1970, 301,783 in 1969, 294,631 in 1968, 290,367 in 1967 and 304,509 in 1966.

Mrs. Minium has had personal experience with trying to get people out to a PTA meeting.

She recently arranged for a chartered bus to haul parents and children from distant neighborhoods to Norview High and return them home. The speaker for the night was Richard Wallace, school social worker.

About six adults and six students rode that bus, Mrs. Minium recalled.

The PTA official said she will start trying to whip up more enthusiasm for her organization when she becomes president. She is unopposed for the office.

"I'd settle for 10,000 members the first year and 20,000 the second," she said.

"We're either going to slide up or slide right out the back door."

A SOLIDLY DEMOCRATIC CONGRESS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HUNGATE. Mr. Speaker, in these days of uncertainty, Peking ping-pong and "Nixon shocks," it is good to know there is still a large element in our society dedicated to the preservation of our heritage and providing a worthwhile element of stability for our Nation, as the following survey shows:

FIFTY-STATE SURVEY FINDS DEMOCRATS CERTAIN OF HOUSE

(By Warren Weaver Jr.)

WASHINGTON, April 8.—The man who wins the 1972 election, whether it is President Nixon or his Democratic opponent, faces the strong prospect of a solidly Democratic Congress in control on Capitol Hill for at least the first two years of his term.

A 50-state survey of all 435 contests for the House of Representatives to be decided next fall indicated today that the Republicans could not produce a majority there even if they won every election about which there appears to be any real doubt.

A similar study six weeks ago of the 1972 Senate election suggested that the Democrats would probably pick up one or two seats or at least preserve their current 55–45 majority. There are 33 Senate seats to be filled this year.

The present House includes 255 Democrats and 180 Republicans, with vacancies credited to the party that last held the seat. Political reports from all 50 states indicate, eight months before the election, that the Democrats are solid favorites in 218 districts, or enough for a bare majority.

NOT ENOUGH FOR G.O.P.

The breakdown is 218 seats solidly Democratic, 29 leaning Democratic, 135 solidly Republican, 34 leaning Republican and 19 too close to call. Thus, if the Republicans carried every doubtful district, they would still have only 217 House votes and be unable to elect a Speaker or organize committees.

Assuming that each party carries the seat leaning in its direction and that they divide the undecided districts evenly, the Democrats would pick up one or two seats above their present majority.

Of the six times when incumbent Presidents have been reelected since 1936, only once was the winner unable to help increase the size of his party's House delegation. The exception was Dwight D. Eisenhower in 1956, when the Republicans lost two House seats despite their Presidential landslide.

Predictions for the House districts represent the best available estimates of political leaders in each state, but they could shift with the nomination of strong challengers, the emergence of unexpected issues and the character of the national campaign.

DISTRICTING UNCERTAINTY

In addition, there is some uncertainty in states that have not completed Congressional reapportionment, notably New Jersey, Michigan, Tennessee and Washington. Prospective shifts there are not likely to be large enough, however, to revise the picture of a continued Democratic majority in the House.

The survey ran counter to long-held Republican hopes that reapportionment based on the 1970 census returns would give the Republicans a larger share of House districts.

Generally, the census figures showed a shift in population from the Northeast and Middle West to the sun belt states of Florida, Texas, Arizona and California and, within states, from the cities to the suburbs, both trends that the Republicans expected to be politically advantageous for them.

At this time, however, neither party has appeared to gain materially over the other in the districts transferred to more populous states. The five new California districts split 3 to 2 in favor of the Democrats and the three new Florida seats include one that is Democratic, one Republican and one a toss-up.

FEW SEEM IN DOUBT

One of the most significant results of the House campaign survey was the small number of districts in which the outcome appeared to be in doubt. There were only 82 seats, of 19 per cent of the total, that were not judged to be virtually assured for one party or the other.

In most cases, the solid seats, both Republican and Democratic, are represented by incumbent Congressmen who are almost certain of re-election or are earmarked by political observers for a candidate of the same party as an incumbent who is retiring.

In many states, incumbent Representatives of both parties have a strong political voice in drafting reapportionment plans and work to strengthen their own districts. In addition, the publicity advantage and favor-granting power of House Members has made incumbents increasingly difficult to defeat in recent years.

The 19 House races currently regarded as too close to call—only 4 per cent of the national total—are concentrated in the Middle West (5) and the South (7). There are three in Indiana, two in Virginia and one each in Alabama, Florida, Georgia, North Carolina, Tennessee, Illinois and Iowa.

At one time, party alignment in the House shifted fairly radically with each election, with 30 to 60 seats commonly exchanging hands and more than 100 on two occasions. In the last eight biennial elections, however, the swing figure has been under 15 half the time and has never gone over 50.

CARGO THEFT—A NATIONAL DISGRACE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. PICKLE. Mr. Speaker, the theft of goods in shipment has become a national problem. Efforts are being made by industry and Government to fight this crime which costs billions of dollars every year. In the last year, Government and business have greatly stepped up their efforts to cut down on this theft. However, they need more tools than they presently have to fight this problem. One of the things that is hampering the fight is the lack of knowledge of what is being stolen, who is stealing it, where it is going after the theft, and how much is actually being stolen.

The House has now before it legislation that would create a National Cargo Security Commission to study this problem and to make actual recommendations for security regulations. The Senate has already passed such legislation under the leadership of Senator ALAN BIBLE. I have introduced the same bill in the House, H.R. 10295. I am hopeful that hearings can be held on it soon. The Department of Transportation and the industry have made giant steps toward coping with cargo theft in the past year, but they need the information and coordination that H.R. 10295 would provide.

The March 20 edition of Traffic World dedicated a great portion of that issue to speeches on cargo theft made by various individuals representing both Government and industry. With the permission of the House, I intend to insert these speeches in the RECORD over the next several weeks so that Members can become more familiar with the need to curtail cargo theft. The first statement I would like to insert is that of Senator ALAN BIBLE, who has been the leader on this fight. The Senator has introduced several bills other than the Cargo Security Commission that will help in the fight against cargo theft. He discusses the legislative proposals in the following article:

A 1972 LOOK AT CARGO SECURITY—EVERYONE'S BUSINESS

(By Senator ALAN BIBLE)

Security will be a major challenge for this country's transport system for the 1970s and possibly beyond.

That challenge will be sharpened by an estimated record tonnage to be transported in a society where security from crime and prevention of crime are becoming the goals of a carrier industry's efforts to deal with the biggest multi-billion dollar racket nationally today—the theft, pilferage and hijacking of truck, air, rail and ship cargo.

For the transport industry, yours is the homefront war today against cargo thieves—a war that in 1971 probably cost more in losses than the $1.5 billion estimate for 1970. And the prestigious New York State Motor Truck Association at a Transportation Crime Conference in January asked the more expensive question: Can armed hijack, larceny, theft and pilferage cost the transport industry in excess of $2.6 billion in 1972?

This is the atmosphere in which the carrier industry, shippers, the consumer public and the government find themselves today. One long-time rule of thumb seems to be (whether we like it or not) that when a problem gets big enough (and crime in the transport industry is big enough), then the federal government gets into it. Both the transport industry and the federal government are trying to help row the law enforcement, security-prevention boat in some rough waters these days so that efficient transport can be maintained on our highways, streets, airlanes, waterways and railways.

Even though the thieves have a good head start, we believe it can accurately be said that progress is being made to deal with the enemy. That progress is more than just on paper. Not only is the carrier industry generally becoming more alert to a problem that has some carriers almost on the ropes, but similarly the federal government is trying to help coordinate a broadscale campaign. But, there is a long road ahead to win the fight.

Three years ago when the Senate small business committee began investigatory hearings into this general problem, there was very little interest on the part of most carriers, the government or almost anyone else except the small shipper suffering sky-rocketing losses that put him out of business all too often, and the American Trucking Association's trucking industry committee on theft and hijacking which was urging trucking management in 1969 to see the danger signals. As carrier industry executives have told me, their watchword, as they moved record tonnages to the jingle of their cash registers, had been: "Move the goods . . . . Let the insurance companies worry about the losses."

Today, fortunately, we believe that general picture is beginning to change along the whole carrier industry front but not necessarily based on the speed of the carriers involved. The Department of Transportation, which showed no affirmative interest in 1969, was severely criticized in 1970 for its "rhetoric vacillation and negative attitude" by the Senate appropriations committee controlling its funding and by the Senate small business committee. That Department is now marshaling an intensive effort to come to grips with the cargo crime problem under General Benjamin O. Davies, Jr. (U.S. Air Force, retired), Assistant Secretary of Transportation for Safety and Consumer Affairs.

To his great credit, Secretary of Transportation John A. Volpe last June called a four-day cargo crime conference in Washington, marking the first time that a federal agency or industry had really zeroed in on a broad effort to delineate the limits of the problem, to determine roles and responsibilities, and to take an affirmative first step in exploring methods to deal effectively with it.

Secretary Volpe announced to the conference: (1) organization of a Transportation Security Office within his Department; and (2) organization of an Intergovernmental Task Force under the President's direct authorization to seek out ways and means for all executive agencies of the federal government to assist air, truck, maritime and rail carriers to curb growing cargo thievery in cooperation with state and local authorities.

Meanwhile, the Department of Transportation has fashioned a 12-point federal program including physical security guideline measures and pilot security projects. Secretary Volpe has requested every governor to designate a member of his personal staff to work with federal and local organizations to push the program and to ascertain if state funding for such purposes can be secured through Law Enforcement Assistance Administration fundings from the Department of Justice.

Deputy Attorney General Richard G. Kleindienst urged all U.S. attorneys to give particular attention to cargo crime areas for active prosecution.

Additionally, the Transportation Association of America, directed by its president, Harold Hammond, and representing most major carriers and shippers, announced the formation of a Transportation Cargo Security Council made up of carrier, labor, insurance, shipper and associated private industry organizations and manufacturers to assist in the federal-state efforts. All 50 state governors were asked to recognize the severity of the problem and to seek federal funding for cargo security programs locally.

The American Trucking Association's security arm, the trucking industry committee on theft and hijacking (TICOTH), continued to step up its activities begun back in 1969. The National Truck Theft Association was organized in Jacksonville, Fla., to deal with truck thefts particularly.

Meanwhile, the Interstate Commerce Commission, the Federal Maritime Commission and the Civil Aeronautics Board have adopted or are carrying out uniform cargo loss reporting rule-making proceedings, the two former regulatory bodies with more affirmativeness than the latter's snail-like pace.

To capsule the problem faced by industry and government efforts, let me quote a statement I made before last summer's national conference on the cargo security crisis in Washington, D.C.:

"After two years of listening to testimony from government, transportation and regulatory agencies, carriers, law enforcement officers, insurers, shippers and consumers, one fact comes though loud and clear—the cargo carrier crime crisis is growing alarmingly day by day. Our law enforcement agencies, our shipping regulatory bodies, government and the carrier industry have been unable to mount an effective response."

Two years ago, no governmental, private carrier or trade organization had any kind of a realistic handle on just how big the problem really was. The Senate small business committee, aided by insurance underwriters, carriers, Library of Congress statisticians, national news media and others sought to arrive at a generalized best estimate to shake up the carrier industry from its head-in-the-sand stance, to shake up government from its let-somebody-else-worry-about-it attitude and to bring on the focus of public interest. The committee prodded the ICC into adopting uniform loss reporting for Class I trucks and sparked current rule-making proceedings by the Federal Maritime Commission and the Civil Aeronautics Board.

Estimates showed losses were in the neighborhood of $1.5 billion for 1970, with truck theft and hijacking in first place at $900 million, airlines at $110 million, maritime shipping at $210 million, and railroads at $250 million. There seems little reason to believe that this total moved downward in 1971 with truck hijacking substantially on the increase that year and apparently new record highs set for dollar losses per major theft, at least in the motor freight hijack category.

These figures represent only the value of goods stolen or pilfered. But what is the bigger impact such as the cost of business? And what about the consumer, who pays for all the direct and indirect losses by crime-inflated prices?

The American Trucking Association told our committee that for every $1 of direct loss, it costs motor freight carriers from $2 to $5 of indirect costs in processing claims, paperwork and manpower. Shippers say their indirect losses are even greater or $5 to $7 for not having goods for sale, loss of profit dollars, disruption of manufacturers' production lines and the tie-up of monies due them and delayed in the claims reimbursement pipeline.

Therefore, if we add the direct dollar theft loss plus the carriers' and shippers' indirect costs, we may be talking of costs to the national economy approaching $8 to $10 billion annually. Again, it is the consumer who pays the crime-tagged price as that inflation spiral goes round and round.

As another example, a major recreational vehicle manufacturer had a truckload of wheels hijacked, possibly mistaken for a high-value cargo load, Because the wheel manufacturer could not resupply immediately, the vehicle manufacturer was forced to close down its production line, thereby losing its customer orders. Its building overhead expenses continued as did mortgage payments, equipment amortization, executive payroll and warehousing costs for the unfinished vehicles. Regular employes were furloughed and were substantially without pay. Other parts suppliers had to be paid. The company's direct loss for the hijacked wheels was only $30,000 but other costs went into the millions of dollars, indirect though they were but just as expensive as the direct variety.

Today, in this turbulent world of swift change, we try to live with extremes. But today the transportation industry has been victimized by losses never thought possible a few short years ago.

And how do these thefts impact on the four transport modes? According to the American Trucking Associations' TICOTH committee, the cost to the motor freight industry was in excess of $1 billion in 1970.

Sometimes the truck hijack bowling alley—the New York City-New Jersey metropolitan area—is said to stretch from Boston straight down the east coast corridor to Miami. Some believe it is spreading to the midwest and the Pacific coast as terminal and driver security improvements force some ordinary thieves into hijacking.

Yes, hijackings may get the headlines, but the bulk of truck cargo loss, around 80 per cent, is the pilferage and theft of one to several cartons each time and repeated thousands of times every year according to the American Trucking Associations.

Even though 60,000 trucks move in and out of New York City daily via six interstate crossings and $17.3 million worth of goods was stolen in 318 hijackings there in 1970, the hijack rate increased beyond the 350 mark in 1971. However, greater truck losses dollarwise occurred elsewhere from a high of 2.13 per cent of revenue on the Pacific Coast to a low of 1.61 per cent in the Rocky Mountain states.

While figures like these show the problem is a growing one, we are beginning to see more activity by insurance companies to force carriers to cut losses where possible. After all, insurance companies can't stay in business either if their losses become excessive or if customers are no longer insurable risks. In 1969, one major insurance company's loss ratio on cargo skyrocketed to an unprofitable 151 per cent. By 1971, that company cut its loss ratio to 69 per cent by forcing trucking industry management to institute security and prevention programs.

More than one insurance company executive has said that some trucking firms just cannot see any profit in preventive, security-type programs until the noose becomes so tight about their necks they don't know which way to jump. But in fairness to the trucking industry, can it carry on business as usual if the crime problem has become so rampant that only escort vehicles or western-style armed guards "riding shotgun" can help? Obviously, these expensive alternatives would increase shipping costs tremendously and would be generally impractical for other reasons. Can the motor freight industry operate in a crime-pocked society where it is a favorite and vulnerable target . . . one where truckload thefts are valued at about $35,000 each compared to bank robberies which average about $4,500 each?

As a result of our Committee's hearings about cargo theft and loss, our attention was drawn to the claims practices dealing with loss and damage in commercial transport. Several weeks ago the Interstate Commerce Commission announced it was moving to attack "mounting problems" of shippers in collecting loss and damage claims from railroads, truckers and other carriers. The ICC declared that the motor carrier rules for settlement of loss and damage claims restrict the liability of carriers and are unlawful, and at the same time announced a new set of rules carriers must begin using, including, beginning April 21:

(1) Acknowledgment by carriers of the receipt of each loss and damage claim;

(2) Investigation by the carrier of each claim promptly;

(3) Disposition by the carrier of the claim within a specified period, or the carrier to be required to inform the claimant of the claim and explain why a settlement has been delayed.

This announcement came as a result of an order in the proceedings in Ex Parte 263, dealing with Rules, Regulations and Practices of Regulated Carriers with Respect to the Processing of Loss and Damage Claims.

It appears that the primary judgment made by the Commission in its report in *Loss and Damage Claims,* 340 I.C.C. 515, is that there now prevails throughout the country a tremendous need and a growing public sentiment for a new approach to be taken in attempting to resolve what ICC called "a mounting national crisis in cargo loss and damage claims." The ICC said that the significance of the problem is pointed up by industry figures which show that more than $300 million in cargo is lost or damaged each year, with the railroads and motor carriers, respectively, handling 2.5 million and 1 million claims annually. This waste of our nation's resources, the Commission concluded, no longer could be tolerated.

The ICC announced adoption of a dual program designed to utilize its existing statutory authority to the fullest extent possible. It candidly admits, however, that the limited response it is now able to make to this problem may fall short of the mark needed to achieve appreciable improvements that it has found to be necessary in the public interest.

First of all, the Commission has promulgated sweeping regulations to become effective April 21, 1972. These regulations require all surface transportation companies to acknowledge receipt of each loss and damage claim, to investigate claims promptly, and to dispose of claims within a specified time or inform the claimant the status of his claim and the reason for the delay. The Commission also made a commitment in its report to institute in the near future another rulemaking proceeding in which it will determine whether there is also a present public need for it further to define the term "reasonable dispatch" insofar as it relates to the transportation of perishable commodities.

In the second phase of the dual program outlined in its report, the Commission seeks to bring the cargo claims situation under control by recommending that the Congress grant it the authority (a) to adjudicate cargo loss and damage claims in the first instance, subject, of course, to judicial review, and (b) to issue regulations setting cargo insurance standards for railroads, express companies, and water carriers.

And what about the fast-moving world of air freight? It is setting new tonnage records with gains of at least 20 per cent per year. In 1958 domestic air cargo carriers flew 726 million ton miles. That tripled in 10 years to more than 2 billion ton miles. It should quadruple during the 1970s, far outdistancing passenger traffic increases.

Larger aircraft are on their way which will carry more passengers and more freight, a far cry from the country's first scheduled cargo-passenger flight in Florida in 1914 by the St. Petersburg-to-Tampa Airboat Line. Its motto, ironically enough, was "safety first" and its cargo was a few pounds of hand-carried packages and boxes.

The world's greatest air cargo terminal, New York City's John F. Kennedy International Airport, had reported thefts in 1969 of $3.5 million. Additionally, airmail, parcel post thefts of securities, cash, diamonds and other high-value items at Kennedy were estimated at $65 million from 1967 through 1969. At some airports today, like JFK, U.S. Postal Service guards are "riding shotgun" on ground vehicles hauling mail pouches between airplanes and airport mail handling facilities. The Postal Service advised our committee that in 1969, 1970, and 1971 it levied fines against 15 of the 16 U.S. domestic air carriers operating under mail contracts out of Kennedy Airport because of lax mail handling practices or for losses, such fines totaling $450,000 in 1969, $400,000 in 1970 and $550,000 for the first nine months of 1971. We hope that added security steps being taken by the New York area Airport Security Council, and to its credit, will be affirmatively helpful.

As for maritime shipping, the Senate small business committee found that industry "probably less security-conscious than either the air or truck carriers" as its estimated losses increased from $170 million in 1969 to $210 million in 1970 at docks, piers and warehouses.

And how are the railroads doing in this fight? Our committee's opening day of hearings last June into railway cargo thefts gave support to earlier estimates of $250 million in losses for 1970. Witnesses said the rate of increase in rail thievery in 1970 compared to 1969 was 50 to 77 per cent higher. General Motors, one of the nation's largest shippers, said it experienced a 50 per cent increase in cargo theft and damage. It is reported vandalism loss and damage to 248,000 new automobiles being shipped by rail from assembly plants to dealer showrooms out of a total 1970 production of 2.5 million units. It is now running express-type automobile trains to stop thievery and vandalism, and packaging vehicles so they cannot be visibly detected on railroad cars, or placed inside new Verti-pak cars.

Penn Central's security director, Don Nelson, reported a 54 per cent increase in thievery losses in 1970. Western Carloading, one of the nation's largest freight forwarders, said its rail thefts were up 77 per cent in 1970, a far greater increase than the 11 per cent general crime rise nationally for 1970.

There seems little doubt that the country's transport industry has become the favorite target for organized and unorganized crime. The pickings are richer and easier. Cargoes have overwhelmed facilities. Security efforts have provided little security. And that old crutch of substituting insurance payments for good security has imperiled the insurance industry in some areas and put transportation companies out of business because loss insurance was refused by underwriting companies. One insurance company, which reported only two bankruptcies of motor carriers over 30 years, recently revealed that five trucking firms went broke in 1970 because of cargo theft losses.

One insurance executive told our committee:

". . . many of these things are stolen for order and they are handled by organized crime. The markets are already established and the property is absorbed into our economic system just like a huge dry sponge. It just sucks it all up and it disappears. We do not penetrate the activities of the receiver, the fences and the people in possession of this stolen property."

Certainly, the criminal redistribution "fence" system must be attacked from all directions as truck hijacks spread.

And what are some of us in the Congress trying to do to help out in this cargo carrier crime fight?

My bill, S. 942, passed by the Senate and now before the House interstate and foreign commerce committee, would establish a Presidentially-appointed Commission on the Security and Safety of Cargo, with 10 members drawn from truck, air, water and rail carriers, cargo labor unions, shippers, import-export concerns and the President's Cabinet. It provides for an in-depth, two-year examination of methods to improve security in our entire carrier system, with an interim report after one year. There are those who say the time period should be shorter, but certainly an overall examination of one of this country's greatest and most complex industries should be examined deeply and fairly if recommendations to deal with its problems in the 1970s, 1980s and beyond are to be made.

In addition to the study aspect, the bill would authorize the Secretary of Transportation to establish federal security standards where necessary at all airports, seaports and other commerce-associated areas when the commission concludes its work. We realize there are no overnight, magic or simple remedial measures to eliminate cargo theft and hijacking, but we believe this legislation offers the broadest, most coordinated, concrete, partnership-type approach yet suggested to face up to a problem that is not getting smaller.

It would provide an opportunity for the development of innovative security methods that would be keyed, not as a hindrance to the free flow of commerce, but as an adjunct to it. Certainly, all transport modes must be examined together because they are intertwined inextricably in their daily jobs.

Another bill offering some promise as an outgrowth of our committee's 1969 hearings is the Treasury Department port security bill, S. 1654. It seeks to get at poor security at international ports, both sea and air, through Customs Bureau jurisdiction. Since this measure focuses only on one portion of the broad problem, we believe our overall approach is to be favored because of its broader application of physical security standards.

My bill, S. 2426, is designed to strike at the heart of the criminal distribution "fence" system which we believe supports truck hijackings nationwide and a substantial share of all cargo carrier thefts generally. This bill would permit transport carriers, shippers, or those lawfully in possession of goods moving in interstate or foreign commerce to recover treble damages from any person who steals them during the course of such movement or who buys, receives, or has them in his possession after they have been stolen, having knowledge of their stolen character.

Obviously, S. 2426 is the first attempt to apply the use of civil remedies to reach criminal acts associated with the fencing of goods stolen from the nation's transport system. Since I offered this bill late last year, I have had discussions with the senior Senator from Arkansas, Mr. McClellan, about this general area and the possibility that it might be included as a part of his pending "Victims of Crime Act of 1972" proposal now before his Senate Judiciary Criminal Laws and Procedures Subcommittee. Therefore, on March 3, 1972 I introduced as an amendment to Senator McClellan's bill my own proposal broadening S. 2426 in several ways:

(1) It provides the Attorney General of the United States with the authority to enter a private civil damage suit on a class action basis for all citizens of the United States; and

(2) It grants the Federal district courts power to issue injunctive orders forcing the divestiture of business fronts or assets of those who are engaged in the purchase and resale of stolen cargo.

One of the main reasons for the introduction of legislation to reach criminal activities through civil action is that the burden of proof which must be met to obtain conviction on a charge of possession of stolen goods is so great that it sharply limits successful prosecutions for that crime. The burden of proof required in a civil action is considerably less. In other words, evidence insufficient to obtain a criminal conviction could well be strong enough to warrant a successful damage judgment in a civil action.

The treble damage provision increases the monetary risk of the fence and the buyer, resulting in a decrease of price to the thief and reduction of profit to each in the chain.

My proposal would permit recovery of damages for losses sustained as a result of the violation or conviction under the theft in interstate shipments act (18 Stat. 659), providing criminal penalties for theft or purchase of stolen goods moving in interstate commerce. It would add a civil remedy to the present criminal statute.

Briefly, my legislation is designed to help take the profit out of marketing stolen goods. Certainly, if a thief does not have a buyer to purchase or "fence" for resale his stolen or "hot" cargo, then his market will dry up. Recovery in civil damages will give to businessmen, shippers, and carriers, who pay the brunt of losses for cargo theft, an opportunity to recover their dollar losses plus treble damages which will hit the thief, the fence or the illegal buyer where it hurts most, his pocketbook. At the same time it will tighten up the shady market area where thieves sell their multi-million dollars worth of stolen goods.

Law enforcement officials plus shipper, carrier, and insurance executives believe most of this massive cargo theft finds its way back into legitimate commerce as a result of the operations of criminal, middlemen fences.

Today, legitimate merchants, salvage companies, discount stores, as well as the more shady dealers operating behind the scenes are believed to be the link supporting widespread fence operations. It is believed that many of these merchants are engaged in selling goods which were originally stolen from interstate and foreign commerce shipments. It is charged that these merchants buy goods from middlemen fences who in turn buy directly or control the operations of thieves preying on cargo shipments from all modes of transportation.

If I remember correctly the heyday of the Al Capone reign in Chicago, he was convicted not for murder, theft, violation of the Volstead Act, or other mobster activity but for income tax evasion. Perhaps, it is time we go after the modern day cargo thieves indirectly too, as my bill proposes. Above all, this proposal would furnish a valuable addition to the arsenal of weapons our federal courts can use against those who engage in the theft of goods moving in interstate commerce, those who "fence" such goods and the buyer who deals in stolen goods.

My third bill, S. 1763, would provide airlines a "dollar sign" incentive to improve security practices by requiring them to compensate shippers at full cash value for the theft, loss or damage to cargo, thereby conforming airlines to truck, rail and maritime liability practices of cash value reimbursement.

Just as airlines are beginning to come of age in the cargo transport business, they should also be required to observe a loss compensation divorced from the horse and buggy days. Their current 50-cents-per-pound domestic liability rate is a hand-me-down from the pre-air cargo industry era back in the early 1900s. Today, international air cargo losses are compensated at $7.52 per pound, which proves that the domestic rate is wholly unrealistic and grossly unfair to the shipping public. Whether the whole air carrier industry has yet developed a real commitment to cargo security might seem questionable. Too much of the carrier industry has not become convinced that cargo losses strike at its profit and loss statements. When they do or someone pushes them into it, we will see more affirmative movement towards a goal of adequate protection for shipments of air cargo. Some airlines have taken constructive steps. We hope the practice will spread.

Meanwhile, we believe that good security is good business for everyone's business. It would seem to be one of today's most important answers if the carrier industry is to serve the country's shipper and consumer public.

HEROIN MAINTENANCE? THE AMSTERDAM NEWS SAYS "NO"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. RANGEL. Mr. Speaker, the possibility of heroin maintenance programs being imposed on the black and Spanish-speaking people of New York City looms as a morbid shadow over Harlem. Those who falsely believe that a reduction in drug-related crime is the same as dealing with drug addiction are calling for an imposed system of free heroin. Under such a system this killer drug would be made available upon demand to those who line up twice a day for their injection of death. The 9-year-old junkie who began using heroin to escape from the misery around him will be written off. The addict who has never tried methadone or drug-free rehabilitation programs will be written off. The drug-dependent youth who have been unable to find any treatment program which addresses itself to the underlying socioeconomic, environmental, and psychological roots of addiction will also be written off—all in the name of "crime control" and "law and order."

There is much we do not know about the effects of heroin on the human body. Our doctors do not fully understand the overdose phenomenon that left over 1,000 New Yorkers dead in 1971, many of them teenagers. Our scientists are still researching the question of whether or not an individual can stabilize on heroin or, on the other hand, whether the addict will have to be given an ever-increasing dose of the drug.

Free heroin proposals ignore this type of fundamental question. We cannot morally contemplate heroin maintenance and abandon all hope that the addict can be helped. Heroin maintenance is not "treatment," it is a voluntary sacrifice of hundreds of thousands of young Americans to lives of despair and defeat.

The people of Harlem are outraged at proposals to force heroin maintenance on our community. Mr. Speaker, the Amsterdam News recently condemned the concept of free heroin in an incisive editorial which I am pleased to share with my colleagues in Congress at this time.

The editorial follows:

DOWN WITH FREE HEROIN

Harlem Congressman Charles Rangel has raised some serious questions about the Free Heroin experiment proposed by Mayor Lindsay and others.

"Who are the latest proponents of heroin maintenance?" asks Cong. Rangel.

"Answer: A police commissioner, a sheriff, a politican with a hard-hat constituency, a U.S. prosecutor and a Committee on Crime prevention."

"Not one of these law-and-order folk could even remotely be considered a drug expert. It is indeed revealing that few, if any, acknowledged experts have endorsed so risky an experiment," Rangel said, in a letter to the Amsterdam News.

Rangel's attack on the Mayor's Narcotics Council and other supporters of the Free Heroin project are echoed by many community anti-drug leaders.

Andrew Henderson, Director of Operation Helping Hand, which runs a state and city-financed drug program in Harlem, has classified heroin and methadone maintenance alike as "a means to institutionalize and professionalize our destruction. . . .

"The advocates of heroin maintenance are the parasites that feed on Black and Puerto Rican peoples' souls, but, in order to usurp us; they must first render us helpless," he finds.

On the other side, police officials, Lindsay's administration and others point out that the heroin project would include only presently addicted persons; and that free heroin would ruin the underworld market for the drug.

After reviewing the arguments on both sides, the Amsterdam News is unalterably opposed to experiments with Free Heroin.

The drug epidemic in our society cannot be solved by avoiding the underlying issues and dealing with addicts in this fashion. Black people, young and old, escape to drugs because of the incredible oppression and the resulting frustrations caused by racial discrimination in America.

In addition, we are convinced that an experimental free Heroin Project would not represent the massive attack on the drug problem that is really needed to immediately bring relief to Black communities.

Mayor Lindsay, police officials, and others should forget the Free Heroin approach.

They should begin to realistically deal with the problems in our communities.

They should find and commit the massive funds and personnel necessary to mount an all-out attack on drugs and to place every addict under care, intensive with adequate psychological, social, employment and educational counseling.

TELEPHONE PRIVACY—X

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the Telephone Privacy Act (H.R. 14097) with 28 cosponsors.

This bill would give to individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option to require the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing an eighth sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

SANTA ANA, CALIF.,
March 31, 1972.

Hon. LES ASPIN,
House Office Building,
Washington, D.C.

DEAR SIR: I noticed an article in the Pilot, a local newspaper of Newport Beach, Cal., about the bill you are introducing to curtail telephone solicitation.

Mrs. Walton and I get sick and tired of running to the phone for that kind of calls. Sometimes it means an interruption of our evening meal; other times we tear in from outdoors. We pay for the phone for our own, private use—not for the use of people trying to sell us something.

——— ———.

LAKE OSWEGO, OREG.,
March 31, 1972.

Representative LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: We heartily wish you success in your efforts to secure a "no solicitors" sign for our telephones. This is greatly needed a kind of "fifth pollution" after noise pollution (and air, water, land) a sort of "privacy pollution."

Good luck!! You have our support and thanks, if the article in the *Christian Science Monitor* is true.

And good wishes,

——— ———.

URSINUS COLLEGE,
Collegeville, Pa., March 25, 1972.

Hon. LES ASPIN,
Member of Congress, House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I recently read a brief item in the Philadelphia *Bulletin* that you are the sponsor of a bill in Congress described as "a telephone privacy bill, which would give citizens the right to be free of commercial solicitation via the telephone."

I have not seen any further information on your proposed bill, but I hope it also covers an aspect of telephone privacy which is of considerable concern to me, and that is the $6.00 yearly charge imposed by Bell of Pennsylvania and other companies in the Bell System for unlisted telephone numbers. As I see it, a citizen who chooses to enjoy a bit more privacy in our electronic age is being penalized by this exorbitant charge. I view it as an outrageous tax on privacy about which the various state utilities commissions seem unconcerned.

My views are set forth in more detail in the enclosed copy of my letter to the editor of the *Bulletin*, a condensed version of which appeared on March 20.

I hope that your bill deals, or can be amended to deal, with this matter. I urge Congressional action.

Sincerely yours,

——— ———.

Associate Professor of Political Science.

FORT WAYNE, IND.,
April 4, 1972.

Representative LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR REP. ASPIN: I have noted recently in The Christian Science Monitor a good article about your bill to place a "no solicitors" sign on my telephone. I'm for it—we have been bothered no end by unsolicited phone calls, and I am no longer kind to the solicitors. In fact, I have compiled a list of companies who are intruding into the privacy of my home and refuse to deal with these companies. Recently we received a "long distance call from Chicago" from the "United States Steel Company" who turned out to be a local siding contractor! (I wrote to USS about it—they do not condone it.)

Your solution is an excellent one—I am writing to my congressman about supporting your bill. Right on!

Sincerely,

——— ———.

ROCHESTER, N.Y.,
April 3, 1972.

Representative LES ASPIN,
Washington, D.C.

DEAR SIR: I was very much interested in an article which appeared in our Rochester Times-Union regarding unwanted solicitations by phone, which would bar commercial firms from making these nuisance calls.

This is a very good bill which I understand you are planning to introduce, and I am sure there are many people who would be pleased to see such a bill passed.

My husband and I are elderly people (in our 80's) and such calls often come at an inconvenient time. We do own our own home, but we have always done our own repairing, or, if necessary to hire someone else, we are familiar with the "Yellow Pages" and can look the matter up for ourselves.

I am writing to our New York representative, Mr. Frank Horton, asking him to vote yes when your bill comes before the Congress.

Yours very truly,

——— ———.

THE ROLE OF ENFORCEMENT IN AIR TRAVEL

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. BYRNES of Wisconsin. Mr. Speaker, I include in the RECORD at this point a copy of a speech given by Richard J. O'Melia, Director of the Bureau of Enforcement of the Civil Aeronautics Board before the southern regional meeting of ASTA, Inc., earlier this year. In this speech, Mr. O'Melia explains the role of enforcement in air travel and outlines innovations and improvements which have taken place in this Bureau within the past few years:

THE ROLE OF ENFORCEMENT IN AIR TRAVEL

I am delighted to have the opportunity to meet with you today at this your first Southern Regional Meeting. I was in Chicago just last month to address ASTA's Central Regional Meeting. However, I want to assure you that my remarks today will not be a carbon copy of that speech. Instead, since this is the first chance that I have had to appear before the ASTA members in this region, I want to seize this opportunity to familiarize you generally with the functions of the Bureau of Enforcement. I want to tell you what we have done and what we are doing in enforcing the Federal Aviation Act and the regulations related to air travel—an area directly related to your own activities.

In past years, speakers would sometimes begin by saying that a speech should be like a skirt—long enough to cover the subject but short enough to make it interesting. But that was before the days of the mini-skirt. I think enforcement in the travel business is too important for a mini-speech. What I hope, since I'm speaking about our activities, is that this speech will be like a peek-a-boo blouse—revealing enough to give you some good insights into our work without running afoul of the law on indecent exposure.

When I assumed the duties of Director of the Bureau of Enforcement on May 5, 1969, I recognized that no one truly likes a cop unless it's his family. To the lawbreaker you're a threat to his way of life and to the law-abiding citizen you're a tax burden who never seems to be in the right spot at the right time. So, from the very beginning, I accepted the fact that I might not be liked but, I determined to bend every effort toward being respected. Of course, respect has to be earned—earned by deeds constituting a 100 per cent effort and also by results. We are happy and proud of what has been accomplished. I am aware that comparisons are often considered odious but today, with your forebearance, I intend to draw comparisons between the pre-O'Melia years and O'Melia—"2 years, 8 months and 25 days". My purpose is to stress that—yes, our role of enforcement in air travel has taken a tougher line. I want to substantiate that statement with some pertinent statistics and hopefully to convince you that a tougher enforcement line is in our mutual interest.

As some of you may know, the Bureau of Enforcement until recently was comprised of an Investigation Division, a Legal Division and a Consumer Complaint Section. However, in December 1970 CAB Chairman Secor Browne transferred the Consumer Complaint Sector to the new and independent Office of Consumer Affairs. This gave consumer problems new and separate attention that they merited, and sharpened the Bureau in its primary function of enforcement. The following month, January 1971, the Chairman recast the Legal Division into two distinct parts: A Formal Proceedings Division and an Informal Compliance Division. This new three-Division structure was designed to more effectively tackle the Bureau's legal workload, to produce a higher quality of work product and, at the same time, devote more Bureau effort to new areas requiring specialized enforcement attention. We recruited new talent for key staff positions and drew sharper lines of responsibility.

Let me describe briefly the work of our three divisions, beginning with the Investigation Division.

INVESTIGATION DIVISION

The function of this Division—to conduct investigations of reported and suspected violations—is a broad and even more complex assignment. Its goal is not only to ferret out violations but more importantly to supply an evidentiary basis for proceeding in our formal and informal cases. Its staff consists of eight investigators, including the Division Chief—the same number it had in 1962, ten years ago, and only two investigators more than it had twenty years ago. Obviously, witn such a limited staff, we are unable to conduct field investigations into every complaint. A substantial number of investigations are handled either through correspondence or telephone inquiries.

Lacking additional investigators and confronted with an ever expanding industry, we have found it necessary to make maximum use of our staff through improvement in techniques, utilization of modern equipment, and selection of major problem areas for massive investigations. Microfilm equipment—film recorders for copying documents— have been acquired to assist our investigators. In addition to traditional investigative techniques, questionnaires have been employed to develop information from participants on charter trips. We have found this to be an effective tool. Data obtained are being put into computers to help us analyze and retrieve information more quickly. This automatic data processing will, we hope, be of tremendous help in showing us patterns and trends in enforcement problems by types of violations and by categories of violators. And we have devoted a substantial part of our resources to breaking down major problem areas, particularly in the charter field. I expect that most of you are aware of the extensive investigations we made in 1968 and 1969 into the West Coast and East Coast charter markets. In the West Coast investigation alone, the records of 7 carriers were examined, over 100 witnesses interviewed, more than 2,000 pages of transcript were developed and over 50,000 documents were reproduced. Both of these investigations led to the issuance of cease and desist orders and the imposition of civil penalties.

Most of our charter problems have been concentrated on East and West Coasts. It is true that relatively few difficulties have been encountered in the mid-South. I want to conclude from this that the caliber of your operators is very good insofar as observance of the charter regulations is concerned. I congratulate you on this and hope that you will keep it this way.

INFORMAL COMPLIANCE DIVISION

The Informal Compliance Division, consisting of six attorneys, has as its primary purpose the seeking of voluntary observance of the Federal Aviation Act and the Board's regulations. Its responsibility encompasses all segments of the air transport industry. It is called upon to resolve complex legal issues of interpretation and to bring about understanding and acceptance of the law. Some 90 per cent of the violations coming to the Bureau's attention are handled informally, and these violations come in a constant stream.

To give you an idea of the volume of work involved, the Bureau last year concluded some 780 informal compliance cases and dealt with over a hundred requests for information or interpretation, many of which required both legal and factual research. We are pleased that in the predominant number of cases involving violations, the parties in question voluntarily agree to take corrective action immediately to discontinue the violation. In those circumstances, more time-consuming and more costly formal measures are unnecessary.

You may also be interested to know the major areas of violations that we deal with. Very briefly, about 25 percent of our cases involve misleading advertising and other unfair methods of competition and some 14 percent deal with tariff violations—either overcharging or unlawful rebating. Improper advertisements of pro rata charters in mass media are prevalent and harmful. We are preparing a statement on this particular problem to assist the industry, and hope to obtain ASTA's assistance in giving wide circulation to this release. Two other major areas are failure to make required reports—some 8 percent of our cases, and failure of air taxis to register—5 percent of our workload. But the single most important and most difficult area of compliance—and this is what is of primary concern to you—is in the charter field. Last year over 37 percent of our cases, of our manhours, of our efforts were dealt with the problem of charter violations. To combat this situation we need not only a vigorous enforcement program, but also a strong educational program. Air carriers, travel agents and the travelling public must all be more aware of what is permissible and what isn't. ASTA has been and can be of great assistance to us in this respect.

FORMAL PROCEEDINGS DIVISION

The Formal Proceedings Division was created to adjudicate and litigate the more serious and flagrant violations of the Act free from other responsibilities. It has enabled specific staff attorneys to work full-time on formal proceedings and has facilitated greater emphasis on particular cases. Legal teams are now assigned to proceedings before a hearing examiner or a federal court to give each case the depth that specialized efforts can provide. Our traditional types of formal actions have benefited from the new formation and the metamorphosis has provided the Bureau with the capability to pursue new enforcement areas using relatively untried enforcement measures.

Let me be more specific. What have we done in the past year? Perhaps the most significant development of 1971 was the willingness of the Bureau of Enforcement to take certain cases to the Federal District Courts. We recognize that resorting to the court system is a drastic remedy for a regulatory agency. But we have come to realize that court proceedings are the only answer to solve certain serious problems. Accordingly, during 1971, the Bureau initiated three court suits and participated in one other as *amicus curiae* or "friend of the court". In comparison, in the years immediately before my arrival with the Bureau, no such court actions were instituted. To help explain what type of actions the Bureau must take to court, let me briefly highlight our court actions of the past year.

In our most far reaching case, the Board, in September 1971, filed suit in the United States District Court for the Eastern District of New York against sixteen individuals and organizations charging violations of the Board's charter regulations and the Federal Aviation Act. This suit seeks injunctions to prevent the defendants from acting as indirect air carriers or indirect foreign air carriers in violation of the Act. This action represents the first time that the Board has taken direct Federal Court action against persons allegedly involved in illegally soliciting members of the general public for passage on transatlantic charter flights.

As I am sure you can appreciate, this suit is the culmination of a comprehensive investigation and lengthy trial preparation. Although certain procedural delays, including the joining as defendants of nine direct carriers, have kept the Court from issuing a decision on the merits of the case, every effort is being made to set this case for trial as quickly as possible.

This East Coast Consolidators Case, as we call it, is not the only action brought by the Board in the Eastern District of New York. As you may remember, in June of 1971, we filed suit against Alitalia seeking to enjoin the sale of youth fare tickets prior to the effective date of Alitalia's youth fare tariff. Less than two weeks after the Bureau first learned of Alitalia's activities, the Court found Alitalia in violation of the Act and indicated that the requested injunction would be signed. Following the Court's indication it was prepared to enjoin further sale of tickets, Alitalia agreed to discontinue immediately the unauthorized sales.

The one case in which the Board appeared as *amicus curiae* may be of special interest to you since it was initiated by three ASTA members in the Los Angeles area. This suit was filed in the U.S. District Court for the Central District of California and sought an injunction against a chartering organization and several individuals alleged to have been engaged in unauthorized indirect air carrier activity. Prior to filing this complaint ASTA's General Counsel consulted with us and suggested that it would be very helpful to the Court for an *amicus* brief to be filed on behalf of the Board analyzing the concept of indirect air carriage, a key issue in the proposed litigation. We were delighted to do this—both to assist our ASTA friends and, frankly to serve our own interests. We believed it would greatly assist us in future cases for the California court to issue a sound decision. We feel that our contribution was of substantial help to the court in issuing its injunction of the unlawful indirect air carriage.

Prior to the filing of that case, I and the Chief of our Investigation Division met with ASTA officials on the West Coast, and an Enforcement Attorney was sent to California to be present at the hearing in the event the Court had any further questions on this issue. The outcome of this case was the issuance of the injunction requested. As you may know, this decision has been appealed. We have filed an *amicus* brief in the Ninth Circuit Court of Appeals, and oral argument is scheduled for April 4, 1972.

You should also be aware that an injunction was sought by a number of travel agents against various "clubs" in a New Jersey state court alleging, among other things, that these clubs were holding out air transportation to the general public; that is, that the defendants were engaged in indirect air transportation without authority from the Board. The trial court granted summary judgment for the defendants. But this was reversed and remanded by the Superior Court of New Jersey late last month. The Superior Court's ruling is of importance to you. It stated (1) that the allegations of the travel agents, if proved, would establish a violation of the Federal Aviation Act, (2) that violation of the certificate provisions of the Act gives rise to a federal course of action in favor of those injured thereby, and (3) that the state courts have jurisdiction—concurrently with the federal courts to entertain suits for violation of the certificate provisions. In that very significant New Jersey case the Board again, at the request of the Court, furnished its views as to what constitutes indirect air carriage.

This emphasis on court action does not mean that we have abandoned administrative action before the Board. On the contrary, this past year has been one of the most active on record with respect to Bureau action at the Board level. For example, since July 1, 1971, we have collected through negotiated settlements, a total of $184,200 in civil penalties for various violations of the Act and Regulations. This sum includes $142,000 which was collected from two supplemental carriers for certain charter flight violations. The average annual civil penalty assessments in the years prior to my coming with the Bureau was around $40,000.

When negotiated settlements cannot be reached, the Bureau is prepared to go to trial, as it did last June against American Flyers Airline Corporation, now Universal Airlines, Inc. That proceeding resulted in a litigated Board order to cease and desist.

Another area of vital concern to the Bureau is the tremendous recent growth of the so-called private flying clubs. As you know, flying clubs which purport to be private entities operating their own aircraft for the benefit of their members, have been in existence for approximately 10 years. The failure rate on these clubs has been quite high and there have been many clubs that have gone in and out of business during this period of time.

However, several of the clubs that have survived have recently experienced tremendous membership growth largely as a result of extensive advertising in mass media, including radio, TV and nationally circulated magazines. They have also acquired large aircraft, including jets. These large aircraft are now available because the certificated carriers are converting to widebodied jets. As the size and number of flying clubs grow, so grows the Bureau's concern that such flying clubs are not true clubs, but are in fact mere devices to offer common carrier air service to the general public.

The issue involved is whether a particular flying club has gone over the line into unauthorized common carrier operations in violation of the Federal Aviation Act. We think that some of these clubs have crossed over the line. Accordingly, we have recently filed a complaint against Voyager 1000, an Indianapolis, Indiana travel club, alleging that it is engaged in air transportation without Board authority. The outcome of this case will provide guidance in future flying club cases. We intend to take a hard look at other flying clubs and will file complaints against any others we feel are operating illegally.

Part of the problem in our attempts to enforce the Act and Regulations has been an occasional inability to obtain the information and documentation necessary to form the basis of a viable enforcement case. In recognition of this, the Board on March 5, 1971, vested the Bureau with delegated authority to issue Board orders requiring the submission of documents, reports and information by U.S. carriers. Pursuant to this delegation, on March 26, 1971, I issued the first such order against Capitol International Airways, directing it to submit specified information and documents within 30 days. Capitol complied with this order.

While this delegated authority does not extend to foreign carriers, they are nevertheless required to furnish certain information under the regulations of the Board. In a very recent case, a foreign carrier, Laker Airways, failed to submit required information requested by this Bureau. Faced with this intransigence, the Board on December 27, issued an order requiring Laker Airways to submit charter documentation. The order declared that this action was taken because of Laker's indifference to previous informal requests of the Board's staff for information. Laker has asked the Board to reconsider this order. The Bureau is, of course, opposing Laker's motion.

Underlying our broad enforcement authority is the fundamental power under section 407(e) of the Federal Aviation Act to inspect books, records and facilities of all air carriers, including air taxis. In a recent instance in which this power was challenged by Basler Flight Service, Inc., an air taxi operator, the Bureau promptly filed a formal complaint seeking suspension of Basler's operation authority. Hearing was held on December 15, and this case is now awaiting decision.

It must be remembered that the Bureau has undertaken these unprecedented enforcement actions before the Board, and in the Federal courts, with a staff virtually unchanged in size from what it was twenty years ago. The Bureau's total legal staff, now numbering 12 attorneys, remains smaller than the in-house legal staffs of several individual airlines. During the same two decades the air transport industry in the United States has experienced at least a three-fold growth.

That completes my description of our three divisions and on what they do. I wanted you to see our operational plan because, as Flip Wilson would put it, "What you see is what you get"! And we hope to be giving you a lot more enforcement activity that will keep the travel market free from unlawful schemes harmful to the public interest.

Before concluding I want to tell you briefly of two developments that concern and will affect your business enterprises.

TRANSATLANTIC COOPERATION ON CHARTER ENFORCEMENT PROBLEMS

First, although we have had substantial illegal charter problems on the West Coast our most crucial current charter problems are the transatlantic flights in general and the charters between New York and London in particular. As you know, the New York-London route represents the largest charter market and, unfortunately, the enforcement problems are proportionate size.

In approaching the transatlantic charter problem, the U.S. and U.K. governments have recognized the need for tougher enforcement action to enforce in particular the affinity charter regulations. In an effort to seek cooperative, or at least complementary measures on this problem, a team consisting of a Board member, our Investigation Division Chief and me, recently went to London to conduct exploratory talks with our British enforcement counterparts. We discovered that although our approaches are basically different in many respects, the two systems do complement each other. In essence, the British try to obtain observance of their charter regulations prior to departure of the flight and direct their efforts to make the charter organization demonstrate that it is a legal affinity group. Our approach is on an *ex post facto* basis through post-flight audits, with primary attention focused on the direct air carrier. We want the direct air carrier to assure itself that the chartering group meets the Board's affinity standards.

Neither the U.K. nor the Board have authority to stop illegal charter flights prior to departure. However, when illegal charters have been called to the attention of the carrier, in many instances the flights have been cancelled, or passengers who are not bona fide members of the chartering organization have been removed.

The British propose new regulations that will be effective this summer which will require the filing of essential documents by each organization approximately one month prior to the flight departure date. This will in turn permit the authorities to check to see whether the organizations are charterworthy. We have in mind certain changes in the CAB regulations which, if adopted, would permit us to make pre-flight checks to isolate ineligible passengers and reveal uncharterworthy organizations.

Through the combined efforts from both sides of the Atlantic, we have hopes that many of the affinity charter problems will be brought into line. Our court complaint in New York discussed earlier should also clear the illegal charter consolidator out of the market place.

The travel group charter concept which the Board proposed on December 30, 1971, is also being considered by the British. This new concept, if approved by both countries may be in operation well before the end of this year. As you may have seen from trade publications, the U.K. is also planning to license tour organizations and is considering substantial sanctions for operators who violate the U.K. laws, including fines and imprisonment.

FALSE PASSENGER STATEMENTS

The second item I want to mention is that one of the most sinister and difficult devices being used, primarily on transatlantic charter flights, is the false passenger statement to conceal the ineligibility of participants on affinity charters. Passengers in many instances are being coerced by illegal charter consolidators to sign false statements as to their membership in the chartering organization in order to get on the flight. These statements are then, in turn, being employed by carriers as evidence of the charterworthiness of the charterer organization; whereas, in fact, passengers have been accepted from the general public and, in order to go on a flight, have signed false statements under duress.

Let me make it crystal clear that any air carrier that relies on this device in an attempt to legalize illegal charters are in deep trouble. We will not accept such statements as conclusive evidence of eligibility of passengers. We expect each and every carrier to make responsible checks as to all requirements on affinity charters to insure full conformance with the Board's regulations. Such other items would include check of membership records, review of bylaws, flight announcements, etc.

Under present Board regulations we do not have access to the lists of passenger names and addresses on flights by foreign carriers in advance of departure, so that it is presently not possible to make spot checks before the flights operate. This is one area in which we are requesting amendment of the regulations so that we will have this information in advance of each flight of U.S.-originating groups by foreign airlines. As for U.S. carriers, these records are, of course, available to use under the present regulations and will be requested and examined by my office when a complaint of illegality is received.

Gentlemen, I have mentioned that we are seeking a cooperative enforcement program with the British and plan to enter into talks with other European countries for the same purpose. Fruitful results from these reciprocal efforts will be of considerable help because of our limited manpower. For the same reason, we have encouraged the establishment of private enforcement machinery by the industry itself. You all know that IATA has enforcement procedures and their Breaches Commission levies substantial fines on member airlines found guilty of infractions. Another example is the self-enforcement agreement between U.S. Supplemental air carriers, who are members of the National Air Carrier Association (NACA). This agreement was approved by the Board in December 1969. Under this agreement, which gives an impartial commissioner authority to impose fines on the member carriers, NACA is circulating among its members the names of non-charterworthy organizations, encouraging the member carriers to remove ineligible passengers from their charters, and is investigating complaints alleging violations. This is a constructive endeavor, and we hope that this industry will follow this example and adopt self-policing measures.

CONCLUSION

Ladies and gentlemen, in my opening remarks I mentioned that this would not be a mini-speech. Frankly, I don't like the maxi-skirt and I hope that I haven't covered this subject down to the ankles. But I do think it is useful for us to know each other better and for you—as key members of the air travel industry—to know what we in the Board are doing to make air transportation sound, enjoyable and prosperous. Chairman Browne and all the other Members of the Board have made clear their support of a strong enforcement program that will accomplish these ends.

We are told that our complex and heavy income tax system could not succeed without the willing cooperation of the tax payers. I am convinced that the Board's program for a growing and healthy charter industry will succeed, and I'm equally convinced that like our tax system it must rely on the wholehearted cooperation of the public and of the industry. ASTA has given us valuable support in our efforts throughout the years, which we greatly appreciate, and I want to solicit your continued assistance. As a closing thought, please watch those charters, and be on the lookout for phony or questionable affinity charters. Remember these four key points:

(1) Affinity charters should not be the subject of public solicitation in mass media;

(2) Affinity charter participants must be members of the affinity group for six months before flight departure;

(3) A chartering organization should not advertise or solicit its members for a charter until a firm charter contract has been signed, and

(4) The costs of charter flights must be prorated equally among all charter passengers.

Thank you again for this opportunity to meet with you.

FEDERAL PRESCHOOL AND EARLY CHILDHOOD PROGRAMS FROM A BLACK PERSPECTIVE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HAWKINS. Mr. Speaker, the following policy statement paper on preschool and early childhood programs from a black perspective was prepared and presented by an able and distinguished educator, Evelyn K. Moore, to the recent National Policy Conference on Education for Blacks.

I recommend its analysis and excellent suggestions for those interested in this vital aspect of American education:

FEDERAL PRESCHOOL AND EARLY CHILDHOOD PROGRAMS FROM A BLACK PERSPECTIVE

A part of the new Black awareness that has grown so quickly in the past ten years is our understanding of how important it is that we raise and educate our children. We have discovered that it is a task far too important to leave to others. Because it is through education that we really maintain who we are as a people. Moreover, we have become more aware that the present configuration of the American system of education in Black communities across the country has little to do with enabling our Black children to survive in 20th century America.

Black Harvard psychologist, Dr. Chester Pierce, says, the school system has been fantastically successful in neutralizing children between ages 5 and 15. The school system was designed for that purpose and while it merely neutralizes middle class white children so that they accept the prevailing white political system, the schools generally destroy the poor and the Black altogether.

Much of the evidence we have of the importance of the first five years have been developed as part of general investigations, especially on the Federal level of ways to help all children—not just poor or Black children—become more competent. I know that I need not recount, for this audience, the history of prejudice which has masqueraded as "scientific findings." Most recently, we have had to refute the theories of genetic inferiority propounded by such person as Jensen (see Jensen, 1969). The 1971 report of the National Urban League, The Strengths of Black Families, refuted Moynihan and his troops.

If by the time our children reach the age of five they have not learned to survive with honor, dignity and ability, then they have already been shoved to the back of the starting line. They are beginning the long distance race with no shoes—no map of the course.

There is, in modern day America, a growing awareness of the crucial importance of healthy development in the first five years of the child's life. The purely biological arguments for the importance of this period are staggering. It is at this time that the body goes through its most crucial period of growth. Patterns, both mental and physical, are being set that can be undone only with great difficulty.

Formal early childhood programs are a relatively new thing for Black families, as noted by Black psychologist, Dr. John Dill. Throughout the first half of our history on this continent, Black children received informal care within such loose family ties as were allowed to exist. The second half of our history has seen our children generally receive informal care and a few taking part in the neighborhood settlement houses which were the only formal resource until the Economic Opportunity Act was passed in 1964.

We must now move onward and enhance our children's growth—intellectually and physically—within the Black family structure. One way we can do this is through early childhood programs.

There is a growing need, backed by a growing demand, for quality child care by an increasing number of women who, for perhaps the first time, are entering into the work force. At the present time it is estimated that there are over six million pre-school children with working mothers. This represents a 50% increase since 1960, more than 8 times as many mothers are working today than were in 1940. This includes both white and Black. Of the 6 million children under 6, about 1.2 million were Black children whose mothers were in the labor force as of March 1970. Of that total 880,000 were members of two parent families. The median income of families, with the mother and father working, was $8,179 in 1968. There were 289,000 children under 6 whose mothers were head of the household. The median family income of the female-headed family was $3,545. One-half of all Black mothers are in the labor force at any given time as compared to less than ⅓ of white mothers. At the present time, if we were to compute the total cost for both center care and pre-school care that is needed, it would amount to approximately 2.5 billion dollars at the most.

Many welfare programs require that the mothers, as a condition for welfare services and food stamps, work. This practice too is putting a demand on federal and state governments to provide some form of child care. This care is custodial for the most part and in some cases it is much worse.

With the increased politicisation of every community-based issue, new pressure groups are demanding, and rightfully so, that child development programs and institutions meet the comprehensive needs of Black children, their families and communities.

Child development must encompass not only the Black child's cognitive, physical and social need, but his psychological requirements as well. We must have programs that give self-knowledge and self-respect. And beyond his strengthened belief in self, we must have programs that give the child a greater sense of racial awareness and pride.

The only way that this can be reasonably achieved is for the community to have the decision making authority. The community can then develop educational policy which is tailored to their children's distinctive needs. As we have shown, the first five years of life are too critical to be entrusted to those for whom the Black child's interest may not be predominant. It must be entrusted to the Black community. In turn, as the community nurtures and forms child development centers; child development centers themselves become catalysts for total community development.

Because of the size of the task ahead, the present political realities, and the desperate need for some kinds of minimum standards for these programs, the federal government should be the main funding agent involved in the area of child development. Further, as Black experience in other areas has so amply shown, too often politics at the state level is a vehicle for maintaining the status quo.

Turning to the federal effort to date, what has been the recent history of these kinds of programs?

Firstly, the call for national child development came with the President's Joint Commission on Mental Health of Children. This report called for a variety of steps to be taken to improve conditions for all of America's children, but the least controversial recommendations were for early childhood programs.

Secondly, and perhaps more importantly, child development was a top priority of the 1970 White House Conference on Children. This report emphasized the need for parent and community involvement in the development of these kinds of programs. The real impact of this report was to help increase the national awareness of the problem, and to point up the need for comprehensive child development programs. It also put forth clear recommendations which were later included in the Comprehensive Child Development Act.

The current level of federal spending in child care and development is pitifully low, only about $750 million. This amount of money is not adequate when we consider at least 8 million children are urgently in need of day care. It indicates that the federal commitment is a commitment in name only.

The federal programs are limited not only by their funds but by their scope; that is, by the type of child that they accept. Thus Head Start, *the only significant child development program*, is limited to pre-school age children from families below the poverty level. Clearly the need transcends such arbitrary boundaries.

Head Start, the first federally funded comprehensive program, has a budget of roughly $375 million. In the past few years it has not grown—it has only operated at maintenance level.

Dr. Edward Zigler of the Office of Child Development has estimated it would cost an additional $1.126 billion, just to reach the Head Start target population. The target population is defined by the government as preschool children whose families' income is below poverty level as established by OEO. Thus, nearly 1.6 million poor children in the Head Start age group would be eligible for the program if there were enough funds available. At the current level, only 240,000 children are served by Head Start. Of the 240,000 children 80,000 children are in full-day-year-round programs. Only about half of these children are Black.

In his testimony before the Senate Subcommittee on Children, Dr. Edward Zigler said that "very little" present day care under Title IV–A is developmental.

These then are the main federal programs that bear on child development. Of Title IV–A expenditures, 60% provide care for children in their own homes, e.g., babysitter; 30% provide care in other people's home and very little of this care is developmental. Only 10% or less is spent on center care. We should briefly note here however; that ther are other small expenditures for similar programs, but they do not add significantly to the amounts that we have discussed above. These smaller programs are to be found under Title I of the Elementary and Secondary Education Act; under Model Cities, and in CAP (Community Action Program) versatile funds.

Let us turn for a moment and examine child care programs under the Social Security Act. This is Title IV–A which provides money and services for child welfare. To be eligible for these programs children must come from families under the Assistance to Families with Dependent Children, or under the Work Incentive Program (WIN). These are administered through the states, which pay 25% of the total costs. In fiscal 1971 the combined federal and state expenditures for the WIN programs were about 54 million dollars. For the non-WIN programs were, about 205 million dollars. When one considers the awesome magnitude of providing comprehensive child development, it is clear that the cost per child in these programs is not adequate. The Social Rehabilitation service, the federal agency that administers this program, has esimated the cost per child under Title IV–A in FY 71 to be $833.00. This they estimated to be "lower than would be required to provide adequate care."

As anyone in the field is aware, there is a debate taking place around the country on this whole question of child development. There are conferences, study groups, and pending federal action that enter into the exchange, and suggest various alternatives for action. In the next section we will examine the issues at the center of the federal government's own consideration of child development programs. These include fundamental questions arising in the Office of Child Development of HEW, debates within the Congress, and between the Congress and the Executive.

This last category, the fundamental conflict between the Congress and the present Administration, is the most basic and the most clear cut. The sides are clear: Are child development laws necessary and wise? The Congress says yes. President Nixon says no.

Last year a bipartisan majority of both the House and the Senate passed a comprehensive child development Bill as part of the OEO extension. The bill would have authorized a $2 billion appropriation for new child development programs. This program would be preceeded by an initial planning and "gearing up" year supported by a $100 million authorization. Both Houses of Congress approved of the measure. President Nixon vetoed the bill.

Although the President's reasoning was totally predictable, we will recite his pale attempt to justify the veto. In this way one sees the political assumptions which inform his decisions on public policy. These biases will certainly have a bearing on the already uncertain future of child development programs. We must remember here that though we discuss figures and dry-sounding programs, what we are really talking about are our children. How are they to grow and learn?

Firstly, the Administration said there was no demonstrated need. This is in direct conflict with his own White House Conference and his own Joint Commission on the Mental Health of Children. Secondly, he said the legislation was administratively unworkable, with the States relegated to an insignificant role. And what does he mean by administratively unworkable? He means that the legislation placed the correct emphasis on local control and flexibility to meet community needs. It gave the parents of the children decision making authority in program planning and operation. Thirdly, he says he vetoed the bill because it duplicates his child care programs and his welfare "reform" program. These programs can generally be described as custodial. Their purpose is to provide a place where welfare recipient can deposit their children as they go to required jobs, under HR I. Even less convincing is his last argument, that the proposals weaken families by substituting "communal approaches" to child rearing for family-centered approaches. This is clearly only a mask to cover his own opposition to the parent control element in the legislation. This destruction of the family that he speaks of is in fact at the heart of his own welfare package, since mothers will be forced to leave their children under its terms.

That President Nixon could veto the child care legislation proves that all of the rhetoric about "a commitment to the first years of life" is empty sloganeering. And it shows us that in a political year the President is more concerned about short-range political goals such as claiming the rightwing opposition, than long-term human investment in the lives of our youngest and most vulnerable children. His veto demonstrates that he has established and perpetuates a vicious double standard.

On the one hand he says that poor children can be shunted into custodial warehouses while their mothers are forced out of the home and into low-paying, demanding jobs. While on the other hand, middle class children should stay home with their mothers who can better see to their development needs.

On the one hand he commits billions of dollars to military weapons, defense systems and space shuttles, all in the name of our superiority, while on the other hand he will not spent even 2 billion dollars on the development of our young children and the support of their families. It has been said the best measure of the worth of a nation is "the concern of one generation for the next". With such double standards and deception for our youth program, it is clear that the worth of this nation is under unelightened leadership.

But regardless of the Administration, there are those within and outside of Congress who still believe that Comprehensive Child Development legislation tasks will be critical to Black children. Essentially it involves the same basic issues which were debated and resolved in the bill which was passed (only to be vetoed in the White House) last year.

Such legislation, and the programs which evolve from it, *must* be directed to the needs of the *child* first and foremost, not to the needs of the state to provide convenient storage space for children while parents are forced to work in demeaning jobs. It must be directed towards the needs of the child regardless of the income or work status of the parents. All children, not merely poor children, should benefit from child development programs.

Child oriented programs should be comprehensive, high quality, and developmental. They should facilitate the cognitive, social, emotional, and physical growth of the child. If we examine the bill which was passed last year, we can see that it met many of these criteria. It set high standards, it included the participation of parents, moreover eligibility was not dependent upon the work status of the parents.

What are the critical needs, then, and how are they specifically met by the bill introduced last year?

Most basic to any program is its planning and its funding mechanism. The essential decision-making authority in the planning, development, and operation of CD programs must be the *parents*. They know the needs of their children. This requires power to act and follow through. It does not mean advisory roles which are totally inadequate and unacceptable. At least two thirds of all policy bodies must be parents. Last year's bill set up Child Development Councils, with parents comprising one-half of the membership, to make decisions at the administrative prime sponsor level. Project Policy Committees, one-half of the members being parents, with parent approval of the non-parent members, make decisions at the program level. This includes planning, staffing, program content, budget, evaluation, location of facilities and other elements.

Federal funds must go directly to local sources. They must not be channeled through the states. The state government bureaucracy has proved totally unresponsive to the needs of Black children, their parents, their communities. Most have failed miserably in the Administration of the Title IV–A day care funds. The vetoed bill established a prime sponsorship mechanism which allowed any unit (or combination of units) of local government serving a population of at least 5,000 to apply directly to the federal government for funds for child care. Decisions on types of programs, projects to be funded, and children to be served would be made according to a locally-developed plan.

In line with the Administration's philosophy, and their use of "block" grants to the states, Republicans, especially in the House, advocate a prime sponsorship which would leave the states operating programs in all but the largest cities.

In line with the position on direct local funding, priority for funding must go to non-profit community groups representative of the children to be served. Franchisers and proprietors of any kind who seek profits from child development programs should not receive federal funds. While the bill itself made some community groups eligible for funding, it did not give them priority.

The President indicated in his veto message that families seeking child care should look first to the "private, open market", and like some in Congress, sees the federal role limited to vendor or voucher payments for welfare children, rather than direct funding of community-based programs.

To best meet the need of the local community and its residents, it follows that programs must employ persons from the community that it serves. These include both professional and para-professional positions, and must include in-service training and career ladder opportunities. These needs were adequately met in the vetoed bill, and included separate funds for training.

It is crucial for the future development of all children in America that these kinds of programs be available to all children who need them. Child development legislation is not just another poverty or welfare program. Services should be available free for families who cannot afford to pay for them (at least up to the Bureau of Labor Statistics lower living standard budget). Moderate fees could be charged, on a sliding scale for those who could afford to pay.

The legislation which did pass the Congress last year went a long way to create a national system of comprehensive child development which is rooted in the needs of the local community. Until this bill or one quite similar to it is put into law, child development will remain just a hollow phrase and an empty promise.

Lastly, let us turn our attention briefly to the (OCD) Office of Child Development activities which have impact for Black children, families and community child development programs.

OCD's stated objective is to develop realistic day care standards that are enforceable. It is obvious though that their real objective is to lower day care standards to provide cheaper, low-quality care when welfare "reform" is implemented. It will, for example, increase the child-staff ratio, which is a major expense in child care programs. But a low-child-staff ratio, can be the most efficacious part of the CD progarm. Further, it would exempt family day care homes from even meeting these minimum standards. Presently, only about 50% of these homes are licensed or supervised. Yet these are the types of facilities which most children will probably be condemned when welfare "reform" is implemented. OCD would also try to reduce the parent role in decision-making, especially in programs operated by proprietors and profit-makers.

In terms of evaluative schemes to determine the most effective form for licensing facilities, most approaches do not include community people at any level of the procedure.

The OCD task force is trying to provide a model to states to clean up and modernize the hodge-podge of state and local codes which have grown through the years. These codes are frequently duplicative and irrelevant to the real issues of comprehensive child care, and effectively exclude community-operated programs in many areas.

Their method in this venture is to contract with a large white consulting firm in Seattle to run a series of meetings in San Francisco, Denver, San Antonio, and Miami for various task forces. These task forces are composed of state and local welfare and licensing officials, day care profit-makers, professionals, federal bureaucrats, and non-community consultants. Participation by minority representatives have been refused. They only agreed to subcontract for community in-put after a group went to the San Antonio Conference to confront Dr. Zigler and to protest his agency's exclusionary methods.

In the area of research for Child Advocacy Projects, the picture is as dismal. In their investigations into what child advocacy means, most contracts went to universities, educators, and almost none to community groups or minorities. Again, officials tell the community what the community needs and what the community wants. Predictably, useless and self defeating guidelines are the results.

In the development of para-professional and associate degrees which would potentially, enable community and minority parents and others to develop credentials through in-service training, the plan to train Child Care Associates ignored community involvement.

What we see here is a picture of an executive who is totally insensitive to the needs of the nation's young Black children, and federal agencies which are only better by comparison. Though the comprehensive child bill was vetoed when it came out of the Congress, our need for such a bill has not been vetoed. We must have a comprehensive child development program which meets the needs of the Black child in his or her community. We must have total community involvement and control at every level of program planning and implementation. Anything less, and so-called child care programs will be little more than custodial waystations where poor working mothers are forced to take their children on the way to work.

We must develop child care programs which are in no way separate nor detached from the community which they serve. The community must guide and support the child care centers, and the center, in turn, will do their share to give sustenance to their own Black community.

MODEST BUT DYNAMIC GOODLING

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. DEVINE. Mr. Speaker, our colleague in this House of Representatives, George Goodling, has a host of friends, and one of these recently called my attention to an article that was written on George Goodling by Walter L. Reinecker of Mechanicsburg, Pa., and appeared in the April 4, 1972, issue of the News Chronicle. This is a prominent semi-weekly newspaper that is published in Shippensburg, Pa.

The title of this article is "What Makes Goodling Run? It is a Challenge, He Says." This article provides some interesting insights into George Goodling, the private citizen, and it sheds some light on how his career as a public servant was launched.

All of us are aware that while George Goodling is extremely dynamic and competent in his congressional service, he is exceedingly modest. And because his humility would prevent him from calling this very fine article to the attention of anyone, I am taking the liberty of introducing it to the Congressional Record and commending it to the attention of my colleagues in the House of Representatives.

The article follows:

What Makes Goodling Run? It's Challenge, He Says

I'd like you to meet a friend of mine.

His name is George A. Goodling, and he's our U.S. Congressman from the 19th District of Pennsylvania. He's a fruit farmer, a father and a grandfather, and a friend to the little people and to the people in high places. He keeps vigorously engaged in sports, works 12 to 14 hours most every day, and can "run rings" around a lot of men half his age. He's a man with a simple, down-to-earth philosophy of using common sense in complex situations. He's honest and sincere and dedicated to his job, which he calls "one of the most fascinating things that a man can do with his life."

"Dad always says exactly what he thinks," says his son Bill. "He wouldn't tell a woman that her hat was pretty if he didn't really think that it was. But when he does say something—you know that he means it."

"I've been serving Mr. Goodling in this same dining room for a good many years," says a waitress in an area hotel, "and it's been a pleasure every time."

"I was having trouble getting birth certificates for my sister and myself," says another woman, "and then somebody suggested that I write to my Congressman. Well I wasn't sure if it would do any good. We'd been trying to get the certificates for so long. But anyhow I did write to Congressman Goodling, and he took care of it—in about three weeks too—and he didn't know us personally at all—but he still was interested enough to give the matter his personal attention."

The George A. Goodling story begins quite a few years ago in the little town of Loganville, not far from York, where he was born. "When I was a boy," he says, "I worked many a day on a farm for 75 cents a day, and that was from sun-up to sun-down too. And then the farmer would usually have a job or two for us to do even after the evening meal—like unloading a couple of loads of hay—or something like that."

Mr. Goodling joined the U.S. Navy in 1918 and was sent to a training station at Cape May, N.J., where he remained until the war was over. "I did everything I could think of to get overseas," he says, "but since the war was kind of winding up, I was just kept there at the training station."

George and his wife were married in 1918, and his wife stayed at home and worked in a sewing factory while he was in the service. Following his stint in the Navy, he finished his college years at The Pennsylvania State University, and then took his first job in Delaware as a teacher of Vocational Agriculture in a high school there. "Agriculture teachers got a litle more than the other teachers in those days," he says, "but when I tell people what my starting salary was, they can hardly believe it. I started for $1,600 a year, and it was a 12 month job—not a nine month one. Actually my wife and I lived pretty well on that salary, but of course a dollar went a whole lot farther then.

"I enjoyed the teaching," he continues, "but an offer came up for me to operate a good-sized fruit farm, and I thought * * * the man who owned the fruit farm died and I went home to try and start my own fruit farm.

"It's not an easy thing to start a fruit farm from scratch. In fact it's almost impossible. You need some capital behind you. Well, my dad operated a store and also trucked chickens to Baltimore for sale, so I began to work for him until I could get started with my farm. You have to wait quite awhile until your fruit farm is able to support you and itself. You can't plant trees that are ready to bear. You have to wait—as patiently as you can—for maybe five or six years.

"I planted every tree on that farm with a pick and shovel. I guess you might call it the hard way—but I really enjoyed doing it. And when those trees began to grow and flourish, it gave me the greatest feeling. There's all kinds of fancy equipment today, but in those days you dug a hole, and you put the tree into it, and then you just hoped for the best.

"Weather is a big worry on a fruit farm—early spring frost—that's bad. And a bad hail storm can wipe you out in just about a minute. And there's not a thing in the world you can do to protect the trees from hail. I only ever lost one peach crop since I started my orchard back in 1923—and that was in 1936. Temperatures dropped way down below zero along toward the end of February, and the peach trees just couldn't take weather like that.

"Lots of people ask me how I ever got into politics, and I always laugh and say the same thing. That's a good story, I always say.

"I was attending a lodge meeting one night, and the state committeeman was there too, and he was a good friend of mine. Well, we got to talking and he said that they didn't have anybody to run for a seat in the General Assembly. And just like that I said—I'll run. Well, I had no more of an idea of running for the Assembly than I did of flying to the moon. But the next morning he was at my home with petitions. I decided to give it a try. That was in 1943, and I've been in politics ever since.

"And the way I got to Congress is another story of the same kind. I was out in the orchard spraying the trees one day. I still remember the day. It was dark and cold, and somebody from my house came up in the orchard and told me that one of my friends wanted me to come right down and call him on the phone. I had no idea what he might want, but I went down and called him, and he said that he wanted me to come into his office right away. So I went—just the way I was—in my farm clothes. And when I got to the office he said, 'you're going to be our next candidate for Congress.'

"So I said to him and the other men in his office—well, boys, you've got to give me a minute or two to think this one over. But the next day I told them that my answer was yes. I think I said yes because it was a challenge, and I always have liked to rise up to meet a challenge. Also it was an opportunity to serve, and it seems to me that you can't say no to something like that. And then, of course, I really enjoyed my years with the General Assembly in Harrisburg.

"I've always liked to take part in sports. I used to play a lot of baseball when I was young. I played in high school and in other leagues. Everybody used to call me 'Jim' then. Funny how I got the nickname. When I was a kid, I worked in a butchershop. And the butcher, who was a real nice old fellow, started to call me Jimmy. Everybody picked up the nickname and it stuck with me.

"I work hard—and I like to work hard—but I still enjoy sports. And really, I think that is the thing that keeps me going strong—the fact that I like vigorous exercise. Every day, if I possibly can, I take time for exercise. I usually play paddle ball, and say now, that's a strenuous game. We get regular checkups down in Washington, you know, and my doctors are always amazed at the good physical condition that I'm in. And I tell them it's the paddle ball that does it.

"I play paddle ball a lot with Congressman Bob Mathias from California. He was an Olympic champion twice, you know. And you know what, sometimes I beat him, too, and he's considerably younger than I am, of course.

"I've always enjoyed being outdoors. I've raised Beagle dogs, too, and I belong to several Beagle Clubs. Whenever I take the dogs out on field trials, well I'd run right along with the dogs.

"I've never done too much sitting around. I'm the world's worst sitter. The other Sunday afternoon I was sitting at home alone—and all of a sudden it seemed silly to be sitting around like that when there was work to do—so I packed my shirts—and I went to Washington and went to my office to work for a while.

"Almost every evening when I'm in Washington, and there is no other meeting that I have to attend, I'm in that office of mine—working. I can dictate letters then. It's quiet, and it's a good time to work.

"I'd say without any hesitation that the last 10 years have been the highlights of my life. I've done so many interesting things, and I've met the greatest people in the world.

"I've been able to travel and see a whole lot of the world, too. I've attended agricultural meetings in London and in Mexico City, and one great trip took a group of us to 18 countries in Africa in 18 days.

"This job (U.S. Congressman) is the most fascinating job that any man can have if he's willing to take a beating and work about 15 hours a day for six or seven days a week. It's rewarding and satisfying to be living a life of service."

Mr. Goodling would like to go back down to Washington after the next election and roll up his sleeves and get back to work.

ECONOMIC PROTECTIONISM IS ECONOMIC SUICIDE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. LEGGETT. Mr. Speaker, there is no doubt that our international finances are in a bad way. Our balance of payments is running in the neighborhood of a $20 billion annual deficit. In many of the basic industries in which we were once preeminent, the Japanese and the Europeans produce comparable quality goods at lower prices. In some areas, such as low-cost consumer electronic and photographic equipment, we have abandoned the field entirely. Aircraft and computers are about the only areas in which we continue to lead the world.

There are a number of reasons for this. American labor has priced itself out of the market. American business has been too timid in its investment policies. American research and development, the one thing we can do better than anyone else, has been channeled into military programs which have only given us the ability to seek out military involvements which have still further degraded our balance of payments. Now that the aerospace business is being reduced, we find our priceless engineering and scientific talent unemployed or driving taxicabs, because we are not set up to use it for constructive purposes.

The solutions to these problems are not obvious, and the execution of a new plan will doubtless prove more difficult than the description. Business must become more venturesome and labor must adjust itself to the reality of the market. We need to approach economic conversion in a systematic and foresighted manner.

But instead of dealing with our problems as best we can a measure has been introduced which proposes to ignore them. The Foreign Trade and Investment Act of 1972 proposes the most severe protectionist measures we have seen in 40 years.

In effect, it proposes almost complete economic isolationism. It would allow country-by-country quotas on imports which tend to reduce U.S. production of comparable products. Other nations could and would then retaliate with similar restrictions against our most competitive products, and our participation in world trade would be ended.

The Wells-Fargo Bank of California has done an excellent analysis of this most ill-advised bill, and I insert it in the RECORD at this point:

OVERKILL OR OVERCURE?

If Congress were to pass the Foreign Trade and Investment Act of 1972—the Burke-Hartke Bill—the action might be compared with cutting off one's head to cure a cold.

The Bill was framed, with the support of U.S. labor leaders, to alleviate unemployment in the United States by curtailing imports from abroad that compete with American goods, and by either restraining American companies from investing in facilities abroad or adding to the tax burdens of those that do produce abroad.

GIST OF BILL

As its purpose, the Burke-Hartke Bill proclaims it will "ensure that the production of goods which have traditionally been produced in the U.S. is continued and maintained". The Bill would accomplish that purpose by:

1. Establishing a new agency with authority to levy country-by-country quotas on imports which tend to reduce U.S. production of comparable products.

2. Repealing the tax credit now available to U.S. companies that manufacture abroad and pay foreign income taxes. Thus, if a U.S. company paid $50 in foreign income tax on foreign earnings of $100, it would immediately have to pay full U.S. tax on the remaining $50, leaving an after-tax profit of only $26.

3. Requiring straight line depreciation of property located outside the U.S., thus further increasing the tax burden on overseas investments of American firms.

4. Authorizing the President to prohibit any transfers of capital and to prohibit holders of U.S. patents from producing or using the patented product outside the U.S. whenever it is believed such actions would reduce the level of U.S. employment.

LESSONS OF THE PAST

The Burke-Hartke Bill is, in essence, the most protectionist piece of foreign trade legislation to come before the U.S. Congress since the Smoot-Hawley tariff law of 1930. It is no exaggeration to state that its enactment in the current form would destroy in one blow the entire structure of international economic cooperation that has been painstakingly erected during the past 25 years, and which has brought unmatched prosperity to the industrial nations.

Construction of this international economic structure was spearheaded by the U.S.; it has been based on liberal economic principles developed over more than a century by trial and error. The Smoot-Hawley Bill and the protectionism of the 1930's are considered to be among the more disastrous errors. Though far from perfect and suffering at times from great strains, the current international economic structure has served the world well during the past 25 years.

WILL IT SOLVE THE PROBLEM?

An unemployment level of 6% is intolerable, but it is the price the U.S. economy is paying for the "guns and butter" policies of the past. There is no reason to believe it is other than a temporary condition. Unemployment is showing signs of improvement now and may gradually drop to 5% by the end of this year and to 4–4½% during 1973.

OR CREATE WORSE ONES?

One thing that could impede this economic recovery would be collapse of the Smithsonian Accord attained in December 1971, when the U.S. agreed to devalue the dollar in return for currency realignments by other nations. Subsequently, trade negotiations have continued and some concessions have been gained by the U.S., which will boost the strength of our products in world markets and make our goods more competitive with imports at home. Certainly, passage of a protectionist trade bill by the U.S. at this critical juncture would destroy the cornerstone of this delicately structured series of agreements and create havoc in the sphere of world trade and investment.

ECONOMIC SETBACK

In brief, the Burke-Hartke Bill could set the world economy back 40 years. The usual results of trade quotas would ensue—higher prices, windfall profits, an inefficient allocation of resources, loss of real income and prompt retaliation by our trading partners.

As is true of trade in goods, exchange of patents and technology is also a two-way street and an interruption in their free movement would hurt both the U.S. and the rest of the world. Had the prohibition about exchanges of patents and technology been in force a few years ago, for example, U.S. auto manufacturers would probably not be experimenting with the German-developed Wankel engine today and foreign manufacturers would have a tremendous lead in work on this innovation.

THE BATTLE OF STATISTICS

Data regarding the effects of U.S. foreign investment are rife—labor cites cases where plants have been closed because they could no longer compete with imported goods or where they have been moved overseas. Business counters that only about 8% of the goods produced by U.S. subsidiaries abroad returns to the United States, and that a large share of it comes from Canada where wages are comparable with ours—indeed, where the unions are allied with ours. Business contends that most often, an American firm invests in facilities overseas to tap the markets in that country, markets that would be inaccessible to U.S.-produced goods at U.S. prices. Manufacture of components for overseas assembly also provides many jobs here at home, according to business spokesmen.

Questions have been raised about the social and political desirability of huge multinational corporations. The growth of multinationals to the point where they begin to rival nations in power and influence does indeed raise many interesting and difficult problems.

It is doubtful that the trend toward most efficient use of resources through global production can be reversed, although it may be changed and new methods of international supervision and accountability may be developed. This is a fruitful area for study, but purely punitive measures such as are forwarded in the Burke-Hartke Bill may distort the scene so badly that meaningful study and improvement cannot be made.

CONCLUSION

Argument about whether imports and U.S. foreign investment displace workers could continue endlessly, with persuasive data put forward by both sides. More significant is the fact that labor did not think this was the case and, in fact, traditionally has supported free trade and investment until the recent recession and the accompanying balance of payments and unemployment problems.

Most thoughtful observers seem to believe that if the U.S. gets its domestic economy in order and continues to use friendly persuasion in gaining trade concessions from its partners abroad, our workers and plants can compete successfully with all comers. Where individual companies cannot produce competitively, government sponsored incentives and assistance may be required on a case basis to bring them into more efficient production. More study is also needed on the questions raised by the trend toward multinational corporations.

But lowering the curtain on all free trade and investment is no answer; it is an invitation to disaster.

NDC PLATFORM

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mrs. ABZUG. Mr. Speaker, one of the critically important areas in the platform of the New Democratic Coalition is that of women's rights. At every level of society, in all professions and occupations, and in each aspect of everyday life, women are blatantly discriminated against and with relative impunity. The women's movement has been a manifestation of the growing awareness and creativity of those who have perceived that their lives are valuable and important, and that they, too, as women, have a tremendous contribution to make to the world.

The primary thrust of the women's movement, however, is not restricted to women but encompasses all peoples. The movement has as its goal the liberation of our entire society from the chains of all past traditions, practices, and prejudices which deny the humanity of individual citizens.

The practical problem we face at this juncture is that of the imbalance of financial, political, and corporate power. This power is today held by groups of rich and powerful men who exert extraordinary political influence. These power brokers resent the women's movement as they have resented every movement in history which was designed to liberate an oppressed group from its oppressors. Their fight is for the status quo: to retain their positions and influence so that they may continue to control the lives of others for their own ends. This kind of oppression can no longer be tolerated, for as long as any group in society is oppressed, all are oppressed.

Several things must be done to correct the lopsided balance of power, the first of which and the most basic is that as a matter of national policy Congress and the Executive must recognize that all the rights and responsibilities of citizenship accrue to every woman regardless of her age or marital status. Without that explicit recognition which is embodied in the equal rights amendment, all the unenforced legislation and Executive orders directed at alleviating the problem of discrimination against women are meaningless. With the final ratification of the equal rights amendment, women will be able to go into the courts of this land to fight for their rights. They will no longer have to depend upon the whim of the male power structure in the legislative and executive branches.

Along with a strong articulation of national policy, there must be specific programs which address themselves to the wrongs to be eradicated and promote affirmative, creative efforts to solve the problems which are rooted in the terrible institution of discrimination. A woman as well as a man must be free to choose her own destiny; she must be free to create a style of life uniquely hers, and not be the fulfillment of someone else's concept of what a woman should be and how she should live.

Underlying all efforts to abolish discrimination, there should be a commitment to actively eliminate sex role typing in all aspects of our culture, so that as a practical matter occupations, professions, and activities of all sorts will become sex neutral. The result of this would be a benefit for society as a whole: Talents that hitherto had been hidden because of inhibitory and repressive social structures would be revealed, and we all would be the richer for it.

We support a challenge to all hierarchical structures. We oppose dictatorships in political parties, schools, businesses, unions, and urge instead development of new forms of organization which affirm the contribution of the individual.

In order to make concrete the substantive changes in our social order so that they reflect a new and real commitment toward woman's equality, we believe that the following programs must be implemented by the Federal and State legislatures:

First, we must make every effort possible, in every State, to ratify the equal rights amendment.

Second, there must be prompt enforcement of all Federal statutes and Executive orders barring job discrimination. All companies subject to Federal law in regard to hiring practices, should be required to begin affirmative action programs immediately to employ women where they are not adequately represented in the work force. This is especially necessary with regard to management, professional, and technical positions. Deadlines for affirmative action programs should be imposed without delay. The Federal Government should stop breaking its own laws and withhold contracts and deposits from firms guilty of discrimination on the basis of sex.

Third, the Equal Employment Opportunity Commission should be funded and staffed at a level that would accomplish the goals set forth in the recently passed EEOC legislation. Title VII of the Civil Rights Act of 1964 should be extended to cover Government, religious institutions, and other employers now exempted. The Equal Pay Act of 1963 should cover all workers including professionals, executives, and administrators. The Fair Labor Standards Act should be extended to grant minimum wage protection and overtime pay standards to domestic and service workers, farm laborers and employees of nonprofit institutions. A special division should be set up in the Labor Department to study the problem of women's unemployment and make recommendations that will be followed by the various Federal agencies and that will result in legislation by the Congress.

Fourth, we fully support and affirm that a woman has a complete and inalienable right to control her own body and to decide whether or not to bear a child. We call for an end to forced sterilization. We also call for an end—the total elimination—of any laws in regard to abortion other than those already covering suits for malpractice. The Federal Government has a positive obligation to make low cost contraceptives available to females and males of all ages, and to institute and maintain a liberally funded public education campaign on sex and contraceptives.

Fifth, the Civil Rights Act of 1964 should be amended to eliminate discrimination against women in public accommodations and all federally assisted programs.

Sixth, as a matter of right the Federal Government should provide well staffed and well funded child care centers for all children. These centers should be educational, recreational, or a combination of both in accordance with the choice of the parent. The Internal Revenue Code must be amended to allow mothers who work, widows, widowers, divorced or seperated men and women with the responsibility for children, and disabled, foster, or adopted parents to deduct all child-care expenses.

Seventh, Federal legislation is needed to prohibit discrimination against women in all phases and at all levels of education. Here too, the Federal Government should stop breaking its own laws and begin to withhold funds from educational institutions which discriminate against women.

Eighth, all inequities in our social security system must be corrected. All companies subject to Federal law in regard to hiring practices shoud be barred from discriminating on the basis of sex or marital status with regard to fringe benefits, pensions, health insurance, and life insurance. Health insurance programs should cover abortions and maternity benefits regardless of a woman's marital status. Women should not be required to take maternity leave against their wishes, nor be prevented from utilizing paid accumulated sick leave in lieu of maternity leave, nor be denied or fired from their jobs because they take maternity leave.

Ninth, discrimination on the basis of sex or marital status in the granting of credit either by banks or other businesses subject to Federal regulation or by Government agencies must be forbidden and made subject to criminal sanctions.

The Democratic Party itself must take a leadership role in implementing reforms within its own party and convention structure. The party must make an unconditional commitment to run more women—at least 50 percent of their candidates—for party and public office. Wherever possible at least 50 percent of all major administrative and policymaking positions should be staffed by women; to this end we support a nationwide talent search by the party for women. We support and endorse guaranteeing women 50-percent representation among the delegates to national party conventions.

On this platform we take our stand. We must not—and shall not—support any candidates who refuse to give it their unqualified support and endorsement:

The platform, 1972, follows:

New Democratic Coalition Northeast Regional Conference Platform 1972

PLATFORM OF THE NORTHEAST CONFERENCE OF THE NEW DEMOCRATIC COALITION—A BLUEPRINT FOR FUNDAMENTAL CHANGE

The platform of the New Democratic Coalition is based on one simple thesis: the institutions in this country are so structured that some people have too much money and power, most people have too little. Therefore, in essence, we offer only one platform recommendation—that the power imbalances between people and groups be eliminated. The fight against the concentration of power and privilege—open and covert, legal and illegal—is the most important political question of our time. Our goal is a more equitable distribution of wealth and power. This fight for fairness is political; it can be won only by organizing a new political majority in America.

Our present institutions and policies which guarantee power and money to a few, force the rest of Americans to struggle with each other for the little that is left. We must understand that such a struggle between underprivileged groups, fighting over crumbs for minimal survival, will solve no problems, and as we have seen is counter-productive. The purpose of this platform is to focus attention on the solution—a joining together of those without power and adequate resources to change our institutions to bring about a rebalance.

We feel that the best advocates of people's needs and aspirations are the people themselves, acting from positions of equal power. This is so whatever the group—be they Vietnamese or African, labor or the poor, neighborhood or ethnic, Chicanos or the aged.

Our platform deals first with *corporate power,* the underlying source of the unjust concentration of wealth and power, and then with labor. Next we consider *campaign financing* and other devices by which the powerful control government and make it impossible for government to deal with corporate power and other basic problems. The *redistribution of wealth and income* is the next major topic. It has two parts: the inequitable manner in which the government raises its revenues through taxation and in which such monies are then spent by the government. This is followed by sections dealing with the rights of *women,* institutional *racism* and the *governmental abuse of citizens*. We conclude with a section on *foreign policy,* which illustrates how the imbalance of power manifests itself in this critical area.

This platform is a serious effort to state the intrinsic problems facing our society and to outline a method of dealing with them. This platform can be a basis of the campaign for the presidency in 1972 and a blueprint for the solution of our society's problems.

ACKNOWLEDGEMENTS

Members of the Platform Committee: Arnold Weiss, NDC–NY, co-chairman; Bernard Sorokin, Caucus of Connecticut Democrats, co-chairman; John Nelson, NDC of Rhode Island, Lois Redisch, NDC of New Jersey, Jerome Grossman, Massachusetts PAX, Charlotte Abbott, NDC of Pennsylvania, Larry LaMotte, Maryland NDC, Sonia Sloan, NDC of Delaware, Jack O'Connor, Washington NDC, Marvin Gross, Mass. PAX, Mimi Kazon, NDC–NY, Igor Sikorsky, CCD.

Miriam Butterworth, CCD, Linda Davidoff, NDC–NY, Anne Feldman, NDC–NY, Sanford Gottlieb, Maryland NDC, Ealine Horowitz, NDC–NY, Bonnie Lobel, NDC–NY, Stan Glowiak, NDC of Delaware, Ann Montero, NDC–NY, Libby Moroff, NDC–NY, Bill Murphy, NDC–NY.

Witnesses at the Platform hearings

Poverty, Race, and the Cities: New York, October 6, 1971

Dr. David Gordon, National Bureau of Economic Research; Howard Samuels, New York Off Track Betting Corporation; Senator Fred Harris; Professor Harry Becker, Albert Einstein Medical College; Steve Schreiber, Chairman, NDC-NY Health Services Committee; Jane Benedict, Metropolitan Council on Housing; State Senator Sidney von Luther; Dorothy Pitman Hughes, Committee for Community Control of Day Care Centers; Joseph A. Ruskay, National Board, ADA; Leon Davis, Local 1199, Drug and Hospital Employees Union; A. N. Harris, author; Victor Gotbaum, District Council 37, American Federation of State, County, and Municipal Employees; Senator Edmund Muskie; Senator George McGovern; Maria Lopez, South Bronx Community Corporation; Dr. Thomas Hartmann, Rutgers University; Mel Rivers and Fran Christman, Fortune Society.

Slums and Suburbs: Philadelphia, September 21, 1971

Paul D'Ortona, City Council President; Drayton S. Bryant, Planning and Housing Consultant; William Taylor, Center for National Policy Review; Yale Rabin, Urban Planning Consultant; Michael Davidson, NAACP Legal Defense and Education Fund; Augustus Baxter, Architects Workshop; Professor William Grigsby, University of Pennsylvania; Gordon Cavanaugh, Philadelphia Housing Authority; Nate Smith, Community Action, Pittsburgh; Glenn Claytor, National Urban League; Rose Wylie, National Tenants Organization; Paul Rie, Housing Authority of Chester County.

W. Roy Newsome, Department of Community Affairs, Commonwealth of Pennsylvania; W. Wilson Goode, Philadelphia Council for Community Advancement; Richard Wade, urban historian, CCNY; Damon Childs, Philadelphia City Planning Commission; Louis Waldman, Department of Environmental Resources, Commonwealth of Pennsylvania; Annette Altschuler, Homeowners Association of Philadelphia; Fred Drudding, Whitman Park Civic Association, Philadelphia; Denise Venturi, architect and planner, Venturi & Rauch; Leon Weiner, Leon Weiner Associates, housing developers; David H. Moskowitz, Bucks County Legal Aid Society; Stephen C. Miller, Community Advocates Unit, Commonwealth of Pennsylvania; W. Thacher Longstreth, Republican Candidate for Mayor of Philadelphia; Frank Weise, architect; Albert Letson, Commission on Human Relations, Philadelphia; George Gould, Community Legal Services.

The Government and Its Citizens, Boston, October 8, 1971

Stanley Jones, Governor's Citizens Committee on Corrections; Russell Carmichael, former Camp Chairman, Norfolk M.C.I.; David Spinney, American Friends Service Committee; Hiller Zobel, Hill & Barlow; Scott Harshbarger, Lawyer's Committee for Civil Rights; Bob Gustafson, Native American Community of New England; Byron Rushing, Community Fellow, M.I.T. Whitney Young Program; Laurence Sidman, student, Boston College Law School.

Kathy Segal, Boston Women's Legal Group; Margery Rosenthal, Massachusetts Committee Against Repressive Legislation; Christopher H. Pyle, former Captain, U.S. Army Intelligence; Jack Lemoine, Vietnam Veteran; James Ahern, former Chief of Police, New Haven, Connecticut; Ken Bode, Center for Political Reform; Syd Hanlon, author; Alix Smullen, U.N.A.F. Voter Registration Project.

Harnessing the Power of the Corporations: Washington, October 12

Mark Green, Corporate Accountability Research Group; Philip C. Sorensen, Project on Corporate Responsibility; Geoffrey Cowan, Center for Law and Social Policy; Jason Newman, Georgetown Law School; Pierce O'Donnell, Nader Task Force; James L. Phelan, student, Yale Law School; Jerry S. Cohen, co-author, *America, Inc.*; James Hightower, Agribusiness Accountability Project; Dr. Jerolyn Lyle, Department of Economics, American University; Frank Mankiewicz; Tom Riddell, Union of Radical Political Economists; Joel F. Henning; Eugene J. McCarthy; Richard L. Ottinger, Grassroots Action, Inc.

Foreign Policy: Washington, September 14, 1971

Congresswoman Bella Abzug; Senator Birch Bayh; Eugene J. McCarthy; Gloria Steinem, writer, feminist; David Dellinger, antiwar activist, author; Marcus Raskin, author; Sanford Gottlieb, National SANE.

Shirley Chisolm, Congresswoman; Marcus Raskin, Institute for Policy Studies; Peter Weiss; David Calleo, author, European scholar; Charles Hightower, American Committee on Africa; Allan Solomon, Committee for new Alternatives in the Middle East; Dr. Betty Lall, faculty of Metropolitan District of N.Y., State School of Industry and Labor Relations of Cornell University; Brenda Feigen Fasteau, Member of steering committee of Women's Political Caucus; Congressman Ron Dellums; Congressman Les Aspin.

Redistributing Corporate Power

Through its enormous size, its control of wealth and power, and its concentration in relatively few hands, the corporate sector has achieved full domination of all "countervailing forces," including government, labor and consumers. Corporate self-interest, which disregards society's urgent needs, has been substantially dictating the economic, political, social and moral direction of this nation. Although the question of whether this power has been exercised reasonably or properly is important, it is only secondary to the basic questions; should this power be exercised by so few, and why are they accountable to virtually no one. We reject the concept of noblesse oblige. It is clear that the unrestricted power exercised by the corporate elite must be shifted to, and shared by, those whose lives are affected by it.

Size and Concentration

The size of the Corporate Monster is mind-boggling. A single example should suffice: total General Motors sales exceed the total budget of any country in the world, save the United States, Russia and Great Britain.

Most alarming, this movement of concentration of economic power into fewer and fewer hands is increasing at a geometric pace. In 1950, the largest 200 corporations controlled 47 percent of the total manufacturing assets in the nation. In 1965, these 200 firms controlled 55 percent of the total assets, and by 1969, they controlled 2/3 of the nation's total manufacturing assets. The top six firms included in "Fortune's 500" earned 25 percent of all industrial profits!

The obvious danger of corporate size is further magnified by the emergence of the "shared monopoly" as a pattern of corporate behavior. When a group of three or four corporations which together control more than 50 percent of an industry act in concert the effect is clearly inimical to competition of any sort. "Shared monopoly" is not an isolated phenomenon. It exists in virtually every major U.S. industry.

Furthermore, corporate power has been increased in countless ways—interlocking directorates, joint ventures and, of course, conglomerates run wild.

Consequences of the use of concentrated corporate power

When corporate power is concentrated our society has seen an unimpeded policy of pushing price increases, lagging technical innovation, unemployment and decreased production. It is often suggested that corporate decisions which may lead to these results are justified because millions of shareholders will share in the profits of corporate America. This myth which is basic to the corporate philosophy must be exploded. A 1963 study pointed out that only 1.6% of the country's adult population owned 82.4% of all publicly held stock. The bulk of large corporate profits goes to very few, contributing to the imbalanced income distribution in this nation, and certainly supplying no justification for the grevious injury corporate decisions aimed at increasing profits does to the economy.

Probably the most destructive effect of corporate power concentration is little realized by the American people. It results from the ability of corporations to determine the use of approximately 80% of the productive capacity of this nation (the portion of the GNP which passes through the private sector). Those whose lives are significantly affected by these decisions are excluded from the decision whether the nation's GNP shall be used for schools or for cosmetics, for hospitals or for high-styled automobiles. In this context, the endless debate about re-ordering priorities becomes almost meaningless, since that debate refers only to the remaining 20% of GNP which passes through the public sector. There is absolutely no way in which this 20% can be spread so as to finance the massive social programs so desperately needed.

Even the assumption that the remaining 20% is spent in the public interest is inaccurate. By use of devices such as campaign contributions, corporate America has gained virtual control of governmental officials. Hence we see the government spending billions of dollars of public funds for highways which help Detroit sell cars but refusing to help urban centers such as Detroit, New York, Philadelphia, with money for mass transit. Similarly, we see the government spending huge sums for military research and development and then spending billions to purchase these armaments from the same corporation it subsidized to develop them, instead of for such essential public services as schools, hospitals, health care, corporate control of the government.

The urgent needs in America for more schools, hospitals and mass transit can only be realized significantly if more of the productive resources, both public and private, now controlled by corporations are directed toward these areas. This can be accomplished only when a significant portion of the power to determine how national resources are to be made is placed in the hands of the people.

Social consequences of corporate control

The social consequences of corporate domination have been disastrous. Continued corporate growth depends on an ever-increasing growth of sales. Through persistent bombardment of the public, corporations not only brainwash the public into buying a particular product, but have inculcated into our society the compulsion to buy, buy, buy! The kinds of products, glittering automobiles and exotic cosmetics, rather than schools or health services—linked with intensive advertising which emphasizes constant acquisition, has undermined the national moral fabric. Everything is measured in terms of numbers and quantity, and not by life, love or quality. Materialism pervades every aspect of our lives.

Corporations and war

The health of corporate America demands constant growth. This means that corporations must produce more and more and more goods, and the consumers must purchase more and more of what the corporations produce. Unmatched as the best market in the world today is the United States military establishment. Hence, those with a profound power to set our nation's direction have an enormous vested interest in maintaining and, indeed, in expanding the American military establishment. In this context a 20 year "cold war," a Viet Nam and all of the other foreign adventures become more comprehensible.

The monopoly power achieved by corporate America has left individuals with little power over their lives. Corporations decide the types of people they want us to be, mould the educational system to prepare us for their needs, manipulate the media and thus regulate the most minute details of how we live. Small wonder so many feel frustrated, alienated and powerless.

The basic ideals of a corporate society are technological advance for the sake of technological advance and growth for the sake of growth. In the process of technological advance social cost is not considered. Profits are realized by the corporations and society is left to pick up the social costs of environmental and human destruction.

Moreover, in defining growth as the increase in unevaluated GNP, corporations force our society to produce mindlessly, rather than to choose a better quality of life—to choose two cars in the garage, rather than more leisure or better air. We are not even aware that this choice— between hyper-increasing GNP and leisure—which should be ours, is being made for us.

Corporations and crime

Crime and violence is a terrifying problem in our society. Much of the problem is directly traceable to Corporate America. Given an economic system which dictates that its resources shall go to cosmetics and cars rather than schools and hospitals; which dictates an ever-increasing disparity of income distribution and then blatantly flaunts the disparity of wealth to the have-nots on TV, daily; which is bedrocked on fierce competition; which worships material values and acquisition over all else; which seizes all power and leaves our masses alienated and frustrated; which promotes its government, in its own economic interests, to set an example of senseless and brutal violence—given all this, the result is predictable—crime and criminals attempting to close the distribution gap.

There is yet another face of crime and violence in America—corporate crime and violence. More Americans die from automobile accidents in this nation annually, than in Vietnam. A major portion of such death and violence is clearly avoidable given a responsible automobile industry. The misery of miners in West Virginia; farm workers in California, is a direct result of corporate greed. The massive deception practiced upon the American consumer by the corporate empire is all too well known. It would not be difficult to state that corporations are the worst criminals in our nation.

Corporations on the farms

Rural America is, according to the myth, a heartland of small independent farmers free from corporate specter. This image, too, is false. The corporation has moved into agriculture with the same avarice it exhibited in industry. By 1964, small independent farmers totalled 56.5% of all farms, but only 7.8% of farm sales. Less than one percent of U.S. farms accounted for 24.3% of all farm sales in 1964. By 1969, this percentage was up to ⅓ of all sales. Such familiar conglomerate names as Boeing, Goodyear, Royal Crown Cola, Tenneco, American Brands, Dow Chemical, Bank of America, and Prudential Life—have moved in and taken control of all aspects of product processing and distribution of farm products. The results are predictable.

In the last 30 years, 100,000 small farms have been lost. By 1980 it is estimated one million of these farms will have vanished. With the loss of the small farms, towns, and communities which services them also, disappeared. 75% to 80% of farm workers are employed by major food and industrial corporations, which are responsible for the low pay and humiliating working conditions brought to national attention by Caesar Chavez and the United Farm Workers Organizing Committee.

The net results of such "agri-business" are well known. Cities are choked by migration of displaced farm workers who, in turn, are choked by the cities. And back in rural America, 14 million are left in abject poverty.

PART II

There are really two questions involved in assessing corporate power. The focus has almost always been upon the question of whether this power is being used reasonably. This platform rejects such an analysis. We accept the premise of Lord Acton that "Power tends to Corrupt" and address our recommendations to programs designed to shift decision-making power from the corporate world to the people.

1. Deconcentrate corporate power

Anti-trust laws have been on the books for many years. They have never been seriously enforced. As a result, corporate concentration increases. Moreover, the minimal anti-trust activity to date has primarily been directed against acquisitions rather than for divestiture. The result is the elimination of competition. Big companies stay big and small companies stay small or disappear. While we recognize that anti-trust activity alone is not the solution to over-concentration, we nevertheless urge that as a first step we must use the weapons we already have.

The problem of "shared monopolies" must be met by new legislation—vigorously enforced—which would require corporate divestiture when fewer than four corporations produce more than 50% of the goods or services for a particular market.

Federal corporate chartering must be instituted. Charters should include provisions limiting the size and scope of permissible business activities of corporations. Such charter limitations should significantly limit corporate concentration of all types—be it vertical, horizontal or conglomerate.

2. Enactment of a strict federal chartering law

The benefits of corporate status, particularly limited liability, are enormous. Like a liquor license or a driver's license, these benefits must be conditioned upon socially desired conduct.

Compelling such corporate responsibility is impossible in the present context wherein states are in frenzied competition to induce local corporate chartering (and the resultant taxes and business activity) by requiring lesser and lesser corporate responsibility. A strict, uniform federal chartering law is the only solution.

Such legislation would not only be used to prohibit corporate concentration. It would also require full corporate disclosure of all financial, non-personal employment, and stockholder records, as well as records of transactions with government and other institutions. It would require a comprehensive annual social and environmental report, a report on minority group assistance and employment, and also would require socially beneficial activity and expenditure in these areas. A federal chartering law would guarantee representation on the board of directors representatives of minority groups, women, consumer and local community in designated percentages. It would prohibit interlocking directorates; require consumer protection in the form of adequate product labeling, warning of dangerous products, reasonable guaranties, free service for unfit products.

Charters should be subject to periodic renewal. A broad range of sanctions, including loss of corporate status and limited liability, should be available.

3. Shift a significant portion of the power to determine the use of national resources from the private to public sector.

Every year about one hundred billion dollars of public funds are placed in commercial banks throughout the nation, much of it interest-free. Legislation should be enacted allowing the deposits of such public monies only in banks with substantial investments in programs carefully designed to assist minority enterprises, consumer borrowing, education, ghetto redevelopment and other high priority domestic social programs. Such investment programs should be administered jointly by government and by consumer and other socially oriented interests. Tax incentives, higher interest rates and other devices should be utilized to induce other institutional groups and individuals with investment cash to help by depositing their money in cooperating banks. The net effect would be to shift a massive amount of money away from current corporate control and into socially beneficial programs now starving for funds.

Another vehicle for moving funds from the private to the public sector is the creation of a massive Federal bond program similar to Liberty, Defense or War Bonds. The Government could borrow substantial amounts of money from its citizens and, rather than investing in war, could use the money for social programs. These bonds would be designed and marketed not only as a "patriotic" investment but also would be competitive with securities in the corporate market.

Yet another method of shifting substantial capital from the corporate sector to social purposes would result if the Federal Reserve Board selectively lowered the discount rate in "poverty" areas, requiring that deposits thus freed be used in the community for designated social purposes.

4. Fix more realistic responsibilities and accountability for corporation and their officers

One reason corporate crime continues unabated is that it is considered "merely white collar crime" for which corporate officers and directors generally escape prosecution and penalty. Civil and criminal statutes must be tightened and new ones enacted which require strict accountability for such crimes by corporate principals.

In addition, a flexible array of civil and criminal sanctions should be enacted which will allow suspension of corporate principals in appropriate cases; impose temporary bans on corporate advertising; make public details of corporate violations and misconduct; provide for an end to limited corporate liability and for suspension and revocation or the corporate charter itself where appropriate.

Although middle and upper management corporate personnel are frequently aware of such corporate misconduct as false advertising and harmful products, fear of retribution has discouraged such personnel from exposing or challenging such corporate misconduct. Statutes similar to those protecting union members against management retribution for legitimate union activity must be enacted.

5. Termination of favored treatment of corporations

Tax loopholes favoring corporations must be closed. They are too numerous to describe in full. A few examples should suffice: special tax privileges for the oil and gas industry, during the years 1963 through 1967, enabled that industry to pay an average tax of 4.9% on before-tax net profits of 21 billion dollars—far less than the percentage paid by the U.S. taxpayer. Corporate advertising is tax-exempt; we must prohibit government subsidy of clearly political advertising such as the insurance industry lobbying against no-fault insurance through its ads, or the trucking industry advertising for more highways in its advertisements.

Other forms of special treatment enjoyed by corporations are found in the recent Lockheed loan (the corner grocery does not get such welfare assistance), and in huge amounts of free research and development done by government for big business.

6. Shifting power to employees and committees

Corporations are unchecked in their power to make decisions which directly, continuously and massively affect the lives of employees and the communities where plants are located. Such powers must be shared. Internal machinery must be created to permit joint decisions in certain areas currently exclusively in the corporate domain. For example, when a corporation decides to relocate, thousands of employees may be affected. Their choice is to uproot themselves or to risk unemployment. They must be allowed to share in the decision to move. Similarly, when a proposed corporate activity will affect the environment of a community, that community's consultation and consent should be required.

7. Encouraging strengthening consumer and community groups

The emergence of community groups advocating corporate responsibility is encouraging. They are, however, at a serious economic disadvantage when compared to a well-financed corporation.

They should be given tax advantages and meaningful access to the media. In addition, all media should be required to carry responsible citizens' reaction to advertisements which they believe involve matters of health, safety, environmental protection or consumer deception.

A federal fund should be created to assist individuals or consumer groups in legal and research costs where they make a prima facie showing of the government's failure to protect consumers.

In addition, bounties should be provided for the successful prosecution of such lawsuits.

8. Public ownership

Public ownership through nationalization, or the use of the TVA model, should be employed in the following situations: When private corporations will not engage in activities necessary for the public meal; or refuse to locate in certain localities because they anticipate little profit; or when corporations particularly in a monopoly situation abuse their advantage by changing too high prices, or are providing inferior and inadequate services.

9. Compel corporations to pay the social costs of their operations

Environmental and human decay resulting from corporate operation must be stopped. But, if such injury occurs, the corporations must pay substantially all of the costs—out of profits and not by passed-on increased prices.

10. Save rural America

What appears as a blatant government effort to supplant the independent farmer with agri-corporations must cease.

Land grant colleges must be forced to reverse their preoccupation with agri-business efficiency and growth. The enormous public resources invested in these institutions must be redirected toward the needs and survival of the small farmer, farm workers and rural communities.

Federal procurement preferences, tax incentives and subsidies must be given to small farmers, and to industries which locate in rural areas offering employment at fair wages and under decent working conditions.

Immigration laws and their enforcement must be strengthened so that profit-hungry corporations can no longer play poor Mexican workers against poor American workers.

Legislation must be enacted to make the beneficiaries of mechanization responsible to the displaced worker or the community abandoned in the name of modernization.

PART III—THE LABOR MOVEMENT

It is urgent that the labor movement play a major role in reshaping America. Rather than acting as a "partner" of big business, labor must constitute the means by which workers can share corporate decision-making, and thereby serve their own essential interests as well as those of society at large.

The labor movement in the past has served to improve dramatically the economic status of working men and women and their families, through collective bargaining and through the enactment of responsible labor laws.

The labor movement has emerged as the chief focus of opposition to Nixon's three-phased economic program: wage freeze, continuing inflation with unemployment, and inequitable taxation.

Yet despite its past accomplishments, and despite the presence in its ranks of outstanding unions and union leaders, the labor movement as a whole does not provide, and has not for some time provided, national leadership in the battle to end race, sex, and class injustice. The AFL–CIO Executive Council's continued support of a war that its own rank and file and the rest of society long ago abandoned, is tragic. Labor's record of achieving equal opportunity in its own ranks for all workers regardless of race or sex, has been spotty. Within the labor movement there has too often been concentration of power, that serves its own ends at the expense of working men and women.

Recommendations

1. The labor movement should be—but is not—vitally concerned with the need to broaden workers' participation in the decision-making processes of the firms in which they work. Product priorities, production methods, plant location, and major financial decisions are the legitimate concern of workers in a plant, and a major goal of the labor movement should be the creation of new structures to bring workers into the decision making process.

2. Every effort must be made to insure the existence of a healthy and democratic union movement. The National Labor Relations Act must be strengthened and extended. Farm workers, domestics, the Gulf Coast wood pulpworkers, and others must quickly be brought within the protection of that law.

3. We oppose intimidation as a means of encouraging union membership and we oppose discrimination in unions, but we believe that progressivism should be encouraged from within the unions themselves. Therefore we oppose right-to-work laws, state and federal.

4. Public employees must be afforded the same rights as their fellow workers in private industry.

5. Federal and state laws to protect employees' safety and health must be greatly amplified and enforced.

6. Long-overdue national legislation must be passed to protect and make transferable between jobs, workers' rights to pensions and insurance. The disappointed expectations of thousands of American wage earners to honorable and self-supporting retirement constitutes a national scandal.

7. Workmen's compensation and unemployment benefits must be expanded and increased.

8. The labor movement, which has long espoused a policy of full employment, must broaden its identification with the unemployed and the unemployable poor. The policies of corporate America that are antithetic to the interests of laboring men and women are the same policies that condemn those on welfare to lives of hopelessness and poverty.

CAMPAIGN SPENDING: CORPORATE CONTROL OVER PUBLIC OFFICIALS

Corporate freedom to proceed unhindered in the private sector, and its domination of the public sector, have largely resulted from skillful use of economic power to "buy" government's cooperation and assistance. The main tool utilized has been campaign financing. Under the present system, escalating campagn costs make substantial corporate money support an essential element of the electoral process. Unless this system of campaign financing is radically revised, there seems little hope that corporate domination of our society will be ended, and little hope, therefore, that we can deal with the vast array of social problems and inequities.

Corporate domination of the public sector becomes possible because the costs of campaigns are so astronomical. The various local and national campaigns of 1968 were estimated to have cost between $300 million and $900 million. Although the Federal Corrupt Practices Act prevents direct corporate political contributions, it has long been easily evaded. A United States Senator has estimated that 95% of the contributions at the Congressional level comes from business (80% from those whose net worth is over $250,000). These direct contributions from corporate executives are frequently reimbursed by their companies through special bonuses or other benefits.

In view of the deep dependency many elected officials have on corporate financial support, it is not surprising that proposed legislation seeking to cope with the problem of financing campaigns has been so inadequate.

It is equally obvious why there has been no meaningful effort by our nation's public officials to challenge the power of the corporations to reverse the clear direction toward socialism for the rich and "benign neglect" for all others.

The relationship between corporations and the regulatory agencies constitutes a second major aspect of the problem. These "independent" regulatory agencies were the New Deal's answer to corporate greed and irresponsibility. The effort has failed completely. As one witness put it: the "independent" regulatory agencies have become victims of the "law of aerodynamics," that is, "weaker bodies (the regulatory agencies) becoming satellites of the stronger bodies (the corporate giants)."

One reason for this total abdication of responsibility is the absence of meaningful consumer roles within and before the agencies. Equally important is the co-opting of regulatory agency personnel by the same corporations those personnel are supposed to regulate. These "regulators," who are sympathetic to the regulated industry while they are in office, are assured lush jobs with those regulated corporations when they leave the government agency. Promises of private employment to public employees are not limited to individual regulatory agencies. They are also used by contractors at all levels and branches of government. For example, in 1967, 2,072 retired military officers were employed by the top 95 government contractors. Each of the top ten contractors had an average of 106 former military officers on its payroll.

In light of this accepted practice, it is no surprise that the I.C.C. provides two billion dollars annually in railroad subsidies; or that the C.A.B. in effect grants airlines two to four billion dollars a year in excess revenue by restrictions on competition. It also explains why final costs in military weapons contracts average 320% of original cost estimates; a recent study of 13 major aircraft and missile programs totalling 40 billion dollars showed only four of these contractors (with $5 billion in contracts) performed at as much as 75% of design specifications. Similarly, it is clear why the companies with the poorest performance records reported the highest profits, and, nevertheless, continued to receive the lion's share of government contracts.

II

1. The only workable solution to the problem of campaign financing lies in substantial federal assumption of campaign expenditures at all levels, including primaries. Although campaign costs are staggering when viewed from the standpoint of an individual candidate's resources, they are minimal in terms of governmental resources. Certainly they are minimal as an absolute prerequisite to any meaningful progress toward equality in this nation. And tax check-offs or similar programs encouraging small contributions from a broad cross-section of the electorate could be helpful in helping to meet the expense.

In addition, the federal government could certainly help to reduce the cost of seeking elective office by requiring the television, postal and telephone industries to contribute their services to candidates so that the tools these three industries provide for reaching the voter are available on an equal basis to all viable candidates. Legislation must be formulated which readily allows candidates to mount campaigns regardless of personal wealth, or access to the corporate world. It must include appropriate guidelines protecting minority parties and insurgents, including reasonable campaign funding and precluding the use of television commercials as a vehicle for "selling" candidates, without reference to merit or position.

2. *Reconstitute regulatory agencies.* We have seen how the so-called regulatory agencies have been substantially co-opted by the industries they are supposed to regulate. We must have legislation which prohibits those who served on a regulatory agency from obtaining employment in related industries for a period of five years after leaving the agency. Similar legislation is required to assure that a corporate employee do more than superficially change hats when he or she starts to work for a regulatory agency. Agency jurisdiction must be restricted so that no agency is involved in both regulating and promoting a given activity.

In addition, we must have stronger legislation requiring effective institutional representation of consumer interests before regulatory agencies. Such broadening of these bodies should aid in insuring that control over these agencies does not again become vested in the regulated industries. Public hearings on matters affecting a local area should be held in the area concerned at a time and place that will assure the public an opportunity to be heard.

REDISTRIBUTION OF WEALTH AND INCOME

The United States is the wealthiest nation in the history of the world. It is unconscionable that approximately 20% of our people live in poverty, while a few live in princely luxury. This incredible disparity results because of our economic system. In 1968, for example, we distributed 5.7% of the nation's income to the bottom fifth of our country's families and 40.6% to the top fifth. More alarming is the fact that this maldistribution has been getting worse instead of better.

The bottom fifth of our nation is not the only victim of the system. The great working and middle class are also penalized. Although they earn more than the lowest fifth, inflation has bitten massively into their "increased" earnings. They may have more tangible assets now than 20 years ago, but these assets are not luxuries—they are necessities. For example, a factory worker requires an automobile to get to and from work which is far from where he can find housing; twenty years ago he could get to his job by a short ride on a mass transit system which was then safer, cleaner and less expensive. The so-called middle class finds itself barely able to stay afloat. It lives in fear of being unable to pay the medical costs of a serious illness, for example. There is an illusion of being well off, but there is an underlying chronic unsecurity.

Government affects the distribution of wealth and income in two fundamental ways—the manner in which it collects revenue from its people and the manner in which it spends such revenues. In both cases, the present structures are heavily weighted in favor of the powerful and against the powerless.

It is clear that a realignment is necessary. The wealth of this country must be more evenly spread. Taxes should be levied in accordance with the ability to pay. Revenue must be spent on the basis of need.

I. TAX REFORM

The lower, working and middle classes shoulder far too much of the tax burden.

Fair and progressive income tax

A steeply progressive income tax coupled with a minimum guaranteed income above the level of the Bureau of Labor Statistics Lower Living Budget, must be enacted both to insure a fair tax burden according to ability to pay and to pursue a long-run policy of redistribution of wealth. One advantage of insuring a minimum income is that aggregate demand will be sustained above recession levels. There should be no reliance on regressive taxes. We particularly oppose the so-called value-added tax (a disguised national sales tax) which the Nixon administration is considering, because the lower one's income, the greater the burden.

Abolition of favored tax treatment

All income, including capital gains, should be taxed at the same rate. The present income-averaging provisions should apply to such gains in the same way they relate to ordinary income.

The revenue laws are riddled with exemptions and allowances for deductions which favor special interests. They must be substantially eliminated. For example, we must do away with the fiction that mineral or oil depletion or capital gains are so important to economic progress that they deserve special treatment. We must eliminate all existing depletion allowances once the actual cost of the property has been recovered. The privilege of taking immediate deductions for intangible drilling and development costs should be terminated.

Interest on State and local bonds

Interest earned on state, municipal and other local bonds should be taxed at regular income tax rates.

The federal government should ensure marketability of such bonds by guaranteeing and subsidizing them in part.

Similarly, the present exemption under which local governments may issue up to $5 million tax free industrial development bonds should be abolished.

Real estate depreciation

Accelerated depreciation on real estate should be abolished. The only exception should be the more favorable depreciation allowances retained in order to encourage investments in new housing by low and moderate income families. Preferential tax treatment for depreciation on resale should be ended.

Estate and gift taxes

The entire estate and gift tax structure should be revised. A single comprehensive and integrated tax should be placed on all transfers whether made during lifetime or at death. Inheritance tax rates should be significantly increased. We should not permit fortunes to be passed over intact from generation to generation when so many are unable even to achieve a survival-level income.

Special benefits for corporations

Favoritism toward corporations under our tax structure is pervasive. Expense account living can only be ended by stringent enforcement of regulations and the imposition of maximum limitations. The recently enacted investment credit tax will benefit corporations and their wealthy stockholders by 4 to 5 billion dollars. Yet in the view of most economists it will have little stimulating effect on the economy. The Administration has recently given a 3 to 4 billion dollar annual windfall to business through liberalized methods for calculating depreciation.

Favored tax treatment for savings and loan associations and other banking institutions should be ended, eliminating completely their use of excessive bad debt reserves to reduce their tax liabilities, and by ending other special immunities granted them and not to other corporate taxpayers.

Defense industry

There should be an excess profits tax on all corporations or departments of large corporations whose primary business is production for defense.

II. GOVERNMENT SPENDING

Revenue spending should be part of the general policy of closing the economic gap. We must put greater emphasis on spending programs that help rebuild the urban environment, eliminate poverty, provide a broader distribution of service in the areas of health, justice, housing, education, and mass transmit, and help secure and maintain healthy environment.

This redirection of spending policies can only be accomplished when the Southeast Asian War has ended; we have succeeded in stopping the subsidies of redundant weapons systems, extravagant space explorations, loan guarantees for large bankrupt businesses, or the agricultural subsidies that only aid wealthy businessmen farmers; and when we have succeeded in placing under public control significant portions of the wealth now controlled by the private sector.

Poverty

The status of the poor in America is the most tragic and convincing example of the inequities within our society.

Statistics, studies, data and reports on poverty are legion. The poor have literally been studied to death. What we need is not more good will studies but more will to make institutional changes. In every aspect of human life, the poor have demonstrably more difficulties than the affluent. We will cite just one example, the area of health care. All diseases afflict the poor far more severely than the rich—except diseases peculiarly associated with old age. Life expectancy among the poor is substantially lower than it is for the rest of the nation.

Infant mortality among the poor is shockingly higher among the affluent and in most other industrial countries.

Race, class, and poverty are interrelated and are closely aligned with malnutrition and ill health. While 47 per cent of all nonwhites are poor, only 14 per cent of whites fall below the poverty line. Lack of access to good housing sustains poverty.

Approximately 25 million Americans live below the poverty line of $3,900 for a family of four and nearly 50 million below the Department of Labor's poverty line. This large group of poor citizens, many of them Blacks, Indians, Mexicans and Latins, low wage earners in service and domestic industries, the pool of unemployed and underemployed workers, and, finally, the nearly nine million persons consigned to the welfare rolls, represent that segment of the population sacrificed to maintain profit margins within the corporate state. Among them, drug addiction and delinquency are rampant, and illiteracy rates the highest.

We now have failed to recognize the social and economic costs to society of such poverty in its midst. If the poor were given a decent life and a stake in society, a good portion of the costs of crime and ill-health would be eliminated.

The aged

Hardly recognized is the fact that poverty is a major problem affecting the aged. Approximately 25 per cent of all poor are over 65 or, put another way, about ⅓ of all persons over 65 are poor. It is appalling that this nation, with its work ethic, allows so many of its people to be cast aside when their productivity is gone.

For too long the American ethic of individualism, competition, work and success have conditioned our response to the existence of poverty. The problem, it was assumed, was with the individual. If one could only educate him, train him, employ him, rehabilitate him, everything would be set right. It is time to recognize that the fault is rather with an economic and political power structure that sacrifices people to profits.

Recommendations

1. *A Federally Subsidized Full Employment Program.*—We must guarantee a job for every American, with government as the employer of last resort. A federally financed program aimed especially at our urban areas where poverty is most heavily concentrated must be instituted. Persons should be employed at decent wages to build and staff the hospitals, neighborhood health clinics, schools, playgrounds and housing which are so desperately needed. Training, education or day care for children should be provided as an integral element of such a full-employment program.

2. *New Concept of Social Security.*—All senior citizens or those who are unable to work should be the beneficiaries of a new concept of social security. This includes a guaranteed minimum income, a pension for all over 65, and a national health insurance program. Such a program should no longer be funded by employer and employees, but by the Federal government. All payments from these programs must be tied to rises in the cost of living.

3. We support a guaranteed minimum income for all Americans above the standard of the Bureau of Labor Statistics Lower Living Budget.

a. Total family income, where more than one member earns income, should be permitted to rise to a reasonable level without forfeit of maintenance payments.

b. Job requirement provisions of income maintenance programs should not interfere with the bargaining efforts of labor unions, nor should they undercut the prevailing wage structure in a particular type of employment; nor should they undercut minimum wage standards.

c. Under no circumstances should a mother be required to be separated from her young children under penalty of losing maintenance payments.

4. We support the resolution of the recent White House Conference on Aging calling for a minimum Social Security payment to support a level of living which is currently at $4,500 annually for a couple and 75% of this for an individual (in line with the Bureau of Labor Statistics standard for an intermediate budget for the elderly), with automatic increases to meet the rising cost of living.

EDUCATION

Recommendations

1. Quality education must be a guaranteed right and therefore must be free for all citizens starting from pre-kindergarten through college and/or career training.

Although raising adequate revenues for education is a serious problem in all areas of the nation, it is most threatening to the larger cities. The population shift has left them wtih a less affluent population and a resource base which is not growing at a rate sufficient to meet increasing needs. Because large urban areas have higher and more diverse public service needs, a much lower proportion of their expenditures can be devoted to education than in suburban areas. Unfortunately, urban education is also more expensive: expenses are higher in big cities and more children are in need of expensive supplementary educational techniques.

State regulations and state aid rather than compensating for these urban disadvantages more often than not act to exacerbate them.

The federal government has done only a little better. Federal aid to education in the aggregate has at best a barely discernible equalizing effect. With the exception of Title I of the Elementary and Secondary Education Act, federal programs frequently provide more funds to suburban school districts than to central cities.

Although Title I funds tend to go to urban areas, the programs for which Title I funds are used appear to be largely ancillary and not aimed at improving the central portion of the curriculum available to disadvantaged children.

In addition, the total financial commitment of the federal government is simply too small to be of more than marginal help to financially imperiled education systems.

2. The federal government must not only restructure its aid program along more rigidly enforced categorical lines, so that federal money gets directly to specified programs, it must put massive new resources into the educational system.

3. The Federal Government should earmark funds to subsidize research and development in colleges and universities to improve knowledge and technology in areas of consumer and social goods, such as pollution control, mass transit, medicine, and housing.

4. It should use the "carrot" of aid to force state governments to redesign their own aid programs and begin to pick up a larger portion of educational costs on a more equitable basis.

5. De jure and de facto school segregation must be ended. All available evidence indicates that quality education for all children requires integration. Artificial geographic boundaries which operate to maintain segregated schools, must be eliminated. We support all efforts to achieve equal educational opportunity and to further integration, including busing.

6. The property tax as a means of financing education has already been judicially recognized as inequitable. Each state, with federal aid, must assume the full cost of public education in the state.

However, such assumption of cost should not carry with it an increase of state control of curriculum nor an increase in state regulation in educational practices. State assumption of costs should be designed to insure equal educational results.

7. Public funds should not be diverted to non-public or secondary general education systems.

8. Urban grant institutions to deal with urban problems should be established and funded at least to the same level as the state land grant agricultural institutions.

9. Federal and state aid to community and junior colleges, with their potential for serving the needs of local communities, should receive high priority.

HEALTH CARE

Our society is obligated to provide the best possible health care to all its citizens on the basis of their need for such care and not on their ability to pay.

Fragmented organization, inadequate number and location of personnel and facilities, poor financing arrangements and a narrow outlook make the present system of delivering health care incapable of delivering such services. Simply pumping more money and medical manpower into the present chaotic health delivery system won't solve the problem.

Additional money by itself is not enough. The U.S. spends almost $70 billion a year for health services, a higher percentage of its GNP than any other country in the world. Yet we rank 15th in infant mortality and 18th in male life expectancy.

Additional manpower alone is not enough. New York City, as an example, has 4% of the nation's population but 9% of its physicians. Yet there is a steady and critical decline of physicians available to treat patients in Brooklyn and the Bronx. Increasing the numbers of doctors does not assure that they will practice in the Mississippi delta or in Bedford-Stuyvesant.

Medical thought and practice must also change, from the present crisis-disease-focused orientation to a preventive, comprehensive approach capable both of averting disease and fostering the achievement of mental and physical health. The question of health is related to many broader issues such as adequate diet, clean and safe housing, decent sanitation services, health education, clean air and water, safe working conditions, safe means of transit, and adequate recreational facilities.

Recommendations

Until we recognize that health care is a natural, inalienable human right rather than a commodity to be bought and sold, and act accordingly, we cannot fundamentally change the situation.

Fee for service, in any form, is antithetical to health as a human right.

All health insurance proposals so far advanced would perpetuate fee for service and merely shift the burden of payment. A rational, socialized health care system must be a basic political objective; our utlimate goal is free health service for all.

1. We must have *a program of national health insurance* for all, financed by the federal government. This program cannot be diluted by the availability of any form of alternate insurance sponsored by commercial insurance companies. A broadly representative board should control the cost of drugs, hospital supplies, equipment, and institutional services. National health insurance should include preventive, diagnostic, curative, and rehabilitation services.

2. There should be a major program for training of physicians' assistants. Such personnel should be tested and licensed to assure consistent, quality care to the population. Their training should be conducted under the auspices of existing medical education facilities, with the curriculum standardized on a national basis. Under the supervision of a physician, these assistants can perform many of the routine tasks now unnecessarily burdening the doctor.

3. We must have a *massive increase in enrollment and training programs in the health professions*. It is unconscionable that the present system has deliberately encouraged an influx of physicians from underdeveloped areas of the world to remedy our own failure to train sufficient doctors. One sixth of the active medical manpower pool in the U.S. consists of foreign-trained M.D.'s.

4. Incentives must be created to encourage medical services in undertended areas, such as forgiveness of student loans, formation of an expanded public health service, or draft exemptions. The maldistribution of physicians is more than geographical. Within the medical profession itself, the tendency toward specialization has greatly reduced the supply of physicians available as family doctors. Although it is generally agreed that at least 30% of our illness can be effectively cared for by a well-trained family physician, almost 85% of today's medical graduates are trained as specialists, and therefore reluctant to practice family medicine. We

need legislation to encourage the training of physicians who are capable of delivering comprehensive primary medical care with the family as a focus. Those broadly trained physicians, who might specialize either in pediatrics, or adult medicine would be knowledgeable in psychiatry, minor surgery and in the case of adult medicine, office gynecology. They would also be skilled in working with a health team utilizing to the fullest extent the services of such allied health personnel as social workers, nurses, psychologists, physical therapists, physicians' assistants, and community health workers.

5. The government should require the creation of local and regional community controlled health boards, with necessary technical advice provided by professionals. Such boards should plan for comprehensive health services in their areas.

6. Prepaid group practice offers an economical alternative to the physician as a solo practitioner, who charges a fee for each service rendered. Prepaid salaried group practice can lower costs both because it reduces the need for hospitalization through its focus on preventive care and because overhead expenses are shared by members of the group. However, every legislative means available should be used to prevent profit-making group practice corporations from using health to make money for their stockholders.

7. Until National Health Insurance is a reality there can be no full-scale program of preventive medicine. However, schools can provide vaccination programs and multiphasic screening (hearing, dental, vision, blood and other tests) for all children. Physical examinations should be provided for those children referred by teachers.

8. Nursing homes: federal law should require all nursing homes and similar institutions for the aged to have resident medical staff.

9. Present government programs dealing with mental health are totally unsatisfactory. We need a full commitment to the cure of the mentally ill, from patient care during hospitalization to rehabilitation services following hospitalization, to enable people to return to an accepting community and lead full and productive lives.

MASS TRANSIT

For many years, hugh federal and state subsidies have been a basic taxpayers' contribution to the automobile and trucking industries. Continuing these subsidies at this time increases pollution and the paralysis of our overcrowded cities. This funding of highways has been at the expense of mass transit which is disintegrating across the country. Yet mass transit is the only feasible method of transportation for many of our citizens. The almost complete absence of it and its high cost make it impossible for many to reach jobs which are now in the suburbs.

1. We recommend federal funding of mass transit. In particular, the practice of holding up funds which have been appropriated by Congress, must be ended.

2. It is also essential that funds provided by the federal government be made available for whatever transit needs the state and/or local community finds the most pressing. The present restriction of such funds to capital use must be eliminated.

3. Massive transfer of accumulated highway funds to mass transit requirements must begin promptly.

4. Mass transit should be free, a right of citizens.

HOUSING

In 1948 this nation made a commitment to provide decent housing for every family. Twenty-five years later we find housing conditions have worsened. Despite claims of record-breaking numbers of new housing units built in 1971, the nation is currently producing at a rate of about 70% of what it produced in 1950 in terms of numbers of housing units per 1,000 population. The nation's production of housing falls far below the rates of many Western European nations.

The housing supply is not only insufficient, much of what exists is substandard. Most of the substandard housing is concentrated in cities. Escape from these ghettoes is prevented by economics and racism.

Experience has taught us what happens to low-income housing concentrations. As the more fortunate families work their way up the income ladder and out of low-income neighborhoods, their places are taken by the outcasts of the social-economic system. Before long these projects become the victims of crime, drugs, and illness. Those who, in a different social environment, might have realized great potential, are overpowered by the defeatist attitude all around them.

Fifty-six percent of this country's black and minority group families live in cities, and of these nearly two-thirds live in neighborhoods marked by substandard housing. But the problem is not only that of minority groups. In 1966 over 4 million of the nearly 6 million occupied substandard units were inhabited by whites.

We must defeat the atmosphere of alienation which physical concentration in urban ghettoes of low-income citizens creates by pursuing a housing policy that resists it.

A large proportion of the needed moderate-density, moderate and low-cost housing must be built in the suburban parts of metropolitan areas. We are no longer a rural nation; our industrial pattern requires that the housing be built in metropolitan areas. But the city centers are already overcrowded; only the suburbs can provide the large amounts of land needed to build new housing, at land costs low enough to permit housing to be built at decent densities and at low cost per unit. The suburbs also contain the overwhelming majority of the nation's new jobs. Over three quarters of the new jobs developed annually in the metropolitan regions of the nation are in the suburbs.

Not only people with low income are victimized by the housing situation. Middle-income families also suffer from insufficient housing, restrictive zoning practices, escalating rents, and high property taxes.

Recommendations

1. The Federal Government must supply the funds and pursue a policy that will insure the construction of enough housing units each year to meet the needs of a growing population and to replace the housing units worn out each year from age.

2. So-called low income housing should be abolished and replaced in all instances by middle-income housing supplemented by a subsidy where necessary. In addition subsidies must help low income families to buy homes in both urban and suburban areas.

3. We propose a national housing policy which requires that at least 10% to 15% of the units in all housing receiving any kind of public subsidy—federal state or local—whether hidden or visible—be allocated to low income people who will receive rent subsidies. The policy would apply to high rise apartment construction as well as tract development in the suburbs. It would apply whether the subsidies stem from financing, such as FHA loans, or from governmental assistance for sewers, streets, and/or utilities.

4. States and local communities must be required to alter zoning regulations to allow for scattered-site construction of new moderate income housing, with some low-income residents receiving rent subsidies. This new construction must blend architecturally with the surrounding community and must not be restricted to any one segment of any community.

5. To break down restrictive suburban zoning and other exclusionary practices, the federal government should:

cut off all federal funds for communities which prevent the construction of moderate-cost housing through local laws.

grant incentive funds and impact-aid to communities which do accept new moderate-cost and low-cost housing.

6. To remove the incentive for local communities to zone out or otherwise exclude low- and moderate-income families, the federal government should move, through appropriate agencies, to urge the States to take on the full burden of financing public education, rather than leaving the cost to be raised by local communities through the real property tax.

7. The Federal Government must also legislate strict rent controls to prevent exorbitant profits in highly congested areas.

8. The veterans' housing loan program must be amended to authorize loans for cooperative and condominium apartments at the same interest rate and terms as those applying to single-family homes, including direct federal loans where banks refuse government-guaranteed loans.

The advantages of these programs would be substantial. Low-income families would live throughout a metropolitan area. In these new neighborhoods would be the effective social infrastructure which sustains communities. Those previously consigned to ghettoes would benefit from better schools, competitive buying, good health facilities, extensive social organization, and safer streets and homes. The broader community would be saved the spiraling costs of welfare. Such a housing policy would quite literally "bring us together," closing the dangerous gap which now strains our national fabric.

WOMEN'S RIGHTS

While recognizing the particular problems of women in our society, magnified if not created by the imbalance of financial, political and corporate power, we feel that as long as any group is oppressed all people are oppressed. The women's liberation movement has as its goal the liberation of our entire society from the chains of past traditions, practices and prejudices which deny all our humanity and sisterhood.

To correct the imbalance in power, we must first move in the direction of recognizing that all options that come with being a citizen must be open to women, so they may be able to choose a life-style instead of having one foisted on them. Thus, we urge the elimination of sex roles which lead people into stereotyped behavior and deny them freedom to live in ways which are a personal expression of their individual humanity.

We support a challenge to hierarchical structures. We oppose dictatorships in political parties, schools, business and unions and urge instead the development of new forms of organization which recognize the contribution of the individual. We seek to create new programs and new methods of organizing group activity based on cooperative decision making rather than authoritarian super-structures.

We sadly reflect that a women's platform is necessary in 1972. Yet, close study of other sections of this draft platform reveals that discrimination against women in federal statute and policy has been largely neglected as a subject for protest. While we reject the separation of women's issues and the isolation of women's concerns as a special category, we urge the following recommendations be endorsed so that glaring inequities that remain in our federal statutes be immediately focussed on and eliminated.

1. *Equal Employment Opportunity:* Prompt enforcement of all federal statutes and executive orders barring job discrimination is necessary. All companies subject to federal law in regard to hiring practices should be required to begin creating immediately affirmative action programs to employ women where they are not adequately represented in the work force—especially in

management, professional and technical positions. Deadlines for affirmative action programs should be imposed without delay. The federal government should withhold contracts and deposits from firms guilty of discrimination.

The Equal Opportunity Commission should be strengthened to give it "cease and desist" powers. Title VII of the Civil Rights Act should be extended to cover instrumentalities of government, religious institutions and other employers now exempted. The Equal Pay Act of 1963 should cover all workers, including professionals, administrators and executives. The Fair Labor Standards Act should be extended to grant minimum wage protection and overtime pay standards to domestic and service workers, farm laborers and employees of non-pofit institutions.

Congressional hearings should be held to examine the nature and extent of job bias against women in industry and government.

2. *Abortion and Contraception:* We affirm a woman's right to control her own body and to decide whether or not to bear a child and call for the elimination of any laws in regard to abortion other than those already governing suits for malpractice.

The federal government should make low cost contraceptives available to women who want them and initiate a liberally financed public education campaign on contraceptives.

3. *Housing and Public Accommodations:* The Civil Rights Act of 1964 should be amended to eliminate discrimination against women in public accommodations, public facilities and all federally-assisted housing programs.

4. *Child Care:* The federal should provide child care centers as a matter of right to all children whose mothers want it. These centers should be educational or recreational or a combination of both in accordance with the mothers' choice. Existing child care facilities should be expanded with priorities for admission given to children of mothers who work, are looking for work, or who are enrolled in schools, colleges, or training programs.

5. The Internal Revenue Law must be amended to allow mothers who work, widowers, and divorced or separated men with responsibility for children to deduct all child care expenses.

6. *Equality in Education:* Federal legislation is needed to bar discrimination in education against women. The federal government should withhold funds or grants to schools found guilty of discrimination.

7. *Women's Rights Amendment:* The Equal Rights Amendment to the Constitution should be passed without any weakening clauses or amendments.

8. *Women in Party and Government Office:* The Democratic Party should pledge to encourage more women to seek nomination for public and party office. Whenever and wherever possible women should be placed in major administrative and policy-making positions. To this end, we support a talent search for women.

9. *National Convention:* We support and endorse guaranteeing women representation as 50% of the delegates to the national party conventions based on their percentage of the population.

10. *Financial Discrimination:* All inequities in tax and social securities must be corrected. All companies subject to federal law in regard to hiring practices should be barred from discriminating on the basis of sex or marital status in fringe benefits, pension, health insurance and life insurance. Health insurance programs should cover abortions and maternity benefits regardless of a women's marital status. Women should not be required to take maternity leave against their wishes, nor should women be prevented from utilizing any paid accumulated sick leave in lieu of maternity leave; nor should women be permitted to lose jobs because they take maternity leave.

Discrimination on the basis of sex or marital status in the granting of credit by either businesses subject to federal regulation or by government agencies (e.g., the Federal Housing Authority) must be ended.

11. We support government funding for development of agencies at the executive level of states and territories to enforce equality and justice for women.

INSTITUTIONAL RACISM

For most in this nation whose skins are black, brown, yellow, or red, the "American Dream" is a cruel joke. The reality for these Americans is the highest rate of unemployment, the lowest wages, the most dilapidated housing, the worst education, the highest infant mortality rate and the shortest life expectancy. They have been the victims of the most irreparable damage physically, psychologically and economically.

In recent years, although our society has recognized this shameful situation, its efforts have been inadequate and paternalistic They have been directed towards treating the *symptoms* of economic, social and moral dislocation as the *causes* of our ills. They have defined the victims rather than the victimizers as the problem.

In 1968 the Kerner Commission Report made a significant statement about the problem.

"What white Americans have never fully understood but what the Negro can never forget is that white society is deeply implicated in the ghetto. White institutions created it. white institutions maintain it, and white society condones it . . . Race prejudice has shaped our history decisively in the past. It now threatens to do so again. . . ."

It is well that we have finally acknowledged the institutional aspect of racism, and that we can eliminate it only by changing these institutions. It's equally important to realize that for those who reap the benefits of our imbalanced society, these institutional structures are absolutely critical. For example, prior portions of this platform have revealed structures devised by the corporate sector to assure that more of the nation's resources go into high profit ventures such as highways, bombers and spaceships, rather than into health and housing.

Many segments of our society are geared and fixed to maintaining lucrative use of our institutions at the expense of any change in the status of our have-not citizens. Our educational system assures a large number of inadequately educated available to perform menial work. The constant high level of unemployment, considered a norm, assures labor peace. The use of corporate devices for pensions and medical care together with inadequate government programs in these areas assures labor discipline.

There are two parts to institutional racism, the institutions mentioned above and the racism itself, which is the vehicle for assigning non-whites to the subservient position in the institutional structure. This assignment is achieved by convincing the nation that these people are inferior and deserve no better; that they are in their plight because they are inadequate and lack motivation; that they, the victims, and not the victimizers are the problem. Racism is also used as a tool to pit poor non-whites against poor whites. While these groups fight among themselves for the crumbs assigned to them, their attention is skillfully diverted from the fact that the wealth of the nation is being drained off at the top.

Racist ideas produce the basis for legal, extra legal and violent repression of non-whites. This repression, in turn, reinforces racist thinking and provides the opening for repression of all dissension in our society.

Our nation has talked about meeting the problem of racism by creating equal opportunities for all. This approach is deceptive and inadequate. Those who have been denied an equal education and an equal family life, cannot compete equally, even with similar opportunity. It is clear, therefore, that to meet the problem the focus must be shifted from equal *opportunities* to the concept of equal ***results***.

We must reject the concept that the only route for black, brown, yellow or red people to participate in the "American Dream" is to sell themselves, their heritage, their culture, their differences, and, in effect, to become carbon copies of white middle class society.

This pressure for conformity is unhealthy for the nation, as well as for the minority groups. We must reject the melting pot concept and move toward a pluralistic society in which all groups can develop in their own ways, thereby enriching us all.

II

1. The structures upon which institutional racism is grounded must be replaced. These structures have been dealt with at length in this platform. They include a grossly imbalanced distribution of wealth and power, and structures calculated to maintain and expand such imbalance. The power and wealth must be shifted and redistributed so that non-whites have an equal share.

2. The government apparatus must be forced to affirmatively challenge racism and the institutions upon which it is based. As one example only, federal grants to states must be conditioned upon their using significant designated portions to aid minorities; assured neighborhood participation in the use of funds; enforcement of civil right laws in the use of such funds; and incentives for the states, as a condition to receive the funds, to alter their tax structures in a progressive direction.

3. We must accept and fully utilize the concept of assuring equal results, rather than equal opportunities.

4. Racism as a component of our foreign policy must be eliminated. We deal with this use of racism in our foreign policy plank.

5. The second system in our two systems of justice, which is reserved for the powerless, must be eliminated as set forth elsewhere in this platform. All must be treated fairly, equally and humanely under the law.

6. The organized, devoted and consistent protection of the constitutional rights of racial minorities is essential to maintain the civil liberties of every one of us.

7. To end institutionalized racism requires the public and, in particular, political figures to offer open and creative leadership in opposition to racist ideas and practices. Mere acknowledgment of the existence of such ideas and practices is not enough and is an abdication of responsibility.

GOVERNMENT AND THE PEOPLE

Misuse of government power has become increasingly apparent in recent years. A society whose structure is premised upon the consent of the governed has become one in which manipulation, deceit, intimidation, and outright repression have become the tools by which government controls its people.

All too often, the executive branch of our government fails even to make a pretense of dealing with society's problems within the framework of Constitutional safeguards.

Crime and violence in this nation are serious problems. There are steps which can be taken to deal with them. However, rather than viewing a rising crime rate as a symptom of our country's deeper ills, while yet dealing with it as it occurs, this Administration has sought to curb it through repression, force, and the substantial curtailment of civil liberties. In the name of "law and order" it has applauded the bestiality of the slaughter at Attica; it has sponsored and fought for such repressive measures as preventive detention and unrestricted power to spy on citizens through wiretapping and other electronic devices; and it has attempted to destroy the integrity of the Supreme Court by seeking to appoint to it men whose devotion to the sanctity of "law and order" seems far greater than their reverence for the Constitution in general and the Bill of Rights in particular.

The government's quest for law and order has extended far beyond the concept of "safety in the streets." It has included policies aimed at discouraging all who would dissent, or whose unorthodoxy appears to indicate they might not live according to "accepted" standards. These policies have been of a wide variety. We have seen outright political persecution as epitomized by the Berrigan indictment and the incarceration of Angela Davis; we have learned of the widespread use of political surveillance techniques to infiltrate, and entrap into criminal behavior, groups seeking what appears to be drastic social or political change. We have learned that many agencies of our government are busy compiling political dossiers on Congressmen, political and social leaders of minority groups, and upon thousands of us who have marched for peace and against injustice so often in the last decade. Another aspect of this repression of those who differ, or who are different, in which our government has wholeheartedly participated, is the long-standing deprivation of the most basic civil rights to homosexuals.

It is clear that our courts and District Attorneys have turned their greatest attention to prosecuting political dissenters and those without wealth or power. Those who possess wealth or power have been treated far too favorably by courts, prosecutors, and the laws themselves. Hence we see only the most minimal action against those who, in the pursuit of profit, have caused the death and disability of thousands of miners; who have allowed unsafe cars to be driven on our highways; who have manufactured and distributed food and goods which they know to be potentially injurious to users; who have avoided paying taxes.

We cannot comfort ourselves and exonerate our government by accepting its contention that the rights of political dissidents have been vindicated in the courts. While it is true that, largely because of the jury system, such dissenters as Dr. Spock, the Chicago Seven, Bobby Seale, and others have been acquitted, the huge expenditures of time, money and energy required to obtain these acquittals tend to sap not only the will of those on trial but also those who would otherwise have been carrying on the same work for which their leaders were being tried. The effect of this inappropriate use of our judicial structure to strike at those who express dissent is that the dissenters are discouraged and debilitated and their dissension effectively stilled.

Another type of government abuse appears to stem largely from the misguided motive that, if government is to be effective, it must utilize the tools technology has made available. Such proliferation of centralized data banks makes potentially available a vast amount of personal data on individual citizens. This is an unwarranted incursion on the individual's right of privacy and may inflict incalculable harm in the event they are inaccurate or misused.

It is not surprising that government has developed such a callous attitude toward those it governs. It has grown so far apart from the people it is inevitable that it should treat so many of them as adversaries and outcasts.

The very procedures under which government operates are calculated to keep the power away from the people and concentrated in the hands of the few. In the name of "national security," the Executive Branch has withheld essential information not only from its citizens, but also from the Congress.

Just as "law and order" has become an excuse for repression and persecution, "national security" has become the Executive Branch's justification for hiding, manipulating, and distorting information. Congress is kept in ignorance through excessive and unwarranted use of "executive privilege"; the press and television are intimidated by scarcely veiled threats of reprisal; and the people in general are subjected to such a continued series of blatant untruths and half-truths that we no longer know what to believe.

Congressional procedures have made it cumbersome for that body to assert itself over the Executive Branch or even to speak out on issues where the majority's will is clear. The seniority and committee system under which Congress operates keep the power structure within the Congress untouched. They have the additional effect of dooming efforts to stop the unprecedented abuse of power by the Executive and of allowing the handful of men from one section of the country to determine the laws and direction for the entire nation.

Finally, the structure of our own Party is a mirror of the imbalances implicit throughout government and society. In 1968, the Democratic Party demonstrated for all to see that its procedures on both the national and state levels made it impossible to hold an open or democratic convention. The spectacle of that convention, and the deception and unfairness which it revealed, must be acknowledged as a significant cause for the election of a Republican President. 1968 revealed clearly the extent to which our Party has allowed itself in most states to fall into the hands of a small group who manipulated the rules of delegate selection to thwart democracy in order to safeguard their own power.

The McGovern (now Fraser) Commission created by the 1968 Convention to assure "all Democratic voters . . . a full, meaningful, and timely opportunity to participate" in the selection of delegates and thus in the decisions of the 1972 Convention itself, has mandated admirable guidelines for state parties to follow in preparing for the 1972 convention. While some state Parties have acted to comply substantially with the Guidelines, many state Parties have not. Moreover, in some states where legislatures are dominated by Republicans, the fundamental changes required by the Guidelines have been blocked.

Recommendations

The imbalance in power between government and its citizens requires sweeping reforms. The following recommendations are intended, as are most of the recommendations in this platform, to be illustrative of the total change in approach and focus which is required.

Crime and the courts

1. The fundamental cause of crime is the disparity in wealth and power between the rich and the poor, the black and the white, the rulers and the ruled. Until power is shifted and shared crime will remain an almost insoluble problem.

2. A large majority of those accused and convicted of crimes are black, Puerto Ricans, and Chicano. In contrast, the overwhelming number of those who administer justice—police, judges, District Attorneys, and parole officers—are white and do not speak the language of those accused and convicted. This ratio must be reversed immediately.

3. The criminal law must no longer be used primarily against the powerless and the dissenters. Crimes of the powerful—tax evasion, embezzlement, crimes against ecology, and consumer crimes—must be prosecuted with equal vigor.

4. The relationship between handguns and crime must be recognized. National legislation must be passed immediately requiring the registration and licensing of every handgun and strictly limiting the sale of guns and ammunition.

5. Too many people are unnecessarily and improperly incarcerated in our prisons for too long a time. Inadequate and insufficient courtrooms, outmoded and time-consuming procedures, and too few judges result in crowded dockets with long months and sometimes years of incarceration for the poor before trial. Regulations should be adopted in all courts whereby charges must be dismissed if a speedy trial is not granted. The bail system should be revised so as to assure that those without means are not singled out for lengthy incarceration, and so that excessive bail is no longer required.

6. We must have an end to political trials in which the organizations are put on trial under vaguely drawn indictments based on vague, unconstitutional laws. So-called "conspiracy" prosecutions, against political dissenters, should be eliminated.

7. Laws allowing such practices as "preventive detention," "no knock entry," mass arrests without charges and arrest warrants and government surveillance, must be ended.

8. A re-examination of such behavior as marijuana use, homosexuality, gambling, and drinking as constituting "criminal" acts is required. Modern medical and social thought dictate that such acts are not inimical to society.

A redefinition of these acts to be matters of private concern, not subject to control by society, would be a saner reading of Constitutional intent, and would free the courts and the police for more necessary and effective crime control.

9. The heroin problem, the cause of much vicious street crime, must be treated as a medical problem. Funds and personnel must be provided to treat addicts, in a four-pronged attack involving a) therapeutic communities, b) methadone maintenance; c) non-addictive, and d) if the addict does not respond to any of these, a program of strictly controlled heroin maintenance, to remove the motive for theft and violence.

Homosexual's rights

Millions of women and men in this country are subject to severe social, economic, psychological, and legal oppression because of their sexual orientation.

We affirm the right of all persons to define and express their own sensibility, emotionality, and sexuality, and to choose their own style of life, so long as they do not infringe upon the rights of others. We pledge an end to all social, economic, and legal oppression of homosexual men and women.

Laws prohibiting loitering for the purpose of soliciting for a homosexual laison are vague and unconstitutional. Nevertheless, they are frequently used as the legal cover for police entrapment of homosexual men and women. Prejudice and myth have led to widespread discrimination against homosexuals.

Recommendations

1. Federal laws must prohibit discrimination in housing, employment, public accommodations, and public services because of sexual orientation.

2. The President should issue an executive order prohibiting the military from excluding, for reasons of sexual orientation, persons who wish to join the Armed Services; and from issuing less-than-honorable discharges for homosexuality; and requiring the upgrading to fully honorable of all such discharges previously issued, with retroactive benefits.

3. The President should issue an executive order prohibiting discrimination in the federal civil service because of sexual orientation.

4. Tax inequities victimizing single per-

sons and same-sex couples should be eliminated.

5. Bars to the entry, immigration, and naturalization of homosexuals should be ended.

6. Where federal money is made available for sex education courses, these courses should include information about homosexuality.

7. The compiling, maintenance, and dissemination of information about an individual's sexual behavior for dossiers and data banks should be prohibited, and existing data of this nature should be destroyed.

8. Persons now incarcerated in detention centers, prisons, and mental institutions, charged with sexual offenses relating to victimless crimes or sexual orientation should be released, and adequate compensation made for the physical and mental duress encountered. Existing records relating to the incarceration should be expunged.

9. State laws prohibiting private sexual acts involving consenting persons should be repealed, as should laws prohibiting solicitation for private voluntary sexual liaisons and laws prohibiting transvestitism and cross dressing. Insurance companies and other state-regulated enterprises should be prohibited from discriminating against applicants because of sexual orientation.

10. Child custody, adoption, visitation rights, foster parenthood and the like should not be denied because of sexual orientation or marital status.

Prison reform

Three out of every four crimes are committed by recidivists—people who have been in jail as convicted criminals. This should be sufficient evidence that our prisons are not performing their role as "correctional" institutions.

1. Our sentencing and incarceration procedures must be changed so that prisoners are protected from one another and are able to spend their time in prison in meaningful ways, geared toward re-entering society as self-sufficient persons.

2. The concept of rehabilitation, rather than punishment, must be fully recognized, funded, and implemented. First, this means substantially more funds to prisons. Second, it means that prisoners are first of all, human beings, and should be treated as such. Third, it means that rehabilitation personnel and techniques and facilities, in substantial amounts, should be introduced into the prisons.

3. The basic demands of prisoners all over the country include an end to overcrowding; relevant vocational training; adequate pay for their work; an end to such inhumane practices as solitary confinement; and religious and political freedom. Substantially all of the 28 demands of the Attica inmates should be accepted as a starting point for prison reform. Essentially, they are all aimed at the goal of treating prisoners as human beings. A reassessment of our attitudes toward those in prison is essential.

4. Steps must be taken to assure that a former prisoner, once a sentence has been served, does not carry the stigma of having been a convict forever. This must include assuring the right to vote; and government aid in finding employment and decent housing.

5. Parole Reform: instead of political hacks, psychologists and other professionals committed to the rehabilitation of prisoners must be appointed to parole boards. Parole must no longer be conditioned on breaking the will of the prisoner, but on restoring him to a useful role in society.

6. Any state or local penal institution receiving federal aid should be required to meet minimum federal standards.

7. Juvenile prisons have proved totally inadequate. They should be closed and replaced with small-group residences or placement in foster homes. Such placement would be less costly and more effective than institutionalization.

Congressional reform

Central to, and symptomatic of the federal government's failure to fulfill its role in a democracy, has been the growing abdication by Congress of its function as a responsible representative of the people. To assure the effectiveness of Congress we recommend:

1. An end to the seniority system and to the diminution of Congress' ability to act because of the grip which aged and conservative committee chairmen have on Congressional procedures.

2. Congress should have access to information in order to legislate responsibility. To this end, it is essential that the procedure for classifying and declassifying information be revised so that they really relate to national security, and not, as recent events have shown, to protecting government from embarrassment. To start, we recommend that all information presently classified be declassified and then reclassified. A blue-ribbon commission should be appointed to make the decisions about reclassification; the commission should include members of all three branches of the government, and citizen representatives.

3. "Executive privilege" should be reserved to the President alone, so that employees or representatives of the Executive Branch can no longer refuse to testify or produce documents before Congress because of "executive privilege."

4. Congress needs an independent analytical arm apart from the General Accounting Office, which as an integral part of the Executive Branch, is inadequate. Such a structure could provide members of Congress with access to information and an independent mechanism for analyzing it.

5. Congress must have a more effective role in long-range planning. This has become apparent particularly in recent floor fights over defense appropriations. If Congress is to be more than a rubber stamp for the President's budgetary requests, it must be supplied with long-term planning information which shows the future impact of current programs.

6. Congress must play a more active role in defining the nation's military policy. It will not detract from the President's need to act in an emergency, if explicit Congressional approval is required, within thirty days of a Presidential decision to commit troops. This approval could be renewed periodically, perhaps every six months so long as the troops remained in use. Even under its present limited options, Congress can and should make more imaginative use of so-called blanket authorization legislation. Congress can condition the authorization of defense funds so that the Executive Branch is required to make visible expenditures for which it will be accountable.

7. The people's access to information concerning the legislative process must be expanded. Members of Congress should not be permitted to "bargain" over questions of national support in "closed" committee meetings.

Surveillance

1. Electronic snooping instruments must be brought under strict judicial control.

2. Legislation should be enacted to prohibit political surveillance and the maintenance of data banks. Violation of such provisions should be punished by immediate dismissal from, and liability for, government jobs for a period of time.

3. Where the government or private industry maintains legitimate records about private citizens, these citizens must be apprised of their existence and have an opportunity to examine and rebut them.

Executive Reform: the Executive Branch should include a Department of Peace.

Party reform

The 1972 Democratic Convention must be a representative one. The delegation of any state which the evidence indicates does not represent the freely expressed will of Democratic voters from that state should not be seated. It should be replaced with another delegation which has genuinely tried to be chosen in accordance with the McGovern/Fraser Guidelines.

The press and media

The concept of a free press as envisioned in the Bill of Rights has been grossly impaired by corporate control and governmental restriction. Through mergers and acquisition, large media empires have been amassed. These news cartels seriously endanger independent, competitive news reporting. Just as unhealthy is the increasingly frequent acquisition of newspapers, radio and television stations, and publishing companies by corporate conglomerates who are free to manipulate news coverage to their own business advantage. Most alarming is the general control of the media which corporations exert by virtue of their financial control through advertising expenditures. The use of this power to make us a super-acquisitive society has been dealt with earlier. The general censorship of the ideas and expressions which are and are not permitted to be carried over the airwaves is equally destructive.

Government's efforts to curb a free press have been most recently experienced in the case of the Pentagon Papers. Veiled threats to the media and the press from the White House have been all too frequent.

Recommendations

1. Vigorous antitrust action should be undertaken to break up concentration of media and the press.

2. Commercial corporations should be prohibited from owning broadcasting and publishing companies.

3. Television and radio should be required to give more time to the presentation of issues, with reasonable amounts of time reserved for minority viewpoints.

4. Government intimidation of the press must cease. The concept of the press as a free and equal countervailing force to government must be established in law.

The Draft

As part of the effort to end the excessive influence of the military-industrial complex over our society,

The United States should not maintain the military draft in time of peace. Peacetime is defined as including a time of undeclared war.

Recommendations

1. We oppose any compulsory military reserve system in peacetime.

2. Compulsory participation in civil defense exercises must end.

3. We oppose any form of compulsory civilian national service.

FOREIGN POLICY

Foreign policy is typically the first plank of a political platform. In the context of this platform, however, we have chosen to place it last, because we see our nation's foreign policy as a product of the imbalances and inequities in our society which we have earlier discussed.

For example, the same gap between the powerful and the powerless which we have noted on the domestic scene is quite prevalent internationally. So are the related factors of racism and poverty. Accordingly, our approach internationally as well as domestically should be to support the needs and aspirations of the people in New York and in Saigon, the farmers of Kansas and of India, the disenfranchised of Mississippi and of South Africa, and the dislocated migrants of California and the dislocated refugees of the Middle East.

As we ask our government domestically to end its oppressive relationship to many of our citizens, so we must do the same in relation to other peoples and lands. America must not be the oppressor or identify with oppressive governments.

Hence, while it is essential that we compel this nation to remove its armies and navies from southeast Asia, it is far more critical that we confront the active forces, attitudes and institutions which got us into Vietnam.

These deeply ingrained forces, attitudes and institutions are responsible not only for the death and destruction meted out by American troops, but they have also set an example for violence by the rest of the world.

Analysis of the underlying causes of our aggressive foreign policy must start with the nation's economic system. The health of corporate America demands constant growth. This means the corporations must produce more and more goods. It means that consumers must purchase more and more of what the corporations produce. The United States military establishment is unmatched as the best market in the world today. Hence, those with a profound power to set our nation's direction have an enormous vested interest in maintaining and, indeed, in expanding the American military establishment.

One should not be deluded into believing that this interest is limited to a small clique of corporate executives and generals. To the contrary, the broad span of the corporate structure in the nation depends heavily upon military consumption for its health. For example, a 1964 study established that at least 205 of the 500 largest manufacturing corporations were significantly involved in military contracts. This statistic reveals only the direct impact of the military budget upon the corporate sector. Given our highly interdependent economy—the indirect impact of military spending of subcontractors, upon manufacturers of intermediate goods and parts and upon suppliers of raw materials reveals that the large direct military contracts are only the tip of the iceberg.

Since such a great cross-section of business has so great a dependency upon military spending, it is obvious that the huge number of employees of such businesses has an equally great stake in military consumption.

Moreover, it should be noted that the more skilled and affluent portion of the labor force has the greatest stake in military spending. For example, a 1962 Department of Labor study of the electronics industry revealed that at the military-space oriented plants of that industry, about 60% of the work force were highly paid engineers, executives or skilled blue collar craftsmen. In sharp contrast, at the consumer-oriented plants in the industry, 70% of the employees were semi-skilled or unskilled blue and white collar workers.

In passing, it is also significant to note a study which reveals that one dollar of military spending generates one half as many jobs but 20% more in salaries than does one dollar of civilian spending. Not only does this demonstrate that military spending is a factor which adds to the maldistribution of wealth and income, but it further shows that the more skilled and affluent—and therefore more powerful—members of the labor force will support military spending and ventures against the interests of the more powerless members of the labor force.

In addition, we have recently been made quite aware that a large portion of the university population has also become deeply dependent upon defense studies and grants. Of course, the military establishment which has a direct need to perpetuate itself and to grow has a similar dependency.

Given the basic "needs" of this large cross-section of America, an ever expanding, giant sized military establishment is inevitable, and the aggression and violence that spring from it are predictable.

But the market provided by the military is insufficient in and of itself to satisfy the insatiable corporate need to produce more and more goods. Accordingly, vital corporate interests become located in foreign countries because of the need for natural resources and cheap labor. These incursions on foreign soil have been massive. The might of this nation, political and often military, is then used by these corporations to coerce foreign governments to do their will. In this process our government creates and maintains reactionary puppet regimes which carry out corporate economic missions while depriving their own citizens of the most basic economic and political freedoms.

Our deeply ingrained national racist attitudes makes it easier for us to accept the corporate national oppression in other lands and contributes to our failure to back any condemnation of apartheid in Rhodesia, Angola, Mozambique, and South Africa with meaningful sanctions. An especially ugly example of American partnership with racism abroad is the fact that the racial classification, population registry and personal identity passbook system by which South Africa's police state controls and exploits its black and colored people is all computerized by IBM equipment.

Another contributing factor is our deep-seated national machismo, now being popularly referred to as the "Masculine Mystique." All of our institutions and attitudes teach us that we must be clear-cut victors in every conflict situation. Applied to foreign powers, this attitude must and does result in burning and blood shed. In addition those in our nation least affected by the racist tendencies and the "masculine mystique"—the nation's women and minorities—have been essentially kept out of the foreign policy making apparatus.

The needs of the corporate state in America which have constituted the basis for our foreign policy are duplicated in other advanced industrial countries, East or West, and in a similar way comprise the basic motivation for their foreign relations. The secret competition among nations, including wars, hot or cold, has been the nationalist expression of this corporate competition. This competition is too dangerous, self-defeating and self-limiting and represents the needs of a small minority of the peoples of the world. A saner and more productive basis for peoples and nations relating to each other would be a global concern and commitment to the needs of the oppressed have-nots everywhere.

Obviously, since other nations are militarily prepared as part of the corporate competition, we must have a military establishment, but one that is strictly limited to a self-defense posture.

The history of the cold war reads like a tragic, make-believe, self-perpetuating rationalization. It was complete with slogans, labels and fears, some pure fantasy and some with a real component that seemed to give validity to the whole cold war concept.

Convinced by our leaders following World War II that the world was divided between the forces of freedom and the forces of aggressive communism, the American people have willingly supported a foreign policy geared to the containment of communism, and implemented primarily by military means. Since 1946, through the cold war and two hot wars, the United States has invested over one trillion dollars in its military establishment.

In the process we have created and maintained a network of military alliances and bases around the world, produced nuclear weapons and delivery systems far in excess of rational needs in a costly and self-defeating nuclear arms race with the Soviet Union, kept the People's Republic of China out of the community of nations for a generation, subsidized an unsuccessful invasion of Cuba, and intervened militarily in Lebanon, the Dominican Republic, IndoChina and Guatemala.

Through the painful experience of the war in IndoChina, the American people have finally begun to learn that even in a democracy the government lies to the people, that American armed might cannot always change the politics of other countries, that communism is not monolithic and may be animated by nationalism, that even the richest nation cannot simultaneously wage war and meet the needs of its people.

II

It is clear that before the direction of our foreign policy can be effectively changed, corporate domination, racism and the "masculine mystique" orientation must be terminated. These are, of course, some concrete changes in policy that we can effectuate while we make the long-range effort to correct these basic imbalances.

1. A key method of reducing the power of the military-industrial complex is the transfer of federal and corporate resources from the military to urgently needed civilian programs. Major reductions in the military budget are warranted now. Military cost overruns, duplication of weapons systems, over-extended military commitments, and the existence of a nuclear arsenal capable of annihilating any combination of potential enemies several times over, are all areas for potential vast savings that can immediately be directed to civilian needs in the public sector.

2. Presidential power in foreign policy-making must be curbed and the congressional role reasserted. To this end changes indicated in our section on government and the people should be effected. These include an end of concealment by the Executive Branch of information needed by Congress to legislate and appropriate intelligently.

3. Vietnam and amnesty.

a. The wars in Indochina must be ended by the immediate withdrawal of all American forces and weapons from Indochina.

b. Those who fought against this immoral war by going to prison, fleeing the country or the armed forces, should be free from the threat of any criminal or military penalties.

4. Since there is general agreement in the scientific community (with the exception of the Atomic Energy Commission and the Pentagon (that effective supervision of a comprehensive nuclear test ban treaty is possible without on-site inspection, there can be no justification for further delay in negotiating an agreement for a ban on all nuclear testing.

5. Our country should lead the way for the world to find an effective peace-keeping body to which all nations must cede significantly more of their individual power. In view of the admission of the People's Republic of China to the U.N., a strengthened and restructured United Nations whose ability to function cannot, by agreement, be threatened by any one large and powerful nation, might be the vehicle.

a. It should be the major forum for negotiation, mediation, or arbitration of *all* international disputes.

b. From it could come international agreements such as a halt to *all* nuclear testing; a substantial reduction in both nuclear and conventional arms; a disengagement of most opposing military forces in Central Europe and elsewhere; and in general to take all steps necessary to bring about general and complete disarmament, with the use of the resources thus released for domestic and social purposes both here and abroad.

c. While seeking this ultimate goal, and in order to enforce it, our country should lead in the struggle to secure and maintain a small all-volunteer army, committed only to international peacekeeping under the United Nations.

d. In order to bolster the U.N.'s preeminence as chief negotiator and peacekeeper, our country should refrain from giving any military aid, except in those rare instances when an ally's security cannot be assured by any alternate means.

e. As a minimal first and immediate step, Congress should repeal the Connolly Reservation which permits the United States to decide whether it will submit in each case to the jurisdiction of the International Court of Justice.

6. We must bend every effort toward achieving a peaceful settlement of the conflict in the Middle East, guaranteeing the security of the State of Israel, a homeland for the Palestinian Arabs, and free access to all waterways of the region.

7. We condemn the United States government's position in the India-Pakistan war. We urge the immediate recognition of Bengla Desh and financial aid to those refugees returning to Bengladesh.

8. To raise living standards in all parts of the world:

a. We must make a vigorous commitment to multilateral economic and social aid programs, without strings attached, to replace the perilous bilateral arrangements for foreign aid we now have.

b. We should move toward freer trade and offer trade preference to those nations whose per capita income or gross national product is beneath a realistically designated living level.

c. We should legislate that American businesses which operate in underdeveloped countries must give control to local leadership as soon as possible, under the provisions of the Federal Chartering concept previously mentioned.

9. Discriminating trade restrictions or boycotts must not be used as a political weapon, except such as are approved by a world body like the United Nations or the GATT.

ALBERT AND MARY LASKER AWARD

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. GIAIMO. Mr. Speaker, Dr. Edward D. Freis of the Washington, D.C., Veterans' Administration Hospital, was honored recently as a recipient of the Albert and Mary Lasker Award for medical research in ceremonies in New York City.

A significant part of the research conducted by Dr. Freis and honored through this award was done in the Veterans' Administration Hospital in West Haven, Conn., one of 17 VA hospitals taking part in a cooperative study of drugs aimed at controlling high blood pressure. The director of that part of the study conducted in West Haven was Dr. Massimo Calabresi.

According to Willis O. Underwood, director of the West Haven VA Hospital, the findings of the study led by Dr. Freis will be important in the ability of the Nation's doctors to control stroke and heart attacks, for both of which high blood pressure is a predisposing factor.

The Albert and Mary Lasker Award, therefore, one of the country's most esteemed awards in medical research, honors not only Dr. Freis but also the contributions of the Veterans' Administration hospital cooperative research team around the Nation. The tradition of cooperative research in the VA system, as well as the strong alliances and affiliations developed between the VA system and the major university medical centers, make this kind of thorough and painstaking research possible.

Just as the diversity or pluralism of our Nation's medical care industry is a strength, despite the talk of those who would homogenize health care, so the diversity of federally supported medical research efforts is also a strength, giving room for researchers to attack fundamental problems from a variety of viewpoints. As Congressmen, we cannot know whether the next breakthrough in controlling heart disease will come from the Framingham study, from the intramural programs of the National Institutes of Health, from the VA system, or from one of our private or State supported medical schools. What we can see, however, is that each part of this system has a strong operating incentive and that collectively they make this country a world leader in medicine.

I know that the Members of this House will join me in saluting the accomplishment of Dr. Freis and the other researchers involved in this VA study, as well as the VA system itself and its tradition of cooperative research, and I extend a special salute to the contributions of the VA Hospital in West Haven in this and other pioneering medical research.

NO ONE HAS THE RIGHT TO POLLUTE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. DINGELL. Mr. Speaker, for the information of my colleagues I insert the text of an editorial appearing in the Baltimore Sun of April 1, 1972, under the heading, "No One Has the Right To Pollute," appear at this point in the RECORD:

NO ONE HAS THE RIGHT TO POLLUTE

The House of Representatives, at the urging of the Nixon administration, has caved in to industry pressures on the question of water pollution. The bill the House passed retreats from the high ground the Senate took last year and calls into question the commitment of the nation to cleanse the lakes, streams and other waterways that used to and could again serve so many other needs besides those of simple sewers.

Leaving aside the several weakening modifications the House made in the details of the bill, the major cause for dismay is what it did to the concept of setting a deadline for industrial polluters. The Senate (by unanmous vote) called for industries to use by 1981 the best available technology for treating wastes that had to be emptied into waterways. The House refused to take the deadline approach, calling instead for industries to use the best available technology only if that use was deemed practical by an independent study and again written into a law by Congress. This would be a goal, not a deadline.

But in pollution control, goals are never going to be as effective as deadlines. Industries compete with each other. A plant management isn't going to install expensive pollution control equipment if it fears its competitors won't. Yet under the goal approach, there is no assurance that all plants will or will have to install such equipment. Under the deadline approach, everybody is on an equal footing.

Some opponents of deadlines say that small plants simply can't afford pollution control equipment. This suggests that they have to use rivers, bays and the like to handle their effluents. But as the Senate committee report on its bill stated, "No one has the right to pollute . . . pollution continues because of technological limits, not because of any inherent right to use the nation's waterways for the purpose of disposing of wastes." As for the small businessman who would be hard pressed to convert to a pollution free operation, the Senate bill provides for long term, low interest loans for the new equipment.

A deadline nine years off, one that only calls for industry to use the best available technology and does not set any impossible standards, is the very least the country can do to show it means business in cleaning up its water. The Senate conferees on this bill deserve support.

THE ENGINEER AND WATER POLLUTION

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. ROBINSON of Virginia. Mr. Speaker, it has long been my conviction that we can master most of the problems of environmental pollution in the United States by efficient, wide-spectrum application of our technological skills.

In this connection, I bring to the attention of the House an article by Joseph F. Lagnese, Jr., P.E., president of the Water Pollution Control Federation, which appeared in the March 1972, issue of Professional Engineer, as follows:

WATER POLLUTION CONTROL POLICY: A NEED FOR ENGINEER INVOLVEMENT

(By Joseph F. Lagnese, Jr.)

These are exciting days to be working as an engineer in the water pollution control field. After many years of public indifference, we now find ourselves in the middle of extensively increased interest and effort by all segments of society and levels of government not only to control water pollution, but hopefully to eliminate it. There should certainly be no argument against this increased interest and attention to the water pollution control needs of our nation. In fact, I believe that a true emergency and national crisis would have been imminent, if not already developed, had not this concern and national uproar of the past few years taken place. The problems, however, which have been created and which concern the water pollution control technical community, relate to the gradually increasing "middle" position to which the engineer is being relegated insofar as policy matters are concerned, and the apparent disregard for optimum solution objectives in favor of absolute and arbitrary goals.

We should be reminded that the concern for gradually decreasing engineering input to national policy matters cannot be pursued and should not be motivated by professional self-interest alone. The apparentness of such motives to the public and Congress could well prove to be counterproductive to our primary concern for the nation's benefit, as well as to any self-interest concern which may be inherently involved.

As to our concern for the pressures which are exerted for immediate and total remedies without consideration of the consequences, we must recognize and understand the frustration and deep conviction which arouses such single-mindedness. We must also acknowledge that the numerous successes of such efforts are some measure of our ineffectiveness to develop and promote the rational positions we claim to offer.

The necessary lesson for engineers in water pollution control is that we can no longer afford to communicate only with each other, as in the past. No longer can we decide among ourselves how to handle a problem and expect this decision to settle the course of action. We must also understand that both the problem and the decision are now not only of interest to us, but also to the entire country, and that we are only one of many contributors to the national debate. Accordingly, we must develop a capability not always found in engineers to effectively communicate, both with the public and the political institutions.

Although we must certainly become more effective in our discussion with all groups concerning the issues, time is running out, and we, therefore, must give the highest priority to our efforts with Government agencies and legislation. If these are effectively pursued, they might also prove to be helpful in developing a better rapport with those environmentalists who remain suspicious of engineering solutions and with the general public.

Ten years ago the Federal water pollution control effort consisted almost entirely of career professionals in the Public Health Service. These people were part of the field and worked in harmony with state and local government forces and with those in private practice. They had little power, and most of their efforts closely supported the state roles and filled in gaps where necessary. Today, the remnants of that program are almost unrecognizable. After about five reorganizations in as many years, the Federal water pollution control effort has landed, for the time being, in the Environmental Protection Agency (EPA). Continued restructuring is under way, apparently to separate all facets of the water program into functional departments such as research, enforcement, and grants.

One far-reaching effect which has evolved from all of the reorganization has been the systematic elevation of nontechnical, nonexperienced, usually legal, and many times political persons to positions of power and authority for each major responsibility, with the subsequent departure from or demotion of the experienced and scientific personnel. The career professionals who have remained are conspicuous for their presence and stamina. Ostensibly, we are told, this change was based on the logic that the past problems in water pollution control occurred when technical, experienced, nonpolitical persons were in authority; so, therefore, the replacement of the authority of experienced knowledge with the authority of law and politics would be helpful to improving water pollution control.

Although I suspect there was some benefit in this evolution of authority in that it provided evidence of change to soothe an aroused public which was demanding prompt action, I believe it is now quite obvious, even to those who fill these new positions of power in the Federal water pollution control bureaucracy, that changes in the qualifications for authority have not diminished water pollution in our country. The major debate centers on the extent of the harm and weakness that such changes provided to the national program. Our concern centers not so much on the influence of the legal mind, and even to some extent of the political one, in the development of national objectives and policies in water pollution control, but rather on the very minimal interest, let alone influence, for engineering input to the development of these objectives and policies.

This is not to say that competent and dedicated lawyers and/or politicians could not serve as effective administrators in the program. I believe the present administrator of EPA, William Ruckelshaus, with his legal and political background is an example of such competent and proper leadership. It is to say, however, that neither training in law nor experience in politics should be the prerequisite for admission to the policy-making authority of the national water pollution control program. And it is further to say that engineering, to which final implementation is inexorably dependent, must be included. An examination of the leadership of EPA, the Council on Environmental Quality, the President's National Water Commission, and the staffs of the congressional committees concerned with water pollution control matters will reveal a nearly total absence of engineering participation.

Looking back, we can also see the changes which have occurred in the legislative area. The start of meaningful legislation for water pollution control was PL 660, enacted in 1956, which introduced the concept of Federal grants for construction of water pollution control facilities. Amendments were quick to follow. Groups like the Water Pollution Control Federal (WPCF) very cautiously initiated some efforts to guide congressional action in these areas. At first, we argued for adequate congressional authorizations. Then we learned that this step meant nothing without an equal level of congresssional appropriations. After another battle, we discovered that an Administration could and did withhold funds that were both authorized and appropriated. Meanwhile, the municipalities, the states, and the entire design-construction field were being severely misled by depending on promised funds that actually were not forthcoming. A little political sophistication would have helped us a lot then. It also would have warned us that as the money would begin to come, so would the controls. And so they have.

Presently, Congress is giving consideration to the most comprehensive and far-reaching bill in water pollution control history. It involves Federal grant appropriations in the $3-to-$4-billion-per-year category and the requirement that pollutant discharges to waterways be totally prohibited by 1985—in addition to many other serious changes in present policy. As would be expected, this proposed legislation has provoked controversy, even involving EPA as an opponent to some aspects of the bill, particularly the zero pollutant objective. Nevertheless, the Senate approved its version by an 86–0 vote. Neither God, nor motherhood, nor country would likely have received such a favorable vote last November. To most of us in this field, this unanimous action on such a controversial bill, which generated warnings of some kind from practically all technical disciplines and all levels of Governmental administration, is an ominous warning of the hesitancy of Congress to take issue with matters dealing with the environment.

These altered circumstances helped convince me to make Government affairs the number one priority for my term as WPCF president. Let me quote from my keynote speech to the WPCF Board of Control concerning a proposed approach toward the administrative area of Government activity (which for water pollution control is the Environmental Protection Agency):

"First, we have to learn how to run while talking. EPA apparently sees the need to move very fast in all directions. I don't think we have any chance to have it slow up. Instead. I think we must learn to respond and to react more quickly now, and hopefully in the future, to anticipate its moves so that we may be more a force of action rather than reaction. For now we will have to settle on being effective in our reactions. To improve in this area, we must first develop more contacts in EPA so that we can shorten the travel in both directions.

"Second, I would take advantage of Mr. Ruckelshaus' remarks (to the WPCF Conference, October 1971) when he agreed that prior review of contemplated actions, such as the turnkey policy, is in order. I propose that WPCF offer the sponsorship of one-day seminars in Washington, or regionally, to attract a good cross-section evaluation of all new policies under consideration, rather than to just offer so-called official responses. This would be offered not as a means to reject contemplated policies, but rather to give EPA the opportunity to improve on the policy position in question and, of course, to provide the opportunity for the experienced technical input.

"Third, we must find ways right now to provide, for example, the technical services and guidelines to the various new endeavors of EPA which it needs and in which we must acknowledge it has indicated some desire for help. Although we cannot be sure that it, in fact, would take advantage of all our desired input to its programs, I think we have to admit that we are not always prepared."

I believe the recent turnkey controversy is a good example of the dichotomy which continues to prevail between those directly involved in actual implementation of water pollution control facilities and the Federal agency responsible for the procedures by which the Federal funds are allocated for such implementation. Accepting EPA's contention that its proposal of the turnkey concept was to improve the implementation process (even though practically every segment involved in this process believes EPA is in error in this judgment), the more disturbing facet of this action is that EPA did not apparently realize the type of response which such a proposal would generate and did not recognize the potentially disruptive effect that it would provide to the current implementation effort upon which the entire national program is dependent.

One bright side to this entire episode is that it was successful in bringing together for the first time a very strong and effective alliance of practically all of the organizations representing the engineering profession, as well as other concerned with the national water pollution control effort. The joint seminar conducted by Consulting Engineers Council and WPCF at our annual conference in San Francisco this past October was the start of this joint effort. The dialogue is apparently not over, but I believe that the evidence against the turnkey concept must start to look disconcerting to EPA's continued consideration of this approach. In fairness to EPA, I do want to make clear that although we still see many areas of disagreement with this agency, we recognize it has an vastly improved attitude of interest and earnest concern for the views of organizations and individuals outside of the Federal establishment. The improvement is particularly notable when comparison is made with the attitude that prevailed in the Federal agency which immediately preceded EPA.

As has always been the proper and correct procedure for organizations such as the WPCF to deal with Congress, we have provided our input primarily to congressional committees and have stayed away from direct involvement with Congress or its members. Although proper in the past, many aspects have changed to such a drastic extent that I believe a reevaluation is in order. For one thing, the nature of the legislation has changed dramatically in that it is far more technical. It is also no longer limited to a role of guidance and incentives to the state's responsibility, wherein the normal process provided some opportunities to interpret and guide implementation. There is also great evidence now to indicate that the environmental subject has reached a high level of political sensitivity in Congress, such that the fear of being labeled antienvironmental has considerably lessened the essential critical review of all important legislation in this area.

There also appears to be changes in the manner and extent that individuals and groups are disregarding protocol and tradition in their zeal to appeal directly to Congress for action and programs beneficial to their causes. Whereas public involvement was discouraged in the past and only politely tolerated by Congress, the present time finds a complete new attitude of Congress toward public involvement in the affairs of Government, particularly in the environmental area, and to such an extent that we now see legislation which actually encourages citizen involvement.

Therefore, I think we should now consider going further in our direct involvement with Congress than we had ever dared in the past. I am suggesting to WPCF that we now consider the development of a plan which would enable us to more effectively provide members of Congress an interpretive review of all major issues relating to water pollution control, with particular emphasis being given to the technical aspects of the issues and the consequences of both the actions and inactions of Congress.

To be effective, of course, we must find ways to ensure that the members of Congress will at least listen to our viewpoints and, hopefully, give them fair evaluation with all the other viewpoints that are being put forth, realizing that the other viewpoints might have more short-term, political attraction. To do this, we must become more proficient in understanding the political process and learn to use it to advance those viewpoints which we earnestly believe are essential to the nation.

Recently in San Francisco, WPCF Executive Secretary Robert A. Canham, P.E., discussed the need for increased effective action from concerned professional organizations. Mr. Canham emphasized the need to provide input to legislation at the earliest stages. He pointed out that merely reacting to announced legislation is relatively useless because in many cases Congressmen are already committed in their positions when public debate begins and the bill first reaches the attention of the press. WPCF is learning; some success is now evident, particularly in our approach and rapport with the staffs of the congressional committees, which although lacking in significant engineering representation, have proven of late to be perceptive to most of the considerations which we believe important, although not always agreeing with our interpretation or conclusions.

The Water Pollution Control Federation also believes that our Annual Government Affairs Seminar has developed into a successful vehicle to improve communication with Congress. For the past five years, these one-day seminars have provided opportunity to bring together representatives of WPCF member associations and the elected representatives in Washington to discuss the current issues in the water pollution control area. This year, the seminar is to be held on March 14, in Washington, D.C., and the program will deal with the intent, the implications, and the implementation of the presently proposed 1972 amendments to the Clean Water Act, more commonly referred to as the zero pollutant act. Participants in the program will include representatives of Congress, congressional committees, EPA, state government, municipal government, and consulting engineers.

Of course, similar activities are possible, and probably equally desirable in their fields, for most of America's engineering and technical societies. I note that the National Society of Professional Engineers has announced a public affairs program aimed at providing engineer leadership in the 1970's. Appropriately, a basic component of this plan is a mechanism for "environmental response" from the engineering profession.

There are, however, real draw-backs to involvement in policy for engineers and/or engineering organizations, and these should not be overlooked. It has been a very comfortable existence to deal only with the logical laws of nature. Dealing with people is less secure, especially if they are not of one's own persuasion. We must recognize that conflicts will arise, and we must be prepared to deal with unexpected disputes and harsh language as we are prepared to deal with the tricks that nature sometimes plays on us.

The inexperience of technical organizations in policy matters may lead to internal disagreements between men of good will and good sense. Again, we must remember that the engineer by tradition is a more reticent individual, with distaste for most things political, usually limiting his participation in controversy to differences in theory and technique. The argument for activism and involvement in areas of social and political controversy may certainly violate the conscience of some members of our profession. Although we should respect the rights of these individuals, we must not relent in our efforts to convince them of the seriousness of the issue to the profession and the nation, and the consequence of our inaction.

There is agreement that America faces a problem of major proportion to protect and reclaim our environment. There is also apparent agreement that this protection and reclamation, in the end, are dependent upon engineering. It is only the denial of engineering participation in the conceptual and policy areas that is in dispute. The engineering profession must, therefore, commit itself now to settle this dispute quickly by demonstrating both the need for its participation throughout the whole process and its capacity and willingness to be a useful partner, sensitive to all considerations of the interests involved.

PFC. MICHAEL DALEY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HARRINGTON. Mr. Speaker, for some time, I have been following closely the case of Pfc. Michael Daley who is being court-martialed by the Army. There is strong evidence to suggest that the decision to deny Private First-Class Daley's request to resign from the Army was motivated by anger at him for engaging in legitimate protest demonstrations, which in no way hindered the efficient functioning of the Army.

On March 27 I inserted into the Record a series of documents relevant to that case. I am inserting here a later set of documents on this matter. They include a further exchange of correspondence between myself and General Armstrong, commander of Fort Devens, a statement by the Vietnam Veterans Against the War, a questionnaire prepared by Private First-Class Daley's attorney for his defense, and two letters from Private First-Class Daley to General Armstrong.

I am particularly distressed to note evidence that the Army is preventing Private First-Class Daley from collecting information which his attorney believes is vital to the conduct of his defense. In preventing people from distributing defense questionnaires on the grounds of Fort Devens, the Army is taking an action which confirms the serious doubt I and many others feel about the legitimacy of its proceedings in this case.

At this point I wish to insert the following six documents:

DEPARTMENT OF THE ARMY,
Fort Devens, Mass., March 30, 1972.

Hon. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

DEAR MR. HARRINGTON: This will acknowledge receipt of your inquiry of 26 March 1972 concerning the general court-martial case of United States v. Private First Class E–3 Michael R. Daley.

The Acting Commander's decision to deny PFC Daley's request for administrative discharge was based solely upon the facts and circumstances of PFC Daley's offense and his record as a whole. Each commander in PFC Daley's chain of command was required by regulation to indorse his request for administrative discharge and make a recommendation based on factors that commander considered significant. Each commander's recommendation was just that—a recommendation. The Commanding General or in his absence, the Acting Commander, makes the ultimate decision of any request for administrative discharge. That decision is made on a case-by-case basis.

There was no relation between PFC Daley's political protest activities and my decision to refer this case to trial by general court-martial. At the time I made the decision to refer this case to trial, I was completely unaware of PFC Daley's protest activities. The fact that the referral to trial took place on a date subsequent to a demonstration in which you indicate Michael Daley took part was merely a fortuitous coincidence. The delay incident to the referral of charges to trial in PFC Daley's case resulted from the necessity to gather evidence and records upon which a prosecution, or indeed a defense, could be based. Each case that is referred to trial by general court-martial is referred on an individual basis. There are *no* established guidelines imposed on this process by myself or anyone else. My decision to refer this case to trial was based on Michael Daley's protracted unauthorized absence totaling 438 days. The decision was completely within my discretion as the General Court-Martial Convening Authority, and was made after careful consideration of all facts concerning Michael Daley's offense.

As with the administrative process, subordinate commanders merely make recommendations as to the appropriate judicial level at which to dispose of a military offense.

There are no statistics available concerning the percentage of individuals granted administrative discharges versus those referred to trial by court-martial. These statistics are not kept. In many cases, individuals are referred to trial and then granted administrative discharges. Both the administrative and judicial actions are processed concurrently on an individual basis.

I hope this satisfactorily answers your inquiry. Be assured that your continued interest in PFC Daley's case is most gratifying and if I may be of any further assistance, please do not hesitate to contact me.

Sincerely yours,
DEWITT C. ARMSTRONG III,
Brigadier General, USA, Commanding.

HOUSE OF REPRESENTATIVES,
ARMED SERVICES COMMITTEE,
Washington, D.C., April 11, 1972.

Brig. Gen. DEWITT C. ARMSTRONG,
Department of the Army,
Headquarters, Fort Devens,
Fort Devens, Mass.

DEAR GENERAL ARMSTRONG: Thank you for your prompt reply to my most recent letter.

I was on an inspection tour of Vietnam and Thailand when your letter arrived, and consequently this response is delayed.

While I appreciate the trouble you took in writing to me, I do not believe that your letter was fully responsive to the questions posed in my letter of March 26. I am particularly interested in learning which officers were involved in recommending the referral of PFC Daley to court-martial, and to what extent their duties would have brought them into contact with his protest activities, prior to the court-martial decision. I am equally concerned to learn why Colonel Theriault's obviously improper allusion to PFC Daley's protest activities was in fact "noted" by those who decided to deny his request for a discharge.

Finally, in your answer to me you note that the decision to refer PFC Daley for court-martial was delayed by the need to gather evidence and records on which the trial could proceed. I would very much like to know whether such documents were in fact in your hand at the time of the decision to proceed to a court-martial.

On a related point, I have been informed that representatives of PFC Daley who were seeking to distribute a questionnaire prepared by his attorney for use in his defense were prevented from doing so by military police at Fort Devens. I urge you as strongly as I can to see that this does not recur.

Certainly the Army does not wish to appear to be hindering the preparation of the most effective defense, a right which is guaranteed to PFC Daley by the Constitution. As the facts were related to me, I see nothing in the distribution of a defense related questionnaire which is in any way disruptive of the functioning of Fort Devens, and I can find no justification for an official refusal to allow it.

Yours sincerely,
Michael J. Harrington.

Fort Devens, Mass., *April 3, 1972.*

Brig. Gen. D. Armstrong III,
Post Commander,
Fort Devens, Mass.

Dear General Armstrong: I respectfully notify you that beginning Friday, April 7, 1972 through Thursday April 13, 1972, a group of friends organized in my defense plans to obtain information pertinent and crucial to my defense at general Court Martial.

This will involve the distribution of the enclosed questionnaire and the statement in the *Congressional Record* of March 27, 1972 by Congressman Michael Harrington.

I trust that your utmost regard for the executive branch of our government and President Nixon's view that—"servicemen are citizens first and soldiers second. In his speech at the United States Air Force Academy graduation ceremony in June of 1969,—will insure that this group of people be afforded every courtesy in compiling the necessary information regarding my defense.

We plan to set up a defense table in front of the main Post Exchange so as to enable us to better distribute this defense questionnaire.

Our purpose in distributing the foregoing questionnaires is to gather defense data and to obtain necessary defense witnesses.

Thank you for your cooperation.

Most sincerely,
Michael R. Daley.

Defense Questionnaire—Pfc. Michael R. Daley

You may have information pertinent to Pfc. Daley's defense. Pfc. Michael Daley and his defense committee ask that you please answer the following questions and return this defense questionnaire to the Pfc. Daley Defense Action Committee.

(1) Do you have any information pertinent to how Brigadier General Armstrong can state that Pfc. Michael Daley's political activities "although noted, were not a factor" in Col. Robert Pearson's deciding that Pfc. Daley should be court-martialed?

(2) Do you have any information or statistics revealing the extent to which Brigadier General Armstrong or Col. Pearson is prejudiced against persons who have been AWOL from overseas replacement station? Have you ever heard General Armstrong say that he considers persons AWOL from overseas replacement station in the same manner as he considers persons who desert on the field of battle?

(3) Have you ever heard General Armstrong or Col. Pearson or any other Fort Devens official make racist statements or use racist epithets or tell racist jokes or make a statement to the effect that Pfc. Daley should be hanged for publicly advocating black rights at Fort Devens (i.e., the general court-martial of Pvt. Roosevelt Clady)?

(4) Have you ever heard any official at this post make a statement to the effect that Pfc. Michael Daley should be hanged for exposing substandard, disease-ridden, filthy, rat-and-roach infested enlisted men's barracks at Fort Devens?

(5) Have you ever heard Col. Pearson, Deputy Post Commander, state that he does not intend to allow personnel at Fort Devens to "wash the Army's dirty linen in public," or words to that effect?

(6) Have you ever heard General Armstrong or Col. Pearson or any other Fort Devens official make a statement to the effect that they were going to throw the book at Pfc. Michael Daley for shooting off his mouth to the press?

(7) Are you satisfied with your living conditions (i.e., hot water, heat, privacy, food)?

(8) Do you have any information regarding Pvt. Roosevelt Clady's three medical profiles and what may have happened to them after a Congressional inquiry about his medical condition was initiated?

(9) Have you ever heard anyone, officer or enlisted man at this post or elsewhere, state that the military jury or the judge that is to try Pfc. Michael Daley was instructed by the Fort Devens command to convict him and give him a maximum sentence?

(10) Do you know anything of communications between or directions from the Department of the Army (Pentagon) and Fort Devens, Massachusetts, with regard to Pfc. Michael Daley, the general court-martial of Pvt. Roosevelt Clady, or the demonstrations protesting the living conditions at Fort Devens, Massachusetts?

(11) Do you wish to submit your name as a potential character witness for Pfc. Michael Daley? If so, please sign here:

Name ———.
Rank ———.
SSAN ———.
Unit ———.

(12) If you wish to join the Pfc. Michael R. Daley Defense Action Committee, please check below:

Officer ———.
Enlisted ———.
Civil service ———.

Please return this questionnaire to The Pfc. Michael R. Daley Defense Action Committee, 116 W. Main Street, Ayer, Massachusetts 01432, or 367 Harvard Street, Apt. 1, Cambridge, Massachusetts 02138. Feel free to call (617) 772-0084, or (617) 876-3876.

Pfc. Daley Defense Action Committee,
Cambridge, Mass., April 9, 1972.

Brig. Gen. DeWitt Armstrong III,
Commanding General,
Fort Devens, Mass.

Dear General Armstrong: On Saturday, April 8, 1972, two of my defense workers were assisting me in the lawful preparation of my defense of my pending general court-martial at Fort Devens. My aides were passing out "defense questionnaires," to members of your command in front of the Fort Devens Post Exchange. The purpose of the questionnaire, as I have previously advised you, was to secure evidence and additional military witnesses at Fort Devens to prove command fraud in your referral of my AWOL charges to general court-martial at Fort Devens.

On the afternoon in question my aides had hardly passed out thirty questionnaires to Fort Devens soldiers when they were suddenly set upon by your military police, and told that pursuant to your order they could not pass out the questionnaires at Fort Devens! They were arrested, hauled to the Provost Marshall's office, physically assaulted, finger-printed and mugged. My defense product (i.e., the defense questionnaires), was removed from their possession by force and one of my aides was actually *handcuffed*. After three hours of harrassment and false imprisonment, my aides were released and the questionnaires returned to them—and they were ultimately escorted from the post.

On the previous day, Friday, April 7, 1972, as I am sure you are also aware, other defense workers in my case were summarily ordered to cease distributing the same defense questionnaire in front of the Fort Devens Post exchange but they were not otherwise harmed or physically intimidated.

I must call your attention to the fact that I forwarded you a copy of the questionnaire on April 3, 1972, advised you of its intended purpose and furnished you the time and date that my defense committee would distribute the defense questionnaire at the Post Exchange at Fort Devens. Thus, I find it beyond comprehension that you would intentionally block the lawful gathering of defense evidence in my case through the simple expedient of force and physical intimidation.

I therefore request, respectfully, that the intimidation of my defense efforts and of my defense co-workers at Fort Devens be terminated, and that I be permitted to continue the lawful preparation of my defense without fear of bodily harm or command reprisal.

Very truly yours,
Michael R. Daley.

Vietnam Veterans Against the War,
Cambridge, Mass., April 5, 1972.

The Viet Nam Veterans Against the War (VVAW) deplores the decision of Brigadier General DeWitt Armstrong, Commanding General, Ft. Devens, Massachusetts, to court martial Private Michael Daley on charges of AWOL. We feel that the Army's motives in bringing Private Daley to trial are suspect and should be subject to the most rigorous examination by the press, by Congressmen, and civilian authorities in the Defense Department itself. We feel that the Army's clear oppression of Private Daley, through a punitive court martial, is because he has on several occasions participated in legal public demonstrations against living conditions and racial discrimination at Ft. Devens as well as the Viet Nam War. The VVAW strongly objects to this attempt by the Army to supress lawful dissent and to use the threat of court martial as a means of intimidating soldiers from excercising their Constitutional rights. It is only through the most widespread distribution of Private Daley's defense questionnaire at Ft. Devens that the truth can be brought to light in this case.

In addition, we feel that Private Daley's refusal to fight in Viet Nam, on grounds of conscience, was a courageous act. Had more of us veterans taken similar action, the tragedy of the IndoChina War might have been averted and the 55,000 Americans who died in that conflict might be alive today.

It has long been our view that those who refused to fight in Viet Nam—either by fleeing to sanctuaries abroad, going AWOL from overseas replacement stations (as in the case of Private Daley)—should be given full pardon and amnesty. In accord with this belief, we feel that all charges against Private Daley should be dropped and his court martial, now scheduled for April 13, halted.

This afternoon the VVAW will formally request Senator Sam Ervin (D-N.C.), chairman of the Senate Subcommittee on Constitutional Rights, begin a full-scale investigation into the circumstances surrounding Private Daley's confinement, indictment, and court martial.

We request that the Armed Services Committees of both houses of Congress conduct an in-depth investigation into barracks conditions and instances of racial discrimination at Ft. Devens.

STATEMENT OF REPRESENTATIVE JOEL T. BROYHILL ON THE 80TH BIRTHDAY OF CARDINAL JOZSEF MINDSZENTY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. BROYVHILL of Virginia. Mr. Speaker, today I am joining with my colleagues in congratulating a hero of Hungary, of the Catholic Church and of the fight for human rights and dignity everywhere, the aged but still active and spiritually unbroken cardinal-primate of the Hungarian Catholic Church, Jozsef Mindszenty, at his 80th birthday. I wish him many happy and healthy returns and a fruitful pastorate and further work toward the realization of individual and church freedoms in his native country.

He has celebrated, if we can properly use the word, in the twilight of his worldly career. Cardinal Mindszenty is still deprived from his office to which he was legally appointed by the Pope and the Hungarian Government in 1945, his unjust and unfounded sentence has still not been quashed by the Budapest government, and the conditions of his stay in Austria still forbid any political activity, even to the degree that his most recent pastoral letter was criticized by certain Austrian press organs more interested in appeasing the Soviets and the Communist Hungarian Government than honoring a great man in their midst.

Cardinal Mindszenty has, without complaint, assumed responsibility for his people during all his career. He refused to compromise with totalitarianism, be it from the Left or from the Right, he remained true and loyal to the Christian principles of neighborly love and the human dignity of each individual. Over and beyond this he remained a Hungarian patriot, not in a nationalist sense of the word, but in the sense of an all-encompassing love of his community and people. For this reason he has suffered more than many of his unfortunate countrymen, but for this reason, too, he has become a living symbol for Christianity and humanism in Hungary all over the world. His memoirs, which are just about completed, will span three generations of Hungarian and world history, so important in making the country what it is today.

All Hungarians, spread into all the lands of the world, are a proud people with a history of many centuries of independence and struggle. They remain proud of their cardinal-primate who has fought for the independence of his country external and internally through sermons and personal example as well. They still look to him as their moral and spiritual leader to help them in their gradual struggle against oppression of a "foreign government."

At this time, it is fitting and proper to use the cardinal's own words as a message of hope, words he had spoken to his mother before submitting to arrest by the Rakosi regime. He said:

> No need to worry, everything will be all right. All we need is to pray.

SOVIET JEWS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. GUDE. Mr. Speaker, the suffering of Soviet Jewry continues unabated. Congregation B'nai Israel in my district has "adopted" the Hillel Butman family and is most concerned with their well-being. Hillel Butman has been interred in a labor camp.

I would like to insert at this point a report of a conversation between Mort Yadin of Congregation B'nai Israel and Mrs. Eva Butman and copies of the telegram which was sent to Ambassador, Hon. Anatoly Dobrynin that has so far gone unanswered.

I commend Congregation B'nai Israel for its concern and vigilence in exposing the cruelties and abuses suffered by the Jews under the Soviet system. The material follows:

CONVERSATION BETWEEN MORT YADIN AND EVA BUTMAN (WIFE OF HILLEL BUTMAN, INTERNED IN POTMA LABOR CAMP), MARCH 21, 1972

M. Hello, Eva. Did you visit your husband on March 17th?

E. Yes, I visited him on the 17th, 18th and 19th. On Monday, March 20th, after I left my husband with my escort, Oleg Secheravi, and we arrived at the Potma station in order to go back to Leningrad, we were taken to a militia station and detained on the basis of a fake document which was a provocative document prepared in advance. According to this false document, they said that we had some stolen diamonds and other valuables hidden on us. They conducted an internal and external search. Our request that they should call the prosecutor or produce a search warrant was ignored. And, I was beaten up.

M. Excuse me, were you beaten up?

E. Yes, I was beaten up. I was hit on the face, and my head was hit against the wall. All my face is disfigured and swollen.

M. Did they find anything on you?

E. No, on me, personally, nothing was found.

M. So they beat you up and let you go?

E. In some way they claimed that they found on my escort some notes that were allegedly written by my husband. I also wanted to tell that when I went to visit my husband, I took with me letters from our friends and relatives in Israel. Before going to visit my husband, I turned them in for an inspection so that my husband should be able to read them. After the visit, this correspondence was not returned to me. During the search, all of a sudden, this correspondence was found in the personal belongings of my escort, Oleg Secheravi. Also, they found some notes which were allegedly written by my husband (the handwriting was not my husband's). The search lasted for six hours, 2–8 p.m.; and, of course, no diamonds were found. After the search, two K.G.B. agents arrived, Stochenko and Lovin. Stochenko interrogated me. He asked how it happened that these notes got into the possession of my escort. He said these notes were written by my husband and that my husband will have to pay for this and will get it. Do you understand?

M. Yes, I understand.

E. Today I will send a telegram to the camp commandant, Colonel Osipov.

M. I had a telephone conversation with Col. Osipov.

E. When?

M. On February 24th.

E. What did he tell you?

M. He did not give a reply to any of my questions. He said, "All questions concerning prisoners have to be addressed in writing to the Association of the Russian Red Cross. I cannot give any information concerning prisoners over the phone." I told him that in Washington everything is known and all the information will be relayed to President Nixon.

E. (she burst into tears). Please relay to the President that he should help the prisoners and that they, and we, should not perish here!

M. Do not worry, you will not perish; and we will not forget you. I will give all this information to the Press.

E. On February 11th, Penson's mother came to visit him.

M. We know of this incident. The authorities told her that the room for visitors was not ready yet; and after traveling all the way to Potma, she had to go back.

E. There was a four day hunger strike because Misha Shepshilovitch was not permitted a visit by his mother. For a hunger strike there is no prescribed punishment. You can only get solitary confinement. But they got punished anyway. Their extra food was taken away for a whole month. Extra hard labor, carrying of lumber, is done by *Zaslavsky, Penson* and *Kirshner*. They were working with their brigade and performing their quotas 100% and over. In spite of this, they lost their special allowance of two rubles, which they get when the prescribed work quota is done. With this they can buy additional food. Zaslavsky, Penson and Kirshner are not getting their two rubles. *Misha Shepshilovitch* is working in painting; and, although he performs his quota, he also does not get his two rubles.

M. What else?

E. *Anatoly Goldfeld* is being threatened that he will not receive his parcels which he is supposed to receive after three months. Even the two parcels which a prisoner can receive a year are being threatened. *Lev Yagman's* health is still serious, and it has to be brought to the attention of the International Red Cross. After he left the hospital, he was supposed to get light work, but the doctor did not give a sick ticket; so he has to do hard labor. The only medication that he gets is drops to relieve his heart pains. When he was in the hospital, the doctor promised to assign him to light work; but, when he left the hospital, the promise was not kept. *Victor Bugoslavsky* also had a heart attack. Now I can tell you about their diet.

M. Most probably borscht and black berad.

E. Breakfast: ½ litre of meatless, watery soup. Lunch: 200 grams of peas or oats, which are fit for cattle to eat, or some kasha. 200 grams, that's all. Supper: 20 grams of what they call fried fish (it does not look like fish) and some rotten potatoes (they even give them plates in which to throw the potatoes because they know they're not edible) and 15 grams of sugar per day.

M. Did you receive my letter?

E. Yes, I received your letter where you informed me that Mr. Goldkind sent me a parcel. I have, as yet, not received the parcel.

M. You will, most probably, get it soon.

E. Thank you very much. I told my husband that we have such good friends in Washington.

M. Did you receive the photograph of Hillel's chair that I sent you?

E. Yes, I received the letter with the photograph.

M. I also sent you a letter on December 15th. You did not receive this letter?

E. No, the December letter I have as yet not received.

M. I sent you a letter on February 29th, and I got the return receipt dated March 10th, signed by you. Is it your signature?

E. Yes, it is my signature. It is very good that you sent your mail registered with return receipt.

M. This is what we always do. If the letter is not delievered and is not returned, the Soviet government has to pay a Fifteen Dollar fine.

E. Wonderful, wonderful. Very good. I told Hillel that we have wonderful "relatives" in Washington and that I found a good "uncle" who is concerned about us; and he was very glad to hear about our warm "relatives".

M. We will let the Press know what happened. Did you complain to the authorities?

E. Today I will write a complaint to the Minister of the Interior, Shokolov; and I will also send a telegram to Colonel Osipov, commandant of the camp where I will say that I was illegally detained and searched illegally, internally; and also that the K.G.B. agent, Stochenko, threatened to dispose of my husband in the appropriate manner.

M. How does Hillel feel, himself?

E. Fair. He does not have any appetite. I brought some good food. He looked at it, but did not eat any. He lost his appetite and his desire to live.

M. Do you know if the Prisoners receive the parcels that we send from America?

E. Let me give you an example. A food parcel was sent to *Aron Shpilberg*. The parcel was shown to him, and they said that they would store this parcel with his personal belongings; and when it rots, they would throw it out. Shpilberg asked that parcel be returned, but they said, "No, it will rot with personal belongings, and then we will throw it out." Hillel got a Fifty Dollar draft and made arrangements for me to receive his power of attorney in order to cash the draft; but I have not gotten the power of attorney. I think that I will receive it.

M. Some money has been sent to you. Did you receive this money?

E. Yes, yes, I received the money; and it is very helpful. I am very grateful, for I could not do without it. Please thank all my "relatives" for it.

M. I will give all your "relatives" regards, and I will also ask your "relatives" to relate your predicament to President Nixon.

E. Now, please listen. The conditions in the camp are unbearable. The prisoners live 40 to a barrack, and they are not allowed to visit their friends in another barrack. If, even by accident, they happen to be in another barrack, another prisoner comes out and reports this to the authorities. Usually this other prisoner is a former Nazi who was responsible for the deaths of thousands of Jews. Immediately, a prison controller appears, and our boys are punished severely for this prison infraction. There is a lot of anti-semitism in the camp.

E. It would be beneficial if our prisoners could be separated from the other prisoners, since they consider themselves foreigners. Our prisoners have no future in the Soviet Union and do not want to have any ties with the U.S.S.R. Their future and ties are with Israel.

In your conversations with your governments or organs of the Red Cross, please stress that these prisoners do not want to have any ties with the Soviet Union, and they are in the camps for reeducation. Why reeducate them when they want to leave the Soviet Union and have no ties with the U.S.S.R.? If they would be let out, everybody would benefit—our husbands, their families and the Soviet Union—since the prisoners no longer consider themselves citizens of the U.S.S.R. and do not want to live in the Soviet Union.

M. We are writing to the International Red Cross, but it is unfortunate that the International Red Cross does not have a representative in the U.S.S.R.

E. Is it possible to have come kind of International inspection of the camps?

M. We are trying. We are sending letters and telegrams. I think that President Nixon will help.

E. We have great hopes in President Nixon.

M. He wrote a letter to Ruth Averbach (Alexandrovitch) and told her that he sympathized with the Jewish problem in the U.S.S.R. and the condition of the prisoners and that he would raise the issue during his Moscow visit. This letter was broadcast by Voice of America to the U.S.S.R. Did you hear it?

E. No, I did not. Do you know the time and the waves of these broadcasts:

M. No, I do not know. Do you listen to Kol Israel?

E. Yes, definitely, every day.

M. Two times a week the Voice of America broadcasts to the Soviet Union on the subject of Soviet Jews. The broadcasts are in Rusaisn. Do you work?

E. Yes, I still work.

M. Where do you work, and in what capacity?

E. I work as an engineer. This is my second job. I was fired from my first job, and I do not know how long they will keep me here.

M. You have my address. Please write me a letter and mail me photographs of Hillel, yourself and your daughter.

E. I will definitely write you a letter.

M. The next call will be on Saturday night, April 1st, which is Passover.

E. Have a happy Pesach and wish all our "relatives" a happy holiday.

M. Be healthy and do not lose your spirits. We will not let you down!

[Night letter]

Ambassador Anatoly Dobrynin,
Embassy U.S.S.R.,
Washingon, D.C.:

On March 20, Eva Butman wife of Jewish prisoner Hillel Butman was interrogated, searched, threatened and beaten by KGB agents Stochenko and Lovin after visiting her husband in Potma prison camp. As congregation which adopted the Butman family we protest this Hitlerite terror tactic against defenseless woman and request assurances it will not reoccur. Committee of this congregation requests meeting with you to discuss matter. Please advise convenient time and date of such meeting.

Henry Segal, *Rabbi,*
Willard Mazie, *President,*
B'nai Israel Congregation.
Washington, D.C.

UNEMPLOYED PH. D.'S

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HARRINGTON. Mr. Speaker, one of the most serious and all encompassing problems plaguing our Nation today is that of raging unemployment. The statistics clearly show that unemployment is a condition known to all segments of our society, including the very highly educated. Indeed, there is an increasing number of unemployed Ph. D.'s, especially those holding degrees in the disciplines of the sciences. After having assumed that their degree would hold the key to an exciting career, these doctorate holders find that they are unable to realize their job expectations for there are a decreasing number of opportunities available to them in the biological, physical, and engineerng sciences. The oversupply of Ph. D.'s is most certainly a disturbing fact and reflects the more general current economic crisis.

While the surplus of Ph. D.'s continues to grow, so does the shortage of medical manpower. Just 2 years ago the Carnegie Commission on Higher Education characterized this shortage as being the "most serious in any major occupational group." The Commission estimated that 50,000 more physicians were required to meet the Nation's health needs. It went on to recommend that there be a 50-percent increase in enrollment in medical schools over the period of the next 10 years.

Perhaps the primary reason for this critical shortage lies in the fact that there is, quite simply, a "lack of space." to build more medical schools and expand existing institutions. However, The obvious solutions to this problem are these steps take considerable time to implement. Certainly this is necessary, even imperative, but because of the intensity of the problem, a shorter ranged answer is demanded. The concept of reducing the period of time that it takes to earn a degree in medicine is an excellent interim answer.

In line with this approach, a survey was recently conducted by the Association of American Medical Colleges which showed that while many schools offer informal programs of acceleration to their students on an individual basis, about 26 schools offer a more formal program wherein a student can receive his degree in less than the normal 4-year time allotment. These schools include:

Length of time required for M.D. degree

	Years
University of Alabama	3
Albert Einstein	3
Baylor	3
University of California (Irvine)	3½
University of California (San Francisco)	3½
Dartmouth	3
Duke	3½
Indiana	3
Loyola (Stritch)	3¼
University of Kansas	3
Meharry	3¼
University of Minnesota	3
University of Nebraska	3
University of North Carolina	3
Medical School of Ohio in Toledo	3
Ohio State University Medical School	3
University of Pennsylvania	3
Rush	3
University of South Carolina	3
Stanford University	3½
SUNY (Syracuse)	3½
University of Tennessee	3¼
University of Texas (Houston)	3
University of Texas (Galveston)	3
Medical College of Virginia	3
University of Washington (Seattle)	3

Generally speaking, the student response has been more than enthusiastic, and the number of graduating physicians will increase as a result. These schools are to be commended for their successful efforts.

A more dramatic alternative has been offered by the University of Miami School of Medicine. This school has launched a unique training program which bridges both the problem of the shortage of medical manpower and the problem of the unemployment-underemployment of Ph. D.'s. This program, which was initiated in July of 1971 and is under the direction of Dr. William J. Whelan, chairman of the department of biochemistry, seeks to retrain Ph. D.'s holding degrees in the biological, physical and engineering sciences and brings them to M.D. status within a 2-year framework. It is based on the belief that several of these Ph. D.'s, who are otherwise unemployed, have already fulfilled most of the requirements of the first 2 years of medical school by virtue of their Ph. D. requirements. Dr. William J. Harrington, chairman of the department of medicine says:

> What it takes to get through medical school is not so much background, although that is important, but the learning discipline. If a person has had to do a lot of studying on his own, which is true of most graduate students, he becomes highly disciplined, well-structured in his learning habits. What we're teaching here are medical concepts, and these Ph. D.'s have the ability to learn the details on their own.

Those accepted into the special program pursue a preclinical curriculum tailored to their individual needs which brings them up to the proficiency level of the regular third year students, enabling them to obtain degrees of doctor of medicine within a total period of about 18 months. Currently 20 students are enrolled in the program and all are reported to be progressing extremely well. The students are right on schedule and it is expected that all of the 20 students will graduate in December of this year.

The program's success is attested to by the fact that some 5,000 have expressed interest in the program for next year, and 1,000 have submitted completed applications for a maximum of 20 slots. Fifteen other medical schools have shown an interest in this experiment and although they are in more or less a "watchful waiting" stage, these schools are eager to see the Ph. D./M.D. program succeed.

The advantages to the program are plentiful. Not only does the program create a channel through which the number of doctors can be increased expediently, it provides an opportunity to cope effectively with the surplus of Ph. D.'s in the sciences. Too, this project is an excellent example of converting from a defense to a civilian-oriented economy in that many of the individuals who would conceivably enter this program are the same individuals who might, and did, do research for the defense industry. The University of Miami School of Medicine is to be congratulated for its ingenuity and creativeness with regard to the program.

But there is no reason for this program to be restricted to the University of Miami, and the staff there fully agrees. They do not want to monopolize the program. They are more interested in reducing the physician shortage and in certifying the greatest number of doctors as soon as possible without jeopardizing the quality of education.

I would like to see this program instituted at as many of the existing 113 medical schools as possible. If each school would undertake this project on a formal basis, we would have over 2,000 newly qualified physicians, over and above the normal number graduating, in a relatively short period of time.

However, this undertaking costs money to implement, and more often than not, there is not enough money available to carry out creative and innovative ideas, such as this one. That is not the case here. In November of last year, the Congress acted on the Comprehensive Health Manpower Training Act, which among other things, provides money for programs like the Miami one. The act specifically states in section 770 and again in section 772 that—

> The Secretary may make grants to assist schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, and podiatry in meeting the costs of special projects to—
>
> "(1) effect significant improvements in the curriculums of any such schools (including projects to shorten the length of time required for training in such schools), with particular emphasis, in the case of schools of medicine or osteopathy, upon the establishment of new, or expansion of existing, programs for training in family medicine;"

It is clear that the money is available; now it is a question as to whether or not the funds will be expended for this purpose. I strongly urge Secretary Richardson to see to it that they are.

There is a great shortage of doctors in this country now and the shortage will become more acute. At the same time there is a pool of talent in our Ph. D.'s that is not being used to its potential. The Ph. D./M.D. program offers a real alternative to help alleviate both problems. I would hope that the Secretary would act diligently to see that the available funds are spent for the purpose of converting these doctors of philosophy to doctors of medicine.

VOCATIONAL EDUCATION IS NEEDED IN OUR SCHOOLS

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HANSEN of Idaho. Mr. Speaker, the Nation is becoming increasingly aware that the value of occupational training cannot be overemphasized. In my service on the House Education and Labor Committee for the past 3 years, and as chairman of the Republican Task Force on Education and Training, I have been deeply impressed by the need to encourage vocational education in this Nation. The evidence overwhelmingly indicates that our most pressing manpower needs for the 1970's will come in the subbaccalaureate skilled, technical, clerical, and paraprofessional occupations. As the National Advisory Council of Vocational Education stated recently:

> At the very heart of our problem is a natural attitude that says vocational education is designed for somebody else's children. . . . We have promoted the idea that only good education is an education capped by four years of college. This idea by our values, or aspirations and our silent support, is snobbish, undemocratic, and a revelation of why schools fail so many students.

With these thoughts in mind, I was very impressed by an article which appeared in the Community Forum section of the South Idaho Press, on March 10, 1972. Lovell Turner is the principal of Burley Junior High School, and in this article he addresses himself to the problem I have noted. It speaks for itself, and I commend it to the attention of my colleagues. Mr. Speaker, I insert the article in its entirety at this point in the Record:

Vocational Education Is Needed in Our Schools

(Editor's Note.—This is another in a continuing series of weekly columns written by local and area people on topics of current or general interest. This column was prepared by Lovell Turner, Burley Junior High School principal, and tells about an area of education that is seriously lacking and vitally needed in Cassia County and other areas of the state and nation.)

I express my appreciation for the invitation to offer my small contribution to the community forum this week. It was suggested that I discuss vocational education which is coming more to the front in our educational system. I am sure this is coming about because of the fact we have continuously become more and more academic and college oriented.

Let's look at one subject area, such as mathematics where we have used for the past several years, the Orleans Prognosis Tests to predict probable success of students about to enter algebra and geometry. While teaching algebra eight years ago we used a raw score of 26 points on this test and this would divert 25 per cent of the students into general math and thus delay entry into algebra pending a year's maturity. This score was common throughout the county.

With the advent of modern math coupled with the dropping of some of the basics of algebra and geometry into grade seven and eight, it took only five years to raise this 26 score to 53. In other words 75 per cent of our incoming ninth graders had more than doubled their score on the same nationally validated test in a span of about five or six years.

Yes, I am quite sure all of our Cassia County schools are doing a better job than ever, for our academically oriented, or college bound student. Because of this emphasis and the extreme competition, we are finding an increasing number of our students, upon reaching junior high age, unable to achieve the success enjoyed by these better scholars. We find much the same condition developing in other subject areas of the core program.

We at Burley Junior High attempt to solve these problems through various programs of developmental reading, special achievement, or special education, and in addition, do some grouping in upper and lower levels in some subject areas. In spite of all we do, we find many academic classes with a group of high level achievers and another group who needs special help. It is difficult for a teacher to reach both levels. There are many reasons for low achievement, among these are slow development, maturation, poor attendance, illness, motivation or a general indifference to school. Nearly every boy who withdraws from school has previously received one or more failing grades.

In years gone by, our school activities were the most exciting thing we did all day, but we find now that due to transportation, communication, television, and availability of money to participate in their many activities, school is not now as exciting in comparison. I agree with many who say that the most important contribution to a student's education is a good teacher in a classroom, but I find it necessary to add to this a "relevant and meaningful curriculum."

Yes, we have a surplus of degrees, and white collar workers and it is time to place emphasis and importance on the skilled and semi-skilled blue collar workers in the trades and industries. It is time to expand our vocational educational programs for all students. Junior high school is the exploratory age and the state recommended program in industrial arts is set up in six-week blocks, enabling a student to get just a little insight and experience, and the high school program is expanded to a semester basis, for each offering. Space will not permit an outline of a full vocational program, so I shall select only one area to consider, and this is industrial arts. These programs are presently limited in the state for the following reasons: 1. Educational philosophy of the community. 2. Resources available (money, facilities, etc.) 3. Needs of the community. 4. The capabilities of the teacher.

Typical offering in industrial arts are as follows in a junior high: (six weeks courses)—planning art sketching, wood craft, art metal, plastics, leather craft, basic electricity, (nine weeks)—mechanical drawing, bench wood working, bench metal, electricity, grade nine (nine weeks each)—mechanical drawing, metal power work, mechanics, graphic arts. An industrial education sequence is presently being expanded in the state's high schools but let's look at a few areas recommended for high school seniors. (Two periods a day) metal working, advanced welding, new materials and processes, advanced electricity, electronics, radio and television, electronics, circuits and devices, advanced drafting, architecture, illustrative drawing, and descriptive geometry.

"Industrial-vocational education is a branch of vocational education which is concerned with preparing persons for initial employment in a wide range of trade or industrial occupations. Special industrial education is a branch of the industrial vocational program consisting of courses which provide occupational training for students with special academic, social, or economic needs. Industrial arts provides a broad, comprehensive study of industrial fields and materials that enables students to identify and develop interests and abilities for a wiser choice of further education, whether it be vocational, technical, or professional."

In Idaho, industrial arts does not receive special funding, however, three vocational areas do. These areas are vocational ag., home ec., and business education. Burley High School initiated an excellent vocational education two years ago, offering auto mechanics, advanced welding, metal work, etc. Inadequate facilities and equipment prevents it from being state funded as a vocational offering and places it under the industrial arts program. Eighty boys are in the program and 76 boys were turned away because of limited facilities, and many are turned away from the junior high industrial arts program for the same reason. The state is presently writing up and ready to fund vocational educational programs in auto mechanics, consumer electronics, body and fender consumer appliance (repair) and general industrial mechanics. Only a few large high schools in our state will get these programs because they require very expensive equipment, and facilities along with special instructors which are in short supply, coupled with the fact that for obvious reasons, class loads are generally kept to less than 20 students. Yes, these programs are costly, but we need to provide for all students. We need to expand our present efforts in vocational education and make our schools more meaningful and purposeful for more of our Cassia County students. We all need to re-assess our educational objectives and place the skilled or semiskilled worker in the trades, the proper perspective, and lend prestige equal to that enjoyed by our white collar workers. Auto smoke, welding rod, electrical solder, and tape have a much greater holding power for many students than does chalk dust, erasers and textbooks.

An average sized comprehensive high school of about 1,000 students could offer both the vocational and college preparatory, where students could group their classes in one or the other areas, or combine both areas into their educational program. For instance, a prospective engineer could take physics as college prep and also get electrononics from the vocational department. It is time to gear our elective programs more closely to student needs and interests. I am sure it will be a paying investment which will produce self-sustaining adults, willing and able to contribute to the nation's economy.

HANDICAPPED STUDENTS MAKE OLD PHONE CORDS GOOD AGAIN

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. KARTH. Mr. Speaker, I am pleased to again report to you another successful venture involving the employment of handicapped persons by the Occupational Training Center in St. Paul, Minn.

This center, Mr. Speaker, is providing many handicapped people in the Twin Cities area with their first fulltime job. This is done in addition to the other services provided for the handicapped. The value of the center in terms of the handicapped persons self-respect and in giving him the opportunity to be a contributing member of our society is immeasurable.

What is also important is that the Occupational Training Center is answering two important questions in its work.

One, the jobs that the handicapped are performing are worthwhile and useful. Mr. Speaker, they are not dead end, make-work jobs.

Second, the center is not seeking charity by taking jobs normally performed by nonhandicapped people off of the general job market. Rather they are identifying areas and services that are not presently being done by any other businesses.

One example of this was the subject of another report on the center I made to you and our colleagues. This was the recycling center that was established in cooperation with Hamms Brewery and the Coca-Cola Bottling Co.

The subject of my report today is a joint venture between the center and Western Electric through the local offices of Northwestern Bell.

I now, with pride, insert on the RECORD a full report of this successful operation as it was reported in my district:

PROJECT FOR HANDICAPPED STUDENTS—MAKING OLD TELEPHONE CORDS GOOD AGAIN

A unique program in St. Paul is helping Western Electric salvage more than 300,000 telephone cords a year for Northwestern Bell—and preparing many mentally retarded and physically handicapped persons for their first full-time jobs.

Each month, some 50,000 telephones are returned to Western Electric's Repair Center from NWB's repair groups throughout Minnesota and North Dakota. Damaged cords on these phones are removed and taken to the Midway Learning and Manufacturing Division of St. Paul's Occupational Training Center.

Before the salvage program was started in 1969, Western Electric supplied new cords for many of the telephones sent to them for repair. That was the most economical thing to do at the time. Now, the Occupational Training Center refurbishes 60 to 70 per cent of the old cords and returns them as good as new. They've helped reduce NWB's maintenance expenditures for replacement cords almost 80 per cent.

The student workers who handle the jobs of repairing, cleaning, recoiling, testing and packaging telephone cords use the work situations to prepare for regular jobs outside the training program.

The 65 workers are paid for their efforts. For many, it is the first opportunity they have had to earn any money.

"We try to build hand-and-eye coordination, competence in using public transportation, telling time and using machinery within the work situations," says Rick Twedell, shop supervisor for Midway Learning and Manufacturing. "But it's just as important to encourage and develop the self-esteem and self-confidence of these handicapped people, because they've often been kept away from activity of decision-making of even the simplest nature."

Twedell says the students repaired about 300 telephone cords a week when the Western Electric contract started, but he estimates that they are now handling up to 5,000 each week.

"We don't want to take work away from anyone who is employed already, so we seek useful tasks, like repairing the telephone cords, that nobody's doing. The production gives meaning and purpose to these workers," Twedell says.

Because of the success of the cord project, Western Electric has given the Occupational Training Center an additional contract for refurbishing cable splicing cases.

FRANK S. MEYER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. CRANE. Mr. Speaker, the death last week of Frank S. Meyer leaves all who love freedom, all who have grappled with the intellectual movements and currents of the 20th century, all who study the past in the hope of effecting the future, with an overwhelming loss.

Frank Meyer, author, senior editor of the National Review, and a leader in the conservative movement, died Saturday, April 1. His own life and career was a dramatic pilgrimage through the movements and ideologies which have influenced our time. He learned a great deal through that pilgrimage and, in his writing, he attempted to communicate what he had learned to others.

Earlier in his career, Frank Meyer had been active in the Communist Party, which he left in 1945. In his important book, "The Moulding of Communists," Frank Meyer describes in detail the manner in which the Communist Party creates the kind of political cadres necessary for its work of subversion and world domination. His concluding words in this volume are these:

> The Communist's support of humanitarian causes, or of Hitler's savagery; his bland appeals for peace and disarmament, or his rocket-rattling threats and brutal ultimata; his solicitude for the Alabama Negro and the Bolivian tin-miner, or his ruthless smashing of the Hungarians and the Tibetans; none of these and all of these represent his true being. What he is in his reality no policy, no maneuver, no tactic, no strategy can disclose; he can only be understood if we understand the end to which he is devoted as the compass is drawn to the magnetic pole: the conquest of the world for Communism—with any weapons, so long as they are effective, by any means if they achieve his end . . . and at any cost.
>
> Confronted by this "man of a special mould," tempered in his belief and in his will, infinitely flexible in his methods, the West faces a crisis greater and more demanding than any in its history, greater and more demanding than when in its youth it threw back the armies of Islam. Against this vision, the devotion, the determination of Communist man, there is no recourse in compromise, reasonableness, peaceful co-existence. Only a greater determination can avail, for Communist man poses two stark alternatives for us: victory or defeat.

It may be an unfortunate symbol of the fact that the American society has not heeded the lessons taught to it by men such as Frank Meyer that today we speak of tyrants such as Mao Tse-tung and totalitarian governments such as that in the Soviet Union as "partners" with whom we can, somehow, construct a decent and worthwhile world. In the sense that we no longer understand their own commitment to tyranny and to world domination, to that extent the work described by Frank Meyer in "The Moulding of Communists" has been successful indeed.

In a review of his last book, "The Conservative Mainstream," published in 1969, Guy Davenport, a poet and critic, wrote in the New York Times Book Review:

> Frank Meyer calls eight or nine people at night . . . to announce a new inroad of the barbarians and to remember our old tumultuous freedom; and once a fortnight . . . he rises from his breakfast and paces the floor of his study in Woodstock, New York and dictates an essay for *National Review*, of which he is senior editor. *The Conservative Mainstream* is a gathering of 127 of these essays. They are sharp-tongued, sharp-eyed, and of explosive compactness: a string of firecrackers going off all at once.

At one time Chicago educational director for the Communist Party, Frank Meyer testified in New York in 1949 at the conspiracy trial of 11 members of the party's national executive committee. He testified against the former Jefferson School of Social Science at Federal hearings in New York in 1954 and before the House Un-American Activities Committee in 1959. He testified against the Communist Party before a Senate investigating panel in 1957.

As a result of his own experience, Frank Meyer understood better than most the nature of the Communist threat we face. He understood that world communism, in this era, had embarked upon a new tactic designed to immobilize and disarm us. Writing in Modern Age in the spring, 1961 issue, he states:

> The fundamental concept of these tactics is the concept of co-existence, a concept which is central to all operations of the Communist movement today, to be achieved by every possible method—by propaganda, by diplomacy, by cultural exchange, by infiltration, and above all by influencing opinion in the West so that our clarity of vision and our will to resist will be paralyzed. The tactic of coexistence is an absolutely necessary corollary of the strategy of "socialist encirclement."

It has been sad for Frank Meyer to observe the recent drift of our foreign policy away from its firm international commitments, away from a clear realization of the nature of the enemy, away from a dedication to keep our defense forces the most powerful in the world. But if America has turned away from the realities of the world, it has not been because there were not those to tell it what those realities were. It has been said that men are never prophets in their own countries at their own time. This may have been the fate of Frank Meyer.

It is not only what a man is against, however, but what he is for, and why, that defines him. Frank Meyer opposed communism because it was an attack upon the integrity of the individual, and the individual, he argued, was by nature free.

Writing in the National Review of May 7, 1960, he took issue with those who advocated a free society simply because freedom is that circumstance in which men can best achieve the ends they have chosen. Freedom is based, he believed on far firmer ground, on man's nature itself.

He noted that—

> Freedom as an essential right of man is founded not upon preferences, but upon the nature of men and the very constitution of being. It is inalienable and indefeasible as a right, not for any reasons of utility, but because it is the true condition of man's created being.

Admitting that the argument with collectivists, both at home and abroad, can be conducted on their own level of utilitarian reasoning, Frank Meyer understood that far more was involved. He wrote:

> The final struggle with collectivism can only be waged in terms of an understanding of the nature of man. It is because freedom is the truth of the order of things that the conservative, who is first of all one who respects the inborn constitution of creation stands for freedom.

Born in Newark on May 9, 1909, Frank Meyer graduated from Oxford University in 1932 and studied at the London School of Economics and the University of Chicago. He joined the staff of the National Review in 1955 and was also an editorial adviser to Modern Age and had been a consultant to the Lily Endowment, Inc. He was a vice chairman of the New York State Conservative Party, and a director and former treasurer of the American Conservative Union. In addition to these activities, he was a director of the United States Chess Federation.

In his search for a better world, Frank Meyer entered the Communist Party. He came to understand the treachery with which it was imbued and the tyranny it intended to impose upon the world.

He devoted all the years of his life after leaving the party to informing the American people about its nature, as well as about the nature of the freedom we possess and are in danger of losing if we are not vigilant in its defense.

With teachers such as Frank Meyer, any lack of understanding on our part is our own responsibility. We cannot say that there were not wise men who went before and sought to ease our way and make us aware of the value of what we have and the nature of those who seek to destroy it.

The most fitting memorial for Frank Meyer would be to heed his words. He would ask for no more.

A NOBEL PRIZE-WINNING SOVIET WRITER FAVORS RADIO LIBERTY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. DERWINSKI. Mr. Speaker, in a "Dear Bill" letter directed to Senator FULBRIGHT which appeared in the Washington Post on April 9, Chalmers M. Roberts has made one of the most telling arguments in behalf of the continuation of Radio Free Europe and Radio Liberty that I have yet seen in all the debate on this issue.

Mr. Roberts does not engage in polemics, but has constructed a very rational and logical defense of these programs based on the comments and observations of a Nobel Prize-winning citizen of the Soviet Union, writer Alexander I. Solzhenitsyn.

I believe Mr. Roberts' argument is too cogent to require additional comment and that it deserves the full and thoughtful attention of every Member of Congress. I therefore include the letter at this point in the RECORD:

[From the Washington Post, Apr. 9, 1972]

LETTER TO FULBRIGHT—IS RADIO LIBERTY A COLD WAR RELIC?

Senator J. WILLIAM FULBRIGHT,
Foreign Relations Committee,
The Capitol, Washington.

DEAR BILL: I see by the papers that you are persevering in your efforts to sink Radio Free Europe and Radio Liberty on the grounds that they are "remnants of the Cold War." What causes me to write you this open letter is Robert Kaiser's recent interview in Moscow with Alexander I. Solzhenitsyn, the Nobel Prize winning Soviet writer.

I was intrigued by this paragraph in Kaiser's account of the interview and I wonder if you spotted it:

"He criticized the Soviet press for its lack of fairness and completeness, and had a good word for Radio Liberty, the station financed by the U.S. government which broadcasts in Russian from West Germany. 'If we learn anything about events in our own country,' he said, 'it's from there.' "

There are a number of passages in the partial text of the interview, as printed in The Washington Post, that also should interest you. For instance, Solzhenitsyn said that "you Westerners cannot imagine my situation." And: "No one dares to stand up and object to a party propagandist, because if he does, the next day he may lose his job and even his freedom." And: "In general, in our country we seem to bait people not with arguments, but with the most primitive labels, the coarsest names, and also the simplest, designed, as they say, to arouse the fury of the masses." And, finally: "It really never occurs to them [those directing the campaign against Solzhenitsyn] that a writer who thinks differently from the majority of society represents an asset to that society, and not a disgrace or a defect."

The day this interview was printed you were quoted as saying your committee intends to have hearings covering "the critical early period of the Cold War" in order to get at the origins of American involvement in the Vietnam war. A great deal of material is now on the public record and it can serve a useful purpose to go back and examine it with perspective. You may have noted that Solzhenitsyn also is trying to do some historical research, into Russian history, but that he had been blocked from many documents and sources and that he complained in the interview that his defamers "refuse to acknowledge the complexity and richness of history in its diversity."

It seems to me, Bill, that you and he are both trying to probe the origins of national attitudes though from different perspectives and that that is all to the good. Fortunately, as the interview shows, it is much easier for you to do than it is for him. He has no congressional committee to help, for one thing. In terms of contemporary affairs and their bearing on future problems in Soviet-American relations he must depend on word of mouth, underground publications and Radio Liberty. But you want to deprive him of Radio Liberty and deprive others like him in Eastern Europe of what they likewise can learn of their own nations from Radio Free Europe.

Of course I realize that you believe the Cold War is over or at least is an anachronism. But wishing does not make it true. What Solzhenitsyn says to me is that he is caught up in the Soviet Union in the internal part of Moscow's own Cold War attitude. The worst phase of the American version of the Cold War was the period of McCarthyism and Solzhenitsyn seems to be fighting a Kremlin version of McCarthyism.

You may respond that what goes on inside the Soviet Union is none of our business; let Solzhenitsyn fight his own battles. He is doing that, of course, but why deny him the help of the American radio stations? Many Americans are exercised about the Soviet government's treatment of its Jews and of its many other minorities. This seems to me a valid concern and the evidence is that the expressions of such concern, short of the extremists here who carry it to the point of violence, have had an effect on Soviet policies.

That does not seem to me to be a Cold War exercise but rather a valid expression of human concern for mankind anywhere and everywhere. You object that such concern has turned the United States into the world's policeman and led us into Vietnam, the Dominican venture and so on. But isn't that because we failed to draw a sensible line, that we crossed over from the mental to the physical form of activity?

I don't have much faith in the theory that American and Soviet policies are moving toward convergence. On the other hand, I do think that what Moscow and Washington do affects the other's actions, internally as well as externally, to some degree.

There is a paragraph in the Solzhenitsyn interview that seems to express your own philosophy:

"The study of Russian history, which has now led me back to the end of the last century, has shown me how valuable peaceful outlets are for a country, and how important it is that authority—no matter how autocratic and unlimited—should listen, with good will to society, and that society should assume the real position of power; how important it would be to have righteousness, not strength and violence, guide the country."

Isn't this what you, too, are working for? The Iron Curtain of Churchill's time may be shot full of holes but it has not disappeared. The Cold War has been mitigated but it is not ended. How many Russians come here as Fulbright fellows? How many Americans study in the Soviet Union?

I have been a long-time believer in East-West contacts, as you have. I cannot see the logic of your wanting to end the contact provided by Radio Liberty and Radio Free Europe. They are not calling for revolution; we are long since past John Foster Dulles' "liberation." But they do provide contact, as Solzhenitsyn is my witness.

CHALMERS M. ROBERTS.

BUSINESS RESOURCE CENTER

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. GUDE. Mr. Speaker, in a recent message to the Congress, President Nixon ably emphasized the need to stimulate minority enterprise across the country. For many minorities, business ownership lies at the heart of increased economic opportunity—for the individual and the community—yet, for too long, minority entrepreneurs have been held back by a lack of adequate technical and financial assistance. Here in the Washington metropolitan area, details are now being worked out on a federally funded "Business Resource Center" which would provide a base of operations for a working coalition among the area's black and white business communities.

WRC-TV recently presented an editorial commending this center. I would like to add my voice in support of this project, and bring its existence to the attention of my colleagues at this time:

BUSINESS RESOURCE CENTER

A significant development of major economic importance to the minority business community in the Washington Area is close to fruition.

It is a federally funded Business Resource Center aimed at building an avenue to bridge the gap between the white and black economic communities. White expertise and money would be used to work with minority entrepreneurs.

The details are being worked out by officers and representatives of the Metropolitan Washington Board of Trade and the D.C. Chamber of Commerce, a group of black businessmen.

There are three main programs in the operation of the Business Resource Center.

The first step would be the creation of a People's Bank. This would be a group of technical experts and advisers recruited from established Washington business firms. They would be loaned to developing enterprises as needed.

The second step would provide a new source of funds for minority businessmen. The Business Resource Center would find it by acting as liaison between banks without expertise in the minority field, and those businessmen who need financial and advisory help.

The third step is the dissemination of information on businesses for sale, franchise opportunities, dealerships and other ventures.

It is a great idea and WRC-TV hopes all the remaining problems can be worked out and the Center funded and put into operation as quickly as possible.

What is perhaps more important is the fact that black and white businessmen have been able to unite in a project that will benefit both organizations and the Washington community.

SPACE PROGRAM

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. BELL. Mr. Speaker, in light of the much-deserved praise and often uncalled for criticism that our space program has recently received, I think it appropriate to enter in the RECORD an exclusive interview with my good friend and colleague, OLIN "TIGER" TEAGUE, which appeared in the February issue of the North American Rockwell publication, Skyline.

Because of his brilliant war record and the extremely important role he has played in the advancement and success of our space program, TIGER has justifiably earned his nickname.

Both his commitment and expertise in this area enhance the value and interest of this informative exchange. I, therefore, urge a careful and thoughtful reading of TIGER's eloquent discussion of the relevance and significance of our role in space for the Nation and the world:

SPACE PROGRAM

QUESTIONS AND ANSWERS

Q. Through the 1960s, there was a continuing, strong sense of public pride in our space program; an exhilaration that culminated, magnificently, with Apollo 11 in July 1969. Since then, however, with the brief exceptions of subsequent moon flights, apathy has set in, or worse—the program has been subjected to abuse and attack. People either aren't interested at all, or openly challenge why space money isn't spent elsewhere. In the restructuring of national priorities, space has slipped close to last.

What are the causes of this phenomenon?

A. It is important to point out that, in my view, several space myths have grown up in the last several years. First, I am convinced that the general public still strongly supports our national space program. The apathy, abuse and attacks come from a small group of people. However, that group is vocal and articulate, and it has seriously damaged our space efforts reducing the support available to it and delaying the start of crucial new programs.

There is much talk of national priorities and of restructuring them. I believe our priorities should be put into perspective. Space expenditures have never exceeded four and one-half percent of total annual federal budget outlays, and this percentage has steadily declined since 1966. Today, funds for the national space effort are less than one and one-half percent of total federal outlays.

Q. Even so, why shouldn't the space priority be down-graded throughout the seventies, or until the time more pressing domestic problems can be remedied? If we diverted all space money to these problems, wouldn't it solve them?

A. The vast majority of our federal funds are directed to the solution of our national problems. In 1971 over $70 billion was, I believe, necessarily spent on national defense. In the areas of health, commerce, transportation, education and welfare benefits and other services and agricultural development we spent approximately $95 billion.

In 1971 we spent about $3 billion in space research and development.

I do not see how we could further downgrade space in terms of national support. It already commands a relatively low level of effort. Solutions for our domestic problems require a large amount of money along with new ideas and technology. This in turn is dependent upon a strong and expanded economic base. To promote an expanded economic base requires adequate support of research and development to create the new and more efficient processes, materials, tools, and techniques needed to solve our day-to-day problems.

Those nations in the world which do not persevere in research and development programs are, at the same time, those which fail to develop an economy which adequately feeds, clothes, educates and houses its people.

To those who ask 'why should we spend money to explore space when there is so much to be done right here on earth,' I reply there was plenty to be done in Europe when Columbus first sailed. And there is still plenty to be done there. *If Columbus had waited until Europe had no more internal problems, he would still be waiting!* But the opening of the New World did more to revive the European culture and economy than any internal actions could possibly have done.

Our nation's accomplishments in space should serve to inspire a reawakening of the American spirit and a rebirth of our national pride.

Q. What then needs to be done to rekindle interest and support of the program?

A. What is needed to get public support is for people to realize the vast amount of knowledge, skill, and new technology which has been made a part of our daily lives in the last decade as a result of the space program. We also need to let people know what the consequences of not remaining the technological leader of the world will mean.

If we provide the proper leadership to the program, public support will be there. Notwithstanding this, NASA and the aerospace industry need to bring the message of the contributions of our national space program more forcefully to the public.

For instance, NASA has a continuing technology utilization program. It provides a means by which space-generated ideas, equipment and the techniques can be made available to American industry. We need to do more, however, in this area.

There are at least two things that industry can do to help achieve this: first and foremost—to do a good job on the programs they are undertaking now. Nothing can take the place of work well done. In this regard I believe that the aerospace industry deserves high praise. Industry also needs to bring the space program, its difficulties, and achievements to the public. By freely providing this information I am convinced that the American public will support our national space effort.

Q. As taxpayers, then, what specifically are the American people getting for their space dollar? Can such benefits be tangibly measured? What do you tell your Congressional constituents who doubt?

A. First and foremost, every dollar spent on our national space program is spent right here on Earth. At its peak, 420,000 people in industry, universities and NASA were working on our space effort. If you apply the standard multipler of approximately five, that represents about two million people directly or indirectly benefiting, and I believe that is a conservative estimate of the short term gains from our space program.

Perhaps the best way to discuss this is to consider our largest exports which are jet aircraft and computers. Both of these products come from the aerospace field and have depended on the research and development from the aerospace industry. For the United States to continue to be a world leader in these industries requires continuous growth in research and development. Our aerospace industry provides that growth. More importantly these are jobs creating industries. To many this is the way to measure what the significance of our space program is—by the way it creates jobs not only directly in the space program but in the industries which surround it.

In talking with the constituents in my district I try to tell them these things, and, frankly, most of my mail is in support of the national space program. The mail that I receive is not just from my district but from people throughout the country, and in general it says, "Let's get on with the space program."

Q. You mentioned earlier the need to inform the public of the consequences of the United States *not* remaining the technological leader of the world. If the space budget is slashed to the bone, what could be some of the consequences?

A. I am convinced that the space budget *already has been* slashed to the bone. We are not doing the things either for the short range or the long range that need to be done to maintain our technological edge and to assure the maximum benefits from the investments we have already made.

As a nation, we are in a position to capitalize on our first decade in space by providing this country and the world with a low cost transportation system that will open new opportunities for Earth oriented applications as well as the additional scientific investigation. Near-space can become a place of commerce. For example, it is well known today that several manufacturing techniques could be developed in space and would be profitable, perhaps not alone but in combination. Crystal growing for industrial applications . . . refining of certain materials for industrial applications . . . improvements of vaccines by "zero G" processing—these techniques use the unique characteristics of a "zero G" laboratory which cannot be achieved here on Earth.

This new capability, I believe, will provide advances in processing materials that today we cannot envision. All of these will have high potential and high return if we choose to develop the ability to manufacture in space. In addition to this. Earth resources surveys both with automated and manned spacecraft can directly improve man's living.

It is time we proceeded with these important, and ultimately essential programs which will not only improve the living of the people in our country but the people of the world. Continued reductions in our national space effort, in my view, eventually will make the United States a second rate nation.

It should be recognized, too, that this nation needs a sound technological base—sort of a technology bank. This bank must be replenished on a regular basis. Our space program is a major contributor to accomplishing this aim. Without this nation continuing to penetrate the technological frontier, our ability to improve our living standards and compete in the world market will be damaged.

Q. You have been quoted as saying "space vehicles could be used for interception and inspection, surveillance and other missions for which high performance aircraft are now used." What should be the future of the military in space, and what are the consequences of not developing this capability?

A. Our National Space Act of 1958 specifically directs NASA to furnish the results of its research and development to the Department of Defense. With the reduction in the military space effort as well as that of NASA, remaining space research and development becomes of even greater importance. Certainly the military has a role in space.

I am convinced that because the United States has been a major sea power we have contributed to open use of the seas by all nations. I am equally convinced that *only* so long as the United States is a major space power will the free use of space be available to all mankind. Space today is the "high ground" militarily. To abrogate the field to a potential enemy is to court disaster.

Q. With Sputnik, 14 years ago, Russia shook the U.S. and triggered our active involvement in space. We then passed the Soviets with a great technological surge and beat them to the moon.

Now our space effort is slowing and theirs is accelerating—the tortoise and the hare. If they leap frog us and we declare a crash program would not that be far more expensive in the long run than if we continued at a steady pace? Can we not profit from history?

A. Yes, I think we have to profit from history and remember the shock of Sputnik. But the pace of technology has accelerated since the days of Sputnik and attempting to catch up will be more difficult in terms of human and natural resources. What I am saying is that if we continue to fall behind in our technological efforts, particularly in space, it may become so expensive and time-consuming that we will not be able to retrieve our position.

Q. In this vein, should we declare a new national space goal, such as Kennedy did in 1961 when he announced the manned lunar landing commitment?

A. I believe we should be establishing several goals which comprise building blocks for a strong continuing space program. The keystone to those building blocks is low cost transportation to space—the space shuttle.

(Editor's Note: Shortly after Congressman Teague was interviewed, President Richard Nixon gave NASA the okay for development of the space shuttle system. He said the shuttle "will revolutionize transportation into near space by routinizing it. It will take the astronomical costs out of astronautics.")

Beyond this can be built a number of important scientific and technological programs which include planetary exploration, additional lunar exploration and use of the moon as a space observatory and space base and near-Earth applications such as communications, weather prediction and ship and aircraft navigation.

Q. After Apollo, why will we need man in space? The Russians sent unmanned craft to the moon. Why can't mechanical satellites do the job as well and cheaper, as, for example, they do via communication and weather satellites? Why is man necessary to the further exploration—and exploitation of space?

A. I really think that is a wrong question. It seems to me that the right one is: "What is it we wish to do in space and how best can we do it?" In some cases, such as communications and weather satellites, it has made sense to use a completely automated spacecraft. That may or may not be true in the future. In other areas, such as resource surveys and applications, some may lend themselves to automated or manned effort.

It makes more sense to me to decide it on the basis of the missions to be accomplished rather than on some arbitrary and artificial division between manned and automated spacecraft. *The essence of exploration in my* *mind indicates the anticipation of man.* He is not preprogrammed. He can make decisions, changes, and can generally adapt to unknown situations. Man, therefore, is an integral part of exploration.

Q. You have mentioned the need for a manned space shuttle system, a whole new transportation concept. Why do we have to have a new system? Why can't we extend the ones we have?

A. I have heard it said many times that every major high-technology program stands on the shoulders of past scientific and engineering giants. This certainly is true of our space program. In 1961, as a layman, I was convinced from talking to those who were experts in the program that we could not build a space shuttle. It was technologically beyond our capability. By having developed hydrogen-oxygen rocket engines, by having developed the ability to operate and navigate in space, by having the ability to operate complex ground based systems, we have established the building blocks necessary for a more complex technology.

My understanding of the shuttle is that it will be simpler to operate, even though it will be a more complex vehicle. This is much like our colored TV sets today which are more complex than our black and white sets, but have been simplified as far as operation is concerned. The shuttle represents a reduction to practice of the complex concepts that we successfully utilized in our first decade in space. It seems to me, in fact, that the low cost shuttle is the answer in our space program. Not only does it eliminate a large inventory of costly throw away vehicles but it introduces a new degree of flexibility into the way we do our work in space.

Whenever we provide greater access and mobility in a new frontier, whether it be the far West of the 1800s or space of the 1970s, new ways are found to utilize that frontier. A low cost transportation system is the major part of the answer to a low cost scientific exploratory and near-space applications programs.

Q. Development of the shuttle system has aroused some criticism in Congress. What chance does it have for approval?

A. Criticism of the shuttle from a limited group has been loud. I believe that if NASA provides consistent and understandable goals for the shuttle as well as other space programs they will receive Congressional support. However, this will not come without hard work and effort on the part of NASA, the Administration, and Congressmen who believe in a strong national space effort.

Q. What about cooperation with the Russians? Will we team up on future space flights?

A. Both the Soviets and the United States have learned a lot about space in this last decade. Eight years ago I would not have considered it useful for the Soviets and the United States to attempt close space cooperation. However, since then NASA has cooperated with over 78 countries in space research and flight programs. This cooperation has been a useful two-way street to the nations involved.

As you know, NASA and their Soviet counterparts have been seriously discussing and exchanging information on a possible international docking capability. This could lead to an American spacecraft docking with a Russian spacecraft or space station or the Soviets docking with one of our spacecraft or space stations in the future.

I feel this is an appropriate time to fully explore this possibility so that we may have joint rescue capability in space and may be able to find mutually significant reasons for cooperation in space on a direct basis.

No matter what we may do, it is worthwhile to note that the Soviets consider this an important undertaking. There is good reason why they value their national space program. It would be a serious mistake for us to do less.

Q. A final question: Will space ever return its investment on the same magnitude that the development of commercial aviation did?

A. Yes, in many ways. One that we all see today is the communications satellite. In less than 10 years we have revolutionized worldwide communications. Communications satellites represent a direct dollars and cents improvement over earlier methods of transmission of information. As our population expands and our needs expand in the future the only way that we can fulfill our communications needs will be with the application of satellites. Navigation satellites also are available today to our Navy and it is only a matter of time before our traffic control and commercial sea-going vessels will use navigation satellites.

It is interesting to note in the communications area that our Comsat Corporation had operating revenues of almost $60 million. Yet it was less than a decade ago that Comsat was organized for the purpose of developing a commercial communications satellite system. Already slightly over $200 million has been invested in Comsat—an entirely new industry providing new jobs and opportunities in this nation and throughout the world.

Through Earth resources surveys it is possible from low Earth orbit to determine the size of oil slicks at sea and with only slight modification Earth satellites can report world-wide air pollution. Information on the gulf stream has already provided fishermen with improved fish catches. Photographs from the earlier Gemini program have helped identify large reserves of natural oil and gas in Saudi Arabia.

However attractive these may be, a low cost transportation system to space is needed to make them reach their full potential.

Another return that is difficult to measure is the added capabilities that we have achieved through communication satellites and weather satellites which I have already mentioned. Here we add a whole new dimension to world commerce.

Jobs and new income are created by it. In these kinds of areas there is a multiple return on the investment which we have already received and which appears to me to far outstrip the relatively small investment we have made to achieve it.

I have great faith in the return on investment achieved and promised by our national space program. We have only to look back the length of two generations to see what has happened to commercial aviation. From Orville and Wilbur Wright's initial flight to the 747 is technologically the same kind of jump as from Sputnik to the Apollo 11 lunar landing.

CARDINAL MINDSZENTY

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. BUCHANAN. Mr. Speaker, I would like to add my congratulations to those of my colleagues to Jozsef Cardinal Mindszenty, who recently celebrated his 80th birthday.

He continues to be not only the spiritual leader of millions of Hungarian Catholics, but the personification of the quest for freedom and the spirit of hope for the return of human rights for all the people of Hungary.

It is my understanding that Cardinal Mindszenty is now working on his memoirs and on a history of Hungary, both of which, I am sure, will provide additional insight into the brave struggle of the Hungarian people for freedom.

For many years Cardinal Mindszenty sought sanctuary in the U.S. Embassy rather than submit to the forces of totalitarianism which had taken over his country. From there he continued to give leadership and encouragement to his fellow Hungarians who were under the yoke of Communist rule.

His efforts have kept alive in the people of Hungary the determination that they shall one day be free to determine their own destinies.

At this time the cardinal is living in Vienna where he is continuing his efforts on behalf of religious and human freedom for the people of Hungary.

Again, Mr. Speaker, I offer the distinguished cardinal my congratulations on his recent birthday and my sincere best wishes for a long and rewarding life.

GIL HODGES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. CONTE. Mr. Speaker, like sports fans throughout our Nation, I am deeply saddened by the death of Gil Hodges, the manager of the New York Mets baseball team. All of us who thrilled to the pennant drive and World Championship of the "Miracle Mets" in 1969 know what a debt we owe to Gil Hodges.

The sportsmanship and generosity he showed to his players, his opponents and the game of baseball set the example for others to follow.

One of his fellow managers was quoted as saying:

> Everybody loved him . . . he was one of the greatest guys in baseball.

I think the millions of fans whom Gil Hodges kept glued to their televisions sets would wholeheartedly echo those sentiments.

Gil Hodges has been a warm and valued friend to me since his days as manager of the Washington Senators. I got to know Gil in my capacity as manager of the Republican congressional baseball team. That contact grew into a close mutual friendship. I admired and respected him for both his knowledge of baseball and his understanding of human nature. He was a fine and courageous human being.

Courage has been described as "grace under pressure." Baseball enthusiasts are very familiar with the public courage of Gil Hodges, which was demonstrated time and again under the intense pressures of World Series competition. We must also pay tribute to the private courage of Gil Hodges—that strength of spirit which enabled him to fight back from a heart attack in 1968 to manage the World Champions of baseball in 1969.

I have mentioned his managerial skills; we cannot fail to recognize his accomplishments as a player. He hit more home runs, 370, than any other right-handed batting first baseman in National League history. Gil Hodges established a still-standing career record of 14 grand-slam homers. He had seven successive seasons of 100 or more runs batted in, and was one of only six players to hit four home runs in one game.

So Gil Hodges was one of the greats of baseball, however you measure it—as a player, as a manager, and as a human being. To the public judgment, I must add my private estimate, for Gil Hodges was a thoughtful and true friend to those who were privileged to know him.

I would like to extend my deepest sympathies to his widow, his son, Gil, Jr., and his entire family. The only comfort I can add at this time of loss is the knowledge that hundreds of thousands of Americans are sharing in this sadness.

THE MASTERS MUST BREAK THE COLOR BARRIER

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. BADILLO. Mr. Speaker, last weekend the attention of the sports world was focused on the greens and fairways of the Augusta National Golf Course in Georgia as Jack Nicklaus swept to his fourth victory in the Masters Golf Tournament.

Although this is an outstanding achievement for Mr. Nicklaus, for which he should be heartily congratulated, the honor bestowed upon him cannot help but be tainted by the fact that after 36 years the color barrier still has not been broken at the Masters. Once again a black professional golfer was denied the opportunity to participate in this prestigious golf tournament.

There are very few black professional golfers, but it certainly seems to me that at least Mr. Lee Elder should have been extended an invitation to play in the Masters. I understand that the reason Mr. Elder was not invited was because he did not meet the tournament's qualifications, which were changed by the Masters committee last year. However, a certain number of players, mostly foreign, were invited to play although they, too, failed to meet the prerequisites.

This state of affairs calls for a searching reexamination and reassessment by tournament officials of their rather stringent rules which simply perpetuate this form of subtle discrimination. I believe the present policy is a stigma on both the Masters Tournament and the image of professional golf and that prompt and affirmative action must be taken to remove it.

Last week I called upon the tournament director, Mr. Clifford Roberts, to take such action. I present herewith for inclusion in the RECORD a copy of my letter to Mr. Roberts and an article which appeared in last Thursday's Washington Post:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 6, 1972.

MR. CLIFFORD ROBERTS,
Tournament Director,
Masters Golf Tournament
Augusta, Ga.

DEAR MR. ROBERTS: I am writing to express my very deep concern and disappointment over the fact that, once again, a Black professional will not be afforded the opportunity to participate in the Masters Golf Tournament. I am particularly distressed, after you seemed to indicate last year that, after 35 years, the color barrier may at long last be broken.

While there are only a limited number of Black touring professional golfers, it seems to me that at least one—Mr. Lee Elder—should have been extended an invitation. I realize that Mr. Elder may not have fully met all of your prerequisites. I understand, however, that a number of other persons were invited who did not meet the qualifications. Also, this situation may call for a careful review and reconsideration of some of your requirements.

This form of subtle discrimination certainly taints the image of the Masters Tournament and I believe it is incumbent upon you and other tournament officials to give this matter a thorough reassessment and careful consideration. I assume that it is too late to take any affirmative action this year but, in developing your plans for the 37th Masters Tournament next year you should carefully weigh this policy and take steps to remove this blot upon the name of your organization and professional golfing. Certainly if a man like Lee Elder can play in South Africa with that country's racial policies, there is no reason why he and others of his race cannot play at Augusta during the Masters.

I urge that you give this matter full and careful consideration and I will appreciate your comments.

HERMAN BADILLO,
Member of Congress.

LEE ELDER: "YOU COULD SAY I AM PRETTY DISAPPOINTED"

(By Leonard Shapiro)

The sooner a black plays in the Masters, the happier I will be . . . Some of the more dark complected boys are not only extremely capable but also extremely popular."—Clifford Roberts, Masters Tournament Director, April 7, 1971.

Mrs. Lee Elder was overjoyed to read last year that the Masters golf tournament was intent on allowing a black professional to tread the hallowed turf at Augusta. So much so, that she reeled off a letter to Mr. Roberts, telling him exactly why her husband should be the first of his race accorded such honor.

"He never answered me," Rose Elder said yesterday as her husband stood a few feet from her, in a downtown Washington restaurant. "Of course I never expected he would, but you can't say we didn't try."

So, as the 36th annual Masters starts today, the only blacks visible will be those toting the bags. Whites simply do not caddy in the Masters.

Lee Elder, who had qualified for every other PGA event because of his $50,000 in winnings and 48th place on the points list last season, must content himself with playing in the Old Dominion Open at Newport News this weekend. It is a United Golfers Association event, the UGA being the black man's answer to the PGA.

Not even the presence there of Flip Wilson, or Gary Player, who will arrive Monday after the Masters, will be able to ease some of the hurt Elder now feels because, once again, he and the eight other professionals on the tours have been excluded by the Masters.

"Yes, you could say I'm pretty disappointed," said Elder. "They invited the winner of the French Open and the Dutch Open. I won the Nigerian Open last fall, and it carried more money than those other two. I honestly thought this was the year I would be invited."

The man who made history last fall, when he played on South African courses on which black men had never dared tread, had every reason to expect he would be accorded an invitation to an event in his own country.

He did not qualify under any of the 13 prerequisites put forth by the Masters Committee. But presumably he has as much right to be in Georgia as some of the dozen or so foreigners invited each year.

Elder is a proud man. Now, he says, he will not play in the Masters unless he does actually qualify on the committee's terms.

"The only way I'll go is if I win a tournament," he said yesterday. "I will not accept any other invitation except by my winning. I will earn it myself."

Under rules adopted last year by the Masters, the champion of each major tour event automatically qualifies.

"I think by changing that rule, they actually made it harder for black golfers," Elder said. "It is getting very difficult for anyone to win on the tour."

Under the old qualification system, a player in the top 12 of the point standings at the time of the Masters was accorded an invitation. Also, former champions were allowed to vote in one candidate.

"I really felt that this year, if they hadn't changed the rule, the former champions would have voted me in," Elder said. "I've talked to Gary Player (a winner in 1961) and a lot of the other champions, and I think they would have done it."

Ironically, George Johnson, another black professional, won the Azalea Open last year, an event that had qualified Dale Douglas, a white professional, in 1969. Though the $60,000 total prize money was $25,000 more than 1969, Johnson was unable to qualify for the Masters because the Azalea was considered a satellite event.

"George was the guy who really deserved to play in the Masters this year," said Elder. "I think he earned the right. That's all we're asking.

"We don't want them to waive the rules for us. We just want a chance to play.'

CHINA'S PARTICIPATION IN INTERNATIONAL DRUG CONTROL TREATIES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. HALPERN. Mr. Speaker, in light of recent international developments, the atmosphere for Chinese cooperation in the field of narcotics control has cleared considerably, and the inclusion of the People's Republic of China in the United Nations Single Convention on Drugs would be a most welcome and timely development.

China is not a party to the opium protocols and the Single Convention—the major covenant of the United Nations on international narcotics control. Since the People's Republic of China has not been a member of the United Nations until recently, she has heretofore not been a signatory to these treaties.

A special session of the Single Convention is scheduled to meet in Geneva March 6 through March 26 and this would be a most opportune time to prevail upon China to join the pact. Now that China is an integral part of the United Nations machinery, no time should be lost in enlisting her support for these critical worldwide efforts at drug suppression.

As I pointed out in my report last October to the Foreign Affairs Committee, entitled "The International Narcotics Trade and Its Relation to the United States"—a report which was reissued on February 17, 1972—there is reason to believe that opium produced in Communist China, particularly in the Yunnan Province, does enter the Golden Triangle—Burma, Thailand, Laos—drug conduit in Southeast Asia.

It has been difficult, because of China's great wall of isolation, to document the extent of her opium production in relation to her own consumption and to her medicinal requirements. Several experts have estimated, however, that the minimal medical need for her huge population would require about 100 tons of opium production per year. It is known that the People's Republic of China has the capacity for large cultivation, particularly in the southern provinces, but at this stage it can only be assumed that she maintains tight internal controls.

There have been numerous rumors that a good portion of China's vast crop finds its way into illicit channels. This should be a welcome opportunity for the People's Republic of China to dispel these allegations and to join the other great nations of the world in the difficult task of suppressing the lethal heroin supply. Every effort must be made to enlist this nation's cooperation in the worldwide struggle against the narcotics scourge.

It is for this reason that I requested President Nixon to include in his historic discussions with officials of the People's Republic of China the critical issue of that nation's participation in existing international drug control efforts. I have also urged United Nations Representative George Bush to raise this issue in the appropriate United Nations channels, and to arrange discussions for me with members of the Chinese delegation.

If we are to halt the lethal flow of hard narcotics into the United States, we must see to it that all the leading nations of the world participate in the major international agreements on drugs. The time has come to encourage the People's Republic of China to join this critical worldwide effort.

I. F. STONE ANALYZES NIXON ANTIBUSING POLICY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. BADILLO. Mr. Speaker, my colleagues know how strongly I feel that the Nixon administration's policy on school busing is precipitating a constitutional crisis and damaging the cause of equal opportunity in our Nation. In my judgment, Mr. Nixon's policy has brought on not only a constitutional crisis, but a moral, racial, and educational crisis at once. It is my profound hope that Congress will respond not on the basis of the fears and frustrations that run through our society today, but on the basis of careful, rational judgment about our constitutional obligations and the urgent need to bring this Nation together, not to divide it further.

With this in mind, I present for the consideration of my colleagues a perceptive and thoroughly rational analysis of Mr. Nixon's busing policy and program. It was written by I. F. Stone and published in the New York Review of Books. It is one of the most valuable contributions to the debate over school busing and it deserves our careful attention.

The analysis follows:

I. F. STONE REPORTS: MOVING THE CONSTITUTION TO THE BACK OF THE BUS

During Reconstruction, when the Southern states were still under military occupation, a Mississippi editor who was an "unreconstructed rebel" published an editorial in the Vicksburg *Times* called "The Scoundrelism of Satraps." It severely criticized the Yankee general in command of that area. The editor was arrested and held for trial before a military commission under the Reconstruction Acts. He sought his freedom on a writ of habeas corpus, and when this was denied by the circuit court, appealed to the Supreme Court.

The radicals in Congress, fearing that he would win and that the Court might hold the Reconstruction Acts unconstitutional, as indeed a majority seemed about to do, took an extraordinary step. Though the Court had already taken jurisdiction and heard argument in the case, Congress over President Johnson's veto passed a rider amending the Judiciary Act of 1789 to withdraw jurisdiction in habeas corpus appeals from the Supreme Court. Thereupon in *Ex Parte McCardle* (7 Wall. 506) the Court, in 1869, regretfully dismissed the editor's appeal on the ground that authority to hear it had been withdrawn.

This obscure, dubious, and difficult case is the nearest thing to a precedent in American constitutional law for a bill Nixon has submitted to Congress. This declares a "moratorium" on all busing decisions by the federal courts until July 1 of next year or until the passage of its companion measure in his anti-busing program, the "Equal Opportunities Educational Act of 1972," if that should be passed earlier. The effect of *Ex Parte McCardle* was to prevent the Supreme Court from enforcing a basic constitutional right, that of habeas corpus. The purpose of "The Student Transportation Moratorium Act of 1972," as submitted to Congress by Nixon, is to prevent the Supreme Court and the lower federal courts for a time from enforcing, as they deem necessary, the constitutional right of blacks and other minorities to nonsegregated schools under the "equal protection" clause of the Fourteenth Amendment.

The constitutional question raised in both cases could hardly be more fundamental. Can Congress by legislation block the courts from enforcing fundamental rights? This casts a shadow far beyond the issues of school desegregation or of busing as one means of implementing it.

This is the second time in less than a decade that the Republicans have put forward this particular ploy to undercut Supreme Court decisions they dislike. In August, 1964, the late Senator Dirksen, then minority leader of the Senate, offered a similar "moratorium" rider to suspend for two to four years the historic "one man, one vote" reapportionment decision of the Supreme Court two months earlier. This brought a sharp protest from fifteen of the country's most prestigious law school deans and law school professors, including Erwin N. Griswold, then dean of Harvard Law School and now solicitor general.[1]

What they said then of the Dirksen rider applies equally to the busing "moratorium" rider the Administration is now seeking. They said the effect is not merely "to limit the jurisdiction of the federal courts." It is "to declare by statute, without constitutional amendment, that for a period of time certain constitutional rights may not be vindicated in any court, state or federal." Only once before in our history, the law professors said, citing the *McCardle* case, had Congress "acted to prevent a constitutional decision which it anticipated." Most historians and legal analysts, they went on, "have regarded the McCardle case as an unfortunate episode in our history" which "ought not to be repeated in this even more drastic form."[2]

What happened in *McCardle* and what Nixon proposes now are linked in the painful history of the attempt to achieve full emancipation from slavery. The difference is that then a radical majority sought to enforce the rights of the freedman. Now a conservative white majority under Nixon's leadership seeks to hand his descendants a setback. For the issue is not busing—busing for better white schools and busing for segregated black schools are accepted and familiar devices. *The issue is not to have to go to school with slum children, black, brown, or white.* As an outraged white resident of Coy, Alabama, put it to a reporter for the *Wall Street Journal* (see the article by Neil Maxwell, March 20), "as long as we don't have niggers on there, it's not busing. Busing is making white children get on with niggers." That is the naked issue and that is the real feeling to which Nixon, Wallace, and Democratic opportunists like Humphrey have been pandering.

A constitutional, a moral, a racial, and an educational crisis are intertwined in the controversy Nixon has precipitated by his anti-busing program. It comes at a time when he has been engaged for several years in shaping a new Supreme Court majority which will be as mediocre and compliant as the choices he can get past the Senate. It comes when the Senate is even now wrestling with the question of whether to confirm as attorney general a Goldwaterite Republican indifferent both to civil liberties and minority rights.

A sketch of Richard Kleindienst in the *Harvard Law Record* of March 3 (he was graduated from Harvard Law School in 1950) recalls that in November, 1969, when 300,000 people were expected in Washington to protest the war, Kleindienst in a planning session advocated mass arrests in case of violence. "When questioned about the constitutionality of his plan, he brusquely replied," says the account in the *Record*, " 'We'll worry about the Constitution later.' " That seems to be his attitude still as the President's acting attorney general in formulating this new anti-busing program.

At the White House press briefing on March 17, the acting attorney general showed the same lack of candor and the same talent for the disingenuous that he has demonstrated so fully before the Senate Judiciary Committee. He was asked at the briefing to address himself "to the overall question of constitutionality and particularly the constitutionality of the moratorium legislation." Instead of beginning with an honest admission of the constitutional complexities and of the fact that even *Ex Parte McCardle* isn't precedent enough, he began by trying to

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Footnotes at end of article.

give the impression that there was no difficulty whatsoever. Only slowly and reluctantly did he admit some of the truth.

This was his progression from bland misrepresentation to damaging admission: First he said that "there can be no legitimate doubt whatsoever" that Congress under Section 5 of the Fourteenth Amendment and Article III of the Constitution had the power to enact the new anti-busing legislation. This can only be described as the most whopping oversimplification of the year. He said that "many constitutional lawyers had been consulted" and "the opinion of all that I know" agreed that when the moratorium bill was combined with the longer range "equal educational opportunities act" Congress "certainly . . . has the power."

All one can conclude from this is that the acting attorney general's acquaintance among constitutional lawyers must be extremely limited. Section 5 of the Fourteenth Amendment gives the Congress power "by appropriate legislation" to "enforce" the amendment's grant of equal protection. But any legislation framed not to enforce but to undercut its great purposes would be held unconstitutional by any Supreme Court that did its duty. As recently as 1965 in *Katzenbach* v. *Morgan* (384 US 641), the Court, speaking through Mr. Justice Brennan, said that Section 5 "does not grant Congress power to restrict, abrogate or dilute" the amendment's guarantees of equal protection and due process.

Nor can Article III readily be used for the purpose Kleindienst would assign to it. Article III says the Supreme Court, aside from certain enumerated types of cases, "shall have appellate jurisdiction, both as to Law and Fact, with such Exceptions and under such Regulations as the Congress shall make." But few if any constitutional lawyers today would agree that this regulatory power can be used by Congress, as in *Ex Parte McCardle*, to prevent the Supreme Court from enforcing fundamental rights guaranteed by the Constitution or from operating as an independent check on the legislative and executive branches of the government. If it could, we would have parliamentary supremacy, as in England, rather than a government of separation of powers with "checks and balances." In that case minorities would have no judicial protection against majorities.

The real meaning of Article III and the extent to which it may give Congress power over constitutional adjudication is a recurrent subject of controversy whenever Supreme Court decisions displease a substantial body of opinion. In the Thirties radical New Dealers, myself among them, looked to Article III and re-examined *Ex Parte McCardle* to see if these offered any hope of curbing the "nine old men" of the Supreme Court who were striking down one New Deal reform after another.[3] FDR tried his "court packing" plan as a remedy when it became all too obvious that the "exceptions" clause of Article III and *Ex Parte McCardle* were wan hopes. How wan they remain today was demonstrated just before the White House briefing in which Kleindienst participated.

If he had indeed consulted "many constitutional lawyers" and obtained their advance approval, who and where were they? Why were they not produced to back him up at the White House briefing? Two law professors, Robert Bork of Yale and Charles Alan Wright of the University of Texas, were on hand to give their views but ducked out when told they would be talking on the record with two dozen reporters. They had been told they would be talking only off the record and to a picked few. If the constitutionality of the Nixon anti-busing program is as clear as Kleindienst says it is, one wonders why the only two professors he could marshal refused to say so in public.[4]

The full flavor of Kleindienst's presentation is best savored from the climactic portion in the transcript. After he told of the lawyers he had consulted, he was asked a plain question but tried his best to evade a plain answer:

> Q. Is there a precedent in case law for this kind of action?
>
> Mr. Kleindienst: The Congress has dealt with the question of remedy in the courts going clear back to 1793 in one way or another. So, to that extent, there is a precedent, and that, I think, is what permits constitutional lawyers to say that Congress has that power. *There is no precedent in exactly this kind of situation.* . . . [Emphasis added.]

Even after that admission, he fuzzed the picture and tried to mislead the reporters by going on to say, ". . . but the Congress, for instance, in the National Labor Relations Act, determined a national policy that was to apply between employees and employers in representation. That, again, is a question of remedy. The Supreme Court has said what the remedy would be under certain circumstances. So, constitutionally, I think there is ample precedent."

This confuses statutory with constitutional rights. The National Labor Relations Act established certain statutory rights and the remedies to enforce them. In representation cases appeals to the courts are restricted to protect the rights of workers and the authority of the National Labor Relations Board from interminable interference by injunction.[5] When Congress establishes statutory rights, it can provide, change, or withdraw not only the remedies but the rights themselves. But rights created by the Constitution are not subject to restriction or withdrawal by Congress. Constitutionally the precedents for what Nixon is trying to do are not only *not* "ample," to use Kleindienst's word, they are nonexistent. Even *Ex Parte McCardle* didn't withdraw the right of habeas corpus from that Confederate editor. He appealed for the writ in the circuit court and lost. All Congress did on the face of it was to withdraw the Supreme Court's appellate jurisdiction so he could not get a reversal in the Supreme Court. The radicals could argue that neither the right to habeas corpus nor the remedy was withdrawn. Kleindienst was mumbling through his hat.

This is where the constitutional problems begin with Nixon's long-range measure, his "equal educational opportunities" bill. In some ways the unconstitutionality of this bill is even plainer than his other bill for a temporary "moratorium." For the longer range measure seeks to restrict the remedies the courts may apply in school desegregation, especially busing, and thus nullify their power to enforce constitutional rights created by the "equal protection" clause of the Fourteenth Amendment.

But before we go into the legalities, I would like to call attention to the vagueness of the factual presentation on busing in the White House briefing. If the Administration were going into the Supreme Court in a plea against busing, the first requirement would be evidence for Nixon's TV assertion that busing had reached "massive" and unreasonable proportions. In this respect the briefing was not only unsatisfactory but confusing. At one point toward the end the question was asked:

> If, as the experts have testified here, we do not even know the extent of busing involved in the desegregation process, then what is the hard evidence that supports a Presidential call for a moratorium on busing?

To this Mr. Ehrlichman could only furnish a long, emotional but inconclusive answer the gist of which was, "Every place you go around this country" this is "the front-burner issue in most local communities." But there *are* some figures and they do not support the hysteria whipped up during and since the Florida primary.

The latest issue available of the *Digest of Educational Statistics* [6] carries a table on the number and percent of public school pupils transported at public expense. This shows a sharp rate of increase in public transportation in the quarter-century before the school desegregation decision in 1954. The percentage transported was 7.4 percent in 1929. In the next ten years it more than doubled to 16.3 percent in 1939. In the next decade it went up by three-quarters to 27.7 percent in 1949. In the school year of the Brown decision, 1953–54, it had risen to 32.8 percent. In all those years there was no outcry against busing. Busing made possible the transition from the one-room schoolhouse to the consolidated school. The outcry against busing only began when it was used to mix white with colored, affluent with poor.

In the years since *Brown*, the percentage of bused schoolchildren has risen to almost 45 percent. But *less than 3 percent* of the total, according to a speech in the House on March 22 by Congressman Stokes (D., Ohio), chairman of the Black Caucus, "are bused for purposes of desegregation."

The figure is startling and it is up to the Nixon Administration to rebut it. It begins to seem less startling when one looks at the statistical tables that accompanied the Stokes speech. These originated with an HEW release of last June 13 on the progress made in desegregating schools. The figures show that in 1970, 71.8 percent of all black pupils were in schools where 80 to 100 percent belonged to a minority race. The percentage of black pupils going to schools where more than half the students were black or brown was 83.9 percent. The figures show that Nixon was, as Stokes said, "tragically and grossly incorrect" when he declared in his TV address on busing that "the dismantling of the old dual system has been substantially completed." Only 16.1 percent of all black pupils were in schools where more than half the pupils were white.

Busing may be far from satisfactory but the courts have been driven to it by years of skillful evasion of desegregation decisions. To abandon it in the absence of better remedies is to risk a deepening of racial disillusion and bitterness. The new Nixon legislation, under cover of the anti-busing hysteria, would invite *re*segregation. At the White House briefing the press was assured that no "rollback" was intended, but that is exactly what Section 406 of Nixon's "equal opportunities" bill invites. It says:

> On the application of an educational agency, court orders or desegregation plans under Title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color or national origin shall be reopened and modified to comply with the provisions of this Act.

Just to make the purpose clear to the least discerning, this provision carries the heading "Reopening Proceedings." Segregationists and white supremacists will be down like a swarm of hornets on any school board that does not take advantage of these provisions. The proposed act holds multiple attractions for those who would like to turn back the clock. Title IV, Section 402, "Remedies," spells out all the old dodges school boards have used since *Brown* to avoid integration and provides that no busing may be ordered by a court "until it is demonstrated by clear and convincing evidence" [7] that "no other method set out in Section 402 will provide an adequate remedy." Since one of the methods spelled out is "the construction of new schools," this is another route to "separate but equal," the old *Plessy* v. *Ferguson* Jim Crow doctrine the *Brown* decision in 1954 was supposed to have outlawed.

Nixon's bill would upset almost two decades of adjudication and sprinkle the path of integration with new legal pitfalls. An example is in Section 401, which says that a

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court can impose "only such remedies as are essential to correct particular denials of equal educational opportunity." What does "particular" mean? It might mean that each separate "denials" would require separate judicial action.

Looked at as a whole the two new bills clearly represent an attempt to turn back the clock and to override the Court's authority in enforcing constitutional rights. It would take a Supreme Court packed with lawyers like Carswell, Rehnquist, and Kleindienst to rubber stamp this program as constitutional. Certainly Nixon must go far to the right of his own Chief Justice Burger and his own appointee Blackmun to obtain judicial approval. For Burger wrote, and Blackmun joined in, the unanimous opinion last April 20, 1971, *Swann* v. *Charlotte-Mecklenburg Board of Education*, which for the first time explicitly approved busing as a tool of integration and unleashed the white racist hysteria to which Wallace, Nixon, Humphrey, and many others who know better have been pandering.

Nixon's own chief justice seems to be replacing Warren as the target of rightist slander. When Nixon, with sly demagogy, talked in his TV address of March 16 about busing children "across a city to an inferior school just to meet some social planner's concept of what is considered to be the correct racial balance," he was caricaturing and distorting Burger's decision in *Swann*. The below-the-belt quality of Nixon's rhetoric is brought into sharp focus when one recalls that the chief justice explicitly rejected the idea of a "correct racial balance" in favor of a pragmatic and flexible approach.

"The constitutionl command to desegregate schools," Burger ruled in *Swann*, "does not mean that every school in every community must always reflect the racial composition of the school system as a whole." It would be amusing to know what the chief justice muttered to Mrs. Burger at this point in Nixon's TV address.

In all Nixon's career there has rarely been a trickier performance than in the presentation of his anti-busing program. Its unveiling on TV was misleading, its offer of new funds for "quality education" was deceptive, the gap between his presentation and the fine print in his legislative program becomes deeper the longer it is studied. "Mr. Nixon," Congressman Conyers of Detroit told the House on March 22, "is playing a game which threatens to tear at the already delicate legal and social balance in this country. He has chosen to cater to the fear of the powerless and to manipulate the power of the fearful." To the President's untrustworthy promises of quality education in the ghettos, this leading spokesman for the Black Caucus replied that even if Nixon were really offering new and adequate funding (which he is not):

Quality education is more than airy classrooms, well-paid teachers, and lots of books. There can be no quality education without integration. Quality education means an educational experience which will lay the foundation for intelligent participation in a democratic society. Children who are raised in isolation can hardly be expected to understand their society and its workings.

Integration has its hardships. Black as well as white children do suffer in adjusting to it. But these are the pains of movement toward multi-racialism. To stop the progress after so much sacrifice and disruption, to move back toward the past, to play on people's worst instincts is to risk America's future for the lowest kind of politics. The problems of education in our society are complex and appellingly difficult. No one has a full, much less an easy, answer. But the way toward it will not be found by diverting emotion and energy to the false and peripheral problem of busing. The price of failure is to drift further toward a country irreconcilably split into two hostile nations, a giant Ulster bound sooner or later to erupt.

FOOTNOTES

[1] The list of signers and the full text may be found in the *New York Times* for August 10, 1964. Also see the discussion on pp. 387–8 of *The Constitution and the Supreme Court: A Documentary History*, Vol. II, edited by Louis H. Pollak (World, 1966).

[2] "There is a serious question," Justice Douglas wrote for himself and Justice Black in Glidden v. Zdanok (370 US 530), "whether the McCardle case could command a majority view today."

[3] For the most comprehensive argument along these lines see Louis B. Boudin's *Government by Judiciary* (1932, reprinted by Russell & Russell, 1968), a two-volume work of enormous scholarship by a man who was in his time a distinguished Marxist scholar and a leading New York labor lawyer. The most recent study of the problem is *Congress v. The Supreme Court* by Raoul Berger (Harvard University Press, 1969), which is written with distinction. He concludes that the framers intended the Supreme Court to wield the ultimate weapon of the judicial veto and that they never intended the "exceptions" clause of Article III to become a Congressional "check on the Court's constitutional decisions."

I now agree with Burger but perhaps that is because circumstances have changed. Constitutional exegesis, too, depends on whose ox is being gored. The radical Republicans a century ago argued that the Reconstruction of the rebel states to ensure full equality for the freed blacks was a political and not a judicial problem. This was also Dirksen's view of one man, one vote reapportionment. This is, in part, a semantic dodge when the Supreme Court disagrees with one's "politics."

[4] According to John P. MacKenzie in the Washington *Post*, March 18, Bork's colleague at Yale, Alexander Bickel, recently told the House Judiciary Committee that a bill similar to the Administration's would fail a modern test. Congress "can assign large tasks to the Federal courts", under Article III "and take the tasks away," Bickel said. But he acknowledged that it can't "pick and choose" by stripping power when it doesn't like what the courts have done.

[5] Klinedienst's labor law is also deceptive. The predecessor labor board, established by executive order, had never been able to bring about a labor representation election where the employers balked because they found it so easy to enjoin the board in the courts. The hearings on what became the Wagner Act show that Congress restricted appeals from orders for representation elections to remedy this situation. Appeals to the courts were provided only where an employer, after such an election, refuses to bargain. He can then be haled into court by the board for an enforcement order and thus obtain a judicial review indirectly.

Even here, however, the courts have provided their own remedies outside the statute by holding in a few cases that the board could not enforce its orders if evidence showed that it had clearly exceeded its statutory authority. This is the meaning of Kleindienst's opaque reference to the fact that "under certain circumstances" the Supreme Court "has said what the remedy would be." How much greater is the Court's power to apply its own remedies, like busing, to enforce constitutional rights!

[6] Publication No. OE 10024–70 (Department of Health, Education and Welfare, 1970). See Table 46, p. 36.

[7] This, the standard proof required for fraud in civil cases, is far more strict than any of the more familiar standards for regulatory agencies. It represents another hurdle to successful integration suits.

ADDRESS BY THE VICE PRESIDENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. MICHEL. Mr. Speaker, today Vice President AGNEW addressed the inaugural meeting of a new luncheon group, the Headliner's Luncheon, sponsored by the Capitol Hill Club in the new club headquarters here on the Hill.

The group will meet on a regular basis and will feature speakers who are newsmakers on both the domestic and foreign scenes and it is our hope that one day this affair will reach the status enjoyed by the now famous luncheons at the National Press Club downtown.

Just as he did 2 years ago in spotlighting the slanted reporting of the news by the television networks and some major national publications, the Vice President in his remarks today went straight to the heart of still another serious problem—the threat to academic freedom resulting from a disturbing trend for publishers of encyclopedia and other reference books to convert these sources of information into vehicles of propaganda.

Although the Vice President was speaking to a Republican audience, his message has meaning and significance for everyone, regardless of political persuasion, who is concerned about the freedom and objectivity of American education.

I commend his words to my colleagues and insert the text of the Vice President's remarks in the RECORD at this point:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES, CAPITOL HILL CLUB LUNCHEON, WASHINGTON, D.C., APRIL 11, 1972

My subject today is a threat to academic freedom—specifically the threat to the availability of scholarly, diverse research products which arises because some intellectuals are attempting to impose an ideological conformity on American education.

Over two years ago, I directed public attention to the lack of diversity in the process of deciding what news should be presented to the American people, and in the singular ideological conformity of those who make news judgments for the television networks and most major publications of national impact.

My topic here is of equal, if not greater, importance to the future of our system. For if, in the words of Epictetus, "Only the educated are free," then the politicizing of the learning process and the substitution of indoctrination for education strikes at the very roots of a free society.

This politicizing process takes many forms. At its worst, it can be described as nothing less than anti-intellectual Yahooism on the part of members of the academic community who, however few in number, have at times been permitted to disrupt or have encouraged disruption of the process of free discussion and inquiry.

A notorious example of the activities of these academic Yahoos occurred at the convention of the American Association for the Advancement of Science at Philadelphia several months ago.

At that meeting, tomatoes were thrown at a United States Senator, while other speakers had to be given police protection. All this, keep in mind, was the result of the tactics of fewer than one hundred persons given permissive rein to disrupt the proceedings of a convention of 5,000 scholars representing an organization of an estimated 180,000 members.

To his credit, one of the vice presidents of the organization, Dr. Daniel Patrick Moynihan, denounced members of this militant Yahoo minority, charging them with "political harassment that has no place in a scientific meeting."

"I'm a political scientist," said Dr. Moynihan, "and I smell fascism."

Less credit, however, is due officers of the association who sought to appease the incipient totalitarianism in their midst.

One of these officials was quoted as saying, after the tomato-throwing episode—and I quote directly: "If there weren't these disruptions it would mean these meetings are not significant."

Let me submit, ladies and gentlemen, that the death of free speech and inquiry is never a unilateral act. It comes in two parts.

First, there are those vicious members of a community who would kill freedom; second, there are those fatuous leaders of a community who, by their acquiescene and lack of intellectual fortitude, stand by and permit the murder to occur.

This threat of dogmatism and intolerance of diverse opinion in the academic community is a matter of concern to every American.

For history has demonstrated that there can be no more dangerous form of anti-intellectualism than that kind practiced by highly educated, self-righteous intellectuals who consider themselves superior to the point of infallibility.

Indeed, we know that the worst excesses of the mob during the French Terror were carried out under the leadership of "men of learning" who thought themselves the ultimate products of the Age of Reason and Science; that the ideological precursor of Mussolini's fascism was a poet-philosopher; and that the Minister of Propaganda and Enlightenment of Hitler's Germany held a Ph.D. from one of his country's most respected universities.

In this regard, Frederic Lilge, in his book, *The Abuse of Learning,* pointed out how the politicizing of the universities during the years of the Weimar Republic laid the groundwork for the rise of the Third Reich. Wrote Professor Lilge of the German academic scene during the Weimar period:

"The universities were unable to remain islands on which the unpolitical scholar and scientist could live in seclusion from the fierce agitation on all sides . . . already, years before Hitler was made chancellor, groups of nationalist conspirators and, later, Nazi students began to foment unrest and provoke violence inside the universities."

That "strong-arm bullying" has become a feature of many scholarly gatherings here in America during recent years is attested by Bruce Biossat in a recent report. Beyond what Mr. Biossat describes as "disreputable shouters who make a specialty of mindlessness," there are those, the columnist asserts, who carry their ideological bias onto the school grounds and the campus.

Scholars-with-a-cause, they too often permit their devotion to that cause to outweigh their dedication to scholarship, or even to the elementary principles of free inquiry.

We find such narrow-minded academic ideologues, says Mr. Biossat, engaging in faculty boycotts or harassment of fellow scholars "who, in the past decade or so, have dared to labor for the federal government."

We are all familiar with notable cases of this kind in recent years. In my opinion, such boycotting and harassment have written a shameful chapter in the annals of American education. It is a chapter made all the more hypocritical by the participation or acquiescence of many educators who in the past intoned their views regarding "academic freedom," deploring what they viewed as Rightwing efforts to "intimidate" the free academic system.

A similar debasement of scholastic professionalism occurs when political academics fill the air—to quote Mr. Biossat—"with confusing and exaggerated statements on major public issues."

An example of this facet of academic Yahooism, cited by Dr. Jean Mayer, has been the pseudo-scientific clamor surrounding recent national debates over the anti-ballistic missile, the supersonic transport, and the underground nuclear tests at Amchitka.

Yet, well-publicized as are these examples of the politicizing of the academic community, they nevertheless do not reveal the disease of academic anti-intellectualism in its most pernicious form.

That occurs when the ideological virus is brought into the classroom and the teaching process itself.

Recently Professor Sidney Hook addressed his attention to a deeply disturbing aspect of this problem: the conversion of formerly authoritative and objective sources of encyclopedia information into vehicles of propaganda.

This is not to say that all such sources have been so converted. But as has occurred in the area of news reporting, recent years have witnessed a growing tendency toward the "interpretive" rather than the "objective" in a number of research publications as well as textbooks of significant circulation.

Professor Hook's special concern was the transparent ideological bias shown by the new editors of one major encyclopedia who refused to publish a previously accepted study by the respected conservative scholar Ernest van den Haag.

Writes Professor Hook of this incident: "Signs are multiplying that partisan criteria utterly irrevelant to genuine intellectual achievement are being brought to bear on the evaluation of scholarly findings. Judgments on scholars and on their work all too often now reflect ideological prejudice rather than scrupulous evaluation of contributions."

Unless checked, such opinion imbalance, similar to that which affects our national news media, holds ominous implications.

For if biased segments of the news media can distort the view of the world in which we live, it necessarily falls to the educational community, in its pursuit of truth and fact, to assure that today's distortion is not perpetuated in tomorrow's history books.

Nevertheless, the incident of editorial bias involving Professor van den Haag would seem to be only a single exhibit evidencing the fact that the Sander Vanocurs have their doctrinaire counterparts in the groves of academe. This is substantiated by an examination of the kind of politicized material that is getting into standard works that teachers and parents rely on as general reference books for today's students.

For example, one major encyclopedia company—other than that which refused to publish the van den Haag study—produces an annual yearbook that can be found in school libraries and homes throughout the country. It bears a respected name in the publishing world. Yet, the New Leftward bias of its current editors can readily be ascertained by any fair-minded teacher or parent who takes the time to read its contents.

To illustrate this point, let me compare the manner in which this particular yearbook dealt in its annual "People in the News" section with two Americans prominent in the news during the year 1970.

First, consider what young readers will learn about a person to the editors' ideological liking—the Radical Left Attorney William Kunstler:

"The American legal system has given rise over the years to a remarkable breed of courtroom lawyer—the sharp, resourceful, selfless defense attorney, who often at the risk of reputation and pocketbook will take up unpopular causes, defend unpopular individuals, and, in the folklore at least, emerge triumphant . . .," the yearbook tells students.

"One of the most remarkable of this breed is William Moses Kunstler, who fights with conviction for causes that he feels are relevant to social and political justice in America. . . . What makes William Kunstler a different type of lawyer is that he has come to feel he and his colleagues are the last line of defense against the destructive forces of tyranny and, in particular, that the lawyer has a duty to help pave the way for important social changes to overcome the tyranny . . .

"Kunstler has been criticized for his overdramatic manner, for his faulty preparation of cases, and for his phenomenal ego. But his sincerity and his devotion to his clients and to his causes have never been in question. This selflessness has made him a kind of folk hero to the young. . . ."

To be sure the advanced student of propaganda can only pay tribute, however grudging, to the skilled manner in which the writer of that paean to Mr. Kunstler makes the point that his subject is an admirable individual whom the young reader might emulate, regardless of what he might hear around the family dinner table.

Nor should this artful technique be considered accidental. The same yearbook features equally laudatory biographies, some verging on the ecstatic, covering such New Left folk-heroes and heroines as the Berrigans, Angela Davis and Jane Fonda.

On the other ideological hand, there are less admirable Americans whose "sincerity" and "devotion to causes," not to mention "selflessness," are less apparent—at least to the editors.

Indeed, a comparison only of the opening line in the Kunstler biography with that given the President of the United States is sufficient to draw the pejorative inference the editors intend:

"Richard M. Nixon is president of the United States," they tell the young reader, *"but he is above all a politician."*

Now if that, for a starter, doesn't open a youngster's eyes, there follows sufficient innuendo to do so, including even the Radical Left canard that the President once labelled all students "bums."

In this regard, since it bears strong witness to the matter of anti-intellectualism in the academic community, let me take this occasion to lay that blatant distortion to rest once and for all.

Here we see a prime example of the big lie technique perfected by Hitler's propaganda and enlightenment ministry. For the fact is—and it is readily ascertainable fact—that the President's mention of "bums" in the spring of 1970 was made with specific reference to arsonist vandals who had destroyed the lifework of a foreign scholar at Stanford University—and I, for one, believe that, if anything, the President was restrained in so describing the perpetrators of such a senseless, despicable and cruel act of destruction.

The President has never applied that term to protestors or young people, however. The contention that he did is simply one of many gross falsehoods in the propaganda arsenal of those latter-day Goebbels of the Radical Left who daily assault, not simply this President, but rather the institution of the Presidency itself—an assault strengthened by the ready and all-too-willing cooperation of their ideological allies in the national news media and, as we see, the academic world.

Nor is that the only Left-inspired untruth the editors of this encyclopedic yearbook set forth as objective fact. In addition, they included in their 1970 yearbook the misrepresentation that "twenty-eight (Black) Panthers have been killed in police clashes since 1968"—a propaganda myth now thoroughly discredited but which still remains, unretracted, in public and home libraries, as part of encyclopedic history.

Unfortunately, Professor Hook informs us, such examples of politicized standard reference works are no longer isolated cases. Rather, they represent what he terms a "disquieting phenomenon" of our times.

The fact is that teachers and parents can no longer take it for granted that scholarly objectivity and thoroughness will be the standards in much of the material students use for basic reference.

To discover, in Professor Hook's words, that once "reputable and time-honored" reference works have "now fallen into the hands of editors who have ideological axes to grind . . ." is indeed disquieting, not only in itself but in its symptomatic meaning to the entire American educational system.

Disquieting as it may be, however, no American can ignore the danger such politicizing presents to our education system.

I have therefore spoken out on this issue today because responsibility for maintaining the academic integrity of our educational system is a matter of major concern to every American.

What I have urged is not the imposition but the *elimination* of ideological conformity; not censorship but *freedom of inquiry*; not the interjection of the politics of the Nixon Administration or any other administration, but the *removal* of current politics from American education; not book-burning but more books, covering every point of view and not just the propaganda of the view favored by the professor.

Yet, I have little doubt that despite this purpose, there will be criticism in the days to come that the Vice President seeks to "intimidate" or "repress" dissenters at scientific meetings, not to mention limit the latitude of encyclopedia editors. At the very least, we will be advised by self-serving spokesmen that in discussing the ideological bias of such individuals I have somehow had a "chilling effect" on academic freedom.

So be it, I myself have no intention of being intimidated, repressed, chilled or deterred by the propaganda techniques of those who desire that they and they alone shall choose the parameters of public dialogue on issues that affect the American people.

Through nearly two centuries, we Americans have considered education to be a major social priority—in the words of the 16th President who died 107 years ago this week, "the most important subject which we, as a people, can be engaged in."

As a free people, we have rejected the totalitarian concept that education should be a weapon of the state or of a single ideology.

Thus, despite the political passions that have characterized given periods in our history, we in the end always have recognized that solutions to human problems and differences can best be found not in the heat of ideological warfare but in the light of rational discourse.

For this, we can credit a tradition of free inquiry nurtured and sustained by the American educational community.

Upon American educators in this critical period, therefore, the burden of that tradition now falls. Today, as in the past, the people of America—and most especially, young Americans—look to them for responsible scholarship and an academic atmosphere free of political zealotry.

This then is one of the most critical challenges of our time: to assure for this and succeeding generations of American youth an educational system based not on the ignorance of superstition or ideological stricture, but on the principle of free inquiry and rational dialogue in a society of diverse and competing opinion.

RESULTS OF 38TH CONGRESSIONAL DISTRICT—CALIFORNIA—POLL OF PUBLIC OPINION

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. VEYSEY. Mr. Speaker, at the end of February and beginning of March, I conducted a poll of public opinion in the 38th Congressional District of California—Imperial County, Riverside County, four-fifths of San Diego County, and a small portion of San Bernardino County.

Over 255,000 poll cards were sent to each household in the district, which is about evenly divided between rural and urban-suburban populations.

For the possible interest of my colleagues I insert below the poll questions, the tabulated results, and brief commentary that were mailed back to all who responded.

The results follow:

TABULATED RESULTS FOR POLL CONDUCTED FEBRUARY 1972

1. What should we do about the Vietnam War? (Check one only, please)

(a) Withdraw all U.S. forces immediately, and let South Vietnam fend for itself; 18%.

(b) Congress should set a firm date to withdraw our forces; 16%.

(c) Continue the President's policy of Vietnamization (i.e., withdraw in stages and turn the combat over to the South Vietnamese); 57%.

(d) Strive for a military victory; 9%.

Although about one-fifth of those responding want to end the war now, a clear majority supports the Vietnamization policy against *all* alternatives.

2. Would you support a major increase in federal funding of public schools as a substitute for local property taxes? Yes, 58%; No, 42%.

Most of those opposing an increase of federal funding for public schools did so because: (a) they were afraid local property taxes would not be decreased and their federal taxes would simply go up, or (b) they fear that more federal funds mean more federal control.

3. Do you think that federal regulation of prices and wages since last August is satisfactorily curbing the rising cost of living? Yes, 22%; No, 78%.

The key word was "satisfactory." The cost of living statistics show that the rate of increases is 20 percent slower than last year, but that obviously does not satisfy anyone buying groceries.

4. Should Congress force settlement of labor disputes where the national interest is involved such as transportation or dock strikes? Yes, 95%; No, 5%.

The overwhelming majority of people are fed up with strikes that cripple essential services and want a way to prevent stoppages that will be fair to all. Interestingly, more people answered this question than any other on the poll.

5. Should the federal government establish national standards for and regulate blood banks? Yes, 75%; No, 25%.

Although our local blood banks are far better than in most of the country, this nation suffers a minimum of 50,000 cases of serum hepatitis and 3,000 deaths per year. This arises chiefly because contaminated blood bought by commercial blood banks on skid rows is used to fill the gap between voluntarily donated blood and our soaring demand. The Federal Government and the States have not controlled the spread of hepatitis. Last November I authored the National Blood Bank Bill (co-sponsored by 80 Members of the House and Senate) to correct this situation.

6. From what you have read, do you believe our military strength is adequate for our needs? Yes, 44%; No, 56%.

There is no reason for overspending on defenses by one dime with so many other worthy programs crying for funds, but our armed might must be adequate for our commitments and our survival.

7. In the area of national health insurance, which do you prefer? (Check one only, please)

(a) An expansion of federal health care for the working poor and unemployed; 8%.

(b) Tax credits to purchase private insurance protection; 18%.

(c) A federal program to help pay catastrophic medical costs; 23%.

(d) Government financed health care for everybody; 29%.

(e) No new federal legislation in this area; 22%.

Although four-fifths of those responding feel the Federal Government must do something to cope with the problem of medical costs, there is no clear-cut agreement on which of the four major proposals we should follow. This confirms national polls. It may be months before the Ways and Means Committee agrees on a specific bill.

8. Should the U.S. expand trade and diplomatic relations with Communist China? Yes, 75%; No, 25%.

President Nixon's recent trip to China and the attendant news coverage apparently increased approval of the above proposition.

9. Do you support busing of children as a means of improving the quality of education in the schools? Yes, 12%; No, 88%.

Very few believe that busing school children out of their neighborhood will improve the quality of their education. Most people would prefer to use scarce local funds to improve schools instead of buying and operating a fleet of buses.

10. Do you think social security payments should increase automatically with a rise in the cost of living? Yes, 88%; No, 12%.

Continued inflation is a cruel tax on those least able to pay, our Social Security retirees. Last year the House included automatic Social Security hikes to cost of living increases in H.R. 1, which is still pending in the Senate.

11. Should the U.S. sell additional arms to Israel? Yes, 60%; No, 40%.

Most of those who opposed selling arms to Israel were fearful it would ultimately involve us in a shooting war in the Mid-East.

12. I normally vote (check one please) Democratic 29%; Republican, 53%; Other, 5% no response, 13%; and would like to see that party nominate as its Presidential candidate (write just one name, please)

Republicans who indicated a choice:	*Percent*
Nixon	90
Agnew	3
Reagan	3
Ashbrook	1
McCloskey	1
Other	2
Democrats who indicated a choice:	
Muskie	25
McGovern	16
Wallace	15
Humphrey	10
Kennedy	8
Jackson	6
Other	20

This was the least answered of all questions. Only two-thirds of those who indicated a party preference selected a favorite candidate. Some said they vote for the man, not the party; others simply confessed they had not yet made up their minds. A few felt it was none of my business how they voted or who they favor. They would be right, of course, if I were to use their responses for political purposes. I wanted to give you the opportunity to exert your influence on the selection of candidates by your party . . . no matter which one.

TRIBUTE TO MRS. EMILY NELSON RITCHIE McLEAN OF FREDERICK, MD.

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, April 12, 1972

Mr. BEALL. Mr. President, on April 22, the citizens of Frederick, Md., will honor the memory of one of Frederick's most distinguished ladies. On that day, Mrs. Emily Nelson Ritchie McLean will receive the tributes she has so long deserved.

As a charter member and seventh president-general of the National Society of the Daughters of the American Revolution, Mrs. McLean did much to add to the prestige of this venerated patriotic organization. Significantly, the group's current president-general will lead a delegation from Washington to the grave of this great woman.

In light of the appreciation that the city of Frederick is showing in its past heritage, I ask unanimous consent that the fine editorial entitled "A Most Famous Daughter," published in the Frederick Post of March 28, 1972, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Frederick (Md.) Post, Mar. 28, 1972]

A MOST FAMOUS DAUGHTER

One of the cardinal tenets of the Great Buddha's combined religion and philosophy as enunciated more than 2,500 years ago, but still with its more than 132,000 adherents in Japan, India, China, and countless other nations of the Far East, was his faith that the "greatest test of any civilization is the respect and veneration it accords its honored dead."

Certainly weighed in the balances by this criteria, Frederick City is justly proud of its prestigious record of 237 years as a recognized political entity of the Free State of Maryland.

However, we must hang our head in shame in our neglect not only of a prestigious woman born within the city's boundaries—but far more callously—tolerating the almost incredible vandalism in our Mount Olivet Cemetery in which unknown thieves have desecrated her hallowed grave by stealing her very gravestone.

It is sadly indicative of the progressive erosion of the patriotic and moral standards formerly so proudly cherished by our American society, that the final resting place of Mrs. Emily Nelson Ritchie McLean should not only be vandalized, but that the crime did not even cause a ripple of indignant horror in her native city to whom she brought such national prestige.

Mrs. McLean, as a charter member and the seventh president-general of the National Society of the Daughters of the American Revolution—excluding perhaps Barbara Fritchie—holds the unchallenged distinction of being Frederick City's most distinguished woman in all of our history.

It was not until patriotic members of several Frederick Chapters of the Daughters of the American Revolution brought these shocking facts to the attention of the national officers at the DAR's national headquarters—that architectural gem in the nation's capital so fittingly named "Constitution Hall"—that a great spontaneous and still growing outburst of righteous indignation set into motion overnight highly commendable steps to remedy this.

On Saturday, April 22, as a very highly rated part of the program of the 1972 Continental Congress of the Daughters of the American Revolution, traditionally convening in Constitution Hall on the week of April 19 in patriotic tribute to the Battle of Concord and Lexington, Mrs. Donald Spicer, the organization's current highly prestigious president-general, will come to Frederick.

Mrs. Spicer will head a contingent of her associated officials and members traveling by bus to Frederick City's Mount Olivet Cemetery to unveil, dedicate and lovingly strew with flowers, the hallowed soil containing all that is mortal of their seventh president-general and charter member of probably the most admired and socially honored woman's organization in all America.

It is our intention—in reverent tribute to this great woman native of Frederick City—within the limitations of our feeble abilities—to at greater length review a career of a dedicated woman who brought to her native community prestige of such magnitude nationally as to neither previously nor since her untimely death in 1916 even been approached.

When Frederick City's native Mrs. McLean became the seventh president-general of the Daughters of the American Revolution in 1905, she succeeded Mrs. Charles W. Fairbanks, wife of a Vice President of the United States.

And also numbered among her six predecessors in this, perhaps, most highly coveted and socially prestiged office available to any American woman, were Mrs. Adlai Stevenson, sharing with Mrs. Fairbanks and the exalted status of being the wife of a second Vice President of the United States; and the founding president-general, Mrs. Rutherford B. Hayes, wife of the President of the United States.

Mrs. McLean was elected president-general of the DAR for the two-year term ending 1907, and was subsequently re-elected by the Continental Congress as its president-general for the ensuing two years ending in 1909.

This justly honored and No. 1 patriotic organization in the United States, spontaneously and with absolute faith and admiration in her unrivaled powers of leadership, placed in her hands a proud heritage which with complete justification they were absolutely confident that her tenure as president-general would enhance.

It seems to us that when these national leaders of the Daughters of the American Revolution headed by president-general Mrs. Donald Spicer come to Mount Olivet Cemetery on Saturday, April 22, in a spirit of great consecration and patriotic dedication, that they should be instantly aware that this great patriotic community in which we take such pride co-equally shares with the DAR a deep and patriotic pride in our native "daughter" who rose to such lofty national status, even though as an active member in New York.

We think that Mayor E. Paul Magaha should officially proclaim a day in loving tribute to her memory, and that he should be flanked by members of the Board of Aldermen as a reception committee to greet the delegates and officers of the National Daughters of the American Revolution traveling from Constitution Hall to Frederick City to mark the grave of Mrs. Emily Nelson Ritchie McLean.

We also feel that members of the Sertoma Club whose volunteers project it is of decorating the streets of our city with American and Maryland flags on national holidays should similarly do so on this occasion.

And we feel deeply that delegations of school children from all of Frederick City's elementary schools, their arms filled with floral tributes, should form a lane of honor at the entrance to Mount Olivet Cemetery ornamented by the statue of Francis Scott Key, author of "Star-Spangled Banner," at the dedication of which in 1898, Mrs. McLean, then serving as Regent of the New York City Chapter of the Daughters of the American Revolution, returned to her native Frederick City to be one of the principal speakers at the dedicatory exercises.

We think it highly comendable that Frederick City's own member of the House of Representatives from the Sixth District of Maryland, Goodloe E. Byron, has spontaneously intervened with His Excellency, Governor Marvin Mandel, to have the Frederick-bound caravan of leaders of the DAR met at the Washington-Maryland line at Chevy Chase by a delegation of State Troopers constituting a "Maryland Guard of Honor" by riding ahead of the buses over Route 70-S to the entrance of Mount Olivet Cemetery.

It is time that we—as loyal and patriotic citizens of Frederick City—demonstrate anew, as our forefathers have so repeatedly done over the past 237 years, the intense pride we take in our heritage and proudly light and hold aloft that great torch symbolic of our freedoms.

THE DEPARTMENT OF TRANSPORTATION AGREES TO SCHOOLBUS SAFETY REFORMS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ASPIN. Mr. Speaker, recently the Department of Transportation agreed in a letter to Senator WARREN MAGNUSON of Washington, the chairman of the Senate Commerce Committee, to institute some basic and long-overdue schoolbus safety reforms. In response to a letter of inquiry from Senator MAGNUSON, DOT agreed to set schoolbus safety standards for eight of 10 areas specified in the schoolbus safety bill (H.R. 13639), sponsored in the House by myself and 79 other Members. Senator GAYLORD NELSON of Wisconsin is the principal sponsor of the bill in the Senate.

The DOT letter to Senator MAGNUSON states that among the eight proposed standards that it will be issuing are "ones related to bus seating, window retention and release, and tires. The proposal on bus seating would require stronger seats and seat anchorages, substantial padding in the immediate seat area and increased seat back height for improved occupant protection. It would also require the elimination of lethal surfaces." The Department of Transportation promised that the specific standards would be formally proposed by June 30, 1972.

I am pleased that DOT has agreed to institute these much-needed schoolbus reforms. This is a significant victory for safer schoolbuses. It took a lot of pushing and shoving, but the DOT bureaucracy has been moved. But there is no question that there is much that remains to be done to improve schoolbuses. Unfortunately, DOT did not agree to several other provisions in our legislation. One provision not agreed to by DOT would require schoolbus manufacturers and dealers to test drive all schoolbuses before they are sold. A second provision would require DOT to build a prototype schoolbus. A third provision would require DOT to investigate all schoolbus accidents resulting in a death.

In short, Mr. Speaker, while I am pleased that DOT has agreed to institute some schoolbus safety reforms I must remain skeptical of DOT's commitment to safer schoolbuses and will carefully scrutinize the specific schoolbus safety standards proposed, in order to make sure they have some real teeth to them. DOT's past record in the area of schoolbus safety has been characterized by indecision, weakness, and delay. It remains to be seen whether DOT's new commitment to safe schoolbuses is real or merely cosmetic.

AN INCREASE IN CONSUMER CONFIDENCE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ARENDS. Mr. Speaker, the Survey Center of the University of Michigan has recently reported that consumer expectations regarding prospects for business conditions and employment during 1972 have risen substantially. The center stated that its index of consumer sentiment now stands at 87.5, based upon a survey taken in late February, compared to 82.2 in the fourth quarter 1971. This is an increase of more than 6 percent in one quarter.

One economist with the survey attributed the upturn primarily to good news about economic trends and a growing awareness of recovery in the economy. The center itself stated that the improvement in the index was due mainly to an upturn in "opinions and expectations about general economic trends," one of three areas included in the survey.

This increase in consumer confidence was reflected in the February consumer credit figures released by the Federal Reserve Board last week. During February, consumer installment debt outstanding grew by a seasonally adjusted $966 million, well above the $637 million increase of January. The February increase was the third largest gain on record.

In March, the major retail chains showed hefty sales volume increases. Sears, Roebuck & Co. posted a 12.8-percent gain for the 5 weeks ended April 1; J. C. Penney reported March sales up 19.6 percent, the strongest monthly gain in more than a year; and Montgomery Ward and Co., reported a 13.1-percent increase.

Mr. Speaker, the February consumer credit performance and the March major retail chain performance lend added support to the University of Michigan survey showing strengthening consumer confidence. With this increasing confidence, 1972 can, indeed, be a strong year for our economy.

THE FOOD STAMP RACKET

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. RARICK. Mr. Speaker, evidence continues to mount daily indicating the gross misuse of Government programs designed to assist the needy and underprivileged.

A shocking example of this rape of Federal assistance programs occurs in the food stamp program and begs the question: Is the Government concerned with inflation or politics? A widely circulated example of the possible misuse of the food stamp program, as it appeared in "The Welding Distributor," is included in the RECORD at this point:

LET'S ALL GO ON WELFARE

How would you like to "retire" while going to school, get free food and some spending money to boot. I understand a lot of college kids are doing it with a new form of money—it's something called "Food Stamps."

I have been told that if you have 50 cents, or can borrow it, you can buy $28 in Food Stamps. Then you go to the store and carefully buy about $27.49 worth of groceries. (You see, if you spend over that amount, you lose the bait for the next batch of Food Stamps.) Then, with your 51 cents in change, you pocket the penny, and take the half buck to get another $28 in Food Stamps.

You then repeat the process, pocketing the change except for 50 cents, which you again invest in more stamps. My informant said that this could be done up to three times a month. By now, you still have a goodly portion of your $55 worth of groceries and $28 in Food Stamps. Well, you can't buy booze or pot with food stamps, so you have a bargain sale—Food Stamps at half off. Not bad, free food and $13.50 a month for spending money (you've put the extra 50 cents aside, to enable you to start the whole process over again next month), while going to college on a scholarship.

Soon, the only people going to college will be the poor, who go on scholarships and Food Stamps, and the extremely rich, who can afford to pay their way.

While you and I are footing the bills, our "representatives" are in Washington cooking up more bills for us to foot. One scheme they are toying with right now is a guaranteed, tax free, "annual wage" for those on welfare. That's only one of the brain storms; if all the crack-pot ideas were enacted, the national budget would be twice as great as it is, and the deficit probably 10 times what it is going to be. Just on one of the little schemes they cooked up last year you are now paying 20% more social security taxes this year—and the rest of your life. Your boss, in addition to coughing up an additional 20% on social security, also is paying 40% more in unemployment tax.

All this, of course, means that everything you buy is going to cost more, unless you are paying for it with Food Stamps. They haven't gone up, but food prices have. So let's all get on welfare, then we can all starve together instead of half of us working ourselves to death so that the other half can waste away in idleness.

TRIBUTE TO BUFORD ELLINGTON, DISTINGUISHED GOVERNOR OF TENNESSEE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I was shocked and saddened by the recent passing of my longtime close friend, former Gov. Buford Ellington of Tennessee.

Governor Ellington served two terms as Governor and also served as Commissioner of Agriculture of the State of Tennessee. In addition, his good friend President Lyndon Johnson appointed Governor Ellington to serve as Director of the Office of Emergency Planning in Washington—a post from which he resigned to successfully campaign for his second term as Governor.

Governor Ellington had an outstanding record of public service—his life was dedicated to uplifting and improving the lives of his fellow Tennesseans. He took great pride in the tremendous progress achieved in economic development in the State during his administration.

Buford Ellington was personable, able, warm, and friendly—he had countless friends and he was highly respected and regarded for his executive and leadership abilities.

Buford Ellington and I were close personal friends for many years—he managed my first campaign for Congress in Marshall County, Tenn., and his efforts contributed to our success and splendid victory. We always cooperated and worked closely together for progress in the best interests of the people of Tennessee and the Nation.

The Ellington funeral service which I attended was beautiful and impressive, although unpretentious. There was an overflow crowd in the small town of Chapel Hill, Tenn., where services were held, and those attending included former President Johnson, Vice President AGNEW, both Tennessee Senators and most Members of the House delegation; former Governor Browning of Tennessee; several former Governors of Buford Ellington's native State of Mississippi; members of the Governor's cabinet, members of the legislature, and a host of friends. One of the most impressive events in connection with the service was the long motorcade which extended for several miles from Chapel Hill to the Lone Oak Cemetery where graveside services were held at nearby Lewisburg—and the streets and highways lined with schoolchildren, farmers, and friends along the way, many waving flags.

Governor Ellington will be greatly missed and I want to take this means of extending to Mrs. Ellington and other members of the family this expression of my deepest and most heartfelt sympathy. My wife Ann joins me in these sentiments.

In this connection I place in the

RECORD herewith an excellent editorial from the Nashville Banner eulogizing the life and distinguished service of this great Tennessean.

The editorial follows:

[From the Nashville Banner, Apr. 4, 1972]

BUFORD ELLINGTON

Shock and sorrow mark Tennessee in the passing of former Gov. Buford Ellington—more than a name, a personality and character high on the honor roll of the state; esteemed in memory for the faith he kept in public service.

In that concept bespeaking conviction—first and foremost, a sense of duty—acquaintance with the man would discern his proper epitaph. It was coextensive with his public career; an able steward in every responsibility, possessed of rare administrative skill, and with that the eye to discern and the courage to pursue the course of conscience.

Buford Ellington had no illusions of personal grandeur; he aspired to no garlands of rank and adulation. He was a man of the people—basically of the soil that was his first calling; and he served the people by repeatedly taking time out from his personal business. Though comfortable in the presence of those associate dignitaries who sought and received his valued assistance in bearing problems of state—at both the Tennessee and the national level—he was at home on the farm; and he shared, as one of them, Lincoln's classic view that the Lord must have loved common people because He had made so many of them.

Tennessee knew him in that image, without frills and without subterfuge—speaking his mind frankly on any subject under discussion, and with a sense of honor paramount keeping every promise.

As distinguished citizen, as Commissioner of Agriculture, and as Chief Executive twice elected to the highest office within the power of the people to bestow, constituents of the state he loved knew and respected and honored him—feeling close to him with the regard of kinship and mutual interest he reciprocated.

The nation recognized his administrative stature—as underscored by President Lyndon B. Johnson's recruitment of him as old and trusted friend to serve as director of the Office of Emergency Planning. He ably filled that assignment, as the President's right arm in a period of crisis, and resigned that vital national post only to accept the urgent call of Tennessee to stand again for the gubernatorial position.

The former President put into words the feelings of a personal and public grief when he noted that with the passing of this long-time associate "all 50 states have lost an advocate. We shall miss him."

He was one who could fulfill with distinction the exacting standard started in Kipling's "If":

"If you can walk with crowds and keep your
virtue,
Or talk with kings, nor lose the common
touch;
If neither foe nor loving friend can hurt
you—
"If all men count with you, but none too
much . . ."

The breadth of Buford Ellington's interest in people was the span of society; young or old, rich or poor, irrespective of race, they were constituents—and he respected them as people; the components of a state to whose service he had taken oath.

In any showdown with a threat against peace and order within the domain of his authority, he was always on the side of law; and acted with courage when, in contrast to that, at some points across the nation, there was surrender.

For Buford Ellington believed in integrity, the conscience, the judgment and courage, of the people of Tennessee; He reciprocated in that the trust these had placed in him.

Public office in its numerous aspects of assigned responsibility was, to him, a public trust.

Heavy and time-consuming as was the load he carried, involving the business of his state, he always gave liberally of his time to assist in youth work . . . the ready colleague of Boy Scout and Girl Scout efforts, Boys Club activities, 4-H and Future Farmer work.

His dedication to the economic development of Tennessee was a feature of his Executive tenure; it was an interest antedating election in that capacity, and did not cease with expiration of his term. Much of the industrial expansion that has occurred, particularly in the matter of new industries attracted, was the direct result of recruitment campaigns led by the state.

In still another wondrous detail, Buford Ellington will be remembered. He was a distinguished family man, beloved by his wife, the treasured father and grandfather—his exemplary home life the ideal of responsible society; the churchman, worthy of that illustrious calling, too.

As he honored the trust reposed in him by his state and his generation, so will history honor his memory.

MOSCOW: THE CARROT AND THE STICK GAME WITH WEST GERMANY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. HUNT. Mr. Speaker, the Christian Democratic Union, currently the opposition party in West Germany, has scored another victory in the ongoing negotiations with Moscow.

There has been much attention given recently to the extension of visiting privileges to West Germans who still have relatives in the Eastern sector. A large group was permitted to cross the border for Easter and another group will be allowed to enter the East for Pentecost.

Those whose families are personally affected by this "thaw" naturally have strong, emotional feelings supportive of this easing of barriers. But emotions should not be permitted to impair clear thinking or an objective analysis of exactly what has prompted this "generosity" on the part of the Communists.

Any rational observer of recent international affairs in this area knows that these acts of Communist "generosity" are entirely a result of the hard bargaining position adopted by CBU Chairman Rainier Barzel and his party on the ratification of the Moscow and Warsaw treaties. If they had not taken the strong position of opposition to the treaties that they have there would have been no Easter holiday visits. The U.S.S.R. would have had no reason to grant such a concession to Willy Brandt, for there would have been nothing to gain. But because the CDU opposition seriously threatens the ratification of the treaties, everything possible is being done by Moscow to bolster the Brandt position.

I refer to this as another CDU victory, because I think the same rationale explains Moscow's recent acceptance of the European Economic Community agreement. There is no other explanation for so important a concession by the Soviets.

Such concessions should also help to illuminate the nature of the treaties and just how much the Soviets obviously feel they stand to gain from their ratification.

On March 23, I called to the attention of the House an article in our local press, the substance of which stamped Soviet leader Leonid Brezhnev as a political bully in his efforts to force West German ratification of the Moscow and Warsaw treaties through inflexibility and threats of confrontation and renewal of the cold war if he did not get his way.

The bullying continues, along with the coaxing, as evidenced by tiny items in Sunday's Washington Post which some of my colleagues may not have noted.

According to one of those items, the West Germans and the Soviet Union recently initiated a trade agreement, but the Soviets stipulated that it will not go into effect unless and until the West German parliament ratifies the so-called Moscow treaty.

The other item announced that the foreign ministers of East Germany and Czechoslovakia issued a joint communique last week urging West Germany to ratify the Moscow and Warsaw Treaties, saying that early approval of the treaties would further "peaceful cooperation in Europe" and "would also be in the long term interests of the States."

These Iron Curtain puppet states are obviously being prompted by their increasingly frantic Soviet masters as a means of applying more subtle and indirect pressure for ratification. Neither country has, itself, anything immediate at stake in the treaties.

While the United States and West Germany's other allies have remained aloof from an issue in which they have a very vital stake, the Communists are applying every conceivable pressure to bring about ratification. We have stayed out of what is described as "internal German politics." Obviously, the Communists do not consider it "internal German politics," or are not above interfering if they do.

I believe it is high time we in this country recognized the treaties and the Soviet effort to force their ratification for the attempted diplomatic coup they are. It is not "interference" to express a position on a matter which so vitally concerns the security of the free world when the treaties' promoters think nothing of threatening and bullying or making temporary concessions in order to achieve their purposes.

We can be assured, I think, in view of the bullying, that the recent concessions are politically motivated and, therefore, temporary and ephemeral. They have been wrested from the Soviets as a result of CDU's determined stand against ratification of the treaties and the fact that CDU is now within one vote of victory for its position.

The items referred to follow:

FOR THE RECORD

West Germany and the Soviet Union have initialed a trade agreement, but the Soviet Union has stipulated that it not go into effect until the West German parliament ratifies the nonaggression treaty with Moscow.

BONN URGED TO RATIFY PACTS

BONN, April 8.—The foreign ministers of East Germany and Czechoslovakia today urged West Germany to ratify its nonaggression treaties with Moscow and Warsaw, the East German news agency ADN said.

Otto Winzer of East Germany and his Czechoslovak counterpart Bohuslav Chnoupek in a joint communique issued by ADN at the close of their four-day meeting in East Berlin said early ratification of the treaties for peaceful cooperation in Europe.

It said ratification "would also be in the long term interest of the states."

WHY HANOI FIGHTS ON

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. KEMP. Mr. Speaker, according to the New York Times, a hundred thousand South Vietnamese have been driven from their homes by the recent invasion from the north. They have all fled south—away from the invading Communist forces. They have fled only because they fear the invading forces.

It is as amazing to me, Mr. Speaker, as it was recently to Senator BUCKLEY that there are those among our colleagues who condemn not North Vietnam but President Nixon.

To those who say Vietnamization is a failure, let them explain why it is North Vietnam's regular army and not the South Vietcong which is carrying the battle. Let them explain how after more than a week of intensive fighting the South Vietnamese Army, without any U.S. ground support, is fighting vigorously to defend their people and their major cities.

To those who would say that the current invasion spells the doom of the Vietnamization program, let us await the outcome of the battle. The South Vietnamese Army is fighting the ground actions alone, whereas in 1968 the United States had 55,000 ground troops there. Today the United States has fewer than 90,000 and none of these ground forces are engaged in the combat, and further reductions are continuing on schedule.

To those who ask why President Nixon has not ended the war by now, let them consider how their statements have influenced Hanoi to continue the war and in their analyses of the recent massive invasion by the North Vietnam regulars, let them consider the following statement, "Why Hanoi Fights On."

The statement follows:

WHY HANOI FIGHTS ON

(By Edmund A. Gullion)

While Hanoi broadcasts its thanks to the Americans who march in protest against the war, there are other Americans who see the repetition of a grim and familiar pattern. Hanoi moves by the same calculations which paid off for it in the defeat of the French in 1954.

As the late Ho Chi Minh once told the French: "You will kill ten of our men and we will kill one of yours. And in the end, it will be you who will tire of it." French power was shaken but not shattered by the defeat at Dienbienphu. What broke France was the collapse of will on the home front. The French were fighting to preserve a hold in Vietnam. The Americans fight to preserve the right of the South Vietnamese—the vast majority of whom fear and reject Hanoi—to choose and live by their own government. But North Vietnam, having seen one Western power worn down by sapping tactics on the home front, is sure the same strategy will pay off again. Indeed, this is what the declarations in the Hanoi press and radio are all about.

In Vietnam today, the enemy grows weaker as our side grows stronger. The situation is still precarious but President Nixon's Vietnamization plan shows real signs of working. The bitter paradox is that Hanoi grows more resolute as American will *seems* to waver here at home. (This would appear to be wishful thinking on the part of Hanoi, in view of the recent Gallup poll and the resolution by the House of Representatives strongly supporting the President's plan.) If the enemy believes that public opinion will force an immediate American pullout, he has no reason to negotiate at Paris or anywhere else. So long as he believes the "peace-marchers" are marching not for peace but for him, he will carry on the fight, and more American and Vietnamese men will lose their lives.

Another article which I wish to bring to the attention of those who are one-sided in their condemnation of American efforts in Vietnam is a study I have of how to serve to prolong the war.

This article traces from 1966 in a condensed form the abundant evidence from North Vietnam's own information sources. The record shows that the enemy not only is closely informed about the demonstrations in the United States, but is also counting on them to help him win the war.

Mr. Speaker, the article from Reader's Digest follows:

FROM HANOI—WITH THANKS—A STUDY OF HOW AMERICAN ANTIWAR DEMONSTRATIONS SERVE TO PROLONG THE WAR

February 27, 1966: The North Vietnamese newspaper *Nhan Dan*.

"In America the debates on the Vietnamese problem will become increasingly fiercer. The U.S. imperialist rear will be the scene of great confusion, which in turn will exert great influence upon the morale of the U.S. servicemen on the front line. That is why the Johnson clique is very perplexed and afraid, faced with the ever stronger anti-war movement which, like a sharp knife, is stabbing them in the back."

November 6, 1966: Radio Hanoi.

"The Vietnamese people hail and support the struggle waged by the American people against the U.S. war of aggression in Vietnam, said Dr. De Dinh Tham, chairman of the Vietnam Peace Committee. "This struggle is a valuable encouragement and backing for the Vietnamese people, who sincerely thank the American peace fighters for their efforts to strengthen their solidarity with the Vietnamese people and coordinate their struggle with them."

November 8, 1966: Radio Hanoi.

"The Vietnamese people highly value the protest movement of the American people. We praise the American peace champions who courageously turned the courts which were trying them into forums to condemn the war. We praise the American journalists and writers who, in defiance of repression and threats, valiantly exposed the crimes of the Johnson clique in Vietnam."

February 15, 1967: Radio Hanoi.

"It is clear that the American people's protest movement has become a real second front against U.S. imperialists on the very soil of America. It is the largest, most stirring, and best organized mass movement in U.S. history."

October 17, 1967 (four days before the "peace march" on the Pentagon): Radio Hanoi.

"The South Vietnam People's Committee for Solidarity With the American People has announced its program to establish relations with and contact all progressive organizations and individuals in the United States who want to acquaint themselves with the situation in Vietnam. The committee sent a message to the National Mobilization Committee and the Students Mobilization Committee in New York:

" 'We warmly hail your struggle from 16 to 21 October. Our struggle will certainly grow more powerful, and in coordination with your struggle it will certainly be capable of compelling the U.S. government to put an end to its aggressive war. May the October 21 struggle [the day of the march on the Pentagon] mark a new development in the American people's movement for an end of the U.S. war. We wish you brilliant success.' "

August 1968 (approximate): Speech by Truong Chinh, chairman of the National Assembly of North Vietnam and No. 2 man in the ruling party Politburo.

"We are currently taking advantage of the contradictions between the doves and the hawks in the American ruling class."

January 23, 1969: Radio Hanoi message to the National Mobilization Committee to End the War in Vietnam.

"We were deeply impressed by the successful march on Washington during the Presidential inaugural day to welcome the victory of the South Vietnam National Front for Liberation and demand the withdrawal of all American troops. We extend to you sincere thanks. We hope that we would further coordinate our activities for peace and real independence in Vietnam."

October 6, 1969: Letter to American students from Tran Buu Kiem, former head of the Vietcong delegation to the Paris peace talks.

"We greatly admire the active and massive participation of the American youths and students in this fall movement. You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success, thus further accelerating the common movement of the American people against the war."

October 14, 1969: Message to American people from North Vietnamese Premier Pham Van Dong.

"This fall, the broad masses of the American people, encouraged and supported by many peace- and justice-loving American personalities, have again started a broad powerful drive to stop the war. The Vietnamese people fully approve and warmly hail your just struggle. We are firmly confident that with the solidarity and courage of our two peoples the struggle of the Vietnamese people will end in total victory. I wish your fall offensive a brilliant success."

October 14, 1969: Radio Hanoi.

"In response to Nixon's call for unity, the U.S. people have manifested a fierce opposition attitude. The U.S. people's autumn struggle is placing the Nixon Administration in an extremely difficult, embarrassed situation. We consider this struggle the most realistic support for the Vietnamese people's fight against the United States."

October 17, 1969: Message from Xuan Thuy, chief of Hanoi's negotiating team in Paris.

"I should like today to send warm greetings to all Americans and all persons who took part in the October 15 movement. We consider that these legitimate actions are of a nature both to make the Paris conference progress and to demand of the Nixon Administration the complete and rapid withdrawal of the GIs."

October 21, 1969: Broadcast from Hanoi to communist troops in the South.

"All deceitful tricks and threats of the Nixon clique cannot check the American people's will. In their valiant and persevering struggle, the American progressives will certainly win glorious victories. The Nixon clique will certainly be completely defeated in Vietnam."

November 6, 1969: Statement of the government of North Vietnam.

"The Vietnamese people hail the honest-minded Americans who, for the sake of peace, justice and the true interests of their people, have courageously denounced the plans for prolonging the war in Vietnam and strongly demanded a quick and total withdrawal of U.S. troops from South Vietnam."

November 11, 1969: Broadcast to the communist troops in South Vietnam.

"Deeply moved by the American progressives' struggle for the great cause, we can realize our great responsibility more clearly. The Americans are struggling for their own interests and Vietnam's interest right on American soil. As for us, what must we do to coordinate with the U.S. people's struggle? Let us further stoke the fire of victory on all battlefields. We must be determined to fight the U.S. aggressors until complete victory."

November 13, 1969: Broadcast to communist troops in the South.

"A struggle which took to violence on 15 October 1969 will break out even more fiercely on 15 November. It will be coordinated by the New Mobilization Committee to End the Vietnam War, one of the largest anti-war organizations in the United States. This struggle will have more violence and be on a much larger and more elaborate scale in all U.S. cities and state capitals. The seething struggle of U.S. youths, students and people is urging us to arise and win final victory for the fatherland."

November 14, 1969: Speech by Prof. Hoang Minh Giam, North Vietnamese minister of culture.

"We highly evaluate the great efforts of various U.S. anti-war organizations and well-known notables who had the initiative to organize the Moratorium Day, demanding the immediate return home of all U.S. troops with slogans suited to the American people's urgent needs and just aspirations. We enthusiastically welcome the peace-loving Americans who have stood up and struggled violently and bravely against the U.S. Administration's stubborn attitude in prolonging the war of aggression. Moreover, we regard the U.S. people as our comrades-in-arms, animated by the common goal of opposing the Nixon Administration's aggressive policy and war. The fall offensive drive of the American people has made more prominent our people's just cause and made our people more resolute."

November 15, 1969: Communist broadcast from South Vietnam.

"The 'fall offensive' is sweeping the United States of America. We express our militant solidarity with and gratitude to the true sons and daughters of the United States. With all of our hearts we wish to thank our American friends."

TRIBUTE TO PAUL GIBSON

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ADDABBO. Mr. Speaker, Nation's Business magazine this month calls attention to one of the outstanding airline executives in the country. He is Paul Gibson, vice president of American Airlines in charge of urban and environmental affairs.

I have known Paul Gibson for a long time and have seen what he has done to help the poor and the black. His leadership in changing the curriculum of a vocational high school in my district has made a world of difference in that school. Paul is a real inspiration to many black youngsters in New York.

I commend this article to my colleagues that they may know about the efforts of this black airline executive who is doing so much for our cities and our environment.

AN AIRLINE OFFICIAL HAS A DIFFERENT ROUTE

Paul Gibson's work can take him to Harlem one day and Acapulco the next.

His job is an unusual one in the airline industry—he's vice president of American Airlines in charge of urban and environmental affairs.

Mr. Gibson is responsible for the whole spectrum of his company's programs dealing with the quality of life—everything from fighting discrimination and urban decay to helping protect the natural environment of some of the pleasure points served by American.

Many corporations have specialists who focus on urban problems or on environmental problems. But Mr. Gibson wears both hats.

He has a hand in recruiting, placing and upgrading minority-group employees at American, and he is given credit for opening doors to minority suppliers who were convinced they could not meet AA's stiff purchasing standards.

Also, Mr. Gibson headed a task force of aviation and union executives, concerned parents and educators, which persuaded the City of New York to broaden the curriculum of a vocational high school near Kennedy Airport. It now offers courses leading to careers in transportation, travel and tourism.

"Attendance at the school was 58 per cent not long ago," says Mr. Gibson. "Today, it is 90 per cent, one of the highest in the city. Most of these youngsters [predominantly poor and black] had never been to an airport. But now they are well acquainted with Kennedy and many have been taken on flights over the city. I think we have convinced many of them they don't have to settle for entry-level jobs."

Currently, Mr. Gibson is leading a drive to keep litter off New York's Third Avenue, where his company and many others are headquartered. He has encouraged several companies to put up money for a giant vacuum cleaner which the city will operate along a 15-block stretch of the avenue, as well as to buy litter cans the city says it can't afford.

"We are the biggest carrier serving New York, so when the word is out that New York is not the place to visit, it behooves us to change that image," he points out.

Meanwhile, at the Mexican resort city of Acapulco, Mr. Gibson is overseeing a project to eliminate sewage pollution. In his spare time he works with Boy Scouts in New York ghetto areas.

SHADES OF OUR GRANDFATHERS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ZWACH. My Speaker, in the days just before REA emancipated the countryside, new propeller-type windmills could be seen on many of our farms. Many farms held a cluster of these windmills.

They were used to generate electricity with wind power and it was no trick to keep the farm operating electrically with the wind that blew.

Even today in some areas of our Sixth Congressional District, a few isolated farms depend on the wind for their power.

It appears now, from reading a news column by Margery Burns, which appears in many of our Sixth District newspapers, that perhaps we may turn to the wind for a nonpolluting source of our power.

Mr. Speaker, with your permission, I would like to insert into the RECORD the very thought-provoking article on windpower which appeared in Mrs. Burns' column so that it might be shared with my colleagues and the thousands of others who read the RECORD:

SHADES OF OUR GRANDFATHERS

The electric power companies have been turned into villains in the last few years because of the pollution coming from their plants. But just imagine what villians they'd be if they didn't turn out enough electricity for us! So, whatever they do these days, they have a tough time.

The problem these companies have is finding ways of giving us all the power we need while still keeping the air and water clean. It's a hard and expensive problem.

Now comes a professor at the University of Massachusetts, William E. Heronemus, with two solutions to the problem. In a paper presented Jan. 12, 1972 before the American Society of Mechanical Engineers and the Institute of Electrical and Electronics Engineers, he says, "This paper is a statement of advocacy and a gentle protest. I do not think that anyone of the hundreds who have raised their voices concerning the energy crisis in the past few years has been fair or even accurate regarding two sources of energy available within the United States, available for exploitation. I speak of power from the wind and power from ocean thermalgradients . . ."

He goes on to tell about the experiments which were made in the late 1930's and 1940's with wind-power in our country and in Germany during World War II. Because of the times, during the war and right afterwards, wind-power was given up as a source of power.

But later experiments are showing that power coming from the wind and ocean can be used very successfully in this country, and the advantages over coal or atomic power are terrific. There's no dust, or fumes, or cooling water. The assembly-line techniques need to build these systems can easily be used by existing aircraft, automobile or armament factories. And these same techniques are so well understood that the "perfected machines could start to flow from assembly lines in three years."

Prof. Heronemus says, "Recent literature concerning the Energy Crisis has failed to give appropriate emphasis to two major sources of pollution-free energy: large-scale Wind Power and large-scale Ocean Thermal Gradient Machines. Those sources, coupled with a hydrogen-plus-fuel-cell distribution and electricity-generation concept, offer a chance to place the entire electric utility and transportation industry in the country on a pollution-free invariant energy basis.

"An acceptable technology exists for all aspects of both processes: five years' development with existing underemployed technical talent could improve that technology. The components are those that could be manufactured in existing underemployed industrial plants using existing labor forces.

"The electricity produced by the proposed systems is economic even by today's false yardsticks: by 1980 it would be a genuine bargain. . . .

"Is the United States willing to give proper attention to some very unsophisticated, low-key, gentle, alternative solutions to her energy crisis?"

Shades of our grandfathers with their windmills dotting the country side!

And the power companies will turn back into heroes, besides solving their problems, if they can use the wind and ocean as their source of power. It's an exciting idea.

TESTIMONIAL DINNER HONORING STAN "CONSTANTINO" W. RAFFA FOR HIS 50 YEARS OF DEVOTED SERVICE AS A MEMBER AND OFFICER OF ALPHA PHI DELTA FRATERNITY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. WOLFF. Mr. Speaker, Stan Raffa was born in Manhattan of Italian immigrant parents. He lived for 30 years of his life in New York and presently lives in Dumont, N.J.

He attended public school in New York City. Pursuing a natural technical ability, he attended Brooklyn Technical High School noted for its requirements of excellence in academic achievement.

Upon graduation, he entered the Army of the United States in 1943. He was sent to OTS at Fort Benning, Ga. However, the need for troops in Europe found him assigned to the 106th Infantry Division as a private first class. He saw action in Europe and on December 16, 1944, was captured during the Battle of the Bulge, spending the rest of the war as a prisoner. He was liberated on Easter Sunday, 1945, by the victorious Allied Armies then sweeping across Germany.

He attended Polytechnic Institute of Brooklyn, pursuing an engineering degree. While there, he joined Alpha Phi Delta Fraternity, Delta Chapter in January of 1949. He was extremely active as an undergraduate brother of Delta Chapter, holding the office of treasurer and then president. As treasurer, his policies assured the financial stability of the chapter and its membership grew to the largest number in its history, under his leadership as president. He found time to publish biweekly Delta Doings which kept both undergraduate and alumni pleasantly informed on chapter affairs. He was also instrumental in helping with employment opportunities—an effort which gained employment in industry for over 25 Alpha Phi Delta men in the early 1950's.

Broadening his scope in the activities of Alpha Phi Delta, he became editor of the Metrovox, a monthly newspaper of the third district of Alpha Phi Delta which was sent to 1,400 members of the fraternity in the metropolitan New York area. This led to his appointment as editor of the Kleos, the nationwide newspaper of Alpha Phi Delta Fraternity in 1956. He held this position for 12 years. In 1968 he was elected vice president of Alpha Phi Delta and was unanimously voted to the presidency in 1970.

He was voted outstanding undergraduate in 1951 and received the certificate of merit as outstanding alumni in 1961. He presently is compiling a 50-year history of Alpha Phi Delta Fraternity.

He left Polytechnic Institute of Brooklyn to take a position with Bosch Arma Corp. of Garden City, N.Y., in 1951. He continued his education at night and received a bachelor of science degree from Adelphi University. With Bosch Arma Corp., he advanced to the position of test operations supervisor at Vandenberg Air Force Base in California.

He presently is a vice president with Western Union and was director of their shared information systems programs at the technological laboratories in Nahwah, N.J.

ANNIVERSARY OF TRANS-POLAR AIR SERVICE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. BEGICH. Mr. Speaker, 15 years ago regularly scheduled flights across the North Pole made front page headlines as part of man's conquest of space. Those headlines chronicled the start of scheduled Trans-Polar air service from Europe via Anchorage, Alaska to the Orient, by SAS in 1957. Through this feat Alaska and Anchorage have enjoyed an ever increasing growth in the airline industry and the tourist industry.

That anniversary was celebrated last month at a luncheon given by the Anchorage Chamber of Commerce and the Anchorage Rotary Club in Anchorage. B. John Heistein, vice president and general manager, North American Division of Scandinavian Airlines, was the keynote speaker, and in his remarks Mr. Heistein touches on the great potential of the State of Alaska as a growing domestic market, sound financial investment and tourist attraction—all founded on trade.

I call Mr. Heistein's remarks to the attention of my fellow Members and all others who share with me the "vision of Alaska."

The remarks follow:

REMARKS BY B. JOHN HEISTEIN

It is always a pleasure for any of us from SAS in New York to come here to Anchorage. Your welcome is so warm, and your regard for SAS so flattering, that I wish we could make the trip a lot more often.

It's an especially good feeling today. We take great satisfaction from the fact that Alaska became a full-fledged part of the SAS system even before it got the same status in the American Union. In these days of short memories, when the popular motto is "What have you done for us lately?" we are all the more touched by your initiative in celebrating this 15th anniversary of what we will always consider one of our really monumental achievements as an airline.

Flying across the Pole on a regular schedule with a regular payload is pretty routine today. But only 15 years ago, it was a great adventure which was reported on front pages throughout the world as part of man's conquest of space. I am happy that the man who helped so greatly to transform that Adventure into the science of Polar navigation can be with us today. Colonel Balchen needs no introduction in Alaska; but I do want to record our regard for him as a great American and a great Norwegian; as a conqueror of both Poles; as a great airman; as a living bridge between the SAS of today and its original format—and, incidentally, as an artist whose work we are proud to display in our SAS collection.

Our President, Knut Hagrup, who was one of the prime movers in the Trans-Polar project when he was our Vice President of Operation, has asked me to express his appreciation for your kindness here today and also to convey his warmest good wishes to Colonel Balchen.

Last night, we had a small family party here for the SAS people in Anchorage, our sales and station staff, and the flight deck and cabin crew for the Trans-Polar route who make their temporary homes here. It was good to see what a happy and healthy lot they are in this brisk and stimulating atmosphere; and I should like to thank you for having made them feel so much at home in Alaska.

I don't know what it's like up here, but back in the East we are going through a fit of what one might call anti-establishmentarianism. Businessmen and community leaders are pretty heavily discounted, except perhaps among their fellows, but the fact remains that they still are the men and women who have taken on the responsibility for keeping the economy ticking and keeping society viable, whether it is popular or not. Someone, someday will write a history of America in which Chambers of Commerce and Rotary Clubs are given the credit they deserve. Meanwhile, although my voice may not be a big one, I'd like to raise it in appreciation for the vital role you have played in the building of Alaska as a good place for men and women to live and work and raise their families.

Modest as our presence here may be, we feel very much a part of this process. SAS, too, has been touched by the vision of Alaska, and SAS, too, has a stake in it. As a foreign carrier, flying the flags of three other countries, we cannot have opinions about many matters here, but the economic development of the State, the building of its prosperity and the expansion of its trade and influence, are very much our business.

So today, I hope to concentrate on talking business—and in a pretty business-like fashion. I'm sure you all know that Anchorage came into our system 15 years ago as a way station on the route between Europe and Asia. It was perhaps analagous to the establishment at a hitherto obscure harbor of a coaling station for the first steamships in Asian waters. Today, that harbor is the great and bustling city of Singapore. I'm not going to press the analogy too far, except to say that it is a good case history of how a port of call can become a great workshop, a great market and a great metropolis, founded on trade.

In a sense, this is our vision of Alaska. We have come part way to its realization. Fifteen years ago, Anchorage represented a 100 per cent expense item on our system account books. Today, thanks to the development of Alaskan trade and the Alaskan economy, the picture is different: we still spend twice as much here as we earn, but trade and travel have developed to the point where Anchorage is a respectable sales district in our scheme of things.

Obviously, we look forward to the day when Anchorage will be a self-supporting unit in the SAS system and perhaps return a bit of profit. I'm sure the day will come, of Alaska, but as a businessman, I'd like to see it sooner. And as businessmen yourselves, I'm sure you would agree.

How is it to be done? Of course, we'd like to see a lot more Alaskans going to Europe, for both trade and tourism. After all, on the Polar projection, Copenhagen and Oslo and Stockholm are not much further away from Anchorage than New York or Washington, and the beaches of the Mediterranean are no further away from Florida. I'm not suggesting that you give up your ties to the rest of the United States, but I do suggest that you know your options and make the most of them.

On the tourist side, we're doing our best with new and lower fares and more attractive tour packages of all kinds. I won't go into them here, but John Kucala or any of the travel agents in Alaska—whom we regard as our full partners in this enterprise—will be glad to tell you all about them.

I realize that you cannot spend what you do not earn, so I would also suggest that you take a closer look at the earnings opportunities offered you by this quick, convenient non-stop facility to Scandinavia and the rest of Europe.

I am sure that there are many enterprising men among you who can find in the market place of Scandinavia—where trades and conditions are often much like your own—products and processes which can profitably be applied to Alaska.

And I feel equally confident that there are Alaskan products for which you can find a demand in these well-off countries at the other end of the Polar flight. Today it may be fur articles and native handicrafts, fish and other edibles; tomorrow, I am sure, it will be a range of other and more sophisticated items. Again, this is no place for a market survey, but if you are interested, our people here and in Europe will be happy to help any of you explore possibilities and contact interested parties on the other side.

There is one area in which Alaska has inexhaustible resources and immediate opportunities—your wide open spaces and your facilities for recreation. We would like to see Alaska make more of its own attractions for the city-bound tourist from cramped and crowded Europe. You have some of the world's best fishing, and your moose, caribou, bear and mountain sheep should be a great attraction for hunters—and perhaps more for people who prefer to see and photograph wild life, as do the thousands who take our safari tours to Africa these days. Alaska has a very great deal to attract the tourist: the problem is to make it known. We hope that you will do more to spread the awareness of Alaska in the tourist markets of Europe and we are ready to cooperate with you in any effort you may undertake.

To carry out my theme, and because some of what I say may be picked up by Scandinavian news media, I'd like to use this occasion to say a few words directly to them. To them, I would say this: Alaska is still a frontier—it is a great book in which men may still write chapters of their own, and not just footnotes to what preceding generations have already packed on the page. The days of the land rush, when settlers could find on a free homestead in Alaska the opportunities they could not get at home, are probably over now; but then the conditions which forced so many Scandinavians to seek free land in America are also things of the past. What Alaska offers today is what a great many ambitious and enterprising Scandinavians are looking for—opportunities for professionals, for enterprisers and for investors. Alaska may have enough hands for the time being, but it offers virtually unlimited scope for heads and money.

There are sizeable opportunities in Alaska for light manufacturing of consumer goods for a growing domestic market, from tableware to furniture. Alaska offers opportunities in food processing and meat packing. Its forest products potential is a great one. It offers a very interesting field for some of the housing and construction techniques which have become so highly developed in Scandinavia. With its tourism potential, it cannot help but open attractive prospects for investment in hotels and inns—and in the service trades needed to operate them.

It is a fact of life at the moment that Scandinavian crowns will get you more dollars today than ever before; and those crowns invested in Alaska can produce a better return. The same, I think, applies to the investment of talent and expertise: the Scandinavian with a skill, a profession or an idea may well expect a greater personal reward from investing it in this wide open land of Alaska.

In addressing these remarks to our own people back home, I should add that they will be considering a country in which Scandinavians have deep roots and a pretty good reputation. After all, it was a Dane, Vitus Bering, who discovered Alaska; and Alaskans pay as much honor to Amundsen for his discovery of the Northwest Passage as Norwegians do for any of his other great accomplishments. Thousands of individual Scandinavians—the fishermen of "Little Norway" at Petersburg, the Lapp herders in the Westward region and a lot of others here in Anchorage or the other cities of the State—have already made their personal discoveries of Alaska. I think most of them are happy they did so.

As people who are responsible for turning out a lot of promotional literature, we generally allow for a little poetic license in what we read. But to our friends back in Europe, there are a couple of paragraphs in a magnificent publication by the State of Alaska which I'd like to quote with 100 percent endorsement. The first paragraph is this:

"The opportunities in Alaska challenge men's spirits. Those who have taken up the challenge have led Alaska to the threshold of the greatest economic development in the United States today. The opportunity to implement this development is yours."

And the second is this:

"Is there still room in Alaska? Still time? For the newcomer with vision, yes. No reservations, no waiting in line. Just step up with the Alaskan dream in your pocket and the will to work in your heart."

Mr. President, if you can get us some extra copies of that publication, we'd like to get them into the hands of Scandinavians who have dreams and will.

For one final moment, let me bring my remarks back home. In anticipating this very pleasant occasion, we gave considerable thought to what we might bring here today as a memento of our appreciation for what Anchorage and Alaska have meant to us. We decided finally that it should be something which illustrates the role of an international airline, not merely as a public utility, but as a bridge between peoples and cultures. So we have taken the liberty of bringing here today a collection of books about Scandinavia, which I would like to present now to the people of Alaska through the Anchorage Public Library. I hope that as many people as possible will enjoy them.

NATIONAL ARTHRITIS MONTH

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. BROTZMAN. Mr. Speaker, due to the need for increased awareness by the public of the causes, treatments, and effects of the Nation's No. 1 crippling diseases, arthritis, and the rheumatic diseases, I am today introducing a resolution to designate the month of May as "National Arthritis Month."

Arthritis and the rheumatic diseases affect over 17 million Americans and are second only to heart disease as the most widespread chronic illnesses in the United States today. Approximately 15 percent of those afflicted are unable to carry on their major activity, resulting in an economic loss to the Federal Government in 1 year of over $200 million in reduced income and excise tax collections alone.

While the search for effective treatments of various forms of these diseases continues, the primary cause of rheumatoid arthritis, the most crippling form of arthritis, is still unknown. National attention and, consequently, Federal funds are largely directed toward research in the treatment of acute diseases, which actually affect fewer Americans than the chronic illnesses. The Federal Government, through the National Institute of Arthritis and Metabolic Diseases, spent little more than 8.6 percent of the $13 million in Federal funds in fiscal year 1969 for arthritis research and treatment.

During the past 7 years, arthritis training research grants have actually declined from $1,766,000 to $1,410,000, which, taking into account increased price levels, indicates a decrease of almost one-third in this program.

Treatment facilities and clinics prepared to handle the many arthritis victims are inadequate; there are only 50 first-rate arthritis research-treatment-care centers in the United States and about 300 clinics.

Furthermore, one of the major problems that creates the "delivery gap" in medical care is the need for more physicians trained in the diagnosis and treatment of arthritis and the rheumatic diseases. There are approximately 2,200 physicians who are members of the American Rheumatism Association, only some of whom can be actually designated as rheumatologists. Most of these doctors are located in or near large cities, thereby depriving many arthritis victims of medical care easily accessible in the rural areas. Even though the need for more trained personnel is great and continues to grow, qualified physicians wishing to specialize in rheumatology cannot find fellowships or traineeships, and only 57 of the Nation's 100 medical schools offer a full program of courses in this field.

Clearly, the disabling effects of arthritis and the rheumatic diseases upon many once active Americans and the compelling need for adequate treatment facilities and more research to determine the causes and possible cures should be brought to the attention of the American people and become a focus of national concern.

Mr. Speaker, I hope my colleagues will join with me in recommending to the President that the month of May in each year be designated as "National Arthritis Month." Since this is also the period when the National Arthritis Foundation conducts its annual fundraising drive, I urge the Members of both the House and the Senate to support this organization's efforts by bringing research and better treatment facilities to the attention of the people of the United States.

FREEDOM—MY RESPONSIBILITY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ANDERSON of California. Mr. Speaker, Patrick Henry, on March 23, 1775, stated:

> Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

He knew that freedom was earned and that it must be nourished and protected.

Patrick Henry, and the other patriots that formed this Nation, insisted upon the inclusion of certain freedoms in the U.S. Constitution. Due to their foresight, we are guaranteed the free exercise of religion, the freedom of speech, press, and assembly.

To protect those freedoms, Americans have died on foreign and domestic soil.

No less than the fathers of our country, we have a responsibility to encourage freedom to flourish and grow.

In keeping with this custom, for 21 years the Disabled American Veterans Auxiliary No. 86 in Lynwood, Calif., has sponsored an essay program in the fifth and sixth grades of the schools located in Lynwood.

This year the theme for the essay was "Freedom—My Responsibility." Hundreds of essays are received each year, and from these, 7 to 10 of the most outstanding are selected for awards and special recognition.

Mr. Speaker, at this point, I would like to commend all of those students who participated in this program.

A special word of thanks should go to Mrs. Lucille Kanka who has chaired this event for the past 21 years.

In addition, I would like to commend those students who received special recognition for their essays. Debbie Pierce, from the Janie P. Abbott School, won first place. Debbie Gramlich, from the Janie P. Abbott School, won second place. Diana Jobst, from the Woodrow Wilson School, won third place.

The students whose essays were accorded honorable mention are the following: Paulmena Tinsley, St. Emydius School; Pam Leon, Will Rogers School; Edith Parrott, Woodrow Wilson School; Greg Goodan, Roosevelt School; Denise Anderson, Roosevelt School; Tamara Renee Inma, Roosevelt School; and Michelle Marquis, Janie P. Abbott School.

Mr. Speaker, at this point, I would like to include the winning essays. The essays follow:

"FREEDOM—MY RESPONSIBILITY"

(By Debbie Pierce, Janie P. Abbott School)

Webster says, freedom is the state of being free; independence and liberty. *Free* is being able to decide for yourself. *Independence* is freedom from rule by others. *Liberty* is privileges given to us. As a sixth grader by Webster's definition, I have not experienced much freedom although the older I get the more freedom I'm given. To say how freedom is my responsibility is a hard thing to do.

I do know that freedom is not free. We have to work at it and sometimes even fight for it. It would take everyone to make freedom work completely.

I feel my responsibility is to learn all I can about my country and its government. To find out how our laws are made and our representatives are elected. By doing this, when I become an adult I will know the right way to go about making my country better to live in. As an adult I would try to keep my country as free as possible. No country can have complete freedom, but the United States has the best system.

One of the most important things our country must do is learn to get along with one another. The whites, the blacks, the orientals and all the other races must learn to accept one another. We must be able to live in peace with each other, to respect others, their customs and their ways of life.

Each generation has the responsibility to keep our country free and to do all they can to give Americans their freedom. My generation will decide what type of government it wants and I will do my part to make America proud of my generation.

When more people care about people then more people will know what freedom is all about.

"FREEDOM—MY RESPONSIBILITY"

(By Debbie Gramlich, Janie P. Abbott School)

Freedom is my responsibility. God gave us the land, our forefathers fought to keep it free. It is my duty to keep this land free so it never returns to the system of slavery. Many people lost their lives fighting for freedom.

The men in the Army, Navy, Air Force and the Marines must be responsible to do their best for their country. Their lives will be risked many times while serving their country.

I must be confident of myself to be a civilized American. When I am old enough to vote I must be able to know who the best person is. I should be well informed about each of the candidates who are running for city, state, and national offices. I also have the freedom to voice my opinion in my community.

I am active in school and community projects and I am also aware of what is going on in my community.

When I am an adult I will still have the opportunity to voice my opinion and I will continue to be active in city and community projects. I will be as helpful as possible to keep America a free country. That is why Freedom is My Responsibility.

THIRD PLACE: "FREEDOM—MY RESPONSIBILITY"

(By Diana Jobst, Woodrow Wilson School)

The freedom of America is depending on the young people of today because we are the ones who will govern our country some day. It is up to me and my generation to keep America's freedom. We are the ones who will protect America from losing its Americanism through loss of freedom for each individual.

Shields were used long ago in fighting, to help protect men from harm. That is just what *we* the young people of America are—Shields! We will protect America's freedom from its enemies like shields protected men from their enemies many years ago. With every shield there is a sword. Our Bill of Rights and our Constitution are the swords that go with the shields of Americanism.

I think that we all can make America a free place to live. When I said a free place to live, I am not saying, get rid of the jails and get rid of the government, but I *am* saying to be free by the way of the laws that were made to obey. We all must learn what freedom is before we can truly understand it. I have learned what freedom is, I *do* understand it and I accept the challenge of protecting it.

"FREEDOM—MY RESPONSIBILITY"

HONORABLE MENTION

(By Paulmena Tinsley, St. Emydius School)

Freedom—My Responsibility . . . First of all what is freedom? Well, is it something you can hold on to? Is it something you can have wherever you go? Is it something that exists all over the world? If you look "freedom" up in a dictionary you would probably find a meaning something like the following: 1. being free, 2. liberty; power of choosing what you will do. 3. free use. 4. too great liberty. 5. ease of movement or action. Do you agree with these meanings?

Is it my responsibility? Is it yours? It might be neither. It might be both. But if it is mine and yours what can we do to make this freedom our responsibility? We could maybe try to spread freedom to people and places. We could try to tell people what this thing "means." Do you think it would be a good thing for everyone? It probably would be. But think about it. What about the people that aren't all sugar and spice. Everyone is not perfect. Sometimes these people try to stretch their freedom and interfere with someone else's life and freedom. It's our responsibility to stop this or who will.

Some people say, "I don't want to get involved." What if nobody wanted to get involved. Then what would they say? So, remember, freedom is my responsibility, freedom is your responsibility. If you want freedom, you've got to work for it.

"FREEDOM—MY RESPONSIBILITY"

(By Pam Leon, Will Rogers School)

Freedom is my responsibility, because, I thank God, I am an American, and I was born free. My freedom and your freedom is guaranteed by the "Bill of Rights." The "top ten" of our Nation's rules of law as set forth in the Constitution of the United States.

In Vietnam today there are many people who are fighting for their freedom. Thousands of our boys have fought beside them; many will not come back to enjoy this wonderful homeland that is free.

Freedom as we know it in America will keep its wonderful meaning so long as it is prized and not abused among the young people, and I will meet, in deed and in word, every challenge to keep my country free.

It is my responsibility to feel the way Francis Scott Key must have felt when he wrote the Star Spangled Banner, when he saw that our flag was still waving in the air. It is my responsibility to feel great pride when I see the Statue of Liberty, standing straight and tall, holding her torch of freedom, to all foreigners who come into her harbor. It is my responsibility to like the chill that raced up and down my spine, when I saw the Liberty Bell in Philadelphia a few years ago.

It is my responsibility to love and understand my fellow Americans, no matter what their race, color or beliefs; maybe because, even though I am young, I love my freedom, too. I will not just live and let live, but I will live and help others live. In this way I shall pass on the most precious heritage of freedom so that future Americans can sing with me—I was "Born Free."

"FREEDOM—MY RESPONSIBILITY"

(By Editha Parrott, Woodrow Wilson School)

As a citizen of the United States of America, I am proud of being able to live in a country where the people have the right of freedom. Freedom is to be able to live our lives without fear, to speak freely, to take part in our government and look into any man's eyes as an equal. I know that there are many people in the world today who do not have the liberty we enjoy, and who live more like slaves then freemen.

My responsibility is to see that others progress themselves and see that others get the same freedom as we have today. America was founded on the idea that human beings are entitled to live in freedom. I believe that government and our way of life promises more freedom and liberty to more people. Throughout history men have struggled and risked their lives for freedom and justice and the right to govern themselves. In many countries these things have never been achieved but in the United States they are the very foundation of our government and our way of living. Today in the United States the individual is important, his family, his job. I believe that every one should have an opportunity to get an education and make a decent life for himself and his family.

Because I love my country and believe in freedom for all, I will carry out this pledge for an American citizen—I will be loyal to my flag and respect it. I will do my duty when I become an adult citizen by voting in all elections. I will remember that the government is no better than the men who run it and do my best to vote for able and honest men who believe in the ideals of our country's freedom. I will judge a person by what he is not by his race or religion. I will not let prejudice affect my ideal of justice and fair play. I will do my share in school, church, and in the community activities so that my country will be a better place to live in.

"Freedom—My Responsibility"

(By Greg Goodan, Roosevelt School)

Freedom was brought forth to us on July 4, 1776 in the Declaration of Independence. Freedom is your responsibility, it is my responsibility, it is our responsibility in the things we do every day, things such as, saluting the American Flag and respecting it, knowing the Bill of Rights and knowing what they stand for.

Have you heard the closing lines of the Star Spangled Banner? They say the home of the free and the brave. This means America is a home for free people, free from communism and torture. It also is a home for the brave men who fought for their lives too. We should all know what our national anthem is saying to us.

Freedom! We should all love it, cherish it, live for it, die for it, and fight for it. My Freedom is your freedom, so let's take care of it. It's a priceless gift!

"Freedom—My Responsibility"

(By Denise Anderson, Roosevelt School)

Freedom is my responsibility, but what is freedom? To me, freedom means the rights that I have. Freedom is being myself. Freedom is doing what I like, so long as it is right.

In order to have privileges, one must accept responsibilities. Freedom is like this. My responsibility is to use my freedom as it is meant to be used. Many people take advantage of freedom. We have the right to assemble peacefully. That is what is meant to be done. It isn't right to assemble to talk about starting a riot, or anything like that.

Another way that freedom is my responsibility is this—I should respect my rights and the way they were won. To the best of my ability, I should defend my freedom.

It is also my duty to respect the rights and property of others, and to help them use their freedom properly. It is my job to protect American rights from people who misuse them. There are people who don't care about rights—theirs or anyone else's. I should help them to know and love freedom as I do.

Freedom is a privilege for which everyone must do their part. Freedom is my responsibility in many ways.

"Freedom—My Responsibility"

(By Tamara Renee Inman, Roosevelt School)

Have you ever thought what it would be like if we didn't have freedom? Freedom is my responsibility because if we don't obey the laws we won't have Freedom. If we didn't have the Constitution we wouldn't have Rights. If we didn't have Rights we wouldn't have Freedom.

When I began to write my essay, I wondered just how, I as a student, have any responsibility toward Freedom. I have studied Freedom for a few years now and know that we live in the best country with Freedom for all and these Freedoms are guaranteed by our Constitution. My biggest responsibility toward Freedom as a student is to learn all I can about Freedom until I reach the age where I can give my opinion through my right to vote. Freedom is everyone's responsibility and unless people realize that this is true, they might find their Freedom slipping away.

"Freedom—My Responsibility"

(By Michelle Marquis, Janie P. Abbott School)

Freedom—my responsibility.
Most people think it stupidity.
"Freedom from what!" They demand.
"Well," I say, "Just look at this land."
You complain about pollution,
But you'll never find a solution.
You just sit there like a log,
Just look at all the smog.
Your factories are always going,
Never stopping or never slowing.
And when we kids clean it up,
We think that surely you will stop.
But no, not you, that's for sure,
You just do it all the more.
And so don't you see,
How freedom's my responsibility?
And really it's yours too.
So please really do,
Try to understand,
About getting freedom for our land.

THE RED CHINESE THREAT TO THE TUNG OIL INDUSTRY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. RARICK. Mr. Speaker, while hearings are underway to salvage our U.S. tung oil production—if for no other reason than to aid the U.S. tung nut farmers who were encouraged into the business during World War II as a matter of national defense—a new price predicator has appeared on the scene—Red China.

The heretofore embargo on imports of tung oil from Communist China was lifted on June 10, 1971. Tung oil imports may now enter the United States from Red China duty free and without quotas as from other tung oil importing countries.

The Sino-American Trading and Engineering Corp. is reportedly serving as an intermediary for an unidentified Washington firm in consulting with the Red Chinese on financial arrangements for importing 5,000 metric tons of tung oil from mainland China.

More Americans go without jobs and income and the welfare list and the food stamp lines lengthen but no one dares suggest that it is not progress to export America's jobs while we import foreigners' goods. All of this is being sold to the American people as necessary so our newly found Communist Chinese ally will be able to have U.S. dollars on hand to buy what their industry and technology cannot make; that is, airplanes, trains, and sophisticated machinery.

THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. BLACKBURN. Mr. Speaker, on January 2, 1971, the President signed into law the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Prior to passage of this act, relocation payments for those displaced, because of federally funded or assisted projects differed greatly between States. Furthermore, although those involved were compensated for the physical loss of real property, no dollar amount was assigned to the economic value of a business or property. The Congress enacted this legislation to correct the situation.

The act gives the states until July 1, 1972, to amend their own statutes to have them conform with the terms of the Relocation Act. As a sponsor of this legislation, I supported this needed reform. Most States, including my own State of Georgia, have made a good faith effort to comply with the terms of the act. Unfortunately, Georgia has a unique situation which will prevent the State from fully complying with the terms of the legislation by the July 1, 1972, deadline.

As you are aware, under the terms of the act, the Federal Government is now paying the first $25,000 of all relocation payments with the remainder being divided proportionally between the State and the Federal Government according to the particular program involved. On July 1, 1972, the State and the Federal Government will begin to divide the entire amount of the relocation payment according to the proportions established by the law governing the particular project. For instance, with regard to the interstate highway program, the States are required to pay 10 percent of the highway construction costs and the Federal Government pays 90 percent.

Unfortunately, the Georgia constitution states that Georgia can only compensate a person or business for the loss at a price determined by the fair market value of his property and thus, no payment can be made for economic losses due to the Government's acquisition of real property. Unlike most States, Georgia is forced to change the State constitution in order to comply with the terms of the law. However, Georgia's constitution can only be amended at a general election. One will not be held until November 1972.

On June 4, 1971, Gov. Jimmy Carter,

recognizing the problem, established a special committee to study what action the State should take. The committee recommended that the Governor propose an amendment to the State constitution which he did at the last session of the State legislature. The Georgia State Assembly has placed the proposed amendment on the general election ballot which will be held in November of this year.

Since the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 became law, the State of Georgia has not held a general election. Obviously it is impossible for the State to conform with the law by the deadline, July 1, 1972. Definitely, Governor Carter and the State legislature have made a good faith effort to comply with the law, and I believe that they deserve relief until the constitutional amendment is passed by the people of Georgia. Without this relief the State will be denied participation in the Federal programs for highways, airport and airways development, water and sewer grants, mass transit aid, and any other Federal programs which require property acquisition.

To prevent this unfair situation, I am today introducing legislation. My bill would postpone the effective date of the Uniform Relocation Assistance and Real Property Acquisition Policies Act to allow States extra time to pass enabling legislation authorizing State and local agencies to comply with all the act's requirements. The act would be extended to July 1, 1973, or 30 days after the end of the next regular session of the State legislature, whichever is earlier, giving a State up to an additional year to obtain the necessary legislation.

The bill I am introducing would continue after the July 1, 1972, date full funding for the first $25,000 in relocation payments now assumed by the Federal Government. In other words, this would become a permanent feature of the law, as it was intended to be in the original legislation before the Congress in 1965.

Moreover, in order to assure that relocation payments are not denied to eligible individuals after the present July 1, 1972, effective date, the bill further authorizes Federal agencies to make payments that would otherwise be made, and partially shared by State or local agencies where legal obstacles prevent States from making those payments. In such cases, the State would be required to reimburse the Federal Government for its share either by a lump-sum payment or by a reduction in future grant-in-aid payments.

Mr. Speaker, the Congress must act very quickly if this needed relief is to be granted to my State, and those others not able to comply by July 1, 1972. The Senate will take up the matter on the Senate floor in the near future. I hope that the chairman of the Public Works Committee will try to hold hearings as soon as possible. For the information of my colleagues, I am inserting a copy of the Governor's report regarding the need for relief:

GOVERNOR'S COMMITTEE ON STATE RELOCATION AND ASSISTANCE

The Governor's Committee on State Relocation and Assistance was established by Executive Order signed by Governor Jimmy Carter on June 4, 1971. The committee was instructed to concern itself with the formulation and recommendation of any legislative changes that might be needed for the State and local communities to comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which was signed into law on January 2, 1971.

Pursuant to such Executive Order, the committee reports its findings and recommendations as follows:

I. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

For the purpose of this report, Title I of the Relocation Act is pertinent to the extent that it defines "State" and "State Agencies" in such a broad way as to cover the State of Georgia, each county, each city, and each department, agency and instrumentality thereof. The Act also defines the term "displaced person" to mean—

"Any person who on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as a result of the written order or as the result of a written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance . . .".

Accordingly, any acquisition, either voluntary or by condemnation, of real property by any State, political subdivision, or public agency will cause any person living or conducting a business thereon to become a "displaced person" provided any Federal financial assistance is availed of for the proposed project.

Title II of the Relocation Act provides in Section 210 that the head of a Federal Agency shall not approve any grant to, or contract or agreement with the State, any State agency, or other public body unless he receives satisfactory assurance as to the following matters:

I. Relocation payments and assistance will be provided to displaced persons under Section 202, 203, and 204 of the Act;

II. Relocation assistance programs offering the services described in Section 205 will be provided to such displaced persons; and

III. Within a reasonable period of time prior to displacement, decent, safe and sanitary replacement dwellings will be available to displaced persons in accordance with Section 205(c)(3).

Section 305 of Title 3 of the Relocation Act provides and under circumstances similar to those mentioned with respect to Title II above, the head of a Federal Agency must receive satisfactory assurances that

(1) In acquiring real property the State, State agencies, or other public bodies will be guided to the greatest extent practicable under State law, by the land acquisition policies set forth in Section 301 and the provisions of Section 302,

(2) Property owners will be paid or reimbursed for the necessary expenses specified in Sections 303 and 304.

In summary, the State, State agencies, and other public bodies must provide for a wide variety of payments to displaced persons as defined hereinbefore pursuant to the Relocation Act. Bearing in mind that "just and adequate compensation" required by the Constitution as payment for property taken or damaged for public purposes has been, and is now, interpreted by the courts as compensation for the destruction or interference with property interests, it appears that in many instances the payments required by the Relocation Act go considerably beyond those payments which are currently classified as elements of constitutional "just and adequate compensation".

II. COST TO GEORGIA PUBLIC AGENCIES TO COMPLY WITH RELOCATION ACT

The committee has made a number of attempts to determine factually the prospective out-of-pocket costs to the State of Georgia and its political subdivisions as a result of the payments and obligations required by the Relocation Act. We were unable to obtain any adequate information on this point because a number of the payments vary according to the decisions and acts of the displaced persons, and because certain obligations are not related to the actual costs of the land acquired. We also undertook to determine the amount fo Federal monies which would be lost as the result of failure to comply with the Act and were unable to obtain any adequate facts on this score. We have concluded that the additional costs to the State and its agencies and political subdivisions of the State will be substantial but that the amount of Federal funds which will be lost as a result of the failure to comply with the Relocation Act would be many, many times as large as the additional cost required for compliance with the Federal legislation.

III. LEGALITY OF PAYMENTS AND UNDERTAKINGS REQUIRED BY THE RELOCATION ACT

The committee has done much legal research on the question of the constitutional authority for making payments and providing services required by the Act. The demand for compliance with the Act is predicated upon Federal financial assistance to a project which will displace an individual or a business. Displacement may, of course, result from either condemnation or voluntary sale of real property.

While there are numerous Federal or Federally assisted projects and many public bodies which are concerned with the acquisition of land, one factor appears to be common to all of the diverse agencies. The common ground is that public acquisition of land is predicated upon payment of that amount of money which represents the just and adequate compensation required by the Constitution.

Constitutional just and adequate compensation derives its meaning from the case law. Succinctly stated, it is compensation for the extinguishment or interference with property rights. While the requirement for making payments demanded by the Relocation Act is predicated upon public acquisition of private property, many of those payments do not appear to be compensation for property interests as those interests are presently treated by the courts. The committee is of the view that many of the payments cannot properly be classified as elements of just and adequate compensation.

The committee has sought to discover other sources of constitutional authority for making such payments common to all public agencies. For example, the committee has considered the proposition of basing such payments upon the welfare provisions of the State Constitution. That provision does not, however, provide a solution applicable to all agencies in all instances, as a displaced person need not be an indigent within the meaning of the Constitution. The committee cannot find constitutional authority common to all public bodies which would authorize implementation of the Relocation Act by all public bodies in the State.

IV. CONSTITUTIONALITY OF THE RELOCATION ACT UNDER THE UNITED STATES CONSTITUTION

The committee has considered the constitutionality of the Relocation Act under the United States Constitution in order to determine whether it would be feasible for Georgia public bodies to launch a constitutional attack upon the Relocation Act.

The committee is of the view that the Relocation Act is a constitutional exercise of congressional power. Congress has the authority to make grants or loans for public uses and the determination of public uses is left to Congress. In this instance the legislation does not coerce any State to pass any legislation or do any other act without its prior consent. The granting or withholding of Federal funds to states on the basis of conditions first established, under these facts, does not constitute coercion even though the dollar amounts are substantial.

V. PROPOSED SOLUTION

Having concluded that the Relocation Act is a constitutional exercise of Federal authority, that no constitutional authority common to all agencies which receive Federal financial assistance presently exists, the committee proposes that the State Constitution be amended as quickly as possible so that all public agencies in this State will unquestionably have the power to make the payments and undertake the obligations specified in the Relocation Act.

Attached to this report as an exhibit is a proposed resolution calling for a constitutional amendment which the committee believes would, if adopted as required by law, alleviate problem areas which currently exist under Georgia law.

The constitutional amendment proposed for consideration by the committee is not self executing and will require subsequent legislative action for its implementation. This method will allow sufficient time for detailed examination of a vast number of separate statutes pertaining to individual State and local agencies. That examination will allow for appropriate legislative action tailored to the individual statutory requirements of a particular agency. It will also allow time for study and preparation of legislation to create the most feasible method for implementing the relocation program.

The committee recommends that immediate steps be taken to procure an amendment to P. L. 91–646 which will extend the deadline for compliance beyond July 1, 1972. The committee recommends that P. L. 91–646 be amended so that the application of the Act would be suspended as to those agencies in Georgia which cannot comply with the terms thereof until July 1, 1973. The committee feels that immediate congressional attention to the problem is required because some Federal financing agencies either are now or probably will shortly commence curtailment of new federally assisted projects because of the impending July 1, 1972, compliance deadline.

The committee is of the view of that seeking an amendment to P. L. 91–646 so as to extend the compliance deadline to July 1, 1973, is reasonable. The Federal statute came into existence on January 2, 1971, with an effective date clause which requires compliance as soon as possible and which demands compliance not later than July 1, 1972. The penalty for non-compliance after July 1, 1972, is total cessation for the flow of Federal funds into Georgia programs which displace individuals or businesses from their premise.

Under these circumstances, the existence of potential constitutional impediments does not appear to have been provided for, as Georgia was simply never given an opportunity by the Congress of the United States to alleviate any local constitutional problem.

P. L. 91–646 passed the Senate in October of 1969. It was passed with amendments in the House in December of 1970. House amendments were agreed to, with amendments, in the Senate in mid December of 1970. The House concurred in the Senate amendments in mid December of 1970 and the Act became law on January 2, 1971. A brief look at the significant dates in the legislative history of the statute shows that the earliest possible moment that the Georgia General Assembly could have given meaningful consideration to the Act was the 1971 Session. However, had a Resolution been adopted in the General Assembly Session of 1971, offering an amendment to the Constitution for ratification, the action would have been meaningless because we did not have a General Election in November, 1971. The next election at which a State constitutional amendment could be considered is the November, 1972 election. Of course, any constitutional difficulty to be cured by amendments offered for ratification in the November, 1972, election would be too late as the State and local public agencies would have already suffered cessation of Federal financial assistance for at least four months. In short, the Congress has smiply not given Georgia any opportunity to present this question to the voters of this State and to cure any existing constitutional problem. The committee feels that Congress should in fairness to this State, permit the continued flow of Federal financial assistance to Georgia during that time required for the State to cure local legal problems.

SURVEYING THE YOUNG VOTER

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. SANDMAN. Mr. Speaker, a highly valuable peek into the thinking of young Americans today is provided in the results of my recent Young Voter Opinion Survey.

In mid-March, I posed 10 questions to nearly 2,500 young men and women in my congressional district between the ages of 18 and 20. They are the newly enfranchised citizens.

So far, though returns are still coming in daily, 667 questionnaires have been returned to me. I am told that this is one of the largest poll of this age group on national issues since the 25th amendment was ratified.

To me at least, the results are most reassuring. For example, the tabulations show that 88 percent oppose forced busing; 86 percent say 18- 21-year-olds should be legally treated as adults; 76 percent favor voluntary prayer in public schools; 72 percent would be willing to pay more for products and utilities that are virtually pollution-free; 66 percent oppose Federal deficit spending; 61 percent think foreign aid should be drastically reduced; 60 percent feel the President's recent China trip was worth while; and 50 percent say the United States is not "an effective peacekeeping organization."

I thought it was interesting that the highest degree of uncertainty was on the issue of the President's trip to China: 22 percent said they are not certain the trip was worthwhile.

The complete tabulation of results follow:

1972 YOUNG VOTER OPINION SURVEY—TABULATION OF RESULTS

[Conducted by U.S. Representative Charles W. Sandman, Jr., 2d District: Atlantic, Cape May, Cumberland, and Salem Counties, N.J.]

[In percent]

	Yes	No	Not sure
1. Do you favor forced busing of children away from their neighborhood schools to achieve a racial balance?	6	88	6
2. Now that they have the right to vote, should 18- to 20-year-olds be legally treated as adults for the purposes of contracts, law enforcement, etc.?	86	5	9
3. Would you favor a constitutional amendment to allow voluntary prayer in public schools?	76	17	7
4. Should the Federal Government be allowed to spend more than it takes in from taxation?	17	66	17
5. Do you feel the United Nations is an effective peace-keeping organization?	30	50	20
6. Would you be willing to pay more for products and utilities if they were virtually pollution-free?	72	16	12
7. Do you feel President Nixon's recent China trip was worthwhile?	60	18	22
8. Do you think foreign aid should be drastically reduced?	61	23	16

	Yes	No	Not sure
9. To express your views, have you ever written to:			
(a) Your mayor or other local official?	12	88	
(b) Your county freeholders?	8	92	
(c) Your State senator or assemblyman?	20	80	
(d) Your Congressman or Senator?	24	76	

10. If you have formed an opinion already, how would you rate the performance of:	Great	Good	Poor	NA[1]
(a) President Nixon?	12	56	6	6
(b) Vice President Agnew?	8	32	47	13
(c) U.S. Senator Williams?	6	46	12	36
(d) U.S. Senator Case?	8	46	14	32
(e) Congressman Sandman?	17	53	11	19

[1] NA—No opinion given.

JAMES E. JOHNSON IN PROFILE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. HOSMER. Mr. Speaker, the April issue of the Navy League's Sea Power magazine carried a fine article on a most remarkable man, James E. "Johnny" Johnson, the Assistant Secretary of the Navy for Manpower and Reserve Affairs.

I know many of my colleagues share my respect and admiration for Mr. Johnson and will enjoy this excellent profile.

The article follows:

JAMES E. JOHNSON IN PROFILE: A FRIEND A DAY

Once each day somewhere around the seventh corridor, E ring, in the Pentagon, a tall, slim man accosts a stranger, smiles, and offers his hand.

"My name is James Johnson," he says, "I try to make a friend each day, and I'd like to get to know you."

The reactions of the chosen are often startling. Some are suspicious: "What do you want from me?" But many respond after a moment's hesitation with a delighted smile, an unexpected friendly gesture in the monotony of a humdrum day.

Later they will get a note from James E.

Johnson, and find that the man who sought to be their friend is the Assistant Secretary of the Navy for Manpower and Reserve Affairs, a man dedicated to making friends, to people, and to a positive approach to life.

His approach is typically simple and direct, and his attitudes and competence have catapulted him from Chief Warrant Officer, USMC, to one of the top civilians in the Navy hierarchy, by way of a million-dollar-a-year life insurance executive, in only a few years.

"Johnny" Johnson is also the highest ranking black civilian in the Navy, but this is a fact with only marginal relevance to what he is trying to accomplish.

That job is trying to fashion the policies which will build a naval manpower force responsive to new concepts in national policy such as the Nixon Doctrine, in the face of changing pressures in the civilian community.

His goal is quality instead of quantity—to meet the challenge of a Navy diminished in size by one-third, but which must meet the same or even greater commitments.

Recruiting is perhaps the most pressing problem, and the goal of an all-volunteer force by June 1973 looms large. "It's not easy," Johnson admits. "We don't have the draft threat to motivate enlistment in the Navy, and the economy is getting better, so the man who wants a job can get one outside."

"But on the positive side, we have a pay raise, we don't know the true effect of that yet, and we are doing a number of things to assist recruiters." The hope is that better recruiters will attract better men. And the new Seafarer program means men can go to sea immediately after boot camp instead of having to go through another training program.

And quality is being instilled in the force itself, Johnson notes, as the Reserves are upgraded to take on operational tasks in increasing frequency, and are given first-grade equipment.

There are problems, however, and the retention rate is rising only slowly, now up to a little over 20 per cent, the goal being 30 per cent. But this compares favorably with last year's 17 per cent, and the previous year's 10 per cent.

CHALLENGES GREETED WITH EQUANIMITY

But challenges are greeted with equanimity by Johnson, whose boyhood was spent in the Chicago area, the youngest son in a big family whose father was 66 when he was born.

"The good part about it was that we didn't know we were poor, there were no psychologists or social workers to come and tell us. So we were very happy."

Johnson's father, he recalls, was a strong man, a strapping big 6 foot 9, 275-pound giant who had been at various times a logger, a boxmaker for the Chicago Box Co., and later owner of a cleaning shop. Even during the depression he was never out of work. His philosophy was, "If the boss pays you a dollar a day, give him a dollar and a half worth of work, and you'll never be without a job."

His father instilled in all his children a positive approach to life, by which philosophy Johnson still lives. "When I would get discouraged, he'd say, 'Son, if you really want to do it, you can. You can do anything, and there's no telling how far you can go if you don't care who gets the credit."

About the time Johnson was 18, the Marine Corps opened up its ranks for the first time to admit Negroes. "This was a real challenge to those who could pass the entrance exam. It was the 'in' thing to do. If you could make it, you were looked on as being very bright."

But he adds, "When I got into boot camp and was rapped around a few times I thought maybe I wasn't so bright after all."

The services have come a long way from those first years which Johnson and others spent in segregated training and service until integration finally was achieved in 1949. The Navy's image has changed, Johnson feels, and it can now be regarded as a service which looks at all people in the same light. The number of minority students at Annapolis has been doubled in the past few years, and all service rates have been opened up to all races. Not for some time have Filipinos been confined to stewards' jobs, nor the officer ranks virtually closed to blacks.

The Navy soon will have five NROTC units at Negro colleges, and the number of junior ROTC units has expanded greatly, including a unit at Watts High School in Watts, Calif., scene of much racial rioting a few years ago. The Navy has been able to sell these units, Johnson feels, by showing the faculties the virtues of the discipline the students are taught, and by pointing out to the students that they will always have a career waiting for them or to fall back on if they take this training.

NAVY RACIAL PROGRAMS BEST

Racial unrest in the service is still a problem, but Johnson feels that the Navy's education program is the best of the services. Each Naval command will soon have a minority officer to assist in this area, and they will be increasingly used in recruiting, he says.

Education has played a tremendous role in Johnson's life, and he gives it great importance as part of the job he is doing to make the Navy an attractive place to work for others. He himself is a veteran of more than 200 correspondence courses, ranging from weaponry to nutrition, and he is now studying for his Ph. D. at George Washington University in management and public administration.

Johnson was about 40 when he decided to leave the Marine Corps. "I felt a great challenge outside to do something I always wanted to do—earn a lot of money."

Prudential Life Insurance Co. took him on. "I approached the job with a positive attitude, and changed the negatives of the situation into positives. Someone had said that a Negro could never sell insurance in an almost white community. I said that being a Negro was a positive thing, I stood out. It also was a positive fact that people want to help those they feel are at a disadvantage. So it became a plus factor."

Prudential, as Johnson says, soon "became a believer." He sold $1.5 million worth of insurance in two and a half months, making him a leading salesman and leaving a record for that area that no one has topped since.

A brush with the then existent government in California over insurance matters led him to believe that a change was necessary in the statehouse, and he set to work campaigning for Ronald Reagan. After the election, Reagan called upon him to come to Sacramento "for just one year" as Director of the California State Department of Veterans Affairs.

One of the most exciting aspects of his work, he recalls, was the creation of an "amputee ski" program. "These men injured in Viet Nam, were terribly withdrawn. We taught them how to ski—it was a most amazing thing. They gained confidence in themselves and began to converse with others again."

A deer hunting group also was organized, and Johnson remembers a double amputee who had not talked since he had lost his legs in Viet Nam. "He wouldn't respond except to do what people asked, so we let him ride on the back of a truck and gave him a gun and told him to hunt. Then we saw a big buck, which he shot.

"He yelled 'I got him!' When we all stared at him, since this was the first thing we had heard him say, he yelled, 'What are you guys looking at me for? Go and get my buck!' After that, he no longer was withdrawn.

"I got more out of this work than the men did," Johnson says. "It made me feel very humble to work with them."

After two years as Veterans Affairs Director, Johnson was appointed Vice Chairman, Civil Service Commission.

ENJOYS PERSONAL CONTACTS

In his current job, Johnson is able to maintain the personal contacts he enjoys, visiting Bethesda Naval Hospital and going aboard different ships to talk to the men, often shaking thousands of hands during such a visit.

"I put myself in their place. I always thought that if someone would just give me a glance, just stop and smile and touch me, I would be so thrilled. I believe we must show we are humble and appreciate what these men do."

The Johnson family, his wife, three boys, and one girl, is very close. Wednesday night is family night, when all the week's activities are shared after the homework—all including a budding five-year-old male mathematical genius, are students—is done.

Weekends are spent together with Sunday devoted to the Wheaton Baptist Church, where father teaches a college-age Sunday school class which has grown from a handful of students to several dozen under his tutelage.

He feels strongly about the Navy's need to decrease its own members' time away from home, the one reason which, more than any other, causes men to leave the service. In part to meet this problem, agreement was reached to permit home basing in Greece. But the Nixon Doctrine will be followed, he notes, and the settlement there will be essentially just a dependents' colony, not another big base.

By the time of this printing, Johnny Johnson will have a partially home-grown constituency. His own 22-year-old son, Kenneth E. Johnson, will have been sworn in by the Commandant of Marines as a second lieutenant, and the Assistant Secretary, Manpower and Reserve Affairs, will undoubtedly get some first-hand reports on how well he is doing.

CONGRESSMAN F. BRADFORD MORSE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. WHALEN. Mr. Speaker, at a later date, I am sure that all of us will join in extending our accolades and our best wishes for success to the new Under Secretary General of the United Nations, our colleague, BRAD MORSE. I would like to preview those commendations briefly today.

The boundlessness of BRAD MORSE's interests is comparable only to the ever-present good nature that he brings to each endeavor. It is always a great pleasure to work on projects with BRAD. Our mutual activities have included programs sponsored by the Members of Congress for Peace Through Law, by the Johns Hopkins University School of Advanced International Studies, by the Wednesday Club, and by many others. Since my recent appointment to the Foreign Affairs Committee and my assignment to the Subcommittee on Inter-American Affairs, on which BRAD is the ranking minority member, I have had further opportunities to observe and benefit from the expertise in foreign relations which he possesses.

Undoubtedly, the President has chosen wisely in appointing BRAD MORSE to the position which Ralph Bunche filled with singular distinction. I am confident that BRAD's record also will be classified as a unique and meaningful contribution to the peace of the world.

Mr. Speaker, I regret very much that BRAD is leaving us, but I am pleased that the President has seen fit to select a Member of this great body for such an important post. BRAD, I wish you only the best.

ANNUAL KANSAS FOURTH DISTRICT OPINION POLL

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. SHRIVER. Mr. Speaker, it has been my practice since coming to Congress in 1961 to invite my constituents to participate in an annual opinion poll. I have found this questionnaire to be a valuable method of encouraging broad citizen participation in representative government, and of determining the views of my constituents on important domestic and foreign issues.

The 1972 Kansas Fourth District opinion poll is now being mailed to each household in the district, and under leave to extend my remarks in the RECORD, I include the questionnaire:

CONGRESSMAN SHRIVER'S ANNUAL FOURTH DISTRICT OPINION POLL

(NOTE.—Each question provided for answers of "yes," "no," or undecided.)

FOREIGN POLICY

1. Do you support President Nixon's efforts to open communications with Mainland China?

2. Are you satisfied that President Nixon is moving in the direction to end the war in Vietnam?

FISCAL

3. Do you feel that present wage and price controls are working?

4. Would you support increased Federal spending for public works projects to ease unemployment?

5. Should the present minimum wage of $1.60 per hour be raised to $2.00 an hour?

6. Should the Federal Government share income tax revenues with State and local governments, for unrestricted use without Federal control?

SOCIAL

7. Do you support the Administration's proposals for a moratorium on court-ordered busing of school children for purposes of achieving racial balance?

8. Would you favor directing over $2½ billion in Federal funds in the next year to help achieve equal educational opportunity for all children?

9. Do you favor Federal legislation to promote the establishment of daycare centers and nursery schools?

10. Do you feel that a National Health Insurance Program is needed?

11. Which of the following actions on Social Security benefits would you support? (Circle 1)

a. Increase benefits by 20%.
b. Increase benefits by 10%.
c. Increase benefits by 5%.
d. No change.

AGRICULTURE

12. Federal farm controls and supports should be: (Circle one.)

a. Phased out within 5 years.
b. Continued substantially as is.
c. Increased.

GENERAL

13. Do you favor legislation giving amnesty to those men who left the U.S. to avoid military service during the Vietnam War?

14. Would you be willing to pay higher taxes, if necessary, to finance an all-out Federal attack on pollution of our environment?

15. Do you believe a law should be enacted to deal more effectively with strikes that cause national transportation emergencies, such as the East and West Coast dock strikes, railroad strikes, etc.?

16. Would you favor allowing $1.00 of your Federal income tax payment to be used as a contribution to the political party of your choice?

THREE WINNERS OF THE FREEDOM ESSAY CONTEST

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. QUILLEN. Mr. Speaker, the Smoky Mountain Sertoma Club, Newport, Tenn., recently sponsored a Freedom Essay Contest. I had the distinct pleasure of attending the Sertoma Club Meeting and presenting awards to the three winners.

It was certainly gratifying to read the essays written by young people from 8 to 18 on "Freedom—What It Means To Me."

The three winners were Christian Williams, Debbie Jones, and Susan Denton.

Christian, a student at Newport Grammar School, is 8 years old and the son of Mr. and Mrs. Dean Williams.

The daughter of Mr. Bill Jones, Debbie is an eighth grade student at Edgemont School.

A tenth grade student at Cocke County High School, Susan is the daughter of Mr. and Mrs. Harry Denton.

Residents of Cocke County take great pride in these young people and all those who entered the Freedom Essay Contest. In addition, congratulations are in order to Mr. Troy Ingle, president of the Smoky Mountain Sertoma Club, Mr. Jack Brockwell, who headed the committee for the program, and the other members of this fine organization.

I would like to make these three outstanding essays available to readers of the RECORD:

FREEDOM

(By Christian Williams)

Freedom.

What it really means to me. Freedom means many good things to me. It means I can be what I want to be when I grow up. It means I can go to the School I like. It means I can go to my church and carry my own Bible. It means I am free to write what I believe in this essay. Freedom is worth fighting for. Freedom makes America the best place to live in the world.

FREEDOM

(By Debbie Jones)

What freedom means to me. We have many different kinds of freedom. Although some of the most important are stated in the 1st Amendment. Which are freedom of Speech, freedom of Religions and freedom of the press.

We are very lucky to have these rights and had it not been for our government we wouldn't have.

Freedom to me means being able to use your rights to help yourself but not to harm others.

Freedom to me means for you to be able to go anywhere in the world you wish. To be able to meet all the different people in the world but there is something that forbids us from doing this and that is war and hate. This is what has kept the world apart today. This hate has stopped us from having our freedom.

Freedom doesn't just mean being able to do what you want.

Freedom means many different things to me but most important it means having peace throughout the world, because with war you would not feel free and without the Freedom that we do have where would we be today.

And that is what freedom means to me.

FREEDOM

(By Susan Denton)

Freedom! What it really means to me.

In Philadelphia, in the year 1776 many great men sat down and wrote one of the most important documents in our history. It stated: "We hold these truths to be Self-evident that all men are created equal, that they are endowed by their Creator, with certain unalienable rights, that among these are life, liberty and the pursuit of Happiness."

This stood for what freedom meant to them and it says what freedom means to me.

When anyone mentions freedom, my best thought is naturally of the United States of America, our country was born out of the will of people to have a greater freedom than any other country. They succeeded in creating America, a country that is freedom.

Another type of freedom, is the one parents can give their children. It can be given by Trust, trusting them to follow the principles they have learned and giving them, the chance to try their own ideals. This is a freedom all people deserve.

The final and greatest freedom was given long ago to all people on the earth, it is the choice between right and wrong given through the love of God. This freedom can never be taken away from man, regardless of race, religion or color.

Freedom is not living without any rules to govern man, but freedom is the right to choose what you want to do without harming other people or their rights.

POSTAL REFORM IS WORKING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, a major factor for the support given to postal reform was the belief that through the development of a more rational system, service could be improved and costs could be controlled. Recently, Postmaster General Klassen announced that the proposed rate increase had been canceled and that cost-cutting measures had been initiated. I would like to call the members attention to a recent editorial in the Sheboygan Press applauding this decision.

The editorial follows:

NO POSTAL INCREASE

It's a rare occasion when the word comes through that a proposed rate increase for services has been cancelled. Usually the word is that there will be an increase.

That is why the announcement Wednesday by Postmaster General E. T. Klassen deserved to be received with a tremendous cheer from the long-suffering public. Mr. Klassen said plans are being made to cancel the $450 million postal rate increase scheduled for next January.

What's more, Mr. Klassen very boldly stated that, "We must learn to live within our income." He said this means that without impairing service, "cost must be substantially reduced."

As with most such announcements, there was a catch in it, although in this instance the catch could not be regarded as too stringent. Mr. Klassen directed that there be no hiring in the Postal Service for 90 days. The intention is to fill clerical vacancies by the promotion, transfer or reassignment of career postal employes. The use of temporary employes to augment day-to-day work forces will end by July 1.

The postmaster general may be somewhat optimistic in regard to the plans to cancel a rate increase, but it is worth trying. The public will note, too, his pledge to improve mail service while reducing postal costs.

WINN-DIXIE FREEZES MEAT, GROCERY PRICES FOR 30 DAYS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. BENNETT. Mr. Speaker, I am glad to insert in the RECORD the following article which appeared in the Florida Times-Union on Friday, March 31, 1972, concerning the decision of the Winn-Dixie grocery to freeze meat and grocery prices for 30 days and pass on any savings if the wholesale prices go down. This is certainly an action in the public interest by the outstanding leadership of this civic-minded business giant. I feel it deserves nationwide recognition. The article follows:

WINN-DIXIE FREEZES MEAT, GROCERY PRICES FOR 30 DAYS

Winn-Dixie Stores, a chain of 871 supermarkets here and throughout the Southeast, says its stores will hold the line on meat and grocery prices through the month of April.

Winn-Dixie's action Thursday follows an announcement by Safeway Stores Inc., one of the nation's largest supermarket chains, that it intends to impose "major reductions" in retail beef prices in its 246 outlets in the District of Columbia, Maryland, Virginia, Delaware and Pennsylvania.

In Jacksonville, Winn-Dixie President Bert L. Thomas said, "We've said we'll hold the line on prices for now. And if our cost prices go down, we'll pass the savings along to the consumer."

Safeway's announcement, made in Washington, came after an earlier action by the Grand Union Co., another food store chain on the eastern seaboard, clamping a freeze on fresh meat and poultry prices.

A Safeway vice president said the reductions—which would be effective Friday—reflect recent declines in the wholesale cost of meat.

He said the chain had planned to make the price reduction announcement in Easter newspaper ads, but decided to move now "as part of its pledge to the administration to do everything in Safeway's power to help keep food prices low."

Officials of a dozen supermarket chains conferred with Treasury Secretary John B. Connally Wednesday, when the store executives agreed to "go back and take a real close look at what we're doing."

The price reductions coincide with an Agriculture Department report that said live beef cattle prices in the month ending March 15 declined moderately, the first decline since last summer, but remained well above those of a year earlier.

COMMUNITY SCHOOLS PROJECT UNDERWAY IN JUNEAU

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. BEGICH. Mr. Speaker, Terry Kelly and Joe Miguel are directors of the community schools project for the Greater Juneau borough schools in my State of Alaska. It is their thought and that of the many others working in this pilot project that the resources, facilities, and equipment of local schools can and should be made available to the entire community for extracurricular courses of educational and recreational value. This is not an entirely unique concept for the people of my State who are generally community-conscious and where organizations and agencies open their doors to the needs of local citizens. However, so that all may see another example of the imagination and hard work of the many Alaskans striving for better and more relevant educational opportunities for your youth and adults alike, I would like to insert in the RECORD the following article on the Juneau community schools concept:

SCHOOLS—OUR STANDARD MONUMENTS

(By Terrence W. Kelly, Jr.)

Living in our technological age is a day-to-day education in itself. Likewise, education should be a continuing process of preparing the individual to cope with, comprehend and enjoy the wide horizons of life's opportunities.

What does this have to do with the Community Schools concept? The Community School idea is based on a simple fact: Every community has school facilities which contain space and a wealth of special equipment that is not available to the ordinary citizen in his home. These resources currently lie unused roughly 70% of the time for any community purpose. Why not then open the schools for public use when they are not being utilized for the formal school program?

Along with these buildings and equipment are the skilled instructors who staff it. Many of these staff members are receptive to the idea of teaching one or many of their specialities for a small fee paid for by the participants. Also in every community are skilled artisans, craftsmen and hobbyists including local businessmen who can provide a service while increasing interest in their specialty.

Why not bring the buildings, equipment, tools, space, instructors and people together in a common place to learn some of the things that are of interest to people and that they find enjoyable? In other words set up activities that the surrounding neighborhood residents feel they would benefit from learning. This includes pre-schoolers, elementary, and secondary students as well as adults. The program need not be limited to any particular age or income group. Program fees should be as low as possible and scholarships should be available to those who cannot pay and yet could use the skills to help themselves.

The types of programs offered should depend on the needs of local people, as they see them. However, these activities should not be looked on as "frills". In most cases they consist of activities which carry no grades, term papers or credits, however they do convey useful skills in areas such as: speed reading, preparing budgets, home decorating, and design, basic carpentry, sewing, knitting, rug making, house construction, basic cooking, auto-mechanics, and small appliance repair. This is not meant to be a definitive listing but merely examples of things that can be offered to pupils of all ages. Hobbies and recreational activities as well as profitable avocations should also be included as important. Stamp collecting, coin collecting, mineraloby, taxidermy, skiing, hunter safety, gunsmithing and other activities could be taught which provide amusement and enjoyment to thousands in their off time. The handicapped and elderly could benefit from these things as it can provide a means of supplementing their incomes and the opportunity to interact with others who have common interests. The elderly and retired could be used to lead activities, teach skills or provide information to students in areas of craftsmanship and history as they have witnessed history in the making and seen a myriad of changes take place. Many of their personal collections and artifacts surprise the average person when they become aware of them. What about the thousands of married couples with no children and the elderly couples whose children have grown? They continue to pay school taxes and receive no tangible personal benefits from this investment. Is there a connection between these groups and the many local bond issues that are rejected at the polls with the recurring claims that "we pay too many school taxes already?" It would be a simple matter to arrange for these groups to organize social clubs and activities like Bridge groups, Bingo, chess, checkers, dancing, etc., and have them take advantage of empty classrooms in the evening or at other times when the school is not in session.

The idea that education stops when an individual leaves the schools nevermore to return to the "hallowed halls of learning", has been long recognized as totally unrealistic. Everyday an individual lives, he learns. He is exposed to things he never knew. He is constantly being amazed by the changes and advances that modern technology continues to make in seemingly never-ending leaps and bounds. With the rising cost of living and higher education the Community School concept becomes more important daily because it could make the value received per dollar spent the best buy to be had anywhere. It could also help solve a decade long problem in which the teenagers have pronounced that the education they are receiving is "irrelevant". The administrator's problem has been: how do you incorporate the new experiences that *are* relevant into the regular school day without making it longer or closing down for a year and completely revamping the curriculum? The answer appears to be obvious, you incorporate other types of learning experiences which support and enrich the regular curriculum in a manner so as to make them "relevant".

Children do learn from adults and what better example than the Community School can be incorporated to show children that education is more than book learning, that it comes in many forms, and that it offers many opportunities for a more useful and enjoyable life at *all ages.*

Juneau has begun a pilot project in the attempt to help local residents realize what can be done by themselves, in co-operation with their schools, to achieve a closer knit community which will provide residents with the opportunity to do what they feel needs to be done.

The next part of this article will go into the specifics of the Juneau program.

SCHOOLS—OUR STANDING MONUMENTS

(By Joseph Miguel, Jr., and Sandra Samaniego)

In every city, town or village throughout the country there is at least one standing monument. These monuments were erected by the many generations of inhabitants as the citadels of learning for their children so they might receive the education necessary to lead a productive life. In many communities these schools sit idle during the evening hours when school is in session and for three months during the summer. These schools, which usually abound with the diversified sounds of learning, were nothing but costly standing monuments.

Under the guidance of William D. Overstreet, the former Superintendent, and John E. Coffee, the now acting Superintendent, the Community Schools Program in Juneau, Alaska, is blossoming and the fruits from those buds are being harvested. The standing monuments which nightly held the custodial staff preparing for the return of the students the next morning now are becoming focal points of gathering for the people of the community.

A majority of the evening classes are scheduled into the Juneau-Douglas Senior High School and Marie Drake Junior High School. This is due to the fact that the two directors cannot keep all the buildings supervised so the two centrally located ones with shop facilities were chosen to begin the program.

The classes which are now meeting were set up on the basis of local interests. If enough people were interested in a subject, an instructor was located by the directors and a facility was given to the class for their meetings. A total of twenty-six different interest areas ranging from Speed Reading to Dog Obedience are presently being offered evenings and on the weekends.

This is not to say that the evening classes are the total concept of the Community Schools, for it goes far deeper than that. The concept revolves around the idea that a facility is present and that there are many needs of the individuals of a community which go unmet. For each of those needs which goes unmet there are people living in the community who can help meet those needs. What the Community Schools try to do is bring the needs of the people and the people who can meet those needs together in an existing facility. This includes cooperating and assisting all existing agencies in every possible manner. In many instances a group will ask for something with which an agency in the community can supply them. It is then up to the Director to bring those people and the agency together in a facility.

Basically this is what the two Community Schools Directors, Joe Miguel and Terry Kelly have been attempting to do in the Juneau area. With the inception of this new program there have been many ups and downs, but the number of people becoming involved is increasing.

It was believed by the Directors that in order to get the people aroused the adult population must become involved. With this in mind the program began in July 1971 and expanded from 14 classes the first semester to 26 classes the second. . . .

For this attendance area he will be responsible for activities for elementary students, Junior and Senior High students and adults in the after school and evening hours. He will maintain direct and frequent contact with A Neighborhood Council which will consist of representatives of the attendance area of the Neighborhood school. This group will serve to feel the pulse of the area and advise the Director as to the kinds of activities best seen to meet the needs of young and old alike.

Additional assistance is gained through the Home School Counselors, who are indeed an integral part of the Community Schools Program. Presently, our counseling staff consists of Mary McClinton who works with the Juneau Children's Home, Sandy Samaniego who is the Elementary Home Counselor for Capital and Harborview Schools and John Martin the Home School Coordinator for Marie Drake Junior High School. These people act as a liaison between the school and the home and are in and ideal position to observe the needs of the community which might be alleviated through the Community Schools Program.

Although the activities of the Community Schools do take place after the traditional hours of the school day, who can possibly say that at 3:30 the learning process for a student ends? With each new experience a child or adult learns something new, something they can use when the occasion arises. The 6th grade child who takes an Elementary Spanish class in the after school hours will return to his classroom with a working knowledge of the language and customs of the people he is studying about in South American History. The young girl who takes a cooking for fun class will return to her classroom full of ideas when her class in Health discusses nutrition and table manners. The Junior and Senior High Student who takes a class in 2-cycle engine repair might return to an English class with a factual first hand term paper on internal combustion. The father who brings his son to a house construction class is sharing with him his dream of refurbishing his home. The list is endless, but the point is clear. The things a child learns outside of his classroom can and will enrich his school day curriculum.

With budgetary matters still in the finalizing process, it appears there will be an addition of one Director and a Secretary to the Community Schools Program in Juneau. If this addition does occur the Directors will then be able to cover three main population areas and involve those people in the areas around their Neighborhood Schools. Hopefully the Community Schools can act as the catalyst to turn the once standing monuments into bustling centers of community involvement and cooperation.

PLEASANT HILLS, PA., MARINE KILLED

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fightingmen, 1st Lt. David C. Bruggeman, of Pleasant Hills, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Lieutenant Bruggeman for his heroic actions, I wish to honor his memory and commend his courage and valor, by inserting in the RECORD the following article:

PLEASANT HILLS MARINE KILLED

A Pleasant Hills Marine officer who had been in Vietnam just four months was the only American ground soldier to die in the first week of the new North Vietnamese offensive.

The victim, First Lt. David C. Bruggeman, 25, son of Mr. and Mrs. Rudolph Bruggeman of 142 Broadway, was killed last Saturday as he attempted to board an evacuation aircraft near the demilitarized zone, a Pentagon spokesman said.

Lt. Bruggeman was a graduate of Thomas Jefferson High School and Thiel College and was the only child of the Bruggemans, both of whom teach in the West Jefferson Hills School District.

The officer had been directing artillery fire from an advance base near the DMZ when he met his death, the Pentagon spokesman said. The base, he added, was assaulted by the enemy and an evacuation begun. All, he reported, made it safely inside the rescue craft except Lt. Bruggeman.

The officer was one of 10 Americans killed in combat in the war zone last week, the U.S. Command reported in Saigon, the other nine victims presumably casualties of the air offensive. Another 15 Americans were listed as missing or captured as a result of air crashes.

The total of combat deaths was the highest reported since last Oct. 21 when 21 Americans were reported killed.

POLK BROTHERS OF CHICAGO NAMED "RETAILER OF THE YEAR"

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure for me to call to the attention of my colleagues that one of the world's largest retailers, Polk Brothers of Chicago, located in the 11th Congressional District, has been selected as Brand Names Foundation "Retailer of the Year" in the Appliance-TV Stores—Class I category.

The 1971 award is the third one for Polk Brothers—previously this outstanding retail appliance dealership had merited the award in 1962 and in 1967. Sol Polk, distinguished president of Polk Brothers, will receive the coveted award on April 20 in New York City at the annual awards banquet of the Brand Names Foundation.

Only a week ago I had the opportunity to tour one of the facilities of Polk Brothers and spoke with Sol Polk and his brother Sam Polk. Their family-run business is a tribute to their enthusiasm, hard work, and dedicated efforts to bring the consumer low prices on high quality merchandise along with efficient and courteous service.

Starting from scratch more than 37 years ago, Polk Brothers has grown into a business that annually grosses better than an estimated $100 million annually. The esprit de corps of the employees—and I personally talked with hundreds of them last week—as well as one of the best-run and best-managed retail establishments I have ever seen—are both important factors contributing to the great success of Polk Brothers.

The Horatio Alger success story of Polk

Brothers is one of which all Americans can be proud for it symbolizes the innumerable opportunities for achievement available to all of us and it proves once again that individuals with initiative, ingenuity, resourcefulness, and a willingness to work hard can and do achieve tremendous successes.

I congratulate the Polk family on once again meriting the "Retailer of the Year" award and extend my best wishes for their continuing success in serving the retail merchandise needs of our community and our country.

An article about the Polk Brothers which appeared in the March 29 edition of the Belmont Central Leader, one of the excellent community newspapers serving the Northwest Side of Chicago, follows:

POLK BROS. WINS THIRD BRAND NAMES AWARD

Polk Brothers has been judged Brand Names Foundation Retailer-of-the-Year in the Appliance-TV Stores, in Class I category.

Sponsored by the General Electric company, the Polk Brothers' entry won the coveted award for "good retail citizenship, consumer protection, and outstanding merchandising in 1971," according to H. Ford Perine, Brand Names foundation president. Perine noted that 1971 was the 36th year Polk Brothers had exclusively merchandised brand name products.

The giant retail appliance dealership was started in 1935 when the 18-year-old Sol Polk rented a store on Chicago's northwest side. The fledgling store's growth was spurred by his practice of loading his car with merchandise at closing time and spending the evenings selling house-to-house.

The award will be presented to Sol Polk, President, at the foundation's annual awards banquet April 20, climaxing a two-day gathering of manufacturers, retailers, and advertising agency and media executives at New York's Americana Hotel. The April 19-20 meeting will feature a "Great Ideas" theme, and promises "an unprecedented exchange of ideas among our membership," according to Perine.

The Brand Names foundation was formed in 1943 to maintain and strengthen brand competition. It is presently concentrating its efforts in two priority areas: "Professionalism in Retailing," which includes the "redefined and redeveloped" ROY competition; and its related "Constructive Consumerism" activities which include the current leadership advertising campaigns to "Shop in a Circle of Confidence" and "Advertise Advertising."

Polk Bros. have won the award three times now, in 1962, 1967 and 1971.

LOUISVILLE GI DIES IN VIETNAM; RITES THURSDAY

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. SNYDER. Mr. Speaker, recently, David Shelton of our Fourth District died in Vietnam. He was only 19 years old and had been in Vietnam only about 2 weeks. The tragic circumstances of his death points out once again to all of us the hazards and sacrifices that our military boys must face when entering our Nation's service.

I wish to extend my sincere condolences, and the prayers of all of us, to David's parents, Mr. and Mrs. A. C. Shelton, Jr., and to the entire family for the loss of this fine young man.

Below is the article from the April 7 Louisville Times reporting Private Shelton's death.

The article follows:

LOUISVILLE GI DIES IN VIETNAM; RITES THURSDAY

A 19-year-old Louisville soldier died Wednesday in South Vietnam, less than two weeks after arriving, the Defense Department has announced.

Army Pfc. David P. Shelton, son of Mr. and Mrs. A. C. Shelton Jr., of 6311 Oak Valley Drive, died as a result of nonhostile action, but details were not available.

Shelton, a 1971 graduate of Jeffersontown (Ky.) Vocational School, had been in the Army since last September.

Shelton is survived by his parents; a sister, Miss Susan Shelton; a brother, A. C. Shelton III, and his grandmothers, Mrs. Jessie Mudd and Mrs. Mary Shelton.

The funeral will be at 11 a.m. Thursday at Owen Funeral Home, 5317 Dixie Highway, with burial in Resthaven Memorial Park. The body will be at the funeral home after 7 p.m. today.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting into the RECORD the April 10 edition of the Bicentennial Bulletin. I take this action in an effort to help keep my colleagues informed of bicentennial activities. The bulletin is compiled and written by the communications staff of the Commission. The bulletin follows:

BICENTENNIAL BULLETIN OF APRIL 10, 1972

Forty-six prominent Americans from the fields of travel and hospitality, creative and visual arts, and the performing arts have been named to important ARBC advisory panels. The three panels will develop programs and recommend policy procedures to the ARBC Open House USA Committee chaired by George E. Lang. Among the first projects the Performing Artists and Allied Experts Panel and the Creative and Visual Arts Panel will be that of undertaking a review of the cultural resources which could be made available for the Bicentennial. They will meet initially on April 10 and April 11, respectively. Members of the Invitation to the World Panel will assist the Commission in its efforts to encourage and facilitate travel and hospitality and will hold their first meeting on April 17.

On March 30, Florida Governor Reubin Askew signed important legislation for financing Interama—a step toward a Bicentennial opening. The new law allows the Interama Authority to issue $12 million in revenue bonds which could be used for payment of ad valorem property taxes in Dade County in the event of default on the bonds. It also permits any agency of the State to enter into finalizing agreements with the Authority and clarifies certain terms and status of the City of North Miami bonds.

The Memphis (Tenn.) Jaycees are buying and donating to schools portfolios entitled "The Forty Documents of Our American Heritage" in conjunction with the Bicentennial. The portfolios were compiled and photographed from the 250 original documents included on the Freedom Train of the American Heritage Foundation. As a public service forty negatives of these original documents were preserved and are now being distributed as a public service to schools who no longer have the finances for supplemental publications.

Ralph J. Menconi, the designer of the Bicentennial Medal that will be produced by the U.S. Mint, was recently selected by the Freedoms Foundation at Valley Forge, Pa., to receive its George Washington Honor Medal Award for 1971. The annual prize is granted for an outstanding accomplishment in helping to achieve a better understanding of America and Americans. He was honored for his "historic medal creations."

Preliminary plans to establish a Lenape Village for the Bicentennial celebration at Washington Crossing, Pa., are being formulated by Lenape Land, an American Indian organization. Mrs. William Bradley, chairman of the group told the Bucks County Bicentennial Committee that a village and interpretation center would be established. The organization has been studying Indian life in Delaware Valley in colonial days.

Rep. Richard C. White (Tex.) has introduced legislation calling for the minting of a special U.S. coin to commemorate the nation's Bicentennial year. The bill calls for the coinage of 50-cent or one-dollar pieces for general circulation. The metal coins would bear a design chosen by the Treasury Secretary to commemorate the nation's 200th birthday. The White bill does not prohibit a standard blend of metals. A Hearing on the bill has not yet been scheduled by the House Banking and Currency Subcommittee which must debate the bill.

An "America's 200th Anniversary Clock," designed and built by Harold W. Lanzer, Holgate, Ohio, cabinetmaker, has been placed on exhibit at the Ohio Historical Center in Columbus. The clock was built to symbolize the Bicentennial for Ohioans and visitors.

As part of youth involvement for the Bicentennial, the Williamsburg (Va.) Gazette ran a recent article detailing state involvement. It reported that members of the Junior Bicentennial Commission in Charlottesville are spending part of each Sunday tidying up Revolutionary War graveyards, and have a painting program set for Spring.

The Marine Digest Weekly has endorsed a proposal offered by Peter Stanford, president of the National Maritime Historical Society of New York, to make the last existing American built square rigger, the Kaiulani, a U.S. Bicentennial Project. The ship, currently in poor shape, has been languishing in the waters of Subic Bay, Philippine Islands, troubled by lack of funds to get her back to the states for restoration. Mr. Stanford is asking for all maritime-minded folk to join in the effort of saving the Kaiulani and make the project a Bi-centennial event.

Dr. Robert Cecile, who was elected Chairman of the Ohio American Revolution Bicentennial Advisory Commission at its organization meeting, reports that the Commission has formed three committees, one each for celebrations, exhibitions, and scholarship-education. Plans are being formulated for a symbol, a motto or theme, and a broad, state-based program which encourages county, municipal, organizational and individual activities and contributions in 1976.

"A Call to Action," ARBC's official film, the story of our Nation's Bicentennial celebration in a fourteen minute film is 16 mm in sound and color and is suitable for all age groups. "A Call to Action" may be obtained on a loan basis free of charge. Write: Office of Communications, ARBC, 736 Jackson Place, N.W., Washington, D.C. 20276.

The Iowa American Revolution Bicentennial Commission held an "Iowa Tea Party" program for its meeting in Des Moines on

March 27th. Robert Dillon, Chairman of the IARBC, addressed over 200 volunteers representing all 99 counties in the state and urged them to ride home in true Paul Revere style and issue a "Call to Arms" to every citizen in every village and farm. Del Black, Chicago Regional Coordinator, represented the ARBC at the session.

Actor Glenn Ford presented a television special saluting America's 200th Anniversary on April 4th. The CBS special, narrated by Ford featured Lou Rawls, Connie Stevens and Bill Medley singing songs about America against backdrops of Philadelphia, Concord, Sun Valley and the Mississippi River.

THE TRAINED PROFESSIONAL

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. HAGAN. Mr. Speaker, I have just read a most interesting article in the April 1972 Reader's Digest by Jack Valenti. I was so impressed with the advice and counsel offered, particularly to our young people, on being truly professional in a chosen field of endeavor that I wish to share it with my colleagues today.

The article follows:

THE TRAINED PROFESSIONAL: A VANISHING AMERICAN?

(By Jack Valenti)

One evening last spring, after a question-and-answer period with college students interested in motion-picture work, a 21-year-old film major told me of his intense desire to direct a feature movie. He then angrily denounced the Hollywood "establishment" for shutting him out.

What, I asked, was his experience in film making? He had shot a ten-minute, 8-mm. documentary about his college basketball team. Did he have a script prepared and ready to shoot for someone in Hollywood? No, but he had seen a lot of movies, and had some ideas about what he wanted to film. He didn't believe in scripts; he believed in improvising as he moved along. Nobody, he said sourly, would give him a chance to produce the movie he knew he was capable of creating.

That fragment of conversation was a duplicate, in many ways, of other campus conversations I have had. A widely prevalent notion today seems to demand instant achievement of goals, without any of the wearying, frustrating preparation that is indispensable to any task. As the exemplar of a way of life, the professional—that man or women who invests every new task or duty, no matter how small, with discipline of mind and spirit—is a vanishing American, particularly among those who too often believe that dreams come true because they ought to and not because they are *caused* to materialize.

My wife sat next to the late Dean Acheson one night at dinner, several years after he had left political life to rejoin his law firm. "Tell me, Mr. Secretary," she said to him, "how did you adjust to becoming a private citizen after having for so long been at the height of political power?"

He smiled. "Well, it wasn't easy at first, but I finally adjusted because I determined I would do the very best a man could do in every job I took on. If I were working on a brief, I wanted it to be the best brief that could be prepared. In short, I was a professional. There is no better way for a man to find fulfillment, no matter what he does."

A good many years ago, I attended a golf clinic given by the late Babe Didrikson Zaharias, the legendary woman athlete. "How can I learn to hit a golf ball the way you do?" I asked her.

"Simple," she said, laughing. "First you hit a thousand golf balls. You hit them until your hands bleed and you can't hit any more. The next day you start all over again, and the next day and the next. And, maybe a year later, you might be ready to go 18 holes. After that you play every day until the time finally arrives when you know what you are doing when you hit the ball."

Many ideas expressed by college youths are worthy of support. But so many proponents demand that their views be adopted *now*! They wander into the political arena and expect instant fulfillment; then anger and frustration sour their spirit when what they declare to be right is ignored. The plain fact is that too many of them are not prepared.

To their vision of altering the political landscape they bring lovely but fragile tools—passionate enthusiasm, idealism, dazzling rhetoric, even brilliant concepts. But they are turned off by the tedious homework of political life—the interminable task of learning how to teach, inspire and convert opposing forces into allies. The horrifying truth becomes clear: there is no short-cut, no magic carpet that sweeps them swiftly from desire to achievement.

Let me sit in a discussion where decisions are to be made and I can quickly and accurately point out the professionals. They know the issues, have untangled the crossing threads of logic and reaction, understand the facts cold, and can, because they have done the necessary homework, come up with suggestions that may lack passionate intensity but usually make the most sense.

I know this marks me as an old-fashioned drudge, but I would count the foremost asset of a respected man to be that discipline of self which instructs him in the knowledge of his craft. This means a dedication and a work schedule that sometimes can be rather dismaying. Still, there is no other way to acquire that standard of excellence which is the mark of the professional and the major specification for achievement.

FLUSHING AIRPORT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ROSENTHAL. Mr. Speaker, I have long fought to close Flushing Airport in my district because I am firmly convinced it is a safety hazard. Situated only 2 miles from LaGuardia Airport, it is in the midst of what may be the world's most heavily traveled aviation crossroads.

The city of New York, in apparent disregard for the wishes and welfare of its citizens, especially those who live near this airport, plans to spend in excess of $11 million of public funds to improve and expand this dangerous facility, making it an even greater threat to public safety.

Joining me in opposing this folly is highly respected Greater Whitestone Taxpayers Association. This group represents 40,000 homeowners who live near Flushing Airport. Because what they have to say is so important. I am inserting in the RECORD at this point their letter to me and one to Mrs. Janet Langsam, chairman of Community Planning Board No. 7, of the city of New York, which must make a recommendation on continuation of the Flushing Airport expansion program.

The letter follows:

GREATER WHITESTONE
TAXPAYERS ASSOCIATION,
Whitestone, N.Y. March 31, 1972.

Hon. BENJAMIN S. ROSENTHAL,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. ROSENTHAL: At the March 27 Meeting of our Association, the principal topic discussed was the modernization of Flushing Airport located in the College Point Industrial Park. We had as our guest speaker Mr. Nat Kramer of Community Planning Board No. 7, representing our community, who presented the facts to the membership.

As outlined in the attached copy of letter to Mrs. Langsam, Community Planning Board No. 7 Chairman, the membership unanimously voted against the modernization of the Airport and for its removal from Northern Queens. The reasons for the decision were, as stated in the attached copy of letter, that increased activity at Flushing Airport would create a safety hazard because of its proximity to LaGuardia and would also result in an intolerable amount of noise and air pollution.

It is inequitable for the City to expect that the residents of Northern Queens must bear the hardship of two airports located in their community within a radius of five miles from each other. We heartily endorse your stand to move the Airport to another area of the City.

We have written personally to Mayor Lindsay and Borough President Manes informing them of our Association's stand on the Airport and asking them to give very careful consideration to our strong position to remove it from our community. We have not reached our decision haphazardly but have given the matter diligent thought and research.

The residents of Whitestone look forward to your continued support against the present site of Flushing Airport and its modernization. We will need all the help we can get to persuade the City Flushing Airport should be moved to a more suitable location.

With sincere appreciation for all your past assistance,

Sincerely yours,
JOSEPH M. ROTA, *President.*

GREATER WHITESTONE
TAXPAYERS ASSOCIATION,
Whitestone, N.Y., March 30, 1972.

Mrs. JANET LANGSAM,
Chairman, Community Planning Board No. 7, Kew Gardens, N.Y.

DEAR MRS. LANGSAM: We were happy to have Mr. Nat Kramer of Community Planning Board No. 7 as a guest speaker at our Association's meeting Monday evening, March 27, 1972. As you probably know, we devoted almost the entire meeting to the subject of the proposed modernization of Flushing Airport. Mr. Kramer did a fine job of presenting the pros and cons of upgrading and modernizing the Airport for general aviation. We feel he presented the facts to us to the best of knowledge.

After many pertinent questions relative to the modernization of Flushing Airport were asked by the membership, followed by discussion, a motion was made by one of our members to close and move Flushing Airport from its present site to an area where there is no other major airport nearby. The motion was seconded by another member and a vote taken. By a unanimous show of hands, approximately 200 members present elected to take the stand that this Association, representing 40,000 homeowners in Whitestone, does not want the Flushing Airport modernized but instead closed permanently and removed from Northern Queens. It was also decided by majority vote that a replacement for the site could be discussed at another time. The most important factor to resolve at this time is the fate of Flushing Airport.

The reasons given by the members for the stand taken were that the presence of a modernized Flushing Airport accommodating a larger number of flights would be a serious safety hazard for the community due to its proximity to LaGuardia Airport. In addition, expanded service with heavier aircraft from Flushing Airport, coupled with the already huge number of flights from LaGuardia, would create an intolerable amount of noise and air pollution.

Please accept this letter as written confirmation that this Association, by unanimous approval, opposes the modernization of Flushing Airport and favors its removal from its present location.

The membership of this Association thanks you and your staff for the help and cooperation you have given us in this matter.

Sincerely yours,

JOSEPH M. ROTA, *President*.

VETERINARY MEDICAL ASSOCIATION OF NEW YORK CITY CALLS FOR ENACTMENT OF RANGEL'S HYPODERMIC NEEDLE AND SYRINGE CONTROL ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. RANGEL. Mr. Speaker, the easy availability of hypodermic needles and syringes—and thus their diversion into illegal channels—is a contributing factor to the spread of drug addiction in the United States. Those who experiment with heroin know that the needle which plays an integral role in drug abuse can be obtained at little expense with little difficulty, through the mails or, in some States, at the local pharmacy without a prescription.

In fact, a member of my staff was recently in Colorado where he was able to purchase hypodermic needles and syringes at drug stores without any questions being asked. Those needles and syringes cost him only 14 cents each, and although they were manufactured for use by diabetics, they are on sale in Colorado to anyone for less than the cost of a cup of coffee. Colorado is not alone, however. Other States have failed to crack down in this important area of drug abuse.

That is why I am pleased to commend to my colleagues in the House of Representatives the resolution passed by the executive board of the Veterinary Medical Association of New York City backing legislation which would permit the Federal Government to regulate interstate commerce in hypodermic needles and syringes. The resolution states:

> Because of the overwhelming nature of the national drug problem, and because of our concern with this problem as citizens and as humanitarians, be it resolved that the Veterinary Medical Association of New York, Inc., is in complete support of bill H.R. 12935 presented by Congressman RANGEL.

Those who are involved in the medical professions have expressed their concern over the tragic effects and ramifications of drug abuse. They have pledged themselves to the fight for strong congressional action on all fronts in the war against narcotics. Our recent establishment of the Special Action Office for Drug Abuse Prevention and our empowering the President to cut off foreign economic and military aid to those nations which refuse to cooperate in our attack against drugs are important steps. But we cannot stop now. Addiction is still spreading. Drug-related crime is on the rise. The pain and agony of heroin have reached every corner of this Nation. We must not fail to deal with the urgent problem of heroin paraphernalia. Congress must recognize that failure to act will guarantee the continuation of drug abuse.

I urge my colleagues, Mr. Speaker, to heed the words of the Veterinary Medical Association of New York City.

PITTSBURGH GETS HUD HOUSING ALLOWANCE PROGRAM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. MOORHEAD. Mr. Speaker, I am pleased to announce that Pittsburgh has been selected as the site for a unique and important housing experiment, called the "housing allowance" program.

Negotiations will begin shortly between the Department of Housing and Urban Development and the city to work out the details.

What the experiment proposes is to make direct cash grants to approximately 1,000 low-income families for use in purchasing housing of their choice.

In the past, HUD subsidies were tied to specific houses or buildings. If a family left that house or apartment, it lost the assistance.

The new program will make the allowance directly to the family and the allowance will stay with the family throughout, no matter if the family moves from place to place or from house to apartment or vice versa.

The amount of the subsidy will be worked out among the federal and city officials as well as the form the allowance will take. It will be tied to the standard price for decent housing in Pittsburgh. Methods of choosing the families and methods of evaluating the experiment will be conducted by a consortium of researchers headed by Stanford University.

The housing allowance experiment will run for 2 years. In that time, the HUD analysts will gage the type of housing secured by the families receiving subsidies and their migration patterns. Although only families from the city of Pittsburgh will be chosen to participate, once receiving their subsidies, the families are free to move anywhere in Allegheny County.

Pittsburgh was chosen from many cities throughout the United States for this experiment for a number of reasons: Its population of over 500,000 people; its high housing vacancy rate; the large supply of livable houses in the area; its ethnic and racial makeup; and above all the tremendous interest shown by local officials and residents in securing the program for our area.

I am proud that through the efforts of myself and others, Pittsburgh has been chosen.

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. HAMILTON. Mr. Speaker, I include the first of a series of my weekly reports on "Crime in America."

WASHINGTON REPORT OF CRIME IN AMERICA

(EDITOR'S NOTE: This is the first of three weekly reports on crime and criminal justice in the United States.)

In a very real sense, all American are victims of crime. Statistics from the FBI show that an increasing number become victims of some form of crime each year. All of us must bear the cost of crime, estimated to be in excess of $30 billion annually, in higher insurance rates, higher prices for goods and services, and in increased taxes to support the police, the courts, and the prisons.

There is an even more insidious cost—the fear of crime. The quality of life is seriously eroded when the fear of crime keeps Americans behind locked doors, away from downtown, and shut off from friends and neighbors after dark.

During the last decade (1960–1970), crime has increased 14 times faster than our population—176 percent as compared to a 13 percent population growth. Crime has spared no geographic region or level of society. In those 10 years, crime also has crept into the traditionally "peaceful" rural areas, showing in 1970 alone a 15 percent increase.

A partial count of the questionnaire which I sent to residents of the Ninth District shows that respondents think that crime is the most serious of our national problems. 40 percent indicated that they are personally afraid of crime in their areas. Concern about crime is also reflected in an increasing number of conversations and letters from Ninth District residents.

While the public's growing discontent and insistence upon action is often directed at the Federal government, the Federal government has surprisingly little direct control over crime in the streets. The Federal role is to give the strongest possible support to state and local police, courts, and prisons, which have the responsibility for curtailing crimes against life and property, the ones people fear most.

The system of criminal justice is comprised of (1) the police, the front line against crime, (2) the courts, which are struggling under increasing caseloads, and (3) the jails and prisons, most of them antiquated. The system has been the victim of neglect at all levels, and its shortcomings have become more pronounced under the pressure of increasing crime rates. While it may be smart politics to call for a "get tough" attitude, or demand "law and order," rhetoric simply will not stem the tide. In fact, any approach which only reinforces the present system with its weaknesses and shortcomings, is no longer feasible. We must look to reforms which:

Update, simplify, and standardize criminal codes across the country to conform to existing attitudes and customs.

Bring modern management and technology, such as data processing, into the judicial system.

Recognize and deal socially with such "non-victim" crimes as alcoholism and drug addiction which now clog court dockets.

Revamp our penal systems, which are little more than schools for crime, and not for rehabilitation.

Intensify the attack on drug problems, with more emphasis on destroying the economic attractiveness of the illegal drug trade.

Develop more and newer methods of dealing with young offenders before they become involved in serious crimes.

Provide continuing training for policemen, and recognition of competency with higher salary levels.

But even these reforms will be insufficient to reverse the crime rate if the causes of crime are not dealt with. Mark on any map of a large city where there are slums, poor schools, high unemployment, poverty, bad housing, and a high incidence of sickness and mental illness, and you will also mark the area where crime flourishes (as former Attorney-General Ramsey Clark pointed out.) Any effective effort to control crime must eliminate the conditions which breed crime.

Until an enlightened public insists on structural changes in the criminal justice system and improves efforts to eliminate the conditions which breed crime, the war against crime will continue to be an ever growing and ever costly effort to catch and contain criminals and, in the long run, it will not be enough to win the war.

CAN THE UNITED STATES DISARM WITHOUT SURRENDERING?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. RARICK. Mr. Speaker, today's passage of the Arms Control and Disarmament Act Amendments of 1972 by a vote of 349 to 20 is called into question by the evident relationship between Soviet Russia—with whom this country is conducting the SALT talks—and the North Vietnamese Government in Hanoi.

Recent news articles indicate that "the most high-powered Soviet military delegation ever to visit Hanoi" helped the North Vietnamese prepare for the present offensive, an offensive that later news articles reveal is "an attempt to achieve a total Communist victory in South Vietnam." In fact, Mr. Speaker, the headlines to this later article read, "Hanoi's Goal: Total Victory." This means defeat of the United States in Southeast Asia.

Unfortunately, Mr. Speaker, our Government has forbidden our military leaders and diplomats even to consider victory as an alternative in Vietnam.

A more recent news account appearing in today's paper emphasizes the relationship between the Governments of Soviet Russia and North Vietnam. The article points out quite clearly:

> Hanoi's change from guerrilla to conventional warfare, with reliance on tanks and missiles, could not be sustained without massive Soviet aid.

This information translates into this statement of fact: The goal of Soviet Russia is, as it has always been, total, absolute victory for communism in Southeast Asia; yet knowing this—and the facts are evident from recent news articles—this House has today passed a bill to extend the authorization for appropriations and to increase the funding $4.5 million more than was authorized for fiscal years 1971 and 1972 for the Arms Control and Disarmament Agency.

What this means, Mr. Speaker, is that this House has today authorized and increased funding for the Arms Control and Disarmament Agency to attempt to accomplish what is patently impossible without total and complete Communist domination over the world.

I ask that related news articles detailing the relationship between the Soviet Union and the North Vietnamese Governments, especially as it applies to the present Communist offensive in Vietnam, be included in the Record at this point.

[From the Evening Star, Apr. 11, 1972]

Hanoi's Goal: Total Victory

(By Henry S. Bradsher)

Saigon.—The leaders of North Vietnam have disclosed a decision "to mobilize all our forces" to try to achieve a total Communist victory in South Vietnam.

The decision apparently was the basis for the present all-out Communist offensive against the south.

So long as the United States "maintains, in whatever form," an American-backed government "in the southern part of our country, our people will have to fight on," the major policy statement said.

"On the path to total victory, there will still be many trials," Hanoi warned.

But the statement expressed determination to keep victory in the south as the main priority of North Vietnam.

The decision was taken "recently"—no date was given—at the 20th meeting of the North Vietnamese Communist party's Central Committee, which lays down basic policy for the country.

A resolution on the meeting's decision to step up the war effort was broadcast last night in Hanoi radio's home service.

Disclosure of the decision followed the capture in South Vietnam of Communist documents which outline a new war strategy.

It calls for the use of regular North Vietnamese army (NVA) units to tie down the army of the Republic of Vietnam (ARVN). Then Communist guerrillas are to begin attacking provincial defenses, and "spontaneous uprisings" are supposed to break the Saigon government's grip on the cities.

The NVA offensive has tied down most ARVN units already, even sucking reserve forces out of Saigon and other rear-area cities. Guerrilla attacks have been limited so far, and the Communist underground in cities has not yet risen up.

ARVN has been doing pretty well against NVA frontal assaults. It is holding in the north and counterattacking above Saigon.

But the Communist strategy means a possible threat to the rear, if it is carried out.

REFLECTS MAJOR DECISION

The Hanoi broadcast confirmed the deductions of observers of North Vietnamese affairs that a major policy decision had been taken before the Communist offensive was launched 13 days ago.

Observers think a policy shift began in Hanoi late last summer.

The Central Committee meeting apparently was held at the end of December or in January. The new policy which it adopted was kept secret until the offensive was underway, apparently for tactical reasons.

The change is from giving first priority to building North Vietnam's economy and letting the war in South Vietnam be continued by small NVA units and guerrillas to hurling NVA main-force units into conventional warfare with ARVN while making economic construction in the north wait.

Now with complete confidence that no one is going to invade North Vietnam, Hanoi has completely denuded the country of organized combat divisions in order to press the offensive against the south with every soldier it can muster.

The North Vietnamese government insists officially that it is "People's Liberation Armed Forces" of southerners mounting the current offensive.

This is contrary to all the battlefield evidence. And the party resolution said bluntly that "our army and people . . . valiantly march forward."

"AN IMPERATIVE TASK . . ."

The resolution said the Central Committee meeting stressed that "an imperative task for our entire party is to mobilize—with the spirit of perservering in and advancing the anti-U.S. national salvation resistance toward total victory—all our forces, make outstanding efforts, courageously advance and, in close solidarity and co-ordination with the fraternal Lao and Khmer (Cambodian) armed forces and peoples, foil the Vietnamization policy and the Nixon doctrine in Indochina."

North Vietnam, it said, has "endeavored to provide adequate and timely support and assistance in human and material resources for the frontline."

The resolution repeated the communist demands that the United States destiny President Nguyen Van Thieu's government in Saigon as American forces disengage from Vietnam.

The United States must withdraw, it said, and "actually respect the South Vietnamese people's right of self-determination, stop supporting the puppet administration, and suppress its oppressive and coercive machinery in order to pave the way for the formation of a broad administration of national concord that will have the duty to organize a really true and democratic general election in the south."

Previous Communist statements have made it clear that Communist and pro-Communist elements must dominate Hanoi's idea of a "national concord" administration, and thus control the kind of elections which are to be held.

[From the Evening Star, Apr. 11, 1972]

A Look Ahead: Laird Says War Is Far From Over

(By Orr Kelly)

Defense Secretary Melvin R. Laird sees no quick end in sight to the Vietnam war.

In an interview yesterday, Laird predicted that the current North Vietnamese offensive would be defeated by the South Vietnamese after weeks of hard fighting. He also emphasized that the U.S. troop withdrawal would continue.

But when asked if he thought the current fighting might be followed by negotiations for an end to the war, he replied:

"Do I think a war that has gone on for 30 years is going to end? The answer is no."

Laird indicated that he recognized the dangers in sending B–52 bombers into high-risk areas of North Vietnam in an effort to blunt the enemy's current offensive. The big bombers struck near the city of Vinh, 150 miles north of the border, yesterday.

This was an apparent change from a policy followed since 1965, when the bombers were first used in Vietnam, of keeping the aircraft out of areas where there was a serious danger they might be shot down.

His concern, Laird said, is for the crew members rather than for the safety of the planes.

Laird was interviewed aboard an Air Force plane en route back to Washington from Norfolk, where he spoke at a ceremony celebrating the 20th anniversary of the founding of the headquarters there of the Supreme Allied Commander, Atlantic, who is responsible for NATO forces in the Atlantic.

The current bombing campaign against the north, Laird insisted, is not an effort, as some critics have charged, to seek a military victory in the war.

"That is not the policy of this administration," he said. "Our policy is to get U.S. troops out of the war."

CRITICAL OF COVERAGE

Laird was sharply critical of some news accounts of fighting in Vietnam—and apparently concerned about the impact of news reports both in this country and in Vietnam.

"It makes it sound like those North Vietnamese are 10 feet tall," he said. "The South Vietnamese are doing very well. They have some hard fighting ahead, but I think they are going to succeed. I just hope they don't read about themselves before they've had a chance.

In virtually writing off the possibility of negotiations with the North Vietnamese, Laird indicated he still hoped for fruitful negotiations with the Soviet Union.

But both in his speech and in the subsequent interview, Laird called attention to President Nixon's remarks yesterday at a State Department ceremony for the signing of a convention against biological warfare.

The President, in an apparent reference to the Soviet-furnished equipment being used by the North Vietnamese, said a great power "should not encourage directly or indirectly other nations" to attack their neighbors.

In Cambridge, Mass., an anti-war group attempting to monitor the U.S. military buildup in Indochina claimed that between 8 and 30 warships, hundreds of planes and thousands of men are on their way to participate in or support stepped-up U.S. air and naval actions.

SAYS NINE SAILED

At least nine warships sailed from California yesterday, and the Cambridge group said it has confirmed that two carriers, a cruiser and five destroyers are en route to join U.S. 7th Fleet ships already operating off North and South Vietnam, the Associated Press reported.

The group—the Ad Hoc Military Buildup Committee—reported a number of vessels have left port with unconfirmed destinations. They include the carrier Saratoga, 8 destroyers and 12 destroyer escorts, two cruisers and three destroyers are on alert, the committee said. The attack carrier Midway also apparently was headed for Southeast Asia, United Press International reported.

At least 244 Air Force planes, including more than 100 fighter-bombers, have been flown to the war zone or nearby supply areas, the committee said.

Earlier, Laird had told a Pentagon group that additional air and naval units would be sent to Vietnam to meet the current crisis created by the Communist offensive.

"They are the additional needed insurance showing the determination of the United States as this massive violation has been undertaken by the enemy," Laird said.

Nixon met yesterday with U.S. Ambassador William J. Porter, chief U.S. negotiator to the Paris Peace Talks. A White House spokesman declined to reveal the substance of the session but said that Porter would return to Paris tomorrow.

Administration officials denied reports that Porter's trip and the timing of his return indicated that the talks would be resumed this week.

[From the Christian Science Monitor, Apr. 12, 1972]

MOSCOW VIET DEAL DEBATED

(By Victor Zorza)

WASHINGTON.—President Nixon's call to the Kremlin to desist from helping Hanoi is the first public sign of a debate at the highest levels of the administration. Can Moscow now use its influence to push Hanoi into ending the war—and if so, can the United States push Moscow to push Hanoi?

In the administration debate, Dr. Henry Kissinger, the President's foreign affairs adviser, and Melvin Laird, Defense Secretary, are ranged on one side, and Peter Flanigan, the President's economic adviser, and the State Department are on the other side.

The issue, which was often debated in previous administrations, is now seen in al altogether new light. Hanoi's change from guerrilla to conventional warfare, with reliance on tanks and missiles, could not be sustained without massive Soviet aid.

QUESTION OF CREDITS

One of the main issues for next month's Moscow summit was a massive trade deal in which Soviet purchases of American goods would be financed by United States credits. The question which has now been raised is whether the United States should provide credits which could, however indirectly, be used by the Soviet Union to finance its own supplies to Vietnam.

Laird has urged Mr. Nixon to use Russia's desperate need for high technology, as well as for grain and other goods, in a Vietnam war trade-off at the summit. Publicly, he has said that the Kremlin supplies 80 percent of the war equipment used by Hanoi, and that the Soviet Union "is therefore a major contributor to the continuous conflict."

He believes that the prospects for peace rest "to a major degree with the Soviet Union." He wants the Kremlin to ensure that the arms it gives to Hanoi will not be used in the south, just as the United States would continue to ensure that Saigon would not use American-supplied arms against the north. But the Soviet Union, he complains, has so far placed no restraints on the use of its weapons outside North Vietnam.

AREA FOR NEGOTIATION

This, then, is the basis of the deal to be made in Moscow. Hanoi demands the ending of American aid to the Thieu regime as its price for ending the war. But, as Mr. Laird said in an interview with Michael Getler of the Washington Post, neither the Soviet Union nor the United States could abruptly shut off their aid program. He therefore believes that this "must be negotiated between the U.S. and the U.S.S.R. and I hope the whole area will be discussed at the May summit meetings."

Dr. Kissinger has long favored the idea of "linkage" between the trade and the political deals which were being readied for the Moscow summit. But Maurice H. Stans, now the GOP's chief fund-raiser for the election campaign, came back from Moscow last November, when he was Secretary of Commerce, with the firm belief that the trade deals ought to go ahead regardless.

"DICTATION" OPPOSED

Instead of making them depend on political progress, he believes that they would serve to improve the political atmosphere, which would ultimately make greater progress possible. is stand was shared in the White House by Peter Peterson, who was then the President's economic adviser, and has since succeeded Stans as Secretary of Commerce.

But Peterson's views were inherited in the White House, and continue to be supported, by Peter Flanigan. The State Department, too, tends to accept the Kremlin's warnings, which have been emphatically publicized in the Moscow press, that the Soviet Union will reject the "dictation" implicit in the idea of linkage.

Hanoi is aware of what is going on. It has argued publicly that the big powers, obviously including Russia, want to settle "the fate of the smaller countries by economic pressure," and it rejected this "obsolete doctrine."

Its Foreign Minister, Nguyen Duy Trinh, has now brought it out into the open by saying that the "perfidious" Nixon is trying to limit Soviet aid to North Vietnam. And Mr. Nixon himself has indicated his growing support for the Laird-Kissinger line by warning the Kremlin against encouraging Hanoi, "directly or indirectly."

[From the Baltimore-News American, January 14, 1972]

RUSS WARN ON BOMBING

(By John P. Wallach)

WASHINGTON.—The Soviet Union used the hotline to warn President Nixon that resumption of bombing of North Vietnam this spring could seriously jeopardize U.S. plans for a Moscow summit meeting in May, Soviet informants disclosed today.

The Russians sources revealed that the call came directly from Soviet Premier Alexei Kosygin and was made at the height of the recent five-day-round-the-clock intensification of U.S. air strikes that ended Dec. 30.

A report published in the London Observer last week said that Kosygin had urged Nixon to halt the bombing, the biggest U.S. aerial attack since the bombing halt in November, 1968. A White House spokesman termed that account "inaccurate" but would neither confirm nor deny it.

Questioned about the new report, State Department spokesman Charles Bray today also refused comment. Other U.S. officials speculated that Moscow was deliberately "leaking" the information to win "brownie points" with Hanoi before President Nixon's upcoming trip to Communist China.

Other sources suggested that the Russian warning may be Moscow's answer to the "leaked" warning by the White House during the India-Pakistani war that Nixon might call off his plans to go to Moscow if Russia encouraged the Indian army to invade West Pakistan.

The source of the U.S. warning was later identified as Dr. Henry Kissinger, national security adviser to the President.

There have recently been a number of public Soviet charges that the United States is colluding with China to betray North Vietnam—specifically that Nixon plans to make a deal in Peking undercutting Communist influence in Indochina.

Thus, some U.S. analysts see the "leaking" of such reports as aimed at depicting Moscow as Hanoi's only true friend among the Communist giants.

According to the Soviet informants, Kosygin also told Nixon that Moscow was stepping up its military aid to North Vietnam. A new Soviet-North Vietnamese aid agreement was signed in Moscow during the five-day bombing campaign providing for an undisclosed increase in Russian military and economic aid.

Western estimates put the current Soviet aid to Hanoi at over $1 billion a year.

The hotline between Washington and Moscow, which went into operation on Aug. 30, 1963, has been used only once before, during the 1967 Arab-Israeli war, according to Pentagon officials. Practice transmissions, however, are sent every hour.

U.S. analysts said that the "leaking" of the story about the hotline may also have been aimed at China. Both Moscow and Peking publicly condemned the five-day bombing campaign against North Vietnam. But propaganda statements by the rival powers appeared to be directed more at each other than at the United States.

The Soviets are said to believe that Nixon would not have taken the risk of bombing North Vietnam without prior Chinese assurance that his scheduled visit to Peking would go through as planned.

Thus, the Soviet Union may fear a repetition of such bombings before the China trip, and may have felt the need to warn the United States of possible consequences.

[From the New York Times, Feb. 25, 1972]

Thieu Says Soviet Urged a Drive by Hanoi

(By C. L. Sulzberger)

SAIGON, SOUTH VIETNAM, Feb. 23.—President Nguyen Van Thieu asserted in an interview today that the Soviet Union had urged North Vietnam to open a military offensive here to block any efforts by the United States and China to end the Vietnam war during President Nixon's Peking talks. However, he said, South Vietnamese Army attacks and United States bombing kept the threat from materializing.

Mr. Thieu said he believed that the Russians were worried that Washington and Peking might find "a basic agreement to restore peace in Indochina" and were determined to prove that the key to any solution lay in Moscow, not Peking.

Ruling out any invasion of North Vietnam should the conflict continue, Mr. Thieu expressed willingness to join with that country and eight other Southeast Asian states in a kind of neutral bloc that would renounce foreign bases or alliances.

SEEMINGLY AT EASE

Speaking English and seemingly at ease, he brushed aside as untrue or exaggerated reports of differences between him and Secretary of State William P. Rogers concerning his "flexibility" on the terms for a peace settlement.

Of the enemy forces the President said:

"Nothing came of the so-called offensive they were supposed to be mounting here during President Nixon's visit to Peking. I imagine they will try an all-out offensive later on to exploit political differences in the United States and to press Nixon to yield more in negotiations."

He said there was no doubt that the Communists had hoped to mount a major operation to coincide with the China trip. "They introduced a whole division into South Vietnam west of the Kontum-Peking area," he said.

"They also initiated small guerrilla attacks around the country," he added. "However, the main threat west of Kontum-Pleiku was set back by South Vietnamese ground attacks and U.S. bombing."

LIMITED OFFENSIVE FORESEEN

Mr. Thieu predicted another limited offensive at the time of Mr. Nixon's Moscow trip in May to demonstrate how strong the Communist position is in the Indochina war. He also forecast a strong offensive in the late summer, seeking to influence the American electorate against the President, and a final military attempt next year before Hanoi agrees to some form of settlement.

President Thieu, who has avoided the press for many months, was interviewed in his palatial office in the center of the capital. Three helicopters, three tanks, several jeeps and soldiers were distributed around the spacious grounds.

Mr. Thieu insisted that the incident between him and Mr. Rogers—the Secretary had said the United States was flexible on the terms of Mr. Nixon's peace proposal including, by implication, when Mr. Thieu would resign in anticipation of free South Vietnamese elections—had been greatly exaggerated and was now forgotten.

HEDGES ON RE-ELECTION

Asked whether he would run for re-election if he resigned a month before free elections, as pledged in the U.S.-Saigon peace proposal, he replied:

"I cannot answer that yet. It is a very delicate question. My only dream is to bring peace to Vietnam. I am ready to return to civilian life as a simple citizen. When I proposed to resign a month before new elections I did so in all sincerity and honesty.

"I cannot predict anything else more precisely. I have not made a decision on whether I might run for re-election and I don't want the Communists to be able to exploit anything I might say."

"What the Communists really want is to defeat Nixon," he continued. "They know it will be very hard to impose their viewpoint if he is re-elected. Therefore they want to smash his Vietnamization program and also try to develop another offensive for a battlefield victory. They must have a victory on the battlefield first if they are to get any great concessions.

"If Nixon is re-elected I think Hanoi would still try another military offensive in 1973 when the American forces have gone from here. After that they might be ready for peace. But right now their tactic is fight and talk, talk and fight. Maybe sometimes in 1973 they might decide to fade away or to turn their main effort to Laos and Cambodia, seeking a political advantage there."

Clearly concerned over the superpower relationships developing out of the Nixon trip, Mr. Thieu is convinced that the President and his Chinese hosts are talking about the Vietnam situation.

"Certainly they will discuss it," he commented, "but they will not be able to agree on any solution for Vietnam. It would be unbelievable if they did not discuss it."

According to his analysis, "there is no doubt that Moscow pushed Hanoi to try an offensive now while Nixon was in Peking; Moscow wanted to demonstrate that it is impossible to negotiate over the head of Hanoi."

"Obviously" he said, "the idea of such a Communist offensive at this time was favored by Moscow, which wanted to demonstrate to Nixon that the only way he could negotiate a settlement in Vietnam was with the Russians, not the Chinese. Moscow will do anything it can to block efforts by Washington and Peking to solve this war."

"RUSSIA IS WORRIED"

Peking "is in a difficult position," Mr. Thieu said, adding: "It cannot abandon Vietnam and yet it is tied up by its own rivalry with Moscow. Nevertheless, both Washington and Peking can see that it is in the interests of the world not to have Soviet influence predominating in this region."

Mr. Thieu said the Russians did not originally want North Vietnam to invade the South because they feared American intervention, but now "Russia is very worried that China and the United States might find a basic agreement to restore peace in Indochina."

Looking to the future, Mr. Thieu said the Indochina situation must return to that outlined in the 1954 and 1962 Geneva agreements on Vietnam and Laos respectively.

He said he would like to see the development in Southeast Asia of a buffer zone with international guarantees against invasion. The zone should include both Vietnams, eventual reunification of which he doubted.

"Southeast Asia includes 10 states—North Vietnam, South Vietnam, Thailand, Cambodia, Laos, Burma, Malaysia, Singapore, Indonesia and the Philippines," he continued.

"These 10 nations—and I include North Vietnam—should discuss among themselves their common attitude, and we are perfectly willing to include Hanoi in such meetings.

"I do not think neutralization is the correct word to describe our goal," he said. "The three superpowers should be neutralized while the weak states in Southeast Asia should be turned into a buffer zone which is not violated by anyone.

"We do not want to be violated by anyone or to attack anyone. We do not want any foreign bases here or any alliances in this area."

[From the Far Eastern Economic Review, Mar. 4, 1972]

Communism: Hanoi Swings Over to Moscow

Reports from Peking reveal that a serious rift has developed behind the scenes between Peking and Hanoi over North Vietnam's recent agreement with India to upgrade diplomatic relations between the two countries to ambassadorial level.

No reference to the agreement has yet been made by China's news media—a sure sign of Peking's annoyance.

There can be little doubt that the Chinese recognise the Soviet hand in this. The fact that Hanoi should have made such a move provides disquieting evidence for the Chinese leaders that Hanoi has been persuaded to abandon the carefully preserved balance, in its relationship between China and the Soviet Union, in favour of the latter.

Reports that the Russians are confident of persuading North Vietnam to recognise Bangladesh in the near future are causing added concern to the Chinese leadership.

Peking believes that Hanoi's "shot in the back" was engineered by Le Duan, First Secretary of the Lao Dong Party. Le Duan has long been suspected by the Chinese of being close to the Russians and there seems little doubt that it was he who was responsible for the initiative in respect to New Delhi.

North Vietnam has made no secret of its suspicions about the Sino-American detente. Despite assurances from the highest Chinese official sources, Hanoi has been making its disapproval embarrassingly obvious. The agreement with India—which was not, as widely believed at the time, an Indian move to spite Washington—was part of Hanoi's elaborate moves to demonstrate to China that it was willing and able to strike out on its own if pushed too far.

The Shanghai communiqué provided evidence of Chinese appreciation of Hanoi's sensitiveness. Even the Russians noted publicly that Peking did well to oppose the American position on the Vietnam War and reiterate support for the Vietcong peace plan. Of course there was nothing else Peking could do in the circumstances, for any prevarication would almost surely have seen Hanoi finally accusing Peking of betrayal.

It is significant, however, that the Chinese stand which won unusual support in Moscow still has not brought forth any such public reaction from Hanoi. Steadfastly refusing to make any direct public reference to the Nixon visit, Hanoi nevertheless indirectly attacked the Nixon trip four times in five days. These attacks have been particularly harsh in their references to Nixon, calling him a "malicious person" who built his political career on opposing communism and China but who now "boasts noisily about a generation of peace and a century of negotiation." The 2,000-word commentary in *Nhan Dan* could not make clearer Hanoi's disapproval of Chinese hob-nobbing with a "known reactionary aggressor" who had consistently followed "a policy of reactionary opposition to world socialism and has tried by all means to divide the socialist camp and international communism."

No doubt Hanoi has every reason to feel intensely hostile toward Nixon, for even though Peking's news media suspended attacks on the Nixon Administration during the visit, there was no such suspension by Washington of American bombings against North Vietnamese positions.

The question is whether in such a situation Hanoi will take the extreme step of making significant departures in its foreign policy. It may be too much to take the proffered arm of Japan, caught in a similar position of having to find new friends. But it probably will be easier to forge fresh links with India, now a power in its own right. The most important after-effects of the Sino-Soviet honeymoon may yet be not in Taiwan but in Indochina and South Asia.

[From the Washington Post, Mar. 29, 1972]

Soviets Aiding Hanoi Offensive

(By Victor Zorza)

The most high-powered Soviet military delegation ever to visit Hanoi is now helping North Vietnam to prepare for the offensive which has been predicted so often.

The delegation is made up of the top commanders of the Soviet air defense forces—the commander-in-chief, Marshal Pavel Batitsky, as well as the commanders of the ground-to-air missile forces and of the radar networks. The delegation's arrival coincides with a number of indications suggesting that the Communist forces intend to launch soon their long-delayed offensive, and that they expect the United States to respond with the most fearful aerial bombardment of the war.

The recent buildup of the North Vietnamese air defenses makes it clear that they are preparing to take any punishment that may be coming to them—and the Soviet delegation has evidently come to inspect the buildup and to help in planning the preparations.

United States officials, who at one time were sure that a major Communist offensive was going to coincide with President Nixon's trip to Peking, are now more cautious. They believe now that the offensive will come between July and September in order to influence the election in the United States.

This is what the Kremlin would probably prefer, too. An earlier offensive, in what remains of the dry seasons, could run into the period of Mr. Nixon's Moscow summit in May, and prove to be a considerable embarrassment to his hosts. But the increasing stress in Hanoi propaganda on offensive action suggests that the North Vietnamese buildup is intended for an earlier date than Moscow would like.

Is this, perhaps the reason for the curious love-hate relationship that seems to be developing between Moscow and Hanoi? On the one hand, a constant stream of high Soviet officials, starting with the minister of culture, Ekaterina Furtseva, and ending with the latest military delegation, has been visiting Hanoi. On the other, friction between the two capitals is evident in Hanoi's resentment of Moscow's as well as Peking's summitry.

The conversation between Soviet Premier Alexei Kosygin and the North Vietnamese ambassador, described in the Soviet press as "frank"—which means that it was quite rough—has still not been reported in Hanoi newspapers. In welcoming the Soviet military delegation, the Hanoi press assured the Russians that North Vietnam was "endeavoring" to strengthen its friendship with them—which means that friction persists in spite of continued "endeavours" to remove it.

An article in the Hanoi party journal, Tpa Chi Tuyyen Huan, asserts the right of the Vietnamese Communist party to run its affairs in its own way, and implies that not only the Chinese but the Russians, too, had been trying to dictate Hanoi's policies.

An article on the same subject in the Hanoi party daily Nhan Dan was evidently so revealing that the first edition of the paper was held back, and another, with an anodyne version of an article on the anniversary of the Communist International, was substituted.

The Russians obviously believe that their massive military aid to North Vietnam entitles them to ask Hanoi to conform to Soviet interests. They would like, no doubt, to do what they had accused the Chinese of doing—that is, to play a major role in negotiating a settlement of the war with Mr. Nixon, in the hope of securing some concessions from him in exchange.

The Kremlin evidently fears that a wrongly timed offensive may interfere with this, but the North Vietnamese may well believe that a show of strength just before the Moscow summit could help them.

The Pravda correspondent in Hanoi reports that the North Vietnamese have told him that the dry season, which ends in April or May, is the time of "fiercest battles," and, he reported last week, "the dry season is not over yet." He was saying, in effect, that Hanoi is determined to strike before then—and he ought to know.

NARCOTICS FROM COMMUNIST CHINA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. SCHMITZ. Mr. Speaker, having just returned from a visit to Taipei, Taiwan, the Republic of China, I had the opportunity of conveying to those free Chinese of Asia, on behalf of the thousands of my constituents and friends of Free China, our heartfelt best wishes in one of their darkest hours. It does not seem too long ago, that Japan while at war with this Nation was spreading the racist slogan over Asia, "Asia for the Asiatics." Those who flew with Gen. Claire Chennault, as well as thousands of others who fought as ground troops, will always remember the support rendered by millions of Free Chinese to defeat that power which was running rampant over the Pacific. The forces of fascism were defeated with the able assistance of the Free Chinese, but the specter of communism loomed on the horizon. As they fought the totalitarian enemy of Japan, so also have these Free Chinese fought the totalitarianism of communism.

One of the main strategic offensives being conducted by Communist Chinese at this time is the narcotics offensive. This is a deadly weapon attacking the minds of individuals and the essential fabric of society. Many American mothers and fathers bear mute testimony to the effect of this deadly weapon as they see the souls of their sons and daughters lost to the opium poppy from which all heroin is derived. Yet, apparently to give its foreign policy a better image, administration sources are strangely silent or indifferent to the deadly threat to the souls of the youth of America.

On June 30, 1971, William D. Blair, Jr., official spokesman for the administration as Assistant Secretary of State for Public Affairs, announced:

> So far as we are aware, opium is not grown legally in the People's Republic of (Communist) China and none is exported by the Chinese Communist authorities.

In the Department of State bulletin for April 3, 1972, Nelson Gross, Senior Adviser to the Secretary of State and Coordinator for International Narcotics Matters, gives us eight pages on narcotics traffic worldwide, without any reference to the death-dealing traffic from Communist China.

In view of this administration silence and indifference, once again we look to Free China as we did in World War II, for assistance in breaking the curtain of silence over America so that the youth of America may be saved from the slavery of heroin.

At this time I would like to place in the Record an article brought back from our long-suffering friends of the Free Republic of China, giving hard, clear, unmistakable evidence of the Red Chinese Communist offensive to destroy American youth:

Chinese Communist Production and Sale of Narcotics

(By Peter Huang, Taipei, Taiwan, Republic of China)

Under Chinese Communist management opium poppy has been grown on a large scale in many parts of the Chinese mainland. It has been recently estimated that the annual production has reached more than ten thousand tons, amounting to a value approximating US $800,000,000. The opium plantations are under two different systems of management: the ordinary opium farms and special opium farms. The ordinary farms are managed by the people under the supervision of the "people's government". Presently the total area is estimated at about 5,830,000 mu. The special opium farms are public or "state" enterprises, managed by garrison troops or government organizations, such as health departments, agricultural departments, and scientific institutes.

Opium planters may obtain loans from local "people's banks" for seeds, fertilizer, and farm tools; but the products must be sold to the "government" at the official or contract price, and the farmers are forbidden to sell the opium directly to the people. Farms of about 500 mu or more are jointly supervised and inspected by one or two productive supervisors sent by the agricultural departments of the "government". It is also stipulated that the opium farmers who fail to reach production quotas set by the authorities are to be punished, and those who produce over the quota are to be granted the status of "labor heroes" and "labor models."

In order to improve the quality of opium, the Communist authorities have assigned various scientific institutes to conduct research and experiments in this field. The Academy of Sciences, the Institute of Agricultural Science, Anhwei Agricultural College, Kweichow Agricultural College, Northwest Agricultural College, Yunnan University, Szechwan University and several agricultural colleges in Yunnan Province have all been assigned to such work. In addition, the Communists select model opium growers of different areas and assign them to other opium farms to exchange experiences. The "Ministry of Agriculture dispatches propaganda teams to the opium farms to teach the growers better techniques, such as the proper methods of seeding and soiling used in Yunnan, the methods of fertilization and extraction of pulp used in the Northeast, and the seed selecting method employed in Szechwan.

In order to improve the refining process, the Communist authorities in 1950 secretly began to seek out experienced opium technicians among the gangsters, many of whom had worked for Japanese opium refineries during the Japanese occupation. These technicians were recruited to work with Russian opium experts. More than thirty "special products refineries" have been established in Peiping, Tientsin, Dairan, Mukden, Chinchow, Yenchi, Shanghai, Chekiang, Hankou, Chungking, Sinkiang, Tibet, Sikang, Kunming and Kwangtung. These refineries manufacture opium products, such as morphine and heroin.

II. EXPORT OF NARCOTICS

In 1952 the Communists set up a "Trade Center of Narcotic Exports" in Wantse Village, Chungshan County, Kwantung, close to Macao. Stores that sold domestic products run by the Chinese Communists in Hongkong and Macao secretly signed contracts with the local gangsters, who were to receive the drugs in the "security zone" for distribution. However, disputes occurred quite often during the delivery of such goods. Toward the end of 1952 the United Nations disclosed the illegal transactions and warned the Chinese Communists. Thereupon the Trade Center of Narcotic Exports was closed down, and the Chinese Communists began to style the narcotics as "special goods" so as to cover up the transactions. A "Special Domestic Products Trade Company" was then established in Peiping with branches in many other cities. It is a smuggling organization supervised and conducted by the Central Committee of the Chinese Communist Party, the Ministry of Foreign Affairs, and the Foreign Trade Commission.

The commercial attachés in the Chinese Communist embassies in foreign countries take charge of the distribution and sale of the "special goods." Methods and techniques of smuggling have also been improved, resulting in a wider distribution all over the world. The border area bounded by Yunnan, Burma and Thailand, which is called "the zone outside of every jurisdiction," is used as a center of the world narcotic transactions. Rebellious troops of several minor nationalities (Kaching, Karens, and Shans) of Burma have been using the northern area of Burma as their base to attack Burmese government troops. These troops are led by the feudal masters of these minorities, who are both wealthy and influential, with the most powerful feudal landlord of the Shans as the chief leader. Aside from banditry, their main income is extracted from smuggling opium in cooperation with the Chinese Communists. These Burmese rebels have already set up a formal army.

October 15, 1970 the chief of the narcotic investigation division of the Hongkong Police revealed on that large quantities of narcotics were seized in 1969 by the Hongkong police—10,500 lbs. of opium, 310 lbs. of heroin, and 250 lbs. of morphine. All these came from the Chinese mainland. However, the police official said, the Hongkong authorities have always avoided political involvement when searching and arresting narcotics smugglers and distributors, who are either Chinese Communists or their agents. During the past year, in addition to raw opium, large quantities of heroin were also shipped to Hongkong and Macao.

At present there are three kinds of heroin in the underground market of Hongkong, namely the "Number 3," "Number 4" and "Golden Eagle." Four brands of heroin are refined locally in Hongkong: "White Rose," "White Dragon Pearl," "Pigeon Mark," and "Powder King." In the first half of 1969, opium was sold at 90 Hongkong dollars per ounce; in the later half, its price fell to HK $60 because of the increase in supply. Heroin was sold at HK$190 per ounce, and morphine at HK$350. The prices often fluctuate greatly. In early 1970, the narcotics investigation division of the Hongkong Police and the smuggling investigation unit of the Hongkong industrial and commercial bureau tightened their surveillance. As a result narcotics imported from the Chinese mainland decreased sharply, and Hongkong dealers had to turn to Singapore, Malaysia, and Thailand for their narcotics supply.

The names of some of the dealers and refiners have been disclosed. In Hongkong, the narcotics dealers included Hsueh Fuyuan, Li Chien, Tung Yang-fa, Tung Yi-kang, and his brother Han Shih-hao, Yeh Kan-fu, and his nephew Yeh Chih-chun, Yang Shihkang, Kuo Fu-sheng, Tao Chuan-tien, and Liang Chang a wealthy merchant. In Thailand the "999" brand of heroin is produced by technicians Wang Chin-piao (alias Yang Liang-fu), Li Si-kuei, Chang Kuang-ai and Chang Chan-ao (alias Chang Ming-san); the "Camel" brand by Wang Hai-shan, and Chao Lao-si; and the "555" brand by Cheng Yao-sheng and Ting Sung-tsai.

These three brands of heroin are exported to many countries exclusively through the agent and distributor Cheng Yao-sheng. Those who actually carried the goods out from Thailand included Ma Ah-ching, Ke Yutsai, Kung Chih-chang, and Tai Jui-ken; these people are either seamen or ship-cooks. Lu Chi-tung (alias Chiao Chi-lu), a waiter on the Tieh Hsing (transliteration) ship, Liu An-si (alias Liu Pao-chang), a cook in a Norwegian ship, and Liu Chieh, a seaman on the Lan Yen (transliteration) ship, are narcotics smugglers between Hongkong and the United States and Japan.

A few narcotics trade bases in Yunnan have also been disclosed. A Chinese Communist agent, Wang Cheng who has been stationed in a military base in Chenk'ang, Hunnan, was found to be in charge of narcotics trade with Burma. In early April, 1970, Wang Cheng negotiated with a Burmese Communist leader (Peng Chia Sheng, in Chinese) the building of a morphine refinery in Gyogon area.

However the negotiation did not result in any agreement because of conflicts of interest on both sides. Wang Cheng is still engaged in purchasing opium in that area and delivering it to Kunming refineries to manufacture morphine. At the same time, the customs at Wanting, Yunnan, has contacted another Burmese Communist leader (Lo Hsiang, in Chinese) for purposes of opium trade; the Chinese Communists purchase opium from Burma and then sell morphine, refined in Kunming, back to Burma.

According to some people from Kunming (revealed in Hongkong in September 1970), although the free markets in Kunming have been closed for a long time, there still exists an underground market where opium is on sale. Some of the purchasers come from as far as Shanghai, Nanking, and Chungking.

The quantities of narcotics exported from the Chinese mainland are estimated as follows: 1952–1957—2,000 tons annually, 1957–1964—8,000 tons annually, since 1964—over 10,000 tons annually.

At present the exported narcotics are transported through four main routes: (i) East China route—Shanghai is the main center, Amoy the second export port, and Hongkong the transferring post. From Hongkong, the narcotics are delivered to the Middle East, Australia, Europe, America, Southeast Asia, and sometimes Taiwan.

(ii) South China route—Canton is the main center, and Shenchuan, Shihchi, Humen, Nantou, Chungshan, Shehkou, Lachiwei, and Hainan are export stations. Hongkong and Macao are the main destinations. Motor boats are used as the main transportation from Humen and Nantou to Hongkong and Macao. The narcotics are first delivered to Inner Lingting Island, and then to Macao or Tayushan, an off shore island of Hongkong. From Tayushan they are delivered to Kowloon or Hongkong by small speed boats. In Macao, Nankuang Hong (company) is the headquarters of narcotics transaction and the minimum quantity of purchase is 10,000 ounces. The delivery of goods is usually made on the high sea near Tankanshan, which is very close to Macao. In Hongkong, narcotics dealers are mostly influential and well-financed corporations."

Another export station was set up on Lachiwei Island (near Hongkong and Macao) in November 1969 with docks and warehouses, which were completed in April 1970. Narcotics are transported from Canton by gunboats, packed in wooden cases with seals of "Ministry of Defence." Deliveries are made four to six times monthly. The docks are marked as forbidden areas until the narcotics are taken away by foreign ships through previous arrangements."

(iii) West China route, also called the Southeast Asian route—Chehli, Lungchuan, Tengchung, and Wanting are the main centers. Goods are transported via the border areas of Vietnam, Thailand, Malaysia and Singapore. They may also be transferred to Indonesia, Hongkong, Macao and other places. Some may be transported via North Vietnam to Cuba, Albania, and some of the African countries. According to the Hsingchou Daily and the Nanyang Daily, narcotics dealers consider the route from Yunnan via Thailand to Singapore and Malaysia as most profitable and call it the "golden throat." This route has therefore become the main line of the Chinese Communists' narcotics distribution to the free world.

(iv) North China route—Tientsin is the center; Tsingtao, Weihaiwei, and Dairen are the export ports; and Japan and Korea are the main destinations. Transferring stations have been set up in Kyushu, Hokkaido, Kobe and Osaka, where the Japanese Communists are rather active. The goods may also be transported via North Korea to East Germany and then to European countries, or via North Korea to Cuba, Albania and certain African countries and then to other countries.

Various methods are used for smuggling: (i) Seamen and pilots are used as carriers; secret places on board ship are designed to hide the goods.

(ii) Small fishing boats are used for transportation at night; the goods are unloaded at quiet coastal spots, or left in water with floats waiting to be picked up by divers.

(iii) Goods are parachuted from small airplanes at designated spots at night.

(iv) Submarines are sometimes used to deliver the goods to their destination.

(v) Narcotics may be mixed with flour, spice, sugar or soap. After delivery, technicians dissolve the mixture and extract the drug.

(vi) Cotton cloth is soaked in liquid morphine and then dried. The morphine can be extracted after delivery.

(vii) Narcotics may be packed with other goods in tins, toothpaste tubes, plaster figures, or other commodities.

(viii) Coffins, dead body of a baby, and even open wounds are sometimes used as hiding places.

(ix) The carrier may hide narcotics in his anus, in female private organs, or in a special layer fixed in suitcases.

(x) The opportunity of official visits made by diplomats, trade missions, goodwill delegations, cultural exchange groups, or tourists may be used.

(xi) After delivery, the goods are stored in many different places. Direct contact between the responsible Communist cadres and the agents, between the agents and the distributors, and between distributors and retailers is always avoided. It is, therefore, difficult for the police to trackdown the whole network.

III PURPOSE OF THE TRADE

1. To increase national income

Back in 1952, the leaders of the Chinese Communists' National Planning Commission, "Ministry" of Finance, "Ministry"' of Foreign Trade and leading local cadres of South China and the Southwest areas convened secretly in Peiping. The main topic discussed was "how to increase national income by exporting narcotics." Since then the growing, refining, and export of narcotics have been greatly increased, and the profit from this trade has become one of the regime's three major financial sources. (The Chinese Communists themselves maintain that the three major financial sources are: the white stuff—food grains; the yellow stuff—silver and gold; and the black stuff—opium.)

The chairman of the National Narcotics Control Committee of Japan, Tsusai Sugawara revealed that the Chinese Communists' annual export of opium to Japan amounted to ¥60,000,000,000; this less than one third of the Communists' total export of opium. The head of the U.S. Federal Narcotics Investigation has also pointed out that the Chinese Communists have been planting opium on a large scale for the purpose of earning foreign exchange.

An article entitled "How the Maoists Smuggle Opium" written by B. Bulatov, a correspondent of the Literaturnaya Gazeta of the Soviet Union, was published in the Literaturnaya Gazete, 1969, number 12. Its Chinese translation was published in Chihshih Fentze Pan-yueh-kan (Intellectuals Fortnightly), number 30. According to this article, the annual production of opium on the Chinese mainland is about 8,000 tons. This would yield about 500 tons of heroin, if it were all used for this purpose. The minimum wholesale price of heroin in Japan, West Europe, and the United States is US$20,000 a pound. If the entire annual production of opium were made into heroin and then sold abroad, the value realised would reach US$10,000,000,000. However, not all the opium is made into heroin, and a certain amount should be allowed for damage. In addition, the expenditure on transportation, wages, bribery and other expenses should be deducted. The annual net income from the trade is estimated by experts to be about US$800,000,000.

2. To finance subversive activities

Chinese Communist subversive activities in foreign countries are mainly financed from the profits of the narcotics trade. The chief of the narcotics investigation division of the Hong Kong Police, said in August 1970, that the net profit the Chinese Communists gain from narcotics trade in Hong Kong is over HK$1,500,000 monthly, and the entire amount is deposited in the Communist owned "Bank of China" in Hong Kong. This money is used to purchase machinery from Europe and to finance their secret agents serving in the Far East.

In Burma, Laos, and Thailand, the Chinese Communist agents sell narcotics to the tribal leaders and pro-Communist local organizations at very low prices. One kilogram of raw opium is sold at only US$30 or 7 ounces of gold. This is to win over the tribes to support the Communist guerrilla forces in those areas. A Reuters dispatch of November 30, 1970 disclosed that Chinese Communist guerrilla troops in the northern part of Thailand use "miracle medicine" to cure the village people of all sorts of pains, and morphine is the main component of such miracle medicine. The guerrillas have thus won the confidence of the local people and have obtained the supplies and shelter they need. With the cooperation of the people, the Communists have stored food and other necessities in villages, and are preparing to attack the outposts of the government troops.

Information from different sources discloses the fact that the "zone outside of every jurisdiction" in the border area between Yunnan and Burma and Thailand has become a major center of the Chinese Communists' international narcotics trade. In the Southeast Asian countries, there exist more than ten big companies dealing in opium distribution. They are all well protected. The American Saturday Evening Post has revealed that these companies are under official protection. In other words, The Chinese Communist "Ministry" of Foreign Trade has invested large sums of money to bribe the authorities concerned. Obviously the Chinese Communists have infiltrated deep into the Southeast Asian countries with the help of narcotics.

3. To corrupt and weaken the people of the free world

The number of drug addicts in the free world is alarming, and the damage these drugs have caused to the people's physical and mental well-being is frightening. In Singapore and Malaysia alone, the consumption of narcotics is about 1,000 tons per year, or 1,000,000,000 injected doses of morphine. In Japan, the consumption is about 3,000 tons, and in Hongkong, about 800 to 1,000 tons. Dr. Donalaf Loubie, associate professor of the medical college of Cornell University and director of the New York state addict reformatory, estimates that 10,487 of the 12,049 male inmates of Hongkong prisons are drug addicts. Another estimate made in December 1968 by the Hongkong Narcotics Abstinence Committee from random samples indicates that of the whole population of Hongkong there are about 30,000 to 65,000 male and female addicts, or about three percent of the population.

4. To corrupt U.S. servicemen

An Argentine English-language newspaper Buenos Aires Herald published on October 31, 1970, a report made by the narcotics group of the U.S. Senate on the condition of the U.S. servicemen in Vietnam. This report presented to the Senate committee revealed the following information: (i) the Chinese Communists have been selling large quantities of best quality heroin at very low prices in Vietnam. The price there is US$20 per ounce, while it can be as high as US$4,000 per ounce in the United States.

The heroin is 90 percent to 100 percent pure. In 1969 casualties caused by overdose averaged two per month. In 1970, from January to October, the average increased to two per day. (ii) The number of addicts among the U.S. servicemen and officers in Vietnam has risen from 30 percent to 60 percent of all the troops stationed in Vietnam in the past six months covering May to October 1970. In some units the percentage is as high as 70 to 80; and the condition has become worse recently. On October 13, a group of U.S. soldiers openly admitted their use of morphine to CBS television.

According to a UPI dispatch of December 3, 1970, transferred here by the Central News Agency correspondent in Washington, the narcotics control unit of the U.S. Defense Department said that in Thailand all kinds of narcotic drugs are available and can be purchased at very low prices. Bangkok has become a major delivery station and U.S. servicemen are the main customers of the trade. This investigation was started after the juvenile delinquency group of the Senate listened to a report on the narcotics problem among the U.S. troops in Vietnam.

Most of the U.S. servicemen in Thailand and those from Vietnam visiting there stay in tourist hotels and many of the managers and waiters of these hotels are leftists. It has been reported that the cigarettes sold to the U.S. serviceman are doctored with morphine to trap the American customers, who may fall victims unknowingly.

In order to serve its political purpose, the Chinese Communist regime disregards international morality and sells large quantities of narcotics to the free world through its worldwide network. This extremely destructive intrigue should be stopped immediately, before it is too late.

FARMERS GETTING LESS FOR MEATS

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ANDREWS of North Dakota. Mr. Speaker, much has been said in recent weeks over the price of beef at the counter. Just before the Easter recess I expressed my feelings on this matter and attempted to explain to my colleagues the situation as it is and the fact that our farmers are getting less for their choice beef than they were 20 years ago.

During the recess I was in North Dakota and ran across a guest editorial in the Dickinson Press by Mr. Raymond Schnell. Mr. Schnell is a past president of the North Dakota Stockmen's Association, past regional vice president of the American National Cattlemen's Association, and a member of the board of directors of the National Livestock and Meat Board.

I insert the guest editorial in the CONGRESSIONAL RECORD.

The editorial follows:

FOOD COST DEFENDED

(By Raymond Schnell)

(EDITOR'S NOTE: Schnell is associated with the operation of Schnell's Livestock Auction Market and is a past president of the North Dakota Stockmen's Assn., past regional vice president of the American National Cattlemen's Assn., and a member of the board of directors of the National Livestock and Meat Board.)

The American consumer is losing the battle of prices on all fronts except the most essential food front. I sympathize with today's consumer—many prices are too high—the dollar doesn't buy what it should for all the knowledge and information that we in the U.S. have at our disposal.

I do not agree that pointing the finger at food prices and particularly at the beef production industry is fair and justified. Actually food prices and again particularly beef have not contributed their fair share to the inflation everyone is fighting. Beef and other foods are the first to be singled out for criticism at a time of concern over prices. There are a number of reasons for this:

1. Food is the most significant part of the household budget.

2. Food is generally paid for in cash and therefore food prices are most noticeable at the first sign of a money shortage.

3. Over 20% of the things purchased in super markets are not food items but most consumers blame food for their total super market bill.

4. Prices on luxury items or "once in a while" purchases do not come under the same price scrutiny as food since they are either purchased when extra money is available or often on an installment purchase plan where higher prices are not as noticeable.

All this recent flurry over meat prices does give the housewife a real opportunity to get a very liberal and basic education on the economics of food production. Bureau of Labor Statistics show that in 1951 the average family spent 25.6% of their disposable income for food while in 1971 it took only 16% of the disposable income to purchase more food that is packaged more conveniently, food that is more nutritious and more wholesome, food that conforms to much more rigid rules and regulations regarding cleanliness, additives, handling, etc. The farmer now only gets 40% of each dollar spent for food whereas the farmer received over 50% of each dollar in 1951.

The important lesson that can come out of these statistics has to do with how the American farmer was able to survive the impact of these very unfavorable figures. To a small extent price supports and subsidy payments attempted to help a few commodities, but in most cases though the payments were vital to production they did nothing to solve the problem. (The Beef Industry has not been a part of, and by and large does not want to be a part of subsidies or controls). Agriculture has done a terrific job of managing its labor, equipment and other resources to stay alive in these 20 years. We have made great strides in production per unit by use of better seed stock, (both crops and livestock) by modern means of controlling diseases, weeds, and insects, by economics in use of machinery, but mostly by increasing the production per man in agriculture. Today each man in agriculture feeds about 50 other people while in 1951 one farmer fed only 16 people.

The consumer of food does not usually pay attention to the fact that agriculture is the largest industrial consumer in the U.S. today. No other industry uses as much steel, rubber, fuel and many other products as do our farms and ranches. When the farmer or rancher buys the industrial goods he needs in his business he does not have anybody in industry or organized labor to do the things for the farmer that the man in agriculture has done to bring cheap food to his consumer. In the past 20 years wages have gone up 340% and business dividends have gone up 300% while prices received by farmers and ranchers have increased only 7%. Actually wholesale beef prices are below 20 years ago. Increases in productivity in industry could justify additional wage increases but instead many wage contracts which include benefits to labor also include limits on production. The result is that the entire increase in cost is paid by the consumer with absolutely no benefit from advanced technology or productivity. If this had happened in agriculture, food prices would be more than twice as high as today.

Agriculture as a whole and the beef industry in particular have kept faith with their customers. One hour of labor in 1951 bought 1.7 lb. of beef; in 1971 one hour of labor bought 3.3 lbs. of beef. Wholesale beef prices and beef prices to the producer are lower now than they were at the time that prices were frozen back in August of 1971. Fat cattle prices were higher in 1949, 1950 and 1951 than they are right now.

The fact that to now there have been no actual boycotts or disturbances on the part of the housewife indicates that they have a better knowledge of the relative values of the food they buy than those that are trying to stir up a "don't buy beef" movement. It is unfortunate for the beef industry that beef prices have to be the object of "buck passing" on the part of the chain stores and labor on one hand and to be the crutch for publicity and attention on the part of members of the consumer affairs bureaus and some publicity seeking politicians.

All the beef industry asks is that all of the facts regarding costs, prices, returns and other economic factors be laid on the table for all to see. The Beef business will remain strong in a free, open, competitive system if the public is fully informed.

ECONOMIC DEVELOPMENT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. MORSE. Mr. Speaker, we are confronted today with a period of economic stagnation and change. While many of our goals and priorities are being reoriented, our competitive position in international markets is being challenged, and our continued ability to sustain economic growth appears in jeopardy. All areas of the Nation have experienced the widespread unemployment and distress which accompanies the current economic dislocation.

The New England region has been especially hard hit by recession and economic dislocation, with the unemployment rate for Massachusetts alone more than one-third above the national rate. While hampered by the natural disadvantages of a harsh climate, few natural resources, and high energy costs, New England nonetheless possesses a unique ability and readiness to develop and apply modern technology to critical domestic needs, and to revitalize the New England economy.

The role of the New England Regional Commission in planning, coordinating, and implementing a comprehensive economic redevelopment program is essential. The commission can foster a truly effective regional approach to the many common problems facing the New England area, and it permits the coordination of activities at all levels of government and with the private sector to reach programmatic goals.

My colleague and neighbor, Congressman MICHAEL HARRINGTON, recently presented an extremely thoughtful and cogent analysis of the economic needs and prospects for New England in testimony on economic development programs before the House Public Works Committee. Congressman HARRINGTON details the urgent need for immediate and far-reaching action at all levels of government to assure the economic recovery of New England, and points out the critical role of the New England Regional Commission in meeting this goal. I welcome the opportunity to bring Congressman HARRINGTON's testimony to the attention of my colleagues, and include it at this point in the RECORD:

CONGRESSMAN HARRINGTON'S TESTIMONY BEFORE THE HOUSE PUBLIC WORKS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT PROGRAMS, MARCH 15, 1972

Mr. Chairman, I thank you for the opportunity to testify before the House Public Works Subcommittee on Economic Development Programs today.

What are the problems of the New England economy? Why is it necessary that the Federal Government devote attention to that area? What are the economic ills which in the past have hampered the economic growth of that area, and are equally dangerous to other areas all over the Nation? In the first place, New England is the oldest regional civilization and economy in the United States. It has not yet reached its limit, as some would have us believe; nor is it without new industries, new developments, and new ideas. But as an older industrial community with long-established industries and traditions, too much of New England is still dependent upon outmoded methods and customs of the past. Its principal natural resources, such as fisheries and forests, are being depleted. The center of population is moving away. The fast-growing basic industries of the country are located elsewhere, for reasons of economic geography and resource development.

Unless important basic adjustments in the economic structure of the area are undertaken, the end of our present defense-inspired prosperity will accentuate what has been called the decline of New England. Its economic growth, industrialization, population, per capita income, manufacturing employment, and share in particular industries have not kept pace with the rest of the country. A disproportionately large percentage of the group IV areas of substantial labor surplus were in the six-state New England region, according to the latest classification by the Department of Labor.

The recession hit New England much more severely than the rest of the country. The decline in manufacturing employment was earlier and greater in each of the six New England States and in the region as a whole than for any other state or region or the Nation as a whole.

The recession referred to in the previous sentence is not the one from which we are just now beginning to emerge. It was the recession of 1948–1949, and the man who uttered these remarks was then Senator John F. Kennedy, in the first of a series of Senate speeches on the New England economy.

The sad fact is that despite the farsighted program outlined by Senator Kennedy in 1953 the New England economy has continued to decline in the intervening years. The most shocking evidence of this fact comes in the unemployment statistics for February: while nationally the employment rate declined to 5.7%, the rate for Massachusetts jumped to 7.5%. Thus, Massachusetts' unemployment rate is more than one-third above the national rate. At no time since we have been compiling these particular statistics has the Massachusetts rate been so far above the national figure.

My purpose in testifying today is to underline the urgency of immediate and far-reaching action of the federal, state and local levels to arrest the precipitous decline of the New England economy. And I stress that here because the New England Regional Commission must play a central role in this process.

The role of the Commission in formulating an economic recovery program for New England is essential because regional economics has long been the stepchild of public policy in America. Our concentration has been far too exclusively on national trends; and the problems of large sectors of the country which may be deviating from national trends have been neglected. The regional commission, with its Congressional mandate, its liaison with Federal departments, and its status as the major governmental agency linking the six New England Governors, is ideally suited to serve as a leader in analyzing the nature of our problem, and in prescribing solutions for it.

The basic problem with the New England economy is that our natural disadvantages have caught up with us. As President Kennedy said in the remarks I have just quoted, "New England is the oldest regional civilization and economy in the United States." New England is still "old." Forty-seven percent of all housing units in the region were built before 1920, as compared with a figure of 27% for the Nation. Approximately 3,500 school classrooms were built over 50 years ago and are on non-fireproof construction. A large portion of the region's households are still served by individual sanitary drainage systems rather than by municipal systems. Even New England's population is growing old. 10.7% of New England's population is over 65 years of age, compared with a national average of 9.9%. And 36.9% of the region's population is under the age of twenty compared with 37.9% of the Nation as a whole.

For a long time, the head start we garnered from being first allowed us to overcome the natural disadvantages of our location, climate, lack of resources, and inadequate energy supplies. But as other regions of the country developed as well, our position eroded. The remote location of New England is one corner of the United States makes it impractical to manufacture most consumer durables in our region; our lack of natural resources rules us out for many other types of manufacture. And the inordinately high cost of power in the six States adds a further burden to any industry operating among us.

But not all of our disadvantages are nature's fault. Man-made errors have gravely compounded our difficulties. The most glaring example of this is the field of energy, which I have just mentioned. To a certain extent our energy costs are high because we lack resources. But to a far greater extent, New Englanders are being forced to pay an unconscionably high premium to the oil and gas producers of the South and Southwest by a national energy policy that is discriminatory, inefficient, and counterproductive. If we were permitted freely to import oil, we could lower our energy costs considerably. But a restrictive oil import quota system is maintained by Presidential decree in the face of a recommendation to the country by the President's own commission, and New Englanders pay the price.

The high cost of oil has also affected New England's electric power rates, but the cost of fuel alone does not entirely account for the region's oppressively high electric rates.

In 1952, Senator Kennedy proposed the development of New England's hydroelectric resources. But the Congress of the United States has defeated every legislative proposal to construct a much needed hydroelectric facility at Dickey, Maine, which would have provided 794,000 kw. of low-cost power for the region. New England's power rates are now, as they were then, the highest in the country. And they are rising over 8% annually, as compared with 5.7% for the rest of the nation. These excessive rates, coupled with an inadequate supply that results in our now-common summer brownouts, have helped cripple the region's possibilities for economic growth.

Nor is this the only example of government culpability for the economic decline which threatens to plunge us into a period of complete stagnation. New England enjoyed a temporary boom in the late fifties and early sixties as industries proliferated to meet the mushrooming needs of the Federal government in the military and peace fields. It was clear, of course, at the time of that explosion that a cutback would be coming. None of us advocates that our economy be propped up by unneeded weapons. But despite the warning of many farsighted people, nothing of any consequence was done to prepare the new industry for the inevitable decline in this type of spending. And we in New England are now suffering from the consequences. At a time when our nation badly needs the skills of the highly trained technical and scientific talent concentrated in New England to deal with our aggravating social and economic problems, little more than lipservice is being paid to them.

The Federal government is particularly responsible for the region's high unemployment rate. No other section of the country is so dependent on the federal government as a purchaser of its goods and services. In 1960, 35% of the goods shipped from New England were purchased by the federal government. This compares with a national average of 25%. 56% of all communications equipment exported from New England is sold to the federal government as was 65% of all transportation equipment, mostly in the form of sophisticated aircraft hardware, much of which is produced in my own District in Lynn.

Much has been said and written about conversion in recent years, but about the only benefit that has accrued from all of this discussion has been to the paper industry, which has undoubtedly profited greatly from the publication of reams and reams of studies.

The time has come to begin acting on these studies. And it is the role of the New England Regional Commission to see that this action is taken.

While New England has lost any comparative advantage it may have had in much of traditional manufacturing, we rate in considerable advantage in what must become the growth industries of the next twenty years if our nation is to achieve the goals we have set for ourselves. Simply stated, New England at this point is ahead of any region in the country in its readiness to apply our modern technology to the solution of the problems that most affect our crowded urban society. A recent study by the First National Bank of Boston pointed out that right now New England enjoys a comparative advantage in the fields of pollution control devices, biomedical technology, and computer peripheral industry.

These industries have one thing in common—they are unlike traditional manufacturing industries which manufacture goods primarily bought by individual consumers for their individual or family needs. The goods they help produce are goods that serve a common, rather than individual purpose, and they serve common purposes which individuals cannot accomplish alone.

Examples are such commodities as clean air and water, expanded medical care, new cities and towns, adequate and environmentally clean energy, and mass transit. These goods differ from normal goods and services only in that they cannot be provided by one industry. You can't produce a clean river in a factory. To produce these goods, we will have to create an active working relationship between the federal government, state and local government, private industry, and research and educational centers. Only by acting in harmony can we solve the problem of making our country a livable one once again.

The "factories" which will help produce these goods will be organizations such as the New England Regional Commission. They will be responsible for coordinating the activities of all the levels of government with the private sector to achieve certain programmatic goals.

New England is an ideal candidate for an experiment in this new form of economic growth. It is a microcosm of the United States. Three states are heavily metropolitan, three states are characterized by small towns in a rural setting. The region suffers from all of the problems that affect the nation as a whole. Its air and water are polluted in many areas. Its infrastructure is growing obsolete—new roads, rapid transit systems, port facilities, electric generating units all are badly needed. There is room available for the creation of new towns to relieve urban congestion. And most important, there is a highly skilled labor force that can adapt to meet these new priorities.

However, the government should not make the same mistake that it has made many times in the past. We have retrained aerospace engineers to be urban engineers, only to find that there was no market for these men because the cities were broke. Before undertaking massive new programs, we must make sure we have the necessary market for the product. Only an intergovernmental body, operating with a broad and flexible mandate, will be able to coordinate the activities of many diverse agencies, governments, and industries, to achieve meaningful results.

Although it has laid the necessary foundation, the New England Regional Commission has not been given the amount of funding sufficient to undertake a comprehensive economic redevelopment program. Of course the Appropriations Committee hearings scheduled for the end of the month is the proper place to discuss the actual funding of the program.

But, in closing, I wish to reemphasize that the economic revitalization of New England will not only help New England, but will have far reaching consequences for the economic health of the entire United States.

THE NEED TO RESTRICT CHAIN LETTERS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. YOUNG of Florida. Mr. Speaker, although the Congress has made progress in its efforts to stop the flow of unsolicited smut traffic through the mail, postal officials have no legal recourse against mailers of chain letters which contain implied threats to the recipients if the instructions contained therein are not followed. Postal officials try to discourage chain letters in every way possible. However, at the present time, it is not illegal to send a religious or any other kind of chain letter through the mail, as long as it has no monetary aspects and as long as the letter is sent in a sealed envelope. The need for legislation to restrict the mailing of chain letters containing statements implying or predicting harm or misfortune to recipients failing to follow the specified instructions is discussed in the following newspaper article written by a St. Petersburg Independent columnist, Mr. Ron Wiggins:

PRAYER CHAIN LETTER CURSED?

(By Ron Wiggins)

This morning I received a chain letter "for good luck."

At the top of the letter it says: "Think a prayer."

Just below that it says: "Trust in the Lord with all your heart and all will acknowledge him and he will light your way."

The letter explains itself. It originated in the Netherlands and claims to have been "around the world nine times."

My good luck, it says, is on the way. "You are to receive good luck within four days after receiving this letter. It is no joke. You will receive it in the mail. Send 20 copies of this letter to friends you think need good luck."

I am further instructed to send no money and to complete my mailings within 90 hours.

So far, I am intrigued by the proposition, especially the part where I am to receive "good luck" in the mails. You see, I sent a short story to a magazine two weeks ago and I would certainly account it good news if they sent me a check.

And if I understand the letter, the good luck is already on the way, that's out of my hands. Unfortunately, bad luck is in store if I fail to keep the letter going. Let me give you the rest of it.

"Do not keep this letter, It must leave within 90 hours after you receive it. A U.S. officer received $7,000. Don Elliott received $60,000, but lost it because he broke the chain.

"While in the Philippines, General Walsh lost his life six days after he received the letter. He failed to circulate the prayer. However, before his death he received $775,000 which he had won.

"Please send 20 copies and after you do, see what happens to you on the fourth day. Add your name to the bottom of the list and leave off the top name when copying the letter."

Notice how the letter is sketchy on the interesting parts. Who is the U.S. officer who received $7,000? Who is "Don Elliott," how did he come by this $60,000, and how did he lose it?

What is General Walsh's first name? How did he win the $775,000? What caused his death? World War II perhaps?

How does our omniscent creator of this letter stay abreast of the fortunes of the recipients? He (or she) has a lot of people to keep track of.

For example, if I sent my 20 copies to people in St. Petersburg and if they in turn mailed 20 copies and so on down the line, it would take only four mailings to run the recipients up to 160,000 persons.

Seven mailings would reach a number of people equal to 20 to the sixth power (20 times 20 times 20 times 20 times 20 times 20) which equals more than 1-billion persons.

An additional mailing, again with everyone participating, would equal 25-billion or more than six times the number of people on earth. You will admit that's quite a workout for the ZIP code.

Now, I'll tell you what I think about these chain prayer letters. I think they're garbage. Here is my translation of what a "prayer" writer is saying:

"Because I have written you, God is going to do something nice for you. But I have also wished a curse upon you. Either you invest $1.60 worth of postage and hours of your time reproducing this letter or God will cause you a calamity."

Even if I believed God puts his terrible swift sword in the hands of every lunatic with a typewriter, I would still throw the letter away for the sake of the next 20 persons. At best, the letter is a source of anxiety to the impressionable.

I called postal authorities to see if the threats implied in the letter are illegal, and I am grieved to report that the Post Office has no legal recourse against matters of prayer letters.

"It is not illegal but we are dead set against them," stated Postal Inspector Fred Rader of Tampa.

On reflection, I have decided to send out copies of this letter after all. Copies will go to U.S. Rep. Bill Young, and U.S. Sens. Lawton Chiles and Ed Gurney. Perhaps they can help tighten up the postal laws.

I am today introducing a bill which, I feel, can effectively deal with this problem without violating any constitutional provisions. Under my proposal, any chain letter containing predictions of misfortune to recipients and all other chain letters otherwise legally acceptable in the mail must be clearly marked with the sender's name and return address, as well as the following notice: "Unsolicited chain letter." My bill also provides postal patrons an opportunity to register with postal officials their desire not to receive chain letters from any mailer, similar to the law already on the books relative to the receipt of sexually oriented advertisements.

Mr. Speaker, the right to protect one's home from unwanted, uninvited, threatening material is essential, and I urge prompt and favorable consideration of this long overdue legislation.

WE'RE SPENDING OUR WAY TO DISASTER

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. DEL CLAWSON. Mr. Speaker, the distinguished chairman of the House Appropriations Committee is a lawmaker whose name is synonymous with fiscal soundness. His article in the April 1972 issue of Nation's Business can only enhance his well-deserved reputation. I commend it to the attention of my colleagues in the House and only wish it could be "required reading" at every level of government. The article follows:

WE'RE SPENDING OUR WAY TO DISASTER

(By Representative GEORGE H. MAHON)

The United States Government is headed toward the fiscal shoals.

No government, not even the richest on earth, can continue to overspend, or undertax, by multi-billions of dollars nearly every year and still not eventually plunge itself into financial disaster.

The budget submitted to Congress in January projects deficits of $38.8 billion in the current fiscal year and $25.5 billion in the 1973 fiscal year starting July 1.

But these figures understate the severe financial crunch in general federal funds.

If you eliminate the trust fund surpluses (from Social Security and other sources) that are counted in the so-called "unified" budget from which the figures are taken, the deficit for the current fiscal year will be an estimated $44.7 billion.

That is the true deficit.

By the same method, the 1973 deficit is now estimated at $36.2 billion. In other words, in these two consecutive years alone we stand to really go in the red by an additional $80.9 billion!

And we still face 14 months of uncertainties and relentless pressures before the books finally close on fiscal 1973.

Counting the new budget, in the last 43 years we have had deficits in 32 years, good times and bad times, no matter what budget concept is used. Eliminating the trust fund surpluses, we have had 37 deficits in 43 years.

Just in fiscal years 1970 through 1973, the national debt—a debt that casts a heavy shadow over coming generations—will have soared from $367 billion to an incredible $490 billion, and maybe higher if the new budget projections don't hold.

In other words, about one fourth of that enormous debt is being piled up in this four-year period alone!

We are spending over $21 billion a year just to pay interest on the debt. That sum was sufficient to run the entire federal establishment only about 30 years ago.

The trend is toward larger and larger deficits. They are almost a national habit. We went into the red about $10 billion a year during the Sixties. Thus far in the Seventies we are going in debt at nearly four times that rate. This is a dismal picture of a nation spending itself toward oblivion.

How long do the American people think they can afford that track record, or anything like it?

SHARING THE BLAME

Who is to blame for the distressing record? The President? The Congress? The American people? I think nearly all of us are. Large segments of the population tend to demand more and more government services, and at the same time there is a demand for lower taxes.

Public attitudes shape the ultimate course of events—for better or worse. You can't spend what you haven't got without going in the hole.

There are times when that is unavoidable—but was it unavoidable in 37 of the last 43 years?

This is an election year and the usual pressures are magnified. The emphasis is on spending, not on finding ways to raise revenues to pay the bills. To yield to these forces is to water the seeds of our destruction.

I, along with others, have said many times over the years that we must restrain government spending if we are ever to secure and maintain fiscal stability. There simply are not enough dollars in the national till to pay for all the programs that a majority might agree are worthwhile when considered independently of the fiscal realities.

Everybody knows that a need can be demonstrated for more money—for education, for research to cure cancer, for essential flood control projects, for weather forecasting, for many other purposes. Our population and economy are growing, and our general living standard is rising.

We do need to take closer note of our really urgent needs and to evaluate our priorities more sharply. National survival is our No. 1 priority, as everybody knows. We therefore must spend whatever is necessary to defend ourselves and our way of life—or why bother about much else?

But most of all, I believe, we need to equate federal programs—not to mention state and local programs—with the willingness of the American people to pay the bill. We are not doing this, and as far as I can determine there is no assured plan to do so. The realization that he who dances must pay the fiddler seems to be disappearing from our philosophy.

The 1973 budget says that "deficit spending at this time, like temporary wage and price controls, is strong but necessary medicine." I contend that deficit spending is more like soothing syrup than strong medicine. A majority will generally favor spending more and paying less. We have taken this soothing syrup too long.

The point has been made many times: No democracy can avoid collapse if it ignores what is undeniably strong medicine—national discipline and restraint.

PAY AS YOU GO

We are to some considerable extent an undisciplined people, but we cannot continue to go on this way. The American system cannot survive independently with high rates of inflation, an escalating national debt—and one of their root causes—whopping deficits which are simply the result of spending beyond revenues in hand or in sight.

I have a rather straightforward philosophy about federal spending. Except in time of war or deep emergency, why not restrict public spending to the revenues in hand or in sight? Pay for it or put it off until we are willing or able to do so.

Does anyone really believe that with deficits in the $20 billion to $40 billion range we can win the fight against inflation or stabilize the economy?

In this fiscal year alone, the government will have to borrow about $45 billion to pay its bills. That means, in part, borrowing from the highway, Social Security and other trust funds. But most of the borrowing will have to be from the private sector—about $38 to $40 billion. Borrowing these huge amounts will no doubt have a marked effect on the economy.

A principal current objective is to help stimulate the economy. The long-run effect can well be inflationary. More and more deficit spending is just not the long-run answer to our economic problems. All Presidents tend to look at the economic future through rose-colored glasses. They understandably seek to be as optimistic as possible. Their original budgets reflect it. But we know from hard experience that uncertainties and contingencies tend to alter the picture; the realizations often do not match the projections.

The all too frequent end result: New—and often bigger—deficits are piled atop old ones. The $38.8 billion unified budget deficit for fiscal year 1972 originally was estimated at $11.6 billion.

PLAY-WORLD BUDGETING

I am sure most Americans are confused when they read about a federal funds budget, a unified budget and, now, a full employment budget.

The federal funds budget deals solely with estimates of general Treasury revenues and expenditures, exclusive of those earmarked a unified budget and, now, a full employment and other trust funds.

The unified budget was introduced a few years ago. As I mentioned earlier, it reflects all receipts and outlays of the federal government, *including* those of the trust funds.

For fiscal year 1972 President Nixon presented the full employment budget as the declared foundation for the federal budget. This concept is not new to economists, but never before had it been the official yardstick for budget expenditure policy.

Full employment budgeting asks us to play like we had a full employment economy—actually, that unemployment is reduced to about 4 per cent. It asks us to play like the federal government had all the revenues that full employment would produce. Under the ground rules, we then relate what is actually proposed to be spent with these imaginary revenues and produce a play-world surplus.

All this is supposed to influence what actually happens and benefit us in the end—or at least shield us from fiscal harm. The theory is that a budget deficit is not bad, not inflationary, if spending doesn't exceed the play-like revenues.

It seems to me there are grounds for saying that this pretending does in fact influence what actually happens, but *not* to our benefit. We are lulled to some extent by our play-world surplus into complacency. Sugar-coated deficits, so it would suggest, are to be preferred over fiscal discipline as a "strong medicine," so we continue to spend more than we actually have.

Glossing over real-world figures that were drenched in red ink—I think it can be said—helped lower our guard in fiscal year 1972 to the point that we are now running an estimated $8 billion deficit even in terms of the full employment budget. Alice could afford to live in Wonderland. We cannot.

What is to be done? How do we use budget and fiscal policy to attack the scourge of inflation and get our fiscal house in better order? To begin with, obviously, we must focus our attention on our real-world deficits. We are faced with a budget that is basically out of balance, and a primary reason for this is a shortfall in revenues.

REVENUE AND A FACT OF LIFE

Take last session. The net result of all Congressional actions and inactions on estimated fiscal 1972 budget spending was about a standoff, yet the unified budget deficit skyrocketed $27.2 billion over the original $11.6 billion estimate. Spending increased over the estimate by $7.4 billion, but $6 billion of that was in the so-called relatively uncontrollable programs more or less mandatory under present laws.

Revenues, on the other hand, dropped $19.8 billion from projections. Economic sluggishness and overly optimistic revenue projections accounted for the major part of the falloff, but tax reduction played a part. Congress cut taxes by about $15 billion over a three-year period.

The main fact of life we must face is that the American people seem to want the public goods and the jobs that government produces. Merely approving the *new* legislative initiatives proposed in the 1973 budget would result in added costs of about $33 billion by the fifth year.

Last year we voted $1.5 billion for an accelerated war against cancer. The President proposes development of a space shuttle. It will cost billions, but provide badly needed jobs. This year, Congress is besieged by a proliferation of groups pressing for full funding of their particular programs in areas of health, education and so on.

Congress, in the last few sessions, has been engaged in the reordering of priorities that some still call for. We have added monies for education, health, the environment, while we have reduced in the areas of defense and foreign aid.

There is a limit to which the trade-off with defense can be carried. In my judgment we have about reached it. No longer can Congress safely make large reductions in the defense budget to finance increases in domestic programs. I agree wholeheartedly with the President that in the interest of peace and in our own defense we must accelerate our defense programs unless meaningful international agreements are reached which reduce the need.

The outlook is not good for actually restraining spending by anything like the large amounts necessary to offset our huge deficits. But that is only one side of the budget.

Five times in the last 16 years we have cut the federal income tax (we increased it in 1968 when the nation was facing a financial crisis in part related to the war in Viet Nam). The new budget message points out that individuals will be paying $22 billion less in federal income taxes in 1973 as a result of changes in the tax structure since President Nixon took office.

We have reduced income to the point where the annual increase in revenues resulting from the growth of the economy will barely cover the built-in costs of our ongoing programs—let alone finance new initiatives, whether of the President or of Congress. And new initiatives come along all the time.

Let me end by saying—as I have said in the House of Representatives—that in my judgment we have about reached the fiscal crossroads.

Even the most unsophisticated student of the fiscal situation must agree that when the new Administration takes office next January, there will have to be a dramatic reduction in government spending or action will have to be taken to increase revenues. Otherwise, we shall be that much closer to certain fiscal disaster.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SBA LOSES OUTSTANDING ASSOCIATE ADMINISTRATOR

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. STEPHENS. Mr. Speaker, when A. H. Singer leaves his position as associate administrator for investment of the Small Business Administration, it will not only be a loss to SBA, to the SBIC industry, but a loss to the many thousands of small businesses throughout the Nation that are seeking equity capital and long-term loans through the investment company program.

Art Singer has served as associate administrator for investment for 3 years—having been appointed to that position March 10, 1969. This tenure of office is a record. He has served longer than any other person in that important position since the passage of the Small Business Investment Act of 1958.

He has served with distinction and honor. He has been an administrator of the first water. As a regulator, he has been firm but fair. He has brought a business approach with all its practical aspects to a program long in need of such an approach.

During his tenure, the SBIC industry has been placed on a more firm and stable basis than at any other time in the act's 13-year history.

Art Singer has done much to turn around the image of a vital program. His untiring efforts have brought the reputation of the industry to its highest point and to a position of prestige in the financial community.

During the years, since the enactment of the Small Business Investment Act, the single and most important factor that has prevented the expansion and growth of the small business investment company industry has been the lack of continuity of leverage funds which is vital. Art Singer fought hard and long to alleviate this deterrent to the stabilization and growth of the industry. Last December, the Congress passed and the President signed into law, Public Law 92–213, which will provide a stable and ready source of funding for SBIC's essential in providing this institutional source of capital for small business. This legislation is also a major step to facilitate private sector participation in long-term debt capitalization of the SBIC industry.

I was proud to have played a part in that legislation and I personally know the position that Art Singer played in providing Congress with full justification for its consideration and enactment.

He has streamlined the investment division and did much to eliminate duplication, excess paper work, and has provided sound direction for the promotion, regulation, and funding under the SBIC program.

Mr. Singer has been a significant moving force in the formation and licensing of minority enterprise small business investment companies. These MESBIC's provided the seed money for socially and economically deprived small businessmen.

A native of El Paso, he has been a successful small businessman. Before coming to Washington, D.C., in 1969, he was president of the Alemite Co., of the Southwest.

He previously served his country with distinction as a combat veteran of World War II. As major in the infantry, he received a bronze star medal, a combat infantryman award, and the Pacific theater medal with three battle stars.

As a Congressman and as chairman of the Subcommittee on Small Business of the House Banking and Currency Committee, I should like to commend and congratulate Mr. Singer for a fine job.

THE USE OF TRANQUILIZING DRUGS AND BRAIN SURGERY ON INMATES IN CALIFORNIA STATE PRISONS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. DELLUMS. Mr. Speaker, during the last year, as I have traveled around the country, especially in the State of California, I have noticed an increasing concern on the part of citizens with regard to the treatment afforded persons incarcerated in State prisons as well as the competence of officials who have been entrusted with the control and maintenance of those institutions.

One matter of particular concern has been the suggestion of the use of powerful tranquilizing drugs and brain surgery to control inmate behavoir.

Where these programs have been suggested, their voluntary nature and the aggressive and violent nature of the proposed subjects have been emphasized. The comments of Dr. George Bach-Y-Rita of Harvard University are informative in this regard. Dr. Bach-Y-Rita was retained by the California Department of Corrections in connection with the Maximum Psychiatric Diagnostic Unit at the California Medical Facility at Vacaville. This program would have used lobotomy and drugs to control inmates who, allegedly, were prone to violent and aggressive behavoir. In abandoning the program, Dr. Bach-Y-Rita was quoted in the San Francisco Chronicle-Examiner for March 12, 1972 at page 16, section A, as saying:

> I decided that prison is not the place to do research. There is pressure on a man to acquiesce, and offering pay under conditions where a man does not have reasonable alternatives other than research is not the same as in a free society. A convict does not volunteer as a free man does.

With regard to the selection mechanism whereby such programs—assuming that all subjects were volunteers—would identify those who were aggressive and violence prone, attention should be given to a paper written by Robert E. Doran, a member of the staff of the California Department of Corrections. This paper illustrates that totally inadequate criteria are used by often incompetent personnel to make decisions with regard to who should be placed in "solitary confinement," called "The Adjustment Center" in California prisons, as being violent, aggressive, or uncontrollable, and who should be released from "solitary confinement." There are virtually no safeguards against mislabeling.

However, beyond the issue of the "voluntariness" of such programs and the aggressive and violent nature of the subjects, most persons who have addressed me on this subject have expressed a moral revulsion at the notion of the State attempting mind or thought control. There is a certain immorality associated with the imposition of controls over the individual's mind by most civilized people. Having deprived a prisoner of all self-determination, having assumed absolute control over his behavior, the State now seeks to possess his mind: to create a passive, docile automaton. This is the moral question which has been raised throughout this country with regard to chemotherapy.

Not only is there concern with regard to the morality and ethics of chemotherapy, but there is a political concern. Already, we are aware that the "adjustment centers" of the California prison system are being used more and more to house the concerned and activist blacks who refuse to surrender their dignity and their minds to the State. Activists in the prison reform movement see the suggestion for chemotherapy as a new technique for solving what is perceived by prison officials as an increasing problem: control of black militants within the prison population. Having been unable to break and silence the militants with solitary confinement, prison activists feel that the prison officials have now hit upon programs of chemical therapy to silence them, to convert them into mindless model prisoners.

To allow such programs to be established is once again to attack the symptom and to completely ignore the cause. The underlying cause of militancy in our prisons is the complete denial of the humanity of the inmate; the total deprivation of any semblance of self-determination and dignity. The existence of a virile and rampant racism both within and without the walls is also a substantial factor. Rather than attacking the inmate we should attack the underlying conditions and causes. This phenomenon was best expressed by Mr. George Jackson, a former inmate of San Quentin prison, who was killed on August 21, 1971. In Soledad Brother he declared:

> The text books on criminology like to advance the idea that prisoners are mentally defective. There is only the merest suggestion that the system itself is at fault. Penologists regard prisons as asylums. Most policy is formulated in a bureau that operates under the heading Department of Corrections. But what can we say about these asylums since *none* of the inmates are ever cured. Since in every instance they are sent out of the prison more damaged physically and mentally than when they entered. Because that is the reality. Do you continue to investigate the inmate? Where does administrative responsibility begin? Perhaps the administration of the prison cannot be held accountable for every individual act of their charges, but when things fly apart along racial lines, when the breakdown can be traced so clearly to circumstances even beyond the control of the guards and administration, investigation of anything outside the tenets of the fascist system itself is futile.

To permit the use of Federal funds for the support of programs designed to control inmate behavior through the use of chemical tranquilizers and surgery is immoral and should be made illegal. To permit tampering with the minds of militants under the guise of programs to control violent and aggressive inmates is immoral, inhumane, and unconstitutional.

FAIR HOUSING ESSAY AND POSTER CONTEST OF COLORADO

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. McKEVITT. Mr. Speaker, it was my pleasure today to meet with the winners of the First Annual Colorado Fair Housing Essay and Poster Contest, which was sponsored by Region Eight officials of the Department of Housing and Urban Development and by the Colorado Department of Education and the Catholic Education Office of Denver.

More than 2,000 seventh through ninth grade students throughout the State of Colorado participated in the contest.

The three essay winners were Carol Cook of Timnath School, Timnath; Deanna Kay Sauceda and John Wisotski, both of J. F. Kennedy Junior High School in Denver. The Poster winners were Wendy Bruce, Cheyenne Mountain Junior High School, Colorado Springs; and Amy Guy, West Jefferson Junior High School, Littleton.

The three essay and two poster winners are presently enjoying an all-expense paid trip to Washington. They are accompanied by Robert Barela, Assistant Regional Administrator for Equal Opportunity of the Department of Housing and Urban Development in Denver; Sister Rosemary Wilcox of the Denver Catholic Archdiocese and June C. Radtke of HUD in Denver.

While I cannot share with the House the actual Fair Housing Posters, I can share the Fair Housing Essays which I call to the attention of my colleagues.

The essays follow:

TIMNATH, COLO.

THE ARCHIE BUNKERS OF AMERICA

Well, here we are, in a supposedly "free" country, and we have to have a law that says that the "different" people in our society can buy a house.

It makes me sad to think that we, the people of the United States of America, need a law against discrimination. Unfortunately, the "Archie Bunkers" of America make this law necessary.

I have mixed feelings about this law. I am glad that everybody can buy the house they want and that they can afford. But it makes me sad that they can buy their house, and they can't buy their neighbors friendship. What I mean is, just because that person, (of the minority) is able to buy his house, doesn't mean that his neighbor will accept him. So really, the law doesn't solve everything. Maybe if the so-called "Archie Bunkers" would put themselves in the minority, they would realize what's happening. Perhaps if more people would think about how our "free" country was supposed to be according to our Constitution and Bill of Rights, it might become a reality.

I hope the whole world doesn't become this way. Maybe with today's younger generation, things will change.

CAROL J. COOK.

WHAT FAIR HOUSING MEANS TO ME

A man once said, "I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be selfevident; that all men are created equal.'" This man was Martin Luther King, a man who shared his dream with anyone who was willing to share and gave to anyone who was willing to accept. He was my brother.

I believe that fair housing cannot begin with fair housing, it must begin with a miracle called brotherhood. What is brotherhood? I asked myself, I did not know. I asked a small child, he replied, "A word—or is it two words? I dunno." Is this what we teach our children? That brotherhood is merely a word? I took it upon myself to find the meaning of the word brotherhood. First I searched within myself, I found that brotherhood was in each of our hearts, it was like a tiny tree trying to thrive, but something kept crushing the tiny tree. I wanted to find what crushed the tiny tree, I found only one thing, something called prejudice. I found that prejudice was in each of our hearts also, but it was a small weed. It too was crushed, but to grow it only needed a touch of darkness and hate, and when it received this it grew and grew. But this weed could be rid of, it just had to be pulled and thrown away. It grows back very quickly but a little smaller this time. Again it is pulled and it grows but still smaller, until there is nothing left of the weed. The small tree has gained strength from the new light and now it grows and flourishes. Yes, it takes time but it is worth every second in the end.

I had found what brotherhood was inside each of us, but what is brotherhood when many of us are together? I thought maybe it was like a forest, all the trees fighting to see the new light. But what if there were too many weeds? And soon the small trees were crushed and the weeds were strangling each other in the mass of darkness and hate. Then brother would hate brother and each would hate himself. But if each man would be led by his heart, then the trees would find that lost light and brother would find brother and walk together as one.

I searched myself and I guess I've searched you too, just to find the meaning of the word brotherhood. I found good and I found bad, but mostly I found what I was searching for. Again I ask myself, "What is brotherhood?" and my only answer is "Brotherhood is when a man may live where he wants, with whom he wants and how he wants." This is the answer I found. Have you found an answer? Ask yourself "What is brotherhood?"

DEANNA KAY SAUCEDA.

WHAT FAIR HOUSING MEANS TO ME

Two years ago, a Spanish-surnamed family moved into our neighborhood, which is a typical, white, middle-class area.

Soon after they had moved into their new home, my family and I left for an extended vacation. While we were away, our grandfather was staying alone with our home. Our new neighbors visited him often and took him to the shopping center several times. I felt this was something extraordinary for these people to do, since they had only met us once.

After returning from our vacation, we became more acquainted with them. One of their daughters, who was then attending college, is an artist. One evening, she spent many hours helping my sister with an art project. I feel she is an outstanding person, because of all the time which she had taken out of her busy college schedule to do this.

The family's son, who is in elementary school, also has artistic talent. He has drawn a picture of our house for my mother, and it is something which she treasures.

The oldest daughter's concern for others is shown in the career which she has chosen. She is now a full-time speech therapist in the Denver Public Schools. Their youngest children are two little girls who occasionally come by to say "Hi!" and spread a little sunshine.

Late last summer, we visited their home for an authentic Mexican dinner. Near Christmastime, their mother took a Saturday out of the busy holiday season to teach my sister how to make Mexican cookies.

Fair Housing means a great deal to me. If it had not been for Fair Housing Laws, this Spanish-surnamed family may not have been able to move into our neighborhood. This would have deprived my family and I of a warm, lasting, and meaningful friendship and the opportunity to learn about their culture.

JOHN B. WISOTSKI.

A TRIBUTE TO HARRY ASHTON STRANGE, EASTERN REGIONAL PRESIDENT, FOE

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. SANDMAN. Mr. Speaker, I am delighted to rise in honor of a distinguished constituent, Harry Ashton Strange, of Millville, N.J.

The occasion for this honor will be a testimonial dinner on Saturday, April 15, 1972, in Millville. I have the honor of being guest speaker.

Harry Strange currently is serving with distinction as eastern regional president of the Fraternal Order of Eagles and it will be members of this fine organization from throughout New Jersey, New York, and Pennsylvania who will join me in honoring him Saturday evening.

While on leave from the Navy in December 1945, Harry's father and Arthur Styles, a past worthy president of Millville Aerie of Eagles 1836, signed up the young sailor as a member of the fraternal order.

Harry served on a number of committees in the Millville Aerie and in 1952 was elected into office. He served as Aerie president in 1953 and 1954, then as trustee from 1957 until 1960 then as district three president.

Elected New Jersey State president of the fraternal order for 1959 and 1960, Harry Ashton Strange continues his dedicated service now as regional president.

Harry and his devoted wife Mary reside on Burns Road in Millville.

COLLINS' STATESMANLIKE PROPOSALS

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. MONAGAN. Mr. Speaker, the tragic situation in Northern Ireland is a matter which concerns all of us. It is a problem which has been much discussed in the United States and is one to which the best thinking of all citizens of the world must be directed to offer solutions which might bring the conflict to a close.

At the 75th biennial national convention of the Ancient Order of Hibernians in America held in August 1970, a good friend and constituent of mine, Mr. Cornelius J. Collins, national vice president of that order, to which I am honored to belong, made an excellent contribution to this discussion in his report to the convention. Mr. Collins' moderate, compassionate, and reasonable address has now been printed in the January-February issue of the National Hibernian Digest. His remarks are worth considering by all of us, and I present them at this point for the consideration of my colleagues:

REPORT OF NATIONAL VICE PRESIDENT CORNELIUS J. COLLINS

Thank you, Mr. President, Msgr. Lawlor, Reverend Fathers, my fellow National Officers, my fellow delegates to this National Convention, let me express my appreciation for the confidence you have shown in me as your National Vice President for the past two years. I am deeply grateful for the opportunity I have had to travel throughout this country to help to build Hibernianism stronger. It has enabled me to see the very real difficulties which we face, in trying to maintain an expanding and vigorous Order, and in especially trying to reach the youth of our people.

I believe it is our duty, however, of the present members of the Ancient Order of Hibernians to suggest solutions to the problem of increasing our membership.

May I offer briefly a suggestion which I hope you will give serious thought to in the near future.

I believe that the next National Board should consider offering a modest insurance plan to its members. It can help, and I am certain it can be done at little expense and a great benefit to Hibernianism. We know how such a plan has helped the Knights of Columbus expand and prosper.

I hope this Board will give it a high priority in its consideration.

Now let me turn to a matter which must be of great concern to all of us. Even though some of us aspire to high office to the National Board of the Ancient Order of Hibernians, no one in this world today can ignore the tragic and explosive situation in

Northern Ireland. We all wish the situation did not exist, but it does. It won't disappear, and we cannot hide from it. We cannot pretend that this problem is not there. And England is the problem.

Those who speak for England, Mr. Paisley for example, who sits in the British House of Commons, as well as in the Ulster Parliament, tell us that the war in Ireland is religious. He even disrupts an Ecumenical Mass in a country not his own for the sake of airing his propaganda. The sad truth is that the victim of English oppression in the North is the common man, be he Catholic or Protestant. The oppressors are not interested in religion of any kind. They are interested in keeping the poor people down. They want to deprive the mass of our people of their proper place in justice and law.

It is clear that religion is not the cause of the problem. Four major churches of North and South standing together in a tighter ecumenical partnership than has existed in a generation, William Cardinal Conway, the Prelate of Ireland and Archbishop or Armagh, sacred to the memory of St. Patrick who distribute our funds in the Northern Relief Campaign in Ireland, the Rev. John Carlin of the Presbyterian Church has joined him in seeking an end to the war. Their position is supported by Archbishop of Dublin George Sims, and by Rev. George Good, President of the Methodist Church. So the religious speak out with one voice.

We see, therefore, that violence could quickly be ended if the extremists would lay off.

As I noted in my travels last year to Ireland, the Orangemen are still fighting the wearing of the green. 26 counties free in 1922, and 6 still cry for freedom. The problem is complex, and there is no easy solution. But we must recognize the tragedy and we must search for a solution.

There are those here today who may want to seek high office who would have us ignore the tragedy. They would have believe it is none of our business, but may I humbly offer a suggestion which I believe to be the first step towards a solution. We must convince our Senators and our Congressmen that if the peace keeping force of the United Nations should replace the militant British troops immediately, then a solution can be worked out in peace.

There may yet come a time when the only proper course will be violent oppression with united action.

Let us not shrink from our duty if the day should come to pass. But let us do all in our power to exhaust all peaceful remedies.

The United Nations has acted in several areas to combat oppressions; Korea, Vietnam and the Far East, and we never forget the brave Irish soldiers who died to bring peace to the Congo.

We can pressure our elected officers to get the United Nations' support, and we should pressure our President to warn England to stop oppressing the people of the North. England owes her very existence to the United States of America, and the United States of America owes much of its success and property to Irish stock. Certainly it is not too much for the United States to help Ireland, if only in the form of officially protesting England's policies in the North. Aren't we at least as deserving as South Vietnam?

Let us not forget the history, the background of the current crisis in the North of Ireland. The debate can range far across the sea, where some of the blame lies, where the blame lies, or where none of it lies. But today I do say to you, the time for debate is past. The time for work and shame has gone. Leave to the historians of the future to render the verdict. We will have faith in that verdict for we know the truth, and now the time for deeds of faith, the support of the government of the United States and the physical support of the United States and the physical support of the United Nations peace keeping force. We cannot sit idly by watching the conflict grow hotter and hotter.

We cannot simply watch the flame consume the hope and the ambitions, and, yes, even the very lives of the oppressed people of Northern Ireland. Now is the time for candid deliberations, deeds which would go out to the serious dedicated concern for the lives and welfare of our fellow beings.

I ask each of you listening to me today, each of you to heed this message and to carry it back to your Hibernians when you return home. If we work together, we can succeed together, and each of us can be the spark that will ignite the heart of our people to join together in this noble cause.

Let us heed the word of a recent United States Chaplain who said, "I am only a man, but I am a man, what can I do? What should I do, and what I should do, with the grace of God I shall do."

Thank you very much. God bless you.

CONGRESSMAN WALDIE SURVEYS OUR "DANGEROUS PLANET"

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. VAN DEERLIN. Mr. Speaker, I have long considered our colleague, JERRY WALDIE, one of the more articulate Members of this body. And while JERRY needs no testimonials from me, he has demonstrated anew his way with words in an article, "Warning: This Planet Is Dangerous to Your Health," which he wrote for the United Christian Herald.

And while most of the rest of us must absorb much of what we know of the environment vicariously, the rugged Mr. WALDIE backpacks right to the scene. His report describes conclusions reached during a 55-mile hike through the High Sierras with his teenage sons.

But of far greater importance than his commendable prose style and physical condition is the high degree of perception with which JERRY regards the ongoing struggle between man and nature.

The solutions he offers are not easy ones, calling as they do for considerable reordering of our sense of values—but they should appeal to anyone who truly cares about the quality of the world we live in.

JERRY's article follows:

WARNING: THIS PLANET IS DANGEROUS TO YOUR HEALTH!

During a recent congressional recess, my two teenage sons, Jon and Jeff, and I took a ten-day back-packing trip in the Sierra-Nevada Mountains. We started east of Bass Lake and hiked over Isberg Pass down into Yosemite Valley, a total of 55 miles with several detours, to fish the high, cold lakes.

It was good to test ourselves against the mountains to see if we could still cope on a more fundamental level. We waded the rushing streams and ate what we caught, packing any extra trout in wet moss for a later meal. And the silence of rock and sky did not interfere with the things that needed to be said between the busy congressman who operates on one intense Washington schedule and his sons who usually operate on another.

The Sierras are a beautiful and formidable mystery. As a boy growing up in a slower, less crowded, pre-war California, that range of mountains lived in my imagination with legends of the Donner Party, Kit Carson and one of America's first ecologists, the prophetic John Muir, founder of the Sierra Club.

These mountains were the last barrier our western-moving ancestors had to surmount. Advancing with little but courage, they regarded the wilderness as an adversary. And finally they tamed it.

Today we still tend to believe that the great West is wild. Our frontier psychology persists, fostered perhaps by TV horse-operas and movies, long after the necessity for such an aggressive stance toward nature has passed. We still believe in the virtue of rugged individualism which glorifies the domineering self over nature and community. But, to our grief, nature has been mastered and nearly mutilated, and community is a languishing ideal in our beleaguered cities.

The frontier has faded like a dream; the city is the reality for two-thirds of all Americans.

Most of us go to nature to find a few days' release from the anxieties and ills of urban living. Imagine my sincere concern, then, hiking through the high country, to find signs of city-bred carelessness everywhere—littered paper and containers, reckless trail-blazing and over-use of campsites and facilities.

My son Jon pointed out that though we rarely saw wildlife, we passed hundreds of backpackers. As we climbed down out of the Sierras into Yosemite Valley, John Muir's "untouched paradise," the debris seemed to mount higher.

I drew a couple of conclusions from our tough 10-day trek. One was that a man in his 40s has to be in good physical shape to match his teenage sons and the wild country. The other was that access to wilderness areas must never be "improved." Roads, pleasure trails, ski lifts not only destroy scenery, they overturn undergrowth, trees and the very earth itself, crowding animals into an ever-shrinking area.

Of course backpacking isn't the most serious threat to our environment. But it is in the wilderness that we feel most cheated when we discover that human misuse has scarred yet more of nature's beauty. In the city we have come to accept pollution as an expected byproduct of "progress." But we still expect the high country to be pure.

In my home county, Contra Costa, northeast of San Francisco, there is a mountain less than 4,000 feet high. Mount Diablo stands on the edge of the great Central Valley of California. From its crest one used to be able to see more of the earth's surface than from any other place in the world save one: Mount Kilimanjaro rearing up from the African plains. It was a panorama which rivaled that of man's first view from a space capsule—from the silver, snow-capped line of the Sierras 150 miles to the east to the craggy cliffs of the Farralon Islands 30 miles outside the Golden Gate.

Today there are times when you can barely see the mountain from the smog-infested valley below.

Who's to blame? Through what unconscious waste has the California and America of our youth vanished?

Without wasting time in futile recrimination, we need to take an objective look at the condition of our environment, and then to act swiftly on what we discover.

Here's my thumbnail assessment of the condition of our national ecology.

Air—Some people imagine that with all the talk about air pollution things are getting better, but the fact is that air quality slipped again in 1971.

The worst pollutants are: sulphur dioxide, produced by coal-burning factories like electric plants, irritates the respiratory tract; soot and ash, also from coal burning, can cause gastric cancer, and carbon monoxide, released from the incomplete burning of gasoline in cars and trucks, puts an extra burden on anemic persons and also damages hearts. Deaths from all respiratory ailments are on the rise.

Air pollution is also killing plant life, which produces the oxygen we need. The pollutants blowing out of Los Angeles are killing Ponderosa pines 100 miles away.

According to the National Wildlife Federation, the total cost to your family in medical bills and in taxes to clean the air is now about $310 a year and must go higher.

Water—Industrial waste dumped into rivers and bays is the cause of 65 percent of our water pollution. Paper companies, organic chemical firms and the petroleum industries are the greatest offenders. Municipalities pour in another 20 percent of the waste, and the run-off from our farms contributes the last 15 percent.

There are over 1,000 oil spills from ships and wells every year.

A survey of 969 public water systems showed that 41 percent delivered inferior quality water and nine percent delivered potentially dangerous water.

Americans are removing fresh water from underground sources twice as fast as it can be replenished. By 1980 we will need 700 billion gallons, but only 650 billion gallons will be available under the earth.

Near Phoenix, Ariz., so much water has been removed from the underground that the earth's surface is beginning to sink and crack.

The one bright light is that public action helped halt the slide toward worsening water quality in 1971. But it will take a five-year investment of over $40 billion to bring our water up to a decent standard—a fair portion of this expense, I believe, must come from the industries that contribute to pollution.

Another task for the public is the transformation of its own preconceptions. In the western United States there is a traditional demand for more and more water resources. Believe it or not there is a plan to bring water from Canada to irrigate crops in the Southwest—crops that could grow in other parts of the U.S. simply by the rainfall. I believe citizens have to put pressure on governmental agencies like the Army Corps of Engineers and the Department of the Interior to consider nation-wide water management.

Land—Each year about two million acres of soil are lost from crop production. Half, fortunately, is preserved in parks and wildlife reserves, but the other half disappears under highways, airports, the urban sprawl and the waters of flood-control systems.

We occupy the land in 12 gigantic metropolitan centers. By the year 2000, 70 percent of our people will be crowded into only 10 percent of the land—with all the problems of over-population.

Animals—In 1968 there were 78 endangered species in the United States alone; by 1971 that number had risen to 101. Man's encroachment of land is the most serious threat—every highway and housing development steals habitat from all other life forms, most of which cannot readily adapt to just any kind of environment.

The canvasback duck population has fallen 25 percent in five years. Sightings of the California condor droped 50 percent in 1970 alone.

Chemicals, like mercury, in our rivers and lakes are killing fish, and DDT spread throughout the food chain is killing birds by softening eggshells, thus preventing hatching. Endangered species can be incubated by artificial means, as is being done in several universities, but the question now has to be to share the earth with us, or do we want only caged, laboratory animals?

Minerals—Most of us act as if we believe that the mineral wealth of the earth is virtually unlimited. But calculating from known reserves and the increasing rate of consumption, it is estimated that we have remaining about 20 years worth of zinc, 30 years of tin and petroleum and 35 years of copper and uranium.

But the time Jon and Jeff grow to be my age, many of the minerals so necessary for sustaining modern civilization may be depleted.

At the root of the peril in each sector of our environment is not merely industrial carelessness, but the sheer number of human beings alive today—everyone hungry for food, space, air, water and wealth. The way each of us uses the earth and then disposes of what we use affects the ecological balance.

We Americans are energy and resource gluttons. With only six percent of the world's population we consume 30 percent of the world's energy. We are used to regarding figures like that with nationalistic pride because we have been taught that the biggest is best, and that any kind of increase, any kind of growth, is progress.

We know from science that there is another kind of growth in organisms which is deadly—cancer, a runaway growth of cells. Is there such a wild, runaway growth in our technological society? If there is we have to learn to heal ourselves.

And we will have to do it without cutting back on job opportunities. There is a notion among some people who know a little about ecology that the solution to our problems is to cut back on production and to constrain technology. That is an easy thing to entertain as an idea, but pretty hard to "swallow" when you lose your job, as have 100,000 aerospace engineers in Seattle and Los Angeles.

As Peter F. Drucker, the social scientist, stressed recently in an article in Harper's Magazine, "Most environmental problems require technological solutions. To control our biggest water pollutant, human wastes, we will have to draw on all sciences and technologies from biochemistry to thermodynamics."

Our main task is not to constrain our technical advance, but to change its direction—that means spelling out new national priorities that are consonant with peaceful aims, Christian sensitivity and ecological rationality.

The billions that we spend on war contribute to the waste of our land. The major public product of the military industrial complex is fear. By selling fear to Americans, the vested war interests hope to expand their systems geared to manufacture destruction.

We must have the courage to deny that fear, and to say we want employment with peace. We want scientists and engineers of peace, so that America might be beautiful and bountiful again.

I am one who believes Americans have that kind of courage. The people who crossed the Rockies and the Sierras can surmount today's problems. What is needed now in America is some cool, clear-headed "pioneer" cost-accounting.

The pioneers faced the dangers and knew what they had to pay to overcome them. We should be as knowledgeable. You may have bought an "economy" car, but recently voted down a mass transit bond. Do you know the total cost of automobiles? Have you figured insurance, repairs, gasoline, and gasoline taxes which support the $5 billion Highway Trust Fund, courts, accidents, medical expenses and the cost of cleaning up auto-pollution?

Ralph Nader, the consumer advocate, has called the automobile the most inefficient, costly and dangerous invention ever devised by man. And there are many other products we can buy without knowing the total cost.

What can the public do? First, alert the entire population. We have made real gains in this area in the last two years. Many churches have been in the vanguard.

First Congregational UCC in Santa Barbara, Cal., scene of the disastrous oil leakage from off-shore wells, conducted a campaign of community information, alerting people about industrial abuses, home use of detergents and other products and the effects of suburban crowding. The church sponsored an "ecology tour" to show members the effects of waste in their own neighborhoods.

Danville UCC in my home county has also sponsored a variety of informational services on environment, including a newsletter and a series of ecology themes in worship [see Leaders' Digest, page 49].

Our second hope for environmental sanity comes through legislation. More important than the much publicized, but not always effective, government fines would be a program of incentives. Everyone knows how strenuously the automobile manufacturers are fighting emissions controls. If the government were to reward progress in the field with tax incentives, instead of threatening with fines, perhaps the minds of the manufacturers would change.

One of the most useful tools in legislative protection has been created in Michigan. In 1970 the state provided a law which gives any citizen the right to bring suit against polluters even if his own health and property are not being threatened. Each person can now be on guard for wastage of public parks, roads and rivers.

As a congressman, I know how effective letters and visits from concerned citizens are. You can help expand the conscience of your representatives.

Another great hope for putting our house in order is recycling. Here our engineers can really effect progress. New products have already been developed from waste. A revolutionary new "asphalt" made from ground-up glass and shredded tires has been found to last four times longer than conventional highway materials.

Recycling has been found to be economically profitable too. Private enterprise has discovered money in waste. Some churches, like St. Agnes Roman Catholic Parish in Concord, Cal., under the leadership of Father Edmund L. Hayburn, now include gathering of glass and aluminum for recycling as part of their ongoing money-raising projects.

It is estimated that a modern recycling plant in a city of 200,000 could make a profit of $100,000 a year processing waste and retrieving ferrous metals, glass, paper fiber, aluminum, sand and steam.

Finally, our ultimate hope lies in a new sense of ethics. Ethics have been construed by most of us, for too long, to be only a matter of personal morality—something between an individual and his God. In fact the biblical tradition puts ethics and personal morality in the context of community. We cannot be assured of personal betterment unless the betterment of the whole community of men and women is assured.

In simple language that means pulling together. Americans have been doing it since our inception as a nation—through the wilderness and across the mountains, during two great and terrible wars, and today working together for the establishment of new priorities for peace in the world and in our cities, and for ecological management of the gifts we have been given.

There is no real alternative. We sacrifice and live together, or we will privately prosper but communally perish. I hope that the message we learned on the mountain can be applied in the valleys and cities. For it is among men and women and all living things that our frontier of new promise lies.

THE TRANS-ALASKA VERSUS CANADIAN PIPELINE—THE CANADIAN MINISTER OF ENERGY'S PRESS CONFERENCE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ASPIN. Mr. Speaker, as you know, the Canadian Government has repeatedly expressed a very grave concern over the possible ecological consequences for the west coast of Canada posed by the trans-Alaska pipeline route. For this, as well as for economic reasons the Canadians have asked the U.S. Government to seriously consider a trans-Canadian oil pipeline route.

I would like to place in the RECORD today the transcript of a recent press conference held in Washington by the Honorable Donald S. Macdonald, the Canadian Minister of Energy, Mines, and Resources. The press conference was held on March 30, 1972, following meetings Mr. Macdonald held with White House Aide Peter Flanigan, General Lincoln, the head of the Office of Emergency Preparedness, and Interior Secretary Rogers C. B. Morton.

The text of Mr. Macdonald's press conference follows:

PRESS CONFERENCE: HON. DONALD S. MACDONALD, MINISTER OF ENERGY, MINES AND RESOURCES, WASHINGTON, D.C.

AIDE. The Minister will have a brief statement to make. And then he'll take questions.

Minister DONALD S. MACDONALD. Thanks, Dick. Ladies and gentlemen, I think most of you know the principal purpose in our coming to Washington at this particular time. That is to get acquainted with a number of the individuals who have been responsible for the United States' side of certain energy questions which are of mutual interest. On this basis, I met Mr. Flanigan in the White House yesterday, General Lincoln this morning of the President's Office for Emergency Preparedness, and, of course, Secretary Rogers Morton a little later in the morning.

The principal purpose in meeting Secretary Morton was to talk to him about what is, of course, an issue of great interest in the United States, but also in Canada, and that was the proposal which has been before the American courts and the American body politic with respect to the construction of a Trans-Alaska pipeline. From the Canadian standpoint, there are two issues which it was useful to make and which I took the opportunity of referring to today. The first was the continuing concern of the Canadian Parliament, the Canadian government, and particularly of Canadians on the West Coast about the prospect of a very massive movement of oil down the West Coast, as a result of a trans-Alaska pipeline and, particularly, into the more confined waters of Puget Sound. The Secretary, I think, recognized the concern which is felt by Canadians on that particular one.

The second purpose was to make it clear to him that the Canadian government is, and has been for some time, interested and preparing for an application, which undoubtedly will be coming sometime towards the end of this year, perhaps early next, for the construction of a Mackenzie Valley pipeline. And because there seems to have been a little uncertainty in the past about the government's intentions and what, in fact, it was doing, I left with the Secretary today a brief resume of the programs that we have underway, also with a prognosis as to when we'd be in a position to consider this question.

I think, Dick, there'll be copies available for the conference; the purpose really being to supplement the information that the administration already has with regard to the Canadian activities, particularly with regard to the fifteen million dollar program that we've had underway by way of environmental and other studies to prepare for a pipeline application. And the talk this morning was interesting, of course, from the opportunity of meeting the Secretary, but also from the standpoint of hearing firsthand his viewpoints, particularly with regard to this issue.

So if there're any questions, I'll be glad to respond to them.

Q. Mr. Macdonald, what kind of reaction did you get to the idea that Canada would like to combine with the U.S. to build this pipeline?

Minister MACDONALD. I got the—I think the principal reaction was the one that there are a number of concerns which the administration has expressed in the past and which were reflected, I think, in the Environmental Impact Statement; namely, that one of the objectives of the United States administration is to get the Alaska oil to market as quickly as possible, and that it appeared from an analysis of the timetable that the Mackenzie Valley route would not be the most expeditious from this standpoint.

Q. Are you discouraged then with the Americans on the question of the Mackenzie Valley route?

Minister MACDONALD. Well, there was certainly interest expressed this morning on what we were doing and about the possibilities of the Mackenzie route. At the same time, I had the impression that, with so much effort and study invested in the Trans-Alaska pipeline, that it rather looks as though they would be giving that priority in their consideration.

We, of course, are interested in meeting any further questions they might have about the Mackenzie Valley possibility. But I think that we'd have to face the fact that they're primarily looking at the moment at the Trans-Alaskan pipeline.

Q. (Inaudible.)

Minister MACDONALD. Without being able to grant your hypothesis, Don, I think—I really don't think that in terms of blocking, no, I don't think there's any. This, afterall, is a pipeline that would go entirely across American territory and then the tanker route would be through the high seas. I think we'd confine ourself, and could only confine ourself, to diplomatic action. And we have, of course, taken that in the past—in past months.

Q. Mr. Minister, did you discuss the pros and cons of the corridor approach versus an oil pipeline and a separate gas line?

Minister MACDONALD. You mean in Canada, in particular?

Q. Well, just the whole problem of getting the oil and gas to market. Did you discuss the advantages of a corridor approach versus two separate lines?

Minister MACDONALD. Yes. Yes, we did. And we pointed out that there would be economic advantages, in terms of construction, from the standpoint of putting the two together at the same time; that the corridor, the Mackenzie Valley corridor, was for us important not just from the standpoint of transmitting particular gas and oil to the market, but also in opening up—really providing Canada's first overland access to the Arctic of this kind. And our interest in this area I think they noted. Particularly, they were serious about the progress that had been made in the Mackenzie Delta with respect to developing Canadian oil and gas resources there. We, of course, couldn't be very definitive at this point, because, as you know, the field is still being drilled and the exact extent of it is not known.

Q. Did you express any feelings to Mr. Morton regarding the choice of a corridor through Alaska coming out at the Porcupine River as opposed to the coastal route?

Minister MACDONALD. No, we didn't discuss how the joinder would be made if there was to be one.

Q. You mentioned earlier that you expected an application for a pipeline across Canada being made by the end of this year or sometime next year. Do you mean an oil pipeline or a gas pipeline?

Minister MACDONALD. Well, the companies that are working most prominently in this field are the natural gas companies. And I should say that the application I'm expecting will be one I think related primarily to the Canadian field. But, of course, one of the options that the consortia who've been working on this have been considering is the possibility of linking that line up with Prudhoe Bay for natural gas.

Q. But it is gas?

Minister MACDONALD. At the moment, the people working on it most prominently are working exclusively in the gas field.

Q. You don't have any reason to expect an application for an oil pipeline in that same pathway?

Minister MACDONALD. Well, I wouldn't like to rule one out.

Q. Did you—did you ask Mr. Morton today if he would encourage the oil companies working on the Alaska line to consider applications for a Mackenzie line and under what terms?

Minister MACDONALD. No, I didn't specifically ask him to do that.

Q. Could you see the administration, concerned for getting the oil to market as quickly as possible, perhaps changing the time frame of the Canadian application?

Minister MACDONALD. I'm not sure—I'm not sure how much flexibility we have in that regard. There certainly will be time required for a proper judicious hearing of the application before the Canadian Tribunal. And there will be—I think we'd have to acknowledge that, in terms of construction preparations, the Trans-Alaska pipeline has got a distinct lead.

So I think there is a time lapse there. How extensive it'll be might be a matter of debate.

Q. How much time—how much delay would you estimate there would be in getting oil to market from the Alaska route—delay through the Canada route?

Minister MACDONALD. The estimates run from two years to three and a half to four. They run through that time frame. How scientific they are and how well detailed they are, I don't know.

I think one of the things that does appear to be clear is that, initially at least, the principal interest in the Alaska route is directed at the possibility of supplying the refineries on the West Coast of the United States; that is to say, in meeing West Coast demand rather than interior—the demand in the Chicago market. And the viewpoint of course was strongly stressed that a Mackenzie Valley line would—unless there was extensive extension of the facilities, across the mountains would not meet that particular problem.

Q. Did you talk with Mr. Flanigan about the question of the pipeline? If so, what approach did he take?

Minister MACDONALD. No, Mr. Flanigan indicated that this was the Secretary's responsibility. And we didn't talk at . . .

Q. Did you talk about questions of Canadian exports, oil imports?

Minister MACDONALD. We referred to that question. We also talked with Mr. Flanigan about the security problem; that is to say, the insecurity of both eastern—eastern Canadian and eastern United States refiners being dependent, as they were, on Eastern Hemisphere oil and the possibility that the supply might be cut off. We didn't really arrive at any final conclusion on this. That discussion, I expect, will continue.

Q. Would you anticipate that the Alaska oil problem, as related to Canada, will be discussed by the Prime Minister and President two weeks from now when the President goes to Ottawa?

Minister MACDONALD. I would say not. I don't think it will be.

Q. What else did you talk about other than the pipeline?

Minister MACDONALD. Those are the two issues. We also talked about our—about the continuing concern that Canadian uranium is, at the moment, embargoed from coming into the United States market and our feeling that it would be a wise and appropriate action on their part to lift the embargo.

Mr. Flanigan, as they say, noted with interest our representations.

Q. Did you get any indication that the administration is planning on letting more oil in, or is that dependent on that East Coast problem you've been discussing?

Minister MACDONALD. We didn't really get a definitive answer on this one. There was a strong feeling of concern about the dependence on overseas shipments. And the impression I carried away is that Canadian oil will continue to have access to the United States market and that, indeed, it may—that access may improve.

But there was no—there were no definitive undertakings in this regard.

Q. Mr. Macdonald, suppose import restrictions were removed on Canadian oil. There's an indication that the demand in the United States for Canadian Oil would be in excess of that you might want to export, because it might pre-empt some supply which you'd want for Ontario refineries, which might put you in the position of allocating oil. Is that—is that the situation, or what is the situation?

Minister MACDONALD. Well, I suppose there is an upper limit, both in terms of pipeline capacity and also reserves beyond which we couldn't go. I think our position would be we'd like to be tested in that regard and find out what the consequences are.

Q. Can you give us your impressions, in talking with Mr. Morton, that the Mackenzie Valley route for Alaskan oil is pretty well a dead issue?

Minister MACDONALD. Well, I think that—I think it will receive consideration. I'm not overly sanguine about the prospects of selling it at this point. But I think that—I think we did receive good consideration this morning and that our point of view will be considered by the administration.

Q. But then they'll build the Alaska pipeline? Was there any talk of new regulations to guard against the danger of accidents, oil spills and tanker releases?

Minister MACDONALD. No, we didn't get down to those details. And, of course, in Canadian terms, my colleague, the Minister of Transport, has got direct responsibility there.

Q. Did Mr. Morton give you any indication when he will announce his decision to grant a permit for the Alaskan route?

Minister MACDONALD. No. No, he didn't. I think the only timetable we talked was, I think, a forty-five day limit, which is imposed on him by law. But when after that forty-five day period he would be making his announcement wasn't altogether clear.

Q. Did you discuss natural gas exports . . .?

Minister MACDONALD. Not primarily, no.

Q. Is there any prospect for additional export of gas from Canada to the United States unless there are major discoveries, apart from the Arctic gas?

Minister MACDONALD. Well, you probably know that our National Energy Board made a decision during the fall that the Canadian reserves at the moment should—would require—the state of the reserves would require that there be no fresh export permits. Until there is a change either by way of northern gas or improved finds in the Alberta—in the lower latitudes of Canada, I wouldn't think there'd be an early export. further export.

Q. This cubic foot increase this past year did not change that category?

Minister MACDONALD. Well, I would think not. But I'd have to refer that one to the Chairman of the National Energy Board.

Q. Mr. Macdonald, you said at the outset that Secretary Morton expressed some interest in what you're doing in the Mackenzie River Valley and the idea of a pipeline through Canada. That's a very hot aspect of the issue down here. Just what kind of interest did he express? Here we haven't even asked you for your own findings (words inaudible)? What is his interest . . .?

Minister MACDONALD. Well, I think his interest is that he recognizes that this has been posed as an alternative. He wanted to know what extent we had defined the problems of a physical kind; that is to say, the ecological, engineering problems involved there; equally, what kind of concept we had for the financing of the Mackenzie line.

I would think that, from his standpoint, his interest was in trying to become more fully advised on the facts and of our particular view of the prospects of bringing this into early realization.

Q. So you got the impression the decision is almost imminent and has already, in theory, been made?

Minister MACDONALD. No, I can't say that at all. I think we got a very open-minded hearing on this question and that naturally the position was reserved.

Q. Well, how much of a chance for success do you think you're going to have even after getting your viewpoint across?

Minister MACDONALD. Whether on the stock market or in political questions, I don't like to speculate.

Q. What do you think the best—the best argument you have is against the argument that the Trans-Alaska line offers the quickest and cheapest way to get the oil to market? The companies have, after all, invested a lot of money up there and are understandably eager to get some of it back.

What is your best response to that?

Minister MACDONALD. On the quick payoff stake, if that's the only consideration, I really haven't got an answer in the sense that, you know, if they want to get the oil to market quickly, we would concede that the quickest way to get it to market is by way of the Trans-Alaska pipeline.

On the broader issues, the long-range threat to the West Coast ecology, the fact that some of the greatest demands for oil are in the central part of the continent, and our feeling that in terms of safety of the line that the Mackenzie Valley line is, in our opinion, a safer one, we think that there are some favorable arguments.

So it's really a question for—it depends on what your priorities are. If your priorities are those in time, then I would say that the TAPS Line has definitely got the advantage. In the other respects, I would think that the Mackenzie would be quite competitive with the TAP proposal.

Q. Mr. Minister, are you now looking towards a broad coordination of energy policy between the two governments?

Minister MACDONALD. I don't see that at the moment. I think we have—while we are in a position of having very substantial reserves not only of oil and gas, but opportunities to produce electric power, I don't see anything in the nature of a continental energy policy. What we intend to do is to determine our own needs and our own priorities in Canada on what energy we'll develop, how we'll use it, and whether we'll sell it. And it's only after having done that that we will then talk—would consider using the surplus for export to the United States.

Q. Are we really in a position to talk about tying ourselves into a Mackenzie oil pipeline short of a decision on an energy policy, a coordination of energy policy?

Minister MACDONALD. I think probably we are. We're talking there—at least insofar as they are concerned, if the United States will participate, we're talking about providing a conduit very much like the conduit that is provided to us by the interprovincial pipeline. Of course, to the extent to which we might seek at an early date to bring Mackenzie Valley oil to market and gas to market, that does indeed raise questions of overall energy priorities.

Q. Was this point raised by the Secretary today to you, this aspect of the question?

Minister MACDONALD. What aspect?

Q. Well, the aspect, as you say, if you were going to talk about moving Mackenzie oil through a Mackenzie pipeline, then you have to talk about—well, it raises questions, as you say, about the coordination of policies. Did the Secretary, when you talked about the Mackenzie line, raise this aspect?

Minister MACDONALD. Not coordination of policies. The point that was raised was, again, very much the question that was before Mr. Flanigan's mind; namely, he put before us the concern of the United States that its long-run apparent deficit on energy, and especially at its reluctance of becoming increasingly dependent on imported oil; that is, imported from off the North American Continent. So that the distinct impression I had is that he would expect that exports would continue from Canada, although we didn't talk about levels or particular ways that this might be increased.

Q. If there's a gas pipeline built or an oil pipeline built through Canada, would the Canadian government help with the financing, or would it be privately financed entirely?

Minister MACDONALD. We have a tradition in Canada back through the years of government participation in utilities of these kind, going right back to the intercolonial Railway and the CPR, and most recently in the Trans-Canada Pipeline. And it's conceivable that if we decided that it's of national advantage to have this pipeline constructed, then if a government guarantee was required to assist in the financing, then the government of the day, I'm sure, would have to give serious consideration to making it available.

Since I can't be certain of the financial terms now, I can't really go much farther than that.

Q. If it were built, would you anticipate the government getting some continuing income, such as a transmission tax, from oil coming through the pipeline?

Minister MACDONALD. I really haven't reflected on that. That hasn't necessarily been the case in other participations. But I really haven't thought that through.

Q. Would there be any substantial contrasts between a Mackenzie pipeline to bring natural gas in the delta and a line out of Prudhoe Bay, between the Canadian gas competing against Prudhoe Bay gas in the same markets? And would this influence any Canadian decision?

Minister MACDONALD. Pretty clearly, they'd both be coming in the same market. I suppose the only conflict that might occur would be the adjustment of the two streams in such a way, as they came down the pipeline, that they both an opportunity to get to the market. But my understanding of the demand is that almost as much that can be made available would find a market.

Q. Do you see any potential problems in an application for a gas line to bring Prudhoe Bay gas to Chicago, in terms of Canadian interests?

Minister MACDONALD. That is Prudhoe Bay gas?

Q. Right. Across Canada.

Minister MACDONALD. I suppose—I suppose our real preference is to have a dual line; that is to say, both oil and gas. I don't think it would be—I can't see that it would be a problem, however, in bringing that gas to the Chicago market by way of Canada.

Q. What you're saying is you wouldn't deny transit for an oil line—that is, for a gas line if you didn't get the oil line you wanted. Is that what you're saying?

Minister MACDONALD. I think that would have to be considered by the Energy Board at the time. Our distinct preference is to have a line for them both, esesntially to bring our product to market. If it can assist in the financing of it to bring Alaskan product as well, then we'd be interested in that.

Q. Are you—are you saying that you can not guarantee that they would get that right of way?

Minister MACDONALD. Ultimately, under Canadian law, the National Energy Board has a right to say yes or no on this one.

Q. Did you raise that point with Secretary Morton on the possible question of right of way, sir?

Minister MACDONALD. No, we didn't—we didn't talk—for gas alone, you mean?

Q. Yes.

Minister MACDONALD. No, we didn't talk about that exclusively or specifically. I think they have very much in mind the fact that in order to realize the Prudhoe Bay field, they've got to bring gas to market. But they weren't very specific as to how they would achieve that objective.

There was no, I should make clear—no specific request for a Canadian right of way for that purpose.

Q. The U.S. government seems to be fairly confident—in fact, in the impact report—that it's almost certain that a gas line will cross Canada. Do they have any basis from talking with Canadian officials or Canadian government for that . . .?

Minister MACDONALD. Speaking for myself, as I just said, nobody's ever asked me. But as to whether they've ever asked anyone else, I'm not sure. I'm not sure that anyone else has got the authority to give them that assurance.

Q. Mr. Minister . . .

Minister MACDONALD. Yes, sir.

Q. . . . if Prime Minister Trudeau and President Nixon are not going to talk about the pipeline in their meeting, do you plan to meet again with Secretary Morton in the future about this?

Minister MACDONALD. No immediate plans. I think there may be. I could anticipate some talks between officials on a further clarification of some of the more technical questions that came up this morning. But I don't—I'm not anticipating myself meeting the Secretary in the near future.

Q. Mr. Macdonald, Secretary Morton well knows that there's a very good prospect that running the pipeline through Alaska may be further delayed by court action. (Rest of question inaudible.)

Minister MACDONALD. I think it certainly would affect some of the judgments with regard to time. The Secretary didn't indicate that he expected further delay through the courts. But, of course, there's no reason why he would have said that to me.

He has said so in public that that is a big possibility.

Q. Mr. Macdonald, did the Secretary raise a question of the oil spill threat on the East Coast of the United States posed by oil coming into American shores through a pipeline . . .?

Minister MACDONALD. He specifically raised the question of Portland. I responded that my understanding, not being a master mariner, is that Portland is not as difficult a water to navigate in as is Puget Sound. And of course, we're not talking about the same volumes of oil.

But, indeed, the question was raised as to the possible dangers to the American coast of Canadian oil proceeding through Portland.

Q. Mr. Macdonald, is it your impression that the time difference between when a Canadian oil line should be completed and when an Alaskan oil line should be completed is narrowing or widening at this point?

Minister MACDONALD. I would think it's narrowing, if anything.

Q. So if it's two to four years now, it might be one to three years . . .?

Minister MACDONALD. No, Dave, when I say it's narrowing, I think it may narrow from four to two. Two is the most recent figure I've heard, which is a better one than four. Narrowing in that sense. Whether it'll keep dropping, I don't know. It seems to me that there are certain rigidities which would prevent us from going below the two level.

Thank you very much, gentlemen.

HOUSTON CHRONICLE ENDORSES CANDIDACY OF HON. BOB CASEY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. TEAGUE of Texas. Mr. Speaker, I am delighted that the Houston Chronicle has endorsed the candidacy of my colleague, the Honorable BOB CASEY, Representative of the 22d District of Texas.

I have known BOB for the entire time he has served in the U.S. Congress; and for a period of time he was a member of my Subcommittee on Manned Space Flight of the House Committee on Science and Astronautics. I can certainly attest to his sincere interest and concern for the future and well-being of his district and his constituency as well as his ability to represent them well in the U.S. Congress.

The editorial follows:

> REELECT BOB CASEY
>
> Congressman Bob Casey is a man who is attuned to the needs and wishes of the 22nd Congressional District as no other man could be.
>
> Look at his accomplishments, look at his record, look at the stand he has taken on the important issues of today and his unequaled qualifications for an eighth term in Congress will be recognized.
>
> Congressman Casey has introduced in Congress a constitutional amendment which would prohibit forced busing of school children. He is opposed to the consolidation of school districts to achieve racial balance. He told a recent congressional hearing.
>
> "The federal courts of this nation have far exceeded their powers and jurisdiction in school matters and the result is deterioration in the quality of education in this country."
>
> Congressman Casey is for economy in government. Unless there is fiscal restraint, he says, the federal government will spend itself into economic disaster.
>
> Seniority puts Rep. Casey in position to exercise a measure of control over runaway spending. He is a member of the powerful House Appropriations Committee.
>
> Just recently, he was designated chairman of that committee's legislative subcommittee, which handles allocations of funds for the operation of Congress and certain agencies, such as the General Accounting Office. Casey is also a member of the appropriations subcommittee handling the Labor Department and Health, Education and Welfare Department budgets.
>
> On the day the new session of Congress opened this year, Rep. Casey took the floor to remind his colleagues that the U.S. space program is vital, useful, imaginative and resourceful.
>
> "Our national defense effort and our security are closely interlaced with our space program," Casey says, and in addition he points to the many technological benefits the program has produced.
>
> Casey is against amnesty for draft dodgers and deserters, calling any such move "an insult to the men and women who have served and now serve in Vietnam."
>
> Casey has a long and splendid record of service to this area. He was first elected to Congress in 1958. Previously, he was city attorney in Alvin, an assistant district attorney in Harris County, a member of the Texas House of Representatives and county judge of Harris County.
>
> His credentials are unmatched.
>
> The Chronicle endorses Rep. Casey for reelection to Congress from the 22nd District.

HAWAII BATIK ARTIST JEROME WALLACE WINS RECOGNITION IN PARIS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. MATSUNAGA. Mr. Speaker, Jerome Wallace, a world renowned batik artist who makes his home in Anahola, Hawaii, a community on the Island of Kauai, recently closed a most successful exhibition of his works in Paris. Mr. Wallace, whose work has been exhibited throughout the United States as well as in many foreign capitals, no doubt won many friends for the United States during this most recent exhibition.

The Paris Post of the U.S. Information Service—USIS—assisted Mr. Wallace greatly in planning and publicizing his exhibition. In his final report on the project, the USIS Public Affairs Officer in Paris, Mr. Burnett Anderson, noted that:

> After two months of resounding success, the huge exhibition of batiks by the American artist Jerome Wallace finished its Paris showing. Due to the heavy attendance and publicity, the show's original run at the Hotel de Sens/Bibliotheque Forney was extended for two weeks. Approximately 11,000 persons saw the exhibition, the largest mounted by USIS this year. Reports on the show were on television and radio. Many articles were written about the show, its creator and the unusual medium of the batik as an expression of art and life.
>
> Several French museums have asked to borrow the exhibition and the post has already committed it to major museums in Brest and Lyon. It will be exhibited in Brussels under USIS sponsorship and requests have come in from Bucharest and London.
>
> The presence of Jerome Wallace in Paris has been a major asset. Wallace is already a colorful and popular figure here; his personal explanations of the techniques he uses to create the stunningly beautiful batiks have been listened to with great attention. A film on his work, adapted by the post for use in

France, has been seen by thousands of visitors as has a slide show about batik work and Hawaii.

The post has no doubt that this exhibition has added luster to the already high reputation of American creative arts, Mr. Anderson concluded.

Mr. Wallace has kindly donated the most magnificient of his batik designs to the Museum of Modern Art of the City of Paris. I understand that the museum has loaned the batik to the U.S. Embassy in Paris for a period of 6 months, and that this outstanding example of Mr. Wallace's work is currently on display at the main entrance of the Hotel Talleyrand Building at our Embassy.

With the thought that my colleagues will find it of interest, I am submitting for the CONGRESSIONAL RECORD, an article from the Wichita, Kans., Eagle which further describes the work of Hawaii artist Jerome Wallace.

The article follows:

BATIK ARTIST EXPERIMENTS WITH NEW-OLD TECHNIQUES

Jerome Wallace doesn't have to sell coconuts to feed himself any more. His brilliant batiks today are bringing in from $750 to $1,200—and he is selling plenty of them.

An article in Honolulu Magazine, January, 1970, "Jerome Wallace, Zipper on the Genation Gap," by Cynthia Eyre, traced the path of Wallace's rising star.

A large-scale exhibition of Wallace's works are on exhibit through Dec. 20 at the Wichita Art Museum.

In the beginning, Wallace's batiks were not selling, Miss Eyre writes. Then one day a tourist dropped by the gallery where Wallace's paintings were hung—a tourist who happened to be an exectuive of the Oslo Craft Museum. After corresponding for a year, Wallace sent a show to Oslo.

Impressed by his work, the National Museum of Sweden purchased one of his batiks for the permanent collection. Done in an abstract expressionist style, the painting on silk is entitled "He Said His Name Was Kip" and portrays a brilliant sun rising from the dark sea off the shore of Anahola.

Wallace explained the techniques of his craft.

"What exactly is batik?" he was asked.

"It's an Indonesian word meaning 'wax writing'," Jerome explained. In very simple terms, it's a process of hand-dying fabrics (or leather or paper) by using wax as a dye-repellant to cover certain parts of a fabric. Then dying the uncovered parts, drying the fabric and dissolving the wax.

"Originally batiks stemmed from Bali and I spent months in the mountains there learning the old ways from natives. But they haven't changed for 800 years. It became monotonous, so I started playing around with new materials and methods. Now, every new work is an experiment. Some are flops, so I roll them up and forget them for a few months. But, every now and then, I break through to something exciting. And I use brushes like a painter."

Wallace gathers the materials for his dyes from the fields, woods, and the sea.

"Cotton blossoms are good for yellows and kukui nuts for red-rusts," he said. "I burn kukui nuts and mix the soot with oil for black, browns and tan. Noni bark and kukui bark produce the yellow-oranges. I can apply sliced avocado seed directly onto the fabric for orange. Lichens and mosses make green. There's a little purple snail that comes in as a host with Portuguese men-of-war. It produces the violet that Romans used for dying their togas purple. I stick to natural dyes as much as possible but I do buy powdered indigo."

He explained the methods he uses to prepare the fabric. For 30 to 40 days, he soaks the heavy silk in coconut milk, then boils the silk. Next he works on the fiber so colors will penetrate. Some paintings are created with as many as 35 applications of color.

A tour through his studio in Kauai, Hawaii, reveals enormous glass jars, almost two feet tall, filled with dyes, finished and in process.

"In one end of the shack," writes Miss Eyre, "hang batiks so stiff with wax they resemble a clothes line of bright cottons caught unexpectedly in a freeze. The colors are so dazzling the room quivers. A cupboard holds huge chunks of beeswax which Jerome buys from a Kauai beekeeper. The scent pervades the warm air."

He heats his wax in a deep fat fryer, so he can control the temperature.

Attired in "hippie" garb, festooned with a heavy beard and mustache and flowing black hair, Wallace definitely does not conform to the conventional. Yet he is vitally interested in society's welfare.

He is a member of the Mayor's Committee on Children and Youth, and was a Republican candidate for County Council of Kauai in 1968. The fledgling politician picked up 15 per cent of the vote.

Wallace's reputation is spreading as the world becomes acquainted with his work. A year ago, a team of photographers shot a color documentary of him at work. House and Garden Magazine commissioned him to design a do-it-yourself batik kit to be advertised for $10.

Wallace said he was a "little embarrassed" about the Happy Hermit Batik Kit. "It's one of those gimmicks that says you, too, can be a famous artist by just following the numbers."

For himself, Wallace doesn't need any numbers to follow. His mind is a storehouse of color and design.

NATIONAL HEALTH INSURANCE

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. McKINNEY. Mr. Speaker, on March 23, I submitted for the RECORD the testimony of Mrs. Sandra Bergman of the District of Columbia Mental Health Association. Mrs. Bergman discussed the needs of the children in the District and demonstrated that expenditures we may make now will not only save the lives of thousands of children, but will also save the taxpayers many times the amount they may now spend.

Today, I am going to submit the testimony given by Irving H. Chase, president of the National Association of Mental Health, before the Ways and Means Committee last fall. Mr. Chase discusses the relationship between mental health and comprehensive health insurance. Several health bills offer little or no coverage for mental insurance, yet, as Mr. Chase points out, mental illness is insurable. If we are to have a comprehensive health care bill, it is vitally important that it provide coverage for all illnesses, mental as well as physical. If it does not, then its title will give lie to its actual intent.

Mr. Chase's testimony is enlightening, and I commend it to my colleagues:

NATIONAL HEALTH INSURANCE

(By Irving H. Chase)

Mr. Chairman and Members of the Committee: My name is Irving H. Chase. I reside in Cambridge, Massachusetts, and I am president of Henry Thayer Company of Cambridge, Massachusetts, engaged in the business of food processing and packaging.

I am appearing today in behalf of the National Association for Mental Health. I am President-Elect of this Association and Chairman of its Council on Public Affairs.

The National Association for Mental Health is the national citizens' voluntary organization working toward the improved care and treatment of the mentally ill; for improved methods and services in research, prevention, detection, diagnosis and treatment of mental illness; and for the promotion of mental health.

I have been an active citizen volunteer in the field of mental health since 1958, when I became president of the Mental Health Association of Central Middlesex (Massachusetts). Since then I have served as a director and then president of the Massachusetts Association for Mental Health, from 1967–1970. I served also as a member, representing citizen-laymen concerns and interest, on the following bodies:

The National Advisory Mental Health Council.

Advisory Committee to the Commissioner of Mental Health of the Commonwealth of Massachusetts on Construction and Utilization of Community Mental Health Centers.

Advisory Committee to the Governor of the Commonwealth of Massachusetts on Comprehensive Health Planning.

Myths die hard, Mr. Chairman, and I would like to talk briefly today about a modern myth which, while not yet dead, is beginning to show evidence of terminal illness. I am speaking of the long-held belief that including coverage for mental illness in insurance plans causes rates to soar. It's an important myth, and its influence is readily seen in proposals for national health insurance. It is a dangerous myth. It is leading those who introduce legislation for national health insurance to omit coverage for mental illness entirely or to limit it sharply.

The intent of this testimony is to give information regarding the following:

(1) Mental illness is insurable.

(2) Community Mental Health Centers are effectively treating mental illness.

(3) The focus of any program of national health insurance should be to facilitate the development of Community Mental Health Centers.

(4) Principles for Mental Health Provisions in National Health Insurance.

MENTAL ILLNESS IS INSURABLE

A study[1] was made of 256 patients who were members of Group Health Association, Inc. (GHA), a prepaid group practice plan in Washington, D.C., and were referred for outpatient psychiatric therapy. These patients were members of GHA for a full 12-month period both before and after their psychiatric referral. After referral, there was a significant reduction in their utilization of physician's services and laboratory and x-ray procedures by this patient group. The reduction in overall utilization was approximately 30%. This study suggests not only that the provision of mental health services reduces the amount of non-psychiatric medical care provided to a given population, but even more important, results in provision of medical care which is more appropriate to the illnesses of the patients.

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[1] Goldberg, I., Krantz, G., Locke, B.: Effect of a Short-Term Outpatient Psychiatric Therapy Benefit on the Utilization of Medical Services in a Prepaid Group Practice Medical Program, Medical Care, September-October, 1970, Volume 8, No. 5.

Another study[2] compared the utilization of 152 patients who initially received mental health services from the Kaiser Foundation Health Plan in 1960, with a carefully matched control group of an equal number who were high medical care utilizers but who had not received psychiatric services. Among the control group there was no significant difference in medical care utilization for the first three years, but in the fourth and fifth year the control group increased their medical care utilization significantly; 27.2% in the fourth year and 13.2% in the fifth year. But for the group who had received psychiatric care, there was a decrease in non-psychiatric medical care utilization of 21.4% the first year, 39.2% the second year, 48.2% the third year, 52.3% the fourth year, and 62.5% the fifth year.

Although the Kaiser study did not compute the differences in cost of medical care between the two groups, the pattern of utilization seems to indicate the difference in costs was even greater than the difference in numbers of visits. The most expensive form of medical care is, of course, hospitalization, and the group which had received psychiatric care did experience a significant decrease in inpatient services during the five years of the study as contrasted with the year preceding the study.

The Health Insurance Plan of Greater New York has analyzed its experience in providing mental health services[3] to the more than 60,000 subscribers in its Jamaica Medical Group.[4] During a three-year period, the average annual utilization for psychiatric consultation was 11.4 per 1,000 or 1.1%. The rate for those who had consultation plus at least one treatment visit was 8.3 per 1,000 or .8%. During the demonstration project, 949 patients were accepted for treatment and 16,264 mental health services were provided. Of those services, 88% were individual services to patients alone or to patients with members of their families, 11% were group health therapy services, and 1% were psychological testing.

The above figures on utilization and distribution of services by type coincide very closely with figures reported by Group Health Insurance of New York and for the United Automobile Workers program. Group Health Insurance recorded a utilization of 7.5 per 1,000 for adults age 20 and over during the period of their study, while the first year utilization of the United Automobile Workers was 6.6 per 1,000. The 88% figure for individual therapy reported by the Health Insurance Plan nearly coincides with a 93% figure reported by Group Health Insurance and a 91% figure reported by the United Automobile Workers.

Basing their actuarial assumptions on their experience during the demonstration project, the Health Insurance Plan has established a premium rate for mental health services of $.90 per month for a one person family, $1.80 per month for a two person family, and $2.70 for a family of three or more persons. These rates are based on the following assumptions, all of which are high when compared to the studies just described.

1. the average annual utilization rate will reach a level of between 1½ to 2% per year;

2. the average number of services will be about 15 services per year for each patient treated;

3. group therapy services will constitute about 10% of all mental health services provided;

4. the proportion of inpatient mental health services will increase from about the 4% found in the demonstration project to about 10%.

Final and conclusive evidence is not yet available as to whether the provision of mental health services results in reduced use of other health services.

However, the evidence from the HIP experience and the UAW program does give impressive data establishing the fact that mental health benefits does not require big increases in premium.

COMMUNITY MENTAL HEALTH CENTERS—A VIABLE APPROACH TO THE TREATMENT OF MENTAL ILLNESS

The Community Mental Health Centers Act of 1963 provided Federal matching monies for the development of Mental Health Centers, which are mandated to provide five basic services including inpatient, outpatient, partial hospitalization, education-consultation, and emergency services to population areas not less than 75,000 nor more than 200,000 residents.

The Act was amended most recently in 1970 when it was broadened and extended to June 30, 1973.

In 1969, one out of 10 patient-care episodes in mental health facilities in the United States took place in Community Mental Health Centers. At that time there were 205 Community Mental Health Centers in operation, making services available to approximately 10% of the United States population. At the present time, there are 452 funded centers; when in full operation, these will serve approximately one-fifth of the population.

The median length of stay for inpatients in a Community Mental Health Center is 18 days, which is similar to the length of stay in psychiatric units of general hospitals (17–18 days).

Though many factors influence change in the utilization of mental health services, the introduction of Community Mental Health Centers has been a significant factor in the remarkable decrease over the past five years in the resident population of State Mental Hospitals. The decrease in resident population between 1969 and 1970 was the largest to date, a drop of 35,000 patients, or 10%. In a sample of continuation staffing grant applications, about half the centers reported they were effecting a decline in the use of the State Mental Hospital serving their catchment areas. However, this trend is limited by other factors. State Hospital admissions for *alcoholism* and *drug addiction*, which often come through the law enforcement system, have been increasing. Also, when Centers first begin operation, they have a pronounced case-finding effect before they have adequate resources to provide treatment services and thus may temporarily increase admissions to State Hospitals. Community Mental Health Centers are beginning to serve significant numbers of alcoholics and drug users. In 1969, 7% (18,000) of total admissions to Community Health Centers were alcoholics and 2% (4,500) were drug addicts.

Community Mental Health Centers have brought many agencies together into a coordinated system of mental health care. Nearly 1,600 different agencies are currently affiliated with 452 funded centers. A special study of affiliation agreements in nine Community Mental Health Centers found that of a total of 68 mental health service agencies located in their catchment areas, 64 were affiliated with the centers providing coordinated services. At the present time, about one-third (111 of 316) of the State Hospitals in the country are formally incorporated into Community Mental Health Center programs through affiliation agreements.

NATIONAL HEALTH INSURANCE SHOULD FACILITATE THE DEVELOPMENT OF COMMUNITY MENTAL HEALTH CENTERS

Make no mistake about it, enactment of "National Health Insurance" presents at once an opportunity and threat, for, depending on its terms, it can act as a powerful stimulant to the development of comprehensive Community Mental Health Centers, or it can result in their economic starvation. Stimulation of growth will result if compensation for treatment in these settings is given favorable terms. Starvation will occur if a program is adopted with little or no mental health coverage followed by withdrawal of existing federal financing of comprehensive Community Mental Health Centers.

We, therefore, are scrutinizing each proposal for federal financing of health care with this overriding question in mind: Will its enactment facilitate the development of comprehensive community mental health centers?

PRINCIPLES FOR MENTAL HEALTH PROVISIONS IN NATIONAL HEALTH INSURANCE

Mr. Chairman, I should like to close by presenting the following Principles for Mental Health Provisions in National Health Insurance, as adopted unanimously by the Board of Directors of the National Association for Mental Health in June, 1971.

Scope

Programs in mental illness should cover a broad range of activities including prevention; active treatment, both inpatient and outpatient; rehabilitation and long-term care and there should be continuing evaluation of all programs. Collateral services to families of the mentally ill should be included.

We cannot accept another insurance program which, in the name of economy does not in fact insure individuals against intolerable losses. This is neither humane nor financially defensible.

Limitations

There should be no limitations as to age, sex or condition. Any limits on mental health services should be structured to encourage the development of Community Mental Health Centers and to discourage over-utilization on the part of the patient or the provider. Limitations should be determined by regulations based on clinical experience and subject to approval of Citizens' Boards.

Professional services

Payment should be provided for individual visits to psychiatrists and other qualified therapists. There should be no patient fee or co-insurance for at least the first seven visits per spell of illness.

Clinical outpatient services

There should be full compensation for services rendered in qualified clinics, or comprehensive Mental Health Centers. Home visits by qualified staff members of such facilities should also be covered. Reimbursed services in a clinical outpatient setting should include services provided by all personnel necessary to the treatment program.

Partial hospitalization

Costs of partial hospitalization should be fully paid without regard to the setting, subject only to qualification.

Inpatient services

Provisions for coverage of inpatient services should be structured to encourage:

(a) Evolution and development of comprehensive Community Mental Health Centers, and

(b) Improvement of public mental hospitals. There should be a requirement that these two systems be adequately linked so as to provide a continuum of services to all

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[2] Cummings, N., Follette, W.: Psychiatric Services and Medical Utilization in a Prepaid Health Plan Setting, Medical Care, January-February, 1967, Volume 5, No. 1.

[3] The demonstration program provided outpatient and inpatient psychiatric treatment with no upper limit on the number of services and with no cost to the patient.

[4] Fink, R.: *Financing Outpatient Mental Health Care Through Psychiatric Insurance, Mental Hygiene*, April 1967, Volume 55, No. 2.

Prescribed drugs

Prescribed drugs should be available without separate charge to the consumer.

Education and consultation/research and evaluation

The important functions of education, consultation, research and evaluation should continue to be funded through grant mechanisms. They should be encouraged in all mental health settings.

Manpower and training

To be truly effective, any final plan must automatically influence and facilitate the recruitment, training and geographcal distribution of all categories of manpower necessary to a comprehensive mental health program.

Citizens' boards

There should be boards of citizens with ultimate responsibility for governing the program. They should set standards and establish continuing vigorous evaluation of *all* providers. This must include both individuals and organizations who seek payment under National Health Insurance. There should be substantial representation on all the Citizens' Boards from minority groups and the poor and from professional and lay persons with knowledge in mental health and mental illness. Laymen so serving should not be engaged in providing services to the mentally ill and should constitute a majority of the Boards.

Method of payment

The program must permit participation by qualified providers with options as to prepayment or compensation for services rendered.

As programs emerge which are demonstrably more efficient than others they should be rewarded by preferential funding.

Discrimination

All providers shall be required to provide services to all persons regardless of race, creed, color, national origin, or ability to pay.

Thank you, Mr. Chairman, for inviting us to present our views on National Health Insurance, this decade's most important health proposal.

LONG-DELAYED JUSTICE

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. SCHERLE. Mr. Speaker, the wheels of government, like the mills of God, grind exceedingly slow, but unfortunately they do not always produce just results. The case of the Tjernagel family in Iowa exemplifies the sometimes maddening indifference of huge government bureaucracies to the legitimate claims of the individual citizens they are supposed to serve.

On December 8, 1968, an aircraft belonging to the Iowa National Guard, but flying a training mission for the U.S. Air Force, crashed into the Story County farm of Peter Tjernagel and completely destroyed it. In the ensuing 40 months, both State and Federal Governments denied their responsibility for the damages. The widowed Mrs. Tjernagel, deprived of rightful compensation, has been forced to depend on the charity of her children.

The clear inequity of the case has aroused considerable public indignation in Iowa, as the following articles from the Des Moines Register and the Ames Daily Tribune will show—and rightly so. This intolerable inaction cannot be allowed to continue. Justice delayed for so long is in effect justice denied. As representatives of the people, we have an obligation to insure that their Government serves their needs. I have urged the Judiciary Committee to hold hearings immediately on the private bill introduced by my distinguished colleague, the Honorable H. R. GROSS, for the relief of Mrs. Tjernagel. The justice of her claim must be publicized and due compensation paid to her at long last.

The newspaper articles follow:

[From the Des Moines Register, Apr. 9, 1972]

PLEA FOR PAYMENT TO IOWA VICTIM

The Iowa attorney general's office has asked Richard G. Kleindienst of the United States Justice Department to change his opinion about paying the claims of Mrs. Marie Tjernagel of Story City for damages from an Air Guard jet plane crash 40 months ago.

In a letter to the U.S. director of the Office of Budget and Management last January, Kleindienst opposed private bills offered by Iowa Senators Jack Miller and Harold E. Hughes and Representative H. R. Gross for payment of claims to Mrs. Tjernagel and others who suffered damages from the Dec. 9, 1968, plane crash near Story City.

HOME DESTROYED

The crash destroyed the Tjernagel farm home and possessions. The family received a $5,000 emergency payment from the Air Force shortly after the accident.

But since then, claims for $133,000 in damages by the Tjernagels and several others have been lost in a dispute over who is liable, Iowa or the U.S.

The Air Force refuses to pay the damages for fear of establishing precedent; so does the state, which claims the plane was on a federal mission at the time of the crash.

In the latest move in the Tjernagel case, John E. Beamer, special assistant to the Iowa attorney general, wrote Kleindienst that because of Kleindienst's opposition to the bills of Senators Miller and Hughes and Representative Gross the judge advocate general's office of the Pentagon refused to participate in a settlement of the matter.

In his letter to Kleindienst, Beamer said the U.S. Justice Department "apparently was unaware of commitments made" by the Air Force in the case.

ON FEDERAL MISSION

Beamer said the record shows without dispute that the plane in the crash was on a federal mission and that from Dec. 9, 1968, until May 14, 1971, the Air Force indicated to the Tjernagels and state officials that the Air Force was "assuming complete responsibility" for claims resulting from the crash.

"The people of Iowa have questioned why the state and federal governments cannot cooperate to the extent of agreeing to pay the victims immediately and then fight it out later as to who is responsible," Beamer said in his letter to Kleindienst.

Beamer said such a "remedy would certainly be acceptable to the state."

Beamer compared the Tjernagel dilemma to the situation of Clarence McCarville, 59, and his 86-year-old mother, Emma, after their farm home was destroyed by a Wisconsin air guard jet crash near Cresco Mar. 5, 1968.

Since the crash, the McCarvilles have lived in a chicken coop on their farm site. Air Force officials told the attorneys for the McCarvilles they must sue the state of Wisconsin to recover damages.

FOUR YEARS

"It is now more than four years since the crash occurred and the McCarvilles are still living in a chicken coop," Beamer said.

Beamer also told Kleindienst that on Mar. 28 (last Tuesday), the Iowa attorney general's office received "yet another claim for damages involving a military aircraft."

The claim is for $41,126.43 for damage caused by an Army Guard U6A DeHaviland Beaver fixed wing aircraft during a heavy storm last July 8 at the Nevada, Ia., airport.

A letter from Joseph H. Rouse, acting chief, Army claims service, Fort Meade, Md., said a claim filed by F & H Enterprises for $41,126.43 in damages to its helicopter when it was hit by the Iowa Army Guard plane during the storm should be paid by the state.

The National Guard pilot "followed prudent procedures in tying down" his aircraft but the tie down ropes furnished by the Nevada airport were not "of sufficient vitality" to hold the plane in place in the winds of 80 miles an hour, Rouse said in his letter to Nevada officials.

ARMY DAMAGE CLAIM

Beamer termed the Army request for compensation from the state "incredible" and said under the amended Iowa tort claims act, effective July 1, 1970, "claims of this type are specifically excluded."

"State officials question if we will ever see the end to these claims involving military aircraft," Beamer wrote Kleindienst.

"In the light of this background, we urge you to reconsider your position as to not jeopardize any payments to the Tjernagels or McCarvilles based on prior commitments and assumed responsibilities by the Air Force."

Mrs. Tjernagel's husband, Peter, died at the age of 58 a month after the jet crash destroyed their home northeast of Story City.

Since then Mrs. Tjernagel has lived in Story City. She has two sons, Michael and Martin, and two daughters, Sigrid and Ingeborg.

When U.S. Representative Neal Smith (Dem., Ia.) inquired about the Tjernagel claim last September he was told by an Air Force officer the responsibility for paying the claim was the state's.

Air Force view

"The Air Force has been unable to identify any individuals in authority who promised either the state of Iowa or the claimants that the Air Force would settle and pay their claims," said Air Force Col. James J. Shepard in a letter to Congressman Smith.

"The state of Iowa was aware of the cause of the crash," Shepard wrote. "The accident . . . was determined to have been caused through pilot error in that an attempt was made to engage in acrobatic flying at altitudes too low and at speeds too fast to permit recovery of the aircraft.

"This activity is in violation of Section 328.14, Iowa code, and constitutes a breach of due care in the circumstances.

"The statutes, case law of Iowa and collateral investigation demonstrate that an adequate remedy exists at law against Iowa for those damages.

"Therefore, no administrative payment may be made by the United States. Claimants' attorney was advised of the Air Force denial on that basis by letter May 14, 1971."

[From the Ames, Iowa, Daily Tribune, Apr. 6, 1972]

THE TJERNAGEL CASE

It would seem to be quite clear that a majority of the public which has been told about the case of the Tjernagel family of Story City agree something should be done.

Primarily, that something takes—in their opinion—the shape of some sort of financial compensation for the damage done to the family's farm home and the injuries they have sustained.

The Tjernagel family farm was the scene of the crash of an Iowa Air National Guard jet aircraft on Dec. 8, 1968. The two airmen in the plane were killed; the fire which followed the crash destroyed most of the buildings on the farm, and the family moved off the farm to Story City, where Peter Tjernagel the husband and father, died less than two months later. Since then the Tjernagel family has sustained one setback after another.

It would seem that those who serve the public would seek to provide for the public will, and find some way to help the family. But alas, more than three years after the event, no way has been found by either state or federal officials to meet the need. Only a $5,000 "emergency" grant to them has been made; no other provision has come along.

However, the token payment—for obviously this is all it has been—might be taken as an admission of responsibility of some kind at the federal level.

Moreover, there is every reason to believe that some form of compensation has been paid to the families of the two Air National Guard aviators who were pilot and radar observer in the aircraft that crashed into the Tjernagel farm on that cold December evening. It would be in the normal order of things that the death benefits payable to beneficiaries of military personnel who die while on active duty would have been paid as a matter of routine.

State officials contend the State of Iowa is not liable in this case because the aircraft was on a federal mission at the time of the accident. Federal officials contend that the aircraft is state-owned, and thus the responsibility lies with the state of Iowa.

At this impasse, the point where no one seems inclined to offer a solution—and the thing about the whole affair that apparently incenses the public most of all is that there has been no inclination on the part of any official parties to find some way in which the Tjernagel family can be helped. The substantial size of the loss serves to add to the indignation. Had the loss been smaller, it would be possible for it to be overlooked easily; in the case of the Tjernagel family, the large amount of harm, the continuing inconvenience and the need of the entire family for some help compound the damage.

We believe the public seeks, for the Tjernagels, not relief, not charity, but justice. We think it's time some public official accepts the responsibilty for finding some route to justice for the family. We also believe it is most reasonable for this just compensation to come from federal officials on whose orders—or the orders of their predecessors—the plane was in the air on that night.

FRASER STATEMENT ON UNDERSEA LONG-RANGE MISSILE SYSTEM (ULMS)

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. FRASER, Mr. Speaker, that portion of our nuclear arsenal that is based at sea is almost universally seen as more secure and less provocative than our land-based intercontinental ballistic missiles and our strategic bombers. Congress should approve programs that improve the survivability of our sea-launched ballistic missiles—SLBM's. But we shall be squandering this Nation's limited resources if we endorse without change the administration's fiscal year 1973 strategic systems proposals.

For too long Congress has uncritically approved every strategic arms request that is sent to it by the Department of Defense. Our aim in this look at ULMS is to eliminate from the administration's proposals costly and excessive elements not needed now for our security.

We find that funding the new ULMS 1 missile is a prudent way to add to the security of our existing SLBM force. The longer range of the ULMS 1 missile will expand the ocean area in which our submarines can patrol while remaining in range of assigned targets. Less time will be spent in transit to patrol areas and better onstation availability will result. The larger area in which our submarines will be able to hide when ULMS 1 is deployed in existing ballistic missile submarines will also complicate the anti-submarine—ASW—task of any nation seeking to track our boats.

But an accelerated program of construction of new, larger submarines—ULMS—is imprudent since no discernible threat requires the crash program proposed by the administration. The waste inherent in a too-rapid ULMS program will add to the taxpayer's burden without justification.

There is another way to enhance the security of our SLBM force. Little attention has been paid to arms control in the area of ASW. But if restrictions on ASW capabilities could be negotiated, SLBM forces would remain invulnerable. In combination with an ABM limitation, an ASW agreement would produce a secure and stable nuclear deterrent force. As we point out in the final paragraph of our paper:

> The long-range prospects for a stable mutual deterrence may well depend on the continued survivability of sea-based deterrent forces. Accordingly, much more attention should be directed in the future to this ASW problem.

ASW talks at SALT should be a priority item.

The report on ULMS follows:

Report on ULMS, a Research Paper

(Sponsored by Senators Alan Cranston, William Proxmire, and Mark O. Hatfield; Representatives Jonathan Bingham, Robert F. Drinan, Donald M. Fraser, Michael Harrington, John E. Moss, F. Bradford Morse, William F. Ryan, and Fred Schwengel—For consideration by the Military Spending Committee, Senator William Proxmire, Chairman; Congressman Ogden R. Reid, vice-chairman of Members of Congress for Peace Through Law)

SUMMARY AND CONCLUSIONS

The Navy's Undersea Long-Range Missile System (ULMS) has been in the study and design phase since its inception in 1969. We have supported the ULMS program in the past as a long-range hedge against threats to and as an eventual replacement for our Polaris and Poseidon missile-firing submarines. We agree with the Administration that our sea-based deterrent has the best prospects of all our strategic offensive systems for long-term survivability, and we fully support all efforts necessary to preserve its strength and survivability.

The ULMS program was funded last year at a level of $104.8 million. This year's request—including $35 million in presently deferred supplemental fiscal 1972 funding—is $977 million. Approximately $330 million of the pending request is earmarked for work on a new long-range missile system (ULMS 1) and the balance for new submarine development and production work. It is the Navy's present intention to be able to deploy the new missile in our current submarines in 1977 and the first new ULMS submarine in late 1978.

There are two possible justifications for the almost 10-fold increase in fiscal 1973 ULMS funding. It can be viewed, first, as a response to Soviet submarine fleet expansion, and second, as a modernization and replacement program for our Polaris and Poseidon submarines. We do not believe that large-scale funding for a new submarine system as opposed to funding for a new long-range missile system can be adequately justified on either of these grounds at this time.

Soviet Submarine Expansion. It is true that the Soviets have already deployed 25 Yankee class ballistic missile submarines and that another 17 are now under construction. It is true, also, that deployment of all those submarines by the end of calendar year 1973 would give the Soviets one more modern ballistic missile submarine with sixteen more sea-based missiles than the United States. While this Soviet buildup is grounds for serious concern, it does not justify an accelerated new submarine construction program at the present time.

For one thing, numbers of submarines and sea-based missiles are only two indicators of a nation's sea-based deterrent strength. Such factors as numbers of warheads, submarine detectability, missile range, and geographical considerations also play an important role. And in each of these areas the United States has and will enjoy for some time to come significant advantages over the Soviets.

Second, it is impossible to predict what additional improvements in their sea-based deterrent the Soviets may undertake or what success they will enjoy in their endeavors. They may seek to deploy considerably more than 42 ballistic missile submarines, or they may stop at or near that number. They may or may not seek to put in their present submarines longer range missiles with independently targetable weapons to match the Poseidon program.

It is time that the Soviets have developed a new SLBM with a range equal to that of Poseidon; but it is also true that they have yet to conduct one successful MIRV flight test of either a land-based or sea-based missile.

Third, an accelerated new submarine construction program is not needed now to protect United States interests against this ill-defined Soviet threat. Even under scenarios much worse than might be expected, we could defer such action for one or two years yet still respond in plenty of time to prevent the Soviets from gaining any significant advantages in sea-based deterrent strength.

Fourth, an accelerated new submarine construction program now could jeopardize SALT negotiations for numerical limitations on the size of sea-based deterrent forces. The Administration has increased this prospect by its implication that work on ULMS might proceed with little change in the current timetable even if such limitations were achieved, as a replacement rather than a supplement to our Polaris submarines. If ULMS, in fact, is not negotiable, it is difficult to see how it could provide the Soviets with incentive to accept such limitations.

We could have a much better bargaining position at SALT if we proceeded now with work on a new long-range missile system only. Initiation of such work would serve as ample evidence of our determination to protect our sea-based deterrent. A new submarine construction program would be the logical *next* step if sea-based force limitations are not achieved.

For all these reasons, we should not allow Soviet expenditure of $100 million on a 42d ballistic missile submarine to propel us into a $30 billion investment on ULMS and the world into a new sea-based arms race. As President Nixon noted in his recent foreign policy message to the Congress: "The capabilities of both the United States and the USSR have reached a point where our programs need not be driven by fear of minor quantitative imbalances."

There are other positive risks, too, inherent in the present accelerated program for ULMS development—risks of cost growth and schedule slippage and risks of premature commitment to an ill-advised design.

Modernization and Replacement. An accelerated new submarine construction program cannot be justified any time in the near future simply as a necessary modification and replacement of our Polaris and Poseidon submarines.

First, *none* of our current submarines will reach the end of their projected 25–30 year service lives until the 1985–1990 time period. The prospect of physical obsolescence cannot be used to justify anything like a 1978 initial deployment date for a new replacement submarine.

Second, all foreseeable prospects for technological obsolescence can be countered just as effectively by appropriate modifications to current submarines as by the development of replacements for them. Incorporation of a new longer range missile system, such as the ULMS 1, would increase their survivability, improve target coverage, and increase their time on station. It is also probable that putative ULMS advantages such as quietness of operation and reduced maintenance times could also be reduced by a gradual modification program. Under these circumstances, we believe that money spent for new submarine replacements would be money wasted at the present time.

Third, money spent now might be money wasted for another reason as well. While our current submarines are secure today from Soviet ASW techniques—and while they could be made more so by an appropriate modernization program—we know very little about the long-term nature of the ASW threat. What form the threat will take, and what steps will be required to counter it, it is impossible to predict at the present time. There is a danger, therefore, that any new submarines we build today could be rendered obsolete in much the same way and at much the same time as the submarines we now have.

We do not believe that the ULMS program, as presently structured, can be justified. Accordingly, we oppose that program and make the following recommendations for an alternative course of action. The fiscal year 1973 impact of these recommendations would be to reduce the Administration's budget request for ULMS from $977 million to $380 million. This amount would still permit a major initiative in fiscal year 1973 to increase the survivability of our sea-based nuclear deterrent.

RECOMMENDATIONS

(1) We call upon the President to express the willingness of the United States to defer for one year the accelerated development of a new submarine system, in return only for Soviet agreement to serious negotiations at SALT on the subject of sea-based force limitations. It is our belief that the President should be able to obtain such a commitment from the Soviets during his Moscow trip in May, at which time an interim SALT agreement restricting ABMs and land-based missiles is now expected to be signed.

(2) If such a commitment is obtained, the United States should make clear that its continued restraint during subsequent negotiations will be directly dependent on the restraint exercized by the Soviets themselves. In our view, such restraint will be shown if both sides forego major additional ballistic missile submarine construction activities and confine their efforts to improving the capabilities of their current submarine fleets. If such restraint is exercized—and there are no developments threatening the survivability of existing sea-based forces—there should be ample time for negotiations to proceed without simultaneous submarine buildups on either side.

(3) Approximately $650 mililon of the $977 million fiscal year 1973 ULMS request now pending is earmarked for work on a new submarine and its non-missile subsystems. If a Soviet commitment to negotiations is obtained, we believe that $600 million of this amount should be disallowed. Such action would provide for a slight increase over fiscal year 1972 ULMS funding of roughly $40 million for non-missile work. We believe that $50 million should be more than adequate in fiscal year 1973 to continue Navy submarine design studies and preliminary development work.

(4) In allocating this $50 million to specific uses, the Navy should be guided by two objectives. First, it should seek to reduce to the greatest extent possible the risk of cost growth and schedule slippage which would be inherent in a decision to greatly accelerate the pace of ULMS development in fiscal year 1974. Second, it should minimize as much as possible the risk of premature commitment to a particular submarine design. Major development expenditures on a new propulsion plant, especially, should be avoided at this time.

(5) During the next year both the Department of Defense and the Congress should conduct an in-depth review of alternative new submarine designs. Special attention should be focused on the Navy's present plan to build new submarines which would be faster and much larger than our Polaris and Poseidon fleet. It should be clearly demonstrated that all costly design requirements are justified by a clear-cut military need.

(6) Approximately $330 million of the pending ULMS request is earmarked for work on the new ULMS 1 missile system. This funding should be fully approved. Development of a long-range missile system—together with other modifications to our current submarines on which the Navy is now working—will significantly enhance the survivability of our present fleet against all foreseeable threats. If development of this new missile system proceeds at the presently projected rate, it should be available for initial deployment in 1977. In the absence of any major change in the ASW threat, both the new missile and our current submarines should remain an integral part of our sea-based deterrent well into the 1990s.

(7) The Navy should accord high priority to its current "SSBN Defense" program, the purpose of which is to identify and develop suitable counters to new ASW techniques which could jeopardize our Polaris and Poseidon fleet. The knowledge gained from this program should be used to make future reductions in the detectability of that fleet and as a continuing source of ideas for new submarine designs.

(8) If SALT negotiations proceed well, the Navy timetable for a new submarine construction program should be determined both by changes in the ASW threat and the eventual need to replace our current submarines. Such a program should be undertaken in sufficient time to meet any changes in the ASW threat which have been identified and which cannot be countered by modifications to our Polaris and Poseidon fleet. Unless such threat changes have been identified, it should not be necessary to move beyond the study and design phase of a new submarine construction program until fiscal 1976 or later. That starting date would provide ample time for the leisurely development of a new submarine system.

Even if development times were stretched from the roughly six years implicit in the Administration's present timetable to as much as 10 years, the first new submarine would still be available in 1985, at which time the *oldest* of our current submarines would be *only* 25 years of age. It would then be possible—with a construction rate as low as two or three submarines per year thereafter—to replace all our current submarines inside their projected 30 year lives. We believe that this timetable, either the development or production phases of which could be compressed if the threat required, makes much more sense than the commitment now of vast sums to a new submarine system of unknown long-term value.

(9) As soon as possible, the issue of restrictions on strategic ASW operations should be placed high on the SALT agenda. Our sea-based missile submarines are now secure for the foreseeable future, but the possibility of a new ASW breakthrough—one which cannot be countered by any new submarine design—cannot be dismissed out of hand. We recognize that restrictions on ASW research are not now feasible, since compliance with them could not be verified. It should not be impossible, however, to work out verifiable restrictions on the actual deployment of strategic ASW systems or on the use of such systems when deployed.

A detailed analysis of the reasons for our conclusions and recommendations follows.

BACKGROUND

The Navy's ULMS program was initiated in 1969 to provide a long-term hedge against threats to our Polaris and Poseidon submarines and an eventual replacement for them. The program has been in the study and design phase since that time. Funding requests have been small, but growing, and the parameters of the new program have been rather ill-defined until recent months.

Three factors have recently combined, however, to make fiscal year 1973 a year of decision for ULMS within the Executive branch and to influence the decision finally made.

First, prior year funding had taken the program to a possible jumping off point. A choice had to be made for the first time time between keeping the program in the preliminary development stage and moving forward in a major way.

Second, the need for such a choice had given rise to a dispute within the Defense Department and the Navy itself over the most appropriate course for ULMS development. In very simple terms, some experts believed that the time had come to develop and build a new submarine for deployment in the early 1980s, while others argued that a new submarine system was not yet needed, since all foreseeable near-term threats could be countered instead by incorporating a new long-range missile system in the present Polaris and Poseidon fleet.

Such was the substance of the ULMS–EXPO controversy which surfaced briefly in the press last summer. Development of the EXPO (for Extended Range Poseidon) missile, its supporters argued, would enable us to defer major development expenditures on ULMS until at least the mid-1970s, with no risk to the long-term survivability of our sea-based nuclear deterrent.

This ULMS–EXPO controversy was fudged over, rather than resolved, in the Defense Department's decision-making process. Symbolic of this fact was a change in name for EXPO. To minimize its apparent "threat" to the ULMS submarine system, it was renamed the ULMS 1 missile and made an integral part of the ULMS development program.

The scope of the new program was first defined in a September, 1971 Development Concept Paper (DCP) on ULMS. The paper called for the phased development of both a new long-range missile system for our Polaris and Poseidon submarines and a new submarine system. Fiscal year 1973 funding was tentatively established at the time in the $400 million area, with the major part of the total earmarked for work on the new missile. At the same time, sufficient funds for submarine development work were provided to support a 1981 initial deployment date.

Only thereafter did a third factor come into play, in the form of a faster than expected Soviet submarine buildup. Secretary of Defense Laird commented on the point in his recent posture statement to the Congress:

"The Y-Class ballistic missile submarine force of the Soviet Union could be as large as our Polaris/Poseidon force by the end of next year, rather than in 1974 as I predicted last year."

A decision was therefore made in January to accelerate development and construction work on the new ULMS submarine system. Fiscal year 1973 funding for ULMS was set at $942 millian and an additional $35 million in fiscal year 1972 supplemental funding was also requested. The Senate Armed Services Committee decided to defer action on the supplemental request and to consider it in conjunction with its fiscal year 1973 authorization hearings.

As presently constituted, the ULMS program calls for the development of a new submarine system and two associated missile systems. The submarine itself would be more than twice the size of our Polaris and Poseidon submarines. It would be able to carry more missiles (20 to 24 per boat, compared to 16 for Polaris and Poseidon), at a faster maximum speed, and it would incorporate the latest available quieting techniques. The proposed fiscal year 1973 funding of about $650 million for submarine work would support deployment of the new submarine as early as 1978. Approval of this funding by Congress would probably commit us to that course. As Assistant Secretary of Defense Moot noted earlier this year: "You do not move this fast unless you intend to build submarines and new missiles."

The 4,500 mile ULMS 1 missile is still funded in the new program at essentially the same amount. This funding is designed to support a calendar year 1977 deployment of the new missile in our current ballistic missile submarines. Work on the 6,000 mile ULMS 2, which would fit only in the new ULMS submarine, is scheduled to begin at a later date.

The Navy has said little for the public record about the likely long-term costs of the ULMS program. Estimates from other sources, however, have ranged to $30 billion for a 30 submarine program, an average of $1 billion per ship through the first ten years of operation. The following table, based on known information about ULMS and comparisons with the Polaris and Poseidon programs, shows that these estimates are by no means unrealistic; in fact, they may be low:

ULMS PROGRAM 10-YEAR SYSTEMS COST PROJECTIONS

	Millions
Research, development, test, and evaluation	
Submarine costs, including all non-missile subsystems and integration work	$800
*Maneuvering reentry vehicle (MA RV) development for new missile systems	600
*Development of the ULMS 1 missile	2,100
Development of the ULMS 2 missile	1,500
Procurement	
Submarine costs (30 submarines at an average ship construction (SCN) cost of $400 million)	12,000
ULMS 1 missile (supply for 500 launchers at an average cost of $8 million each, including spares, integration, etc., sufficient for 31 Poseidon submarines or a somewhat smaller mix of Poseidon and ULMS submarines)	4,000
ULMS 2 missile (supply for 600 launchers at an average cost of $11 million each, including spares, integration, etc., sufficient for 30 ULMS submarines with 20 tubes each)	6,600
Operation and maintenance	
30 ships at an average of $30 million per year for 10 years, including all costs of crews	9,000
Dedicated ULMS refit facilities	
1 facility per 15 ships, first at cost of $1.8 billion, second at cost of $1.2 billion	3,000
Total	39,000

Further appreciation of the extremely high long-term costs implicit in the Navy's present plans can be seen also by comparing the costs shown in the table above with the costs of alternative action.

An ULMS 1 missile program, by itself, would include only the starred items and might come to $6.7 billion.

It would also be possible, if limited new submarine construction were deemed necessary to match a continued Soviet buildup, to build new submarines of the same general size as our existing submarines, but to put in them all available improvements consistent with such size constraints.

In essence, this approach would limit the speed of the new submarines to the speed of our current submarines and the range of its missiles to the 4,500 mile range of the ULMS 1. At the same time, however, it would enable us to respond more quickly to a continuing Soviet buildup. The first new submarine could be constructed in 1–2 years less time and the construction rate thereafter could be twice as fast using the same facilities—perhaps 5 or 6 submarines per year, compared to 2 or 3. A program of this kind would also be easier to "turn off" after the number of ships needed to match Soviet construction had been built, since it would involve far lower start-up expenditures.

This alternative would involve ship development costs no larger than $100 million, average SCN costs per ship of $225 million, O&M costs of $20 million per ship per year, and no new refit facilities. On these assumptions, a *10* submarine construction program, not including missiles, would come to $4.35 billion, compared to $9.6 billion for 10 ULMS submarines (which would require one new refit facility).

AN ANALYSIS OF THE PENDING ULMS REQUEST

I. The sea-based deterrent in perspective

For the past three years Congressional critics of our defense policies have called repeatedly for increased United States reliance on sea-based strategic systems. This call has been a persistent theme in the opposition of many of us to programs like the Safeguard ABM, the new bomber defense system, the B–1 bomber, and the Minuteman III MIRV program.

A casual observer might be tempted to conclude that the tables have suddenly been turned. Just as the Administration appears to have heeded our call—by seeking acceleration of the ULMS development program—we seem to have changed our tune as well—by raising objections to the program.

Distorted as such an interpretation would be, our own critics may well espouse it. For that reason, and to lay the groundwork for our specific objections to the ULMS program as presently structured, a brief statement of our views on the role of sea-based systems in our strategic arsenal seems very much in order at this point.

Strategic Offensive Force Requirements. We believe that a stable mutual deterrence with the Soviet Union should be the basic goal of our strategic defense policy. We also agree with the Administration's statement of the three requirements of strategic sufficiency which must be met if we are to achieve that goal, in determining the size and composition of our strategic offensive forces.

First, they must be of sufficient size to give us a second strike capability adequate to deter an all-out surprise attack by the Soviet Union. That is, they must be able to absorb a surprise first strike yet still inflict on the Soviet Union a level of retaliatory damage sufficiently large to deter such a surprise attack from taking place.

Second, they must be sufficiently large that the Soviet Union cannot cause considerably greater urban/industrial destruction than the United States could inflict on the Soviets in a nuclear war. Parity is implicit in the concept of a stable mutual deterrent. Moreover, the level of damage needed to achieve deterrence is an inherently subjective judgment, which can best be given an objective status through shared perceptions on both sides.

Third, our strategic offensive forces must be composed of stabilizing systems, systems which provide the Soviet Union with no incentive for striking first in the heat of a crisis in order to mitigate the damage it would otherwise absorb.

The Primacy of Sea-based Systems. Measured against these criteria, sea-based strategic systems have significant advantages over their land-based counterparts, advantages which stem from their highly survivable and less provocative nature.

Both land-based missiles and bombers are fast becoming potentially vulnerable to preemptive enemy attack. In fact, if multiple warheads with improved accuracies are introduced, it will be easier and easier for one strategic booster to destroy more than one land-based counterpart on the other side.

Because land-based systems are becoming increasingly vulnerable, it is difficult to determine the reliance which should be placed on them in sizing one's forces for an adequate second strike capability. One effect is to drive the definition of such a capability ever higher and to encourage a build-up on both sides. The existence of these vulnerable forces also provides a destabilizing incentive for a damage mitigating strike in time of crisis.

The vulnerability problem is more severe with respect to land-based missiles than bombers, since the latter can be safely launched subject to recall, while adoption of a launch on warning policy for land-based missiles—or the construction of an extensive ABM defense—would itself have destabilizing effects. And land-based missiles are doubly dangerous because of their own provocative nature. They provide a destabilizing incentive to strike first not only in the hope of mitigating population damage, but also for the purpose of forestalling such a damage mitigating strike against oneself.

While bombers are not provocative because of their long flight times and while they can be launched subject to recall, they do have less warning time of an attack than missiles—so little, in fact, that one cannot place high confidence in their ability successfully to escape.

Sea-based strategic systems do not suffer from these defects. They are not vulnerable because they can hide in the ocean and not be found. They are also inherently less provocative. Even if accuracies are eventually developed which would permit the use of sea-based missiles against land-based missile silos, the destabilizing effect will be small if few such silos exist and if both sides have moved the bulk of their deterrent forces to sea.

The Policy Implications. In our view, the foregoing considerations have clear-cut policy implications. They dictate, in simplest terms, that both the United States and the Soviet Union should place increasing reliance on sea-based missiles as their primary deterrent force. This, we believe, is the best path to a stable mutual deterrence, in which both sides have credible and stabilizing deterrent forces and in which parity is achieved at reasonable total force levels.

A policy of increased reliance on sea-based missile forces does not imply that all land-based systems should be phased out completely on both sides. The United States and the Soviet Union have invested large sums in existing land-based systems. The potential vulnerability of these systems is growing, but it is not yet severe. And even when it reaches greater proportions, the timing required for a coordinated attack on land-based missiles and bombers simultaneously will be very difficult to achieve.

These considerations suggest the wisdom of retaining existing land-based missiles and bombers in our strategic force structure for the foreseeable future, as relatively inexpensive but very useful insurance against technological breakthroughs which could threaten our sea-based missiles. At the same time, the dim future prospects of all land-based systems argue against major reliance on or large-scale commitments to new replacements for existing systems.

Emphasis should be placed instead on insuring the viability of our sea-based missile forces. These forces should be sized so that they by themselves will provide a credible second strike capability. We should also take all steps necessary to insure their continued survivability against technological breakthroughs of the future.

Such is the perspective in which we view the role of sea-based missile systems. It has been our perspective in the past and it will remain so as we proceed to evaluate the need to accelerate work on ULMS.

II. The condition of existing sea-based forces

Our sea-based deterrent is presently comprised of 41 nuclear-powered ballistic missile submarines, developed in the late-1950s and deployed over the seven-year period between 1960 and 1967. Since each of these boats carries 16 missile tubes, they provide us with a total force of 656 sea-based missile launchers.

Three different types of missiles are presently carried by the submarines. Some of the ten oldest submarines still carry the Polaris A-2 missile, which has a range of 1,750 miles and a single nuclear warhead. Most of the 31 remaining submarines still carry the Polaris A-3, which can hurl three MRV warheads over a 2,880 mile range.

These 31 boats are now being converted, however, to carry the new Poseidon missile. The Poseidon is comparable in range to the Polaris A-3, but each Poseidon missile will carry an average of ten and up to fourteen independently targetable MIRV warheads. About ten submarines have already completed the Poseidon conversion process, and the remainder will have done so by 1976.

The Poseidon conversion program will produce a massive increase in the number of individual targets which our ballistic missile submarines can strike, a much bigger increase than could ever have been achieved by building additional submarines and fitting them with existing missiles. The targeting capacity of the 31 converted submarines themselves will expand ten-fold, from 496 to 4,960. The total expansion, of the ten oldest submarines are included, will be from 656 individual targets to 5,120.

The awesome size of this post-conversion force can best be gauged by contrasting it with the spectrum of high priority targets available in the Soviet Union. We could destroy 25 percent of the Soviet Union's population and 50 percent of its industrial capacity by targeting only its 100 largest cities. If the secondary effects of such a strike were considered, the damage would be much higher still.

This destruction level—25 percent of population and 50 percent of industry—was long regarded by the previous Administration as the level needed for an adequate second strike, or assured destruction capability.

Assuming two MIRVed warheads per city, ten such warheads per missile, and sixteen missiles per submarine, this level of damage could be achieved—with 12 missiles and 120 warheads left over—by only *two* ballistic missile submarines on station. This is a primitive calculation, but makes the point quite fairly. Even if necessary allowance is made for additional redundancy, other targets, missile reliability and the fact that existing ballistic missile submarines are on station less than 60 percent of the time, the massive size of our already programmed post-1976 sea-based missile forces is readily apparent. One could reasonably regard it as more than adequate to deter an attack on the United States.

These calculations assume, of course, that our submarines are and will continue to remain invulnerable and that no effective defenses will be erected against their missiles after they have been launched. The validity of these assumptions deserves exploration, since they are obviously critical in gauging the adequacy of our already programmed sea-based forces.

Future risks—ASW. Everyone agrees that Soviet ASW techniques pose little threat to our ballistic missile submarines at the present time. The reasons can be stated very simply.

First, ASW operations have to be carried out in sea water, an environment which reduces the detectable range of all electromagnetic radiation far below that available in the atmosphere. Accordingly, traditional methods of detection based on electromagnetic radiation—methods such as radar and infra-red detection—are rendered ineffective, and the only sensing device of practical utility today in detecting nuclear submarines is sonar.

Second, sonar itself is subject to a variety of problems and cannot effectively locate submarines except at relatively short range.

There are two kinds of sonar detection methods, passive and active. Passive sonar entails no more than listening for the sound radiated by a submarine. Active sonar entails transmitting pulses of sound and detecting the echoes reflected from a submarine.

Passive sonar has a current operational range of about 100 miles and can be used over a wide range of frequencies. In both these respects, it has some advantage over active sonar. Its greatest advantage, however, is that the submarine remains unaware of its operation, whereas active sonar transmissions can be heard by a submarine well beyond the sonar's own detection range. Against this, passive sonar has no significant ranging or locating capability. The location of a submarine with passive sonar depends upon comparing signals from a number of different sonar installations, and, even then, is relatively imprecise. Passive sonar is also dependent for its effectiveness on a high level of radiated noise from the submarines it is seeking. Quiet submarines, operating at low speeds, are indistinguishable from the normal background noise of the ocean, except at extremely short ranges.

Active sonar is not dependent for its effectiveness on noisy submarine targets and cannot be defeated by submarine quieting improvements. It also has much better ranging and locating capabilities. At the same time, active sonar has a direct range in current operations of only 10–15 miles, and as noted earlier, its use can be detected well beyond that range. This latter difficulty will continue to exist even if several promising prospects for a moderate extension of range bear fruit.

In addition, both kinds of sonar are affected by other problems. Range and accuracy can be degraded significantly by adverse sea conditions. More importantly, sonar capability is seriously affected by the irregular temperature characteristics of the ocean. The differential refraction of sound waves at the boundaries between water layers of different temperatures creates blind spots. In particular, the sharp change of temperature at the bottom of the layer of mixed surface water, which will commonly occur at a depth of 100–700 feet, has the effect of creating a substantial sonar "shadow" immediately below that boundary within which a submarine may be virtually undetectable from the surface.

A third point to note is that these characteristics of sonar detection methods make it much tougher to locate enemy ballistic missile submarines than to protect one's sea lanes against enemy attack submarines. To be successful in its mission, the anti-shipping submarine has to seek out enemy convoys and destroy them. In order to do this, it has to come well within range of the sonar equipment saturating the area around a convoy for the purpose of protecting it. The attack submarine may also have to expose some portion of itself above the waves or proceed at high speed in order to get into a suitable attack position, actions which would facilitate its detection. By contrast, the ballistic missile submarine needs only to hide itself in the ocean depths. Such a submarine might in principle be detected from time to time leaving its port or transiting narrow waters if concentrated enemy forces are employed. Even then, evasive tactics and assistance from general purpose forces would be available to prevent continued tracking unless several attack submarines were employed for each ballistic missile submarine followed.

Finally, far more than an ability to locate and track continuously a small number of ballistic missile submarines would be needed to seriously threaten our existing sea-based force. Unless almost all submarines could be tracked continuously and destroyed simultaneously, a preemptive strike attempt would invite unacceptable retaliation from the remaining missile submarines. The counterforce by attrition scenario, in which a Soviet attack submarine force would concentrate on a handful of ballistic missile submarines at a time, silently destroying them, makes no sense at all. Any unaccounted for submarines would immediately arouse suspicions of Soviet foul play, and general purpose forces assistance could be provided to as many of our remaining submarines as we saw fit, to protect them from attack until Soviet culpability had been confirmed. There is also a high probability that any Soviet attack upon our submarines could be detected when it was made, even if conventional rather than nuclear weapons were used.

For all these reasons, our existing sea-based missile force is secure today and likely to remain so for some time. It is universally agreed that we are ahead of the Soviets in acoustic submarine detection techniques and that neither we nor the Soviets are anywhere near the verge of a breakthrough in other detection methods. The only foreseeable threat to our submarines today is concentrated Soviet deployment of advanced sonar equipment in the still limited on-target areas in which our submarines now operate. The answer to this danger, it will be argued later, is not a new submarine system, but a longer range missile system for our current submarines.

Future Risks—ABM. Our deterrent is not seriously threatened, either, by anti-ballistic missile systems designed to shoot down incoming missiles after they have been launched. Again the reasons are quite straightforward.

First, we have already taken steps designed to counter possible Soviet construction of a large-scale ABM system. That has been the announced purpose of the Poseidon conversion program, which, as noted earlier, will provide a ten-fold increase in the number of independently targetable warheads which the 31 converted submarines can fire, from 496 to 4,960. Thus, even if a Soviet ABM system were 90 percent effective—a very generous assumption in itself—we would still be able to put as many warheads on target as we could before the threat of a Soviet ABM system first arose. And these remaining warheads would still be several times the number needed to achieve the level of damage long regarded as necessary for an assured destruction capability.

Even more important, it now appears likely that the Soviets will never build the large-scale ABM system which Poseidon was originally designed to counter. The prospects are good that we and the Soviets will sign by May an interim SALT agreement significantly restricting the number of ABM launchers permitted to both sides. Under these circumstances, Poseidon will provide us with even more warheads than our immediate needs require, thereby adding to the lead-time we would have available to respond to later Soviet initiatives in both the ABM and ASW fields.

Future Risks—obsolescence by age. Nor is there any danger that our existing force will have to be replaced soon because of advanced physical age. As noted earlier, our present submarines were all deployed in the seven-year period between 1960 and 1967. They were expected then to have the same 25–30 year life as other large naval vessels, and there has been no evidence uncovered since to challenge that original projection.

In fact, what new evidence there is directly supports that projection. For one thing, some of our older attack submarines, first deployed in the 1940's, have themselves attained a 25–30 year age. In addition, no signs of unexpected wear have yet been detected on the oldest Polaris submarines now entering the second decade of their lives.

Finally, there are good reasons why ballistic missile submarines should have even longer lives than attack submarines and other naval ships. The nature of their mission is such that rigorous demands are seldom made upon them. Instead, they are driven quietly at slow speeds, and at relatively shallow depths. They have also been subject to extensive refit operations between each patrol and rigorous overhauls every five or six years to ensure that they remain in peak operating condition. Their crews are extensively trained and qualified and must meet the highest standards of any group in the Navy. The record of high Polaris reliability is well known.

Accordingly, we have every reason to believe that our existing submarines will attain the 25–30 year life predicted when they were first deployed. To the extent age is a factor, replacements will eventually be needed in the 1985–1990 time frame, but not until that time.

Administration Comments. The Administration, however, does not really base its case for ULMS on the existence of new ASW or ABM threats or on the age of existing submarines.

It makes no reference at all to an ABM threat, recognizing no doubt that even the threat used to justify Poseidon has never come to pass.

It does talk about ASW, but its comments are deservedly guarded. The Director of Defense Research and Engineering, Dr. John S. Foster, Jr., did note in testimony to the Senate Armed Services Committee, that "the Soviets have *expressed interest* (emphasis added) in developing a strategic ASW force that can effectively locate, identify, and destroy our Polaris force." And Admiral Moorer, Chairman of the Joint Chiefs of Staff, pointed out in his testimony to the Committee that "the Soviets *are believed* (emphasis added) to be working on a number of new ASW developments which could significantly improve their anti-submarine warfare capability." These are unusually weak statements for a threat analysis. And they are undercut further by Dr. Foster's direct admission to the Committee that "we cannot identify today any developments that indicate a Soviet threat to our sea-based missile deterrent."

Nor is the Administration arguing that our present submarines are on the verge of wearing out. It notes that they are getting older and that they will *eventually* have to be replaced. But nowhere is this eventual replacement need directly tied to the 1978 deployment date implicit in the accelerated ULMS development program.

In short, the Administration turns elsewhere to find its rationale for a major acceleration of ULMS.

III. The official rationale for ULMS: Soviet submarine expansion

Secretary of Defense Laird was quite candid about the main reason for an accelerated ULMS program in his recent posture statement to the Congress. Acceleration was required, he argued, not because of any inherent deficiencies in *our* existing sea-based forces, but in response to Soviet expansion of *their own* forces:

"The continuing Soviet strategic offensive force buildup, with its long term implications, convinced us that we need to undertake a major new strategic initiative. This step must signal to the Soviets and our allies that we have the will and the resources to maintain sufficient strategic forces in the face of a growing Soviet threat. It would be diplomatically and politically unacceptable for the U.S. to allow the Soviets to achieve a large numerical superiority in both land-based and sea-based strategic missiles . . . I have carefully reviewed all alternatives for new strategic initiatives and have decided that acceleration of the ULMS program is the most appropriate alternative, since the at sea portion of our sea-based strategic forces has the best long term prospect for high pre-launch survivability."

Laird noted in his posture statement that the Soviets have been expanding their own ballistic missile submarine fleet so rapidly that they may soon have more such submarines and more sea-based missiles than we do. He pointed out that they have already deployed 25 Yankee class submarines—rough equivalents to our own Polaris—and that another 17 are now under construction. By the end of calendar year 1973, he argued, the Soviets could have 42 Yankee submarines at sea, compared to a United States fleet of 41 ballistic missile submarines. And since Soviet submarines, like ours, carry sixteen missiles each, the Soviets would then lead, too, in numbers of sea-based missiles deployed, 672–656.

The purpose of ULMS acceleration was therefore two-fold; to dissuade the Soviets from continuing their buildup and to match it in the event it proceeded. Our purpose is to examine in detail the wisdom of this rationale.

The Concept of Parity is Important. We have no quarrel with the suggestion that the size of Soviet forces is a matter of legitimate concern to the United States. In fact, we noted earlier our belief that a stable nuclear deterrence requires that neither side gain the ability to inflict considerably greater urban/industrial damage on the other. The reason is that the level of retaliatory damage needed to achieve deterrence is an inherently *subjective* judgment, which can best be given objective status through shared perceptions on both sides.

It is no doubt true that we and the Soviets already have more than enough weaponry to virtually obliterate each other. But as long as influential policy makers on both sides *believe* that additional buildups can produce military and diplomatic advantages, it would not be conducive to a stable mutual deterrence if one side were to let go unchallenged a major buildup by the other. A stable mutual deterrence—and an arms accord looking to parity at reduced force levels—will not be achieved until the goal of superiority has been firmly rejected by both sides.

Parity, However, Can be a Two-edged Sword. While mutual acceptance of parity is essential if the arms race is to be controlled, parity is also a difficult concept to define, and too zealous a pursuit of all its indicia could easily fuel the arms race.

It is clear, for example, that not one factor, but many factors jointly, determine the ability of one country's strategic forces to inflict damage on another country. Considering only sea-based forces for a moment, numbers of submarines and missiles are important, but so are many other factors—missile range and accuracy, numbers and size of warheads, submarine survivability, the status of ABM defenses, and geographical considerations.

Absolute parity in all these regards cannot possibly be achieved. Even close approximations are made difficult by such factors as different historical starting points, lack of knowledge about each other's intentions, and the momentum of programs once begun.

Accordingly, there is grave danger that action taken in one country to maintain parity will be perceived elsewhere as evidence of other motives, and that the action taken in response will be similarly misperceived. Too zealous a pursuit of parity, in other words, can easily trigger a long series of actions and reactions which serve only to fuel the arms race.

The Administration and its spokesmen have recognized this danger, and they have sought to defuse it with their words. First, they have defined parity in terms of general damage level equivalence, not in terms of other narrower indicia. They have also stated that only a Soviet capability to cause "*considerably greater* urban/industrial destruction than the United States could inflict on the Soviets" is a reasonable grounds for concern.

We accept this formulation. We agree with the words of President Nixon in his recent foreign policy message to the Congress: "The capabilities of both the U.S. and USSR have reached a point where our programs need not be driven by fear of minor quantitative imbalances." Whether these precepts have been reasonably applied in the decision to accelerate ULMS development is the question to which we now turn.

The U.S.–Soviet Sea-based Balance. We believe that these precepts cannot be used to justify the Administration's accelerated ULMS program. In our view, ULMS acceleration seems "driven" by precisely that "fear of minor quantitative imbalances" which the Administration has rejected as a suitable basis for United States strategic defense policy.

To begin with, the present balance in land-based systems is not unfavorable to the United States. The Soviet lead in numbers of land-based missiles deployed—1,520 to 1,054 according to Secretary Laird's recent posture statement—is greatly offset by our own lead in numbers of strategic bombers—565 to 140 according to the same source. In addition, the United States has a significant lead at the present time in numbers of independently targetable land-based warheads due to the Minuteman III MIRV program and development of the SRAM missile for our bomber force. The Soviets, as Secretary Laird has noted, have not yet even tested a MIRV warhead, and they have no air-to-surface missiles with the capabilities of SRAM. Accordingly, an unfavorable balance in land-based systems cannot reasonably be cited to justify undue concern about the status of the sea-based balance.

As far as sea-based forces are concerned, it is true that the Soviets 18 months from now may have one more modern ballistic missile submarine with 16 more missiles deployed than we do. But this *very* "minor quantitative imbalance" will be more than offset by continued United States advantages of other kinds.

One such advantage will be the huge United States lead in independently targetable warhead numbers, an outgrowth of the Poseidon program. Since each Poseidon submarine will carry 160 independently targetable warheads, compared to 16 on each Yankee class submarine, it will take only five Poseidon submarines to more than match in warheads the total Yankee fleet. Yet we will have approximately 20 Poseidon submarines deployed 18 months from now at the end of 1973, together with about an equal number of unconverted Polaris submarines.

For a number of reasons, our submarines will also be significantly more secure than their Soviet counterparts from ASW techniques. First, our submarines themselves are of better quality they have better sonar and more sophisticated navigational equipment and, above all, are significantly quieter. Second, the already longer range of our submarines' missiles—about 2,880 miles for the Polaris A–3 and Poseidon, compared to about 1,750 miles for the current Soviet Sawfly missile—will enable them to hide within range of their targets in a broader expanse of ocean area. In addition, geographical considerations will remain unfavorable to Soviet submarines; when leaving port, they will have to transit for much longer distances through narrow waters in which ASW equipment can be concentrated. Finally, they will be faced with the superior ASW techniques which the United States has developed and deployed.

It seems clear, then, that nothing will occur in the next 18 months to give the Soviet Union the capability to inflict "considerably greater" damage on the United States than it could inflict in return. Whatever net advantage there may be will continue to lie with the United States.

As far as longer term developments are concerned, two things should be said.

First, it is impossible to predict what additional improvements in their sea-based forces the Soviets may undertake or what success they will enjoy in their endeavors. They may seek to deploy considerably more than 42 ballistic missile submarines, or they may stop at or near that number. They may or may not seek to put in their submarines longer range missiles with independently targetable warheads to match the Poseidon program. The Administration has noted that the Soviets have been testing a new submarine-launched ballistic missile—the SS–NX–8—with an estimated range roughly equivalent to that of Poseidon. But the Administration, quite deservedly, has made no claims as to the capabilities of or Soviet hopes for that missile. To date no MIRV or MRV tests have been conducted with that missile, and doubts must remain both as to its compatibility with existing Soviet submarines and its long-range potential as a Poseidon equivalent. Finally, the Soviets may attempt to supplement their Yankee fleet with submarines of a newer class, but there is as yet no evidence that they plan to do so.

Second, an accelerated ULMS program is clearly not required to protect long-term United States interests against this vague Soviet threat, as the examination of a worst-case analysis—which no-one has even suggested to date—will show. Even if Soviet submarine construction continues, even if a successful MIRV test of the SS–NX–8 is conducted tomorrow, and even if action is then taken to put the SS–NX–8 in all Soviet ballistic missile submarines as a Poseidon equivalent, the United States lead in sea-based warheads will remain secure until 1980 at the very least.

We already plan to have 5,120 warheads at sea by the end of 1976 when the Poseidon program is completed. The Soviets might be able to match this figure by 1980, but only if they proceeded more quickly than we did from the first successful test of their new missile to its deployment or if they converted their submarines at a more rapid pace than ours. If initial deployment occurred in late-1970 and six submarines were converted each year thereafter, it would not be until 1980 that the Soviets would have on station more than our 31 converted submarines. In the meantime, we could prolong our warhead lead simply by converting to a new missile system the 10 oldest Polaris boats not now programmed for Poseidon.

Under these circumstances, there is little danger of a serious tilt in the sea-based balance of strategic forces if we wait to see whether anything like this worse case scenario materializes. If we do wait, we will be able to monitor all new Soviet ship construction 18–30 months before deployment. We will also be able to monitor any tests of MIRV technology on the SS–NX–8. And even if we moved forward *two years from now* on the accelerated ULMS timetable presently proposed, we could still look to ULMS deployment as early as 1980. It should not be forgotten in considering our option, that what the present Administration program entails is a *three-year* step-up in the earliest ULMS deployment previously considered, from 1978 to 1981. We could wait a good while yet and still beat the old timetable.

The Bargaining Chip Implications for ULMS. It is far from clear that an accelerated ULMS program at this time would have the effect the Administration hopes. The Soviets to date have shown little interest in the negotiation at SALT of sea-based force limitations. An accelerated ULMS program might facilitate such negotiations, but it much more likely would not.

The history of the SALT talks to date shows that both sides have proceeded cautiously, protecting their national interest and avoiding any steps that might lock them into even a short-term disadvantage. The Soviets have continued a numerical buildup in both their land-based and sea-based missile forces, and the United States has moved forward with its Safeguard ABM system and the introduction of MIRVed warheads to its existing missile force. If the Soviets perceived an accelerated ULMS proposal as a threat to their own chances of attaining parity with the United States in sea-based forces, it is unlikely that they would respond by foregoing programs already planned.

And an accelerated ULMS program might well be perceived as such a threat by the Soviets. Look at the situation for a moment from a possible Soviet perspective. The Soviets have been responding in recent years to a series of earlier United States initiatives. They are fast pulling even with the United States in numbers of submarines and missiles deployed, yet they are still far behind in other areas—in numbers of warheads, in submarine quietness, in missile range, etc. The ULMS initiative at this juncture could have several implications.

First, it could pose a threat over the longer term to the Soviets' almost acquired parity in numbers of submarines and missiles. It is doubtful, however, that this would be the Soviets' main concern, since this threat could be easily offset by a continuation of their present buildup or eliminated altogether by agreeing to the kind of numerical limitations on submarines and missiles which have been discussed at SALT.

But an accelerated ULMS program would pose more than a simple numerical threat to the Soviet Union. If pursued, it could lead to greater United States advantages than now exist in other areas. Some of our submarines, for example, would have more missiles and warheads each then could *ever* be placed in the Soviets' Yankee class submarines. And these advantages would be gained if the program were pursued now at a time when the Soviets had not yet demonstrated through successful MIRV tests an ability to match existing United States capabilities.

These Soviet concerns would not necessarily be eliminated by the negotiation of numerical limitations on submarine and sea-based missile forces, since these limitations would not by themselves preclude the accelerated development of ULMS. Unless arrangements to the contrary were made, an accelerated ULMS program could easily proceed under the context of these limitations, as a replacement rather than a supplement to the existing Poseidon force.

The Administration has been less than candid as to its own intentions in this regard. On the one hand, it has justified accelerated ULMS development as a needed signal to the Soviets of United States concern over the Soviet submarine buildup, thus implying that ULMS is somehow bargainable. On the other hand, it has stressed the fact that ULMS will eventually be needed anyhow, thus implying that little change in the present timetable might follow from progress at SALT.

Under these circumstances, the Soviets might reasonably look askance at United States calls for numerical limitations at SALT. They might well question the wisdom of agreeing to restraint in the one area where they can begin to match the United States, while simultaneously allowing the United States to proceed in other areas where it already enjoyed advantages.

We are deeply concerned by the likelihood of this development. In our view, an accelerated ULMS program is not required at this time to protect our national interest. And if pursued, we believe it would be as likely to stimulate as to curb the arms race.

A Sensible Position on ULMS for SALT. We believe that a responsible United States bargaining position on ULMS must meet three objectives. First, it must clearly protect the security interests of the United States in the event negotiations fail.

Second, it must be reasonably calculated to assure the Soviet Union that its own security objectives can be attained through successful negotiations. And third, it must be designed to provide sufficient time for fruitful negotiations to take place. These objectives would be met, in our view, if the following steps are taken.

First, we should proceed now with development of a new long-range missile system. Such development work would provide ample evidence to the Soviets of our determination to protect our sea-based nuclear deterrent.

Second, the President should make clear the willingness of the United States to forego during fiscal year 1973 any major increase in expenditures for the development or production of a new submarine system, in return only for Soviet agreement to serious negotiations at SALT on the subject of sea-based force limitations. It is our belief that the President should be able to obtain such a commitment from the Soviets during his Moscow trip in May, at which time an interim SALT agreement—restricting ABMs and land-based missiles only—is widely expected to be signed.

Third, the United States should make clear that its continued restraint during subsequent negotiations will be directly dependent on the restraint exercised by the Soviets themselves. In our opinion, such restraint will be shown if both sides forego major additional ballistic missile submarine construction activities and confine their efforts to improvements in the capabilities of their existing submarine fleets. If such restraint is exercised—and there are no developments threatening the survivability of existing sea-based forces—there should be ample time for negotiations to proceed without simultaneous submarine buildups on either side.

Such an approach, we feel, would fully protect *all* our interests at SALT. We should not allow Soviet expenditure of $100 million on a 42nd ballistic missile submarine to propel us into a $30 billion investment on ULMS and the world into a new sea based arms race.

IV. Additional reasons for going slow on ULMS

An accelerated ULMS program is not required to protect our interests while the SALT talks continue and indeed could jeopardize those talks. But there are other reasons, too, why we should proceed slowly with ULMS at this time.

The Proposed Accelerated Program is Inconsistent with Sound Procurement Policy. Recent aircraft programs such as the C-5A and the F-14 have shown the dangers involved in overly ambitious development and production schedules. There are differences, to be sure, between aircraft and submarine development programs. Prototype submarines are not developed and tested first, after which they are turned out in large quantities on an assembly line basis. Instead, each submarine is very much a unique creation, and each is earmarked for production. There are several respects, however, in which the same kind of program management considerations which apply to aircraft programs apply to submarines as well.

First, many submarine subsystems are subject to the typical development-production cycle normally associated with aircraft programs. The missile subsystems are an obvious case in point, and the same considerations apply to navigational equipment, launch systems, and flight control systems as well. An accelerated schedule for ULMS would increase the risk of otherwise avoidable concurrency in the development and production of these subsystems.

Second, an accelerated schedule for ULMS would also necessitate illogical phasing between work on these subsystems and work on the submarine itself. To cite just one example, work on the submarine is now programed to proceed so rapidly that we will be locked into specific size constraints for the second generation ULMS 2 missile before the first generation ULMS 1 missile has even flown for the first time.

Perhaps most important, any compressed development schedule means that more work has to be done in a shorter period of time. This increases the danger of mistakes being made and makes corrective action more difficult without disrupting the overall program timetable. Accordingly, a choice has to be made at the outset between running these risks or eliminating certain programed work from the project. Often an attempt is made to retain all design objectives for awhile, but some later drop by the wayside. Such could be the fate, for example, of several improvements now counted on to reduce ULMS' detectability.

The history of overly ambitious development programs has a clear lesson to tell, Almost invariably such programs lead to higher than anticipated modification costs before new systems are debugged. They also lead to schedule slippages, such that a program's accelerated features evaporate before its completion.

There is no reason to believe that ULMS would not be subject to similar pitfalls if pursued on an accelerated schedule. The major distinction to be expected is that our mistakes would cost us more because of the overall magnitude of the program. Since there is no need to accelerate work on ULMS, it makes no sense to run this risk.

More Time is Needed to Review the Merits of Alternative ULMS Designs. Even if developments at SALT are such that we feel compelled to move ahead with a new submarine construction program one year from now, there is much to be gained by having that much additional time to review the merits of alternative submarine designs. While alternatives have been explored ever since the inception of the ULMS program in 1969, no final decisions were made by the Navy until ULMS acceleration was ordered in January, and many important details are still being worked out. Accordingly, neither the Defense Department nor the Congress have had much opportunity to exercise design review. Such review, however, may be very badly needed.

It seems clear, for example, that the Navy is designing ULMS to have a top speed several knots faster than our existing Polaris submarines. The case for a higher speed has not been made, and any attempt to attain it is certain to have some adverse side effects.

The Navy will no doubt argue that increased speed is necessary, since increased speed will always make it easier to break contact with trailing Soviet attack submarines, many of which are already faster than our Polaris submarines. This argument, however, deserves further examination.

It should be noted, first, that speed is much more central to the mission of an attack submarine than it is to the mission of a ballistic missile submarine. The primary objective of the latter is to avoid detection in the first place, not to break trail after detection has occurred. Accordingly, we have always placed more emphasis in our ballistic missile submarine programs on quietness than we have on speed. Soviet Yankee class submarines, by contrast, have been faster but much noisier than Polaris (especially when driven at their faster speeds) and considerably more easy to detect. Only in our attack submarine programs has speed to date been made a key objective. Since the purpose of attack submarines is to seek out enemy shipping and destroy it, there is arguably some need to give them speeds as fast as most surface ships. Many experts have argued, however, that our attack submarines themselevs should rely more on stealth and less on speed.

It should also be remembered that there are simple technical reasons why it will always be possible to build attack submarines faster than any ballistic missile submarines afloat. In a gross sense, the most important difference between the two kinds of submarines lies in the fact that the ballistic missile submarine has a middle section, which the attack submarine lacks, in which its missiles are stored. The presence of this missile section increases submarine size and in turn imposes an obvious restraint on speeds which could otherwise be achieved. In fact, even if ULMS is given the increased speed which the Navy seeks, it will still be substantially slower than existing and projected Soviet attack submarines.

Accordingly, the Navy should logically be required to demonstrate two things to justify its increased speed requirement. First, it should be required to show that the marginal reduction in the still remaining speed advantage of Soviet attack submarines has a clear-cut military significance. And second, it should be required to show that the original advantage could not be regained in a new Soviet attack submarine program. The first point has not yet been demonstrated, and the second cannot be shown.

The merits of increased speed would be a much less important issue if increased speed could be obtained without adverse side effects. Unfortunately, the speed now sought will necessitate a much larger submarine than would otherwise be required.

Several factors have had a major influence on the size of alternative ULMS designs, but the two most important have been the proposed length of the missiles to be carried and the proposed size of the new submarine's nuclear populsion system. (Both factors have an obvious effect on the needed hull diameter, since both have to fit inside, and the hull diameter in turn drives the overall size of the vessel at a rate proportionate to the size of the hull radius squared). Missile range is the main determinant of missile length, and the speed desired determines power plant size.

A submarine slightly larger in hull diameter than our current Polaris submarines would be required simply to accommodate the 6,000 mile range ULMS 2 missile. The increased size required would be much less, however, if this were its main determinant, a point attested to in part by Navy plans to incorporate the 4,500 mile range ULMS 1 missile in our existing submarines. In fact, the size of an ULMS submarine which could carry 20 to 24 missiles of 6,000 miles range would probably be 13,000 to 14,000 tons, compared to 8,000 tons for the largest of our current submarines. The Navy's present speed objective, however, and the size of the power plant needed to attain it have now pushed the size of the proposed ULMS design into the 17,000 to 18,000 ton range, more than twice the size of current submarines.

Several consequences would follow from any attempt to build a submarine that size.

One such consequence would be a notable increase in a whole range of program costs—propulsion costs, submarine construction costs, operating costs, and costs of new port facilities. According to some informed sources, the net effect could be at least 20 percent higher 10-year systems costs than those which might be incurred in building a new submarine with more and larger missiles, but no faster speed, than our present submarines.

A second consequence would be increased time per ship and slower construction rates. These factors—and the high costs per ship—could have an obvious impact on our ability to match the pace of new Soviet submarine construction.

Finally, such a larger submarine would be more susceptible than a smaller one to some ASW techniques. Active sonar equipment, for example, is more effective the larger the target, and the same may be true for new non-acoustic detection techniques, which we and presumably the Soviets are now trying to develop. High costs could further compound the ASW risks by limiting the total size of our fleet.

For all these reasons, a hard look at the Navy's present speed objective seems very much in order. Other design objectives, too, should be very carefully checked. A 6,000 mile range ULMS 2 missile would offer definite advantages over the 4,500 mile ULMS 1, but their precise significance should be pinned down. As noted earlier, very dramatic cost savings might be achieved if both speed *and* missile range could be scaled down. A design review might show that any new submarine construction we undertake in the near future should be based on a design much more similar than the present ULMS to the design of our present fleet. But unless we go slow with ULMS this year, we may find ourselves wholly committed to the existing design before a review can be made.

The Funding Implications. For all these reasons, we believe that the ULMS program should not be accelerated at the present time. Approximately $650 million of this year's request for $977 million (including the fiscal year 1972 supplemental) is earmarked for work on the new submarine itself and its non-missile subsystems. We believe that $600 million of this amount should be disallowed and that fiscal year 1973 funding for non-missile-related work should be held at the $50 million level. Such actions would provide for a slight increase from the roughly $40 million available for non-missile-related work in fiscal year 1972 ULMS funding. This amount should be more than adequate to continue Navy design studies and preliminary development work.

In allocating these funds to specific uses, the Navy, in our view, should be guided by two objectives. First, it should seek to reduce to the greatest extent possible the risk of cost growth and schedule slippage which would be inherent in a decision to greately accelerate the pace of ULMS development in fiscal year 1974. Second, it should minimize the extent possible the risk of premature commitment to a particular ULMS design. Major development expenditures on a new propulsion plant, especially, should be avoided at this time.

V. The modernization and replacement problem: The role of a long-range Missile

Even if negotiations proceed well at SALT and no new submarine construction is needed to match a continued Soviet submarine buildup, it will still be necessary to modernize and eventually replace our present sea-based missile force.

The Navy will no doubt seek to meet this need by pushing for development of a new ULMS submarine system as fast as the Defense Department and the Congress will allow.

Admittedly, a new submarine system would offer more in the way of prestige than continued improvements in our present fleet. It cannot be justified, however, in terms of the advanced physical age of that fleet. As noted earlier, *none* of our current ballistic missile submarines will reach 25–30 years of age unitl 1985–1990 time period. Moreover, we believe that a new submarine system would not offer significantly greater operational capabilities than those which could be obtained for some time to come by appropriate modifications to our present fleet.

ULMS Would Have Advantages. There is no doubt that a new submarine system such as ULMS could be superior in several ways to our present sea-based missile force.

First, the new submarine could be significantly more survivable than our present Polaris submarines. It could be designed for quieter operation, and it could be given a new long-range missile system which would greatly expand the ocean area in which it could hide while remaining in range of its targets. These two steps would greatly complicate the ASW problem facing the Soviets. They would reduce detectability by acoustic sensors and make much more difficult the concentrated deployment of such sensors in all submarine operating areas.

Second, the new submarine could present a tougher ABM problem for the Soviet Union. Its missiles could be given new maneuvering re-entry which (MARVs) designed to dodge Soviet defensive missiles. In addition, its longer range missiles would enable it to provide deterrent coverage over the entire defense perimeter of the Soviet Union. By contrast, our present submarines are much more limited in the geographical areas from which they can obtain effective target coverage.

Finally, the new submarine could provide better on-station availability. Due to the limited range missiles in our current submarines, a significant portion of their time at sea must be spent in transit to their patrol areas, and they must depend heavily on overseas basing. The on-station availability of a new submarine could be enhanced, moreover, not only by its longer range missiles but also by the lower maintenance times which its modular construction and integrated systems design would permit.

That a new submarine system could provide significant improvements in the capabilities of our current fleet is not disputed. But it is not enough for the Navy to cite these possible improvements as reasons for buildings ULMS. The Navy must show also that the same improvements cannot be obtained through modifications to the existing fleet. And this the Navy has not yet done.

The Fleet Modernization Alternative. Many of the improvements just referred to are dependent not on the construction of a new submarine, but on the capabilities which new long-range missiles themselves would provide. In fact, new long-range missiles would provide improvements in each of the areas mentioned. They would increase submarine survivability, compound the problems of ABM defense, and increase submarine time on-station. This fact has been well attested to in testimony of Defense Department spokesmen to Congress earlier this year. Dr. Foster noted as much in speaking to the Senate Armed Services Committee about the capabilities of the Navy's proposed ULMS 1 missile:

"When our current SSBNs are armed with this more capable missile, the ocean area from which they can launch their missiles will be significantly increased, with no sacrifice in payload. This enlargement of an area in which the Soviets must expand their strategic ASW efforts degrades the effectiveness of any ASW of the kind they now appear to engage in. Consequently, we expect that, with this new missile, the current submarine missile system will remain invulnerable. Moreover, the longer range ULMS–1 missile will offer the option of CONUS basing with minimum sacrifice in deterrent posture."

Modifications of our present submarines themselves could also proceed concurrent with work on a new long-range missile system. We have been making such improvements ever since these submarines were introduced. As Admiral Zumwalt noted in his recent testimony to the Senate Armed Services Committee:

"Concurent submarine improvements have included reduction of detectable noise levels, better passive and active sonars, and improved navigational equipment. This orderly, upgrading process has paid off and the logic for it remains valid today."

We wholeheartedly agree. As far as detectable noise is concerned, our current submarines are already 5–10 decibels (db's) quieter than when they were introduced, and there is no reason why a gradual quieting program should not continue to be successful. It is true that the natural circulation reactor now programmed for ULMS cannot be incorporated in our current submarines, but similar noise reduction could be obtained by incorporating equipment such as the variable speed pumps and multi-vein impellers which the Navy is now developing.

It should also be possible to reduce maintenance requirements affecting the on-station availability of our current submarines. The Navy is now installing in those submarines new long-life reactor cores. While older cores have had to be replaced every 5–6 years—thus setting a clear outside limit on the time between submarine overhauls—the new cores will have a 10 year service life. The Navy is now investigating several promising ways to extend the time between overhauls to take advantage of these long-life cores. Our current submarines are now on station 55–60 percent of the time. With long-range missiles aboard and increased time between overhauls, they should be able to come much closer to the 65–70 percent on-station availability rate which a new ULMS submarine realistically might provide.

Modifications to our existing sea-based missile force should be able, then, to provide almost the same improved capabilities as brand new submarines would provide. Under these circumstances, we believe that money spent for new submarine replacements would be money wasted at the present time.

The Unpredictable Nature of the Future ASW Threat. Money spent now might be money wasted for another reason as well. While our current submarines are secure today from Soviet ASW techniques—and while they could be made more so by an appropriate modernization program—we know very little about the long-term nature of the ASW threat.

We do know that a submarine moving through the ocean environment leaves various indicators of its presence. Sound is only one of these indicators. The presence of a mass of metal, such as a submarine, distorts the earth's magnetic field. The temperature of a submarine, especially a nuclear submarine with its hot nuclear reactor discharge, differs from the temperature of the surrounding water. And the passage of a submarine through water creates hydrodynamic pressure.

Until now, only acoustic techniques have been of major utility in submarine detection. But other signals are also there. What is needed is new technology to dig them out and process them. What form this technology will take—and what steps will be required to counter it—is not known at the present time.

There is a danger, therefore, that any new submarines we build today could be rendered obsolete in much the same way and at much the same time as the submarines we now have. It is quite possible that we could invest $30 billion in the ULMS program over the next 10–15 years, expecting it to protect us until the year 2,000, only to find that it might be rendered obsolete by 1990 and that a new submarine development program was needed in the early 1980's to offset this possibility, almost as soon as ULMS was sent to sea.

A Well-Phased Replacement Program. This does not mean that we should simply sit back, wait for a new ASW threat to develop, and then counter it when it does. We have no guarantee that it will burst upon us in a dramatic breakthrough or that such a breakthrough, if it occurs, will coincide with the physical obsolescence of our current submarines.

We should be able, however, to devise a well-phased modernization and replacement program which will minimize potentially wasteful expenditures yet keep us equipped at all times with a highly secure sea-based deterrent. We believe that the following course of action would provide us with such a program.

First, Congress should approve the Navy's request for approximately $330 million in fiscal year 1973 ULMS 1 missile development funds. Development of the ULMS 1 missile—together with other modifications to our current submarines on which the Navy is working—will significantly enhance the survivability of our present fleet against all foreseeable threats. If development of this new missile proceeds at the presently projected rate, it should be available for initial deployment by 1976. In the absence of any major change in the ASW threat, it should remain an integral part of our sea-based deterrent well into the 1990s.

Second, the Navy should accord high priority to its current "SSBN Defense" program. This program, the funding for which is projected to increase from $12.2 to $20.4 million in fiscal year 1973, is designed to identify and develop suitable counters to new ASW techniques which could jeopardize our Polaris fleet. The knowledge gained from this program should be used to make future reductions in the detectability of that fleet. It should also be used as a source of ideas for new submarine designs.

Third, the Navy timetable for a new submarine construction program should be determined both by changes in the ASW threat and the eventual need to replace our current submarines. Such a program should be undertaken in sufficient time to meet any changes in the ASW threat which have been identified and which cannot be countered by modifications to our Polaris fleet. Unless such threat changes that have identified, it should not be necessary to move beyond the study and design phase of the ULMS program until fiscal year 1976 or later. That starting date would provide ample time for the gradual development of a new submarine system. Even if development time were stretched from the roughly six years implicit in the Administration's present timetable to as much as 10 years, the first new submarine would still be available for deployment in 1985, at which time the oldest of our current submarines would be 25 years of age. It would then be possible—with a construction rate as low as two or three submarines per year thereafter—to replace all our current submarines inside their projected 30 year lives.

We believe that this timetable, either the development or production phases of which could be speeded up if the threat required, makes much more sense than the commitment now of vast sums to a new submarine system of unknown long-term value.

ASW Talks at SALT. The most pressing need at SALT right now is the negotiation of restrictions on ABM systems and the size of strategic offensive forces. These issues themselves have caused difficulties enough, and a continued failure to resolve them—coupled with a continued Soviet submarine buildup—could force as much sooner than would otherwise be desirable into a new submarine construction program.

As soon as possible, however, the issue of restrictions on strategic ASW operations should be placed high on the SALT agenda. Our sea-based missile submarines are secure today, and it should be possible to keep them so well into the future. At the same time, the possibility of a new ASW breakthrough—one which cannot be countered by any new submarine design—cannot be dismissed out of hand. The occurrence of such a breakthrough, coupled with the already increasing vulnerability of all land-based systems, would dramatically undermine the present stability of the nuclear balance.

We recognize that restrictions on ASW research itself may not be feasible, since there may be no way that compliance could be verified. Neither we nor the Soviets have much choice, therefore, but to pursue strategic ASW research—with the purpose of ensuring the survivability of our own sea-based deterrent, but with the danger that the knowledge gained could be used for counter-force purposes.

It should not be impossible, however, to work out verifiable restrictions on the actual deployment of new ASW systems or even on the use of such systems when deployed. A numerical limitation on attack submarine force levels and the establishment of trailing norms are two promising possibilities.

The long-range prospects for a stable mutual deterrence may well depend on the continued survivability of sea-based deterrent forces. Accordingly, much more attention should be directed in the future to this ASW problem.

THE CARDS ARE ON THE TABLE IN CHINA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. CRANE. Mr. Speaker, during President Nixon's visit to Peking and the weeks which have followed we have heard a great deal about Communist China. While little has been said about the fact that the Chinese people live under a tyrannical regime which does not permit them to leave the country, and does not permit them the slightest degree of religious, intellectual, or cultural freedom, a great deal has been said about the potential business which our country might, in the future, be able to do with the Mainland.

American businessmen, we have been told, will profit greatly by having available to them a market of more than 800 million Chinese. It is unfortunate that the wishful thinking upon which such statements are made is not more often forced to confront reality.

Such a confrontation with reality recently took place at the 43d annual conference of Copley Newspapers in Borrego Springs, Calif., which was addressed by Lt. Gen. V. H. Krulak, USMC, retired.

General Krulak noted that:

> The Maoists declare that their world trade is healthy and growing; that they are competitive. The fact is, Red Chinese world trade is small; perhaps three billion legitimate dollars—in and out—per year. That is no more than Taiwan, a little land of only 14 million people.

The future, according to General Krulak, will see little improvement in the Chinese world trade posture. The reason, he argues, is that—

> They have no agricultural surplus to sell. They have no oil surplus to sell. They have no precious mineral surpluses to sell. Their manufactured products are not competitive, and it will take a massive and costly industrialization to make them so. In Hong Kong there are Red Chinese bicycles, electric cookers, radios and electric fans on sale—all of inferior quality and relatively high price.

Products produced in China for international consumption before the Communist takeover, such as wool carpets, are still produced, but the prices are no longer competitive. A Tientsin rug, for example, cost $1 per square foot in 1947 and now costs $6 a foot. The same carpet of at least equal quality in Taiwan, made to your own design, costs $4.25 a foot.

General Krulak, taking issue with our official government pronouncements which deny any Communist Chinese involvement in the flow of narcotics, states that—

> The Chinese Reds do want hard money—and opium is probably China's greatest export staple. They are doing everything they can to improve and expand opium culture, and it is estimated that they earn almost a billion clandestine dollars a year from their dope sales.

In his speech, General Krulak discusses the "terror, oppression, regimentation, restriction, surveillance, and harsh punishment" which has been visited upon the people of China by the Communist regime of Mao Tse-tung.

Criticizing those who urges American aid, assistance, and business dealings with the Peking regime, General Krulak concludes by stating that—

> We do not need the People's Republic of China. They do need us. Consequently, our guidance in dealing with the Peking leaders might well be found in an old Chinese dialog coming from the Tang Dynasty, about 800 A.D.:
>
> If one injures me, hates me, vilifies me and suddenly smiles on me, what should I do?
>
> Bear with him, endure him, avoid him. And, after a few years, just look at him.

I wish to share General Krulak's speech, presented February 14, 1972, with my colleagues, and insert it into the RECORD.

The speech follows:

"THE CARDS ARE ON THE TABLE IN CHINA"

(An Address by Lt. Gen. V. H. Krulak, USMC, retired, at the 43rd Annual Conference of the Copley Newspapers, Borrego Springs, Calif., Feb. 14, 1972)

No man who lays claim to any humility at all should express views about China in absolute terms. Everything there is relative and the more one learns the more qualified his attitudes and conclusions are likely to be.

In any case, having devoted a good bit of my life's energy to the study of these people, I still find my own views little more than a synthesis of the opinions of others whom I respect.

And that is really the basis for my story.

Actually, China today is not one story. It is four stories. There is little complex about any one of them. It is only when we seek to bring them all into a single discussion that the matter becomes complicated.

The first story is the one we are now hearing so widely. It is the propaganda account of what the Chinese people are supposed to be doing—their controlled experiment in Marxism. It is a rosy story, and we see and hear it on the television and in slick paper products everywhere.

It is really the story of how the Maoists want things to be some day; the way they want us to believe it is now.

It is the story of the cheering happy communes, the busy smiling workers, the roaring factories, the fertile fields, the lavish markets.

It is the story of advances in science, of handsome laboratories and hospitals, the story of dramatic attention to the arts.

It is the story of great Chinese military prowess, of modernization of their military establishment of growing nuclear strength.

While there has unquestionably been progress in China, this is still little more than the idealized story of Mao-think and how the teachings of Mao Tse-tung are enough to bring peace, plenty and tranquility to the lives of 800 million people—and ultimately to the world.

I need not talk at length to this story because it is already being hammered into our minds with drum-fire resonance by the Communist propagandists, by sincere idealists here in the United States, by ignorant or misguided apologists around the world, and by thoroughly honest reporters who report what they are permitted to see but who simply are not allowed to see—or have not yet had time to see—the total picture or even a large part of it.

In any case, it is by no means the true story of China. It is a Hollywood false front set of Maoism as the Maoists and their partisans everywhere would have us see it. Its exaggerations and over-generalizations are very great.

So let us leave the telling of this story to them, discounting what they say accordingly.

Actually, despite the propaganda picture, Maoism has affected profoundly the lives of a relatively few Chinese, maybe 30 or 40 million. It has affected slightly the lives of a larger group—perhaps 200 million—and it has affected the vast remainder—five hundred million or so—almost not at all. So, it it will be far more profitable for us to talk to the second story, the reality of the total China in the here and now—all of China, not the propaganda China, but China like it really is.

Maoism's claims are actually far greater than its attainments.

Let us first look at a few of the visible chasms that stand between the four or five varieties of Utopia that Mao has designed and tried to inflict on a helpless people since 1949, and China as it is.

First, the reality of the Chinese populace. There are 800 million human beings in China and in the next 30 years the number is expected to triple!

What will they all eat?

Right now Peking claims the country is growing about 200 million tons of cereal a year. There is some doubt as to this figure, but we do know that they supplement it by importing between 6 and 8 million tons from abroad.

Still it adds up to just a bare subsistence level for the country at large, and less than that for many. In the big cities of China today—Shanghai, Canton, Hankow, Peking—it costs half of what a man earns just to buy food. Rice and meat—the backbone of the diet—are rationed.

There seems little chance that China's agricultural productivity will equal its population growth in the visible future. The Maoists have given the problem tremendous emphasis, spending their precious foreign exchange on as much as 8 million tons of costly fertilizer in a single year and exploiting the new high yield rice strains to the maximum.

They have put on two powerful birth control campaigns, touting all varieties of drugs and devices. They have made very meager progress. There seems little hope, without a dramatic and unexpected increase in the acceptability of birth control, that the specter of famine can be avoided in China. And if the people are hungry they are not likely to be content.

Turn to the reality of world trade. The Maoists declare that their world trade is healthy and growing; that they are competitive. The fact is, Red Chinese world trade is small; perhaps three billion legitimate dollars—in and out—per year. That is no more than Taiwan, a little land of only 14 million people.

Furthermore, there is little likelihood that the future will see any significant improvement in the Chinese world trade posture. They have no agricultural surplus to sell. They have no oil surplus to sell. They have no precious mineral surpluses to sell. Their manufactured products are not competitive, and it will take a massive and costly industrialization to make them so. In Hong Kong there are Red Chinese bicycles, electric cookers, radios and electric fans on sale—all of inferior quality and relatively high price. The things Chinese that were good a generation ago—things such as wool carpets and lacquer work—are still good. They just cost too much. For instance, a Tientsin rug which in 1947 cost $1.00 per square foot now costs $6.00 a foot, and you can buy the same carpet of at least equal quality in Taiwan made to your own design for $4.25 a foot.

The Chinese Reds do want hard money, though, and will go to great lengths to get it. Ibex meat from Manchuria is for sale to the world at $6.00 a pound, bear paw at $12.00 a pound, and opium is probably China's greatest export staple. They are doing everything they can to improve and expand opium culture, and it is estimated that they earn almost a billion clandestine dollars a year from their dope sales.

But you are not going to make a solid economy out of bear paws and opium and, in this regard, two simple statistics tell the story. The Chinese gross national product is growing at the rate of 1% per year, while their population is growing at the rate of 2½% per year. Unless their productivity increases dramatically the unfavorable projection is obvious. Certainly, they are not likely to be either a major or a profitable trading partner for us.

At the beginning I commented that Maoism and its sloganeering has affected very greatly only a small fraction of the people, say some 30 to 40 million, or ½ of 1%.

These are the people in the communes, the collectives and some residents of the big cities. It has indeed affected them deeply and perhaps permanently. These are the men and women who for one reason or another, have bought the pitch. They are the promising subsidized students, the administrative hierarchy, some of the military leadership, some of the industrial commisars.

Then there is a much larger group whom these leaders influence; maybe another two hundred million. Some will say that these people also are Maoists in a very real sense of the word, that the Marxist vaccination has taken on them, too.

I believe this would be a wrong conclusion;—there is no assurance that the vaccination has been effective on them—or even on the smaller, hard-core group.

Ask yourself how you would feel. In 1949—over and over again—Mao promised freedom of thought, freedom of speech, of publication, assembly, association, correspondence, person, domicile, religious belief, procession and demonstration. This was real Utopia, and Mao declared that he would bring it to everyone.

It were better that he had not promised, because absolutely none of it materialized. In the place of these freedoms there has been terror, oppression, regimentation, restriction, surveillance and harsh punishment; and the people at large cannot have forgotten the promises.

In 1949 Mao took large quantities of land from landlords and gave it to the peasants. In 1955 and 1956 he took it back from the same peasants to make collectives—and then made them work on the collectives against their will. You may imagine their disappointment. Better for Mao not to have given them the land in the first place.

These conditions are reflected in the fact that after the Cultural Revolution—as recently as three years ago—there was absolutely uncontrolled dissidence and defection among the rank and file in the factories and communes. The Marxist inoculation had had fully twenty years to work, but it still wasn't working.

In the cities workers deserted their posts of production, there were widespread industrial strikes, transportation was disrupted and supply of public utilities was paralyzed.

But the flaunting of the Communists went beyond the cities. In rural areas peasants who secretly hated the commune idea set about dividing up the communal property among themselves. In desperation, Mao had to turn to the Army—whose strength he already feared—for help in getting the factories going and the crops planted. It took some serious head knocking by hand-picked military units everywhere—stationed in state offices, on the railroads, in factories and in the fields.

Nor am I suggesting that just a few soldiers were sufficient to pull China out of anarchy after the Cultural Revolution. Actually, it took 80% of the whole Red Army! 80% of the Army—split up a battalion per county, a regiment per large factory, a company per mine and small factory—all together 2½ million men to get the workers back in harness—but not before thousands were killed and thousands more imprisoned.

All of this is just by way of saying that Mao-think is not now—and never has been—acclaimed by the great mass of the people who are really China.

They do not like it and miss no chance to make their views known. They are Chinese, they have 40 centuries of stubborn individualism behind them; a culture that was visible two millenia before Christ.

And realistically, we must recognize that the Communist structure has never extended its official party representation below the hsien (county) level. Local officials—township, village, hamlet and farm—come from the people themselves. When you realize that fully 80% of the people live on the farms, it is easy to understand by assertion that much of the real China is still governed directly by people of its own choice.

And to answer those who would say that the examples I have given you are three years old—or more—let me offer a sobering addition.

100,000 refugees escaped the mainland last year and found their way into Hong Kong alone. When to this number are added those who escape to other places, like Kinmen or Matsu, those who try to escape and fail, those who want to escape and do not try, the smiling faces on the propaganda poster lose some of their freshness. Furthermore, the rate of defection appears to be growing and, to make it all more sobering, the escapees are now largely young people—not older men who have seen freedom, but youth who simply reject Maoism. Many are ex-Red Guards who fear retaliation from some of the same people who encouraged them to riot four years ago.

Some will tell you that all of this story is old, that Mao, having used the Army as a weapon against his own people, now has set affairs in perspective again and that he has reestablished civilian primacy over the military.

Not so. Today almost half of the Central Committee of the Chinese Communist Party are military men—not because the Communist leadership wants it that way, but because they haven't the power to make it any other way. Of the governing Politburo, over half the members are military. We simply cannot evade it; three years ago Mao and Maoism became, in a very large degree, hostages to the soldiers.

But civilian-military turmoil is not the whole story. We have to look at the total structure to get a feel for the relative stability of the regime we are dealing with.

And this brings us to story number three—what is really going on in the higher echelons of government?

What do the recent purges mean? We could call this story "Fun and Games at the Top" or "Button, Button, Who has the Mao Button Today?"

To see it all, it is necessary to understand that a total study of a Communist society has to embrace three things: the party, the government, and the military.

First, a look at the party organization. Back in 1968, Mao purged the highly respected Party Vice-Chairman, Lui Hsiao-chi, and replaced him with Lin Piao.

Lin Piao was Mao's favorite. Mao even had it written into a draft Party Constitution in 1969 that Lin Piao would be his heir.

But that was three years ago. Now, like Liu Hsiao-chi, Lin Piao is gone, too—disappeared; possibly in one of three aircraft shot down by the Chinese themselves last September. It is claimed that his erasure came about because he was a hard-liner where Japan and the United States are concerned, that he wanted nothing to do with those two non-Communist states. But whatever the reason, Lin Piao, the erstwhile fair-haired boy, is gone. Far more significantly, nobody has been either elected or appointed to fill his top party job. It is vacant!

A look at the Politburo Standing Committee before and then after the recent purging sessions discloses that seven out of the ten members of that body have been eliminated.

Next, there is the government itself. In 1968, Mao got rid of the President of the country, Liu Hsiao-chi, and hasn't bothered to replace him, either. In this regard it is not reassuring to reflect that next week President Nixon will be unable to shake hands with his titular counterpart—the President of the People's Republic of China—because the office is vacant!

Finally, there is the military. Here Lin Piao was the Defense Minister. But, as I have said, he has been purged, and no replacement has been designated for him.

The chiefs of the Army, Navy and Air Force have also been purged—all of them, and many of their deputies, too. Of the 2,000-odd Chinese "Principal Military Personalities" (a euphemism for generals and admirals) fully 200 have stopped showing up for ceremonies and official functions during the past five months. They, obviously, are out, too.

All these things hardly add up to the trappings of stability, yet they are pure reality.

The fact is, what we see is turmoil at the top. But, what does all the turmoil mean?

With humility, this is the way I would analyze it.

There are three factions within the Chinese leadership. They have deep and basic disagreements. They have been at each others' throats ever since the Cultural Revolution of 1968, and what we are seeing is another major test of strength.

The first faction includes the pure Marxist theoreticians, led by Mao Tse-tung. They are the ideological radicals; the political hardliners. They want nothing to do with the rest of the world, declaring it to be composed of equal parts of "imperialists" (meaning us), "revisionists" (meaning the Russians) and "reactionaries" (meaning Japan and the rest of the world community that does not agree with them). The pure Maoists believe that if they stay with their Marxist principles, gradually communize and collectivize all of the Chinese people and harness all of the vast energies of China they, one day, will rule the world. They are inflexible and quite unrealistic. Their heartless Marxist experiments have brought misery and turmoil to China for 25 years.

The second faction is the bureaucrats, led by Chou En-lai. They respect Mao as the father and high priest of their cult. They share fully in the record of Maoist brutalities, but have become disenchanted with the idealism and theories of Maoism. They see them as impractical.

They now favor a period of opportunism—international wheeling and dealing to buttress China's economic, military and industrial weaknesses while the communization process proceeds. This is the group that has favored intercourse with the United States; not because they like us or trust us, but because they want to use us.

Finally, there is the third faction, largely military, led until recently by Lin Piao, the now deposed Defense Minister. This group, commanding the loyalty of much of the Army, holds the physical power and knows it. They are by no means united among themselves. They disagree on Marxist theory, and they are not of one mind as to where the greatest threats to their country lie.

Some are willing to see a move toward the U.S. Some strongly prefer accommodation with the Soviet Union. Some prefer neither. All of them are interested in the devotion of more resources to the military strength they see as a prerequisite to survival.

They are worried about their shortage of fissionable material. They see their small stock of nuclear weapons—maybe 100 A-bombs and four or five H-bombs—as pitifully inadequate, and they are restive at the slowness of their nuclear program. In any event, they are far less politicians than soldiers, and none of them have any compunction against throwing their lot in with either of the other contesting factions if, in the end, it will result in a militarily more powerful land, because they believe that China will not survive, much less conquer the world, unless she has a great military establishment.

There has been a knock-down struggle between Mao's theoreticians and Chou En-lai's bureaucrats during the past year.

The military group fought it out internally as to which of the other two factions they would back. Lin Piao himself, who was apparently opposed to dealing with the U.S., was finally voted down, and Chou En-lai's group ended up with the support of most of the generals.

Once the military-bureaucrat coalition, tenuous though it is, crystallized, there were purges of those in each group who were not willing to go along with the Chou En-lai line—the hundreds of generals I spoke of; Lin Piao, himself.

At this point, we may draw a prophetic historical parallel.

In 1934 Hitler, the opportunist, made an alliance of convenience with the generals, keeping Hindenburg on as a figurehead and proceeding to purge all who opposed him.

Today, in China, Chou En-lai, the opportunist, has also made an alliance with the generals, while Mao Tse-tung and his dialectic are kept out front as a figurehead; and the purges are under way.

We were revolted by Hitler's conduct, and I can see no reason why the brutal Chinese behavior should generate any lesser emotions.

The climatic phase of our third story became visible last year as the Chinese decision to smile on the outer world was implemented. We saw the Chinese maneuvers that led to membership in the U.N. There was the establishment of diplomatic relations with various nations, the Ping-Pong diplomacy with us, and now the visit of the President of the United States.

That is the third story—the battle at the top. It is a transitory triumph of militarists and pragmatists over Marxist theoreticians and it flows logically into the final story—why did they do what they did?

What really is motivating the Chou En-lai group and their military allies?

The answer is fear, and a very specific fear at that. They have an almost paranoid terror of the Soviet Union, of its strength, its aspirations to leadership of the Communist world, its plans concerning economic domination of Asia, its hatred of China and its aggressive intentions regarding China's borders.

They are apprehensive of the Japanese, too, but in a far lesser degree.

And that is it. They fear the United States of America not at all—not in any sense. To the contrary, Chou En-lai and his cohorts see in us a tool which they can use as a counterpoise against the Russians and the Japanese. And that is the basis for the current program of smiles in our direction. They want a relationship with us that will present Russia with serious military apprehensions. They want to get us out of the Far East and simplify their own security problems, in order that they can turn their attention to Russia. They want, most of all, our help in industrailizing their country.

They have abundant mapower, they have some resources, but, to be a world power, they needed a complete system of heavy industry and they need mountains of agricultural machinery. We are their only hope. They have nothing to trade to Japan or Germany for heavy machinery. The Russians will not sell it to them. But Uncle Sam,—good old Uncle Sam—may just do it on credit.

One of the senior diplomats in the Japanese Foreign Service put it to me this way, "You Americans are China's weapon. They believe, if you will build up their heavy industry, they will be able to bludgeon all of Asia with it and protect themselves against Russia. Then, with their new industrial power and their slave labor, they are confident they will be able to take care of us—and you, too—in time."

These are the four converging stories;—the propaganda myth of China like the Maoists tell it, the truth of China as it really is, the death struggle at the top in Peking, and the setting in which it is all played, China's contest with Russia for world Communist leadership, with us as their synthetic ally.

All put together, the combined story promises little good for the United States of America because real friendship with us does not fit anywhere in the pattern of the current Chinese leadership. This group hates us; aspires to use us and ultimately to enslave us; and it doesn't hesitate to say so. It is their Party policy and their daily preachment.

Chou En-lai has taken pains in his public utterances to stress this point. He has said, "The peoples of Asia, Africa, and Latin America can destroy the United States piece by piece, some striking at its head, others at its feet."

On January 24th, a play opened in one of the government playhouses in Shanghai. Its final curtain closes on a group of young Chinese shooting arrows into Uncle Sam. And the last words on the stage are, "kill, kill, kill."

Nothing would be worse, it seems to me, than for the United States to do anything to dignify Chinese leadership who openly declare themselves our sworn enemies.

Were I asked, I would propose our best and most promising course to be an absolutely hard line with Chou En-lai.

He is not the Duke of Norfolk. He is a charlatan, a brigand and a cut-throat who got where he is literally over the bloody bodies of his contemporaries. He will understand straight and strong words—and no others; words like these:

"Leave your neighbors alone. Stop your imperialist aggression in Thailand, Laos, Cambodia, Burma and the Philippines.

"Cease your active support of subversive revolution in Indo-China.

"Stop your export of Marxist violence to Africa, the Middle East and Latin America.

"Stop flooding the world with raw and processed opium.

"Stop polluting the atmosphere with your nuclear tests.

"Stop your vilification of our country and all we stand for.

"When you cease all of this vicious conduct, we will consider talking about your place in the family of nations. And not one instant before."

If they want our help as much as they now indicate, these strong words will get their attention, and we just may help bring a little peace to this troubled world.

Furthermore, and of equal importance, we should be resolute and unvarying in this position, because if we are steadfast,—if we do not give in,—time will turn out to be on our side.

This should be evident already because, with all of its regimentation and suppression, 25 years of brutal Communism has been unable to engulf the great history and cultural continuity that is China.

Over a period of 4,000 years the wisdom of "Kuei Chu," literally, "the old custom,"—"behave like your Father did,"—has governed Chinese thinking. Basically, these people have changed very little and, given time, they will absorb Communism.

Indeed, when we see the changes that have occurred since the mid 1950s, it is not unreasonable to conclude that Maoism is on its way out already. I believe it will turn out to be the shortest dynasty in forty centuries of Chinese history, particularly if we do not sustain and nourish it.

Thus, haste and irresolution can be our only pitfalls. We do not need the People's Republic of China. They do need us.

Consequently, our guidance in dealing with the Peking leaders might well be found in an old Chinese dialog coming from the Tang Dynasty, about 800 A.D.

"If one injures me, hates me, vilifies me and suddenly smiles on **me, what should I** do?"

"Bear with him, endure him, avoid him. And, after a few years, just look at him."

WILLIAM R. HEARST

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ROUSSELOT. Mr. Speaker, William Randolph Hearst, Jr., editor-in-chief and publisher of the Hearst Newspapers, wrote a column which appeared in the Los Angeles Herald Express on Sunday, April 2, 1972, and which resulted from a factfinding trip around the world. This column should be of interest to my colleagues. Mr. Hearst's theme, "Our Blindness to Communism," is a topic to which many fine Americans have tried to alert our citizens in a positive and constructive way. Unfortunately, we continue to fall into the same mental rut and lose our mental toughness in our natural inclination to "think well" of other people without a realistic appraisal.

Mr. Hearst states:

> It is a bit disturbing to get home and realize how many Americans fail to face one of the grimmest facts there is—that communism keeps working day and night to destroy freedom wherever it exists. Our home front apathy to this very real menace, coupled with the minimizing of denials it gets from many quarters, is in sharp contrast to the grave concern expressed in every country visited by the Hearst Task Force.

Mr. Hearst has "told it like it is." It is deplorable that other portions of our news media have not seen fit to do the same. I recommend that my colleagues read and take note of what he has said. Now that Russian tanks, and other war materials, are being used against the South Vietnamese people and our troops, his article assumes even greater importance:

The article follows:

OUR BLINDNESS TO COMMUNISM

(By William Randolph Hearst Jr.)

NEW YORK.—Back from a fact-finding trip around the world, it is a bit disturbing to get home and realize how many Americans fail to face one of the grimmest facts there is—that communism keeps working day and night to destroy freedom wherever it exists.

Our home-front apathy to this very real menace, coupled with the minimizing of denials it gets from many quarters, is in sharp contrast to the grave concern expressed in every country visited by the Hearst Task Force.

Throughout the capitals of Europe, and naturally more so in the actively beleaguered Far East, communism with its insidious, tentaclelike global movements is seen clearly as the everlooming threat it most certainly is.

At the very least the Communists, whether Chinese or Russian, are invariably trouble makers for any free country to which they have access. All you have to do is read the daily newspapers to know this—unless, of course, you are wearing the pink-tinted glasses of Sen. Fulbright.

At most, if successful, communism's tenacious activities to weaken, subvert and eventually overthrow every non-Communist government will mean its domination of the whole world. That is its frank intent, proclaimed by its leaders time and again.

In the Far East this reality and what it can mean is thoroughly understood by everyone. The Chinese Red dragon is breathing fire right down the necks of the Philippines, Thailand, Burma, Cambodia, Laos, South Korea, Formosa and Japan, not to mention South Vietnam.

For a more detailed roundup on this, please read the important dispatch from Bangkok by Kingsbury Smith, our chief foreign writer, which appears in this page. Its final sentence reads:

"Despite the non-interference pledge in the Chinese-American communique (concluding the recent Nixon trip to China), every country in Southeast Asia continues to be beset by a Communist rebellion receiving at least moral and in most instances material support from Communist China."

Now I haven't got anywhere near the space even to summarize what the Russian Communists are up to all over the world. You name a place and there they are, spreading their influence and stirring up trouble by any and all means possible.

For a recent example. Bolivia this week ordered 119 members of the Soviet embassy staff out of the South American country—allegedly for fostering and financing a left-wing guerrilla movement.

Think back and try to remember how many times you've read about Russian "diplomats" being told by various countries to pack up and git because of their spying or other subversive activity.

The fact is that Russia's diplomatic missions to free world countries are primarily headquarters for subversions and only secondarily for what we consider normal diplomatic and trade relations. That is why their embassies are usually staffed out of all proportion to obvious need.

Bolivia, for example, has three men at its Moscow embassy. Even in kicking 119 Russians out of their embassy in La Paz, the Bolivians will be permitting six or seven to stay—double their own crew in the Soviet capital.

The previous diplomatic exchange ratio of some 125 Russians to three Bolivians admittedly is unusually high—explainable by the volatile nature of Bolivian politics and the opportunity to assist a very strong revolutionary movement. A lopsided ratio of representatives, however, is typical of the Soviets.

As of March 1, according to a State Department spokesman, our government had a total of 108 American nationals assigned to our embassy in Moscow. The Russians had 189 here—not counting the swarms at the United Nations.

As a general rule, the State Department spokesman told me, the Russians maintain roughly two to three times as many of their nationals in underdeveloped host countries as such countries do in Moscow; and as just noted, in Bolivia the ratio was 40 to one.

In view of the overwhelming evidence that communism is the avowed enemy of all freedom—and the acceptance of this fact elsewhere in the world—I repeat it is discouraging to return home and suddenly re-experience American apathy or disbelief of the reality.

In no country that I visited have I ever run into anything approaching the fuzzy thinking about communism that exists here. Perhaps it's because most of the countries either have had their freedom threatened by them or taken away entirely or at least have had to fight for the cause of freedom that they see the facts so clearly.

Heaven knows—and readers of this column should certainly know after all these years—that I have done everything I can to publicize the danger. Yet there are many people throughout our country who are either confusedly vague on the subject or who flatly argue that there is no such danger.

Among them, unfortunately, are many teachers who are educating the next generation. Whether they are starry-eyed or stupid or deliberately malicious in spreading their views makes little difference. They are helping lull this nation into a false sense of security.

What these people teach, in essence, is that communism represents a trend toward a future world of sweetness and light in which all men are brothers and justice previals.

It is nothing of the sort. The most liberal and progressive form of government in this world is a government "of the people, by the people, for the people" based on free people determining the details of the political structure for themselves.

Communism does not and never will represent rule by the people. It is rule by an elite group of privileged commissars and whatever social benefits they supply their people carry a terrible price tag.

That price is freedom—freedom to move about the world at will, freedom to write criticism, freedom to speak up in protest.

I say it is just plain foolish when Americans blind their eyes to reality and even go so far as to contend that anti-communism is a "relic" of a now-defunct "cold war."

The cold and often hot war between communism and freedom will never be over so long as communism exists.

The next time somebody tells you that communism is nothing to worry about, you can be sure of one of two things.

Either he hasn't got all his marbles or he is quite far left of center politically and ideologically.

One thing is for sure, if he honestly believes that life in some Communist state is better, more humane and fairer he is certainly free to go there.

I, for one, wish he had all of his ilk would go and stay.

TELEPHONE PRIVACY—XI

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the Telephone Privacy Act (H.R. 14097) with 28 cosponsors.

This bill would give to individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option to require the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a ninth sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

LONG BEACH, CALIF.,
April 3, 1972.

DEAR SIR: I wish to thank you for introducing your bill against Telephone solicitation. I wrote General telephone several years ago with a similar suggestion.

We as paying subscribers are entitled to this consideration.

I have written Craig Hosmer suggesting his support of you in this legislation.

Again thank you for your efforts in our behalf.

——— ———.

CLEVELAND, OHIO,
April 1, 1972.

DEAR MR. ASPIN: I read in the Cleveland *Plain Dealer* Editorial column of your Telephone Privacy Act and with the Editors of this newspaper fully agree with you that telephone solicitation should be controlled.

I will support this bill to its end. What do I do next?

Very truly yours,

——— ———.

WEST HARTFORD, CONN.,
March 28, 1972.

Hon. L. ASPIN,
House of Representatives,
Washington, D.C.

DEAR SIR: I have read, in the Christian Science Monitor, of your bill against telephone solicitation. I endorse it heartily. This has been an invasion of my family's personal privacy for some years.

Why exempt organizations like political parties and polls from the ban? (Debt collecting, I agree, is not in the same category.) The U.S. mails exist for a purpose; why not use them? Even non-profit organizations, I believe, get special rates?

Please carry on the good work. I am also writing my local Representative.

Sincerely,

——— ———.

MINNEAPOLIS, MINN.,
March 30, 1972.

Representative LES ASPIN,
House of Representatives,
Washington, D.C.

HONORABLE REPRESENTATIVE ASPIN: An article in the March 28, 1972 *Christian Science Monitor* regarding your bill introduced to enable people "to place a 'no solicitors' sign on their telephones." *Go to it!!* Amen.

Since I'm a student at the University of Minnesota and vote in Nebraska, I've also written to my Representative, John McCollister to advise him of my whole-hearted support of your bill.

Sincerely,

——— ———.

LONG BRANCH, N.J.,
March 30, 1972.

Representative LES ASPIN,
House Office Building,
Washington, D.C.

DEAR MR. ASPIN: This is to let you know that I appreciate and support your efforts toward "soliciting by telephone" prevention. However, I feel that there should be *no* exemptions (non-profit, political, poll takers, etc.,) because, I pay a premium rate (over the postal rates which are open to these users, and I could read and answer at my leisure) for telephone communications which must be answered at the callers whims. When they communicate with me by mail, they pay the postage. When they communicate with me by telephone, I feel a certain urgency, an obligation—if you will—to answer even though I alone pay my telephone bill.

I am sending a copy of this letter to my congressmen, Sen. Case and Rep. Howard.

Thank You,

——— ———.

LOS ANGELES, CALIF.,
March 28, 1972.

Representative LES ASPIN,
House of Representatives,
U.S. Congress,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I read this morning in the Christian Science Monitor of your bill designed to allow Americans to place a no solicitors sign on their telephones. I commend you on your stand and fully support this type of legislation.

I am constantly plagued by telephone solicitations during the evening hours, and whenever I have stayed home from work during the day I have had, without exception, at least one call of this nature. The overwhelming majority of these calls comes from real estate interests, those most persistent involve the sale of recreational property in California.

In appreciation, and hoping your bill will be quickly adopted, I am

Sincerely yours,

——— ———.

CHULA VISTA, CALIF.,
March 28, 1972.

Representative LES ASPIN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: After reading of your bill to eliminate undesired telephone solicitation in today's Christian Science Monitor, I wrote to Senators Cranston and Tunney and Congressman Van Deerlin urging their support.

Sincerely,

——— ———.

GURNEE, ILL.,
March 28, 1972.

Ref: Telephone solicitation.
Hon. LES ASPIN,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I read in the March 28th edition of the Christian Science Monitor that you have introduced a bill to "place a 'no solicitors' sign . ." on one's telephone.

This would be a most useful contribution if the bill is passed, and I sincerely hope it is.

Yours very truly,

——— ———.

JOBS FOR PROGRESS—OPERATION SER

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. BROTZMAN. Mr. Speaker, Jobs for Progress, Operation SER—service, employment, redevelopment—was originally created 6 years ago to provide manpower services primarily for the Spanish-surnamed minorities throughout the southwestern United States. During these 6 years, people all over that part of our country have come to recognize the valuable work being accomplished by this group.

This year SER has expanded out of the Southwest and into Chicago and Detroit, and its expects to provide manpower services within the next 12 months to over 25,000 disadvantaged. These services include job placement, education, job training, job development, and supportive services that lead to employability and job success.

I would like to congratulate SER on the tremendous service that it is providing and I wish it continued success in dealing with the problems which face our disadvantaged minorities today.

To better acquaint my colleagues with the important work being done by Operation SER, I have included in the RECORD today a short description of the purposes and objectives of this organization as stated by one of its pamphlets:

PURPOSES AND OBJECTIVES OF THE SER NATIONAL EFFORT

PURPOSE

The basic thrust of the SER activities is to assist the disadvantaged—to improve the quality of their lives, primarily through manpower and related programs designed to upgrade educational and vocational skills, and to open career opportunities in employment.

OBJECTIVES

In pursuit of its purpose, SER focuses available resources on the following objectives, which have shaped the strategies of all local programs for the coming contract year:

1. To plan and arrange manpower and related services that enable the disadvantaged—with priority to Spanish-Speaking Americans—to overcome the obstacles that have denied them employment, economic opportunity, and self-sufficiency. To address both institutional barriers, such as those related to the employer environment, and the unique needs of individual enrollees, including language and cultural characteristics. To provide, or arrange for the selective provision of, education, training, job development, and supportive services that lead to employability and job success.

2. To advance the state of the art in how to deliver effective manpower and related services to the Spanish-Speaking population through structured research, experimentation, and evaluation as well as through day-to-day operations by developing innovative bilingual and bicultural curricula, education and training materials, and teaching methods.

To disseminate the results showing "what works, what doesn't and why," and otherwise assist Federal agencies, State Employment Services, local school systems, other Spanish-Speaking manpower organizations, and other groups to better serve the Spanish-Speaking.

3. To work with employers, unions, and governmental authorities to broaden employment opportunities and eliminate discrimination and other barriers to employment and career upgrading of the Spanish-Speaking population in the private and public sectors.

4. To use advanced knowledge gained through research and experimentation to assist Federal, State and local governmental authorities in those areas of SER operations in the planning and development of programs for the Spanish-Speaking community and otherwise stimulate institutional changes and responsiveness on the part of governmental agencies.

5. To actively involve the Spanish-Speaking poor so that directly and through their representatives they can participate in the planning and administration of programs that affect their social and economic well-being.

6. Based on an outstanding record of results achieved, to stimulate investment of additional manpower resources on behalf of

the Spanish-Speaking community. Moreover, reallocate the resources provided to SER to local communities on the basis of the needs of the disadvantaged and the results that can be achieved on their behalf.

7. To foster the development of Spanish-Speaking leadership through executive exchange programs with other manpower agencies. To recruit some key staff with special executive development skills without regard to ethnic identification. To assist in executive search and recruitment activities for other public and private agencies. To carry out programs to broaden access to higher education.

THE DEVELOPMENT

In the Spring of 1965, job placement centers for the Spanish-Speaking were operated in Houston and Corpus Christi by the League of United Latin American Citizens. Under the banner of "Jobs for Progress", the centers were funded and staffed exclusively by Spanish-Speaking volunteers.

Based on the lessons learned, the two national organizations, LULAC and the American GI Forum, joined to form "Jobs for Progress, Inc." to ". . . eliminate poverty in the Southwest—with special attention to the culturally different." The large scale program to tap the manpower resources of the Spanish-Speaking community was given the name "to be" in Spanish—Operation "SER".

On June 10, 1966, Secretary of Labor Willard Wirtz and OEO Director Sargent Shriver announced the joint funding of Operation SER's Regional Office, and on October 3, George J. Roybal was installed as SER's Executive Director with a small staff in Albuquerque, and the Skills Bank started placing people in non-traditional jobs.

By August 1968, the result of two year's work began to materialize. Convinced that it was moving in the right direction, SER forged ahead, implementing new ideas to reach the Spanish-Speaking, making Manpower programs available to them for the first time. As of January 1970, SER had in operation 23 programs.

The Regional Skills Bank had coordinated the activities of 5 State Offices and 21 local offices. Together, the combined Skills Banks had registered over 50,000 Spanish-Speaking Americans throughout the 5 Southwestern States and had placed more than 12,000 persons in non-traditional employment. The SER Research and Data Processing Department collected and tabulated valuable data utilized by SER in future Manpower programming.

The total impact of SER on the Spanish-Speaking community cannot be ascertained at this time. Manpower accomplishments can be cited, but these were not the only services effected by SER. Employment-policy changes influenced by SER are too recent to be noticeable. Yet, State operating agencies are cognizant of the fact that SER has reached thousands of disadvantaged Spanish-Speaking Americans; people formerly not serviced by any State employment or Manpower agency.

THE PROBLEM

The Spanish-Speaking in the nation is worse off in every respect than all other Americans. They are poorer, their housing is more crowded and more dilapidated, their unemployment rate is higher, and their educational level is lower (two years below nonwhite, four below Anglo).

CULTURAL DIFFERENCE

Spanish-Speaking Americans are unique among peoples who make up our nation. They did not "arrive" to colonize. They were already here when our Southwestern boundaries grew around them and the Anglo migration came to overwhelm them. Conquering the frontier to establish civilization really meant conquering the Mexican to establish Anglo institutions, in which the Mexican had little say, and which had little inclination to include him.

With language, religion and customs at odds with the dominant society, the Mexican remained culturally and economically isolated in the midst of increasing prosperity. The Spanish-Speaking of today is first and foremost a committed and loyal American, but his desperate struggle to educate himself, and to find a better job, is a constant reminder of his cultural disadvantage. Attitudes rooted in the nineteenth century persist and perpetuate a dilemma which is not easily resolved, and our dynamic economic growth is only leaving the Spanish-Speaking further behind.

A NEW APPROACH

SER was designed by the major Spanish-Speaking organizations to break down cultural and economic barriers to full employment for the Spanish-Speaking of the nation by involving the Spanish-Speaking themselves in the effort. SER is staffed exclusively with bilingual, bicultural personnel who are not only well qualified in their respective specialties, but whose experience and motivation make them cognizant and adept at dealing with cultural difference. By developing and administering manpower programs in this manner, effective gains are already being made.

RCA IS PROUD TO TRADE WITH THE ENEMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. RARICK. Mr. Speaker, the Radio Corporation of America Global Communications, Inc. is so proud of its Communist China satellite sale that as a tax deduction it is running a full page slick Chinese signature on the sale contract.

It is unfortunate that pictures cannot be reproduced in the RECORD.

Supposedly, the new Red China RCA satellite station will provide a link for live TV broadcasts between the two countries. If the Red Chinese controlled TV is as unrepresentative of the Chinese people as is the U.S. controlled TV, there will be little gained in international understanding. RCA is proud to trade with the enemy.

The ad follows:

[From Business Week, April 8, 1972]

THESE TWO SIGNATURES OPENED THE WAY FOR REGULAR SATELLITE COMMUNICATIONS BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA

They are on a contract signed in Peking on January 22, 1972 between RCA Global Communications, Inc. and The China National Machinery Import and Export Corporation.

It is a contract to sell The People's Republic of China their first satellite earth station.

It is going to put a fourth of the world's people in regular touch with the rest of the world by satellite for the first time ever.

The RCA earth station will provide a link for live television broadcasts between the two countries, as well as voice, teleprinter, and facsimile communications.

Only with modern electronic communications can fear and isolation gradually give way to cooperation, understanding and friendship.

In 1919, our company was formed to provide international communications for another of the world's great nations. The communication was a simple wireless telegraph. The nation was The United States of America.

THE 27TH ANNIVERSARY OF THE DEATH OF FRANKLIN DELANO ROOSEVELT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. BEGICH. Mr. Speaker, today marks the 27th anniversary of the death of perhaps our country's most outstanding President. Twenty-seven years ago today Franklin Delano Roosevelt, 32d President of the United States died at Warm Springs, Ga.

I need not convince you of this man's greatness. We are all already well aware of this fact. The man who has come lovingly to be known as F. D. R. provided this country with the strong, unflinching leadership it so desperately needed at two of its lowest moments in history.

Franklin Roosevelt assumed office as President in 1932, and with boldness and initiative brought a crippled Nation to its feet. Again, when several years later the Axis Powers threatened destruction of the free world, F. D. R. firmly grasped the reins and instilled the confidence and courage which ultimately led us to final security.

On this day I would ask that we all spend a moment in quiet reflection on the loss we all endured by the death of this outstanding individual who so profoundly influenced for the better not only this country, but the entire world. Let us pay tribute to a great man—a good man.

HOUSE OF REPRESENTATIVES—*Thursday, April 13, 1972*

The House met at 12 o'clock noon.

The Reverend Father Joseph F. Thorning, D.D., Ph. D., pastor emeritus of St. Joseph's-on-Carrollton Manor, Md., and an honorary professor of the Catholic University of Chile, a pontifical institution, offered the following prayer:

Heavenly Father, author of light and of love, let the radiance of Thy countenance shine brightly upon the Speaker of this House and all the Members of the U.S. Congress.

Grant a special blessing to leaders of the American Republics now assembled in Washington that they be inspired to propose measures, not only providing higher standards of living, education, and work, but also guarantees for the security of their peoples in their homes and nations, when faced with outside aggression or domestic subversion.

We pray that, as a result of brotherly love and cooperation, nobility of purpose may be transformed into a partnership of fruitful action.

At the same time, may all citizens, who cherish freedom and the blessings of good government, display respect for the rights of their neighbors and a sense of responsibility for family life, two virtues essential to progress and friendship in national and international relationships.

We implore these divine graces through the love and favor of the Christ of the Andes. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1338. An act to authorize the government of the District of Columbia to fix certain fees;

S. 1363. An act to revise and modernize procedures relating to licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes;

S. 1819. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the act; and

S. 2209. An act relating to crime and law enforcement in the District of Columbia.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2770) entitled "An act to amend the Federal Water Pollution Control Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. RANDOLPH, Mr. BAYH, Mr. EAGLETON, Mr. BOGGS, Mr. COOPER, and Mr. BAKER to be the conferees on the part of the Senate.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader the program for the rest of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in reply to the distinguished minority leader, we have completed the legislative program for this week, except for the ceremonies attending Pan American Day which we will have in just a few minutes.

The program for next week is as follows:

On Monday there will be the call of the Consent Calendar, to be followed by 11 suspensions:

House Concurrent Resolution 471, relief from restrictions on Soviet Jews;

H.R. 3544, changing the bracket tax on large cigars to an ad valorem tax;

H.R. 13753, wage adjustments for prevailing rate employees;

H.R. 13025, use of real property for wildlife conservation;

H.R. 13752, licensing of thermoelectric generating plants;

H.R. 13435, Upper Colorado River Basin;

H.R. 13434, Missouri River Basin;

S. 978, University of Utah land conveyance;

H.R. 11839, Gulf Islands National Seashore;

H.R. 1462, Puukohola Heiau National Historic Site, Hawaii; and

H.R. 11774, Honokohau National Historic Landmark, Hawaii.

For Tuesday there will be the call of the Private Calendar and the consideration of H.R. 45, Institute for Continuing Studies of Juvenile Justice, under an open rule with 1 hour of debate.

For Wednesday and the balance of the week, the program is as follows:

H.R. 10488, public buildings and grounds amendments, subject to a rule being granted;

H.R. 13591, National Institute of Arthritis, Metabolism and Digestive Diseases, subject to a rule being granted;

H.R. 12202, the Federal Employees Health Benefits Act, subject to a rule being granted;

H.R. 14108, the National Science Foundation authorization, subject to a rule being granted;

H.R. 13034, the Fire Research and Safety Act authorization, subject to a rule being granted; and

H.R. 14070, the NASA authorization, subject to a rule being granted.

Of course, conference reports may be brought up at any time and any further program will be announced later.

ADJOURNMENT TO MONDAY, APRIL 17, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business scheduled under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMENDING THE HONORABLE DANTE B. FASCELL AND REVEREND FATHER JOSEPH F. THORNING ON PAN AMERICAN DAY

(Mr. BOGGS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I shall not take the full minute, but I simply want to take this time so as to congratulate and commend our distinguished colleague, the gentleman from Florida (Mr. FASCELL) for the fine work he does each year on Pan American Day, and also those associated with him in this effort.

All of us appreciate the vital importance of our sister republics to the south of us.

Mr. Speaker, I also would like to say a word about Father Thorning, who today for the 28th time gave the prayer at the opening of our session. Father Thorning has become an institution here, and we welcome him back.

ORDER OF BUSINESS ON PAN AMERICAN DAY

Mr. VANIK. Mr. Speaker, I ask unanimous consent that the order previously agreed to providing for the conduct of Pan American Day be altered so as to permit the presentation of 1-minute speeches first.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE REVEREND FATHER JOSEPH F. THORNING

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, today, Pan American Day, the prayer was offered by Father Joseph F. Thorning for the 28th consecutive year. Father Thorning, affectionately titled "the Padre of the Americas" by Senator MANSFIELD when he was a Member of the House, is a native of my State, Wisconsin. Following his graduation from St. Rose of Lima Grade School and Marquette Academy in Milwaukee, also my alma mater, he studied at the College of the Holy Cross, Worcester, Mass., the St. Louis University, Georgetown University, Catholic University of America, and Oxford, England.

He has served as dean of the graduate school, Georgetown University; as chairman of the department of social history at Mount St. Mary's Major Seminary and College, Emmitsburg, Md., and is an honorary professor of the University of Santo Domingo and the Catholic University of Chile.

Father Thorning is associate editor of World Affairs, and has worked long and diligently for the cause of inter-American understanding. We hope Father Thorning will continue his efforts on behalf of progress in the Western Hemisphere and that he will be with us on Pan American Day for many years to come.

Mr. Speaker, I also would like to join with our distinguished majority leader this morning in commending our colleague, the gentleman from Florida (Mr. FASCELL) for his efforts in promoting better understanding in the Western Hemisphere with our sister nations to the south.

THE NEWS MEDIA IN SOUTH VIETNAM

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the news coverage of the Vietnam war has really brought the fighting right into our living rooms. In a way this is good because it has served to keep the American people informed, but it has also been bad from the standpoint of preventing our brave servicemen from fulfilling their assigned missions at certain times.

I personally feel that if news media personnel cause unnecessary problems for our commanders in the field and endanger the lives of our servicemen, we should institute restrictions as was done during World War II.

We have had evidence in recent days of just such an incident involving Lt. Col. Frederick P. Mitchell who was hampered by the news media in the performance of his duties. Lieutenant Colonel Mitchell certainly should not be reprimanded by the military for his statement to the press, nor should the news media be allowed to interfere with U.S. military operations when such interference endangers the lives of the servicemen or adversely affects the morale of the men.

OVERWITHHOLDING FROM INDIVIDUAL TAXPAYERS

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, it was shocking to learn today that the Federal Government is overwithholding between $6 billion to $8 billion from individual taxpayers in families with one worker. This cruel policy results from recommendations made to the Congress by Treasury officials last year—to correct a slight underwithholding in 1971. The result has been to wash out the benefits of increased exemptions and increased minimum tax deductions in last year's tax legislation.

In addition, it has provided the Federal Government with billions of dollars of interest-free use of taxpayer moneys.

When corporations claim refunds of taxes paid to the Federal Government—at a rate which may reach $5 billion this year—they usually collect interest from the Federal Government; their tax deposit is usually treated as a loan.

When the individual taxpayer is overwithheld—under this present plan—the Government takes his money and uses it interest-free. As far as the average taxpayer is concerned, the system is absolutely cruel and unfair.

There is overwithholding today in every family where there is only one worker; the withholding schedules are based upon more than one worker in each family.

Every single taxpayer and every taxpayer in a one-worker family is overwithheld and should file a W-4 form with his employer on the basis of at least one additional exemption.

SOVIET PERSECUTION OF UKRAINIAN INTELLECTUALS

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, on January 26 of this year, in an address in observance of Ukrainian Independence Day, I pointed out that in spite of the oppressive nature of the Soviet Union's stranglehold over the Ukraine, the spirit of freedom continues to flourish unabated in the hearts of the Ukrainian people.

Already the Soviets have proven once again the truth of these words. The recent arrest of some 13 Ukrainians in the cities of Kiev and Lvov for trying to exercise their rights as human beings and for engaging in activities native to their Ukrainian culture is just one more proof that the Soviet leaders still deeply fear the effects of liberty on people living under Communist domination, just as they did in 1968 with the people of Czechoslovakia.

The persons arrested—including Vyacheslav Chornovil, a journalist who was first jailed in 1967 for having prepared an account of political trials in the Ukraine, plus two distinguished literary critics, Ivan Svitlychny and Ivan Dzyuba—have given fresh and eloquent proof to the whole world that in spite of any consequences that may threaten them, the brave, freedom loving Ukrainian people will indeed continue their long struggle for liberty in their homeland.

It is not now known just what has happened to those who were arrested. Are they alive? Will they ever be tried? Even if the answer to both questions is "yes," we still know the kind of justice is that is customarily handed out by the Soviet Union.

Mr. Speaker, I deeply believe that we here in the United States, as still the leader of the free world, have a solemn duty to raise our official voice in protest to this most recent and most flagrant violation of the United Nations Declaration of Human Rights to which the U.S.S.R. was itself a signatory. And here in this House it is likewise a duty for those of us who feel deeply on such matters to lead public opinion in voicing outrage at this and other such incidents.

Therefore, I join those who are urging the United Nations to conduct a full and immediate investigation of this terrorism that has been practiced by the Communists against the people of the Ukraine and I urge my colleagues and my fellow Americans to join in this earnest plea.

WHOLESALE PRICES SLOW DOWN AS FOOD PRICES DECLINE

(Mr. CONABLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, March was a month which produced some encouraging developments in the Nation's anti-inflation effort. The March wholesale price index recently released by the Department of Labor shows a small, one-tenth of 1 percent increase on both seasonally adjusted and unadjusted bases.

The best news to come out of the March index is that wholesale food prices declined substantially. Farm products showed an average decrease of 1.3 percent seasonally adjusted, reflecting lower livestock and fresh produce prices. Fresh and processed consumer foods declined seven-tenths of 1 percent. This encouraging performance by wholesale food prices suggests that consumers should soon see prices decline at their grocery stores.

Industrial commodities also slowed their rate of advance in March, rising three-tenths of 1 percent after larger increases in each of the previous 2 months. We therefore have further reason to expect moderation in the price behavior of consumer goods as a result of these developments.

In the 7 months since the President announced his new economic program, the wholesale price index has risen 2.2 percent, compared with the nearly 3 percent advance over the previous 7-month period. This is evidence that the administration's anti-inflation program is successfully restraining price increase pressures. This progress also augurs well for the future, as reduced inflation at the wholesale level now is translated into reduced consumer price inflation later on.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 10488 UNTIL MIDNIGHT FRIDAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight Friday, April 14, to file a report on the bill, H.R. 10488.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE 82D ANNIVERSARY OF THE UNION OF AMERICAN REPUBLICS

Mr. FASCELL. Mr. Speaker, I offer a resolution—House Resolution 923—and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 923

Whereas April 14, 1972, will mark the eighty-second anniversary of the Union of American Republics, now known as the Organization of American States;

Whereas the continued hemispheric solidarity is essential to the cause of progress and freedom for all citizens of this hemisphere; and

Whereas in unity there is real promise of accelerated progress in social and political reform and economic growth in the countries of our home hemisphere: Now, therefore, be it

Resolved, That in honor of the founding of the Pan American Union, the House of Representatives of the United States of America extends greetings to the other Republics of the Western Hemisphere and to all citizens of those Republics, with the fervent hope that new thresholds of good will, stability, and prosperity are being crossed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, before making my own statement, I would like to take a moment to recognize and again welcome to this Chamber one of America's most distinguished clergymen, the Reverend Joseph F. Thorning. Father Thorning, who is an associate editor of World Affairs, today delivered for the 28th consecutive year the invocation to the House of Representatives celebration of the cause of Inter-American friendship and cooperation. Long before ecumenism became as popular as it is today, Dr. Thorning, a former dean of the graduate school of Georgetown University, was in the forefront of those urging closer unity and cooperation among religious groups. Moreover, he was an apostle of interracial understanding before that cause was widely recognized. In addition to his many honors as a religious leader and humanitarian, Father Thorning enjoys a reputation as a distinguished scholar of international relations and hemisphere affairs. His best selling biography entitled "Miranda: World Citizen" and published by the University of Florida Press, is considered by many scholars to be the definitive work on Don Francisco de Miranda of Venezuela, the forerunner of Latin American freedom and independence.

I know that all of my distinguished colleagues will join me in the hope that Father Thorning will be with us on this important day for many years to come.

Mr. Speaker, today we pause to celebrate Pan American Day. We do so because 82 years ago men of vision and foresight, from both the Americas, realized that through cooperation and friendship it would be easier to achieve the kind of world they sought, and we still seek. In 1890, these men decided that a formal structure, a Union of American Republics, could well serve as a catalyst to a better and more peaceful hemisphere. In the intervening years, the world's oldest regional organization has many times proven its worth as a servant of peace and a promoter of international good will and understanding. From its small beginnings, it has grown into the thriving, vigorous, and multifaceted Organization of American States.

But Pan American Day marks more than just the anniversary of a great institution, it celebrates a much wider and deeper commitment by the peoples of this hemisphere to work together from their common heritage of political freedom toward a better future, marked by liberty and economic and social justice.

The OAS itself is the symbol of that commitment, but it is only one part, though an extremely important one, of the vast religious, intellectual, cultural, economic, and political ties that bind together the peoples of our respective nations.

It is with these numerous and complex ties in mind, Mr. Speaker, that I would like to take this occasion on Pan American Day to extend best wishes to the distinguished Secretary General of the Organization of American States, to the dozens of delegates to the Second General Assembly of the OAS now meeting in Washington, and to all those who work for a better hemisphere, not only in the OAS, but in other international organizations, in our national governments, and in business and labor. It is all these thousands of people who really are the inter-American system, and it is their work and their sacrifices that we salute today.

Besides being an occasion for celebration, Pan American Day provides an appropriate opportunity to reflect on the present state of U.S. relations with our hemisphere neighbors. In attempting to assess what is in reality a dynamic and complex situation, it is difficult at best to perceive the long term trends of where we have been and where we may be going. But, despite this obvious risk and because of the deep interest in Latin America here in the Congress, I would like to take a few minutes to discuss some of my impressions of U.S.-hemisphere relations.

Last year, on Pan American Day, I characterized Latin America as being in a period of great transition. That is, if anything, truer today than it was then. It will remain the dominant characteristic of most of the countries for a very long time. Because this fact underlies the turmoil which so often affects our relations with each of these countries and disturbs many of us here in this Chamber, it might be useful to repeat some of the statistics which indicate the vast pressures which so often boil over into headlines.

First, the population is growing at almost 3 percent annually but, at the same time, the segment of the economically active population is not growing as rapidly.

Moreover, the population is rushing from the countryside to cities at a rate unparalleled in human history. The average annual increase in the nonagricultural labor force was at an astounding rate of 3.5 percent annually from 1950 to 1965. What has happened then is that tens of millions who could find no productive work in the country have moved to the cities where for many the search for work has also proved fruitless. The result has been vast rings of slums around the cities filled with idle millions. It has been estimated that 6 percent of the people of Latin America do not share in any meaningful way in the economic life of their homelands. As inadequate a tool as income statistics can be, it is shocking to think that these 60 percent have an average per capita income of only about $110. Even including the "wealthier" 40 percent of Latin America's population, the average per capita income in 19 Latin American nations in 1969 was only $470 compared with $4,584 for the United States.

These statistics and the underlying human reality are at once both the result of underdevelopment and in some measure a further cause of continuing underdevelopment. It is the vast disparity between our way of life and that of our 270 million neighbors which conditions many of the problems we have with nations of the hemisphere.

In recognizing this situation and our common obligation within the Inter-American system President John Kennedy proposed and hemisphere nations approved an "Alliance for Progress" to try and close the gap between rich and poor. That objective has not been achieved. It may not be achieved for a very long time—but the Alliance has not failed. It has helped to unleash tremendous forces of change—forces whose enormity and scope we frankly had not even imagined and which we may never fully understand. Those forces, in turn, have helped bring to all of Latin America a new awareness of the need to change the old order; to replace the old, stagnant, tripartite oligarchy; to more fully and fairly share the benefits of political liberty and economic well being.

Accompanying these new aspirations has been an awakening social conscience and new leaders desiring change—leaders with whom we may often disagree and whose methods we may not always approve, but leaders who do hold out a hope for a better future for the people of the Caribbean and Latin America.

Where is the United States in all of this? Just where you might expect to find us—right in the middle—where I, for one, think we must be.

As I see it, the United States basically has two sets of problems with respect to Latin America. Both sets stem from the same source—the vast changes engulfing the developing nations of the hemisphere. First, there are problems which result from what the Latins themselves believe must be done. They have different attitudes toward foreign investment, toward trade, toward the importance of the environment, toward the role of the democratic process.

The second set of problems results not from their own response to their problems but from how they view our response. This is evidenced by concern over our trade restrictions, our monetary policies, the level of aid we furnish, the way we furnish it.

For the most part, the problems embraced by these two general categories result from genuine and legitimate difference of opinion which can be resolved by men of good will. But all too often their substance is obscured by strident political rhetoric on one side or another. Such shortsightedness can only delay urgent solutions and further inhibit development already too long delayed.

There is, of course, a third kind of

problem—such as Cuba—the kind of problem which cannot be solved because of a total unwillingness to compromise—a willful desire to prolong a problem and to inflame it if possible. Fortunately, while Cuba is a major problem, it is an isolated one. We can be thankful that despite very serious problems with other countries, including Chile, thus far it appears that solutions are still possible—that there still is a reservoir of good will.

In general, then, it seems to me that despite enormous difficulties and the continuing threat that any number of problems might cause a deterioration in our hemisphere relations, the inter-American system remains sound and our relations with almost all hemisphere countries reasonably good. Evidence of this is the general cooperation Latin America has displayed toward our own efforts to put our economic house in order. In addition, steps have been taken by a number of countries, Brazil and Mexico especially to reach mutually acceptable accommodations on a number of outstanding issues.

Having said all of this, I do not want to leave the impression that all is rosy and bright. Far from it. The problems are too large and our knowledge of what to do too scarce to inspire more than a little optimism. Moreover, the United States itself is failing to take the kind of long-term positive approach needed to insure good hemisphere relations throughout the 1970's by dealing in advance with the issues raised by the various problems arising out of the vast changes sweeping the hemisphere. For 3 years now, I have been calling for the implementation of such a positive hemisphere policy. I agree with those who say that now is the time for the United States to articulate a well defined and positive policy toward Latin America. As some have suggesed no policy may be a policy—but it is not, I submit, an adequate policy, particularly since the Latins themselves have not been able to clearly identify U.S. policy.

For 80 years, through the OAS, the United States had a positive policy toward our hemisphere neighbors. We strengthened our commitment to such a policy in the Alliance for Progress but for the last 3 years, our policies have steadily lost vigor and increasingly drifted from one crisis to another. Clearly, the policies of the past must be updated; their direction and thrust constantly adjusted to new emerging realities; but just as surely they can never have impact if they have no momentum. I hope President Nixon will heed Gallo Plaza's call and apply to relations with our neighbors the direction, resourcefulness, and imagination he has used so effectively in dealing with our antagonists.

As I have stated on numerous occasions, the future of Latin America cannot be determined in Washington. What happens in the rest of the hemisphere really will depend on what the peoples of Latin America and the Caribbean themselves choose to do or not to do. But there is much the United States can and should do to assist in the gigantic task of hemispheric development if the revolution in Latin America is to be a peaceful one and if in the future we desire to maintain close and friendly ties.

First, the foremost, I hope that the administration will, at the very least, take the first necessary steps toward carrying out its promise to the hemisphere of preferential tariff treatment for goods from the developing countries. Surely it is time to begin what may be a long and arduous effort to fulfill those promises to the hemisphere nations which have a deficit in their trade balance with us. Our neighbors too must be able to judge our performance as a nation on our deeds and not just on our words however sincere.

Second, as the forces of economic nationalism steadily gain strength in the hemisphere, the United States must take steps to clarify our position on our policies bilaterally and in international financial institutions on questions relating to expropriation of American businesses. We must make it clear to our neighbors that while we will act to uphold international standards and to protect the legitimate rights of our citizens, we will not react unwillingly—that we will not do so precipitously without full consideration of the facts of each individual case. We must assure our friends that while we will seek justice, we wish no harm to others and that we will make every effort to resolve economic disputes through negotiations and good will.

But, Mr. Speaker, short-term reassurances about our current policy on expropriation will not be enough.

As far as the hemisphere is concerned, the 1970's and 1980's increasingly will be marked by a series of serious economic problems. These problems can all too easily become political clashes if the current void in long-term international economic policy is allowed to continue. It is not enough to rely on the strength and energy of a dynamic Secretary of the Treasury. What is needed is a thorough restructuring of our own Government's international economic policy making machinery to insure that authority and imagination are combined in a new structure to create policies that will shape solutions to emerging problems before they become political crises between countries. Our current structure sees authority and responsibility divided amongst dozens of various departments, agencies, and boards. Even within the White House, overseas foreign policy decisionmaking power seems fragmented. The Office of the Special Representative for Trade Negotiations, the Council on International Economic Policy, the National Security Council, and the Council of Economic Advisers all bear major responsibility for various aspects of international economic policy. Below the White House, the Treasury, State, Agriculture, and Commerce Departments also have major overlapping responsibilities. Is it any wonder that we seem to have either no policy or two, three, or five policies?

Mr. Speaker, in addition to restructuring our own governmental lines of authority on overseas economic policy, the U.S. business community itself must reexamine its own objectives and methods of operations in order to adjust to the new emerging political, economic and social realities in this hemisphere and throughout the developing world. The Council of the Americas and other business groups have begun this task. The Senate's forthcoming look at the role of multinational corporations will help. But small separate efforts are again not enough. The pace of events is swift and the issues difficult. I, therefore, urge the President to convene a White House Conference on Overseas Activities of U.S. Business to bring to focus the attention and abilities of our own private sector on how we can best meet the new emerging economic issues which will play such a large role in international relations during the last quarter of this century.

Mr. Speaker, before concluding my remarks, I want to share with my colleagues one other misgiving which I have regarding our present hemisphere policies. That concern is about what I perceive as a lack of a strong cohesive policy for the Caribbean area.

The islands of this sea, and the nations surrounding it, exclusive of the United States, have a population of some 200 million. It is a diverse area embracing the hemisphere's poorest nation and Latin America's richest but one whose potential as a market and as an economic unit has hardly been explored. Complicating the picture for the United States is the presence of Communist Cuba and the accompanying Soviet naval penetration of the area. But this is just another reason why I believe that the time has come for the United States to extend its hand in a new positive way toward our Caribbean friends.

Mr. Speaker, the steps which I have recommended cannot solve all our problems with the hemisphere. They are not designed to do so but they are positive concrete steps toward again bringing to our inter-American system a new sense of common purpose aimed at allowing every citizen of our hemisphere to live his or her life to the fullest measure of their potential.

On this Pan American Day, 1972, it is appropriate that we here in the United States rededicate ourselves to the inter-American system and consider, as the Alliance for Progress intended, how we need to change our perceptions and policies to build the kind of hemisphere community we all seek.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am glad to yield to the distinguished gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, today we commemorate the 82d anniversary of the founding of our inter-American system. On April 14, 1890, the First International Conference of American States established the International Union of American Republics and thus marked the beginning of continental solidarity and friendship.

This inter-American system, known today as the Organization of American States, is the oldest and most enduring of U.S. multilateral commitments. From early days in our history, we have recognized the importance of Latin America and its special relationship to us.

The OAS charter forms the basis for this inter-American spirit, placing emphasis on the economic and social development of the hemisphere, and expressing basic principles and desirable goals to implement dynamic economic development and expanded educational and social opportunities. Development goals include a self-sustained increase in per capita national product; expansion of exports and the promotion of private initiative and investment; accelerated and expanded industrialization; reduction of illiteracy; adequate housing and improved health and nutrition standards.

To further the goal of economic collaboration, the Alliance for Progress came into being—a vast cooperative effort unparalleled in magnitude and nobility of purpose to satisfy the basic needs of the American peoples for homes, work and land, health and schools. In August 1961, the Economic Ministers of the American Republics—with the exception of Cuba—signed the Charter of Punta del Este. This charter embodies the multilateral approach to spur economic development and reform prevailing economic and social structures, through self-help efforts on the part of Latin American participants, supplemented by U.S. assistance. Thus work has been undertaken and progress achieved in the areas of tax reform, land reform, education and health.

The task remains enormous, because for a host of reasons—historical, geographical, political, and economic—most of Latin America suffers from crippling poverty, illiteracy, and disease. At the same time, population growth is outpacing the development of economic resources.

Capitalizing on poverty, illiteracy, and disease is the ever-present Communist threat—ready to exploit discontent and frustration resulting from the slowness of economic reform. International communism has always sought to establish a beachhead in the Western Hemisphere and thence to infiltrate the rest of the continent and destroy this great inter-American system.

The Communist-captured Cuban revolution represents a pattern of revolution which the Communists would like to spread throughout the less developed world. In January 1962, to meet this Communist threat, the OAS applied the Rio Treaty to the case of Cuba because the Castro government had officially adopted Marxist-Leninist ideology. This Eighth Meeting of Consultation found that such adherence to Communist doctrine was incompatible with the principles and objectives of the inter-American system. As a result, Cuba was excluded from participation in the inter-American system. In July 1964, because of Cuba's export of revolution to Venezuela, the Ninth Meeting of Consultation decided that diplomatic and trade relations between Cuba and other American nations be severed.

Nevertheless, export of revolution, which has been one of the major hallmarks of Fidel Castro's government, continues. The Cuban leader continues to advocate violent revolution and has volunteered Cuban resources to promote continental revolution through armed struggle. Castro supported the Che Guevara insurgency in the Bolivian highlands; endorsed the terror tactics of the Rebel Armed Forces in Guatemala, the group responsible for the assassination of U.S. Ambassador John Gordon Mein; and now is supporting urban insurgency in Latin America. Cuba recently republished the Mini-manual of the Urban Guerrilla and distributed it throughout the hemisphere. Cuba continues to train guerrilla leaders—in sabotage, urban terrorism, kidnaping, and bombing. In his speeches, Castro has said that Cuba will continue to support revolutionary movements in Latin America and that he has no desire to rejoin the inter-American community. With Chile experimenting with socialist revolution, it is now even more imperative that we take steps to counteract the Communist threat.

The only hope of countering the appeals of communism in the hemisphere is to improve the quality of life. For people who have proper housing, schools, and jobs will not look for radical solutions.

The Alliance for Progress was a vast cooperative effort between the peoples of the hemisphere to satisfy the basic needs of the people for homes, work, land, health and schools. Progress in these areas has taken place, but much remains to be done in order to insure against a Communist takeover. We must rekindle these efforts and for this reason I have participated in conferences dealing with these economic and social problems and supported housing programs in Latin America. There is no doubt that the improvement of life in the Americas is the best investment that we could make toward saving these countries from a Communist takeover.

It is appropriate that as we mark another anniversary of Pan American Day, that we rededicate our efforts to furthering the peace, prosperity, and freedom of the Western Hemisphere, and join with our friends in Latin America in reaffirming our dedication to hemispheric solidarity and the continued progress of the inter-American system.

Mr. FASCELL. Mr. Speaker, I yield now to the distinguished minority leader on the Subcommittee on Inter-American Affairs, who has given a great deal of leadership and time to this problem, such time as he may consume.

Mr. MORSE. Mr. Speaker, I should like to join my colleagues in welcoming once again to this Chamber a distinguished American, the Reverend Joseph Thorning, who once again is with us on Pan American Day. Dr. Thorning has received wide acclaim as an outstanding religious leader, a scholar humanitarian, and author. He has contributed enormously to the improvement of relations among the peoples of the American republics. He is indeed a citizen of the hemisphere.

I would like to join, too, in acknowledging the work of the second regular General Assembly of the Organization of American States and its distinguished Secretary General, Galo Plaza. I wish them well in the important activities which engage them here in Washington on this very day.

It is with considerable pleasure, Mr. Speaker, that I join Mr. FASCELL and my other colleagues today on the occasion of the 82d anniversary of the Union of American Republics, now known as the Organization of American States.

Pan American Day has long symbolized the community of interests among all the peoples of the Americas. It has been observed traditionally as an occasion to renew verbally the commitment of our country to continuing unity and cooperation among the nations of the Western Hemisphere. This particular anniversary is certainly an appropriate time to reflect on the history of our relations with the other Republics of the hemisphere. At the same time, it is an equally appropriate time for us in the Congress to examine and evaluate new trends in our relations with our Latin American neighbors, and to look toward the future with a critical eye, assessing with great care current policies and practices of our Government.

Such an assessment is essential. Inter-American cooperation is vital to the overall interests of the United States and the hemisphere as a whole. Hemispheric unity is neither an anachronism nor is it a vacuous slogan as some would claim. Rather, it is based on a combination of very tangible mutual interests which include historical, humanitarian, social, economic, and security considerations.

It is generally recognized that relations between the United States and Latin America are currently going through a very difficult period of transition. What some people fail to recognize is that this transition—painful though it sometimes may be—is in many ways a very healthy development. More and more, responsible individuals in this country and in Latin America recognize that substantial adjustments must be made in the traditional patterns of hemispheric interaction. There is growing recognition that Latin Americans themselves can and should assume responsibility for major economic and political decisions that affect them directly. Inter-American relations cannot be unilateral in either design or in practice. Therefore, in analyzing the past and in making plans for the future, we must call upon our South American partners for their advice as to how we in the United States can improve our policies, our communications, and the nature of our relations with our hemispheric neighbors.

Within this framework of ongoing intergovernmental consultation, there are certain areas that merit our special attention. Human development, economic development, and the many faces of economic nationalism are all issues that we in the United States must face squarely and realistically in concert with our neighbors. We must recognize the legitimate apprehensions, as well as the economic problems and domestic pressures within Latin America that sometimes give rise to seemingly extreme actions on the part of our southern neighbors. Above all, we must attempt to follow a productive rather than a punitive course, one that is flexible and allows room for accommodation and eventual agreement on difficult outstanding issues.

With regard to our assistance programs, we should not allow the increasing complexity of inter-American relations to deter us from continuing to provide substantial economic support to Latin America. I am firmly convinced that while the nature of the aid we proffer must undergo critical analysis and substantial revision, there can be little doubt that such aid, properly conceived and effectively administered, is both needed and desired by prospective Latin American recipients.

I believe that this assistance should concentrate on people-to-people programs wherever possible, particularly those that encourage community cooperation and development.

In addition, there can be no doubt that overseas investments constitute an invaluable asset to developing economies whenever the firms in question are willing to mesh their activities with the legitimate development interests of their Latin American hosts. Therefore, in my view, investments should be encouraged, and the United States should continue to provide encouragement to prospective American investors.

I am convinced that the key to improving inter-American relations and to truly aiding Latin American development lies in understanding the importance of, and practicing consultation and cooperation. We in the United States must continue to listen rather than lecture. It is a practice that involves asking the advice of our neighbors, listening to their concerns, and respecting their priorities.

I believe that the 82d anniversary of Pan American Day marks an important and perhaps critical juncture in hemispheric relations. We have reached a point where it is now possible, with proper understanding and sensitivity on the part of all concerned, to develop and maintain a productive and mature relationship among all the nations of the Western Hemisphere.

Mr. FASCELL. Mr. Speaker, our distinguished ranking minority member on the Subcommittee on Inter-American Affairs, the distinguished gentleman from Massachusetts, who just addressed us in the well of the House (Mr. MORSE), has just made in his usual manner a very cogent speech on Latin American-United States relations, and an analysis of what he thinks needs to be done.

Mr. Speaker, it has been my pleasure over the many years that I have served in the Congress with the distinguished gentleman from Massachusetts, to observe not only his keen interest in the very vital problems of inter-American relations, but to know that he has left his benchmark on U.S. policy both in legislation and through action to bring the problems of the hemisphere to the attention of the administration, regardless of the political nature of a particular administration. He has in every sense been a leader, and, in the best sense, a leader in terms of formulating and seeking to have implemented foreign policy which is beneficial to the interests of the United States. I cannot think of a greater accomplishment by any Member of the Congress who serves or seeks to serve on the Committee on Foreign Affairs.

Suffice it to say the distinguished gentleman from Massachusetts has had vision; he has had dedication; he has written legislation; he has formulated policy; he has seen to it that it has been implemented; and he has not lost his keen sense of analysis for the future.

So it is with a great deal of pride that I say that my distinguished colleague from Massachusetts and I have served together, and that he has been my strong right arm on the subcommittee. It is with mixed emotions that I see him go on to greater things, as the Under Secretary General of the United Nations, filling the shoes of another great American, Ralph Bunche. I know that he will bring to that new position the same kind of dedication, the same spirit of restless inquiry, the same forward-looking and progressive thinking that has always marked BRAD MORSE's service in the Congress of the United States.

I am sure that all of our colleagues who know about his new position will join me in extending to our distinguished colleague from Massachusetts our best wishes. I know that we will all take pride in being able to say that "we knew him when."

Mr. MORSE. Mr. Speaker, if the gentleman will yield, I thank the gentleman.

Mr. FASCELL. Mr. Speaker, I now yield to another member of the subcommittee, the gentleman from Ohio (Mr. WHALEN) such time as he may consume.

Mr. WHALEN. Mr. Speaker, first I would like to echo the tribute which has just been paid to the ranking minority member of the Inter-American Affairs Subcommittee by our chairman, the gentleman from Florida (Mr. FASCELL).

In a floor speech earlier this week I referred to the great service that the gentleman from Massachusetts (Mr. MORSE) has performed in this body. Next Tuesday I will present more extensive remarks on the occasion of a special order which will be taken to pay tribute to the gentleman from Massachusetts (Mr. MORSE).

Mr. Speaker, as the newest member of the Foreign Affairs Subcommittee on Inter-American Affairs, I am pleased to join my chairman, Mr. FASCELL and my other colleagues in saluting our neighbors of the Western Hemisphere on this Pan American Day.

Our speeches here today again make clear our recognition of the political, legal, economic, and cultural ties which unite us, a recognition that began in 1889 when the Commercial Bureau of the American Republics was established. In the following 83 years, the Bureau has expanded into 23 actively participating nations and has been renamed the Organization of American States with the Pan American Union as its Secretariat.

For the most part, our relations have been characterized by a mutual understanding of each others' problems and a commitment to work out any difficulties among us through negotiations and compromise. Thus, we all can take a great deal of pride in the friendship which we have preserved.

Mr. Speaker, I do not mean to ignore the disagreements of the past or present. However, I would hope that, as we strive to meet our mutual responsibilities to the peace and development of this hemisphere, we would gain confidence in our ability to deal justly with each other as we recall the successes of the past. Certainly, our work is unfinished, but our commitment is deep. Thus, in the spirit of rededication to our goals, I add my voice to these Pan American Day tributes.

Mr. FASCELL. Mr. Speaker, our distinguished colleague, the gentleman from Ohio (Mr. WHALEN), who is as he says—the newest member of the subcommittee on Inter-American Affairs of the Committee on Foreign Affairs has just stated in a very characteristic way, his open-minded approach to hemispheric problems.

While he is our newest member on the subcommittee, let me say that he has been extremely dedicated and conscientious in attending the committee meetings. He has already set for himself the staggering task of getting caught up on all of the problems—economic, political, and social—of every country in the hemisphere. This is an enormous job but we can see already by his efforts in the subcommittee that he will be a most valuable member. We are very pleased and happy to have him serve with us.

Mr. WHALEN. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am glad to yield to my colleague.

Mr. WHALEN. I want to thank the gentleman for his kind comments and I am looking forward to my service, and active service I might add, on the subcommittee.

Mr. FASCELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I thank the gentleman from Florida for yielding.

Mr. Speaker, I am pleased to join in this discussion in commemoration of this 82d anniversary of the Organization of American States. All of us in one way or another have many contacts with our neighbors to the south of us.

In recent years I have had a particularly pleasant association with Ambassador Sol Linowitz, and presently with our Ambassador John Juva. Over the years no American has rendered greater service to the OAS and the State Department than Texas' own Thomas Mann.

At a time when we have so many conflicts and irritations and revolutions and battles throughout the world, I think it is significant to observe at this time in the Western Hemisphere the United States enjoys good healthy relationships with our neighbors to the south as well as with Canada. We may have problems and at times it may appear that we have a great deal of conflict. But this is not so. I do not think you can find any more peaceful place in the world than in the Western Hemisphere, and particularly between our country and the group of countries such as the Organization of American States.

So we do have a lot to be proud of. We must remember this and dedicate ourselves to a continuation of this relationship. Those of us who live in Texas are particularly concerned because we are the State that borders the great nation of Mexico, and through Texas, though we are not a republic, but through Texas and Mexico and on to all the nations of the south flow much of the direct contact relationship between this country and all the Organization of American States. So we are mindful of the relationship.

We are cognizant of it and we try our best to be a good neighbor.

In my own city of Austin we have a sister city of Monterrey, Mexico, and we visit two or three times a year in large groups merely to understand the problems we have in each city. They in turn look at what we have in Austin, and as a consequence there is what we hope to be a measurement of understanding of both our city and Mexico. It is good to visit and to keep up communications. If we can do that then, of course, we will never have any serious problems.

We have resolved that our first interest is perhaps, in this instance, to the south with this group of the Organization of American States. It is not that we do not have an interest in other parts of the world, but these are our nearest, dearest, and closest neighbors.

Across the Rio Grande there is a community of spirit and a community of families as well as governments that maintain a strong bond of friendly relationship. May it ever continue. We are mindful of that in our State, and I am proud to join today in support of this resolution on behalf of our friends to the south.

Mr. FASCELL. Mr. Speaker, I thank the distinguished gentleman from Texas for his remarks. He has always had an interest and has displayed great leadership in inter-American relations. Texas, as a border State, through the leadership of its congressional delegation and through others in various agencies of the national administration, has always demonstrated actively the very essence of what good relations are all about. Every major problem has been subjected to negotiation on the basis of good will on both sides.

Although there are still some unresolved problems, even the most difficult of them have lended themselves to resolution because the people in Mexico, and the people in Texas, and throughout the remainder of the United States have had the good will to resolve those disputes and to continue to live as good neighbors, as the gentleman from Texas has said.

Mr. GERALD R. FORD. Mr. Speaker, on Pan American Day we formally note the sense of community we feel with our sister republics in Latin America, the atmosphere of neighborliness which has marked our relations with our friends to the south of us for more than 150 years.

Bound together through geography and history, we and our Latin American neighbors have worked together to keep our hemisphere free of foreign domination and to promote our region's influence in the world community.

It is small wonder that the United States has always been keenly aware of the importance which attaches to our relations with the nations of Latin America.

It is also appropriate that each year we observe the closeness of that relationship by celebrating Pan American Day.

Our relationship with Latin America, of course, rates more than merely an annual observance. It should be the object of constant efforts toward improvement, a steady push toward a better life for the peoples of this hemisphere.

So it was that one of President Nixon's first acts upon taking office was to send Gov. Nelson A. Rockefeller on a mission aimed at assessing the needs of 20 Western Hemisphere countries.

As a result of the Rockefeller mission and subsequent report, the President set forth five principles that now shape our relations with the hemisphere: A firm commitment to the Inter-American system and to the compacts binding us in that system; respect for national identity and national dignity; a firm commitment to continued U.S. assistance for hemispheric development; U.S. support for Latin American initiatives on a multilateral basis within the inter-American system; and a dedication to improving the quality of life in the Americas by helping to meet their economic, social, and human needs.

These policy guidelines have been translated into a series of undertakings in trade, development assistance, and science and technology.

But, as the President has said:

> We cannot remake continents by ourselves. Such a venture would stifle the initiative and responsibility of other nations and thus their progress and their dignity.

It is not my purpose here to comment at length on the rising tide of nationalism in Latin America or to dwell on such problems as the dominance of military or leftist regimes in certain nations and the sharp increase in violent actions by terrorist and insurgent groups in Uraguay and Brazil. Neither will I go into the maritime boundary disputes with Ecuador and Peru except to state that we must reach agreement on this question.

Many of the existing problems in the hemisphere will give way only slowly to our attempts at solution.

But I feel certain that the general course we are pursuing—the policy based on the five principles previously enunciated—is the right one.

It is clearly in line with the need of our Latin American partners for a more balanced relationship with the United States.

It maintains our commitment to support their development through trade and aid. Yet it recognizes their right to determine their own destiny.

This is the way to improve the quality of life for all our Latin American neighbors.

This is the message I would impart to them on this 82d anniversary of Pan American Day.

Mr. ANDERSON of California. Mr. Speaker, I am pleased to rise today in tribute to the oldest international political organization in the world.

From the First International Conference of American States, held in April 1890, a union was established joining the American people from Cape Horn to the Arctic Circle. Today this union is known as the Organization of American States.

Now in its 82d year, this organization was the first concrete step in the formation of an inter-American system of cooperation and solidarity. We are attempting to work out a common understanding of our shared hopes, desires, and goals. To accomplish this end, the Alliance for Progress was established in 1961 as a pledge of U.S. commitment to Latin American economic and social progress.

We must, as President Kennedy stated:

> Convert our good words into good deeds, in a new alliance for progress, to assist free men and free governments in casting off the chains of poverty.

The Alliance for Progress—a vast cooperative effort to satisfy the needs of all people for homes, work, land, health, and education—ushered in a new era in inter-American relations. This has been an era in which economic, political and social development formed the basis for a unique hemisphere unity. Although sometimes beset by difficulty, we can point to substantial gains in Latin American development which could never have been achieved without the Alliance.

This Pan American Day—April 14, 1972—is a time to recommit ourselves to the principles and goals of the Organization of American States, and the Alliance for Progress.

We must revitalize our policy and emphasize those constructive elements which foster close and healthy Latin American-United States relations.

Mr. MONAGAN. Mr. Speaker, I am pleased to join my colleagues in commemorating the 82d anniversary of the Organization of American States.

I should also like to say a word of welcome to the distinguished cleric who since the initiation of Pan American Day in the House 29 years ago, has offered the opening prayer, the Reverend Dr. Joseph F. Thorning. Because of his continuing interest in the goal of inter-American solidarity, Father Thorning embodies the spirit of this celebration in the House, and it is a pleasure to welcome him here once again.

Today we mark the founding of one of the world's oldest and greatest international organizations, the Union of American Republics, which is today known as the Organization of American States. From modest beginnings in 1890, the OAS has been joined by a host of governments, organizations, and people who have united together in a common effort to better the lives of millions from Alaska to Cape Horn. What we recognize today is not so much the Organization itself, but the dedication and spirit which have made this possible. We commemorate the ideal or orderly and meaningful change through the political, economic, and social cooperation of the nations of the Western Hemisphere.

In celebrating this collective effort, however, we would be less than candid if we did not also recognize the serious conflicts between the United States and the Latin American countries. One need only look at the present OAS Conference to find widespread disenchantment and disagreement. We find different perspectives on trade, on the economic role of the United States in Latin America, and on the proper political system for achieving national progress.

The Latin America of today is clearly a region of enormous transition. The political and social changes of the Latin American nations occur so rapidly that it is often difficult to keep up with them. Certainly it is difficult to understand their meaning. Despite vast resources, Latin America today remains largely underdeveloped. Only an estimated 40 percent of the population shares in any meaningful way in the economic and social life of the area. The average per capita income remains distressingly low. These problems have been compounded by an unprecedented migration to the cities, most of which are unprepared to handle such an influx. Over 50 percent of Latin Americans now live in urban centers. Many must live in slums, and an extraordinary number are unemployed. The result of these conditions is of course a tremendous social, economic, and political instability, an instability which has unfortunately been heightened by the lack of a consistent, well-considered, and active policy on the part of the United States in this area.

Some 10 years ago, President John F. Kennedy called all the nations of this hemisphere to join in a massive, united effort to erase the poverty and underdevelopment which plague Latin America. The Alliance for Progress was founded to be the vanguard of this effort. It provided initiative and hope, and outlined a progressive role in the development of Latin America in a stable way. Its great and lofty goal was the creation of a hemisphere in which every human being could realize their fullest potential.

Today, the momentum of the Alliance has dissipated. Perhaps the task facing the Alliance was too great, or perhaps we have not tried hard enough. In any case, the Alliance has not fulfilled the expectations of its founders, and at present, the future of inter-American relations face great doubts and uncertainties. U.S. policy toward Latin America remains vague and unsure of itself. There has been no definitive statement outlining U.S. policy in this area, no recent commitment and rededication of the United States as a developed country to assist the underdeveloped countries in their growth. Though it is already 1972, we have not even approached the question, "Where do we go in the 1970's with Latin America?"

It is my hope that the answer to this question will begin right here, with this commemoration of Pan American Day. We can no longer allow the months to slip by while leaving our relationship with Latin America undefined, shaped only from day to day by crises or sudden political developments. The stakes are too high for such drifting. The development of the resources of the Western Hemisphere is an investment in the future. It is a process which can benefit all nations, and it must be done through a cooperative effort.

On this Pan American Day, it is difficult to see into the future of the hemisphere. What is certain, however, is that our pressing problems will not solve themselves. They must be solved through a rededication to the goals which the Pan American Union set for itself 82 years ago. Today, on this 82d Pan American Day, we must all begin that rededication.

Mr. ROGERS. Mr. Speaker, I am certainly honored to join my colleague, the gentleman from Florida (Mr. FASCELL) in this 82d commemoration of the founding of the Pan American Union.

Pan American Day is always a reminder to me of the great progress we have made in hemispherical cooperation, and the even greater challenges which still lie before us. As a resident of south Florida I am still reminded of the tragic consequences of the political upheaval in Cuba, and its effects on the lives of thousands of Cuban refugees still exiled in Florida, but at the same time I am heartened by the progress which many of our Latin American neighbors have made in overcoming the obstacles of unemployment, inflation, and poverty which are prevalent in so much of Latin America. This is certainly an appropriate time to reassess the policies of the past and rededicate ourselves to the fulfillment of the hopes and promises which the future holds.

Mr. Speaker, we live in an ever shrinking world with an ever changing set of priorities. Since we last marked Pan American Day, we have seen the end of a bloody civil war in Pakistan and the subsequent formation of the new nation of Bangladesh. We have witnessed live television broadcasts of an American President in the People's Republic of China, we have witnessed another manned landing on the moon, and we have seen pictures taken by a satellite orbiting Mars. Yet with all this emphasis on events so far away, we have tended to neglect those events taking place as close as 90 miles south of the Florida coast or several hundred yards across the Rio Grande River. Let us not lose sight of the contributions of our fellow members of the Organization of American States but instead take this opportunity to renew our dedication to the goal of making this decade one of international cooperation and friendship within this hemisphere.

Mr. BADILLO. Mr. Speaker, earlier this week the very able and distinguished Secretary General of the Organization of American States made a request which, I believe, will be impossible to fulfill. Speaking at the opening of the second annual General Assembly of the OAS, Don Galo Plaza reportedly called upon the U.S. Government for a concrete definition of the new U.S. policy toward Latin America. How is it possible to define a policy, old or new, which simply does not exist?

Regardless of the statement of the Secretary of State that there is no part of the world more important to us than Latin America, the actions of our Government have just not supported that claim. It is evident that there is a complete lack of any commitment to any specific course of hemisphere action by this administration. As the very capable chairman of the House Inter-American Affairs Subcommittee aptly observed at the opening of hearings into our Latin American relations last summer, the administration's activity in regard to hemispheric relations has been a "gigantic shell game" in which realities give way to sporadic rhetoric.

Although the President briefly discussed Latin America in his foreign policy report to the Congress, his remarks lacked any substance. I have yet to see any specific proposals come from the White House and seriously tend to doubt that I will. The plain fact is that there is a complete lack of any commitment on the part of this administration to effectively deal with our relations with our Latin neighbors and to take meaningful initiatives to aid Western Hemisphere nations in achieving healthier, better educated, more productive lives, and in maintaining momentum to secure real social and economic progress.

The United States-Latin American diplomacy has been inept at best and has continually ignored the sensitivities and aspirations of our sister republics. Mr. Nixon told us on several occasions, for example, that "we are prepared to have the kind of relationship with the Chilean Government that it is prepared to have with us." However, his administration has taken almost every occasion to antagonize the Allende regime and seems to have gone out of its way to strain relations with that nation—by prohibiting the visit of a U.S. naval mission, by refusing to assist Chile in negotiating the purchase of three commercial jets, by permitting the comments of official administration spokesmen predicting the end of a government which was freely and openly elected. This certainly does not seem to be a very conciliatory attitude or an atmosphere in which meaningful diplomacy can be conducted. Although only one example, it seems to be indicative of our Government's general disposition toward Latin America.

I believe it is well known that there is a prevailing sentiment in many areas that Washington neither understands nor appreciates what is happening in Latin America. There is a strong feeling in the capitals of the America's and elsewhere that the United States is insensitive to the needs and ambitions of the Western Hemisphere. As a consequence of this generally senseless diplomacy and lack of commitment, relations with our southern neighbors have deteriorated to their lowest level in many decades. Those lofty goals and principles which underscored the good neighbor policy and the Alliance for Progress have been scrapped and political expediency seems to be the only criteria which is applied to our dealings with Latin nations. As a recent OAS report accurately observed, there is a disaffection in the United States toward foreign assistance programs in Latin America. It is little wonder, therefore, that our Latin neighbors no longer trust us.

It is clear that we must begin to make some basic and very important changes in our present course in Latin America, particularly, if we hope to encourage peaceful change in the hemisphere and to genuinely assist people in their efforts for a better life. The fact is that there is no coherent foreign policy toward Latin

America. The region must be made a top priority within our foreign policy structure. Currently, we react to crises, to kidnapings, to coups and revolts, to expropriations. However, we are not consistently at work putting ourselves into the long and difficult struggle for change and progressive development. Rather, we simply hope to resolve the immediate crisis and secure some short-term political gain. The present "low profile" attitude pursued by the Nixon administration fails to offer the people of Latin America any hope for change or any sense of dedication to the objectives of cooperation with Western Hemisphere nations in improving economies and generally bettering the quality of life for the peoples of the Americas.

The United States must end furnishing military assistance and advice to repressive regimes in Latin America. The policy of furnishing arms and equipment to governments which use them to subjugate their own citizens and to repress basic civil liberties is simply not what this Nation should stand for. The use of U.S. arms and U.S.-trained personnel to continue police-state governments is very real and it is certainly not the kind of action which wins friends for our Government. In addition to suppressing internal dissent, U.S.-purchased military equipment has led to unnecessarily increased tensions and hostilities among nations. There must be a conscious declaration of policy that the furnishing of such military aid will be stopped. This action would also include the withdrawal of our military missions from Latin America. Not only are these military missions costly to maintain but they too have often been used for internal repression and the stifling of basic human rights.

In developing an urgently needed policy for Latin America, the United States must also conduct an indepth and substantive reassessment of our trade relations. Trade with Western Hemisphere nations must be used an an instrument for authentic development. The fact is that a range of misguided policies seriously hamper our economic assistance. Trade barriers which bar Latin American products from our Nation, the failure to provide for preferential tariffs as promised, the ill-conceived imposition of the import tax, loans which cannot be paid back and only add to the interest burden, grants which simply widen the gap between rich and poor, dominance of the United States in Latin American economies—all of these are sources of grave difficulty and tensions and represent factors which seriously exacerbate our already strained relations. Certainly effective trade policies can encourage real economic development and social reform and affirmative action must be taken toward this end without further delay.

Mr. Speaker, the executive branch of the Government cannot be held totally accountable for the lack of any commitment and policy toward Latin America. Frankly, I believe it is rather hypocritical for us to be observing Pan American Day and the 82d anniversary of the founding of the Organization of American States this afternoon when the Congress has failed to demonstrate any real concern for our sister republics of the Americas. Aside from almost failing to fund the important programs conducted by the Inter-American Development Bank, the Congress imposed the stipulation that the U.S. IDB Governor take negative action against the loan request of a nation which may have expropriated U.S. property or violated contracts with U.S. citizens and had not yet made arrangements for compensation. As I predicted when we considered this ill-conceived restriction in February, it has been misunderstood by our Latin neighbors. It is deeply resented by them and has certainly added an unnecessary pressure on already problematic relations. This congressional action established a precondition for negotiation and, in terms of Latin American politics, it will make it most difficult for those who are trying to move their country forward to operate with U.S. help and to form any meaningful partnership with us.

This proviso, in addition to the Hickenlooper and Pelly amendments, intimidate Latin American nations and hang like the Sword of Damocles over international arbitration efforts and bilateral negotiations. As the OAS report accurately noted, these trends inhibit Latin America's economic and social development. If we are going to attempt to move our sister republics toward developing economies we cannot at the same time impose these political requirements on them. These devices must be removed at the earliest possible date.

The establishment of the Pan American Union—then known as the Union of American Republics—82 years ago first gave formal structure to the steadily growing fabric of relationships which have bound the Americas since the days when we shared common struggles against colonial rule. Unfortunately, however, we have allowed this historic relationship to deteriorate and wither. We have failed to offer a clear, concise, and stable conception of what is to be the overall strategy of U.S. cooperation with Latin America. We are now viewed in many sectors of Latin America with resentment, fear, suspicion, and general distrust.

I believe, however, there is still time to take some positive action to rescue our relations with Latin America and to develop a sound and progressive policy for the hemisphere. Such a policy must be as consistent as possible with the real interests of the people of Latin America, not with a favored few or a repressive government or with our own short-term political, military, or business interests. We can devote such resources and efforts as we have to the work of helping the people of the Americas build better lives for themselves. This policy must offer hope and encouragement for positive change and must be free from the shackles of past prejudices and attitudes. We have both a moral and legal obligation to aid Latin America in achieving economic and social progress and to work with them in a partnership to extend education and health programs, develop sound institutions, and to generally aid them in peacefully fulfilling those hopes and aspirations which this country has encouraged in the hemisphere, in this vast area of rising expectations. We must not ignore this obligation—either the Executive or the Congress—and we should give meaning to our commitments by actively supporting programs for Latin America and by becoming more aware and sensitive to their needs and hopes. Once we are on the road toward achieving this end and have cast aside the paternalistic approach of aiding our Latin neighbors we can then more appropriately observe Pan American Day.

Mr. RYAN. Mr. Speaker, today marks the 82d anniversary of the founding of the inter-American system. Its purpose is to call upon all of us in the hemisphere community to pause and reflect upon the political, legal, economic, and cultural ties which unite the nations of the Western Hemisphere. Historically, our hemispheric union took shape as an association of free republics joining together against interference and domination from powerful nations across the ocean. Through the years, our similar geographies, histories, common heritage of self-government, and shared interests have molded us into a sense of community of special durability—a sense which we have embodied in the institutions and instruments of the inter-American system which we know today. Pan American Day is also a time for leaders and makers of policy in the United States and our sister hemisphere nations to pause to assess our hemisphere partnership and to reflect upon its future direction.

In this fast-moving decade of the 1970's, hemisphere cohesion is being put to the test by rapid and often turbulent change in Latin America. Latin America today is a troubled region; each nation is striving to formulate a new national conscience in step with 20th century realities and is undergoing intense growing pains. This change today is reflected in: The emergence of new ideologies and political movements, shifting patterns of political and economic power, a new diversity of political systems, rapidly accelerating expectations by the Latin American masses, a new and intense sense of nationalism, and an expanded view by each nation of its role in the world community. The dominating imperative of all of the Latin American governments, regardless of their political complexions, is an intense involvement with modernization and with reform—the formulation of viable methods for the political, economic, and social development of their peoples.

As part of the process of growth and maturity, the Latin American nations are demanding of the United States a changed hemisphere relationship, based upon their individual capacity to determine their own destinies. During the rest of this century, at least, the rapid rate of political, economic, and social flux in Latin America can be expected to pose problems for the United States-Latin American relationship and, in recent years especially, it has been the great challenge of U.S. policymakers to transform outmoded approaches, that our Nation might respond constructively to

Latin America's changing environment and lay a basis for a more mature political relationship with our neighbors in the hemisphere.

In formulating U.S. policy today we are cognizant of several basic premises: First, that geography, history, and U.S. interests give our relationship with Latin America a special and continuing importance; second, that nations increasingly assertive of national and regional identities will necessarily express themselves in terms of differentiation from the United States; and third, that nations vigorously mobilizing themselves for development would and should be less dependent on U.S. prescriptions.

In recent years, our Nation has attempted to gear itself toward a more mature partnership with our hemisphere neighbors, based on a more balanced relationship, shared responsibilities and initiatives in hemisphere collaboration within the inter-American community, respect for the full sovereign equality of each, a mature U.S. response to political diversity, and a continuing commitment on our part to support social, political, and economic development within the hemisphere. Although the forms of our cooperation are changing to meet the needs of a dynamic hemisphere, the level of our commitment and our strength of purpose must remain high.

In considering the future course of our relationship with the other nations that share our hemisphere, we must be cognizant of the problems outstanding between us and our neighbors; we must listen with open mind to their expressions of dissatisfaction with the relationship; and we must enter into an open dialog with them in endeavoring to forge a sound future policy.

Foremost among issues at variance between Latin America and the United States are those concerning the Latin American nations' expectations and desires in areas of U.S. trade and development assistance, and the inability of the United States to meet commitments in these areas. The notion has spread in Latin America that the United States is uninterested and neglectful of the hemisphere.

In the area of trade, a central issue at odds between us, the Latin American nations have strongly encouraged the United States to assist them in expanding their trade with our Nation, export earnings being the most crucial source of financing for internal development. Basically, the Latin governments maintain that the critical development needs of their region entitle them to more favorable trade concessions from the developed world than have been afforded them in the past. The other less developed regions, they argue, have achieved some form of liberalized trade concessions from European nations, and the United States, as their closest developed neighbor, should respond to their needs in this area. They have requested that we relax tariffs, quotas, and other import barriers and, in concert with the other developed nations, institute a global system of preferential tariffs for the products of developing nations.

The United States, for its part, has taken steps to provide market access for Latin American exports such as sugar, coffee, meat, and other primary commodities. Although our Government has committed itself to markedly increasing opportunities for Latin exports to this country, U.S. moves in this direction will be limited by our adverse trade balances and by other economic problems facing our country.

A second major issue of conflict concerns Latin American apprehension over the continued commitment of the United States to provide development assistance to the region. The seeming reticence of the United States to approve funds for Latin American development projects has been received by many Latin nations as evidence of a diminished U.S. commitment to their future. It is true, however, that the United States does remain committed to development assistance in Latin America, particularly in the priority areas of the Alliance for Progress—education, agriculture and land reform, health, unemployment, urban development, and threats to the environment. The United States has maintained an average annual level of development assistance commensurate with the first 10 years of the Alliance for Progress. Much has been accomplished through this program, but challenges to development programs arise every day, and the Latin American nations desire a firm and continuing commitment from us that their development efforts will be assisted. A conflict has arisen here, because of the increasing strength of the view in the United States that our domestic problems have become so severe that our first priority in allocation of funds should be to remedy our own societal problems.

A third hemisphere problem in the economic sphere is that of the role of U.S. private investment in Latin America. The Latin nations' growing sense of economic nationalism and desire to control their basic resources has led to nationalization and expropriation fo U.S. private properties. The Latin American nations themselves still seem to be uncertain over the proper role for foreign private investment in their countries. The U.S. Government is currently grappling with what seems to be a growing trend toward expropriation of U.S. private investment coupled without proper indemnification of the companies involved.

The question of how our Nation should deal with these trends is perhaps the most sensitive issue we face in the hemisphere. Certainly there is a sense of immediacy in achieving a compromise between the need to protect the investments of U.S. citizens and to insure that such investments are in harmony with the development goals of Latin American countries.

As we look to the future, there is much to ponder. The United States, for its part, cannot be indifferent to the hemisphere in which it lives. Our association will thrive only if our common purposes do. We cannot deny that the maintenance of a continuing and close relationship is of as great benefit and necessity to us as it is to our Latin neighbors. We and our neighbors must realize that the ongoing confrontation with the complex and immense challenges of development will continue for the foreseeable future, and is certain to require a sustained determination and accelerated effort from all of us.

We are cognizant of the reality that a hemisphere divided by a yawning gulf between wealth and squalor is no community. Our commitment must be to assist our neighbors with all the resources we can command to achieve their own objectives of economic, social, and political betterment and an upgrading of the quality of life in the region. It must be a commitment not only to Latin American governments and institutions, but to the people themselves, people with whom we have traditionally maintained warmest feelings and close human ties.

At the first session of the recently created OAS general assembly, meeting in Costa Rica in April 1971, Secretary of State Rogers communicated a message from the United States reaffirming and underscoring the strength of the U.S. commitment to the inter-American system and to the compacts that bind us within that system. At the same time, Secretary Rogers set forth anew our readiness to play a useful and constructive role in the continuing struggle of our hemisphere neighbors to secure a life of greater quality for their peoples.

On this Pan American Day, as we look toward the future, we are aware of the difficulties to come—as the decade unfolds, our hemisphere relationship will be subject to strains and disappointments, to tests of our and our neighbors' compassion, tolerance, and maturity. On this day let us rededicate ourselves to weathering the upheavals and successfully meeting the challenges which this decade has imposed upon our hemisphere system.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on April 10, 1972, the President approved and signed a bill of the House of the following title:

H.R. 8787. An act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives.

ELECTION TO COMMITTEE

Mr. ULLMAN. Mr. Speaker, I offer a privileged resolution (H. Res. 924), and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 924

Resolved, That Ogden R. Reid, of New York, be, and he is hereby, elected to the standing committee of the House of Representatives on Foreign Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE ANNUAL REPORT OF THE OFFICE OF ECONOMIC OPPORTUNITY FOR FISCAL YEAR 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–280)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the Economic Opportunity Act of 1964, as amended, I have the honor to transmit herewith the Annual Report of the Office of Economic Opportunity for Fiscal Year 1971.

Richard Nixon.

The White House, *April 13, 1972.*

THE FOURTH ANNUAL REPORT OF THE NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–281)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to submit to the Congress this Fourth Annual Report of the National Science Board, "The Role of Engineers and Scientists in a National Policy for Technology." This Report has been prepared in accordance with Section 4 (g) of the National Science Foundation Act, as amended by Public Law 90–407.

Many of the key recommendations in this Report are in close accord with the initiatives I have set forth this year in my address on the State of the Union, my Budget Message, and my recent message to the Congress on science and technology.

The Report stresses that in the field of research and development, a vigorous partnership between private industry, the universities, and the Government can be an important asset for strengthening our economy and spurring new technological solutions to problems of the modern world. The Report also points out that intensive research is needed to refine our understanding of the complexities of contemporary life and to develop better ways of bringing our talents to bear on domestic concerns.

As I have indicated on several occasions, I have great hope that we can realize the full potential of American technology for serving our national purposes. The commitment of this Administration to continued progress toward that goal is clearly reflected in the array of programs which I have detailed in my latest Budget Message.

I am confident that the Congress will find this Report useful.

Richard Nixon.

The White House, *April 13, 1972.*

AIR POLLUTION

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, air pollution in the city of Washington has been reduced in several key aspects. Following the enactment of the District of Columbia Clean Air Act, which I sponsored, sulfur has dropped from 257 micrograms per cubic meter of air in 1968 to a reading of 110 micrograms this past January. Dirt in the air has dropped from 105 particles per cubic meter in 1968 to 80 particles in 1971.

Pollution from cars, particularly carbon monoxide, remains a serious problem, but the tax on parked cars proposed by some members of the District of Columbia City Council would be counter-productive. We need more positive measures. I have stressed before that there is need for auto inspections that emphasize the repair of defective exhaust systems and the continued efficiency of the antipollution devices in the newer cars.

The subway system and the improvements to be planned in area bus services under a new $3.1 million Federal grant should also help reduce pollution. And there will be further improvements as more old cars find their ways to graveyards and are replaced by new cars meeting stricter Federal standards.

But a tax on parked cars would be self-defeating. Without good alternatives for those who travel to the city to shop and work, this proposal would decrease pollution only to the degree it destroyed downtown business. The District of Columbia City Council's proposal for a tax only on all-day parking in private garages, if it did reduce the numbers of cars parked all day, would free these parking spaces for more people to bring more cars down for a short period of time. This could actually increase pollution.

Meanwhile, the same City Council has voted to cut funds for the District of Columbia Motor Vehicle Parking Agency, which operates and guards the fringe parking lots that encourage drivers to leave their cars on the outskirts of town and take the bus the rest of the way into town. These fringe lots accommodated 387,000 cars in a recent year—and reduced pollution downtown to that extent.

Unless some other District of Columbia agency takes on the job of providing these guards, motorists may fear their car will be vandalized or their persons injured. They may skip the fringe lots, drive downtown and add to pollution levels there.

When taken together, these actions do not appear to stem so much from an interest in reducing pollution as from an interest in making things tough for the man or woman who has business downtown—and thus contributes to its economic health.

The parking tax does not reduce the limousines or other vehicles used by the City Council and the District of Columbia government. Nor does it reduce the government's parking provided for some lucky District of Columbia employees.

The proposal has been poorly thought out and should be abandoned.

PERSONAL EXPLANATION

Mr. PRICE of Texas. Mr. Speaker, I was unavoidably detained with constituents on April 11 during rollcall No. 105, regarding H.R. 13188, the Coast Guard authorization bill. If I had been present I would have voted "yea."

SIXTY-FIVE DAYS, AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss), is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, President Nixon has continued to ignore Ways and Means Committee Chairman Mills' February 7 request for proposals from the President on tax reform. But there are a few signs that the logjam may be breaking up. The Wall Street Journal reported last week that "Richard Nixon is reluctantly considering climbing aboard the tax reform bandwagon." The article goes on to say, however, that the administration has no plans to push for tax reform in this session of Congress. Nevertheless, the article says, if the "furor" over taxes continues, administration sources "envision Mr. Nixon coming up with just enough generalities about sweeping revision to smudge the Democratic label on the issue."

I am glad that the administration is at least beginning to think about the politics of tax reform. That is a start anyway.

But it is not enough—not enough for those of us in the House who want to see something substantive from the President on tax reform before the next vote on raising the debt ceiling in June, and not enough for the taxpayers who have been writing me in recent weeks and months to express their concern and anger over the inequities in our tax system.

I was especially impressed by one such letter from a gentleman in Wisconsin. Despite a total family income for 1971 "well into the five figures" he reports that he was able to find enough "deductions, exemptions, and exclusions" to reduce his taxable income to zero. It took him 3 whole working days to do it, but he did it.

Remarkably enough, though, he says he found this result "absolutely appalling," and promptly sent off a contribution to the National Committee for an Effective Congress to be used to support candidates who will work to eliminate the kind of tax loopholes that allow him and others to escape taxation.

We need more people in this country like Ronald Wyllys. I include his letter in the Record at this point:

Madison, Wis.,
April 3, 1972.

National Committee for an Effective Congress,
New York, N.Y.

Gentlemen: Your "Congressional Report," vol. 21, no. 1 (March 1972) arrived most opportunely today. Your appeal for funds for *tax-reform-supporting candidates* prompts the enclosed $25 contribution, the largest single one of many contributions we have made to NCEC over the years.

Except for basic issues of civil liberties, I consider no current political issue to be more important than tax reform. I say this with a personal tax experience vividly in mind. I devoted this past Easter weekend entirely to preparing our Federal and Wisconsin income-tax returns, spending the entirely excessive amount of time of at least three full working days (24 man-hours) at the task. With a total family income well into the five figures in 1971, I was able to find enough deductions, exemptions, and exclusions to wind up with a taxable income of $0.00 for our Federal return.

From the selfish, personal standpoint I am, of course, delighted with this result. But as an example of the way the present income-tax laws operate—and we do not even have such well-known tax gimmicks as oil income, real-estate depreciation, or municipal bonds working for us—I find this result absolutely appalling. It is as unfair for us to pay no 1971 income tax to the Federal Government as it was for the 112 millionaires who paid no 1970 income tax. As you point out, tax reform is indeed "fundamentally . . . a moral question." And yet, the Nixon Administration would like to add to its immoralities by enacting the blatantly regressive value-added tax.

I hope you will use our contribution to support candidates who will oppose the value-added tax and will strive for:

1. elimination of all income-tax deductions except those for state and local income taxes and (till a decent program of tax-supported medical care is achieved) extraordinary medical expenses
2. reduction of personal exemptions, and elimination of exemptions for more than two children per family (we have four children)
3. elimination of all exclusions of income from taxability
4. sharply progressive income-tax rates.

Sincerely,
Ronald E. Wyllys.

MULTINATIONAL CORPORATIONS

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, on March 22 several of us made statements in the House in support of constructive alternatives to the rigid restrictions on trade and investment which have been proposed as a solution to our economic and trade problems.

During my own statement on this subject, beginning on page 9466 of the Record, I mentioned a number of findings of recent studies, including ones which describe the operations of multinational corporations and their contributions to the U.S. economy.

Since my statement, representatives of the AFL–CIO have contacted me about their challenge to the validity of one of these studies on multinationals, the Department of Commerce study, "Policy Aspects of Foreign Investment by U.S. Multinational Corporations," and have asked me to insert in the Record information on this challenge.

Accordingly, I would like to insert in the Record a copy of George Meany's letter to Secretary of Commerce Peter G. Peterson on the report and the AFL–CIO press release which was issued at that time.

I expect to receive a copy of Secretary Peterson's reply to Mr. Meany's letter. In keeping with my goal of developing better information to help us make prudent decisions on issues relating to trade and our economic welfare, I will also insert Secretary Peterson's reply in the Record when I receive it.

The material follows:

American Federation of Labor and Congress of Industrial Organizations,
Washington, D.C., March 20, 1972.

Hon. Peter G. Peterson,
Secretary of Commerce,
Washington, D.C.

Dear Secretary Peterson: A commerce Department report, "Policy Aspects of Foreign Investment by Multinational Firms," misrepresents AFL–CIO views on international trade and investment. The report even presents an unfair analysis of employment figures to conclude that "an examination of the relevant data . . . does not bear out labor's contention that overseas investment operations result in declining employment." I urge you to correct the public record.

The AFL–CIO has asked for modernization of U.S. trade, tax, investment and related international policies, because the world has changed and jobs of millions of Americans are now adversely affected. The AFL–CIO also supports the Burke-Hartke bill, H.R. 10914 and S. 2592, legislation designed to modernize U.S. laws on international trade, taxes and related issues. The Commerce Department report emphasizes only multinational firms with misleading analysis.

Unemployment is a serious problem in the United States. The AFL–CIO has stated that complex changes, including the operations of multinational firms, increase that unemployment. Any fair examination even of the employment figures used in the report as "relevant data" shows that the analysis is distorted:

For employment figures, the Commerce Department selected 14 industries "which include the largest overseas investors" to suggest the multinational firms' relationship to employment.

Employment gains of 11 industries with rising employment are said to be "nearly equal" to total U.S. employment gains between 1965 and 1970. A fair analysis would show that total U.S. employment rose 2½ times faster than employment in the 14 industries selected. The reason for the difference is that the report's analysis included only 11 industries with rising employment in its comparison with total employment rises of all U.S. industries. In other words, the analysis omitted three industries with declining employment of the total 14 selected in a comparison with total employment gains of all industries. All 14 industries—those with declining and rising employment—showed a 7% employment increase, and all U.S. industries—those with declining and rising employment—showed a 17% employment increase. A fair analysis would have made that comparison instead of omitting three industries with declining employment and comparing 11 out of the 14 with all U.S. industries to show that the employment gains were "nearly equal."

The three industries with declining employment accounted for 44% of the 14 industries' employment in 1965. The analysis does not mention this relationship and thus omits half of the iceberg. These three industries showed a decline of over 80,000 jobs in the five-year period. By 1970, their share of employment fell to 39%.

The 14 industries' share of total U.S. employment dropped from 6.2% in 1965 to 5.6% in 1970. The analysis does not mention this fact.

The employment figures used for the 14 industries selected are for all workers in those industries, not just employees of multinational firms. Thus the figures do not even reflect the employment trends of firms with overseas investment or employment trends of multinational firms which have production in those industries. If BLS data on all U.S. industries were used to compare those industries with rising employment and the 11 industries with rising employment the percentages would be 21% and 16% between 1965 and 1970.

Therefore, the analysis is biased and the conclusion is false.

In the interest of accurate public information, I urge you to correct the public record.

Sincerely,
George Meany, *President.*

News From the AFL–CIO

AFL–CIO President George Meany today charged the Department of Commerce with utilizing distorted data, omissions and biased analyses in an attempt to refute organized labor's charge that American multinational firms are contributing to unemployment in the U.S.

Meany said that a recent Commerce Department report not only misrepresented AFL–CIO views on international trade and investment but its "relevant data" deliberately sought to give an impression of job gains by omitting multinational industries where employment has fallen.

Instead of employment gains "nearly equal" to all of U.S. industry, as the report contends, Meany declared that U.S. multinational corporations are lagging far behind the remainder of the U.S. in job-creation. "A fair analysis would show that total U.S. employment rose 2½ times faster than employment in the 14 industries selected" in the Commerce report on multinational firms, Meany stated.

Meany called upon Commerce Secretary Peter G. Peterson "in the interest of accurate public information"—to correct the report's distortions and its conclusion that "relevant data . . . does not bear out labor's contention that overseas investment operations result in declining employment."

The Federation president said that organized labor has asked for legislation to modernize U.S. trade, tax investment programs "because the world has changed and jobs of millions of Americans are now adversely affected." The Commerce report—seen as a reply to labor's legislative aims—dealt only with the activities of 14 selected U.S. industries having the largest overseas investments.

According to Meany, when the report data sought to show the job relationship between the multinational firms and U.S. firms as a whole, it used only the 11 industries that showed employment gains and omitted the three industries with declining employment. The three omitted industries, Meany said, accounted for 44% of the 14 industries employment in 1965. The report thus "omits half of the iceberg," Meany noted.

Further evidence of the report's bias, Meany said, was the failure of the analysis to report that the 14 selected industries have dropped in their share of U.S. employment from 6.2% in 1965 to 5.6% in 1970. "The analysis is biased and the conclusion is false," Meany concluded.

TRANSMITTAL OF INTERNATIONAL EXECUTIVE AGREEMENTS TO CONGRESS

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, today I introduced legislation which would require that international agreements other than treaties which are entered into by the United States must be transmitted to the Congress within 60 days after their execution.

This bill is identical to a measure which was passed by the other body on February 16 by a vote of 81 to 0 as S. 596. S. 596 currently is pending before the House Committee on Foreign Affairs.

I am introducing this companion measure today as a means of indicating that the proposal has support in the House of Representatives.

At the present time in the other body a "great debate" is being waged over a war powers act. As a sponsor of the war powers legislation passed by the House last August, House Joint Resolution 1, I have been following the debate with considerable interest.

My conclusions have been that although the Senate war powers bill is unwise and probably unconstitutional, there is strong support in the Congress for prudent and temperate legislation designed to reassert congressional authority and responsibilities in international affairs.

House Joint Resolution 1 is such a bill and so is the legislation which I am introducing today.

This bill requires that the Secretary of State transmit to Congress the text of any international agreement, other than a treaty, to which the United States is a party at least 60 days after such an agreement has entered into force.

Any such agreement whose immediate public exposure would, in the opinion of the President, injure the national security, would not be transmitted publicly to the whole Congress but would be sent to the Foreign Affairs Committees of the House and Senate.

The texts would be kept by those committees "under an appropriate injunction of secrecy" which could be removed only by the President.

This bill was motivated by recent disclosures that certain executive agreements had been entered into by the executive branch without the awareness of Congress or its committees. Countries with which these agreements were made include Ethiopia, Laos, Thailand, and Korea.

While it is apparent that some executive agreements must be kept secret for security reasons, I believe that at the very least, the two Foreign Affairs Committees should be kept fully informed since such agreements logically could require subsequent congressional action.

During Senate hearings on this proposal, executive branch witnesses agreed with the general proposition that the Congress has not, in the past, been kept adequately informed about some international agreements entered into by the United States. They testified that some remedy is needed. On the other hand, they opposed legislating the remedy, preferring that the Department and the two committees work out an informal procedure through "cooperation and accommodation" for reporting such agreements.

It was indicated that the executive branch would retain the option to withhold the actual texts of agreement while briefing appropriate Members on the contents.

In my judgment such informal arrangements would be weighted heavily in favor of the executive branch which would still retain the power to disclose or not to disclose. Moreover, working on a case-by-case basis could easily result in continuing friction and irritation between our two branches of government.

This bill would provide a much more effective remedy to what all are agreed is an improper situation. For that reason it is my hope that this proposal can be expeditiously approved by the House and enacted into law.

The text of the legislation follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 1, United States Code, is amended by inserting after section 112a the following new section:

"112b. United States international agreements; transmission to Congress

"The Secretary of State shall transmit to the Congress the text of any international agreement, other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President."

SEC. 2. The analysis of chapter 2 of title 1, United States Code, is amended by inserting immediately between items 112a and 113 the following:

"112b. United States international agreements; transmission to Congress."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. GRIFFITHS (at the request of Mr. BOGGS), for Wednesday, April 12 and Thursday, April 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. ANDREWS of Alabama) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. ABOUREZK, for 60 minutes, on April 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROUSSELOT) and to include extraneous matter:)

Mr. SCHWENGEL.
Mr. HANSEN of Idaho.
Mr. ASHBROOK in five instances.
Mr. DERWINSKI.
Mr. WYMAN in two instances.
Mr. GROSS.
Mr. WHALEN.
Mr. MORSE in three instances.
Mr. BOB WILSON in four instances.
Mr. PRICE of Texas.

(The following Members (at the request of Mrs. ANDREWS of Alabama:)

Mr. GONZALEZ in three instances.
Mr. DOW in three instances.
Mr. GRIFFIN in three instances.
Mr. HAMILTON in four instances.
Mr. SCHEUER.
Mr. DINGELL.
Mr. LEGGETT in two instances.
Mr. HAGAN.
Mr. ROGERS of Florida in five instances.
Mr. BENNETT in three instances.
Mr. KLUCZYNSKI in three instances.
Mr. PUCINSKI in 10 instances.
Mr. RARICK in three instances.
Mr. JONES of Tennessee in two instances.
Mr. DENT in two instances.
Mrs. GRIFFITHS in two instances.
Mr. BURKE of Massachusetts.
Mr. DULSKI in six instances.
Mr. SYMINGTON in two instances.
Mr. BOGGS in three instances.
Mr. HELSTOSKI.
Mr. ROONEY of New York.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1338. An act to authorize the government of the District of Columbia to fix certain fees; to the Committee on the District of Columbia.

S. 1363. An act to revise and modernize procedures relating to licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes; to the Committee on the District of Columbia.

S. 1819. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the act; to the Committee on Public Works.

S. 2209. An act relating to crime and law enforcement in the District of Columbia; to the Committee on the District of Columbia.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on April 12, 1972 present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 563. A joint resolution to authorize the President to proclaim the last Friday of April 1972, as "National Arbor Day";

H.J. Res. 687. A joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

H.J. Res. 1095. A joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month."

ADJOURNMENT

Mrs. ANDREWS of Alabama. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, April 17, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table, and referred as follows:

1854. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated December 3, 1970, submitting a report, together with accompanying papers and an illustration, on north shore of Long Island, Suffolk County, N.Y. in response to resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 20, 1963 and June 19, 1963, respectively, and also in partial response to Public Law 71, 84th Congress, first session, approved June 15, 1955 (H. Doc. No. 92–198); to the Committee on Public Works and ordered to be printed with an illustration.

1855. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 4, 1970, submitting a report, together with accompanying papers and illustrations, on Texas City Channel, Tex. (industrial canal), requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 23, 1964 (H. Doc. No. 92–199); to the Committee on Public Works and ordered to be printed with illustrations.

1856. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 4, 1970, submitting a report, together with accompanying papers and an illustration, on Hoonah Harbor, Alaska, requested by resolutions of the Committee on Public Works, U.S. Senate and House of Representatives, adopted April 21 and May 19, 1960 (H. Doc. No. 92–200); to the Committee on Public Works and ordered to be printed with an illustration.

1857. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made of the lands in the Oahe Unit, James Division, Pick-Sloan Missouri Basin program, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 83–172; to the Committee on Appropriations.

1858. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed contract with the University of Idaho College of Mines for a research project entitled "Solutions to Problems of Pollution Associated with Mining in Northern Idaho," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

1859. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to Commissioners and Commission employees; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

1860. A letter from the Comptroller General of the United States, transmitting a report that the payment limitation under the 1971 cotton, wheat, and feed grain programs, administered by the Agricultural Stabilization and Conservation Service for the Commodity Credit Corporation, had limited effect on reducing expenditures; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 1462. A bill to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes; with amendments (Rept. 92–984). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 11774. A bill to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes; with amendments (Rept. 92–985). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 11839. A bill to amend the act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes; with an amendment (Rept. 92–986). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 14015. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8(c)(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended (Rept. 92–987). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. House Joint Resolution 900. Joint resolution to create an Atlantic Union delegation (Rept. No. 92–988). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 14348. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. BRINKLEY:

H.R. 14349. A bill to provide price support for milk at not less than 85 percent of the parity price thereof; to the Committee on Agriculture.

H.R. 14350. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. DAVIS of Wisconsin:

H.R. 14351. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such mortgagor; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 14352. A bill to amend the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 14353. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. FRASER (for himself and Mr. Dow):

H.R. 14354. A bill to establish a commission to investigate and study the practice of clear-cutting of timber resources of the United States on Federal lands; to the Committee on Agriculture.

By Mrs. GREEN of Oregon:

H.R. 14355. A bill to continue for an additional year at current levels the authorization of appropriations for carrying out higher education programs; to the Committee on Education and Labor.

By Mrs. HICKS of Massachusetts:

H.R. 14356. A bill to direct the Secretary of Health, Education, and Welfare to conduct research with respect to the causes of sudden death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Tennessee:

H.R. 14357. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. MURPHY of New York (for himself, Mr. Byrne of Pennsylvania, Mr. Bray, Mr. James V. Stanton, Mr. Metcalfe, Mr. Grover, Mr. Rogers, Mr. Garmatz, Mr. Jones of North Carolina, Mrs. Sullivan, and Mr. Stubblefield):

H.R. 14358. A bill to amend section 8335 of title 5, United States Code, to reduce the mandatory retirement age for non-U.S. citizen employees of the Panama Canal Company or the Canal Zone Government employed on the Isthmus of Panama to 62 years of age; to the Committee on Post Office and Civil Service.

By Mr. PEYSER:

H.R. 14359. A bill to provide that foreign made products be labeled to show the country of origin, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 14360. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHEUER (for himself, Mr. Addabbo, Mr. Badillo, Mr. Brinkley, Mr. Dow, Mr. Eilberg, Mr. Fish, Mr. Gude, Mr. Halpern, Mr. Kemp, Mr. Mikva, Mr. Moorhead, Mr. Murphy of New York, Mr. O'Hara, Mr. Rees, Mr. Rosenthal, Mr. Ryan, Mr. St Germain, Mr. Seiberling, and Mr. James V. Stanton):

H.R. 14361. A bill to provide military assistance to Israel in order to assist in the resettlement of Russian refugees; to the Committee on Foreign Affairs.

By Mr. WYATT:

H.R. 14362. A bill to amend the Tariff Schedules of the United States in order to increase the duty on shelled filberts; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 14363. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 14364. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ZABLOCKI:

H.R. 14365. A bill to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof; to the Committee on Foreign Affairs.

By Mr. CEDERBERG:

H.J. Res. 1160. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.J. Res. 1161. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. CAREY of New York (for himself, Mr. CELLER, and Mr. STRATTON):

H. Res. 925. Resolution calling for peace in Northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 14366. A bill for the relief of Chrissa K. Kouthouridou; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 14367. A bill for the relief of Tin Kwan; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 14368. A bill for the relief of the AIRCO Cryoplants Corp. (formerly AIRCO/BOC Cryogenic Plants Corp.), a subsidiary of AIRCO, Inc.; to the Committee on the Judiciary.

SENATE—*Thursday, April 13, 1972*

(Legislative day of Wednesday, April 12, 1972)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, be near to all who serve this Nation in this place. In their labors strengthen them, in weariness renew them, in discouragement hearten them, in monotony refresh them, and in all their efforts inspire them. Give them the inner compensation of lives lived in public service and the peace which comes from doing their best. Be in their homes to make them sanctuaries of love. Be especially with those who mourn this day, that they may be comforted by Thy continual presence.

We pray in Thy holy name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 13, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will suspend to receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 169) to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 13336. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations; and

H.J. Res. 1029. Joint resolution to authorize the President to issue a proclamation designating the month of May of 1972 as "National Arthritis Month."

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred, as indicated:

H.R. 13336. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations; to the Committee on Foreign Relations.

H.J. Res. 1029. Joint resolution to authorize the President to issue a proclamation designating the month of May of 1972 as "National Arthritis Month"; to the Committee on the Judiciary.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Colorado will state it.

Mr. DOMINICK. What is the pending business, and is there any other business that should come before it?

The ACTING PRESIDENT pro tempore. The Senate recessed last night until today, so it is in the same legislative day. The Journal will first be approved, then the Chair will proceed to ask whether the leadership desires recognition, and then the Senate will proceed with the unfinished business.

Mr. DOMINICK. I thank the Chair.

THE JOURNAL

Mr. SPONG. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, April 12, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. SPONG. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting minority leader seek recognition?

Mr. GRIFFIN. No, Mr. President, I do not.

WAR POWERS ACT

The ACTING PRESIDENT pro tempore. The Chair now lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows:

S. 2956, to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. SAXBE). The pending question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK).

Who yields time?

Mr. JAVITS. Mr. President——

Mr. SPONG. Mr. President, I yield such time to the Senator from New York as he may need.

Mr. JAVITS. Mr. President, may we have the time division stated by the Chair, please?

The PRESIDING OFFICER. The Senator from Virginia (Mr. SPONG) has 20 minutes remaining, and the Senator from Colorado has 27 minutes remaining.

Mr. JAVITS. I thank the Chair. The Senator from Colorado is now in the Chamber. I was just holding the floor until he got here.

Mr. DOMINICK. I thank the Senator from New York very much. I had to step out.

Mr. President, I now yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, the purpose of this amendment to the War Powers Act is really quite simple. We have been debating for a long period of time as to what the various sections of the bill meant. The section that I am concentrating on at the moment is section 3, subsection (2), on page 8 of the proposed legislation.

In order to make this clear, I believe that I should point out that the opening phrase of section 3 is important. It states:

> In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

Only—the word "only" is extremely important there.

Then it goes on to state various instances where the proponents of the bill think this should be allowed.

Under subsection (1), it states—

> to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

Now, subsection (2), to which I have addressed my amendment, reads as follows:

> to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

Mr. President, you will notice that there is a formidable distinction between subsection 1 and subsection 2, in that it totally leaves out in subsection 2 the phraseology "to take necessary and appropriate retaliatory actions in the event of such an attack."

Those of us who are lawyers well know that if we put a phrase in of that kind, such as is in subsection 1, where we are talking about an attack upon the United States, and leave it out when we are talking about an attack on our troops when they are overseas, we have done so deliberately and, therefore, it is clear the Commander in Chief—namely, the President of the United States—is prohibited from retaliating in the event of an attack on our forces. All he can do is to repel it.

Mr. President, let me give you an example which I think would be of interest to this group.

Let us take the 6th Fleet in the Mediterranean. As we all know, Egypt and a group of other Arab States are now in possession of Soviet bombers and they have been overflying our fleet on a number of occasions, since the Mediterranean has been the subject of conflict. So that there is, obviously, an imminent danger of hostilities in those places.

Let us suppose that they attack the 6th Fleet. It is my understanding, under this legislation—and I regret that it is my understanding—that we would be permitted only to shoot down the Egyptian aircraft or we would be permitted to fend off the bombs by evasive action in some way—but namely, only to repel the attack. However, there is nothing which would permit us to attack the airfields from which the aircraft rose in order to prevent future attacks. In other words, retaliatory action would be prohibited.

Let us take another example which I think is perhaps reasonably fundamental.

Let us suppose that our troops located in Germany, were subject to attack by some of the Warsaw Pact nations. We would be permitted in that situation to repel the attack, but we would not be permitted to take any retaliatory action against the forces who had made the attack.

History shows that where we put Armed Forces either behind a maginot line or behind a line drawn in the United States and, thereby, withdraw any forward bases of any kind, we open ourselves to a great deal of punishment, if not defeat.

I cannot see the rationale of having troops overseas and then say to those troops, "OK, fellows. If you are here, you may only repel an attack against you. But you cannot retaliate, you cannot do anything against an enemy who has attacked you by a mortar attack, by an aircraft attack, or by a sapper attack, or any other conventional mechanisms of war."

I do not know why this is so. However, I suspect it stems from the Tonkin Gulf resolution. I would suspect that when we passed that measure which gave a President the authority to take any action he thought necessary in order to repel an attack or retaliate on the attacker, that we now see that he used, among other mechanisms, the introduction of over 500,000 of our own forces in Vietnam. I am sure that most Senators did not have that in mind when they passed the Tonkin Gulf resolution. Certainly I did not. However, I do not think that is justification for us to say that anywhere in the world where we have troops stationed, they do not have the authority to retaliate. We should not hamstring our Armed Forces.

This is not part of the situation where we can say, "You can do it, but you have to come back and ask Congress for permission within 30 days." By the omission of the retaliatory phrase, there is an automatic exclusion of that right.

All I am suggesting is a provision to give the Armed Forces of the United States overseas the same right as forces stationed in the United States. If our forces have the right to retaliate against them within the United States, why should they not have the same right overseas? Is an attack on U.S. forces outside the United States any less serious, because it occurs beyond our borders?

What, for example, are we going to do at Guantanamo Bay? Suppose that Guantanamo, which is completely surrounded by a hostile area, is attacked. Are we going to say, "The limit of your defensive actions is restricted. You cannot retaliate unless Congress authorizes such action"? It seems to me that this is wrong.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOMINICK. I am pleased to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I support the Senator's amendment for the reasons I shall submit. I support the war powers bill, as I believe I correctly state, with the exceptions I shall note, the powers of the President and the Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 4 minutes.

Mr. COOPER. Mr. President, I have disagreed, as the Senator knows, with the original 30-day provision, because if the President acts within the Constitution on the first day, and if the same circumstances exist on the 30th day, he is still acting constitutionally. I disagree further with the language of the bill which the Senator from Colorado amendment would change. I disagree with the section which denies the President the right of retaliation. If he has the constitutional power to retaliate, to protect our forces and to prevent further attacks of aggression in our own land, of course, he has the same right in similar situations outside our country.

Retaliation in its proper sense does not mean going to war. It is a warning that the aggressors attacks should be stopped. This is an amendment that I support.

Mr. DOMINICK. I sincerely thank the Senator for his support. I hope that I can get his support of this amendment widely known around the Senate. I think it is extremely important when we get to a vote. Unfortunately, we do not have enough people on the floor at the moment to be able to get the yeas and nays. I will most certainly ask for them at the appropriate time.

Just continuing for a short period of time about the situation with regard to NATO, which I think is extremely interesting in the light of the explanation I have made today. For example, on the

NATO contingency plans which specify what our troops are permitted to do in the event of attack, our Armed Forces would be unable to take the initiative as regards their own defense which should allow them to retaliate as required. Suppose for example that an attack should come out of Bulgaria, to take a country out of the blue, especially if that attack were supported by Rumanian troops. Would we then be prohibited from doing anything by way of tactical maneuver to circle around them, whether it be through Germany or Czechoslovakia? I do not know. And my guess is that no one else knows.

My own opinion would be that this proposition in the event of an attack would be ignored. However, the fact that it might be ignored is no excuse for writing into a law a situation which would require the President to ignore it.

That is why I offered the amendment, not because I want to see us pass a point resolution and then have someone use it as an excuse to put 500,000 troops somewhere, such as in Vietnam.

Mr. President, I reserve the remainder of my time.

Mr. SPONG. Mr. President, I yield such time as he may require to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, the sponsors of this resolution have given most earnest consideration to the amendment. It will be recalled that I said last night that we wanted to look at it very carefully. And the view expressed by my friend, the Senator from Kentucky, certainly bears out my feeling on that score.

Having considered it very carefully and knowing the reasons why we drafted the legislation as we did, which was advised, we felt that we simply had to lay that position before the Senate and not accept the amendment.

Here is the point. The language respecting an armed attack upon the United States, its territories and possessions, differs from the language respecting an armed attack against the Armed Forces. That is apparent on sight.

The reason for it was that we can have an attack upon the Armed Forces of the United States technically which is negligible in magnitude. We want to make it clear that the order of response was not to be unlimited. We do not want to give a general hunting license. After all, we have troops all over the world.

A limited attack on U.S. forces abroad differs from an attack upon the United States, its territories and possessions. Let me give some examples. And I will also deal with the example which the Senator from Colorado mentioned.

Suppose that the Marine guards of an embassy are attacked. Should that authorize open-ended retaliation, taking a country or bombing its capital? A President could do that. However, we hope that he would not. So, we felt that by a differentiation in language we might indicate to the President this order of response, because the qualitative nature of the attack on the Armed Forces could vary so very markedly. We believe that the word "repel" in the hands of a commander could include what the Senator from Colorado and others might call tactical retaliation.

In other words, let us take an example. Suppose there was an attack by torpedo boats on two destroyers in the Gulf of Tonkin and those two torpedo boats came from given bases.

We would say that to repel that attack and forestall an imminent repetition the commander in charge does not just have to fire at those torpedo boats, but the United States can take action against the place from which they came. That is a serious matter. For example, with respect to the 6th Fleet, it need not just shoot in the air. We are not paralyzed under our wording from going after their bases. We believe that is included in the concept of repel and forestall.

Moreover, if the attack on our forces abroad is of such a nature that the President makes a good faith determination that the attack entails a direct and imminent threat of an attack upon the United States itself, he can take broad forestalling actions under the authority in section 3(1).

The commander in chief, in any event, has very ample latitude and we are not trying to classify ourselves as armchair generals. We did wish to include a clear note of caution to the President as Commander in Chief: "You cannot use the pretext of an incidental attack on U.S. forces abroad to launch broad retaliatory action far beyond the need."

Let me give a historical example. This happened in February 1965 in Vietnam. The Vietcong attacked the U.S. special forces' outpost at Pleiku. What ensued? The United States retaliated by bombing targets in North Vietnam on February 7 and 8 and using the pretext of the attack on the outpost at Pleiku the United States initiated its policy of continuous air strikes against North Vietnam. It is known that the administration was looking for an occasion to initiate air bombardment on North Vietnam—the bombardment was designed not to repel, or even retaliate for, the attack on Pleiku. It was designed to assist the Government and armed forces of South Vietnam.

Obviously, we cannot determine the degree of response, and "response" is exactly the correct word. We did feel that the language of section 3(2) would notify the President of our view respecting the Pleiku precedent, that is essentially what this section is all about; that the response had to be adjusted to the cause. The situation in the event of an armed attack on the United States, its territories, and possessions, would be an act of war in the classic sense and thus different in a subtle but meaningful sense and appropriate retaliatory actions would be fully in order.

But, Mr. President, where you deal with an incident that could be minor in character, we did not feel we wanted that incident blown up so that it became an excuse for large-scale retaliatory action which had no relationship to the incident. We could not set criteria for that in this bill, so it is signaled to the President in this way; we expect these situations to be treated with more circumspection than in dealing with direct attacks on the United States, its territories, and possessions. Of course, under section 3(4) retaliatory action could be authorized in advance, or after the fact, pursuant to specific statutory authorization.

That is the whole situation as we saw it in the discussion with other sponsors this morning. I lay it before the Senate, giving that reason for the position we have taken.

Superficially, if one looks at the language and listens to what the Senator from Colorado said, it is attractive. But when it is broken down as we have, and it is studied in light of historic experience, we feel it would not inhibit the President from doing whatever is necessary, but it would be a restraint against launching broad-scale war, under the guise of retaliatory action for an attack which could be minor. For that reason we decided we could not accept the amendment. In closing, let me remind my colleagues that in a limited juridical sense, I suppose, we are still "retaliating" against North Vietnam, 7 years later, for the August 2–4, 1965, attacks as the *Maddox* and *Turner Joy* in the Gulf of Tonkin.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 6 minutes. I think this is so important I should attempt to further clarify this matter.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMINICK. Let us take another situation. Let us take a situation where there is a nuclear attack on the NATO forces in Europe. I would presume under this language all we would be permitted to do would be to repel the attack. I do not know how to repel a nuclear attack; I do not know that anyone does. Certainly one possible way would be to destroy the missiles and aircraft at their source. Would this be within the definition of repel? I think not.

Under this language the President would be prohibited from taking any action with regard to retaliating against the country which initiated that attack. This is a very simple example. I do not want to say we are going to start a nuclear holocaust or that anybody should. God forbid that we would ever get into that situation.

But suppose our troops are being driven into the sea and that by superior manpower, superior artillery power, and superior heavy arms NATO troops are being defeated, and that this has been going on for some time. The President then authorizes the use of tactical nuclear weapons. This is retaliation, but necessary retaliation. However, he would be prohibited under this bill, as I see it, regardless of what he might feel or any of us might feel was necessary to protect American lives.

I wish to give another example. What is meant by deterrent? The purpose of our strong military forces is, in part, to let others know that if they attack the United States or its forces we will retaliate against that attack. Only, to the degree your potential enemy believes this is the deterrent credible.

But the wording of this bill, will automatically destroy 50 percent of our deterrent credibility, the credibility of our deterrent posture, because we are prohibiting, whether it comes from the mainland or overseas, the power to retaliate against those who might attack our forces overseas.

I do not understand the concern that has been expressed, because Congress authorized President Johnson to go ahead, and then he did exactly what we authorized, although we did not expect things to develop as they did. We complain of that, but is that justification to restrict future Presidents from taking those actions he deems are necessary to protect our forces overseas, when in this bill we retain control through the 30-day clause.

I think this is of enormous significance and to the extent we downgrade the credibility of our deterrence we do not deter war, rather we enhance the prospects of it. I wish more Senators were here to concentrate on this subject. I think the amendment I am discussing is important if this bill should ever become law. I am not trying to create loopholes. I am trying to give the President the same right to provide the deterrent credibility to our bases overseas as we have if we are attacked on the mainland. Why should we have a divided policy on this matter?

To me, it just makes little or no sense in its present form.

Let me add one thing to try and offset the comments of my distinguished colleague from New York.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **DOMINICK**. I yield myself 2 minutes.

We have authority under the bill as he has presented it to prevent a President from launching an all-out, large-scale war as a method of retaliation, because under section 6 of the bill, if the President conducts something like that, and Congress does not like it, Congress can simply pass a law, as we have put in under section 6, and cut him off. We do not have to wait 30 days. We can do it in a day.

That was a specific provision put in to prevent the type of situation the Senator from New York propounded. I do not happen to think that is right, because I do not think there ought to be 535 generals trying to determine what foreign policy decisions should be made. I think the Congress should participate in the judgment of a particular situation, but not make the decision. I have said this over and over again. I for one think the world is now too small in space and time, because of sophisticated communications systems and other technologies which are presently available, for us to retreat behind our borders and create a Fortress America.

If we adopt the bill as it is now presented, I say we have downgraded our ability to conduct our own international policies and have substantially upgraded the isolationism which is now apparent in this country.

I reserve the remainder of my time.

Mr. **SPONG**. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER**. The Senator has 23 minutes remaining.

Mr. **SPONG**. Mr. President, I suggest the absence of a quorum, to be charged to my time.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **SPONG**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **SPONG**. Mr. President, I ask unanimous consent that the pending amendment of the Senator from Colorado (Mr. DOMINICK), amendment No. 1111, be temporarily laid aside, that the time not used be frozen as it is, and that the Senate turn to the consideration of the amendment of the Senator from New York (Mr. BUCKLEY).

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

The clerk will read the amendment.

The legislative clerk read the amendment (No. 1106) as follows:

> At the end of the bill, add the following new section:
>
> UNITED NATIONS PARTICIPATION ACT OF 1945
>
> SEC. 10. The second sentence of section 6 of the United Nations Participation Act of 1945 is amended by striking out "not be deemed to require the" and inserting in lieu thereof "be required to obtain the prior".

The **PRESIDING OFFICER**. Who yields time?

Mr. **BUCKLEY**. Mr. President, I yield myself 10 minutes.

The purpose of my amendment is a simple one. It is simply to restore congressional control over the possible commitment of American forces to combat by the Security Council of the United Nations pursuant to agreements authorized to be negotiated between the President of the United States and the United Nations pursuant to the United Nations Participation Act of 1945.

It is important to understand the context within which the United Nations Participation Act of 1945 was enacted, and the best way to do that is to read from the Charter of the United Nations, particularly chapter VII, which is entitled "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression."

Article 39 of chapter VII reads as follows:

> The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41 authorizes the Security Council to order various kinds of peaceful sanctions in order to attempt to restore or avert breaches of the peace.

Article 42, however, grants more serious powers to the Security Council, to wit:

> Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

The first two sections of article 43 read as follows:

> 1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
>
> 2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

There are, of course, other articles in this chapter which relate to the implementation of these powers vested in the Security Council. I ask unanimous consent that the text of chapter VII of the United Nations Charter be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **BUCKLEY**. Mr. President, the purpose of the United Nations Participation Act of 1945 was to set up the machinery to authorize the President to take the necessary steps to implement these and other purposes of the Charter of the United Nations. The provisions of the United Nations Participation Act which are critical to the discussion today are contained in section 6.

The first sentence in section 6 reads:

> The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general locations, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter.

In other words, Congress has authorized the President to enter into negotiation for the enactment for treaties which would create a standby call on the American military forces described in those agreements, a standby call for utilization in combat situations by the Security Council in order to maintain or restore the peace.

I should point out two things. First of all, as of this date no such agreement has been negotiated by the President of the United States, and secondly, if and when he should do so, any such agreement must be approved by Congress.

Nevertheless, section 6 continues to say that upon the negotiation and approval of any such agreement, the following sentence would take effect, and I now read the second sentence of section 6:

> The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under Article 42 of said Charter and pursuant to such special agreement or agreements, the armed forces, facilities, or assistance provided for therein.

In other words, Mr. President, if we find ourselves, at some future date, with an agreement or agreements between the President of the United States and the United Nations, an agreement which must be ratified by Congress, an agreement which then gives the Security Council a call on American troops to implement decisions by the Security Council involving matters of war and peace, the U.N. Participation Act specifically provides that the President need not consult with the Congress as to any specific commitment of American forces which might be made by the Security Council pursuant to its powers under article 42 of the United Nations Charter.

The effect of my amendment is very simple. It would merely modify the second sentence of section 6 so as to read as follows:

> The President shall be required to obtain the prior authorization of the Congress to make available to the Security Council on its call, in order to take action under Article 42 of the said Charter.

Et cetera. In other words, the President would be required explicitly, under the conditions I have stated before, to consult with Congress and secure its consent to a commitment of American forces pursuant to a directive by the Security Council.

Its effect, therefore, is to restore congressional control over the deployment of American forces under the conditions contemplated by the United Nations Participation Act of 1945. Thus, this amendment is complementary to and wholly consistent with the purposes of the War Powers Act. Whereas the act in its present form vests in the Congress a clear control over the deployment of American forces by the President, my amendment would accord to the Congress an equivalent control over the possible future deployment of American forces by the Security Council.

Mr. President, I understand and have full sympathy with the reluctance of the sponsors of this act to accept earlier amendments which attempted to refine or define aspects of the provisions of their act. My amendment, however, is of an entirely different order. It does not touch the existing language of the act, nor does it attempt to interpret it. Rather, it merely adds to the War Powers Act a provision designed to close a significant potential loophole.

I suggest that this is not an academic consideration. It is, of course, true that as of this moment no agreement has been entered into between the President and the United Nations such as would empower the Security Council to have a call upon American forces. But while the Senate is coming to grips with this whole problem of the war powers of the President, it seems to me that my colleagues ought to take the time and the trouble to examine all aspects of this problem and to enact in one piece of legislation provisions which will cope with future contingencies; and one such future contingency is that 2 or 3 years hence or a decade hence, the President might exercise the authority granted to him under the U.N. Participation Act of 1945, might negotiate an agreement, and that agreement could very well be approved by Congress, Congress having lost sight of the obscure provisions buried away in legislation enacted more than a quarter century ago.

I feel, therefore, that we are not dealing with an academic problem, but one which ought to be faced at this time, which ought to be brought, with the others, under a single umbrella.

Some might argue that Congress should do nothing which could be deemed to somehow interfere with the authority of the United Nations. I am sure that at the time that the United Nations Participation Act was enacted, it was felt that it would be desirable to give the Security Council instant military clout.

Time has passed, and I believe the mood of the American people has changed. We have witnessed, in the case of the Korean venture, the scope of operations that can be initiated by the Security Council. I believe that consistent with the philosophy which has motivated the drafting of the War Powers Act, the sponsors should wish in the future to maintain the same degree of control over the possible commitment of American forces by a body extraneous to the United States as they wish to impose upon the deployment of American forces by the President of the United States.

It is true, of course, that we have a veto power over the decisions of the Security Council, as one of its permanent members. But I would point out further that that veto power is exercisable by the representative of the President and, therefore, is no more than an extension of the President's own power.

Mr. SPONG. Mr. President, will the Senator yield? I have no wish to interrupt his remarks if he wishes to continue. But, I should like to ask a question or two, if it is convenient to him, at this time.

Mr. BUCKLEY. It is perfectly convenient.

Mr. SPONG. This is on my time.

I would preface my question by saying that I believe what the Senator from New York is endeavoring to do is consistent with some of the thoughts of the sponsors of this bill. I think, however, that the entire subject of the United Nations Participation Act would be better considered independently.

Nevertheless, the Senator from New York is seeking only to amend a sentence in section 6 of the Participation Act of 1945. The first sentence of that section reads as follows:

> The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of Congress by appropriate act or joint resolution.

And it goes on.

My question is this: Before the situation which concerns the Senator from New York comes into play, does not the President of the United States, under this act have to come to Congress for authorization?

Mr. BUCKLEY. That is correct.

Mr. SPONG. So the concern of the Senator from New York is that, should Congress have approved such an agreement negotiated by the President, from then on the President would have carte blanche authority.

Mr. BUCKLEY. That is correct. Or, more particularly, the Security Council would have carte blanche authority, subject to a veto by the President.

Mr. SPONG. But does not the Senator from New York concede that there has to be a congressional authorization in order for the situation he fears even to be possible?

Mr. BUCKLEY. That is correct, as I tried to point out in the course of my remarks.

Mr. SPONG. So, in accordance with the present situation, the law as presently written would require that for section 6 to become operative, there has to be consideration and agreement by Congress before anything else can happen.

Mr. BUCKLEY. That is correct.

Mr. SPONG. I am among those Senators who have been disappointed in the activities of the United Nations. I find myself sometimes at cross purposes in my thoughts, because I always have felt that the prime purpose of the United Nations was as a peace-keeping force. I was disappointed by the activities preceding the 6-day war in the Middle East. I have been disappointed by the reluctance of our friends in the United Nations to participate in what I thought were very essential peace-keeping missions. I share some of the thoughts that have been expressed by the Senator from New York in his remarks last night and this morning.

But I point out to the Senator, that what we have sought in this legislation is congressional authorization and that under the U.N. Participation Act as it presently exists, congressional authorization is required.

As a member of the Committee on Foreign Relations, I can say to the Senator from New York—speaking for myself alone—that I would be pleased to give every consideration not only to the one sentence that concerns the Senator from New York but to the entire U.N. Participation Act as well. I do, however, have reservations about our changing an existing law beyond the framework of what we are trying to do in this legislation, without consideration by the Foreign Relations Committee. Also, I think that, despite the intentions of the Senator from New York, congressional protection already is built into the law.

In saying that, I do not wish to discredit the efforts of the Senator or what he has said on the floor. I do feel duty bound—and I believe the Senator said this in his remarks—to point out that what he is seeking to do would only change the situation if there had been prior congressional authorization. I am correct in that, am I not?

Mr. BUCKLEY. The Senator from Virginia is correct.

Mr. SPONG. I thank the Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes?

Mr. SPONG. I yield.

Mr. JAVITS. I wish to pursue the point the Senator made, which I think is the whole answer to this situation.

What the Senator from New York, my colleague, is worried about is that when Congress gives authorization for the troop strength to be made available for Security Council uses, Congress "having lost sight of this other language"—might have overlooked that. Therefore he is going to pick it up again by the provision which he wants to write into this bill.

It is inconceivable to me, under our procedures here, that Congress would overlook the War Powers Act if, as, and when hereafter it gave authorization for the assignment of troop strength for United Nations Council uses. No agreement heretofore has been negotiated or approved.

One could say, "Well, it's surplus, so what does it matter? You may be stating something that is not necessary."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield me 1 additional minute?

Mr. SPONG. I yield.

Mr. JAVITS. I believe this is a substantive change in what the United Nations Enabling Act states respecting any prospective American commitment to the Security Council and it should be separately considered by the Senate and by the House of Representatives, as a policy matter. I do not know to what decision we would come.

However, in terms of the War Powers Act there is no loophole being closed here. There is something new being done. Whether we should do it respecting the United Nations is something which I think should be a matter of separate consideration.

For these reasons, I would feel, myself, that the amendment should be rejected.

Mr. COOK. Mr. President, will the Senator from New York (Mr. BUCKLEY) yield?

Mr. BUCKLEY. I am happy to yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I find much sympathy for the amendment of the Senator from New York (Mr. BUCKLEY)——

The PRESIDING OFFICER. (Mr. SAXBE). How much time does the Senator yield?

Mr. COOK. I really wish to ask the Senator only a question.

Mr. BUCKLEY. I yield the Senator from Kentucky 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOK. What I am wondering, in the bill as presently before us, on page 9, it states:

> Pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act—

What I am wondering is, if in fact we are not taking care of the situation the Senator's amendment talks about, because it seems to me that as the language says, "specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act," this restriction in the bill would apply to the use of United Nations forces in a United Nations participation act.

I am trying to clarify this in my mind, because I find much sympathy for the Senator's amendment, but I am wondering if the situation is not taken care of by reason of the language in the act. If the Senator does not feel that it is, then I find nothing offensive to his amendment whatsoever and would very likely vote in favor of it; but I am wondering if he would address himself to that language, on pages 8A and 9 of the bill, particularly lines 6, 7, and 8, as they would apply to the participation of United Nations forces.

Mr. BUCKLEY. Page 8—lines 6, 7, and 8?

Mr. COOK. On page 9—read it in the context of section 1 which starts on line 24—8(a).

Mr. BUCKLEY. Quite frankly, I have not had an opportunity to study that point, but my first reading suggests it merely states this act will not interfere with any existing law, it will not upset any existing law, whereas it is the purpose of my amendment to change the existing law.

Mr. COOK. The Senator, then, has reference to nothing more than agreements or special agreements that are already in existence, and he is not making reference in regard to his amendment as to any exemption which may apply in the future.

Mr. BUCKLEY. There are no agreements now in existence pursuant to section 6. Therefore, the application of section 6 as I propose to have it amended would apply only prospectively.

Mr. COOK. Then, in fact, if it applies in the future, I reiterate, it is more forceful that the present language in this section would then apply, to the extent that it would not be necessary to adopt the amendment of the Senator from New York (Mr. BUCKLEY), because this specifically talks about the future.

Mr. BUCKLEY. An act such as this requires a fair amount of reading backward and forward. We are talking about introduction of forces by the President of the United States, whereas the United Nations Participation Act talks about the mobilization of U.S. forces by the United Nations.

Mr. COOK. Mr. President, may I take that section up for a moment?

Mr. SPONG. Yes.

Mr. COOK. In conjunction with this, because——

The PRESIDING OFFICER. The 3 minutes of the Senator from Kentucky have expired.

Mr. SPONG. Mr. President, I yield the Senator from Kentucky an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOK. Mr. President, I refer again to the top of page 10, which I think again enforces the position of the Senator from New York (Mr. BUCKLEY), and enforces the intent of his amendment in what he wishes to accomplish.

> and no provision of law in force at the time of enactment of this Act shall be so construed unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

Obviously that has to apply now and to the future.

Mr. BUCKLEY. It seems to me that as the United Nations Participation Act now stands, it currently specifically authorizes the introduction of Armed Forces into hostilities under a set of circumstances herein contemplated.

Mr. COOK. Well, I thank the Senator.

Mr. BUCKLEY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

Mr. SPONG. Mr. President, I object.

Mr. BUCKLEY. Mr. President, it was my understanding, when I agreed to call up my amendment, that I could only proceed so far without the presence of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. SPONG. Mr. President, this Senator from Virginia would be the last one who would want to cut off his colleague from Virginia (Mr. HARRY F. BYRD, JR.), but I would point out to the Senator from New York that, if all the time remaining is used and two rollcall votes are taken up, we may be unable to fulfill a commitment which I made to the Senator from Colorado (Mr. DOMINICK) that he will have an opportunity to use up the remainder of his time and will be able to ask for the yeas and nays.

The floor manager is trying to accommodate everyone and have a vote at 1:30 p.m. today. I am going to yield back time in order that the Senate can vote at 1:30 p.m. today. I am using up too much time now, but I must object to the time for a quorum call not being charged against both sides.

The PRESIDING OFFICER (Mr. SAXBE). The Senator's 3 minutes have expired. [Laughter.]

Objection is heard.

Mr. BUCKLEY. Mr. President, as I seem to be boxed in—and I sympathize with the dilemma faced by the Senator from Virginia (Mr. SPONG)—I will just address myself to the Senator's earlier remarks——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. BUCKLEY. Three minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. BUCKLEY. He pointed out, quite properly, that section 6 of the United Nations Participation Act contemplates that any agreements entered into between the President and the United Nations, which would have the result of making U.S. forces available for deployment by the Security Council pursuant to article 42, must be approved by the Congress. But I believe that such approval is of a very different quality from the kind contemplated in the war powers act. In the context of approval, the agreement contemplated between the President and the United Nations would not be an emergency situation, it would be setting up a standby mechanism. It would not be met with the scrutiny, it would not be met necessarily with the care, in more peaceful times, that would assure us that Congress would take proper and appropriate notice of an authority contained in legislation enacted two or three or four decades earlier.

So, I therefore, suggest that while he points to a distinction, it is not one which I think would certainly give the sponsors that degree of confidence to Congress' recapturing control over the ability to commit forces which is the purpose of the War Powers Act.

EXHIBIT 1

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

ARTICLE 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

ARTICLE 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

ARTICLE 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

ARTICLE 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

ARTICLE 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

ARTICLE 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

ARTICLE 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national airforce contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

ARTICLE 46

Plans for the application of armed forces shall be made by the Security Council with the assistance of the Military Staff Committee.

ARTICLE 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

ARTICLE 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

ARTICLE 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

ARTICLE 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Mr. BUCKLEY. Mr. President, I note that the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) is now in the Chamber, and if he should wish to make some remarks, as I understand that he does, I am pleased to yield to him such time as he may require.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the Senator from New York. Would the Chair notify me when my 10 minutes have expired?

Mr. DOMINICK. Mr. President, would the Senator from Virginia yield for a unanimous-consent request?

Mr. HARRY F. BYRD, JR. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on my amendment No. 1111.

The yeas and nays were ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I want to start by saying that I support the War Powers Act. I have opposed all amendments to the legislation brought in by the committee. I think it is a well-drafted piece of legislation.

It seeks to tighten up the use of American Armed Forces. It grants the President leeway in regard to emergencies. After that, it requires him to come to the Congress for approval for the use of the Armed Forces of the United States after a 30-day period. I support that proposal.

The distinguished junior Senator from New York has invited the attention of the Senate to an important part of the existing law concerning the use of American troops. He refers, and his amendment refers, to section 6 of the United Nations Participation Act which legislation was approved on December 20, 1945.

The second sentence of that section 6 states, and I will abbreviate it for the purpose of emphasis:

> The President shall not be deemed to require the authorization of the Congress to make available to the Security Council . . . the Armed Forces, facilities, or assistance . . .

Mr. President, if we are going to tackle this problem of war powers, and I think we should, then most certainly it is not logical to tighten restrictions on the President in regard to the use of American troops and yet do nothing about this section of the existing code which, under certain conditions, permits the decision on the use of American troops to lie with the United Nations and the President and—specifically stating, as the statute does, that the Congress need not be consulted.

If we are willing to vote to tighten restrictions on the President of the United States, then is it not logical that we should be willing to vote to tighten the restrictions on the United Nations in so far as the use of American troops is concerned?

I realize that there are many Members of this body who regard the United Nations as being sacrosanct. There are many Members of this body who, whenever the United Nations is mentioned, get all excited and say, "Don't talk about the United Nations. Don't make any change in the United Nations. Don't do anything that might upset the United Nations."

Mr. McGEE. Mr. President, is the Senator on limited time? Would he yield me 30 seconds?

Mr. HARRY F. BYRD, Jr. I am on limited time, but I yield to the distinguished Senator from Wyoming.

Mr. McGEE. Mr. President, I want to say that I am one of those who get excited about the United Nations. I want to state that he has held my attention.

Mr. HARRY F. BYRD, Jr. I am delighted to have the attention of the distinguished and able and articulate Senator from Wyoming.

I am aware of his keen interest in the United Nations. I might say that I have a keen interest in the United Nations.

I came back from the Pacific in World War II from Okinawa at the same time the United Nations was being formed in San Francisco. As a result of that, I have felt a rapport with the United Nations going back some 27 years. I have supported the United Nations.

I think in recent years it has not lived up to the hopes that some of us had in 1945. But I have supported the United Nations, and I think it is important that we have such a world organization.

But what I feel that the Senate should tackle today, since we are dealing with war powers and the statutory requirement governing the use of American Armed Forces, is whether we want to leave in the statute the right of the United Nations to act under certain conditions, and act along with the President without the consent of Congress to utilize American men and material in war.

I say again, Mr. President, that it does not seem to me very logical to say that we want to tighten the restrictions placed on the President of the United States as to the use of American troops and be unwilling to say that we want to tighten the restrictions placed on the United Nations insofar as the use of American troops are concerned.

It is a fundamental point. No doubt if the Senate were to approve this proposal of the distinguished junior Senator from New York, there are some folks in the United Nations who perhaps would be upset.

I am informed that the President of the United States is not too happy about having the restrictions placed on him made a little tighter, and yet many of us are prepared to vote to do that. I doubt that we should be unduly alarmed or unduly concerned that some people in the United Nations might not be too happy if we were to tighten the restrictions on the United Nations in regard to the use of American troops.

Yesterday, during the debate on one of the Dominick amendments, the distinguished and able senior Senator from New York (Mr. JAVITS) said: "The time has come to be specific." I agree with that. The time has come to be specific.

And if we are going to tackle this question of war powers, then most certainly one of the specific items that needs to be tackled is that of the delegation of power to the United Nations, and the President, where they to act together in the dispersal and use of American troops without reference to Congress.

Mr. President, I read again a part of section 6:

> The President shall not be deemed to require the authorization of the Congress to make available to the Security Council . . . the armed forces . . . of the United States.

Mr. President, I ask unanimous consent to have section 6 of the United Nations Participation Act printed in the RECORD at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

> SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: *Provided*, That nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.

The PRESIDING OFFICER. The Chair advises the Senator from Virginia that his 10 minutes have expired.

Mr. HARRY F. BYRD, JR. Mr. President, I think I have 30 minutes. I reserve the remainder of my time.

Mr. SPONG. Mr. President, I ask unanimous consent that the time for rollcall votes today be reduced from 20 to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I yield 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I thank the Senator from Virginia for yielding.

I rise to speak in opposition to the amendment offered by the distinguished Senator from New York (Mr. BUCKLEY).

In a way this is an encouraging amendment because it indicates to me that the Senator, who has been an opponent of the legislation thus far, understands exactly what the sponsors of this legislation are attempting to do, and that is to assure a role for Congress in the decision to go to war.

The Senator's amendment in a certain sense captures the spirit of this legislation, but I must oppose the amendment on different grounds.

I think it is important to place the United Nations Participation Act of 1945 in proper perspective. The Senator from New York has quoted a portion of section 6 of that act which would seem to indicate that the President would have the authority to make U.S. forces available to the Security Council on its call in order to take peacekeeping action under article 42 of the U.N. Charter. A full reading of section 6 and an understanding of the legislative history of the U.N. Participation Act will show that the war powers of Congress were well protected.

As stated in section 6 of the U.N. Participation Act, the President must first negotiate a special agreement or agreements with the Security Council before the section which Senator BUCKLEY has focused on can be triggered. These agreements are subject to the approval of Congress by appropriate act or joint resolution.

It also should be noted that to date the President has not seen fit to use his authority to conduct such negotiations with the Security Council for the use of U.S. forces.

The United Nations Participation Act was debated and passed by the Congress in a postwar atmosphere, with considerable impetus on the part of the sponsors and the Congress as a whole to push on to implement the United Nations Charter which had been ratified the year before. Despite this keen desire to see the act approved there is no indication that Members of Congress were willing to sacrifice the constitutional war powers of Congress to this end. I would like to quote a portion of the colloquy between Senator Millikin and Senator Connally, who was the manager of the bill for the Foreign Relations Committee. These quotes appear on pages 10965 and 10966 of the CONGRESSIONAL RECORD of November 26, 1945.

> Mr. MILLIKIN. I think it is very clear under this enabling legislation that the representative on the Council shall act under the instructions of the President, and I do not see how it could be any other way. But if the Congress does retain any jurisdiction in the matters on which our representatives in the Council will have to act, then I am merely suggesting that to that extent the President, as he does in executing all legislation passed by Congress would be passing on the instructions of Congress. He would be merely the vehicle for expressing the will of Congress.
>
> Mr. CONNALLY. I have no quarrel with that view.

Senator Millikin, in an attempt to gain further clarification on this point stated:

> Mr. Millikin. As I understand the burden of the distinguished Senator's present argument, it is that under this enabling legislation we look forward to further legislation in which we can define the limits of the military forces which we will contribute for police power and for the exercise of the President's constitutional rights in matters of police power, and that the President will have to come back to Congress for the larger grants. Thus reserving to the Congress its traditional war powers.

Later, during the debate on the act, the distinguished Senator from my own State of Missouri, Senator Donnell, offered an amendment which was intended to protect the war powers of Congress from the implications of the statement under section 6, which Senator Buckley has cited. This amendment was defeated because the sponsors of the act assured the Senate that the Congress would have the opportunity in the enabling legislation to strictly define the authority of the President and the Security Council to use forces under the special agreement.

Mr. President, the following quote from the report of the Senate Committee on Foreign Relations on the U.N. Participations Act of 1945 is an even more explicit assurance that the Congress was not prepared to yield its war powers.

> The bill provides that such approval by Congress shall be expressed by appropriate act or joint resolution. During the debate in the Senate on the Charter last July, there was considerable discussion as to whether the military agreements should be considered as treaties or whether they might be approved by the Congress through the joint resolution procedure. The preponderant view was that the latter procedure was preferable since the agreements would be entered into for the purpose of giving effect to the obligation assumed by this country under article 43 of the Charter to make available to the Security Council the armed force necessary for the purpose of maintaining international peace and security. Under this view, the precise details of the obligation—such as the exact amount of the forces to be contributed and the places where they are to be stationed—is not a matter for treaty consideration but for legislative sanction by the Congress under its constitutional powers to raise and support armies, to provide and maintain a navy and to make rules for the government and regulation of the land and naval forces (art. 1, sec. 8, pars. 12, 13, and 14 of the Constitution). There were those who expressed a preference for the treaty method of considering these agreements, but all were agreed on the basic proposition that the military agreements could not be entered into solely by executive action. On the last day of the debate in the Senate, July 28, the President, then attending the Potsdam Conference, sent a message to the Congress in which he stated that "When any such agreement or agreements are negotiated, it will be my purpose to ask the Congress by appropriate legislation to approve them." The committee believes that it is desirable to determine this question once and for all, and that it is appropriate to specify that the military agreement or agreements should be submitted for approval to the Congress.

In a State Department position paper on a British proposal to make the "whole of a nation's forces available" to the Security Council, dated October 14, 1946, the State Department concluded that the British proposal would not be in agreement with U.S. law. Citing section 6 of the U.N. Participation Act of 1945, the Department makes the following interpretation of that section:

> The wording of this section makes it clear that the special agreement to be entered into by the United States will have to be approved by Congress and that Congress expects the agreement to mention a specific quantity of armed forces, any commitment beyond which would require further authorization by the legislative branch.

It should be noted that, in light of the present debate on the Congress war powers, the Department of State is not always used by the sponsors as a nonbiased source, but in 1945 it appears that the legislative and executive branches of Government were working together much more closely.

Mr. President, the sponsors of this legislation have purposely excluded any bill or resolution which is currently in force which would even imply that the President has the congressional authority to introduce U.S. forces in hostilities. We have done this primarily so that the President and the Congress will act together to reappraise resolutions of this type with the perspective of U.S. policy considerations of 1972. This legislation, therefore, is not intended as a vehicle to readjust our national commitments or to change in any way previous resolutions acted upon by both the Congress and the President to provide the Executive with authority to act.

A close examination of the U.N. Participation Act—and the legislative history behind that act—shows clearly that the Congress had taken sufficient safeguards to protect its war powers.

It is highly unlikely that the President will ever use the authority granted to him by Congress to negotiate a special agreement with the Security Council for the use of American forces. Even if he should choose to use this authority, however, the Congress could act to protect its war powers in the enabling legislation. It is at that point, or in other legislation pertaining to our commitments abroad, that an amendment of the type offered by the Senator from New York (Mr. Buckley) should be offered.

I urge my colleagues to reject it now.

Mr. BUCKLEY. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I very much appreciate the points made by the distinguished Senator from Missouri, but by way of prologue, I answer his remarks by saying I do not believe my remarks on the United Nations justify any such broad characterization. There are certain U.N. activities whose I question. I question the size of the American contribution in the voluntary field, but that is neither here nor there.

We are talking about legislation which attempts to assert congressional control over the commitment of U.S. Armed Forces to hostilities. The purpose, according to section 2, is to insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities or in situations where a possible involvement in hostilities is clearly indicated by the circumstances.

I fully appreciate the statements made and the analysis made by the Senator from Missouri. I did not suggest that section 6 is a totally open invitation to the United Nations to commit U.S. forces.

I totally appreciate that the agreement which the President is authorized to negotiate with the Security Council is finite in terms of the forces which would be subject to it. Nevertheless, once that agreement is negotiated, it becomes a permanent thing and it provides the Security Council with a continuing ability to call up and mobilize those specific forces. Thus we have a permanent delegation by the Congress to a foreign body of its authority over the deployment of U.S. forces.

I would also like to point out that any such deployment even of limited numbers of American forces would serve to broaden the kind of situation which the sponsors of this proposal are trying to anticipate, because one of the specific exemptions in which the President is allowed to deploy American forces is one which allows—and I am quoting from subsection 2 of section 3—the President "to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions.

Certainly if we find a situation in the future where the Security Council commandeers American forces and places them in some area for the specific purpose of controlling hostilities already in existence, or to keep hostilities from erupting, we have a situation where it becomes that much more likely to have an attack on the Armed Forces of the United States such as to permit the President to throw into the breach still other forces.

The PRESIDING OFFICER (Mr. Cook). The Senator's time has expired.

Mr. BUCKLEY. I yield myself 2 more minutes.

I again appreciate that we are talking about contingencies. It is a contingency which is predicated upon the subsequent entering into by the President and the Security Council of an agreement authorized by the United Nations Participation Act; but it was my understanding that the legislation under consideration was designed to cope with almost all contingencies that might arise in the future—contingencies that cannot even be performed with any precision.

So I submit that the amendment which I have offered is totally consistent with the purposes of the War Powers Act. It is complementary to it. It does not interfere with the legislation. It merely expands its scope to take care of one situation which otherwise would remain an open loophole.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield me 10 minutes?

Mr. BUCKLEY. I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I think the Senator from New York is precise and correct in his assertion that this amendment goes right to the heart of the question of war powers, the use of American troops, and that the Congress of the United States should be consulted before American troops are used, with the limited exceptions of emergencies, where the President himself then can make a temporary decision.

The able Senator from Missouri spoke learnedly——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUCKLEY. Mr. President, I yield to the Senator from Virginia such time as he may require.

Mr. HARRY F. BYRD, JR. Mr. President, will the Chair notify me at the end of 10 minutes?

The PRESIDING OFFICER. The Chair will do so.

Mr. HARRY F. BYRD, JR. Mr. President, the able Senator from Missouri spoke learnedly of the discussion which took place in the Senate of the United States in 1945. Most certainly, his statements were accurate and thorough.

But the point is, Mr. President, that there has been a big change since 1945. That is why we are having this discussion today in regard to the President's war powers.

The pending legislation, the War Powers Act, which restricts to some extent the President of the United States, would never have been passed 25 years ago, or 10 years ago, or perhaps even 5 years ago.

The Senate can, if it wants to, keep as a part of the statute of the United States, after its attention has been called to it by the Senator from New York (Mr. Buckley), this sentence: "The President shall not be deemed to require the authorization of the Congress to make available to the Security Council the Armed Forces" of the United States.

Those Senators who want to give that broad power certainly have the right to do so, but the senior Senator from Virginia feels that when we are dealing with American troops, when we are dealing with American men, it should be the Congress of the United States, the elected representatives of the people, along with the President of the United States, who should make that decision.

Another point has been made, Mr. President, that this legislation is not directed at the President of the United States. Certainly so far as the senior Senator from Virginia is concerned, it is not.

I favor a tightening of the laws insofar as the use of our Armed Forces is concerned, regardless of who may be President. I recognize there is a twilight zone between the President and the Congress in that regard, and that twilight zone is taken care of to a considerable extent, and perhaps to a maximum extent, by the emergencies which the pending legislation, the War Powers Act, lists, where the President himself can act in an emergency and then submit to the Congress the question of whether or not the use of the Armed Forces shall be continued.

If this legislation is not directed at the President, then most certainly it should include the elimination of this very broad language in the United Nations Participation Act to which the distinguished junior Senator from New York (Mr. Buckley) has called attention.

It just does not seem very logical to the senior Senator from Virginia that the Senate would be willing to vote to tighten restrictions on the President—which I plan to vote for—but then refuse to vote to tighten the restrictions on the United Nations insofar as the use of American Armed Forces are concerned.

The only thing that the amendment offered by the distinguished Senator from New York (Mr. Buckley) does—it is a very short amendment—is require prior congressional authorization for the employment of U.S. forces under United Nations command. I do not know how anything could be more reasonable than that. If we are serious about the matter of the Senate's taking back to itself its responsibilities in regard to the deployment of the Armed Forces of the United States—if we are going to take back our responsibilities in that regard insofar as the President of the United States is concerned—most certainly we should take back that responsibility insofar as the United Nations is concerned.

I say again, and I speak as one who has felt a rapport with the United Nations over a period of years, that I realize when you talk in this Chamber about the United Nations, you are talking about something that many regard as sacrosanct. But if we are going to meet this question of Congress resuming its responsibilities—I say resuming because I think Congress in recent years has been giving away its responsibilities in the fields of foreign policy and the use of American troops—if we are going to reassert ourselves, and this War Powers Act is a step in that direction, and that is why I favor it, then most certainly we should include in it the elimination of the present statutory authority which gives to the President, under certain conditions, the right to use the Armed Forces of the United States in conjunction with the United Nations without prior approval of Congress.

The able, thoughtful, and distinguished Senator from Missouri, in the course of his excellent remarks, said it is highly unlikely that the President would use such power.

If we proceed on that assumption, we do not need the War Powers Act. But I hold with Thomas Jefferson, who asserted: "Put not your faith in man, but bind things down from mischief by the chains of the Constitution."

I do not propose that this be put in the Constitution, of course, nor does the distinguished Senator from New York (Mr. Buckley). But he does propose, and I support his position, that we eliminate from the statute books these words in section 6 of the United Nations Participation Act:

> The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call the Armed Forces of the United States.

There are many Members, undoubtedly, who want to leave that language on the statute books. It is very broad language. It was put in at a different time in our history. It was signed into law December 20, 1945. During the intervening 27 years, Mr. President, a great deal has taken place, and the United States has been involved in the Korean war, and for many, many long years in Vietnam.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRY F. BYRD, JR. Will the Senator yield me 3 additional minutes?

Mr. BUCKLEY. I yield 3 additional minutes to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. So what was appropriate in 1945—and I am glad the able Senator from Missouri read into the Record, because I think it is significant, the debate which took place in the Senate in 1945 between those able Senators of that period—is not necessarily appropriate now. And as I mentioned earlier, this War Powers Act would not have stood a ghost of a chance in 1945, because we had a different situation then. The whole picture has changed, and that is why we are debating the War Powers legislation today, because we want to tighten the restrictions, or many of us do, on the use of American troops.

If we refuse to accept the amendment offered by the distinguished junior Senator from New York (Mr. Buckley), we will be leaving on the statute books this language:

> The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements, the armed forces, facilities, or assistance provided for therein:

Mr. President, I reserve the remainder of my time.

Mr. EAGLETON. Mr. President, will the distinguished Senator from New York yield to me for one brief question, which I assure him will be brief and to the point?

Mr. BUCKLEY. I yield.

Mr. EAGLETON. I would like to propound this question to the Senator from New York: He has used such language as—

> This amendment is pursuant to the War Powers Act, in furtherance of the objectives of the War Powers Act, and in accordance with the spirit of the War Powers Act.

I would like to ask him, if his amendment should be adopted, would he support the War Powers Act as amended by his amendment?

Mr. BUCKLEY. Unfortunately the junior Senator from New York finds it impossible to support the act as phrased, although I certainly am in sympathy with its overall objectives.

Mr. President, unless my friend from Virginia wishes to make some further remarks, I am prepared to yield back the remainder of my time.

Mr. DOMINICK. Mr. President, rather than have the Senator from New York and the Senator from Virginia do that, I wonder if they would reserve the remainder of their time, and we could go back to my amendment, and then they could go back to the other when we get more people in here.

Mr. SPONG. Mr. President, we should explain to Senators present our situation. I have tried to accommodate everyone.

We are supposed to have three rollcall votes between now and 1:30. It does not take a genius to look at the clock and see what the problem is.

I ask unanimous consent that the first vote be completed in 15 minutes, and that the second and third rollcalls be completed in 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPONG. Second, I ask unanimous consent that the Buckley amendment be temporarily laid aside, and that the Senator from Colorado be permitted to proceed with his amendment. He had some priority in this matter, as his amendment was set aside to accommodate everyone.

I want to put Senators on notice that we have no control over this situation, that we will vote at 1:30 today, and someone can be cut off. I regret that very much. It means that we who are opposing these amendments have no time at all. I wish to point that out to the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered. The clerk will state the amendment of the Senator from Colorado.

AMENDMENT NO. 1111

The assistant legislative clerk read as follows:

On page 8, line 8, strike out "possessions," and insert in lieu thereof the following: "possessions; to take necessary and appropriate retaliatory actions in the event of such an attack;".

Mr. DOMINICK. Mr. President, there are several Senators here now who were not here before, some of whom have supported previous amendments I have offered, and many who have not. I want to repeat——

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. DOMINICK. I thank the Chair. I want to repeat what I have said a little earlier.

We have a provision in the act now which says that, if the United States or its possessions are attacked, not only can we repel the attack, I might state to the Senator from Virginia, but we can also retaliate.

However, we have another provision in the act which states that, if an attack occurs on our troops overseas, all we can do is repel the attack. The act does not say anything about our ability to retaliate in those circumstances. If, for example, our NATO forces were challenged or threatened in Europe, we could not mount any retaliatory attack either from Europe or from this country. The same thing would be true if Guantanamo Bay were overrun. All we could do would be to try to repel that attack. We could not retaliate. If we were in the Mediterranean and were attacked, we could repel it, but we could not retaliate with respect to knocking out bases from which these aircraft may have come.

I cannot see the logic of saying that, if this country is attacked, we can retaliate, but that if our own forces overseas are attacked we cannot retaliate. Obviously, to the extent that these forces have been deployed overseas, it has been in the interest of the free world, and certainly the United States must retain its role as a leader of the free world. To the extent that we are inhibiting our forces overseas from taking action, by passage of the bill in its present form, we are reducing the credibility of our deterrence.

I invite the attention of the Senator from Mississippi to the number of times he and I have served so well together on the Committee on Armed Services, trying to maintain a strong defense and a credible deterrent. Whenever we say that our troops, if attacked cannot retaliate, we have reduced the credibility of the deterrent strength of those troops; and to the extent that there might be hostilities, we will have encouraged the enemy to pre-position himself in all these ways, so that if any action is taken, it would be illegal under this bill.

All I am doing, therefore, is to insure that if we have forces deployed overseas and they are attacked, not only can they repel that attack but they can retaliate as necessary.

Mr. President, I urge support for my amendment. I think it is extremely important.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPONG. I yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, last night, I was one of those who wanted to look further into the amendment offered by the Senator from Colorado. Having gone into it then and again early this morning and later in conference with my colleagues, I feel that the language now in the bill is sufficient to meet the situation, even though the wording does vary somewhat.

I can illustrate my meaning in this way: Section 3, paragraph 2, as now written, would permit repelling an armed attack of the Tonkin Gulf type, and I think it would permit our forces to chase them right into the harbor and fire on them there or do whatever is necessary to subdue the attack. But from the incident alone, I do not think they could go on and bomb Peking or carry on a continuation of hostilities for years—just based on an incident of the Tonkin Gulf type. I am using that as an illustration.

So this language gives the President the power to act, to repel the armed attack, depending, of course, on the nature of it, the degree, and the location—all those things go into it—and to forestall an attack if he feels that there is a direct and imminent threat of such an attack. In other words, he could anticipate. Under all those circumstances, I think he would have full power—and I would not favor the bill if he did not—to do what was necessary to repel that attack. If other attacks or warlike gestures came about, he would similarly not be limited. He could make a new start, so to speak, and if Congress is going to act at all, it would have a chance to act.

So, after the most careful consideration, I think this language is sufficient. Therefore, I am compelled to oppose the amendment, despite its very fine intentions.

Mr. SPONG. I thank the Senator from Mississippi.

Mr. President, I yield back the remainder of our time.

Mr. DOMINICK. Mr. President, do I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator is correct. The Chair recognizes the Senator from Colorado.

Mr. DOMINICK. Mr. President, I am going to take that time, because I have great respect for the Senator from Mississippi, but I think he is totally wrong. I do not usually say that on the floor, particularly to the respected chairman of my committee, but I think it is time to be frank.

We have here two separate sections. One says that you can retaliate if it is an attack on this country, and one says nothing about that if it is an attack on our Armed Forces overseas. All I can say is that any lawyer knows that if you have it in one section in certain language and do not have it in another, it is not intended to apply in the other.

This means that if our NATO troops are attacked overseas, we cannot retaliate. It means that if Guantanamo is overrun, we cannot retaliate. It means that if our ships on the high seas are attacked, we cannot retaliate. That is exactly what it means, and that is exactly why I think section 3(2) is wrong.

I yield 1 minute to the Senator from Kentucky (Mr. Cooper).

Mr. COOPER. Mr. President, I rise only because I said earlier that I support this amendment. I support it for exactly the same reason the Senator from Colorado has stated, with great deference to the Senator from Mississippi.

If you have a right to protect your troops in one place, you have a right to protect them any place there. Retaliation does not mean going to war. It is a warning. It can be a repelling attack or a warning that the aggressor's attack shall not continue.

I agree wholeheartedly with the Senator from Colorado.

Mr. DOMINICK. I thank the Senator from Kentucky.

I might also point out that if the President should take action which is beyond what we think is necessary, under section 6 of the bill we can stop him by another action.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from Alabama (Mr. Sparkman), the Senator from New Jersey (Mr. Williams), and the Senator from North Carolina (Mr. JORDAN) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Utah (Mr. BENNETT), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "yea."

The result was announced—yeas 37, nays 45, as follows:

[No. 148 Leg.]

YEAS—37

Allen
Allott
Baker
Beall
Bellmon
Boggs
Buckley
Byrd,
  Harry F., Jr.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Jackson
Jordan, Idaho
McGee
Miller
Packwood
Pearson
Percy
Roth
Scott
Smith
Stevens
Taft
Thurmond
Tower
Young

NAYS—45

Anderson
Bentsen
Bible
Brock
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cranston
Eagleton
Ellender
Fulbright
Gambrell
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
Metcalf
Mondale
Montoya
Nelson
Pell
Proxmire
Randolph
Saxbe
Schweiker
Spong
Stafford
Stennis
Stevenson
Symington
Talmadge
Tunney
Weicker

NOT VOTING—18

Aiken
Bayh
Bennett
Cannon
Goldwater
Hughes
Humphrey
Jordan, N.C.
McClellan
McGovern
McIntyre
Moss
Mundt
Muskie
Pastore
Ribicoff
Sparkman
Williams

So Mr. DOMINICK's amendment (No. 1111) was rejected.

Mr. SPONG. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. SPONG. Mr. President, we have a vote remaining on the Buckley amendment. By unanimous consent we have to vote on final passage at 1:30. We can allow 4 minutes of additional debate on the Buckley amendment. If the Senator from New York would agree, we would share that and each have 2 minutes.

Mr. BUCKLEY. That is perfectly agreeable.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I wish to restate the purpose of my amendment which is a simple one.

Mr. COTTON. Mr. President, if the Senator from New York has only 2 minutes remaining, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BUCKLEY. Mr. President, my amendment is simple and consistent with the purposes of the War Powers Act. It is simply to restore congressional control of the possible commitment of American forces to combat by the Security Council of the United Nations pursuant to agreements authorized to be negotiated between the President of the United States and the United Nations by the United Nations Participation Act of 1945.

The sponsors of the bill have circulated three paragraphs explaining why they oppose the amendment.

Mr. President, with the greatest respect for the opponents, I would suggest that their analysis that any future agreements that can be entered into by the President of the United States with the United Nations pursuant to the United Nations Participation Act would not be subject to the approval of the War Powers Act because the War Powers Act contains a provision that no law in force at the time, enacted by this act, shall be construed—I shall not use the exact words—authorize the commitment of Armed Forces to hostilities unless such provision specifically authorizes the introduction of such Armed Forces in hostilities in any such situation.

I submit that a clear reading of section 6 of the United Nations Participation Act constitutes a present authorization to make such forces available at the request of the Security Council of the United Nations in the event two things take place: First, that the President negotiate an agreement with the Security Council defining the U.S. forces which may be committed by the Security Council for peacekeeping purposes; and second, that such agreement is approved by the Congress.

Once such an agreement is negotiated and approved, it constitutes a standing authority and delegation to the Security Council of authority to commit American ground forces, air forces, and naval forces to situations where hostilities have either erupted or are about to erupt.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, the reason that the sponsors of the bill oppose the amendment is that it is unnecessary.

It is unnecessary because the Armed Forces can only be committed to United Nations military sanctions under an agreement with the Security Council which shall be subject to the approval of Congress by appropriate act or joint resolution. There is no such agreement in existence. Therefore, if anything, it would have to be perspective. If it is perspective, that is, if we pass one, it comes under the terms of the War Powers Act pending before the Senate which says that under any perspective law, no authority to use the Armed Forces in hostilities can be inferred separate from this bill unless there is a specific exemption by the Congress from the war powers bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BUCKLEY. Mr. President, I yield the remainder of my time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I read into the RECORD the second section of section 6 of the United Nations Participation Act of 1945:

> The President shall not be deemed to require the authorization of the Congress to make available to the Security Council * * * the Armed Forces, facilities, or assistance provided for therein—

Mr. President, I ask unanimous consent that the entire section 6 to which I have referred be printed in the RECORD at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

> SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general locations, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress, to make available to the Security Council, on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements, the armed forces, facilities, or assistance provided for therein: *Provided*, That, except as authorized in section 7 of this Act, nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.

Mr. HARRY F. BYRD, JR. Mr. Presi-
strictions on the President of the United
dent, if we are willing to tighten the re-
States in regard to the use of the Armed Forces—and I am willing to vote to do that—then, certainly it seems logical that we should tighten the restrictions on the United Nations insofar as the Armed Forces of the United States are concerned.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the junior Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from

Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Utah (Mr. BENNETT), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. BEALL) is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "yea."

The result was announced—yeas 27, nays 55, as follows:

[No. 149 Leg.]

YEAS—27

Allen
Baker
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Miller
Packwood
Percy
Roth
Thurmond
Tower
Young

NAYS—55

Allott
Anderson
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Fulbright
Gambrell
Gravel
Harris
Hart
Hartke
Hatfield
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
Metcalf
Mondale
Montoya
Nelson
Pearson
Pell
Proxmire
Randolph
Saxbe
Schweiker
Scott
Stafford
Smith
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams

NOT VOTING—18

Aiken
Bayh
Beall
Bennett
Cannon
Goldwater
Hughes
Humphrey
Jordan, N.C.
McClellan
McGovern
McIntyre
Moss
Mundt
Muskie
Pastore
Ribicoff
Sparkman

So Mr. BUCKLEY'S amendment (No. 1106) was rejected.

Mr. SPONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. HARTKE). The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, today we bring to a close our debate on the War Powers Act. Because I believe it is essential for the Congress to assert its constitutional authority in this area, I joined last year in sponsoring one of the original war powers measures—the bill introduced by my distinguished colleague, Senator STENNIS of Mississippi. I am therefore pleased to support S. 2956, which incorporates the essential features of the Stennis bill. I would also like to commend the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Missouri (Mr. EAGLETON), the distinguished Senator from Virginia (Mr. SPONG) and the distinguished Senator from Ohio (Mr. TAFT), who, along with Senator STENNIS, have been instrumental in shaping the bill we have before us today.

We have had a full debate on S. 2956—extending over 2 weeks—during which there has been ample opportunity to examine every aspect of this measure. I have studied the arguments both pro and con, and I am convinced that S. 2956 is compatible with our national security, while at the same time reinforcing our democratic institutions by insuring that Congress' voice will be heard on vital issues of war and peace. I have therefore opposed those amendments that would alter the basic framework of S. 2956, which I believe to be sound from the standpoint of our defense requirements and constitutional practice.

Mr. President, we have heard a great deal about how the War Powers Act might limit the powers of the President. It seems to me that the proponents of the bill have convincingly demonstrated that it would not inhibit the President from taking any action which might reasonably be required to protect our country in an emergency. And it is also clear that the War Powers Act cannot in any way restrict the constitutional powers which the President enjoys as Commander in Chief of the Armed Forces.

The more important point, it seems to me, is that by adopting the war powers bill, we in the Congress are making a commitment to stand up and be counted whenever our country is faced with a decision to send our young men into wars on foreign soil. We should recognize that we have not always done so in the past. Too often we have preferred to leave to the President the full responsibility for deciding when and where our Armed Forces were to be used abroad. What the war powers bill does is to set forth clear procedures whereby the Congress will consider such questions in the future. We have always had the responsibility for doing so, and I think it is time for us to recognize that the American people have a right to expect us to live up to that responsibility. We will be doing so by adopting S. 2956.

Mr. GURNEY. Mr. President, when our Founding Fathers drew up our Constitution some 183 years ago, they recognized that not all contingencies could be foreseen and that a division of warmaking powers between the executive and legislative branches of Government would allow the necessary latitude to deal with future problems. Within the framework they created, the United States has developed from a fledgling Nation to a leading world power, thereby proving the genius of the Founding Fathers in not being more specific.

In the early days of our existence as an independent nation, the major foreign policy concern was to maintain a position of neutrality and the avoidance of entangling alliances. This attitude is reflected in Washington's Farewell Address; it appears later in a letter written by Alexander Hamilton to William Ellery on June 29, 1793 under the pseudonym, Pacificus No. 1. In this letter, Hamilton defended Washington's issuance of the "Proclamation of Neutrality" in the following terms:

> ". . . However true it may be, that the right of the legislature to declare war includes the right of judging whether the Nation be under obligations to make war or not—it will not follow that the executive is in any case excluded from a similar right of judgment, in the execution of its own functions.
>
> If the legislature have a right to make war on the one hand—it is on the other the duty of the executive to preserve peace till war is declared; and in fulfilling that duty, it must necessarily possess a right of judging what is the nature of the obligations which the treaties of the country impose on the Government. . . ."

It is a bit ironic, in view of subsequent events, that Hamilton should argue against undue restrictions on executive power in order to defend a policy of neutrality. But his concern was well founded. In 1812 it was the war hawks in Congress who pushed us into a declaration of war. In 1898, again it was pressure from Congress that pushed a reluctant William McKinley into asking for a declaration of war against Spain. History will also record that there were only two dissenting votes in Congress in 1964 when we gave the President the authority to take such steps as were necessary to defend South Vietnam.

As has been noted before the United States has used its military forces 192 times, 45 times in major incidents and five times in declared wars. Almost all of these adventures have had wide support hence there has been little debate over the question of the warmaking powers of Congress and the President respectively. Now, we have gone through a disillusioning experience in Vietnam, and, as we did after World War I, we are reacting to it. But, in so doing, we should ask ourselves just what we are upset about—the results of a decision or the system that produces it.

A great deal of time has been spent here discussing the constitutional implications of this bill. I will not dwell further on them except to say that the result of this legislation is interference with the constitutional prerogatives of the President to conduct foreign policy or to exercise his responsibilities as Commander in Chief of the Armed Forces and raises serious constitutional questions. As of now, Congress has ample powers in the warmaking area—the right to declare war, the right to raise an army and a navy, and the right to provide or discontinue funding—to fulfill its constitutional role. Further expansion of such powers would not only involve a question of separation of powers but would have the most serious practical consequences.

What we are really talking about here in addition to the constitutional implications, is whether the United States will continue to be a leading world power or whether we will sink back into the same isolationism that has cost us so dearly in the past.

In 1935, 1936, and 1937, as a result of the disillusionment stemming from World War I and its aftermath, strict neutrality laws—laws that specifically sacrificed many of the principles for which we had shed blood in the War of 1812—were passed in an effort to keep the Nation from being dragged into hostilities either declared or undeclared. In arguing against the mandatory arms embargo clause that was to appear in all three bills and which prevented any distinction being made between an aggressor and the victim of aggression, President Franklin D. Roosevelt noted, in 1935, that no legislature or executive could anticipate all contingencies and that the course of history was:

> . . . Filled with unforeseeable situations that call for some flexibility of action.

How right he was. By 1939 we found these strict neutrality laws out of touch with the circumstances. In late 1939 a revised neutrality law had to be enacted in order to help keep the forces of freedom from being crushed by the driving force of Nazi tyranny.

Now in the wake of our deep involvement in Vietnam we find ourselves suffering from a disillusionment not unlike that of the 1930's. Not surprisingly, perhaps, we find ourselves considering another piece of legislation more specific and more restrictive than the neutrality laws of the interwar era, and with the same goal in mind—to keep us out of an undeclared war. But, worthy as that goal may be, history should remind us of the impracticality of trying to achieve it by means of restrictive legislation.

Today, more than ever, we need flexibility to meet the challenges of this modern nuclear age.

The key to flexibility in foreign affairs lies in the number of options that a nation can exercise. This bill not only drastically reduces our options, but it tells the world just what they are. Other nations, knowing in advance how we will respond to most any given situation, can be expected to take maximum advantage of us. The threat to the free world that would result from such an abnegation of our responsibilities would be both incalculable and unconscionable. Confidence in the ability and willingness of the United States to uphold its treaty commitments would be sadly weakened and our ability to negotiate effectively in crucial matters would be severely hampered. Any nation, whose reaction to a given situation can be predicted in advance, is in a weak bargaining position indeed.

These reasons alone should be more than sufficient cause for the defeat of this bill.

But there are other reasons—specific compelling reasons—for believing that this legislation is unwise. First of all, it would rock the NATO alliance to its very foundations. Despite the recently passed amendment that permits members of the U.S. Armed Forces to participate with military personnel of other nations in headquarters operations of high level military commands—like NATO—the bill would not seem to permit redeployment movement of U.S. troops; first, to counter enemy buildups; second, to head off developing crises; or third, to help thwart an attack against a NATO country in which we had no troops.

Also, the bill would not seem to permit any increase in forces in Europe—and elsewhere for that matter—at a time of crisis. Furthermore, if we were, at some time, to withdraw some of our troops from Europe, this legislation would prevent us from returning them in case of a Soviet buildup. And, finally, the language of the bill would not seem to permit the use of U.S. forces in a combined command without the prior approval of Congress.

Closely related to the NATO situation is the case of Berlin. We are deeply committed to protecting West Berlin from Communist aggression and to keeping open its lines of communication. Yet, if we adopt this bill, the Communists could close the access routes to West Berlin and we would be unable to respond because such a blockade would not mean an imminent threat of hostilities unless we took remedial action. At best, then, West Berlin would have to wait for assistance until Congress met, debated and passed upon the matter. By then it might be too late.

The Middle East provides another case study of where our efforts to preserve peace would be severely hampered by restrictive war powers legislation. For the same reasons that our troops would be precluded from opening access routes to West Berlin, U.S. forces would also be unable to move to head off trouble in the Middle East. For instance, President Eisenhower's prompt and succesfull action in landing marines in Lebanon in 1957 to thwart a Communist takeover could not be repeated. Nor could President Johnson's deployment of the Sixth Fleet to within 50 miles of the Syrian coast when he believed that the Soviet Union might intervene in the 6-day Arab-Israeli war. With the situation in the Middle East being as volatile as it is, inaction could be far more dangerous than action.

Of course, the Middle East is not the only place where U.S. military forces have been, or can be, used to discourage aggression and help maintain the peace. Another prime example was the Cuban missile crisis of 1962. None of us will ever forget hearing that there were offensive missiles only 90 miles from our shores. We will always remember the tense days that followed while we instituted a quarantine and forced the Russians to back down a little. But would such action be legal under the terms of this bill? It could, and would, be argued by many that such missiles constituted an imminent threat of attack which would justify utilization of our Armed Forces by the President, but many others would contend that a quarantine would increase rather than decrease the possibility of hostilities. The ensuing debate is likely to lead to hesitancy, uncertainty, and inaction.

It was just this type of uncertainty and reluctance to act that led to the appeasement at Munich in 1938. Our enemies would certainly do everything possible to see if history might repeat itself.

Of course, in such a situation the President could act, but under greater pressure than if this bill were not enacted into law. There would be a tendency either to be overly cautious in order to avoid a repudiation of our policy by Congress—with all the disadvantages and loss of prestige that would entail—or to be overly eager to conclude the matter within the 30-day limit. The first course could lead to appeasement and the second to overkill; neither alternative is desirable and I would hate to think that, by passing this bill, we would greatly increase the chances that these would be the only possible alternatives in a crisis situation.

In looking at this bill, I am reminded of Woodrow Wilson's famous 14 points. In point one Wilson called for "open covenants . . . openly arrived at," thereby expressing his long standing and cherished hopes for the end of secret negotiations. History has shown time and time again how impractical such a proposition is, something that Wilson discovered shortly thereafter. Secrecy is essential to the conduct of foreign relations. Neither friend nor foe wants to have their proposals aired in public and if they know that this will be a prerequisite to the United States taking any military action, then they are going to be much less likely to negotiate or to make agreements with the United States. Also, any strategic redevelopment of forces we might make to assist our diplomacy will be recognized as a meaningless bluff. Furthermore, the public debate that would have to ensue before any action of some consequence and duration were taken would cause unnecessary uncertainty at home, would create a loss of confidence in our willpower abroad, would give our enemies a much greater opportunity to manipulate our response—as Hanoi is trying to do right now—and surely would cause other nations to misread our intentions under almost any circumstances. Moreover, heated public debate will, of course, be reflected in Congress and could give rise to delaying and filibuster tactics by a small minority that could effectively prevent us from taking any meaningful action. All this must be an immensly comforting prospect to the Russians and Chinese. They certainly are not going to engage in any debate or negotiation if they do not have to, and they surely will benefit from any reduction in the flexibility of our position or any indication that we are not going to contest their expansionist ambitions in the Middle East, Southeast Asia or elsewhere. If I were them, I would be in favor of the passage of this bill.

Which brings me to some of the specific provisions of this bill. Section 2, as I noted last Friday, presents a view of the President's powers as chief executive officer and Commander in Chief of our Armed Forces, that is far more narrow and simplistic than the drafters of the Constitution or those who followed in their footsteps had in mind. The responsibility for conducting an effective foreign policy or providing for the security of the United States in these fast changing times, implies that the President have much more freedom of action than the authors of this bill admit.

Section 3(2) provides only that an attack or an imminent threat of attack on

U.S. Forces outside the United States be repelled. It says nothing about retaliation for such an attack by enemy forces and, if left unchanged, might prohibit such retaliation. I cannot conceive of a nation so limiting its responses and so encouraging enemies to test its willpower at the expense of its forces.

Section 3(3) has an equally serious problem. This section provides for action only when the lives of U.S. citizens, in a foreign country with its express consent, are subject to direct and immediate danger beyond the power of the host country to control. But, what about the liberties of such U.S. citizens abroad? Are we going to say explicitly in advance that, while their lives may not be endangered, hostile forces can throw them into prison et cetera with threat of response from the United States? Certainly our citizens have a right to expect a bit more than that from their government; at the very least U.S. forces ought to have the right to assist in evacuating them from a country in time of crisis that threatens their liberty.

Section 3(4) casts serious doubts about our willingness to uphold our treaty obligations. Not only is our ability to use our armed forces as a peace keeping deterrent practically eliminated, but our willingness and ability to live up to our treaty obligations is brought into question. At present, none of our treaties can be implemented unless "constitutional requirements" are met; to go further and say no future treaty can be implemented without specific legislative authorization for use of our armed forces and to attempt to apply this requirement to existing treaties is not likely to imbue our allies with much faith in our stated intentions to stand by them. Can we expect, if we do this, that other nations of the free world will have as much confidence in our word or will be very willing to work with us in the future? We should not be surprised if some of them would seek an accommodation with our foes, as a practical matter of survival, if we indicate we are willing to respond to aggression in only a very limited number of circumstances.

The 30 day provision in section 5, in addition to raising constitutional questions, is unduly restrictive. Is it our intention that the President to be limited to taking emergency action in defense of the United States for only a 30-day period without congressional approval? In days gone by, this might have been more practical, but in this day of nuclear warfare it is a possibility—admittedly an unpleasant one but one which must realistically be faced up to—that Congress could not convene in 30 days. Unfortunately, the amendment passed April 5, while a step in the right direction, does not substantially alter the situation, even in the dire circumstances just mentioned. And, of course, this amendment does nothing to ameliorate the aforementioned restrictions against the President exercising his judgment in foreign policy and national defense matters.

As for section 8—the separability clause—it, like the three amendments added to the bill by its sponsors last week, indicates to me that even the supporters of this bill have questions about both the constitutionality and the practical implications of this piece of legislation.

This uncertainty on the bill indicates to me the undesirability of trying to write up a neat set of specific rules and regulations to cover circumstances that none of us can anticipate. In this regard I am particularly struck by the appropriateness of the argument presented by Arthur Schlesinger, Jr., in the February 5, 1972, issue of New Republic. Referring to those pre-World War II neutrality acts. Schlesinger noted that this bill, if it had been in effect all along, "probably would have prevented President Roosevelt from protecting the British lifeline against Nazi submarines—and * * * it probably would not have prevented President Johnson from escalating the war in Vietnam." In view of the overwhelming congressional support for the Gulf of Tonkin resolution in 1964, as compared to the strong isolationist sentiments prior to Pearl Harbor, I think this to be an accurate assessment. There certainly is no evidence to support the conclusion that Congress would be any less likely to "shoot from the hip," as Senator JAVITS has put it, than the President, but it is quite obvious that Congress cannot keep on top of events and be in a position to make quick decisions the way the President can and should.

It is understandable that the frustration of the Vietnamese conflict should evoke a desire on the part of some to reduce the warmaking powers of the President. However, Congress must share the responsibility for the conflict; it had the opportunity to say "no" to the Gulf of Tonkin resolution, it could, at any time, have reduced the funding for the war and it could have refused to authorize the increase in our Armed Forces necessary to carry on the conflict. These powers, in addition to the power to declare war, are, if used, effective checks on the warmaking powers of the President. But, at the same time, these checks do not deprive the Nation with the flexibility it needs to meet the constant challenges of the modern world. By leaving intact the system of shared responsibilities not explicitly circumscribed in advance by legislation—a system that has worked so well for almost 200 years—we enable the President to conduct foreign policy, promote national security and handle the mutlitude of crises, that require action but which are not serious enough to occasion a declaration of war, in an effective manner. And, we lose nothing.

In fact, by drawing attention to the issue, and by indicating that we expect to be informed, Congress has made a positive contribution toward an effective partnership in this all important area of decisionmaking.

History has repeatedly shown the folly of a nation committing itself to a specific course of action before the fact. History, in more recent times, has also shown that retreating into isolationism defeats the very cause of peace that it is intended to serve. The course of history has also made us a world power and as such, has given us certain responsibilities, most particularly to those around the world who share our ideal of freedom. We cannot simply turn our backs on these responsibilities or give the appearance of turning our backs. To do so would only confuse our allies around the world, sow the seed of doubt at home, and give those who do not believe in liberty and freedom a golden opportunity to satisfy their expansionist aims at the expense of those who do.

With these thoughts in mind I strongly urge the defeat of this bill. It would be a most unfortunate precedent and one not in the best interests of the Nation. I also commend to the Senate a column written on this bill by Mr. Kenneth Crawford which appears in the April 11, 1972 issue of the Washington Post. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"HOT-STOVE" LEGISLATION: BILL WOULD CURB WARMAKING POWER OF PAST PRESIDENTS

(By Kenneth Crawford)

Congress is now working on a law to prevent Presidents Kennedy and Johnson from involving the United States in the defense of South Vietnam. Since the effort comes ten years or so late, the law's sponsors explain that their object is to forestall "another Vietnam."

The chance that any President would so ignore tragic experience as to undertake again anything remotely like the Vietnam intervention is about the same as the chance that a child who has burned his hand on a hot stove would do the same thing a second time.

Yet there is always someone, after a burning, who feels that there ought to be a law against hot stoves. This time it is Sen. Jacob Javits of New York, author of the so-called war powers bill, now under debate in the Senate and scheduled for a vote today. His measure seems to have majority support in the Senate, though perhaps not in the House. In any case, a presidential veto is virtually certain if it gets as far as the White House.

This is not the first time hot-stove legislation has been handled by Congress. After the first world war and a Senate investigation of "merchants of death", the House and Senate wrote a set of neutrality laws to prevent President Wilson, then long dead, from involving the U.S. in a European war.

The effect of these laws was to hamstring President Roosevelt in his attempt to help contain Adolph Hitler before the Nazis could overrun all of Europe and precipitate another world war. Obviously, Hitler posed a different and more serious threat to the world than Kaiser Wilhelm had. Fortunately, Roosevelt, before it was too late, found ways through, over and around the neutrality laws.

What the Javits bill would do is limit a President's authority to employ armed forces abroad. In emergencies he could order the Army, Navy, Air Force or Marine Corps, or all four, into action overseas. But he could not keep them in action for more than 30 days without specific congressional sanction. Pending amendments would not substantially change the purpose and thrust of the legislation.

Opponents argue that the war powers bill, like the neutrality laws, however well intentioned, would only straightjacket future administrations by undertaking to anticipate unpredictable international developments. They even doubt the constitutionality of the proposed redistribution or war-making powers. Why, they ask, change a system that has served the nation well for almost

200 years? Why abandon flexibility in favor of rigidity at a time when world affairs are as chaotic as they are now?

Proponents counter with the argument that Vietnam has demonstrated the necessity of "redressing" the balance of war powers between Congress and the President. The Constitution gives Congress the exclusive right to declare war but the present war has never been declared. It has been fought by executive decree. What this overlooks is that this country has engaged in armed conflict more than 200 times, going all the way back to George Washington, even though Congress has declared war only five times. A balance that never has existed can't be redressed.

Not all members of the Senate have made up their minds about war powers. Some of them consider the Javits bill innocuous on the assumption that Congress would never in any conceivable circumstance pull the rug from under a President once U.S. military forces were committed. They point out that Congress already has ample authority to stop an American shooting war. Its control of the purse strings could have been used to stop American operations in Vietnam at any point.

When Congress adopted the Bay of Tonkin resolution in 1964 with only two dissenting votes in the Senate and none in the House it was approving President Johnson's escalation as surely as it could have with the Javits bill in effect. Within a year, moreover, Johnson asked for an additional $700 million for Vietnam operations in a message specifically inviting Congress to withold the funds if it disapproved of his war policy. Again the approving vote was almost unanimous.

Several senators are skeptical of the notion that Congress would be more restrained than a President in the face of provocation. It never has been in the past, not even in the case of Vietnam. Some of the skeptics will nevertheless vote for the Javits bill. Such a vote for them will be a gesture denoting second thoughts about Vietnam. A post facto vote against an unpopular war can't do them any harm.

Both advocates and foes of the Javits bill are convinced that it is the most important legislation Congress will consider at this session. Advocates believe it can help heal the Vietnam sickness that has infected American society. Foes are equally convinced that it would undermine this country's diplomatic credibility. Yet Senate debate on the issue has attracted a minimum of attention from media and public.

Perhaps this is because, like all debates on Constitution-related questions, this one has been serious and unspectacular. War powers lack the spice of an ITT investigation. Indifference may be partially explained, too, by doubts that Congress could pass the Javits bill over a presidential veto. Secretary of State William Rogers, obviously speaking for the White House, has challenged both the validity and the practicality of the proposed legislation.

However, neither in floor debate nor in Roger's statements has the most telling cloak-room argument against the bill been mentioned. It is that passage would be regarded by America's allies as a signal that Chairman William Fulbright and his Senate Foreign Relations committee are about to assume control of American foreign policy. Fulbright has been taking positions so extreme and so suggestive of an American retreat into isolationism that they frighten friendly world capitals.

He regards American overseas broadcasts as relics of a cold war that never should have been a war. He proposes to cut off funds for Vietnam as it faces the threat of extermination by an invading army. His recent article in the New Yorker, "In Thrall to Fear," argues that American intransigence was primarily responsible for the enmity of the Soviet Union and China after the second world war. Nikita Khrushchev's Cuban missiles, he writes, were merely a gesture of appeasement for the benefit of unhappy Soviet generals.

Mr. DOMINICK. Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Arizona be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANSWERED PRACTICAL AND CONSTITUTIONAL QUESTIONS REMAINING IN THE WAR POWERS BILL

(Statement by Senator Goldwater)

There are at least 21 grave practical and constitutional problems remaining in the war powers bill, with implications that could seriously endanger the national security of the United States.

1. "Shows of force" and other mere deployments of the Armed Forces are prohibited by the bill. The sending of reinforcements to Berlin, such as occurred in 1961, would be barred because it involves a definite risk of combat.

No matter how much the sponsors of the bill protest, the specific language of their bill would bar a show of force in trouble areas. The broad prohibition of section 3 prevents the introduction of troops into situations whenever imminent involvement in hostilities is indicated. The only exception to this general prohibition is when the nation or our troops are *already* under attack or a direct and imminent threat of attack. If our forces are not under any threat in their present position so long as they keep out of the trouble spot, there is no authority for them to go into action, but there is a prohibition against them being moved into the hot spot.

In other words, one purpose of the bill is to keep United States forces away from hot spots where a hostility might ensue. This is quite evident from early statements by the sponsors of the bill as to their purposes. For example, during the Senate hearings, Arthur Goldberg interpreted the bill as applying to deployments. Senator Javits agreed. The exchange reads:

"Mr. Goldberg. Widespread deployments of troops without explicit Congressional authority raises to me Constitutional questions because of the danger of it leading to war, and that is covered by the resolution Senator Javits has been working out with Senator Eagleton.

"Senator Javits. Right.

"Mr. Goldberg. Deployment is a great problem and I believe Congress is the body to authorize substantial deployment of troops. I don't believe that that power is vested in the President by his role as Commander in Chief."

In his law review article discussing the war powers bill, Senator Spong, a cosponsor stated that the effort to reinvest Congress with a role in use of force policy "would require that Congress have a voice in the deployment of troops."

Senator Spong added: "The probability of war is closely related to the deployment of troops. The deployment of troops often increases the chances for conventional war and conventional war increases the prospect for nuclear reliance."

The sponsors now seek to retract these statements, but the record is clear that the sponsors themselves originally construed their bill to cover deployments.

2. The bill uses three totally different ways of describing what constitutes an "imminent threat." The sponsors have never given an explanation of what the difference is between "imminent" as used in one place and as used in another.

Section 2, relating to purpose and policy, states that the bill "is not intended to encroach upon the recognized powers of the President, as Commander in Chief and Chief Executive, . . . to respond to attacks or the *imminent* threat of attacks upon the United States, including its territories and possessions, to repeal attacks or forestall the *imminent* threat of attacks against the Armed Forces of the United States. . . ."

On the other hand, the opening words of section 3, relating to the situations where the President is prohibited from using the Armed Forces, refers to "situations where *imminent* involvement in hostilities is *clearly indicated* by the circumstances."

In contrast, sections 3(1) and (2), relating to emergencies where the President can use the Armed Forces, contain the entirely different words "to forestall the *direct and imminent* threat" of attack.

When is an attack "imminent" but not "direct and imminent"? When is our imminent involvement in hostilities "clearly indicated" but the threat of attack against our forces not "direct and imminent"?

3. United States forces cannot be used in defense against a threat which poses an indirect and future danger to the United States, even if the safety of the nation will ultimately be at stake.

In the case of an attack on Israel, for example, where no United States troops are now stationed, the bill would prohibit the United States from taking any action to prevent the overrun of a country, whose loss would vitally affect the world balance of power in the future.

Professor Alexander Bickel, who is credited by the Committee in its report with offering the definitive testimony relating to the "direct and imminent threat" clause, defined the term as applying only to situations where an attack on the United States might occur immediately, today or tomorrow.

He said: "So somebody drops an atomic bomb on Paris or somebody marches in to Paris, it is, I think, Constitutionally open to the President, and I take it Senator Javits agrees it is open under his bill, for him to say, 'I know what that means; that means that tomorrow morning they are coming at us. I am going to react to that threat,' the way after all President Kennedy reacted to what was only a threat implicit in the Cuban situation."

Also, Senator Spong indicated how restricted a view he took of the term "imminent" in an exchange at the hearings with Attorney William D. Rogers. Mr. Rogers had just recommended that the bill be reworded to specifically allow the President to forestall an imminent attack, as well as an actual attack.

Senator Spong asked, "But you are distinguishing imminent attack from future attack.

"Mr. Rogers. Yes.

"Senator Spong. Now, you know the word 'future' is used in the Stennis and Bentsen legislation.

"Mr. Rogers. Future nuclear, I think.

"Senator Spong. Future attack. He can act to repel what he believes to be future. I think there is a distinction here. Imminent, I look at as something much more likely to occur."

Thus, the Floor manager of the bill explained that his interpretation of "imminent" attack excluded the idea of a "future" attack.

4. The bill will undermine the credibility of our mutual defense agreements, in particular NATO.

Professor Richard B. Morris, who testified in support of the bill, nevertheless wrote to Senator Eagleton of his fears that NATO might be damaged by the bill. In his letter, sent after his original testimony, Professor Morris warned: "I might add that the effect could conceivably be mischievous were Congress at this time to decide, for example, that NATO was not self-executing. Such a resolution might encourage the aggressive forces in Europe who would no longer see in NATO an effective deterrent to their expansionist aims."

5. The 30-day limit of the bill, after which troops cannot be used, even in emergency situations, is unrealistic and dangerous.

By allowing Congress to veto the President's judgment that continued defensive measures are required after 30 days, Congress is establishing itself as 535 Commander-in-Chiefs, something the Founding Fathers never intended.

6. The provision of the bill calling for a vote within 30 days if the emergency use of troops is to continue is potentially dangerous as a vehicle for leading the nation into total war.

The sponsors of the bill argue that Congress has the right to legislate concerning the making of war and the President has no power to contravene such legislation. According to this principle, the President would be required to engage the country into broader hostilities than he wishes in the event Congress passed a continuing authorization which included a directive, for example, that the United States invade an enemy nation, rather than blockade it, as in the Cuban Missile Crisis.

7. The bill leaves in doubt the will of the United States to act under the outstanding area resolutions.

The bill states that no provision of law now in force shall be construed as authority for Presidential action unless it "specifically authorizes" the introduction of troops in hostilities. What does this do to the Middle East Resolution which declares merely that the United States "is prepared" to use armed forces "consonant" with the Constitution of the United States? The authors of the bill contend that the term "constitutional processes," as used in our mutual defense treaties, means that no authority for action is granted unless the President returns to Congress for additional power. Accepting this interpretation, the Middle East Resolution must be repealed by the language of the bill, notwithstanding the denials of the sponsors.

8. It is doubtful the United States could participate in international humanitarian missions.

The bill provides specific authority only for the purpose of rescuing American citizens and nationals. No express authority is granted for joint missions such as the 1964 Congo rescue operation, when the major purpose was the evacuation of non-Americans, only 3% of those saved being Americans.

9. The bill provides no authority for immediate action leading toward the rescue of United States citizens hijacked on an aircraft while it is still in flight.

The "high seas" do not include the "blue skies."

10. It seems doubtful the President could protect United States fishing vessels in the territorial waters of another nation.

It is well-settled under international law that the term "high seas" does not include the waters known as "territorial waters." In fact, the two terms are given mutually exclusive definitions by the two 1958 Geneva Conventions on the High Seas and the Territorial Seas. Accordingly, the bill is ambiguous as to how it would apply to situations, such as Equador and Peru, where there are claims of a 200 mile territorial sea.

11. There is no authority under the bill for the protection of United States civilians on vessels in international straits.

Again, the term "high seas" is given a meaning under international law that is entirely different from "international straits."

12. The bill prohibits any action by the President designed to forestall an attack or the threat of an attack against the economic position of the United States.

The bill specifically restricts defensive action to situations where there is an actual armed attack upon the physical United States, its territories and possessions, or upon our Armed Forces. If an enemy should take the Suez Canal, or the Strait of Malacca, for example, the United States could not respond because the hostile action is not an attack upon any actual territory of the United States, although the attack represents a serious danger to the future economic strength of the United States.

13. The 30-day time restriction on emergency military actions might pressure a President to go all out by resorting to total war during the short period of time allowed him.

During the hearings, Senator Javits gave an indication this could occur by admitting there is nothing in his bill to stop it. Senator Javits stated: "Couldn't you wage a pretty good war if it were nuclear, and the President's immediate response were nuclear? *There is nothing in my bill that stops him from doing that.*"

14. It is impossible to prophesy all the unexpected and unlimited variations of events when the President may need to take defensive action without advance Congressional approval.

15. The declaration of war clause is an invalid basis for legislation which limits Presidential reaction to foreign dangers.

Judge Philip C. Jessup of the Council on Foreign Relations, who was cited by Senator Javits as being in support of his bill, nevertheless wrote that "the concept of 'declaration of war' . . . is now an outmoded concept." He added, "Because of my belief about the lack of real legal relevance of the declaration in these times, I would hesitate to tie new legislation so tightly to the 'declaration of war' clause of the Constitution."

Declarations were already outmoded in the 18th Century, as is proven by Hamilton's statement in the Federalist No. 25 that declarations of war were then falling into disuse.

16. The power "to declare war" has never meant the same thing as the sole power "to commence war."

Samuel Johnson's Dictionary of the English Language, which was the dictionary in vogue in the United States in the 1780's, defines "declare" as simply meaning "to make known" or "to proclaim." On the other hand, "to make" was defined as "to create" or "to bring into any state or condition."

Thus, when the Constitutional Convention struck out "make" from the Constitutional draft and substituted in its place "declare," it removed from Congress the power to bring the country into the state of war and left it with only the power to proclaim its purpose of supporting a war. The term was never construed as being an "all-inclusive" way of engaging in war.

17. The necessary and proper clause does not give Congress the power to restrict the President in the exercise of his functions.

The Library of Congress compiled a report in 1972 which found that it is unconstitutional for Congress to act under the necessary and proper clause to restrict a Presidential prerogative. The Library concluded that Congress may act to aid the President in the exercise of his functions, but not restrict him.

18. There is not a single statutory precedent for the war powers bill.

The recent Cooper-Church Amendments do no more than translate into statutory form President Nixon's own pledges not to involve American ground combat forces in Thailand or Laos. In fact, President Nixon has included the same provision in his own last two defense budgets.

Again, the provision aimed at the nonintroduction of additional ground combat forces into Cambodia merely spells out what President Nixon already says his policy is. The provision expressly declares that it is in line with the intention of the President.

Nor are the two Mansfield amendments of 1971 any precedent. As enacted, these provisions merely "request" the President to implement a policy of withdrawal from Indo-China. The amendments are not binding.

19. Historical practice has conclusively established the validity of Presidential reactions to foreign dangers on his own authority.

There have been 201 hostilities in America's history and only five of them have been declared. Congress never passed a law purporting to terminate any of the 196 Presidentially-authorized hostilities.

20. The war powers bill would not prevent another Vietnam.

There are at least 24 statutes in which Congress participated jointly with the President in approving United States activities in Indochina, including the SEATO Treaty and the Tonkin Gulf Security Resolution.

21. The war powers bill might incite World War III by depriving the President of flexibility to meet unexpected threats promptly.

Dr. James McGregor Burns and George Ball each testified that war powers legislation might lead to another catastrophe similar to World War II, which an earlier Congress thought it had prevented under the Neutrality Acts adopted in the aftermath of World War I.

Mr. SPONG. Mr. President, I am pleased to have had a part in the development of the war powers legislation and to have served as a floor manager for the bill.

I believe that this is an important bill. I believe the Senate has been wise in debating it and would be wise to pass it.

Basically, this is a simple bill. Those of us who support war powers legislation believe that the war power is, constitutionally, a shared power, that the framers of the Constitution believed that both Congress and the President have responsibilities in the use of U.S. forces abroad.

In this bill we have delineated those powers which we believe were granted to the President under the Constitution. These powers include the right to protect the United States against attack or the threat of an imminent attack, to protect U.S. forces against attack or the threat of an imminent attack, to direct the activities of the Army and Navy under the Commander in Chief clause and, under certain circumstances, to take actions to rescue U.S. citizens in danger abroad.

We who support the bill also believe, however, that the framers of the Constitution in granting Congress the power to declare war gave Congress the power to participate in use of force decisions, not just the power to echo a proclamation. In order to exercise that power to declare war, Congress must, however, have a greater voice in the decisions to commit U.S. forces to hostilities abroad.

We who support this bill believe that Congress has always had powers in use of force decisions. Congress has, however, largely by inaction and acquiescence, permitted this power to atrophy. A natural result has been that Presidents throughout our history, but especially in the last quarter century, have stepped in to fill the vacuum. We have heard many times during this debate that Presidents have committed U.S. forces to hostilities abroad without a declaration of war close to 200 times. We know from the very thorough hearings conducted by the Symington subcommittee on U.S. Security Agreements and Commitments Abroad that we have treaty commitments with more than 40 nations in the world, that we have more than 375 major military installations and more than 3,000 minor ones around the globe. In view of this, it seems quite likely that occasions will arise in the future in which consideration will be given to the committing of U.S. forces to offensive hostilities abroad.

The objective of this legislation is to give Congress a voice in those decisions. This bill provides a procedure and a methodology under which Congress may play a role in those decisions and thereby fulfill its constitutional role of declaring war.

As I have noted a number of times, the pending legislation neither confers upon nor detracts from the constitutional powers of the President. We do not seek to do that. We could not do that through legislation. Likewise, the legislation does not seek to enhance or diminish the constitutional powers of Congress. Again, we could not do that by legislation. But, the bill does seek to establish the procedures whereby Congress can exercise the war powers granted to it.

I believe the bill is important for restoring a balance between the Congress and the President in the use of war powers. It is important to the separation of powers, which is deeply embedded in our governmental tradition.

I believe the bill is important for reassuring our allies throughout the world that our commitments will be based on joint action by the Congress and executive branch and will represent a more united policy.

And, I believe the bill is particularly important for restoring a faith, a confidence, in our people that their representatives in the Congress will accept the responsibility for participating in those decisions which so vitally affect their lives.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record an outstanding article entitled "The Power To Make Wars," written by Richard B. Morris, who is a distinguished authority in the constitutional field, and published in the New York Times of April 13, 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Power To Make Wars

(By Richard B. Morris)

Prof. Eugene Rostow's recent analysis of the Javits-Stennis war-powers bill constitutes so serious a distortion of American constitutional history and so warped an interpretation of the bill's provisions and likely effects that it should not go unanswered. Nothing in the bill justifies his condemnation of it as a "bold" bid for constitutional supremacy unrivalled "since the impeachment of Andrew Johnson" nor his contention that it is based upon a legal theory which would permit "a plenipotentiary Congress to dominate the Presidency (and the courts) more completely than the House of Commons governs in Great Britain."

This is nonsense. If any branch of the Government has usurped the war-making powers of the Constitution it has been the executive arm and not Congress, with consequences that have proven detrimental to the national interest.

The Constitution is clear on its allocation of the war powers. That document clearly distinguishes between declaring war and supporting it on the one hand, and conducting its operations on the other. Article I, section 8 vests in Congress the right to declare war and to raise and support armies, but limits to a maximum of two years the appropriation of money to their use. On the other hand, Article II, section 2 describes the President as Commander in Chief.

Throughout the debates on the drafting of the Constitution and its ratification one finds a deep concern about executive usurpation matched by an equal concern (and remarkable prescience) that the war powers remain lodged in the legislative branch of the Government, wherein they had been previously vested from the start of the American Revolution. At the same time the Founding Fathers made certain that the executive arm which they were in the throes of fashioning was given emergency powers for military defense.

To allay widespread fears that the war-making powers under the Constitution would subvert republican institutions the authors of The Federalist papers made a point of construing the President's role rather narrowly. The early Presidents used their military powers with caution. Even Washington's authority to issue a proclamation of neutrality seemed moot, James Madison contending that neutrality was merely the negative side of a declaration of war and required Congressional approval.

It is the undeclared war now being waged in Indochina, not the prospect of passage of the Javits-Stennis bill, which is damaging our prestige and credibility abroad. tragically dividing the American people, and diverting resources from the most urgent tasks of domestic reconstruction, In my considered judgment that bill sets the constitutional balance true. It provides urgently needed clarification of the warmaking powers in the spirit of the drafters and ratifiers of the Constitution without hampering the President in his capacity as Commander in Chief to act in defense of national security.

Professor Rostow and others protest that the Javits-Stennis bill would have inhibited the President in the Cuban missile confrontation. They scrupulously avoid mentioning the misconceived Bay of Pigs invasion or the dubious intervention in Santo Domingo. What the bill seeks to eliminate are brinkmanship and tiltmanship, the bankruptcy of the latter strategy all too evident in our recent posture during the India-Pakistan war.

The fact of the matter is that our disastrous involvement in Indochina did not come as a flashing meteor in the skies but resulted from a state of political erosion in that area going back a quarter of a century. Indubitably, during that considerable period of time, there must have been some moment when the issue of war or peace could have been put to Congress on a basis more candid and substantial than the Gulf of Tonkin Resolution.

Instead of candid communication between the executive and Congress we have had unparalleled doubletalk, evasion, and concealment. We have seen a phantom undeclared war, which was supposed to contract, continue to escalate; one which was supposed to shorten, spitefully drag on; one which now shrinks on land and expands in the skies.

Mr. KENNEDY. Mr. President, I rise to support the passage of S. 2956, the War Powers Act. Perhaps more than most measures before this body, the bill currently under debate represents an attempt to legislate with the national interest as the sole beneficiary.

The diverse membership of its chief sponsors indicates as well that this measure is motivated neither by partisanship, by sectional sympathies nor by private interests. The lengthy hearings, the carefully drawn bill, and the recent debate represent the best efforts of responsible legislators to codify the congressional and Executive war powers.

I believe the measure before us has successfully threaded the path between too severely restricting the President's ability to respond to emergencies and preventing the present imbalance between the executive and legislative branches in the area of war powers from continuing unchecked.

For we have seen only too well how the past two decades has witnessed a fundamental alteration in the traditional relationship of Congress and the President. Regardless whether one can point to instances in the 19th century when armed forces were deployed and hostilities begun without congressional authorization, it has been clear that since 1950, the basic power to commit the Nation to war, without limit as to duration or to extent, has been abrogated by the President.

From Korea to the invasion of the Dominican Republic, and finally to Vietnam, we have seen mounting evidence of the President unilaterally assuming the power to commit the Nation to war.

The Vietnam war, with the unbridled escalation of U.S. troops since 1965, the extension of the war into Cambodia and Laos and now the return to massive bombing, is the most compelling exhibit of how far the pendulum has swung toward Presidential decisionmaking on when, how, and under what circumstances the Nation will go to war.

It was the chief author of this measure, Senator Javits, who so aptly cited the "convergence of the President's role of conducting the foreign policy with his role as Commander in Chief of the most potent standing army the world has ever seen that has tilted the relationship betwen the President and Congress so far out of balance in the war powers field."

And Presidents and their spokesmen acknowledge the shift and assert its legitimacy.

Thus, Dean Acheson told the Committee on Foreign Relations and Armed Services Committees in 1951:

> Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.

The role for full presidential freedom of action was asserted more boldly in 1965 by then Assistant Secretary of State Nicholas Katzenbach who viewed the Gulf of Tonkin resolution as the functional equivalent of a declaration of war. For he told the Congress that the resolution was "as broad an authorization for the use of armed forces for a purpose as any declaration of war so-called could be in terms of our internal constitutional process."

And President Johnson went even further, saying in the press conference of August 18, 1967, that—

> We stated then, and we repeat now, we did not think the resolution was necessary to do what we did and what we're doing. . . ."

For he viewed the presidential role as

Commander in Chief to be sufficient to justify the use of the Armed Forces in Vietnam.

The repeal of the Tonkin Gulf resolution has not in any was affected the view by this administration that the President has full authorization to use U.S. Armed Forces in Indochina in any way he feels necessary. The recent bombing escalation was justified as necessary to protect U.S. troops remaining within South Vietnam. But where is there a limit to that power?

Vietnam since 1965 represents a quantum jump in the range of presidential war powers. It represents, as Alexander Bickel of the Yale Law School has noted:

> ". . . an all but explicit transfer of the power to declare war from Congress, where the Constitution lodged it, to the President, on whom the framers explicitly refused to confirm it.

Article I, section 8, of the Constitution enumerates the war powers of Congress:

> To provide for the common defense;
>
> To define and punish . . . offenses against the law of nations;
>
> To declare war;
>
> To raise and support armies;
>
> To make rules for the government and regulation of the land naval forces;
>
> To provide for calling forth the military to execute the laws . . . and repel invasion;
>
> To provide for organizing, arming, and disciplining, the militia and for governing such part of them as may be employed in the service of the United States.

To the President is given under article II, section 2 only the following authority:

> The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States.

The debate at the Constitutional Convention which produced that separation of powers was long and arduous. Originally, it was to be the Congress which would "make" war. But, in the Convention, it was agreed that a very limited power should be left with the President, the power to "repel sudden attacks." Therefore, the draft language was changed to provide that the Congress have the power to "declare" war.

James Madison, perhaps the most authoritative interpreter of the Constitution, and whose amendment, along with Elbert Gerry, gave Congress the power to "declare" war rather than to "make" it, wrote in 1973:

> Every just view that can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the constitution, that the power to declare war, including the power of judging of the causes of war, is *fully* and *exclusively* vested in the legislature; that the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war; that the right of convening and informing congress, whenever such a question seems to call for a decision, is all the right which the constitution has deemed requisite and proper.

Chief Justice John Marshall in 1801 expounded the same view in Talbot against Seeman, when he wrote:

> The whole powers of war being, by the Constitution of the United States, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry.

Daniel Webster, during his service as Secretary of State, affirmed that statement when he wrote:

> In the first place, I have to say that the war-making power in this Government rests entirely in Congress; and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws.

And it is to reassert that balance between Congress and the President and to provide guidance for the future, that the measure now before us must be considered.

First, it is important to indicate what it does not do. It does not prevent the President from responding to or forestalling imminent attacks upon the United States. It does not prevent the President from responding to or forestalling imminent attacks upon U.S. troops abroad. It does not prevent the President from acting to protect U.S. citizens endangered by hostilities in foreign nations during their speedy evacuation.

But it does define the limits of that ability. It does ensure that the general public view that Congress has authorized the use of American troops abroad shall be based on fact.

For it requires that when the President makes emergency use of the Armed Forces, after 30 days, there must be congressional authorization for the continued use of those forces in hostilities.

In this way, the constitutional power of the President "to repel sudden attacks" is codified and the preservation of the power to commit the Armed Forces for any extended period of time is retained to Congress.

It also insures that there will be no confusion as to whether there has been congressional authorization for sending American troops to war. For it declares that the authority to employ the Armed Forces in hostilities shall not be inferred from any provision of law, including appropriations, except where there is explicit authorization.

This administration has challenged critics of the war by noting that we had voted for appropriations and thereby acceded to the war and given it the sanction of congressional concurrence. Nothing could be further from the truth. For there is strong unwillingness to deny to our soldiers the necessary material support to survive which makes an appropriations bill a less-than-perfect vehicle for determining congressional authorization.

A Harvard Law Review article states the matter succinctly:

> If the power over appropriations had been thought sufficient safeguard against presidential war making it becomes difficult to understand why the framers were so concerned about withholding the war power from the Executive in the first place.

If the Armed Forces of this Nation are to be committed to war, if the public is to be denied funds for teachers and doctors to pay for bombs and bullets, if 2 million men are to come back scarred physically or emotionally from the battlefield, then it must not be by the unilateral decision of the President. It must be as the Constitution requires, with a clear statement of justification, and after a full debate and a formal decision by the Congress to insure that the public is aware of the commitment being assumed.

For without that authorization, then the Nation will endure again the same malaise of the national spirit, the same alienation of the young, and the same doubts as to our national purpose which we have experienced during the past 7 years.

Therefore, I urge the passage of the war powers bill.

Mr. HRUSKA. Mr. President, with the passage of S. 2956, the war powers bill, the Senate would be making a most unfortunate error. Ironically, this final vote indicates that the critics of this bill were exactly right in pointing out how susceptible the Congress is to political pressures in matters of this sort—and why the principal warmaking power was, therefore, vested in the President by our Founding Fathers.

The proponents of this bill have continually said that the American people expect us to do something about future Vietnams, and that the Senate must act to restore the faith of the people in our Government. It is tragic that this body would sacrifice a constitutional principle so basic as the separation of powers on the altar of expediency, in order to satisfy imagined political needs of the moment. I say "imagined," for I am certain that the American people as a whole would be shocked and dismayed if they were truly aware of what has taken place in this Chamber today.

It has been argued by the sponsors of this legislation that no constitutional infringement is contained in this bill because the Constitution cannot be amended by simple act of Congress. That is merely stating a conclusion. It overlooks the fact that the Congress can still try to amend the Constitution with legislation, if it can get away with it. That is exactly the case with S. 2956.

I can fully understand why the advocates of this bill did not want it examined by the Judiciary Committee. They had good reason to fear inquiry into its constitutionality. The more evidence against the legality of this proposal presented by this Senator and those who supported his motion to refer the bill to the Judiciary Committee, the more adamant grew the resistance to the motion. When the motion was amended to provide a limit of but 45 days during which the Judiciary Committee would consider this measure, the resistance to the motion grew even stronger. All sorts of contradictory arguments were made against the motion to refer. It was suggested that 45 days was a paltry time to invest in further study, since the Foreign Relations Committee had given S. 2956 the benefit of its thinking for 2 years. At the same time, it was argued that 45 days was too long, and would delay the bill past the time when the Senate could act on it.

Finally, an effort was made to reduce this motion—a purely procedural step—to a matter of substance. It was argued that a vote for the motion was a vote against the bill, since one could not send the bill to the Judiciary Committee without being convinced of its lack of constitutionality. This was, of course, utter nonsense. The motion was an effort to promote further exploration in the appropriate forum, after which conclusions could be drawn about the bill's constitutionality—not before. Having been denied this opportunity, those of us in the Senate who are mindful of the plain language of the Constitution and almost 200 years of legal precedent can only conclude that S. 2956 is unconstitutional—and that the bill's supporters are very much aware of this fact.

How else can the actions of the proponents of this bill be explained? Why the fear of further examination, limited by time? Is it logical to throw away the chance to record the testimony of such preeminent figures as Professors Rostow and McDougal of Yale Law School; Prof. Arthur Schlesinger of State University of New York; Prof. Louis Sohn of Harvard Law School; Prof. Gordon Baldwin of University of Wisconsin Law School; former Attorney General Herbert Brownell; former presidents of the American Bar Association David Maxwell and Bernard Segal; and a number of others—all of whom have already expressed grave reservations about the war powers bill?

Mr. President, the supporters of S. 2956 attempted to make light of this bill's constitutional implications in several ways, in order to resist the motion of this Senator. They argued that the study of this point had already been adequately accomplished in the Foreign Relations Committee—although only two professors of law testified on the legislation before that committee. While agreeing that the bill had constitutional import, they claimed it was no different in this respect than numerous other bills passed by this body without reference to the Judiciary Committee.

Nothing could be further from the truth, Mr. President. To begin with, the motion to refer was supported with ample evidence from noted legal authorities that S. 2956 was in fact an attempt to modify the Constitution by legislative act. Further, the bill's proponents themselves have often stated that this measure is intended to modify the existing balance between the executive and legislative branches with respect to the war powers. Is this not a truly basic constitutional question? Is this not why the Senate as a body has created the Subcommittee on Separation of Powers in the Judiciary Committee, to examine legislation raising this very issue? This bill is a perfect example of legislation that presents the kind of grave constitutional questions which mandate a referral to the Judiciary Committee.

Under our Constitution, the veto power belongs exclusively to the President—just as do the powers which this bill improperly purports to take away. This Senator would not presume to say how the President should react if S. 2956 is presented to him by the Congress in its present form. Should my advice be requested, however, I would urge the President to veto this bill as an unconstitutional intrusion on the powers of his office.

Mr. BUCKLEY. Mr. President, I have studied the arguments for and against the War Powers Act with the greatest care because I concur in the belief that we must reexamine, in the light of current realities, the respective responsibilities of the President and of the Congress for the deployment of our Armed Forces and for their commitment to combat. As the Senator from Kentucky (Mr. COOPER) has pointed out in his thoughtful "Independent Views," we are dealing in a "zone of twilight" in which "it is impossible to determine in every case the exact limits of the President's power to engage the Armed Forces of the United States in hostilities."

The distinguished Senator from Kentucky is speaking, of course, in terms of the constitutional considerations. But there are other considerations which must be weighed with equal care, and these might be termed the prudential considerations. Both the Senator from Mississippi (Mr. STENNIS) and the Senator from Wyoming (Mr. McGEE) in their discussions on the floor of the Senate have emphasized the need to go beyond purely constitutional considerations in arriving at an appropriate definition of the Presidential and congressional responsibilities so that we might be assured that the true interests of the people of the United States are best served. Thus the great question now under debate must be examined on two fronts—the constitutional as defining the limits of what Congress can do, and the prudential as defining the limits of what Congress ought to do.

The concerns which have found their focus in the War Powers Act are certainly not new, as has been amply demonstrated by the detailed historical analyses which have been presented during the course of this debate. For nearly two centuries, the security of the Republic has been maintained by a combination of declared wars and military initiatives undertaken on the authority of the President. Yet the constitutional "tension" which has existed between the rights of the executive and the legislative branches has never in the past triggered a serious challenge to Presidential authority. This has been so, I think, because with the exception of the American operations in the Philippines in the early part of this century, our earlier undeclared wars have been small, and have been fought for well understood and limited objectives.

Within the past two decades, however, the United States has been involved in a new dimension of undeclared war in which the national commitment and the risks entailed have been far larger than they ever have been before. The Korean and Vietnam wars have involved hundreds of thousands of men, have cost tens of billions of dollars, and have endured over prolonged periods of time. It is therefore appropriate that the whole matter of the respective responsibilities and authority of the executive and legislative branches in the grave matters of war and peace should be given the most careful attention at this time in our history.

I believe it is most important that the Congress search for some mechanism which would constrain the scope and magnitude of Presidentially initiated military operations within the context of some form of explicit congressional mandate. This was the burden of the attack on the legality of our involvement in the Korean war which was made by one of the most thoughtful men ever to sit in this body, the late Senator Robert A. Taft, Sr. This the Committee on Foreign Relations has sought to do, and I commend the initiative and thought and imagination which my colleague from New York (Mr. JAVITS) has brought to bear in framing the War Powers Act. His work and that of the other members of the committee has been enormously constructive, and it has served to define more sharply the nature of the problem and the areas which, in my judgment, still need to be explored. For I am forced to conclude that the act fails to meet the prudential and constitutional tests; and I am frank to state that I am not sure if it is possible for any legislation to meet those tests which rely on a rigid definition of the circumstances within which a President can act on his own authority.

The constitutional questions which have been raised during the course of the debate have been such as to satisfy me that this aspect of the act ought to be given far deeper study. This is why I voted in favor of the motion offered by the Senator from Nebraska (Mr. HRUSKA) to refer the bill to the Committee on the Judiciary.

With respect to the prudential considerations, I believe that the bill in its present form could pose a grave danger to the future security of the United States because of the limitations which it imposes on the flexibility with which a President can react to crises involving vital national interests at home and abroad. The 30-day formula is too rigid, and the attempt to detail the circumstances in which troops can be deployed cannot possibly anticipate all the contingencies with which a President might be confronted in the future. The constraints imposed on a President, the timetables within which he would have to operate irrespective of temporary political considerations at home, the opportunities offered future antagonists to orchestrate crises in a manner so as to exploit the inelastic requirements of the act—all these aspects deeply concern me. According to an analysis of the act recently made by Professor Eugene Rostow of the Yale Law School, who was a former consultant to the Department of State during the Kennedy administration.

> If the Javits bill had been on the books, it would have prevented President Kennedy from handling the Cuban missile crisis as he did. There was no claim on that occasion that we were acting to forestall an imminent threat of armed attack. Under the Javits bill, Mr. Johnson could not have moved the fleet to keep the Soviet Union out of the Six-Day War in 1967. Mr. Nixon could not have used the same method to avert general war in the Middle East in 1970, or to confine the India-Pakistan War of 1972. Nor could earlier Presidents have used force or the threat of force to induce France to leave Mexico in 1865–66, to avoid war with Britain and Spain over Florida, or to send Commodore Perry to Japan.

It is because of these constitutional and prudential considerations that I voted in favor of the amendment offered by the Senator from Maryand (Mr. Beall) which would have created a special commission to study in depth all aspects of this vitally important question. It is because of them that I will vote against the War Powers Act in its present form.

Mr. JAVITS. Mr. President, I think it is widely recognized by all on both sides that the debate on the War Powers Act constitutes an important historical record which will be of great value to all scholars in and out of Government for many years to come. As this debate draws to a close, I believe it would be useful in helping to complete the record to include a study just completed by Raoul Berger. Mr. Berger is a well-known lawyer and scholar of Massachusetts and one of the Nation's most respected authorities on constitutional law. Just this morning I received from him a copy of his newest study entitled "Warmaking by the President."

Accordingly, Mr. President, I ask unanimous consent that an article entitled "Warmaking by the President" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Warmaking by the President

(By Raoul Berger)

To a nation wracked by the prolonged, undeclared war in Vietnam—described by an informed English observer as "the greatest tragedy that has befallen the United States since the Civil War [1]—the presidential power to commit it to such luckless adventures is of surpassing importance. Thirty-odd years of recurrent international crises, exploding against a background of super-power hostility such as has long been unknown to the American people, fed swollen Executive claims of war-making power, often with the acquiescence if not encouragement of Congress.[2]

It is not my purpose to conduct yet another inquest into the propriety of the presidential steps that led to our involvement in Vietnam, or whether the war received congressional sanction. Instead the focus of discussion will be whether the original constitutional distribution of powers can be restored by statute in order to insure congressional participation in war-making policy. A long over-due step in that direction was recently taken by the War Powers Bill, favorably reported by the Senate Foreign Relations Committee, which seeks to lay down rules governing the use of armed force in the absence of a declaration of war by Congress.[3] Secretary of State William Rogers warns that the Bill "would violate the Constitution," that it departs from an allocation of powers that is "basic to our system." [3a] Is such a statute really unconstitutional? To answer that question it is necessary to examine what powers the Constitution conferred both upon Congress and the President, and whether presidential "usage," even with congressional acquiescence, can alter the original distribution of powers. In the interest of a self-contained study some recapitulation of materials recently grown familiar is inescapable; [4] but I shall supplement these materials with some illuminating gleanings, and hope to strengthen the inferences drawn from the historical record.

THE INTENTION OF THE FRAMERS

a. The Commander in Chief clause

The Commander in Chief as conceived by the Framers bears slight resemblance to the role as played by the President today, when, in the words of Justice Jackson, it is invoked for the "power to do anything, anywhere, that can be done with an army or navy." [5] From history the Framers had learned of the dangers of entrusting control of the military establishment to a single man who could commit the nation to war.[6] The vast bulk of the war powers was therefore conferred on Congress, leaving to the President a very meager role. Let James Wilson, one of the leading Framers, summarize the constitutional provisions:

"The power of declaring war, and the other powers naturally connected with it, are vested in Congress. To provide and maintain a navy—to make rules for its government—to grant letters of marque and reprisal—to make rules concerning captures—to raise and support armies—to establish rules for their regulation—to provide for organizing the militia and for calling them forth in the service of the Union—all these are powers naturally connected with the power of declaring war. All these powers, therefore, are [expressly] vested in Congress." [7]

To this may be added that Congress was also empowered to "provide for the common defense" and to make appropriations for the foregoing purposes. Since all the powers "naturally connected" with that of declaring war are vested in Congress, it follows, so far as war-making goes, that they are not to be exercised by the President. The President, said Wilson, "is to take care that the laws be faithfully executed; he is commander in chief of the army and navy"; like the Saxon "first executive magistrate . . . he ha[s] authority to lead the army." [8] How narrowly the function had been conceived may be gathered from the *instruction* by the Continental Congress to George Washington in 1783 to arrange for the take-over from the British of occupied ports and for the liberation of prisoners.[9]

Virtually each early State Constitution had made the Governor "captain-general and commander in chief," to act under the laws of the State, which is to say, subject to governance by the legislature.[10] In the Convention, the New Jersey plan proposed by William Paterson provided that the Executive was "to direct all military operations" but not "on any occasion [to] take command of the troops, so as personally to conduct any enterprise as General," that is, in the field.[11] In the plan Hamilton submitted to the Convention, he proposed that the Executive should "have the direction of war when authorized or begun," implying that it was not for him to "begin" a war.[12] The words "commander in chief" were adopted without explanation; but it is a fair deduction that Hamilton's explanation in The Federalist expressed the general intention.[13] As Commander in Chief, said Hamilton, the President's authority would be "much inferior" to that of the British king: "It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral . . . while that of the British King extends to the *declaring* of war and to the raising and regulating of fleets and armies—all of which, by the Constitution . . . would appertain to the legislature." [14] The fact that Hamilton felt it necessary to assure the people that the President's powers were "much inferior" to those of the King is in itself highly significant—he was well aware of "the aversion of the people to monarchy." [15]

In fact, all the roots in the royal prerogative had been cut by the State Constitutions and repudiated by the Founders; [16] consequently there is no room for a claim of "inherent" executive powers in the premises.[17] The President's severely limited role was a response to what Madison called an "axiom that the executive is the department of power most distinguished by its propensity to war; hence it is the practice of all states, in proportion as they are free, to disarm this propensity of its influence." [18] "Those who are *to conduct a war,*" stated Madison, "cannot in the nature of things, be proper and safe judges, *whether a war ought to be commenced, continued or concluded.* They are barred from the latter function by a great principle in free government, analogous to that which separates the sword from the purse, or the power of executing from the power of enacting laws." [19]

Corwin commented on Hamilton's explanation of the role of Commander in Chief: "this appears to mean that in any war . . . the President will be top general and top admiral of the forces provided by Congress [in Wilson's words, "to lead the army"], so that no man can be put over him or be authorized to give him orders in the direction of the said forces. But otherwise he will have no powers that any high military or naval commander who was not also president might not have." [20] So it appeared to Chief Justice Taney as late as 1850.[21]

b. "Congress shall have power . . . to declare war"

Under the Articles of Confederation the Continental Congress had the "sole and exclusive right and power of determining on peace and war." [22] No reference to the war-making power was contained in the Virginia Plan; the New Jersey Plan was content, through incorporation by reference, to bestow on the legislature the power vested in the Continental Congress.[23] Early in the Convention, Madison agreed with Wilson that "executive powers . . . do not include the Rights of war and peace." [24] The draft filed with the Convention by the Committee of Detail provided that the Legislature should "make war," [25] and it was this provision that was the subject of debate.

Charles Pinckney opposed "vesting this power in the Legislature. Its proceedings were too slow"; [26] he preferred the Senate, as Hamilton had earlier proposed in his own Plan.[27] Pierce Butler, on the other hand, "was for vesting the power in the President"; but Roger Sherman considered that the Committee's provision "stood very well. The Executive should be able to repel and not to commence war." [28] Elbridge Gerry was astonished to hear "a motion to empower the Executive alone to declare a war." George Mason also "was against giving the power of war to the Executive, because not safely to be trusted with it. . . . He was for clogging rather than for facilitating war." [29] The fact that no motion was made to substitute the President for Congress and that the power was left in Congress justifies the conclusion that Presidential "commencement" of a war or his power "alone to declare a war" found no favor.

Any power to which the President may lay claim, apart from what he enjoys as commander in chief, derives from a joint motion by Madison and Elbridge Gerry to substitute "declare" for "make . . . leaving to the Executive the power to repel sudden attacks." [30] The textual change from "make" to "declare" was approved; explanation of the change was furnished by Rufus King: "'make' might be understood to 'conduct' it [war] which was an executive function," [31] a function reserved to the commander in chief. But in that role the President was merely to control the tactics and strategy of combat.[32] The shift from "make" to "declare" has elicited varied views; [33] for example, Professor Leonard Ratner states that the "declare" clause recognized "the war-making authority of the President, implied by his role as executive and commander in chief and by congressional power to declare, but not make, war." [34] No war making power was conferred by the commander in chief clause; and Madison and Wilson agreed that "executive powers . . . do not include the rights of war and peace." [35] So too, the grant to Congress of *all* the powers "naturally connected" with the "declare" power (except for the Command function) excludes any war-making power from the President's "role

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as executive." Only in a very limited sense—command of the armed forces plus authority to repel sudden attacks—can one accurately refer to a presidential war-making power.[36]

Pretty plainly, when Madison and Gerry proposed to leave to the President power "to repel sudden attacks" they reflected Sherman's view that the "Executive should be able to repel and not to commence war." This is the true measure of the presidential power. Certainly Gerry did not mean to repudiate his rejection of the proposition that the Executive could "alone declare war," still less propel the nation into undeclared war.

Viewed against the repudiation of royal prerogative, no more can be distilled from the Madison-Gerry remark than a limited grant to the President of power to repel attack when, as the very terms "sudden attack" imply, there could be no time to consult with Congress. Despite the fact, therefore, that the replaced "make" is a verbal component of "war-making," the shift to "declare" did not remove the great bulk of the war-making powers from Congress; it merely removed that Executive power to *conduct* a war once declared, as King explained. If the war-making power did not remain in Congress, the exception for presidential power "to repel sudden attacks" was superfluous.

It needs to be underscored that the "sudden attack" remark was not incorporated into the constitutional text. Consequently, if the "intention of the Framers," as expressed in the Gerry-Madison remark be thrust aside, there is no basis whatsoever for a presidential power to repel attacks, for the President was cut off from all "inherent" power. That "intention" cannot be invoked to establish the power and dismissed as without bearing on its scope. The scope of the "repel" power may be gathered from Sherman's remark that the Executive should not be able to "commence war," from Mason's statement that the Executive was "not safely to be trusted" with the war power, and from Wilson's explanation to the Pennsylvania Ratification Convention that the power to "declare" was lodged in Congress as a guard against being "hurried" into war, so that no "single man [can] . . . involved us in such distress."

By "sudden attacks," the State Department's Legal Advisor conceded, "the framers probably had in mind attacks upon the United States"; [37] certainly there is no hint of a broader meaning in the several Convention records. But Professor Alexander Bickel, considers that the " 'sudden attack' concept of the framers . . . denotes a power to act in emergencies in order to guard against the threat of attack, as well as the attack itself, when the threat arises, for example, in such circumstances as those of the Cuban missile crisis of 1962." [38] Gerry and Madison spoke of a "power to repel sudden attacks," which connotes actual, not threatened attack; and there is reason to believe that a restricted connotation should be given to their remark. Imminent danger of attack had been provided for in the antecedent Articles of Confederation. In conferring "the sole and exclusive right and power of determining on peace and war" upon the Continental Congress, Article IX made an exception for Article VI, which provided, "no state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted." [39]

A similar provision for State resistance had been recommended to the Convention by the Committee on Style.[39a] Arguably omission of this provision speaks only against exercise of the power by a State. Nevertheless the attention of the Convention had been specifically drawn to the imminent threat of invasion problem, and it needs to be asked why no reference was made in the debates to a presidential power to react against such imminent danger. One who has studied the sources and perceived the overriding devotion of the people to the States, their jealousy of Executive power, embodying the threat of monarchical excesses,[40] will hardly conclude that the Framers meant to concede to the President power that they denied to a State for self-protection.

The problem is raised in no niggling spirit but rather because expansion of the "sudden attack" remark to include the imminent threat of invasion opens the door to a whole row of still other expansive readings of presidential power. Of course, there must be means of meeting a Cuban missile crisis, but the way is by Congressional authorization such as the War Powers Bill proposes.[40a] For it is Congress, not the President, that has plenary power to deal with all facets of war making.

Several other morals can be drawn from the Articles of Confederation provision. Resistance to invasion was limited to invasion of "such state," not to that of a contiguous sister State in the "league of friendship." Georgia was not authorized to resist the invasion of New York, let alone Canada.[41] Danger of imminent attack authorized reaction only if there was no time for consultation with Congress. Finally, we are apt to think that devastating surprise is peculiar to our times, forgetting that the Founders had lived through surprise attacks on frontier forts and settlements and well knew the havoc they could weak. It was that experience that led them to leave resistance to imminent danger of Indian attack to the individual threatened State.

The State Department would have little quarrel with this reading of the original intention: "In 1787 the world was a far larger place, and the framers probably had in mind attacks upon the United States." [42] But "in the twentieth century the world has grown much smaller. An attack on a country far from our shores can impinge directly upon the nation's security . . . The Constitution leaves to the President the judgment whether the circumstances of a particular armed attack are so urgent and the potential circumstances so threatening to the security of the United States that he should act formally without consulting the Congress." [43] What portion of the Constitution confers this astonishing power? Because the world is contracting it does not follow that the President's constitutional powers correspondingly must be expanding.[44] To the contrary, as Madison said:

"Every just view that can be taken of this subject, admonishes the public of the necessity of a rigid adherence to the simple, the received, the fundamental doctrine of the constitution, 'that the power to declare war,' including *the power of judging the causes,* is *fully and exclusively* vested in the legislature; that the executive has no right, *in any case,* to decide the question, whether there is not cause for declaring war; that the right of convening and informing congress, whenever such a question calls for a decision, *is all the right* which the constitution has deemed requisite and proper." [45]

Although Hamilton had moved from a narrow [46] to a broader view of the Executive power,[47] he still declared that it is the exclusive duty of Congress, when the nation is at peace, *to change that state into a state of war* [note this gloss on "declare"]; . . . *it belongs to Congress only to go to war.* But when a foreign nation declares or . . . *makes war* upon the the United States . . . any declaration on the part of Congress is . . . unnecessary." [48]

The argument for transformation of the phrase "to repel sudden attacks" to an alleged presidential power to commit the armed forces to battle against invasion of Korea or Vietnam has been succinctly put by Leonard Ratner: "constitutional policy for ensuing epochs is not congealed in the mold of 1787 referants. Such a policy is derived from long range-goals that underlie the constitutional language as illuminated by the Convention proceedings,[49] from the implications of the language disclosed by resolution of subsequent problems, and from its function in the context of altered social needs." [50]

Ratner's derivation of constitutional policy from the "function" of constitutional language "in the context of altered social needs," proceeds from his premise that "constitutional policy for ensuing epochs is not congealed in the mold of 1787 referants." [51] Of course it was not so congealed, for the Founders provided for change by a process of Amendment. True, the amending process reserved by Article V to the people themselves, is cumbersome;[52] but it does not follow that their servants may informally amend the Constitution without consulting the people.[53] Thus far the argument for informal amendment has generally been made on behalf of the claim that the *Supreme Court* is the necessary engine for "adaptation" of the Constitution to the needs of modern life.[54] Now the startling claim is made that the *President,* in response to the perils of a contracting world, may single-handed alter the constitutional division of powers and take unto himself a power withheld from him and expressly conferred on Congress.[55] This unilateral revision of the Constitution, it needs to be borne in mind, is claimed by him to be immune from judicial review.[56]

"The central fact," Professor Monaghan avers, "is that the framers left us with a structure of government sufficiently fluid to accommodate a good deal of shifting power between congress and the president." [57] This may be true in the "gray areas where joint power exists—where both branches have tremendous and overlapping power"; [58] but it is emphatically not the case with respect to the war-making powers. There the "vast accretion" of presidential power [59] represents an arrogation of powers expressly conferred upon Congress and intentionally withheld from the President. One may accept arguendo Richard Neustadt's view that the framers did not create "a government of separated powers" but rather a "government of separated institutions 'sharing powers' " and yet conclude that the quantum of power distributed to each branch by the Framers marks the extent of the sharing.[60] Otherwise the painstaking distribution of powers in the constitutional text is rendered meaningless.

To a believer in constitutional government, in the separation of powers as a safeguard against totalitarian oppression, there is no room for a take-over by the President, on the plea of never-ending emergency, of powers that were denied him, and, as our own times demonstrate, denied with good reason. If present exigencies demand a redistribution of powers originally conferred upon Congress—a presidential power to involve the nation in war without consulting Congress—that decision ought candidly to be submitted to the people in the form of a proposed amendment, not masked by euphemisms.[16] Presidential "Usage"—The "125 Incidents."

Presumably Ratner's suggestion that we are to glean constitutional policy "from the implications of the language disclosed by resolution of subsequent problems" reflects the State Department's statement that "Since the Constitution was adopted there have been at least 125 instances in which the President has ordered the armed forces to take action or maintain positions abroad without obtaining prior Congressional authorization, starting with the 'undeclared war' with France (1799–1800)." [62] Such incidents were invoked in 1950 by Secretary of State Dean Acheson as a warrant for "sending our troops into battle" in Korea.[63]

The painstaking analysis of the "125 in-

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cidents" by Professor Francis Wormuth cuts the ground from under the claims of Acheson & Co.[64] Under Secretary of State Nicholas Katzenbach himself stated that "most of these [incidents] were relatively minor uses of force." [65] The "vast majority" of such cases, said Edward Corwin, "involved fights with pirates, landings of small naval contingents on barbarous or semi-barbarous coasts [to protect American citizens], the dispatch of small bodies of troops to chase bandits or cattle rustlers across the Mexican border." [66] For one reason or another such cases presented little or no possibility of conflict or case, bloodshed so there was no occasion to approach Congress for authorization to make war; [67] even so, some Presidents sought authorization in such case.[68] Such incidents are far from "precedents" for sending our troops "into battle." [69] Were these incidents, contrary to the fact to be regarded as equivalent to the Executive waging of war, the last precedent would stand no better than the first; [70] usurpation is not legitimated by repetition.[71] It is one of the ironies of history that such "precedents" should be invoked for vastly greater incursions at a time when "gunboat diplomacy" has been discredited and abandoned.[72] To extrapolate from a practice of landing "six sailors in a long boat to rescue a citizen" to a right to commit the nation to a Vietnam war,[73] which has cost 30 billion dollars a year, engaged upwards of 500,000 men, resulted in some 200,000 wounded and 45,000 dead, is to make a breath taking analogical leap across a chasm of nonequivalence.[74] Whatever effect may be given to a practice as the "gloss of experience" when it concerns a power granted in general or equivocal terms to the President alone,[75] the issue differs totally when the presidential practice derogates from powers clearly conferred upon Congress.

Professor Monahan criticizes Wormuth's deflation of the "125 incidents" on which the State Department relies, first on the ground that "To dismiss American intervention in Latin America as 'minor' amounts to recognition of presidential power to wage war against weak opponents for limited purposes." [76] Consider, for example, the bombardment by an over-zealous navy captain of the "sovereign state of Greytown," Nicaragua in 1854, in reprisal for some negligible "outrages" by what President Pierce described as a band of outlaws rather than an organized society, and which Secretary of State Marcy wrote was "an embarrassing affair" that could not be repudiated because of domestic political repercussions.[77] Professor Monaghan is welcome to regard this as the "waging of war"; but few would equate it with the presidential commitment of troops to resist the invasion of South Korea. What if the "incidents" do demonstrate that "with ever-increasing frequency, presidents have employed that amount of force that they deemed necessary to accomplish their policy objectives. . . . Whatever the intention of the framers, the military machine has become simply an instrument for the achievement of foreign policy goals, which in turn have become a central responsibility of the presidency." [78] Of course, if the "intention of the framers" counts for nought it is possible to argue, as Monaghan does, that "a practice so deeply embedded in our governmental structure should be treated as decisive of the constitutional issue." [79] Even if, however, we identify these "minor" incidents with war-making, then, just as illegality does not become legal by repetition, so the President cannot by repetition legitimatize usurpation.

Monaghan's assertion that the military machine has become simply an instrument for the achievement" of presidential foreign policy is a choice example of the tail wagging the dog. By endowing the President with authority to receive ambassadors and (with Senate consent) to make treaties—such are the slight sources of his claim to be the sole organ" of foreign relations—the Framers hardly intended to confer upon him a power unmistakably withheld when the war powers were under consideration, the power all by himself to "hurry" the nation into war.

Against such dubious "precedents" there is the testimony of great contemporaries of the Constitution.[80] In 1801, President Jefferson was confronted by Tripoli's declaration of war; when an American naval vessel was attacked it disarmed but released the attacker. Jefferson explained to Congress, "Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel being disabled from committing further hostilities was liberated with its crew. The Legislature will doubtless consider whether by authorizing measures of offense also, they will place our forces on an equal footing with that of adversaries." [81] In 1805 Spain disputed the boundaries of Louisiana and President Jefferson advised Congress that Spain evidenced an "intention to advance on our possessions . . . Considering that Congress alone is constitutionally invested with the power of changing our condition from war to peace, I have thought it my duty to await their authority for using force." [82] A threat of invasion did not deter Jefferson from consultation with Congress.

James Madison, the leading architect of the Constitution, who took a very narrow view of the presidential war power,[83] confirmed that view when he was President. In his message of June 1, 1812, he called attention to English outrages on American commerce, to the failure of "our remonstrances," and referred the question whether we should oppose "force to force in defense of [our] national rights" to Congress as a "solemn question which the Constitution wisely confides to the legislative department of the Government." [84]

After adoption of the Monroe Doctrine, Colombia asked for protection against France in 1824. President James Monroe, a participant in the Virginia Ratification Convention, stated in a letter to Madison that "The Executive has no right to commit the nation in any question of war"; and his Secretary of State, John Quincy Adams, replied to Colombia that "by the Constitution . . . the ultimate decision of this question belong to the Legislative Department." [85]

Few Presidents had a more jealous regard for presidential prerogatives than Andrew Jackson; yet when faced with recognition of Texas he referred the question to Congress, stating, "It will always be consistent with the spirit of the Constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war alone can be declared, and by whom all the provisions for sustaining its perils must be furnished." [86] Can it be doubted that he would have been equally reluctant, without Congressional authorization, to send troops into Texas to "defend" it against an attack by Mexico? His view was later reiterated by Secretary of State Daniel Webster (1851) when the issue was a possible attack by France on Hawaii: "the war making power . . . rests entirely in Congress . . . no power is given to the Executive to oppose an attack by one independent nation on the possessions of another." [87]

In brief, Jefferson and Madison did not regard attacks on American shipping or commerce on the high seas as dispensing with the Constitutional requirement for consultation with Congress. And Monroe, Jackson, J. Q. Adams and Webster did not view attacks on foreign nations, even though within the American sphere of influence, as a warrant to meet force without Congressional authorization. Misguided as is the construction put by the State Department on the actions of Madison, Adams and Jefferson,[88] it yet concurs that "Their views and actions constitute highly persuasive evidence as to the meaning and effect of the Constitution." [89] Their actions are faithful to the intention of the Framers as expressed by the constitutional text and in the records of the Convention; and were that intention in doubt, they would fortify it by a contemporaneous construction which carries very great weight in the interpretation of the Constitution.

To the contemporaneous construction by the great statesmen who participated in the formation and adoption of the Constitution, we may add the voice of Chief Justice Marshall, himself a vigorous participant in the Virginia Ratification Convention, who stated in *Talbot v. Seeman* (1801): "The whole power of war being, by the Constitution of the United States, vested in Congress, the acts of that body can alone be resorted to as our guides in this inquiry." [90] Not even the crisis of the Civil War led the Court to depart in the Prize Cases from the earlier view: "By the Constitution, Congress alone has the power to declare a national or foreign war." The President "has no power to initiate or declare a war against a foreign nation or a domestic State . . . If a war be made by invasion of a foreign nation, the President is . . . bound to resist force with force. He does not initiate the war, but is bound to accept the challenge." [91]

And so we come to Lincoln's "complete transformation in the President's role as Commander-in-Chief," by wedding it, says Corwin, to his duty to execute the laws to derive the "war power." [92] So far as the original meaning and intention are concerned, neither power taken alone conferred a "war power," and when nothing is added to nothing the sum remains nothing. In considering Lincoln's acts it needs to be borne in mind that they were triggered by a "sudden attack" on *American soil*, the firing upon Fort Sumter, and this when Congress was not in session,[93] exactly the situation envisioned by the Framers as the sole exception to the exclusive Congressional war powers.[94] Congress was speedily convened by Lincoln and met in about ten weeks; [95] in the words of Corwin, it accepted when it did not expressly ratify the results of Lincoln's actions "willy-nilly." [96] It would be pointless to enter upon an examination of Lincoln's acts on the domestic scene, for they do not serve as a "precedent" for presidential resistance to a "sudden attack" on a *foreign* country.[97]

Such conduct had in fact been earlier condemned by Lincoln. When President Polk sent an army into territory disputed with Mexico, which engaged in battle (1846), Congress declared war on Mexico.[98] But in 1848 the House adopted a resolution that the war had been "unconstitutionally begun by the President," and Lincoln, who voted for the Resolution along with J. Q. Adams, explained to Herndon:

"Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you . . . allow him to make war at his pleasure. . . . The provision of the Constitution giving the war-making power to Congress was dictated by the [fact that] . . . Kings had always been involving and impoverishing their people in wars . . . and they resolved so to frame the Constitution that no one man should hold the power of bringing oppression upon us." [99]

That his conduct on the domestic front during the Civil War did not spell repudiation of his 1848 view may be gathered from the fact that in his First Annual Message (December 3, 1861), he referred to a prior authorization by Congress to American vessels to "defend themselves against and to capture pirates," and recommended an additional authorization "to recapture any prizes which pirates may make of United States vessels and their cargoes [in the Eastern seas specially]." [100] Clearly this constitutes a disclaimer of power to employ force abroad without the consent of Congress.

It was Congress rather than the reluctant President McKinley which clamored for the Spanish-American War and issued a declara-

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tion of war.[101] The nineteenth century, in sum, offers no example of a President who plunged the nation into war in order to repel an attack on some foreign nation.[102] That remained for the twentieth century.

Although World War I proved the truth of Madison's apothegm that "war is . . . the true nurse of Presidential aggrandizement," [103] this was again largely on the domestic front, a development traced by Corwin. Reelected in 1916 on the slogan "He kept us out of war," Wilson asked Congress in February, 1917, for authority to arm American merchant ships for their defense. The measure passed the House but was stalled in the Senate by a filibuster led by Senators Robert LaFollete and George Norris. Wilson then ordered the arming on his own,[104] though he later acknowledged that the action was "practically certain" to draw us into the war.[105] He summoned Congress to a special session on April 2d; German submarines sank American shipping without warning; this plus disclosure of the "Zimmerman note" fed the rising war fever, and the Congress declared war.[106] Much as Wilson expanded the war power for domestic purposes, his conduct gives no comfort to the thesis that invasion of a foreign land affords an excuse for Presidential war-making.

Franklin Roosevelt, more far-sighted than the nation, also took measures which might have involved us in World War II; he exchanged fifty destroyers for British bases in the Western Atlantic, and occupied Greenland and Iceland to insure the defense of America.[107] Doubts have been expressed as to the legality of the destroyer deal;[108] but it was soon ratified by Congress. While these measures might have involved the nation in war, they did not commit our troops to battle on foreign soil. In truth, the country, moving slowly from post-World War I isolationism, was sorely divided, and but for the Japanese attack on Pearl Harbor, which united the nation, Roosevelt might have had to remain content with measures "short of war." [109]

The historical record therefore confirms the statement by the Senate Foreign Relations Committee that "only since 1950 have Presidents regarded themselves as having authority to commit the armed forces to full scale and sustained warfare." [110] In that year President Truman committed troops to repel the sudden invasion of South Korea without Congressional authorization.[111] Secretary of State Acheson recommended to the President that he "should not ask for a resolution of approval, but rest on his constitutional authority as Commander in Chief." [112] Later he wrote, "There has never . . . been any serious doubt . . . of the President's authority to do what he did. The basis of this conclusion in legal history and historical precedent," he said, was a State Department memorandum of 1950 which "listed eighty-seven instances in the past century in which [Truman's] predecessors" had exercised "presidential power to send our forces into battle. And thus yet another decision was made." [113] The conversion of the "longboat" incidents into "historical precedents" for commitment to fullscale warfare demonstrates that notwithstanding vaunted expertise executive decision of momentous issues can be slipshod.[114]

Whether or not the Tonkin Gulf Resolution (1964)[115] authorized President Johnson to commit our armed forces to war in Vietnam, a hotly-debated issue, need not detain us because, like Acheson, Johnson and Under Secretary of State Nicholas Katzenbach, claimed plenary power. "We did not think the resolution was necessary to do what we are doing," the President told the press; "we think we are well within the grounds of our constitutional responsibility." [116] And Katzenbach asserted that the administration could continue to fight the Vietnam war even if Congress repealed the Tonkin resolution.[117] The resolution has since been repealed; [118] and the war goes on and has indeed been extended by the President to Cambodia and Laos.[119]

In summary, the nineteenth century "incidents" mustered by the State Department for a presidential war-making power are wide of the mark; [120] the acts of Wilson and Franklin Roosevelt in the twentieth century were provocative and might have drawn the nation into war, but they were still "short of war"; neither Wilson nor Roosevelt sent combat troops to engage in actual hostilities on foreign soil until Congress declared war. So far as the Korean War is viewed against the over-blown claims of Acheson, it is a "precedent" created by the President only yesterday, and thus is far from "embedded in the Constitution."

The Senate Foreign Relations Committee has handsomely acknowledged that "Congress bears a heavy responsibility for its passive acquiescence in the unwarranted expansion of Presidential power," [122] that "Congress has acquiesced in, or at the very least has failed to challenge, the transfer of war power from itself to the executive." [123] Various explanations have been proffered for this inertia,[124] the sufficiency of which need not here come in question. Coke long since said that no "Act of Parliament by non-use can be antiquated or lose his force." [125] Even less can Congress, by passivity or otherwise, divest itself of powers conferred upon it by the Constitution and accomplish the transfer of those powers to the President. It is a necessary consequence of the separation of powers that "none of the departments may abdicate its powers to either of the others." [126] Nor can any department, as John Adams was at pains to spell out in the Massachusetts Constitution of 1780, exercise the powers of another.[127] If powers, said Justice Jackson, are "granted, they are not lost by being allowed to lie dormant, any more than nonexistent powers can be prescripted by unchallenged exercise." [128]

On the foregoing analysis, the sole presidential "war-making" powers conferred by the Framers are to serve as commander in chief of the armed forces and to repel sudden attack on American soil.

SUNDRY PROBLEMS

Before considering how far these two Presidential functions are exclusive and beyond Congressional control, it is necessary to examine recent statements in a memorandum prepared for filing with the Senate by a group of Yale Law School students under the aegis of several eminent professors and former high government officers.[129] With much of the memorandum I am in accord; but the said statements, already picked up as a guide by a recent commentator,[130] seem to me both mistaken and to complicate and confuse the issue. The memorandum concludes that:

"According to [Justice] Jackson's theory: (1) There is a zone of constitutional power which is exclusively executive—an area in which the President is authorized to act even against the express will of Congress. (2) Similarly, there is a power zone which is exclusively legislative. (3) In between the two exclusive areas, there is a zone of twilight in which he [the President] and Congress may have concurrent authority, or in which its distribution is uncertain. In that twilight area, either branch can act in absence of initiative by the other . . . With regard to foreign and military affairs, however, a twilight zone *must* exist: For in those areas there is a residuum of power over and above those specifically enumerated in the constitution." [131]

Preliminarily it needs to be noted that Justice Jackson's remarks were uttered in the context of action on the *domestic* scene—President Truman's seizure of strike-bound steel plants during the Korean War—that Jackson none too obliquely cast doubt upon the legitimacy of Truman's commitment of troops to Korea,[132] and that he made no reference to a "residuum" of extra-constitutional power. Indeed, Jackson rejected what may be regarded as its equivalent—a claim to "inherent" power.[133]

Reliance for that "residuum" is placed by the Yale memorandum on dicta in the Curtis-Wright case,[134] itself dismissed by Jackson because it "involved, not the question of the President's power to act without congressional authority, but the question of his right to act in accord with an act of Congress." [135] Justice Sutherland, it is true, threw off a dictum that in foreign affairs there were supra-constitutional powers outside the sphere of "enumerated" powers on the theory that "since the states severally never possessed international powers, such powers could not have been carved from the mass of state powers but obviously were transmitted to the United States from some other source . . . the powers of external sovereignty passed from the Crown, not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America . . . Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect of the colonies ceased, it immediately passed to the Union. See *Penhallow v. Doane,* 3 Dall. 54, 80–81." [136] This argument does violence to the historical facts.

To the minds of the colonists, "thirteen sovereignties," as Chief Justice Jay said in 1793 (after serving as Secretary of Foreign Affairs to the Continental Congress), "were considered as emerged from the principles of the revolution." [136a] For this we need go no further than the Articles of Confederation, agreed to by the Continental Congress on November 15, 1777, ratified by six States on November 26, 1778, and accepted by all the remainder by March, 1781.[136b] Although the Articles were not binding until adopted by all thirteen States they expressed the consensus of their delegates. Article II recited. "Each State retains its sovereignty, freedom and independence, and every power . . . which is not . . . expressly delegated to the United States in congress assembled." Article III provided, "The said states hereby severally enter into a firm league of friendship with each other for their common defense."

They entered into a "league," and did not purport to create a "corporate" or "sovereign" body. Article IX declared that "The United States in congress assembled shall have the sole and exclusive right of determining on peace and war . . . entering into treaties and alliances." This express grant of war and treaty powers undermines Justice Sutherland's central premise that these powers were derived from "some other source" than the several States. If the fledgling Continental Congress possessed "inherent" war and treaty powers from the outset, the express grant was gratuitous.

Nor did the Founder share Justice Sutherland's views on sovereignty. More pragmatic than he, they spoke, not in terms of sovereignty, but of power; and they were quite clear that the people, not even the cherished States, were sovereign. Power flowed from them, not from the Crown to fill a vacuum. The people, stated Madison in the Convention, "were in fact the fountain of all power";[137] a part they conferred upon the individual States; and in the clause "We, the people of the United States . . . do ordain and establish this Constitution," said Chief Justice Jay, "we see the people acting as sovereign of the whole country." [137a] "Sovereignty" was taken by the people to themselves.

When Justice Sutherland cited *Penhallow V. Doan* (1795) he referred solely to the opinion of Justice William Paterson.[137b] The case arose on a state of facts that antedated the adoption of the Articles of Confederation; and Paterson stated that the Continental Congress exercised the "rights and powers of war," that "states individually did not." This does not tell the whole story. For example, the congress resolved on No-

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vember 4, 1775, "That the town of Charleston ought to be defended against attempts that may be made to take possession thereof by the enemies of America, and that the convention or council of safety of South Carolina, ought to pursue such measures, as to them shall seem most efficacious for the purpose, and that they proceed immediately to erect such fortifications and batteries in or near Charleston, as will best conduce to promote its security, the expence to be paid by said Colony." [138] Other testimony that the war-making power was thought to reside in each of the Colonies is furnished by the July 12, 1776 draft of the Articles of Confederation: "The said Colonies unite themselves . . . and hereby severally enter into a firm League of Friendship . . . binding the said Colonies to assist one another against all force offered to or attack made upon them." [138a] Indeed, as Justice Chase was to remark in a cognate case, the very fact of delegation of war power by the States to the congress demonstrates that the States must have "rightfully possessed" it.[138b] The fact that the States in course of time did not "individually" exercise the power of war did not spring from an absence of power but from the voluntary surrender expressed both in Article IX delegation and in Article XIII of the 1776 draft Articles: "No Colony . . . shall engage in any War without the previous consent of the United States assembled," a provision that was preserved in Article VI of the Articles as adopted.[139]

Justice James Iredell, whose opinion in *Penhallow* went unnoticed by Sutherland, understood all this full well. Each province, he pointed out, had comprised "a body politic," in no wise connected with the others "than by being subject to the same common sovereign." "If Congress," he continued, "previous to the articles of confederation, possessed any authority, it was an authority derived from the people of each province . . . this authority was conveyed by each body politic separately, and not by all the people in the several states, jointly." And he concluded that the war making authority "was not possessed by congress unless given by all the states." In this view he was joined by Justice William Cushing; [139a] and both are abundantly confirmed by the specific grants of war treaty powers to the States in the Articles of Confederation.

Reliance for "inherent" war and treaty powers that antedate the Articles of Confederation has also been placed upon some remarks of Justice Chase [139b] in *Ware v. Hylton*: "The powers of congress originated from necessity . . . they were revolutionary in their very nature . . . It was absolutely indispensable that congress should possess the power of conducting war against Great Britain, and therefore, if not expressly given by all (as it was by some [has had ratified in 1778]) of the states . . . congress did rightfully possess such power." [140] A simpler and more prosaic explanation is at hand. Sitting and working together, the delegates from the thirteen States, who as early as July, 1776, proposed to reduce to writing the necessary delegation by the States to Congress and who agreed to the Articles of Confederation in November, 1777, presumably were agreed that the conduct of the war required centralization and authorized the necessary "confederated" acts pending formal adoption of the proposed Articles. Roughly that view was taken by Iredell, one of the great Founders who later led the struggle for adoption of the Constitution in North Carolina.

The invocation of the treaty with France signed by Benjamin Franklin and his fellow commissioners in February, 1778 and ratified by Congress in May, little advances the argument for "inherent" national power.[140a] Franklin and the other commissioners proceeded to France under express instructions to enter into a treaty with the King of France, carrying with them "letters of credence" (September, 1776), running *not* from the congress but from "The *delegates* of the United States of New Hampshire, Massachusetts Bay" and each of the other enumerated States.[141] Doubtless the delegates from the several States believed themselves authorized to send Franklin in search of an alliance, so that again we have a power delegated by the States. The resulting treaty, it bears emphasis, was concluded with "the thirteen United States of North America, viz. New Hampshire, Massachusetts Bay" and so forth,[141a] scarcely testimony that France deemed it was concluding an alliance with a "sovereign" nation. But give the "revolutionary central government" its widest scope and it still remains to ask, what relevance do deeds resulting from "revolutionary necessity" in the absence of national machinery have to a subsequent written document, such as the Articles of Confederation, which carefully enumerates the powers granted and reserve all powers not "expressly delegated."

Study of the constitutional records convinces that the Founders jealously insisted on a federal government of enumerated, strictly limited powers.[142] Avowal of a supra-constitutional "residuum" of powers not granted expressly or by necessary implication [143] would have affrighted them and barred adoption of the Constitution.[144] Certainly James Wilson considered that all the "powers naturally connected" with that of declaring war were conferred on the Congress. And John Quincy Adams, after serving as Secretary of State and as President, stated, "in the authority given to Congress by the Constitution . . . to declare war, all the powers incidental to war are, by necessary implication, conferred upon the Government of the United States." The "war power," he continued, "is strictly constitutional." [145] To invoke an extra-constitutional "residuum" of war powers can only deepen the "twilight" gloom.

The Yale memorandum statement that there is an "exclusive" war-making zone where the President "is authorized to act even against the express will of Congress," requires a caveat in so far as it rested on Justice Jackson's schema. He did proffer three categories: "1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate." The steel-seizure, he said, "is eliminated from the first" category "for it is conceded that no Congressional authorization exists for this seizure." [147] His second category "is a zone of twilight in which he [the President] may have concurrent authority, or in which its distribution is uncertain." Here again Presidential authority is subject to that of Congress. The steel-seizure, said Jackson, "seems clearly eliminated from that class because Congress . . . has covered [the field] by three statutory policies inconsistent with this seizure." [148] Given concurrent powers, as Chief Justice held in an early war-powers case, a Congressional statute must prevail.[149] Remains the third category: "When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional power minus any Constitutional powers of Congress over the matter." Judicial caution was required in such case lest "by disabling the Congress from acting upon the subject . . . the equilibrium established by our constitutional system" be disturbed. True, Jackson stated hypothetically, "we can sustain the President only by holding that seizure . . . is within his domain and beyond control by Congress," a situation "which leaves presidential power most vulnerable to attack and in the least favorable of possible constitutional positions." [150] And he went on to reject the argument that Truman's commitment of troops to Korea vested him with such seizure power." [151] Jackson could find no such power under the "executive power," the "commander in chief" power, or in an "inherent" power (presumably drawn out of the "residuum"), which he rejected out of hand.[152] If therefore we are to speak of an "exclusive" presidential power "beyond control by Congress," it should be with Jackson's caveat in mind: in this situation the "presidential power [is] most vulnerable to attack and in the least favorable of possible constitutional position."

Is the role of Commander in Chief altogether beyond the control of Congress? This can be confidently affirmed of one set of circumstances only: once war is commenced, Congress can not conduct a campaign; it cannot "deprive the President of command of the army and navy"; but in the words of Justice Jackson, "only Congress can provide him with an army or navy to command." [153] What is gives it can take away, in whole or in part.[154]

Presidential peace-time deployment of the armed forces in trouble areas sharply focuses the problem. Testifying in 1951 on behalf of President Truman's plan to station six divisions of American soldiers in Europe, Secretary of State Acheson asserted:

"Not only has the President authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by Congress in the exercise of powers which it has under the Constitution." [155]

Acheson spoke ex cathedra, disdaining the citation of authority. His claim will not withstand scrutiny. Deployment of the armed forces in "hot-spots" may invite or provoke attack, dangerously risk American involvement in war,[156] and present Congress with a *fait accompli*.

It is Congress that is to "provide for the common defense," [157] which implies the right to decide what is requisite thereto. Congress also is "to raise and support armies," and by necessary implication it can withhold or withdraw that support.[158] In determining the size of the army it will "support it is entitled to weigh priorities: shall troops be stationed in Germany or deployed in Cambodia? Indeed the constitutional mandate that "no appropriation" for support of the armies "shall be for a longer term than two years" implies that it is for Congress to decide at any point whether further appropriations should be made and in what amounts.[159] The duty of Congress, in Hamilton's words, "to deliberate upon the propriety of keeping a military force on foot" [160] surely comprehends the right to insist that a portion of the military forces should not be kept "on foot" in Vietnam or in Europe.[161]

With the power of appropriation goes the right to specify how appropriated moneys shall be spent. This is not a mere matter of logic but of established parliamentary practice. After 1665, states Hallam, it became "an undisputed principle" that moneys "granted by Parliament, are only to be expended for particular objects specified by itself." [162] The Founders were quite familiar with parliamentary practice; [163] and we may be sure that in reposing in Congress the power of raising revenues and of making and reviewing appropriations for support of the armies they conferred the concomitant right to "specify" the "particular objects" upon which its appropriations are to be expended. [164] So an early Congress read its constitutional powers in enacting a statute that all "sums appropriated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated." [165] The 1971 Act which prohibits use of appropriated funds "to finance the introduction of United States ground troops into Cambodia" is in this tradition.[166] If we may properly infer that the long-established parliamentary practice was adopted by the Founders, such statutes do not constitute an invasion of the President's powers as commander in chief.[167]

Footnotes at end of article.

There remains the Congressional power "to make rules [168] for the government and regulation of the land and naval forces."

This "was added from the existing Articles of Confederation"; but the Framers omitted the phrase that followed—"and directing their operations"—having in mind that the President would be commander in chief who, in the words of the New Jersey Plan, would "direct military operations." [170] Thus the Framers separated the presidential direction of "military operations" in time of war from the Congressional power to make rules "for the government and regulation of the armed forces," a plenary power enjoyed by the Continental Congress and conferred in the identical terms upon the federal Congress. The word "government" connotes a power "to control," "to administer the government" of the armed forces; the word "regulate" means "to dispose, order, or govern." Such powers manifestly embrace Congressional restraint upon deployment of the armed forces. Since the Constitution places no limits on the power to support and to govern the armed forces and to make or withhold appropriations therefor, arguments addressed to the impracticability of regulating all deployments go to the wisdom of the exercise, not the existence, of the Congressional power.

The Commander in Chief clause empowers the President to conduct a campaign once a war is initiated by Congress or by foreign invasion of American soil, not to create incidents which embroil the nation in war. No "first General" can provoke, extend or persist in a war against the will of Congress.[171] The duty of the President is to "take care that the laws be faithfully executed," and nothing in the Constitution absolves him from that duty in the role of Commander in Chief. Indeed the early State Constitutions were careful to spell out that the Executive was subject to the laws in his capacity of commander in chief.[172] In fine, the constitutional distribution of powers refutes Acheson's assumption that the President may deploy the armed forces as he sees fit in disregard of the Congressional will. This is the logic of Jefferson's statement that "we have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay." [173]

Against this background the constitutionality of the proposed War Powers Bill seems unassailable. Section 3 of the Bill roughly provides that the President may use the armed forces "to repel an armed attack upon the United States" or its armed forces "located outside the United States," and "to forestall the direct and imminent threat of such an attack." The latter provisions go beyond the connotation of the Madison-Gerry "sudden attacks" remark in the Convention, on which any claim to presidential power apart from the commander-general's direction of the military forces ultimately rests.[174] Congress would thereby enable the President to meet modern exigencies.

Senator J. William Fulbright considers that the "forestall" phrase may be overbroad; [175] but it is to be read against the Committee's statement that it "accepted the view expressed in testimony before the Committee by Alexander A. Bickel," who instanced such a threat as that of the "Cuban missile crisis of 1962," that is, "a reactive, not a self-starting affirmative power." [176]

It would be difficult to maintain that the Soviet emplacement of nuclear long-range missiles some eighty miles from our shores did not constitute an immediate threat to the United States, such as moved the newborn States to reserve to each State in the Confederation the right to go to war when it "received certain advice of a resolution being formed by some nation of Indians to invade such State." [177] With Senator Fulbright I would urge that the emergency (as in the case of the Articles of Confederation provision) be such "as does not permit advance Congressional authorization to employ such forces." [178] The Federation of American Scientists, joined by Senator Fulbright recommend, and I would concur, that an authorization be sought from Congress to fire nuclear missiles *first*, leaving the President free to respond to nuclear attack.[179] Since § 3 of the Bill authorizes the President to forestall imminent threat of attack on the armed forces "located outside of the United States," I would add a requirement that Congressional authorization be had for deployment of the armed forces in areas which are likely to become involved in hostilties, e.g. "hot spots." Finally, section 5 of the Bill provides that the use of the armed forces "under any of the emergency conditions described in Section 3 . . . shall not be sustained beyond thirty days" unless Congress adopts legislation specifically authorizing the continued use of the armed forces, rounding out an exemplary step towards resumption of the powers conferred upon Congress by the Constitution.

Only if the "intention of the framers" counts for little,[180] is it possible to argue on the "125 incidents" that "a practice so deeply embedded in our constitutional structure should be treated as decisive of the constitutional issue." [181] Who would maintain that the President, by proclamation, can revise the Constitution in particulars he considers sadly wanting? Why should his progressive revision by actions rather than by writing be entitled to more respect? Nor can the fact that Congress countenanced the encroachments lift them to the plane of constitutional dogma any more than the President and Congress can by mutual consent revise the Constitution without submitting an amendment to the people. At bottom the President lays claim "to set aside, not a particular clause of the Constitution, but its most fundamental characteristic, its division of powers between Congress and the President, and thereby gather into his hands the power of both.[182] It cannot be that a statute which seeks to give effect to the original intention of the Framers, aptly expressed in the text of the Constitution, is unconstitutional.

CONCLUSION

Surveying the labors of the Framers some forty years later, Joseph Story said:

"The power of declaring war is . . . so critical and calamitous, that it requires the utmost deliberation, and the successive review of all the councils of the nation . . . The representatives of the people are to lay taxes to support a war [and to draft men for combat], and therefore have a right to be consulted, as to its propriety and necessity." [183]

For this reason the Constitution conferred virtually all of the war-making powers upon the Congress, leaving to the President only the power "to repel sudden attacks" on the United States. They meant, in the words of James Wilson, to put it beyond the power of a single man to hurry us into war. Their wisdom is confirmed by recent events: the mounting frightfulness of war, its staggering costs in blood money, disruption of the national and international economies, the wounds it inflicts on the national psyche—alienation of the young, desertion, draft evasion—all cry out for consultation before plunging into war.[184]

Some have referred to Congress' occasional lack of wisdom,[185] but that is a lack that may be exhibited by the President, as the Vietnam conflict shows.[186] Arthur Schlesinger, who sat close to the throne while some of the fateful commitments were being made, stated that "in retrospect, Vietnam is a triumph of inadvertence"; and if we are to credit General de Gaulle, a triumph of wrong-headedness.[187] Perhaps the decisions would not have been better had they been debated in Congress, but, as George Reedy, former special assistant and then Press Secretary to President Lyndon Johnson, remarked, they could not have "been much worse."[188] Since a nation of many millions cannot be convened in town meeting, the great arena of public debate is necessarily the Congress.[189] Debate may bring into the open risks that Executive advisers have overlooked; it may deflate the supposed advantages of a recommended course of action; it substitutes the experience of the many for that of the one.

"Within the executive branch," states Reedy, "there exists a virtual horror of public debate on issues," compounded by the complacent assumption that the executive branch have some sort of truth that comes out of their technical expertise and that this truth . . . is not something to be debated." [190] But executive decision itself suffers from a deep-seated malady; as Reedy points out, it lacks the benefit of "adversary discussion of issues"; the "so-called debates are really monologues in which one man is getting reflections of what he sends out." [191] If this be only one man's view, the danger is nevertheless real that courtiers are apt to say what the monarch wants to hear.

Of course public criticism is painful; but official pain is outweighed by public benefit. A seasoned observer, Sir Ivor Jennings, stated, "negotiations with foreign powers are difficult to conduct when a lynx-eyed opposition sits suspiciously on the watch. We might have a better policy if we had no Parliament: but we might have a worse . . . We are a free people because we can criticize freely." [192] It is quite likely, as Reedy concludes, that the present dissension in our country, the loss of confidence in the government, results in large part from the fact that the Vietnam commitments were made without consultation with the people.[193]

Whatever the merits of debate, this is a requirement of our democratic system. Those who are to bleed and die have a right to be consulted, to have the issues debated by their elected representatives. Unlike the totalitarian nations, we have not placed our faith in a "Fuehrer," a "Big Brother"; a benign dictatorship is not for us.[194] It is for that reason that there is an "American propensity to substitute 'for the question of the beneficial use of the powers of government . . . the question of their existence.'" [195] Events since 1936, when Corwin penned the quoted words, have demonstrated still again that "use" of power may be not only "beneficial" but "malign, fearsome, hateful and dangerous." [196]

It was because the Framers were alive to the insatiable maw of power that they contrived the separation of powers.[197] It remains a bulwark against oppression, not a hollow shibboleth. "With all its defects, delays and inconveniences," said Justice Jackson, "men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations." [198] That is what the Framers provided in distributing the war-powers, and to that scheme we must return.

FOOTNOTES

[1] Alastair Buchan, Questions About Vietnam, reprinted in 2 R. Falk, The Vietnam War and International Law 35 (1969). Buchan is Director of the Institute of Strategic Studies, London.

[2] See infra, text accompanying notes 122–123.

[3] Sen. Report No. 92–606 on War Powers, 92d Cong., 2d Sess. (1972) to accompany S. 2956 (hereafter War Powers Rept.)

[3a] New York Times, March 30, 1972, p. 10. Professor Eugene Rostow declares the Bill "would radically change the constitutional relationship between Congress and the Presidency . . ." New York Times, April 16, 1972, p. 43.

[4] Sen. Report No. 797 on National Commitments, 90th Cong., 1st Sess. (1967) (hereafter National Commitments Rept.) This

admirably documented report laid the foundation on which commentators have since built.

The best study remains Note, Congress, The President, and the Power to Commit Forces to Combat, 81 Harv. L. Rev. 1771 (1968) (hereafter Harvard Note) reprinted in Falk, supra, n. 1 at 616–650, to which my Harvard Note citations are keyed. For a careful examination of the "precedents" on which the Executive Department relies, see Francis Wormuth, The Vietnam War: The President versus the Constitution, reprinted in Falk, supra, n. 1 at 711–807. See also Reveley, Presidential War-Making: Constitutional Prerogative or Usurpation, 55 Va. L. Rev. 1243 (1969).

[5] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 642 (1952), concurring opinion (hereafter "Steel Seizure").

[6] Infra, text accompanying notes 18–19, 28–29; note 49.

set out in Article 1, § 8 of the Constitution.

[7] Wilson, Works of James Wilson 433 (R. G. McCloskey ed. 1967). The several powers are set out in Article 1, § 8 of the Constitution.

[8] Ibid. 440.

[9] 24 Journals of the Continental Congress 242 (1937).

[10] Article VII of the Massachusetts Constitution of 1780 provides that the Governor shall be "commander-in-chief of the army and navy" with power to "repeal, resist, expel" those who attempt the invasion of the Commonwealth, and entrusts him "with all these and other powers incident to the office of captain-general and commander-in-chief and admiral, to be exercised agreeably to the rules and regulations of the constitution and the laws of the land and not otherwise." 1 Poore, Federal and State Constitutions, and Colonial Charters 965–966 (1877). For Delaware, Article 9, ibid. 275; Georgia, Article 33, ibid. 381; New Hampshire (identical with the Massachusetts provision), 2 Poore 1288.

Hamilton stated in the Federalist, No 69 at 449 (Mod. Lib.Ed.1937): "the constitutions of several of the states expressly declare their governors to be commanders-in-chief . . . and it may well be a question, whether those of New Hampshire and Massachusetts, in particular, do not, in this instance, confer larger powers upon their respective governors, than could be claimed by a President of the United States."

[11] 1 Farrand, The Records of the Federal Convention of 1787, p.244 (1911). The Virginia Plan contained no provision on the subject, ibid.20–23. In North Carolina, Robert Miller demanded that "Congress should direct the motions of the army." 4 Elliot, Debates in State Conventions on Adoption of the Federal Constitution 414 (2d ed. 1836)

[12] 1 Farrand, supra, n.11 at 292.

[13] Corwin said of Federalist No. 78, "It cannot be reasonably doubted that Hamilton was here, as at other points, endeavoring to reproduce the matured conclusions of the Constitution itself." Corwin, The Doctrine of Judicial Review 44 (1914).

[14] Federalist, No. 69, supra, n.10 at 448. For similar remarks, Melancton Smith, New York Ratification Convention, 2 Elliot, supra, n.10 at 366–367.

[15] Federalist, No. 67, supra, n.10 at 436. When Monaghan, Presidential War-Making, 50 Boston U. L. Rev. 19, 23 (1970) refers to "Hamilton's contention that the president possessed broad 'inherent' powers in representing the nation in our foreign relations," he fails to take into account Hamilton's above-quoted assurance that the President's war-powers were "much inferior" to those of the King, which precludes an inference of "inherent" presidential war-making power.

[16] In the federal Convention James Wilson said, "He did not consider the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of the prerogatives were of a legislative nature. Among others that of war & peace." 1 Farrand, supra, n.11 at 65–66. "Fear of a return of Executive authority like that exercised by the Royal Governors" or by the King had been ever present in the States from the beginning of the Revolution. C. Warren, The Making of the Constitution 172 (1947). Warren, 177, states, "It is probable that Madison and Randolph in preparing the Virginia Plan had in mind the conception of Executive power which Thomas Jefferson had set forth in his Draft of a Fundamental Constitution for Virginia in 1783, as follows: 'By Executive power, we mean no reference to those powers exercised under our former government by the Crown as of its prerogative, nor that these shall be the standard of what may or may not be deemed the rightful powers of the Governor. We give them those powers only, which are necessary to execute the laws.' " Citing, 4 Jefferson, Writings 155–156 (Ford ed.). For a similar conception, see Wilson, supra, text accompanying note 8; see also Madison, infra, n.36; Corwin, The President: Office and Powers 5 (3d ed. 1948). And see Justice Jackson's rejection of the "claim of inherent unrestricted presidential powers" in "Steel Seizure", supra, n.5 at 650 n.7, for which the expressly enumerated powers leave no room. Berger, Congressional Inquiry v. Executive Privilege, 12 UCLA Law Rev. 1044, 1073–76 (1965).

[17] See also discussion of a "residium", infra, text accompanying notes 131–152; and note 143.

[18] Letters of Helvidius, 6 James Madison, Writings, 138, 174 (G. Hunt ed. 1906). Compare Wilson's explanation that no single man could "hurry" the nation into war. Infra, text accompanying note 39.

[19] Ibid. 148 (emphasis supplied); see also infra, text accompanying note 45.

[20] Corwin, supra, n. 16 at 276.

[21] Fleming v. Page, 9 How. (50 U.S.) 603, 615 (1850). Until 1850, says Corwin, the Commander in Chief clause "was still . . . the forgotten clause of the constitution." E. Corwin, Total War and the Constitution 15 (1947).

[22] H. Commager, Documents of American History 113 (7th ed. 1963).

[23] 1 Farrand, supra, n. 11 at 20–22, 243.

[24] Ibid. 70. Article 26 of the South Carolina Constitution of 1776 carefully spelled out that the governor "and commander-in-chief shall have no power to make war or peace, or enter into any final treaty, without the consent of the general assembly . . ." 2 Poore, supra, n. 10 at 1619. See also Wilson, supra, n. 16, to effect that the war power is "legislative."

[25] 2 Farrand, supra, n. 11 at 182.

[26] Ibid. 318.

[27] 1 Farrand, ibid. 292.

[28] 2 Farrand, ibid. 318. Butler later explained to the South Carolina legislature that the grant of this power [to "make war"] to the President "was objected to, as throwing into his hands the influence of a monarch, having an opportunity of involving his country in a war, whenever he wished to promote her destruction." 4 Elliot, supra, n. 10 at 263.

[29] 2 Farrand, supra, n. 11 at 319.

[30] Ibid. 318–319. The State Department memorandum (1966) distorts this interchange; "it was suggested that the Senate might be a better repository. Madison and Gerry then moved to substitute "to declare war' for 'to make war,' 'leaving to the Executive the power to repel sudden attacks.' It was objected that this might make it too easy for the Executive to involve the nation in war, but the motion carried with but one [actually two] dissenting votes." Legal Adviser-State Department, The Legality of United States Participation in the Defense of Viet Nam, 75 Yale L.J. 1055, 1101 (1966). From this one might infer that the Convention intended to "make it too easy for the Executive to involve the nation in war," but the fact is that *no* objection was made to the Madison-Gerry motion, which merely gave effect to the Sherman-Mason-Gerry objections to the grant of war making power to the President, except to "repel." See Wormuth, supra, n. 4 at 714.

[31] 2 Farrand, supra, n. 11 at 319. Story explains that the role of Commander in Chief gives the President "command . . . of public force . . . to resist foreign invasion . . . and the direction of war." Story, Commentaries on the Constitution of the United States, § 1491 (5th ed. 1905).

[32] Cf. Ratner, The Coordinated Warmaking Power—Legislative, Executive and Judicial Roles, 44 So. Cal. Rev. 461, 462 (1971). Clinton Rossiter concludes that "the Court has refused to speak about the powers of the President as Commander in Chief in any but the most guarded terms . . . The breathtaking estimates of their war powers announced and acted upon by Lincoln and Roosevelt have earned no blessing under the hands of the judiciary." Rossiter, The Supreme Court and the Commander in Chief 4–5 (1951). Since he wrote, the Court, in the Steel Seizure case, supra, n. 5, gave such claims a decided set-back.

[33] Harvard Note, supra, n. 4 at 618–619; National Commitment Report, supra, n. 4 at 8.

[34] Ratner, supra, n. 32 at 467.

[35] Supra, text accompanying note 15.

[36] See infra, n.41. Monaghan, supra, n.15 at 28, states that "All commentators agree that the president has some 'inherent' power to commit the armed forces to hostilities where necessary to repel 'sudden attack.' " If there be such agreement, it is at war with the records of the several Conventions, which emphatically rule out "inherent" war powers. See supra, text accompanying notes 15–18. Madison stated that it was essential "*to fix the extent* of the Executive authority . . . as certain powers were in their nature Executive, and *must be given* to that department." 1 Farrand, supra, note 11 at 66–67 (emphasis supplied). In the Convention Hamilton stated that the "Executive ought to have but little power," proposed that the Senate should "have the sole power of declaring war" and that the Executive should "have the direction of war when authorized or begun." 1 Farrand at 290,292. Be it remembered also that the Massachusetts Constitution, which expressly authorized the commander in chief to "repel, resist and expel" those who attempt invasion of the Commonwealth (thereby implying that this was not an inherent power of the commander), made the exercise of that power subject "to the laws of the land and not otherwise." And Hamilton explained that the powers of the Massachusetts commander were "larger . . . than could be claimed by the President." Supra, note 10.

[37] Legal Advisor Memorandum, supra, note 30 at 1101. Wormuth, supra, n.4 at 714–715, justly states, "It is not probable but certain that the attack Madison and Gerry had in mind was an attack upon the United States . . . they did not impute to him a discretionary right to choose between war and peace, or the right to make a judgment concerning the security of the United States."

[38] Quoted War Powers Report, supra, n.3 at 4. Professor Richard B. Morris also states that "the war-making power of the President was little more than the power to defend against imminent invasion when Congress was not in session. Quoted ibid. at 15.

[39] Commager, supra n.18 at 112.

[39a] The Committee on Style suggested that "no State without consent of the Legislature of the United States shall . . . engage in any war, unless it shall be actually invaded by enemies, or the danger of invasion be so imminent, as not to admit of a delay, until the Legislature of the United States can be consulted." 2 Farrand, supra, n.11 at 577.

[40] Berger, Congress v. the Supreme Court 260–262 (1969). In Federalist No. 48, supra, n.10 at 322, Madison stated that the "founders of our republics . . . seem never for a moment to have turned their eyes from the danger to liberty of the overgrown and all-

grasping prerogative of an hereditary magistrate . . ."

[40a] Infra, text accompanying notes 174–179.

[41] Monaghan 28, states, "few, if any [commentators] would restrict" the power to repel sudden attacks "to one of repelling attacks on American soil—thereby ignoring attacks on Canada and (in a largely interdependent world) attacks on NATO countries." Whether there is such a consensus is not important if such power is not to be found in the Constitution. I would hold with the Harvard writers that "In the case of an attack aimed solely at Canada . . . steps taken to repel the attack would amount to 'commencing' rather than 'repelling' war, the type of decision the convention debates indicate was to be made by Congress." Harvard note, supra, n.4 at 629.

[42] Legal Advisor's Memorandum, supra, n.30 at 1101. John Bassett Moore puts the matter in better perspective: "There can hardly be room for doubt that the framers of the constitution, when they vested in Congress the power to declare war, never imagined they were leaving it to the executive to use the military and naval forces of the United States all over the world for the purpose of actually coercing other nations, occupying their territory, and killing their soldiers and citizens, all according to his own notions of the fitness of things, so long as he refrained from calling his action war or persisted in calling it peace. Moore, The Control of Foreign Relations of the United States 196, quoted by Wormuth, supra, n.4 at 766–67.

[43] Legal Advisor Memorandum, supra, n. 30 at 1101.

[44] In the Steel Seizure case, supra, n. 5 at 649, 650, Justice Jackson said, "The appeal . . . that we declare the existence of inherent powers *ex necessitate* to meet an emergency asks us to do what many think would be wise, although it is something the forefathers omitted. They knew what emergencies were; knew the pressures they engender for authoritative action, knew, too, how they afford a ready pretext for usurpation . . . aside from suspension of the privilege of the writ of habeas corpus in time of rebellion or invasion . . . they made no provision for exercise of extraordinary authority because of a crisis. I do not think we rightfully may so amend their work" Emergency powers, Jackson continued, "are consistent with free government only when their control is lodged elsewhere than in the Executive who exercises them. That is the safeguard that would be nullified by our adoption of the 'inherent powers' formula." Ibid. 652.

The "emergency power" had been pressed hard by Justice Clark, ibid. 660–62, but Justice Douglas also rejected it, saying the fact that speed was essential "does not mean that the President rather than the Congress has the constitutional authority to act." Ibid. 629. In Schecter Poultry Corp. v. United States, 295 U.S. 495 (1935), Justice Cardozo stated, "Those who act under these grants are not at liberty to transcend the imposed limits because they believe that more or different power is necessary." (concurring opinion).

[45] 6 Madison, supra, n. 18 at 174 (emphasis supplied). As Wormuth, supra, n. 4 at 716 states, "if in 1787 it was the wiser course to entrust the decision as to war and peace to a broadly representative body rather than to the judgment of a single man, the greater hazards of the modern world would seem to make it all the more important to retain this check on an impetuous executive." J. N. Moore also considers that "The policy of requiring congressional authority for the major use of force abroad as a check on presidential power remains as valid today, if not more so, than in 1789." Moore, The National Executive and the Use of the Armed Forces Abroad, printed in Falk, supra, n. 1 at 808, 810. But he states that contemporary problem "militate against absolute answers based on that policy." Let us begin with denying the "absolute" presidential claims built upon a succession of self-created "incidents"; let us reverse the assumption that the President may at any time in his unfettered discretion commit the armed forces and substitute the presumption that Congressional authorization is required except in the extraordinary case. Cf. Harvard Note, supra, n. 4 at 643.

[46] Supra, n. 36.

[47] Hamilton's later expansive reading of the Executive powers in the realm of foreign relations, see Corwin, supra, n. 16 at 217–218, needs to be viewed in the light of his proposal in the Convention of a life-time Executive, of a "permanent body" of the "rich and well born" to "check the imprudence of democracy . . . their turbulent and uncontrolling disposition. 1 Farrand, supra, n. 11 at 290, 299. The patrician Henry Adams stated that "Hamilton considered democracy a fatal course, and meant to stop its progress." Quoted, Ernest Samuels, Henry Adams, The Middle Years 58 (1965). He would therefore prefer to concentrate power in the Executive and to short-circuit the democratic process which contemplated Congressional debate.

[48] No. 1 of "Lucius Crassas" (December 17, 1801), quoted Corwin, supra, n. 16 at 243.

[49] Ratner, supra, n. 32 at 467. The "long range goals . . . illuminated by the Convention proceedings" may be gathered from Mason's remark that the Executive was "not safely to be trusted" with the war power, supra, text accompanying note 29, Sherman's remark that the Executive should "be able to repel and not to commence war," supra, text accompanying n. 28, and Gerry's rejection of an Executive power "alone to declare a war." Supra, text accompanying n. 29. To this may be added Wilson's explanation to the Pennsylvania Ratification Convention that the power to declare war was lodged in Congress to "guard against" the power of a "single man" to "hurry us into war." 2 Elliot, supra, n. 10 at 528.

[50] Rotner, supra, n. 32 at 467.

[51] This is a widely-held view: Z. Chafee, Three Human Rights 154 (1956); E. Cahn, An American Contribution, in Cahn, ed. Supreme Court and Supreme Law 12,25; C. Curtis, The Role of the Constitutional Text, in Cahn, ibid. at 64,68; J. N. Moore, supra, n. 45 at 809, 812, and infra, n. 75; C. Miller, The Supreme Court and the Uses of History (1969). For additional citations, see Reveley, supra, n. 4 at 1252–53.

[52] The Founders fully understood the difficulties of amendment, Thus Patrick Henry argued in the Virginia Ratification Convention, "four of the smallest states, that do not collectively contain one tenth part of the population . . . may obstruct the most salutary and necessary amendments." 3 Elliot, supra, n. 10 at 49, 50. But the prevailing view was expressed in the North Carolina Convention by James Iredell: the Constitution "can be altered with as much regularity, and as little confusion, as any Act of Assembly; not, indeed, quite so easily, which would be extremely impolitic . . . so that alterations can without difficulty be made agreeable to the general sense of the people." 4 Elliot, ibid. at 177.

[53] Reveley, supra. n. 4 at 1252, states, "Encouraged by the Constitution's linguistic flexibility (scarcely in the case of the Commander in Chief clause), and by the difficulty of its formal amendment process, alteration by usage has proved to be the principal means of modifying our fundamental law." Elbridge Gerry, one of the Framers, objected in the First Congress that the people "directed a particular mode of making amendments, which we are not at liberty to depart from . . . [they] can never be safe, if Congress have a right to exercise the power of giving constructions to the constitution different from the original instrument. Such a power would render the most important clause in the Constitution [the amendment provision] nugatory." 1 Annals of Congress 503 (1789).

The informal amendment approach, as Willard Hurst remarked, is a way of practically reading Article V out of the Federal Constitution . . . [the Framers] provided a defined, regular procedure for changing it." In Cahn, supra, n.51 at 74.

Only when popular feeling runs high, for example, against current judicial mandates that children be bused to desegregated schools, do those opposed to the popular will find the cumbersome amending process a convenient road block.

[54] Chafee, Cahn, Curtis, supra, n.51. The Framers made clear that the initiative in policy-making was not for the judiciary. Berger, supra, n.40 at 339–346.

[55] Proponents of this claim, of course, do not state it so nakedly. Thus Monaghan, supra, n.15 at 28, argues that a line between "defensive and aggressive action" is no longer "workable," that the oceans have shrunk, that "modern presidents are faced with endless emergencies," so that "Given the evolution of the presidency, it is hardly surprising that in the twentieth century the presidential power to repel sudden attacks has developed into an undefined power . . . to employ without Congressional authorization the armed forces in the protection of American rights and interests whenever necessary."

Compare Justice Douglas in "Steel Seizure," supra, n.5 at 632: "If we sanctioned the present exercise of power by the President, we would be expanding Article II of the Constitution and rewriting it to suit the political conveniences of the present emergency." (concurring opinion). And see supra, n. 44. The "chief constitutional value which over-extension of presidential power threatens is, of course, the concept of a 'government of laws and not of men'—the 'Rule of Law' principle." Corwin, The Steel Seizure Case: A Judicial Brick Without Straw, 53 Colum. L. Rev. 53, 54 (1953).

[56] For citations see Ratner, supra, n.32 at 482–483.

[57] Monaghan, supra, n. 15 at 22.

[58] Ibid. 25.

[59] Professor Monaghan recognizes that "The great powers that are identified with the national government are conferred upon congress . . . By contrast, the textual powers conferred upon the president are both few and of uncertain dimensions." Ibid. 20. He notes a "vast accretion of power in the presidency, particularly in this century," but considers that "whether it 'defeats' the framers intention is, however, a profitless speculation," citing Justice Holmes dictum in Missouri v. Holland, 252 U.S. 416, 433 (1920): "The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago." Read in the context of the case it is unobjectionable. The case involved the right of the federal government to enter into a treaty with Canada respecting migratory birds, to which no State could lay a possessory claim. Wild birds migrate from State to State, from nation to nation, so that they fall outside the exclusive jurisdiction of any one State. Consequently the subject matter was not reserved to a State by the Tenth Amendment; instead it called for federal regulation; and nothing in the "treaty" power excludes a treaty about migratory birds. The Court decided therefore that the treaty was not "forbidden by some invisible radiation from the general terms of the Tenth Amendment." Ibid. 433–436. See Reid v. Covert, 354 U.S. 1, 18 (1957). Holmes was not called upon to disregard the plainly expressed intention of the Framers as exhibited in the sharply delineated distribution of war powers.

[60] Monaghan, supra, n. 15 at 24.

[61] Compare Professor Felix Frankfurter's advice to President Franklin Roosevelt in 1937: "the Supreme Court for about a quarter of a century has distorted the power of judicial review into a revision of legislative policy, thereby usurping powers belonging to the Congress." And "people have been taught to believe that when the Supreme

Court speaks it is not they who speak but the Constitution, whereas, of course, in so many vital cases, it is *they* who speak and *not* the Constitution. And I verily believe that that is what the country needs to understand." M. Freedman, ed. Roosevelt and Frankfurter: Their Correspondence, 1928–1945, pp. 383, 390 (1967).

What would the verdict of the people be if it was brought home to them that the presidential commitment of armed forces to battle in Korea and Vietnam was utterly beyond the textual grants to the President and the intention of the Framers? Reveley, who is sympathetic to amendment by usage, notices that the "general public takes a relatively blackletter view of the Constitution" and that the "subtleties" of amendment "by usage . . . would probably be lost on the general public." Reveley, supra, n.4 at 1293, 1255n.

[62] Legal Adviser Memorandum, supra, n.30 at 1101. Wormuth, supra, n.4 at 718, justly states of the "undeclared war" with France, "This is altogether false. The fact is that President Adams took absolutely no independent action. Congress passed a series of acts [cited by Wormuth] which amounted, so the Supreme Court said, to a declaration of imperfect war; and Adams complied with the statutes." Bas v. Tingley, 4 Dallas (U.S.) 37 (1800) amply confirms that Adams acted under Congressional authorization.

[63] Quoted infra, text accompanying note 113.

[64] Sparks, n. 4. Reveley, supra, n. 4 at 1258, states, "as a precedent for Vietnam . . . the majority of the nineteenth century uses of forces do not survive close scrutiny."

[65] Quoted, Mora v. McNamara, 389 U.S. 934, 936 (1967) (Douglas, J. dissenting opinion).

[66] Corwin, The President's Power, in D. Haight & L. Johnston, eds. The President's Role and Powers 361 (1965), quoted Velvel, The War in Vietnam: Unconstitutional, Justiciable, and Jurisdictionally Attackable, reprinted in Falk, supra, n. 1 at 650, 670 n. 107.

Corwin states, "The vast proportion of the incidents . . . comprised . . . *efforts to protect definite rights of persons and property* against impending violence, and were defended on that ground as not amounting to acts of war." Corwin, Total War and the Constitution 146 (1947); see also ibid. 147–148 for critique of such incidents; and see Harvard Note, supra, n. 4 at 633, 635; Wormuth, supra, n. 4 at 742–743, 746–748.

[67] Reveley, supra, n. 4 at 1258.

[68] Infra, text accompanying notes 81, 82, 83, 86.

[69] Perhaps President Polk's dispatch of troops into Mexico (1846) may be deemed an exception, though when hostilities broke out he immediately asked Congress for approval, and after bitter debate over his assertions that his acts were "defensive," Congress declared war. Harvard Note, supra, n. 4 at 625. For condemnation of Polk's action in 1848 by a resolution of the House, in which Lincoln joined, see Wormuth, supra, n. 4 at 726; infra, text accompanying notes 98–99.

[70] Lord Denman stated, "When, in pursuit of truth, we are obliged to investigate the grounds of the law, it is plain that the mere statement or restatement of a doctrine . . . cannot make it law, unless it can be traced to some competent authority." O'Connell v. Reg. (1844) 11 Cl. & F. 155,373, 8 E.R. 1061, 1143. To the same effect Maitland, in C.H.S. Fifoot, Frederic W. Maitland, A Life 11 (1971).

[71] Cf. infra, text accompanying notes 125–128.

[72] Reveley, supra, n.4 at 1289.

[73] Cf. Wormuth, supra, n.4 at 762.

[74] As Professor Alexander Bickel stated, "there comes a point when a difference of degree achieves the magnitude of a difference in kind." Quoted in War Powers Report, supra, n.38 at 16.

[75] Of the "incidents" J.N. Moore states, "all this certainly represents a substantial gloss which experience has placed on the Constitution," Moore, supra, n.45 at 812, having earlier invoked Justice Frankfurter's statement in "Steel Seizure," supra, n.5 at 610: "It is an inadmissably narrow conception of American constitutional law to confine it to the words of the Constitution and to disregard the gloss which life has written upon them." Moore, ibid.809. But Moore overlooks that Frankfurter distinguished amorphous terms such as "due process" which allow a "relatively wide play for individual legal judgment" from clearly defined terms such as a "bill of attainder," which emerged from "specific grievances and the safeguards against their recurrence." The meaning of such terms, he stated, is "settled by history . . . Judicial enforcement of the Constitution must respect those historic limits." United States v. Lovett, 328 U.S. 303,321 (1946). Moore notes that "It seems reasonably clear from the debates that most of the framers sought to place the major war power in Congress and to leave the president only the right to repel sudden attacks," Moore, ibid at 809. And they used apt language to express their purpose, expressly endowing the President only with the power to command the armed forces. Here there is no room under the Frankfurter analysis for the "gloss [by] life." Rather there are barnacles which need to be scraped from the good ship "Constitution."

One is left in doubt how far Moore relies on the "gloss of life" for an expanded presidential power when he advocates "as a dividing line for presidential authority in the use of military abroad . . . to require congressional authorization in all cases where regular combat units are committed to sustained hostilities." Moore, ibid. at 814. If the President has independent warmaking power, "congressional authorization" is superfluous and unlikely to be sought. Only, as is the fact, if Congress has the exclusive war making power by constitutional grant does his suggestion fit into the scheme of constitutional *power*.

[76] Monaghan, supra, n.15 at 27.

[77] Wormuth, supra, n.4 at 743–746.

[78] Monaghan, supra, n.15 at 27.

[79] Ibid. 31. Monaghan's reliance on McCulloch v. Maryland, 4 Wheat, (17 U.S.) 316 (1819), for the proposition that "Matters of this character [the distribution of political power between the legislative and executive branches] are, in the words of Chief Justice Marshall, best left "to the practice of the government," is sadly misplaced. McCulloch invoked the question whether Congress had constitutional power to establish the Bank of the United States, and the issue turned on whether a bank was a proper *means* for execution of expressly granted federal powers and therefore incidental thereto and thus outside the powers reserved to the States by the Tenth Amendment "because not delegated to the United States." An ambiguity was resolved by resort to practice; no federal invasion of an expressly reserved banking power was presented. In contrast, the President's war-making plainly invades powers explicitly conferred upon Congress. Revision of express constitutional grants was not left to "the practice of the government."

Of a piece with this is Monaghan's rejection of the separation of powers "premised on an eighteenth century model of the relationship between the legislative and executive branches" in favor of "existing political reality" whereunder the "military apparatus" has merely become an adjunct of the President's foreign policy. Monaghan, ibid. at 31–32. A return to the eighteenth century model, he considers, would involve "a fundamental restructuring of our governmental institutions." Ibid. 33. It was the President, however, who "restructured" the original division of powers.

[80] These and other presidential utterances were collected by Putney, Executive Assumptions of the War Making Power, 7 National Univ. L. Rev. 1 (1927).

[81] 1 Richardson, Messages and Papers of the President 314 (1897). In 1793, Jefferson, then Secretary of State, said of reprisal, "if the case were important and ripe for that step, Congress must be called upon to take it; the right of reprisal being expressly lodged with them by the Constitution, and not with the Executive." Quoted Wormuth, supra, n. 4 at 758.

Hamilton, then a private citizen, attacked Jefferson's Tripoli position on the ground that a declaration of war by a foreign nation unleashes the President's defensive powers so that no Congressional declaration of war was required for retention of the Tripolitanian ship and crew. Harvard Note, supra, n. 4 at 624; Wormuth, supra, n. 4 at 725.

For Hamilton's narrow view of the President's war power, see supra, n.36.

[82] 1 Richardson, supra, n. 81 at 376–377.

[83] Supra, text accompanying notes 18, 19, 45.

[84] 2 Richardson, supra, n. 81 at 484–485, 489.

[85] Quoted Wormuth, supra, n. 4 at 737–738.

[86] 4 Richardson, supra, n. 81 at 1484.

[87] Quoted Wormuth, supra, n. 4 at 738–739. For other statements to the same effect by Presidents James Buchanan, Benjamin Harrison, Grover Cleveland, W. H. Taft, see Putney, supra, n. 80 at 15–16, 24–27, 36.

[88] It is a mark of the Legal Adviser's (State Department) careless advocacy that he could argue against this background that "James Madison . . . Presidents John Adams and Jefferson all construed the Constitution, and in their official actions during the early years of the Republic, as authorizing the United States to employ its armed forces abroad in hostilities in the absence of any Congressional declaration of war." Legal Advisor Memorandum, supra, n. 30 at 1106.

[89] Ibid.

[90] 1 Cranch (U.S.) 1, 28 (1801).

[91] 2 Black (67 U.S.) 635,668 (1862).

[92] Corwin, supra, n. 16 at 275,277.

[93] Ibid. 277.

[94] The dissenting Justices in the Prize Cases admitted that war had been initiated by the South in a "material sense," but maintained that it did not exist in a "legal sense" as recognized by the "law of nations" in the absence of a declaration of war by Congress. But the early statutes which authorized the President to "use the military and naval forces" to suppress insurrection would include a blockade as a measure of suppression. The Acts of February 28, 1795 and March 2, 1807 are cited in 2 Black at 691. Whatever merit the dissenting argument may have is overcome by the fact that the Convention rejected the application of the law of nations to rebellion. 3 Farrand, supra, n. 11 at 158.

[95] 7 Richardson, supra, n. 81 at 3214–16.

[96] Corwin, supra, n. 16 at 277, 282.

[97] Cf. ibid. 279–280.

[98] Wormuth, supra, n. 4 at 726.

[99] Ibid. 727.

[100] 7 Richardson, supra, n. 81 at 3245, 3248.

[101] S. E. Morison, Oxford History of the American People 801 (1965).

[102] Putney, supra, n. 80 at 1–2; Harvard Note, supra, n. 4 at 635.

[103] 6 Madison, supra, n. 18 at 174.

[104] Morison, supra, n. 101 at 855, 859.

[105] 55 Cong. Rec. 103 (April 2, 1917).

[106] Morison, supra, n. 101 at 859–860.

[107] Corwin, supra, n. 16 at 288–289; Harvard Note, supra, n. 4 at 631.

[108] Corwin, supra, n. 16 at 289; Kurland, The Impotence of Reticence, Duke Law Journal (1968) 619, 623. But see Justice Jackson's explanation, "Steel Seizure," supra, n. 5 at 645 n. 14.

[109] Morison, supra, n. 101 at 991, 995, 997.

[110] National Commitments Report, supra, n. 4 at 24.

[111] The Senate Foreign Relations Committee stated that "President Truman committed American Forces to Korea in 1950 without Congressional authorization. Congressional leaders and the press were simultaneously informed of the decision but the decision had

already been made." Ibid. 17. Dean Acheson stated that Truman consulted with Congressional leaders, and that at a second meeting several days later there was a "general chorus of approval." Acheson, Present at the Creation 408–409, 413 (1969). See also Reveley, supra, n. 4 at 1263 n. 57.

[112] Acheson, supra, n. 111 at 414.

[113] Ibid. 414–415.

[114] Buchan says of Vietnam, "one cannot fail to be impressed by the slapdash manner in which decisions of profound importance were taken." Buchan, supra, n. 1, at 38. See infra, n. 186.

[115] Quoted Velvel, supra, n. 66 at 674, n. 123.

[116] Quoted Wormuth, supra, n. 4 at 711, n. 1.

[117] Velvel, supra, n. 66 at 654.

[118] But the repeal did not "direct the termination of Indo-China hostilities, disapprove continuing combat, or correct the President's prior interpretation." Rather, supra, n. 32 at 474.

[119] "American military forces were committed to Cambodia in 1970, to Laos in 1971, without the consent, or even the knowledge of Congress." War Powers Report, supra, n. 3 at 8.

[120] It needs to be borne in mind that such statements are merely "advocacy" for a predetermined policy, such as led Justice Jackson to dismiss as "self-selving" an earlier statement he had made as Attorney General. "Steel Seizure," supra, n. 5 at 647.

[122] War Powers Report, supra, n.3 at 18. Referring to the Middle East debate in 1957, the National Commitments Report, supra, n.4 at 18, states, "Senator Fulbright, whose view has changed with time and experience, thought at the time that the President had power as Commander in Chief to use the armed forces to defend the 'vital interests' of the country . . ." And that Report states that "The Gulf of Tonkin resolution represents the extreme point in the process of constitutional erosion." Ibid. 20.

[123] National Commitments Report, supra n.4 at 14.

[124] Ibid, 14,20–21; War Powers Report, supra, n.3 at 10–11. Reveley, supra, n.4 at 1263, 1265–1271; Wormuth, supra, n.4 at 806.

[125] Coke on Littleton 81b.

[126] Corwin, supra, n.16 at 9.

[127] Article 30 of Part the First of the 1780 Massachusetts Constitution provides: "In the government of this commonwealth, the legislative department shall never exercise the legislative and judicial powers, or either of them, the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws, and not of men." 1 Poore, supra, n.10 at 960. The New Hampshire Constitution of 1784 is almost identical, 2 Poore 1288. See also the Delaware Constitution of 1776, Article 9, 1 Poore 275.

Charles Pinckney submitted to the Convention that the President "cannot be clothed with those executive authorities, the Chief Magistrate of a Government often possesses; because they are vested in the Legislature and cannot be used or delegated by them in any, but the specified mode." 3 Farrand, supra, n. 11 at 111. In the Jay Treaty debate (1796), Mr. Jonathan Havens "laid it down as an incontrovertible maxim, that neither of the branches of the Government could, rightly or constitutionally, divest itself of any powers . . . by a neglect to exercise those powers that were granted to it by the Constitution." 5 Annals of Congress 486. To the same effect, Mr. John Nicholas, ibid. 447.

Madison regarded the separation of powers as "a fundamental principle of our Government," 2 Farrand, supra, n. 11 at 56, as did Mason, ibid. 86. In 1976 President Washington, speaking to the demand of the House for information about the Jay Treaty, said, "it is essential to the due administration of the Government, that the boundaries fixed by the Constitution between the different departments should be preserved." 5 Annals of Congress 761–762. In our own time Justice Black, in Reid v. Covert, 354 U.S. 1, 40 (1957), stated, "Ours is a government of divided authority on the assumption that in division there is not only strength but freedom from tyranny."

[128] United States v. Morton Salt Co., 338 U.S. 632, 647 (1950).

In "Steel Seizure," supra, n. 5 at 588, it was stated, "It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes . . . Congress has not thereby lost its exclusive constitutional authority . . ."

[129] Indo-China: The Constitutional Crisis, Part I, 116 Cong. Rec. S7117 (daily ed. May 13, 1970); Part II, 116 Cong. Rec. S7528 (daily ed. May 20, 1970) (hereinafter Yale memorandum). Part I contains a succinct statement of the main historical materials bearing on the issue of presidential war powers.

[130] Ratner, supra, n. 32 at 462.

[131] Yale memorandum, supra, n. 129 at S7529. In view of the very circumscribed grant of war power to the President, and the plenary grant to Congress, I experience considerable difficulty in locating a "twilight" zone in this segment.

[132] When the government argued in "Steel Seizure," supra, n. 5 at 362, that the President "had invested himself with 'war powers' " by sending troops to Korea "by an exercise of the President's constitutional powers," Justice Jackson said, "How widely this doctrine . . . departs from the early view of presidential power is shown by a comparison "with Jefferson's message to Congress respecting the Tripolitanian pirates (discussed supra, text accompanying note 69.)

[133] Supra, n. 44.

[134] Yale memorandum, supra, n. 129 at S7529; United States v. Curtis-Wright Export Corporation, 299 U.S. 304, 315–316 n. 2 (1936). See also Monaghan, supra, n. 15 at 27.

[135] For a trenchant critique of the Curtiss-Wright dictum, see Kurland, supra, n. 108 at 622–623.

[136] United States v. Curtiss-Wright Corp., 299 U.S. 304, 316–317 (1936).

[136a] Chisholm v. Georgia, 2 Dall. (U.S.) 419, 470 (1793).

[136b] Commager, supra, n.22 at 111, 116.

[137] 2 Farrand, supra, n.11 at 476. For similar remarks by George Mason, James Iredell, James Wilson and others, see Berger, supra, n.40 at 173n, 174–175.

[137a] Chisholm v. Georgia, 2 Dall. 419, 470 (1793).

[137b] 3 Dall. (U.S.) 54, 80–81.

[138] 3 Jour. Contl. Cong. 326 (1937).

[138a] Id. at 546.

[138b] "Virginia had a right, as a sovereign and independent nation, to confiscate any British property within its territory, unless she had delegated that power to Congress . . . if she had parted with such power, it must be conceded, that she once rightfully possessed it." Ware v. Hylton, 3 Dall. (U.S.) 199, 231–232 (1796).

[139] 3 Jour. Contl. Cong. 549; Commager, supra, n.22 at 112.

[139a] 3 Dall. at 95. Cushing stated, "I have no doubt of the sovereignty of the states, saving the powers delegated to congress . . . to carry on, unitedly, the common defense in the open war." Id. at 115.

[139b] McDougal and Lans, Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy, 54 Yale L.J. 181,258 (1945).

[140] 3 Dall. (U.S.) 199,232 (1796).

[140a] McDougal and Lans, supra, n.139b at 258.

[141] 5 Jour. Contl. Cong. 828,833 (emphasis added).

[141a] 11 Jour. Contl. Cong. 421. Rufus King's remarks in the Convention exhibit ignorance of the entire background: "The States were not 'sovereigns' in the sense contended for by some. They did not possess the peculiar features of sovereignty. They could not make war, nor peace, nor alliances nor treaties." 1 Farrand, supra, n.11 at 323.

[142] One example must suffice. In the Virginia Ratification Convention, Governor Edmund Randolph, defending the Constitution against powerful onslaughts, said that the powers of government "are enumerated. Is it not, then, fairly deductible, that it has no power but what is expressly given it?—for if its powers were to be general, an enumeration would be needless." 3 Elliot, supra, n.11 at 464. For other citations, see Berger, supra, n.40 at 8–14, 377 n.52; Berger, Congressional Inquiry v. Executive Privilege, 12 UCLA Law Rev. 1043,1075 (1965).

[143] In his 1791 Lectures, James Wilson, then Justice of the Supreme Court, referred to the executive powers granted by the Constitution and to the presidential veto as "a guard to protect his powers against their encroachment. Such powers and such a guard he ought to possess; but a just distribution of the powers of government requires that he *should possess no more.*" 1 Wilson, supra, n.7 at 319 (emphasis supplied).

[144] As Alexander White of Virginia stated in the First Congress, after insisting that the federal government must adhere to the limits described in the Constitution: "This was the ground on which the friends of the Constitution supported the Constitution . . . it could not have been supported on any other. If this principle had not been successfully maintained by its advocates in the convention of it the state from which I come, the constitution would never have been ratified." 1 Annals of Congress 515. Cf. Berger, supra, n. 40 at 13–15.

[145] 12 Register of Debates 4037–4038 (1836). Compare Justice Harlan's statement: "Chief Justice Marshall, in McCulloch v. Maryland, 4 Wheat 316 [at 423], has taught us that the Necessary and Proper Clause is to be read with *all* the powers of Congress, so that 'where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the government" the Court will not "inquire into the degree of its necessity . . . Reid v. Covert, 354 U.S. 1, 69 (1957) (concurring opinion). So read the war powers are plenary.

[146] Because Article I, §1 vests in Congress only the "legislative powers herein granted" whereas Article II, §1 vests "the exclusive power" in the President, Reveley, supra, n.4 at 128 concludes that the President "possesses residual authority to go beyond his enumerated powers," "to take whatever steps he deems necessary for the country's security." The argument had been advanced by Chief Justice Taft in Myers v. United States 272 U.S. 52, 128 (1926), over the vigorous dissent of Justices Holmes and Brandeis whose view that the Executive Power was merely a power to "execute the laws," was later espoused by Justices Black, Douglas, Frankfurter and Jackson in the Steel Seizure case. Citations to these and confirmatory historical materials are set forth in Berger, supra, n. 142 at 1074–1076. Here I shall mention only Madison's statement in the Convention that it was essential preliminary *"to fix the extent* of the Executive authority . . . as certain powers were in their nature Executive, and *must be given* to that department." 1 Farrand, supra, n. 11 at 66–67. Cf. Pinckney, supra, n.127.

Justice Jackson brushed aside the claim of plenary power with the query why did the Framers expressly empower the President to "require the Opinions, in writing" of each department head, a power that "would seem to be inherent in the Executive if anything is." "Steel Seizure," supra, n. 5 at 640–641. See also Wilson, supra, n. 143. "The United States is entirely a creature of the Constitution. Its power and authority have no other source." Reid v. Covert, 354 U.S. 1, 5–6 (1957).

[147] 343 U.S. at 637.

[148] Ibid. 637, 629. So far as Jackson's "concurrent authority" or "uncertain distribution" tests go, there is little "twilight" zone in the area under discussion. Congress can-

not encroach on the President's command of the armed forces, that is it cannot conduct a campaign. But cf. infra, n. 153. The Framers left little doubt about the restricted presidential power "to repel sudden attacks."

[149] Little v. Barreme, 2 Cranch (U.S.) 170, 177–178 (1804).

[150] 343 U.S. at 637, 638, 640.

[151] Ibid. 642; see supra, n. 44.

[152] Ibid. 641–652.

[153] Ibid. 644. Another limitation, as Madison observed, is that although the President can command, the appointment of officers requires Senate consent. 3 Elliot, supra, n. 10 at 394. By its power to make rules for the "Government and Regulation of land and naval forces," Congress, said Justice Jackson "may to some unknown extent impinge upon even command functions." 243 U.S. at 644. "Presidential power, even in the exercise of commander-in-chief power, is not autonomous." Moore, supra, n. 45 at 813.

[154] Compare Sheldon v. Sill, 8 How. (49 U.S.) 441, 448–449 (1850), respecting Congress' power to establish the inferior courts: "Congress, having the power to establish the courts, must define their respective jurisdictions . . . Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies."

[155] War Powers Report, supra, n. 3 at 17, 19. Resort to presidential power over "foreign policy" cannot supply any *military* power which the "Commander in Chief" lacks.

My criticism of Acheson's claim is not meant to be a covert attack on the *policy* of stationing troops in Europe, but on the presidential claim to be the sole arbiter of that policy.

[156] For example, on "November 28, 1941, the President and his 'War Cabinet' . . . discussed the question: "How shall we maneuver them [the Japanese] into the position of firing the first shot . . ." Corwin, Total War, supra, n. 66 at 32.

Compare Andrew Jackson, supra text accompanying note 86; see also Harvard Note, supra, n. 4 at 630–632, 641, 643; Reveley, supra, n. 4 at 1262 states that Wilson and "especially Roosevelt, were forced to resort to deception and flagrant disregard of Congress in military deployment decisions because they were unable to rally congressional backing for action essential to national security." This substitutes a "Great White Father" for constitutional processes.

[157] Article I, § 8(1).

[158] Article I, § 8(12); see supra, n. 154.

[159] Article I, § 8(12). When Gerry expressed fear about the absence of restrictions on the numbers of a peace-time army, Hugh Williamson "reminded him of Mr. Mason's motion for limiting the appropriation of revenue as the best guard in this case." 2 Farrand, supra, n. 11 at 330,327. In early days the President was *compelled* to come to Congress for authorizations to employ troops abroad because he had to obtain funds to raise and support troops. Only when Congress supplied a standing army was he enabled to escape from this necessity. Harvard Note, supra, n. 4 at 621.

[160] Federalist, No. 26 supra, n. 10 at 163: the Congress "will be *obliged*, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point. . . . They are not *at liberty* to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence."

[161] In his testimony before the Senate Foreign Relations Committee Professor Alexander Bickel stated, "Congress can govern absolutely, the deployment of our forces outside our borders and that Congress should undertake to review and to revise present dispositions." Quoted War Powers Report, supra, n. 3 at 29.

I would dissent from the proposition that to require congressional approval for every decision to deploy American troops is hardly desirable or constitutionally required." Harvard Note, supra, n. 4 at 643. The Congressional power is plenary, subject to no exceptions. It may be, as a practical matter that Congress should leave the President free to make some peace-time deployments that cannot possibly lead to involvement in war; but that is a matter of accommodation by Congress, not "inherent" presidential power. In any event, the Harvard writers, ibid., conclude that "there will be some situations, such as the rushing of troops to Lebanon . . . which, although not involving immediate commitment to combat, so clearly entail the possibility of conflict that prior approval should be sought . . . instead of assuming that the President may deploy American forces as he sees fit and only in the exceptional case need he seek approval, the presumption should be that Congressional collaboration is the general rule wherever the use of the military is involved, with presidential initiative being reserved for the exceptional case." What the Harvard writers, and J. N. Moore, supra, n. 45 at 814, regard merely as the part of wisdom, seems to me to lie within the constitutional power of Congress to require.

[162] 2. H. Hallam, Constitutional History of England 357 (London, 1884). The principle remains vital in England. Sir Ivor Jennings, Parliament 338, 292 (2d ed. 1957). Sir Edward Seymour was impeached for having applied appropriated funds to public purposes other than those specified. 8 Howell's State Trials 127–131, Article 1 (1680).

[163] On a related point, Mason said in the Convention, "He considered the caution observed in Great Britain on this point to be the palladium of public liberty." 2 Farrand, supra, n. 11 at 327. See Madison's reference to British appropriation practices in Federalist No. 41, supra, n. 10 at 265. Compare the assurances of Madison, John Marshall and others in the Virginia Convention that the provision for jury trial carried with it all its attributes (under English practice) including specifically, the right to challenge jurors. 3 Elliot, supra, n. 10 at 531, 546, 558–559, 573.

[164] Act of, 2 Stat. 535.

[165] For English use of appropriations to reduce the armed forces, see Coolidge & Sharrow, The War-Making Powers: The Intentions of the Framers in the Light of Parliamentary History, 50 Boston U.L.Rev.5,7 (1970).

[166] Special Foreign Assistance Act of 1971, 84 Stat. 1942.

[167] If we may properly infer that the long-established parliamentary practice was adopted by the Framers, such statutes do not constitute an invasion of the President's powers as Commander in Chief. Compare the statement of Justice Jackson: "Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military procurement." "Steel Seizure," supra, n. 5 at 643.

[168] Article I, § 8(14).

[169] 2 Farrand, supra, n. 11 at 330.

[170] Ibid. 158.

[171] Compare General Douglas McArthur's unauthorized crossing of the Yalu River, which drew powerful Chinese forces into the Korean war, and contributed to his removal by President Truman. Acheson, supra, n. 111 at 462–466. As "first General," the President must be equally responsible to Congress for expanding a war upon Korea to one on China.

[172] Supra, n. 10.

[173] Quoted National Commitments Report, supra, n. 4 at 9: 15 Papers of Thomas Jefferson 397 (Boyd ed. 1955).

[174] Supra, text accompanying notes 30–41; for the Bill, see Appendix.

[175] War Powers Report, supra, n. 3 at 4.

[176] Ibid. 4.

[177] Supra, text accompanying note 39.

[178] War Powers Report, supra, n. 3 at 26.

[179] Ibid. 28.

[180] Cf. supra, text accompanying note 78.

[181] Monaghan, supra, n. 15 at 31. Monaghan ibid, 29, questions the constitutionality of a requirement that "the president obtain authorization from Congress before making any (major?) commitment of the armed forces to hostilities" on the ground "(1) it is too uncertain in what it demands." "What," he asks, "precisely is the president to ask of Congress? Let him ask an authorization for any "commitment of the armed force to hostilities" and leave it to Congress to determine whether the authorization should take the form of a statute, a resolution, a declaration of war, or any other form deemed by it appropriate. The Act of March 21, 1839, 5 Stat. 355, may serve as a guide; it authorizes the President to resist any attempt by Great Britian "to enforce by arms her claim to exclusive jurisdiction over that part of Maine which is in dispute between the United States and Great Britain." If Congress "is too divided to act clearly," Monaghan 29, the President will not obtain his authorization. He should not be permitted to commit a divided nation to war or the grave risk of war. Even the strong-willed Franklin Roosevelt had to wait for Pearl Harbor.

Monaghan, 30, also questions the "textual basis" of an authorization that falls short of a declaration of war. A power to "declare" war surely comprehends authorization of steps short of war; the greater embraces the less, the more so as "all" the powers "naturally connected" with the power of declaring war were vested in Congress.

[182] Corwin, Total War, supra, n. 66 at 65.

[183] Story, supra, n. 31 at § 1171.

[184] The "executive, by acquiring the authority to commit the country to war, now exercises something approaching absolute power over the life and death of every living American—to say nothing of millions of other people all over the world. . . . Plenary powers in the hands of any man or group threaten all other men with tyranny or disaster." National Commitment Report, supra, n. 4 at 26–27. Even those who take a broad view of presidential war-making powers conclude on practical grounds that "Congress must be given an opportunity to say whether it finds the potential gains from the use of force worth the potential losses." Reveley, supra, n. 4 at 1288, 1299–1301; Moore, supra, n. 45 at 814.

[185] Reveley, supra, n. 4 at 1293, 1303; Moore, supra, n. 45 at 813; Monaghan, supra, n. 15 at 25n.

[186] Consider President Kennedy's disregard of the truly "expert" advice of President Charles de Gaulle. On the occasion of his visit to France in May, 1961, Kennedy "made no secret of the fact that the United States was planning to intervene in Siam." De Gaulle records that he told Kennedy "he was taking the wrong road" that would lead to "an endless entanglement . . . We French have had experience of it . . . You Americans . . . want to . . . revive a war which we brought to an end. I predict you will sink step by step into a bottomless military and political quagmire." Excerpt from de Gaulle, Memoirs of Hope, Renewal and Endeavor, reprinted New York Times, March 15, 1972, p. 43. See also supra, n. 114.

The wage-control powers presently being exercised by the President derive from a statutory grant which he did not want. Hearings on Executive Privilege: The Withholding of Information by the Executive (S. 1125), before the Senate Subcommittee on Separation of Powers 519 (July–August 1971).

The National Commitments Report, supra, n.4 at 14, states truly, "Congress, it seems clear, was deficient in vision during the 1920s and 1930s, but so were Presidents Harding, Coolidge and Hoover and—prior to 1938—Roosevelt. Just as no one has a monopoly on vision, no one has a monopoly on myopia either.

[187] Quoted by Buchan, supra, n.1 at 38.

[188] Hearings, supra, n.186 at 460, 464.

[189] Reedy, ibid at 462.

[190] Ibid. 455, 459. The philosopher, Charles Frankel, who served a spell as an Assistant Secretary of State, shed his outsider's respect for governmental expertise: "often the government does know something that people on the outside don't, but its something that isn't so . . . After a while I came to suspect that I might not be dealing with hard facts but rather a world created out of hunch, hope, and collective illusion." Hearings, supra, n.186 at 480.

In the Executive branch there is also an ill-concealed contempt for Congress. "People like Mr. Acheson," stated Senator Fulbright, who had occasion as a member of the Foreign Relations Committee to know at first hand, "make no bones about it. They just say they are boobs and ought to have nothing to do with foreign policy." Ibid. 468. Cf. Acheson, supra, n.111 at 101: which refers to the "anguishing hours" he spent in the Senate to "suffer fools gladly." Compare W. W. Rostow, who states, "In the period 1961–1969 I had the privilege of observing the process of Congressional consultation with the President [Kennedy and Johnson] on many occasions . . . I emerged with great respect for members of the Congress and have heard them make wise and helpful observations, both critical of the President's course and supportive." Hearings, supra, n.186 at 535.

When we reflect that Truman, Kennedy, Johnson and Nixon came to the Presidency from the Senate, we need to ask by what miracle such "boobs" became demi-gods.

[191] Hearings, supra, n. 186 at 465–466. Reedy states of some meetings of the Cabinet and of the National Security Council that "every one [was] trying desperately to determine just what it is that the President wants to do." Ibid. 466. There is, of course, the occasional maverick, like Under Secretary of State George Ball, who persisted in opposition to Vietnam escalation in the teeth of an inner-circle consensus.

[192] Jennings, The British Constitution 82 (3d ed. 1950).

[193] Hearings, supra, n. 186 at 455–456.

[194] Cf. Kurland, The Impotence of Reticence (1968) Duke Law Journal 619, 625–628.

[195] Monaghan, supra, n. 15 at 19n.

[196] Jaffe, The Right to Judicial Review, 71 Harv. L. Rev. 401, 406, 769 (1958).

[197] B. Bailyn, The Ideological Origins of the American Revolution 56–57 (1967); Berger, supra, n. 40 at 9.

[198] "Steel Seizure," supra, n. 5 at 655.

WAR POWER OF THE CONGRESS NEEDS CLARIFICATION BUT NOT CODIFICATION

Mr. DOLE. Mr. President, I rise to share with my respected colleagues, and especially the distinguished senior Senator from New York, my agreement with his belief that the Congress must clarify its role in the area of the war powers. I strongly called for action on this matter on June 15, 1970. I cosponsored the war powers bill introduced by the distinguished Senator in that year, and I still believe that we must act to clarify this most crucial area affecting the balance of powers within our system of Government. However, I have serious doubts as to the approach and context in which the present bill is offered. This bill is a Mr. Hyde to its predecessor's Dr. Jekyll.

DIFFERENCES BETWEEN THIS BILL AND ITS PREDECESSOR

I supported the bill offered by the Senator in 1970 because it contained no language which could be reasonably construed as restricting the powers and role of the President of the United States. It defined the powers of the Congress, and it left enough leeway in the allocation of powers to the executive and Congress to insure room for maneuver and compromise.

The bill before us now defines the role of Congress so as to curtail the substantive power of the Presidency. Section 2 of this bill sets the stage for a codification of the war power language of the Constitution. The early bill did not do so. The language to which I particularly object is the provision whereby the meaning of article I, section 8, of the Constitution is extended to specifically restrict the power of the President to initiate hostilities.

I also find vast differences in the provisions of the two bills which define the extent of Presidential powers. The bill I supported was worded more generally and could be subject to interpretation in unforeseeable circumstances. Not so with section 3 of the present bill, which would imperil our alliances and treaties, restrain the President from using Armed Forces in areas where hostilities were "imminent" and bar him from protecting Americans on the high seas. I note that the Senator from New York disclaimed this intent in debate last Thursday, but the meaning of the language in this bill seems perfectly clear to me.

The bill before us would undermine our commitment to Europe, would further destabilize the confidence of the Japanese in our defense commitment to that nation, and would bind the President to an unnecessary handicap in the conduct of diplomacy, by compromising his powers and authority. The bill which I cosponsored in 1970 was free from these defects.

The present bill, S. 2956, despite verbal and precatory disclaimers by its drafters, clearly defines the powers of the Congress in such a way as to curtail the powers of the Presidency. The form of this bill is not, as the Senator from Kansas sees it, in keeping with the spirit and style of our Constitution which it purports to codify. Its effect is to take up the traditional slack or "grey area" which gave play and flexibility to our governmental system and replace it with a rigid definition of powers which, in my view, could not possibly provide for all future conflict situations and which, in all probability, would not have barred a Vietnam commitment even if it had been in force.

CODIFICATION OF THESE POWERS IGNORES THE LESSONS OF HISTORY

I differ with my esteemed colleague from New York because his approach to the need for this legislation—a need we both agree must be remedied—has been that of the technician seeking to prevent human frailties by the neat devices of today's language.

Mr. President, what is needed is not a hedge of words, words which the distinguished Senator himself admits are subject to contorted interpretation. But instead, we must have legislation which recognizes and will harken future Congresses back to the lessons of the past in this area. These lessons include Vietnam, and do not suggest that the present war is representative or indeed predictive. Rather, the lessons of the past suggest that we will have to meet our enemies in force on terms which we cannot now foresee. Change is the lesson of history. Codes do not anticipate change, rather they gaze back at the static examples of past problems. Like driving by reference to one's rear view mirror, they do not give their user the necessary impetus to look ahead for the unexpected. This, in my view, is the fatal flaw in the present bill. We cannot predict that the next crisis which our President could face would fall within the four categories listed in section 3 of this bill. We cannot predict that they would allow him the time for the consultations required.

The wise and respected Senator from Mississippi commented on this problem in 1970 in a manner which has much relevance to the present bill.

> In my judgment, there is no general rule which will adequately define in all cases the respect and responsibility of the Congress and the President in foreign relations. In particular, I do not think that it is wise to try to deal with the future by legislating against the errors of the past—Senator John Stennis, "The Role of Congress in Foreign Policy." American Enterprise Institute, Washington. D.C. 1970, page 28.

WE MUST BE BETTER INFORMED IF WE ARE TO USE THE POWER WE NOW HAVE

The need for war powers legislation should be met in a manner that will place responsibility on the Congress to keep itself informed—more so than is the case today. We cannot expect to intelligently act on the requests of the executive branch on the basis of emergency provisions or 30-day deadlines, when the Congress has at its disposal little information on the background events upon which the executive branch must act. Such a provision would invite capriciousness or tokenism.

The Congress must cloak itself with the capability for assertion of its prerogatives when circumstances and political considerations so warrant. This calls for the development of congressional research facilities. It calls for broader communications and exchanges of information with the executive branch.

WE MUST NOT BIND THE PRESIDENT, BUT RATHER, MAKE HIM RESPONSIBLE FOR HIS ACTIONS

If we are to meet this question squarely, we must not let the President be forced to interpret restrictive language no matter how carefully it has been used in carrying out his constitutional duties. Rather, we must be willing to assume, politically, a more regular responsibility for the issues which might lead to use of the President's war powers. But I cannot neatly separate, as does my colleague from New York, the war powers question from the overall balance of power between the executive branch and the Congress. To do so is again to imperil the respect demanded by our present and flexible law, by challenging the President to justify his actions against a code, rather than encouraging him to come to us for political sanction of what he has decided to do within his powers as Commander in Chief, which are indisputedly his and his alone.

This question brings to mind a past example where Congress tried to bind the President in his exercise of power as Commander in Chief. When the Draft Act passed Congress in 1940, by the margin of one vote, the use of draftees was limited to the Western Hemisphere. Now President Roosevelt was convinced of the growing danger to the United States in Europe, and when the British Government informed him that they could no longer garrison Iceland, which was a vital link to the Atlantic seaways and Murmansk convoys, the President chose to view Iceland as part of the Western Hemisphere. He even produced a geographer to substantiate this claim. Now I do not deplore the ingenuity of the President and his geographer. I do deplore legislation that could lead the Presidency to potential conflict with laws codified by Congress in the pursuit of his constitutional duty.

PRESIDENT MUST BE FREE TO DEAL WITH THE UNEXPECTED

Clearly, the genius of our Constitution has been its revolutionary recognition of the human factor in the process of government. Codification was abhorrent, and foreign to the Founding Fathers. They recognized that in the field of foreign affairs exigencies could arise which no man could foresee. They were aware then, as is the case today, that the society of nations has no law but strength and no principles that are not convenient to the strong. Our Constitution had been nurtured, as our colleague, Senator McGee has rightly told us, under the protecting wings of the British Navy which, until World War II, stood between our shores and the powers of Europe. Since then, the brunt of international lawlessness has been impressed upon the United States as never before. And, as never before, the United States has had to be prepared for the unexpected. Today, as never before, we need a Presidency which is not bound by code, yet fully responsible for actions taken.

THIS BILL RAISES CONSTITUTIONAL QUESTIONS

The question before us is a political one of the highest order and is therefore also a constitutional one. It should receive the most careful attention that this body can render. If this bill is to become law, it must be improved so as to become consonant with the spirit of the Constitution. It must be a human document appealing to responsibility of the Chief Executive, rather than a technical one which would bind him to codified powers and challenge his ingenuity in interpreting such codes—to the detriment of our constitutional system generally.

Mr. President, this bill is the Mr. Hyde to its predecessor's Dr. Jekyll. It is a technical document, playing with restrictive language, where it should call upon Presidential responsibility. It defines our powers to such an extent as to restrict the power of the President. It thereby creates, or will create, under foreseeable contingencies, conflict between the two branches where cooperation must be had—we may need a war powers bill. But if so, we need one which is consonant with the spirit of flexibility inherent in the operation of the two branches of Government which share responsibility for the foreign relations of the Nation. The question is greater than just that of war powers. It is one of philosophy. It is the very spirit of our law.

THIS BILL COULD NEVER BECOME LAW

This question leads us to wonder whether this bill could ever become law. I doubt that it could pass the House. Even if it did, I am certain that it would be vetoed, and the valuable time and effort spent here will have been, at best, futile and quite possibly damaging. For, if we cannot report a product which can become law, we will have failed to fill a need which we almost all agree exists.

If this body would have a war powers bill as law, it must consider what the House can accept and what the President can accept. If the Senators, who have so often insisted that this bill would not restrict the President, are serious in their intent to pass war powers legislation then let them consider what he, the President, can accept.

I doubt that any of the living former Presidents would agree that this bill is unrestrictive of the Presidency's constitutional prerogatives. Is this, in itself, not evidence of its defects? Are we to suppose that past Presidents and their advisers would conspire with the present occupant of this great office to thwart the Constitution? Have the distinguished Senators on the Foreign Relations Committee invited a former occupant of the office to even so much as testify on the momentous legislation? I suspect not. The answer is all too clear—that what is proposed is, in fact restrictive of the presidency and, therefore, a defective vehicle for what is needed.

IT WOULD RUN AGAINST THE CONSTITUTIONAL PRINCIPLE OF OVERLAPPING JURISDICTIONS

Mr. President, our system of government is almost unique in its flexibility and its survivability, because it is a system which functions through people, and not through rigid codes which are all too soon outworn. The war power has been shared by 92 Congresses and 37 Presidents. This power has historically been in an area of "overlapping jurisdiction" between the two branches of the Government.

As Justice Holmes put it:

> The great ordinances of the Constitution do not establish and divide fields of black and white. Even the more specific of them are found to terminate in a penumbra shading gradually from one extreme to the other—(Dissent in: *Springer* v. *Philippine Islands*, Marcuse II, page 311).

The overlap also permits the Congress to withhold its sanction from actions taken by the executive, and such action carries with it the weight of law. It also covers the power of the purse and reflects the opinion of the American people, which no President can ignore.

What we need is a bill which recognizes and preserves the overlap of the two branches in the war power area. This bill obviously does not. We need a bill which clarifies the role of the Congress without restricting the powers of the President. This bill would codify the power of the Congress and extend the congressional power to include the entire "grey area." This strikes me as contrary to the intent of the framers and the precedents set by 92 Congresses before us, which, in the spirit of our law, has persuasive, if not legal, force. We may need a war powers bill. If so, I will be among the first to support one which is not restrictive of the Presidency and which has a chance of becoming law. This bill in the opinion of the Senator from Kansas, fails both tests.

I ask unanimous consent to have printed in the Record a comparison of the two bills.

There being no objection, the statement was ordered to be printed in the Record, as follows:

S. 2956 OF 1971-2

Section 2: This Bill is ostensibly intended to protect the Congressional right to declare war and exercise due checks upon the power of the Presidency. However this section defines the powers of Congress in a manner which curtails the power of the Presidency. Sec. 2 is no less than an interpretation of the Constitution, and a definition of powers which were purposely left undefined.

Section 3(3): Restricts the use of U.S. Forces by the President in protecting U.S. nationals abroad to protection only during evacuation. Persons qualifying for such evacuation must have been in the country by consent of the Government. (Would not permit such protection of U.S. nationals on the high seas. May not permit evacuation of U.S. nationals under revolutionary regimes "not consenting" to the presence of Americans).

Section 3(4): prohibits the introduction of U.S. Forces into any foreign country where "war" is imminent. ("War"-hostilities.) It bars the use of U.S. Forces in compliance with existing Treaties in nations where hostilities may be imminent. (NATO-"RIP".) It bars the use of U.S. military personnel in nations where hostilities may be imminent. (NATO integrated command—"RIP"), deployment of U.S. Navy units to potentially hostile areas would be barred.

(These provisions would prohibit U.S. Force movements in the event of a "Berlin Crisis." They would withdraw all U.S. Officers from the NATO integrated command if hostilities became imminent. They would freeze all U.S. Forces in Europe if a member of NATO in which such forces were not based came under attack. We would not be able to show the flag in the Caribbean or the Middle East, etc. Nor would we be able to show the flag in a disputed international waterway or strait.)

DR. JEYKLL AND MR. HYDE: THE JAVITS BILLS OF 1970 AND 1971-72 COMPARED

The 1970 bill, which you cosponsored: (S. 3964 and S. 731).

S. 3964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That use of the Armed Forces of the United States in military hostilities in the absence of a declaration of war be governed by the following rules, to be executed by the President as Commander in Chief:

(a) The Armed Forces of the United States, under the President as Commander in Chief, may act—

(1) To repulse a sudden attack against the United States, its territories and possessions;

(2) To repulse an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

(3) To protect the lives and property, as may be required, of United States nationals abroad;

(4) To comply with a national commitment resulting exclusively from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, conven-

tion, or other legislative instrumentality specifically intended to give effect to such a commitment, where immediate military hostilities by the Armed Forces of the United States are required.

(b) The initiation of military hostilities under circumstances described in paragraph (a), in the absence of a declaration of war, shall be reported promptly to the Congress by the President as Commander in Chief, together with a full account of the circumstances under which such military hostilities were initiated.

(c) Such military hostilities, in the absence of a declaration of war, may not be sustained beyond thirty days from the day they were initiated, unless affirmative legislative action is taken by the Congress to sustain such actions beyond thirty days.

(d) Authorization to sustain military hostilities in the absence of a declaration of war, as specified in paragraph (a) of this section may be terminated prior to the thirty day period specified in paragraph (c) of this section by joint resolution of Congress.

SEC. 2. (a) Any bill or resolution, authorizing continuance of military hostilities under paragraph (c) (section 1) of this Act, or of termination under paragraph (d) (section 1) shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(b) Any bill or resolution reported pursuant to subsection (a) of section 2 shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

SEC. 3. This Act shall not apply to military hostilities already undertaken before the effective date of this Act.

(d) pursuant to specific statutory authorization, but authority to use the Armed Forces of the United States in hostilities shall not be inferred from any Treaty or provision of law, including any provision contained in any appropriation act, unless such Treaty or provision specifically authorizes the use of such Armed Forces in hostilities and exempts the use of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such forces are engaged, or there exists an imminent threat that such forces will become engaged, in military hostilities. No Treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the use of the Armed Forces of the United States in hostilities, within the meaning of this section.

REPORTS

SEC. 4. The use of the Armed Forces of the United States in hostilities pursuant to section 3 of this Act shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such hostilities were initiated, the estimated scope of such hostilities, and the consistency of such hostilities with the provisions of section 3. Whenever Armed Forces of the United States are engaged in hostilities outside of the United States, its territories and possessions, the President shall, so long as such forces continue to be engaged in such hostilities, report to the Congress periodically on the status of such hostilities as well as the scope and expected duration of such hostilities, but in no event shall he report to the Congress less often than every six months.

THIRTY-DAY AUTHORIZATION PERIOD

SEC. 5. Hostilities commenced pursuant to section 3 of this Act shall not be sustained beyond thirty days from the date of their initiation except as provided in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

TERMINATION WITHIN 30-DAY PERIOD

SEC. 6. Hostilities commenced pursuant to section 3 of this Act may be terminated prior to the 30-day period specified in section 5 by statute or joint resolution of Congress.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 7. (a) Any bill or resolution, authorizing the continuation of hostilities under subsection (a), (b), or (c) of section 3 of this Act, or the termination of hostilities under section 6 of this Act shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the Members of such House otherwise determine by yeas and nays; any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported to the floor of the House referring it to committee within one day after it is so referred, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(b) Any bill or resolution reported to the floor pursuant to subsection (a) shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after it has been reported, unless such House shall otherwise determine by yeas and nays.

EFFECTIVE DATE

SEC. 8. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act.

The 1971 War Powers Bill (S. 2956) is a very different matter.

S. 2956

A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act of 1971."

PURPOSE AND POLICY

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States, and ensure that the collective judgment of both the Congress and the President will apply to the initiation of hostilities involving the Armed Forces of the United States, and to the continuation of such hostilities. Under Article I, Section 8, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also "all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." At the same time, the Act is not intended to encroach upon the recognized powers of the President, as Commander-in-Chief, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to respond to attacks or the imminent threat of attacks against the Armed Forces of the United States, and under proper circumstances, to rescue endangered citizens of the United States located in foreign countries.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States shall be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(a) to repel an attack upon the United States, its territories and possessions to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(b) to repel an attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(c) to protect while evacuating citizens of the United States, as rapidly as possible, from any country in which such citizens, there with the express or tacit consent of the government of such country, are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control: *Provided,* That the President shall make every effort to terminate such a threat without using the Armed Forces of the United States; And provided further, that the President shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States; or

The **PRESIDING OFFICER**. The question is on the adoption of the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **ROBERT C. BYRD**. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from

North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Utah (Mr. BENNETT), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Vermont (Mr. AIKEN) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Vermont would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 68, nays 16, as follows:

[No. 150 Leg.]

YEAS—68

Allott
Anderson
Baker
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Eastland
Ellender
Fong
Fulbright
Gambrell
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Hollings
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—16

Allen
Beall
Bellmon
Buckley
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Gurney
Hansen
Hruska
McGee
Thurmond
Tower

NOT VOTING—16

Aiken
Bayh
Bennett
Cannon
Goldwater
Hughes
Humphrey
Jordan, N.C.
McClellan
McGovern
McIntyre
Mundt
Muskie
Pastore
Ribicoff
Sparkman

So the bill (S. 2956) was passed, as follows:

S. 2956

An act to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act".

PURPOSE AND POLICY

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations after they have been introduced in hostilities or in such situations.

Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. At the same time, this Act is not intended to encroach upon the recognized powers of the President, as Commander in Chief and Chief Executive, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to repel attacks or forestall the imminent threat of attacks against the Armed Forces of the United States, and, under proper circumstances, to rescue endangered citizens and nationals of the United States located in foreign countries.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(2) to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(3) to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from (A) any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or (B) any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country; or

(4) pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this Act shall be so construed unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

REPORTS

SEC. 4. The introduction of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions dscribed in section 3 of this Act shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such Armed Forces were introduced in such hostilities or in such situation, the estimated scope of such hostilities or situation, and the consistency of the introduction of such forces in such hostilities or situation with the provisions of secton 3 of this Act. Whenever Armed Forces of the United States are engaged in hostilities or in any such situation outside of the United States, its territories and possessions, the President shall, so long as such Armed Forces continue to be engaged in such hostilities or in such situation, report to the Congress periodically on the status of such hostilities or situation as well as the scope and expected duration of such hostilities or situation, but in no event shall he report to the Congress less often than every six months.

THIRTY-DAY AUTHORIZATION PERIOD

SEC. 5. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless (1) the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities; or (2) Congress is physically unable to meet as a result of an armed attack upon the United States; or (3) the continued use of such Armed Forces in such hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

TERMINATION WITHIN 30-DAY PERIOD

SEC. 6. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act may be terminated prior to the thirty-day period specified in section 5 of this Act by an Act or joint resolution of Congress, except in a case where the President has determined and certified to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 7. (a) Any bill or joint resolution authorizing a continuation of the use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances under any of the conditions described in section 3 of this Act, or any bill or joint resolution terminating the use of Armed Forces of the United States in hostilities, as provided in section 6 of this Act, shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the Members of such House otherwise determine by yeas and nays. Any such bill or joint resolution, after having been passed by the House of Congress in which it originated, shall be considered reported to the floor of the other House of Congress within one day after it has been passed by the House in which it originated and sent to the other House, unless the Members of the other House shall otherwise determine by yeas and nays.

(b) Any bill or joint resolution reported to the floor pursuant to subsection (a) or when placed directly on the calendar shall immediately become the pending business of the House in which such bill or joint resolution is reported or placed directly on the calendar, and shall be voted upon within three days after it has been reported or placed directly on the calendar, as the case may be, unless such House shall otherwise determine by yeas and nays.

SEPARABILITY CLAUSE

SEC. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE AND APPLICABILITY

SEC. 9. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act. Nothing in section 3 (4) of this Act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this Act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTE TO SENATORS SPONG, JAVITS AND OTHER SENATORS

Mr. MANSFIELD. Mr. President, I wish to extend my congratulations to the two Senators most responsible for this outstanding achievement. The distinguished senior Senator from New York (Mr. JAVITS) and the distinguished Senator from Virginia (Mr. SPONG) deserve the highest commendation of the Senate. Their tireless efforts, both in the Committee on Foreign Relations and here on the floor of the Senate joined by skillful advocacy assured the overwhelming approval of this measure by the Senate.

What it seeks to do, is to restore to the institution of Congress its proper role in the warmaking process. It is a role carved out by the Constitution. It is a role that for too long has been insufficiently exercised. This measure goes a long way in restoring the balance as it was and is intended. I commend Senator JAVITS. I commend Senator SPONG. Their leadership was truly outstanding.

Also to be commended are the many Senators who contributed to the discussion. The distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from Mississippi (Mr. STENNIS) are to be particularly singled out for their assistance and support. As always, their views and strong efforts were most welcome and greatly appreciated.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Colorado (Mr. DOMINICK) are similarly to be thanked for their cooperative efforts. The same may be said of the contributions of the distinguished Senator from Wyoming (Mr. MCGEE) and other Senators who, though expressing positions not in full agreement with the committee, added thoughtful and provocative views to the debate.

It should be said that it is not often that a Senator in his first term in the Senate has developed the expertise and legislative skill sufficient to develop and manage a proposal of such major and far-reaching importance as the war powers proposal. With his participation in this effort Senator SPONG has amply proven his special abilities and skills. With this success, he has made his mark early and effectively in the Senate of the United States.

At the same time, it should be said that with this achievement, Senator JAVITS has added another outstanding accomplishment to a record that is already over-abundant.

Finally, may I say that the leadership is most grateful for the exemplary manner in which the Senate has addressed the war powers issue. All Senators may share the credit.

Mr. SPONG. Mr. President, the Senate has spent 11 days debating this war powers bill. A great deal has been said and a great deal has been written. I do not wish to detain the Senate further on the subject except to say again for the record, that I commend the Senator from New York (Mr. JAVITS), who initiated this effort, and the Senator from Missouri (Mr. EAGLETON) and the Senator from Mississippi (Mr. STENNIS) who have given strong and wise counsel throughout the debate. Also, the Senator from Texas (Mr. BENTSEN) and the Senator from Ohio (Mr. TAFT) collaborated in bringing this hybrid war powers bill to the floor.

The debate has been a high level debate. Regardless of the fate of this legislation it has contributed to focusing on the problem of the constitutional war powers of the President and of Congress, and I am pleased to have been able to participate in it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. JAVITS. Mr. President, it is unusually gratifying that the Senate has acted today as it has. I consider this to be one of the truly great debates of the Senate. I hope it will be read as a matter of American history, and especially that it will be read by Presidents and what Senator MANSFIELD has so properly called "Presidents' men," who often, though they are men of intelligence, seem to have the idea that only the President has all the principles and all the patriotism that resides in the country, and that, as it was expressed here, the 535 legislators are so torn and divided that they cannot manifest the same kind of intelligence and patriotism which is manifested in the Presidency. Mr. President, the Nation should feel more secure than ever before in respect of this awesome power of undeclared war, in view of the action of the Senate today.

The question will naturally arise, Mr. President, What happens now? There are wide predictions that this matter will die in the House of Representatives, that we will not even go to conference, and many other things like that.

Mr. President, this bill will go to the other body, and the other body can then send it to conference. Or, if the Committee on Foreign Relations is willing—it has not yet acted—we can put the House bill on the table here, and endeavor to go to conference ourselves.

The important thing will be how the country feels, and how it manifests its feeling to its legislators. All predictions as to what will happen to this measure will go up in the air like smoke if the people feel this gives them a decent reassurance both as to the security of the country and as to the peril to their lives and fortunes. I have great confidence that it will, Mr. President, and that a measure very much like this one will become law.

Mr. STENNIS. Mr. President, will the Senator yield to me for just a very few sentences, since I have to leave the floor?

Mr. JAVITS. I yield.

Mr. STENNIS. Mr. President, I wish to highly commend the Senator from New York (Mr. JAVITS) and the Senator from Virginia (Mr. SPONG) for their excellent management of the bill on the Senate floor. Moreover, their splendid work on this matter has gone on for 2 years to my knowledge; they have done a splendid job in research and in applying their own abilities, and we all owe them and the country owes them a special debt of gratitude. I am delighted to have been associated with them to such extent as I could. I also want to commend highly the excellent work done by the Senator from Missouri (Mr. EAGLETON) whose resolution was a model for what many of us have done and who has also provided fine leaderships here on the floor. I finally want to thank the several staff members who have worked on the bill.

I think this is a historic thing that has happened today, Mr. President. I think it is a necessary step and a sound step, and I feel that regardless of what may be said now, something will actually come out of this and we will get something on the statute books which will mean that Congress is returning to its responsibilities in this field.

I am no isolationist. But there has been isolation in the past—what has been isolated, in a way, is that we have isolated ourselves from our responsibilities, and thereby betrayed the people. Therefore, I commend the Senators highly for their effort.

Mr. JAVITS. Mr. President, before the Senator leaves the floor, I want to tell him that if we have done something worthwhile, I think it is absolutely attributable to the indispensable cooperation of the Senator from Mississippi who, in this matter as always, has shown a patriotism of the high order which has distinguished his whole career, and which is inspiring to me as a Senator, though I have had a wide experience.

I express the deepest feeling of appreciation in the names of millions upon millions of Americans for what he has done on this bill to my colleague the Senator from Virginia (Mr. Spong), with whom it has been a pleasure to work as a comrade in arms on the floor and in the committee, and who has rendered a great and noble service to the country, as has the Senator from Missouri (Mr. Eagleton), who has worked so closely with us as the fourth member of the team, as well as Senator Bentsen and Senator Taft who submitted similar war powers legislation and joined in cosponsorship of this legislation. They, too, are entitled to the gratitude of us all and, I feel, to the gratitude of all Americans.

A special commendation must go to the staffs who worked with each of us on the floor to bring about this end result, my own foreign policy assistant Peter Lakeland; Senator Spong's assistant, Carolyn Fuller; Senator Stennis had the fine assistance of Jim Woolsey, general counsel of the Armed Services Committee; and Senator Eagleton's aide, Brian Atwood.

ANNOUNCEMENT ON VOTE

Mr. ROBERT C. BYRD. My good friend the distinguished junior Senator from North Carolina (Mr. Jordan) is one of the cosponsors of the war powers bill to which he has given active and effective support. He got word to me this morning that he would be returning from North Carolina on a plane which would land at National Airport in time for him to be present to cast his vote for the bill at 1:30 today. As sometimes happens, however, the plane was delayed in leaving Raleigh-Durham Airport, because of weather conditions which kept it from arriving there on time, so that it was impossible for Senator Jordan to make it to Washington in time for the vote. I am glad to make sure the Record shows that if he could have been present he would have voted "aye" on the bill.

VIETNAM—AMERICAN DISASTER

Mr. SYMINGTON. Mr. President, in a chapter entitled "Autumn of Disaster," Gen. Maxwell Taylor makes the following observation in his penetrating new book "Swords and Plowshares":

> In January 1963, General Wheeler, returning from his first trip to Vietnam, submitted a relatively favorable report to the Joint Chiefs of Staff on the accomplishments of the preceding year. In this period American planners in Washington and Saigon had worked out a blueprint, called the U.S. Comprehensive Plan, which undertook to estimate the requirements in Vietnamese contributions and in U.S. military assistance on the assumption that the insurgency could be brought under reasonable control by the end of 1965. Concurrently, General Harkins' staff had developed a National Campaign Plan setting forth a concept of coordinated political, economic, and military operations to be undertaken in order to attain the 1965 objective.
>
> General Wheeler and his party reported a number of favorable developments which encouraged the hope that the 1965 objective was not too ambitious. American military advisers had tripled during 1962, reaching a strength of over 3,000. Nearly 300 American-operated aircraft, largely helicopters and transports, had reached Vietnam and were already giving greater mobility to the Vietnamese forces. The latter had grown from about 300,000 to 385,000 and were showing more aggressiveness and less inclination to static defense. The impression was that this strength should be sufficient to cope with the Vietcong threat as it existed at that particular moment. The intelligence available had improved largely as a result of an extensive American advisory effort generated during 1962. In particular, there were encouraging indications of a growing willingness of the country people to provide information on the Vietcong as military successes created confidence in the protective power of the government forces.—*"Swords and Plowshares,"* Gen. Maxwell D. Taylor Chapter 23, "The Autumn of Disaster."

That was over 9 years ago.

Today, air power is now being utilized in unprecedented quantities and the morning paper states we currently have the heaviest naval concentration of this long war. Nevertheless today also the Vietcong and North Vietnamese are fighting the South Vietnamese, hand-to-hand, in the streets of An Loc, 60 miles from Saigon.

Considering that this President was elected on the basis of a pledge that he had a plan to get us out of this war, one wonders what kind of autumn the American people can expect in 1972.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 713, 714, 715, 716, and 717.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA PERSONNEL ACT

The bill (S. 1346) relating to benefits for employees of the government of the District of Columbia, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Personnel Act".

TITLE I—AUTHORIZE DISTRICT OF COLUMBIA EMPLOYEES TO ADMINISTER OATHS OF OFFICE

Sec. 101. Section 85 of the Revised Statutes Relating to the District of Columbia (D.C. Code, sec. 1–308) is amended by striking out "shall be taken and subscribed, certified, and recorded, in such manner and form as may be prescribed by law" and inserting in lieu thereof "may be administered by such employees of the government of the District of Columbia as the Commissioner in writing shall designate".

TITLE II—SETOFF OF ANNUITY PAYMENTS OR REFUNDS PAYABLE FROM THE CIVIL SERVICE RETIREMENT FUND TO LIQUIDATE DEBTS OWED THE DISTRICT OR FEDERAL GOVERNMENT

Sec. 201. Section 8346 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, the Commission is authorized to take appropriate action on counterclaims filed by the Government as setoff against amounts otherwise due and payable from the fund to the debtors concerned: *Provided,* That a tax indebtedness due the Government shall not be set off against retirement funds unless it has first been reduced to judgment through court procedures."

TITLE III—WAIVER BY DISTRICT OF COLUMBIA GOVERNMENT OF CLAIMS FOR OVERPAYMENT OF PAY

Sec. 301. (a) A claim of the government of the District of Columbia (hereinafter, "District") against a person arising out of an erroneous payment of pay made to an employee of the District before or after enactment of this title, the collection of which would be against equity and good conscience and not in the best interests of the District, may be waived in whole or in part by the Commissioner of the District of Columbia (hereinafter, "Commissioner") or his designated agent in accordance with standards which the Commissioner shall prescribe.

(b) The Commissioner may not exercise his authority under this title to waive any claim—

(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim; or

(2) after the expiration of three years immediately following the date on which the erroneous payment of pay was discovered or three years immediately following the effective date of this title, whichever is later.

(c) In the audit and settlement of the accounts of any accountable official, full credit shall be given for any amounts with respect to which collection by the District is waived under this title.

(d) An erroneous payment, the collection of which is waived under this title, is deemed a valid payment for all purposes.

(e) This title shall not affect any authority under any other statute to litigate, settle, compromise, or waive any claim of the District.

TITLE IV—TRANSPORTATION FOR DISTRICT OF COLUMBIA EMPLOYEES WORKING IN MUNICIPAL FACILITIES OUTSIDE THE DISTRICT OF COLUMBIA

Sec. 401. The Commissioner of the District of Columbia, or his designated agent, is hereby authorized to provide transportation for persons employed by the government of the District of Columbia in any District facility located outside the District of Columbia upon his determination that (1) an emergency exists requiring the provision of such transportation; or (2) other means of transportation to such facility are inadequate; or (3) the location of the worksite is such as to adversely affect recruitment and retention of personnel; or (4) for other good cause the furnishing of transportation for employees to a District of Columbia facility outside the District of Columbia is necessary. Such transportation may be furnished by reimbursement, in whole or in part, to employees for their expenses in traveling to and from District facilities located outside the District of

Columbia, by the providing of vehicles for such transportation by the government of the District of Columbia, or by any other appropriate means, as determined by the Commissioner or his designated agent.

TITLE V—REPEAL THE POLITICAL ACTIVITY EXEMPTION OF THE RECORDER OF DEEDS

SEC. 501. Subsection (d) of section 7324 of title 5 of the United States Code is amended (a) by inserting "or" immediately after the semicolon at the end of clause (3); (b) by striking out the semicolon and "or" at the end of clause (4) and inserting a period in lieu thereof; and (c) striking out clause (5).

DISTRICT OF COLUMBIA EDUCATIONAL PERSONNEL ACT

The Senate proceeded to consider the bill (S. 1998) relating to educational personnel in the District of Columbia which had been reported from the Committee on the District of Columbia with amendments at the top of page 10, strike out:

TITLE III—INCREASE IN SICK AND EMERGENCY LEAVES FOR TEACHERS

SEC. 301. The second sentence of the first section of the District of Columbia Teachers' Leave Act of 1949 (63 Stat. 842), as amended (D.C. Code, sec. 31-691), is amended by striking out "one day" and inserting in lieu thereof "one and three-tenths days".

At the beginning of line 8, strike out "Title IV" and insert "Title III"; at the beginning of line 10, strike out "Sec. 401" and insert "Sec. 301"; at the beginning of line 18, strike out "Title V" and insert "Title IV"; at the beginning of line 20, strike out "Sec. 501" and insert "Sec. 401"; on page 11, at the beginning of line 7, strike out "Sec. 502" and insert "Sec. 402"; at the beginning of line 23, strike out "Sec. 503" and insert "Sec. 403"; on page 13, at the beginning of line 8, strike out "Title VI" and insert "Title V"; at the beginning of line 11, strike out "Sec. 601" and insert "Sec. 501"; at the beginning of line 19, strike out "Title VII" and insert "Title VI"; and, at the beginning of line 20, strike out "Sec. 701. Sections 401, 501, and 502 of this Act shall" and insert "Sec. 601. Sections 301, 401, and 402 of this Act shall"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Educational Personnel Act".

TITLE I—INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

SEC. 101. The Commissioner of the District of Columbia is authorized to enter into and execute on behalf of the District of Columbia an agreement with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

"ARTICLE I—PURPOSE, FINDINGS, AND POLICY

"1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers, and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

"2. The party States find that included in the large movement of population among all sections of the Nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other States. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Agreement can increase the availability of educational manpower.

"ARTICLE II—DEFINITIONS

"As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

"1. 'Educational personnel' means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

"2. 'Designated State official' means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

"3. 'Accept', or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

"4. 'State' means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

"5. 'Originating State' means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

"6. 'Receiving State' means a State (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

"ARTICLE III—INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS

"1. The designated State official of a party State may make one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated State officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated State official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable even though not identical to that prevailing in his own State.

"2. Any such contract shall provide for:

"(a) Its duration.

"(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

"(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

"(d) Any other necessary matters.

"3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

"4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating State approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any persons qualified because of successful completion of a program prior to January 1, 1954.

"5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

"6. A contract committee composed of the designated State officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

"ARTICLE IV—APPROVED AND ACCEPTED PROGRAMS

"1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

"2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

"ARTICLE V—INTERSTATE COOPERATION

"The party States agree that:

"1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

"2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

"ARTICLE VI—AGREEMENT EVALUATION

"The designated State officials of any party States may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

"ARTICLE VII—OTHER ARRANGEMENTS

"Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

"ARTICLE VIII—EFFECT AND WITHDRAWAL

"1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.

"2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.

"3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

"ARTICLE IX—CONSTRUCTION AND SEVERABILITY

"This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any State participating therein, the Agreement shall remain in full force and effect as to the State affected as to all severable matters."

SEC. 102. The "designated State official" for the District of Columbia shall be the Superintendent of Schools of the District of Columbia. The Superintendent shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the Board of Education of the District of Columbia.

SEC. 103. True copies of all contracts made on behalf of the District of Columbia pursuant to the Agreement shall be kept on file in the office of the Board of Education of the District of Columbia and in the office of the Commissioner of the District of Columbia. The Superintendent of Schools shall publish all such contracts in convenient form.

SEC. 104. As used in the Interstate Agreement on Qualification of Educational Personnel, the term "Governor" when used with reference to the District of Columbia shall mean the Commissioner of the District of Columbia.

TITLE II—EMERGENCY LEAVE FOR TEMPORARY TEACHERS AND ATTENDANCE OFFICERS

SEC. 201. Section 4 of the District of Columbia Teachers' Leave Act of 1949 (63 Stat. 843), as amended (D.C. Code, sec. 31-694), is amended by striking out "probationary or permanent".

TITLE III—LIFE AND HEALTH INSURANCE BENEFITS FOR TEMPORARY TEACHERS

SEC. 301. Title 5 of the United States Code is amended as follows:

(a) Section 8716(b)(2) of such title is amended by striking out "two school years" and inserting in lieu thereof "one school year".

(b) Section 8913(b)(2) of such title is amended by striking out "two school years" and inserting in lieu thereof "one school year".

TITLE IV—TRANSFER OF RETIREMENT COVERAGE FOR TEMPORARY TEACHERS

SEC. 401. (a) The first sentence of section 8 of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-728), is amended by striking out "probationary".

(b) The first sentence of section 13 of such Act (D.C. Code, sec. 31-733) is amended by striking out "permanently".

(c) The first sentence of section 19 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31-1548) is amended by striking out "probationary and permanent".

SEC. 402. All deductions from the salaries of temporary teachers on the rolls of the public schools of the District of Columbia on the effective date of this title and all deposits made by such temporary teachers by virtue of their service as temporary teachers, together with all matching contributions made by the government of the District of Columbia on account of such deductions to the Civil Service Retirement and Disability Fund for annuity and retirement purposes, are hereby transferred from such fund to the credit of the District of Columbia Teachers' Retirement and Annuity Fund. The teacher shall be deemed to consent and agree to the transfer provided herein. The transfer of such funds shall be a complete discharge and acquittance of all claims and demands against the Civil Service Retirement and Disability Fund on account of service rendered prior to the effective date of such transfer.

SEC. 403. (a) Section 7 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31-1532) is amended by adding the following new subsection:

"(d) Notwithstanding the provisions of subsection (a)(1) of this section, any educational employee who was employed by the Board of Education at the District of Columbia Teachers College and who was transferred to the Board of Higher Education pursuant to the authority conferred by section 103(a)(12) of the District of Columbia Public Education Act (D.C. Code, sec. 31-1603(a)(12)), and who wishes to be reappointed to a position under the Board of Education shall receive salary placement credit for the intervening years of service at the District of Columbia Teachers College as if he had had continuous service with the Board of Education: *Provided*, That there is no break in service between the termination of employment by the Board of Higher Education and the reappointment by the Board of Education: *Provided further*, That such service is credited to the District of Columbia Teachers' Retirement and Annuity Fund, either by deductions made for such retirement system or by the purchase of credit for such service for deposit in said fund."

(b) Section 8 of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia" (D.C. Code, sec. 31-728) is amended by adding the following new paragraph:

"Notwithstanding the provisions of this section, any teacher who is entitled to purchase service credit under the provisions of section 7(d) of the District of Columbia Teachers' Salary Act of 1955 (as added by section 503(a) of this Act) shall purchase such credit based on the salary received from the Board of Higher Education during the period of service to be credited."

TITLE V—SUMMER EMPLOYMENT OF DISTRICT TEACHER IN CONGRESSIONAL OFFICES

SEC. 501. Subsection (e) of section 5533 of title 5, United States Code, is amended (a) by inserting "(1)" immediately following "(e)"; and (b) by adding the following new paragraph:

"(2) Subsection (c) of this section does not apply to pay received by a teacher of the public schools of the District of Columbia for employment in a position during the summer vacation period.".

TITLE VI—EFFECTIVE DATE

SEC. 601. Sections 301, 401, and 402 of this Act shall become effective on the first day of the first pay period which begins on or after 60 days after the date of enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNUITIES FOR DISTRICT OF COLUMBIA TEACHERS

The bill (H.R. 9395) to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts was considered, ordered to a third reading, read the third time, and passed.

INTERSTATE COMPACT ON MENTAL HEALTH

The bill (H.R. 10344) to authorize the District of Columbia to enter into the Interstate Compact on Mental Health was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF SECTION 112 OF INTERNAL REVENUE CODE OF 1954

The Senate proceeded to consider the bill (H.R. 9900) to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation if members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

Mr. BUCKLEY. Mr. President, as the sponsor of this bill, I should like to take a minute or two to express my deep appreciation to my colleagues for their support of it; 65 Senators are cosponsors. The Committee on Finance unanimously approved it and reported it in record time.

This bill provides some form of tangible recognition by the people of the United States to the very special suffering of not only our prisoners of war and those missing in action in the South Vietnamese conflict but also their families. Their lot is a peculiar one. It is never enjoyable to be a captive, but their conditions have been particularly grotesque. The enemy has accorded them none of the comforts that are provided for by the Geneva Convention. Also, they are the victims of a war in which the basic popular support has eroded, so they cannot at least feel the comfort of the full homefront support which has eased the lot of prisoners in prior wars.

This amendment exempts their pay from Federal income taxation while they are prisoners of war or while they are classified as missing in action. Monetarily, this is a small recognition of their sacrifice and contribution, but it is one to which they are fully entitled; and I think it is especially timely that they should be receiving this exemption just 2 days short of that annual date on the calendar—April 15.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from New York for the interest he has shown and the great regard and deep sympathy he has for the plight of our prisoners of war and those missing in action. This will go somewhat to help alleviate the situation in which they find themselves. I think the Senator from New York is entitled to great credit for the leadership he has shown in this respect.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. BROCK. Mr. President, as a cosponsor of this proposal, I should like to join the majority leader in congratulating the Senator from New York. I appreciate the initiative of the Senator from New York with respect to this measure.

We all know that money is a very small thing in the context of this overall problem. There is no greater tragedy facing the people of this country than the continuation of the inhumane treatment of their husbands, sons, and brothers by those who have refused to observe the rights provided by the Geneva Convention.

I should like to say, in behalf of all those who have not suffered in such a way, that one of the great examples of courage in this Nation's history is illustrated daily by the families of these men who have been absent so long.

I commend the Senator, and I say to him that no act, large or small, should be overlooked in an effort to achieve the humane treatment and early release of our prisoners of war and those missing in action. I congratulate him for this effort.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. SCOTT. Mr. President, I should like to join in the tribute paid to the distinguished Senator from New York for his concern, and for the diligence and effectiveness with which he has pressed this important matter. He certainly has earned the respect of the Senate and the appreciation of all those who will benefit by the nature of this process.

Therefore, I should like to be associated with those who have indicated their pleasure that the distinguished Senator from New York has followed through on the commitment in this regard.

Mr. GRIFFIN. Mr. President, as a cosponsor of this bill, it gives me a great deal of satisfaction to register my strong support for it. In addition, I want to commend the distinguished junior Senator from New York (Mr. BUCKLEY) for his leadership in connection with this measure.

It is important not only because it affords appropriate tax relief in situations which deserve tax relief but also because it is another indication that the Senate and the House of Representatives are concerned and very much aware of the plight of the prisoners of war and those missing in action in the war in Indochina. I am glad this bill is going to pass, and I am glad to be associated with the distinguished Senator from New York.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

ENROLLED JOINT RESOLUTIONS SIGNED

The PRESIDENT pro tempore signed the following enrolled joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

H.J. Res. 563, Joint resolution to authorize the President to proclaim the last Friday of April 1972, as "National Arbor Day";

H.J. Res. 687. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month".

CONSUMER SAFETY ACT OF 1972—REPORT OF A COMMITTEE (S. REPT. NO. 92–749)

Under authority of the order of the Senate of March 24, 1972, Mr. MAGNUSON, from the Committee on Commerce, submitted a report on the bill (S. 3419) to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes, together with minority and supplemental views, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. COTTON, from the Committee on Commerce:

John L. Hazard, of Michigan, to be an Assistant Secretary of Transportation.

CHANGE OF REFERENCE—SENATE JOINT RESOLUTION 199

Mr. SCOTT. Mr. President, on February 9, 1972, I introduced Senate Joint Resolution 199 recognizing Thomas Jefferson University in Philadelphia as the first university in the United States to bear the full name of our Nation's third President. Although I had asked that the resolution be referred to the Committee on the Judiciary, it was inadvertently referred to the Committee on Labor and Public Welfare.

I have discussed this matter with the distinguished chairman of the Labor and Public Welfare Committee (Mr. WILLIAMS), and he has no objection to having the bill re-referred. Therefore, Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from the further consideration of Senate Joint Resolution 199; that it be referred to the Committee on the Judiciary; and that an appropriate star print be made available.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. EAGLETON:

S. 3494. A bill for the relief of Ivanka Firaunovic. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S. 3495. A bill to provide for reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income. Referred to the Committee on Labor and Public Welfare.

By Mr. HARTKE:

S. 3496. A bill to amend the Interstate Land Sales Full Disclosure Act to provide for the licensing of developers in order to insure the maintenance of high profession standards, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SCOTT (for himself, Mr. CASE, Mr. JAVITS, and Mr. WILLIAMS):

S. 3497. A bill to authorize an increase in land acquisition funds for the Delaware Water Gap National Recreation Area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON (for himself and Mr. HARRIS):

S. 3498. A bill to amend the act of June 16, 1906 (enabling the peoples of Oklahoma, New Mexico, and Arizona, to adopt constitutions and form States), to permit the long-term lease of school lands by the State of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER:

S. 3499. A bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 3495. A bill to provide for reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income. Referred to the Committee on Labor and Public Welfare.

HANDICAPPED AMERICANS—1972

Mr. DOLE. Mr. President, for the past 3 years since coming to the Senate, I have addressed this body annually on the subject of the handicapped. Today, in my fourth such address I hope to cast light on an important aspect of the world of the handicapped in the hope that the steps proposed might be enacted to improve the world in which the handicapped live, a world which I entered 27 years ago tomorrow.

For years, I have expressed the belief that America's handicapped citizens must be fully integrated into our society, where they can pursue the same goals as nonhandicapped individuals, enjoy the same medical, educational, employment, and housing opportunities and stand on an equal footing in terms of chances to realize their full potential for individual, social, and professional development.

I believe important steps have been taken for enhancing the quality of life experienced by handicapped individuals in America.

FIRST THREE INITIATIVES

Each year as I have approached my April 14 remarks, it has been with the intention both of pointing out areas which continue to call for priority attention and calling for action to meet these needs. In my three previous statements my focus has been framed in broad terms. In 1969 I urged the establishment by the President of a task force on the handicapped to assess and study our national effort on behalf of these individuals. In response to my suggestion, two task forces, one on the physically handicapped and one on the mentally handicapped, were appointed by President Nixon, and they conducted highly valuable reviews of efforts in both areas.

In 1970 I introduced legislation to create a National Resource and Information Center for the Handicapped to serve as a clearinghouse of research and knowledge important to handicapped individuals, their families, and organizations operating in this field. I am pleased to report that this proposal has been incorporated in H.R. 8395, the Vocational and Rehabilitation Act of 1972, which has passed the House of Representatives and now awaits action by the Senate. In 1971 I had published in the CONGRESSIONAL RECORD a "Directory of Federal Assistance Programs for the Handicapped" that I hoped would help fill the gap in knowledge of Federal efforts until the Information Center could be created.

These first three initiatives were focused on general problems and sought to be effective on a wide basis. However, this year I wish to turn to a specific problem faced by many handicapped persons and offer a measure to meet the need it raises.

TRANSPORTATION FOR THE HANDICAPPED

The problem to which I refer is the excessive, indeed monumental, transportation expenses incurred by certain handicapped individuals as they attempt to pursue gainful employment to support themselves and their families.

Of course, transportation has always been a very critical area for the handicapped. Many efforts have been made to improve the routing, accessibility and availability of transportation for them. These efforts have been conducted on private and public levels. And many who otherwise would be deprived of vital mobility have been served and are now able to move about their cities and towns to a greatly increased extent for business and pleasure.

SALARY VERSUS TRANSPORTATION COST

One particularly encouraging private effort has been that of United Cerebral Palsy of New York City, Inc. which operates the largest privately owned transportation service for the handicapped in the United States. They run 32 vehicles and employ 28 full-time and five part-time drivers. Their annual budget exceeds $400,000.

This program has been invaluable to many. But this program and others with similar purposes have not been able to serve the group of employed or employable handicapped whose disabilities prevent them from using public transportation. Their needs are so great that no present system can provide for them, for each individual requires a personalized service that is too costly for the individual to afford or for the public or private agencies to supply.

I would point out that people fortunate enough to make private transportation arrangements to and from work, pay anywhere from $50 to $75 a week. But the statistics for those who are unable to make any transportation arrangements tell an even more serious story. The urban employment survey indicated that in 1966 the median earnings of the 1.15 million full-time and part-time workers who were unable to use public transportation because of disability was $2,350. Half of these were part-time workers, 31,000 of whom made less than $20 per week. The median earnings of full-time handicapped workers unable to use public transportation was $2,520, or three-fourths the poverty level for a family of four at that time. Only 10 percent of handicapped workers unable to use public transportation made over $7,200 a year.

Clearly, this is a deplorable situation. Here are men and women who want to work, who are in fact able to work, but their ability to earn and to contribute to their support and to the self-esteem which comes from being a contributing member of society, is stifled by their inability to get to and from jobs. This situation is one of the most disturbing wastes of human resources of which I am aware. And it demands prompt and strong action to provide a remedy. Thus I am proposing today a Federal scheme of cash reimbursement to make journey-to-work transportation for severely handicapped but employable individuals possible.

TRANSPORTATION REIMBURSEMENTS

Cash reimbursements would be provided to certain disabled persons who incur extraordinary transportation expenses in the production of their income solely because of the limitations imposed by their disability. Reimbursements would not exceed 50 percent of the handicapped person's gross income or $20 per week, or $1,000 per year, whichever is less. Payments would be made either quarterly or in advance, if proper application based on estimated expenses is submitted.

The measure directs the Secretary of Health, Education, and Welfare to prescribe standards for the submission of applications and to set up provisions for the renewal of applications. The Secretary would utilize the facilities and services of State vocational rehabilitation agencies to process and verify statements made by applicants.

I believe this legislation will pay priceless dividends. It will enable individuals who want to work to travel to and from their jobs. It will enhance the incomes of persons whose unique needs demand special expenditures over and above those incurred by most individuals—even those with handicaps. It will supply a significant measure of self-respect and self-confidence to the lives of the people it will benefit. And it will end the continuing waste of these precious human resources and potentials.

Mr. President, I ask unanimous consent that the text of this bill be printed at the conclusion of my remarks, and I invite my colleagues to join in sponsoring this legislation.

MAKING WAY FOR FULL POTENTIAL

It would seem to me that there is no more valuable action that Congress can take than to remove impediments to the realization of our citizens' potentials and inner worth—whether in the field of civil rights, equality of the sexes, or, as here, the handicapped.

This is what America is all about—the freedom for everyone to live up to his God-given abilities. Neither race nor sex nor frailty of body or mind should be allowed to stand as an impediment to that fundamental fulfillment. This bill is a step toward removing one barrier, and I extend a sincere invitation to my colleagues for their support.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disabled Workers Transportation Assistance Act".

PURPOSE

SEC. 2. It is the purpose of this Act to provide for cash reimbursement to certain disabled workers who incur extraordinary transportation expenses in the production of their income solely because of the limitations imposed on them by their disability.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "transportation-handicapped worker" means an individual with a physical or mental disability, as defined by the Secretary, who—

(A) is employed part or full time in a gainful occupation;

(B) because of his disability, has only limited ability to use available mass public transportation facilities with reasonable ease or safety for the journey-to-work;

(C) because of his disability, is expected to be static or to be only slowly progressive in acquiring the ability to use available mass public transportation facilities with reasonable ease or safety; and

(D) because of his disability, training or practice is not expected to improve significantly his ability to use available mass public transportation facilities.

(2) the term "employed" means being engaged in a gainful occupation which is remunerated in cash or in kind for services rendered.

(3) the team "journey to work" means the total amount of travel from the place of residence to the place of employment and return therefrom.

(4) the term "mass public transportation facility" means regularly scheduled services provided by bus or rail, or similar vehicle, which are available to the public at large under an established schedule of fares.

(5) the term "extraordinary transportation expenses" means the total expense (including expenses for personal assistance when required) incurred by any individual in his journey-to-work that is in excess of three percent of such individual's adjusted gross income (as defined in the Internal Revenue Code of 1954), reduced by—

(A) the amount of any deductions claimed under section 212 or 214 of the Internal Revenue Code of 1954; and

(B) any amount received as reimbursement for or subsidy of such transportation expenses.

Reimbursement shall not be made for extraordinary transportation expenses which exceed actual expenses incurred, or an amount that is in excess of 50 percent of such individual's gross income (as defined in the Internal Revenue Code of 1954), or $20 per week, or $1,000 per year, whichever is less.

(6) the term "Secretary" means the Secretary of Health, Education, and Welfare.

(7) the term "State" means a State of the

United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

REIMBURSEMENT

SEC. 4. (a) The Secretary shall reimburse each transportation-handicapped worker for extraordinary transportation expenses incurred by him upon a declaration by such worker that he is entitled to such reimbursement under the provisions of this Act.

(b) Reimbursement payments under this Act shall be made quarterly and may be made in advance upon application therefor, except that—

(1) In the case of any transportation related expenses which cannot be attributed entirely to the journey-to-work, reimbursement shall be made only to the extent that such expenses are directly attributable to the journey-to-work; and

(2) Any transportation expenses incurred by an individual who uses, unassisted, available mass transportation facilities as his sole mode of transportation in his journey-to-work shall not be reimbursable under this Act.

(c) Application for reimbursement under this section shall be made in such manner and contain such information as the Secretary shall by regulation require, including in the case of advance payments, an estimate of expenses to be incurred during the period for which such advance payments are requested. The Secretary shall prescribe standards for the submission of applications and periods for renewal of such applications.

(d) The Secretary is authorized to cooperate with and utilize the facilities and services of appropriate State vocational rehabilitation agencies to process applications and verify, on a continuing basis, the statements made by any applicant for reimbursement payments under this Act.

INCOME DISREGARD

SEC. 5. (a) In order for any State to receive any payment or other benefit under any title of the Social Security Act, with respect to expenditures for any quarter beginning on or after the date on which this Act becomes effective, such State must have in effect an agreement with the Secretary under which it will (1) disregard any amount received by an individual under this Act in determining eligibility for or the amount of any benefit paid under any public assistance program, and (2) disregard any amount received by an individual under this Act in determining the amount of such individual's income for the purpose of computing State income tax liability if such State imposes a tax on personal income.

(b) Any amount received by an individual under this Act shall be disregarded in determining eligibility for or the amount of any benefit paid under any Federal assistance or aid program and in determining the amount of such individual's income for the purpose of computing his liability for personal income tax under the Internal Revenue Code of 1954.

EVALUATION AND REPORT

SEC. 6. The Secretary, or his delegate, shall conduct a thorough and complete study of the impact of the cash reimbursement program provided for under this Act on the rehabilitation of disabled individuals to determine the program's merits and cost-effectiveness as compared to other possible approaches to the problems of the transportation-handicapped worker and shall report his findings and recommendations to the Congress not later than January 1, 1975.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriate prior to such effective date in July 1, 1972, and for each of the next succeeding four fiscal years such sums as may be necessary to carry out the purposes of this Act.

By Mr. HARTKE:

S. 3496. A bill to amend the Interstate Land Sales Full Disclosure Act to provide for the licensing of developers in order to insure the maintenance of high professional standards, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HARTKE. Mr. President, in 1968 the Interstate Land Sales Act was enacted to combat certain practices in interstate land sales. Unfortunately, many of the practices against which the legislation was directed have continued. Today I send a bill to the desk for appropriate reference which will strengthen the present law. My bill would amend the Interstate Land Sales Full Disclosure Act to provide for the licensing of developers in order to insure the maintenance of high professional standards.

The introduction of my legislation is not intended to imply that the professionals who engage in interstate land sales are not decent and honest entrepreneurs; rather, my concern is that too often the consumer has been subjected to inequitable activity in interstate land sales.

The mobility of the 20th century has made interstate land sales a very attractive market. In order to insure that prospective customers can be reasonably safe in their investments, we must provide for the licensing of those who engage in such land sales. Until 1968, this was an area in which the consumer was afforded very little protection. The legislation that I am introducing today would strengthen the 1968 law.

Under the provisions of my bill, persons engaged in interstate land sales would be required to possess a license issued by the Secretary of Housing and Urban Development. The Secretary would issue a license after he determines that the applicant has satisfied certain standards. My bill suggests some standards that might be used for evaluation. These standards are not intended to be the exclusive means for evaluating the professionalism of the licensee but will be an important part of the evaluation process.

In addition to granting licenses the Secretary will be required to revoke licenses under certain circumstances. If the licensee has been held liable for damages under the Interstate Land Sales Act, or has engaged in any act or practice which constitutes a conflict of interest or breach of trust, the Secretary shall have the authority to suspend his license for up to 5 years. In addition the Secretary shall also have the power to suspend a license if a developer has practiced discrimination in the sale of land covered under this act.

In conclusion, I reiterate that I have the highest respect for the professionals who engage in interstate land sales. Nonetheless I do feel that many of the harsh practices which land buyers have been subjected to should be curbed. I am certain that the real estate industry will welcome this legislation as a means of enhancing their reputation and professional standing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 3496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Interstate Land Sales Full Disclosure Act is amended by inserting after section 1410 the following new section:

"LICENSING OF DEVELOPERS

"SEC. 1410A. (a) No developer or agent shall make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell or lease any lot in any subdivision or offer to sell or lease any such lot unless such developer or agent has a license issued by the Secretary under this section.

"(b) The Secretary shall issue a license to a developer or agent if the Secretary determines, on the basis of an application in such form as the Secretary may prescribe, that the developer or agent—

"(1) is of good character or business reputation;

"(2) meets such requirements as the Secretary may prescribe with respect to education, training, or experience; and

"(3) has not committed within the five years preceding the date on which the application is filed any act which would be grounds for suspension of a license under subsection (c).

Any developer or agent whose application is denied shall promptly be given an opportunity for a hearing to show cause why the license should be issued.

"(c) The Secretary shall suspend for not less than one year nor more than five years any license issued by him under subsection (b) if he determines that—

"(1) the licensee has submitted untrue information or has omitted to state any material fact, in connection with the issuance of the license;

"(2) the licensee has been held liable for damages in an action under section 1410 of this title;

"(3) the licensee has been convicted of any felony;

"(4) the licensee has failed to exercise proper supervision of his agents or employees and such failure has resulted in the imposition of liability referred to in clause (2) on, or in a conviction referred to in clause (3) of, any such agent or employee;

"(5) the licensee has violated any term, condition, or limitation imposed in connection with the issuance of his license;

"(6) the licensee has engaged in any Act which is unlawful under section 804, 805, or 806 of Public Law 90–284; or

"(7) the licensee has engaged in any act or practice which—

(1) constitutes a conflict of interest or breach of trust, and

(2) results in the imposition of any criminal or civil sanction or in any disciplinary or other action by any Federal, State, or local regulatory authority or professional association.

All actions of the Secretary under this subsection shall be subject to the provisions of section 554 of title 5, United States Code."

SEC. 2. The amendment made by section 1 of this Act shall become effective upon the expiration of one year following the date of its enactment, except that the Secretary may take such actions as may be necessary or appropriated for the fiscal year beginning order to issue licenses referred to in the amendment made by the first section of this Act prior to such date.

By Mr. SCOTT (for himself, Mr. CASE, Mr. JAVITS, and Mr. WILLIAMS):

S. 3497. A bill to authorize an increase in land acquisition funds for the Delaware Water Gap National Recreation Area, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

DELAWARE WATER GAP NATIONAL RECREATIONAL AREA

Mr. SCOTT. Mr. President, I introduce for appropriate reference a bill to increase the authorization for the purchase of land in the Delaware Water Gap National Recreational Area from $37,412,000 to $68,812,000. I am pleased to have joining me as cosponsors in this effort the distinguished Senators from New Jersey (Mr. CASE and Mr. WILLIAMS) and the distinguished senior Senator from New York (Mr. JAVITS). Identical legislation, it is worth noting, has been introduced with wide support in the House of Representatives by Pennsylvania's very able Congressman JOSEPH M. MCDADE.

Mr. President, for the past several years lengthy preparations have been made for the creation of the Delaware Water Gap National Recreational Area to be located on the Delaware River north of the city of Stroudsburg, Pa. Acreage from the States of New York and New Jersey will also be included within the Park's boundaries. When it is created, this will represent one of the outstanding recreational areas and national parks in the eastern United States. Ultimately, millions of people from all parts of the Nation will benefit.

There is an urgent need for the passage of this authorization. The original legislation creating the Delaware Water Gap National Recreational Area set the total park acreage at 47,675, of which 10,326 acres were to be federally owned public lands not requiring purchase. Of the remaining 37,349 acres of private land, however, the Department of Interior has been able to buy only 21,807 acres, including 14,987 acres in New Jersey and 6,820 acres in the Commonwealth of Pennsylvania.

At this point, with 15,542 acres of private land still to be purchased, the Department has completely exhausted its existing authorization for land procurement and is simply unable to proceed.

A number of factors have led to the situation requiring an increase in authorization. Land speculation resulting from unforeseen delays has driven land prices up further than originally planned. At the same time, the Department discovered that incomplete land registrations in Pennsylvania and New Jersey led to significant underestimates in the actual number of individual tracts to be bought within the 37,349 acres of private land. Further, the Department has been faced with court settlements on contested purchases in amounts far larger than those included in computations on which the original authorization was based. And finally, the Department is now required to pay relocation as well as land purchase costs, an added burden not originally envisioned.

Delay has caused problems not only for the Department of Interior, but has also caused for individuals a large number of hardship cases which should be resolved as quickly as possible. Many people who own homes or businesses in the Delaware Water Gap National Recreational Area wish to relocate, but can do so only if their homes and businesses are purchased by the Government since it is obvious that the private sector will not be interested in buying property which will shortly become part of a national park.

The increased authorization proposed in this bill is based on the Department of Interior's latest estimate of the additional amount that will be needed in order to fully complete land acquisition. No additional acreage beyond the total 47,675 is anticipated. Thus, we are talking here only about legislation needed to fulfill an obligation which has already received congressional approval.

Since this additional authorization does not affect the controversial Tocks Island Dam, but involves only the Delaware Water Gap National Recreational Area, I am hopeful that Department reports will be requested without delay so that the Senate can proceed promptly to the favorable consideration of this important legislation.

By Mr. BELLMON (for himself and Mr. HARRIS):

S. 3498. A bill to amend the act of June 16, 1906 (enabling the peoples of Oklahoma, New Mexico, and Arizona to adopt constitutions and form States), to permit the long-term lease of school lands by the State of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

Mr. BELLMON. Mr. President, I introduce for myself and my colleague from Oklahoma (Mr. HARRIS) a bill to amend the legislation passed by the Congress of the United States in June 1906, which allowed the people of the State of Oklahoma to form that State.

Under the terms of the enabling act, certain lands were set aside to be used for schools. That act provided for leasing of those lands but such leases were restricted to periods of up to 10 years. Since its enactment that restrictive provision has worked an undue hardship on the administration of those lands to the best advantage of the people of the State of Oklahoma. The State has been deprived of granting long-term commercial leases even though some of these school lands may have a valuable commercial potential due to their locations in or near urban areas.

I have received a copy of a resolution passed by the 33d session of the Legislature of the State of Oklahoma memorializing Congress to enact such legislation. I ask unanimous consent that a copy of this resolution be printed in the RECORD at this point.

Mr. President, it is my hope that this legislation will be considered by the Senate at an early date so that this inequity can be corrected.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"CONCURRENT RESOLUTION NO. 71

"A concurrent resolution memorializing Congress to amend sections 9 and 10 of the Oklahoma Enabling Act; and directing distribution.

"Whereas, the common school lands and the university and public institution lands granted by the Enabling Act to the great State of Oklahoma represent a valuable resource for funding the education of Oklahoma's youth; and

"Whereas, some of these school lands have a valuable commercial lease potential due to their location in and near urban areas; and

"Whereas, the restrictive nature of Sections 9 and 10 of the Enabling Act deprives the state of the power and authority to grant long-term commercial leases; and

"Whereas, under similar circumstances the State of Washington has recently instituted a policy of granting long-term commercial leases and has realized an income of over four million dollars from the leasing of such properties; and

"Whereas, the Commissioners of the Land Office are charged with the responsibility of maximizing the income from school lands.

"Now, therefore, be it resolved by the Senate of the second session of the 33d Oklahoma Legislature; the House of Representatives concurring therein:

"SECTION 1. The Congress of the United States of America be and is hereby respectfully memorialized to amend Sections 9 and 10 of the Oklahoma Enabling Act by granting power and authority to the Commissioners of the Land Office to enter into long-term commercial leases of school lands.

"SEC. 2. Authenticated copies of this Resolution shall be transmitted to:

"1. The President of the United States;

"2. The Presiding Officers of the United States Senate and House of Representatives; and

"3. Each member of the Oklahoma Congressional Delegation."

By Mr. TOWER:

S. 3499. A bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician-shortage areas; referred to the Committee on Finance.

Mr. TOWER. Mr. President, today I introduce a bill to provide a tax incentive for physicians, dentists, and optometrists to establish their practices in hard-pressed rural and urban-core areas where there is the greatest need for health professionals to provide medical care. During the first session of the 92d Congress, I introduced similar legislation which provided a tax incentive for physicians. In recognition of the vital roles of the dental and optometrical professions in supplying necessary services to meet the essential health needs of our population, I am introducing this expanded legislation which includes dentists and optometrists, as well as physicians.

The national health manpower shortage is critical. We simply do not have enough doctors, dentists, or optometrists to meet the Nation's demand for health care. It is conservatively estimated that there is a current shortage of 48,000 physicians, 20,000 dentists, and over 10,000 optometrists.

In December, after extensive deliberation, Congress passed the Comprehensive Health Manpower Training Act of 1971. The purpose of this legislation was to increase the number of health professionals and to develop more efficient methods of utilizing their services. In order to obtain these results, we increased Federal funding to medical schools for expanded facilities and faculties to permit an increased student enrollment. Student scholarship and loan programs were reorganized to make medical schools a financial possibility for many capable and deserving youth. Special project grants were designed to encourage medical schools to develop and operate training programs which would increase the efficient utilization of health manpower. For example, medical schools are encouraged to include projects in the use of the team approach to the delivery of health services; to train health personnel for new roles, types, or levels of proficiency, such as physicians' assistants; and to train personnel in the utilization of computer technology in health care delivery.

An increased number of health professionals, and an increased efficiency in their utilization are only part of the solution to providing an adequate system of health care delivery. There is a great disparity in the geographic distribution of health manpower. The Nation as a whole has a shortage; particular areas have an acute shortage. Some areas—such as rural and urban low-income areas—often have few, if any, health personnel to provide essential health care.

In 1967, the President's National Advisory Commission on Rural Poverty completed the most comprehensive and thorough study ever conducted on the problems and promises of Rural America. The report was entitled "The People Left Behind." Over 4 years later, the basic findings of the Commission on Health and Medical Care for Rural Areas are still true:

> This Commission is profoundly disturbed by the health problems of low income people in rural America. Nowhere in the United States is the need for health services so acute, and nowhere is it so inadequate.
>
> The statistical evidence is overwhelming yet the statistics barely suggest the inequity and the discrimination against the rural poor in medical and dental care and in modern health services.

I recently received a letter from Ralph Chase, M.D., who is chairman of the Committee of Community Health Service of the Tom Green Eight-County Medical Society, located in San Angelo, Tex. The purpose of the committee is to study the problems surrounding medical facilities and health needs with the goal of making comprehensive medical care available in isolated areas where little, if any, is now present. I would like to cite portions of the committee's statement of intent in an effort to breathe the sense of life into sterile facts and figures:

> The lack of adequate medical resources in the countryside is the result of a number of factors, of which the most important are geography, the declining ratio of primary care physicians to population, and the concentration of medical manpower and resources in the cities. The eight counties included in the Tom Green Eight County Medical Society are larger in size than the States of Massachusetts and Connecticut combined. Within this area there are 83 doctors of all kinds, with 76 doctors in Tom Green County, and a total of seven more in Sterling, Sutton, Schleicher, Crockett and Coke Counties: there are no doctors in Concho or Irion Counties which have populations of 2,759 and 1,029 respectively. However, of this total of 83 doctors in the eight county area, 56 are specialists, and only 27 primary care physicians are available to handle the general illnesses and other health care problems of 87,539 people spread over an 11,155 square mile area.
>
> The isolated locations of many of the smaller towns in West Texas mean that too many people lack convenient access to the services of physicians. A farmer or rancher may have to make an appointment days in advance to see a doctor in one of the rural towns, and then have to wait for hours before being referred to a specialist in San Angelo. At the same time, too many communities are unable to attract any physicians at all because of the availability of more sophisticated equipment, higher pay and more regular working hours in the cities—The small towns need primary care doctors, family physicians, pediatricians, and internists. . . . According to the national ratio, we should have 64 primary care physicians in the eight county area to care for the 87,539 people living here. We have 27.
>
> To complete the spiral, without physicians, or relatively few physicians, hospital facilities are unused or underused.
>
> The problems of a limited supply of medical resources in the isolated areas of West Texas are not new ones. Circumstances in the past have compelled the rural practitioner to delegate primary care tasks to his nurse, the local pharmacist and even the doctor's wife in some cases so that the physician could have the time to leave his office to attend to emergencies, to better handle his increasing office practice, to recover from an illness of his own, and to find some brief moments for relaxation . . .

This statement is typical of many rural areas in the Nation. Despite the fact that the nationwide physician/population ratio is improving, the number of physicians serving rural areas has declined six times faster than the population has decreased in those areas. There still exist 134 counties in the United States without a practicing physician. I am distressed that 24 of these 134 counties are in my State of Texas. These counties, according to the 1970 census figures, have a total population of 56,753. I ask unanimous consent to have printed at this point in the RECORD, a listing of those counties in Texas which do not have a practicing physician and their corresponding populations:

(1970 census)

County:	*(Population)*
Borden	888
Briscoe	2, 794
Carson	6, 358
Glasscock	1, 155
Hartley	2, 782
Hudspeth	2, 392
Irion	1, 070
Jeff Davis	1, 527
Kenedy	678
Kent	1, 434
King	464
Kinney	2, 006
Lipscomb	3, 486
Loving	164
McMullen	1, 095
Martin	4, 774
Oldham	2, 258
Rains	3, 752
Real	2, 013
Roberts	967
San Jacinto	6, 702
Sherman	3, 657
Stonewall	2, 397
Terrell	1, 940
Total	56, 753

In Texas, an additional 148 countries have been designated as physician-shortage areas. Of these, 96 are low-income rural counties. However, urban counties such as Hidalgo, the ninth largest in the State, also suffer a shortage.

The need of these communities for dentists and optometrists in order to provide essential health care, are just as great in many instances. For example, fewer than half the people in the country have dental exams or treatment in any given year. Of the total adult population of 110 million, over 20 million have lost all their teeth. By the age of 15, the average child has 11 teeth decayed, missing, or filled. Almost 70 percent of the children in poor families have never seen a dentist. The present ratio of dentist to population, 1:2,100, is less favorable than it was 15 years ago. These indications of the needs for additional dental and allied dental personnel are dramatic. Once again, they do not tell the whole story, for they do not show areas in which little or no dental care is available.

Generally speaking, urban centers have a lower ratio than do rural areas; however, there are many residents in both urban and rural areas who lack adequate dental care.

In Texas alone, there are 42 counties which do not have the services of even one dentist. The total population of these counties exceeds 150,000 persons. I ask unanimous consent that a list of these counties be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COUNTY

Archer
Armstrong
Borden
Briscoe
Cochran
Concho
Cooke
Culberson
Delta
Dickens
Dimmitt
Duval
Edwards
Foard
Glasscock
Hartley
Hudspeth
Irion
Jeff Davis
Jim Hogg
Kenedy
Kent
King
Kinney
Leon
Lipscomb
Loving
Martin
McAllen
Motley
Oldham
Rains
Real
Roberts
San Jacinto
Schleicher
Somervell
Starr
Sterling
Stonewall
Terrell
Trinity

Mr. TOWER. Mr. President, this is a total of 42 counties with a total population of 150,000.

Mr. President, other counties have ratios of dentists to population running as high as 1 to 14,500—Randall County. The national average is one dentist for every 2,100 people. There are 90 counties in Texas in which the dentist to population ratio is over 1 to 4,000, almost double the national ratio. I ask unanimous consent to have printed in the RECORD a listing of these counties, the number of dentists currently practicing in them, and their ratio of dentist to population at this point.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

DENTISTS—COUNTIES MORE THAN 4,000 POPULATION, 1970 FIGURES: TEXAS

	Number of dentists	Population per dentist
DALLAS REGION		
Corsicana district: Freestone County	2	6, 050
Dallas district: Rockwall County	1	6, 300
Fort Worth district: Wise County	3	6, 800
Gainesville district: Montague County	4	4, 125
Marshall district:		
Panola County	4	4, 175
Upshur County	5	4, 200
Paris district:		
Franklin County	1	5, 600
Red River County	3	5, 300
Sherman district: Fannin County	4	5, 775
Texarkana district:		
Cass County	6	4, 250
Morris County	2	6, 150
Tyler district: Van Zandt County	5	4, 260
EL PASO REGION		
Alpine district	11	4, 564
Pecos County	2	6, 150
Odessa district:		
Crane County	1	4, 100
Upton County	1	4, 100
Ward County	3	4, 333
Winkler County	2	5, 050
HOUSTON REGION		
Beaumont district: Hardin County	7	4, 557
Hempstead district: Waller County	2	7, 650
Houston district: Montgomery County	10	4, 270
Jasper district:		
Newton County	1	11, 600
Sabine County	1	7, 900
Shelby County	3	6, 733
SAN ANTONIO REGION		
Beeville district	8	4, 013
Live Oak County	1	7, 700
Corpus Christi district:		
Jim Wells County	6	5, 667
San Patricio County	9	5, 556
Cuero district: Goliad County	1	5, 300
Kerrville district: Kimble County	1	4, 300
Laredo district	10	13, 140
La Salle County	1	5, 100
Maverick County	1	18, 800
Webb County	7	10, 643
Zapata County	1	4, 600
McAllen district	70	5, 557
Brooks County	1	9, 100
Cameron County	32	4, 591
Hidalgo County	36	5, 433
Willacy County	1	15, 700
San Antonio district:		
Atascosa County	3	6, 900
Bandera County	1	4, 700
Medina County	2	10, 900
Wilson County	3	4, 700
Uvalde district	15	5, 120
Frio County	2	6, 250
Val Verde County	7	4, 071
Zavala County	1	15, 600
Victoria district: Refugio County	2	5, 150
TEMPLE REGION		
Austin district:		
Bastrop County	3	5, 933
Lee County	2	4, 300
Brownwood district:		
Comanche County	2	6, 700
Mills County	1	4, 600
Cameron district:		
Burleson County	2	5, 300
Milan County	5	4, 080
Llano district	2	5, 050
Llano County	1	6, 400
San Angelo district: Reagan County	1	4, 100
Temple district:		
Coryell County	4	9, 075
Lampasas County	2	4, 900
Waco district:		
Hill County	5	4, 480
Limestone County	5	4, 140
WICHITA FALLS REGION		
Abilene district:		
Callahan County	1	10, 000
Fisher County	1	7, 700
Amarillo district:		
Carson County	1	7, 100
Randall County	4	14, 050
Big Spring district: Dawson County	3	6, 100
Lubbock district:		
Crosby County	2	5, 550
Floyd County	3	4, 267
Garza County	1	5, 400
Hockley County	5	4, 400
Lamb County	4	5, 350
Lynn County	2	4, 700
Terry County	2	8, 050
Paducah district	3	6, 233
Knox County	1	6, 800
Pampa district:		
Hall County	1	6, 600
Wheeler County	1	6, 700
Plainview district	16	4, 244
Castro County	2	5, 950
Seagraves district	10	6, 150
Andrews County	2	5, 800
Gaines County	2	6, 800
Parmer County	2	5, 850
Yoakum County	1	7, 900
Stamford district	5	6, 340
Haskell County	2	4, 750
Jones County	3	6, 467
Vernon district: Hardeman County	1	7, 200
Wichita Falls district: Clay County	1	7, 400

Mr. TOWER. Mr. President, while the rural counties often illustrate the most obvious maldistribution, it should be remembered that certain sections of the urban counties have equally high ratios. In two heavily populated Texas counties, Harris with a ratio of 1 to 1,700, and Dallas with a ratio of 1 to 1,600, there are several areas within the county whose ratios equal or exceed those of the rural counties.

Our Nation's need for adequate vision care is just as necessary as medical and dental care. A study conducted by the Public Health Survey indicates the incidence of visual defects by age groups.

Under 20:	*Percent*
20–30	23
30–40	39
40–50	48
50–60	71
Over 60	95

In a report prepared by Melvin D. Wolfberg, OD., optometric consultant to the Office of the Assistant Secretary of Health and Scientific Affairs, some of the social consequences of visual disorders are enumerated. For example, visual disorders are a primary cause of underachievement in the classroom. Ninety-nine percent of those who fail the first grade and 90 percent of those who fail the second grade do so because of reading difficulties. An estimated 10-million children of school age are affected by learning disabilities associated with impaired vision. Of the 700,000 who drop out of school each year, most are 2 or 3 years behind their age group in reading skills.

Other studies have indicated that industrial employees with corrected vision have over 20-percent fewer accidents in 1 year than a control group without corrected vision.

The unmet vision needs of the elderly are of further concern to me. Older individuals who suffer a severe impairment of their vision, and do not have it corrected, will begin to limit their mobility. Gradually they will withdraw from active participation in civic and social affairs. Furthermore, 85 percent of all serious injuries experienced by persons over 65 years of age are caused by falls, and fully one-fourth of such falls are considered attributable to visual impairment.

Although the entire Nation has a shortage of optometrists and other vision care specialists, the existing manpower resources are poorly distributed to meet the needs of the population. Mr. President, at this time I ask unanimous consent to have printed in the RECORD, a study, compiled by the American Optometric Association, showing counties in Texas with a shortage of optometrists. This study includes the population figures, by county; the number of practicing optometrists in the county; the ratio of optometrists to the population; the number needed to achieve the recommended 1 to 7,000 ratio; and the net surplus or deficit of optometrists in the county.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

County	Population 1970	Optometrists	Ratio	1-7, 000	Net
Angelina	49, 349	4	1–12, 337	7	−3
Atascosa	18, 696	0	0–18, 696	3	−3
Austin	13, 831	0	0–13, 831	2	−2
Bell	124, 483	8	1–15, 560	18	−10
Bexar	830, 460	53	1–15, 669	119	−66
Bosque	10, 966	0	0–10, 966	2	−2
Bowie	67, 813	7½	1–9, 042	10	−2½
Brazoria	108, 312	7½	1–14, 442	15	−7½
Brazos	57, 978	6	1–9, 663	8	−2
Brooks	8, 005	0	0–8, 005	1	−1
Calhoun	17, 831	½	1–35, 662	3	−2½
Cameron	140, 368	6	1–23, 395	20	−14
Cass	24, 153	1	1–24, 153	3	−2
Chambers	12, 187	0	0–12, 187	2	−2
Cherokee	32, 008	2	1–16, 004	5	−3
Collin	66, 920	5	1–13, 384	10	−5
Colorado	17, 638	1	1–17, 638	3	−2
Coryell	35, 311	1	1–35, 311	5	−4
Dallas	1, 327, 321	83	1–15, 991	190	−107
Denton	75, 633	5	1–15, 127	11	−6
Duval	11, 722	0	0–11, 722	2	−2
Ellis	46, 638	5	1–9, 328	7	−2
I Paso	359, 291	24	1–14, 970	51	−27
annin	22, 705	1	1–22, 705	3	−2
Fisher	6, 344	0	0–6, 344	1	−1
Fort Bend	52, 314	2	1–26, 157	7	−5
Frio	11, 159	0	0–11, 159	2	−2
Galveston	169, 812	13	1–13, 062	24	−11
Grayson	83, 225	8	1–10, 403	12	−4
Grimes	11, 855	0	0–11, 855	2	−2
Guadalupe	33, 554	2	1–16, 777	5	−3
Harris	1, 741, 912	125½	1–13, 880	248	−122½
Hays	27, 642	2	1–13, 821	4	−2
Hidalgo	181, 535	9	1–20, 171	26	−17
Hunt	49, 948	3	1–16, 649	7	−4
Jasper	24, 692	2	1–12, 346	4	−2
Jefferson	244, 773	19	1–12, 883	34	−15
Jim Wells	33, 032	3	1–11, 011	5	−2
Johnson	45, 769	5	1–9, 154	7	−2
Karnes	13, 462	0	0–13, 462	2	−2
Kaufman	32, 392	2	1–16, 196	5	−3
Kleberg	33, 166	2	1–16, 583	5	−3
Liberty	33, 014	1	1–33, 014	5	−4
Limestone	18, 100	0	0–18, 100	3	−3
Lubbock	179, 295	19	1–9, 437	26	−7
McLennan	147, 553	15	1–9, 837	21	−6
Maverick	18, 093	0	0–18, 093	3	−3
Medina	20, 249	1	1–20, 249	3	−2

County	Population 1970	Optometrists	Ratio	1-7,000	Net
Midland	65,433	5	1-13,087	9	−4
Milam	20,028	1	1-20,028	3	−2
Montgomery	49,479	2	1-24,740	7	−5
Nacogdoches	36,362	2	1-18,181	5	−3
Navarro	31,150	2	1-15,575	4	−2
Nueces	237,544	13	1-18,273	34	−21
Orange	71,170	2	1-35,585	10	−8
Palo Pinto	28,962	1	1-28,962	4	−3
Parker	33,888	2	1-16,944	5	−3
Potter	90,511	11	1-8,228	13	−2
Red River	14,298	0	0-14,298	2	−2
Robertson	14,389	0	0-14,389	2	−2
San Patricio	47,288	½	1-94,576	7	−6½
Shelby	19,672	1	1-19,672	3	−2
Smith	97,096	6	1-16,183	14	−8
Starr	17,707	0	0-17,707	3	−3
Tarrant	716,317	56	1-12,791	102	−46
Taylor	97,853	6	1-16,309	14	−8
Tom Green	71,047	8	1-8,351	10	−2
Travis	295,516	20	1-14,776	42	−22
Tyler	12,417	0	0-12,417	2	−2
Upshur	20,976	1	1-20,976	3	−2
Val Verde	27,471	1	1-27,471	4	−3
Van Zandt	22,155	0	0-22,155	3	−3
Victoria	53,766	5	1-10,753	8	−3
Walker	27,680	1	1-27,680	4	−2
Waller	14,285	0	0-14,285	2	−2
Webb	72,859	5	1-14,572	10	−5
Wichita	121,862	13	1- 9,374	17	−4
Willacy	15,570	0	0-15,570	2	−2
Williamson	37,305	3	1-12,435	5	−2
Wise	19,687	1	1-19,687	3	−2
Total, State of Texas	11,198,885	822	1-13,624	1,600	−778

Mr. TOWER. Mr. President, I find it particularly distressing that over 65 counties, which need at least one optometrist, have none, and that there are shortages in over 165 counties in Texas.

Obviously, the problem of geographic disparity in the distribution of health manpower is as prevalent for dentists and optometrists as it is for physicians. My bill, through the incentive principle, would encourage health professionals—physicians, dentists, and optometrists—to take up practice in areas of the country where they are in the shortest supply. Generally speaking, passage of this legislation will benefit rural and inner-city areas all across the country. To narrow the gap in the most critical manpower-shortage areas should be a priority item.

Briefly, my bill proposes that the first $20,000 of a physician's, dentist's, or optometrist's adjusted gross income from medical sources be tax-exempt for the first taxable year of practice in an established shortage area. This tax incentive would continue for 5 years on a downward sliding scale. This bill further requires that the health professional practice at least 2 years in the shortage area. Designation of the shortage areas would be made by the Secretary of Health, Education, and Welfare with the advice of appropriate State agencies.

I strongly believe that the proposal I am offering today employs the best method of solving the problem of geographical disparity in health manpower distribution. The tax incentive concept creates a financial incentive for the physician, dentist, or optometrist to practice in an area where he can do the most good. It does not, however, dictate the area in which he must practice.

My proposal would use existing Government mechanisms. It will not require the establishment of yet another bureaucracy to carry out yet another proposal.

Mr. President, so that this proposal may be readily available for further examination by my colleagues, I ask unanimous consent that the complete text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by—

(1) redesignating section 124 as section 125; and

(2) inserting after section 123 the following new section:

"SEC. 124. PHYSICIANS, DENTISTS, AND OPTOMETRISTS ESTABLISHING PRACTICE IN PHYSICIAN SHORTAGE AREAS.

"(a) IN GENERAL.—In the case of a physician, dentist, or optometrist who engages in the practice of medicine, dentistry, or optometry, respectively, in a physician shortage area, gross income does not include, at the election of the taxpayer, adjusted gross practice income from such practice in such area to the extent of—

"(A) $20,000 during the first taxable year of such practice;

"(B) $15,000 during the second taxable year of such practice;

"(C) $10,000 during the third taxable year of such practice;

"(D) $7,500 during the fourth taxable year of such practice; and

"(E) $5,000 during the fifth taxable year of such practice.

"(b) LIMITATIONS.—

"(1) TWO-YEAR PRACTICE REQUIREMENT.—The provisions of subsection (a) shall apply to a physician, dentist, or optometrist with respect to practice in a physician shortage area only if he continuously engages in such practice for at least 2 years, commencing with the day on which he first engages in such practice. The preceding sentence shall not apply—

"(A) to a physician, dentist, or optometrist who dies during such 2-year period, or

"(B) with respect to any period of disability during such 2-year period.

"(2) PROVISIONS TO APPLY ONLY ONCE.—The provisions of subsection (a) shall apply to engaging in practice in a physician shortage area only once for any physician, dentist, or optometrist.

"(c) ELECTION.—

"(1) IN GENERAL.—An election to have the provisions of subsection (a) apply shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations. Such election may not be revoked except with the consent of the Secretary or his delegate and subject to such terms and conditions as the Secretary or his delegate prescribes.

"(2) DESIGNATION OF FIRST TAXABLE YEAR.—At the time of making an election under paragraph (1), a physician, dentist, or optometrist shall designate his first taxable year of practice in a physician shortage area, for purposes of applying the provisions of subsection (a), as—

"(A) the taxable year in which he first engages in practice in such area, or

"(B) the succeeding taxable year.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'adjusted gross practice income' means gross income from the practice of medicine, dentistry, or optometry less any deductions arising out of such practice; and

"(2) the term 'physician shortage area' means any area within a State certified to the Secretary by the Secretary of Health, Education, and Welfare as an area in which there are an insufficient number of physicians practicing medicine to meet the need for medical care of the population of such area.

"(e) Certifications by Secretary of Health, Education, and Welfare.—

"(1) IN GENERAL.—The Secretary of Health, Education, and Welfare shall, on or before November 1 of each year (beginning with 1972) certify the physician shortage areas (if any) in each State for the following calendar year.

"(2) CERTIFICATIONS PURSUANT TO STATE AGENCY RECOMMENDATIONS.—In making the certifications of physician shortage areas for purposes of this section, the Secretary of Health, Education, and Welfare shall accept the determination as to the number and location of physician shortage areas in a State recommended to him by—

"(A) the State planning agency for such State (as designated pursuant to section 314(a)(2)(A) of the Public Health Service Act), or

"(B) if in such State there is no agency, or if such agency fails to make a recommended determination within a reasonable time prescribed by him, by such other agency of such State as he finds to be qualified to make such a recommended determination and as the Governor of such State shall have designated to make such a recommended determination;

but only if the agency, in making such recommended determination, has sought the advice and assistance of the State medical societies for such State; and

"(C) the Secretary of Health, Education, and Welfare is satisfied with the adequacy of the criteria employed by the agency as the basis upon which such recommended determination was made.

"(3) OTHER CERTIFICATIONS.—If, in the case of any State, the Secretary of Health, Education, and Welfare does not receive (within such reasonable time as he shall prescribe) a recommended determination with respect to such State which meets the requirements of paragraph (1), he shall (after seeking the advice and assistance of the State medical societies for such State) certify the number and location of the physician shortage areas (if any) of such State on the basis of the most current and appropriate data available to him.

"(4) EFFECTIVE PERIOD OF CERTIFICATION.—A certification by the Secretary of Health, Education, and Welfare under paragraph (1) of physician shortage areas in a State shall remain in effect for the calendar year for which it is made. With respect to a physician, dentist, or optometrist, who engages in practice in an area so certified during his taxable year beginning in such calendar year and who makes an election under subsection (c) to have the provisions of subsection (a) apply, such certification (A) shall remain in effect for succeeding calendar years, and (B) shall be treated as having been in effect for prior calendar years for purposes of determining the number of taxable years of his practice in such area.

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 124 and inserting in lieu thereof the following:

"Sec. 124. Physicians, dentists, and optometrists establishing practice in physician shortage areas.

"Sec. 125. Cross references to other Acts."

(c) The amendments made by this Act shall apply to taxable years beginning after December 31, 1972.

ANNOUNCEMENT OF CONTINUED HEARINGS ON S. 448

Mr. METCALF. Mr. President, the chairman of the Senate Subcommittee on Intergovernmental Relations, the distinguished Senator from Maine (Mr. MUSKIE), has asked me to announce that the subcommittee will continue hearings on S. 448, a bill to provide that the appropriation requests of certain regulatory agencies be transmitted directly to Congress.

Senator MUSKIE has requested that I preside at the hearings which are scheduled for April 18 and 19. They will begin at 10 a.m. in room 3302 of the New Senate Office Building.

Any Member of Congress or other person wishing to testify should notify Mrs. Lucinda Dennis, chief clerk of the subcommittee. She can be reached by calling 225-4718.

ANNOUNCEMENT OF HEARING ON DEEP WATER PORT POLICY ISSUES

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD an announcement of a hearing and attached introduction and questions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

After many decades of self-sufficiency or surpluses in petroleum supplies, the United States has become an oil deficit country. Since 1958 we have had oil import restrictions intended to encourage domestic exploration. Yet in 1971 imports accounted for one-fourth of the Nation's oil consumption, an advance of 15 percent over 1971.

Oil imports will keep growing to fill the increasing gap between domestic supply and national requirements. New production from the continental shelf and from Alaska can reduce the deficit, and over a longer period, coal, oil shale and nuclear power may, if new environmentally sound technologies can be developed, restore this country's self-sufficiency in fuels. Many Americans believe and hope that the growth of energy consumption can be slowed down or halted, and there is certainly room for fuel conservation and increased efficiency. While I am confident that we have the capacity to deal with long term problems of energy supply in a manner that protects national interests, it nevertheless seems inescapable that in 1980 and 1985, the United States will be importing three, four or even five times as much oil as in 1970.

Much of this oil will come a long distance, particularly from the Persian Gulf, where most of the world's reserves have been found. The most economical way to carry this oil is in supertankers, and oil is now moved between the Middle East and Europe or Japan in ships of 100-, 200-, or 300,000 tons. Tankers of half a million tons are under construction, and million ton vessels are being designed.

The United States is already the world's biggest oil importer, but we do not have a single port that can accommodate supertankers. These ships now have to unload in the Bahamas or Canada, and deliveries to U.S. ports are made in smaller tankers. This pattern encourages the building of refineries abroad, and has serious implications for costs, security of supplies and the balance of payments.

In the face of a phenomenal growth of oil imports, the Federal government does not have at present any overall policy on deep water ports and supertanker terminals. Policy now seems to be in the hands of oil companies, the states and individual port authorities. It is not clear what, if any, role the Federal government should play in the selection and development of deep water facilities, particularly whether it should take on new responsibilities for centralized planning and policy development.

Another major area of uncertainty relates to the sufficiency of the body of knowledge and experience on which these policy determinations should be made. For example, do we fully understand how the navigational safety and environmental risks compare, barrel for barrel, between oil carried in supertankers and in conventional sized vessels, and for other alternatives?

The Congress and the Executive Branch need to take a hard look at the economic, environmental, and national security consequences of alternative systems for handling oil imports, coal exports and other bulk cargoes, including the construction and operation of deep water ports and terminals. Accordingly, the Committee on Interior and Insular Affairs, together with ex-officio representatives of the Commerce, Public Works, and Joint Atomic Energy Committees, will hold a hearing on these issues on April 25 as part of the National Fuels and Energy Study, authorized by Senate Resolution 45. On this date, the Committee will hear representatives of the Commerce Department, the Corps of Engineers and the Council on Environmental Quality. Time limitations preclude hearing everyone who might have a direct interest in these hearings or might want to testify. Representatives of other agencies, coastal states and communities, industry, conservation, labor and consumer groups, and independent experts are being asked, however, to submit written statements for the hearing record.

Witnesses and others filing statements are being asked to respond to a list of specific questions on deep water port policy. I am attaching this list and its introduction at this point in my statement.

INTRODUCTION TO DEEP WATER PORT POLICY ISSUE REVIEW

United States imports of crude oil and petroleum products grew from 1,153 million barrels in 1970 to 1,324 million barrels in 1971, an increase of 15 percent. In 1971, imported oil supplied just about one-fourth of the nation's oil requirements or 12 percent of total energy. This reliance on foreign oil will play a larger and larger role in our energy supply for at least ten to twenty years, and maybe longer. Later, synthetic oil and gas from coal or from oil shale, nuclear power and other new energy sources may fill the gap between domestic oil and gas production and domestic energy needs. Meanwhile, however, most of the increase in our fuel supply will be in the form of oil from other countries.

The National Petroleum Council has projected net oil imports increasing to 2.7 billion barrels in 1975, 4.0 billion in 1980, and 5.3 billion in 1985. The latter figure would amount to 57 percent of our oil supply and half of total energy consumption.[1] These NPC forecasts for oil imports are not the highest. The New York State Public Service Commission forecasts 1980 oil imports of about 6.0 billion barrels, on the premise that the NPC has overestimated the actual supplies of low sulfur coal available for electric power generation.[2]

Some of the increased oil imports will arrive by pipeline from Canada. But the major part will be imported by tanker; in addition, some or all of the crude oil transported from Alaska to the Lower 48 may be carried on the ocean. Accordingly, it is likely that at least five to six billion barrels of oil (13.6 to 16.5 million barrels per day) would be brought into U.S. ports in 1985.[3] This figure is nearly equal to all of the oil cargoes of the whole world in 1971.

The cost per ton-mile of sea transport for bulk commodities drops sharply as vessel size increases. The use of 200,000 dwt vessels rather than those of 50-65,000 dwt, would reduce transport costs by as much as half on long voyages, or 45-55 cents per barrel in shipments from the Persian Gulf to the United States.

Western Europe and Japan, which already depend overwhelmingly on imports for their oil supply, are increasingly supplied by supertankers—vessels of 100,000 tons (dwt) or greater displacement. In 1971, there were already more than 300 such tankers in service, and there are now several hundred vessels of more than 200,000 dwt on order, including one of 525,000 dwt. Ships of up to one million tons are already in the design stage.

Supertankers cannot be accommodated at most conventional ports, and their use requires substantial engineering effort and capital outlay. Several types of supertanker port or terminal facilities exist in the major oil importing and exporting countries, ranging from accommodations at existing industrial port complexes to single purpose coastal loading terminals, and offshore facilities for transshipment to smaller coastal tankers. In each instance, however, the location and planning of supertanker accommodations, and in some cases, financing and management, are important concerns of the central governments.

No supertankers currently serve the continental United States directly. There are no terminals capable of serving them and vessels larger than 80,000 dwt can enter only two U.S. harbors, both on the West Coast. It is not inevitable or essential that the United States construct supertanker facilities.

At some higher price in transport costs all imported oil could be handled by vessels of a size that can be accommodated at existing ports. These smaller tankers could be loaded either in the exporting countries or from supertankers at transshipment terminals in foreign countries, for example in Canada or the Bahamas. Also, imports could be unloaded in Canada for movement by pipeline into the United States as crude oil,

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Footnotes at end of article.

or as petroleum products after refining in Canada. These alternatives will have different implications, however, for security of fuels supply, for the balance of payments, and possibly for the environment.

Whether or not supertankers enter U.S. waters, the growth of oil imports will effect a huge increase in traffic and in tonnages carried through U.S. ports. Petroleum imports will consume capital and space for terminals and onshore transport links, require additional harbor deepening and maintenance activities, and increase the risks of collision, groundings, chronic and accidental oil discharges, and fire. However imported oil is transported, the growth of energy consumption will require new refineries, power plants and other industrial facilities to be built somewhere, and decisions on tanker size and the siting of terminals will certainly affect their location. In light of all these variables, it is not immediately obvious in what direction either the total economic benefits or the total safety and environmental risks, would compare per barrel among the various transport alternatives for importing oil.[4]

If deep water ports or terminals are to be built in the United States, their number and location are also important issues. The optimum number of such facilities on each coast may be very small. However, perceived community or private gains from port development may produce competition among states and port authorities to establish these facilities, and lead to an unnecessary commitment of space and capital to them. In such a case, competition for federal assistance can also be expected, both for construction, and afterward, to cover losses in port or terminal operations that may have been made uneconomic because of excess capacity.

On the other hand, it is conceivable that coastal states and communities will perceive few local benefits from deep water accommodations, whatever their national importance. Because the safety and environmental risks and the aesthetic damage will be borne locally, state and local opposition to coastal and esturarine development may preclude deep water port or terminal developments entirely in some regions of the country. Such opposition might also force these facilities into less desirable locations from both economic and environmental standpoints, simply because political resistance was least in these places.

The Senate Committee on Interior and Insular Affairs has scheduled hearings on issues of deep water port development for April 25. This hearing is being held under authority of Senate Resolution 45, which directed the Committee, with participation from the Commerce, Public Works and Joint Atomic Energy Committees, to conduct a study of national fuels and energy policy. The hearing planned for April 25 will examine the prospective economic benefits, and the risks, from deep water port development in the United States. At the same time the Committee will attempt to ascertain whether there is now an explicit or implicit general policy in the Federal government toward deep water port development, and what the elements of such a policy ought to be. Witnesses are being asked to respond to the specific questions in the following issue list.

DEFINITIONS

In the following questions, "intermediate tankers" refers to vessels of 65,000 to 200,000 dwt (maximum draft 42 to 64 ft.) and "supertankers" to vessels of greater than 200,000 dwt (maximum draft 64 ft. or greater).

"Port" means a complex of berths and cargo handling facilities on the coastline or in a natural harbor, "terminals" includes such facilities, whether on shore, at an artificial offshore island or fixed, floating structure. "Petroleum products" include refined products, naphtha, residual oil, natural gas liquids and LNG.

DEEP WATER PORT DEVELOPMENT ISSUES

A. Historical and projections

1. What are the current levels of oceanborne traffic in crude oil, petroleum products, and coal:

(a) U.S. domestic traffic—by region of origin and region of destination?

(b) U.S. import traffic—by country of origin and region of destination?

(c) U.S. export traffic?

(Please furnish a map indicating current patterns of crude oil, petroleum product, and coal traffic.)

2. What is the range of anticipated levels of oceanborne traffic in crude oil, petroleum products, and coal to the year 2000 (in 10-year intervals beginning with actual data for 1970):

(a) U.S. domestic traffic—by region of origin and region of destination?

(b) U.S. import traffic—by country of origin and region of destination?

(c) U.S. export traffic?

(Please furnish maps, graphs, or visual aids.)

3. Which of the existing U.S. regional port or terminal facilities are expected to be the major ports of entry for crude oil, petroleum products, and coal in each of these time periods, assuming no major changes from the present in maximum depth of existing ports and terminals, in vessel size, and in technology?

4. What is currently the maximum depth and capacity of the major U.S. ports, terminals, and harbors?

(a) What are the practical limits (considering costs, environmental impact, etc.) of expansion of the capacity of existing ports, terminals, and harbors, with and without deepening?

5. What are the present, planned and projected locations and capacities of U.S. crude oil refining and storage facilities (by region), and what is the relationship of these facilities to U.S. ports, terminals and harbors?

(Please provide a map indicating these locations, the pipelines which serve them, and their relationship to existing port and terminal facilities.)

B. Alternatives

1. A recent report on foreign deep water port developments identified eight possible alternatives for a U.S. deep water port strategy:

(a) do nothing (i.e. continue to use only vessels that can be accommodated in existing ports);

(b) lighten supercarries (unload a portion of the cargo offshore);

(c) develop or use transshipment terminals in other countries (e.g. Canada and the Bahamas);

(d) subsidize a shallow-draft supercarrier fleet;

(e) deepen and expand existing port-industrial complexes;

(f) establish new U.S. coastal transshipment terminals;

(g) develop new offshore terminals (e.g. offshore islands or loading facilities);

(h) develop new deep water, port-industrial complexes.

What are the implications of *each* of these alternatives for the various sectors of the national interest with respect to:

(a) transportation cost per barrel of oil?

(b) consumer cost of energy?

(c) total cost of energy to the national economy?

(d) balance of payments?

(e) capital requirements?

(f) regional growth and economic development?

(g) security of fuels supply?

(h) maritime and port labor requirements?

(i) time required for development?

(j) impact of chronic and/or accidental oil spills?

(k) alternative uses of the coastal environment (recreation, fishing, residential development, etc.)?

(l) other impacts on regional environments?

2. What practical alternatives are available to using supertankers and deep water ports or terminals, for achieving equivalent reductions in the consumer cost of oil, and what are their economic and environmental implications?

C. Port and terminal development

1. What projects for deep water port and terminal development are now in progress, planned, or under active consideration by Federal, interstate, State, or local authorities, and/or by private industry?

2. Assuming deep water ports and terminals are developed, how many such facilities would be needed in or adjacent to the U.S. to accommodate the projected increases in oceanborne coastal and international traffic in bulk commodities and where would they be located (furnish projections to year 2000)?

3. What physical economic, social and other factors determine the optimum location(s) of future deep water facilities?

4. What, if any, other industrial, commercial, and residential developments would normally be expected to be associated with or to follow the development of deep water facilities?

5. What are the implications of the U.S. policy toward deep water ports and terminals for the domestic or foreign locations of refinery capacity serving U.S. markets?

6. What, if any, industrial, commercial, and residential developments are now planned or under active consideration to accompany deep water facilities?

7. What is the interest in, or attitude of private enterprise (particularly the oil industry) toward initiating, financing, or constructing deep water ports and terminals? To what extent does industry interest depend upon federal initiatives, or government participation in construction and financing?

D. Bulk fuel carriers

1. In summary form, what is the size, age, registry, ownership, and country of construction of the present world tanker and coal carrier fleets (1) now in operation, (2) in reserve, (3) under construction, and (4) planned for operation in:

(a) U.S. oceanborne coastal trade?

(b) U.S. international trade?

(c) trade among other nations?

2. To what extent are the sizes of vessels operating in U.S. international and coastal trade limited by:

(a) harbor depths?

(b) port facilities?

(c) navigation facilities?

(d) other physical, technological, or engineering factors?

(e) environmental protection laws and regulations?

(f) cabotage laws and policies (e.g. the Jones Act)?

(g) other laws, regulatory policies, and international agreements?

(h) capital and/or operating costs?

(i) liability and insurability?

(j) other economic factors?

3. What, in summary, are the current trends in tanker size, registry, ownership, and country of construction, and what are the factors (policy, economic, etc.) that have influenced past and emerging trends?

4. What are the advantages and disadvantages of using intermediate tankers and supertankers to transport a given volume of crude oil or petroleum products compared to the use of smaller vessels in respect to:

(a) capital requirements?

(b) transport cost per barrel?

(c) balance of payments?

(d) traffic and facility congestion?

(e) chronic and accidental oil spills (in port, near shore, at open sea) and contingency planning for them?

(f) navigation safety and navigation facility requirements?

(g) other environmental factors?

5. What would be the distribution of net benefits from reduced transport costs resulting from the use of larger tankers, among producer governments, operating companies, ship owners, refiners, U.S. consumers, and the U.S. Treasury?

6. What, if any, unique difficulties or safety problems does the transport of LNG and other fuels present for port and terminal developments and/or the construction and operation of intermediate tankers and supertankers?

7. What are the current and anticipated size limits on vessel construction in U.S. shipyards?

8. What are the construction costs for intermediate and supertankers in U.S. shipyards as compared to foreign shipyards?

9. What are the comparative operating costs for these tankers under U.S. and foreign registry?

E. Role of government

1. What, if any, overall Federal policy exists at the present time regarding intermediate and supertanker operations and development of deep water ports or terminals? Which Federal agencies have been assigned the primary responsibility for policy development in these two areas?

2. What in-house or contractor studies have been completed or are now under way or contracted by Federal agencies regarding intermediate and supertanker operations, or development of deep water ports or terminals?

3. What federal agencies, interstate entities and types of state and local entities have authority over port and terminal planning, development, and operation, and what are their respective roles?

4. What, in summary, are the state laws and policies toward development of coastal lands, estuaries, and submerged lands that can be expected to influence or restrict deep water ports or terminal development?

5. What should be the respective roles of specific Federal agencies, state and local governments and interstate entities in overall deep water port development and in:

(a) site selection and planning?

(b) financing deep water ports and port facilities?

(c) construction of deep water ports and port facilities?

(d) operation of deep water ports and port facilities?

6. Is it desirable for the Federal government to pre-empt siting and development authority for deep water ports and terminals?

7. What, if any, policies have been implemented by central and local governments in other major countries with respect to deep water ports and terminals, and intermediate tanker and supertanker operation? What weight has been given in these policies to:

(a) transport cost savings?

(b) foreign exchange earned or saved in transport and transshipment activities?

(c) labor savings or employment creation?

(d) security of fuels supply?

(e) encouragement of domestic shipbuilding?

(f) regional economic development?

(g) navigation safety?

(h) environmental impact?

8. To what extent has the Federal government subsidized construction of intermediate tankers and supertankers?

(a) Under what statutory authorization?

(b) How many dollars have been spent and/or obligated?

(c) How many ships have been constructed and/or are under construction or contracted for under the subsidy program?

9. What are the advantages and disadvantages of a federal role in:

(a) financing the construction of intermediate tankers and supertankers?

(b) construction of intermediate tankers and supertankers?

(c) financing the operation of intermediate tankers and supertankers?

10. Does the Administration favor legislation to require that some minimal percentage of oil imported into the U.S. be transported on U.S.-flag vessels?

11. What, in summary, are the current provisions under state and Federal laws, or under international treaties, regarding liability for damages or cleanup, in connection with oil spills, collisions and other incidents in oil tanker traffic?

(a) What national and international mechanisms are available or anticipated for pooling insurance to cover these liabilities?

(b) Are the legal requirements in this area adequate to contend with projected developments in tanker size and port facilities?

12. What are the national security implications of each of the eight deep water port strategies set forth in section B-1 with respect to:

(a) the security of imported fuel supplies?

(b) the need for additional outlays or new programs by the Department of Defense, Coast Guard or other Federal agencies to insure the safety of tankers and port or terminal facilities?

FOOTNOTES

[1] In addition, the NPC foresees the neea to import natural gas increasing from 1 trillion cubic feet in 1970 to 6 trillion in 1985. Some of this will be imported in tankers as LNG. (National Petroleum Council, *U.S. Energy Outlook: An Initial Appraisal, 1971–1985*. Volume 2. Washington, November, 1971.)

[2] Address of Joseph C. Swidler at the Second Annual Meeting, Division of Production, American Petroleum Institute, Houston, Texas, March 8, 1972.

[3] This figure includes an allowance for a daily 2 million barrels from the North Slope and .3 million barrels from Cook Inet.

[4] Neither is it clear how the safety and environmental risks of tanker operations compare, per barrel, with those of offshore oil drilling and production. This comparison may be important for Outer Continental Shelf policy as well as for supertanker and deep water port policy.

NOTICE OF HEARINGS

Mr. CRANSTON. Mr. President, I announce for the information of Senators that the Special Subcommittee on Human Resources of the Senate Labor and Public Welfare Committee will hold hearings on the administration's request for increased authorizations for title X, Public Health Service Act grants and contracts for family planning services, on Monday, April 17 at 9:30 a.m. in room 5320, New Senate Office Building.

The hearings will cover the extent of the need for additional Federal support of programs to provide adequate family planning services to all those who wish to receive them. I also plan to discuss the adequacy of the level of Federal support for population research programs which I feel are vitally important and relevant to the success of family planning programs.

Among those testifying will be—from the Department of Health, Education, and Welfare—Dr. Merlin K. Duval, Assistant Secretary for Health and Scientific Affairs, Dr. Louis Hellman, Deputy Assistant Secretary for Population Affairs, and Dr. John Zapp, Deputy Assistant Secretary for Legislation—Health; Dr. Alan F. Guttmacher, president, Planned Parenthood/World Population, and Frederick S. Jaffe, director, Center for Family Planning Program Development; Mr. John B. Wells, executive director, Family Planning Coordinating Council, Chicago, Ill.; and Mr. Willie T. Hancock, Jr., Planned Parenthood League of Toledo; Mrs. Deborah Oakley, MPH, of the Center for Population Planning, University of Michigan; and Miss Bickley S. Dodge, associate political director, Zero Population Growth.

OVERSIGHT HEARINGS ON THE ADMINISTRATION OF THE OUTER CONTINENTAL SHELF LANDS ACT ON TUESDAY, APRIL 18, 1972

Mr. JACKSON. On March 8, the Committee on Interior and Insular Affairs announced oversight hearings on the administration of the Outer Continental Shelf Lands Act and the Nation's ocean resource policies. Subsequently, testimony was received from Federal witnesses on March 23 and 24 and from industry representatives on April 11.

On Tuesday, April 18, additional testimony is scheduled from representatives of State and local governments and environmental organizations. The hearing will convene at 9:30 a.m. in room 3110 of the New Senate Office Building, and is being held pursuant to the National Fuels and Energy Study authorized by Senate Resolution 45. Scheduled witnesses includes:

Hon. ALAN CRANSTON, U.S. Senator from California.

Hon. Kenneth M. Curtis, Governor of Maine, National Governor's Conference.

Dr. Lyle S. St. Amant, assistant director, Louisiana Wild Life and Fisheries Commission.

SANTA BARBARA PANEL

Supervisor George Clyde, County of Santa Barbara.

Robert C. Sharp, member, Environmental Quality Advisory Board, City of Santa Barbara.

Lois S. Sidenberg, president, Get Oil Out! Inc.

SIERRA CLUB PANEL

Dr. Donald Comb, chairman, Ocean Studies Committee, New England Chapter.

Dr. Carleton Detar, member, Ocean Studies Committee, New England Chapter.

Dr. Kalon Kelley, chairman, Oil Subcommittee, Los Padres Chapter, California.

ADDITIONAL STATEMENTS

THE NEED FOR ACCELERATED APPROPRIATIONS PROCESS

Mr. ELLENDER. Mr. President, on December 15, 1971, I spoke briefly on the Senate floor to express my hope that we would be able to get the appropriations process back on a reasonable legislative schedule. Some progress was made last year in this regard. A better record should be made this year.

As I pointed out in the past, agreement on the need for improvement has been reached with the leadership on both sides of the aisle in the Senate and the House of Representatives. Personally, as chairman of the Senate Committee on Appropriations, I have done everything possible to work with all Members with responsibilities for the scheduling of appropriations bills. We have already met with some success, and I am hopeful that the weeks ahead will see some benefits from the efforts made.

I think this to be a very important subject and one worthy of attention by Congress and the executive branch. Over the last 20 years, it seems that a trend or pattern of procedure gradually developed whereby long delays in the approval of appropriation acts become the accepted order of the day. The pattern was marked by an increasing number of appropriation acts which, in each session of Congress, were not approved at the beginning of the fiscal year. The trend became more pronounced during the 1960's. Many Federal agencies have been forced to operate on continuing resolutions for long periods of time during each fiscal year of the last 10 or 12.

There is no question that this procedure is not in the interest of good government under our present system of financing. There can be little doubt that the question marks raised by long and unpredictable delays in the appropriations process are answered by considerable waste and inefficiency in the Government's operation.

In January of this year, I made an effort to obtain firm estimates as to the savings that would result if we were successful in returning the appropriations process to a reasonable schedule. I am certain that if all bills could be enacted by the start of each fiscal year, considerable economies in both dollar expenditures and manpower efficiency would result.

It was my thought that somewhere in the vast expanses of our Government such figures must be available. Accordingly, I directed letters to the Director of the Office of Management and Budget, George P. Shultz, and to the Director of the Congressional Research Service.

Unfortunately, it appears that meaningful estimates are not available at this time, although all are in agreement that considerable savings to the Government would be forthcoming.

This situation reminds me of a story once told about Franklin D. Roosevelt. On one occasion during his Presidency, he was working on a draft of some after-dinner remarks that he was soon scheduled to deliver. In one paragraph he desired to tie down his opinions with a figure, which we are all prone to do occasionally. His staff sent out his request for the appropriate figure, and word was returned from his statistician that it would take at least 6 months to arrive at any accurate numbers.

President Roosevelt said:

> In that case, let us use this estimate.

And he wrote down a figure on the draft of his speech.

> It sounds reasonable, it reinforces my point, and it will take my critics at least six months to prove me wrong.

Be that as it may, Mr. President, Director Shultz responded to my inquiry as follows:

> The delays in enactment of appropriations in recent years have weakened management efficiency in the Government, not only in Washington, but even more so in the field. The uncertainties of day-to-day operation, during the period from July 1 until enactment of appropriations, also make it difficult for agencies to benefit from the advantages of longer range planning and program execution. Whether the program involves production of weapons systems, construction of a dam, or the development of plans for a Head Start program, appropriation delays hamper orderly planning and work scheduling. Activity cannot proceed at an even pace, often slowing while awaiting the firm distribution of funds and proceeding too hastily after appropriations become available. Often, too, the uncertainty results in delays which raise costs.

Mr. President, I ask unanimous consent that the letter to me from Director Shultz be printed in the RECORD at the conclusion of my remarks.

In a memorandum to me headed "Unavailability of Estimated Cost Resulting From the Enactment of Appropriations After the Beginning of the Fiscal Year," the Economics Division of the Library of Congress replied in much the same vein. Considerable references were provided from knowledgeable spokesmen both in and out of Government as to the problems, waste, and inefficiencies that delays in the approval of appropriations bills caused executive agencies and the people of the Nation we are supposedly attempting to help.

I have occasionally heard it said that the increasing use of continuing resolutions actually works to save Government expenditures. That argument has merit only if we assume that the programs being funded are without merit in the first place and hence should be dispensed with, or if we forget the important place that inflation has come to occupy in all Government-funded programs.

Mr. President, I ask unanimous consent that the memorandum supplied to me by the Congressional Research Service, Economics Division—marked exhibit I—be included at the conclusion of my remarks after the letter from Director Shultz. I have taken the liberty of making minor changes in the document in the interest of clarity.

I desire to draw special attention to exhibit I, for it contains a table listing the number of days delay for the approval of each appropriation bill for each year since calendar year 1963, or fiscal year 1964. For instance, in 1963, we see that the bill providing funds for the Department of Agriculture was finally approved on December 30, or 183 days after the beginning of the fiscal year. The average number of days delay for the agriculture bill from 1963 through 1971, is 107 days per year.

The defense bill averages 122 days late; foreign assistance—165. I could go on throughout this list, but I think the point is made. I believe this table will be of interest to all those concerned with reforming the appropriations process, as I am.

There was a second thrust to my remarks delivered on this subject on December 15 of last year. At that time, I pointed out that one of the largest roadblocks to speedy handling of appropriations bills is the annual delay in congressional approval of the necessary authorizing legislation. I suggested that a reasonable course of action might be to push for the approval of all of the regular appropriations bills and include in them funds only for which there was existing authorization. Funds for programs which would be authorized later in the year could be obtained in an omnibus supplemental which could be scheduled at the leisure of the appropriations committees and the congressional leadership.

In that regard. I have been supplied with a table which lists the authorizing legislation required prior to appropriations, and the money bills which were enacted after the authorizing legislation had been approved. I ask unanimous consent that this table, exhibit II, be printed at the conclusion of my remarks.

Exhibit II establishes the correlation between late enactment of authorization appropriation measures. The period covered is from the 90th Congress, second session to the 92d Congress, first session; in other words, the last 4 years.

For instance, for the 90th Congress, second session, nine of the 10 appropriations acts that required prior authorizing legislation were approved within 15 days of the authorization approval. All 10 of these appropriation acts were approved within 30 days of final approval for the related authorizing bills.

For the 91st Congress, first session, two of the nine appropriations bills that required authorizing legislation were approved within 15 days of the authorization bill. Two more of the money bills were approved within 30 days of enactment of the authorizing legislation into law.

To sum up, for the four sessions of Congress which we looked at, there was a total of 40 appropriation bills that required prior authorizing legislation. Twenty of them, exactly half, were approved within 15 days after approval of the authorizations which were bringing about delay.

Mr. President, I am hopeful that these remarks on my part will serve to reinforce the congressional interest which has already been evidenced in this regard. I, myself, am convinced that by this one change in congressional procedure, we can do more to promote rationality and efficiency in our Government than could be accomplished by the expenditures of millions of dollars for study programs and reorganizations.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 14, 1972.

Hon. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ELLENDER: This responds to your letter of February 29 which asked for written confirmation of conversations between our staffs concerning savings which might result from earlier enactment of appropriations bills.

We are most appreciative of your announcement that you will seek to obtain enactment of all regular appropriation bills by July 1 of this year. Your remarks in the December 15, 1971, Congressional Record are entirely to the point.

The delays in enactment of appropriations in recent years have weakened management efficiency in the Government, not only in Washington, but even more so in the field. The uncertainties of day-to-day operation, during the period from July 1 until enactment of appropriations, also make it difficult for agencies to benefit from the advantages of longer-range planning and program execution. Whether the program involves production of weapons systems, construction of a dam, or the development of plans for a Head Start program, appropriation delays hamper orderly planning and work scheduling. Activity cannot proceed at an even pace, often slowing while awaiting the firm distribution of funds and proceeding too hastily after appropriations become available. Often, too, the uncertainty results in delays which raise costs.

There is also reason to believe that the delay in appropriations has cost the Government the loss of some of the more promising applicants for Government service who are available shortly after the school year ends, but who are not available by the time appropriation acts have been enacted.

While it is clear that early enactment of appropriations will result in dollar savings, we are unable to develop estimates of those savings. There is no basis for quantifying the effects of inefficiency. It is also generally not possible to distinguish between those increased costs of Government purchases caused by appropriation delays and those caused by other factors.

We strongly support your efforts in the knowledge that Government will be improved and that savings will occur; we regret that it is not possible to provide estimates of those savings.

Sincerely,

GEORGE P. SHULTZ,
Director.

EXHIBIT 1

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., March 31, 1972.

To: The Honorable ALLEN J. ELLENDER.
From: Economics Division.
Subject: Unavailability of estimated cost resulting from the enactment of appropriations after the beginning of the fiscal year.

During the post World War II period a trend or general pattern has developed whereby an increasing number of appropriation acts annually are not approved by the beginning of the fiscal year. This trend has been intensified during the 1960's and 1970's. Thus many Federal agencies have been operating on continuing resolutions for significant portions of the fiscal years during the last decade.

There have been some arguments to the effect that continuing resolutions act to save the government money or at least reduce the amount of government expenditures for a specific year. Evidently, the premises on which this contention is based are:

(1) The Federal budget expenditure level generally increases annually. The budget requests usually are for a higher level than for the previous year and even though Congress may cut or trim the amount requested in the budget the final amount approved by Congress in most cases is more than the amount approved for the prior year. Therefore, the longer the agencies are required to operate at a level at or below the amount of the previous year the lower will be the total outlays for the current year.

(2) There exists a significant lag time between the granting of appropriations and the letting of contracts which delays the disbursement of funds for the expenditure due when the contracted goods or services are delivered. This is especialy true in the case of newly authorized programs. Therefore, the longer the authorization or appropriation of funds can be delayed the greater will be the reduction in expenditures for the current period. It would seem that this contention is based on an underlying assumption that the program is not needed, because delay in programs usually lead to greater costs as a result of the pattern of rising prices that has persisted since the beginning of World War II.

Contrary to the above argument, numerous persons contend that enactment of appropriations after the beginning of the fiscal year leads to waste and inefficiency in the operations of governmental agencies. Cited below are some typical complaints about the inefficiencies in government operations resulting from late enactment of appropriations.

"With delays in congressional action, State and local governments are kept in doubt about the actual availability of Federal funds until their own fiscal years have expired. School districts, for example, have completed their school terms before the Federal money is made available. Dollars distributed in this fashion hardly can be used with optimum efficiency for the purpose intended by Congress.[1]

"Delayed budget decisions have a stultifying impact on administrative operations. As the fiscal year 1970 began, no Federal department or agency knew what its appropriations—or even its authorizations—would be. Resolutions were passed permitting existing programs to continue at prior levels. This arrangement has two effects, both regrettable. Obsolete programs and others that should be cut back are extended, which is wasteful. New activities urgently needed cannot be undertaken until funding is assured.

"Resulting disruption and indecision are even more pronounced in their effects on State and local governments, which rely more and more heavily upon Federal aids. Capabilities to provide essential public services are impaired as State and local officials wait for Congress to act. The dilemma is worsened because most States and local units use the same fiscal year as the Federal Government. They adopt appropriations and set their tax rates before that fiscal year begins, as prudence would dictate. But Federal grants needed for partial support of almost every function remain unsettled for many months.

"As delays mount, the morale of conscientious officials at every level weakens.[2]

"I am quite confident I represent my fellow associates in the National Association of State Budget Officers accurately, when I say that it is this appropriation lag problem which is most distressing to any refined and responsible budgetary, decisionmaking process in the State capitols. There is no small amount of irony in the fact that the Federal Government, through the HUD 701 program, and various grant planning requirements has been the single major force in bringing sophisticated, effective financial planning processes to the State scene during the past 5 to 10 years. Yet, it is the same Federal Government that is frustrating that entire development by the appropriation lag problem.

* * * * *

"(3) A general condition which affects many program areas of our university is the short notice which many Federal agencies impose in their announcements of eligibility of Federal project funds—again directly related to the congressional appropriation lag. In many instances, a Federal agency can give no more than 3 to 4 weeks notice that applications for a complicated project are being accepted. This means that the university must scramble to develop a proposal which, when submitted, cannot do justice to the project or the university.

"(4) Yet another example of administrative difficulties occurred with the Development Disabilities Act, Public Law 91-517. This legislation was enacted in October of 1970 and authorized funds for fiscal years 1971-73. Appropriations for the 1971 fiscal year were not made, however, until January of 1971, halfway through the fiscal year. It was required that these funds be obligated prior to June 30, 1971. The Federal deadline for the first State plan was set for April 15, 1971, but guidelines for the plan were not even received by the States until April 22, 1971. The time pressure for the initial year of the program allowed the States slightly over 2 months to develop a State plan, develop applications, carry out necessary reviews and obligate funds.[3]

"The following points are illustrative of people problems:

"(1) The lag and uncertainty in appropriations for educational and research programs has a particularly unsettling impact on our university's graduate students. University programs require that a State contract be granted to teaching research fellows before the school year begins in September. Appropriations and Federal agency funding delays often preclude both the university staff and the student from effectively planning course work and research. The university is reluctant to guarantee a fellowship or teaching assistantship until it is reasonably assured of its allocated Federal aid. The student is mired in uncertainty as well.

"(2) The State-Federal cooperative program for rubella vaccination became a victim of late appropriations. The rubella program was designed to vaccinate an estimated 70 percent of the State's schoolchildren before the beginning of summer vacation in 1970. A highly efficient vaccine distribution and innoculation program had been organized with cooperating private and public health authorities, and the local school districts. The final budget approval for 1970 was not received until March 17, 1970. The few remaining school months and the need to completely reschedule many logistical requirements allowed only 30 percent of the children to be vaccinated before summer. The result was delayed immunization and an increased program cost which had to be absorbed by State and local government.[4]

"The present system leads to waste and inefficiency.

* * * * *

"If the Federal Government is to get an efficient program out of its expenditures under the Federal education grants, some kind of firm long-range commitment of grant funds must be made. A whole year in advance is required in order for year-to-year planning to fit into the budget cycle of school systems and 3 to 5 years is required for longer range planning.

Footnotes at end of article.

"We have all heard rumors of closets full of materials and equipment purchased with Federal funds in an end-of-the-year flurry to spend funds before they are lost. We have all heard of instances of failures of compensatory programs supported with Federal funds. Logically we should expect that hastily planned and staffed programs would have a high degree of failure.

"Chairman BROOKS. This is particulary well stated. I would say the same degree of failure, the same low yield, the same waste of money and effort, is true in every Government agency that received Federal money which had been delayed too long to properly plan its use.[5]

"I was in West Virginia last fall when funds were held up. Teachers were complaining about how at the end of the last year the superintendents had urged them to submit lists of equipment and books and materials that they could buy so that the money could be spent before it was lost. They lamented the fact that these materials were not available throughout the year and students who passed through the year missed that opportunity.

"They also felt a lack of continuity from year to year because they as teachers might not be staffing that classroom next fall. Materials ordered might not fit the program which was planned during the summer, so there is a high percentage of waste. Teachers are beginning to become very impatient, because you cannot really plan a Federal program.[6]

"ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"In 1965 the Congress enacted a major new program to aid education for the culturally and economically deprived children of school age. After years of debate spanning the administration of Abraham Lincoln to Lyndon Johnson, the Congress formulated a program of aid to education which was able to marshall support of a majority of the Congress. The bill was enacted on April 11, 1965. It was made effective July 1, 1965. Appropriations were included in an appropriations bill which was signed into law on September 23, 1965. Regulation policies and procedures were promulgated over the next several months. Final allocation of funds distributing the appropriation among counties did not occur until February 1966. In order to avail themselves of these funds, a school district had to design projects to serve the educational needs of deprived youngsters not as substitutive for existing funds but as additional activities. The State had to review and approve each individual project. Funds not obligated by a school district by June 30, 1966, were lost and reverted to the Treasury. The first year appropriation amounted to $1,057 million. The amount actually used was $958 million with the remainder lapsing.

"An evaluation of how the funds were used made by the Education and Labor Committee, was very critical of the excessive amounts that went for construction, alteration and equipment and for marginal activities of school districts. People in some areas of the country were especially critical of school boards and school administrators that failed to take advantage of and use all of the funds to which they were entitled, resulting in $100 million of funds reverting to the Treasury.

"This problem is more acute and far reaching than the extravagant and ill-considered expenditures of the first year of a program. It tended to set a pattern which would long affect the program. Low priority programs initiated in the first year have a tendency to be a first mortgage on subsequent year funds. The apparent laxity of Federal standards establish a pattern of questionable expenditure planning that tends to be perpetuated.[7]

"The late enactment of appropriations is greatly disruptive of programing and management processes. Both in the field and in Washington, managers are left in doubt as to their funds for the year and the steps they can take within available resources to meet the program requirements that materialize. It is difficult, also, to manage expenditures and net lending for the Government as a whole, in relation to receipts, when there is uncertainty for such a long time at the start of each year as to the budget authority being granted by the Congress. I might interpolate, Mr. Chairman, as the number and volume of grant programs to the States increases, I think this problem that I have described very briefly here is transmitted, passed along to the States and they, in turn, have difficulty in planning and in managing their finances because of the lag in appropriation action."[8]

These eight selected examples, contending that late enactment of appropriations generate inefficiencies in governmental operations, are only indicative of innumerable examples to be found in congressional and periodical literature of the past two decades. Unfortunately, we do not know of any discussions or examples of waste or inefficiencies resulting from late appropriation enactment that attempt to measure or stipulate the costs or losses from inefficiencies in any specific terms or dollar amounts.

The question of estimating general costs or waste to the government due to late enactment of appropriations has been discussed with several persons knowledgeable in the field of Federal budgetary processes and governmental finances. Among the persons with whom this question was discussed was Charles L. Schultze, Senior Fellow at the Brookings Institution, and former Director of the U.S. Bureau of the Budget. All of the persons with whom this question was discussed agreed that due to the multiplicity and almost unlimited number of variables involved, and further the lack of specific cost data assignable to these variables and the changes experienced from one year to another, make it impossible to derive any meaningful estimate of costs involved.

There are hundreds of Federal programs that require appropriations each year. The delay in enacting appropriations for these specific programs vary significantly from year to year. Attached is a tabulation which shows the elapsed time after the beginning of the fiscal year for all regular appropriation acts for fiscal years 1964 through 1972. From this tabulation it may be noted that the total number of elapsed days after the beginning of the fiscal year for the combined appropriation acts ranged from 685 for fiscal year 1965 to 2,162 for fiscal year 1970; the annual average for the nine years was 1,278. Furthermore, the number of elapsed days for specific appropriation acts vary significantly from one year to another; the following are some examples of the range for selected appropriation acts:

Agriculture and related agencies ranged from 39 days for fiscal year 1969 to 183 days for fiscal year 1964.

Department of Defense ranged from 50 days for fiscal year 1965 to 185 days for fiscal year 1971.

Foreign assistance and related agencies ranged from 99 days for fiscal year 1965 to 252 days for fiscal year 1972.

Department of Interior and related agencies ranged from zero days for fiscal years 1966, 1967, and 1968 to 121 days for fiscal year 1970.

Labor and H.E.W. and related agencies ranged from 41 days for fiscal year 1972 to 210 days for fiscal year 1970.

Not only does the number of days of elapsed time after beginning of fiscal year until date of appropriation enactment vary substantially for the same appropriation act each year, but also the mixture of programs and functions included in any specific appropriation measure will change to some degree from year to year. The more any appropriation measure includes obligational authority that requires a longer lead time for planning, coordinating, and allocating or apportioning among agencies or bureaus, etc., within Federal Departments or assignment to State and local agencies the greater is the likelihood for waste or inefficiencies. The planning and related functions are rushed to try to make up for the time lost due to late enactment of appropriations. Whether or not appropriation acts authorize funds for one year, multi-year, or until expended, etc., probably will affect the degree of evaluation and review of proposed uses and letting of contracts.

Outlined above are a few factors that influence the efficiency of obligating Federal funds where time pressure is a significant element in the consideration. There are numerous persons in and out of government at all levels who contend that late enactment of appropriations reduce the efficiency of government operations and thus result in a waste of funds. However, the innumerable ramifications related to the total number of Federal programs and the changing nature of these variables from year to year render it impossible to attempt to allocate or assign any meaningful overall estimate of waste or costs of inefficiencies resulting from late enactment of appropriations.

Attached as enclosure 1 is a copy of a tabulation, mentioned earlier, which shows the approval dates and number of elapsed days after beginning of the fiscal year for all regular appropriation acts for fiscal years 1964 through 1972.

GEORGE K. BRITE,
Economist in Fiscal and Financial Economics.

FOOTNOTES

[1] U.S. Congress. Joint Committee on Congressional Operations. The Federal fiscal year as it relates to the congressional budget process. Hearings, 92d Congress, 1st session. June 14, 16, 17, and 21, 1971. Washington, U.S. Government Printing Office, 1971. 330 p. (p. 50, Representative Frank Horton quoting from a statement by Senator Warren G. Magnuson on May 14, 1971, accompanying the introduction of his bill, S. 1875—to change the U.S. Government fiscal year).

[2] Ibid. (pp. 59–60. Wayne E. Thompson, Chairman, Committee for Improvement of Management in Government of the Committee for Economic Development, quoting from their report, "Making Congress More Effective".

[3] Ibid. (pp. 78–79. Statement of Wayne F. McGown, Immediate Past-President of the National Association of State Budget Officers.)

[4] Ibid. (p. 80. Statement of Wayne F. McGown, Immediate Past-President of the National Association of State Budget Officers.)

[5] Ibid. (pp. 83–84. Statement of Helen P. Bain, President, National Education Association.)

[6] Ibid. (p. 85. Statement of Helen P. Bain, President, National Education Association.)

[7] Ibid. (pp. 112–113. Statement of James F. Kelly, Vice President for Administrative Affairs, Georgetown University.)

[8] Ibid. (p. 106. Statement of Phillip S. Hughes, Deputy Director, Bureau of the Budget, accompanied by Carl W. Tiller, Special Advisor of Budgetary Development, Bureau of the Budget, October 23, 1969, before Special Subcommittee of House Rules Committee.)

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[Approval dates and number of elapsed days after beginning of fiscal year for all regular appropriation acts, fiscal years 1964–72]

	Fiscal year—									Total number of elapsed days between start of fiscal year and appropriations	
	1964	1965	1966	1967	1968	1969	1970	1971	1972		
Titles of appropriation act[1]	1963[2]	1964[2]	1965[2]	1966[2]	1967[2]	1968[2]	1969[2]	1970[2]	1971[2]	Total	Average per year
Agriculture, environmental and consumer protection programs:											
Date of approval	Dec. 30	Sept. 2	Nov. 2	Sept. 7	Oct. 24	Aug. 3	Nov. 26	Nov. 22	Aug. 10		
Number of days elapsed beyond beginning of fiscal year.	183	64	125	69	116	39	149	175	41	961	107
Department of Defense:											
Date of approval	Oct. 17	Aug. 19	Sept. 29	Oct. 15	Sept. 29	Oct. 17	Dec. 29	Jan. 1, 1971	Dec. 18		
Number of days elapsed beyond beginning of fiscal year.	109	50	91	107	91	109	182	185	171	1,095	122
District of Columbia:											
Date of approval	Dec. 30	Aug. 22	July 16	Nov. 2	Nov. 13	Aug. 10	Dec. 24	July 16	Dec. 18		
Number of days elapsed beyond beginning of fiscal year.	183	53	16	125	136	41	177	16	171	918	102
Office of Education:											
Date of approval	(3)	(3)	(3)	(3)	(3)	(3)	(3)	Aug. 18	July 9		
Number of days elapsed beyond beginning of fiscal year.								49	9	58	29
Foreign assistance and related agencies:											
Date of approval	Jan. 1, 1964	Oct. 7	Oct. 20	Oct. 15	Feb. 2, 1968	Oct. 17	Feb. 1, 1970	Dec. 31	Mar. 8, 1972		
Number of days elapsed beyond beginning of fiscal year.	190	99	112	107	217	109	216	184	252	1,486	165
Independent offices and Department of Housing and Urban Development:											
Date of approval	Dec. 19	Aug. 30	Aug. 16	Sept. 6	Nov. 3	Oct. 4	Nov. 26	Dec. 17	Aug. 10		
Number of days elapsed beyond beginning of fiscal year.	172	61	47	68	126	96	149	170	41	930	103
Department of Interior and related agencies:											
Date of approval	July 26	July 7	June 28	May 31	June 24	July 26	Oct. 29	July 31	Aug. 10		
Number of days elapsed beyond beginning of fiscal year.	26	7	(*)	(*)	(*)	26	121	31	41	252	28
Labor and Health, Education, and Welfare and related agencies:											
Date of approval	Oct. 11	Sept. 19	Aug. 31	Nov. 7	Nov. 8	Oct. 11	Jan. 26, 1970	Jan. 11, 1971	Aug 10		
Number of days elapsed beyond beginning of fiscal year.	103	81	62	130	131	103	210	195	41	1,056	117
Legislative Branch:											
Date of approval	Dec. 30	Aug. 20	July 27	Aug. 27	July 28	July 23	Dec. 12	Aug. 18	July 9		
Number of days elapsed beyond beginning of fiscal year.	183	51	27	58	28	23	165	49	9	593	66
Military Construction:											
Date of approval	Dec. 21	Sept. 2	Sept. 25	Nov. 2	Dec. 8	Sept. 26	Dec. 29	Dec. 11	Nov. 18		
Number of days elapsed beyond beginning of fiscal year.	174	64	87	125	161	88	182	164	141	1,186	132
Public Works and Atomic Energy Commission:											
Date of approval	Dec. 31	Aug. 30	Oct. 28	Oct. 15	Nov. 20	Aug. 12	Dec. 11	Oct. 7	Oct. 5		
Number of days elapsed beyond beginning of fiscal year.	184	61	120	107	143	43	164	99	97	1,018	113
Departments of State, Justice, Commerce, the Judiciary, and related agencies:											
Date of approval	Dec. 30	Aug. 31	Sept. 2	Nov. 8	Nov. 8	Aug. 9	Dec. 24	Oct. 21	Aug. 10		
Number of days elapsed beyond beginning of fiscal year.	183	62	64	131	131	40	177	113	41	942	105
Department of Transportation and related agencies:											
Date of approval	(4)	(4)	(4)	(4)	Oct. 23	Aug. 8	Dec. 26	Mar. 30, 1971	Aug. 10		
Number of days elapsed beyond beginning of fiscal year.					115	39	179	273	41	647	129
Treasury, Postal Service, and Executive Office of the President:											
Date of approval	June 13	Aug. 1	June 30	June 29	July 7	June 9	Sept. 29	Sept. 26	July 9		
Number of days elapsed beyond beginning of fiscal year.	(*)	32	(*)	(*)	7	(*)	91	88	9	227	25
National Aeronautics and Space Administration:											
Date of approval	(5)	(5)	(4)	(5)	Nov. 8	(5)	(5)	(5)	(5)		
Number of days elapsed beyond beginning of fiscal year.					131					131	131
Number of regular appropriation acts	12	12	12	12	14	13	13	14	14		
Number of acts approved prior to July	1	0	2	2	1	1	0	0	0		
Total number of days elapsed between start of fiscal year and approval of appropriation acts.	1,690	685	751	1,027	1,533	756	2,162	1,791	1,105	11,500	1,278

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[1] The titles of the appropriation acts are listed on the basis of fiscal year 1972 breakdown. Through the years there have been changes in some of the agencies and activities included in specific appropriation acts.

[2] The years listed at the head of the columns represent the calendar years applicable to the approval date of the specific acts.

[3] Prior to fiscal year 1971, appropriations for the Office of Education were included in the Labor-Health, Education, and Welfare Appropriation Act.

[4] Prior to establishment of the Department of Transportation, appropriations for various activities of this Department were distributed among several appropriations acts, i.e., Coast Guard in the Treasury Act, Highways in Commerce Act, and Federal Aviation Administration in Independent Offices, etc.

[5] Appropriations for the National Aeronautics and Space Administration were provided in a separate act for fiscal year 1968. NASA appropriations generally are included in the Independent Offices and Department of Housing and Urban Development Appropriations Act.

Source: U.S. Statutes at Large.

EXHIBIT II

LIST OF AUTHORIZING LEGISLATION REQUIRED PRIOR TO ENACTMENT OF APPROPRIATIONS, AND APPROPRIATIONS ACTS BY SESSION OF CONGRESS 90TH CONG., 2D SESS. TO 92D CONG., 1ST SESS.

90TH CONG., 2D SESS.

		Date passed[1]		Date conference report agreed to[1]		Public Law	
	Bill No.	House	Senate	House	Senate	Number	Date approved[1]
ACTIVITIES OR PROGRAMS							
Funds appropriated to the President:							
Foreign Military and Economic Assistance:**							
Authorization Act	H.R. 15263	July 18	July 31	Sept. 19	Sept. 19	90-554	Oct. 8.
Appropriation Act	H.R. 19908	Sept. 19	Oct. 4	Oct. 10	Oct. 11	90-581	Oct. 17.
Peace Corps:**							
Authorization Act	S. 2914	June 13	April 30		June 17[2]	90-362	June 27.
Appropriation Act	H.R. 19908	Sept. 19	Oct. 4	Oct. 10	Oct. 11	90-581	Oct. 17.
Department of Agriculture:							
Title II, Public Law 480, Foreign Assistance:							
Authorization Act	S. 2986	May 14	April 3	July 12	July 15	90-436	July 29.
Appropriation Act	H.R. 16913	May 1	May 29	July 26	July 26	90-463	Au8. 8.
Department of Commerce:							
International Activities:							
Authorization Act	H.R. 18340	July 15	July 20			90-434	July 27.
Appropriation Act	H.R. 17522	May 28	July 29	Aug. 1	Aug. 1	90-470	Aug. 9.
Office of State Technical Services:							
Authorization Act	S. 3245	July 12	June 13		July 17[2]	90-422	July 24.
Appropriation Act	H.R. 17522	May 28	July 29	Aug. 1	Aug. 1	90-470	Aug. 9.
Maritime Administration:**							
Authorization Act	H.R. 15189	Apr. 15	June 11	July 26	July 25	90-471	Aug. 9.
Appropriation Act	H.R. 17522	May 28	July 29	Aug. 1	Aug. 1	90-470	Aug. 9.
Department of Defense:							
Procurement, Research & Development, etc.:**							
Authorization Act	S. 3293	July 11	Apr. 19	Sept. 10	Sept. 11	90-500	Sept. 20.
Appropriation Act	H.R. 18707	Sept. 12	Oct. 3	Oct. 11	Oct. 11	90-580	Oct. 17.
Military Construction:**							
Authorization Act	H.R. 16703	Apr. 25	June 25	July 11	July 11	90-408	July 21.
Appropriation Act	H.R. 18785	July 29	Aug. 1	Sept. 18	Sept. 18	90-513	Sept. 26.
Civil defense:							
Authorization Act	H.R. 15004	Mar. 18	May 29			90-336	June 10.
Appropriation Act	H.R. 17023	May 8	July 18	Sept. 19	Sept. 25	90-550	Oct. 4.
Department of Health, Education, and Welfare:							
Office of Education:							
Higher Education Amendments of 1968:							
Authorization Act[3]	S. 3769	July 25	July 15	Sept. 26	Oct. 1	90-575	Oct. 16.
Appropriation Act	H.R. 18037	June 26	Sept. 6	Oct. 10	Oct. 9	90-557	Oct. 11.
Extending programs for assistance to students in institutions of higher learning:							
Authorization Act	H.R. 16729	May 9	July 30	July 31[4]		90-460	Aug. 3.
Appropriation Act	H.R. 18037	June 26	Sept. 6	Oct. 10	Oct. 9	90-557	Oct. 11.
Public Health Service:							
Regional medical programs, NIMH, and community health services:							
Authorization Act[3]	H.R. 15758	July 12	July 27	Oct. 1	Sept. 27	90-574	Oct. 15.
Appropriation Act	H.R. 18037	June 26	Sept. 6	Oct. 10	Oct. 9	90-557	Oct. 11.
Social and rehabilitation service:							
Vocational rehabilitation amendments of 1968:							
Authorization Act	H.R. 16819	May 6	June 24	June 25[4]		90-391	July 7.
Appropriation Act	H.R. 18037	June 26	Sept. 6	Oct. 10	Oct. 9	90-557	Oct. 11.
Department of Housing and Urban Development:							
Urban Related Programs:							
Authorization Act	S. 3497	July 10	May 28	July 26	July 25	90-448	Aug. 1.
Appropriation Act	H.R. 17023	May 8	July 18	Sept. 19	Sept. 25	90-550	Oct. 4.
Department of the Interior:							
Bureau of Reclamation:							
Missouri River Basin:							
Authorization Act	S. 3033	May 13	Mar. 26			90-315	May 24.
Appropriation Act	H.R. 17903	June 19	July 20	July 26	July 30	90-479	Aug. 12.
Office of Saline Water:							
Water Conversion:**							
Authorization Act	S. 2912	Apr. 4	Mar. 11		Apr. 11[2]	90-297	Apr. 29.
Appropriation Act	H.R. 17354	May 21	June 26	July 11	June 11	90-425	July 26.
Department of Transportation:							
Coast Guard (acquisition, construction and improvements):**							
Authorization Act	H.R. 15224	Mar. 19	May 27			90-334	June 8.
Appropriation Act	H.R. 18188	July 3	July 23	Aug. 1	Aug. 1	90-464	Aug. 8.
Federal Railroad Administration, High Speed Ground Transportation Research and Development:							
Authorization Act	H.R. 16024	July 12	July 19			90-423	July 24.
Appropriation Act	H.R. 18188	July 3	July 23	Aug. 1	Aug. 1	90-464	Aug. 8.
Atomic Energy Commission:**							
Operations and plant and capitol equipment:							
Authorization Act	H.R. 16324	Apr. 4	Apr. 8			90-289	Apr. 19.
Appropriation Act	H.R. 17903	June 19	July 20	July 26	July 30	90.479	Aug. 12.
National Aeronautics and Space Administration:**							
Research, construction and administration:							
Authorization Act	H.R. 15865	May 2	June 10	June 18[4]		90-373	July 3.
Appropriation Act	H.R. 17023	May 8	July 18	Sept. 19	Sept. 25	90-550	Oct. 4.
Arms Control and Disarmament Agency:							
Authorization Act	H.R. 14940	Mar. 6	Apr. 22	May 9	May 10	90-314	May 23.
Appropriation Act	H.R. 17522	May 28	July 29	Aug. 1	Aug. 1	90-470	Aug. 9.
National Foundation on the Arts and the Humanities:							
Authorization Act	H.R. 11308	Feb. 27	May 7	June 5	May 29	90-348	June 18.
Appropriation Act	H.R. 17354	May 21	June 26	July 11	July 11	90-425	July 26.
Renegotiation Board:							
Authorization Act[5]	H.R. 17324	May 27	Sept. 11	Oct. 10	Oct. 7	90-634	Oct. 24.
Appropriation Act	H.R. 17023	May 8	July 18	Sept. 19	Sept. 25	90-550	Oct. 4.
Atlantic-Pacific Interoceanic Canal Study Commission:							
Authorization Act	H.R. 15190	Apr. 30	May 14	June 12	June 11	90-359	June 22.
Appropriation Act	H.R. 17903	June 19	July 20	July 26	July 30	90-479	Aug. 12.
Water Resources Planning Act:							
Authorization Act[6]	S. 3058	Sept. 16	June 18		Sept. 19[2]	90-547	Oct. 2.
Appropriation Act	H.R. 17903	June 19	July 20	July 26	July 30	90-479	Aug. 12.

**Annual authorizations are required for these activities.

[1] All dates are 1968 unless otherwise indicated.

[2] Senate concurred in House amendment(s).

[3] The authorization law was approved after the related appropriation act; however, congressional action on the authorization measure was prior to the corresponding action on the appropriation measure.

[4] House concurred in Senate amendments.

[5] Title I, Section 102 of the Renegotiation Amendments Act of 1968 (Public Law 90-634, Oct. 24, 1968) amended the Renegotiation Act of 1951, as amended (50 U.S.C. app., sec. 1212(c)(1)) to extend the termination date from June 30, 1968 to June 30, 1971.

[6] Public Law 90-547, October 2, 1968, amends section 401 [Portion that pertains to title I] of the Water Resources Planning Act (Public Law 89-80) by deleting "$300,000" and insisting in lieu thereof "$500,000." Appropriations for fiscal year 1971 were granted for titles I and II of the Water Resources Planning Act as one combined sum.

91ST CONG., 1ST SESS.

		Date passed [1]		Date conference report agreed to [1]		Public Law	
	Bill No.	House	Senate	House	Senate	Number	Date approved [1]
ACTIVITIES OR PROGRAMS							
Funds appropriated to the President:							
Appalachian regional commission and development program:							
Authorization Act	S. 1072	July 15	July 8	Nov. 19	Nov. 5	91-123	Nov. 25.
Appropriation Act	H.R. 12307	June 24	Nov. 11	Nov. 18	Nov. 18	91-126	Nov. 26.
Foreign economic and military assistance:**							
Authorization Act	H.R. 14580	Nov. 20	Dec. 12	Dec. 19	Dec. 19	91-175	Dec. 30.
Appropriation Act	H.R. 15149	Dec. 9	Dec. 18	Jan. 27, 1970	Jan. 28, 1970	91-194	Feb. 9, 1970.
Office of Economic Opportunity:							
Authorization Act	S. 3016	Dec. 12	Oct. 14	Dec. 20	Dec. 20	91-177	Dec. 30.
Appropriation Act	H.R. 15931	Feb. 19, 1970	Feb. 27, 1970	Mar. 3, 1970	Mar. 4, 1970	91-204	Mar. 5, 1970.
Peace Corps:**							
Authorization Act	H.R. 11039	Sep. 8	Oct. 3	Oct. 16	Oct. 16	91-99	Oct. 29.
Appropriation Act	H.R. 15149	Dec. 9	Dec. 18	Jan. 27, 1970	Jan. 28, 1970	91-194	Feb. 9, 1970.
Department of Commerce:							
Economic development assistance:							
Authorization Act	S. 1072	July 15	July 8	Nov. 19	Nov. 5	91-123	Nov. 25.
Appropriation Act	H.R. 12964	July 24	Nov. 5	Dec. 9	Dec. 10	91-153	Dec. 24.
International activities (export controls): [2]							
Authorization Act	H.R. 4293	Oct. 16	Oct. 22	Dec. 23	Dec. 23	91-184	Dec. 30.
Appropriation Act	H.R. 12964	July 24	Nov. 5	Dec. 9	Dec. 10	91 153	Dec. 24.
National Bureau of Standards: Research and technical services:							
Authorization Act	H.R. 4284	July 10	Nov. 20			91-131	Dec. 1
Appropriation Act	H.R. 12964	July 24	Nov. 5	Dec. 9	Dec. 10	91-153	Dec. 24.
Maritime Administration:**							
Authorization Act	H.R. 4152	May 15	Sept. 22	Sept. 25 [3]		91-85	Oct. 10.
Appropriation Act	H.R. 12964	July 24	Nov. 5	Dec. 9	Dec. 10	91-153	Dec. 24.
Department of Defense:							
Military procurement, R. & D. etc.:**							
Authorization Act	S. 2546	Oct. 3	Sept. 18	Nov. 5	Nov. 6	91-121	Nov. 19.
Appropriation Act	H.R. 15090	Dec. 8	Dec. 15	Dec. 18	Dec. 18	91-171	Dec. 29.
Military construction:**							
Authorization Act	H.R. 13018	Aug. 5	Nov. 11	Nov. 20	Nov. 21	91-142	Dec. 5.
Appropriation Act	H.R. 14751	Nov. 13	Dec. 8	Dec. 19	Dec. 19	91-170	Dec. 29.
Department of Health, Education, and Welfare:							
Consumer protection and environmental health services: Air pollution control:							
Authorization Act	S. 2276	Sept. 4	July 8	Nov. 25	Nov. 25	91-137	Dec. 5.
Appropriation Act	H.R. 15931	Feb. 19, 1970	Feb. 28, 1970	Mar. 3, 1970	Mar. 4, 1970	91-204	Mar. 5, 1970.
Social and rehabilitation service: Assistance for repatriated U.S. nationals:							
Authorization Act	H.R. 8644	May 13	June 19	June 27	June 30	91-41	July 9.
Appropriation Act	H.R. 15931	Feb. 19, 1970	Feb. 28, 1970	Mar. 3, 1970	Mar. 4, 1970	91-204	Mar. 5, 1970.
Development of programs for the aging:							
Authorization Act	H.R. 11235	June 16	Aug. 13	Sept. 3 [3]		91-69	Sept. 17.
Appropriation Act	H.R. 15931	Feb. 19, 1970	Feb. 28, 1970	Mar. 3, 1970	Mar. 4, 1970	91-204	Mar. 5, 1970.
Department of the Interior:							
Bureau of Reclamation: Construction and rehabilitation:							
Authorization Act	S. 574	Sept. 24	May 23		Sept. 25 [4]	91-81	Oct. 8.
Appropriation Act	H.R. 14159	Oct. 8	Nov. 12	Dec. 3	Dec. 4	91-144	Dec. 11.
Office of Saline Water: Saline Water Commission: **							
Authorization Act	S. 1011	May 14	Mar. 24	July 1	July 1	91-43	July 11.
Appropriation Act	H.R. 12781	July 22	Spet. 22	Oct. 15	Oct. 15	91-98	Oct. 29.
Federal Water Pollution Control Administration: Pollution control operations and research:							
Authorization Act	H.R. 4148	Apr. 16	Oct. 8	Mar. 25, 1970	Mar. 24, 1970	91-224	Apr. 3, 1970.
Appropriation Act [5]	H.R. 17399	May 7, 1970	June 22, 1970	June 25, 1970	June 29, 1970	91-305	July 6, 1970.
Department of Transportation:							
Coast Guard: Acquisition, construction and improvements: **							
Authorization Act	H.R. 4153	Apr. 29	June 30	July 8 [3]		91-49	July 22.
Appropriation Act	H.R. 14794	Nov. 18	Dec. 17	Dec. 19	Dec. 19	91-168	Dec. 26.
Atomic Energy Commission:**							
Authorization Act	H.R. 12167	June 24	June 26	July 1 [3]		91-44	July 11.
Appropriation Act	H.R. 14159	Oct. 8	Nov. 12	Dec. 3	Dec. 4	91-144	Dec. 11.
National Aeronautics and Space Administration:**							
Authorization Act	H.R. 11271	June 10	Sept. 19	Nov. 6	Nov. 7	91-119	Nov. 18.
Appropriation Act	H.R. 12307	June 24	Nov. 11	Nov. 18	Nov. 18	91-126	Nov. 26.
American Revolution Bicentennial Commission:							
Authorization Act	S. 2462	Oct. 6	July 14			91-84	Oct. 10.
Appropriation Act	H.R. 12781	July 22	Sept. 22	Oct. 15	Oct. 15	91-98	Oct. 29.
National Science Foundation:**							
Authorization Act	S. 1857	Oct. 7	Sept. 18	Oct. 30	Nov. 5	91-120	Nov. 18.
Appropriation Act	H.R. 12307	June 24	Nov. 11	Nov. 18	Nov. 18	91-126	Nov. 26.
National Commission on Reform of Federal Criminal Laws:							
Authorization Act	H.R. 4297	Mar. 17	June 24	June 27 [3]		91-39	July 8.
Appropriation Act	H.R. 12964	July 24	Nov. 5	Dec. 9	Dec. 10	91-153	Dec. 24.

**Annual authorizations are required for these programs or activities.

[1] All dates are 1969 unless indicated otherwise.

[2] The authorizing legislation had passed both Houses of Congress and was in conference at time appropriation act was passed.

[3] House concurred in Senate amendment(s).

[4] Senate concurred in House amendment(s).

[5] 2d Supplemental Appropriation Act of 1970.

91ST CONG., 2D SESS.

		Date passed [1]		Date conference report agreed to [1]		Public Law	
	Bill No.	House	Senate	House	Senate	Number	Date approved [1]
ACTIVITIES OR PROGRAMS							
Funds appropriated to the President:							
Foreign Military Credit Sales: [2]							
Authorization Act	H.R. 15628	Mar. 24	June 30	Dec. 31	Dec. 31	91-672	Jan. 12, 1971.
Appropriation Act	H.R. 17867	June 4	Nov. 30	Dec. 31	Dec. 30	91-619	Dec. 31.
Foreign Economic and Military Assistance: * *							
Authorization Act [3]	H.R. 19911	Dec. 9	Dec. 16	Dec. 22	Dec. 22	91-652	Jan. 5, 1971.
Appropriation Act [3]	H.R. 19928	Dec. 10	Dec. 14	Dec. 22	Dec. 28	91-665	Jan. 8, 1971.
Peace Corps: * *							
Authorization Act	S. 3430	July 7	Apr. 10		July 9 [5]	91-352	July 24.
Appropriation Act	H.R. 17867	June 4	Nov. 30	Dec. 31	Dec. 30	91-619	Dec. 31.

Footnotes at end of table.

91ST CONG., 2D SESS.—Continued

	Bill No.	Date passed [1]		Date conference report agreed to [1]		Public Law	
		House	Senate	House	Senate	Number	Date approved [1]
Department of Agriculture:							
Child nutrition programs:							
Authorization Act	H.R. 515	Mar. 30, 1969	Feb. 24	May 4	Apr. 30	91-248	May 14.
Appropriation Act	H.R. 17923	June 9	July 9	Dec. 8	Dec. 8	91-566	Dec. 22.
Food stamp programs: [4]							
Authorization Act	H.R. 18582	Dec. 16	Dec. 17	Dec. 30	Dec. 31	91-671	Jan. 11. 1971.
Appropriation Act	H.R. 17923	June 9	July 9	Dec. 8	Dec. 8	91-566	Dec. 22.
Foreign assistance and export program, Public Law 480:							
Authorization Act	H.R. 18546	Aug. 5	Sept. 15	Oct. 13	Nov. 19	91-524	Nov. 30.
Appropriation Act	H.R. 17923	June 9	July 9	Dec. 8	Dec. 8	91-566	Dec. 22.
Department of Commerce:							
Economic Development Administration:							
Authorization Act	H.R. 15712	June 8	June 29			91-304	July 6.
Appropriation Act	H.R. 17575	May 14	Aug. 24	Oct. 6	Oct. 7	91-472	Oct. 21.
U.S. Travel Service (salaries and expenses):							
Authorization Act	H.R. 14685	May 14	May 21	Oct. 6[6]	Oct. 7[6]	91-477	Oct. 21.
Appropriation Act	H.R. 17575	May 14	Aug. 24	Oct. 6	Oct. 7	91-472	Oct. 21.
Maritime Administration: **							
Authorization Act	H.R. 15945	Mar. 11	May 7	May 11[7]		91-247	May 13.
Appropriation Act	H.R. 17575	May 14	Aug. 24	Oct. 6	Oct. 7	91-472	Oct. 21.
Department of Defense:							
Military Procurement: **							
Authorization Act	H.R. 17123	May 6	Sept. 1	Sept. 29	Oct. 1	91-441	Oct. 7
Appropriation Act	H.R. 19590	Oct. 8	Dec. 8	Dec. 29	Dec. 29	91-668	Jan 11, 1971.
Military Construction: **							
Authorization Act	H.R. 17604	May 20	Sept. 29	Oct. 13	Oct. 14	90-511	Oct .26.
Appropriation Act	H.R. 17970	June 11	Oct. 14	Nov. 24	Nov. 25	91-544	Dec. 11.
Department of Health, Education and Welfare:							
Air Pollution Control:							
Authorization Act	H.R. 17255	June 10	Sept. 22	Dec. 18	Dec. 18	91-604	Dec. 31.
Appropriation Act	H.R. 18515	July 23	Nov. 20	Dec. 15	Dec. 30	91-667	Jan. 11, 1971.
Environmental Control:							
Authorization Act	H.R. 11833	June 23	Aug. 3	Oct. 13	Oct. 7	91-512	Oct. 26.
Appropriation Act	H.R. 18515	July 23	Nov. 20	Dec. 15	Dec. 30	91-667	Jan. 11, 1971.
Health Services (Mental Health):							
Authorization Act	S. 2523	Dec. 16, 1969	Dec. 11, 1969	Feb. 26	Feb. 26	91-211	Mar. 13.
Appropriation Act	H.R. 18515	July 23	Nov. 20	Dec. 15	Dec. 30	91-667	Jan. 11, 1971.
Health Services, Research and Development, Comprehensive Health Planning and Services, and Regional Medical Services:							
Authorization Act	H.R. 17570	Aug. 12	Sept. 9	Oct. 13	Oct. 14	91-515	Oct. 30.
Appropriation Act	H.R. 18515	July 23	Nov. 20	Dec. 15	Dec. 30	91-667	Jan. 11, 1971.
Medical Facilities Construction:							
Authorization Act [8]	H.R. 11102	June 4, 1969	Apr. 7	June 10	June 8	91-296	June 30.
Appropriation Act	H.R. 18515	July 23	Nov. 20	Dec. 15	Dec. 30	91-667	Jan. 11, 1971.
NIH, Health Manpower Formula Grants:							
Authorization Act	S. 2809	Dec. 16, 1969	Dec. 11, 1969	Feb. 26	Feb. 26	91-208	Mar. 12.
Appropriation Act	H.R. 18515	July 23	Nov. 20	Dec. 15	Dec. 30	91-667	Jan. 11, 1971.
NIH, Health Manpower Training in Allied Health Professions:							
Authorization Act	S. 3856	July 30	July 13	Oct. 13	Oct. 14	91-519	Nov. 2.
Appropriation Act	H.R. 18515	July 23	Nov. 20	Dec. 15	Dec. 30	91-667	Jan. 11, 1971.
NIH, National Library of Medicine:							
Authorization Act	H.R. 11702	July 10, 1969	Oct. 20, 1969	Feb. 26	Feb. 25	91-212	Mar. 13.
Appropriation Act	H.R. 18515	July 23	Nov. 20	Dec. 15	Dec. 30	91-667	Jan. 11, 1971.
Office of Education (extend programs of elementary and secondary education):							
Authorization Act	H.R. 514	Apr. 23, 1969	Feb. 19	Apr. 7	Apr. 1	91-230	Apr. 13.
Appropriation Act [9]	H.R. 16916	Apr. 14	July 28			91-380	Aug. 18.
Social and Rehabilitation Service:							
Authorization Act	S. 2846	July 30	Apr. 13	Oct. 13	Oct. 14	91-517	Oct. 30.
Appropriation Act	H.R. 18515	July 23	Nov. 20	Dec. 15	Dec. 30	91-667	Jan. 11, 1971.
Department of the Interior:							
Office of Territories: Trust Territory of the Pacific Islands:							
Authorization Act [10]	S. 3479	Sept. 14	May 18	Dec. 9	Sept. 29	91-578	Dec. 24.
Appropriation Act	H.R. 17619	May 19	July 1	July 22	July 22	91-361	July 31.
Bureau of Commercial Fisheries: Construction of Fishing Vessels:							
Authorization Act	H.R. 4813	Aug. 12, 1969	May 22	May 27[7]		91-279	June 12.
Appropriation Act	H.R. 17619	May 19	July 1	July 22	July 22	91-361	July 31.
Bureau of Commercial Fisheries and Bureau of Sport Fisheries and Wildlife: Anadromous and Great Lakes Fisheries: Conservation							
Authorization Act	H.R. 1049	Feb. 16	Apr. 30			91-249	May 14.
Appropriation Act	H.R. 17619	May 19	July 1	July 22	July 22	91-361	July 31.
National Park Service:							
Preservation of Historic Properties:							
Authorization Act	H.R. 14896	Mar. 16	Apr. 27			91-243	May 9.
Appropriation Act	H.R. 17619	May 19	July 1	July 22	July 22	91-361	July 31.
Management and Protection:							
Authorization Act	H.R. 14714	Apr. 27	Dec. 1			91-549	Dec. 14.
Appropriation Act (Supplemental)	H.R. 19928	Dec. 22	Dec. 28			91-665	Jan. 8, 1971.
Bureau of Reclamation: Construction and Rehabilitation:							
Authorization Act	S. 3427	Mar. 16	Mar. 3			91-218	Mar. 25.
Appropriation Act	H.R. 18127	June 24	Aug. 24	Sept. 22	Sept. 23	91-439	Oct. 7.
Office of Saline Water: Saline Water Conversion:**							
Authorization Act	H.R. 15700	Mar. 16	Mar. 18			91-221	Mar. 31.
Appropriation Act	H.R. 17619	May 19	July 1	July 22	July 22	91-361	July 31.
Department of Transportation:							
Coast Guard: Acquisition, Construction and Improvements:**							
Authorization Act	H.R. 15694	Mar. 17	May 7			91-261	May 21.
Appropriation Act	H.R. 17755	May 27	Dec. 3	Dec. 15	Dec. 29	(11)	
Federal Highway Administration: Highway Beautification:							
Authorization Act	H.R. 19504	Dec. 7	Dec. 7	Dec. 18	Dec. 19	91-605	Dec. 31.
Appropriation Act	H.R. 17755	May 27	Dec. 3	Dec. 15	Dec. 29	(11)	
Federal Highway Administration: Traffic and Highway Safety:							
Authorization act	H.R. 10105	Sept. 3, 1969	Dec. 2, 1969	May 5	May 11	91-265	May 22.
Appropriation act	H.R. 17755	May 27	Dec. 3	Dec. 15	Dec. 29	(11)	
Federal Railroad Administration: High Speed Ground Transportation Research and Development:							
Authorization act	S. 3730	Sept. 30	July 30			91-444	Oct. 13.
Appropriation act	H.R. 17755	May 27	Dec. 3	Dec. 15	Dec. 29	(11)	
Atomic Energy Commission:**							
Regular Authorization act	S. 3818	May 19	May 13			91-273	June 2.
Appropriation act	H.R. 18127	June 24	Aug. 24	Sept. 22	Sept. 23	91-439	Oct. 7.
Additional authorization act for 1971	S. 4557	Dec. 10	Dec. 9			91-580	Dec. 24.
Appropriation act (supplemental)	H.R. 19928	Dec. 22	Dec. 28			91-665	Jan. 8, 1971.
National Aeronautics and Space Administration:**							
Authorization act	H.R. 16516	Apr. 23	May 6	June 22	June 22	91-303	July 2.
Appropriation act	H.R. 19830	Nov. 24	Dec. 7			91-556	Dec. 17.

91ST CONG. 2D SESS.—Continued

		Date passed [1]		Date conference report agreed to [1]		Public Law	
	Bill No.	House	Senate	House	Senate	Number	Date approved [1]
American Revolution Bicentennial Commission:							
Authorization act	S. 3630	Oct. 14	June 26		Nov. 19 [5]	91–528	Dec. 7.
Appropriation act [12]	H.R. 17619	May 19	July 1	July 22	July 22	91–361	July 31.
Arms Control and Disarmament Agency:							
Authorization Act	S. 3544	Apr. 28	Apr. 16			91–246	May 12.
Appropriation Act	H.R. 17575	May 14	Aug. 24	Oct. 6	Oct. 7	91–472	Oct. 21.
Commission on Civil Rights: [13]							
Authorization Act	S. 2455	Nov. 16	July 14			91–521	Nov. 25.
Appropriation Act	H.R. 17575	May 14	Aug. 24	Oct. 6	Oct. 7	91–472	Oct. 21.
Commission on Revision of the Criminal Laws of the District of Columbia:							
Authorization Act	S. 2601	Mar. 19	Sept. 18, 1969	July 15	July 23	91–358	July 29.
Appropriation Act (Supplemental)	H.R. 19928	Dec. 22	Dec. 28			91–665	Jan. 8, 1971.
National Foundation on the Arts and the Humanities:							
Authorization Act	S. 3215	June 30	May 21	July 13	July 13	91–346	July 20.
Appropriation Act	H.R. 17619	May 19	July 1	July 22	July 22	91–361	July 31.
National Science Foundation:							
Sea Grant:							
Authorization Act	H.R. 11766	July 6	July 10	July 15 [7]		91–349	July 23.
Appropriation Act	H.R. 19830	Nov. 24	Dec. 7			91–556	Dec. 17.
Science and Technologies:**							
Authorization Act	H.R. 16595	May 11	July 1	July 15	July 14	91–356	July 24
Appropriation Act	H.R. 19830	Nov. 24	Dec. 7			91–556	Dec. 17.

[1] All dates are 1970 unless indicated otherwise.

[2] Even though the appropriation act was signed before the authorization act the conference reports on 2 measures were approved in both Houses on almost the same dates.

[3] This was a supplemental authorization for fiscal year 1971 and the appropriations were granted in the Supplemental Appropriation Act of 1971.

[4] The authorization legislation for fiscal year 1971 was enacted after the appropriation act. However, the appropriation act (Public Law 91-566) stipulated that the "appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1971."

[5] Senate concurred in House amendment.

[6] House agreed to Senate amendment with an amendment and Senate concurred in House amendment.

[7] House concurred in Senate amendment(s).

[8] Legislation was vetoed on June 22, 1970, passed House over veto June 25, 1970, and Senate June 30, 1970.

[9] This appropriation act was vetoed on Aug. 11 1970. On Aug. 13, 1970, House passed over veto and on Aug. 18, 1970, the Senate passed over veto.

[10] In reality, this act was not required prior to enactment of appropriations. The act authorized $60,000,000 to be appropriated for fiscal years 1971, 1972, and 1973. The earlier authorizing legislation allowed $50,000,000 for fiscal year 1971. The appropriation act granted $49,750,000 of appropriations.

[11] Senate tabled conference report on Dec. 29, 1970. Public Law 91-645, Jan. 2, 1971, provided through a joint resolution continuing appropriation for Department of Transportation and related agencies through Mar. 30, 1971. Public Law 92-7, Mar. 30, 1971, extended from Mar. 30 until June 30, 1971, continuing appropriations for Department of Transportation.

[12] Appropriations granted on the provision: "That this appropriation shall be available only upon enactment into law of H.R. 16408 or S. 3630, 91st Congress, or similar legislation." S. 3630 became Public Law 91-528, Dec. 7, 1970.

[13] Public Law 91-121, Nov. 25, 1970, amended the Civil Rights Act of 1957, as amended, "authorized to be appropriated for the fiscal year ending June 30, 1970, the sum of $3,400,000 and for each fiscal year thereafter until Jan. 31, 1973, the sum of $3,400,000."

EXHIBIT II

LIST OF AUTHORIZING LEGISLATION REQUIRED PRIOR TO ENACTMENT OF APPROPRIATIONS, AND APPROPRIATIONS ACTS BY SESSION OF CONGRESS

90TH CONG., 2D SESS. TO 92D CONG., 1ST SESS.

92ND CONG., 1ST SESS.

		Date passed [1]		Date conference report agreed to [1]		Public Law	
	Bill No.	House	Senate	House	Senate	Number	Date approved [1]
ACTIVITIES OR PROGRAMS							
Funds appropriated to the President:							
Appalachian Regional Commission and Development programs:							
Authorization Act	S. 2317	July 28	July 21		July 30 [2]	92–65	Aug. 5.
Appropriation Act	H.R. 10090	July 29	July 31	Sept. 22	Sept. 22	92–134	Oct. 5.
Foreign Assistance: [1]							
Authorization Act	S. 2819	Nov. 18	Nov. 11	Jan. 25, 1972	Dec. 17	92–226	Feb. 7, 1972.
Appropriation Act	H.R. 12067	Dec. 8	Feb. 4, 1972	In conference			
Office of Economic Opportunity:							
Authorization Act	S. 2007	Oct. 1	Sept. 9	Dec. 7	Dec. 2	(3)	
Appropriation Act	None to date	(Feb. 7, 1972).					
Peace Corps: [1]							
Authorization Act	S. 2260	Sept. 23	Aug. 2			92–135	Oct. 8.
Appropriation Act	H.R. 12067	Dec. 8	Feb. 4, 1972	In conference			
Department of Agriculture:							
Child nutrition program:							
Authorization Act	H.R. 5257	May 17	June 18	June 24	June 23	92–32	June 30.
Appropriation Act [4]	H.R. 9270	June 23	July 15	July 27	July 28	92–73	Aug. 10.
Department of Commerce:							
Economic Development Administration:							
Authorization Act	S. 2317	July 28	July 21		July 30 [2]	92–65	Aug. 5.
Appropriation Act	H.R. 9272	June 24	July 19	Aug. 2	Aug. 3	92–77	Aug. 10.
Regional Action Planning Commissions:							
Authorization Act	S. 2317	July 28	July 21		July 30 [2]	92–65	Aug. 5.
Appropriation Act	H.R. 9272	June 24	July 19	Aug. 2	Aug. 3	92–77	Aug. 10.
Maritime Administration:**							
Authorization Act	H.R. 4724	Apr. 20	May 26	June 29	June 24	92–53	July 9.
Appropriation Act	H.R. 9272	June 24	July 19	Aug. 2	Aug. 3	92–77	Aug. 10.
Department of Defense:							
Military procurement, R. & D., etc.:**							
Authorization Act	H.R. 8678	June 17	Oct. 6	Nov. 10	Nov. 11	92–156	Nov. 17.
Appropriation Act	H.R. 11731	Nov. 17	Nov. 23	Dec. 15	Dec. 15	92–204	Dec. 18.
Military construction:**							
Authorization Act	H.R. 9844	July 22	Aug. 5	Oct. 20	Oct. 21	92–145	Oct. 27.
Appropriation Act	H.R. 11418	Oct. 27	Nov. 3	Nov. 15	Nov. 15	92–160	Nov. 18.
Department of Health, Education, and Welfare:							
National Institutes of Health:							
Health manpower: Nurses:							
Authorization Act	H.R. 8630	July 1	July 14	Nov. 9	Oct. 19	92–158	Nov. 18.
Appropriation Act	H.R. 10061	July 27	July 30	Aug. 5	Aug. 6	92–80	Aug. 10.
Health manpower: Health professions:							
Authorization Act	H.R. 7736	June 18	June 22	June 24 [6]		92–52	July 9.
Appropriation Act [5]	H.R. 10061	July 27	July 30	Aug. 5	Aug. 6	92–80	Aug. 10.
Health manpower: Comprehensive health manpower:							
Authorization Act	H.R. 8629	July 1	July 14	Nov. 9	Oct. 19	92–157	Nov. 18.
Appropriation Act [5]	H.R. 10061	July 27	July 30	Aug. 5	Aug. 6	92–80	Aug. 10.

Footnotes at end of table.

EXHIBIT II—Continued

LIST OF AUTHORIZING LEGISLATION REQUIRED PRIOR TO ENACTMENT OF APPROPRIATIONS, AND APPROPRIATIONS ACTS BY SESSION OF CONGRESS
90TH CONG., 2D SESS. TO 92D CONG., 1ST SESS.—Continued

91ST CONG., 2D SESS.

	Bill No.	Date passed [1]		Date conference report agreed to [1]		Public Law	
		House	Senate	House	Senate	Number	Date approved [1]
Office of Education:							
Elementary and Secondary Education (follow through):							
Authorization Act	S. 2007	Oct. 1	Sept. 9	Dec. 7	Dec. 2	(3)	
Appropriation Act	None to date (Feb. 7, 1972).						
Higher Education & Education Professions Development:							
Authorization Act[7]	S. 659	Nov. 4	Aug. 6	Pending			
Appropriation Act	H.R. 7106	Apr. 1	June 10	June 30	June 30	92-48	July 9.
Social and Rehabilitation Service:							
Grants to States:							
Authorization Act	H.R. 8313	June 8	June 30			92-40	July 1.
Appropriation Act	H.R. 10061	July 21	July 30	Aug. 5	Aug. 6	92-80	Aug. 10.
Youth Development:							
Authorization Act	S. 1732	June 20	June 21			92-31	June 30.
Appropriation Act	H.R. 10061	July 27	July 30	Aug. 5	Aug. 6	92-80	Aug. 10.
Office of Child Development (Head Start):							
Authorization Act	S. 2007	Oct. 1	Sept. 9	Dec. 7	Dec. 2	(3)	
Appropriation Act	None to date (Feb. 7, 1972.).						
Department of Housing and Urban Development:							
Comprehensive Planning Grants:							
Authorization Act	S.J. Res. 176	Dec. 6	Nov. 20	Dec. 13	Dec. 13	92-213	Dec. 22.
Appropriation Act	None to date (Feb. 7, 1972).						
Open Space Land Program:							
Authorization Act	S.J. Res. 176	Dec. 6	Nov. 20	Dec. 13	Dec. 13	92-213	Dec. 22.
Appropriation Act	None to date (Feb. 7, 1972).						
Department of the Interior:							
Office of Saline Water:**							
Authorization Act	S. 991	July 8	June 28	July 15	July 14	92-60	July 29.
Appropriation Act	H.R. 9417	June 29	July 16	Aug. 2	Aug. 2	92-76	Aug. 10.
Department of Transportation:							
Coast Guard:**							
Authorization Act	H.R. 5208	Apr. 29	July 22	Aug. 5	Aug. 5	92-118	Aug. 13.[8]
Appropriation Act	H.R. 9667	July 14	July 22	July 29	Aug. 2	92-74	Aug. 10.[8]
Atomic Energy Commission:**							
Authorization Act	H.R. 9388	July 15	July 20	July 27	July 31	92-84	Aug. 11.
Appropriation Act	H.R. 10090	July 29	July 31	Sept. 22	Sept. 22	92-134	Oct. 5.
National Aeronautics and Space Administration:**							
Authorization Act	H.R. 7109	June 3	June 29	July 27	July 28	92-68	Aug. 6.
Appropriation Act	H.R. 9382	June 30	July 20	July 29	Aug. 2	92-78	Aug. 10.
Cabinet Committee on Opportunities for Spanish-Speaking People:							
Authorization Act	H.R. 7586	June 21	Aug. 3			92-122	Aug. 16.
Appropriation Act (supplemental)	H.R. 11955	Dec. 2	Dec. 3	Dec. 9	Dec. 10	91-184	Dec. 15.
Commission on Civil Rights:							
Authorization Act	H.R. 7271	May17	July 24			92-64	Aug. 4.
Appropriation Act (supplemental)	H.R. 11955	Dec. 2	Dec. 3	Dec. 9	Dec. 10	92-184	Dec. 15.
National Science Foundation:**							
Authorization Act	H.R. 7960	June 7	June 28	Aug. 3	July 28	92-86	Aug. 11.[8]
Appropriation Act	H.R. 9382	June 30	July 20	July 29	Aug. 2	92-78	Aug. 10.[8]
Renegotiation Board:							
Authorization Act	H.R. 8311	June 8	June 30			92-41	July 1.
Appropriation Act	H.R. 9382	June 30	July 20	July 29	Aug. 2	92-78	Aug. 10.
Water Resources Council:							
Authorization Act	H.R. 6359	May 17	June 7			92-27	June 17.
Appropriation Act	H.R. 10090	July 29	July 31	Sept. 22	Sept. 22	92-134	Oct. 5.

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[1] All dates are 1971 unless otherwise indicated.

[2] Senate agreed to House amendment(s).

[3] Vetoed Dec. 9, 1971. Senate sustained Presidential veto Dec. 10, 1971. Subsequent bills were introduced in the Senate (S. 3010) on Dec. 13, 1971 and in the House (H.R. 12350) on Dec. 15, 1971. No action to date (Feb. 8, 1972) has been taken on the Senate bill. The House bill was filed on Feb. 4, 1972. No other action to date has been taken on the bill.

[4] Public Law 92-35 (H.J. Res. 744), approved on June 30, 1971, appropriated an additional $17,000,000 for summer programs.

[5] Public Law 92-80 provides that any health manpower projects or activities "which were conducted during the fiscal year 1971 but for which legislature authorization has expired, may be continued at a rate for operations not to exceed the current rate or the rate provided for in the budget estimate, whichever is lower, until the date specified in section 102(c) of Public Law 92-38, approved July 1, 1971, as hereafter amended; and expenditures made pursuant to this proviso shall be charged to the applicable appropriation whenever a bill containing such applicable appropriation is enacted into law."

[6] House agreed to Senate amendment(s).

[7] Authorization automatically extended for 1-year under provisions of sec. 402, Public Law 91-230.

[8] Both the House and Senate passed originally the legislative authorization bill prior to action on the appropriation bill.

**Programs or activities that require annual authorizations.

GROWING COST OF LITTON SHIPS FOR U.S. NAVY

Mrs. SMITH. Mr. President, the revelation about the serious situation on the failures and growing cost of Litton on ships for the U.S. Navy comes as no surprise to me. I foresaw and predicted this trouble nearly 2 years ago in my Senate speech on June 29, 1970. I invite a close rereading of that speech.

Again on October 6, 1971, I warned in a Senate speech that Litton was in deep trouble not only on the LHA's but on merchant marine ships. The response from Litton officials was to scoff at my statements, but they failed to refute a single statement I had made.

Now it is revealed that they are at least 2 years behind on the production schedule on the LHA's and are in deep financial trouble. It is clear that there is a very real threat that the impact of this will be a resulting 2-year delay on the DD-963 destroyers.

It is no solace and consolation to me to be able to say "I told you so" 2 years ago. For the damage has been done—and the truth that I stated then that the award should go to the Bath Iron Works, or at least a part of the award, on the DD-963's cannot now rectify this grave damage.

What concerns me most about the continuing Litton failure is its effect on our national security. Because we desperately need to get the new destroyers into our fleet. Added to this is the huge cost to the American taxpayers from the Litton failures.

My ultimate question is—How long, oh how long, will the Department of the Navy and the Department of Defense fail to face up to the Litton deficiency and lack of capability and continue to carry Litton at great damage to our national security and great unnecessary cost to the American taxpayers?

The hard decision should be made without further delay—for the longer the delay the greater risk to our security and the greater the cost to the American taxpayers—and that decision should be to give the DD-963's to a shipbuilder that can and will produce on schedule and submits realistic bids as did the Bath Iron Works on the DD-963's.

I ask unanimous consent to have printed in the RECORD my letters of April 24, 1970, and May 29, 1970, to the Secretary of the Navy in which I set forth the dangers of awarding the DD–963 contract to Litton and on which time has proved me to be exceptionally accurate and correct.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., April 24, 1970.
The Secretary of the Navy,
Department of the Navy,
Washington, D.C.

My Dear Mr. Secretary: As the ranking Republican member of the Senate Armed Services Committee, I have been deeply concerned about the problems which we have inherited from the Johnson Administration on major defense contracts, particularly those related to over concentration and cost growth. I am certain you share my feelings that we must avoid recurrences of these problems in this Administration.

However, despite my deep concern about these matters, I have supported the continuation of programs from the prior Administration which I deemed to be vital to our National Defense, including the C–5A, the Nuclear Aircraft Carriers, and others. It is my understanding that the Department of Defense is approaching the immediate award of a contract for the DD963 Class Destroyers on a total package multi-year basis and that there may be a situation developing in connection with this award leading to the very same problems which we have inherited on these earlier programs.

For this reason, I feel it important to assure myself that careful consideration is being given to a number of points bearing upon the decision to make this award.

First, I was surprised to be informed via Congressional sources of an apparent $270,000,000 price difference between the two competitors as a result of the fourth round of proposals, even though their prices were substantially similar in the third round and no technical changes affecting costs had been made by the Navy subsequent to that third round. I enclose a detailed document outlining this apparent discrepancy as I understand it. I must ask that a full analysis be made to assure price credibility if the award is made to the apparent low-offeror so that we are not building a substantial overrun on this program.

Second, as I understand it, the award of 30 ships in the DD963 contract to the present apparent low-offeror will add approximately $1,800,000,000 to their existing backlog of about $1,700,000,000, creating a total backlog of approximately $3,500,000,000, most of which is scheduled to be constructed in an as-yet untested and incomplete facility.

This type of over-concentration carries with it significant risks which have been evidenced by well-publicized and recent difficulties of Lockheed Aircraft Corporation in connection with the C–5A and, specifically in the case of Naval vessels, of General Dynamics Corporation and of the Lockheed Shipbuilding and Construction Company. After these experiences, it is inconceivable to me that we would create a backlog larger than our annual ship-building budget in a single facility.

Third, consideration should be given to the highly probable effect of the award of all these ships to the apparent low bidder on competition for defense business and upon the defense industrial base generally. As you know, throughout the McNamara era, large segments of industry believed that the Government was really interested in awarding its major defense contracts to the huge conglomerate enterprises. Award of all of the DD963 ships to Litton Industries would, in my view, serve to confirm that this policy is being carried over into this Administration. That view would undoubtedly discourage medium-size companies from attempting to compete with these industrial giants for other major defense contracts, thus restricting competition by eliminating some of our most highly qualified contractors, and thereby ultimately increasing the cost of our defense inventory.

Consideration should also be given to the problem of geographic concentration of naval and defense business that would result from an award to the apparent low-offeror in this instance.

Next, I am concerned and must ask that consideration be given to the fact that an award to Litton Industries will destroy one of the major reasons for using the total package multi-year procurement method in this destroyer program. As Secretary of the Navy Chafee and Chief of Naval Operations Adm. Moorer explained to the House Appropriations Subcommittee in February, a principal reason for applying this particular procurement method was to obtain new and modernized shipyard facilities. It appears to me that the award of 30 destroyers to Litton Industries, which is already scheduled to have a new shipbuilding facility, will make entirely unjustifiable the continuation of this risky type of procurement by the current administration.

Finally, consideration should be given to the effect of an award of 30 ships to Litton Industries upon Bath, the finest lead-destroyer shipbuilding yard in the country. During my years in Congress I have followed with great interest Bath's performance on Naval construction work and have heard constantly of the Navy's satisfaction with their ships. Moreover, I understand that they have consistently met schedules at competitive prices.

This company has been in this competition for over two years during which it has diluted its corporate earnings and management capability in order to remain competitive. It is my understanding that Bath and Hughes have met all of the Government's requirements relating to management and technical capability, production plans, facilities plans, and finances. If the Navy fails to award at least some of these ships to Bath-Hughes, in all probability the shipyard's destroyer building capability will be seriously diminished. The loss of this valuable national asset would significantly reduce the Navy's ability to obtain first-line competition for destroyer construction.

Of course, if Bath does not obtain all or part of the DD963 contract, the negative effect will compound the already serious economic difficulties being experienced in the State of Maine.

To conclude, serious consideration must be given to all of these points before an award is made in the DD963 program. As a member of both the Senate Armed Services Committee and the Appropriations Committee, I have strongly supported needed defense programs.

Sincerely yours,
Margaret Chase Smith,
U.S. Senator.

U.S. Senate,
Washington, D.C., May 29, 1970.
The Secretary of the Navy,
Department of the Navy,
Washington, D.C.

My Dear Mr. Secretary: My letter of May 28, 1970 was in error—in that I referred to your letter of May 20 when the accurate date is May 22 and which letter was not delivered to my office until May 25.

Because of the shortness of time in analyzing the contents of your letter of May 22, 1970 from the standpoint of responsiveness to the questions and points that I raised in my letter of April 24, 1970, I confined my observations in my May 28 letter to the issue of should an award of the DD963 magnitude be based on prices developed by reason of business tactics rather than by firm estimates of anticipated costs.

Now that I have had more time to study and analyze your letter of May 22, I wish to express my opinion on additional points.

I do not believe that your letter of May 22 was responsive to my letter of April 24 on these points.

1. Your letter was not responsive to the entire question of potential cost overrun as it relates to the analysis of bidders cost estimates for the procurement.

2. In reference to over-concentration of work in a single facility, my letter was not really answered. The heart of the problem is created by putting so many dollars *through* a single facility.

As an example, note the problems associated with the procurement of the C5A aircraft from Lockheed Aircraft Corporation, though much of the work was subcontracted around the country. In this connection, also note Lockheed's serious slippage on the DE1052 Program with the DE1065, 1069 and 1073 having been scheduled for delivery last year and yet the keels have not even been laid on any of these three ships scheduled for completion a year to nine months ago.

3. The fact that several large Naval and Merchant contracts are now scheduled for construction by Litton and Litton as yet has an uncompleted and untested shipyard was not addressed.

4. The impact on future destroyer competition of a single award of 30 ships to the *only* new shipyard was not answered.

5. My questions relating to the geographic distribution of the defense contracts was answered only through the explanation of subcontracting when it is perfectly clear that principal benefits run to the prime contractor.

6. The reference to your and the Chief of Naval Operations' statements before the House Armed Services Committee in *February* relating to the desirability of new facilities was answered by a reference to the testimony before the Senate Armed Services Committee in *March*. Thus, the answer referred to testimony given before the wrong committee at the wrong time. Thus, in the "right" testimony, your statement before the House Committee was that the *whole* reason for using this type of procurement was to obtain new facilities.

7. The economic impact on Maine of an award to Litton was not answered.

8. The question of a best and final offer was answered only to the extent that you said that the law permitted such a request and moreover that had always been the Navy's intent. The fact that Bath was never made aware that such a "best and final offer" would be requested was not explained.

9. The entire implication that substantial industrial espionage has taken place was not discussed and particularly the significance of leaked prices as it relates to the possibility that an auction was conducted.

10. Finally, and again, all of the answers in your letter of May 22 referred to target *prices* when, as shown by ASPR, procurement significance attaches to target *costs* rather than to price. Thus, the key is the validity of *cost* estimates.

Again I must stress that the several questions raised deal with basic principles far more important than the economically selfish interests of any one state or any region of our nation.

Sincerely yours,
Margaret Chase Smith,
U.S. Senator.

INCOME TAX PREPARATION ASSISTANCE

Mr. CRANSTON. Mr. President, everyone is thinking about income taxes at this time of the year. For a variety of reasons millions of Americans turn to others for assistance. The quality of that assistance is anything but consistent.

A need exists to assure the taxpayer that the help he receives is truly competent. Professional organizations do much to control their members, but countless preparers appear with the approach of the filing date each year, then disappear immediately afterwards.

Legislation has been suggested to deal with this problem. The Internal Revenue Service has requested comments from the leading professional groups for means of solving this dilemma.

An editorial published recently in the San Mateo Times has endorsed the proposal announced by the National Society of Public Accountants, which is the only professional group to have responded officially to the IRS.

NSPA is to be commended for taking the lead in presenting some reasonable suggestions for protecting the American taxpayer. I am most grateful to Mr. Irving Rosen of San Francisco, Calif., who is first vice president of NSPA, for bringing this matter to my attention.

Mr. President, I ask unanimous consent that the editorial and the text of the proposal of the National Society of Public Accountants be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Regulations to Protect the Income Taxpayer

Last year's revelations that some firms specializing in the preparation of income tax returns had been revealing the contents of returns prepared for their clients brought a storm of national criticism. It led to action by the Federal Trade Commission, and in Congress, to preserve the confidentiality of tax returns—a practice guaranteed by the Internal Revenue Service in connection with its own handling of returns as is required by law.

Most of the firms engaged in assisting taxpayers with the compilation of their tax forms voluntarily agreed to discontinue any access to their files without the consent of their clients.

Subsequently, the Internal Revenue Service has asked for the views of professional accountants in the tax field with respect to the regulation of Federal tax preparers. In responding the National Society of Public Accountants has offered some eminently sensible recommendations for the protection of the taxpayers. These include:

Requirement that every Federal tax return preparer for a fee be registered with the Internal Revenue Service and be assigned a number which must be placed on each return prepared. Where multiple offices or franchises are involved the individual in charge of each office would also be required to register.

Registrations would have to be renewed every three years and the tax preparer would have to give evidence of continuing technical education in the tax field before the registration could be renewed.

There would be no prohibition against tax return preparers advertising, but they would not be allowed to advertise the fact of their registration in order to prevent any suggestion of indorsement by the IRS.

Preparation of a return for a fee without a valid, current registration would be illegal.

The name as well as the registration number of each preparer would have to be affixed to each return prepared.

Any fraud or gross misconduct by return preparers would be cause for revocation of registration.

These recommendations are both fair and reasonable and, if implemented, should be accepted by taxpayers for their own protection.

We have no doubt that the reputable and responsible firms and individuals in the business of preparing tax returns will be glad to concur in such regulations, just as they have readily agreed to keep their clients' files confidential.

Recommendations by the National Society of Public Accountants for the Protection of Taxpayers

AMERICAN TAXPAYERS MUST BE PROTECTED FROM INCOMPETENT AND IRRESPONSIBLE TAX RETURN PREPARERS

The main objective of these recommendations is to protect the taxpaying public. It is necessary to begin by identifying preparers so that they can be held accountable for their work. The need for a greater measure of responsibility for the quality of work and the uses made of confidential information in the tax field has long been a concern of the National Society of Public Accountants. The rampant increase of commercial tax preparation operators and heavier reliance upon advertising has led to recent action by the Federal Trade Commission and enactment in Congress of provisions insuring confidentiality in the Revenue Act of 1971. NSPA applauds these steps. Members of NSPA are bound by a strict Code of Professional Ethics and those engaged in tax practice must meet additional provisions specifically applied to that aspect of professional practice. Confidentiality has been the keystone of these Codes. Other professional groups similarly oversee the manner in which their members practice. By requiring the identification of all preparers responsibility to the public is assured. Continuing technical education will do much to insure competence in a constantly changing field. Above all, with mandatory registration the scope of the problem and the troublesome areas can be pinpointed and specific remedies designed in the future.

EVERY FEDERAL TAX RETURN PREPARER WHO ASSISTS TAXPAYERS FOR A FEE MUST REGISTER WITH THE INTERNAL REVENUE SERVICE

Registration at a local IRS District Office would be required of every return preparer who prepares Federal tax returns for a fee on a full-time, part-time or even seasonal basis. Every registrant would be assigned a registration number. For multiple offices or franchise operations, the individual in charge of each of the respective offices would be required to register. No qualifications are set for the initial registration. This disclosure is the heart of the recommendation. Any exceptions from registration will erode the usefulness of the program as a means of identifying the problem areas. The National Society of Public Accountants believes that the simple and inexpensive registration process suggested would cause the true professional no great burden and that administrative costs could be made self-sustaining to a large extent by a minimal fee. While no qualifications are set for initial registration, this would serve to get the program started. It avoids the problems inherent in licensing after examination. The only persons who might be reluctant to register would be the marginal preparers who have something to hide.

CONTINUING TECHNICAL EDUCATION MUST BE SHOWN FOR RENEWAL OF REGISTRATIONS AT 3-YEAR INTERVALS

Registrations would be valid for a period of three years (or some other reasonable period). In order to renew a registration, an individual would have to show that he has received continuing technical education in the Federal tax field. The standards for continuing education would be set by the IRS. An affidavit filed with the local District office would be required of the registrant. Appropriate penalties should be imposed for filing of a false affidavit concerning participation in approved continuing technical education programs. Qualifying continuing education could include correspondence courses, conferences and seminars sponsored by professional and technical organizations, formal courses at educational institutions, participation in courses or seminars that could be sponsored by the Internal Revenue Service, inhouse training in firms with a set number of persons in attendance and by other means prescribed by the IRS. NSPA believes that the field of tax practice is so complex and that technical regulations, interpretations and court decisions bring change so frequently that some proof of continuing education is highly desirable. A key element here is that methods of compliance are flexible enough to permit a variety of means be available to the practitioner to meet the requirements. The National Society and affiliated state societies already offer a wide range of seminars, materials and services to assist members in keeping up-to-date on changes in tax law and procedures.

ADVERTISING THE FACT OF REGISTRATION WOULD BE PROHIBITED TO PREVENT ANY APPARENT ENDORSEMENT BY IRS

By prohibiting the registrant from advertising his registration, the danger of misleading the public into thinking any given registrant is endorsed by the Federal Government is removed. The registration number would have to be made available to a client upon request (so that he was assured the preparer possesses a registration) but a commercial preparer could not benefit from the fact of registration in his promotional practices. This would eliminate to the maximum extent possible the misuse of a registration program by an unscrupulous operator to further deceive the public about his qualifications. To avoid any loopholes, the prohibition against promotional use of the fact of registration should extend to stationery, signs, cards and listings. Since registration would be mandatory for all who prepare Federal tax returns for a fee, everyone doing so would presumably possess a registration. Penalties for practice without a registration are provided.

NO PROHIBITIONS ON ADVERTISING OTHER THAN THOSE NOW IN EFFECT WOULD BE IMPOSED

Professional ethical codes would continue to operate on attorneys, certified public accountants, independent public accountants and enrolled agents (who are licensed after examination to practice before the IRS on tax matters). Misleading advertising, false and erroneous claims should continue to be prosecuted under present laws by the Federal Trade Commission and other entities. A complete ban on advertising, while considered desirable and adhered to by NSPA members along with other professional organizations, would be subject to attack on legal grounds.

PREPARATION FOR A FEE WITHOUT A CURRENT REGISTRATION WOULD BE ILLEGAL

Preparation of a Federal tax return for another for a fee without a registration, or with an invalid registration, should be a misdemeanor subject to fine and imprisonment upon conviction. This is vital if the recommended program is to succeed in identifying preparers, holding them to a measure of responsibility for their work and bringing all preparers under the requirements of continuing technical education. Enforcement of this provision will be aided by reports from fellow practitioners and commercial competitors as well as the public. As the program is implemented, taxpayers will learn to check the registration of their prospective return preparers to see that he is registered and has a current registration (which will in the future demand continued technical education).

EVERY RETURN UNDER A REGISTRANT'S RESPONSIBILITY MUST BEAR HIS NAME AND REGISTRATION NUMBER

All returns prepared in whole or in part under a registrant's responsibility for compensation must be signed by him and include his registration number. The identification of preparers will enable the IRS to determine, when a pattern of returns shows a problem, the source. This will be true even if the preparer has moved around geographically.

REVOCATION OR SUSPENSION OF A REGISTRANT BY IRS WOULD BE FOR GROSS MISCONDUCT, FRAUD, ETC.

The IRS should have the right to suspend or revoke a registration for cause under procedures that afford the registrant his rights of due process, administratively and constitutionally. Reasons for suspension or revocation could include gross incompetence, unethical advertising, fraud, willful misconduct, filing a false report and similar activities. It may be expected that some unqualified or unethical persons may not seek the registration at all since it makes them identifiable for their work. Those who are not willing to meet some continuing technical education requirements probably should not be in practice anyway. The program is designed not as one of exclusion, although it may have that effect to a degree, but rather as one of inclusion. By bringing the wide variety of preparers under the umbrella of coverage, the public will be better served in this important area. With disclosure comes responsibility; with renewal comes continued education and with these combined, the American taxpayer will be better protected. The National Society of Public Accountants stands ready to help to realize this goal.

TRIBUTE TO EDWARD RAYMOND JOHNSTON ON HIS 90TH BIRTHDAY

Mr. PERCY. Mr. President, on the occasion of the 20th anniversary of the founding of the section on antitrust law of the American Bar Association, I invite the attention of Senators to the presence in Washington today of the first chairman of the ABA antitrust law section, Edward Raymond Johnston, of Illinois. It is also Mr. Johnston's 90th birthday.

During his 65 years as an active practitioner of the law, Mr. Johnston has been appointed to both the American Bar Foundation and the board of managers of the Chicago Bar Association. He is presently a fellow of the American College of Trial Lawyers and is dean of the Antitrust Bar. At one time he served on the Attorney General's Committee on Antitrust Laws, and he is a past president of the Chicago Law Club.

Mr. Johnston has distinguished himself as a scholar, is a member of Phi Beta Kappa, has a law degree from Harvard, and holds an honorary doctorate in law from the John Marshall Law School. He has argued many important cases before the U.S. Supreme Court, including the landmark United States against Maple Flooring.

Mr. Johnston's contributions to Chicago, Ill., and the Nation in the field of antitrust law are immense. It is with great pleasure that I welcome him to Washington on his 90th birthday.

LOS ANGELES ENDORSES PROXMIRE BAN ON DES

Mr. PROXMIRE. Mr. President, on November 8 of last year I introduced a bill, S. 2818, which would ban the use of Diethylstilbestrol (DES) in livestock feed throughout the United States. DES is a proven cause of cancer and cardiovascular problems. Many European nations have banned the use of DES in raising livestock. The Food and Drug Administration has even banned the use of DES in poultry feed. But it is still allowed in cattle feed and the drug continues to be found as a residue in slaughtered animals.

On March 2, 1972, the city council of Los Angeles received a report from its State, county, and Federal affairs committee which recommended that the council go on record as opposed to the use of DES in livestock feed. The city council accepted this report and passed two resolutions. One resolution called upon the Secretary of Health, Education, and Welfare and the California Director of Agriculture to adopt regulations prohibiting the use of DES in livestock feed. The other expressed support for my bill, S. 2818.

Enactment of S. 2818 will help protect the American consumer from this dangerous drug. I hope that the members of the Committee on Labor and Public Welfare and the rest of the Senate will give serious consideration to this matter.

Mr. President, I ask unanimous consent that the report of the State, county, and Federal affairs committee and the two resolutions of the Los Angeles City Council be printed at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Report

Your Committee considered the subject resolutions which call for a prohibition of the hormone substance diethylstilbestrol (DES) as a food additive for animals raised for food purposes. The first resolution urges the City to support federal legislation to prohibit the use of this substance as an additive for livestock feed. The second resolution encourages appropriate state and federal officials to adopt regulations prohibiting the use of DES. It was reported to your Committee that it has been found that large concentrations of DES can cause cancer. It was also indicated that the Food and Drug Administration has previously banned the use of DES as an additive in poultry feed. However, in the case of other animals raised for human consumption the Department of Health, Education and Welfare has through other controls attempted to alleviate the problem created by the use of DES. These regulations currently in force require the withdrawal of any feed containing DES for at least 7 days prior to slaughter.

Opponents to the use of diethylstilbestrol feel that the Food and Drug Administration's regulations are not entirely adequate in terms of actual compliance and in terms of reliability in determining the presence of a DES residue in the carcass of a slaughtered animal.

Inasmuch as there appears to be no feasible means of testing for complete compliance with the FDA regulations nor a completely adequate method of evaluating the reliability of these regulations, your Committee RECOMMENDS that the subject resolutions be adopted thereby placing within the City's Federal Legislative Program support for HR 11646 (92nd Congress) and S. 2818 (92nd Congress) or similar legislation which would prohibit the introduction of DES into any animal or animal food product and to encourage the Secretary of Health, Education and Welfare and the California Director of Agriculture to adopt regulations prohibiting the use of DES as a food additive.

Resolution

Whereas, federal law and the 1970 California Meat and Poultry Inspection Act prohibit the use of food additives for feeding poultry or livestock whose residues induce cancer; and,

Whereas, this prohibition does not apply when the additive substance is used in feed for animals which are raised for food production if the Secretary of Health, Education and Welfare finds that it will not adversely affect the animal, and that no residue of the substance is found after slaughter in any edible portion of the animal; and,

Whereas, the federal government has by order of the Secretary of Health, Education, and Welfare prohibited the use of the hormone substance named diethylstilbestrol (DES) as a food additive for poultry because certain poultry treated with DES retained residues of the carcinogen; and,

Whereas, DES can still be used as a food additive for other animals raised for food production, and it has not been shown in every case that such animals, when fed DES are free of carcinogents; and,

Whereas, there are no mandatory tests to insure that all animals sold to the public for food are free of DES residues which are carcinogenic; and,

Whereas, California has no regulation prohibiting the use of animals for food that have been fed DES; and,

Whereas, the California Director of Agriculture adopts federal regulations pertaining to commercial food additives, but in the absence of a corresponding federal regulation the State Director is reluctant to promulgate new regulations because the State Legislature has determined that state regulations are to conform, so far as possible, to federal regulations,

Now therefore be it resolved, that the City Council go on record as encouraging the Secretary of Health, Education, and Welfare and the California Director of Agriculture to adopt regulations prohibiting the use of DES as a food additive for animals raised for food purposes, and to further prohibit the use for food of any animals or food product thereof that have been fed DES; and,

Be it further resolved, that the City Clerk, with the assistance of the Chief Legislative Analyst, provide the City's Chief Legislative Representative and Federal Legislative Representative with sufficient certified copies of this action.

Resolution

Whereas, federal and state law prohibit the use of food additives that induce cancer in animals or man for feeding animals raised for food production; and

Whereas, the hormone food additive diethylstilbestrol (DES) which has been found to be carcinogenic, is prohibited from use as a food additive for poultry because certain poultry treated with DES retain residues of the carcinogenic substance; and

Whereas, DES can still be used as a food additive for other animals raised for food production and it has not been shown in every case that such animals fed DES will not retain carcinogenic residues and there are no mandatory tests to insure that all livestock sold to the public for food have no DES residues which are carcinogenic;

Now therefore be it resolved, that by adoption of this resolution the Los Angeles City Council expresses its support of H.R. 11646 and S. 2818 (as introduced in the 92nd United States Congress) or similar legislation which would prohibit the introduction of DES into any animal or food product thereof; and,

Be it further resolved, that the City Clerk, with the assistance of the Chief Legislative Analyst, provide the City's Federal Legislative Representative with sufficient certified copies of this action.

HOUSE INACTION ON STRIKE LEGISLATION

Mr. PACKWOOD. Mr. President, on March 2, 1972, a House Commerce Subcommittee voted 6 to 5 against reporting to the full committee a bill sponsored by Representative JAMES HARVEY of Michigan which would have eased the impact of transportation strikes. One of the unions most strongly opposed to the bill is the United Transportation Union which represents many of the employees in the railway industry.

All six of the members of the House Commerce Subcommittee who voted against reporting that bill have been the recent beneficiaries of contributions from the United Transportation Union's Transportation Political Education League. The Representatives and the amounts they received from the Transportation Political League are:

Representative BROCK ADAMS, Democrat, of Washington, $1,000, January 12, 1972; $1,000, January 17, 1972.

Representative BERTRAM PODELL, Democrat, of New York, $500, January 31, 1972.

Representative HENRY HELSTOSKI, Democrat, of New Jersey, $500, January 31, 1972.

Representative RALPH METCALFE, Democrat, of Illinois, $500, January 31, 1972.

Representative JOHN DINGELL, Democrat, of Michigan, $500, January 31, 1972.

Representative JOHN M. MURPHY, Democrat, of New York, $1,000, January 31, 1972.

TODAY'S CHARADE IN PARIS

Mr. KENNEDY. Mr. President, at this critical time in the war, America ought to be at the peace table in Paris. Today is the day of the regularly scheduled public weekly meetings, but again the American seat is empty. Instead of attending the session, instead of ending the American boycott, instead of making every possible effort to stop the killing, all the administration does is set up the crude smokescreen of a secret initiative, with the result that Ambassador Porter and the administration's spokesman in Paris are engaged today in a devious and unseemly charade over whether or not the Vietcong received a private invitation to resume the talks.

If the administration were serious about returning to the peace table, there is a way so easy that it defies common sense for the administration not to use it. Why does not Ambassador Porter simply go back to the table, fill the American seat, and show the world that we really want to negotiate?

AMTRAK PASSENGER SERVICE FOR TRINIDAD, COLO.

Mr. ALLOTT. Mr. President, I ask unanimous consent to have printed in the RECORD the following item which is a matter of great urgency for the sake of the people of Trinidad, Colo.

It has been of great concern to me to try to secure an Amtrak stop for the people of Trinidad. Thus far Amtrak has not listened to the very urgent case which the officials of Trinidad, and I have tried to put forth.

Therfefore, I am using this forum in still another attempt to focus attention on this very pressing problem.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION No. 1010

Whereas, The City of Trinidad, Colorado, currently has no rail, bus, airline, or other means of public transportation going east from said city; and

Whereas, Trinidad has a large number of people, including elderly persons, who would utilize rail service if it were available to them; and

Whereas, The nearest rail stop is twenty-five miles away at Raton, New Mexico; and

Whereas, The trip to Raton, New Mexico, from Trinidad necessitates going over Raton Pass which is extremely hazardous during the winter months; and

Whereas, Trinidad is the site of a junior college and students from various parts of the country would find rail transportation one of the most convenient ways to travel to and from Trinidad; and

Whereas, A railroad passenger stop at Trinidad would be used by persons from the Colorado cities of Walsenburg, Aguilar, La Veta, and Alamosa; and

Whereas, The federal government has a policy to relocate people from larger urban areas to less populated areas; and

Whereas, This policy will not be effective unless better transportation is provided to less populated areas; now, therefore,

Be It Resolved by the House of Representatives of the Forty-eighth General Assembly of the State of Colorado, the Senate Concurring herein:

That the general assembly hereby requests that the National Railroad Passenger Corporation have the railroad service under its jurisdiction make daily scheduled stops at the city of Trinidad, Colorado, in order to afford the area much needed railroad passenger service.

Be It Further Resolved, That copies of this Resolution be transmitted to the National Railroad Passenger Corporation, the Secretary of the United States Department of Transportation, and each member of Congress from the State of Colorado.

EULOGY BY GEN. LUCIUS D. CLAY, USA, RETIRED, AND THE PRAYERS AND TRIBUTE BY THE REVEREND BILLY GRAHAM FOR JAMES F. BYRNES

Mr. THURMOND. Mr. President, the eulogy for James F. Byrnes who died Sunday, April 9 was delivered in Columbia yesterday by Gen. Lucius D. Clay, USA (retired), and prayers and a tribute were offered by the Reverend Billy Graham. The service was held in the rotunda of the State Capitol just prior to the funeral services for Governor Byrnes at Trinity Episcopal Church across the street from the Capitol.

General Clay had served as deputy when Mr. Byrnes was director of War Mobilization in World War II and as deputy military governor in Germany when Mr. Byrnes was Secretary of State. His remarks yesterday provided a keen insight into the wisdom of leadership provided by Governor Byrnes over a public career of nearly a half century.

Dr. Graham has known Mr. and Mrs. Byrnes since bringing his first crusade to Columbia 25 years ago, during Mr. Byrnes term as Governor. His prayers and his tribute yesterday recounted the religious inspiration which guided this great man and the principles which he practiced in his life.

Mr. President, their words about Governor Byrnes serve to remind us of the true greatness of his life and service and the source of his convictions and strengths.

These words are an inspiration for all of us, Mr. President, and I ask unanimous consent that they be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the prayers and tributes were ordered to be printed in the RECORD, as follows:

PRAYERS AND TRIBUTE BY THE REVEREND BILLY GRAHAM AT EULOGY FOR JAMES F. BYRNES, STATE HOUSE, COLUMBIA, S.C., APRIL 12, 1972

INVOCATION

Shall we pray: Our Father and our God, we thank Thee that in the generations of American history Thou has seen fit to raise up men that exemplified all that was best in America to lead us in times of peace and in times of war and we thank Thee for the life of the one that we come to pay tribute and to honor today. We thank Thee that this man with his integrity, his sense of honor, and his deep religious faith was one of those men that Thou didst choose to lead America in times of crisis, but he never forgot the soil from which he came and the people to whom he owed so much—the people of South Carolina. We thank Thee for his memory today. He was a part of all of our lives, and we pray that we may remember him by accepting the torch that he hands to us today to make America a better nation and South Carolina a better state because both are better because he walked here. We thank Thee that his faith went beyond his life because he believed in the future life and the Apostle Paul said "to die is gain" and we know that he has gained and that he's in Heaven because of the personal faith that he had in Jesus Christ as his Lord, Master and Savior, and we pray that his life will challenge us to have that same faith, for we ask it in the name of Jesus Christ our Lord. Amen.

REMARKS

I am sure that every person here could pay a tribute to this man. We all knew him in different ways. Nearly a quarter of a century ago, a young preacher came to Columbia to hold what was then called in South Carolina a revival meeting. It was controversial. The preacher was virtually unknown but Mr. and Mrs. Byrnes cancelled their plans for a vacation in order to sit on the platform with that young preacher to add his name and his prestige behind what he believed was needed in America—a religious renaissance. That was the kind of man he was and that's the kind of woman he had at his side.

BENEDICTION

Shall we pray: Our Father, we thank Thee again for what this man meant to a state, to a nation and to a world. We thank Thee again for his deep and abiding religious faith and we do not say goodbye to him today, but we say "till we meet again" because certainly we shall see him again in that City whose streets are paved with gold and, now, unto Him who loved us and washed us from our sins in His own blood and hath made us Kings and Priests under God, to Him be the glory and the dominion and the power for ever and ever. Amen.

EULOGY BY GEN. LUCIUS D. CLAY, USA, RET., COLUMBIA, S.C., APRIL 12, 1972

Dear Friends, all of us are here today to pay our last respects to Justice Byrnes. Many of us were privileged to have known him and to have enjoyed his friendship beyond measure. It is not a day to be sad. He and Mrs. Byrnes had a full and wonderful life, and in their long years together they won the love and friendship of all who really knew them. Rather, it is a day in which we, his friends, remember how great and enduring was his capacity for friendship, and how much he contributed to our own lives.

His lifetime of service to the state of South Carolina needs no elaboration here. He held every major political office which his state had to offer, and how he fulfilled the responsibilities of these offices is best evidenced by the love and affection in which he was held by the people of his state and by the respect shown to him as he lay in state in the State Capitol.

Far beyond his contributions to the state of South Carolina, as many and valuable as they were, were his contributions to his country and to the world. He was recognized as an outstanding member of the House of Representatives and again of the United States Senate before he became a Justice of the Supreme Court. When the problems of war confronted our country and the President asked him to accept the responsibility for establishing the Economic Stabilization Administration, he did not believe that he should do this as a Justice on leave, and he resigned from the Supreme Court because he felt that he could contribute more to the nation in war by taking an active role in government. Soon thereafter he became the Director of War Mobilization, and it was in this capacity that President Roosevelt delegated to him full responsibility for the domestic front. It was while he was the Director of War Mobilization that I became his deputy in December, 1944, and so quietly had he performed his offices that it was only then that I realized the many problems which came to him each day for final solution, and the calm and objective decisions which he made to maintain our economic stability and our productive power while we were forced to wage war on two fronts. It was during this period that he first became deeply involved in our foreign affairs, almost by accident. President Roosevelt wanted his company during the Yalta Conference. There, both President Roosevelt and Mr. Hopkins became ill and, although he was not even a delegate, he found himself an active participant in the Conference, and when the President's party returned, it was Mr. Byrnes who was designated by the President to meet the press and tell them of the results of the Yalta Conference.

Shortly thereafter President Roosevelt died, to be succeeded by President Truman, who asked Mr. Byrnes to return to Washington as Secretary of State. It was a crucial period for American foreign policy, for we were still at war with Japan, our troops were being rapidly withdrawn from Europe, and even with victory over Japan the demand at home for the return of our soldiers was overwhelming. Underlying this demand was a more fundamental question: Did it mean that America was returning to isolationism? And, indeed, for a while this appeared the trend. Fortunately, Secretary Byrnes—with the support of President Truman—saw immediately that it was no longer possible for America to live alone and that even a partial return to isolationism would be a serious threat to world stability and to lasting peace.

Recognizing the fact that most of eastern Europe was either in Russian hands or dominated by the threat of Russian force, Mr. Byrnes believed that only the immediate conclusion of peace treaties with the countries of eastern Europe would make it possible for democratic regimes to be established with some hope of success. Although the interim coalition governments formed under these peace treaties were not to survive, there was no other way short of our willingness to use force to have any chance of obtaining democratic governments in these countries. However, his determination prevented a Communist dominated government in Italy, which was not under the influence of Russian arms, and in Austria, where both our and Russian troops were in occupation. The extent of his effort to conclude these peace treaties can best be measured by the extent of his travel during this period. 1945 found him in Yalta and Potsdam for Big Three meetings, in London for the Foreign Ministers Council, and in Moscow for a Big Three meeting. In 1946, he was in London for the United Nations General Assembly, in Paris for a Big Four meeting, and again in Paris for the Peace Conference.

It was at the latter conference that he became convinced of Soviet intransigence and determined that they would make no further gains in Europe. It was there, with the consent of the President, he agreed to accept an invitation to address an audience of Americans and Germans in Stuttgart to include the four Ministers appointed by Military Government as chief administrators of the four German states in the American Zone of Occupation. In an impressive setting, Justice Byrnes made a major-policy speech of tremendous import to Europe, as it meant to Europeans—as it did to me—that the United States, in pledging that its troops would continue in Europe as long as the troops of any other government remained, had renounced isolationism. I think it was his finest hour, and the policy which he announced then is still our basic policy. We had taken a major step to accepting the leadership of the free world, later to result in the Marshall Plan, the North Atlantic Treaty Organization, and the utimate establishment of the West German Government.

Following this speech, Justice Byrnes met for lunch with our own military and State Department personnel and with German officials holding office under Military Government. It was the first such meeting with Germans and marked the beginning of our realization that the rehabilitation and restoration of Western Germany was essential to prevent a vacuum in central Europe which could lead only to economic and political disaster throughout Europe. Following this luncheon, accompanied by Mrs. Byrnes, Senators Vanderberg and Connally, who were members of our delegation in Paris, and their wives, we left Stuttgart by train for a quiet weekend in Bavaria. This was still a land of occupation and the scars of war were evident everywhere, and you may be sure that we had taken every measure we knew how to take to insure the safety of this train and its passengers. Our distinguished guests had gone to their staterooms for a brief rest when, suddenly, I realized the train had stopped, and in looking out the window the absence of American troops on guard quickly told me this was not a scheduled stop. With some concern I rushed from my stateroom, only to find Justice Byrnes standing on the back platform where several hundred German commuters had already gathered and were pushing and shoving each other aside in their eagerness to obtain his autograph. I could not help but reflect how quickly a defeated enemy had recognized the magnanimity and good will of this American statesman.

In all the conferences which I attended with him, and in which he headed the American delegation, I was always impressed with the respect which he gained from the statesmen of other countries—with Mr. Churchill and Mr. Eden, and on their departure with Mr. Attlee and Mr. Bevin, with Mr. Bidault, and indeed with Mr. Molotov and Mr. Vyshinsky. I was astounded at his ability to meet the challenges and even the insults from the Soviet representatives effectively and yet to avoid rancor and bitterness, even when it was most difficult not to be angry. Yet, he was a respected world leader among world leaders, recognized as a man of good will representing a powerful country and intent that its power be used only in the interests of peace and freedom. Yet, even during these trying days, he managed to improve the Foreign Service as a career service by securing the enactment of leigslation which had been pending before the Congress for some time.

Of course, there are too many highlights in his career for but one or two to be mentioned. However, I am sure that one of the happiest occasions that I ever remember being with him was following his inauguration as Governor of South Carolina, and the great joy he took in this opportunity to serve his friends and neighbors. Nevertheless, his impressive record of public service does not do full justice to the measure of this man to whom Senators, Representatives, Cabinet Members and Heads of State came with their problems to seek his advice and counsel. Never sparing of himself, he was always available, and they knew that whatever they talked about with him would forever remain confidential as far as he was concerned.

Serving as his deputy in War Mobilization, and as Deputy Military Governor of Germany during the period in which he was Secretary of State, I learned far more than I ever learned elsewhere. Someone once asked me, after I became Military Governor, if I had had any real experience in government, and my reply was: "A post graduate course in four months under Justice Byrnes."

During the period in which I was his deputy it was his practice to hold a small staff conference every evening at 6 o'clock, at which time we would discuss the efforts of the day. Usually, there were present besides myself Don, now Judge Russell; Walter Brown; Fred Searls, now gone; and sometimes our counsel, Ben Cohen. In the outer room, Miss Cassie Connor, also gone, protected the privacy of our meetings. We were a part of his family and the warmth of his affection still binds us together. When I speak of him, I know I speak for them too. It was in these conferences that his experience and wisdom were at their best. Justice Byrnes enjoyed these conferences just, indeed, as he enjoyed life. Prodigious worker as he was, he did not believe that life consisted only in work, but that it also had to include some time to meet and be with friends. To spend an evening with him and Mrs. Byrnes was ever an experience to be remembered and to be enjoyed to the full. Their home, wherever it was, was filled with song and music and reminiscences and with their love for each other, which overflowed to embrace their friends.

With a quick and ready wit, he loved good company, good conversation, song, laughter and fun. Although, as all men in public life must, he had to disagree at times with the policies and views of others, I have never heard him utter a cruel or vindictive word about anyone. Once he said to me: "I am often called a compromiser and, indeed, I must be, for politics is the art of compromise.

However, I always compromise in the right direction and sometimes it takes two or three compromises to reach my original goals. There are more ways than one to gain a final victory, and a politician who does not recognize this can never become a statesman."

Once, when I was Military Governor, there was a movement made to replace me shortly after Justice Byrnes had resigned as Secretary of State. Not wanting his ill will, the proposal was conveyed to him, and his immediate reply was: "Attempt it and I will fight you all the way." The attempt was not made. It was years later when I heard of this, and you may be sure it was not from Justice Byrnes.

How can we express our feelings for a man like this, other than to say we loved him. Above and beyond his many accomplishments was the one thing which none of us will ever forget—his capacity for true friendship, for love of his fellow man. Of course, the Byrnes Scholars are one evidence of his concern for others. He met with the great and with the humble, and was at home with both. His warm compassion, his deep and abiding loyalty, and his faith in America and its people were ever inspiring.

There are only a few—a very few—in a world of many people who can by virtue of both character and achievement be called great. Justice Byrnes was such a man. But of the few who are recognized as great, there are an even smaller number who are both great and good. Justice Byrnes was also a good man.

South Carolina can be proud of the contribution made by this great and good man to the state and to the nation, and the nation can be proud of the contribution which he made to preserve the free world and in working for peace among nations. We share this pride while we are ever grateful for the additional privilege of having known and loved Mrs. Byrnes and Justice Byrnes. May God be with us all.

GENOCIDE: VIOLENCE BREEDS VIOLENCE

Mr. PROXMIRE. Mr. President, recently my office was visited by a member of the Bangladesh Information Agency. There was some concern in regard to a recent Record statement of mine on Bengali mistreatment of the Biharis. I was informed that although during the first few days of independence for Bangladesh there were some unfortunate acts of violence, they were hardly comparable to the brutality used by the West Pakistanis during their occupation of the East.

I have no dispute with the Bengali argument. News accounts at the time vividly depicted the bloody suppression of the East and the acts of atrocity that became commonplace. Yet, the fact that violence and brutality are the inevitable components of war is not a justification for further acts of this sort.

War teaches us nothing new but rather reaffirmed the old and tired truth that violence breeds violence. Those who are mercilessly suppressed shall show no mercy when fortunes have changed. Vengeance strikes with a passion.

Such was the case in Bangladesh. The Pakistani troops certainly committed countless acts of needless brutality, and when vanquished, Pakistanti sympathizers felt the wrath of the bloodied Bengalis. There is no finger assigning guilt or innocent. But neither is either side absolved of the responsibility for unprovoked acts of violence.

The recent confrontation on the Asian subcontinent indicates that now, more than ever before, there is a pressing need for international agreements which resolutely condemn acts of violence. Although the treaty for the prevention and punishment of genocide was not applicable in the Pakistan crisis, it does represent a declaration of international moral opposition to genocide specifically, and violence in general. Such a declaration is long overdue, and I urge my colleagues to swiftly ratify the genocide treaty.

THREAT TO EDUCATION

Mr. KENNEDY. Mr. President, I invite attention to testimony yesterday by Acting Attorney General Kleindienst in the House Judiciary Committee which represents a blatant admission by this administration that it will countenance chaos in the school districts of the South in exchange for political gains next fall.

The testimony of Mr. Kleindienst is noteworthy first in what it admits and second in what it omits.

Mr. Kleindienst acknowledged to the committee that the President's proposed legislation will permit every school district which has desegregated unwillingly to file for reopening.

That admission represents the frantic scrambling of the administration to meet southern objections that the moratorium on busing he has proposed would only affect northern school districts and would not affect a single existing busing order in the South.

Now the Acting Attorney General comes before the House Judiciary Committee to argue that while the moratorium will not apply to them, southern districts under the Equal Educational Opportunity Act could all ask the courts to reopen their cases.

But what he forgot to mention—and what Secretary of Health, Education, and Welfare Elliot Richardson already has admitted—is that all but 100 of those districts would lose.

Secretary Richardson testified 3 weeks ago to the Senate Education Subcommittee that only 100 districts had any chance of having the courts decide in their favor under the Nixon administration proposals—in the dubious eventuality that the proposals are declared constitutional.

That is the pity and the tragedy of the administration proposals. Because they would combine to undo every local agreement in the South for ending dual school systems. To all those decent and concerned parents, teachers, and administrators of southern districts who have agreed on compliance with the law, and better education for both black and white children, these proposals by the administration open the way to endless discord and frustration.

Because, as Mr. Kleindienst stated they permit every one of those districts to demand new hearings but in all but a mere fraction of the school districts, that hope is illusory. It is a fraud that is being perpetrated and it is a fraud that will make it more difficult for these schools to get on with the job of education.

And it is even made more illusory by the recognition by the Acting Attorney General that the proposals carry the most basic challenges to the constitutional system of government in this land, challenges which are of doubtful constitutionality.

Thus, the impact of these proposals is merely to gain time, to give the appearance of action, to obtain the political benefit of fervent declarations against a myth of "forced busing to achieve racial balance," with the result being disruption of the process of education throughout the land.

DEATH OF FORMER GOV. JOHN STEWART BATTLE OF VIRGINIA

Mr. SPONG. Mr. President, the death of former Gov. John Stewart Battle of Virginia, has ended the career of one of my State's most distinguished public servants. Governor Battle, I am proud to say, was my good friend for many years. He was a man who gave calm and sensible leadership to Virginia during trying times. He was a gentleman of charm—kind and thoughtful with an impressive dignity. He was a man of honor.

Now, after a long illness, Governor Battle has passed away to take his place in the pantheon of the great men of Virginia. On Monday, John Battle was laid to rest in the shadow of Jefferson's Monticello and overlooking his beloved alma mater, the University of Virginia. The newspapers of Virginia have come forth with a series of editorials that note the great loss to the State, and their praise of Governor Battle as a man and as a public servant bespeak the sentiments of the millions of the State which he so nobly served.

I ask unanimous consent that the following editorials from the Roanoke Times, the Richmond Times-Dispatch, the Newport News Daily Press, the Richmond News Leader, the Norfolk Ledger-Star, and the Virginian-Pilot be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Roanoke Times, Apr. 11, 1972]

John S. Battle

Former Virginia Gov. John Stewart Battle, who died Sunday at age 81, is remembered most for a massive infusion of funds into public education during his term, 1950–1954. There is more to the story than that. Governor Battle might also be remembered as the candidate who fought off one of the strongest challenges to the Byrd Democratic Organization in 1949—a challenge posed by Francis Pickens Miller.

Mr. Miller's advocacy of more money for schools was winning him prospects in the restless post-war years when the Byrd people, exercising their peculiar genius for finding money when it had to be found, came up with the hidden treasure which was promptly pledged by campaigner Battle.

Even at that, Colonel Miller might have won had not a Republican of standing advised Republicans to enter the Democratic primary, which they probably did.

Those days seem to be long, long ago, yet there is continuity with them. One of Governor Battle's sons, William C. Battle, would have become governor with a little luck—or, more accurately, with a little of that party loyalty organization opponents used to brag about. If he had won, who would be at the Capitol with him today? None other than a son of Francis Pickens Miller, Virginia's present able Attorney General, Andrew Pickens Miller. A poet would have liked that, particularly if he were a just poet.

Governor Battle was a man of integrity, character and sincerity. The latter characteristic enabled him—singlehanded, it seemed at the time—to turn around the Democratic National Convention of 1952 and persuade it to seat the Virginia and other Southern delegations without a loyalty oath then regarded as degrading. These historical remunerations were not in the minds of those who attended the funeral service yesterday in Charlottesville. They remembered a good man and an excellent governor.

[From the Richmond Times-Dispatch, Apr. 11, 1972]

JOHN S. BATTLE

Former Governor John Stewart Battle, buried yesterday in Charlottesville, symbolized the dignified and quietly competent leadership that flourished in Virginia under the Democratic party's conservative Byrd organization, leadership that could respect tradition without worshipping the status quo and encourage innovation without promoting social upheaval.

Even in the most heated times, Gov. Battle—courtly, tall and ruggedly handsome—remained a monument to calm. In the tight gubernatorial race of 1949, Battle's demeanor contrasted favorably with the red-faced oratory often heard on the hustings. During Virginia's massive resistance to school integration, John Battle never once stooped to racial slander. In the emotionally charged Democratic national convention of 1952, the then Governor Battle delivered a speech that was a masterpiece of composed thinking.

Many considered that speech to be Gov. Battle's finest hour. The convention had threatened to eject the Virginia, South Carolina, and Louisiana delegations for their refusal to sign a controversial loyalty oath to support in advance all its actions and nominees. Said Gov. Battle in opposing the oath: "We are simply reserving to ourselves the freedom enunciated by Thomas Jefferson—in whose county I happen to live—the great patron saint of this party . . . who believed in freedom of thought and freedom of action, and we are not going to sign any oath which will abridge that freedom which we claim for ourselves and believe you would like for yourselves." The convention, visibly moved by Gov. Battle's utterances, voted to seat the Virginia delegation, and the loyalty oath remained unsigned.

Within the spectrum of the Byrd organization's leadership, Gov. Battle was a moderate. At election time, he supported Democratic presidential nominees, such as Adlai Stevenson and John Kennedy, while his more conservative friends remained scrupulously silent. Throughout the massive resistance, Battle was a firm believer in public schools and opposed closing them to prevent integration. Finally, Gov. Battle was able to perceive one of the Byrd organization's most serious shortcomings: "that it has treated its younger men horribly."

As Virginia's chief executive (1950–1954), Gov. Battle's most significant achievement was to push through an appropriation of an extra $75 million for school construction. Known as the Battle plan, these funds, which for the first time went to localities without strings attached, provided the impetus for the building of 400 new schools for Virginia, the renovation of 500 more.

The most anguished moment of Gov. Battle's administration involved the "Martinsville Seven"—seven Negro men sentenced to death for the rape-assault of a Martinsville white woman. Their pleas for executive clemency found the Governor torn between the compassion for those awaiting the death sentence and his desire that justice be done. "I tried," he said, "to figure out a way to keep a couple of those younger men from being electrocuted. But they were as guilty as the rest." The law had spoken; there had been judicial review all the way to the U.S. Supreme Court. I could not intervene, I did not intervene . . . I've slept with a clear conscience; the law had spoken."

Virginians will miss him. One remembers his eyes, full of warm humor, with the drooping eyelids which cartoonists made so much of and which he himself laughed off as a "family idiosyncracy." One remembers, also, the basic human tolerance which stopped him from extremist rantings, either right or left. Finally one remembers John Battle for his "intangibles"—his quiet integrity, his humane statesmanship, his healing and conciliatory eloquence, and his profound faith in and affection for his fellow man.

[From the Newport News (Va.) Daily Press, Apr. 11, 1972]

JOHN STEWART BATTLE

Of John Stewart Battle it can truly be said that his stature as a man and as a public servant should stand the test of time. Already nearly 18 years have passed since he left public life, and those years have seen John Battle grow in the regard of his fellow-Virginians, even beyond the height reached as one of the Commonwealth's best governors.

Governor Battle's record of accomplishment speaks for itself, not only in Richmond but during many years as a superior state legislator. His most lasting contribution was in public education, with a program whereby construction of new schools received, for the first time, a top priority in allocation of funds. The Battle School Plan was the foundation stone on which Virginia has since then been building, an acceptance of responsibility that, if further delayed, would have led to the most serious consequences. And advances were made under Governor Battle's leadership in other vital areas of public services as well.

Responsibility was above all else, what John Battle represented; it was the key note of his administration as governor and was typical of every aspect of his long life. He was flexible too when his principles and the occasion merged in demanding it, and no one ever questioned his integrity.

Governor Battle entered the national limelight in the 1952 Democratic convention, when he stood forth successfully as leader of the Virginia delegation to prevent imposition of a loyalty oath that would have split the party apart. Few who witnessed that convention, in person or on television, can have forgotten his eloquent plea on that occasion in behalf of the principles of Thomas Jefferson.

That Governor Battle was also a courtly gentleman, as beloved as he was respected, makes his passing the more to be mourned. Hopefully there will never be a time when such men are denied the opportunity to offer the best of public service to the electorate.

[From the Richmond News Leader, Apr. 10, 1972]

JOHN STEWART BATTLE

In the great hall reserved for noble men, they have been holding a prominent place for John Stewart Battle. He died early yesterday at 81—the ultimate loser in an unequal battle that no one ever wins. But in almost everything that he undertook, he prevailed. Yet he nourished an abiding ability to prevail with goodness and grace. Reminiscing several years ago, he said that of all the nation's politicians, he admired Woodrow Wilson most: Wilson—he said—had "humor, integrity, and intelligence." John Battle might have been describing himself.

A moderate conservative who had served 20 years in Virginia's General Assembly, he emerged victorious from a tough and sometimes mean Democratic primary, and went on to become Governor of Virginia from 1950 to 1954. This was the beginning of a new era in Virginia politics: Since the gubernatorial race won by Harry F. Byrd, Sr., John Battle was the first gubernatorial candidate of the organization to encounter significant liberal opposition. Politically, the election of 1949 marked the beginning of the end of conservative dominance in Virginia politics.

Perhaps the essential long-term achievement of his administration was the allocation—for the first time—of direct State aid to the localities for the construction of public schools. In four years, $75 million went to the localities for that purpose: The money built or renovated 900 schools. It was a mammoth achievement.

But John Battle probably will be remembered longest for a speech he gave July 24, 1952, at the Democratic convention in Chicago. The delegations from Virginia and two other Southern States were being denied accreditation to the convention because they refused to sign the Democratic loyalty oath. A credentials fight raged until Governor Battle, chairman of the Virginia delegation, rose to address the delegates from a jammed convention aisle. There he stood—roughly handsome, his face a collection of Blue Ridge crags, his eagle eyes peering sharply from behind those famous droopy lids. He stood defiantly, uncompromisingly, unswervingly on his concept of personal honor; in an older day, seconds would have been called, and pistols would have been made ready for a dawn engagement under the oaks.

Governor Battle said his delegation would not pledge itself to candidates and doctrines that it could not accept. Here was a Virginian speaking extemporaneously of a Virginian's standard of honor. With the sheer eloquence of his voice and the manifest strength of his character, he captured an unruly and hostile audience. The next day, the Virginia delegation was seated. "We can go back to Virginia with our heads up in good conscience," he told the Virginia delegation. For his part, the Governor went back to Virginia and ultimately supported Adlai Stevenson.

Honor is an intangible thing, and in politics honor is little known. John Battle became a suddenly national figure to a generation that still understood a Virginian's concept of honor. Virginia grieves his death. Throughout his life, he did what he had to do: He did it superbly, he did it with dignity. He knew no compromise with intellectual integrity. He exemplified all that was human in Virginia, all that was fine, all that was good. Now he is gone. But his example lives. It persists in his State's new day, and—as he did—it prevails.

[From the Norfolk Ledger Star, Apr. 10, 1972]

JOHN BATTLE AND JAMES BYRNES

John S. Battle and James F. Byrnes, distinguished Americans whose deaths came coincidentally on the same day—Sunday—had much in common, though they were linked in no significantly direct way.

Both were Southerners, both were former governors of the states where they made their homes, both were courtly in bearing and attitude. Each wrote an important record of accomplishment and achieved eminence beyond his region. Each had strong ties to the traditions of the South, but without being hamstrung by the past; there was great breadth and progressiveness in both men. It was the courses of their lives which were quite different.

Though born in New Bern, N.C., Mr. Battle imbedded himself deeply in Virginia life and was responsible for great strides in this state's advancement. This was most particularly true in the area of education, where a vast construction program, undertaken at his urging as governor, became well known through the designation "Battle funds." While governor and earlier in his legislative role, Mr. Battle, overall, gave this state the best kind of solid, yet forward-looking leadership.

His reputation outside the state derived from a quiet force and integrity, combined with that dignity of manner which led to those descriptions of him as most people's idea of a Virginia governor. This force was displayed dramatically at the 1952 Democratic convention, when a few words from him turned aside an effort to impose a loyalty pledge on the delegations.

Mr. Byrnes, of course, attained an even larger degree of national—and international—recognition owing to circumstances and a different set of talents. As a Supreme Court justice for a short time, then a Roosevelt appointee in crucial jobs relating to the war effort, and ultimately as secretary of state and United Nations delegate, he was very much in the forefront of momentous events, building on a national career earlier as representative and senator from South Carolina.

Mr. Byrnes moved easily at all these levels, a man of candid judgments as well as large skills. He was one of the first to recognize that dealing with the Soviet Union could not forever be a matter of unremitting hostility. Comparing Russia to an unpleasant neighbor, he said, "You don't get a gun and declare war on your neighbor. You finally take him to court and you continue to pray that he will mend his ways."

Each of these men, in somewhat divergent ways, gave to his section of the nation as well as to the whole of it a fine blend of restraint and imagination. There was statesmanship and true substance in their long lives. They made themselves a proud, constructive part of history.

[From the Norfolk Virginian-Pilot, Apr. 11, 1972]

JOHN S. BATTLE

Governor John S. Battle's Administration, together with those of Governors Darden and Tuck, formed the Democratic Organization's golden age before it lost its grip, and, more telling, its vision. As was true with his two predecessors, Mr. Battle had a streak of independence that showed especially in his support of Democratic Presidential candidates. When other leaders withdrew with the boss, Senator Harry F. Byrd, into golden silence or whispered their "support of the Democratic nominees" without naming them, Mr. Battle, a straight-ticket Democrat, spoke clearly and emphatically. Indeed, his speeches to the 1952 Democratic convention helped prevent the party's splitting before Adlai Stevenson could begin campaigning. And in 1960, introducing and commending John F. Kennedy, he quieted a restless crowd in Roanoke by crying, "Do you think that as the shadows lengthen I would deceive you?"

At his death this week Virginians remarked that gray-haired, craggy-featured Mr. Battle *looked* like a Governor, the implication being that, unlike some others, he *acted* like one as well; but not until his term's second half did he impress himself so vividly on their imaginations.

During the 1949 four-way primary campaign for Governor, the tall, sleepy-eyed Senator from Albemarle nearly drove Senator Byrd to distraction by rambling at his own pace against energetic, progressive-minded Francis Pickens Miller. But Senator Battle—Chairman of the Finance Committee and sponsor of bills for unemployment compensation, a probation and parole system, and abolition of the fee system for sheriffs—proved a credible, forceful candidate. He won the primary with 43 per cent of the vote to Mr. Miller's 35 per cent, Horace Edwards' 15 per cent, and Remmie Arnold's 7 per cent, and then in November defeated Republican Walter Johnson nearly 3 to 1.

His program recorded modest gains at several points and a bold advance in public education by issuing $75 million to localities for construction of schools.

In 1952 he came into national prominence at the Chicago convention. The Virginia delegates were ready to walk out rather than sign a loyalty oath and the party's liberal wing was inclined to throw them out. Governor Battle, jaw outthrust, made his way through the tumult to the rostrum. The shadowy-eyed face, the resonant drawl, and the reasoned tone—"We are simply reserving to ourselves the freedom enunciated by Thomas Jefferson"—persuaded the convention to admit Virginia to full participation and then to take in South Carolina and Louisiana after his second plea: "I want to tell you that when I am at home and look out on the eastern hills at the sunrise, I can see the glistening rays of the rising sun reflected from the shrine of our patron saint. Is there any reason I should not be heard in this Democratic convention? . . . I shall never betray your confidence."

The trust he inspired enabled him to help settle differences on the national scene—burying the loyalty oath in 1956 and drafting a civil rights plank acceptable to North and South—and to serve Virginia with distinction.

YELLOWSTONE NATIONAL PARK

Mr. McGEE. Mr. President, the National Geographic for May contains a four-part series on Yellowstone National Park. The series was written in connection with the 100th anniversary of the country's first national park—the commemoration of which is taking place this year.

This series of articles, appearing on pages 579–637, poignantly illustrates the endless natural wonders of this unique area of northwestern Wyoming which has made Yellowstone one of the major tourist attractions in this country.

We in Wyoming and our neighboring States of Montana and Idaho are extremely fortunate to live in such close proximity to the park, thereby putting us in a better position to enjoy its many outstanding qualities.

I ask unanimous consent that the series of articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

YELLOWSTONE AT 100: A WALK THROUGH THE WILDERNESS—I

(By Karen and Derek Craighead)

A footfall awakens me in my sleeping bag in the small hours of a starbright August night. Fearfully I search the dark. A bulky hump-shouldered animal moves ominously toward me.

We are camped deep in grizzly bear country, exploring Yellowstone National Park's primeval back of beyond. My brothers—Derek, 22, and John, 17—and I have spent many summers and winters roaming this uninhabited wilderness, helping our father and uncle on wildlife research projects. Attack by grizzly, we know, is very unlikely. But it can happen, and I do not care for this moment.

Then I hear an indignant snort, and our visitor ambles up the trail. I see him better, silhouetted on the ridge. His antlers blank out the stars and release the tension in me.

"I'm glad it's you, Mr. Bull Moose," I whisper, and drift back to sleep.

My seven companions and I are visitors here, but we share a partnership with nature, and a curiosity too. Our trek aims to make a wide circuit of Yellowstone's vast, little-known backcountry. What values and obligations, we want to know, does this great preserve hold for today's young people, its inheritors?

At dawn I rouse to the crack of splintering wood; Derek is laying the breakfast fire. John walks into camp with our food, cached last night several hundred yards away as part of what we term "bear discipline." The other part is to sleep under a good climbing tree.

"Did you see the moose last night?" I ask.

My brothers laugh. They lead me and our fellow backpackers to the trail. There, superimposed on the moose's hoofprints, are the tracks of a grizzly.

Despite my earlier apprehension, I enjoy the sight. It makes me feel a growing oneness with this wild and unspoiled land.

Our trek began at Gardiner, Montana, the park's northern gate. Completing our wilderness circuit will take more than a month of all-weather, all terrain hiking. We'll come off the trail only briefly to renew our food supply.

We shall meet few people in the vast area of backcountry we must circle: a handful of other backpackers, perhaps half a dozen horseback trains. Yet there are people, thousands of them. Miles away, locked in traffic jams in the "civilized" part of the park, they thrill to glimpses of bear, moose, and elk and marvel at Old Faithful's eruptions.

This motorized cavalcade of humanity visits less than 5 percent of Yellowstone. Few have ever seen the rest; to do so one must walk. I am both sorry and glad.

We are hiking nearly 250 miles to view the part nearly everyone misses. All of us already have discovered this much: Each mile will test the body and broaden the mind. Yellowstone's wilderness is an adventure of the soul as well.

No adventure gets far, however, on an empty stomach. "Breakfast," shouts husky Bob Cole, 16, a friend and neighbor from Missoula, Montana. We turn away from the bear tracks to gather around the campfire.

Bob carries water from a creek in fire-blackened pots. Seventeen-year-old Mary Berthrong, a hardy 100-pounder from Colorado, boils cereal and dried fruit. She stirs this lumpy mush and ladles it out. We add brown sugar and set to.

Morning and night, our diet consists mostly of freeze-dried food reconstituted with water.

At lunch we snack on jerky (dry beef), cheese, kippers, sardines, gingersnaps. Along the trail, we munch candy bars or "gorp"—a mixture of raisins, nuts, and sweets. We drink hot tea, chocolate, and coffee, and take our water where we find it.

Most of us rate this fare tolerable-to-good. You can't be choosy in the wild. A tenderfoot from Maryland, tousle-headed Robbie Jordan, only 14, always scowls at the breakfast mush with its globs of raisins, apples, and apricots. He won't be a tenderfoot long, but he'll never like this porridge.

HIKERS GREW UP IN A HUGE BACKYARD

We eat breakfast perched on logs around the fire. Then we douse the fire, police the area thoroughly, fold our three tents, divide the food, and reload our packs.

Each of us carries a sleeping bag and pad, a change of clothing and long underwear, rain gear, medical supplies, and insect repellant. And there are hunting knives, cameras, fishing rods, binoculars, and flashlights. We each had to haul 30 to 40 pounds on our backs. Happily, the burden lightens with every meal, and we toughen with every step.

Derek, our guide and manager, wants to step off at least a dozen miles today. It is seven o'clock. "Let's go," he yells.

We sling packs. In minutes we string out single file and take up the rhythm of the trail.

Derek ranges ahead. Now a senior at the University of Montana majoring in wildlife biology, he has hiked over much of Yellowstone doing research on grizzly bears.

Our perky friend Mary paces near him; she can keep up with—or outdo—almost any one. Bob Cole and John follow; both are high school athletes. Off to one side, camera cocked, strides photographer Sam Abell, 26, an experienced backpacker from Virginia. Sam and Derek are recording our trek on film. Young Robbie walks in front of me.

I have just turned 24, a University of Montana graduate in zoology. I have known Yellowstone in many moods and all seasons; to me and my brothers, it has been a 2¼-million-acre backyard. I too am physically fit, except for one thing. You might think, with all the hiking I've done, that I'd be immune to blisters. Not so. My feet are killing me.

Actually, blisters beset all of us but one, and he bears other woes. Robbie's father, Robert Paul Jordan, who is more than twice my age and accustomed to sea level, stretches his lungs painfully to obtain the oxygen his muscles demand. Bob will acclimatize.

"JOYS" OF THE TRAIL INCLUDE MOSQUITOES

I survey the bobbing line of hikers; it moves well, morning-fresh and aggressive. My mind slips into private thoughts and the solitude that binds hiker and wilderness.

The early hours are best, I decide. Fields of wild flowers glisten with dew, the sun paints with pastels, water makes lovely talk in the rills, the very air blesses us. For fleeting seconds a band of elk stands motionless on the skyline, fixed against flowing clouds.

We are hiking where Indians once walked. Parties of Crows and Bannocks moved through this mountain-rimmed bowl of meadows and forests, and saw streams flowing forever east here, west there. They called the region the "top of the world."

Mountain men also walked this way, and looked at the region differently. They goggled at what the earliest of them had described: earth trembling and rumbling, seething infernos, boiling waters fractionating into millions of tiny cascading diamonds.

An inferno it can be, at times. All too soon the day's heat arrives, and the mosquitoes. We ache with the discovery of new muscles. We grow thirsty, then cotton mouthed; that snow patch high on the flank of Amethyst Mountain will be our first water.

We strike upward. Footing is treacherous. Break a bone, and help will be long hours in coming. We carry no radio; one of us would have to walk out for aid.

Survival of the fittest rules here. The other day, in the Black Canyon of the Yellowstone, we found elk antlers and bones. Hundreds of elk had wintered here on dry grass and shrubs. There wasn't enough for all. Starvation cut down the old and weak.

Later, slogging up a dusty, sagebrush-dotted stretch of Specimen Ridge, we contemplated the boneyard of antiquity itself. We stood in the midst of 40 square miles of fossil forests. Petrified wood lay everywhere, scattered remains of ancient redwood, sycamore, hickory, oak, magnolia, walnut, pine.

The most dramatic display of all waited not far off the trail. Partially exposed by cliffs, 27 buried fossil forests rest one atop the other in about 2,000 feet of compressed volcanic ash and mud.

WILDERNESS SPEAKS WITH A GENTLE VOICE

An eerie slice of 50-million-year-old earth, Specimen Ridge. Sam Abell cheered us by recalling the jaunty words of Jim Bridger, famed trapper of the early 1800's:

"Yes, siree, thar's miles o' peetrefied hills, covered with layer's o' peetrefied trees, and on 'em trees air peetrefied birds a singin' peetrefied songs."

How nice, I thought. Songs for forever. And then I snap out of my reverie.

My ear picks up the forever sounds of Yellowstone, all about us. We have crossed Amethyst Mountain and left the trail, plotting our way by topographic map and compass through dense forests of lodgepole pine. Forests cover four-fifths of Yellowstone. We scramble over the silvery jackstraws of long-fallen trees; in a delicate balancing act on their trunks, we bridge gurgling streams.

Overhead, slim green pines creak in the soft breeze. Our presence alerts a great horned owl; he hoots with a resonant baritone and flies away. Soon a nameless waterfall offers both music and welcome water therapy—bathing, drinking, playing.

The next day, rested, we cross Mirror Plateau. Golden eagles and goshawks command its skies, scanning earth for grouse, squirrels, chipmunks, small birds, gophers, and snowshoe hares. "There's a porcupine," Mary announces. We watch him waddle into a thicket. He will go unchallenged unless by a hungry grizzly bear or coyote, which occasionally accept a mouthful of quills as the price of a full belly.

In the distance we see an old bull bison; he limps across the meadow, alone, no longer able to keep up with the herd. Badly crippled, he will not live out the winter. When he dies, coyotes and ravens will feed on the carcass. It is nature's way.

Maintaining such natural balance is a principal goal of park management. Yet changes in the wilderness ecology take place, and the system falls out of balance.

Most of Yellowstone's large carnivores long ago were trapped, shot, or poisoned. The wolf is all but extinct in the park, mountain lions so rare that it is doubtful if a self-sustaining population exists.

Of other wildlife, however, the park holds more than most people realize. Some 16,000 elk, 600 bighorn sheep, 600 bison, 1,000 moose, 300 to 500 black bears, and perhaps 200 grizzlies inhabit Yellowstone, moving in and out from national forests and private lands in Idaho, Montana, and Wyoming.

The elk, in recent times, have posed the greatest problem. Herds grown too large for available winter range have had to be reduced to prevent overgrazing and extensive starvation. Until 1967, the National Park Service accomplished this by periodically driving elk into corral traps with helicopters and transplanting them by truck to areas where they once were more abundant. Now, however, park policy is to rely on natural controls—chiefly weather and the availability of foods—as well as migration and hunting outside park boundaries; to keep the size of the herds in check.

SKULL RETURNED AMID GHOSTLY HOWLS

In spite of serious game management problems, Yellowstone remains an invaluable outdoor laboratory. New studies in many fields of science can provide information the Park Service needs to protect the land and wildlife. Here lies a challenge young people can help meet.

My companions and I talk about these things around the campfire. We are now a week into our trip. Our small tents are pitched at the head of Pelican Valley, a land of pungent sage sweeping to the distant Absarokas. Out of the cloud-blackened north a coyote howls, then another, and another.

"Eight years ago," says Derek, "I heard a lot more howling in this same valley in broad daylight, when my cousin Charles Craighead and I met the great spirit god of the coyotes."

Robbie is incredulous. "The *what?*"

"In a water hole not far from here," Derek goes on, "we found a bleached bison skull. We started down the valley with it.

"We hadn't gone 50 yards when coyotes began howling everywhere. It was spooky. They were talking to us. We returned the skull to the hole. The howling stopped. Then I knew that we had disturbed their spirit god."

Bob Cole tosses a handful of sticks on the fire. It blazes up, and the thin chorus of the night fades away.

SUPPLY STOP—THEN SERENITY AGAIN

The new day brings us to Lake Butte, on the highway leading in from Yellowstone's east entrance. Civilization I resent the sound of speeding vehicles even before we sight them. But we must pick up supplies. This chore takes until after dark.

Our spirits are as restless as the moving moon. At last we shoulder our packs, heavy once again, and step into the coolness of the summer night. Beside the road waits the forest, a curtain we draw behind us.

Thick tree roots and rocks vanish and appear along the trail as the moon plays in the clouds. Bob Jordan plunges from a slick log waist-deep into a chilly creek. We laugh; it is part of the game.

A light rain distills forest fragrances. Our noses tell us of pine needles, ripe huckleberries, meadow hay, and bedded elk. In the dark, we feel our way down the path to Park Point and camp beside Yellowstone Lake.

I sit there counting shooting stars. To the west, sheet lightning silhouettes mountains. Serenity reigns—a peace of mind we all feel and enjoy in our own way. I gaze over the vastness that stretches forever and forever before me, hoping that this wilderness will be here always for people to enjoy.

Morning. The turquoise waters of 139-square-mile Yellowstone Lake spread before us, rimmed by forests and fed by runoff from snow-clad mountains; at 7,733 feet, it is among the highest lakes of its size in the world.

Casting dry flies, Derek, John, Bob Cole, and Robbie Jordan take a dozen cutthroat trout in minutes. That night we feast like mountain men and, tired from a day on the lake, go to our sleeping bags sated.

A good night's rest involves precautions. You try to find a level spot. Your bag should lie beneath a tree, not only for bear security but also to protect you from a heavy dew. You rake the site with your fingers, removing twigs, branches, pebbles, pinecones, and the ever-present elk pellets. You brush the ants away and trust that the mosquito repellent works.

This done, you crawl into your bag, adjust a sweater or whatever you wish for a pillow (one of us uses his moccasins), and contemplate the star-popping blue-black vault of the universe.

Tomorrow arrives like a reward. Southward we hike, and two days later leave Yellowstone, crossing into Teton National Forest. Here we sample foods the Indians once enjoyed. Derek digs yampa; Robbie bites into a crunchy root and announces, "I hate parsnips."

Sam spies white sego lilies, Utah's state flower, brightening a hillside. "Indians ground the bulbs and made bread," Derek tells us. "The Mormons," he adds, "ate the bulbs during their first lean years in Utah."

Mary points to a silvery-green thistle towering above the other vegetation. "I'll bet nobody ever ate that."

Our flora expert calmly cuts, peels, and hands her a section of the stem. "It tastes like celery," Mary observes. Elk thistle was eaten by early explorers of the region and perhaps by the 150 or so Sheep Eater Indians who lived here before white men came. Like the old-timers, we also find that chopped wild onions greatly improve the diet—in this case, reconstituted ground beef.

TWO OCEAN PLATEAU RIDES THE CONTINENTAL CREST

In Yellowstone, most people cross and recross the Continental Divide swiftly in cars. We negotiate it on foot just south of the park. Here a stream splits into two branches; we kneel and drink from adjacent creeks named Atlantic and Pacific, and watch their waters dash toward the opposite sides of a continent.

More hard climbing. We take a narrow, winding trail, steep and dangerous with yielding rocks. Past a thunderous waterfall our procession files, into slanting meadows vibrant with purple asters and pink monkey flowers, around cliffs, beneath snow patches, through forests.

At noon we stand atop Two Ocean Plateau. I feel a humbleness of spirit as we gaze from the top of the world at Yellowstone Lake to the north, the Absaroka Range sweeping the eastern horizon, and the Wind River and Teton Ranges thrusting southeast and southwest.

Toward evening we reenter Yellowstone. With food running low, we make for the park's south entrance. We wade the meandering Snake River more than a dozen times, squishing the miles away. Three days later, we ford a swift, full-scale river at the south entrance.

All of us anticipate civilization's amenities: a malted milk or two, a hot bath, a rare steak, a bed with a mattress. These provided, and food supply replenished, we can't wait to get back on the trail.

Our team alters, Bob Cole has returned to Missoula for early football practice. Influenza levels Robbie Jordan; he and his father will rejoin us after several days. I consult a doctor about my badly blistered, aching feet. "Stay off them," he advises. The group goes on without me. I meet it by a car a day later at the Pitchstone Plateau trail head, sorry to have missed even eight miles.

The path up Pitchstone is a joy, padded with pine needles and vegetation. Beside Phantom Fumarole, we eat our lunch on a thick mat of steam-heated moss. Pitchstone Plateau at 8,700 feet seems a moonscape with frozen waves of black sand and gullies jumbled with gigantic boulders, oddly graced by fields of purple elephant-head flowers. Beneath the plateau, steep-walled Bechler Canyon provides a warm-water pool to soak in. It feeds into an icy creek.

Warm water? Suddenly it feels scalding hot, and Mary and I bolt from our improvised tub. "You could cook a trout in that," she exclaims. There are, in fact, several places in the park where on other trips we have caught fish and then cooked them in pools only a few feet away.

FROST SIGNALS CHANGE OF SEASON

September draws near. Frost sometimes rimes our sleeping bags these mornings; mosquitoes and other biting pests have gone. They are not missed.

We push on through trackless country near Shoshone Lake. Shoshone Geyser Basin is a major backcountry thermal area. We examine finely formed miniature terraces and cones the waters have deposited as they cooled and evaporated.

"I feel as if we're the first to discover this place," Sam remarks thoughtfully. "Nobody has tossed pennies into these pools, or left any candy wrappers or cigarette butts."

By afternoon we reach Old Faithful, where man and raw nature meet head on. It is rewarding to see the wonder on the faces of a thousand people as the world's best-known geyser erupts. I only wish they could see the rest of Yellowstone as we have seen it.

When the new day arrives, we restock our depleted larder and continue north—Robbie and Bob Jordan again with us—on the last rugged leg of our journey.

Derek leads us along the Firehole River through the Upper, Midway, and Lower Geyser Basins, finally cutting east across a marshy flat to camp on Nez Perce Creek. The chill breath of an approaching storm envelops us.

I welcome it. In a month of backpacking, the weather has been ideal—too ideal, for that is not the true Yellowstone. We fall asleep to steady pattering, and wake to it.

Walking in the rain is fun; it exhilarates—but only after you resign yourself to being soaked. Then you enjoy the feel of rain matting your hair, filling your eyes, dripping off your nose, running down your neck.

I don't talk much about my fondness for the rain; certain mutterings indicate that not everyone sees it my way. Starting the dinner fire proves agonizingly difficult. Spending the night in a soaked sleeping bag is better only than trying to sleep in the rain without one.

HIKERS "CROWD" A MOUNTAINTOP EYRIE

We now have walked up to the foot of the Gallatin Range, and the drizzle has ended. Mount Holmes looms over us, an ancient, bald, crumbling pile of rock 10,336 feet high. I note that Bob and Robbie climb steadily. Both are in top shape; for father and son there is a new awareness of what their bodies can do, a pride in knowing that they can take the mountain.

On top, the cold wind lashes us with gusts up to 40 miles an hour. We put it to great use. Our wet bags dry out in minutes.

The Mount Holmes fire-control aide, Kevin Hoofnagle, invites us into his snug eyrie. An old iron stove warms the room; a 360-degree panorama of Yellowstone spreads before us. "There are about as many people here now," the slim young lookout tell us, "as I've seen all summer."

He has seen few bears, too, we learn; only two grizzlies and four blacks. We have spotted none in the more than 200 miles we have covered. This is the one disappointment of our trip.

And yet we make discoveries to compensate. We scramble down Mount Holmes's west ridge buffeted by gusts, slipping and sliding along a tricky talus slope—let no one tell you that descending such a mountain is easier than climbing it. At a gem of an unnamed lake, we find the charcoal of long-dead fires. We have come upon an old Indian camp.

"Walk over here," Sam directs me. "Sit on this rock. Now—look beside your feet."

My eyes fasten on a neat pile of black stone chips. I let my imagination work: A small band of Bannocks finds shelter here. An Indian sits in this place, chipping obsidian into an arrowhead. Other braves fashion projectile points and tools while squaws cook yampa roots and stir an elk stew.

Sam hands me a chip. I turn it in my fingers. It may be well over a hundred years old. These people, I reflect, lived in harmony with nature and left it unmarred.

Another day, and I wake with a pang. Our time grows short. The winds of yesterday return to pummel us anew. We angle upward into Bighorn Pass; a prairie falcon soars above us, knight of the sky. Derek decides that the most direct route to Bannock Peak requires us to follow the spiny ridge. We do—and spy two tiny figures far above.

On the summit, my father and Jay Sumner, his research associate, greet us. They have searched this high country for several days, looking for grizzlies but seeing none. I tell them about the Indian camp we found. Dad tells of a perfect arrowhead he had seen the night before; he and Jay found the camp too.

TO BE A VOICE FOR WILDERNESS

Northward we hike, climbing Quadrant Mountain and camping in a steep-walled hollow called the Pocket. On this last night of our little expedition, I think back.

Yellowstone, we have learned, challenges the body, stimulates the mind, fulfills the soul. It is a dynamic but intricately fragile world. Those who need wilderness such as Yellowstone must help to spell out its meaning. To be a voice for Wilderness, I feel, is a responsibility of today's youth.

Warm rain falls as I grow drowsy. It turns to snow as the temperature drops; at dawn we emerge into a world encased in white. This early warning signals the elk that soon they must make for their winter ranges. It triggers the movement of bears to their den sites.

We, too, heed the warning. We head down snow-muted slopes to the valley below.

Yellowstone at 100: Ageless Splendors of Our Oldest National Park—II

The valley floor is quiet. Wisps of vapor from scattered fumaroles flutter in the breeze. Suddenly, rumbling and burbling and spewing water and steam, the geyser erupts.

For millenniums Yelowstone showed such wonders in a lonely theater, with only an occasional bear, an elk, or an eagle as audience. Today many of its star performers lie near roads and walkways. What was it like in those long-ago days before the visitors came? In the following portfolio, the camera recaptures that pristine spectacle.

Dawn silhouettes a crenellated tower. Vapor rises from its center like an early-morning cook fire. Then, with an explosion, water shoots 90 feet into the air and plays erratically for 20 minutes, followed by an hour's display or billowing steam that almost obscures the risen sun. Slowly the exhibition ends, and Castle Geyser sleeps again.

Nearby, 370-foot-wide Grand Prismatic Spring steams incessantly at a temperature near 150° F. The blue-green spring wears a raveled collar of yellow, red, and brown algae in this eagle's-eye view. An empty boardwalk rimming the pool is the only mark of man's presence.

Like sugar frosting, limestone encrustations decorate Minerva Terrace at Mammoth Hot Springs (pages 608–9). Mineral-bearing water bubbles up from the depths and trickles from terrace to terrace, shimmering in the sunlight.

As darkness settles over Biscuit Basin, only the hoot of an owl or the yelp of a coyote disturbs the silence. Then the moon rises, to burst through the boughs of a spruce and cast a broad shadow on golden mist.

The Grand Canyon of the Yellowstone is never silent. Thundering day and night, the Lower Falls plunges 308 feet to beat itself to spray upon the rocks below.

Spectral fog haunts Norris Geyser Basin when the moon highlights the steaming pools. Gaunt skeletons of trees killed by ever-changing thermal activity point at the wheeling stars above.

And so the drama is played every hour, every season, year upon year. It will never lack an audience again.

YELLOWSTONE AT 100: THE PITFALLS OF SUCCESS—III

(By William S. Ellis)

The land itself is raw and timeless, a wilderness realm seemingly set aside at the creation. But as a national park—the oldest and largest in the Nation—Yellowstone measures its age, and 1972 marks a century.

During these hundred years, more than 48 million persons have visited the vast federal preserve in northwest Wyoming. For millions of others, the name alone has offered a sense of identity with America. No matter that, among all the national parks, attendance is higher at Great Smoky Mountains, and that the scenery, many claim, is more spectacular at Glacier. Yellowstone continues to stand as the doyen of national parks in this country and, indeed, in the world.

As I drove through the west entrance of the park on a day stifled by August heat, my thoughts were of a time, years ago, when an aunt returned from a vacation and, as aunts are given to do, distributed souvenirs of places she had visited. For me there was a coin bank in the shape of a moose, with the name "Yellowstone" burned into its wooden base. The bank is still among my belongings, having become, like bronzed baby shoes, one of those possessions kept through sentiment.

Such mementos of the park are found in homes across the country; pictures of Old Faithful erupting and black bears panhandling for food along the roadside; lamps with trick shades that depict the flow of the Lower Falls of the Yellowstone River; samplers with embroidered sketches of trumpeter swans treading through the shallows of a park lake.

That is one legacy of the first hundred years. A more significant one is the runaway success of the national parks concept. But there is now concern that this success may be defeating itself.

HIGHWAY CLOGS AT SIGHT OF A BEAR

"Campgrounds all full," the ranger informed me, though I had not intended to camp. Unfolding a map, he directed me to the nearest commercial accommodations within the park. Ahead lay Yellowstone's famed Grand Loop Road, with many of its 142 miles laced through forests of lodgepole pine. At some points the road skirts geyser basins where the earth steams and belches with infernal indigestion. It straddles mountains, crosses the Continental Divide twice within a few miles, and snaps like a taut string across gentle meadows.

There are two lanes and a speed limit. Traffic signs and the flashing red eyes of patrol cars, wrecks and wreckers, breakdowns and tie-ups and rush-hour frustrations—these too are present.

Thirty-nine miles to Canyon Village.

I drove slowly, savoring the feast of scenery spread all around. The Madison River ran beside the road, whipped to froth in some places, and, in others, placid and sequined with reflected sunlight. A fisherman stood waist-deep in the waters, his arm a blur of action in putting a fly on target.

Several miles along, the road passed through the shadows of cinnamon-colored cliffs. Then, by a patch of forest where tall, shallow-rooted pines rose from a floor of rotting snags, I came upon dozens of vehicles, all stopped in a road-blocking tangle.

I asked one of the motorists what the problem was. "Bear," he replied. He pointed, and I saw the animal lumbering along from car to car, accepting all handouts.

"Crazy, ain't it, all this fuss to see something you can see in a zoo anytime." He paused to watch the bear vacuum up a plug of bologna. "I'll tell you something else you can see without coming to Yellowstone. Traffic jams. So who needs this?"

Thus is Yellowstone beset by its own popularity. Established in March 1872 as a "pleasuring-ground for the benefit and enjoyment of the people," the park has fulfilled its mandate. But it was also set forth that provisions would be made for "the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition."

The two aims—providing enjoyment for the people, and preserving the environment—are now in conflict because of the record-setting number of visitors. They come now in winter as well as in summer. They come from large cities many hundreds of miles away, eager to escape the press of urban living. Often they come prepared to stay not just for a night, but for several days at least.

And, alas, they come in cars.

"In July and August, between 600 and 800 cars come into the Old Faithful area every hour between 11 and 3," said James Brady, who is in charge of the rangers at the famous geyser. "We spend much of our time with traffic matters."

TALLYHOS TO TRAFFIC JAMS IN 50 YEARS

Covering 3,472 square miles, Yellowstone, of course, has room for many more millions of visitors than the 2,126,346 who registered at the five park entrances during 1971. But not for their cars.

In the early years of this century, most visitors to the park traveled in horse-drawn carriages. Those arriving by train were transported from the station at Gardiner, Montana, in six-horse, double-deck coaches, locally called tallyhos.

The first engine-driven vehicle officially permitted in the park was a Model-T Ford. The year was 1915. In the summer of 1917 some 5,000 cars entered. The number rose until in 1971 it was 573,742.

Accidents on the 22-foot-wide loop road are now commonplace, averaging three or four a day in summer.

To many park purists, one of the most distressing aspects of cars in Yellowstone is the assault on the aesthetics of the setting, such as exhaust smoke wafting over grassy roadside meadows that once knew nothing more noxious than the bad breath of buffalo. Or the headlights that scar a Yellowstone night like a knife slash in a priceless painting.

Yellow dust filtered through the screen door of Park Ranger Brady's office. Outside, great swirls filled the air as heavy machinery leveled a large area for parking lots. At a nearby intersection a ranger entreated a driver please to move his bungalow-size camper back a few yards so pedestrians could cross. A frisky Airedale broke his leash and raced off, as the owner took up the chase with a cry of "Heel, boy, heel!" An ice chest fell from the roof rack of a car, sending cans of soft drinks rolling along the road.

Jim Brady finds a challenge in all of that. "We need to know more about what people want, what they expect when they come to a park," he told me. "And in that regard, rangers today must have a feeling not only for nature, but also for people. We must be able to communicate."

Raised in an urban environment, Brady has an understanding of the problems that have arisen in Yellowstone and most of the other national parks. He is, at 32 and with ten years of service as a ranger, a man of many skills and wide knowledge. He knows why and when a bull elk sheds the velvet on its antlers. He also knows how to investigate matters as sensitive as drug use in the park.

Rangers are now given such specialized training as narcotics control, because many of the social and environmental ills of the city have spread into the national parks. There is crime in the campgrounds and the threat of pollution in the forests.

"The rate of increase of crime in the parks now exceeds the national average," I was told by Lawrence C. Hadley, an assistant director of the Park Service. "There are assaults and robberies, but mostly they're crimes against property, such as vandalism and theft."

Within the past year, Hadley said, the Park Service has developed a program of highly sophisticated training in law enforcement for rangers. The 12-week courses are held in Washington, D.C., and cover such tactics as judo and karate. In addition, there is a special force of U.S. Park Police ready to be flown from the Nation's Capital anywhere in the country; they can help regain control of situations such as the one that occurred in Yosemite on July 4, 1970, when 500 youths battled with rangers—and won, until reinforcements arrived and arrests were made the following day.

YOUNG WANDERERS FLOCK TO YELLOWSTONE

Unlike Yosemite, Yellowstone is too far removed from urban centers to be plagued by motorcycle gangs on weekend outings. Also, troublemakers seem drawn to parks in areas blessed with more sun and warmth. Thus has Yellowstone been spared some of the more serious problems.

"A lot of footloose youngsters come to Yellowstone, but relatively few give us trouble," Brady said. "Unfortunately, many of the young people in the park expect to be harassed when they see a ranger. That's why he must know how to communicate to let the kids know they'll be treated fairly."

The surge of young people into Yellowstone began several years ago. Some arrive by motorcycle, others in anything from old hearses to stand-up-drive vans once used for milk and mail delivery. But many hitchhike. On almost any summer day, the roads of Yellowstone are fringed with uplifted thumbs.

I talked with many men and women of college age there and found that, with few exceptions, they share a keen appreciation of the gifts offered by this giant among national parks. Shouldering packs, they strike out along the more than 1,000 miles of trails with the exuberance of frontiersmen. And seldom does a summer night pass without a guitar plunking somewhere in the hinterland.

BACKGROUND BECKONS TO ONLY A FEW

Except for these young people, not many visitors venture away from the roads and established campgrounds. Rather, they concentrate activities within an area covering no more than 5 percent of the park. In conversations with dozens of people who entered Yellowstone in the summer of 1971, I came to realize that the great majority prefer the company of others. The choice is for a campsite in the midst of 200 other campsites instead of a sleeping bag back where nothing stirs save sweet grasses ruffled by the wind.

"You hear it all the time now, that the crowds have ruined the park," said a middle-aged Californian with whom I shared a table in the dining room of the venerable Old Faithful Inn. "But the people who say that forget one thing: It's not ruined for those who like crowds."

Still, Park Superintendent Jack K. Anderson is making great efforts to disperse the visitors over a larger area of the preserve. In 1971 some 7,000 visitors hiked off the main roads to camp out at least one night. "The number is increasing," he said, "and that, really, is what the future of Yellowstone is all about." One-way and bypass roads have been created to ease congestion around such attractions as Old Faithful, where more than 2,000 persons may gather in summer to watch an eruption. For motorists passing but not wishing to stop, delays are now reduced.

"And when the three new parking lots are completed," he told me, "the situation will be even more improved. I think we're getting to the core of the traffic problem."

A tall, chesty man with a leathery voice, Jack Anderson became superintendent of Yellowstone five years ago. He oversees the park with firmness, but without forgetting the words of the founding Congress: ". . . for the benefit and enjoyment of the people."

The task is rarely easy, especially with budgetary restrictions that limit the staff of permanent rangers to 25. There were more stationed in Yellowstone 3 years ago. In 1961 there were 135 permanent Park Service employees in the park. Today there are 100.

This handicap, I found, does not prevent a marvel of housekeeping from being performed. No traces of the nearly 6,000 tons of garbage generated by the crowds each summer are found along the roadway. A candy wrapper in a field draws attention to itself. Animals that scavenge in the night greet the dawn with empty stomachs.

Garbage dumps are no longer open to bears, for the Park Service wants the animals to live under totally natural conditions. It wants to wean them from the artificial feeding which generations of Yellowstone bears have enjoyed.

Some authorities claim that the denial of food should be gradual rather than sudden. Glen F. Cole, Yellowstone's chief research biologist, does not agree, arguing, "Bears have been here for thousands of years. They got along very well before there was a tourist in the park. There's lots of food in the wild."

Baited culvert traps are placed in areas of heavy use. When a bear is caught, it is tranquilized and then transported by truck or helicopter to the backcountry. If it persists in returning (and some make it back with startling speed), it is either sent to a zoo or, in some cases, shot. Since 1968, rangers have reluctantly destroyed 33 grizzlies and 45 black bears.

The results are now apparent; Yellowstone's bears are vanishing from view. Not every visitor is happy with this development. I sat for a full afternoon in a ranger station and recorded some of the comments:

"Do you realize I came all the way from New Jersey to see two things—Old Faithful and a real live bear in the open? I mean, look, buddy, seeing a bear running free may not mean much to you, but when you live in Weehawken, it can be a big thing in your life."

When I raised this matter with Superintendent Anderson, he told me, "Of course it's great to see a bear, but in his natural habitat, not under conditions where this noble animal is degraded by being fed scraps along the road. We were averaging 75 to 100 injuries a year to people trying to feed bears. In 1971 we had only nine."

Naturalists estimate that 175 to 200 grizzlies, and from 300 to 500 black bears, live in Yellowstone today. In the past century, however, only two persons have actually been killed there by grizzlies. Provocation of the animal was involved in both cases, as it usually is when a bear does bodily harm. Stressing that the grizzly is basically shy, Anderson said, "If he *enjoyed* conflict we'd lose a lot more people."

"We used to have names for a lot of the grizzlies," Ranger Wayne Replogle told me. "There was Caesar, King Henry VIII and one that we named Ickes, for the Secretary of the Interior at that time. And Old Scarface—he must have weighed 1,000 pounds—ruled the park for a long time."

Replogle has seen many changes during the 42 years he has served in Yellowstone as a seasonal ranger. "When I first came here," he told me, "there were so few visitors that we'd hail down a car just to say 'Hello!'"

Wayne Replogle comes alone to Yellowstone now. His wife, who accompanied him to the park each season for 34 years, died last spring. So he takes walks by himself in late evening, when the hush breathes life into happy remembrances.

Wayne doesn't have to walk far to be where no change has come, where the awesome bigness of the land overwhelms the visitor as it did Jim Bridger more than a century ago.

Jim Bridger. Liar! That's what they called him when he told of seeing wondrous things in the region that would become the park, thing such as a column of water as big around as his body spouting 60 feet in the air.

"TALL TALES" WERE TRUE—AT FIRST

Born in Richmond, Virginia, Bridger made his way to Indian country in the West before his twentieth birthday. He could neither read nor write, but he was shrewd and wise, an expert guide and trapper who knew the Rocky Mountains as well as anyone of his time.

Jim Bridger was also a man who liked to embellish his stories. At first, however, his reports of Yellowstone were accurate. He did see "a mountain of transparent glass"—we know it today as Obsidian Cliff, a mass of black volcanic glass—and bodies of water that were "boiling hot." But since few believed him anyway, he lent his imagination to the Yellowstone tales, until the truth was stretched almost to the vanishing point.

Another fur trapper, John Colter, is believed to have been the first white man to see the Yellowstone country. He, too, told of the marvelous and eerie features of the land, and he too was ridiculed.

With civilization moving closer, and with prospectors verifying at least some of Colter's and Bridger's early reports, expeditions were dispatched to explore the area. The first set out in 1869, but it was not until 1870 that national interest was stirred by the findings of a party headed by Henry D. Washburn, surveyor-general of the Territory of Montana. One member, Judge Cornelius Hedges, is credited with being among the first to propose that the region be made a national park.

In 1871 an expedition under Dr. Ferdinand V. Hayden of the U.S. Geological Survey visited Yellowstone. A photographer named William H. Jackson was along, and the pictures he made have survived as classics that captured both the splendor of the country and the drama of its exploration.

Members of the Congress found Jackson's pictures on their desks when they assembled to debate the proposal to establish Yellowstone as a park. The impact of the brilliant studies in black and white no doubt helped the proposal pass.

At first, Yellowstone was a park in name only. Trappers and hunters continued to operate there. The Army assumed control in 1886, but in 1916, with the establishment of the National Park Service, Yellowstone was placed under its administration.

I spent many hours in the library at park headquarters, browsing through superintendents' annual reports and uncovering such morsels as, "On September 7, 1927, Col. Charles A. Lindbergh was seen circling over the Upper Geyser Basin in the *Spirit of St. Louis*, at about 2:30 p.m." He was barnstorming the country after his historic transatlantic flight that May.

To my surprise I also discovered that Yellowstone's thermal pools have accounted for as many serious injuries as have its bears.

In August of 1927, for example:

A doctor from Oklahoma was seriously burned when he backed into a pool. He remained in critical condition for ten days.

A woman from Brooklyn stepped into a pool and received first-degree burns.

A man from Salt Lake City died after falling into a pool near Firehole Lake.

With more than 10,000 thermal features, Yellowstone is indeed hazardous country. Two years ago a 9-year-old boy died when he fell into the bubbling waters of Crested Pool in the Upper Geyser Basin, not far from Old Faithful. Following this tragedy, a railing was built along the pool, where temperatures reach close to 200°.

STUDY PROBES FUTURE OF ALL THE PARKS

There are similar pools scattered over a large area of the park. Are all to be enclosed in barriers? Or are the thermal pools to be left as they are, without alterations to their settings, but with rigidly controlled access? When does providing for "the benefit and enjoyment of the people" have to stop because of the heavy burden it places on preserving the environment?

The answers to such questions are being sought during this Yellowstone centennial year. Members of the National Parks Centennial Commission, an advisory body, have been charged to use the anniversary to evaluate and make recommendations for the next century of national parks.

Meanwhile, Yellowstone is geared as best it can to handle what may be an all-time high number of visitors during this, its hundredth summer. And once again, Old Faithful will occupy the center ring of attractions.

I first saw Old Faithful perform on a Sunday afternoon. Two thousand other persons watched that eruption, too. As the tower of hot water surged out of the earth, I looked around and saw wonder reflected in nearly every face. Yet I heard only one voice—a rasping whisper urging the geyser to "Go, boy, go." An elderly couple next to me held hands, as if the hissing waters were pronouncing a benediction of happiness and good health for their late years.

Eruptions occur on the average of once every 65 minutes. Geyser experts concede that the complicated system of subterranean plumbing may one day cease to function. Chances are, however, that when Yellowstone's second century rolls to a close, Old Faithful will be working its sorcery as usual.

The Grand Canyon and falls of the Yellowstone River are also favorite attractions. Viewed from the rim of the canyon, where the depth varies from 800 to 1,200 feet, the river flows like a swirl of frothy confection.

I walked along a trail that descended 600 feet in less than half a mile to reach the Lower Falls. There the water tumbled 300 feet to crash and then move on through a screen of spray.

"FAIREST DREAM WHICH EVER CAME"

Of all the stretches of water in the park, the one holding the most appeal for me is Yellowstone Lake. Sitting at an altitude of 7,733 feet, the lake takes snowmelt from the serried peaks of the Absaroka Range pressing in from the east. Far to the southwest, but still visible, rise the Tetons.

Of this lake with a shoreline of more than 100 miles, a member of the Washburn expedition wrote: "It was like the fairest dream which ever came to bless the slumbers of a child. How still it was! Was silence reigned! How lovingly it laid its hush upon you!"

That same hush was laid upon me one afternoon when I took a small boat out on those jadelike waters, and sat for hours while cut throat trout played soccer with the lure on my line. Silence in our time, however, can be perishable even in the remote reaches of Yellowstone. High overhead, a military jet sent down a sonic boom that fell on the lake like a burst of divine rage.

The Next 100 Years: A Master Plan for Yellowstone—IV

(By George B. Hartzog, Jr.)

The mountain men—trappers and guides—saw it first, this country called Yellowstone, but their reports were quickly put down as just so many tall tales. William Henry Jackson, however, took his cameras along on the 1871 Hayden expedition, and his clear and beautiful photographs were accepted as proof that this vast garden of nature's wonders did indeed exist.

Certainly, members of the Senate and House of Representatives, when voting to make Yellowstone our first national park, must have been impressed by the pictures.

Equally impressive was the official report of 2nd Lt. Gustavus C. Doane of the 2nd U.S. Cavalry, who accompanied the Washburn expedition of 1870. Yellowstone, he wrote, "is probably the greatest laboratory that nature furnishes on the surface of the globe."

One hundred years later, we face the grim realization that without prudent planning the future of Yellowstone is in jeopardy. The problem, ironically, is an outgrowth of the park's success—the threat of overuse.

If this great natural resource is to be protected from destruction over the centuries to come, we must base our plans on the realities of today and the potential of the future. For example, the park road system and facilities for overnight accommodations were built to meet the requirements of the horse-and-wagon era. Neither is sufficient today.

ENJOYMENT WITHOUT RISK OF DESTRUCTION

What can we do to ensure that Yellowstone will continue its service to mankind—service, that is, to meet the demands of the times?

Yellowstone must be preserved and protected, but it also must be used. We cannot seal off its borders, any more than we can open the park to all comers without regulation. The park exists to serve the public, but the public cannot be allowed to damage or destroy it. Unlimited development would mean the eventual end of Yellowstone. And that destruction would mark the absolute failure of what the National Park System stands for.

Thus we must strike a new balance, providing maximum enjoyment of the park's many treasures without contributing to their destruction.

To do this, the National Park Service has drafted a new "master plan." This is not a set of rigid blueprints and precise specifications. Rather, it is a philosophical statement on how we can recognize and overcome the challenges to the future of Yellowstone. It contains suggestions to be implemented according to the realities of time, population, the state of scientific knowledge and technological developments, and, of course, the availability of public and private funds.

The plan recognizes that one of the most serious threats to Yellowstone—and to most other parks as well—is the automobile or recreational vehicle. There will be an emphasis, then, on getting people out of their cars and into actual contact with nature.

This does not mean that everyone will be expected to shoulder a pack and cross the park on foot. Rather, it means that much of the transportation inside the park should be by unobtrusive mass transportation. This would allow the visitor to get easily from place to place, spending as much time as he desires in any one area.

The visitor of the future could approach Yellowstone on any of the highways serving the preserve. At the "gateway," where the highway meets the park border, he would find a complete service complex with food and lodging according to his budget, parking lots, a bus staging area, and a visitor center where he could plan his trip.

Overnight accommodations retained inside the park would be changed in character from traditional lodge or hotel atmosphere to wilderness threshold communities. Here the visitor could make the transition from urban dweller to naturalist, learning from and enjoying close contact with the natural world.

PARK VISITORS WOULD TRAVEL BY "PEOPLE MOVERS"

The master plan would change one of the most famous of Yellowstone's lodges—Old Faithful Inn—to a daytime visitor center.

Facilities at West Thumb, which encroach on significant natural features, would be phased out and the area returned to a natural state.

At Old Faithful and other areas of visitor concentration there would be shuttle buses to take visitors to points of interest. At Canyon Village, cars would be barred from the drive along the rim of the Grand Canyon of the Yellowstone. Buses or other means of mass transit would allow visitors either a look or a longer stay, and then return them to the visitor center, where another people-mover system could take them on to the next destination within the park.

The combination of mass transit and gateway centers for parking and lodging would allow the National Park Service to concentrate within Yellowstone on interpretive services to help people get the most out of their visits.

Many of our interpretive services—visitor centers, exhibits, displays, and ranger talks around the campfire—could be performed very well in a gateway area. The vistor would be better prepared to enjoy his visit once he gets into the park, and less likely to miss something simply because he didn't know where or how to look.

With fewer cars and roads and less construction within the boundaries of Yellowstone, there would be a better chance for nature to restore a natural ecosystem—a major objective of the master plan.

Lieutenant Doane reported that his 1870 party was serenaded by "the melancholy voices" of mountain lions. I hope that before the end of Yellowstone's second century this serenade can be heard again.

Yet Yellowstone cannot stand alone. It will share the fate of its region. Planning must involve the park's neighbors, which, happily, include Grand Teton National Park, five adjacent national forests administered by the U.S. Forest Service, and a number of towns and ranches.

There is already much significant cooperative planning being done through the Joint National Park Service and U.S. Forest Service Coordination Committee. This cooperative work must be increased, for our success will depend upon the cooperation and the contributions of all concerned, both in government and in private enterprise.

MAN MUST LEAVE NATURE IN CONTROL

For the centuries to come, we hope to make Yellowstone National Park a peerless example of wilderness preservation: an area controlled by the basic forces of nature, yet available to all the people.

At Yellowstone we shall be able to see and understand the beauty of those forces and how our lives—in any environment—depend upon them. A major attraction will always be the natural phenomena of geysers, hot springs, and bubbling paint pots—pools of mineral-colored mud—which amazed the first explorers to see them.

Further, Yellowstone will effectively demonstrate the best of man's efforts to sustain his natural heritage and will be a living tribute to the origins of the worldwide national park monument.

In a nation with a life-style of transience and mobility, Yellowstone can be a permanent symbol of conservation that will enrich and sustain all who visit there.

With creative development and management, Yellowstone—the world's first national park—can become the exemplar of an environmental ethic in action.

VIETNAM WAR DAMAGE

Mr. NELSON. Mr. President, on April 12, I had the pleasure of hosting a briefing sponsored by the Council for a Livable World. Two professional ecologists and former Marines, Dr. Arthur Westing, chairman of biology, Windham College, Vt., and Dr. E. W. Pfeiffer, professor of zoology, University of Montana, discussed the environmental disruption of Indochina.

These two distinguished scientists had conducted in-depth studies of the effects of the defoliation program in Vietnam, which was very valuable for discussion of this matter about 3 years ago in the Senate.

Drs. Westing and Pfeiffer have recently from another study mission to Vietnam. Their latest slides and films of the environmental effects of the widespread use of defoliants, Rome plows, pattern bombing, and 15,000-pound Commando Vault bomb and their detailed presentation respecting these tactics of war are highly informative.

Dr. Westing prepared a written commentary on the visual evidence which was presented. I cannot convey in words the impact of those pictures, but I can at least request that Dr. Westing's paper be entered in the Record at the end of my statement. A picture is worth a thousand words, they say. But just one paragraph from Dr. Westing's report packs quite a punch:

> Munitions expenditures during the seven-year period 1965–71 were 26 billion pounds, twice U.S. expenditures throughout World War II in all its theaters. During this time span the U.S. thus expended munitions in Indochina with an explosive energy equivalent to 450 Hiroshima bombs (i.e., the explosive equivalent of one Hiroshima drop every 5½ days). In terms of the peoples of all Indochina, the total represents 584 pounds per person; in terms of its land, 142 pounds per acre. In terms of frequency, this sum represents 118 pounds per second throughout this entire seven-year period.

On January 28, I introduced a bill, S. 3084, the Vietnam war ecological damage assessment bill, which called for a full-scale study of the situation which Drs. Westing and Pfeiffer have described. At that time, I said to the Senate:

> If Congress knew and understood, we would not appropriate the money.
>
> If the President of the United States knew and understood, he would stop it in 30 minutes.
>
> If the people of America knew and understood, they would remove from office those responsible for it, if they could ever find out who is responsible. But they will never know because nobody knows.

Mr. President, I ask unanimous consent that the paper of Dr. Westing be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

The Environmental Disruption of Indochina

The land and people of Indochina (287 thousand square miles and 45 million inhabitants—the size of Texas, but with four times its population) have been under continuous, large-scale attack since 1965. The largely overlooked and presumably incidental impact of the Second Indochina War on the land and indigenous populations of that region has been of monumental proportions. One of the few factual summaries of this disruption was published last year by the Senate Foreign Relations Committee (under the title "Impact of the Vietnam War"). From the data presented we can approximate that as a result of this war, one out of every 35 inhabitants of all Indochina has so far been killed, one in 15 wounded, and one in six made a refugee. The social disruption implied by these figures is difficult to grasp; the proportionate impact on the United States, with its population of 200 million would be: 5,700,000 killed, 13,300,000 wounded, and 33 million displaced.

A WAR AGAINST THE ENVIRONMENT

However, the Second Indochina War has been waged against the land as much as against the people. It is in the light of the intimate association with and direct dependence upon the resources of the land by largely primitive peoples, and in the further light of our new awareness of all mankind's dependence on his natural environment that a growing number of scientists throughout the nation and the world, have become appalled by the long-range ecological impact of so-called limited counterinsurgency warfare. A further major concern has been the renewed dependence by the United States in this frustrating conflict on chemical weapons. This latter approach, with its serious public health and ecological implications, is a form of warfare which the civilized world had hoped was put to rest with the end of World War I.

Dr. Pfeiffer (a wildlife zoologist) and I (a forest botanist) have made several tours of Indochina during the past three years to assess the extent of ecological disruption caused by the weapons and techniques employed by the United States. We were limited in our studies by the obvious difficulties associated with working in an active theater of war and by the paucity of pertinent information that has been released by our government. What follows then is an attempt at conservatively summarizing the extent of environmental disruption caused by (1) the chemical warfare program with plant poisons (herbicides), (2) the land-clearing program with Rome-plow equipped tractors, (3) the massive bombing and shelling program, and (4) the 15,000-pound land-clearing bombs. This preliminary synopsis is based on a combination of personal observations, interviews, and information released by the Department of Defense. I report the environmental impact with the realization that it is dwarfed by the direct impact of the war on the peoples of Indochina, but with the further realization that these two dimensions of the war are intertwined—and will continue to be long after the war will have finally ended.

THE HERBICIDE PROGRAM

Chemical anti-plant warfare, restricted largely to South Vietnam, began on a small scale in November 1961, became a large-scale effort in 1966, and essentially ended in May 1971. In its *cover denial program* the United States aerially dispensed 17 million gallons (109 million pounds) of herbicides on 4.7 million acres of forest lands. In its *food denial program* it similarly dispensed 2 million gallons (7 million pounds) on 0.7 million acres of crop lands. Major herbicides used against forests were 2,4-D (57 million pounds), 2,4,5-T (48 million pounds), and picloram (3 million pounds); and against agricultural fields, dimethylarsinic acid (7 million pounds). About 15% of South Vietnam's forests have been sprayed once and an additional 4% repeatedly; about 8% of the nation's crop lands (primarily those in the Central Highlands) have been sprayed. All told, one acre in eight of South Vietnam was sprayed, representing an area the size of Massachusetts in a country the size of New England.

In the areas sprayed there has been an alteration and simplification of the plant and animal communities, a loss of mineral nutrients, acceleration of erosion in hilly terrain, and reduction in ecosystem productivity. Restoration time in the once sprayed areas is expected to exceed one decade and in the multiple sprayed areas at least several decades. Approximately one million acres have been utterly devastated by herbicides (two-thirds of these being upland forest, one-third coastal mangrove forest). It is estimated that over the years food was intentionally destroyed sufficient to supply the total diets for one full year of approximately three-quarter million Vietnamese (largely civilian, primarily Montagnard); additional amounts were destroyed as a concomitant of forest spraying. The herbicides seem to have directly and indirectly resulted in medical and veterinary problems. Timber losses have been estimated to total 6.5 billion board feet, sufficient to supply South Vietnam's timber needs for three decades.

The herbicide program seems to have ended, but its effects will long be felt, both in terms of the environment and in terms of the erosion of international arms control.

THE ROME-PLOW PROGRAM

Landclearing with tractors, a program restricted to South Vietnam, began on a small scale in 1965, became a large-scale effort in 1968, and is apparently continuing undiminished to this day. This little known operation, devoted at first to the clearing of roadsides and other lines of communication in order to discourage ambushes, has for the past several years now been used on a massive scale to literally obliterate forested areas of possible use to the other side. In its mission of denying cover and sanctuary the method appears to be without equal. The basic tool is a 20-ton tractor fitted out with a 2½-ton "Rome plow" and 14 tons of added armor. At least five companies of more than thirty tractors each are in continuous operation. As of last August about 750,000 acres of land of South Vietnam had been scraped bare by this means (an area the size of Rhode Island); and clearing progresses at the rate of more than 1,000 acres per day.

Plowing results in severe site degradation, weed invasion (often by the tenacious cogon grass), utter destruction of wildlife habitat, and major erosion and exacerbated flood damage in hilly terrain. The South Vietnamese forest service has estimated as of last summer that more than 20 million board feet of readily accessible hardwood timber on 126 thousand acres had been destroyed in this program; and French rubber officials have determined that 2,500 acres of rubber plantations had similarly fallen to the plow.

In short, "pacifying" an area with Rome plows rather than with herbicides seems at once more efficient militarily and more destructive environmentally.

BOMBING AND SHELLING

Conventional bombing and shelling, the former throughout Indochina and the latter mostly in South Vietnam, have become the major means of "landscape management" in this war. The one lasting impression that remains after flying over the country is of an endless number of craters. A conservative estimate of the actual number of these giant pox on the landscape is over 26 million—currently being added to at the rate of at least several thousand per day.

Munitions expenditures during the seven-year period 1965–1971 were 26 billion pounds, twice U.S. expenditures throughout World War II in all its theaters. During this time span the U.S. thus expended munitions in Indochina with an explosive energy equivalent to 450 Hiroshima bombs (i.e., the explosive equivalent of one Hiroshima drop every 5½ days). In terms of the peoples of all Indochina, the total represents 584 pounds per person; in terms of its land, 142 pounds per acre. In terms of frequency, this sum represents 118 pounds per second throughout this entire seven-year period.

Estimating the average crater to be 30 feet in diameter and 15 feet deep, the combined surface area to the holes alone created between 1965 and 1971 comes to almost ½ million acres, and the earth displaced by the explosions to a staggering 3.4 billion cubic yards.

More than 90% of all bombing and shelling in Indochina have been harassing and interdiction missions, in effect directed against forests and fields. The bombs and shells have torn up countless trees; and the shrapnel has been propelled over some 30 million acres hitting additional endless trees and thereby inviting fungal infection and wood rot. The craters have also disrupted extensive agricultural areas, both directly and indirectly. Irrigation systems have been disrupted and near the coast saltwater encroachment has resulted. The craters have exposed lateritic soil to the atmosphere permitting it to harden irreversibly. Millions of new breeding ponds have been created for disease-carrying mosquitoes. In hilly terrain, erosion has been accelerated. Finally, since 1%–2% of the bombs and shells expended are duds, there are now ¼ million of these scattered about, many of which are apt to explode if bumped into, for example, during plowing.

All in all, the effects of the truly massive bombing and shelling may well prove to be the least recognized and most permanently disruptive legacy of this war.

THE COMMANDO VAULT BOMB

The 15,000-pound BLU–82/B "Commando Vault" bomb can be dropped into dense, triple-canopy jungle to create an instant helicopter landing zone which averages 3.3 acres in size (an area larger than a football field). This bizarre item of ordnance became operational in 1970, although experimental drops may have begun as early as 1967. By rough estimate about 200 have been expended, and now seem to be dropped at the rate of several per week. The Commando Vault, a concussion bomb filled with a slurry of ammonium nitrate and aluminum powder, is detonated just above the ground and leaves no crater; much of its blast is directed in the horizontal direction. The tremendous blast wave required to shear off large trees and blow them 106 feet or more away in every direction from the epicenter continues outward for at least 1,300 feet (according to a recent Pentagon release) with a sufficient overpressure to kill or injure all exposed humans and wildlife. The average casualty zone per bomb is thus 122 acres (seven times the size of the White House grounds) and perhaps greater. The Commando Vault bomb is a totally indiscriminate, wide-area weapon which results in the complete local ecological disruption of the strike area.

RECOMMENDATION

It becomes vital in this time of a rapidly degrading world environment that man seek the knowledge of all the ecological ramifications of his current and potential activities.

On 7 October 1970 the Congress through Public Law 91–441 [Sect. 506(c)(1)] authorized a study by the National Academy of Sciences of the ecological impact of the herbicide program, an investigation now in progress [cf. Congressional Record, vol. 117, pt. 27, pp. 35274–35280; 6 October 1971]. However, since the herbicides seem to be dwarfed in their ecological impact by this war's other assaults on the environment, this investigation is clearly too limited in its scope. It is important now that serious consideration be given to the Vietnam War Ecological Damage

Assessment Act of 1972 recently introduced by Senator Nelson [S. 3084; cf. Congressional Record 1634–1635; 28 January 1972] and the companion bill introduced by Representative Guide [H.R. 13010; cf. Congressional Record 2968; 7 February 1972].

CBS "60 MINUTES:" THE UNREALIZED PROMISE OF OBJECTIVE JOURNALISM

Mr. HRUSKA. Mr. President, this past weekend was the occasion of two related—and not coincidental—events which bear directly on the national effort to reduce the rate of crime and delinquency in America.

One is the curious circumstances in which a television reporter had possession of an official report of the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee—before the Members of Congress had been provided copies of the report. That report, loaded with bias, just happened to be "leaked" to Mike Wallace of CBS in time for his "60 Minutes" television program.

The second event of the weekend was the CBS television program, "60 Minutes." In it, Mr. Wallace seemed to strive valiantly to equal the classic distortions of fact that characterized the celebrated "Selling of the Pentagon" program of a year ago. One of the tools in his effort was the House subcommittee's report so conveniently at his disposal. This time, however, the target of the program was the Law Enforcement Assistance Administration—the Agency created by Congress to assist the States and local units of government in planning and implementing programs to reduce crime and make the streets of America safe once again.

Now the fact that the chairman of the House subcommittee is unable to preserve the traditional courtesy of providing his colleagues with copies of a significant report before it is intentionally "leaked" to a television personality—that is a matter to be resolved among the Members of the other body. My interest arises only because the press accounts clearly indicate that the report in question happens to distort and misrepresent a program in which I strongly believe.

I am particularly distressed because this prematurely publicized House document was used in a nationally televised program which was structured—as was the subcommittee report—in such a way as to present a distorted view of a major Federal program. The result can very well be a serious setback in the effort to reduce crime and improve the criminal justice systems of America.

Strangely enough, CBS has said it would be a week before they could provide a transcript of their broadcast. Consequently, a verbatim transcript was acquired from a commercial transcribing service here in Washington. I also have the unedited transcript of the Mike Wallace interview with Jerris Leonard, Administrator of the Law Enforcement Assistance Administration. I intend to ask that both of these documents be entered in the RECORD.

Mr. President, I am appalled to find that the CBS editors eliminated virtually every reference to the constructive programs funded by LEAA; they cut out Mr. Leonard's description of the complete reorganization of the Agency; they ignored his suggestion that they examine some of the 50,000 crime-fighting projects supported by LEAA; they dismissed strongly supporting comments of Chief Wilson of the District of Columbia Metropolitan Police Department; and they ignored the statistics which clearly show a dramatic drop in the crime rate of 53 of the Nation's major cities.

The original CBS transcript of the full interview of Mr. Leonard conducted by Mike Wallace is quite revealing. It shows, for example, Mr. Wallace reflecting the not very objective views of Charles Rogovin, who was himself unable to effectively administer LEAA 3 years ago.

On page 25 of the unedited transcript, Mike Wallace is quoted as saying:

> Your predecessor, Mr. Rogovin suggests that you fund projects that don't have any effect on crime, and then you duplicate those projects over and over again throughout the country because you don't really know yet, if those projects are working. That you don't have a proper evaluation program yet.

To which Mr. Leonard replied:

> That's what this agency used to do when he was the administrator. This agency is in business for one thing only—to reduce crime and delinquency in the United States, and we do that by crime specific planning. We're urging everybody who's using an LEAA dollar to ask himself the question, "when I put this project up, when I make application for these funds, what effect is this going to have on reducing crime and delinquency.
>
> Question (Wallace). In other words, partially you are correcting Mr. Rogovin's errors now?
>
> Answer (Leonard). Partially? We have thrown out his whole philosophy of running this agency which was to tinker around with the criminal justice system, and the theory that our goal was to improve the criminal justice system. That isn't our goal. Our goal is to reduce crime and delinquency. Now while we're getting to that goal, we will also improve the system, but that's a fallout benefit. Our main goal is to reduce crime and delinquency.
>
> Question (Wallace). Well then . . . to a moment . . . to the business of whether you are indeed where the statistics prove that you are cutting crime and delinquency. Why is it that after 45 months LEAA is just now establishing a way to set goals for the Agency? And letting out a consulting contract to measure progress or the lack of it in reducing crime? Four years after the thing went into operation. Now you're saying, gee, we ought to find out whether it's working or not.
>
> Answer (Leonard). Mike, I was appointed the administrator of this agency in April and confirmed in May of 1971 less than a year ago. I did an intensive study of this agency, reorganized it, and gave it a new objective. The objective of reducing crime and delinquency. In my view that's what this is all about.

Mr. President, thanks to the distorted editing by CBS, no one who saw the "60 Minutes" program this past weekend would ever have imagined that the foregoing clear and forthright statement of current LEAA policy had been a part of the original interview with Mr. Leonard. Of course, Mr. Leonard had no reason to expect CBS to insert rebuttal statements by Mr. Rogovin or to cut away parts of his—Mr. Leonard's—answers to various questions, nor was the viewing public informed that most of the criticized decisions were made while Mr. Rogovin presided over LEAA. Such deception. The cunning thus displayed would do credit to a burglar.

Mr. President, for the convenience of the Members of the Senate, I ask unanimous consent to place in the RECORD at the conclusion of my remarks the transcript of the complete CBS interview with Mr. Leonard, along with the edited version of that interview as it was televised on April 9. In addition, I ask unanimous consent to place in the RECORD an exchange of correspondence between Mr. Leonard and Bernard Garmire, chief of the Miami Police Department; a letter written by Chief Jerry V. Wilson of the District of Columbia Metropolitan Police Department; and a March 30, 1972, news release of the Federal Bureau of Investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. You will note, Mr. President, that the transcript of the program actually televised includes a comment by Chief Garmire. He is quoted in it as saying that Miami "has never received a dime of action grants or action funds from LEAA."

Oddly enough, an exchange of correspondence between Chief Garmire and Mr. Leonard—dated March 14 and February 29, respectively—shows that Miami was awarded $165,000 in fiscal year 1970 and $432,373 in fiscal year 1971 from discretionary funds. In addition, Miami was awarded $113,949 from State block grant funds in fiscal years 1969–71, and the Florida Governor's Council on Criminal Justice has allocated $341,497 to Miami in the fiscal year 1972 comprehensive plan submitted to LEAA.

Furthermore, Chief Garmire states in his March 14 letter:

> The figures contained in your letter are, for the most part, consistent with our records.

And he says:

> May I hasten to add that we have received considerable assistance through the Discretionary Fund category. We are very appreciative of this and certainly have no complaint. As a matter of fact, we have never been treated arbitrarily nor refused favorable consideration in our application for Discretionary Fund.

I hope someone can explain to the television-viewing public how a presumably responsible public official—the police chief of a major city—can say on March 14:

> Yes, we've received nearly a million dollars from you and we have no complaint.

And then, on April 9 appear on a national television to say:

> So far as this department is concerned, so far as I am concerned, to date LEAA doesn't exist.

Mr. President, such a statement on the part of a major law enforcement officer, assuming it is accurately reported, is shocking. And the carelessness with the truth exhibited by CBS is revolting.

A further example of the biased editing and reporting by CBS is related to that portion of the televised program which shows the sheriff of Brevard County, Fla., as he criticized the law enforcement program. What CBS did not show was the 2½-hour interview they conducted with Police Chief Clarence N. Kirkland, of Titusville, Fla.

For nearly 3 hours, Chief Kirkland told the CBS crew about the importance of LEAA to the battle against crime in his community. In his interview with CBS, Chief Kirkland had nothing but the highest praise for LEAA, and he talked of the increased capability to deal with crime that has resulted from LEAA assistance. He fully explained and justified the funding that has been provided to his community through the LEAA program, and he described the Florida State law which limits the amount a community may tax its citizens, thereby severely limiting the funds available for local law enforcement. He told how the LEAA has helped reduce crime in his community—which is, after all, what LEAA was created to do.

But did the television viewer see that side of the discussion? No; CBS did not want to present any favorable comments on the LEAA program. Would it not be interesting to find out why?

It is a curious fact that neither CBS nor the House subcommittee report could pause long enough in their criticism of LEAA—justified or unjustified—to comment upon the thousands of successful and promising programs to combat crime and delinquency. Nor did CBS take note of the recent FBI statistics which show a decrease in serious crime in 53 major American cities. That may be understandable in a report by the majority party members of a House subcommittee in an election year—but it is an observation that must be made with great sadness and apprehension where a major television network is concerned.

You will note in the unedited transcript of the Mike Wallace interview that Mr. Leonard urged CBS to talk to Chief Wilson of the District of Columbia. Mr. Wallace said he had talked with Chief Wilson, but was he—Chief Wilson—included in the television broadcast? Certainly not.

Why not? Because Chief Wilson might have mentioned LEAA's success, and Mike Wallace was not interested in anything but criticism of LEAA. CBS did not want to hear—and did not want the public to hear what the Washington, D.C., police have to say about the program. But I think it is important. I think the Members of the Senate and the public should know what Chief Wilson has to say.

Let me quote his letter of March 20 to Mr. Leonard. Chief Wilson wrote:

> "As our silent partner, LEAA has underwritten significant police crime-fighting programs for the Metropolitan Police Department:
>
> "A $1,250,000 grant in the spring of 1970 giving us the equivalent of 1000 additional officers until additional men could be recruited. Overnight our force increased 20%, and crime declined with this extended police coverage.
>
> "A $157,000 grant for combatting organized crime. The grant made possible the establishment of an organized crime section.
>
> "$342,000 in three different grants permitting the purchase of three helicopters and the training of nine helicopter pilots. Helicopters have been useful in fresh pursuit and on-scene arrest situations.
>
> "A $153,000 grant for improving police dispatch and control procedures. When completed, a computerized model for testing alternative police dispatching and patrol patterns will be available to police departments throughout the United States.
>
> "A $100,000 grant for developing a Command and Control Master Plan was recently approved. The plan will set forth our command and control needs, including detailed equipment requirements.
>
> "A $135,000 grant is enabling us to update our entire recruit training curriculum. Other grants totaling $76,000 have been used to improve a variety of operational and management areas within the department."
>
> All these grants were received within the past two years; significantly, crime in Washington during the same period stopped spiraling upward and dropped 18 percent.
>
> **Our partnership was formed in the face of crisis, at a time when Washington was experiencing some 200 crime index offenses a day. Working together, LEAA and the Metropolitan Police Department helped turn the corner on crime in Washington, D.C. With your continuing help we will finish the job.**

Those who watched the "60 Minutes" program would never have imagined that such praise of LEAA would have been forthcoming from a metropolitan police chief. I suggest that a desire for accuracy and balance—not to mention simple honesty—should have compelled CBS to include comments like those of Chief Wilson in their broadcast.

And why did not they, as Mr. Leonard suggested, talk to the police chiefs of some of the other 52 major cities where serious crime actually decreased last year? Did CBS include comments from Fort Worth, where the crime rate decreased 10.9 percent last year? What about Seattle, with a 13.5-percent decrease? Or Hartford, Conn., where the crime rate dropped 11.6 percent?

Did CBS mention South Bend, Ind., 13 percent decrease in serious crime? Or my city of Omaha, with its 4.6-percent decrease? No, these cities, and their dramatically improved crime statistics, and their police officials were ignored.

Permit me to call some others to your attention. Remember, these are actual decreases in serious crimes during 1971 as compared with 1970.

Jacksonville, Fla., a 4.2-percent decrease; Tampa, 1.2 percent; Indianapolis, 9.5 percent; Wichita, Kan., 3.7 percent; Louisville, Ky., 9.5 percent; Baltimore, 12.4 percent; St. Paul Minn., 4.2 percent; Kansas City, Mo., 3.9 percent; St. Louis, Mo., 3.3 percent; Rochester, N.Y., 10.3 percent; Akron, Ohio, 4.4 percent; Tulsa, 1.9 percent; Pittsburgh, 6.8 percent; Dallas, 7.9 percent; Houston, 1.8 percent; San Antonio, 1.9 percent; Seattle, Wash., 13.5 percent; Mobile, Ala., 3.6 percent; Huntsville, Ala., 4.8 percent; Little Rock, Ark., 9.7 percent; Peoria, Ill., 5.9 percent; Rockford, Ill., 15.4 percent; Evansville, Ind., 7.4 percent.

Des Moines, Iowa, 3.8 percent; Topeka, Kans., 3.4 percent; Kansas City, Kans., 6.6 percent; Cambridge, Mass., 5.1 percent; Grand Rapids, Mich., 10.3 percent; Dearborn, Mich., 4.5 percent; Livonia, Mich., 4.7 percent; Greensboro, N.C., 11.4 percent; Charlotte, N.C., 13.2 percent; Parma, Ohio, 4.5 percent; Youngstown, Ohio, 13.5 percent; Dayton, Ohio, 12.2 percent; Chattanooga, Tenn., 2 percent; Knoxville, 3.8 percent; Arlington, Va., 4.4 percent; Newport News, 15.8 percent; Virginia Beach, 5.1 percent; Tacoma, Wash., 1.5 percent; Oakland, Calif., 10.6 percent; New Haven, Conn., 6.4 percent.

All of these and more—major cities with more than 100,000 population—had actual decreases in their serious crime rates last year. But were any of these mentioned in the CBS program? No.

Mr. President, the comprehensive attack on crime in America, which was undertaken at the direction of Congress in 1968, deserves better treatment at the hands of the press and the Congress than the back alley mugging it was subjected to this past week. The inaccurate and incomplete picture of the Law Enforcement Assistance Administration that was presented to the American public must not go unchallenged. The few projects that have been criticized or questioned should not be permitted to loom out of proportion to the 50,000 separate projects that have been funded by States with block grants or directly by LEAA. There is also the broader question raised by efforts to discredit a program so vital to the well-being of our people on the basis of a few examples that grossly fail to reflect the sum of LEAA activity.

It has been suggested that one would conclude from the arguments offered by critics of LEAA that, for consistency's sake, a police department should be disbanded because a few dishonest officers sometimes turn up on its rolls.

One of the particularly galling aspects of the criticisms directed toward LEAA is the impression that program difficulties were uncovered by Congress or the States—or CBS. That is not the case.

The problems in Florida and Alabama, for example, were uncovered by LEAA, which launched a full-scale audit in both States. Where funds have been misused, they will be recovered by LEAA. Where there has been a violation of Federal law, there will be prosecution by the Department of Justice.

One might also conclude from the House subcommittee report or the media accounts that LEAA has failed to correct problems that would arise in the development of any new program. That is far from the truth.

Administrative and program shortcomings in LEAA were not disclosed first by the Congress or CBS. They were publicly disclosed by the LEAA Administrator at a news conference nearly a year ago. Shortly after Jerris Leonard became the Administrator. At that same news conference, Mr. Leonard announced a complete reorganization of LEAA to correct a number of deficiencies that had been discovered. The criticisms so recently voiced and amplified by the CBS network are not new. Many were first raised by LEAA itself a year ago. Other questions were raised in congressional hearings last summer. Now, the criticisms are repeated again—as though they contained some new truths—and despite the strong, affirmative actions already taken to correct past deficiencies: specific steps to improve auditing procedures, to speed the flow of funds, to reduce cash balances in States and localities, and to prevent and disclose any misuse of grant moneys.

The basic reorganization is now completed. A number of new programs are still being developed. But the key problems have been resolved. Congress corrected some problems with new legislation. The reorganization resolved others. And the States have moved rapidly on needed improvements in their administrative and planning capabilities.

For the first time in our Nation's history, a national crime control and criminal justice improvement program has become a reality. It is operative in every State, from coast to coast.

The LEAA program is basically a State and local government program. Thousands of dedicated men and women are involved—Governors, attorneys general, State legislators, mayors, city and county councilmen, police chiefs, judges, corrections officials, minority and community representatives, civic and business leaders. They are dedicated to the success of the national fight against crime and of the program to improve the criminal justice systems in America. It is apparent that certain members of the other House, in collusion with sensation-seekers at CBS, are equally dedicated to personal, partisan gain at the expense of a program that has made significant progress in an area that is vital to public health, welfare, and safety.

At the same time, the honor and credibility of responsible journalists has been tarnished by the misleading character of the Mike Wallace—CBS program. If their distortion of the facts was intentional, one can only guess at the motivation which led to such dishonesty. If the distortion was not intentional, merely accidental, CBS has defaulted on its responsibility to provide the public with the most accurate and complete information possible. In either case, one must wonder if he can believe anything they see on CBS in the future.

Exhibit 1

[From "60 Minutes," Apr. 9, 1972]

An Interview With Jerris Leonard

Mike Wallace. The Unrealized Promise of Safe Streets. That is the title of this report of a congressional investigating committee which 60 Minutes got hold of. It has not yet been released to the public.

It tells the tale of a two-year-long inquiry into the operations of LEAA, the Law Enforcement Assistance Administration, which was charged with cutting crime in the United States. LEAA was created by the Democratic controlled Congress back in 1968 when law and order was a hot political issue. It doles out huge amounts of money to cut crime.

Well, the Republicans took up that issue in 1968. They insisted that crime control would be their first priority if they got into the White House.

The Republican nominee said it for them at their convention in Miami Beach.

Richard Milhous Nixon. Time is running out for the merchants of crime and corruption in American society. The wave of crime is not going to be the wave of the future in the United States of America.

Wallace. It was inside that building, the Miami Beach Convention Hall that the President declared his war on crime. Since taking office the President has gotten over a billion and a half dollars to give to state and local governments in their fight against crime. This year alone he is asking for another eight hundred fifty million.

But is all of that federal money having any real effect in cutting crime?

(Sound of siren.)

We who live in the cities or the suburbs or even on the farms know the crime rate is not going down. In fact, the FBI says that crime increased by six percent last year. Well, then what good is all the money doing?

We began just a few miles from the Miami Beach auditorium in the city of Miami.

Miami's serious crime rate was the highest in the nation in 1970. And last year, 1971, murder was up there by another ten percent. Rape increased by more than fifty percent. So obviously that city is still in deep trouble.

But according to Miami's Police Chief, Bernard Garmire, LEAA has given him no help at all.

Bernard Garmire. As a matter of fact, this department which according to crime rates is number one in the nation has never received a dime of action grants or action funds from LEAA. We are in dire need of them. So far as this department is concerned, so far as I am concerned, to date LEAA doesn't exist.

Wallace. The man who currently heads up LEAA is Jerris Leonard. Appointed a year ago, he is the third man to be saddled with the job in less than four years. And he is convinced, he says, of the effectiveness of his outfit.

Jerris Leonard. Oh, Mike, this is one of the greatest programs. We not only know what we're doing, the concept is right, the philosophy is right.

You see, the basic philosophy under which we work is that people at state and local levels of government are smart enough and honest enough by and large to know what their problems are and to be able to find a solution for those problems.

Wallace. To find out who was right, Chief Germire or Jerris Leonard, 60 Minutes stayed right there in Florida to look at some communities with crime problems, to see what kind of help LEAA is giving them.

We went first two hundred miles north of Miami to Melbourne.

Its seventy-four-man police department got a hundred thousand dollars in LEAA money. And here's what that money bought.

TV equipment, recorders and transcribing machines, a law library, a police legal advisor, and fifty-six thousand dollars a year for the Police Cadets, a program that pays college students to do clerical jobs.

Has the money helped to reduce crime? Police Chief Robert Catrone.

Robert Catrone. There's no—been no reduction of crime. But you know we're growing, we're moving again here. And crime is on an increase. And to say there's been a reduction, I would say no.

Lee Wilson. These are all offers of federal funds. They underline federal funds to entice one into taking these grants which are—to me are superfluous. I don't like them. It's a gravy train that is paid for by the taxpayers of the United States.

Wallace. Lee Wilson, Sheriff of Bravard County, Florida, a retired New York City detective, he now runs a four-hundred-fifty-man county police department. And he refuses to take a penny in LEAA funds.

He says that two million dollar budget that the county provides him is enough.

Wilson, for a time, was chairman of a seven-county group in his area that okayed applications for LEAA money.

Wilson. I was chairman of region four for about six months. Some of the vouchers I signed, I shuddered; I didn't like it.

Wallace. For instance?

Wilson. Oh, exotic office equipment, drapes, and that sort of thing that I—I resigned after a few months service. I couldn't bring myself to being associated with it.

Wallace. As chairman of—as running region four, were you beseiged by equipment peddlers and so forth?

Wilson. Oh, yes. They would come in and say, "I understand you're chairman. This is our wares." And they'd open up a big catalogue and so forth and so on, and never state prices.

It would be something along the lines of "Well, it's here, the money is here. Why don't you get it?"

And I'd say, "Well, I don't need anything."

"Well, do you have a radio system?"

"Well, of course I have a radio system."

"Is it working well?"

"Yes."

"Do you have any interference?"

"Once in a while."

"Ah! That's it. See, just say you have interference and sign here. We'll fill in between."

So I just—it's just a great big padding of funds. And I—it's an exaggeration of something that I'm absolutely disgusted with, having been in law enforcement for thirty-six year. I don't like that.

Wallace. The man who preceded Jerris Leonard as head of LEAA was Charles Rogovin. President Nixon put him in the job early in his administration. But after sixteen months Rogovin quit in disgust.

Now he is an outspoken critic of the LEAA bonanza.

Charles Rogovin. The hardware manufacturers and peddlers are making an enormous amount of money. They're selling all kinds of equipment. You can't go to a police meeting of any size in this country today without having the helicopter manufacturers with their display piece out on a landing strip somewhere and a hard sell being given to officers.

This is outrageous. These men are being taken advantage of. And enormous sums of money are going for relatively unproductive, if at all productive, activity.

You characterize it as a bonanza. That's exactly what it is.

Wallace. The Fort Lauderdale Police Department received a hundred fifty thousand dollars from LEAA last July to buy thirty-four police cars like the one that Officer Davis uses while on duty.

(Sound of police radio.)

And off-duty he and his family use it as their family car. The Police Department pays all gas and maintenance.

Why are the cars used this way? LEAA Chief Jerris Leonard explains.

Leonard. The intended objective—and incidentally, Fort Lauderdale is not the only city that's doing this; other cities are doing it—is based on the premise that this broadens the police presence on the street. Now, we're not positive that that's true. But we're certainly willing to look at that kind of a project, put the money into it, and evaluate it, because it could well be right.

Wallace. But former LEAA boss Charles Rogovin says that this squad car experiment has already been tried extensively in Indianapolis and that it has had no impact on the crime rate.

Rogovin. Nobody is able, one, to relate that to any significant decrease in crime or even to establish anything with regard to its impact, except officers inevitably are happier because they've got the benefit of about twelve hundred dollars worth of city property, which replaces their need to buy another car.

Wallace. For two years a Congressional committee headed by Connecticut Congressman John Monigan has been investigating LEAA's effectiveness.

Representative John Monigan. In all the states that we have examined, we have found that it is not, in my opinion, living up to the objectives that were set for it at the time the Safe Streets Act was passed.

Funds are being passed out. But they're not getting down on the street. Only twenty-five cents out of every dollar has actually got down to the local community, community.

Leonard. Because we won't let money, federal money, be spent by simply throwing it at problems. They have to do adequate planning. They have to set up these projects. They have to be designed properly. And then the money can begin to flow.

Representative MONIGAN. Now, here's an example of the way the funds have been spent in this instance, in this program. In the state of Arkansas, the head of the program in April of 1971, just before the end of the fiscal year, is writing—exhorting—the people, the subordinates "Come in with some proposals."

WALLACE. I wonder if I could take a look at it.

"To: the Crime Commission Staff

"From: Ray Biggerstaff"—this is Arkansas—

"Re: project funding

"We have about four hundred and eighty-four thousand dollars in 1970 funds. We need to spend all these funds, plus a sizable chunk of 1971 funds.

"Please survey your community needs. And then survey your mind for possible ideas.

"Thank you."

So what Biggerstaff is saying is "Look, we can't—we can't find ways to spend all this money. Come up with some ideas. We got the money. We need the ideas."

I have a copy of a memo from a man by the name of Biggerstaff out in Arkansas who says—"Now, fellas," he says to his subordinates, "come up with some ideas so that we can spend this money they're offering."

LEONARD. Let me say this. If there is a state that has too much and can't use it, we have a way and will reallocate that to states that can use it.

WALLACE. Another of the criticisms leveled against LEAA was that it doled out money before knowing just how that money was going to be spent.

Subcommittee Counsel Charles Intriago.

CHARLES INTRIAGO. In one state . . .

WALLACE. What state?

INTRIAGO. Louisiana. Over a period of eleven months amounts of up to 1.9 million dollars in bloc grant funds were invested in federal government securities. So the effect is that the state was loaning back to the federal government the same funds it had received under the bloc grant program.

WALLACE. And getting interest on the money.

INTRIAGO. And getting interest. In this particular case the state made nearly fifty-three thousand dollars over an eleven-month period from these investments.

WALLACE. Have you taken any action to recover either that money or the investment earnings?

LEONARD. Yes, sir. We will recover the investment earnings, just as soon as we can determine what the actual amount was.

That will not occur any more because, again, our—our regulations now require that they not have more than a two-week supply of money.

WALLACE. But if some states put the LEAA money in the bank until they decide how to spend it, other states seem to rush headlong into buying this year.

Polk County, Wisconsin got thirty-nine thousand dollars from LEAA last summer to buy these police radios. They were purchased on the highest bid, from the manufacturer who had planned and designed the system improperly, so the equipment has never been used.

LEAA funds helped buy this twelve thousand dollar riot command post in Des Moines, Iowa. The riot equipment inside cost a good deal more. It has been ready to roll for more than a year. But in spite of several disturbances in Des Moines, it has never seen the smoke of battle.

Winona, Minnesota, called The Family City by its chamber of commerce, got nine thousand dollars for its thirty-seven man police force for riot gear, despite the fact that the nearby Winona National Guard armory had enough gear to outfit three Winona police departments.

The last demonstration The Family City had was a 1967 peace march.

Iowa City got this van from LEAA to be ready for mass arrests in emergencies. At the student demonstrations there last Spring, buses were sent to round up the unruly ones. The van remained in the garage.

One officer told us his men were afraid the van would be unsafe in a riot, too easily turned over. So now it's used to tour the schools and tell the kids about their police force.

And Spraugeville, Iowa, population 119, no police force. But the LEAA gave four hundred dollars for a mobile radio a year ago. The radio has never been used, because they want to remodel the town hall before the radio goes in service.

LEAA has no idea how many projects like these exist says Charles Rogovin.

ROGOVIN. There are in excess of fifty thousand individual projects operating in this country today under this program. Nobody is even inventorying the specifics of over fifty thousand projects.

To the best of my knowledge, LEAA doesn't even have a count of the actual numbers of projects in each of the criminal justice system areas, let alone descriptions of what they're doing.

What this leaves the operating people in the position of doing is guessing that if they initiate a project in Titusville, Florida, it may or may not have been tried in ten, twenty, or no other jurisdictions in this country.

WALLACE. This report says that LEAA does not know how one and a half billion dollars it has given to the states in its four years of existence has been spent. In fact, it says that out of fifty states only three, Florida Maryland, and Alabama, have been completely audited to find out just where the money went.

LEONARD. In the state of Alabama, LEAA's own audit found that approximately six hundred thousand dollars must be refunded to the federal government because of illegal or otherwise improper expenditures.

WALLACE. Have you gotten money back from Alabama?

LEONARD. Not yet, because . . .

WALLACE. Have you gotten money back from Florida?

LEONARD. Oh, oh, wait a minute.

WALLACE. Have you gotten money back from Louisiana?

LEONARD. One question at—one question at a time. Well, we haven't sent Louisiana a bill. We haven't sent Alabama a bill yet. We've sent them a statement which was subject to negotiation.

We sent Florida a bill for some two hundred thousand dollars. We negotiated it down to thirty-three thousand dollars. And we've been paid.

And we'll be paid by the people who misspend this money. So there's three things we can do: get the money back, cut off their funds, or send them to jail. And we'll do any one or all of them in the appropriate circumstances.

WALLACE. Whose funds have you cut off up to now?

LEONARD. Haven't had to cut any funds off.

WALLACE. Who've you sent to jail?

LEONARD Nobody.

WALLACE. How much money have you gotten back?

LEONARD. Oh, maybe fifty, sixty thousand dollars.

WALLACE. Out of how much dispersed?

LEONARD. Out of a billion and a half. But we've sent—understand that's just the point I make. You see . . .

WALLACE. You've gotten . . .

LEONARD. The amount of money that'd be gotten back, Mike, is infinitesimal. And that's the point I'm making. You can't judge a program that's got fifty thousand projects almost all of which are good by one or two bad ones.

WALLACE. One or two?

LEONARD. Three or four.

WALLACE. But if, as Jerris Leonard claims, few programs are bad, then what are the good programs that show how successful LEAA has been in making our streets safer?

LEONARD. I think, Mike, if we take Washington as an example, I think Washington is a fine, safe town today. You look at the crime rate plunging the way it is. It's fifty percent today of what it was just less than—a little over two years ago in November of 1969. It's the lowest rate—the crime rate's the lowest it's been since May of 1967.

So we are having an impact.

ROGOVIN. But that particular department had a two thirds increase in manpower. We have over five thousand police officers in the District of Columbia, as opposed to three thousand a little more than two years ago.

I know of no other city in the country that can create in effect wall to wall policemen.

WALLACE. But no community, except Washington, the special province, the showcase province of Richard Nixon and John Mitchell and J. Edgar Hoover, can afford wall to wall policemen.

In its summary, the committee report has this to say.

"The programs of LEAA have been characterized by inefficiency, waste, maladministration, and in some cases corruption."

And it goes on to say "LEAA has had no visible impact on the incidence of crime in in the United States."

LEAA has spent a billion and a half dollars up to now. They are asking for eight hundred fifty million more this year.

COMPLETE TRANSCRIPT OF "60 MINUTES" INTERVIEW WITH JERRIS LEONARD—"LEAA"

WALLACE QUESTION

Q. Mr. Leonard you've said that from some of the criticism of it one might conclude that the LEAA program was a series of teapot dome scandals engineered by the Brinks mob. Are there no serious faults in the way that your program's been running?

LEONARD. Not serious ones Mike. You can't have a program which now has in operation some 50,000 individual projects and not have some of them go bad. In addition to that, I think that Congress envisioned that many of the projects here would be innovative ones which weren't going to work out. But which needed to be done.

Q. Well now wait a minute. I agree with that analysis and yet, you said, you said back in October—last October "I categorically reject the idea that this program can be properly evaluated by a cursory examination of a few grants and 6 or 7 of the 55 jurisdictions in any program of this magnitude." 3 months later, January '72, Jerris Leonard: "40 states are doing an excellent job. Fifteen are fouling the program." So it would seem from October to January the states with abuses rose from 7 to 15.

LEONARD. Well Mike I think you have to put that in perspective. We have about 15 states because they're small, because they don't get adequate funding in most cases, they just simply aren't able to come up with the adequate staffing, the adequate personnel to really build a first class criminal justice system.

Q. Alabama, Louisiana, Florida, small states without sufficient funding?

LEONARD. No, as a matter of fact I've also said subsequent to the Alabama situation, subsequent to the audit, that I thought Alabama was doing pretty well. And that their 1972 plan would probably be as good as most other states. I think that's true. No I think you had 2 problems: basically 2 problems.

Where the governor of the state does not provide leadership, and I think that happened in Alabama and in Florida. Now, under the previous governors, not the incumbents. You're not going to have the kind of successful program that you really need to have. The governors themselves recognize this. The second area where you run into trouble is where there is insufficient funds to really put up a first class planning, monitoring evaluation operation. And there's about 15 to 20 states that fall in one of those 2 categories.

WALLACE. Now wait a minute. October it was 6 or 7 of the 55 jurisdictions that were in trouble. In January, and these are your—I'm quoting Jerris Leonard—in January 15 states, and now you've just gotten through telling me 15 to 20 states.

LEONARD. Mike, you're trying to compare apples and oranges. What I'm saying is these 15 to 20, because of the combination of one of these two things, don't do as good a job as we'd like to see them do. The other October quote was the 6 or 7 jurisdictions where there have been some really bad program or projects that just haven't come out right. Let me put it in another perspective on this for you. Over 50 millions of dollars will have gone into the state of Florida through this fiscal year from the LEAA program. We send Florida a bill for $33,000 for projects that we felt were improperly funded with our money. Now, note that the audit didn't cover this fiscal year, but it does give you some kind of relationship. The other in the key point is this: states can't run away; they don't go bankrupt. If they mis-spend federal money, we'll get the money back.

Q. Have you gotten money back from Alabama?

LEONARD. Not yet, because——

Q. Have you gotten money back from Florida?

LEONARD. Wait a minute . . . one question——

Q. Have you gotten money back from Louisiana?

LEONARD. . . . at a time. Well we haven't sent Louisiana a bill. We haven't sent Alabama a bill yet. We sent them a statement which was subject to negotiation. We sent Florida a bill for some $200,000 we negotiated it down to $33,000 and we've been paid and will be paid by the people who mis-spend this money. So there's 3 things we can do. Get the money back, cut off their funds or send them to jail, and we'll do any one or all 3 of them in the appropriate circumstances.

Q. Whose funds have you cut off up to now?

LEONARD. I haven't had to cut any funds (cross talk).

Q. Who've you sent to jail?

LEONARD. Nobody.

Q. How much money have you gotten back?

LEONARD. Oh, maybe 50, $60,000.

Q. How much dispersed?

LEONARD. Out of a billion and a half, but we haven't sent understand that's just the point I make, you see. The amount of money to be gotten back Mike is infinitesimal, and that's the point I'm making. You can't judge a program that's got 50,000 projects almost all of which are good by one or two bad ones.

Q. 1 or 2?

LEONARD. 3 or 4. Here, I present to you. Take a look at some of these. This is a book full of good projects. Now if you want to look at some of these and take your cameras—take your cameras and see these projects—they're excellent projects.

Q. Alright.

LEONARD. Don't take your camera up to the back woods in northern Wisconsin to look at a radio antenna or a radio tower that has to do with one project that may or may not be bad. That's putting it out of perspective.

Q. But by your own admission, you've hardly done it yourself. By your own admission Mr. Leonard you say that somewhere between 6 and 20 jurisdictions, and that means states really, have faulty programs.

LEONARD. No, I didn't say that. I said they don't have the best programs. They don't have a first class program. And for varying reasons. When you don't have a first class program, you run the risk that specific projects within that program are going to go bad on you.

Q. You said it doesn't do any good to throw a lot of money in a problem unless there's been adequate preparation for the cost effective use of those funds, right?

LEONARD. Cost effectiveness is a key work.

Q. OK. Yet January, just 2 months ago, you suddenly award 160 million dollars to 8 cities; yet many of the mayors of those cities were surprised at 2 days notice that they were given and confessed that they hadn't created any specific programs to use the money.

LEONARD. Well Mike in the first place we didn't award 160 million dollars. We said that over a 3 year period, we would make available up to 160 million dollars provided that those cities could come in with a plan to reduce street crime and buglary that would warrant the expenditures of those kinds of funds.

Q. Why would you choose this number of cities, these specific cities, why would you fund 160 million dollars and then having announced that program, after you announced that program, then you sent out something called impact program questionnaire source document 2 days after you announced the program you send out this thick thing to cities and say, OK, here's 160 million dollars now. You want it? Answer that questionnaire.

LEONARD. Well, let's put that in perspective for you. The first place, the name of the game, the reason we're in business is to reduce crime and delinquency. What we're trying to do through the impact cities program is to by impacting in these cities on street crime and burglary we're trying to do 2 things. No. 1, reduce serious crime. No. 2, to show to others the way the specific techniques, the specific projects that need to be engaged in at the city level, in order to reduce street crime and burglary. Now we know that with proper projects, good techniques, we know we can reduce street crime and burglary in those 8 cities because they have very high levels of street crime and burglary. All this document is going to help them do is to see to it that they have all the facts in order that they can do good planning to achieve the objective of reducing street and burglary by 5% in 2 years and 20% in 5 years.

Q. Let me ask you just about one of those cities. Cleveland one of the cities included in the grant has spent just $50,000 of the 650,000 awarded to it in the last 2 years. They've only been able to come up with programs to spend 50,000 out of 650,000 already awarded. Now you're talking about 160 million more, and still asking them 2 years later to come up with a program.

LEONARD. I'm not talking about 160 million more, I'm talking about 20 million more for the city of Cleveland over 3 years. Mike, first of all I don't know what the source of your figures are, I obviously don't have the figures going to every city and every state at (cross talk)

Q. They're accurate believe me.

LEONARD. . . . fingers. I can't tell you that Cleveland has had difficulty meeting the match requirements. I personally have met with the mayor of Cleveland, he assures me that they will be able to meet the match requirements for this program. He's excited about the program. I was out there not too long ago when he and I appeared on television before the press. He extolled the virtues of the program, and he said this is the kind of leadership that the Nixon Administration is providing to reduce street crime and burglary to reduce serious crime, to make our streets safer. See?

Q. But LEAA had granted, had awarded $650,000 to Cleveland under Stokes, $50,000 was all that they could find ways to spend, and now you're giving ⅛ of a 160 million dollars more.

LEONARD. Maybe they needed a new mayor to do a better job. I don't know what the answer to that is.

Q. Miami, Florida, according to my understanding has the highest crime rate of any major city. Miami didn't get a penny under this 160 million dollars that you're talking about for the next 3 years.

LEONARD. Where'd you get those figures, cause they're wrong.

Q. Correct me.

LEONARD. Alright.

Q. Mr. Leonard, Miami, Florida has the highest serious crime rate of any major city in the United States, and yet it didn't get one penny—it has not been awarded one penny of this 160 million dollars awarded to 8 cities over the next 3 years.

LEONARD. Well, I don't know where you got your figures, but they're wrong. In the first place the impact program aims at street crime and burglary, and there are about 18 cities in the United States that have very high street crime and burglary ratios.

Q. Miami is among those cities.

LEONARD. Miami is among them but there are other cities that also did not get any of the impact funding that are among them. The second major error in your statement Mike is the fact that they didn't get any—that they didn't get any other monies. They have received better than $700,000 in the city of Miami—

Q. For what?

LEONARD. For various projects that they applied for through the ( ) process and through discretionary funding from LEAA. But just a minute let me finish. We had to pick 8 cities out of the 18. It was difficult to do because they were all really entitled to it, but we had to have enough funds going into the program to see to it that we actually had an impact. Now we had to use some criteria. One of the criteria was that we could only have one per LEAA region. Atlanta was chosen over Miami because of the fact that it also has very high street crime and burglary rates and for other reasons—statistical reasons.

Q. Well you talk about $700,000 to Miami; according to Chief Garmeyer, he says that they got $15,000 through Claude Kirk, then governor of Florida, for real police assistance. And the rest went to things—detoxification centers and things of that nature that really had nothing to do with crime—specific, crime related problems in the city of Miami.

LEONARD. Well does Chief Garmeyer, did he tell you that with LEAA funds that he's been able to hire a police psychiatrist for instance? That he's been able to hire a police legal advisor; that we funded an organized crime fighting team; that we provided $89,000 for Miami police patrolman area resident dialogue programs? These are all applications which have his signature on them and which we funded.

Q. Let's go back and find out from Garmeyer what he says. Some specifics. In your audit of Alabama.——

LEONARD. Incidentally, let me interrupt. Let me provide you with these so that when you go back you can ask him about (cross talk). Now incidentally if he didn't get the money, we'd like to know about it. It was publicly announced. I'm sure in the Miami papers which he ought to be reading, and if he didn't get those funds, he's never communicated that he didn't get them.

Q. LEAA awarded $395,000 to Miami Beach for law enforcement during the upcoming Democratic convention, right? Originally you were going to award $920,000 to San Diego for law enforcement during——

LEONARD. That's not true.

Q. The figure was published.

LEONARD. No, it wasn't published. If it was published, it wasn't published by LEAA, let's put it that way.

Q. The figures (cross talk) down to $537,000 is that true?

LEONARD. Mike those are not the facts. The facts are these: We went to both cities and we said that we could put about a half a million dollars into each city, they should file their plans, their applications, we would review them, and fund them up to that amount of money to the best of our ability. That we would further review the applications after they had come in, and if in fact we could put a little bit more in, we would do that. We're not going to put $900,000 into San Diego. And we put 450 some I believe, thousand, into the city of Miami, San Diego's will be fairly close to that.

Q. The police chief down there, Rocky Pomerance in Miami Beach told us he needed that grant money early because of the lead time he needed to get the special equipment and training for the men to use it. Yet you have not made your grant to San Diego yet, and there are very few months left, it hasn't begun any special training, it hasn't begun any equipment purchases. How come? Because it hasn't gotten its grant from you.

LEONARD. Well that's because we didn't get the grant application until very recently.

Q. How much do they want?

LEONARD. I'm not sure what the application was. As I understand it they've been negotiating and it will be some where around $500,000 maybe a little bit more than that. In any event they have begun the training; they're not going to need to make a great deal of purchases because we intend to use much of the equipment that is that which can be transported, transferred from Miami to San Diego which is all part of our—all of our grant.

Q. It is going to happen? They're going to take that hardware and move it to San Diego after Miami?

LEONARD. That which can be moved, yes.

Q. Well, handcuffs, tear gas, surveillance equipment, mugging cameras, all of that kind of thing.

LEONARD. That can all be moved, yes.

Q. And is going to be moved?

LEONARD. Yes sir.

Q. In the Republican convention in '68 which you remember down in Miami Beach, no disturbances took place on the beach, they all took place in Miami. Yet Miami received no special convention funds.

LEONARD. Well Mike, if we were going to go outside of the convention city, then we would have literally been flooded with applications from all jurisdictions in and around where the convention would be. We went to these communities, months and months ago and told them, look we must fund the program in the city in which the convention is in. We would suggest to you that you get together and consolidate your needs and we have encouraged the city of Miami—encouraged Chief Garmeyer to go to Miami Beach and make his needs known and we've told them that we would consider that. But we're only going to make one grant to one city.

Q. Some of this stuff is going to seem a little bit—I've been at there before, but anyway. In your audit of Alabama, released last November, you found approximately $600,000 in LEAA money was illegally or improperly spent. Have you recovered that money yet?

LEONARD. Alright, now let's put that in perspective. What we sent to Alabama were audit exceptions to the extent of $600,000. That doesn't mean that somebody went—stole the money and went south with it. It doesn't mean that there was illegal spending. It may mean for instance——

Q. I said illegally or improperly.

LEONARD. Alright the improper—I think we ought to put the emphasis there. Because for instance, to an auditor improper may be that they switched from one project to another project and didn't get our regional office consent. So many of the exceptions are technicalities. Now, that audit is now in negotiation; and when the negotiations are over, we will send a bill for whatever the final amount to the state of Alabama, to Gov. Wallace if you please. We will expect Gov. Wallace through whatever process that they have there to pay the money back. Incidentally I want to stress that point again. Nobody is going to get away with any of this money, because we're going to send them a bill for it, and we'll collect the bill if we have to sue them to get it.

Q. In Florida our audit reveal $475,000 in LEAA money not spent in accordance with the Florida state plan. You got $33,000 back.

LEONARD. We finally sent a bill for $33,000 when we were satisfied that that was the amount of money that actually was illegally spent—federal money illegally spent, and we've been paid that money back.

Q. We hear that an audit of Indiana has turned up the improper or illegal use of about $850,000 in LEAA. But this audit has not been made public.

LEONARD. That's because it isn't finished and that figure is hearsay, and I've never heard that figure. I doubt very much if it will run that high.

Q. How many complete state audit reports have you made?

LEONARD. I think we've got about 6 or 7 states completely audited. And incidentally, of those 6 or 7, 4 or 5 of them we've sent no bills to at all. We've made them adjust and correct some things they were doing, but there was no actual mis-spending of federal money.

Q. More than 2 years ago, LEAA promised that it would audit each state each year. To date, 3 audits have been completed, 4 more are in the works. When in the world are you going to able to live up to LEAA's promise to audit each state each year?

LEONARD. Well that promise wasn't made by me, and I would specifically reject it. That's an impossibility unless, and we'll get this done, unless we can get all of the states doing their own auditing which we can do. The governors have unanimously agreed to accept the responsibility for the audit function, through the normal usual state audit procedure. We're training those auditors and I would hope that within at least another year or two, we'd be able to have annual audits

Q. On every state, but not necessarily done out of Washington, or by Washington paid auditors?

LEONARD. I don't think that's material, Mike. State auditors are charged by statute with auditing state programs and all they need to do is to follow federal procedures, and that's an accepted audit practice.

Q. Mr. Leonard, do you, I don't mean you, does LEAA—do you know what you're doing?

LEONARD. Oh, Mike this is one of the greatest programs. We not only know what we're doing, the concept is right, the philosophy is right. You see the basic philosophy under which we work, is that people at state and local levels of government are smart enough and honest enough by and large to know what their own problems are and to be able to find the solutions to those problems. That's why I plead with you Mike, to look at some of the 50,000 projects that have been put under this program. Amazing ones—community relations programs. Programs that help kids. Programs that are reducing crime and delinquency in the street. Programs to improve our correction system, to have better court procedures. They're all over the country; and there's better than 50,000 of them, and they're by and large good. There have been some failures, and there always will be a few. But there (they are) few and far between.

Q. Few and far between.

LEONARD. Yes sir.

Q. Out of 50,000—take a horse back guess.

LEONARD. Oh, I'm sure there's a thousand maybe more, that didn't work out as well as the people who put them up thought they would.

Q. A thousand, maybe more, maybe 2,000, maybe five——

LEONARD. No, not five, a couple thousand. I'm sure you could go out and find a couple thousand projects that didn't just exactly turn out the best. And you find a few, maybe 500 or less where the people involved in the project distorted the project, or didn't carry it out, diverted the money to some other purpose. But we catch those people, and we get that money back.

Q. Well are you saying that under those circumstances that we—are barking up—that we should forget about looking into this whole subject?

LEONARD. Oh, never. I want you to look deeply into this program. But I also want you to show that side of the coin which shows the vast majority of these programs and these projects really coming off well. You see——

Q. Your predecessor, Mr. Rogovin, suggests that you fund projects, that don't have any effect on crime, and then you duplicate those projects over and over again throughout the country because you don't know really yet, if those projects are working. That you don't have a proper evaluation program yet.

LEONARD. That's what this agency used to do when he was the administrator. This agency is in business for one thing and one thing only—to reduce crime and delinquency in the United States, and we do that by crime specific planning. We're urging everybody who's using an LEAA dollar to ask himself the question, when I put this project up, when I make application for these funds, what effect is this going to have on reducing crime and delinquency.

Q. In other words, partially you are correcting Mr. Ragovin's errors now?

LEONARD. Partially? We have thrown out his whole philosophy of running this agency which was to tinker around with the criminal justice system, and the theory that our goal was to improve the criminal justice system. That isn't our goal. Our goal is to reduce crime and delinquency. Now while we're getting to that goal, we will also improve the system, but that's a fallout benefit. Our main goal is to reduce crime and delinquency.

Q. Well then . . . to a moment . . . to the business of whether you are indeed where the statistics prove that you are cutting crime and delinquency. Why is it that after 45 months LEAA is just now establishing a way to set goals for the Agency? And letting out a consulting contract to measure progress or the lack of it in reducing crime? Four years after the thing went into operation. Now you're saying, gee, we ought to find out whether it's working or not.

LEONARD. Mike, I was appointed the administrator of this agency in April and confirmed in May of 1971 less than a year ago. I did an intensive study of this agency, reorganized it, and gave it a new objective. The objective of reducing crime and delinquency. In my view, that's what this is all about.

Q. Have you done it?

LEONARD. I think we are on the road to it to a point where I can say to you today that it may well be that we are right now at ground zero. Where the increasing crime rates. When we came into office in 1968 crime rose 68%. In the last year of the previous administration. It was down to about 12 or 13% in 1969—the increase. The increase was down a little bit better than that in 1970. In the first 9 months of 1971, crime rose only 6%.

Q. Nationwide.

LEONARD. . . . in this country. But at the same time, 50 big cities, had an actual reduction in their crime rates. Washington D.C. in the month of January of this year, had its lowest crime rate since May of 1967. What does Police Chief Jerry Wilson say? Two major factors. No. 1, Pres. Nixon's leadership, No. 2 the LEAA program.

Q. Well now wait a second. How many extra cops were put on the streets of Washington?

LEONARD. Probably a thousand.

Q. How many?

LEONARD. A thousand.

Q. Out of how many altogether?

LEONARD. I think the force went from 4100 to 5100.

Q. So a 20% increase according to your figures, 25% increase according to your figure in cops on the street. Does LEAA pay for that?

LEONARD. Most of the funds for that came from LEAA.

Q. Is it suppose to?

LEONARD. Yes sir, because we have a very special obligation and it's the capitol city.

Q. Alright. Pres. Nixon's leadership and what LEAA did. What did LEAA do besides help pay for a thousand more policemen?

LEONARD. Put up methadon treatment programs in this city. We provided funds for various types and kinds of command and control. Police and command control techniques; we provided funds for the courts; we're providing funds for the correctional system in the District of Columbia. Now admittedly, there are more funds in this city than there probably are in others, but the truth of the matter is, we have a bigger obligation in the capitol city than we do in other places.

Q. Of course there are those who suggest, as was suggested on the front page of the Washington Daily News if we could take a picture of it, do the district police falsify reports to quote, trim the crime rate? And the suggestion is made that indeed, Jerry Wilson's police department has trimmed the crime rate by putting an interesting construction on the crime rate, and you know that police are bound to juggle statistics, and who's to blame then around the country?

LEONARD. Mike I don't think the statistics that I referred to are juggled. As a matter of fact, the statistics in the District of Columbia are audited. If you'll read that newspaper article carefully, you'll note that it talks about the $50 thefts. We're talking about the serious crimes of burglary, of robbery, of aggravated assaults, of muggings, of rapes, of murders. This is what LEAA is all about. This is a—that refers to theft. In addition, Mike, you really ought to get Jerry Wilson on this camera and ask him about what he thinks relative to the impact that LEAA and its program has had on the crime rates in this city.

Q. Well,—yes, I have talked to him.

LEONARD. I'm not telling you how to run your show——

Q. No, I've talked to him about it, and anybody's going to be grateful for more dough to help him look good.

LEONARD. That's not the issue. The issue is whether or not this man is a professional—ties up the funds with the results that we're after. The reduction of crime and deliquency.

Q. By how much has the budget of the Washington DC Police department gone up since Jerry Wilson has been police chief here?

LEONARD. Nobody ever said this didn't take that.

Q. I think it'd be very instructive. Don't you think so?

LEONARD. Nobody ever said this didn't take money. That's why this agency that I head has a 700 million dollar budget this year, and we've requested 850 million next year.

Q. You told the government operations sub-committee that LEAA doesn't know how many airplanes and helicopters and radio and fire arms and so forth have been purchased with your money. Why don't you know?

LEONARD. Cause I don't think it's our business to count every radio that's purchased, or every piece of equipment that's purchased.

Q. Some equipment such as the airplane in Indiana—the famous one. Radios and police vans, in the state of Iowa, bought with your money have not been used according to the needs stated in your application. Now if you people don't control the mis-use, who's going to do it? The airplane was used to transport (?) was it, from Washington back to Indianapolis?

LEONARD. Well Mike I would challenge your statement that these things are not being used for their intended purpose. They may also be used for other purposes. But let's put the Indiana airplane in perspective 40% of the purchase price of the airplane was state of Indiana money. The pilot, the gasoline, daily maintenance, all of the other costs are paid for by the state of Indiana. Now that grant application said that the plane would be used to move prisoners. It is not antithetical to use the airplane for some other purpose in addition to the stated purpose in the grant application, provided it doesn't thwart the grant application. Nobody would buy anything with federal money if they couldn't use it for another legitimate purpose. Now are you contending that it was illegal for the state of Indiana to send the airplane out to Washington, to pick up the moon rocks? Hardly, you wouldn't do that.

Q. I'm not contending that. What I'm curious is—why would an airplane be needed to transport prisoners? How was this going to cut the crime rate?

LEONARD. It will help because it will reduce the time that police officers need to spend transporting prisoners by automobile.

Q. Within the state of Indiana.

LEONARD. And make more policemen available to be on the street, and that's a typical project that LEAA funds is very interested in. Trying to get policemen out of doing non-police type duties, and keep them on the street, keep them in the crime fighting business. We'll pour money out for any kind of a project that will do that.

Q. How big a plane is this?

LEONARD. I don't know. It's a twin engine airplane. (cross talk) Oh, c'mon Mike, (indistinct) 700 million dollars, you're really nit picking aren't you?

Q. City of Ft. Lauderdale, Mr. Leonard bought somewhere between 2 and 3 dozen police cars. So that they could let the policemen take them home at night. And the policeman's wife, I gather, take the police car out to the supermarket with the policemen, the family, there's a presence of police cars throughout the city of Ft. Lauderdale as a result of this. Good idea?

LEONARD. Well I think your facts may be a little wrong. I don't think the family is allowed to drive the automobile. I think that only the officer is.

Q. . . . he can take it to the supermarket if he wants to.

LEONARD. Well he can take her to the supermarket. He can use the car for any purpose. . . .

Q. Family purposes.

LEONARD. Right. The intended objective, (and incidentally Ft. Lauderdale is not the only city that's doing this. Other cities are doing it.) is based on the premise that this broadens the police presence on the street. Now, we're not positive that that's true, but we're certainly willing to look at that kind of a project, put some money into it, and evaluate it. Because it could well be right. It's another example of the kind of thing that LEAA funds should be used for, to try to determine if these new innovative techniques are in fact effective. But they need to be evaluated, and we will evaluate whether or not they have an effect on the crime rate.

Q. Well again, Rogovin says, you don't have a proper process for evaluating what you're doing. You sort of throw these projects into the air and they land who knows where.

LEONARD. Well we didn't use to, but since I got—head this agency, Mike, we do have an evaluation process and we do evaluate. Not enough now, because that's expensive. You have to have people and it takes time to evaluate the cost effectiveness of a project. But we're doing a lot—at least we're doing it now.

Q. Doing more than Rogovin did.

LEONARD. He did none—we're at least doing it.

Q. The subcommittee's investigation found examples of investment of LEAA funds by state and local governments, in US and other securities. For instance in the state of Louisiana. Louisiana didn't know what to do with the money you gave them; they didn't have a plan to spend the money, so they simply put it into securities and made interest of it. Have you taken any action to recover either that money, or the investment earnings?

LEONARD. Yes, sir, we will recover the investment earnings just as soon as we can determine what the actual amount was, that will not occur any more, because again our regulations now require that they not have more than a 2 weeks supply of money.

Q. You claim that police radio communications are a very high priority. And yet the international association of chiefs of police says that by and large police communications are adequate. And even you people are funding research to get some communications that are innovative—different from what's offered on the market. Why do you want so much money to go into police radio?

LEONARD. Well Mike that isn't our priority, every crime commission that's ever reported has found that the police communication network throughout the United States is very weak and inadequate. And therefore, they have all called the Johnson Crime Commission and crime commissions before that have called for improvement in police communications. There's a very good reason for that. Because if you have a good communications system, you reduce the response time from the time that a call comes into the central police department and time you're able to dispatch help to that call. You do something else. You save police man hours. In the city of Dallas for instance, that great chief of police down there Frank Dyson, had such a project. He was able to reduce the response time from I believe 18 minutes to 6 minutes, and at the same time, he saved something like 17 or 18,000 hours of police time. So it's cost effective plus hopefully will save some lives or save some bodily injury or property.

Q. LEAA had evidently not known about alleged closed specifications written by Motorola. Non-competitive bidding practices in the purchase of police radios. Are you aware of that?

LEONARD. I did know about it shortly after I became administrator of this agency, and began to take steps to get uniform specifications. And we will have those.

Q. You will have those, you do not yet. You asked the justice department to undertake an anti-trust investigation of Motorola. What has happened to that investigation?

LEONARD. I'm not sure, I do know that it's under investigation by the anti-trust division. I don't know what the status of it is.

Q. It's under investigation.

LEONARD. By the anti-trust division.

Q. With a view to—finding out what?

LEONARD. Finding out first of all what the facts are and whether or not there have been any violations of federal laws.

Q. When was that investigation undertaken?

Leonard. I believe that I called for that right after the first of the year.

Q. And you don't know the status of it yet?

Leonard. I do not.

Q. Your critics claim that—

Your critics claim that LEAA programs are using consultants with no expertise in criminal justice, or law enforcement. For instance, what in the world does Ernst and Ernst an accounting firm know about law enforcement, or Westinghouse, a defense contractor, know about law enforcement? The suggestion being made of course that they got into it, when federal money suddenly became available.

Leonard. Well Mike our critics claim a lot of things, but I'm a lawyer, and I like to deal in facts. And unfortunately too many of our critics deal more in the political spectrum with a lot of things they'd like to think are facts as opposed to what the real facts are. It is obvious that contractors will be attracted to any program, whether our program (?) to hire contractors. We are very careful in screening the types and kinds of people who are using LEAA funds, or where LEAA funds are used to pay these contractors and consultants to see to it that they are in fact capable. And many firms, accounting firms as an example, do an excellent job in aiding criminal justice planners because they know what a system's approach to a problem is. And that's really the basic element that's necessary for criminal justice planning. You don't have to be an expert in all phases of the intricacies of—of the criminal justice system to know how to plan on a system's approach basis.

Q. You know that some accounting firms for instance, undertake research or planning projects for police departments, and you find that manuals that they turn out, some of them, turn up language that is—comes straight out of the federal statute. All you've got to do is get a xerox machine to get some of this stuff on paper. And they sell it to one community for, let's say $20,000, and they go across the state line, and sell it to another community for the same amount of money.

Leonard. I don't want to interrupt. I've only seen that happen in one situation. That happened in Alabama, where the consultant xeroxed the state statutes and passed that off as being a handbook for deputy sheriffs. You're going to have a little bit of that, but we'll get the money back. We'll get that money back. The federal taxpayer doesn't have to be concerned; as long as I head this agency, and fiscal responsibility is not subject to compromise. That federal monies that are mis-spent are going to be recovered, cause they're going to be recovered and maybe funds will be cut off, and maybe some people will go to jail.

Q. Can you point us in the direction of those people?

Leonard. No sir, I can't.

Q. Because you're not ready, or because . . .

Leonard. Because we're not ready to do that.

Q. But you are looking forward to the possibility of prosecutions?

Leonard. I think if people are going to take these federal funds and literally steal them, there's a very high positive correlation between that activity and their eventually winding up in jail, and we will not compromise on fiscal responsibility and integrity.

Q. And are you . . . without naming names at this moment, are you led to believe that perhaps some prosecutions are being contemplated?

Leonard. I can honestly answer that by telling you that there are investigations now going on, that could lead to federal criminal prosecution.

Q. Because of what potential crime?

Leonard. Because (cross talk) but basically revolving around the mis-handling or mis-spending of federal money. Now incidentally I don't make that decision. That decision is made by the US (United States) attorney at the local level and the department of justice. That is the legal division within the department of justice.

Q. But there is that possibility in what states? Alabama?

Leonard. Well as I said, there are investigations going on, and I think . . .

Q. Well just tell us the states.

Leonard. Well, that would be inappropriate for me would it not to even identify where those investigations are going because it's not my business to reveal that information. All I can tell you is we have asked for, we are cooperating in such investigations.

Q. The government operations subcommittee says that about 25¢ of every dollar received by the states, has gotten down to the local law enforcement level, in the first 3 years of LEAA. Why doesn't the money get down faster, where it's actually going to go to work in the fight (cross talk).

Leonard. Cause we won't let, federal monies be spent by simply throwing it at problems. They have to do adequate planning, they have to set up these projects, they have to be designed properly, and then the money can begin to flow. That's one part of the answer. The other part of the answer is the more sophisticated the project, is, the slower the fund flow. For instance, if you want to reduce street crime and burglary in a particular geographic area of a city, the main thrust of that is to increase foot patrol. Well now if we give a grant on January 1st for the full year, the money isn't fully spent until the year is over. (indistinct), Mike, the testimony presented to the monetary affairs sub-committee of the house government operations committee clearly shows that that claim is just nonsense.

Q. Well now wait—fiscal year '69.

Q. I wonder if you'd explain this cause I frankly don't understand it. Fiscal year '69—25 million dollars appropriated, 23½ million dollars spent—almost a hundred percent. Fiscal year '70; 184 million allocated—only 90 million spent. Fiscal '71, 342 million allocated, 24 million spent. In other words the money is being allocated, but it seems perfectly obvious that you just don't know what to do with the money that's been allocated.

Leonard. Well that's not true Mike.

Q. Well you haven't spent the money.

Leonard. We are not going to allow this program to turn into one in which federal money is just thrown at problems. In order to properly and judiciously spend money, you need to plan for the spending of the money, so that in fact it is—it reaches the objective of reducing crime and delinquency. That's what's important to the federal taxpayer, is that the money is spent wisely. Now if that means that there is a lag in the fund flow, and incidentally the figures that you have I think can be shown to be badly distorted. Because in the first place, the congress doesn't appropriate at the beginning of the fiscal year. That's one thing. Secondly, you're using '69 figures, this program didn't get going until well after the fiscal year started. So you're talking about a new program, and you have to look at it from the perspective of the time frame in which the programs been (cross talk).

Q. How long you been in operation? In LEAA?

Leonard. 3½ years.

Q. During that time, 25 cents of every dollar received by the states is gotten down to the local law enforcement level.

Leonard. Well in the first place that's figures from last year. That's one thing that's wrong with those figures, and secondly, again, it does not take into consideration the fact that there was no—there wasn't any planning period, before the money began to flow. So the money flow and the planning took place at the same time. The money has been allocated by this agency, by LEAA to the states and local units of government. Now because the money isn't all out in the street working, doesn't mean that there aren't good projects that are beginning funding—that are in the middle of funding with this money. Like I said earlier, if you put a police street patrol project that goes over a 12 month period, it takes you 12 full months to spend all the money allocated to it. As a matter of fact I think those figures are unique in the sense it shows that we're spending the federal taxpayers money wisely and that's what the federal taxpayer wants.

Q. I have a copy of a memo from a man by the name of Biggerstaff out in Arkansas who says, he tells his staff, he's head of the state planning agency out there. And he says, look, come up with some ideas fellows, because we're being offered something over half a million dollars—I have no ideas how to spend this money, but by golly it's there. So please fellows come up with some ideas. And that indeed is what this seems to be. You've talked about 160 million dollars for 8 cities, high impact, and then after you come up with a 160 million dollars, which you're going to make available over the next 3 years, then you send out a 90 page questionnaire saying, well—how can we spend this money?

Leonard. Now which question do you want me to answer first?

Q. They're one in the same question, Mr. Leonard.

Leonard. No, I don't think they are. Mike, I don't think they are at all. Let me say this: if there is a state that has too much money and can't use it, we have a way and will reallocate that to states that can use it. As far as this questionnaire is concerned, let me repeat: this questionnaire is designed to aid these 8 impact cities to do the proper kind of planning so the money is spent cost effectively.

Q. Wouldn't the questionnaire come before the money is allocated?

Leonard. It did. All we allocated was planning money.

Q. Yeah, but I don't understand. I really—please explain this to me. You've been here since April. That questionnaire, it would seem to me, might be sent out to these 8 cities in September. Then you get the questionnaires back, and then you decide, well we need 160 or we need 90, and maybe these 8 cities are not the right cities. Maybe some other cities like Miami is a better city.

Leonard. Well, we chose the city based on street crime and buglary. As I said, there were some 18 that had high street crime and buglary rates. Now, as far as this questionnaire is concerned, and that relationship to the money, we said we would make up to 20 millions of dollars available for each one of the 8 cities, provided they did the right kind of planning. Provided they could come up with cost effective programs and projects. Now we're not committed to spend the 20 million dollars to send it to this city, unless they do that. And we're not going to give anybody any money unless they can spend the money wisely, and with the objective of reducing crime and delinquency.

Q. I suppose I am naive about the ways of government, Mr. Leonard. But one gets the impression that in the 45 months of the existence of LEAA and you've only been here less than a year, something less than admirable planning has gone in. There have been 3 administrators in that time. During 10 months of that time, LEAA had no administrator. During the Nixon administration—a time when serious problems were arising. And now the rumor is, and I don't know that it's true, is that you're going to leave LEAA and join the campaign staff for the '72 campaign. Whether or not you leave, isn't this turn over of administrators harmful to the whole effort toward law and order?

LEONARD. Well, let me try to put that in the proper perspective. First of all you'll remember that this agency had a very strange statute which created a troika system to operate it. The truth of the matter is that after Mr. Rogovan left, no one would take his job under those circumstances. The federal congress amended the law effective January 1971, it was within 30 days that Mr. Mitchell told me privately that he was sending me over to LEAA as the administrator. Now, secondly, when I came in here, the first thing I did was to do an intensive introspection of this agency. Completely reorganized it including its philosophy; its direction, its objective. Prior to my coming here, my predecessors had a theory that they were supposed to improve the criminal justice system—tinker around with it.

Q. You said let's forget this nonsense about improving the criminal justice system, let's concentrate on crime specific programs and we'll find that the criminal justice system will improve at the same time.

LEONARD. Exactly. Let's remember that our objective is to reduce crime and delinquency. As a fallout benefit the system will have to improve if we do that. Now that whole new thrust for this agency is the excitement that's taking place and we're going to be effective. We're going to make the streets and playgrounds and public places safer with this program. Not we LEAA, but local police departments, corrections agencies, courts, with this massive federal funding—it's going to take federal massive funding to get that job done.

Q. Then you say that your job is to work yourselves out of business, so that eventually according to Jerris Leonard, LEAA will consist of no more than an administrator, a check writer, and 100 auditors.

LEONARD. And if we do our job right, we won't even need the auditors, because the states will have the capacity to do their own auditing. That is our objective.

Q. When are our streets going to be safe to walk on?

LEONARD. I think Mike, if we take Washington as an example, I think Washington is a fine safe town today. Look at the crime rate plunging the way it is, it's 50% today of what it was just less—a little over 2 years ago in November of 1969. It's the lowest rate—crime rate's the lowest it's been since May of 1967. So we are having an impact. This program is a good program, and the vast majority of projects that are being carried out, under the program, are effective.

Q. A cab driver on the way over, told me that 3 cops were killed in Washington last week, is that true?

LEONARD. I don't know if there were 3 last week, but there are many policemen being killed in ambushes. Now these are—these are planned murders. It's pretty difficult to protect policemen, although we're doing something about that. Because we're identifying the kinds and types of situations that would give the appearance of being an ambush for a policeman. But if somebody wants to take a gun Mike, and walk up to you or I and pull the trigger, there's little that law enforcement can do to stop the crime. All we can do then, is to see to it, that the criminal is punished to a degree that we hope will deter others from doing it.

Q. The fault finding by the Monigan committee—Charlie Rogovin—pure politics?

LEONARD. No, I think that the Monigan committee aided us in many ways. It helped us to have a perspective, but I think to damn the whole program because there are a few problems, a few bad projects, that I think is to totally twist and distort the perspective of the good that's coming from the program.

Q. The crime rate is really coming down across the country?

LEONARD. I think we're at ground zero or very close to it, which means that instead of having a steady escalation, even though the escalation is not going up; so fast, I think we may be at the plateau where we can look to the crime rate actually dipping, and that's a pretty amazing accomplishment for the Nixon Administration in three short years when we had a continuous ten year steady increase in the crime rate, the ten years of the lawless sixties, the hundred and forty-eight percent increase in the crime rate.

Q. And you don't want to say a few words about the fact that it was put into operation, this was a creature of the Lyndon Johnson Administration and all of LEAA?

LEONARD. Oh, I don't deny the fact that it was created in the final year of the Johnson Administration. It has authors such as John Tower of Texas; Roman Hruska of Nebraska,——

Q. Who were well known LBJ fans.

LEONARD. Well known republicans including Senator—the late Senator Dirksen of Illinois.

Q. Mr. Leonard, you've said from some of the criticisms of LEAA, one might conclude that your program is a series of Teapot Dome Scandals engineered by the Brinks mob.

You've said from a couple of criticisms of LEAA one might conclude that your program is a series of Teapot Dome scandals engineered by the Brinks mob.

Mr. Leonard, you said back in October of '71, I categorically reject the idea that this program can be properly evaluated by a cursory evaluation of a few grants in six or seven of the fifty-five jurisdictions of this magnitude. Yet, in January, of '72, you said forty-states are doing an excellent job, fifteen are filing the program. It would seem that from October to January, the states with abuses rose from seven to fifteen.

Have you gotten your money back from Florida, Alabama, or Louisiana?

In your audit of Alabama, released last November, it was found that approximately six hundred thousand LEAA funds was either illegally or improperly spent. Have you recovered those funds yet?

In Florida, your audit revealed that four hundred seventy-five thousand in LEAA funds was not spent in accordance with the Florida State Plan. You've gotten thirty-three thousand of that back?

We hear that an audit of the State of Indiana has turned up improper or illegal use of about eight hundred and fifty thousand dollars in LEAA funds. Why haven't you made that audit public?

Mr. Leonard, you've said that it doesn't do any good to throw a lot of money at a problem unless there's been adequate preparation for the cost effective use of those funds, right.

Cleveland, one of the cities, one of the eight major cities included in this allocation of a hundred and sixty million dollars, Cleveland has only spent fifty thousand dollars of the six hundred and fifty thousand awarded to it in the last two years?

Cleveland is one of the eight cities that you say needs special treatment and one of the eight cities that's going to get twenty million dollars each over the next three years. And yet, Cleveland has only spent fifty thousand dollars of the six hundred and fifty thousand awarded to that city in the last two years.

Why wasn't Miami, Florida, the city in the United States with the highest crime rate, why wasn't Miami, Florida given some of this hundred and sixty million dollars in special money for high crime cities?

The Government Operations Subcommittee says that only twenty-five cents out of every dollar received by the states has gotten down to the local law enforcement levels in the first three years of operation of LEAA . . .

I've seen a memo from a fellow by the name of Biggerstaff out in Arkansas, he heads the State Planning Agency for you out there, who says, look, there're offering us something over half a million dollars and we don't have plans. Now, fellows he says to his subordinates, come up with some ideas so we can spend this money that they're offering?

You people awarded three hundred and ninety-five thousand dollars to Miami Beach, for law enforcement during the Democratic convention, this coming July, originally, my understand is that LEAA was going to award nine hundred and twenty thousand dollars to San Diego for law enforcement during the GOP convention, that figure was scaled down recently to five hundred and thirty-seven thousand.

The police chief in Miami Beach said that he needed that three hundred and ninety thousand dollars early so he could get a training program started and train his men how to use the funds and so forth, yet San Diego, here we are in March, San Diego hasn't gotten its money yet, hasn't gotten its grant, how can it start training for what might happen out here this summer?

Some of your critics say your fund projects that don't have any effect on crime and then you just duplicate those projects over and over again around the country because you just don't know if your projects are any good or not?

Major criticism levelled at LEAA is that you have no proper evaluation program, in other words, you just don't know if any of these fifty thousand programs are working because you have no way of telling if they're good or bad?

Why, after forty-five months, is LEAA just now establishing a way to set goals for the agency and letting out a contract to—

Why after forty-five months, Mr. Leonard, is LEAA just now establishing a way to set goals for the agency and letting out a contract to measure progress on how LEAA have been doing?

The Subcommittee investigation for instances down in Louisiana where you gave money to the state of Louisiana and they either put it in the bank or invested it in U.S. securities or other securities, made interest off it and let the money lay there, didn't use it. Are you going to get that either the money or the interest back from Louisiana?

You've said this I believe, let's forget this nonsense about improving the criminal justice system. Let's concentrate upon crime, specific programs and we'll find that the criminal justice system will improve at the same time.

Your critics complain that your programs have hired and paid consultants with no expertise whatsoever, in law enforcement; Ernest and Ernst an accounting firm; Westinghouse Electric, a defense contracting firm . . .

I'm told that some of your consultants have been simply—

I'm told that at least one of your consultants has been simply xeroxing—

I'm told that at least one of your consultants simply xeroxed state statutes and put them in a booklet and handed them out and that was helping, that was consultation in law enforcement.

Has crime been reduced because of the help of LEAA?

Is LEAA working? Is crime being reduced in the United States?

When are our streets going to be a good deal safer to walk on?

How recently have you been mugged, Mr. Leonard?

In forty-five months of the existence of LEAA, it's had three administrators. During ten months of that time while the Nixon Administration was in office, LEAA had no administrator during that time when serious problems were arising, now the rumor is that you're about to leave LEAA and join the Nixon Campaign staff.

I suppose the question is, Mr. Leonard, does LEAA really know what it's doing?

Well, talking about Washington crime statistics, the suggestion has been made, and

I hope we can take a picture of this, Washington Daily News, August 25——

Talking about crime statistics, here in the city of Washington, the suggestion was made by the Washington Daily News back in August of '71, here is a headline, Do District Police Falsify Reports "To Trim the Crime Rate"? how does it feel having a budget twice as big as J. Edgar Hoover?

What does J. Edgar Hoover think of LEAA? Fort Lauderdale with LEAA funds has bought—Fort Lauderdale, Florida, with LEAA funds has bought someplace between two dozen and three dozen police cars. These cars can be used by the policemen, they take them home, they can drive their wife to the supermarket or their kids to schools, a good idea?

Miami, Florida, has one of the highest—Miami, Florida, has the highest serious crime rate in the country. And yet, didn't get one penny of that hundred and sixty million dollars that you people allocated for eight crime ridden cities of America, how come?

Miami, Florida, has the highest serious crime rate in America, and yet, didn't get a penny of the hundred and sixty million dollars that you people allocated for the eight top crime ridden cities in America.

You say that you've got to plan to make the money that you're got to spend cost effective, and yet, two days after, you allocated a hundred and sixty million dollars to eight crime ridden cities two days afterward you sent the mayors of those cities questionnaires . . . as to what they needed and what they wanted within their cities——

You've allocated a hundred and sixty million dollars for eight of the most crime ridden cities in America to help them, twenty million dollars a piece. Yet, some of these mayors said that two days before you allocated that money, they didn't know it was coming, you talked about the necessity of cost effective plannings . . . in setting up your programs——

Two days after you made that one hundred and sixty million dollars you allocated that hundred and sixty million for these eight cities. Two days later you sent out this impact program questionnaire to the mayors of these cities, what kind of planning is that, Mr. Leonard?

METROPOLITAN POLICE DEPARTMENT,
Washington, D.C., March 20, 1972.

Mr. JERRIS LEONARD,
LEAA Administrator,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. LEONARD: The Metropolitan Police Department's role in reducing Washington's crime rate has received nationwide attention. While we are proud of our accomplishments, we realize other agencies, playing less visible roles have also contributed toward this reduction. Prominent among this group is your agency, The Law Enforcement Assistance Administration.

As our silent partner, LEAA has underwritten significant police crime-fighting programs for the Metropolitan Police Department:

A $1,250,000 grant in the spring of 1970 giving us the equivalent of 1000 additional officers until additional men could be recruited. Overnight our force increased 20%, and crime declined with this extended police coverage.

A $157,000 grant for combatting organized crime. The grant made possible the establishment of an organized crime section.

$342,000 in three different grants permitting the purchase of three helicopters and the training of nine helicopter pilots. Helicopters have been useful in fresh pursuit and on-scene arrest situations.

A $153,000 grant for improving police dispatch and control procedures. When completed, a computerized model for testing alternative police dispatching and patrol patterns will be available to police departments throughout the United States.

A $100,000 grant for developing a Command and Control Master Plan was recently approved. The plan will set forth our command and control needs, including detailed equipment requirements.

A $135,000 grant is enabling us to update our entire recruit training curriculum. Other grants totaling $76,000 have been used to improve a variety of operational and management areas within the department.

All these grants were received within the past two years; significantly, crime in Washington during this same period stopped spiraling upward and dropped 18 percent.

Yet much remains to be done. Our department's goal is to reduce crime to its 1966 level, and the decreasing number of monthly crime index offenses indicates this goal is within reach. With a concerted effort and your continued assistance, we can even drive crime down below that 1966 level.

Your "impact cities" program is a bold, crime-fighting initiative, which could help us achieve our goal. At the same time, it could make Washington a "casebook study" of LEAA assistance. Funds from the program could upgrade our communications, make our crime information processing more efficient, and implement a modern, up-to-date command and control system.

Our partnership was formed in the face of crisis, at a time when Washington was experiencing some 200 crime index offenses a day. Working together, LEAA and the Metropolitan Police Department helped turn the corner on crime in Washington, D.C. With your continuing help we will finish the job.

Sincerely,

JERRY V. WILSON,
Chief of Police.

FEBRUARY 29, 1972.

Chief BERNARD L. GARMIRE,
Police Department,
Miami, Fla.

DEAR CHIEF GARMIRE: After a thorough study of the Law Enforcement Assistance Administration's program in Florida, I have concluded that the funding picture for Miami is considerably better than as reflected by your remarks in the statement of the U.S. Conference of Mayors before the House Government Operations Subcommittee of Legal and Monetary Affairs.

In that testimony you are quoted as saying, "During the entire three and one-half years that the Safe Streets Act has been in operation, Miami has not received so much as a dime of either planning or action monies from the State of Florida's block grant program." A check with our Atlanta Regional Office and the Florida Governor's Council on Criminal Justice revealed that Miami was awarded $165,000 in FY 1970 and $432,873 in FY 1971 from discretionary funds. Miami was awarded $118,949 from state block grant funds in fiscal years 1969–71. In addition, the Governor's Council has allocated $741,497 to Miami in the FY 1972 Comprehensive Plan submitted to this agency.

It should be noted that all of the programs with the exception of the two detoxification projects listed are police efforts. This is because courts and corrections programs in Florida are usually under the jurisdiction of the state or county level of government. In addition to the direct grants to Miami, I believe you will agree the city receives indirect benefit from many courts and corrections grants awarded to Dade County.

I would appreciate it very much if you would see if these figures can be confirmed by the City of Miami.

With kind regards,

Sincerely,

JERRIS LEONARD,
Administrator.

CITY OF MIAMI

PART C BLOCK

1969: Riot equipment and community relations	$15,000
1970: Alcoholic detoxification project	30,000
1971: Alcoholic detoxification center	73,949
Total	118,949

PROPOSED FISCAL YEAR 1972 BLOCK AWARDS

1972:	
Surveillance operations project	$50,847
City of Miami project to suppress fencing activities	142,750
Miami police manpower and evaluation project	48,900

PART C DISCRETIONARY

1969:	0
1970: Police legal advisor (70DF–088)	$15,000
Organized crime fighting team (70DF–129)	150,000
1971: Miami police patrolmen area area resident dialog program (71DF–601)	89,130
Organized crime fighting team (cont.) (71DF–827)	124,900
Police/community resource pool (71DF–914)	59,952
Police psychiatric consultant (71DF–1006)	10,000
Police-robbery control project (71DF–1061)	148,891
Total	597,873
1972: Police Legal Advisor (72DF–04–0010	11,250

MIAMI POLICE DEPARTMENT,
Miami, Fla., March 14, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: I am in receipt of your letter of 29 February wherein you refer to Miami's receipt of certain Federal Grants awarded through the Law Enforcement Assistance Administration. The figures contained in your letter are, for the most part, consistent with our records.

On 27 March 1969, the City of Miami police received a check for $15,000. It was presented to a representative of this Department by the then Governor, as a "gift" to assist in financing a recent riot within the City of Miami. This may have come from the Action Grant Category. Aside from this, the City of Miami Police Department has never receivd "so much as a dime" from either Planning or Action Grant monies.

May I hasten to add that we have received considerable assistance through the Discretionary Fund category. We are very appreciative of this and certainly have no complaint. As a matter of fact, we have never been treated arbitrarily nor refused favorable consideration in our application for Discretionary Funds. Incidentally our records concur with your account reference fiscal years of 1970 and 1971 as they apply to the Discretionary Fund category. We have no knowledge of the $118,949 of State Block Grant funds being awarded to Miami. It is entirely possible this could have happened without our knowledge; however, the Police Department did not receive this money.

Barring unforeseen developments, we are scheduled to receive $241,497 of Block Grant funds within the relatively near future. These will be used to fund three badly needed programs. A project designed to suppress fencing activities, a surveillance operations program, and a police manpower allocation and evaluation project. These will be the first in the history of L.E.A.A. to be funded through the State Planning Agency Block Grant program for the City of Miami Police Department.

This Department has no quarrel with the L.E.A.A. Office in Washington, nor with the Atlanta Regional Office under its excellent administrator Mr. George Murphy. Mr. Coster and Mr. Velde, and many others, have been very helpful. Our complaint is against the system which by its very design, makes it impossible to function adequately. As currently constituted, there are seven layers of bureaucracy with which to contend. In addition to this, there is a tendency to equate acreage cattle and polecats with human beings. This results in rural areas and small communities receiving a disproportionate share of attention and consideration. The more potent and persuasive the local politicians, the more consideration given. The net result is simply that vitally needed funds are not getting to where the action is—crime in the central cities.

Moreover, practically all projects considered are of a high visibility, short-term nature. Few long range, low visibility programs designed to improve the police service, are entertained in the Action Grant side of L.E.A.A. Other facets are doing an excellent job in this regard, however there seems to be a very limited amount of coordination. Impact application may produce immediate desirable results, but those results are difficult to maintain over an extended period of time.

Most sincerely,

BERNARD L. GARMIRE,
Chief of Police.

STATEMENT OF POLICE CHIEF BERNARD L. GARMIRE OF MIAMI, FLA., TO THE HOUSE SUBCOMMITTEE ON LEGAL AND MONETARY AFFAIRS, CONGRESSMAN JOHN S. MONAGAN, CHAIRMAN

I'm very appreciative of the opportunity to present some of my thoughts on the Safe Streets program to this body. Miami has a population of 331,553, and is the second largest City in the State of Florida. Miami, together with Dade County, currently has the dubious distinction of having the highest crime rate in the nation, as reported in the 1970 FBI Uniform Crime Reports.

During the entire three and one-half years that the Safe Streets Act has been in operation, Miami has not received so much as a dime of either planning or action monies from the State of Florida's Block Grant program. I have personally committed substantial amounts of my time to meetings; Mayor Kennedy of Miami and I work on the regional planning board; I am the Chairman of the region's subcommittee on police; I have participated on the State Board's Task Force on Police; and I am a member of the Governor's Council on Criminal Justice.

Florida has a new Governor as of January 1, 1971, and Governor Askew has appointed a new staff director for the State Planning Agency. I am sure that these gentlemen intend to change the situation, and I intend to cooperate with them actively to that end. Already, I have the feeling that things are improving.

Nevertheless, the fact remains that we have received no block grant monies under this act, and because the State and regional structure is so bureaucratic and unresponsive I do not expect a rapid change of our situation.

I do not believe that the current problem is in any sense malicious on the part of the state. Rather, Miami has been placed in a four county planning region, and with 10% of the population of that region we have 2 of 17 votes. We are dealing with two new levels of bureaucracy within the State which report through two more federal levels to Washington; all levels are operating without explicit guidelines and without any clear understanding of their proper roles.

LEAA has been reasonably good to us with discretionary monies—the City received about $600,000 in the last year. However, we have no idea what LEAA intends to do this year, and we have received no guidelines for discretionary funding.

If we are to be able to obtain funds to help us with our urgent needs in combatting crime—and our need is now, not in 12 or 18 months then Miami and other cities with massive crime problems are going to have to be assured of a minimum amount of planning and action money, and that money must come through as few bureaucratic layers as possible—if not directly from LEAA in all cases, then at least in the form of an automatic block grant to Miami. Only in this way can we use the Safe Streets Act to plan for and combat crime in our city in a logical, realistic and timely fashion.

Again, thank you for the opportunity to present these thoughts on what is for us, potentially, a very important program.

MEMORANDUM FROM JERRIS LEONARD ON THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION PROGRAM

I wish to put into perspective the criticism of the Law Enforcement Assistance Administration program reported this week by press and television. In addition, I will provide background on LEAA and the crime control program under the previous national administration and then list some of the steps taken to improve the agency's operations in the past three years.

This week's criticism stems from hearings on LEAA and the LEAA-sponsored program at the state and local level held last summer and fall by the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations. The Subcommittee is headed by Representative John S. Monagan (Democrat-Connecticut).

The Democratic Majority of the Subcommittee has prepared a report which is scheduled to be submitted to the full Committee on Wednesday of this week. It is this Majority Report—made available to certain press and television reporters by the Subcommittee staff—which formed the basis for both the Associated Press story on Monday of this week and the segment concerning LEAA which was televised last Sunday evening on the 60 Minutes program on CBS Television.

It should be noted that the Majority Report contains little that was not reported by the press and television during the Subcommittee hearings last summer and fall.

Long before the hearings began, I issued a statement at my first news conference as LEAA Administrator in May 1971. It announced my reorganization of LEAA and its programs as well as a number of new efforts to bolster the war on crime and ensure fiscal and program integrity on the part of LEAA grantees.

The critics of the LEAA program have never taken a full or complete look at either the nature of that program or at the wide range of accomplishments made under it. The Monagan Subcommittee's Majority Report was motivated by partisanship and a desire to discredit revenue sharing. They and others like them also appear to be unable to come down hard against crime. Rather, they talk about such academic things as improving the criminal justice system, forgetting that the point of the program is to reduce crime.

The stance of the Democrats can be assessed from many points of view. The last Attorney General under the Democrats was Ramsey Clark, who talked about everything but cracking down on crime and criminals. He even refused to implement a new electronic surveillance law approved by Congress. During a three-year period under the Democrats—in most of which Clark was Attorney General—the Federal government's law enforcement assistance program expended a total of $22 million. In the past three years, under President Nixon's leadership, LEAA aid to the states and localities totals more than $1.5 billion.

When Mr. Nixon took office, LEAA was seven months into its first fiscal year, with a first-year budget of only $63 million. He promptly sought and received steadily larger budgets—and has proposed $850 million for LEAA for the coming fiscal year.

Another yardstick of Democratic inactivity is reflected in the FBI crime statistics over the past decade or more. Crime has been increasing nationally for a long time. Under the Democrats in the 1960s, it grew into a national scandal, as these figures show:

	Percent
1961 over 1960	3
1962 over 1961	6
1963 over 1962	10
1964 over 1963	13
1965 over 1964	6
1966 over 1965	11
1967 over 1966	16
1968 over 1967	17

In the past three years, crime has continued to climb—but the rate of increase has declined steadily. The figures:

	Percent
1969 over 1968	12
1970 over 1969	11
1971 over 1970	6

But even more important, crime rates actually declined last year in 53 of the nation's major cities. That is an unprecedented accomplishment—and one which most critics of LEAA and the National Administration fail to note.

I believe it is very possible that we are quite near to the point where the crime rate will cease to grow nationally—and will begin to drop.

Polls show that the fear of crime still is widespread nationally. But I believe that the bulk of Americans now feel that the permissiveness of the Democrats on the crime issue has long since been ended, under the no-nonsense programs of the President and former Attorney General Mitchell. People may still feel that crime is too high and that it is a difficult problem to grapple with, but I am confident they feel that the do-nothing attitude of the Democrats has been replaced with a policy of firmly fighting crime and the criminal.

In addition to the national crime statistics, there are some other tangible measurements that can be seen as well. When the President took office, the nation had been scarred by year after year of civil disorders. No major disorders have occurred in the past three years—a point I am certain that is not lost on the public.

LEAA has been an important factor in this new climate of crime control. Large sums of financial assistance have gone to state and local governments to fight all aspects of crime—whether it be disorders, street crime, narcotics abuse, juvenile delinquency, or organized crime.

I believe the changing attitudes on the part of the public are well reflected in the attitudes of elected public officials and law enforcement leaders, who for the most part have been very enthusiastic about the LEAA program.

There was a great deal of confusion and inactivity during the seven months the Democrats operated the LEAA program—from July 1968 to January 1969. The Democrats thought so little of the program that they didn't even appoint Administrators until four months after the agency was created.

In the first two years under the Republicans, substantial progress was made by the LEAA program—but there also were serious difficulties in the operations of the agency. One of the problems was the so-called Troika system of leadership. The agency was headed by an Administrator and two Associate Administrators, and there had to be unanimous agreement among the three before action could be carried out on even the smallest matters.

Charles H. Rogovin, now head of the Police Foundation, was Administrator from January 1969 to June 1970. He failed to exert the proper leadership, failed to give LEAA the proper direction. Even within the constraints of the Troika system, he failed to reach any kind of administrative accords that would have permitted the agency to begin moving in dynamic ways.

After Rogovin's resignation, the agency was without an Administrator for some 10 months. The reason is that an attempt was being made in Congress to alter the Troika system, so that the Administrator could be the clear-cut head of the agency. Until the change occurred, it was impossible to appoint a new Administrator.

When the new legislation was enacted, Attorney General Mitchell sent me to LEAA to solve the problems, get the agency moving, and develop programs which would have a sharp impact on crime.

As my statement on my reorganization of LEAA shows, there were major problems in LEAA. But it is important to realize that those problems have now been solved. The critics of LEAA—including Monagan and Rogovin—have failed to take any of that into account. They prefer to think about the past.

Some critics of the LEAA program—some mayors, for instance—have been genuinely concerned about their cities receiving enough LEAA funds. While the criticisms may exact a toll, they are at least triggered by honest views.

However, there is another group of critics who have not been honest. They include persons like Monagan and Rogovin. Monagan and a number of other Democrats in Congress were opposed from the beginning to the block grant concept of LEAA. They have never given up trying to discredit the program so that block grants could be scrapped in favor of a categorical grant program—where the Federal government dictates the use of every dollar. The original Johnson legislation to set up LEAA called for a categorical grant program.

Rogovin's criticism of LEAA never alludes to the fact that he is responsible for most of the shortcomings I found in the agency when I became Administrator a year ago. When he was Administrator, he had no clear philosophy or plan of action on how to fight crime. He talked then—and now—about the need to reform the criminal justice system. That kind of academic approach solves nothing. Rogovin and those like him seem unable to talk about fighting crime—they tip-toe around it but never come down hard in support of LEAA's only reason for existence. Theirs is the social worker's point of view. It may sound nice in the classroom or on television, but it does nothing to protect people from crime in the streets.

In my year as Administrator, a great deal has been done to reshape and revitalize the LEAA program. Here are some of those things, and I would be happy to supply additional details later if you wish:

1. My first act upon becoming Administrator was to reorganize LEAA to improve its efficiency. It was a major overhaul, affecting every part of the agency.

2. The flow of funds to states and localities has been speeded greatly by ending needless paperwork and multiple reviews.

3. I decentralized LEAA, to place the bulk of the agency's operations at the state and local level. The point is to be more responsive to the needs of state, city, and county criminal justice agencies.

4. I created three new regional offices—making a total of 10—and tripled the overall LEAA field staff.

5. As part of the reorganization, LEAA's research and development office was given a new direction—to concentrate on projects that will be of direct benefit to police and other criminal justice agencies.

6. I have made fiscal integrity an absolute priority, and have greatly increased the LEAA audit staff and placed major new audit responsibilities on the states. Among other things, we are now training state and local auditors.

7. Another priority is civil rights compliance. Like audit integrity, it is not a negotiable matter. When I became Administrator, virtually no compliance program existed. I have increased the staff and set in motion a wide range of new programs.

8. Technical assistance had been ignored in the past. A first-rate technical assistance program now exists—covering the range from drafting state plans to setting up organized crime programs.

9. Juvenile delinquency programs had been fragmented. They have now been intensified, and I serve as chairman of the new Inter-Departmental Council to Coordinate All Federal Juvenile Delinquency Programs.

10. Before I became Administrator, there were problems with several states using funds for political purposes. I have cracked down hard on that practice.

11. Bidding procedures for equipment purchases were lax in some states. I have toughened such bid procedures.

12. Problems were found in purchase of radio equipment in a number of states. I have referred the matter of possible violations of the law by Motorola to the Department of Justice for investigation.

13. Earlier efforts were directed toward improving the criminal justice system. My emphasis is on reducing crime, and the system will be improved as a by-product of that.

14. I have instituted the High Impact Anti-Crime Program—to sharply reduce street crime and burglary in eight major cities and to develop blueprints for such efforts that can be used by every city in the nation.

15. On the use of LEAA's discretionary funds, I have ended the so-called band-aid approach of a little money here, a little there. Discretionary funds are being used for High Impact and other programs that will fight crime—not tinker with the system.

16. Funds that have been misused are being recovered. Every state has been put on notice that all funds improperly used will be recovered and that violations of the law will result in prosecutions.

17. Communications between LEAA and the criminal justice system at the state and local levels has been greatly enhanced—a must if needed improvements are to be made in the crime fight.

18. Coordination with other Federal agencies has been improved, especially in the fields of juvenile delinquency, narcotics, and organized crime.

19. States have been put on notice that all of their efforts must bear on reducing crime and extracting maximum value from every Federal dollar.

20. I have met repeatedly with the National Governors' Conference—and more than half of the governors individually—to drive home the point that in each state the governor has the ultimate responsibility for the LEAA-sponsored program. The Governors' Conference is solidly behind the LEAA program and my reorganization, and has affirmed the position that each of its members must take the most active role possible in the LEAA program in each state. This sort of involvement is essential to the proper functioning of the crime control program, and is a step of enormous significance in our efforts to reduce crime.

I believe that all of these things—and these are only part of the list of LEAA initiatives—have turned the agency and the national program into a solid, effective entity. Crime was reduced last year in 53 major cities, and I believe the LEAA program was part of the reason.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. WEICKER) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to submit to the Congress this Fourth Annual Report of the National Science Board, "The Role of Engineers and Scientists in a National Policy for Technology." This Report has been prepared in accordance with Section 4 (g) of the National Science Foundation Act, as amended by Public Law 90–407.

Many of the key recommendations in this Report are in close accord with the initiatives I have set forth this year in my address on the State of the Union, my Budget Message, and my recent message to the Congress on science and technology.

The Report stresses that in the field of research and development, a vigorous partnership between private industry, the universities, and the Government can be an important asset for strengthening our economy and spurring new technological solutions to problems of the modern world. The Report also points out that intensive research is needed to refine our understanding of the complexities of contemporary life and to develop better ways of bringing our talents to bear on domestic concerns.

As I have indicated on several occasions, I have great hope that we can realize the full potential of American technology for serving our national purposes. The commitment of this Administration to continued progress toward that goal is clearly reflected in the array of programs which I have detailed in my latest Budget Message.

I am confident that the Congress will find this Report useful.

RICHARD NIXON.

The WHITE HOUSE, *April 13, 1972.*

REPORT OF OFFICE OF ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. WEICKER) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Pursuant to the Economic Opportunity Act of 1964, as amended, I have the honor to transmit herewith the Annual Report of the Office of Economic Opportunity for Fiscal Year 1971.

RICHARD NIXON.

The WHITE HOUSE, *April 13, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. WEICKER) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

LEAVE OF ABSENCE

Mr. SCOTT. Mr. President, since the distinguished majority leader and I have been invited by the Premier of the People's Republic of China to visit that country, and since the invitation comes from an official of such high standing, and since the time frame is such that it is important that we leave at this time because many other matters are contingent upon our adhering to this time frame, it will be necessary to depart this weekend.

Therefore, I ask unanimous consent that, beginning on Monday next, I may have a leave of absence, to be absent from the Senate on official business on which the distinguished majority leader and I will report to the Senate by way of the Committee on Foreign Relations upon our return.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

Mr. SCOTT. I thank the Chair.

VITIATION OF ORDER FOR SENATE TO CONVENE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the Senate to convene tomorrow be negated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, there will be no further votes today.

My understanding is that the distinguished Senator from Tennessee (Mr. BROCK) has a brief speech he wants to make at this time; that then the delegates to the Mexico-United States Parliamentary Conference will be announced later this afternoon, following which the Senate will adjourn.

It is my further understanding that, as of now, the Senate will convene at 10 a.m. on Monday morning next.

The PRESIDING OFFICER. The Senator from Montana is correct.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent, beginning on Monday next, that I be granted an official leave of absence from the Senate for approximately 3 weeks.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEMOCRATIC PARTY AND THE AMERICAN TELEPHONE & TELEGRAPH CO.

Mr. BROCK. Mr. President, more than 1 month ago, the Senator from Kansas (Mr. DOLE) held a press conference to discuss a matter of great concern to the American people—the influence of business on politics. The business in question was the American Telephone & Telegraph Co. The politics were those of the Democratic Party. At a time when the search for a political issue has led to be a virtually endless pursuit of an illusion of wrongdoing, he offered a matter of substance.

He pointed to the extended loan of at least $1.5 million from the American Telephone & Telegraph Co. to the Democratic National Committee. At the time, A.T. & T. trotted out its well-oiled public relations team to try to persuade us there was nothing amiss. They had one of their lobbyists call the White House to scream imprecations at a staff assistant—which only confirmed that there was plenty amiss.

Larry O'Brien said he would issue a statement that very day explaining the whole matter. But the statement has never been issued—presumably because there is no explanation.

Beyond those predictable responses, the matter was met by the greatest legislative body in the world with absolute silence. While the press flocks and the red herrings fly, and the reputations of decent men are sacrificed to political expediency, some here pursue the dim hope of an issue for the presidential campaign of 1972. There is something tragic about men diligently pretending to seek truth as, with equal diligence, they avert their eyes from the area where they might find it.

There is a reason why the hoax surrounding the present judiciary hearing is permitted to go on. There is reason why the Democrat National Committee and the American Telephone & Telegraph Co. are permitted to persist in flaunting the law. The reason, of course, is a simple fact of political life—the Democrat Party controls the Congress. The Democrat Party is not going to investigate its own wrongdoing.

It is reasonable to ask what protection the American people have in such a case. The answer is that they have virtually none. The Republican Party can raise the question—but the Republican Party does not control the committees.

The Democrat Party does, and it has decreed that the American people will get the answers the Democrat Party wants them to have—and no more. So the matter is at an impasse.

It is reasonable, too, it seems to me, to ask what arrangements have been made between the principals in this matter. Is there a common unspoken agreement that there will be no congressional investigation of any wrongdoing which advances the interests of this party—or are these things decided on a case-by-case basis?

With all the outspoken concern about improper relationships between business and Government, the most blatant example of this problem is ignored. In the unlikely circumstance that the question at hand was not heard above the sound and fury emanating from the Senate Judiciary room, let me restate the matter:

The Democrat National Committee has owed the American Telephone & Telegraph Co. at least $1.5 million since 1968. The Democrat National Committee refuses to pay the debt, and the telephone company refuses to call the debt in. Instead, the company continues to provide full service to the party.

However, if an individual cannot pay his own phone bill, the telephone company very promptly terminates service. It does not matter if the individual is an invalid and the phone is their only link with the world outside. It does not matter if their is a sick child in the home. Nothing matters except that the phone company must have its money. Business, after all, is business.

Except, apparently, in the case of the Democrat National Committee. They do not have to pay. Neither do they lose their service. This is discrimination. Section 202(a) of the Communications Act of 1934 states that telephone companies are forbidden "to make any unjust or unreasonable discrimination in charges." It says they are forbidden to "give any undue or unreasonable preference of advantage to any particular person or class of persons." Despite the facts, and despite the law, and despite both being raised publicly, the Congress makes no response. It is muffled by the majority.

Section 610 of title 18, United States Code, prohibits corporations from making any contributions in connection with a political convention nominating presidential candidates. A contribution is construed to include a "loan."

The use of $1.5 million plus interest for 4 years must be considered, at the least, a loan if, in fact, the refusal to collect the debt does not really make it an outright contribution.

Does it not seem that there is a matter for investigation here? Or has the self-appointed "party of the people" become so cynical of the people's interests that it will ignore even such blatant examples of impropriety, of discrimination against the average phone user who pays his bill or loses his service?

The reason given for nonpayment of the telephone bill is that the Democrat Party has no money. In a year when the Democrat Party is waging one of the costliest primary campaigns in history, does that party really expect the American people to believe the party has no money?

And when the race was finished in 1968, what were the priorities for paying the bills? The telephone company was not paid, but what of the cronies who benefited from the sweetheart deals set up by the Democrat National Chairman?

How much, for example, was spent on advertising? Who placed the ads? And how much was his commission?

Was it on the order of $25 million that was spent? And did not Joe Napolitan place the ads? And on the basis of a standard 15-percent commission plus 2 percent for cash payment, was not Mr. Napolitan's piece of the action nearly $3 million?

And what is the business relationship between Joe Napolitan and Larry O'Brien? Are they not close? Did they not in fact, at one time share the same office? Were they not in fact, partners—however silently? Did not Larry O'Brien make sure he paid himself his nearly $3 million while he told the telephone company there was no money?

There is something for a congressional investigating committee to gnaw on for awhile.

I ask the questions again because they seem not to have been heard before—at least not in the Congress. Some of the American people are beginning to hear—especially the ones who pay their phone bill; and most especially the ones who have ever had their phones cut off for failing to pay a bill. And I suggest a line of questioning, a direction of inquiry, against the possibility that the Congress may be in the dark about where to begin.

Can we now hope to have this matter looked into? Can we now know exactly how much money is owed to the telephone company—or conversely how much they have contributed in services that the rest of us have to pay for?

Can we know what agreements have been made between the Democratic Party and the American Telephone & Telegraph Co., to warrant such generosity toward the Democratic Party? After all, even in this case, business is business.

Can we know how the Democratic Party paid its bills in 1968—how many of the principals in the party benefited, while the debts were passed on to companies like American Telephone & Telegraph to be passed on in turn to consumers who pay their bills or else?

I hope that we can learn the answers to these questions, and others that might be raised in the course of hearings. When the Senator from Kansas (Mr. DOLE) first raised this matter, a spokesman for the Democrat Committee characterized his effort as "pitiful." I admit that any attempt to get at the truth against such odds—against the political interests of the majority party—such an attempt must seem "pitiful."

But the interests of the American people, and the mandate of the American people requires that we try to find the truth in these matters, no matter how apparently "pitiful" the attempt may be.

I would close by merely pointing out that my colleagues in the opposition party ought not to confuse a numerical majority with a moral majority.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEICKER). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. There is no business pending before the Senate.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Presiding Officer.

BLACK LUNG BENEFITS ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 712, H.R. 9212, and that it be made the pending business for consideration on Monday next.

The PRESIDING OFFICER. The Clerk will report the bill.

The assistant legislative clerk read as follows:

> Calendar No. 712, H.R. 9212, a bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported by the Committee on Labor and Public Welfare with amendments.

ORDER FOR ADJOURNMENT TO 10:30 A.M. MONDAY, APRIL 17, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10:30 a.m. Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE SENATE ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next following the remarks of the designees of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the then unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—TIME LIMITATION ON H.R. 9212

Mr. ROBERT C. BYRD. Mr. President, I have consulted with the distinguished manager of the black lung bill, my senior colleague from West Virginia (Mr. RANDOLPH) and consultations have also been had with the chairman of the Committee on Labor and Public Welfare, the Senator from New Jersey (Mr. WILLIAMS), with the distinguished ranking minority member of that committee, the Senator from New York (Mr. JAVITS), and with other Senators, and I am advised by the distinguished majority leader to propound the following unanimous-consent request which has been discussed with the very able assistant Republican leader:

Mr. President, I ask unanimous consent that time for debate on H.R. 9212 be limited to 3 hours, to be equally divided between and controlled by the distinguished manager of the bill, the Senator from West Virginia (Mr. RANDOLPH) and the distinguished ranking minority member of the committee, the Senator from New York (Mr. JAVITS); providing further that time on any committee amendment be limited to 1 hour, to be equally divided between the aforesaid Senators; provided further that time on any other amendment be limited to 30 minutes, to be equally divided and controlled by the mover of such amendment and the distinguished manager of the bill, and in any case in which the manager of the bill may favor such amendment, that the time in opposition thereto be under the control of the distinguished assistant Republican leader or his designee, that time on any motion or appeal, with the exception of nondebatable motions, be limited to 30 minutes, to be equally divided between the mover of such motion or appeal and the manager of the bill, unless the manager of the bill favors such motion or appeal, in which case the time would be controlled by the mover of the motion and the distinguished assistant Republican leader, or his designee; provided further, that no nongermane amendments may be in order; provided finally, that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, appeal, or motion, except nondebatable motions.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, I want to indicate, as the distinguished acting majority leader has said, that this matter has been cleared with all Senators on both sides who might have a particular interest so far as we know. In my own case, I have cleared the matter with the distinguished ranking minority member of the committee, with the distinguished Senator from Colorado (Mr. DOMINICK), the distinguished Senator from Ohio (Mr. TAFT), who has taken particular interest in this matter in committee, and also with the distinguished Senator from Maryland (Mr. BEALL). So far as I know, there is no objection to the measure.

Mr. ROBERT C. BYRD. I thank the distinguished Republican whip.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, effective on April 17, 1972, during the further consideration of the bill H.R. 9212. An act to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes, debate on any amendment (except committee amendments which shall be limited to one hour each), motion, or appeal, except non-debatable motions, shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from W. Va. (Mr. RANDOLPH): *Provided*, That, in the event Mr. Randolph is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the assistant minority leader or some Senator designated by him.

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from West Virginia (Mr. Randolph) and the Senator from New York (Mr. JAVITS): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. WEICKER). The Chair, on behalf of the Vice President, and pursuant to Public Law 86–420, appoints the following Senators to the Mexico-United States Interparliamentary Conference, May 16–21, 1972:

The Senator from Montana (Mr. MANSFIELD).

The Senator from Louisiana (Mr. ELLENDER).

The Senator from Louisiana (Mr. LONG).

The Senator from Rhode Island (Mr. PASTORE).

The Senator from Nevada (Mr. CANNON).

The Senator from Michigan (Mr. HART).

The Senator from Wisconsin (Mr. NELSON).

The Senator from New Mexico (Mr. MONTOYA).

The Senator from South Carolina (Mr. HOLLINGS).

The Senator from Florida (Mr. CHILES).

The Senator from Vermont (Mr. AIKEN).

The Senator from New York (Mr. JAVITS).

The Senator from Arizona (Mr. FANNIN).

The Senator from Kentucky (Mr. COOK), and

The Senator from Connecticut (Mr. WEICKER).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE SENATE TO CONVENE AT 9 A.M. ON APRIL 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate convenes on Wednesday next, it convene at 9 a.m.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, the distinguished Republican leader is going to reserve the right to object, but I want to say, in further explanation, that I anticipate that at least 12 Senators will ask for 15-minute orders for that day, and that would consume 3 hours' time. That would be our reason for coming in at 9 o'clock on Wednesday. It would mean that we could not start with morning business until 12 o'clock noon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Republican leader. I thank all Senators for their cooperation in arranging for the agreement on the black lung bill.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 10:30 a.m. After the recognition of the designees of the leaders under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, H.R. 9212, an act to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969, to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

A time agreement has been entered into thereon limiting time on the debate to 3 hours, time on any amendment to 1 hour, and time on any other amendment, motion, or appeal, with the exception of nondebatable motions, to one-half hour, with the proviso that nongermane amendments will not be in order.

Undoubtedly, there will be rollcall votes on Monday. Whether the Senate completes action on the bill will depend in great measure on the number of amendments proposed to the bill.

Mr. President, I think that pretty much sums up the program for Monday. There may be matters on the calendar which will be cleared by that time which can be handled by unanimous consent, so Senators will be alerted to that fact.

I would not anticipate any rollcall vote on Monday prior to 12 noon, and the likelihood could very well be that any rollcall votes would not occur until 12:30 p.m. or 1 p.m., or even that early.

Mr. President, as an addendum to the program which I have already stated, may I say, for the benefit of Senators, that, after the so-called black lung bill is disposed of next week, certain other measures will in all likelihood be ready for consideration by the Senate as of next week, and they are as follows: the USIA-State authorization bill, coastal zone bill, Amtrak bill, and the rural development bill. There may be other bills and resolutions, but, as of now, I see a distinct possibility that the Senate could have these cleared for action at some point, possibly next week.

I am prepared to say, after discussions with the assistant Republican leader and after securing information from the ranking minority member of the Committee on Agriculture and Forestry, that the rural development bill will be brought up on Wednesday next.

ADJOURNMENT UNTIL MONDAY, APRIL 17, 1972, AT 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. on Monday next.

The motion was agreed to; and at 2:39 p.m. the Senate adjourned until Monday, April 17, 1972, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 13 (legislative day of April 12), 1972:

DEPARTMENT OF DEFENSE

Robert D. Nesen, of California, to be an Assistant Secretary of the Navy, vice Frank P. Sanders.

U.S. DISTRICT COURTS

Norman C. Roettger, Jr., of Florida, to be a U.S. district judge for the southern district of Florida, vice Ted Cabot, deceased.

DISTRICT OF COLUMBIA COUNCIL

John A. Nevius, of the District of Columbia, to be Chairman of the District of Columbia Council for the term expiring February 1, 1975, vice Gilbert Hahn, Jr., term expired.

Sterling Tucker, of the District of Columbia, to be Vice Chairman of the District of Columbia Council for the term expiring February 1, 1975, reappointment.

EXTENSIONS OF REMARKS

1972 GOOD CITIZENSHIP AWARD WINNERS ANNOUNCED

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. WHITEHURST. Mr. Speaker, I am pleased to announce the winners of my Good Citizenship Award contest conducted among high school seniors in Norfolk and Portsmouth, Va., the Second Congressional District. They are Miss Ann Reid Priest, of Norfolk, and Mr. Richard Martin, Jr., of Portsmouth. The two will represent their city during an all expense paid trip to Washington, May 1, as my guests and be "Congressmen for a Day."

The aim of the Good Citizenship Award is to bring public attention to the fact that the majority of our students are good citizens, and are helping in the orderly growth of our cities. The backgrounds of Miss Priest and Mr. Martin are outstanding, and yet the mayor's committee in each city that selected the final winner faced difficult decisions because each high school's nominee is an active participant in school and community affairs.

Conducting this contest, with the splendid cooperation of the mayors of Norfolk and Portsmouth and the two cities' school superintendents, brings factual evidence to me once again that the great majority of today's youth should not be saddled with the stereotype created by the actions of a few.

I look forward with pride to being host during the visit of Miss Priest and Mr. Martin.

Mr. Speaker, I sent out a press release April 11 regarding the Good Citizenship Award winners in which I reviewed their activities. I am sure there are high school seniors throughout this great land with similar backgrounds, but these two have been selected to represent the youth of the Second District of Virginia, and I am most proud of them. I insert the release at this point in the RECORD.

GOOD CITIZENSHIP AWARD WINNERS ANNOUNCED

Final winners in the Good Citizenship Award have been announced by Second District Congressman William Whitehurst, sponsor of the contest.

Ann Reid Priest, a senior at Norfolk Catholic High School, has been chosen winner of the award for Norfolk; and Richard Martin Jr., a Cradock High School senior, was selected for the Portsmouth Award.

The two students will receive an all expense paid day in Washington on May 1 as the personal guests of Congressman Whitehurst.

A Mayor's Committee selected each city winner from nominees representing their school. The contest was open to all seniors. Selection was made on the basis of volunteer work, participation in a community service project, and leadership in school activities.

Miss Priest listed her activities as Business Manager of the school newspaper, Defensor; Tutor at St. Mary's Academy; varsity cheerleader; National Honor Society; student of patient care at DePaul Hospital; Open Door neighborhood service in Park Place; active in changing conditions at the Norfolk Zoo; attends Blessed Sacrament Church; and plans to attend the school of nursing science at Old Dominion University.

Martin listed his community and school activities as co-editor of the school yearbook; drum major; member of concert, stage and regional bands, representative to the Eastern Regional Chorus at the All-State Chorus; four year letterman of Cradock baseball team; active member of Fairview Heights Baptist Church; and serves as Master Councilor, highest office of the DeMolay.

The Mayor's Committee, which made the final selection from the school nominees, is made up of leading citizens in the community. The Norfolk Mayor's Committee is chaired by Councilman R. Braxton Hill. Other members are Jack Rixey, President of the Norfolk Chamber of Commerce; Eugene Gordman, President of the Norfolk Association of PTA's; Neal Windley, Assistant to Norfolk City Manager; and Mrs. Bessie T. Hennigan, Member at Large.

The Portsmouth Mayor's Committee is chaired by Theodore Masters, City Clerk. Other members are Richard J. Davis, President of the Portsmouth Chamber of Commerce; Lloyd L. Peele, Vice President of First and Merchants Bank; Emilie S. Spong, retired school board member, and mother of U.S. Senator William Spong; and Elijah L. Jones, Assistant of Special Subjects, Portsmouth Public Schools.

The award is given in cooperation with Norfolk School Superintendent E. L. Lamberth, Portsmouth School Superintendent M. E. Alford, Norfolk Mayor Roy Martin, and Portsmouth Mayor Jack Barnes.

ONE YEAR LATER—THE LEGISLATIVE STATUS REPORT

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. FAUNTROY. Mr. Speaker, periodically I have issued a legislative status report for the people of the District of Columbia in order to keep them informed about my legislative activities. Since I do not have a vote in the formal proceedings of this House, I have made it a point to use my ability to introduce and cosponsor legislation as a means toward expressing my concerns about the many problems that confront all of us. This time I am inserting the status report into the RECORD to share it with my colleagues and the citizens of the District of Columbia.

I have been representing the people of this city in Congress for almost a year now. I believe that I have accomplished much. I have introduced a people's home rule bill, after holding public hearings in each of the city's eight wards, where hundreds of citizens told me what they wanted in their bill; and, the Senate has passed a home rule bill by the largest margin in history. I have also introduced legislation to give the District voting representation in the House and Senate. This measure has been approved by the Committee on the Judiciary and awaits actions by the House Rules Committee.

With respect to efforts to obtain passage of a home rule bill by the House, Senator BROOKE and I have put together a national home rule coalition that brings the power of national organizations, working with local groups, to our struggle. These organizations represent labor, business, education, and farmers as well as the League of Women Voters and many others. As a result of this coalition and the support of my many friends and colleagues here on the Hill, home rule hearings before the full Committee of the District of Columbia are now underway.

In the area of fiscal affairs, the House has approved a District revenue bill with the highest Federal payment increase in history. The increase was double the largest approved before I was elected. During committee consideration of that bill I led the fight, and cast the deciding votes, in defeating a proposal to double the sales tax on food sold in the city. With assistance from the White House and persistent pressure by many Members of this body, the District's subway program has been placed on solid footing.

More generally, I am the primary House sponsor of national and local legislation to combat the dreaded disease of sickle cell anemia. The national program has passed the Senate and the House by unanimous votes. In terms of guaranteeing equal opportunities for all people, I served as the spokesman in this body on the transfer of Federal job discrimination functions from the Civil Service Commission to the Equal Employment Opportunity Commission. Congress has passed a wide-ranging employment discrimination that for the first time introduces into law remedies for employees discriminated against by the Federal Government.

SELF-DETERMINATION FOR THE PEOPLE OF THE DISTRICT OF COLUMBIA

Without a doubt self-determination is the most important question facing the people of the Nation's Capital. My home rule bills, developed with the aid of the people, answer the needs of self-government and consideration of the unique "national" character of Washington, D.C.

PEOPLE'S HOME RULE BILL—H.R. 9499, 10196, 10197, 10198

More than 40 other Members joined with me in introducing these bills which provide for an elected Mayor, 11-member City Council—three at large—and a youth council. Under this bill, the city can legislate on "any subject as to which Congress could exercise its authority as the Legislature for the District, including imposition of appropriate taxes and fees." There is no Presidential veto and the Federal payment is fixed as a percent of the locally collected revenues. There is an additional payment to the city to cover the costs of national demonstrations. The city will also be able to borrow money for capital improvements.

While the bonds will not be tax exempt, the bills provide for an interest subsidy by the Federal Government. All of the costs of constructing the facilities for higher education in the city are also to be paid by the Federal Government. Hearings have now begun before the full Committee of the House Committee on the District of Columbia.

CONGRESSIONAL REPRESENTATION—HOUSE JOINT RESOLUTION 684

Amendment of the Constitution of the United States would provide the District with two Senators and as many Representatives as they would be entitled if they were a State. District Congressmen and Senators will have the same rights and responsibilities as would any Member in either house. This bill has passed the House Judiciary Committee and awaits action by the full House.

ABOLISH THE HOUSE DISTRICT COMMITTEE—HOUSE RESOLUTION 751

The House Committee on the District of Columbia would be abolished and a select committee would be established with the power to enter into agreements with the other standing committees with respect to the disposition of bills affecting the District of Columbia.

ELECTION LAW REFORM—H.R. 9893, 10598

I introduced several bills to reform the election law in the District of Columbia. Among these was H.R. 9893, which specifically gave the right to vote to any ex-felon who was released from prison. H.R. 10598 completely revamped the election law. Another important item is the establishment of criteria for financial reporting.

Additionally, the bill establishes a presidential preference primary. A "clean bill" reported and passed by both Houses was enacted into law by Public Law 92-220.

NUTRITION STANDARDS AND HEALTH CARE

No society can have high productivity or be secure from within if its people are hungry or ill. The bills in this group provide for programs that attack those diseases which have been ignored and for funds to offer care for the chronically ill and the very young.

PILOT PROJECT IN THE DISTRICT OF COLUMBIA ON SICKLE CELL ANEMIA—H.R. 11170

As the District of Columbia has one of the highest percentages of black people, it also has one of the highest incidents of the dreaded disease, sickle cell anemia. This bill is designed to provide in the District a pilot program using money from HEW to identify, counsel, and treat the disease. Additionally, the bill provides for funds for research in local medical schools, hospitals, and research institutions. Hearings on this bill have been held before the Subcommittee on Public Health and Welfare of the House District Committee.

NATIONAL ATTACK ON SICKLE CELL ANEMIA—H.R. 11171

This bill declares and finds it to be the policy of the Congress that sickle cell anemia is a national health problem that affects black people in particularly disastrous ways. The bill authorizes grants to establish screening, counseling, and education and treatment programs. This measure has passed both the House and the Senate.

SUPPLEMENTARY MONEY FOR SICKLE CELL ANEMIA—H.R. 10870, 10935, 10936, 11251

These supplemental appropriation bills provide $10 million for detection and treatment of sickle cell anemia under existing programs for this year.

CHRONIC CARE REHABILITATION—H.R. 11962

This bill provides funds for demonstration programs and projects designed to rehabilitate elderly patients in long-term health care facilities or programs to assist such patients in attaining self-care. This is now before the Committee on Interstate and Foreign Commerce.

LOW-COST MEALS FOR THE ELDERLY—H.R. 11961

Grants are made available under this act for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs for the elderly who often lack the resources and the ability to prepare nutritionally sound meals for themselves. The bill is before the Committee on Education and Labor.

FOOD STAMPS IN HALFWAY HOUSE—H.R. 11466

Assurance that adequate foods and nutrition will be available for prisoners in halfway houses is provided by allowing food stamps to be used by certain halfway houses conducting drug treatment and rehabilitation programs. The bill would also permit some addicts to use food stamps for the purchase of meals. It is pending before the Committee on Agriculture.

CONGRESSIONAL CONCERN FOR THE RETARDED—HOUSE RESOLUTION 406

Initially introduced by Congressman GILBERT GUDE, Republican, of Maryland, this House concurrent resolution states that it is the feeling of the Congress that in keeping with the Universal Declaration of Human Rights and the Declaration of the Rights of the Child—both documents of the United Nations—it be clearly stated that the mentally retarded person has the same basic rights as any other citizen. While this resolution does not provide any specific remedy for these handicapped people, it does serve as the basis for future legislation and is a clear unambiguous statement of the policy of the Congress.

TO SAVE CHILD HEALTH CARE PROGRAMS—H.R. 8799

This legislation is designed to extend for 5 years congressional authorization for 67 children and youth comprehensive health care projects and 57 maternal and infant care projects. The projects, which deliver health care to almost half a million children and youth of lower socio-economic levels in central cities and rural areas throughout the country, are scheduled to end on June 30, 1972. In the District of Columbia, they are as follows: First, the Maternity and Infant Care Project, 901 North Capitol Street NE., under the direction of Edward R. Wermtznig M.D.; second, the Children and Youth Project at 801 North Capitol Street, under the direction of Hilary Miller, M.D.; and third, the Children and Youth Project at the Children's Hospital, under the direction of William Oberman, M.D. The bill was referred to the Ways and Means Committee.

NATIONAL SICKLE CELL ANEMIA INSTITUTE—H.R. 8597

Cosponsored with Congresswoman GRASSO, Democrat, of Connecticut, this bill establishes a National Sickle Cell Anemia Institute in order to begin a national, coordinated attack on this terrible disease which affects only black people. The institute would conduct and support research for the diagnosis, treatment, and prevention of sickle cell anemia; provide training and fellowships to study the disease; create nationwide screening programs to find persons affected by the disease. My National Sickle Cell Anemia Prevention Act was adopted in lieu of this measure.

SUPPLEMENTAL APPROPRIATION FOR PREVENTION OF LEAD-BASED PAINT POISONING—H.R. 10871, 10933, 10934, 11252

These bills provide a total of $23 million for research in the prevention and treatment of lead-based paint poisoning. The bills are now before the Committee on Appropriations.

TO REQUIRE CHILD CARE FACILITIES IN PUBLIC HOUSING PROJECTS—H.R. 8864

This bill will amend the Public Housing Act of 1937 to require the inclusion of child care facilities in all future federally assisted public housing projects.

Entitled "The Child Care Facilities Amendment of 1971," the legislation provides that each project should include a center where the children could be cared for and participate in educational and creative activities while the parent works, undergoes job training, or receives additional education preparatory to employment. The bill was referred to the Committee on Education and Labor.

CRIMINAL JUSTICE IN THE NATION AND THE NATION'S CAPITAL

Criminal justice is more than just providing adequate police and judges who are well paid and adequately equipped. Part of it is assuring that those who are incarcerated are given every opportunity for rehabilitation, education, and desire to emulate the best aspects of our society. Another aspect is assuring that everyone is treated fairly and equitably when he has contact with our criminal justice system whether as one charged or as an unfortunate victim.

COMPENSATION FOR VICTIMS OF CRIME—H.R. 11507

Introduced with Congressman ABNER MIKVA, Democrat, of Illinois, this bill provides compensation for any person who suffers a pecuniary loss as the result of a crime against him or against another who is being assisted by the victim of the loss. At present, there is no provision in law to assist one who suffers a loss, as the result of the commission of a crime, for medical, present or future earnings, and funeral expenses. The bill is now before the Committee on the District of Columbia where hearings are now being held.

CREATION OF COMMUNITY BASED CORRECTIONAL FACILITIES—H.R. 12529

This bill provides assistance to the States and the District of Columbia in phasing out large prisons which are located a substantial distance from the urban centers and replacing them with small facilities located in the community. It also provides for the creation of innovative programs of vocational training, job placement, and on-the-job counseling. In addition to developing specialized curricula and the training of educational personnel, funds are provided for research and demonstration grants. The bill has been referred to the Committee on the Judiciary.

GRIEVANCE PROCEDURES FOR MEMBERS OF THE ARMED FORCES—H.R. 11958

Under the provisions of this bill, procedures providing members of the Armed Forces redress of grievances are established as well as a Commission on United States Military Justice whose responsibility shall be to determine the complaints alleged and conduct such investigations and makes such recommendation as are necessary to correct any discovered abuses.

DEATH PENALTY SUSPENDED AND STUDY INITIATED—H.R. 11797

This bill prohibits the imposition of a death sentence until such time as the Congress is able to thoroughly study and make a determination of its desirability as a form of punishment. Originally introduced by Congressman EMANUEL CELLER, Democrat, of New York, who is chairman of the House Judiciary Committee, the bill was reintroduced by Mr. FAUNTROY after an analysis concluded that, of the possible alternatives available, this was the most likely to accomplish the objectives of providing for a thorough and unemotional study of the death penalty since all executions would be suspended during the time of the study. The bill is now before the House Committee on the Judiciary.

MONTHLY FURLOUGHS FOR FEDERAL PRISONERS—H.R. 12964

Each prisoner, under this bill, whose record shows that he has faithfully observed all rules and not been subjected to punishment or deemed to be a threat to society through the disposition of a violent nature is eligible for a 24-hour family visitation furlough each month. This provides an incentive for each prisoner and allows him to keep meaningful contact with his family. The bill was referred to the Committee on the Judiciary.

HEARINGS FOR SUSPENSION-REVOCATION OF DRIVING PERMITS AND PROCEDURES FOR THE REMOVAL AND DISPOSAL OF ABANDONED CARS—H.R. 10956

Individuals whose driving permits are suspended will be entitled to hearings before the Commissioner of Motor Vehicles, if such is requested. This will allow an individual to present any reason which would serve to ameliorate the suspension, an opportunity which is now lacking. Additionally, the city officials would be authorized to take custody and provide for the disposal of any vehicle which is found to be abandoned under the guidelines set out. The bill is before the House Committee on the District of Columbia.

ABOLITION OF THE HOUSE COMMITTEE ON INTERNAL SECURITY—H. RES. 600

Cosponsored with Congressman JEROME WALDIE, Democrat, of California, and more than 20 other Members of the House, this resolution would abolish the House Committee on Internal Security which is the successor to the House Un-American Activities Committee—HUAC. A committee like this, whose past practices have often stained the good reputations of many citizens, is neither necessary or desirable in a democratic society. The resolution has been referred to the Committee on Rules.

HOUSING AND ECONOMIC DEVELOPMENT

Housing remains one of the great unsolved problems in all urban communities and Washington, D.C., is no exception. It has been estimated that we need 10,000 units per year for 10 years in order to meet the current population demand for housing. We also need jobs for the people who live in these houses and a means by which they can contribute to the local economy. In the meantime, of course, we must provide the means for many people to achieve a marketable skill.

EXPANSION OF THE EMERGENCY UNEMPLOYMENT ACT—H.R. 12011

While economic development requires the creation of goods and services, as long as the economy is in a recession, it is necessary that the provisions of the Emergency Unemployment Act be expanded so that the minimum purchasing power is maintained. Only in this way can the other programs be successful. This bill is before the Committee on Education and Labor

DISTRICT OF COLUMBIA URBAN DEVELOPMENT CORPORATION—H.R. 12301

Governed by 15-member board, the corporation would be empowered to build and rehabilitate housing, community projects, industrial, and commercial enterprises in the city. These would be done by the corporation alone or with the aid and assistance of private developers. The corporation is intended to end the fragmentation of the plethora of alphabet agencies where no one has the authority, the funds, or the expertise to spearhead an attack on the problems of inadequate housing and commercial enterprises. The only Federal moneys required would be for startup purposes since the funding would be by Government guaranteed bonds. The bill is being considered by the Committee on the District of Columbia.

INCREASE CEILINGS ON UNEMPLOYMENT COMPENSATION—H.R. 10895

Cosponsored with Congressman DONALD FRASER, Democrat, of Minnesota, this bill was introduced to amend and update the Unemployment Compensation Act to make it conform to Federal Law as well as provide for an increase in the ceiling of the maximum benefits. Under current law, an individual may receive an amount up to 50 percent of the average weekly wage paid in the District of Columbia. This bill amends that to 66⅔ percent. As a result, more people will receive an amount that better approximates the intention of providing a viable insurance system for those who become unemployed through no fault of their own. This bill has been passed by both Houses and is now a public law, Public Law 92-211.

DEVELOPMENT BANK CREATED FOR CITY ECONOMIC LIFE—H.R. 11501

The creation of a development bank for the city is designed to assist those economic development projects which would normally be difficult to finance from the usual private or public sources. Priority would be given to those undertakings which increase employment or broaden the tax base. The bank would be private and of a limited profit nature with a 13-man board which includes three officers of the Federal Government, the Mayor, and the chairman of the city council. The bill has been referred to the House Committee on the District of Columbia. It has been approved by the subcommittee action.

SEED MONEY FOR NON-PROFIT LOW AND MODERATE INCOME HOUSING—H.R. 10075

This bill is designed to provide nonprofit housing corporations with interest free loans for pre-construction costs such as engineering studies, architect, and counsel fees. The bill also adopts for the District of Columbia the Uniform Disposition of Unclaimed Property Act which allows unclaimed funds, such as dormant bank accounts, deposits, and refunds held by utility companies and fiduciaries to be deposited in the fund. This measure has been referred to the Subcommittee on Business, Commerce, and Fiscal Affairs of the House District Committee.

DISTRICT OF COLUMBIA COMMUNITY DEVELOPMENT ACT—H.R. 10036

This bill modifies several provisions in existing law which inhibits the city and the RLA in providing safe and sanitary housing. Among other things, it allows the city to share land to which it has title with private developers and corporations. The city is also permitted to sell land to a nonprofit housing corporation at a price to be determined by the intended use of the land, as opposed to that price which would be commanded if the sale were based on the best economic use of the land. This measure has also been referred to the Committee on the District of Columbia.

THE ENVIRONMENT AND TRANSPORTATION

The protection of our environment and the prividing of safe, adequate, efficient mass transportation compliment each other. Where we are able to reduce the number of cars, our streets will be safer and the air will be cleaner. To the extent that the automobile is still necessary, provisions must be available to assure that insurance is available for the elderly as well as protection against those who are uninsured. All of the bills assist in this end.

PUBLIC OWNERSHIP OF THE TRANSIT COMPANIES—H.R. 11799

This bill would permit the city, through the WMATA, to acquire ownership of the D.C. Transit Co.'s equipment and other useful transportation facilities as well as cancel the franchise granted to Mr. Chalk. It would also provide for the acquisition of the privately operating companies in the metropolitan area since a unified transit system would be most economical and efficient to operate.

Provisions for reduced fares, and maintenance of the integrity of labor and other contracts are established along with means for both temporary and permanent financing. The bill is now before the House Committee on the District of Columbia.

NEW TRANSPORTATION SERVICES FOR THE ELDERLY—H.R. 11959

This bill provides that all applications filed under the provision of the Urban Mass Transportation Act must contain a reduced fare program for those who are 66 years and older. The bill also provides that motor vehicle insurance must be made available to the elderly and that all facilities for transportation be equipped to insure access for both the elderly and the handicapped. This bill is now before the Committee on Banking and Currency.

ESTABLISHMENT OF TRANSPORTATION TRUST FUND—H.R. 11967

Since efficient utilization of funds requires coordination, this bill provides that the several various trust funds for specific modal applications be merged into a single transportation trust fund which will permit general planning in line with the national needs and in terms of the technological and financial resources which are available. The bill requires that recommendations be specifically made with respect to the need for rapid development and improvement of mass transportation. The bill is now before the Committee on Ways and Means.

PROTECTION FOR VICTIMS OF UNINSURED MOTORISTS—H.R. 8958

This bill was cosponsored with Congressman GILBERT GUDE, Republican, of Maryland, and is designed to protect District of Columbia residents involved in accidents caused by negligent drivers of uninsured vehicles. It would supplement the current Motor Vehicle Safety Responsibility Act and would include the establishment of an unsatisfied judgment fund, consisting of fees paid by owners of uninsured vehicles from which a victim may recover if the defendant were found to be judgment-proof. The bill was referred to the Committee on the District of Columbia.

INCENTIVE MEASURES TO STOP POLLUTION—H.R. 9297 AND H.R. 9298

These two bills were cosponsored with Congressman LES ASPIN, Democrat of Wisconsin, and are designed to curb pollution through the use of economic incentives. The first bill would place a retailer's excise tax of 10 cents on nonreturnable cans and bottles for beer and soft drinks. The second bill would tax detergents containing phosphates at a rate dependent upon the percent of phosphates. All tax moneys collected would be returned to the local governments. Both measures have been referred to the Committee on Ways and Means.

INSURING CONTINUED EXPANSION OF BLUE PLAINS SEWAGE TREATMENT PLANT—H.R. 12703

Introduced with the other four area members—Messrs. HOGAN, BROYHILL, GUDE, and SCOTT—this bill insures that there will be no lag in Federal funding for the expansion of the Blue Plains sewage treatment plant. Expansion is provided in an omnibus water pollution bill which has passed the Senate but not the House. The EPA does have some funds available for the project; but the authorization expired on October 31. This bill allows EPA to resume grants without waiting for the new omnibus bill. The bill is before the Committee on Public Works.

CREATE HOUSE COMMITTEE ON THE ENVIRONMENT—HOUSE RESOLUTION 799

This resolution would create a standing committee in the House with responsibility for all legislation that would affect the environment. The need for a specialized committee is becoming increasingly apparent as it is evident that the expertise on the environment is now lacking in the other standing committees and as environmental legislation becomes increasingly complex. The legislation before the Committee on Rules.

CARE AND CONSIDERATION OF THE ELDERLY

The need of providing adequate foods, transportation, and health care, for the elderly in our population must not be overlooked. They are the ones who have given so much in building our communities and we must not neglect them. The vitality that was once theirs is now ours and it is only fitting that our society provide the mechanisms of care and consideration that will enable their declining years to be golden ones.

NEW TRANSPORTATION SERVICES FOR THE ELDERLY—H.R. 11959

This bill provides that all applications filed under the provision of the Urban Mass Transportation Act must contain a reduced fare program for those who are 66 years and older. The bill also provides that motor vehicle insurance must be made available to the elderly and that all facilities for transportation be equipped to insure access for both the elderly and the handicapped. This bill is now before the Committee on Banking and Currency.

ASSISTANCE FOR THE CONSTRUCTION AND OPERATION OF SENIOR CITIZEN COMMUNITY CENTERS—H.R. 11960

Under the provisions of this act, states may qualify for funds to construct multipurpose senior citizen centers. The bill is before the Committee on Education and Labor.

LOW-COST MEALS FOR THE ELDERLY—H.R. 11961

The bill provides grants to the States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, for the elderly who often lack the resources and the ability to prepare nutritionally sound meals for themselves. The bill has been referred to the Committee on Education and Labor.

REHABILITATION OF ELDERLY WHO ARE IN LONG-TERM HEALTH CARE FACILITIES—H.R. 11962

Funds are provided in this bill for projects to develop or demonstrate programs designed to rehabilitate elderly patients in long-term health care facilities or to assist such patients in attaining self-care. The Committee on Interstate and Foreign Commerce is considering the bill.

INCOME AND WELFARE

Many bills and programs provide broad expanses of authority that have macroeconomic effects. These are important; but, it is equally important to assure that individuals are given the means to achieve a decent standard of living by assuring that the programs employ the people, where possible, they are designed to assist.

SENIOR CITIZEN CENTERS—H.R. 11960

The persons employed in these centers are to be, where possible, senior citizens since the centers are built for them with the intent that they be the primary beneficiaries. Under this provision, the elderly will be able to supplement their fixed incomes.

EXTENSION OF THE MINIMUM WAGES—H.R. 10074

The minimum wage is extended to a greater number of persons under the provisions of this bill and for the first time, household workers are covered.

EXPANSION OF THE EMERGENCY EMPLOYMENT ACT—H.R. 12011

This bill expands the Emergency Employment Act of 1971 to reduce national unemployment and stimulate noninflationary economic growth through the establishment of a special employment assistance program with funds to carry out the provisions. Provisions for the allocation of funds are also made so that not less than 80 percent will be apportioned among the States on the basis of the proportion which the total number of unemployed persons bears to the total number of such persons in the United States. The Committee on Education and Labor will consider this bill originally introduced by Mr. REUSS, of Wisconsin.

EDUCATION

The following bills attempt to provide the mechanisms by which everyone can achieve the best education that is available whether they are rich, poor, health, or handicapped.

EDUCATION BILL FOR VETERANS—H.R. 9627

Co-sponsored with Congressman MARVIN L. ESCH, this bill provides for a direct payment of $1,000 by the Veteran's Administration to educational institutions for any eligible veteran not on active duty but who enrolled on at least a half-time basis. Designed to establish a comprehensive educational program for veterans returning from Vietnam, the payment may be used to cover not only tuition but books, fees, and other related costs. The veteran would also receive a subsistence allowance of $175 per month with a sliding scale for those with dependents. This bill has been referred to the Committee on the Veterans' Affairs.

HANDICAPPED EDUCATION ACT—H.R. 11131

Under the provisions of this bill, which was co-sponsored with Congressman BADILLO, Democrat, of New York, funds are set aside for the establishment of a tutorial and related instructional services to be provided to homebound children through the employment of college students.

This bill is designed to enable the homebound to have a greater sense of participation in the educational process. Since college students are to be employed, it will enable those who need funds to receive a stipend as well as be able to contribute to the education of those who are handicapped. The bill is now before the House Committee on Education and Labor.

DRUG TREATMENT

One of the most pressing problems is the control of the drug traffic and the providing of programs for those who are addicted. These programs must not only offer a substitute to addiction but provide the incentive for remaining away from drugs.

STOPPING ILLEGAL DRUG TRAFFIC FROM FOREIGN COUNTRIES—H.R. 7820

This bill was cosponsored with Congressman Rangel, Democrat, of New York. The purpose of the legislation is to cut off foreign aid to countries failing to halt illegal drug traffic into the United States. The bill was referred to the Committee on Foreign Affairs.

FOOD STAMPS TO AID HALFWAY HOUSES—H.R. 11466

Cosponsored with Congressman Herman Badillo, Democrat, of New York, this bill amends the Food Stamp Act to 1964 to permit certain types of narcotic addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts to be able to use food stamps in their rehabilitative programs. The bill would also permit some addicts to use food stamps for the purchase of meals. It is now pending before the House Committee on the Agriculture.

MEDICINES TO CURE, PREVENT, OR TREAT DRUG ADDICTION—H.R. 12756

This bill authorizes the establishment of programs to find drugs which will treat, prevent, or cure drug addiction. While some drugs—for example, methadone—are now available, many of these are only substitutes for the addict and do not cure or prevent addiction.

DISCRIMINATION AND JOB PROTECTION

There is nothing that is more discouraging to a qualified worker than to learn or discover that his promotion, hiring, or dismissal is the result of his race or sex. Besides my support for a strong EEOC bill, I have introduced other legislation that attempts to provide a means to combat discrimination—some of which is at the doorsteps of the Congress itself. Other forms of discrimination, religion, association, manifest themselves in harassment, etc., lead to the need for a clear policy which is spelled out in legislation.

PROTECTION FOR LIBRARY OF CONGRESS EMPLOYEES—H.R. 10591

Introduced after the events of June and July at the Library, this bill is intended to provide for the establishment of a program which will encourage and enable an employee to bring a complaint of discrimination.

While the librarian is accountable only to Congress, this bill establishes the policy that he shall submit his plans for equal employment opportunities to the EEOC which has developed the necessary expertise to provide guidance and enforcement. The bill also establishes the appointment of an arbitrator once a complainant has exhausted his administrative remedies within the Library. His decisions, of course, would be binding. The measure in large part was incorporated in the Equal Employment Opportunity Act of 1972, which has been signed into law by the President.

FEDERAL EMPLOYEE BILL OF RIGHTS—H.R. 8134

Cosponsored with Congressman Charles H. Wilson, Democrat of California, this bill is intended to protect the civil rights of Federal employees from unwarranted governmental invasions of their privacy by prohibiting any requirement or test that would cause one to reveal his race, religion, national origin, or activities which are unrelated to his job. In addition, this bill assures every Federal employee of his right to legal counsel in any proceeding that might result in his dismissal or other disciplinary action. The bill also establishes a Board on Employee Rights with injunctive powers. This measure is now pending before the Committee on Post Office and Civil Service.

HONORING OF MARTIN LUTHER KING

This man who gave his life in the belief for nonviolence, racial equality, and economic freedom deserves to be honored by the Nation and be recognized annually by the President.

TO MAKE MARTIN LUTHER KING, JR'S. BIRTHDATE A LEGAL HOLIDAY IN THE DISTRICT OF COLUMBIA—H.R. 10250

This bill makes the birthdate of the late Dr. Martin Luther King, Jr., a legal holiday in the District of Columbia. Under this measure, the third Monday of each January is set aside in recognition and honor of this noble American. The bill also provides that holidays observed by the private sector be the same as those observed by employees of the Federal and city government. This measure has been referred to the Committee on the District of Columbia.

AUTHORIZATION FOR PRESIDENTIAL PROCLAMATION OF MARTIN LUTHER KING, JR., DAY—HOUSE JOINT RESOLUTION 937

This resolution authorizes the President of the United States to declare each January 15 as Martin Luther King, Jr. Day through the issuance of a proclamation calling upon the people to commemorate the life and service of this man to his country through appropriate honors, ceremonies, and prayers. This bill is now before the Committee on the Judiciary.

A BILL TO MAKE THE BIRTHPLACE OF DR. MARTIN LUTHER KING, JR., A NATIONAL HISTORIC SITE—HOUSE JOINT RESOLUTION 691

This measure would make the birthplace of Dr. King in Atlanta, Ga., a national monument. It was referred to the Committee on Interior and Insular Affairs.

FOREIGN RELATIONS

The integrity of the United States is based upon the honest conduct of our foreign relations and upon our understanding of the other nations of the world. It is also based upon a renouncing of the use of the weapons of total destruction, to the extent possible and practical, and renouncement of apartheid policies through sanctions against those nations which engage in the systematic exclusions of blacks and other peoples from the political, economic, and social life of the nation.

ORDER TO THE SECRETARY OF STATE TO PRODUCE DOCUMENTS ON VIETNAM FOR THE HOUSE—HOUSE RESOLUTION 638

This resolution cosponsored with Congressman Lester Wolff, Democrat, of New York, is intended to assist the House Committee on Foreign Affairs in obtaining information about the role of American involvement in the recent election in South Vietnam. This comes as a result of the lack of total cooperation given by the Department of State to the Congress. Since this is a House resolution, which affects only that body, no action by the Senate or the President is necessary. The resolution has been reported; it is now on the table in the House, subject to a call at any time.

USE OF NUCLEAR WEAPONS IN WAR—HOUSE JOINT RESOLUTION 1067

This bill establishes it to be the policy of the United States to not use any nuclear weapon except in the case of a response to a nuclear attack. While this is now the expressed policy of the President, it is important that it be spelled out in law. The Committee on Foreign Affairs will consider the bill.

TERMINATION OF U.S. BUSINESS ACTIVITIES IN SOUTH AFRICA

This bill would terminate the activities of those businesses in African countries that systematically exclude blacks and and others from the political, economic, and social life of the nation.

ESTABLISHMENT OF A CHINA INSTITUTE—HOUSE JOINT RESOLUTION 1085

While the United States does not now have any formal diplomatic ties with the People's Republic of China, it is still necessary that we begin to train our potential foreign service personnel and others in the history, culture, and language of the most populous nation. Knowledge provides the means by which the fears of one nation toward another will be ameliorated.

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my weekly report to Indiana's Ninth District constituents on the President's trip to China:

WASHINGTON REPORT—PRESIDENT'S TRIP TO CHINA

To understand the significance of the President's historic trip to China, it is essential to understand why the trip was made.

A change is taking place in the relationship among the big powers in Asia. The Soviet Union and China are at odds. Japan has become a major power. The United States is reducing its military presence in the area. The British have departed. And the SEATO grouping of nations is losing its viability.

Taking place is a reordering of power, especially among the dominant forces in Asia: China, the Soviet Union, Japan, and the United States. The relationship between and among them must be worked out, and the meeting between President Nixon and the leaders of mainland China served the purpose of both nations in beginning a dialogue to work out the relationship.

It will take time to work out an accommodation among the four dominant powers in Asia. The U.S. requires a relatively stable relationship with China to lower its posture, and yet maintain its influence in Asia. China, worried about the massive presence of Soviet troops on the Chinese border, obviously is hoping that a "live and let live" relationship with the U.S. will cause the Soviet leadership concern about a possible collusion between the U.S. and China.

Balance-of-power politics, of course, is a dangerous game. The Soviet Union could get its back up if it believed such a collusion were taking place. The U.S. hope is that a fairly stable relationship among the four powers will emerge including arrangements to defuse trouble spots such as Korea and Vietnam.

President Nixon and Premier Chou concluded nearly a week of meetings by issuing a joint communique which included (1) a pledge for gradual increase in American-Chinese contacts through trade, science, culture, sports, news media, and frequent diplomatic contacts, and (2) the U.S. acknowledgement that all mainland Chinese maintain that "Taiwan is a part of China," and that it is our desire for a peaceful settlement, reached by the Chinese themselves. It also affirmed as an ultimate objective the U.S. withdrawal of the 8,000-man military contingent on Taiwan, "as tension in the area diminishes."

After 22 years of no contact and much hostility between the two countries, the communique was an acknowledgement of both the common interests of China and the U.S., and of their disagreements, such as diverse ideologies and Taiwan. More important than any agreement or disagreement was that a dialogue was begun on the future structure of the Pacific. Just as important as the carefully worded and balanced communique is that the meeting took place with great publicity, cordiality, and expressions of respect.

Quick conclusions about the results of the summit—who won or who lost—should not be made. More significant is the kind of communication which will continue from this point on. The meeting did bring to an end, in a dramatic fashion, the historic containment-of-China policy which the U.S. has followed, sometimes with an evangelical fever, for more than two decades. It would be foolish to pretend, however, that all of the fundamental differences between the two countries have been, or will be, resolved quickly.

Some say the President's concession to China on Taiwan was a U.S. surrender. The language of the communique contains many loopholes and escape hatches, however, in the event that future China conduct is disappointing. For example, we pledge to withdraw U.S. forces from Taiwan as an "ultimate objective, contingent upon the reduction of tension in the area," which is a vague phrase the President can interpret as he pleases. There simply is no other way for the U.S. to begin any kind of accommodation than by dealing with the question of Taiwan.

Not the least significant aspect of the President's widely-publicized China trip is that it opened a whole new world to many Americans, who probably learned more about China and its 750 million people in those few days than they had ever known before. It reopened communications, started some candid talk between Washington and Peking, and cut away many of the illusions which have hampered U.S.-China relations in the past.

WILLY BRANDT'S "WESTPOLITIK"

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ROSENTHAL. Mr. Speaker, Chancellor Willy Brandt of the Federal Republic of Germany, will find, I believe, one of the highest places in the history of postwar Europe. The award of the Nobel Peace Prize to Brandt last year symbolized the recognition he will obtain in increasing measure as history shows him to be right in his efforts to break the bonds of the cold war while keeping Germany closely tied to the democratic West.

Brandt wrote recently in Foreign Affairs, in an article which I include below in its entirety, that Germany's "Westpolitik" is the counterpart and complement to the much better known—and much more severely and unfairly criticized—"Ostpolitik." The latter represents Brandt's attempt to liberate Germany and Western Europe from the confines of the cold war; his "Westpolitik" shows how firmly Germany remains a partner of the West and an ally of the United States.

His article deserves the most careful consideration by those who would attack Brandt as a means of striking at general detente policies whether pursued by our President or by European leaders. It also merits reading by anyone interested in the views of an outstanding European statesman:

GERMANY'S "WESTPOLITIK"

(By Willy Brandt)

After President Nixon and I met at Key Biscayne on December 28 and 29, 1971, a commentator pointed out that the joint statement issued on our talks seemed more like an American-European than an American-German communiqué. This, he felt, showed itself even on the surface in that the terms "European" or "Europe" appeared 11 times whereas "German" or "Federal Republic of Germany" were only mentioned twice.

The talks at Key Biscayne did indeed center on the American-European partnership rather than on German-American relations. This will not surprise anyone who knows to what extent bilateral relations between West European countries and the United States are overlaid by a network of multilateral relations which is steadily getting more dense. In the Federal Republic of Germany there is not a single question of any importance that could be treated outside the context of American-European relations. This applies to international currency and trade affairs as well as to security police and above all to efforts to decrease tensions between East and West.

In the European Community we have not yet reached the point where the head of a member state is authorized to speak for his European colleagues. All the same, we have at least come to the point where none of us—be it the President of France, the British Prime Minister, the Prime Minister of Italy or the West German Chancellor—could or would defrain from bringing joint European interests into play. Each one of us tries in his own way not only to look after his own nation's interests but also to articulate European considerations. This is true even in cases where one or the other might feel tempted to extract some special advantage from talks with the Americans.

Relations between Western Europe and the United States have reached a kind of in-between stage. Some symptoms of this lie in the area of currency and trade affairs; others in the desire of the United States to lighten its burden; others in the wish of West European nations to establish closer political ties with each other besides their economic unity inside the Common Market; and, last but not least, in America's long-standing recommendation to speed such development, which today, however, is modified by her concern lest her own interests might suffer in the process. To be sure, these factors are somewhat contradictory, which only proves my point about this being a kind of in-between stage.

There is no predicting future developments; they may go in a variety of directions. Responsible forces—on both sides of the ocean—should realize that decisions will be expected from them in this crucial area of "Westpolitik." From my own point of view and considering my own responsibilities, I should like to specify in which direction we should move if we are to take our partnership seriously.

II

People in Europe, at least in Western Europe, are quite aware of the role America assumed at the end of World War II. It was the role of a world power and helpmate who made only limited distinctions between former and future friends. In other words, yesterday's wartime opponents were given aid along with the rest. This aid meant a great deal to them and—this I can say at least for my own country—they have not forgotten it. The twenty-fifth anniversary of the Marshall Plan, which we are going to commemorate this year, offers a special opportunity for remembering with gratitude what the United States has done for Europe.

It does not diminish this gratitude to point out that the position then taken by the United States also happened to suit its own interests; the reconstruction of Europe was a sensible thing for it to undertake from its own point of view. Not only then, immediately after World War II, but through succeeding years relations between America and Europe were marked to a large extent by the polarity between the United States and the Soviet Union. To be sure, there was much talk about bipolarity long after it had, in its original sense, ceased to exist. Now there is talk about tripolarity, when it should be obvious to anyone that both economically and politically there are more than three centers of power.

Here I should like to take up President Nixon's recent remark that the risk of war is declining while economic rivalry is increasing. If this is so, it must mean that the nations or groups of nations among which economic rivalry is increasing are not the same as those among which the risk of war is on the decline. One might also put it this way: if and because the risk of war is diminishing between the United States and the Soviet Union, limited rivalry has a chance of developing between America and Western Europe without the parties concerned having to regard this as a threat to their security I speak here of economic rivalry, in the sense of President Nixon's remark. This does not mean that we should overlook the danger stemming from the fact that no foolproof line can be drawn between economics and politics.

Nevertheless, it should be kept in mind that, on the whole, the existing situation regarding Western security, or security in the Atlantic area, has hardly changed at all in recent years. European security requires that it be actively geared to the American interest. In military potential, the gap between the American superpower and the West European nations is continuously widening. It is going to be a long time, if ever, before Europe will be in a position to guarantee her own security effectively. This is a fact well-informed Americans understand as fully as they do the possible consequences of disengagement within the Atlantic defense community. A role imposed by history cannot be shaken off except at one's peril even if, at times, it seems a burden. I can well understand isolationist trends within Europe, but I think they will not significantly influence the decision-making process. If, some day, there should be a fundamental change in the relationship between the superpowers, new questions will develop with regard to engagements inside the Alliance, which may then be easier to solve.

For the foreseeable future, Western Europe will have to remain militarily geared to the United States. This dependency will diminish as peace is made more certain and as tensions are reduced. This is another reason why both Europe and the United States must maintain a strong interest in efforts to decrease conflicts between East and West. For the benefit of some of our contemporaries who have refused to take note of this, it should be stressed once again that for the past five years the policy of the Atlantic Alliance has rested on two pillars: readiness for defense and an effort to decrease tensions. It is from these principles, demonstrated in the consultations of the Alliance, that what is called our *Ospolitik* has developed.

If, militarily, we speak of West Europe's dependency on the United States, the reverse is also true. It is dictated by U.S. interests. This needs no special explanation; since the play of interests which expresses itself in interdependence has not changed in many years even though many changes have occurred on the international scene. The United States is politically engaged in Europe, and regardless of incidental disputes in current affairs this fact has never for a moment been questioned, as was confirmed only recently in the form given in the Four-Power agreement on Berlin. The American engagement in Europe is essentially a result of World War II. The communist-governed countries of Europe recognize it as such and have dropped their objections against the United States and Canada taking part on equal terms in a European conference on security and cooperation.

There has been much discussion as to whether or not the unification of Western Europe might relieve the United States of the burden of its military guarantee. Certainly a more or less politically united Western Europe would wish—and be able—to organize its security. While we are on our way to that point, West European efforts within the Alliance as presently structured and European participation in certain American planning mechanisms may play an important part.

But nothing can change the fact that, as far as security is concerned, the United States and Western Europe will retain their close connection and remain dependent on each other. Moreover, only in a limited way can the U.S. burden be transferred to other shoulders. People who somewhat simplistically argue that Europe should now be rich enough to do more about her own security skip easily over the actual contribution made by the European partners within the Alliance; moreover, a readiness to make additional contributions has been shown, particularly in the past year. As is well known, NATO's "Euro-Group" has launched a program to reinforce European defense, and the participating members, including the Federal Republic of Germany, have allocated additional funds for defense and have started to cooperate more closely on joint projects. The foreign-exchange balance for the U.S. forces stationed in Germany has once again been regulated. Nobody will deny, however, that American troops leaving Europe can hardly be replaced by European forces, either with regard to their nuclear equipment or their political and strategic deterrent power. Moreover, repatriated forces stationed at home are not cheap either.

To be sure, one may argue about the number of American troops that it is advisable or necessary to maintain in Europe in the interest of mutual security. The German side has not shunned such a discussion, but on the contrary has taken an active part in a preliminary study of the complicated but important question of an even reduction of forces. However, this concept precisely does *not* mean only that joint burdens must find joint relief. It means, above all, that a reduction of the American armed presence in Europe must be a part as well as a result of decreasing tension between East and West. To my mind, a one-sided weakening of the West is foolish, and a substantial one-sided reduction of American forces—coupled with a request to restore the balance through an equal number of European substitutes—may easily turn out to be equally foolish.

From this point of view, Europe has no less interest than the United States in reducing the risks of conflict. For the future of Europe, the chances for her development, the opportunities to find her role in world affairs and to play it adequately, will take shape only when it becomes possible to view the security factor in a calmer way. Europe will be able to find her identity in a convincing and lasting manner only when peace becomes a fairly certain working hypothesis.

III

If we are to accept this working hypothesis that a destructive East-West conflict can be avoided, an interesting picture emerges. We now identify economic spheres of more and more equal potential strength; the much-discussed bipolarity between the United States and the Soviet Union widens into a quadrangle in which Western Europe and Japan have their place. And, obviously, China as an independent force of special potency must be included—though for the time being she remains a strange combination of the most populous nation, an underdeveloped country and a developing nuclear power.

There seem to be more or less equal opportunities for the participants, and herein lies the crucial point of the remark about a possible rivalry between Western Europe and the United States. Those who have followed the discussions of the past few months may almost have come to the conclusion that the working hypothesis mentioned above is more widely accepted in America than in Europe. For it is largely in America that concern has been voiced over an extension of the European Community to ten members—provided the plebiscites in Denmark and Norway have positive results—and that their joint trade policy might lead to angry rivalry, even to economic warfare. To my mind these concerns are understandable, in some instances even justified, but on the whole exaggerated. After all, experience has shown that the American economy has not suffered from the Common Market; quite the contrary. Nowhere have American exports increased more than in the Common Market countries. This is equally true of exports of capital. And perhaps it should be noted that this has something to do not only with the problem of the American balance of payments but also with the international currency crisis (which in essence, it is hoped, we may have overcome).

Those who remember how strongly Americans advised Europeans to unite, those who have not forgotten the statements of American statesmen that the political advantages would be well worth certain economic sacrifices, those who recall American annoyance at the slowness of these Europeans and who now, when the Community of the Ten is beginning to take shape, compare all this with some of the American voices we hear today, might ask themselves whether certain of our American friends have not lost their sense of success. Were it not for American policy over the past two decades Western Europe would never have reached its present point. The United States should actually congratulate itself, for it has helped Europe achieve what it recommended: West European unification has come within reach. And in view of the power relationship even in the economic area one is oddly tempted to say to American friends: "Don't worry! Europe is not as strong as some might think and, above all, she has no intention of making unfriendly use of here new possibilities."

So far we have seen that joint interests and rational thinking are strong enough to prevent any undue aggravation. For many years—and again since I became Chancellor in 1969—I have stressed that it would be desirable to give an organic form to the economic dialogue between the United States and the Common Market. On the American side this was not taken too seriously, probably because people had ceased to believe in an extension of the Market. In Europe, not least of all in Paris, there was concern lest an organized dialogue, meaning one that was held on a high level and with a certain regularity, might lead to a kind of American "co-regency" in the Common Market. I am convinced that we will be able to overcome misunderstandings and obstacles of this or any other sort.

After the disputes in the field of currency and trade policy which we have witnessed in the past months, I feel encouraged in my belief that luckily there is no question of a crisis or a threat of serious estrangement. The economic and currency warfare which the pessimists predicted has not taken place and will, I hope, never take place. There is agreement between the United States and Europe that questions of partnership with other powers—among them mainly Japan—must be settled. This can happen only on the basis of independence and responsibility.

The way to European unity is developing along lines different from those foreseen by perfectionists, including Americans. Everything goes more slowly and less systematically than they had thought. But it should have become clear over the past two years that there is vitality in the European Community. Since the summit conference at The Hague in December 1969, the process of unification has received a definite boost.

When the 12-year transitional phase of the Common Market terminated, as prescribed, at the end of 1969, the Community decided that the enlargement of it into an economic and currency union should be the central task of the seventies. Since January 1, 1971, a new financial constitution has been in force, under which the Community has its own income and, step by step, becomes independent from contributions of its members. The very desirable enlargement of the Community, as urged by the United States, to include Great Britain (as well as Ireland, Denmark and Norway, subject to their ratification) is an accepted fact; it will come about on January 1, 1973, after the governments have accepted the conditions negotiated at Brussels and have signed the Rome Agreements. Finally, and with all due modesty in view of previous results, the international cooperation which started last year and which has included the member candidates, is beginning to take firmer shape.

IV

All this goes to show that the process which will make Western Europe a more serious partner of the United States is fully under way. Past and present experiences warn that along the road snags and contradictions will be encountered. The project involves incorporating independent nations which have evolved over centuries and the social structures of which, despite many similarities, are on the whole quite different from one another, into a Community transcending national borders. The task is not going to become easier with the forthcoming enlargement of the Community from six to ten members. This is true not only of the development within the Community itself but also of the shaping of its relations with the rest of the world. On the other hand, enlargement should not necessarily slow down integration; in certain vital areas the new mixture of interests may very well provide an easier way to overcome some previous obstacles.

The members of the European Community basically agree that economic and political unification belong together. The rule still holds that whoever wishes to join the Community as a full member must, in principle, adopt its political aims. (To put it more precisely: must be able to adopt them, for, as we know, there are European nations whose status is respected by East and West—indeed, in some cases has even been determined by East and West—but which aim only for an associate relationship with the Community.) Among them is the concept that at some as yet unforeseeable point, a kind of European government should be established which would be able to take the necessary decisions on joint policy, subject to parliamentary control.

I am convinced that the community will gradually approach this goal if in the coming years we are interested in further developing the present beginnings of international cooperation. A step-by-step development of an economic and currency union is in itself a major political project. The realization of it will require continuing political decisions as well as further institutional development from which political unification as a whole will benefit.

The next objectives in West European unification will have to be defined at the summit conference of the heads of state or governments of the extended Community. This conference will probably meet in Paris in the fall and, I hope, will generate as much momentum as did the summit conference at The Hague in December 1969.

The Federal Republic of Germany ranks foremost among those who insist that the European Community must not encapsulate itself but should be turned outward to the world. We in Europe cannot integrate a number of important industrial nations without considering the consequences of this for the rest of the world. It would not only be irresponsible toward the others but also very short-sighted with regard to our own interests. One does not have to be an expert to recognize that such integration is bound to have a considerable impact on international trade. We must, therefore, strive for liberal world trade policies in order not to upset the entire international economy. This means that the European Community must remain open, above all, in its relations to the United States—and also to that other great "Western" power, Japan. Here it will not always be possible to avoid confrontations of economic interests. But I do not see any danger in this as long as we all take care that natural competition does not lead to angry rivalry.

Some American statements about the alleged protectionism of the Common Market strike me as unfounded, or at least exaggerated. I have already pointed out that American trade and export of capital to Western Europe have grown out of all proportion—if we go by value, even as regards agricultural products. I could with good reason add that the Community as a whole is less protectionist than the United States. Besides, I am not one of those who complain about foreign investment in Europe; but this does not change the fact that among certain Europeans its volume has aroused fear of "Americanization" in the economic and technical sectors. Many Americans understand the dangers to the U.S. balance of payments of an excessive accumulation of American investment interests in Europe without an equivalent counterflow. The warnings and steps taken by various American governments to safeguard the dollar were, after all, largely related to this.

Yet I would be the last to deny that there is room for improvement in the exchange between the United States and Europe. Here I do not exclude the agricultural area. On the other hand, our American friends are aware of the difficulties which extensive short-term changes may cause in this particular area. I mention these difficulties, although they deal with a worrisome chapter as far as the Federal Republic of Germany's interest and point of view are concerned. But there is no getting away from the fact that if the agricultural Common Market is jeopardized this threatens the Community's entire future development. This fact has to be taken into proper account, especially when it is a question of finding additional outlets for American agricultural products in Europe. A sensible joint policy on agricultural structure, as well as worldwide efforts for a more balanced exchange of agricultural goods, will in the long run change the situation.

I am aware of American criticisms of the Community's policy of forming, by means of associations, closer trade relations with their members' former colonial possessions, although here too we naturally try to abide by the rules of the General Agreement on tariffs and Trade. Totally apart from this, it seems to me that these associations have not had an adverse effect on American trade; on the contrary, they correspond to the need for economic progress and political support in the countries concerned. This is particularly true of Africa. To this I will quickly add that I am against an overcommitment of the European Community in this area and that I am in favor of having special arrangements with developing countries transferred to a worldwide system of preferences.

In view of their immediate geographical proximity and their historical, economic and, to some extent, political ties with the member states of the Community, West European countries which, for one reason or another do not wish or are unable to join the community still aim for a closer relationship with it. It would not be in the interest of political stability in Europe if the Community were to close its doors to these countries and pretend that they did not exist. They, too, have a right to contribute, within the limits of their possibilities, to European cooperation and unification. One must look to the coming negotiations to bring the agreements into accord with the requirements, if possible, of a liberal world trade.

The joint responsibility of the United States and Europe for a global economy developing on the basis of a stable currency system, which will also help growth and stability in the third world, makes inevitable the establishment of an organized alliance between the United States and the European Community in the not too distant future. I have already pointed out that hitherto the dialogue between America and Western Europe has been left too much to chance and has not always been conducted on a high enough level. It will be a priority of the near future to establish a system of information, consultation and definition of interests which takes the new partnership into account.

It is in the nature of things that even those countries in COMECON—the Soviet-East European economic bloc—will normalize their relations with the European Community as well as with Japan and probably also with the United States. We are dealing with realities. Obviously this, too, must come about on the basis of equality, *i.e.* of nondiscrimination with regard to markets and rights.

The possibilities of East-West cooperation in Europe are vast; the tasks involved are immense; the chances to realize them jointly are beginning to improve. Here a way may open to bridge a dangerous gap in a vital part of the world and make a peaceful contribution to the future.

The more this succeeds the more America should rejoice. Peace and welfare in Europe are always advantageous to the United States. In this connection I am reminded again of the twenty-fifth anniversary of the Marshall Plan. Without the support and protection of the United States, Western Europe would never have been able to develop into the prospering Community it has, on the whole, become today. Without this support and protection we would not have succeeded in building a democracy in Germany's Western portion. Without this support and protection it would not have been possible to safeguard Berlin. How could a long-time mayor of that city ever forget that!

Precisely because our partnership is based on common ideals and joint experiences it will continue to prove itself at a time when a mature Western Europe, confident of its newly acquired strength, sets out to assume an independent and responsible role in the efforts for peace and progress.

I have said on another occasion, and I should like to emphasize here especially: Western Europe will form a union beyond that of the economic community which will be able to take its share of international responsibility independently of the United States but in firm partnership with it. At the same time, there will be chances for all-European cooperation and security, perhaps even along the lines of something like a European partnership for peace.

And I should also like to emphasize that Europe and America, which in my opinion can hardly be separated in terms of objectives, should not let each other be separated subjectively either. They need one another as equals. As I said at Oslo in December 1971, the heavier the burdens America has to bear the stronger will become our friendship for that great country.

GOVERNMENT AGAINST LIFE—CONTINUED

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. SCHMITZ. Mr. Speaker, the antilife campaign in the United States, slowed down last year by the vigorous resistance of prolife groups and individuals particularly at the level of State legislatures, will undoubtedly gain new impetus from the publication of the report of the special Commission on Population Growth and the American Future, set up by Congress in March 1970. Advance copies of parts of the report were released to the press and public officials last month. The full report is scheduled to be made available to the general public this month through the Government Printing Office.

The membership of this Commission was heavily stacked in favor of the antilife forces, beginning with its Chairman, John D. Rockefeller III, whose famous family and its foundation have long been very actively involved in population control programs, and whose article "The Hidden Crisis" in Look magazine more than 7 years ago just happened to prefigure almost exactly the final conclusions of the Commission of which he was made the head. Several other members, such as U.S. Senators PACKWOOD and CRANSTON, former Senator Joseph Tydings, Dr. Bernard Beasley and Bernard Berelson, are well known as national leaders in the antilife campaign, while not one prominent advocate or spokesman for the prolife position was included. The executive director of the staff—the man actually responsible for researching and preparing the report—was Dr. Charles F. Westoff of Planned Parenthood-World Population.

A careful reading of the Commission's

process report reveals unmistakably that its research and writing were done by persons who had already made up their minds on this issue. No awkward facts were allowed to get in the way of their conclusions. For instance, the report noted the sharp decline in the U.S. birth rate in the first 6 months of 1971 despite the predictions of many "population experts" that it would increase because of the larger number of women of childbearing age—see my Newsletter 71-38—and found this "somewhat surprising"—but did not let it change their minds.

The report almost totally ignores the experience of foreign countries. No mention is made of the destructive results of the estimated 40 million abortions in Japan since 1948 and the recent reversal of the Japanese Government's position so as no longer to favor population limitation, nor is anything said about the current French effort to restore the three-child rather than the two-child family so as to prevent a fatal weakening of their nation. Not even the elementary facts about the population density of Western European countries which enjoy a high standard of living appear in the report, which insists that we cannot maintain our way of life without a drastic reduction in our population growth. Yet the highest of the estimates of that growth made in this report would still leave this country 40 years from now with a population density considerably less than half that of West Germany, Holland, and Belgium today, whose economies are now in some respects stronger than our own. The population density of the United States, according to the U.N. Demographic Yearbook for 1969, was 22 persons per square kilometer; by comparison, prosperous Taiwan, which I recently visited, has 384 persons per square kilometer.

It is simply not true that we are an overpopulated nation, though we may well be too heavily congested in metropolitan areas.

Nevertheless this Commission has given us its preordained conclusions: that we should push sex education in the schools, enact the "women's lib" constitutional amendment, legalize the distribution of contraceptives to children without the knowledge or consent of their parents, permit abortion on demand everywhere, and, of course, give a great deal more tax money to groups like theirs. In its discussion of abortion, the Commission makes one argument that might have come straight out of an Orwellian nightmare: they actually say that one of the reasons for legalizing more abortions is to reduce infant mortality later on. The only possible reply is to remind the Commission that, after all, a baby—like the rest of us—only dies once.

The one bright spot in this report is the ringing dissent of the vice chairman, Grace Olivarez, executive director of food for all, to the recommendation on abortion. She says:

> To talk about the "wanted" and the "unwanted" child smacks too much of bigotry and prejudice. Many of us have experienced the sting of being "unwanted" by certain segments of our society . . . How often have ethnic minorities heard the statement: "If you don't like it here, why don't you go back to where you came from?" Human beings are not returnable items. Every individual has his/her rights, the least of which is the right to life, whether born or unborn. Those with power in our society cannot be allowed to "want" and "unwant" people at will . . . I believe that, in a society that permits the life of even one individual (born or unborn) to be dependent on whether that life is "wanted" or not, all its citizens stand in danger.

HEROIN BABIES GROW UP

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. HALPERN. Mr. Speaker, last Sunday and Monday, the Long Island Press published a series of outstanding articles relating to drug addiction. Written by Marsha Kranes, the article vividly describes yet another problem caused by the horror of drug addiction.

We are all painfully aware of the more than 550 heroin babies born last year who had to go though withdrawal because their mothers were addicts. These articles go one step further and describe the plight of the children of those mothers who have the habit. The heartbreaking stories of mothers unable to care for themselves, much less dependent children, points to an urgent need for care of these children.

The Press article describes the broken lives of the children of addicted mothers who have, at best, a grim future ahead. Often an addicted mother out of frustration, fear, or inadequacy will abandon her child and leave them with relatives or friends. Others are not so lucky. Some children have been placed in foster homes, others have been put up for adoption, and yet others are left to fend for themselves at an incredibly early age.

I believe that these articles shed light on a drug problem that we have barely considered—what to do with children from heroin addicted families—I think my colleagues in the House would find the Press series most informative.

The articles follow:

CONGRATULATIONS, JUNKIE . . . IT'S A GIRL

(By Marsha Kranes)

Susie was born a loser.

She was born crying and convulsing, going through heroin withdrawal like an addict in need of a fix.

Her "habit" was her mother's. The drug that ruled her teenaged mother's life was sending tremors through Susie's tiny 4½-pound body, making irritable, hyperactive, diarrheic, hungry and dehydrated but unable to nurse.

It was easy for Susie to go through withdrawal. Her need for heroin wasn't great. A few weeks of phenobarbitol and paregoric and her "detoxification" was over.

But Susie's problems were far from over—they had just begun.

Susie's mother—Donna—had disappeared. She had checked out of the hospital two days after Susie was born, eager to return to the street and the drug she craved.

When Susie was still going through withdrawal—a caseworker was assigned to find Donna and see if she or a friend or relative would be able to care for the baby.

When Susie was five weeks old, her mother walked into the hospital unannounced. She wanted her baby.

When she was told an investigation would be necessary, she agreed. And then she disappeared again.

Then Susie was seven weeks old, Donna returned. She was told that she couldn't have her baby until the case was thoroughly evaluated.

This time Donna stayed. She told the caseworker she wanted Susie that she was going to get off drugs. "I can't take care of Susie right now," she said. "But my Aunt Beth will mind her till I get myself together."

After checking with Aunt Beth and finding her able and willing to care for the baby, the caseworker arranged for Susie's release from the hospital. She was eight weeks old.

The caseworker kept tabs on her and found everything working out well . . . for a while, anyhow.

When Susie was four months old, Donna took her from Aunt Beth: "I let her take the baby because she wanted her and she's the mother. And, anyhow, it was getting to be too much for me."

The caseworker tried unsuccessfully to locate Susie, but didn't have any luck. Donna had disappeared again.

Six months later a call came into the caseworker's office. A woman complained that a neighbor's child had been crying day and night. "I think she's all alone. The mother's an addict. She must have abandoned the child."

The caseworker went to the apartment with the police. They found Donna lying on a mattress near death from an overdose. Susie was in a crib, her face swollen and tear-streaked her body undernourished and covered with a rash.

Donna and Susie were taken to the hospital. After a few days, Susie was placed in short-term foster care. The caseworker tried to get Donna to put her baby up for adoption, but she refused. She said she'd enter a rehabilitation program: "I'm finished with drugs."

Aunt Beth once again was prevailed upon to take Susie. The caseworker okayed the arrangement after Aunt Beth promised she'd keep the baby until Donna was ready to provide a proper home.

And so Susie returned to Aunt Beth and Donna enrolled in a rehabilitation program.

The story doesn't end here—promises by Susie's mother and Aunt were not kept and Donna once again disappeared with her baby.

They may turn up in the caseworker's files again—and perhaps next time there'll be court action to place Susie in a foster home. Eventually she may be put up for adoption.

Whatever happens, however, Susie is destined to be a troubled child and a disturbed adult—one who quite likely will seek escape from reality the same way her mother did.

There is also a great unknown in Susie's future; will her withdrawal at birth have any long-term effect?

Unfortunately little is really known about withdrawal babies. They have only recently received recognition as a serious problem.

Statistics about their actual number and records about their physical and mental development are virtually non-existent.

According to the records, at least 550 babies came into the world in New York City last year crying and convulsing as Susie did.

Not counted by the statisticians are withdrawal babies born at home, those born to mothers who could afford to keep their addiction and their baby's withdrawal a secret, and those whose withdrawal symptoms were so slight they passed unnoticed or as some other malady of the newborn.

Data on the long-term effects of withdrawal at birth are even sketchier.

Doctors and social workers cite fears that heroin withdrawal might have serious effects on the baby's central nervous system. But because most babies "disappear" like Susie did, follow-up testing has been almost impossible.

Susie's story is typical of one of the two patterns most withdrawal babies fall into.

Bobby is another withdrawal baby whose story is a little different. He went through methadone withdrawal at birth.

His symptoms were similar to Susie's, but the life he faces may be better—depending on his mother's ability to stay away from drugs.

Bobby's mother, Sharon, is 24 and she admits that she's been around. She's tried "every drug imaginable" alone and in combination. She's been in trouble with the law "for grand larceny and forgery," she's gone into rehabilitation programs "to avoid jail," and she's gotten kicked out of the programs "for shooting dope."

Now, however, she says she is sold on methadone. She admits she's said it before and ended up back on dope and pills. This time, though, she says she is really "going to stay clean." She and her husband, Raymond, decided that after their best friend died last June "from a combination of methadone, heroin and sleeping pills."

Sharon had two children when she was on heroin—Jeff, now eight, and Keith, now seven.

She says now that she wouldn't have had them. She liked playing with them at times "like toys," but she couldn't really care for them.

It's not fair to have a kid if you're an addict. You can't care for yourself, how can you care for a baby?

"Babies need material things, they need care and affection. You can't provide them if you're high. You've got to worry about yourself, about your own physical needs. There's no way you can put your baby first."

But she refused to recognize this until recently.

The two boys lived through a lot—their father was jailed when they were infants. The man who replaced him in Sharon's life died of an overdose.

When they were still toddlers, the police came and took them away. A neighbor had called and said they had been abandoned. Drugs were found in Sharon's apartment and she chose to enter a resident rehabilitation program rather than face jail.

While she was in the program, her children were placed in foster homes. She was ousted from the program—then readmitted—a number of times for "shooting dope."

Two and a half years after her separation from her children, she agreed to put them up for adoption.

After quitting the program, Sharon married another resident of the facility and the two of them resumed their former drug habits.

When it started getting expensive, they entered a methadone program,. They took "goof balls" and sleeping pills to heighten their methadone highs, then they switched to dope. Her husband was thrown out of the program, got sick and was sent to a state addict rehabilitation facility. When he returned to Long Island, Sharon quit drugs "because he was clean."

Two months later their best friend died and they vowed to stay clean.

When Sharon discovered she was pregnant again, she decided to have an abortion. "I was afraid my baby would be taken away from me."

The day before her scheduled abortion, she changed her mind and entered a prenatal program.

"I never did that with the other two. I just went to the hospital and had them when the time came. This time I decided I would do it right."

And so Bobby was born, treated for methadone withdrawal and sent home with Sharon, who expects "he'll be a happy baby."

"It's easy to get high, but a lot of things are more important to me now," she said. "I have a husband who cares for me an adorable baby. It's different life style. I have things that are important to me and I don't want to lose them."

As sincere as he is, however, there are still some doubts that linger.

Her husband is out of work and frequently gets sick from methadone. He's 24 and he's quit drugs many times before, but they've dominated the last eight years of his life.

And Sharon's quit before too—many times in the 11 years she's been using drugs.

Both are hopeful, both want very much to lead normal lives.

They've wanted it before, though, and failed. Maybe this time will be different.

"It's thrilling to see a mother go through a program and succeed," a city social worker said during a recent interview.

Asked if she's seen it happen often, her answer was "it hasn't yet."

Congratulations, Junkie . . . It's a Girl—II

(By Marsha Kranes)

What can be done to prevent today's withdrawal baby from becoming tomorrow's addict?

A baby born crying and convulsing—in the throes of heroin withdrawal—has no known physical need for the drug that coursed through his mother's body into his.

"There's no evidence of craving for drugs in withdrawal babies," according to Dr. Saul Blatman, director of pediatrics at Beth Israel Hospital in Manhattan.

"From what we observe, the baby is not born to be an addict . . . but the environment is likely to lead to it."

Another doctor, Charles Rohrs of Odyssey House, agrees.

"We know most of our addicted come from homes with addiction or difficulties in other areas . . . from family backgrounds very detrimental to them, from homes with poor mothering . . ."

These are the homes most addict mothers have known and the homes they'll provide for their children, according to Rohrs.

Most withdrawal babies—an estimated 80 per cent of the 550 known to be born last year in New York City—go home after leaving the hospital. But home is a catch all phrase. It could mean with mother, with a relative, with a friend or with one of them today and another tomorrow.

"Any workable family arrangement is considered better than a foster home," reports caseworker Judy Fisher of Rego Park.

The Chit's Child Welfare Bureau, she explained, does all it can to place a baby with someone close to his mother—until she is able to take care of herself and her child.

"We have to be wary though," emphasized caseworker Steven Rosenstein of Rego Park. "We feel that as soon as we're not around, the child is returned to the mother. Unfortunately we don't have the manpower for surveillance and our follow-ups become less frequent when new cases, more pressing ones come up."

If a mother is unable to care for her child and arrangements cannot be made with a relative or friend, the baby is usually placed in a foster home.

Foster care—voluntary or court-ordered—is considered a "last resort." But it's where "most of the babies end up."

"It usually lasts a long, long time," Mrs. Fisher explained. "It doesn't solve problems, it helps postpone them. It's good because it means the child will be fed and warm. But the delay makes adoption later on more difficult. The older the child is the harder he is to place."

Adoption is agreed to by some mothers, but most are "completely unrealistic." They want to keep the baby to dress it up and play with it.

"They don't see that it has to be cared for. They have no understanding or concern about what will happen to the child in the future. They just want to take it home."

Often foster care is arranged while the mother enrolls in a residential rehabilitation program. But Mrs. Fisher has yet to see a mother come through one of these programs successfully.

Another solution—Methadone maintenance for the mother—also "doesn't seem to be the answer" according to Mrs. Fisher.

"It's okay if it's the only means, but methadone is another drug. It's not the answer."

Mrs. Fisher also pointed out that while the mother is participating in an addict treatment program she is separated from her child. When she's completed the program, if she does, she finds herself back in the real world with very real problems and responsibilities—including a strange year or year-and-a-half-old child to care for.

The solution, Mrs. Fisher suggested, is a program that keeps the mother and child together and helps the mother learn to conquer her addiction and care for her child at the same time.

This is similar to a suggestion made by Dr. Blatman and precisely what Odyssey House is attempting to do in one of its newer programs.

Dr. Rohrs claims that nothing is done for pregnant addicts.

"Male addicts get most of the attention. Women addicts are largely ignored, especially if they're pregnant."

"Where can a pregnant addict go?" he asked. "The jails put them back on the street. They want no part of them.

"Facilities for unwed mothers are reluctant to take them. If they do, they only provide shelter on a short-term basis.

"The only place to go is a hospital and the care there ends when the baby is born."

"If a woman wants to enter a program after her baby is born she usually has to give up her child. She either decides not to bother or she is separated from her child for a year or more and is not prepared to care for it when she's finished."

The Odyssey House Staff saw a need for continuity of services for pregnant addicts—services that would see women through pregnancy, delivery and early child care while they were living in a drug-free therapeutic community.

And so, last August, they established a special program for pregnant women in a brownstone on East 52nd Street in Manhattan.

The residents of the brownstone participate in the regular Odyssey House rehabilitation program while learning to be good mothers.

They care for their own children and those of fellow residents and staff members with help from a full-time pediatrician and a full-time nurse.

"By allowing a mother to come here with her child, we're helping her, her child and the relationship between both," said Rohrs.

So far, 20 women have moved into the brownstone. Some have come during the early stages of their pregnancy, some a few days before going into labor and others after giving birth.

"It's a very ambitious program, and it's not that expensive," notes Dr. Rohrs. "It's not as though we were like the typical hospital where everything is done for the individual. Here everyone participates in running the house and caring for the youngsters. Everyone in the program is involved and works as much as the staff."

Another feature of the program is its research potential.

Staff psychologist Pat Cucinotta said she hopes it will provide valuable information about the effects of withdrawal at birth on the development of children.

Dr. Rohrs believes strongly in the Odyssey House program:

"Without it and others like it we'll be raising future generations of drug problems."

SHARING THE BLAME

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. McKINNEY. Mr. Speaker, recently New York City Police Commissioner Patrick Murphy addressed the New York Bar Association and advanced what could best be described as a thoughtful discourse on one of our Nation's gravest and complex problems, crime and justice. The New York Times published a distillation of the commissioner's remarks and I would like to share that commentary with my colleagues at this time.

SHARING THE BLAME

(By Patrick V. Murphy)

I am here as Police Commissioner to talk to you, the leaders of the legal profession in this city, about our court system. You will not enjoy what I am going to say, but somebody has to say it.

There is more crime today than ever before. There are more criminals today than ever before. There are more victims today than ever before. But too many criminals are not going to jail, and their victims scream that the criminal justice system has broken down and they are right.

The victims scream that the police are at fault but this is not right, and it is not fair. We the police are far from perfect, but we have shouldered the entire blame long enough. We the police are more efficient today than ever. We pour arrested criminals into the wide end of the criminal justice funnel and they choke it up until they spill over the top, and when I say spill over they spill over into the street and commit more crime.

In today's courts everything is aimed at disposition of cases. Our courts have become totally committed to clearing the calendar. Partly this is due to the fact that there are no jail cells to put criminals into. I admit this. Corrections is still another sad story. I am told that the Bronx jails at present are at 272 per cent capacity.

The surest deterrent to crime is the knowledge by potential criminals that they are likely to get caught, and the certainty—the certainty, I said—that once caught they will be promptly prosecuted, convicted if found guilty, and jailed. There is no such certainty today. This idea has become a farce. Professional stickup men, narcotics pushers, gamblers, laugh at it.

In 1960, the New York City Police Department made 35,629 felony arrests. Last year we made 94,042 felony arrests, an increase of 165 per cent over a ten-year period. You ask what happened to last year's 94,000 felony arrests? Exactly 552 of them went to trial, 552 out of 94,000. The rest of them were disposed of. Disposed of means dismissed outright, reduced to misdemeanors via plea-bargaining, reduced to much lesser felonies via plea-bargaining. No doubt certain of the honest, dedicated policemen who made these 94,000 arrests last year came to the belief that conscientious police work is a waste of time, a waste of effort and a waste of devotion.

Let's look at some specific categories of crime. We did a study of every fourth arrest on gun charges. This amounted to 156 cases, of which 136 were felony arrests for criminal possession of hand guns. Not one of these 136 criminals was convicted of the original felony charge. Now is it a serious felony to carry an illegal hand gun or is it not a serious felony, according to law? If it is a serious felony how do we justify a record like this?

If they had been convicted on the original charges and sentenced to maximum terms, they could have gone to jail for over 952 years. In other words the law would have permitted 952 years of jail but the court system in its wisdom meted out five years and four months, an average of a little over one month per man. No wonder so many people of criminal intent carry hand guns in New York City. They know that the penalty for carrying a gun has become a joke. Over a thousand New Yorkers will be murdered before the end of this year, most of them by guns.

I will state emphatically that the court system must accept the giant share of the blame for the criminal rise in crime.

We in the criminal justice system realize that the courts have problems, that money and time are needed, that the system wasn't designed to cope with modern violence and modern crime, nor with the criminal subculture in drugs. Some improvements to the system have been made already. Yet they have been too few and too slow. We can't wait much longer.

If we need more courtrooms, can we not use schools, offices, any big room while new courthouses are being built? If we need more prosecutors, can we not enlist lawyers to serve as prosecutors on a part-time basis? It is up to you, the members of the legal profession, to get this job done. The Police Commissioner can't do it for you. No one can.

BRIEF FILED BY SENATOR GRAVEL IN CASE OF MIKE GRAVEL, U.S. SENATOR, VERSUS UNITED STATES, BEFORE THE SUPREME COURT OF THE UNITED STATES

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 12, 1972

Mr. GRAVEL. Mr. President, on April 11 the distinguished Senator from North Carolina (Mr. ERVIN) placed in the RECORD the Senate's brief on the pending case before the Supreme Court to which I am a party. Today I ask unanimous consent to have my own brief printed in the RECORD so that the entire Senate may have the benefit of this information.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the United States, October Term, 1971—No. 71-1017]

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Mike Gravel, United States Senator, Petitioner, v. United States, Respondent.

Robert J. Reinstein, 1715 N. Broad Street, Philadelphia, Pennsylvania 19122; Charles L. Fishman, 633 East Capitol Street, Washington, D.C. 20003; Harvey A. Silverglate, 65A Atlantic Avenue, Boston, Massachusetts 02110; Attorneys for Petitioner.

Of Counsel: Alan M. Dershowitz, Cambridge, Massachusetts; Norman S. Salkind, Roger C. Park; Zalkind & Silverglate, Boston, Massachusetts.

February 8, 1972.

[Footnotes will appear at end of relevant segments.]

Petitioner, Mike Gravel, United States Senator, respectfully prays that a writ of certiorari issue to review the opinions of the United States Court of Appeals for the First Circuit entered in this proceeding on January 7, 1972, and January 18, 1972, and the amended judgment of that Court entered January 18, 1972.

OPINIONS BELOW

The opinions of the Court of Appeals and the Protective Order (as modified) which was entered are not yet reported and appear in the Appendix hereto. The opinion of the District Court is reported at 332 F. Supp. 930 (D. Mass. 1971).

JURISDICTION

The judgment of the Court of Appeals for the First Circuit was entered on January 7, 1972. A timely petition for rehearing was denied on January 18, 1972, and this petition for certiorari was filed by February 10, 1972. The mandate of the Court of Appeals was stayed by Mr. Justice Brennan on January 24, 1972, pending the filing and disposition of the petition for writ of certiorari, provided that filing of the certiorari petition occur on or before February 10, 1972.

This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

QUESTIONS PRESENTED

1. Does the constitutional responsibility of a United States Senator to inform his constituents and colleagues about the workings of government require that his actions in publishing an official, public record of the Subcommittee of which he is chairman, containing documentary information critical of Executive conduct in foreign affairs, be accorded protection as legislative activity under the Speech or Debate Clause?

2. May a Federal Grand Jury at the request of the Executive Branch inquire into and investigate the legislative activities of a Senator by utilizing compulsory process to interrogate persons with whom a Senator dealt and to secure documents, about his planning and executing a Senate Subcommittee hearing and publishing the official record of that hearing?

3. May an otherwise impermissible inquiry be allowed because the legislative activity in question was carried out in a manner deemed by a Federal court to be irregular and contrary to the court's notions of germaneness and of the proper way for the Senate to internally allocate its functions?

CONSTITUTIONAL PROVISION INVOLVED

The Speech or Debate Clause of the Constitution Article I, Section 6, Clause 1, provides: ". . . and for any Speech or Debate in either House, they [the Senators and Representatives] shall not be questioned in any other Place."

STATEMENT OF THE CASE

This case involves the claim of a United States Senator that the Speech or Debate Clause of the Constitution and the doctrine of Separation of Powers guarantee that he may engage in the unfettered discharge of his legislative privileges and duties without restraint and inquiry by the Executive and Judicial Branches, operating through the Grand Jury. The questions involved in this case are of the highest magnitude and the manner in which they are resolved will have a significant effect upon the ability and willingness of the members of Congress to carry out their legislative duties. The relevant facts giving rise to the issues in this case are as follows: [1]

On June 29, 1971, Senator Gravel convened a hearing of the Subcommittee on Buildings and Grounds of the Public Works Committee of the United States Senate. He stated at the outset of the hearings that the conduct of United States foreign policy in Indochina was relevant to his subcommittee, as to practically every subcommittee in the Congress, because of its effect upon the domestic economy and, specifically, the lack of sufficient federal funds to provide for adequate public facilities. During the course of this hearing, Senator Gravel read or inserted into the record portions of the so-called "Pentagon Papers", which examine the causes

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Footnote at end of article.

and history of the conflict in Indochina. In order to make the contents of the Subcommittee record widely available to his colleagues and the electorate, Senator Gravel arranged, without any personal profit to himself, for its verbatim publication by Beacon Press, a non-profit publishing division of the Unitarian Universalist Association.

In August of 1971, a Federal Grand Jury sitting in Boston, Massachusetts, and investigating the release of the Pentagon Papers to the press, subpoenaed Dr. Leonard Rodberg, an aide of Senator Gravel. The Senator moved to intervene and quash the subpoena on the grounds that the purpose of the proposed inquiry of his aide was to investigate his own activity which he asserted was immune from judicial inquiry by virtue of the Speech or Debate Clause. A subpoena was also served upon Howard Webber, Director of Massachusetts Institute of Technology Press, with whom the Senator and his aides had unsuccessfully negotiated for the publication[2] of the Subcommittee record. During the pendency of the appeal, two subpoenas were served upon officials of Beacon Press but were revoked due to the stay in effect.

The District Court granted the motion to intervene, and found, *inter alia*, that "the Government's interest in [Dr. Rodberg's] testimony pertains to his acts as Senator Gravel's assistant with regard to the Pentagon Papers and that the government attorneys plan to question him about them before the grand jury." 332 F. Supp. at 933. The Court denied the motion to quash Dr. Rodberg's subpoena, but issued a Protective Order barring inquiry of any witness into Senator Gravel's actions in holding the hearing and in preparing for it. The Court held, however, that the verbatim publication of the record "stands on a different footing" and is not protected by the legislative privilege. *Id.*, at 936–37. With respect to the Webber subpoena, the Government conceded in oral argument that its primary reason for calling him was to question him about conversations with the Senator's aides; the subpoena itself demanded production of all notes relating to Dr. Rodberg and the Pentagon Papers. Intervention was also allowed in this matter, but the motion to quash Webber's subpoena was denied.

Senator Gravel appealed to the United States Court of Appeals for the First Circuit, and the Government cross-appealed.[3] The Court of Appeals' opinion of January 7, 1972, noted that "important questions as to the extent of the legislative privilege" were raised by the appeal (App. 2A). The Court of Appeals concluded that Senator Gravel "has essentially lost his appeal," and affirmed the judgment of the District Court and entered a modified Protective Order (App. 13–15A). The Court held that the constitutional privilege of the Speech or Debate Clause did not extend to Senator Gravel's exercise of the informing function in publishing the Subcommittee record and therefore did not bar grand jury investigation into, for example, the Senator's communications with Webber and Beacon Press. The Court also held that the Grand Jury in conjunction with the Executive could interrogate all persons other than the Senator's aides about his actions in preparing for the Subcommittee hearing, as long as the questioning was not directed to the Senator's motives for holding the hearing.

The Court of Appeals issued a subsequent opinion denying a motion for reconsideration, in which it suggested that ordinary publication of a Subcommittee record might enjoy constitutional immunity but that the publication in question did not because it was done "privately" and because the Subcommittee had "no conceivable concern" with the documents entered into the record (App. 2C).

REASONS FOR GRANTING THE WRIT

The issues which are presented for review are ones of first impression which have not but which must be decided by this Court. These are issues which must be faced and resolved definitively sooner or later, and this is an appropriate and indeed urgent case. What is now before the Court is a classic Separation of Powers problem, and if not decided here and now, it might lead to an embarrassing and perhaps dangerous confrontation between the Legislative Branch on the one hand and the Executive and Judicial Branches on the other. A United States Senator has squarely and clearly raised a claim that his privileges and protections under the Speech or Debate Clause have been infringed by a Grand Jury inquiry, led by the Executive Branch, into his activities and those of his aides and associates in carrying out his duty of informing his colleagues and the electorate about acts committed by the Executive and, specifically, with respect to Executive conduct in foreign relations.

Despite the fact that the Speech or Debate Clause must be, and has by this Court been, "read broadly to effectuate its purposes," *United States* v. *Johnson*, 383 U.S. 169, 180 (1966), the Court of Appeals has effectively denied the applicability of the Clause to the informing function of Congress. The Court thus permitted the Grand Jury to investigate into Senator Gravel's exercise of the informing functions through the interrogation of "third parties"[4] such as Howard Webber and the Beacon Press, with whom the Senator dealt in order to publish and disseminate the Subcommittee record to his colleagues, constituents, and to the public at large. Far from being a broad reading of the privilege, this reading so restricts the scope of the Senator's privilege that it makes it impossible (or, to be more precise, dangerous) for a member of the Senate or the House to enlist the assistance necessary in order adequately to perform his legislative task of informing his constituents and colleagues about vital matters concerning the operations of government. It is this informing function of a member of the Legislative Branch which this Court has viewed as his most important task:

"We are not concerned with the powers of Congress *to inquire into and publicize* corruption, maladministration and inefficiency in agencies of the government. This was the only kind of activity described by Woodrow Wilson in *Congressional Government* when he wrote: 'The informing function of Congress should be preferred even to its legislative function.' *Id.*, at 303. *From the earliest times in its history, the Congress has assiduously performed an 'informing function' of this nature.* See Landis, Constitutional Limitations on the Congressional Power of Investigation, 40 Harv. L. Rev. 153, 168–194. *Watkins* v. *United States*, 354 U.S. 178, 200, fn. 33 (1957) (emphasis added).

As much as speaking on the floor and voting, the informing function is an inherent part of the legislative process in representative government:

"[The Congressman's] duty is to acquire [knowledge about administration], partly for the purposes of further legislation, partly to satisfy his mind as to the adequacy of existing laws. Yet the ultimate basis for the duty is the broader presupposition of representative government that the legislator is responsible to his electorate for his actions. Responsibility means judgment, and judgment, if the word implies its intelligent exercise, requires knowledge. The electorate demands a presentation of the case . . . The very fact of representative government thus burdens the legislature with this informing function . . . .

". . . That duty, however, is not distinct from the legislative process, but implied and inherent in it." Landis, *supra* at 205–06 & n. 227.

This Court has consistently emphasized that the Speech or Debate Clause immunizes from judicial inquiry "legislative acts of . . . [a] member of Congress [and] his motives for performing them," *United States v. Johnson, supra* at 185. This standard has been variously expressed to encompass conduct which is "related to the due functioning of the legislative process," *id.*, at 172, or "in the sphere of legitimate legislative activity," *Tenney v. Brandhove*, 341 U.S. 367, 376 (1951) or "generally done in a session of the House by one of its members in relation to the business before it," *Kilbourne v. Thompson*, 103 U.S. 168, 204 (1881). Far from indulging in "catch-phrases" (App. 8A), this Court has but recognized that the history and policy of the Clause can be satisfied only by a broad standard that immunizes a Member of Congress for actions taken in the discharge of his obligations as a representative of the electorate and prevents intimidation and harassment by a possibly hostile Executive and Judiciary.

It is for this reason that other legislative activities, such as obtaining material for committee hearings, *Dombrowski v. Eastland*, 387 U.S. 82 (1967), conduct at the hearings, *Tenney v. Brandhove, supra*, and committee resolutions and votes, *Powell v. McCormack*, 395 U.S. 486, 502–03 (1969), have been held entitled to protection. We think it evident that in our system of representative government, where "[l]egislators have an obligation to take positions on controversial political questions so that their constituents can be fully informed by them," *Bond v. Floyd*, 385 U.S. 116, 136 (1966), direct communication by a Senator to the electorate through the publication and distribution of committee reports, is legislative activity which is entitled to like protection.[5]

The issue of the degree to which the informing function of Congress is encompassed within the scope of the Speech or Debate Clause is presented herein with striking clarity. What is now before this Court is a classic separation of powers case. There is no claim here, in contrast to some civil cases, that a Member of Congress used the authority of his office to violate willfully an individual's constitutional rights. That kind of situation draws into play the obligation of the Courts to protect individual rights, and there may very well be circumstances where no other means is available to safeguard the preferred constitutional rights of the individual, and where the judiciary will therefore be compelled to draw the balance on the side of the individual. Cf. *Hentoff v. Ichord*, 318 F. Supp. 1175 (D.D.C. 1970).

In this case, on the other hand, the judiciary is not being asked to balance the rights of individuals, including preferred constitutional rights, against the privileges of Members of Congress; to the contrary, the Executive Branch of government has come to the courts and claimed that it may determine what a Member of Congress may tell his constituents about matters of overwhelming public concern. It is no exaggeration to say that this claim challenges the fundamental character of our tripartite system of government.

The Executive's contention that it may investigate and indeed prosecute for the publication of legislative proceedings flies in the face of the historical purposes of the Speech or Debate Clause. The Clause was drafted to secure absolute freedom of speech for Members of Congress. It was the end product of a lineage of legislative free speech guarantees from the English Bill of Rights of 1689 to the first State constitution and the Articles of Confederation. See generally *Tenney v. Brandhove, supra* at 372–75. None of these provisions drew a distinction between a speech of a legislator directed at his colleagues and one to his constituents. On the contrary, the Court in *Tenney* stated that the Clause was designed to protect both. *Id.*, at 377 and fn. 6. This is consistent with

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Footnotes at end of table.

no less an authority than Thomas Jefferson. When a Federal Grand Jury protested against abuses by Congressmen who disseminated slanderous accusations to the public, Jefferson responded that the framers of the Constitution wrote the Speech or Debate Clause to allow Congressmen to inform the electorate without inhibition:

". . . that in order to give to the will of the people the influence it ought to have, *and the information which may enable them to exercise it usefully*, it was a part of the common law, adopted as the law of this land, that their representatives, in the discharge of their functions, should be free from the cognizance or coercion of the coordinate branches, Judiciary and Executive. . . .

"That . . . for the Judiciary to interpose in the legislative department between the constituent and his representative, *to control them in the exercise of their functions or duties towards each other*, . . . to put the representative into jeopardy of criminal prosecution, of vexation, expense, and punishment before the Judiciary . . . is to put the legislative department under the feet of the Judiciary, is to leave us, indeed, the shadow, but to take away the substance of representation, which requires essentially that the representative be as free as his constituents would be . . . ; *and is the more vitally dangerous when it is considered that grand jurors are selected by officers nominated and holding their places at the will of the Executive*." 7 *Writings of Thomas Jefferson* 158 (Ford ed. 1898), quoted in Luce, *Legislative Assemblies* 516–18 (1924) (emphasis added).

The privilege must be read to protect the publication and public distribution of speeches and committee records. This is a principal avenue relied upon by Members of Congress to provide the people with "the information which may enable them to exercise [their will] usefully."

The Constitutional evil which would result from denying the privilege's applicability to the informing function of Congress is magnified when this is done at the behest of the Executive and with respect to material which is critical of executive behavior. As this Court has emphasized, the central purpose of the Speech or Debate Clause is "to prevent intimidation by the Executive and accountability before a possibly hostile Judiciary."[6] *United States* v. *Johnson, supra* at 181. If the Executive Branch may, at will, institute Grand Jury proceedings and interrogate witnesses about Senators' publications of their speeches and committee reports which they send to the electorate, it will possess the power to isolate effectively all but the most courageous legislators from their constituents.[7] If such a rule applies, Congressmen will have to watch what they say to the people—in press releases, newsletters and anything spoken outside of the four walls of the Capitol—and they will inescapably be inhibited out of fear of harassment, Grand Jury inquisitions and even prosecutions. Yet if the Speech or Debate Clause means anything, it is that courts and prosecutors are not referees over what Congressmen may say to the people or how they may say it.[8]

The proper rule of Constitutional law was stated in *Methodist Federation for Social Action v. Eastland*, 141 F. Supp. 729, 731 (D.D.C. 1956) (three-judge court):

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. . . . Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. We think it equally clear that nothing authorizes anyone to prevent Congress from publishing any statement."

The Court of Appeals placed reliance upon two early English cases [9] holding publication of legislative proceedings outside the Parliamentary privilege. This reliance is decidedly misplaced, for their underpinning has been repudiated and their holding has not survived. These cases had their genesis in a politically-motivated prosecution of the Speaker of the House of Commons, *Rex v. Williams*, 2 Show. K.B. 471, 89 Eng. Rep. 1048 (1794), and this decision was later declared to be "a disgrace to the country," *Rex v. Wright* 8 T.R. 293, 101 Eng Re. (King's Bench, 1799). At least since *Wason v. Walter*, L.R. 4 Q.B. 73 (1868), the settled law in England is that the Parliamentary privilege protects a member who publishes a speech "for the information of his constituents," and that the privilege applies derivatively to the publisher, because "such publication . . . is essential to the working of our Parliamentary system, and to the welfare of the nation." *Id.*, at 95. There is no reason in history or policy why the privileges of elected representatives in the United States should not be at least equal to those of their counterparts in England.

The confusion which was endemic in British law before final resolution by the highest court of England is now mirrored in our own country in conflicting decisions of the lower Federal courts. There are *dicta* in two prior cases which are consistent with the holding of the First Circuit. *Long v. Ansell*, 69 F.2d 386, 389 (D.C. Cir. 1934); *McGovern v. Martz*, 182 F. Supp. 343 (D.D.C. 1960).[10] On the other hand, there are two decisions which hold that the Speech or Debate Clause affords complete protection to Congressmen who publish committee records. *Hentoff v. Ichord, supra; Methodist Federation for Social Action v. Eastland, supra.*[11] Furthermore, the holding of the First Circuit conflicts in principle with the decision of the District of Columbia Circuit in *Hearst v. Black*, 84 F.2d 68 (D.C. Cir. 1936). This was an action to enjoin members of a Senate subcommittee chaired by then Senator (later Justice) Hugo L. Black from keeping, reproducing and distributing to his colleagues and to the public, documents which were alleged to have been obtained illegally. The court dismissed the complaint on principles of separation of powers:

"The prayer of the bill is that the committee be restrained from keeping the messages or making any use of them or disclosing their contents. In other words, that if we find that the method adopted to obtain the telegrams was an invasion of the appellant's legal rights, we should say to the committee and to the Senate that the contents could not be disclosed or used in the exercise by the Senate of its legitimate functions. We know of no case in which it has been held that a court of equity has authority to do any of these things. On the contrary, the universal rule, so far as we know it, is that the legislative discretion in discharge of its constitutional functions, whether rightfully or wrongly exercised, is not a subject for judicial interference.

"The Constitution has lodged the legislative power exclusively in the Congress. If a court could say to the Congress that it could use or could not use information in its possession, the independence of the Legislature would be destroyed and the constitutional separation of the powers of government invaded." *Id.*, at 71–72.

The recurring nature of this issue and the conflicting decisions in the lower courts are additional reasons for this Court to clarify the extent of the Congressional privilege. A clear decision by this Court is necessary so that Members of Congress, who routinely inform their constituents by issuing press releases and by circulating copies of their speeches and committee reports and records, will know precisely what their rights are. Similar considerations led this Court to take review in *Barr v. Matteo, supra*, and *Howard v. Lyons*, 360 U.S. 593 (1959), and to hold that the judicially-created doctrine of executive privilege protects the issuance and circulation of news releases by the thousands of subordinate officials of the Executive Department. The Court of Appeals has not explained why the constitutional privilege of elected Members of Congress should be narrower.

Perhaps out of recognition that its holding was at odds with the thrust of prior decisions of this Court and was inconsistent as well with the history and policies underlying the Speech or Debate Clause, the Court of Appeals suggested that ordinary publication of committee reports might well be constitutionally protected but that this particular instance was not. This was implied in the initial decision [12] and stated beyond doubt in the second opinion (on rehearing), where the Court of Appeals "dr[ew] a distinction between normal and customary republication of a speech in Congress and republishing privately all or part of 47 volumes of, we must presently assume, lawfully classified documents, through the device of filing them as exhibits to the records of a subcommittee to which they have no conceivable concern" (App. 2C).

The clarifying language in the opinion on rehearing indicates clearly that the Court of Appeals has thus taken upon itself the power of determining whether or not a procedure followed by a Senator in the performance of his legislative functions is sufficiently "regular" so as not to divest his protection under the Speech or Debate Clause. In so doing the Court of Appeals has departed drastically from settled principles. Even the District Court recognized in its Opinion that "[t]he courts have no right to dictate . . . the procedures for Congress to follow in performing its functions . . .", and that "[j]udging the applicability of the legislative privilege in the exercise of the functions of the legislator's office should be done 'without inquiring whether the exercise was regular according to the rules of the House, or irregular and against their rules,'" 332 F. Supp. at 936. How a House of Congress internally allocates its functions and prescribes and enforces its procedures is a political question which is beyond the cognizance of the courts.[13] The judiciary has no more authority to tell a Senator what is germane to the subcommittee which he chairs than to adjudicate the current jurisdictional dispute between the Foreign Affairs and Armed Services Committees.

It is equally clear that there is nothing in the nature of "private" publication which may defeat the privilege. Technological developments in printing have so persuaded Congressmen and other public officials to utilize private facilities to disseminate report and records in order to obtain the cheapest and most widespread distribution that it is now a dominant mode of publication. This Court may take judicial notice of the fact that, for example, every important commission report over the last decade has been printed privately,[14] as have transcripts of significant Congressional committee hearings.[15] And even before this development became so pronounced, the Public Printer, who is after all distinguished only by being subsidized by the taxpayer, has not had a status at all different, under either American or English Law, from private printers who publish legislative proceedings.[16]

By making the applicability of the privilege for publication turn upon judgments of "germaneness" and "regularity," the Court of Appeals has hardly provided a limiting principle. It has, to the contrary, supplied yet more uncertainty, for the privilege is "of little value," if Congressmen must depend upon the way of a court or jury later speculates upon such amorphous concepts. See *Tenney v. Brandhove, supra* at 377.

Footnotes at end of article.

Finally, the consequences of the decision of the Court of Appeals are not ameliorated by the fact that Senator Gravel and his aides will not personally be questioned before the Grand Jury. In allowing the interrogation of "third parties" into the legislative activities of a Congressman, so long as his "motives" are not attacked, the Court of Appeals misapprehended the holding of *United States v. Johnson, supra* at 173–76, where this Court barred inquiry of anyone not only into motives but also into *how* the speech was prepared and into its precise ingredients. The rationale of the Court of Appeals affords little, if any, protection to Congressmen, for in the course of their legislative activities they of necessity deal with innumerable people,[17] and questioning of them before the Grand Jury may accomplish by indirection precisely what the Court of Appeals recognized could not be done directly—the intensive breach of the sanctity of the legislative process. The Executive, with the assistance of the Grand Jury may, under this decision, investigate how a Congressman wrote a speech, what materials were in his possession, his conversations prior to voting or speaking out on controversial issues, how he prepared for a hearing, and how he made his speeches, reports and hearings available to his constituents—so long as the interrogators disclaim any intent to attack his motives. Aside from the clear violation of separation of powers thus effectuated, the intimidating potential of this approach and its possible effects on Congressional deliberations are awesome.

And surely there is nothing unique about the Grand Jury which justifies such a holding. Other investigative bodies, of at least equal stature and importance, have not been permitted to proceed unchecked when their investigations were perceived to have a similar impact upon First Amendment freedoms. See. *e.g., DeGregory v. Attorney General of New Hampshire,* 383 U.S. 825 (1966), and cases cited therein at 829. There is no reason why the Grand Jury, which is subject to the supervisory powers of the Federal Courts, should not be governed by like restrictions when it intrudes into an area of prime constitutional importance.

CONCLUSION

Only six years ago, in but the third case dealing with the Speech or Debate Clause decided by this Court, Mr. Justice Harlan observed that "[i]n part because the tradition of legislative privileges is so well established in our policy, there is very little judicial illumination of this clause." *United States v. Johnson, supra* at 179. Since then, the Court has been obliged to take review three more times.[18] An important provision of the Constitution, adopted at the Convention without debate and viewed as axiomatic for most of our history, is now the center of controversy and doubt. This is an appropriate case for this Court, as the ultimate interpreter of the Constitution, to enunciate definitively the extent of the Congressional privilege.

Petitioner respectfully prays that a writ of certiorari issue to review the judgment and opinions of the Court of Appeals for the First Circuit.

Respectfully submitted,

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Charles L. Fishman, 633 East Capitol Street, Washington, D.C. 20003.

Harvey A. Silverglate, 65A Atlantic Avenue, Boston, Massachusetts 02110. *Attorneys for Petitioner*

Of Counsel: Alan M. Dershowitz, Cambridge, Massachusetts. Norman S. Zalkind, Rober C. Park, Zalkind & Silverglate, Boston, Massachusetts.

Footnotes at end of article.

APPENDIX A

[In the U.S. Court of Appeals for the First Circuit—No. 71-1331 and 1332]

United States of America *v.* John Doe Mike Gravel, United States Senator, intervenor, Appelant.

[No. 71-1335]

United States of America, Appellant, *v.* John Doe.

Appeals from the U.S. District Court for the District of Massachusetts.

Before Aldrich, *Chief Judge,* McEntee and Coffin, *Circuit Judges.*

David R. Nissen, Assistant United States Attorney, with whom *James N. Gabriel,* United States Attorney, and *Warren P. Reese,* Assistant United States Attorney, were on brief, for the United States.

Robert Reinstein and *Herbert O. Reid, Sr.* with whom *Charles L. Fishman* was on brief, for Mike Gravel, United States Senator.

Doris Peterson, Peter Weiss, James Rief, and *Morton Slaris* on brief, for Leonard Rodberg, Amicus Curine in case No. 71-1335.

January 7, 1972.

Aldrich, *Chief Judge.* These cross appeals raise important questions as to the extent of the privilege afforded by the Speech or Debate clause of the Constitution. This clause, the separate and concluding part of Article I, Section 6, Clause 1, provides that ". . . for any Speech or Debate in either House, they [Senators and Representatives] shall not be questioned in any other Place." The issues arise in the context of a motion to limit the testimony that can be presented to a federal grand jury. The facts are these.

A copy of classified Defense Department documents, now widely known as the Pentagon Papers, containing hitherto unpublished facts concerning the background and conduct of the Vietnam War, found itself, unauthorizedly, in the hands of Senator Gravel, the junior senator from Alaska. The Senator was Chairman of the Senate Subcommittee on Public Buildings and Grounds. He called a meeting of the subcommittee, read to it a summary of the high points, and then introduced the entire Papers, allegedly some 47 volumes and said to contain seven million words, as an exhibit. Thereafter, he allegedly supplied a copy of the Papers to the Beacon Press, a Boston publishing house, owned by the Unitarian-Universalist Society, for publication.

These matters and the events preceding them have attracted the attention of a grand jury in the Massachusetts District. The court found, "The crimes being investigated by the grand jury include the retention of public property or records with intent to convert (18 U.S.C. § 641), the gathering and transmitting of national defense information (18 U.S.C. § 793), the concealment or removal of public records or documents (18 U.S.C. § 2071), and conspiracy to commit such offenses and to defraud the United States (18 U.S.C. § 371)." (Strictly, the court misused the word "public.")

Among other summoned witnesses were Leonard S. Rodberg, a legislative assistant to Senator Gravel, and Howard Webber, director of M.I.T. Press. Rodberg objected to testifying, on the ground of invasion of his First Amendment rights of freedom of association and freedom of the press, and in addition, on the ground that as a legislative assistant to the Senator, he is protected by the Speech or Debate clause. The Senator himself has not been called, and the Department of Justice has stated that it has no intention of calling him. The court, however, permitted the Senator to intervene in the proceedings for the purpose of arguing that his own privilege under the Speech or Debate clause requires that the subpoenas issued to Rodberg and Webber be quashed, and that a protective order be issued suppressing certain other testimony. The resulting order the Senator, as the present appellant, finds too limited, and the government, as cross-appellant, too broad.

Jurisdiction

The government, correctly, points out that if the subpoena that was sought to be quashed was directed to intervenor, there could be no appeal from the refusal to quash unless he took the further step of refusing to comply, and was adjudicated in contempt. *Cobbledick v. United States,* 1940, 309 U.S. 323; *United States v. Ryan,* 1971, 402 U.S. 530. Here, however, the subpoena was not addressed to intervenor, but to third parties, who could not be counted on to risk contempt in order to protect intervenor's constitutional rights. *See United States v. Ryan,* ante, at 533. Hence he was "powerless to avert the mischief of the order" unless permitted to appeal it. *Perlman v. United States,* 1918, 247 U.S. 7, 13. The government's effort to take the case outside the *Perlman* exception, by arguing that intervenor will not suffer irreparable injury if the grand jury hears the evidence, assumes the correctness of its claims that no injury is cognizable unless and until intervenor is indicted. *Perlman,* however, illustrates that, to the contrary, a court, in determining whether an intervenor will suffer irreparable injury unless allowed to appeal, should assume his claim to be correct. We hold, therefore, that the order denying intervenor's motion is appealable.

The issues

The court's order, so far as presently material, provided as follows:

"(1) No witness before the grand jury currently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct at a meeting of the Subcommittee on Public Buildings and Grounds on June 29, 1971 nor about things done by the Senator in preparation for and intimately related to said meeting.

"(2) Dr. Leonard S. Rodberg may not be questioned about his own actions on June 29, 1971 after having been engaged as a member of Senator Gravel's personal staff to the extent that they were taken at the Senator's direction either at a meeting of the Subcommittee on Public Buildings and Grounds or in preparation for and intimately related to said meeting.

This order was preceded by a comprehensive recitation of facts, some of which we do not repeat, and discussion of the legal principles. *United States v. John Doe, In re Rodberg,* D. C. Mass., 1971, 332 F. Supp. 930. By a subsequent order the court refused further relief, except for a brief temporary stay, which we extended.

The response of both parties is extreme. Intervenor's brief suggests that the entire inquiry is improper.

"There probably is no clearer case of the prostitution of the grand jury process than is daily evidenced [here] . . . . This Court is thus presented by the government with a flagrant misuse of the subpoena power of the grand jury . . . [by the executive]. This represents a fundamental perversion of the function of the grand jury. . . ."

The government does not make the rejoinder that intervenor's own action in disclosing documents which were, in his own words, "critical of Executive conduct in foreign affairs," had no conceivable relevance to the functions of the Subcommittee on Public Buildings and Grounds; a matter which would seem self-evident.[19] While recognizing that that claim would be (at least largely, see post) irrelevent, it does take the extreme position that while legislators may not be questioned "for" their speech or debate, in the sense of being held accountable, they may be freely questioned "about" them.

"Speech or Debate"—The scope of the privilege

The areas in which intervenor objects to questioning are three—speech or debate itself, or publication; preparation, or pre-publication, and, finally, republication. We will consider them in that order.

(a) Publication

For what he says or does on the floor of the Senate, or before the subcommittee, intervenor is concededly protected by an absolute privilege from all criminal and civil liability. *See United States v. Johnson,* 1966, 383 U.S. 169; *Tenney v. Brandhove,* 1951, 341 U.S. 367. It is equally clear that this protection extends to any written reports of the committee proceedings addressed to Congress, including material unspoken at the hearing but inserted directly into the record. *See Kilbourne v. Thompson,* 1880, 103 U.S. 168, 204; *McGovern v. Martz,* D.D.C., 1960, 182 F. Supp. 343, 347. The privilege protects against a claim of irrelevancy, *see Cochran v. Couzens,* D.C. Cir., 1930, 42 F. 2d 783, 784, as well as of falsity and malice. The government would argue that intervenor could be questioned "about" his conduct for this very reason, drawing the analogy that one who is immune from prosecution cannot claim the protection of the Fifth Amendment.

In our view this misconceives the scope and purpose of the Speech or Debate clause, which is not principally to protect the person and pocketbook of legislators, but, rather, is to ensure freedom of debate. *United States* v. *Johnson,* ante, at 180–82. Intimidation of a legislator, harassment, embarrassment with the electorate, all may be achieved short of obtaining a criminal or civil judgment. *Cf. United States* v. *Johnson,* 4 Cir., 1964, 337 F. 2d 180, 191, *aff'd,* 383 U.S. 169. Since these consequences can flow from mere inquiry, the possibility of judicial inquiry could itself serve as an effective deterrent to speaking out against executive policy. *Id.* Further, although it seems to us relatively less important, the time required to respond to such an inquiry would be inconsistent with another purpose of the Speech or Debate clause, which is "to insure that legislators are not distracted from or hindered in the performance of their legislative tasks." *Powell* v. *McCormack,* 1969, 395 U.S. 486, 504; *see Tenney* v. *Brandhove,* ante, at 337. We cannot accept the government's distinction between questioned "for" and questioned "about." [20] Nor do we think that the place of questioning, whether it be before the grand jury or before a petit jury, determines its palatibility. The legislator need not answer questions anywhere.

(b) Pre-publication

Turning to the pre-publication period, we note that we are concerned not with whether a legislator may be protected from prosecution for illegal conduct in obtaining information for use in a congressional proceeding, but only with the extent to which the constitutional privilege bars grand jury questioning. Different considerations may well apply. Effective debate presupposes access to facts. *See generally* Cella, The Doctrine of Legislative Privilege of Freedom of Speech and Debate; Its Past, Present and Future as a Bar to Criminal Prosecutions in the Courts, 2 Suffolk L. Rev. 1, 36 (1968). Since the scope of the privilege should be as broad as is necessary to achieve its purpose of assuring full and free debate, *see Stockdale* v. *Hansard,* 1839, 9 Ad. & E. 2, 150, 112 Eng. Rep. 1112, 1169, we include therein inquiries which would restrict acquisition of information. It seems manifest that allowing a grand jury to question a senator about his sources would chill both the vigor with which legislators seek facts, and the willingness of potential sources to supply them. *Cf. Caldwell* v. *United States,* 9 Cir., 1970, 434 F. 2d 1081, *cert. granted* 402 U.S. 942. Whatever the accommodation that must be made with respect to the public interest in prosecuting crime, *cf. Dombrowski* v. *Eastland,* 1967, 387 U.S. 82, we cannot accept that it is to be drawn in favor of permitting direct inquiry of a legislator.[21] To what other persons this protection may extend we will consider later. All government action cannot be frozen in the name of chilling speech. *Cf. United States* v. *O'Brien,* 1968, 391 U.S. 367.

(c) Republication

Intervenor in his appeal contends that the clause comprehends not only the delivery of a congressional speech and conduct antecedent thereto, but also conduct subsequent to the speech aimed at its wider dissemination, including private republication. Apart from republication such as in the news media or the Congressional Record, which is the natural consequences of a speech and is necessarily protected, *see McGovern v. Martz,* ante, at 347, no American court appears to have decided this question.[22] *But cf. id.; Long* v. *Ansell,* D.C. Cir., 1934, 69 F.2d 386, 389, *aff'd* 293 U.S. 76. In urging us to resolve it in his favor, intervenor acknowledges that it will not affect his freedom to speak, since the speech has already been made, but argues that republication is essential to the "due functioning of the legislative process," *United States v. Johnson,* ante, 383 U.S. at 172, and is "generally done" by members of Congress.[23] *Kilbourne v. Thompson,* ante, at 204. *See also Stockdale v. Hansard,* ante, at 150, 1169. The difficulty is that the term "legislative process" is no more self-defining than "Speech or Debate." The language and history of the Speech or Debate clause is a surer guide to the scope of the privilege than catch-phrases, and we find in both a focus upon matters occurring in the course of deliberation. This had been the English concept upon which our privilege had been patterned.[24] Two English cases, decided shortly after the enactment of the American constitution, held that the parliamentary privilege did not immunize members from civil liability for libels contained in privately published reproductions of their parliamentary speeches. *Rex v. Creevey,* 1813, 1 Maule & Selwyn 273; *Rex v. Lord Abington,* 1795, 1 Esp. N.P. Cases 228. See generally T. E. May, Treaties on the Law, Privileges, Proceedings and Usage of Parliament 48–66 (16th ed. E. Fellowes & T. G . B. Cocks 1957); C. F. Wittke, The History of English Parliamentary Privilege 23–32 (1921). Our courts have expanded the privilege beyond the act of debating within Congress a proposal before it only when necessary to prevent indirect impairment of such deliberations. *See Kilbourne v. Thompson,* ante: *Coffin v. Coffin,* 1808, 4 Tyng (Mass.) 1.

We do not find private republication within that category. The fact that it may be customarily done by members of Congress is not the answer.[25] Only those acts by which a congressman ordinary expresses to the House his views on matters before it come within the Supreme Court's extension of the privilege to "things generally done . . . *in relation to the business before* [*Congress*]." *Kilbourne v. Thompson,* ante, at 204. (Emphasis supplied)

Intervenor's argument that communicating with the electorate is essential to effective deliberation because it elicits responses to guide its legislative decisions and because it helps to put pressure upon other legislators (n. 5, ante, ¶ 4) proves too much. If accepted, it would bring within the privilege not only republished congressional speech, but speeches delivered anywhere. But even restricted to repeating what has once been said in a legislative context, the consequences of an unlimited absolute privilege would be staggering. We do not believe intervenor has struck such gold in a field previously thought to be barren.[26] The fact that some repetition may be inevitable does not means that there should be immunity to add to it. *Cf. Murray v. Brancato,* 1943, 290 N.Y. 52 (no privilege for judge to circulate privately a calumnious opinion); see Annot., 146 ALR 913. We will not hold that there is a constitutional privilege to print privately what, we must assume for present purposes, were classified documents simply because intervenor had first disclosed them to a Senate subcommittee whose function was totally unrelated thereto.[27]

The fact that republication is not within the constitutional privilege does not exclude consideration of other protection. To the extent that a congressman has responsibility to inform his constituents, his performance of that responsibility may be protected from liability by a common law privilege, as is an executive official's. A news release about the speech may well be as protected as the speech itself. *Cf. Barr v. Mateo,* 1959, 360 U.S. 564 (absolute immunity given executive officer for libel contained in news release). How far this immunity should go will depend upon the facts of the particular case. An even more difficult question is whether the measure of the grand jury's right to make personal inquiry of the legislator follows the immunity. Arguably, it may go further, or not so far. Because we do not consider this a matter of present substantial importance, and partly because the court is not in total agreement, we presently resolve it, without binding ourselves for future purposes, if the matter is more sharply put, that he may not be questioned at all as to republication.[28] We do not, of course, mean by this that we are ruling, even tentatively, on the limits of criminal liability.

Witnesses precluded

It may be wondered why, since under *Cobbledick v. United States,* ante, until he has been held in contempt we apparently have no jurisdiction to advise intervenor as to the measure of his immunity from testifying, we have nevertheless been answering that question. The reason is that such answer is a necessary condition to passing upon the immunity of others, such as Rodberg, who intervenor claims in this appeal to come under his legislative protection. We now turn to this.

Legislative Aides

It is not only accepted practice, but, we would think indispensable, for a legislator to have personal aides in whom he reposes total confidence. This relationship could not exist unless, during the course of his employment, the aide and the legislator were treated as one. To the extent, if any, that there might be exceptions, again, for present purposes, we do not inquire. We note, however, that this synomymity is founded upon the relationship, not on the fact of employment. Rodberg, for example, is not protected from inquiry as to events unconnected with intervenor at the time of occurrence. We reject intervenor's contention that the fact of hiring insulated him from all inquiry as to prior events related to the Papers, but not to intervenor. *See Heine v. Raus,* 4 Cir., 1968, 399 F. 2d 785, 190–91.

(b) Third Parties

United States v. Johnson, ante, holds that any person who dealt with a legislator with respect to speech or debate can not be inquired of if the object is to attack the legislator's motives in speaking. Specifically, it could not be shown that the defendant's speech was written by a constituent, or that the defendant was paid to deliver it. The Court did not suggest that a legislator was free in all respects from criminal prosecution. *But see id.,* at 185. Indeed, were it to be thought so, one need only turn to the other portions of the Clause, which regulates, procedurally, criminal trials. With respect to third persons, provided that the principles of *Johnson* are observed, we can

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Footnotes at end of table.

see no reason for them to be free of inquiry as to their own conduct regarding the Pentagon Papers, including their dealing with intervenor or his aides. We have already spoken as to Rodberg, pre-employment. At the other end, so far as intervenor's privilege is concerned, we hold that no immunity was conferred upon Beacon Press simply because, if he did, intervenor delivered the Papers to it for private publication. Indeed, we would hold, if his appeal can be thought to raise that question,[29] that whatever Beacon Press did is freely inquirable even to the extent, if any (it has not presently been suggested), that it may have made payments to intervenor or others in connection with the Papers subsequent to their introduction into the subcommittee records. Payment for delivering a copy, by a post-speech agreement, is not comparable to a payment for initially delivering the speech. Similarly, the district court's refusal to include Webber in its order was correct.

Procedure

Intervenor has presented us with a request covering the type of witnesses he believes should be excluded altogether, and an elaborate procedure for the court to employ as to testimony the government proposes to introduce through other witnesses. Much of this request goes by the board with our rejection of some of his basic premises. As to the rest we find such procedure unnecessarily cumbersome, and suggest a simpler solution. Intervenor may supply a list of his personal aides, and the dates of their employment. Upon the court's being satisfied as to the correctness of the list it shall order that no questions be asked of any of them relating to the Pentagon Papers or to intervenor's legislative activities during the period of their employment. It shall further order that no questions be asked of any other witness as to communications with intervenor regarding legislative activities, including the furnishing of information, or with his aides during such periods, directed to intervenor's motives or purpose in introducing the Papers into the subcommittee records. We believe the contempt power of the court will be a sufficient guarantee of enforcement without the need of adopting intervenor's extraordinary request that every question be submitted to him for approval before it is asked.

Except to the extent that it is modified herein the order of the district court is affirmed. Even though intervenor has essentially lost his appeal, we do not believe this an appropriate case in which to award costs.

APPENDIX B

(In the United States Court of Appeals for the First Circuit, Nos. 71-1331 and 71-1332.)

United States of America, *v.* John Doe, Mike Gravel, United States Senator, Intervenor, Appellant.

Judgment Entered: January 7, 1972.

These causes came on to be heard on appeals from the United States District Court for the District of Massachusetts, and were argued by counsel.

Upon consideration whereof, It is now here ordered, adjudged and decreed as follows: The orders of the District Court of October 28, 1971, are affirmed, except that the Protective Order of that date is modified to read as follows:

(1) No witness before the grand jury currently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct at a meeting of the Subcommittee on Public Buildings and Grounds on June 29, 1971, nor, if the questions are directed to the motives or purposes behind the Senator's conduct at that meeting, about any communications with him or with his aides regarding the activities of the Senator or his aides during the period of their employment, in preparation for and related to said meeting.

(2) Dr. Leonard S. Rodberg may not be questioned about his own actions while being interviewed for, or after having been engaged as a member of Senator Gravel's personal staff to the extent that they were in the course of his employment.

No costs on these appeals.

The court does not propose to stay mandate beyond the statutory period except upon motion, which must be shortly made, showing substantial cause.

By the Court:

DANA H. GALLUP,
Clerk.

APPENDIX C

(United States Court of Appeals for the First Circuit, No. 71-1331 and 71-1332.)

United States of America, v. Mike Gravel, United States Senator, *Intervenor, Appellant.*

Appeals from the United States District Court for the District of Massachusetts.

Before Aldrich, *Chief Judge.*

McEntee and Coffin, *Circuit Judges.*

On Petition for Rehearing, etc. January 18, 1972.

Robert J. Reinstein and Charles L. Fishman for appellant.

David R. Nissen, Assistant United States Attorney, for appellees.

Aldrich, *Chief Judge.* Intervenor has filed a petition for "reconsideration." The word is accurately used; intervenor is arguing the same points he made before. His proffered excuse is that the "expedited schedule . . . severely constricted . . . research." If this was so, it is the first we have heard of it. No pre-argument protest of lack of time was raised; no protest was made at the argument; no request was made for permission to file a further brief, either then, or during the eight weeks we had the matter under advisement. Nor should it be forgotten that petitioner sought intervention in August 1971. We would have thought he had ample opportunity to do his research. F.R.A.P. 40 was not promulgated as a crutch for dilatory counsel, *Cross Baking Co.* v. *NLRB*, 1 Cir., 12/30/71,—F.2d—, nor, in the absence of a demonstrable mistake, to permit reargument of the same matters.

We pass this, in view of the importance of the case. More difficult to overlook is the fact that, with our views and reasoning now fully before him, intervenor, in rearguing the republication issue, fails to address himself to our specific "attempts to reconcile fundamentally antagonistic social policies" (*Barr* v. *Mateo,* 1959, 360 U.S. 564, 576). Further generalities about "legislative activity in the classic and historic sense" do not indicate to us why we are wrong in drawing a distinction between normal and customary republication of a speech in Congress and republishing privately all or part of 47 volumes of, we must presently assume, lawfully classified documents, through the device of filing them as exhibits to the records of a subcommittee to which they have no conceivable concern. In repeating the familiar arguments why he should be absolutely protected with respect to introducing the exhibits before the subcommittee—a matter no one questions—and talking broadly about his duty to inform the public, intervenor does not answer our analysis of what should be the subsequent limits of protection.

The petition for reconsideration is denied.

Alternatively, petitioner seeks clarification of our order. We do not, however, understand how he can think the order permits inquiry of third persons directed to his motives. We see no need of clarification here. His further inquiry, whether the questions could be asked of third parties about "preparation for the hearing if that *relates* to his motives for holding it," (emphasis supp.) perhaps calls for comment. During oral argument we posed a hypothetical, not repeated in our opinion, but to which intervenor now returns. Suppose that the President's private diary is stolen, and thereafter a Congressman introduces it into the legislative record. Petitioner's present brief suggests that since this would be an exercise of "the informing function of exposing Executive behavior," the only answer he would have to make would be to the "House and . . . the people," unless he participated in the theft. His point is put best in the form that preparation is part of speech, and that if inquiry may be made even as to third parties as to the sources, he will be inhibited. Here, it seems to us, some adjustment of competeing interests must be made. We believe that if a document shown to be improperly at large is sought to be traced, it may be traced by inquiry of third parties even if the effect may be to lead to a legislator. In *United States v. Johnson*, 1966, 383 U.S. 169, the prosecution was barred from questioning third parties about their role in preparing a congressional speech only because the questions were directed to proving that the speech itself was part of a criminal conspiracy. This should not mean that all illegal activity is insulated from inquiry, apart from prosecution, simply because it could be characterized as preparation for a speech. The introduction of the document into the subcommittee records, like Thetis' immersion of Achilles, cannot effect universal protection.

Intervenor has a valid point with respect to the portion of the order relating to Rodberg. This is clarified by inserting after the phrase "his own actions" the words "in the broadest sense, including observations and communications, oral or written, by or to him, or coming to this attention."

This brings us to the government's motion to revoke our stay, which was granted broadly, pending appeal, to cover all facets of intervenor's contentions. With a limit of time on the grand jury proceedings, we amend the stay by substituting the order called for by our opinion, and contained in the judgment, but as presently clarified as to Rodberg. This amendment and substitution is, in turn, stayed until January 26, 1972, to permit intervenor, if he sees fit, to apply forthwith, prior to Friday of this week, to the Circuit Justice.

APPENDIX D

(In the U.S. Court of Appeals for the First Circuit—No. 71-1331 and 71-1332)

United States of America, *v.* John Doe, Mike Gravel, United States Senator, *Intervenor, Appellant.*

Before Aldrich, Chief Judge McEntee and Coffin, Circuit Judges.

Order of court entered January 18, 1972.

Pursuant to opinion of instant date, the broad stay granted on October 29, 1971, as modified, is hereby revoked and there is substituted the order contained in the judgment of January 7, 1972 as clarified by the explanatory clause contained in our opinion defining "actions" as "in the broadest sense, including observations and communications, oral or written, by or to him or coming to his attention."

The present order of revocation and substitution is stayed until January 26, 1972.

The motion for clarification is otherwise denied.

The motion for reconsideration is denied.

By the Court.

DANA H. GALLUP,
Clerk.

FOOTNOTES

[1] Due to the expedited schedules which have been set by both the Court of Appeals and by this Court, and transcription delays by the District Court reporter, the complete record of proceedings in the District Court is not yet available for certification. However, as the District Court noted, the facts are not

in dispute and have formed the basis of the legal submissions of all parties. 332 F. Supp. at 933 n. 3.

[2] The publication by Beacon Press has variously been referred to in the opinions and papers below as the "publication" and as the "republication." Inasmuch as the Beacon Press edition was the first occasion on which the Subcommittee record was printed after its compilation, we use the term publication.

[3] There was jurisdiction over the appeal under 28 U.S.C. § 1291, because Senator Gravel had no other means of obtaining review and consequently the denial by the District Court of his motion to quash was, as to him, a final appealable order. *Perlman v. United States*, 247 U.S. 7 (1918). See *United States v. Ryan*, 402 U.S. 530, 533 (1971). The Court of Appeals therefore properly held that it had jurisdiction over the appeal (App. 3A). Similarly, this Court has jurisdiction

[4] The Court of Appeals, admitting that "the court is not in total agreement" on this point, nevertheless "presently" held that the Senator and his aides could not personally be questioned as to "republication," "without binding ourselves for future purposes." (App. 11A). More exactly, the Court of Appeals found that the Speech or Debate Clause privilege did not extend at all to the "republication," but that the Senator and his aides may be protected from direct interrogation by a common law privilege (App. 10–11A).

[5] See Woodrow Wilson, *Congressional Government* (1885):

The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but, more than that, that the only really self-governing people is that people which discusses and interrogates its administration . . . (at 303).

Quite as important as legislation is vigilant oversight of administration; and even more important than legislation is the instruction and guidance in political affairs which the people might receive from a body [Congress] which kept all national concerns suffused in a broad daylight of discussion (at 297).

Even if, as the Court of Appeals believes, focus should be confined exclusively to Congress' deliberative processes—which we submit is too narrow a view—it is clear that the colloquy between a congressman and the electorate is a prime determinant in influencing him in his decisions on pending legislation. The Court of Appeals did not rebut this argument, but rejected its consequences as "staggering," with reference to speculative examples of virtualy unimaginable abuses (App. 10A, particularly n. 9). Identical "parade of horribles" arguments have been consistently rejected by this Court, even when the possibility of abuse was much less speculative. See, *e.g. Barr* v. *Matteo*, 360 U.S. 564, 576 (1959).

[6] One of the most notorious events crystalizing the struggle for the Parliamentary privilege was the vindictive action of Charles I against Sir John Eliot and other Members of Parliament who vocally opposed funding a needless and bloody war overseas. 3 How. St. Tr. 294, 332. See *Tenney* v. *Brandhove, supra* at 372.

[7] Compare Woodrow Wilson, *Congressional Government* (1885), at 303:

It is the proper duty of a representative body to look diligently into every affair of government *and to talk much about what it sees.* It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; *and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct* (emphasis added).

[8] See II *Works of James Wilson* (Andrews ed. 1896) at 38:

In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of everyone, however powerful, to whom the exercise of that liberty may occasion offense.

This Court has made it abundantly clear that the "powerful" of whom Wilson spoke, refers primarily to the Executive Branch. *United States v. Johnson, supra* at 180–81.

[9] *Rex* v. *Abington*, 1 Esp. 226, 170 Eng. Rep. 337 (1795); *Rex. v. Creevey*, 1 M.&S. 273, 105 Eng. Rep. 102 (1813).

[10] *Long* was not even a Speech or Debate Clause case; it involved a claim of a Senator that he was immune from service of process because of the privilege from arrest in Article I, Section 6. The only reference to the Speech or Debate privilege was in a brief final paragraph. On review, the Supreme Court did not refer to the Speech or Debate Clause. 293 U.S. 76 (1934). In *McGovern*, the comments in "republication" were *dicta* because there was no publication except in the *Congressional Record.*

[11] The Court below distinguished these cases because they involved requests for injunctive relief to prevent the publication of defamation, which "although actionable, may not be enjoined" (App. 8A). Yet in neither case is there so much as a hint that this factual distinction entered into the decision. Moreover, *Hentoff* was not a defamation case; the plaintiffs sought relief on First Amendment grounds. The court held that the Speech or debate Clause deprived it if jurisdiction to consider a complaint "seeking any remedy" against the Congressmen for publication, 318 F. Supp. at 1179, and the court indicated quite clearly that the only reason it had jurisdiction to grant any relief against the Public Printer was because the publication would infringe the protected First Amendment rights of the plaintiffs. *Id.* at 1180.

[12] "We will not hold that there is a constitutional privilege to print privately what, we must assume for present purposes, were classified documents simply because intervenor [Senator Gravel] had first disclosed them to a Senate subcommittee whose function was totally unrelated thereto" (App. 10A).

[13] Of course, as with other variants of the political question doctrine, when a committee infringes upon an individual's constitutional rights, the courts may be obliged to examine enabling legislation in order to determine whether there is an overriding governmental interest. *E.g., Watkins v. United States*, 354 U.S. 178, 205 (1957). Here, no such claims made by the Government, and the matter is "peculiarly within the realm of the legislature." *Ibid.* See also *Yellin v. United States*, 374 U.S. 109, 121–22 (1963), which drew this distinction precisely.

[14] See *Violence in America, Historical & Comparative Perspectives* (Graham and Gurr et als., Task Force on Historical & Comparative perspectives, Report to the National Commission on the Causes and Prevention of Violence) (New American Library, N.Y. 1969); *To Establish Justice, To Insure Domestic Tranquility* (National Commission on the Causes and Prevention of Violence, introd. by Reston) (Bantam Books, N.Y. 1970) ("Eisenhower Commission Report") (also published by Award Books, N.Y. 1969); *The Challenge of Crime in a Free Society* (President's Commission on Law Enforcement and Administration of Justice, introd. by Silver) (Avon Books, N.Y. 1968); *Rights in Conflict: The Violent Confrontation of Demonstrators and Police in the Parks & Streets of Chicago During the Week of the Democratic Convention of 1968* (Report to the National Commission on the Causes and Prevention of Violence, introd. by Max Frankel) (E.P. Dutton & Co., N.Y. 1968) ("The Walker Report") (also published by New American Library, introd. by Donovan, N.Y. 1968); *Report by the U.S. National Advisory Commission on Civil Disorders* (Bantam Books, N.Y. 1968) ("The Kerner Commission Report"); *Report of the Commission on Obscenity and Pornography* (introd. by Barnes, Bantam Books, N.Y. 1970).

[15] See, *e.g.*, Senate committee hearings, republished as *The Vietnam Hearings* (copyright and introd. by J. W. Fulbright) (Random House (paperback ed. Vintage Books), N.Y. 1966).

[16] See *Hentoff v. Ichord*, 318 F. Supp. 1175, 1180 (D.D.C. 1970); The Parliamentary Papers Act, §§ I and II (3 & 4 Vict., c. 9 (1840)); *Wason v. Walter*, 4 Q.B. 73 (1868). It should be noted that in this case, Beacon Press made its paperback edition available to the public in sufficient quantity at a price of $20. for the set, while the Government Printing Office made available a limited printing of a censored edition, with unnumbered pages (making the work less useful as a research and reference tool) at a price of $50.

[17] It is difficult to imagine, for example, a Congressman being able to perform the informing function without the assistance of "third party" printers. Questioning Webber and Beacon Press officials about how Senator Gravel published the Subcommittee record would disclose precisely the same information about his legislative activities as if he and his aides were called.

[18] *Dombrowski v. Eastland, supra; Powell v. McCormack, supra; United States v. Brewster,* No. 1025, jurisdiction postponed 401 U.S. 935, No. 70–45 (restored to the calendar for reargument) —— U.S. ——, 40, U.S.L.W. 3351.

[19] Nor does the government point out that intervenor, although relying elsewhere on the public's "right to know" (*see* n. 5, post) basically is seeking to block exposure of how he exposed what, in turn, the Executive did not wish to have exposed.

[20] On the other hand, while we are discussing terminology, except insofar as his hyperbole quoted ante may so suggest, we do not believe intervenor contends that his constitutional protection against questioning means that the government cannot prove aliunde wrongful acts by others which, by implication, may bring his own conduct "into question." There could be no merit in such a claim.

[21] In *New York Times v. United States*, 1971, 403 U.S. 713, the Court accommodated related free speech interests in holding that the newspaper's conduct could not be enjoined, although, as pointed out in Mr. Justice White's concurring opinion, it may have been criminal. *Id.*, at 730–41.

[22] We put to one side cases refusing an injunction, as involving different considerations. *See Hentoff vs. Ichord*, D.C.C. 1970, 381 F. Supp. 1175; *Methodist Federation for Social Action v. Eastland*, D.D.C., 1956, 141 F. Supp. 729; *cf. New York Times v. United States*, n. 3 ante. In the more common situation, it has long been settled that the publication of defamation, although actionable, may not be enjoined. *E.g., Crosby v. Bradstreet Co.*, 2 Cir., 1963, 312 F.2d 483, 485, *cert. denied* 373 U.S. 911; *Kidd v. Horry*, C.C. E.D.Pa., 1886, 28 F. 773.

[23] "The Framers presuppose[d] the maximum amount of communication between the citizens and their elected representatives."

"The people must be informed fully of the workings of government."

"The heart of representative democracy is the communicative process between the people and their agents in government."

"Informing the electorate is a 'legislative act' since it is clearly 'related to the due functioning of the legislative process.' *United States v. Johnson, supra* at 172. In fact, it is not exaggeration to say that direct communication between a Member of Congress and the electorate is an essential bedrock of the legislative process, for it insures that the people will inform *him and his colleagues* [sic] of their well-considered views on pending and future legislation—an indispensable prerequisite for each Congressmen deciding how to cast his own vote."

[24] "[I]t may be reasonably inferred that the framers of the Constitution meant the same thing by the use of language borrowed from that source." *Kilbourne v. Thompson*, ante, at 202.

[25] *Cf. United States v. Johnson*, ante, at 172. There the Court observed that an attempt to influence the Department of Justice in favor of a constituent was unprotected, yet assisting constituents is just as customary a function as communicating with them. See generally V. O. Key, Politics, Parties and Pressure Groups (3d ed. 1952); R. Davidson, The Role of the Congressman 99 (1969).

[26] Those with long memories may recall the frequent, but unaccepted, challenges to a former junior senator from Wisconsin to repeat outside the walls of Congress the calumnies he often expressed within their protection. If intervenor is correct, we would see no reason for distinguishing between the types of legislative speech that could be repeated.

[27] Examples might be multiplied. If an unpublished manuscript was taken by parties unknown and subsequently was introduced into the records of a Congressional committee, could it be thought that the common law copyright was lost by reason of the Speech or Debate clause? Or, in the case of a published work, that the statutory copyright would thereby be extinguished?

[28] In part we do this because we propose, so far as possible, to make a practicable decision that avoids unnecessary or doubtful points that might burden the Supreme Court.

[29] We take it that intervenor believes it does, in the light of a contempt proceeding he instituted when he erroneously believed the United States Attorney was using a subpoena to examine the Beacon Press' bank records during the processing of this appeal.

[In the Supreme Court of the United States, October Term, 1971—No. 71-1026]

BRIEF IN OPPOSITION TO GOVERNMENT'S PETITION FOR A WRIT OF CERTIORARI

United States, *Petitioner*, v. Mike Gravel, United States Senator, *Respondent*.

The primary issue which the Government seeks this Court to review is whether the Speech or Debate Clause protects a Senator against Grand Jury interrogation of his aides about his legislative activities. While conceding that the Senator himself cannot personally be interrogated (Govt. Pet. 10), the Government urges nevertheless that the Court of Appeals erred in holding that an identical inquiry into his legislative conduct, pursued by the questioning of his aides, is similarly unconstitutional. While this issue is obviously a significant one, the Court of Appeals' disposition of it is clearly correct and is in harmony with the views of other courts; therefore, we respectfully submit that this issue does not warrant Supreme Court review at this time.

1. Except for the instant case, the Government has consistently and successfully argued that the Congressional privilege, to be viable, must be held to extend to aides who assist Congressmen in the performance of their legislative duties. In the recent decision of *Doe v. McMillan*, No. 71-1027 (decided January 20, 1972),[1] The District of Columbia Circuit agreed with and relied upon the First Circuit's holding that aides like Dr. Rodberg, who act within the sphere of legislative activity, are within the umbrella of the Speech or Debate Clause:

"In this day of complex public problems, where assignment of authority by legislators to legislative assistants is an absolute necessity if Congress is to be able to perform its constitutional functions, it would indeed be hollow to afford immunity to the Congressmen, but not to their assistants, for these aides might be hesitant to undertake the full performance of their lawful duties if they had to face the threat of possible lawsuits. Such an inconsistent result would impossibly hinder congressional activities, and effectively prevent the attainment of the objectives underlying the Speech or Debate Clause." (Slip Op., pp. 17–18).

Similarly, in two other cases in the District Courts, the Government has argued vigorously this same proposition. *United States Servicemen's Fund v. Eastland*, Civ. No. 1474-70 (D.D.C., decided October 21, 1971); *McSurely v. McClellan*, Civ. No. 516-69 (D.D.C.). In the *Servicemen's Fund* case, the court barred the deposition of Sourwine, counsel for the Internal Security Subcommittee, about its legislative activities, on the grounds that—

"A full-scale examination, by the attempted deposition of the Subcommittee's counsel [about] the Subcommittee's judgment[s] . . . would be an invasion of the prerogatives of the legislature and a serious interference with Congressional investigations and with Congressional privilege."[2]

Likewise, in the analogous area of Executive privilege, this Court has held that the privilege encompasses the thousands of subordinate administrative officials.

"The privilege is not a badge or emolument of exalted office, but an expression of a policy . . . designed to aid in the effective functioning of government. The complexities and magnitude of governmental activity have become so great that there must of necessity be a delegation and redelegation of authority as to many functions, and we cannot say that these functions become less important simply because they are exercised by officers of lower rank in the executive hierarchy." *Barr v. Matteo*, 360 U.S. 564, 572–73 (1959).

And for the past three years the Executive has invoked his privilege to prevent the appearance of Dr. Henry Kissinger and other aides who were called to testify before Congressional committees.

Such cases as *Kilbourne v. Thompson*, 103 U.S. 168 (1881) and *Powell v. McCormack*, 395 U.S. 486 (1969) are clearly distinguishable. There the Sergeant-at-Arms was held liable for acting as a law enforcement official in enforcing coercive orders of the House which violated individual rights, and he was held accountable so as not to forestall judicial review of unconstitutional actions. These decisions follow necessarily from the principles of *Marbury v. Madison*, 1 Cranch 137 (1803). Here, on the other hand, we deal with aides whose role is to assist a Senator in speaking out on controversial issues. Compare *Dombrowski v. Eastland*, 387 U.S. 82, 85 (1967) (the privilege is "less absolute, *although applicable*, when applied to officers or employees of a legislative body").[3]

2. Nor has the Government offered in its Petition any cogent reasons why the position it has consistently and successfully argued in other cases is suddenly rendered erroneous. The Government should not be heard to assert the privilege as a shield for the invasion of a citizen's constitutional rights and then to deny its applicability to a classic separation of powers case.[4]

The insubstantiality of the Government's singular position on this issue is further revealed by the arguments in its Petition. It is far too late in the day to suggest (Govt. Pet. 11) that a narrow, literalistic reading of the Speech or Debate Clause governs this case. Since "the privilege has been recognized as an important protection of the independence and integrity of the legislature," *United States v. Johnson*, 383 U.S. 169, 178 (1966), the rule from the earliest decisions has been that the Clause must be "read broadly to effectuate its purposes." *Id.*, at 180.

The central purpose of the Clause is, of course, to insure that a Congressman is able to act fearlessly in the discharge of his official duties, with the guarantee that his freedom of action will be respected by the coordinate branches of government. The central, incontrovertible fact is that no Congressman could even attempt to meet his official responsibilities without the assistance of aides. In preparing a speech on controversial issues, in informing the electorate, and in determining how to cast his vote, a Congressman of necessity must rely in part on the assistance and advice of trusted aides. Given the realities of modern government, the compelled testimony of a Congressman's aides before the Grand Jury about his legislative activities would intrude *precisely* the same degree into the activities of Congress as if the Congressman himself were called, and carries with it precisely the same potential for intimidation and harrassment. By stressing only that a Congressman's time will not be expended while his aides are interrogated about his protected conduct (Govt. Pet. 11),[5] the Government simply ignores that these far more serious consequences will deter any conscientious Congressman from properly representing his constituents and will thereby jeopardize the central purpose of the Congressional privilege.

The Government poses the issue as requiring this Court to strike a balance between "whatever minimal added protection against harassment the legislator would receive" and "the strong public interest in unimpeded grand jury investigation of crime" (Govt. Pet. 11). The effects of interrogation of necessary assistants can by no stretch of the imagination be deemed "minimal",[6] and the basic flaw in the Government's position is that it refuses to recognize that the appropriate balance was struck long ago by the Framers when they decided to immunize legislative acts, so that, to borrow from the language of the English Bill of Rights, "the freedom of speech or debates, or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament." Obviously, every time the privilege is invoked the Executive believes that a "public interest" is impeded.[7] The Framers realized that on occasion this would be true but believed that this was the price to pay for the independence of the people's elected representatives.[8]

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[1] A copy of this opinion has heretofore been furnished to the Court.

[2] Memorandum in Support of Defendant's Opposition to Plaintiff's Motion for Order Compelling Answers, pp. 7–8.

[3] (Emphasis added.) Although the Subcommittee counsel in *Dombrowski* claimed that he did nothing more than help the Subcommittee issue subpoenas, there was a disputed issue of fact as to whether he actually conspired with State officials to conduct an illegal raid, and this Court remanded that issue for trial. If such a dispute of fact had not existed, the complaint would have been dismissed as to him.

[4] We have been informed by counsel for the plaintiffs in *Doe v. McMillan* that they intend to file a petition for writ of certiorari on or before March 13, 1972. One may properly wonder whether the Government intends to argue in favor of the applicability of the privilege for aides in that case and argue directly against it in the instant case.

[5] We confess to being amazed at the Government's assertion that the Congressman will not be "distracted [from] the performance of his legislative duties" (Govt. Pet. 11) while his aides are subpoenaed by the Grand Jury and interrogated about how the Congressman wrote his speeches, cast his votes and held his committee hearings—a matter to which he will hardly be oblivious.

Equally remarkable is the Government's assertion that the conduct of aides cannot be restrained "[by] the judgment of the electorate nor [by] the imposition of criminal penalties or discipline by Congress" (Govt. Pet. 13). We have been unable to find authority for such a sweeping statement.

[6] The Government's *de minimis* argument is reminiscent of arguments of the Crown in support of prosecutions of printers of parliamentary proceedings. The Parliamentary Papers Act of 1840 was enacted because Parliament found that "it is essential to the due and effective Exercise and Discharge of the Functions and Duties of Parliament . . . that no Obstructions or Impediments should exist to the Publication of . . . Reports, Pa-

The Government also seeks review of the Court of Appeals' holding with respect to the permissible scope of inquiry of "third parties" about a Congressman's legislative activities. We agree that this ought to be reviewed, and have presented it in Question 2 of our Petition, but for reasons quite different than the Government's.

The Government suggests that the Court of Appeals, by barring questioning about a Congressman's motives,[9] has created "a vague and unworkable standard" (Govt. Pet. 13). In fact, the only extent to which the First Circuit's standard is unworkable is when it seeks to protect the Senator's privilege by assuming that questioning of persons concerning matters other than the Senator's motives will leave a sufficient protective "fence" around the Senator's legislative activities. Yet it is difficult to see how any court could enforce this "motives" standard, since almost any act committed by the legislator in pursuance of his official duties can with equal cogency be said to reflect or not to reflect upon his motives to one extent or another. In order to be workable *and effective*, the standard has to be expanded, not contracted.

Finally, if the Court agrees that there is a constitutional privilege under the Speech or Debate Clause or the doctrine of Separation of Powers, see *Doe v. McMillan, supra*, pertaining to aides, then it would be unnecessary for the Court to grant certiorari covering the question of whether there is a common law privilege protecting such persons. Only if the Court finds that there is no constitutional privilege covering aides, or that there is a constitutional privilege covering only some activities of aides but not others, then the Court has to consider the question of the common law privilege.

CONCLUSION

Petitioner respectfully submits that the Court should grant Senator Gravel's Petition for Writ of Certiorari and deny the Government's Petition.

Respectfully submitted.

Robert J. Reinstein, Temple University Law School, 1715 N. Broad Street, Philadelphia, Pennsylvania 19122; Charles L. Fishman, 633 East Capitol Street, Washington, D.C. 20003; Harvey A. Silverglate, Zalkind & Silverglate, 65a Atlantic Avenue, Boston, Massachusetts 02110; *Attorneys for Senator Gravel.*

Of Counsel: Alan M. Dershowitz, Cambridge, Massachusetts; Norman S. Zalkind, Roger C. Park, Boston, Massachusetts.

[In the Supreme Court of the United States, October Term, 1971—Nos. 71-1017, 71-1026]

JOINT APPENDIX

Mike Gravel, United States Senator, *Petitioner*, v. United States, *Respondent*.

In the United States District Court for the District of Massachusetts, Civil Division.

In re the matter of Leonard Rodberg, Civil Action No. EBD-71-172-G.

MOTION TO INTERVENE

Comes now Movant, United States Senator Mike Gravel and moves this Honorable Court for leave to intervene in the above captioned cause and as reasons therefore states:

1) Leonard Rodberg is a personal servant of the Movant.

2) As Movant's personal servant, Leonard Rodberg has performed acts which are now the subject of an inquiry by a Federal Grand Jury.

3) The aforesaid Federal Grand Jury has subpoenaed Leonard Rodberg to appear and give testimony with respect to the aforesaid acts on Friday, August 27, 1971 at 10 A.M.

4) All of the aforesaid acts performed by Leonard Rodberg for the Movant were under the Movant's direction and control.

5) All of the acts performed by Leonard Rodberg upon orders from the Movant are immune from judicial inquiry by virtue of Movant's constitutional privileges and constitutional duties.

6) The question presented herein raises serious and substantial constitutional issues which have not but should be decided by this Court.

7) No other party to the above captioned cause can adequately represent the interest of Movant.

8) The granting of this motion would best serve the interest of Justice.

Wherefore, Movant respectfully requests that this Honorable Court grant the above captioned Motion to Intervene.

Robert Reinstein, Temple University School of Law, Philadelphia, Pennsylvania, 215-787-8576.

Charles Louis Fishman, Attorney for Movant, 633 East Capitol Street, Washington, D.C. 20003, 202-546-0520.

Of Counsel: Herbert O. Reid, Sr.

MOTION FOR SPECIFICATION

Comes now movant, United States Senator Mike Gravel, and respectfully moves this Court for an Order requiring the Government to specify in detail the purpose, scope and exact nature of the questions to be asked of Dr. Leonard Rodberg by the Federal grand jury. Movant submits that absent such specification, the appearance of Dr. Rodberg before the grand jury will violate movant's Congressional privilege to be immune from judicial inquiry of acts done by him and his personal staff in the discharge of his duties as a United States Senator, said privilege secured to movant by the Speech and Debate Clause of the Constitution, Article I, Section 6, Clause 1.

In support of this Motion, movant states as follows:

"1. Dr. Rodberg was served with a subpoena on Tuesday, August 24, 1971, which seeks to compel Dr. Rodberg's appearance before a Federal grand jury sitting in this District, to wit, in Boston, Massachusetts.

"2. Dr. Rodberg is a personal servant of movant and assisted movant in the discharge of his duties as a United States Senator, and in so doing has acted under movant's direction and control.

"3. In his aforesaid capacity as personal assistant to movant, Dr. Rodberg assisted movant in preparing for disclosure and subsequently disclosing to movant's colleagues and constituents, at a hearing of the Senate Subcommittee on Public Buildings and Grounds, the contents of the so-called "Pentagon Papers," which were critical of the Executive's conduct in the field of foreign relations.

"4. It is believed that the questions to be asked of Dr. Rodberg by the grand jury will concern the acts of movant and of Dr. Rodberg set forth in paragraphs 2 and 3.

"5. All of the said acts performed by movant and by Dr. Rodberg are immune from judicial inquiry by virtue of movant's constitutional privileges and constitutional duties."

Respectfully submitted,

ROBERT J. REINSTEIN,
PHILADELPHIA, PA.
CHARLES L. FISHMAN,
WASHINGTON, D.C.
Attorneys for Senator Gravel.

MOTION TO QUASH GRAND JURY SUBPOENA

Comes now movant, United States Senator Mike Gravel, and respectfully moves this Court for an order quashing a subpoena served upon Dr. Leonard Rodberg on Tuesday, August 24, 1971, which seeks to compel Dr. Rodberg's appearance before a Federal grand jury sitting in this District, to wit, in Boston, Massachusetts.

Movant submits that the subpoena served upon Dr. Rodberg should be quashed because it violates movant's Congressional privilege to be immune from judicial inquiry of acts done by him and his personal staff in the discharge of his duties as a United States Senator, said privilege secured to movant by the Speech and Debate Clause of the Constitution, Article I, Section 6, Clause 1.

In support of this Motion, movant states as follows:

"1. Dr. Rodberg is a personal servant of movant and has assisted movant in the discharge of his duties as a United States Senator, and in so doing has acted under movant's direction and control.

"2. In his aforesaid capacity as personal assistant to movant, Dr. Rodberg assisted movant in preparing for disclosure and subsequently disclosing to movant's colleagues and constituents at a hearing of the Senate Subcommittee on Public Buildings and Grounds, the contents of the so-called "Pentagon Papers," which were critical of the Executive's conduct in the field of foreign relations.

"3. It is believed that the questions to be asked of Dr. Rodberg by the grand jury will concern the acts of movant and of Dr. Rodberg set forth in paragraphs 1 and 2.

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pers, Votes, or Proceedings of either House . . . as such House . . . may deem fit or necessary to be published." The Parliament further found that civil and criminal proceedings taken against the printers of such reports was just such an obstruction to the workings of Parliament, and as a result an absolute privilege was extended to such printers, both public and private. 3 & 4 Vict., c. 9 (1840).

[7] Cf. *Myers* v. *United States,* 272 U.S. 52, 293 (1926) Brandeis, J., dissenting):

"The doctrine of the separation of powers was adopted by the convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

[8] The Government poses two hypotheticals in support of its arguments. First, it asks whether "all questioning [is] barred which might develop facts of [a] Congressman's complicity" in a conspiracy to bribe a Congressman (Govt. Pet. 13). The answer, as made clear in *Johnson, supra,* is to prohibit only questions about the Congressman's legislative activities. Second, the Government proposes that the Court of Appeals' decision might insulate from Grand Jury inquiry aides who were bribed by third parties to insert material in the speech of an innocent Congressman (Govt. Pet. 15). Here, too, the bribe could be investigated, but not the preparation of the Speech. *Ibid.* Moreover, since the privilege must be asserted by the Congressman himself, he might be able to waive it entirely in such a situation.

[9] Since the Court of Appeals held that Senator Gravel's actions in obtaining the publication of the Subcommittee records were not constitutionally protected, it allowed the Grand Jury to question third parties (*e.g.,* Webber and Beacon officials) about them whether or not these questions bore on the Senator's motives.

movant and by Dr. Rodberg are immune from judicial inquiry by virtue of movant's constitutional privileges and constitutional duties.

"5. The appearance of Dr. Rodberg before the grand jury would violate movant's constitutional privileges."

Respectfully submitted.
ROBERT J. REINSTEIN,
PHILADELPHIA, PA.
CHARLES L. FISHMAN,
WASHINGTON, D.C.
Attorneys for Senator Gravel.

MOTION TO QUASH GRAND JURY SUBPOENA AND TO STAY GRAND JURY APPEARANCE PENDING DISPOSITION OF THIS MOTION.

Dr. Leonard S. Rodberg respectfully moves this Court for order quashing a subpoena served upon him on Tuesday, August 24, 1971, which seeks to compel his appearance before a federal grand jury sitting in this district, to wit, in Boston, Massachusetts, on Friday, August 27, 1971 at 10:00 a.m. Alternatively, Dr. Rodberg moves for the entry of a protective order limiting the questioning of movant before the grand jury to a scope consistent with law. Further, Dr. Rodberg respectfully requests that his subpoena be adjourned and his appearance before the grand jury be stayed pending disposition of this motion and that he be permitted time in which to prepare and submit to this Court substantial affidavits and other documentary material in support of this motion.

Movant submits that his subpoena should be quashed upon, *inter alia*, each of the following independent grounds:

"a. That it violates Congressional privilege, separation of powers and the Speech and Debate Clause;

"b. That it abridges movant's rights to freedom of the press, freedom of expression and freedom of association in violation of the First Amendment."

In support of paragraphs (a) and (b), movant alleges as follows:

1. On June 29, 1971 Mike Gravel, United States Senator from the State of Alaska, in the course of a meeting of the Senate Subcommittee on Public Buildings and Grounds read publicly a portion of the so-called "Pentagon Papers," and inserted the rest of the papers in his possession into the record of the subcommittee.

2. Immediately after that reading and at the express direction of Senator Gravel, aides and assistants to the Senator distributed to members of the press and others copies of the papers from which Senator Gravel had read.

3. On the night of June 29, 1971, movant was and continues to be, down to the present date, a member of Senator Gravel's staff.

4. On Wednesday, August 18, 1971, it was reported and alleged in the *Washington Post* that Senator Gravel had turned over copies of the "Pentagon Papers" to a Boston, Massachusetts, publisher for publication as a book. It was further alleged that movant here had arranged on Senator Gravel's behalf the transfer and publication of these papers. It was further alleged that movant here had made previous unsuccessful efforts to arrange publication of the papers in Senator Gravel's possession. See *Washington Post* article attached hereto as Exhibit "A."

5. On Tuesday, August 24, 1971, it was reported and alleged in an article in "Boston After Dark," a weekly newspaper, that, after several earlier unsuccessful attempts, movant had, at Senator Gravel's behest, arranged the publication of the papers in Senator Gravel's possession. See the article attached hereto as Exhibit "B."

6. On the evening of that same day, Tuesday, August 24, movant was served at his home in Silver Spring, Maryland, by an agent of the Federal Bureau of Investigation with the instant subpoena which seeks to compel his appearance on Friday, August 27 at 10:00 a.m. before a federal grand jury here in Boston. See subpoena attached hereto as Exhibit "C."

7. It is believed (as shown in the affidavit attached hereto) that the questions to be asked of movant before the grand jury will concern the June 29 meeting of the Subcommittee on Public Buildings and Grounds and the distribution of papers that occurred immediately thereafter.

8. It is further believed that the questions to be asked of movant before the grand jury will concern the allegation made in the newspaper articles attached hereto as Exhibits "A" and "B" that he has been involved in an effort to publish as a book the documents in Senator Gravel's possession.

9. Movant believes that an appearance for the purpose of questioning him regarding these matters raises substantial and fundamental issues concerning the scope of Congressional privilege and of the Speech and Debate Clause, and the distribution of governmental authority among the separate and distinct branches of government.

10. Movant further believes that such questions raise important and delicate issues regarding First Amendment freedom, particularly freedom of the press, freedom of expression and freedom of association.

11. Movant therefore sought to retain legal counsel in connection with his appearance before the grand jury.

* * * * *

GOVERNMENT OPPOSITION TO INTERVENOR'S MOTION FOR SPECIFICATION

Intervenor, United States Senator Mike Gravel, requests the Court for an Order requiring ". . . the government to specify in detail the purpose, scope and exact nature of the questions to be asked of Dr. Leonard Rodberg by the Federal Grand Jury." The motion is totally without precedent. The Federal Rules of Criminal Procedure certainly do not provide for such an unusual motion. The Federal Rules of Civil Procedure.

On the merits, a witness need not be apprised of the subject matter under inquiry by a Grand Jury. *In Re Meckley,* (D.C.M.D. Penn. 1943), 50 F. Supp. 274; *affd.* 137 F.2d 310; *cert. den.* 320 U.S. 370.

Further, a witness can neither question nor control the scope of a Grand Jury investigation. *Blair v. United States,* 250 U.S. 273.

Wherefore, this motion should be denied.

Respectfully submitted,
PAUL C. VINCENT,
Attorney—U.S. Department of Justice.
JON H. MARPLE,
Attorney—U.S. Department of Justice.

GOVERNMENT'S MEMORANDUM IN OPPOSITION TO LEONARD S. RODBERG'S MOTION TO QUASH A GRAND JURY SUBPOENA

* * * * *

Should legislators succeed in disrgarding the judicial powers of inquiry into criminal conduct by refusing compliance with a Grand Jury subpoena, they would have elevated themselves above the criminal law virtually by their bootstraps. No testimony sought here will seek to review a Congressman's political views, his motives or any exercise of legislative discretion. In responding to a subpoena, Senator Gravel would only fulfill his own duty as a citizen to assist the Executive branch in its own Constitutional obligation to enforce the laws of the United States. Should questioning prove self-incriminating, the Senator would retain his own Fifth Amendment privilege, in this regard. To withhold testimony on the basis of exemption would frustrate the separation of powers doctrine by interfering in executive proceedings, and in this case to forswear Senator Gravel's own vested duty to uphold the Constitution and laws of the United States.

* * * * *

The Government neither affirms nor denies that this proceeding is brought to investigate the disclosure of the so-called "Pentagon Papers". Yet assuming *arguendo,* that such be the case the Senator could not claim further that the grand jury cannot lawfully inquire into the business of reading and publishing the Pentagon Papers" as it constitutes privileged legislative business. The speech and debate clause has been construed to protect not only speeches given on the floor of Congress, as in *Johnston, supra,* but also to protect debates and speeches in committee hearings, as well as reports, resolutions, the act of voting and "in short, to things generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn v. Thompson,* 103 U.S. 168, 204 (1880). Yet the action of Senator Gravel which he assumes has led to the subpoena of Dr. Rodberg stands in no such footing. The Senator convened a special, unauthorized, and untimely meeting of the Senate Subcommittee on Public Works (at midnight on June 29, 1971), for the purpose of reading the documents and thereafter placed all unread portions in the subcommittee record, with Dr. Rodberg soliciting publication following the meeting. (See news articles attached to motion of Dr. Rodberg). The Congress does not enjoy uncurbed power to conduct business; excursions of committee hearings into private lives unconnected with a legitimate legislative purpose have long been held unconstitutional. *Kilbourn v. Thompson, supra; Marshall v. Gordon,* 243 U.S. 531 (1917). The power of the judiciary to reject unauthorized legislative activity stands upon no less a precedent than *Marbury v. Madison,* 1 Cranch (5 U.S.) 87 (1803). The prerogative of Judicial review has been exercised often in recent years to curb extra-legislative excursions by Congressional committees. *Watkins v. United States,* 354 U.S. 178 (1957); *McGrain v. Daughtery,* 273 U.S. 135 (1927); *Hentoc v. Ichard,* 318 F. Supp. (D.C. 1970). The reading of the paper in question can have no possible relationship to the legislative business with which Senator Gravel has sought to cloak himself

* * * * *

Not being engaged in official subcommittee business, his actions cannot be above scrutiny by those charged to enforce the criminal statutes.

* * * * *

Such a privilege, being derivative in nature, cannot be claimed where it would not protect the Senate member concerned; here, Senator Gravel can himself claim no exemption. The Speech and Debate clause was enacted in its present form specifically to insure that Senators would remain subject to obligations and sanctions of the criminal law and it has been applied in precisely this fashion for over 170 years. Accordingly, legislators have been deemed subject to subpoena and have occasionally been prosecuted. Under the "privilege" provision, Congressmen and their servants have always been subject to judicial limitations upon their actions where, even though garbed in the trappings of Congressional propriety, they have issued subpoenas or ordered imprisonment which transgressed their Constitutional powers. Thus, this court has complete powers to find that the activities in which the Senator and Dr. Rodberg were engaged were far removed from legitimate Congressional business and cannot therefore claim the protection of the privilege clause.

* * * * *

AFFIDAVIT OF MIKE GRAVEL

I, Mike Gravel, being first duly sworn, do depose and say that Dr. Leonard Rodberg is, and has been since June 29, 1971, a member of my personal staff in the United States Senate.

MIKE GRAVEL.

Commonwealth of Massachusetts, Suffolk, ss. Subscribed and Sworn to before me this 10th day of September, 1971. Margaret M. Flaherty, Notary Public. My Commission expires: 11/6/75.

AFFIDAVIT OF ROBERT G. DUNPHY

Robert G. Dunphy, Sergeant at Arms, United States Senate, Washington, D.C. 20510, being duly sworn, deposes and says:

1. By letter to me dated June 29, 1971, Senator Gravel designated Dr. Leonard Rodberg as a member of his personal staff. Senator Gravel's letter is set forth below:

"Mr. Robert G. Dunphy, Sergeant at Arms, United States Senate, Washington, D.C.

Dear Mr. Dunphy: Effective this date please add to my personal staff roll the name of Dr. Leonard Rodberg.

Dr. Rodberg will serve as a special assistant to me, with full access to my office, performing duties I assign and under my direct supervision.

Sincerely,

MIKE GRAVEL".

Robert G. Dunphy, Sergeant at Arms, United States Senate.

Subscribed and Sworn to before me this 10th day of September, 1971. My Commission expires on the 14th day of Dec. 1971.

WM. R. LUIRS,
Notary Public.

MOTION FOR FURTHER RELIEF

Comes now Movant, Mike Gravel, United States Senator, and respectfully moves this Court for an order granting further relief to prevent the abridgement of Movant's constitutional rights under the Speech and Debate Clause of the Constitution, Article I, Section 6, Clause 1.

In support of this Motion, Movant states as follows:

1) This Court has under consideration Movant's Motion for Reconsideration and/or Stay Pending Appeal of this Court's Memorandum of decision and Protective Order entered on October 4, 1971 in the above captioned cause.

2) The United States has subpoenaed certain witnesses for the purpose of inquiring into matters protected from inquiry by Article I, Section 6, Clause 1 and the Protective Order issued by this Court on October 4, 1971. Specifically, the government wishes to inquire into how and from whom Movant received certain material commonly referred to as the Pentagon Papers.

3) The United States has subpoenaed certain other witnesses for the purpose of inquiring into Movant's publication of the official transcript of the Senate Subcommittee on Building and Grounds. The constitutional permissibility of such an inquiry is now before the Court for reconsideration in the above captioned cause.

4) Movant has no control over the willingness of those subpoenaed to answer questions prohibited by this Court's Protective Order of October 4, 1971 or Article I, Section 6, Clause 1.

5) Movant has no control over the willingness of those subpoenaed to answer questions concerning Movant's publication of the official transcript of the aforesaid Senate Subcommittee.

6) If this Court decides that publication of the official record of a Senate Subcommittee is constitutionally protected the grand jury will be barred from questioning anyone about his conduct with respect thereto.

7) If this Court decides that publication of the official record of a Senate Subcommittee is not constitutionally protected Movant has asked for a stay of this Court's decision pending appeal. To permit any witness to testify with respect to the publication of the aforesaid transcript would moot the constitutional claim of Movant prior to the final resolution of the important and complex constitutional issues presented herein.

8) If the United States seeks answers to questions prohibited by this Court's Protective Order of October 4, 1971, Movant has no procedure with which to object and to secure a ruling from this Court.

9) If the United States seeks answers to questions concerning publication of the aforesaid official record of a Senate Subcommittee now under submission to this Court, Movant has no procedure with which to object and to secure a ruling from this Court.

10) If this Court permits inquiry into the aforesaid areas and others before the grand jury Movant's constitutional right will have been irreparably violated.

Wherefore, Movant respectfully requests this Honorable Court to grant the following further relief:

1) To require a listing from the United States of all those who have been subpoenaed or are to appear before the grand jury to give testimony.

2) To hold a hearing to determine which of the listed witnesses has privileged information which, constitutionally, cannot be inquired into, or should not be inquired into pending final determination on reconsideration.

3) To require the United States to specify all questions to be asked each witness, covered by Paragraph 2 above, and to rule on the constitutional permissibility of each said question.

If this Court should deny this Motion, Movant requests this Court to grant a stay of all subpoenas now outstanding or to be issued, pending appeal to the United States Court of Appeals for the First Circuit.

Charles Louis Fishman, 633 East Capitol Street, Washington, D.C. 20003, 202-546-0520, *Attorney for Movant.*

Robert J. Reinstein, Temple University School of Law, Philadelphia, Pennsylvania, 215-787-8576.

Howard O. Reid, Sr., Howard University School of Law, Washington, D.C., 202-636-6671.

[In the United States District Court for the District of Massachusetts, Civil Division, Civil Action No. E.B.D. 71-209-G]

Mike Gravel, United States Senator, v. John Doe.

In re the matter of Howard Webber.

MOTION TO INTERVENE

Comes now Movant, United States Senator Mike Gravel and moves this Honorable Court for leave to intervene in the above captioned cause and as reasons therefore states:

1) Howard Webber is the editor of M.I.T. Press.

2) As the editor of M.I.T. Press, Mr. Webber has contact and discussions with members of Movant's personal staff which contacts and discussions are now the subject of an inquiry by a Federal Grand Jury.

3) The aforesaid Federal Grand Jury has subpoenaed Mr. Webber to appear and give testimony with respect to the aforesaid contact and discussion on Wednesday or Thursday, October 27 or 28, 1971.

4) All of the aforesaid contacts and discussions between Mr. Webber and members of Movant's personal staff relate to the publication of the June 29, 1971 official transcript of the United States Senate Subcommittee on Buildings and Grounds.

5) All of the aforesaid contacts and discussions between Mr. Webber and Movant's personal servants are immune from judicial inquiry by virtue of Movant's constitutional privileges and duties.

6) The question presented herein raises serious and substantial constitutional issues which have not but should be decided by this Court.

7) No other party to the above captioned cause can adequately represent the interest of Movant.

8) The granting of this motion would best serve the interest of Justice.

9) Movant has no information upon which to determine if Mr. Webber plans to appear before the Grand Jury and give testimony in violation of Movant's constitutional rights.

Wherefore, Movant respectfully requests that this Honorable Court grant the above captioned Motion to Intervene.

Charles Louis Fishman, 633 East Capitol Street, Washington, D.C. 20003, 202-546-0520, *Attorney for Movant.*

Robert Reinstein, Temple University School of Law, Philadelphia, Pennsylvania, 215-787-8576.

Howard O. Reid, Sr., Howard University School of Law, Washington, D.C., 202-636-6671.

MOTION TO QUASH OR STAY GRAND JURY SUBPOENA

Comes now Movant, United States Senator Mike Gravel, and respectfully moves this Court for an order quashing or staying a subpoena served upon Howard Webber which seeks to compel Mr. Webber's appearance before a Federal grand jury sitting in this District, to wit, in Boston, Massachusetts.

Movant submits that the subpoena served upon Mr. Webber should be stayed because it violates Movant's Congressional privilege to be immune from judicial inquiry of acts done by him and his personal staff in the discharge of his duties as a United States Senator, said privilege secured to Movant by the Speech and Debate Clause of the Constitution, Article I, Section 6, Clause 1.

1) The United States has subpoenaed Mr. Webber for the purpose of questioning him about the publication of the official Senate Subcommittee transcript involved in the case of *Mike Gravel, United States Senator v. United States* (Docket No. EBD 71-172).

2) This Court has under consideration Movant's Motion For Reconsideration in the case of *Mike Gravel, United States Senator v. United States* (Docket No. EBD 71-172).

3) If this Court decides that publication of the official record of a Senate Subcommittee is constitutionally protected the grand jury will be barred from questioning anyone, including Mr. Webber, about his conduct with respect thereto.

4) If this Court decides that publication of the official record of a Senate Subcommittee is not constitutionally protected Movant has asked for a stay of this Court's decision pending appeal. To permit Mr. Webber to testify with respect to the publication of the aforesaid transcript would moot the constitutional claim of Movant prior to the final resolution of the important and complex constitutional issues presented herein.

5) No substantial injury will result to the United States from the granting of this Motion.

Wherefore, Movant respectfully requests that this Honorable Court grant the above Motion to Quash or Stay the subpoena served upon Howard Webber pending final disposition of the case entitled *Mike Gravel, U. S. S. v. United States* EBD 71-172.

Charles Louis Fishman, 633 East Capitol Street, Washington, D.C. 20003, 202-546-0520.

Robert Reinstein, Temple University School of Law, Philadelphia, Pennsylvania, 215-787-8576.

Howard O. Reid, Sr., Howard University School of Law, Washington, D.C., 202-636-6671.

UNITED STATES V. JOHN DOE

Stephen Parkhurst, Vice-President and Cashier, New England Merchants Bank, Prudential Center, Boston, Mass.

You are hereby commanded to appear in the United States District Court for the District of Massachusetts at P.O. & Courthouse Building, in the city of Boston on the 10th day of November 1971 at 10 o'clock A.M. to testify before the Grand Jury and bring with you the records of the checking accounts, both special and regular, maintained by the Unitarian Universalist Association, Inc., and Beacon Press, Inc., 25 Beacon Street, Boston, Massachusetts from June 1, 1971 through October 15, 1971, such records to include, but not limited to, all deposits and withdrawals during the aforementioned period of time, and copies of all deposit slips and checks drawn on each account, and items deposited, in the amounts of $10,000 and above.

This subpoena is issued on application of the United States.

Please report to: Richard E. Bachman, assistant U.S. Attorney, Chief, Criminal Division, Room 1107, P.O. & Courthouse Building, Boston, Mass.

Date, October 28, 1971.

MEMORANDUM AND ORDER DENYING MOTION FOR FURTHER RELIEF, OCTOBER 29, 1971

(United States of America v. John Doe; in the matter of a grand jury subpoena served upon Leonard S. Rodberg).

By memorandum of decision and protective order issued October 4, 1971, the court prohibited a grand jury inquiry into the legislative acts of intervenor United States Senator Mike Gravel. By motion for further relief the Senator seeks a further order requiring the government to list the names of prospective grand jury witnesses and to specify all questions to be asked each witness and moves that the court by a hearing in advance of a witness's appearance determine whether a witness has privileged information which may not be the subject of inquiry consistently with the Speech or Debate Clause of the Constitution of the United States, Art. I, § 6, cl. 1[*] At a hearing on the motion counsel for the intervenor submitted that, unless further relief of the type requested is ordered, the court and the intervenor have no way of assuring that the court's protective order of October 4, 1971 is being observed and that questions which may arise during the grand jury proceedings regarding the applicability of the protective order will be properly decided. The court denied the motion from the bench and stated that this memorandum and order would subsequently be filed.

Intervenor's motion is denied on the following grounds: (a) The court has no reason to doubt that its protective order will be obeyed. At the hearing, government counsel stated that it would be. Attorneys are officers of the court on whose good faith the court customarily relies and there is no reason why an exception should be made in this case. (b) The court believes that its protective order issued October 4 is unambiguous. The purport of the order is explained at length in the memorandum accompanying it. (c) The relief sought by the intervenor in his motion for further relief would impede the grand jury's investigation. A balance must be struck between the intervenor's right not to be intimidated by the Executive by an inquiry into his legislative acts, *United States v. Johnson*, 1966 383 U.S. 169, 181, and the grand jury's right not to be hobbled by a daily dissection of its activities.

In connection with the court's staying the enforcement of subpoenas on witnesses Leonard Rodberg and Howard Wobber, the court has today issued a supplemental protective order prohibiting for a ten-day period inquiry into Senator Gravel's arranging for publication of the so-called Pentagon Papers. At the hearing counsel for the intervenor urged that the same further relief be granted for the purposes of implementing any such supplemental protective order. For the same reasons the court also denies the intervenor's motion as applied to the supplemental protective order.

[United States District Court, District of Massachusetts, E.B.D. No. 71-172-G, E.B.D. No. 71-209-G]

SUPPLEMENTAL PROTECTIVE ORDER, OCTOBER 29, 1972

(United States of America versus John Doe in the matter of a grand jury subpoena served upon Leonard S. Rodberg, in the matter of a grand jury subpoena served upon Howard Webber)

Garrity, J. In its memorandum of decision dated October 4, 1971 the court rejected the contention of the witness Rodberg and the intervenor Senator Gravel that private publication of the so-called Pentagon Papers may not be inquired into consistently with the Speech or Debate Clause of the Constitution of the United States, Art. I, § 6, cl. 1. However, the arguments urged on behalf of the witness and intervenor are substantial and by no means frivolous. In order that the intervenor's position may be preserved on appeal, the court orders that the following Supplemental Protective Order be entered and remain in effect for ten days: [**]

No witness before the grand jury currently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct in arranging for the private publication of the Pentagon Papers nor about Dr. Leonard S. Rodberg's conduct in arranging for said publication to the extent that what he did was in his capacity as a member of the Senator's personal staff.

United States District Judge.

[United States Court of Appeals for the First Circuit, Nos. 71-1331, 71-1332]

United States of America v. John Doe.

Mike Gravel, United States Senator, Intervenor, Appellant.

Before McEntee and Coffin, Circuit Judges.

Memorandum and order entered October 29, 1971.

Hearing having been held on Intervenor's motion for stay pending appeal from the district court's denial of his motion for further relief and, it appearing that: (1) the integrity of the processes of a grand jury must not be lightly regarded; (2) the grand jury here convened is not restricted to investigation of the specific crimes described below; (3) the allegations of possible infringements of the rights of the Intervenor under Article I, Section 6, Clause 1, of the Constitution of the United States as well as allegations of violation of the doctrines of separation of powers, raise important issues of substance, the harm of any such alleged infringements being irreparable; (4) an expedited schedule for hearing appeals on related issues has been adopted, such hearing to be held on November 4, 1971, and it being contemplated that speedy disposition of these issues including those raised by the instant motion, may be forthcoming.

It Is Hereby Ordered that until further order of this court, the grand jury shall not pursue its inquiry into the retention of public property or records with intent to convert (18 U.S.C. § 641), the gathering and transmitting of national defense information (18 U.S.C. § 793), the concealment or removal of public records or documents (18 U.S.C. § 2071), or conspiracy to commit such offenses or to defraud the United States (18 U.S.C. § 371) insofar as these or any other crimes may relate to the so-called "Pentagon Papers," in whatever form. However, it shall be empowered to continue its investigation into any other crimes.

It is further ordered that the parties be excused from reproducing the records on appeals in appendix form, that appellants' brief is to be filed on or before five p.m., Monday, November 1, 1971, and that appellee's brief is to be filed on or before five p.m. Wednesday, November 3, 1971. It is further ordered that the parties are granted leave to file four copies of their briefs in reproduced form to comply with Rule 5(d) and that service of said briefs is to be made in hand.

By the Court:

/s/ Dana H. Gallup, *Clerk.*

STIPULATION, NOVEMBER 5, 1971

It is hereby stipulated between the parties hereto that until the termination of the restraining order entered by the United States Court of Appeals for the First Circuit on October 29, 1971, no representatives of the United States shall seek to obtain documents relating to the so-called "Pentagon Papers" within the District of Massachusetts for their own examination or for the use of a grand jury by the force or use of a subpoena.

/s/ Charles Louis Fishman,
Counsel for Appellants.
/s/ Warren P. Reese
Counsel for Appellees.

MOTION

The United States of America moves the court for an order modifying its order entered October 29, 1971, in cases Nos. 71-1331 and 71-1332, *United States v. John Doe—Mike Gravel United States Senator, Intervenor*, restraining the grand jury from pursuing its inquiry into crimes relating to the so-called "Pentagon Papers," to permit investigation by the grand jury into such crimes, provided that no witness shall be subpoenaed to appear or testify before the grand jury in the District of Massachusetts concerning the acquisition, use or publication of the "Pentagon Papers" by Senator Mike Gravel or any member of his staff, or any matter related thereto.

This motion is based on the attached affidavit of Warren P. Reese and the files and records of the case.

Dated: November 26, 1971.

Respectfully submitted,
James N. Gabriel,
U.S. Attorney.
Warren P. Reese,
Assistant U.S. Attorney.

[United States Court of Appeals for the First Circuit, No. 71-1331]

United States of America, v. John Doe.

Mike Gravel, United States Senator, *Intervenor, Appellant.*

No. 71-1332, United States of America v. John Doe, Mike Gravel, United States Senator, *Intervenor, Appellant.*

Before Aldrich, *Chief Judge.*

McEntee and Coffin, *Circuit Judges.*

MEMORANDUM AND ORDER, ENTERED NOVEMBER 29, 1971

It is ordered that the grand jury may pursue its inquiry into crimes relating to the so-called Pentagon Papers, provided that neither Senator Mike Gravel nor any member of his staff or of the staff of the subcommittee on Buildings and Grounds shall be subpoenaed to testify, and no witness shall be questioned concerning the acquisition, use, publication, or republication of the Pentagon Papers by Senator Mike Gravel or by any member of the staff as above defined, until further order of this court. The restraining order entered October 29, 1971 shall remain in full force in all other aspects until further order of this court.

By the Court:

/s/ Dana H. Gallup, *Clerk.*

Enter /s/ Aldrich, Ch. J., [cert. cc: Clerk U.S.D.C., Mass.; cc: Messrs. Fishman, Reid Reinstein and Reese.]

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[*] The intervenor filed a separate motion that he be furnished with a transcript of the grand jury proceedings to date. By separate order endorsed on the motion it was also denied.

[**] This period corresponds with the duration of the stays ordered on October 28, 1971 staying enforcement of subpoenas on witnesses Leonard Rodberg and Howard Webber on application of the intervenor.

[United States Court of Appeals for the First Circuit, No. 71-1331]

United States of America v. John Doe.

Mike Gravel, United States Senator, Intervenor, Appellant, No. 71-1332.

Before Aldrich, Chief Judge, McEntee and Coffin, Circuit Judges.

ORDER OF COURT, ENTERED JANUARY 18, 1972

Pursuant to opinion of instant date, the broad stay granted on October 29, 1971, as modified, is hereby revoked and there is substituted the order contained in the judgment of January 7, 1972 as clarified by the explanatory clause contained in our opinion defining

> "actions" as "in the broadest sense, including observations and communications, oral or written, by or to him or coming to his attention."

The present order of revocation and substitution is stayed until January 26, 1972.

The motion for clarification is otherwise denied.

The motion for reconsideration is denied.

By the Court:

/s/ Dana H. Gallup, *Clerk.*

Enter: /s/ Aldrich, Ch. J. [cc: Messrs. Fishman, Reid, Reinstein and Nissen.]

[Volume 1, United States District Court, District of Massachusetts, EBD 71-172-G]

United States of America v. John Doe.

Proceedings had in the above entitled cause before the Honorable W. Arthur Garrity, Jr., Judge of said court, in Court Room No. 2, Federal Building, Boston, Massachusetts, on Friday, August 27, 1971.

APPEARANCES

Paul Vincent, Esq., and John Marple, Esq., Attorneys, Department of Justice, appeared for the government.

James Reif, Esq., and Doris Peterson, Attorney, appeared for Leonard Rodberg.

Robert Reinstein, Esq., and Charles L. Fishman, Esq., appeared for Senator Mike Gravel.

PROCEEDINGS

The Clerk. Emergency Business Docket Number 71-172, United States versus John Doe.

The Court. I see government counsel here, Mr. Vincent. Is there anyone with you representing the government?

Mr. Vincent. Yes, your Honor, my associate, John Marple.

The Court. Oh, yes. I see Mr. Marple. Now here is an application for a stay by Dr. Rodberg. Is he present?

Dr. Rodberg. Yes, sir.

The Court. I see. And then counsel for Dr. Rodberg are Miss or Mrs. Peterson.

Miss Peterson. Miss Peterson.

The Court. And Mr. Reif. Well, I simply have another matter scheduled, a hearing on a temporary restraining order, for eleven o'clock and I have not yet read these papers as carefully as I should, and would suggest a hearing at twelve o'clock, but I want especially to ask Mr. Vincent whether that is going to—

Mr. Vincent. That will be convenient, yes, your Honor.

The Court. —maybe create a problem. Will that be suitable, a hearing at twelve o'clock?

Mr. Vincent. Twelve o'clock will be fine, your Honor.

The Court. Well, we will have a hearing here at twelve o'clock. In this connection, before I pick up these papers this morning, a gentleman whom I see here in the court room [3] delivered to my chambers a letter addressed to me from the office of Senator Gravel. I was working on other matters when this letter came in, and I was unable to read it. I thought it might have to do with, if you will pardon the expression, an application for employment or something of that nature. I had not even picked up these papers at that point, and I just set it aside, but then I commenced reading this motion to quash the subpoena served on Dr. Rodberg and I have deduced, still without having opened the letter, that it must pertain to this matter.

Mr. Fishman. That is correct, your Honor.

The Court. Now I would like, please, for you—because I don't see or haven't heard of your appearing for a party here—to state your name and also your interest.

Mr. Fishman. If I may, my name is Charles Lewis Fishman. I reside at 63 East Capitol Street in Washington, D.C. I am the senator's private counsel, and a member of the bar of the District of Columbia, Superior Court of the District of Columbia, United States District Court for the District of Columbia, a member in good standing.

The Court. Well, I am happy to meet you and have you here. The question which comes to mind with respect to this communication which I have not yet opened is whether in your judgment it isn't the type of information that should be disclosed to [4] the parties to this matter simultaneously with disclosure to the Court. I am obviously reluctant to receive ex parte communications in any matter.

Mr. Fishman. I have no objection to making the letter available to the government also. My instructions from the senator were to deliver the letter to you, since it states the limited purpose for which I appear.

The Court. Well, I am happy to have the letter, I am happy to receive it and will consider it, but on the condition that I have stated, that it be made available, or copies, not only to government counsel but to defense counsel as well.

Mr. Fishman. I will be happy to do that, your Honor.

The Court. Well, on that understanding, between now and twelve o'clock I will read this communication which I have received, and I will look for you to attend the hearing if you wish.

Mr. Fishman. At this point, your Honor, may I introduce cocounsel, Mr. Robert Reinstein of Philadelphia, the Temple University School of Law.

The Court. And does he represent Senator Gavel also as associate counsel?

Mr. Fishman. Yes, your Honor.

Mr. Reinstein. Yes, I do, your Honor.

The Court. And could you state Mr. Reinstein's bar affiliations?

[5] Mr. Reinstein. I am a member of the bar of the Court of Appeals of Maryland, your Honor, and I am admitted to the Federal District Court of Maryland, United States Court of Appeals for the Fourth Circuit, and the United States Court of Claims.

The Court. And I take it that you are in good standing and that there are no disciplinary proceedings against you.

Mr. Reinstein. That is correct, your Honor.

Mr. Fishman. For the record, it is Reinstein, R-e-i-n-s-t-e-i-n.

The Court. All right. Thank you. Well, we will see you all at twelve o'clock, unless there is something additional to be mentioned at this time.

Mr. Reif. Perhaps we ought to mention one thing, your Honor. That is that Miss Peterson and I are members of the bar of the state of New York and the United States Court of Appeals for the Second Circuit.

The Court. Members in good standing?

Mr. Reif. Yes, sir.

The Court. And there are no disciplinary proceedings pending against either of you?

Mr. Reif. No, your Honor.

The Court. That is true of you both. Well, I will welcome you all again at twelve o'clock.

Mr. Reif. Thank you, your Honor.

[6] Mr. Vincent. Thank you, your Honor.

[The hearing was resumed at twelve o'clock noon.]

The Clerk. Emergency Business Docket Number 71-172, United States versus John Doe.

The Court. I think it would be helpful again to have counsel state their names and the parties whom they represent. I have noted them but I don't know whether the stenographer did, and it should be done in connection with this hearing. So please, I will start again with Miss Peterson and Mr. Reif.

Mr. Reif. Right. My name is James Reif, R-e-i-f, and I along with Miss Doris Peterson represent Dr. Leonard Rodberg.

The Court. All right. And I understand that Dr. Rodberg is seated at counsel table with you.

Mr. Reif. That is correct, your Honor.

The Court. This gentleman here. Thank you. And then we have Mr. Vincent for the government, please.

Mr. Vincent. Yes, your Honor. My name is Paul C. Vincent, Attorney with the Department of Justice, Washington, D.C., and this is my colleague, Mr. Marple.

Mr. Marple. John Marple, M-a-r-p-l-e.

The Court. Now I don't know whether Mr. Fishman wishes to appear or just be in the capacity of an observer at this juncture.

Mr. Fishman. At this juncture, your Honor, my instructions [7] are simply to be present and observe the proceedings. Should the need arise, as indicated in the letter, I would then move to intervene. If you wish, I will enter the name in the record now.

The Court. It is strictly your option, Mr. Fishman. I am happy for you to do so or not, as you prefer.

Mr. Fishman. Well, let me enter my name in the record now, your Honor.

The Court. Fine.

Mr. Fishman. And hope that I won't have to proceed any further. My name is Charles Fishman, attorney in Washington, D.C. I am a member in good standing of the bar of the District of Columbia and accredited before the Superior Court of the District of Columbia, United States District Court for the District of Columbia, and the United States Court of Appeals, District of Columbia.

The Court. Whom do you represent?

Mr. Fishman. I represent United States Senator Mike Gravel.

The Court. And your associate is Mr. Reinstein. Fine.

Well, I think at the outset I should mark as a hearing exhibit, Exhibit Number 1, Senator Gravel's letter to the Court dated August 26th, which you have shown to other counsel in the case, and that will be filed with the papers. The question I am considering at this juncture is whether to grant the petitioners' alternative request that they be afforded time [8] within which to file affidavits and memoranda of law. If that leave is granted, I would plan tentatively, that is, subject to the positions stated by counsel, to have the hearing following the one on the 10th of September, which has been scheduled with respect to the application of the witness Dr. Falk.

I think I might first ask Mr. Vincent whether such a postponement of resolution of the questions raised would handicap his presentation of this matter to the grand jury.

Mr. Vincent. If your Honor please, the government would oppose any stay, basically because I think a pattern is now being set by this. This is the second witness who has come in, or the third witness, petitioning for the same relief, and I think that these stays, your Honor, if the pattern continues, starting with the one last week, will unnecessarily impede and delay the investigation now being conducted by the grand jury.

I might note also, your Honor, that the issue here I think is so simple. It is to quash a subpoena. It has nothing to do yet with proceedings before the grand jury. This is merely an attempt to prevent an appearance. I believe, your Honor, that the proper forum for the determination of any of these questions must start inside the grand jury room. If there is any privilege to be claimed, whether it be the First Amendment, the Fourth Amendment, the Fifth Amendment, legislative privilege, as apparently is being done here, I do not think that briefs, affidavits, and memos of law can possibly anticipate particular [9] questions, and I think what would happen, your Honor, is, it would delay the proceedings indefinitely, witness after witness getting a stay, pushing this into the winter and the early part of next year, if the pattern continues. I am assuming that, your Honor. That is an assumption. Then we get into the grand jury room: if a question is asked and the privilege is taken, we would be back before your Honor on the very same point.

I believe, your Honor, that ad mimine the witness should and must appear before the grand jury for any intelligent determination as to whether or not any privilege claim is properly taken.

The Court. Well, now I will hear Mr. Reif.

Mr. Reif. Thank you, your Honor. Addressing myself to Mr. Vincent's remarks, first of all, I am not familiar with any pattern to which he refers. We represent only Dr. Rodberg in this matter. I am familiar with Mr. Falk's position, and that is as far as we are familiar with the grand jury proceedings.

As to raising questions subsequent to appearance, it is our position that it is the appearance itself which should be avoided, not merely answering specific questions, so that we do not feel that appearing and declining to answer certain questions will in any way deal with that specific problem.

As to the particular matter in this motion, we raise at this time four questions, one of which is, as far as I know, [10] quite different from any of the points raised by Mr. Falk, and that is, I am specifically referring to the question of Dr. Rodberg's relationship with Senator Gravel. As to that question, I believe it raises substantial questions, as we have tried to show briefly in our moving papers, and I do believe that a memorandum of law would be quite helpful in resolving the issue.

As far as I can determine from what research I could do in the last day, the number of cases on the scope of the speech and debate clause is quite limited and the questions as to its scope are at this point quite undefined. I believe further that it will be necessary, in providing the Court with a precise notion of what claim it is that is before the Court, that an affidavit from Senator Gravel would be quite helpful in defining that relationship.

As to your Honor's suggestion as to September 10th, which I believe is two weeks from today, although I am forced to go to Maine next week for a few days. I do believe that we would be able to be prepared at that time, both with the affidavits and with the memorandum of law.

The Court. Let me ask you a question, Mr. Reif, about one aspect of the motion, and that has to do with the allegation that the subpoena and any questions that would be addressed to Dr. Rodberg in the grand jury would be the product of an unlawful electronic surveillance. I have already ruled in the [11] first of these three cases to come before me, which had to do with the application of a witness named Popkin, that a bare allegation, in my opinion, of a violation of the laws dealing with wiretapping and electronic surveillance is insufficient to occasion an Alderman type hearing.

I see here a paragraph in Dr. Rodberg's affidavit about his information and belief that he has been the subject of unlawful electronic surveillance. If this ground of your motion is to be preserved, you will have to elaborate on that allegation at this time. I will follow the same procedure in this case as I did in this regard in the case dealing with Dr. Falk. His counsel elaborated on the allegation and outlined the type of evidence they anticipate producing, but in affidavit form. Papers in that matter I think are to be filed on the 8th of September. What do you have in mind, if anything?

Mr. Reif. At this time, your Honor, we are not prepared to submit an affidavit which would show, say—

The Court. I don't mean an affidavit. What do you think you will establish, if anything, by way of unlawful electronic surveillance?

Mr. Reif. At this point, your Honor, we are entirely uncertain as to that, and at this point it is substantially merely the allegation.

The Court. Well, do you know what if anything Dr. Rodberg had in mind in Paragraph 10 of his own affidavit when he says [12] on information and belief he had been the subject of unlawful electronic surveillance?

Mr. Reif. Well, as I say, at this point it is a suspicion that we have based upon our knowledge as to certain people with whom Dr. Rodberg has been in contact, but as to specific facts, we cannot point to any at this point.

The Court. Well, let me just make it a little clearer. What I am contemplating doing is restricting the stay, if I grant it, to a consideration of specific points, and I will exclude this allegation of unlawful electronic surveillance unless you have something that at least you are going to—unless you have something now in mind. I am not looking for proof now. I am just endeavoring to ascertain whether the allegation is not so much on information and belief but just a suspicion.

Mr. Reif. Well, I think, to be frank, that there is, as I say, no concrete fact which we can point to. Our belief is founded upon the fact that Dr. Rodberg has been in telephone communication with certain people and has used the phone of certain people whom we believe their phones have been—

The Court. Whom you suspect.

Mr. Reif. Right. That is correct.

The Court. If you wish, you may talk to Dr. Rodberg right now to see if he has anything in mind specifically, because he says here is his affidavit, "Upon information and [13] belief, I have been the subject of unlawful electronic surveillance," so if he has, I would like to determine the extent of his information and belief if it is different from what you have just stated. So why don't you talk to him for a moment and see whether he has more in mind than you have stated.

Mr. Reif. Thank you, your Honor.

[Counsel conferred with Dr. Rodberg.]

Mr. Reif. Your Honor, at this time we have nothing beyond what I have just stated.

The Court. Well, the subpoena calls for Dr. Rodberg's appearance this morning before the grand jury, and I will, over the government's objections, grant a stay until after the hearing on September 10th. However, I do not grant the stay in order that there may be additional information filed with respect to unlawful electronic surveillance. That will not be the subject of the hearing on the 10th of September. Having no more than a mere general suspicion, that is not a proper basis for a stay of this subpoena, in my view, and that issue is eliminated from this application, and that is my ruling. I deny the motion for a stay to the extent that it is based upon a general, unspecified allegation of unlawful electronic surveillance.

I do, however, grant the motion in order that the parties may file affidavits and memoranda of law on the other points raised in the motion, that it, the First Amendment rights of [14] the prospective witness and the other First Amendment rights, and other rights, including any right of congressional privilege, which may be here involved. So that those other aspects of the motion are the basis for the Court's order, but only those aspects.

Mr. Reif. Would your Honor entertain a brief argument on the surveillance question?

The Court. Well, I am aware, let me say, of the cases in the District of Columbia and in the Third Circuit and the California cases. I went into this in some detail in connection with the Poplin matter. Counsel furnished the Court with copies of the lengthy opinions in the Third Circuit and the District of Columbia cases, and I have read them, so if you think there is something that should be added to that, I will hear you briefly.

Mr. Reif. Well, no. I was not aware that your Honor had been made aware of those opinions.

The Court. Yes. You see, this problem has been written about so comprehensively by the judges in the other circiuts that I really made up my mind on the basis of studying those opinions.

Mr. Reif. In light of that, I—

The Court. So I think that my ruling will stand on that aspect of it.

Mr. Reif. All right.

[15] The Court. Now let me state why I feel that I should order this stay over the objections of Mr. Vincent. I believe that the grounds asserted in this motion are different from the ground asserted in the applications heretofore filed on behalf of the witnesses Popkin and Falk, and that therefore, there is no real basis for believing that there is a sort of a pattern followed here, or sought to be followed, by the witnesses and by their attorneys. Mr. Reif apparently was unaware of these prior applications.

I think also that while the issue at the moment is simply the grand jury's right to compel the presence of the persons before the grand jury, the briefs that will be filed and the affidavits that will be filed and the argument made on September 10th will apply almost equally to questions that may arise during the course of the grand jury interrogation, so that I think it is best to get briefs from the parties at this juncture so as to be able to rule without protracted delay should disputes arise during the course of their testimony. So that it seems to me that time within which to brief these questions is positively required at some stage, and I would rather that these matters be briefed at this juncture rather than at some possible later time.

Please have in mind that the issue at the moment is the power of the grand jury merely to compel the presence of Dr. Rodberg before the grand jury, but in your briefs, please [16] cover the law, to the extent that you can find it, on the right of the grand jury to put to the witness the questions that you anticipate will be put. In other words, make your briefs somewhat broader than the narrow issue that is faced at this juncture. I assume that you had that in mind, in any event.

As far as the time is concerned, I think I ordered the briefs in the Falk matter to be filed on the 8th of September. I am not sure of that. It was either the 7th or the 8th. I believe it was the 8th.

Mr. Vincent. It was the 7th.

The Court. Was it the 7th?

Mr. Vincent. Yes, your Honor.

The Court. Well, here we will make it the 8th, because you won't have quite as much time, and this hearing will not be joined with the hearing on the Falk application, but it will follow immediately thereafter. There are separate questions. The Falk hearing is set for the 10th, at ten o'clock, and this would follow immediately thereafter, probably at 11 or 11:30, or whenever. So affidavits and briefs on the law in this matter are due on or before September 8th and the hearing will be on the 10th.

Now does anyone wish to be heard further? I will be with you in a moment. Mr. Fishman. But first, do counsel for either of the parties wish to be heard further or ask any—

[17] Mr. Vincent. I have no questions, nothing further, your Honor.

Mr. Reif. We have nothing further, your Honor.

The Court. Well, now I think Mr. Fishman wished to address the Court.

Mr. Fishman. If I may for just a moment, your Honor. We are obviously in a bit of a quandary here in the sense of determining what role we would want to play on the 8th. As the senator indicated to you in his letter—

The Court. Could I see that letter again, please?

[Exhibit handed to the Court.]

The Court. Thank you.

Mr. Fishman. Particularly in the third and fourth paragraphs, if the purpose for which Mr. Rodberg has been subpoenaed involves violation of anyone of potential federal law, whether it be bank robbery or anything else, his interests are not involved and he would not wish to participate. If, on the other hand, the issues to be raised and decided at that hearing and before the grand jury related to his activities in the performance of his duties as a United States Senator and those of his personal entourage, he then obviously has a very substantial interest of his own which he wishes to assert.

The subpoena in this matter is totally devoid of any information to indicate the issue before the grand jury or the purpose or purposes for which they are calling Dr. [18] Rodberg. It therefore leaves us in the position where we are totally without any intimation at all to make a determination or even a guess as to whether or not we should be prepared to participate, and, if so, to what extent.

There apparently is some assumption on the part of counsel here that it may relate to these matters. I prefer not to engage in such guessing games, and I believe that as a matter of due process, the senator has a clear right to know at this point, so that he may prepare and may make that decision, just what the issue is before the grand jury and what the general nature of the questions are going to relate to in terms of subject matter.

The Court. Well, it would seem to me, although this is for you and the senator to decide, that you will have to either—well, you will have to file some sort of motion in the case. You have got to file some sort of pleading directed to protect the interests of the senator which you described. I am happy to have you here as an observer, but I am not prepared to and will not rule on any requests or motions or other points that you raise unless they are based upon some sort of written application or some participation as a party.

I don't think this is a type of matter that invites participation of anyone that says he is an amicus curiae. You are here with a specific interest to protect. Perhaps you feel that it will be protected by counsel for Dr. Rodberg, [19] perhaps you don't, but I won't rule in the course of just discussing the problems or possibilities in general terms. You have got to decide whether to intervene or not, or whether to seek to intervene.

Mr. Fishman. I might say, your Honor, that we were pained all day yesterday trying to ascertain just what our role should be, and I had several discussions with the senator at the time, and I go back to the problem that I suggested at the beginning of my remarks. If we should, for instance, move to intervene and then it is determined that the issue before the grand jury for which Dr. Rodberg has been subpoenaed has nothing to do with the senator, then we have no interest or right to be there. If, on the other hand, the questions for which the grand jury has subponaed Dr. Rodberg do relate to the senator's activities, then we want to be very vigorous in our representation.

I therefore find myself in a position where I am not sure which is the cart and which is the horse, to know which to put before the other, should I move to intervene at this point, which I have the papers before me to do if necessary, and I am in the position of intervening before I know what I am intervening in.

The Court. Well, really, I cannot help you in the matter beyond what I have said. I will be happy to pass on anything that you decide to file, or to rule on motions or applications [20] of any sort, but it is up to you. And let me say this, or suggest this: that this is something you might wish to give further consideration to. I have already indicated that there are no final rulings in these matters to be made today. The Clerk's Office is happy to receive whatever you have, but I would think that you might give the matter further consideration. There is no compulsion on you, as I see it, to act or decide what to do today.

Mr. Fishman. Well, except that, your Honor, if we do decide to intervene, would your Honor be disposed to rule and order the District Attorney, or the U. S. Attorney, rather, to disclose the purpose for which the grand jury has subpoenaed Dr. Rodberg, so at that point we can determine whether or not we wish to participate on the 8th?

The Court. That is not before me now. That is too iffy. You have got to make the first step here, either by intervening or not intervening, and when you have made up your mind. I will head the matter.

Mr. Fishman. In which case, your Honor, I will now move to intervene in the matter.

[Document tendered to the Court.]

The Court. Thank you. You have got to hand copies to—

[Documents tendered to counsel.]

The Court. Do you wish, Mr. Vincent, to be heard with respect to this motion to intervene?

[21] Mr. Vincent. Your Honor, the government objects to the motion to intervene, primarily on the grounds that the senator is not under subpoena, the grand jury has not called him as a witness before this grand jury. This motion is based on pure supposition that Senator Gravel and I might say, through the eyes of any other senator, any other Congressman—would intervene at will when any witness has testified before a grand jury. I say that the time for the senator to raise his privilege and protect his rights is when he is under subpoena if he is in fact ever under subpoena before this or any other grand jury.

I think here again, your Honor, that this is a motion made certainly in good faith, and, with all due respect to counsel for the senator, I do not think it is properly taken. The witness who is subpoenaed has alleged that he is a member of the staff of Senator Gravel. I notice that the senator uses the term that Mr. Rodberg is a perosnal servant of the senator. Now, if a senator or a congressman has the right in any case to interterm that Mr. Rodberg is a personal servant or his staff member has been issued a subpoena, I am afraid that we would definitely clog the wheels of justice in grand jury proceedings and in any court proceedings.

I think we need more than suspicion and conjecture that interests of Senator Gravel are involved.

The Court. Let me ask whether you have any authority on this proposition.

[22] Mr. Fishman. Yes, I do, your Honor.

The Court. I am considering taking this motion for leave to intervene under advisement and looking at some cases myself. Have you had an opportunity to prepare any sort of memorandum in support of this motion?

Mr. Fishman. Your Honor, I returned to Washington—

The Court. I can see that you haven't. Now query, I don't know whether I would take this—well, I am thinking that you might submit a brief memo of law on this point unless you have all the cases before you that you wish to rely on.

Mr. Fishman. Well, if I may make a point or two, your Honor.

The Court. Yes.

Mr. Fishman. The motion clearly lays forth the fact that the rights being asserted here are not those of Dr. Rodberg but those of the senator. The privileges which we are asserting under the speech and debate clause are those of the senator as well as those of Dr. Rodberg. Indeed, I cite your Honor to Jefferson's Manual, which, of course, is the guilding light for interpretation of these matters, at Section 287, which deals with the privileges of members of Parliament, and it notes specifically there that the privilege extends to the member, that they are at all times exempt from questioning elsewhere for anything said in their own houses, and that during the time of privilege, neither a member, his staff, [23] nor his servants for any matter of their own may be arrested, and it goes on to point out other things, nor impleaded, cited, nor subpoenaed in any court. I will leave that to your Honor to take a look at. But it clearly delineates the distinction of the privilege between a senator or a member of the Congress and his servants. Each has the privilege, each to assert for himself.

[Book tendered to the Court.]

Mr. Fishman. Also, in the case of United States versus Johnson, at 383 U.S. at page 173 through 177, the court notes there that in a criminal prosecution, that the evidence which the government introduced, which eventually was the reason that the court threw out the charges, because the evidence was protected by the speech and debate clause, extensive questioning concerning how much of the speech was written by Johnson himself, the congressman, how much by his administrative assistant, and how much by outsiders representing the loan company, and the court went on there to suggest that the pervasiveness of the questions with respect to both the congressman and his assistants, and his assistants, violated the speech and debate clause, so the right we are asserting here is clearly that of the senator. That right is not adequately protected, we maintain, by Mr. Rodberg or by the government.

The Court. Well, I am just not going to rule on this aspect of it at this time.

[24] I will hear Mr. Vincent briefly. I saw you half rise as if to respond, but I think that I wish to consider this matter further. I think that Mr. Fishman and associate counsel should file a brief memo in support of this right. I think it would be helpful. I don't think you need until the 8th of September, however. When do you think you could have it in my hands, a memo discussing some of these principles to which you allude?

Mr. Fishman. One moment, your Honor.

[Mr. Fishman conferred with Mr. Reinstein.]

Mr. Fishman. One week, your Honor?

The Court. Well, let's see.

Mr. Fishman. We are right back, of course, in the same box again.

The Court. Excuse me. What we will do is make it the same day, because I won't be here a week from today, so I won't see it before the 8th.

Mr. Fishman. When will your Honor be leaving? Maybe we can get it to you before then.

The Court. On the second. In other words, the day before. However, I would need to see it—it would have to be filed on the first of September, Wednesday, for me to consider it, and at that it would have to be before two o'clock.

Mr. Fishman. We will file it. We will make every attempt to file it before then, your Honor.

[25] The Court. All right. And I will take that aspect of this under advisement until then.

Mr. Vincent. If I may.

The Court. Yes.

Mr. Vincent. If I may, if your Honor please, does the government have the right to or do you desire the government to file a memo at the same time on September first before two o'clock?

The Court. Yes indeed.

Mr. Vincent. Even though we cannot reply directly to the citations and cases and law which will be in Mr. Fishman's brief, but the government will file an opposition, your Honor.

The Court. Fine. Yes.

Mr. Reif. I should like to state for the record, your Honor, that Dr. Rodberg does not oppose the motion by Senator Gravel. Actually we welcome it, and we think it will be helpful.

The Court. Well, I think—Yes, Mr. Fishman.

Mr. Fishman. If I may raise one more point, your Honor, if it is possible for your Honor to hear argument on Wednesday, in the early afternoon or late morning.

The Court. Well it would be possible, but I would rather read your cases than hear you talk about them, actually.

Mr. Fishman. What I was thinking of, your Honor, is the need for some ruling so we could ascertain the purpose for [26] which the grand jury has called Dr. Rodberg, in time to prepare a second memo that your Honor has asked for for the eighth.

The Court. Well, I think they are distinguishable. The question of whether the senator can intervene is the one raised by this motion. If he is permitted to intervene, of course he will participate in the hearing through you, in the hearing on the tenth. You will have between the first and the tenth of September in which to prepare.

Mr. Fishman. What I am suggesting, your Honor, is that preparing, as far as we are concerned, requires some knowledge as to the purpose and scope of the grand jury, which is not disclosed in the subpoena.

The Court. But there is a distinction. Let's assume you are permitted to intervene, hypothetically.

Mr. Fishman. Yes, your Honor.

The Court. You then seek a court order requiring the government to, let's say, outline the subject matters of the grand jury interrogation, but the fact that you seek it is no different from the request of the witness here, that is, the prospective witness, Dr. Rodberg; he is seeking the same thing. So that issue is going to be considered on the tenth, whether it is sought on behalf of your client or on behalf of the witness. That is one of the principal points raised by Mr. Reif and Miss Peterson in their motion.

So I surely will not previous to the 10th of September order the government to make any specification of what the subject matters will be. That is going to be one of the questions debated on the 10th of September, whether the Court should enter such an order, so you won't get that, in any eventuality, until the 10th of September.

Perhaps there are still some matters that are not a hundred percent clear, but that may be in the nature of the problem.

We will recess in this case at this time.

[Thereupon the hearing was concluded.]

[Volume 2: United States District Court, District of Massachusetts]

United States of America v. John Doe—EBD 71-172-G.

Proceedings had in the above entitled cause before the Honorable W. Arthur Garrity, Jr., Judge of said court, in Court Room No. 2, Federal Building, Boston, Massachusetts, on Friday, September 10, 1971.

Appearances:

Paul Vincent, Esq., Attorney, Department of Justice, appeared for the government.

James Reif, Esq., Doris Peterson, Attorney, and Martin Stavis, Esq., appeared for Leonard Rodberg.

Joseph Bartlett, Esq., Herbert Reid, Esq., Robert Reinstein, Esq., and Charles Fishman, Esq., appeared for Senator Mike Gravel.

PROCEEDINGS

The Clerk. Emergency Business Docket No. 71-172, United States Versus John Doe.

The Court. The Court will take under advisement the motion filed on behalf of Professor Falk, and I will reserve decision on that at least until after hearing the arguments in this matter, perhaps over the weekend.

I will ask, please, that counsel begin this hearing similarly as did counsel in the prior hearing, by identifying themselves and associates seated at counsel table with them for the purposes of the record.

Yes.

Mr. Bartlett. If your Honor please, my name is Joseph Bartlett. I am a member of the law firm of Ely, Bartlett, Brown and Proctor, in Boston, Massachusetts. I act on behalf of Senator Mike Gravel in the matter as local counsel.

Reading from my left, Senator Mike Gravel, Senator from Alaska; Professor Herbert Reid, a member of the bar of the Commonwealth of Massachusetts, Professor of Law at Rutgers; Professor Robert Reinstein, a member of the Maryland Bar; and to my immediate right, Attorney Charles Fishman, of the District of Columbia Bar. Prof. Reinstein and Prof. Reed will be arguing the matter on behalf of our client, your Honor.

The Court. Well, will they both argue for the same client or—

[3] Mr. Bartlett. With your Honor's permission, I would like Prof. Reinstein to explain.

The Court. All right.

Prof. Reinstein. Our intention, your Honor, is that I would make the initial argument and Prof. Reed will give the rebuttal argument.

The Court. Are there any other counsel?

Mr. Reif. Your Honor, my name is James Reif, and along with Doris Peterson and Martin Stavis, we represent Dr. Leonard Rodberg in the matter. At a previous hearing, your Honor granted leave for us to present Martin Stavis ad hoc. He is a member of the bar of the states of New York and New Jersey and the Supreme Court of the United States. He is a member in good standing of those bars, and there are no disciplinary proceedings pending against him.

The Court. What is his name?

Mr. Reif. Martin Stavis. He will be here shortly.

The Court. And then will you please do it again for the government.

Mr. Vincent. Yes, your Honor. Paul Vincent, Department of Justice, Washington, D.C. My colleague is John Marple, also of the Department of Justice.

The Court. All right. I think—will it be Mr. Reif who will be speaking on behalf of Dr. Rodberg?

Mr. Reif. Your Honor, it is our intention that I will [4] argue in chief and Mr. Stavis will handle any rebuttal.

The Court. Well, being the moving party here, I think I should hear you on behalf of Dr. Rodberg before hearing counsel on behalf of the senator, because the senator is intervening here, you see.

Mr. Reif. I understand that.

The Court. Unless you have a preference. If you have worked it out among yourselves, I am happy to abide by any order that you have agreed on.

Mr. Reif. The attorneys for Senator Gravel have expressed preference in their going first, and we believe, in view of the fact that they raise primarily one issue before the Court, we raise the second and additional issue that they would be—in the best interests of efficiency that they proceed first.

The Court. Well, that is certainly agreeable, and I will hear counsel.

Mr. Vincent. If your Honor please, before counsel begins, I would like to hand up some papers to the Court and give copies to opposing counsel.

The Court. All right.

Mr. Vincent. The first document, your Honor, is the government's written opposition to the intervenor's motion to quash the subpoena. The second document is a certification from the Financial Clerk of the United States Senate. The third item, your Honor, is an extract from Public Law 601.

[5] (Documents tendered)

The Court. All right.

Mr. Reinstein. Your Honor, at this time we have filed with the clerk two affidavits, one of Senator Gravel and one of Robert G. Dunphy, who is Sergeant at Arms of the United States Senate, both of these affiadvits testifying to the employer-employee relationship of Senator Gravel and Dr. Rodberg. Copies have heretofore been given to Mr. Vincent.

The Court. All right. I am happy to receive all of those papers.

Mr. Reinstein. May it please the Court. Senator Gravel has intervened in this proceeding in order to protect his constitutional rights under the speech and debate clause. We filed a motion to quash the subpoena to Dr. Rodberg on the basic ground that any interrogation by the federal grand jury of a personal staff assistant of a member of Congress which inquires into the legitimacy of the official conduct of that member is unconstitutional and prohibited by the speech and debate clause.

The Court. Excuse me, right at the very outset. Let me get one thing clear. I wasn't absolutely clear from the briefs and so forth whether Prof. or Dr. Rodberg was a member of the senator's personal staff or a member of the staff of a subcommittee.

Mr. Reinstein. Your Honor, Dr. Rodberg is a member of the [6] personal staff of Senator Gravel.

The Court. All right.

Mr. Reinstein. Dr. Rodberg's affidavit has already testified towards that. We filed Senator Gravel's affidavit in which Senator Gravel deposes and says: "That Dr. Leonard Rodberg is and has been since June 29, 1971 a member of my personal staff in the United States Senate."

The Court. All right.

Mr. Reinstein. The affidavit of the Sergeant at Arms or the United States Senate, Mr. Dunphy, says: "By letter to me dated June 29, 1971, Senator Gravel designated Dr. Leonard Rodberg as a member of his personal staff." Mr. Dunphy then goes on to quote the letter from Senator Gravel.

The Court. Well, thank you, What was on the 29th of June? Was that the day before, the day after, or the evening of, or do you know, what, the senator's quoting from the so-called Pentagon Papers?

Mr. Reinstein. The letter was sent on the same day. It was many hours prior to the senator's disclosing the Pentagon papers at a subcommittee hearing.

The Court. All right. Thank you.

Mr. Reinstein. That was also on June 29th.

There are, your Honor, we think, two basic facts which really can't be disputed in this proceeding, and those facts form the basis of our contentions here. The first fact is [7] Dr. Rodberg is a personal assistant to Senator Gravel. We have supported that in Dr. Rodberg's affidavit, the affidavit of Senator Gravel, and the affidavit of the record keeper of the United States Senate, the Sergeant at Arms, Mr. Dunphy. We see for the first time a notation on the letter from the Financial Clerk of the United States Senate claiming that "The above listed individual is not employed on the rolls of the Senate."

With due respect—of course, putting to one side the fact that this letter is not in affidavit form—with due respect, the Sergeant at Arms and not the Financial Clerk is the official record keeper of the United States Senate, and it is clear that any financial conditions which the senator has with his personal staff are set by the senator himself and cannot be inquired into by the Senate itself, and especially by the judiciary. I suppose in essence what the government is claiming, if it wishes to dispute this fact, is that Senator Gravel comes here and is practically attempting to impose a fraud on this Court.

The Court. Well, let me say this, please: I haven't even seen the document you refer to filed by the Clerk. Did you hand it up to me?

It must be here. It was just handed up.

Mr. Reinstein. Your Honor, I have additional copies.

The Court. No. There is no need for another copy if it [8] is here.

Oh yes. Mr. Dunphy's affidavit. Here is Senator Graval's affidavit, and then for the government we have a letter from Deputy Assistant Attorney General Holtzman and an extract from the Public Law. I don't see the reply.

Oh, I am sorry. The reply is in the stamp.

Mr. Vincent. Yes, your Honor.

The Court. Oh, yes. And here is the stamp of the Financial Clerk. Well, at least I know to what you are referring, so please resume.

Mr. Reinstein. Yes, your Honor. The only other point I would like to make is that when we filed our motion to intervene, we alleged in our motion that one of the bases for it is that Dr. Rodberg is a personal staff assistant of Senator Gravel. That was not challenged at that time by the government. Instead, the government proceeded in its arguments upon the assumption that he was instead a staff assistant—

The Court. Let me say this at the very outset: The Court will proceed on the assumption and on the finding that Dr. Rodberg has since June 29th been a member of the personal staff of Senator Gravel, so that is that.

Mr. Reinstein. Fine, your Honor. The second undisputed fact on the record of these prcoeedings is that the grand jury has called Dr. Rodberg in order to interrogate him about the legality of Senator Gravel's actions in disclosing to his [9] colleagues in the Senate and to his constituents the Pentagon Papers during the hearing of the subcommittee and subsequent thereto. This is undisputed because the government, first of all, has not denied it. In its brief, the government says it will neither affirm nor deny it.

The government then proceeds to make arguments which take up the bulk of its brief on the speech and debate clause points on the assumption that this allegation is indeed true.

The only statutes which the government has referred us to were in its brief in opposition to our motion to intervene, and those statutes are, of course, the so-called Espionage Act, which was used to indict Dr. Ellsberg with respect to the Pentagon Papers.

Not only is the fact that the grand jury intends to interrogate into the legitimacy of Senator Gravel's action undisputed by the government; it is also uncontradicted in that sense, and that is the premise which forms the legal basis of all the government's arguments.

The basic argument of the government is that Senator Gravel himself can be subpoenaed by the federal grand jury and interrogated concerning what he did on June 29th in disclosing the Pentagon papers. This was also the legal premise underlying the opposition of the government to our motion to intervene, in which they said that Dr. Rodberg had adequate protection.

[10] Finally, I think it is not an exaggeration to say that the necessary message of the government's brief is that there is a strong possibility that the next subpoena will be issued to Senator Gravel himself. I say this because of the comments in the brief concerning Senator Gravel's so-called obligations as a citizen to cooperate with the grand jury and, if he has anything to hide, to exercise his Fifth Amendment privilege.

Given all of those arguments, I think that Justice Harlan's apt description of another case is applicable. On the basis of these undisputed facts, we do not see how it can be legally maintained that the disclosure of the Pentagon papers by Senator Gravel was not part of the official conduct of a member of Congress for which he is immune from any criminal proceedings and any judicial inquiry in criminal proceedings under the speech and debate clause.

The Court. Let me just interrupt to say, setting the question and framing the issues, I don't consider this as a subpoena directed to the senator. You say there is this possibility. Well, I just don't know one way or another about any such possibility of a subpoena being directed to Senator Gravel. There is certainly nothing in the record that would indicate that that is contemplated, beyond what you have mentioned. We have, however, before us this morning a particular motion with respect to a particular subpoena, so please focus on the subpoena to Dr. Rodberg, I know that there are many similar [11] factors and arguments involved, but I certainly cannot treat the matter as a motion to quash a possible subpoena directed to the senator.

Mr. Reinstein. I am sorry, your Honor, if I didn't make our position clear. I was addressing myself to the subpoena towards Dr. Rodberg.

The Court. Right.

Mr. Reinstein. It is our contention that one of the single undisputed facts is that not only was Dr. Rodberg Senator Gravel's staff assistant, but also that this subpoena is designed to interrogate Dr. Rodberg concerning official actions of Senator Gravel in disclosing the Pentagon papers. We are protecting Senator Gravel's privilege to be immune to judicial inquiry by the interrogation of a staff assistant.

The Court. Let me just ask one or two questions to narrow it even further. Suppose hypothetically that questions put to Dr. Rodberg had to do only with matters previous to June 29th. Suppose they related to events ending the 28th of June. Would your position be different in respect to those questions?

Mr. Reinstein. Certainly, your Honor.

The Court. In other words, your position, if I understand it, relates to matters that happened on and after the 29th of June. Is that correct?

Mr. Reinstein. Yes, your Honor. Our position is that [12] Dr. Rodberg has been a staff assistant of Senator Gravel since the 29th, and as a staff assistant he necessarily engaged with Senator Gravel in privileged communications, and that these matters cannot be inquired into by the federal grand jury.

The Court. Do you draw any distinction between the types of activities of Dr. Rodberg? And here it seems we have three types of activities: First, the senator's quoting from the papers and his placing them in the subcommittee file, and then, I gather from the affidavits and briefs, his arranging for their possible publication. I don't know quite how to characterize that last aspect of the matter, but it is implicit here in some of the papers or exhibits attached to affidavits that Dr. Rodberg may have negotiated with possible publishers of some other papers, or something of that nature.

Do you draw a distinction in your own mind between the applicability of the Senator's privilege to those three types of activities, or are they all on a similar footing as you see it?

Mr. Reinstein. We think, your Honor, that they are all covered by the speech and debate clause, and that any actions of Dr. Rodberg which were taken at the direction of Senator Gravel and in assistance of Senator Gravel in those activities are therefore also privileged under the clause. We say that because the Supreme Court has emphasized from the beginning that the speech and debate clause is to be construed broadly. [13] It does not simply apply to a speech or debate on the floor of Congress.

As your Honor knows from the case law, as early as 1881, Kilberg versus Thompson, the Supreme Court held that the clause also covers resolutions, votes taken, actions done in committee, and, finally, the broadest category anything generally done in a session of one of the houses by its members in relation to the business before it.

Essentially what we have here, your Honor is a speech by the senator given in committee critical of executive conduct in foreign policy. The speech was given in order to inform his colleagues and his constituents of how this country became involved in a rather disastrous chapter of American foreign policy and what lessons could be drawn to terminate this involvement. It was all part and parcel of a continuing debate that has been going on in the Senate over the foreign policy of the United States, and in particular how to terminate the conflict in Indo-China.

We see no distinction at all between the committee hearing putting it in the record, and the subsequent republication, because all of those fit into the category of things which are generally done by a member of the house in relation to the business before it.

The Court. Please elaborate a little on what you mean by the subsequent publication, because I was reluctant to state what you believe to have been done. You can state as much or as little as you wish, but what do you have in mind? We are talking about what, the arrangement with the publisher for publication, or what?

Mr. Reinstein. Well, first, placing the Pentagon papers in the official record of the subcommittee.

The Court. That I am clear on. I am talking about this, what I call the third phase of the—

Mr. Reinstein. And then, arranging for the printing of the record of the subcommittee to be distributed to the public at large.

The Court. And this is not now through the Congressional Record obviously, it is through private publishers.

Mr. Reinstein. Yes, your Honor, just as most of us in this courtroom, of course, are on the mailing list of congressmen and very frequently we get mailings from congressmen which contain republication of speeches they made in Congress. It is the traditional method of disseminating what the congressman did.

Congressional Quarterly has very limited distribution, as does with all due respect to Senator Gravel, the record of the subcommittee. The Executive Branch makes what we consider to be a highly unusual suggestion in their brief that no privilege attaches to Senator Gravel and therefore, of course, no privilege attaches derivatively to Dr. Rodberg, because they [15] make an unsupported allegation in their brief that the committee hearing that was held was somewhat defective.

We think, your Honor, with all due respect, that this suggestion from the Executive cannot be entertained for three fundamental reasons: First of all, there has been no proof at all offered of any irregularity in the committee hearing. No resolution was taken by the main committee holding the hearing illegal. No resolution was introduced, no resolution was passed by the Senate doing so. Furthermore, the only action that I know of that occurred in the Senate, if this Court is going outside the door, is that Senator Dole, who is, incidentally Chairman of the Republican National Committee, moved that an investigation be held of Senator Gravel's subcommittee hearing, with the possibility of censure or other disciplinary action, and that this motion failed for want of a second so far as the Senate is concerned.

The COURT. Well, before you leave that, I would like to turn—I thought there was a somewhat broader statement made in the government's brief on that. I thought there was some reference to the action of the subcommittee being in some fashion disavowed by the Senate, something along that line.

Mr. REINSTEIN. That has never occurred. There is no proof in this record that it did.

The COURT. Well, maybe that isn't what was stated, but there is something here along those lines, and I would like to know what it was if you can put your finger on it.

Mr. REINSTEIN. Perhaps your Honor is referring to page 1 of the government's brief.

The COURT. Well, let's see. Yes, it was at the very bottom of the page. It says the Senate has disclaimed official sanction for this action. I wondered what the nature of this disclaimer was.

Mr. REINSTEIN. Your Honor, I know of no disclaimer. I can say with absolute reliability on this statement that the main committee issued no disclaimer of Senator Gravel's action and the Senate itself has taken no action against him. All I can see here in reference to it is a clipping from the Washington Post of August 18th, which I believe referred to the comment, the alleged comment, of the senator that he was dissatisfied with what Senator Gravel did.

The COURT. All right. Well, please resume.

Mr. REINSTEIN. Yes. Secondly, your Honor, even if the hearing itself were somehow illegal, we think the case law makes clear that this would not defeat the congressional privilege. In the Kilbourne case itself, the Supreme Court found that the hearing and the resolution of the congressional committee were not only illegal, they were without jurisdiction, they were unconstitutional. Nevertheless, the Supreme Court held that the congressional privilege means what it says. Similarly, in Tenney against Brantove, you have a situation of [17] unconstitutional action taken by the committee, and those members were also held in—The same is true of Dombrowski and Eastland, and Powell versus McCormack. Those are the only four cases to come up to the Supreme Court in the context of committee hearings.

In each case, there was a finding of illegality of the hearing or the action by the committee, and in each case the senators were found immune. Obviously the immunity provisions would mean nothing if they only applied to illegal acts.

Thirdly, your Honor, even if the subcommittee hearing were viewed in the worst possible light, and that is an unofficial press conference, we think the Supreme Court has made clear that that too would be covered by the congressional privilege. We think this is settled by the two cases of Barr versus Matteo and Howard versus Lyons. As your Honor will recall, those cases involve subordinate officials of the Executive Department issuing press releases in one case and in another case, the Howard case, circulating those released and republishing them, and these press releases defamed certain friends of the official, and in one case their names were referred to Senator Joseph McCarthy for possible action.

The Supreme Court held that communications of that sort in the form of press releases to the public and to Congress itself was part of the official duty of subordinate officials [18] in the Executive Department. That being settled, surely if Mr. Barr and Captain Howard, only a captain in the United States Navy, had an executive privilege, which is judicially created and not even set out in Article II of the Constitution for the issuance of press releases, it seems clear that a United States senator, one of whose primary obligations is to communicate with his constituents and his colleagues over matters of national concern, must have the identical privilege.

The COURT. I am not sure that that, though, is directly on point with what we are considering in this motion. Would you think that a grand jury could not have inquired into the activities of the Employees of the executive who made these critical statements? In other words, we are going beyond that. We are not concerned here with whether there was a privilege that could be invoked in a civil action or in defense of a criminal case, but whether persons can prevent a grand jury from inquiring about it. What would you say if there had been a grand jury convened and it sought to learn the circumstances of the statements that were made by those two employees of the Executive? Do you think a grand jury could properly look into the matter?

Mr. REINSTEIN. Well, your Honor, it probably could, but not in a way that is relevant to this.

The COURT. Well, in other words—

Mr. REINSTEIN. Executive privilege itself is not in the [19] constitution. It has been judicially created to apply to civil tort actions.

The COURT. So really those cases aren't too helpful one way or the other.

Mr. REINSTEIN. They are, your Honor, because we think they limit the scope of the privilege. It is true that in the context of certain deterring acts by individuals, that is, private torts, the executive privilege applies to, for example, press releases. The congressional privilege itself was peculiarly directed, as your Honor is aware from the United States versus Johnson, to criminal proceedings. The difference is, the Executive has no privilege to be free from criminal prosecutions. Indeed, the president himself can be impeached by the House of Representatives and tried by the Senate, and Congress at its will can eradicate either executive privileges or judicial privilege. For that reason, the Executive can be held to answer in the grand jury, but these cases nevertheless do delimit the scope of the privilege.

The only question then is in what cases is it applicable. We submit that if it applies to the Executive Branch, it applies to Congress.

Perhaps a closer analogy to your Honor's question would be the consistent position that has been taken by the Executive that it can disobey a request by Congress to appear and testify before Congress. This was first set out by President Jefferson in the early 1800's and has been followed since.

Furthermore, in the present day, for at least the last two and one half years, President Nixon has invoked this privilege on behalf of staff assistants and said they do not have to accede to the wishes of Congress and appear to testify. Indeed, staff assistants have refused to appear.

I think that is possibly the analogy we are drawing now, because the distinction is whether a coordinate branch of government can forcibly abridge a privilege when the Executive prosecutes itself. We have no such problem of separation of powers. The congressional privilege was peculiarly aimed at curbing the power of the Executive to institute grand jury proceedings.

The COURT. I think we have agreed that there are some matters about which a grand jury could inquire of a member of the Senator's personal staff, such as things that happened before he became a member.

Mr. REINSTEIN. Or bank robberies.

The COURT. Or bank robberies. There is another example. So doesn't the privilege as asserted by Dr. Rodberg and by you on behalf of his employer, the senator, hinge on the subject matter of the questioning? And what we are dealing with here obviously is the mere appearance of Dr. Rodberg, and we would agree, as I understand it, that were questions to be confined to matters that happened previous to the 28th of June, then [21] there would be no objection, at least on behalf of the senator, if I understand your point correctly.

Mr. REINSTEIN. That is right. Dr. Rodberg, of course, would have his own objections on the free speech ground and so forth.

The COURT. Well, that is true, but I am talking now about this very special privilege which attaches to the senator's activities.

Mr. REINSTEIN. That is right, your Honor.

The COURT. So if that is the case, why don't you have to wait until you see what the questions put are?

Mr. REINSTEIN. I think, Your Honor is suggesting that our motion to quash the subpoena is premature.

The COURT. Well, that is no more than what the government suggested.

Mr. REINSTEIN. I think our answer is, Senator Gravel has no right to be present in the grand jury room. Senator Gravel, in order to protect his privilege, must find out in advance what questions are to be asked. The decision of whether or not to ask the questions and whether or not to object has to come from Senator Gravel and not from Dr. Rodberg.

Indeed, your Honor, we think it would be clearly unconstitutional for the grand jury to inquire into the action of a United States Senator by breaching a constitutional privilege even if the staff assistant were willing to go along with it, [22] just as it breaches the attorney-client relationship for the grand jury to ask questions of the attorney regardless of whether or not he wishes to cooperate. Therefore, it is essential, for Senator Gravel to protect his own interests, that we know precisely what the scope of the inquiry is to be.

The problem on this record is there appears to be no dispute, and the government's entire legal argument is addressed to the proposition that the grand jury intends to investigate into the official conduct of a United States Senator, and we claim that is barred by the speech and debate clause.

Another factor which your Honor might consider is that the Executive Branch is coming to this Court and asking this Court to use its judicial powers to compel the appearances of Dr. Rodberg. Under the state of this record, we think that for this Court to do it may work unconstitutional ends and may put this Court in the position of being a party to the violation of the speech and debate clause. It seems to me that when a prima facie case of this sort has been made that a senator's aide is being interrogated, and the government not only refuses to deny that the questioning will relate to the legitimacy of the official actions of the senator but goes farther and argues the legal position that it may do so, that this Court must first assure itself that no such questions will be asked, or else this Court may become a party to the violation of the Constitution.

[23] We think, your Honor, that this perhaps is clear by United States versus Johnson. Johnson did not just deal with the testimony of Congressman Johnson on the stand. Also called were his administrative assistant and his assistant, and they were interrogated as to how the congressman performed his official acts, initially, how a certain speech was prepared which the government claimed was the result of bribery.

The Supreme Court held that no testimony could be taken of not only Congressman Johnson in this respect but of his administrative assistant as well. Furthermore, the Supreme Court went further and said that the official acts of a member of Congress did not form the basis of even a charge of criminal liability.

A member of Congress does not have to be exposed to possible intimidation by a grand jury and possible violation of privilege communications between him and a staff member. If he were, he could not function adequately as a senator and fulfill his constitutional responsibilities. Every senator has to rely on his staff.

The COURT. I am getting back to something I asked you about before, and that was the analogy that you drew to a congressman's sending newsletters back to his state, or congressional district, as the case may be, and you suggested that publication of the Pentagon papers would be analogous to that. Do you consider that, for example, every speech a [24] congressman may make, wherever it is made, is part also of his official responsiblity? Is there any conduct on his part, that is, any speech on behalf of the congressman, which you consider to be outside the privilege?

Mr. REINSTEIN. Well, if the congressman were speaking as purely a private citizen.

The COURT. No. Let's suppose that he attends a fundraising dinner for a fellow congressman, which is a very frequent and customary practice, and he makes a speech on a matter of public interest to the gathering. Do you think that that would be embraced by the privilege?

Mr. REINSTEIN. Yes, your Honor. Yes, I do. The question is whether it is part of the ordinary duties and functions of a member of Congress. The reason we think Darby and Matteo case is so important is that the same question arose there, whether press releases communicating with the public were part of the official duties of a member of the Executive Department—a subordinate official, by the way. We think, your Honor, yes, the answer is a congressman has a high obligation to speak on matters of public concern to his constituents, and he cannot rely simply on the assumption that his constituents will perhaps find out about what he says on the floor of the Senate itself.

Since the beginning of this country, we have seen congressmen campaigning in their own districts. It is always [25] thought of as a virtue for a congressman to go back to his district and find out what his constituents think about important issues. There is a necessary colloquy between a congressman and his constituents. We think he would be violating his constitutional duty to his constituents if he did not inform his constituents of the workings of government and considerations of important policy. Otherwise they will be left in the dark as to how to exercise their franchise.

We think, your Honor, also that under the undisputed facts of this case, another reason why the subpoena should be quashed is the historical context in which it appears. The Supreme Court has emphasized in many cases that the prosecutions, the institutions of criminal proceedings, that is, by the Crown against members of Parliament who are critical of executive behavior, is the taproot of the speech and debate clause, and that this clause must be construed in any given case with this history in mind. Under the undisputed facts of this case, what we seem to have is the institution—or what we do have is the beginning of the institution of criminal proceedings. And the grand jury, of course, your Honor, I would like to emphasize is an arm of the Judiciary which begins criminal proceedings. That is its function. Its function is to inquire into the legitimacy of an individual's conduct to decide whether or not an indictment should be issued against him. It differs in no respect, in that context, from testimony taken in court itself.

[26] In any event what we have here is the institution of criminal proceedings as a result of the disclosure by a member of Congress of material highly critical of Executive conduct in the field of foreign relations. I pointed out in my brief that one of the most notorious cases which led to a constitutional crisis in England almost exactly like this was when King Charles prosecuted Sir John Elliot and others who were critical of the War of the Seas. He said it was a violation of law and subversive and he pointed to certain statutes into which there should be inquiry. We think, your Honor, if history condemns those actions by King Charles, which led to the creation of legislative privilege, then it is unquestionable that the government could be permitted to turn its back on our constitutional heritage in this case.

Your Honor, I know I have taken quite a bit of time. If your Honor permits, I would like to comment very briefly on a couple of arguments the government makes, because I think this they have really turned upside down, and they have not addressed themselves to the terms of the speech and debate clause or to its historical origins or to policies underlying it. I say this because the government has cited cases and made the argument that the speech and debate clause was intended only to protect congressmen from civil arrest. It has talked about a completely separate cause, which is the privilege of congressmen to be free from civil arrest while they attend sessions of [27] the House. It is the clause preceding the speech and debate clause.

It has no conceivable relevancy, a congressman saying, "I cannot be prosecuted, because what the government intends to inquire into is the legitimacy of my official conduct." This is revealed by Williamson versus United States, which the government places strong reliance on. In the first page of the opinion one Williamson was prosecuted for subornation of perjury in court in a large-scale land swindle. When the court was about to pronounce sentence he argued against the court passing sentence upon him, and especially to any sentence of imprisonment, on the grounds that thereby he would be deprived of his constitutional right to attend at and return from an ensuing session of Congress. They did not mention the speech and debate clause. The court said the question presented—this is at page 433—as to the scope and meaning of that article and section of the constitution relating to the privilege of immunity from arrest during their attendance on the session of the respective house, then going to and returning from the same."

With all due respect I think the government's argument would be analogous to arguing the history of the First Amendment by talking about the history of the Fifth Amendment. It just has no relationship.

It is true that that clause of the Constitution was [28] intended to bar private arrests, and it is also clear that the other clause, the speech and debate clause, was intended to bar criminal prosecutions of the official activities of members of congress.

The COURT. Let me ask this please: if there is any place in which you draw the line between situations which would be covered by the privilege and those which would not. Take, for example a member of the senator's personal staff who had no discretion in matters but was just doing ministerial types of things, such as perhaps, well, a messenger or a driver perhaps, someone like that. Would you consider that this same privilege would apply to such employees?

Mr. REINSTEIN. I think the question would have to be asked whether there is a confidential relationship between them if I may use an analogy.

The COURT. That is what I am endeavoring to see, whether the Court in this type of matter considers types of things done by Dr. Rodberg as a member of the senator's staff or if you consider a finding that he is a member of his staff automatically forestalls further inquiry.

Mr. REINSTEIN. Your Honor, the question is, a finding, as I understand it, has been made that he is a personal staff assistant of Senator Gravel. The question is whether the grand jury will be inquiring into the official acts of Senator Gravel or of the acts of Dr. Rodberg in assistance to Senator Gravel. [29] In other words, whether the grand jury is attempting to pierce the confidential relationship between the two and, so to speak, go after Senator Gravel in much the same way it would call a wife to testify in an investigation into the legitimacy of her husband's actions, or an attorney to investigate the legitimacy of his client's actions.

The question would have to be asked whether or not the government is seeking to inquire into these official activities through this confidential relationship. It seems to us that Dr. Rodberg's affidavit and Senator Gravel's, in which allegations—in which they speak of Dr. Rodberg as being a personal member of the staff and acting under his direction and control, of necessity leads to the proposition that Dr. Rodberg is in much the same way, if I may suggest, as your Honor's law clerk is to you. Certainly an independent agent of Congress, such as the Sergeant at Arms, who acts like a policeman or a messenger boy who is not employed by the senator at all but is employed for one reason, and that is to deliver things, certainly would be another difference, like United States Marshals in this court.

That is why, your Honor, I think in order to give full protection to the congressional privilege, on the undisputed facts of this case the subpoena must be quashed. If the government intends to retreat from the position it has taken so far, I think, your Honor it must give a specification of the [30] precise questions to be asked of Dr. Rodberg so that Senator Gravel's constitutional rights will be adequately protected, and also so this Court does not give authority to unconstitutional violation. Since the Executive has come to court for this Court's assistance, it is the obligation of Judiciary, under Marbury versus Madison, to make its own evaluation of the constitutionality.

If there are no further questions—

The COURT. All right. Thank you. I will hear Mr. Reif.

Mr. REIF. May it please the Court. I would like at the outset to define as narrowly as possible what we conceive to be the issue in this rather extraordinary, impressive case.

I would suggest at the outset that it is not, as the government has addressed itself, the question of whether or not Senator Gravel or a personal staff member of Senator Gravel, or anyone else, for that matter can be prosecuted in connection with any activities conducted by or on behalf of Senator Gravel. The issue is more narrow than that. It is whether in fact a member of the personal staff of a senator of the United States may be compelled to appear in a secret proceeding to be questioned by the Executive Branch as to the conduct of that senator in the performance of his constitutional duties.

Your Honor has raised the question of whether publication of papers by the senator to his constituents can be considered within the scope of the speech and debate clause. I would [31] suggest that it is very much within the scope of the speech and debate clause, and I would refer your Honor's attention to the decision of the District Court of Columbia in Hentoff versus Ichord, which case indeed the government cites.

In that case, Judge Gesell says quite specifically the republication of the committee report is within the scope of legitimate legislative activity and is protected by the speech and debate clause. He rejects the arguments made by the plaintiffs in the case that it is somehow without the scope of the clause.

I would also call your Honor's attention to the fact that in his statement on June 29th, Senator Gravel made quite clear in this statement in the Record that everything he was doing in connection with the Pentagon papers he was doing as a senator in furtherance of his constitutional responsibilities as a senator.

I tried to define the issue as I have at the outset because I do not believe the Government has addressed itself to that question. Rather, they have addressed themselves to the question of prosecution, and there is considerable discussion about the question of civil arrest, which refers entirely to a separate clause in the Constitution.

As Mr. Reinstein has indicated, it is undisputed that Dr. Rodberg is a member of the personal staff of Senator Gravel, and that the grand jury is inquiring into the activities of Senator [32] Gravel in connection with the Pentagon papers.

The Pentagon papers are not just ordinary documents or run-of-the-mill documents. They are documents which are highly critical of the Executive Branch. As has been discussed in newspapers and other written materials, they disclose a rather large degree of deception by the Executive Branch for several years and its revelations with respect to the war in Vietnam. For Senator Gravel to take the position that it is his constitutional duty to expose deception we submit is fundamentally the purpose of the speech and debate clause. As the Supreme Court made clear in United States versus Johnson, the purpose of the clause is not so much to protect against civil action by an individual, but rather to protect the Congress against hostile and retaliatory conduct on behalf of the Executive, and it is precisely that factual context which is before the Court.

We believe that analysis of two established privileges is helpful in resolving the issue here, and compels quashing of the subpoena. The privileges to which I refer are the attorney-client privilege and the husband-wife privilege, which have been established for many years within the law. These privileges were derived from the importance of maintaining the relationship between the two individuals involved in those cases. If one could be forced to testify against the other, it would result in destruction of the relationship, a relationship which is deemed by society to be desirable, and consequently a common [33] law privilege arose which provides immunity from testifying, as by wife against husband and, conversely, in the same situation as attorney-client.

The Court. Well, excuse me, but I would rather talk about this particular case, because I don't think we have to go into the attorney-client and husband-wife privileges and so forth, although those are helpful analogies that have been mentioned, I would rather like to tell you something that bothers me a little bit about the situation, something I might well have asked before and didn't think to, but in rebuttal, counsel for the senator could speak about this if they wish.

Here is the New York Times case, and the New York Times case I think makes quite clear that there can be criminal prosecutions for the unauthorized possession of secret documents. There is surely nothing in the New York Times opinion that would make it seem legal to have done whatever was done by whoever possessed the Pentagon papers without authority. That is my starting point.

Now, here we have a situation where the Pentagon papers, comprising forty-six or forty-seven volumes, or however many they comprise, were not offered by the senator. He had nothing to do with their preparation originally, but only with their disclosure or only with their publication. I don't mean by the word publication just the printing, but I mean the quoting from them, publication in the broadest sense of the word.

[34] So assume, just for the sake of the point—because this is going to be litigated out in California—assume that there is a valid crime that can be committed with respect to publication of the Pentagon papers. I don't suppose that publications through a congressman, let's say, as a conduit would serve as a defense automatically. I don't say that is what was done in this case. I am speaking hypothetically.

Let's assume hypothetically that Prof. or Dr. Ellsberg obtained the Pentagon papers through the office of a congressman, though that is not what happened here. I don't suppose that obtaining secret papers through a congressman's office would confer immunity on the person who obtained them thereby, and I don't expect you would disagree with the proposition. I am wondering where the distinctions are here. I am trying to see what was done here.

Go back to my hypothetical. Suppose Dr. Ellsberg, rather than a publishing house, had in the first instance obtained the Pentagon papers through the office of any congressman. What would your view in that hypothetical situation be? Would you consider that this passing on would be a protected publication?

Mr. Reif. I think it would very much depend upon circumstances surrounding how in fact the documents were transferred. If they were taken without the senator's or congressman's authorization, then I would take it there is no protection.

The Court. Well, I would assume that this was a congressman [35] who felt it was in the national interest to have the Pentagon papers widely read and studied, and who, out of a sense of duty and public interest, was the conduit for the distribution of the papers to a scholar such as Dr. Ellsberg what would your—

In other words, what I am trying to get at is whether transmission of previously created material, that is, the papers created by the authors thereof, is to be distinguished for some purpose from what a senator might himself create and author personally.

Mr. Reif. I don't think there is any distinction there. I think the distinction between the hypothetical situation and the present case is that in that case, the transfer to a third or fourth person, however, is not a person who is in any way an aide of the senator nor acting in furtherance of the senator's express wishes.

I take it, for example, that at least in theory, anyone who now comes into possession of the Pentagon papers through its distribution by whoever could conceivably be subject to prosecution under 793(e). I assume that to be the case, but these people and the person in the hypothetical are not personal staff aides of the senator, and I do not think really that we even have to get to the question of whether or not anyone can be prosecuted. The question is: How does the government go about getting the information for the prosecution? That is why I was interested before in the husband-wife privilege, because [36] I thought it was a direct analogy there.

If, for example, a husband commits a crime, he can be prosecuted for that crime but it does not follow that his wife can be compelled to testify about that in the grand jury. That is the point I am trying to make here.

We think that Senator Gravel and Dr. Rodberg and any other legislative aides are immune from prosecution, but we don't feel it is necessary to reach that question. All we are concerned about here is whether or not Dr. Rodberg, a personal staff member of Senator Gravel, can be forced to testify about that relationship. That is the only point that we have here.

The reason we feel that the relationship is so important between Senator Gravel and Dr. Rodberg—and, for that matter, between any senator and any personal staff member—is because—the Court will take judicial notice of the fact that senators and congressmen, and indeed any government official in high position relies heavily on the work of his personal staff to fulfill his own constitutional duties and obligations. Indeed, in the Barr versus Matteo case, the Supreme Court said specifically the magnitude of government activity has become so great that there must of necessity be delegation and redelegation of authority as to main functions. We think that is true as to obviously any government official particularly a United States Senator.

We feel, in light of the importance of maintaining that [37] working relationship between a senator and a close personal staff aide, the aide cannot be compelled to testify about the nature of that relationship. It is for that reason we believe Dr. Rodberg is privileged not to appear and testify to that.

Finally, on this particular point, I am somewhat surprised at the position the government has taken in their brief. The brief on behalf of the senator has mentioned there are several instances where the Executive has expressly refused to permit questioning by the Legislative Branch of an Executive official on the ground that it is somehow privileged, and in the illustration Dr. Kissinger was referred to. Furthermore, last week there was the question of the working report with respect to nuclear testing in Senator Gravel's own home state, which the Executive refused to turn over to the Legislature.

I also direct your Honor's attention to the case of United States Servicemen's fund versus Eastland, which is a case presently pending in the District Court for the District of Columbia, Civil Action 1474–70. That is a civil action brought by a private individual for the sole purpose of enjoining a subpoena issued by a legislative committee, and the defendants are Senator Eastland and Mr. Sourwine, who is the counsel to the subcommittee involved. It is not a suit for damages; it is simply a suit for injunctive relief against compliance with a subpoena and the government has opposed the taking of Mr. Sourwine's deposition.

[38] I have a brief signed by the Justice Department, in fact, by Mr. Monahan, who is head of the Internal Security Division, who takes the position in their own brief that without consent of the appropriate authorities in the Senate, Mr. Sourwine does not have to answer by means of deposition questions put to him in that lawsuit.

In this case not only has there been no authorization by Senator Gravel as to permitting Dr. Rodberg to testify; it has been quite the contrary. Senator Gravel has intervened and made quite clear his feeling that Dr. Rodberg should not be compelled to appear and testify as to the subject matter in question.

I believe in light of all we have said, in light of what Mr. Reinstein has said on the present state of the record, the subpoena must be quashed.

If your Honor has no further questions on the speech and debate clause issue I would like to proceed to the First Amendment issue.

The Court. Well please don't say everything that Mr. Levine said before. In other words, you have been here and heard the Court's colloquy with Mr. Levine on behalf of Dr. Falk. But hit the highlights, please, rather than repeat what he said to the extent that the arguments are the same. To the extent that they are different of course, you will have to speak separately to them.

[39] Mr. Reif. At the outset, I would like to refer to two cases which were relied upon so heavily by the government because I think they have no bearing upon the present case. They referred to the Blair case for the proposition that the grand jury can compel all sorts of testimony from all sorts of people who have no right to decline on any grounds to furnish that evidence or those answers.

I think the Blair case does not at all stand for that proposition. It stands precisely for the proposition that a witness has no standing to question the constitutionality of a statute that is being investigated. That is the sole holding of the Blair case. Furthermore, I would like to point out that subsequent to Blair there have been numerous cases in the Supreme Court and many lower Federal Courts which have recognized numerous exceptions to that general rule about compelling a witness to testify.

It is well established, for example, that the Fifth Amendment privilege against self-incrimination is protected, protection is afforded before the grand jury. There are numerous cases to that effect. I take it is beyond question.

Furthermore, there is the Fourth Amendment, the Silverthorne case, decided one year after the Blair case, various statutory privileges with respect to electronic surveillance and with respect to Egan and Evans. Furthermore, there are privileges as to husband and wife and attorney-client, which is a common [40] law privilege. So it is not at all undisputed that a witness may not be compelled to answer questions before a grand jury. That has been well established in a variety of circumstances.

I take it on the basis of numerous cases involving legislative investigations which are cited in our brief, there is also a defense that the appearance and the questioning would violate the First Amendment. With respect to the Kinoy case, I am kind of at a loss to explain this, but Miss Peterson, Mr. Stavis, and I were counsel in that case, and the sole question before the court was the admission by The U.S. Attorney in that case that the only question they wanted to put to Mr. Kinoy was as to the whereabouts of his daughter. That was the sole, immediate question they wanted to ask Miss Canoy before the grand jury, and it was on that basis that the First Amendment claim with respect to a lawyer's First Amendment activities as a lawyer was denied, and instead, when Miss Canoy subsequently came forward, Mr. Kinoy never went before the grand jury in that case.

I think the importance of the factual situation in this case is the understanding of what a man like Dr. Rodberg does in his work as a scholar and as a consultant to various congressmen, not only as a personal staff assistant to Senator Gravel but to other congressmen, as we have set forth in the affidavit.

The Court. Let me say, he is further away from being a newsman, is he not, than was Prof. Falk. Prof. Falk has been [41] published very, very widely in magazines, books, et cetera. I gathered from the affidavits that Dr. Rodberg is not as much of a journalist as Prof. Falk. Is that a fair reading?

Mr. Reif. It is true that Dr. Rodberg has not published as many books or articles as has Prof. Falk. However, Dr. Rodberg has in fact published numerous articles and given numerous speeches and lectures on his own, as was cited in the affidavit, by way of example, the chapter which he wrote in a book commissioned by Senator Kennedy on the ABM. Dr. Rodberg is continuing work on various publications and has written numerous publications, although not as many as Dr. Falk.

The Court. Do you think of him as a journalist?

Mr. Reif. I think he performs multiple roles. The lines between the roles are not always clearly drawn. He obtains information which he uses, then supplies expert advise, expert testimony, expert public writings on the subject, particularly the decision-making process with respect to the war in Vietnam.

The Court. Here is an obvious consideration here: We have all of us to be alert to the possibility of expanding this newsman's privilege to a point where it is unrecognizable and undefinable. I suggested before the writer for a weekly newspaper. Then you can go to a weekly magazine, a monthly magazine, and a quarterly magazine. Then you can go to a lecturer, a man who is on the lecture circuit and then you can expand it to a point where you cannot define it or apply it, [42] and query, whether Dr. Rodberg's activities are sufficiently close to those of a newsman to even fit under the general, broadest interpretation of a newsman's privilege to the extent that it exists.

Mr. Reif. I agree with your Honor that there ought to be a standard clearly established as to the scope of First Amendment rights with respect to a grand jury. I do feel there is a need for that. I believe Dr. Rodberg falls within the proper standard. Dr. Rodberg, it is true, does not publish as much as Dr. Falk. He does, however, continually and has for several years published and written for public dissemination much on the war in Vietnam, and I would point out specifically the type of article Dr. Rodberg is involved in writing is not a general discussion of the war in Vietnam, not general material on that subject, but for the specific purpose of converting public opinion to a particular point of view with respect to the war.

The materials Dr. Rodberg has written and continues to write are for the purpose of slanting public opinion to oppose the present policies in Vietnam, and I think Dr. Rodberg and Prof. Falk in that regard have occupied a unique role in America in the last five or six years, because, as your Honor well knows, at the outset of the war, it was universally accepted in the country that the war was acceptable. Now there is opposition to the war, and one of the major reasons for that [43] is that scholars like Dr. Rodberg have contributed much to public information with respect to what is going on in the war, information which has been otherwise kept from the public by the Executive Branch. It is for that reason we do feel that Dr. Rodberg does fall within the permissible scope and proper scope of the First Amendment privilege.

We feel that there are two relationships which are threatened here by the proposed appearance of Dr. Rodberg. There is the relationship of Dr. Rodberg and people from whom he gets confidential information which it is not illegal necessarily to obtain, and there is the relationship between Dr. Rodberg and the people to whom he disseminates that information. He disseminates it directly to the public and he disseminates it directly on occasion on a consulting basis to numerous senators and congressmen, and we feel that both those relationships are threatened if Dr. Rodberg has to testify as to his area of expertise, how he got it, and what he did with respect to his work with respect to Senator Gravel and other senators.

We feel the public's interest and right to know is an interest not only in Dr. Rodberg. His continued ability to provide expertise and advice and information to the public is seriously threatened if he has to appear in the present context of this case. We feel on that basis the government has to take the burden. We don't feel it is an absolute position.

We recognize that there are numerous exceptions to testifying [44] before a grand jury, as for example, the Fifth Amendment privilege. We are asking the government to come forward with some showing of why Dr. Rodberg should be forced to testify in the circumstances of this case. Before they do, we believe he does not have to appear.

Addressing myself to one final point on the question of appearance versus refusal to answer specific questions, I think the immunity from appearance in this case flows, one from the existence of the privilege to decline to answer questions which would abridge First Amendment rights, and the government's failure to come forward and show whether Dr. Rodberg would be questioned as to anything else.

That was precisely the situation in Caldwell. The court first established the privilege and then said since the government has failed to come forward saying he will be questioned as to anything, there is no reason why he has to appear at all. We feel that failure of the government is apparent in this case as well, failing to have satisfied that condition.

The Court. I think we should take a forty-five minute recess. I don't want to put counsel under such pressure as to feel they have to argue without letting them have some lunch and speed it up for that reason, so we will recess until quarter before two.

[The luncheon recess was taken.]

[45] AFTERNOON SESSION

(The hearing was resumed at 1:45 o'clock p.m.)

The Court. All right.

Mr. Vincent. May it please the Court. The movant in this instance, your Honor, has raised two basic points. The first is that he is immune from the service of a subpoena because of his legislative privilege. The second point is under the First Amendment.

In regard to the legislative privilege, I would like to say, your Honor, that Dr. Rodberg is either immune from service, either from his own position or derivatively from the position of Senator Gravel. The main authority relied on is the speech and debate clause of Article I, Section 6 of the Constitution. That your Honor will find at Page 2 of the government's brief. I would like to point out, your Honor, that that clause in the Constitution states: "The senators and representatives shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place."

Special note I think should be made, your Honor, that that clause is limited to senators and representatives. No reference of any sort is made to either servants or employees. The authority cited by Dr. Rodberg is contained in his brief in [46] support of his motion to intervene—I'm sorry, the brief of Senator Gravel to intervene, and at Page 6 of that brief he cites from Jefferson's Manual, which is the unquestionable authority on legislative procedures, from Section 3 dealing with privilege.

Senator Gravel in his memo states that "Members of the legislature are at all times exempted from question elsewhere, for anything said in their own house; that during the time of privilege, neither a member himself, his wife, nor his servants may be arrested on mesne process, in any civil suit, nor impleaded, cited, or subpoenaed in any court." The citation is to Jefferson's Manual and Rules of the House of Representatives, and the senator's moving papers.

I have with me, your Honor, a copy of the Rules and Manual of the United States Senate, made in 1967, which also contains Jefferson's Manual in toto. In this Manual, the Section 3 on privileges appears at Page 382 and Page 383, and I have taken the liberty, your Honor, of reproducing copies of those two pages.

The Court. All right.

[Document tendered to the Court.]

Mr. Vincent. And I direct your Honor's attention to the second full paragraph on page 383, but before I read that, your Honor, I go back to the first sentence of Section 3 immediately preceding the portion quoted by Senator Gravel. That first [47] sentence reads: "The privileges of members of Parliament"—you will note, your Honor, in his papers Senator Gravel said members of the legislature; Thomas Jefferson is speaking of Parliament at this point—"from small and obscure beginnings have been advancing for centuries with a firm, never-yielding pace."

Now we go to the paragraph I pointed out on page 383:

"It was probably from this view of the encroaching character of privilege that the framers of our Constitution, in their care to provide that the laws shall bind equally on all, and especially those who make them shall not exempt themselves from their operation, have only privileged Senators and Representatives themselves from the single act of arrest in all cases except treason, felony, and breach of the peace, during their attendance at the session of their respective houses, and in going to and returning from the same, and from being questioned in any other place for any speech or debate in either house." Citing the Constitution, Article 1, Section 6.

In light of the complete statement of Thomas Jefferson in his Manual, the government submits, your Honor, that the reliance of Senator Gravel and Dr. Rodberg is misplaced, in relying on that as authority for including servants and employees of members of Congress.

I would like now to look at the claim of Dr. Rodberg that his immunity is that of derivation from the immunity held by the [48] Senator. I believe, your Honor, that the law is very clear that senators are not immune from criminal process. We recall from the Constitution that immunity does not apply in cases of treason, felony, and breach of the peace. However, rather than being limited to only these two categories, the Supreme Court has held that these words refer to all criminal proceedings whatsoever.

This appears in Williamson versus United States, at 207 U.S. 425, at pages 445 and 446. In that case the defendant, who was a member of the House of Representatives, had been indicted, tried, and convicted for subordination of perjury. He claimed immunity under the speech and debate clause, the same as Senator Gravel and Dr. Rodberg.

The Supreme Court in rejecting this claim cited with approval Cushing's Treatise on the Elements of Law and Practice of Legislative Assemblies in the United States, which said, and I quote from the case, at pages 445–46, "The terms treason, felony, and breach of the peace as used in our Constitution embrace all criminal cases and proceedings whatsoever."

I think that even the movants here will agree that a grand jury subpoena is in a criminal proceeding. The courts have consistently held that congressmen are subject to subpoenas issued to obtain their testimony in court proceedings. By those proceedings, I am referring to criminal proceedings. Mr. Justice Chase, as early as 1800, in the case of United States versus [49] Cooper, at 4 Dallas, held that a congressman was subject to a subpoena even if Congress was in session. This rule has been applied as recently as 1960 by Judge Weinfeld sitting in the Southern District of New York in the case of United States versus Seeger, and that is found at 180 Fed. Supp. 467. Both the Seeger case and the Cooper case are cited in the government's memorandum.

Now even assuming that immunity attaches to a senator, and I am only assuming it, it is only when he is engaged in the lawful pursuit of the duties within the scope of his legislative functions.

Now what are our facts in the instant case? A subcommittee meeting was called at midnight and certain documents, which Senator Gravel and Dr. Rodberg assume are the basis for this opinion, were read to members of the press and members of the subcommittee. I direct your Honor's attention to the extract from Public Law 601, which I have handed to the Court, which sets forth the composition of the Committee on Public Works. I have here, your Honor, a copy—I regret that I only have one; I will make it available to your Honor—a copy of the legislative calendar of the 92nd Congress dated as recently as August 16th this year. You will note that in this document, on page 3 in Subcommittee of Public Buildings and Grounds is a third, a Subcommittee of the Committee on Public Works, with Senator Mike Gravel as Chairman.

[50] I also would point out to your Honor that on page 2 of this document there is reproduced the names and the roster of the professional staff, the senior professional staff, and the clerical staff. Dr. Rodberg's name does not appear in any of the staffs of the Senate.

The COURT. Well, that is not what they say he was. They say he was a member of the Senator's personal staff, so there is no claim that he was a member of the committee staff.

Mr. VINCENT. I only point that out, your Honor, because I think I have already shown that no employee of the Senate, whether it be of an individual senator, much less an individual senator, if he is a member of the Senate staff, has no privilege; a fortiori, a member of a personal staff of a senator certainly cannot have the privilege.

The COURT. What do you make of the Johnson case?

Mr. VINCENT. Which one, sir?

The COURT. The Johnson case, involving the prosecution for the preparation of a speech that was said to be contrary to the speech and debate clause.

Mr. VINCENT. Yes, your Honor. That is the case where a member of the House was indicted on seven counts of perjury and one of conspiracy, as I recall. The House member was convicted on all eight counts. When it got to the Circuit Court of Appeals, the Court of Appeals reversed the conspiracy count, upholding the—I am sorry, they sent the perjury counts back for a new trial, [51] and they dismissed the conspiracy count because evidence had been used from a speech made on the floor of the House by the defendant, Representative Johnson.

When it got to the Supreme Court, the Supreme Court reversed the Circuit Court on the conspiracy count, reinstating the count, and sent all eight counts back for a new trial, holding that the government could not use any evidence of the speech made on the floor of the House. Now, your Honor, that certainly comes within the protection of the speech and debate clause.

The COURT. But didn't it go beyond that and say that it couldn't use, for example, evidence of agents' activities or assistants' activities in connection with preparation of a speech? even if it were not the activity of Representative Johnson himself.

Mr. VINCENT. That is correct, your Honor, in connection with a speech made on the floor of the House, which is specifically excepted from Article I, Section 6 of the Constitution.

The COURT. I do, of course, recognize the distinction, but I was wondering what you thought of that case on the proposition that the senatorial or congressional privilege is not restricted to the congressman himself but extends also, under some circumstances, to aides of the congressman.

Mr. VINCENT. I don't think the case does hold, your Honor, or stand for that principal. I don't think the issue was in [52] that case. It had to do with evidence used against the congressman himself, and I do not recall that the Supreme Court as part of its holdings and decision said that an employee of the House is immune and has the same immunity and privileges as the Representative or the Senator.

I think the case does highlight very, very clearly, your Honor, that congressmen are not immune from criminal process. This man was convicted of a criminal offense, so the immunity extended by that speech and debate clause is highly respected. It does not apply to criminal proceedings of any type.

Now if it cannot apply to criminal proceedings of a congressman, as I say, a fortiori, it cannot apply to criminal proceedings involving members of the staff.

Referring back again, your Honor, to the meeting of the subcommittee called by Senator Gravel, I notice that attached to the moving papers of Dr. Rodberg they very kindly attached a copy of an article from the Washington Post dated August 8, 1971, apparently in support of their motion, and I call your Honor's attention to the paragraph at the bottom of column two of that article, which reads, the report made by Senator Gravel at that midnight subcommittee meeting on June 29th "has not been published because Chairman Jennings Randolph reportedly was so furious with Gravel for calling the unauthorized, nongermane subcommittee meeting that he refused to authorize payment of a stenographer or a public record."

[53] In regard to the nongermaneness of the subject matter, I direct your Honor's attention to the extract from Public Law 601, which sets forth in nine categories the subject matters covered by the Public Works Committee. I won't read all of them, since your Honor has a copy, but I notice that they are all restricted to either the improvement of rivers and harbors, navigation, bridges, Customs Houses, Federal Court Houses, government buildings within the District of Columbia, Rock Creek Park, the zoo, and the construction and maintenance of roads and post roads.

The COURT. Let me just interject, please, that I am concerned here with the power and propriety of the executive and judicial branches of government in passing upon what is the proper or improper business of a particular subcommittee or committee or activity of a member of the Congress. You did cite in your brief somewhere a case, I think, to the effect that the courts may look into this matter, look into such matters, such as the authority of a congressional committee to take certain action or the authority of a member of Congress to do certain things. I haven't read the case, and I would appreciate it if you would tell me which one it is.

Mr. VINCENT. It is on page 10 of our memorandum, your Honor, and the landmark case is Marbury versus Madison. The cases have been consistent from that time on that the courts do have the right to inquire into and reject unauthorized [54] legislative activity. As I say, I don't recall those cases myself, but they are in our memorandum.

The COURT. Well, that isn't the issue here, really. The question isn't whether the meeting of the subcommittee, let's say, was authorized or the subject matter of its meeting was in line with its authority from the parent committee; it is, I expect, whether the Court can inquire into that in this proceeding and whether any order of the Court could be based on any such inquiry. I have genuine doubts as to the power of the Court to rule upon the legality or authenticity or validity of this subcommittee meeting. That, it would seem, would be the power of Congress, I should think, and the power of the parent committee.

All I am really asking is that you elaborate on what you said already. You cited Marbury versus Madison. That I have read, of course, I read that sometime ago, but what about some of these other cases? Are they anything like this? Are there cases involving grand jury investigations or anything of similar nature?

Mr. VINCENT. These are not grand jury investigation cases, as I recall, your Honor. The Watkins case, of course, is a contempt of Congress case. No, none of these, your Honor, deal with grand juries, but I have cited them for the principle that the courts have ruled under certain circumstances that congressmen have acted outside the legislative scope, and I cited it for two [55] reasons.

First let me answer your question as to the legislative purpose of the subcommittee meeting. I agree at least in part, your Honor, that the parent committee and the Senate itself, the parent body, certainly has the right and the authority to rule on whether or not a matter handled in a subcommittee is within a legislative purpose.

Now the contempt of Congress cases I think are an excellent anomaly, that you cannot sustain a prosecution for contempt of congress unless the courts find that the committee had a legislative purpose and was acting within its scope. That is one of the basic accompaniments, contempt of Congress, under Section 192 of the United States Code. As I say, your Honor, I cannot cite you chapter and verse in these cases, but I do know the rule is that the courts, the judiciary, can rule on whether or not an act of a congressman is outside of the legislative function.

This point is more or less of an aside for these reasons: that the defense here is based on immunity, and I think we have shown your Honor that there is no immunity (a) to a congressman in a criminal proceeding, that is, to resisting a subpoena issued in a criminal proceeding, and (b) certainly not on a member of his staff or a member of his personal staff. There is absolutely no protection in the speech and debate clause under the decided cases and tradition in history, as Thomas Jefferson pointed out. The Constitution and the founders of [56] this country drafting the Constitution left it out, the portion about his family and his servants, because Parliament had been increasingly encroaching on its own power and bootstrapping itself or trying to bootstrap itself, and I think it is very important that we don't have immunity, and that is the defense of this case.

The second reason for citing the power of the judiciary to inquire into and rule is the fact that on the facts in this case, even assuming again arguendo that Senator Gravel and through him derivatively Dr. Rodberg had any immunity, the government's position is that they divested themselves of that immunity by taking the documents they refer to and which they believe and think and assume are involved in this proceeding, and had contracted for and negotiated for to be published by a private publisher, and I certainly, your Honor, think and urge that that is ultra vires, and even if they had privilege, which I certainly do not think they have under the law, that this takes them outside of even that privilege, and the Court certainly is entitled and capable of ruling on that.

The COURT. What about the analogy that counsel made to sending newsletters to constituents and making speeches at public forums on issues of national concern?

Mr. VINCENT. Well, I don't agree, your Honor, that a speech in a public forum grants immunity to a congressman. The Constitution certainly doesn't encompass that, and I don't know of any [57] immunity for a newsletter if it is privately done. If it is authorized by the parent committee and/or by the Senate and it is printed by the Government Printing Office or government funds are used, then you might have a question, provided the newsletter, as I say, has been authorized by Congress, but there again I would have to know the particular facts.

I don't think that generically anyone can claim a privilege ipso facto of sending a newsletter out. It might have absolutely nothing to do with congressional purposes whatsoever. If there is any libel matter or slander, I am not too sure but what the author could not be sued.

The COURT. With respect to the Senator's quoting from these papers at the subcommittee meeting, would you take the same position were this quoting done on the floor of the Senate itself?

Mr. VINCENT. If the Senator had quoted anything on the floor of the Senate, I would say he has immunity.

The COURT. Now suppose the reading were done at a committee meeting of the Senate, let's just say the Committee on Foreign Affairs. What would your position be in such a situation?

Mr. VINCENT. I believe there he would have immunity, your Honor.

The COURT. So that here it is critical, in your view, that this was done at a meeting of a subcommittee of the Committee on Public Works.

[58] Mr. VINCENT. That is right, your Honor. As one of the facets—

The COURT. Well, I understand that you have other. . . .

Mr. VINCENT. Yes. Right.

The COURT. And it is your view that the time and place and room in the Capitol where this was done is significant, with respect to—

Mr. VINCENT. I think it is highly significant, your Honor, yes, I do, just as I do the fact that the chairman of the full committee would not authorize payment of either a stenographer or the printing in the public record. In other words, as I read this, your Honor, the act of Senator Gravel has been eschewed and disclaimed by the chairman of the full committee.

The COURT. I never interpreted this copy of the newspaper article as being an adoption of everything that was said in it. I thought it was filed for a more limited purpose, but the Senator's counsel would doubtless comment on that aspect of it. I never understood that everything stated in these exhibits attached to the motion was submitted as proof of facts, therein stated.

Mr. VINCENT. As I say, your Honor, ordinarily I realize that a newspaper article is hearsay, but since it has been attached as an exhibit by Dr. Rodberg, I certainly think that it is only fair that I should be able to refer to the contents [59] of the article.

The COURT. Well, you certainly may.

Mr. VINCENT. I am not saying, your Honor, that I know this to be a fact, I am not saying that the newspaper article—vouching it to be the complete truth of the facts stated, but I find it highly interesting that there was no refutation in the moving papers, there was no restriction, as I recall, on the use of the article.

Of course, if this were a trial and we were entitled to have live witnesses, it would be a simple matter to request or—I am afraid to use the word—subpoena the chairman of the full committee.

The COURT. The articles were attached as exhibits to Paragraph 8 of the motion, which simply says that it is believed that the questions to be asked "will concern the allegation made in the newspaper articles attached hereto," so that—Well, that is a minor point, but I do think I should note in passing that I don't necessarily consider everything that is stated in these articles as having been factual. That isn't the purpose for which they were offered.

Mr. VINCENT. Even there, your Honor, the newspaper article is submitted specifically for the point to show that the Senator, through Dr. Rodberg, has negotiated a contract for outside publication of a document which certainly is not within the purview of the Subcommittee on buildings and grounds. The case of Long v. [60] Ansel, which is also cited in our memorandum, in 69 Fed.2d, stands for that principle, that a congressman can divest himself of any privileges he holds by acting on the outside and going outside the legislature. As I interpret it from the cases, your Honor, the speech and debate clause is restricted to congressmen and senators themselves, not their employees, not their servants, and at most, to fall within its ambit, the congressman must be acting for a legislative purpose. I think all of the cases, your Honor, only some of which are cited in our brief, which hold that congressmen are not immune from criminal prosecution, certainly uphold that principle.

Unless your Honor has anything further, that is all I have on the legislative point, your Honor, because I think we have demonstrated that there is absolutely no immunity in Dr. Rodberg.

The COURT. Well, I haven't read a number of the cases that have been mentioned. I am not going to rule on this matter this afternoon. I will be taking this under advisement. I do have a question on another aspect of this case, although I have forgotten whether Dr. Rodberg raised the electronic surveillance point.

Mr. VINCENT. You have already ruled on that, your Honor.

The COURT. I know that, but he did raise it, and what I have in mind is my having quoted or adopted Mr. Justice Douglas's language in the early cases. This is when we had the Popkin case, the MIT professor. There I am sure I was unaware that in [61] that case, there had been, at least according to Mr. Justice Douglas and the copy that I now have, a representation to the District Court that no wire taps of any kind had been used in the Russo case. Do you think that that representation was critical to Mr. Justice Douglas's decision?

Mr. VINCENT. Not as I read that, your Honor, and bearing in mind, of course, that this is purely a denial of a bail application, a denial of a stay pending appeal. There is nothing to do with the merits of the case whatsoever, and Justice Douglas, as I read the opinion, your Honor, was aware of this fact, and he then went on to say—the language I quoted previously and which I don't have in front of me, but there must be more than a mere suspicion, and I think he was giving, in my private opinion, a preview of what the law might be.

The COURT. But when you cited that case to me last month, I do believe that you made no reference to the occurrence in the District Court that I refer to; that is, the government's having represented in the District Court that there had not been wire taps of any kind.

Mr. VINCENT. You are absolutely correct, your Honor.

The COURT. I was unaware of that aspect of the case when it was called to my attention before. At least, that is my memory.

Mr. VINCENT. That is my fault, your Honor. I take the blame for it. That is my case. I was close to it, and I [62] apparently assumed that your Honor was aware of the Russo case because of the publicity it had received.

The COURT. Well, I was indeed, but I never had seen Mr. Justice Douglas's short order on the stay, which was not entered until the 16th of August of this year, and it would seem to me that the government in that case made the very representation which it has resisted making in this case, and I should think that would be a difference between the two cases.

If you were counsel for the government in the Russo case, can you tell me, please, whether this representation, to the effect that there were no wiretaps used, was made as a result of court order, or was it just a voluntary representation?

Mr. VINCENT. It certainly was not voluntary, your Honor, and it is strictly opposed to the policy and position taken by the Department of Justice. It was in effect—

The COURT. What led up to the representation then? What is the background of the representation as to no wire taps in that case?

Mr. VINCENT. Because I did not know the department policy, to be frank with you, your Honor.

The COURT. But was it made under court order or just in the course of colloquy or argument?

Mr. VINCENT. Well, it wasn't a direct order, but from the colloquy from the bench and between counsel for the witness and myself, it became very apparent that the judge might not follow [63] the law in the Ninth Circuit. The law in the Ninth Circuit is absolutely clear, and I thought the law was certainly sufficient, but this particular judge was indicating that he might not follow it.

The Court. Well, I was simply surprised to read in this copy that I got today for the first time that there had been a representation by the government in that case, and I am happy to learn the background.

Mr. Vincent. I take the blame, your Honor. It certainly was not intentional.

The Court. Well, have you something further now with respect to this matter?

Mr. Vincent. Not on the legislative immunity. On the point of the First Amendment, your Honor, I would just like to say that I don't want to reiterate all of my arguments in the Falk matter, but I certainly would like to point out that I believe that Dr. Rodberg stands on a much less solid footing than Dr. Falk in claiming a journalistic privilege under the Caldwell case, and I have heard nothing here or read nothing in the briefs submitted which would bring him under any rule of law under the First Amendment.

That is all I have, your Honor.

The Court. All right. Now we have rebuttal on behalf of the Senator.

Mr. Reid. May it please the Court.

[64] The Court. You are Professor Reid?

Mr. Reid. Yes. R-e-i-d.

I want to say by way of introduction that I don't intend to take much time. I think a great deal of his Honor's time has been taken in argument, and there is some question of whether or not it has been directed to the inquiries which are raised, so briefly I would like to try to direct my attention to some of the several questions and inquiries which you have put throughout the morning and the various responses thereto.

I think it is important at the outset that we make—not only make but keep clear throughout this discussion the distinction flowing out of the speech and debate clause between confidential communications and judicial accountability, and at times we have said we recognize that but then the discussion has been interchangeable.

In terms, sir, of judicial accountability, there is a further question, judicial accountability in terms of balancing and protecting what kind of interests. The courts have not approached judicial accountability in terms of members of the House or members of the Senate in any absolute; it has been in terms of balancing the purpose of the legislative privilege as against the interest being affected.

Quite frequently it is difficult, and in some of the cases which were raised earlier this morning, the problem the Court is fighting is, Is its historical role to protect the rights of [65] the individual and the rights of the individual against arbitrary, capricious governmental action, and therefore, a collision between that function and the judicial overseeing of congressional conduct. I think, your Honor, that in terms of this clarity, the discussion in Powell is very helpful. I might say in passing that I have had some experience with the expansion of the speech and debate clause by being on the loose end of Dombrowski and Powell in terms of the speech and debate aspect, but there the court's power is very clear in terms of the interests being balanced and the limitation.

Briefly I would like to call your Honor's attention to United States versus Johnson, some language at 185, which deals with the specific problem that you addressed to counsel this morning, then again to government counsel. Nobody contends there is any absolute war growing out of the speech and debate clause as to the Senator or anyone else for criminal conduct. What is contended is that the operation of the speech and debate clause, if there is a necessary nexus between the conduct and the legislative activity, there may then be a protection against criminal prosecution because of inability, one, to secure information, or two, to make him accountable for his conduct growing out of and a part of his legislative function, and that, of course, is what the court was talking about in Johnson. They sent it back and said he could be sent to jail under other circumstances and what have you, his account being bad.

[66] Now, your Honor, in terms of the accountability and lines that you were drawing this morning with my co-counsel in terms of the speech on the floor of the House and the Bar Association's meeting and beyond, I think that the problem is resolved by two considerations, the kind of interest which is being affected by the speech and the need for accountability, as well as its relationship to the legislative function, and obviously the legislative function is clearer where the speech is on the floor of the House; likewise when equally protected where it was in a committee hearing and committee activity and committee work.

In terms, then, I think it is material, highly material, in this situation that this activity involved occurred at a committee hearing. In terms of that aspect, your Honor, the Court is quite correct in its suggestion that it is improper and the Court is without authority to determine the propriety or impropriety, regularity or irregularity, of a subcommittee hearing.

In Powell the court goes even further. The court has in any other case no intervening into activities of the legislative branch, but even there, your Honor, there has been and continues to be a distinction between what the courts have referred to in a series of cases between internal management and external action. Of course, Marbury, that line of cases, when you got out of the legislative process, the finished product, the act that was resolved in the legislation, of course there is no [67] problem of judicial intervention and judicial review.

In terms of Powell, the exclusion from membership the court said was at the outer limits, but the court has reserved on the political question and other judicial terminology clearly a large group of activities on the part of the legislature which is beyond judicial scrutiny, regularity of votes, certification as to the voting, any number of problems.

We are not pressing that matter. Our not pressing it does not mean we concede the facts alleged by the government in terms of repudiation of Senator Gravel. We take the position, one, it is not the subject of judicial inquiry, and that is why we have not gone further into that matter. There has been no problem, there has not been any official act on the part of the Senator nor any repudiation on his part whatsoever, but I think the legal consideration here is the lack of power of the Court to inquire. That is, of course, a question of internal management, internal—

The Court. Well, we know that the courts make inquiry as to the scope and authenticity and credentials of committees in contempt of Congress cases and some other types of cases. It can be done.

Mr. Reid. But, your Honor, let's be clear, in terms of bringing into the picture the aid of the judiciary in the contempt cases, and that is where all those cases are, the question of whether or not the court would aid the legislature by [68] judicially imposed punishment as a result of contempt in the House, and at first the court would not put any limitation on congressional action that came quite late.

In order to protect the individual and balance the individual and the regularity of the legislative process, beginning, I think, with Thompson and subsequent cases, the courts for the first time imposed, as a protective shield, legislative purpose, regularity of meetings, and that kind of issue. In terms of what had been brought into question, that is the judicial question of contempt.

Now involved in that was not the activity of Congress and its prerogatives. Involved in those cases and contempt cases was whether judicial punishment ought to be imposed, and the court has refused to impose punishment without showing that it—

The Court. Let me ask you a question on some other aspects you touched on earlier. Is it not material, in your analysis, for the Court to consider the relationship between the legislative function of the subcommittee of the Committee on Public Works and the promulgation of these papers that related to the national security? Mr. Vincent has made the point that were this something done before the Committee on Foreign Affairs, he would consider it to be covered by the speech and debate clause, but he suggests that having been done before a subcommittee whose concern was far removed from public affairs, that the clause would not apply. What is your view on that [69] point made by Mr. Vincent?

Mr. Reid. Well, with a great deal of restraint, your Honor, my view is, he is in error.

The Court. Well, I don't think that surprises me. But why?

Mr. Reid. For a number of reasons, your Honor. The inquiry in the contempt cases was, of course, not the power of a particular committee to inquire, but what it had been authorized to inquire into. Even the legislative purpose there was one of authorization in order to call witnesses and testify, because you were balancing the private interest.

I think to go into the question here of the propriety or impropriety, legality or illegality, of this committee hearing in terms of appropriateness or inappropriateness, you have then sailed upon the sea of political thinking that the court warned against in Baker and Carr, and of course this has been involved ever since. The problem there would be one of germaneness.

Now, the question which the Senator raised was, of course, considered by him and others to have been highly germane to the Public Works Committee. Not only does this committee but a number of others have a great deal of activity in dealing with these particular problems, and it has, of course, the question of reordering those particular priorities. In order to do that, more and more other committees have gotten into the kind of expenditure, the kind of activity that we are engaged in, in the [70] foreign relations field and its impact on those particular programs. In fact, there have been some programs curtailed and affected.

The Court. My question really is, Is that consideration material to decision of this motion, in your view?

Mr. Reid. No, sir, and, as I say, I don't think the Court has power to inquire into it. The question is germaneness. But I want to merely point out that we are not contending that it was not germane, it was not the interest of this committee.

Your Honor, if I may say, the only reason I have gone into accountability is that I think it is important, but I don't think we ought to lose sight of actually what is involved in the posture of this case at this particular time, and that is not judicial accountability of an agent or the Senator, but confidential communication. At this particular stage, the government wants to do nothing more than to inquire from an aide and representative of the Senator, in terms of conduct and activity between the two. We say that the confidential communication growing out of inherent privilege and speech and debate, and we don't have to get into the question now of judicial accountability for the eventual act, but that this communication cannot be breached in this manner, and the posture of the government at this particular point is simply that.

The privilege of attorney and client, husband and wife, is not merely the communication aspect. It makes the agency problem [71] material. As Professor Wigmore has said in his treatise in terms of the privilege, the lawyer-client privilege, that obviously agents are included, because if you pierce the veil, at that point you have destroyed the communication. Also, your Honor, this husband and wife privilege is such communication, and may embrace and quite frequently embraces knowledge which has been obtained prior to the marriage, so it is the question of relating back in order to preserve the confidential communication.

I think also, because it gets to the response counsel made this morning to questions your Honor put in terms of the materiality of Mr. Rodberg's conduct the 29th, the day after or the day before, and of course, I think we can concede that where lack of interest in inquiry into his conduct before the 29th, as long as it is in the present posture of invading the communication, because we have no way of measuring the limitation nor the reason for employment, or what have you, you may have a different answer altogether when you get to the accountability stage, but in terms of invading the communication aspect, it is, I would think, highly relevant that the—

The Court. Well, I don't want, as you already have suggested, to reargue the whole matter, but do I understand you take a different position than Mr. Reinstein, who argued first, that the grand jury could not properly inquire into events previous to the 29th? I thought he conceded that there could properly [72] be such an inquiry. I just want to be clear if you take a different position.

Mr. Reid. I don't understand, your Honor, that I am taking a different position.

The Court. Well, maybe not.

Mr. Reid. I gather his response was in the context of accountability rather than in terms of the context of privileged communication, and I am saying because of the privileged communication that we feel its sole purpose here, and the government hasn't denied this, is to pierce the veil of communication. That is the posture, and—

The Court. Well—

Mr. Reid. Sir?

The Court. He said, and I asked him specifically, I think, suppose questions were put only with respect to his activities previous to the 29th of June. I think he said, "Well, then, of course, we would have no objection." I think you now say that you might or that you would have objection, if I understand you correctly.

Mr. Reid. Yes, your Honor.

The Court. All right. I don't say what you must—

Mr. Reid. I am not as sharp as I was. We had a lunch break in between.

The Court. Well, maybe during lunch—at least I remember. I am happy to realize that I remember what occurred before [73] lunch.

Mr. Reid. We have all been highly impressed by your Honor's memory.

In terms of the legislative function, sir, I think no hard and fast rule can be made there either in terms of the operation of the privilege. I think what we are trying to say is that what was accomplished in this case, including the three steps that you referred to this morning, offering material as the republication and discussion with publishers, I think what we are dealing with here, of course, is a committee record, committee testimony, and the promulgation of that. Of course, we don't have to go to any republication, especially those in the field of libel and slander, where the court has been inclined to limit the privilege in order to protect the individual from the injury occasioned by imposition of the privilege involved in Matteo and Bigelow and other cases, injury to a private individual because of not being able to get relief as a result of the operation of judicial privilege. Your Honor is, of course, quite familiar with the necessity of the confidential relationship and how that could be pierced by inquiry into executive and legislative privilege.

May I say, sir, to conclude, our position, of course, is that the operation of the speech and debate clause is such as to preclude the appearance of Mr. Rodberg before the grand jury, and therefore the motion to quash ought to be granted because [74] of the confidential relationship as well as the operation of the privilege.

Further, if it appears, however, that the Court feels the objection is premature, the problem, of course, in terms of whether it is timely or not, whether substantial injury occurs for which there is no further redress, the problem in this case, unlike others, in the grand jury room we would have someone purporting to assert the privilege of the Senator and to protect the Senator or not to protect him, as he felt free. The Senator, of course, would not be present, and the only way, if the Court agrees that there is this protection, that it can be guaranteed and preserved in this kind of situation is, of course, to prevent, one, the appearance altogether, and if not, certainly we ought to be in the same stage before he is ordered to appear that we are after the questions have been propounded so that the Court might direct itself not only to the area of response but the area of inquiry by the government.

I would like to say in passing, of course, I don't know the procedure in this circuit, where I am permitted to practice, but I have had some experience with the Justice Department in its expanded use of the grand jury to help it in its investigatory function, and the mere fact that the earlier communications involved in convening the special grand jury have been found, it does not follow that they are available to counsel or to the public.

[75] The convening documents and federal inquiry into the Fred Hampton death of 1969 in Chicago are to this day sealed, even the convening order, and the question that we have noticed by what is suggested in the convening papers does not follow, because usually, following the Attorney General's Manual, they are stated in such broad and general terms that you would not understand what it is about.

Thank you, your Honor.

The Court. Yes. It is Mr. Stavis?

Mr. Stavis. Yes, sir. If the Court please, I shall be the last to address the Court, I think. On behalf of the attorneys in this matter, I want to express our appreciation for the obvious patience and the interest the Court has had in this matter. Obviously these cases do present to the Court matters of enormous constitutional significance, and the concern of the Court is shown in dealing with and listening to the arguments, and we all appreciate it. I shall try to be very brief. I shall try not to duplicate specific points.

Directing our attention to the legislative immunity question, it is clear in the record that Dr. Rodberg's position is at the direct request of Senator Gravel. The first question which Mr. Vincent raises is whether the immunity extends to members of the staff, and I suggest that Mr. Vincent seems—I would like to call to the attention of the Court a number of items: firstly, the brief submitted by the Department of Justice itself, [76] in which, on behalf of Mr. Sourwine, who is on Senator Eastland's staff, the Department of Justice said it is clear that the information sought from the defendant has been received by him pursuant to his official duties as a staff employee of the Senate. As such, the information is within the privilege of the senate.

So the shoe is on the other foot. The Department of Justice had no difficulty in conceiving that the speech and debate clause extended as well to staff employees of senators.

The Court. I didn't hear it quite completely. Was it staff employees of the Senator or the Senate?

Mr. Stavis. In that case it was a staff employee of a senate committee.

The Court. I see.

Mr. Stavis. It is quite clear that the speech and debate clause of the Constitution extends to the senator. It doesn't extend just to the Senate. It is very clear in its terms that it applies to the senator.

Secondly, the difficulty that Mr. Vincent has in extending this speech and debate clause to employees, he overlooks the fact that the question is, what are you going to ask the employee about? Obviously if Dr. Rodberg was to be inquired into with respect to some bank robbery that he may have witnessed, obviously the speech and debate clause doesn't extend to that, because that has nothing to do with his function with the Senate. In [77] fact, I suppose the Senator himself might be the subject of a subpoena with respect to an automobile accident that he saw at the corner. But if the issue, the subject of interrogation, concerns the speech and debate of the Senator, necessarily it extends to those who work with him on that speech and debate and when you are trying to reach the speech and debate through an employee.

I suppose if tomorrow I go to my office and interview a client and then do the dutiful thing of dictating to my secretary a memorandum of our conference, I don't suppose that the lawyer-client privilege can be just disregarded by a subpoena served on my secretary in which the grand jury would say, "And what did Mr. Stavis tell you that the client told him?" and that is what this is all about, because the guts of the inquiry is the speech and debate of the Senator.

Mr. Vincent spent a great deal of time saying senators are not immune from criminal responsibility. Of course, they are not. Nobody has ever suggested that they are immune from criminal responsibility, but that doesn't happen to be what this case is about. The question is whether they are immune from being compelled to testify about a speech and debate, so any case which says that they are not immune from criminal responsibility is irrelevant.

Mr. Vincent says maybe the actions of subcommittee were beyond his power. Well, the Senate is a self-governing body. [78] It knows how to handle its own committees and subcommittees. It even has disciplinary power, and it really would be extraordinarily beyond the power of this Court, or any other court, for that matter, to step into that kind of question. I hear tell there is a good deal of contention between the Armed Service Committee and the Foreign Affairs Committee. Perish the thought that that question would be presented to this Court for adjudication to see whether or not each is staying within its bailiwick.

Mr. Vincent couldn't quite recall the case but he said there are some cases in the Supreme Court in which the Court says the Congress has to do its business pretty carefully if it expects us, the courts, to prosecute contempt of Congress. It has to delegate its power carefully. Resolutions on contempt must be careful, so on and so forth. Of course, the case is the Novak case, but the Novak case went a little further and said the only time we get concerned with how you run your business is when you come into this courtroom and ask us to prosecute somebody for something that he didn't do before a committee, but as far as you do your own business and don't come into court to ask for our help, that is your affair. The court has no business intervening in the self-governing quality of the legislature.

Here the shoe is quite on the other foot, because the executive is now trying to move in against a senator and say, and we are telling you, we are telling you, in fact, we looked to [79] the court to make that decision for us, that he was acting outside his bailiwick. It would be a gross violation of the concept of separation of powers to do that.

Then we have the question of the loss of privilege, namely, it is all right to make a speech on the floor, to make it even in a committee, but if you start publishing speeches on the floor or in the committee, then you lose the privilege. Hentoff against Ichord, 318 Fed. Supp. 1175, at 1179, is directly to the contrary. There the legislative activities are not limited to speech or debate on the floor of Congress. Information in the report involves matters that concern the public, and the court will take no action which limits the use an individual congressmen is to make of the report or its contents on the floor of the Congress.

We are not talking about fund-raising speeches by congressmen. I am talking about the publication of a document which constituted a presentation which constituted the record of this subcommittee. I understand that the publication will be exclusively the record of the subcommittee. We cannot deal with the question of loss of privilege when that is the issue.

So much, it seems to me, needs to be said on the question of privilege, congressional speeches, and the debate privilege. I should like to spend just a few moments on the electronic surveillance question.

The COURT. Well, now I am trying to think. Didn't I rule [80] on that?

Mr. STAVIS. I don't—

The COURT. Pardon?

Mr. STAVIS. The matter is in our papers.

The COURT. Oh, yes, I ruled on that at the hearing, and I cannot offhand recall whether you attended it or not, but this is on something that the—

Mr. STAVIS. May I suggest—

The COURT. What was it? Was it the first of—No, it was the 20th of August. I asked counsel for Dr. Rodberg what he had, if anything, along the lines of the matter of an affidavit or other indication that there had been any electronic surveillance—this was Mr. Reif—and he said that because he had stated in his affidavit that on information and belief, there were questions that would be based on electronic surveillance, and correct me if I am wrong, but he said he had nothing except a suspicion, and therefore I ruled on that at that time. He can correct me if I am wrong. Isn't that what happened?

Mr. STAVIS. May I respectfully address myself to your question?

The COURT. But let me ask this: Were you present?

Mr. STAVIS. I was not.

The COURT. Well, why don't we—

Mr. STAVIS. I will ask Mr. Reif to address himself to that.

[81] Mr. VINCENT. If I may answer the question, you denied the motion in regard to electronic surveillance.

The COURT. I think I did.

Mr. VINCENT. You did, your Honor. Mr. Reif will bear me out on that.

Mr. REIF. Your Honor, that is correct. You denied the stay on the question of surveillance. It is our understanding that you did so on the basis of Mr. Justice Douglas' opinion in Russo.

The COURT. Yes. I am sure I did, so I am not going to reopen that aspect of it.

Mr. STAVIS. I wouldn't want to tax the patience of the Court.

The COURT. You see, I did not do that in Professor Falk's case because his lawyer spoke about getting some affidavits and so forth. There was just a distinction in the way the cases were treated. And I have heard Mr. Homans too, originally. I have heard all that can be—I have read these cases.

Mr. STAVIS. I don't want to tax the patience of the Court. I did simply want to say that it had been our view that when you denied the motion in that respect, it was without the knowledge that your Honor acquired today, namely, the Mr. Justice Douglas' denial of the stay to Mr. Russo was based on a representation made in the District Court by the representative of the Department of Justice, who happened to be Mr. Vincent.

[82] The COURT. Well, that is right. I didn't know that at that time, but that was not really the basis. I explained my basis then, and I just used Justice Douglas' language. You might say that I agreed with Judge Gibbons in the Third Circuit if you want to find the reasons for my ruling. So that is a matter apart.

Mr. STAVIS. May I therefore proceed to the last point.

The COURT. Fine.

Mr. STAVIS. Which is the First Amendment point. Mr. Vincent dismissed it rather casually with respect to Dr. Rodberg by saying, on this journalistic privilege Mr. Rodberg's case doesn't approach that of Dr. Falk, because he hasn't published very much. It seems to me that there is a rather basic misconception, at least in Mr. Vincent's formulation, as to what the privilege is.

The question of journalistic privilege is a First Amendment privilege, and to approach this in terms of "Do you work for a daily newspaper or a weekly newspaper or a monthly newspaper? Are you a regular? Are you fulltime? Or are you whatever else it is called?" misses the whole thrust of what the Court itself recognized this morning was an emerging recognition of the singular role of the First Amendment in its relationship to some of these grand jury proceedings.

What I would like to suggest, your Honor, is that just as courts have recognized this emerging role, so must the courts recognize the emergence in recent years of what amounts to a [83] new kind of profession, which I would like to call the scholar-communicator or the journalist-communicator. It is a development, your Honor, roughly since World War II. Scholars today do not live in the ivory tower or sit in the library publishing their findings only in learned journals that are read by their colleagues and then get lost. The scholar-communicator is the scholar who communicates to the public and contributes to the education of the public, as has indeed the journalist in our society.

That communication, your Honor, has been to the public and, as clearly noted in the affidavits of Dr. Rodberg as well as Professor Falk, these are communications to the legislative body, which is, after all, the center of the development of legislative policy in this country. It is fair to say that there has emerged a new professional identity.

Interestingly, your Honor, some of the individuals who function as the scholar-communicators function as individuals, but in large measure, some of their activities have become institutionalized in institutes, so that, for example, you find Dr. Rodberg, as the affidavit shows, is engaged by the Institute for Policy Studies; Dr. Falk is engaged by the Center for International Studies.

Creation of these institutes, which, incidentally, happen to enjoy tax exemption from the United States income tax laws, is itself a recognition of the public interest, the public [84] interest in the on-going, continuing role of the kind of scholarship and communication that these people engage in.

What is the reason for the emergence? And I suggested that this emergence has occurred only since the end of World War II, the reasons for the emergence of this new kind of professional identity. Largely, I think it reflects an enormous increase in executive power, particularly employed secretly, and for that reason the unique contribution of these scholar-communicators is that they have been tearing away the veil of executive secrecy so as to inform the public and the legislators as to what is happening.

The COURT. Excuse me. Don't you think you are going a bit beyond rebuttal? I don't remember Mr. Vincent talking about this matter.

Mr. STAVIS. May I have just two more minutes, your Honor?

The COURT. All right.

Mr. STAVIS. Because I would like to relate to your Honor the role of the grand jury and the role of the grand jury proceedings against these scholar-communicators, your Honor. Who would recognize, who would recognize the supposed grand jury proceeding as constituting a shield to the public against the over zealous prosecutor? The reality of this grand jury proceeding is that it is a weapon, a weapon of a secret hearing sought to pick off, to harass, the very group of individuals who more so than any other group have contributed to the emerging [85] public understanding of the nature of the issues with respect to the Vietnam War, and the use of the secret proceeding is designed to extend the entire concept of executive secrecy in the development of policy.

The issue, therefore, comes back to the formulation which Mr. Vincent tried to employ but which I suggest misses the point. The question is not whether Dr. Falk or Dr. Rodberg is or is not a journalist, though it happens that Dr. Rodberg has listed for me a whole series of things that he has in fact published: One, two, three, four, five books, articles in Look Magazine, the Washington Post, everything.

That is not the question. The question is the characteristics of the operation of the First Amendment privilege to prevent the employment of the secret grand jury process, employment of it as a device to throttle, throttle communication to the public of matters of public interest. That is what Caldwell was about, and that is what these cases are about.

Thank you very much, your Honor.

The COURT. Well, I have indicated already that I won't be deciding these motions off the bench. I want to read some of these cases and consider some of these arguments.

Since nothing more remains to be done, I expect, we will adjourn until Monday morning at nine-thirty.

[Thereupon the hearing was concluded.]

VOLUME 3

[1] [United States District Court, District of Massachusetts, EBD 71-172-G]

United States of America vs. John Doe.

Proceedings had in the above entitled cause before the Honorable W. Arthur Garrity, Jr., Judge of said court, in Court Room No. 7, Federal Building, Boston, Massachusetts, on Tuesday, October 12, 1971.

Appearances:

Warren P. Reese, Esq.,
Chief Assistant United States Attorney,
Southern District of California,
appeared for the government.
Robert Reinstein, Esq.,
appeared for Senator Mike Gravel.
James Reif, Esq.,
appeared for Leonard Rodberg.

[2] PROCEEDINGS

The COURT. Good afternoon, gentlemen. Before resuming the patent case—please stay where you are—I hear that counsel in the Senator Gravel/Dr. Rodberg case are here, or some of them are here. Is anyone here on behalf of the government?

Mr. REESE. I am here appearing for the government, your Honor. My name is Warren Reese. I am Chief Assistant United States Attorney from the Southern District of California. I am on temporary assignment to this case.

The COURT. Well, I received the motion for reconsideration. I have read the memo but not as carefully as I expect to, nor have I had an opportunity yet to read the cases. I will not have oral argument on this motion. I will, however, withhold decision until the government has had an opportunity to file a reply memo, if it wants that opportunity.

Mr. Reese. Thank you, your Honor.

The Court. I would welcome a reply memo from the government. How long do you think—Have you seen the memo filed on behalf of the senator?

Mr. Reese. Yes, I have, your Honor.

The Court. And do you expect to file a reply?

Mr. Reese. It was my intention to, yes, your Honor.

The Court. How long do you think you would need?

[3] Mr. Reese. Well, I suspect I would need perhaps two days. I am thinking of—

The Court. Well, we will make it Friday.

Mr. Reinstein. If I may, your Honor.

The Court. Pardon?

Mr. Reinstein. If I may.

The Court. Just a moment. I just want to be sure that Mr. Reese—You will have your memo in, then, by Friday.

Mr. Reese. Yes. I can do that, your Honor. Incidentally, I should advise the Court that Dr. Rodberg has been subpoenaed to testify before the grand jury on Thursday. This subpoena was issued after your Honor entered his order disposing of the motion.

The Court. Well, can his appearance be continued until next week?

Mr. Reese. It can be continued until a subsequent time, your Honor, unless next week is a preferable time for your Honor's convenience.

The Court. Well, what is today, Tuesday?

Mr. Reese. Yes, your Honor.

The Court. Well, why don't you—Well, I would have to have your memo by tomorrow, late afternoon, in order to consider it. It is up to you whether to get a memo in tomorrow afternoon and permit the subpoena to stand subject to further order, or to get the reply memo in on Friday and continue Dr. [4] Rodberg's appearance.

Mr. Reese. I think the latter, your Honor, is the desirable course to take. Next week may not be an opportune time, but sometime subsequent to Thursday, and after your Honor has had an—

The Court. All right. At least, he is excused from appearing on Thursday, and the stay entered back in September or late August—I have forgotten which—when he was first subpoenaed is now reinstated, so that he may not be called until further order of the Court. And I will look for the government's reply on Friday.

Now you had something else to say?

Mr. Reinstein. Well, you took care of it, your Honor.

The Court. Yes.

Mr. Reif. Your Honor, my name is James Reif. I represent Dr. Rodberg. From the way your Honor phrased it, I wasn't sure whether your Honor had received the papers we filed this morning as well. We filed a similar motion and memo as well.

The Court. Oh, no, I haven't. All I have here is a motion on behalf of Senator Gravel and a 29-page memo in support of the motion, but you filed similar papers?

Mr. Reif. Yes, at about 9:30, and the woman informed us that your office would receive them as soon as you came in.

The Court. Well, I just haven't seen them as yet, but [5] if the government wishes to reply to them, the Friday date applies to the motion of Dr. Rodberg as well.

Mr. Reese. Thank you, your Honor. May I have an indication of when your Honor expects he may render a decision in this matter?

The Court. Well, of course, three weeks ago Friday when I heard you gentlemen on the original motions to quash and specify, I felt I would be coming down with a decision the following Monday or Tuesday, and it was almost three weeks thereafter before I did, so I just cannot predict. I would not expect it would be that long, because I have read so many of the cases cited in the memo, but I want to reread some of them in the light of the arguments here presented, so I am just not going to predict, however, when I will issue a decision, but I hope—I am confident it won't be as long as three weeks, which it was the last time.

Mr. Reese. Thank you, your Honor.

The Court. So that is the program on these motions.

Mr. Reese. Your Honor, for the edification of the Court, I should state that the government has absolutely no intention of interrogating either Senator Gravel or any other member of his staff regarding the speech he made on the 29th of June during a meeting of the subcommittee.

The Court. Well, any thing you wish to state along those lines I do think is better stated in writing, just so there [6] will be no misunderstanding. You are going to be filing a memo, and such representation as you wish to make along those lines I think should be incorporated in the memo.

Mr. Reese. Thank you, your Honor.

Mr. Reinstein. Before withdrawing, may I just apologize to you for some of the typographical errors that appear in that brief. The time in which we were working was so limited that the normal proofreading—

The Court. Well, I am not going to decide it on the basis of any typographical errors, I am sure. So that is fine, and that is the end of the proceedings in this matter, and we will resume in the patent case.

Mr. Reese. Thank you, your Honor.

Mr. Reinstein. Thank you, your Honor.

Mr. Reif. Thank you, Your Honor.

[Thereupon the hearing was concluded.]

VOLUME 4

[United States of America, District of Massachusetts, Nos. EBD 71-172-G, EBD 71-209-G]

United States of America v. John Doe.

Proceedings had in the above entitled cause before the Honorable W. Arthur Garrity, Jr., Judge of said court, in Court Room No. 2, Federal Building, Boston, Massachusetts, on Wednesday, October 27, 1971, and Thursday, October 28, 1971.

Appearances:

Richard E. Bachman, Esq., Assistant United States Attorney, appeared for the government.

Robert Reinstein, Esq., and Charles L. Fishman, Esq., appeared for Senator Mike Gravel.

[2] PROCEEDINGS

The Court. Would counsel come up, please, in the emergency matter. Here is a note I have: "Witness: Webber." Mr. Bachman's problem, which is in the note he wrote to me, is that Mr. Reese is en route to Boston from San Diego. As soon as Mr. Reese arrives, the government is prepared to have a hearing, but in Mr. Reese's absence, Mr. Bachman feels he may not be sufficiently familiar with the proceeding, and there is the way the matter stands.

What I could do is hear you during an afternoon recess or sometime. Has anyone filed an appearance or filed an affidavit or anything on Mr. Webber's behalf?

Mr. Reinstein. No, your Honor.

Mr. Fishman. We understand Mr. Webber is out of the country. This is one of the reasons we only discovered Mr. Webber has been subpoenaed by the government to appear before the grand jury.

The Court. Well, query, whether there is any matter that could be ruled on short of Mr. Webber's being served.

Mr. Reinstein. Your honor, Mr. Webber was served before he left the country.

The Court. I see.

Mr. Reinstein. And was ordered to return tomorrow to appear.

[3] The Court. By whom?

Mr. Reinstein. By the United States Attorney. I believe that subpoena was signed by Mr. Vincent, I am not sure. We have just received word very recently that he was—that this all transpired sometime ago, and that he is expected back in the country tomorrow and expected to appear before the grand jury tomorrow. We have, your Honor, no knowledge of his disposition. For all we know, your Honor, he may be prepared to appear and testify without objection on his part. However, on the part of the senator, we have objections to raise.

We also have information, as you can see in our motion for further relief, your Honor, which raises some serious questions on two scores. One is with respect to the interpretation of your Honor's order of October 4th as to what matters may be inquired into and what matters may not be inquired into before the grand jury. We have information which indicates that the government plans to call witnesses before the grand jury, both today before they cancel and tomorrow, to inquire into matters which we are firmly convinced violate your Honor's order of October 4th.

The government also indicated to us that it is calling witnesses before the grand jury, one of which is Mr. Webber, to testify with respect to matters that are presently under consideration by your Honor in a motion for rehearing. It is [4] our understanding that those matters also should not be inquired into prior to your Honor's ruling in that matter.

The Court. Well . . .

Mr. Reinstein. We would be . . .

The Court. I understand the grand jury is not sitting today, for one thing.

Mr. Reinstein. That is correct, your Honor. It was cancelled.

The Court. And I have set a hearing . . . What is today, Wednesday?

Mr. Fishman. Wednesday, your Honor.

The Court. . . . for Friday in the matter of one witness named Mrs. Marx, I believe. I could schedule a hearing for tomorrow morning but, as I say, I am reluctant to keep you over.

Mr. Reinstein. Would your Honor grant a restraining order until such time as he has heard and decided the motions so that witnesses are not before the grand jury giving the very testimony we seek to prevent while we are arguing?

The Court. I will act in any matter only on the basis of a written motion. That is the first thing. I won't . . .

Mr. Fishman. We have filed a motion for a stay, your Honor.

The Court. I have here a motion to quash or stay, a motion to intervene.

[5] Mr. Reinstein. Yes. And a motion for further relief, your Honor.

The Court. Yes. I have the three motions right here. Well, all I can say is that I don't know, without having read them further and giving them further study.

Mr. Fishman. Your Honor, it will be acceptable for us if a hearing were set for tomorrow morning. We will be glad to stay over in Boston. It is not that inconvienent.

The Court. Well, yes.

[The Court conferred with the clerk.]

The Court. Here is what we will do. I have too many things scheduled between nine and ten o'clock tomorrow morning. Therefore, we will have to see whether we go forward with Mr. Bachman. All I can say is, I will look at these papers, I will look at these other matters, which I have already to some extent, of course, and I will just simply have to let you know through Mr. Moynahan. I frankly don't know what I will do at this moment, but I will think of something.

Mr. Reinstein. Regardless of the time or circumstances, your Honor, we would appreciate an opportunity for short oral argument before your Honor on the matter.

The Court. Well, I will let you know as soon as I can, probably shortly after one and shortly before two, as to just what I will do in the way of scheduling a hearing, in the way of ruling on these matters, or in some other respect. I just [6] frankly am not sure at this juncture as to just what I can do. There are other matters either in progress or assigned. Mr. Moynahan will let you know.

[Thereupon the hearing was concluded.]

[United States District Court, District of Massachusetts, Nos. EBD 71-172-G, EBD 71-209-G]

United States of America v. John Doe.

Proceedings had in the above entitled cause before the Honorable W. Arthur Garrity, Jr., Judge of said court, in Court Room No. 2, Federal Building, Boston, Massachusetts, on Thursday, October 28, 1971.

Appearances:

Warren P. Reese, Esq., Chief Assistant United States Attorney, Southern District of California, appeared for the government.

Robert Reinstein, Esq., and Charles L. Fishman, Esq., appeared for Senator Mike Gravel.

John Evans Jones, Esq., appeared for Howard Webber.

[2] PROCEEDINGS

The CLERK. Emergency Business Docket No. 71-209, United States versus John Doe.

The COURT. Good morning, gentlemen. For the record, please state your names and the clients whom you represent.

Mr. REINSTEIN. My name is Robert Reinstein. I am a member of the Maryland bar and have been previously admitted to practice in this matter. I represent Senator Mike Gravel. With me representing Senator Gravel as cocounsel is Charles Fishman, who is a member of the bar of the District of Columbia and has also been admitted to practice in this matter.

Mr. REESE. Warren Reese, appearing for the United States, your Honor.

The COURT. All right. The matter that is actually set for hearing is this motion pertaining to a subpoena presumably served on a witness, Howard Webber. However, I think that these other motions filed on behalf of Senator Gravel relating to the subpoena served on Mr. Rodberg probably should be heard today also. Have you any different view, Mr. Reese?

Mr. REESE. No, your Honor.

The COURT. All right. Well, that is that. Now let me ask that counsel address themselves first to this motion to quash or stay the subpoena on Mr. Webber. We have heard nothing from the government on this. Perhaps I should get [3] some statement as to the facts from Mr. Reese. There was something stated on counsel's understanding yesterday that Mr. Webber was coming back to this country and would be here today. Is he available, Mr. Reese?

Mr. REESE. He is, your Honor. He is in Boston.

The COURT. He is in Boston. Maybe he is here in the court room.

Mr. REESE. He is not in this court room, your Honor, but he is in Boston.

The COURT. Incidentally, in the past I have asked that any member of the grand jury not attend these hearings. Is there any grand juror here? because I would want him to leave if there were.

[No response.]

The COURT. Well, I will consider, then, these motions, perhaps first with respect to Mr. Webber, although it might be well for the Court to state that on consideration of these memoranda of law filed in the Rodberg matter, the Court plans to, although it has not actually, endorse a denial on Senator Gravel's motion for reconsideration. The Court wants to hear argument, however, on the matter of the second part of that motion, having to do with a motion to stay the order.

So now I will hear either Mr. Reinstein or Mr. Fishman.

Mr. REINSTEIN. Addressing ourselves first, your Honor, to the Webber matter, we have filed a motion to intervene with [4] respect to the subpoena at issue on Mr. Webber, and we have also filed a motion to quash or to stay the grand jury subpoena.

Our motion to intervene and the motion to quash and stay is primarily on the same basis as in the Rodberg case, and we ask for the same relief. It is our belief that Mr. Webber has been called by the government to testify before the grand jury concerning the attempts by Senator Gravel to have the record, the official record, of the Senate Subcommittee on Buildings and Grounds, which was compiled on June 29th, published and made available to the public.

Your Honor has in the record of the Rodberg case an article in the Boston After Dark, a three-page article which describes in great detail Mr. Webber's role as Director of the MIT Press and negotiations on the publication of the subcommittee record which were held between Mr. Webber and Senator Gravel and members of his staff. Your Honor has already relied on these articles in the Rodberg matter, and we would like to incorporate them herein.

The precise issue, therefore, is whether or not the grand jury may inquire into actions by a member of Congress to make available to his constituents or the public by republication an official record of a Senate subcommitee. This is, of course, a matter your Honor has under reconsideration in Dr. Rodberg's case and which your Honor has now advised us that he intends to deny.

[5] The COURT. Right.

Mr. REINSTEIN. Because of the complexity of the issues, your Honor, and the fact that at the very least, we believe some of the cases, if not all, that we have cited in our memorandum of law give support for our position, we would ask for a stay in both the Webber case and the Rodberg case pending appeal. The problem, of course, is that we have no control over the witnesses. There is no means at all for Senator Gravel to obtain appellate review on this very, very important question except by a stay being issued by your Honor or by the Court of Appeals pending an appeal.

As we pointed out, the Supreme Court held in the Perlman case that denial of a motion to quash a subpoena with respect to an intervenor, such as Senator Gravel in this case, is a final order and is appealable under 28 U.S.C., Section 1291. We are not asking, therefore, for certification; we are simply asking for a stay pending appeal.

This precise issue has never really before been presented to the Courts of Appeals or to the United States Supreme Court, and all of the cases which were cited by both ourselves and by the government relate to libel cases. A civil suit in a libel context is different, given the historical underpinnings of the speech and debate clause. Therefore, in order to present Senator Gravel's legal position to appellate courts in a manner in which it can be decided by them is not [6] mooted by these witnesses' appearing before the grand jury and deciding, as they very well may, to answer questions posed on republication, it is essential that a stay of the subpoenas be granted.

The COURT. Let me hear from Mr. Reese. I will get back to you on other points, but I would like to get, preliminarily at least, the government's view on these motions.

Mr. REESE. Well, your Honor, it appears that the motions have been stimulated or motivated by the protective order which was included in your Honor's order denying the original motion to quash, and that the senator desires to be given some sort of supervisory control, some surveillance, if you will, of the government's investigation, the grand jury's investigation, so that he can be sure that the protective order is not violated.

The COURT. Well, that is not the principal point of the senator, as I understand these motions. The principal quarrel that he has with the Court's protective order is that it does not forbid inquiry into the republication.

Mr. REESE. Yes, your Honor.

The COURT. That is not the only point on which he wishes to appeal, at least the clearest point. Now what I would like you to comment on is whether you consider that there is any method of obtaining appellate review of this Court's order other than the way suggested by Mr. Reinstein, or whether you [7] feel that the matter is so lacking in substance as not to be appealable. I don't know what your position is on this matter.

Mr. REESE. Well, our position more nearly approximates the latter proposition that your Honor just stated. We don't feel that the order is final or appealable. Neither do we feel it is worthy of certification. The senator has not yet been affected by any act of the government, and I suggest to your Honor that he would not be affected until such time as any evidence obtained through this grand jury investigation was sought to be used against him in an administrative or judicial proceeding, whether criminal or civil.

I don't mean to suggest by that statement that we entertain the use of any such evidence against him, but it seems to me that he has not been injured as a consequence of questioning which takes place before the grand jury, and consequently, your Honor's order does not at this point have such operative effect as to impose any injury or disability on him and it will not unless and until the order is disobeyed, and we certainly don't intend to disobey the order, and if evidenced is elicited, if and when it is used in such a way as to affect Senator Gravel's legal status. His status has not been affected at this point.

The COURT. I am far from clear that the speech and debate clause prohibits only use. It speaks in terms of inquiry, you see. Any inquiry is forbidden, not just any use.

[8] But let me get back to Mr. Reinstein, please, on a different aspect of this matter.

Mr. REESE. Yes, your Honor.

The COURT. Well, I would rather talk just to Mr. Reinstein, although I will hear Mr. Fishman later if you want or if you have something not covered by Mr. Reinstein.

I am not clear that the Perlman case is applicable in this circumstance, and I would like you to discuss Perlman a little bit further.

Mr. REINSTEIN. Yes, your Honor.

The COURT. Do you have an appealable order? That is one question I have. The second question I have is this: I don't think that Mr. Webber's situation is the same as Dr. Rodberg's; that is, the relationship is not the same. The reason for the Court's permitting Senator Gravel to intervene in the matter involving Dr. Rodberg was the same as the California court in Caldwell.

Caldwell was an employee of the New York Times. The New York Times was permitted to intervene. Dr. Rodberg was on the personal staff of Senator Gravel. He was not in every respect but substantially in the same position as was the New York Times in the Caldwell case. We are lacking that relationship here. Query, whether Senator Gravel has a relationship to Mr. Webber which would warrant his intervention.

So those are two questions I would like you to speak to, [9] the right to intervene, and secondly, whether you do have an appealable order, short of a court order directing Mr. Webber to testify, or some order beyond what you have stated you believe would be a sufficient basis for appeal.

Mr. REINSTEIN. Well, your Honor, first, on the intervention, our basis for moving to intervene in Dr. Rodberg's case was that Senator Gravel's legal rights were being threatened by the grand jury proceeding. It wasn't merely that Dr. Rodberg was an employee or agent of Senator Gravel, but that the grand jury inquiry was directed to Senator Gravel, and we believed that that inquiry was barred by the speech and debate clause.

Now, in your Honor's protective order, your Honor forbade the questioning of any witness, not just Dr. Rodberg, with respect to subject matter which your Honor held was barred from inquiry by the speech and debate clause. Therefore, it seems clear to us that Senator Gravel's rights in the Webber case stand on exactly the same footing as in Dr. Rodberg's case because our claim is essentially identical, that is, that a witness is being called before the grand jury and the government intends to ask him questions about matters which we believe they cannot do constitutionally.

We have no control over this witness. We have certainly less control over Mr. Webber than we conceivably could have over Dr. Rodberg. If Mr. Webber decides to enter the grand [10] jury room and testify about these matters—and we feel that this is a violation of the speech and debate clause—in that event the Constitution will be violated, and there is no subsequent remedy for that violation, because the constitutional violation, as Dr. Rodberg pointed out before, is the inquiry itself.

Indeed, in United States versus Johnson, when Johnson made a motion to quash the indictment because the grand jury had elicited impermissible evidence, the Court of Appeals ruled the indictment could not be quashed on that basis. So even if we accept Mr. Reese's suggestion that some rule might be fashioned, if the government decides to continue its inquiries in criminal proceedings against Senator Gravel, there in fact is not even a proper exclusionary rule, but in any event, the point of the speech and debate clause is to prevent the questioning itself, to prevent harassment, and it extends to the principle of separation of powers, which prohibits judicial inquiry into the matter under protection.

The issue in Mr. Webber's case is the same as one issue in Dr. Rodberg's case, and that is whether or not the grand jury may inquire into activities of Senator Gravel in attempting to have published the official record of a Senate subcommittee. That is certainly a very substantial question for the appellate court, and I suppose that brings me to the question of the appealability of denial of the motion to quash, and discussion [11] of the Perlman case. Actually, your Honor, the Perlman case also involved intervention, and I think it supports our motion to intervene as well.

What happened in Perlman was that Perlman was involved in a civil suit in which certain of his property was obtained by discovery and then introduced into evidence, and one of the lawyers in the case had possession of the property. The United States Government then decided to investigate Perlman for alleged violations of federal law before the grand jury, and a subpoena was issued directed to the lawyer who possessed Perlman's property. The lawyer did not dispute the subpoena. The lawyer was quite willing, as Mr. Webber may be in this case, and Dr. Rodberg, to appear before the grand jury and, in that instance, to turn over the property.

Perlman then filed a motion to intervene in the District Court—I believe it was then called Circuit Court—and Perlman moved to quash the subpoena and to obtain his property back. His arguments were two-fold on intervention. One was proprietary argument, that he had a proprietary interest in the property, but the other, which was the more fundamental argument and the only one discussed on the merits by the Supreme Court, was that the subpoena itself violated Perlman's Fourth Amendment rights, in that it amounted to an unlawful search and seizure.

The Supreme Court held, first, that on either basis, [12] Perlman had a right to intervene, and second, the Supreme Court held that the denial of the motion to quash the subpoena was a final, appealable order. The government's arguments in that case were, I think, identical to the argument set forth here by Mr. Reese, that Mr. Perlman should have waited until the proceedings were completed and the constitutional harm done and then try somehow, in some unspecified way, to get his property back and to somehow remedy what he contended was unlawful search and seizure, and the Supreme Court held unequivocally that Perlman had a right to appeal and that it was a final order and not interlocutory.

We have also called your Honor's attention in our reply brief to numerous cases in the Circuit Courts of Appeals which have established the proposition, particularly in cases like this where third parties who were intervenors are concerned, that where one of those third parties or intervenors is asserting a legal interest in either a subpoena issued by a grand jury or a subpoena in a civil case, and a motion to quash is denied, or, for that matter, granted, even though both of these actions are normally not appealable under Section 1291 as final orders, they are if that party can show that there is no alternative means of securing appellate review before the constitutional harm is consummated and there is no means of redressing them.

That is precisely the case that we have here. If the grand jury is permitted to go ahead and question Dr. Rodberg [13] and Mr. Webber about the question of republication, and they in their discretion decide they would not wish to be held in contempt of court and will therefore answer these questions, there is no way for us to file an objection, since Senator Gravel has no right, nor his representative, to be inside the grand jury room.

There is no post hoc exclusionary rule that can remedy the harm done, and if we are right that this is prohibited by the speech and debate clause, there will be a constitutional violation and it will turn into a fait accompli. As a matter of fact, it would seem to me that at that point the case would be entirely mooted and we could never take an appeal, given the United States versus Johnson, from what the grand jury did even should the government decide later on to continue its criminal proceedings against Senator Gravel.

The Court. Now I would like to put a question, but since you have said three times that these proceedings are against Senator Gravel, I am constrained to say that I have never observed any indication in any of these papers that this proceeding is directed against Senator Gravel.

Mr. Reinstein. By directed against Senator Gravel I meant, your Honor . . .

The Court. There are inquiries being made of things that he may have participated in, or perhaps not, but surely I have never seen any indication that he is a subject of any grand [14] jury investigation. I think that should be noted.

Mr. Reinstein. Well, your Honor . . .

The Court. I haven't seen any such indication.

Mr. Reinstein. Yes. I am not suggesting, your Honor, that the government intends to indict Senator Gravel. I wasn't suggesting that. The point I was making . . .

The Court. Well, I know what point you were making, but I think you may be overstating just a little bit the . . .

Mr. Reinstein. Well, the grand jury is part of the institution of criminal proceedings, your Honor.

The Court. Well, I would not have mentioned it except that you said three times that there was a grand jury proceeding against Senator Gravel. I just don't think the evidence supports such a characterization.

Let me ask this . . . two things: I am considering granting a stay for a short period of time, such as a week or ten days, during which time an appeal might be taken and a further stay granted by the Court of Appeals. That is at least a possibility here. Do you think that there is a proper distiction drawn between Mr. Webber and Dr. Rodberg on the basis of Dr. Rodberg's having filed statements in briefs and in oral argument through counsel to the effect that he feels duty-bound to resist the grand jury subpoenas?

Here is what I have in mind: Any doubt as to the appealability of any order that I might make would be removed should [15] I order Dr. Rodberg to testify, and perhaps, should he refuse to testify, the Court would entertain, if the government wants to seek one, an order that he be held in contempt, which motion I would act on, but should I make such an order, a stay would be more likely in such a situation . . . would be likely, let me put it that way, in such a situation, and there would be no question as to the appealability of such an order.

I do feel that there may be a distinction here with regard to the senator's rights in the Rodberg matter and in the Webber matter, and I would like to hear your view of that. Hasn't Dr. Rodberg already gone on record in these proceedings to the effect that he considers, due to his being a member of the senator's personal staff, he is duty-bound to refuse to answer these questions? Why shouldn't the Court proceed on that basis?

Mr. Reinstein. Your Honor, I don't think Dr. Rodberg has ever represented to the Court that he will not testify before the federal grand jury. We do not, of course, represent Dr. Rodberg. Senator Gravel has no legal power over Dr. Rodberg. Given the secrecy of the grand jury proceedings, we are not even in a position to be able to find out after the fact exactly what happened in the grand jury proceedings.

Your Honor possibly may be correct. I honestly don't know. I have not discussed either Dr. Rodberg or his counsel what he intends to do should all of his motions be [16] denied and another subpoena served on him or an order served on him to appear before the grand jury. It does seem to me, however, your Honor, that it may be impermissible speculation to assume that Dr. Rodberg will not answer those questions upon the threat of a contempt citation against him.

With respect to Mr. Webber, I suppose your Honor is suggesting that the appealability in Mr. Webber's situation is probably stronger than in Dr. Rodberg's, and . . .

The Court. No. I am suggesting only that the appealability of . . . an order directing Dr. Rodberg to testify or adjudging him in contempt for refusal to testify is clearly appealable.

Mr. Reinstein. Yes, your Honor.

The Court. There you remove any doubt about the Perlman applicability. What about a stay of a short period of time, perhaps one week, subject, of course, to a further stay being granted by the Court of Appeals? How long would you need to appeal an order of this Court? You would appeal it promptly, I would assume.

Mr. Reinstein. Yes, your Honor. We would appeal almost immediately.

The Court. Well, let me ask Mr. Reese some questions about this matter. One of them I neglected to ask before is whether or not Mr. Webber is represented by counsel of his own selection.

[17] Mr. Reese. Yes, he is, your Honor.

The Court. And who is his counsel?

Mr. Reese. Mr. John Curtin, who has his office here in Boston.

The Court. Is Mr. Curtin present in the court room?

Mr. Reese. No, he is not, your Honor.

Mr. JONES. I am associated with Mr. Curtin. I haven't had an opportunity to discuss the case at any length with Mr. Webber, since he has just returned from out of the country.

The COURT. Well, there has been no appearance filed. I just wondered if he had separate counsel, which he evidently has.

Mr. JONES. Yes, your Honor.

The COURT. Thank you. What now are your comments, Mr. Reese, on these points made by Mr. Reinstein? if any. I am not requiring that you do so. You have already stated the government's position generally, but I wondered if you had any particular points to raise in response to Mr. Reinstein.

Mr. REESE. I don't think I can offer anything new, your Honor. We feel, as I have indicated, that the speech and debate clause is concerned with a congressman being called to account for conduct, as distinguished from being protected from questioning in an interrogating setting, so to speak, but I want to confirm that the government entertains no idea of proceeding against Senator Gravel. That is simply not probable in this case at all.

As far as the witness Webber is concerned, certainly the [18] subject matter of his testimony could not logically be limited in any event to statements or conduct of a staff member of Senator Gravel regarding a mission that he might have been on as a representative of Senator Gravel for the purpose of publication of the Pentagon papers. There are other factual components which we have a legitimate interest in which might be forthcoming from the witness Webber which have absolutely nothing to do with this contact with a representative of Senator Gravel's staff.

The COURT. Well, that introduces a new element, you see. It has been assumed by the senator's counsel, and also by the Court, that your interest in Mr. Webber related to the conversations between him and Dr. Rodberg that were described in that Boston newspaper article. To the extent that your inquiries of Mr. Webber have to do with other matters than republication of the senator's incorporation of the Pentagon papers into the subcommittee file, well, then, I expect different considerations would be controlling.

Mr. REESE. Well, your Honor, I didn't want to suggest that there was an obviously separate area of inquiry. I must in fairness concede that the other areas of interest to us are ancillary, so to speak, or originated from the contact made by the senator's representative.

The COURT. Well, thank you.

Mr. REESE. So they are not that easily segregated.

[19] The COURT. I just wanted to ask, Mr. Fishman had some point. I don't want you to just repeat something Mr. Reinstein said. If you have some separate point to make, however, I will hear you, as I said I would.

Mr. FISHMAN. With respect, your Honor, to the question we are dealing with, it seems to me there are three basic points I would like to make fairly clearly. The first is that the issue before your Honor I submit does not revolve around the status of Mr. Webber or Dr. Rodberg, but revolves around the point the Court made earlier, which is whether or not under the speech and debate clause there can be an inquiry.

If that is the key, inquiry, prohibition of inquiry, it doesn't seem to matter what the relationship is between people so long as they have privileged knowledge. Dr. Rodberg does have privileged knowledge, as the Court has recognized. Mr. Webber does have privileged knowledge, as counsel for the government just stated. If in fact we are correct, the republication is protected. That is the basis upon which we seek to intervene, not the status of the parties, but the nature of the inquiry sought by the government.

The second point is on the question of appealability. In the Perlman case, the court specifically said that the only reason Perlman's appeal was allowed was the absence of any other remedy to Mr. Perlman; if he was going to raise the question at all and secure a ruling on his constitutional [20] point, the only way that could happen is if the court took the order as a final order for purposes of the federal statute.

We have precisely the same question here. It is a functional approach. If this Court should hold that the order is not appealable, then there is no other vehicle by which the senator can raise the question. There is an absence . . .

The COURT. That is a point that was pretty well discussed by Mr. Reinstein. I don't want a rehash of Mr. Reinstein's argument but whether there was something separate you had in mind.

Mr. FISHMAN. No. That is all, your Honor.

The COURT. I will take these motions . . . Well, I guess Mr. Reese has something to say. He consulted with his associate.

Mr. REESE. Without abandoning our opposition to the theory that the Court's order is appealable, I would like to point out to the Court that his investigation has been very, very seriously impeded. I don't think anybody would deny that. However, if the Court grants a stay for a short period of time for the purpose of accommodating filing of a notice of appeal, I would urgently request that that period of time be very short and that a condition of it be that the senator be ordered to file his appeal within twenty-four hours. I think that is really just a rather perfunctory form of proceeding, a piece of paper filed indicating that the movant intends to appeal [21] the decision of the Court.

The COURT. Well, I will consider the point, but actually the time limit on the stay would be gauged not simply to counsel's speed but to the availability of the Court of Appeals. Judge Aldrich in the Court of Appeals chances to be at the Judicial Conference of the United States, in Washington.

Mr. REESE. I see.

The COURT. He is not in Boston today. That is another consideration. But I had one other—Oh, this matter of impeding of the grand jury investigation. I just don't like to let these comments go without the Court's comments. I was constrained to comment when Mr. Reinstein said three times that the senator was a target of this investigation. As far as the delay of the grand jury proceedings is concerned, I think the delay has been at least partially attributable to the necessity of government counsel's being all over the country in this matter.

I am thinking, for example, of the matter set for hearing tomorrow morning. The government requested a ten-day or two-week postponement. I was prepared to hear that matter a week or more ago, and it was set down for tomorrow because the government asked that the hearing be scheduled for some time on or after the 28th of—I think it was after the 28th of October, so I don't consider that the delay here can be attributed to anybody. I think it is in the nature of the [22] situation, and I don't charge these witnesses or defense counsel or anyone, including government counsel, with the delays. These delays are just in the nature of the situation.

Mr. REESE. I understand, your Honor. I should have used the word delay. Incidentally, as to the matter that was to be heard tomorrow, I noticed for ten days out of consideration for counsel for the witness in that case. I would have been delighted to have it heard immediately. It was no convenience of mine that was a factor in that ten-day period.

The COURT. That is what I mean by the nature of the situation. These delays are sometimes required by the complexity of the problems presented.

I will take a short recess and come out and announce my ruling on this matter.

Mr. Reinstein wants to get in the last word.

Mr. REINSTEIN. Well, your Honor, we also have the question of the motion for further relief to be discussed.

The COURT. Oh, I am considering that. I have it here. I thought that your remarks had encompassed that.

Mr. REINSTEIN. No, your Honor, they did not. The motion for further relief is somewhat separable from our motion to intervene and to quash in the Webber case.

The COURT. Well, then, say what there is to this over and above what you have already said.

Mr. REINSTEIN. Yes, your Honor. Subsequent to your [23] Honor's memorandum and decision of October 4th, we obtained information which made it necessary for us to file this motion for further relief and also a motion for a stay of all grand jury subpoenas outstanding, that were issued by this particular grand jury.

The reasons for this are two-fold. First, we have learned that the United States Government has subpoenaed witnesses who possessed information on the issue of republication. I am referring not only to Mr. Webber and to Dr. Rodberg; there are other witnesses as well. We do not have, unfortunately, a list of all of the witnesses whom the grand jury has subpoenaed. We do have information, though, that from the names that we have now, a substantial number of them do possess information on the issue of republication, and in prior conversation with Mr. Reese, he was fairly forthright in admitting that the grand jury was interested in that question.

Secondly, we have also learned that the United States has subpoenaed certain other witnesses for the purpose of inquiring into matters which we believe are barred from inquiry by your Honor's protective order of October 4th. We do know that certain witnesses possess privileged information, first of all, and second of all, again, in discussions with Mr. Reese on October 12th, he did tell us that the government was interested in finding out the source of the material which Senator Gravel used to prepare for the subcommittee hearing on June [24] 29th and the material which was then inserted into the record. We believe that this and other questions of privileged information which these witnesses possess have to be determined in advance, or else there is the same threat as there is in the Rodberg and Webber case of Senator Gravel's constitutional rights being violated without any mechanism being available for us to object and for the Court to construe the meaning of its protective order of October 4th.

We therefore moved that the United States provide a listing of all the witnesses who have been subpoenaed or are scheduled to appear before the federal grand jury in order that it may be determined which of these witnesses, in addition to the ones that we know of already, possess privileged information or are in the position of Mr. Webber and Dr. Rodberg, and then we would like with respect to those witnesses a hearing to be held to determine what relief can be granted to Senator Gravel.

We propose here, as with Dr. Rodberg and Mr. Webber, that the only feasible technique is a governmental specification on the proposed scope and the questions to be asked by the grand jury, as the government did in the case of United States versus George and the Caldwell case. They did that voluntarily, and they were ordered to do that by the District Court in the Verplanck case as a prerequisite for continuing.

Those cases involved issues of much lesser constitutional [25] importance. At least, United States versus George did. The court there was concerned with a nonconstitutional privilege, the husband-wife privilege, as well as the right of a person not to be called by a grand jury on the same matter for which he has been indicted. The government there voluntarily provided a specification.

The Caldwell case involved issues of substantial constitutional importance under the First Amendment, and so did Verplanck, and the issues we are raising here are at least as important in the context of separation of powers and the free speech rights of members of Congress.

The government has never responded to our argument that a specification was necessary and that it is impossible for there to be scrupulous compliance with a protective order and judicial review of it without the court's overseeing what is happening in advance in the grand jury. This is a technique that the Supreme Court has ordered in First Amendment cases involving seizures of allegedly unprotected written material and injunctions against demonstrations.

We don't see, particularly with the fact that the government has subpoenaed Mr. Webber particularly—we might also mention Mr. Chomsky, who has information on the issue of republication, and whom we believe the government has subpoenaed for that purpose. The government has done this even though your Honor took under reconsideration at that very time our [26] motion for reconsideration on the very issue of republication, which is dispositive of the Webber case, at least, and probably the Chomsky case.

The Court. The reason for the Court's taking it under advisement was to enable the government to reply. I didn't wish to rule on the matter without giving government counsel an opportunity to reply.

Mr. Reinstein. And what the government did was, thereupon . . . I am not accusing the government of bad faith; I am just trying to illustrate the difficulties we have in trying to assure Senator Gravel's rights under the protective order will in fact be sustained, because in the interim, the government subpoenaed at least two people for the purpose of inquiring into the question of republication while your Honor had the motion for reconsideration under advisement and while the stay of the subpoena to Dr. Rodberg was issued.

We also have the fact that the government has told us that they were very much interested in finding out the source of material that a United States Senator obtained and used in preparation for a speech in a subcommittee report. We think that is barred by the first provision of your Honor's protective order. We also know there is other information which proposed witnesses have which relates to the conduct of the hearing itself, the preparation for it, and conduct antecedent to it which is intimately related to the subcommittee hearing.

[27] The Court. It is things done by the senator, not by Dr. Rodberg. It is not things done by other persons.

Mr. Reinstein. Yes, your Honor.

The Court. In other words, if these papers, let's say hypothetically, passed through the hands of Mr. X and Mr. Y before they came into the senator's possession, I don't expect that any reasonable construction of the first paragraph in the protective order would bar inquiry into the actions of Messrs. X and Y.

Mr. Reinstein. We are not suggesting that. We are suggesting that the inquiry that the government intends is to find out how Senator Gravel himself, first of all, obtained the information, how he prepared for the hearing. The information, how he prepared for the hearing. The information which we are talking about is information which people know of. With respect to Senator Gravel himself——

The Court. Let me ask some questions of Mr. Reese on this matter.

Mr. Reinstein. Yes, your Honor.

The Court. What is your response to these points?

Mr. Reese. Well, my response, your Honor, is along the lines of the hypothetical that your Honor just presented on X and Y. I have got to deny the factual assertions made by counsel here that we are concerned with Senator Gravel's activities with regard to these papers and the preparation of his meeting and the reading into the record of the papers and [28] and so on. We are definitely interested in the source of the papers, and it seems to me I made that fairly clear in my comments to counsel on the occasion of our first meeting.

Incidentally, your Honor, I suppose I should go on to say in response to counsel's argument that we would effectively be deprived of an investigative tool which is legitimately ours, it goes without saying, if what was permitted was virtually unfettered surveillance by the senator of the scope of the investigation.

The Court. Here is the other problem raised by Mr. Reinstein: Pending appeal, perhaps the Court should consider some sort of protective order relating to the republication insofar as the senator, either personaly or through Dr. Rodberg, took actions directed toward republication. I am aware that on the merits I felt that the government was sound in its position that republication was not embraced by the speech or debate clause. I surely, however, could not characterize as frivolous the position taken by Senator Gravel's counsel. What would the government's view be toward refraining from, pending appeal, exploration of things done by either Senator Gravel or Dr. Rodberg in connection with republication?

Mr. Reese. May I confer for just a moment?

The Court. Yes.

[Brief pause.]

Mr. Reese. Well, Your Honor, the government's position [29] is that we should not agree to that approach because of the possibility of our conducting an investigation into the sources of publication of the Pentagon papers by other entities which could conceivably lead us to the identification of Dr. Rodberg as a source, and then we would be coming up against the problem which would be presented by this kind of a protective order.

The Court. Well, I will take these matters under advisement for a short period of time. Do you have some final point?

Mr. Reinstein. Yes, I do, your Honor. I would just like to make the point that the discussions that have gone on now about the two questions of the propriety of proposed questions before the grand jury, we just meant those to illustrate the problems that we have of enforcing and that the Court has in judicial review of enforcing the protective order. We now have debates upon the legality of two proposed questions. We cannot anticipate all of the proposed questions.

I don't think we can ask to post a sentry outside of the grand jury room door to see who is being called and whether he knows anything about Senator Gravel. That is why, your Honor, in the motion for further relief we have asked for a listing of the names of these people and a determination of which ones have privileged information, so that some sort of specification procedure or another procedure of that sort can be used [30] to insure judicial review of these questions. The same thing is going to happen in the grand jury room, with one difference, and that is, the witness will be in no position to determine whether or not the government is violating, albeit unintentionally—we don't accuse them of bad faith—but in any case, the witnesses cannot determine your Honor's protective order and whether or not questions posed to him are barred by the protective order or whether there is a substantial question as to whether or not they are. That is why we are asking for a specification that the government has characterized as our position of surveilling the grand jury, which I think is incorrect, your Honor, given the fact that the government has voluntarily used this exact procedure before in cases of lesser constitutional magnitude.

The Court. You have said that before. We will not take a recess.

[A recess was taken.]

AFTER RECESS

The Court. Here are my rulings on these matters. First, in the Webber matter, the motion to intervene is allowed. With respect to the motion to quash or stay the grand jury subpoena, the motion to quash is denied but the motion to stay is allowed to the extent that enforcement of the subpoena on [31] Howard Webber is stayed for ten days. I haven't written out in the margin the purpose, which I think is obvious. It is contemplated that counsel for Senator Gravel as intervenor will appeal promptly, and the stay for ten days is allowed rather than three or five or seven because whether the stay should be extended is the sort of question that has to be given some consideration by the Appellate Court.

Those, incidentally, are in EBD 71–209. The Clerk's Office opened up a separate case with respect to Mr. Webber.

Now with regard to 71–172, which has to do with Dr. Rodberg, there are similar orders entered. On the motion of the senator for reconsideration and stay pending reconsideration or appeal, the motion for reconsideration is denied, but the motion to stay is allowed to the extent that enforcement of the subpoena on Leonard Rodberg is stayed for ten days, and the other orders in that case are parallel.

The government filed a motion for an order commanding Leonard Rodberg to appear before the grand jury today. That motion is denied without prejudice to renewal upon expiration of stay or stays, as the case may be, of enforcement of the subpoena on Leonard Rodberg granted on the motion of the intervenor, Senator Gravel.

Now we have here a motion by Dr. Rodberg for rehearing or certification, and for stay. The motions for rehearing or certification are denied. The motion for stay is mooted by [32] the stay of ten days granted on the motion of Senator Gravel. In other words, the party here who has standing to appeal and whose interests are at stake is the intervenor, Senator Gravel, and is not Dr. Rodberg. It is on the senator's motion, not on Dr. Rodberg's, that the stay is granted, but the effect is the same. Dr. Rodberg may not be questioned by the grand jury for a period of ten days. Whether that period is longer than ten days will be something that will be decided by the Appellate Court.

Now, on the motion for further relief, I have not written the order as I have in the other motions because there is not room in the margin to write what I will write when I get downstairs this noontime, or after the noon recess. With respect to this motion for further relief, I don't know whether it should be said it would be denied in part and allowed in part, but this is what I will be writing. It is denied to the extent that it requires the government to list witnesses and to file lists of questions that are going to be asked of witnesses and in other respect to sort of preview the grand jury's interrogation to be sure that the senator's rights are not violated. It will, however, be allowed to this extent: that the Court will fashion a supplemental protective order of the same duration as the stay barring inquiry into acts done either by Senator Gravel, or by Dr. Rodberg as his agent, arranging for the republication of the Pentagon papers.

[33] I will say by way of explanation, I am not granting the relief in the form of lists of witnesses and questions and that sort of thing, because the Court relies, and feels it has good reason to rely, on the intelligence and good faith of government counsel in abiding by the Court's protective orders. I don't need to be at government counsel's elbow to be sure that unambiguous orders are obeyed. That is the reason I want to write this rather than just state it orally. I want

to be certain that the supplemental protective order contemplated is in writing such that it can be a clear guide to governmental counsel.

The purpose of it is, I trust, obvious, and that is that until the Court of Appeals has had a look at this case and these motions, the substantial point which Senator Gravel seeks to preserve must be protected, and absent the supplemental order that I have outlined, the point could be mooted by questions which would be answered by grand jury witnesses, without any means of protecting and preserving his point.

I hope to file this order in writing this afternoon, but in the interim I would specifically direct government counsel to abide by what I have said at this time.

I think that disposes of the motions that are pending to be heard this morning. I don't think it disposes of them to everyone's satisfaction necessarily, but is there anything that is pending that has not been ruled on?

[34] Mr. Fishman. Well, just one minor item we would point out, your Honor, which is, on the motion for further relief we also specifically addressed ourselves to the question of how Senator Gravel received the papers. One allegation—

The Court. Yes, but I consider that the order already entered covers that.

Mr. Fishman. In the sense—I want to make it for the record, your Honor—in the sense that your Honor's order prohibits the government from questioning any witness now or possibly in the future who are to be brought before the grand jury with respect to how Senator Gravel got those papers. Is that correct, your Honor?

The Court. It bars inquiry into what he did or what Dr. Rodberg did after Dr. Rodberg was hired as the Senator's assistant. It does not bar inquiry into what Dr. Rodberg did previous to his becoming an assistant.

Mr. Fishman. That is correct, your Honor. That is correct.

The Court. Or members of the Senator's personal staff. All I can do is repeat the X and Y example. Whatever he did is privileged and may not be inquired into, but let's—Well, really, all I have to say is, read the Johnson case again. That is all I can recommend. I am not going to enlarge upon the memorandum I wrote. I endeavored to spell it out in the protection order already entered, and I think I did, so [35] I am not going to enlarge upon that further at this time.

Mr. Fishman. That is satisfactory.

The Court. And I don't know who is going to be here tomorrow. What is on for tomorrow?

Mr. Reese. Mrs. Marx, your Honor.

The Court. Mrs. Marx.

Mr. Reese. And Mr. Chomsky.

The Court. And Prof. Chomsky.

Mr. Reese. Yes, your Honor.

The Court. All right. Well, that concludes this matter. And we will get the jury in the land damage case.

Mr. Reinstein. Thank you, your Honor.

Mr. Fishman. Thank you, your Honor.

[Thereupon the hearing was concluded.]

VOLUME 5

[Caption Omitted in Printing]

Donald M. Woodring, sworn Direct Examination by Mr. Reece.

[54] Q. Would you give the Court your name and address and current employment? A. Donald M. Woodring. I am assigned to the Boston Division, Federal Bureau of Investigation.

Q. Pursuant to that employment, Mr. Woodring, when did you first call on the New England Merchants Bank? A. I believe it was last Wednesday.

Q. Last Wednesday.

The Court. A little louder please. I am the gentleman who is supposed to be hearing this.

The Witness. Excuse me. It was Wednesday.

Q. Was that before the subpoena was served or after? A. To my knowledge it was after the subpoena was served.

Q. Did you call upon the bank before the subpoena was served? A. No, sir.

Q. To your knowledge did anyone else from your agency call upon the bank? A. I have no idea.

Q. Who did you have conversation with on Wednesday when you first called on the offices of the bank? A. W. Clifford Gittins. He is Assistant Vice President.

[55] Did you talk with any other officers of the bank on that date? A. No, sir.

Q. When did you next visit the bank? A. I haven't been there since Wednesday.

Q. Wednesday of last week? A. Just this past Wednesday.

The Court. We are talking about two Wednesdays then?

The Witness. No, sir, one day.

The Court. I thought you said you went to see him before the subpoena was served.

The Witness. No, sir. I said I did not.

The Court. I beg your pardon. If you will please keep your voice up? This is a big room.

The Witness. Yes, sir.

Q. So this past Wednesday was the first time you visited the bank? A. That's true.

Q. And to your knowledge it is the first time anyone from your agency had visited the bank?

Mr. Bachman. Well——

A. Well, someone, it is my understanding that someone was over there to serve the subpoena.

[56] Q. Is it your understanding someone was there prior to the service of the subpoena? A. No, to serve the subpoena.

Q. Is it your understanding—do you understand whether anybody was there before the service of the subpoena? A. I have no idea as to that.

Q. Who accompanied you on Wednesday, this past Wednesday, when you went over? A. This would be Special Agent Charles Hickey.

Q. Is he in the court room today? A. No, sir.

Q. Is he in this building today? A. I have no idea.

Q. Would you tell the Court what you did at the bank on this day? A. Yes. I went into Mr. Gittins' office, and he was not in the office at the time I walked in. I had called him before I went over so he was expecting me, and his secretary was present. She said, "What you want to see is here."

Q. Do you know her name? A. Mrs. Hume. I believe. She said, "The documents you're looking for are right here."

Q. I can't hear you.

[57] Mr. Reece. Your Honor, I don't hear him well either.

Q. Would you mind keeping your voice up? I can't hear you, sir. I apologize. A. I always think I'm talking too loud and end up going down. She said, "The documents that you're interested in are here on the desk. If you want to sit down, fine."

Q. So at the time you made this visit there had been collected for you some bank documents? A. That's correct.

Q. Which were turned over to you? A. That's correct.

The Court. He didn't say they were turned over.

Q. They were given to you for your inspection? A. For examination, that's right.

Q. Who was present while you inspected these documents? A. Mrs. Hume was sitting at her desk. Special Agent Hickey was there. And after very few moments Mr. Gittins arrived.

Q. What did you do in reference to these documents? A. All I did really was to page through them, noting the description of the account, and attempted to eliminate [58] those accounts which I felt we would not be interested in.

Q. What was the criteria for determining what you would be interested in or would not be interested in? A. I felt that what we will be interested in would be a general operating account, and on that basis I could eliminate the payroll account, a building management fund, and things of that sort.

Q. What was your interest in the general operating account?

Mr. Backman. I object.

The Court. Excluded.

Q. What did Mr. Hickey do in connection with these documents? A. I don't know that he did anything except sit there with me while I looked at them.

Q. Did either of you make any copies? A. No, sir.

Q. Did either of you make any notes as a result of your examination of the documents? A. I did not.

Q. Did Mr. Hickey? A. I don't know.

Q. Weren't you both sitting together? [59] A. Yes. We did not make any notes at the time we were in the office. What he may have written up when he returned to the office I don't know. I was there, I might add, because of my familiarity with bank records in general, that is basically being an accountant.

Q. Had you been familiarized with the Court's order in respect to this subpoena? You knew the subpoena had been served? A. I knew there was a—I had been told there was a subpoena served.

Q. Had you been told that the Court had taken any further action in regard to this subpoena? A. No, not that particular subpoena.

Q. Sir? A. I was aware of no action in regard to that particular subpoena.

Q. How did it happen that you visited the bank on that day, on Wednesday, this past Wednesday? A. I was asked to do so by superiors in the office.

Q. Would you indicate to the Court what superiors ordered you to do so?

The Court. I am losing you, Mr. Reed.

Q. Would you indicate to the Court what superiors ordered you to appear at the bank? [60] A. I'm trying to think. Actually, the instructions I got came from my own supervisor, Thomas J. Honan, and the instructions, and so forth, came from another agent, who is Robert Bowe.

The Court. Have we got it clear what the instructions were?

Mr. Reed. No, sir.

Q. What were the instructions, sir? A. I was told to discuss with the Vice President of the bank means of simplifying the request in the subpoena.

The Court. Means of simplifying what?

The Witness. The request in the subpoena. In other words, it was a rather blanket subpoena, and we were trying to narrow down just where our interest might lie.

Q. What criteria was given to you for narrowing your inquiry? A. Well, that is difficult to say. We were looking for certain payments and transactions, which would not occur, say, in some of these other accounts which I eliminated.

Q. Was the criteria limited by the publication of the Pentagon Papers?

Mr. Bachman. I object, your Honor.

[61] The Court. Well, that is a leading question, I suppose. Strike it out.

Q. There came a time then, I gather, that you decided you were interested in some records and not interested in other records? A. That is correct.

Q. Was the subject matter of the Grand Jury inquiry discussed with you?

Mr. Bachman. I object.

The Court. He may answer.

A. Could you clarify that a little, please?

Q. You knew a Grand Jury subpoena had been served on the bank? A. Yes.

Q. Did anyone ever discuss with you the scope of the Grand Jury inquiry? A. Not really. As I say, I am not involved in the investigation or any other matters other than as a kind of accounting advisor, put it that way.

Q. You were given such information so you would know what bank records were relevant and what were not relevant, were you not?

Mr. BACHMAN. I object, your Honor.

The COURT. He may answer.

[62] The WITNESS. I may answer?

The COURT. Yes.

A. Yes, sir.

Q. How did you determine that relevancy? A. Well, I knew the things we would be interested in would be transactions in a general account, general operating account.

Q. Relating to what? A. Well, relating to certain of the transactions we might be interested in. I don't quite know how to——

The COURT. You have gone all the way around the barn without letting us know what kind of barn it was.

The WITNESS. Well, we were interested in the so-called Pentagon Papers.

Q. In the publication of the Pentagon Papers? A. Right.

Q. Were you interested in any transactions with relation to Senator Gravel?

Mr. BACHMAN. I object.

The COURT. What is your objection?

Mr. BACHMAN. I think he has already answered the question, that the Pentagon Papers was the general subject given to him, and that is all there was.

[63] The COURT. He may answer.

The WITNESS. I shall answer?

The COURT. Yes.

A. Yes, sir.

Q. What is your answer, sir? A. Yes, sir.

Q. When is your next appointment with the bank? A. I have none.

Q. When you left the bank what was your understanding as to what would be done? A. That certain of the transactions contained on the account that we had narrowed the thing down to—

Q. That you had identified? A. Yes. In other words, we ended up with two accounts that we would be interested in and some of the backup material to those accounts was going to be prepared for us.

Mr. REED. That is all, your Honor.

CROSS-EXAMINATION BY MR. BACHMAN

Q. Mr. Woodring, could you describe the type of document that you or the documents that you examined while you were over there? A. Yes.

[64] What I looked at was bank copies, in some cases photostatic copies, of normal bank statements, the kind everyone would get.

The COURT. Copies of normal bank statements?

The WITNESS. Yes, the bank statement that you would get at the end of each month.

The COURT. By "normal" do you mean typical? I don't know what "normal" means.

The WITNESS. Yes.

The COURT. I don't want to put words in your mouth. I am very curious as to the details of what you were looking at. How detailed was it? How extensive was it?

The WITNESS. This would be that bank statement that would be very similar or exactly the same really that any individual would get as a statement of his account at the end of the month.

Q. Would you describe the information that these papers or that any one of these papers contained, not specifically but the type of information? For example, did it contain the name of the account? A. Yes.

Q. The account number. A. Yes.

[65] Q. Was it a statement of the deposits that were made to that account during a given period of time? A. That is correct.

The COURT. Like the monthly foldover statement?

The WITNESS. Yes, sir.

Q. And it was a statement of the amount of the checks drawn? A. That is correct.

The COURT. Was this a monthly statement?

The WITNESS. Yes, it was.

The COURT. How many of them did you look at?

The WITNESS. I believe they covered from July through October.

The COURT. Of nine different accounts?

The WITNESS. I do not recall the exact number of accounts, but I would say somewhere between eight and ten.

The COURT. Well, if they already had the statements, what were all these items that would have to be prepared?

The WITNESS. This would be photostatic copies of the individual checks.

The COURT. So if it just said $5,280, you didn't know what that was for or who it was to?

[66] The WITNESS. That is correct, sir.

The COURT. Thank you.

Q. Did you make or did anyone in the bank make and give you any copies of these statements? A. No, sir.

Q. Did you make any notes of the items that appeared on the statements? A. No.

Q. Did you make any notes as to the various account names or numbers? A. No.

Q. Did you subsequently make any report of any of the information contained in any bank statement or any of the statements which you looked at? A. No, I did not.

Q. To your knowledge did Mr. Hickey? A. Not to my knowledge, no.

Mr. BACHMAN. May I have a moment, your Honor?

The COURT. Yes.

Q. Did you have a conversation with Mr. Gittins as to which accounts you would not be interested in? A. Yes, I did.

Q. About how many of the between eight and ten accounts did you tell him there would be no interest in? [67] A. All of them but two.

Q. Did you make any arrangements with Mr. Gittins to receive in the future any documents from him or from the bank concerning or that might have appeared on the statement or where items might have appeared on the bank statements? A. Yes.

Q. Did you understand the question? A. Maybe I didn't.

Q. Did you make any arrangements to come over and pick up any copies of any documents at a later time? A. In an indirect way, yes. He was going to copy, as I mentioned, some checks, deposit tickets, and so forth, and then notify the office, and at that time we would pick them up.

Q. Have you received any notification from him? A. No.

The COURT. This is Mr. Gittins?

The WITNESS. That is correct, sir.

Mr. BACHMAN. I have nothing further, your Honor.

Mr. REED. That is all, your Honor.

The COURT. Thank you.

Mr. REED. Thank you, Mr. Woodring.

[68] Mr. FISHMAN. I don't know what would be involved on the basis of this, your Honor.

The COURT. A little louder.

Mr. FISHMAN. I don't know what would be involved at this point, but on the basis of this testimony we think it would be important to call Special Agent Hickey in to pursue this line a little further to establish just what he did.

The COURT. Where is Mr. Hickey?

Mr. BACHMAN. I have no idea, your Honor.

The COURT. When did you last see him?

Mr. BACHMAN. I don't believe I have ever seen him.

The COURT. You, sir?

Mr. REECE. Your Honor, I talked with Special Agent Dan Glasgow, I think about 1:30 I talked to him, and I asked him the names of the agents who went to the bank, and he gave them to me, and he said that neither of them was in, that one of them was in the field, I think it was Mr. Hickey, I'm not sure, and I told him to have him call me immediately. I, of course, have not been in my office for some time, and I have had no response with the exception, of course, of Mr. Woodring.

[69] The COURT. Well, we will take a recess for you to go down and see whether Mr. Hickey is around and available.

Mr. REECE. Very well, your Honor.

(Recess.)

(Arguments of counsel.)

[Supreme Court of the United States, October Term, 1971—Nos. 71-1017, 71-1026]

CONSOLIDATED BRIEF OF SENATOR MIKE GRAVEL

Mike Gravel, UNITED STATES SENATOR, *Petitioner, v.* United States of America, *Respondent.*

United States of America, *Petitioner, v.* Mike Gravel, United States Senator, *Respondent.*

On writs of certiorari to the United States Court of Appeals for the First Circuit.

OPINION BELOW

The opinions of the United States Court of Appeals for the First Circuit and the Protective Order (as modified) are not yet reported and are reproduced in the petition for writ of certiorari filed by each party hereto. The opinion of the District Court is reported at 332 F. Supp. 930 (D.C. Mass. 1971).

JURISDICTION

The judgment of the United States Court of Appeals for the First Circuit was entered on January 7, 1972 and was amended on January 18, 1972. A timely petition for rehearing was denied on January 18, 1972, and Senator Gravel's petition for writ of certiorari was filed on February 9, 1972. The Solicitor General petitioned for writ of certiorari on February 10, 1972. Both petitions were granted on February 22, 1972. The mandate of the Court of Appeals was stayed by Mr. Justice Brennan acting as Circuit Justice on January 24, 1972, pending the filing and disposition of the petition for writ of certiorari, provided that filing of the petition occur on or before February 10, 1972. The stay was extended until disposition of the case on the merits, and an expedited schedule was ordered upon motion of the Government.

This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

The Court of Appeals rightly held that there was jurisdiction under 23 U.S.C. § 1291 because Senator Gravel had no other means of obtaining review and consequently the denial by the District Court of his motion to quash was, as to him, a final appealable order. *Perlman* v. *United States,* 247 U.S. 7 (1918). See *United States* v. *Ryan,* 402 U.S. 530, 533 (1971). The Court of Appeals' finding in this regard has not been challenged by either party hereto. Similarly, this Court has jurisdiction.

QUESTIONS PRESENTED

Questions presented by Senator Gravel:

1. Does the constitutional responsibility of a United States Senator to inform his constituents and colleagues about the workings of government require that his actions in publishing an official, public record of the subcommittee of which he is chairman, containing documentary information critical of executive conduct in foreign affairs, be accorded protection as legislative activity under the Speech or Debate Clause?

2. May a federal grand jury at the request of the executive branch inquire into and investigate the legislative activities of a senator by utilizing compulsory process to interrogate persons with whom a senator dealt and to secure documents about his planning and executing a senate subcommittee hearing and publishing the official record of that hearing?

3. May an otherwise impermissible inquiry

be allowed because the legislative activity in question was carried out in a manner deemed by a federal court to be irregular and contrary to the court's notions of germaneness and of the proper way for the Senate to internally allocate its functions?

Questions presented by the Solicitor General:

4. Whether Article I, section 6, of the Constitution providing that ". . . for any Speech or Debate in either House," "the Senators and Representatives . . . shall not be questioned in any other Place" bars a grand jury from questioning aides of members of Congress and other persons about matters that may touch on activities of a member of Congress which are protected "Speech or Debate."

5. Whether an aide of a member of Congress has a common law privilege not to testify before a grand jury concerning private republication of material which his senator-employer had introduced into the record of a Senate subcommittee.

CONSTITUTIONAL PROVISION INVOLVED

Article I, section 6, of the United States Constitution, commonly referred to as the Speech or Debate Clause, provides:

"The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; *and for any Speech or Debate in either House, they shall not be questioned in any other place.*" (Emphasis added.)

STATEMENT OF THE CASE

The facts which form the basis for all of the legal submissions in this case are undisputed and are reported in the decisions of the District Court (S.G.P. 38)[1] and Court of Appeals (P.W.C. 1a).

Senator Mike Gravel is a duly elected and certified member of the United States Senate and chairman of the Senate Subcommittee on Buildings and Grounds. On June 29, 1972, he convened a public meeting of the subcommittee with United States Congressman John Dow testifying as a witness. During the course of the meeting, Senator Gravel read and inserted into the official subcommittee record part of the material commonly referred to as the "Pentagon Papers" (P.W.C. 2a). Senator Gravel stated at the outset of the hearing that the conduct of United States foreign policy in Indochina was relevant to his subcommittee, as to practically every subcommittee in the Congress, because of its effects upon the domestic economy, and specifically, the lack of sufficient federal funds to provide for adequate public facilities (S.G.P. 46–47). In order to make the contents of the subcommittee record widely available to his colleagues and to the electorate, Senator Gravel arranged, without any personal profit to himself, for its verbatim publication[2] by Beacon Press, a nonprofit publishing division of the Unitarian Universalist Association (P.W.C. 2a). Also in July, the Department of Justice and the United States Attorney for Massachusetts requested the United States District Court for the District of Massachusetts to convene a grand jury.

On August 24, 1971, the federal grand jury sitting in Boston and investigating the release of the Pentagon Papers, subpoenaed Dr. Leonard Rodberg, an aide to Senator Gravel, and ordered him to appear and give testimony three days later before the grand jury (App. 6). Dr. Rodberg had become a member of Senator Gravel's personal legislative staff on June 29, 1971, and acted from that point on under Senator Gravel's direction and control.[3] Dr. Rodberg is still on the personal legislative staff of Senator Gravel (App. 11). On August 27, 1971, Dr. Rodberg moved to quash the subpoena in the court below (App. 5–7). On that same date Senator Gravel moved to intervene, which motion was briefed by the parties and granted by the court below on September 1, 1971 (App. 1–2).

Senator Gravel then moved to quash the grand jury subpoena or for a specification of the purpose and scope of the inquiry (App. 2–4). Senator Gravel and Dr. Rodberg both alleged that the Internal Security Division of the Justice Department intended to interrogate Dr. Rodberg before the grand jury about the actions of Senator Gravel and his aides in making available to his colleagues and the electorate the contents of the material forming the subcommittee record, which was critical of executive conduct in foreign relations (App. 4, 6). Evidence in support of this allegation was introduced, and the Internal Security Division did not deny it (App. 9 and S.G.P. 42). On the contrary, the Internal Security Division asserted that none of the actions taken by Senator Gravel, including those at the subcommittee hearing, were privileged by the Speech or Debate Clause and that the Executive could subpoena and criminally prosecute Senator Gravel himself (App. 9–10). The Internal Security Division characterized the grand jury investigation as an "executive proceeding" (App. 8); and suggested that Senator Gravel himself might be subpoenaed at which time he could invoke his Fifth Amendment privilege against self incrimination (App. 8). The Internal Security Division also contended before the District Court that Dr. Rodberg was not a staff member of Senator Gravel (App. 51) and that the federal courts are the proper place and possess the power to determine the appropriateness, relevancy and germaneness of the subcommittee meeting (App. 85). Oral argument was heard on these motions on September 10, 1971.

On October 4, 1971, the District Court issued its memorandum of decision and protective order which denied Senator Gravel's motions to quash or for specification (S.G.P. 52). The District Court held that Article 1, section 6, clause 1 of the Constitution—the Speech or Debate Clause—prohibited the grand jury from making any inquiry of any witness about Senator Gravel's "conduct at a meeting of the Subcommittee on Public Buildings and Grounds on June 29, 1971 [or] about things done by the Senator in preparation for and intimately related to said meeting" (S.G.P. 52); and prohibited questioning of Dr. Rodberg "about his own actions on June 29, 1971, after having been engaged as a member of Senator Gravel's personal staff to the extent that they were taken at the Senator's direction either at a meeting of the Subcommittee on Public Buildings and Grounds or in preparation for or intimately related to said meeting." (S.G.P. 52.). The District Court "rejected the Government's argument [that the subcommittee meeting was unprivileged] . . . on the basis of the general rule restricting judicial inquiry into matters of legislative purpose and operations" (S.G.P. 47).

The District Court held, however, that Senator Gravel's actions in securing the public distribution of the official subcommittee record by its publication "stands on a different footing and, in the Court's opinion, is not embraced by the Speech or Debate Clause." (S.G.P. 48.)

The District Court made three basic findings of fact which were not appealed by the Justice Department:

(1) Dr. Rodberg is and has been since June 29, 1971, a personal staff assistant of Senator Gravel (S.G.P. 38) (App. 54).

(2) "[A]s personal assistant to [Senator Gravel], Dr. Rodberg assisted [Senator Gravel] in preparing for disclosure and subsequently disclosing to [Senator Gravel's] colleagues and constituents, at a hearing of the Senate Subcommittee on Public Buildings and Grounds, the contents of the so-called 'Pentagon Papers,' which were critical of the Executive's conduct in the field of foreign relations." (S.G.P. 39.)

(3) "Viewing together the crimes this grand jury is investigating and the chronology of acts and events leading up to Dr. Rodberg's subpoena, the Court infers that the government's interest in his testimony pertains to his acts as Senator Gravel's assistant with regard to the Pentagon Papers and that the government attorneys plan to question him about them before the grand jury." (S.G.P. 42.)

On October 12, 1971, Senator Gravel filed before the District Court a motion for reconsideration and/or stay pending appeal. The court stayed enforcement of Dr. Rodberg's subpoena pending reconsideration and asked for a brief from the Justice Department on the issues presented. While this motion was under consideration by the court, counsel for Senator Gravel discovered that the grand jury had subpoenaed and intended to question witnesses about matters the Senator believes are protected from inquiry by Article I, section 6, clause 1, and the District Court's protective order of October 4, 1971 (App. 17). Counsel also discovered that the grand jury had subpoenaed and intended to question witnesses about matters which were then under submission to the court. Among these witnesses was Howard Webber, with whom Senator Gravel had unsuccessfully negotiated for publication of the subcommittee record. Senator Gravel moved to intervene and quash the Webber subpoena, alleging that the grand jury intended to interrogate him solely about these activities (App. 17). The Justice Department did not deny any of these allegations, either in the District Court or in the Court of Appeals, and admitted in the District Court that its primary interest in Mr. Webber related to the conduct of Senator Gravel and his aides in attempting to publish the subcommittee record (App. 128). Moreover, subpoena issued on Webber was *duces tecum* and directed him to produce records and notes of conversations held on July 23 with Dr. Rodberg "concerning the Pentagon Papers."[4]

On October 27, 1971, Senator Gravel filed in the District Court a motion for further relief seeking to prevent the inquiries discussed above by providing the court and Senator Gravel with some judicial mechanism for assuring that the court's protective orders and stays were being observed and that questions regarding the applicability of the court's protective order would be properly decided (App. 12). The District Court denied Senator Gravel's motion (App. 19).

The District Court granted Senator Gravel's motion to intervene with respect to the subpoena issued on Mr. Webber. While the court denied on October 28, 1971, Senator Gravel's motion to quash Mr. Webber's subpoena, it granted the Senator a temporary stay on Webber's subpoena pending appeal to the Court of Appeals (App. 20). On the same day the District Court denied the motion for reconsideration in Dr. Rodberg's case but granted the Senator a temporary stay of Dr. Rodberg's subpoena pending appeal to the Court of Appeals (App. 21). On October 28, 1971, Senator Gravel sought by motion, but was denied, stenographic copies of the grand jury minutes (App. 19). On October 29, 1971, the District Court issued a supplemental protective order to its order of October 4, 1971 (App. 21). This supplemental protective order, issued so as to protect the Senator's position pending appeal, ordered the grand jury not to question any witness about the conduct of the Sen-

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Footnotes at end of article.

ator or his aides in arranging for the publication of the subcommittee record.

On October 28, 1971, Senator Gravel filed his notice of appeal in both cases with the clerk of the District Court and moved immediately in the Court of Appeals for a stay pending appeal. The Court of Appeals granted the stay on October 29, 1971 (App. 22–23). That same day, the United States filed a cross appeal to the Court of Appeals. Oral argument was had on an expedited schedule on November 10, 1971. Before the Court of Appeals the Internal Security Division asserted that the Speech and Debate privilege had no applicability at all to grand jury proceeding and therefore the Executive, in conjunction with the grand jury, could subpoena Senator Gravel and anyone who assisted him in the performance of his duties and interrogate them about all the Senator's activities (P.W.C. 5a).

The Court of Appeals' opinion of January 7, 1972, noted that "important questions as to the extent of the legislative privilege" were raised by the appeals (P.W.C. 2a). The Court of Appeals concluded that Senator Gravel "has essentially lost his appeal," and affirmed the judgment of the District Court and entered a modified protective order (P.W.C. 13a).

The Court of Appeals rendered its decision in three parts dealing with Senator Gravel and two parts dealing with those who assisted Senator Gravel in performing his legislative activities. With respect to Senator Gravel the court below held that "for what he says or does on the floor of the Senate or before the subcommittee [Senator Gravel] is concededly protected by the absolute privilege from all criminal and civil liability" (P.W.C. 5a) and that "this protection extends to any written reports of the committee proceedings . . . including material unspoken at the hearing but inserted directly into the record." (P.W.C. 5a.) The Court of Appeals also held that the Speech or Debate Clause prohibited "inquiries [of the Senator] which would restrict acquisition of information" since any other holding would "chill both the vigor with which legislators seek facts, and the willingness of potential sources to supply them." (P.W.C. 7a.) While holding that some forms of published congressional speeches or reports are "necessarily protected" (*i.e.*, news media or the Congressional Record), nevertheless the court held that the constitutional privilege of the Speech or Debate Clause did not encompass Senator Gravel's exercise of the informing function in publishing the subcommittee record and therefore did not bar grand jury investigation into this conduct (P.W.C. 9a).[5]

Turning its attention to legislative aides the court below held that the requirement "for a legislator to have personal aides in whom he reposes total confidence" was so strong that "the aide and the legislator [must be] treated as one" (P.W.C. 11a). Thus, the court held that in order to protect Senator Gravel's rights, the grand jury could not question his aide, Dr. Rodberg, with respect to any matter about which it could not question the Senator. Last, the Court of Appeals held with respect to those who assisted him in publishing the subcommittee record that so long as no effort is made to attack a legislator's motives "we can see no reason for them to be free of inquiry as to their own conduct regarding the Pentagon Papers including their dealing with intervenor [Senator Gravel] or his aides." (P.W.C. 12a.) Thus the opinion of the court below permits grand jury questions of Howard Webber, director of the Massachusetts Institute of Technology Press, and officials of the Beacon Press about how Senator Gravel prepared for the subcommittee hearings and his activities, and those of his aides, in publishing the official record of the hearings.

Footnotes at end of article.

The Court of Appeals issued a subsequent opinion denying a motion for reconsideration in which it suggested that ordinary publication of a subcommittee record might enjoy constitutional immunity but that the publication in question did not because it done "privately" and because the subcommittee had "no conceivable concern" with the documents entered into the record (P.W.C. 2c).

During the pendency of proceedings in the Court of Appeals, two subpoenas were served upon officials of Beacon Press but were revoked due to the stay in effect (App. 24, 141–149).

SUMMARY OF ARGUMENT

I.

The speech and debate privilege has consistently been construed broadly by this Court to encompass actions of congressmen which are customarily done in relation to the business before the legislature and which fulfill important goals of representative democracy. The scope of the privilege has never been fixed, either in this country or in England, to outmoded usages and needs of the legislature, but has instead always corresponded to its actual workings. Such a construction of the privilege is necessitated by its history and by the major purpose for its inclusion in our Constitution, which was to preserve the rights of the people in representative government by reinforcing separation of powers and giving practical security to congressmen against potential harassment and intimidation by the Executive.

The publication of committee records critical of executive conduct in foreign relations is a classic example of the informing function of Congress. In our system of representative government, congressmen have the obligation to enlighten the electorate about matters of public concern and in particular about the administration of government by the executive branch. This function has been assiduously performed by congressmen throughout our history and is pivotal to our democratic values. Moreover, under basic principles of separation of powers, congressmen must be able to exercise their own judgment, independently of restraints by the executive and judiciary, of what information of public importance should be disclosed to or withheld from the people. Courts and prosecutors are not referees over what a congressman may say to the electorate or how he may say it. There is no assertion here that the privilege is being used to violate an individual's constitutional rights; this is a classic separation of powers case.

The framers of the Constitution intended that the publication of congressional proceedings should be entitled to absolute privilege from inquiry under the Speech or Debate Clause. And in 1797, when a federal grand jury investigated the actions of a congressman who sent out newsletters critical of the administration's foreign policy (and said to contain military secrets), Jefferson and Madison wrote a comprehensive and eloquent protest. They stated that the Speech or Debate Clause was designed to guarantee to congressmen an absolute privilege, from the cognizance or coercion of the coordinate branches, to communicate with the electorate; and they condemned the grand jury investigation as a blatant violation of the Speech or Debate Clause.

The free speech guarantee of the English Bill of Rights of 1689, from which the Speech or Debate Clause derives, resulted from a prosecution of the Speaker of the House of Commons for publishing a committee report critical of the Crown. The English Bill of Rights was written specifically to insure that such publications would be guaranteed by the legislative privilege. In England, it is now settled by judicial decisions as well that the publication of legislative proceedings for the information of the electorate is immune from judicial inquiry. There is no reason why the privilege should be construed more narrowly in the United States.

Finally, it is well settled that the privilege is not divested by concepts such as "irregularity" and "nongermaneness." The Privilege would be of little value if it turned, *ad hoc*, on such amorphous considerations. And Congress has exclusive power under the Constitution to prescribe rules for its governance and to discipline wayward members; no supervisory power is vested in the courts.

II.

The Justice Department now concedes that Senator Gravel cannot personally be questioned before the grand jury about his legislative acts, but the Justice Department claims the right to conduct an intensive investigation into the Senator's legislative acts by asserting that everyone who assisted the Seantor in discharging his duties may be subject to unrestrained interrogation. Such an investigation would yield precisely the same information about privileged conduct and would accomplish indirectly what is conceded to be prohibited by more direct intrusions—the intensive breach of the sanctity of the legislative process. For the grand jury to investigate, by direction or indirection, how and why a senator prepared and held a committee hearing and published the official record for dissemination to the electorate is a clear violation of Separation of Powers. And such an investigation implicates the same potential for the intimidation, harassment and distraction of a congressman as if he himself were questioned personally.

The same constitutional evil would result from the very substantial inquiry into privileged conduct permitted under the decision of the Court of Appeals, which allowed the compulsory interrogation of everyone with whom a congressman dealt except his personal aides, so long as the interrogators deny any intention to attack his motives. Given the realities of the modern-day legislative process, congressmen must seek the advice and assistance of persons outside their immediate staff in deciding, for example, whether to speak out and how to vote on controversial issues. The interrogation of these persons before the grand jury about privileged legislative activity violates the doctrine of separation of powers and would substantially inhibit a congressman in the performance of his constitutional obligation. The unconstitutionality of such interrogation in no wise depends upon the motives of the interrogators.

The proposed inquiry by the executive branch in this case is particularly unseemly inasmuch as it has long and successfully championed a testimonial privilege for executive aides which it now seeks to deny to congressmen, even though the source of the latter's privilege is the Constitution itself. The reason for the application of the privilege against the questioning of aides is identical in both situations—the preservation of confidentiality in the decision-making process. This reason applies as well to printers who assist congressmen in performing the informing function; for without such assistance a congressman could not effectively communicate with the electorate. After much litigation in England, the British courts have held such printers immune from both questioning and accountability in order to effectuate the legislators' privilege.

Aside from the broadest of generalities, the Executive has offered no reason, even though it had ample opportunity to do so in the lower courts, why the breach of the privilege in this case would be helpful, let alone necessary, to it in the enforcement of the criminal laws. Nor would recognition of the privilege intolerably hamper law enforcement in the future. The Executive and grand jury possess ample means to ferret out crime without intruding into the legislative process. And those extremely rare cases where investigations would be hindered are more than outweighed by the preservation, intact, of our system of separation of powers.

ARGUMENT

Introduction

This case presents this Court with a classic separation of powers problem. The Executive, by seeking to invoke the aid of a judicial body, that is the grand jury, with its broad subpoena and contempt powers, is trying to conduct an investigation into various aspects of a meeting of the Senate Subcommittee on Buildings and Grounds conducted by Subcommittee Chairman Senator Mike Gravel. While the Justice Department has refused to specify the questions which it seeks to put to witnesses concerning the subcommittee meeting and the preparations for it, as well as the subsequent preparation and publication of the record of that meeting, the Justice Department has from the start of these proceedings refused to deny that these subjects are precisely the objects of its inquiry.[6] The only conclusion which is possible on the basis of this record is that drawn by the District Court—that the Executive wishes to conduct an intensive investigation of Senator Gravel's preparation for the Senate subcommittee meeting and the subsequent publication of the record. The Senator, in all of the proceedings below, and in this Court, has sought and seeks an order sufficiently broad and workable to insure that his interests as a legislator, and those of his colleagues and constituents, are protected from unwarranted, unseemly and unconstitutional intrusion and inquiry by co-ordinate branches of government.

a. *The Scope of the Privileged Publication and the Informing Function.*

The Court of Appeals held that the privilege of the Speech or Debate Clause encompassed Senator Gravel's activities in preparing for and holding the subcommittee hearing, and the Government has not appealed this holding. However the Court of Appeals believed that the protection of the Clause does not go beyond the four walls of the Capitol and, specifically, does not protect the actions of a member of Congress in informing his colleagues and the electorate about executive conduct in foreign affairs through the publication of the subcommittee record. The court thus permitted the grand jury to investigate the Senator's actions in arranging for the record's publication through the compulsory interrogation of individuals whose assistance was indispensable in performing his constitutional function to inform his colleagues and the public.

The court's holding that the Senator's conduct in publishing this subcommittee record is subject to judicial inquiry is inconsistent with the history and purposes of the Speech or Debate Clause, the thrust of past decisions of this Court, and fundamental principles of separation of powers. We discuss this issue in Part I of this brief. We there show that the Clause has always been, and must be, construed liberally to insulate from judicial inquiry all of the customary and necessary functions of Congress, and that the publication of subcommittee reports reflecting on executive administration is a classic example of the well-recognized informing function and plays an important role in representative government. We also show that the framers of the Constitution specifically intended to prohibit grand jury investigations of congressmen who, in newsletters or otherwise, were critical of the executive stewardship of foreign relations. Finally, we show that the immediate purpose of the free speech privilege of the English Bill of Rights was to guarantee that publication of parliamentary proceedings be within the ambit of the privilege; and Parliament by statute and the English courts by judicial decisions have forbade inquiries of members and printers who assisted them in publishing such proceedings. There is simply no support in history or policy for the contrary conclusion of the Court of Appeals.

b. *Executive and Judicial Inquiries into Privileged Legislative Activities.*

The Court of Appeals, by its opinion, would allow a very substantial inquiry by the executive and judicial branches into privileged legislative conduct, and this should not be allowed to stand. Yet the Justice Department seeks in this Court to intrude even further into the actions of a coordinate branch, and to subpoena a Senator's aides and those who assisted him in meeting his constitutional obligations and to interrogate them with respect to what even the Justice Department now concedes to be protected legislative conduct, such as the holding of a hearing.

At the early stages of these proceedings, the Justice Department adopted the stance that it could, if it wished, subpoena Senator Gravel, and, for that matter, other members of the Senate, in order to inquire about the holding of the subcommittee meeting and the preparation and publication of the record of the meeting.[7] The Justice Department also maintained in the District Court that no privilege existed and that it could indict and prosecute Senator Gravel himself for both holding the subcommittee hearing and publishing the record,[8] and in the Court of Appeals that the Senator could be interrogated and indicted but not prosecuted for the subcommittee hearing and interrogated, indicted and prosecuted for the publication of the record.[9] As the case moved through the courts, the Justice Department, in evident response to the lower courts' obvious distaste for such a claim of power, retrenched to the position that it seeks only to subpoena the Senator's aides and other parties who worked with the Senator in preparing for the meeting and for the publication of the record. The Justice Department, then, appears content with the knowledge that it might accomplish, through the interrogation of the Senator's aides and assistants, what it was prohibited by both courts below from accomplishing by direct interrogation of the Senator—to conduct an intensive investigation of a Senator's legislative activities, to pierce the confidential relationship between the Senator and those who assisted him in the performance of his constitutional obligations, to learn every detail concerning the meeting and the publication.

The Justice Department has thus seen what appears to it to be a back door into the Senate committee rooms, but as we shall show in Part II, this back door is likewise blocked by the stone wall of the Speech or Debate Clause. The Clause must be interpreted and enforced in light of the requirements of the legislative branch and in light of the purposes of the Clause. We shall show that to allow the Justice Department to breach the separation of powers wall by pursuing a Senator's activities through questioning of his trusted aides and those whom he requires in order to perform his constitutional functions would be to accomplish precisely the same constitutional evil as if the Senator himself were interrogated directly. It would permit unrestrained intrusions by the executive and judicial branches into the Capitol. This would not only render illusory the protection secured to Senator Gravel from the constitutional guarantee but would threaten the very independence and integrity of the legislative branch.

PART I

The Publication by a Senator of an Official, Public Record of a Subcommittee, of which he is Chairman, critical of Executive Conduct in Foreign Relations is Privileged from Judicial Inquiry by the Speech or Debate Clause.

A. The privilege must be read broadly to protect those actions of Congressmen which foster the goals of representative government.

The Court of Appeals' holding that the publication of committee records containing information of overwhelming public concern was not within the purview of the Speech or Debate Clause was bottomed upon a narrow, almost literal reading of the Clause which limited its applicability to the four walls of Congress. This approach is basically inconsistent with prior opinions of this Court, which have held that the Clause embraces all actions of members of Congress which are necessary to effectuate the functions of Congress and to protect and foster the goals of representative government. It is also inconsistent with the historical application of the privilege in England and with the intentions of the framers.

1. Prior Decisions of this Court.

In the very first interpretation of the Speech or Debate Clause, this Court held that the history and policies underlying the Clause demanded that it be given a liberal construction to immunize from judicial inquiry not only speeches and debates on the floor but also committee reports, resolutions and votes and all things "generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn* v. *Thompson*, 103 U.S. 168, 204 (1880). Subsequent decisions have consistently reaffirmed this standard and have applied the guarantee of the Clause to all activity of a congressman "in the sphere of legitimate legislative activity," *Tenney* v. *Brandhove*, 341 U.S. 367, 376 (1951); and this Court has admonished that "the privilege should be read broadly" to include all conduct "related to the due functioning of the legislative process." *United States* v. *Johnson*, 383 U.S. 169, 172, 179 (1966).

By thus adopting a functional approach to the Clause and insulting the "legislative acts of . . . [a] member of Congress [and] his motives for performing them," *id.*, at 185, this Court was hardly indulging in "catch phrases." [10] On the contrary, this approach has derived from the basic purpose of the Clause, which is to immunize actions taken by a member of Congress in the discharge of his obligations as a representative of the electorate and thereby prevent intimidation and harassment by a possibly hostile executive and judiciary. This was nowhere better stated than by Chief Justice Parsons in the seminal decision of *Coffin* v. *Coffin*, 4 Mass. 1, 27 (1808)[11]:

"These privileges are thus secured, not with the intention of protecting the members against prosecutions for their own benefit, but to support the rights of the people, by enabling their representatives to execute the functions of their office without fear of prosecutions, civil or criminal. I therefore think that the article ought not to be construed strictly, but liberally, that the full design of it may be answered. I will not confine it to delivering an opinion, uttering a speech, or haranguing in debate; but will extend it to the giving of a vote, to the making of a written report, and to every other act resulting from the nature, and in the execution, of the office; and I would define the article as securing to every member exemption from prosecution, *for every thing said or done by him, as a representative, in the exercise of the functions of that office, without inquiring whether the exercise was regular according to the rules of the house, or irregular and against their rules. I do not confine the member to his place in the house; and I am satisfied that there are cases in which he is entitled to this privilege, when not within the walls of the representatives' chamber.*" (Emphasis added.)

The applicability of the Clause, therefore, does not turn on mere geographical considerations involving the fortuitous location of a congressman's activities but on the "exercise of the functions of [his] office." *Ibid.* It is for

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this reason that the Clause protects a legislator's conduct at committee hearings, for "[i]nvestigations, whether by standing or special committees, are an established part of representative government." *Tenney* v. *Bradhove, supra,* at 377. Likewise, a variety of other functions resulting from the nature of a congressman's office, such as voting and committee resolutions, *Powell* v. *McCormack,* 395 U.S. 486, 502–503 (1969), *Kilbourn* v. *Thompson, supra;* and obtaining material for committee hearings, *Dombrowski* v. *Eastland,* 387 U.S. 82 (1967), have been held within the privilege. In none of these cases was there involved speech or debate in the narrow, literalistic sense; yet, as the Court said in *Kilbourn, supra,* at 203, if the ordinary and necessary functions of Congress are not privileged, of what value is the Clause? A literalistic construction of the Clause in this case would overrule almost one hundred years of decisions.

The Court of Appeals did not deny that the recognized duties of congressmen include informing the electorate about the workings of government.[12] Indeed, that fact is a presupposition of our system of representative government, where "[l]egislators have an obligation to take positions on controversial political questions so that their constituents can be fully informed by them," *Bond* v. *Floyd,* 385 U.S. 116, 136 (1966). See generally *section* I.B., infra. Nevertheless, the Court of Appeals simply held the informing function to be outside the protection of the Speech or Debate Clause by asserting that the Clause encompasses only *one* function "generally done" in Congress—the narrow category of congressional deliberations.[13] This limited veiw of the Clause cannot be reconciled with the reasoning in prior decisions of this Court, which stressed the legislative process *as a whole*. It is also inconsistent with the historical antecedents of the privilege in England and with the purposes for its inclusion in our Constitution.

2. *Historical Application of the Privilege in England.*

A review of the origins and development of the free speech privilege in England demonstrates clearly that its scope has always been determined by the actual functions of the legislature at any given moment in history and has never been frozen to past usages; in this manner, it has evolved as a *practical* instrument of security for legislators. Each of Parliament's privileges originated, in fact, in the fourteenth and fifteenth centuries out of a *judicial* conception of the House of Lords, the highest court of the land.[14] The acquisition of similar privileges by the House of Commons was based on its function of acting on private petitions and was first limited to that narrow activity.[15] As the powers of the council decayed in the late fifteenth and early sixteenth centuries, the House of Commons asserted growing authority over bills submitted by the Crown, and a practical security against the King's oft-expressed displeasure became a felt necessity. It was "out of this need for unrestrained criticism of government measures" that the free speech privilege was formalized into the Speaker's petition in 1541.[16] Yet even then the privilege went only as far as the jurisdiction of the House and through the reigns of Henry VIII and Elizabeth I afforded no protection for "licentious" discussion into matters involving the prerogatives of the Crown.[17]

The ever-increasing independence and legislative authority of the House of Commons was, however, an irreversible process, and cognizance was taken of matters heretofore reserved to the Crown's domain, such as the succession and the conduct of foreign wars. The House began to conceive of itself as the Grand Inquest of the Nation, demanding "a voice in the general policy of the country, and [the right] to criticize the action of the executive in modern fashion."[18] The consequent intrusion into the Crown's prerogative led to a century-long battle over freedom of speech, with the Tudor and Stuart monarchs claiming the right to interfere in Commons' debates and punish members for "seditious" and "licentious" speech. If the privilege were to be maintained as an instrument of security for Parliament, a broader, absolute definition of the privilege, which would preserve the House's expanded jurisdiction, was essential.[19] This dispute over the scope of the privilege witnessed systematic harassment of members who dared criticize the Crown, with the King claiming that the privilege ended where his prerogatives began; and the House declaring that the privilege was absolute for any matter touching Parliamentary business.[20] The battle culminated when Sir John Eliot and other members who opposed funding a needless and bloody war overseas were prosecuted in 1629 for making "seditious" speeches in the House.[21] The judges of the King's Bench rejected the plea of privilege by reverting to its earlier and limited applications as excluding "seditious" speeches.[22] The imprisonment of Eliot and others crystallized opposition to the despotic rule of Charles I and was a significant factor leading to the Civil War and the execution of the King.[23] In 1641, the House of Commons declared the trial to be a breach of the speech and debate privilege,[24] and there followed a series of resolutions and acts by both Houses, before and following the Restoration, guaranteeing the privilege in the broadest terms.[25]

During this entire period of constitutional development, Parliament never defined the outer limits of its privileges with particularity. The free speech privilege was not a static concept or an end in itself, but an essential mechanism for the protection of this legislature's changing functions. Even prosecutions such as Eliot's would not have been condemned a century earlier; it was only when Commons seriously asserted its right as the Grand Inquest that "restrictions hardly noticed before were bitterly resented; and the illusion of freedom gradually vanished from men's minds."[26] As the circumstances and need for the privilege were fluid, so, too, was the privilege itself; and, as Blackstone has observed, transient definitions would have been counter-productive:[27]

"Privilege of parliament was principally established, in order to protect its members not only from being molested by their fellow-subjects, but also more especially from being oppressed by the power of the crown. If, therefore, all the privileges of parliament were once set down and ascertained, and no privilege to be allowed but what was so defined and determined, it were easy for the executive power to devise some new case, not within the line of privilege, and under pretence thereof to harass any refractory member, and violate the freedom of parliament. The dignity and independence of the two houses are therefore, in great measure preserved by keeping their privileges indefinite."

The functional approach to the privilege did not end with the Restoration, and there followed events of particular relevance to this case. By the time of James II's accession in 1686, the House of Commons asserted the right to publish its proceedings to the country at large as a corollary of its power to investigate misbehavior by the Executive. The King reacted bitterly and ordered the prosecution of Sir William Williams, Speaker of the House, who, with permission of the House, had published and circulated a committee report, written outside of Parliament but introduced into the parliamentary records and then redistributed by Williams, which accused the King and his relatives and closest advisors of a plot, jeopardizing the religious freedom of the country. The reaction to this prosecution in Parliament and the country at large was intense, and, as we shall discuss in detail, *infra,* 67–75, was the primary cause of the exile of James II and the passage of the Bill of Rights, which stated, in the broadest language:

"That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament." 1 W. & M., Sess., 2, c. 2.

Finally, as the fear of executive intrusion gradually lessened and the representative character of Parliament was enhanced by the democratic reforms of the late eighteenth century, the House removed its veil of secrecy[28] and recognized its obligation to inform the public fully of the workings of government. This in turn led necessarily, albeit after some dispute with the courts, to the extension of the free speech privilege to individual members who, with or without the permission of the House, circulated to the public reports of their speeches and other proceedings.[29] In this process, too, the privilege followed and then embraced the changing realities of the legislative function, at first to preserve the secrecy of legislative debates and later to insure the free flow of information from Parliament to the people.

3. *The Intent of the Framers.*

The framers of our Constitution were well aware of this history and of the necessity for a functional approach to the privileges of Congress. They consciously excluded certain privileges and limited others, which had derived historically from the judicial character of Parliament and had, or should have. fallen into desuetude.[30] The speech and debate privilege, however, was viewed as essential to republican government, as "an important protection of the independence and integrity of the legislature." *United States* v. *Johnson, supra,* at 178. Madison's motion in the Convention to delineate specifically this privilege was defeated,[31] and the language of the Constitution, therefore, was "framed in the broadest terms." *Id.,* at 182–193.[32]

A functional interpretation of the privilege is also necessitated by a unique purpose for it which was not present in England. "In the American governmental structure the clause serves the additional function of reinforcing the separation of powers so deliberately established by the Founders." *United States* v. *Johnson, supra,* at 178. This purpose would be vitiated, and the "practical security" which the Clause is designed to afford, *id.,* at 179, would be rendered a rhetorical abstraction, if the courts construe the Clause in its narrowest historical setting. This conclusion follows inescapably from this basic purpose of the Clause in our scheme of government, as stated early in our history by James Wilson:

"In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of everyone, however powerful, to whom the exercise of that liberty may occasion offense." I Works of James Wilson 421 (McCloskey et. 1967).[33]

And this Court has made it perfectly clear that the "powerful" of whom Wilson spoke refers primarily to the executive branch. *United States* v. *Johnson, supra,* at 181–182.

The content of the Clause cannot, therefore, be frozen to the burgesses of five hundred years ago, or to the events leading to the execution of Charles I, or even to conditions prevalent in 1787. As an effective instrument of separation of powers, the Clause must be shaped, as it always has been,[34] by the present-day functions of Congress in our system of representative government, and must protect against intrusions by the executive and judiciary which "threaten those *consequences* which the Framers deeply feared." Cf. *School District of Abington Township, Penn.* v. *Schempp,* 374 U.S. 203, 236 (1963) (Brennan, J., concurring) (em-

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phasis added). In this regard, we cannot improve on Cella's cogent analysis:

"If the doctrine of legislative privilege is to perform its traditional function in our system of separation of powers of permitting legislators to carry out their increasingly onerous responsibilities without fear of prosecution or harassment from the executive and judicial branches, then it must be applied broadly and liberally to effectuate its intended purpose. In its application, it must be geared to the realities of the manner in which a modern legislative system operates. It cannot afford to be permanently attached to the ways in which legislatures discharged their responsibilities when the Republic was founded or, for that matter, even fifty years ago.

"Modern legislatures have had to adopt their techniques of operation to the increasingly complex society within which they must function. New techniques and new methods of procedure have gradually evolved. The doctrine of legislative privilege cannot remain static if it is to remain meaningful." *Cella, supra,* at 34.

In sum, there is no warrant in English history, or the prior decisions of this Court, or in the historical application of the Clause, or in the purposes for its inclusion in the Constitution, to warrant the narrow approach taken by the Court of Appeals.[35] The very opposite is true: the free speech privilege evolved in a functional manner to give practical security to legislators who criticize the administration of domestic and foreign policy by the Executive. The facts giving rise to this case fall within the mainstream of the historical purposes for the privilege.

In the section which follows, we shall show that the publication of committee reports is commonly done in Congress and performs an important function in representative government. And when, as here, the report involved is critical of executive conduct, its publication and distribution to the people is a classic example of the well-recognized "informing function" of Congress. This, combined with fundamental principles of separation of powers, requires that such publication be privileged legislative activity.

A considerable amount of illumination is also provided by examining the intent of the framers, for there is substantial evidence that they intended to immunize from executive and judicial inquiry—and specifically from inquiry by the grand jury—all forms of communication between a congressman and the public in the exercise of the informing function. This material is set out in section I.C. In section I.D. following that, we trace the precise historical development in England on this issue, showing that the immediate purpose of the inclusion of the privilege in the English bill of rights was to reverse a judicial decision holding publication of committee reports to be outside the privilege. We also examine in that section subsequent English judicial decisions establishing that the publication of speeches and reports by members of Parliament is privileged from judicial inquiry.

B. The publication of committee records is generally done by Congressmen and is essential to the proper functioning of representative government.

In considering whether any given practice falls within the functional standards established in previous cases, it is of course obvious that the privilege against inquiry does not extend to all of a congressman's actions simply because of his status. Clearly, for example, crimes such as assault and battery, armed robbery and bribery are beyond the scope of the privilege, even if fortuitously committed within the walls of the Capitol. See *United States* v. *Johnson, supra.*[36] Two benchmarks are implicit in past decisions. First, the court should ask whether the practice in question is necessary to fulfill any of the goals of representative government as established by the Constitution. Second, guidance is available in the actual workings of Congress to determine whether a practice is widely utilized by members of Congress in the performance of their duties; in other words, whether it is "generally done . . . by . . . its members in relation to the business before it."

1. *The Informing Function.*

It is clear that the publication of speeches and committee records about the workings of government and their dissemination to the electorate meets each of these criteria. The scheme of representative government envisaged by the Constitution presupposes an obligation on the part of a legislator to inform his constituents and colleagues about vital matters concerning the administration of government. This Court recognized the central importance of this informing function in contrasting it with exposure for exposure's sake:

"We are not [here] concerned with the power of Congress *to inquire into and publicize corruption,* maladministration or inefficiency in agencies of the Government. That was the only kind of activity described by Woodrow Wilson in *Congressional Government* when he wrote: 'The informing function of Congress should be preferred even to its legislative function.' *Id.,* at 303. *From the earliest times in its history, the Congress has assiduously performed an 'informing function' of this nature.* See Landis, Constitutional Limitations on the Congressional Power of Investigation, 40 Harv. L. Rev. 153, 168–194." *Watkins* v. *United States,* 354 U.S. 178, 200, fn. 33 (1957). (Emphasis added.)

The informing function plays a key role in our system of separation of powers, for it insures that the administration of public policy by the innumerable non-elected officials of the executive department is fully understood by the legislature and the people. As Woodrow Wilson wrote in his classic study of Congress:

"It is the proper duty of a representative body to look diligently into every affair of government *and to talk much about what it sees.* It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; *and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.*" (Emphasis added.) W. Wilson, Congressional Government, 303 (1885).

In contemporary times, as much as when the Constitution was written, the informing function acts to preserve the basic character of our constitutional government. Departing drastically from the theories of government in Europe, the framers believed that ultimate power must always rest in the people. As Madison, who is appropriately called the Father of the Constitution, said: "The people, not the government, possess the absolute sovereignty."[37] For this system to be viable, the people must be informed fully of the workings of government so that they may be able meaningfully to exercise their constitutional rights to vote intelligently and to the "free public discussion of the stewardship of public officials."[38] This necessarily imposes a *duty* on congressmen to inform the electorate for, to borrow again from the language of Woodrow Wilson:

"The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but, more than that, the only really self-governing people is that people which discusses and interrogates its administration . . .

"Quite as important as legislation is vigilant oversight of administration; and even more important than legislation is the instruction and guidance in political affairs which the people might receive from a body (Congress) which kept all national concerns suffused in a broad daylight of discussion." Wilson, *supra,* at 303, 297.

The centrality of the informing function to democratic institutions has been emphasized even by those political theorists who, while doubting the capacity of legislative bodies to legislate, nonetheless believe that by overseeing the administration they would make an essential contribution to the protection of liberty:

"The proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable; to censor them if found condemnable . . . . This is surely ample power, and security enough for the liberty of the nation." J. S. Mill, On Represenative Government 42 (London: Longmans, Green, Reader and Dyer 1878).

It has been fortunate for the country that, as this Court noted in *Watkins, supra,* congressmen have always "assiduously performed" this kind of informing function. In the article there cited by the Court, Dean Landis reviewed Congress' historic exercise of this obligation in investigating and exposing bad judgment and corruption in the executive branch.[39] Perhaps more than any example of investigation and publicity discussed by Dean Landis, a member of Congress who informs the electorate and the rest of Congress about the process by which the Executive took the nation into a controversial war is engaging in legislative activity in the most classic sense of the terms.[40]

On a broader plane, the publication of congressional committee proceedings and their dissemination to the electorate play other important roles in representative government. The heart of representative democracy is the communicative process between the people and their agents in government. By making widely available accurate reports of these proceedings, congressmen enlighten the electorate and at the same time insure that the people will inform them and their colleagues of their well-considered views on pending or potential legislation. Practically every careful student of Congress has observed this process and has noted as well that committee hearings and the publication and distribution of speeches and committee reports form the principal avenue for achieving it.[41] They thus agree with Harold Laski that:

"A legislature can criticize, it can ventilate grievances; its power to investigate through committees is invaluable; and, not least, as it fulfills these tasks it provides a process of public education which is pivotal to democratic government." The American Presidency, quoted in R. Bolling, House Out of Order 29 (New York, E. P. Dutton Co. 1965).

Also, in examining what is "generally done" in Congress, it is pertinent to note that congressmen understand both the utility and necessity of holding committee hearings and publishing their proceedings in order both to enlighten the electorate and affect future legislation.[42] Congress has, accordingly, provided a variety of financial and other support for communications between a legislator and the public.[43] One study revealed that a majority of congressmen send newsletters to the public on a periodic basis,[44] and it has also been found that congressmen spend a substantial portion of their time in informing the electorate.[45]

The informing function is a fact of life in the modern Congress, and it surely can-

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not be dismissed cynically as a mere device for congressmen to woo votes. Many congressional hearings have been held and massively publicized in order to enlighten the electorate about activities which were inimical to the general welfare and resulted in public pressure for the consequent passage of important legislation. A small sample might include the famous inquiries conducted by the Kefauver committees on organized crime and on dangerous drug practices, by the O'Mahoney committee on the concentration of economic power, by the Senate rackets subcommittee on the regulation of internal operations of labor unions, by the LaFollette civil liberties committee, by the 1966 Senate committee hearings on automobile safety, and by the Fulbright committee on the Reconstruction Finance Corporation.[46] With respect to investigations of executive conduct, one might add the Wheeler-Walsh exposure of scandal in the Harding administration,[47] the Truman-Mead hearings on national defense and, of course, many more recent hearings on the origins and conduct of the Vietnam War.[48] The value of congressional investigations and the publicity they generate was stated in powerful terms by Senator (later Mr. Justice) Hugo Black, who was catapulted into national prominence by his exposures of corruption in the utilities lobby and maladministration of the merchant marine.[49]

"They have formed the basis of our most important legislation . . .

"But most valuable of all, this power of the probe is one of the most powerful weapons in the hands of the people to restrain the activities of powerful groups who can defy every other power.

"Public investigating committees, formed by the people themselves or from their public representatives, exist always in countries where the people rule . . . that is because special privilege thrives in secrecy and darkness and is destroyed by the rays of pitiless publicity." Black, Inside a Senate Investigation, 172 Harper's Monthly 275, 285–286 (Feb. 1936).

An examination of the operations of Congress, therefore, settles beyond doubt that the informing function, effectuated in large part by the publication of speeches and committee records, is activity which is "generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn, supra,* at 204, and is clearly "related to the due functioning of the legislative process," *United States* v. *Johnson, supra,* at 182.[50] And it thus falls within the protection of the Speech or Debate Clause.[51]

A similar functional analysis led this Court to hold in *Barr* v. *Matteo,* 360 U.S. 564 (1959) and *Howard* v. *Lyons,* 360 U.S. 593 (1959), that the judicially-created doctrine of executive privilege protects the issuance and widespread circulation of news releases by the thousands of subordinate officials of the executive department. The Court there held, applying a functional approach, that while such activity was not statutorily mandated it was nonetheless customarily done and related to the duties of the office:

"It would be an unduly restrictive view of the scope of the duties of a policy-making executive official to hold that a public statement of agency policy in respect to matters of wide public interest and concern is not action in the line of duty. That petitioner was not *required* by law or by direction of his superiors to speak out cannot be controlling in the case of an official of policy-making rank . . . where the concept of duty encompasses the sound exercise of discretion." 360 U.S. at 575. (Emphasis in original.) And Mr. Justice Black concurred on the ground that the public had a right to be informed about the operation of agencies:

"The effective functioning of a free government like ours depends largely on the force of an informed public opinion. This calls for the widest possible understanding of the quality of the government service rendered by all elective or appointed public officials or employees. Such an informed understanding depends, of course, on the freedom people have to applaud or to criticize the way public employees do their jobs, from the least to the most important." *Id.,* at 577. This reasoning, of both the majority[52] and concurring opinions, applies with even greater force to the privileges of elected members of Congress, which derive from the Constitution itself. And congressmen *are required,* in the constitutional sense, to speak out and enlighten the electorate.

2. The separation of powers context of this case

The issue of the degree to which the informing function of Congress is encompassed within the scope of the Speech or Debate Clause is presented herein with striking clarity. What is now before this Court is a classic separation of powers case. There is no claim here, in contrast to some civil cases, that a member of Congress used the authority of his office to violate willfully an individual's constitutional rights. That kind of situation draws into play the obligation of the courts to protect individual rights, and there may very well be circumstances where no other means is available to safeguard the preferred constitutional rights of the individual, and where the judiciary will therefore be compelled to draw the balance on the side of the individual. Cf. *Hentoff* v. *Ichord,* 318 F. Supp. 1175 (D. D.C. 1970); *Doe* v. *McMillan,* —— F. 2d —— (D.C. Cir. 1972) (dissenting opinion).

In this case, on the other hand, the judiciary is not being asked to balance the rights of individuals, including preferred constitutional rights, against the privileges of members of Congress; to the contrary, the executive branch of government has come to the courts, seeking the aid of the courts' compulsory process and resulting contempt power, and claimed that it may determine what a member of Congress may tell his constituents about matters of overwhelming public concern. It is no exaggeration to say that this claim of the executive branch challenges the fundamental character of our tripartite system of government.

The constitutional evil which would result from denying the privilege's applicability to the informing function of Congress is magnified when this is done at the behest of the Executive and with respect to material which is critical of executive behavior. As this Court has emphasized, the central purpose of the Speech or Debate Clause is "to prevent intimidation by the executive and accountability before a possibly hostile judiciary." *United States* v. *Johnson, supra,* at 181. If the executive branch may, at will, institute grand jury proceedings and interrogate witnesses about Senators' publications of their speeches and committee reports which they send to the electorate, it will possess the power to isolate effectively all but the most courageous legislators from their constituents. If such a rule applies, congressmen will have to watch what they say to the people—in press releases, newsletters and anything spoken outside of the four walls of the Capitol—and they will inescapably be inhibited out of fear of harassment, grand jury inquisitions and even prosecutions. Yet if the Speech or Debate Clause means anything, it is that courts and prosecutors are not referees over what congressmen may say to the people or how they may say it.

The Court of Appeals believed that the "consequences" of acknowledging the right of congressmen to inform the electorate would be "staggering" and in support of this proposition, hypothesized a series of strained examples of possible abuse. (P.W.C. 10a.) It is clear that the hypothetical possibility of abuse of congressional power "affords no ground for denying the power." *McGrain* v. *Daugherty,* 273 U.S. 135, 175 (1927).

The cogent answer to this sort of "parade of horribles" argument[53] was given by Mr. Justice Harlan in *Barr* v. *Matteo, supra,* at 576:

"We are told that we should forbear from sanctioning any such rule of absolute privilege lest it open the door to wholesale oppression and abuses on the part of unscrupulous government officials. It is perhaps enough to say that fears of this sort have not been realized within the wide area of government where a judicially formulated absolute privilege of broad scope has long existed. It seems to us wholly chimerical to suggest that what hangs in the balance here is the maintenance of high standards of conduct among those in the public service. To be sure, as with any rule of law which attempts to reconcile fundamentally antagonistic social policies, there may be occasional instances of actual injustice which will go unredressed, but we think that price a necessary one to pay for the greater good. . . . We think that we should not be deterred from establishing the rule which we announce today by any such remote forebodings."

This reasoning supported the extension of the executive privilege to all forms of utterances, including publication and distribution of news releases, even through thousands of diverse, subordinate and non-elected officials were covered. It would seem, *a fortiori,* to govern the scope of the constitutional privilege of elected members of Congress. It is appropriate, in this regard, to recall Mr. Justice Holmes' famous statement in *Missouri, Kentucky—Texas Ry. Co.* v. *May,* 194 U.S. 267, 270 (1904):

"[I]t must be remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts."

Moreover, the Court of Appeals' hypothetical approach may be compared with *Hearst* v. *Black,* 87 F. 2d 68 (D.C. Cir. 1936), where the plaintiff filed a complaint alleging that personal telegrams had been seized illegally and were to be exposed to the general public by a Senate committee. The Court dismissed the complaint on the principles of separation of powers. It is noteworthy that the defendant in that case was Senator (later Mr. Justice) Hugo Black, who was seeking to expose corruption in the utility lobbies and their bribery of newspapers, including the plaintiff Hearst Publishing Co., for which acquisition and publicity of these telegrams were essential. Yet if the Court of Appeals' theory in this case were correct, Hearst could have successfully harassed Senator Black in a court proceeding by merely alleging illegal acquisition and thereby hindered the investigations. Thus, in considering the parade of horribles, it is appropriate to quote the wise statement of Judge Learned Hand in *Gregoire* v. *Biddle,* 177 F. 2d 579, 581 (2d Cir. 1949):

"[I]f it were possible in practice to confine such complaints to the guilty, it would be monstrous to deny recovery. The justification for doing so is that it is impossible to know whether the claim is well founded until the case has been tried, and that to submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome, would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties."

This certainly applies with equal force to the constitutional privilege of congressmen, who are "to be protected from the resentment of everyone, however powerful," I Works of James Wilson, *supra,* at 421, particularly the executive branch, *United States* v. *Johnson, supra,* at 181. Finally, in the unlikely event that a member of Congress does

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engage in such reprehensible conduct as hypothesized by the Court of Appeals, he *will* be held accountable—by the House and by the people at the polls. What Mr. Justice Frankfurter said in *Tenney* v. *Brandhove, supra,* at 378, is directly on point to this case:

"In times of political passion, dishonest or vindictive motives are readily attributed to legislative conduct and as readily believed. Courts are not the place for such controversies. Self-discipline and the voters must be the ultimate reliance for discouraging or correcting such abuses."

C. The Framers intended that the clause would operate as a bar against executive and judicial inquiry into a Congressman's communications to the electorate.

1. *The Cabell Grand Jury Investigation and Jefferson's Protest.*

There is substantial evidence that the privilege of the Speech or Debate Clause was intended by the framers to protect from inquiry by the executive and judicial branches, including the grand jury, *all* communications from a congressman to his constituents. This was certainly the view expressed unambiguously by Thomas Jefferson and James Madison, two of the architects of our Constitution, with respect to an event which is practically indistinguishable from the case at bar. In 1797, a federal grand jury in Virginia investigated the conduct of several members of Congress, including Congressman Cabell of Virginia, in sending newsletters to their constituents critical of the administration's policy in the war with France. The administration believed the newsletters to be "seditious," to contain information valuable to the enemy, and to threaten the security of the Nation.

The grand jury reported: [54]

"We, of the grand jury of the United States, for the district of Virginia, present as a real evil, the circular letters of several members of the late Congress, and particularly letters with the signature of *Samuel J. Cabell,* endeavoring, at a time of real public danger, to disseminate unfounded calumnies against the happy government of the United States, and thereby to separate the people therefrom; and to increase or produce a foreign influence, ruinous to the peace, happiness, and independence of these United States."

Thomas Jefferson, who was the Vice-President of the United States and the leading contemporary expert on congressional privilege,[55] immediately drafted a long essay, in the form of a protest to the Virginia House of Delegates signed by himself and other leading citizens of the district represented by Cabell, condemning the grand jury's investigation as a blatant violation of the congressional privilege and of the doctrine of separation of powers. The draft was forwarded to Madison who joined in it and suggested certain minor changes.[56] These changes were then adopted by Jefferson and the protest was sent to the House of Delegates. This eloquent protest bears so directly on the present case that we believe it merits quotation at unusual length. Its significance goes beyond even the stature of its authors and the factual identity with the case at bar; this protest, line by line, is the most cogent analysis in existence of the purposes and scope of the Speech or Debate Clause, as well as the limitations the Clause places on grand jury investigations. The protest is as follows: [57]

". . . that in order to give to the will of the people the influence it ought to have, *and the information which may enable them to exercise it usefully,* it was a part of the common law, adopted as the law of this land, *that their representatives, in the discharge of their functions, should be free from the cognizance or coercion of the coordinate branches, Judiciary and Executive;* and *that their communications with their constituents should of right, as of duty also, be free, full, and unawed by any*: that so necessary has this intercourse been deemed in the country from which they derive principally their descent and laws, that the correspondence between the representative and constitutent is privileged there to pass free of expense through the channel of the public post, and that the proceedings of the legislature have been known to be arrested and suspended at times until the Representatives could go home to their several counties and confer with their constituents.

"That when circumstances required that the ancient confederation of this with the sister States, for the government of their common concerns, should be improved into a more regular and effective form of general government, the same representative principle was preserved in the new legislature . . . and the laws and principles remained unaltered which privileged the representative functions, whether to be exercised in the State or General Government, against the cognizance and notice of the co-ordinate branches, Executive and Judiciary.

". . . that the said Samuel Jordan Cabell accepted the office, repaired at the due periods to the legislature of the General Government, exercised his functions there as became a worthy member, and as a good and dutiful representative was in the habit of corresponding with many of his constituents, and communicating to us, by way of letter, information of the public proceedings, of asking and receiving our opinions and advice, and of contributing, as far as might be with right, to preserve the transactions of the general government in unison with the principles and sentiments of his constituents: that while the said Samuel J. Cabell was in the exercise of his functions as a representative from this district, and was in the course of that correspondence which his duty and the will of his constituents imposed on him, the right of thus communicating with them, deemed sacred under all the forms in which our governed has hitherto existed, never questioned or infringed even by Royal judges or governors, was openly and directly violated at a Circuit court of the General Government, held at the city of Richmond, for the district of Virginia, in the month of May of this present year, 1797 . . . .

* * * * *

"That the grand jury is a part of the Judiciary, not permanent indeed, but in office, *pro hac vice* and responsible as other judges are for their actings and doings while in office: *that for the Judiciary to interpose in the legislative department between the constituent and his representative, to control them in the exercise of their functions or duties towards each other, to overawe the free correspondence which exists and ought to exist between them, to dictate what communications may pass between them, and to punish all others, to put the representative into jeopardy of criminal prosecution, of vexation, expense, and punishment before the Judiciary, if his communications, public or private, do not exactly square with their ideas of fact or right, or with their designs of wrong, is to put the legislative department under the feet of the Judiciary, is to leave us, indeed, the shadow, but to take away the substance of representation* . . . is to do away the influence of the people over the proceedings of their representatives by excluding from their knowledge, by the terror of punishment, all but such information or misinformation as may suit their own views; *and is the more vitally dangerous when it is considered that grand jurors are selected by officers nominated and holding their places at the will of the Executive:*

". . . and finally, is to give to the Judiciary, and through them to the Executive, a complete preponderance over the legislature rendering ineffectual that wise and cautious distribution of powers made by the constitution between the three branches, and subordinating to the other two that branch which most immediately depends on the people themselves, and is responsible to them at short period." (Emphasis added.)

Jefferson's protest ended with a petition that the House of Delegates order the arrest and imprisonment of the grand jurors for this "great crime, wicked in its purpose, and mortal in its consequences," which not only jeopardized Cabell personally, but infringed the rights of the public.[58] In adding his complete agreement, Madison stated: [59]

"It is certainly of great importance to set the public opinion right with regard to the functions of grand juries, and the dangerous abuses of them in the federal Courts; nor could a better occasion occur."

2. *The View of Other Framers.*

The object of their petition was to mobilize public opinion; the more drastic action urged in the petition became unnecessary since the grand jury withdrew the presentment.[60]

Other founders shared Jefferson's view that the free speech privilege prohibited intrusions by the executive and judicial branches into communications by a congressman to the electorate about matters of public concern. James Wilson, "an influential member of the committee on detail," [61] stated the reason for the speech or debate privilege as enabling a representative of the public "to discharge his public trust" and to "be protected from the resentment of everyone, however powerful, to whom the exercise of that liberty may occasion offense." I Works of James Wilson, 421 (McCloskey ed. 1967), quoted in full, *supra,* p. 33.

Wilson believed firmly that part of the "discharge of his public trust" was the right of a legislator to communicate with the people. In the Essays on the Constitution, Wilson said:

"Representation is the chain of communication between the people and those to whom they have committed the exercise of the powers of government. The chain may consist of one or more links, but in all cases it should be sufficiently strong and discernible." II. Eliot's Debates, 424 (1788).

And, to Wilson, this placed an obligation on congressmen to inform the people fully about proceedings in the Congress:

"That the conduct and proceedings of representatives should be as open as possible to the inspection of those whom they represent, seems to be, in republican government, a maxim, of whose truth or importance the smallest doubt cannot be entertained. That, by a necessary consequence, every measure, which will facilitate or secure this open communication of the exercise of delegated power, should be adopted and patronised by the constitution and laws of every free state, seems to be another maxim, which is the unavoidable result of the former." I Works of James Wilson, 422 (McCloskey ed. 1967).

Wilson's statements are characteristic of a consistent theme of the framers that our system is one of self-government and can operate effectively only when the people are given full information about what their agents in government are doing; a necessary corollary of which is that congressmen must "look diligently into every affair of government and talk much about what [they] see." [62] Madison thus believed: [63]

"Knowledge will forever govern ignorance. And people who mean to be their own governors, must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both."

And also, that ". . . the right of freely examining public characters and measures, and

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of free communication thereon, is the only effective guardian of every other right." 6 Writings of James Madison, 398 (Hunt ed. 1906).

The framers were writing against the background of the experience of the English people, who for the last two centuries had been battling for increased control over their government and had finally, shortly before the Declaration of Independence, won the right to have the debates in Parliament published.[64]

In addition, the framers were appreciative of the effects on public opinion and on government caused by the publicizing of debates in the colonial assemblies. Following the practice of the House of Commons, the colonial assemblies had early enjoined their members from reporting their proceedings so as to preserve secrecy of operation from the Crown, or, in their situation, the Crown-appointed governors. See *Clarke, supra*, at 227–234. However, beginning around 1760, several of the assemblies repealed their secrecy rules and opened their proceedings to the public. The immediate effects in one important state, Massachusetts, have been described as follows:

"By exposing its debates to the public, the assembly offered itself to the people as an agent of public opinion far more direct and immediate than could have normally been the case before. But its action also proceeded in the reverse direction—towards the public. The publicity of debates excited interest and accentuated the sense of crisis. The members, while framing their bold policies of resistance, challenged the people to support them. The immediate public was that of Boston: and this was of no small significance, since it was the Boston mob which executed the most provocative acts of violence and resistance, which could terrorize reluctant representatives from country towns, and whose hearts and minds could so effectively be stirred to mutiny and rage." J. R. Pole, Political Representation in England and the Origins of the American Republic, 70–71 (London: MacMillan, St. Martin's Press, 1966).

3. *The Publication Requirement of Article I, Section 5.*

A confluence of these factors—rooted both in history and political theory—convinced the framers that the obligation of Congress to inform the public should be declared in the Constitution. In order to prevent Congress from ever imitating the ancient practices of the House of Commons and enacting a standing rule against publication, the Constitution requires, in Article I, section 5, that:

"Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the **Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal."**

Clearly, the reason for this publication requirement was, not so much for the benefit of the members themselves, but to insure that congressmen fulfill their obligation to inform the public. As this Court has stated, the purpose of section 5 is "to insure publicity to the proceedings of the legislature, and a correspondent responsibility of the members to their respective constituents." *Field* v. *Clark*, 143 U.S. 649, 670 (1892). This echoes James Wilson's reasoning during the Convention's debate on this section:

"The people have a right to know what their agents are doing or have done, and it should not be in the option of the Legislature to conceal their proceedings." J. Madison, Notes on debates in the Federal Convention of 1787, at 434 (Ohio Univ. Press, 1966).

In gauging the tenor of the times, it is signficant that this section generated heated battles in the ratification debates, and not because it stood for the principle of Congress' obligation to inform the public. Antifederalists argued vehemently that the provision did not go far enough, inasmuch as it allowed the people's representatives to conduct secret proceedings "in their judgment." [65] They were assuaged only after Madison and other influential members of the Convention assured them that the secrecy provision would be invoked only on extremely rare occasions and that the people's representatives could be trusted to exercise considerable restraint in withholding any proceedings from the electorate.[66]

Given their recognition of the obligation of congressmen to inform and enlighten the electorate; their conviction that communication between a representative and his constituents was the heart of a representative's functions; their knowledge of abuses by the Crown in stifling dissent in the legislature under the guise of punishing "sedition" and "treason"; their decision to require the publication of congressional proceedings; and their fundamental belief in separation of powers, it is manifest that the framers intended the publication of committee hearings by a congressman to be privileged. It is simply inconceivable that they could have intended to allow intrusions by the executive or judiciary for any reason into the free communication of information about matters of public importance by a representative to the people. Jefferson's protest against such intrusions is the only position which is consistent with the basic theories of sovereignty, government and representation enunciated in the Constitution: For the Executive and grand jury "to interpose in the legislative department between the constituent and his representatives . . . to put the representative into jeopardy of criminal prosecution, of vexation, expense and punishment . . . if his communications, public or private, do not exactly square with their ideas of fact or right, or their designs of wrong, is to . . . leave us, indeed, the shadow, but to take away the substance of representation . . . rendering ineffectual that wise cautious distribution of powers made by the constitution between the three branches. . . ." [67] They thus understood that restraints on the exercise of the informing function through the publication of committee reports must come from the House itself, which is given ample power in Article I, section 5 to discipline its members.

4. *The Matthew Lyon Case.*

Finally, this view of the framers of our Constitution with respect to the informing function aspect of the privilege was shared by those who counted the most—the people. The privilege of a Congressman to inform his constituents was so well recognized as an essential part of our policy that during the entire disgraceful period of enforcement of the Alien and Sedition Acts, when the Executive equated criticism of its foreign policy with giving aid and comfort to the enemies of the United States, only one prosecution of a congressman for publishing "seditious libels" occurred. This was the trial of Congressman Matthew Lyon of Vermont in 1798. This trial, its effect on representative government, the intense public reaction to it, and Lyon's ultimate vindication bear witness to the disastrous consequences to separation of powers which result when the executive and judicial branches take action against a legislator who speaks out, in any form, against policies thought by the Executive, but not by the people's representatives in Congress, to be essential to the national security.

Lyon was tried under the Sedition Act for publishing two letters: the first accusing the President of an "unbounded thirst" for power, adulation and ridiculous pomp; and the second reprinting a communication from a French diplomat containing a charge of "stupidity" in our policy towards that country.[68]

Lyon was then "an active opposition member of the House of Representatives, where the vote was so equally balanced as to make his withdrawal of national political consequence; and he was then a candidate for re-election." [69] Lyon offered no real defense, both he and the reporter attributing this to his ignorance of the law (his counsel, the Chief Justice of Vermont, had withdrawn because the Court refused to allow adequate time for preparation).[70] He was found guilty by a jury and sentenced by two federalist judges to four months imprisonment and a fine of $1000. The Administration's careful planning was upset, however, when Lyon's constituents, enraged at the imprisonment of their representative for criticizing Adams, formed a mob and threatened to free him forcibly from jail. Lyon apparently perceived the political leverage he now possessed and quieted the mob. His continued imprisonment was so embarrassing "[t]hat the cabinet panted for an excuse to liberate him." [71] he was offered a pardon for an apology (the President said that "repentance must precede mercy") and, apparently, a money bribe, but Lyon held fast. He was re-elected while in jail by an overwhelming majority, returned to his seat, and continued his attacks on the Administration.[72] A move by Admintration forces in the House to expel him failed to get the necessary two-thirds. Lyon served another ten years in the House, and final vindication came in 1840 when an Act of Congress was passed by both Houses and signed by the President declaring his conviction void.[73]

In repudiating the harrassment and persecution of Congressman Lyon, Congress believed that it laid to rest forever the premises under the Sedition Act. In *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 274–276 (1964), this Court agreed, holding that these premises were inconsistent with the form of government established by the Constitution and "the attack upon [the Act's] validity has carried the day in the court of history." Just as the controversy over the Act "crystallized a national awareness of the central meaning of the First Amendment," *id.*, at 273, the *Cabell* and *Lyon* cases established the centrality of the informing function of Congress and the principles of separation of powers to the free speech privilege of the people's representatives. This broad consensus of opinion, articulated by Jefferson, Madison and Wilson and by the people themselves ought now to be recognized as the proper meaning of the Speech or Debate Clause, so that Sedition Act's "last vestige [is] effaced, and its doctrines finally disowned." [74]

D. English history and decisions sustain that publication of legislative proceedings is guaranteed by the privilege.

1. *The Purpose of the English Bill of Rights—the Case of Rex v. Williams.*

The Speech or Debate Clause is the product of a lineage of legislative free speech guarantees from the English Bill of Rights of 1689 to the first state constitutions and the Articles of Confederation. *See generally Tenney* v. *Brandhove, supra*, at 372–375. Historians are unanimous in concluding that the *legislative free speech guarantee in the English Bill of Rights resulted from a prosecution of a member of the House for causing to be published and disseminating to the people a committee report and was specifically designed to protect such conduct in the future.*[75] This case, the presecution of Sir William Williams, Speaker of the House is of overriding importance since it was "one of the immediate causes of the Revolution . . . (and) the occasion of one of the most important clauses in the Bill of Rights, and probably therefore of the like provision in the Constitution of the United States." *McIlwain, supra*, at 242.

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The grievance which gave rise to the legislative free speech provision is set forth clearly in the preamble to the Bill of Rights:

"Whereas the late King James the Second, by the assistance of diverse evill councillors, judges and ministers, imployed by him did endeavor to subvert and exterpate the Protestant religion, and the lawes and liberties of this Kingdome . . . by prosecutions in the Court of King's Bench for matters and causes cagnizable onely in Parlyment . . . The said lords spiritually and temporall and commons . . . for the vindicating and asserting their anntient rights and liberties, declare . . .;"

Corresponding to this article of grievance was the declaration:

"That the Freedom of Speech, and Debates or Proceedings in Parlyment, ought not to be impeached or questioned in any Court or Place out of Parlyment." 1 W. & M., Sess. 2, c. 2

This provision was not by its terms confined to spoken words and could not have been so intended. The last prosecution of members for words spoken in Parliament had occurred in Eliot's case in 1629 during the reign of Charles I, and that conviction was reversed on writ of error by the House of Lords in 1668.[76] The *only* prosecution of a member by King James II was that of Sir William Williams in 1686–1688 for having ordered the publication of a House committee report which alleged misconduct by the king, his family and advisors.[77]

The great case of Sir William Williams began during the reign of Charles II, where the House of Commons, of which Williams was Speaker, received a number of narrative reports about an alleged popish plot between the king, his relatives and advisors and the King of France to restore Catholicism as the established religion and to violate the free exercise of religion by Protestants.[78] The most famous of these narratives was Dangerfield's Narrative, which contained allegations of this sort in lurid detail against some of the most prominent members of the court. A committee of the House received this narrative, their report containing it was entered on the Commons Journal, and the House then gave permission to several of its members and outside printers to publish the narrative and other papers relating to the popish plot.[79] Williams, the Speaker, requested and received permission to publish Dangerfield's Narrative.[80] Sir William Courtney, among others, went on record for the reason for the printing: [81]

"Let men know what they please, the weight of England is the people; and the more they know, the heavier will it be; and I could wish some would be so wise as to consider, that this weight hath sunk ill ministers of state, almost in all ages; and I do not in the least doubt but it will do so to those who are the enemies of our religion and liberties."

A number of seditions libel prosecutions were instituted by Charles II against the authors of virulently anti-Catholic narratives.[82] All were found guilty by the handpicked judges of the King's Bench.[83] Yet even Charles II dared not attack members of Parliament. This rash action was undertaken in 1686, the year James II succeeded to a turbulent throne, with the filing of an information in the King's Bench against Sir William Williams for the publication of Dangerfield's Narrative.[84]

Williams was represented by Sir Robert Atkyns, a former Chancellor of the Exchequer, who came out of retirement to argue on behalf of the free speech privilege of the House.[85] Atkyn's argument contained a remarkable exposition of the origin, development and purposes of the privilege. He traced the history of the privilege from its early judicial antecedents, which he claimed settled the principle that anything said or done in Parliament could not be questioned in any inferior court.[86] He then argued, on functional terms and with an amazingly modern ring, that the privilege encompassed actions of members in effectuating the powers of Parliament. He saw those powers as three-fold: a legislative power, in the enactment of statutes; a judicial power, when acting as the High Court; and a counselling, or enquiring, power.[87] As evidence of the latter he cited the obligation of the House to investigate matters of state, expose corruption and maladministration, punish offending ministers and offer guidance to the king.[88]

Atkyns tied Williams' printing of the report to the enquiring function. He asserted, in fact, that this function was necessary for the accomplishment of all of the House's powers: [89]

". . . [T]he enquiry is the most proper business of the House of commons. For this reason they are commonly styled The Grand Inquest of the nation . . ."

"This enquiry of theirs is necessary in a subserviency of all the several high powers of that high court. Namely, in order to their legislature, or to the exercise of their power of judicature . . .

"Or it may be in order to their counselling power, for removal of great officers or favorites . . .

"But still they must first make enquirys . . . [and] the most effectual enquiry is most probably from without doors; and without such enquiry, thing of great importance may lie concealed."

Atkyns then responded to the Attorney General's contention that the act of publication divested Williams of the privilege. As a matter of common sense, he said, this was absured. The narrative had already been made public when read before the bars of both Houses and entered in their Journals; the publishing in print changed nothing.[90] Finally, Atkins asked rhetorically, "but what need was there of printing it?" and responded that the House "out of a sense of duty" might decide that it was necessary to inform and alert the public of Dangerfield's charges against high ministers. An enlightened public might then offer more information, "a fuller proof," that could lead to the prosecution, removal, or clearing of the ministers.[91] Publication of the report was a good way of conducting this further enquiry; "of late years enquiry by printing has been a most frequent practice, and we meet with it every week, and it is become the most ordinary way of making enquiries, which run into all parts of the nation." [92]

Atkyns' argument was thus a forerunner of the standard applied two hundred years later by this Court—that the privilege protects things "generally done" by members "in relation to the business" before the legislature.[93] In ordinary times, this argument would have been successful; but James II dismissed the honest judges of the King's Bench and caused Williams to be tried by a court headed by the notorious Jeffries.[94] The plea of privilege was rejected out of hand and Williams was fined ten thousand pounds.[95]

James II was sent into exile shortly after Williams' conviction, and a committee was appointed by the House of Commons "to bring in general Heads of such things as are absolutely necessary to be considered for the better securing our Religion, Laws, and Liberties." The committee was chaired by Sir George Treby and contained Sir William Williams.[96] The committee reported back, and Treby said of the free speech guarantee: [97]

"This article was put in for the sake of one, once in your place (i.e., the Speaker), Sir William Williams, who was punished out of Parliament for what he had done in Parliament."

A delegation was then sent to the House of Lords, with Williams at its head, and in February of 1689 the two Houses agreed upon the broad language of the Bill of Rights.[98] In July, the House of Commons passed a specific resolution that the judgment of the King's Bench against Williams "is an illegal Judgment, and against the Freedoms of Parliament." [99]

This history should lay to rest any contention that the publication and dissemination of legislative proceedings is not protected legislative activity. On the contrary, it is fair to conclude that the free speech guarantees beginning with the English Bill of Rights were designed to protect just such activity.

2. *Subsequent Decisions Holding the Privilege Applicable to Members who Publish Without Permission of the House.*

The English Bill of Rights of 1689 overruled the King's Bench decision in the *Williams* case and established that publication of proceedings was encompassed within the free speech privilege. Williams had, however, obtained an order from the House to publish Dangerfield's Narrative. It would seem to be a short step from that to the protection of publication by a member on his own.[100] Yet that step was taken only after a prolonged conflict with the courts between 1795 and 1868. Care must be taken in analogizing the English cases—all decided after the Constitution was written—to the scope of the privilege in America because of the existence of certain historic factors in England which were there relevant in molding the privilege in this area but which have never existed in our country. The major factor is the standing rule of the House of Commons, dating back to the early 1600's, which prohibited the publication of its proceedings, either by members or by the press, except by specific leave of the House.[101] This rule was justified first to insure secrecy against Stuart and Tudor monarchs who systematically threatened retaliation against members who were discovered to have intruded into their prerogatives in parliamentary debates, but the rule was later invoked out of fear of misrepresentation in the press and a general intolerance to public opinion.[102] When individual members and the House printers then claimed the right to publish the proceedings, their arguments about the necessity to enlighten the public were greeted quite unsympathetically by courts which had observed the imprisonment of newspapermen by the House for the violation of the standing rule.[103] These circumstances, of course, did not exist in America, where Congress was *required* by the Constitution to publish its proceedings and where Congress from its earliest days recognized its obligation to make its proceedings widely available to the public and encouraged individual members to do so.[104]

An examination of these post-Constitution English cases is nevertheless instructive because the privilege was ultimately extended to publication of legislative proceedings due to the recognition of the informing function of Parliament. In England, members of Parliament are now privileged in publishing speeches and reports for the information of their constituents, and this privilege applies derivatively to publishers and to the press. The first cases which held to the contrary, and which were relied upon by the Court of Appeals,[105] were never firmly settled and have not survived. The evolution of English decisions is a follows:

(a) In *Rex* v. *Lord Abington,* 1 Esp. 226, 170 Eng. Rep. 337 (1795), a member of the House of Lords accused his attorney of unprofessional conduct, in a speech on the floor. Abington later arranged for the speech to be published, and the attorney instituted a libel action. Although Abington pled the privilege as a bar to the action, he did not argue that the privilege was applicable due to his obligation to inform his constituents; nor could he have so argued since he was a member of the House of Lords, and thus not elected to Parliament. Lord Kenyon sitting

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nisi prius, rejected the plea. His opinion is quite clear in upholding the right to publish speeches made in Parliament, but he excluded from that right libels against *private individuals:*

"A Member of Parliament has certainly the right to publish his speech, but that speech should not be made a vehicle of slander against any *individual;* if it was, it was a libel." *Id.*, 170 Eng. Rep. at 340. (Emphasis added.)

(b) Four years later in *Rex* v. *Wright*, 8 T.R. 293, 101 Eng. Rep. 1396 (1799), the King's Bench held a bookseller absolutely immune for printing and circulating an allegedly libellous House report. The Crown relied principally upon the trial of Sir William Williams as *authority* for this prosecution; but Lord Kenyon, now Chief Justice, dismissed the argument with the comment that that case "happened in the worst of times." Justice Grose, more forthrightly, said of the *Williams* case, "it must be remembered that that was declared by a great authority to be a disgrace to the country." And Lord Kenyon stated the broad principle:

"[T]he report in question, being adopted by the House at large, is a proceeding of those who, by the constitution, are the guardians of the liberties of the subject; and we cannot say that any part of that proceeding is a libe." *Id.*, 101 Eng. Rep. at 1398.

The third member of the Court, Justice Lawrence, concurred on the basis of the public's right to be informed fully about proceedings in Parliament:

"It is of advantage to the public, and even to legislative bodies, that true accounts of their proceedings should be generally circulated; and they would be deprived of that advantage if no person could publish their proceedings without being punished as a libeller." *Id.*, 101 Eng. Rep. at 1399.

(c) Obviously, there was a basic inconsistency in the approach taken by the court, including Lord Kenyon, in *Wright* as contrasted to *Abington*. Unfortunately, by the time that *Rex* v. *Creevey*, 1 M. & S. 272, 105 Eng. Rep. 102 (1813), a libel action for publication against a member of the House, was decided, Lord Kenyon had died and his successors had to reconcile the precedents. Instead, they held that the privilege did not extend at all to a publication of a speech—a position hardly supported even by the narrow holding of *Abington*—the theory being that since the House has a standing order against publication of its proceedings, any member who does so is acting *ultra vires*. See *Wason* v. *Walter*, discussed in (e), *infra*.

(d) In *Davison* v. *Duncan*, 7 E. & B. 229, 233, 119 Eng. Rep. 1233, 1234 (1857), all of the justices agreed in dictum, that despite *Creevey* a member of Parliament was privileged in republishing a speech in order to disseminate it to his constituents.

(e) In *Wason* v. *Walter*, L.R. 4 Q.B. 73 (1868), the Court held, in a libel action against a bookseller for publication of a speech in Parliament that the privilege protected a member, if published "for the information of his constituents," *id.*, at 95, and afforded derivative protection to a publisher.

The governing principle was that the informing function of Parliament was essential to representative government:

"How could the communications between the representatives of the people and their constituents, which are so essential to the working of the representative system, be usefully carried on, if the constituencies were kept in ignorance of what their representatives are doing? What would become of the right of petitioning on all measures pending in parliament, the undoubted right of the subject, if the people are to be kept in ignorance of what is passing in either house? Can any man bring himself to doubt that the publicity given in modern times to what passes in parliament is essential to the maintenance of the relations subsisting between the government, the legislative, and the country at large? . . . It seems to us impossible to doubt that it is of paramount public and national importance that the proceedings of the houses of parliament shall be communicated to the public, who have the deepest interest in knowing what passes within their walls, seeing that on what is there said and done, the welfare of the community depends." *Id.*, at 89.

The court then severely criticized the reasoning of earlier cases, including *Stockdale* v. *Hansard*, 9 A. & E. 2, 112 Eng. Rep. 1112 (1839), and *Abington* and *Creevey* were limited in the narrowest possible manner. Finally, the Court forthrightly rejected the *ultra vires* argument:

"It only remains to advert to an argument urged against the legality of the publication of parliamentary proceedings, namely, that such publication is illegal as being in contravention of the standing orders of both houses of parliament . . . [P]ractically, each house not only permits, but also sanctions and encourages, the publication of its proceedings, and actually gives every facility to those who report them. . . . Collectively, as well as individually, the members of both houses would deplore as a national misfortune the withholding their debates from the country at large . . . The standing orders which prohibit it are obviously maintained only to give to each house the control over the publication of its proceedings, and the power of perventing or correcting any abuse of the facility afforded. Independently of the orders of the houses, there is nothing unlawful in publishing reports of parliamentary proceedings. Practically, such publication is sanctioned by parliament; *it is essential to the working of our parliamentary system, and to the welfare of the nation.* Any argument founded on its alleged illegality appears to us, therefore, entirely to fail." L.R. 4 Q.B. at 95. (Emphasis added.)

(f) *Wason* v. *Walter, supra*, was the last judicial decision in England considering the privilege in the context of publishing proceedings. In 1938, however, the House of Commons appointed a select committee to consider the applicability of the Official Secrets Act to members of Parliament. The incident precipitating the appointment of the committee was the action of a military court of inquiry in subpoenaing a member of the House of Commons, Duncan Sandys, who obtained and disclosed highly sensitive military documents, containing current battle of order plans and marked "secret," allegedly in violation of the Official Secrets Act. The committee asked Sir Gilbert Campion, a noted scholar and legal advisor to the House, to prepare a memorandum on the law of privilege in England. He concluded, among other things, that a member was immune from judicial proceedings and all forms of executive and judicial harassment for receiving documents in violation of the Act and in disclosing them on the floor or in committee. Report from the Select Committee on the Official Secrets Act 23–28 (1939). He then reviewed the libel cases from *Abington* through *Wason* v. *Walter* and concluded that the privilege would include as well the publication and dissemination to the public of such a speech or hearing, at which he disclosed classified information:

"If . . . a member circulated among his constituents a speech made by him in Parliament in which he had disclosed information of the kind in question, it might be held on the analogy of the principles which have been said to apply to prosecutions for libel that he could not be proceeded against for disclosing it to his constituents, unless, of course, the speech had been made in secret session. Even if the suggested analogy is not admitted, it would be repugnant to common sense to hold that though the original disclosure in the House was protected by parliamentary privilege, the circulation of speech among the member's constituents was not." *Id.*, at 29.

In America, Congress has never had standing orders against publication; from the beginning, Congress has actually encouraged it. See, *e.g.*, 39 U.S.C. § 4163 (the franking privilege). Indeed, such a rule would appear to be specifically prohibited by Article I, section 5. And the legislative privilege for publication was recognized fully in England only after democratic reforms had emphasized the primacy of Parliament as the people's representatives, and the correlative informing duty. Again, in America, this was the revolutionary presupposition of our Constitution.

Over one hundred years ago, the British recognized that parliamentary privilege, for both members and those acting on their behalf, must extend to the publication of parliamentary papers in order to ensure the public that legislators will perform their vital informing function. There is no reason in history or policy why the rights of the people's elected representatives should be narrower in the United States. In fact, it would be anomalous in the extreme for Great Britain, a country in which separation of powers is *not* a constitutional principle of government, to have definitively established this privilege, but for the United States, where separation of powers has been a basic doctrine from the outset, to reject it.

E. The privilege is not divested because the legislative activity in question was carried out in a manner deemed by a Federal court to me irregular and contrary to the court's notion of germaneness.

Perhaps out of recognition that its holding was at odds with the thrust of prior decisions of this Court and was inconsistent as well with the history and policies underlying the Speech or Debate Clause, the Court of Appeals suggested that ordinary publication of committee reports might well be constitutionally protected but that this particular instance was not. This was implied in the initial decision [106] and stated beyond doubt in the second opinion (on rehearing), where the Court of Appeals "dr[ew] a distinction between normal and customary republication of a speech in Congress and republishing privately all or part of 47 volumes of, we must presently assume, lawfully classified documents, through the device of filing them as exhibits to the records of a subcommittee to which they have no conceivable concern." (P.W.C. 2c.)

The clarifying language in the opinion on rehearing indicates clearly that the Court of Appeals has thus taken upon itself the power of determining whether or not a procedure followed by a senator in the performance of his legislative functions is sufficiently "regular" so as not to divest his protection under the Speech or Debate Clause. In so doing the Court of Appeals has departed drastically from settled principles. Even the District Court recognized in its opinion that "[t]he courts have no right to dictate . . . the procedures for Congress to follow in performing its functions. . . ." and that "[j]udging the applicability of the legislative privilege in the exercise of the functions of a legislator's office should be done 'without inquiring whether the exercise was regular according to the rules of the House, or irregular and against their rules,'" 332 F. Supp. at 936. See also, *e.g., Tenney* v. *Brandhove, supra; Coffin* v. *Coffin, supra;* and *Cochran* v. *Couzens*, 42 F. 2d 783 (D.C. Cir. 1930).

Article I, section 5 of the Constitution vests in Congress, and Congress alone, the power to make and enforce rules for its proceedings. This is a "textually demonstrable commitment" of authority to a coordinate branch of government, cf. *Baker* v. *Carr*, 369 U.S. 186 (1961), and clearly precludes superintendence by the judicial branch. How a

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Footnotes at end of article.

House of Congress internally allocates its functions among its committees is a political question which is beyond the cognizance of the courts.[107] The judiciary has no more authority to tell a senator what is "germane" to the subcommittee which he chairs[108] than to adjudicate the current jurisdictional dispute between the Foreign Affairs and Armed Services Committees. The privilege is inapplicable to committee investigations only when it is "obvious that there was a usurpation of functions exclusively vested in the Judiciary or in the Executive." *Tenney* v. *Brandhove, supra,* at 378. As the District Court observed, a committee investigation into the causes and conduct of the war in Vietnam is hardly such a "usurpation," 332 F. Supp. at 935.[109]

It is equally clear that there is nothing in the nature of "private" publication which may defeat the privilege. Technological developments in printing have so persuaded congressmen and other public officials to utilize private facilities to disseminate reports and records in order to obtain the cheapest and most widespread distribution that it is now a dominant mode of publication. This Court may take judicial notice of the fact that, for example, every important commission report over the last decade has been printed privately.[110] Similarly, transcripts of many significant congressional committee hearings have been printed privately and published in book form. Some of the better known examples are the 1966 Senate Committee Hearings on the Vietnam War,[111] the 1954–1955 Subcommittee Hearings on Juvenile Delinquency,[112] the 1961 Subcommittee Hearings on Employment, Manpower and Poverty,[113] the Hearings on the Housing Act of 1936,[114] the 1937 Hearings on the Reorganization of the Federal Judiciary,[115] the 1902 Hearings on the Philippine Insurrection,[116] the 1867 House Hearings on the New Orleans race riots,[117] the 1866 Hearings on the Memphis riots,[118] and the 1866–1868 Report of the Joint Comimttee on Reconstruction.[119] And even before this development became so pronounced, the public printer, who is after all distinguished only by being subsidized by the taxpayer, has not had a status at all different, under either American or English Law, from private printers who publish legislative proceedings.[120]

As this Court has recognized, the privilege would be "of little value" if it turned upon such amorphous concepts as "germaneness" and "regularity," for such standards in reality reduce to the way in which a judge or jury, in its discretion, speculates about the propriety of a congressman's actions. *Tenney* v. *Brandhove, supra* at 377. The doctrine announced by the Court of Appeals, for the first time in our jurisprudence, would permit private suits against congressmen for speaking to their colleagues and to the electorate—which should be dismissed summarily—to go to the trier of fact upon a simple allegation of irrelevance or irregularity. *But see, e.g., Cochran* v. *Couzens, supra.* It would permit the institution of grand jury proceedings and criminal prosecutions against disfavored legislators upon the same naked assertion. The "absolute" protection[121] of the Speech or Debate Clause would crumble, and the "practical security" it seeks to afford rendered illusory, in the face of essentially political questions of regularity and propriety. This is precisely such a case. The executive branch believed that it would be improper to reveal to the public the contents of the Pentagon Papers; a United States senator, elected by the people, believed that it would be improper for those documents to be withheld from public scrutiny and that he had the duty to inform the people of their contents. The executive branch now asks the courts to umpire this dispute. "Courts are not the place for such controversies." *Tenney* v. *Brandhove, supra,* at 378. Neither are grand juries.

Footnotes at end of article.

PART II

The Speech or Debate Clause Prohibits Grand Jury Investigation into the Legislative Acts of a Senator through the Interrogation of Persons who Assisted Him in the Performance of his duties.

In the preceding part, we have shown that the historical underpinnings of the Speech or Debate Clause, the purposes for its inclusion in the Constitution, and the specific intentions of the framers, all lead to the inescapable conclusion that the publication and circulation of the subcommittee record are privileged from judicial inquiry because they fall within the category or actions necessary to foster the aims of representative government and are customarily done by congressmen in relation to the business before the legislature. The protection given to acts such as these does not derive as an emolument of office but is essential to preserve the independence, integrity and freedom of the legislative branch and, hence, the rights of the people.

The executive branch in this case claims the right to intrude deeply into the legislative process by investigating, through the compulsory process and contempt powers of the grand jury and of the courts, the privileged legislative activities of Senator Gravel. It claims the right to subpoena everyone with whom the Senator dealt in the performance of his constitutional obligations and to interrogate them about how and why the Senator prepared for and conducted the subcommittee hearing and how and why he arranged for the publication and dissemination of the record of that hearing to his colleagues and to the electorate. The executive branch thus asks this Court to hold that it may, in conjunction with the grand jury, intensively breach the sanctity of the legislative process. And, although given ample opportunity to do so in the lower courts, the Government has not even offered a reason, beyond the broadest of generalities, why this intrusion into the privileged activities of a coordinate branch would be even helpful, let alone necessary, in the enforcement of the criminal laws.

In evaluating whether this proposed investigation is barred by the protections of the Speech or Debate Clause, consideration must, of course, be given to the role which the Clause plays in our system of separation of powers and to its basic purpose of giving "practical security" to the legislature. *United State* v. *Johnson, supra.* Likewise, consideration must be given to the legitimate social interest in the enforcement of criminal and civil laws, save in those situations where constitutional mandate and overwhelming social policy dictate otherwise. *Ibid.*

A. An investigation by the executive branch, in conjunction with the grand jury, into the legislative acts of a Senator violates the Doctrine of Separation of Powers.

As has been pointed out, *supra,* at pp. 5–10, the Justice Department in this case started out its intended investigation of the publication of the subcommittee record by focusing upon Senator Gravel personally. The lack of success of this focus in the courts below has forced the Justice Department to abandon any attempt to subpoena Senator Gravel in order to inquire into the details of his privileged conduct.[122]

However, the Justice Department persists in continuing its investigation of the Senator's conduct in holding the hearing and publishing the record by seeking to interrogate parties whose aid was a *sine qua non* to the Senator's accomplishment of his legislative task, namely the Senator's aide and those who assisted him in publishing the record.

The argument made by the Senator herein is not that the introduction of the Pentagon Papers into the subcommittee's official record "bathes" all actors in the transaction with senatorial immunity in order to protect them or anyone. Rather, the Senator argues that on the facts of this case, in order for *the Senator* to be protected against unseemly and unconstitutional executive and judicial "question[ing] in any other Place" concerning his legislative acts, he must be able to assert his privilege against having those who assisted him in the accomplishment of his legislative obligations questioned about those very subjects on which the Government has now abandoned any efforts to question the Senator personally.[123] It is the Senator's own privilege, and more importantly the rights of the sovereign people, that he seeks to vindicate, not any right or privilege that inheres independently in such aides and other parties.

It must be understood at the outset that the Senator's argument here is very limited. He does not argue that either he or his aides or other parties are bathed with any immunity from questioning where what they did, saw or heard was not a necessary and proper adjunct to a legislative act. Nor does the Senator here venture a view with respect to whether or not any party with whom he did or did not deal is bathed with any kind of immunity from prosecution or accountability.[124]

In fact, we will assume that if the Senator personally had "stolen" the Pentagon Papers, and if such an act were a crime, then he could be prosecuted for that criminal act. Certainly, then, aides and other assistants could likewise be prosecuted.

But there has been no suggestion in this case that the Senator or anyone working under his direction "stole" the Pentagon Papers. The investigation for which Dr. Rodberg, Howard Webber, and Beacon Press officials and others have been subpoenaed forcuses directly and entirely on the preparation for the subcommittee meeting and the subsequent publication of the record thereof, and the finder of fact so stated (S.G.P. 39.) To put the matter more precisely in the language of prior opinions of this Court, the Justice Department focuses its inquiry on acts "generally done" in a session of the legislature by a member in relation to the business before it.

1. *The Inquiry Proposed by the Justice Department.*

The Justice Department now acknowledges that the Speech or Debate Clause bars direct questioning of a member of Congress about his legislative acts. (S.G.P. 10.) Yet it seems evident that exactly the same constitutional evil may result from a grand jury inquiry into the congressman's legislative acts through the interrogation of everyone with whom he dealt. In the course of his legislative activities, a congressman must of necessity deal with many people, and the interrogation of them before the grand jury will accomplish by indirection precisely what the Justice Department concedes cannot be done directly—the intensive breach of the sanctity of the legislative process. The Executive, with the assistance of the grand jury, may, under the claim now advanced by the Solicitor General, investigate how a congressman wrote a speech, what materials were in his possession, what conversations he had prior to speaking out or voting on controversial issues, how he prepared for and held a hearing, how he made his speeches, reports and hearings available to the electorate, and why he engaged in any of these legislative activities. This case represents just such a situation. It is difficult to imagine a Senator adequately preparing for and holding a committee hearing without the assistance of aides, or of performing the informing function adequately without the assistance of printers. The interrogation of Dr. Rodberg before the grand jury about the hearing, and of Webber and the Beacon officials about the publication of the record, would disclose *precisely* the same amount of information about the

Senator's privileged activities as if he himself were called.

This kind of unrestrained intrusion[125] into privileged legislative activity is a clear and blatant violation of separation of powers. The Speech or Debate Clause was designed to serve the function of "reinforcing the separation of powers so deliberately established by the Founders." *United States* v. *Johnson, supra,* at 178; Federalist No. 48 (Madison). See also Works of James Wilson 299 *et seq.* (McCloskey ed. 1967). Indirect and subtle breaches of separation of powers are just as prohibited as direct and massive violations, for, as the framers well understood, "power is of an encroaching nature, and . . . it ought to be effectively restrained from passing the limits assigned to it." Federalist No. 48 (Madison).[126] Stripped of its verbiage, the issue here is a simple one: May the executive branch and the grand jury investigate the privileged legislative activities of a member of Congress? Unless the stone wall conception of the doctrine of separation of powers is reduced to a pleasant-sounding, but meaningless, metaphor, the answer must be emphatically "No."

2. *The Inquiry Permitted by the Court of Appeals.*

The same basic principle of separation of powers forecloses the very substantial inquiry permitted by the Court of Appeals, which would allow the interrogation of all those except his personal aides who assisted the Senator in the performance of his legislative activities, so long as the "object is [not] to attack the legislator's motives in speaking." (P.W.C. 12a.) In so holding, the Court of Appeals misappreheneded the holding of *United States* v. *Johnson, supra,* at 173–176, where this Court barred inquiry of anyone not only into motives but also into *how* the speech was prepared and into its precise ingredients. More fundamentally, the rationale of the Court of Appeals affords little, if any, protection to a member of Congress against intrusions by the executive and grand jury into privileged activity. Given the complexities of modern-day government, Congressmen must and customarily do require the assistance, cooperation and advice of persons outside their immediate staff in fulfilling the duties of their office. This inescapable fact of modern-day legislative life renders illusory the protection against unconstitutional inquiry announced by the Court of Appeals. Any protection which the Senator has from direct inquiry may be circumvented through the investigation of his privileged activity by the interrogation of private persons with whom he dealt about how he prepared and delivered speeches, votes, committee hearings and so forth.

The Court of Appeals apparently believed that an otherwise impermissible intrusion into the legislative process was legitimate if the interrogators disclaimed any intention to attack the Senator's motives. That this limitation does not ameliorate the patent violation of separation of powers is clear, for four reasons. First, and most basically, the unconstitutionality of a breach of separation of powers does not depend on whether it was done out of good or bad intentions. Certainly no court would uphold a clear infringement of First Amendment rights because the executive branch acted in good faith; the same is true with respect to the absolute guarantee of the Speech or Debate Clause.[127] Second, if the executive branch and the grand jury may uncover every detail concerning the manner in which a senator, for example, decided to give a controversial speech, his motives for doing so are readily inferable. Third, this standard is unenforceable; the Court of Appeals rejected as "extraordinary" the Senator's motion that the Justice Department specify the purpose and nature of its proposed inquiries (P.W.C. 13a). And fourth, the reason that courts do not delve into the motives of legislators is that to do so would be "indecent, in the extreme." *Fletcher* v. *Peck,* 6 Cranch, 87, 3 L. Ed. 162, 176 (1810) (Marshall, C. J.) It is equally unseemly to pry into privileged *acts*. The District Court was therefore correct in holding that no witness before the grand jury could be questioned about Senator Gravel's privileged acts and his motives for performing them.[128]

B. The Investigation of a Senator's privileged acts through the interrogation of those who assisted him has the same potential for intimidation, harassment and distraction as if the Senator were questioned directly.

The proposed inquiry by the Executive and grand jury into the Senator's privileged legislative acts, even under the limitations placed by the Court of Appeals, is directly violative of separation of powers; and the Executive has asked the assistance of the federal courts, by way of their compulsory process, in a manner which would indeed make the courts a party to an unconstitutional end. This provides ample reason for this Court to hold the inquiry barred by the Speech or Debate Clause.

In addition, the Executive's proposed inquiry runs afoul of the Speech or Debate Clause in another, albeit related, way. An important purpose of the Clause is to guarantee "practical security" to congressmen and to prevent "intimidation by the executive." *United States* v. *Johnson, supra,* at 179, 181. In considering this question, then, the courts must "look particularly to the prophylactic purposes of the clause." *Id.*, at 182. The Solicitor General has now conceded (what would appear in any case to be self-evident) that direct interrogation of a congressman about his legislative activities before the grand jury carries with it an obvious potential for intimidation and harassment. (S.G.P. 9–10.)[129] Yet it is a mystery why the Solicitor General does not recognize exactly the same potential in the interrogation of persons who assisted the congressman in executing his constitutional functions.

In its petition for certiorari, the Justice Department pointed out the one and only difference between the investigation of a congressman's privileged conduct through personal questioning and the same investigation accomplished by the interrogation of those who assisted him in the performance of his duties; namely, that in the latter case his own time is not being expended in the grand jury room (S.G.P. 11). While the avoidance of this result is of course one purpose of the Clause, see *Powell* v. *McCormack, supra,* at 505, the major thrust of the privilege is to foreclose intimidation and harassment. Jefferson's and Madison's powerful protest against the intrusion and intimidation by the grand jury in *Cabell's* case was wholly independent of whether Cabell himself was interrogated personally, which apparently he was not. See pp. 53–58, *supra.* If a senator knows that the executive branch, and federal grand juries, may investigate every detail of his legislative activities as a result of his giving a controversial (or displeasing) speech or holding a committee hearing, or in casting his vote in a manner questioned by the Executive, he will certainly think twice before discharging his duties uninhibitedly. The result of permitting the interrogation of those who assisted him in his decision-making process would be to intimidate the legislator from seeking advice and assistance on controversial matters, which are those in which he needs it the most. It will also deter those who would render such assistance and then face the choice of breaching every confidence before the grand jury or going to jail for contempt. Finally, in terms of "distraction," we did not understand this Court in *Powell* to suggest that this term has only a temporal content. Manifestly, a congressman will not be oblivious to the fact that an intensive grand jury investigation into his privileged activities is occurring, with an uncertain scope and outcome, and this is bound to distract him from the maximum performance of his duties. And the fact that he had not been called may cut the other way. The congressman has on right to be in the grand jury room during the secret, inquisitional interrogation of those who assisted him, he cannot object to the most outrageous of inquiries, and he cannot even be sure of the degree to which the Executive and grand jury have intruded into his privileged conduct. It thus may be even more intimidating of a congressman for the Executive to intrude into his legislative activities in circumstances where the interrogation is in a secretive chamber and is of those over whom he has no certain control.[130]

C. Prior American and English cases have prohibited the testimony of nonmembers about the legislative acts of members.

On several prior occasions, courts in both the United States and Great Britain have held that a legislator may invoke the privilege to bar the interrogation of persons who assisted him in the discharge of his duties. While these cases are, in varying degrees, distinguishable from the present situation, each deals with the intercession of the speech and debate privilege to prevent the questioning of nonmembers with respect to the legislative acts of members.

In perhaps the situation closest to the instant case to have reached this Court held that it was error for the judiciary to allow *any* persons, including aides and complete outsiders, to be questioned with respect to a member's legislative acts. In *United States* v. *Johnson, supra,* four defendants were convicted under an indictment charging conspiracy to defraud and substantive acts under a conflicts of interest statute. The conspiracy counts alleged, essentially, that the defendants had conspired to defraud the United States of its right to have the official business of the Department of Justice conducted honestly and free of undue pressure and influence. As this Court described the "broad outline" of the conspiracy, two congressmen (including Johnson) agreed with two officers of a Maryland savings and loan institution, that the congressmen would exert influence on the Justice Department to obtain dismissal of a pending indictment against a loan company and its officers. As part of the conspiracy, Congressman Johnson was to give and did in fact give a speech on the floor of the House favorable to independent savings and loan associations. The two congressmen approached officials of the Justice Department and tried to influence them to drop the indictment. Congressman Johnson received fees allegedly disguised as "campaign contributions" for these services.

This Court did not discuss the case in terms of in what respects the Speech or Debate Clause protected Johnson in accepting a bribe[131] or in applying unlawful pressure on the Justice Department. On the contrary, this Court specifically noted that:

"No argument is made, nor do we think that it could be successfully contended, that the Speech or Debate Clause reaches conduct, such as was involved in the attempt to influence, the Department of Justice, that is in no wise related to the due functioning of the legislative process." *Id.*, at 172.

In other words, this Court considered the Speech or Debate Clause applicable only to legislative activities; and "influence peddling," particularly where it involved an intrusion by the legislator into prosecutorial activities specifically delegated by the Consitution to the executive and judicial branches, could not be considered within the sphere of legislative duty.[132]

But other of Johnson's activities, illegal and badly motivated though they may have been, were ruled by this Court to be within

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the clear ambit of and related to "the due functioning of the legislative process," namely, "the manner of preparation and the precise ingredients of the speech [and] the motives for giving it." *Id.*, at 175–176. In order to protect the Congressman's privilege under the Speech or Debate Clause, this Court held that it was error for the trial court to allow questioning of the Congressman, *his administrative assistant, and outsiders* representing the loan company, with respect to their knowledge of or participation in the preparation of the speech and its delivery. *Id.*, at 173–176. Thus, while the Court did not have to reach the question whether such aides and outside assistants and parties could be prosecuted and held criminally accountable for their participation in the Congressman's perhaps unlawful but nevertheless privileged acts involving the speech,[133] it prohibited any questioning of anyone where that questioning involved protected legislative activities. Since the attempts to pressure and influence the Department of Justice were found to be outside the scope of legislative activities, the Government was not prohibited from questioning either the Congressman or his aides or other parties about that conduct.

It should be noted that this Court in *Johnson* was dealing with the trial of a criminal indictment. Yet the Court did not analyze the applicability of the Clause primarily in terms of any immunity from criminal prosecution afforded to either the member or his nonmember associates.[134] Instead, this Court chose to isolate the legislative acts from the nonlegislative acts and prohibit *questioning* of *anyone* regarding legislative acts.[135]

English law is in accord. In *Ex parte Wason*, L.R. 4 Q.B. 573 (1868), a complainant charged that a nonmember conspired with two members of the House of Lords to deceive the House by making speeches in the House which they knew to be false and libellous of the complainant.[136] Although this conspiracy was a crime under English law, *id.*, at 574–575, the Court held unanimously that no information could issue against *any* of the defendants. The gravamen of the charge was that the members improperly prepared and delivered speeches, which is privileged conduct. This conduct was immune from the cognizance of the courts for, as Mr. Justice Lush said:

". . . [W]e ought not to allow it to be doubted for a moment that the motives or intentions of members of either House cannot be inquired into by criminal proceedings with respect to anything they may do or say in the House." *Id.*, at 579.

And Chief Justice Cockburn said:

"It is clear that statements made by members of either House of Parliament in their places in the House, though they might be untrue to their knowledge, could not be made the foundation of civil or criminal proceedings, however injurious they might be to the interest of a third person. And a conspiracy to make such statements would not make the persons guilty of it amenable to the criminal law." *Id.*, at 576.

The court thus did not allow the case to proceed against the members or outsider, for *either* charge would have required the introduction of testimony concerning the legislative acts of the members themselves.

This doctrine was also followed in *Rex* v. *Rule*, 2 K.B. 372 (1937), in which a legislator's constituent was convicted for publishing defamatory libels. He had written to his member of Parliament indicating that he had documents proving that a detective and a justice of the peace were guilty of criminal conduct. The member wrote the constituent, requesting that the constituent mail to him the documents. "These can be forwarded to me with utmost confidence. . . ." *Id.*, at 377. The court attached particular significance to the fact that the member requested the information of his constituent in confidential fashion. *Id.*, at 376. Thereafter, the constituent sent the materials to the member, for which the former was prosecuted. Lord Hewart, C.J., writing for the court said:

"It is sufficient for the purpose of this case to say that in our judgment a Member of Parliament to whom a written communication is addressed by one of his constituents asking for his assistance in bringing to the notice of the appropriate Minister a complaint of improper conduct on the part of some public official acting in that constituency in relation to his office, has sufficient interest in the subject-matter of the complaint to render the occasion of such publication a privileged occasion. When once it is seen that a decision favourable to the appellant requires no more than this limited assertion of the interest of a Member of Parliament in the welfare of his constituents, it appears to us impossible to resist the conclusion that the conviction cannot be supported." *Id.*, at 380.

The court thus recognized that the imperative of free communication between a legislator and his constituents necessarily implies that the legislator can invoke his privilege to bar questioning of the constituent with respect to the privileged relationship.

It is essential to bear in mind in any analysis involving the testimonial privilege of the Speech or Debate Clause that the prohibition against inquiry extends *only* as of an organization's documents and records far as is required in order to protect the congressman's legislative activities from being "questioned in any other place." Congressmen themselves are not immune from questioning, nor from prosecution for that matter, with respect to non-legislative activities. Certainly, aides and others who assisted a congressman in *nonlegislative* acts could also be questioned and held accountable. And this Court has made clear that at least in one situation the privilege is not coterminous between a congressman and a party who assist him; when that party enforces an unconstitutional order, he may be subject to restraints by the courts, which have the obligation to protect individual rights. *Powell v. McCormack, supra, Kilbourn* v. *Thompson, supra.*

In keeping with this rather simple set of standards, this Court has dealt with several situations arising under the Clause after the *Johnson* case. In *Dombrowski* v. *Eastland*, 387 U.S. 82 (1967), the Court was faced with a civil action arising out of the subpoenaing in the name of a Senate subcommittee. The petitioners charged the respondents with an unconstitutional conspiracy with state officials. The chairman and legal counsel of the Internal Security Subcommittee of the Senate Judiciary Committee raised the Speech or Debate Clause in defense.

This Court upheld the dismissal of the action as against the Senator. There was no evidence that the Senator himself was a party to the conspiracy. With respect to the subpoena, the Court pointed out that the Senator was engaged "in the sphere of legitimate legislative activity" and he should neither be held liable nor even be made to spend time and energy defending the action. *Dombrowski* v. *Eastland, supra*, at 84–85. The Court noted that the Senator's immunity from liability for legislative acts was absolute. *Ibid.*

With respect to respondent Sourwine, the subcommittee's counsel, the Court stated that the immunity is *"less absolute, although applicable*, when applied to officers or employees of a legislative body, rather than to legislators themselves." *Id.*, at 85 (Emphasis added.) However, there was some question as to whether or not Sourwine conspired with Louisiana authorities to violate the plaintiffs' constitutional rights—a nonlegislative act. The Court was obviously satisfied that if indeed Sourwine committed any nonlegislative and illegal acts, he was *not* doing it in conjunction with the Senator or under his direction. This Court specifically ruled that "[t]he record does not contain evidence of [Senator Eastland's] involvement in any activity that could result in liability," and it further found that the Senator was engaged "in the sphere of legitimate legislative activity." *Id.*, at 84–85. If indeed Sourwine committed the acts complained of, this Court must have been convinced that he was on a frolic of his own, in concert with illegally-acting state authorities. It was on this basis that the Court reversed a summary judgment granted to Sourwine below, and sent the case back for a hearing on his liability and, if necessary, damages. The rationale for this decision is quite simply that it was not necessary to hold Sourwine immune from either questioning or liability in order to protect the sanctity of the Senator's legislative activities.

That this is the extent of the Clause's "less than absolute" applicability to nonmembers of the legislative branch is confirmed by *Powell* v. *McCormack, supra*. Although the action was dismissed against the named congressmen defendants, this Court held that it had jurisdiction over the ministerial employees, such as the sergeant-at-arms, who had enforced an unconstitutional resolution. In so doing, they were acting as any law enforcement official who carries out an unconstitutional act and infringes an individual's secured rights; and this Court had not only the power, but indeed the duty, under the doctrine of *Marbury* v. *Madison*, 1 Cranch, 137, 2 L. Ed. 60 (1803), to examine the legality of the congressional act and vindicate the constitutional rights of Powell and his constituents. This intervention by the Court was not a breach of separation of powers; it was a classic example of preserving that doctrine. At issue only was the Court's duty to set aside an unconstitutional act; *the Court certainly did not suggest that the sergeant-at-arms or others could be questioned about how and why the congressmen decided to speak and vote the way they did.*

The result in *Powell* was dictated by the earlier decision of *Kilbourn* v. *Thompson*, supra, where the plaintiff challenged the constitutionality of a House resolution ordering his arrest and imprisonment for having refused to respond to a subpoena issued by a House investigating committee. The Court held the members completely immune from judicial inquiry, but upheld jurisdiction over Thompson, the sergeant-at-arms of the House, for false imprisonment, since the House had no power to punish for contempt in the circumstances, and the resolution leading to the arrest was constitutionally void. This Court in *Powell* summed up in one sentence the essential doctrine set forth consistently in all of the Speech or Debate cases until that time involving nonmembers:

"The Court first articulated in *Kilbourn* and followed in *Dombrowski* v. *Eastland* the doctrine that, although an action against a Congressman may be barred by the Speech or Debate Clause, legislative employes who participated in the *unconstitutional* activity are responsible for their acts." 395 U.S. at 504. (Emphasis added, footnote omitted.)

The cases thus uniformly make clear the proposition that unless the nonmember acts unconstitutionally, he cannot be "questioned in any other Place" while he is engaged in the member's legislative activities. And when unconstitutional infringement of another's protected rights forces the court to act under the *Marbury* doctrine, the courts will act as gingerly as possible, dealing with the ministerial employees and not delving into the member's legislative activities or into any

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confidential relationships between member and nonmember.

D. The inhibiting effects of a grand jury investigation into legislative activity are heightened when persons are interrogated who rendered necessary assistance to the Senator in meeting his obligations.

We have shown in the preceding pages that both policy and the case law establish that any inquiry by the Executive, with the assistance of the grand jury, into the privileged activities of a congressman is barred by the Speech or Debate Clause because, first, it would amount to a clear violation of separation of powers, and second, because it carries such a high potential for intimidation, harassment and distraction of the congressman as to bring into play the prophylactic purposes of the Clause.

These principles are not dependent upon the identity or status of the person from whom privileged information is compelled, for essential constitutional evil is the breach of the sanctity of the legislative process. In this case, however, an additional and significant element is added by the fact that the Executive seeks to accomplish its investigation of Senator Gravel's privileged conduct by interrogating his personal aide and printers whose assistance was indispensable in the execution of his legislative obligations.

There is now, and has been throughout Anglo-American legal history, good reason why courts have held that the legislative privilege may not be defeated by questioning or intimidating those who work closely with legislators, and particularly those who stand in a confidential relationship to the legislator. Some of these reasons are evident from the history; others are evident from the nature of legislative work, particularly in our modern, complex society and government.

1. *Aides.*

It is particularly unseemly in this case to have the executive branch seeking to thwart a legislator's privilege by questioning personal aides and assistants, since the Executive has long and consistently championed a testimonial privilege for executive aides—even though the Executive's privilege is not explicit in Article II. See *Barr* v. *Matteo*, 360 U.S. 564 (1959). The President has time and again refused to allow his personal aides to testify before Congress on matters concerning foreign policy. Very recently the President has invoked "executive privilege" in refusing to provide the House Government Information Subcommittee with documents and information relating to United States aid programs in Cambodia.[137] And numerous administrations, since the trial of Aaron Burr, have invoked this privilege against judicial inquiry in both criminal and civil proceedings.[138] On other occasions as well, the Executive has stressed the need for a confidential relationship between principals and aides, and in at least two recent cases has argued that the principal and the aide should be treated as one, the aide being the "alter ego" of the principal.[139] The reasons given by the Executive for asserting that his privilege precludes questioning of his aides are equally applicable to the congressional privilege. As was stated by then-Assistant Attorney General (now Mr. Justice) Rehnquist in his written statement on executive privilege before the Foreign Operations and Government Information Subcommittee of the Government Operations Committee of the House: "It includes the confidentiality of conversations with the President, of the process of decision making at a high governmental level and the necessity of safeguarding frank internal advice within executive branch.[140] According to this official statement by the office of legal counsel of the Justice Department, the President not only can refuse to provide Congress with specific information and documents, but he can also refuse to allow "intimate advisors to appear as witnesses before Committees of Congress." [141] In a spirit of evenhandedness that it appears to have forsaken in the instant case, the Department of Justice went on to add "that the integrity of the decision-making process which is protected by executive privilege in the Executive Branch is apparently of equal importance to the Legislative and Judicial Branches of the government." [142] And one former member of the executive branch, the late Dean Acheson, emphasized the importance of protection of aides from testimonial subpoenas by analogizing them to law clerks of judges.[143]

Similar arguments advanced consistently by the Justice Department prior to this have been accepted by this Court. In *Barr* v. *Matteo, supra,* a subordinate official in the executive department was sued for libel after maliciously issuing a press release which challenged the integrity of two critics and referred their names to Senator Joseph McCarthy. Barr's only defense was that this communication fell within the executive privilege.[144] This Court agreed. After noting that the Court had created rules of absolute privilege to immunize judges and their staffs and executive officers of cabinet rank, in a manner paralleling the constitutional privilege of members of Congress, *id.* 569–570, and observing that the reason for each privilege was that adverse court action would otherwise "inhibit the fearless, vigorous, and effective administration of policies of government" and "dampen the ardor of all but the most resolute, or the most irresponsible in the unflinching discharge of their duties," *id.*, at 571, this Court held that these considerations dictate its application to subordinate officials.

Reiterating the functional approach to privileges which we have endeavored to outline earlier in this brief, the Court stated:

"The privilege is not a badge or emolument of exalted office, but an expression of a policy designed to aid in the effective functioning of government. The complexities and magnitude of governmental activity have become so great that there must of necessity be a delegation and redelegation of authority as to many functions, and we cannot say that these functions become less important simply because they are exercised by officers of lower rank in the executive hierarchy." *Id.*, 572–573. (Footnote omitted.)

Even closer to the factual setting of the instant case is the companion case to *Barr, Howard* v. *Lyons*, 360 U.S. 593 (1959). That case was a libel suit against a captain in the navy for preparing a memorandum to his immediate superior and publishing that memorandum by sending copies to members of Congress, concerning conditions in the Boston Naval Shipyard. Following the principles enunciated in *Barr*, this Court held Captain Howard to be immune from suit.

The *Barr* and *Howard* decisions therefore lend additional support to the thesis that official privilege, to be viable, cannot be constricted in an arbitrary manner which fails to take account of the realities of governmental life and the purposes of the privilege. It thus cannot exclude staff and other necessary confidential assistants. It seems indisputable that were Dr. Rodberg a member of the staff of a judge or executive official, or were Beacon Press officials aiding the President in editing and preparing for publication a sensitive document of importance, they would be immune from questioning about official duties. Since the source of the prvilege herein asserted is a provision of the Constitution which "itself gives an absolute privilege herein asserted is a provision of the gress in respect to any speech, debate, vote, report, or action done in session," *Barr* v. *Matteo, supra,* at 569, the scope of the congressional privilege surely must be given at least as much respect.[145]

2. *Printers.* The Court of Appeals, for unexplained reasons, drew an unbridgeable distinction between "aides" and "third parties" and proceeded to lump printers of legislative proceedings in the latter category. Yet such printers are hardly akin to persons who merely come into casual contact with a legislator. Unlike other private parties, printers play a unique and historic role in enabling a congressman to perform adequately an important duty of his office—informing his colleagues and the electorate. And as we have shown before, the framers believed that the Speech or Debate Clause would provide the people's representatives with enough of a fence around their activities so that they could freely contribute to enlightening the electorate. In discharging this obligation, it should go without saying that a congressman cannot be confined to the use of his xerox machine.

The issue of the degree to which the legislative privilege guards against the interrogation and intimidation of printers who assist legislators in executing the informing function is hardly a novel one. Historically, much litigation in England arose out of efforts to restrain printers from publishing Parliamentary proceedings. The outcome of this litigation has been the extension of the privilege to printers. The English courts have held that printers are immune not only from questioning, but even from accountability.

As has been pointed out, *supra,* for many years the Crown was brazen enough to wage virtual war with Parliamentarians who displeased the sovereign by aiming criticism at the royal house or its pet projects and prerequisites. But the Crown did not always choose to attack the member directly, particularly in later years when the powers of the monarch began to wane and those of the Parliament were on the rise. Furthermore, when a party other than the Crown chose to attack Parliament or a member thereof, that party often could not atack directly.

One of the more common avenues of attacking Parliament's privilege indirectly was to focus on those who published and disseminated the words spoken in the House and reports delivered in or to the House. The English courts at first held that the privilege had no application in these circumstances, but these decisions were subsequently overruled by statute and by judicial decision.

In the case of *Stockdale* v. *Hansard,* 9 Ad. & E. 2, 112 Eng. Rep. 1112 (1839), the English courts refused to extend the Parliamentary privilege to a printer who published material at the specific direction of the House. Interestingly, the Court of Appeals in the instant case placed some reliance on this decision (P.W.C. 8a). The *Stockdale* case, however, while it might have found favor with the Court of Appeals, found no favor with the English Parliament which, in a monumental debate, excoriated the *Stockdale* court, and pronounced the opinion to be an aberration which would never occur again.

The debates precipitated by this decision took place almost immediately following it. The House of Commons was in a virtual frenzy because Stockdale had been able to recover damages against Hansard, who, upon the request and instruction of the Speaker of the House, had published and disseminated a report, presented by a prison inspector to a House committee, which was highly critical of the management of the prison at Newgate. The report mentioned Stockdale in an unfavorable light, and he sued Hansard and recovered on several occasions. The House grew frustrated at the multiple suits, and finally ordered Stockdale imprisoned while it debated how to deal with the situation.

Lord John Russell, a noted member of the House of Commons, presented the dilemma squarely at the outset and posed the alternatives. The House, he said, could retreat and "might have abandoned their resolution [to print the report]," or

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"they might have determined to vindicate their powers upon the consideration that all necessary functions for legislation must be allowed to the House of Commons; and, conceiving the publication of its reports to be one of its necessary functions, they might have proceeded to vindicate their privileges." 52 Parliamentary Debates (Hansard) at 253 (1840).

While no member was being attacked *directly* by Stockdale or by the King's Bench, nevertheless, said Russell:

"what [the Members of the House] had to consider was, in what manner their privileges were to be maintained; what they had to consider was, whether by any possibility they could allow the goods of a *servant of their House* to be seized because he had acted in execution of their order, and had printed their report, which was essential for their legislation; whether they could permit these goods to be *taken from themselves through their servant* and be handed over to the plaintiff. . . ." (Emphasis supplied.) *Id.*, at 255–256.

It was pointed out that this was a deviation from the prior law:

"When the House considered, however, that for many years the question had not been raised, when it had been thought, from the uninterrupted practice of Parliament ever since the Revolution, and from the recorded judgment of Lord Kenyon [in the case of *Rex* v. *Wright*, discussed *supra*, pp. 77–78], that there was little doubt upon the subject, and when they now found that judgment of a court of law impeaching that practice, they could but admit, that the sheriffs had an embarrassing duty to perform." *Id.*, at 256.

Lord Russell pointed out that in the *Wright* case, "another printer, and not . . . the printer of the House," had printed "voluntarily . . . the proceedings of a secret committee of the House," and Lord Kenyon ruled that the printer could not be charged in a criminal information for libel since "[t]his report was first made by a committee of the House of Commons." *Id.*, at 258. Russell observed that until *Stockdale*, there was "no reason to doubt that such was the declared law. . . ." *Ibid.*

House Member Fitz Kelly, in proposing a weakening amendment to Russell's proposed legislation to remedy the erroneous *Stockdale* decision, protested that only members should be able to claim the privilege for themselves, and that the privilege of free speech should not be extended so that "any man, with the Speaker's authority, might commit any crime, from the consequences of which he should be relieved when challenged in a court of law."[146] *Id.*, at 268. Some House members were in favor of the House indemnifying Hansard for the judgments against him, rather than asserting the privilege to encompass the printer.[147] One member felt that the printer should have stated the faults found in the prison, without mentioning Stockdale's name.[148]

The Attorney General rose to expound on the prior law, pointing out that "[t]his was a privilege that had existed for upwards of two centuries," and that while printing was not known in the early days of the privilege, the privilege obviously had to extend to printers since "if they were any new mode by which information could be conveyed to the people, it might be adopted by the House of Commons from time to time." *Id.*, at 280. He pointed out that if the *Stockdale* case were allowed to stand, it would interfere with the House's functioning, since "there had been many persons like Mr. Stockdale, who, if they had thought that an action could be maintained, would have been anxious to place themselves in a similar situation." *Id.*, at 280. In modern tones echoing the functional approach to the privilege and the requirement that it protect legislative activities, not nonlegislative activities which happened to be committed by a Parliamentarian or his aide or printer, the Attorney General denied that under his interpretation of the privilege the courts could not interfere in a case, for example:

"where a House of Parliament clearly travelling beyond its jurisdiction should make an order so monstrous, illegal, and preposterous, that no attention ought to be paid it. For instance, if the House of Commons were to order a man to be put to death for some supposed offence. Would any one deny that to make an order as to the publication of papers essential to its proceedings was within the jurisdiction of Parliament?" *Id.*, at 282.[149]

One of the most eloquent and influential speakers in these debates was the great Parliamentarian, Sir Robert Peel. He noted that those papers which it is "most necessary and the most important to publish, were necessarily and unavoidably of a character to afford ground for legal proceedings, if not protected by privilege of Parliament." *Id.*, at 305. He urged the House to bear in mind at all times the *purpose* and *object* of the privilege, and to consider the accomplishment of such purpose more important than the harm or embarrassment which might be caused to persons objecting to the privileged act. *Id.*, at 305–306. He read off a long list of grave abuses, from slavery to official corruption, which were remedied because members of Parliament were free to print and publishers were free to circulate "information directly bearing on the character of individuals, frequently containing matter of which there might be great reason to complain," but if restraint were imposed upon the publication of such matter, "it was impossible that a representative constitution could work to advantage." *Id.*, at 307. He continued:

"[T]here would have been great reason to complain if, instead of defending themselves from these charges, the parties concerned in the administration of the law had stifled the accusation by proceeding, as in the case of Hansard, against someone, for the publication of the charges." *Id.*, at 307. Peel went on to excoriate that part of the *Stockdale* v. *Hansard* judgment which held that when publishers distribute House proceedings to the outside world, they are "individuals acting on their own responsibility":

"What a mockery was this! The Speaker, in the exercise of an admitted privilege, ordered Mr. Hansard to do a certain act, *which could only be done out of the walls of Parliament*, and the moment that Mr. Hansard set to work to execute that order, the privilege of the House was lost, and its agent liable to be punished by a court of law." *Id.*, at 335. (Emphasis supplied.)

He stressed, thus, that members were helpless to disseminate to their constituents important information without the aid of printers who necessarily had to work "out of the walls of Parliament," and that the free speech privilege, without such a logical extension, was a mockery.

The position advocated by Lord John Russell and Sir Robert Peel, and by the weight of prior precedent, won the day, and in the year after the *Stockdale* v. *Hansard* decision, Parliament enacted the Parliamentary Papers Act, 3 & 4 Vict., c. 9 (1840), which provided that criminal or civil proceedings against any persons for publication of papers printed by order of either House were to be stayed. The Act was prefaced by the claim that "it is essential to the due and effective . . . [functioning] of Parliament . . . that no Obstructions or Impediments should exist to the Publication of . . . Reports, Papers, Votes, or Proceedings" and that there were of late too many vexatious lawsuits against printers which threatened to hinder such publication. The Parliament did not purport in this act to reverse the decision in *Stockdale* v. *Hansard*, so much as it proclaimed that the privilege set forth in the statute was long part of the common law and merely required a convenient procedural device for a defendant printer to assert in order immediately to stay the effect of any subpoena and ultimately to defeat any proceeding against him.

The persuasiveness of *Stockade* v. *Hansard* as precedent for the Court of Appeals' or the Solicitor General's position, is further vitiated by the fact that it was, at least *sub silento*, overruled in the later case of *Wason* v. *Walter*, L.R. 4 Q.B. 73 (1868).[151] In this case, the defendant printer published in a newspaper a report of a parliamentary debate in which a member disparaged the character of the plaintiff. The court went into an explanation of the informing function, *id.*, at 89, and concluded that in deciding the case the court had to take into consideration "the difficulty in which parties publishing parliamentary reports would be placed" if their publishing activities in this sphere went unprivileged and unprotected. *Id.*, at 90. Thus did the court recognize that to allow a printer to be harassed was the functional equivalent of allowing members of Parliament to be harassed: "[T]he difficulty in which parties publishing parliamentary reports would be placed" would be also the difficulty in which members would be placed in their efforts to perform their informing and other legislative duties. The court concluded with the observation that in the event that any publisher ever ran afoul of Parliament's desires with respect to publication of a specific item, Parliament could deal with the matter without judicial interference:

"Should either house of parliament ever be so ill-advised as to prevent its proceedings from being made known to the country—which certainly never will be the case—any publication of its debates made in contravention of its orders would be a matter between the house and the publisher." *Id.*, at 95.[152]

The English courts have thus recognized that a legislator cannot accomplish the informing function alone. While he does not need the army of subordinates which the President needs to accomplish his work, nevertheless he must have at least adequate assistance. The precedents for a senator's using private printers to accomplish this task are numerous in our history,[153] and while there are precedents for attacks on such publishers for aiding legislators, such attacks have been rebuffed in circumstances akin to those in the instant case. This is not to say that any person (or even any congressman or his aide) is free to break the law and steal documents merely because he subsequently "cleanses" his deeds by turning them over for introduction into the legislative process.[154] All aspects of the original acquisition may be investigated, except, of course, by inquiries into the legislative process itself. The privilege goes no further than the legislative process.

The fact that legislators and those who assist them in performing their constitutional duties become immune from injury into those aspects of their work involving the legislative process does not mean that they are entirely immune from questioning, much less from punishment for abuses and for illegal conduct. Quite the contrary is true. English and American legislatures have broad powers to discipline and punish not only their own members, but aides and "outsiders" who, while engaged in legislative work, run afoul of some standard of law or of decency. From the earliest days of our jurisprudence our legislatures have claimed, and our courts have upheld their claims to, such powers.

In the landmark case of *Anderson* v. *Dunn*, 6 Wheat. 204 (1821), this Court upheld the power of the Congress to punish contempts committed by members and nonmembers

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alike, including the power to imprison.[155] While such drastic powers in the hands of legislatures have been to some extent curtailed (see, for example, *Kilbourn* v. *Thompson, supra*), and while the requirements of due process of law have been read into such powers (see *Groppie* v. *Leslie*, U.S.), nevertheless such powers still undoubtedly exist. See *Groppie* v. *Leslie, supra*.[156]

The Congress has, in addition to its powers to punish, other methods for controlling abuses of privileges. These were summed up by the select committee of the House of Commons which was assigned to study the problems engendered by claims by the Crown that Parliamentarians were bound by the provisions of the Official Secrets Act which allowed interrogation by the Attorney General of persons suspected of knowing of security leaks. Said the committee in its final report:

"The House of Commons has disciplinary powers over its members, and a member who abuses his privilege of speech may be punished, not merely by suspension from the service of the House, but by imprisonment or expulsion from the House, or both. Expulsion at least cannot be considered a light penalty. It is not so much on penal sanctions, however, that Your Committee would desire to rely for the prevention of abuses of parliamentary privilege prejudicial to the safety of the realm, as on the good sense of members themselves, who are as much concerned as ministers to prevent such abuses. Their inquiry has . . . brought home to members the need for discretion on their part in framing questions or seeking information regarding matters which affect the safety of the realm, and has impressed upon ministers of the Crown that the powers conferred upon the executive by the Official Secrets Act must not be used in such a way as to impede members in discharging their parliamentary duties." Report from the Select Committee on the Official Secrets Acts, *supra*, at xv.

As Clement Attlee said in a House of Commons debate concerning effort by the Crown Attorney General to question a member of Parliament concerning the source of his acquisition of classified defense secrets:

"Unless Members of Parliament can have reasonable access to knowledge they cannot criticize ministers effectively. It is our duty to criticize Ministers who are in charge of the administration.

* * * * *

"In practice Members of Parliament do not abuse their privileges; we are not a House of spies and traitors, and the House has its own method of dealing with Hon. Members and of keeping them within bound. I think it is essential for the life of this House that this House itself should make itself responsible for Hon. Members. There is a danger in any suggestion that there should be some outside court or sanction brought in." Debate in Sandys' case, Commons Journal, June 30, 1938, at 2167.

E. A balancing of competing social interest dictates the recognition of the privilege in this case

The Court's vindication of the privilege in the case at bar would not, contrary to the Solicitor General's asserted fears, open up a pandora's box for law enforcement and the administration of the criminal laws. First of all, as the paucity of reported American cases on the subject shows, it is rare indeed that a legislator by himself, or in concert with nonmembers, acts with the legislative sphere in such a way as to run afoul of the civil or criminal law. In some cases, where the victims of civil abuses have sought redress, the courts have found the authority to grant relief in order to protect constitutional rights. *Powell* v. *McCormack, supra; Kilbourn* v. *Thompson, supra; Dombrowski* v. *Eastland, supra; Hentoff* v. *Ichord, supra*. In other cases, legislatures have exercised their powers to discipline or punish wayward members and nonmembers alike without courting or allowing interference from other branches. *Anderson* v. *Dunn, supra; Groppie* v. *Leslie, supra*. In still other cases, where criminal infractions were involved, Congress has sought narrowly to delegate powers to the judiciary *United States* v. *Brewster, supra*.

Secondly, even in exceptional cases, an investigation can be conducted without inquiry into legislative activities. Where both legislative and nonlegislative conduct are involved, the legitimate area of inquiry can be segregated by a specification of questions that the Executive intends to ask prospective witnesses before the grand jury,[157] or some similar form of relief can be fashioned to accommodate the ends of the privilege and the demands of justice.

This Court has not hesitated to impose serious limitations upon law enforcement investigations which intruded into constitutionally protected conduct. When inquiries of other investigative bodies of stature at least equal to the grand jury were perceived to have an inhibiting effect on the exercise of First Amendment rights, those investigations were not allowed to proceed unchecked and the Government was required to *at least* make a showing of a specific and compelling reason, factually supported, for the inquiry. See, *e.g.*, *DeGregory* v. *Attorney General of New Hampshire*, 383 U.S. 825 (1966), and cases cited therein. Even judged under these standards, which were imposed in areas where there were no separation of powers considerations, the present inquiry would not be permitted. The Justice Department has offered no reason at all—let alone a specific and compelling one—for its investigation into Senator Gravel's legislative activities, although it was given ample opportunity to do so in the lower courts. It takes more than unspecified and purely hypothetical claims of impeding law enforcement to counterbalance a constitutional right of this magnitude; otherwise, there is nothing to prevent virtual fishing expeditions into the Capitol. And surely there is no reason why the grand jury, which is subject to the supervisory powers of the federal courts, should be allowed to conduct an inquiry which would be prohibited of other investigative bodies under conditions involving constitutional rights which, unlike the Speech or Debate Clause, are not absolute.

Finally, it must frankly be admitted and accepted that in a very few hpyothetical cases, it is possible that wrongdoing will go unquestioned, uninvestigated, or unpunished because the courts will be found to be without jurisdiction over the offense and the legislature will look aside, perhaps for political reasons or out of solicitude for a member or employee of the legislature. Yet this is an inevitable consequence of our constitutional system. Such results are frequently seen where, for instance, confessions are rendered inadmissible due to the circumstances of their procurement, and where indictments are defeated because of technical considerations involving territorial jurisdiction or statutes of limitations. It can safely be predicted that far fewer cases of culprits evading justice will result from centuries of vigorous enforcement of the Speech or Debate Clause than result every year from enforcement of portions of the Constitution found in the various amendments. And as Pitt stated in his famous protest against Parliament's notorious action in stripping Wilkes of his privileges upon the claim of the Crown that law enforcement was being paralyzed:

"Let the objection, nevertheless, be allowed in its utmost extent, and then compare the inexpediency of not immediately prosecuting on one side, with the inexpediency of stripping the Parliament of all protection from privilege on the other. Unhappy as the option is, the public would rather wish to see the prosecution for crimes suspended, than the Parliament totally unprivileged, although notwithstanding this pretended inconvenience is so warmly magnified on the present occasion, we are not apprised that any such inconvenience has been felt, though the privilege has been enjoyed time immemorial." 342 Protests, 68, 73–74 (1763).

It is not terribly probable that a parade of horribles is any more likely to follow this Court's vindication of the privilege in the case at bar than has been true in hundreds of years of English and American history. The occasional instances in which law enforcement is hindered are more than counterbalanced by the preservation, intact, or our system of separation of powers.

"The doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction but, by means of the inevitable friction incident to the distribution of governmental powers among three departments, to save the people from autocracy." *Myers* v. *United States*, 272 U.S. 52, 293 (1926) (Brandeis, J., dissenting).

In addition, the privilege remains the member's and the right to assert it is his alone. See *Rex* v. *Rule*, 2 K.B. 372 (1937). He can at any time refuse to assert the privilige with respect to the questioning of a wayward aide or associate who foolishly relied on anticipated legislative privilege in violating a law in the course of his legislative work for the senator. A senator should not be presumed to be lightly willing to raise his privilege to prevent questioning of an aide or associate who has, in the senator's judgment, placed the interests of the Nation upon too low a plane. To cite again the assertion of Mr. Attlee during the British Official Secrets debate, *supra*: "[W]e are not a House of spies and traitors. . . ."

Courts should not see such privileges as being at all novel or startling. Privileges of lesser magnitude than the constitutional Speech or Debate privilege are vindicated daily in our courts. The attorney-client privilege is absolute unless waived by the client. The same applies to the priest-penitent privilege, the husband-wife privilege, and, in some jurisdictions, to the doctor-patient privilege. In cases involving such privileges, it matters not who is questioned or accused—the privilege stands with respect to the protected relationships or situations or endeavors. To deny protection to legislative relationships, situations and endeavors in the face of such clear mandate in the Constitution. Anglo-American history, and public policy would be one of the most serious breaches of separation of powers imaginable. This is a narrow case, and a hard-core case. It is not, as the Solicitor General suggests, on or near the frontiers of the privilege. The simple question, stripped of verbiage and adornment, is whether the executive branch and the grand jury can breach the separation of powers, in the face of specific constitutional prohibition, by conducting an intensive investigation of the activities of the legislative branch. Whether such an investigation is conducted with or without direct questioning of a member is entirely irrelevant in both law and common sense.

CONCLUSION

The framers of our Constitution believed that representative democracy could best be served if members of Congress were given unlimited freedom in actions within the scope of their legislative activity. They know that the privilege might be occasionally abused, but they also wisely understood that the risks to democracy in anything less than an absolute privilege, broadly construed and interpreted, was much greater. This perception is as true today as when the Constitution was written. "In the final analysis, no task is likely to be more important to the preservation and ultimate vitality of our

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Footnotes at end of article.

governmental system of separation of powers than the widespread popular acceptance of the doctrine of legislative privilege in its most unwavering, pristine and absolute terms." *Cela, supra,* at 43. That is the theory of our Republic.

Senator Gravel respectfully submits that this Court should hold that: (a) the publication by the Senator of the official record of a Senate Subcommittee is encompassed by the protections of the Speech or Debate Clause, and (b) no witness may be questioned before the grand jury about the Senator's privileged activities.

In No. 71-1026, the judgment should be affirmed.

In No. 71-1017, the judgment should be reversed.

Respectfully submitted,
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FOOTNOTES

[1] All reference to the appendices to Senator Gravel's petition for a writ of certiorari are referred to as "P.W.C." since under the Rules of this Court the material contained in the appendices to the petition for a writ of certiorari need not be reprinted in the joint appendix. All references to the appendices to the Solicitor General's petition for a writ of certiorari are referred to as "S.G.P."

[2] The publication of the subcommittee record by Beacon Press has been variously referred to in the briefs and opinions of the Court below as "publication" and "republication." We use the term "publication" throughout this brief.

[3] Proof of Dr. Rodberg's status as a personal aide to Senator Gravel was established by affidavits of Dr. Rodberg (App. 6), Senator Gravel (App. 11) and the Sergeant-at-Arms of the Senate (App. 11).

[4] At the oral hearing on Senator Gravel's motion, counsel for the Internal Security Division stated *for the first time* that they did not intend to seek an indictment against Senator Gravel. However, even this belated disclaimer was not unqualified; counsel for the Internal Security Division stating, "this is not probable." (App. 127–128.)

[5] The Court of Appeals, admitting that "the court is not in total agreement" on this point, nevertheless "presently" held that the Senator and his aides could not personally be questioned as to "republication," . . . "without binding ourselves for future purposes." (P.W.C. 11a.) More exactly, the Court of Appeals found that the Speech or Debate Clause privilege did not extend at all to the "republication," but that the Senator and his aides may be protected from direct interrogation by a common law privilege (P.W.C. 10a–11a).

[6] See S.G.P. 41 n. 3; App. 9, 42, 82.

[7] See App. 89–90.

[8] See App. 81–83, 84–85, 86–87, 90.

[9] See generally brief of Justice Department in the Court of Appeals.

[10] P.W.C. 8a.

[11] Quoted with approval in *Kilbourn, supra,* at 203–204.

[12] App. 9a–10a.

[13] App. 9a.

[14] See generally C. H. McIlwain, The High Court of Parliament and Its Supremacy, 229–246 (1910); C. F. Wittke, The History of English Parliamentary Privilege, 13–20 (1921); Neale, The Commons Privilege of Free Speech in Parliament, in 2 Historical Studies of the English Parliament 147–176 (Fryde & Miller ed. 1970); Cella, The Doctrine of Legislative Privilege of Freedom of Speech and Debate: Its Past, Present and Future as a Bar to Criminal Prosecution in the Courts, 2 Suffolk L. Rev. 1, 3–5 (1968).

Parliament of course claimed a number of privileges other than freedom of speech, and those too derived from judicial antecedents—*e.g.,* the freedom of members and their servants from arrest, and the right of each House to punish members and outsiders for contempt.

[15] Neale at 163. The judicial origin of the speech and debate privilege is well illustrated in *Strode's Case,* which this court has termed "one of the earliest and most important English cases dealing with the privilege." *United States* v. *Johnson, supra,* at 182, n. 13. In 1512, Richard Strode, a burgess of Parliament, was convicted for obstructing tin mining because he voted in favor of a bill controlling abuses against the tin miners. He was imprisoned and petitioned Parliament for a remedy, and a special bill was passed setting him free. 4 Henry VIII, c. 8. As Neale points out, this case "has no concern with the relations of the crown and the commons. The act concerning him asserts the obvious principle that an inferior court cannot punish members of a superior court for their actions in that court." *Id.,* at 160, n. 45. See also McIlwain, *supra,* at 219–223. More than 150 years later, when the Commons' functions had conflicted with the Crown's prerogatives and Parliamentary supremacy was established, the act was declared to be a general act. See note 14, *infra.*

[16] Neale at 164–165. As Neale points out, when Parliament's initiative was by petition, there was no real threat to the wide powers of the Crown since the petition was only a request for a remedy and the king's response became the statute. The king could, of course, and often did, qualify the sense of the petition in his reply and thereby mold the statute. When, however, the bill procedure was introduced, the king's power of modification was eliminated and he could only assent to or veto the bill. The bill was thus the actual text of law enforceable in the courts and the veto was an unreliable weapon. Elizabeth tried, therefore, to reinstitute the old petition procedure, but did not succeed. The House, on the other hand, needed protection against more direct interference with their debates. *Id.,* at 170–172. Thus, the speech and debate petition did not arise independently of the change in Parliament's functions, but as a result of it.

[17] Neale at 164–165.

[18] 1 Anson, Law and Custom of the Constitution 34–35 (4th ed. 1909).

[19] See *id.,* at 160–161:

"The line taken by the Tudor and Stuart sovereigns on this question of freedom of speech shows that the House had to struggle not merely for latitude of discussion, but for the existence of its own initiative in legislation and in deliberation. The Crown maintained and the House denied that the Commons were summoned merely to vote such sums as were asked of them, to formulate or to approve legislation or topics of legislation submitted to them, and to give an opinion on matters of policy if, and only if, they were asked for one . . . ."

[20] The methods of intimidation employed by the Crown, and protested by Parliament as a breach of privilege, took a wide variety of forms. In addition to the institution of criminal proceedings, the Crown's arsenal also included issuing direct orders to the Speaker to cease debate on sensitive topics, bribing corruptible Members of Parliament, summarily arresting others and arraigning them before the Star Chamber or committing them directly to the Tower, and spreading rumors of Royal displeasure and threats of retaliation. See generally T. P. Taswell-Langmead, *English Constitutional History,* 318–321, 336–337, 541–579, 770–772 (4th ed. 1890).

Secret, inquisitorial bodies with contempt power—the equivalent of the modern-day investigating grand jury—also were used as instruments of harassment. For example, in 1575, Peter Wentworth was interrogated about his speeches by a special committee, composed of state ministers. When he refused to answer on the ground that he could not be questioned outside of Parliament, he was committed to the Tower for contempt. See Cella, *supra,* at 6–10; Taswell-Langmead, *supra,* at 490–494.

[21] Taswell-Langmead, *supra,* at 557–560, 578–579.

[22] *Proceedings Against Sir John Eliot, Denzil Hollis and Benjamin Valentine,* 3 How. St. Tr. 294. It is noteworthy that Eliot's counsel based his plea to the court's jurisdiction in a functional approach, arguing that the privilege applied even to speeches characterized as "seditious" because of the accusatory and inquiring functions of Parliament:

". . . The words of the speech themselves contain several accusations of great men; and the liberty of accusation has always been parliamentary. . . . So it is the duty of the commons to enquire of the Grievances of the subjects, and the causes thereof, and doing it in a lawful manner . . . [and] parliamentary accusation, which is our matter, is not forbidden by any law. . . .

"Members of the House may advise of matters out of the House: for the House itself is not so much for consultations, as for propositions of them." *Id.,* at 295, 296, 298.

He also relied on the judicial origins of the privilege:

"Words spoken in Parliament, which is a superior court, cannot be questioned in this court, which is inferior." *Id.,* at 296.

In rejecting the plea, the judges addressed themselves *only* to the latter proposition. Justice Whitlocke said:

"[W]hen a burgess of parliament becomes mutinous, he shall not have the privileges of parliament. In my opinion, the realm cannot consist without parliaments, but the behaviour of parliament-men ought to be parliamentary. No outrageous speeches were ever used against a great minister of state in parliament which have not been punished. If a judge of this court utter scandalous speeches to the state, he may be questioned for them before commissions of Oyer and Terminer, because this is no judicial act of the court." *Id.,* at 308.

And Chief Justice Hyde added:

"As to what was said, that an inferior court cannot meddle with matters in a superior court; true it is . . . but if particular members of a superior court offend, they are oft-times punishable in an inferior court. . . ." *Id.,* at 307.

[23] See Cella, *supra,* at 11–12.

"This decision was extremely unpopular throughout the country. It was one of the most significant factors in the growing opposition to King Charles I and his policies. It made a lasting impression upon the House of Commons which never forgot this unwarranted invasion of their ancient rights, privileges and liberties."

See also *Tenney* v. *Brandhove, supra,* at 372; Wittke, *supra,* at 103–106.

[24] This resolution is reprinted in 3 How. St. Tr. 310–311. The year 1641 was the first opportunity for the House to invalidate Eliot's conviction and establish the absolute scope of the privilege since Charles I governed dictatorially without Parliament from 1630 until the Civil War. Taswell-Langmead, *supra,* at 600–606.

[25] For example, in 1667, both Houses resolved that the special act in *Strode's Case* was a general law. See 3 How. St. Tr. 314 *et seq.* In 1668, the House of Lords reversed the convictions of Eliot, Hollis and Valentine. Taswell-Langmead, *supra,* at 378, n. 55.

[26] Neale, *supra,* at 175. In this regard, it is noteworthy that prior to the institution of the bill procedure and the expansion of Commons' jurisdiction, there were only three protests by the House respecting breach of the speech and debate privilege—*Haxey's*

Case in 1399, *Young's Case* in 1455 and *Strode's Case* in 1521. See Wittke, *supra*, at 23–25.

[27] 1 Blackstone's Commentaries 164.

[28] Since 1641, a standing rule of the House of Commons had forbade individual members from publishing parliamentary proceedings. See II T. E. May, Constitutional History of England 34 (10th ed. 1891).

[29] This is discussed in detail in our brief, *infra*, section I.C.

[30] See Jefferson, Manual of Parliamentary Practice, § 3. Thus, for example, the privilege of the legislature to keep its proceedings secret was barred by Article I, section 5, of the Constitution, which requires the publication of a journal. The unlimited privilege from arrest and civil process was severely curtailed in Article I, section 6. And Congress was not given a general privilege of the contempt power, for, as this court observed in *Kilbourn* v. *Thompson, supra*, at 183–189, this privilege obtained only in bodies of a judical character.

[31] Cella, *supra*, at 14–15.

[32] Apparently recognizing that the Convention acted properly in rejecting his proposal for a static definition of the privilege, Madison later advocated the functional approach:

"In the application of this privilege to emerging cases, difficulties and differences of opinion may arise. In deciding on these the reason and necessity of the privilege must be the guide." 4 Writings of James Madison 221 (Hunt ed., 1910).

[33] Quoted in *Tenney* v. *Brandhove, supra*, at 373.

[34] The evolutionary and functional nature of legislative privilege was also present in the American Colonies. See generally M. Clarke, the Parliamentary Privilege in The American Colonies (1943). For example, given the historical setting it is not surprising that the Speakers Petition in all of the colonies claimed the right of access to the colonial governor at all times and demanded that he should not take cognizance of their proceedings except as was revealed in formal reports; and other privileges developed according to local needs. See *id.*, at 70–82, 227–234.

[35] The arbitrary line drawn by the Court of Appeals at the deliberative process of Congress, does have the apparent virtue of being applied easily to any state of facts. We submit that the price for this line—jeopardizing the independence and integrity of Congress—is far too high. Moreover, even this apparent simplicity of operation is deceptive. The court noted, and did not dispute, our argument that "communicating with the electorate is essential to effective deliberation because it elicits responses to guide a Congressman's legislative decisions and because it helps to put pressure upon other legislators." (P.W.C. 9a & 10a.) It simply dismissed the argument as "staggering." (*Ibid.*)

[36] It is, of course, possible that in such cases the privilege might operate to bar the admissibility of evidence concerning a congressman's "legislative acts . . . [and] his motives for performing them." *United States* v. *Johnson, supra*, at 185. See also *Ex parte Wason*, L.R. 4 Q.B. 573 (1868). In this sense, the speech and debate privilege would operate testimonially, in a manner akin to the privilege against self-incrimination of the attorney-client privilege.

[37] IV Eliot's Debates 569 (1800). See also I Works of James Wilson 310 (McCloskey ed. 1967):

"The order of things in Britain is exactly the reverse of the order of things in the United States. Here, the people are the masters of the government; there, the government is the master of the people."

[38] *New York Times* v. *Sullivan*, 376 U.S. 254, 275 (1964).

[39] And Dean Landis emphasized this function as an inherent part of the legislative process in representative government:

"[The Congressman's] duty is to acquire [knowledge about administration], partly for the purposes of further legislation, partly to satisfy his mind as to the adequacy of existing laws. Yet the ultimate basis for the duty is the broader presupposition of representative government that the legislator is responsible to his electorate for his actions. Responsibility means judgment, and judgment, if the word implies its intelligent exercise, requires knowledge. The electorate demands a presentation of the case. . . . The very face of representative government thus burdens the legislature with this informing function. . . .

". . . That duty, however, is not distinct from the legislative process, but implied and inherent in it." Landis, *supra*, at 205–206 & n. 227.

[40] It is certainly relevant in this regard that although the war in Vietnam was never declared by Act of Congress, there is a considerable constitutional dispute as to whether Congress nevertheless authorized it and/or knowingly acquiesced in it.

[41] See, *e.g.*, C. L. Clapp, The Congressman: His Work as He Sees It (1963) (Clapp was then head of the Governmental Studies Staff of Brookings):

"The principal educational tools of the congressman are his newsletter, radio and television programs, speaking engagements, and letters in response to constituent correspondence. There is considerable concern within the Congress that the general public is not well informed regarding the way the legislative body functions, and some members consciously seek to educate their districts in this area as well as about specific public issues." (P. 100.)

"Hearings also inform the public and interested groups that a particular measure is under consideration, thus providing the voters with an opportunity to make their wishes known in advance of congressional action. In making this point one Congressman said: 'the hearings serve a very useful purpose because, as a whole, they are open hearings, covered by members of the press and given considerable publicity. They constitute one of the few places where any publicity goes out over the country that a bill is moving along. By *informing* people that bill has reached the point of hearings, correspondence is stimulated before you reach a vote on it.'" (P. 265.) (Emphasis in original.)

"Indeed, although some congressmen consciously pursue the 'educator' role more actively than others, there are few who do not in some measure seek to enlighten the people they represent." (P. 101.)

J. Bibby and R. Davison. On Capitol Hill (1967), (Bibby is a professor at the Univ. of Wisconsin, and Davison is a professor at Dartmouth):

"The activities of Congress are 'news' and Congress is a prime subject for national news media coverage. Because of this capacity to generate publicity, Congress performs the functions of *Public education*. That is, Congress through its deliberations informs the public on issues and raises the level of public interest in current problems. With its well-publicized committee hearings and floor debates and the press releases that constantly flow from members' offices, there are few matters that do not receive congressional publicity. Often the publicity surrounding congressional activities has helped crystallize public opinion on issues and has thus facilitated the passage of new legislation . . . .

"Congress is thus more than an object of public opinion. Its relation to the electorate is reciprocal. Influenced by the voters, it is also constantly engaged in current issues and in influencing public thinking." (P. 13.) (Emphasis in original.)

J. P. Harris, Congress and The Legislative Process (1967) (Harris is Professor of Political Science, University of California at Berkeley):

"The informing function is performed today largely through committee hearings on important legislative proposals and through congressional investigation . . . it is the proceedings of the major committees rather than the floor debates that attract greatest attention." (P. 41.)

E. S. Griffith, Congress: Its Contemporary Role (1956) (Griffith was then Director of the Legislative Reference Service):

"The political education of the public is one of the recognized functions of Congress." (P. 185.)

"More frequently than not such political education is a by-product rather than the chief end of Congressional behavior. The chief ends remain: to put through a policy or program, to solve a problem, and to be reelected. The education of the electorate is chiefly valued as it contributes to one of these, but regardless of whether or not it is consciously sought, it nevertheless takes place continuously." (P. 185.)

"Second only to the publicity attending floor debate is that accorded the committee hearings . . . . To the serious student, the records of the hearings are mines of information. Here are set out in detail, and subjected to cross-examination, much of the basic data relating to the nature of the economy, the underlying factors in foreign relations, the future of our resources, the strategy of national defense, the problems in labor relations, and many another field of importance and interest . . . a number of the committees deliberately plan some of their hearings with the education of the public in mind and choose subjects and witnesses accordingly." (Pp. 186–187.)

"There is high hope that this particular function of Congress of political education will continue to be performed, as it has been of late, with increasing responsibility, intelligence, and effectiveness. It lies near the heart of the democratic way." (P. 189.)

The Reorganization of Congress, a Report of the Committee on Congress of the APSA (1945):

"The other three functions of Congress today are exercised, in one manner or another, every day it is in session. They are: 1. The legislative function . . . 2. The public opinion function—to reflect, express, and with the aid of the press, to inform and guide public opinion on the great issues of the day. With the decline of Congress as an original source of legislation, this function of keeping the government in touch with public opinion and of keeping the public opinion in touch with the conduct of government becomes increasingly important. Congress no longer governs the country; the Administration in all its ramifications actually governs. But Congress serves as a forum through which public opinion can be expressed, general policy discussed, and the conduct of governmental affairs exposed and criticized." (Pp. 13–14.)

This view is shared by analysts on all parts of the political spectrum. Compare, *e.g.*, Laski, *supra*, with J. Burnham, Congress and the American Tradition 233–234 (1959). See also D. Truman, The Governmental Process 372–377 (1951):

And Walter Bagehot observed the same process at work in the House of Commons:

"The third function of Parliament is what I may call preserving a sort of technicality even in familiar matters for the sake of distinctiveness—the teaching function. A great and open council of considerable men cannot be placed in the middle of a society without altering that society. It ought to alter it for the better. It ought to teach the nation what it does not know.

"Fourthly, the House of Commons has what may be called an informing function . . . . Since the publication of the Parliamentary debates a corresponding office of Parliament is to lay these same grievances, these same complaints, before the nation, which is the present sovereign. The nation needs it quite as much as the King ever needed it . . . . Any notion, any creed, any feeling, any grievance which can get a decent number of English members to stand up for it, is felt by almost all Englishmen to be perhaps a false and pernicious, but at any rate possible—an opinion to be reckoned with. And it is an immense achievement." The English Constitution 152-153 (1963).

[42] See, *e.g.*, *Clapp*, *supra*, at 89-100, containing interviews with a cross section of congressmen; K. G. Olsen and C. E. Bennett, The Service Function of the United States Congress, in Congress: The First Branch of Government 345-353 (1969); V. Hartke, You and Your Senator, 202, 233-234 (1970); W. L. Marrow, Congressional Committees 163-165 (1969); D. G. Tacheron and M. K. Udall, The Job of a Congressman 117, 280-288 (1966).

[43] "Such provisions include the franking privilege for sending letters, the telephone and telegraph allowance, the stationery allotments, use of the Joint Senate-House Radio-Television facilities, free distribution of the Congressional Record, favorable prices on personal reprints from the Record, and free use of the folding rooms which collate, fold, stuff, package and mail Congressional newsletters, polls, and other communications directer to constituents." C. F. Hawver, The Congressman's Conception of His Role 59 (1963). See also *Clapp, supra*, at 59-60, 89; J. Harris, *supra*, at 202, 234.

[44] "In 1962 a confidential House survey showed that 231 of 437 members of the House used franked-mail newsletters, mailed weekly or on another periodic basis. Of the 231, some 15 Congressmen sent out 400,000 or more pieces of free mail each during the first seven months of the year while 19 sent out 300,000 to 400,000 pieces . . . In the middle range, well scattered between 30,000 and 300,000 pieces, were 186 (about 73%), while only 29 sent out 5,000 pieces or less." Howver, *supra* at 56. The Post Office has reported that the amount of franked mail increased from 44.9 million pieces in 1955 to 63.4 million in 1958 and 111 million in 1962. Clapp, *supra*, at 59.

[45] See, *e.g.*, the results of congressional surveys in Tacheron and Udall, *supra*, at 280-288; Olsen and Bennett, *supra*, at 351-353.

[46] See generally Harris, *supra*, at 4, 233; Bibby and Davison, *supra*, at 13.

[47] See Frankfurter, Hands Off the Investigators. The New Republic, May 21, 1924, at 329-331.

[48] For example, the Fulbright hearings in 1966 were not only televised in their entirety but later printed privately and distributed widely to the public. See n. 111, *infra*.

[49] See Frank, Hugo L. Black, in 3 Justices of the Supreme Court 2328-2329 (Friedman & Israel ed. 1969). Of the latter investigation, Nicholas Johnson wrote: "He stimulated the nation's conscience, creating demand for Congressional maritime reform." Senator Black and The American Merchant Marine, 14 U.C.L.A. L. Rev. 399 (1967).

[50] The publication and widespread circulation of committee reports is often accomplished with the assistance of private printers. See pp. 85-88, *infra*.

[51] In light of a misconception by the Court of Appeals (P.W.C. 9a), we wish to reiterate that we do not urge and never have urged that simply because a number of congressmen are said to engage in a certain kind of conduct it necessarily follows that the conduct is within the ambit of the clause. For example, intervening before an executive agency, on behalf of a constituent, with respect to a matter pending before it for decision is not privileged. See *United States* v. *Johnson, supra*, at 179. Such conduct is not necessary to fulfill any goal of representative government since it involves a matter committed by law to a coordinate branch of government for determination. Moreover, it is not customarily done—at least not to the same extent as the informing function, inasmuch as many congressmen believe such conduct to be improper and refuse to engage in it. *Galloway, supra*, at 202-205. Very few congressmen go beyond sending a letter of inquiry to the agency. Of course, if a congressman believes that an injustice has been done by an agency, he has adequate legislative tools at his disposal—he may hold hearings, expose the injustice, and propose legislation.

[52] Mr. Justice Stewart joined in this analysis but did not agree that there was any factual support for any conclusion other than that Barr was seeking merely to defend his own reputation. *Id.*, at 586.

[53] The framers, who gave congressmen the power to set their own salaries, seemed to have more faith than the Court of Appeals that Congressional power would not be perverted for commercial gain.

[54] 8 Works of Thomas Jefferson 325 (Ford ed. 1904).

[55] While Vice President, Jefferson compiled the authoritative Manual on Parliamentary Practice.

[56] Letter from Madison to Jefferson, August 5, 1797, in Presidential Papers Microfilm, James Madison Papers, Series I: 1796 Jan. 5—1801 June 14 (Library of Congress).

[57] 8 Works of Thomas Jefferson 322-331 (Ford ed. 1904).

[58] 8 Works of Thomas Jefferson 331 (Ford ed. 1904).

[59] Letter from Madison to Jefferson, *supra*, n. 56.

[60] See Koch and Ammon, The Virginia and Kentucky Resolutions: An Episode in Jefferson's and Madison's Defense of Civil Liberties, V William & Mary Quarterly (Third Series) 152-153 (1948); J. M. Smith, Freedom's Fetters 95 (1956).

[61] *Tenney* v. *Brandhove, supra*, at 313.

[62] W. Wilson, Congressional Government 303 (1885), quoted *supra*, p. 38.

[63] Quoted in Lasswell, National Security and Individual Freedom 62-63 (1950). See also 4 Papers of James Madison 236-237 (Hutchinson ed. 1965).

[64] See generally 1 Anson (Law and Custom of the Constitution 158 *et seq.* (3d ed. 1897); May, Constitutional History of England.

[65] See, for example, Patrick Henry's impassioned plea in the Virginia Ratification Convention:

"Give us at least a plausible apology why Congress should keep their proceedings in secret. . . . They may carry on the most wicked and pernicious of schemes under the dark veil of secrecy. The liberties of the people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them. The most iniquitous plots may be carried on against their liberty and happiness.

". . . Under the abominable veil of political secrecy and contrivance, your most valuable rights may be sacrificed by a most corrupt faction, without you having the satisfaction of knowing who injured you. . . . We may labor under the magnitude of our miseries without knowing or being able to punish those who produced them." III Elliot's Debates 170, 315-316 (1788). Along the same vein, see III *id.*, at 376-378.

[66] See, *e.g.*, in The Virginia Ratification Debates, III Elliot's Debates at 331-332 (Madison,) 399-400 (Madison), 401 (Randolph), 408-409 (Madison), 459 (Mason), 460 (Madison and Mason).

[67] Protest, *supra*, pp. 55-58.

[68] *Lyon's Case*, Case No. 8, 646, 15 Fed. Cas. 1183 (C.C.D. Vt. 1798). This case is also discussed in detail in J. M. Smith, Freedom's Fetters, *supra*, at 221-241 in a chapter aptly titled "The Ordeal of the Critical Congressman."

[69] 15 Fed. Cas. at 1187.

[70] *Id.*, at 1185, 1187.

[71] *Id.*, at 1189.

[72] *Id.*, at 1190.

[73] *Id.*, at 1190-1191.

[74] 15 Fed. Cas. at 1191.

[75] See, *e.g.*, McIlwain, *supra*, at 42-44; Wittke, *supra*, at 110-112; W. C. Townsend, History of the House of Commons, 412-416 (1843); Report of House Committee on the Privileges of Parliament (1771), reprinted in 8 S.T. 16-17.

[76] See pp. 27-29, *supra;* Wittke, *supra*, at 103-106.

[77] See Report of the House Committee on the Privileges of Parliament (1771), reprinted in 8 S.T. 16-17:

"This proceeding the Convention Parliament deemed so great a grievance, and so high an infringement of the rights of Parliament, that it appears to your Committee to be the principal, if not the sole object of the first part of the eighth head of the means used by King James to subvert the laws and liberties of this Kingdom, as set forth in the Declaration of the Two Houses . . . ."

[78] See generally, J. Pollock, The Popish Plot; A Study in the History of the Reign of Charles of Charles II (1944).

[79] See 9 C.J. 630-695. On November 15, 1680, permission was given to Mr. Dugdale; on November 19, to a nonmember, Signior Francisco de Ferra; and on December 23, to Mr. Dennis. See also 9 C.J. 670, for the order permitting other papers about the Popish Plot to be published. The printing continued through 1681 as new information was received. See 9 C.J. 709, 711.

[80] 9 C.J. 649.

[81] II J. Torbuck, A Collection of the Parliamentary Debates in England 96 (1741). (Courtney's statement was made on March 24, 1681.) Another member said, less ominously:

"The Privy Council is constituted by the King, but the House of Commons is by the choice of the people. I think it not natural nor rational, that the people who sent us hither should not be informed of our actions." *Id.*, at 92.

[82] The earlier cases included the Trial of William Staley, 6 S.T. 1501 (1678); Trial of Edward Coleman, 7 S.T. 1 (1678); Trial of Ireland, Pickering and Grove, 7 S.T. 79 (1678); Trial of Green, Berry and Hill, 7 S.T. 159 (1679); Trial of Whitehead, Harcourt, Fenwick, Gowen and Turner, 7 S.T. 311 (1679); Trial of Langhorn, 7 S.T. 418 (1679).

[83] See VI Holdsworth, A History of English Law 502 *et seq.* (1924); J. Pollock, *supra*, at 266-287.

[84] Proceedings Against Sir William Williams, 13 How. St. Tr. 1370 (1686-1688).

[85] Atkyns had been dismissed from the bench for contradicting a dictum of Chief Justice Scroggs that the presentation of a petition for the summoning of Parliament was high treason. For in the life-and-death struggles of the King and his ministers against those who opposed despotism, state trials were not impartial inquiries; the task of the judge was to defend the King's case and if he went astray, as did Atkyns, the penalty was dismissal. J. Pollock, *supra*, at 282-287. "It is due to their connection with these trials that posterity has branded the names of three judges (Jeffries, Pemberton and Scroggs) with lasting infamy." *Id.*, at 265. Two of these judges—Jeffries and Pemberton—sat on the court that tried and convicted Sir William Williams. Townsend, *supra*, at 413.

[86] *Id.*, at 1383-1407.

[87] *Id.*, at 1410-1413.

[88] "I might enumerate a vast multitude of Animalia Majora, no small flies, that have in several ages been catched in the net or web of an inquiry made by the House of Commons, who fish only for such greater fish, such as we call the pike, who by oppression live upon the smaller fish, and devour

them. The Commons to that end fish with a net that has a wide and large mesh, such as lets go the small fry, and encompasses none but those of the largest size." *Id.*, at 1413. "The plea shows, that one great lord was convicted . . . by impeachment of the Commons, and attained before the Lords. The King's speech shows that there was need of further enquiry, and that it was not as yet thoroughly done, nor himself, nor the two Houses safe . . ." *Id.*, at 1414.

[89] *Id.*, at 1414–1415.

[90] *Id.*, at 1415–1417.

[91] *Id.*, at 1417–1418.

[92] *Id.*, at 1418.

[93] *Kilbourn* v. *Thompson, supra,* at 204.

[94] Townsend, *supra,* at 413. Jeffries earned the nickname "The hanging judge" when he was dispatched by James II to try participants in the unsuccessful Scot revolt; James II is said to have commented that there was no doubt as to the outcome: "Jeffries will try them and they shall surely hang." See also fn. 85, *supra.*

[95] See *Rex* v. *Williams,* 2 Show. K. B. 471, Com. 18, 89 Eng. Rep. 1048:

"[Williams' counsel] began, 'The Court of Parliament . . .'

"Lord Chief Justice [interrupting]: 'Court, do you call it? Can the order of the House of Commons justify the scandalous, infamous flagitous libel? . . . Let judgment enter for the King.' "

Williams paid 8,000 pounds, and the King acknowledged satisfaction. No better case of "intimidation by the executive and accountability before a possibly hostile judiciary," *United States* v. *Johnson, supra,* at 181, is found in the reports.

[96] 10 C.J. 15 (January 29, 1689).

[97] 9 Grey's Debates 81, reprinted in Report from the Select Committee on the Official Secrets Act 24 (House of Commons, 1939).

[98] 10 C.J. 21 *et seq.*

[99] 10 C.J. 215. A bill to reverse the conviction and compensate Williams for the fine was sent to the House of Lords. The Lords did not act favorably upon it because that would have required payment to Williams of the not insubstantial amount of 8000 pounds from a greatly depleted treasury. There was "no disposition to make pecuniary compensation to any of those who had suffered illegally during James' reign, unless a source independent of the public purse could be found for that purpose." Townsend, *supra,* at 415. See also 13 How. St. Tr. at 1438–1439. Consideration was given to confiscating the estates of Jeffries and Sir Robert Sawyer, who had filed the information against Williams, but the Lords declined to do so in 1695. On that occasion, Williams spoke eloquently:

"I value much more your rights and my own honor, than I do my estate . . . . It is my glory that I have left a record for the rights and freedom of Parliament. In this proceeding posterity will justify me." 13 How. St. Tr. at 1440.

[100] After all, the order of only one House does not constitute law.

[101] See II T. E. May, Constitutional History of England 34 (10th ed. 1891).

[102] See T. E. May, Parliamentary Practice 53 (15th ed. 1950); Parry, Legislatures and Secrecy, 67 Harv. L. Rev. 737, 742 (1954).

[103] See II T. E. May, Constitutional History of England 33–49 (10th ed. 1891).

[104] This argument was made by several constitutional law experts in Congress during the debates in Sam Houston's case in 1832. A Congressional opponent of Houston had attacked him in a speech on the floor and then had the speech reprinted in a Texas newspaper. Houston later assaulted violently this congressman on a Washington Street, for which he was tried for contempt of Congress. One of Houston's defenses was that he had not committed a breach of the free speech privilege because the assault was motivated by the publication and not the speech. Although this defense was rejected on the facts, it did set off a marathon debate on the scope of the speech and debate privilege. The virtually unanimous view of the House was that publication of speeches and reports was encompassed within the privilege. Representatives stressed the functional nature of the Speech or Debate Clause as protecting all the necessary and customary duties of office. They viewed the informing function as just a duty implicit in our system of representative government. And they distinguished English cases as resting on the standing rule of the House of Commons which prohibited publication. See especially Gales & Seaton's Register 2840–2852 (May 8, 1832) (Mr. Ellsworth); 2871–2884 (May 9, 1832) (Mr. Doddridge); 2930–2968 (May 10, 1832) (Mr. Crane) 2970–2971 (May 10, 1832) (Mr. Burges); 2983–2984 (May 11, 1832) (Mr. Archer); 2989–3002 (May 11, 1832) (Mr. Kerr).

[105] P.W.C. 9a.

[106] "We will not hold that there is a constitutional privilege to print privately what, we must assume for present purposes, were classified documents simply because intervenor (Senator Gravel) had first disclosed them to a Senate subcommittee whose function was totally unrelated thereto." (P.W.C. 10a.)

[107] Of course, as with other variants of the political question doctrine, when a committee infringes upon an individual's constitutional rights, the courts may be obliged to examine enabling legislation in order to determine whether there is an overriding governmental interest. *E.G., Watkins* v. *United States,* 354 U.S. 178, 205 (1957). Here, no such claim is made by the Government, and the matter is "peculiarly within the realm of the legislature." *Ibid.* See also *Yellin* v. *United States,* 374 U.S. 109, 121–122 (1963), which drew this distinction precisely.

[108] Moreover, even if somehow the Court of Appeals possessed the constitutional power to substitute its judgment for Senator Gravel's or what is relevant to the subcommittee, its conclusion that the documents in question are not, is a mere *ipse dixit.* The Court of Appeals did not even examine the enabling rules of the Subcommittee; nor did it investigate past practices; nor did it consider the impact of the fact that there is no germaneness rule in the Senate; nor did it answer Senator Gravel's point that the war in Vietnam was relevant to the business of many subcommittees, including his own, because of its effects on the availability of funds for domestic programs.

[109] The Court in *Kilbourn* v. *Thompson, supra,* at 205, cited the kind of "usurpation" of authority which would fall outside of the privilege:

"If we could suppose the members of these bodies so far to forget their high functions and the noble instrument under which they act so as to imitate the Long Parliament in the execution of the Chief Magistrate of the Nation, or to follow the example of the French Assembly in assuming the function of a court for capital punishment, we are not prepared to say that such an utter perversion of their powers to a criminal purpose would be screened from punishment by the constitutional provision for freedom of debate."

[110] See Violence in America, Historical & Comparative Perspectives (Graham and Gurr et als., Task Force on Historical & Comparative Perspectives, Report to the National Commission on the Causes and Prevention of Violence) (1969); To Establish Justice, To Insure Domestic Tranquility (National Commission on the Causes and Prevention of Violence, introd. by Reston) (1970) ("Eisenhower Commission Report") (1969); The Challenge of Crime in a Free Society (President's Commission on Law Enforcement and Administration of Justice, introd. by Silver) (1968); Rights in Conflict: The Violent Confrontation of Demonstrators and Police in the Parks & Streets of Chicago During the Week of the Democratic Convention of 1968 (Report to the National Commission on the Causes and Prevention of Violence, introd. by Max Frankel) (1968) ("The Walker Report") (1968); Report by the U.S. National Advisory Commission on Civil Disorders (1968) ("The Kerner Commission Report"); Report of the Commission on Obscenity and Pornography (1970).

[111] The Vietnam Hearings (copyright and intro. by J. W. Fulbright) (1966); The Truth About Vietnam: Report on the U.S. Senate Hearings (analysis by Wayne Morse, intro. by J. W. Fulbright) (1966); U.S. Policy Toward China: Testimony Taken from the Senate Foreign Relations Hearings (1966).

[112] Juvenile Delinquency (Youth Employment) (1968); Juvenile Delniquency: National, Federal and Youth Serving Agencies (1968); Juvenile Delinquency: Comic Books, Motion Pictures, Obscene and Pornographic Materials, Television Programs (1969); Juvenile Delinquency: Treatment and Rehabilitation of Juvenile Drug Addicts (1969).

[113] The Manpower Revolution: Its Policy Consequences (1965).

[114] Summary of Hearings on the Wagner Housing Bill (National Association of Housing Officials 1936).

[115] Reorganization of the Federal Judiciary (1970).

[116] American Imperialism and the Philippine Insurrection (1969).

[117] New Orleans Riots of July 30, 1866 (1969).

[118] Memphis Riots and Massacres, 1866 (1969); Memphis Riots and Massacres (1969); Background for Radical Reconstruction (1970)

[119] Report of the Joint Committee on Reconstruction (1971).

Other privately published congressional committee reports, listing of which is found in, among others, the Library of Congress card catalogue, include: The Jewish National Home in Palestine (House Committee on Foreign Affairs) (Hearings, 1970); The Computer and Invasion of Privacy (House Committee on Government Operations Subcommittee) (Hearings, 1967); China, Vietnam and the United States (Senate Committee on Foreign Relations) (Hearings, 1966); The Ku-Klux Klan (House Committee on Rules) (Hearings, 1969) (reprint of the first publication of 1921); Invasion at Harper's Ferry (Senate Select Committee on the Harper's Ferry Invasion) (1969); Abridgement of the Debates of Congress, from 1789 to 1865 (1857–1861) (work then in progress); Affairs in the Late Insurrectionary States (Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States) (1969); American Foreign Policy: Basic Documents, 1941–1949 (Prepared at the request of the Senate Committee on Foreign Relations by the staff of the Committee and the Department of State) (1971);

Report of the Joint Committee on the Investigation of the Pearl Harbor Attack (Joint Committee on the Investigation of the Pearl Harbor Attack) (1972); The Journal of the Joint Committee of Fifteen on Reconstruction (B. B. Kendrick) (1969); Urban Crisis in America: The Remarkable Ribicoff Hearings (C. O. Jones and L. D. Hoppe, eds.); Reports on Crime Investigations (Senate Special Committee to Investigate Organized Crime in Interstate Commerce) (1969); Third Interim Report (Senate Special Committee to Investigate Organized Crime in Interstate Commerce) (1951); American Indians: Facts and Future, Toward an Economic Development for Native American Communities (Joint Economic Committee) (1970); National Priorities: Military, Economic, and Social (Joint Economic Committee, Subcommittee on Economy in Government) (1969);

Soviet Economic Growth: A Comparison

with the United States—A Study Prepared for the Subcommittee on Foreign Economic Policy of the Joint Economic Committee (Library of Congress, Legislative Reference Service) (1968); An Economic Profile of Mainland China (Select papers contributed by invited specialists for the study which was undertaken by the Joint Economic Committee) (foreword by William Proxmire) (1968); Comparisons of the United States and Soviet Economies (Joint Economic Committee) (1968);

Investigations of Senators Joseph R. McCarthy and William Benton, Report of the Subcommittee on Privileges and Elections to the Committee on Rules and Administration (Senate Committee on Rules and Administration) (1953); Enough Rope: The Inside Story of the Censure of Senator Joe McCarthy by his Colleagues—the Controversial Hearings that Signaled the End of a Turbulent Career and a Fearsome Era in American Public Life (Senate Select Committee to Study Censure Charges) (1969); A Second Federalist—Congress Creates a Government (Selected from the Annals of Congress by Charles S. Hyneman and George W. Carey) (1967); Communism, Its Plans and Tactics (House Committee on Foreign Affairs) (by Frances P. Bolton, chairman, and other Members of Congress) (1949); Hearings on the Permanent Court of International Justice Before a Subcommittee of the Committee on Foreign Relations (Committee on Foreign Relations) (1924);

Investigation of Administration of Louis F. Post, Assistant Secretary of Labor, in the Matter of Deportation of Aliens (House Committee on Rules) (1971); How Bull Run Battle Was Lost—The Ball's Bluff Massacre (Joint Committee on the Conduct of the War) (1863); The Secretary of State and the Ambassador—Jackson Subcommittee Papers on the Conduct of American Foreign Policy (Senate Committee on Government Operations) (1964); Rebel Barbarities—Official Accounts of the Cruelties Inflicted Upon Union Prisoners and Refugees at Fort Pillow, Libby Prison, Etc. (Joint Committee on the Conduct of the War) (1864); Army of the Potomac—History of Its Campaigns, the Peninsula, Maryland, Fredericksburg (Testimony of three commanders; Joint Committee on the Conduct of the War) (1863).

[120] See *Hentoff* v. *Ichord*, 318, F. Supp. 1175, 1180 (D. D.C. 1970) 1 The Parliamentary Papers Act, §§ I and II (3 & 4 Vict., c. 9 (1840); *Wason* v. *Walter*, 4 Q.B. 73 (1868). It should be noted that in this case Beacon Press made its paperback edition available to the public in sufficient quantity at a price of $20 for the set, while the Government Printing Office made available a limited printing of a censored edition, with unnumbered pages (making the work less useful as a research and reference tool) at a price of $50. Similarly, private publications of other important commission reports and congressional hearings have sold much more than the editions published by the Government Printing Office. For example, we have been advised by the Library of Congress that the Bantam edition of the Kerner Commission report had sales of 1,395,-000, as compared to 62,500 for the G.P.O. edition (the latter costing almost three times the former); the Bantam edition of the Lockhart Commission Report was 250,000 and the G.P.O. only 10,000 (with a similar price differential); and the combined sales of private editions of the 1966 Vietnam hearings totalled 42,000, compared to 6,023 for the G.P.O. edition.

[121] The Speech or Debate Clause affords "an absolute privilege to members of both Houses of Congress in respect to any speech, debate, vote, report, or action done in session." *Barr* v. *Matteo, supra*, at 569. See also, *e.g., Powell* v. *McCormack, supra*, at 503; *Dombrowski* v. *Eastland, supra*, at 84–85; *Barsky* v. *United States*, 167 F. 2d 241, 250 (D.C. Cir.), cert. denied 334 U.S. 843 (1948); *Cochran* v. *Couzens*, 42 F. 2d 783 (D.C. Cir.), cert. denied 282 U.S. 874 (1930).

[122] The Solicitor General stated in the petition for certiorari that there has never been any intention to call Senator Gravel as a witness before the grand jury (S.G.P. 15). The record makes clear that this simply is not so. Not only did the Justice Department claim the legal right to do so in both the District Court and the Court of Appeals, it also implied strongly that Senator Gravel would in fact be subpoenaed and could invoke his Fifth Amendment privilege "should questions be incriminating" (App. 8). The Justice Department retreated from this position only after the District Court issued its Protective Order.

[123] There is no force in the argument that the Speech or Debate Clause literally prohibits only questioning of Senators and Representatives. First of all, as we have emphasized, with perhaps tiresome reiteration, the Clause is to be read broadly to effectuate its purposes. Secondly, the present form of the Clause is clearly stylistic. The Committee on Detail in the convention wrote the Clause in subject-matter terms following the English Bill of Rights:

"Freedom of speech and debate in the Legislature shall not be impeached or questioned in any Court or place out of the Legislature." III Documentary History of the Constitution of the United States 447 (1900).

This provision was changed to the present form by the Committee on Style and the change was not mentioned as substantive. This Court has twice confirmed that the Clause is "substantially identical" to the English Bill of Rights. *Powell* v. *McCormack, supra*, at 502, n. 20; *United States* v. *Johnson, supra*, at 177–178.

[124] As counsel for Senator Gravel remarked in the District Court at the opening of this litigation:

"If we should, for instance, move to intervene and then it is determined that the issue before the grand jury for which Dr. Rodberg has been subpoenaed has nothing to do with the Senator, then we have no interest or right to be there. If, on the other hand, the questions for which the grand jury has subpoenaed Dr. Rodberg do relate to the Senator's activities, then we want to be very vigorous in our representation." (App. 42.)

Counsel for the Senator in the District Court further disclaimed any belief by the Senator that he could invoke his privilege to protect Dr. Rodberg from questioning with respect to activities, even activities relating to the Pentagon Papers, which predated the establishment of his aide relationship with the Senator. (App. 41.)

[125] It is significant, in this regard, that the usual rules of evidence relating to relevancy, hearsay, etc., do not apply in the grand jury.

[126] "The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority." *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 594 (1952) (Frankfurter, J., concurring).

[127] Compare Mr. Justice Brandeis' celebrated statement in *Olmstead* v. *United States*, 277 U.S. 438, 479 (1928):

"Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

[128] Our only quarrel with the District Court's opinion is that it did not define privileged acts broadly enough, *i.e.*, by excluding publication of the record from the protected area.

[129] For historical examples of breaches of the privilege by inquisitorial bodies, see fn. 20, *supra*.

[130] Grand jury transcripts are not readily available, and the District Court summarily denied Senator Gravel's motion for a transcript to be kept and made available to him. (App. 19.)

[131] The *Johnson* court did hold, however, that "a prosecution under a general criminal statute" so "dependent on . . . inquiries" necessarily touching upon the preparation for, delivery of, and motives behind a speech, "necessarily contravenes the Speech or Debate Clause." *Id.*, at 184–185.

[132] Nor, in fact, is such "influence peddling" an act which is "generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn* v. *Thompson*, 103 U.S. at 204. See fn. 51, *supra*.

[133] "Only the question of the applicability of the Speech or Debate Clause to the prosecution of Johnson is before us. The Court of Appeals affirmed the convictions of co-defendants Edlin and Robinson [who were connected with the saving and loan association] whose appeals were consolidated with that of Johnson [in the Court of Appeals] and, except for a brief as *amicus curiae* submitted by Edlin, questions raised in those cases have not been presented to us. The defendant [Congressman] Boykin took no appeal from his conviction." *United States* v. *Johnson, supra*, at 172–173, n. 3.

[134] And see fn. 133, *supra*.

[135] One might imagine a case where it is obvious from the face of an indictment that the criminal charge and a protected legislative activity are so intertwined that prosecution of the indictment necessarily would involve questioning delving into protected legislative activity. This is one of the questions being faced by this Court this term in the *Brewster* case, *supra*, but in the instant case only questioning, and not accountability, is involved. See also fn. 131, *supra*.

After Congressman Johnson was retried and convicted, he appealed on the ground that the indictment was void because original grand jury investigation violated the Speech or Debate Clause. The Court of Appeals stated that evidence taken by the grand jury was "constitutionally impermissible" but, citing the rule of *Costello* v. *United States*, U.S. ( ), held that this did not invalidate a facially sufficient indictment.

[136] The complaint in this case was the same person as the plaintiff in *Wason* v. *Walter, supra*, which established the right of members and printers to publish allegedly libelous speeches and reports.

[137] The New York Times, March 17, 1972, p. 7, col. 1.

[138] A number of such incidents are collected in Wolkinson, Demands of Congressional Committees for Executive Papers, 10 Fed Bar J. 103 (Part I), 223 (Part II) (1949).

[139] In its petition for rehearing with suggestion for rehearing en blanc filed with the Court of Appeals for the Fifth Circuit in *United States* v. *J. W. Robinson et al.* (No. 71–1058), the Justice Department argues that the signature of a close aide to the Attorney General should suffice to validate and authorize an electronic interception application under 28 U.S.C. § 510, notwithstanding the statute's requirement of personal authorization by the Attorney General. "The practice of having a personal aide in whom an official must and does repose total confidence is well known and widely accepted not only in the executive branch, but in the legislative branch as well (cf. *United States* v. *John Doe, Mike Gravel, United States Senator, Intervenor*, Nos. 71–1331, 71–1332, 71–1335 (1st Cir.), decided January 7, 1972, slip op. at 11–12). The nature of such a relationship demands that the aide and the officer be treated as one," *id.*, Justice Department's brief at p. 6. In *Doe* v. *McMillan*, F.2d (D.C. Cir. 1972), the Justice Department successfully argued for the privilege to ex-

tend to congressmen aides, the public printer and committee consultants, who aided a congressional committee to issue a report.

[140] Statement of William H. Rehnquist (June 29, 1971), at p. 11.

[141] *Id.*, at p. 16.

[142] *Id.*, at p. 19.

[143] Mr. Acheson gave the Separation of Powers Subcommittee of the Senate Judiciary a telling argument:

"There was a bill recently under consideration in the House to impeach a Justice of the Supreme Court—if it had gone through to impeachment, I am sure the Chief Justice would have ruled inadmissible the House manager calling upon the law clerks to testify as to their talks with the Justice. One cannot inquire into that confidential relationship. These are practical matters . . . ." Executive Privilege: The withholding of information by the Executive, hearings before the Separation of Powers Subcommittee of the Senate Judiciary Committee, Statement of Honorable Dean Acheson (July 28, 1971), at 265.

[144] Barr was represented by an attorney from the Department of Justice.

[145] Of course, insofar as the adoption of the common law executive privilege is justified by the separation of powers doctrine, the executive privilege might be seen as being of constitutional dimensions, although obviously less explicitly constitutional than the legislative privilege. It should be noted that the Court of Appeals in the instant case concluded that Senator Gravel was protected from questioning about the Pentagon Papers, even though the publication was not covered by the Clause, by a privilege akin to the common law executive privilege enunciated in *Barr* v. *Matteo. United States* v. *John Doe,* 451 F. 2d 466 (1st Cir. 1972) (P.W.C. 10a-11a).

Similarly, the English Parliament has acted to guard against a seeming chink in the armor of its privilege of free speech. By the law of Parliament, "a clerk or officer of the House or shorthand writer employed to take minutes of evidence before the House or any committee thereof may not give evidence elsewhere in respect of any proceedings or examination had at the bar or before any committee of the House without the special leave of the House." Commons Journals (1818) 389. This was discussed favorably in the Report from the Select Committee on the Official Secrets Acts (1939) at p. ix.

[146] This is an early "parade of horribles" to which the Government and the Court of Appeals have reverted.

[147] This was, for example, the substance of an amendment offered by Mr. Fitz Roy Kelly and seconded by Lord Eliot, *Id.* at 277–278.

[148] Speech of Lord Eliot. *Id.*, at 278.

[149] The British Attorney General's position on the limits of the privilege in civilized society was apparently adopted by this Court in *Kilbourn* v. *Thompson.*

[150] Thus, the Act provided that once a lawsuit was begun against a publisher, it would end upon production of a certificate in court to the effect that the printer was acting by order of either House. The preamble to the Act sees the Act as a mere remedy for obtaining "more speedy protection" than was theretofore available. This is not unlike the concern of American courts that the mere threat of litigation might be sufficient to deter a legislator, and that the Speech or Debate privilege should be assertable at the earliest stage possible, preferably on a motion to dismiss or motion for summary judgment. See *Powell* v. *McCormack,* 395 U.S. at 505–506, especially n. 25.

[151] Despite some attempts to distinguish the case from *Stockdale,* and even a passing comment that *Stockdale* was left undisturbed, one must honestly conclude that *Wason* did indeed overrule *Stockdale.* One distinction proffered was that *Stockdale* involved a publication which maliciously aimed at damaging an individual, while in *Wason* the publication was aimed primarily at reporting the proceedings of the Parliament for the information of constituents. *Wason* v. *Walter, id.*, at 95. It would appear clear that *Stockdale* also involved the function of informing constituents. Furthermore, the *Wason* court made it as clear as it could that, while the Parliamentary Papers Act, 3 Vict. c. 9, was "passed in consequence of the decision in *Stockdale* v. *Hansard," id.*, at 92, nevertheless it was not passed because there was thought to be any need "to fix the legality of the publication of parliamentary debates on the sure foundation of statutory enactment," *id.*, at 92; rather, the Act was probably passed as much because of "apprehension" caused by some language used in *Stockdale* "as by any conviction of the defectiveness of the law." *Id.* Finally, the *Wason* court approvingly cited *Rex* v. *Wright,* 8 T.R. 293. See discussion at 77–78, *supra.*

[152] Similarly, while the Constitution mandates that a "journal" be kept of congressional proceedings, it also allows Congress some leeway in using its discretion to keep certain matters secret. Art. I. sec. 5.

[153] See pp. 85–88, *supra.*

[154] Precisely such a misconception led the Court of Appeals to imagine an entire "parade of horribles" in the event that illegal acts were allowed to be "cleansed" by introducing them into a Senate subcommittee's proceedings. ". . . the consequences of such an unlimited absolute privilege would be staggering." *United States* v. *Doe,* 451 F. 2d 466 (1972). The court felt that Senator Gravel was claiming that by "immersing" the papers in a subcommittee record, he would be retroactively cleansing all events leading up to the papers being obtained and turned over to the Senator. *United States* v. *Doe,* Opinion on Rehearing, — F. 2d .

Quite to the contrary, Senator Gravel does not seek to protect any aspect of or actor in the Pentagon Papers case other than his acquisition (not his source's acquisition) of them, his staff's preparation of the papers for the subcommittee hearing, and Beacon Press' preparation of the papers for publication and its ultimate publication and distribution of them.

[155] Anderson involved an attempt by a nonmember to bribe a member to give a speech.

[156] See also *Cochran* v. *Couzens,* 42 F. 2d 783 (D.C. Cir. 1930), where the court granted the defendant Senator absolute immunity from a slander action complaining of words uttered in a Senate speech. The *Cochran* court felt that all that could be done was to send the plaintiff to the Senate to ask that the defendant's peers impose a remedy, presumably under art. 1, sec. 5, cl. 2 of the Constitution. 42 F. 2d at 784.

[157] While Senator Gravel asked the District Court to quash the subpoena altogether, he did offer the alternative that the Justice Department be ordered to specify the questions which it intended to ask of the Senator's aides and associates. (App. 2, 12.) With such a protective order, the Senator would have been satisfied to have the subpoenaed witnesses appear before the grand jury, since he would then not have to guess whether or not the witness would be constant in his refusal to violate the privilege, or worry that the witness' interpretation of the matters protected might differ from his own.

A SERIOUS FLAW IN OUR TAX LAWS

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. BLACKBURN. Mr. Speaker, a number of my constituents have recently brought to my attention the fact that there is a serious flaw in our tax laws. I have received many letters suggesting that our tax structure, while not actually encouraging divorce, does discourage marriage. Under the Internal Revenue Code of 1954, as amended, higher rates are charged to married people filing separately than to those who are single.

The reason given by the Internal Revenue Service for this inequity is that the working wife is considered a luxury. While it is true that most families' incomes are increased substantially when the wife works, a great majority of the working women in this country come from lower and middle-income families, and their employment is necessitated by the ever-increasing cost of living.

It is because of this that I am today introducing legislation which will remove this inequity. My bill will guarantee that married individuals who file separately shall be taxed at the same rate as unmarried individuals.

THE LATE HONORABLE ADAM CLAYTON POWELL

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. HELSTOSKI. Mr. Speaker, I wish to join my colleagues in expressing my sorrow at the passing of Adam Clayton Powell.

Despite the controversy surrounding Adam's last year in the House, much of which was fueled by hypocrisy and racism, I believe that the record shows, and history will show, that he was one of the most effective and committee legislators ever to sit in this House. At least 52 major pieces of legislation were enacted into law during Adam Clayton Powell's 5-year tenure as chairman of the Education and Labor Committee. Among these measures were the minimum wage legislation, the School Lunch Act, the Library Services Act, legislation to implement the war on poverty, a ban on unequal pay for men and women, the manpower development and training legislation, the Elementary and Secondary Education Act, and many more. In short, virtualy all of the progressive legislation of the 1960's bears the indelible mark of Adam Clayton Powell's craftsmanship.

Before attaining the committee chairmanship, however, indeed before coming to Congress, Adam was an outspoken advocate of the rights of black people. Well before Montgomery or Little Rock or Birmingham captured the attention of the American public, Adam Clayton Powell was in the forefront of the struggle for full civil rights for all Americans. In the 1940's and 1950's his was a lonely but powerful voice raised against all forms of discrimination in our society. For this early and courageous leadership he deserves recognition.

Mr. Speaker, perhaps the best evaluation of Adam's achievements—and his failures—was rendered by Charles V. Hamilton in the New York Times of last Sunday. I conclude my remarks by inserting a brief excerpt from that eulogy at this point in the RECORD:

ADAM C. POWELL

During the peak years of his public life, he had been an important symbol for many black Americans, a symbol of achievement, confidence and definance. Many of his early "Powell amendments" seeking to deny Federal funds to discriminatory projects are now laws of the land, if not always facts of life. If he failed to accomplish more, it was not, as some have been prone to conclude, simply because of his flamboyant style and sometime arrogance. He was a man of his time, a black man who was what he was and did what he did to win a place of power in a nation responding too slowly to racial injustice. Had America been different, Adam Powell might have been less "difficult"—but with it all, he will be remembered not only for his excesses but for his very real achievements.

RAILROAD SPONSORS "FISHERMAN'S SPECIALS"

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. HALPERN. Mr. Speaker, with the summer months fast approaching, all of us await the day when we can travel to fresh air and clean waters for rest and recreation. A weekend of fishing for example, is a joy to any family but developments are underway in Long Island, N.Y., which will make fishing this season, an added joy. The Long Island Railroad will be sponsoring "Fisherman's Specials" to fishing areas on the Island for all New Yorkers and visitors.

In a recent issue of Passenger Transport, I read a fine article outlining the Long Island Railroad's initiative in this area. For the benefit of fishing enthusiasts everywhere, but especially on Long Island, I wish to insert this article into the RECORD. The efforts undertaken by the Long Island Railroad to allow New Yorkers to fish in areas over 50 miles from the city should be commended and encouraged. Our citizens deserve recreation areas and Long Island Railroad's efforts to transport city dwellers to the fishing areas of the State is a step in the right direction.

FISHING TRIPS FOR NEW YORK SET BY LIRR

NEW YORK, N.Y.—"Gone Fishing" signs appeared everywhere in the Metropolitan area starting April 8 when the Long Island Rail Road once again this year began operating its highly-popular "Fisherman's Specials" to Captree State Park, located 47 miles east of New York City.

Anglers aching to land the really "big ones" are being offered a pair of appealing round-trip package trips while the weekend "Fishermen's Specials" run each Saturday and Sunday through May 27. The daily "Fishermen's Specials" start May 28 and run through Sept. 4.

OPEN PARTY

Package No. 1, costing $10, includes train ride to Babylon from Flatbush Avenue or Penn Station, bus trip to Captree State Park to board an open party boat for fishing on Great South Bay (ocean fishing is available at extra cost).

Package No. 2, costing $12.25, offers all of the above plus a fried chicken box lunch as well as use of a fishing pole and all the necessary tackle. Bait is extra on both package trips and may be purchased at the dock.

Over 2,500 anglers took advantage last year of the LIRR's "Fishermen's Specials." Catches included flounders, weakfish, fluke, black fish, sea bass, porgies and king fish. Ocean fishermen brought back pollack, striped bass, blue fish and cod.

PARK FACILITIES

Captree State Park is a 298-acre beach-marina located 15 miles east of Jones Beach. Under the jurisdiction of the Long Island State Park Commission, Captree offers, in addition to excellent boating and fishing facilities, unexcelled surf, bathing beach and picnic grounds.

A NEW APPROACH TO STABILIZATION POLICY

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. GREEN of Pennsylvania. Mr. Speaker, I wish to bring my colleagues' attention to a proposal, made by Mr. John S. Atlee, an economist from my district, for a new approach to the problem of achieving stable full employment growth with stable prices and stable interest rates. Mr. Atlee has a Ph. D. in Economics from Columbia University, has taught commerce subjects at the University of Pittsburgh, has done research in macroanalysis and stabilization policy for the Ford Foundation, and has published articles in professional journals on the flow of funds approach to social accounting. Thus, he is an extremely competent professional in his field, and his ideas are worth studying.

I agree heartily with the stated objectives of this proposal, and I am convinced that it warrants careful study by all House and Senate Members. If it could actually achieve the results claimed for it, it would prevent future Republican Presidents from thrusting our economy into a depression, as the Nixon administration has done—and it would make it more difficult for any president to drag us into another disaster such as the Vietnam military quagmire.

The first item, entitled, "A New Approach to Stabilization Policy," sets forth the key elements of this proposal in fairly readable terms with some of the historical and analytical background. The second item, entitled "It's Time for a New Full Employment Bill," is a detailed preliminary draft of the proposed comprehensive legislation.

The material follows:

A NEW APPROACH TO STABILIZATION POLICY

(By John S. Atlee)

In the early days of aviation when instruments were few and unreliable, pilots flew "by the seat of their pants"—by the "feel" of the plane. But their subjective feelings were often misleading, with tragic results. Today a jet pilot merely sets his course and turns on the "automatic pilot." Then its servo-mechanisms take over and keep the plane stable and on course. The more-or-less continuous "stabilization adjustments" of the automatic pilot are so small and precise that they are never even felt by the passengers. This is the way our whole economy should—*and could*—be managed.

When it comes to managing the economy, our present system is even worse than the old-time seat-of-the-pants approach to flying. It's not just that there's no automatic pilot. It's almost as if there were *three* pilots, with Congress, the President and the Federal Reserve all authorized to take an occasional stab at it, with passengers continuously haranguing them with advice (and, one might even say, speaking in several different languages, since even professional economists use incredibly vague and unscientific terms to describe the operation of the economy!), with no firm agreement on where they are going or how to get there, and with none of them fully responsible for what actually happens. In fact, when the President becomes preoccupied with foreign policy and Congress becomes preoccupied with an upcoming election, the economy is pretty much left to fly itself—as if the three pilots went back in the cabin to play cards or talk with the stewardess!

There are indications today that most of the passengers are becoming fed up with this nerve-jangling method of managing our economy. An individual business run that way wouldn't last long, and that kind of unpredictable national economic environment makes it much more difficult to run a private business—especially if it's a small or black business.

Continuing the airplane analogy for a moment, it is important to note that there are two quire distinct aspects in the modern approach to flying. The pilot himself has to set the flight plan—the course, altitude and cruising speed. The automatic pilot merely *keeps* the plane on this course. The same distinction is also vital to effective management of the economy.

The policy-target aspect of economic management.—A "flight plan" for the economy would include such policy targets as the unemployment rate, price trend and interest rates. The unemployment rate is probably the most basic—and most comparable to the course set by an airplane.

With regard to the interest rate target, the new approach to stabilization policy outlined below will make it possible, for the first time in our history, to stabilize and control interest rates as a public policy decision.

In the long run both the price trend and the growth rate of current-dollar GNP (Gross National Product=total spending) are determined primarily by the growth rate of the money supply. Therefore, when the stabilization aspect of economic management is carried out by the means proposed below, a stable monetary growth rate should become the basic policy. This would be approximately the same rate as the "real" GNP growth rate, but governed more precisely by a fixed and explicit formula.

(It should be noted here that "money" includes only the checking deposits and pocketbook currency which people can buy things with and pay bills with. It does *not* include interest-earning savings accounts, whether they are in a commercial bank, a savings bank or a savings and loan association. This error is merely another example of the slip-shod character of much current economic thinking!)

In the short-run perspective of two or three years the price trend is determined primarily by the economy's *structural balance* (rather than by the unemployment rate, as implied in another fad of current economic thinking!)—and by the extent to which past imbalances are being effectively corrected by current policy.

The GNP growth rate is not considered as a primary policy target for two reasons:

(a) The *trend* growth rate of *full-employment potential GNP*—which must be the ultimate policy target—is very largely implicit in our 20-year-ago birth rates and the trend growth rate of productivity, both of which are largely inherent in the basic institutional nature of our society and little affected by any but the longest-run policy decisions.

(b) The relationship of the *actual GNP growth rate* to the growth rate of full-employment potential GNP does, in fact, determine the unemployment rate. But *politically* the unemployment rate in the more important policy target, with the GNP target being adjusted accordingly.

The stabilization aspect.—Now let's turn to the stabilization aspect of economic management—the problem of preventing short-run fluctuations in the GNP growth rate and the unemployment rate. These are caused primarily by structural changes in the economy: for example, those caused by the 1955 automobile-and-housing "boom," by the Korean and Vietnam wars, and by inappropriate policy decisions by Congress, the Administration or the Federal Reserve—such as the failure of Congress to synchronize the reduction in taxes with the reduction in military spending after the Korean War, the failure of President Johnson and Congress to increase taxes to finance the Vietnam War, and the wild gyrations of monetary policy during 1953–60 and 1966–71. To offset the ill effects of the inevitable human (and political!) errors in judgment and timing, effective economic stabilization needs the equivalent of the airplane's automatic pilot.

The present "automatic stabilizers."—Certain aspects of the way our economy works already tend to reduce the magnitude of fluctuations. These are what the economists have traditionally called "automatic stabilizers." When a decline in the rate of business investment or government military spending or consumer debt-financing of automobiles causes a decline in the GNP growth rate this causes increased unemployment and a reduction in business profits. But this in turn causes a reduction in government tax receipts (from both corporate profits and personal incomes) and an increase in government spending for unemployment benefits, welfare payments and farm subsidies—which tend to reduce the net decline in the growth rate of consumer take-home pay (disposable income) and consumer spending. In the other direction, an increase in the GNP growth rate tends to increase tax receipts and reduce depression-relief payments, thus tending to hold down the growth of consumer disposable income and spending.

However, since the compensatory effects of the present automatic stabilizers are brought into action only by the very fluctuations which we want to prevent, they cannot actually eliminate these fluctuations. In fact, they offset only about one-third of the original destabilizing impetus. Moreover, even this effectiveness depends heavily on the present high rate of military spending and the resulting high tax rates.

Thus, recent ("Keynesian") fiscal policy has been mainly concerned with augmenting the automatic stabilizers with *discretionary* compensatory changes in government spending and/or taxation (with resulting indirect effects on the disposable income and spending of consumers and businesses).

Weaknesses of discretionary fiscal policy.—The main trouble with compensatory government *spending* is that it can't—and shouldn't—be turned on and off like a spigot. If it is for a socially useful and needed purpose its amount and timing should be determined on its own merits—on the real need for that type of spending. If its purpose is of questionable utility (such as a good deal of our "defense" spending), it faces—and should face—strong opposition from taxpayers and Congressmen. Therefore, there has been an increasing tendency for compensatory fiscal policy to rely primarily on tax-rate changes. However, since there is presently no way to clearly separate temporary stabilization changes from changes in the permanent tax structure, and since tax changes have often been determined more by political considerations than by the needs of the economy, they have usually been inappropriate in both timing and amount.

"Formula flexibility" of tax rates.—About 10 years ago the prestigious Commission on Money and Credit (CMC), sponsored by the Committee for Economic Development, noted that the most promising means of achieving really effective stabilization was to completely separate the *compensatory/stabilization* aspects of fiscal policy from the ordinary *budget* aspects which provide the basis for Congressional policy decisions on the basic "permanent" structure of tax rates and decisions on ordinary (non-depression-relief) expenditures.

The CMC proposed that stabilization tax rate adjustments (hereafter referred to as STA) should be made "automatically" on the basis of a fixed formula. They called this approach "formula flexibility" to distinguish it from proposals for giving the President discretionary power to adjust tax rates.

Since the formula itself would be ratified by Congress—and could be changed at any time if Congress decided it was not working out properly—Congress would be giving up none of its Constitutional tax powers. In fact, it would actually increase Congress' effective control over basic tax policy by making it possible to legislate the "permanent" structure of tax rates on its own merits, uncomplicated by transitory economic conditions. But formula flexibility would indeed tend to take stabilization policy "out of politics," in much the same way that civil service has done for much government employment, and would thus tend to eliminate another area of potential conflict between social responsibility and political expediency.

The Full Employment Budget.—A year ago President Nixon took a big step in this direction when he sent Congress a Full Employment budget (FEB). In the FEB, estimates of tax receipts and government spending are based on a constant rate of unemployment. This tends to give Congress far more effective control over the budget because it eliminates the effect of economic fluctuations and thus facilitates comparison of budgets for years with different economic conditions.

(Actually, President Nixon's budget is more accurately called "high" employment than "full" employment, because it is based on an official rate of 4% unemployment, which is more than double the rate that many European countries consider politically intolerable, and which results in 25–30% unemployment among ghetto teenagers. It would be much better to use a standard of 2% unemployment, so that it would not have to be changed after we get our unemployment below 4%.)

The formula flexibility approach has languished until now mainly because there has been no really satisfactory statistical indicator on which to base the formula. The official unemployment rate reflects changes in the GNP growth rate only very inadequately and after considerable time lag. Even the official estimates of GNP are subject to large errors and revisions, so that a significant change in the real GNP growth rate may be well underway before it is clearly identifiable. Furthermore, because the National Income Accounts (which provide the estimates of GNP and the statistical basis for Keynesian approaches to stabilization policy) are unable (either conceptually or statistically) to deal with the very important credit and monetary aspects of our economy, it was impossible to develop a reliable formula for relating changes in tax rates to desired changes in GNP and unemployment.

New basis for STA formula.—The new approach outlined here focuses not on *spending* but on *credit*. This is partly because the most unstable elements of total GNP spending—business investment (particularly inventory investment), household investment in houses and major durable goods, short-run fluctuations in Federal spending (especially for "defense")—tend to be financed very largely with credit. It is also partly because credit flows are much more volatile, much smaller, and much more easily influenced than spending flows.

But credit flows and spending flows are very closely related. The relationship is easiest to understand if we think of the flow of spending and income as "circular," since money itself is never "used up" in the process, but merely passes from one person to another indefinitely, with each person's spending being the next person's income. We can think of the credit flows as merely a small (about 9% of GNP) diversion from this main spending/income flow: the "supply" of credit from one person's financial saving (in savings deposits, life insurance reserves, purchases of securities, etc.) represents merely a temporary withdrawal from the main flow until someone else borrows and spends the money.

Newly created money—or "credit creation," as it is sometimes fuzzily called—is a small but crucial component of the total supply of credit which represents, of course, a net addition to the main flow, and which is thus, essentially, the only means of financing the growth of GNP (in current-dollar values).

Thus, the function of the formula-controlled Stabilization Tax Adjustments would be to make sure that *compensatory* changes in Federal borrowing precisely offset any net imbalance between the total supply and demand for credit caused by changes in consumer or business borrowing—or even by inappropriate fiscal actions of the Federal government itself.

It is easier for socialist economies to maintain a continuous balance between the total supply and demand for credit because all their credit must flow through the state bank(s). But our financial system is so complex and decentralized that it has been impossible to develop any reliable and current estimates of the *total* flow of credit.

The ICB and STA.—This proposal solves the problem by establishing an *Intermediate Credit Bank* (*ICB*) which serves as a "bankers' bank" or "central credit pool," accepting interest-bearing deposits from any major financial institution with surplus funds and making "wholesale" loans (at the same interest rate) to any such institution whose "retail" demand for loans exceeds its inflow of deposits. Thus, all the "marginal" surpluses and deficits of the whole economy would tend to be funneled through the ICB, and the relationship between its own total deposits and loans would be exactly the same as the relationship between the whole economy's total supply and demand for credit.

The operation of the Stabilization Tax Adjustment would then be as follows:

a) When ICB deposits exceed loans, the STA would reduce payroll tax deductions, so as to increase Federal borrowing (i.e. increase the Federal deficit or reduce the surplus, as the case may be).

b) When ICB loans exceed deposits, the STA would increase payroll tax deductions, so as to reduce Federal borrowing.

(In practice, the tax adjustment would have to be slightly greater than the difference between ICB loans and deposits, to allow for the fact that a change in take-home pay affects saving as well as spending.)

Payroll tax deductions would provide the initial vehicle for such tax adjustments because most large payrolls are already computerized and the adjustments could be made very simply on the basis of periodic directives from the U.S. Treasury. Those whose incomes do not come through computerized payrolls would be subject to the same net adjustment when they file their regular tax returns. (*Net* adjustment is specified because these adjustments would be so frequent and in such small amounts—like the adjustments of the jet's automatic pilot—that they might very well cancel each other out over the period of a whole tax year!)

This formula-controlled stabilization mechanism would not only *mitigate* economic fluctuations; it would tend to entirely *eliminate* them, by counteracting the basic structural maladjustments before they have a chance to show up in the official unemployment rate or the GNP growth rate—like the plane's automatic pilot stabilizes its flight.

It would also make possible a steady, planned, recovery to real full employment. A moderate, non-inflationary recovery rate would make it possible to get our unemployment down to Europe's 2% by about 1975. From then on, stable full-employment growth of the economy would be maintained automatically, with mass unemployment as obsolete as the medieval blood-letting which it so much resembles!

The anti-inflationary effects of full employment.—Continuous, stable full employment would greatly facilitate long-range business planning, reduce overhead costs, reduce minimum "safe" profit margins, increase opportunities for small business and other healthy types of competition, reduce Federal, state and local tax rates, and cause many other structural changes in the economy which would tend to hold down prices and exercise the bogey of potential conflict between full employment and stable prices.

Most current discussion of the "Phillips Curve Problem" overlooks the fact that most of our actual historical approaches to full employment have involved an abnormally high "recovery" rate of GNP growth—a condition which is inherently inflationary unless very carefully managed. In contrast, during the final two years of the Korean war we had *both* very low unemployment and stable prices—because the inflationary influence of the war and the pre-war recovery growth rate was suppressed by price-wage-credit controls until the structural maladjustments were dissipated.

Policy control of interest rates.—Because the STA would make possible direct and precise control of the total supply and demand for credit, the ICB interest rate (which would tend to become the basic standard of reference for most other interest rates) could be set by Congress on the basis of considerations of national policy. For example, if desired, interest rates could even be "rolled back" to the pre-Korean level of about 2%. This would facilitate financing of pollution control equipment, better insulated buildings (and other measures to conserve scarce fuels), construction of new schools, etc.

Guarantees against "credit crunch"—The operation of the STA and ICB together would completely eliminate the possibility of another "credit crunch" such as those of 1966 and 1969–70 which led to the formation of the Hunt Commission (Presidential Commission on Financial Structure and Regulation), by much more effective means than these recommended in its report.

Basis for international monetary system.—When this approach to national economic management is also adopted by most of the other major industrial nations it will tend to coordinate their economic policies even more effectively than the old-fashioned gold standard system, and will thus facilitate the establishment of a sound international monetary system. (However, it would probably do little to help clear up the present mess which has resulted from the apalling mis-management of the past 7 years. That will require special emergency measures.)

Facilitates reduction in military spending.—One of the fringe benefits of this method of managing the economy is that it completely separates the problem of stabilization and full employment from the particular content of the GNP. Stable full employment can be achieved equally well whether government spending—or business investment—is high or low. By helping to put an end to the pernicious myth that jobs and profits depend on war and military production, and by facilitating reconversion, this approach would also facilitate a reduction in military spending, much of which is appropriated as a "politically viable" means of creating (or saving) jobs rather than for any really necessary contribution to defense.

This reform is as "radical" as the initial establishment of the Federal Reserve System, the graduated income tax, the FDIC and the "Keynesian Revolution"—and as badly needed now as they were in their time!

This article includes only the major features of a comprehensive "Full Employment Bill" which has been submitted to several committees of Congress, and which is, in turn, based on a forthcoming book on marco-economic analysis and policy.

It's Time for a New Full Employment Bill

(By John S. Atlee)

PART I. ANALYTIC FRAMEWORK AND GENERAL DESCRIPTION OF PROPOSED REFORMS

For the past 20 years unemployment in most of Europe and in Japan has averaged about 2% or less. For many years West Germany actually kept her unemployment below ½ of 1%—by our definition. After World War II Italy came to be known derisively as "the sick man of Europe" because of her high unemployment. Shall we now allow the United States to fall heir to that dubious honor?

The need for a more scientific and business-like management of our economy

Using an economic depression and mass unemployment to cure inflation is comparable to the medieval practice of blood-letting to cure disease. It is hardly worthy of a modern industrial nation which believes in the scientific approach to knowledge and the solution of problems.

In the early days of aviation when instruments were few and unreliable pilots flew "by the seat of their pants"—by the "feel" of the plane. But their subjective feelings were often misleading—with tragic results. Today a jet pilot sets his course, turns on the "automatic pilot" and the servomechanisms take over to keep the plane stable and on course with such frequent and precise adjustments that they are never even felt by the passengers. This is the way our economy could and should be managed!

This article is based on my forthcoming book on macro-economic analysis and policy. It is the result of more than 10 years of study of the financial structure and operation of the American economy, in an effort to devise more effective and more systematic governmental machinery for managing the macro-economic growth and stabilization aspects of monetary and fiscal polciy—for "framework planning" of the overall economic environment to make possible the achievement of steady, non-inflationary recovery to full employment, and, thenceforth, the maintenance of continuous stable full-employment growth—with stable prices and stable low interest rates. This particular "package" of proposed reforms is the result of a very recent major "breakthrough" in this research.

In terms of governmental structure and institutions, these reforms could be said to carry forward and functionally integrate two earlier basic reforms: the establishment of the Federal Reserve System in 1914 and the general adoption of the Keynesian theory of compensatory fiscal policy after World War II.

Policy-wise, these reforms combine Milton Friedman's prescription for stable monetary growth, the fiscal policy "formula flexibility" proposed by the 1961 Commission on Money and Credit, and Congressman Wright Patman's populist policy of low interest rates—with a pathbreaking new method of achieving precise coordination between them.

However, it must be noted that in several respects these reforms are based on a fundamentally new approach to economic analysis and policy, and that this may present some problems for those brought up in the now-conventional Keynesian/National-Income framework. Thus, it is perhaps useful to quote Keynes' prescient introduction to his own path-breaking new approach 36 years ago:

"Those who are strongly wedded to what I shall call 'the classical theory' will fluctuate, I expect, between a belief that I am quite wrong and a belief that I am saying nothing new . . .

"The ideas which are here expressed so laboriously are extremely simple and should be obvious. The difficulty lies not in the new ideas but in escaping from the old ones, which ramify, for those brought up as most of us have been, into every corner of our minds." (*General Theory*, pp. vii)

The basic economic balances

Functionally, the reforms proposed here provide an effective means for precise control of the three basic macro-economic "balances":

1) The balance between *total spending* and the total full-employment *productive capacity* of the economy (i.e. between total GNP demand and potential supply);

2) The balance between the actual *money supply* and the full-employment demand for *cash "inventory"* (i.e. between the total actual stock of currency and checking deposits and the "money inventory" needed to service the full-employment volume of GNP);

3) The balance between the total *supply of credit*, from financial saving and monetary expansion, and the total *demand for credit* to finance GNP expenditure.

During 1971, total spending was about 12%, or $140 billion below its full-employment level (by Europe's 2% definition of full-employment). The money supply was perhaps $25–30 billion below its full-employment level. The total demand for credit was probably close to its full-employment level, but this was too high, proportionately, for the 1971 level of GNP.

Stabilization

The *stabilization function*—i.e. the federal government's "compensatory" action to offset destabilizing structural changes in the rates of spending, saving and borrowing by either private or government sectors—would be performed, under these proposals, by formula-controlled *Stabilization Tax Rate Adjustments* (*STA*), through changes in income tax payroll deductions by employers with computerized payrolls, to maintain a continuous balance between the total supply and demand for credit.

Weaknesses of conventional Keynesian/National-Income approach.—The now-conventional Keynesian approach to economic analysis and stabilization policy is based statistically on the national income accounting system—which is unable (both conceptually and statistically) to comprehend credit and monetary flows. Therefore it could not deal effectively with the second and third of the basic economic balances cited above. Consequently, as a practical matter, it tends to focus policy attention on compensatory government *spending*. A basic weakness of this approach is that the timing and amount of changes in government spending cannot be precisely controlled, even theoretically; and in the world of practical politics they are usually quite inappropriate in both respects.

Since there is greater potential flexibility in the timing and amount of tax rate changes (particularly through payroll deductions), those who argue for more precise "fine-tuning" of the economy tend to prefer taxes rather than spending as the medium for stabilization policy. However, within the Keynesian/National-Income analytical and policy framework, both are subject to the same problem: there is no precise "indicator" of the appropriate timing or amount. The official unemployment statistics are quite inadequate for this purpose and lag several months behind the related changes in GNP. Furthermore, the statistical estimates of GNP are themselves compiled only on a quarterly basis and are subject to large errors and revisions, with even the preliminary estimates only becoming available a month or more beyond the end of the quarter.

"Fine-tuning" the economy—and reducing the risk of unfavorable macro-economic effects of a basic new tax or expenditure program (such as the proposed value-added tax or an income-maintenance program)—requires that stabilization adjustments (like the adjustments made by the auto-pilot of an airplane) be made frequently and in precise small amounts—ideally, even before the maladjustment becomes clearly evident in such crude measures as unemployment and GNP.

The new approach.—The approach of this proposal is distinctly different from the now-conventional Keynesian/National-Income approach in both concept and practice. Conceptually, it is based on the Flow-of-Funds type of economic accounts, which are able to show in considerable detail the functional relationships between spending flows and credit and monetary flows. However, it differs from the conventional approach to credit and money in that this uses a dynamic or flow perspective, rather than the static accounting perspective.

Theoretically, credit and spending flows are complementary: the credit flows represent merely a temporary "detour" from the basic "circular" flow of income and spending and have no net effect on its volume as long as all the financial saving is borrowed and spent by someone else. Monetary expansion, however, represents an "exogenous input" which increases (or permits an increase in) the total volume of the circular flow. Since the credit flows are much smaller in amount than income and spending flows, proportionately equal errors of measurement in the credit flows are much smaller in absolute amount and therefore easier to deal with in compensatory policy. Furthermore, credit flows tend to be much more sensitive as "indicators," since their percentage changes tend to be many times as large as the corresponding percentage changes in the GNP growth rate.

Unfortunately, the institutional make-up of our financial system is so complex, and the actual statistical data on financial flows still so imperfect, that it has not previously been practical to use credit data as the basis for stabilization policy. This proposal solves the problem by establishing an *Intermediate Credit Bank (ICB)* which would serve as a "banker's bank" or "central credit pool", accepting interest-bearing deposits from any major financial institution with surplus funds and making loans to any such institution whose demand for funds exceeds its inflow of deposits. This would produce in the credit market such a high degree of liquidity that the individual "marginal" surpluses and deficits of the whole financial system would tend to be transferred almost immediately to deposit/loan accounts at the ICB rather than being held in idle "speculative" or "precautionary" cash balances and borrowings.

If, then, the overall supply and demand for credit (as reflected, marginally, in the total deposit and loan balances at the ICB) are kept in balance by means of stabilization tax adjustments (i.e. with destabilizing changes in private credit being precisely offset by compensatory changes in federal government credit), the resulting overall credit flows would quite accurately represent a "mere detour" from the basic circular flow of spending and income, and the stabilization changes in federal credit would have a precisely equal stabilizing effect on the total flow of spending and income.

Note for economists.—The old Keynesian problem of how to handle the *ex ante* inequality of saving and investment is here solved by use of the Flow-of-Funds type of national economic accounts and the "exogenous" flow concept of monetary expansion, in which money only *becomes* part of financial saving—if an increase in cash is considered as "saving" rather than a unique kind of "inventory investment," which is functionally more appropriate—after the borrowed funds which initially bring forth the monetary expansion have actually been spent.

Full employment growth

The functional role of money.—The funcployment growth of GNP would be achieved under this proposal primarily by stable monetary growth. In this it agrees with Friedman that discretionary monetary policy should never be used for stabilization purposes; that an "urgent need is to prevent the Fed from being a source of disturbance," and that monetary policy should be insulated "both from the arbitrary power of a small group of men not subject to control by the electorate and from the short-run pressures of partisan politics."

The functional role of money—The functional relationship between monetary expansion and GNP growth is not always clearly understood. Functionally, the *stock* of money plays the same role in relation to the *flow* of money income and spending as the grocer's physical inventory *stock* plays in relation to the physical *flow* of his incoming shipments and his sales to customers. In both cases the inventory stock serves as a "buffer" or "reservoir" to allow for the differences between the relatively large periodic inflows and the smaller and more frequent outflows. In both cases there is some "normal" average stock/flow ratio which must be maintained in order to avoid disruption of the flows; and growth of the flow requires a corresponding growth of the stock.

The definition of money.—To the shame of the economics profession, it is still necessary, in a discussion such as this, to define "money". For analytical and conceptual clarity money can have only one definition: mean payment—what you buy things with. This includes only checking deposits and currency. It does *not* include commercial bank time deposits, which are functionally no different from savings and loan deposits or Treasury bills (except for the legal reserve requirement on commercial bank time deposits, which has indeed been a source of much confusion in both analysis and policy). The crucial distinction is that a time deposit, like any other credit instrument, must normally be "liquidated"—i.e. *exchanged for* money (either a checking deposit or currency) before it can be used to pay for things. (The *degree* of "liquidity" has nothing whatever to do with it: on Sunday a used car is more "liquid" than a time deposit if the bank is closed and the used car dealer is open!)

In macro-economic terms the distinction is equally clear-cut: speculative "hoarding" of *money* (i.e. checking deposit balances or currency) by some people tends to reduce the money supply available to the rest of the economy (assuming no change in total bank reserves) just as effectively as a reduction in the total supply of money. But the hoarding of "wealth" in the form of mutual savings bank deposits (to avoid the problem of legal reserve requirements on commercial bank time deposits) or any other type of credit claim does not deprive the rest of the economy of the funds. (If the depository institution fails to lend them, or the borrower fails to spend them, that's another question, but the responsibility is shifted.)

The monetary multiplier.—The mechanism by which monetary expansion is transformed into increased GNP is conceptually very much like the mechanism by which, in a fractional reserve banking system, an increase in reserves is transformed into increased total deposits: the borrower who receives the initial increase in money spends most of it, keeping a small portion as his share of the total increase in money stock (to correspond with his share of the total increase in spending and income), and passes on the rest (as expenditure) to someone else, who does likewise. Thus, an increase in the money supply tends to increase GNP by the reciprocal of the stock/flow, Money/GNP, ratio. This might be called the "monetary multiplier."

Note for economists.—When the Flow-of-Funds accounting system becomes the standard statistical basis for macro-economic analysis, and when the resulting full integration of the financial and non-financial aspects has become "conventional," it will undoubtedly be found that the Keynesian "investment multiplier" is actually the "monetary multiplier" described above, since the "exogeneity" of investment is dependent on the availability of "exogenous" funds with which to finance it—and they can come only from monetary expansion or the spending of "surplus" cash balances, which has the same effect as monetary expansion; a structural shift of a given amount of spending from consumption to investment would have no multiplier effect; in fact, quite the opposite, since it would tend to cause excess capacity and a subsequent reduction in both investment and consumption.

The Money/GNP Ratio.—A change in the normal method of carrying on business operations will, of course, affect the normal and necessary Money/GNP ratio, just as it will affect the grocer's inventory/sales ratio. This ratio tends to be *reduced* by greater credit market liquidity and credit availability (which tends to reduce the utility of "speculative" and "precautionary" cash balances), by "check credit" accounts, computerized payment systems, etc. It tends to be *increased* by lower interest rates (which make it less worthwhile to devote costly time and effort to precise "cash management" so as to keep every spare penny fully invested), and by lower bank requirements for minimum or "compensatory" cash balances. Ascertaining the most appropriate Money/GNP ratio for a genuinely scientific monetary policy will require detailed research into the probable net effects of these conflicting tendencies—something that the present cavalier attitudes toward monetary policy has tended to avoid.

Note to economists.—The Money/GNP ratio, in inverted form, is sometimes referred to as the "velocity of circulation", just as the inventory/sales ratio is sometimes referred to as the "turnover rate." But it makes for more effective analysis and policy if the "active" variable is used as the denominator of the ratio.

Interest rates

Instead of attempting to "influence" the demand for credit and the amount of investment spending, indirectly, through the imprecise and ineffective method of interest-rate changes, this proposal would *stabilize interest rates* at a level to be determined by public policy considerations, with the STA maintaining a continuous balance between the actual supply and demand for credit—at the desired interest rate—in much the same way that fixed international exchange rates are maintained. The method by which this ultimate stable rate is achieved, and the rate of transition, are open to policy decision (See II-E).

The inflation bogey and the rate of recovery

Adoption of these proposals will at last *make possible* the achievement of continuous stable growth with very low unemployment, low interest rates and stable prices. However, there are still many people who fear that really full employment can be achieved only at the cost of an unacceptable rate of inflation. I myself am convinced that this idea is mainly a "straw man"—a bogey created partly by an honest misreading of our past experience, but probably even more by the cynical propaganda of those who, because of their vested interests or obsolete economic ideology, are basically opposed to both the full-employment objective and the framework economic planning necessary to achieve it.

Those who entertain such inflation fears should distinguish carefully between the two basic aspects of this proposal: (1) The *structural reforms*, which are as fundamental—and as vitally needed—as the original establishment of the Federal Reserve System and the progressive income tax, and (2) the *specific policy targets*, which will remain open for review.

It is indeed inherent in the nature of these reforms that they will tend to *stabilize* our economic growth rate and prevent erratic fluctuations. They will also tend to provide a downward "ratchet" on the unemployment rate. That is, they tend to provide an effective guarantee that mass unemployment will never again be used as a policy tool and that any reduction in the unemployment rate will tend to become a new permanent ceiling on that rate. These changes will themselves tend to *reduce* the potential structural conflict between full employment and inflation (i.e. to cause a downward shift in the Phillips Curve. See Part III).

However, the actual rate of progress towards real full employment is left open to future political decision (See II-A-2 and II-B-3). These structural reforms do not *inherently* imply or require any *particular* definition of full employment, rate of recovery *to* full employment, rate of monetary expansion growth rate of prices or level of interest rates—any more than the establishment of the Federal Reserve System implied any particular rate of monetary expansion (in spite of the fears of the "easy money" bloc) or the 16th Amendment implied any particular income tax rate. These new reforms merely provide—for the first time in our history—an effective governmental "machinery" by which these things can be determined, systematically and predictably, as matters of public policy, through our regular political processes.

PART II. THE SPECIFIC MEASURES TO ACHIEVE ECONOMIC RECOVERY AND TO MAINTAIN STABLE FULL-EMPLOYMENT GROWTH AND LOW INTEREST RATES

NOTE: In this presentation, notes on the *Effects and Implications* of the provisions will be preceded by "E/I" to distinguish them from the specific provisions of the legislative program.

A. NATIONAL COMMITMENT TO STABLE FULL-EMPLOYMENT GROWTH

(1) There must be a firm, explicit, credible, permanent federal commitment to achieve and maintain a stable full-employment "economic environment." E/I: This is an essential element in the program because it will tend to bring about a number of basic changes in the attitudes and practices of labor, business and households which will tend to counteract the inflationary tendency of full-employment market bargaining power. (See Part III, below)

(2) *"Full employment" must be defined, ultimately, as no more than 2% unemployment.* This has been about the *average* actual rate in Europe for many years (Germany has had well below 1%), and it is doubtful if the problem of "structural unemployment" can be solved with any greater degree of overall "slack" in the economy. However, the rate of recovery towards this ultimate goal is something which should be decided on the basis of careful study, in the light of other policy considerations (See B-3).

(3) *Publish the Operating Rate of the economy* (OR) (actual GNP as % of full-employment GNP) in all government chart books and periodic economic releases.

E/I: This is the most basic standard of reference for evaluating the performance of the economy, and would provide the public (and Congress) with a simple, understandable indicator of the extent to which the government is living up to its full-employment commitment. (It is primarily for precisely this reason that this indicator is not now published currently in any government publication! It was recently published in a special article in the 9/71 *Review* of the Federal Reserve Bank of St. Louis.)

(4) Initiate urgent, intensive research (both government and private) to determine more precisely the *true value of full-employment GNP* and its growth rate. (The trend growth rate of "real" F-E GNP is now somewhere near 4½% a year. Allowing for a 1½% "normal, non-inflationary" rise in the official GNP price index, this would imply a 6% growth rate for current-dollar GNP.)

(5) Give high priority to government and private research leading to a *sounder and more socially meaningful definition of GNP and its major components*, and, as soon as possible, revise the official National Income statistics to reflect these new definitions.

B. STABLE MONEY

(*1*) *Research on Money/GNP ratio.*—Determine what M/GNP ratio would be appropriate for the new Intermediate Credit Bank (ICB) interest rate (F-1, below) under conditions of relatively stable prices and stable full employment. The M/GNP ratio is now about 22% but may well be changed by the net effect of the various reforms included in this proposal (cf. p. 5, above).

(2) Post-recovery stable growth.—Changes in the monetary growth rate must never be used for short-run stabilization purposes. This function must be allocated entirely to the Stabilization Tax Adjustment (D, below).

After recovery to full employment and achievement of a relatively stable M/GNP ratio—the money supply should grow steadily at a rate equal to the full-employment GNP growth rate—i.e. about 6% a year, with 1½% allowance for a "normal, non-inflationary" increase in the official Consumer and GNP price indexes. (This differs from Friedman's prescription in that he assumes continued economic fluctuations and would base the monetary growth rate on the long-run average actual GNP growth rate, rather than the growth rate of stable full-employment GNP, which is somewhat higher.)

(3) Recovery program.—Within the framework of these proposals, the rate of recovery is determined primarily by the growth rate of the money supply.

(a) Develop an appropriate formula for stable monetary growth during a transitional period of steady non-inflationary recovery to full employment and establishment of a stable long-run norm for the M/GNP ratio. This formula should be developed on the basis of careful research and public hearings, and should be openly published for the information of all concerned.

(b) At the same time develop a contingent plan for changing this formula if necessary, specifying the particular conditions which would warrant such a change and how the change should be made. This also should be published.

E/I: The money supply is now probably $25–30 billion below what would be required to service a full-employment level of GNP. Past experience suggests that, in peacetime, real GNP can grow at a recovery rate roughly double the normal full-employment rate (i.e. about 8–9%) without significant inflationary effects until unemployment goes below about 4%. This suggests a maximum current-dollar GNP recovery growth rate (with a similar monetary growth rate, assuming no net change in the present 22% M/GNP ratio) of about 12% during 1972 (allowing for the 3% inflation assumed by Mr. Nixon), then a gradual decline to the normal 6% when full-employment is reached—by about 1975.

(4) 100% money.—Develop a program for gradual transition to a 100% reserve system. This is essential to facilitate operation of the ICB (C, below), to facilitate more precise management of the money supply, and to provide a clearer conceptual and statistical distinction between "money" and "credit"—so as to facilitate better public (and Congressional!) understanding of the operation of our financial system.

(a) Gradually increase the legal reserve requirement to 100% on all checking (demand) deposits.

(b) Federal Reserve purchase enough Treasury bonds (in the open market) to prevent this transition from affecting the planned growth of the money supply. (With 100% reserves, Fed holdings of Treasury bonds will be approximately equal to the money supply.)

(c) Fed pay interest on required reserves. (This is to prevent a reduction in bank "earning assets" and thus eliminate a major potential cause for commercial bank opposition to this reform.)

(d) Fed keep each commercial bank's reserves at the required level by "automatic" daily transfers between its reserve account and its deposit/loan account at the Intermediate Credit Bank (ICB, C, below).

(5) Other related banking and monetary reforms:

(a) Remove all legal reserve requirements on commercial bank time deposits.

E/I: This would put commercial banks on the same basis as other financial institutions in competing for time and savings deposits. It would also remove a basic source of confusion regarding the conceptual and statistical definition of the money supply and the distinction between money and credit, and would facilitate more precise management of the money supply by eliminating the reserve effects of shifts between time and checking accounts.

(b) Remove all interest rate ceilings on time deposits.

E/I: This reform, which the operation of the ICB would make both practicable and desirable, would tend to prevent the present huge shifts of deposits between different types of savings media and the present gross inequities in the interest paid to different classes of savers.

(c) Prohibit allowances for minimum or average checking account balances in the computation of service charges. These represent implicit interest payments on checking accounts, something which is already implicitly prohibited by present laws.

E/I: This reform would probably be welcomed by the banks because it would reduce their bookkeeping costs. The nuisance of such deductions was forced on the banks in the first place only by competition for accounts—like trading stamps were forced on grocery stores. Depositors, for their part, can usually earn higher interest by transferring their surplus funds to savings accounts, and the inauguration of deposit/loan accounts with automatic transfers to and from checking accounts (see C-1, E/I, below) would tend to facilitate the maintenance of relatively low average checking account balances.

This reform would tend to facilitate determination of the correct M/GNP ratio by reducing the components of checking account balances which are not basic to the inventory function of money, and by further sharpening the distinction between money and credit.

Although it is not really crucial to the basic purposes of this bill, this reform should be included in this legislative package because the new lower interest rates would in any case make it necessary for banks to recompute these deductions, and it would be simpler to merely eliminate them.

(It would also be desirable to eliminate bank requirements of "compensatory balances" for business depositor/borrowers. But it would be very difficult to enforce a legal requirement to this effect, and it is likely that the increased availability of credit and increased competition among lenders which would result from operation of the ICB and STA would tend to reduce the banks' practical ability to enforce such requirements.

(d) Include U.S. Treasury checking deposits as part of the nation's money supply. But by means of "automatic" daily transfers to and from the Treasury checking account at the Federal Reserve keep total Treasury demand deposits (including "tax and loan" accounts at commercial banks) equal to about $8 billion (this amount being increased "by formula") as the federal budget increases).

E/I: This will provide a more complete and appropriate measure of the nation's total money supply without its being erratically affected by Treasury operations.

C. INTERMEDIATE CREDIT BANK (ICB) (A SUBSIDIARY OF THE FEDERAL RESERVE BANK)

(1) Provides "central bank" deposit/loan accounts which pay interest on positive (deposit) balances, charge interest on negative (loan) balances.

(a) A deposit/loan account would be opened for any bank, any other "prime" private financial institution (savings & loan insurance company, mortgage bank, etc.), for the U.S. Treasury and any Federal government credit agency, and for any "prime" state or local government. "Prime" would be defined in such a way as to maintain the "central bank" character of the ICB and the "wholesale" character of its operations, and to keep the number of accounts within easily manageable limits. The specific definition would probably include some combination of capitalization, total transaction volume, average transaction size and credit rating. The selective "screen" might also include a relatively high flat monthly service charge.

(b) Interest rate should be the same for both deposit balances and loan balances, in order to provide maximum administrative simplicity and to induce maximum credit market liquidity. (ICB operating costs could induce maximum credit market liquidity be subsidized, as a public service, by the Fed, which would still derive sufficient income from the Treasury securities which it has bought, in effect, with Federal Reserve Notes.)

E/I: This rate (set as described in F–1, below) would tend to serve as the basic, standard, reference rate to which all others in the economy are tied by market forces and/or the administrative decisions of the various financial institutions (e.g. as many commercial banks now tie their prime rates to some free-market rate).

(c) ICB "open line of credit"—The ICB would make loans "on demand" to any insitution with a deposit/loan account (and a "prime" credit rating) which finds that its demand for credit exceeds its own supply (from deposits, securities issues or current surplus).

E/I: This would tend to greatly reduce the use of "money-market" instruments such as Treasury bills, commercial paper and certificates of deposit for short-term fund-raising.

E/I: ICB as "central depository".—The ICB's open line of credit would tend to make the ICB interest rate the highest obtainable for a "riskless and liquid" investment of surplus funds, so that all such funds would normally tend to be deposited in the ICB. This would tend to greatly reduce the investment demand for short-term money-market credit instruments.

E/I: Commercial bank "retail" deposit/loan accounts.—With free access (in both directions) to ICB deposit/loan accounts, commercial banks could afford to make similar deposit/loan accounts available to nonfinancial business firms and smaller financial institutions on terms almost as favorable as those of the ICB, with interest rates which differ from the ICB rate for deposits only by a small service charge, and for loans by only a small retail markup plus, of course, any appropriate risk or "credit-insurance" premium and any allowance for the administrative costs of a particular loan size.

The availability of these "retail" deposit/loan accounts would further tend to minimize the use of short-term money-market instruments.

E/I: Commercial bank "automatic" transfers between deposit/loan accounts and checking accounts.—Computerization of bank accounting will make it possible for banks to work out with their depositors (including the U.S. Treasury, for its tax-and-loan accounts) standing agreements whereby "surplus" checking account balances (above some agreed-upon amount) are transferred automatically, on a daily basis, to a deposit/loan account, and whereby loans will be made automatically (within the agreed-upon "line of credit," as in present 'check-credit" accounts) when the checking account balance falls below some agreed-upon minimum. (To simplify bookkeeping and minimize the number of such transfers they could be limited in both directions to "round numbers" of a fairly significant amount.)

(2) The ICB makes daily reports to the U.S. Treasury on the total ICB loans and deposits, to provide the statistical basis for the formula-controlled "automatic" Stabilization Tax adjustments (D, below).

D. STABILIZATION TAX ADJUSTMENT (STA)

This was referred to in the 1961 Report of the Commission on Money and Credit as providing "formula flexibility" for the automatic stabilizers.

(1) Separation of the administrative/legislative budget from the Stabilization Function.—There must be a clearcut separation between the budget, which provides the basis for government tax and spending policies (and which should therefore always be presented on a full-employment basis to maintain comparability under different economic conditions—see G, below), and the stabilization function, which should be performed entirely by the "automatic" formula-determined STA, since this is the only means of assuring that adjustments will be fully appropriate in both timing and amount.

(2) STA operates initially through payroll tax deductions.—Employers with computerized payrolls would be sent the necessary information in periodic Treasury directives. Equivalent net adjustments would be made in the regular tax returns of all other taxpayers.

(3) Direction of the STA determined by ICB deposit/loan balance.

(a) Excess demand for credit (and/or insufficient financial saving—as indicated by an excess of ICB loans over deposits) would call for an increase in tax deductions to bring about a larger federal surplus (or smaller deficit, whichever the case might be at the time). In terms of non-credit flows this would absorb the excess money supply and the excess consumer purchasing power which accompanies excessive borrowing. It would thus prevent any possibility of inflation from excessive monetary expansion or excessive deficit in the full-employment budget (G–2, below).

(b) Insufficient demand for credit (or excess financial saving) in the ICB balance would call for smaller tax deductions, and a resulting larger Federal deficit (or smaller surplus). In terms of non-credit flows, this would bring the money supply up towards its normal growth-trend value and increase consumer purchasing power. This would prevent any recession due to inadequate monetary growth or an excessive surplus in the Federal full-employment budget.

(4) Amount of minimum individual STA.—The specific amount of the minimum practicable STA would be determined (on the basis of careful research and analysis) by considerations of administrative convenience—balancing the theoretical desirability of frequent small adjustments against the cost and inconvenience of making such adjustments. (For simplicity, they could be made in even dollar amounts.) The specific amount of ICB deposit/loan imbalance which would trigger a tax adjustment would then be determined by the change in the total tax receipts which would result from the minimum acceptable STA.

The leverage of such adjustments can be illustrated by an example: if there are 50 million workers on computerized payrolls, a mere $1.00 a week adjustment, which would amount to less than 1% of take-home pay, would have a $1.2 billion effect (annual rate) on Federal tax receipts and the Federal fiscal balance. This is small in absolute amount, but its effectiveness is magnified by its precise timing and amount—like frequent small adjustments to the steering wheel in driving a car.

(5) Adjustment of STA formula for "marginal propensity to consume (or save).—One of the arguments against sole reliance on tax adjustments for stabilization is that consumer spending may respond to the change in disposable income only after a lag, and possibly not fully even then. Actually, the empirical evidence on the importance of this tendency is rather inconclusive. But in any case it presents no problem to the operation of the STA. For example, if a reduction in tax deductions should turn out to cause, on the average, an immediate increase in consumer and business spending of only 80% of the increase in disposable income (the other 20% going into increased financial saving), then the formula for tax adjustments would call for a tax reduction of 125% of the excess deposit balance in the ICB, so that the increase in Federal borrowing would absorb not only the present excess deposits, but also the additional deposits resulting from the increased financial saving.

It must be emphasized that the present proposal is concerned primarily with maintaining continuous stable growth after recovery to full employment rather than with the transitional period of recovery, whereas the presently conventional approach to stabilization assumes an indefinite continuation of the present unpredictable instability. Where the overall economic environment is stable and predictable, households and business firms (as groups) tend to behave in a consistent and predictable manner. After a few years' actual experience with stable full employment growth, the STA formula could be adjusted for extremely "fine tuning." In the meantime, whenever any individual STA turns out to have been too small or too large there would merely be another one to correct the error as soon as the error shows up in the ICB deposit/loan balances, following the time-honored process of successive approximation.

E. STABLE LOW INTEREST RATES

(1) The ICB interest (S–1–b, above) would be a policy determined rate, maintained at the desired level by the STA (D, above) in much the same way that fixed international exchange rates are maintained—i.e. by changes in the Federal surplus or deficit which directly affect the relationship between the total supply and demand for credit—without credit rationing or other administrative interference in the market.

Since it would be desirable that this basic interest rate, once fixed, should remain stable, it should be based on adequate analysis of the probable effects and implications of various possible rates:

(a) One approach would be to set a rate as near as possible to the "natural" or free-market rate which would result from a *balanced full-employment Federal budget*. This rate could probably be determined only after recovery to real full employment (2% unemployment or less) and several more years actual experience with stable full-employment growth. This rate would probably be in the range of 3 to 4%. 4% was roughly the immediate pre-Vietnam rate, while 3% is probably closer to the long-run trend in the U.S.

(b) Alternatively, it would be possible to set the rate mainly on policy considerations—i.e. a rate which would have the most beneficial effect on such long-term investment as pollution control equipment, pollution-free power production, housing (where better insulation would reduce the power requirements for heating and cooling), mass transit, etc., and on the distribution of income and wealth (since interest tends to be *paid out* mainly by middle and lower incomes and *received* mainly by the upper middle and upper incomes). Such a rate might be as low as 2% (the pre-Korean level).

If this rate should tend to cause consistently positive STA's (i.e. frequent increases in payroll deductions), indicating a basic imbalance between the "natural" supply and demand for credit at this rate, it would be possible to change the basic Federal tax structure in such a way as to generate larger surpluses in the Full-Employment Budget, as a means of "forced saving". (This would result in a continuous reduction in the federal debt. But it is likely that it would have little effect on the total debt of the whole economy because the low interest rates would tend to cause an equivalent increase in private debt.)

(c) If, during recovery to full-employment, the ICB interest rate is initially set at approximately the existing free-market rate (whether for reasons of political expediency, uncertainty regarding the international effects of low domestic interest rates, or mere "caution in unchartered waters"), a program should be worked out for steady reduction of this rate towards the ultimately desired rate.

(2) *Provide for the refinancing of all existing long-term debt*, so as to prevent exceptional windfall capital gains for creditors and excessive hardships or inequities for debtors and financial institutions as a result of the lower ICB interest rate.

(a) This would provide that all debts with fixed interest rates higher than those which result from the new ICB rate (F–1, above) could be paid off or re-financed at the then-current market rates for that type of loan or security. This would include household debt such as home mortgages and automobile loans, as well as investment-type credit claims such as certificates of deposit, life insurance, pension funds, and all other fixed-interest credit contracts made during the extraordinary credit-market conditions of the Vietnam War.

(b) To neutralize the opposite source of inequity, and to sweeten the legislative package for investors (if a way can be found to do so without excessive windfall profits and inequities) there might also be provision for refinancing the older very-long-term government bonds which have coupon interest rates lower than the new ICB rate, and for providing retroactive compensation to financial institutions and investors who have already sold these bonds at a loss as a result of the post-Korean rise in interest rates, while recapturing part of the resulting windfall profits by an appropriate special capital-gains tax.

(c) To limit such refinancing to those cases involving a serious problem, there might be provision for a "penalty" of a year's interest.

F. FULL-EMPLOYMENT BUDGET (FEB)

(1) A Full-Employment Budget using 2% unemployment as the definition of "full" employment should become the basic federal budget for policy consideration of tax and expenditure programs. This would make for comparability of the budgets for different fiscal periods during the recovery period until full-employment is reached.

(2) Under this budget the basic standard of realistic "fiscal responsibility" would be whether the proposed budget results in a "neutral" STA—i.e. an STA which would average out to zero over the fiscal year (or perhaps over the two or three most recent years). Whether this budget would be "balanced" or not would depend on the interest rate chosen for the ICB (F, above), and on the behavior of the private supply and demand for credit.

(3) Federal credit programs should be separated from the basic budget, so that Federal lending programs are financed directly by Federal borrowing, (as with private financial institutions), and expenditure programs are financed by appropriate tax programs. This may mean that the basic "nonfinancial" FEB will show a larger surplus, but it would be desirable for purposes of fiscal control to keep the two types of finance separate.

G. GENERAL EFFECTS ON THE CREDIT MARKET

E/I: Liquidity effects.—The operation of the ICB would greatly increase the liquidity of the credit market from the point of view of the individual borrower or investor. There could be no "credit crunch", for instance. The operation of the STA (D, above) would reduce the degree of macro-economic liquidity which makes possible destabilizing (inflationary or deflationary) shifts in total flows between spending and saving.

E/I: More homogeneous credit market.—The operation of the ICB would tend to reduce interest rate differentials between different geographical areas, maturity dates and types of financial institutions and instruments.

E/I: Institutional specialization.—With an open line of credit at the ICB some savings and loan associations might find it more profitable to concentrate entirely on home mortgage financing, and leave the savings deposit function entirely to commercial banks. But the same changes in the credit market, combined with the 100% reserve system, would probably make it possible for commercial banks to engage more extensively in the financing of long-term mortgages and bonds, if they felt this to be profitable. In general, the increased competition would probably lead to increased specialization, regardless of legislative restrictions. (If so, this tendency would be the exact opposite of that envisioned in the Hunt Commission Report.)

E/I: Increased efficiency of credit market: These reforms would tend to reduce the amount of intermediate and "circular" credit flows ("fluff") needed to accommodate the different needs of saver/investors and borrowers, tax payments, and large financings of the U.S. Treasury and nonfinancial corporations.

E/I: Effect on international monetary system: One of the most basic difficulties in developing and maintaining a sound international monetary system has been the fact that individual nations pursue divergent internal monetary/fiscal policies (or non-policies!). If all major "free enterprise" nations were to manage their economies by the principles and policy tools proposed here, they would be "automatically" coordinated even more effectively than by the discipline of the classical gold standard, and the mechanics of achieving a sound international monetary system would become relatively simple.

PART III. RECONCILING FULL EMPLOYMENT AND PRICE STABILITY

THE PHILLIPS CURVE BOGEY

Today there is widespread professional and political concern over the possibility of inherent conflict between full employment and stable prices. It has recently become focused on the "Phillips Curve," which purports to show the relationship between various rates of unemployment and the corresponding rates of inflation. The Phillips Curve has about as much (and as little) analytical utility as the old-fashioned supply-and-demand curve which it so closely resembles. It does express one tendency in economic relationships. But when it is pinned down to actual empirical values it—like the traditional supply and demand curves—tells us very little of practical use. This is simply because there are many other (including precisely opposite) tendencies operating at the same time. Among these it is most important to note that Continued, Stable full employment, which is the primary aim of these reforms, would tend to bring about many changes in market structure and in the attitudes and the standard accounting and price-setting practices of both business and labor which would tend to counteract the increased "sellers' market" bargaining power of a full-employment economy.

For instance, Continuous, Stable full employment would tend to increase business productivity and reduce overhead costs through higher average operating rates and lower interest rates; it would tend to increase the total profits available for investment while reducing the profit margins (markups) necessary for the financial security of business firms and increasing opportunities for small business and other healthy types of competition; and it would make possible a significant reduction in the burden of federal, state and local taxes by increasing the revenue from any given tax rate and reducing the cost of "depression-relief" and interest on public debt.

These factors would tend to cause such a "downward shift" in the Phillips Curve that it would probably not be a significant problem even when unemployment gets down to the European standard of 2%. (These factors are further analyzed in my paper "Why continuous, stable full employment would actually contribute to price stability rather than to inflation.")

THE BASIC ROLE OF PRICE COMPETITION IN A FREE-MARKET ECONOMY

If we really had "perfect competition" in the classical sense—with all buyers and sellers having full and accurate information about all the available products and services and their sellers, with so many buyers and sellers of each product and service that no one of them could significantly affect the price and with no collusion among them to rig the price artificially, and with effective mobility of capital, labor and consumers—each seller would find it profitable to keep on reducing his price until he could sell all he could produce (or, if the market price falls below his costs, until he goes broke!), "over-production" and unemployment would be impossible.

Obviously this doesn't describe real market conditions today—or even in "the good old days." Prices tend to be "administered" within a market environment of mass (mis-informative!) advertising, brand loyalties, price leadership by the strongest firms, patent monopolies, unlimited "product differentiation," and very inadequate consumer information about most products and services—conditions which present huge obstacles to the effective working of old-fashioned price competition. As a result, "list prices" tend to be unrealistically high and to be maintained even when the producer is operating at 25% or even 50% below capacity. The only people who get a really fair deal in the consumer market are those who have the time and skill for effective "comparison shopping" of "discount" sources (or who have privileged access to "wholesale" prices!), and these tend to be mainly the better-off middle class suburbanites of the type who read Consumer Reports.

It is today generally recognized by most knowledgeable people (liberals as well as conservatives) that detailed government controls over prices and wages and production would, in the long run, in a peacetime economy, be next to impossible to administer and would do more harm than good.

Thus, if we are really in earnest about achieving and maintaining stable full employment—and making some progress towards the elimination of poverty and gross inequalities of income and wealth—it is imperative that the power of government be used to bring the conditions of actual market bargaining power a good deal closer to the ideal of "perfect competition." In other words, if we reject the idea of direct controls we have to make the market work so as to produce socially acceptable results.

A. MEASURES TO REDUCE MARKET FRICTIONS AND RIGIDITIES

Because the main focus of this paper is on the reforms necessary for a more businesslike management of "total demand" the following list of structural reforms is presented here only in briefest outline form, to suggest the most useful approaches. This aspect of a comprehensive full-employment policy will be treated more adequately in the book.

(*1*) *Consumer Department.*—Establish a cabinet-level Consumer Department, to represent consumer interests with the same weight that the departments of Labor, Commerce and Agriculture represent their constituencies, and to coordinate the related efforts of other Federal (and state and local) government agencies.

(*2*) *Product testing and rating.*—The Federal government, through the Bureau of Standards and/or other agencies, should perform for consumers the same kind of product testing and rating services which are now provided for its own military and other services. Small private agencies like Consumers Union cannot possibly do an adequate job with such a large number of products and such frequent model changes.

(*3*) *Informative labeling.*—Making quality information effectively available to consumers would include requiring all producers to print it, in terms understandable to the average consumer, on the label of every unit and in their advertising, and would also require the publication by the government of current "catalogs" of available products, presented in such a form that consumers can actually "comparison shop" the catalogs to find where they can get the things that will best serve their needs at the lowest prices. In addition to helping the consumer, this would greatly help individual retail stores in effective buying, and would make it possible for new and smaller firms with good products to effectively enter the market without the huge advertising and promotion expense that only the giants can afford. Furthermore, this should facilitate the badly needed decentralization of our industry by permitting local firms which can produce high quality goods at competitive prices to actually compete effectively against the giants in local markets. (Yes, there would be a need for new methods to prevent corruption and bribery in the rating services, but we have solved harder problems before!)

(*3*) *Advertising.*—Allow advertising costs to be tax-deductible as a necessary business expense only when it performs a service which is clearly useful to the consumer, by informing him of new products or features, price reductions, etc. (but not allowing deduction for "public relations"-type ads or ads which are more misleading than informative). Also, means should be devised for taxing advertising space in such a way as to induce sellers to rely more on useful information than on sheer space to get attention and to induce sellers of similar products to locate their ads adjacent to other ads for the same product, so as to facilitate "comparison shopping" by consumers. (This would have the ecological benefit of tending to reduce advertising space in newspapers and magazines, thus reducing the amount of "solid waste" and use of forests for paper.)

(*4*) *Patent laws.*—(a) Require non-restrictive licensing of all patents at reasonable royalties. This would tend to reduce the amount of useless "product differentiation" and insure that all desirable features of a product are incorporated in all brands, rather than forcing the consumer to make an always-unsatisfactory choice between different desirable but "exclusive" features.

(b) Devise new methods for sharing the rewards for new inventions when several individual inventors and corporate research teams have come to approximately the same result at about the same time. The present "winner-take-all" patent system leads to excessive secrecy in research, industrial thievery, gross inequities in rewards, and monopolistic control of results.

(*5*) *Research on business pricing policies and markups.*—To determine which are justifiable in terms of consumer interests and which have been the result of economically unsound market conditions and practices. For instance, there are cases where competitive advertising and sales promotion costs have escalated in such a way that this has become a major cost for all companies in the industry, yet none of them is really profiting by it. In other cases (e.g. auto service stations, residential real estate, life and auto insurance) market conditions have been such as to induce too many small firms to enter the business, with the result that costs, markups and prices are very high, yet few firms have an economically sound volume of sales or are making even satisfactory profits. Detailed research of this kind could provide valuable guidelines for many kinds of remedial action.

(*6*) *Computerized public real estate and apartment rental agencies.*—The economic and social inefficiency of the present system in these areas is as great as in the case of job placement.

(*7*) *Computerized public employment services and "job banks".*—These would make it easier to distinguish between genuine "structural" unemployment (which would be minimized) and a general shortage of jobs which can only be solved by monetary and fiscal policy.

(*8*) *Research on job requirements and wage structure.*—One of the main problems of the present wage control program—and a major problem in reconciling full employment with stable prices—is the extent of gross inequities in the labor market—i.e. where people with similar abilities and occupying jobs with comparable requirements are getting greatly different wages merely due to the chance that they happen to be working in different places.

The Civil Service System has made a detailed analysis of job requirements in government employment, in terms of training, experience, skill, responsibility, attractiveness of working conditions, etc., and has established a corresponding system of job and salary categories. Most large corporations have been forced to do much the same within their own firms, merely to prevent worker dissatisfaction from glaring inequities. It should be quite possible for the Labor Dept. to work out a similar classification system for most of the jobs in the economy, and to establish "standard" rates of pay possibly in terms of a small *range* for each job. This would greatly facilitate the operation of a nationwide computerized job placement service, and could provide very useful wage guidelines for any compulsory arbitration which becomes necessary in public service industries.

B. TRANSITIONAL STANDBY PROVISION FOR DIRECT CONTROL OF PRICES, WAGES, INVESTMENT AND CREDIT

The abnormally rapid GNP growth rate which *necessarily* accompanies recovery to full employment (particularly the "accelerator effect" on investment and credit) tends to cause temporary structural maladjustments in the economy which tend to be inflationary in effect. (In fact, it is this structural maladjustment *during recovery* from the usually higher unemployment rate which provides the main empirical basis for Phillips Curve fears.)

This effect generally does not tend to become very significant as long as the recovery growth rate is less than twice the trend growth rate of full-employment GNP. However, it would probably be desirable for any comprehensive full-employment policy to include standby provision for transitional direct controls which could be put into effect if they seem necessary to achieve the goal of full employment with stable prices.

Actually, the most useful of these controls—and the easiest to administer—are those over consumer and business credit, which indirectly control consumer and business investment. It is highly unlikely that direct price and wage controls would be necessary if the rest of the recovery program were properly conceived and administered.

FORMER AMBASSADOR COMMENTS ON THE APPOINTMENT OF CONGRESSMAN F. BRADFORD MORSE TO U.N. POST

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. WHALEN. Mr. Speaker, few are as equipped to assess a situation as one who has been in its midst for many years. Thus, I believe a great deal of credence can be attached to the article recently written by former Ambassador Charles W. Yost. Mr. Yost was chief U.S. delegate to the United Nations from 1969–71, and he has had 40 years of diplomatic experience. In his statement, he praises the appointment of my good friend, Congressman "BRAD" MORSE, to the post of Under Secretary General for Political and General Assembly Affairs.

I certainly concur with Ambassador Yost's appraisal. With great pride in the honor which "BRAD" has received, I insert this article in the RECORD:

"TROIKA" AT THE UNITED NATIONS?

(By Charles W. Yost)

Few appointments could give more encouragement to those concerned for the future of the United Nations than that of Congressmen Bradford Morse as Undersecretary General for Political and General Assembly Affairs, the senior post occupied by a United States citizen in the UN Secretariat. President Nixon is to be congratulated for nominating, and Secretary General Kurt Waldheim for appointing, so able and well-qualified a man to this important post.

The next secretary general confronted immediately upon taking office a series of difficult decisions in regard to his senior staff.

Each of the five permanent members of the Secretary council feels entitled to and has usually held an important undersecretaryship.

The entry of the People's Republic of China and the death of Ralph Bunche at the end of last year upset arrangements and balances which had grown up over the years. On the one hand, Peking no doubt expects to play more of a role and hold a more significant senior post than did Nationalist China. On the other hand, no American could expect to wield the influence which Dr. Bunche, a Nobel Peace Prize winner in his own right, had built up over the quarter century of his tenure.

The fact was that, while a Soviet citizen has always been Undersecretary for Political and Security affairs, and this post has been filled by such distinguished Soviet diplomats as Arkady Sobolev and Anatoly Dobrynin, Bunche nevertheless was, under the rather nebulous designation of Undersecretary for Special Political Affairs, a more trusted and influential adviser of the first three secretaries general than was any of his Soviet counterparts.

The reason was, not only Bunche's outstanding personal qualities, but the fact that the secretaries general soon found that Bunche was more scrupulous in observing the cardinal charter prescription regarding UN officials—that they "shall not seek or receive instructions from any government or from any authority external to the organization"—than any of the Soviet undersecretaries was permitted by his own government to be.

By virtue of these two qualities—competence and impartiality—responsibility gravitated to Bunche over the years. He came to be responsible in fact, under the secretary general, for the UN's most important political activities—those in the field of peacekeeping in the Middle East, the Congo and elsewhere.

Presumably these responsibilities will now be more widely shared. The incumbent and able Undersecretary for Special Political Affairs, Roberto Guyer, an Argentinian who also takes most seriously his obligations as an international civil servant, is likely to continue to be the secretary general's chief adviser in the peacekeeping field, as he has been since Bunche was incapacitated by illness a year ago.

It is to be hoped that Brian Urquhart, an Englishman who has been with the UN since 1945, who was for years Bunche's principal, most perceptive and most dedicated assistant, will be given increased status and responsibilities, particularly in regard to the Middle East which he knows so well.

The secretary general's most ticklish task, however, will be to determine how to obtain political advice from his U.S., Soviet and Chinese undersecretaries in a manner which will both preserve an appropriate balance among them and at the same time will have none of the flavor of a "troika" which would seek to monopolize power to the exclusion of the other 129 member states.

This task will challenge the new secretary general to display to the fullest the diplomatic qualities and the indefatigable energies for which he has long been notable.

The new United States Undersecretary is therefore moving onto a shifting scene marked by both pitfalls and opportunities. Fortunately no better man to avoid the former and seize the latter could have been found.

His 12 years in Congress, his service in the Interparliamentary Union, his devotion to the principle of the United Nations as demonstrated by his leadership of the Member of Congress for Peace Through Law, will all stand him in good stead.

While he will be primarily in charge of the organization of the annual meetings of the General Assembly, the full scope of his responsibilities will depend in the longer run on his personal qualities, his usefulness to the secretary general, the confidence he generates among all the member states and, perhaps most of all, on the leadership which his own government chooses to exercise or not to exercise in and through the United Nations.

If the United States Administration chooses to bypass the UN in its handling of the great international political issues of our time, if the Congress chooses while voting billions for armaments to be niggardly in providing for the very modest needs of the world's chief peacekeeping organization, then neither the United Nations nor its American undersecretary is likely to play the significant role in the world our troubled times demand.

Fortunately the nomination to this post by the Administration of a Republican member of Congress who deeply believes in the United Nations is a happy augury that henceforth both the executive and legislative branches of our government may be induced to resume that United States leadership in the UN which contributed so much to its earlier successes, and which remains so profoundly in our national interest and in the interests of the world community.

HYPOTHETICAL INTEREST RATES THREATEN TO PULL THE PLUG ON NATION'S WATER PROJECTS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. LEGGETT. Mr. Speaker, the decision as to whether a given water project of the Corps of Engineers or the Bureau of Reclamation shall receive Federal aid involves an interest-rate calculation which is not applied to any other aspect of Federal support, which has only the most tenuous connection with economic reality, and which now threatens to send nearly all the water projects in the country down the drain.

This is how it works: The Army Corps of Engineers as an example, does cost versus benefit studies on proposed water projects—flood control, irrigation, and so forth. If the benefit/cost ratio is clearly better than unity, the project is approved, subject, of course, to limitations imposed by available funds, environmental impact, and other considerations. If the benefit/cost ratio is less than unity—that is, if cost exceeds benefit—the project is dead, unless it can be redesigned to improve the benefit and/or reduce the cost. All this is perfectly reasonable.

But in calculating costs, the real expected costs are increased by a given percentage called the "discount rate." Although this discount rate functions like an interest rate, it is not really interest, since nobody pays interest to anybody. Rather, it is based on what is called the "opportunity cost of Government investment." This is the average return which the Government could expect if it invested the same amount of money in the private sector.

The rationale is that the same money could be invested at interest in the private sector, and the taxpayer's interest must be protected by assuring that water projects will yield an equal or better rate of return.

For years, a 3½-percent interest rate was used by the Federal Government. Early in the Nixon administration the discount rate was arbitrarily reset at 5.375 percent. Now the National Water Resources Council has a proposal before it to again reset the discount rate of 7 percent, with the possibility of increase in 5 years to 10 percent. Such interest increases have cataclysmic effects when calculated on a long-term basis. For example, the Fairfield Streams project in my district has an excellent 1.4 benefit/cost ratio with the 5.375-percent discount rate. But raise the rate to 7 percent, and the benefit/cost ratio drops to an unacceptable 0.9. At 10-percent discount, the ratio drops even further to 0.6. At 10 percent, all current water projects in California become unfeasible. Under my theory, however, the fact would remain that until Federal funds are made available for this project, segments of the population will continue to navigate the main street of Fairfield by boat in wet years.

Mr. Speaker, there are a number of reasons why the increase in discount rate is undesirable and should be dropped. In fact, there are several good reasons why the discount rate should be eliminated entirely.

First, there is no basis for the concern that Federal financing must not undercut private financing. The fact is that private capital has never been interested in financing these kinds of projects; it has always been government or nothing.

Second, there is no need to artificially deflate the benefit/cost ratio in order to protect the taxpayers. As a matter of routine, very large sums of Government money are stored—not used, stored—where they draw no interest at all. It is stored in private banks, which are then free to lend it out at commercial interest rates. Some years, banks loan $10 to $15 billion of Government funds for which they do not pay a dime.

Third, we live in a time of high unemployment and low economic growth. It is during times like this that Government expenditure for constructive public works programs makes the most sense. We put people to work on the project itself. We increase our farm income with the results of the project, and farm income operates with a multiplier of approximately 7; each dollar of farm income generates $7 of other income. Contrast this with the WPA attitude we have toward many nonessential defense programs, in which we spend huge sums of money while receiving no economically useful goods in return; this is the essence of inflation.

Fourth, the direct economic benefit of water projects has been excellent in the past, and there is no reason to doubt that it will continue to be so. Since 1900 the Bureau of Reclamation alone has invested $1.6 billion in California water projects—less than the cost of a single carrier task force with planes—and has yielded a gross crop value of $11.4 billion.

In summary, water projects constitute a socially useful and economically profitable investment outlet for the taxpayers' money. If we are going to throw "fudge factors" into our benefit/cost calculations, they should reflect this fact. Instead, they are presently programed to nearly eliminate this essential Government support.

I insert at this point a discussion of the problem by Russell Millsap, a distinguished attorney representing the Dunnigan and Yolo-Zamora Water Districts of Yolo County, Calif. I also insert a statement by the California Water Commission, which includes a table showing the disastrous effects an increase in the discount rate would have on California water projects.

The material follows:

MILLSAP & MILLSAP,
ATTORNEYS AT LAW,
Woodland, Calif., March 15, 1972.

Re: Proposed Principles and Standards for Planning Water and Related Land Resources.

DIRECTOR, WATER RESOURCES COUNCIL,
Washington, D.C.

DEAR SIR: This statement is presented on behalf of the Dunnigan Water District, and the Yolo-Zamora Water District, both of which are located in Yolo County, California. The Dunnigan District, comprising approximately 12,000 acres of farm land, is within the service area of the Tehama-Colusa Canal which is an authorized feature of the Central Valley Project. The Yolo-Zamora Water District, located immediately south of the Dunnigan District and comprising approximately 23,000 acres of farm land, is not within the service area of the Tehama-Colusa Canal, but is within the service area of the projected West Sacramento Canal Unit of the Central Valley Project. Immediately south of the Yolo-Zamora District lies the Yolo Flood Control and Water Conservation District which comprises several hundred thousand acres of farm land in Yolo County and whose plans envision receiving a large amount of water from the West Sacramento Canal Unit.

As counsel for the Dunnigan Water District and the Yolo-Zamora Water District I have read the report of the Water Resources Council by the Special Task Force dated June, 1969, and have also reviewed the Proposed Principles and Standards for Planning Water and Related Land Resources of the Water Resources Council that was published December 21, 1971 in the Federal Register.

Admittedly the proposed principles and standards are intended to encompass a broad and comprehensive program. One must agree that a comprehensive set of principles and standards should be established in order to satisfy not only ecological concepts but also water resource development. That is not to say, however, that any set of principles or standards would be satisfactory. There may be a great deal involved in the principles and standards that are projected with which one might quarrel; on the other hand, one cannot help but note that practically all of the principles and standards proposed are set forth in rather general terms and are, of course, subject to a great deal of latitude in interpretation. The cumulative effect of such interpretations would provide an opportunity to arrive at almost any preordained result. On the other hand, the standards for determination of the interest rate are set forth in more precise terms, and a projection for the next five years at the rate of seven percent (7%) per annum is provided. No such precision is made in any other aspect of this report. For that reason, it is difficult to respond to the report.

One might say that if other principles were interpreted sufficiently favorable so as to cancel out the effect of the seven percent (7%) interest rate as an internal factor in determination of repayment schedules, that the entire program would be acceptable. However, there are no guarantees or even indications that that would be the case. On the contrary, one has the feeling that many proposed projects would be now found to be infeasible under the proposed new principles and standards.

The fact that many aspects of the Program are rather general, but the interest rate is fairly precise, leads to a question as to whether or not procedural due process has been complied with. The purpose of holding hearings in regard to this matter are, of course, to give all interested parties and agencies an opportunity to present their views such that decisions can be made taking into account all such interests. How does one respond to such a proposed plan? It is difficult to criticize or question the general aspects of the plan, but it is quite clear that the seven percent (7%) rate, or an even higher rate, presents a serious danger signal. We cannot even tell from the principles whether the results would bring forth a higher rate without other compensating features in the plan, or whether there would be compensating features; hence, the great difficulty in responding to the proposals made.

Assuming that there are no new principles to balance the rate increase, one should then go directly to a consideration of paragraph IV(D) entitled "The Discount Rate". While there may be questions as to how the rate would be computed, it has been made clear in the report that a seven percent (7%) rate will be used for evaluating water resource projects during the next five (5) years. In this particular section we have a concept called "The Opportunity Cost of Government Investment". It is roughly recognized to be the real rate of return on non-federal investments and that the best approximation to the conceptually correct rate is the average rate of return on private investment in physical assets, including all specific taxes on capital or the earnings of capital and excluding the rate of general inflation, weighted by the proportion of private investment in each major sector.

The report also states that "The best approximation to the conceptually correct rate that can be made is the average of the average rates of return on private investment, weighted by the proportion of investment in different parts of the private sector." This pretty clearly indicates that the Government is moving towards an interest rate that is comparable to or equivalent to ordinary bank rates. In fact, this is fairly clearly indicated in the report where it states "The difference between the interest paid on federal borrowings and the opportunity cost rate in the private sector is due in part to the fact that private rates of return must be sufficient to pay taxes on earnings of capital. When investments are made by the federal government, these tax rates are foregone. Use of the opportunity cost rate in evaluating federal investments is necessary therefore to *achieve equity* from the standpoint of the federal taxpayer who must finance federal investment. *The federal government should not displace funds in the private sector unless its return on investment is equal to or larger than that in the private sector.*"

One of the principal reasons in the past several years for not presenting the Westside Canal Project to the Congress for approval has been the fact that the cost-benefit ratio had come very close to a one to one ratio. The project technically was feasible under the old formulas, but so close to being infeasible that the project would probably not be approved. The interest rate at that time was 5.375%. Since then, rising costs and inflation generally have taken a further toll on the cost-benefit ratio. The project under today's circumstances might possibly be declared infeasible. There is no question but what it would be infeasible if an interest rate of seven percent (7%) were imposed.

It should be pointed out that the land in the Sacramento Valley of which the Dunnigan District and the Yolo-Zamora Water Districts form a part are among the most fertile land in the entire nation. However, with rising costs and increases in real property taxes, it is absolutely essential that such land be farmed more and more intensively, and this requires dependable and adequate water supplies. We are not talking about unproductive land which is to be reclaimed from the desert, but land which has been under production for at least 100 years or more, only less intensively. These farmers have no option other than to continue to farm the land.

It is my understanding that irrigation projects under the Department of the Interior are the only kind of federal projects which have to have a repayment capacity in order to justify the project. Of course, an interest rate lower than the market rate for borrowing money would indicate a subsidy to some extent. However, the granting of subsidies by the federal government to all sorts of enterprises is the rule rather than the exception. The repayment of project costs is, on the other hand, an exception rather than the rule among federal projects. Needless to say, the persons to whom these so-called "subsidies" are given in fact pay substantial amounts of income tax and property taxes. Considering that the average dollar of farm income generates Seven Dollars of other income in the communities served, we see that there is a very substantial repayment of income tax to the federal government for the so-called "subsidy". Probably no other beneficiary of a subsidy pays as much in return to the federal government.

The net result of these new principles and standards will result in the termination of many necessary and worthwhile projects, and in the long run will introduce not only a lower return of income to the federal government through the income tax, but will also create economic chaos and high unemployment in the local communities where such projects are needed. We must recognize that this will probably be the ultimate result, and that we are not dealing with simply a minor and acceptable adjustment of one small factor in this entire formula.

The report seems to be saying that the federal government should not be competing with private capital in the development of these projects. It states "The Federal Government should not displace funds in the private sector unless its return on investment is equal to or larger than that in the private sector." Historically, private capital has never been able to provide the kind of financing necessary for these projects. This has only been accomplished through the Bureau of Reclamation in more recent times, and this has come about because of longterm financing at low interest rates provided by the federal government.

The report recognizes that "The Revealed Preferences of the Federal Political Processes clearly indicate a desire to transfer income to the people in specific regions by subsidizing water resource projects." The report then points out that these subsidies have been for the most part implemented by the use of an interest rate that is lower than that which they now propose. The report, therefore, apparently accepts "The legitimacy of the political process in determining income transfers and subsidies", but then contends that the use of a "low interest rate, unfortunately, is often an inefficient instrument for these purposes because it also biases the design of these projects towards those with higher near-term costs and lower near-term benefits." That is the only justification given in the entire report for the increased rate to accomplish what they evidently accept as a desirable political purpose. However, there is not a single bit of evidence, or discussion presented to justify such a conclusion. We question the validity of such a claim. Their objection simply makes clear what we have always known—i.e., that a sound project had to be adequate over the long term, and this required facilities built to high standards to guarantee a period of usefulness at least equal to the repayment period, and an initial development period to stabilize the project. The proponents of the new criteria in viewing these essential features as objectionable factors have clearly missed the point and have failed to understand the realities attendant to the development of such projects. What they apparently desire is a cheap, inadequate project with built-in obsolescence, at high interest rates, and financed preferably by the private sector! This is installment buying at its worst.

However, those having the responsibility for adoption of this program should realize what many farmers already know:

(1) That many billions of dollars of federal funds are placed in private banks throughout this country, and that those banks pay no interest rate to the federal government whatsoever. Yet these same banks are entitled to loan out that money at the highest attainable rates. This money is money supplied by the American taxpayers, including farmers, who get no return whatsoever from the bank but who are expected to pay the going commercial interest rates.

(2) That it is customary for the defense department in its contracts with the aircraft industry, to make progress payments before completion and delivery of a product. This has the effect of providing interest-free money to these manufacturers. This is not simply money at a rate lower than market, but no interest at all!

(3) That we have witnessed in the case of the Lockheed Aircraft Corporation an example of business mismanagement which could not be tolerated by the Bureau of Reclamation in the operation of any reclamation project under its supervision. In the case of Lockheed Aircraft Corporation, the contracts, although not publicized, were rewritten to some degree under more favorable terms for the company and the government agreed to underwrite an additional loan of 250 million dollars in order to keep the company still in business.

These are all subsidies of no mean proportions. And completely belie the claim of the Executive Branch that its proposed interest rate formula is predicated upon "Achieving equity from the standpoint of the federal taxpayer who must finance federal investment."

An economist testifying recently before the Joint Committee on Economics headed by Senator Proxmire commented that the main cause of inflation and the failure of our economy to right itself was due to the tremendous impact of the Defense Department on the economy. He stated that since such spending does not put goods into the market place, it is responsible for the lion's share of inflationary pressures. That budget is now being increased over its average of 77.5 billion dollars per year over the last five (5) years to 83.5 billion dollars for fiscal 1973. This, along with related expenditures, eats up approximately sixty-eight cents to seventy cents of each tax dollar. Unfortunately, all of our domestic programs must compete for a far lesser part of the tax dollar—about twenty cents. This is simply not enough to meet domestic needs.

There is no legitimate argument among proponents of our various domestic programs for the establishment of strict priorities. There is no real quarrel between environmentalists and water resources people over who should have preference in federal financing. All of these programs are essential and even interdependent. The environmentalist cannot go without water in his cities, or food from the farms, or a healthy, sound economy generally. Neither can water resource people ignore the warnings of environmentalists. In fact, we are all part of the ecological system. What all people who are concerned about domestic programs need to realize is that they have, in fact, a common adversary in the competition for federal funds. That common adversary is the unbridled, wasteful and extravagant use of funds in National Defense and related programs. This is not to decry the need for National Defense, or to strike a blow for Isolationism; rather it is simply a protest against extravagance, waste, and mismanagement in National Defense matters generally. To impose such principles and standards on water resource projects when they are already receiving a pittance from the federal treasury, and to do so in the name of "achieving equity" among taxpayers is, in all candor, absurd.

It is, of course, not within the province of the Water Resources Council to take action in regard to the defense budget or to the deposit of interest-free money with banking institutions. However, it is appropriate that these objections be made at this point by us for two important reasons. First, because of these circumstances it is clear that the federal government has established a double standard for the expenditure or the lending of public funds. There is no basic reason, however, why this should be the case. Second, the members of the Water Resources Council are for the most part members of the President's Cabinet, and do have the opportunity to influence expenditures and the standards for expenditures in all areas of government.

In hearings this past year before the Senate and House Sub-Committees on Public Works it was pointed out by the Counsel for the Westlands Water District, who was formerly a member of the California Water Commission, that approximately 13 billion dollars of public funds which had been earmarked for domestic programs had been impounded, insofar as we know these funds have never been released. The Chairman of the Sub-Committees were not able to give satisfactory answers as to why funds which had been appropriated by the Congress could be arbitrarily impounded by the Executive Branch. This whole matter indicates the high degree of frustration that all of us feel when we see our projects underfunded year after year, when monies appropriated for them are not used because of directions from the Executive Branch of the government, and now when criteria are to be established which will essentially destroy those projects. The new principles and standards as they pertain to the financing of water projects are an anachronism in that it would result in imposing a program of financing comparable to private financing which was proven to be inadequate many years ago. To deny the possibility of designing and building for long-term advantages, and allowing near-term low returns during a development period is, in fact, to deny the projects in their entirety. The effect of these guidelines will be devastating not only to the projects themselves, but to the economy that those projects support.

Respectfully Submitted,

RUSSELL MILLSAP,

Counsel for the Dunnigan Water District and the Yolo-Zamora Water District.

RESOLUTION NO. 72-02—EXPRESSING CONCERN ABOUT IMPLEMENTATION OF THE WATER RESOURCES COUNCIL'S PROPOSED PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

Whereas, the Water Resources Council has published in the Federal Register of December 21, 1971, its Proposed Principles and Standards for Planning Water and Related Land Resources, which, if approved, will supersede the Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources, approved by the President May 15, 1962, as supplemented and amended; and

Whereas, the California Water Commission is of the opinion that the Proposed Principles and Standards are extremely complicated and numerous problems may result from early implementation of such Proposed Principles and Standards; and

Whereas, the Proposed Principles and Standards contemplate the use for calculating project benefits and costs of an interest or discount rate based on "opportunity cost", which roughly approximates the average return from private investments and which is estimated at 10 percent; and

Whereas, the discount rate is set initially at 7 percent for a five-year period; and

Whereas, in order to implement the commendable objective of the Proposed Principles and Standards to take account of "the need to balance national economic gain, regional growth, and environmental quality", considerable time will be required for development of new methods, procedures, and criteria; and

Whereas, discount rates of 7 percent to 10 percent will unfairly disadvantage water resources projects until such time as other public works projects requiring federal funds receive the same rigorous economic analysis; and

Whereas, the public cannot measure adequately the full impact of the Proposed Principles and Standards until the new methods, procedures, and criteria for measuring national economic development, regional development, and environmental quality are formulated and applied to the projects now being planned: Therefore be it

Resolved by the California Water Commission, That the Water Resources Council and the Office of Management and Budget are hereby requested to delay implementation of the Proposed Principles and Standards for Planning Water and Related Land Resources until detailed procedures have been formulated and applied to projects now in the planning stage to determine their full impact, and until the Congress has had an opportunity to hold hearings and investigate the full effects of such Proposed Principles and Standards to determine whether they should be modified; and be it

Resolved further. That the objective of the Proposed Principles and Standards to balance national economic gain, regional growth, and environmental quality, be considered by the Office of Management and Budget and the Congress for all areas of public works expenditure; and be it

Resolved further, That the Executive Officer of the California Water Commission is directed to transmit copies of this, resolution to the Water Resources Council; the Office of Management and Budget; Members of the California Congressional Delegation; the Governor of the State of California; and members of the California State Legislature.

The foregoing resolution was adopted by the California Water Commission, State of California, at San Bernardino, California, on March 3, 1972.

EFFECT OF INCREASED INTEREST RATE ON CALIFORNIA PROJECTS

[All costs in millions of dollars]

[Legend: A—Authorized, UI—Under investigation, (x)—Below unity, N.A.—Not available, BCR—Benefit cost ratio]

	Status	Discount interest rate	BCR	Total 1st cost	Discount interest rate					
					5⅝ percent		7 percent		10 percent	
					BCR	Cost	BCR	Cost	BCR	Cost
Butler Valley	A	3¼	1.6	48.1	1.3	(48.1)	0.96	(x)	0.6	(x)
Chester	A	3¼	1.2	2.4	.7	(x)	.6	(x)	.4	(x)
Cottonwood	A	5⅝	1.2	181.0	1.2	(181.0)	.8	(x)	.5	(x)
Cucamonga	A	3¼	1.6	48.9	.8	(x)	.5	(x)	.3	(x)
Fairfield	A	5⅝	1.4	6.7	1.4	(6.7)	.9	(x)	.6	(x)
Goleta	A	5⅝	1.6	21.4	1.6	(21.4)	1.1	(21.4)	.7	(x)
Lakeport	A	3¼	1.5	18.2	1.0	(18.2)	.8	(x)	.6	(x)
Marysville	A	3¼	1.3	190.0	.8	(x)	.6	(x)	.4	(x)
Merced	A	5⅝	1.5	41.0	1.5	(41.0)	1.1	(41.0)	.8	(x)
Morrison	UI	5⅝	1.3	51.3	1.3	(51.3)	.9	(x)	.6	(x)
Newhall-Saugus	UI	5⅝	1.6	60.0	1.6	(60.0)	1.1	(60.0)	.7	(x)
Pajaro	A	3¼	1.4	20.1	.7	(x)	.5	(x)	.3	(x)
San Diego River (mission V)	A	3¼	1.3	33.4	.7	(x)	.5	(x)	.3	(x)
San Luis Rey	A	5⅝	1.4	12.8	1.4	(12.8)	.9	(x)	.5	(x)
Sonoma Creek	A	3¼	1.6	15.9	.8	(x)	.5	(x)	.3	(x)
University Wash	A	5⅝	1.1	8.4	1.1	(8.4)	.7	(x)	.4	(x)
Alhambra Creek	A	3¼	1.2	10.5	.6	(x)	.4	(x)	.3	(x)
Knights Valley	A	3¼	1.3	260.0	1.3	(260.0)	1.0	(260.0)	.6	(x)
Total				1,030.1		708.9		382.4		0

STATEMENT OF THE CALIFORNIA WATER COMMISSION* BEFORE THE U.S. WATER RESOURCES COUNCIL ON PROPOSED PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

Mr. Chairman and members of the council: My name is Ira J. Chrisman. I am chairman of the California Water Commission.

The California Water Commission is an official agency of the State of California with specific statutory responsibilities of representing the State of California before the appropriations committees of Congress with regard to flood control and reclamation items.

The California Water Commission advises the California Department of Water Resources and the Governor in matters concerning the coordination of planning, construction, and operation of state and local projects with federal water development and flood control projects. To this end, the Commission confers with the appropriate executive agencies of the United States.

Administratively, the Commission is in the Department of Water Resources. Today its statement should be considered as supplementary to that made by the Department on behalf of the State of California.

At its meeting in San Francisco on February 4, the Commission invited representatives of the Bureau of Reclamation and the Corps of Engineers to report on the impact of the proposed new discount rates on federal projects in the planning stage.

Mr. Phillip Dunn, Jr., assistant chief, Planning Division, South Pacific Division of the Corps of Engineers, and Mr. Rodney J. Vissia, regional planning officer, Bureau of Reclamation, appeared in response to those invitations.

At the Commission meeting on March 3 in San Bernardino, the Commission adopted a resolution expressing the Commission's concern relating to the opportunity cost concept which results in proposed discount rates of 7 and 10 percent. A copy of Resolution 71-02 is attached.

This statement will elaborate on our concern with the proposed Principles and Standards.

As we understand it, the objectives of the proposed Principles and Standards are as follows:

(a) To enhance national economic development by increasing the value of the nation's output of goods and services and improving national economic efficiency.

(b) To enhance the quality of the environment by the management, conservation, preservation, creation, restoration, and improvement of the quality of certain natural resources and ecological systems.

(c) To enhance regional development through increases in the region's income; increases in employment; distribution of population within and among regions; improvements of the region's economic base and educational, cultural, and recreational opportunities; and enhancement of its environment and other specific components of regional development.

The objectives are desirable. However, the proposed high discount rate could make it impossible to qualify desirable projects and therefore make it difficult to accomplish the objectives.

The present discount rate is 5⅝ percent. Prior to 1968 it was based on the long-term borrowing costs of the United States. Since 1968 the base has been the yield of long-term Government Bonds. The proposed 7 and 10 percent discount rates contained in your proposed Principles and Standards are based on the opportunity cost in the private sector.

The Corps of Engineers made a comparison of the benefit-cost ratios using the existing 5⅝ percent, the proposed 7 percent, and the proposed 10 percent interest rate figures. The comparisons using the proposed 7 and 10 percent discount rates were of a preliminary nature. They were made using available data. They did not include reformation of projects, which might result in some changes in benefit-cost ratios. Using a grand total of 578 national projects of all categories, the results were very startling. Of the 578 projects, the Corps estimated that 440 of them would be justified on the basis of the standard benefit-cost ratio of at least 1 to 1 using the 5⅝ percent interest rate; 295 would qualify using the proposed 7 percent figure; and only 143 would qualify using the proposed 10 percent interest rate.

The Corps of Engineers' comparison included 18 projects within California. The projects were those which were either authorized or for which studies were nearly completed. The projects represented $1.03 billion worth of work. With the present 5⅝ percent interest rate, projects that would qualify reduced to $708.9 million; at the proposed 7 percent, the projects would reduce to $382.4 million, and at the proposed 10 percent, no projects could qualify. The list of projects compared is attached.

At our meeting on February 4, the Bureau of Reclamation discussed 12 projects in California. While the Bureau was not sure what effects the new standards and procedures would have on their projects, they indicated the irrigation service might have to be drastically reduced in many of the projects. On balance, it appeared to the Bureau of Reclamation that qualification of projects would be more difficult.

It seems to us that excessively high discount rates will leave water resources undeveloped as compared to other aspects of the nation's economy.

The rationale for establishment of the discount rate on the basis of the opportunity cost concept is questionable. The concept is based primarily on the rate of return to private capital investments. However, the rate of return on investments such as agriculture have recently been at a low of 1.8 percent. The returns on agricultural investments have rarely, if ever, exceeded the proposed discount rates.

Information available to us indicates that interest rates charged for certain federal loan programs range from 0 to approximately 7 percent. Recently, long-term United States Treasury Bonds are yielding approximately 5 to 6 percent. The State of California has recently sold bonds for financing of the State Water Project at interest rates between 5 and 5½ percent. Bonds sold by the State of California for veterans and clean water programs have been sold for interest rates of 4½ to 5 percent. The recent income of industries represented on the major stock exchanges has been substantially less than the proposed discount rates. At a time when the Water Resources Council is proposing to increase the discount rate, major banks are lowering their prime interest rates to less than 5 percent.

It should not be the function of the Federal Government to achieve a rate of return on its investments consistent with that expected by private capital. Private investments generally are concerned with short-lived projects that contain a considerable degree of risk. Government investment does not contain the same degree of risk. Further, in the field of water, government only invests in areas where private investors and local agencies are unable to participate.

For several years, the discount rate used for evaluating water projects has been based on the long-term borrowing costs of the United States. It seems appropriate that the method of determining the discount rate not be changed.

In conclusion, we question the establishment of the discount rate on the basis of the opportunity cost concept. We are concerned that the resulting discount rates of 7 and

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*Presented by Ira J. Chrisman, Chairman, in San Francisco on March 14, 1972.

10 percent will have the effect of greatly reducing appropriation of funds for water projects and of diverting the funds to other federal programs which may or may not be of higher value to our nation. It could result in the rejection of the concept that the Federal Government has a role and responsibility concerning development and use of water resources and the protection of the public from the ravages of flood.

The public should be given an opportunity to understand more fully the full impact of the proposed Principles and Standards. The Congress should be allowed an opportunity to hold hearings to investigate the effects of the proposed Principles and Standards.

We urge that the Water Resources Council and the Office of Management and Budget delay implementation of the proposed Principles and Standards until detailed procedures have been formulated and tested to projects now in the planning stage. We will also urge the Congress to hold hearings and investigate the full effects of the proposed Principles and Standards.

CIVILIAN TARGETS IN LAOS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mrs. ABZUG. Mr. Speaker, the duplicity of the Nixon and Johnson administrations regarding our military activities in Laos has been exposed repeatedly. We know now that our forces have been carrying on a massive, highly destructive, secret air campaign against Laos for years, but much of the story continues to be concealed.

Fortunately, thanks to the work of astute journalists and other private individuals who have visited Laos, some information about the effects of the air war there has reached the public despite Government efforts. Most of us who have been exposed to the evidence are convinced that the devastation which U.S. war planes have brought to the innocent civilian population of Laos is indeed ghastly and indiscriminate.

Our Government continues to deny, in the face of the strongest contrary evidence, that U.S. air forces have systematically attacked civilian targets in Laos. Therefore we must continue to expose the truth with every bit of data available. To this end I am inserting at this point in the record two very revealing, well-written articles on the air war in Laos. I commend them to your attention:

BOMBING OF LAOTIAN VILLAGES REVEALED

(By Joe Nicholson Jr.)

NEW YORK.—Twenty four U.S. war veterans, including seven combat pilots, say that U.S. warplanes have bombed hundreds of Laotian villages. Their charges are confirmed by members of U.S. Special Forces units who have fought in Laos.

The war veterans, including 15 still on active duty, described in interviews the bombing of Communist-controlled areas in Laos which President Johnson began secretly in 1964 and President Nixon sharply escalated in 1969. The bombing is still going on, with current reports of B–52's being used on northern Laos for the first time.

Defense Department spokesmen have conceded that the seven-year bombing campaign against the Ho Chi Minh Trail, in southern Laos, and the plains controlled by the Communist Pathet Lao, in northern Laos, have made the primitive land-locked kingdom the most heavily bombed nation in the history of aerial warfare.

But these officials have repeatedly denied that the U.S. planes have bombed inhabited Laotian villages and towns.

All seven pilots interviewed, however, recalled seeing numerous destroyed villages and vast areas in which the civilian population had been cleaned out.

Jon Randolph Floyd of Austin, Texas, a former Marine captain who flew an A6 Intruder bomber, said, "To the extent that I knew, we were bombing villages all the time. Our bombing was generally just a matter of releasing bombs at certain coordinates."

Capt. Gary Hemingway, an Air Force electronics warfare officer on an EC–121 reconnaissance plane who is now stationed at Fairchild Air Force Base, Washington, said, "I logged 500 hours combat time, 90 per cent of it over Laos. I do not recall seeing any villages left standing on the Plain of Jars in northern Laos."

An Air Force major who directed high-altitude bombing by radio from his low-flying O–1 spotter plane said, "I would be given flights of fighter-bombers by the aerial command post and occasionally I would guide the fighter-bomber into villages.

"We referred to this as 'opening up villages.' It happened on numerous occasions, primarily in the hooches (houses) located up on the sides of mountains, particularly the Bolovens Plateau, said the 15-year veteran who operated with the 20th Tactical Air Support Squadron, 504th Tactical Air Support Group of the 7th Air Force, but who asked to remain unnamed.

"The bombers used 500 pound bombs, CBU (cluster bomb unit) antipersonnel bombs and napalm for the destruction of hooches. It was not unusual to destroy villages," he said. "To my knowledge no requests for approval of destruction of villages were ever denied by higher authority."

Michael A. Lewis of Ann Arbor, Michigan, a former Air Force Photo interpreter said, "All the villages in southern Laos below the 17th degree line were already wiped out when I got to Vietnam in June 1969, and started looking at the aerial film. They were all gone."

"I saw photos of the Plain of Jars in northern Laos," said Lewis who worked at the Ton Son Nhut airbase which does final evaluation on aerial photos from Laos. "Moung Soui and the other bombed areas had been destroyed, levelled. The people were gone from the area. The photos showed bomb craters."

Explaining the attitude at Udorn Air Force Base, Russell Heller Jr. of Boise, Idaho, a photo interpreter there from November 1968 to November 1969, said, "We didn't write up damage to villages or towns or water buffalo. You have a different frame of mind over there."

A third Air Force photointerpreter, now serving his second tour of duty at Udorn Air Force Base, Thailand, said, "I saw photographs of between 10 and 25 villages destroyed—all with bomb craters. There were a lot of vehicles destroyed in the villages, indicating they were live villages, inhabited."

"The only place people could exist up there on the Plain of Jars would be either in a dense jungle or in a cave," he said. "And we were bombing caves. A single human path was enough for us to bomb. All human activity was considered enemy activity."

Corroborating the pilots and photo interpreters are U.S. Special Forces soldiers who say they fought in Laos while Presidents Johnson and Nixon were insisting that the U.S. had no combat troops in Laos.

Paul Withers, a former Special Forces soldier now recovering in Boston from war injuries, said, "I am one of hundreds of American Special Forces who fought, killed, and died and were wounded in both northern and southern Laos beginning in 1965. We operated in 12-man 'A' teams. I myself know of 15 Laotian villages which were bombed."

Army Sgt. Barry A. Toll of the Schofield Barracks, Hawaii, said, "I was co-located with two members of the 5th Special Forces Group, Command and Control North, on a mountaintop accessible only by air which served as a communications link for teams operating clandestinely within Laos and manned usually by two 'sanitized' Americans (not identifiably American) and six mercenaries."

"I have served with distinction throughout my military career," he said. "But I have become increasingly incensed with the distortions and outright lies perpetrated on the public by presidential administrations and our military. I am therefore fully committed, to the point of possible criminal prosecution, to present the truth."

BOMBING OF LAOTIAN VILLAGES REVEALED: THE REFUGEES SPEAK

(By Joe Nicholson, Jr.)

NEW YORK.—A little-known survey of refugees in Laos uses the words of surviving relatives to describe how U.S. warplanes attacked civilians in Laotian villages 74 times, killing 108 persons.

The 88-page "Survey of Civilian Casualties Among Refugees from the Plain of Jars" was made in early 1971 by Walter M. Haney, an American fluent in Lao who spent three years in Laos working for International Voluntary Services and later the Lao Ministry of Education.

Haney's survey is more detailed than two U.S. Information Service refugee surveys, published last April, which also concluded that the American bombing campaign—still going on—is directed at the civilian population in the villages of northern Laos.

Haney's survey and the two USIS surveys deal with the Plain of Jars and other areas in northern Laos that are hundreds of miles north of the Ho Chi Minh Trail infiltration routes in southern Laos.

Asst. Secretary of State Harrison M. Symmes, who was shown a copy of the survey by Haney's home-state Senator, Robert Griffin (R.-Mich.), told Griffin in a letter that the survey was "a serious, carefully prepared piece of work" and that Haney was known as "an objective, conscientious individual."

However, Symmes concluded, "We do not accept the conclusion that bombing of the civilian population was intensive. . . U.S. forces, of course do not employ poisonous weapons in Laos."

Refugees interviewed for the survey, which was made at 10 Laotian refugee camps that contain 8500 refugees, said they saw U.S. bombs kill 74 of their relatives and that another 21 relatives, mostly children three to ten years old, were killed by two types of biological warfare materials dropped by the planes.

The survey reports only fatalities which were described by a member of the victim's immediate family. Each interview is accompanied by a photograph and the name and description of the relative interviewed.

"All villagers were living in holes then," said Nang Sida, a young Laotian mother whose husband, Tit Van Di was killed on Nov. 11, 1968, in Ban Nasay village in northern Laos.

"But Tit Van Di went back to the village to get some things to take to the holes," she recalled. "While he was in the village the jets bombed before he could flee."

"The planes came many times every day. Four or five times even at night they came," she said. "Sometimes the T–28s would drop the big bombs (500-pound high explosive bombs) first and then the jets would drop the bombi (hundreds of small, round anti-personal bomblets)."

Like Nang Sida's husband, most of the civilian fatalities in the survey occurred in 1968 and 1969. After that, the refugees said the intensity of the bombing forced them to migrate west from Communist Pathet Lao zones to refugee camps, under government control.

One refugee woman, Sao Pohng of Ban Mene Village, said her 80-year-old father, Ai Tao, was killed by napalm dropped by the planes.

"When the planes dropped the burning oil Ai Tao was hit," she said. "He couldn't get his clothes off fast enough. He was badly burned. Bumps came out all over his body and then they burst and eyes burst also. Four days later he died."

And a refugee who survived with multiple injuries, Thao Phom, 43, of Ban Muang village, recalled the attack which injured him.

"I was coming back from the upland rice field to my house," he said. "A *bombi* exploded, hitting me on the foot, hand arm and back. The *bombi* had been dropped by a jet two or three hours earlier. I had hidden in a hole. I thought they had all exploded, but they hadn't.

"If they saw you they would bomb," he said. "We had to work at night and sleep in the daytime. After cooking we had to put out the fires so they couldn't see them. If it was very cold, we kept branches handy so if we heard a plane coming we could put out the fire."

The widespread killing and destruction described by the refugees was also known by Air Force intelligence, according to a former Air Force staff sergeant who served with the Reconnaissance Intelligence Technical, Squadron, 12th Air Force at Tonsonhut AFB, Viet Nam.

Michael A. Lewis, now living in Ann Arbor, Mich., recalled, "I read the daily intelligence reports. They said the reason the people were leaving the villages was because the planes were bombing the fields and villages and cattle.

"The intelligence reports said the bombing caused the people to live in caves and subsist by farming at night," said Lewis who was at the intelligence command from June, 1969, to June, 1970. "Then, after the bombing was further intensified, the reports said the people were forced to move to the west (government-controlled) areas."

Deputy Ass. Secretary of State William H. Sullivan testified before the Senate Refugee Subcommittee last April 22 that 700,000 refugees have been "generated" during the last decade in Laos. He blamed not the bombing by U.S. planes, but the refugees' dislike for living in Communist areas.

Last August the Senate Security Agreements Subcommittee issued a staff report which said the U.S. was flying 400 bombing sorties over Laos each day from bases in Thailand and Viet Nam.

Congressional sources have estimated the bombing cost, excluding base construction and plane production, at over $1 billion annually. The Pentagon has never given a cost estimate.

The war is directed from the U.S. Embassy in Vientiane, Laos, by Ambassador McMurtrie Godley, described by an American refugee relief officer who spent seven years in Laos as "a military proconsul."

"Ambassador Godley's idea of diplomacy is 'more bombs' and, believe me, that is quite literal," he said. "He was continually fighting for more sorties. His idea of winning the war in Laos was dropping more bombs."

A 5-CENT SOLUTION TO POSTER POLLUTION

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. HALPERN. Mr. Speaker, all too often we hear of constitutent complaints concerning the "eye-pollution" political campaign posters and stickers left over after an energetic and whirlwind campaign. Posters sometimes hang on telephone polls for 5 or 6 years, reminders of campaigns past but nevertheless an ecological eyesore to the people that live in the neighborhood. All of us have faced the problem of what to do with the thousands of stickers and posters we had hung throughout our district.

I recently came across a novel solution to this perplexing problem. It appears that the Sun Oil Co., under the able leadership of Mr. Alex B. McIntyre, offered through their oil subsidiaries 5 cents for each poster collected. Youngsters in the Dayton, Ohio, area collected over 30,000 posters in 1970 and the "poster-pollution" problem was solved. Mr. Speaker, I insert in the RECORD an article which depicts the fine example of free enterprise solving some of its pollution problems in America. The article by Bud Davis in the Our Sun magazine can serve as an inspiration for other businesses to follow suit on this fine idea. Let us all congratulate the Sun Oil Co. on this fine contribution to the cause of a clean environment.

The article follows:

A 5-CENT SOLUTION TO POSTER POLLUTION

Months after the furor and oratory of a political campaign have passed and long after the wispy promises of the candidates have evaporated, one thing remains as tangible; eye-polluting evidence of an election; the campaign poster.

Left to fend for itself, the political poster has a life span of one year. Pelted by snow in the winter, buffeted by wind in the spring and bleached by the sun in the summer, it nevertheless clings tenaciously to tree or telephone pole, finally dropping to the ground just in time to provide space for the next election.

Such is the case in most cities, and such was the case in Dayton, Ohio, up until the political campaign of 1970.

Two days after the election that year the life expectancy of the campaign poster was cut short. Thousands of Daytonians—old and young alike—combed the highways and byways of the metropolitan Dayton area, seeking out the offending signs and ripping them down. Within two days, not a poster was visible.

Last year, the posters didn't even last until the day after election. The reason? Civic pride had a lot to do with it, but just as important was the nickel that local Sunoco dealers paid for every old campaign poster brought into their stations.

It all started when Richard E. Swartzman, Sun's Dayton district manager, sat down to lunch with Larry R. Menchhofer, executive director of the Dayton City Beautiful Council. It was the Thursday after the 1970 election, and both men commented on how bad it looked to have the posters still blanketing the area.

By the time dessert had been ordered, the two men had hit upon a solution to poster pollution. Sun would arrange for Sunoco dealers in the area to pay a nickel for every old poster brought into the stations, and Dayton City Beautiful Council would handle the publicity for the program.

Mr. Swartzman turned the project over to his staff, and they worked out the details with Mr. Menchhofer. Ryder Truck Rental agreed to supply trucks for picking up the posters.

"We got good coverage in the newspapers and on radio and TV," says Mr. Swartzman, "and our dealers were swamped with posters."

About 30,000 posters were collected in 1970. Most of them were disposed of through the regular trash pickup, but some 7,000 helped kindle a bonfire at a football game pep rally.

Many youth groups took part in the clean-up campaign and then used their poster money to purchase needed items for their group. But youngsters were not the only ones to profit. One man collected $60 for the 1,200 signs he brought in.

Praise for the program was received from many quarters, including the mayor's office and the Dayton Garden Club. The pastor of a nearby church wrote: "Each year on the Sunday after the election I have taken my Youth Fellowship out to remove political campaign posters. This last election when I went out on the Sunday after, the community was clean, thanks to your remarkable campaign . . . I want to thank you for myself and the community of Germantown for your contribution."

When election time rolled around in 1971, Sun's Dayton district decided to run the program again. But even before the announcement was given to the press, the citizens of Dayton had cleaned the city of posters.

Some people were collecting them in anticipation of Sun's rerunning its 1970 campaign, but the signs also came down for other reasons. Judy Pope, administrative assistant on the Dayton City Beautiful Council, says that the 1970 Sunoco program "shamed the politicians into getting their signs down themselves in 1971."

Only 8,400 signs were turned in to Sunoco dealers. "Because the turn-in was so low, it might look as though our program was a failure the second time around," says Alex B. McIntyre, the Sun man who coordinated the 1971 project. "But the fact is that the real goal was accomplished—every campaign poster in the Dayton area got taken down."

To help reduce air pollution as well as visual pollution, the signs that were collected from the 1971 campaign were recycled through the Dayton Recycling Center, a project of the Dayton City Beautiful Council and the Greater Dayton Jaycees. Manned by high school student volunteers, the center has recovered 660 tons of resources in its first five months of operation. The materials are sold to local industries, and the income from these sales pays for the center's operating expenses.

The 1,404 pounds of political posters turned in by Sunoco dealers, for example, brought $42.12 from a local paper mill.

The 1972 Presidential election will, of course, be much bigger than either of the last two years. The oratory and promises will be proportionately greater and so will the number of political campaign posters.

In Dayton, Ohio, however, Sun's district office is planning to continue its nickel-a-poster program. So you can bet that the posters will disppear just as fast as some of the oratory and promises.

JERRIS LEONARD

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. BOB WILSON. Mr. Speaker, under Jerris Leonard's forceful leadership, the Law Enforcement Assistant Administration has made a substantial contribution to the Nixon administration's fight against crime. LEAA has had a major impact on the criminal justice community and a goal of critical importance to all Americans: the reduction of crime. As Administrator, Jerris Leonard has put LEAA in the forefront of the anticrime effort and has not been deterred from attacking problems requiring aggressive and innovative thinking. All of us in the Washington area are proud of the fine job done by Police Chief Jerry Wilson in reducing the crime level in our city. Chief Wilson is to be highly commended and I take this opportunity to share a copy of his recent letter to Jerris Leonard outlining LEAA's assistance to Washington's crime reduction campaign. I can only say, congratulations, gentlemen, and keep up the good work.

The letter follows:

METROPOLITAN POLICE DEPARTMENT,
Washington, D.C., March 20, 1972.

Mr. JERRIS LEONARD,
LEAA Administrator,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. LEONARD: The Metropolitan Police Department's role in reducing Washington's crime rate has received nationwide attention. While we are proud of our accomplishments, we realize other agencies, playing less visible roles have also contributed toward this reduction. Prominent among this group is your agency, The Law Enforcement Assistance Administration.

As our silent partner, LEAA has underwritten significant police crime-fighting programs for the Metropolitan Police Department:

A $1,250,000 grant in the spring of 1970 giving us the equivalent of 1000 additional officers until additional men could be recruited. Overnight our force increased 20%, and crime declined with this extended police coverage.

A $157,000 grant for combatting organized crime. The grant made possible the establishment of an organized crime section.

$342,000 in three different grants permitting the purchase of three helicopters and the training of nine helicopter pilots. Helicopters have been useful in fresh pursuit and on-scene arrest situations.

A $153,000 grant for improving police dispatch and control procedures. When completed, a computerized model for testing alternative police dispatching and patrol patterns will be available to police departments throughout the United States.

A $100,000 grant for developing a Command and Control Master Plan was recently approved. The plan will set forth our command and control needs, including detailed equipment requirements.

A $135,000 grant is enabling us to update our entire recruit training curriculum. Other grants totaling $76,000 have been used to improve a variety of operational and management areas within the department.

All these grants were received within the past two years; significantly, crime in Washington during this same period stopped spiraling upward and dropped 18 percent.

Yet much remains to be done. Our department's goal is to reduce crime to its 1966 level, and the decreasing number of monthly crime index offenses indicates this goal is within reach. With a concerted effort and your continued assistance, we can even drive crime down below that 1966 level.

Your "impact cities" program is a bold, crime-fighting initiative, which could help us achieve our goal. At the same time, it could make Washington a "casebook study" of LEAA assistance. Funds from the program could upgrade our communications, make our crime information processing more efficient, and implement a modern, up-to-date command and control system.

Our partnership was formed in the face of crisis, at a time when Washington was experiencing some 200 crime index offenses a day. Working together, LEAA and the Metropolitan Police Department helped turn the corner on crime in Washington, D.C. With your continuing help we will finish the job.

Sincerely,

JERRY V. WILSON,
Chief of Police.

WIDER BUSES

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. SCHWENGEL. Mr. Speaker, while legislation on increasing allowable widths for buses lingers in Congress, public sentiment continues to grow in opposition to this legislation. Many newspapers, magazines, and citizens groups are openly advocating that wider buses must not be allowed to traverse our Interstate System. Recently the Cleveland Plain Dealer editorialized on this controversial subject. I would like to share that editorial with you:

WIDE BUS BILL SHOULD BE KILLED

A bill allowing wider buses to operate on Interstate highways has made its way to the U.S. Senate, the House of Representatives having lacked the good sense to vote it down.

The Senate should show better judgment and kill the bill.

We have heard of no convincing reason why bus widths should be increased to 102 inches. We have heard abundant reasons why this would be a bad idea.

Wider buses would surely increase driving hazards, both because of the visual obstruction they would present to trailing motorists, and because of the "blast effect" that occurs when wide vehicles are passed by, or pass, smaller automobiles.

Depending on wind conditions and relative speeds of the vehicles, the turbulence can pull automobiles toward, or push them away from the larger vehicles. In either case, it is dangerous, and can lead to loss of driver control and traffic fatalities.

Wider buses also would be heavier buses, and it is a demonstrated fact that heavier vehicles accelerate pavement damage.

But most damaging, in our view, is the precedent that would be established for wider, longer, heavier trucks if Congress were to approve bigger buses.

Though the sponsors piously deny that the wider bus bill has anything to do with trucks, we think it inevitable that bigger trucks would follow bigger buses. In fact, we think the case for the wider buses is so weak that we have difficulty in reaching any other conclusion than that the bus bill was introduced purposefully to open the door to giant trucks.

Wider, heavier trucks, of course, would greatly magnify the traffic hazard and the damage to highways. It is frightening to contemplate the damage that would ensue.

The Senate should knock down the bus bill in committee.

FORMULA FOR SHARING

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. BOGGS. Mr. Speaker, in the near future we will be called upon to consider legislation of vital importance to the strength and vitality of State and local governments.

The proposal, of course, is revenue sharing, and it is hoped that we can bring it to the floor within the next few weeks.

This legislation, which would provide more than $5 billion annually to State and local governments over a 5-year period, has been the subject of extensive study and labor by the Committee on Ways and Means and its distinguished chairman, Congressman WILBUR MILLS.

Chairman MILLS and his colleagues have reconciled the many divergent views surrounding this proposal and drafted a bill which, I believe, offers an equitable and effective way to strengthen the financial footing of local and State governments by putting the money where it is most needed.

A recent editorial in the New York Times analyzed the proposal of the Committee on Ways and Means and voiced support for the product of its labor.

I am inserting the editorial in the RECORD and calling it to the attention of my colleagues:

FORMULA FOR SHARING

The House Ways and Means Committee has reached a reasonable compromise on the complex issue of revenue sharing. It has approved in principle a bill to provide more than $5 billion a year in Federal money to state and local governments, most of which are in severe financial distress.

From the outset, the argument over revenue sharing has not concerned the financial distress—no one disputes that—but which level of government could best meet the social needs that must be met. President Nixon called for a large vote of confidence in state governments by urging an automatic allocation of Federal money which would be permanent, would rise rapidly—doubling in the first decade—and would be granted with few conditions.

There have been three different kinds of criticism of this proposal. Some liberals opposed it on the ground that, since most state governments are inefficient and some corrupt, the people would be better served if the same money were spent by the generally more honest and more competent Federal bureaucrats.

By contrast, some conservatives have worried that, instead of shoring up the states, revenue sharing might further undermine them. Their theory is that it would encourage state politicians and state electorates to rely upon "free" money from Washington, instead of making the hard taxing and spending decisions for themselves.

A third, more specific criticism, has come from local government officials, particularly mayors of big cities, who do not trust the states to pass the money down to the urban areas where the problems are most acute.

To greater or lesser extent, the Ways and Means Committee has taken account of all three objections. It has clearly heeded the voices of the mayors. Under its bill, local governments would directly receive nearly two thirds of the money, rather than less than one half as the Administration had recommended.

The committee wisely decided to make the plan automatic with no need for annual appropriations by Congress, but it did set a five-year time limit after which Congress could decide whether to renew or alter the plan. Since ten of the fifty states still do not levy an income tax, the revenue-sharing formula includes a strong incentive for states to improve their own tax efforts. No local or state government can use this Federal money to lower its own taxes.

Where the Administration plan called for a steep rise in the rate of payments, those under the House plan would rise by no more than $300 million annually. Some annual increase had to be provided. Otherwise, as New Hampshire, Tennessee, Texas and other income tax states increased their own efforts, states such as New York which already tax themselves heavily would see their proportionate share decline. But the committee has conservatively decided to make the annual increase in the size of the pie about as small as it possibly could.

On the fund-control issue, the committee met Mr. Nixon halfway. It placed no restrictions on the use a state may make of the Federal money, but it showed much less confidence in the competence and judgment of local governments. The committee would permit local governments to spend the money only for certain purposes—sewage collection and sewage disposal, transportation, and police and fire protection.

In effect, the committee is making a multipurpose block grant rather than sharing revenue in the true sense of that term. But most mayors and county officials will be so glad to get the extra money, they are not likely to complain about the ways in which Congress hobbles their use of it.

Revenue sharing is not a total prescription for all the ailments of this country's federal system of government. Better administration in local and state governments, consolidation of many fragmented local authorities, and much more effective regional planning and intergovernmental cooperation are equally important. But additional money is clearly necessary. The Ways and Means action suggests that limited help is on its way and may actually arrive this year.

MILITARY AID FOR ISRAEL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. SCHEUER. Mr. Speaker, last year, in response to world public opinion, the Soviet Union permitted 13,000 Jews to emigrate to Israel. This emigration continued at a substantial rate in January and February, and it is now estimated that at least 30,000 Jews will emigrate to Israel from the Soviet Union in 1972.

Many of these new Russian immigrants present psychological problems which increase the burden and costs of absorption into Israeli society. Many of them lack skills and occupations. Most need intensive instruction in Hebrew, which they were forbidden to learn in the U.S.S.R. The costs of the programs to overcome these problems and to successfully assimilate these refugees is estimated to be $35,000 per family.

If Israel's defense burden were not so great, it might be in a better position to bear this cost. Israel's defense budget amounts to slightly over one billion dollars—approximately one-quarter to one-third of the country's gross national product and approximately 40 to 50 percent of the country's budget. Due to these defense expenditures, for the past 10 years, Israelis have owed more in external debt, on a per capita basis, than the citizens of any other country. They also pay more in income taxes, on a per capita basis.

Unlike Cambodia, Greece, Spain, South Korea, Jordan, and a host of other countries, Israel has not substantially benefited from U.S. military grants. Until 1967, Israel received no grant aid whatsoever. All American military assistance to Israel took the form of sales for cash borrowed from commercial sources or on credit. Whether or not Israel has received grant aid since 1967 is not known since that information has been classified.

Today, joined by 19 of my colleagues, I am introducing a bill to authorize $200 million for military assistance grants to Israel for fiscal 1972 and $500 million for fiscal 1973. The enactment of this bill will help to reduce Israel's defense budget and enable the country to devote more of its resources to the absorption of Russian refugees.

The United States has helped Israel with the expense of absorbing large numbers of refugees before. From 1951 to 1959, Israel received American grants for this purpose. Once again, consistent with our country's traditions, we should stand ready for help.

MISSISSIPPI'S STATE HISTORICAL MUSEUM

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. GRIFFIN. Mr. Speaker, recently, the Mississippi State Historical Museum, a part of the Old Capitol Restoration in Jackson, became one of the seven southeastern museums accredited by the Accrediting Commission of the American Association of Museums.

The Old Capitol building which houses the museum was completed in 1839 and used as the capitol of Mississippi until 1903. In 1959, the State restored the building to house the State Historical Museum.

Today this beautiful and historic building stands as a picture of the heritage and development of Mississippi for all to see. The outstanding work of the Board of Trustees and the staff of the Mississippi Department of Archives and History in developing one of the Nation's most interesting and attractive museums and attaining such high recognition is to be commended.

As a part of my remarks, Mr. Speaker, I include the following article which appeared in the Vicksburg, Miss., Sunday Post, on April 2, 1972:

OLD CAPITOL RESTORATION GETS MUSEUM ACCREDITATION

The Mississippi State Historical Museum in the Old Capitol Restoration, Jackson, is one of seven southeastern museums accredited by the Accreditation Commission of the American Association of Museums at its March meeting. Notice of the accreditation has been received by Lt. Gov. William F. Winter, president of the Board of Trustees of the State Department of Archives and History, which administers the museum.

With this official action of the accreditation Commission, the Mississippi museum joins a select list of sixty institutions in the United States and Canada which have been recognized by the Accreditation Commission. Other southeastern museums accredited at the same time are Louisiana Arts and Sciences Center, Baton Rouge; New Orleans Museum of Art; Students Museum, Knoxville; Mariner's Museum, Augusta, Georgia.

Dr. R. A. McLemore, director of the State Department of Archives and History, commented on the accreditation. "This accreditation means that Mississippi's State Historical Museum, known to most of us as the Old Capitol Museum, has met professional standards established by the museum profession." Dr. McLemore further explained that the accreditation process includes a written report, by Dr. Byrle Kynerd, museum director, an on-site investigation of the museum's operation by an accreditation visiting committee, and final review and decision by the Accreditation Commission of the American Association of Museums.

"Accreditation will help the Museum measure its own performance," Dr. McLemore added, "and we are delighted to have our program nationally recognized."

The American Association of Museums began its accreditation program in May, 1970, after two years of development. The purpose was to standardize levels of museum operations in the United States, and to establish guidelines and professional standards for museums. Museum accreditation will also enable the public to identify the museums which meet high standards, and will assist public and private agencies which may be called upon to make decisions concerning contributions, grants, appropriations and contracts.

MRS. ERNESTINE COBERN BEYER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, I feel as though I should share my good fortune in knowing such a wonderful person as Mrs. Ernestine Cobern Beyer with my colleagues. Yesterday it was my good fortune to host Mrs. Beyer at a luncheon on the Hill. I consider myself fortunate to have found her free, in view of her heavy schedule in Washington, what with teas at the White House and awards in the evening at official banquets. Who is this wonderful woman? This woman, whom I am fortunate to number as one of my constituents from the city of Quincy, Mass., at the ripe young age of 78, can only be regarded as having lived life to the fullest, and very obviously continues to do just this. Opera singer, poetess, writer, lecturer, devoted wife, mother of three, she has amazingly found time to do everything. The daughter of the distinguished archeologist, Professor Cobern, Mrs. Beyer found life could be exciting at an early age, as she sat enthralled listening to her father's stories of the latest archeological expeditions in the Middle East. But adventures for her did not stop here. At an early age she was "discovered," as it only seems to happen in the movies, by a great singer who happened to hear her as she was going about her household chores. What she had was an incredibly gifted natural voice which with very little formal training led to a career with the Metropolitan Opera-where she sang with Caruso.

I do not want my colleagues with an interest in the opera to puzzle themselves too long searching their memories for an Ernestine Beyer. The fact of the matter is that she is well known to many opera buffs as Maria Condé. Early on in her life Mrs. Byer made one of those difficult decisions with a conviction that was to characterize her again and again in life and that was, to leave the Metropolitan Opera and a very promising career behind in order to spend more time with her family. Her husband was then with a new company in Boston and was to grow and prosper with it. Mr. Beyer became vice president of Liberty Mutual Insurance Co. Mrs. Beyer adapted her career and became well known as a concert recitalist.

For most people, this would have been enough excitement for one life and quite a career. Not so with Mrs. Beyer. In her middle years, she returned to her first love—as she puts it, "singing with words"—and wrote several well known children's books, some of which have gone through numerous printings. The other night Mrs. Beyer was presented with the National League of American Penwomen's first prize for her very moving poem with a religious theme, "The Pool." I want to share this poem with my colleagues and at this point include it in the RECORD:

THE POOL

(By Ernestine Cobern Beyer)

Upon this pool are mirrored leaf and frond.
The stars so wan, so tremulous and high,
Look calmly down upon the pensive pond
Whereon their shadows tremulously lie.
My dazzled eyes are thrilled and wonder—caught
As silently earth's fairest troth is wrought:
The mystic marriage of the pool and sky.

Why came I to this water, silver-blue,
Which gleams with beauty borrowed from afar?
I came . . . I came in restless search of you—
Only to find how close to me you are!
As pool and heaven meet though worlds apart,
We meet, for on the waters of my heart
Your image lies as on the pool, the star.

The dusk grows deeper. Daylight's eyelids close,

A bird unseen, begins his evening hymn.
Compatible to hues of gold and rose,
The pool is filled with brightness to its brim.
And now, as twilight fades and night appears
I feel you near, and kneel to lave my tears
In chaliced starlight at the water's rim.

I am also adding an article which features Mrs. Beyer, that appeared in the Boston Herald Traveler on April 10, prior to her trip to Washington. It only remains for me to say that none of this does true justice to the true person. I cannot remember when I have met a more captivating person who truly shares with all she comes in contact with a genuine personality and an indomitable optimism about life in general. I know that she would be the first to cringe on reading these words of praise. She is truly one of the most unassuming people I have ever met. Perhaps the best way to put it is, great as her stories are, amusing as much of her poetry is, perhaps the greatest work of art this woman has produced is her own true self. I know none of her stories match her own life story for interest and one unexpected development after another. I am being serious when I say that meeting her yesterday made my whole day brighter, that much easier, and this is not a quality in a person that one encounters too often or forgets too quickly. I hope that she is with us many more years and continues to share with us all her vitality, all her enthusiasm, all her spontaneity.

The article follows:

QUINCY POETESS, 78, TO BE HONORED

(By Betty Curtis)

At 78, Mrs. Ernestine Cobern Beyer of Quincy, feels she shouldn't pass up any experience.

So she's off today for Washington, will have tea at the White House tomorrow and will be among the guests of honor at a banquet there on Wednseday.

How does she rate this V.I.P. treatment?

Out of all the women poetesses and writers in the country Mrs. Beyer has won the National League of American Penwomen's first prize for a religious poem and will receive the award at the Letters Banquet on Wednesday.

"My children encouraged me to go and I felt it would be an exciting new experience," said Mrs. Beyer, widow of David S. Beyer, vice president of Liberty Mutual Insurance Co. "At may age I don't feel you should miss an event such as this."

Over the years Mrs. Beyer has received many awards for her poetry and attributes her success to her sub-conscious which she calls "Jeeves" and which, she says, does all the work.

"I read somewhere, many years ago, that if you place a problem or situation in the hands of your sub-conscious when you go to bed, it will work for you when you are asleep and be solved by morning and that's what I do" said Mrs. Beyer. "In my case it happens to be writing. In the morning I just get a pencil and the words just come. James Barrie, and Somerset Maugham did the same thing and so did Thomas Edison to mention just a few."

"My conscious gets jealous of my sub-conscious sometimes," said Mrs. Beyer. "I start getting thoughts such as 'that came too easily so it can't be good', after I've sent something off to an editor. So I rewrite it and send another version and they always write back and say don't bother to revise it, it was better the first time!"

Daughter of the late Dr. Camden M. Cobern, a Methodist minister and noted archeologist, Mrs. Beyer, sang with the Metropolitan Opera Co. and did a great deal of concert and oratorio work in her younger years but, she says, her heart was always in writing.

"I was singing around the house one day and a famous opera singer who was passing by, heard me, and told my father I had a lovely voice and should take singing up seriously" said Mrs. Beyer, who was a coloratura soprano who could hit F above high C with perfect clarity and ease. "That's how I got started in opera."

Her career as a poetess began, above all things, with an offer to write a catchy advertisement for a bakery firm.

"I couldn't think of a thing" she said, "I put it in the hands of my sub-conscious and it worked. Next morning I picked up the pencil and there it was, a four-line poem. And it went over with tremendous success."

In addition to her poetry, Mrs. Beyer has written four children's books. She also does a great deal of lecturing in schools and says: "They are fascinated by Jeeves."

INTERVENTION AND NEGOTIATION: THE UNITED STATES AND THE DOMINICAN REPUBLIC

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. ROONEY of New York. Mr. Speaker, under the unanimous consent heretofore granted, I should like to include a review of a book entitled "Intervention and Negotiation," by Jerome Slater, professor of political science at the State University of New York at Buffalo. An analysis of the findings of this volume was made by my friend, the Reverend Dr. Joseph F. Thorning, whose work in Latin America is known to many of my distinguished colleagues. The book review was published in the autumn 1971 issue of the Fordham University Quarterly, Thought. It reads as follows:

INTERVENTION AND NEGOTIATION

Considerable new evidence, the result of scientific investigation, is presented in this book and the reasons for President Lyndon B. Johnson's decision to speed armed forces to the Dominican Republic during the upheaval of April 1965. The wisdom of the move was hotly contested shortly after the event by a member of the Senate Foreign Relations Committee and such journalistic figures as Theodore Draper and Philip Geylin. Draper, in a widely quoted series of articles, claimed that U.S. policy makers failed to note "the difference between reform and revolution, between what was at most a little social democracy and communism."

Professor Jerome Slater, who teaches political science at the State University of New York at Buffalo, considers the Fulbright-Draper interpretation "almost certainly incorrect." In supporting his view Slater emphasizes that Ambassador William Tapley Bennett's famous "critic" telegram calling for U.S. help was not his alone, but was "concurred in by all twelve political and military officers of the embassy. . . . " Indeed, the record shows that "all those in our Government who had full access to official information" agreed with the need for immediate action. This was also the judgment of Under Secretary of State Thomas C. Mann, who had served as Ambassador in El Salvador and Mexico. Moreover, as Dr. Slater observes, "the five Latin American members of an Organization of American States investigating commission unanimously reported that, had the United States not intervened, the Dominican revolution 'could rapidly have been converted into a Communist insurrection.'" In short, delay, not intervention, might have been disastrous. The author adds that some members of the United Nations mission also "privately agreed" with the same assessment of the situation.

It is astonishing, however, that the author was unable to verify reports that "the liberal Apostolic Nuncio, who was considered to be very sympathetic to the constitutionalists and later was to play an important go-between role, actually became increasingly disenchanted with the revolution, even concluding at one point that the constitutionalist leadership was under the control of foreign Communist groups." In fact, Jerome Slater nowhere discloses the name of the Nuncio (Emanuele di Clarizio).

Students of diplomatic history will find much valuable material in Slater's account of the many-sided negotiations that, after the intervention and fierce civil war, led to the establishment of a provisional government, headed by Héctor García-Godoy, and to presidential elections in June 1966. The voters turned out in unprecedented numbers. Dr. Joaquín Balaguer won "by a margin surpassing nearly everyone's expectations," receiving 770,000 votes (57 per cent) to Juan Bosch's 525,000 (39 per cent). The author records that "scores of journalists" from all parts of the globe and the members of no less than five different groups, officially or unofficially sponsored, concluded that freedom of choice had been maintained and that the electoral process was "remarkably free, open and fair." Four years later in 1970, President Balaguer was again elected by a decisive margin. Juan Bosch, who has been able to return to the Dominican Republic after a self-imposed exile, now declares that he would accept a "dictatorship with popular support."

This threat to representative democracy is not without importance, because many of the country's socio-economic problems remain acute. Population growth rate, as Slater notes, is reckoned at 3.6 per cent a year, "one of the highest in the world." Farm families tend to pour into city slums, while well-armed Castroite and Maoist groups flourish in the University of Santo Domingo and in the public high schools. Low sugar prices and a stiff austerity program by the Balaguer administration are factors contributing to widespread unemployment or underemployment, periodic wildcat strikes and no little social unrest. Despite such handicaps, the government allots "more money to education than to the armed forces," is promoting more lower-income housing projects and distributing some government-owned land to needy *campesinos*. An expansion of these programs may determine the destiny of the Dominican people in 1971.

POW NEGLECT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. BOB WILSON. Mr. Speaker, regardless of our political inclinations and our views on the President's efforts to end U.S. involvement in Vietnam, we must unite in support of the men who are prisoners of war and missing in action. I ask my colleagues careful attention to the following editorial from the San Diego Union, published on our National Day of Prayer for Prisoners of War and Men Missing in Action:

POW NEGLECT IS WORLD'S SHAME

It is a blot upon the conscience of the entire civilized world that today marks the eighth anniversary of the capture of Army Capt. Floyd Thompson by North Vietnamese Communists, and that the world has not heard from or about him since 1964.

International rules of conduct, codified in the Geneva Convention on proper treatment of prisoners of war, require that Captain Thompson be accorded many rights, including decent treatment, periodic verification of his condition by neutral observers, and mail and packages at regular intervals. He also is entitled to be sent to the United States if he is either wounded or ill. He has been accorded none of these rights. He and his unhappy family are living in a dark half-world of pain and uncertainty reminiscent of the inhumanity of the Spanish Inquisition.

Captain Thompson's sad plight is only characteristic of the scar upon our national conscience created by at least 1,009 other Americans who are listed as missing in action in Vietnam without any hint of their circumstances, along with at least 489 others who are known to be prisoners of war and who are accorded roughly the same treatment as Captain Thompson.

These are problems on which Americans should reflect deeply as they heed a congressional resolution which establishes the next seven days as a National Week of Concern for Prisoners of War and Men Missing in Action. Upon signing the resolution, President Nixon designated today as a national day of prayer "for the lives and safety of these men."

The week comes at a critical period in our national commitment to these courageous men. We have tried to do many things to help them. We have made very substantial military concessions. We are withdrawing our forces from Vietnam with all dispatch. We have offered to discuss the prisoner problem without strings, asking the Communists simply to begin by naming reasonable conditions. The Reds have remained obdurate, saying that they would discuss the matter only when every American is out of Vietnam and we have repudiated the Vietnamese government, and not before.

Against this backdrop of frustration, cynics might insist that another week of American dialogue on the prisoner of war question can do little to influence the North Vietnamese.

This is not necessarily so. The stubbornness of the Communists has largely been a product of their appraisal of the American temper. They believe we are weak, divided and irresolute.

On this basis, an impressive weeklong expression of American support for the government's policy of insisting upon residual American troops in Vietnam as long as Americans are held prisoner may convince the Communists that there is not going to be any cheap way out of the conflict for them, even at this 11th hour.

FATHER JOSEPH F. THORNING

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. BYRON. Mr. Speaker, one of my friends, Father Joseph F. Thorning, offered the prayer today on Pan-American Day for the progress and peace of the peoples in the Western Hemisphere. It has been my privilege to know Father Thorning for many years and to respect his knowledge and interest in Latin America.

I would like to include a book review, featured in the winter issue of the Fordham University Quarterly, Thought. The volume in question was edited by Prof. Henry A. Landsberger, chairman of the sociology department of the University of North Carolina, and the review was written by Father Thorning. The book review reads as follows:

THE CHURCH AND SOCIAL CHANGE IN LATIN AMERICA

Professor Henry A. Landsberger, chairman of the Sociology Department, University of North Carolina, served as editor of this symposium. He also wrote an enlightening introduction and contributed the fifth chapter entitled "Time, Persons, Doctrine: The Modernization of the Church in Chile." The other nine chapters cover a wide field: social theory, Church doctrine, historical perspectives, evolution of the Church's legal status, issues of cooperation or noncooperation with Marxist parties, development of continental religious programs under episcopal guidance and the dramatic rise of Catholic radicalism in Brazil.

As might have been anticipated, the overall picture, although fascinating in its multifaceted broad vistas, lacks essential focus. Often enough, the colors and lines blur instead of blending. When cross-references are essayed, however, they do help to illuminate the mass of data. The editor, sensing the difficulty, does what he can to draw the material together and to present a comprehensive frame of reference.

Noteworthy contributions are made by such intellectuals as M. Richard Shaull of Princeton Theological Seminary; Ivan Vallier of the University of California, Santa Cruz; L'Abbé François Houtart; Archbishop Mark G. McGrath of Panama; Renato Poblete, S.J., professor of sociology at the Catholic University of Chile; and Cecilio de Loria Soria, S.M., an official of the Latin American Episcopal Council with headquarters in Bogotá, Colombia.

The most coherent and satisfactory in-depth chapter in this compilation is that by Emanuel de Kadt, Latin American specialist at the Royal Institute of International Affairs, London. He describes the role played by the Young Christian Workers of Belgium, France, Germany and Italy in the creation of a university youth organization in Brazil. Central to the movement's interest in the beginning, he relates, were questions of sex education, the family, motion picture entertainment, retreats, pilgrimages, courses on Catholic culture and the provision of religious services in the universities.

Soon greater emphasis was placed on scientific analysis of rural-urban misery and on somewhat "utopic" programs of socio-economic renewal. This was followed by an effort to awaken factory and farm workers to the need of a transformation of their condition, reaching a climax in advocacy of the use of force in the political order.

As a clue to philosophical outlook and teaching of some leaders in the Brazilian university youth movement, de Kadt quotes the following declaration from a paper written by the French Dominican Friar Thomas Cardonnel: "Violence is not only a fact of revolutions. It also characterizes the maintenance of a false order" (p. 200).

It is fair to conclude that application of such a principle marked a watershed between the ethos and activities of two generations. Moreover, it led to the withdrawal of episcopal approval. Another result was the foundation of a new group called *Açao Popular* (Popular Action or AP). The new organization tried to avoid the impression that it was a religious movement, but de Kadt suggests that it "bore the imprint of radical Catholicism until the coup of April, 1964."

The same scholar notes that the Marxist-Leninists in Brazil "played a shrewd game, benefiting greatly from AP's support, without giving much in return. . . ." In short, the disciplines of Moscow and Peking, adopting the tactics of a "united front," attempted to dictate policy and to dominate action. They demanded obedience as "a kind of Holy Office of the Brazilian Revolution," a right they claimed as "the oldest revolutionary force in the country." Indeed, as is evident in the tactics of the "Popular Front" in Chile, a "temporary alliance with error" is not only permissible but even laudable in the eyes of Communists "because it will eventually help the party to attain hegemony."

The dilemma such a situation poses can explain much of the current tension between political and religious bodies in contemporaneous Brazil. In exploring the roots of this crisis de Kadt has accomplished a notable service.

LAST ROUNDUP FOR A SENIOR CITIZEN

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. DOW. Mr. Speaker, while in Congress I and many other Members have made constant and diverse efforts in every possible way to speak up for older people and to help them with their ever-worsening problems.

The trials of our grandparents are highlighted once again by the death of Alexander Babulya on March 17.

Mr. Babulya was a resident of my 27th Congressional District in New York. He was a very colorful and spirited individual who devoted himself voluntarily to the cause of his fellow seniors. Only a few days before his death, Mr. Babulya represented me at one of their meetings, and I know he did a handsome job.

Allow me to extend below an account of Mr. Babuyla's life and services which appeared in the Journal News, Nyack, N.Y., on March 19. The article is not just a biography of Mr. Babuyla, it cites typical cases of the older people who are neglected and forlorn. This story must be told again and again until we in Congress really heed the story and do something more consequential about it. The article follows:

DEATH STEALS ALEX'S MEMORIES

(By Louise Steneck)

(NOTE.—This article about one of Spring Valley's more colorful senior citizens was prepared for publication in today's edition of The Journal-News. Alexander Babulya died unexpectedly Friday, before he could read this account of an interview earlier in the week.)

In 1918, Alex Babulya was chasing Pancho Villa's bandits across the vast expanse of Mexico. Long black braids and handlebar moustache flying in the breeze, he led 12 men into the desert—only four came back. At 16, he was shot in the back and leg by marauders.

In 1972, Alex Babulya sits in a Ramap Town Hall office smoking cigarettes endlessly and watching the cars whiz by on Route 59. He still has the moustache, though it is white now, and a bullet from those bygone days remains lodged in his back, giving him a twinge now and then on rainy days.

Everything is different than it used to be for Babulya. Those old days, when his horse got fed before he did, when most of the country was a series of "hick towns," and when the best way to Texas was via banana boat around the Americas, are gone.

But Babulya has been both adaptable and lucky. He is one of the fortunate senior citizens who, at 69, still has his health, a moderate income, a driver's license and car, a faithful family and his hold on reality.

But Babulya knows many of his companions have not been so fortunate and their plight literally makes him cry.

As a member of Ramapo's Price and Rent Stabilization Board and Rockland County's number one lobbyist for senior citizens, Babulya says he has seen cases "that just break my heart."

He has seen more than his share of economic destitution, of homes where widows sit huddled in blankets in unheated rooms, where bedridden elderly "rot in bed" because they cannot get a doctor to make a house call and where couples suffer from malnutrition while scraping together enough money to hold onto the family home in the face of spiraling property taxes.

But Babulya says there are worse things about getting old than economic problems—the loneliness, the feeling of worthlessness, the degradation of accepting welfare after a lifetime of working and the terrible feeling that somehow the world has changed and left them behind.

"Somewhere along the line something went wrong with society," Babulya says, remembering the days when grandparents lived with their families and old people were revered and cared for until death.

"They were part of the family. We didn't throw them out and say 'We're too busy' or we can't afford to support you.' "

"It just makes me sick when I see these young people who live in $40,000 houses come down here to town hall to fight public housing for senior citizens when their own parents are living in squalor. I just don't understand it," he said.

Babulya says one of the worst things about getting old and retiring is the feeling of worthlessness. He works without pay for the town on behalf of senior citizens because "I'm not just deadwood. I'm needed."

"If young people would only realize we still have something to offer. There are a lot of senior citizens who could serve as business consultants, or teach hobbies, or even teach history in schools. We need to be needed, otherwise we might as well be dead."

These feelings of worthlessness are often compounded by the need to take monetary assistance during the waning years.

"These people worked hard all their lives, paid their taxes, and fought for their country. Now they feel guilty for taking a little help, a little thanks for their years of service," Babulya said. "It's a big blow to their pride."

A Valley Cottage senior citizen, so embarrassed by the need to accept small welfare payments to supplement his social security that he asked to remain anonymous, explained it this way:

"When we was kids, we was told to work hard. I used to work 12–14 hours a day all my life. Now they kicked me out 'cause I'm too old. I could work, but now I'm just a leech taking welfare. I got no choice—I gotta eat. I feel so low."

But he has a real need for assistance. He and his wife exist on $159 a month social security and a $75 welfare assistance check. Rent on his one-bedroom apartment jumped from $140 to $160 a month several weeks ago.

Loneliness often haunts the old. As children move away and the elderly become restricted in their movements, endless days of solitude set in like a specter of death.

"I sit and think about my grandchildren or remember the happy times with my husband," a Suffern widow said. "I can't drive anymore and had to move away from Pearl River, where I grew up, to get a cheaper apartment and now I'm so lonely."

"I watch television and do crossword puzzles, but my eyes are going so that won't last. I just want someone to talk to who won't treat me as a child or a museum piece. I'm still all here, you know. I'm not dead yet."

Babulya is full of plans to help his fellow senior citizens. He wants more public housing, rent breaks, better transportation, recreation programs and better medical care.

But the major battle—the emotional battle—cannot be won through public assistance.

"There's just something wrong with people these days."

THIRD UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. MORSE. Mr. Speaker, today marks the beginning of a most significant conference dealing with the perplexing and complex issues of global development. The meeting, which begins today in Santiago, Chile, and is expected to continue for 5 weeks, is the third United Nations Conference on Trade and Development—UNCTAD III.

Delegations from rich and poor nations will be meeting in an attempt to develop proposals to aid poor nations in their quest for development, and to reach agreement on implementation of those proposals. Among the specific issues to be considered at UNCTAD III are the impact of the present international monetary situation on world trade and development; "terms of trade" and a generalized system of preferences; commodity price agreements; and the extension of special drawing rights.

While there can be no doubt that much has been achieved by the development decade programs the United Nations and its specialized agencies, as well as by various bilateral aid programs, it is also true that the relative share of worldwide wealth held by the less developed nations has actually declined during these years. I believe that the developed nations of the world must make a greater commitment to adjusting this global economic imbalance, and I look upon the UNCTAD III Conference as a significant attempt to bring this adjustment about.

The issues involved, however, are extremely complex. Mr. Paul Laudicina of the Overseas Development Council of Washington, D.C., has recently written a pamphlet which explains in layman's terms the problems that are involved, and their magnitude. The article, entitled "UNCTAD III: The Development Decade," is No. 15 in ODC's Development Communique series. I commend this outstanding article to my colleagues and print it in the RECORD.

UNCTAD III: The Development Debate

(By Paul A. Laudicina)

On April 13 delegations from 142 nations will meet in Santiago, Chile, to begin a five-week long debate on global development issues at the third United Nations Conference on Trade and Development (UNCTAD III). Governments from rich and poor countries alike have been hard at work for months examining the many UNCTAD III proposals aimed at building a more just international social and economic order.

Many leaders of the developing world have high hopes that UNCTAD III will prove an effective medium for raising the standard of living of the 2½ billion people of Africa, Asia, and Latin America. If nothing else, some "development observers" except UNCTAD III will be a more successful forum for a discussion of the issues than was UNCTAD I (Geneva, 1964) or II (New Delhi, 1968).

THE UNCTAD BEGINNINGS

UNCTAD was established in 1964—midpoint of the first UN declared Development Decade—as a permanent United Nations organ. Its mandate was to "promote international trade with a view to accelerating economic development, to formulate new principles and policies to this end and to act as a center for harmonizing governmental policies and actions." The international community had formally "discovered" that two-thirds of the world's people were living at standards long ago passed by the industrialized West—and that to improve this situation required deliberate and determined international action. Economic dependence and stagnation was the diagnosis, accelerated growth through savings and investment the prescription.

UNCTAD's chief architect and first Secretary General, Raul Prebisch, charted the course of this new UN body. The centrifugal force required for the developing nations to break away from the Western orbit of economic dependency could only be generated with approval from the West. Trade preferences, commodity agreements, insurance on export earnings, reduction of shipping costs, all aim to increase and stabilize the income poor countries get from selling their goods on the world market. Yet, this "preferential" treatment of the developing world would cost the developed world money—and there's the rub.

UNCTAD I

The UNCTAD I delegates from the poor countries came to Geneva in 1964 with great expectations. The developing nations declared that they looked "to the Conference to help them reach the stage of self-sustaining growth." UNCTAD I spotlighted a trade preferences proposal. With such a trade scheme, the developed nations would give preferential treatment to the exports of the developing nations over those of other rich nations. The increased export earnings of the lesser developed countries (LDC's) would lead to their earlier attainment of self-sustaining economic growth. But agreement was of short supply at the first general session of UNCTAD. Not even the developing nations could concur on an appropriate trade preferences scheme. At the end of UNCTAD I, a resolution was adopted supporting, in principle, the abolition of customs duties by the industrialized world on the manufactured goods of the developing world. A special UNCTAD committee was established to formulate a program for implementing the generalized system of preferences (GSP) that had been agreed to in theory. The report and proposals were to be considered at UNCTAD II—to be held in New Delhi, India, in 1968.

UNCTAD II

In preparation for UNCTAD II, a group of 77 LDC's (henceforth known as the "Group of 77") met in Algiers and issued a position paper called the "Charter of Algiers." The developed nations met in their club—the Organization for Economic Cooperation and Delevopment (O.E.C.D.)—and stated their readiness to negotiate the terms of a Generalized System of Preferences. The stage seemed set for a very successful second general session of UNCTAD. Instead, the conference convened on a vortex of political controversy over the seating of the Cuban and South African delegations.

The proposed system of generalized preferences commissioned by UNCTAD I was systematically picked apart by developing and developed nations alike. The African nations sought trade preferences on their main exports, agricultural goods, while the Latin American delegations pushed for preferences on manufactured goods. Those LDC's already enjoying export preferences from their former colonizers were not quite ready to accept equal preference treatment for all the poor nations. The United States was not prepared to vote affirmatively on a GSP until other developed nations dropped whatever reciprocal preference arrangement they required for their exports to the LDC's. Such agreements were not forthcoming.

The other proposals on the UNCTAD II agenda—cocoa price stabilization, supplementary financing (i.e. a scheme to insure the LDC's export earnings) increased foreign assistance to 1% of donor nation Gross National Product and the untying of aid for purchases from countries other than the donor, etc.—fared no better.

Paul Prebisch reflected the general disappointment with UNCTAD II.

"The great objective was not achieved. The second session of the Conference was able to attain only very limited positive results that are not commensurate with the dimensions and urgency of the development problem . . . it seems that prosperity, in people as well as in nations, tends to form an attitude of detachment, if not indifference to the well-being of others . . . developed countries, with few exceptions, continue to consider the development problem as a residual one that can be tackled here and there with a few insufficient measures instead of bold resolute action . . . (only) in some sectors of developed countries (is there) a far-sighted view of the serious economic and political consequences of allowing the Third World to continue to drift."

But division among the LDC's, as well as an UNCTAD structure which, at times, took on the air of a Rube Goldberg invention, also were factors contributing to UNCTAD II's relative failure. UNCTAD II, like UNCTAD I, ended with agreement (in principle) on a Generalized System of Preferences and authorized the establishment of a special intergovernmental committee to work out a practical proposal for the implementation of a preferences system.

ACTION ON A GSP

By October 1970, UNCTAD's Special Committee on Preferences had worked out all the operational arrangements necessary for a ten-year Generalized System of Preferences. The UNCTAD committee urged the developed nations to implement the scheme as early as possible in 1971. Acting upon this UNCTAD injunction, thirteen industrialized countries have, to date, adopted the GSP. President Nixon may soon send U.S. trade preference legislation to Congress for approval. While the acceptance of a GSP is significant, it is not an unqualified success. Instead of implementing one uniform system of preferences, the developed countries have negotiated a series of individual schemes within the GSP framework. Consequently, not all the same LDC products are covered in the different national schemes. Certain national schemes have also weakened preferences somewhat with escape clause provisions.

THE DECLARATION OF LIMA

The Group of 77 (which has now 95 members) met in Lima, Peru, from October 25 to November 7, 1971, and prepared a joint statement for UNCTAD III. The statement, known as the "Declaration of Lima," expressed dismay and concern with "the persistence and aggravation of the underdevelopment afflicting" their countries. The group was further disappointed by "the shortcomings of international cooperation" that "has shown a progressive deterioration during the past years and has now . . . reached a state of extreme gravity" with the "breakdown of the international monetary system and also the resurgence of protectionist policies which are closing markets at the very moment . . . (they) have the right to expect wider access to them." The spokesmen for the developing nations continue, "The hopes which we had entertained when the Charter of Algiers was adopted in 1967 have been frustrated. Once again, therefore, we confront the conscience of world opinion with facts, figures, agreements, and programs. We trust that the understanding of the Statesmen of the developed world will become more responsive and will generate the necessary political will to lend vigour to international cooperation. On such cooperation will depend not only the success of the efforts to raise the standard of living of a vast majority of humanity, but also the progress and prosperity of all peoples. Indefinite co-existence between poverty and affluence is no longer possible in the world of today."

In the body of the Declaration the Group of 77, besides making the now "ritual" calls for better trade and aid policies from the industrialized world, also stressed that "UNCTAD should be action-oriented and its negotiating role strengthened."

The developing nations acknowledge by now that in one to one confrontations with the mighty developed nations, the poor usually present a weak challenge. The success of the oil exporting countries' price bargaining with the West is a good lesson on the effectiveness of LDC unity vis-a-vis the developed world. The People's Republic of China delegation to UNCTAD III (the first Mainland Chinese delegation to an UNCTAD meeting) will probably add some "big power" support to a united poor world stance. Yet, despite this need for unity, the developing world has infrequently managed to maintain solidarity. The seriousness of developed world negotiation with the LDC's at UNCTAD III will probably be proportionate to the degree of poor world unity exhibited. But the division among the poor nations that existed at the Lima meeting does not augur well for UNCTAD III.

UNCTAD III—THE MONETARY CRISIS

Bets last fall were that UNCTAD III was going to be a showdown on international monetary policy—with the U.S. wearing the black hat. What with President Nixon's unilateral adjustments of the "international" monetary system, the 10% surcharge on imports and a 10% cut in foreign assistance that led to the Senate's hatchet job on the foreign aid package, the United States seemed to be opting out of whatever cooperative development effort existed. Since the immediate crisis has receded—the dollar devalued, the surcharge lifted and most foreign aid cuts restored—much of the anti-U.S. wind has been drawn from the LDC sails. Yet, the fundamental question remains: Should decisions affecting the economic well-being of the whole world community continue to be made almost exclusively by representatives of the powerful rich nations?

Applying the 10% surcharge to the LDC's was a decision which, as the LDC's claimed, forced the poor countries to help correct an international monetary crisis which they did not create. Evidently, the U.S. expects the LDC's to share the burden of problems which the rich world has created and have no say in the decisions taken to correct those problems. One might wonder what has become of the old American axiom, "No taxation without representation." Moreover, the "Group of Ten" (as the International Monetary Fund leadership is called since it is composed of the West's ten richest nations) makes, *in caucus*, the important decisions on monetary and trading rules which are then confirmed by the Fund membership.

The Declaration of Lima states: "The current international monetary crisis is the result of an imbalance among developed market economy countries and has severely undermined the international monetary system, adversely affecting the international environment and prospects for trade and development of developing countries. The developing countries have fully cooperated in efforts to preserve the stability of the international monetary system. They are in no way responsible for the balance of payments imbalances among developed market economy countries. On the contrary, they have deliberately refrained from aggravating the situation by moving their currency reserves. However, they are now being made to carry a heavier burden in the adjustment process than the developed market economy countries, as a result of the large proportion of foreign currencies in their reserves."

Yet, while the immediate monetary crisis has already peaked, the issues which precipitated it remain. International monetary policy and the policy-making apparatus are at the top of the UNCTAD III agenda.

THE UNCTAD III AGENDA

Besides examining the "impact of the present international monetary situation on world trade and development, especially of the developing countries," the UNCTAD III delegates will consider three other major development issue areas.

TRADE

Exports provide the LDC's with 80% of the foreign exchange earnings or "buying power" they need to purchase the machinery and other goods necessary for development. The poor nations earned about $55 billion from exports in 1970. These export earnings have been growing by about 6% annually during the 60's. Yet, the LDC's *share* of world trade has been declining because the growth of rich country exports has outpaced the poor. In short, then, the poor countries' relative economic position has been deteriorating. While the developing world's *share* of trade is declining, so, too, are the prices of the commodities they sell on the world markets. These commodity prices are declining as the cost of needed manufactured goods purchased from the industrialized nations continues to rise. This relationship of import to export prices is called "terms of trade." The UNCTAD Secretariat estimates that the LDC's lose $2.5 billion of potential foreign exchange annually because of worsening terms of trade. To help rectify this increasing trade imbalance, rich nations must liberalize their trade policies—hence the GSP.

UNCTAD III will encourage the developed countries which have not yet done so to fulfill their commitments to the United Nations International Development Strategy by implementing a generalized preference scheme as early as possible. The LDC's are expected to ask the UNCTAD Special Committee on Preferences to seek improvements in the GSP (e.g. to tighten up escape clauses, to increase the number of LDC products in the preference scheme, etc.).

The developed countries also will be urged to strictly observe the "Principle of Standstill" vis-à-vis the LDC's—i.e. a commitment not to increase existing trade restrictions or adopt any measures detrimental to developing world exports. The Group of 77 has also requested that UNCTAD establish an intergovernmental group to promote the removal of nontariff barriers which adversely affect LDC exports. In this regard, U.S. Congressional approval of any protectionist trade legislation, like the proposed Foreign Trade and Investment Act of 1972, would clearly contravene the UNCTAD accords.

With the free access of LDC goods to developed world markets, certain non-competitive, labor-intensive industries in the rich nations would be adversely affected. Therefore, UNCTAD will research and recommend adjustment assistance measures aimed at helping those affected developed world industries and workers move into new, higher yielding corporate activities.

The UNCTAD Secretariat will also submit a report for the discussion of the conference delegates, which examines "restrictive business practices adversely affecting the trade of developing countries and the consideration of appropriate corrective measures."

COMMODITIES

Nearly three-fourths of the developing nations earn 60 percent of their trade income from the sale of no more than three commodities (e.g. cocoa, coffee, copper). Therefore, the slightest fluctuation in the price of coffee, for example, might disrupt a nation's economic balance. To prevent such disruptions, international agreements have been established to stabilize prices on a number of LDC commodities (e.g. coffee, sugar, tin). UNCTAD III will explore the possibility of securing similar agreements on other commodities (esp. cocoa) as well as investigate ways to encourage the diversification of LDC exports.

SDR'S

Clearly the most important new source of development financing that will be examined and debated at UNCTAD III will relate to the International Monetary Fund's Special Drawing Rights (SDR's). This IMF bookkeeping technique, which puts an extra $3 billion into circulation annually, helps countries settle their debts with one another. Yet, the countries with the biggest debt burden get the smallest share of SDR's. Currently, 73% of this so-called "paper gold" goes to the 25 rich nation members of the IMF and the remainder (27%) goes to the 86 poor nation members of the IMF. A major debate at UNCTAD III, no doubt, will focus on this SDR's distribution formula.

While a number of other "development issues" are on the UNCTAD III agenda (e.g. LDC shipping and freight costs, developing world regional integration, tourism, increasing foreign assistance), those issues outlined above will undoubtedly take center-stage in Santiago.

CONCLUSION

The world will continue to exist after UNCTAD III is concluded on May 19. Yet, the patience of peoples to tolerate a global setting in which the many very poor live side by side with the few very rich will be strained further if UNCTAD III does not help bridge this rich-poor chasm.

It is somewhat significant that the only speaker to draw sustained applause at the Group of 77 meeting last November was Cuban Foreign Minister Raul Roa, who recalled the Che Guevara's words to UNCTAD I:

"If the concrete measures proposed here cannot be adopted by this conference, and if all that emerges is yet another hybrid document plagued by vague pronouncements and declamatory clauses, the underdeveloped nations will continue to face economic situations of escalating difficulty, and tension in the world will rise dangerously."

TOWARD CERTAIN FISCAL DISASTER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. BENNETT. Mr. Speaker, I extend in the RECORD at this point an excellent and courageous editorial from a recent edition of the Florida Times Union, a metropolitan daily newspaper of Jacksonville, Fla. It is excellent because it is factually true. It is courageous because it forthrightly comes to grips with the greatest cause of inflation in this country: Government overspending. It is for this reason that every year I vote against virtually billions of dollars of excessive and wasteful spending. With fine editorials like the following, perhaps more Congressmen may be inspired to follow that paper's leadership.

TOWARD CERTAIN FISCAL DISASTER

A little over two years ago President Nixon stated (in his 1970 State of the Union speech):

". . . In the decade of the Sixties the federal government spent $57 billion more than it took in . . . the American people paid the bill . . . in price increases which raised the cost of living for the average family of four by $200 a month.

"Millions of Americans are forced to go into debt today because the federal government decided to go into debt yesterday. . . ."

Unfortunately, these words of wisdom have turned out to be only words. They have been contradicted by all that has happened since.

And irony is added to fiscal folly by the observation that, while castigating the Democrats for spending "$57 billion more than (the government) took in" during a decade, the present administration is in the process of going in the red a projected $64 billion in just two budget years.

Richard Nixon cannot be held singly to blame for this mockery of his own words; it is Congress, after all, which passes the appropriations bills. But even this does not encompass the whole truth.

Rep. George Mahon, D-Texas, chairman of the House Appropriations Committee, hit close to the heart of the matter when he wrote recently, in Nation's Business, these words:

"Who is to blame for this distressing record? The President? The Congress? The American people?

"I think nearly all of us are. Large segments of the population tend to demand more and more government services, and at the same time there is a demand for lower taxes.

"Public attitudes shape the ultimate course of events—for better or worse. . . ."

The simple truth of the matter (if perhaps the most widely ignored truth in history) is that no government can continually spend beyond income: And the simple fact of the matter is that the U.S. government has spent more than it has taken in (when trust fund surpluses are eliminated) for 37 out of the last 43 years.

Today, we pay more each year in interest on the national debt than it took to run the entire government three decades ago. The debt total, only $367 billion in 1970, long ago soared past $400 billion and is virtually certain to approach, if not surpass the incredible-sounding (and difficult to comprehend) "half trillion" mark by fiscal 1973.

The solution Rep. Mahon proposes is so astoundingly obvious that it's hard to understand why it has been ignored all these years.

Simply, let Congress balance the budget each year (excepting, of course, in all-out war when survival is at stake). If expenditures cannot be reduced, then let income—meaning taxes—be raised.

The public has become so accustomed to lavish governmental programs that it now not only accepts, but clamors for them: Accelerate the war against disease, combat pollution, improve education, raise the standard of living for all, safeguard the consumer, ad infinitum.

But suppose expenditures were directly pegged to taxes—if the income tax rate went up 10 percent when Congress spent 110 percent of the projected income (or 20 percent if Congress spent 120 percent). Then, the man in the street would realize what overspending meant.

The message would not only get to the man in the street—come November it would get to the Congress of the United States (and the occupant of the White House).

Rep. Mahon warns that unless some such policy of balancing income and outgo is taken, then each year "we shall be that much closer to certain fiscal disaster."

Can anyone refute his logic?

HAWAII'S VETS LEAD NATION IN UTILIZING GI EDUCATION BENEFITS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. MATSUNAGA. Mr. Speaker, the House recently recognized the need to provide increased educational and job training opportunities to returning Vietnam veterans by passing legislation to authorize a 14-percent increase in GI bill educational benefits. The bill, now pending in the Senate, would bring GI bill benefits more clearly into line with tuition costs at our Nation's universities and technical schools.

When enacted, this legislation will hopefully make continued education as attractive to veterans across the country as it is to those from my State of Hawaii. A recently published Veterans' Administration study indicates that my own State of Hawaii surpasses all others in the percentage of Vietnam veterans receiving GI bill benefits. As reported in the March 8, 1972 issue of the Honolulu Advertiser, 53 percent of Hawaii's 19,000 Vietnam vets who have served since 1964 have received GI bill benefits for education and job training. The Hawaii figure is 15 percent above the national average.

The VA figures reflect the great emphasis placed on education and job training by Hawaii's people. I also believe that the figures are due to no small measure to the helpful efforts of the VA's Honolulu regional director, Mr. William Oshiro and his staff, who make it easier for returning veterans to find out about the benefits available to them. Mr. Oshiro, a veteran of the famed 442d Infantry Combat Team of World War II, is himself a disabled veteran who enjoyed VA educational benefits and who rose to the high position he now holds with the greatest of competence. By way of commending Bill Oshiro and his staff, I submit for the RECORD a copy of the Advertiser article. I hope that it will lead to prompt action on the legislation to increase GI bill benefits for our Nation's good:

GI BILL TAKERS HIGH IN HAWAII

(By Dick Paulicka)

Hawaii surpasses all other states in the percentage of Vietnam veterans receiving GI Bill training, according to latest Veterans Administration figures.

Of Hawaii's 19,000 Vietnam veterans, 53 per cent have taken advantage of the GI Bill since it went into effect in June, 1966, Honolulu VA officials said yesterday.

States ranked immediately behind Hawaii are Arizona, 51.1 per cent; Colorado 49.2 per cent; Washington, 48.6, and California, 47.3. Last on the list is West Virginia with 19.9 per cent.

The Hawaii figure is 15 per cent above the nation's average.

In Hawaii, the GI Bill schooling is 30.8 per cent at the college level or above, 13.9 per cent below the college level, 8.3 per cent in on-the-job training and 5.7 per cent in correspondence courses.

Richard K. Okamoto, veterans assistance officer with Hawaii VA, said the 53 per cent figure is a cumulative total and does not represent the number of Vietnam veterans currently receiving GI Bill training. The 1966 GI Bill covers veterans who have served since August, 1964, he said.

A large factor contributing to the high percentage of participation is the ethnic makeup of Hawaii's population, VA officials said.

Traditionally, Hawaii's citizens of Japanese and Chinese ancestry have stressed the importance of education and encouraged their people to take advantage of the GI Bill, they said.

MORE VIET WAR VETS UTILIZING GI EDUCATIONAL BENEFITS

(By Dick Paulicka)

More and more of Hawaii's Vietnam War veterans who can't find jobs are taking advantage of the GI bill to continue their education.

In proportion to Hawaii's population, the number here is greater than it is in many places on the Mainland, Henry Kuniyuki, veterans employment representative, said yesterday.

According to the latest State Labor Division statistics, the unemployment figure here in mid-September was 6 per cent, or exactly the same as that for the nation as a whole.

"But we can't tell what percentage of veterans are out of work because 1970 census figures for the number of veterans in the State are not yet available," Kuniyuki said.

He said that at the end of September some 28,000 males were out of work in Hawaii and 31 per cent or 8,675 of these were veterans. About 80 per cent of the 8,765 were Vietnam veterans.

Also, some 1,200 veterans, mostly from the Vietnam era, are being added to the unemployment rolls each month. This is about 30 per cent of all new applications, Kuniyuki said.

Richard Okamoto, chief of Hawaii's Veterans Administration contact division, said it appears more of these Vietnam veterans will be taking advantage of the GI bill than their counterparts did after World War II and the Korean War.

(National VA chief Donald E. Johnson has said he resents the charge that Vietnam veterans are not using the GI bill to the extent their World War II and Korean War counterparts did. He predicts the 50 per cent participation marks of the World War II and Korean War programs will be surpassed before the present bill ends.)

Okamoto said latest figures indicated some 5,500 Hawaii veterans were enrolled in programs under the GI bill last spring. Of these, 2,305 were enrolled at the college level, 1,660 in community colleges, 956 in on-the-job or apprentice training and the rest in technical, business or other training programs.

It is estimated that figures for the 1971–72 school year will exceed last year's by some 15 per cent. The 1970–71 figures were almost 30 per cent greater than the previous year because of the return of the Hawaii National Guard's 29th Brigade from active duty in Vietnam, VA officials said.

George Higa of the University of Hawaii's financial aids office said 2,088 veterans were enrolled under the GI bill as of Oct. 31. He said the figure, which is roughly 10 per cent of the University's enrollment, was an increase of 118 over last year's figures.

Higa commented on a report of legislation to increase GI bill payments introduced by Sen. Vance Hartke, D-Ind., chairman of the Senate Veterans Committee. The bill reportedly increases the payment for a single veteran from $175 to $220 a month, a veteran with one dependent from $205 to $265, and a veteran with two dependents from $230 to $305.

"Whenever there's an increase, I'm for it. The funds now are insufficient to cover expenses," Higa said.

A criticism of the current GI bill is that it doesn't pay tuition fees as the early versions did and consequently veterans have a rough time at the beginning of each semester when the big tuition fees are due.

Higa said this was especially true for out-of-state students. "They have to pay yearly fees of about $700. This alone takes up much of their GI bill benefits," he said.

"A lot of these guys have trouble finding jobs and the GI bill benefits are all they have."

Higa said he felt the government's investment in these men is returned many times over when they finish their educations and become better qualified members of society as well as taxpayers.

ARMS CONTROL AND DISARMAMENT ACT AMENDMENT

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. LEGGETT. Mr. Speaker, the Arms Control and Disarmament Agency bill is unexceptionable, and I was glad to see it pass almost unanimously.

In all candor, I have been disappointed by the slow progress of the SALT talks. There is no reason why an ABM ban could not have been concluded 3 years ago; if we had done so we would be billions of dollars richer today, with no sacrifice in national security. It also seems to me that by negotiations we could have obviated the need to proceed with the Minuteman III and B–1 programs.

But the fact that we have not done so is attributable to decisions made in the White House, not in ACDA. The Agency is merely a tool of policy, and given the constraints of existing policy, it is a tool that has functioned quite well.

So I commend the Arms Control and Disarmament Agency for the progress it has made, and I commend the House Foreign Affairs Committee for the fine bill it has produced.

FOCUS ON PRIORITIES—NATION'S SECURITY MUST COME FIRST

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. FISHER. Mr. Speaker, at a time when some would reduce our defenses and make of us a second rate power, there is much talk of priorities. One thing is certain: unless we maintain adequate military strength during this crucial time in history we will probably end up with nothing to defend.

Under leave to extend my remarks, I include an article which recently appeared in Economic Comment, published by the Mellon Bank of Pittsburgh:

FOCUS ON PRIORITIES

The need to reorder national priorities has become a familiar argument of those who believe that defense spending must be drastically reduced in order to channel additional resources into social needs. Ironically, demands for further major cuts in the defense budget have intensified at the very time when expenditures have already been pared to a level which some observers believe is barely adequate to ensure the nation's security. Furthermore, the magnitude of the decline in defense-related activities does not seem to have received the same degree of publicity and attention as have the demands for additional cuts in spending.

As a starting point for any balanced assessment of the defense budget, it might be useful to review recent developments in Defense Department manpower. President Nixon's budget for the coming fiscal year calls for 2.4 million persons in the Armed Forces by June 30, 1973—the lowest for any year since 1950. By way of comparison, this figure is 1.1 million below the Vietnam high of 3.5 million and 300,000 less than the pre-Vietnam war level, which had remained essentially unchanged for ten years. At the same time nonmilitary employment of the Defense Department is projected at 1.04 million on June 30, 1973, down 250,000 from 1968 and marking a return to the pre-Vietnam figure.

The dimensions of this massive decline in Defense Department manpower have gone relatively unnoticed largely, it would seem, because budget outlays for national defense have remained essentially on a plateau since reaching a peak of just over $81 billion in fiscal 1969. Critics of defense spending point out, for example, that the fiscal 1973 budget of $78.3 billion is only slightly below the 1969 figure and $25 billion higher than the pre-Vietnam war level of 1964. But these statistics fail to take into consideration the ballooning effects of pay and price increases on the defense budget. Thus, despite the reductions in personnel anticipated between 1964 and 1973, military manpower costs will soar $16 billion, representing about two-thirds of the total increase in defense outlays. Escalating procurement costs have also added substantially to the budget so that the total buying power of $78.3 billion in 1973 will be actually less than the $53.6 billion spent in 1964.

Another frequently voiced criticism concerns the proportion of the Federal budget accounted for by defense spending. Contrary to what seems to be a widely held view, however, expenditures for national security as a proportion of total Federal expenditures have fallen steadily over the years, dropping from almost 59% in 1955 to 50% in 1960 and an anticipated 23-year low of less than 32% in fiscal 1973.

Even conceding this point, many people still take the position that defense spending has diverted needed funds away from social welfare programs. One way of assessing the validity of the argument is to review the increase in spending for domestic welfare programs at all levels of government relative to the rise in defense expenditures. Between fiscal 1960 and fiscal 1971—the latest year for which data are available—Federal and state and local government spending for social welfare purposes climbed from $52 billion to $171 billion, an increase of almost 230%. During this same time span, outlays for defense increased 69%, rising from $45.9 billion to $77.7 billion. Stated another way, social welfare spending at all levels of government has increased over three times as fast as outlays for defense. As a further illustration of changing priorities during the past decade, outlays for social welfare purposes in 1971 represented 51% of total government spending for all purposes as compared with the 38% ratio recorded in both 1950 and 1960. Focusing more closely on the trend of defense outlays compared with some of the major components of social welfare spending, the following tabulation shows both dollar outlays and percentage changes between 1960 and 1965 and 1971.

True, the impact of inflation has sharply reduced the "real" increase in nondefense as well as defense spending. But even in constant 1970–71 prices, social welfare expenditures climbed a substantial 81% between 1965 and 1971, five times the estimated 16% increase in outlays for national security. Against this background it is difficult to accept the contention that defense spending has been heavily responsible for the persistence of poverty and other social ills. To go a step further, the magnitude of the rise in outlays for social welfare purposes in recent years suggests that the greatest need is not necessarily major new spending initiatives, but rather a thoroughgoing reform and restructuring of existing programs designed to increase their efficiency and ensure that maximum benefits are allocated to those with the greatest need.

Obviously, every effort should be made to eliminate waste and extravagance in the military establishment. Also, the nation's global commitments must be periodically reassessed in the light of changing economic and political circumstances. There is, however, a limit to the extent that defense spending can be reduced without jeopardizing the national security—and that point may already be close at hand. To be sure, there is always hope that agreements will be reached which will ultimately end the arms race. But for the moment, the unpalatable fact remains that the world is not a tranquil place. The rival ideologies and nationalistic conflicts, which have contributed to the tensions and disorders of the past 25 years, have certainly not diminished to the point at which large unilateral cuts in U.S. defense spending can be viewed as a responsible course of action. This position is reinforced by reports of a substantial buildup in the military strength of the Soviet Union. Thus since 1964, the U.S.S.R. has achieved, at a minimum, parity—and, more likely, superiority—in the development of both strategic and general purpose forces with respect to the United States.

The defense budget should not be allowed to become the scapegoat for almost every social problem facing the nation. The time is surely at hand for a more balanced and dispassionate assessment of U.S. defense needs. This analysis should begin with the premise that the preservation of freedom and the ability to deter aggression should rank high—not low—on the list of national priorities.

GOVERNMENT EXPENDITURES

[Dollar amounts in billions]

	Fiscal years				
	1960	1965	Percent change, 1960–65	1971	Percent change, 1965–71
Education	$17.6	$28.1	+59.7	$55.5	+97.5
Health and medical care	4.5	6.2	+37.8	10.6	+71.0
Public aid (including public assistance)	4.1	6.3	+53.7	21.8	+246.0
Social insurance	19.3	28.1	+45.6	66.1	+135.2
Defense	45.9	49.6	+8.1	77.7	+56.7

TESTIMONY OF VICE PRESIDENT OF THE ASSOCIATION OF CIVILIAN TECHNICIANS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. HALPERN. Mr. Speaker, today, the Subcommittee on Employee Benefits of the House Post Office and Civil Service Committee heard compelling testimony by Mr. John Hernon, vice president classified of the Association of Civilian Technicians, on why the downgrading of certain National Guard employees is detrimental to the individuals involved as well as the Nation as a whole.

Last month I outlined my position on this matter when I said that the action by the Civil Service Commission is doing a disservice to the dedicated men of the National Guard and was, in fact, making it difficult for the National Guard to attract able and qualified men.

For some time now, the National Guard technicians have worked within the rules of a particular personnel system, but now in the implementation of the National Guard Technicians Act of 1968, these individuals are penalized because the rules have changed. The simple but compelling issue of justice dictates that the Civil Service Commission be barred from downgrading these positions.

Second, any such action by the Civil Service Commission will do much to thwart the hope of ever eliminating the draft and creating an all-volunteer Army.

In testimony before the committee, John Hernon said today that:

> The National Guard Bureau is creating a new minority group, the National Guard Technician. This program is a bureaucratic debacle and we are looking for leadership to straighten it out. The Adjutant Generals and the Bureau are out to perpetuate this system so we now look to the Congress to carry our banner.

I sincerely believe that those words present a challenge which this Congress must meet. We must do all that is in our power to see that the Civil Service Commission deals justly with these men.

At this time I should like to insert into the RECORD the testimony offered to the Subcommittee on Employee Benefits by Mr. John Hernon, vice president classified of the Association of Civilian Technicians:

STATEMENT CONCERNING THE DOWNGRADING OF CERTAIN NATIONAL GUARD EMPLOYEES BY MR. JOHN JOSEPH HERNON, VICE PRESIDENT CLASSIFIED, ASSOCIATION OF CIVILIAN TECHNICIANS

Mr. Chairman and members of the committee, I would like to thank you for extending us the opportunity to express our position on these downgradings.

We are here before you because of the downgradings of certain national guard technician positions. This has occurred due to a ruling by the Civil Service Commission that since we are now civil servants our positions must be aligned equally with those in the general schedule and wage board now on board as civil servants. Before we get into the specifics of questioning the procedures used to attain this alignment, We must first answer the basic premise the Commission has used in these actions. The key work in our minds is "equal". If we are to be aligned as equal to all civil servants this denotes the connotation of equality in other fields.

I would question my fellow civil servants as to their requirement to be a member of the national guard in order to hold their job, their requirement to wear a military uniform when they come to the office or shop, whether the last time they submitted, under the merit promotion system, for a job advancement they had to check the job description to see if they held the correct national guard military grade before they could apply, whether they have access to the Civil Service Commission with a grievance or an adverse action or must stop at the Adjutant General, many times the cause of the grievance or adverse action, whether they are paid for overtime, whether they have to wait for their next national guard physical to know if they are still employed as civilians or whether they receive equality in retirement or just 55% of their time prior to 1969.

These are questions of equality. It is simple to make a statement concerning one side of the coin, but we are here to examine the other side and see what's underneath. I would like to bring to your attention just a few requirements that mandatory National Guard membership brings to technicians even though it is not listed in our job description.

The North Vietnamese have launched an offensive of large proportions in South Vietnam and with the draft at a virtual standstill and large numbers of the Armed Forces being released, the National Guard becomes our largest manpower source, if needed. Last week a chlorine barge was hung up on a dam near Louisville, the National Guard, technicians included, were called to assist in the evacuation of the area and to prevent looting.

In the State of New York, the State employees went on strike, 3 upstate prisons found themselves short of guards. They immediately sent National Guard liaison teams to each prison and, if need be, National Guardsmen, including technicians, will be on the walls. One of these prisons is Attica. I don't think any DOD or DA classifier took this into consideration when he was downgrading our employees.

I would also like to point out that we ran into difficulty in obtaining civil service classification standards or comparable job descriptions to evaluate the technicians with individuals of like classification. The Civil Service Commission in New York was very cooperative but could not provide all the classification standards and in the 5801, general mechanic field, we had to settle for a 5823, automotive mechanic standard.

In obtaining like job classifications from the Army Reserve, James Walters, our national representative, was flatly refused access to these by an individual in the civilian personnel office at Fort Hamilton, even though he had the job descriptions on hand. This hampered the preparation of this testimony, especially in the general mechanic field, since the Army Reserve has a similar job that is graded at WG–9 while our downgraded mechanics are WG–8.

I would also like to point out that due to the lack of standards we selected only to comment on 3 downgraded positions. This in no way means that we accept the downgrading on the others but only that the availability of material dictated our preparation.

I would like to address myself first to the general supply assistant who was downgraded from a GS 8 to a GS 7. I question first the terms "operational supervision" and "subsequent guidance and assistance" from the commander or S4 in the job description (inclosure 1). These individuals are national guardsman who show up one night a week or for week-end training. They normally do not have the supply background to guide a man who has upwards of 10 years on the job.

These individuals have their own civilian jobs to run and could not possibly give the guidance these statements intend. Usually this technician has more experience on the job, and especially in the supply field, than the staff administrative assistant and cannot expect supervision or guidance from this individual. We are discussing an individual who independently runs the supply operation of a national guard battalion and instructs those national guardsmen, from the highest to the lowest, in supply, when they attend drill.

The classification instructions on page 3 of inclosure 2 states that supply technicians (GS 7 and below) generally follow established methods and procedures which have been developed by supply specialists or management personnel while supply specialists (above GS 7) are responsible for developing the supply system, programs or services and for development, adaptation or interpretation of operating methods or procedures.

I have already discussed the fact that this individual must be able to operate independently but, in addition, and I quote from his job description, "Plans, directs and coordinates unit and organization supply policies, procedures and operations". We are discussing an individual who has the above responsibilities 40 hours a week with little or no supervision. This involves the planning in the fields of rations, ammunition and fuel for weekend training and annual 2 week training. This involves feeding 600 to 1000 individuals, sometimes at various locations, requisitioning ammuntion from small arms to Honest John rockets on a battalion basis. It involves fuel requirements for moving as many as 100 vehicles 500 miles with either gasoline and/or diesel, in addition to the day to day supply activities.

It also involves the formulation of contingency mobilization plans for air, rail and road movements or combination thereof plus similar plans for civil disturbances actions. Errors in the above costs the United States tax money. In addition he is to serve as property book custodian. In many instances this means he is also the property book officer with full pecuniary liability for 5 or 10 million dollars worth of equipment. Nowhere in any of the classification guides is any mention of this type of responsibility. Finally he is responsible to make periodic inspections and inventories, another item not mentioned under responsibilities of a GS 7 or less.

Next I would like to cover the aircraft mechanic (inclosure 3) who was downgraded from WG 12 to WG 10. In checking the job standards (inclosure 4) the following items are not listed in the job standards for WG 8 or WG 10 but are performed by these employees.

He is required to perform limited general support maintenance, this consists, in many cases, of major overhaul. He conducts inspections of aircraft, the range of Army inspections run from daily (after last flight of day), intermediate (every 25 flying hours) and periodic (every 100 flying hours). The CAA requires that a 100 hour inspection be conducted and certified by an FAA aircraft inspector. He is required to ground run engines and operate aircraft on the ground. He is required to participate in aerial flights, but receives no compensation for this even though pilots and crew members do receive additional compensation.

Lastly, he is required to certify that work performed meets standard of technical adequacy. Each time an inspection is performed, a component is repaired or replaced or an adjustment is made the mechanic must certify the work as technically adequate by signing his name on required Army maintenance forms and accept the liability of this procedure even though the standards state that the supervisor insures that overall work meets accepted trade standards.

Next I would like to cover the general mechanic who had been downgraded from a WG 10 to a WG 8. I mentioned before that we had to settle for the job standard of an automotive mechanic because I could not obtain one for the general mechanic. It is interesting to note that even though this standard (inclosure 6) pertains to both WG 8 and 10 it specifically states that the following jobs are not covered by this standard: maintenance and repair of diesel powered vehicles (for example, trucks, buses, truck-tractors), gasoline powered or diesel powered heavy duty equipment (for example, graders, bulldozers, power shovels, cranes or locomotives. In addition, jobs involving upholstering or the maintenance and repair of bodies, fenders or radiators are not covered by this standard.

Now I would like to read parts of the job description of the General Mechanic, Wage grade (inclosure 5). "Performs maintenance and repair on tactical and automotive vehicles and diesel and gasoline powered equipment." "Performs maintenance and repair on engineer equipment, such as graders, conveyors, bulldozers, power shovels and cranes." "In addition to one or more of the above duties the incumbent is required to make minor body and fender or metal case repairs using peening hammers, dinging bars and dollies, welding equipment and paint spray equipment."

Neither a WG 8 nor WG 10 automotive mechanic is required to do any of the above but a WG 8 general mechanic is required to do all of the above. In addition, he must be able to repair small arms, artillery weapons, tanks, armored or scout cars, track mounted cranes, half-tracks, high speed tractors, other combat vehicles as well as electronic and communications equipment. In checking the army school catalog it would take an individual 55 weeks to attain the skills I have just outlined in the four fields of maintenance that he is involved. We now expect to hire these people for $8700 in the New York City wage scale area, one of the highest in the nation.

Truck drivers and heavy equipment operators, jobs these technicians qualify for, make 10 or 15 thousand dollars in this area. I would also like to point out that their work is supposed to be under the supervision of a shop foreman or higher grade mechanic who issues written orders and spot checks and makes final inspections. There are no higher type mechanics authorized in these shops. The shop foreman cannot possibly accomplish all of the above requirements in a shop which contains six or more employees and a clerk who he works with.

Most of these shops cover more than one location, which means that the contact teams sent out to these armories have no supervision, but must evaluate the job and make the repairs on their own. This is necessary to preclude bringing the equipment back and forth to perform repairs, thus saving considerable tax money. It is standard procedure in the track vehicle area for these WG 8s to remove an engine, send it to support maintenance and reinstall the engine when it is returned, yet the job standards say this is to be done by WG 10s. Where are we going to get them if these men are down graded. The saving in this is obvious in that the support maintenance people do not have to send a crew to install the engine and one driver is used to transport the power pack back and forth.

Finally, these individuals have as requirements on their job, small arms repair, artillery repair, communications equipment repair and welding. Each of these fields is classified as wage grade 10. If this downgrading goes through we will have to hire gas pumpers instead of mechanics and more and more of the jobs that are now being done in the field will end up in support maintenance. We will then have to hire more technicians at the support maintenance shops in higher paying jobs than are in the field and due to the time lost evacuating equipment, it will be out of service for longer periods. It will be another case of penny wise and pound foolish in this program.

To conclude, I would like to cover the caste type classification system that prevents all guard technicians from attaining the highest type job their qualifications will permit. On inclosures 1, 3 and 5, job descriptions, you will see in item 4, boxes for officers, warrant officers, enlisted men and non-guard. The first three denote military grade and even though a technician may have all of the required qualifications, and more, if he does not have the correct military grade, they will accept an individual with less or, in some cases, no qualifications in order to meet this criteria.

In the non-guard area, which effects women, this prohibits their progression since they cannot hold any jobs that require military grade. In the USP&FO we have women on the job for 15 or more years who break in their supervisors, who are brought in from the field to work at these higher type jobs.

I would like to relate two situations to illustrate this point. The staff administrative assistant is the supervisor in a national guard battalion type operation. He must be an officer. When a vacancy occurs they have two choices. They can take the staff training assistant, who has, at most 4 years of experience since that is when it was authorized at battalion level or they take a national guard officer from the outside, regardless of qualifications to meet the criteria. Overlooked completely would be the 8 to 12 technicians who work full time in the battalion, with military grades of warrant or enlisted man.

In most instances at least half will have 10 years of experience and one or two will have more time on the job than the departing staff administrative assistant. As far as their civilian education background, normally all will have completed high school and no more and as far as military education the officer will complete branch training, mostly in a combat branch, while the other technicians schooling will have been to enhance their civilian job.

Another idiosyncrasy of this program provides that the same job that could be filled by an officer only, may be filled by that same officer reverting to a warrant due to the attritive provisions of the Reserve Officers Personnel Act of 1954. A warrant officer cannot apply for the job but an officer who reverts to warrant can hold the job. This is covered in paragraph 3-14j of NGR 690.2.

This also effects us in the converse, in that, because of the check marks in those boxes, it prevents technicians from progressing militarily. In my own battalion a general mechanic with 16 years of maintenance experience in an organizational maintenance shop was approached to become a maintenance warrant officer in a company serviced by the shop. He agreed and his papers were submitted. They were approved by the intermediate headquarters, by 42d Division Headquarters but when they reached Headquarters New York Army National Guard they were returned because the technician job prevented him from becoming a warrant officer. No check mark in the right box. They will accept an individual with less qualifications to keep the caste system working.

I wanted to fight this under the equal opportunity laws but I was told the individual did not qualify. I think that the National Guard bureau is creating a new minority group, the National Guard technician. This program is a bureaucratic debacle and we are looking for leadership to straighten it out. The adjutant generals and the bureau are out to perpetuate this system so we now look to the Congress to carry our banner.

I would like to thank you again for hearing our story and I will answer any questions you may have.

TECHNICIAN POSITION DESCRIPTION

1. Component: ARNG.
2. Number IA's: 431.
3. Job number: 213 04 90.
4. Appointment Requirements: Excepted; competitive; Off; WO; Enl.
6. Date: 17 Feb 72.
7. Official title: General Supply Assistant.
8. Pay plan: GS.
9. OCC Code: 2001.
10. Grade: 07.
11. Organization and location: Various States.

OCCUPATIONAL REQUIREMENTS

I. Incumbent is subject to uncommon tours of duty, rotational shift assignments and overtime duty, for which compensatory time off will be granted. May be required to fly in military or commercial aircraft for TDY purposes.

II. The following duties, responsibilities, and qualification requirements constitute minimum requirements for support of this job.

III. SUPERVISORY CONTROLS

Receives operational supervision from the Commander or S-4 who outlines duties and responsibilities upon position assumption and who provides subsequent guidance and assistance. Receives staff supervision from the Staff Administrative Assistant. Work is reviewed in terms of adequacy, effectiveness, and compliance with previously expressed decisions and policies.

IV. DUTIES AND RESPONSIBILITIES

a. Serves as Staff Supply Assistant for an Army National Guard battalion or squadron. Plans, directs, and coordinates unit and organization supply policies, procedures, and operations.

b. Serves as property book custodian for an Army National Guard battalion or squadron. Maintains organizational and installation property books and supporting transaction files. Maintains a library of supply publications, such as Technical Bulletins, pricing guides, and supply catalogs.

c. Ascertains authorizations by examining authorization documents and consults appropriate supply publications to determine correct nomenclature, stock number, price, etc. Prepares and submits to USPFO requisitions for required items of supply. Receives incoming supplies and checks them for serviceability and to insure that the correct amounts and types of items have been received. Determines to which units supplies are to be distributed, arranges for supplies to be delivered, and obtains receipts for all items. Withdraws from units and turns in to USPFO excess and unserviceable supplies.

d. Schedules, and conducts, as necessary, periodic inspections and inventories to ascertain that supplies are serviceable and are properly stored, maintained, and accounted for, and takes appropriate corrective action when discrepancies are noted. Investigates and prepares reports of survey to determine accountability and responsibility in case of loss or damage.

e. Instructs ARNG supply personnel within the organization in supply policies and procedures, and plans and conducts on-the-job military occupational speciality training. Assigns trainees to a variety of tasks designed to increase their knowledge and proficiency in all phases of organizational supply management.

f. Communicates with higher headquarters and other agencies on supply matters. Represents commander at meetings and conferences.

g. Performs other related duties as assigned or required.

V. QUALIFICATIONS REQUIRED

Must have thorough knowledge of the Army supply system and applicable supply policies and procedures. Must have knowledge of recognized methods of storage, care, and distribution of materiel and supplies.

VI. MILITARY ASSIGNMENT AND TRAINING

a. *Area of Assignment:* Incumbent must occupy a TOE position comparable to his technician assignment.

b. *Qualification:* Incumbent is required to qualify as Supply Staff Officer, MOS Code 4010, Unit Supply Technician, MOS Code 716A, or Senior Supply Sergeant, MOS Code 76K.

c. *Required Training:* Incumbent is required to attend an appropriate MOS course or complete equivalent Army extension courses, and, if commissioned, to complete a Branch Basic level officer course of instruction.

This series includes positions involving (1) a combination of technical work covered by two or more series in the Supply Group when no other series is appropriate for the paramount knowledges and abilities required for the position; (2) a combination of one or more kinds of technical supply work, plus one or more technical activities related to supply but classifiable in other occupational groups (such as contract and procurement, quality control, property disposal, etc.) when one kind of work is not sufficiently paramount to be series controlling; or (3) other technical or administrative supply work not specifically covered by another series.

Excluded from this series are positions involving (1) a combination of duties when one type of work is sufficiently predominant to be series controlling, or when the combination is specifically included in another series; (2) technical supply work combined with other work requiring unrelated or distinctly different knowledges and abilities (e.g., personnel, budget, etc.) when the combination is specifically classifiable in another series, or when the technical supply work is not sufficiently paramount to be series controlling; (3) the management of a supply program, or analysis, procedural, advisory, or other staff activities which cut across the supply area, where "program management," rather than technical supply knowledges are the paramount qualification requirements; or (4) clerical or other subordinate work in support of technical or administrative supply activities.

The GS-2001-0 Series is designed as a "catchall" for positions involving a combination of two or more technical functions related to a supply program which are not appropriately classifiable to some other series. One objective of this change in series definition is to avoid the use of the GS-301-0 Series for positions which are concerned fundamentally with supply in its broadest sense, but which incorporate work which crosses group lines.

On the other hand, every possible effort should be made to classify jobs to a more specific series than GS-2001-0. When a position includes a combination of supply activities (such as inventory management and contract and procurement work) typically one will be paramount in terms of the highest skill. Under such circumstances, by all means, classify the position in the series covering the highest skill requirement.

In deciding whether any combination of work is classifiable in the GS-2001-0 Series, it should be kept in mind that technical supply or related activities have some threads of similarity. Thus, a position with *primary* duties in one series, but which *occasionally* includes work classifiable in another series, may require the incumbent to possess essentially only the body of knowledges or qualifications requirements applicable to the primary duties. Such a position should *not* be classified in the GS-2001-0 Series.

Positions in the GS-2001-0 Series, therefore, are those characterized by knowledge and skill requirements typical of two or more series involving technical supply or related activities, each to such a degree of intensity that it is not reasonable to identify the qualifications requirements with those of a more specific series.

Suggested titles

General Supply Assistant (for GS-5 and GS-7 positions)

General Supply Specialist (for positions above GS-7)

Supervisory General Supply Specialist (for supervisory positions)

General Supply Officer (for managerial positions)

a. Supply technicians generally follow established methods and procedures which have been developed by supply specialists or management personnel. We are primarily concerned with the application of these guidelines to specific supply problems or situations. *Occasionally, they may* develop individual work plans or procedures, but these typically are limited to the individual situations with which they work (such as determining reasons for computer rejections).

b. *Supply technicians* perform assignments (1) requiring less explosive knowledge of programs, operations, or organizations serviced (e.g., they relate to functions that are stable or standardized, to more routine portions of more complex programs, to local needs, or to individual case problems or supply actions; and/or (2) requiring a limited knowledge of item characteristics or technical uses of items of supply or equipment. Decisions are made by applying established guidelines, methods or techniques, by drawing on a knowledge of appropriate precedents; or obtaining guidance and instructions from a supply specialist.

Supply specialists (such as supply program analysts, inventory management specialists, supply catalogers, etc.) are responsible for planning and developing the supply system, programs, or services; and for development, adaptation, or interpretation of operating methods or procedures.

Supply specialists perform assignments requiring a deeper knowledge and understanding of programs and the needs and operations of the organizations serviced. For example, the supply specialist (1) must apply a knowledge of present and proposed programs, program changes, work operations, work sequences and schedules; and/or (2) must have a greater knowledge of the technical characteristics or properties of supply items. These knowledges are required, e.g., to plan and forecast invariably needs under changing technological or program requirements; to efficiently distribute or phase material support to accomplish mission requirements; to effectively manage and utilize Government-owned property under changing program requirements; or to clearly identify and describe difficult technical items within a cataloging system. Decisions require considerable judgment in analyzing needs that go beyond the application of guidelines to resolve specific supply problems. . . .

EFFECT OF AUTOMATION (ADP SYSTEMS) ON SUPPLY CLERK AND TECHNICIAN POSITIONS

In an automated supply system, supply clerks and technicians must have sufficient knowledge of the mechanized program to apply the coding structures for specific supply actions; and, in some situations, to know when and how to introduce information or supply actions into the computer. Supply clerks and technicians are not generally required to know how to operate the computer equipment, nor do they typically have any responsibility for programing or for adjusting the equipment when errors due to malfunction are discovered.

Routine supply actions, uncomplicated by errors, are machine processed and impose no additional burden on the supply technician. Many supply clerks and technicians, however, are concerned almost entirely with actions of high priority; or actions which were rejected by the computer for various reasons. These include, for example, errors of coding, unit of issue, or quantity, inadequate identification, nonavailability, shipment of wrong items, etc. Such errors may occur during the input stage, or at any point in the supply cycle; they may be card punch or data processing errors, or failures that developed within the data processing element. The supply clerk or technician must determine the cause and correct the errors, and must choose the appropriate method by which the computer will restart the proper flow of information.

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DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU

TECHNICAL POSITION DESCRIPTION

1. Date: 1 Jul 70.
2. Component: ARNG.
3. Job number: 848 67 13.
4. Appointment requirements: excepted service; 2 enl.
5. Number of jobs covered by position description: 630.
6. Official title: Aircraft mechanic.
7. Pay plan: WG.
8. OCC code: 8852.
9. Grade: 10.
10. Working title: Aircraft and Engine Mechanic (Fixed and Rotary Wing).

I. OCCUPATIONAL REQUIREMENTS

Incumbent is subject to uncommon tours of duty, rotational shift assignments and overtime duty, for which compensatory time off will be granted. May be required to fly in military or commercial aircraft for TDY purposes.

II. The following duties, responsibilities, and qualification requirements constitute minimum requirements for support of this job:

III. SUPERVISORY CONTROLS

Work is performed under general supervision. Assignments are given in the form of work orders, inspection reports, or verbal instructions. Incumbent is expected to plan work sequences, select tools and repair parts, and otherwise carry assignments through to completion, referring only unusual and difficult problems to supervisor. Work is subject to check in process and upon completion for acceptability and adherence to instructions and established standards. Published guidance includes technical manuals, manufacturer's specifications, factory engineering bulletins and standard operating procedures.

IV. DUTIES AND RESPONSIBILITIES

a. Performs full range of direct support and limited general support level maintenance, disassembly, repair, and modification of all classes, models, and series of Army fixed and rotary wing aircraft, their major assemblies, components and related systems in an Army Aviation Support Facility (AASF) or Army Aviation Flight Activity (AAFA).

b. Conducts inspections, diagnoses malfunctions and troubleshoots to determine cause. Makes operational checks of systems, using external power sources, powered ground equipment or functional test. Removes, disassembles, inspects, repairs, adjusts, modifies, reassembles and installs or replaces turbine and piston engines, and major assemblies, sub-assemblies, components and systems such as cylinder assemblies, oil, fuel, vacuum and hydraulic pump assemblies, main and tail rotor assemblies, clutches, driveshafts, transmissions, gear boxes, and other power train units, trim cab motors, cooling fan assemblies, control valves, shrouds, carburetors, etc. Installs, connects and adjusts fuel, electrical and hydraulic systems. Installs fuselage and airframe parts. Builds up, balances, aligns and installs main tail rotor assemblies. Rigs complete flight control systems.

c. In correcting malfunctions, makes necessary adjustment to all controls, mechanical linkages, and actuating mechanisms. Replaces parts, components, and assemblies. Visually examines the entire aircraft in conjunction with operational checks to locate discrepancies such as leaks and loose or missing parts. Removes and replaces parts, components, and assemblies, control surfaces, and wings. Accomplishes modification work order changes. Adjusts engine controls, cockpit and control surface controls, rigging, linkages and stops.

d. Occasionally may be required to start and operate aircraft engine through various speed ranges, viewing instrument readings to determine whether operation is within allowable limits. Determines cause of faulty engine operation and makes corrective adjustments and repairs. Checks and adjusts propeller for proper operation. Pre-oils newly installed engines according to specified technical procedures and makes initial start.

e. Repairs, adjusts, and replaces airframe components such as doors, canopies, windshields, hatches, seats, armament mounts, and structural members. Exercises judgment in determining whether to repair or to replace and in making adjustments to fit aircraft configuration.

f. Uses a variety of hand tools, power tools, work stands, external power sources, jigs, fixtures, templates, powered ground equipment, test stands, and precision gages and measuring devices in accomplishing troubleshooting and repair tasks.

g. As required by current maintenance policy, inspects own work upon completion and certifies that work meets standards of technical adequacy. Performs post flight inspection. Participates in aerial flights as required.

h. Performs other duties as assigned.

V. WORKING CONDITIONS

Work is done inside and outside. Inside areas are drafty and noisy, and fumes are usually present. The incumbent may be required to make some repairs outside in bad weather. Dirt, dust, grease, are almost always present. Aircraft fluids, such as oil and hydraulic fluids, may irritate the eyes or skin. There is frequent exposure to the possibility of cuts, burns, shocks, stains, and broken bones.

VI. QUALIFICATIONS

a. Must be technically qualified to make any type of repair on all fixed and rotary wing aircraft assigned to the State.

b. Is required to qualify as an aircraft mechanic in one of the enlisted military occupational specialities in the Aircraft Maintenance, MOS Code 67, group.

COVERAGE OF STANDARD

This standard is used to grade all nonsupervisory jobs involved in the maintenance and repair of fixed and rotary wing aircraft systems, airframes, components, and assemblies. Aircraft worked on include a variety of models, are single and multiengine types, and have reciprocating and jet engines.

JOBS NOT COVERED BY THIS STANDARD

Jobs involved in the maintenance and repair of single aircraft systems (for example, electrical, electronic), or doing specialized aircraft work (for example, propeller overhaul, engine rebuilding) are not graded by this standard.

TITLES

Jobs covered by this standard below the WG-10 level are to be titled *Aircraft Worker*.

Jobs covered by this standard at the WG-10 level and above are to be titled *Aircraft Mechanic*.

GRADE LEVELS

This standard does not describe all possible levels at which jobs might be established. If jobs differ substantially from the skill, knowledge, and other work requirements described in the grade levels of the standard, they may warrant grading either above or below those grades.

HELPER AND INTERMEDIATE JOBS

Jobs that are part of a planned program of training and development for advancement to a higher grade are graded by the U.S. Civil Service Commission job grading standards for Trades Helper and Intermediate Jobs. (WG-10 in this standard is to be used as the "journeyman grade" in applying the Intermediate Job Grading Table.)

General: The work at this grade involves making repairs to a variety of systems, assemblies, and surfaces such as hydraulic, oil, fuel, and pressurization systems, landing gear assemblies, ailerons, and flaps.

The WG-10 mechanic uses test stands and cockpit gauges, instruments, and controls as well as visual checks to troubleshoot (trace and locate) defects and determine the type and extent of repair needed. He installs, alines, and adjusts whole new systems, assemblies, and surfaces (like those described above) as needed, or repairs them by installing and adjusting all defective components and parts such as complete cable riggings, rudder pedals, pumps, and controls. He connects up related systems, such as the hydraulic and cable systems, to the newly-installed or repaired units, and makes adjustments to the units and their related mechanisms that assure their proper operation.

In comparison with WG-8, the mechanic at WG-10 must have a greater knowledge of how the various systems, assemblies, and surfaces fit and work together, knowledge of a wide variety of test procedures, and skill in tracing hard-to-locate defects or problems. The WG-10 mechanic determines the repairs needed and does the work with little or no advice. The supervisor checks his work only to see that it meets accepted trade standards.

Skill and Knowledge: At this grade, the mechanic must have knowledge of the makeup, operation, and installation of a variety of systems, assemblies, and surfaces such as fuel and hydraulic systems, landing gear assemblies, and elevator. Because of the complicated ways in which assemblies, systems, and surfaces are installed, fit, and work together the WG-10 mechanic must have more ability than the WG-8 aircraft worker to determine when new surfaces, assemblies, and systems should be installed, when systems, assemblies, and surfaces can be repaired through replacement of new parts and components, and the types and extent of adjustment and alinement required. The mechanic must have skill in the removal, replacement, and adjustment of various systems, assemblies, and surfaces or any of their components and parts. He must also have skill in connecting, meshing, alining, and adjusting the surfaces, assemblies, and systems with one another, for example, meshing the propeller assembly with the engine, hooking up and adjusting fuel and oil systems for proper flow, injection, and pressure, and setting engine timing. The mechanic must have skill in the use of jigs, fixtures, templates, precision dial and feeler gauges, and common handtools. He must also have skill in the use and read-out of powered ground equipment, test stands, and cockpit instruments and gauges.

Responsibility: The supervisor assigns work orally or through work orders. The mechanic determines the type and extent of repair needed, and completes repairs with little or no check during their progress or upon completion. He makes installations, alinements, and adjustments of the various systems, assemblies, and surfaces according to specifications in repair and manufacturer manuals. For example, he installs rudders and elevators on fixed tail surfaces, hooks up related control systems such as cable rigging and pulley systems, and makes adjustments to controls, pedals, systems, and surfaces according to required operating specifications. The WG-10 mechanic makes more difficult installations, alinements, and adjustments than the WG-8 aircraft worker in that he must be able to install and make all necessary hookups and connections between a wide variety of systems, assemblies, and surfaces as well as to any of the individual parts and components involved. The supervisor insures that overall work meets accepted trade standards.

Physical Effort: Physical effort required at this grade is the same as that described at WG-8.

Working Conditions: Working conditions at this grade are the same as those described at WG-8.

Technician Position Description

1. Component: ARNC.
2. Number 1A's: 1000.
3. Job Number: 548-63-13.
4. Appointment Requirements: Excepted, ENL.
6. Date: 18 Feb. 72.
7. Official Title: General Mechanic.
8. Pay Plan: WG.
9. OCC Code: 5801.
10. Grade: 08.
11. Organization and Location: Various States.
12. If this position replaces another (*i.e. change of duties in an existing position*) identify position by title, allocation (*service, series, grade*), and position number, in lieu of 548-63-01 and 448-63-08.

OCCUPATONAL REQUIREMENTS

I. Incumbent is subject to uncommon tours of duty, rotational shift assignments and overtime duty, for which compensatory time off will be granted. May be required to fly in military or commercial aircraft for TDY purposes.

II. The following duties, responsibilities, and qualification requirements constitute minimum requirements for support of this job.

III. SUPERVISORY CONTROL

Work is performed under the supervision of Shop Foreman, or higher grade Mechanic who makes assignments through written job orders which identify the equipment to be worked on and the nature of the work to be accomplished. Work is subject to spot check during progress and to final inspection upon completion for compliance with instructions and adequacy of performance.

IV. DUTIES AND RESPONSIBILITIES

1. Performs one or more of the following organizational Maintenance duties. Posts repairs or services rendered to appropriate records:

a. Performs maintenance and repair on; tactical and automotive vehicles and diesel and gasoline powered equipment. Inspects and trouble shoots equipment, making repairs including removing and replacing new or rebuilt assemblies such as voltage regulators, generators, carburetors, fuel pumps, etc.; repairing or replacing brake cylinders; removing and cleaning or replacing fuel tanks, spark plugs, etc.; adjusting tappets; changing or adjusting distributor points; lubricating assemblies and chassis, and similar work.

b. Performs maintenance and repair on engineer equipment, such as graders, conveyors, bulldozers, power shovels and cranes. Inspects and trouble shoots equipment making repairs including removing and replacing new and rebuilt assemblies, etc.

c. Performs maintenance and repair on small arms and accessory equipment. Inspects, trouble shoots and repairs, rifles, pistols, machine guns, rocket launchers, motors, recoilless rifles and associated mounts and carriages and related hardware. Replaces worn or damaged parts.

d. Performs maintenance and repair on artillery weapons and associated mounts, turrets carriages including allied mechanical electrical and hydraulic systems. Repairs and adjusts towed self-propelled artillery. Repairs and adjusts traversing, elevating, recoil and electrical systems, tube and breech assemblies, hydraulic systems, etc.

e. Performs maintenance and repairs on tanks with radial and other type engines, armored and/or scout cars, track mounted cranes, half tracks, high speed tractors and other combat vehicles utilizing gasoline or diesel power.

f. Performs maintenance and repair on electronic and communication equipment including complete systems, replacing components and individual elements. Repairs, radar, radio, amplifiers, switchboards, transmitters, recorders, intercommunication equipment and similar signal oriented equipment including those used for testing and adjusting purposes. Installs and removes equipment from fixed and mobile facilities.

2. In addition to one or more of the above duties the incumbent is required to make minor body and fender or metal case repairs, using peening hammers, dinging bars and dollies, welding equipment and paint spray equipment. Makes minor repair to canvas and leather equipment using awls, canvas needles, thread, cement, metal grommets, riveting equipment and similar hand tools of the trade.

Performs other duties as assigned.

V. WORKING CONDITIONS

Works with heavy and frequently moving equipment in shop or unit equipment storage area. Often required to repair electronic gear involving high voltage circuits. Works on compressors and hydraulic systems which carry as much as 3000 PSI. Incumbent must be alert and safety conscious at all times due to frequently working alone or without supervision. May be required to work at unit training site up to 150 miles from shop. May be required to work out doors during inclement weather. Subject to cuts, bruises, strains, mashed fingers and other hazards not normally associated with the highly specialized mechanics working in civilian trade or post maintenance shops.

VI. QUALIFICATIONS REQUIRED

Must be thoroughly familiar with maintenance charts, directives and modification orders, and be able to read and interpret blue prints and wiring diagrams used in the repair of equipment.

Must occupy a TOE position appropriate for his technician assignment.

Must qualify as Field Radio Mechanic, MOS Code 31B, Small Arms Repairman, MOS Code 45B, Artillery Mechanic, MOS Code 45F, and/or General Vehicle Repairman, MOS Code 63C.

Must attend an appropriate MOS course or complete equivalent Army extension courses.

General: The work at this grade involves making repairs that can be accomplished by removing, cleaning, reinstalling, or replacing defective parts, accessories, and components such as worn gaskets, couplings, and fittings, bad actuators, accumulators, and gauges, sections of corroded fuel and oil lines, worn cable pulleys, frayed spark plug cables, and burned-out landing lights.

The WG-8 aircraft worker locates worn, dirty, or poorly adjusted parts, accessories, and components through visual check. He completes needed repairs like those described above, and makes adjustments and settings such as cable tension, and seat movement settings and adjustments.

Skill and Knowledge: At this grade, the aircraft worker must have a knowledge of where and how a variety of parts, accessories, and components, such as couplings, spark plug cables, seat tracks, and accumulators, are installed. He must have the ability to determine when parts and components should be cleaned and reinstalled, or replaced with standard parts and components. He must have the skill needed to remove and replace parts, accessories, and components, and to make adjustments and settings, such as cable tension and actuator travel, according to established specifications. The aircraft worker also requires skill in the use of common handtools, for example, pliers, wrenches, and screwdrivers.

Responsibility: A higher grade worker or supervisor assigns work orally or through work orders. The aircraft worker selects tools, decides on methods and techniques to use, and carries out assignments with little check during their progress. He obtains standard parts, such as fuel and oil line connections and fittings, cable linkages, and spark plug cables and harnesses, by looking up replacement information in parts manuals and by making comparisons with samples. He insures that adjustments and settings, such as takeup on connections, seat travel, and cable tension, meets established requirements by checking and following the specifications called for in repair and manufacturer manuals. A higher grade worker gives advice on unusual problems. For example, when normal installation and adjustment procedures and established specifications fail to give the expected result, a higher grade worker or supervisor suggests other repair procedures or adjustments that can be tried. The higher grade worker or supervisor also checks to see that completed work meets requirements.

Physical Effort: The aircraft worker makes repairs from work stands, and where parts worked on are in hard-to-reach places. This requires him to climb, stand, stoop, bend, stretch, and work in tiring and uncomfortable positions. The aircraft worker frequently lifts parts and equipment that weigh up to 20 pounds. Occasionally, he may lift and carry items that weigh about 50 pounds.

Working Conditions: The work at this grade is done inside and outside. Inside areas are drafty and noisy, and fumes are usually present. The aircraft worker may make some repairs outside in bad weather. Dirt, dust and grease, are almost always present. Aircraft fluids, such as oil and hydraulic fluids, may irritate the eyes or skin. There is frequent exposure to the possibility of cuts, burns, shocks, strains, and broken bones.

Physical Effort: The automotive worker makes repairs while the vehicle is overhead, and where the parts worked on are in hard-to-reach places. This requires him to stand, stoop, bend, stretch, and work in tiring and uncomfortable positions. The automotive worker frequently lifts parts and equipment that weigh up to 20 pounds. Occasionally, he may lift and carry items that weight about 50 pounds.

Working Conditions: Most work at this grade is done inside where it is drafty and noisy, and fumes from vehicles are usually present. The automotive worker must frequently stand on hard surfaces for long periods of time. There are times when he must crawl under vehicles and make repairs while on hard, usually damp, surfaces. The automotive worker is occasionally called upon to perform repairs outside, sometimes in bad weather. Dirt, dust, and grease are always present. Vehicle fluids, such as battery acid and hydraulic fluids, may cause burns or irritate the skin. There is frequently exposure to the possibility of cuts, bruises, shocks, burns, and strains.

General: The work at this grade involves making repairs to major components and assemblies, such as engines, transmissions, and differentials.

The WG-10 mechanic uses a wide variety of test equipment, for example, test panels, dynamometers, oscilloscopes, and exhaust analyzers, as well as visual and listening checks to trouble-shoot (trace and locate) defects and determine the type and extent of repair needed. He tears down and rebuilds components and assemblies (like those described above) by fitting and installing needed parts such as rings, pistons, bearings, and gears. He alines, meshes, and connects repaired units to related mechanisms, for example, the engine and related clutch mechanism. The mechanic also hooks up fuel, oil, hydraulic, and electrical systems to repaired units, and makes adjustments to assure proper operation of units.

In comparison with the Automotive Worker, WG-8, the mechanic at WG-10 must have a greater knowledge of how all the components, assemblies, and parts fit and work together, knowledge of a wide variety of test procedures, and skill in tracing hard-to-locate defects or problems. The WG-10 mechanic determines the repairs needed and does the work with little or no advice. The supervisor checks his work only to see that it meets accepted trade standards.

Skill and Knowledge: At this grade, the mechanic must have knowledge of the makeup, operation, and installation of all components, assemblies, and systems of vehicles such as engines, transmissions, front- and rear-end assemblies, power steering and braking mechanisms, and air-conditioning, electrical, and hydraulic systems. He must have the ability to determine when and how far major components should be torn down, what parts and mechanisms can be reworked and refitted or should be replaced with new parts, and the types and extent of adjustment and alinement required. The mechanic must have the skill needed to remove and tear down major components and assemblies, such as engines and transmissions, and to rebuild, adjust, reinstall, aline, and mesh such components and assemblies. The mechanic must have skill in the use of bench lathes, grinding and seating equipment, clutch pilot and gear puller tools, and common handtools. He must also have skill in the use of a wide variety of test equipment, for example, test stands, oscilloscopes, compression gauges, special feeler and dial gauges, exhaust analyzers, and engine and chassis dynamometers.

Responsibility: The supervisor assigns work orally or through work orders. The mechanic determines the type and extent of repair needed, and completes repairs with little or no check during their progress or upon completion. In rebuilding major components and assemblies, such as differentials, transmissions, and engines, the mechanic obtains and follows clearance and fitting specifications found in repair and manufacturer manuals. He also completes alinements and adjustments of the various components and assemblies according to specifications, for example, adjustments to timing gears in the engine and alinements between the transmission, transfer case, propeller shaft, and drive axles. The supervisor insures that overall work meets accepted trade standards.

Physical Effort: Physical effort required at this grade is the same as that described at WG-8.

Working Conditions: Working conditions at this grade are the same as those described at WG-8.

LEGALIZING MARIHUANA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. BOB WILSON. Mr. Speaker, the recently published report of the Commission on Marihuana and Drug Abuse created an immediate controversy over the pros and cons of legalizing marihuana. Before we plunge headlong into any major revision of the present legal status of marihuana, we need to rationally consider the full import of such a step. I was very impressed by a letter recently received from a longtime friend and leading California banker, Thomas W. Sefton, president of San Diego Trust and Savings Bank. I hope my colleagues will take the time to review his thoughtful commentary:

SAN DIEGO,
March 29, 1972.

Congressman BOB WILSON,
House of Representatives,
Washington, D.C.

DEAR BOB: The National Committee on Marijuana and Drug Abuse report is not an indictment or an endorsement of marijuana. This 194 page product of twelve months of intensive study is the most recent attempt to neatly package the drug problem in this country and to this end the report is not successful.

It sets out generalizations about use that are filled with contradictions:

"Marijuana causes no physical addiction. A psychological dependency can develop with daily use over a long period."

"There is no reliable evidence that marijuana causes birth defects but the Commission nonetheless cautioned women not to use it while pregnant."

"Marijuana does not of itself appear to lead to insanity. However, there are more examples of psychotic behavior by persons using heavy doses."

"Research indicates that smoking marijuana does not significantly hurt driving ability. However, the Commission said more research is needed and concluded that anyone driving under the influence of any mind-changing drug, including marijuana, is a serious threat to public safety."

And, then, in sort of a final salute to its justifications, the report states "Marijuana use is not such a great problem that individuals who smoke marijuana—should be subject to criminal procedures. On the other hand we have also rejected the legalizations scheme because it would institutionalize the availability of a drug which has uncertain long term effects and which may be of a transient social interest."

In view of the tremendous amount of uncertainty about the use of marijuana, doesn't it seem premature to make specific recommendations that could not only mislead users into a sense of false security but lead legislators into some very short sighted legislation?

Sincerely,

THOMAS W. SEFTON.

ESSENTIALITY OF STEEL INDUSTRY TO OUR NATIONAL SECURITY

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. DENT. Mr. Speaker, on Friday, April 7, 1972, I had the privilege and pleasure of presenting testimony and participating at a hearing of the Senate Armed Services Subcommittee chaired by the distinguished Senator from Virginia (Mr. BYRD) on the subject of the essentiality of the specialty steel industry to our national security. Also serving on the subcommittee is my good friend and Pennsylvania colleague, Senator SCHWEIKER.

Mr. Speaker, I appreciated having the opportunity to take part in those deliberations and believe it significant that the discussion took place within the context of our national security. Certainly, there is no domestic industry more essential to our national defense than the specialty steel industry. And there are few among our industries more adversely affected by the influx of foreign competition.

At this point in the RECORD, I include my presentation at that hearing:

STATEMENT OF THE HONORABLE JOHN H. DENT

Mr. Chairman, I appreciate the opportunity to appear before this august committee and present my views on the most important subject of the essentiality of the specialty steel industry to our national security. I congratulate the Chairman, the distinguished Senator from Virginia, and his Colleagues for opening up the dialogue and consideration of an issue so basic in the area of national concern.

In the way of background, I come here today after more than twenty years of study of our international trade policies. During the past twelve years, I have served as chairman of the House committee with jurisdiction in the subject matter of the impact of imports on U.S. employment. I think my statements in the past might qualify me as a witness friendly to the curtailment of excessive imports of any kind, and certainly so in the area of strategic production, such as specialty steel.

This type of essential production is necessarily one of low volume productivity as compared to basic steel. Basic steel is yet another problem area, and must be considered in a different setting.

We are concerned today with the future of specialty steels, its role in the past growth and struggles of our Nation in peace and war, and the present crisis as it affects our future ability to survive in a time of national emergency.

Specialty steels occupy a peculiar position in our military posture. Without these steels, our defensive and offensive capabilities would necessarily depend upon the crudest of weapons. Virtually all aspects are affected: the transportation of men and material, the cultivation and processing of full rations, and even the clothing and covers for modern mobile military units.

It has been said that in the beginning our Navy was made up of wooden ships and iron men. Today we have iron ships, but without tool steel we would soon return to wooden ships. Some might find this acceptable, but other nations would still have the iron ships.

No other nation has decreased its specialty steel capability. No other nation allows its defense posture to be so dependent upon imports and the friendship and good will of other nations. And I am speaking of other nations as those that were old when we were born. In spite of all the centuries of time they have somehow endured. Will our future hold the same promise?

The tool steel industry was in a reasonably healthy condition insofar as its share of the American market was concerned until 1967–68. What caused the turn around? The answer is easy: the Voluntary Steel Agreement between the United States steel producers and the foreign steel exporters.

This agreement, like all voluntary agreements ever made in international trade, has been honored by its breach. The smart exporters never honored the most vital part of the agreement, the maintenance of the product mix of types of steel by percentages of the base year shipments to the United States.

It does not require genius to realize that low priced basic steel displaced by high priced special steel will add greater value to a fixed volume of shipments. It does not take too much of a tonnage change in specialty steel to produce a depressed market since one steel sells by the pound while the other sells by the ton. The price of a ton of reinforcing rods for road building would only buy limited pounds of special alloy drill rods. Our competitors therefore shifted their product mix and our deterioration in jobs and production started immediately.

Mr. Chairman, the situation is grave for the near future.

Without this important segment of the steel industry in its healthiest condition, we will not have the training programs on the job to provide for the inevitable day when we are forced to produce our own arms and materials.

Our plants will be gone, or even worse, they will be warehouses for foreign made steels, with warehousemen instead of skilled technicians. This may sound like a gloom and doom statement; it is intended as such.

My committee has predicted the demise of certain facilities for a dozen years. I can show you an empty specialty steel plant in my district and the modern relics of bygone facilities in every nook and corner of my State.

If it is true in glass, tile, sporting goods, electronics, lamps, watches, automobiles, and hundreds of other products, what makes any of us think it can't happen in specialty steel.

Mr. Chairman, it is not only the direct shipments of these steels that threaten the future of this industry and our country, it is the billions of dollars worth of production imported in all the above listed items. I say this because not a single product in the entire world of trade can be produced without specialty steel in one form or another.

There is one single but irrefutable fact of life in the world of international trade. Trade anywhere, internally or externally, is a commercial venture. Its purpose in being is profit in one form or another; first, last, and always (this is only questionable when the trade policies of the U.S. in international markets is studied and judged).

To attribute any other purpose to trade in our modern world is to deal in theory, philosophy, and dreams. Dreams, I might add, that have turned to nightmares to harassed company executives and millions of unemployed families in our Nation.

No nation can indulge in free trade without recognizing the fact that the high cost nation must necessarily suffer if it does not protect itself against well made, cheaper priced materials and products.

Time will not permit the relating of our sorry history in this field of endeavor since the day of the Armistice, November 11, 1918, until this date, April 7, 1972. Enough to say that contrary to free traders, the crash in 1929 did not come from high tariffs. From 1919 until 1930 we operated under the Fordny McComb Act—during these years (1919–1930—11 years) we imported $43 billion worth of foreign products mainly from our Allies—Great Britain, France, Holland, and Italy. The payment plan for these goods is another story.

Suffice it to say that the crash came in 1929, one year before the scape-goat Smoot-Hawley Tariff Act, which never got off the ground after President Roosevelt's election.

The $43 billion of imports incidentally actually displaced about $100 billion worth of U.S. production.

A study made in 1951 by Lloyd Lewis ("Tariffs A Case For Protection") shows an astonishing similarity between 1920, the highest year of imports in our history ($5,278,000,000 with an average tariff of 5.3% on all goods dutible and free), and 1948, the first year of the Geneva agreements, when we imported the highest volume of imports from the beginning of the Republic—a total of $7,124,000,000, with the average tariff being 5.6% of all goods.

The significant point is that 1920 had the highest import and the lowest tariff in history to that point. The average tariff from 1920 to 1940 was between 14–15% on all goods up to 1944, when the tariff again dropped to 5.6% and the imports reached their highest peak. There is no need to tell you the story of the steady growth of imports and the disastrous drop in tariff from 1944 on.

Let the record of this hearing show that we have had a balance of payments deficit from 1961 to 1972—with more than $9 billion in 1971 alone. In spite of free trade, or maybe because of it, the imports of high cost products (such as specialty steel) have created a balance of payments liability. And because of low cost product imports (such as textiles and footwear), our unemployment is greater than anytime since the great depression. (Some labor economists tend to prove this is the greatest unemployment in history.)

Mr. Chairman, I have tried to make the point that the specialty steel industry is essential to our safety and well being. To save the specialty steel industry alone, however, would be of no avail. Our Nation cannot survive with only a sound heart, while the rest of the body suffers from a spreading cancer.

The cancer in this case is "free trade". In his "The Breakdown of Money", Christopher Hollis neatly stacked the chips for counting when he detailed the premises of free trade and the resultant conclusions. The essence of his work was to the effect that free trade and its many manipulations caused debts to be created; debts that could be neither serviced nor paid.

How true! The international balance sheet shows that as of 1970, we owe our trading partners $63 billion, all but $3 billion to be paid on demand, and only about $11 billion in gold reserve left to our name. We do have a huge credit of many billions, none of which, however, is collectible on demand since it represents old war debts, soft loans, and plain and fancy giveaways under various titles.

While this committee is primarily interested in how imports of specialty steel affect our defense and military posture, it is imperative that we show cause why this industry cannot compete in a free trade world:

(1) We have high wages—from five to ten times as much as wages paid elsewhere;

(2) We have a high tax structure;

(3) We have organized labor with work rules;

(4) We have federal and state fair labor standards laws; and

(5) We have antitrust, antimonopoly, anticartel laws.

In most of our exporting industries, we also have fixed freight, utility, social security, pension, welfare, unemployment compensation, and workmen's compensation costs that no other nation has all of. These charges add more cost to our products than all foreign production costs—including labor, shipping, and profit. That is one reason we cannot compete.

The tool steel industry has no subsidies, and its foreign counterparts enjoy subsidies in one form or another. That is another reason it cannot compete. We have free labor as opposed to controlled labor, and that is another reason we cannot compete.

Our trade agreements are based on theory, while those of our competitors are based upon dollars and sense (spelled SENSE). That is another reason we cannot compete.

Because we pay a bonus by way of investment incentives, tax considerations, and import concessions, billions of dollars have been invested in foreign production to be sent to the U.S. for consumption. And because American corporations have therefore become international in character—dressed in striped pants and cutaway coats instead of business suits and coveralls—is another and the latest reason we cannot compete.

We finance development banks, world banks, and other loan and grants agencies. We encourage overseas production to further stifle our expansion and flood our markets. That is another reason we cannot compete.

Because money is the name of the game and the bankers control it, and because politics has gone beyond the traditional type of candidate, and big names plus big money control the purse strings of the political arena, and because foreign trade offers the most for the least—well, help is available for many causes, not excluding political aspirations. And maybe that is another reason we cannot compete.

Maybe the Congress has had its head in the sand. Maybe labor has closed its eyes to one true fact—there can be no free labor in a free trade world. Maybe the news media hasn't the time or inclination to inform our Nation of the impending crisis in imports. And, finally, maybe the President and the State Department should heed the advice of President Franklin Roosevelt when he said, *"Never tie our international trade to the will of the wisp of international diplomacy."*

Perhaps, Mr. Chairman, this is the real reason we cannot compete.

Mr. Chairman, I would like the following items to accompany my remarks for the record:

(1) correspondence regarding the closure of specialty metals activities at the Blairsville Westinghouse plant in my district;

(2) the most recent financial data of the Latrobe Steel Company, a specialty steel producer in my district;

(3) my letter to my Colleagues regarding the plight of the U.S. steel industry; and

(4) relevant excerpts from statements I made in the *Congressional Record.*

Mr. Chairman, I deeply appreciate your kindness in inviting me to appear today, and your patience in listening to what I have said. Please be assured of my sincerity in this matter and of my willingness to cooperate with you in every way.

WESTINGHOUSE ELECTRIC CORP.,
Blairsville, Pa., January 20, 1972.

Hon. JOHN H. DENT,
House of Representatives,
Washington, D.C.

DEAR MR. DENT: It is with profound regret that I advise you of the close-down of the Wrought Products Department of the Specialty Metals Division of Westinghouse Electric Corporation in Derry Township, Westmoreland County, Pennsylvania. Our Wrought Products Department was basically in the specialty steels business which has simply become impossible to continue due to intense foreign low-priced competition.

We are including with this letter three pieces of correspondence that will give you more information on this subject. This decision unfortunately affects approximately 250 of our 560 people employed at this plant.

As you are undoubtedly aware, the quota type system for limiting steel imports into the United States has dealt a severe blow to the specialty steel producers. It is only natural that a foreign producer would be more interested in filling his quota with high value specialty steels rather than with low cent per pound ordinary grades. We in the specialty steels business have found ourselves under even more attack and pressure than the rest of the steel industry.

I regret having to send you this communication but look forward to having the honor and pleasure of meeting you in the future.

Very truly yours,
L. A. MEIERKORD, JR.,
General Manager.

WESTINGHOUSE ELECTRIC CORP.,
Blairsville, Pa., January 20, 1972.

FELLOW EMPLOYE: As you all know, the market for our Wrought Products is severely depressed and for several years we have faced very fierce domestic and foreign competition. Since the middle of 1971 we have been studying the Wrought Products operation. In previous letters to you, I have discussed our efforts to find solutions to the problems faced by this Department. Our basic concern was how we might be able to successfully stay in the business and continue to provide jobs.

As we studied the problems, a number of possible solutions were explored in depth. I mentioned several of these to you in my letter of October 28, 1971. Reluctantly, we have come to the conclusion that there is no reasonable way we can stay in this business.

Today I have the unenviable task of announcing that our Wrought Products Department is to be phased out of operation. We are getting out of the business completely . . . selling, if possible, work in process, scrapping remaining raw materials and putting all machinery and equipment up for sale. Our customers—both inside and outside Westinghouse—will have to find other suppliers.

This decision will result in a reduction in force of approximately 250 of our present total employment, which is currently 560.

The first employees to be affected by the phase-out will probably receive reduction-in-force notices before the end of this month, and we anticipate being out of the Wrought Products business within a few months. I cannot give you any firm schedule because the final decision on this action was only made this week.

We are willing to sit down with union leaders to try to work out the best possible procedures under the circumstances, giving full consideration to the length of service of our employees.

You can be certain that the Division and the Company will make every effort to find new jobs for all those who are up for disposition as a result of us phasing-out our Wrought Products Department.

For example,

We are going to run advertisements in the local newspapers and the Pittsburgh newspapers to advise potential employers of the skills and availability of Blairsville employes.

We are going to invite potential employers to interview available employes right here in our plant.

I am asking local community leaders to let me know if they know of the availability of any jobs in the immediate area.

We will try to get the State Employment Service representatives to come to the plant, if practical.

All employes affected will get full and complete information on available benefits, including such things as Layoff Income and Vacation Eligibility.

You may ask what is going to happen to the manufacturing space now occupied by Wrought Products. Although details are incomplete, we plan to renovate this manufacturing space. Hopefully, this renovation will begin soon and eventually lead to new or expanded manufacturing operations related to the growing market for our tubular products.

Making this announcement is an extremely difficult task for me. I find little consolation in the hard, cold fact that the Division and the Company can no longer stay in the Wrought Products business.

This Division faces an extremely difficult time in the weeks and months ahead. However, I am counting on the cooperation of every employe to assure the success of the operations that will continue here at Blairsville.

Very truly yours,
L. A. MEIERKORD, JR.,
General Manager.

WESTINGHOUSE ELECTRIC CORP.,
Blairsville, Pa., January 21, 1972.

To our Friends in the communities surrounding Blairsville:

I am sorry to announce that the Westinghouse Specialty Metals Division is phasing out our Wrought Products Department. As you can see by the attached copy of the letter I have sent to all employes, we cannot reasonably stay in the wrought products business in face of the depressed economic condition of our markets and the intense competition we have faced from foreign suppliers of similar products.

One of the biggest concerns I have about the decision we have been forced to make is the economic impact this decision will have on the communities where affected employes live. However, we had to face up to facts and make a decision based on those facts. We explored every possible alternative and came up with nothing except the fact that we could no longer stay in this business.

Our tubular products operation will continue at our Blairsville plant, and the outlook for this end of our business is reasonably good. In fact, we are planning to renovate the manufacturing space now occupied by our Wrought Products Department and devote this space to increased production of tubular products and related activities.

As I said originally, I am sorry to have to give you this information. We are going to make every effort we can to find jobs for any of our employes who may be affected by this decision. If you know of any jobs that might be available for any of our employes I would appreciate hearing from you, or if you have any questions about what we are doing I would be glad to have you call me.

Very truly yours,
L. A. MEIERKORD, JR.,
General Manager.

PRESS RELEASE

DERRY TOWNSHIP, PA., January 20.—It was announced today that the Wrought Products Department of the Westinghouse Specialty Metals Division located near Blairsville will be phased out of operation within a few months.

In making the announcement, L. A. Meierkord, Jr., Division General Manager, cited a severely depressed market situation as well as intense domestic and foreign competition as key reasons for the decision.

Mr. Meierkord added that, "Since the middle of 1971 we have been studying the Division's Wrought Products operation. Our basic concern was how we might stay in this business and continue to provide jobs. A number of possible alternatives were explored in depth. Reluctantly we came to the conclusion that there is no reasonable way we can stay in this business."

Somewhere in the neighborhood of 250 employees out of a total of 560 will be affected by the Wrought Products Department phaseout. The first reduction-in-force notices will probably be given to employes by the end of this month, and the Department expects to be out of the Wrought Products business within a few months.

In his letter to all employes, Mr. Meierkord pointed out that management is willing to sit down with union leaders to try to work out the best possible disposition procedures under the circumstances, giving full consideration to the length of service of our employes.

Mr. Meierkord also stressed that the Division and the Company will make every effort to find new jobs for those employes affected by the decision.

"For example," Mr. Meierkord told all employes, "the Division is going to invite other potential employers into the plant for interviews with employes who become available; we are going to run advertisements in the local newspapers and the Pittsburgh newspapers to advise potential employers of the availability of Blairsville employes; we are asking community leaders to let us know if they know of the availability of any jobs in the immediate area; we will try to get the State Employment Service representatives to come to the plant, if practical.

CONGRESS OF THE UNITED STATES,
Washington, D.C., February 9, 1972.

Mr. L. A. MEIERKORD,
Specialty Metals Division,
Blairsville, Pa.

MY DEAR MR. MEIERKORD: I hesitated to answer your letter of the 20th dealing with the closing down of the specialty metals division of your Derry plant. I have known the problems of specialty metals and specialty steel industries since I started to look into the impact of imports on American industries back in 1959. At that time we could almost pin-point the individual companies and products that were going to be selected as targets by the import crowd. However, today they do not bother to take sight and aim at a specific target, but instead they use a scatter gun approach and are successfully shooting down any and all of our production facilities in almost every line of product.

It does not do any good to say "I told you so", nor does it do any good to make any one or any group, or any business entity a "whipping boy".

It is a collective calamity and one that may not have enough time remaining, for a final gasp of breath, to make a turn around the whole policy, philosophy and practices in our foreign trade legislation.

Just recently I received information that while the voluntary steel agreements had expired formally that informally the Japanese and other nations said they would restrict their exports to the United States by the terms of the voluntary agreement. Just like everything else, our trading partners tell us, it was just "words"; and, as usual the promise was not kept. The agreement allowed 14 million tons of imports (giving up 84,000 steel jobs, plus 252,000 supporting jobs). We imported 18 million tons in 1971. Our unemployment was 24,000 direct and 72,000 indirect higher than the year before.

The real cancer that is destroying this nation and its peoples is the expanded power of the State Department, over the very life and death of the economic body of this country.

In my 12 or 13 years of observation and investigation, hearings and in-depth studies of our international trade I have watched how thoroughly the export-import groups have manipulated Congress, the Administration, labor leaders, businessmen, public and semi-public associations and groups, industries and above all the news media into a dilemma which apparently has no solution.

We find one group of labor supporting free trade since it just so happens that they are making a product using machine tools or war goods and food stuffs. Then there is another group who feels the pinch of imported products and knows that the imports are destroying our job opportunities. In the same predicament or even worse, in some cases, we find industry. Some corporations will have certain divisions that are in the import business and others that are being strangled out of existence because of imports. Incidently, Westinghouse has this dilemma. It is an impossible and unbelievable situation. Corporate paychecks are going to two, three, or more different sets of public relations men, and every one is being paid by the same paymaster but each public relations man is negating the work of the others.

The answer to trade is simple, in fact it is so simple that no one believes it's the answer! The answer is to de-escalate imports over the same amount of time that they escalated. In doing so, our economy would start to pick up and since the de-escalation would take place over a period of time the other countries that trade with us would have ample time to produce products for which they have a market or to make markets for their products in their own country by raising purchasing power in direct ratio to the required purchasing power needed to buy their production.

Legislation has been ready and is ready now for introduction that follows the lines I have mentioned. I will be very happy to meet with you and representatives from any other group that is interested in this type of legislation. Any time you are ready just let me know.

With kindest personal regards, I am
Sincerely yours,
JOHN H. DENT,
Member of Congress.

P.S. There are only two outs for this Nation: either we de-escalate foreign products or we freeze them by boycotting at the consumer level. We will fall, harder and farther than the Roman Empire, in our generation, if we do not.

INFORMATION FROM LATROBE STEEL CO.

LATROBE, PA., February 3.—Latrobe Steel Company today announced results for the year ending December 31, 1971. M. Schober, president of the specialty steel firm, reported that sales for 1971 totaled $41,578,000, a decline from $44,928,000 for 1970. This resulted in a net loss for 1971 of $2,273,000 or $1.89 per share as compared with a restated loss of $460,000 or $.38 per share for 1970. Both 1971 and 1970 results include extraordinary income from the sale of assets, equivalent to $.17 per share and $.15 per share respectively. In 1971 the Company changed to the equity method of accounting for common stock investments where ownership exceeded 20%. As a result of the change, revenues increased by $.13 per share and $.16 per share in 1971 and 1970 respectively.

Mr. Schober referred to the results as obviously unsatisfactory. He cited generally depressed markets for specialty steels, severe pressure from imports, and rising labor and material costs as the primary factors affecting 1971 operations.

Mr. Schober also stated that although some improvement has been experienced in the sales level, further market improvements, as well as productivity gains, will be necessary to achieve a satisfactory performance.

CONGRESS OF THE UNITED STATES,
Washington, D.C.

DEAR COLLEAGUE: I recently addressed the House on World Trade and U.S. problems as evidenced by the impact of imports. During my presentation I discussed the problems facing the Special Steel Industry as well as the Steel Industry in general.

I informed the House that the U.S. is the world's largest steel consumer but that we were no longer the world's leader in steel production. If we had produced the steel we imported, we could still be the world leader.

The Soviet Union has elevated its position to number one in production of steel and the U.S. is now number two with Japan a very close third. For more than a decade I have said that the import problem is the cancer attached to the economic and political life of our Country. I still believe this to be the case, although, few of you have ever believed me.

Cordell Hull once said "A lie will get halfway around the world before the truth can get its pants on." I see where another industry has finally gotten its pants on.

I suggest that you read the attached editorial recently published by the steel industry (*33 Magazine*). Hopefully, you will become a believer.

It has been said that "a stitch in time saves nine." You had better hurry—eight stitches in our trade agreements are gone and only one remains. Let's use it.

Sincerely yours,
JOHN H. DENT,
Member of Congress.

WHAT IS NEW? THE UNITED STATES IS NO. 2

Shock waves are still reverberating throughout the American steel industry, the nation, and probably even the world. For today the world steel industry has a new production leader. For the first time ever, the U.S. is not at the summit in world steel production. Russia, with 133 million tons in 1971, easily surpassed the 120 million tons produced by the American steel industry.

By now the analysts are scurrying about with ouija boards tightly tucked under their arms trying to answer the question, "Why?" They'll come up with some incisive reasons, such as the winding down of the Vietnam conflict, the strike talk of the summer of 1971, the sluggish economy, and a host of others. But when you cut through it all, there's just one real reason: imports.

Imports have a stranglehold on the American steel industry. In 1971, imports soared to a new record—an amazing 18.3 million tons. However, the so-called voluntary quota limit was supposed to be 15.4 million tons. In fact, the U.S. imports more than the total output of steel produced by Canada, almost 100 percent more than Japan imports, and over five times the amount imported by Russia.

Yet, as a nation we don't have to rely on imports. U.S. raw steelmaking capacity is in the neighborhood of 190 million tons. We're not importing to satisfy consumption demands. We're not importing to save the economy of some impoverished country. We're not importing because we can't make it. In fact, with all this importation, we're really exporting dollars and jobs, about 110,000 jobs at last count.

Now that we're number two and still flushed with the first pangs of panic maybe we'll get some action on imports and import policy. First off, the U.S. government should create and establish its own import policy. And it should be based on our needs, not anyone else's. We should import what we need, in the quantities needed, and maintain strict control of what comes in.

The voluntary quota is just that—voluntary. That became obvious with the 1971 statistics. When the world market turns sour, the U.S. becomes fair game. Well, it's time to stop this now, not next year, or five years hence. At that time we may not be able to stem the tide—we may be number three.

UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 62 minutes.

Mr. DENT. Mr. Speaker, I take the floor today to discuss, in a very limited time, what I think is the most serious problem facing this country and the world.

My first observation is to note again for the record, that another group of Americans have lost their jobs; and according to their employers, the jobs have been exported to foreign countries. At this time I will read into the record correspondence from the Westinghouse Corp., noting the Westinghouse Corp.'s announcement of the closing down of one of its facilities in my area.

WESTINGHOUSE ELECTRIC CORP.,
Blairsville, Pa., January 20, 1972.

The Honorable JOHN H. DENT,
House of Representatives,
Washington, D.C.

DEAR MR. DENT: It is with profound regret that I advise you of the close-down of the Wrought Products Department of the Specialty Metals Division of Westinghouse Electric Corporation in Derry Township, Westmoreland County, Pennsylvania. Our Wrought Products Department was basically in the specialty steels business which has simply become impossible to continue due to intense foreign low priced competition.

We are including with this letter three pieces of correspondence that will give you more information on this subject. This decision unfortunately affects approximately 250 of our 560 people employed at this plant.

As you are undoubtedly aware, the quota type system for limiting steel imports into the United States has dealt a severe blow to the specialty steel producers. It is only natural that a foreign producer would be more interested in filling his quota with high value specialty steels rather than with low cent per pound ordinary grades. We in the specialty steel business have found ourselves under even more attack and pressure than the rest of the steel industry.

I regret having to send you this communication but look forward to having the honor and pleasure of meeting you in the future.

Very truly yours,
L. A. MEIERKORD, Jr.
General Manager.

WESTINGHOUSE ELECTRIC CORP.,
Blairsville, Pa., January 20, 1972.

FELLOW EMPLOYE: As you all know, the market for our Wrought Products is severely depressed and for several years we have faced very fierce domestic and foreign competition. Since the middle of 1971 we have been studying the Wrought Products operation. In previous letters to you, I have discussed our efforts to find solutions to the problems faced by this Department. Our basic concern was how we might be able to successfully stay in the business and continue to provide jobs.

As we studied the problems, a number of possible solutions were explored in depth. I mentioned several of these to you in my letter of October 28, 1971. Reluctantly, we have come to the conclusion that there is no reasonable way we can stay in this business.

Today I have the unenviable task of announcing that our Wrought Products Department is to be phased out of operation. We are getting out of the business completely . . . selling, if possible, work in process, scrapping remaining raw materials and putting all machinery and equipment up for sale. Our customers—both inside and outside Westinghouse—will have to find other suppliers.

This decision will result in a reduction in force of approximately 250 of our present total employment, which is currently 560.

The first employes to be affected by the phase-out will probably receive reduction-in-force notices before the end of this month, and we anticipate being out of the Wrought Products business within a few months. I cannot give you any firm schedule because the final decision on this action was only made this week.

We are willing to sit down with union leaders to try to work out the best possible procedures under the circumstances, giving full consideration to the length of service of our employes.

You can be certain that the Division and the Company will make every effort to find new jobs for all those who are up for disposition as a result of us phasing-out our Wrought Products Department.

For example, we are going to run advertisements in the local newspapers and the Pittsburgh newspapers to advise potential employers of the skills and availability of Blairsville employes.

We are going to invite potential employers to interview available employes right here in our plant.

I am asking local community leaders to let met know if they know of the availability of any jobs in the immediate area.

We will try to get the State Employment Service representatives to come to the plant, if practical.

All employes affected will get full and complete information on available benefits, including such things as Layoff Income and Vacation Eligibility.

You may ask what is going to happen to the manufacturing space now occupied by Wrought Products. Although details are incomplete, we plan to renovate this manufacturing space. Hopefully, this renovation will begin soon and eventually lead to new or expanded manufacturing operations related to the growing market for our tubular products.

Making this announcement is an extremely difficult task for me. I find little consolation in the hard, cold fact that the Division and the Company can no longer stay in the Wrought Products business.

This Division faces an extremely difficult time in the weeks and months ahead. However, I am counting on the cooperation of every employe to assure the success of the operations that will continue here at Blairsville.

Very truly yours,
L. A. MEIERKORD, Jr.,
General Manager.

WESTINGHOUSE ELECTRIC CORP.,
SPECIALTY METALS DIVISION,
Blairsville, Pa., January 21, 1972.

TO OUR FRIENDS IN THE COMMUNITIES SURROUNDING BLAIRSVILLE: I am sorry to announce that the Westinghouse Specialty Metals Division is phasing out our Wrought Products Department. As you can see by the attached copy of the letter I have sent to all employes, we cannot reasonably stay in the wrought products business in face of the depressed economic condition of our markets and the intense competition we have faced from foreign suppliers of similar products.

One of the biggest concerns I have about the decision we have been forced to make is the economic impact this decision will have on the communities where affected employes live. However, we had to face up to facts and make a decision based on those facts. We explored every possible alternative and came up with nothing except the fact that we could no longer stay in this business.

Our tubular products operation will continue at our Blairsville plant, and the outlook for this end of our business is reasonably good. In fact, we are planning to renovate the manufacturing space now occupied by our Wrought Products Department and devote this space to increased production of tubular products and related activities.

As I said originally, I am sorry to have to give you this information. We are going to make every effort we can to find jobs for any of our employes who may be affected by this decision. If you know of any jobs that might be available for any of our employes I would appreciate hearing from you, or if you have any questions about what we are doing I would be glad to have you call me.

Very truly yours,
L. A. MEIERKORD, Jr.,
General Manager.

My reply to Mr. Meierkord follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 9, 1972.

Mr. L. A. MEIERKORD,
Specialty Metals Division,
Blairsville, Pa.

MY DEAR MR. MEIERKORD: I hesitated to answer your letter of the 20th dealing with the closing down of the specialty metals division of your Derry plant. I have known the problems of specialty metals and specialty steel industries since I started to look into the impact of imports on American industries back in 1959. At that time we could almost pin-point the individual companies and products that were going to be selected as targets by the import crowd. However, today they do not bother to take sight and aim at a specific target, but instead they use a scatter gun approach and are successfully shooting down any and all of our production facilities in almost every line of product.

It does not do any good to say "I told you so", nor does it do any good to make any one or any group, or any business entity a "whipping boy".

It is a collective calamity and one that may not have enough time remaining, for a final gasp of breath, to make a turn around the whole policy, philosophy and practices in our foreign trade legislation.

Just recently I received information that while the voluntary steel agreements had expired formally that informally the Japanese and other nations said they would restrict their exports to the United States by the terms of the voluntary agreement. Just like everything else, our trading partners tell us, it was just "words"; and, as usual the promise was not kept. The agreement allowed 14 million tons of imports (giving up 84,000 steel jobs, plus 252,000 supporting jobs). We imported 18 million tons in 1971. Our unemployment was 24,000 direct and 72,000 indirect higher than the year before.

The real cancer that is destroying this nation and its peoples is the expanded power of the State Department, over the very life and death of the economic body of this country.

In my 12 or 13 years of observation and investigation, hearings and in-depth studies of our international trade I have watched how thoroughly the export-import groups have manipulated Congress, the Administration, labor leaders, businessmen, public and semi-public associations and groups, industries and above all the news media into a dilemma which apparently has no solution.

We find one group of labor supporting free trade since it just so happens that they are making a product using machine tools or war goods and food stuffs. Then there is another group who feels the pinch of imported products and knows that the imports are destroying our job opportunities. In the same predicament or even worse, in some cases, we find industry. Some corporations will have certain divisions that are in the import business and others that are being strangled out of existence because of imports. Incidently, Westinghouse has this dilemma. It is an impossible and unbelievable situation. Corporate paychecks are going to two, three, or more different sets of public relations men, and every one is being paid by the same paymaster but each public relations man is negating the work of the others.

The answer to trade is simple, in fact it is so simple that no one believes it's the answer! The answer is to de-escalate imports over the same amount of time that they escalated. In doing so, our economy would start to pick up and since the de-escalation would take place over a period of time the other countries that trade with us would have ample time to produce products for which they have a market or to make markets for their products in their own country by raising purchasing power in direct ratio to the required purchasing power needed to buy their production.

Legislation has been ready and is ready now for introduction that follows the lines I have mentioned. I will be very happy to meet with you and representatives from any other group that is interested in this type of legislation. Any time you are ready just let me know.

With kindest personal regards, I am

Sincerely yours,

JOHN H. DENT,
Member of Congress.

P.S.—There are only two outs for this Nation: either we de-escalate foreign products or we freeze them by boycotting at the consumer level. We will fall, harder and further than the Roman Empire, in our generation, if we do not.

This is not an isolated incident, it has happened all too often; and most recently when the glass plant in Arnold closed down completely, the aluminum plant in New Kensington is being phased out, Braeburn Steel in the last month closed its doors and Latrobe Steel, one of the great specialty steelmakers in the country is gasping for breath. Some of us, with our ears tuned to the welfare of our districts, can hear the death rattle of other production facilities, too.

The answer, of course, is in the hands and consciences of the Congress. At this point, Mr. Speaker, allow me to introduce a letter from the American Chamber of Commerce in Thailand.

THE AMERICAN CHAMBER OF COMMERCE IN THAILAND,
Bangkok, Thailand, January 24, 1972.
Hon. JOHN H. DENT,
House of Representatives,
Washington, D.C.

DEAR MR. DENT: For more than a quarter century, the United States has advocated free trade. Now—because our government's burdens abroad are domestically unpopular and because we have been slow to demand that other developed nations pursue equally free trade policies—American labor leaders cry for protection against the "export of jobs" and uncompetitive manufacturers beg for import quotas and higher tariffs. Instead of acting to cure basic problems, you are moving to treat the symptoms.

As President of the American Chamber of Commerce in Thailand and on behalf of its 200 U.S. businessmen members, I write to protest both the content and the philosophy of Senate Bill 2592, the "Foreign Trade and Investment Act of 1972."

In commerce, finance and industry here in Thailand, we Americans find it increasingly difficult to compete with Japanese businessmen, who come here armed with every advantage their government can provide—personal and corporate tax incentives, long term subsidized financing, preferential shipping rates, technical assistance and support grants etc. Unencumbered by antitrust legislation, Japanese firms collaborate among themselves to set prices and divide markets, quite effectively excluding competitors from America. Thus the Japanese have captured much of the market America once enjoyed here for consumer goods, autos and trucks, steel products, marine motors and pumps, construction services, office equipment, chemicals, synthetic fibers and many more products, projects and services.

With only 37 million people, the majority of them poor, Thailand's market is not vital to American exporters. But the competition here is typical of what other American businessmen face all around the world. Until we can match it and recapture for the U.S. a reasonable share of the total market, our trade imbalances will continue. The Japanese will continue to undersell us until our own technology advances and our own efforts to modernize production facilities and to control other key cost factors, including wages and benefits to workers, make it possible for us to match them. Your proposed S. 2592 will retard progress in these directions should it pass.

Nor can our trade imbalance be resolved by limiting imports and precluding exports of U.S. technology. It best can be resolved by more effective competition in international markets, which cannot be achieved through protective policies.

Observing the American scene from abroad, we expatriate U.S. businessmen note the inordinate power of organized labor. The long dock strikes have further undermined the confidence of foreign buyers in our ability to deliver the U.S. goods we offer for sale. Labor leaders' demands for ever-higher wages and benefits, totally unrelated to increased productivity of labor, have forced American producers to increase prices, thus causing government to increase either its taxes or its deficits. Since goods are overpriced, sales decrease at home and abroad, and foreign goods at reasonable prices flow in to capture markets, domestic and foreign. This causes unemployment and makes prices rise even higher because of the smaller quantities over which fixed costs can be spread.

On September 28, Senator Hartke said of S. 2592, "In this bill the key word is production." Certainly more U.S. production is needed—but at lower, not higher, cost. Behind the quota and tariff barriers he proposes to erect, U.S. prices will climb still further. He also said the bill can end the "giveaway" of American jobs, and that technology transfers by U.S. firms would cease. We deny that American jobs have been exported; they have been forfeited due to U.S. labor leaders' demands for more compensation than workers have earned. Technology transfers might be legally frozen by your bill, but this would only encourage our foreign competitors to greater research efforts of their own. It also could cause a reverse "brain drain" should U.S. scientists choose to work where their efforts would be better subsidized and rewarded than at home. Unless you are prepared to deny to certain Americans the right to live and work where they choose, you cannot erect a wall to lock U.S. technology in. You probably will only create a barrier to preclude rapidly-advancing foreign technology from coming to the aid of hard-pressed American production facilities.

Senator Hartke's remarks prefacing his bill in the Congressional Record of September 28 effectively tell late developing countries such as Thailand to look to Japan or Germany for aid, technology, engineering services, atomic power plants, etc.—all of which they require in growing quantities in years just ahead. By co-sponsoring this bill, you are saying that close and friendly relations with the United States and with U.S. business no longer are important to us. You are inviting leaders of such nations to reciprocate directly against American firms and investors already located within their control. Such investments, in the last few years, have begun contributing significantly to the favorable side of the U.S. trade and payments ledgers, but they easily can be "held to ransom" by foreign governments if America now abdicates its long-standing and progressive trade policies.

Few Americans working abroad will disagree that the U.S. must continue to produce a wide variety of goods within its own borders in order to remain industrially self sufficient. But control of the inordinate demands of labor's leaders, further modernization of production facilities, greater investments in basic and applied research, new progress in marketing and transportation methods would provide a more effective route to self sufficiency than will denial of principles America has advocated in world trade. Once given arbitrary authority to establish quotas on now unregulated imports, the new government agency you propose could act, upon request from any manufacturer or labor leader, to erect import barriers against almost anything, to support uncompetitive U.S. producers and shelter unproductive American workers. Such a risk seems more dangerous than the presumed benefits warrant.

Consider, please, the thousands of Americans serving overseas for the multinational corporations you propose to regulate. How many will lose jobs or find themselves working for the same firms under different flags once these corporations are driven by your policies to flee America? Tighter regulation imposed unilaterally by the U.S. will not solve the problems you attribute to multinational corporations. Rather, it will increase the strength in world markets of similar firms based elsewhere. America's balance of trade and payments will become worse, not better, and her chances of exporting goods and services will be further reduced. The proposed bill obviously is self-defeating.

We of the American Chamber of Commerce in Thailand, in concert with fellow U.S. businessmen throughout the Asian Pacific region, will watch closely the actions taken by you and your colleagues on the S. 592 proposals, whether as a package or piecemeal. We are alerting our home offices, our friends and others in America to the dangers we see in the proposals. We will do all we can to muster the American electorate—including the more sensible members of the organized labor movement—to react at the polls at the earliest opportunity against members of Congress who support any of the reactionary trade legislation you are co-sponsoring.

Sincerely yours,

J. M. AHRENS, *President.*

I will only comment on the last paragraph of the chamber's letter, which is without a doubt, the boldest expression of selfish interest that I have read in a long time. The audacity of a foreign-based American to threaten Members of Congress, who in good conscience believe their duty is to the American people, should give all of us a moment of pause to reflect upon what manner of beast is this, that is so foreign to the problems and the needs of our people here at home that he would attempt to destroy the body politic that allows him to enjoy the benefits of a citizen without the obligations of a citizen. The primary obligation I speak of is namely, to pay his share for the unemployment that is slowly, but surely, destroying the source of his own welfare. So, Mr. Speaker, I put aside the personal threat, and the threat to my colleagues because the matter of our election to this body is of little note; and, the only important thing is the survival of our Nation and the welfare of our people.

My answer to Mr. Ahrens follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 9, 1972.
Mr. J. M. AHRENS,
President, the American Chamber of Commerce in Thailand, Bangkok, Thailand.

MY DEAR MR. AHRENS: I appreciate your long letter and explanation of your views on free trade. Incidentally, these same arguments could be made for the American economy.

Your arguments are those of exporting nations in the main. You complain about my own sponsorship and others for legislation which is aimed at limiting importation of some products into this nation, or raising the tariffs on those goods coming into the country. It has probably never struck you or any other American ex-patriate that the mighty might of this nation was not created by free trade, but through job opportunity. The so-called "free trade" concept now in vogue is contrary to the needs of our country. What no one seems to realize is that when our industries are impacted by imports and our workers lose their jobs there is no market for American goods or, in fact, any goods. Without jobs there are no wages and with wages there is no buying power for anyone's goods. We cannot forever borrow money to buy our products and certainly not Foreign products.

In your letter, among other opinions and views, is a political threat, and I quote back to you what you have said, "We will do all we can to muster the American electorate—including the more sensible members of the organized labor movement—to react at the polls at the earliest opportunity against Members of Congress who support any of the reactionary trade legislation you are cosponsoring". Now in order that you and I understand each other let me just send you a copy of a letter from the Westinghouse Electric Corporation, which is similar to hundreds already in my files on the impact of imports.

Also, you might be interested in the latest editorial of the Christian Science Monitor dealing with foreign cars. The brand new Chrysler plant in my District has just announced that they will have no operational money this year, therefore there will be no cars produced from that plant. No cars, no work; no work, no wages; no wages, no buying power for anyone's goods. The editorial shows why this new plant will not have any operational money.

I am, also, enclosing two more letters from industries in my district who are suffering from excessive imports. The first is part of a letter from Braeburn Steel (and my reply to them); the second, is from Bethlehem Steel Corporation. I have had Braeburn Steel in my district for as long as I can remember but now they have finally absorbed all they could from imports.

The Alcoa Wearever plant, in my younger days, employed thousands of workers. They manufactured household utensils and thrived even though our population was only about ¼ of today's consuming population. Now, however, they cannot compete and have been forced to close down. They could not compete with low-waged countries who pay their employees only a fraction of what they had to pay theirs. Their employees paychecks are eaten up by taxes of 50–60% of their gross incomes. These taxes, direct or indirect, were used to make it possible for you and other ex-patriates to establish businesses and enterprises overseas. You as representatives of that great group, who are go-betweens for the export of American jobs by the importation of foreign products, have had a great deal to do with the downfall of the American economy and the need for compulsory tariff barriers and import limitations.

You cannot gain my sympathy for your loss of business because of Japanese competition, because the United States has had this problem for years and not just with Japan. We have had foreign competition from other Asiatic and other low-waged nations who do not want to compete on a fair basis. Slowly, but surely, we are being strangled economically and the lifeblood of the American economic well-being is being drained.

If you represented a district, as I do, that has lost three steel plants in the last two years, has between 30–60% unemployment in the remaining specialty steel plants, lost the Alcoa plant, the Braeburn plant, watched the largest glass plant under one roof (in Jeannette) practically close, saw our handmade glass plants close down (leaving only 2 in existence), watched the coal mines go out of business because of imported oil (and now they can't reopen because they became flooded and it is not economical to reactivate them), saw the tennis ball industry go out the window because of imports, and watched as the Pennsylvania mushroom industry, the largest in the United States, fell off 40–50%; and, not to be forgotten, is the large BOF plant, Pittsburgh Steel, which had to turn out its fires not long ago, and the tool steel industry, that never missed paying a dividend until last year, has found its stocks, originally valued at about $40, down to as low as $6.50. You watch all this happen and then see if you could criticize me for being a "protectionist". Would you then blame me for trying to help my people keep their jobs?

I came to Congress an adamant free trader until I was assigned a select subcommittee to study the impact of imports on American employment, in the late 1950's. I gained an education from these studies and became a protectionist. You may have a copy of the damaging testimony, which is now in short supply. Many Americans are now realizing that we have a major unemployment problem in the United States because of excessive trade caused by foreign aid, unemployment, war, welfare and related expenditures. If you wish a copy let me know and I will try to obtain one for you.

At the time of my committee investigation many plants and industries warned of the danger from imports and American overseas production facilities, that shipped their product back to the United States. The public did not believe it until now, when plants are closing and businesses are going bankrupt daily.

I need not tell you, since you are a businessman, that every time an American worker losses his job, two or three service and supporting employees lose their jobs. The unemployed can only buy less goods, ours and yours.

Last Christmas I bought my staff and a few friends radios labeled "Westinghouse". They were very small but good radios with a battery recharger, flashlight, cigarette lighter and cost about $20.00 each. It wasn't until I opened the case to replace a bad battery that I found the product came from Thailand. There was no indication that Thailand was the country of origin except inside the case.

I know that by your standards, it is a rather selfish concept to fight for American jobs and to believe that lowering tariffs will create unemployment and adversely affect our economy, but from what I have seen over these many years I cannot help believing we are in serious trouble.

When you can prove to me that lowering tariffs and encouraging more imports will create prosperity and jobs, I will re-consider my position. If lowering tariffs and lifting trade barriers would help economy, then why don't Thailand and other trading nations do the same thing, and why are all of you so "eager" to help our economy and not your own?

When trading countries pay our wage base and live by our social structure and have basically the same tax structure, then and only then will I consent to "free trade". (We also have a $90 billion defense budget which no other country has.)

If you can assure the Congress of the United States that once we get into this free trade position there will be no more Vietnams, Koreas, or Middle East crises, and that we will have a long and prosperous peace, I assure you I will change sides on this issue. Also, Congress should receive assurance that there will be no more welfare, and unemployment, treasury aid for industries who have suffered from imports. Congress should be assured of these conditions before allowing free trade, because as Members of Congress their number one duty is to the people of the United States.

I now believe we understand each other.

Sincerely yours,

JOHN H. DENT,
Member of Congress.

P.S.—I have spent 40 years of my life as an elected official in public service, and if you can defeat me go ahead—I am ready for retirement anyway.

Incidentally, I found in my travels abroad that ex-patriate Americans don't usually vote and seldom pay taxes in the United States.

Lots of luck.

I have just received, Mr. Speaker, the latest piece of literature driving for free trade from a Japanese-financed organization here in Washington, D.C. It deals with so-called $2 billion Japanese agricultural products imports to the United States. Mr. Speaker, are we so naive to believe that this Nation can survive as an exporter of subsidized agricultural products? Why do we not recognize that the only reason that we can sell agricultural exports is because they are subsidized. Every pound of wheat and every pound of cotton is partially paid for out of the taxes charged to the American people.

Export-oriented subsidies only widen the gap between the U.S. production costs and foreign imports.

The President and diehard, mistaken free traders will finally have to come to the inevitable conclusion that the United States cannot compete as a free enterprise economy in world trade with modern international cost inequities.

Fearful of the truth, the proposal to subsidize U.S. export industries creates another step in the direction of industrial oblivion.

Subsidies cost money, money comes from taxes, taxes come from wages and incomes and profits. The more subsidies, the higher the taxes; the higher the costs of production, the less we can sell in our own markets in competition with cheap imports; the more unemployment, the higher the taxes to pay for relief and the more industries will have to be subsidized. Finally, the more and more we lie to ourselves about the import crisis, the worse it will get.

No nation can have subsidized production of competitive products without import restrictions for these products. The history of subsidized sugar, wheat, cotton and other farm products proves this point and shows the fallacy of competitive equality through subsidy alone.

Every farm subsidized product enjoys import restrictions up to and including virtual embargoes. We cannot meet world prices without subsidy unless we put barriers against imports. The cotton story is a graphic example. We subsidize cotton to sell in the world market at worldwide prices arrived at by international agreements which operate in a form of a selling price cartel.

However, when we subsidize exports, we put a higher burden on our own textile manufacturers who must pay a domestic price much higher than their world price competitors. To relieve the pressure on our manufacturers and to try to stem the unemployment in the textile industry, we pass legislation giving our textile manufacturers an allowance on each bale of cotton equal to the subsidy paid the farmer for world cotton. This means higher taxes on American wages, incomes, and manufacturers profits to pay the subsidies.

Higher taxes increase the cost of living, which in turn trigger higher wages and higher prices for U.S. goods, again widening the gap between imports and exports.

The history of textiles ought to convince Congress, the administration and above all, the American people that it is like a dog chasing its tail. It runs in a circle and if it catches its tail and tries to hold on to it, it has to run in a permanent circle. If it lets go, it has lost the race to catch up. Chasing foreign trade is just as fruitless.

The unemployment in textiles has been caused by even greater imports, despite international cotton agreements. Subsidies to farmers and manufacturers will be an even greater source of unemployment, many of our textile mills are making more agreements to have textiles produced in Japan, Hong Kong, Taiwan and other countries for sale under the U.S. trade names here in the U.S. markets.

With the wage levels paid in the United States, there is no excuse for U.S. consumers demanding cheaper foreign goods which contribute nothing; instead they take from every American citizen and community funds needed for our own welfare and sound economy.

The 10-percent surcharge was in reality a horrible example of Government doubletalk. It was only a stalking horse to get foreign exporting nations to help us save our floundering dollar. In fact, the import duty on foreign cars dropped from 3½ to 3 percent after the surcharge fiasco.

Anybody can raise millions of dollars for campaigns from foreign exporters—they are the persons who have the cash for the barrelhead.

Time does not allow me to cover the whole field of trade problems. When I think over the years of the exploitation of the American people by the Congress, which must take the full blame, for the benefit of foreign countries I cannot help but worry about the future of our country.

The President is leaving tomorrow for a trip to China. Already the promise has been made that we will enter into agreements with China and will call upon the American people to open our, already ravished, consumer market to Chinese products; and, with the aid of American dollars and know-how we will build the Chinese industries. With their labor cost they will not only destroy more of the American market for us, but this will also create serious conditions in the countries that export to the United States, who have a higher wage standard and production cost than the Chinese. If this was the end of the exploitation of the American economy we could probably survive if we lived another 100 years, but think of the many countries around the world, such as Asia and Africa, that we will have to build up after we are through with the Chinese.

Trade domestically and internationally is a commercial venture. Its only reason for being is profit. The inexact science of diplomacy blended with the exact science of commercial trade can only result in chaos and destruction of our way of life.

For the record, Mr. Speaker, allow me to now present to the House the figures from the Department of Commerce, from 1960–1971, of our so-called trade balance and balance of payments:

	Trade balance on census basis	Balance of payments
1960	$4,579,000,000	$4,906,000,000
1961	5,467,000,000	5,588,000,000
1962	4,533,000,000	4,561,000,000
1963	5,262,000,000	5,241,000,000
1964	7,082,000,000	6,831,000,000
1965	5,222,000,000	4,942,000,000
1966	3,872,000,000	3,927,000,000
1967	4,141,000,000	3,859,000,000
1968	837,000,000	624,000,000
1969	1,289,000,000	660,000,000
1970	2,699,000,000	2,110,000,000
1971	[1] 2,047,000,000	[1] 2,906,000,000
1971 [2]		

[1] Deficit.

[2] Only deficit figure.

And, now let me just read to you the figures I gave to the Congress for 1960–63, which are somewhat lower than the figures contained in a recent book entitled "America, Inc." I said the deficit for 1960–62 was approximately $7 billion, and the author of the book says that from 1960–63 the deficit in trade and the balance of payments was $10,600,000,000. I have been told, not more than 2 months ago, by the President's spokesman, Mr. Peterson, that at that point we were still in the black and that we were selling far more than what we were buying. In addition to that, he said that more jobs were created by exports coming into the United States than we lost domestically. That was a few weeks before the President made a liar out of Mr. Peterson and announced his great so-called surcharge on imports because we were in a deficit trade position.

The figures from the Department of Commerce are false and I have told the Congress for 11 years that they were false. The figures are a deliberate lie and if anyone in America would keep their business books in the same way the Department of Commerce does they would be put in jail.

Mr. Speaker, if we were, indeed, in a favorable trade balance for the last 10 years—prior to 1971—why do we owe foreign nations $63 billion as of the middle of this past January? Of the $63 billion $60 billion is collectable on demand. Foreign countries owe us $27 billion and not 1 cent is collectable on demand, or can it be used as an offset against our own trade balance. That is why, Mr. Speaker, for the first time in my life I voted against authorizations for foreign aid, foreign development, and import-export legislation.

Somehow, or another, I am convinced that there must be a secret alcove somewhere where somebody sits and draws plans for the demise of our democracy, because no one or no one group could make the mistakes we are making without a blueprint.

I hope you will allow me, Mr. Speaker, to expand upon this import subject in the weeks to come.

UNEMPLOYMENT AND JOBLESSNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 60 minutes.

(Mr. DENT asked and was given permission to revise and extend his remarks.)

Mr. DENT. Mr. Speaker and Members of Congress, I just noticed something in today's paper and yesterday's paper that changed the whole course of the remarks I was going to make.

It is related to the subject matter that I took up with the House 10 days ago when I read a report from the chairman of the board of the Committee of 100 headed by the Corn Products Corp., Inc., International. This Committee of 100 went over to Russia to talk to Chairman Kosygin and Russian officials about a trade deal with the United States.

As we know, we are living in an era of commercialization and mercantilism and trade that supersedes all other considerations of the human actions and behavior of our times.

I read the complete report that was given by this committee, and to say the least about it, it scared me since it deals with the subject matter that I believe to be the most important subject matter before the American people today—unemployment and joblessness, caused by our illogical and outmoded international trade posture.

Mr. Kosygin laid down two specific terms before he would discuss any trade agreements.

First. He said that the Soviet Union must be considered as a favored nation under our trade agreements.

This means that all concessions that we have given over the some 30 years of the reciprocal trade agreements between the United States and friendly nations would have to be given to the Soviet Union in one fell swoop.

The second provision that he would expect is that all avenues of credit now open to all our trading partners would be open to the Soviet Union, including the Import-Export Bank financing.

He went on further to say that since the United States was so far ahead of Russia in its production of sophisticated computers, that he was having difficulty buying computers from the United States because, he said, they would not be used for military purposes.

At least he was honest enough to qualify that particular statement by saying that at least these computers we would buy now would not be used for military purposes.

Then he went on to say, to put the clincher on what I think would be a most devastating blow to U.S. industrial productivity and employment capacities—he said that he would want and expects American enterprise concerns to build plants and to send the equipped and trained persons to teach them the know-how to produce many industrial goods that they do not have proficiency in today.

Further, he would expect and demand that the plants would be paid for my selling to the United States the production of those plants.

Further, he said that this meant also pre-agreement arrangements for the plants would include an agreement to buy the same amount of goods from those plants annually for the next 20 years.

He further went on to say that any products that the United States would sell to Russia would have to be part of a quid pro quo in which the Russian products would have to be bought by America, and that all products bought from America would have to be paid for in a barter type trade arrangement on products from Russia because "We will not pay for products from any hard currency country other than in products from our country to take their place in a barter deal."

Now, Mr. Speaker and Members of Congress, the article I refer to was just disclosed not more than 10 minutes before I advised this Congress of the kind of secret arrangement which happens to be the diplomatic policy of this administration—secret arrangements and secret deals that are brought out in the open after they have been accomplished and leaving Congress in a bind where it can do nothing else but ratify the arrangements that were made.

Arrangements were made, and we are now providing $3,100,000,000 worth of equipment, machinery, know-how, technical staffs, and all of the background knowledge that we have paid for with billions of dollars and the sweat of many thousands of American workmen, to build a plant for the construction of trucks.

However, in that agreement—and he has already petitioned for the financing of the total amount from the Export-Import Bank and other agencies of credit that are within control of the United States—but he also goes further and says that they would produce under the first group of vehicles that they make 150,000 trucks plus 100,000 motors which will be sold to the United States in payment yearly for the plant until the $3 billion is paid off.

I defy anybody to go broke under that kind of an arrangement. I would be glad to start a group tomorrow to construct a plant in my district and make motor trucks if the U.S. Government would give me the money and buy back enough of the product to pay for the plant.

I am afraid, Mr. Chairman, that this is the kind of agreement we have made all over the world, and that is why we cannot do anything about the import invasion of the United States. We cannot, because secret agreements have been made whereby we have spent billions of dollars of American money constructing production facilities all over the world and have agreed to buy back the products in order to pay the debts for the construction of those plants.

This country grew big because it had a brain to create productivity. It grew big because it had a dedicated labor force and a business enterprise system which allowed the smallest man within it to become the largest man within the whole country. It was built big because we designed and knew how to make things, and we kept that design to ourselves and sold the product of that design.

Now we give the design away and buy the product from those to whom we have given it.

To those of you who have not yet felt the seriousness of the unemployment in the United States, I pray that you do not wake up, because you are sleeping in a dream world of unreality. We are on a very dangerous precipice, and one little shove can push us down into oblivion. I do not want to comment on the President's visit to China. Anything that is done in the interest of humanity I applaud and support. But I say that the prompting factor in the decision to go to China is the commercialism and the mercantilism of international trade.

You will see just as surely as you are alive that within a very short time we will be importing from the Chinese mainland products that just a few years ago would subject you to jail sentences and fines if you were caught bringing them into the country.

This ban has been lifted already, because the Hecht Co. just announced this morning that all of the District stores will, in 2 weeks, open up with China shops called "The Oriental Express," in which they will have available for sale soups, glass, and certain articles that are already made in Red China.

We cannot be the marketplace for the whole world, but they think we are. At this point, 32.7 percent of all the shoes purchased in America come from foreign countries. It so happens that in last week's issue of Toronto's Financial Post, an article stated that the Canadians are very seriously disturbed because of the imports of shoes into Canada.

But what do Members think their solution is? Do the Members think their solution is to do something about protectionism and to do something to guarantee that the workers in their areas are not put out of work by workers making shoes for one-quarter or one-fifth or one-tenth of our wages? No. They are holding a meeting this week, and the tone of the meeting is this: that now, because of the pressure of shoes coming in from France and Italy and Brazil and Japan and Taiwan, they think the thing they have to do is expand their sales into the United States.

We have become the biggest boobs on the face of the earth. We have failed to realize that without jobs there is no economy. Without men working there is no market here for our goods nor will there be a market for foreign goods.

There will be no foreign goods market simply because the income of the American is being taken from him now. The income which would be used to feed and clothe and house and medically care for a great portion of our American people is being taken now.

There are approximately 200 million people living in this country. Yet, there are 52 million of that number who do not work at any productive or service type of work. We have 26 million who draw social security; they do not produce goods. The money that pays for social security comes out of the marketplace. Some of that money goes back in, but mostly it is for food and rent and a few necessities, no luxuries.

We have something like 13½ million Americans who are drawing welfare. This money comes out of the earnings of those who work, and that does not buy in the marketplace the kind of products that create employment in this country. Then we have about 13 million in the service of the different governments in the United States. This money comes out of the wages of those who are employed in productive and service industries. All of this money comes in and then goes back out to take care of Americans who are out of productive work.

Right now, every automobile company in America is buying foreign steel. Let us take a look at automobile production. This year, a nation that 10 years ago was not producing 100,000 automobiles—Japan—is producing by their own calculations 6,700,000 automobiles, over 2 million of which they expect to sell in the United States. For every 200,000 automobiles that are sold in the United States, 25,000 workers are required, starting from the digging of the coal, the mining of the ore, and on through the blast furnaces and steelmaking processes, the making of springs and seats, tires and tubes, and the glass and the electronic equipment that goes into the automobile.

So, if we take 2 million imported cars—and we must not forget that we do not sell 2,500 automobiles to Japan in the whole year, most of which are bought by American expatriates or the Diplomatic Corps in Japan—when we couple that with the above facts and multiply 10 times 200,000, or 250,000, we will find there are 2 million Americans in some walk of life, in some form of production, who will lose their jobs this year because of imports of cars alone.

In the steel industry this past year we imported 18 million tons of steel, and we exported less than 2 million tons, a difference of 16 million tons of exports. Every million tons of steel that is made requires 6,000 workers per year in all of the types of the coal and the drilling of the oil on through all the parts that go into the production of steel.

So we find ourselves with 16 million tons and 6,000 workers, or 96,000 workers no longer employed in steel.

Come to Pittsburgh. Go to Birmingham, Ala. Go out to Detroit. Go anywhere in this country where men make their living making steel, where men make their living making automobiles, where men make their living making tires. Do you know that last year we imported 21 million automobile tires, not counting the five tires that come on every imported car into the United States?

Then they say that labor has caused inflation. They are against my little minimum wage bill that is going to pay $1.80 to some workers and $2 an hour to some other workers. It is too much money, they have said, and it causes inflation. I do not know anybody who is working 40 hours a week, making even $2 an hour, the minimum we have in our bill, who can buy anything with that that would cause inflation. In my book, I believe he will be hard put to buy the barest necessities for himself and his family. But that is going to cause inflation.

Do you know what causes inflation? When there are goods on the shelves of the marketplaces and money in the pockets of Americans, and those people are buying goods on the market shelves that were not put there by American workers. When the goods on the market shelves are made elsewhere, every time Americans buy those products the money goes elsewhere to pay the worker who made it in a foreign country. He pays his shoemaker, and he pays his electric bills and he pays his grocery bills. You and I and the rest of us who are fortunate enough to be working pay for all the costs for the boys thrown out of work because that foreign workers has his job.

There is absolutely no living person, in spite of his philosophy, in spite of whatever ideology he may have, who can stand up in open debate and defend a system that destroys the capability of this country in peace and makes us an open target in case of war.

We have difficulty and have had difficulty in prosecuting the so-called brush fire in Vietnam. Why? It is because we had let our merchant marine go down, and we did not have the bottoms to send over the seas to ship not only the men required but also the equipment and materiel for them. And, we had to pay exorbitant prices to foreign flagships, owned by Americans. It cost you and every other American, who bought or built a home since that war began thousands of dollars extra, because we had used these ships to bring our lumber to the east coast, to the central United States and to the South from the northwestern part of our country. We had to pay three or four times as much per board foot because we did not have ships to bring it around to the coastal ports so that you and I could get it at reasonable rates.

We are living in a day and age today where to be sound and sane, according to some people, one must be unreal in his philosophy and unreal in your love for this country and in regard for your fellow worker.

There is not anything any country can give the United States that can give back to a working man who has lost his job the dignity of working for himself and his family or can give them an opportunity to live on an equal basis with anybody who happens to have a job.

That is the ideal my father came to when he was an immigrant from little Italy. He came over with the idea that this was the place which recognized the need for dignity for human beings. He worked—and he worked for 80 cents a day—and he did not cry or complain. It was a lot more than he could make over there, and he had an opportunity to educate his children. That opportunity is now going to be taken from their grandchildren because the Government of the United States cannot pay for all of the education or for all of the needs of human beings who are not working.

I do not care what anybody tells you about figures. To me every able-bodied person who is not working today is unemployed. I do not believe now and I never will believe that the American citizen would rather be on relief than work. I do not believe that argument, because every time I have had an opportunity to find a job for anyone I have never had any trouble finding somebody to fill it. To those critics who moan and groan and say that we have to cut back on welfare I say there is only one way to do it, which is give them an opportunity to work. Give them a job, the job that we are transporting across the oceans without regard to what it means to the welfare and well-being of our American people and to our country itself.

Mr. GAYDOS. Will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman.

Mr. GAYDOS. We all know in our district and in this House that the gentleman in the well has been fighting against unreasonable imports for the last 15 years or more.

I would like to ask the gentleman if he would explain and clarify the situation regarding specialty steels as it affects his district, my district, and the Nation, particularly since the voluntary quota arrangement with Japan and the European steel producers has expired.

Mr. DENT. When you stand on the floor of the House and say to the House, as I have on about 11 occasions in the last few years, that they have just closed down the Graybar Steel Co.—and this is a plant that has been there for over 300 years—does not cause a ripple. When I tell them that the Latrobe Steel Co. is down 30 percent, that does not cause a ripple. When I tell them the American Pane Glass Co. shut down permanently, it having been the largest in the world, and that its last employment was down from 11,000 a few years ago to about 5,500, it does not make any difference to the House Members and the Secretary of State who negotiated the trade deals that we are in. It does not make any difference when I come here and cry and plead with the Members to try to do something about the Aluminum Co. of America which is closing down its plant. When I was a little younger man they had 15,000 employees. They will all be thrown out of work. It does not seem to mean anything to anyone any more than it did in the 1920's when we lost the production of coal in our area because of the importation of oil. It does not seem to matter to any of you that today there is not an American who is working and earning $7,500 a year or more who is not paying 50 cents out of every dollar that he earns into Federal, State, local, and county taxes in the form of hidden taxes as well as public and open taxes. That is the distribution that the gentleman talks about.

You must understand that the mere loss of a job in a steel plant is not the extent of the injury; it is not the extent of the damage that is being done to the economy, because before that steel man can make steel someone has to provide a ton and a half of coal in order to make three-quarters of a ton of coke that goes into that steel mill in order to make the steel. Somebody has to provide the coal for the energy needed to drive the powerplants which make the necessary electricity. Somebody else has to mine the ore and somebody else has to transport it and somebody has to be working to unload and then to load and unload it again. Someone has to do these jobs all along the line, making tools and the necessary equipment and machines in order to make a ton of steel. That is where you get this work distribution.

It means that when they shut down plants and mills 100,000 workers are put out onto the street when the distribution is stopped at that particular plant. Maybe some of those who distribute the goods, the truckdrivers and railroad workers, will still work, but they will be distributing foreign steel.

At the same time so many Americans think that there is no damage whatsoever done to the economy of this country in going in and buying a Volkswagen or a Datsun or a Honda or a Yamaha or a Suzuki. They think nothing of it. But every time they do it these young people are cutting down their own chances of having a job. It is cutting down the opportunity for the parents to support them if not old enough to get a job; it is cutting down the opportunity for their future for work. This is proven by the fact that in June of this year we will have 65,000 of all the college graduates in America out of work. Unless the men working in the mines have jobs in the production field, there are no jobs for the parasites. They will have no opportunity to go into the production work.

I am one of the parasitic group. I do not produce anything any more. However, at one time I worked in the mills, in the actual production field, and thereby I was providing the salaries for government officials and for others in service industries, but the minute the production job dies, all of the other jobs die. If you do not believe me, take a walk with me out into Pennsylvania and Appalachia and you will see whole towns abandoned.

Mr. Speaker, I was born on the banks of Allegheny River. It was a big town at that time for a coal town. It was a town of 700 families and that is a big town in a coal community. I lived there and worked there and everyone dealt with the two stores located there. We had a squire or a justice of the peace, we had a constable, we had two churches, we had two barbers, we had a shoe repairman to repair our shoes, but what happened? When the coal mines shut down, within 9 months there was not a living soul in that community. It is still there on the banks of the Allegheny. Some of the coal is still there. But, why could not the shoemaker stay? He was earning a living. Why could not the doctor stay? Why did they have to move? Because there was not that amount of money that came from production.

For every production worker producing a product to sell in the marketplace, three more were earning a living. The production worker took the money and paid a part of it to this person, he paid a part of it to that person, he paid a part of it to this person and they, in turn, paid a part of their wages back to the person that supplies the services they need and thereby we have what made this economy—the free movement within our own States, the free movement within the territory, that made this Nation great, the free movement of people, the free movement of goods, the same price for money, the same banking loans and the same rules of behavior, and minimum wage laws. But, when we go out into the jungle of foreign trade, do we have any kind of law that guarantees that my coworker in Italy or Japan is going to have as much to spend from his wages to buy the production he makes, as I will have to buy the production I make? We do not have any equality in the value of our money. They juggle their money up and down. They do anything they want to do with it. Most of their unions are company operated and in most instances they are nationally operated. They get subsidies to see to it that they can dump their goods on the American market.

I am not saying that only the Nixon administration is at fault, because it goes back to the Johnson administration, to the Kennedy administration, to the Eisenhower administration, to the Truman administration, and all the way back to the most inconceivable conception of 1933 that this had to be a free trade world.

Mr. Speaker, there is no such thing as free trade. We do not have it in the United States. We were great when we had free trade. No man had to pay a bounty to go across the State line from Pennsylvania over into Ohio, but now if you go across a State line up in New Jersey or New York and many other States and take a little bottle of whiskey you will be stopped and they will confiscate your car.

Oh, no, you will be stopped, and they will confiscate your car. In some States you cannot bring in a carton of cigarettes from another State. If you happen to be traveling in one State you cannot bring cigarettes into Pennsylvania. Also if you buy a car somewhere else because it is cheaper, if you go into a State like Pennsylvania where they have a 6 percent sale tax, then you cannot run that car in Pennsylvania unless you pay another tax in Pennsylvania, no matter where you buy the car.

This is not true with foreign goods. When foreign products come into this country, no one says they have to pay an equalizing tax on it by the residents of the United States, and that is true of any product that comes into the United States; it comes in without taxation. But we have to pay an equalizing tax when you travel from one State to another.

What we are doing is removing all the barriers against trade with foreign countries, and at the same time we are erecting barriers on trade within the United States.

Oh, I know that it will not be too long until people like myself will not be heard on this floor because I believe we are all becoming mesmerized into the belief that if we get world trade it means peace. Well, within about 2 weeks I will be 64 years of age, and, do you know, I just cannot remember peace during all these years—and my uncle GEORGE MILLER from California just said that I am just a kid—but I just want to say that even in his memory at no period in our entire history of the 200 years, come 1976, at no period of time has there been more war and devastation, unrest and unfriendliness in the world than in the last 40 years. We have never been without war. I have never seen a war that has been settled yet. Every time we end one we work out a solution that starts another.

And trade is nothing but a commercial venture, its whole purpose is being as profit. We have compounded it to the real injury of this economy by creating multinational corporations that are no more interested in the integrity of any land within which they operate, including our own, than the man in the moon. They are interested in only one thing, and that is profit; they are profiteering beyond any amount, beyond any measure in our economy before. I have seen things sold to importers for as low as $3, and sold to Americans for as high as $50.

As an example, I visited in my investigation of Export-Import, a shoe plant in Florence, in fact three or four of them, and the highest priced shoe being sold to the United States from the highest priced shoe plant in Italy was $6.75 to the American importer—and you ask any American woman if she can buy a pair of Italian shoes for that—and I remember the name of the shoe, I just cannot think of it right now, but it is the highest-priced shoe in America, and it sells for $67.

Do you think that we are being honest and true to the concept and principle that we adhere to, or believe that we adhere to in this country when we allow them to pay their workers over there 63 cents an hour, and the same American workers get $5.40 or $5.50 an hour? That is slavery in a certain way. The slaves worked for nothing, they got their food and they got their board, but now we are paying them, but they still have to come to the government and get food and board, because they are not paid enough. As I say, in the old days we had physical slavery all over the world, but you know what you have now? You have political-economic slavery. And just as Chile, Cuba, and Peru, and just as Brazil and the rest of them, you will see the day when the workers in this country make our luxuries for us and they will not be able to buy these same luxuries themselves. That is the form of slavery that will destroy this economy unless we wake up. Unless the people wake up, it will happen. And the way to wake up is to just go into the stores and not buy foreign-made products.

I went into the biggest store in our area. I wanted to buy a couple of white shirts. I know that today everybody is wearing colored shirts, but I wanted to go back to white again just to see what I would look like. And I went into the store and out of all the shirts—and they must have at least 12 or 14 counters of men's shirts and this is one of the largest chains in this country, only one counter had American-made shirts on it. All the rest were from Malaya, and they do not even wear shirts in Malaya. Malaya, the Philippines, Hong Kong, Taiwan, Singapore, and pretty soon I guess they will go to the Congo because I understand they only pay 4 cents an hour in the Congo. They do not care where they make a product—they bring it to the market that has the highest buying power. There is not a single worker—now get this straight—there is not a single worker outside of the sophisticated workers in West Germany, France and certain common market countries and Japan—the ordinary worker and tradesman in all those countries does not get paid as much as we pay for the welfare of our families who are on public assistance.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman and I will yield him 30 minutes if he wishes.

Mr. GAYDOS. Will the gentleman be good enough to explain how a shirt manufactured in Rumania, behind the Iron Curtain, passes through Germany or Scandinavia and comes to this country labeled as an American-made product?

Mr. DENT. We are investigating welfare pension systems to try to improve the pension systems in the United States for those Americans who have to depend solely on social security. We were trying to work out a system whereby a collateral program would allow them to live without going on welfare once they were provided with social security and a private pension.

So, of course, we know that Denmark is way ahead of many countries. Sweden is way ahead of many countries. So we decided to go up to the Nordic countries that have had pension systems in existence for a long time.

One evening a Member of Congress, the gentleman from New Jersey (Mr. Daniels), was with us on the committee and we went out to have some dinner. There was an American sitting at the next table, and surprising to say—he was drinking and he was talking a little loud. We caught on that he was some kind of a textile man. So later he came over and he said:

"I heard you boys talking—you are Americans. Won't you have a drink?"

And we said:

"Sure."

Then this man told us that he is operating out of Finland, behind the Red Curtain, and they were making textiles, Finnish products—dresses, shirts, and things like that for men, and women, boys, and girls.

I said to him:

"How do you get them into the United States?"

He said:

"Well, we have a corporation in two or three countries that have trade agreements with the United States. So we ship them to our corporations in those free nations and then they pack them and label them with their country label and send them to the United States."

All these years, if you want to know where they got the money for sputnik and you want to know where they got the money for many of the things—some of it came out of your pockets and my pockets when we go in and buy foreign-made products.

Mr. GAYDOS. Before the gentleman concludes, I wonder if he would give us the benefit of his expert knowledge with respect to the effect foreign imports have on our domestic specialty steel and tool steel industries.

Would the gentleman tell us what we can expect if this insidious encroachment in these areas continues as far as the national defense of this country is concerned.

Mr. DENT. Over 3 years ago we made a so-called voluntary agreement with Japan. At the time special steel in the United States was producing 99 percent of most of the specialty steels and 97 percent of the special steel coming into—I mean being sold in the United States.

After this voluntary agreement was signed, the Japanese changed their product mix from the high carbon steel and low carbon steel and ordinary steel, structural steel and so on and went into the special steel business, which is the high cost, high employment steel.

To make a million tons of ordinary steel, it takes 6,000 workers a year. To make a million tons of special steel, it takes 15,000 workers a year.

So now up as high as 72 percent of all the special steel sold in the United States is being imported and so our special steel industry is flat on its back. Unless we in the Congress have the courage to do something about it, the specialty steel industry will not survive another 3 years.

Let me say something to you about what specialty steel is. Everything that you see, everything that you touch, everything processed by man has to have the use of specialty steel to be able to make it or to produce it. Specialty steel is the steel that cuts the molds. It is the steel that makes it possible to build production machinery. Without it you cannot do anything. You would never have gotten off the ground in trying to go to the moon without specialty steel. You would not get from here out the door of the Capitol of the United States without specialty steel having been used.

Everything you see that has been created by modern man, since he first learned how to make steel in its crudest form, has been formed into something useful for the human hand to use through specialty steel.

You cannot survive in peace without specialty steel and without the productivity to meet the demands of peacetime, and in war you have no more hope of surviving than a man in the moon. Germany ran out of pep because her specialty steels were not sufficient to meet the demands for the production of the war machine that had been devastated by the allies. Japan went down the drain for the same reason. If it were not for North Vietnam getting its requirements and needs from Soviet Russia and Red China, they would have been down a long time ago.

The whole basis of human endeavor as we know it in our country and as the world knows it stems from the use of specialty steel.

We, my dear friend from Allegheny County, are in a very dangerous position, and apparently the Congress has lost either its knowledge of the subject, its respect for this Nation's needs, or its regard for the human beings that make up this great country of ours.

I yield whatever time is remaining to the gentleman from Allegheny County.

Mr. GAYDOS. Mr. Speaker, I wish to thank my good friend for yielding to me at this time. JOHN DENT has been fighting the unfair and unreasonable foreign import problem for the last 15 years. As he carries on the almost single-handed battle, he has never hesitated to appear anywhere inside or outside this country to save American jobs and American industry. If someone were to say to me that I could do half as good a job as he, I would consider it an extreme personal compliment. I hope the gentleman is with us for a long time. Regardless of how young he is, we expect him to be here for the next three or four terms, because we do not have many people here who have the knowledge that he has on this very complicated subject.

I can stand here and tell you about the voluntary trade arrangements, the agreements we have had in effect for the last 3 years and how they have been violated, and I can tell you what we are trying to do and what has not been done by the State Department. Many things can be said but only men like JOHN DENT have the expertise and intimate knowledge of our foreign-trade problems and the ability to present them so clearly.

Mr. Speaker, there was a time when the expression "as American as apple pie" carried a most significant meaning. Whether applied to man or machine, it was a declaration to the world that that person or product was American and, therefore, something solid, dependable, something to be trusted.

Regrettably, that no longer applies today. At least not in the business world. Products once made in America by Americans and sold under names that were "as American as apple pie" now are made practically anywhere on the face of the earth. However, because their name still is "American" the product is sold in the United States under the label our people have come to respect and trust.

For instance, Ford Motor Co., a firm whose name occupies a special spot in American history, has parts of its cars made in Canada and England but sold here under the Ford name. Plymouth has a model made in England with parts supplied by Germany. It is not sold as an English Plymouth or a German Plymouth. It is sold simply as a Plymouth, a good solid American name. Dodge, another well-known American auto manufacturer, has a model built in Japan by the Mitsubishi Corp.

Please do not get the idea I am singling out the automakers of America as the only practitioners of this type of sales pitch. The list of "American" products made overseas is a long one. It includes, television models—Monroe, for example; typewriters—Royal; movie cameras—Bell & Howell; radios—RCA; washing machines—General Electric; calculators—NCR, Burroughs and Dictaphone. Even baseball, the all-American game, has gone abroad, Spalding Co., a firm synonomous with baseball, has its "mitts" made overseas.

Some people will say you should not criticize a company for going international, for expanding and increasing its sales. After all, they point out, a firm which is beholden to its stockholders has an obligation to return as high a dividend as possible. The cheap labor markets overseas gives them that opportunity.

I do not stand here to criticize the marketing policy of any company. It is not my intention to tell them how to run their business. But I firmly believe that the American consumer is entitled to know whether the product which carries an "American" name is in fact American made.

Of course, it can be said that many companies do stamp their product with the point of manufacture, telling the consumer the article was made here or there. But too often, far too often, that stamp is not prominently displayed. Granted, the fact the stamp is there at all might meet legal requirements but there is a question whether moral ones are met.

Is it really right to expect a potential auto buyer to crawl under the hood of a new car, search his way through the twisted mass of wiring, dig in through all the nuts and bolts just to find out what parts are made where? Must a customer take apart his radio, TV, or washing machine to find out whether the components parts were made in America or somewhere else?

I will insert into the RECORD at the close of my remarks a copy of a news article which deals with the subject of "American" products manufactured abroad. It was researched by a reporter for United Press International in New York and points out that each year American consumers spend billions of dollars for Japanese-made products which carry American names. The writer notes, too, that many people are not aware of this because labels and plates denoting the point of manufacture often are placed in obscure areas of the product.

That same article, which appeared in the February 14 issue of the Pittsburgh Press, attributes the loss of 275,000 jobs to the flight of American companies overseas where labor is a cheap commodity. That combination of cheap labor, good technology, and a well-known name product is part of the reason that last year 90 percent of the home radios in America were imported, 51 percent of the black and white TV sets came in from other countries, so did 42 percent of our shoes, 96 percent of our motorcycles, and 68 percent of our sweaters.

You can add to that list the more than 18 million tons of our steel. This is the area which particularly concerns me and the more than 50,000 men and women in the Mon-Yough Valley of the 20th Congressional District of Pennsylvania which depend on steel and steel products for a living.

These are the people who are still waiting to see what will come from our State Department's attempt to gain a new, and I certainly hope, a meaningful voluntary restraint arrangement with the major foreign steelmakers. I say "meaningful" arrangement because the 1968 one was disastrous. Less than 2 weeks ago, I stood on the floor of this House and told you I was assured of a preliminary report on the negotiations with a more detailed one to follow when the talks were completed. I did not have that report then; I do not have it now.

What I do have is a report from Stewart S. Cort, chairman of Bethlehem Steel Corp. The report is not a cheerful one. Mr. Cort frankly admits the American steel industry is not snapping back from last year's import deluge. Furthermore, the reason he is quoted as giving for the slow recovery is due to continued heavy imports.

Despite the west coast dock strike, imports of steel last month probably equaled the 1.3 million tons shipped into the country during December of 1971. In addition, Bethlehem Steel, despite a pickup in orders from the automotive and construction industries, does not expect to see much of a business increase until next month, according to Mr. Cort.

Mr. Cort's comments are contained in a news article in the Pittsburgh Press of February 16, and I will include a copy of that article in the RECORD today. In the same issue, in fact on the same page, is another story which I think will interest you. Written by Robert Dietsch, a Scripps-Howard staff writer, it is primarily concerned with our country's $30 billion deficit in the balance of payments last year. However, it does touch on our lopsided trade balance, which was a factor in the overall deficit. Mr. Dietsch points out that in 1 year this Nation did a complete flip-flop in the import-export area. In 1970, he reports our exports topped our imports by $2.1 billion. But last year the situation was reversed with imports topping our exports by almost $3 billion. He adds a rather gloomy footnote, noting that our exports still are not booming and that we cannot soon expect to see a return to the trade surpluses of a decade ago.

Industry Week magazine did nothing to brighten the outlook in a report it carried in its February 14 issue. The "Valentine" it sent to the steel industry was an announcement that General Motors Corps, planned to double its purchase of Japanese steel this year. According to Industry Week, GM will buy 154,332 net tons from Japan in 1972.

The magazine further warned that:

> Coming on top of an absence of new quota agreements with European and Japanese steel producers, renewed interest in overseas sources raises the threat of another big year for steel import.
>
> Nineteen seventy-one, you recall, was the year of the big love affair between U.S. manufacturers and foreign steelmakers. The result was a record 18.3 million tons of steel, valued at $2.6 billion, another record, shipped into the country.

Industry Week, as does Mr. Cort, sees little to cheer about in the immediate future as far as steel is concerned. The magazine says foreign mills are expected to ship us about 8 million tons in the first half of this year. That is not too far behind last year when imports totaled 9.1 million tons in the same 6-month period.

Quite frankly, Mr. Speaker, I am frightened. The situation grows ever more critical. America, once the greatest exporter in the world, has become the greatest importer in the world. The trade deficit last year, the country's first since 1888, shocked a great many people and, I hope, brought the issue into sharp focus.

It did produce a reaction to "Buy American." I am glad to see that. But, if the present trend continues, that may be all that we produce.

The articles follow:

"MADE IN JAPAN" LABEL WIDESPREAD

NEW YORK.—You may think that the Dodge Colt compact car, Royal's "Apollo" typewriter and Bell & Howell's Super-8 movie camera have little in common.

But they do.

They're all made in Japan.

To the long list of "American" products made overseas can be added many models of television sets, some General Electric washing machines, RCA radios and even Spalding baseball gloves.

Each year Americans spend billions for Japanese products bearing American brand names. Many people aren't even aware of it because labels and plates denoting point of manufacture often are under or on the backs of the machines.

Hitachi makes some models of the RCA radio and G.E. washing machines. Mitsubishi Corp. makes the Colt compact.

NCR, Burroughs and Dictaphone place their names on calculators produced in Japan by Sharp, Sanyo and Nippon, respectively. Most Monroe television sets also are produced abroad.

This flight to cheaper labor markets has cost Americans about 275,000 jobs just in the radio-television and electronics area and the fields of leather footwear, steel, apparel and textiles, according to Bureau of Labor Statistics. Imports in these areas in 1970 contributed nearly $4 billion to the balance of paymens deficit.

It's been estimated that Americans in 1971 imported 90 percent of their home radios, 51 per cent of their black and white television sets, 42 per cent of their shoes, 16 per cent of their new cars, 96 percent of their motorcycles and 68 per cent of their sweaters.

Besides products made overseas and bearing American brand names, a vast quantity of goods are assembled here from components manufactured abroad.

IBM, the leading maker of computers, has a component manufacturing plant in Taiwan. That island also turns out television components and other electronic parts for Philco-Ford, Admiral and General Instruments Co.

Little by little, the drive toward cheaper labor, a major factor in productivity which ultimately determines profit margins, is chipping away at American industries.

Take the portable typewriter industry, for example. Major producers like Royal, Remington and Underwood, acquired by Olivetti, an Italian company, make their products overseas.

Allen business machines (formerly R. C. Allen), an American manufacturer of office typewriters, was forced out of business entirely.

Smith-Corona portables, made by SCM Corp., are the only portables still produced in this country. SCM manages this through automated manufacturing methods at its production complex in the Cortland, N.Y., area.

Despite the automation, Smith-Corona still hires 3,500 workers at these plants. But you can bet that these workers worry some as they feel the pressures of foreign labor closing in on them.

Corporations also feel that pressure. They're caught between the desire to make more profits through higher productivity and public resentment when they phase out plants * * * foreign labor.

IMPORTS STILL HURTING STEEL

Imports are taking the snap out of steel's comeback, according to Stewart S. Cort, chairman of Bethlehem Steel Corp.

Cort said that shipments, which remain well below expected levels, are "inching up" but the reason they aren't more robust "quite frankly, is due to continued heavy imports."

The steel executive said that despite the dock strike on the West Coast, imports last month probably equalled the 1.3 million tons shipped into the U.S. in December.

Despite a pickup in orders from the automotive and construction industries, he said it would be March before Bethlehem would expect to see much of a hike in business.

He reiterated estimates made in the past that industry shipments in the first quarter will be only 21.5 million tons to 22 million tons and lag behind the 24.4 million tons shipped a year ago.

It is still possible, according to Cort, that total shipments this year will reach the 94-million-ton level he had been forecasting two months ago.

Cort added that this figure, which represents an 8 per cent hike from the 87 million tons shipped in 1971, is based on an expected drop in imports from last year's record 18.3 million to around 16 million tons.

Cort said as part of an intensive cost cutting program last year, Bethlehem weeded out unprofitable sales and partially, as a result, saw its shipments fall to 12.6 million tons from 13.8 million in 1970 and its share of the market slip to 14.5 per cent from 15.2.

He said Bethlehem is "going to try with every effort" to regain its market share this year, and he forecasts the company's shipments in 1972 at 14 million tons.

He declined to project earnings and laughed at estimates by some analysts that the company will earn $4 or more a share this year. "I like those figures," he said, adding that "We'll have to work hard to meet that."

Some analysts had increased their projections for Bethlehem from around $3.50 a share earlier this year when the company astounded the industry by reporting a 54.6 per cent surge in earnings to $139,239,000 or $3.14 a share on a 1 per cent gain in sale to $2.96 billion.

Cort said it's too early to tell if Bethlehem can match last year's first quarter net of $33,125,000 or 75 cents a share on sales of $768.4 million.

"We had a chance in a few early months last year—when customers were building inventory as a hedge against a strike that didn't materialize—to turn the motor on and really let things roll at optimum levels." But sluggish demand has kept operations below these levels so far this year.

PAYMENTS DEFICIT RECORD IN 1971

(By Robert Dietsch)

WASHINGTON.—The $29.6 billion deficit in the U.S. balance of payments last year set a record.

Administration officials and private bankers said today they foresee some improvement, but not much, for 1972.

The Commerce Department reported yesterday that the 1971 payments deficit was $19.8 billion more than the previous record set only a year earlier.

The figures reflect what economists call the "official reserve transactions balance" meaning that foreign central banks accumulated $29.6 billion more they sent to the United States.

By another method of measurement—one which reflects dollars accumulated by both foreign central banks and foreign private sources (individuals, private banks and corporations)—the 1971 balance of payments deficit was $21.2 billion.

This also was a record by far. The previous record deficit by this accounting was $3.8 billion set in 1970.

The deterioration of the payments account is reflected in the fact that in 1969 the official reserve payments account had a $2.7 billion surplus.

Main reason for the massive dollar exodus last year was the loss of faith in the dollar last spring and summer.

Foreigners had piled up so many dollars they became apprehensive about the U.S. government's ability or intent to swap them for gold. They became convinced the dollar was overvalued in relation to other—major world currencies.

As a result, not only foreigners but U.S. businessmen and banks doing business overseas sold dollars to buy other currencies, especially the West German mark and the Japanese yen.

It was to stem such dollar hemorrhaging that President Nixon last Aug. 15 ended the policy of swapping dollars for gold and thus, in effect, devalued the dollar.

The official devaluation did not come until shortly before Christmas, when the dollar was cheapened in price in relation to other currencies and many other currencies were raised in price in relation to the dollar.

Another factor in the swelling of the 1971 payments deficit was a deteriorating U.S. trade balance. In 1970, U.S. exports topped imports by about $2.1 billion; but in 1971, imports topped exports by almost $3 billion. It was the country's first trade deficit since 1888.

The new alignment of currencies, which gives the dollar an edge in world merchandise and financial transactions, was designed to help the U.S. payments account. But most economists think it will be several years before any sizable improvement can be made.

U.S. exports still are not booming and the country cannot soon expect the hefty trade surpluses it enjoyed in the early 1960s.

And, despite the new currency alignment, there has been no massive flow of dollars back into the United States.

[From the Daily News, McKeesport, Pa.,
Feb. 14, 1972]

STEEL IMPORTS SET RECORD IN 1971

CLEVELAND, OHIO.—More foreign steel entered the United States last year than ever before, and U.S. manufacturers are looking to overseas steel mills again this year for price breaks, Industry Week magazine reports.

Steel users year built up a strike hedge with foreign steel at a cost of $2.6 billion. This year, customers are looking to the lower cost of imported steel in the face of hikes by U.S. steelmakers, the business weekly said.

General Motors Corp. said it will buy 154,322 net tons of Japanese steel this year—double the amount GM purchased last year, Industry Week said.

"Coming on top of an absence of new quota agreements with European and Japanese steel producers, renewed interest in overseas sources raises the threat of another big year for steel imports," the magazine said.

It noted a record 18.3 million net tons of foreign steel entered the U.S. last year.

Domestic steelmakers forecast imports for the first half of the year will be about 3.5 million net tons the first quarter and 4.5 milion net tons the second quarter. Last year, 3.8 million net tons were imported the first period and 5.3 million net tons the second.

The magazine said, however, that "there is some indication . . . that overseas steel producers are eyeing price hikes of their own."

Imports may "hit a snag in the form of a strike of dock workers at the Great Lakes ports April 1," Industry Week said.

"Contracts with the International Longshoremen's Association expire on the Great Lakes March 31, and unless the federal Pay Board approves a 40 per cent increase like that won on the East, West and Gulf coasts, lake port stevedores will probably be asked to strike."

Industry Week estimated 2,378,000 net tons of raw steel were poured in the week ended Feb. 12, compared with 2,345,000 net tons for the week ended Feb. 5.

The price composite on No. 1 heavy melting steelmaking scrap held at $34.83 per gross ton for the second week the magazine said.

[From Industry Week, Feb. 14, 1972]

MORE STEEL CUSTOMERS GO SHOPPING OVERSEAS

U.S. manufacturers are again flirting with foreign steelmakers—and this could further hurt the domestic mills they jilted last year.

In 1971, steel users in this country had a record $2.6 billion affair with overseas suppliers as they built huge strikehedge stockpiles. This year, customers are looking for price breaks in the face of hikes by U.S. steelmakers.

Evidence of current interest in import steel is mounting:

The recent price increase on cold rolled steel sheet and strip apparently hasn't cost U.S. mills any business yet—but it is causing some customers to grumble and check foreign price lists.

Price shading on some other steel product lines is necessary to keep orders in this country, notes a Chicago area mill.

General Motors Corp. says it will buy 154,322 net tons of Japanese steel this year—double the amount it purchased last year.

A Southern pig iron facility has been closed because its customers were able to buy more cheaply overseas.

Import fears.—Coming on top of an absence of new quota agreements with European and Japanese steel producers, renewed interest in overseas sources raises the threat of another big year for steel imports. Last year, more foreign steel than ever before—18.3 million net tons—entered the U.S.

Indeed, domestic steelmakers are forecasting imports for the first two quarters at a relatively high level, although down from record 1971. Foreign mills are expected to ship about 3.5 million net tons of steel to this country in the first quarter and 4.5 million tons in the second. A year ago, they shipped 3.8 million and 5.3 million tons, respectively.

There is, however, some indication that overseas steel producers are eyeing price hikes of their own. Most are reported to be signing contracts of only three months.

HON. JAMES F. BYRNES

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1972

Mr. GERALD R. FORD. Mr. Speaker, I join my colleagues in mourning the death of a truly outstanding American, the man Franklin D. Roosevelt dubbed "Assistant President."

James F. Byrnes had a most remarkable career, one that spanned nearly a half century, Jimmy Byrnes was successively a Congressman, a Senator, an Associate Justice of the U.S. Supreme Court, Director of Economic Stabilization, War Mobilizer, Secretary of State, and Governor of South Carolina.

The American people owed Jimmy Byrnes a debt for his many services to the Nation, particularly for his splendid 2-year stint as Director of War Mobilization during World War II. Then it was that F.D.R. nicknamed Jimmy Byrnes "Assistant President," because Byrnes at that time was, in effect, in charge of America's domestic affairs.

Mr. Speaker, I have a special fondness for Jimmy Byrnes—one reason being that he supported the Republican candidate for President in 1952, 1956, 1960, 1964, and 1968.

But, politics aside, the Nation has lost a great American.

My wife and I extend our condolences to Mrs. Byrnes in her time of grief.

COLLEGES NEGLECT THE ARTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD a most interesting article, "Colleges Neglect the Arts," by Miss Nancy Hanks, chairman of the National Council on the Arts.

Miss Hanks' essay appears in the March 1972 issue of "Trustee," a publication of the Division of Higher Education, Board of Education, the United Methodist Church, sent to trustees of the church related institutions of higher learning.

I might note, Mr. Speaker, that Miss Hanks is herself a trustee of Duke University at Durham, N.C.

Miss Hanks' essay follows:

COLLEGES NEGLECT THE ARTS

(By Nancy Hanks)

The arts are sometimes expensive, and so are science laboratories; but, considering their centrality to the value of life, I do not understand why the arts have not become integral to most universities, or why they are the first to be cut in times of financial stringency. This is true not only in university budgets, but also in city budgets, in contributions from foundations and corporations, and in the entire structure of the support of the arts.

It is my belief that the reason the arts find themselves in what can only be viewed as a precarious position is that we are not yet listening enough to our young people. This is to say that we are foolishly neglecting our future.

How many people today in a university community—and by that I mean the faculty, the alumni, the parents, the administration, and the students—are asking the tough questions from a point of reference but with a need for change? We all agree, for instance, that our libraries are a great source, the bedrock of a university. The printed word brings us the history of the ages and explores the possibilities and promises of the future. But how many of us consider that painters and sculptors throughout time have portrayed the history of the ages and projected the seeds of the future? Their works of art are as important to a society as the work of a great writer. Yet, do we all agree that our university museums are as important as our libraries?

The same comment and questions could be made and asked about dance, theatre, music, and all the arts. Another example is film.

IMPORTANCE OF FILM

Film as an art is earning its place beside painting, music, poetry. At the moment there are three hundred colleges and universities offering film courses, sixty-eight of them offering a major in the art of film. In the last five years budget allotments for university film programs have increased 300 percent. There are more than three thousand students majoring in film on the undergraduate level and more than twelve hundred pursuing graduate degrees in film. Nearly 80 percent of schools teaching film production emphasize documentary or experimental filmmaking, and one-third of the schools permit a student to complete a film project in lieu of submitting a written thesis.

All this is to the good. Now let us look at the other side.

You cannot teach or learn film without having access to our film heritage, any more than you can teach literature without libraries. Yet, at the Library of Congress archives alone, thirty thousand feet of film decompose annually. Losses are being suffered also at the National Archives, the Museum of Modern Art, and the George Eastman House.

In film research the need is great for properly organized research centers and the development of educational aids and trained personnel. Currently there is no research center to promote film scholarship. Some work is being done at the graduate level at universities and at the major archives, but little is being done to coordinate these efforts and focus on specific needs.

Apparently there is no definitive textbook on the history of the cinema that can be used at the university level. There, too, is no comprehensive, up-to-date bibliography listing reference works on film or published lists of the holdings of the major archives.

FINE ARTS AS CAREERS

A Louis Harris poll has documented that 18 percent of college seniors interviewed are interested in the arts—not as an avocation, not as a sometime part of an otherwise directed life-style, but as a full-time way of living. And the "Profile of This Year's Freshmen," compiled by the *Chronicle of Higher Education*, shows that 9.2 percent of the freshmen chose the fine arts as a probable major field of study, as compared to 16.2 percent who wanted to concentrate on business and 11.6 percent who were interested in education.

The fine arts ranked third in the listing of preferences, two notches ahead of the social sciences and engineering, which came in fourth and fifth. As a career preference, to be an artist was more interesting to the freshmen than to be a nurse, doctor, lawyer, or college teacher.

If we compare both surveys, we find that by the time freshmen become seniors their interest in the arts as professions has taken a giant step of 100 percent!

Throughout history what has helped societies and civilizations to meet their problems and to advance their values has been creativity and quality. Without creativity and quality the human being and the society in which he lies would be powerless to develop new ideas and from them methods to deal with new problems.

We are today, in glory and in grief, a technicized society. For the growing complexities consequent to mechanization, computerization, and advancing technologies we need an ever vital and growing addition of what the arts do for the human spirit. They are not merely embellishments, decorations, entertainments. They are necessary elements, vital to the continuance and enrichment of our individual lives and of our civilization.

FORMER GOV. BUFORD ELLINGTON

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. JONES of Tennessee. Mr. Speaker, while the House was in its Easter recess recently, the State of Tennessee was saddened by the news of former Gov. Buford Ellington's death. The Governor and I were friends of long standing, and I was among the many who mourned his passing.

Buford Ellington and I first knew each other when he was a member of the State legislature and I was a member of Gov. Gordon Browning's cabinet. When Gov. Frank Clement took office, Buford succeeded me as commissioner of agriculture before serving two separate terms as Governor.

Governor Ellington had two sterling qualities which I shall long remember—his industriousness and his warmheartedness. He was an early riser who enjoyed getting to his office early and staying there often into the nighttime hours. He was readily accessible and those who talked with him felt that they had a true friend.

Through Buford Ellington's leadership, Tennessee accomplished much, and we of the Volunteer State are going to miss him deeply.

MY RESPONSIBILITY TO FREEDOM

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. HANSEN of Idaho. Mr. Speaker, "My Responsibility to Freedom" was the theme this year of the Voice of Democracy contest sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. I want to commend the VFW for sponsoring this annual contest and for encouraging young citizens to speak out in this positive way showing their pride and faith in the principles upon which America was founded and still thrives.

David Housley, a senior at Pocatello High School in my district, was Idaho's winner this year in the Voice of Democracy contest. I am pleased to insert Mr. Housley's speech in the RECORD:

VOICE OF DEMOCRACY

There is no law, written or otherwise, that says a free people must fulfill their responsibility to freedom. If there were, that freedom would be a farce. Instead, a free society gives its citizens the right to react to freedom in their own individual ways. Whether their actions are responsible or irresponsible is entirely up to them.

A person can fulfill his responsibility to freedom by doing two things. First, acknowledging the obligation he has to himself and second, acknowledging his obligation to others.

An individual owes it to himself to become aware of his talents and to manifest them in the most constructive way possible. By doing this he contributes to his character and the character of his society.

Freedom is a catalyst to individual achievement. It gives the citizen an opportunity to work independent of political requirements or class demands. If a person fails to utilize his resources he is derelict in his responsibility to himself as well as to freedom.

Everyone has a moral responsibility to help anyone who is injured, hungry or even lonely. Those living in freedom have an added responsibility. They are obligated to protect each other's right to pursue happiness.

The best way to meet this responsibility is by perpetuating the government that allows for that right. In order for such a system to survive it must be protected and understood.

Protecting a free people's government involves more than an effective internal militia or national army. It involves the population's will to see the system prevail. Soldier or civilian, a person will fight harder if he loves what he is fighting for, and freedom must be understood before it can be thoroughly appreciated. It's the responsibility of all free men and women to seek and gain knowledge about their free system. This knowledge will aid them in discerning who is hurting and who is helping the government and in properly defending the freedom the government allows.

Thus far I have made no mention of the United States by name. What I have said has been simply stated, analytical, and even pseudo-scientific. It was done this way to establish freedom as a definite quality. Possessed with rules and requiring responsibilities. The people of the United States are subject to these rules and responsibilities. They must realize that freedom is perishable and needs more than faith to stay alive.

America didn't invent freedom, it merely, ambivalent as it may sound, captured it in a Democracy. Democracy needs responsible people just as freedom does. People who will work individually to improve their talents and collectively to insure each other's right to pursue their own particular future. But above all, people who will be their responsibility to freedom by learning about the government that keeps them free and protecting it because they know what it stands for.

TRIBUTE TO SALVATORE CAMELIO

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. HARRINGTON. Mr. Speaker, I was on an inspection trip in South Vietnam and Thailand when the State of Massachusetts suffered a grievous loss in the death of Salvatore Camelio, long the president of the Massachusetts State Labor Council, AFL–CIO. Both as a member of the Massachusetts House of Representatives, and as a Member of Congress I had the privilege of working with him on legislation that was of importance to the men and women he so ably represented. No one who had that experience could have doubted for a minute the depth and integrity of his commitment to making a better life for working people. His concern for economic justice, his compassion for the less fortunate, and his insistence that labor be given, not simply its fair share of the national product, but a full say in the decisions that affected laboring people—whether in the workplace, or in the statehouse, or in the Capitol—set a high standard of leadership.

Especially at this time, when there are those who would unfairly try to make labor the scapegoat for the disastrous economic policies that have plagued this country for the past 3 years, Sal Camelio will be greatly missed. As we continue to work to improve conditions for all Americans—nationwide, and in Massachusetts, where we face the most severe unemployment crisis since the depths of the great depression—the memory of Sal Camelio and his work will be with us.

IS BREZHNEV'S PERSONALITY CULT DECLINING?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. HAMILTON. Mr. Speaker, a Radio Liberty dispatch from March 6, 1972, presents some very interesting facts on the declining mention of Party General Secretary Brezhnev in the editorials of Pravda, the party newspaper.

The concluding paragraph of the dispatch notes that—

> Whether or not Brezhnev will ultimately succeed in imposing himself as the undisputed leader is still very much an open question. It is bound to be equally uncertain, therefore, whether the slump in the Brezhnev cult currently to be observed in the lead editorials of *Pravda* reflects no more than a temporary or partial setback in his ascent to the top . . . or whether we are actually witnessing the decline of a leader's cult after he has passed the apogee of his career.

I recommend the dispatch, which follows, to my colleagues:

IS BREZHNEV'S PERSONALITY CULT DECLINING?

(By Christian Duevel)

Following publication of an esoteric anti-Brezhnev editorial in *Pravda* of January 21, references to Brezhnev have sharply declined in the party organ's lead editorials. From January 22 until March 5 of this year, *Pravda's* lead editorials have mentioned Brezhnev only three times, as compared with a total of 13 references during the first part of January (January 1–21) 1972.

Pravda's lead editorial of January 21 was pegged, as usual, to the anniversary of Lenin's death, although it did not specifically mention the anniversary. In contrast with the past few years, when *Pravda* had stressed "faithfulness" toward Leninism in the headings of its editorials published on the occasion of this anniversary, it came out this year with the headline "The Creative Force of the Ideas of Leninism." In itself this was hardly very significant. Nor was it in any way out of order for *Pravda* to insert a quotation from Brezhnev's report to the 24th CPSU Congress to the effect that "the party sees its most important task in finding, on the basis of Lenin's thoughts and Lenin's methodology, a solution to the topical problems of communist construction." But then the editorial became implicitly more critical, pointing out the importance of the fact that "our scientific thought does not come late with an answer to the newly-arising urgent questions of the day." It did not elaborate on these "urgent questions of the day," but there must be at least some suspicion that it was meant to refer to President Nixon's visit to Communist China. Even more striking was *Pravda's* anonymous criticism on this occasion:

"Leninism does not tolerate a dogmatic attitude toward theory. V. I. Lenin mercilessly ridiculed those who on all occasions 'snatch at quotations from books' and feel lost in the face of new situations which are not described in the books. A favorable atmosphere has been created in our country for bold, creative searches. . . . Creatively to adopt and develop Lenin's ideas in the situation of the means unflinchingly to defend their purity. . . . Militant implacability toward distortion of revolutionary theory, and toward any alien views—that is the most important Leninist principle."

But what does it mean to defend the "purity" of Lenin's ideas in the present situation and in the context of a specific reference to Lenin's opposition to the frequent use of quotations? Could not the "purity" of these ideas be best defended by making frequent appeal to Lenin's quotations? Obviously, what the authors of the *Pravda* lead editorial were concerned about was not the quotation-mongering from Lenin's works, which has existed for a great many years, but the similar phenomenon that has been developing in the more recent past with regard to Brezhnev's "books."[1] It is in any case inconceivable that the editors of *Pravda* would have chosen the anniversary of Lenin's death for an insidious attack on the practice of all-too-frequent appeals to the words of Lenin, almost half a century after his death. What was involved was clearly a condemnation of the quotation-mongering that has developed around Brezhnev, apparently coupled with an esoteric attack against Brezhnev himself for "feeling lost in the face of new situations which are not described in the books." But the proof of the pudding is in its eating. And it is, therefore, only now that we can be absolutely sure that this esoteric lead editorial was aimed against Brezhnev. For now we can see the factual evidence of a sharp decline of references to Brezhnev since publication of this lead editorial in *Pravda*. The party organ's lead editorials have now returned to the rate of Brezhnev references that existed before April 1970 (*viz.*, 3 to 4 per month), when the great Brezhnev quotation boom began, at least as far as *Pravda* was concerned (see attached Appendix).

Particularly noteworthy is the fact that on three occasions since January 21, *Pravda* has featured lead editorials on foreign policy that failed to mention Brezhnev (*viz.*, on January 28, February 10 and March 2). Since Brezhnev assumed the key role in Soviet foreign policy in August 1971, all of *Pravda's* foreign policy editorials had referred to Brezhnev at least once, and occasionally as often as five or six times (*Pravda*, Sept. 27, Nov. 1 & 29, 1971). During the entire past year (March 5, 1971 until March 5, 1972) only five lead editorials of *Pravda* on foreign policy have failed to mention Brezhnev (apart from the three recent ones cited above, those of June 2 and July 27). Is the trust of the party's ruling elite in Brehznev's conduct of foreign policy waning, it may be asked, in the face of the wrecking of his China policy (epitomized by the U.S.-Chinese rapprochement) and the possible wrecking of his *Westpolitik* (if the steadily dwindling Bonn government majority in the Bundestag should fail to secure the ratification of the Moscow-Bonn and Warsaw-Bonn treaties?)

Intriguing inferences may be drawn from the curve of Brezhnev references in the *Pravda* lead editorials. Thus, the CPSU Central Committee plenum in early July 1970, when Brezhnev, apparently, for the first time attempted the takeover of the government, was preceded by three months of a rising personality cult, as reflected in the increasing number of references to Brezhnev in *Pravda's* lead editorials (see: Appendix). The three months which preceded the CPSU Central Committee plenum in late November of last year (September-November 1971), at which another such attempt was staged on the part of Brezhnev and his supporters, although apparently in a modified form,[2] were again marked by a fast-rising number of references to Brezhnev in *Pravda's* lead editorials. As a result, an all-time peak of 25 references to Brezhnev was achieved by the *Pravda* lead editorials published during November 1971. On both occasions—the July Plenum of 1970 and the November Plenum of 1971—the rate of Brezhnev references immediately dropped in the months that followed his abortive takeover bids (since the July 1970 plenum was held at the beginning of the month, it is only natural that this decline should have been reflected to a certain extent already in the July figure). It therefore looks as though the build-up of Brezhnev in *Pravda's* lead editorials represented, on both occasions, a deliberate effort to boost his position in anticipation of his takeover bid. In connection with the 24th CPSU Congress in early April 1971 the reverse phenomenon was to be observed. There was no prior buildup, but the number of Brezhnev references increased sharply with the beginning of the Congress and dropped off again in the following months. This was a plausible reflection of the heavy emphasis then placed in the Soviet press on rehashing the Congress decisions and especially Brezhnev's report to the Congress.

There is bound to arise the question of *Pravda's* motives in debunking the Brezhnev personality cult, if only esoterically, when it had so amply participated at times in propagating it. There are two possible explanations: either this debunking of the Brezhnev cult was decreed from above, *i.e.*, by the Politburo, and *Pravda* was merely executing the decision, or it reflected the ups and downs of infighting on *Pravda's* editorial board. Some evidence may be cited in favor of both hypotheses. *Pravda's* lead editorial of January 21 and its subsequent practical implementation may be seen as a follow-up measure of the Politburo decision not to let Brezhnev address the nation on New Year's Day (see: "A Small Step Back Toward Collectivity of Leadership,"[3] Jan. 4, 1972). There was evidence, at the same time, of a sort of power struggle between Zimyanin, the chief editor of *Pravda*, and his first deputy (and Brezhnev protege) V. G. Afanasyev, who was seen maneuvering before the Third All-Union Congress of the Union of Soviet Journalists in December 1971 for a top position in the union, but was defeated, as it appeared, through Zimyanin's exertions (see: "A Low-Keyed Congress of Soviet Journalists," *Radio Liberty Dispatch*, Dec. 21, 1971).

Afanasyev was not only not elected to a secretaryship in the union, to which he would have been entitled in accordance with precedents, but he was not even elected to membership to the Board of the Union, composed of 159 people, nor to the Union's Central Auditing Commission (see *Zhurnalist*, No. 1, Jan. 1972, pp. 30 & 32). This was tantamount to having been blackballed! Whatever the details of this story (the delegates to the Congress presumably resented the way Afanasyev had recommended himself in *Pravda*—during Zimyanin's absence—for a top job in the Union), it meant a serious setback for Brezhnev's protégé in the *Pravda* leadership. Afanasyev does not seem to have recovered yet from this setback. At any rate there has been a "blackout" on his activities recently and he has not written any significant press articles since he published one of the most important contributions to last year's esoteric campaign in favor of Brezhnev's takeover bid in *Voprosy Filosofi* (No. 11, November 1971, pp. 3–16).

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[1] A two-volume edition of Brehznev's speeches and articles was published in 1970 under the title "On a Leninist Course."

[2] See the following *Radio Liberty Dispatches* "Pravda Indirectly Attacks Kosygin," October 28, 1971; "Heavy Industry Lobby Beaten Off at Central Committee Plenum," November 23, 1971.

[3] *Radio Liberty Dispatch.*

Whether or not Brezhnev will ultimately succeed in imposing himself as the undisputed leader is still very much an open question. It is bound to be equally uncertain, therefore, whether the slump in the Brezhnev cult currently to be observed in the lead editorials of *Pravda* reflects no more than a temporary or partial setback in his ascent to the top—and will eventually be superseded by a new wave or quotation-mongering from his "works"—or whether we are actually witnessing the decline of a leader's cult after he has passed the apogee of his career.

APPENDIX

References to Brezhnev in Pravda lead editorials

(January 1970–March 1972)

	References
1970:	
January	4
February	4
March	3
April	13
May	16
June	17
July (July plenum CC/CPSU)	14
August	7
September	9
October	10
November	11
December	14
1971:	
January	9
February	7
March	8
April (24th CPSU Congress)	22
May	19
June	12
July	12
August	9
September	15
October	16
November (November plenum CC/CPSU)	25
December	16
1972:	
January (Jan. 1–21, 13; Jan. 22–31, nil)	13
February	3
Total for 1970	122
Total for 1971	170

Categories: Soviet Government, Law and Communist Party.

ADAM CLAYTON POWELL

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ASPINALL. Mr. Speaker, I wish to join with those of my colleagues who are taking this occasion to recognize the work of our former colleague, the late Adam Clayton Powell.

My direct association with Congressman Powell occurred in the House Committee on Interior and Insular Affairs where I now have the privilege to serve as chairman.

The legislative accomplishments of this dynamic individual have been recited and much attention is being given, deservedly, to the work of the House Education and Labor Committee where Adam Powell served as chairman. Lesser known, however, is the work that he performed as a member of the House Committee on Interior and Insular Affairs. Adam Powell was a constructive member of my committee as he rose to the position of chairman of the Subcommittee on Mines and Mining. It was said in jest that his knowledge of mining was restricted to the subways of New York City, but I can advise you that he worked diligently and effectively in that position of responsibility.

He worked within the rules of the House Interior and Insular Affairs Committee, and he paid the committee the compliment of asking to take those rules as his guide when he left our committee to become the chairman of the House Education and Labor Committee.

Mr. Speaker, I join with my colleagues in extending sympathy to the family of Adam Clayton Powell.

THE REWARD FOR SELF SACRIFICE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. HELSTOSKI. Mr. Speaker, on October 17, 1971, Pope Paul VI, beatified Father Maximilian Maria Kolbe, a prisoner of the Nazi concentration camp at Auschwitz — Oswiecim — who sacrificed himself to save the life of another prisoner.

Father Kolbe arrived at Oswiecim, Auschwitz, early in 1941 with four other Monks. He had been seized at Niepokalanow for distributing anti-Nazi literature. Father Kolbe had been organizing help for Catholics and Jews who were being expelled from Polish lands annexed by the Germans.

One day, toward the end of July, a Polish prisoner named Klos escaped. He was the fourth to have done so and the punishment was the same in every case—10 prisoners were selected at random to be killed by starvation.

One of the 10 picked was Sgt. Franciszek Gajowniczek. Sergeant Gajowniczek screamed that he wanted to live to see his wife and children and called to God for help. The Father Kolbe who was in the same file, stepped forward.

He told the commandant in perfect German that he wanted to take the place of this man who called to God for help.

The commandant asked Father Kolbe who he was and Father Kolbe replied, "a Catholic priest." "All right take him" the commandant barked. Father Kolbe was led away while Sergeant Gajowniczek returned to the file.

The 10 men were put in a starvation cell. On August 14, 1941, Father Kolbe was killed with an injection of phenol. He was 47 years old.

The beatification of Father Maximilian Maria Kolbe was the official recognition of the fact that Christian Poles were among those brutally persecuted by the Nazis. During his "urbi et orbi" blessings, Pope Paul stated:

> This morning in the Basilica of St. Peter, we have performed the Ceremony of Beatification of Father Maximilian Maria Kolbe, a Franciscan Monk. He was a Pole. Poland, his country was invaded in the last war from the West and from the East. Gruesome prisons were multiplied, and in horrible concentration camps uncounted multitudes were put to death, among them Jews and Poles. . . . In one of these camps, at Auschwitz, Father Kolbe offered his life through total starvation in exchange for the life of a fellow prisoner—unknown to him—the father of several children. Yet that was not the only act of supreme self-sacrifice. The lot of Father Kolbe and his personal virtues, have made his sacrifice typical of the era. This Franciscan Monk has somehow united all the numerous and still unknown sacrifices that in fact occurred during the rebirth of barbarism.
>
> It will be well to know that among the thousands who partook in this beautiful beatification ceremony was the man whose life was spared.

Mr. Speaker, I would like to offer, at this time, a short history of the life of Father Kolbe. He was born on January 8, 1894, in Zdunska Wola, Poland, and after the usual ordinary schooling, he entered the Conventual Franciscan Seminary in 1907 and was sent to Rome in 1912 to study philosphy and theology.

On October 17, 1917—with six other fellow students, Father Kolbe founded the Militia of Mary Immaculate—now spread throughout Italy, Poland, Japan, the United States, Mexico, and other nations, counting approximately 3 million members. The date of the founding of this religious group coincides with the date of his beatification exactly 54 years later.

On April 28, 1918, he was ordained a priest. In 1919 he returned to Poland and in January of 1922 issued the first monthly publication—Rycerz Niepokalanej—the Knight of the Immaculate, which by 1938–39 reached a monthly printing of 1 million copies. In October of 1927 he founded in the convent city Niepokalanow, the largest Catholic printing office in the world. In 1930 he founded another convent city in Nagasaki, Japan, Mugenzaino Sono.

Mrs. Sono, a 40-year-old Tokyo housewife, spoke of the foundation established in 1930 in Nagasaki by Father Kolbe. She said that the faith brought to Japan by St. Frances Xavier was bolstered in this century by missionaries such as Father Kolbe. The Polish priest's foundation in Nagasaki, she said, is on a hill.

Said Mrs. Sono:

> Perhaps, because of this location his place was protected from the atomic bomb. But really we think that there was a special intervention from the heaven of Father Kolbe which saved his world.

Father Kolbe, recalled to Poland in 1936, was arrested by the Gestapo the first time in September of 1939, immediately after the Hitler's attack on his country, Poland. The second arrest came in February 1941. Sent to the concentration camp of Auschwitz as prisoner 16,670, he offered his life in place of Franciszek Gajowniczek and died on August 14, 1941—the vigil of the Feast of the Assumption—from an injection of phenol—carbolic acid.

Mr. Speaker, the Christian world now has another mortal whose actions brought him recognition and elevation to the ranks of the blessed. This is Father Kolbe's reward for his supreme self-sacrifice to spare the life of a fellow human being.

This world would be far better off if the men of all nations would work toward just and lasting peace so that such events as that faced by Father Kolbe would not be repeated.

MISS JULIA C. THOMPSON

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. DULSKI. Mr. Speaker, the untimely passing of Miss Julia C. Thompson, long-time representative of the American Nurses Association, removes from the Washington scene a strong and effective voice in behalf of her profession.

A native of Wausau, Wis., Miss Thompson had served in nearly every role of the nursing profession, including hospital duty and supervision, teacher, and public health activity.

She had been active on State and national legislative committees before she turned her full-time attention to legislation as a member of the ANA staff in Washington in 1951.

Miss Thompson promptly became well known on Capitol Hill as she pounded the corridors in behalf of legislation of concern to the nursing profession.

She was a complete professional, not only as a registered nurse with wide-ranging experience, but also as a vigorous advocate on behalf of the needs of nurses within and without the Government.

Miss Thompson fought hard, and with considerable success, for improved classifications and better pay scales for some 30,000 nurses employed by the Government. I am quite familiar with her efforts because they brought her in close association with both committees of which I am a member, the Committee on Post Office and Civil Service and the Committee on Veterans' Affairs.

Mr. Speaker, as part of my remarks, I include the April 11 obituary from the Washington, D.C., Evening Star:

JULIA THOMPSON DIES; LOBBYIST FOR NURSES

Julia C. Thompson, 65, the first full-time lobbyist of the American Nurses Association and for 20 years director of the organization's Washington office, died Sunday in Washington Hospital Center after a long illness.

Since retiring in late February, Miss Thompson was a consultant for ANA.

As chief lobbyist and office director here, Miss Thompson worked to improve social security benefits for the disabled and retired and for health benefits in numerous laws.

She also worked for the enactment of Medicare legislation, a position supported by ANA, but opposed by many other health organizations. In 1965 she was among the party that traveled with President Lyndon B. Johnson to Independence, Mo., for the signing of the medicare bill in the Harry S. Truman Library.

Miss Thompson's lobbying efforts also helped bring about the promotion of the Army Nurse Corps chief to brigadier general status two years ago. The chief nurse of the Air Force has been nominated for the same rank.

Miss Thompson also worked for passage of federal support to nursing education and for the Nurse Training Acts of 1964 and 1971.

Sen. Gaylord Nelson, D-Wis., said in February that "nurses throughout the country have been well represented by Julia Thompson for these 20 years. . . . (She) has been a positive voice for improving health care throughout her career. . . ."

Miss Thompson was born in Wausau, Wis. She studied at Stevens Point, Wis., State Teachers College. She taught in public schools briefly before attending Cook County School of Nursing in Chicago. She received a B.S. degree in public health nursing at the University of Michigan.

A general duty nurse, head nurse, supervisor and instructor at Cook County School of Nursing, she later became a staff nurse for the Utah State Department of Health. Before joining the ANA staff in 1951, she was director of the nursing division of the city and county health department in Topeka, Kans.

She also served on many state and national legislative committees before moving here.

She leaves two brothers, Marvin and Arthur Thompson of Wausau, and two sisters, Mrs. Mary Beattie of Elkhorn, Wis., and Mrs. Anne Fulton of Green Bay, Wis.

A memorial service was held yesterday at the Lee Funeral Home here.

The family requests that expressions of sympathy be in the form of contributions to the American Nurses Foundation, 10 Columbus Circle, New York, N.Y.

TOUGH TONE SET FOR MAY SUMMIT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. BOB WILSON. Mr. Speaker, the following editorial from the March 23 San Diego Union is a realistic, down-to-earth analysis of the problems the President will face on his forthcoming trip to Russia and I include the editorial in today's RECORD at this point:

TOUGH TONE SET FOR MAY SUMMIT

The rigid speech delivered this week by Communist Party Chairman Leonid Brezhnev to a national Soviet television audience indicates that President Nixon may expect a red rug at the airport when he arrives in Moscow in May, but that ice water may be the prime beverage at the conference table.

In an extraordinary straight-forward bill of particulars, Chairman Brezhnev made it clear at the outset of his speech that he knows the Soviet Union is a world power; that its dealings with the United States of America will be on a one-to-one basis.

He also made it plain that the Kremlin will not take a role in ending the war in Vietnam; that he does not take our word for anything that transpired during the President's visit to Communist China, and that the Soviet policy of arming the Arabs will continue.

It is not at all difficult to take Brezhnev at his word that the American-Soviet discussions in May will be "businesslike, realistic propositions," unlike the ceremonial, ice-breaking presidential visit to Red China.

Fortunately, President Nixon is an old hand at dealing with the Soviet Union. There is every evidence that he is preparing for his Russian visit with the same caution that he brought there as vice president in 1959.

After that occasion, Mr. Nixon wrote of his encounter with Chairman Khrushchev:

"First, Khrushchev demands something to which he is not entitled. Second, he threatens war if he does not get what he demands. Third, he charges that we will be endangering the peace unless we negotiate on his demands. And, fourth, the price of peace is giving him half or more of what he was not entitled to in the first place."

It is doubtful that the Soviet climate has changed much. Brezhnev will demand that we leave Vietnam without honor and that we abandon Israel. He will try to force us out of Europe one way or another. He will try to tap our superior technology through advantageous trade agreements. He also will try to assure Soviet strategic nuclear capability through a treaty, and insist that the Soviet Union has a right to impose its political-economic imperialism throughout the world.

Against these certitudes, it is difficult to accept Brezhnev's insistence that "an improvement of relations between the United States and the Soviet Union is possible, and, moreover, it is even desirable, but not at the expense of any third country . . . not to the detriment of . . . lawful rights."

President Nixon could drink a toast to all of that and mean it, but until Russia brings its troops home from all of her occupied and semi-occupied lands, Brezhnev's words will be hollow indeed.

STATEMENT OF THE HONORABLE BOB PRICE OF TEXAS IN THE U.S. HOUSE OF REPRESENTATIVES, APRIL 13, 1972

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. PRICE of Texas. Mr. Speaker, I am today introducing legislation to amend the Occupational Safety and Health Act of 1970, to relieve small business firms and farms from enforcement procedures and requirements which have caused small entrepreneurs unnecessary hardships.

My bill would provide for the exemption from this law of employers with fewer than 25 employees, both agricultural and nonagricultural. I should point out that the 25-employee limitation would be on a per plant or unit basis for those companies having more than one location or site, and that the total number of employees in the corporate business would not be the determining factor with regard to the application of this law.

My bill would also delay for 1 year the effectiveness of the act with regard to employers with more than 25 but fewer than 160 employees.

Additional features of my bill would be:

To require the Secretary of Labor to evaluate all of the regulations, distinguish the various facets of a given general form of business, and determine if the regulations should apply to each facet.

To require that the Secretary of Labor know the cost and feasibility of compliance; that this information be made available to the employer; and, to insure the employer that a device or procedure is available which will permit him to comply.

To require the Secretary of Labor to provide technical assistance and consultation to employers with fewer than 100 employees.

To compensate employers for the additional expense of having to comply, initially, with one rule, and then having to comply with a different one as a result of changes in administrative procedures.

To provide that if the usual administrative procedures for adoption were not followed, the failure to comply with the rule cannot be used as evidence of negligence or wrongdoing on the part of the employer.

To relieve employers from the absolute liability provisions of the act. To protect employers from the negligence of employees who do not abide by the regulations or use equipment provided.

To provide that no employer shall be responsible for fines or other penalties if he can prove that the requirement he is alleged to have violated would not have effectively constituted an improvement of the health and safety of his employees.

To permit the Secretary of Labor to make provisions for initial medical examinations for employees and followup examinations thereafter at periodic intervals.

To aid the provisions of the act by permitting the formation of employees safety committees to identify areas of concern at a particular business in an effort to work out solutions between employer and employees.

To assure the earliest possible compliance by making available to the Secretary of Labor the option of entering into an agreement with the employer in lieu of using the present provisions and imposing a penalty for having failed to comply.

Mr. Speaker, while we have a responsibility to be concerned about the health and safety of American workers and citizens in industry and business, nevertheless, we must not lose the forest for the trees. We cannot enact legislation so restrictive and burdensome in its enforcement such that the cure becomes worse than the ailment. To place the same demands upon a small businessman or farmer that are required of corporations employing thousands is both unrealistic and unreasonable. For this reason, I have introduced this bill to correct some of the glaring inequities of the Occupational Safety and Health Act of 1970, and I urge the Congress to take prompt action toward its enactment.

FOREIGN TRADE AND INVESTMENT, A TWO-WAY OCEAN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. FRASER. Mr. Speaker, recent news articles illustrate how a system of multilateral nondiscriminatory trade, and free-flowing capital can help restore a favorable balance of trade as well as bolster our faltering economy. Foreign commerce—both investment and trade—is a two-way ocean.

The following account in the Washington Post of February 5 indicates that Japan is considering a billion dollar investment in the United States for a uranium enrichment plant:

JAPAN WEIGHS BUILDING A-PLANT IN UNITED STATES

(By Thomas O'Toole)

Japan is considering the possibility of building a $1 billion uranium enrichment plant in the United States.

The plant would be financed largely by the Japanese electric power industry and partly by U.S. chemical companies, which would run the plant under close supervision of the Atomic Energy Commission. The AEC would also contribute the know-how that would allow the plant to be built.

"The talks with the Japanese on this issue are very informal and very preliminary," said George Quinn, an AEC assistant general manager, "but at the moment this is the direction in which they are headed."

Locating a Japanese uranium enrichment plant in the United States would remove several obstacles that now lie in the way of Japan owning its own source of fissionable uranium for nuclear power.

First, it solves the question of secrecy, keeping in the United States the technology of uranium enrichment through gas diffusion that led to development of the atomic bomb. It would also be more economical to locate such a plant in the United States, mostly because electric power to run a gas diffusion plant in Japan would be outrageously expensive. Electricity is more than half the total cost of operating a uranium enrichment plant.

Japan more than any other country in the world is committed to nuclear power. Its island ground has almost no coal, oil or gas to fuel its power plants.

Nuclear power experts figure that the Japanese atomic electric program would need as much as 70 per cent of the output of a $1 billion enrichment plant by 1985. Japan might need the entire production of the plant to keep its nuclear power plants in operation by 1990.

Just where a Japanese-owned enrichment plant would be located in the United States is uncertain, but it would probably be built in the west near a cheap source of power. Wyoming is one state mentioned, partly because it is close to West Coast ports and partly because it has large coal deposits that have not been tapped.

The United States is already Japan's sole source of enriched uranium for nuclear power plants. The United States now has long-term contracts to supply nine Japanese nuclear plants with enriched uranium, which it produces at Oak Ridge, Tenn.; Paducah, Ky. and Portsmouth, Ohio.

Some Southern States have successfully invited foreign investment. An account in last Thursday's Wall Street Journal follows:

Foreign investment is courted successfully by some Southern states.

Last summer, more than half the states in the region sent representatives to Munich to talk over investment possibilities with scores of European concerns. In the last seven years, South Carolina has attracted some $725 million in foreign plant spending on plants, particularly in textile related industries. It claims to be the fifth ranking state in dollar value of foreign investment and boasts it has more West German caiptal than any place in the world outside of West Germany itself. Spartanburg, S.C., alone has eight German-owned plants.

Virginia, which maintains an office in Brussels, pushes hard for foreign money and comes up with $110 million in investment from abroad in the past two years. Next week, a 24-man trade mission from the state departs on a trip to woo Japanese companies.

Not all efforts prove fruitful, however. Some South Carolinians still lament BASF's dropping of plans last year to build a $100 million petro-chemical complex in the state. The German concern's decision followed a stiff fight with conservationists.

On the other hand U.S. investment abroad brings direct benefits to those at home. American overseas investment is often of a defensive nature, designed to protect markets and to get behind tariffs and other trade barriers. In the case of Westinghouse, as the following news item from the April 6 Wall Street Journal shows, contracts to build five nuclear generating plants in Spain will mean more jobs in the United States. Here is a clear instance of production abroad supplementing, not replacing, production at home:

WESTINGHOUSE CHAIRMAN DEFENDS THE CONCEPT OF MULTINATIONAL FIRMS, ASSERTS THEY HELP CREATE JOBS IN THE UNITED STATES

PITTSBURGH.—Westinghouse Electric Corp.'s rapid rate of growth would be curbed if Congress passes the controversial Burke-Hartke bill, Donald C. Burnham, chairman, said.

Using the annual meeting as a forum to defend the concept of multinational corporations, Mr. Burnham said that a world-wide manufacturing base is vital to the "prosperity of our stockholders and employees." The Burke-Hartke bill, which has received considerable support from the AFL–CIO, would limit the ability of companies to expand abroad, and in the view of organized labor, would keep jobs at home.

"What many people fail to realize," Mr. Burnham said, "is that this method of operation not only increases our total sales and earnings, but it also creates jobs in this country as well as other countries."

For instance, he said Westinghouse had landed sizable contracts to build five nuclear generating plants for Spain largely because much of the work will be done in that country. However, he emphasized, a substantial portion of the work also will be performed in the U.S.

In 1971, Westinghouse had sales of about $670 million from its operations in 17 foreign countries and exported an additional $279 million in goods abroad. Altogether, foreign sales amounted to about 20% of Westinghouse's $4.63 billion in sales.

A flexible international monetary system is an integral part of a liberalized trade policy. The decline in imports of Japanese television sets since the recent dollar devaluation shows how self-adjusting trade mechanisms can operate. The following article appeared in the Wall Street Journal of April 6:

EXPORTS OF JAPANESE TV SETS TO U.S. FALL AFTER CURRENCY SHIFTS; THOSE TO EUROPE UP

(By Fowler W. Martin)

TOKYO.—Most television set makers in Japan say demand for their products is declining in the U.S. There are indications they are increasing their interest in Europe.

Their problems in the U.S. stem from higher Japanese export prices following last December's currency realignment and lower retail quotes for some U.S.-made television sets, especially color models, industry sources said.

An official at the Electronics Industry Association of Japan, a trade group, said exports to be sold under American brand names had been particularly hard-hit. Such shipments account for 30% to 40% of Japanese television exports to the U.S., he added.

Nihon Keizai Shimbun, a Japanese economic newspaper, said exports of Japanese color TV sets to the U.S. were running 20% to 30% below the level prevailing before the yen was increased in value last December.

Figures released by the Ministry of International Trade and Industry showed, by contrast, that combined shipments of Japanese TV sets and tape recorders to Europe in March were 83.8% above those a year earlier.

LOWER PRICE FLOOR SOUGHT

The Electronics Industry Association official said sluggish U.S. demand had resulted in some cancellations of orders from American importers. This, in turn, has resulted in a move by some companies to seek lower minimum export prices. Since 1967, Japan has been setting minimum export prices for each size of monochrome and color TV sets to prevent excessive price competition in overseas markets.

Hitachi Ltd., one large producer, said it hoped for a lowering of these so-called check prices, but officials indicated a change wasn't likely. Hitachi said its shipments to the U.S. had been affected "to a certain extent" by the combination of higher export quotes and lower prices for U.S.-made sets.

Tokyo Shibaura Electric Co., which is known as Toshiba, has a substantial export business, and it said orders from the U.S. were currently about 20% below year-earlier levels.

Sharp Corp. said it was experiencing a decline in export demand but U.S. importers hadn't canceled orders.

But Sony Corp., which sells sets in the U.S. only under its own brand name, said its sales were still rising. An official said he thought recent price cuts by U.S. manufacturers were temporary and quotes will be raised again when new models are announced.

REASONS FOR CUTS IN UNITED STATES

Some American producers and retailers have recently been cutting quotes on a few color TV models to win a bigger share of the market and to perk up sluggish sales.

Mitsubishi Electric Corp. said it was still shipping sets under last year's contract to another Mitsubishi company responsible for placing them in the U.S. market. As a result, the company hasn't felt the impact of any drop in U.S. demand. However, an official said, new contract negotiations are about to begin, and Mitsubishi Electric is expecting some difficulties.

The Japanese manufacturers say they don't have anything dramatic planned to counter the new situation. Mitsubishi and Toshiba plan to export basically the same range of models to the U.S. this year as last, although some features will be different. Hitachi said it was upgrading both the size and the features of the sets it exports to the U.S., which will lead to higher prices for these products, a spokesman said.

Sharp, which recently announced a new picture tube that it says gives brighter colors and is easier to service, said it planned to add a 10-inch model to its export range. The company currently ships 12-inch to 19-inch sets to the U.S.

Separately Sony said it had developed a color television tube with a 114-degree deflection angle. The company's current models have a 110-degree deflection.

The higher deflection angle moves the electron gun closer to the screen, resulting in better color definition, the company said. It also reduces the depth of the television cabinet.

The company said it planned to market a 114-degree, 18-inch color receiver employing Sony's Trinitron single-electron-gun system in Japan, beginning April 21.

European companies have been encouraged by devaluation to invest more in America, emphasizing that in fact foreign commerce is a two-way ocean. A Wall Street Journal article of April 7 on this subject follows:

A TWO-WAY OCEAN—EUROPEAN COMPANIES, SPURRED BY DEVALUATION, INVEST MORE IN AMERICA—RISING WAGE SCALES ABROAD BRING FOREIGN FIRMS HERE; U.S. SEEKS TO LURE MORE

FIGHTING THE PAPER BARRIER

(By Neil Ulman)

Four years ago, Brown, Boveri & Co., a big Swiss electrical-equipment maker, ran a study on the possibility of building its big turbine electric generators in the U.S. Costs looked too high, and the decision was negative.

But now, say Brown-Boveri officials, "a new financial equation has been written." European wage rates are closing the gap with the U.S. And devaluation of the dollar has brought down the relative cost of capital investment in America.

Today, with over $10 million of investment in new servicing facilities under construction at Richmond, Va., Brown-Boveri is taking a new hard look at expanding into U.S. generator manufacture.

Other European companies have also shown new interest in the U.S., ranging from cautious probes to outright acquisitions. And American commercial attaches in Europe report a sharp rise since last summer in inquiries from European businessmen on U.S. investment opportunities, says a Brussels-based American diplomat who coordinates their efforts. The portent: a swelling tide of direct U.S. investment by European companies of all shapes and sizes.

A REVERSE INVASION

European business is poised to invade America just as American business flooded into Europe in the 1960s, believes Marcel J. De Meirleir, president of Brussels-based Plant Location International. "There's going to be a tremendous flow of investment to the States," he predicts. He expects plant location for European companies in America to rise to a third of his firm's activity within three years, up from 10% today and zero two years ago.

It's true that Brown-Boveri's Richmond servicing plant was in the works long before exchange rates were cast adrift last summer. And even before the latest round of monetary upheavals and European inflation, foreign direct investment in the U.S. was missing. Indeed the sheer size and the growth potential of the U.S. market plus the chance for firsthand experience with American technology have always been inviting. Now, however, the new financial equation is making such moves more practicable, Europeans say.

According to the latest U.S. Commerce Department reports, foreign direct investment in the U.S. rose to $13.2 billion at the end of 1970 from $11.8 billion a year earlier and from $10.8 billion in 1968.

LURING FOREIGN CAPITAL

Spurring the trend more recently have been stepped-up U.S. government efforts to attract foreign capital as part of the drive to turn around the American balance-of-payments deficit. The Commerce Department's Office of International Investment recently doubled its budget to about $500,000 a year, all aimed at attracting European capital, reports Charles Fagan, the department's newly installed salesman in Brussels. Along with a colleague in the Paris embassy, Mr. Fagan runs seminars for European businessmen, extolling the glories of the American market.

Most of this sales effort is aimed at smaller European companies on the theory that the bigger ones are already making their moves or can check out the U.S. market on their own.

Plant Location International's Dr. De Meirleir says that he has talked with "two of Europe's top five auto makers" and that they are interested in exploring a manufacturing setup in the U.S. "But from now on, we would expect most of our business to be with companies among the second hundred largest in each country rather than the top rank," Mr. De Meirleir says.

FIRST, ONE TOE IN THE WATER

Typically, the small company makes a cautious initial investment with an eye to expansion. For example, Balding Engineering, Norwich, England, started shipping some of its machine tools to the U.S. about seven years ago and now exports nearly half its $3 million in annual sales to America. Last August, Balding invested about $200,000 to establish a U.S. subsidiary in an old warehouse outside Newport News, Va. At first, the subsidiary will perform only servicing and minor assembly functions. "But we regard it as a long-term proposition" that will "very likely" lead to increasing assembly and could lead to full-scale manufacturing, says Anthony Baldwin, a director and heir apparent to the family-controlled firm.

A need to service exports was also a prime motive behind the $10 million turbine facility that Brown-Boveri is building in Richmond. The Swiss company stunned the American industry in December 1967 when it won an order from American Electric Power Co. for what the utility then called the largest single commitment for turbine generators. Now, competing head-on with General Electric and Westinghouse Electric, Brown-Boveri boasts a U.S. order backlog of 16 million kilowatts of generating capacity. The study on whether to plunge into U.S. manufacturing won't be furnished for about a year, says Albert F. Bertschmann, who is in charge of head-office liaison with the U.S.

However, Brown-Boveri's experience with production of its electric scrap-melting furnaces at North Brunswick, N.J., has already convinced the company that manufacturing in the U.S. can bring rewards. That business, too, grew out of a servicing facility and a need to be near export customers.

"In the first place, you can't just sell one of these furnaces and forget about it," says John C. Trackman, president of Brown-Boveri's U.S. subsidiary. "Customers expect you to be the expert, electrically, metallurgically and with all the engineering know-how on the spot. But it doesn't make any sense to keep the engineering talent in the U.S. without manufacturing, too."

Another factor is purely financial, Mr. Trackman explains. In products with a long delivery time like heavy electrical equipment, financing is a big cost factor. Brown-Boveri's turbine generators, for example, are built near Baden, trucked to the Rhine at Basel, floated on barges to Rotterdam and then shipped to the U.S. Manufacturing in the U.S. could considerably cut the cost of financing such a long delivery process, the official suggests.

Still another reason for manufacturing in the U.S., he says, is "to be in close touch with U.S. marketing trends. Because what's needed in the U.S. in terms of size of electrical machinery is likely to be needed in Europe five years later"

TECHNOLOGICAL FEEDBACK

Such technological feedback is also the major motive for a recent $9 million acquisition by a British air-tool maker, International Compressed Air Corp. (CompAir). It took over Kellogg-American, an Oakmont, Pa., maker of compressed-air tools. CompAir has made and sold its tools widely in Britain and the Commonwealth. But Peter F. Fyson, a director and secretary concedes that "American marketing and development tend to lead the game" and adds: "You can't absorb subtle shifts in marketing and technology by simply sending people over to America. You have to have your own American company with American management keyed into the industry."

Some companies also find that acquiring all or part of a going U.S. concern is a cheaper and safer way to establish a sales outlet than to start selling from scratch. Cie. St. Gobain-Pont a Mousson, the Paris-based conglomerate, figures that its new $3.3 million stake in Certain-teed Products Corp. of Valley Forge, Pa., will provide a good American outlet for its "Tel" fiber-glass insulation. "It's important to be in the American market to know what's happening," says Roger Fauroux, finance director of the parent company.

The company is painfully aware of the hazardous of starting from scratch, having suffered through one unsuccessful venture in the U.S.—American St. Gobain. The company's major investment in 1959 is a plate-glass plant at Kingsport, Tenn., was quickly neglected by a competitive process developed in Britain. After heavy losses, the parent company finally decided to sell its controlling interest in American St. Gobain in 1970. Now, St. Gobain-Pont a Mousson is moving cautiously through a ready-made sales outlet in Certain-teed.

Taking a similar ready-made route—but on a much larger scale—is Britain's big Imperial Chemical Industries, which last summer paid $164 million to acquire Atlas Chemical Industries of Wilmington, Del. Eric John Callard, Imperial Chemical's chairman, sees Atlas as "a good sales outlet" and adds, "Atlas had a long history of dealing with the U.S. Food and Drug Administration." And knowing how to move around Washington can be valuable for a foreigner, Mr. Callard suggests.

But knowing your way around the Food and Drug Administration apparently isn't the same thing as knowing your way around the Federal Trade Commission. Last February Imperial Chemical agreed to an FTC consent order requiring divestiture of Atlas's explosives and aerospace compounds. Thus, the British concern encountered the nightmare of almost every European company investing in the U.S.—an antitrust tangle.

ANTITRUST FEARS

"The fear of antitrust has been the biggest single reason holding back European companies from investing in the U.S.," reports Business International, S.A., the Geneva-based subsidiary of the U.S. management-consulting and publishing firm. Says an official of Imperial Chemical: "We still don't understand the FTC decision. But we don't believe we've been discriminated against."

Another, and often-related, complaint about investing in America is the sheer paperwork involved. For Britain's CompAir to close its acquisition of Kellogg-American, CompAir had to submit to "commercial practice obsessed by form and dominated by lawyers" who have "embroidered formality to the point of insanity," complains Mr. Fyson, the CompAir official and himself a lawyer. Just printing 200 copies of CompAir's financing agreement for the transaction cost $11,749. "That might have cost about $2,500 in London if you had printed it at all—which you wouldn't bother with over here." Mr. Fyson says.

RED CHINA: THE IDYLLIC PORTRAITS FLOW

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. CRANE. Mr. Speaker, a great deal of material is being published concerning conditions within Communist China and, unfortunately, much of it is less than objective.

It seems, for a variety of reasons, to be painting an idyllic picture which overlooks the fact that people living under the regime of Mao Tse-tung are without the fundamental human freedoms we hold dear. Not only do they not have the right to freedom of speech and religion, but they are not even able to travel within their own country, much less abroad. They are, in effect, prisoners of a regime which is clearly as totalitarian in nature as any we have observed in this century.

Recently, a volume was published by a group called the Committee Of Concerned Asian Scholars, entitled "China! Inside The People's Republic." The book identifies the "scholars" as a "broad antiwar group," and their stated goal is to "change the mind of America about Asia."

The book states that after the Communists came to power in China in 1949 "everyone had adequate housing and clothing and an abundance of food." It declared that "There was full employment and no national debt abroad or at home; the industrial rate was rising."

To explain the Cultural Revolution the Asian scholars asked themselves, "Where in all this was there room for discontent?" Their reply: "Every society contains the seeds of personal selfishness . . . and of the desire on the part of some to dominate and rise above others." Eliminating these unfortunate tendencies was the job of the Red Guard.

Discussing this book shortly after her own return from a trip to the Far East, Anne Crutcher, the distinguished woman's editor of the Washington Daily News, notes that—

> For all its simplistic sugaring of the rigors of social change, this book tells much the same story as has come out of Russia and Cuba. In significant essentials, give or take a little torture, it's not out of line with what I heard from two young men who made the long swim to Hong Kong and are now in Taipei trying to start new lives for themselves.

Mrs. Crutcher describes the young men with whom she spoke. One came from a family of workers, with no "professional or bourgeois taint." This young man, however, got into trouble "by reacting wrongly to the Chinese classics in school. In political education classes, the books which gave old China her reputation as a great civilization were presented as examples of wrong thinking. To this boy, they sounded good. He was identified as politically unreliable and denied a chance at higher education. He made the swim in April because the coast is less closely guarded in cold weather."

Asked how he had kept from freezing, the young man replied that "he covered his body with grease and ate hot pepper and ginger just before taking the plunge."

Thus, at a time when young Chinese are risking their lives to be free, Americans who proclaim themselves to be "scholars" tell us that all is well in China.

I wish to share Mrs. Crutcher's article, which appeared in the Washington Daily News of April 3, 1972, with my colleagues, and insert it into the RECORD at this time:

RED CHINA FROM THE INSIDE

(By Anne Crutcher)

It is only natural that the people who went to Mainland China with the President should be the prestige commentators. At the same time, there are other American observers who have been there in the past year and who ought to be worth listening to.

The group I have in mind is the Committee of Concerned Asian Scholars, a group of 45 university students and teachers who spent a full month traveling in China last summer and who have recently published their findings under the title "China! Inside the People's Republic" (Bantam, $1.50). The book has come out in paperback only, as the Committee wants to promote the widest possible distribution.

The 45, all of whom are in their 20s, are people of substantial background in Far Eastern affairs. They've been to the schools with the most cachet—Harvard, Berkeley, Wisconsin, you name it—many of them have lived in various parts of the Orient, and many speak Mandarin, Catonese, and other important Chinese dialects.

They are also people with a mission. They are identified on the cover of their book as a "broad antiwar group," and it is clear from everything they say that they have a strongly leftist world view, even tho, like so many of today's anti-establishmentarians, they like to run down the Soviet Union as a tired bureaucracy. What they want to do is "to change the mind of America about Asia."

In an effort to appeal to as extensive an audience as possible, they have adopted a creditably simple, straight-forward writing style. They've also streamlined their accounts of the past to the point where it comes out a sort of ideological baby-talk.

For example, we learn that while Chiang Kaishek's Koumintang armies spent their time raping, looting, and despoiling the peasants, the Communist armies of Mao Tse-tung which eventually defeated Chiang's soldiers, were always kind and polite. After their victory, "the liberation," the change in Chinese life seemed "almost miraculous."

"Inflation had been halted and prices continued to fall; everyone had adequate housing and clothing and an abundance of food; rent cost only 3 to 5 per cent of average income and there was no income tax; education was the right of all and illiteracy was rapidly disappearing. There was full employment and no national debt abroad or at home; the industrial growth rate was rising . . ."

And then came the Cultural Revolution. How was such a thing possible? The Communist found this a puzzler. "Where in all this was there room for discontent?" the book asks. But there is an answer. A rather cynical one, to be sure. "Every society contains the seeds of personal selfishness, of the bureaucratic mentality, and of the desire on the part of some to dominate and rise above others."

Getting rid of this trace of human frailty involved the formation of the Red Guards who were encouraged by Chairman Mao to "call into question all power-holders." The Red Guard were bands of adolescents who roamed the countryside correcting the attitudes of party officials. According to the committee, this involved a lot of "heckling" and sharp words, and once or twice actual violence broke out.

Finally, in 1968, Peking felt the situation was getting out of hand. 'Propaganda teams were dispatched to work with the students and in September, the extremist students were denounced as 'petty-bourgeois intellectuals.' By October, most of the dissident Red Guards had been sent to work in the factories or countryside to be 'reeducated' by the workers and peasants, and the revolutionary committees had been established by three-in-one alliances in almost every part of the country." Life could resume its sunny upward course.

The Committee is aware that some of this can be unfavorably interpreted. The book notes that the "sensationalist press" in Hong Kong tries to make it look as tho re-education centers in China are like slave labor camps in Russia. But, as the authors point out, this isn't brain-washing, it's "rectifying wrong ideas." Besides, many of those in the camps have their families with them. This, of course, would put them in a position of privilege above many Chinese whose ideas don't need correcting; elsewhere in the book it is admitted that work assignments often keep husbands and wives apart. They don't mind tho; work and the revolution come first.

That's the way it is all the way down the line. The authors, charmed by the brightness of the hair-ribbons on little girls going out to the firing range to learn to shoot, stress the point that having fourth graders making bus steps is not the same thing as child labor. The children have school as well as work; the authors report hearing sitting in on a lecture on imperialism with the same fourth-graders who were making the bus steps.

For all its simplistic sugaring of the rigors of social change, this book tells much the same story as has come out of Russia and Cuba. In significant essentials, give or take a little torture, it's not out of line with what I heard from two young men who made the long swim to Hong Kong and are now in Taipei trying to start new lives for themselves.

One of the refugees I interviewed is a doctor. A small, worried-looking 28-year-old, he is the son of a Christian clergyman who was executed as an American spy. He practices medicine in a community of tungsten miners.

Doctors were also given specially disagreeable after-hours work—cleaning latrines, and that sort of thing—as part of the Cultural Revolution. This was to keep them from giving themselves airs as educated people.

Finally, when the fate of his father came to the attention of the revolutionary committee, he was deprived of the right to practice medicine and put at hard labor. This is why he decided to try to escape.

He walked for four days with a group of five others, including one woman. One was caught, but the others survived the four-hour swim. Once in Hong Kong, he went to a church and thus found his way to the Free China Relief Association which helps such refugees get jobs and otherwise reestablish themselves.

The other young man I talked to had a simpler story. His family were workers—no professional or bourgeois taint—but he got in trouble by reacting wrongly to the Chinese-classics in school. In political education classes, the books which gave old China her reputation as a great civilization were presented as examples of wrong thinking. To this boy, they sounded good. He was identified as politically unreliable and denied a chance at higher education. He made the swim in April because the coast is less closely guarded in cold weather. "How did you keep from freezing?" I asked him.

He told me he covered his body with grease and ate hot pepper and ginger just before taking the plunge.

TESTIMONY OF DR. ERNEST J. STERNGLASS BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. DOW. Mr. Speaker, recently the Joint Committee on Atomic Energy held hearings on H.R. 13731 and H.R. 13732, dealing with the licensing of nuclear powerplants. At those hearings Dr. Ernest J. Sternglass, a physicist from the University of Pittsburgh testified before the committee and presented his views as to the safety of the operation of nuclear plants.

While I do not feel qualified to pass judgment on Dr. Sternglass' conclusions, I would like to point out that he has raised some critical questions which clearly merit investigation. Dr. Sternglass' studies of infant mortality in areas surrounding nuclear plants brings to issue the entire question of the safety of these plants. It is my feeling that Congress should make stringent efforts to see that the dangers posed by these plants are investigated beyond the degree which they have been thus far before the licensing procedures for these facilities are prescribed.

For the information of my colleagues, I submit the testimony of Dr. Sternglass to the RECORD:

STATEMENT OF DR. ERNEST J. STERNGLASS BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY, MARCH 17, 1972

I would like to address my remarks to the proposed changes in the licensing procedures of nuclear plants, which carry much more serious implications for the health and safety of the public than would appear on the surface.

Basically, the proposed new licensing procedures would eliminate hearings at the time a new plant is ready to go into operation, and they would restrict the depth and scope of the questions that could be raised by the public at the only remaining mandatory hearings prior to construction, greatly limiting the opportunity for the public and its legal and scientific advisers to raise issues and discover problems that may have escaped the scientists and engineers of the utility company, the manufacturers, and the AEC's licensing and regulatory staff.

Why is this such a potentially fateful and dangerous step to take? Are not the experts of the utilities, the nuclear industry, and the AEC, rather than a few laymen or outside scientists, in a much better position to know how best to design a plant so as to protect the health and safety of the public?

Why is it so vital that there should be the widest possible opportunity for specialists and scientists outside of the industry or the government to participate in the examination of the safety of nuclear reactors? Because time and again in the history of science the *unexpected and upsetting discoveries have often been made by outsiders*. We need only to remember the most recent case of mercury, where it was a scientist outside of the industry or the government who discovered that in the form of methyl mercury, and as a result of unanticipated biological concentration in the fish this element previously regarded as relatively harmless, was suddenly recognized to be thousands of times as toxic than in the original form in which it was discharged from the plants. This has its perfect parallel in the *unanticipated biological sensivity of the embryo to nuclear fallout*, where the complex indirect processes of the action of radiation, as in the case of the action of certain fission products such as Yttrium acting on the pituitary and the thyroid gland of the developing fetus, leading only to a *slight* retardation in the maturation process, nevertheless can apparently result in a major effect on the viability of the newborn's lungs, leading to the baby's death by asphyxiation.

Furthermore, the recognition of such unanticipated mechanisms often happen rapidly, and allowable releases of radioactivity and various safety features that seemed quite adequate, can and indeed have turned out to be thousands of times less safe within a year after construction has begun.

This was clearly not the fault of the engineers and physicists who had done their planning with the best available expert advice *at the time*. Nor was it the fault of the Commission, or the standard setting bodies, or of the leaders of the nuclear industry, the utilities or the government's scientific advisers. No one knew or ever dreamed that such things could happen. Even those of us who testified here before this same Committee in 1963 on the possibility of an increased sensitivity of the infant in the mother's womb to the development of leukemia from small amounts of radiation, could not and did not anticipate fully the seriousness of the biological consequences of low level radiation to the newborn. It was simply inconceivable that a well-studied phenomenon such as radiation should hold such a terrible surprise for mankind.

Yet within the last few years, and even the last few months, overwhelming evidence has accumulated that mankind faces a far greater hazard from small amounts of radioactivity in the air, the water and the food than anyone could ever have imagined when nuclear reactors were first designed.

We now know that in the county where the Dresden Reactor is located some 50 miles south-west of Chicago, Illinois, the rise and decline of radioactive gas discharges was not only accompanied by a corresponding rise and decline in infant deaths, but also a coincident rise and fall of premature birth known to be associated with a much greater likelihood of death from respiratory disease and infections.

And we now know that in ways no one anticipated, even relatively small accidental release of radioactivity, whether from a reactor or from an underground weapons test, can lead to serious unanticipated consequences. For example, in the case of the "Baneberry" test in Nevada in December of 1970, infant motality jumped as much as 30–50% in the nearby states of Idaho and Montana, in direct relation to the measured fallout in the air, on the ground and in the milk. Yet the amount of radiation released as a consequence of this test was only 1/10,000 to 1/1,000,000 (one ten-thousandth to one one-millionth) of what could be released in a major accident of a large nuclear reactor.

Clearly it is far better to hold in abeyance any possible benefit of nuclear energy than to risk its misuse by an inadequate examination of its full-effects on human health.

But no single instance presents a more urgent illustration of the rapidity with which our understanding of the biological hazards can change than the situation uncovered only within the last few months in the Pittsburgh area since the construction license was granted for the new Beaver Valley Power Station some 30 miles downstream along the Ohio near the Shippingport Power Station, the plant that began the peaceful utilization of the atom with so much promise back in 1957.

While examining the pattern of infant mortality in Beaver County where Shippingport is located, it became apparent that beginning in 1961, the steady decline of infant mortality in this county suddenly ended and reversed its trend completely. Yet the normal releases from the Shippingport Reactor, a prototype naval propulsion plant built to the most exacting specifications and therefore showing the lowest releases of gaseous radioactive wastes of any plant in the United States, were extremely low and showed no long-term correlation with the rises in infant mortality.

Only within the last few months did we begin to understand what had taken place. The principal upward changes in this county were closely correlated not with the releases from Shippingport, but with those from two nuclear facilities located some forty and seventy miles upstream. The first large rise in 1961 followed by one year the accidental melt-down of a fuel element in the Waltz Mills Testing Reactor that took place on April 3, 1960, and the second rise followed release from the Bettis Atomic Laboratory near Pittsburgh, where the liquid radioactive waste rose sharply in early 1965, exceeding the maximum permissible concentration by fifty percent.

And when investigating this totally unexpected finding in detail, we found that infant mortality in the City of McKeesport some 20 miles downstream from Waltz Mills had suddenly jumped to double its normal rate between 1959 and 1961, declining back to its normal rate the following year. And not only had the same jump in mortality taken place for McKeesport and Beaver County, but it took place in every county along the Ohio for 160 miles downstream from the Waltz Mills reactor, declining in direct proportion with the distance downstream, in a manner to be expected for the decay-characteristic of fresh fission products.

And in the wards on the Southside of the City of Pittsburgh, all those wards that received their drinking water exclusively from the intake below McKeesport, where the contaminated water passed on its way into the Ohio, infant mortality rose sharply that same year, while the wards that received their drinking water from other sources showed no such rise.

Thus, despite the dilution that took place in the rapidly flowing rivers, the radioactivity apparently affected the newborn infants far more severely than anyone had anticipated, and the design goals for containment of the new Beaver Valley Plant, apparently adequate when the construction permit was granted unopposed, were suddenly totally unacceptable.

Neither the engineers who designed the plant nor those who had examined the license application could have known this, nor would it have been possible for any intervenor to raise the subject at the construction license stage since the facts were simply not known.

What then is the lesson that we must draw from this for the decisions that must now be made by this Committee and the Congress of the United States?

1. That scientific discoveries in the areas of biology, embryology and radiation effects on the critical bio-chemical processes of living systems can happen so rapidly and unexpectedly that there must be mechanisms for review of reactor technology by public hearings until the very moment the reactor is to be turned on. In the three to five years that can elapse between the construction license hearing and the time the reactor is completed, so much can happen in our understanding of biological hazards that what could have been regarded as adequate from the point of safety to the public when the reactor was built, is suddenly no longer acceptable for the protection of human life.

2. That often in the history of science, discoveries were made that were totally unexpected on the basis of everything known to the experts at the time, and that often, these discoveries were made not by the specialists in the field, but by outsiders who would never have been regarded as experts in that narrow speciality.

3. That only by the widest possible dissemination of facts to the entire public can such non-specialists even become aware of the existence of a problem, and that therefore any procedure that works to limit free access to any and all information dealing with the safety features of such a complex technology as exists in the nuclear field could be disastrous for society.

4. The very essence of the amazing progress of modern science and the technology based on it since its beginnings in the days of Galileo, Descartes and Newton three hundred years ago, has always been the continuous correction of errors and assumptions, made possible by the free publication of all data and even the most upsetting theories for anyone to see and criticize. Only through this often painful and slow process of continuous correction of past errors has science been able to advance, and only through such free access to data and knowledge has it been possible to utilize the collective wisdom to mankind's best minds for the benefit of society and to avoid or correct at least some of the inevitable mistakes.

5. But in the case of nuclear energy and the effects of nuclear radiation on animals and man the magnitude of the consequences of any errors are so vast and irreversible that above all in this field there must be nothing to limit the widest examination of all aspects, and the greatest possible opportunity to discover the unexpected, human mistake.

6. The proposed legislation should accordingly be changed so as to require mandatory public hearings also at the time the operating permit is to be granted, and that any matter relating to the public health and safety may be brought up at that time by those whose lives may be affected. Nothing should be done to weaken the basic spirit of the Atomic Energy Act of 1954 which clearly called for the greatest possible participation of the public and the protection of its health and safety.

The very vastness of the power man has released in the atom demands the utmost in caution, lest it destroy him and his seed forever. And it is now the heavy task of this committee to make the judgment as to how best to protect the health and lives of this nation's future children, whose vulnerability is now recognized to be a thousand times greater than when the nuclear age began.

RIGHT OF SELF-DETERMINATION FOR THE BALTIC STATES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. ASHBROOK. Mr. Speaker, on June 21, 1965, the House passed House Concurrent Resolution 416, which requested the President to urge certain actions in behalf of the Baltic States, Lithuania, Estonia, and Latvia. The resolution read as follows:

CONCURRENT RESOLUTION

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

On October 22, 1966, the Senate, also without a dissenting vote, passed the measure which had the support of the executive branch. The administration's position was set forth in a letter from the State Department which reads as follows:

EXECUTIVE POSITION

The position of the executive branch with respect to the concurrent resolution is outlined in the correspondence which follows:

DEPARTMENT OF STATE,
Washington, June 1, 1965.

Hon. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of May 20, 1965, to the Secretary of State, requesting the Department's comments on House Concurrent Resolution 416, which has been approved unanimously by the Subcommittee on Europe and ordered favorably reported to the full Committee on Foreign Affairs. The resolution requests the President of the United States to urge certain actions in behalf of Estonia, Latvia, and Lithuania. The language of the resolution, as formulated, is not objected to by the Department of State.

The Department has been advised by the Bureau of the Budget that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,
DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations (For the Secretary of State).

During the debate in the United Nations of the Third Committee of the General Assembly on November 15 and 16, 1971, the position of the U.S. Congress was reiterated by Congressman EDWARD DERWINSKI representing the United States in the U.N., when he reminded the U.N. delegates that our country has never recognized the incorporation of the Baltic States into the U.S.S.R. and that the United States, to this day, "accords diplomatic recognition to the representatives of the last legitimate governments of the three Baltic States." Excerpts from his statement follow these remarks.

While reminding the U.N. delegates that this Nation supports self-determination for the Baltic peoples is a source of hope for those enslaved, I believe it is high time that more positive action be taken to confront this issue concretely. The present case of Rhodesia and the U.S.-supported economic sanctions imposed upon it by the U.N. is an excellent example of how positive both the United States and the U.N. can be when so disposed. An AP dispatch with the heading "U.S. Prosecuting on Rhodesia Trade" was carried by the Washington Post today reporting on the action taken by the U.S. Attorney's office against American citizens for violating the U.N. sanctions. While I believe that our support of the U.N. resolution was a mistake from the very beginning, the point is that both the U.N. and the United States can act positively when they so desire.

To help the U.N. and the United States face up to the Baltic issue in a positive manner, I will introduce a concurrent resolution next week to request the President, through the U.S. Ambassador to the United Nations, to have the issue of self-determination for the Baltic States placed on the agenda of the U.N. for consideration at the next regular session. Using the findings of House Concurrent Resolution 416, the proposal will recommend:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby authorized and requested to instruct the United States Ambassador to the United Nations to demand, at the earliest possible date, that (1) the United Nations enforce its charter provisions which guarantee self-determination to all peoples; and (2) the Soviet Union be made to abide by its United Nations membership obligations concerning aggression and colonialism by ordering the withdrawal of all Soviet agents, colonialists, and controls from the Baltic States and returning to their respective homelands all political prisoners and exiles now in slave labor and prison camps.

SEC. 2. The President of the United States is further authorized and requested to instruct the United States Ambassador to the United Nations to take steps to have placed on the agenda of the General Assembly at the next regular session any measure or measures which would guarantee internationally supervised free elections by secret ballot in the Baltic States and to press for early approval of such measures.

SEC. 3. The President of the United States is further authorized and requested to use all the diplomatic, treatymaking, and appointive powers vested in him by the Constitution to augment and support actions taken by the United States Ambassador to the United Nations in the interest of self-determination for the Baltic States.

When one considers the recent tragic spectacle of the brutal Red Chinese regime being admitted into the United Nations, the issue of Baltic self-determination should certainly be reviewed by the world body. In his remarks which follow, our representative to the U.N. stated in part:

> The United States Delegation was responsible in large measure for those provisions of the United Nations Charter which uphold human dignity and freedom, viz., Articles 55, 73, and 74. We stand for freedom and self-determination today as we have throughout our history as a nation. We believe this is a universal principle, and not one to be applied selectively.

This proposal offers an opportunity to both the United Nations and the United States to take a positive step to implement the principles upon which both of these entities were founded. If this proposal is given serious consideration, it will be interesting to see how those nations that voted for the admission of Red China will react. As for the United States, I will seek to put our Nation on record by asking for a report from the executive branch on the merits of this issue.

At this point I insert the above-mentioned remarks by Congressman EDWARD DERWINSKI, along with the item in the Washington Post on Rhodesia.

The material follows:

FROM THE SPEECH OF THE REPRESENTATIVE OF THE UNITED STATES TO THE THIRD COMMITTEE OF THE UNITED NATIONS*

Madame Chairman, we are committed to the proposition that peoples can only fully determine their own destiny where there is freedom of expression and choice and the absence of arbitrary regimes or external interference. We believe that a free society with the right to choose leaders and policies from among alternative candidates through secret ballot is the best means by which the desires of peoples can be accurately reflected. We therefore deplore totalitarian or arbitrary systems where the only voice heard is that of the particular individuals in power. Freedom and self-determination entails legitimate lively dissent and testing at the ballot box with frequent regularity.

The United States Delegation was responsible in large measure for those provisions of the United Nations Charter which uphold human dignity and freedom, viz., Articles 55, 73, and 74. We stand for freedom and self-determination today as we have throughout our history as a nation. We believe this is a universal principle, and not one to be applied selectively.

We are highly gratified that fully 97 per cent of the people who were under colonial domination in 1940 have achieved self-determination and independence. Eighty-three countries since 1941 have attained independence and have assumed their rightful place in the international community of nations. And each year new states emerge and are welcomed into the United Nations.

We have made our position clear on the unfinished task of self-determination in southern Africa on numerous occasions most recently under the previous agenda item in this committee. We support the right of the peoples of Namibia, Southern Rhodesia, Angola, Mozambique, and Portuguese Guinea to self-determination.

We also believe that we should not overlook new forms of colonialism and denial of self-determination which have been manifested since the Second World War.

We must be ever mindful of those proud nations which have lost their freedom in this period as well as those brave peoples everywhere who are denied national dignity and the right of self-determination.

The Baltic States—Lithuania, Latvia, and Estonia—represent a special case in point. They have been physically annexed by the Soviet Union and forcibly incorporated into the cluster of its "Socialist Republics." So far as the communists are concerned, Lithuania, Latvia, and Estonia have ceased to exist as separate entities entitled to their own national identity and independence. These views are not shared by the United States, nor by numerous other countries. To this day, the United States accords diplomatic recognition to the representatives of the last legitimate governments of the three Baltic States.

Large numbers of Baltic peoples were transferred to the Soviet interior after 1940. There are indications that as many as 60,000 Estonians and 25,000 Latvians, and probably more Lithuanians, were deported or killed during the first Soviet occupation of the Baltic States in 1940–41. The largest deportation occurred on the eve of the German invasion. After the war several waves of deportations were conducted, particularly from Lithuania, and chiefly in connection with the collectivization drives in the Baltic States.

Comparison of Soviet data on peasants in Latvia for the period from early 1947 to May 1949 shows that some 36,000 families or about 150,000 individuals were eliminated from the rolls during the period. Making allowance for migration to cities, it appears that well over 100,000 Latvian peasants were deported to the interior. The figure for Lithuania may be assumed to be still higher. The Baltic peoples were evidently resettled in various regions of Siberia, as well as in the north.

We can judge whether a government reflects the will of the people by the extent to which it is confident enough to permit its citizens to emigrate freely. We have serious doubts as to whether self-determination exists in a country, for example, East Germany, where over 4,400 citizens have fled in 1971 alone by such means as swimming the Baltic to Denmark or Sweden, or scaling border fortifications. Or a country where citizens are refused permission to emigrate because they may create embarrassment for the regime

We are all too familiar with the grim events of Hungary in 1956 and Czechoslovakia in 1968 when brave peoples seeking merely the rights guaranteed by the Universal Declaration of Human Rights—to live in freedom and dignity—were ruthlessly suppressed by external force of arms. At this point I want to emphasize that the United States *unequivocally* rejects the doctrine of "limited sovereignty." It is a form of *imperialism and colonialism* that no free man can condone. The fact is that the Soviet Union is practicing classical imperialism.

Let me reiterate our unreserved support for the right of peoples to self-determination everywhere—for only then can they enjoy the fundamental human rights and freedoms enshrined in the Universal Declaration of Human Rights.

[From the Washington Post, April 13, 1972]

UNITED STATES PROSECUTING ON RHODESIA TRADE

(By Ted Cronyn)

NEW YORK, April 12.—For the first time, the United States has charged American citizens with violating a U.N. resolution which the U.S. Attorney's office said had become part of the law of the land.

They were accused of circumventing a 1968 U.N. resolution imposing economic sanctions on the white-ruled African state of Rhodesia which was embodied in the United States by an executive order establishing export and import controls.

Last November, the U.S. Congress relaxed the restrictions to permit the import of Rhodesian chrome and other strategic materials if they were otherwise only available from a Communist country. Several shipments of chrome ore have been received, under special license, since then by such firms as Foot Metals and Union Carbide.

The United States had been dependent on Soviet chrome until these shipments arrived.

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* Texts of the exchanges in the Third Committee of the General Assembly by courtesy of the United States Representative to the United Nations and Congressman, the Hon. Edward J. Derwinski.

The four individuals and two corporations charged all pleaded guilty in U.S. District Court today to some parts of the 18-count indictment.

One of the men was Edward H. Bartlett, Vermont tax commissioner, charged in a separate information. He pleaded guilty to conspiring with others from 1968 to 1970 to form a corporation in Vaduz, Liechtenstein, to hide trading with Rhodesia; opening a bank account in Zurich to finance the deals; entering into a secret agreement with the government of Rhodesia and Sable Chemical Industries of Rhodesia to supply ammonia and funneling the payments through Switzerland and Liechtenstein to New York and Yazoo City, Miss.

Immediately after the court pleas were entered, a lawyer for Bartlett, in a news release, called the charges a tempest in a teapot and accused the government of unfair enforcement policies.

The lawyer, Paul R. Grand, said enforcement of the regulations threatened to deprive "Rhodesian farmers and inhabitants, black and white alike . . . of fertilizer necessary to grow food crops," as well as depriving plant employes of work—"again, black and white alike."

An issue in the charges was the building of a $50-million fertilizer plant in Que Que, Rhodesia.

Grand said, "The decision to enforce the sanctions by criminal prosecution rather than by administrative remedy can serve no purpose other than to provide publicity to the U.S. Attorney's office and unwarranted damage to the careers of those men . . ."

Grand stated that Vermont officials had been told of the proceeding, "a technical violation which occurred years ago." He added that it "has no bearing on whether he should continue as tax commissioner."

ENVIRONMENTAL IMPACT STATEMENTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. DINGELL. Mr. Speaker, I include the text of the Council on Environmental Quality's April 1972 issue of the 102 Monitor at this point in the CONGRESSIONAL RECORD:

ENVIRONMENTAL IMPACT STATEMENTS

CEQ CHAIRMAN INVITES DEBATE ON NATIONAL GROWTH

Chairman Russell E. Train's speech to the Los Angeles World Affairs Council, "Needed: A Debate on National Growth" has already attracted attention in the national press. In view of the importance of the questions raised the full text appears in this issue of the *102 Monitor*, beginning on page 2.

THE PRESIDENT'S 1972 ENVIRONMENTAL PROGRAM

For the convenience of individuals and organizations interested in the specifics of the President's 1972 environmental program, the Council has compiled the President's Message on the Environment, the bills transmitted to Congress, the letters of transmittal, Executive Orders, and analyses of proposed legislation. This document, *The President's 1972 Environmental Program*, is available in limited numbers from CEQ, and from the U.S. Government Printing Office for $1.75, stock number 4111–0009.

NEEDED: A DEBATE ON NATIONAL GROWTH

(Remarks by the Hon. Russell E. Train, Chairman, Council on Environmental Quality, before the Los Angeles World Affairs Council, Los Angeles, Calif.—Mar. 29, 1972)

I am delighted to have this opportunity to address the World Affairs Council. Environmental problems are increasingly engaging the attention of nations throughout the world, and environmental cooperation among nations is rapidly becoming a major factor in international affairs. Environmental issues are gut issues that go to the heart of mankind's ability to survive in a world worth living in. The problem is global.

In 1968, just before the Nixon Administration took office, I chaired a conference on the subject of "Ecology and International Development." In welcoming the participating scientists to the conference, I made an observation which I will repeat in another context today:

"I suspect that a major reason ecology is so often ignored is not so much lack of expertise as the fact that an ecological awareness leads to the questioning of goals—and this is something few wish to do. The time has come when questions must be asked about the validity of development goals here and abroad . . ."

Since 1968 we have asked a great many questions, and more than ever before, Americans have become ecologically aware. As the President has observed, we now recognize that—

"At the heart of concern for the environment lies our concern for the human condition: for the welfare of man himself, now and in the future. As we look ahead to the end of this new decade of heightened environmental awareness, therefore, we should set ourselves a higher goal than merely remedying the damage wrought in decades past. We should strive for an environment that not only sustains life but enriches life, harmonizing the works of man and nature for the good of all."

This, of course, is the goal we shall pursue at the United Nations Conference on the Human Environment in Stockholm. As you know, all U.N. member nations have been invited to be represented at the Stockholm Conference this June to take stock, for the first time in history, of our international environmental condition. The success of this conference may well lie less in the specific agreements we come to there—although we expect some significant ones—than in the process of international dialogue and concern that Stockholm has brought about.

Over the past two years an unprecedented, high-level attention has suddenly been focused on the environment in nations across the world. Big and small, rich and poor, countries everywhere have had to decide first immediate and mundane issues—who will represent us, how will we select our delegation to the numerous preparatory meetings and working groups? Then, in the course of preliminary meetings, larger issues have had to be addressed in various countries: What are our environmental problems? What are we doing to correct them? How are we organized to deal with them? How are other countries coping with their environmental problems?

During the past couple of years many countries have established a focal point of responsibility for the environment. Thus, in addition to the United States, significant reorganizations have taken place in Japan, Great Britain, Canada, France, Norway and Australia, among others. Cabinet-level exchanges on the environment have occurred between the United States and Japan, and the United States and Canada, and heads of State now routinely include the environment on their agenda at international meetings.

Thus, the Stockholm Conference has served as an action-forcing mechanism, as we hoped it would. As world interest in the environment has grown, our expectations have also grown, and we now look forward to concrete agreements in several areas. We hope for an international convention on the control of ocean dumping, an area in which the United States has provided strong leadership, most notably in the Administration's proposed legislation which would severely curtail ocean dumping, legislation which has passed both houses of the Congress and is now in conference. We are also hopeful that the President's proposal for a World Heritage Trust, to provide international identification and uniform high standards of protection for areas of outstanding natural or cultural value, will be supported. I expect that some agreement on the establishment of institutional arrangements to conduct world environmental monitoring will be reached in Stockholm, and that a permanent new unit will be created in the United Nations to provide policy guidance on environmental issues.

The United States has worked hard to make the Stockholm Conference, and the international environmental activity it symbolizes, a success. The President has proposed a fund of $100 million to support a five-year international environmental effort in several areas, and he has pledged the United States to contribute $40 million on a matching basis to that fund. In my travels and those of my fellow Council members, Mr. Cahn and Dr. MacDonald, we have tried to work out ways of overcoming the very real obstacles to success at Stockholm. One of these obstacles is the concern that exists in some countries about the extent to which environmental progress entails economic costs, and possible effects on growth.

The question whether we should continue to regard growth—of population, the economy and resource use—as the primary measure of our progress as a society is a very important one and one I want to raise with you today. This is an issue that is bigger than the Stockholm Conference, and bigger than any individual country. It is in many ways an issue for long-term consideration beyond Stockholm. There are some who say that it is an issue for affluent societies in their post-industrial and built the largest industrial machine in the history of the world. We have greatly increased our agricultural productivity, we have been responsible for technological miracles from computers to moon landings, and we have attained an unprecedented standard of living.

In a sense, we are driven by our own prosperity. Keynesian economics has shown us how to manipulate the economy to achieve maximum growth and employment. Most of us march to the tune "produce or perish" and this has helped make of Americans a nation of high achievers.

But with all of the benefits from continued economic growth, as a people we are beginning to question whether more is really better:

Communities from coast to coast are more and more willing to forego new industries to prevent pollution and impairment of the local environment. Public debate in States such as California, Colorado, Oregon, Florida and others has begun to question the desirability of growth. Delaware, a heavily industrialized eastern State, last year called a halt to heavy development of its coastal zone.

The President's Population Commission has recently reported that ". . . There is hardly any social problem confronting this Nation whose solution would be easier if our population were larger . . ." After two years of research, the Population Commission concluded that "no substantial benefits would result from continued growth of the Nation's population."

The Club of Rome, an interational group of scientists and industrialists, has recently sponsored a project at MIT on *The Limits of Growth*. That study predicts that current population, resource use and other trends will end in disaster in the next century.

One need not accept the dire hypotheses and methods underlying some of the more extreme predictions to acknowledge the fundamental validity of the questions these various groups are asking. They are questions which touch upon public policy choices in several fields, and most particularly upon environmental policy.

First is the question of the size and distribution of our population. The President has refered to this issue as "one of the most serious challenges to human destiny in the last third of this century . . ." According to the Population Commission, in the year 2000 per capita income may be as much as 15 percent higher under the two-child per family, than under the three-child growth rate.

Moreover, the anticipated distribution of future population makes clear that under even the lower population growth projections we may have to make substantial sacrifices in the quality of our lives to accommodate large numbers of people in our urban regions. While about 70 percent of the U.S. population is now concentrated in metropolitan areas, 85 percent is expected to reside there in the year 2000. In that year, more than six out of every ten Americans will live in cities of one million or more compared to four out of ten who now live there, and 50 percent will live in the huge urban agglomeration along the East Coast and adjoining the Great Lakes. Another fifteen percent will live in the area reaching from about San Francisco to Los Angeles.

This distribution will demand that we change our lives, and perhaps our values, very significantly. We must learn to adjust to higher density living, learn to share our open spaces and public facilities with more and more people, increasingly forego use of the automobile in favor of public transportation, and give up some cherished habits of privacy and solitude.

These projected settlement patterns will have serious consequences for land use and pollution. Industrial activity, transportation, and the like will be highly concentrated in large metropolitan areas. Pollution control will be more difficult, and higher levels of abatement will be imperative. The encroachment of development on the countryside will make the preservation of areas of critical environmental concern, such as wetlands, flood plains and scenic areas, extremely difficult.

In the face of these inevitable adjustments, it is especially tragic to learn from the Population Commission that between the years 1966 and 1970, 15 percent of all births were unwanted and 44 percent were unplanned. Since 1967 the United States has contributed more than $260 million in support of a worldwide program of population control and family planning activities. Although our population problems here at home may be less severe than those of some other nations, we can do longer deny that we have them. And so I think it is time to call upon every American to consider the implications of the future population growth and distribution that has been predicted for us as it affects his own choices and values.

The second question on which we should begin to focus scientific and popular attention concerns the carrying capacity of the earth itself. We must begin to ask ourselves whether food production will continue to be adequate for population increasing at exponential rates? Whether we will in time deplete certain resources and thereby bring an end to increased industrial production? And whether we can depend on technology and the market structure to allocate resources and continue to meet high levels of productive endeavor?

One group recently addressed these questions in Great Britain and concluded that the British population is twice as large as it should be for sustained resource use. Another group, as I have already mentioned, has developed a mathematical model which purports to show that continued population growth, resource depletion and pollution would have catastrophic consequences in the century.

I offer no conclusive answers to this question. Since the time of Malthus few people have questioned the adequacy of resources to support growth and we should not be surprised if current efforts are somewhat primitive and unsophisticated. And above all, we should not allow cosmic issues to distract us from the societal housebreaking that modern man has so recently begun—the dirty job of cleansing the air and the waters of the wastes we have disposed in them.

Nevetheless, a thoughtful civilization would be foolish to dismiss lightly the grave considerations that are involved in the examination of the sufficiency of resources to support continued economic and population growth. And so I call for a national debate upon this question, and I suggest that we consider not only the adequacy of resources and the possible technological developments that may render productivity sustainable, but that we also inquire into the ability of our institutions to cope with change, to get food and goods to where people are, and to protect us from some of our own breakthroughs when, for example, a green revolution proves vulnerable to insects, or enhanced agricultural productivity causes farmers to inundate the cities in search of work.

The institutional questions are especially critical because we must look to government to anticipate change well before it occurs. For example, population tends to build on the previous generation, and increases can be built into the system. If all U.S. families henceforth had only two children, population would not level off for 70 years. Persistent pollutants even if stopped now would continue through the ecosystem for years. Hence, our traditional response to problems, generally when they become acute, is inadequate when we have to deal with long lag times.

A third and related issue concerns resource use and the ability of the market to allocate resources in the future. Most of the earth's resources are plentiful in total but their numbers are limited using current methods of extraction. As resources become scarce, their prices will go up and substitutes will be sought or new mining methods employed. Both of these will greatly increase the costs, and at some point in time, the question must be asked whether the devotion of significant amounts of money to this end will lessen the overall productive capacity of our economy. We must ask whether the market allocates long-term needs in an effective manner or whether prices only rise as a resource is close to depletion. Instead of dismissing these matters with an ideological reflex, we must apply careful analysis for it is by no means clear that the market place and technology will solve all of our problems in an even-handed manner.

A fourth issue on which I recommend national attention concerns technology. Can we rely upon technology to continue to increase at the same rate as population, and if we can, what will be the side effects of technological progress? Acceleration of growth demands that new technology developments increase at least as rapidly as population growth. Yet we may create new problems as technologies are introduced without proper testing and analysis of their implications. These questions underscore the great need for technology assessment. Technology assessment should deal not only with hardware items like new energy technology and transportation technology, but should also explore the implications of monocultural agricultural systems, information technology and its impacts on privacy, and the like.

The issue we face here is how to develop technology in such a way as to make use of its benefits while at the same time anticipating potentially harmful side effects and taking those actions which reduce the risk of developing technology. The problem is particularly severe in that the side effects are often second or third order, their anticipation difficult, and the development of adequate safeguards complex.

A fifth issue I would pose to you is somewhat out of my area of responsibility, but is undoubtedly implied in much that I have said. That is the question of income distribution. If a policy of restrained growth were to be pursued, it is unreasonable to expect the poor to stay back while the wealthy settle in. Here at home, as well as in foreign countries, the tensions that threaten to tear apart the social order would be considerably reduced if economic circumstances were more equitable.

On the one hand, a growing economy produces a larger pie for all to share. If the pie is not increased there may be more competition for the same sized pie.

On the other hand, as the Population Commission has pointed out, reduced population growth, while it will lead to a lower GNP will lead to greater per capita income for all.

Perhaps the most perplexing problem facing any growth strategy is how to continue to maintain a high quality of life and meaningful employment opportunities without the continued burgeoning of the production of goods. The challenge will obviously entail improvements in services, education, the arts and recreation, and probably with greater amounts of leisure time. It may well be possible actually to lower production and yet maintain the same level of goods satisfaction through production of longer lived goods.

All of these questions suggest that we must improve our analytical techniques to understand the future. This means not only better projections of future trends, but a more profound understanding of the interrelationship among a wide variety of factors such as population, food, industrial growth, resources and pollution. We must improve our ability to assess technology all the way from personal conveniences to agricultural production to new energy sources and to new chemical products.

We must begin to understand the policy options before us. For example, if we understand better the impact of resource depletion and marketplace allocations, we can examine alternatives such as earlier substitution and recycling. Understanding population distribution, we can better devise our land use policies to meet tomorrow's problems. Understanding pollution trends will help us know when to change certain materials and products and how to develop better abatement technologies.

Above all, we need a national debate on growth. States and communities should begin to plan and discuss their short- and long-term alternatives for land use, population growth, and industrialization. (The President's National Land Use Policy legislation now pending in Congress would encourage the States to undertake a far more vigorous role in controlling land use and in giving direction to growth.) Federal agencies working with State and local governments should give these matters more attention and should provide greater research funds. Our academic institutions should begin to provide analyses and studies that give decision-makers a greater range of policy alternatives.

We can no longer escape our responsibilities. In the past we have acted as though our land, air, water and other resources were limitless. We have now learned from experience that this is not true. New analytical tools are beginning to give us a clue as to the potential for serious problems in the future if we do not develop policies and programs to deal with them now. If we do not think about the future, we have abdicated our most basic public and private responsibilities.

Personally, and as a father of teenage children, I should point out that I have been impressed by the way in which young people have challenged the smugness of our traditional assumptions about growth. Long before most of us, the young have identified the quality of life issue as separate and distinct from the quantity issue. Many young people have been saying in their concern for the under privileged, their openness to each other, their regard for nature and their disregard for accumulating goods, that another path towards happiness is possible. The question I wish to raise for national debate is whether it may not also be necessary.

We in the United States have a historic opportunity. The problems we face—poverty, pollution, the urban crisis—we share with all the world. Often, because we face them first, our solutions and our performance become the measure, mold the expectations, of what is possible.

It is the task of the national Administration to chart an orderly course through a confusing and disorderly time, to accommodate the need for institutional change as quickly as possible without wrecking what is essential and useful in our processes of government. We in this Administration are fully committed to the reappraisal of the goals of technology and its consequences that is implicit in the environmental awareness, and I believe that as a people we are ready to ask some of the hard questions.

As we begin to ask them we will require not only sophistication, but also conciliation, moderation, and respect for each other's deeply felt wishes and desires. A posture of disciplined application to the business at hand is difficult to maintain in an atmosphere charged with passion as the coming debate is sure to be. But it is the only approach capable in the long run of achieving the broad goals and the better quality of life we seek.

SOURCE FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from the Department of Commerce's National Technical Information Service (NTIS) rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. To order a document, please indicate the Department, date and ELR Order No. (given at the end of each summary). The Institute charges $0.10 per page, and as you will note the number of pages is also given at the end of the summaries. Please enclose the correct amount of money with your order and mark the envelope to the attention to the "Document Service."

SOURCE FOR BACK ISSUES OF THE 102 MONITOR

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the *Congressional Record*. You may wish to order these *Congressional Records* from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2, & 3: Congressional Record (page E 3607)—April 28, 1971.

Vol. 1, No. 4: Congressional Record (page E 5151)—May 27, 1971.

Vol. 1, No. 5: Congressional Record (page E 6023)—June 16, 1971.

Vol. 1, No. 6: Congressional Record (page E 8458)—July 28, 1971

Vol. 1, No. 7: Congressional Record (page E 9483)—September 13, 1971.

Vol. 1, No. 8: Congressional Record (page E 10002)—September 24, 1971.

Vol. 1, No. 9: Congressional Record (page E 11596)—November 1, 1971.

Vol. 1, No. 10: Congressional Record (page E 12213)—November 15, 1971.

Vol. 1, No. 11: Congressional Record (page E 13322)—December 11, 1971.

Vol. 1, No. 12: Congressional Record (page E 76)—January 18, 1972.

Vol. 2, No. 1: Congressional Record (page E 1886)—March 2, 1972.

Vol. 2, No. 2: Congressional Record (page E 2409)—March 13, 1972.

ENVIRONMENTAL IMPACT STATEMENTS

(On the following pages are envoironmental impact statements received by the Council from March 1 through March 31, 1972:)

(NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250 (202) 388-7803.

Title, Description, and Date

Agricultural Research Service

Draft

Agricultural Research Center, Beltsville, *Maryland*. Approximately 1,200 tons of digested sewage sludge will be utilized on 4 acres of soil to evaluate its use as a soil amendment. (ELR Order 3050, 13 pages) (NTIS Order PB-207 544-D) 3/10.

Animal and Plant Health Service

Final

Imported Fire Ant Cooperative Federal-State Control and Regulatory Program. Proposed aerial treatment of 20 million acres in the South and Southwest with 1.7 grams of mirex per acre, in order to control the imported fire ant. The lasting effect of the pesticide are not fully known. It is slow to break down, and its residue is easily absorbed by biological organisms. Comments made by DOC, EPA, and HEW. (ELR Order 3051, 103 pages) (NTIS Order PB-205 344-F) 3/17.

Forest Service

Draft

Tonto Working Circle, Tonto National Forest, *Arizona*. A proposal to allow timber cutting on the Tonto Working Circle. Dust, smoke, and fire hazards will increase with the cutting (ELR Order 3090, 33 pages) (NTIS Order PB-207 564-D) 3/17.

Coronado National Forest, *Arizona*. Proposed spraying of 2,175 acres with 2,4,5-T herbicide, in order to destroy mesquite trees. Mesquite trees will be dying and defoliating for a minimum of 3 years; there will be a reduced area for honey bees. (ELR Order 4036, 20 pages) (NTIS Order PB-207 746-D) 3/27.

Palzo Restoration Project, Shawnee National Forest, Williamson, Saline and Gallatin Counties, *Illinois*. Project will attempt to utilize treated municipal waste to reclaim abandoned strip mined land which is presently causing severe water pollution problems. (ELR Order 2014, 64 pages) (NTIS Order PB-207 061-D) 2/23.

Sinulaw National Forest, *Oregon*. The proposed use of the herbicides 2,4-D, 2,4,5-T, Amitrole-T, Atrazine, Picoloram, and Dicamba to control specific types of vegetation. Some non-target plants will be destroyed. (ELR Order 2081, 32 pages) (NTIS Order PB-207 465-D) 3/9.

Pelican Butte Winter Sports Development, Klamath County, *Oregon*. Proposed development of a comprehensive winter sports complex. Clearing the area will affect soil, water, and visual resources. Increase in resident and transitory populations will occur, with related impact. (ELR Order 3088, 15 pages) (NTIS Order PB-207 570-D) 3/17.

Chairlift No. 2, Mt. Ashland, *Oregon*. Proposed construction of a 2nd chairlift at an existing winter sports complex. The lift will increase the chances of polluting the Ashland Municipal Watershed. (ELR Order 4075, 16 pages) (NTIS Order PB-207 770-D) 3/30.

Office of Budget and Finance

Final

H.R. 8714 and S. 1943. Bills which would make provisions of the Poultry Products Inspection Act (21 U.S.C. 451-470) applicable to rabbits slaughtered for human food. (ELR Order 3049, 4 pages each) (NTIS Order PB-207-670-F) 3/1.

Rural Electrification Administration

Draft

Cochise and Pima Counties, *Arizona*. Proposed change of purpose for $5,409,028 of a prior REA loan, in order to construct 73 miles of 230 kV transmission line and 16 miles of 115kV line. The lines will be intrusions upon the landscape. (ELR Order 4023, 60 pages) (NTIS Order PB-307 573-D) 3/20.

El Paso, Elbert, and Lincoln Counties, *Colorado*. An application by Tri-State Generation and Transmission Assoc., Inc. for a loan of $3,708,600 from REA, in order to construct 80 miles of 230 kV transmission line from Midway to Limon, including a substation at Limon. The line will be an intrusion upon the landscape. (ELR Order 4022, 60 pages) (NTIS Order PB-207 587-D) 3/20.

Alma and Cassville Stations, Buffalo County, *Wisconsin*. A proposed REA loan of $11,320,000 to the Dairyland Power Cooperative to finance air pollution reducing plant modifications. The installation would minimize fly ash emissions. (ELR Order 3091, 199 pages) (NTIS Order PB-207 560-D) 3/16.

Soil Conservation Service

Draft

Coushatta, Red River Parish, *Louisiana*. Proposed construction of 7.6 miles of flood prevention channels, with appurtenant structures. Approximately 20 acres of woodland will be lost. (ELR Order 4003, 15 pages) (NTIS Order PB-207 575-D) 3/16.

Final

Butler and Chase Counties, *Kansas*. Conservation land treatment over two watersheds, with construction of thirty floodwater retarding structures. Approximately 18 miles of intermittent streams will be inundated. Comments made by Army COE, EPA, HEW, DOI, and state agencies. (ELR Order 2086, 58 pages) (NTIS Order PB-200 794-F) 3/7.

Cameron-Creole Watershed, *Louisiana*. Construction of 19 miles of levee, 35 miles of channel, and 6 water control structures, in order to exclude excessively saline water from 100,800 acres. Approximately 800 acres of privately owned marshland and 200 acres of the Sabine National Wildlife Refuge will be taken by the project. Comments made by Army COE, EPA, HEW, DOI, DOT, state, and local agencies. (ELR Order 2053, 71 pages) (NTIS Order PB–202 445–F) 2/22.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545 (202) 973–5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545 (202) 973–7531.

Title, description, and date

Draft

Colorado, Utah, and *New Mexico*. Proposed leasing of 25,000 acres of AEC controlled land along the Uravan Mineral Belt to private industries. The purpose of the action is to encourage maximum recovery of the remaining resources of uranium and vanadium in the area. (ELR Order 4011, 130 pages) (NTIS Order PB–207 582–D) 3/22.

Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Power Station, Units 1 and 2, Rock Island County, *Illinois*. Proposed issuance of an operating license to the Commonwealth Edison Co. and the Iowa-Illinois Gas and Electric Co. for the operation of two units, at 2,511 MWt each. About 125 miles of transmission lines have been constructed. Heating of 2270 cfs of Mississippi River water 23°F above ambient will be needed for cooling until May 1976, when new controls will lessen the amount needed to 1160 cfs. (ELR Order 2055, 132 pages) (NTIS Order PB–207 242–D) 3/6.

Morris, Grundy County, *Illinois*. The proposed issuance of an operating permit to the General Electric Company for the operation of the Midwest Fuel Recovery Plant. The plant will recover uranium, plutonium, and neptunium from irradiated nuclear fuels. It has a capacity of 300 tons of enriched uranium oxide fuel per year. There is potential for detrimental effects from released fluoxide; this will require monthly testing. (ELR Order 3053, 83 pages) (NTIS Order PB–207 549–D) 3/17.

Proposed Issuance of an operating license to Consumers Power Co. Inc. for Palisades Nuclear Generating Plant, Van Buren County, *Michigan*. The plant uses a pressurized-water reactor having an initial power rating of 2,200 (MWT) with an output of 715 MW electrical of which 15 MW is used in-plant. After Jan. 1, 1974, two rows of mechanical-draft evaporative cooling towers will be in operation to remove the heat from the condensed water; Michigan water will be withdrawn and 61,320 gpm returned to the Lake at no more than 5° F. above the ambient Lake temperature. (ELR Order 2026, 294 pages) (NTIS Order PB–207 117–D) 3/3.

Docket No. 50–341, Enrico Fermi Atomic Power Plant Unit-2, Monroe County, *Michigan*. Proposed issuance of a permit to the Detroit Edison Co. for construction of an 1150 M We boiling-water reactor cooled by wet, natural draft cooling towers. A maximum of 19,500 gal/min of Lake Erie water will be evaporated from the cooling tower and the residual heat removal pond. (ELR Order 2048, 123 pages) (NTIS Order PB–207 249–D) 3/7.

Final

Plant Units 1 and 2, Midland, *Michigan*. Proposed issuance of construction and operating permits to the Consumers Power Company. The plant will have two pressurized water reactors that will generate 1,300 MW for distribution. In addition 4,050,000 lbs/hr of steam will be delivered to the Dow Chemical Company for industrial use. An 880 acre cooling pond will be constructed for use by the plant; 1100 acres will be taken, and 25 residences displaced; nonradioactive chemical wastes will be discharged to the Tittabawasse River; small quantities of radioactive gaseous and liquid wastes will be discharged to the environment; 958 acres will be taken for transmission lines. Comments made by USDA, Army COE, DOC, EPA, FPC, HEW, HUD, DOI, state and local agencies. (ELR Order 4072, 183 pages) (NTIS Order PB–205 573–F) 3/29.

Oconee County, *South Carolina*. Proposed issuance of an operating license to the Duke Power Company for Oconee Nuclear Station, Unit No. 1. (The statement will also serve for future consideration of permits for Units 2 and 3) Each unit of the Nuclear Station has a pressurized water reactor with an electrical output of 922 mw and a waste heat generation of 1650 mw. The nuclear station is integrated into the applicant's Keowee-Toxaway Project in an arrangement that provides water for condenser cooling as well as hydroelectric power. Environmental impact of the 3-unit nuclear station includes the following: loss of 2000 acres for the plant and exclusion area; flooding of 27,000 acres to form 2 lakes; displacement of 900 residents; conversion of 7,800 acres of farm and forest land to transmission line right-of-way; discharge of chemicals into Hartwell Reservoir; discharge of small amounts of radioactive gaseous and liquid wastes to the environment. Comments made by USDA, Army COE, DOC, EPA, HEW, HUD, DOI, DOT, state, regional, and local agencies. (ELR Order 4045, 363 pages) (NTIS Order PB–204 910–F) 3/27.

DEPARTMENT OF DEFENSE

Contact: Robert L. Gilliat, Office of General Counsel, Room 3E977, Department of Defense, The Pentagon, Washington, D.C. 20301 (202) OX 5–3272.

Title, Description, and Date

Draft

Exercise Exotic Dancer V, Jones, Onslow, Pender, Duplin, Craven, Carteret, and Lenior Counties, and Croatan National Forest, *North Carolina*. The proposed exercise is a Joint Chiefs of Staff directed military maneuver, to be conducted by the Atlantic Command. It will involve air, sea, and land forces. Increases in local ambient air and water pollutant levels, and in noise, solid waste, rubbish, sewage, and garbage production will result. Arrangements have been made to minimize the possibilities of forest fires. (ELR Order 4037, 77 pages) (NTIS Order PB–207 741–D) 3/28.

DEPARTMENT OF DEFENSE

DEFENSE SUPPLY AGENCY

Contact: William P. Weston, General Counsel, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314 (703) 274–6156.

Title, Description, and Date

Draft

The subject of the statement is the procurement of coal by the Defense Supply Agency for military and Federal government activities in the United States. Underground and/or surface mining operations in the following states are considered: Alabama, Alaska, Colorado, Illinois, Indiana, Kentucky, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Utah, Virginia, West Virginia, and Wyoming. (ELR Order 2088, 61 pages) (NTIS Order PB–207 469–D) 3/8.

DEPARTMENT OF DEFENSE—DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330 (202) OX 2889.

Title, Description, and Date

Draft

Sonic Booms. A study of the environmental impact of supersonic flight. Adverse effects discussed are: cumulative physiological-psychological effect on animal life; annoyance and startle effects; and damage to structures. (ELR Order 2085, 31 pages) (NTIS Order PB–207 467–D) 3/3

Advanced Ballistic Reentry System (ARBES) *Radioactive Sensors*. The ARBES program would conduct test flights, on the Western Test Range and on the White Sands Missile Range, of reentry vehicles having radioactive sensors imbedded in the nosetip and heatshield. Flights would be launched from Vandenburg AFB, California, with impact on the Marshall Islands and from Green River Utah with impact on the White Sands Missile Range in New Mexico. An adverse environmental effect would be the dispersion of a small amount (less than 3 Curies) of Cobalt 57 or Tantalum 182 into the upper atmosphere from material ablation. (ELR Order 4010 61 pages) (NTIS Order PB–207 577–D) 3/15.

Over the Horizon (OTH) Radar System. The CONUS OTH–B System is an over the horizon backscatter radar which uses ionospheric refraction techniques to illuminate targets beyond the optical horizon. Two sites are proposed, one to be located in *Maine*, the other in the state of *Washington*. Adverse environmental effects include: radiation hazards to personnel and wildlife within 180′ of the antenna, and to those wearing cardiac pacemakers within 5100′ of the antenna; emission of diesel exhaust fumes from a 6MW standby power plant; noise pollution; and clearing of foliage from 600 acres at each site. (ELR Order 4017, 72 pages) (NTIS Order PB–207 572–D) 3/14.

Tyndall Air Force Base, *Florida*. The proposed outleasing of 150 acres of land on Tyndall AFB to Bay County. The land would be used for the construction and operation of a secondary wastewater treatment plant for four municipalities and two industries. Thirty-five MGD of wastewater with an estimated BOD of 23 mg/1 will be discharged to St. Andrew Bay. The Military Pt. area will be changed from its natural state to that of a sewage lagoon; the use and production of the natural resources—forest, fish, wildlife, and recreation, will be lost. (ELR Order No. 4060, 122 pages) (NTIS Order PB–207 733–D) 3/22.

DEPARTMENT OF DEFENSE—DEPARTMENT OF ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310 (202) OX 4–4269.

Title, Description, and Date

Draft

Fort Peck, *Montana*. Proposed high explosive cratering experiments, known collectively as Diamond Ore. Phases II B and II C of Diamond Ore, planned for the fall of 1972 and the summer of 1973, respectively, use chemical high explosives (HE) to simulate nuclear energy source cratering. Craters produced by the explosions will vary in depth from 25′ to 30′, and in radius from 52′ to 62′. Present plans call for backfilling and reseeding the cratered area. (ELR Order 3021, 55 pages) (NTIS Order PB–207 472–D) 3/13.

DEPARTMENT OF DEFENSE—DEPARTMENT OF THE ARMY

Corps of Engineers

Contact: Colonel William L. Barnes, Executive Director of Civil Works, Atten: DAEN–CWZ–C, Office of the Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693–7168.

Title, Description, and Date

Draft

Phoenix, Maricopa County, *Arizona*. Construction of a detention basin and associated channel works, for flood control. (ELR Order 4005, 15 pages) (NTIS Order PB-207 580-D) 3/15.

New Melones Lake, Stanislaus River, *California*. Proposed construction of New Melones Dam, a 625' high rockfill structure which will create New Melones Lake, a multipurpose (flood control, irrigation, power generation, recreation, reservoir and downstream fisheries, and water quality control) lake with a gross pool surface area of 12,500 acres. The power plant will have an installed capacity of 300,000 kw. Approximately 22,700 acres of land will be required by the project; numerous historical and Indian sites, as well as significant wildlife habitat, will be inundated; and whitewater stretches of the Stanislaus River will be lost. (ELR Order 3041, 124 pages) (NTIS Order PB-207 435-D) 3/15.

Guilford Harbor, *Connecticut*. Maintenance dredging of two channels and an anchorage basin in Guilford Harbor. Temporary damage to marine life will occur. (ELR Order 4007, 10 pages) (NTIS Order PB-207 578-D) 3/17.

Chicago River, Cook County, *Illinois*. Clearing a 12 mile length of the North Bend of the Chicago River of debris. (ELR Order 2087, 11 pages) (NTIS Order PB-207 464-D) 3/16.

Wells County, *Indiana*. Removal and burning of two log jams on the Salamonie River. The purpose of the action is to control possible flood conditions. (ELR Order 2083, 9 pages) (NTIS Order PB-207 453-D) 3/8.

Red River Emergency Bank Protection, *Louisiana* and *Arkansas*. Proposed construction of emergency flood control structures at 11 sites along the Red River between the Mississippi River and Index, Arkansas. Approximately 920 acres of land will be lost to the project. (ELR Order 4035, 29 pages) (NTIS Order PB-207 725-D) 3/24.

Assateague Island, *Maryland*. Construction of a 1760' long research pier on an 8.4 acre site, midway between Ocean City and Chincoteague inlet. The facility will support operation of instruments and gages by the Coastal Engineering Research Center. The structure will be visible for up to 15 miles under optimum visibility. (ELR Order 2060, 54 pages) (NTIS Order PB-207 264-D) 3/6.

St. Catherine Sound, *Maryland*. Maintenance dredging of the Wicomico River Channel and St. Catherine Sound. Temporary damage to marine life will occur. (ELR Order 3089, 12 pages) (NTIS Order PB-207 565-D) 3/17.

Andrews River, *Massachusetts*. Proposed maintenance dredging of the channel and anchorage basin. Short-term damage to marine life will result. (ELR Order 3087, 9 pages) (NTIS Order PB-207 561-D) 3/17.

Flood control on Saginaw River, *Michigan* and Tributaries: Flint River at Flint, Swartz and Thread Creeks. Project consists of channel realignments and modifications of approximately 11,000 feet of the main stem of the Flint River and approximately 8,900 feet of Swartz and Thread Creeks. Also planned is a concrete-lined channel and concrete floodwalls. (ELR Order 2003, 27 pages), (NTIS Order PB-207 077-D) 2/28.

Rouge River Flood Control Project, Wayne County, *Michigan*. Enlargement, realignment, and paving of the mainstream of the Rouge River, from the Detroit-Dearborn city limits to Michigan Ave. in Dearborn, a distance of 5.8 miles. The natural river bottom will be replaced by concrete payment; an existing greenbelt will be permanently lost; and reduced water levels could alter upstream flora. (ELR Order 2089, 24 pages) (NTIS Order PB-207 451-D) 3/13.

Treasure Island, Dunklin County, *Missouri*. Construction of a 150 cfs pumping plant to augment a 25 cfs pumping plant now serving a leveed area. (ELR Order 4002, 13 pages) (NTIS Order PB-207 576-D) 3/20.

Hampton Harbor, *New Hampshire*. Proposed maintenance dredging of the channel and anchorage basin. Short-term damage to marine life will result. (ELR Order 3086, 12 pages) (NTIS Order PB-207 563-D) 3/17.

Military Ocean Terminal, Sunny Point, *North Carolina*. Proposed dredging of 3.2 million yards of material every two years, with occasional intermittent dredging, from basins and navigation channels. The spoil would be deposited in dike areas. Sixty-four acres of cypress swamp and 27 acres of ponds would be lost due to the action. The area provides habitat for ospreys, American alligators, and other wildlife. Marine life would also be destroyed by the dredging. (ELR Order 4038, 197 pages) (NTIS Order PB-207 726-D) 3/28.

Lower Columbia River, *Oregon* and *Washington*. Construction of bank protection walks along channels in the flood plain of the Columbia River. Loss of shoreline habitat and scenic value will occur. (ELR Order 3085, 33 pages) (NTIS Order PB-207 562-D) 3/20.

Susquehanna River Basin, *Pennsylvania*. Raising of 22,400' of levee, 1065' of steel sheet-pile wall, installing of 1930' of new sheet pile wall, and providing rip rap. Increased sediment loads from run-off will result from the project, as well as adverse visual effects. (ELR Order 3081, 36 pages) (NTIS Order PB-207 567-D) 3/14.

Bullocks Point Cove, *Rhode Island*. Maintenance dredging of channels, mooring and turning basins. Temporary damage to marine life will result. (ELR Order 4004, 10 pages) (NTIS Order PB207 574-D) 3/17.

Obion and Forked Deer Rivers, *Tennessee* and *Kentucky*. Proposed concrete lining of channels on Harris Fork Creek and South Fulton Branch; enlargement of channels from South Fulton to the junction with North Fork, Obion River (a distance of 10 miles), for flood control. Timberland and wildlife habitat will be lost. (ELR Order 3078, 48 pages) (NTIS Order UB-207 557-D) 3/14.

Alpine Lake Project, Alpine, *Texas*. Recommendation for Congressional authorization of a small reservoir to provide flood control for the town of Alpine, Texas (ELR Order 2002, 23 pages). (NTIS Order PB-207 078-D) 3/1.

New Kent County, *Virginia*. Proposed treatment of the waters of the Walker Dam Impoundment with a 50-50 mixture of diquat and potassium endothal. The purpose of the treatment is to control the Brasilian waterweed. Elodea fish will be killed; a reduction of the amount of oxygen in the water will occur; the reservoir will be rendered not potable for one week; and there is potential for damage to an adjacent farm. (ELR Order 4074, 14 pages) (NTIS Order PB-207 771-D) 3/28.

Final

San Leandro Creek, Alameda County, *California*. Construction of both the trapezoidal earth channel and the rectangular concrete channel with riprap transition in order to provide flood control. Comments made by EPA, HEW, HUD, DOI, DOT, Coast Guard, City of Oakland. (ELR Order 1998, 77 pages) (NTIS Order PB-207 056-F) 2/29.

Ventura Marina, Ventura County, *California*. Construction of a detached breakwater 1500' long; dredging of 800,000 cu. yds. to form a sand trap in the lee of the breakwater; construction of recreational facilities and parking lots; maintenance of three jetties and an entrance channel. The purpose of the project is to improve navigation. Comments made by EPA, DOI, state and local agencies. (ELR Order 2066, 49 pages) (NTIS Order PB-204 166-F) 3/1.

Crescent City Harbor, Del Norte County, *California*. Proposed construction of a 20' deep inner harbor, 200' wide at the entrance and extending north a distance of 325'; and a 400' extension of the inner harbor breakwater. Dredging and blasting will cause destruction of marine life. Comments made by USDA, DOC, EPA, DOI, NOAA, state agencies and concerned citizens. (ELR Order 3056, 48 pages) (NTIS Order PB-204 380-F) 3/15.

Panama City Harbor, *Florida*. Proposed dredging and deepening of harbor. Marine ecosystems will be lost, (including 400 acres of bay bottom) and 60 acres of land will be covered by dredge spoils. Comments made by DOC, EPA, HEW, DOI, DOT and one state agency. (ELR Order 4027, 28 pages) (NTIS Order PB-200 196-F) 3/22.

Waimano Stream Flood Control Project, Oahu, *Hawaii*. Construction of 3,400' of reinforced concrete channel and related roadway culvert modifications, in order to improve flood carrying capabilities. Comments made by USDA, EPA, Navy, DOT, state, and local agencies. (ELR Order 2052, 22 pages) (NTIS Order PB-198 882-F) 3/2.

Lake Forest, Lake County, *Illinois*. Replacement of 30' of permeable steel sheet piling grain by an impermeable 110' section and extension of a second section by 140'. The purpose of the project is prevention of beach erosion. Comments made by USDA, USCG, EPA, DOI, state and local agencies. (ELR Order PB-204 663-F) 3/15.

Fort Scott Lake, Marmaton River, *Kansas*. Construction of a multi-purpose (flood control, water quality control, water supply, recreation, and wildlife enhancement) lake. The lake will inundate 5,000 acres, eliminate 25 miles of river, tributary streams and wildlife habitat; displace 395 people and one town. Comments made by USDA, EPA, DOI, state and local agencies. (ELR Order 3064, 37 pages) (NTIS Order PB-201 520-F) 3/17.

Mermantau River, *Louisiana*. Enlargement and realignment of 43 miles of navigation channel in Bayous Nezpique and des Cannes, in the Mermentau River, and in Lake Arthur. A loss of 2,000 acres of wildlife habitat will occur. Unspecified numbers of archeological sites are also located in the area. Comments made by EPA, HEW, DOI, and state agencies. (ELR Order 3008, 48 pages) (NTIS Order PB-200 776-F) 3/9.

Desmoines River, Jackson, *Minnesota*. Proposed construction of earthen levees, concrete floodwalls, closure structures, a ponding area, and modification of sanitary and storm sewer systems. The purpose of the action is flood control. Approximately 25 acres of land will be lost to the project. Comments made by EPA, DOI, state and local agencies. (ELR Order PB-198 726-F) 3/15.

Little Blue Channel Improvement, Little Blue River, *Missouri*. Construction of channel realignment structures and a ring levee around Lake City Army Ammunition Plant in Jackson Co. The purpose of the project is flood control. It will detrimentally alter 22 miles of stream environment and riparian wildlife habitat, and result in lowered fish production and loss of wildlife habitat. Comments made by USDA, EPA, DOI, state and local agencies, and concerned citizens. (ELR Order 3026, 48 pages) (NTIS Order PB-202 916-F) 3/10.

Las Cruces, Don Ana County, *New Mexico*. Proposed construction of a dry flood control dam and diversion ditch with outlet works, spillway structures and an open discharge channel. Loss of an unspecified amount of wildlife habitat will occur. Comments made by USDA, EPA, DOI, International Boundary and Water Commission, state and local agencies, and concerned citizens. (ELR Order 3063, 50 pages) (NTIS Order PB-202 923-F) 3/15.

Chowan River, *North Carolina*, and Blackwater River, *Virginia*. Construction of three cutoff channels to control flooding. Twenty-eight acres will be inundated and other acreage will be covered with spoil. Comments made by EPA, DOI, and state agencies. (ELR Order 3084, 23 pages) (NTIS Order PB-206 258-F) 3/17.

Skiatook Lake, Osage County, *Oklahoma*. Construction of Skiatook Lake, on Hominy Creek. The purposes of the project include water supply and quality control, recreation, fish and wildlife management, and flood control. Approximately 10,540 acres of land will be permanently inundated and an additional 3,410 acres will be periodically inundated. Fifty-seven families, one state highway, several roads, pipelines, and other utilities, and 25 graves will be displaced by the project. Comments made by USDA, EPA, DOI, state and local agencies, and concerned citizens. (ELR Order 3027, 199 pages) (NTIS Order PB-207 460-F) 3/10.

Gulf Intercoastal Waterway, *Texas*. Proposed relocation of two portions of the authorized shallow-draft navigation project in Matagorda and Corpus Christi Bays. Dredging and filling will destroy marinelife, wildlife, and their habitats. Comments made by USDA, EPA, DOI, NOAA, state, local, and regional agencies. (ELR Order 3071, 58 pages) (NTIS Order PB-198 927-F) 3/15.

San Gabriel River, Laneport, North and South Fork Lakes, *Texas*. Proposed construction of the above three lakes for purposes of flood control, water conservation, fish, wildlife, and recreational uses. Approximately 25,350 acres of land and 28 miles of stream will be lost to the project; habitat for white-tailed deer, small game and birds, and the entire wild turkey population will be inundated; archeological sites, old homesteads, and numerous farms and residences will be permanently lost. Comments made by USDA, EPA, DOI, DOT, state, regional and local agencies, and concerned citizens. (ELR Order 4069, 349 pages) (NTIS Order PB—207 736-F) 3/27.

DEPARTMENT OF DEFENSE—DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350 (202) 697-0892.

Title, Description, and Date

Final

Naval Air Station, Lemoore, *California*. The acquisition of 440 acres in order to construct sewage treatment and evaporation ponds. This land will be lost for its present agricultural use. Comments made by CEQ, EPA, DOI. (ELR Order 2035, 43 pages) (NTIS Order PB-199 018-F), 3/2.

Cross Cay Island, *Caribbean Sea*. Proposed relocation of Navy target facilities from Culebra, Commonwealth of Puerto Rico, to Cross Cay, an uninhabited island 2800' x 1400', 2.5 nautical miles away. Clearing of a shallow boat channel, preparation of an access runway, helicopter landing pad and target area will be necessary. Some destruction of marina life will result. Comments made by USDA, DOC, EPA, and the Mayor of Culebra. (ELR Order 4051, 57 pages) (NTIS Order PB-206 051-F), 3/31.

Norfolk Station, Norfolk, *Virginia*. Proposed acquisition of 508 acres of railroad yard facilities at Sewell's Point. Naval facilities will be constructed on the site. Comments made by EPA, DOI, and state agencies. (ELR Order 4014, 16 pages) (NTIS Order PB-201 855-F), 3/22.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460 (202) 755-0940.

Title, Description, and Date

Draft

Bethany Beach Regional Wastewater Treatment Plant, Sussex County, *Delaware*. Proposed construction of a sewerage project to serve Bethany Beach. At issue is the extent to which completion of the project will affect development of seasonal homes. (ELR Order 3070, 99 pages) (NTIS Order PB-207 542-D) 3/16.

Final

Proposed Water Quality Control facilites, Soldotna, *Alaska*. Construction of sanitary sewage treatment facilities. Wastes will be treated by an extended aeration biological process; Effluent will be discharged after disinfection into the Kenai River via an outfall approximately 21 miles upstream from its month. Comments made by Army, COE, DOI, DOC; Coast Guard, Kenai Peninsula Borough. (ELR Order 1999, 48 pages). (NTIS Order PB-204 662-F) 3/1.

Carmel, Monterey County, *California*. Construction of an ocean outfall sewer extension in Carmel Bay. The project will lower existing conditions of pollution near the shoreline. It will also, however, discharge wastewater in an area that is included in a proposed enlargement of the Pt. Lobos Underwater Reserve of the California State Park system. Comments made by Army COE, DOC, HEW, DOI, USCG, state and local agencies, and concerned citizens. (ELR Order 2084, 73 pages) (NTIS Order PB-202 585-F) 3/8.

Lead-Deadwood Sanitary District No. 1, *South Dakota*. The proposed project would combine all municipal and industrial wastes from the cities of Lead and Deadwood, and Homestake Mining Co., in one interceptor pipeline, and convey the waste along the route of Whitewood Creek to a tailings-stabilization pond for treatment by detention and bacterial action. Approximately 600 acres of land will be taken by the project; the potential would exist for groundwater contamination. Comments made by USDA, Army COE, Food and Drug, HEW, HUD, DOI, state and local agencies, and concerned citizens. (ELR Order 4049, 121 pages) (NTIS Order PB-204 669-F) 3/15.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426 (202) 386-6084.

Title, Description, and Date

Draft

Project No. 2628, Clay and Randolph Counties, *Alabama*. Proposed approval of license for Alabama Power Co. to construct a 140' high, 956' long concrete dam on the Tallapoosa River; an earth-rock fill dike; a resulting 10,661 acre, 24 mile long reservoir; and a two generator (67,500 kw each) powerhouse, with appurtenant facilities. (ELR Order 2042, 58 pages) (NTIS Order PB-207 260-D) 3/2.

Fresno and Madera Counties, *California*. Proposed approval of renewal license for major Big Creek No. 2A and No. 8, Project No. 67. The project consists of two powerhouses with a total capacity of 138,000 kw; several diversion dams, conduits, natural channels and reservoirs; and existing and proposed recreation facilities. (ELR Order 2031, 154 pages) (NTIS Order PB-207 123-D) 3/1.

Project No. 77, Lake and Mendocino Counties, *California*. Proposed approval of renewal license for the Pacific Gas and Electric Co. to operate a 9,040 kw hydroelectric powerhouse, along with two dams, two lakes (2,380 total acres), tunnels, penstocks, and 8890' of conduit. (ELR Order 2063, 31 pages) (NTIS Order PB-207 243-D) 3/8.

Project No. 176, San Diego County, *California*. Proposed approval of a renewal operating license for Escondido Mutual Water Co.'s Lake Wohlford Project. The project consists of a combination rock and hydraulic fill dam, a 224 acre reservoir, and the Rincon and Bear Valley powerhouses, with a total installed capacity of 760 kw. (ELR Order 3010, 89 pages) (NTIS Order PB-207 457-D) 3/8.

Project 120, Fresno, Madera, Tulare, Kern, and Los Angeles Counties, *California*. Proposed approval of a renewal license for the Southern California Edison Co.'s Big Creek No. 3 Project 120. The project consists of a dam and spillway, a reservoir and diversion tunnel, 4 penstocks and a powerhouse with a total installed capacity of 107,100 kw. (ELR Order 4068, 71 pages) (NTIS Order PB-207 732-D) 3/26.

Project No. 1218, Dougherty and Lee Counties, *Georgia*. Proposed approval of a renewal operating license to the Georgia Power Co. for its Flint River Project. The project consists of 2 dams, a connecting dike, a 3-generator powerhouse, a reservoir, and appurtenant facilities. (ELR Order 3077, 46 pages) (NTIS Order PB-207 555-D) 3/17.

Project 2336, Lloyd Shoals Project, *Georgia*. Proposed approval of an application for development of 4 recreation use areas at project 2336, a hydroelectric station of the Georgia Power Co. Total acreage involved is 458.5, with proposed picnicking, camping, boating, fishing, and swimming facilities. (ELR Order 4033, 18 pages) (NTIS Order PB-207 678-D) 3/23.

Wilder Project No. 1892, Grafton County, *New Hampshire* and Windsor and Orange Counties, *Vermont*. Proposed issuance of a new operating license to New England Power Co. for continued operation of an existing 32,400 kw. hydroelectric generating facility with a 3,100 acre, 45 mile long pond. (ELR Order 2027, 59 pages) (NTIS Order PB-207 118-D) 3/1.

Project No. 1855, Cheshire and Sullivan Counties, *New Hampshire*, and Windham and Windsor Counties, *Vermont*. Proposed approval of an application by the New England Power Co. for a renewal operating permit for its Bellows Falls Project. This is a 40,800 kw run-of-river hydroelectric generating facility with a 2,800 acre 26-mile long pond. (ELR Order 2028, 57 pages) (NTIS Order PB-207 PB-122-D) 3/15.

Connecticut River, Cheshire, *New Hampshire* and Windham, *Vermont*. Proposed approval of a renewal operating license for New England Power Co.'s Vernon Project No. 1904. This is a 24,400 kw hydroelectric generating facility with a 2,550 acre, 26 mile long pond. (ELR Order 2030, 48 pages) (NTIS Order PB-207 119-D) 3/1.

South Plainfield, *New Jersey*, and Staten Island, *New York*. Proposed construction of a gasification plant at South Plainfield and a 15 mile, 20" pipe to terminal and storage facilities which will be constructed on Staten Island. The Tecon Gasification Company is the applicant for the certificate of public convenience and other permits involved. Approximately 400 acres of land will be committed to the project; emission of carbon dioxide, methane, and sulfur oxide will result. (ELR Order 4050, 125 pages) (NTIS Order PB-207 720-D) 3/27.

Project No. 1888, Dauphin, Lancaster, and York Counties, *Pennsylvania*. Proposed approval for a renewal operating license to the York Haven Power Company. The project consists of a main dam across the Susquehanna River, a secondary dam, a headrace wall, a 3½ mile long reservoir, and a powerhouse containing 20 generators with a total (combined) capacity of 19,620 kw. (ELR Order 3082, 41 pages) (NTIS Order PB-207 566-D) 3/16.

Project No. 2705, Newhalem Creek, Seattle, *Washington*. Proposed approval of a renewal license for the City of Seattle to continue operating a 2,500 Kva generating unit, with a 10' overflow crest diversion dam, a 3,300' tunnel, and penstock. (ELR Order 2039, 21 pages) (NTIS Order PB-207 234-D) 2/28.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Acting Administrator, GSA-AD, Washington, D.C. 20405 (202) 343-6077.

Alternate: Aaron Woloshin, Director, Office of Environmental Affairs, GSA-AD, Washington, D.C. 20405 (202) 343-4161.

Title, Description, and Date

Draft

Federal Triangle, Washington, D.C. In order to provide office space for Federal personnel the following steps are proposed: demolition of the Old Post Office Building (but retention of its clock tower) and construction of the Internal Revenue Service Building Extension on its site; construction of a Pennsylvania Avenue Annex to the Post Office Building, between the existing Post Office and the District Building; construction of a Grand Plaza, with a two-level, 1,487 car capacity parking structure beneath. (ELR Order 2045, 53 pages) (NTIS Order PB-207 238-D) 2/28.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Contact: Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062 HEWN, Washington, D.C. 20202 (202) 962-2241.

Title, Description, and Date

Draft

National Center for Toxicological Research, Pine Bluff, *Arkansas*. Development of existing facilities for use by the Center, with initial action to be conversion of 29,000 sq. ft. of space to animal holding and research use. Cost of this first phase renovation will be $3,000,000. (ELR Order 2037, 41 pages) (NTIS Order PB-207 259-D) 3/2.

Model Secondary School for the Deaf, Gallaudet College, *Washington, D.C.* Construction of permanent facilities for the Model Secondary School, and ancillary facilities at Gallaudet College. The school will serve 450 resident and 150 day students. (ELR Order 2072, 19 pages) (NTIS Order PB-207 244-D) 3/8.

Cape Giradeau, *Missouri*. Proposed construction of a new St. Francis Medical Center, planned to be a complete health care complex, with a first phase capacity of 160 beds. (ELR Order 2050, 24 pages) (NTIS Order PB-207 246-D) 3/3.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contract: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410 (202) 755-6186.

Title, Description, and Date

Draft

Welfare Island New Community, New York, *New York*. Proposed HUD certification of Welfare Island as an eligible new community according to Section 712 of the Urban Growth and New Community Development Act of 1970. (ELR Order 4044, 32 pages) (NTIS Order PB-207 740-D) March 23.

Harbison New Community, Richland and Lexington Counties, *South Carolina*. Proposed HUD guarantee of a $12,000,000 loan for development of a new community over a 20 year period. (ELR Order 4056, 26 pages) (NTIS Order PB-207 745-D) March 23.

Final

Low Rent Public Housing Project No. 5-108, New York, *New York*. Proposed construction of three 24-story residential buildings of 840 (total) units. Increase in use of public facilities and utilities will result. Comments made by USDA, Army COE, AEC, DOC, EPA, FPC, GSA, DOT, local agencies, and concerned citizens. (ELR Order 4062, 114 pages) (NTIS Order PB-205 670-F) March 28.

Marshall Union Apartments, Portland, *Oregon*. Proposed construction of a 12-story high-rise structure of 243 apartment units, designed specifically for senior citizens. The visual impact of the structure is considered in the statement. Comments made by EPA, HEW, state and local agencies, and concerned citizens. (ELR Order 3034, 39 pages) (NTIS Order PB-203 312-F) March 13.

DEPARTMENT OF THE INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240 (202) 343-6416.

Title, Description, and Date

Final

Trans-Alaska Pipeline, *Alaska*. Application from Alaska Pipeline Service Co. for a 48-inch oil pipeline right-of-way across Federal lands in Alaska between a point south of Prudhoe Bay on the North Slope and Port Valdez, a port on the south coast. The company would design, construct, operate, and maintain the 789 mile long pipeline system. Impact would result from construction, operation, and maintenance, and would occur on abiotic, biotic, and socio-economic components of the human environment far beyond the relatively small part of Alaska which would be occupied by the pipeline system and oil field. The statement includes six volumes, with three supplemental volumes on the economic and security aspects of the pipeline. Titles are as follows: Volume I, *Introduction and Summary;* Volume II, *Environmental Setting of the Proposed Trans-Alaska Pipeline,* Volume III, *Environmental Setting Between Port Valdez, Alaska, and West Coast Ports;* Volume IV, *Evaluation of Environmental Impact;* Volume V, *Alternatives to the Proposed Action* and Volume VI, *Other Sections and Attachments*. (ELR Order 4034) (NTIS Order No.'s Volume I-VI, PB-206 921-1 to PB-206 921-6, respectively; or PB-206 921-Set; supplemental material, Volumes I-III, PB-205-744, PB-205 745, and PB-207 254, respectively) 3/20.

Bureau of Mines

Draft

Federal Mine Health and Safety Academy, Buckley, *West Virginia*. Proposed construction of a 600 student, multi-building facility. The school would train mine inspectors to help administer the Federal Coal Mine Health and Safety Act of 1969. (ELR Order 3074, 34 pages) (NTIS Order PB-207 543-D) 3/15.

Bureau of Reclamation

Draft

Lake Havasu, *Arizona*. Construction of the Havasu Intake Channel and Pumping Plant, and the Buckskin Monutains Tunnel. The pumping plant will house six 500 cfs pumps, which will pump water from Lake Havasu through two 13-foot-diameter pipes 3000′ up the hillside to the tunnel inlet portal. These facilities are part of the Central Arizona Project. (ELR Order 3009, 24 pages) (NTIS Order PB-207 454-D) (3/7.

Lake Berryessa, Napa County, *California*. A proposed management plan for the development of Lake Berryessa as a recreational area. (ELR Order 3083, 116 pages) (NTIS Order PB-207 554-D) 3/10.

Cibolo Creek, Wilson County, *Texas*. Proposed construction of an earthfill dam on Cibolo Creek. The reservoir would inundate 10,000 to 16,260 acres of land, displace 75 families, eliminate 24 miles of fish habitat, and necessitate the relocation of one highway, utility systems, and archeological resources. (ELR Order 4067, 39 pages) (NTIS Order PB-207 729-D) 3/27.

Final

Mountain Park Project, Kiowa County, *Oklahoma*. Proposed construction of a thin-arch concrete dam on Otter Creek, a diversion dam on Elk Creek, and a 10.8 mile diversion canal, with pipelines to deliver municipal and industrial water. Approximately 5 miles of stream and 9,280 acres will be inundated by the project; 35 homes, 7.5 miles of railway, 5 miles of highway and 11 miles of transmission line will have to be relocated. Comments made by USDA, DOI, state agencies and concerned citizens. (ELR Order 4064, 45 pages) (NTIS Order PB-207 728-F) 3/27.

Bureau of Sport Fisheries and Wildlife

Draft

Endangered Species Conservation. Proposed legislation to provide for the conservation, protection, and propagation of species and subspecies of fish and wildlife, domestic and foreign, that are threatened with extinction or likely within the foreseeable future to become threatened with extinction. (ELR Order 4041, 26 pages) (NTIS Order PB-207 731-D) 3/21.

Green Lake National Fish Hatchery, Hancock County, *Maine*. Construction of a fish hatchery for the propagation of Atlantic salmon, to help restore the species in New England waters. (ELR Order 3075, 45 pages) (NTIS Order PB-207 541-D) 3/16.

National Park Service

Draft

City of Refuge National Historical Park, Hononau Bay, *Hawaii*. Proposed master plan for management of the Park, which will serve as a center for preservation of Hawaiian culture of the Kona Coast. Approximately 50 people may be displaced by the action. (ELR Order 4021, 79 pages) (NTIS Order PB-207 583-D) 3/15.

White Sands National Monument, *New Mexico*. A proposed revised master plan for maintenance of the Monument during the next five years. Missile impact within the monument necessitates the use of vehicles and other mechanical equipment. Designation as wilderness is therefore precluded. (ELR Order 4070, 44 pages) (NTIS Order PB-207 776-D) 3/29.

Yellowstone National Park-Yellowstone Wilderness DES 72-28, *Wyoming*. The National Park Service proposes that 1,963,000 acres of Yellowstone National Park be designated as wilderness. (ELR Order 1817, 56 pages) (NTIS Order PB-207 265-D) 2/7.

Yellowstone Master Plan, Yellowstone National Park DES 72-30, *Wyoming*. Proposed action would provide a master plan for future management activity in Yellowstone National Park. (ELR Order 2056, 67 pages) (NTIS Order PB-207 262-D) 2/7.

Grand Teton National Park—Master Plan DES 72-31, *Wyoming*. Proposed master plan for the management and use of Grand Teton National Park. The plan would provide for increased public use of the park. (ELR Order 2057, 64 pages) (NTIS Order PB-207 263-D) 2/7.

Trois Tetons Wilderness Area, *Wyoming*. Proposed establishment of a 110,700 acre wilderness area in Grand Teton National Park. The area would embrace most of the park's mountainous western section and part of the lowlands. (ELR Order 1816, 49 pages) (NTIS Order PB-207 252-D) 2/7.

Office of Saline Water

Draft

San Luis Obispo County, *California*. Construction of a prototype seawater desalting plant and conveyance system, scheduled for completion in late 1977. The plant would be of multiflash design, with a capacity of 40 MGD. Some disturbance of coastline and loss of wildlife habitat will result. (ELR Order 2040, 122 pages) (NTIS Order PB-207 272-D) 3/2.

Southwestern Power Administration

Draft

Texas, Oklahoma, Arkansas and *Missouri*—Operation and Maintenance of 1700 miles of existing transmission lines and 32 substations and switching stations. These actions will be taken during FY 1973. (ELR Order 1997, 10 pages) (NTIS Order PB-207 068-D) 2/24.

INTERSTATE COMMERCE COMMISSION

Contact: James Tao, Room 5107, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423 (202) 783-2097.

Title, Description, and Date

Draft

Increased Freight Rates and Charges, 1972. Proposed approval or disapproval of selected increase proposals for commodity groupings to replace the 2.5% surcharge recently allowed to become effective on a temporary basis, to be applied by the railroads in rendering service throughout the United States. The surcharge may have an adverse effect on the movement of recyclable materials. (ELR Order 4061, 13 pages) (NTIS Order PB–207 730–D) 3/10.

The following statement was mistakenly referred to in the March, 1972 issue of the 102 Monitor as a Federal Power Commission proposal:

Pueblo County, Colorado. Proposed construction of 2.54 miles of railway track by the Colorado and Wyoming Railway Co. This will require approximately 51.51 acres of land. Finance Docket No. 27022. (ELR Order 1914, 10 pages) (NTIS Order PB–206 759–D) 2/16.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, NASA, Washington, D.C. 20546 (202) 962–8107.

Title, Description, and Date

Final

Jet Propulsion Laboratory, Los Angeles County, *California*. The statement describes the mission, facilities, and community setting of the laboratory. At present the lab supports NASA principally in the conduction of research, development, and flight project activities related to exploration of the planets and interplanetary space with automated spacecraft. Comments made by EPA. (ELR Order 1950, 37 pages) (NTIS Order PB–207 332–F) 2/18.

NATIONAL SCIENCE FOUNDATION

Contact: William J. Hoff, General Counsel, Room 501, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550 (202) 632–4386.

Title, Description, and Date

Final

National Hail Research Experiment. A proposed 5-year series of experiments (beginning in the summer of 1972) which will involve silver iodide seeding of hail cells. The purpose of the project is the development and testing of techniques for modifying hailstorms to suppress the formation of hail and damaging size. The test area, a 50 mile square, is centered on the Pawnee National Grasslands, in northeastern Colorado. Comments made by USDA, AEC, DOD, EPA, DOI, NASA, DOT, and concerned citizens. (ELR Order 3052, 21 pages) (NTIS Order PB–207 539–F) 3/15.

PACIFIC NORTHWEST RIVER BASINS COMMISSION

Contact: Robert Vining, Post Office Box 908, Vancouver, Washington 68660, (206) 695–3606.

Title, Description, and Date

Draft

Puget Sound and Adjacent Waters Comprehensive Plan. A draft study of the Puget Sound and adjacent waterways. The needs for providing water quality control, flood control, industrial and municipal supply, and recreation are discussed. (ELR Order 2070, 17 pages) (NTIS Order PB–207 240–D) 2/23.

POSTAL SERVICE

Contact: James J. Wilson, Assistant General Counsel, Contracts & Property Division, Room 2226, Postal Service, Washington, D.C. 20260, (202) 961–7637.

Title, Description, and Date

Draft

United States Post Office, Honolulu, *Hawaii*. Construction of a one-story general industrial-type building with a two-story office wing. Auxiliary construction consists of parking areas, paved maneuvering areas, an underpass, and all necessary utilities and landscaping. Facility will occupy about 400,000 gross sq. ft. (ELR Order 3025, 20 pages) (NTIS Order PB–207 470–D) 3/13.

TENNESSEE VALLEY AUTHORITY

Contact: Robert H. Marquis, General Counsel, TVA, Knoxville, Tennessee 37902 (615) 522–7181 ext. 2552.

Title, Description, and Date

Final

Nolichucky Project, Greene County, *Tennessee*. Proposed strengthening of the dam on the Nolichucky River, retirement of its power plant, and development of a waterfowl sanctuary and nature study program. The sanctuary would encompass 2,200 acres; total project cost is estimated at $2,700,000. Comments made by USDA, DOC, DOD, EPA, HEW, HUD, FPC, OEO, state and local agencies (ELR Order 3035, 57 pages) (NTIS Order PB–204, 844–F) 3/10.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Co-ordination, 400 7th Street, SW, Washington, D.C. 20590 (202) 462–4357.

Federal Aviation Agency

Title, Description, and Date

Draft

Phoenix, Maricopa County, *Arizona*. Proposed additions to a formerly privately-owned airport, recently purchased by the City of Phoenix. These would include rehabilitation of present runway, construction of a "touch and go" runway, construction of an administration building, etc. (ELR Order 2049, 80 pages) (NTIS Order PB–207 273–D) 2/28.

Napa County Airport, *California*. Proposed land acquisition and construction of a lighted taxiway and apron. Four families will be displaced by the action. (ELR Order 3092, 35 pages) (NTIS Order PB–207 584–D) 3/17.

Hollywood International Airport, Ft. Lauderdale, *Florida*. Request for Federal financial assistance for: extension of runways and taxiways; installation of VASI, relocation of perimeter road, etc. (ELR Order 2065, 68 pages) (NTIS Order PB–207 266–D) 3/7.

Fitzgerald, *Georgia*. Request for Federal financial assistance to: acquire 18 acres of clearing; extend and widen existing runway in order to accommodate 70% of the turbojet powered aircraft of less than 60,000 lbs.; install medium intensity lighting. (ELR Order 2071, 48 pages) (NTIS Order PB–207 239–D) 3/7.

Thomson-McDuffie Airport McDuffie County, *Georgia*. Request for Federal funds in order to expand existing facilities to accommodate 70% of turbojet powered aircraft of less than 60,000 lbs. Eleven acres of land will be lost to the project. (ELR Order 3062, 41 pages) (NTIS Order PB–207 545–D) 3/15.

Perry-Fort Valley Airport, Perry, *Georgia*. Construction of basic transport runway and related facilities which will accommodate 70% of the basic transport fleet of turbojet powered aircraft weighing less than 60,000 lbs. There will be approximately 10 acres of land cleared as a result. (ELR Order 2001, 35 pages,) (NTIS Order PB–207 070–D) 2/28.

General Lyman Field, Hilo, *Hawaii*. Proposed Federal financial assistance to construct a new terminal and related facilities. Air quality and water tables will be affected by the action (ELR Order 4025, 59 pages) (NTIS Order PB–207 673–D) 3/23.

Coles County Memorial Airport, Mattoon-Charleston, *Illinois*. Relocation and construction of the NW, SE runway with high intensity lighting, construction of new apron, acquisition of 248 acres of land is required. (ELR Order 2000, 57 pages) (NTIS Order PB–207 069) 2/28.

Outland Municipal Airport, Mt. Vernon, *Illinois*. Proposed land acquisition extension of runway and taxiway, installation of lighting, etc. (ELR Order 2051, 121 pages) (NTIS Order PB–207 274–D) 2/28.

Monroe and St. Clair Counties, *Illinois*. The proposed project involves acquisition of 18,650 acres and construction of a new airport to serve the St. Louis metropolitan area. The project will result in noise pollution, air emission, short term impact related to construction, and the displacement of families, farms, businesses, and other properties. (ELR Order 3072, 792 pages) (NTIS Order PB–207 589–D–1 and PB–207 589–D–2 [2 volumes]) 3/15.

Kokomo Airport, Howard County, *Indiana*. Proposed land acquisition, relocation of utilities, extensive runways, lighting, etc. Noise pollution will increase accordingly. (ELR Order 4026, 40 pages) (NTIS Order PB–207 672–D) 3/23.

Ottumwa Industrial Airport, Wapello County, *Iowa*. Request for Federal financial assistance to install Instrument Landing System (ILS) and Approach Lighting System (ALS). (ELR Order 2038, 15 pages) (NTIS Order PB–207 235–D), 2/28.

St. Joseph County, *Michigan*. Construction and lighting of 5700′ x 75′ N/S runway, three taxiways, an administration building, an apron, and related parking area. (ELR Order 2044, 28 pages) (NTIS Order PB–207 251–D), 3/2.

Grand Rapids, Kent County, *Michigan*. Proposed construction of a new 3500′ x 75′ runway and tax system; installation of VASI, fencing, addition to terminal, etc. (ELR Order 4039, 29 pages) (NTIS Order PB–207 723–D), 3/24.

Waseca County, *Minnesota*. Request for Federal financial assistance to lengthen, pave, light, etc. the Waseca City Airport. (ELR Order 4024, 13 pages) (NTIS Order PB–207 674–D), 3/22.

Holly Springs, Marshall County, *Mississippi*. Request for Federal financial assistance to acquire 83 acres and construct a 3200′ x 60′ runway, a taxiway, an apron, and an access road. (ELR Order 3060, 15 pages) (NTIS Order PB–207 540–D), 3/15.

Gulf Central Airport, Hancock County, *Mississippi*. Proposed request for Federal financial aid to strengthen and extend existing runway, taxiways, apron, etc. The purpose of the project is to enable the airport to handle large transport aircraft. Noise and other pollution levels will increase accordingly. (ELR Order 4030, 16 pages) (NTIS Order PB–207 676–D), 3/22.

Grant, Perkins County, *Nebraska*. Proposed land acquisition, construction of runway, taxiway, etc., to replace present turf field which serves 7 aircraft. (ELR Order 4029, 31 pages) (NTIS Order PB–207 675–D), 3/22.

Golden Valley County, *North Dakota*. Construction of an airport facility with one 3400′ x 60′ runway, one 300′ x 30′ taxiway, a 150′ x 150′ apron, and an access road of 850′ x 24′. Approximately 149 acres of land will be used by the project. (ELR Order 2036, 15 pages) (NTIS Order PB–207 236–D), 3/2.

Williamsburg County, *South Carolina*. Request for federal funds to build a public use airport on an existing private turf strip. The proposed project will be able to accommodate aircraft of less than 12,500 lbs., with future expansion to accommodate "business jet" aircraft expected. Five additional acres of land will be used by the project. (ELR Order 2034, 14 pages) (NTIS Order PB–207 250–D) 3/2.

Hoven Municipal Airport, Hoven, *South Dakota*. Proposed land acquisition, runway extension, etc. Noise level will increase. (ELR Order 4028, 26 pages) (NTIS Order PB–207 671–D) 3/22.

Final

St. Mary's, *Alaska*. Request for Federal financial assistance to construct runway extensions at St. Mary's Airport. Comments made by DOI, DOT, state and local agencies. (ELR Order 2061, 15 pages) (NTIS Order PB–204 565–F) 3/3.

Sitka, *Alaska*. Construction of a runway extension; relocation of REIL, VASI, etc. Comments made by Army COE, USCG, DOC, EPA, state and local agencies. (ELR Order 3066, 26 pages) (NTIS Order PB–205 193–F) 3/16.

Aniak Airport, Aniak, *Alaska*. Reconstruction and/or extension of existing facilities, including runway apron, lighting, and access road. Comments made by Army COE, HEW, DOI, NOAA, and state agencies. (ELR Order 3067, 22 pages) (NTIS Order PB–205 332–F) 3/16.

Auburn Municipal Airport, Placer County, *California*. Acquisition of land and construction, marking, and lighting of a new runway, with VASI–2, beacon, fencing, etc. Comments made by USDA, Army COE, EPA, DOI, DOT, and one state agency. (ELR Order 2067, 25 pages) (NTIS Order PB–205 197–F) 3/3.

Honolulu International Airport, Honolulu, *Hawaii*. Proposed Federal financial assistance for the construction of "Reef Runway." Involves filling, grading, and paving a 12,000' x 200' runway, a 1000' runway safety area on each end, and 250' shoulders. Also involved is construction of a protective structure 1,050' seaward of and parallel to the runway. Loss of 1,240 acres of coral reef, land, dredged coral pits, and lagoon; 186 acres of migratory bird feeding area; and possible loss of tuna bait feeding grounds will result. Comments made by USDA, Army COE, DOD, EPA, FPC, HUD, DOI, NOAA, state and local agencies, and concerned citizens. (ELR Order 2013, 97 pages) (NTIS Order PB–203 235–F) 3/1.

Macomb Airport, McDonough County, *Illinois*. Request for Federal financial assistance to acquire 108 acres of land and extend, light and mark runway. Comments made by USDA, DOI, DOT, and state and local agencies. (ELR Order 3039, 32 pages) (NTIS Order PB–205 794–F) 3/14.

Purdue University Airport, city of Lafayette, Tippecanoe County, *Indiana*. Extension of runway, lighting and marking, installation of VASI; Overlaying of runway, etc. Comments made by State of Indiana. (ELR Order 2015, 24 pages) (NTIS Order PB–203 603–F) 2/25.

Fort Dodge Municipal Airport, Webster County, *Iowa*. Request for Federal financial assistance to construct, mark and high intensity light a NE/SW runway (150' x 6,500'); reconstruct the entrance road; reconstruct and light the general and commercial aviation aprons, etc. Approximately 385 acres will be acquired for the project, and 2–5 families will be displaced. Comments made by USDA, DOC, DOI, state and local agencies. (ELR Order 3028, 83 pages) (NTIS Order PB–201 767–F) 3/14.

Hannibal, Marion County, *Missouri*. Request for Federal financial assistance for new construction at the Hannibal Municipal Airport. The project would include: extension of Runway 16/34 to 4,000' x 75', construction of a parallel taxiway, 3,000' x 40'; acquisition of 89 acres; installation of MIRL, REIL and VASI; construction of a crosswind runway, 3,200' x 75' and taxiway, 3,200' x 40'; and construction of a deep well. Comments made by USDA, EPA, DOI, local and state agencies, and concerned citizens. (ELR Order 2058, 28 pages) (NTIS Order PB–204 962–F) 3/3.

Fall City, Richardson County, *Nebraska*. Request for Federal financial assistance to acquire 39 acres of land to construct a 3400' x 60' NW/SE runway and apron, and to install MIRL, VASI, a lighted windcone and segmented circle at the Falls City Municipal Airport. Comments made by USDA, ARMY COE, EPA, DOI, HUD, and local agencies. (ELR Order 3031, 28 pages) (NTIS Order PB–204 665–F) 3/14.

Herkimer County Airport, Herkimer County, *New York*. Request for Federal financial assistance to acquire land and construct a 4000' x 75' runway, with apron, taxiway and access road, lightnig, AVASI and REILS, etc. One family will be displaced. Comments made by Army COE, DOI, DOT, state and local agencies. (ELR Order 3032, 27 pages) (NTIS Order PB–193 960–F) 3/4.

Adirondack Airport, Saranac Lake, *New York*. A proposed request for Federal financial assistance to acquire land and reconstruct existing airport facilities. Eighteen acres of land will be required by the project; noise and other pollutant levels will rise accordingly. Comments made by USDA, Army COE, EPA, HUD, DOI, state and local agencies. (ELR Order 4006, 30 pages) (NTIS Order PB–207 581–F) 3/17.

Rockingham County Airport, Reidsville, *North Carolina*. A proposed request for Federal financial assistance to construct a general purpose airport capable of accommodating all propeller aircraft of less than 12,500 pounds. (ELR 4063, 16 pages) (NTIS Order PB–204 259–F) 3/28.

Electric City, Grant County, *Washington*. Request for Federal financial assistance to construct the Grand Coulee Dam Airport. The project consists of: a 3000' x 50' runway; a taxiway and apron; a wind cone and segmented circle; fencing; and an access road. Banks Lake, adjacent to the airport, is a resting area for migratory waterfowl, particularly the Canada Goose. Bird-aircraft conflict could therefore arise. Comments made by USDA, EPA, DOI, DOT, and one state agency. (ELR Order 2059, 13 pages) (NTIS Order PB–205 196–F) 3/3.

Wayne and Cabell Counties, *West Virginia*, and Boyd County, *Kentucky*. Request for Federal financial assistance for Tri-State Airport. The project would include acquisition of 150 acres, extension, lighting and marking of runways, etc. The displacement of 5 residences will result. Comments made by Army COE, DOC, HEW, DOT, state and local agencies and concerned citizens. (ELR Order 2062, 60 pages) (NTIS Order PB–205 333–F) 3/6.

Federal Highway Administration

Draft

Project S–275–H, Elmore County, *Alabama*. Reconstruction of Alabama State Route 14, with both 2 and 4 lane sections, for a distance of approximately 17 miles. Approximately 528 acres of land, 18 residences and 1 business will be lost to the project. (ELR Order 3006, 19 pages) (NTIS Order PB–207 456–D) 3/8.

Project S–1755–A, Montgomery County, *Alabama*. Construction of a 4 lane divided highway for a total distance of 2.3 miles and total cost of $5,000,000. Fifty acres of land will be required by the project; 90 families and 10 businesses will be displaced. (ELR Order 3022, 17 pages) (NTIS Order PB–207 438–D) 3/13.

Project S–0953(1), Douglas Island, *Alaska*. Proposed construction of a 5.3 mile road to provide access to the recreational area in the Fish Creek Basin. A 4(f) statement is included as all land involved is parkland. (ELR Order 3042, 69 pages) (NTIS Order PB–207 436–D) 3/10.

Project I–17–2(44), Yavapai County, *Arizona*. Construction of a section of 4 lane I.R. 17, a controlled access highway, for a total distance of 6.78 miles. (ELR Order 3033, 18 pages) (NTIS Order PB–207 411–D) 3/14.

Project No 12–73, Manchester-Bolton-Coventry-Andover, Columbia, *Connecticut*. Proposed construction of a 12.6 mile section of four-lane I.S. 84. A 4(f) statement included is concerned with encroachment upon the Nathan Hale State Forest. (ELR Order 2043, 128 pages) (NTIS Order PB–207 271–D) 2/25.

Vernon, Tolland, and Willington, *Connecticut*. Reconstruction of a section of I.R. 86, widening the paved area by 30% to 50%. Nine families and two businesses will be displaced. A 4(f) statement attached refers to encroachment upon the Nipmuck State Forest. (ELR Order 3023, 166 pages) (NTIS Order PB–207 452–D) 3/10.

New Castle County, *Delaware*. Reconstruction of 5.8 miles of Naaman's Road into a four lane highway. Ten residences will be displaced, an unspecified amount of land will be taken, and several streams will possibly be polluted by the project. (ELR Order 2074, 35 pages) (NTIS Order PB–207 247–D) 3/6.

State Road 540, Polk County, *Florida*. Reconstruction of a two-lane facility to a four-lane facility between 9th St., Winter Haven, Florida, and US 27, S.R. 540. (ELR Order 1996, 27 pages) (NTIS Order PB–207 071–D) 2/28.

State Road 865, Lee County, *Florida*. Replacement of the substandard Matanzas Pass and Hurricane Bay bridges and approaches; a distance of approximately 4,200 feet. Approximately 10 to 20 individuals will be displaced. (ELR Order 1995, 20 pages) (NTIS Order PB–207 073–D) 2/28.

Project S–709(1), Brevard County, *Florida*. Proposed reconstruction of 1.7 miles of S.R. 516. A substantial amount of Indian River bottom will be filled due to the project. (ELR Order 3069, 115 pages) (NTIS Order PB–207 571–D) 3/16.

State Road 20, Washington County, *Florida*. Proposed Construction of 11.0 miles of 2 lane S.R. 20. An unspecified amount of timberland will be lost to the project. (ELR Order 4032, 64 pages) (NTIS Order PB–207 677–D) 3/21.

Jackson County, *Florida*. Proposed reconstruction of 1.0 mile of SR–71. (ELR Order 4047, 21 pages) (NTIS Order PB–207 742–D) 3/24.

Taylor County, *Florida*. Proposed reconstruction of 6.1 miles of S.R. 20 (U.S. 27). The number of persons displaced depends upon which of several alternate routes is used. (ELR Order 4052, 26 pages) (NTIS Order PB–207 721–D) 3/24.

Walton County, *Florida*. Proposed reconstruction of 16.8 miles of 2-lane F.A.S. Route 12. An unspecified amount of land will be lost to the project. (ELR Order 4053, 18 pages) (NTIS Order PB–207 727–D) 3/27.

Escambia County, *Florida*. Proposed reconstruction of S.R. 95 (U.S. 29), a 4-lane highway. The total length of the project is 8.2 miles (ELR Order 4055, 19 pages) (NTIS Order PB–207 722–D) 3/21.

Project US–680(4), Pinellea County, *Florida*. Proposed reconstruction of 1.4 miles of S.R. 699 from 2 to 4 lanes. (ELR Order 4076, 34 pages) (NTIS Order PB–207 775–D) 3/30.

Project F–120–1, Fulton County, *Georgia*. Proposed construction of 7 miles of highway. There are several lakes in the area; an unspecified amount of land will be lost to the project. (ELR Order 3073, 55 pages) (NTIS Order PB–207 547–D) 3/13.

F.A.S. Route 119, Cook County, *Illinois*. Construction of a 4-lane highway and bridge project with a total length of 3.700'. The project is being built to replace 3 existing bridges. A 4 (f) statement is included due to encroachment upon wooded park area. ELR Order 3047, 108 pages) (NTIS Order PB–207 434–D) 3/9.

Project F–263 ( ), La Salle County, *Illinois*. Proposed reconstruction of 12.0 miles of I.R. 23. One family will be displaced and the highway will be moved closer to existing homes. (ELR Order 3068, 46 pages) (NTIS Order PB–207 552–D) 3/17.

U.S. Highway 30, Allen County, *Indiana*. Construction of a divided, four lane highway, approximately 9.5 miles in length, from U.S. 41 at Dyer to Fort Wayne, Indiana. (ELR Order 2012, 34 pages) (NTIS Order PB–207 059–D) 2/29.

Project S–1127(1) Miami County, *Indiana*. Proposed construction of a new bridge across the Wabash River on Wayne Street in Peru, Indiana. (ELR Order 4040, 17 pages) (NTIS Order PB-207 737-D) 3/24.

Riley and Geary Counties, *Kansas*. Construction of 6.1 miles of two-lane highway, K-18, at Ogden, on a four-lane right-of-way. It is planned that a second stage to the project will construct two additional lanes. (ELR Order 2041, 60 pages) (NTIS Order PB-207 261-D) 3/2.

Johnson County, *Kansas*. Proposed reconstruction of 6.5 miles of I-35. An unspecified amount of land will be lost to the project. (ELR Order 3055, 92 pages) (NTIS Order PB-207 548-D) 3/17.

Johnson County, *Kansas*. Reconstruction of 12 miles of K-7, including bridge construction. A 4(f) statement will be required as some land involved in parkland. (ELR Order 3080, 29 pages) (NTIS Order PB-207 568-D) 3/15.

Shawnee County, *Kansas*. Proposed reconstruction of 0.208 mile of roadway. A 4(f) statement is required as a section of the right-of-way is public park land. (ELR Order 4046, 16 pages) (NTIS Order PB-207 743-D) 3/27.

Pike County, *Kentucky*. Reconstruction of U.S. 119 and U.S. 23, for a total distance of 3.8 miles. Fifty-eight families, four groceries, one church, and two cemeteries will be displaced by the project. The construction will also require 225 acres of land for right-of-way. (ELR Order 2054, 23 pages) (NTIS Order PB-207 241-D) 3/3.

Pike County, *Kentucky*. Reconstruction of 3.55 miles of U.S. 119, from a two to a four lane highway. A permanent loss of 185 acres, and the displacement of 77 residences and 21 businesses will result. (ELR Order 2082, 24 pages) (NTIS Order PB-207 471-D) 3/7.

F.A.P. 21, Cumberland County, *Kentucky*. Relocation and reconstruction of Corridor "J", a section of the Appalachian Developmental Highway System, for a total of 6.4 miles. The project is of 2 lane initial and 4 lane ultimate construction. Approximately 250 acres will be lost to the project; 23 residences and 2 businesses will be displaced. (ELR Order 3037, 26 pages) (NTIS Order PB-207 416-D) 3/13.

Route 2 and 4, Calvert County, *Maryland*. Construction of a second roadway to the existing facility beginning .24 miles south of Maryland Route 402 (Danes Beach Rd) to 0.38 mile southeast of Maryland Route 509 (Governor Run Road), for total distance of 5.68 miles. Ten residences and three business establishments will be displaced. (ELR Order 2005, 32 pages) (NTIS Order PB-207, 072-D) 2/29.

Route 235, Saint Mary's County, *Maryland*. Reconstruction of a section of Maryland Route 235 from 0.8 mile north of Hollywood to St. Andrews Church Road from a single two lane highway to a dual highway facility. The total length of the proposed facility is 5.0 miles. An unspecified number of residences will be displaced. (ELR Order 2006, 26 pages). (NTIS Order PB-207 075-D) 2/29.

I.S. 70N, Baltimore, *Maryland*. Proposed construction of 1.0 mile of 6-lane I-70N, a controlled access freeway, with one major interchange. Twelve businesses will be displaced. A 4(f) statement is required as 25 acres of parkland would be taken by the project. (ELR Order 4008, 52 pages) (NTIS Order PB-207 579-D) 3/16.

Project I-696-8, Oakland County. *Michigan*. Construction of I-696, a multi-lane highway, from Lasher Road easterly to I-75, a total distance of 8.0 miles. An unspecified number of residences will be displaced. A 4 (f) statement is included due to the project's interference with three parks, one golf course, and the Detroit Zoological Park. (ELR Order 2047, 129 pages) (NTIS Order PB-207 253-D) 3/2.

Lapeer and St. Clair Counties, *Michigan*. Proposed construction of M-21, a 40 mile long freeway. An unspecified amount of land will be lost to the project; water, air, and noise pollution will increase. (ELR Order 3054, 33 pages) (NTIS Order PB-207 559-D) 3/15.

I-94, Hennepin County, *Minnesota*. Construction of a new 2.63 mile section of I-94 and reconstruction of a smaller, existent section in Minneapolis and Brooklyn Center. The total length of the project is 4.4 miles. A 4(f) statement is included due to encroachment upon two local parks. An unspecified number of homes and business will be lost to the project. (ELR Order 3040, 51 pages) (NTIS Order PB-207 414-D) 3/14.

Faribault County, *Minnesota*. Proposed construction of 6.3 miles of 4-lane highway, in 2 sections, involving I-90 and T.H. 169. An unspecified number of residences, businesses, and land will be lost, dependent upon which of several routes are used. (ELR Order 4031, 57 pages) (NTIS Order PB-207 679-D) 3/22.

Route 25, Dunklin County, *Missouri*. Construction of two 12' lanes of highway in two unconnected sections with a total length of 2.6 miles. Approximately 47 acres and one residence will be lost to the project. (ELR Order 3029, 20 pages) (NTIS Order PB-207 413-D) 3/14.

Route I-44, St. Louis, *Missouri* Proposed reconstruction of 1.1 miles of I-44 from 6 to 8 lanes. An unspecified number of homes and one school will be lost to the project. (ELR Order 4012, 32 pages) (NTIS Order PB-207 585-D) 3/20.

Routes J & M, Reynolds County, *Missouri*. Proposed construction of 6.7 miles of 2 lane roadway. Eighty acres of land will be lost to the project. A 4(f) statement is required as some of the land is in a state park. (ELR Order 4013, 28 pages) (NTIS Order PB-207 586-D) 3/20.

Project F-20(1), U.S. 191, Gallatin and Madison counties, *Montana*. Construction of a highway spur between U.S. 191 and Primary Route 50, a distance of 9.7 miles. (ELR Order 2011, 33 pages) (NTIS Order PB-207 060-D) 2/29.

Richardson County, *Nebraska*. Proposed reconstruction of 15.9 miles of U.S. 73. Six residences will be displaced by the project. (ELR Order 4048, 11 pages) (NTIS Order PB-207 744-D) 3/24.

US 64, Transylvania County, *North Carolina*. Construction of a highway improvement for US 64 between Rosman and Brevard for a distance of about 6.2 miles. Project will consist of a new four lane divided highway with two lanes on the western 4.2 mile portion of Harry Blake Road. (ELR Order 1994, 32 pages). (NTIS Order PB-207 076-D) 2/29.

Grand Forks, *North Dakota*. Reconstruction of Fifth Street North for a distance of 11 city blocks. One business and an unspecified amount of land will be required for right-of-way. A 4(f) statement is included for park land. (ELR Order 3007, 14 pages) (NTIS Order PB-207 461-D) 3/2.

Project FU-606, USR-35, Jackson County, *Ohio*. Construction of approximately 4.8 miles of new four lane, median, divided highway. Begins on existing Rt. USR-35 ending at the existing interchange of USR-35 W, SR-124. Thirteen families will be displaced as a result of the project. (ELR Order 2004, 6 pages). (NTIS Order PB-207 071-D) 2/28.

State Route 146, Muskingham County, *Ohio*. Reconstruction of 2.6 miles of S.R. 146, a two lane highway. Five residences will be displaced by the project. A 4 (f) statement is included due to proposed acquisition of public recreational land. (ELR Order 2046, 14 pages) (NTIS Order PB-207 248-D) 3/2.

Project S-1152(5), Wood County, *Ohio*. Proposed reconstruction of 3 miles of Township Road 107 from 2 to 4 lanes. Four residences and fifty acres of land will be lost to the project. (ELR Order 4043, 15 pages) (NTIS Order PB-207 739-D) 3/24.

Project F-625 ( ), Lawrence County, *Ohio*. Proposed construction of 10 miles of new 4-lane limited access highway. Approximately 106 families, businesses, and farms will be displaced by the action. A 4(f) statement would be required as public use land will be utilized. (ELR Order 4066, 20 pages) (NTIS Order PB-207 735-D) 3/27.

Pittsburgh, Allegheny County, *Pennsylvania*. Construction of 2.8 miles of eight-lane I.S. 279, a limited access highway. The project begins at Legislative Route 1021, Section 2, and proceeds north to L.R. 1021, Section 4. Dwellings displaced by the project include 214 residences, 11 businesses, and 2 churches. A 4(f) statement is included due to interference with the William B. Sherer Playground. (ELR Order 2032, 55 pages) (NTIS Order PB-207 120-D) 3/1.

Legislative Route 1142, Centre County, *Pennsylvania*. Construction of L.S. 1142, a 4-lane limited access highway, for a distance of 7.4 miles. The loss of an unspecified amount of farmland and number of homes will result; two streams will be crossed by the project. (ELR Order 3005, 24 pages) (NTIS Order PB-207 459-D) 3/9.

L.R. 16059, Clarion County, *Pennsylvania*. Proposed construction of 5.7 miles of Legislative Route 16059, a new, 2-lane free-access roadway. A 4(f) statement is required as the highway will require land from Cook Forest State Park. (ELR Order 4073, 67 pages) (NTIS Order PB-207 769-D) 3/30.

P.R. 149, *Puerto Rico*. Proposed construction of 7.49 miles of P.R. 149, a non-controlled access highway. The Manati River will be crossed by the project; 25 families will be displaced. (ELR Order 4065, 21 pages) (NTIS Order PB-207 734-D) 3/28.

Charleston, *South Carolina*. Construction of 3.9 miles of the James Island Expressway, a multi-lane highway. An unspecified amount of marshland will be affected by the project, and the development of James Island will be hastened. (ELR Order 2064, 31 pages) (NTIS Order PB-207 237-D) 3/6.

Hamilton County, *Tennessee*. Widening of the Chickamauga Dam Bridge and construction of a new bridge with State Route 153 connection one mile downstream. The length of the connector route is 2.2 miles. Seven residences and five businesses will be displaced as a result of the action. (ELR Order 2029, 22 pages) (NTIS Order PB-207 116-D) 2/28.

F-05-1 ( ), Wise County, *Virginia*. Reconstruction of alternate State Route 58 from 3 to 4 lanes for a total distance of 2.771 miles. The project will disrupt the ecological balance of a stream system and remove a portion of a school playground. (ELR Order 3004, 31 pages) (NTIS Order PB-207 458-D) 3/9.

Cities of Pasco and Kennewick, *Washington*. Construction of a new bridge, 2,475' long, with 2,700' (total) approaches, over the Columbia River. The new structure will parallel an older (1921) bridge, which is considered obsolete. Approximately three acres of right-of-way will be required. (ELR Order 2033, 13 pages) (NTIS Order PB-207 245-D) 3/2.

Duwamish River, Seattle, *Washington*. Proposed construction of a 5-lane bascule bridge across the 200' channel. The navigable width of the channel will be lessened by the action. (ELR Order 3065, 49 pages) (NTIS Order PB-207 546-D) 3/17.

State Route 525, Snohomish County, *Washington*. Relocation and reconstruction of S.R. 525, a 4 lane highway with auxiliary lanes and full access control. Thirty-nine families will be displaced and an unspecified amount of land lost. (ELR Order 303, 23 pages) (NTIS Order PB-207 412-D) 3/14.

Projects S 0652 ( ) and S 0455 ( ), Dane County, *Wisconsin*. Proposed reconstruction of 2.37 miles of roadway. Siltation of Pheasant Branch Creek will result. (ELR Order 4042, 14 pages) (NTIS Order PB-207 738-D) 3/22.

Final

Project I-59, Jefferson County, *Alabama*. Proposed construction of 10.5 miles of 4 lane I-59. Approximately 173 people will be displaced by the project. Comments made by USDA, Army COE, DOC, EPA, DOI, Navy, DOT, and state agencies. (ELR Order 3018, 51 pages) (NTIS Order PB-201 233-F) 3/9.

Project I-459-4(1), Jefferson County, *Alabama*. Construction of highway I-459 for a total distance of 23.4 miles. The highway will displace 768 persons and 4 businesses. Comments made by USDA, Army COE, DOC, HUD, DOI, state, and local agencies. (ELR Order 3096, 48 pages) (NTIS Order PB-201 233-F) 3/21.

Kenai River Crossing, Kenai, *Alaska*. Proposed construction of 3 miles of 4 lane highway on the Kenai Peninsula. The road will cross a tideland area which is used as a nesting area by migratory waterfowl. Measures have been proposed to protect the nesting of the snow goose. Comments made by USDA, HUD, DOI, DOT, state and local agencies. (ELR Order 3076, 132 pages) (NTIS Order PB-207 556-F) 3/17.

Project F-061-1(6), Fairbanks, *Alaska*. Proposed construction of a 4 lane limited access highway in urban Fairbanks, from Gaffney Road to Farmer's Loop Road. An unspecified number of residences will be displaced. A 4(f) statement is required for park land which would be taken by the project. (ELR Order 3094, 156 pages) (NTIS Order PB-202 141-F) 3/21.

Project S-079(1), Northway, *Alaska*. Construction of 7.6 miles of 2 lane highway. Comments made by DOI and state agencies. (ELR Order 4020, 32 pages) (NTIS Order PB-203 108-F) 3/22.

Project I-10-1(21), Ehrenberg-Phoenix Highway, Interstate 10, Yuma County, *Arizona*. Construction of 1.5 miles of highway and connections. Comments made by EPA, state, and local agencies. (ELR Order 2008, 17 pages) (NTIS Order PB-201 568-F) 2/28.

State Highway 1, Santa Barbara County, *California*. Reconstruction of 5.7 miles of S.H. 1. This is the final section of a four lane planned access freeway from south of Lompoc to Santa Maria. Two present and one future interchanges are planned. Comments made by USAF, HEW, DOI, state and local agencies. (ELR Order 3001, 94 pages) (NTIS Order PB-200 335-F) 3/9.

Route 6; Wallingford, *Connecticut*. Proposed reconstruction of Route 68, for a total length of approximately 1.4 miles. Fourteen families will be displaced by the action. Comments made by USDA, Army COE, DOC, EPA, FPC, HUD, DOI, state and local agencies. (ELR Order 3046, 50 pages) (NTIS Order PB-200 026-F) 3/13.

Project RS-96(4), Woodbridge, *Connecticut*. Proposed reconstruction of a 0.85 mile section of Route 69. Comments made by USDA, Army COE, EPA, DOI, state, and local agencies. (ELR Order 3093, 61 pages) (NTIS Order PB-201 528-F) 3/21.

Project F-010-1(19), Volusia County, *Florida*. Reconstruction of 10.4 miles of U.S. 92, from 2 to 4 lanes. An unspecified amount of marsh and wood land will be lost to the project. Comments made by USDA, DOC, EPA, HUD, DOI, and state agencies. (ELR Order 2092, 62 pages) (NTIS Order PB-200 769-F) 3/9.

Project F-031-1(13), Polk County, *Florida*. Proposed reconstruction of SR 700 (U.S. 98) for a total length of 5.6 miles. An unspecified number of displacements will occur, depending upon which of several alternate routes are taken. Comments made by USDA, Army COE, EPA, DOI, and state and local agencies. (ELR Order 3044, 53 pages) (NTIS Order PB-202 304-F) 3/13.

Project I-75-7(42)448, Pinellas County, *Florida*. Proposed construction of 24.3 miles of I-75. Approximately 84 families will be displaced by the action; 2204 acres will be lost to the project. A 4(f) statement is required as public use land will be taken by the project. Comments made by USDA, Army COE, EPA, HUD, DOT, state and local agencies, and concerned citizens. (ELR Order 4059, 521 pages) (NTIS Order PB-204 462-F) 3/21.

Project F-057-1(3), Cherokee County, *Georgia*. Proposed construction of 3.0 miles of the Canton By-Pass. The highway passes through an area with numerous minor streams and tributaries. Comments made by Army COE, DOC, DOI, and DOT. (ELR Order 3043, 51 pages) (NTIS Order PB-202 918-F) 3/13.

Project No. 63-A-05-68, Oahu, *Hawaii*. Construction of a traffic interchange at the intersection of Likelike Highway (FAP Route 63) and Kahekili Highway, (FAP Route 83). Twelve residences will be displaced and small agricultural holdings will be affected by the project. Comments made by USDA, Army COE, DOC, DOI, DOT, state and local agencies, and concerned citizens. (ELR Order 2023, 117 pages) (NTIS Order PB-201 582-F) 2/29.

U.S. 45, Effingham County, *Illinois*. Reconstruction of U.S. 45 from two to four lanes, beginning at Wabash Ave. in Effingham and extending to Township Road 123, a distance of 2.0 miles. Twenty-one residences and nine commercial establishments will be displaced. Comments made by EPA, DOI, state and local agencies. (ELR Order 2017, 38 pages) (NTIS Order PB-201 712-F) 2/28.

Madison County, *Illinois*. Reconstruction of Federal aid Secondary Route 765, beginning at Illinois Route 111 and extending eastwardly for 2.5 miles. Approximately 41 acres of land will be needed for right-of-way. Comments made by EPA, HEW, DOI, state and local agencies. (ELR Order 2018, 51 pages) (NTIS Order PB-200-752-F) 2/28.

Cass County, *Illinois*. Reconstruction of F. A. Route 48 for a total distance of 1.5 miles. Comments made by USDA, DOC, EPA, HUD, DOI, and state agencies. (ELR Order 2095, 34 pages) (NTIS Order PB-202 084-F) 3/9.

Project S-1086(1), Grant County, *Indiana*. Proposed construction of a bridge and 2,600' approaches. A 4(f) statement is necessary as a local park would be infringed upon. Comments made by USDA, EPA, HUD, and DOI. (ELR Order 4057, 36 pages) (NTIS Order PB-201 235-F) 3/22.

Project APD-127(30), Pike County, *Kentucky*. Proposed reconstruction of 4.95 miles of U.S. 23, a 4-lane highway. Approximately 380 acres of land will be lost to the project. Comments made by USDA, DOC, EPA. HUD, DOI, state and local agencies. (ELR Order 3002, 44 pages) (NTIS Order PB-202 002-F) 3/9.

Project S-346(1), Whitley County, *Kentucky*. Construction of a bridge and approaches; the total length of the project is 0.16 miles. Seven residences and 2 acres of land will be lost to the project. Comments made by USDA, EPA, DOI, TVA and state agencies. (ELR Order 3098, 27 pages) (NTIS Order PB-202 430-F) 3/9.

Project S-10(9), Wayne County, *Kentucky*. Reconstruction of a new section of KY 90, a 4 lane highway, for approximately 4 miles. Approximately 95 acres will be lost to the project and 18 residences displaced. Comments made by AEC, Army COE, DOI, TVA, state and local agencies. (ELR Order 3099, 45 pages) (NTIS Order PB-199 573-F) 3/21.

Project F-125( ), Davies County, *Kentucky*. Proposed widening of 1.56 miles of highway. Comments made by EPA, DOI, TVA, and state agencies. (ELR Order 4018, 23 pages) (NTIS Order PB-202 178-F) 3/22.

S-9102(8) St. Mary's County, *Maryland*. Proposed widening of Md. Route 235, for a distance of 1.392 miles. Comments made by USDA, HUD, state and local agencies. (ELR Order 4019, 16 pages (NTIS Order PB-200 760-F) 3/22.

Project F-20 (36), Douglas County, *Nebraska*. Reconstruction of a 0.9 mile section of U.S. 6 in Omaha. One residence and an unspecified number of businesses will be displaced by the project. Comments made by USDA, EPA, DOI, state, and local agencies. (ELR Order 3097, 25 pages) (NTIS Order PB-201 857-F) 3/21.

Hudson County, *New Jersey*. Construction of a six lane controlled access highway, I.R. 280, from the Strichel Bridge in Harrison to I.R. 95 in Kearny, a distance of 2.3 miles. Approximately 120 families, 14 commercial, and 11 industrial structures will be displaced. Comments made by DOI, DOT. (ELR Order 2022, 29 pages) (NTIS Order PB-207 117-F) 2/28.

San Miguel and Quay Counties, *New Mexico*. Reconstruction of 5.5 miles of State Road 104, from the county line east toward Tucumari. Comments made by USDA, Army COE, and state agencies. (ELR Order 2016, 22 pages) (NTIS Order PB-199 610-F) 2/28.

Amador Ave., in Las Cruces from Alameda to S.R. 292, *New Mexico*. The proposed improvement is an integral part of the highway master plan for Las Cruces. Comments made by USDA. (ELR Order 2024, 23 pages) (NTIS Order PB-201 243-F) 2/28.

Rome, Oneida County, *New York*. Proposed construction of several miles of arterial highway in the city of Rome. Approximately 3800' of the Mohawk River will be rechanneled by the project; 43 residences, 2 farms, 5 businesses, and 1 church will be lost. Comments made by EPA, DOI, state and local agencies. (ELR Order 2075, 50 pages) (NTIS Order PB-199 258-F) 3/1.

Project PIN 13320.00, Franklin and Essex Counties, *New York*. Proposed reconstruction of 0.55 miles of highway. A 4(f) statement is attached, as the project is located in the Adirondack Park. Comments made by DOI. (ELR Order 2099, 81 pages) (NTIS Order PB-200 802-F) 3/9.

Webster, *New York*. Construction of the final section of expressway from Five Mile Line Road to County Line Road, a distance of 5.3 miles. Comments made by USDA and HEW. (ELR Order 2009, 16 pages) (NTIS Order PB-200 333-F) 2/29.

State Road 2480, Mecklenburg County, *North Carolina*. Widening of S.R. 2480, from its intersection with I-85 to S.R. 2502, a distance of 1.3 miles. Comments made by USDA, Army, COE, EPA, GSA, HUD, DOI, OEO, and state agencies. (ELR Order 2010, 40 pages) (NTIS Order PB-200 211-F) 2/27.

Madison County, *North Carolina*. Reconstruction of NC 213 from Marshall to Mars Hill, a distance of 7.2 miles. Sixteen residences and one business will be displaced; one archaeological site will be disturbed. Comments made by USDA, Army COE, GSA, DOI, OEO, TVA, state and local agencies. (ELR Order 2020, 33 pages) (NTIS Order PB-199 579-F) 2/28.

Greenville, Pitt County, *North Carolina*. Widening of State Route 1707 between U.S. 264 Bypass and Cutanche Street at 11th St.; widening of one block section of Cutanche St. One business will be displaced and 3.5 acres required for right-of-way. Comments made by USDA, Army COE, EPA, GSA, DOI, OEO, State and local agencies. (ELR Order 2021, 31 pages) (NTIS Order PB-202 087-F) 2/28.

Buncombe and Madison Counties, *North Carolina*. Proposed construction of a new 4-lane highway between Weaverville and Marshall, a total distance of 8.8 miles. Eighteen families will be displaced by the project, and an unspecified amount of woodland lost. Comments made by USDA, Army COE, DOC, EPA, GSA, DOI, OEO, TVA, state and local agencies. (ELR Order 2091, 51 pages) (NTIS Order PB-199 618-F) 3/9.

Kings Mountain Bypass, Gaston and Cleveland Counties, *North Carolina*. Relocation and reconstruction of U.S. 74, from two to four lanes, for a distance of 7.3 miles. Approximately 120 families and 3 businesses will be displaced by the project. Comments made by USDA, Army COE, EPA, GSA, DOI, OEO, state, and regional agencies. (ELR

Order 2093, 47 pages) (NTIS Order PB-200 (326-F) 3/9.

U.S. 169, Tulsa and Rogers Counties, *Oklahoma*. Reconstruction of U.S. 169, a primary state highway, from Collinsville 16.7 miles northeast to Talala. Comments made by DOI, state, and local agencies. (ELR Order 2007, 27 pages) (NTIS Order PB-207 055-F) 2/29.

Tillman County, *Oklahoma*. Reconstruction of 1.5 miles of U.S. 183. Approximately 37 acres of grassland will be lost to the project. Comments made by EPA, DOI, and state agencies (ELR Order 2076, 19 pages) (NTIS Order PB-199 578-F) 3/1.

Project F-198, Payne County, *Oklahoma*. Addition of two parallel lanes to existing two lane S.H. 51 for 9.5 miles east from Interstate 35. Approximately 175 acres of pasture will be lost as a result. Comments made by EPA, DOI, and state agencies. (ELR Order 2078, 18 pages) (NTIS Order PB-202 122-F) 3/1.

S.H. 99, Osage County, *Oklahoma*. Proposed relocation of S.H. 99, for a total length of 9.6 miles. Approximately 200 acres of land will be lost to the project. Comments made by EPA and DOI. (ELR Order 3045, 20 pages) (NTIS Order PB-199 619-F) 3/13.

Power Highway, Coos County, *Oregon*. Proposed reconstruction of 19 miles of 2 lane highway. Comments made by EPA, DOI, and state agencies. (ELR Order 4015, 21 pages) (NTIS Order PB-207 588-F), 3/22.

Cumberland County, *Pennsylvania*. Relocation of 0.8 miles of Legislative Route 21051 in order to eliminate curves. The condemnation of one dwelling and the crossing of a small tributary is necessary. Comments made by EPA, DOI, state and local agencies. (ELR Order 2019, 26 pages) (NTIS Order PB-201 248-F) 2/28.

Crile Appalachia Access Road, Washington, *Pennsylvania*. Proposed construction of a 1300' access road to serve an industrial park. Comments made by EPA, DOI, state and local agencies. (ELR Order 3098, 31 pages) (NTIS Order PB-202 298-F) 3/21.

Chesterfield and Marlboro Counties, *South Carolina*. Reconstruction of sections of S.C. Route 9 from two to four lanes. Approximately 30 residences and 11 businesses will be displaced as a result. Comments made by HUD, state, and local agencies. (ELR Order 2077, 23 pages) (NTIS Order PB-207 233-F) 3/1.

U.S. 17, Georgetown County, *South Carolina*. Reconstruction of 6.8 miles of U.S. 17, from 2 to 4 lanes. Five businesses and one residence will be lost to the project. Comments made by HUD. (ELR Order 2090, 15 pages) (NTIS Order PB-207 463-F) 3/9.

Bryan Drive, Harry County, *South Carolina*. Proposed reconstruction of Bryan Drive for a total length of 7.9 miles. Noise, air, and dust pollution will occur, with erosion and siltation possible. Comments made by Army COE, and HUD. (ELR Order 3020, 18 pages) (NTIS Order PB-207 462-F) 3/9.

Corridor "F," Campbell and Claiborne Counties, *Tennessee*. Three projects in the State Route 63 corridor are involved. The proposed action, reconstruction of 10.54 miles of S.R. 63, would displace nine residences and cross several streams. Comments made by USDA, Army COE, EPA, DOI, TVA, state and local agencies, and concerned citizens. (ELR Order 2094, 91 pages) (NTIS Order PB-202 899-F) 3/9.

Project F-055-1 ( ), Robertson County, *Tennessee*. Proposed construction of 7.68 miles of 2-lane highway. An unspecified amount of land and number of residences will be lost to the project. Comments made by USDA, Army COE, DOI, TVA, state and local agencies. (ELR Order 3000, 78 pages) (NTIS Order PB-207 468-F) 3/9.

State Route 5, Chester and Madison Counties, *Tennessee*. Construction of a 4-lane highway to provide a continuous facility from Henderson to Jackson. Six creeks will be crossed, 16 houses and 1 business and an unspecified amount of land will be lost as a result of the action. Comments made by USDA, Army COE, DOI, TVA, DOT, and state and local agencies. (ELR Order 3012, 51 pages) (NTIS Order PB-207 433-F) 3/9.

U.S. 67, Ellis County, *Texas*. Construction of a four lane divided highway, with frontal roads and grade separations at intersecting roadways, from 1 mile north of Midlothian to the Dallas County line. The total distance is 3.2 miles. Three families and one business will be displaced. Comments made by DOC, EPA, state, and local agencies. (ELR Order 2073 43 pages) (NTIS Order PB-207 232-F) 3/1.

Project I-27-7, Lubbock County, *Texas*. Reconstruction of 6.45 miles of U.S. 87. Five residences and five businesses will be displaced as a result of the project. Comments made by USDA, Army COE, HEW, HUD, and DOT. (ELR Order 2097, 27 pages) NTIS Order PB-201 709-F) 3/9.

U.S. 69, Angelina County, *Texas*. Reconstruction of U.S. 69 from 2 to 4 lanes for a distance of 4.0 miles. Two families will be displaced by the project and sections of 9 front lawns lost. Comments made by USDA, EPA, and state and local agencies. (ELR Order 3013, 18 pages) (NTIS Order PB-199 863-F) 3/9.

Project F-1081, Galveston County, *Texas*. Reconstruction of existing 2-lane state highway 146 to a 6-lane limited access highway, and construction of a new bridge. The total length of the project is 4.9 miles. An unspecified amount of land will be lost to the project. Comments made by USDA, EPA, HEW, DOT, state and local agencies. (ELR Order 3014, 30 pages) (NTIS Order PB-200 758-F) 3/9.

Project I-35-4, Bell County, *Texas*. Reconstruction of I-35 from 4 to 6 lanes, for a total length of 3.5 miles. Two families and four businesses will be displaced by the action. Comments made by USDA, Army COE, HEW, DOT, state and local agencies. (ELR Order 3017, 28 pages) (NTIS Order PB-202 127-F) 3/9.

F-022-1(6), Salina, *Utah*. Construction of a two lane, 40' wide highway, from Salina Connection to I-70, a total distance of two miles. One residence will be displaced by the action. Comments made by EPA, HUD, DOI, state and local agencies. (ELR Order 3003, 36 pages) (NTIS Order PB-202 801-F) 3/9.

Project S-43 ( ), Amherst County, *Virginia*. Proposed reconstruction of 2.061 miles of Route 622. Four families will be displaced by the project. Comments made by EPA, DOI, and state agencies. (ELR Order 2096, 39 pages) (NTIS Order PB-202 316-F) 3/9.

Route 460, Prince Edward County, *Virginia*. Construction of 8.4 miles of 2-lane highway and 15 bridges. An unspecified amount of land will be lost to the project. Comments made by EPA, DOI, and state agencies. (ELR Order 4000, 31 pages) (NTIS Order PB-207 558-D) 3/21.

Project F-07-1, Henry County, *Virginia*. Construction of 18.06 miles of 4-lane highway to by-pass Martinsville. Approximately 230 individuals will be displaced, along with 7 businesses; an unspecified amount of land will be lost. Comments made by USDA, HUD, DOI, and state agencies. (ELR Order 4001, 48 pages) (NTIS Order PB-200 322-F) 3/21.

I-90-1, King County, *Washington*. Reconstruction of SR 90 from four to six lanes, for a distance of 4.06 miles. Comments made by USDA, Army COE, EPA, HUD, state, and local agencies. (ELR Order 3095, 76 pages) (NTIS Order PB-204 167-F) 3/21.

S.R. 169, King County, *Washington*. Reconstruction of 1.50 miles of 2 lane S.R. 169. The displacement of 3 homes and 2 businesses will result. Comments made by USDA, Army COE, EPA, HUD, state and local agencies. (ELR Order 4016, 44 pages) (NTIS Order PB-201 858-F) 3/22.

Project ADP-200 (24), Mercer County, *West Virginia*. Proposed construction of 2.79 miles of 4-lane divided highway. Thirty three residences and one business will be displaced by the highway; there is expressed concern that water runoff will affect groundwater quality. Comments made by USDA, Army COE, DOC, EPA, DOI, state and local agencies, and concerned citizens. (ELR Order 3019, 159 pages) (NTIS Order PB-201 705-F) 3/9.

Project S 0260 (1), Dane County, *Wisconsin*. Proposed reconstruction of County Trunk Highway "D" for a total length of 6.08 miles. An unspecified amount of land will be lost to the project. Comments made by USDA, EPA, HUD, DOI, DOT, state and local agencies. (ELR Order 3015, 33 pages) (NTIS Order PB-202 657-F) 3/9.

Project F-03-2( ), Winnebago County, *Wisconsin*. Proposed reconstruction of U.S. 41 to limited access freeway standards. An unspecified number of residences and amount of land will be lost to the project. Comments made by USDA, EPA, HEW, HUD, DOI, and state agencies. (ELR Order 3016, 29 pages) (NTIS Order PB-200 940-F) 3/9.

Robert Street Bridge and Approaches, Jefferson County, City of Fort Atkinson, *Wisconsin*. Relocation of the Robert Street structure and approaches, a length of approximately 1500 feet. Comments made by EPA, HUD, HEW, DOI, USDA, State of Wisconsin. (ELR Order 2025, 18 pages) (NTIS Order PB-203 096-F) 2/29.

Natrona County, *Wyoming*. Reconstruction of 2.2 miles of streets on the outskirts of Casper. A 4(f) statement is included to cover the Fort Casper Historic Site. Comments made by USDA, Army COE, EPA, DOI, state and local agencies. (ELR Order 2069, 91 pages) (NTIS Order PB-201 300-F) 3/7.

Urban Mass Transportation Administration

Draft

Manhattan, *New York*. An application by the City of New York for Federal financial assistance in constructing the Second Avenue Subway. The grant would cover 2/3 of the $381,000,000 project. (ELR Order 3079, 55 pages) (NTIS Order PB-207 569-D) 3/17.

U.S. COAST GUARD

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 7th Street, SW., Washington, D.C. 20591 (202) 426-9573.

Title, Description, and Date

Final

Shoreline Erosion Control Project, Light Station Point Loma, San Diego County, *California*. Installation of 800 lineal ft. of rubble mount revetment at the base of the bluff in order to prevent its erosion. Comments made by Army COE, DOC, EPA, DOI, DOT, mayor of San Diego and the San Diego Historical Society. (ELR Order 2068, 15 pages) (NTIS Order PB-202 177-F) 3/3.

Point Conception, *California*. Proposed testing of a high seas oil containment barrier, in order to furnish verification of the prototype design. The test will determine the combined effects of waves and currents on barrier motions and oil retention efficiency in rough water. Two tests, one using 900 bbls. of soybean oil in 3-5 foot seas and the second without oil in 5-10 foot seas, will be conducted in international waters 5 to 30 miles of Point Conception. Comments made by Army COE, USN, state agencies of California, Florida, and Mississippi, and local California agencies. (ELR Order 3038, 34 pages) (NTIS Order PB-204 564-F) 3/14.

U.S. Coast Guard Reserve Training Center, Yorktown, *Virginia*. Proposed reconstruction of an access road and construction of family housing. Comments made by USDA, DOI, DOT, and the state of Virginia. (ELR Order 3058, 14 pages) (NTIS Order PB-204 163-F) 3/14.

U.S. WATER RESOURCES COUNCIL

Contact: W. Don Maughan, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037 (202) 254-6408.

Title, Description, and Date

Draft

Big Muddy River Basin, *Illinois*. The statement is a study of the problems and needs of the river basin, with proposed projects and programs. Structural projects proposed by the plan include construction of 10 reservoirs. Significant Indian cultural remains are located in the basin. (ELR Order 3036, 20 pages) (NTIS Order PB-207 415-D) 3/10.

Genesee River Basin, *New York*. The statement is a study of the problems and needs of the river basin, with proposed projects and programs. Structural projects proposed by the plan include construction of 16 upland reservoirs; 10 reservoirs in the Ontario Lake Plain; the Canaserago multipurpose project; and the Stannard multipurpose reservoir (ELR Order 3024, 22 pages) (NTIS Order PB-207 437-D) 3/13.

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

Region 1*—(Conn., Me., Mass., N.H., R.I., Vt., N.J., N.Y., Puerto Rico) Administrator: G. D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054.

Region 3—(Del., D.C., Md., Pa., Va. W.Va.) Administrator: August Schofer, 31 Hopkins Plaza, Baltimore, Md., 21201.

Region 4—(Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn.) Administrator: H. E. Stark, 1720 Peachtree Rd., N.W., Atlanta, Ga. 30309.

Region 5—(Ill., Ind., Mich., Minn., Ohio, Wisc.) Administrator: F. B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430.

Region 6—(Ark., La., N.M., Okla., Texas) Administrator: J. W. White, 819 Taylor St., Fort Worth, Texas 76102.

Region 7—(Iowa, Kansas, Mo., Neb.) Administrator: J. B. Kemp, P. O. Box 7186, Country Club Station, Kansas City, Mo. 64113.

Region 8—(Colo., Montana, N.D., S.D., Utah, Wyoming) Administrator: W. H. Baugh (Acting), Rm. 242, Bldg. 40, Denver Federal Center, Denver, Colo. 80225.

Region 9—(Arizona, Calif., Hawaii, Nev.) Administrator: S. E. Farin, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Region 10—(Alaska, Idaho, Oregon, Wash.) Administrator: R. M. Phillips, 222 Southwest Morrison St., Portland, Oreg. 97204.

*Conforms to Standard Federal Regions 1 & 2.

AVAILABILITY OF ENVIRONMENTAL PROTECTION AGENCY COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from February 28, 1972, to March 31, 1972, as required by section 102(2)(C) of the *National Environmental Policy Act* of 1969 and section 309 of the *Clean Air Act*, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains a listing of proposed regulations reviewed by EPA during the period from February 28, 1972, to March 31, 1972, under section 309 of the *Clean Air Act*. The listing includes the Federal agency responsible for the proposed regulation, the title of the regulation, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix III contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix IV contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEB. 27, 1972 AND MAR. 31, 1972

Title	Identifying number	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
Radioactive solid waste volume reduction facility.	D-AEC-00026-35	2	A
Bedrock waste storage exploration	D-AEC-00025-19	2	A
Rio Blanco gas stimulation project	D-AEC-00022-45	2	A
Plutonium-238 fuel fabrication	D-AEC-00020-19	2	A
Pilgrim nuclear power station	D-AEC-00040-20	1	A
Turkey Point plant units 3 and 4	D-AEC-00039-21	2	A
Point Beach nuclear plant	D-AEC-00038-26	3	A
Calvert Cliffs nuclear powerplant	D-AEC-00037-12	2	A
Rover fuels processing facility	D-AEC-00035-45	2	A
Contaminated soil removal facility, Richland, Wash.	D-AEC-00032-54	1	A
Land acquisition, Rocky Flats Plant, Colorado.	D-AEC-C0031-45	1	A
Corps of Engineers:			
Charles River study	D-COE-36108-04	1	B
Bound Brook flood control project scituate, Mass.	D-COE-36088-04	2	B
Maintenance Andrews River, Harwich, Mass.	D-COE-32317-04	2	B
Bullock's Point Cove Maintenance Dredging Proj.	D-COE-25106-04	2	B
South Branch Rahway River flood control, N.Y., #142.	D-COE-32312-07	2	C
Maintenance of Newton Creek, N.Y. Navigation proj.	D-COE-32310-07	1	C
Maintenance of the Harlem River Channel	D-COE-32161-07	1	C
New York Harbor Anchorages	D-COE-32159-07	1	C
Maintenance of Westchester Creek, N.Y.	D-COE-32156-07	1	C
Proposed installation of water line Buckhannon, W.	D-COE-34028-14	2	D
Branch Channel, vicinity of Delaware City Delaware.	D-COE-32100-11	2	D
Coastal Engineering Research Center Pier Assateague Island, Maryland.	D-COE-30026-12	3	D
Mayfield Creek and tributaries, Ky. flood Control.	D-COE-36087-17	2	E
Mississippi River East bank to Warren, Wilkinson Co., Miss.	D-COE-32095-24	1	E
Savannah National Recreation Area Ga. & SC.	D-COE-61135-20	2	E
Lower Detroit River and River Rouge, Wayne Co., Mich.	D-COE-32151-25	2	F
Upper Mississippi River Basin, Minn	D-COE-32313-30	2	F
River Rouge Flood Control, Wayne Co., Mich.	D-COE-36084-25	1	F
Flint River Flood Control, Flint, Mich	D-COE-36085-25	1	F
South Fork Zumbro River, Rochester, Minn	D-COE-32150-30	1	F
Milwaukee Diked Disposal Area Milwaukee Co., Mich.	D-COE-25017-26	1	F
Debris Removal, North Branch Chicago River, Ill.	D-COE-25015-27	2	F
Alpine Lake Project Alpine, Tex	D-COE-32323-34	2	G
Red River Emergency Bank Protection, La. & Ark.	D-COE-36109-33	1	G
Big Sioux R., Sioux City, Iowa & N. Sioux City S.D.	D-COE-32104-37	2	H
Construction of US Post Office, Honolulu, Hawaii	D-COE-81043-49	2	J
Oak Harbor, Wash., Small Boat Basin	D-COE-32015-55	2	K
Wahkiakum County Diking District	D-COE-31019-54	2	K
Tesoro Tank Farm & Barge Slip	D-COE-32316-57	2	K
Lost Creek Lake project, Rogue River, Oreg.	D-COE-32153-55	2	K
Lower Columbia Bank Protection Project	D-COE-36110-55	2	K
Department of Agriculture:			
Commitment of acreage to new Continental cane sugar producing areas.	D-DOA-89056-00	2	A
Boll weevil, Texas cooperative diapause control.	D-DOA-82010-34	2	A
Installation of 20 MW gas turbine, Hilton Head, S.C.	D-DOA-05181-19	1	E
Sowashee Creek watershed, Lauderdale Co., Fla.	D-DOA-36086-21	1	E
Department of Defense:			
Disposition of orange herbicide by incineration.	D-DOD-82015-00	2	A
Relocation of target facilities from Aqua Cay to Cross Cay, Atlantic Fleet Weapons Range, Puerto Rico.	D-DOD-10016-09	1	C
Bombing and target range, BT-3, Brown's Island MCB, Camp Lejeune, N.C.	D-DOD-10017-18	2	E
Department of the Interior:			
Brigantine Wilderness Area, N.J	D-DOI-62010-08	1	C
Delaware Water Gap National Recreation Area.	D-DOI-61001-11	2	D
Wolf Island Wilderness Area, Ga	D-DOI-62014-20	1	E
St. Marks Wilderness Area Refuge, Fla	D-DOI-62013-21	1	E
Cape Romain Wilderness Area Charleston Co., S.C.	D-DOI-62012-19	1	E
Big Cypress Nat'l Fresh Water Reserve, Fla.	D-DOI-61034-21	1	E
Palmetto Bend Project, Texas	D-DOI-31026-34	2	G
Proposed Prototype Distillation Plant Brownsville, Tex.	D-DOI-89055-34	2	G
Padre Island National Seashore, Texas	D-DOI-60037-34	1	G
O'Neill Unit, Pick-Sloan Missouri Basin Program.	D-DOI-32102-36	3	H
Chase Lake National Wildlife Refuge, N. Dak.	D-DOI-61030-41	2	I
Lostwood National Wildlife Refuge, N. Dak.	D-DOI-61029-41	2	I
Pueblo Dam and Reservoir Frying Pan Arkansas Project.	D-DOI-34026-00	2	I
China Meadows Dam and Reservoir, Wyo.	D-DOI-31018-43	3	I
Deep well drilling for geothermal resource investigations, Imperial Valley, Calif.	D-DOI-02015-46	2	J
Proposed concrete lining of main outlet drain, Colorado River Front Work and Levee System, Arizona.	D-DOI-36107-48	2	J
SR2, Sultan Vicinity, Passing Lanes	D-DOI-40820-54	2	K
Department of Transportation:			
Airport Customs Building Replacement Bangor, Maine.	D-DOT-51150-01	2	B
Reconstruction of Interstate Route 91 and construction of Interstate Route 291 and Western St., Conn.	D-DOT-41133-05	2	B

APPENDIX I—Continued

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEB. 27, 1972 AND MAR. 31, 1972—Continued

Title	Identifying number	General nature of comments	Source for copies of comments
Reconstruction Route 262 Plymouth, Conn.	D-DOT-41119-05	3	B
U.S. Route 1A Improvement, Harrington, Maine.	D-DOT-40823-01	2	B
Buckley Corners-Hollowville Route 23, Columbia Co., N.Y.	D-DOT-40130-07	1	C
Nassau Expressway, #78	D-DOT-40117-07	1	C
Albany Co. Airport Regional #123	D-DOT-51018-07	2	C
Route 206 Newton Bypass, N.J., #133	D-DOT-41114-08	1	C
Sunrise Highway Extension, Route 27, Shinnecock Hills to East of Amsganett, Southampton and East Hampton, Suffolk.	D-DOT-40135-07	2	C
Beacon Arterial-Route 9D, Improvement Dutchess Junction to Interstate Route 84, Dutchess Co., N.Y.	D-DOT-40133-07	1	C
Artificial Reef, Ponce, Puerto Rico	D-DOT-89061-09	1	C
East-West Runway at Stewart Airport	D-DOT-51120-07	3	C
US RT202, Concord Pike (I-95 to Del-Pa line).	D-DOT-40523-CO	2	D
Route 66, Fairfax and Arlington Cos., Va.	D-DOT-40393-15	3	D
Rte. 258 Bridge and Approaches Smithsfield.	D-DOT-50041-CO	2	D
Rt 92-Naamans Rd. US 13 to US 202 New Castle Co. Del.	D-DOT-41170-13	2	D
Rt 141 Centre Rd., New Castle Co., Del.	D-DOT-41151-13	2	D
L.R. 1052 Sec 4 Cross Valley Expy, Luzerne Co., Pa.	D-DOT-41098-11	2	D
Fannin Co. Airport, Blue Ridge, Ga.	D-DOT-51161-20	1	E
APD 640 (5) & (2) Pike Co., Ken.	D-DOT-40967-17	2	E
Haywood Co., N.C. Canton to US276	D-DOT-40966-18	1	E
Guilford Co., High Point, N.C.	D-DOT-40965-18	1	E
Mason County, Ky. Hwy Project KY-10	D-DOT-40822-17	1	E
Ashe County Airport, West Jefferson, N.C.	D-DOT-51146-18	1	E
Fort Lauderdale-Hollywood International Airport.	D-DOT-51127-21	1	E
St Rds 41 and 43 Hillsborough and Pasco Counties., Fla.	D-DOT-41153-21	2	E
Kentucky 15-Hazard Bypass, Perry Co., KY.	D-DOT-41152-17	1	E
Brewton South Bypass Escambia Co., Ala	D-DOT-41142-22	1	E
Heckle Bypass around Rock Hill York Co., S.C.	D-DOT-41137-19	1	E
SU-5105 (101) Perry Hill Rd., Montgomery Co., Ala.	D-DOT-41139-22	1	E
New Connector between US-29-601 & I-85, Salisbury, Rowan Co., N.C.	D-DOT-41138-18	1	E
Widening of Chickamauga Dam Bridge and construction of new bridge and ST RT153 connector RT., Hamilton.	D-DOT-41140-23	1	E
Green County Airport Greensboro-Union Point, Ga.	D-DOT-51147-20	1	E
Interstate RT77, Columbia to Rock Hill, S.C.	D-DOT-41102-19	1	E
S-202-F State RT20 Lauderdale Co., Ala.	D-DOT-41114-22	1	E
US Highway 19E Bypass Mitchell Co., N.C.	D-DOT-41103-18	1	E
Rosewood Dr. Improvement Columbia, S.C.	D-DOT-41136-19	1	E
AP-100-95-6L Sommerset-London Rd Pulaski Co., KY.			
US-220 Guilford-Randolph Cos., N.C.	D-DOT-41116-18	1	E
US-006-3 Davidson Co., Tenn.	D-DOT-41115-23	1	E
Defiance 15-14.09, Railroad Grade Separation Replacement, Defiance Co., Ohio.	D-DOT-40977-29	1	F
State RT112, Lucas Co., Ohio	D-DOT-40961-29	1	F
Stadium Freeway, Milwaukee Co., Wis.	D-DOT-40960-26	1	F
FA RT171 (Ill. 76) Boone Co., Ill.	D-DOT-41108-27	2	F
FA RT7 Spur, Cook Co., Ill.	D-DOT-41105-27	2	F
Schoolcraft County Airport, Manistique Co. Mich.	D-DOT-51098-25	1	F
Springfield Municipal Airport, Brown Co., Minn.	D-DOT-51097-30	1	F
Fremont Municipal Airport, Newygo Co., Mich.	D-DOT-51097-25	1	F
John F. Kennedy Memorial Airport, Ashland, Wis.	D-DOT-51053-26	1	F
St. Mary's South Connector, Auglaize Co., Ohio.	D-DOT-41106-29	1	F
Wilson Mills Rd, Ch 8, Geauga Co., Mich.	D-DOT-40963-25	1	F
S-Project d 208(5) Jefferson Co., Ind.	D-DOT-40962-28	1	F
FA RT24, S.B.1.RT23, Livingston Co., Ill.	D-DOT-40510-27	1	F
Effingham County Airport, Ill.	D-DOT-51052-27	1	F
F.A. Route 45 Cook County, Ill.	D-DOT-40818-27	1	F
State Road 37, Perry County, Ind.	D-DOT-40529-28	1	F
T.H.23, Lyon, Yellow Medicine, Chippewa Co., Minn.	D-DOT-40529-30	1	F
Antlers Municipal Airport, Antlers, Okla.	D-DOT-51119-32	2	G
Hemphill Municipal Airport, Hemphill, Tex.	D-DOT-51119-34	1	G
Goldsby Airport, Norman, Okla.	D-DOT-51054-32	2	G
Interstate 630 Little Rock, Ark.	D-DOT-41125-33	2	G
FM RD 2791 in Queen City North, Cass and Bowie Co., Tex.	D-DOT-41104-34	1	G
From Spur 394 SE of Waxahachie to near W City Limits of Ennis, Ellis Co., Tex.	D-DOT-40976-34	1	G
Lawton Municipal Airport, Lawton, Okla.	D-DOT-51120-32	1	G
SH350 in Big Spring from Interstate Hwy. 20 along Owens Street to Loop 402.	D-DOT-41124-34	2	G
SH 71 1.6 miles E. of W. Point to Bastrop Co. line in Fayette Co., Tex.	D-DOT-41123-34	2	G
Pryor Airport, Pryor Creek, Okla.	D-DOT-51154-32	1	G
Carnegie Airport Carnegie, Okla.	D-DOT-51149-32	2	G
Ponca City Municipal Airport, Ponoa City, Okla.	D-DOT-51148-32	2	G
Garner Field, Uvalde, Tex.	D-DOT-51121-34	1	G
Controlled access facility of SH288, Texas	D-DOT-40826-34	2	G
SH 19 from FM 1507 in Paris S to Jct. SH 19, Tex.	D-DOT-40975-34	2	G
Project S-1418(1) 6 mi. W.US85 N. Mex.	D-DOT-40974-31	2	G
Federal Air Project # F-399(12) State RT in White Castle Iberville Parish, La.	D-DOT-40973-35	1	G
From 1.5 miles N. of Monroe overpass, Lubbock Co., Tex.	D-DOT-40972-38	1	G
Arrowhead Airport, Canadian, Okla.	D-DOT-51165-32	1	G
Freeway 628 Woodbury Co., Iowa	D-DOT-40824-37	1	H
Proposed improvement of US54 to freeway stand.	D-DOT-40970-38	1	H
I-80-1 (11) & (12) S-259 (4) & S-620-A Cheyenne Co., Nebr.	D-DOT-40969-36	2	H
Freeway 520-Black Hawk Co., Iowa	D-DOT-40968-37	2	H
Hwy Proj. Miami County, Kans.	D-DOT-40825-38	2	H
Ottumwa Industrial Airport, Ottumwa, Iowa.	D-DOT-51163-37	1	H
I-435 extension (KCI route), Missouri	D-DOT-41101-39	2	H
RTCC, Ozark Co., Mo.	D-DOT-41100-39	2	H
24-44 F 072-1(19) Jefferson Co., Kans.	D-DOT-40971-38	2	H
Hwy. project FA 9963 Codington Co., S. Dak.	D-DOT-41096-42	1	I
Hwy proj. AS-(12)2, Langdon, N. Dak.	D-DOT-41113-41	2	I
F. 020-7 Lake Co., S. Dak.	D-DOT-41097-42	1	I
Langdon N.D. Airport improvement	D-DOT-51152-41	2	I
Manti-Ephriam Airport, Utah	D-DOT-51126-44	2	I
Phoenix Deer Valley Municipal Airport, Ariz.	D-DOT-51164-48	2	J
72-2505 Gastineau Channel Bridge	D-DOT-50080-57	2	K
Project S-0649(1) Geist RD	D-DOT-41162-57	1	K
Oregon Coast Hwy—Waterline Dr. Section Newport Lincoln Co., Oreg.	D-DOT-41130-55	1	K
Santa Clara-Eugene Section City-Eugene Hwy.	D-DOT-40821-55	2	K
West Seattle Freeway Project	D-DOT-40526-54	2	K
Industrial Freeway (I-505) Multnomah Co., Ore.	D-DOT-40525-55	2	K
Warren-Scappoose Unit St. Helens-Columbia Co. Line Sect.	D-DOT-40524-55	2	K
Federal Power Commission:			
Rec. facs. for Conowingo Proj. # 405, Harford & Cecil Cos., Md., York.	D-FPC-06035-00	1	D
Palo Pinto Generating Station Unit # 3, Tex.	D-FPC-07044-34	1	G
Proposed Revised Tariff, El Paso Natural Gas.	D-FPC-02011-00	2	J
South Substation-Delridge Substation 230KV Tran.	D-FPC-07036-54	1	K
Transmission Line Reconstruction, Seattle	D-FPC-07035-54	1	K
General Services Administration: Pentagon Sewer Connection to Arlington Co. System.	D-GSA-24030-15	1	D
Department of Housing and Urban Development:			
Ganada, new community final statement	D-HUD-85033-07	2	C
King Co. multipurpose stadium and convention/exhibition complex.	D-HUD-85034-54	2	K
Veterans' Administration: New 630 bed VA Hospital, Loma Linda, Ca.	D-VA-81042-46	2	J

APPENDIX II—PROPOSED FEDERAL REGULATIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEB. 27, 1972, AND MAR. 31, 1972

Title	Identifying number	General nature of comments	Source for copies of comments
Interstate Commerce Commission: Procedures for implementing the National Environmental Policy Act of 1969	R-ICC-90046-00	2	A
Department of Agriculture: National forest development trails	R-DOA-90045-00	1	A

APPENDIX III.—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) General Agreement/Lack of Objections: The Agency generally:

(a) has no objections to the proposed action as described in the draft impact statement;

(b) suggest only minor changes in the proposed action or the draft impact statement; or

(c) has no comments on the draft impact statement or the proposed action.

(2) Inadequate Information: The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) Major Changes Necessary: The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) Unsatisfactory: The Agency believes that the proposed action is unsatisfactory be-

cause of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX IV. SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Bldg., Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Bldg., 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree St., N.E., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH MAR. 31, 1972 (BY AGENCY)

Agency	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislations and actions	Total actions on which final or draft 102 statements for Federal actions have been received
Agriculture, Department of	62	109	171
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	43	30	73
Commerce, Department of	1	7	8
Defense, Department of	5	2	7
Air Force	6	3	9
Army	6	8	14
Army Corps of Engineers	188	311	499
Navy	3	8	11
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	8	14	22
Federal Power Commission	35	5	40
General Services Administration	14	26	40
HEW, Department of	4	1	4
HUD, Department of	10	21	31
Interior, Department of	82	42	124
International Boundary and Water Commission—United States and Mexico	1	4	5
Interstate Commerce Commission	2	0	2
National Aeronautics and Space Administration	13	9	22
National Science Foundation	0	2	2
New England River Basins Commission	1	0	1
Office of Science and Technology	0	1	1
Pacific Northwest River Basins Commission	1	0	1
Tennessee Valley Authority	9	6	15
Transportation, Department of	878	706	1,584
Treasury, Department of	4	3	7
U.S. Postal Service	1	0	1
U.S. Water Resource Council	7	0	7
Veterans Administration	1	0	1
Total	1,388	1,318	2,706

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH, MAR. 31, 1972 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and actions	Total actions on which final or draft statements have been taken
AEC nuclear development	11	11	22
Aircraft, ships and vehicles	1	5	6
Airports	56	152	208
Buildings	5	8	13
Bridge permits	9	9	18
Defense systems	4	2	6
Forestry	3	4	7
Housing, urban problems new communities	7	13	20
International boundary	4	2	6
Land acquisition, disposal	11	31	42
Mass transit	3	2	5
Mining	5	2	7
Military installations	10	11	21
Natural gas and oil:			
Transportation and pipeline	9	4	13
Drilling and exploration	3	5	8
Parks, Wildlife refuges, recreation facilities	37	17	54
Pesticides, herbicides	17	12	29
Power:			
Hydroelectric	32	6	38
Nuclear	31	18	49
Other	13	6	19
Transmission	10	8	18
Railroads	2	1	3
Roads	659	505	1,164
Plus roads through parks	147	32	179
Space programs	3	5	8
Waste disposal:			
Detoxification of toxic substances	6	2	8
Munition disposal	2	3	5
Radioactive waste disposal	5	1	6
Sewage facilities	7	10	17
Solid wastes	2	0	2
Water:			
Beach erosion, hurricane protection	3	22	25
Irrigation	18	9	27
Navigation	61	108	169
Municipal and industrial supply	9	2	11
Permit (Refuse Act, dredge and fill)	11	1	12
Watershed protection and flood control	124	260	384
Weather modification	6	5	11
Research and Development	14	9	25
Miscellaneous	28	15	43
Total	1,388	1,318	2,706

C-5A BREAKS DOWN EVERY HOUR

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. ASPIN. Mr. Speaker, I have publicly released a report by the General Accounting Office concerning the C-5A aircraft. The report indicates that a major system on the trouble-plagued C-5A jet transport, which will cost $55 million per plane, breaks down, on the average, every hour of flight. The GAO report also reveals that 14 of the C-5A major systems are deficient.

This is incredible. It is just unbelievable that after being handed more than $4 billion of the taxpayers' money, the Air Force cannot produce an aircraft that runs without a hitch for more than an hour.

Specifically, the GAO report reveals that the Air Force has been forced to completely rebuild the connections known as pylons between the aircraft's wings and engines. The Air Force was not aware of any problem until one of the engines fell off the plane late last year. The report goes on to say that the landing gear on the C-5A aircraft breaks down on the average once every 4 hours. Fifteen typical C–5A's studied by the GAO contain an average of 251 major and minor deficiencies. A previous GAO study, released in February 1970, uncovered 250 such deficiencies.

Obviously only a few of the numerous difficulties with the C–5A have been remedied.

I have written to Secretary of the Air Force Robert Seamans asking him to assure the Congress that the $207 million requested by the Air Force in next year's budget will be enough to repair defects that currently exist on a C–5A aircraft. As my colleagues know, the Air Force has requested $207 million in this year's budget to be used to correct defects and to complete the program.

I have also requested that Secretary Seamans accelerate the repair program so that defects on the C–5A aircraft can be remedied as soon as humanly possible. Since we have made such a huge investment in this cost overridden monster, the least we can expect is an airplane that runs properly.

According to the C–5A renegotiated contract, the Lockheed Corp. has assumed the $200 million loss on the C–5A and has promised to correct all deficiencies without receiving any additional profits. Hence, it is the obligation of the Air Force and Lockheed—on a cost basis—to work the bugs out of the C–5A.

I also wish to congratulate the General Accounting Office for the fine job they did in this most comprehensive examination of the worst boondoggle in Pentagon history.

My letter to Secretary Seamans follows and an article by Richard J. Levine that appeared in the April 6 Wall Street Journal:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 5, 1972.

Hon. ROBERT C. SEAMANS, Jr.,
Secretary of the Air Force,
Washington, D.C.

DEAR MR. SECRETARY: I have just finished reading the United States General Accounting Office's staff study on the C–5A aircraft dated March, 1972. Figure X on page 45 indicates the failures, mean time between failures and hours flown on a C–5A air reliability test for a six month period ending August 31, 1971. A total of 13,366 hours were flown in the C–5A during this test. A total of 12,994 failures were reported in major systems of the C–5A. Apparently, on the average, there is a failure in a major system of the C–5A aircraft every hour.

This is incredible. It is just unbelievable that after being handed more than $4 billion of the taxpayers' money that the Air Force cannot produce an aircraft that runs without a hitch for more than an hour.

According to the report, the Air Force as of last July, estimated that it would cost $164 million to correct all the deficiencies in the C–5A aircraft. As you know, the Air Force has requested $207 million in the fiscal year 1973 budget to complete the C–5A aircraft program and to correct all of the defects. I hope that you can assure the Congress that $207 million requested by the Air Force in next year's budget to repair defects will be enough to correct all the problems.

I also hope that you could accelerate the repair program so that defects on the C–5A can be remedied as soon as humanly possible. As long as we have made such enormous investment in this aircraft, it is only logical to bring it into a full operational status (without the current deficiencies) as soon as possible.

The GAO study is, in my opinion, the most comprehensive examination of the worst boondoggle in Pentagon history—the C–5A. I hope it is thoroughly reviewed by your staff.

I look forward to an early response to my questions concerning the amount of funds needed to correct deficiencies and the possibility of accelerating the repair program.

Thank you very much for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

NEW GAO REPORT INDICATES C–5A'S MAY FAIL SOME MISSIONS, REQUIRE TOO MUCH UPKEEP

(By Richard J. Levine)

WASHINGTON.—A new and unpublicized government study harshly criticizes the troubled C5A cargo jet, built by Lockheed Aircraft Corp., and warns that more problems may be in the offing.

The detailed study was prepared by the General Accounting Office, Congress' fiscal watchdog agency. A copy was obtained from Rep. Les Aspin, the young Wisconsin Democrat who is emerging as one of the Pentagon's toughest critics.

Much of the technical 58-page report is devoted to problems that have already been publicized—involving the C5A's wing, its landing gear and the pylons that hold the engines to the wing.

But the GAO investigators also raise significant questions about the plane's ability to perform certain tactical combat missions and point to what they believe may be a new problem area: aircraft reliability and need for maintenance.

"Close surveillance should continue over the C5A program, particularly in the area of technical deficiencies that, if not corrected, may impair the operating mission capability of the aircraft," the report declares. "There are also indications that aircraft reliability and mantainability may emerge as major problem areas."

In Marietta, Ga., I. O. Kitchen, president of the Lockheed-Georgia division, said, "If this really is an unpublished GAO study, we haven't had an opportunity to review or comment on its contents. Therefore, we have no statement."

The GAO report comes at a time when the Pentagon itself, once the fiercest defender of the giant C5A, is becoming disenchanted with the plane. Even in the Air Force, it is currently considered permissible to concede that the C5A isn't as good a plane as once claimed, In February, Defense Secretary Melvin Laird told Congress that although the plane is needed, "it's clear that the C5A cannot, and probably never could, meet all the design objectives specified in the original contract."

Originally, the C5A was supposed to have an operational life of 30,000 hours, but today the Air Force is counting on "about 20,000 hours." And to stretch the plane's life, restrictions have been placed on how it may be flown. Lockheed also is making a number of modifications to correct past "deficiencies" involving such components as the wings and the landing gear.

At the same time the big contractor is making corrections, it is delivering new planes marred by shoddy workmanship, the report indicates. For example, the GAO investigators found that a C5A recently accepted by the Air Force had 196 deficiencies—47 major and 149 minor. "Of the 47 major deficiencies, 14 impair the aircraft's capability to perform all or a portion of six missions," the staff study states.

Perhaps the most startling and potentially troublesome of the GAO findings are those concerning C5A maintenance and reliability, an area that hasn't got much public attention.

One group of 12 aircraft assigned to Charleston Air Force Base in South Carolina required a total of 36.34 man-hours of maintenance for each hour of flight during an eight-month period ended last Aug. 31, the report shows. This compared with a specified rate of only 17.65 man-hours. Moreover, the GAO says that for a nine-month period ended last Sept. 30 these planes were "operationally ready" only 47% of the time compared with the specified objective of 75%.

The GAO also looked at the experience of the entire C5A fleet for the six-month period ended last Aug. 31. Among other things, it found that during 13,366 hours of flight, there were 3,327 "failures" involving landing gear—or a malfunction about every four hours. The landing gear had the poorest reliability rate of any major system in the aircraft, according to the GAO.

Dealing with the C5A's cost problems, the GAO notes that the Air Force estimated last July that it would cost "approximately $164 million" to correct the plane's deficiencies. But the GAO stresses this estimate was made before a wing crack was discovered in a ground test last September and before an engine broke off a wing a few weeks later.

The $164 million estimate assumed that "there would be no additional major structural failures in the test program," the GAO said, thus implying the Pentagon may yet come to Congress for additional C5A money. Under Lockheed's restructured C5A contract, which provides that the company absorb a $200 million losss the government will reimburse Lockheed for necessary modifications.

The Air Force is asking Congress for $207.6 million in its new budget for the C5A program. This will allow the government to "buy out," or finish, the $4.45 billion project, Air Force officials say. The program consists of 81 planes, of which 56 have come off the production line; two of the 56 were destroyed by fire.

But Congress is worried that with the list of technical and maintenance problems cited by the GAO, the end of C5A financing isn't yet in sight. Rep. Aspin wants Air Force Secretary Robert Seamans to "assure Congress" that the money in next year's budget "will be enough to correct all problems." Calling the GAO study the "most comprehensive" C5A examination to date, Mr. Aspin has asked that the repair program be accelerated.

Last November, the Air Force set up a high-level team to conduct a year-long review of the C5A with a view to recommending any further operational refinements or modifications.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

MEAT PRICES EXPLOITED TO PROMOTE SOCIALISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. RARICK. Mr. Speaker, this week's hearings by the Livestock and Feed Grain Subcommittee of the Agriculture Committee on meat prices have been most extensive and have been participated in not only by the livestock growers but also by the packers, distributors, retail representatives, and a representative of the Secretary of Agriculture's office.

The hearings thus far, without contradiction, proved that America's cattlemen and agriculture producers are only not receiving more money for the sale of live beef but that they are receiving the same price that beef producers received 20 and 25 years ago. In fact, one young farmer with three children from Iowa testified that his farm earnings were only 90 cents an hour.

The hysteria generated by the meat price furor may well result in a great disservice to both the meat producer and the consumer. If the consumers now decrease their use of beef, the market price for live cattle will go down. If so, there will be fewer cattle sales with the eventual result that beef prices can be expected to go higher.

Things just do not happen. They are either planned or conditions are taken advantage of. The great number of farm producers from across our country who testified before the committee indicated that they felt the damage to livestock sales occurred as the result of full page newspaper ads by a chain store which had the effect of recommending a boycott of beef by food customers. The author of these ads was identified as Mrs. Esther Peterson, consumer adviser to the president of Giant Food, Inc.

Mrs. Peterson voluntarily appeared before the committee, delivered a prepared statement and answered questions. She submitted with her testimony a copy of her ad which read in part as follows:

> YOU HAVE THE RIGHT TO BE INFORMED ABOUT MEAT PRICES!
>
> Meat prices are high and from all predictions will remain high. Beef is near the highest level since the end of the Korean War. Why are they so high? It begins at the source:
>
> Livestock prices were not and are not now controlled under the present economic program.
>
> Less meat is reaching the market.
>
> Prices from our suppliers have skyrocketed. BECAUSE of all these reasons, you will find higher prices on almost all fresh meats.
>
> We consumers can help bring prices down.
>
> Buy less meat.
>
> Use other forms of protein.
>
> Buy something else.

Mrs. Peterson, in her very charming and disarming style denied that she intended to blame the farmers or that she had intended to provide a beef boycott.

Mrs. Peterson's Giant Food store ad was not only false and fraudulent but was in reality exactly opposite from the existing facts and conditions readily available to any economist or true friend of the consumer. The farmers of America, whose livelihood depends upon honesty in the marketplace and the American consumer, who is entitled to the truth about prices and bargains, may at a later date be interested and are both entitled to know who was responsible for what may have set in motion the events which will result in even higher meat prices.

Farmers and consumers alike are entitled to know just who Mrs. Peterson is—this woman who served as an adviser to two Democratic Presidents and is being promoted by the left-wing news media as a Ralph Nader in the grocery store.

At the hearings, Mrs. Peterson acknowledged her association with the Consumers Union, originally headed by Arthur Kallet, alias Edward Adams; the National Consumers League, and working with its publication "Consumer Affairs," and the Women's Africa Committee, a division of the African-American Institute. It was when being asked if she knew Dr. James E. Mendenhall that Mrs. Peterson lost her cool.

Mrs. Peterson admitted knowing Dr. Mendenhall but said she could not see what her association with him had to do with food prices. The fact is that it sheds light on her values and contempt for the free enterprise system.

In July 1965, Consumers Union announced the publication of a paperback book entitled "Consumer Education in Lincoln High School." In the book prepared while Dr. Mendenhall was in charge of educational activities for CU, Mrs. Esther Peterson, the former Special Assistant to the President for Consumer Affairs, is quoted to the effect that high school courses "should instruct youth in such matters as the virtues and vices of advertising" and "the problems of comparative shopping in an age of odd-size packages."

"Consumer Education in Lincoln High School" continues:

> Mrs. Peterson noted that young persons must be taught the difference between a consumption-directed economy and a consumer-directed economy.
>
> In a consumption-directed economy, she observed, "anything would be permissible. Deceptive and false advertising would be perfectly okay as long as it made people buy. Planned obsolescence as a means of increasing consumption would be the rule rather than the exception.
>
> "In this kind of system, skill, craftsmanship, and quality are unimportant," she continued.
>
> "All that is important is that there be many things to buy and that they be bought. This system frowns on frugality and financial planning and promotes overextended credit buying."
>
> In a consumer-directed society, Mrs. Peterson declared, "the individual is treated as a person whose natural inclination is toward human excellence, self-improvement, and esthetic improvement of his environment."

Mrs. Peterson's pernicious distinction is a reflection of her prejudice against American business enterprise which is shared by Consumers Union. It may be poisoning the minds of many high school students and teachers.

Dr. James E. Mendenhall was as late as 1967, educational director of Consumers Union, and his association with the organization goes back to the 1930's. After leaving Teachers College, Dr. Mendenhall became associate director of the Institute for Consumer Education at Stephens College. At Stephens, he was also an editor of the Institute's monthly newsletter, Consumer Education.

During his tenure at Stephens, from 1939 to 1942, Dr. Mendenhall participated in several consumer conferences which were financed by the Sloan Foundation. Dr. Colston Warne, the president of Consumers Union, was a frequent speaker at these conferences. Some business representatives resented the heavy-handedness of Consumers Union at the Stephens conferences, according to Advertising Age, which reported that the conference of 1940 "developed into a hammer and tongs battle over advertising."

In 1942, the Stephens Institute was abandoned, and Dr. Mendenhall went to the Office of Price Administration in Washington. By 1948, he had become executive editor of Compton's Pictured Encyclopedia.

Additional information concerning the background of Dr. Mendenhall is given in the public record of Congressional hearings from both the Senate and the House.

Elizabeth Bentley, whose testimony before the House Committee on Un-American Activities exposed espionage in Washington during the 1930's and 1940's—hearings regarding Communist espionage in the U.S. Government—testified on July 31, 1948, that Dr. Mendenhall recruited her into the Communist Party. The testimony follows:

> Mr. STRIPLING. Miss Bentley, were you ever a member of the Communist Party of the United States?
>
> Miss BENTLEY. Yes; I was.
>
> Mr. STRIPLING. When did you join?
>
> Miss BENTLEY. March 1935.
>
> Mr. STRIPLING. Who recruited you into the Communist Party?
>
> Miss BENTLEY. The two people who signed my membership card were Mrs. Lee Fuhr and Dr. James P. (sic) Mendenhall.
>
> * * * * *
>
> Mr. STRIPLING. Could you identify Dr. James Mendenhall:
>
> Miss BENTLEY. Yes. At that time he was a professor in the Lincoln School which is part of Teachers College, Columbia. Since then, I believe, he went into the OPA, but I have also lost track of him recently.
>
> Mr. STRIPLING. Would you tell the committee the circumstances under which you were recruited into the party?
>
> Miss BENTLEY. Yes. I had come back from a year in Italy quite upset about Fascist conditions there. On my return I met a number of Communists of whom those two are a part, and they got me into the American League Against War and Fascism, which was interested in my impressions of Italy.
>
> After that they gradually got me into the Communist Party. (page 504)

In her book "Out of Bondage," published in 1951, Miss Bentley related that she had secured temporary employment at Consumers Union in 1937. She said:

> I continued on with my odd jobs and by Communist work in Harlem until the early spring of 1937, when I got a two-months' temporary position with Consumers' Union." (page 79)

Dr. Mendenhall, according to the press—New York Journal American, August 3, 1948—denied that he had ever been a member of the Communist Party, although he remembered Miss Bentley and Mrs. Fuhr.

Several years later, Miss Bentley's testimony was corroborated by Dr. Benjamin Fine, a highly respected liberal educator who had long been associated with the New York Times. On January 6, 1956, Dr. Fine testified before the Senate Internal Security Subcommittee. According to the Senate subcommittee's 1956 annual report—page 106:

> Benjamin Fine, education editor of the New York *Times*, said he joined the Communist Party in 1935 when he was a graduate student at Teachers College, Columbia University in New York . . .
>
> He said he knew James Mendenhall, later an educator of some prominence, as a member of the party at that time.

Dr. Mendenhall's denial of membership in the Communist Party, although in the press, has not been made under oath before either of the congressional committees which heard conflicting testimony from Miss Bentley and Dr. Fine. The public record does not show that Dr. Mendenhall availed himself of the privilege of testifying before either the Senate or House committee.

The Communist newspaper, the Daily Worker, for June 9, 1934, gives information not made public by the congressional committees. That issue of the Daily Worker included an advertisement for a New York City meeting on behalf of a children's camp. Among the speakers were Dr. Mendenhall and Mr. C. A. Hathaway, then editor of the Daily Worker. Dr. Mendenhall's denial of party membership may not preclude association with party leaders at that time.

While at Columbia Teachers College, Dr. Mendenhall was editor of Building America, which was "prepared with the assistance of the U.S. Works Progress Administration and the Lincoln School." The March, 1937, issue was devoted to "We Consumers." Many of the issues raised by Consumers Union today were discussed by this publication, including the alleged difficulty of consumers faced with the variety of product choices. Cooperatives were given a big boost.

Building America, however, came under attack because of its left-wing orientation. According to the California Senate Committee on Education, the Building America series was "replete with Communist propaganda."

To inform those who wonder why a highly intelligent person like Mrs. Esther Peterson, a former Special Assistant to the President of the United States for Consumer Affairs, would inadvertently start a price war between the American farmers and American consumers, her ad may serve to answer the question. Someone in our country wants a fully regimented economy of a socialist state which must include the placing of livestock under price controls.

The pertinent provisions of the thinly veiled call for socialism in the advertisement is as follows:

> Livestock prices were not and are not now controlled under the present economic program. * * * "Inasmuch as Phase II of the Economic Stabilization Program did not, perhaps for good reason (I don't know), see fit to control livestock—and inasmuch as beef and pork were in short supply relative to demand because of the corn blight, and other factors—the only approach that I could recommend to the people I represent (the consumers) was to revert to the ageless law of supply and demand, and reduce demand by buying less meat and substituting other protein foods.

If the psychology of the artificially created market works, Mrs. Peterson will hope to become a consumer's heroine when the market rebounds, meat prices again soar and she is able to blame renewed high food prices on lack of controls.

I ask that the ad, a news clipping, an article "Consumerism," from American Opinion, and portions of a report from "Treason is the Reason," follow my remarks.

[Ad from testimony by Esther Peterson, Consumer Advisor to the President of Giant Food, Inc. before the Subcommittee on Livestock and Grains of the House Agriculture Committee, April 13, 1972]

YOU HAVE THE RIGHT TO BE INFORMED ABOUT MEAT PRICES!

Meat prices are high and from all predictions will remain high. Beef is near the highest level since the end of the Korean War. Why are they so high? *It begins at the source.*

Livestock prices were not and are not now controlled under the present economic program. Less meat is reaching the market. Prices from our suppliers have skyrocketed. Because of all these reasons, you will find higher prices on almost all fresh meats.

We consumers can help bring prices down.

Buy less meat.

Use other forms of protein.

Buy something else.

Inasmuch as Phase II of the Economic Stabilization Program did not, perhaps for good reason (I don't know), see fit to control livestock—and inasmuch as beef and pork were in short supply relative to demand because of the corn blight, and other factors—the only approach that I could recommend to the people I represent (the consumers) was to revert to the ageless law of supply and demand, and reduce demand by buying less meat and substituting other protein foods.

I did no more than the Department of Agriculture does every month in bulletins issued to the retail trade—i.e., recommend the purchase of foods that are in plentiful supply.

[From the Washington Post, April 9, 1972]

PETERSON: MARKET REFORMS

Cosmic issues—The Dita Beards, the SALT talks, the Clifford Irvings—may come and go, but another recent controversy hit people where they live: their pocketbooks.

It hit the newspapers March 14, when Secretary of Agriculture Earl Butz, who earns $60,000 a year, praised the high prices of beef because they "provide the best way to insure a good supply of the better cuts of beef that I prefer."

Meanwhile, back at Giant Food Inc's headquarters in Landover, Md., Esther Peterson seized the moment, and the editorial pages by rushing through an advertisement which had been hanging around her office for a year. Giant's ad, advising consumers to buy less meat and "Buy Something Else" was published in Washington newspapers the week after Butz' remarks.

She is Giant's consumer affairs adviser, cited by observers of the trend to appoint ombudsmen as "the best, the classic example of the real thing" and "an example of the real thing" and "an example of very, very good faith efforts." The "Buy Something Else" ad had appeared a year earlier in the form of posters she put in Giant's stores.

C. W. McMillin, executive vice president of the American National Cattlemen's Association says the ad is "contrary to what we've been told are sound merchandising techniques." He hints that Mrs. Peterson may have had an ulterior political motive by making "oblique" references in the ad to President Nixon's wage-price freeze.

The ad asked why meat prices are so high and answered by saying, "Livestock prices were not and are not now controlled under the present economic program . . . Less meat is reaching the market . . . Prices from our suppliers have skyrocketed."

Other supermarkets—Safeway and Consumers Supermarkets—responded to Mrs. Peterson's ad. Safeway spokesman Ronald Zachary said Giant's ad is "negative," while Safeway's ads—featuring "inflation fighters"—were "positive." Consumers Supermarkets ad invented "a hunger gap" in which a bean and cheese-surfeited husband makes clandestine forays to a hamburger stand to get his beef fix. "Now you can have your beef," said Consumers, "and enjoy low prices too."

After the Giant ads appeared, a conference was called by the administration on meat prices and prices are lower now.

Figures on the reactions of Giant's customers aren't in yet, but after the posters went up last year, Mrs. Peterson said "They still kept buying meat, but the complaints went down."

Complaint-handling is not all Esther Peterson does.

Since Mrs. Peterson, 65, came to Giant Food in 1970, she has initiated such reforms as see-through meat trays, open dating, unit pricing, ingredient labeling (how much pork in pork and beans), nutritional value charts for certain food, and soap and paper for the ecology-minded.

She asks questions like "What does 'fancy' mean on the fish?" And Giant executives reply "We were afraid you'd ask that. It means 'previously frozen.'" She is now planning a reform of all such so-called "grade labels."

Her success is based on access to power—on Capitol Hill, among crusading consumer watchdogs, and apparently within Giant Food Inc. as well.

As a lobbyist here for more than 20 years, as a labor and consumer affairs aide to Presidents Kennedy and Johnson, and—according to the Democratic National Committee—a woman of "very high standing" in the Democratic party, Mrs. Peterson has valuable friends and influential contacts.

A recent interview in her cluttered office at Giant's headquarters, was interrupted by a telephone query from the Hill.

She says she gets a lot of phone calls like that, and often gives advice to congressmen who calls about legislation—"just informally, though."

But when there are things to be done formally, people remember Mrs. Peterson's help So when Giant has a new line of recycled paper products to announce, for example, Esther Peterson contacts her old friend, Sen. Frank Moss (D., Utah), who is chairman of the Senate Subcommittee on Consumer Affairs. A native of Utah, she worked on his campaign. So, on Jan. 31 when Giant introduced their paper plates and napkins, the ceremony took place in Moss' office and the Senator himself added some laudatory words. Even if he hadn't been "a good friend," says Mrs. Peterson, "he would have done it anyway."

Mrs. Peterson finds her dealings within the Giant hierarchy a relief from her White House days as LBJ's consumer adviser. "It's just so clear here," says she. "Its free of the intrigues of government and bureaucracy and politics."

When she develops an agenda for action, the plan for unit pricing, say, she works it out in detail and then presents it to a "consumer task force"—Giant's 12 vice presidents. Each one is in charge of a department—dairy, bakery, general merchandising, operations—and each one implements in his area the Peterson plans they approve.

"I take an agenda to them and we vote it up and down. Once we get the task force to agree on something, nobody pulls the rug out from under me. Not like at the White House."

Mrs. Peterson does not see herself as a broker of complaint letters and calls—"I discourage it"—but when consumers complain directly to her, she refers their complaints and suggestions to the vice president in charge.

Her programs are a formidable public relations asset. She is asked to speak all over the country by universities and industry and considers two speeches a week a "light" schedule. She tapes television spots including a half-hour Giant-sponsored nutrition special called "What's for Dinner? Do You Really Know?" which has re-run twice on WMAL-TV.

So why did Joseph Danzansky, Giant's president want to hire her badly enough to spend a small fortune wining and dining and convincing her at Paul Young's restaurant? Why did he agree to her conditions including a $30,000 a year salary—all in an effort to inveigle her away from a job that she loved: lobbyist for the Amalgamated Clothing Workers of America?

Some of the reasons—consumerism as good PR and as a handle on government regulation—are expressed in Mrs. Peterson's answer to that question. Her reply embodies a hard-nosed, nonaltruistic but honest philosophy.

"Consumerism is a good marketing tool. Industry shouldn't try to wiggle out of the legislation that's being made, it should shape the direction in which it's to go, on the basis of their own retail experience," says the old lobbyist. "Be leaders of the progressive group! I think that's the thing that's bringing industry around to the idea of consumerism."

And Joseph Danzansky knows that Giant is number two in this area. Safeway is number one, headquartered in Oakland, Calif. Giant is a regional operation, heaquartered in nearby Landover. Danzansky's favored marketing tool is to capitalize on the regionalism, to be active in the region's community affairs (he's been president of the United Givers Fund and the Board of Trade and keeps offering to help buy us a new baseball team).

And how better to take advantage of the region and cultivate the image of public-servant-and-friendly-neighborhood-grocer than to hire the woman who advised the President of the United States on consumer affairs?

That Esther Peterson is good at her job, "a classic example" of the effective consumer ombudsman, may or may not have a lot to do with the reason she was hired. She knows the town, knows the job, and people who count know her. And, although Mrs. Peterson credits discount pricing and late night hours, Giant's profits have doubled in the last six months over the previous year, to $3.4 million. Joseph Danzansky expects the rise to continue. And Esther Peterson, after a year's leave of absence to test the Giant job, has formally quit her lobbying job with the Amalgamated Clothing Workers of America.

JEANETTE SMYTH.

[From American Opinion, May, 1972]

CONSUMERISM: A TEST REPORT ON CONSUMERS UNION

(By Alan Stang)

A spectre is haunting America, to paraphrase Marx's *Manifesto*. Americans who ride in automobiles are dangerously courting death—unless the automobiles are equipped with air bags and seat belts, dashboard lights that flash if you forget to "buckle up," and "pollution-control" devices to keep the air pure. The automobile industry is a conspiracy which aims to kill and suffocate our people. So is the food industry, which is trying to poison them. Americans cannot eat their dinners without fear. Each bite may contain the fatal rat poison and be their last. Medicine prescribed by doctors is out of the question. Medicine and doctors are both plots against the people. So are electrical appliances. The user may get shocked. Cigarettes are out because they cause cancer. Marijuana is coming in. All it does is dull the brain. And don't even think of borrowing money. You'll be robbed. The only thing still approved is sex, unless it causes children, who are also plots against the people if you have more than two.

The spectre Marx meant, of course, was Communism. The spectre responsible for the nonsensical propaganda above is "Consumerism," which as you will see adds up to the same thing. And the best known, most powerful organization in the consumer "movement" is Consumers Union, which tests and rates various products and publishes the findings in *Consumer Reports*.

COMMUNISTS AGAINST CONSUMERS

The beginning of this century saw the work of the "muckrakers," who specialized in raking muck about American industry. Early consumerists formed various organizations. But the current phase of the movement began in 1927, with the publication of *Your Money's Worth* (New York, Macmillan), by F. J. Schlink, a mechanical engineer who had worked for the Bureau of Standards, and Stuart Chase, a certified public accountant who had worked for the Federal Trade Commission. *Your Money's Worth* was an exposé of the frauds and shortcomings in American business at the time, but it was not subversive. The frauds and shortcomings were real. "The blazes on that trail which the authors will indicate are in no sense revolutionary," we are told. "They imply no drastic change in our system of law or of property . . . We shall plead for an extension of the principle of buying goods according to impartial scientific test, rather than according to the fanfare and trumpets of the higher salesmanship. This is all . . ."

Chase later sold out to the revolutionaries and has been one ever since. In 1932, for instance, he wrote in a book called *A New Deal* (New York, Macmillan); "Best of all, the new regime would have the clearest idea of what an economic system was for. The 16 methods of becoming wealthy would be proscribed—by firing squad if necessary—ceasing to plague and disrupt the orderly process of production and distribution. . . . The whole vicious pecuniary complex would collapse as it has in Russia. . . ."

Schlink went on to organize Consumers' Research, which tests various products as recommended in *Your Money's Worth*, and publishes the findings in *Consumer Bulletin*.

On Sunday, July 7, 1935, there was a meeting in the apartment of one Rebecca Drucker, at 121 Madison Avenue, in New York, at which those present were Susan Jenkins, Arthur Kallet, Dewey H. Palmer, Rose Nelson, Dexter Masters, Mildred Edie, and J. B. Matthews. Miss Jenkins ran the switchboard at the *Daily Worker*, official newspaper of the Communist Party. Rose Nelson was a well known Communist. She has been a member of the Party's National Committee. Arthur Kallet and Dewey Palmer worked for Consumers' Research as did J. B. Matthews, Dexter Masters and Mildred Edie were editors of an advertising journal called *Tide*.

In an affidavit three months later, Matthews testified that Miss Jenkins told the others that Clarence Hathaway, editor of the *Daily Worker*, had promised to be present if he returned to the city in time to attend. "Arthur Kallet announced that he had been in frequent conference with a Mr. Siskind whom he designated as the Communist Party organizer for New York City and who, he further declared, had been designated by Communist Party leaders as advisor to the group assembled. Mr. Kallet also stated that Mr. Siskind would attend in person any future meetings of the group."

In other words, this was a Communist meeting. Indeed, says Matthews: "Miss Jenkins explained that it would be absolutely necessary to maintain the utmost secrecy concerning the existence of the group and all of its plans, especially in view of the fact that two of its members (Masters and Edie) were editors of an advertising trade journal and that their employers would look upon it as most extraordinary if they were known to be in any way associated with a group whose direct connections with the Communist Party were so close. . . ."

For instance, after some opening remarks by Miss Jenkins, Miss Edie nominated Masters as chairman of this Communist meeting, and he took over. And in a prepared speech, Arthur Kallet then made clear that the purpose of the meeting was to plan the capture of Consumers' Research by the Communist Party. The purpose of course was to organize consumers to attack the system, in accordance with the new "people's front" strategy ordered for use in the same year by the Seventh World Congress of the Communist International in Moscow.

Miss Jenkins went to work for Consumers' Research, neglecting to reveal that she was a switchboard operator at the *Daily Worker*, and on September 4, 1935, some of C.R.'s workers went on strike, demanding such things as the right to select the organization's board of directors. And a gentleman named Walter M. Trumbull entered the affair as union organizer. Trumbull was of course a high-ranking Communist Party official, who in 1925 had been sentenced to twenty-six years in prison by a general court-martial, for Communist activities inside the United States Army. He was sent to Alcatraz, his sentence was reduced in response to pressure from the radical American Civil Liberties Union, and by 1929 he was running the Communist strike in Gastonia, North Carolina, which included the murder of the town's chief of police. In the next year, he became national secretary of the Workers Ex-Servicemen's League, the purpose of which was to continue the Communist infiltration of our Army. In 1932, he was active in the Communist-led "bonus march" on Washington.

And the strike Comrade Trumbull led at Consumers' Research in 1935 included the usual Communist tactics. Pickets smashed windshields and overturned cars. Telephone wires were cut. Entrances were blocked, so that the only way in was the back way, through the fields. Secretaries needed escorts to get home without being molested. Union leaders threatened business reprisals against the families of workers who refused to join. One such worker was threatened with death. The crippled son of another was knocked down. Strikers repeatedly blocked all cars on the public highway. The usually peaceful little town of Washington, New Jersey, was being subjected to guerrilla warfare.

Mildred Edie herself appeared at the Schlinks' door, and warned that C.R. would be made a "laughing stock." A mock trial was arranged for Schlink at New York City's Town Hall, presided over by Communists Vito Marcantonio and Heywood Broun. And an "impartial" investigating committee went to Consumers' Research to investigate, found that the C.R. management was at fault, and advised it to surrender. The "impartial" committee included Marxist revolutionary Reinhold Niebuhr, an advocate of the violent seizure of the American government, and a member of innumerable Communist organizations such as the American League Against War and Fascism; Marxist revolutionary Roger N. Baldwin, another advocate of violence, and a founder of the pro-Communist A.C.L.U.; Marxist revolutionary George S. Counts, who had set up the schools in Communist Russia for Lenin; and Marxist revolutionary Norman Thomas, perennial Presidential candidate of the Socialist Party.

Schlink refused to give in, however, so the Communists ordered Trumbull, Kallet, and Miss Jenkins to form a rival organization, which they did. They called it Consumers Union, and began to publish *Consumer Reports*. This is the origin, and these are the founders, of the same organization that is still trying to corral consumers today—which, once again, was the reason the Communists decided to found it.

CONSUMERS UNION: COMMUNIST FRONT

Arthur Kallet was made director of Consumers Union, and by this time, of course, he was a member of the Communist Party. His Party name was "Edward Adams," a phony label for a fanatic advocate of honest labelling. At the time, Don Wharton wrote of Kallet in *Scribner's* for November 1937: ". . . He will tell anyone that he dislikes our economic system, that he feels it is doomed, and that he hopes the Russian experiment works out so well that we shall be compelled to adopt it . . ."

In a book called *Counterfeit: Not Your Money But What It Buys* (New York, Vanguard, 1935), Arthur Kallet himself said this: "It is hopeless to look for legislative remedies . . . . The remedy must be sought not in legislation, but in a fundamental change in our economic system." And he signed a "call" to the Communist Congress of American Revolutionary Writers, which said as follows (*Daily Worker*, January 18, 1935): "The Capitalist system crumbles so rapidly before our eyes that, whereas ten years ago scarcely more than a handful of writers were sufficiently far-sighted and courageous to take a stand for proletarian revolution, today hundreds of poets, novelists, dramatists, critics, short story writers and journalists recognize the necessity of personally helping to accelerate the destruction of Capitalism and the establishment of a workers' government."

One of his co-signers was Earl Browder, general secretary of the Communist Party, U.S.A.

And Arthur Kallet was also affiliated with the following Communist Front organizations: American Committee for Democracy and Intellectual Freedom (sponsor); American Friends of the Chinese People (sponsor); Consumer-Farmer Milk Cooperative (sponsor); Consumers National Federation (sponsor); Coordinating Committee Against Profiteering (sponsor); International Workers Order (sponsor); Jewish People's Committee (sponsor); League for Mutual Aid (member of executive committee); Milk Consumers Protective Committee (member of advisory board); National Council to Aid Agricultural Labor (sponsor); National Federation for Constitutional Liberties (signer of message); New York Peace Association (sponsor); *New Masses* (contributor); Open Letter to American Liberals (signer); *Sunday Worker* (contributor); United Action Against Facism and Anti-Semitism (sponsor); United American Artists (sponsor); and *Health And Hygiene* (editor, contributor, and member of advisory board).

But you can't say Comrade Kallet didn't have a sense of humor. In an issue of *Health And Hygiene* we read the following interchange: *"Question:* My wife fails to experience orgasm. Is this dangerous?

"Answer: Under Capitalism the sex life of woman is abnormal."

The Communist Front organization Kallet founded and called Consumers Union naturally also needed a president. The Comrades picked a professor named Colston E. Warne for the job. I would like to record Warne's record of Communist Front activities in its entirety, but to do so is impossible. They allow us only ninety-six pages per issue of this magazine. Bear in mind as you keep reading that there is much, much more—enough in fact to make Arthur Kallet look like a Rightwing Extremist.

We first hear of Colston Warne at the University of Pittsburgh in 1929, where he collaborated with a Communist named William Albertson in some "civil liberties" agitation. He left the University of Pittsburgh and went to Amherst, in Massachusetts, where he is now. In 1933, he signed a petition issued by the Marxist Fellowship of Reconciliation, asking for the diplomatic recognition of Communist Russia. In 1934, he was a speaker and writer for the Communist *New Masses*, and a member of the national executive committee of the American League Against War and Fascism, a Communist Front. In 1936, he led a tour to Communist Russia, sponsored by a Communist outfit called Open Road. In 1938, he signed a letter issued by the Communists' American Friends of Spanish Democracy. In 1939, Warne spoke at a rally run by the Communists' Boston Coordinating Committee to Lift the Embargo on Loyalist Spain. In 1940, he was a sponsor of the Communists' Conference on Constitutional Liberties in America. In 1941, when Stalin was allied with Hitler by treaty, Warne signed an open letter defending the Communist Party.

In 1942, Colston Warne was a member of the national committee of the Communists' International Juridical Association. In 1945 he signed a statement issued by the Communists' Council for Pan American Democracy. In 1947, he was a sponsor of the Communists' Civil Rights Congress; a member of the board of trustees of the Communists' Samuel Adams School; and, publicly refused to swear an oath of allegiance to the United States. In 1948, he signed a statement defending Communist Party schools, and attended a convention of "intellectuals" in Communist Poland. In 1949, he was a sponsor of the Communists' Bill of Rights Conference. In 1950, Professor Warne signed a letter from the Communists' American Committee for Protection of Foreign Born, in which he protested the government's attempt to deport Communists. In 1951, he was on the letterhead of the Communists' National Committee to Repeal the McCarran Act.

And in 1956, in a document called *The Communist Party Of The United States Of America*, the Senate Internal Security Subcommittee listed Colston E. Warne as one of the "most typical" sponsors of Communist Fronts.

Indeed, former F.B.I. counterspy Herbert Philbrick recalls a gentleman named Nathaniel Mills, whose widowed mother scrimped in her gift shop to send him to Amherst to become a minister; who came under the influence of Colston Warne; who as a result of that influence joined the Communist Party—after which Warne boasted to Philbrick that Mills was one of his "finest protégés."

In fact, it was Mills—one of Warne's "finest protégés"—*who in turn recruited Philbrick.*

So as you have just seen—and remember that what you have just seen is only a sample—Colston E. Warne of Consumers Union is better qualified to run the Communist Party than Gus Hall.

Then there is Dexter Masters, who as you will remember ran the secret Communist meeting at which the plans were laid to capture Consumers' Research. Masters has been in and out of Consumers Union in various official positions for years. He has also been a member of the League of American Writers, a Communist Front. And in April, 1940, he signed a statement issued by the American Committee for Democracy and Intellectual Freedom, another Communist Front.

There is Mildred Edie, who also attended the secret Communist meeting in 1935, and who for years, along with her husband, Robert A. Brady, was an important Consumers Union official. On September 6, 1941, Congressman Martin Dies, chairman of the Special House Committee on Un-American Activities, sent a letter and forty-three exhibits to President Franklin Roosevelt, detailing the Communist affiliation and background of three officials of the Office of Price Administration, and recommending that because of the evidence they should be fired. The three officials he named were Robert A. Brady, Mildred Edie Brady, and Dewey H. Palmer. Palmer, as you will recall, also attended the secret Communist meeting in 1935. As a result of the Dies letter, Mildred Edie Brady quit the government.

There is Adelaide Schulkind, for years a member of Consumers Union's board, and affiliated with the following Communist Fronts: International Labor Defense, League for Mutual Aid, Prestes Defense Committee, Consumers National Federation, Conference on Pan American Democracy, National Emergency Conference, American Committee for Protection of Foreign Born, and Council for Pan American Democracy.

There is Jerome Hellerstein, another Consumer Union official, and a member of the editorial board of the magazine published by the National Lawyers Guild, which is officially cited as "the foremost legal bulwark of the Communist Party."

There is Consumers Union secretary Helen Hall, who in 1938 sponsored the Communist World Youth Congress. In 1939, she was a member of the Medical Bureau and North American Committee to Aid Spanish Democracy, a Communist Front. In 1945, she belonged to a committee trying to reelect Benjamin J. Davis, Communist Party candidate for city council in New York. In 1946, she was a sponsor of the Communists' Win the Peace Conference. In 1947, she was a sponsor of the Committee for a Democratic Far Eastern Policy, a Communist Front. She has been chairman of Consumers National Federation, another Communist Front.

There is Consumers Union board member Persia Campbell, executive secretary of the Consumers National Federation, a Communist Front.

And there is more, much more—once again, I have given you just a sample; it seems almost every Communist who is anybody has been an official of Consumers Union—but the danger approaches that if we continue in this vein this article will begin to resemble a laundry list.

C.U.'S COMMUNIST ACTIVITIES

Since Consumers Union was founded by Communists, and run by Communists, for Communist purposes, it naturally had the support of the Communist apparatus from the beginning. *New Masses, Soviet Russia Today,* and *Fight*, all Communist publications, praised it. *Fraternal Outlook*, published by the International Workers Order, a Communist outfit later dissolved by the government, reprinted many articles from *Consumer Reports*. The Communist *Worker* itself readily gave space to C.U., and in turn used C.U.'s files as the need arose. Indeed, Consumers Union repeatedly ran ads in the Communist *Worker*.

And at the same time, from the very beginning and ever since, Consumers Union has conducted a campaign against advertising, sometimes subtle, sometimes blatant. On December 10, 1939, for instance, in a radio discussion, C.U. president Warne pontificated that "the values insistently pressed upon human consciousness by competitive advertising are those designed to impel an individual to live badly. Using the weapons of fear, of sex, and of material emulation we are driven like sheep toward the specious, the costly, the gaudy and the sensational. . ."

This of course is what we should expect from the president of a Communist Front. Communists have always been opponents of advertising.

In March of 1942, in a speech in Washington to the People's Lobby, Warne recommended that America "develop during the war period a basic government brand of goods in each essential field . . .

"Style would be acceptable, but would be subordinated to the central idea of serviceability. Prices on the 'Victory' model would be set from the raw materials through to the ultimate consumer. Every producer in the field would be compelled to give the bulk of his attention to the production of this design. Forgotten would be the extra gadgets, the advertising and the sales differentiation."

And this, by coincidence, is exactly the same system they have in Russia.

Then there was the case of a gentleman named Ernst Toller. In 1919, he was chairman of the central committee of the Bavarian Soviet, which seized and held power in Bavaria for twenty-five days. His last official act was to murder ten hostages, including a woman, after which he was sent to prison, where he remained until 1924. Along with other Communists, he created the atmosphere which made it possible for Hitler to take control of Germany. In 1938, he was a featured speaker at the Second Annual Meeting of Consumers Union, an experience which apparently unnerved him. He committed suicide some time later.

And there was a lady named Lydia Altschuler, who has been an employee of a Soviet advertising agency, a member of the Communists' National Council of American-Soviet Friendship, a Soviet espionage agent—and for many years educational director of Consumers Union. F.B.I. agent Larry Kerley testified as follows before the House Committee on Un-American Activities: "I was also assigned to check on another spy 'apparatus' with headquarters on Perry Street, New York City. This was the home of a woman named Lydia Altschuler. Her home was a base of operations for a Communist international group which was attempting to assassinate Frank Jacson, the murderer of Leon Trotsky in Mexico City in 1940 . . . Secret writings in letters addressed to the Altschuler 'apparatus' showed a detailed plan for Jacson's assassination."

There was a gentleman named Karl Amatneek, who worker for Consumers Union testing electrical equipment, and who previously had worked for another gentleman named Samuel Novick, head of the Electronic Corporation of America. Novick told the Committee on Un-American Activities that he had made substantial equipment sales to Amtorg, the official Soviet Government trade agency.

And a number of board members of Consumers Union have been neck-deep in an outfit called the American Association of Scientific Workers, the American affiliate of the World Federation of Scientific Workers. The Communists formed the latter in 1946. Its president was Professor Frédéric Joliot-Curie, a member of the central executive committee of the Communist Party of France. And one of its purposes was to facilitate Soviet espionage. For instance, Professor Raymond Boyer, president of the Canadian Association of Scientific Workers, another of its affiliates, was convicted of Soviet espionage and sent to jail. So was Professor Allan Nunn May, of the executive committee of the Canadian Association.

On one occasion, the national officers of the American Association, including Professors Theodor Rosebury and Lawrence B. Arguimbau, sent a telegram to French Premier Georges Bidault. It began as follows: "We the undersigned, officers of the American Association of Scientific Workers, view with profound regret the dismissal of Dr. Frédéric Joliot-Curie from his post as High Commissioner of Atomic Energy in your country."

Arguimbau later admitted he was a Communist and was convicted of contempt of Congress. Rosebury was connected with the Communist Front National Council of the Arts, Sciences and Professions, and with the Communist Front Mid-Century Conference for Peace.

The national secretary of the American Association of Scientific Workers was Professor Harry Grundfest, of the Communists' National Council of American-Soviet Friendship, who refused to deny under oath that he was a Communist and was therefore denied a passport.

The point is that all three of these worthies—Grundfest, Arguimbau, and Rosebury—have been members of the board of Consumers Union.

Indeed, at the annual meeting of the American Association in 1939, Colston E. Warne was the principal speaker. And in 1940, there was a joint conference at Amherst of Consumers Union and a local American Association branch, at which Communist Arthur Kallet, C.U.'s director, said this: "As many of you know, for some time now there has been close cooperation between the American Association of Scientific Workers and Consumers Union. Up until a short time ago, the Boston-Cambridge branch was the only branch of the Association participating in the work. I am happy to say that arrangements with other branches have been approaching completion so that during the coming year we will see a larger scale of cooperation."

Finally, there was an outfit called the Federation of Architects, Engineers, Chemists, and Technicians, run by Soviet spy Marcel Scherer for espionage purposes. Paul Crouch, at the time a top Communist official, was present in Party headquarters when Scherer was authorized to set it up. Crouch at one time had been Walter Trumbull's Party boss, and had been convicted, along with that Consumers Union founder, of Communist activities in the Army.

Needless to say, Colston E. Warne was a member of the espionage-based Federation that Scherer ran.

Indeed, Crouch, who later broke with the Communists, afterward wrote as follows of Consumers Union and a gentleman named Harold Aaron (*Facts Forum News*, April, 1955): ". . . Dr. Aaron, head of the Consumers Union medical department, was for years my personal physician—assigned by the national office of the Communist Party to treat me without fees when I was a leading Red official. I have participated in important policy conferences with both Dr. Aaron and Mr. Kallet, and I have firsthand knowledge of the real aims of the organization headed by them.

"The work of the Consumers Union contributed greatly to Communist progress in medical and scientific fields. *Membership and activities in the Consumers Union gave Communists a 'legitimate' excuse for their interest in all technological advances and the latest and most efficient manufacturing methods.* The work of the organization was self-supporting, avoiding the necessity of financial outlay by the Party. Communist scientists were able to recruit their friends into a well-concealed Red front and gradually bring them closer and closer to the Party itself. *The department headed by Scherer was greatly benefited by the new organization headed by Mr. Kallet.*" [Emphasis added.]

What Crouch is saying in short is that the Communists used Consumers Union as a cover for Soviet espionage!

Indeed, F.B.I. counterspy Herbert Philbrick further reports that Nathaniel Mills—the Colston Warne protégé who recruited him into the Party—was at one time ordered by the Party to infiltrate General Electric, as part of the Communist espionage strategy of "colonization."

C.U. AND THE COMMITTEE

In 1944, the House Committee on Un-American Activities cited Consumers Union as a Communist Front. In 1954, in its annual report, the Committee deleted the citation. And no one has ever been able to find out why. We are told only that the Committee met in executive session and so decided. Exactly what happened and what was said is a secret. Perhaps Richard Nixon, the enemy of secrecy, can find out. To delete Consumers Union from a list of subversive organizations was tantamount to deleting the Communist Party. Furthermore, the Committee on Un-American Activities was not the only government agency that called Consumers Union Communist. In the entry for Consumers Union in the *Guide To Subversive Organizations And Publications* from 1944 to 1954, we learn that Consumers Union has not only been cited as Communist by the Committee on Un-American Activities (which publishes the *Guide*), but also by the Special Subcommittee of the House Committee on Appropriations; by the California Committee on Un-American Activities; and by the Pennsylvania Commonwealth Counsel before the reviewing board of the Philadelphia County Board of Assistance; and, that it was even so denounced by the New York City Council Committee investigating the Municipal Civil Service Commission.

How did it happen that the Committee deleted not only its own citation, but all these others?

Not long after this, a gentleman named Paul J. Kern resigned from the board of Consumers Union. He had been a member for eighteen years. He is a thoroughly reliable witness on this score because he has also been a member of the Communist Front National Lawyers Guild; of the Communist Front Medical Bureau and North American Committee to Aid Spanish Democracy; of the Communist Front Consumers National Federation; of the Communist Front American Labor Party; of the Communist Front National Federation for Constitutional Liberties; and, of the Communist Front American League for Peace and Democracy—among many others.

In his letter of resignation, Kern said as follows: "To my mind no adequate statement has been made to the Board of the work to be performed by Mr. Reeves for $1,000 a month in Washington."

It would be nice to know. The Reeves he refers to is Albert L. Reeves Jr., of the Washington law firm of Cummings, Sellers, Reeves & Conner. In an explanatory letter dated March 30, 1954, Reeves wrote: ". . . Some months ago Consumers Union had applied to the Committee for the removal of the listings and had requested an opportunity to appear and be heard. The request was granted, and Mr. Arthur Kallet, Director of Consumers Union, appeared before the Committee as a witness, and the undersigned appeared as counsel. Mr. Kallet testified at length and introduced numerous exhibits. Each and all of the items listed in the 'Guide' were specifically covered by his testimony, and the history and record were reviewed in detail. The Committee's action followed."

So Arthur Kallet, a Communist espionage agent, testifies that Consumers Union is not Communist—and the *House Committee on Un-American Activities* buys it. Exactly which Committee members were present, heard the testimony, and made the decision—and what, if anything, helped them make it—we don't yet know.

If, after reading all of this, you take the trouble to write Consumers Union for an explanation, you will probably receive a letter expressing "regret that there are those in our country still resorting to smear tactics," and righteously claiming that C.U. has been "cleared." You will be told that C.U. board members "are chosen through open annual elections by our membership," which is true, except that only the board can *nominate* board members. And you will be told that "Consumers Union never had anything to do with the Communist Party" which is a lie.

You will not be told of the other government agencies that also cited Consumers Union as a Communist Front.

It is also important to record that, by means of a letter and many telephone calls, the editors of AMERICAN OPINION requested a meeting with Warne or with any other C.U. representative, to get its side of the story—and that Consumers Union turned us down.

SAME OLD LINE

To clear itself of charges of Communist control, an organization like Consumers Union must first admit that it *has been* Communist-controlled. But as we have seen, C.U. self-righteously doesn't do this. Another thing it must obviously do is remove the Communists who control it. So now let us see who controlled C.U. after it was "cleared." After it was "cleared," Communist Arthur Kallet was still its director. He was succeeded by Dexter Masters, who ran the secret Communist meeting that led to the Communist strike at Consumers' Research. Mildred Edie Brady was editorial director of C.U. She too had attended that Communist meeting, and had been forced out of the government for her Communist affiliations. Colston Warne was still its president. Jerome Hellerstein, of the Communist Front National Lawyers Guild, was still a member of the board. Helen Hall, of the Communist Front Consumers National Federation, was still its secretary. She was succeeded by Persia Campbell, also of the Consumers National Federation.

And there is Consumers Union's educational director, James Mendenhall. The late F.B.I. counterspy Elizabeth Bentley testified that Dr. James Mendenhall was one of the Communists who recruited her into the Party. Indeed, Dr. Benjamin Fine also testified that he knew Mendenhall was a Communist—which must be true because Fine has been education editor of the *New York Times*.

And, finally, if an organization frees itself from Communist control, it naturally shows a change not only in its personnel but in their activities. For instance, J. B. Matthews, vice president of Consumers' Research, and a Communist fellow-traveller, later did much valuable work to expose the Communists while on the staff of the House Committee on Un-American Activities. So in his own way has F. J. Schlink, president of Consumer's Research, who in the Twenties was a financial contributor to the Communist International Labor Defense, and a lecturer for the Marxist revolutionary League for Industrial Democracy.

So now let us take a look at what the Consumers Union leaders have been doing since they were so mysteriously "cleared." In 1961, for instance, Colston E. Warne was a member of the Methodist Federation for Social Action, previously cited as a Communist Front in the documents of the same House Committee on Un-American Activities that "cleared" C.U. In 1963 and 1964, he was a sponsor of the Highlander Research and Education Center. the new name for a Communist training camp called the Highlander Folk School, which in 1960 had been closed by the State of Tennessee. And in 1965, he was a sponsor of the National Teach-in on the Vietnam War, which the Senate Internal Security Subcommittee reviewed in a study entitled *The Anti-Vietnam Agitation And The Teach-In Movement: The Problem Of Communist Infiltration And Exploitation*

Then there are C.U.'s educational activities. In 1961, for instance, it gave money to radio station KPFK in Los Angeles, part of the Pacifica Foundation chain, to produce some documentaries on "consumer problems." Station KPFK was the appropriate choice, because among its broadcasting stars were such Communists as Dorothy Healey, Paul Robeson, Helen Sobell, and Rockwell Kent. Indeed, in *Advertising Age* of July 26, 1965, we learn that James Mendenhall, Consumers Union's educational director, who was identified under oath as a Communist, is developing a course to teach American high school students "how to shop." In what no doubt is just coincidence, the Department of Health, Education and Welfare recently gave Consumers Union some $250,000 of tax money to develop "consumer education" material.

And there is the perennial Communist campaign against advertising. In October of 1962, after C.U. was "cleared," Warne explained in the *Journal Of Marketing* that "insofar as advertising does succeed in destroying rational choice of goods by appealing to irrational motives, it is contributing to the time when we may find ourselves a have-not nation with respect to important resources; and advertising is also substituting tinsel for substance in our living standard. . . ." As usual, he criticized brand names, and he issued what he called a *"consumer* manifesto"—probably a slip of the typewriter—in which he explained that the airwaves and the countryside are owned by the consumer, and that advertising should be further regulated by legislation.

And in 1966, in *Challenge* (November-December), Warne again attacks name brands, and adds an attack on the envy of the rest of the world, our supermarkets: ". . . Our cities and towns have become encircled with vast structures, beckoning the buyer with neon signs and a bewildering display of competitive brands and sanitized packages."

Indeed, C.U. is apparently also against simple buying and selling. In *The Intelligent Buyer's Guide To Sellers* (Mount Vernon, New York, Consumers Union, 1965), Dexter Masters explains as follows: ". . . from the buyer-seller relationship the seller typically achieves something which . . . the buyer does not; the seller succeeds, the buyer fails; the seller is a success, the buyer is a failure; successes look down on failure, and nice guy finish last."

Consumers Union's concern for honest labelling is touching. Some years ago, Masters was a contestant on a television quiz show and won $500. And C.U. public relations man Hank Bloomgarden won $98,500. And C.U. dictionary consultant Charles Van Doren won $129,000. Man, you talk about private enterprise!

The show they were on was called "Twenty One." As you may remember, it was later exposed as a rigged fraud.

Then there was the Armstrong Cork Company, which sponsored some television shows exposing Communism. In October of 1961, *Consumer Reports* did a job on vinyl floor tiles, in which the Armstrong product "ranked so far behind the others that it was placed in a separate, lower category." There was the manufacturer of men's suits who rated men's suits for Consumers Union, and as chance would have it liked his own best. And in 1971, the Bose Corporation filed suit for $500,000 against Consumers Union, charging that A.L. Seligson, C.U.'s audio technician, who gave bad marks to the Bose 901 loudspeaker system, holds a patent on a potentially competitive product. The C.U. evaluation, says Bose, is "biased and fraudulent."

Indeed, Consumers' Research once received a $2,400 check mistakenly sent to it by the Ford Motor Company, and meant for Consumers Union. Consumers' Research is still wondering what the check was for.

GOVERNMENT CONTROLS

And finally there is the fact that Communism is One Hundred Percent Government. All Communists everywhere want total government control of everything. On July 23, 1937, for instance, in a speech at Wellesley, Professor Warne said as follows: "The economic system will be in perpetual ill balance under the present system. Future crises are inevitable unless some drastic economic reorganization is effected. We have much to learn from the economic planning of the Soviet Union. It is no longer valid to decry Communism and Socialism as undemocratic foreign growths. . . ."

In March of 1942, he said to the People's Lobby: "In America, it is becoming increasingly evident that the coordination of industrial enterprise must be undertaken through government control or operation." In the summer of 1945, at the end of the war, he told the People's Lobby that we should "retain and expand public ownership."

Congress, Colston Warne said elsewhere, should "make processors and distributors of farm products agencies of the government, with equipment and distribution facilities pooled. . . ."

And in 1957, according to *Time* (August 12, 1957), Warne "wanted Consumers Union to use its prestige with consumers to influence U.S. economic policy."

For instance, in 1962, President John Kennedy organized a Consumers Advisory Council, the twelve members of which included five C.U. agents, such as Colston Warne and Persia Campbell. In 1964, President Lyndon Johnson appointed a new Consumers Advisory Council, which included C.U. board member Helen Nelson and former board member Sidney Margolius. In 1966, it issued a report filled with the usual attacks on business and advertising—and recommending the creation of a Federal Department of Consumers in the Cabinet, which of course was exactly what the Communist Front Consumers Union had advocated in 1936, in the very first issue of *Consumer Reports*. Such a new federal department would have the power to pry into every corner of our private lives.

From the very beginning, Consumers Union has done everything possible to organize consumers into a "proletariat," and to lead it in a demand that the government take total power over everything—the name of which, in a word, once again, is Communism.

Which brings us, of course, to a gentleman named Ralph Nader, a member of Consumers Union's board since 1968. We first hear of Ralph when he defeats General Motors, after which "defeat" G.M. adds to its profits with a booming business in seat belts. Ralph is very worried about our safety. Indeed, word has it that the new safety requirements he advocates would add $755 to the price of the average car.

At one time, Ralph was a consulting editor for an underground publication called *Mayday*, now known as *Hard Times*, which describes itself as "ammunition in an arsenal of guerrilla journalism," and which is aided by the Radical Education Project of the Communist outfit known as Students for a Democratic Society. It publishes such worthies as Andrew Kopkind of S.D.S., Marxist revolutionary Ernest Mandel, and Robin Blackburn, who calls for "the violent overthrow of the Capitalist system."

Nader's Center for the Study of Responsive Law is financed by various foundations such as Field, which also finances the Southern Christian Leadership Conference, staffed for years by Communist Hunter Pitts O'Dell; the New World Foundation, which was founded to investigate "communication between the seen and unseen worlds" (don't ask me); and, the Stern Family Fund, which has contributed to the Marxist revolutionary League for Industrial Democracy—which published one of Nader's books: *Who Speaks For the Consumer?* Indeed, the League for Industrial Democracy—headed by Socialist Party Chairman Michael Harrington—gave Nader its annual award in 1970.

Nader's Center for Auto Safety is of course supported by Consumers Union.

Now, what does Ralph Nader want? Well, he wants corporate executives jailed if their companies don't behave as Nader thinks they should. He wants a government rating system for every consumer product. He wants a "federal charter" for all corporations, and an attack on pollution "with maximum use of known technology and down to zero profits." He wants companies to appoint someone "who is responsible for compliance with Federal regulations." He wants company trade secrets—which may cost millions—exposed. He wants The People to elect members to corporation boards of directors. He wants to put companies out of business if they don't entirely please him.

Indeed, his Clearinghouse for Professional Responsibility is using "whistle blowers," a Nader euphemism for spies, who report to him what is going on in industry—which raises the interesting question of where his good friend Jack Anderson got the so-called goods on I.T. & T.

And the only thing wrong with all this is that if Nader is successful, the result will be complete government control of everything—totalitarian dictatorship, which Nader claims to be against. *Only* a totalitarian government—run by the businessmen-bureaucrats he "opposes"—could supervise all the "reforms" he recommends. Indeed, if H.R. 10835 and S. 1177, currently in Congress, succeed in establishing the Consumer Protection Agency that Nader and Consumers Union back, totalitarian control is exactly what we will get.

It was the co-editor of *Hard Times* who explained what Nader really wants: ". . . Nader's fundamental task is not so much to protect the consumer, as it is to organize his own constituency, the legal profession, for assumption of power in a post-industrial society."

In other words, he is simply *using* consumers, and the many perfectly honest people in "consumerism," in order to win power for himself. He has even been seriously mentioned as a possible candidate for President.

There is another name for the system Consumers Union and board member Ralph Nader are demanding. The name is "Fascism." That's what Mussolini called it when he did *exactly the same thing* in Fascist Italy. And the only difference between Fascism and Communism is the symbol on their respective armbands. It was the Communists who brought Hitler to power on orders from Stalin in 1933, thinking they could "handle" him.

"Consumerism," as we have seen, is a fraud. There already are plenty of laws to deal with dishonest businessmen. They should be enforced. There is also nothing wrong with an honest magazine rating consumer products, but Consumers Union is using consumers for other purposes. Is it the Communist Front organization it was founded to be? Well, the California Committee on Un-American Activities said so. The Special Subcommittee of the House Committee on Appropriations said so. The Pennsylvania Commonwealth Counsel said so.

Maybe I'm wrong, but that's good enough for me.

[From The Herald of Freedom]

TREASON IS THE REASON—847 REASONS FOR INVESTIGATING THE STATE DEPARTMENT

(By Frank A. Capell)

Mrs. Esther Peterson is the Assistant Secretary of Labor in charge of Labor Standards. She was appointed by Pres. Kennedy and is a hold-over from the last administration. She is also a Presidential Assistant on Consumers Affairs. Some labor leaders, who are Mrs. Peterson's old friends, have been recommending her for a full Cabinet post.

Esther Eggertsen Peterson is the daughter of Lars Eggertsen and the former Annie Nielsen. She grew up at Provo, Utah, where she attended school and her father was Superintendent of Schools. She graduated from Brigham Young University in 1927 and received her M.A. from Columbia University in 1930. She married Oliver Arthur Peterson on May 28, 1932. Mrs. Peterson began teaching in 1927 at an Agricultural College in Cedar City, Utah. She then taught at the Boston YWCA in the Industrial Department. She worked for Sidney Hillman's (Hubert Humphrey's "great American") Amalgamated Clothing Workers of America as Educational Director and as Washington, D.C. Legislative Representative. She later became the Legislative Representative for the Industrial Union Department of the AFL–CIO.

Her husband, Oliver Arthur Peterson, was born in Crookston, Minn., June 14, 1903, the son of Ole Sigvart and the former Astrid Bjorge. He graduated from the University of North Dakota and did post-graduate work at Columbia University and Harvard University. He worked for the YMCA from 1927 to 1929 in Boston and from 1929 to 1933 in Brooklyn. He then became a paid employee of the American Labor Party, doing field work from 1934 to 1936. He worked for the WPA from 1936 to 1941, the OPA from 1941 to 1946, the Department of Agriculture from 1946 to 1947 and the Stimson Committee for the Marshall Plan from 1947 to 1948. He went with the State Department as Labor Attache at the American Embassy in Stockholm from 1948 to 1952. He was Attache at the American Embassy in Brussels from 1952 to 1957 and then became Labor Adviser for the Bureau of African Affairs, Department of State, in 1958. He is now retired on a pension from the State Department.

Mrs. Peterson was a member of the American Labor Party from 1939 through 1943 at a time when it was heavily infiltrated by communists. Intelligence Agencies of our Government were advised by confidential and reliable informants that both Esther and Oliver Peterson were reported as having been secret members of the Communist Party for a period of at least thirteen years during the 1930's and 1940's. They maintained a close personal relationship over a period of years with a long list of individuals known to be communists and either actually engaged in espionage work on behalf of the Soviet Union or cooperated with communist espionage agents. Among those whom they were friends of, met with socially, and attended secret meetings with were Mr. and Mrs. Henry H. Collins, Jr. who had an apartment located in the St. Matthew Court Apartments, Washington, D.C. and in whose apartment key individuals in the Washington, D.C. underground communist espionage apparatus met secretly. It was reported to security agencies that Henry Collins had given an extra key for this apartment to the Petersons so they could meet there with the underground members. It was also reported that federal agents have a record of at least fifteen meetings of one or both of the Petersons with Henry H. Collins, Jr. prior to 1942 and three additional ones after 1945. Collins was reported as having been critical of Mrs. Peterson for not holding strictly to the Communist Party Line. This was one in the presence of Mr. Collins, the former Susan B. Anthony III. The Petersons lived for a time in an apartment at 411 West 114th St., New York, N.Y. and were reported as having entertained Mr and Mrs. Collins at this apartment. Henry Collins owned a country place at White Pines, Lanham. Maryland, and the Petersons were reported as having visited the Collins' here as late as 1947. Collins was identified as a communist and espionage agent by Whittaker Chambers. He had worked for the NRA, the Agriculture Department, the Labor Department, the House Committee on Small Business, the Senate Sub-Committee on Technical Mobilization, the State Department Displaced Persons Program, and the Intergovernmental Committee on Refugees. He had been a Major in the U.S. Army. Collins took the Fifth Amendment in regard to his Communist Party affiliation.

The Petersons were reported as close friends, contacts, and fellow users of Collins' apartment with John Abt. He too was identified as a communist and espionage agent by Whittaker Chambers and also by Elizabeth Bentley. Abt was General Counsel for Sidney Hillman's Amalgamated Clothing Workers of America where Mrs. Peterson had worked. Abt was Attorney for the Agricultural Adjustment Administration, was Assistant General Counsel for the WPA where Oliver Peterson worked. Abt was Special Counsel for the Securities and Exchange Commission, Chief Counsel for the LaFollette Committee on which Alger Hiss worked and was a Special Assistant to the Attorney General of the United States in charge of antitrust case prosecutions.

The Petersons were reported as close friends and contacts of Charles Kramer (Krivitsky) and his wife, who also used the Collins' apartment. Kramer was identified by both Whittaker Chambers and Elizabeth Bentley as being a communist underground member and engaged in espionage for the Soviet Union. Kramer had been a Staff Member of Senator Kilgore's Committee doing investigation work. He was an employee of the Agricultural Adjustment Administration, the National Youth Administration, the LaFollette Senate Committee, the National Labor Relations Board, the Senate Committee on War Mobilization and the Senate Committee on Wartime Health and Education. When questioned before a Congressional Committee, he took the Fifth Amendment concerning his Communist Party membership and activities.

The Petersons were reported as being close friends and contacts of Mr. and Mrs. Victor Perlo who also used the Collins apartment. Perlo was identified by both Whittaker Chambers and Elizabeth Bentley in sworn testimony as being both a communist and an espionage agent for the Soviet Union. He took the Fifth Amendment regarding his Communist Party membership and activities. Perlo was employed by the Office of Price Administration as was Mr. Peterson. He also worked for the National Recovery Administration, the Home Owners Loan Corporation, the Commerce Department and the War Production Board where he dealt with military aircraft production. He now writes for the communist paper THE WORKER.

The Petersons were reported as being close friends and contacts of Mr. and Mrs. Lee Pressman who also used the Collins' apartment. Lee Pressman was identified by Whittaker Chambers as being a member of the communist underground apparatus in Washington, D.C. Pressman was Assistant General Counsel of the Agricultural Adjustment Administration where Abe Fortas and Adlai Stevenson worked. He was the General Counsel of the Works Progress Administration where Peterson worked. He was General Counsel for the Congress of Industrial Unions of which Mrs. Peterson's employer was an affiliate and Sidney Hillman was the key figure in both. Prssman admitted his Communist Party membership in a hearing before the HCUA.

The Petersons were good friends of Lydia Altschuler (Mrs. Eric Strong) who had affiliations with communist-fronts. She was active in the Consumers Union which was headed by Arthur Kallet, alias Edward Adams, who was a writer for the DAILY WORKER. She signed a letter, sent to Union delegates, which showed on the Advisory Committee such well known radicals as Ben Gold of the Furriers Union. Louis Weinstock of the Printers Union, and Jacob Potofsky who was one of Mrs. Peterson's superiors at the Amalgamated Clothing Workers Union and who has since become President of the Union, succeeding the late Sidney Hillman. Mrs. Peterson is now going about the country advising the American public to form Consumers Unions, similar to this old discredited communist-front.

Another good friend, associate, and contact of the Petersons was Harriet Bouslog (Mrs. Howard Sawyer) who was the Legislative Representative of the International Ladies Garment Workers Union, headed by David Dubinsky. Harriet Bouslog was identified as a Communist Party member in sworn testimony before the HCUA in 1951 and again in 1953.

The Petersons were close friends of Marie Josephine Reed (Mrs. Fred Haug) who had strong pro-Soviet sympathies and was mentioned many times in Congressional Hearings. She allowed her name to be used openly in support of the Communist Party.

The Collins were repaying the Petersons when they permitted the use of their apartment by the Petersons. After Henry Collins married Susan B. Anthony III in 1940 they used the Peterson's apartment at 411 West 114th St., New York, for a week. The Petersons were contacts of Henry Collins, communist and Soviet espionage agent, before his marriage and of both Mr. and Mrs. Collins afterwards.

Oliver Peterson was a radical left-winger from his early days. After he married Esther and they were located in Boston he was an instructor on the side for a Workers School located in the New International Hall, 42 Winona Street, Boston, Mass., in which lectures, meetings, and social affairs were also held. Peterson's father died and his mother remarried a man named Iver P. Wick who was a radical longshoreman. The Petersons often visited his mother and stepfather at 3008 Pershing Way, Long View, Washington, and at 2702 Louisiana Street, Long View, Washington. The stepfather was reportedly one of Harry Bridges' men and was known to subscribe to communist papers and publications.

Mrs. Peterson was a registered member of the American Labor Party and is reported as having paid dues to them for at least four years. She was active in the ALP when they sponsored Vito Marcantonio, a communist, for election to Congress. Her husband was a paid employee of the ALP for two years. Mrs. Peterson was well known in the N.Y. Teachers Union and was a dues-paying member. This Union had been barred from representing teachers in New York City for thirteen years because it was communist-controlled. Mrs. Peterson is remembered by a former official of the Teachers Union as a person who claimed to be a socialist but who was most cooperative with the communist leadership in the Union and their communist programs. She was a friend and associate of important communists in the Union who were busy indoctrinating the youth of our country into the Marxist philosophy in schools and colleges.

Mrs. Peterson also most actively assisted the communists in their drive to raise funds for the communists in Spain during the days of the Abraham Lincoln Brigade and the Spanish Revolution. The Petersons became interested in the "emerging African nations" while Oliver was the Labor Adviser of the Bureau of African Affairs. Mrs. Peterson became active in the Women's Africa Committee of 345 East 46th St., New York City. She became a member and one of their advisers. According to their literature, the Womens Africa Committee is a division of the African-American Institute and they provide a clearing house for American women's organizations with African interests. They act as a reference center, sponsor meetings of interested organizations to discuss mutual problems.

While Oliver Peterson was the Labor Attache at the U.S. Embassies in Sweden and Belgium from 1948 to 1957, Mrs. Peterson was visiting with and in close contact with Swedish and Belgian Union representatives. She was made Vice Chairman of the President's Committee on the Status of Women and was the official representative of the U.S. Department of Labor at the Pan-Pacific Conferences held at Manila, P.I., in 1963.

Mrs. Peterson is active in the National Consumers League and is now working on "Consumers Affairs." She and her assistant, Bel Rubenstein, have been corresponding with a number of people on the "High Cost of Dying." This subject was given much publicity through a book on the same subject by Jessica Milford (Decca Treuhaft) who has been identified as a communist. Forming of cooperatives, as with all enterprise, is recommended by the communists. Mrs. Peterson was also head of the Womens Bureau of the U.S. Government until recently when her place was taken by Mrs. Mary Keyserling who, under her maiden name of Mary Dublin, has a long history of affiliations with communist fronts.

Esther Peterson came into U.S. Government service as Assistant Secretary of Labor. In the normal course of events the Head of the Department is supplied with a security report which is the result of a full field investigation. In this case the Department Head was Arthur Goldberg who was Secretary of Labor at the time. In spite of all the known facts concerning Mrs. Peterson's background the Secretary of Labor found her acceptable.

GALA OCCASION IN BUFFALO AS JOHN WRIGHT MARKS 100TH

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. DULSKI. Mr. Speaker, today marks the 100th birthday of a well known and highly respected resident of my district, John W. Wright.

Born in Lynchburg, Va., he has been a resident of Buffalo, N.Y., for more than half a century. He was a natural craftsman who acquired the skill of a caster in brass and gained a high reputation for workmanship in his more than 40 years in the business.

He came to Buffalo from Detroit in 1916 and immediately obtained employment as a skilled caster for the Buffalo Brass and Copper Rolling Mill. This company, as well as the company where he worked in Detroit, are predecessors of the Anaconda American Brass Co., which continues to have a Buffalo division.

Most impressive to me were the letters which Mr. Wright received from top executives of Anaconda American, including President R. H. Van Horn, congratulating Mr. Wright on his birthday anniversary and highly complimenting him for his loyal service as a long-time employee.

Kenneth M. Kinsey, vice president-employee relations for Anaconda American, wrote that—

> I well remember Jack during the years between 1939, when I started with the company, and 1952, when he retired. I am sure he probably recalls my father also, who was labor supervisor back in the 1920's.
>
> Jack was a truly remarkable employee in every way and his achievements and contributions as a "master of casting" are still legendary. Please convey to him my heartiest best wishes on this occasion. May he go on to see many more birthdays.

SOME 400 AT CHURCH RECEPTION

Last evening at the Bethel A.M.E. Church in Buffalo, some 400 persons gathered for a communion-reception honoring Mr. Wright. The assistant minister, Rev. Thomas Moore, presided and was assisted by the church choir. Mr. Wright is a former church trustee and devoted much time over the years to church affairs.

Unfortunately, my congressional duties prevented me from attending the birthday reception. But I did arrange to have presented to Mr. Wright from me a U.S. flag which had been flown over the U.S. Capitol especially for him.

Further, as a result of my request, Mr. Wright received a letter from President Nixon which was read to the assembled gathering. He also received a letter from Governor Rockefeller. The key to the city of Buffalo was presented to him on behalf of Mayor Sedita by the mayor's confidential assistant, Judy Johnson. Present from the Erie County government was the county executive, the Honorable Edward V. Regan.

This afternoon, shortly after lunch, a busload of 25 kindergarten children from the Build Academy—located in old school 32 in the heart of Buffalo's poorer section—arrived at Mr. Wright's home. They presented him with a cake and then serenaded him with a rendition of happy birthday and all the verses of the Negro national anthem. It was truly an impressive and touching salute to the still-wiry centenarian.

While employed with the brass companies, Mr. Wright was a loyal member of the United Steelworkers of America—AFL–CIO. Local 593 sent him a gift on the occasion.

At the request of his daughter, Mrs. Edith B. Robinson, Anaconda American searched its employment records on the service of Mr. Wright. Here is the revealing report provided by K. H. Bald, employee relations manager for the Buffalo division of Anaconda American:

REPORT

> Since I did not join the Buffalo Division until 1966 I did not know your father personally. I have searched our meager records and the memories of some of his fellow workers and supervisors who are still working for us, and it has given me great pleasure to discover during my research what a remarkable and outstanding employee your father was.
>
> Checking into Mr. Wright's employment history was somewhat like checking into the history of our Company and the Brass Industry. "Jack", as he was known to his friends here, started to work as a Caster for the Buffalo Brass and Copper Rolling Mill on April 9, 1916, at the age of 44, approximately one year before this mill was bought by the American Brass Company and became the Buffalo Division.
>
> His association with our Company goes back further, however, because before coming to Buffalo he worked for the Detroit Brass and Copper Company, which became part of American Brass in 1927. We have no record about the length or dates of his employment at Detroit, but there is an affidavit from one of his foremen stating that he worked with John W Wright at the Detroit Brass and Copper Company before they both came to Buffalo.
>
> Judging from the fact that your father was employed here immediately as a Caster, a highly skilled and specialized occupation, I assume he worked as a Caster at Detroit also.
>
> In October 1919 he quit our employ to leave town, but returned in May 1921. From then until November 1949, when he was over

77 years old, he worked as a Caster, tending various types of casting furnaces, from primitive pit furnaces to electric furnaces.

Despite the fact that casting was one of the physically most demanding and hazardous occupations in those days, his record shows only one injury of significance, which is not only an unbelievable safety record, but illustrates much better than anything I can say his exceptional competence and carefulness.

Aside from his unmatched safety record he also had an outstanding work record and is remembered as one of the finest, most dependable and conscientious employees that ever worked here.

Jack retired on December 1, 1952 at the age of 80 years and 8 months and I am sure he would have stayed on longer had his eyes not been failing him. I enclose a picture of him which was taken in 1941 for his plant identification badge, and I am sure you will agree it would be very difficult to find another 69 year old gentleman looking as vital and young as he does in this snapshot.

I hope your father has enjoyed his years of retirement in good health and I pray the Lord will continue to bless him. It was most gratifying to hear from you that he has fond memories of his association with our Division, and I can assure you that the feeling is entirely mutual. He was one in a thousand and I am indebted to your letter to become aware of his existence.

WORK SAFETY

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. BURTON. Mr. Speaker, Congressman Steiger has presented some additional information as to problems involved in the enforcement of the Occupational Safety and Health Act. However, other available evidence now indicates that these problems of implementation are largely the unnecessary result of a gross misapplication of priorities in allocating the limited number of inspectors. In other words, the administration has, for reasons best known to itself, decided to conduct some inspections in areas that do not involve target industries nor other apparent significant safety or health problems. The net result of this decision is necessarily to deprive certain groups of workers of needed protection. More importantly, this Labor Department decision to allocate inspectors for low-priority work is in clear violation of the mandate—in the legislative history of this act—to preserve the maximum number of lives with the available inspection resources.

This is not the first time that the Labor Department has unilaterally deviated from the clear intent of Congress. In the 15 months which have passed since this act was passed, the facts show that the Department of Labor, acting for the Nixon administration in implementing that act, has compiled a record of arbitrary and ill-founded actions and decisions which even a charitable description would call antiworker, if not antihuman. For example, the Nixon record shows that the Department of Labor has engaged in arbitrary and unlawful delays in meeting the act's mandatory deadlines. No adequate reasons existed or were even offered. The complete labor record of the Nixon administration shows numerous other examples of open hostility to the letter and spirit of that law and to the interests of working men and women.

One of the problems which the Congress has been most aggrieved is the unnecessary secrecy of the Department of Labor. This deprives the Congress of the information as to the full extent of all of the actions which are being taken to undermine this law by the Department of Labor.

Fortunately, however, the actual record has been and is being compiled by others outside the administration. The best of this is being compiled by several members of the Washington press corps. Among these persons are: Stewart Udall and Jeff Stansbury, editors of Our Environment, and Frank Wallick, editor of the Washington Report, published weekly by the United Automobile Workers.

The Udall report covers a wide range of matters very capably. The UAW's Washington Report is a weekly publication primarily sent to local unions around the country; fortunately, however, one copy often finds its way to me. I am regularly impressed with its accuracy, scope, and basic sense of humanity. I also note that the March 17, 1972, issue of "Worker Power" contains an excellent article further documenting the outrageous misbehavior, intentional underfunding, and outright illegalities which have characterized the Nixon administration's refusal to enforce the Occupational Safety and Health Act.

In addition to these documents, the sorry record of the Nixon regime is being regularly compiled by the Oil, Chemical & Atomic Workers Union, whose Washington office is led by the very able Tony Mazzocchi. That office has regularly given both help and information to workers who were attempting to have the law enforced. The OCAW has also distinguished itself by its particular diligence in pursuing its legal rights in the courts and in testifying before the Congress. The OCAW has filed substantial challenges to the OSHA enforcement policies of the Department of Labor. The legal complaints in those cases along with some of the other materials referenced above, are included at this point in the Record for the benefit of my colleagues:

LIFE AND LIMB

(By Dr. Alice Watts)

The Occupational Health and Safety Law of 1970 supposedly guarantees every worker in America a safe and healthful workplace. The preamble to the law states that its purpose is "to assure so far as possible every working man and woman in the nation safe and healthful working conditions . . ." However, the law is sorely lacking in many respects, and is unlikely to come anywhere near accomplishing its lofty purpose.

The law is based on a series of standards which cover the conditions of the work environment. These standards are to be set by the Secretary of Labor. The secretary derives the standards from the recommendations of such semi-official bodies as the American Conference of Government Industrial Hygienists—a committee made up of government and business representatives, who decide by "consensus" the maximum amount of poisons to which workers can be exposed in the context of economic feasibility.

DEATH STANDARDS

The noise guidelines provide a good example of how such standards are set. Government officials wanted a standard of 85 decibels, the level above which all scientists agree some loss of hearing occurs among a moderate percentage (about 3-6 percent) of the exposed population. General Motors and other companies objected, saying that they could not meet this standard. So, a compromise of 90 decibels was reached.

The difference between 85 decibels and 90 decibels is an increase of about 7 times in noise intensity. Ninety decibels guarantees serious deafness to a large percentage (15-20 percent) of the workers exposed.

Another interesting aspect of noise is that all other industrial countries but the United States recognize that noise can cause heart disease, hormone imbalance, and other physiologic effects. American workers are somehow "immune" to these effects, according to the government.

The case of the asbestos standard is also illuminating. Asbestos is a substance encountered in almost every industry, since it is integral to the insulation of most industrial plants. It is also used in over 3,000 products made in this country.

For the past 70 years, scientists have known that inhalation of asbestos dust causes severe, even fatal scarring of the lungs (abestosis). More recently, it has been found that even small exposures to asbestos dust frequently result in cancer (in a large fraction of the people exposed), as long as 30 or 40 years after the exposure.

Because it is so hazardous, the Department of Labor declared that asbestos control was to be a prime target for the new Occupational Health and Safety Administration (OSHA). The first step in controlling asbestos hazard was the publication of an emergency standard on December 6.

A standard of 2 fibers per cubic centimeter was proposed by labor representatives in Washington. This level of dust has been shown in England to almost completely prevent the disease asbestosis.

The emergency standard accepted by the government was five fibers per cubic centimeter. The permanent standard becomes law three months after the emergency standard is announced. The government will probably adopt the lower 2-fiber standard in April.

However, both the higher and the lower standards were aimed only at prevention of asbestosis, not cancer. There is evidence that cancer has occurred in British workers who have been exposed to no more than two fibers per cubic centimeter throughout their working lives. If health were really the criterion, no (zero) asbestos exposure would be permissible.

Businessmen must be forced to design and use equipment which does not allow the release of any asbestos dust into the air which workers breathe. Some equipment which meets these rigorous criteria exists—and what is more, it is simple and cheap to use. It would be a technically simple task to design more of such equipment.

So far, there are very few standards for workplace hazards. There are over one million chemical substances in use in American workplaces, but there are only 450 substances to which a standard applies. Most of the existing standards are not intended to prevent chronic disease or illness which becomes evident many years after exposure; they are only "scientific" enough to prevent obvious expense (compensable) disease.

Even if the law were to set decent standards for health and safety, it would still remain a sham because enforcement is almost nonexistent. There are 4.1 million workplaces, and 55 million workers, but only 500 inspectors. There are only 14 industrial hygienists in the country.

Inspectors cannot take the air samples necessary for ascertaining whether a toxic substance in the air exceeds the concentration limit set in the law. This type of sample can only be taken by one of the 14 industrial hygienists.

Even if the 500 inspectors were empowered to give citations and to ensure enforcement of the law, it has been calculated that if they had no paperwork, and continuously visited plants, they would visit each plant only once every 23 years. With paper work, and the frequent court appearances required by the law, they will visit each plant once every 93½ years—with luck!

The lack of inspectors is a direct result of the lack of money devoted to this problem. As with all programs for public welfare, a small fraction of what is necessary is appropriated for it.

Labor representatives asked for $150 million for the Occupational Health and Safety program. The program is now functioning with a budget of $36 million. The result of this asperity is a hiring freeze on all personnel in the program—including inspectors.

The government has also insured that the overworked inspectors are not sympathetic to working people. It is official policy that inspectors are never workers or unionists. The government claims that only business management has the experience to ensure fair enforcement of the law.

With all these impediments to the enforcement of the law, it is amazing that there is any enforcement at all. This is exactly what industry and government officials seem to want.

As of November, 1971, there had been a total of 10,668 inspections in 9,817 workplaces which employ 1,851,688 workers. Only 23 percent of the establishments inspected were found to be in compliance—that means that 76 percent of the employers weren't furnishing even the minimal safety and health conditions that the law provides. (Moreover, the compliance officers admit they are unable to look for violations under each and every regulation of the act during their inspections.)

By November, 1971, the government had issued 7,450 citations for lack of compliance with the law. Of these, over 400 citations were being contested by business. Many companies are even contesting trivial fines of $20–$30, of which there are many.

"DUE PROCESS"

This apparently reflects a determined effort on the part of some business groups to tie up the enforcement apparatus of the law by contesting all citations, no matter how trivial. For businesses, lengthy litigation is an effective weapon against the law. They have control over tremendous economic resources, which allows them to engage in litigation, and the time—their lives aren't at stake.

The government goes along with industry's wish to continue to exercise its perogatives without interference from any outsiders. In a behind-closed-doors session for the National Association of Manufacturers, the government stressed its concern for "due process"—for business enterprises. The businesses will be protected by endless chances for litigation, lasting on the average three to five years.

The "imminent danger" clause of the law furnishes an example of the government's willingness to weaken the law. This clause was the strongest section of the original version of the law which was proposed in the House of Representatives.

This version allowed compliance officers to close down an industrial operation in which a danger existed which could be expected to cause death or serious injury to workers in the area—including "danger from substances or conditions which would cause irreversible harm even though the resulting physical disability might not manifest itself at once."

The present law requires, even in cases of emergency (imminent danger), that the compliance officer must go to federal court to stop the process causing danger. Because of this requirement, the clause has become meaningless. You can't save lives from an explosion by discussing it in court.

So far the imminent danger clause has only been applied once! In fact, even when 22 workers were blown up in the Port Huron Tunnel in Michigan on December 13, it took the government eleven days, until December 23, to post the notice of imminent danger at the tunnel site.

The imminent danger clause has been weakened further by the interpretation given it by the Department of Labor. What is an "imminent danger?" This question was raised by the Oil, Chemical and Atomic Workers (OCAW) in a test case on the clause.

OCAW asked if an obviously hazardous condition which will cause irreversible damage or illness to workers was an imminent danger. The union claimed that pools of mercury on the floor of the Allied Chemical Factory in Moundsville, West Virginia, represented an imminent danger—that is, a situation in which gradual toxic buildup (of mercury) occurred in the workers in the plant.

The union showed through its own investigation that at least twenty-five workers in the cell area of the plant had symptoms (tingling in the extremities, tremors, irritability, drowsiness, loss of memory and sore gums), and/or chemical evidence of mercury poisoning.

The Labor Department, however, stated that imminent danger only applied when there was a ". . . risk of sudden great physical harm . . . like a boiler explosion . . ." The Labor Department refused to consider that gradual illness, even from what is generally recognized as an obvious and serious hazard, was an "imminent danger."

(The company, whose annual profits are around $40 million, was fined $1,000 for a "serious hazard" and told to abate the hazard by June 2, two days after the citation was issued. A repeat inspection on June 18, however, still showed excessive mercury exposure in the plant.)

This clause which could have been an important defense against dangerous working conditions has thus been weakened so much by the government that it is irrelevant.

In other serious areas, the law is equally weak. Under the definitions of the law, willful negligence resulting in the death of a worker (read: murder), is subject to only a $10,000 fine and/or a year's imprisonment. In fact, those fines that have been imposed have been much less than $10,000 in most cases.

A $600 fine was imposed for a death which occurred in the U.S. Steel plant in Denver. A worker fell into an open hearth furnace because of an absent guard rail. A similar accident occurred last year in the same plant. Life is cheap—for giants like U.S. Steel.

BASIS FOR STRUGGLE

Even though the law cannot be relied upon by workers to prevent hazardous working conditions it can be used as a basis for struggle over working conditions. It purports to offer workers some new rights—which can be made real if they are fought for.

Since the law guarantees a safe and healthful workplace to all working people, it is now even more legitimate than before for workers to demand working conditions which will fullfil that guarantee. Any refusal by management to obey the law and to grant improved working conditions can be made a focus of local union and rank and file publicity and activity.

The law can also be used to win concrete improvements in working conditions, since most unpleasant working conditions are also in some way hazardous to health or safety. (Although the law covers nowhere near all the possible hazards found in industry.) Issues concerning working conditions and job safety and health can be powerful organizing tools for rank and file workers.

Also, use of the law's provisions can offer some protection to militants. There is a clause of the law which prohibits employers from discharging or otherwise discriminating against employees who are exercising their rights under the law. Alleged acts of discrimination against employees are entitled to rapid investigation by the Department of Labor. (Although this clause has not yet been tested, so its interpretation is not yet established.)

The actual process of filing a complaint is fairly simple. The Occupational Health and Safety Administration (OSHA) of the Department of Labor must be notified in writing of a "violation of a standard which threatens physical harm." (There are forms put out by OSHA for this purpose.) In the case of an "imminent danger" telephone notification of the hazard is acceptable.

However, the subsequent course of a complaint may involve long legal battles. Workers must be able to defend their own case, through lawyers, their own scientists and doctors, union representatives and/or by themselves.

If there is an inspection, either as the result of a complaint or initiated by the SHA, workers in the plant and their representatives have the right to accompany the compliance officer at no loss of pay, and to point out areas of possible violation.

A technically skilled representative of the workers may also accompany the inspector and point out the hazards and their implications for health and safety. Workers have a right to copies of any inspection reports or complaints concerning their workplace.

The law gives workers a number of additional rights: the right to have dangerous substances identified; the right to have records made and kept of his or her exposure to all dangerous substances; and the right of access to these records and any other company records concerning health or injuries on the job.

It is obvious that reliance on the law will not provide a safe and healthful workplace. Additional and alternative means will be needed to insure that goal. For one thing, collective bargaining agreements can be used to win protection from hazards.

An unusual contract of United Steel Workers Local 2698 with Wheeling Pittsburg Steel Corporation allowed workers to walk off the job and receive unemployment compensation. The contract allowed workers who believed conditions to be "unsafe or unhealthy beyond the normal hazard inherent in the operation" to either file a grievance or be relieved from the job without loss of pay. Workers who were relieved were to be reassigned to other jobs. The strike occurred when 63 workers were laid off instead of being reassigned.

Contracts can incorporate specific health and safety standards, either existing government standards, or more stringent levels. Contracts can provide for the right to have a plant safety committee with the power to monitor plant conditions; to take their own air samples and measurements; and if necessary to shut down plant operations which violate contract standards. Contracts can allow union members to bring in their own consultants to determine the safety of the plant.

So far, an important management weapon has been their ability to keep workers totally ignorant about the hazards of the processes with which they are involved. Workers in most factories do not even know the names of the substances they are handling, much less the possible health effects. Neither the federal law nor contract provisions can be utilized effectively by workers who do not recognize the hazards around them.

One model program for the education of workers is being developed in New Jersey. A group of scientists and doctors called the Scientists Committee for Occupational Health has been teaching shop stewards and safety committee members from chemical factories, oil refineries, cosmetic and pharmaceutical plants about the hazards in their shops.

Forty-five workers, members of District 8 of Oil, Chemical and Atomic Workers, attended a 12-week course covering the chemical and physical hazards of their industries and the means of measuring and preventing these hazards. The workers are now attempting to bring instruments into their workplaces to monitor hazards.

The Scientists Committee is planning a similar course in March for metal workers in the UAW, USW, and other unions.

While workers can still use what few rights the law grants, there should be no illusions that the law itself will win any broad or lasting improvements in their working conditions. The Occupational Health and Safety Law does more to protect the "health and safety" of business profits than that of the working people who produce the goods of the country.

Workers' Health—A Dream Deferred

(By Stewart Udall and Jeff Stansbury)

Secretary of Labor James Hodgson chose bold words last December to mark the signing of the landmark Occupational Safety and Health Act. "From this day forward," he declared, "We plan to launch the administration of this act with all the vigor and momentum we can generate."

Now, four months later, Hodgson's speech has an equivocal ring. Both his Department of Labor (DOL) and the Department of Health, Education and Welfare (HEW) have moved with glacial slowness to enforce the new act, which covers 57 million workers. While these bureaucracies dawdle, the unions hear the metronome beat of tragedy: 50 American workers killed on the job each working day; 1,300 newly victimized by industrial disease; 95,000 seriously injured.

The industrial workplace remains, as it has always been, our most lethal and most neglected environment. Unlike the Taft-Hartley Act—weak legislation wisely enforced—the job safety law prescribes strong medicine that is being timidly administered. It has, says the United Automobile Workers' Frank Wallick, "fallen into the hands of weak and conniving administrators."

The unions' sense of betrayal stems from a whole series of delaying and obfuscating tactics on the part of DOL and HEW:

Until Hodgson issues the new health and safety standards that are the core of the act, industry must observe a set of "interim" standards lifted from existing law and voluntary agreements. These interim standards were to have been published on April 28. Now they will not be released until mid-May, *with enforcement delayed for another three to nine months*. Yet DOL has had since the first of the year to get these well-known standards into the hands of industry—and enforce them.

Congress intended to bar nearly all advance warnings of workplace inspections by Hodgson's compliance officers. New DOL regulations, however, permit such warnings to companies on a number of loosely defined grounds.

Though it needs thousands of compliance officers to enforce the act, DOL has recruited and trained less than 200. Only a handful have come from the ranks of workers most familiar with industrial hazards—and some excellent union nominees have been turned down.

No justification for the new act weighs more heavily than the abominable record of most states in protecting their workers' health. Yet, with great haste, DOL has shifted the enforcement burden back to the states, offering them juicy planning grants as bait. Hodgson has urged the 50 governors to avoid preemption by the new federal machinery and has asked them to file "letters of intent" to strengthen state safety codes. At least 33 governors or state agencies have done so. This federal-state ballet is a fraud—for no governor can dictate how his legislature will act on job safety. Many legislatures will not even meet until 1973. In this light, it is tragic that over half of DOL's meager budget has been turned over to the states.

In order to consult with the Agriculture Department, DOL has temporarily excluded millions of farmworkers from most protections under the act. They must continue to use pesticides, for instance, at their own risk.

—For decades the issue of workers' *health* was ignored while unions and state officials concentrated on the lesser crisis of on-the-job *injury*. Not until the Congress held hearings on the new act did it become clear that millions more men and women lose their lives to industrial disease than to workplace accidents. Nonetheless, Hodgson has given top priority only to reducing accidents and has postponed initial steps against most chronic health hazards until at least 1972. He calls this a "worst first" policy. In truth, it is a "worst last" policy.

—HEW Secretary Elliot Richardson has failed to name a director or choose an organizational slot for the National Institute for Occupational Safety and Health. Under the new act, the institute will set industrial health criteria, identify toxic substances, study the work environments of whole industries and train occupational health experts. The need for such work is acute. Less than 500 of the thousands of industrial chemicals now in use have safe exposure ratings. There is a national shortage of some 35,000 industrial health specialists. Each day that HEW marks time prolongs the threats to workers' lives.

The government's lackadaisical response to the plight of blue-collar workers is drawing close scrutiny by unions and some environmentalists. Increasingly vigilant to further betrayals, most unions have beefed up their occupational health programs. Rubber workers, for instance, have won the help of a leading school of public health in studying their cancerous job environment. The industrial unions of the AFL–CIO have just opened a new industrial health and safety department.

"Saving workers' lives should be a major concern of everyone," says rubber workers president Peter Bommarito. "This Administration had better wake up."

A Case of Imminent Danger

(By Stewart Udall and Jeff Stansbury)

There are many ways to earn a living. Among the most spectacular is breathing mercury vapors and chlorine gas for Allied Chemical Corp.

Since March we have closely followed a series of disturbing events at Allied's chlorine plant in Moundsville, W. Va. Two workers there have become seriously ill, one from a disabling bout with chlorine gas, the other from what appears to be chronic mercury poisoning. At least 25 other workers show signs of excessive mercury exposure.

This is a story of imminent danger—and more than that, of a danger which has been denied by Allied, ignored by West Virginia health officials and handled with gross ineptitude by the U.S. Labor Department.

The early symptoms of mercury poisoning are irritability, loss of concentration, dowsiness. How unfair that these symptoms should afflict not only the men at Moundsville but their corporate managers far away in New York and the government officials sworn to protect them in Washington, D.C.!

"You've given us awful short notice," one Labor Department official complained in response to a request for an "imminent danger" inspection of the Moundsville plant. Through their union, however, the chlorine workers had been trying—and failed—to get the department's attention for six years.

George Guenther, chief enforcer of the new Occupational Safety and Health law, received the inspection request in stiff discomfort. He wished, he said, that it had been about a boiler explosion. Under Guenther, Labor Department agents are going after boiler eruptions hammer and tongs while they boggle at those more insidious, chemically induced explosions of cell tissue in the working man's liver, pancreas, kidneys, brains.

As early as 1965 the men in Allied's mercury cell room knew something was wrong. Preventive maintenance in the 11-year-old plant was slipping. The workers could smell chlorine—which meant the concentration of the gas in the air was at least three times higher than the national safety limit. Mercury vapor was leaking from gaskets. Liquid mercury was dripping to the floor and vaporizing at room temperatures.

One by one, the men began showing those subtle signs of chronic mercury poisoning that only a specialist can distinguish from everyday mental distress: a bad temper, shyness, fatigue, depression. In more advanced stages mercury poisoning causes tremors, brain damage and death. Robert L. Fisher, a mercury cell worker now hospitalized, has the tremors.

Allied cooled the workers' fears in the late 1960s by insisting that the plant was clean and that metallic mercury was safe. It gave the men more medical tests. The results of the tests were not disclosed.

"We were at the mercy of the company," recalls Thomas Riggle, president of the Moundsville local of the Oil, Chemical and Atomic Workers (OCAW). "The state agencies and the U.S. Labor Department just weren't interested, and the company told us again and again we had nothing to worry about."

Incredibly, during this period, Allied boasted about its policy of removing men from the cell when the mercury levels in their urine soared above the safety threshold, then sending them back in when they "recovered." This was billed as a health precaution, but if the plant was clean why did the urine samples show so much mercury? Sending the men back into the cell room (one worker went through this yo-yo routine 20 times) made sense only if one disregarded the *cumulative* buildup of mercury in many organs of the body. Allied's policy may prove to be homicidal.

The nationwide mercury scandals of 1970 provoked Riggle into determined action. Charging that Allied had taken more pains to keep mercury out of the Ohio River than out of its employees, he sought help from West Virginia's governor and two U.S. senators, Allied's top management, Labor Secretary George Shultz and the Washington, D.C., office of the OCAW.

Only the OCAW responded effectively. Despite stalling tactics by West Virginia's Bureau of Industrial Hygiene, it managed to get a government health team into the Moundsville plant and secure a copy of its report. The evidence was devastating. Nearly all the mercury cell workers had urine levels far above the safety threshold. Airborne concentrations of mercury were also extraordinarily high.

On May 14, OCAW legislative director Anthony Mazzocchi called for an "imminent danger" investigation—the first to be sought under the new occupational health law. Mazzocchi told Labor Department officials that Allied had not cleaned up its mercury cell operation, that it had actually increased the workers' exposure to mercury, that their lives were at stake and that every hour counted.

Thus challenged, the Labor Department displayed the lethargic symptoms noted above. It took two weeks to inspect the plant, grow alarmed over conditions there and order Allied to remove the mercury hazards that were "causing or likely to cause death or serious harm to employees." All this could have been done in half the time.

During his surprise visit to the plant on May 19–20, the federal inspector found pools of mercury on the floor and learned that Fisher had been hospitalized. In one area of the plant the chlorine fumes were so thick the inspector had to wear a gas mask. But he failed to convey the full import of the mercury disaster to his dawdling overseers in Washington, and he did not report the lethal chlorine fumes at all. To this day, Guenther denies there is an "imminent danger" at Moundsville. He and his aides do not comprehend the urgency of the chronic health hazards in U.S. industry. Boiler explosions they can fathom.

Shortly before receiving his cleanup orders, T. H. Capps, manager of the Moundsville plant, issued a reassuring memo to all his workers. It began: "Allied Chemical Corp. employees who work in mercury cell plants manufacturing chlorine gas are protected from the hazards of mercury. . ."

The Politics of Occupational Health

(By Stewart Udall and Jeff Stansbury)

Ten months ago Congress passed the landmark Occupational Safety and Health Act (OSHA), which rivaled the Clean Air Act as the boldest environmental legislation of 1970. Both laws sought to reverse the buildup of pollution in their respective environments—the work place and the atmosphere. But both laws have been weakly enforced by the Nixon Administration.

"It is now clear that many of our hopes and expectations are being frustrated," says Sen. Harrison A. Williams Jr., (D-N.J.) who coauthored OSHA with Rep. Dominick V. Daniels (D-N.J.). "The Administration has adopted the penny-pinching attitude that health and safety for workers is something this nation can barely afford."

Yet the cost of not caring for workers is immense. On an average day, 50 Americans are killed on the job, 1,300 contact an industrial disease and 95,000 are seriously injured. Vietnam never took such a toll of U.S. manpower.

The Administration's default on job safety and health is being consummated through new Department of Labor regulations which dump enforcement of OSHA into the unsteady hands of the states. Although state governors have no authority to guarantee that their legislatures will vote adequate job health laws and funds, or that their labor departments will set tough job health standards, they are being handed OSHA on a silver platter. States do not even have to submit enforcement plans to get jurisdiction and federal job safety funds.

Angry union leaders may take the Department of Labor (DOL) to court over this issue. It is not that they have a knee-jerk bias against the states—but they know from bitter experience that OSHA grew out of the states' utter failure to protect most workers' lives in recent decades.

In passing the buck back to the governors, moreover, the DOL has refused to demand a quid pro quo. Unequivocally, OSHA declares that state health standards, enforcement procedures and work place inspections must be "at least as effective" as those required of the federal government. Yet on each of these counts, DOL officials are letting the states get away with much weaker enforcement.

OSHA, for example, authorizes labor representatives to take part in all "walk arounds" of plants by DOL inspectors. No such workers' right is being required of the states.

OSHA also says that workers may ask DOL to set health standards for new chemicals and that labor representatives may be asked to help draw them up. No such workers' rights are being demanded of the states.

Clearly, then, DOL's abdication is not a high-minded gesture toward local government but a bid to ease up on industry. Says United Steelworkers official John Sheehan: "Contrary to the clear legislative intent of OSHA, a political decision has been made for management and against the workers."

And DOL's resourcefulness in thwarting OSHA doesn't stop there.

Since most advance warnings of work place inspections would undermine enforcement of the act, OSHA forbids them unless clearly warranted. Yet the DOL has given its regional officers broad leeway to tip off companies whenever this would "enhance" an inspection.

The new National Institute for Occupational Safety and Health in the Department of Health, Education and Welfare is setting exposure tolerances for less than 20 toxic agents in its first year—though fully 10,000 such substances already saturate U.S. work places. And while chronic exposure to chemicals foreshortens thousands of workers' lives, the DOL has yet to ask the institute to speed up its snail's-pace drafting of work place health criteria, monitoring standards and medical testing procedures.

The DOL plans to enforce OSHA during the next year with only 550 inspectors—one for every 7,200 work places. Less than 10 of these inspectors come from the ranks of labor. Indeed, from Asst. Secretary George Guenther and his deputy, Chain Robbins, on down, DOL's occupational health staff is dominated by former industry officials whose whole future lies with management. It's a strange way to run a Labor Department.

"The department's occupational health and safety people figure they owe industry a break," says George Taylor, executive secretary of the AFL–CIO's safety committee. "If things go on as they are, workers will lose everything through enforcement that they thought they won last year through legislation."

Job Environment Notes: The Nixon Administration persists in calling OSHA the "Williams-Steiger Act," though the credit should go to New Jersey's Sen. Williams and Rep. Daniels. While Rep. Bill Steiger, a Wisconsin Republican, is a White House favorite, the record shows he consistently worked to weaken the legislation. Daniels, however, sponsored and fought hard for a strong act.

A midsummer poll of Michigan steel and auto workers by the W. E. Upjohn Institute has produced eye-opening results. When asked to rank their most urgent on-the-job concerns, these blue-collar employees put work safety and health at the top of the list, followed by workmen's compensation, career advancement, nondiscrimination and adequate income, in that order. Similar priorities were revealed by a DOL national survey of workers in late 1969.

This is Management's Responsibility

(By Stewart Udall and Jeff Stansbury)

PAULSBORO, N.J.—Within the fume-ridden reaches of a Mobil Oil refinery here, a struggle is being waged with profound consequences for the health of a thousand or more Mobil workers, the future of organized labor and the usefulness of the landmark 1970 Occupational Safety and Health Act.

The struggle pits the men of an Oil, Chemical and Atomic Workers (OCAW) local against the managers of this sprawling old refinery. Ironically, it also pits the union against the Department of Labor (DOL), which should be enforcing the job health act vigorously but isn't.

Two months ago, the 922-man OCAW affiliate at Paulsboro asked the Labor Department to launch a "imminent hazard" investigation of the refinery. The investigation began Oct. 15 and has continued, on and off, since then. Among the hazards the union wanted probed were its workers' exposure to asbestos, clay dust, caustics, aromatics and a witch's medly of acid, phenol and welding fumes.

What concerned the OCAW above all was the history of heart attacks, lung disorders, blackouts, early retirements and sick leaves which had emerged from three unusually "dirty" work areas. One was the ammonia compressor room where petroleum is dewaxed, often with a leakage of ammonia fumes. Another was the acid refining area where ammonia vapors and sulfuric acid fumes have made men dizzy and breathless. The third is the filter plant where oil is forced through fine clay; the clay is cleaned and burned amid clouds of dust and naptha.

"We could never get this company to clean up anything," says local OCAW President Richard Meyer. "Men have been working longer hours in dirty areas because Mobil has cut the workforce since the late 1950s and tried to boost production on overtime. Nearly half the men in our maintenance crews have doctor's restrictions. Some are dying in their 40s and 50s of heart attacks. And the company won't sit down with our health and safety committee to talk the situation over."

Denying that the plant has an extraordinary health problem, Mobil-Paulsboro's employee relations manager, Joseph Mouton, says: "We have a very fine medical staff here, dedicated to safety. Workers are given ample communication channels, so they don't need any health committee. We feel this health issue is management's responsibility."

Frank Leone, one of two local OCAW officials accompanying the federal inspectors on their "walkarounds," is deeply concerned about the predicament of the men who work in the ammonia compressor room. "When the inspectors were there," he says, "the company cut down its production to hold back the fumes. Later it worked the compressors so hard the ammonia nearly floored my supervisor. Four men used to work in there on separate shifts. Right now one of them is off sick with heart trouble, another has just come back after a year's sick leave, another may be on leave until he retires and the fourth recently had a blackout and didn't even know who carried him home."

During the first two visits by the DOL inspectors, Mobil and the union warily cooperated in the most wide-ranging recon mission ever held under the 1970 job health act. Steve Wodka, a work environmental specialist from the OCAW's Washington, D.C., headquarters, joined the walkarounds. Genuine progress seemed imminent.

Then, in a quick sequence, the facade of amity crumbled. The plant manager telephoned Wodka and said the company wanted him barred from the walkarounds. When Wodka showed up on Nov. 8, the inspectors refused to let him accompany them through the plant.

Meanwhile, 19 craftsmen had gone to New York City for examinations by Dr. Irving J. Selikoff at Mount Sinai school of medicine. Though they have work histories of exposure to asbestos and other hazards, and though Dr. Selikoff reports X-ray changes in their lungs, Mobil-Paulsboro refuses to send him their company medical records. The union views this as a direct violation of medical ethics.

Finally, in a blow aimed at the vitals of the 1970 act, Mobil-Paulsboro has announced it will not pay wages to the two local OCAW representatives for the time they spend accompanying the inspectors and management officials on walkarounds. "They're not doing regular work," Mouton states. "Customarily workers do not get paid when they are not doing regular work."

Pointing out that many union stewards earn company wages (though not in the oil business), OCAW officials see Mobil's wage policy as an attempt to quell useful inspections throughout the industry. Consequently the union has lodged a strong protest with the Department of Labor. Says Meyer: "This is a very big case. Most workers in this country are unorganized or in very small unions that don't have the money to make up for lost wages. If workers can't afford to take part in walkarounds, health inspections will become an industry-governed charade. They'll be absolutely worthless."

There is ample evidence to back up Meyer's forecast. Recruited from the ranks of industry, the DOL inspectors at Mobil-Paulsboro have bent over backward not to offend the company. They have given Mobil advance notice of their tours into hazardous areas of the plant. While this in itself is no legal impropriety, the inspectors have blinked at several cases in which the forewarnings led Mobil to shut down or slow down dangerous operations—thereby preventing a fair measurement of the hazards. Regional DOL officials in New York refused to comment on these tactics, stating that "all the details have not been finalized yet."

Some labor experts think Mobil has pulled a prize boo-boo. Good organizing issues are scarce these days, and the company couldn't have handed workers a jucier one: *Join a union or you'll never be able to afford a decent health investigation.* "Looking at the long-range impact on labor and management," says the Industrial Union Department's work health director, Sheldon Samuels, "Mobil has taken a step of gross stupidity."

And so it appears to us. But no one in labor or the environmental community has lost sight of the main stake in this contest—the health of 922 union workers and many non-union employees at Mobil's big, aging Paulsboro refinery.

EARLY DEATHS FROM ASBESTOS

(By Stewart Udall and Jeff Stansbury)

TYLER, TEX.—Factories are the places where America does its dirty work. Men sicken by the millions there and die by the thousands each year, victims of accidents, chemicals and negligence. News of their fate reaches us, if at all, as from a great distance, and we may think it has nothing to do with our own lives.

This fiction will not trick anyone who knows the habits of big industrial entities like the Pittsburgh-Corning Corp. In a village near Tyler, Texas, PCC runs an 18-year-old asbestos insulation factory that has doomed many of its workers to an early death. Workers, however, are not its only casualties. Nearby residents and even people hundreds of miles away have been exposed to toxic fibers from the plant's insulation material, "amosite" asbestos.

Asbestos is a well-documented health hazard. Still, it may shock stripminers, construction hardhats, printers, insulators and others among the 5 million Americans who work near asbestos to learn that a few whiffs of the stuff can cause a rare cancer, mesothelioma. Repeated exposure makes mesothelioma much more likely, induces other forms of cancer and causes an often fatal scarring of the lungs known as asbestosis.

Three months ago Dr. Irving J. Selikoff of New York's Mt. Sinai School of Medicine completed a study of 230 men who had worked at a similar Paterson, N.J. amosite asbestos plant during the early 1940s. If these men had led average lives, fewer than 50 of them would have died by July, 1971. Instead 105 died, there were five times the expected deaths from cancer and five of the cancers were the rare, telltale mesotheliomas.

Three times, in 1967, 1970 and again last October, federal health inspectors warned Pittsburgh-Corning that it was subjecting its Tyler employees to very dangerous levels of asbestos dust. Nothing changed after the first two warnings and the investigators are outraged by what they found on their last visit.

Their report is studded with indictments: "Grossly inadequate ventilation . . . piles of (asbestos) dust around the machines . . . no medical facilities or first-aid room . . . Air samples yielded grossly excessive fiber concentrations. . . . Even without benefit of X rays, 7 of 18 workers with 10 or more years' employment at the Tyler plant meet at least 3 of 4 criteria for asbestosis."

The federal team did not see any of the workers' existing X rays for a very simple reason: The company doctor refused to release them. He also kept the wraps on indispensable lung tests and medical interviews. Other company executives were just as brazen. In August they asked the Labor Department for an exemption from the national asbestos exposure standard, arguing with great exaggeration that they had improved the ventilation system, briefed employees on asbestos hazards and handed out respirators.

This request is now moot. On appeal from the Oil, Chemical & Atomic Workers (OCAW) and the AFL-CIO, the Labor Department has issued an emergency standard for absestos exposure which is twice as rigorous as the old one. This mild act of defiance from a former ally stunned PCC into scheduling a Jan. 31 shutdown of its Tyler plant. Having made its money by exposing hundreds of workers to lethal concentrations of asbestos, Pittsburgh-Corning would now rather skulk away than invest in clean equipment.

It will leave behind a group of bitter men who never knew the risks they were taking. "We hoped to close the Tyler plant in November," says Tom Anania, chief of industrial hygiene for the National Institute of Occupational Safety and Health. "Some workers said it was too close to Christmas. 'How many more Christmases do you want to see?' we asked them. They couldn't get used to the idea that their lives were at stake. The company had misled them."

Left to their own resources, the Tyler men must now look for new work while many carry within them the tiny white time bombs of premature death. Their union, the OCAW, will fight to secure medical help and compensation for them. The Labor Department, still siting on the health inspectors' report, must be asked why it has done nothing to protect the Tyler employees during the five years it has known of this predicament.

And the rest of us? We had better look to our own health—for the men at Tyler may prove to be our canaries. Just outside their plant, the company has repeatedly dumped asbestos scraps on two open, windblown fields; the fibers are wafted far and wide.

The company has also made its men a threat to their own neighborhoods and families. At Tyler there are no laundry and shower facilities which would enable the men to scrub down at the end of each day and put on clean clothes. Instead they have carried asbestos dust homeward, marking some of their wives and children for disease. Medical studies undertaken in London and Pennsylvania clearly show that mesothelioma afflicts people who live with asbestos workers or near asbestos factories.

Finally, and incredibly, Pittsburgh-Corning has managed to broadcast its asbestos fibers into the wider U.S. environment. It buys some of its asbestos in burlap bags, empties them and sells them to Tyler's famous rose-garden nurseries. The nurseries wrap the burlap around their rose bushes before shipping them to retailers who, in turn, pass the asbestos-laden plants on to their customers.

All of which brings home a point. The men and women who work in the disease-prone environments of some factories suffer the worst of industry's exploitation. But sooner or later all of us are exposed to it, too.

STATEMENT OF ANTHONY MAZZOCCHI

When the Occupational Safety and Health Act (OSHA) was passed and signed into law in December, 1970, it was hailed, by the President on down, as one of the most important pieces of social welfare legislation ever to benefit the American working man and woman. President Nixon was, for once, quite accurate. For the first time a Federal law guaranteed that no matter what one's work experience, no worker would suffer diminished health, functional capacity or life expectancy as the result of his life's work.

If one reads on, he discovers that an intricate system of Federal regulations of the workplace environment has been established. And if one looks even closer, the reader finds that the Act is peppered with clauses that guarantee the public's access to the information held by the Federal agenices responsible for enforcement. The reader might even come to the conclusion that the Freedom of Information Act is not even needed in dealing with the various agencies under OSHA.

But like most pieces of progressive legislation, the administration of such law is another story. The enforcement of OSHA in its first months of operation has been nothing but a sham. And the public informaiton sections have suffered equally. Thus the tragedy at work continues.

Forty working Americans are still being murdered each day, 14,000 killed each year, and untold *millions* are injured or permanently maimed by industrial disease agents.

Unfortunately, this horror story rarely makes the headlines. The press seems more interested in following the antics of a jet set writer and how he fakes the biography of a recluse billionnaire. Will someone please tell me what importance this story has on the health and well being of millions of working Americans?

We submit to this Committee that when we discuss the subject of in-plant health and safety, we are dealing with literally the daily struggle of 55 million American citizens trying to keep their names from being another sorrowful government statistic. What could be of more importance.

As to the prominent public information provisions of OSHA that I spoke of earlier, they are Sections 6(e) and 9(a) of the Act.

Section 6(e) states that:

"Whenever the Secretary of Labor promulgates any standard, makes any rule, order, or decision, grants any exemption or extension of time, or compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons of such action, which shall be published in the Federal Register."

Already Rep. Dominick Daniels of New Jersey, Chairman of the House Select Subcommittee on Labor, has cited the Secretary's failure to heed the requirements of this section. In a letter to Labor Secretary Hodgson, sent a day after Labor had submitted a glowing report on the progress of OSHA to Congress, Daniels charged:

"My research indicates that although thousands of citations for violation have been settled and mitigated, there has been no publication of the reasons for such mitigations in the Federal Register."

Neither has the Secretary published the

reasons for the hundreds of important decisions he has made for OSHA over the last eleven months. *Three* weeks ago, the Secretary ruled, for example, that workers who accompany a federal inspector on the walk-around survey of a plant can be denied payment of wages for the lost time. This decision has yet to be published in the Federal Register. Maybe the Secretary wishes to hide his tortured reasoning of this decision from the general public.

Of immediate concern to our Union are the requirements of Section 9(a) of the Act. This section requires the Labor Department to issue citations to employers if an inspector has found a violation of the various health and safety standards:

"Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated.'

This provision of the Act has been implemented. However, there is much difference of opinion as to what really describes "with particularity" the nature of the violation.

In the oil and chemical industries, we are primarily concerned with the myriad of toxic substances that our members are being exposed to everyday. When our members call for a Federal inspection, the usual request is that the airborne contaminants in the plant be checked for violation of the standards. As the Labor Department has barely budged over the last eleven months to issue regulations on the monitoring of these substances, our members hope that the inspector in his survey can determine how high the levels of fumes, mist, gases and dust are in the plant.

In fact from last summer and into the fall, Federal inspectors were incorporating the results of their monitoring into their violations. But then suddenly, sometime around November, 1971, this practice stopped nationwide. We suspect an order emanated from Washington at this time, but we have no proof.

Let us for a moment look at this withholding of important health data from another perspective to see the absurdity in it. For instance, the OSHA Compliance Operations Manual (on page X-3) gives an example for a typical description:

"Flexible cord on 24 inch fan in the Mill Building has a splice approximately 2 feet from termination. Splice is wrapped with electrical tape."

To me, that is a pretty specific description of a violation.

However, when the inspector cites an employer for a toxic concentration of fumes that a worker breathes every day, all he writes is "excessive concentrations" and gives no results of his monitoring.

Moreover, on the safe page of the OSHA Compliance Operations Manual where I took the quote on the faulty splice, the instructions to inspectors state that all descriptions of violations shall include "all pertinent factual details."

We can only view this hypocritical practice of the Labor Department as part of their well established intent to ignore or downgrade the industrial hygiene aspect of the problem, which we feel poses the greatest potential for impact on the pocketbook of industry. To place guards on machines may cost a few hundred dollars in a plant. To install a new ventilation system for the plant to collect and treat toxic fumes may cost hundreds of thousands of dollars.

There are other public information problems in OSHA that I will attempt to cite briefly.

Beyond the issue of monitoring data, the whole process of the citation's development and the amount of fines levied should be a matter of public record. At least five forms are filed by the OSHA inspector in the development of a citation.

(a) Safety and Health Report—OSHA Form #1.

(b) Compliance Worksheet—OSHA Form #1-A.

(c) Safety and Health Program Evaluation—OSHA Form #1-B.

(d) Narrative Report—OSHA Form #1-C.

(e) Accident Investigation Report —OSHA Form #4.

These reports, particularly the Compliance Worksheet and the Narrative, truly reveal what the inspector saw, how serious he views the hazards, and what he thinks the employer is going to do to correct them. From here the inspector goes to a Penalty Assessment Worksheet where various manipulations are made for the employer in terms of his "good faith" and past "history." Up to this point, the public and the affected workers have been generally denied access to this information.

From here the various citation forms and a notice of proposed penalties are filled out and issued.

This kind of closed process allows for the following kind of incident. In October 1971, our Local at the Mobil Oil Refinery in Paulsboro, New Jersey, requested an inspection. Of the ten categories listed on their complaint, nine were concerned with industrial hygiene problems and only one with safety hazards. When the 72 pages of citations were issued a few months later, only 12 out of more than 260 items listed dealt with industrial hygiene problems. Only $7,350 in fines were levied altogether. Of course, the various health hazards still remain in the refinery. We have been denied access to the various reports of the inspectors.

This denial is not an isolated case. In OSHA enforcement actions against Reactive Metals in Ashtabula, Ohio, Kenrich Petrochemical in Bayonne, New Jersey, Pittsburgh Corning in Tyler, Texas, and Allied Chemical in Moundsville, West Virginia, all plants where OCAW represents the workforce, we have faced either downright refusal or inordinate delays in securing citations, notice of proposed penalties and inspector's reports. In the case of the Allied Chemical plant in Moundsville, West Virginia, it took six weeks of nearly open warfare before OSHA would hand over the inspector's reports.

Obviously the question arises about the number of requests that OSHA has denied and have never been challenged. It is not difficult for an International Union's legislative office to mount such a campaign to secure release of vital information. But what happens "in the field" so to speak, especially with groups of unorganized workers who neither have the staff nor the money, nor the time to fight for their rights?

One other agency should not escape the scrutiny of this Committee. The National Institute for Occupational Safety and Health of the Department of Health, Education and Welfare is the part of the Federal program under the Act responsible for conducting in-plant hazard evaluations. The quality of NIOSH's in-plant surveys have been of an excellent nature. NIOSH has been doing a good job of informing workers at various plants around the country about how well management is slowly killing them.

However, if the workers in these plants decide that they've had enough and call for an OSHA inspection, then the flow of NIOSH information abrutly stops because of an agreement between NIOSH and OSHA. That agreement orders the withholding from public information of all NIOSH data on a plant where an OSHA enforcement action on that hazard is in progress. Such enforcement, by the way, can take months, especially if the employer appeals to the Review Commission and the courts. In the meantime, the workers have little idea if the concentrations of dusts, gases or vapors are better, worse, or the same.

If the workers on the other hand decide to maintain the flow of NIOSH information, then they sit and suffer because they don't dare call for any OSHA enforcement action.

This incredible agreement between DOL and HEW is the catch-22 of America's occupational safety and health program.

In summary, the five OSHA reports as well as all NIOSH reports should be made public documents as soon as they are written. Our people need to know 1) in entirety, what hazards the inspector saw, 2) what hazards he decided not to cite, and 3) his justification for the size of the penalties. At least the opening up of the records will allow workers to gain a wider knowledge of all the hazards in their plant so they can take appropriate action to protect themselves. At most, public access to the records may prompt a more responsive and accountable Federal occupational health and safety program.

The one court fight that this Union has been involved under the Freedom of Information Act centered on the same kind of inspector's reports that were written by OSHA's predecessor, the Walsh-Healey Administration. On February 1, 1971, the U.S. District Court ruled in the case of *Wecksler et al. vs. Schultz* that the inspector's reports were to be made public. As late as August, 1971, high officials of the Labor Department were ignorant of the results of the case and still denied us access that the Court had granted us six months earlier. Anyhow, the *Wecksler* case should be enough precedent for OSHA. If not, we will have to go to court again.

The last public information problem in the OSHA inspection-citation process inevitably involves trade secrets. Under OSHA regulations, an employer can declare any part of his manufacturing process to be a trade secret. Once the declaration is made, the inspector will abide by the wishes of the employer. Employees are not given an oportunity to challenge management's contention. This kind of carte blanche for employers will lead to arbitary and capricious actions. For years, the Industrial Water Wastes Inventory was delayed because industry contended that trade secrets would be revealed if they had to describe the nature of the poisons being dumped into American rivers and streams. This same position can be fostered today under OSHA. An employer can declare the toxic air contaminants inside a plant to be a trade secret. The Labor Department will support him as the Office of Management and Budget supported the water polluters. Workers will never know what they are breathing it is much too late.

Lastly, we learned recently that OSHA is, in a sense, allowing employers to violate the Threshold Limit Values for toxic substances by allowing certain excursions above the TLV to be considered only as regular violations, in contrast to more serious violations. After having learned of some of the legal delineations made for various toxic concentrations, my associate, Steve Wodka, requested from George Guenther, Asst. Secretary of Labor for Occupational Safety and Health, the medical criteria on which these decisions were made. That was on February 2nd. After hearing nothing for a month, Wodka wrote to Guenther on March 2nd and asked for an indication as to when the information would be made available. No reply has been received as of today.

In conclusion, we should review the lofty stated aims of the Labor Department. At the beginning of the first meeting of the National Advisory Committee on Occupational Safety and Health, Asst. Secretary George Guenther stated:

"We assume that every document that we issue, every action that we take, every piece of writing that we do, is in the public domain, and with certain legal restrictions involving our regulatory activities that these documents, these words, this language is public. . . ."

The question is, therefore for this Committee, what is a "legal restriction?" Is the policy that non-disclosure is the rule, rather than the exception, legal? Is the policy that once an investigatory file, always an investigatory file, legal?

And all too often when we are debating these points with the Labor Department, we are hit with this: "the Occupational Safety and Health Act is not an employee law, but a law for employers. Therefore, we don't have to show you any of this data." Is this policy, I ask, the intent of Congress?

BUDGET COMES FIRST—NIXON TURNS DEAF EAR TO NOISE POLLUTION

(By Don Barnes)

WASHINGTON.—The Nixon Administration is soft-peddling the long-awaited Environmental Protection Agency's report to the President and Congress on noise, say several EPA staff professionals who worry about what noise is doing to us mentally as well as physically.

There are some important findings and conclusions in the report which were highlighted in an early EPA draft but which were buried in the pages of the four-pound document that ended up as the final version, one EPA staffer says.

The blame for burying some of the more controversial conclusions was placed squarely on the White House Office of Management and the Budget (OMB), which tailors programs to fit in with its preconceived budget plans.

Budget problems probably made OMB apprehensive about taking on another fight for Federal controls, particularly during an election year and at a time when industry—which normally supports industry-minded Republicans—has been hit with numerous Federal air, water and waste controls, and even the prospects of a sulfur tax.

But industry gave no indication during Congressional hearings on noise last year that it opposed Federal noise controls. To the contrary, industry indicated it would prefer uniform controls to a mixed bag of state laws.

An example of what irritated some of the EPA staffers is the way the report, in its final form, handled an important chart showing average non-industry noise exposures and primary sources of hazardous noise, such as motorcycles, chain saws, motorboats, and home shop tools.

The data shows that approximately 22 to 44 million people have lost part of the utility of their dwellings and yards to noise from traffic and aircraft on a continuous basis, and another 31 million at any one time are similarly affected by noise from construction activity.

Roughly one-half of the total impact of noise represents a potential health hazard (in terms of hearing impairment potential alone), and the remaining half represents an infringement on the ability to converse in the home.

These conclusions, considered highly important, were tucked away on page 133 of chapter 2.

Physiological problems resulting from noise is another important area discussed in the report, but it appears in midchapter of chapter 1 without any notation to draw the reader's attention to this largely unexplored consequence of noise.

In that section, page 29, it is noted that animal research has revealed that high sound levels can interfere with sexual reproductive functions; it can interfere with resistance to viral diseases, and can also produce other pathological effects.

While admitting that evidence of serious psychological consequence from noise is thin, the report nonetheless stresses the annoyance aspects of excessive noise common to everyone.

Excessive noise disturbs sleep, adversely influences mood and disturbs relaxation, and interferes with the ability to perform complicated tasks and can disturb those tasks that demand speech communication of response to auditory signals.

SPECIALIST SAYS—ASBESTOS MAY HAVE CREATED MASSIVE JOB CANCER EPIDEMIC

(By Harry Conn)

WASHINGTON.—The City of Manville, New Jersey, population 15,000, is facing an environmental tragedy of frightening dimensions.

Medical authorities have concluded that perhaps thousands of persons in the Manville area have been exposed to toxic concentrations of asbestos—suffering from asbestosis, inflammation and scarring of the lungs due to abestos exposure.

Mortality due to asbestos may be expected to reach as high as 200 to 500 cases in excess of normal.

On April 10, Dr. Maxwell Borrow, a specialist, will report to the New York Academy of Medicine that 50 cases of a rare disease of cancer of the body cavity known as mesothelioma have been discovered in the area, too.

The source of the asbestos-related diseases is the Johns-Manville operation in Manville. Asbestos is carried out of the plant in clothes and in the hair and on the bodies of the workers into the community.

However, Manville is not considered an isolated case. Similar conditions may exist in hundreds of other communities. Dr. William Johnson, the investigating epidemiologist of the U.S. Public Health Service, said we face a situation which "may be only the tip of the iceberg. This may be the largest epidemic of occupational cancer recorded."

Affected are not just workers in asbestos plants like Johns-Manville but workers engaged in pipefitting, floor covering, construction, shipbuilding, power and utility industries and others.

Also, the studies show that many victims are not workers but people who consume asbestos dust in the environment. The diseases are hard to detect, even by specialists. Frequently, only an autopsy discloses them.

The story was outlined here at a press conference called by the AFL-CIO's Industrial Union Department and later presented in detail at a Labor Department hearing on asbestos standards for the Johns-Manville plant.

Representing workers at the plant is Local 800, United Papermakers and Paperworkers. Since 1963 officers of the local have been pleading for studies. Later studies by the Pacific Health Service were given to the company but not to the union or workers.

In addition, studies were made by Doctors Johnson and Borow as well as by Doctors I. T. Selikoff and William Nicholson at Mt. Sinai Hospital in New York.

An indication of the problem in the plant is that in 1969 Local 800 estimates the company paid nearly $900,000 to about 285 employees for asbestosis under Workmen's Compensation.

This is only an indication, says Dr. Borow, because asbestos diseases frequently do not show up for 20 to 40 years and the statute of limitations often negates any payments.

What the UPP and the IUD are asking for is a 2 fibre/cc over eight hours within six months and a 1 fibre/cc within two years. A one fibre is achievable, the IUD says.

Sheldon Samuels, health, safety and environmental director of the IUD, and Dr. Johnson point out that the safe limit can be reached with a minimum of cost in the product.

"It is important to state," IUD Administrative Director Jacob Clayman said, "that we are unaware that the Johns-Manville Corporation has broken any law or rule. We are not trying to paint a picture of an exceptionally perfidious corporation. Rather, the root of this tragedy lies in the recurrent lack of interest on the part of the Labor Department and of the appropriate state agencies to fulfill responsibilities which, if exercised, could have prevented this disaster."

IN-PLANT POLLUTION: DANGEROUS CHEMICALS ON-THE-JOB PRESENT A SERIOUS OCCUPATIONAL HEALTH HAZARD WHICH MUST BE DEALT WITH BY CONGRESS

I. THE PROBLEM

1. In 1969, millions of American workers were subjected to toxic chemicals, toxic gases, and airborne particulates without being able to protect themselves or to even be told about exposure until it is too late.

These exposures caused over one million new cases of occupational disease—last year alone. Among these one million victims were over 3,600 dead and over 800,000 cases of skin eruption, dermatitis, burns, lung and eye damage, and uncounted cases of brain damage from excess gases. The number is rising every year.

2. The most serious of these diseases, such as cancer from inhalation of toxic substances, are transmitted by polluted air in the working place. These diseases are neither the fault of the worker, nor within his control.

II. THE CAUSE

1. Damage from Organic Chemicals: There are over 100,000 chemical materials in the working environment. Many of these have unknown qualities and effects on humans. Some of them, like beta napthylamine, a textile dye, are known to result in extremely high cancer rates among workers exposed to them. In addition, over 600 new chemicals are placed in the working place every year without any knowledge by workers of the effects of the chemicals on them. At a minimum, these severe dangers are present in the working places of the 900,000 workers in chemicals and plastic products, and among the 460,000 employed in the rubber industry where chemicals of this nature are regularly used. In 1966, California had over 5,000 cases of skin burns and skin damage caused by chemicals and plastics.

2. Damage from Exposure to Toxic and Lethal Gases: The American Conference of Government Industrial Hygienists (ACGIH) has identified over 400 different airborne contaminants. More are spewed forth every day which can cause death, severe brain damage, corrosion of lungs and eyes, and can lead to cancer.

Some of these, as simple and prevalent as carbon monoxide, can be lethal in one half hour or less. Yet garage workers and warehouse men across the country operate without the benefit of an enforced law. Other gases can kill in ten minutes. The 2,000 beryllium workers are a typical example of how unsafe some industries still are. For example, in a 1968 study by HEW, over 50 percent of the air samples in one plant were found to be above the safe limit set by ACGIH.

Many of these gases, such as chloride, when present in excess amounts, can have cumulative effects on the workers' lungs. Other gases, such as sulfur dioxide (to which steel workers are exposed), are sufficiently irritating to cause workers to escape before concentrations become high enough to cause death. Other gases, like the fumes of chromium compounds, are not painful when inhaled and thus do not warn the workers (also glass, metal, cement, explosive, paints, etc.) when excess exposure is reached. Chromate workers however suffer from abnormally high bronchiogenic carcinoma. In 1966 employees in the State of California suffered the following known damage from toxic gases; over 550 verified cases of systemic occupational disease, 80 percent of which required hospitalization, another 650 cases of digestive disorders, and other symptoms, and 1,293 cases of serious respiratory illness.

3. **Damage from Inhalation of Particles:** The particles include the mineral dusts, such as silica, quartz, asbestos, Mica, Soapstone, Talc, trendite, Portland Cement, the solid form of many metals, and the inert or "Nuisance particulates." All of these can and do cause emphysema, pneumoconiosis (general lung deterioration); moreover, some of these dust particles, if inhaled in sufficient amounts, create a form of cancer such as asbestos. These particulates, less than 5 milcroms in size, and invisible to the naked eye are usually retained in the lung once inhaled. Thus many of these dusts, particularly those with chemical properties, have a latency period which postpones their serious effects until long after the original exposure. These dusts require environmental controls, rather than the use of respirators since their effects are cumulative and because most workers can't perform their jobs wearing such protective devices.

Over 2,000 cotton workers, suffer from byssinosis or white lung, from their exposure to cotton fibers in the air; but they have no means to protect themselves. Asbestos workers are known to have a lung cancer rate seven times higher than the rest of us. As of 1968, there were over 50,000 workers exposed to asbestos.

The size of the dust problem is also illustrated by disability records. For example, in the three years from 1959 to 1962, the only period for which the Federal Government has compiled complete record of recipients of federal disability awards, over 6,000 American males, none of whom were miners (and all of whom were under 65 years of age), were awarded disability payments for occupational pneumoconosis.

Right to Breathe: Close Plants Which Pollute

(By Paul Gainor)

Rochester, Mich.—UAW president Walter P. Reuther has urged Congress to enact an "environmental bill of rights" and put consumer crusader Ralph Nader at the head of a "national environmental commission."

Reuther said he will petition Congress to put the measure, giving government broad powers over industry, into the U.S. Constitution.

Reuther addressed about 800 students at the start of a three-day environmental teach-in at Oakland University. He also called for nationalization of the oil industry if it does not pass a year-long "probation" period against polluting oceans and beaches.

Reuther suggested the proposed environmental commission:

Have "veto power" over where industry will locate, to avoid pollution of residential areas.

Insure that all products are "compatible with man's living environment." If a company's products cause pollution, Reuther said, the commission should have the power to shut down the company until it corrects the product.

Assess industry for the cost of cleaning up pollution their products create.

Reuther charged that industry "has failed to meet its public 'responsibility' and has been more concerned with 'the level of sales and profits than the level of human environment.' "

The union leader also called for a timetable for the auto industry to develop an engine that will not pollute the air.

"I do not believe we can live compatibly with the internal combustion engine," he said.

Reuther also demanded that the federal government immediately adopt California's regulations for exhaust emission control devices on cars. California's law is the most stringent in the 50 states.

The auto industry, other industries and government should combine to develop a modern mass transit system, he said.

"It is asinine to have hundreds of thousands of people all going to the same place at the same time for the same reason—and all carrying two tons of gadgets with them."

Traffic should be moved underground, he said, "so that man can begin to reassert his sovereignty on the face of the earth."

Reuther charged the oil industry is "exploiting our natural resources with total disregard for man's environment . . . I believe we've got to stop this reckless drilling along the (ocean's) continental shelf."—Detroit News.

Occupational Environmental Crisis—UAW Alerts Congress

American workers face "an environmental crisis on their job," according to Frank Wallick, UAW Washington Report managing editor and Washington legislative representative, in urging passage last week of a strong and comprehensive occupational safety and health bill.

"We know very little about the dangerous and deadly effects of 6,000 toxic substances which workers use on their jobs," he told a House labor subcommittee, asking if any heavy industry factory could pass a test for environmental quality which the U.S. Public Health Service makes for our outdoor environment.

"Every American worker has a right to expect that continuing, exhaustive research will be made on the direct and side effects of every substance to which his body or any part of it is exposed in the course of his work." Wallick said. "He does not have that guarantee today, and we fail to see that this guarantee is assured by any of the present drafts of the bills before the subcommittee."

Lloyd Utter, UAW safety director, accompanied Wallick in making the UAW's presentation on safety. The UAW urged a massive research program well-insulated from any taint of commercial influence. A New Jersey study of 16 industrial plants was included in the UAW statement which showed that air pollution quality criteria was far below in these plants for silica dust, zinc oxide, asbestos dust, and lead. Fifty per cent of the samples collected for sulfur dioxide exceeded air pollution criteria for some of the same plants.

"It would be a great mistake for Congress to approve safety legislation which locks in the consensus standard approach to determining safety and health standards for workers," Wallick told the subcommittee. "These are in some cases the only standards we have today, but we say you should not gamble with workers' lives by playing the consensus game. Any standard-producing establishment must be composed of impeccably disinterested personnel," he said. Wallick suggested a counterpart to the National Bureau of Standards "with some of the best brains of the country working on occupational safety and health standards, constantly testing and re-testing the substances to which the human body is exposed."

He attacked the Nixon administration bill which calls for a super-safety board and reduces the powers of the Secretary of Labor in setting safety standards and enforcing those standards.

Wallick said that the O'Hara bill affords much more protection to workers because the Secretary of Labor would have the power to shut down unsafe operations and keep them shut down until unsafe conditions were staightened out.

He urged the House subcommittee "not to paper over any of the deep and far-reaching implications" of the occupational safety and health problem and "not to settle for timid compromises which only gloss over the potential for injury, disease and death to millions of fellow human beings."

Grassroots Hearing Learns How Noise, Dust, Lack of Safety Equipment, and Fumes Send Workers to an Early Death

Jersey City, N.J.—The grit, the grime, and the horror of modern industry were recounted during a recent day-long hearing of the Senate labor subcommittee headed by New Jersey's Sen. Harrison Williams.

A parade of grassroots labor union witnesses pleaded for passage of a strong occupational safety and health bill during the 91st Congress.

"I don't want to take up too much time because I could go on and on and on," said one witness. "There would be no end. When you talk about safety you are talking about a boring subject. It is hard to get to the people on what safety is all about. That is why, Senator, you have got your hands full, believe me."

The Jersey City hearings were conducted in the plain, nearly empty hall of the Ukrainian Community Center, a few blocks from the shores of the New York harbor where the Statue of Liberty and Ellis Island are clearly visible.

"The companies are covering up too much," said Steelworker Anthony Semeraro, safety chairman of the huge Fairless Works. "I just hope we can expose some of the shenanigans going on."

"Money is spent to increase productivity," complained UAW Local 1668 President Lou LaPlaca, "but how many people design a plant with safety in mind as well as productivity and efficiency?"

Witness after witness poured out a grim account of unsafe working conditions which not even the best collective bargaining can overcome and where only one out of four workers are union members. Congress was urged to settle for nothing less than strong legislation to close the safety gap which sends thousands upon thousands of workers to an early grave.

"I went to a 25 year dinner a few years ago with many retirees who had at least 25 years in the plant," told Steelworker Tony Casone. "The majority of the men there were persons who had been mechanics, who had the free range of the plant. But the men who were working in the production departments, there were very few of them amongst the retirees who were still alive, for whatever significance that is."

Testifying late last year, Consumer Crusader Ralph Nader urged that Congress conduct field hearings to get the views of rank-and-file working people. The Jersey City hearing was the first to be conducted outside of Washington. Others are scheduled for Pittsburgh and South Carolina later this month.

Fred Mann, a UAW local union president from a small factory with only 300 members said: "I think that if federal legislation were enacted, where everyone is treated the same, then a small company would just have to recognize that this is a cost of doing business, by running their plants in the same safe and healthy way as other people do, and however they meet this obligation would be their business. Anyway, they would not be competitively at a disadvantage if it were federally regulated."

Mann recently won a loss of hearing workmen's compensation case which he said forced his employer to begin a program to reduce noise levels at his plant. "They have instructed their engineers to look into baffle plates to be hung from the ceilings to eliminate the noise, and so forth." He told the Senate subcommittee that "only economic pressure" will make employers do the right thing.

There was much ridicule made of the National Safety Council programs by many of the witnesses.

Steve Cadena, a Steelworkers staff representative, with tragic sarcasm, dismissed safety awards with these words:

"In our plant we had 2 million hours without a lost time accident. It was not really without lost time. I wouldn't accept the award. I wouldn't let anybody in the local accept the award, because we had people all over the place with broken arms, elbows out of commission, and everything else, and I never did write to the Steelworkers International and accept the plaque.

"I think it is wrong for the National Safety Council when they do decide to give an award not to see the union and to see if the union believes the plant should get a safety award.

"The Hudson plant had two million hours one time, but it is all walking wounded, and a few years back I said that the Hillside Can Company could be the Hillside Memorial Hospital. They are playing games with our safety reports, and something should be done."

Another steelworker echoed the same complaint about inaccurate safety reporting upon which the national statistics are based:

"In 1968 the company put a big push on for no disabling accidents for one year, to receive an award. They achieved their goal. I have a picture to prove it. I was right there to receive the award. They had a big testimonial dinner. We received a nice, beautiful plaque from the National Safety Council. They came out with all kinds of figures, less than 1.2 disabling injuries, one out of every 1 million man hours.

"Gentlemen, when we lose a hand in the Fairless Works, this is not a disabling injury. When we break a leg this is not a disabling injury. When we have people literally torn apart, receiving hundreds of stitches, and laying in the dispensary for three days, not to classify it as a lost time accident is a joke."

The House labor subcommittee last week began marking up a committee bill for approval. Safety and health bills were killed in the latter days of the 90th Congress. The Nixon administration, with the approval of the U.S. Chamber of Commerce, is supporting a bill which contains a five-man board to oversee safety standards. Critics contend the Nixon board would delay decisions which are life and death matters to 80 million workers.

"We hope you will not legislate a bad situation. Don't just legalize what we have. We want some improvements, substantial improvements, and if we don't get a good bill this year, the workers in this country are going to be back year after year until we do get one," is how Frank Wallick, UAW Washington legislative representative, put it to Sen. Williams.

"Everybody is talking about the environment. That is the greatest fad we have right now. It is a serious problem.

"But we have an environmental problem at the work place, and we have in-plant pollution which is as serious as anything people have in the out of doors.

"We have data running out of our ears on what is wrong with life outside, with smog, and carbon monoxide, and DDT. We don't have a great deal of information about what the problems are where people work, and we hope that any legislation which is written will make that kind of information available."

LaPlaca, who is president of a six plant amalgamated local, stressed the point that occupational safety and health "is something that involves the entire community. It involves the family at home."

He told of workers whose family life was ruined by job hazards, how the father of a worker killed on the job was driven to suicide and how difficult it is for workers to clean up after working on dirty jobs where dangerous chemicals seep into every pore of their body.

He said that young workers are more impatient with bad working conditions than some of the older workers:

"Most of the old timers are willing to stick to the old cliches that the conditions are conditions of employment or the nature of the beast, but the young people aren't satisfied with this. They want a better life in the plant as well as outside.

"They spend eight hours a day, one-third of their life, within the plant. For the average person, this would mean about half of their waking hours.

"The environment is important to them, because the pollutants in the air are much more concentrated, and I think that people have a right to know what they are being subjected to and what effects it will have upon them now or in future."

Fred Mann, from a smaller local, told Sen. Williams that his own plant had to threaten a strike before his management agreed to clean up certain operations which were causing skin boils. "It could have been accomplished 20 years ago as a matter of right. It shouldn't have had to come to the point of economic pressures."

He told the subcommittee hearing "a company always takes the position that if you can't do your job, get off it, you don't belong here, and it may sound rather harsh, but I feel the same way, that if a company can't run its business efficiently and safety, they don't belong in the business."

CLEANER AIR HEARING BRINGS NOISY CLASH

(By Ken Shuttleworth)

PHILADELPHIA.—In Pennsylvania, steel production, coal mining and chemical plants are among the key economic activities. Consequently, air pollution is a deadly serious matter in the Keystone State.

And its people have had it up to their red-rimmed eyeballs with the modern day scourge. They made the point clearly during two days of public hearings on the State Air Pollution Commission's proposed standards for controlling the problem.

Some said the criteria would, in effect, license industries to pollute the air. Other witnesses used more colorful phraseology—"environmental genocide," "legalized asphyxiation"—and said the commission should go back and work out tougher standards before granting final approval to the plan.

The 11-member Commission, weighted in favor of industry, has the ball and could—if it sees fit—revise its proposal in accordance with the overwhelming sentiment displayed by the Commonwealth citizenry. If it chooses to stick by its guns, however, the Commission may find itself in the embarrassing position of having to do it anyway. Only then it would be under the direction of the National Air Pollution Control Commission in Washington. Like all 50 states, Pennsylvania must submit a pollution control plan to the Federal commission by mid-November.

And it better be good. Otherwise the Federal commission can assume the responsibility of setting standards on its own.

That Federal agency, incidentally, has its own ideas on air pollution control. Much tighter than the Pennsylvania proposal, the Federal standards are based on the point at which there is enough pollution to constitute a health hazard. Such a hazard, the agency contends, exists when increases occur in death rates, hospital admissions and absenteeism from work on account of respiratory illness.

These symptoms occur, the Federal government says, when the annual average (determined from weekly and daily averages) of "particulates"—soot, dust and smoke—is 80 micrograms per cubic meter of air and the daily average amount of sulphur dioxide—pollutants emitted mainly through fuel burning—is .11 parts per million. Pennsylvania wants to set the standard at 100 micrograms and .25 parts per million respectively.

Most of the clean air advocates at the State commission's hearings in Philadelphia and Pittsburgh indicated the Federal figures might not be quite stringent enough. However, they are at least acceptable to virtually all the opponents of the Pennsylvania plan. "We can live with them," one man observed caustically.

Norman Childs, who, as executive director of the Delaware Valley Citizens Council for Clean Air, has been fighting pollution on a full-time basis for the past three years, put the case for tougher standards most succinctly: "If we are to err," he said, "let us err on the side of requiring too much control."

"We urge Pennsylvania," he said, "to adopt standards which will protect the people, not attempt to protect industry."

Childs was among more than 50 witnesses who came out to block the state plan. Many of the others represented various tuberculosis and health societies throughout the state. These people talked about the sharp increases in such respiratory ailments as tuberculosis and emphysema, and blamed much of the problem on dirty air.

Also among the witnesses were municipal health officers and a group of residents from Philadelphia's Bridesburg section, operational base for several chemical companies, who pathetically joked about how they could go about promoting a sporting event in their community. They said they could bill it "The Cesspool Bowl."

Among labor unions represented at the hearings, held Sept. 9 and 10, was the United Steelworkers of America, Julius Uehlein, of the USA Legislative Committee of Pennsylvania, spoke in behalf of the steelworkers. He called air pollution a "plague" that must be dealt with regardless of cost, then observed: "The proposed State standards allow no margin for safety . . . it is the workers and people in general who are forced to breathe the **dirty air** (coming from power plants, heavy industry, etc.) that bear the financial burden resulting from air polution."

"I realize," he added, "there are those who are saying: 'We cannot afford to meet proper standards.' To those I would say, that we cannot afford not to meet standards that will effectively cope with this problem and have as its goal, complete elimination."

TELEPHONE PRIVACY—XII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the Telephone Privacy Act (H.R. 14097) with 28 cosponsors.

This bill would give to individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option to require the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 10th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

THE GEORGE W. HELMING AGENCY,
Bristol, Conn., March 27, 1972.

Rep. LES ASPIN,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: Just a brief note to offer "Congratulations" for your efforts in connection with your Telephone Privacy bill.

We have been annoyed many times by solicitors phone calls and it seems that most of them call during the several hours of the day when we are trying to relax from our busy day.

I have listened to ringing phones in my office for thirty years and I'm sure you can appreciate my disturbance when someone calls during the evening with a so-called "prize winning" phone call.

Please push for passage of your Bill.

Cordially yours,

——— ———.

OSHKOSH, WIS.,
March 27, 1972.

LES ASPIN,
Representative of Wisconsin,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I just learned of "The Telephone Privacy Act" from The *Milwaukee Sentinel*, (March 27, 1972), p 11, and I must write to express my wholehearted approval before the opportunity passes.

My husband and I have been plagued by this invasion of privacy for years, but never knew to whom we could effectively direct our complaints.

Sincerely,

——— ———.

MORAGA, CALIF.,
March 28, 1972.

Hon. LES ASPIN,
Democrat of Wisconsin,
House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE ASPIN: We've read an article in the *Christian Science Monitor* of March 28, 1972—by staff correspondent R. P. Hey, entitled, "Can't a Family Eat in Peace?"

Apparently not! We say too. Yes we approve, encourage and support, (1) the idea of the bill you've proposed to stop telephone solicitation and (2) your seeing this through.

We'll send a letter to our Rep. Waldie stating the above and encouraging his support for you!

Thank you for everything you are doing to stop telephone solicitation.

——— ———.

SILVER SPRING, MD.,
March 21, 1972.

Representative LES ASPIN,
House of Representative,
Washington, D.C.

DEAR SIR: Thank you for introducing a bill about telephone soliciting! It's a small evil but such or needless annoyance and waste of time.

We have received dozens of calls from Parklawn Memorial Cemetery in the twenty years we have lived here, in spite of the fact that I always tell them immediately we are not interested. (I have let my family know that I do not wish to be buried there if anything else is possible.)

Sears Catalogue office calls repeatedly to see if I want to place an order. I always tell them I will call them. I have their number and am very able to call when I want to place an order. Nothing one can ever say seems to stop these persistent callers.

I would welcome such a law as you propose.

Sincerely

——— ———.

Please don't feel it necessary to answer this.

AKRON, OHIO, *April 1, 1972.*

Hon. LES ASPIN,
The House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: We are delighted that at last some one is attempting to rescue us from the invasion of our privacy by businesses who freely use our private telephones for advertising purposes. Thousands will rise up and call you blessed.

I try to be polite in consideration of the caller who is a paid worker, but frankly tell him that his firm is now on my blacklist of businesses that I will not patronize under any circumstances.

Thank you.

Very truly yours,

——— ———.

MEDAL OF HONOR CONGRESSMEN

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1972

Mr DOW. Mr. Speaker, it is an immense source of pride to me to learn that my congressional district is interwoven somewhat with the history of the winners of the Congressional Medal of Honor.

Mr. Rudolf J. Frederich, who is the national director of the Medal of Honor History Roundtable, resides in my district at Highland Mills, N.Y. By dint of extensive research, Mr. Frederich has compiled a list of Senators and Representatives who were winners of the Medal of Honor. I cannot fail to note that one of these, Thomas W. Bradley, a predecessor of mine from Orange County, N.Y., a resident of Walden, N.Y., earned the Medal of Honor for his bravery at the battle of Chancellorsville. Also, Philip S. Post, a representative from Illinois, was born in Florida, N.Y., and earned the Medal for Bravery in the Battle of Nashville. Mr. William H. Seward, the great Secretary of State in the Lincoln administration, was born in Florida, N.Y., and part of my congressional district.

I hope that my colleagues will scan this listing as Mr. Frederich has given it to me here on the outside chance that someone will find enough winners from his district to top the 27th Congressional District.

Of course, we have had many Medal of Honor winners over the years from the 27th Congressional District. The U.S. Military Academy at West Point is located in the district and we take the proud liberty of including them among these men who deserve so much, the honor of their country.

The listing of Medal of Honor Congressmen follows below:

MEDAL OF HONOR CONGRESSMEN

A. SENATORS OF THE UNITED STATES

The following men, each recipients of the Medal of Honor, further served their fellow Americans and country by serving in the United States Senate:

1. Adelbert Ames, Senator from the State of Mississippi, 1870, Governor of Mississippi, 1874. Earned Medal of Honor for valor at the 1st Battle of Bull Run, Virginia, July 21, 1861.

2. Henry A. Dupont, Senator from the State of Delaware, 1906, 2 terms. Earned the Medal of Honor for valor at the Battle of Cedar Creek, Virginia October 19, 1864.

3. Matthew S. Quay, Senator from Pennsylvania and the Legislature in the State of Pennsylvania, 1887. Earned Medal of Honor for valor at the Battle of Fredericksburg, Virginia, December 13, 1862.

4. William J. Sewell, Senator from the State of New Jersey, 1887 until his death in 1901. President of the New Jersey State Senate, 1880. Earned the Medal of Honor in the Battle of Chancellorsville, Virginia, May 3, 1863.

5. Francis E. Warren, First Senator from the new State of Wyoming, 1890 serving until his death in 1929 being 38 years becoming the 2d longest tenure. Territorial Governor of Wyoming until 1890 when he was elected the first governor of the state resigning that office to become U.S. Senator. Earned the Medal of Honor at the Battle of Port Hudson, Louisiana, May 27, 1863.

B. HOUSE OF REPRESENTATIVES OF THE UNITED STATES

1. Henry B. Bingham, Representative from Pennsylvania for 17 terms from 1879 until his death in 1912. Postmaster of Philadelphia, 1867. Earned the Medal of Honor in the Battle of the Wilderness, Virginia, May 6, 1864.

2. John C. Black, Representative from the State of Illinois, 1892, President of the U.S. Civil Service Commission. Earned the Medal of Honor at the Battle of Prairie Grove, Arkansas, December 7, 1862.

3. Thomas W. Bradley, Representative from the State of New York, 1903 for 3 terms, Member of the New York Assembly, 1876. Earned the Medal of Honor for gallantry at the Battle of Chancellorsville, Virginia, May 3, 1863.

4. Willis W. Bradley, Representative from the State of California, 1947. Member of the California Assembly, 1952. Earned the Medal of Honor while serving aboard the USS Pittsburgh, July 23, 1917.

5. Amos J. Cummings, Representative from the State of New York, 1887 & 1901. Earned the Medal of Honor for bravery at the Battle of Salem Heights, Virginia, May 4, 1863.

6. Newton M. Curtis, Representative from the State of New York, 1891 for 3 terms. Member of the New York Assembly, 1889. Author of From Bull Run to Chancellorsville, 1906. Earned the Medal of Honor at the Battle of Fort Fisher, January 15, 1865.

7. Byron M. Cutcheon, Representative from the State of Michigan, 1883 for 4 terms. Earned the Medal of Honor for gallantry at the Battle of Horseshoe Bend, Kentucky, May 10, 1863.

8. John M. Farquhar, Representative from the State of New York, 1885 for 3 terms. Earned the Medal of Honor for bravery at

the Battle of Stone River, Tennessee, December 31, 1862.

9. Richmond P. Hobson, Representative from the State of Alabama, 1907 for 4 terms. Organizer and President of the International Narcotic Education Association, 1923, Author of The Sinking of the Merrimac, 1899. Earned the Medal of Honor at Santiago de Cuba, Cuba, June 3, 1898 for gallantry in action.

10. Edward V. Izac (Isaacs), Representative from the State of California, 1937. Earned the Medal of Honor for bravery aboard the German submarine U-90 and while prisoner of war in Germany May 21, 1918. Author of book Prisoner of the U-90, 1919.

11. John H. Moffitt, Representative from the State of New York, 1887 for 2 terms. Earned the Medal of Honor at the Battle of Gaines Mills, Virginia, June 27, 1862. He was succeeded in office by Medal of Honor man Representative Newton M. Curtis (No. 6 above).

12. Charles E. Phelps, Representative from the State of Maryland, 1865 for 2 terms, Justice of Baltimore Supreme Court, 1882 to 1908. Earned the Medal of Honor for gallantry in the Battle of Laurel Hill, Virginia, May 8, 1864.

13. Philip S. Post, Representative from Illinois, 1887 for 5 terms until his death in 1895. Consul General to Austria-Hungary Empire, 1874 to 1879. Earned the Medal of Honor for bravery in the Battle of Nashville, Tennessee, December 15–16, 1864.

14. Daniel E. Sickles, Representative from the State of New York, 1857 to 1861. Member of the New York State Senate, 1856, Member of the New York Assembly, 1847. Minister to Spain, 1869–1875. Reelected to the House of Representatives from New York 1891. Earned the Medal of Honor for gallantry at the Battle of Gettysburg, Pennsylvania, July 2, 1863.

Research credits: Eugene V. McAndrews, Baltimore, Maryland, Jerry Erickson, Fullerton, CA and Rudolf J. Friederich, Highland Mills, NY. Compiled by Mr. Friederich, Editor, Medal of Honor Historical Notes.

SENATE—*Monday, April 17, 1972*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, to whom "a thousand years are but as a day, and as a watch in the night when it is past," help us to find Thee not only in the mystic hour of prayer but in the processes of history. Enable us to do our work in the knowledge that the ultimate victory belongs to truth over falsehood and righteousness over evil, for Thou art the transcendent Sovereign Lord of all life and history—

"This is my Father's world,
O let me ne'er forget
That though the wrong
Seems oft so strong
God is the Ruler yet."
—M. B. BABCOCK.

Help us to keep our little needs and small concerns of each day under the perspective of the Eternal—to work as though everything depended upon us and to trust as though everything is in Thy keeping.

And to Thee shall be all praise and honor. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 13, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the joint resolution (S.J. Res. 117) asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day," with amendments, in which it requested the concurrence of the Senate.

WAIVER OF CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar under rule VII may be waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with "New Reports."

There being no objection, the Senate proceeded to consider executive business.

The PRESIDENT pro tempore. The Secretary will state the first nomination.

THE DEPARTMENT OF TRANSPORTATION

The second assistant legislative clerk read the nomination of John L. Hazard, of Michigan, to be an Assistant Secretary of Transportation.

The PRESIDENT pro tempore. Without objection, the nomination will be considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE COAST GUARD

The second assistant legislative clerk proceeded to read nominations placed on the Secretary's desk in the Coast Guard.

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that those nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President I ask that the President be immediately notified of the confirmations of the nominations.

The PRESIDENT pro tempore. Without objection, the President will be so notified

Without objection, the Senate will resume the transaction of legislative business.

TRIBUTE TO LAW ENFORCEMENT OFFICERS

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate Joint Resolution 169.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 169) to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973, which was to strike out the preamble.

Mr. HOLLINGS. Mr. President, in 1961, Congress designated each May 1 as Law Day, and for the past 10 years this program has been marked by various programs centered on national freedom and rights under law.

This year it is particularly appropriate that we reflect upon the debt of gratitude we owe to the law enforcement personnel whose efforts make possible the perpetuation of our rights and our freedoms. Our police officers and related enforcement personnel are without peer. They have helped the Nation through many troubled times in the past, and they continue to do so today.

In October of last year, I introduced Senate Joint Resolution 169, a joint resolution to pay special tribute to the law enforcement officers of this country on May 1, 1972. The resolution passed the Senate in February.

Now the House of Representatives has acted, too.

Mr. President, I concur in the amendments of the House of Representatives. I am hopeful that the resolution can clear the Congress quickly and go immediately to the President. May 1 is quickly approaching and it is imperative that we act now.

I look forward to the Nation uniting in tribute to its law enforcement personnel on the first of May.

Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DECLARATION OF "NATIONAL HUNTING AND FISHING DAY"

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from New Hampshire (Mr. McIntyre), I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 117.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 117) asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day", which were, on page 2, line 4, strike out "each September" and insert "September 1972."

Strike out the preamble.

And amend the title so as to read: "Joint resolution asking the President of the United States to declare the fourth Saturday of September 1972 'National Hunting and Fishing Day'."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House of Representatives en bloc.

The motion was agreed to.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that statements during the period for the transaction of routine morning business today be limited to not to exceed 5 minutes, instead of the usual 3 minutes.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Michigan is recognized.

PEACE TALKS ON VIETNAM

Mr. GRIFFIN. Mr. President, the wires are carrying a story this morning that Hanoi is asking now for a resumption of the peace talks, either in secret or in private, at the highest level in Paris. Although there are conditions attached to the offer, it occurs to me that this is an interesting and welcome development following the events of the weekend.

Surely, this is a time for reason and dispassionate reaction on the part of those who speak in either the executive or legislative branches of the Government of the United States. All of us agree that the war in Southeast Asia is tragic in terms of the human suffering and lives lost; and most of us desperately want this war to be ended on honorable terms as soon as possible.

At this critical stage, when it appears so likely that President Nixon will be moving soon toward serious negotiations with Moscow and Hanoi, it is particularly important that all in this body be very conscious of the great responsibility we bear. I do not argue against enlightened debate or criticism, but I do suggest very strongly that this is not a time to play politics with the war in Vietnam.

Political exercises here on the Senate floor serve only to weaken the hand of the President—and to encourage the enemy—as the President enters these critical negotiations.

Those who are really for peace—instead of surrender—will consider seriously the importance of supporting the President at this very difficult time, or at least refrain from undercutting his ability to negotiate an honorable settlement.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be routine business conducted for 30 minutes, and each Senator is limited to 5 minutes, as previously ordered.

ESCALATION OF THE WAR IN VIETNAM

Mr. CRANSTON. Mr. President, I think the words of the distinguished Senator from Michigan were well chosen. I think we should act with great responsibility at this time. Political considerations should be far in the rear, and the best interests of our country and its people should be in the forefront of our thinking at this moment.

To place my remarks in a nonpartisan context, I start by asking a question:

After 3 years of Richard Nixon, is Lyndon Johnson back in the White House?

After 3 years of restraint and military deescalation, President Nixon has responded to North Vietnam-Vietcong actions by returning to the discredited Johnson policy of seeking military victory through massive use of American air power and large-scale bombing of military targets in such North Vietnamese population centers as Hanoi and Haiphong—many miles from the combat zone.

The Nixon policy is the Johnson policy with a difference, but the difference is beginning to seem more apparent than real. President Nixon has substantially reduced the number of American ground troops in Vietnam. I have applauded him for that. I have objected that the rate of troop withdrawal was too slow, and that the withdrawal method selected by the President was subjecting our remaining men to undue danger. But I have consistently made a point of commending President Nixon for reducing our involvement in ground combat.

But it is now clear that while the President has reduced the number of our Armed Forces on the ground in Vietnam, he has increased the number of our air and naval forces over and around Vietnam.

The number of ships and Navy personnel now off the coasts of Vietnam is the highest since Lyndon Johnson left office. The number of B–52's now flying combat missions in Indochina is the highest since Lyndon Johnson left office. Hanoi and Haiphong are being subjected to American air attacks for the first time since Lyndon Johnson left office. In fact, this is the first time in the history of this increasingly futile and tragic war that those population centers have been attacked by our heavy strategic bombers.

Is this the real meaning of Vietnamization? Is Vietnamization a policy under which the South Vietnamese will carry the brunt of the ground action while the United States will continue and, when deemed appropriate, escalate tactical and strategic bombing indefinitely? Will this continue until the North Vietnamese agree to peace terms? Will they ever?

Is this President Nixon's secret peace plan? Was the "light at the end of the tunnel" that President Nixon saw actually the flames of burning oil dumps in Hanoi and Haiphong? That is the same false vision of military victory that President Johnson saw and which consumed thousands of lives, billions of dollars, and his own political career.

The inability of the South Vietnamese military to "hack it," their turning their back to their enemy under combat, has forced President Nixon's back to the wall. His response has been to return our Vietnam strategy back to Johnson's.

If after 3 years of Vietnamization President Nixon still does not dare put Vietnamization to the test and let the South Vietnamese military stand or fall on their own, when will he dare? Ever? If the South Vietnamese are not ready to "hack it" now, when will they be? Ever?

And will President Nixon dare face up to the political, as well as the military, implications of what he is doing? President Johnson took himself out of a race for reelection in order to remove any hint of political motivation from his Vietnam strategy.

Will President Nixon do the same?

The PRESIDENT pro tempore. The Senator from Wisconsin (Mr. Proxmire) is recognized for 5 minutes.

LOEB ATTACK ON SENATOR PROXMIRE—PROXMIRE RESPONSE

Mr. PROXMIRE. Mr. President, Mr. William Loeb, the publisher of the Manchester Union Leader, responded last week to a letter I wrote him calling his attention to the transcript of a hearing before the Joint Economic Committee, in which Admiral Kidd, the chief of naval procurement, testified on some very serious charges of waste in the Navy.

His response gave me an unusual opportunity to drive home to Mr. Loeb the fact that those of us who are critical of the military also want a strong American military force.

As a matter of fact this Senator thinks we should have the strongest military force in the world.

Mr. Loeb replied to my letter with a personal attack on me that is of no importance except that it indicates a blind spot that is weakening this country and that prevents men of influence like Mr. Loeb from having the kind of very useful effect they could have and should have in giving us a better and stronger military force.

Mr. Loeb, like all of us, has good and bad characteristics. He is a dedicated patriot. He obviously loves this country deeply. He is a shrewd, clever man who has the great advantage of speaking bluntly, plainly and with a real ring of conviction. And he owns a newspaper.

Now it should be a great thing for this country when a man with these exceptional talents and who deeply loves this country has this kind of rare influence. After all only a tiny fragment of a handful of the able men in this country own newspapers. Here is one who should be having a measurable effect on this country's military capacity. But he is not.

Why?

First, because Mr. Loeb has fallen for that most destructive and baleful philosophical illusion: That the end justifies the means.

Loeb is the kind of alley fighter who will never throw a clean, knockout punch to the chin when he could hammer half as effective a blow below the belt. Rather than toss a winning right cross to the gut, he would prefer to bring his knee up into his opponent's groin. Tactics like these may have a devastating effect, but they cannot sustain a reader's trust that the bully boy is really on the right track. And without the reader's trust a newspaper has nothing. It has the force of a butterfly's hiccup.

But Loeb has made a second and more serious blunder. I bring this to the attention of the Senate and the country, because this Loeb blunder is one that is very common indeed. It has not been answered forcefully. And it is time it was. If we can get this idea across now, then Loeb will have served a purpose. He will have contributed to a stronger military force after all.

The illusion is that those of us who have been raising hell about military waste are a bunch of unilateral disarmers, that we want to starve and enfeeble our military force, that we have tossed in the sponge on the nuclear age and would tremble and run in the face of Communist aggression.

Mr. President, those of us who criticize and, yes, harass the military do so from a variety of views, but some of us—and this Senator in particular—carry on this way because we believe that it is about time that someone stand up to the weakness that is developing in this great military force of ours and tell some blunt and painful truths.

Is our military force starved with too little? Or is it fat and soft with too much?

The trouble with the Loebs of this country is that they have forgotten that you do not make a man or an Army tough and hard and disciplined by pampering and petting and spoiling it.

Are those of us who have criticized waste really hurting this country's defense? In addition to the incredible waste on the C–5A just consider the litany of billions of dollars tossed away on one turkey after another: The Mark 48 torpedo, the main battle tank; aircraft carriers that will not be finished for years and are already obsolete; a B–1 bomber that will cost $20 billion and be worthless in the missile age; an F–14 fighter plane costing an incredible $15 million per copy and you cannot find a Navy pilot who would touch it in a dogfight against a Russian Mig that cost less than $1 million.

Mr. President, somehow I hope we can get it through the heads of the William Loebs of this country that this Senator is not criticizing our military primarily because of the cost and waste of our money in military hardware. I am criticizing it because, after spending billions and billions, the weapons do not work.

Mr. President, can any Senator imagine a more powerful indictment of this greatest military power on the face of the earth than its performance in Vietnam? In Vietnam we have not been facing Russian or Chinese troops, but the troops of a pitiful little country, with an economic power less than one one-hundredth of ours and a military power that is less than one one-thousandth of the power of this country.

Sure we have placed limitations on our military. Yes, indeed, we have not invaded North Vietnam. It is true we have not used our nuclear power. But no one can tell the American people that we have a smart, adaptable, efficient military force when even within the limitations we have imposed in Vietnam—I repeat, even within those limitations—we cannot prevail. And after 6 long years of the best U.S. military can do, our side continues to lose. In these circumstances how can those who criticize military waste and shoddy performance be accused of doing a disservice? And that is just what Loeb says in his letter to me.

Mr. President, the American people have the commonsense to know that one lesson of Vietnam that rings out loud and clear is that there is plenty wrong with our American military force, and we had better change it and fast.

Now you do not get change by following the kind of no harassment formula that Mr. Loeb prescribes. To change a huge, bureaucratic, habit-infested dinosaur like the U.S. military takes plenty of harassment. And those who dish it out should be joined in harassament by others who love this country and want a stronger military.

Of course, I do not expect to get Mr. Loeb's agreement on anything. But what I would like to see is one—just one—criticism by Mr. Loeb of our military force.

Mr. President, this is why I have taken the time of the Senate to tell about my argument with Mr. Loeb.

It is impossible to appreciate the flavor of Loeb's bullyboy tactics and why they call for this kind of a detailed response unless you hear them. For this reason, I will read the Loeb letter and my answer.

This is the Loeb letter, dated April 10:

Dear Senator Proxmire: If you would spend more time lifting the military budget instead of your face, maybe we would be better off. Thank you for your letter of April 4.

You seem to think you are making points with some groups in the United States by your constant harassment of the military. Of course, any realist is well aware that waging war is expensive, but until we find a better way to defend ourselves from being conquered by our enemies, we have to depend upon the military.

I think that what you are doing is a great disservice to the United States and so wish you would stop it, or I wish the voters in Wisconsin would retire you.

Dear Mr. Loeb: You and I agree that this country must be number one militarily. So what do we agree about?

Not very much really.

We disagree on how to stay number one.

You don't like constant harassment of the military. Stop on that one for a minute. Consider. Why don't you?

Would the military be stronger without criticism?

Do you know any institution that is? In fact do you know any person who's stronger if he's flattered, petted, undisciplined?

Does William Loeb really think this makes a person *stronger?* Fatter maybe—softer, surely—lazier, without question—but stronger? Not unless you're talking about a new being. Because you know—as I know—that this just isn't true of a *human* being.

Sure this country has been losing its military advantage. Why? And think about this before you answer. Is it because we're starving our military?

Is it because we're not paying enough for planes like that five billion dollar turkey—the C–5A? Is it because we're not doling out enough foreign military assistance to scores of nations like India and Pakistan?

Won't you agree that there comes a time in the life of William Loeb and William Proxmire and everyone else—when we've had it too easy, and when someone: a father, a teacher, even a stranger—should stand up and say so? And say it loud and clear?

Enough questions. The American military force has many fine, tough, disciplined Americans serving in it. It's certainly no worse than the people who make up the country it defends.

But it's not poor. It's rich. It's not lean. It's fat.

You write me that I have harassed the military. Mr. Loeb, (as they say) "you ain't seen nothin' yet."

THE BOMBING OF HAIPHONG AND HANOI

Mr. KENNEDY. Mr. President, the President's decision to bomb Haiphong and Hanoi may well rank as the most senseless, the most unjustifiable, the most reckless decision in the history of our long involvement in Vietnam.

How can the President gamble this way with the danger of a wider war? How can he jeopardize his trip to Moscow and the SALT agreement we hope to reach? How can he jeopardize our hopeful new relations with China? How can he jeopardize our prisoners? Above all, how can he gamble this way with the lives of millions of people, not only of Indochina, but throughout the world?

The decision to bomb Hanoi and Haiphong is a dangerous and extravagant exercise in brinkmanship to which the President should never have succumbed. We live in a nuclear age. The terrible danger is that by setting in train a sequence of events like this, we are taking the extreme risk of widening the war beyond all possible restraint. For if one bomb had gone astray, and destroyed a Russian ship or a Chinese ship in the harbor of Haiphong, the result might well have endangered the entire planet. My fervent hope is that in their own decisions on the war, the leaders in Hanoi, Moscow, and Peking will not be as irresponsible as President Nixon has been.

President Nixon bears a major share of the responsibility for the disastrous recent events in this shameful new turn in the war.

It was the United States that broke off the Paris talks a month ago. Yet, these talks are the only hope of peace we really have. How can we justify a situation where the only empty seat at the Paris peace table is the American seat?

By breaking off the talks, we set in motion the present shocking sequence of events in this sudden new deterioration of the war—first, the interruption of the peace talks, then the escalation in the new offensive by North Vietnam, and now the escalation in the bombing by the United States.

And while the bombs fall, we are compounding the fault by engaging in an unseemly harangue with the Vietcong and North Vietnamese over which side is responsible for the breakdown in the peace talks and over what conditions should be imposed before the talks can be resumed.

In unequivocal terms, I have condemned the new offensive by the North, just as I condemn the failures in our own policy that have led us to embrace a wider war.

Rarely—if ever—has there been a more clearcut illustration of the famous truth that "Those who cannot remember the past are condemned to repeat it." The bombing proves the point. We know that this is not the first time the North has been bombed. We know the history of years of bombing North Vietnam. We know that strategic bombing of the North will not make Vietnamization work. It will not bring back the American prisoners of war. It will not insure the safe withdrawal of U.S. troops. It will not help to end the war.

President Nixon is pursing the same phantom of military victory that has kept this Nation mired in death in Indochina since 1965. That futile search for conquest on the battlefield has already cost the lives of 55,000 Americans and the death of millions of Vietnamese.

In November 1966, as the Pentagon papers have so clearly revealed, a memorandum from Secretary McNamara to President Johnson concluded:

> Nor has the Rolling Thunder program of bombing the North either significantly affected infiltration or cracked the morale of Hanoi. There is agreement in the intelligence community on these facts.

In May 1967, after 27 months of bombing, after the Rolling Thunder operation by the B-52's and hundreds of thousands of tons of bombs had fallen, the CIA reported that the bombing missions "have had remarkably little effect on Hanoi's overall strategy in prosecuting the war, on its confident view of long-term Communist prospects, and on its political tactics regarding negotiations."

And 7 months later, the Institute for Defense Analyses provided yet another secret evaluation to the Pentagon, which concluded that bombing North Vietnam had "no measurable effect on Hanoi's ability to mount and support military operations in the South" and it had "not discernibly weakened" Hanoi's will to fight.

Yet, it took many more months before these conclusions were accepted and implemented in our policy, and we called a halt at last to the bombings of the North.

But, as events have shown, the bombing halt was only a transient time of hope. More bombs have now been dropped on Indochina since President Nixon took office than were dropped between 1966 and 1968. Since President Nixon's inauguration, more than 6 million tons of bombs have been dropped, more than the combined total dropped during World War II and Korea.

How long will it take for the President to understand that bombing North Vietnam is not the answer?

Today, we read the same stories of oil dumps in flames and military supplies destroyed that we read in 1966, 1967, and 1968. But the war goes on. The violence continues. More Americans die. More Vietnamese die.

When is the President going to keep his word to the American people?

It was on August 8, 1968, that the President accepted the Republican Party nomination. He said then:

> I pledge to you tonight that the first priority foreign policy objective of our next Administration will be to bring an honorable end to the war in Vietnam. . . . My fellow Americans, the dark long night for America is about to end.

President Eisenhower knew how to end a war, to realize America's dreams of peace. He came to office in 1952 on a pledge to end the Korean war. Less than 2 years later, the war was over. That is the example President Nixon should have followed in Vietnam. Instead, he has failed the Eisenhower legacy of peace.

I strongly urge that, instead of sending bombers to Hanoi and Haiphong, the President should send our negotiators back to the Paris peace talks, and send them back at once. Let us accept the invitation extended today by North Vietnam to resume the public and private talks. I strongly urge that the President halt the bombing of North Vietnam, and seek an immediate cease-fire by both sides, so that the Paris talks may resume under the most auspicious conditions possible.

I strongly urge that the President set a date certain for the complete and total withdrawal of all American troops from Vietnam—land, air, and sea—conditioned only on an agreement by the North Vietnamese for a return of U.S. prisoners of war. That is the only step which can possibly lead to a realistic negotiated settlement of the war, and it is a step America should have taken long ago.

It is time for Congress to play a more assertive role. I hope that in the coming days, we can immediately pass the legislation we need to demonstrate in unmistakable terms to the President and his administration that America wants peace now.

We must act, because the President's only plan is a plan for making war, not a plan for making peace. The new bombing shows the policy of the administration at its worst, lashing out in blind retaliation over the failure of its Vietnamization policy.

It is time to abandon this strategy of war, a strategy that has failed so often in the past. Instead, it is time for a strategy of peace, and I hope that the people of America and the nations of the world will unite in a call for peace that the President cannot ignore.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Maryland is recognized.

(The remarks Mr. BEALL made on the introduction of S. 3500 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

BOMBING OF VIETNAM

Mr. TUNNEY. Mr. President, as a result of the activities of American bombers in Vietnam in the past few days, there is despair in the country. It is increasing. It is deepening. It is real. It is legitimate.

How many times, and in how many ways, must the American people demand an end to the war in Vietnam?

How many more people must be killed? How many more bombs must be dropped?

Mr. President, I recognize that this statement may sound, to some, like an anguished cry, but I feel that it is more than that. It is more than just a plea. It seems to me to be a rational and reasonable statement of national principle, of what it is that we must do in this country if we are to bind the wounds which have been caused by the war.

How clear can people be in their determination to end the war? How many more letters must be written? How many more miles must be marched? How many votes must be taken?

The people of this country want to get out of Vietnam. They want to return to the urgent problems here at home and in areas of the world which have some relation to America's legitimate national interest. They do not want to keep fighting in this senseless war. They are sick and tired of the bloodshed caused as a result of our activities. They are sick and tired of the "antiseptic" death that is being rained down on villages by American bombers at altitudes of 50,000 feet.

Mr. President, the people of the United States have made it demonstrably clear in recent elections that they want the war to end. They elected President Nixon on his promise to end the war. He promised to bring the troops home. He said he had a plan. But the plan has either been lost or forgotten. President Nixon has already dropped more bombs than any other man in history. He has bombed Vietnam in 3 years more than President Johnson did in 5.

Last week the Washington Post called him "the greatest bomber in history." He has—if you can believe it, Mr. President—dropped more than a ton of bombs on Vietnam for every minute he has been in the White House.

When and how will he learn that his policy will not work? The bombing will not succeed. It will impair rather than protect the safety of Americans. It will hinder rather than facilitate our withdrawal. It will mean that our prisoners of war will remain where they are for more months and possibly more years. It will mean more war, not less. It will sustain the suffering. It will not bring peace. Yet it continues and expands.

It is time to get back to the negotiating table, and to stay there.

I think it is time, once and for all, to stop the needless destruction.

I was interested to note in the New York Times today an article written by Anthony Lewis entitled "Slaughterhouse Six."

He writes:

> But the most disastrous effects of the bombing escalation must be inside the United States. For no society can be at peace within when it begins to see itself as a destroyer outside.

Finally, Mr. President, in our own national interest we must realize that what this war has produced at home are divisions, the likes of which we have not known in 100 years.

There was some hope over the past 12 months that the President was going to deescalate to the point that maybe by the end of this year we would be out of Vietnam. But I think, as a result of the recent action taken in Vietnam, it is quite clear that the President's plan is to remain in Vietnam insofar as our bombers are concerned, and perhaps a residual force on the ground, until such time as the future of the Thieu government is guaranteed, to secure it for time immemorial.

If that is the case, then we are going to be fighting in Vietnam and we are going to have the divisions at home into the indefinite future.

I, for one, do not believe that our society can take much more of what we have seen as a madhouse in Southeast Asia.

First, it is clear that we have got to withdraw and get out, with the one contingency that our prisoners of war will be returned.

Second, it is also clear that it is time to make it very clear to the South Vietnamese that the peace negotiations must be Vietnamized. It is up to the South Vietnamese and to the North Vietnamese to settle their own differences.

Thank you, Mr. President.

Mr. GRIFFIN. Mr. President, when President Johnson terminated U.S. bombing of North Vietnam in 1968, it was done with the clear understanding that North Vietnam would recognize the DMZ.

Interestingly enough when the North Vietnamese flagrantly disregarded that understanding and recently marched across and through the DMZ, the voices of many who now deplore the bombing were strangely silent.

I wonder what the chances for a real and meaningful peace in the world would be if, just before the President goes to Moscow, there had been no response to the invasion by North Vietnam and to its blatant violation of that understanding.

I wonder what the chances for a real and meaningful peace in the world would be if the only reaction had been the abject surrender advocated by some.

Mr. President, some who have an emotional or political stake in surrender seem actually to be disappointed by any sign or indication that the Vietnamization program is actually working.

It is interesting to contrast the 1968 Tet offensive with the Communist offensive that is going on today.

In 1968, the Communists used guerrilla forces which enjoyed a certain degree of support from the local population. They were able to move quickly and seize Hue and a number of other cities. There was even fighting in the streets of Saigon.

In 1968, there were 540,000 U.S. ground troops in South Vietnam. U.S. troops carried a major portion of the fighting.

Mr. President, as we seek to evaluate the Vietnamization it is interesting to note the contrast with the situation today. The Communists are not using guerrilla forces, presumably because they cannot rely on support from local people. Instead, the North Vietnamese are employing conventional military forces in a massive way in violation of the understanding reached in 1968.

Instead of helping the Communists who came across the DMZ, refugees have been voting with their feet by walking south, instead of north. While the North Vietnamese were successful at one point in seizing up to about half of the city of An Loc, they have been driven out and have not actually captured any major city during this current offensive.

Mr. President, today, in contrast with the situation in 1968, there are not 540,000 U.S. ground troops in South Vietnam. The figure is closer to the 69,000 troop level goal announced by President Nixon for the end of this month.

Mr. President, unlike the situation in 1968, U.S. ground forces are not now engaged in the fighting. While it is true that the Vietnamization process has not progressed to the point where the South Vietnamese have been able to take over all of the air war, it is significant to point out that nearly one-half of the tactical air support sorties have been flown by South Vietnamese pilots.

Mr. President, I again urge all who really seek peace, instead of surrender, to consider seriously the importance of supporting the President as he moves now toward serious negotiations with Moscow and Hanoi, and to avoid, as much as possible, the impression of division in this country which could only encourage the enemy and delay peace.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore, laid before the Senate the following letters, which were referred as indicated:

Report on NASA Employees Filing Reports Relating to Their Employment

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a list of NASA employees pertaining to their NASA and aerospace industry-related employment, for the fiscal year ended June 30, 1971 (with an accompanying paper); to the Committee on Aeronautical and Space Sciences.

Proposed Amendment of Rural Electrification Act of 1936

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions (with an accompanying paper); to the Committee on Agriculture and Forestry.

Plan for Meteorological Services and Supporting Research

A letter from the Assistant Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a plan for meterological service and supporting research, for fiscal year 1973 (with accompanying document); to the Committee on Appropriations.

Report on Approval of Loan to Dairyland Power Cooperative, La Crosse, Wis.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting pursuant to law, on the approval of a loan to Dairyland Power Cooperative of La Crosse, Wis. (with accompanying papers); to the Committee on Appropriations.

Report on Stockpile of Civil Defense Emergency Supplies and Equipment

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended March 31, 1972; to the Committee on Armed Services.

Report of Federal National Mortgage Association

A letter from the President, Federal National Mortgage Association, transmitting, for the information of the Senate, a report of that Association, for the year 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report of Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Department of Defense Procurement from Small and Other Business Firms, for July, 1971–January, 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Notice of Proposed Sampling Plan on Children's Sleepwear

A letter from the Assistant Secretary of Commerce, transmitting, pursuant to law, a notice of proposed sampling plan on children's sleepwear, (with an accompanying paper); to the Committee on Commerce.

Proposed Amendment of Communications Act of 1934

A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to commissioners and Commission employees (with accompanying papers); to the Committee on Commerce.

PART I OF NATIONAL POWER SURVEY

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, part I of its 1970 National Power Survey (with an accompanying document); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Payment Limitation Under 1971 Cotton, Wheat, and Feed Grain Programs Had Limited Effect on Reducing Expenditures", Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, Department of Agriculture, dated April 12, 1972 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONTRACT WITH UNIVERSITY OF IDAHO

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with the University of Idaho, for a research project entitled "Solutions to Problems of Pollution Associated With Mining in Northern Idaho (with accompanying papers; to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENT OF IMMIGRATION AND NATIONALITY ACT

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to provide for the expeditious naturalization of certain former alien employees of the United States who have been admitted to the United States for permanent residence (with an accompanying paper); to the Committee on the Judiciary.

INTERIM REPORT ON "THE PROCESS OF FUNDS ALLOCATION UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965"

A letter from the U.S. Commissioner of Education, Department of Health, Education, and Welfare, transmitting, pursuant to law, an interim report on "The Process of Funds Allocation Under Title I of the Elementary and Secondary Education Act of 1965" (with accompanying papers); to the Committee on Labor and Public Welfare.

PROSPECTUSES FOR PROJECTS PLANNED WITHIN THE FEDERAL TRIANGLE, WASHINGTON, D.C.

A letter from the Acting Administrator, General Services Administration, transmitting pursuant to law, prospectuses for projects planned within the Federal Triangle, Washington, D.C. (with accompanying papers); to the Committee on Public Works.

PROPOSED AMENDMENT OF ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, and for other purposes (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

"TO ENACT LEGISLATION PROVIDING FOR THE SHARING OF A FIXED PERCENTAGE OF THE REVENUES DERIVED FROM THE INDIVIDUAL FEDERAL INCOME TAX WITH STATE GOVERNMENTS

"Whereas, The states have inadequate revenue sources to finance the burdens imposed upon them by mounting welfare, education and health costs; and

"Whereas, The federal government has greater ability to impose taxes without the problem of competing with other jurisdictions; now, therefore, be it

"Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for the sharing of a fixed percentage of the revenues derived from the individual federal income tax with state governments; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"Senate, adopted, April 3, 1972.

"House of Representatives, adopted in concurrence, April 6, 1972."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"TO ENACT LEGISLATION ESTABLISHING HEALTH CENTERS FOR THE ELDERLY WITHIN THE OFFICE OF ECONOMIC OPPORTUNITY

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation establishing within the office of economic opportunity health centers which shall be reserved for elderly citizens of the nation; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"Senate, adopted, April 3, 1972.

"House of Representatives, adopted in concurrence, April 6, 1972."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. SPARKMAN), from the Committee on Banking, Housing and Urban Affairs, with amendments:

S. 652. A bill to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes (Rept. No. 92–750), together with individual views.

By Mr. ROBERT C. BYRD (for Mr. JACKSON), from the Committee on Interior and Insular Affairs, without amendment:

H.R. 7742. A bill to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes (Rept. No. 92–751).

By Mr. ROBERT C. BYRD (for Mr. BELLMON), from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 6797. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets No. 316, 316–A, 317, 145, 193, and 318 (Rept. No. 92–752).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Peter G. Peterson, of Illinois, to be a member of the National Commission on Materials Policy.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 3500. A bill to establish a Commission on the Proper Roles of the Congress and the President in the Use of the Armed Forces Abroad and in Undeclared Wars. Referred to the Committee on Foreign Relations.

By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 3501. A bill to amend section 543(a) of the Internal Revenue Code of 1954 relating to the definition of personal holding company income. Referred to the Committee on Finance.

By Mr. HUGHES (for himself, Mr. CRANSTON, Mr. MONDALE, Mr. MOSS, Mr. JAVITS, and Mr. WILLIAMS):

S. 3502. A bill to amend subchapter III of chapter 83 of title 5, United States Code, with respect to the meaning of disability for civil service retirement, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. HARRIS:

S. 3503. A bill to prohibit the Tennessee Valley Authority from acquiring or utilizing, in carrying out its operations and functions, any coal mined by strip mining methods. Referred to the Committee on Public Works.

By Mr. MATHIAS (for himself, Mrs. SMITH, Mr. TOWER, and Mr. BENTSEN):

S. 3504. A bill to provide for the issuance of a special postage stamp in honor of Adm. Chester William Nimitz for valorous service on behalf of the U.S. Navy. Referred to the Committee on Post Office and Civil Service.

By Mr. BURDICK:

S. 3505. A bill to amend the Occupational Safety and Health Act of 1970 to delete the provision imposing penalties where violations are corrected within the abatement period prescribed. Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE (for himself and Mr. HART):

S. 3506. A bill to protect consumers from abuses relative to excessive charges for life, health, and accident insurance pursuant to consumer credit transactions. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 3500. A bill to establish a Commission on the Proper Roles of the Congress and the President in the Use of the Armed Forces Abroad and in Undeclared Wars. Referred to the Committee on Foreign Relations.

Mr. BEALL. Mr. President, for the past several weeks, the Senate has been engaged in a vigorous debate regarding the division of the so-called war power between the executive and legislative branches of our Government. During the debate, I proposed an alternate approach that I felt overcame many of the practical and constitutional objections that were raised to S. 2956. The Senate, in its collective wisdom, did not see fit to substitute the establishment of a National Commission on the Proper Roles of the Congress and the President in the Use of the Armed Forces Abroad and in Undeclared Wars for the provisions contained in the then pending bill.

We have now passed S. 2956 and it has been referred to the House of Representatives for whatever action the other body deems appropriate. But I would remind my distinguished colleagues that one of the reasons I opposed the approach contained in S. 2956 was the simple fact that I, as a recent member of the House of Representatives, strongly doubt that the other Chamber will act favorably on this bill this year. If this general assumption is correct, the bill will die with the adjournment of the 92d Congress and more importantly, the issue is likely to fade from public view. If public interest in clarifying the apportionment of warmaking powers declines as the American combat role in the Vietnam conflict diminishes, then the 93d Congress will probably not resurrect the issue and we will not be any better off than we are today.

Even though the Senate has decided to proceed with the approach outlined in the committee bill, I believe that we should consider the wisdom of having a "back-up" vehicle that will contain the machinery needed to give this vital issue the kind of continuing public visability and scholarly research that is needed to resolve such a complex problem. For this reason, I am sending to the desk a bill that embodies the basic concepts contained in my amendment, No. 1099. This bill, if enacted, would establish a 24 member bipartisan Commission composed of 12 members appointed by the President of the United States, some of whom would be appointed from within the executive branch and others from private life.

Among those who might serve are former Presidents, former Secretaries of State, diplomats, historians, constitutional lawyers, and so forth, in an effort to bring together the finest minds in our land to tackle one of the most difficult constitutional problems confronting our Nation today. The remaining 12 members of the Commission would be appointed by the President of the Senate and Speaker of the House of Representatives. This Commission, mandated by law, would have up to 1 year to study, in a deep and scholarly way, the constitutional intricacies of warmaking powers. At the conclusion of its study, the Commission's recommendations and conclusions, clearly outlining the pros and cons of the complex issues involved, would be laid before the 93d Congress for whatever action it chose to pursue.

Mr. President, during the debate on amendment No. 1099, I raised a dozen practical and hypothetical situations in hope that the sponsors of the then pending bill would respond in such a way as to reassure me that S. 2956 was a sound piece of legislation that would, if enacted, operate harmoniously within the framework of our national interests. Unfortunately, the proponents of this bill chose not to come to grips with the questions I put to them, thus leaving me with a lingering doubt as to the wisdom of their approach. Mr. President, I ask unanimous consent that the 12 questions I raised during the debate on my amendment relative to the practical application of S. 2956 be printed at the conclusion of my remarks, along with the seven constitutional legislative questions regarding the wisdom of the committee's approach.

The PRESIDING OFFICER (Mr. Randolph). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, in closing, let me simply say that my proposal is designed to bring the "war powers" issue into greater public view and increase in both depth and breadth the studies that have been conducted with regard to this matter. I believe that the enactment of this proposal would bring about a greater awareness and understanding of the complexity of this issue in the minds of the American people. I think our Nation's interests are best served when thorough public hearing is given to a proposal of this sort. It is essential that adequate time be spent listening to the various legal, constitutional, historical, and diplomatic points of view, in an obviously objective manner, so that we can effectively come to grips with these problems. Such an approach will help to create the type of national consensus that is needed to truly bring about an agreement on the best way to achieve the balanced distribution of warmaking powers that all of us seek.

Exhibit 1

Twelve Questions Raised by Senator J. Glenn Beall, Jr. Regarding the Practical Application of S. 2956

First, the sponsors of this bill, during the recent debate on the perfecting or technical amendments which were approved by this body last week, provided that American forces that were in the process of being disengaged could continue to defend themselves after midnight on the 30th day if they were "fighting their way" out of a possible entrapment, and so forth. I am somewhat uncertain as to whether or not the President would be allowed to continue to conduct military activities if the personnel so entrapped were not military personnel but were instead civilians. American businessmen, or missionaries, or passengers on board a hijacked plane, and so forth might remain in the hands of a potentially hostile force. Also there is the distinct possibility that a spreading conflict might involve Americans in neighboring areas during the latter days of the 30-day presidential commitment, thus leaving the President with little opportunity to provide for their safety.

Second, I am wondering how free the President would be to protect these entrapped American military personnel in the process of being disengaged. Would he have the latitude to order retaliatory attacks or to undertake any type of offensive activity to protect these personnel?

Third, during the discussion of the amendment regarding American vessels on the high seas, I was wondering what would happen if an American ship were seized but no American personnel were endangered. This could come in the unlikely event that the crew was totally made up of non-American Nationals or one might also envision a circumstance where a ship could be seized and the Americans could immediately be released unharmed leaving the vessel in hostile hands and the President with unclear authority to take appropriate actions.

Fourth, another interesting potential situation that developed recently was when a Cuban gunboat seized a foreign flag vessel in the territorial waters of the Bahamas. On board this vessel was an American National who, I believe, is still being held by the Cuban authorities. I was wondering whether or not the provisions in S. 2956, even as amended, would provide for the protection of American citizens under such circumstances.

Fifth, in another area, the bill seeks to define when Americans may participate in integrated commands and I am afraid that two problems seem to be developing—one would be the simple defining of what is a "high level" military command and the other would be to determine at which point in a top-to-bottom integrated military command you would draw the horizontal line of demarcation below which American personnel could not participate in military activities. If the Americans had been deeply involved in planning and logistics, and so forth, prior to the outbreak of hostilities, this might prove to be extraordinarily disruptive to the unified military command. A third point along the same lines will be the inability of American personnel to participate in long-range planning when either they were not authorized to engage in hostilities or when their engagement was possibly of only a 30-day duration.

Sixth, on a wider scope involving hypothetical, although possible, circumstances that could develop in today's world, excluding for the time being attempts to make long-range predictions as to what our national security needs will be like in the coming decades, let us look at several of the trouble spots that have flared since 1960 or which could become troublesome in the coming months or years; the 81st Congress enacted Public Law 81–329 which permitted the United States to furnish military assistance to certain other nations. In accordance with this public law, President Truman negotiated an executive agreement providing for mutual defense assistance to Indochina. This agreement, known as the pentalateral agreement, which was signed in Saigon on December 23, 1950, established a framework for U.S. assistance to flow to the four Indochina states. Under the provisions of this law and this executive agreement, American military advisers in South Vietnam numbered 680 at the end of 1960. President Eisenhower, as expressed in his book "Mandate for Change" stated his desire to see America's commitment to Indochina limited primarily to low level military and economic aid plus the training of some military personnel in the United States. During the first year President Kennedy held office, he increased our military assistance advisory group to 3,200 military men, an increase of approximately fivefold. In light of the existence of Public Law 81–329 and the executive agreement negotiated in accordance with it, I question whether legislation such as S. 2956, had it been in effect in the early 1960's when we deepened our involvement to the defense of South Vietnam, would have or could have prevented such an increase in advisory personnel. Prior to 1961 our presence was clearly in accord with the Geneva agreement and even had the approval of the international control commission, 1961 was also a significant year in that at that point American helicopter and air support was provided in South Vietnam as well as the assignment of U.S. advisers down to the battalion level.

Can we assume that legislation such as this war powers bill would have prevented the gradual, almost inpreceptible change in our commitment which occurred in the period of 1961–62?

If this is the case, how would such a restriction affect our commitments pursuant to the pentalateral agreement—based on Public Law 81–329—and the SEATO treaty?

Seventh, if you assume that the basic premiss which I have outlined in my immediately preceding remarks are correct, then one must assume that sufficient American air, naval and ground personnel were in combat areas so as to make an incident such as the shelling of the barracks at Pleiku or the Gulf of Tonkin occurrence almost unavoidable, such an incident obviously invokes the President's right to repel a sudden attack and it also gives him the perfect political moment to come to the Congress and receive congressional approval and support for the "determination of the President as Commander in Chief to take all necessary measures to repel any armed attack against the United States and to prevent further aggression." The point I am making, Mr. President, is that the events which took place in Indo-China during the early 1960's, leading to our long and costly involvement could well have happened even is legislation such as S. 2956 was the law of the land over a decade ago.

Eighth, as we all know, war broke out in the Middle East in June of 1967. The United States has no formal treaty agreements with any of the nations in that area and there were relatively few American nationals or military personnel in this region that would clearly warrant large scale U.S. intervention under the provisions of this legislation. Yet the President of the United States moved the American fleet and other forces into position to exert an influence on the participants in this conflict, which has become known as the Six-Day War and the U.S. Soviet hot line was employed to advise the Soviets that we did not want to become involved in this conflict but would do so if they intervened. As we all know, this war did not last very long and the Soviet Union stood aside while the Arab states took a very severe beating at the hands of Israel. While one might argue that the Soviets did not have the wherewithal in the immediate vicinity to effect the outcome of such a short conflict, I am inclined to think that they might have tried harder to do so if the United States had shown less firmness and determination at the outbreak of the crisis. I am wondering whether the existence of legislation, such as S. 2956, would have impaired the President's ability to move decisively at this critical moment in the history of the Middle East.

Ninth, since 1967, the Middle East has remained a very tense and potentially explosive area but we now find that the Soviet Union has established a very considerable and credible military force in the eastern Mediterranean. Soviet military personnel in Egypt alone number between 15,000 to 20,000 and they are serving not only as advisers but as active military participants in a number of ways. I have been advised that they man missile defenses—although the missile batteries along the Suez Canal appear to be manned primarily by Egyptians—they pilot at least some of the aircraft in the Egyptian Air Force, and they have considerable personnel in command positions in the Egyptian air defense system. If the cease-fire were to break down in the Middle East, we would find the Egyptians resuming the war of attrition along the Suez Canal. The Israelis could be expected to pursue such hostilities with their usual vigor and it is conceivable that the Egyptian position might well deteriorate before the onslaught of the Israeli counterthrusts. If this course of events develops, the Soviets might be placed in a position of assuming an active role in shoring up the position of their Egyptian allies. If this happened, would the President of the United States have the flexibility to respond to such developments in a credible and decisive way, thus containing a very dangerous situation?

Tenth, in September of 1970 King Hussein of Jordan sought to suppress the Palestinian guerrillas that were a threat to his government as well as to the State of Israel. During this internal conflict, forces of neighboring Syria crossed the Jordanian border and threatened the continued existence of the Hashemite kingdom. President Nixon moved the American fleet into the Eastern Mediterranean and clearly established in Damascus—and in Moscow—our determination to prevent such outside intervention in a purely Jordanian internal affair. The Israeli Government also mobilized forces to take action if the situation deteriorated further, and because of a combination of factors—not the least of which was vigorous Jordanian resistance—the Syrians withdrew and the crisis subsided. I for one would hate to see the President's freedom of action in such a crisis limited as it might well be by the passage of this legislation.

Eleventh, during the much talked of Dominican Republic crisis of 1965, we remember that approximately 2,500 Americans were in the Dominican Republic when the government of that nation advised the United States of its inability to protect the safety of American citizens. The landing of American forces enabled us to evacuate over 1,000 Americans plus 1,400 people of other nationalities. While this action on the part of former President Johnson remains highly controversial, I am not sure that S. 2956 would have prevented it nor am I at all certain that Congress would have withheld approval in the light of the presence there of a sizable American community as well as a diverse international community that was clearly endangered by the breakdown of civil order.

Twelve, we are all concerned at this point in history about what is going to be the relationship of the United States with the other countries of the world. Our country has been the greatest free country in the world in recent years. We have been the protector of liberty throughout the world. We have given great encouragement and comfort to other countries who have or want to have a democratic form of government so that they can be free from encroachment by other foreign powers. Our military forces have been a deterrent to war.

I would hope that we would want to participate as a full fledged member of the world community as the greatest free country on the face of the earth and that we would not go into a period of isolationism. We have responsibilities to ourselves as well as to other countries in the world to maintain our position as an active participant in the world community.

Now, Mr. President, I should like to speculate for a moment or two as to what might happen. I do not know how the thought processes work of the other leaders who profess ideologies different from ours, but it would seem to me that in the past, as certain countries around the world would look to possible encroachment upon the territorial rights of another country, they would have serious questions to take into consideration before they did so. One of those considerations would be the presence of the United States. We have used our Navy, for instance, as an extension of our foreign policy. When we have seen trouble brewing in different parts of the world, seeing one country trying to encroach upon another's territory, we have been able to move our Navy into that part of the world and its mere presence has caused them to stop, look, and listen for a little bit.

Seven Constitutional and Legislative Questions Raised by Senator J. Glenn Beall, Jr., Regarding the Wisdom of the Approach Outlined in S. 2956

Mr. President, after considerable study and reexamination, I have concluded that the passage of S. 2956 is unwise and undesirable for the following reasons:

First, there is considerable evidence that the other body will refuse to approve a bill such as the one that is presently pending before the Senate. The chairman of the House Foreign Affairs Committee's Subcommittee on National Security Policy and Scientific Developments recently stated that even if the Senate passes S. 2956—

"It is very unlikely that war powers legislation will be taken up again"

He went on to say that the Senate bill—

"Presents a number of constitutional and practical difficulties which make its passage undesirable."

Today the Washington Post contains an editorial which, needless to say, endorses the concept of the War Powers bill but it concedes that—

"To become law, of course, the bill must not only pass the Senate, but the less independent-minded House; if that happens, a presidential veto could be anticipated."

Mr. Beall. Mr. President, second, we cannot overlook the issue of this bill's constitutionality. The constitutionality question, which hangs like a cloud over S. 2956, is in itself an interesting "double edged sword." Either we are significantly curtailing the powers of the President as Commander in Chief—thus running the risk of violating his constitutional mandate or else we are leaving his powers as Commander in Chief intact which means we are failing to substantively alter the President's ability to "make war." Since 1789, Chief Executives have deployed American Forces abroad over 150 times without a congressional declaration of war. The absence of significant legislative or judicial efforts to define or curb this Presidential power lends credence to the argument that our forefathers meant to invest the President of the United States with broad authority to make and carry out our Nation's foreign policy. On an issue of this magnitude, it is important for us to do more than simply "posture" the Senate. We must ultimately decide upon a course of action that is clearly constitutional, completely compatible with our national security interests, and unquestionably credible to the people of this Republic.

Third, I believe that there is a possibility that we could see an "extended debate" develop in this body over the merits of this "war powers" legislation. Since this is a presidential election year, the Congress must complete its important tasks between now and early July. Since even its supporters doubt that this proposal stands any serious chance of being enacted into law in 1972, I suggest that it would be prudent for us to follow the course of action I have outlined in my proposed substitute amendment and then proceed with the other pressing measures that directly affect the health, safety, and welfare of our 200 million people.

Fourth, the power of the President, in foreign affairs and military matters stems from the recognition that he is Chief of State, Chief Executive of the Government, and Commander in Chief of our armed services. I am inclined to believe that the President, or any of his 35 predecessors, would be very reluctant to sign this measure into law. The President is responsible for preserving the prerogatives and integrity of the Presidency.

Fifth, I believe that this bill is an aftermath of the tragic conflict in Southeast Asia even though its sponsors have seriously tried to detach the two. In spite of the care taken by the drafters of this bill, I do not believe that we have or can divorce it from the emotionalism that has resulted from the conflict in Indochina. I do not believe that we can constructively legislate on a matter of such importance under present circumstances and I fear that we may all regret such action should it become law. The National Commission, composed of outstanding scholars, would study this issue in a scholarly way and make recommendations that would be free from the political pressures that are at work on the Congress. With a balanced study clearly laying out the pros and cons of this issue, the 93d Congress would be in a far better position to define the division of the warmaking power than we are today.

Sixth, as I have studied this legislation, I have tried to determine whether S. 2956 is going to seriously tie the President's hands in a highly undesirable way or whether we are simply posturing the Senate without truly altering the power of the Commander in Chief to "make war." Either outcome, in the extreme, would be undesirable and we must never underestimate its impact on foreign powers, who could misinterpret our actions and thus miscalculate in terms of their dealing with us in the future.

Seventh, lastly, I believe that the Congress has lost much of its say in shaping our foreign policy because we have not used the authority granted to us in the Constitution. We have abused our power by failing to use it in the vigorous way envisioned by the Framers of the Constitution. The Senate and the House can begin today to take meaningful steps designed to restore the balance between Capitol Hill and the White House on matters of foreign and military policy. For instance, we could:

First, we can avoid the open ended—blank check—resolutions, such as the Middle East resolution, the Formosa resolution, and so forth, that have remained in effect long after the initial crisis has subsided, thus forming the base for future presidential actions.

Second, we can avoid the indiscriminate use of the national security waiver which has become a current device for allowing the Congress to appear to be making a foreign policy decision when such is not the case. For example, the Congress recently voted to terminate aid to Greece when everyone in this body was certain that the President would invoke the waiver. Thus we postured ourselves but we did not really add credibility to the claim that Congress contributes to the making of foreign policy. We asserted ourselves on the issue of the importation of Rhodesian chrome ore and the foreign policy of the United States was adjusted in accordance with the will of the Congress.

It is substantive actions on the part of the Congress that will redress the current imbalance in power between the legislative and executive branches of our Government. I believe that the pending bill is a substitute for meaningful congressional action. We will not recover our authority by standing on the beach and telling the tide to recede.

Mr. President, we are dealing with an extremely volatile matter, with its passionate fires fanned by the issues of the day. This is no ordinary piece of legislation. What we have before us is, in effect, a de facto amendment to our Constitution. Such an important step, I believe, demands that we not hasten into a course of action which may well come back to haunt us at some future date.

In today's Washington Post column entitled " 'Hot-Stove' Legislation—bill would curb warmaking power of past presidents," Kenneth Crawford reminds us that earlier Congresses have responded to similar pressures by enacting legislation based on hindsight that proved to be detrimental in a rapidly changing world. In his article he states that—

"After the first world war and a Senate investigation of "merchants of death," the House and Senate wrote a set of neutrality laws to prevent President Wilson, then long dead, from involving the U.S. in a European war. The effect of these laws was to hamstring President Roosevelt in his attempt to help contain Adolph Hitler before the Nazis could overrun all of Europe and precipitate another world war. Obviously, Hitler posed a different and more serious threat to the world than Kaiser Wilhelm had. Fortunately, Roosevelt, before it was too late, found ways through, over and around the neutrality laws".

By Mr. HUGHES (for himself, Mr. Cranston, Mr. Mondale, Mr. Moss, Mr. Javits, and Mr. Williams):

S. 3502. A bill to amend subchapter III of chapter 83 of title 5, United States Code, with respect to the meaning of disability for civil service retirement, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. HUGHES. Mr. President, I am today introducing legislation to amend the Civil Service Retirement Act to delete from the act language which, by barring recognition of alcoholism as a disabling disease, leads to widespread inequities in the treatment accorded to Federal employees who have become disabled by reason of alcoholism.

On December 31, 1970, the President signed into law the landmark Public Law 91-616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, which I had introduced in this body. Passed unanimously by both houses of Congress, this law recognized that alcoholism is properly regarded as an illness or disease and, as a public health problem, is appropriately and effectively handled only through medical and rehabilitative treatment. It created an institute through which a broad range of prevention, training, rehabilitation and research programs would be developed.

Recognizing that the Federal Government, as the Nation's largest employer, should set an example to the rest of industry in its handling of alcoholic employees, the act required that no Federal employee should be discriminated against with regard to any facet of his employment because he has an alcohol problem, but that the alcoholic employee have the same rights and protections as an employee suffering from any other disease.

The Civil Service Retirement Act now prohibits the granting of disability retirement if the disability is due to "vicious habits, intemperance, or willful misconduct" during the preceding 5 years. This language is repeated in the medical forms to be submitted by the examining physician. As a result, depending upon the physician's personal views and attitudes toward alcoholism, a subject on which most physicians have little professional training, he may hide the alcoholism behind references to such concurrent diseases as liver or brain damage, which would support the application for disability retirement, or record the disability as alcoholism and regard an affirmative answer to the question relating to "vicious habits, intemperance, or willful misconduct," thus denying the financial protection to the applicant and his family which may have been earned throughout many years of efficient job performance.

Under Public Law 91-616, the Civil Service Commission has made great progress in developing an enlightened program for the early identification and treatment of employees who suffer from alcoholism. I believe that this bill would continue to the success of that program by removing one of the fears which may hinder the employee from seeking help as soon as his disease begins to manifest itself and at a stage when treatment and rehabilitative efforts have the greatest chance of restoring the alcoholic to health and productive service.

By Mr. HARRIS:

S. 3503. A bill to prohibit the Tennessee Valley Authority from acquiring or utilizing, in carrying out its operations and functions, any coal mined by strip mining methods. Referred to the Committee on Public Works.

TVA SHOULD BE PROHIBITED FROM USING STRIP-MINED COAL

Mr. HARRIS. Mr. President, I have lately held ad hoc public hearings in east Tennessee and east Kentucky on the exploitation of people and natural resources which is inherent in the strip-mining of coal. I have expressed to the Senate Interior and Insular Affairs Committee, now considering this matter, my strong opinion that strip mining should be absolutely prohibited. The counties of east Tennessee and of east Kentucky where strip mining is being done are counties with some of the richest natural resources and some of the poorest people in America. They are dominated by huge landholdings, and more and more deep mining jobs have been lost to the big machines. Strip mining permanently ravages the hills and valleys. There can be no real reclamation. Moreover, the streams are ruined by run-off acids, and flooding is becoming worse and worse because of the sediment in the stream beds.

One of the worst offenders is the Tennessee Valley Authority, because of its large purchases of strip-mined coal. I believe that the late Senator George Norris and others who envisioned TVA as an agency which would protect the hills and waters of Appalachia, uplift the lives of the people of the area and stop the awful flooding which had been a central feature of its history, would be greatly saddened today to know that, because of its almost insatiable appetite for cheap coal, TVA is one of the originators of strip mining and is today one of its strongest supporters.

I believe that strip mining should be absolutely prohibited. Then we could seriously consider alternative energy sources, including an increase in deep mining with stricter safety requirements. This would provide many, many more jobs.

In the meantime and at the very least, I believe the Government should set an example. I believe TVA should be prohibited from purchasing strip-mined coal. This would go a long way toward righting the awful wrongs now being done to the land and people in coal country, including my own State.

TVA consumes about 35 million tons of coal each year. In 1970 and 1971 approximately 60 percent of this coal came from surface mines.

Strip mining is increasing at an alarming rate. We must stop it now before America begins to look like the mountains of the moon, while the people of the areas involved become poorer and poorer and huge coal, oil, and gas and other large landowners and strip miners become richer and richer.

Accordingly, I am today introducing a bill to prohibit TVA from acquiring or utilizing, in carrying out its operations and functions, any coal mined by strip-mining methods. I urge its favorable consideration by the Senate.

Mr. President, I ask unanimous consent that the bill be printed in full at this point in the RECORD. I further ask unanimous consent that various articles concerning this matter be printed at this point in the RECORD.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 3503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) on and after the effective date of this Act, the Tennessee Valley Authority shall not acquire or utilize in connection with the carrying out of its operations or functions any coal which has been mined by strip mining methods.

(b) As used in this section, the term "strip mining" means all or any part of the process followed in the production of coal from a natural coal deposit whereby the coal may be extracted after removing the overburden therefrom or mining by the auger method or any similar method which penetrates a coal seam and removes coal therefrom directly through a series of openings made by a machine which enters the coal seam from a surface excavation.

SEC. 2. This Act shall take effect upon the expiration of the ninety-day period following the date of its enactment.

[From the Sierra Club Bulletin, February 1971]

THE STRIPMINING OF AMERICA

(By Wayne Davis)

Kentucky is being destroyed by stripmining. Not slowly and surely, but rapidly and at an ever accelerating rate. And the disease that affects Kentucky soon may spread to more than half our other states.

Most Sierrans are aware of the problem of acid mine drainage. Sulfur impurities in coal, when excavated and exposed to the air, invite invasion by bacteria which manufacture sulfuric acid. The result is streams with a pH so low that nothing survives but bacteria. The damage is permanent; some sickly red streams run dead a hundred years after mining operations have ceased, with little prospect of improvement in sight.

The extent of the problem is enormous. Keith O. Schwab, of the Federal Water Quality Administration in Cincinnati, has data showing 12,000 miles of degraded streams from mine acid drainage in the Appalachian states. "We can ill afford to lose more streams to mining pollution," he said, "but this is exactly what is happening."

Acid mine drainage has been with us as long as we have been mining coal. It comes from deep mines and surface mines. It has long been accepted by most local people as a price they must pay for an economy which removes the coal and burns it up as quickly as possible. Progress means removing the wealth, destroying it, and leaving the land and streams permanently impoverished.

Acid mine drainage, considered one of the most vicious of industry by-products, is trivial however compared to the massive onrush of destruction caused by the incredibly rapid move to surface mining.

In surface mining heavy machinery removes the soil, including trees, grass and everything else on the surface, to expose the coal seam beneath. In the steep hill country of Eastern Kentucky, this means pushing massive amounts of spoil down the mountainside. Even the largest trees are broken and pushed over. The magnitude of the devastation is difficult to imagine for anyone who has not seen it. Man's ever accelerating technology, now rushing forward faster than the speed of thought, has designed machinery which will move 100 cubic yards of dirt with a single bite. Such shovels, standing as high as a 12 story building, are used around the clock, as is the smaller equipment at many of the mountain stripping sites. With profits running as high as 50 percent annual return on the dollar invested and the minimum price of Eastern Kentucky coal having doubled over a 6 month period last year, the rush is on while the getting is good. Western Sierrans who watched the timber barons' frenzied efforts to cut as many big trees as they could before Congress established a national park will understand the rape of Kentucky. As stripping grows and as people become more informed, the opposition forces encompass an ever larger segment of the public.

When rain falls upon a strip mine site massive quantities of mud wash into the streams. A study by the U.S. Forest Service in Kentucky showed streams carried as much as 46,000 ppm of suspended sediment, compared to a maximum of 150 ppm in adjacent forested watersheds. Stream bed burdens of as much as 66,500 cubic feet of sediment per square mile of watershed were observed in the stripped areas. In addition to the stream beds the woodland flood plains were also made a muddy mess from silt. Subsequent rains not only brought down more silt but moved part of the previous loads on downstream, affecting more of our watercourses.

Bethlehem Steel Corporation has mined the high quality low sulfur coal needed for processing steel from deep mines in Eastern Kentucky for many years without arousing the displeasure of conservationists. However, their decision in 1969 to strip 40,000 acres in several counties changed them from an acceptable responsible corporation into the number one target and rallying point for the anti-stripping forces. Stripmining not only puts permanent scars on the mountainsides, but it also kills the streams, which are public property.

Silt kills streams by destroying the nature of the bed. Many aquatic invertebrates upon which fish feed live beneath stones in the gravel-covered bottom of a stream. A fine load of silt from the clay-banks above glues down the stones, making them inaccessible and preventing the free movement of oxygen-carrying water among the gravel and beneath the stones.

The effect upon spawning of fish is similar. Most species of game fish lay eggs in the gravel of the stream bottom. If a fine layer of silt washes off the strip mine spoils and covers the eggs, they are deprived of sufficient oxygen for development and fail to hatch. Thus the stripminers rob the public of a valued resource.

Although land destruction occurs, acid mine drainage and silt are the best known effects of stripmining, a less known but equally dangerous factor may be the raising of the mineral ion concentration of the water effecting its usability by man and his industries. The U.S. Public Health Service sets standards for drinking water quality and the various industries have their own tolerance levels depending upon the purpose of the water they use.

The U.S. Forest Service has done studies on the effects of stripmining on water quality in Eastern Kentucky. In a report they point out that although the U.S. Public Health Service's Maximum Permissible Level for sulfates in water is 250 ppm, on severely disturbed watersheds in Eastern Kentucky they found concentrations ranging up to 2100 ppm. Whereas the tolerance level for manganese is 0.05 ppm, concentrations of up to 74 ppm were found, and for iron, whose recommended maximum level is 0.3 ppm, concentrations ranged up to 88 ppm.

Why the tremendous increase in stripmining activity? Many reasons have coalesced to result in today's frenzy.

The use of electrical power, pushed along by Madison Avenue's request that we live better electrically, have been growing at 7 percent per year, a rate which doubles consumption every 10 years. Coal is a major energy source for power generators.

Even with nuclear reactor power generators increasing at a rate that doubles their numbers every 2.4 years, with this rate expected to continue at least through 1980, the demand for power is increasing so fast that coal powered generators also are being built.

The scarcity of natural gas, which caused gas companies in the East to deny service to many new industrial customers in 1970, and ever increasing dependency of this country on foreign oil sources, has increased the interest in coal, one resource which is still in abundant supply.

The new mine safety law has helped push operators out of deep mining into the stripmining business. Stripping produces three times as much coal per man as an underground operation and requires less machinery and investment. It is safer for the workers and more profitable to the operators. The result has been that the strip mine has risen from 29 percent of the production 10 years ago to 36 percent today. In the steep Appalachian hills of 9 states strip mine benches now extend for 20,000 miles. Since only 4.6 billion of the estimated 108 billion tons of strippable coal have been harvested, one can see what the future holds.

As the acceleration of stripmining proceeds, attempts to regulate it are frustrated. Although Kentucky has a fairly good mining reclamation law and some honest, conscientious people in the Division of Reclamation, law enforcement has broken down. An employee of the Division told me that during the summer of 1970 permits were issued to over 100 new operators. Since anyone who can borrow enough to get a bulldozer into operation can go into business and get rich now, there is a flood of new people into stripmining. The enforcement officer said that some of these inexperienced operators could not operate within the law even if trying to do so and spills of spoil onto public highways and into the streams are the result.

The business is so lucrative that an operator has been quoted as saying that if we will leave him alone for just two years he doesn't care if we outlaw stripmining, for by that time he would be rich enough to retire.

Operators are getting rich and selling out to the big corporations. The giants of oil and steel, smelling the killing at hand, have been rushing into the fray like a pack of sharks to a bleeding swimmer. The major stripmining operations are subsidiaries of such corporations as Gulf Oil, Humble Oil, U.S. Steel and Bethlehem Steel. TVA is also heavily involved.

If you think coal mining is only a problem for Kentucky and such well known coal states as West Virginia, Pennsylvania and Illinois, you are in for a surprise. A total of 26 states have strippable reserves of coal. We easterners will not even be in the running when the big time arrives, because the states with the largest reserves of strippable coal are North Dakota, Montana and Wyoming. If we draw a line from Pennsylvania to the coal-laden northwestern tip of Georgia, every state west of the line except Wisconsin, Minnesota and Hawaii has some coal deposits. With the industry's trend toward building power plants where the coal is, the destruction of parts of your state may be even now on the shallow horizon.

Stripmining as a big business has moved into Ohio. Ben A. Franklin of the *New York Times* reports that 5 billion tons of low grade fuel, long considered too marginal for mass mining, lie near the surface in Ohio, and the boom is on from Cincinnati to the east-central border to recover it. In 346,000 acre Belmont County alone 200,000 acres have been sold, leased or optioned to the strippers.

Two giant electric shovels, each 12 stories high, scoop up farms, barns, silos, churches and roads to uncover the coal, piling the rubble into strip mine spoil banks. Franklin quotes Ohio Congressman Wayne Hays, whose home is in Belmont County, as saying "They're turning this beautiful place into a desert," but Ford Sampson, head of the Ohio Coal Association is credited with the line, "Are we going to cut off the electric power because some guy has a sentimental feeling about an acre of coal?"

Perhaps a better example of what we are up against is illustrated by the opinion of James D. Riley, a vice president of Consolidation Coal Company, who spoke to the American Mining Congress in Pittsburgh in 1969. To the thunderous applause of the assembled strip miners, Mr. Riley declared that the conservationists who demand a better job of land reclamation are "stupid idiots, socialists and commies who don't know what they are talking about. I think it is our bounden duty to knock them down and subject them to the ridicule they deserve."

What can be done? First we must insist that Americans take their heads out of the sand and recognize the fact that power demand cannot continue to rise as it has been. Nothing—whether the power demand, the production of coal, the number of people, the number of cars, or the gross national product—can continue indefinitely to rise at an exponential rate in a finite world. The sooner we face reality on this the sooner we can begin to attack the problems.

So the next time the power tycoons tell you they must double power capacity by 1980 you should reply, "Nonsense—long before 1980 we must plan and put into practice a program to level off power consumption at something like present levels or less."

Second we must have federal regulations of mining practices. Any local efforts to regulate this or any other industry encounter the standard and somewhat justified reply that regulation would put them at a disadvantage with their competitors in other states.

Dr. Robert Kuehne says that in Kentucky we could not have designed a better system to ruin the maximum number of streams in a shorter period. Instead of mining watersheds that are already destroyed until all the coal is gone, the economic system assures that we skip around in such a way as to kill all our streams in the coal country.

The Committee on Resources and Man of the National Academy of Sciences-National Research Council has pointed out that the culmination of oil production in this country is now at hand and the culmination of natural gas will arrive at the end of this decade. We are now dependent upon foreign sources for 20 percent of our oil supplies, and by the end of this decade this is expected to rise to 40–45 percent. Although coal reserves are much greater, we should not continue to treat them as the common enemy to be destroyed with all speed by the system found to be so effective in getting rid of our oil and gas.

We simply cannot afford to continue the present pattern of exploitation of the fossil fuels.

[From the Nashville Tennessean, Sept. 19, 1971]

Some Blame TVA: Strip Mined Poor Look for Villain

(By William Greenburg)

La Follette, Tenn.—When residents of this five-county area where the strip mining of coal ravages the land and impoverishes ordinary people looking for "the villain" responsible for their plight, they search in several directions.

They point their finger in the direction of the absentee landlords who own most of the land and reap huge profits which they take out of state, and sometimes out of the nation.

They point their fingers at the strip mine operators who lease the land and rip it open to steal its mineral wealth—then leave the gaping wounds to threaten the environment.

And they point to the federal agency which is the largest single coal purchaser in the area—the Tennessee Valley Authority.

It may sound strange to some to hear that the TVA is considered "the villain" anywhere in Tennessee. After all, the TVA has long been considered a boon and a provider of a healthy economy that helped all the people of the state.

TVA OFTEN TARGET

The TVA has provided low-cost electric power, flood control, increased river traffic and created vast recreational waterways. In most of the state of Tennessee this has made the TVA something of a hero.

But in the mountains around here TVA is sometimes cursed and often criticized.

The reason: Last year the agency purchased about four million of the eight million tons of coal produced in Tennessee. Of that four million tons, 2.3 million were strip mined.

Strip mining is an enemy of the people of the area.

They live in poverty despite the fact that the strip mining takes millions in wealth from the area each year. The landowners and strip miners pay a pittance in property taxes, thus increasing the tax burden of other residents.

But most of all the strip miners rape and ravage the land, leaving it an ecological disaster area. And since TVA pays to have much of that coal strip mined, TVA is a villain in the eyes of the people around here.

Several days ago a reporter-photographer team visited the site of the Emory River across the stream from where Fred Wall is stripping coal from steep heights under a TVA contract. At least one major landslide could be clearly seen, dropping a sheet of brown down the lush green mountainside.

A resident of the area pointed up and said:

"That is what TVA is doing to us. They tell us they are making the strip miners grow it back. They can never make that mountain green again. And they can never take that slop out of our river again."

Of all agencies of the federal government TVA has worked to build a "public service" image. But here in this five county area that image suffers.

FORK CATCHES TVA

The reason? TVA is locked into a dilemma. On the one hand it must buy coal as cheaply as possible. On the other hand it must protect the environment.

By law TVA is required to buy coal on competitive bids. This means the lowest price. Moreover TVA is now charged with the directive to operate its power division so that it pays its own way—without government appropriations.

At the same time TVA policy is to require those strip miners with which it contracts to reclaim—which means to heal the deep scars strip mining leaves in the land.

It isn't working—yet. And some residents of this area like the man on the banks of the Emory last week don't think it ever will work.

WAGNER DEFENDS COST

TVA introduced reclamation provisions into its coal contracts beginning in 1965. The provisions have since been updated. Aubrey Wagner, chairman of the TVA, says they have been strengthened.

"We believe the cost of reclamation is a legitimate part of the cost of coal," Wagner said, explaining the TVA board policy. "We believe the cost of reclamation is not excessive and that successful reclamation can be done."

Frank Smith, another member of the three-man TVA board, says that the reclamation provisions have not been in the TVA contracts long enough to provide an adequate test as to whether they will work.

"It is impossible to have instant reclamation," said Smith, pointing out that the ravaging of the mountains has gone on for too long to reverse the trend in six years.

"It is difficult to enforce the provisions of the contract. But we are not throwing up our hands. I'm not claiming that TVA has been perfect by any means. But we are working at reclamation."

According to Smith a major problem is that TVA has no control over the land which produces the coal the agency then buys.

There is a traditional frontier spirit that still holds in the American mind that if you don't own land you can't control the use of it—particularly if you are the federal government.

"A change in that philosophy is beginning to take place," said Smith. "The people of the country are beginning to become sensitive to the need to use the land more advantageously and to allow some direction from government with regard to its use. But it is a slow process, he says.

Smith maintains, not unlike TVA board chairman Wagner, that there is no validity to the argument that reclamation is curtailed because the agency must buy low-dollar coal and be competitive.

Smith said "It is still too early to conclude that land reclamation won't work."

This is the general view held by the directors of the TVA.

DEBATE FROM WITHIN

But within the agency there is debate from various sections. There are the conservationists within the TVA who hold that the agency doesn't take enough force in demanding that the strip mined lands be re-developed. A few, in candid moments, wonder if reclamation is impossible after the land has been robbed of its coal. Still others, in the fuel purchasing division, are not concerned about reclamation. Their job is buying coal at the cheapest price to provide adequate electric power—an increasing problem—at the lowest consumer rate possible.

Most people within TVA feel that the full burden of reclamation has fallen on their agency shoulders and that nobody else in other branches or levels of government are interested in taking any responsibility.

It is true that the Tennessee Department of Conservation operates a skeleton staff to inspect and oversee strip mining operations. The strip miners laugh among themselves that no state officials ever seem interested in how they treat the land—or even whether there are license plates on the trucks that haul the coal. And usually there aren't.

"We have a program and we are working at it," says Frank Smith. "The Tennessee Department of Conservation is more interested in courting the wealthy sportsmen in the state than in worrying about land reclamation. They could help."

But Smith, as most others in TVA, do not believe that speedy corrective action will come unless the federal government passes stringent laws controlling strip mining activities.

While some in TVA say that there is still a chance that reclamation contracts will help cure the ailment, the cost of coal continues to create problems for the agency.

It remains a fact that TVA must be competitive in its bidding. Still, it must require those from whom it buys coal to charge more for it because they must reclaim the land.

Economists would suggest this can only eventually increase the price of electric power. Indeed last year there were increases as the price of coal skyrocketed.

There was one period last year when TVA was caught short and the price of coal temporarily reached $10 a ton. Still TVA paid a $4.50 a ton average in 1970 and has paid $5.90 in 1971. Prices per ton since 1965 have ranged between $3.96 and $5.90. A check of the long term contracts that TVA awarded last April shows that both strip and deep mine coal is running between $7 and $8 a ton. TVA continuously buys spot coal, which is presently running between $5 and $6 a ton.

More important than the price TVA pays for a ton of coal is the price it pays for the heat value.

If one lump of coal gives off more heat than another lump of coal then less of the first kind of coal is needed to produce the heat required to generate electricity. The measure of heat is called the British Thermal Unit and is another way of saying calories. The British Thermal Unit is known as the BTU.

The price TVA has been paying per million BTU has steadily increased and the number of BTUs in a pound of coal has been steadily going down.

The largest drop in number of BTUs per pound occurred between 1969 and 1971 when the number went from 11,356 to 10,796. This is about the time that strip mining began to build to its present peak.

TVA LOSING QUALITY?

During this two year period TVA paid an increase of seven cents per million BTUs the largest increase since records were kept in 1946. The question is what all this will do to the famous TVA low cost electric power yardstick.

This big decrease in the BTU content of coal may mean that TVA is not getting the quality of coal it needs, and an added burden is the disposal of ash in the coal that will not burn.

The means that the mining companies use to deliver less than the required quality of coal was called capping. The term has been softened and is now called blending.

The strip mine operators load their trucks with poorer quality coal, sometimes outright dirt, and cover it with good coal.

A TVA official said that this practice has ceased, but a talk to officials at the Kingston Steam Plant indicates otherwise.

ASH CREATES PROBLEM

Kingston manager A. O. Spencer said the ash content of the coal the plant is receiving averages about 18% and is sometimes as high as 20%.

"The coal operators are not trying to fool us," Spencer said. They say they are bringing in 20% ash and that's what we get. Once in a while someone trys to sneak a bad load by."

Kingston coal is not supposed to be more than 16% ash.

The more ash, which is dirt that will not burn, there is in coal the more coal is needed to reach the desired heat. Also, the greater the ash content, the more difficult it is to dispose of it.

Spencer said that it takes about 5% more coal to produce 200,000 kilowatts due to increased ash content.

Critics of TVA have suggested that the agency has the organization which would permit it to buy coal in such a manner that would include careful planning to insure an adequate supply for electric power generation and at the same time protect the environment.

While TVA officials challenge that, it is apparent TVA's reclamation provisions are not helped by the need to buy coal at the lowest possible price.

PRICE NEARLY DOUBLED

TVA chairman Wagner said he is not qualified to determine just what the cost of reclamation is. TVA officials say such information is not available now because it will vary from strip mine to strip mine. They added that one purpose of TVA's special study contract for strip mining in Campbell County is to come up with guidelines of the cost of reclamation.

'We have felt that when the price of new coal nearly doubled on us a little over a year ago it was not clear that the cost of reclamation or mine safety measured up to the increase in price,'" Wagner said.

There are already at least four landslides on the TVA model strip mining contract with the Long Pit Mining Co. in Campbell County.

Another large contract in Campbell County, with the Spradlin Coal Co., has demonstrated that the area is not suitable for growing after strip mining. Arthur Wardner, TVA forester, said on a tour of the strip mine that the agency knew of soil conditions before stripping began.

STATE LAWS WEAK

Then there is the Emory River operation mentioned eariler in this article. Fred Walt, the strip mine operator on that job had a stripping job a few miles away on the Obed which was closed down last year because of environmental damage.

Wagner said he believes it is important to bring state strip mine law and TVA regulations into line with each other to insure enforcement, State laws are weak and such as they are, remain unenforced.

Wagner said it would take several years for TVA to switch from strip mined coal to deep mined coal. He said a ban on strip mining would deprive TVA of 40% of its power production.

He said he did not know what portion of TVA's strip mined coal comes from the areas with steep mountains like East Tennessee.

TVA official said later that 25% of TVA's strip mined coal comes from the sides of steep mountains.

A check of records of the TVA division of fuel purchasing showed that approximately 17.5% of TVA's total coal supply is strip mined off the sides of steep mountains.

With such an involvement in the purchasing of strip mined coal it is not surprising that TVA is sometimes called "the villain" in the five county region where the coal cuts have left gaping wounds in mountainsides and streams clogged and polluted.

But TVA is aware of its image.

Its officials insist they are doing all they can to improve more than their image—they want to improve land reclamation. It is too early to tell—as their officials say—whether they will succeed in either the effort to improve their image or the effort to improve the land.

TVA COAL BUYING AGAIN UNDER FIRE

(By George Vecsey)

KNOXVILLE, TENN., March 31.—When Frank Smith confirmed that he would not be reappointed a director of the Tennessee Valley Authority, his critics barely took time to notice this week. They were too busy planning ways to keep the pressure on T.V.A.'s coal-purchasing policies.

Mr. Smith, who is returning to Mississippi to run for Congress again, insists he has taken a pro-conservation role within the agency. But others identify him with the authority's increasing use of surface-mined coal to provide electricity since he was appointed by President Kennedy in 1962.

"He has been a calamity," said Harry M. Caudill, one of the leaders in the fight against surface mining. "Frank Smith has betrayed every liberal instinct he may once have had."

Mr. Caudill's office in Whitesburg, Ky., was the meeting place last Wednesday as 25 Appalachian leaders discussed T.V.A. and other contributors to the growth of surface mining. Another goad to the agency may come next Thursday when Senator Fred Harris, the Democrat from Oklahoma who is not running for re-election, will hold an unofficial tour and hearing in eastern Kentucky as part of his involvement in a "new populism."

ONCE HAILED AS SAVIOR

"T.V.A. was originally set up to protect and enrich the countryside," said Senator Harris after a recent tour near here. "But anybody who has seen the mountains and walked in the valleys can see what T.V.A. is doing."

Often hailed as the savior of the Tennessee River watershed with its dam building and soil conservation of the 1930's T.V.A. is now frequently accused of subsidizing the destruction of neighboring coal-region watersheds. Originally built on hydroelectric power, the agency now produces around 80 per cent of its power from 11 coal-powered plants.

Since Mr. Smith became a director, the authority's purchases of surface-mined coal have risen to 15 per cent of the total produced in seven states. It is the largest consumer in those states.

Since 1965, T.V.A. has also been the only consumer that imposes reclamation standards upon its suppliers, and Mr. Smith says he has quietly pressed for strong Federal legislation. Yet he did not make his opinions public until recently.

TWO POSITION PAPERS

The spokesman for T.V.A. has generally been Aubrey J. Wagner, the chairman and a long-time T.V.A. official, who was reappointed as a director in 1969. The third director, Don McBride of Oklahoma, was appointed in 1966. When Mr. Wagner recently delivered a T.V.A. position before a Senate hearing, Mr. Smith issued his own position paper urging reforms.

"I felt it was time to point some differences," Mr. Smith said.

The delivery of these opinions on Feb. 24 was accompanied by rumors that Mr. Smith would not be reappointed by President Nixon when his term ended on May 18. Mr. Smith recently confirmed that he was "cleaning out my desk"—blaming "politics by that great conservationist in Washington."

The T.V.A. directorship pays $38,000 a year for the nine-year term and the Administration is expected to appoint a Republican. William Jenkins, the Tennessee commissioner of conservation, is frequently mentioned for the post.

Although he expressed unhappiness over the lack of support for his reappointment, Mr. Smith stressed T.V.A.'s conservation efforts and defended its purchase of coal.

REQUIRES RECLAMATION

"We're always the whipping boy," he said. "Perhaps the reclamation wasn't always adequate, but we're still the only ones who require it. Maybe some areas ought not to be stripped. But others are not exactly primeval virgin lands, either. They can be improved through responsible stripping and reclamation."

Mr. Smith said he would soon return to Mississippi and file for the Democratic primary for the Congressional seat being vacated by 68-year-old Thomas G. Abernethy. Mr. Smith was a Representative for 12 years.

Jim Branscome, the young director of Save our Kentucky, an environmental group, has publicly equated Mr. Smith's policies with "racists and profit-mongers who stalk this land."

But even more moderate voices have criticized the T.V.A. director. These includes Leslie Dunbar, executive director of the Field Foundation in New York, who attended the meeting in Whitesburg this week.

"I'm a long-time friend of Frank Smith," Mr. Dunbar said, "but I don't think he's done enough about strip mining. My hunch is he's the only one of the three directors who gives a damn. But he has defended the indefensible—and not very well."

[From the New Republic, Jan. 15, 1972]

Coal's Congressmen

(By Ward Sinclair)

Strip-mining is ripping up the land at the rate of a little more than a square mile a day. By 1965 it had torn up enough terrain to make a solid belt three miles wide from New York to Chicago. By 1980 that belt will have widened to 11 miles. House and Senate Interior subcommittees are talking about legislation early in 1972. The bills they mark up will be the product of hearings last fall that were distinguished by high absenteeism, shallow staff preparation, deference to the mining industry, inane utterances and little perspective on the human side of strip-mining.

Coal, because it is so abundant and because we use so much of it, is the principal villain. Three decades ago only 10 percent of the country's coal came from strip mines. Reliant on cheap prices of strip coal, public utilities generate more than half our electricity with coal. High and steady mining profits have lured the oil companies into the field and they now control a majority of the 50 largest coal firms. The major oil companies are cornering the entire energy market—coal, uranium reserves, synthetic gas and crude oil research subsidies, taking leases on millions of acres of mineral-rich public lands—and threaten to wipe out all vestiges of competition. The exploding demand for coal at home and abroad, the absence of real regulation and the development of monstrously large mining machines have contributed to the rapid growth of stripping, which next year for the first time will account for more than half of all US coal mined.

That's not all. There is every expectation that the robust coal industry will become even healthier in the near future as federal funds, voted by Congress last year, spur development of the coal gasification process—the conversion of coal to gas, which banks on the availability of the billions of tons of strippable coal reserves in the far western states. The process, when perfected commercially, will live or die on ready access to federally owned coal lands, on not very demanding reclamation requirements and on the cheapest and most expedient mining method—stripping.

With no federal control and little or no state policing, stripping until now has remained hidden largely in the recesses of Appalachia's closet of social and environmental horrors, defiling forested hillsides and befouling river systems with silt and acid pollution. Coal lands in Iowa, Wyoming, Montana, North Dakota and the Southwest are being opened to the strip machines and the devastation will be seen in all the 27 states where coal is known to exist.

The stripping technique (or surface mining, as the industry calls it) is relatively simple. It means merely peeling the surface off a mineral deposit—be it phosphate, limestone, copper, iron ore, sand and gravel or coal. Unless reclamation is attempted, the mess is left behind. The stripper cuts and runs. The huge machines now available to the strippers (some can gouge down nearly 200 feet) are making underground mining less and less attractive. Those machines, of course, make underground miners obsolete as well, but the United Mine Workers (UMW) of Tony Boyle is so reliant on welfare-fund royalties from stripped coal that it feverishly opposes the ban on strip-mining that is proposed by Rep. Ken Hechler (D, W. Va.). The square-mile statistics don't begin to depict the devastation. Water tables and drainage patterns are altered. Erosion is hastened as forests and slopes are denuded, and flash-flooding becomes common in places where it never was a problem. In the mountains of Kentucky, Virginia and West Virginia, massive landslides of strip-mine residue block highways and engulf homes. Wildlife habitat is destroyed. Acid and silt snuff out aquatic life in the streams; ponds and reservoirs are poisoned. Ugly highwalls—man-made cliffs where mountainsides are stripped—ruin the scenery and threaten the tourist potential of the industry-poor Appalachian states, which have little other hopes of income.

Congressional hearings, particularly on the House side, have given little exposure to the human side of strip-mining. The damage to people, communities and tax bases and the threat to future economic development of stripped-out regions have been muffled by the apparently more overriding concern that Los Angeles, Chicago and New York not suffer electricity shortages.

A House subcommittee, headed by Rep. Ed Edmondson (D, Okla.), merits separate study for its bull-headedness. Hearing dates on strip-mining were scheduled, then postponed; scheduled, then again postponed. A supposed series of field trips was cut down to one—to a model reclamation project in Ohio—on the grounds that time ran short. (Three subcommittee members then found time enough to junket for a week in Spain.) The idea of touring the lunarscapes of Kentucky, the largest strip-coal state, apparently wasn't even contemplated. Four eastern Kentuckians, including writer-lawyer Harry Caudill, one of Appalachia's best-known advocates, asked to be heard but never were, because none of them received confirmation letters the subcommittee insisted had been mailed. The other anti-strip witnesses who did get to testify were received caustically, as though the burden of proof rested with them. Rep. Hechler himself was greeted like an enemy. He likened the hostile questioning to "a determination of some members to drive the evil spirit out of me . . . to get me to recant." The subcommittee denied him the privilege of inserting certain material in the hearing record and denied the use of expert-witness assistance, a subcommittee rule that changed when others took the stand.

A Hechler backer, Rep. John Seiberling (D, Ohio), of the tire-making Seiberlings, got a similar reception. Chairman Edmondson, a likely Senate candidate whose success could depend on the Oklahoma oil industry's warmness toward him, wondered if Seiberling would endorse a ban on "pollution-causing" auto tires as keenly as a ban on strip-mining. In all his days, the Ohioan responded, he'd never heard that auto tires were a significant source of air pollution but, of course, if they were, he'd be opposed to them. Rep. Craig Hosmer (R, Calif.) who owns a pile of oil and electric-utility stocks, warned Seiberling, "You are going to kill a lot of my people when you don't let coal come up from the mines . . . don't tell me it's [a ban] not going to cost human lives."

When James Branscome, director of a Kentucky anti-strip-mine coalition, warned that strippers were "making revolutionaries out of mountain people" ex-FBI agent Edmondson went for the jugular. "Are you one of those revolutionaries?" he demanded. Edmondson would not let him continue until he heard the denial. The chairman finally gaveled Branscome into silence when Branscome refused to explain why he felt Hechler had been mistreated. Give the press a copy of my complaint and I'll answer you, Branscome said. "You're excused! We don't take terms from witnesses," Edmondson said with a whack of the gavel.

So it went. The best came from the Interior subcommittee member whose state has been hurt most by strip-mining. Rep. James Kee (D, W. Va.), who talks like a member of the Washington Coal Club, which he is, said it like a true industry flunky: "You ban strip-mining and America will be relegated down to a fifth, sixth, and seventh-class nation because we will have to go hat in hand for fuel in foreign lands." Stripping, as he sees it, is a "blessing in disguise," providing sunshine for the wildlife and halting fires in the strip-cleared forests.

His colleagues sat in respectful awe as Kee barked at witness Si Galperin, Jr., a West Virginia state senator whose futile effort to get a ban on stripping there set off a wild furor this year: "I don't find any people hollering about abolishing strip-mining. Quite the contrary." Depends on the clubs one joins.

[From the Kentucky Post, July 13, 1971]

Congressman-Crusader Gets Tough With Strip Miners

(Editor's Note.—Ken Hechler is a crusading congressman who has touched off an intense environmental issue by sponsoring a bill to outlaw strip mining. The proposed action has emotional and economic overtones to conservationists in Kentucky. Hechler, a Democrat, makes his home right across Kentucky's border in Huntington, W. Va., Carl West of our Washington Bureau visited the embattled congressman to find out why he thinks strip mining should be banned and what he's doing to see that it is. The interview follows.)

Q. Why should someone who doesn't live in an area where there is strip mining be concerned about the effects of it?

A. Strip mining destroys a lot of the nation's wealth while extracting temporary wealth which is the coal. Once the coal is gone the land is gone, the forests, the hills, the streams are polluted and this has an effect on the entire nation, even those areas where people are living that are not strip mined. When you take away from the national wealth, you hurt everybody.

Q. You have proposed a bill that would ban strip mining within six months of its enactment. This means federal control. Why can't states cope with the problem? Why can't states enact controlling laws?

A. In the first place, I think there has to be a uniform standard throughout the nation. If you have varying standards then your strip miners will simply shift to those states that have the weaker laws and continue their operations.

And, second, traditionally, as in all legislation, the state regulation has been very effective. There have been loopholes, not only in the legislation, but more particularly in the enforcement of the strip mines in states which have laws.

It is much easier for a very powerful lobby to approach a state administrative agency than it would be to approach a federal agency.

Q. What would your bill do to lands already stripped?

A. It would provide for reclamation for those areas only if the Environmental Protection Agency indicated that those areas are worth reclaiming and would provide a 90 per cent federal contribution to be matched by 10 per cent state contribution to reclaim those lands.

Q. Do you have a price tag, or cost estimate?

A. No. The decision still has to be made by EPA. This depends on which lands EPA in its wisdom decides are worth reclaiming.

Q. Is EPA supporting your bill?

A. All I can say is there are many people within the Nixon Administration that are rather ashamed of the administration bill which puts the regulatory bill in the Department of Interior which I consider to be more of a production-orientated agency than an agency devoted toward the protection of the land.

The EPA is headed by a very aggressive administrator, William Ruckelshaus, who I think has done a remarkable job in administrating air and water pollution control legislation. I'm not going to try to embarrass the EPA into saying whether they support or oppose it. I know that informally and behind the scenes they can give a lot of support.

Q. What is your argument against the Nixon Administration bill other than the fact it puts control in hands of the Interior Department?

A. In the first place it provides a two-year lag during which states may submit their plans and suggestions as to how to control strip mining. This is a license for two years to speed up strip mining until there are controls.

What it does, in effect, is escalate the devastation of strip mining in all areas of the country where it is being carried on.

In the second place, it puts the responsibility primarily on the state, rather than the federal government. And this is subject to the argument that I was making before that the pressure of strip miners, coal operators, utilities, railroads and other interests is so strong on state legislatures and state administrative agencies that I don't think you can get effective legislation.

Every time that a state legislature like West Virginia, or Pennsylvania or Kentucky says "now we've passed a good, effective, strong strip mining law that requires reclamation" as West Virginia did in 1967, we discover that it is ineffective both from a legislative language standpoint and an administrative standpoint. All these things are of course embodied in the Nixon Administration bill which allows a two year lag during which states may propose plans for the regulation of strip mining and then at some indefinite future date after that, if the federal government doesn't like those plans it can interpose a federal standard.

Q. What do you feel has been the reason for the increase in strip mining?

A. First is the apprehension on the part of strip miners that sooner or later the people are going to get so fed up with this devastation that they are going to insist on enactment of strict laws that will prohibit strip mining.

Q. Why aren't people fed up with it already?

A. I think they are. I think many of them are. I think the state legislatures and the Congress are not up with the people on this. They are disturbed about it and they are being subjected to tremendous propaganda campaign on part of the strip miners themselves to try to get across the point that there is an energy crisis, that you can reclaim this land, and thirdly, it means loss of jobs.

These three arguments are being used very effectively. A lot of money is being spent, particularly in West Virginia, on radio, TV, newspapers ads, women running around with signs, writing letters.

Q. Was there a proposal in the legislature to ban strip mining?

A. Yes.

Q. You introduced your bill in February which is the toughest of any in the federal hopper and equal to any proposed at the state level. You have been in a good position to evaluate the thrust of interests trying to convince you and others that your bill is bad. What have the lobbyists from coal companies, railroads, utilities done to promote opposition to your proposal?

A. There is a tremendous propaganda effort mounted against it to convince others it is extreme, or will cause heart and kidney machines to turn off for want of electricity.

Q. Has there been any personal harassment of you?

A. The state legislature has virtually redistricted me out of office. My district has been split into three parts as a result of action of the state legislature and I no longer have a district to run in 1972.

My hometown has been put in with a number of other counties that are represented by another Congressman with most of constituents being in his own district.

Q. What are some of the attempts of the strip mining interest to influence your thinking on your bill?

A. Well, of course this is done a little more delicately these days than it used to be in the past when strong-armed methods were used. It's done perhaps differently than when United Mine Workers used to attack me when I was criticizing Tony Boyle in the Boyle-Yablonski campaign.

Yet, there are very strong attempts in public statements and I'm sure campaign efforts will be used in 1972 in attempts to defeat me in any office I run for.

But virtually every speech that the president of the National Coal Association, Carl Bagge, makes, denounces my bill as a totally irresponsible proposal, and one that would cause an energy crisis.

Q. What chance do you give of passage of your bill in the House?

A. It's chance will depend pretty much on the extent of public support and interest between now and the time the bill comes to a vote. It is in the subcommittee of the Interior Committee, chaired by Cong. Ed Edmonson of Oklahoma and I fully expect that hearings will be held on this in September, after which we will have an opportunity to vote on either the administration bill or some modification of it, or have an opportunity also to vote on my bill at the time those are brought up.

Q. There has been some speculation that Congress will come up with a compromise measure "stiffening the present rules." What are the present rules?

A. Well, there are no real rules now at the federal level. There is really no adequate control of strip mining at the federal level.

Q. What do you project for a compromise?

A. I don't project a compromise. I still feel, and I feel this very strongly and sincerely, that I can generate enough public support to force Congress to pass the kind of legislation that will effectively ban the strip mining of coal in six months.

Q. Do you think it will be of the same magnitude as the anti-SST crusade?

A. Yes I do. I believe it will also be effective for that reason. There is going to be a great deal of activity at the grass roots. There is going to be great deal of activity as to advising members of Congress that when this bill is voted on it will be counted as an important vote to determine whether or not these organizations will support congressmen in the 1972 elections. This in itself gressmen will pay attention to when they is a very important yardstick that many con- are determining whether or not to support my legislation.

[From the New York Times Magazine, Dec. 12, 1971]

APPALACHIA—LIKE THE FLAYED BACK OF A MAN

(By James Branscome)

LEXINGTON, KY.—Dan Gibson sold his squirrel gun last month. He sold it for $30 and an old British .303 Endfield to two of his young admirers. Gun buying, trading or swapping is less than unusual in the hills of eastern Kentucky, but Dan Gibson's rifle and what he did with it a few years ago are unusual. With only that rifle as a companion, Gibson, who is in his 80's stood off 17 state policemen and a coal-mining company. He held them off because the miners were going to strip-mine his son-in-law's property and the state police were there to back them up. He was finally arrested, but not before he had won his point. The strip miners did not come back.

What made Dan Gibson angry is a relatively new, cheap and easy method of mining coal. It is cheap and easy for the coal operators but expensive and difficult for the people who live in Appalachia. Because it is cheap and easy in the short run, strip-mining this year is expected to account for half of the coal produced in America. The coal will fuel power plants that light the sprawling suburbs and the dying cores of American cities. As a result, the hills and mountains of Appalachia will be irreparably scarred. The Appalachian people will be forced to flee their homes because of landslides and flooding. The entire region will look more and more like the flayed back of a man, the lifeless or heavily damaged pulp of a miscreant who sinned against industrial America.

Of the 429 million tons of coal produced in Appalachia last year, more than 154 million tons were mined by stripping methods. Nationwide, stripping accounted for 264 million of 602.9 million tons, or 44 per cent of the nation's total output.

In Kentucky, 48 per cent of 1970's coal production—67.8 million out of 129.3 million tons—was extracted by stripping. This led to the destruction of an estimated 17,300 acres in eastern Kentucky alone. The tonnage gouged from the beautiful and heavily populated Appalachian region is expanding even though there are abundant alternative sources of coal in the vast, less populated plains of the West: some 77 per cent of the coal that could be mined economically lies west of the Mississippi River. Moreover, operators are turning increasingly to the voracious stripping techniques, even though all of the nation's coal-produced electricity could easily be met by conventional underground mining.

The "area" strip-mining done in the rolling hills of western Kentucky leaves its own panorama of destruction—and causes its own erosion and pollution problems. But land at these lower altitudes is potentially easier to reclaim than in mountainous Appalachia, where "contour" strip-mining is the technique used.

The process of extraction is frightening in itself. After prospecting has determined that a minable coal seam lies among the other rock strata of a hill or mountain, the strip miners cut a road through the timber so they can haul to the site their heavy equipment—bulldozers, earth movers, power shovels and front-end loaders. The trees, plants, earth and rock covering the seam are called "overburden." This intricate web of life and life-support is blasted loose and pushed by bulldozers down the hillside, becoming, as the seam is exposed, a massive, unstable apron at the base of the hill that has been named, appropriately, "spoil bank." The spoil bank never stops where it lands but slowly, by inches, or in the leaps and bounds of a landslide, obeys the law of gravity. Sometimes it merely uproots trees in its path and blocks streams and roads. But sometimes these masses of rock and earth avalanche into homes or farms. Sometimes a family may be driven from home because a spoil bank perches unsteadily above the house.

After the overburden has been removed, the result is a flat bench, resembling a roadbed, along the side of a mountain. Towering vertically over the bench is a man-made cliff, or high-wall, sometimes 100 feet high. The high-wall and the bench form a ring around a hill, or a ridge line, with islands of vegetation remaining precariously on the top of the hill. To expose the coal the strippers have created a gash in the hillside. They have removed the earth from the coal.

Recently it has become more and more common for strip miners to decapitate an entire hill to expose the layers of coal. The hilltop, scraped and blasted away in layers, is shoved over the hillside. As the techniques of strip-mining are improved, the ribbon scars on the hillsides today may seem more and more like innocent wounds compared to the possibilities technology has in store. Present techniques allow strippers to dig only about 185 feet beneath the surface, but someday it may be possible for them to dig as deep as 2,000 feet.

When the coal seam is exposed, it too is loosened with explosives. Then power shovels and front-end loaders scoop it up and load it into 30-ton trucks which, carrying their heavy burden, warp, crack and pulverize roads and highways, seldom with any reprimand from public officials.

If the operator is in a hurry, he may not even expose the coal seam from the top. Instead, his bulldozers cut a narrow bench until the edge, or outcrop, of the seam is exposed. Then giant augers, sometimes seven feet in diameter, bore into the seam as far as 200 feet into the side of the mountain and spiral out the coal. Auger mining is also done in conjunction with strip-mining if the operator wants to retrieve the coal that remains in the high-wall. Augering is practiced after stripping because sometimes a seam lies too far down the side of a mountain for the operator to remove, economically and speedily, all the millions of tons of overlying mountain.

Power shovels and draglines have long been used in building and road construction, but the country's demand for coal has bred a strain of giantism into earth-moving machines. A generation ago, these earth movers took about 40 cubic yards to a bite, but now they can scoop up as much as five and a half times that. "Big Muskie," wide as an eight-lane highway and standing 10 stories high, is the largest earth mover in existence. Such a machine is now stripping away Belmont County, Ohio, at the rate of 220 cubic yards a scoop.

In underground mining, the size of the equipment is severely restricted by the height of the coal seam; the limitations on strip-mining equipment are comparatively few. A generation ago no underground miner could have imagined that his shovel and small coal car would be replaced by these monsters, some of which can scoop up at one time the equivalent of three city buses. Even today's miner, with his large chainsawlike cutting machines, is a mere termite compared to the strip miner with his machinery.

Strip-mining on a large scale is a very recent phenomenon, although as far back as 1832 Pennsylvania miners worked above ground with explosives, picks and shovels to mine an anthracite seam. The development of machines like Big Muskie in the nineteen-fifties provided one impetus for strip-mining. Another was the increase in demand for coal created by the invention of the cyclone furnace for steam power plants.

The cyclone furnace, an inverted cone which feeds coal under tremendous pressure into the combustion chamber, burns the fuel more efficiently and quickly than older coal-fired furnaces. Its development was spurred by this country's insatiable demand for electricity, which is now increasing at the rate of 10 per cent a year. Electric utilities, including the Tennessee Valley Authority—assured by forecasts that coal would be a competitive energy source for some time to come—began letting contracts for the poorer-grade, dirt-scarred coal produced by strip-mining.

While coal was once in demand mainly to power the nation's railroads and for home heating and cooking purposes, the major market dramatically shifted to the utilities. What had been a fly-by-night method of mining, full of risks and uncertainty, became fantastically profitable. Strip-mine coal now generates one-third of the nation's electric power.

A study by Prof. Samuel Brock, an economist at West Virginia University, showed that in 1969 one strip-mine operator made a net profit of 126 per cent and another 102 per cent. Pikeville, a small mountain town of 5,000 that serves the coal hinterland of eastern Kentucky, has 50 millionaires, not a few of whom were made by strip-mining. This is in a county where more than half the people are classified as poor by Federal poverty program standards.

Strip-mining produces coal much faster than deep-mining—and with one-fifth as many men. Last year in Kentucky, for example, 7,200 men were employed in strip-mining, while 21,000 worked in deep mines. It costs a company about 50 cents in wages to produce a ton of strip-mined coal and about $2.75 a ton for deep-mined coal. The average price charged for stripped coal is usually one $1 less per ton than for deep-mined coal. That means the companies made extra millions last year in Kentucky, while depriving the local economy of increased wages that could have been paid to miners who work underground.

Lured by the opportunity for profit, the oil corporations that brought us the Santa Barbara oil leaks and may soon be featuring the trans-Alaska pipeline, are stampeding into the coal business because of the potential for producing synthetic natural gas and crude oil from coal. Oil interests already own 30 of the 50 largest coal producers and control 35 per cent of coal production in the U.S. Humble Oil alone has bought six million tons of strippable coal reserves. No less disturbing, United States Steel and Bethlehem Steel hold extensive Appalachian coal fields in readiness for their furnaces. In 1969, Bethlehem, for example, decided to stip 40,000 Kentucky acres, instead of deep-mining the low-sulphur coal, as the corporation had previously done. The American Association, an English landholding corporation with 90 per cent of its stockholders in London, leases acreage in eastern Tennessee and Kentucky to operators who are bulldozing down mountains in both states. More and more local and marginal strip operators are selling out to the larger corporations. William Sturgill, one of the few mountain natives ever to own a large strip operation, is said to have got $10-million when he sold out to the Falcon and Seaboard Oil Company of Texas.

One strip miner has said that in two years he will be rich enough to retire—and he will not then oppose a ban on stripping. But the people who live in the region cannot afford such a luxury. The true cost of strip-mining is payable after the strippers have gone away and left their scars. The Corps of Engineers has estimated, for example that it would cost the public $26-million to restore the extensively strip-mined Coal River watershed in West Virginia. This is an amount approximately equal to the private profit taken by the mining companies from the watershed.

The history of the region is a saga of destruction in the pursuit of commerce. Disaster has been visiting Appalachia in joblike quantities ever since the virgin hardwood forest was bought out and cut down by East Coast timber buyers late in the 19th century. Then coal was discovered and the sacrifice of underground miners began. Today the sacrifices are usually small, only two or three dead at a time, but those accidents are often punctuated with mine explosions and cave-ins killing many more, as in the blasts at Farmington, W. Va. (78 dead in 1968) and Hurricane Creek, Ky., (38 dead in 1970). Black lung and crippling mishaps add to the toll, forcing miners to retire early, shortening their lives or condemning them to long years of subsistence living.

The region has been economically blighted for decades. The ups and downs of coal prices, the mechanization of the deep mines and a job scarcity in other fields have sent Appalachians by the hundreds of thousands to Cincinnati, Dayton, Cleveland, Louisville, Chicago and Baltimore. Now those who would have chosen to stay are having the land and the economy ripped out from under them. The deep-mining industry, still the employer of more than 100,000 miners, is on the decline in Appalachia because of the competition from strip-mining. Underground operators, pressed to a frenzied production pace to avoid losing contracts to strip miners, are ignoring the most fundamental safety precautions. The director of the U.S. Bureau of Mines, Elburt F. Osborn, normally a coal-industry defender, called the mine safety situation "deplorable" this year in a speech to the Kentucky Coal Association.

Appalachia receives heavy rainfall throughout the year, averaging around 45 inches. When it rains, the 20,000 miles of strip-mine benches in nine mountain states become chemical factories. The exposed rock and soil are rich in iron, manganese and sulfates, which combine readily with water to form corrosive compounds and acids that sterilize streams and poison wells.

Dr. Wayne Davis, a biologist at the University of Kentucky, has reported, "Iron and manganese in the Kentucky River at Hazard rose from 0.02 and 0.00 parts per million, respectively, in 1963, to 2.1 and 0.8 parts per million in 1962. The U.S. Public Health Service's maximum tolerance levels for these substances in drinking water is 0.3 and 0.05 p.p.m., respectively.

Erosion of stripped areas has been measured at a rate 1,000 times greater than from nearby natural lands. The comparison between unstripped Helton's Branch and heavily stripped Cane Branch, adjacent watersheds of the Beaver Creek Basin in eastern Kentucky, is a case in point: A research project conducted by the U.S. Geological Survey between 1955 and 1966 showed that Helton's Branch yielded 27 tons of sediment per square mile of undisturbed land, while Cane Branch produced 30,000 tons of sediment per square mile of strip-mined land.

Silt and acid have already degraded 12,000 miles of streams in Appalachia. If strip-mining continues unabated, all of the region's extensive watersheds will suffer the fate of the Beaver Creek Basin. The Beaver Creek study concluded: "Strip-mining of coal in the Beaver Creek Basin in south central Kentucky has significantly increased the acidity and mineralization of surface and ground water, and increased the sediment content of the stream in the mined areas. These effects in turn have reduced or eliminated the aquatic life of the streams." The study reported that vegetation on a spoil bank in the basic area was 95 per cent "nonexistent."

Taken together, barren hillsides of unstable rock and soil, streams clogged with silt and hot with acid, offer ideal conditions for flooding. Mud and rock slides have frequently blocked stream beds, diverting the flow into cellars, yards, gardens and homes. Heavy rains then add to the danger of overflow.

As strip-mining continues, as more and more hillsides become barren piles of slate and sandstone, many of Appalachia's valleys eventually will be awash with silt-laden, acid-dead, dirty yellow creek and river waters. Flooding from rains in late winter and early spring is commonplace in the region.

In January, 1957, the town of Pound, Va., nearly disappeared under more than 20 feet of water after a long period of rain. That same month across the border in Kentucky, the towns of Hazard and Pikeville, and portions of Letcher, Harlan, Pike and Perry Counties were flooded. Two days of heavy rains in March, 1963, flooded Harlan, Pikeville, Hazard and a number of other smaller communities. Communities that can hardly maintain public services with heavy Federal support see their public improvement efforts go swirling down the rivers after the spring rains. The Corps of Engineers says that it cannot guarantee the safety of the 6,000 residents of Hazard even when the Carr Park Dam upstream is completed.

It takes little imagination to envision the massive flood that is possible from the combination of erosion, clogged waterways and rain. That threat comes closer with each cut of the bulldozer's blade. Even if there is no great flood, each year smaller ones and landslides will continue to bury the homes and land of Appalachia.

Because strip-mining damage is permanent, and disfigures a landscape inhabited by people who are close to the land, the lonely resistance of Dan Gibson and his squirrel gun, which kept the state police and the strip miners off his son-in-law's property, has become a legend in eastern Kentucky. The people have a history of resourceful resistance to outsiders—notably the Government—whom they view as invaders. The new rebellious spirit is encouraged by a society and an economy that values electricity more than respect for the people and the land. It is a spirit rooted in doubts that the strip-mine rape of Appalachia will ever be settled legally.

Gibson is one of the founders of the Appalachian Group to Save the Land and the People, the organization that has fought the strip miners in eastern Kentucky since the early nineteen-sixties. He spoke the feelings of many eastern Kentuckians recently when he told a cheering meeting of strip-mining foes in Hindman, the mountainous home of U.S. Representative Carl Perkins, "If everbody did what I did, we wouldn't have to have these meetings."

The spirit is reflected in the conversion of another Appalachian resident, 50-year-old Warren Wright, from Goldwater Republican to anti-Establishment radical. Since 1960, Wright has waged a legal battle against the strip mining of his property in Letcher County. He lost the legal battle but got his revenge last May when, with a rifle and pistol, he ran strip minners back across his property line. The coal company, a subsidiary of Bethlehem Steel, said it had entered his property "accidentally," but in 10 years of legal battle Wright doesn't believe in coal-company accidents. He says, "The courts are puppets of the coal industry. Maybe it's worse than that. The companies don't even pull the strings now; the courts intuitively decide in favor of coal. Here in southeastern Kentucky we've got such a corrupt, Baal-worshiping system that the only thing people can do to protect their property is to get a gun and fight for it."

Wright is former director of the Council of the Southern Mountains, a nine-state poor people's organization, and the founder of Save Our Kentucky (SOK), a statewide anti-strip-mine coalition of community and environmental groups. His views are no oddity in the mountains. Bessie Smith, a mother of nine, a SOK board member and a vice president of the Appalachian Group, brought nonviolent confrontation to the mountains of Knott County last spring when she stood in a road blocking trucks hauling stripped coal. She was joined by William Cohen, poet-in-residence at Alice Lloyd College in the same county. She is no longer convinced that nonviolent tactics will work: "Stopping coal trucks just doesn't do much of anything, except give you a chance to get run over. I don't know what can be done exactly but I know it isn't going to be done by the politicians in Frankfort (the state capital) or those old men in the courts. The people are going to have to stop stripmining. And we're going to do it soon."

The reason that Bessie Smith has little faith in legal change is that Kentucky courts continue to enforce the "broad form deed," a medieval piece of legality that allows strip-mining of property based on agreements with the ancestors of the present owners. It was used at the turn of the century to buy up mineral rights throughout Appalachia. The boilerplate language contained a clause allowing the operator to use whatever means necessary to get the coal, without compensation to the landowner or liability for damages. Many of the deeds were signed with an "X" by illiterate mountaineers.

The broad form deed was the first contact many mountaineers had with complicated legalisms and slick businessmen. To the isolated mountaineer the 25 to 50 cents an acre he was offered for mineral rights was a small fortune. He had no way of knowing the value of coal beneath his corn and tobacco fields. And he certainly did not envision strip-mining because it had not yet been invented. He gave away permission for underground mining, not strip mining.

Kentucky is the only coal state which still recognizes the deed in spite of several court battles over this form of contract. The first decision sustaining the deed was made by the Kentucky Court of Appeals 15 years ago, but it has been challenged 14 times since. In response to one court challenge three years ago, Appellate Judge Edward P. Hill, a rarity on the Kentucky bench, called the deed "shocking" and "appalling," but he was in the minority on the seven-judge panel.

The essence of the broad form deed is contained in the phrase that says coal may be removed ". . . in any and every manner that may be deemed necessary or convenient for mining. . . ." That phrase, taken from a Knott County man's deed, has been construed as allowing all the chicanery going on today. The Kentucky courts have, in effect, said that the law is on the side of those who stand to benefit most economically; since they have declared that the minerals are more valuablee than the land itself, they have ruled in favor of the strip-mine companies.

In 1962, with public-relations fanfare, Bethlehem Steel deeded 860 acres of its land to Letcher County for recreational purposes. An enterprising reporter for an antistrip-mining weekly in Whitesburg, The Mountain Eagle, this year discovered that Bethlehem retained control of mineral rights in the deed. The company also kept the right "to dump, store and leave upon said land any and all muck, bone, shale and other refuse deemed necessary or convenient by (the company) . . . and the right to use, divert, dam and pollute the water and water courses on said land." Letcher County paid only $1 for the acreage, but considering the sweeping rights retained by the company the land was overpriced: Bethlehem will no longer have to pay taxes on the land but can get the coal whenever it wants, however it wants.

Early this year Bethlehem Steel ran full color ads throughout the country proclaiming the virtues of Fishpond Lake in Letcher County. The man-made lake, which is in the same area as the corporation's gift in Letcher County, conveniently covers an abandoned strip mine and, according to Bethlehem's ad, is teeming with fish. In fact, the fishing is lousy, the freshly planted trees are unhealthy and, as one local resident said, "I wonder why they didn't just truck in some plastic grass and shrubbery and get it over with."

At present, more than 25 per cent of strip-mining in eastern Kentucky is done under the broad form deed. It has been estimated that in the seven most heavily stripmined eastern Kentucky counties (Floyd, Pike, Perry, Harlan, Letcher, Knott and Bell) at least 90 per cent of the mineral rights have been separated from the surface rights in perpetuity—forever—under such contracts. That means that very few acres of mineral rights in the coal fields of eastern Kentucky are actually held by the land owner.

The words and actions of the inhabitants bespeak their bitterness and anger over strip-mining. Joe Begley, 55-year-old grocer from Blackey who formed his own grass roots organization—the Citizens League to Protect the Surface Rights—has this to say:

"Every time a rattlesnake strip miner drives his D-9 bulldozer across a property line he has got the law behind him, whether or not he was invited. The broad form deed allows the stripper to invite himself where he isn't wanted, to take what isn't his. If people in Kentucky are to continue to live under the rule of law, they must believe that the law is a protection and not a threat."

Harry Caudill, author of "Night Comes to the Cumberlands" and a member of the SOK board, sums up the feelings of most mountaineers when he says: "I lament the utter ruination of the hills of my homeland and the assault surface mining has made on people of my blood and name. I have seen once-clear streams choked with mud, and lawns and gardens layered with foul sediments from the spoil heaps. And I have seen wells that once brimmed with crystalline water filled to the top with yellow mud and flecked with coal. I have visited the homes of widows and work-worn old men whose basements and cellars reeked of sulphurous slime from the spoil banks. I have seen the shattered roofs, the broken gravestones and the fences that tell of the blasting that "cast the overburden' from coal seams."

Broken gravestones are a grim reality for Mrs. Bige Ritchie, a SOK member who stood on her front porch and watched bulldozers, with the sanction of the broad form deed, rip up her family's graveyard to get coal for the Tennessee Valley Authority. The miners would not listen to her shouts that the graves of her children lay under their blades. "I thought my heart would bust in my breast when I saw the coffins of my children come out of the ground and go over the hills," she later told Kentucky's Governor.

The massive environmental destruction is abetted by Federal participation in strip-mining, through the Tennessee Valley Authority. T.V.A. is required to buy the cheapest coal it can for cheap power. That means strip-mine coal. Last year, the authority purchased 35 million tons of coal, 71 per cent of it from Kentucky, T.V.A. also brought half of the coal mined in Tennessee, where, out of a total of 4 million tons, 2.3 million tons came from strip mines.

Long the pride of politicians who viewed it as a benevolent, people-serving agency, T.V.A. is, in effect, stripping away the birthright of the people it was created to serve. Even more ironic is the possibility that the authority's flood-control projects and man-made lakes will be rendered less effective or useless by strip-mine debris, as Harry Caudill has suggeted. Every contract T.V.A. writes requires reclamation, but the state of that art is worse than primitive. Authority board member Frank Smith claims that the six years during which reclamation has been required in T.V.A. contracts for the purchase of coal is not enough time to tell whether reclamation will or won't work.

While Frank Smith waits, anger in the mountains is begnining to focus on T.V.A. as the most visible instrument of strip-mine destruction. The smoke palls and fly ash from T.V.A. power plants burning Appalachian coal make it visible enough. But the fact that it is an agency of the Federal Government is what angers most mountain people. The region always expected more mercy from Washington than from the state houses. Pictures of John F. Kennedy are kept in many homes, and his promise during the 1960 West Virginia primary to "do something" for the people is wistfully remembered. However, the memory of a long-ago campaign will not stand against T.V.A.'s coal appetite and a war on poverty that has ended in a full-scale rout.

Tremendous profit means tremendous political power. The coal companies have managed to win their share by keeping T.V.A.

happy and by supplying a large part of the nation's energy. They are accustomed to being influential.

In West Virgina last year, coal interests beat back an attempt to ban stripping by mounting a media campaign that threatened economic doom and by swamping the Legislature with lobbyists. During the campaign for Governor in Kentucky last summer, the Democratic candidate, Wendell Ford, met with a group of strip-mine operators in the town of Wise, Va.—putting him out of reach of Kentucky's campaign-contribution laws. A Louisville Courier-Journal investigation found that the meeting, gossiped about for weeks, did take place, but was unable to confirm whether or not money changed hands. The common assumption is that Ford (who eventually won the election in November) walked out loaded with cash. But observers are more amazed that he got caught, while his opponent, supported by a coal-influenced incumbent administration, did not. No one I know in the mountains of Kentucky seriously doubts that strip-mine operators invested heavily in both candidates.

Far from being defensive, the strip-mining operators wrap themselves in the cloak of patriotism or imply that their assault on the land is beyond the reach of the law. James D. Riley, a vice president of the Consolidation Coal Company, famous for the Farmington, W. Va., mine disaster and the stripping of large tracts of mountain land, has declared that strip-mining opponents are "stupid idiots, socialists and Commies who don't know what they are talking about. I think it is our bounden duty to knock them down and subject them to the ridicule they deserve."

The battle will be fought in the courts and legislatures—unless it is once again demonstrated to the mountain people that, when it comes to coal, they have no friends in established institutions.

At the Federal level, a bill to abolish strip-mining has been introduced by Congressman Ken Hechler of West Virginia, but its chances of passage are slim. The hostility of the House subcommittee hearing testimony on the bill is rather obvious. When I testified in October on behalf of the Appalachian Coalition, a multistate association of groups opposed to strip-mining, subcommittee chairman Ed Edmondson of Oklahoma and the rest of the panel heard me say essentially what I have said in this article—and dismissed me without any questions. The strip-mine operators who also testified were questioned at length and thanked for their "helpful contribution."

Unless there is some dramatic change in the Senate subcommittee debating the bill, the members of which are all from Western states, any Federal legislation on strip-mining will almost certainly be either the Administration bill, which gives the states two years to develop regulations, or the bills introduced by Congressmen Wayne Aspinall of Colorado and Wayne Hays of Ohio that would require Federal permits for strip-mining, but would in no way apply to Appalachian states, which have had regulations and a permit system for as many as 20 years. Indeed, it is a distinct possibility that Federal control of strip-mining could weaken the already dismal state-regulation system in Appalachia.

Though a bill to abolish strip-mining will be introduced in the Kentucky General Assembly, the powerful interim committee which will consider the legislation has already announced that the only problem with strip-mining is that the state enforcement division does not have enough employes. When the Legislature convenes in January, members of SOK and its support groups will be there to let the powerful know that the powerless are fed up. If lobbying proves futile, then we are prepared to take more direct action to dramatize our outrage. Harry Caudill, like some other eastern Kentucky supporters, has publicly called attention to "the propensity of mountain people to settle their differences with dynamite" when all else fails.

No one in SOK seeks violence. Despite the odds against them and their growing anger, most people in Appalachia are relying on legal tactics. Joe Begley's Citizens League to Protect the Surface Rights has filed a suit demanding that the mining permits of 30 companies be revoked because of numerous violations of Kentucky's strip-mining regulations, ranging from pollution of streams to personal property damage. All of the companies have at least five recorded violations, several have 15 and one has 33. Not one permit has ever been revoked by the Kentucky Division of Reclamation, the agency which oversees strip-mining.

Essentially the suit is an harassment tactic; there is no great hope that even one of the companies will be forced out of business. Harassment in the courts and through newspapers and television coverage is about the only weapon we have which is legal.

The harvest of generations of exploitation may be a rebellion in Appalachia. It is being borne out by the simple conviction of such people as 76-year-old Katherine Haynes, who believes, that "God never meant for the land to be torn up like it is"; Mrs. Haynes' son, Joe, a SOK member, stopped strippers on her property with a shotgun. It is also borne out of the perception of those like Joe Begley who know that "people in eastern Kentucky are sitting on a gold mine, and they're starving to death." The mountain people care little about someone else's profits. They certainly do not care about providing cheap energy for New York, Washington and Philadelphia. (A total ban on strip-mining in Appalachia would cost the average consumer 15 cents a month more on his utility bill—$1.80 a year—according to an estimate by a House subcommittee.) The people want only to save their land from destruction, for themselves and for their children.

For whatever reasons, respect for land or a sense of social injustice. I believe the day is coming when America must repent its wrongs in the Appalachian Mountains.

By Mr. MATHIAS (for himself, Mrs. Smith, Mr. Tower, and Mr. Bentsen):

S. 3504. A bill to provide for the issuance of a special postage stamp in honor of Adm. Chester William Nimitz for valorous service on behalf of the U.S. Navy. Referred to the Committee on Post Office and Civil Service.

ADM. CHESTER WILLIAM NIMITZ

Mr. MATHIAS. Mr. President, at a time when national goals are obscured by dissension and national aspirations are assailed by doubt, it is useful to remember that skill, confidence, boldness, and initiative are still able to overcome great difficulties and to revive national hope and national pride. It is in this spirit, rather than in reviving the feuds of World War II, that I call to mind the decisive battle of Midway, and its hero, Admiral Nimitz.

June 4 marks the 30th anniversary of that battle, one of the greatest naval engagements in history. With victory at Midway came the bitter privilege of fighting from island to island until the final battle was won. Without victory at Midway the protracted agony of the Pacific is difficult to imagine.

In the decisive battle of Midway, June 4–6, 1942, under the command of Admiral Nimitz, our forces destroyed four of the enemy's aircraft carriers, the *Kaga, Akagi, Soryu,* and *Hiryu,* plus the heavy cruiser *Miguma*. This helped to restore the balance of forces that had been tipped at Pearl Harbor and restored the chance to engage on a competitive instead of a suicidal basis.

I am introducing today a bill which would provide for the issuance of a commemorative stamp as a tribute to the wise and courageous leadership of Admiral of the Fleet Chester Nimitz.

Born on February 24, 1885, in Fredericksburg, Tex., Admiral Nimitz graduated seventh in his class from the U.S. Naval Academy in 1905. After seeing submarine duty in World War I, followed by various sea assignments in post-World War I years, Chester Nimitz was assigned as commander in chief of the Pacific Fleet on December 17, 1941. By August of 1945, he was the commander of the greatest armada under one flag in history. He strategically guided the sea forces in the Pacific while General MacArthur commanded the ground forces. History must regard him as one of the greatest naval officers of all time.

I think it would be a small but appropriate tribute if, on June 4, a stamp in honor of this remarkable man could be made available to the public. Truly, it would be a tribute not only to Admiral Nimitz, but to all those men who fought so bravely with him in order to obtain the peace of victory. Their safety and welfare were always uppermost in his mind.

The late President Dwight Eisenhower once paid tribute to Admiral Nimitz with these words:

> Admiral Nimitz was one of the most distinguished officers of World War II. The entire nation will always owe him a debt of gratitude for his brilliant service in World War II. He was a good friend whom I admired and respected deeply.

Former President Lyndon Johnson said of this great man:

> Admiral Nimitz loved his country and the sea. His devotion to one inspired the other, earning for his quiet courage and resolute leadership the undying gratitude of his countrymen and an enduring chapter in the annals of naval history.

By Mr. PROXMIRE (for himself and Mr. Hart):

S. 3506. A bill to protect consumers from abuses relative to excessive charges for life, health, and accident isurance pursuant to consumer credit transactions. Referred to the Committee on Banking, Housing and Urban Affairs.

CONSUMER CREDIT INSURANCE ACT

Mr. PROXMIRE. Mr. President, today I am introducing with the Senator from Michigan (Mr. Hart) a bill to curb excessive charges for credit life insurance. The bill also covers credit health and accident insurance and is identical to S. 1754 which Senator Hart and I introduced in the 91st Congress. The performance of the credit life insurance industry and its impact on the consumer merit close attention by those concerned with protecting the public interest. Latest statistics on the credit life insurance industry reveal continued overcharges to the American consumer. During 1970 these insurance companies overcharged their customers by at least $276 million, and that overcharge could be as high as $454 million. This is despite repeated assurance by the industry that inflated charges were being reduced in response to State legislation.

The facts indicate exactly the opposite. Persistently high overcharges demonstrate the total inadequacy of State efforts at regulation of the credit life insurance business. As in so many areas involving consumer protection, it is evident that attempted State regulation is not enough. What is needed are Federal standards and enforcement provisions if we are serious about ending this outrageous gouging of the American public. One vehicle for doing this is the proposed Consumer Credit Act. I ask unanimous consent to have this bill and an article on "Credit Insurance Gouges" written by Sidney Margolius, printed in the Record at the end of my remarks.

The PRESIDING OFFICER (Mr. Randolph). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. PROXMIRE. Mr. President, it was 5 long years ago that Senator Hart's Antitrust and Monopoly Subcommittee conducted a penetrating investigation of credit life insurance sales and exposed the exorbitant level of credit life insurance rates. And 3 full years have elapsed since Senator Hart and I submitted legislation to correct this situation. If it was badly needed then, there is even greater need for such a remedy today.

In the absence of Federal legislation, many lenders and sellers of credit life insurance will continue to make windfall profits at the expense of the average consumer. Credit life, health, and accident insurance are commonly sold by finance companies, auto dealers, banks, and other creditors in connection with a loan or credit sale. The insurance pays off the loan in the event the borrower dies or becomes disabled. Significantly, sale of the credit life insurance is incidental to the main credit transaction. As a rule the person who buys the insurance is anxious to obtain credit and is in a poor condition to bargain over the cost of credit insurance.

Because of this captive market, many creditors sell their borrowers high cost credit life insurance and pocket the excess charge in the form of kickbacks from the insurance company. These kickbacks can run as high as 80 percent of the borrower's premium. Thus current credit life insurance practices protect the creditor to a great extent while also permitting him to earn a far higher interest rate than the borrower is aware of.

Mr. President, it is clear that the current practice operates to the detriment of the American consumer. The creditor, not the borrower, chooses the credit life insurance company. Creditors naturally seek to do business with companies charging the highest premiums in order to obtain a bigger kickback. The outcome is competition in reverse—forcing prices up at the expense of the consumer.

Moreover, the overcharging practice particularly hits the low-income consumer and needy borrower who can least afford it. Many finance companies loaning funds to hard-pressed borrowers are able to sell credit life insurance on over 90 percent of their loans, undeniable proof of the captive nature of the market.

Let me cite the relevant facts and figures. First, we are discussing an industry of major proportions. At the end of 1970 credit life insurance in force totaled $88 billion which represented 88 percent of consumer installment debt. We are also speaking of an industry where abuse is flagrant. One indication of overcharging in this area is the low percentage of premiums paid back by credit life insurance companies to their policyholders in the form of benefit payments. The higher the overcharge, the lower the payback ratio. Even the most conservative estimate of credit life insurance overcharge—which assumes that companies should pay back 70 percent of their premium dollars to their policyholders—shows that the American public was overcharged by $276 million in 1970. This is compared to a $265 million overcharge in 1969; $249 million for 1968; and $225 million for 1967.

The situation is much worse if we apply the 90 percent payback ratio which exemplifies the return on premium dollars paid by companies in the group life insurance business. Since credit life insurance is sold primarily on a group basis, it is appropriate to apply the 90 percent payback ratio characterizing group life insurance companies. When this is done, the overcharge paid by the consumer for credit life insurance in 1970 adds up to a staggering $454 million.

Mr. President, the fact is that instead of paying back 90 percent of their premiums as do group life insurance companies, or even a conservative 70 percent, credit life companies actually returned only 52 percent of their premiums in benefit payments in 1970. And despite the industry's forecast of improved performance, the 1970 payback ratio is identical to the ratio characterizing the industry in 1967. Moreover, the credit life insurance industry has an even more dismal record if the figures for five reputable low-charge companies accounting for 20 percent of the credit life business are subtracted from the industry-wide totals. When this is done, the payback ratio for the remaining four-fifths of the industry drops to 46 percent.

It is obvious, Mr. President, that the Congress was sold a bill of goods by the credit life insurance companies when industry witnesses predicted during 1969 Senate hearings that payback ratios would increase as a result of recent State legislation. Those who claimed State regulation would improve the situation have been proven wrong. The situation today is no better—in fact it is worse. Each year the overcharge paid by the American consumer increases. We can no longer afford to delay action and permit the public to be victimized by the credit life insurance racket.

There is a pressing need for Federal regulation as the only sure method for stopping the overcharge.

The Consumer Credit Insurance Act is designed to meet this need. It would establish a Federal regulatory process. Under the bill's provisions the Board of Governors of the Federal Reserve System would be authorized to limit the maximum premiums which consumers may be charged directly or indirectly for life, health, and accident insurance, when such insurance is provided in conjunction with a consumer credit transaction. To correct current abuses, rates established by the Board of Governors would be based on a ratio of losses to premiums which is reasonable and which protects consumers against excessive premium charges.

I should also note, Mr. President, that no State regulatory apparatus need suffer from the legislation. Our bill provides for exemption of State regulated charges wherever the Board of Governors determines that the State has established comparable restrictions on such charges and has an adequate enforcement mechanism. I fully concur in the desirability of active State concern for consumer protection. However, the fact indisputably remains that State efforts have been far too little and for too late. Each year that we delay passage of Federal legislation costs the consumer hundreds of millions of dollars in excessive charges. It is an intolerable situation to which the Congress should put an immediate halt. Enactment of the Consumer Credit Insurance Act will go a long way toward alleviating the problem and will give substance to our often-voiced concerns for protection of the American consumer.

Exhibit 1

S. 3506

Be it enacted by the Senate and House of Representaitves of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Credit Insurance Act".

Sec. 2. (a) Title I of the Consumer Credit Protection Act is amended by adding at the end thereof the following new chapter:

"Chapter 4.—CONSUMER CREDIT INSURANCE

"Sec.
"151. Findings and declaration of purpose.
"152. Regulation of maximum premiums.
"153. Exemption of State regulated charges.

"§ 151. Findings and declaration of purpose

"(a) The Congress finds that substantial increases have occurred since World War II in the volume of consumer credit (the rate of growth of such credit having exceeded that of the national economy), and in the percent of family income used to repay such credit, making the repayment of debt by consumers on a timely basis essential to the well-being of the national economy. It is in the public interest, therefore, to reduce impediments to strong and effective competition among grantors of consumer credit in order that the payments required to liquidate such credit be kept to a minimum.

"(b) Congress further finds that life, health, and accident insurance provided or arranged for in connection with consumer credit transactions is an increasingly important element in the total cost of consumer credit and that in the marketing of such insurance the inferior bargaining position of the debtor prevents effective competition and results in excessive premium charges, thereby raising the total amounts of repayments pursuant to consumer credit transactions, and accordingly, obstructing commerce and prejudicing consumers and the sound functioning of the credit structure.

"(c) In view of the foregoing, and in order to enhance economic stability and promote effective competition among financial institutions and others extending consumer credit, the Congress declares it to be in the national interest to regulate the maximum premiums which may be charged for life, health, and accident insurance when such insurance is provided or arranged for by a creditor pursuant to a consumer credit transaction.

"§ 152. Regulation of maximum premiums

"(a) Not later than one year following the date of enactment of this chapter, the Board shall, by regulation, limit the maximum premiums which may be charged consumers directly or indirectly for life, health, and accident insurance when such insurance is provided or arranged for by a creditor pursuant to a consumer credit transaction. In prescribing such regulations, the Board shall ensure that the maximum premiums so established are reasonable in relation to the benefits conferred and that consumers are adequately protected against excessive premium charges.

"(b) Maximum premiums established under this section shall be based upon a ratio of losses to premiums which is reasonable and which protects consumers against excessive premium charges as determined by the Board. In determining such a ratio, the Board shall consider:

"(1) The ratio of losses to premiums experienced by other lines of insurance marketed on a group basis; and

"(2) The ratio of losses to premiums experienced by creditors who provide life, health, and accident insurance pursuant to consumer credit transactions in which the cost of such insurance is included in the finance charge paid by the consumer and is not a separate charge paid by the consumer; and

"(3) The actual losses and expenses experienced by insurance companies and the actual incremental administrative expenses experienced by creditors in the sale of such insurance; and

"(4) Such other factors as the Board determines are relevant to achieving the purposes of this Act.

"(c) The Board may prescribe such maximum premiums for particular creditors, classes of creditors, or transactions based upon the loss ratio determined under subsection (b) and actual loss experience.

"(d) The Board shall from time to time raise or lower the maximum premium charges permitted for such insurance for any particular class of creditor or class of transactions whenever the Board determines that the actual loss experience for the particular creditor, class of creditor, or class of transactions produces a ratio of losses to premiums which differs substantially and systematically from the loss ratio established by the Board under subsection (b). In order to implement this subsection, creditors shall, under regulations of the Board, file an annual report with the Board setting forth data pertaining to actual losses in relation to premiums and such other information as may be required by the Board to further the purposes of this Act. Such information shall be made available to the general public upon request.

"§ 153. Exemption of State regulated charges

"The Board shall, by regulation, exempt from the requirements of this chapter charges for life, health, or accident insurance in any State where the Board determines that the State has established substantially similar ceilings on such charges and that such ceilings are being adequately enforced.

"§ 154. Reports

"The Board shall report annually to Congress on its responsibilities under this Act."

(b) The chapter analysis at the beginning of title I of the Consumer Credit Protection Act is amended by adding at the end thereof the following:

"4. Consumer Credit Insurance________ 151".

EXHIBIT 2

[From the Machinist, Feb. 3, 1972]

CREDIT INSURANCE GOUGES

(By Sidney Margolius)

One of the sharpest practices in the installment-purchase and personal-loan business today is charging excessive fees for credit life insurance which pays off the rest of your debt if you die while still owing the money.

Almost every family, that buys on time or takes out a loan, gets trapped by these overcharges into paying a hidden extra charge on its debts. Some 88% of all installment debts include such insurance, Sen. William Proxmire of Wisconsin estimates.

The rates are set so high that about half the money the credit sellers and insurance companies collect for this coverage is ever paid out to the policy holders. Lenders and installment sellers charge anywhere from 50 cents to $1 for each $100 of the original amount of debt. The coverage provided usually is an inexpensive kind called decreasing term insurance, much like the mortgage insurance which pays off your remaining mortgage. I figure it worth about 30–35 cents per $100 of coverage.

REGULATION LAX

An especially shocking aspect of these overcharges is that the state insurance commissioners are aware of them, as some have admitted in Congressional hearings.

Senators Proxmire and Hart, of Michigan, have been trying for some years to get federal legislation to prevent excessive charges for credit life insurance, and for the health and accident insurance some dealers and lenders also sell to borrowers and installment buyers.

But, Senator Proxmire now charges: "Congress was sold a bill of goods by the credit life insurance industry in 1969. Those who said state regulatory will improve the situation have been proven wrong. The situation today is no better—in fact, it is worse. Each year the overcharge increases. We can no longer afford to sit back and permit the public to be victimized by the credit life insurance racket."

In 1966, Proxmire points out, the state insurance commissioners' association had recommended that credit insurance companies return in benefits at least 50% of the premium. This is a bad enough deal for buyers. But four years later four-fifths of the credit insurance companies are not paying out even this much.

Contrary to the promises of fairer treatment for borrowers, Proxmire finds that the 1970 payback ratio was only 52%—the same as in 1968 and not even as good as the 1961 ratio of 54%.

Theoretically you don't have to buy life insurance to cover your loan when you borrow or buy on time. But the pressures to buy it are always there. "The signer of an installment contract is easily persuaded that 'for a few cents more' on monthly installment his heirs will not have to pay the balance," Elmer Roessner, nationally syndicated business writer, recently announced. "Some venders simply figure in credit insurance without giving the buyer an option. Venders usually collect a commission for selling this insurance."

KICKBACK TO BANKS

You bet they do, Mr. Roessner. Some of the banks who push it even get a double kickback. A letter in the files of Proxmire's committee, writen by an official of the Standard Life Insurance Co. of Indiana to the Imperial Bank in Los Angeles, offered this profitable deal: The bank would get a commission of 37½% of the premium. The insurance company also would leave 55% of the premiums on deposit with the bank in a non-interest bearing account. Thus, participating banks get a very high sales fee for selling the insurance, plus the use of a large part of the take to make further interest-bearing loans at no interest cost to themselves.

Some insurance companies pay kickbacks to lenders and dealers of as much as 80% of the borrwer's premiums. The result is a kind of reverse competition, since installment dealers and lenders thus seek to do business with the companies charging the highest premiums in order to get a bigger bickback, Proxmire reports.

On the basis of the largest figures from *Spectator*, an insurance trade magazine, James Hunt, former Vermont insurance commissioner, who has been urging lower rates, estimates that the credit life insurance industry overcharged consumers two hundred, seventy-six million dollars in 1970, and possibly as much as four hundred, fifty-four million dollars.

MILLION-DOLLAR PLOY

You can refuse to deal with dealers and lenders who charge high fees and try to talk or coerce you into buying credit insurance. In the past, many families have let themselves be gulled by very transparent tactics. In 1967, *Home Furnishings Daily* reported the John Alden Life Insurance Company owned by the Gamble-Alden mail-order firm mailed out credit insurance certificates to 2,500,000 Alden customers saying "now you're insured." The mail-order company's captive insurance company had expected 10% of the customers to refuse the insurance. Instead, only 18 customers out of 2,500,00 said no. That's right—only 17 families knew enough to reject this costly ploy. The insurance company made $1,000,000 a year from this maneuver.

A lure this company has used to get customers to open credit accounts, which would enable them to be insured, according to the trade paper, was a special catalog insert offering big discounts on well-known brands of merchandise.

Note that credit unions, as well as at least a few banks, do not charge extra for credit life insurance. It's basically inexpensive enough for them to provide it as a safeguard for themselves as well as their borrowers.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 2556

At the request of Mr. ALLOTT, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 2556, a bill to establish a municipal mine demonstration plant.

S. 2675

At the request of Mr. RANDOLPH, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Indiana (Mr. BAYH), and the Senator from Alabama (Mr. ALLEN) were added as cosponsors of S. 2675, a bill to amend certain provisions of the Federal Coal Mine Health and Safety Act of 1969, relating to payment of black lung benefits.

S. 2956

At the request of Mr. JAVITS, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2956, the War Powers Act.

S. 3131

At the request of Mr. BOGGS, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 3131, a bill to amend the Rail Passenger Service Act of 1970 in order to restore certain rights to free or reduced rate rail passenger transportation granted by railroads to employees upon retirement and to clarify the intent of such act with respect to the preservation of such rights.

S. 3338

At the request of Mr. TALMADGE, the Senator from Delaware (Mr. BOGGS) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 3338, a bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

S. 3420

At the request of Mr. KENNEDY, the Senator from Nevada (Mr. BIBLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Alaska (Mr. STEVENS), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3420, the Voter Registration Assistance Act of 1972.

S. 3459

At the request of Mr. MILLER, the Senator from Idaho (Mr. JORDAN) was added as a cosponsor of S. 3459, a bill to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation.

S. 3476, S. 3477, S. 3481

At the request of Mr. MATHIAS, the Senator from Delaware (Mr. BOGGS) was added as a cosponsor to the following bills: S. 3476. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; S. 3477. A bill to provide financial aid for fire departments in the purchase of firefighting suits, self-contained breathing apparatus and firefighting equipment; and S. 3481. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes.

SENATE JOINT RESOLUTION 180

At the request of Mr. ROTH, the Senator from Hawaii (Mr. FONG) was added as a cosponsor of Senate Joint Resolution 180, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

SENATE CONCURRENT RESOLUTION 76—SUBMISSION OF A CONCURRENT RESOLUTION TO STOP THE BOMBING OF NORTH VIETNAM

(Referred to the Committee on Foreign Relations.)

Mr. MUSKIE. Mr. President, I am introducing this resolution today because I believe the Congress must put itself on record immediately as opposing this latest escalation of the bombing of the North. A sense-of-the-Congress resolution is the most appropriate vehicle for reflecting the sharp disagreement of the majority of both Houses with the policy of escalation. It will also serve to build up the momentum for renewed efforts to set a statutory deadline for the complete termination of all U.S. military activities in Indochina conditional only upon an agreement for the safe return of our prisoners and an accounting of those missing in action. I strongly support legislation to set such a date certain of 30 days, including an immediate end of all bombing except that which may be absolutely necessary in South Vietnam to protect our withdrawing troops.

The resolution reads as follows:

S. CON. RES. 76

Resolved by the Senate (the House of Representatives concurring), That, it is the sense of Congress that:

(1) All American military activity, whether land, sea or air, against the territory of North Vietnam be terminated at once;

(2) The President now order our representatives at the Paris peace talks to resume negotiations, in order to achieve the return of our personnel held captive in Indochina and an accounting of all those missing there, in return for the total withdrawal of American military forces from Indochina and the cessation of all American military activity in that region; and

(3) Meanwhile there be no interruption in the withdrawal of American military forces from Indochina.

SENATE RESOLUTION 293—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE COMMITTEE PRINT ENTITLED "HUNGER AND THE REFORM OF WELFARE: A QUESTION OF NUTRITIONAL ADEQUACY"

(Referred to the Committee on Rules and Administration.)

Mr. HART submitted the following resolution:

S. RES. 293

Resolved, That there be printed for the use of the Select Committee on Nutrition and Human Needs five thousand additional copies of its committee print of the Ninety-second Congress, second session, entitled "Hunger and the Rerform of Welfare: A Question of Nutritional Adequacy."

RURAL DEVELOPMENT ACT OF 1972—AMENDMENTS

AMENDMENT NO. 1120

(Ordered to be printed and to lie on the table.)

Mr. ELLENDER submitted an amendment intended to be proposed by him to the bill (S. 3462), a bill to provide for the development of rural areas.

AMENDMENT NO. 1121

(Ordered to be printed and to lie on the table.)

Mr. ALLOTT. Mr. President, I send to the desk an amendment to S. 3462, the so-called "rural development bill."

Mr. President, title IV of this bill offers amendments to the Water Shed Protection and Flood Prevention Act, as amended. I propose to add another project purpose—ground water recharge—to the new purposes that are proposed in this bill, to wit, "development, recreation development, water quality management, or the conservation and proper utilization of land."

I am certain those Senators who represent the arid Western States can speak to the growing need to focus attention upon the recharging of underground water. The great Edwards Plateau aquifer in Texas and the huge Ogalalla aquifer extending from Texas and New Mexico on through Oklahoma, Colorado, Kansas, and up into Nebraska and Wyoming are cases in point. Recent agricultural development in States such as Colorado, New Mexico, Arizona, and California, while producing tremendous agricultural production gains and economic growth through irrigation has, where irrigation wells are utilized, drawn the level of underground water supplies to a dangerously low point.

My amendment simply would allow the Soil Conservation Service to take into consideration the need to recharge underground water aquifers in their watershed protection projects.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from Nevada (Mr. BIBLE), the Senator from Oregon (Mr. HATFIELD), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 1074

At the request of Mr. CASE, the Senator from Michigan (Mr. HART), the Senator from Idaho (Mr. CHURCH), the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Washington (Mr. MAGNUSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Illinois (Mr. PERCY), the Senator from California (Mr. CRANSTON), the Senator from Wisconsin (Mr. NELSON), the Senator from Utah (Mr. MOSS), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Arkansas (Mr. FULBRIGHT) were added as cosponsors of amendment No. 1074, intended to be proposed to the bill (S. 3108), to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 1075

At the request of Mr. CASE, the Senator from Michigan (Mr. HART), the Senator from Idaho (Mr. CHURCH), the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Washington (Mr. MAGNUSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Illinois (Mr. PERCY), the Senator from California (Mr. CRANSTON), the Senator from Wisconsin (Mr. NELSON), the Senator from Utah (Mr. MOSS), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Arkansas (Mr. FULBRIGHT), were added as cosponsors of amendment No. 1075 to the bill (S. 3200) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations.

ANNOUNCEMENT OF HEARINGS BY DISTRICT COMMITTEE ON NOMINATIONS TO THE DISTRICT OF COLUMBIA CITY COUNCIL

Mr. EAGLETON. Mr. President, I wish to announce that a public hearing will be held on Wednesday morning, April 19, at 9 a.m. in room 6226, New Senate Office Building, on the nominations of Mr. John A. Nevius to be Chairman of the District of Columbia City Council, and Mr. Sterling Tucker, to be Vice Chairman of the Council. Persons wishing to present testimony before the Committee should contact Mr. Robert Harris, Staff Director, D.C. Committee, room 6222, New Senate Office Building, before the close of business on April 18, 1972.

ADDITIONAL STATEMENTS

LONG OVERDUE BOMBING

Mr. GOLDWATER. Mr. President, I take this occasion to express publicly my great admiration for President Nixon for the courage he has shown in finally taking the steps so necessary to bringing about a quick end to the war in Indochina and a speedy return of Americans held prisoner in that conflict.

It seems to me that in bombing military targets in Haiphong and around Hanoi the United States has at long last spoken to the North Vietnamese and their Soviet suppliers in the only kind of language they understand.

What happened in Vietnam is very clear to anyone who wants to look behind the headlines of some liberal publications and discount the interpretations of some of our more liberal commentators. In effect, the events of the past 2 weeks have been comparable to the events that occurred in June 1950, when the North Koreans invaded the South and in October 1962, when the Soviets made an attempt to place long-range missiles on the nearby island of Cuba.

The Communist invasion—I might say the massive Communist invasion—of South Vietnam by troops of the Hanoi government, armed with equipment sent to them from Russia, was another instance of the Soviet Union attempting to alter the world balance of power by remote control.

The Soviets called for one of two things by encouraging the invasion of South Vietnam, first, the complete capitulation of the South Vietnamese Government and her American backers or, second, an all-out attempt to end the ceaseless supplying of Hanoi with the equipment needed to kill more Americans and more of America's allies.

I notice that some of our liberal publications are already saying that President Nixon has taken the United States to the "brink" of a head-on confrontation with the Soviet Union. The situation is just the opposite. The Soviet Union, by supplying and encouraging the Communist invasion across the DMZ, took events in Indochina to the brink of a head-on collision with the United States.

Mr. President, we are in a war, and we have been ever since President Kennedy sent troops to South Vietnam with orders to return enemy fire if necessary. Things cannot always be cozy and comfortable and safe in the conduct of a war. We know that from long, long experience. We have tried the easy way, we have tried to win our point in Vietnam in a way that would not endanger one Soviet supply ship or cause the Kremlin planners one lost night's sleep. It has not worked in any respect. All it has done has been to prolong the war and to convince the Soviets that the United States did not have the will nor the determination to do what was required to fulfill our commitment.

Well, Mr. President, I for one, am happy that the time of pussyfooting and cowtowing to every Soviet threat is over. We hear a lot about the risks run by the President in ordering the bombing of supply dumps and other targets in Hanoi and Haiphong. There is no denying this. Every single thing a major power does in the conduct of a war involves risk of some kind. But unless we are willing to back our foreign commitments with decisive action, the ultimate risk will be to freedom everywhere in the world. Surely President Nixon took a risk, and I thank God that he had the courage to take it before it was too late.

The tradgedy of the situation is that this kind of decisive action was not taken 8 or 10 years ago—at a time when it would have settled the situation in Indochina once and for all and without the heavy cost to the United States in lives, money, and material that it has extracted.

CITIZEN EXCHANGE CORPS

Mr. GRAVEL. Mr. President, I wish to commend the Citizen Exchange Corps for its sustained service in bringing about greater understanding between the U.S.S.R. and ourselves. Theirs is a citizen-to-citizen counterpart program involving visits to the Soviet Union and private meetings with persons there who have similar interests to visiting Americans. Historically, the Soviets have reciprocated and the Citizen Exchange Corps has done an extensive job of hosting visiting Russians in a nonofficial effective fashion. In short, it has credibility on both sides and its contacts with Soviet citizens are probably wider than any other groups, private or public.

With this record behind it and the likelihood of holding a "World Congress" in Moscow during 1973 on the subject of international education and private citizen exchanges the CEC has launched yet another effort—a "China Corps." Similarly, the idea here is to promote private exchange visits between citizens of the People's Republic of China and our own citizens in the interest of peaceful coexistence and increased understanding. Accordingly, CEC has "enrolled" hundreds of interested U.S. citizens who would travel to China when that becomes possible. As is the case of CEC visitors to the U.S.S.R., these persons will be nonpolitical persons from all walks of life but will include interpreters and professors who will work in cooperation with their host country counterparts to arrange lectures, discussions and counterpart visits to homes, educational institutions, industries, and the like.

The idea is a good one—and like most good ideas, deceptively simple. As a long-time advocate of normalizing relations between the United States and the People's Republic, I hope others will join me in applauding the new CEC initiative and wish them well in this enterprise

ENERGY AND POWER CRISIS

Mr. HANSEN. Mr. President, at long last the news media of this area—even the Washington Post and the New York Times—have recognized the existence of an energy crisis in the United States.

Heretofore, the oil news coverage in these two great newspapers was concerned mostly with what some of the perennial detractors of the petroleum industry were saying about the oil import program, natural gas shortage, antitrust hearings, depletion allowance and pollution but very little about the true facts of an energy shortage.

Suddenly, and certainly to their credit, both of these newspapers have seen the light and devoted many columns of news coverage to the growing dependence of this Nation on foreign sources of energy. Oil and gas furnish more than three-fourths of all our energy demands which, in spite of anything we can do, will continue to increase and for the next 10 to 15 years must be met principally with oil and gas.

Mr. President, I plan to discuss the

energy problem and its solution in more depth during coming weeks, but as preface to such a discussion, I shall place in the RECORD several recent articles from the Washington Post and the Washington Evening Star.

The first of these articles in the Washington Post, "U.S. Energy Crisis: Light Dims at End of the Tunnel," was not very encouraging about solutions to the problem either short or long term.

I do not agree with the permise accepted by the writer of the article and many others that this country has no choice but to become increasingly and substantially dependent on foreign sources of oil and gas. I shall address that premise in some detail later. I hope I may be joined by some of my distinguished colleagues from both oil producing States as well as those who are entirely dependent on distant sources of these vital fuels whether domestic or foreign.

I believe and hope to convince my colleagues that we have huge undeveloped deposits of oil and gas both onshore as well as offshore that can add significantly to our reserves if we are willing to support the efforts needed to find and develop them.

In fact when all factors are considered, domestic oil and gas promise to be our lowest cost source of dependable energy for the foreseeable future.

Following the article of Friday, April 14, the Post published two articles Sunday, April 16, on oil, energy, and ecology and the same day the Washington Star carried a front page story on the power crisis and the effects of lawsuits by environmental and other public groups.

In releasing its national power survey report, the FPC forecast recurrent and spreading power shortages and placed much of the blame for delays in construction of badly needed electric generating plants on lawsuits by environmental and other public groups.

The FPC warned that there is a balance necessary between the Nation's energy resources and environmental protection needs:

> The nation cannot move overnight to correct all the environmental wrongs of the past or to implement all the environmental needs of the future. It would bankrupt itself if it were to attempt to do so. . . .

Echoing the conclusions reached in the FPC study, an article in the Sunday Washington Post of April 16 was headed "Ecology: 'Environmentalists May Be Among the Chief Wreckers.' "

This article, by Peter F. Drucker, professor of social sciences at the Claremont Graduate School, Claremont, Calif., is in my opinion, the best assessment I have seen or heard of the environmental crusade. I would recommend it to my colleagues who may have missed it.

A few quotations will illustrate the thoughtful study and analysis the author has made of our efforts to curb pollution:

> Yet the crusade is in real danger of running off the tracks, much like its immediate predecessor, the so-called war on poverty. Paradoxically, the most fervent environmentalists may be among the chief wreckers. Many are confused about the cause of our crisis and the ways in which we might resolve it. They ignore the difficult decisions that must be made; they splinter the resources available for attacking environmental problems. Indeed, some of our leading crusaders seem almost perversely determined to sabotage their cause—and our future.
>
> Consider, for example, the widespread illusion that a clean environment can be obtained by reducing or even abolishing our dependence on "technology." The growing pollution crisis does indeed raise fundamental questions about technology—its direction, uses and future. But the relationship between technology and the environment is hardly as simple as much anti-technological rhetoric would have us believe. . . .
>
> The second and equally dangerous delusion abroad today is the common belief that the cost of cleaning the environment can be paid for out of "business profits." After taxes, the profits of all American businesses in a good year come to $60 billion or $70 billion. And mining and manufacturing—the most polluting industries—account for less than half of this. But at the lowest estimate, the cleanup bill, even for just the most urgent jobs, will be three or four times as large as all business profit. . . .
>
> No matter how desirable a de-emphasis on production might be, the next decade is the wrong time for it in all the developed countries and especially in the United States. The next decade will bring a surge in employment-seekers and in the formation of young families—both the inevitable result of the baby boom of the late Forties and early Fifties. Young adults need jobs; and unless there is a rapid expansion of jobs in production there will be massive unemployment, especially of low-skilled blacks and other minority group members. In addition to jobs, young families need goods—from housing and furniture to shoes for the baby. Even if the individual family's standard of consumption goes down quite a bit, total demand—barring only a severe depression—will go up sharply. If this is resisted in the name of ecology, environment will become a dirty word in the political vocabulary.

Another article in the same Sunday issue of the Post, entitled "Oil, Foreign Policy, and the Energy Crisis," emphasizes the need for a national energy policy.

While I cannot agree with the author that the petroleum industry has the political clout attributed to it, nor on some of the other conclusions, Marilyn Berger, has done an excellent job of putting the issue in perspective and I certainly agree that "everybody is talking about the energy crunch, but nobody is doing much to solve it."

The article is well worth reading for a better understanding of the overall energy problem.

Mr. President, I ask unanimous consent that the three Washington Post articles and one from the Washington Star be printed in the RECORD.

And, as I said, I plan to discuss the energy situation and possible solutions in more detail during the coming weeks.

I fully agree with the recent comments of the head of Standard Oil Co. of Indiana, John E. Swearingen, who said that North America still has a large petroleum resource to draw upon "if we are willing to support the efforts needed to find and develop new reserves."

This view is shared by the American Association of Petroleum Geologists and has been widely aired in comments by my good friend and past president of AAPG, Bill Curry of Casper.

I hope to be able to convince more of my colleagues that development of our own abundant oil and gas deposits, both offshore, onshore, and in Alaska as well as a common energy policy with our good neighbor Canada is the only sensible and safe solution to our short-term energy problems. During that period we must be looking to our long-term energy needs—coal gasification, oil and gas from shale, the new family of atomic reactors, solar energy and even more sophisticated forms of energy.

But in the meantime, we have a choice—develop our own supplies of oil and gas or become substantially dependent on foreign sources.

The cost will be high either way but considering the source of the oil and gas for our escalating needs, do we need to put our head in the lion's mouth?

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Sunday Star, Apr. 16, 1972]

POWER CRISIS, SUITS LINKED

(By Stephen M. Aug)

The Federal Power Commission today forecast "recurrent and spreading power shortages," and placed much of the blame for delays in construction of badly needed electric generating plants on lawsuits by environmental and other public groups.

"Despite increasing efforts of public agencies and the industry itself to protect the environment," the FPC said in a 460-page report, "today more than ever before the construction of new power facilities is being challenged on environmental grounds.

"Some vitally needed power projects have been delayed or blocked on this account, while the growth in demand for electricity has continued unabated. Something has to yield in such a situation, and what has been yielding has been the margin of assurance of electrical service."

The commission recalled that voltage reductions and a few localized blackouts have occurred in several major urban areas during recent years and "the end is not yet in sight in certain critical areas," although generating reserves improved last year and will continue to improve "if current construction projects can be completed on schedule."

PRICE RISE SEEN

At the same time the commission, in its "National Power Survey"—the work of six years—said the cost of meeting anticipated growth and environmental concerns is going to raise the price of electricity.

The five-member agency, however, rejected the so-called "no growth" school. "Aside from those few who, heedless of the implications and oblivious to the impracticality of trying to put an industrialized society to pasture take a 'who needs it, let's go back to nature' attitude toward electricity, no one these days questions the importance of this highly adaptable form of energy," the report said.

"Deterioration of the quality of electrical service would of itself and through its economic repercussions, degrade our national life. That is the crux of the power issue facing the nation today. . . . In a very real sense electric power is the lifeblood of a modern nation."

The FPC, which regulates transmission of electricity and natural gas across state lines and licenses hydroelectric projects, issued its power survey as a long-range guide to planning for electric power needs through 1990.

The commission said that while many call for curtailment of power growth "in the interests of environmental protection, the best judgment of those whose business it is to study demand trends is that the nation's electrical requirements will very nearly quadruple between 1970 and 1990." An FPC official said the prediction comes from the electric power industry, several advisory committees composed of industry officials and the commission's own staff.

The report said that even if Americans "were willing to cut corners in their use of electricity in the home, which remains to be demonstrated, this of itself would not fundamentally alter the national demand outlook." A 10 percent reduction in today's household consumption would be required to reduce by 2.5 percent today's total consumption, the report said.

ECOLOGY EFFECT NOTED

It contended that further measures needed to upgrade the nation's environment "are creating substantial new requirements for electricity." These include recycling scrap paper and wastes; sewage treatment plants, and prospects for electric rapid transit in large cities to reduce auto congestion and air pollution.

At the same time, the FPC pointed out that the electric power industry's operations interact with all the principal elements of the environment "that are troubling the nation today: air quality, water quality, land use and resource consumption." It concluded that "the best efforts can only reduce, not eliminate, the environmental impact of needed electric supply."

The FPC warned that there is a balance necessary between the nation's energy resources and environmental protection needs. "The nation cannot move overnight to correct all the environmental wrongs of the past or to implement all the environmental needs of the future." It would bankrupt itself if it were to attempt to do so. . . ."

"SERIOUS IMBALANCES"

It contended "the danger of serious imbalances, especially at this early formative stage of the nation's environmental crusade, is that when the costs begin to be counted and the true magnitude of the national needs begins to be appreciated, the public may be shocked into backing off from the understanding, leaving some of the most important tasks undone.

"It would be tragic in the extreme if the heavy emphasis currently being placed on the environmental aspects of electric power should have this effect, or if, by failing to maintain a proper balance between environmental values and vital community energy needs, the end result is to diminish, rather than improve, the over-all quality of the human environemnt.

The FPC said "the common sense of the average citizen as much as any other factor may be the key."

In considering the costs of electricity, it noted that by 1970 the price of electricity began to reverse after a 25-year period of declining prices.

A $1,158 BILL IN 1990

It said the average actual costs of 1.54 cents per kilowatt-hour in 1968 will increase to about 1.83 cents by 1990 measured in terms of the 1968 dollar. Allowing for only a 3 percent annual rate of inflation annually, this cost would balloon to 3.51 cents.

At the same time, the commission predicted that the average all-electric home, where 20,000 kilowatt-hours of electric power are consumed today, will consume about 33,000 hours by 1990. On this basis, the consumer with an all-electric home who paid about $308 as an annual electric bill in 1968, will be paying about $1,158 a year by 1990, assuming a 3 percent annual rate of inflation (in the Consumer Price Index).

Prominent among the influences causing this increase, the FPC said, are added costs for environmental protection and "enhancement features" (such as underground wiring and other esthetic matters), higher costs of borrowing and sharply increasing competition for available fossil fuels gas, oil, coal—that can meet increasingly stringent environmental regulations.

NUCLEAR ROLE

The commission made clear that in its plans much of the electricity needs for 1990 will be met by nuclear plants. It predicted that while coal now supplies 54 percent of fuel for use in generating electric power, by 1990 nuclear power would supply 53 percent. The sharpest declines would be in use of natural gas—29 percent at present to 8 percent in 1990, and residual fuel oil, 15 percent now to 9 percent in 1990.

Again, however, the FPC pointed to long delays in construction of nuclear plants. At a briefing for reporters last year, FPC Chairman John N. Nassikas pointed out that two recent court decisions—one of them last year involving the Calvert Cliffs plant on Chesapeake Bay—"have a substantial adverse impact upon the development of needed generating facilities."

Nassikas urged that the Atomic Energy Commission be authorized to grant interim licenses to nuclear power plants so they may be placed into operation while studies continue on their effects on the environment. If a study concludes that environmental dangers outweigh the advantages of the plant, then the facility would be shut down.

CONCERN ON FINANCING

The commission also expressed concern over the ability of the electric power industry to obtain financing to meet needs for new facilities. The FPC said that between 1970 and 1990 the industry will need between $400 billion and $500 billion, of which $240 billion to $300 billion will have to be obtained from investors in the open market in competition with other investments.

At the same time, it warned that while electric utilities are no longer a favorite with investors. The reasons are that they have had to raise huge sums of money in recent years at high interest rates and they face larger financial needs in the future, problems the industry has had with respect to adequate supplies of power and uncertainty of investors over the problems of environmental impact.

The FPC said, too, that the attractiveness of the industry's securities to investors depends on public utility regulation—especially as it affects profits. In the recent period of high interest rates and sharply rising costs investors "have been understandably concerned" over the fact that utility regulating agencies have not been quick to grant rate increases.

"It is a paradox of regulation," the commission said, "that significant delays in permitting higher costs to be reflected in higher rates may ultimately result in higher costs of capital and higher rates. It is therefore important that state and local regulators as well as this commission exercise diligence in minimizing regulatory lag."

The commission listed what it termed six "major imperatives" of the national power situation:

For the American people to recognize that the problems facing the power industry today are of a critical nature and that it is the nation's and their well-being as individuals, not merely that of the industry, which is at risk."

The need to distinguish between short-range problems and long-range objectives. "Too often . . . those who oppose the construction of new generating or transmission lines blur together two quite separate considerations—(1) the specific effects the particular installation will have on its environs, and (2) the potential environmental impact of building a large number of equivalent units . . ." The FPC said a result is that urgently needed power facilities often are delayed by issues that belong in the realm of long-range policy making— especially utilities that today have inadequate reserve generating capacity or inadequate ties with other systems.

The need for improved site selection procedures. Procedures followed in the past for selecting power plant sites and related transmission lines "are inadequate." The commission urged establishment of state or regional power plant sitting authorities, and requirement of utilities to make ample advance disclosure of their plans.

Need for a national energy policy. The public, government and industry must determine the nation's power needs after weighing both economic and environmental factors in balance.

Need for intensified research and development. This includes development of fast breeder reactors—these would vastly increase the nation's nuclear fuel. Achievement of economically practical undergrounding of high voltage lines; further research on the environment to reinforce present knowledge on the extent of the effects and biological consequences of industrial operations on air and water quality.

Financial imperatives. The rate of return achieved on utility common stocks has been on a gradual downward trend since 1967. "If allowed to continue, a downward trend in utility financial performance would create increasing difficulties for utilities both in attracting equity (stock) investment and in raising capital—and this at a time when their capital requirements promise to be larger than ever before.

[From the Washington Post, Apr. 16, 1972]

ECOLOGY: "ENVIRONMENTALISTS MAY BE AMONG THE CHIEF WRECKERS"

(By Peter F. Drucker)

Everybody today is "for the environment." Laws and agencies designed to protect it multiply at all levels of government. Big corporations take full-color ads to explain how they're cleaning up, or at least trying to. Even you as a private citizen probably make some conscientious effort to curb pollution. At the same time, we have learned enough about the problem to make some progress toward restoring a balance between man and nature. The environmental crusade may well become the great cause of the Seventies—and not one moment too soon.

Yet the crusade is in real danger of running off the tracks, much like its immediate predecessor, the so-called war on poverty. Paradoxically, the most fervent environmentalists may be among the chief wreckers. Many are confused about the cause of our crisis and the ways in which we might resolve it. They ignore the difficult decisions that must be made; they splinter the resources available for attacking environmental problems. Indeed, some of our leading crusaders seem almost perversely determined to sabotage their cause—and our future.

Consider, for example, the widespread illusion that a clean environment can be obtained by reducing or even abolishing our dependence on "technology." The growing pollution crisis does indeed raise fundamental questions about technology—its direction, uses and future. But the relationship between technology and the environment is hardly as simple as much anti-technological rhetoric would have us believe.

The invention that has probably had the greatest environmental impact in the past 25 years, for instance, is that seemingly insignificant gadget, the wire-screen window. The wire screen, rather than DDT or antibiotics, detonated the "population explosion" in underdeveloped countries, where only a few decades ago as many as four out of five children died of such insect-borne diseases as "summer diarrhea" of malaria before their 5th birthday. Would even the most ardent environmentalist outlaw the screen window and expose those babies again to the flies?

The truth is that most environmental problems require technological solutions—and dozens of them. To control our biggest water pollutant, human wastes, we will have to draw on all sciences and technologies from biochemistry to thermodynamics. Similarly, we need the most advanced technology for adequate treatment of the effluent that mining and manufacturing spew into the world's waters. It will take even more new technology to repair the damage caused by the third major source of water pollution in this country—the activities of farmers and loggers.

Even the hope of genuine disarmament—and the arms race may be our worst and most dangerous pollutant—rests largely on complex technologies of remote inspection and surveillance. Environmental control, in other words, requires technology at a level at least as high as the technology whose misuse it is designed to correct. The sewage-treatment plants that are urgently needed all over the world will be designed, built, and kept running not by purity of heart, ballads, or Earth Days but by crew-cut engineers working in very large organizations, whether businesses, research labs, or government agencies.

WHO WILL PAY?

The second and equally dangerous delusion abroad today is the common belief that the cost of cleaning the environment can be paid for out of "business profits." After taxes, the profits of all American businesses in a good year come to $60 billion or $70 billion. And mining and manufacturing—the most polluting industries—account for less than half of this. But at the lowest estimate, the cleanup bill, even for just the most urgent jobs, will be three or four times as large as all business profit.

Consider the most efficient and most profitable electric-power company in the country (and probably in the world): the American Electric Power Co., which operates a number of large power companies, including the government's own TVA. Yet cleaning up American Electric Power's plants to the point where they no longer befoul the air and water will require, for many years to come, an annual outlay close to, if not exceeding, the company's present annual profit of $100 million. The added expense caused by giving up strip mining of coal or by reclaiming strip-mined land might double the company's fuel bill, its single largest operating cost. No one can even guess what it would cost—if and when it can be done technologically—to put power transmission lines underground. It might well be a good deal more than power companies have ever earned.

We face an environmental crisis because for too long we have disregarded genuine costs. Now we must raise the costs, in a hurry, to where they should have been all along. The expense must be borne, eventually, by the great mass of the people as consumers and producers. The only choice we have is which of the costs will be borne by the consumer in the form of higher prices, and which by the taxpayer in the form of higher taxes.

It may be possible to convert part of this economic burden into economic opportunity, though not without hard work and, again, new technology. Many industrial or human wastes might be transformed into valuable products. The heat produced in generating electricity might be used in greenhouses and fish farming, or to punch "heat holes" into the layer of cold air over such places as Los Angeles, creating an updraft to draw off the smog. But these are long-range projects. The increased costs are here and now.

REDUCING OUTPUT

Closely related to the fallacy that "profit" can pay the environmental bill is the belief that we can solve the environmental crisis by reducing industrial output. In the highly developed affluent countries of the world, it is true that we may be about to de-emphasize the "production-orientation" of the past few hundred years. Indeed, the "growth sectors" of the developed economies are increasingly education, leisure activities, or health care rather than goods. But paradoxical as it may sound, the environmental crisis will force us to return to an emphasis on both growth and industrial output—at least for the next decade.

There are three reasons for this, each adequate in itself.

1. Practically every environmental task demands huge amounts of electrical energy, way beyond anything now available. Sewage treatment is just one example; the difference between the traditional and wholly inadequate methods and a modern treatment plant that gets rid of human and industrial wastes and produces reasonably clear water is primarily electric power, and vast supplies of it. This poses a difficult dilemma. Power plants are themselves polluters. And one of their major pollution hazards, thermal pollution, is something we do not yet know how to handle.

Had we better postpone any serious attack on other environmental tasks until we have solved the pollution problems of electric-power generation? It would be a quixotic decision, but at least it would be a deliberate one. What is simply dishonest is the present hypocrisy that maintains we are serious about these other problems—industrial wastes, for instance, or sewage or pesticides—while we refuse to build the power plants we need to resolve them.

I happen to be a member in good standing of the Sierra Club, and I share its concern for the environment. But the Sierra Club's opposition to any new power plant today—and the opposition of other groups to new power plants in other parts of the country—has, in the first place, ensured that other ecological tasks cannot be done effectively for the next five or ten years. Secondly, it has made certain that the internal-combustion engine is going to remain our mainstay in transportation for a long time to come. An electrical automobile or electrified mass transportation—the only feasible alternative—would require an even more rapid increase in electrical power than any now projected. And thirdly it may well, a few years hence cause power shortage along the Atlantic Coast, which would mean unheated homes in winter, as well as widespread industrial shutdowns and unemployment. This would almost certainly start a "backlash" against the whole environmental crusade.

2. No matter how desirable a de-emphasis on production might be, the next decade is the wrong time for it in all the developed countries and especially in the United States. The next decade will bring a surge in employment-seekers and in the formation of young families—both the inevitable result of the baby boom of the late Forties and early Fifties. Young adults need jobs; and unless there is a rapid expansion of jobs in production there will be massive unemployment, especially of low-skilled blacks and other minority group members. In addition to jobs, young families need goods—from housing and furniture to shoes for the baby. Even if the individual family's standard of consumption goes down quite a bit, total demand—barring only a severe depression—will go up sharply. If this is resisted in the name of ecology, environment will become a dirty word in the political vocabulary.

3. If there is no expansion of output equal to the additional cost of cleaning up the environment, the cost burden will—indeed, must—be met by cutting the funds available for education, health care, or the inner city, thus depriving the poor. It would be nice if the resources we need and could come out of defense spending. But of the 6 or 7 per cent of our national income that now goes for defense, a large part is cost of past wars, that is, veterans' pensions and disability benefits (which, incidentally, most other countries do not include in their defense budgets—a fact critics of "American militarism" often ignore). Even if we could—or should—cut defense spending, the "peace dividend" is going to be 1 or 2 per cent of national income at best.

But the total national outlay for education (7 to 8 per cent), health care (another 7 to 8 per cent), and the inner city and other poverty areas (almost 5 per cent) comes to a fifth of total national income today. Unless we raise output and productivity fast enough to offset the added environmental cost, the voters will look to this sector for money. Indeed, in their rejection of school budgets across the nation and in their desperate attempts to cut welfare costs, voters have already begun to do so. That the shift of resources is likely to be accomplished in large part through inflation—essentially at the expense of the lower-income groups—will hardly make the environmental cause more popular with the poor.

The only way to avoid these evils is to expand the economy, probably at a rate of growth on the order of 4 per cent a year for the next decade, a higher rate than we have been able to sustain in this country in the postwar years. This undoubtedly entails very great environmental risks. But the alternative is likely to mean no environmental action at all, and a rapid public turn—by no means confined to the "hard hats"—against all environmental concern whatever.

MAKING VIRTUE PAY

The final delusion is that the proper way to bring about a clean environment is through punitive legislation. We do need prohibitions and laws forbidding actions that endanger and degrade the environment. But more than that, we need incentives to preserve and improve it.

Punitive laws succeed only if the malefactors are few and the unlawful act is comparatively rare. Whenever the law attempts to prevent or control something everybody is doing, it degenerates into a huge but futile machine of informers, spies, bribe givers, and bribe takers. Today every one of us—in the underdeveloped countries almost as much as in the developed ones—is a polluter. Punitive laws and regulations can force automobile manufacturers to put emission controls into new cars, but they will never be able to force 100 million motorists to maintain this equipment. Yet this is going to be the central task if we are to stop automotive pollution.

What we should do is make it to everyone's advantage to reach environmental goals. And since the roots of the environmental crisis are so largely in economic activity, the incentives will have to be largely economic ones as well. Automobile owners who voluntarily maintain in working order the emission controls of their cars might, for instance, pay a much lower automobile registration fee, while those whose cars fall below accepted standards might pay a much higher fee. And if they were offered a sizable tax incentive, the automobile companies would put all their best energies to work to produce safer and emission-free cars, rather than fight delaying actions against punitive legislation.

Despite all the rhetoric on the campuses, we know by now that "capitalism" has nothing to do with the ecological crisis, which is fully as severe in the Communist countries. The bathing beaches for 50 miles around Stockholm have become completely unusable, not because of the wicked Swedish capitalists but because of the raw, untreated sewage from Communist Leningrad that drifts across the narrow Baltic. Moscow, even though it still has few automobiles, has as bad an air-pollution problem as Los Angeles—and has done less about it so far.

We should also know that "greed" has little to do with the environmental crisis. The two main causes are population pressures, especially the pressures of large metropolitan populations, and the desire—a highly commendable one—to bring a decent living at the lowest possible cost to the largest possible number of people.

The environmental crisis is the result of success—success in cutting down the mortality of infants (which has given us the population explosion), success in raising farm output sufficiently to prevent mass famine (which has given us contamination by insecticides, pesticides, and chemical fertilizers), success in getting people out of the noisome tenements of the ninteenth-century city and into the greenery and privacy of the single-family home in the suburbs (which has given us urban sprawl and traffic jams). The environmental crisis, in other words, is very largely the result of doing too much of the right sort of thing.

To overcome the problems success always creates, one has to build on it. The first step entails a willingness to take the risks involved in making decisions about complicated and perilous dilemmas:

What is the best "trade-off" between a cleaner environment and unemployment?

How can we prevent the environmental crusade from becoming a war of the rich against the poor, a new and particularly vicious "white racist imperialism"?

What can we do to harmonize the worldwide needs of the environment with the political and economic needs of other countries, and to keep American leadership from becoming American aggression?

How can we strike the least agonizing balance of risks between environmental damage and mass starvation of poor children, or between environmental damage and large-scale epidemics.

AN ENVIRONMENTAL CRIME?

More than 20 years ago, three young chemical engineers came to seek my advice. They were working for one of the big chemical companies, and its managers had told them to figure out what kind of new plants to put into West Virginia, where poverty was rampant. The three young men had drawn up a long-range plan for systematic job creation, but it included one project about which their top management was very dubious—a ferroalloy plant to be located in the very poorest area where almost everybody was unemployed. It would create 1,500 jobs in a dying small town of 12,000 people and another 800 jobs for unemployed coal miners—clean, healthy, safe jobs, since the new diggings would be strip mines.

But the plant would have to use an already obsolete high-cost process, the only one for which raw materials were locally available. It would therefore be marginal in both costs and product quality. Also the process was a singularly dirty one, and putting in the best available pollution controls would make it even less economical. Yet it was the only plant that could possibly be put in the neediest area. What did I think?

I said, "Forget it"—which was, of course, not what the three young men wanted to hear and not the advice they followed.

This, as some readers have undoubtedly recognized, is the prehistory of what has become a notorious "environmental crime," the Union Carbide plant in Marietta, Ohio. When first opened in 1951 the plant was an "environmental pioneer." Its scrubbers captured three-quarters of the particles spewed out by the smelting furnaces; the standard at the time was half of that or less. Its smokestacks suppressed more fly ash than those of any other power plant then built, and so on.

But within 10 years the plant had become an unbearable polluter to Vienna, W. Va., the small town across the river whose unemployment it was built to relieve. And for the last five years the town and Union Carbide fought like wildcats. In the end Union Carbide lost. But while finally accepting federal and state orders to clean up an extremely dirty process, it also announced that it would have to lay off half the 1,500 men now working in the plant—and that's half the people employed in Vienna. The switch to cleaner coal (not to mention the abandonment of strip mining) would also put an end to the 800 or so coal-mining jobs in the poverty hollows of the back country.

There are scores of Viennas around the nation, where marginal plants are kept running precisely because they are the main or only employer in a depressed or decaying area. Should an uneconomical plant shut down, dumping its workers on the welfare rolls? Should the plant be subsidized (which would clearly open the way for everybody to put his hand in the public till)? Should environmental standards be disregarded or their application postponed in "hardship" cases?

If concern for the environment comes to be seen as an attack on the livelihood of workers, public sympathy and political support for it is likely to vanish. It is not too fanciful to anticipate, only a few years hence, the New (if aging) Left, the concerned kids on the campus, and the ministers in a protest march against "ecology" and in support of "the victims of bourgeois environmentalism."

WHERE TO START

Cleaning up the environment requires determined, sustained effort with clear targets and deadlines. It requires, above all, concentration of effort. Up to now we have had almost complete diffusion. We have tried to do a little bit of everything—and tried to do it in the headlines—when what we ought to do first is draw up a list of priorities in their proper order.

First on such a list belong a few small but clearly definable and highly visible tasks that can be done fairly fast without tying up important resources. Removing the hazard of lead poisoning in old slum tenements might be such an action priority. What to do is well known: burn off the old paint. A substantial number of underemployed black adolescents could be easily recruited to do it.

Once visible successes have been achieved, the real task of priority-setting begins. Then one asks: (1) what are the biggest problems that we know how to solve, and (2) what are the really big ones that we don't know how to solve yet. Clean air should probably head the first list. It's a worldwide problem, and getting worse. We don't know all the answers, but we do have the technological competence to handle most of the problems of foul air today. Within 10 years we should have real results to show for our efforts.

Within 10 years, to, we should get major results in cleaning up the water around big industrial cities and we should have slowed (if not stopped) the massive pollution of the oceans, especially in the waters near our coastal cities.

As for research priorities, I suggest that the first is to develop birth-control methods that are cheaper, more effective, and more acceptable to people of all cultures than anything we now have. Secondly, we need to learn how to produce electric energy without thermal pollution. A third priority is to devise ways of raising crops for a rapidly growing world population without at the same time doing irreversible ecological damage through pesticides, herbicides, and chemical fertilizers.

Until we get the answers, I think we had better keep on building power plants and growing food with the help of fertilizers and such insect-controlling chemicals as we now have. The risks are now well known, thanks to the environmentalists. If they had not created a widespread public awareness of the ecological crisis, we wouldn't stand a chance. But such awareness by itself is not enough. Flaming manifestos and phophecies of doom are no longer much help and a search for scapegoats can only make matters worse.

What we now need is a coherent, long-range program of action, and education of the public and our lawmakers about the steps necessary to carry it out. We must recognize—and we need the help of environmentalists in this task—that we can't do everything at once; that painful choices have to be made, as soon as possible, about what we should tackle first; and that every decision is going to involve high risks and costs, in money and in human lives.

Any course we adopt will involve a good deal of experimentation—and that means there will be some failures. Any course also will demand sacrifices, often from those least able to bear them: the poor, the unskilled, and the underdeveloped countries. To succeed, the environmental crusade needs support from all major groups in our society, and the mobilization of all our resources, material and intellectual, for years of hard, slow, and often discouraging effort. Otherwise it will not only fail; it will, in the process, splinter domestic and international societies into warring factions.

[From the Washington Post, Apr. 16, 1972]

Oil, Foreign Policy, and the Energy Crisis

Two decades ago, when the demand for oil in this country was a fraction of what it is today, the United States was sufficiently worried about the government of oil-rich Iran to have the CIA sponsor a coup there. Today, with U.S. imports of Middle East oil rising—and with projections suggesting that 30 to 40 per cent of U.S. consumption will have to come from that unstable area by 1985—Washington faces the probable nationalization of all American oil companies there within a decade.

The takeovers are expected to be made by governments more or less friendly, more or less "reliable" and with compensation that is more or less satisfactory. And the United States, with its "lowered profile" abroad is not likely to be sponsoring any similar coups. The question of what the country can do is being widely debated in government and industry circles, especially since we are headed for an energy crisis.

While there are many ideas for alleviating the potential crisis by developing new sources of power, for the next decade and a half, in the words of one government consultant, there is "nothing but oil." And with domestic production having peaked, much of it will have to come from abroad. This is causing concern in dozens of government bureaus dealing in both foreign and domestic affairs and is currently the subject of a House committee hearing.

At the Commerce Department a major concern is the impact on the U.S. balance of payments. If current projections are correct, says Commerce Secretary Peter G. Peterson, the deficit on oil alone "could be $8 billion by 1975 and $15 billion by 1980."

State Department and Pentagon officials worry about the security of supplies from Arab countries that are in continuing confrontation with Israel. A day could come, they say, when the Arabs might act more forcefully on the proverb that the friends of their enemy is their enemy. Probably even more worrisome to them is the increasing Soviet influence in the Arab world.

The Treasury Department is concerned about the oil tax structure, the Interior Department about the development of alternate sources in shale and tar sands and on the continental shelf, and environmentalists are worrying even more about what that development would mean to the quality of American life.

Studying It to Death

It seems safe to say there is no basic raw material which so deeply affects American interest, domestic and foreign. It is unlikely that there is any industry that has had greater success in winning congressional support for its interests or greater entree into the highest levels of government, making any tampering with the existing system especially difficult during a presidential election year.

Perhaps this is one reason why everybody is talking about the energy crunch but nobody is doing much to solve it. As one lawyer working with a number of oil companies remarks:

"They're studying it to death . . . The problem in the government now is that there are 43 agencies involved with energy."

The number 43 is not exaggeration; Interior Secretary Rogers C. B. Morton put the number at 61. Not only are studies being made by most of these agencies, but there are almost as many solutions as studies.

The State Department, in a still-secret report, has taken something of a lead in urging the government to take foreign and domestic actions ranging from development of alternatives to auto transportation to changing oil and gas price structures. So far no action has been taken on the study.

The President on June 4, 1971, sent Congress a message on energy resources. This, however, looks mainly toward a solution to problems in the 1980s and beyond and touches only peripherally on the oil shortage that's almost here.

The environmentalists suggest a solution that is attractive in its simplicity: Use less. "A lot of our energy problems will be solved if we stop doing what we're doing," says Stewart Udall, former Secretary of the Interior. "The country should look at its own resources and play the hand it was dealt . . . For environmentalists the gut reaction is to slow things down."

In fact, virtually every solution to the oil supply problem creates difficulties for the environmentalists. If the United States is to import more oil—which the experts say it must—more and bigger tankers, deeper ports and more refineries will be needed. The environmentalists like none of these, out of concern for oil spills and air pollution. To produce more domestic oil means offshore drilling, shale development, new pipelines, which again bring with them the prospects of spills, sludge disposal and potential ecological imbalance.

THEY CANNOT DRINK IT

Even if domestic oil is developed, however, the Middle East will remain important for some time as a source of energy supply for this country. Imports from the Middle East in 1970 amounted to 1 million barrels a day. By 1980 that figure is expected to rise to 8 to 10 million barrels a day.

While even the most pessimistic planners are not predicting any total, long-term cutoff of oil from that region—the Arabs can't drink it, as the saying goes—one State Department official suggested that it "would be absolutely insane to become dependent upon such a volatile area for energy supplies." Under Secretary of State John N. Irwin last week called petroleum "a finite commodity . . . essential to a country's well being and . . . the most political of all commodities."

Oil presents the United States with a double problem. The oil-rich Arab nations, along with most of the so-called "third world," are moving toward control of their own resources. This will affect American oil concessions. Secondly, American support of Israel has had the effect of opening the Arab world to Soviet influence. "We have oversubscribed to the Israeli case," said one U.S. official, who is personally sympathetic to Jerusalem, "and turned the area over to Russian influence. The fact is that the Soviet position has been greatly enhanced, and part of it comes . . . from the fact that we support Israel, right or wrong." The Soviet Union only last week announced a $300 million investment in Iraq, its first major inroad into Mideast oil production.

Whether the Russians would, or could, use their political influence with the Arabs to interrupt oil supplies to the United States or its allies in Western Europe or Japan is one question bothering American strategists. As one official put it, "I'd hate to be in a position in a crisis where the Russians have that capability." The Russians will for some time have enough oil of their own, so apart from the geographic-strategic interests in the region, one of the only other interests can be in the control of oil flows.

The tendency has been to try to remove causes of tension, as in Berlin—if the agreement is ratified—strategic arms limitations, trade. But the long-term picture in the Middle East has not been a gratifying one for American planners. "Twenty years ago, even less," said one State Department official, "the Sixth Fleet could call at any port in the Mediterranean. Now there is not a port on the southern shore that would welcome it."

STATE DEPARTMENT PROPOSALS

The State Department has undertaken a broad study of the whole oil-energy problem. It is aimed, in the words of one official, "at getting the United States to take economic and diplomatic actions now to cope with a crisis coming in 1975 to 1980." One of the reasons the Policy Analysis and Research Allocation (PARA) report has been labeled "secret" is that it calls for domestic measures that are not supposed to be any business of the State Department. Among the reports approximately 15 recommendations, it was learned, are proposals to:

Develop domestic sources on the continental shelf and in shale.

Encourage development in the Western Hemisphere, especially in Venezuela (where heavy capital expenditure would be necessary at a time when nationalization threatens) and in Canada.

Seek to conclude agreements with Canada on oil (and natural gas) supplies. (Canada so far has been reluctant to sign.)

Build the Alaska pipeline. Environmental interests must be taken into account, but, it is noted, every barrel of oil that does not come from the North Slope will have to come from the Middle East.

Change price structures on oil and natural gas to encourage reduced consumption of oil and conservation of reserves. This proposal is not expected to be very popular among a variety of domestic interests.

Use taxes from oil to develop other forms of mass transportation than the automobile and the highway.

Encourage the major oil companies to organize themselves for operations abroad with the kind of exemption from antitrust laws that they received during last year's negotiations with the Organization of Petroleum Exporting Countries (OPEC).

Urge the oil companies to go along with demands by the producing countries for participation, on the premise that it will happen sooner or later anyway and that they might as well try to get the best deal they can while postponing it as long as reasonably possible. (Aramco, the American-owned oil consortium, recently agreed to Saudi Arabia's demand for a 20 per cent share in its operations. Experts expect these demands to go to 50 per cent soon and to 100 per cent in 10 years.)

Assure the oil companies a profit sufficient to finance exploration here and abroad. (A recent Chase Manhattan Bank study projects that the oil industry outside the Communist world will require an investment of $500 billion over the next 10 years, $120 billion of which would be needed for development of new oil sources. This is more than has been spent in the entire history of the industry. The study also predicts that more oil will be consumed in the next 10 years than has been consumed up to now.)

Encourage a kind of consumers union of oil-purchasing countries. The producers have joined together in OPEC and presumably the consumers, under such an arrangement, could similarly increase their bargaining power. Such an arrangement would tend to limit the confrontation aspects of negotiations between U.S. firms standing alone and Arab countries. It could also tend to lessen the inevitable competition among the world's developed nations for the limited available supplies.

AN ENERGY "CZAR"

Oil industry experts have other suggestions. One heard frequently is a proposal to stockpile oil to provide reserves against unforeseen cutoffs—an extremely expensive proposition but no more costly, they say, than the oil import quota system has been to Americans.

Nearly all the experts, both in and out of government, agree on the need to have an energy "czar" to coordinate government policy. A related suggestion is to have an "oil diplomat."

"The problem today," said one U.S. official, "is that nobody is sitting down and saying, 'Here's where the oil is, here are our problems with, say, Venezuela, Ecuador, Saudi Arabia,' for example. Why don't we begin to decide how much we want from where and design a program that works on that basis? Now every little piece is seen as a separate unit . . . I think we could sit down and confect a policy that the oil industry would buy and that the oil countries could accept." He is not suggesting it would be easy, only possible.

This same official suggested that an "oil diplomat" would have the task of harmonizing U.S. foreign policy with U.S. energy needs. "You can get more with charm than with threats," he said, "if you have someone with the presence and intelligence of a David Packard or a Cyrus Vance."

The suggestion to name an oil envoy grows out of the assessment that as the military option diminishes for the United States, diplomacy must take over to help preserve American interests. One U.S. official remarked: "The United States has traditionally operated on the assumption that the oil industry operates under a free enterprise system and that it has been up to the industry to tap Middle East resources to supplement our own oil . . . But the oil countries are blowing the whistle on this and the companies are going to be in trouble. . . . We're going to have to operate as a nation or see the companies get dispossessed. . . . We'll either have to let third-rate countries push us around or get the government behind the oil companies."

This would not require any great realignment of official thinking. "Concern for the plight of the oil companies," noted this official, "has always been considerable at the upper levels of government . . . There has always been concern, for example, to keep on good terms with the oil companies, but this has always run afoul of American support of Israel."

The concern about the impact on other oil countries of an Iranian takeover of British oil interests in 1951 and over possible Soviet control of that valuable piece of real estate clearly led to the overthrow of Mohammed Mossadegh in a CIA-inspired coup in 1953. There is little doubt that oil was a major factor in the 1956 Suez crisis.

American oil companies have been spectacularly successful in getting favorable legislation domestically—oil import quotas, oil depletion allowances, tax breaks. They lobby openly for domestic favors and have important friends in the Congress.

House Speaker Carl Albert for example,

recently told the American Petroleum Institute that "nearly one-half of the gas and one-third of the oil produced in Oklahoma are produced in my congressional district." Rep. Hale Boggs, House majority leader, is from oil-rich Louisiana, as are Allen J. Ellender, chairman of the Senate Appropriations Committee, and Russell Long, head of the Senate Finance Committee. And Rep. George H. Mahon, chairman of the House Appropriations Committee, is from Texas. This is to say little about John B. Connally Jr. of Texas, who is not known for a lack of sympathy with oil interests.

One oil expert remarked that oil's influence is not so strong as when Lyndon B. Johnson and Sam Rayburn were the powers in Congress, "but it isn't that bad."

Ironically, many oil experts say it, has been the very success of oil companies in winning issues domestically that has led to the current situation in which the United States is becoming increasingly reliant on foreign oil. The oil import quotas, for example, were designed to prevent cheap foreign oil from competing with more expensive domestic oil. (An average American well can produce 13 barrels a day while a well in the Middle East can produce anywhere from 3,000 to 50,000 barrels a day.)

The quotas were imposed in the "national interest" to improve American self-sufficiency and prevent undue reliance on a single foreign area. But while the quotas may have prevented domestic American oil companies from being forced out of business by cheap competition, they failed to encourage expansion of American domestic capacity. "The means used had no relationship to a very desirable end," said one lawyer.

What they clearly did do was to force the use of U.S. reserves. One authority remarks that they virtually mandated that we "drain America first."

Although the quotas remain, virtually everyone in the oil business agrees that there will have to be more imports this year. Thus the quotas will have to be raised—some think an emergency meeting will have to be called this summer—because domestic production cannot meet demand. But politics probably dictates that the quota system will not be dropped. In fact, there seems to be no one in either government or the oil industry who thinks there will be any basic change in oil policy in 1972.

AFFECTING FOREIGN POLICY

In contrast with the open domestic lobbying by independent oil firms based in the United States, the major international oil companies have been far more subtle in their efforts to affect American foreign policy. As one U.S. official said, "The people involved in political matters in the Middle East know how important the oil interests are." He added that officials of the international firms are "important people who know the important people in government . . . In Acheson's time there was the old school tie and they were very correct about it all . . . There were no Dita Beards."

The oil company interests, he said, coincide with U.S. strategic interests both in preventing Soviet control of a strategic region and in assuring energy supplies. "But to suggest that they are lobbying for a new political attitude would be wrong," he added.

Continued U.S. support of Israel, for example, is now considered one of the "givens" in international relations, and oil executives and officials start from that premise. But efforts are always under way to get what oil executives would call a more "evenhanded" policy. There are suggestions that the United States develop technical assistance programs for the oil countries, expand cultural programs and repeat as often as possible statements about the territorial integrity of all nations in the region, in order to keep lines open to the Arabs if not to get the Arabs to love America.

SOVIET GAS DEAL

Meanwhile, the United States is looking at the possibility of doing business with the Soviet Union for the import or liquefied natural gas. Commerce Department officials suggest that a joint venture could lead to as much as $1 billion a year in natural gas imports if studies now under way indicate that it is technically and economically feasible. They say it is doubtful, however, that anything can be done to import the Soviet gas without the grant to Moscow of Export-Import Bank credits and most favored nation treatment. And there is talk of trading off excess American grain for Soviet gas to begin an exchange relationship.

The United States would also have to decide just how much, from a national security standpoint, it can afford to import from a country that remains its main rival in the world. "Amounts of purchase," said one official, "should be dictated by the degree of dependency we're willing to allow. That might be 3 to 5 per cent of total gas use, which would mean about 30 per cent of West Coast consumption."

There are those who believe a deal with the Russians would enhance rather than detract from national security. "From the standpoint of foreign policy," said one former Pentagon official, "I would develop the maximum number of relations with the Soviets. Wouldn't we want to have the Soviets think of us as a customer? Don't forget, there's nothing as lovable as a good customer. Then they wouldn't create unnecessary tensions."

Soviet natural gas, along with Algerian natural gas, which is expected to start arriving soon, and increased gas from Canada would begin to diversify American energy sources. Impetus for development of new sources domestically is expected to come as world oil prices increase. This could ameliorate the potential balance-of-payments problem troubling Commerce officials.

The main problem today seems to be getting action on existing proposals. There is no lack of ideas for a coordinated energy program that could prevent a supply relationship with the Middle East from becoming a dependency relationship.

[From the Washington Post, Apr. 14, 1972]

U.S. ENERGY CRISIS: LIGHT DIMS AT END OF THE TUNNEL

(By Thomas O'Toole)

John A. Carver, Jr., Member, Federal Power Commission: "I think our energy shortage is not only endemic, it's incurable. We're going to have to live with it the rest of our lives."

Endemic and incurable are strong words, but strong as they are they only begin to describe the depth of the energy crisis in the United States.

What do you say about a nation that is sitting on 1,500 years of coal it may never be able to burn? How do you portray a country that must import one third of the oil it consumes every day?

How do you describe a land that has begun rationing natural gas to its people? Whose mightiest rivers have almost run out of dam sites? Whose entire supply of uranium could disappear in the next two decades?

The richest nation in the world has discovered it is energy poor and that this sudden poverty threatens the balance of trade, our attempt to clean up the air and water, and the efforts we've made to hold down the prices of products from gasoline to electricity.

In fact, the energy crisis in America threatens the American way of life, at least that means color television, frostless freezers, self-cleaning ovens and electric grills, knives, combs and toothbrushes.

"I think I can see the day when the country might have to ration electricity," said James R. Schlesinger, chairman of the Atomic Energy Commission. "I don't think it will come for several decades and maybe not until the year 2000, but I do think it will come."

The last 40 years have seen the population grow 70 per cent and energy consumption 310 per cent. Demand for energy is such that in the next 10 years the United States will need 50 new sites for oil refineries and 300 for power plants, all of them close enough to the cities to serve them but not so close as to spoil them.

"One day we might find the entire surface of the United States covered with power plants," said Roger C. Carlsmith, associate director of the Oak Ridge National Laboratory's environmental program. "That same day we might find that we have exhausted the nation's fuel supplies."

If fossil fuels are consumed at present rates. Americans will be left only with coal by the year 2,000. It might be hard to believe, but the country has already passed its oil production peak and stands on the brink of reaching its gas production peak.

"It doesn't matter that we may have found 30 billion barrels of oil and more than 20 trillion cubic feet of gas in Alaska," says S. David Freeman, onetime energy adviser to Presidents Johnson and Nixon. "Our rates of consumption are now so large that we can see the bottom of the barrel."

Last year, the United States consumed 5.6 billion barrels of oil and 22.1 trillion cubic feet of natural gas.

The country's 109 million cars used 90 billion gallons of gasoline, its 2,000 jetliners more than one billion gallons of jet fuel and its 3,400 power plants one billion barrels of oil, four billion cubic feet of gas and 300 million tons of coal.

SHORTAGE OF CHEAP FUELS

Americans now use more than six times as much per capita energy as the world average. The entire nation of 200 million people burns more energy than the 500 million of Japan, Great Britain, Germany and the Soviet Union combined.

Consumption of electrical energy has shown by far the greatest growth, a direct result of the soaring electrical living standard.

Americans used almost 1.8 trillion kilowatt hours last year, twice what was used in 1961. The Federal Power Commission estimates that by 1980 electrical usage will have doubled again, that the country's electric companies will spend $125 billion on new plants and transmission lines to meet that demand.

By 1980, electric power expansion will cost $23 billion a year and by 1990 it will be up to $37 billion. One study of power usage in the United States concludes that during the 1980s a new one million kilowatt plant must be brought into service every 12 days to satisfy power needs.

The phenomenal growth in electrical consumption points up America's most serious energy problem: the shortage of cheap, clean fuels to make electricity.

Uranium is not yet in short supply, but only because nuclear power is still an infant industry. Coal the United States has in abundance, but not the sulfur-free coal the country's crowded cities will allow to be burned today.

OIL PRODUCTION PEAKED

Ironically, the two most wanted fuels are the scarcest—oil and natural gas. They're wanted because they're relatively (especially gas) clean and cheap; they're scarce because the United States is consuming more than it can produce.

Domestic oil production peaked in November of 1970, is now down almost 8 per cent from its peak to less than 11 million barrels a day. Alaska's North Slope will add two million barrels a day by 1980, but the once-rich fields of Texas and Oklahoma are dwindling so steadily that domestic oil output may never again reach 11 million barrels a day.

Gas production has not yet topped out in the United States, but it might have if last winter had been a cold one. Even so, gas heat was in such demand that distributors were rejecting new applicants and rationing old ones at the same time that gas was flowing from the wells in Louisiana and Texas at the highest rate in history.

"The analogy I like to use is that it's like a big ice cream soda," former White House adviser Dave Freeman said. "We can put a few more straws in the soda and suck it up a little faster, but all that's going to do is make it all gone that much sooner."

The flow of American gas has reached a record 65 billion cubic feet a day, a flow so high that proven U.S. reserves have fallen to their lowest level in 15 years, from a high five years ago of 289 trillion cublic feet to 247 trillion cubic feet at the end of 1971.

There have been charges that the gas industry has allowed reserves to drop to force a price increase, but the evidence is still strong that the nation has begun to run out of natural gas.

"The idea that gas is being sat on somewhere is economically absurd," FPC Commissioner John Carver told a congressional committee last month. "We have a gas shortage."

If oil and gas are so scarce, then how is the United States managing to make ends meet?

The answer is that the United States today is importing record volumes of oil and gas, quantities that promise to grow so great they will have a profound and lasting effect on domestic energy strategy, on the balance of trade and on foreign policy for years to come.

Oil import policy will be the first to undergo changes, unless a domestic miracle happens and somebody makes an overnight find of 100 million barrels of American oil.

The United States now buys 27 per cent of its oil from foreign suppliers, mostly Canada and Venezuela. But Canada and Venezuela face the same prospect of shortage that the United States faces. Less than 10 per cent of America's imported oil comes from the Middle East, partly because the quota system is biased against all foreign oil and partly because it's even more biased against Eastern Hemisphere oil.

But the only region of the world possessing the vast caches of oil the United States so desperately needs is the Middle East, where 80 per cent of the world's recoverable oil is located.

COMING IMPORT FLOOD

"Serious people are seriously concerned about our oil quotas, which have done little more than prop up domestic oil prices," is the way it's put by one leading energy consultant. "We're going to have to change the system."

The United States will import oil and gas worth an estimated $3 billion this year, but that's just a trickle alongside the flood that will pour into the country when (not if) the import quotas are relaxed.

By 1985, economists predict, more than half our oil and almost half our gas will come from imports. This would increase oil and gas imports by more than 10 times, to a staggering total of $34 billion.

Tankers will be hauling more than 12 million barrels of oil and more than five million cubic feet of liquefied gas into U.S. ports every day, most of it from countries inside the Eastern Hemisphere. By 1985, America's oil and gas supply may well depend on how well we're getting on with countries like Libya, Algeria, Nigeria, Saudi Arabia and the Soviet Union.

Foreign affairs aside, the price that will have to be paid to guarantee delivery and distribution of all this oil and gas truly is boggling.

The National Petroleum Council figures that more than 360 new supertankers will be needed to shuttle Middle East oil from the Persian Gulf to the United States. The price quoted for a 250,000-ton tanker today is $37 million, which puts a price tag of $13.5 billion on a Middle East fleet.

CANADA, ALASKA PIPELINES

Not a single U.S. port can handle these giant ships, which, when laden with more than two million tons of oil each, draw as much as 80 feet of water. This means the United States must construct three new deepwater terminals, one on each coast at a total cost of $1 billion.

Most of the money the nation must spend to deal with the rising oil tide will go to new refining capacity. The Petroleum Council estimates no fewer than 50 new refineries must be built in the United States in the next 13 years, at a cost of $18 billion.

The costs of handling anticipated natural gas imports will come close to the costs of oil imports.

Pipelines to run Canadian and Alaskan gas into the United States are priced at $4.8 billion, which is on top of $2 billion for pipelines to carry gas to be brought by ship into the United States in liquid form. It will cost the companies venturing into this business $4 billion to liquefy the gas and $1 billion to turn the liquids back into gas.

Tankers to transport the liquefied gas from countries like Nigeria and Algeria will cost $6 billion. Three of those tankers are already at sea, 39 are being built or are on order and the National Petroleum Council has said that 120 liquefied natural gas tankers will be needed by 1985 if the United States is to meet its gas demands.

These expenses approach at a time when drilling for oil and gas is getting more difficult, more expensive and more unrewarding.

ENVIRONMENTAL COSTS

"Dry holes" now cost the U.S. oil industry $900 million a year. Wildcatters are down to 20,000 feet in the ground seeking oil in West Texas. Gas wells 28,000 feet deep were only this year sunk in Texas' Pecos County, while early in March a gas well was sunk 30,000 feet in Oklahoma, making it the deepest well in the world and also one of the most expensive.

"Oil and gas fields don't reproduce," says the Interior Department's M. King Hubbert, one of the world's foremost petroleum geologists. "Every time we drill one, there's one less to go."

A final and inevitable expense is the growing cost of catering to the environment.

Oil and gas companies want to drill offshore, but the dangers of spills have not only limited offshore drilling but in some cases cut it out altogether—as in the Santa Barbara channel.

They want to build deepwater terminals along the East Coast to handle the anticipated armada of supertankers, but states from Maine to Florida are studying legislation to prevent such terminals. Delaware already has passed a bill that prohibits construction of any new oil refineries inside its borders.

"We have a very schizophrenic audience along the East Coast today," according to C. L. Woods, vice-president of Mobil Oil Corp., "because what Delaware is essentially saying to the other 49 states is . . . you guys do it, but keep them away from us."

What does it all mean? Well, one thing it means is that industry will have to spend that much more time, money and effort seeking solutions to these problems. That means that prices for oil and gas and all the products that chemistry squeezes out of oil and gas will be moving upward.

'The Nixon administration has tried extra hard to keep the lid on oil prices, but I'd expect that after the elections in November there will be at least a 50-cent-a-barrel increase in oil," former White House adviser Freeman said. "I'd expect even steeper increases in natural gas and in electrical energy prices."

Domestic oil costs roughly $3.50 a barrel, with foreign oil costing $2 to $2.50 a barrel. Domestic gas is cheap at 20 to 25 cents a thousand cubic feet at the wellhead, while the liquified foreign gas that's starting to come into the United States (Algerian gas has begun to move into Boston harbor) by tanker costs $1.10 a thousand cubic feet.

A 15 per cent increase in the price of oil means at least that much of a boost for gasoline and jet fuel, which together take more than 60 per cent of the oil in every barrel.

How much would this cost the consumer? In gasoline prices alone, no less than $2 billion. Trucking rates would go up. So would bus fares, heating oils and plastic packaging for everything from food to toys. Jet fares? Fuel is a large expense in airline operations, and nobody expects the nation's airlines not to pass on some of a price boost to their passengers. A growing percentage of the oil that comes out of each barrel is what the oil industry calls residual oil, literally the oil that's left over at the bottom of the barrel after gasoline and the lighter heating oils are taken from the top.

Time was when residual oil had little use, but today this leftover oil is used by just about every major electric utility in the populous East. The reason is that it is either lower in sulfur or can be made lower in sulfur than the coal that power companies can no longer burn because of sulfur restrictions around the cities.

ELECTRIC RATES DOUBLE

New York's Consolidated Edison Co. changed over the last of its 120 power boilers two months ago to burn residual oil. Con Ed now buys 140,000 barrels of low sulphur oil every day and expects to buy more than 200,000 barrels a day by 1973.

The New York utility gets its low-sulfur oil either by having Venezuelan oil "desulfurized" for 60 cents to a dollar a barrel or by buying low-sulfur Libyan oil at almost $4 a barrel.

Whichever way Con Ed buys low-sulfur oil, it has had to pay almost double what it was paying two years ago, and almost three times what it paid for coal when it could burn it.

"The outlook for electricity rates has got to be up because of situations like these," says Freeman. "I think electrical rates will double themselves in the next 10 years."

Natural gas prices are already on the rise, at least partly because gas hasn't been given close attention by the Nixon administration's price controllers.

Wellhead prices are up 30 to 40 per cent in some regions, and people in industry and even in the federal government talk openly about doubling and tripling of wellhead prices in the next few years. Even doubling would be a boost of $4.4 billion in revenues for gas producers alone.

OPTIONS A DECADE AGO

"They talk about doubling and tripling the price because they say they want to get consumers to stop using gas, so the country can conserve gas," says FPC Commissioner John Carver, who's leaving the FPC in June. "They don't think about the market chaos that would follow a doubling or a tripling in gas prices."

There are those who say that such chaos could have been avoided, who say that the United States had options ten or even five years ago that might have put off the energy crisis in America.

America's reliance on foreign oil could have been at least delayed if the nation had chosen 10 years ago to explore more aggressively for offshore oil. Or developed the Colorado oil shale fields. Or gone in with Canada on a joint venture to exploit the vast tar sands in the remote regions of Alberta province.

The United States might still be able to extract some of the estimated 500 billion barrels of oil locked up in these deposits, but while the nation has waited to do so the costs have skyrocketed and conservationists have closed ranks against offshore exploration and extraction of the Colorado shale.

"I'd just as soon leave it alone," says Interior's King Hubbert of the Colorado shale. "If you want to imagine one hell of a mess, imagine mining that shale and discharging the acid wastes into the Colorado River. I guarantee you'd kill the river."

The country's had some of the same opportunities in natural gas, like developing a process to make synthetic gas from naphtha or a method of freeing the 300 trillion cubic feet of gas trapped in solid rock in Wyoming and Colorado.

ABUNDANCE OF COAL

A program to make "syngas" out of naphtha has begun in the United States but it's small and it's based on technology developed in West Germany.

The trouble with the gas stimulation project is that the only way to rock the gas loose is with 200 (and maybe 400) underground nuclear explosions, a solution that's less acceptable to Americans today than it was 20 years ago when Project Plowshare was begun by the Atomic Energy Commission.

Nowhere has the United States been more remiss about exploiting its energy options than in the way it has handled and planned our use of coal.

Coal is our most abundant resource, there being two trillion tons of it in American soil. The energy content of American coal alone is 90 per cent of the energy content of all fossil fuels buried in the North American land mass.

Coal is also the easiest fossil fuel to extract and to use, but despite all its advantages coal is the one energy source in the United States whose use is on the wane.

The main reason is that coal is dirty. Coal burning fouled the air with 60 per cent of the 14 million tons of sulfur dioxide discharged by U.S. smokestacks last year. Its only growth market outside of exports has been the electric power industry, but laws against sulfur discharges now threaten that market.

New York's Con Ed is a typical former user of coal. In 1970, Con Ed burned 2.6 million tons of coal, then in 1971 burned half that. So far this year, Con Ed burned 140,000 tons of coal before shutting down its last coal-fired plant on Staten Island.

"If current trends continue," says Joseph Swidler, chairman of the Public Service Commission of New York State, "then total coal demand will be down to 370 million tons by 1980. That's 60 per cent of present demand."

Such a debacle could have been forestalled by foresight. Processes could have been developed to scrub the sulfur out of coal fumes before they reached the top of the smokestack. Better yet, a method might have been devised to turn coal into gas.

One reason these things weren't done is that the coal industry never pursued these goals. The Interior Department's Bureau of Mines and Office of Coal Research began their pursuit too late.

Both branches of Interior now have sulfur scrubbing and coal gasification programs under way, but it might be 10 years before either one is ready to be commercialized. It might not even be ready then, because Interior's budget for both programs is less than $75 million.

"This isn't enough," said one of Interior's top officials. "It's going to take $1 billion at least just to get coal gasification going in the U.S."

RACE AGAINST TIME

The story of what's happened to coal tells a lot about why there is an energy crisis in America today, but as one last footnote to it all, consider the plight of hydropower and nuclear power.

There are 52.3 million kilowatts of hydroelectric capacity in the United States, which is less than one-third the country's potential. Most of the two-thirds will never be used, largely because of conservationist opposition.

The Colorado River is already closed to future dams by congressional mandate. The one remaining dam site on the Columbia River is blocked by public opposition, as are half a dozen sites on the Snake River and as many again on the Eel River and Mad River in north California.

Nuclear power is a somewhat different story, but even in its infancy is in a race against time to tap what little uranium the country has to support a viable atomic energy program.

The United States has 50,000 tons of uranium oxide (raw mineral for fissionable uranium) in stockpile, and 275,000 tons of uranium oxide in the ground as proven reserves.

There are only 20 nuclear power plants operating in the United States today. There will be 200 plants in use by 1980 and almost 400 by 1990, which means that uranium requirements for the next eight years will total 200,000 tons and then skyrocket beyond what is in the ground.

AEC ALTERNATIVES

"Things could come to a slow grinding halt unless we could get uranium overseas," says the Atomic Energy Commission's Robert Nininger. "Mathematically, we could be taken out to about 1982 but everything could stop if none of our alternatives worked."

The AEC's main alternatives are to buy Canadian uranium to flesh out America's own needs and to speed development of the fast breeder power reactor, which breeds more nuclear fuel than it burns.

Beyond that, it has two other alternatives which are nowhere as neat as the first two.

The AEC has decided to withdraw 50,000 of the 70,000 tons of raw uranium now in the national stockpile, enrich it in advance to fissionable uranium and hold it in abeyance for emergency needs.

Its other option involves a move it would never have risked five years ago. It will, if it must, remove about one year's supply of fissile uranium by taking it right out of our stockpiled atomic weapons, then processing it into power-grade uranium.

This might never be done, but if it's necessary to buy time the AEC is willing to do so. That's how far the energy crisis in America has taken us.

MEMPHIS PAPER HITS DOUBLE SPENDING

Mr. PROXMIRE. Mr. President, the Commercial Appeal of Memphis, Tenn., makes an incisive observation in discussing the Navy memo calling for additional spending this fiscal year. In a key paragraph of its April 8 editorial, the Commercial Appeal says:

> Admiral Kidd probably is correct in his statement that if the money had not been spent it would be hard to justify it a second time. But the Zumwalt memo makes it clear that the Navy was planning to ask for that amount—maybe even more—in the next fiscal year anyhow. So the speedup in spending simply meant that this amount of money would be spent twice. It is difficult to put any other interpretation on the memo.

Mr. President, I ask unanimous consent that the entire editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Spend Fast and Get More

Nobody does a better job of keeping the feet of the military to the fire in an attempt to cut wasteful spending than does Senator William Proxmire (D., Wis.), chairman of the Joint Economic Committee of Congress.

He did it again the other day when Adm. I. C. Kidd, chief of Navy material command, came before the joint committee to testify on matters of naval procurement.

The senator called to the admiral's attention a memorandum issued Feb. 7 by Adm. Elmo R. Zumwalt Jr., chief of naval operations, pointing out that the Navy was not meeting its targets on spending 400 million dollars for the fiscal year 1972. It urged "top management attention" to this fact "to avoid resultant adverse effects on anticipated fiscal year 1973 outlay ceilings."

In short, Admiral Zumwalt was warning that if the Navy did not spend that 400 million dollars Congress had made available before the end of June, it would be difficult for the Navy to get Congress to appropriate that money again next year.

Admiral Kidd did his best to put the matter in a good light, but he had to admit that the idea was to get rid of the money as quickly as possible.

Senator Proxmire accused the Navy of "playing . . . a game with the taxpayer and a game with Congress that is most unfortunate . . ."

Admiral Kidd probably is correct in his statement that if the money had not been spent it would be hard to justify it a second time. But the Zumwalt memo makes it clear that the Navy was planning to ask for that amount—maybe even more—in the next fiscal year anyhow. So the speedup in spending simply meant that this amount of money would be spent twice. It is difficult to put any other interpretation on the memo.

And when he was pressed even further by Senator Charles Percy (R., Ill.) on the matter, Admiral Kidd said:

"When you are faced with a proposition of losing funds which you have fought hard to get and to justify, by George, the incentive is high to get them committed. There is no question about it. And when you do things in a hurry, you make an abundance of mistakes. There is no question about that, either. If you want it bad, you get it bad."

Precisely, admiral.

Senator Proxmire describes this as "about as devastating an indictment of service waste as I have ever heard . . ."

Whether it is the worst example on record, we cannot judge. But it is bad enough. And there have been reliable reports in the past that other departments of government, civilian as well as military, are caught up each spring in this "spend, spend and spend" game, as Senator Proxmire calls it. Let's hope the Senator is able to do something more than just expose it before Congress.

NEW FRONTIER IN TRANSURFACE TECHNOLOGY

Mr. ALLOTT. Mr. President, the Colorado Business Review for March contains an excellent article on the progress being made at the U.S. Department of Transportation's High Speed Ground Test Center at Pueblo, Colo. The article was written by Mr. Glenn A. Reiff, who is the senior project engineer at the test center. Mr. Reiff has a diversified background in applied research, testing, and management of aerospace programs. He holds degrees from the U.S. Naval Academy and the U.S. Naval Postgraduate School. His keen interest in this project makes his article worthwhile reading for all Senators.

I ask unanimous consent that the article, entitled "HSGTC—Moving Toward a New Frontier in Transurface Technology," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HSGTC—MOVING TOWARD A NEW FRONTIER IN TRANSURFACE TECHNOLOGY

(By Glenn A. Reiff)

Midway between Pike's Peak and the site of what was Bent's Fort on the high plains of southeastern Colorado, a new U.S. Department of Transportation test center is beginning to take shape. Unlike Bent's Fort, the Grand Central Station for pioneers on the Santa Fe Trail more than a century ago, the High Speed Ground Test Center (HSGTC) will be a different kind of way station and will serve to provide new technology for railroad, transit, and other advanced types of ground transportation.

Many Coloradans have expressed interest in the Test Center, not only from the standpoint of what it can do to improve surface transport, but also from the point of view of how it may affect the state. Speculations on the rate of growth and ultimate size of the Center have varied over an extremely wide range. This article attempts to place the Test Center in perspective and to make a few estimates on what it may mean to Colorado.

The HSGTC should be to ground transportation what the wind tunnels and flight test ranges have been to aviation. There are more than 50 government, university, or industrial wind tunnels, and at least 15 federal aeronautical or space flight centers in our country today. Edwards Flight Center, a 300,000-acre site located in the Mojave Desert of Southern California with fixed assets valued at more than $325 million and employment of about 10,000 people, for example, has been the proving ground for many airplanes during the past quarter of a century; and Langley Research Center in Virginia, established in about 1916, has provided both theory and wind tunnel testing for supersonic shapes, short take-off aircraft, and other aerodynamic configurations used by commercial aviation.

In comparison, there have been relatively few such research and test facilities available for ground transportation. The Association of American Railroads (AAR) has maintained a railroad laboratory and research center on the campus of the Illinois Institute of Technology in Chicago and has conducted research projects through the standing committees of the AAR. Also, many of the larger railroads, transit properties, and rail equipment manufacturers have conducted their own research and testing activities. For several years, these groups have been directing their attention toward such diverse subjects as rolling stock dynamics, continuous welded rail, more efficient locomotives, fatigue strength of structural welds, grade crossing protection, rail alignment, roller bearings, safe transport of explosives, simplification of tariffs, and improvements of accounting procedures; but there remain many problems to be solved in each of these areas. Furthermore, track complexes dedicated to full scale testing of different types of ground vehicles at various speeds have not existed in one location. This capability, along with laboratories for probing some of the problems listed about as well as testing the interaction of steel wheels on steel rails, will soon be pulled together at the High Speed Ground Test Center.

Construction of a Dynamics Laboratory is expected to start at the Test Center during the summer of 1972. This laboratory, containing a wheel-rail simulator, will be one of the most sophisticated in the world. The simulator includes hydraulic platforms capable of independent operation in six degrees of freedom. Each platform has a roller rig to support and spin the wheels of a freight, passenger, or transit car or locomotive. Force, displacement, and operational frequencies of the rollers, coupled with the hydraulic platforms can be made to simulate rail surfaces of all kind. Since the entire assembly can be slowed or accelerated in any of its movements, detailed analysis of various track irregularities experienced in the field, vehicle suspension systems, and the mechanics of rolling contact will be possible. About 30 miles of railroad and transit test track of various configurations, including bolted joints, used rail, different ballast sections, tight curves, high-speed reverse curves, and an impact area are also planned for use in conjunction with the Dynamics Laboratory

Moving people is a subject that has sparked the imagination for years, and it is here that many of the more futuristic vehicle concepts are revealed. A large number of hardware variants are being studied; and, if they are brought to the prototype stage, we will expect to evaluate them at the Test Center. Dual-mode machines, suspended vehicles, trams, magnetically levitated vehicles, interurban cars, obstacle detectors, power collectors, control systems, and tube vehicles may all eventually be tested at the Center; but, right now, those firmly scheduled are the Linear Induction Motor Research Vehicle (LIMRV), which is currently under test, Rail Diagnostic Cars, and the Tracked Air Cushion Research Vehicle (TACRV).

Our first research project is centered around the experimental LIMRV built by Garrett AiResearch in California and designed for speeds up to 250 mph. This particular vehicle will never be placed into passenger service but will be used to develop the linear electric motor as an advanced form of propulsion for ground vehicles. These motors will be pollutant-free, very quiet, and contain almost no moving parts.

Two New York subway cars are presently at the Center and serving as test beds for developing instrumentation which will ultimately become part of portable rail diagnostic laboratories. In addition, the Vertol Division of Boeing in Pennsylvania is system manager for the Urban Rapid Rail Vehicle Program. As part of this program, Boeing will procure two newly designed transit cars representative of the current state-of-the-art and will recommend areas for further investigation utilizing these cars and Advanced Concept Cars. With these two new cars, transit vehicle performance characteristics such as speed, acceleration, noise, and ride quality will be tested at the Center beginning in the fall of 1972.

The Tracked Air Cushion Research Vehicle is now being assembled by Grumman Aerospace in New York. This type of vehicle floats on a thin cushion of air within a concrete trough or guideway. It is propelled by an 8,000 hp linear induction motor utilizing a reaction rail and is designed for speeds up to 300 mph. Tests on it are scheduled to start next summer.

These research, development, test, and evaluation (RD&E) projects are sponsored by the Federal Railroad Administration, Office of High Speed Ground Transportation, the Urban Mass Transportation Administration, and the Transportation Systems Center. In the future, certain projects may be established by private industry and supported at the Center.

The State of Colorado has provided a 50-year lease to the U.S. Department of Transportation for the land, and the City and County of Pueblo have helped by building roads. Gravel access roads leading to the 30,000-acre site originate at the Pueblo Memorial Airport and from State Highway 96 one mile west of Boone, Colorado. The headquarters area is almost 30 miles by road from downtown Pueblo, and about 60 miles from Colorado Springs.

The Center was formally dedicated by the U.S. Secretary of Transportation, John A. Volpe, on May 19, 1971, some 16 months after the site was selected.

Although surveyors began initial mapping during the spring of 1970, contracted work and operations did not start until after the lease was signed on August 22, 1970. Construction began immediately thereafter; and, to date, a total of 15 miles of track have been built. This total includes 6.2 miles of high-speed trackage with a 21-inch high reaction rail installed in the middle which is part of a linear induction motor; and a 2.4 mile transit test track that includes an electrified third rail to power subway cars and other transit vehicles. Each track is paralleled by a graveled service road. Office trailers and temporary buildings have been used in support of initial test and construction activities; however, by early 1972 the first permanent structure—a Project Management Building—will be completed and occupied. An automobile overpass is presently under construction and should be ready for use in May. In those areas where the natural vegetation had to be disturbed, a program for landscape restoration has been included.

All construction work has been contracted for the Federal Highway Administration, Region 9 in Denver, and the Federal Aviation Administration regional offices in Los Angeles or Denver on behalf of the Federal Railroad Administration (FRA). Basic site layout and master planning are provided by FRA's Office of High Speed Ground Transportation, and the FRA is responsible for overall coordination, administration, and management of the Center.

With this participation, four of the seven operating administrations of the U.S. Department of Transportation are involved with work at the Test Center.

Additional support has been provided by the Pueblo Army Depot; NASA's Langley Research Center; the National Ocean Survey, a part of the Department of Commerce's National Oceanic and Atmospheric Administration; and the Army's Corps of Engineers.

Construction projects which are planned to be started by next summer include the first segment of guideway for the TACRV; an extension of the Transit Track to close a 9-mile electrified loop; the first increment of Railroad Test Track; a Technical Services Building; the Dynamics Laboratory; a water distribution system; and a network for distributing electrical power. Also, by next summer it is expected that a contract will be awarded to provide maintenance and operation services for the Test Center during the following two years.

Even with these plans, the scope of activities at the Center is not expected to compare with that of the space effort at Cape Kennedy and Brevard County, Florida, during the 1960's; nor should the HSGTC activities create disruptive influences as have sometimes been experienced when a large federal establishment has moved into a community. The Test Center, with its focus on advanced forms of ground transportation, will undoubtedly provide a point of interest for citizens of Colorado and make them more aware of transportation developments.

Already we have had visitors from Canada, Mexico, Nicaragua, England, France, West Germany, and Japan, in addition to many other visitors from elsewhere in this country. As activities expand, we can expect many more business visitors, student groups, and sightseers. While most of the employees—craftsmen, laborers, clerks, tradesmen, and professionals—will come from within Colorado, others will be brought from elsewhere. People with diverse talents in the sciences, business, engineering, technology, and management will be needed. As a result, there will be a melding of new interests and varied backgrounds. Eventually, these new outlooks can be expected to fuse into the local educational system.

When one considers urban population, and transportation problems, it is not difficult to predict growth for the Test Center; and it should help keep local business activity moving in a positive direction. To date, Colorado construction contractors or suppliers from Pueblo, Boone, Canon City, La Junta, Trinidad, Colorado Springs, Commerce City, and Denver have participated in work at the Center. Additional contractors from at least five other states have also been involved. Industrial concerns from elsewhere in the nation may possibly establish branch offices in the vicinity of the Test Center as its activities expand. While it is not hard to forecast a positive economic trend, it is much more difficult to quantitatively estimate the magnitude, because the rate of buildup at the Center will depend upon planning within the Federal Executive Branch and annual appropriations from Congress. However, I will venture some gross estimates.

During the first year after the startup of the Test Center in August 1970, total employment has varied widely from month to month as construction projects have been phased in and completed. It is expected that the count of the working force will continue to be highly variable for the next several years. This total working force includes both temporary and permanent federal employees, relatively transient construction crews, and RDT&E project teams. In early 1971, it was estimated that some 125 people were working at the Center, but during the past few months this number has averaged about 65.

It is not unreasonable to expect that the working force at the Center will approach 300 during the next five years. Using national personal income averages and assuming such a rate of growth, this buildup in total employment would add almost $10 million in direct personal income locally during this period. While many of these employees will already be residents of Pueblo, those brought from elsewhere will add to the number of people in the community and will require housing, schools, stores, and all the other normal urban services.

It is virtually impossible to make a long-range forecast of the total money that will be spent in Colorado as a result of the Test Center because of uncertainties involving each year's appropriations and the nation-wide diversity of contractor locations. However, near-term estimates of the investment at the Center can be made.

The total public investment of federal funds for the Test Center during the first year of operation was about $10 million. This investment was primarily for the acquisition of tracks and other real property associated with RDT&E projects. Considering the present status of work and implementation of new contracts, it appears that the investment during the second year of operation will be approximately $20 million, bringing the total to about $30 million. Extrapolating these amounts indicates that the total investment may be in the $75-million range by about 1977, but actual funding will depend upon project requirements and national priorities.

It should be emphasized that funding will be dependent upon the Congress and that these estimates are only for federally funded work at the Test Center. There are some in the State who are predicting new transportation-related industrial activity in Colorado because of the Test Center. Such predictions are not unreasonable; however, to date, there is no available evidence that the Center has stimulated moves of this type.

Transportation is the life blood of commerce and a pacesetter for society. It pervades all of our lives; in itself, transportation is also a large factor in the national economy. For example, approximately 20 percent of our annual expenditure for goods and services, or Gross National Product, is made either directly or indirectly for transportation of one kind or another; and some 10 million pesons are employed in transportation-related industries. As the Test Center begins fulfilling its role to improve transurface technology, the social and economic implications will far exceed the direct benefits within the state and will spread throughout the nation, or the world.

When one studies the entire spectrum of transportation problems, it becomes apparent that there is no one 'system, or set of equipment, or general solution for all transportation problems. Each region—town, city, megalopolis, county, or state—has its own unique set of problems, and so an assortment of improvement is needed. At the Test Center, incremental advances in existing equipment will be sought; and, at the same time, imaginative new systems or subsystems will be tested and developed so that each community may have a family of proven transportation equipment from which to choose the best for its regional requirements.

Just as Bent's Fort was the gateway to a new frontier in the Southwest almost a hundred and fifty years ago, the High Speed Ground Test Center can become another kind of portal to a different frontier in the 1970s.

RESUMPTION OF INTENSIVE BOMBING IN NORTH VIETNAM

Mr. ANDERSON. Mr. President, during my Senate career, soon to draw to a close, I have concentrated on certain issues of particular interest to me, as any legislator must who wishes to be truly effective. Occasionally, however, I have had to set aside those matters of primary concern and turn to an overriding issue. This is one of those times.

Although I have spoken from time to time on specific aspects of the war in Indochina, my last major statement was almost 2 years ago—on May 1, 1970, after the American invasion of Cambodia. Now that the President has resumed intensive bombing of Hanoi, the port of Haiphong and other cities in North Vietnam, I feel compelled again to register my deep concern and strong opposition.

My decision is not made lightly. My public statements will show that I have generally supported to basic policy of the President, which is to say a withdrawal of American troops and airpower, allowing the South Vietnamese Government to attempt its own defense under the name of "Vietnamization," and seeking a political settlement in Paris. My only significant points of disagreement have dealt with timing, as evidenced by my support of legislation which would have required a speedier timetable for U.S. disengagement.

My 1970 statement, in my judgment, has been proved to be correct in its basic thesis. At that time I said:

> If Vietnam has taught us anything, it is that seemingly small, temporary decisions become escalating commitments. Deepening involvement in a wider Indochinese war, just as we are wisely disengaging from Vietnam, would be a grave mistake and a tragedy.

We are still witnessing the increased political instability and heightened military activity in Southeast Asia which resulted from the Cambodian invasion. Furthermore, the strong North Vietnamese movement into the area around An Loc shows that the Cambodian campaign did not meet its objective of clearing out enemy forces to aid the process of U.S. withdrawal. The North Vietnamese are back, in substantial force, in the same area, and have advanced with such strength that the Saigon forces would have buckled without intensive tactical air support from the United States. The stout assurances from the administration that the 1970 Cambodian border campaign would destroy enemy strength in the western region, assurances that were suspect at the time, have now proven false.

A list of "bold" moves designed to hasten the end of the war goes back through two administrations and 7 years. It is dismal reading. There is every reason to believe that the current bombing raids into the North will join that list. By now the sequence is painfully familiar: an irresistable urge for "action" as opposed to patient, frustrating diplomacy; a new military initiative announced with optimistic fanfare; initial assurances of success followed by hedged bets and increasing skepticism; and, finally, realization that nothing really had changed.

It is true that there may be some modest military accomplishments which will emerge from the newest wave of bombings. But the disadvantages far outweigh any temporary gains:

Destroying military supplies in Haiphong and Hanoi will have little immediate effect on the current fighting, since the time lag in transit is substantial.

It has long been acknowledged that North Vietnam's resolve to fight has been strengthened by the American bombing campaign. A nation under seige is more likely to intensify its own military actions, a move which no one can desire.

When Hanoi and Haiphong were first bombed several years ago, the Soviet Union immediately increased its shipments of Mig fighter planes and surface-to-air missiles. It is quite likely that this will again occur, thus endangering American lives and adding to the pace of arms development when we should be seeking disarmament.

The bombing of Haiphong Harbor could cause, and may already have caused damage to Soviet ships and bring the resultant danger of heightened Soviet involvement or even a direct United States-Soviet confrontation.

International opposition to the renewed bombing could well be as strong and widespread as that which developed in the late 1960's, and which isolated the United States in the international community.

President Nixon's laudable initiatives toward seeking more friendly relationships with Moscow and Peking will certainly be damaged, if not completely negated, by the reescalation.

The return to the military tactics of a few years ago could bring a return of the domestic climate of the same period—massive anti-war demonstrations frequently erupting into violence, cynicism and distrust of the Government, a virtual breakdown of political civility.

President Nixon promised to help cool that overheated atmosphere, but now he is contributing to a reheating which may well be more dangerous and violent.

In view of the many risks, how can the President allow himself to be tempted by the unworkable tactics of the past? In view of his commitment to seek domestic tranquility, how can he risk a resumption of turmoil and internal division? In view of his efforts toward international detente, how can he jeopardize frail and tenuous initiatives? And how, if the President truly desires to achieve peace in Southeast Asia, can he attain it by letting the bombs fly?

I strenuously oppose the renewed bombing, and urge the President to halt it immediately. The war has killed and maimed too many. We must seek peace, not through war, but through peace itself.

The American people—at first a tiny minority and now an overwhelming majority—believe it was a mistake to become so deeply involved in Vietnam. The cost in lives and treasure has been tremendous. Americans and Vietnamese, except the minority who are maintained in positions of wealth and power by the U.S. presence, want the bloodshed ended. A tragic mistake cannot be repaired by heaping on more tragedy. The people realize that, those who must fight and die or see their loved ones fight and die realize that, most of the world community recognizes it, and now the President must come to realize it.

ANTITRUST PROSECUTION OF ITT

Mr. TAFT. Mr. President, in recent weeks there has been considerable sound and fury relating to the antitrust prosecution of I.T. & T. by the Nixon administration. In evaluating that performance I think that we should examine the record as to the acquisitions made by I.T. & T. in the years before President Nixon, Richard Kleindienst, and Richard McLaren took office. That record discloses an acquisition program of extraordinary proportions. These acquisitions went largely unchecked and unchallenged by the White House or Congress. The record is a dubious base from which to attack a settlement that was the most successful effort at constraining this galloping conglomerate.

I ask unanimous consent to have printed in the RECORD a list of the acquisitions of I.T. & T. from June 15, 1961, through December 31, 1970, as published by Standard & Poor's.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

June 15, 1961, Co. acquired Jennings Radio Manufacturing Corp., San Jose Calif., a leading maker of high-power vacuum capacitors and switches, for 40,000 shs. 5.25% Cum. Pfd., 170,213 Com. shs., and non-transferable certificates of contingent interest representing rights to receive I T & T Com. (80,000 to 320,000 shs.) having an aggregate value of as much as $8,000,000 based on level of Jennings' earnings. These shares would be paid in annual installments over a period ending not later than Mar. 15, 1966—28,741 issued in 1962; 34,652 in 1963. Jennings had sales of $5,928,339 and net income of $395,987 in 1960.

Aug. 10, 1961, Co. acquired Suprenant Mfg. Co., Clinton, Mass., a maker of specialized tubing and plastic insulated wire, cable and similar products, for 40,000 shs. 4% Conv. Pfd. Ser. and 115,741 Com. shs. Suprenant had sales of $14,046,483 and net income of $682,396 in fiscal year ended June 30, 1960.

Nov. 1, 1961, acquired the assets of American Cable & Radio Corp. (then 56.55% owned) thru issuance of 62,292 shs. 4% Cum. Pfd. Ser. B $100 par and 222,474 Com. shs.

Nov. 15, 1961, Co. issued 56,995 Com shs. to Dresdner Bank AG, Frankfurt, Germany, for 50% interest in Eduard Winkler Apparatebau G.m.b.H., Nurnberg, and 100% interest in Alpina Buromaschinen-Werk G. m. b. H., Kaufbeuren, Germany, and transferred the acquired shares to Standard Elektrik Lorenz Aktiengesellschaft, subsidiary.

Oct. 1, 1962, Co. issued 112,000 Com. shs. for substantially all the business and assets of National Computer Products, Inc., Lawrance, Mass., maker of germanium and silicon diodes, and semi-conductor devices for electronic data processing, missile systems and space communications, and for government services. Also acquired in 1962, Puhelinteollisuus Co., Finland, maker of telephone equipment; Societe des Pompes Salmson, France, maker of industrial centrifugal pumps; Societa Impianti Elettrici Telefonici Telegrafici Edili, Italy, builder of telecommunication networks and plants; Steiner, S. A., Switzerland, engaged in television and radio rental business; Regentone Products Ltd., Eng., maker of radio and television sets; and Ace Radio Ltd., Eng., maker of radio and radiophonographs. Co. formed ITT Intelcom, Inc. to provide engineering and technical assistance in planning military satellite communications systems.

May 15, 1963, Co. merged General Controls Co. by issuing 28,452 shs. 5.25% Ser. B Cum. Pfd., 128,492 shs. 4% Conv. Ser. C. Pfd. and 56,275 Com. shs. for all stocks of General; assuming $7,000,000 5⅞% Sr. Notes due Sept. 1 '80 of General's; and issuing $4,000,000 5¼% Subord. Notes due Sept. 1, 1975 (convertible into 21,411 shs. Ser. C Pfd. & 9,376 Com. shs. thru Sept. 1, 1970) in exchange for $4,000,000 like notes of General. Latter had net sales of $35,924,000 and net loss of $1,181,000 for 1962.

Sept. 27, 1963, Co. acquired the assets of Bell & Gossett Co., producer of pumps, heating and refrigeration equipment for 146,674 shs. 4% Conv. Ser. D Pfd. and 701,938 Com. shs.; and Nov. 30, 1963, acquired the business and assets of Cannon Electric Co., maker of electrical connectors, thru issuance of 82,491 shs. 4% Conv. Ser. D Pfd. and 498,738 Com. shs. In 1962, Bell & Gossett earned $2,334,653 on sales of $40,900,000, and Cannon earned $2,303,190 on sales of $50,361,671.

Dec. 31, 1963, Co. acquired the business and assets of John J. Nesbitt, Inc., producer of heating, ventilating and air conditioning equipment, thru issuance of 39,775 shs. 4% Conv. Serv. E Bfd. and 298,313 Com. shs. In 1962, Nesbitt earned $966,648 on sales of $23,783,406.

Jan. 31, 1964, Co. acquired for 79,599 shs. of 4% Conv. Ser. E Pfd. and 150,184 Com. shs. substantially all the business and assets of Gilfillan Corp., Los Angeles, a leading producer of ground controlled approach radar and long range radar. In year ended May 31, 1963, Gilfillan earned $571,000 on sales of $33,713,000.

Mar. 11, 1964, Co. acquired 75% of the capital stock of Compagnie Generale de Metrologie, S. A., France, for 67,500 Com. shs.; and a subsidiary of Co. obtained an option to acquire the remaining 25% by Jan. 7, 1965. Metrologie produces, among other things, multimeters, galvanometers, generators, checkers for tubes and transistors, and various types of scopes; and for ten months ended Oct. 31, 1963, earned $264,374 on sales of $3,405,020.

June 12, 1964, Co. acquired for 18,525 Com. shs. all stock of Hayes Furance Mfg. & Supply Co., maker of commercial furnaces. For year ended Mar. 31, 1964, Hayes earned $30,821 on sales of $1,447,009.

Aug. 31, 1964, Co., thru a subsidiary formed for the purpose, acquired the business and substantially all assets of Aetna Finance Co. by issuing 116,298 shs. 4% Conv. Ser. E Pfd. and 460,108 Com. shs.; and assuming Aetna's liabilities. Aetna Finance does a consumer finance business thru 170 branches in 25 states; and thru its wholly owned American Universal Life Ins. Co. engages in the life insurance business. Mar. 31, 1964, Aetna had $90,052,292 gross assets; $34,445,000 short term debt; and $32,937,000 long term debt. For year ended Sept. 30, 1963, Aetna earned $2,685,085 on gross income of $17,930,486.

Aug. 25, 1964, Co. acquired a part interest in Great International Life Ins. Co., a subsidiary of Georgia International Life Ins. Co.

Sept. 30, 1964, Co. acquired for 67,499 Com. shs. substantially all business and assets of Terryphone Corp., Pa., maker of international communication systems.

Nov. 30, 1964, Co. acquired for 207,967 Com. shs. substantially all business and assets of Barton Instrument Corp., Cal., producer of liquid and gaseous indicators, recorders, transmitters and flow meters. Barton earned $701,579 on net sales of $9,439,895 in year ended June 30 '64.

Jan. 29, 1965, Co., acquired the semi-conductor operations of Clevite Corp., for $8,591,000—$1,091,000 cash & $7,500,000 4% notes due thru July '65 (refunded). This division makes a variety of semi-conductor devices, and accounted for 12% of the $112,096,466 consolidated sales of Clevite Corp. in 1964. Acquisition included all stock of Intermetall, G.m.b.H., Germany.

Feb. 16, 1965, Co. acquired for 60,347 Com. shs., 60% of the stock of Societe Oceanic Radio, 25% of the stock of Societe Ducastel and all stock of Societe Burel Freres et J. Delaitre, makers of radio and television equipment in France.

Mar. 15, 1965, Co. acquired for $3,995,642 cash, 94% of the voting stock and 8% of the non-voting stock of Hamilton Management Corp. Latter is investment adviser and distribution agent for Hamilton Funds, Inc., an open end investment company. Remaining stock of Hamilton Management was acquired by Co. thru issuance of 303,077 Com. shs. under offer ratified by Hamilton stockholders Sept. 15, '65.

June 8, 1965, Co. acquired for 24,059 Com. shs. all stock of Henze Instrument & Valve Inc. and real property, improvements and equipment of Turbine Engineering Corp. Henze repairs, reconditions and rebuilds all types of valves, power specialty equipment and instruments in facilities leased from Turbine. Consolidated net profits were $167,277 on sales of $1,845,587 for 1964.

In July, 1965, Co. issued 414,999 Com. shs. and 301,818 shs. of 4% Conv. Pfd. $100 par for the assets to Avis, Inc. (name later changed to ITT Avis, Inc.), National Auto Renting Co., Inc., National Truck Renting Corp., Narco Parking Systems, Inc., and Westbrook Enterprises, Inc. Avis rents and leases automobiles, and the others were engaged in the truck rental and public parking business in NYC.

In Aug. '65, Co. acquired for 11,761 Com. shs. substantially all busness and assets of Kebby Microwave Corp.

Sept. 8, 1965, ITT World Communications, Inc., subsidiary, acquired all stock of Press Wireless, Inc. Previously Co. agreed to exchange 64,387 of its Com. shs. for the stock of Press Wireless.

In Feb. '66, Co. acquired for 41,282 shs. of 4% Conv. Ser. F. Pfd. and 71,715 Com. shs. substantially all business and assets of Jabsco Pump Co., maker of specialty pumps of flexible impeller design for the marine, food and beverage, chemical, and other industries. Consolidated net income was $321,492 on sales of $3,638,040 for seven months ended Oct. 31 '65. Feb. 24 '66 Co. acquired for $11,900,000 cash substantially all business and assets of Wakefield Corp., maker of grinding wheels and discs, electric melters, and incandescent and fluorescent lighting equipment.

In Oct. '66, Co. acquired for 152,766 shs. of Cum, Conv. Partic. Pref. and 273,814 Com. shs. substantially all business and assets of Howard W. Sams & Co., Inc., a publisher and printer of books, magazines and reference services, with net income of $981,512 on sales of $18,061,853 in 11 months ended May 31, '66; and acquired for 117,647 Com. shs. substantially all business and assets of Consolidated Electric Lamp Co., producer incandescent light bulbs, fluorescent lighting tubes, electrical heating elements and electro-mechanical thermostats. In Nov. '66, ITT Consumer Services, Corp., subsidiary, acquired all stock of Airport Parking Co. of America thru exchange of 213,196 shs. of Ser. A and 66,576 of Ser. B Pfd., the former convertible into an aggregate of 362,903 shs. of ITT Com. beginning Nov. 14, '71.

In Mar. '67, Co. acquired for 90,666 Com. shs. substantially all business and assets of Lustra Corp. of America, Amplex Corp., Lustra Lighting Ltd., Birdseye Eastern Sales Co. and Coast to Coast Adjustment Bureau. Lustra distributed fluorescent tubes and incandescent lamps. In May '67 Co. acquired for 101,502 Com. shs. for all stock of Cleveland Motor Inns, operator and constructor of motels under franchise of Holiday Inns of America; and in June '67, issued 54,059 Com. shs. for minority interest in ITT Avis, Inc. In June '67, holders of minority Com. stock (19.87%) of Puerto Rico Telephone Co. exchanged their Com. for a Conv. Pref stock which was convertible into an aggregate of 157,405 Com. shs. of ITT. In June '67, Avis Rent A Car System, Inc., subsidiary, acquired for 15,199 shs. of 4% Conv. Ser. F Pfd. of ITT, all stock of Mears Motor Livery Corp., engaged in renting and leasing cars and trucks in Fla., N.C. and S.C. In Aug. '67, Co. acquired for 375,000 shs. of 4% Conv. Ser. H Pfd. and 399,468 Com. shs., all the stock of Alfred Teves G.m.b.H., a European maker of brake drums, disc brakes and braking systems. In Oct. '67 Co. purchased 57.5% of the stock of Modern Life Ins. Co. for $3,106,428 ($12 a sh.) and offered to buy the remaining shares at the same price. In Nov. '67 Co. acquired for 29,493 Com. shs., 80% of the stock of La Base S.p.A., one of the three largest mail order firms in Italy, issuing about 1,000,000 catalogs semi-annually and processing over 250,000 orders per year.

In Jan. '68 Co. acquired for 11,241 shs. of 4% Conv. Ser. H. Pfd. and 299,748 Com. shs., substantially all assets of Jasper Blackburn Corp., maker of electrical transmission and distribution equipment and supplies at St. Louis, Mo., with net income of $1,112,946 on net sales of $15,394,611 in year ended Feb. 25 '67. In Feb. '68 Co. acquired for 1,797,038 Com. shs., all stock of Levitt & Sons, Inc., engaged chiefly in residential construction and development, with consolidated net income of $3,983,000 on sales of $93,582,000 in year ended Feb. 28 '67; and acquired for 277,847 shs. of $4 Conv. Ser. K Pfd. and 2,896,276 Com. shs., substantially all assets of Sheraton Corp. of America (and assumed substantially all of latter's liabilities thru a subsidiary formed for the purpose). Sheraton had net income and profits of $5,433,344 from $286,266,446 consolidated gross operating income in year ended Apr. 30 '67. The Com. shs. issued by Co. in Jan.–Feb. '68 have been adjusted for the 2-for-1 split Jan. 26 '68. Mar. 14 '68, Co. issued 140,041 Com. shs. for all stock of United Homes Corp., Sarkowsky Builders Inc. and Fern Hill Homes Inc. Apr. 26 '68, Co. (thru a wholly owned subsidiary) merged Rayonier Inc. thru issuance of 1,668,651 shs. of $4.50 Conv. Ser. I Pfd. and 2,463,990 Conv. shs. Rayonier had net income of $10,789,000 on sales of $117,910,000 in nine months ended Sept. 30 '67. On June 27 '68, issued 478,273 shs. of $4.50 Conv. Ser. I Pfd. and 1,112,427 Com. shs. for substantially all assets of Pennsylvania Glass Sand Corp., which had net income of $5,425,150 on sales of $25,652,416 in 1966. In July '68, Co. issued 131,250 Com. shs. for all stock of ETC Inc., and 118,227 Com. shs. for all stock of Speedwriting Publishing Co. Inc. and its 20 affiliates; and in Aug. '68, issued 345,283 Com. shs. for all stock of Stenberg-Flygt AB, Lindas, Sweden. Sept. 13 '68, Co. (thru a wholly owned subsidiary) merged Continental Baking Co. thru issuance of 1,087,132 shs. of $4 Conv. Ser. K Pfd., 128,000 shs. of $5.50 Ser. L Pfd. and 3,181,111 Com. shs. Continental had net income of $14,665,652 on sales of $621,037,640 in 1967. In Sept. '68, also issued 54,107 Com. shs. for all stock of Transportation Displays Inc. and 14 affiliated companies. In Oct. '68, Co. issued 37,923 Com. shs. for business and substantially all assets of Gotham Lighting Corp.; and in Dec. '68, issued 75,684 Com. shs. for business and substantially all assets of Gremar Inc.

Jan. 3, 1969 Co. issued 464,856 shs. $4 Conv. Ser. K Pfd. and 39,134 shs. $6 Ser. M Pfd. for the business and substantially all assets of Thorp Finance Corp.; (name changed to ITT Thorp Corp. in 1970); in Jan. '69, issued 57,027 Com. shs. for all stock of Pennway Co. and its subsidiaries Yellow Cab of Kansas City Inc. and Equitable Assurance Co.; in Feb. '69, issued 12,434 shs. $4 Conv. Ser. K Pfd. and 40,880 Com. shs. for all stock of Hopkins Airport Hotel, Inc., a 220-room hotel located at Hopkins International Airport, Cleveland; in Feb. '69, issued 38,961 Com. shs. for all stock of Temple School Inc., Baltimore and Washington, D.C.; in Mar. '69, issued 53,527 Com. shs. for all stock of Liberty Investors Benefit Ins. Co., Greenville, S.C.; in Mar. '69, issued 137,932 Com. shs. for all stock of Marquis-Who's Who, Inc., Chicago, publisher of biographical reference books; in Mar. '69, issued 186,722 Com. shs. for acquisition of United Homes Corp.; in Apr. '69, issued 68,781 Com. shs. for all stock of Joseph B. Giglio Enterprises, Inc., licensee of Avis Rent-A-Car in Tampa and 4 other communities in Fla.

Apr. 25, 1969, ITT merged Canteen Corp. thru issuance of 1,350,907 shs. $4 Conv. Ser. K Pfd. and 1,880,070 Com. shs.; and Oct. 31, 1969, merged Grinnell Corp. thru issuance of 1,709,468 shs. $4 Conv. Ser. K Pfd. and 1,567,012 com. shs. The U.S. Government instituted separate suits asserting that these transactions violated the Clayton Act, and requested divestment of these companies whose operations represented 10% of ITT's consolidated sales and net income in 1969. Pending final adjudication, ITT agreed that it will maintain the Canteen and Grinnell businesses completely separate and independent from the other businesses of ITT. Canteen Corp. has net earnings of $9,478,000 on consolidated sales of $320,065,000 in year ended Sept. 28, 1968; and Grinnell had net income of $14,084,799 on consolidated sales of $341,282,906 in year ended Dec. 31, 1968.

July 2, 1971, U.S. District Court upheld Co's. acquisition of Canteen Corp. Dec. 31, 1970, U.S. District Court upheld Co's. acquisition of Grinnell Corp., but on May 17, 1971, Justice Dept. asked U.S. Supreme Court to reverse the lower court's rulings.

Also, in May 1969, ITT issued 56,386 Com. shs. for the business and assets of United Building Services, Inc., UBS Enterprises, Inc. and City Window Cleaning of Central Ohio, engaged in rendering building maintenance services in Ohio; in May 1969, issues 9,131 shs. $4 Conv. Ser. K Pfd. for all stock of Office Training School doing business as Columbus (Ohio) Business University; in Aug., 1969, issued 9,917 shs. $4 Conv. Ser. K Pfd. for all stock of Minnesota School of Business, Inc.; in Aug., 1969, issued 137,906 Com. shs. for all stock of American Electric Mfg. Corp., maker of outdoor lighting equipment; in Sept., 1969, issued 150,000 Com. shs. for all stock of G. K. Hall Corp., printers and publishers of library reference materials and indexes; in Sept., 1969, issued 23,399 shs. $4 Conv. Ser. K Pfd. for all stock of Wadsworth Land Co., Inc., owner of real estate; in Sept., 1969, issued 200,000 Com. shs. plus $5,000,000 in cash and notes for all interests in Maria Isabel Hotel, Mexico City; in Oct., 1969, issued 75,000 shs. $4 Conv. Ser. K Pfd. and 120,000 Com. shs. for the business and substantially all assets of Southern Wood Preserving Co., producer of creosoted and other pressure treated forest products; in Oct., 1969, issued 79,815 Com. shs. for all stock of Nova, Appareils Electro-Menagers, S. A. and La Commerciale Nova, S. A., makers of small household appliances in Belgium; in Oct., 1969, issued 136,644 Com. shs. for all stock of N. V. Zuid Hollandse Conservenfabrick Grofuco, packers and distributors of frozen and canned foods in Holland, Belgium and West Germany; in Oct., 1969, issued 37,366 shs. $4 Conv. Ser. K Pfd. for all stock of American Building Services Inc., Allied Industries Inc. and American House & Window Cleaning Co. Inc., Kansas City, Mo., provider of maintenance and janitorial service in multi-story buildings; in Nov., 1969, issued 12,530 shs. $4 Conv. Ser. K Pfd. for all stock of Alton Canteen Co. Inc., headquartered in Alton, Ill., engaged in the automatic vending of merchandise; in Dec., 1969, issued 118,842 Com. shs. for the business and substantially all assets of Pearson Candy Co., maker and distributor of candy in Cal. and Minn.; in Dec., 1969, issued 25,556 shs. $4 Conv. Ser. K Pfd. and 44,230 Com. shs. for all stock of Jacques French Restaurant, Inc., Chicago.

Thru Dec. 31, 1970, Co. issued 21,735,702 shs. $2.25 Conv. Ser. N Pfd. for a like number of shares of Hartford Fire Insurance Co. and at Apr. 19, 1971, Co. owned 99.8% of the shares of that company, mainly acquired under terms of an exchange offer expired July 31, 1970. The U.S. Government instituted suit alleging that these transactions violated the Clayton Act, and requested divestment of Hartford. Pending final adjudication, Co. agreed that it will maintain the Hartford business completely separate and independent from the other business of Co.

Also in 1970, Co. made the following acquestions: First quarter—IKO Forsaljningsaktiebolag, power cable manufacturer (all shs. acquired for $8,540,000 cash and 88,890 Com. shs.). Second quarter—N. V. Zwolsche Algemeene Beleggings Maatschappij, personal casualty insurance concern (all shs. acquired for $995,500 cash and 62,215 $4 Conv. Ser. K Pfd. shs.); Hoffman Specialty Manufacturing Corp., maker of heating and plumbing specialties (merged into wholly owned subsidiary for 123,750 Com. shs.); Biscuit en Banketfabriek Nobo N. V., maker of cookies and sweet snacks (all shs. acquired for 31,310 $4 Conv. Ser. K Pfd. shs.). Third quarter—Elektro-Freund, Friedrich Freund, distributor of electric appliances in Europe (assets acquired for 6,705 $4 Conv. Ser. K Pfd. shs.; Gwaltney, Inc., producer of pork products (merged into wholly owned subsidiary for 839,372 Com. shs.); Thermotech Industries, Inc., makes plastic products (business and assets acquired for 212,415 Com. shs.); Triad Investments, Inc., owns land and buildings used by Thermotech (all shs. acquired for 9,843 Com. shs.); Erie Canteen Co., provides vending services (all shs. acquired for 10,938 $4 Conv. Ser. K Pfd. shs. and 20,349 Com shs.). Fourth quarter—Rudolph Schmidt KG, Electround Radiogrosshandlung, distributor of electric appliances in Europe (assets acquired for $341,500 cash and 4,269 $4 Conv. Ser. K Pfd. shs.); Altissimo S.p.A., maker of electrical automotive equipment (all shs. acquired for $1,200,000 cash and 104,616 $4 Conv. Ser. K Pfd. shs.); Ulma S.p.A., makes stainless steel trim for cars (all shs. acquired for $960,000 cash and 90,000 $4 Conv. Ser. K Pfd. shs.); Building Servicing Co. of Texas (all shs. for 16,271 Com. shs.); General Creosoting Co., Inc., makes and treats wooden poles for power and telephone companies (all shs. acquired for 7,116 $4 Conv. Ser. K Pfd. shs. and 13,160 Com. shs.); Landis Financial Group, a financing concern, (all shs. acquired for 19,000 $4 Conv. Ser. K Pfd. shs. and 35,400 Com. shs.).

THE HUMAN COST OF UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, when we talk of unemployment, we tend to zero in on statistics. Unemployment was 5.7 percent last month. This month its up to 5.9 percent. Is the increase statistically significant? Arguments abound on both sides.

But the statistics, and the arguments, tend to obscure the human side of unemployment, the people who are forced to stand in line each week to claim their unemployment checks. We tend to lose sight of the effect on people's lives—the degradation of relying on handouts for basic sustenance, the emptiness of the nonwork week, the continual rejection at the hands of potential employers.

An article published in today's New York Times puts this in proper perspective. It provides a glimpse of those who stand in line at the Washington County Court House, in Ohio, to collect unemployment checks. They are from every segment of our society—"men and women, old and young, white and blue collar, Afro and crew cut, hot pants and conservative tie." There are 12 lines leading to the counter—all of them full.

There is a keen awareness of the value of a job. The article quotes a young peroxide blonde who has been laid off from her very first job, speaking with envy of the people behind the counters who dole out the checks:

> They ought to treat us well. If it weren't for people like us, they'd be in one of these lines thesmselves.

Mr. President, I ask unanimous consent that the article, entiled "The 5.9 Per Cent," written by Ruth A. Matheny, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The 5.9 Percent

(By Ruth A. Matheny)

Washington Court House, Ohio.—For the completely integrated experience, try standing in line at an Upper Midwest unemployment claims office. It isn't just the races that are brought together in this common search for a common goal—in this case, that weekly claims check. Men and women, old and young, white- and blue-collar, Afro and crew cut, hot pants and conservative tie, all find their places in their assigned lines—usually there are twelve of them—and move inexorably toward the long claims counter.

The lines are surprisingly orderly. A few individuals disregard the no-smoking sign posted on one of the pillars as the agony of waiting becomes too much. But no one presumes to advance beyond the yellow line that stretches across the width of the room until he is called to the counter for his weekly reckoning.

The system works pretty well, considering the increasingly large numbers who flock to the second-floor claims office each week. Claimants are assigned to report at half-hour intervals. To reach the counter within that designated interval, the unemployed must begin to line up at least a half hour in advance. Promptly at the beginning of each time segment, the attendant goes through the line collecting the "Information Booklet and Reporting Record," which is the badge of identity for the jobless.

Each week, the individual seeking compensation must file a "Weekly Claim for Benefits." The questions to be answered are few and to the point.

If the answers are satisfactory, the claimant may expect to receive a check within a few days of reporting. The amount will be determined by his earnings while he was working and by the number of dependents he claims. If any earnings have been received or are anticipated for the calendar week—as from freelance writing—they are deducted from the stipulated amount. However, earnings up to 20 per cent of the claim are exempt.

With the passage of time, a kind of camaraderie builds up in the long lines. People's habits being relatively stable, claimants tend to arrive about the same time each week. As a result, they find themselves standing in front of, behind and beside many of the same people week after week. A new integrated neighborhood is born.

Of course, there's a feeling-out period when the weather and the long lines may be the only topics of conversation. But after a while, experiences are recounted, confidences exchanged and tips offered.

There is the young black who speaks feelingly of his plans for an educational project for the ghetto, where students will earn while they learn. He needs guidance and backing. An obviously intelligent and earnest blond neighbor unexpectedly offers suggestions, names and addresses, and encouragement. One has the feeling that in these unlikely surroundings a promising idea has been given a chance for life.

A tall, somewhat shaggy young man—cup of coffee in one hand, cigarette in the other—engages in his weekly conversation with the contrastingly trim young fellow with crew cut. Or rather, he talks between puffs and sips while his companion-in-line listens. His choice topic is a recent military tour of duty in Germany with emphasis on the German women. Thus, it's a surprise when he walks in one week carrying a beautiful pony-tailed toddler.

There's the middle-aged white woman with her folding stool. "The first time I was here," she tells each newcomer, "I had to stand in line for three hours. Since then, I bring this stool."

A black woman of about the same age is always just ahead or just behind her. They seem to enjoy their weekly chats. Then one week, the woman with the stool reports, "I think I might be called back. If I'm not here next week, you'll know I'm working." And the black woman answers, "I think I might be going back too."

But the following week, the woman with the stool is gone. The black woman is still there.

Those are the lucky ones, the ones who are called back to work or who find a new job. Most must report week in, week out until the allowed payment period lapses.

"This is my last week of standing in line." a young woman offers.

"You're lucky," says another.

"Maybe," she returns, "but it's the end of the money too. Now what?"

If there is resentment for a system that makes such standing-in-line necessary, little of it is evident here. There's the suggestion as when a black woman accidentally drops her claim sheet. A man, also black, calls to her, "You'd better hang on to that. They don't want to give us anything anyway, and they sure won't without that paper."

And the very young peroxide blonde, obviously laid off from her very first job, says of the attendants at the desk, "They ought to treat us well. If it weren't for people like us, they'd be in one of these lines themselves!"

Ruth A. Matheny, now unemployed, is the former editor of "Today's Catholic Worker."

AIR POLLUTION CONTROL

Mr. TAFT. Mr. President, it is my pleasure to invite the attention of Senators to an excellent manuscript entitled "Air Pollution Control—Benefits in Relation to Cost," written by Dr. Harold L. Hansen, chairman of the board, the Air Pollution Control League of Greater Cincinnati.

The Air Pollution Control League is a nonprofit organization, incorporated January 29, 1906, under the law of the State of Ohio. The League is a citizen's organization which works continuously to advance the knowledge and practice of air pollution control throughout the metropolitan area.

Dr. Hansen discusses the need for an economic analysis of the results of air pollution control and of the pollutant itself, an approach which I believe deserves the attention of every Member of Congress. I therefore, ask unanimous consent that this highly informative document be printed in the Record.

There being no objection, the manuscript was ordered to be printed in the Record, as follows:

Air Pollution—Benefits in Relation to Cost

(By Harold L. Hansen Chairman of the Board)

THE AIR POLLUTION CONTROL LEAGUE OF GREATER CINCINNATI: SUMMARY

Air Pollution is an old problem to which the Air Pollution Control League has been directing its attention for many years. It is a complex problem of many dimensions one of which has received inadequate attention and study. The Cost of controlling air pollution is enormous and must be considered in relation to other programs and to the capacity of our economic system. The approach to pollution control requires understanding, diligence and restraint.

Our educational, non-profit organization founded in 1906 is one of the oldest, if not the oldest citizens' group of its kind in existence in this country. In this, our sixty-sixth anniversary year, we pay tribute to its founders and to the many citizens who have donated their services to this work long before the word "pollution" came into common use and long before pollution control activities became fashionable.

We are gratified by the continuing interest in our program on the part of many private citizens, civic groups, and schools. That interest reflects their concern for the environment and their desire to help improve their surroundings.

That the interest in air pollution control and other types of pollution control is not restricted to this locality is shown by the flood of articles, books, films, and laws on the subject. The *Environment Index*, scheduled to begin publication this year, contemplates listing 42,000 citations for all of the year 1971. This index of 600 pages covers 700 periodicals in addition to newspapers, Government reports, Congressional hearings, legislation, films, and patents.

In recent times, there has occurred a renewed interest in the old subject of ecology. This science of the relationship of organisms to their environment has taken on a new and enlarged meaning with studies which purport to show the adverse effects of a number of environmental contaminants. Among these is DDT which might well be called an air pollutant because of its frequent application by spraying.

Largely because of findings showing that DDT interferes with normal egg production, and thus is implicated in the decline in numbers of some species of birds, the product was first condemned and later its sale was banned in many states. It may be of interest to recall that it was not long ago that DDT was hailed as one of the most important products of the age. In 1948, Dr. Müller of Switzerland was awarded the Nobel prize in medicine for his fundamental work on the action of DDT on insects. This work resulted in the saving of millions of lives which would otherwise have been lost to malaria and to other diseases carried by insects. It is small wonder that many physicians and scientists are concerned about a possible world-wide ban on the use of this product, especially since no equally effective product is readily available.

It should be clear that the study of organisms in relation to their environment is exceedingly complex and difficult. Decisions and value judgments are, therefore, difficult to make. In such circumstances extremism and partisan politics are harmful to the decision-making process.

In the numerous articles and reports on air pollution control consideration of costs involved has received inadequate attention at best. It is only fair to say at the outset that this aspect of the program is a confusing and complex subject. Yet it is one of vast importance and should, therefore, be brought to public attention. Like some other programs of national and even world importance, it is also one we have taken on without a clear realization of the expenses involved and the effect of these expenses on the economy. Obviously, we cannot be concerned with air pollution control exclusively. To this must be added water pollution control, solid waste disposal, and a host of other programs crying for attention.

There are some why say that "polluters must pay for the costs involved in cleaning up the environment." This sometimes takes the form of a proposed tax on pollutants. Unfortunately for the public, this approach is both simplistic and misleading. In some form or other the cost will eventually fall on the consumer and taxpayer. The interdependence between and among lower forms of life applies with equal force to man in his social and economic relationships. There are many examples of this, but one will suffice for this report.

The electric power industry is generally recognized as a large source of air pollution. In our more thoughtful moments, we also recognize that it is an essential part of our advanced civilization. In a real sense, it represents one of the essential differences between a developed and an undeveloped nation. Without going into extensive details, let us examine some of the economic aspects of the electric power industry. There are about 140 privately owned utility companies on the New York and American Stock Exchanges. These are the companies which supply much of the electricity and gas to the nation's users from the smallest households to the largest factories. These companies are not owned by a few enormously rich people. On the contrary, ownership is largely vested in millions of individual stock holders. In addition, millions of individuals have a stake in these companies as owners of shares in mutual funds, as participants in pension funds, or as holders of insurance policies. Beyond that, both individuals and institutions hold claims against these companies as holders of bonds and notes against debts.

It is characteristic of the utility companies that they carry a heavy debt load, interest on which must be paid. The debt varies from a few million dollars for small companies to upward of two billion dollars for the large ones. In the aggregate, the privately held companies have a debt of over 57 billion dollars. Even Government operated facilities, such as TVA, carry a debt even though they do not pay the local and Federal taxes imposed on privately owned companies. It should be clear that in addition to supplying power and heat, the utility companies provide wages and salaries for their own employees, pay dividends to stock holders, pay interest to holders of notes, pay local and Federal taxes, and, as indicated previously, provide the reveue for participants in mutual funds, pension funds, and for holders of insurance policies.

The large debt load of the industry reflects the enormous amount of capital required to conduct these enterprises. It further shows that profits from operations are not sufficient to cover ever-growing capital costs. This is not surprising in view of the fact that rates are determined by the Government. As the demands for power continue to grow, the need for capital will increase. Here we should say that we are not ready for the steady state economy advocated by some. An attempt to reach such a state soon could result in disaster.

At this time, emphasis should be on orderly growth directed toward fullest possible employment. At the same time we must proceed on an equally orderly basis to improve the quality of our surroundings. All of these and other things we need to do with a full realization of the costs involved and with the knowledge that such costs will eventually be borne by all of us.

The costs involved in air pollution control and in control of other forms of pollution as well may be listed as follows:

1. Expenses for manpower, equipment, and facilities used in research and development. The research and development work is required in various fields of endeavor and is directed toward detection, measurement, characterization, abatement or elimination of pollutants.

2. Expenses involved in design and construction of equipment and facilities for control of pollutants.

3. In the event that efforts in category 2 above are unsuccessful, relocation of an establishment or its abandonment may occur. In either case, expenses are involved.

4. Operation and maintenance of equipment and facilities.

5. Expense in establishment of standards, in surveillance, and in law enforcement.

6. To the foregoing may be added various costs of repair and of reclamation. In this context it should be noted that some environmental changes are irreversible.

As an offset against costs listed above, air pollution control (and other types of pollution control) will reduce expenditures now required because of the deteriorating effect of some pollutants on their surroundings. More adequate control of some pollutants may also decrease or (hopefully) eliminate certain medical and hospital expenses. In respect of medical and hospital expenses related to air pollution, the present evidence indicates that our area is more fortunate than many others in this and in other countries.

In some cases installation and effective operation of air pollution control devices can affect savings in manufacturing costs. This is obviously the case where the pollutant is an essential component in the manufacturing process, or is the end product itself. This is an area of importance which is receiving a great deal of attention on the part of research and development workers.

We hear a great deal about recycling and about novel uses for waste material. This may well be of importance from the standpoint of conservation, as well as from the standpoint of reducing our mountains of rubble. It should be borne in mind, however, that we must consider most of these products as raw materials. Only in exceptional cases does it appear that the value of these raw materials represents a substantial offset against costs of production.

We now come to a second class of benefits which for want of a better term has been called elevation of the quality of life. By and large, this is what concerns the Greater Cincinnati Area. In making that observation, we must exclude "happenings," such as, the recent episode of a leak in a tank car of nitric acid. Such episodes are a cause for concern and require separate and appropriate corrective action. When we weigh the costs of pollution control against the monetary benefits to be achieved, we can only conclude that the costs are by far the larger. In other words, pollution control represents an expense. This does not mean that a reasonable and proper expense should not be incurred. The contrary is the case.

We should know in approximate terms, at least, what that expense or cost will be. Unfortunately, we do not know. Nor did we have adequate knowledge of a large array of other costs and expenses before we as a nation initiated and carried forward a number of other programs.

Even though we do not have a "good fix" on costs for pollution control, we may attain some idea of the magnitude of such costs from several reports. The White House Council on Environmental Quality suggests that the total outlay by 1975 could amount to 105 billion dollars. Of this amount, about 24 billion dollars would be required for air pollution control. Commoner arrives at some astounding figures on the cost of pollution control. He estimates that we should replace about one-fourth of our capital equipment at a cost of 600 billion dollars. To that we should add several hundred billion dollars for restoration of the environment. All of this is based on 1958 dollars. By spreading the cost over 25 years, he suggests an annual expenditure of 40 billion dollars. In a recent report, John Connor, Chairman of Allied Chemical Corporation, and former Secretary of Commerce, said "whatever the costs of our pollution control programs, and they will be in the hundreds of billions of dollars, they will be borne eventually by the consumers and taxpayers of America."

We should also bear in mind, as suggested by Anderson that pollution control is an international problem from the economic standpoint. One country's decisions affect not only its own industries, but the industries of other countries as well. Thus, unnecessarily harsh regulations can force a company out of an export market, or cause a flow of capital to another country. It would be surprising if so-called emerging countries anxious to become industrialized would view the "quality of life" in the same manner as an industrialized nation.

Peter F. Drucker tells us that the common belief that the cost of cleaning the environment can be paid for out of business profits is a dangerous delusion. The truth of the matter is that corporation profits are not large enough to cover these expenses as presently projected in addition to underwriting the cost of national defense, health care, and the like. Corporation profits after taxes for the year 1971 are estimated to be about 47 billion dollars. This includes profits of corporations which have no pollution problem as such. Nor can we take refuge in Federal Aid and State Aid. To think so is one of the greatest delusions of our time. After all, Federal Aid and State Aid come out of taxes, and taxes, in turn, are based on earnings of individuals and business.

In spite of proposals to the effect that we should strive for a "steady state" economy to reduce pollution, it seems clear that major reliance should be placed on a solid growth in the economy. Otherwise, how do we expect to generate the earnings, provide the jobs, and pay the taxes which are all required for the health and strength of the nation? Indeed, we shall have to rely on advanced technology to help solve our problems. Basic to all this it seems is the requirement that emphasis should be placed on production. We certainly cannot long exist as a nation of consumers and service people.

Now, production causes pollution. How should we face this dilemma? We do not presume to have all the answers to this, one of the greatest problems of our age. As we embark on this broad-scale attack on pollution, it would seem worth while to emphasize at least some of the requirements for success.

First of all, the approach to this multifaceted problem requires the correct attitude of mind. We are all polluters, and we have, therefore, a common problem. The old approach of choosing sides and of designating "villains" and "victims" is harmful to the cause. Uncontrolled emotionalism, confrontation, and the setting of so-called concensus standards are unworthy of a thoughtful and cooperative citizenry.

Scientists and technologists bear an especially heavy burden in this work—and work it is. It requires all of our skill, ingenuity, and restraint. Unfortunately, restraint is proper scientific thoughtfulness prompted Dr. Stokinger to present seven commandments for judging environmental pollution and for development of control standards. For the purposes of the present report, several of these commandments are worthy of repetition and emphasis. They are:

1. Standards must be based on scientific facts realistically derived and not on political feasibility, expedience, emotion of the moment, or unsupported information.
2. All standards, guides, limits, and so on, as well as the criteria on which they are based, must be completely documented.
3. Avoid the establishment of unnecessarily severe standards.
4. Determine realistic levels.

The recent history of setting of ambient air standards and emission standards shows quite clearly that there has been failure to follow the commandments closely. Specifically, attempts to "improve" on the Federal standards in state and regional hearings is a case in point. These standards have been erroneously referred to as minimum standards. Yet, The Environmental Protection Agency has stated the standards contain a margin of safety, and if errors have been made, they are on the side of public safety and public health, including the protection of citizens already affected with cardiac-respiratory problems. A review of U.S. Department of Health, Education and Welfare reports strongly supports this position. The standards devised by the Ohio Air Pollution Control Board are in conformity with Federal standards. It is difficult to comprehend why anyone would consider them lenient or to object to their proposed implementation.

It should now be clear that industrial firms and business generally face some very difficult technical and management problems. These problems are of such magnitude and nature that they will not be solved in a few years. They will require the sustained efforts of employees at all levels for many years to come.

Industry and business alone cannot solve our environmental problems. The lack of clear and precise information on many environmental problems is striking. This situation is covered in some detail by the Subcommittee on Environmental Improvement of the American Chemical Society.

The committee points out, among other things, that "a modern industrial civilization and a pristine environment cannot coexist." This sober statement contrasts sharply with the concept of "zero pollution" as applied to water resources. Actually, "zero pollution" is scientifically meaningless. The committee does point out several important areas in which research and development work is urgently needed.

Among these is control of emissions of oxides of sulfur and oxides of nitrogen. At this time, we do not have commercially suitable methods and equipment to handle these troublesome gases successfully. Accordingly, we can make only rough and tentative approximations of costs involved for large stationary sources of these pollutants. In other words, the regulations and the standards have outrun our technological capabilities. Under these circumstances, it would appear to be prudent to approach the subject with proper restraint. It is certain that setting unduly restrictive standards to be met in a relatively short time is unwise. Moreover, the costs which may be incurred may well be out of proportion to the benefits achieved.

In the years and decades of work ahead, let us all remember the importance of sound, disciplined thinking and of cooperation. The League has long advocated both. If the cooperation of the kind required to accomplish our purpose requires appropriate changes in our laws and regulations, such changes should be made.

THE PRICES FARMERS AND RANCHERS RECEIVE

Mr. ALLEN. Mr. President, the Secretary of Agriculture, Hon. Earl L. Butz, has stoutly defended farmers and ranchers and the prices they receive for their products. One of the many examples of such defense comes in the form of an article entitled "The Farmer as the Good Guy," published in the New York Times of Saturday, April 15, 1972. Because inflation results from many different factors, it distresses me to hear debate that places disproportionate blame on the farmer. Secretary Butz has performed a valuable service in putting the problem in perspective. I commend the article to the thoughtful consideration of all Senators.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 15, 1972]

The Farmer as the Good Guy

(By Earl L. Butz)

Washington.—So your food is costing you more these days, isn't it? And you know why. It's those farmers who are pushing their prices higher and who are grabbing an even bigger chunk of your hard-earned family income, right?

Wrong.

Food prices have gone up. And farmers are getting more. It was recently reported on one of the national television networks—with the usual barely concealed tone of despair—that beef cattle prices have reached the level of twenty years ago. Can that be right—just up to levels of twenty years ago?

True.

The rancher is getting the same price for his beef that he was getting twenty years ago. What other products that the average family buys are only now reaching the 1952 price level? "But," you say, "I'm not buying beef at 1952 price levels. Beef costs me more—quite a bit more—at the store." Right again. Let's see both why food is costing more and why it isn't even higher.

As everybody knows, one of the most effective antidotes to high prices of anything is to increase productivity. The National Productivity Commission has singled farmers out of their record on productivity:

A man-hour of work on the farm is producing 3.3 times more than it was twenty years ago. Output per man-hour in the industrial manufacturing sphere is only 1.6 times greater than twenty years ago. Thus, output per man on the farm is increasing twice as fast as it is in the industrial sector.

In 1951, one farm worker supplied sixteen people with food. Now he produces enough for 51 people—more than three times as many as two decades ago.

Twenty years ago the average American consumer paid $23 for food from $100 take-home pay. In 1971 he spent $16 from $100 take-home pay for food, and he will pay out even less this year. Nowhere else in the world does food take up such a low percentage of the consumer budget.

These outstanding gains have been achieved against some pretty difficult obstacles for farmers. The pricing of farm products is very competitive in this country. Most foods are perishable products. Farmers have to sell them almost the day they are ready. Farmers can't hold milk or eggs very long—even meat animals have to go to market when they reach the right weight. Farmers can't wait for higher prices. And they are less able to pass along their costs than other major economic groups. They don't enjoy industry-wide contracts, franchises, patents, licenses or territories, nor do they have the economic ability to force higher prices and hold them.

Farmers are paying 2.3 times higher wage rates now than they were twenty years ago.

The level of all prices that farmers pay for all purchases has gone up nearly 50 per cent from twenty years ago, and farmers' total production costs have nearly doubled.

Real estate taxes on farms are 3.8 times higher than they were two decades ago.

Indeed, the evidence suggests that farmers, far from getting too much of the national income, are still getting far too little.

Nevertheless, the prices of many farm products have gone up lately, and many people are concerned about it. They have a right to be. But they should be directing their concern at the proper place. Check these figures:

Farm prices for food products are up 6 per cent from twenty years ago. On the other hand, wholesale food prices are up 20 per cent and retail prices a hefty 43 per cent.

Farmers receive only 38 cents from the dollar consumers spend for farm-raised food—down from 49 cents twenty years ago.

Employes in food marketing firms are getting 2.5 times hgher wages than twenty years ago; wages for production workers in manufacturing industries are 2.3 times hgher than twenty years ago.

The American farmer, far from the corporate landowner he is sometimes portrayed to be, is a hardy and hard-pressed family farmer struggling to earn an income. The rising costs that are really responsible for rising food prices are in the 62 cents of each food dollar that go to the middlemen—they are the truckers, marketeers, packagers and retailers who operate between the American farmer and the American consumer.

Recently, one of the leading labor leaders in this country complained that food prices were going up, citing a story Secretary of the Treasury John Connally told about paying $5 for two eggs in a plush New York hotel. The labor leader noted that those eggs brought the farmers whose hen laid them exactly five cents. Maybe it's time he also took note of the fact that neither the prices of eggs in plush New York hotels nor the prices of anything else will stop rising until he and many others who are criticizing President Nixon's economic program while pressing for ever-higher labor costs stop making them go up.

DOWN WITH PLANS FOR CAPITOL EXTENSION

Mr. PROXMIRE. Mr. President, recent debate on funding for further planning for extension of the West Front of the Capitol makes it clear that many within this chamber and throughout the Nation are opposed to such planning. We believe that we could better serve our economic, historic, and esthetic interests by restoring the west wall instead of building over it. Several respected newspapers and journals have come out editorially in support of restoration plans and opposed to extension. The New York Times and Washington Post were two among many.

A few days ago, the Christian Science Monitor published an article by William Marlin, senior editor of the Architectural Forum, who superbly propounds the arguments against extension. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Excavating the Present

(By William Marlin)

Nearly six years ago, this newspaper counseled caution over plans to extend the West Front of the United States Capitol.

"We assume," it said, "that Congress will want to withhold its approval for changes in one of the world's most prominent and historic buildings until it has given careful consideration to the view of distinguished members of the architectural profession."

This was, as events have it, a flattering assumption. For once again, confusing expediency with progress, it appears the venerable West Front, the last remaining facade of Dr. William Thornton's 1792 prize-winning design, is going to bite the dust.

Over the years, the Capitol has been gnawed at, added to; but only in this century have these changes been for the worse. The last major one was nonarchitect George Stewart's 1961 extension of the East Front. Now, after years of strident controversy, the Commission for the Extension of the Capitol, a committee whose name is as ponderous as its perceptions are short, has voted in favor of the wrecking ball, ignoring pleas from the American Institute of Architects, the positive recommendation to restore of its 1966 findings of its *own* engineering research done for $175,000 by the New York firm of Praeger, Kavanagh and Waterbury.

Both the AIA and Praeger studies found that the West Front, despite the very visible shoring up done in recent years, is in no danger of collapse; that restoration, given the sophistication of new building technologies, could be accomplished for about $15 million, a figure which corresponded, incidentally, to one set down by the commission.

In view of the fact that extension, versus restoration, would cost $60 million, the decision turns on the desire of congressmen for more offices. To date, however, no long-range study about space needs has been done. There is not even a coherent master plan for Capitol Hill. The same kind of *ad hoc* improvisation which marks (and undermines) so much cure-all legislation coming out of the Capitol, now threatens the Capitol itself. Could it be that our legislators, who carp so much about fiscal responsibility, are culturally bankrupt?

Well, what does a nation's culture matter when compared to, say, the need for more offices? Thomas Jefferson, the only architect and lawyer to be president, might have explained, better than the lawyers who succeeded him, the need for a structure "dedicated to the sovereignty of the people, embellishing with Athenian taste the course of a nation looking far beyond the range of Athenian destinies." One can only wonder about the destiny of a nation which, 200 years after its founding, prizes making money above making sense and bends to power unchastened by poetry.

The old West Front, its sandstone walls flaking by default, is more than a fragment for the nostalgic. Its present state, the renewed threat to its very existence, demands that the American people and their elected leaders be more responsive to the values which distinguish a true culture from a mere civilization.

A civilization we have been. And a civilization has the capacity for change. A culture we are becoming. A culture has the capacity for leaving some things alone. The United States Capitol will one day attest, for better or for worse, how discerning our power really was.

We take comfort from the fact that the Senate seems at the moment unwilling to grant the funds for final plans for the $60 million vandalism of "extension."

PERSPECTIVE ON U.S. DEFENSE

Mr. BOGGS. Mr. President, recently the senior Senator from Hawaii (Mr. Fong) made a significant address in which he pointed out the need for America to maintain strong defenses in order for our Nation to survive.

Declaring "Our greatest hope for future peace lies in America's continued strength in the years to come," Senator Fong called defense spending our annual insurance premium for peace.

In analyzing the present situation and future outlook, Senator Fong made a number of important points that give perspective to the issues of national defense.

I ask unanimous consent that the text of his address, delivered at the annual banquest of the National Society, Daughters of Founders and Patriots of America in Washington, D.C., on April 12, be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Defense Dollars: Premiums for Peace

Madame President, Distinguished Guests, Daughters of Founders and Patriots of America, Friends:

May I begin my remarks this evening with one of the most beautiful words in any language: Aloha!

Contributed by the remarkable Polynesians who settled Hawaii, aloha is that warm and glowing word conveying not only the traditional greeting "hello" and "goodbye" but also love, friendship, brotherhood, the kinship of the human spirit.

It is in this true spirit of Aloha that I, who am privileged to represent Hawaii, the newest and youngest State of the Union, come before you who trace your ancestry to the earliest settlers and founders of our beloved country. I want to express special thanks to you for inviting a Senator from our mid-Pacific State of Hawaii to speak to you tonight.

In this lovely springtime of the year, when Mother Nature's glorious outburst of color, fragrance, and life rekindles hope and faith in our hearts, it is tempting to speak of light and frivolous topics. But because you, Daughters of Founders and Patriots of America, are particularly concerned with the survival of this Nation we cherish and because you as wives and mothers and as women are especially concerned over the future of your loved ones, I have chosen a serious and fundamental topic.

It is one on which you have not heard a great deal as yet this year—but one which is going to be the subject of considerable debate in Congress in the coming months—America's national defense.

The debate will come at a time when America is withdrawing from Vietnam and from forward military bases in the Pacific.

There are now fewer than 100,000 American boys in South Vietnam and this figure will be down to 69,000 by May 1. All told, over the past three years from South Korea, Okinawa, Taiwan, Japan, and other Asian areas, American military personnel have been reduced from almost 800,000 to a total of less than 300,000. U.S. troops have also been pulled back somewhat from other areas.

The national defense debate will come at a time when we are still negotiating with the U.S.S.R. on Strategic Arms Limitation Talks. There are signs President Nixon may give these talks an extra push when he goes to Moscow next month. Meanwhile, we are hoping for a response from the Soviet bloc to our offer to open talks between NATO allies and Warsaw Pact countries on Mutual and Balanced Force Reductions—so as to bring nearer the day when America can reduce our $14 billion annual commitment to NATO, including the maintenance of U.S. troops and their dependents in Europe.

Congressional debate on national defense will take place in the context of President Nixon's efforts to de-fuse tensions and arrive at a modus vivendi with the People's Republic of China and the U.S.S.R. His historic journey to Peking and his forthcoming trip to Moscow underline the President's strong desire for peaceful accommodation of differences.

Certainly it is better to talk than to fight and better to have open channels for communication to avoid miscalculations or misunderstandings that could set off a holocaust in this era of push-button war!

National defense will be debated within the context of the Nixon Doctrine, by which President Nixon hopes to bring to all Americans something we have not enjoyed in the entire 20th Century—a generation of peace.

The Nixon Doctrine stands on three pillars: negotiations, partnership, and strength. I have already alluded to the President's strenuous efforts to settle differences and reach agreement through negotiations.

As for partnership, while America will stand by our collective defense treaty commitments, which we have with 45 nations, we will expect them to bear the prime burden for their own defense.

Military aid abroad—judiciously and prudently allotted where it will most serve to add to our national security and protect our national interests—is still required. But we must avoid overinvolvement and overcommitment—and these are decisions which the Congress must share with the Executive.

If the past seven years have taught us anything they have taught us we in America must conserve our resources—natural, financial, and last but certainly not least, human!

The third pillar of President Nixon's Doctrine is strength. America must have sufficient military strength to deter any other country from attacking us—and, should deterrence fail, to survive an attack with enough strength to devastate the enemy.

As we look around the globe, we see only one Nation with the military might to threaten America's survival: the Soviet Union.

It is true the United States and the U.S.S.R. have reached some encouraging agreements—relating to Berlin, to ban biological and toxic weapons, to improve communications and diminish the danger of nuclear conflict, and to cooperate in space exploration and in medical research. At the same time, however, we cannot ignore the Soviet repression of Hungary's freedom uprising in 1956, the Soviet march in Czechoslovakia in 1968, just four short years ago, and the Soviet stationing of many troop divisions right now in East Germany, Poland, and Czechoslovakia. We cannot ignore the fact that the Soviets supply a substantial part of the munitions for North Vietnam's current invasion of South Vietnam and that it is Soviet-made missiles that fire on our airplanes, even our unarmed reconnaissance planes. And we cannot ignore the long-term and massive Soviet military buildup in strategic arms, the Soviet's world-wide expansion of maritime activity, their growing military presence and involvement in the Middle East, the Mediterranean, the Indian Ocean, and, much closer to home, in the Caribbean.

The top Republican on the Senate Armed Services Committee, Senator Margaret Chase Smith, has warned that "if present trends continue, the Soviet Union will attain clear military superiority over the United States within the next very few years, perhaps as early as 1975 or 1976."

"Even now," Senator Smith declares, "the U.S.S.R. has far more land-based nuclear firepower than we have.

"It will equal or surpass us in submarine-based nuclear firepower by the middle of next year.

"It is embarked on an anti-submarine warfare program that may eventually succeed in neutralizing much of our missile-carrying submarine fleet.

"It has an extensive ABM (anti-ballistic missile) deployment.

"It has been developing space weapons systems, as we have not.

"It has been modernizing and expanding its air and maritime forces, while we have allowed our own virtually to atrophy.

"And the modernized Red Army may now well be at its best."

Senator Smith says "make no mistake, we are rapidly approaching a day when the United States will be subject to all sorts of diplomatic blackmail and a strategy of terror waged by the Soviet Union."

These are sobering words coming from a Senator with many, many years of experience in the national defense field. They behoove all of us to stop, look, and heed.

As we look to our future defense requirements, we cannot ignore the People's Republic of China. Unlike the Soviet Union, China does not today constitute a strategic threat but she is already a nuclear power and we can expect China to develop a growing capability in the strategic nuclear field.

In a statement two months ago to the Senate Appropriations Committee, of which I am a member, Secretary of Defense Laird said while we cannot forecast exactly when China will possess ICBMs capable of striking the continental U.S., it is estimated deployment of ICBMs could not occur before 1975, with some 10–20 missiles deployed by mid-1976. "Deployed" means on the launching pads and ready to go. China has no intercontinental heavy bomber forces and no nuclear submarines, but China is known to be interested in such submarines.

So although China does not pose the military threat to our Nation now that the U.S.S.R. does, China can be expected within three or four years to possess intercontinental striking ability with ballistic missiles that could be launched against us.

This, my friends, is the real world we live in, far from the noble world we yearn for, and far from the live-and-let-live world we would settle for.

To survive in this kind of world, America has no choice but to maintain strong defense forces. We maintain these forces, not to start war, but to keep the peace!

There are some who want to dismantle our defense structure—who believe it is too costly—who believe we do not need a diversified defense establishment—who would give up the responsibility for keeping peace.

The Speaker of the U.S. House of Representatives, the Honorable Carl Albert, recently spoke to this point, and I quote: "It seems to be our practice to rush to disband our forces at the end of every war—only to be caught up soon in another crisis and another war . . . The road back cost many thousands of lives . . . .

"If we pursue policies of the 1970s that are as shortsighted as those I mention, it could be that we will not have a road back. Because the next time in all probability there will be no time to develop the fighting men and hardware. It will not only be the fighting men who are sacrificed 'upon the altar of unpreparedness'; it will be the whole country." End of quote.

I ask you, "if war comes to us, who will come to our rescue?" The plain answer is "Nobody." This is why America must remain strong.

There is no turning the clock back to the good old days when the Atlantic and Pacific Oceans afforded the United States a great measure of isolation from potential attackers. The oceans no longer shield us. Today the Atlantic and Pacific are highways for submarines with ballistic missiles. Today intercontinental ballistic missiles can leap-frog the oceans.

Our task is to survive in a world of multiple threats. Against strategic nuclear war, we need enough ICBM's, strategic aircraft, and submarine-based ballistic missiles to survive an enemy attack and strike back with great devastation.

To deter theater nuclear war—that is, war involving use of atomic weapons against U.S. forces or our allies, but not a direct attack on the United States—we need smaller-scale nulcear weapons below the long-range ballistic missile, along with the capability to escalate our response to attack.

Some people point to our nuclear firepower as sufficient to destroy an enemy, so why go to overkill with more missiles and more bombs.

We certainly hope and pray that our nuclear retaliatory capability will continue to result in nuclear stand-off—that no one will use nuclear weapons!

Maintaining that stand-off, however, is not just a matter of stockpiling atomic bombs. It requires protecting and improving our diversified atomic bomb delivery systems—our Minuteman sites, our Polaris missile firing submarines, and our manned bombers.

The fact is, the enemy is working hard to improve his ability to overcome or knock out our nuclear deterrent. Therefore, America must work hard to insure the survivability of our retaliatory weapons.

It is also a fact that, as nuclear stand-off continues, the threat of conventional war persists. So America is forced to prepare against conventional warfare, too.

In deterring theater conventional war—such as major war in Europe—we need a combination of allied and U.S. ground, air, and naval forces to counterbalance the Warsaw Pact forces.

To deter "subtheater" or localized war, the country or ally which is threatened bears the principal burden particularly for providing manpower, with America, when appropriate, furnishing defense weapons to maintain a balance of forces, or taking the diplomatic initiative to bring about negotiations between parties, or otherwise endeavoring to reduce the threat of war.

Multiple threats of war require a multiple defense establishment—and unfortunately this escalates both the cost and the difficulty of choosing between those weapons systems to drop and those to pursue. We wish we had the wisdom of Solomon, the patience of Job, and the resources of Midas—as Congress considers the President's proposed defense budget for the coming fiscal year that begins July 1.

Total appropriations for the 1973 fiscal year proposed by the President are $83.7 billion. Of the new money requested, $1.2 billion are planned to strengthen our strategic nuclear forces, including the Undersea Long-Range Missile System; the new B–1 strategic bomber, and continued deployment of Safeguard ABM. These are intended to keep America strong enough to deter all-out nuclear war.

Research and development would be increased under the budget by $1 billion so as to maintain America's technological superiority.

Weapons modernization programs include increases for modernizing our Navy and initially funding a fourth nuclear aircraft carrier, for more nuclear attack submarines and new sea control ships; development and procurement of the Air Force F–15 and Navy F–14 fighter aircraft; and modification and improvement of the Army's M–60 tank, attack and heavy-lift helicopters—all so as to provide, in partnership with our allies, a strong Navy and an effective deterrent against conventional war.

An increase of $1.9 billion is projected in the 1973 budget for training, medical, and general personnel programs to continue the momentum toward zero draft and an all-volunteer force.

Along with this, the budget calls for an extra $600 million to strengthen the National Guard and Reserve forces and modernize their equipment as active-duty military manpower declines.

We all know that any time the defense budget is mentioned, there are those who cry out "It is too much." But wait a minute.

Senator John Stennis, the distinguished Chairman of the Senate Armed Services Committee, analyzed the 1973 defense budget and he found that manpower costs amount to 56.8 per cent of the budget outlays. If troop housing, health, recruiting, and other manpower-related items are added, the figure for manpower costs is nearly 67 per cent!

Think of it! Two of every three defense dollars go just for manpower and related costs, leaving only one dollar for defense hardware!

Every year since 1963, there has been an increase in active duty pay for America's military men and women. The costs of pay and related items have increased by 131 per cent since 1964. Certainly, our military personnel deserved these pay raises. And if we are to achieve an all-volunteer military, higher pay is a necessary incentive.

By the same token, however, we must realize that now, although military manpower will be at a 20-year low under the 1973 budget, almost 67 per cent of all defense outlays go just for manpower and related costs. This leaves only about 33 per cent for weapons and airplanes and ships and research and all the other defense needs we have.

Meanwhile, the Soviet Union spends only 25 per cent on men and an estimated 75 per cent of its military budget on the sinews of war. The Soviets spend approximately the same amount of money for their military establishment as we do for ours. But 75 per cent of the Soviet outlays go to modernize equipment, buy more intercontinental ballistic missiles, more nuclear submarines, and more of the other weapons which comprise a threat to America.

This means the Soviets outspend us two and one-third times for military weaponry. We can see why they can soon surpass us in military strength.

In view of the fact that only 33 per cent of all our national defense outlays are available for procurement, for research and development of advanced weapons and equipment, and for operation and maintenance of existing forces, we cannot tolerate costly mistakes and mismanagement by the military services as in the case of the F–111 and C–5A cargo aircraft!

We cannot tolerate interservice rivalry that increases defense costs but doesn't increase defense protection!

We cannot tolerate sloppy procurement practices which waste the taxpayers' money!

With such a small share of the budget to devote to research and hardware, we cannot tolerate the kind of enormous errors that plagued defense spending in past years!

Our dollars are too precious and our time is too short for that kind of nonsense. We need all the defense each dollar can buy!

My friends, defense spending is our annual premium for insurance against war. It is our premium for peace.

To those who say the premium—$76.5 billion in estimated expenditures in fiscal year 1973—is too high, let me just say that these defense outlays are an estimated 6.4 per cent of our Nation's total output of goods and services. Defense is taking the lowest share of our Gross National Product in 22 years!

Defense outlays are 31.8 per cent of total Federal outlays in the 1973 budget, again the lowest level in more than 20 years!

When you consider that since the Cuban missile crisis of 1962, we have withdrawn all of our overseas-based nuclear missiles; we have drastically reduced the size of our strategic-bomber force; starved our military research and development programs; and canceled a number of promising new weapons systems . . .

. . . And when you consider the Soviet Union has continued a decade-long massive military buildup and a Soviet technological breakthrough could make us second-best . . .

Then we begin to ask ourselves "what should our defense budget be to give us the protection we will need in the future?"

One of the greatest Generals and one of the greatest Presidents America ever produced was Dwight D. Eisenhower. Ike said, "The first of all firsts is our Nation's security," and he saw to it that America was so strong and so well prepared that during his two terms of office, we Americans enjoyed eight consecutive years of peace!

Because we were strong, we were able to weather several international crises without war!

Because our military strength had been built up under President Eisenhower, President Kennedy was able to demand that Russia remove its nuclear missiles from Cuba and refrain from building air bases and a missile submarine base there!

If we neglect our defenses now, what will happen in a future crisis? Will our President—whoever he may be—be subjected to diplomatic blackmail? Will his chances of successful negotiation be greater if America is weak—or if America is strong?

When it comes to our Nation's security and our Nation's future, we must be realists, not dreamers. We cannot rely on so-called detentes . . . or campaigns of smiles . . . or diplomatic thaws . . . or shifting alliances. As history teaches us all too often, these can be but passing phases, subject to change overnight.

No, my friends, we can always hope for the best, but we had better keep our powder dry!

There is no question that adequate defense programs will require money—money that we wish we could devote to wiping out poverty, to eradicating disease, to combating crime, to solving our environmental problems, to making our cities, our rural areas, our entire Nation a better place to live.

The President's budget contains funds for all these things, as well as for defense. In 1973, President Nixon plans to devote nearly 45 per cent of all Federal outlays to human resources, that is, to education and manpower programs, to health, to income security, and to veterans benefits and services—with 31.8 per cent going for defense.

Despite the pronounced shift in priorities under President Nixon, we can expect the anti-defense forces to conduct a constant drumfire against the defense budget in the next few months. These forces are well-organized and articulate. I hope that Members of Congress who are concerned about America's national security and who want to vote for the necessary funds to keep America strong will have the support of organizations like your National Society, Daughters of Founders and Patriots of America.

If America is to remain strong and free, those organizations such as yours—and those citizens such as you—must rally to the cause. If you believe that America must have enough defense—rather than too little defense—let your Representatives and your Senators know it.

If we try to minimize the threat to America . . . if we try to over-economize . . . if we disarm unilateraly, the only people we fool are ourselves! We won't fool the enemy!

Your forebears came to these shores to escape tyranny and to find freedom. On this hallowed ground was created a Union of States, a Republic, which has withstood the vicissitudes of war and pestilence and civil strife and technological revolution to endure in freedom for nearly 200 years!

The United States of America is today the oldest Republic in the world. We enjoy liberties and blessings that are the wonder of history. We have all this because each generation of Americans rose to the challenges of its time!

You and I who received—by the mere accident of birth as Americans—a heritage of freedom and liberty must now rise to the challenge of *our* time.

That challenge is to preserve the peace in a world that now can destroy itself.

So when we talk about national defense in this kind of world we are really talking about how to maintain peace, and when we talk about defense spending, we are talking about our insurance premium for peace.

Since World War II, America has been the bulwark of freedom and national independence in more than half the world. Today America's military strength is our shield and the shield for much of the earth against nuclear holocaust. Our greatest hope for future peace lies in America's continued strength in the years to come.

So, until that day when all nations are willing to live in peace and harmony, we must devote the necessary resources to give us sufficient defense to prevent war—or should war come, to ensure our survival.

More than two centuries ago, the people who founded America, weak and disorganized though they were, had the conviction and the courage to stand up against all the powerful nations of the world. Today, the people of our 50 States must match their conviction and their courage and stand up against the threats that face us.

This is our national imperative . . . if we and our children are to continue to live in freedom . . . if America is to remain the oldest Republic in the world . . . and if there is to be any hope that the world will be the kind of world future generations of Americans will want to live in.

Meantime, let us hope and pray the Vietnam war will soon come to an end and that the world's awesome weapons of war may never again be fired . . . that some day the resources now required for defense may safely be devoted to improving the lives of men, women, and children.

Meantime, we can—and we should—do our best to create respect and understanding and integrity among nations and peoples and to promote good will and brotherhood among all mankind. This is what you and I yearn for . . . this is what your children and mine long for . . . this is what peace is all about.

Thank you, good night, and Aloha.

BUCHWALD IS REALLY HORATIO MITTY

Mr. PROXMIRE. Mr. President, the real Art Buchwald has finally stood up. He is a combination of Horatio Alger and Walter Mitty. His secret was released this morning by the New York Times—and not by Russell Baker.

Mr. Buchwald told his own secret at a celebration of the 150th anniversary of the Jewish Child Care Association. Laurie Johnston wrote it for the Nation to read.

Orphaned when he was but a small boy, Art Buchwald had the fortitude to stand up to adversity. His method was humor.

To this day, Mr. President, he is doing the same for many Americans and others throughout the world. He is providing insight to a troubled Nation through humor.

Someone has said: "To have a real effect on my Nation, I would rather write its songs than its history." That could be paraphrased for Buchwald: "To change history, I would rather make someone laugh about the present than worry about the future."

Mr. Buchwald's story—a poignant one of which I was not aware—should be shared with many persons. His story helps to explain a man who has had a significant effect on our Nation.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article ordered to be printed in the Record, as follows:

(By Laurie Johnston)

Buchwald Lives Fantasy of a Former Foster Child

The Jewish Child Care Association of New York fulfilled a boyhood fantasy of one of its former foster children yesterday—after a heavy hint from the "boy," Art Buchwald, the columnist and author.

He spoke at a brunch celebrating the 150th anniversary of the association and its predecessor, the Hebrew Orphan Asylum, held at the Pierre Hotel, Fifth Avenue and 61st Street.

Mr. Buchwald had dreamed of "just such an affair," he said, "when as a foster child about 10 years old I was fighting for my life.

"I saw myself standing on a podium telling about the struggles of my childhood and how I overcame them. I particularly liked the part where I gave myself a standing ovation."

The audience of 400 obliged him as he closed, Mr. Buchwald, in a silver-buttoned navy blazer, beamed as other childcare "alumni," long-time foster parents, philanthropic and agency leaders and public officials rose to applaud.

SEVERAL UNITS CONSOLIDATED

The Jewish Child Care Association, formed in 1940, was a consolidation of several earlier institutions. Most of the agencies have closed. The Jewish Child Care Association pioneered cottage-plan care and, later, foster homes.

The Hebrew Orphan Asylum, founded in 1860, was at Amsterdam Avenue and 138th Street, when Mr. Buchwald entered in 1932 at the age of 6, following his mother's death.

"After six weeks," he said, "it was decided I would make a swell foster child."

Although he and his three sisters were first sent to the same family in Hollis, Queens, "the sense of being 'on loan' makes it hard to make an emotional commitment," he said.

"So at the age of 7 I said, 'The hell with it—I think I'll be a humorist.' I could turn everything into a joke, including my social worker.

"If you're a grownup who pokes fun at authority, society pays you vast sums of money. As a child, if you poke fun at authority, they beat your brains out."

Describing himself as "a man constantly fulfilling his childhood dreams of glory," Mr. Buchwald said he had fantasized himself "the son of a Rothschild, stolen by gypsies, sold to a couple who brought me from France to America."

Despite a series of foster homes, which separated him from his sisters, he never lost touch with them or with his father—all were reunited when he was 15. He said that he owed "a debt to the Hebrew Orphanage Asylum, who really cared what happened to the Jewish children of New York."

But some of his debt, he said, "goes to World War II." The Marine Corps, which he joined as a 16-year-old, "turned out to be a finishing school for what I didn't learn in the H.O.A.," and its Camp Wakitan at Bear Mountain.

After the war, he became a food and wine editor in Europe "to make up for my deprived childhood," Mr. Buchwald said.

"First you have to become a foster child and after that it all comes naturally."

PROPERTY TAX RELIEF

Mr. EAGLETON. Mr. President, one of the major concerns today throughout the Nation is the property tax. Political leaders at all levels of government are addressing themselves to the questions of whether the property tax is a suitable means of financing public education and other local services, how the administration of property tax laws can be made more fair and equitable, and how the burden of property taxes on the elderly and other low-income households can be relieved.

The 1972 Urban Law Annual, published by the Washington University School of Law in St. Louis, contains a valuable article by Dennis L. Wittman entitled "Property Tax Relief: A Viable Adjunct to Housing Policy?"

In this article, Mr. Wittman examines the need for property tax relief and the desirability of providing that relief through a system of income tax credits and cash rebates. He looks specifically at the experience under Wisconsin's "circuit-breaker" law which was the first of its kind and is recommended as a model by the Advisory Commission on Intergovernmental Relations.

Because of the considerable interest in Congress in the best means of providing property tax relief for the elderly, I ask unanimous consent that Mr. Wittman's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROPERTY TAX RELIEF: A VIABLE ADJUNCT TO HOUSING POLICY?

(By Dennis L. Wittman*)

The object of this paper is to explore the desirability and practicality of a real property tax rebate system to aid low-income families. Borrowing heavily from a Wisconsin statute[1] providing such tax relief to the elderly, the influential Advisory Commission on Intergovernmental Relations (ACIR) has proposed "suggested legislation"[2] to reduce housing costs for low-income groups through a property tax rebate. This paper will attempt to evaluate the need for such a rebate scheme and whether the ACIR proposal meets that need. Some conclusions also will be drawn concerning the implications of implementing state legislation along the lines of the ACIR proposal.

INTRODUCTION

Amid the clamor that has arisen in the last decade for increasing and improving the nation's housing stock, property taxes have remained one housing-related cost that local and state officials have largely not considered when seeking to aid low-income families in obtaining better shelter. For a long time it has been recognized that the tax on real property places a heavy burden upon those groups living on a low or fixed income.[3] Yet there has been a reluctance to consider seriously methods that might ease that burden. There has been, of course, a wave of homestead exemption laws enacted since the 1930's.[4] These statutes are responses by state legislatures to the popular demand for relief for those families, usually elderly couples, who have considerable assets in real property but little or no income from which to pay taxes.[5] The homestead statutes, however, are uneven in their relief since they meet only the needs of property owners, ignoring the vast number of poor renters, and they usually must be available to all, regardless of income. They also erode the local tax base.[6] As a result they cannot be widely expanded. Real property taxes, therefore, continue to impose a heavy burden on poor renters and owner-occupants. Furthermore, there has been a growing recognition that, viewed as a consumption tax, the real property tax has a debilitating effect on attempts to improve the overall housing stock.[7]

It would seem then that certain adjustments in property taxes might be an advantageous method not only of lifting some of the tax burden falling on the poor, but also of contributing toward improvement of housing in general. The chief argument for such property tax manipulation is that the tax is one of the few housing costs over which state and local governmental units may have some leverage. Land values, interest rates, labor costs, and other items all may be beyond the effective control of government, but real property taxes can be changed by legislation and thus are directly affected by public policy.[8] The reason that there has been reluctance to touch the property tax is that the tax is a bulwark in the revenue structure of most local governments.[9] Municipalities and counties must have it to remain financially free of the state and the federal governments.[10]

Despite its harmful impact on the poor—and this is only one of many complaints against the tax[11]—the real property tax still is a necessary source of revenue for local governments. How the ACIR proposal mentioned earlier might solve this problem will be considered below, but first it is necessary to evaluate the need for property tax relief by refining the nature of the harmful impact which the real property tax has upon housing consumption.

THE DESIRABILITY OF PROPERTY TAX RELIEF

Although the term "property tax" in one sense refers to a broad category of excises on all kinds of property—real, personal, tangible, and intangible—in the United States today the term seems to connote the tax on residential and commercial real property, and appurtenances thereto, levied on the basis of assessed valuation by local governmental units, especially municipalities or counties. It is with this latter connotation of the tax as a levy on real property that this paper is concerned.

The taxation of real property is still one of the greatest sources of revenue for local governmental units. During the first third of this century many economists predicted that general property taxation would permanently decline as a source of revenue because of problems of administration arising in the shift in wealth from land holding to ownership in intangibles and personality.[12] The growth of sales and personal income taxes as well as pressure from real property taxpayers to ease their burden during the Great Depression reduced the reliance that state and local governments placed on the property tax.[13] Since World War II, however, "the property tax has ceased its relative decline."[14]

By 1962 the property tax composed more than 11 per cent of total federal-state-local revenues and almost 3½ per cent of the gross national product.[15] Today, the property tax can be fairly described as "primarily a levy on real estate because . . . locally assessed real property made up 76.3% of total assessed valuation subject to taxation in 1961. And it is chiefly a local tax: locally assessed property of all types represented 92.2% of all assessed valuation in 1961."[16]

Perhaps more to the point, *the property tax today is to a large extent a tax on housing.* Dick Netzer, professor of public finance at the New York University Graduate School of Public Administration and a recognized authority on the property tax, has estimated that roughly one-half of all property tax revenue raised in 1962 in the 1960 U.S. Census's Standard Metropolitan Statistical Areas (SMSA) "was derived from taxes on housing . . . ."[17]

Since housing composes such a large segment of the overall property tax base, it is obvious that the tax has serious consequences which must be evaluated in examining problems of housing policy. But gauging exactly what those consequences are has been very difficult for economists and taxation authorities. For instance, the traditional complaint has been that the property tax is highly regressive in its distribution—that its application imposes a proportionately heavier tax burden on those in lower-income brackets.[18] Yet the late Harold M. Groves, a University of Wisconsin economist and authority on the property tax, said that "regressivity is hardly the most impressive charge that can be laid against the property tax."[19] Examining the tax from a long-range point of view, Groves said:

"At any one time there are many people over-housed and under-housed, so to speak, because they have not yet adjusted their housing expense to their incomes, up or down. The new evidence poses the possibility that for income classes of lifetime income, differences in burden over most of the income scale may pretty well average out."[20]

And Professor Netzer has observed that, "considered in the aggregate . . . the tax has positive advantages on distributional and efficiency grounds."[21] Netzer has explained that the tax contains "a large measure of 'vertical equity' [in that] . . . it redistributes income from the rich to the poor."[22] The "vertical equity" occurs "because the tax itself is more or less proportional in its incidence among income groups, but the expenditures it finances are heavily 'pro-poor' in their incidence. The property tax in the aggregate also tends to increase the application of resources to high return human investment and may deter somewhat lower return investment in physical capital."[23]

Groves and Netzer were, of course, talking in long-range, theoretical terms that, to the satisfatcion of an economist's model, do minimize the regressivity of the tax. But both Groves and Netzer have recognized the short-run regressivity that is particularly burdensome to the poor as well as detrimental to the immediate improvement of housing for low-income groups, especially renters.[24] Netzer has explained the burden and detriment by analogizing the property tax on housing to general sales and selective excise taxes like those on tobacco and alcohol, all of which are known as "consumption

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Footnotes at end of article.

taxes."[25] "[V]iewed as an excise tax and leaving aside all benefit considerations, [the property tax on housing] is higher in rate than any other generally used American consumption tax, except taxes on liquor, tobacco, and gasoline," Netzer has remarked.[26] Like other consumption taxes, "the great bulk of the burden of the housing property tax appears to rest upon housing consumers, whether they are owner-occupants or tenants."[27] Netzer estimates that nationally "probably well over 90 per cent of all property taxes on housing are borne by housing occupants."[28] By 1960, 3.6 million households nationally were subject to property tax rates equivalent to 20 per cent of housing expenses, and 1.2 million "were subject to rates in excess of 33.3 per cent."[29]

Netzer has calculated that, excluding liquor, tobacco, and gasoline, "all the indirect taxes which fall upon consumers—including shifted business taxes as well as ordinary sales and excise taxes—probably amount to less than 10 per cent of non-housing consumer expenditures—less than half the level of housing taxation."[30] The 1968 Kaiser Report[31] stated that property taxes account for a "large proportion of a family's monthly housing costs . . . [representing] 26% of monthly shelter costs in moderately priced single family housing, and 14% in elevator apartment units."[32] The Kaiser Report observed that "[l]ocal real estate taxes are widely considered to have the effect of disturbing the operation of housing markets by discouraging consumption of housing."[33] Netzer underscored the problem more forcefully this way:

"It is simply inconceivable that, if we were starting to develop a tax system from scratch, we would single out housing for extraordinarily high levels of consumption taxation. More likely, we would exempt housing entirely from taxation, just as many States exempt food from the sales tax."[34]

This heavy taxation discourages "consumption of and investment in housing in general by the entire population."[35] But the discouragement is most likely to fall hardest on the central city as opposed to the suburbs, because, unlike the central city, "the property tax in many suburbs is analogous to a general charge for the use of public services."[36] Because central cities provide a wide variety of services and tax a wider variety of property, "individuals cannot reasonably assume that the prices of housing confronting them include an identifiable tax component which is in effect a charge for a prefererd package of public services."[37]

This translates into discouraging those families financially able to choose their home location from selecting a central city site, thereby hastening the middle-class flight to the suburbs and more effectively isolating the poor.[38] It also dampens the interest that many property owners might otherwise have in improving, modernizing, or rehabilitating their central city property, since, in many cities, such activities will lead to some increase in assessments.[39] For the poor, there is little that can be foregone in order to spend more on rent, so that whatever rehabilitated housing there might be is effectively beyond their reach.[40] Those few low-income families that own a home in the inner city often are forced to let their property become dilapidated.[41]

From the foregoing, it is reasonable to conclude that, viewed as a consumer tax, the property tax adds a harmful cost to the price the poor must pay for housing. Not only does the property tax add to cost so as to make certain kinds of housing inaccessible to low-income groups, it also frequently leaves what housing is available in a deplorable state of repair. Furthermore, the poor may have to pay a greater percentage of their annual income for this deteriorated housing than higher-income groups pay for considerably better shelter; and, of the overall exorbitant price for housing which the poor pay, a considerable percentage is directly or indirectly attributable to property taxes. Obviously, this makes the property tax in the short run highly regressive for all low-income groups. This is so even though, as Netzer has noted, the property tax is as good an income distributor as some other forms of state taxation—*e.g.*, general sales, selective sales, and business taxes.[42] And even though it is in the aggregate fairly proportional to income throughout the country, the property tax absorbs a high percentage of the income of the poor.[43]

Statistically, these statements can be heavily documented, but some selective figures should suffice to make the desired point. For instance, in the Newark, New Jersey, area in 1960, property taxes on residential property amounted to from 1.8 to 5 per cent of total resident income.[44]

In the inner city of Newark, the rate was 5 per cent, while in the wealthiest suburb, with a median family income of $21,500, the figure was 3.5 per cent.[45] In one suburb with a 5 per cent rate, the family income median was twice that of Newark proper.[46] Furthermore, if income is suddenly reduced for any reason such as retirement, unemployment, sickness, or disability, the property tax may quickly become a great burden. For instance, in Wisconsin in the early 1960's it was discovered that 841 households headed by elderly retired persons paid an average of 55 per cent of their total money income in local property taxes.[47] Five thousand paid more than 20 per cent of their money income in property taxes.[48]

The two reasons usually offered to justify this incidence of regressivity are (1) that the regressiveness of the property tax is offset by a progressive income tax policy at the federal level; and (2) that the poor are often the primary beneficiaries of the public expenditures which the property tax finances.[49] But Netzer has said that this reasoning is "surely nonsense"[50] since it puts the central cities "in the position of taxing the poor to provide services for the poor."[51]

One report has stated forcefully: "An affluent society is under obligation to so arrange its public finances that it is able to finance public services without forcing low income households through the property tax wringer."[52] And it has been observed that the "offset" justification is sound only if "there is both a high degree of congruity between Federal, State, and local tax policies between tax burden and expenditure outlay patterns. A close look at the real world clearly reveals that congruence is more apparent than real. The elderly lady living on a $1,500 pension and paying a $300 tax on her residence, most of which goes for public education, can hardly take comfort in this form of tax-benefit logic—or in the fact that the rich are required to turn over a substantial percentage of their income to the Federal income tax collector."[53]

Along these lines, noting that welfare and health services absorb about ten per cent of total property tax revenues (probably more in the central cities), Netzer argues that:

"A good case can be made for relieving the property tax of the job of financing *all* public services linked to the existence of poverty. Since this burden if [sic] concentrated in central cities, it would alleviate the central city-suburban disparities and the property tax problems these create; it would also alleviate the regressivity problem in the sense of taxing the poor for services to the poor."[54]

The apparent degree of regressivity and the comparatively high consumer tax that the property tax represents, as well as the ludicrousness of taxing the poor to provide them with public welfare services, all would seem to be solid evidence that the property tax is unduly burdensome to low-income groups. Therefore, to restore some degree of equity to real property taxes, which historically were assumed to be equitable,[55] relief of the extraordinary burden of property taxes would seem justifiable. This is not to suggest, as Netzer has, that the poor should not have to help carry any portion of the property tax load, but only that they should not have to absorb an "inordinate" portion.[56]

But even if ideally justifiable, there remains the question of the appropriate form that property tax relief should take.[57] Certainly any relief of the extraodinary tax burden of the poor that merely shifts the burden to other income groups, thereby making their tax bills more oppressive, is not a sound social and economic goal. Additionally, it does not make much sense to adopt relief that greatly complicates the administration of the tax. But if the tax burden on low-income groups is so severe as to cause undue hardships—*e.g.*, trapping families in rundown dwellings or forcing the elderly to choose between lifelong homes and near-starvation—then some adjustment of the property tax system certainly should be considered.

PRACTICALITY OF PROPERTY TAX RELIEF THROUGH REBATES

Now that the desirability of real property tax relief for low-income groups has been made somewhat apparent, the ACIR proposed legislation—essentially a model act—can be evaluated. The best approach is to explore the history, operation, and impact of the Wisconsin statute, mentioned earlier, which provides property tax rebates to the elderly.[58] The Wisconsin statute is a widely acclaimed[59] pioneering device, the beneficial impact of which has been sufficiently documented[60] so that it is obvious why the ACIR fashioned its relief proposal using the Wisconsin law as a model. The Wisconsin statute solves several problems that other kinds of property tax relief, especially homestead exemptions, have overlooked. It focuses on the segment of the elderly most in need of relief, because its computation formula effectively operates only for those households with income[61] less than $3,500.[62] It covers not only owner-occupants but also renters by permitting the latter to write off 25 per cent of the gross annual rent as "rent constituting property tax accrued."[63]

And it is designed not to erode the local tax base, because rebates are taken as credits against state income tax liability.[64] Where a claimant's rebate exceeds state income tax liability, a cash payment for the excess amount is paid from the state treasury.[65] Since the Wisconsin statute has been so successful[66] in easing the tax burden for a limited group, the elderly, without overlooking associated problems, it is natural to borrow from it, as the ACIR has, when proposing expanded property tax relief for all low-income groups, regardless of age,[67] and to go even beyond the ACIR proposal in granting rebates to qualifying public housing tenants.

How does the Wisconsin statute operate? To be eligible for property tax relief, the claimant must be more than 65 years old.[68] If he does not live alone, there can only be one claimant from his household.[69] But rather than typing the relief to the income of the individual claimant, all the income of those persons composing the household is included in "household income,"[70] which is the amount used to calculate the rebate. Essentially, then, the claimant is a household, whether composed of one individual, an elderly married couple, or two or more elderly persons sharing household expenses by living in the same dwelling. To assure that the rebate does not become a windfall, the statute requires that all public assistance and other cash relief payments as well as other household money sources such as veterans disabil-

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ity or social security benefits be added to the individual's adjusted gross income.[71]

Thus, the household income is defined to include, for the purposes of rebate computation under the statute, all the available money a household is likely to receive in a given year. Since the figure that represents household income in making the rebate computation is likely to be an accurate gauge of what the percentage of income the household will be able to pay in property taxes, the benefits of the rebate scheme decline as household income increases. (The greater the household income, the more likely the ability to pay property taxes or a portion of them). It has been repeatedly stated by Wisconsin tax experts that the statute is aimed only at relieving "inordinately high property tax burdens in relation to . . . household incomes.[72] Inordinately high property tax burdens are considered "extraordinary," [73] thereby entitling the bearer of the burden to relief.

To determine what portion of a household's property tax is inordinate the statute uses "a system of income constraints. Property taxes become inordinate if they exceed a certain percentage of household income: These percentages are increased as household income increases. After determining the amount of the tax which is excessive, a percentage of this excessive part is relieved." [74]

The portion of the statute that sets forth the "income constraints" and outlines the percentage over which "property taxes become inordinate" states:

"1. If the household income of the claimant's household was $1,000 or less in the year to which the claim relates, the claim shall be limited to 75% of the amount by which the property tax accrued, or the rent constituting property taxes accrued, or both in such year on the claimant's homestead is in excess of 3% of household income exceeding $500 but not exceeding $1,000.

"2. If the household income of the claimant's household was more than $1,000 . . . , the claim shall be limited to 60% of the amount of which the property taxes accrued, or rent constituting property taxes accrued, or both, . . . is in excess of 3% of household income exceeding $500 but not exceeding $1,000, 6% of household income exceeding $1,000 but not exceeding $1,500, 9% of household income exceeding $1,500 but not exceeding $2,000, 12% of household income exceeding $2,000 but not exceeding $2,500 and 15% of all household income over $2,500." [75]

The effect of this section is to divide eligible claimants into two groups—households with income of $1,000 or less and those with more than $1,000 income.[76] The former group is entitled to have 75 percent of the portion of the property tax deemed inordinate relieved, the latter group, 60 percent.[77] The relationship of household income to income constraints is best revealed by the following tables: [78]

Household income and income constraint

First $500 of income=0.
Second $500=.03 (Y=$500).
Third $500=.06 (Y=$1,000).
Fourth $500=.09 (Y=$1,500).
Fifth $500=.12 (Y=$2,000).
Beyond $2,500=.15 (Y=$2,500).
(Y=household income.)

The statute limits to $330 the amount of property tax that can be used in computing relief.[79] Thus, if a household paid $500 in real property taxes, only $330 could be used for computation.[80] To illustrate the computation clause, assume a hypothetical owner-occupied household with $1,700 in income and annual property taxes of $150. The amount of relief would be:

[$150 — [.00($500) + .03($500) + .06($500) + .09($200)]] .60 *or*

[$150 — [$0 + $15 + $30 + $18]] .60 = $87 ×60 per cent or $52.20.

The amount of tax deemed inordinate is $87 and 60 per cent or $52.20 of this can be relieved. To illustrate the computation where there is less than $1,000 of income, assume a household with $850 of income and $150 of taxes:

[$150 — [.00($500) + .03($350)]] .75 *or*
[$150 — [$0 + $10.50]] .75 = $139.50 × 75 per cent or $103.62

The amount of tax deemed inordinate is $3139.50 and 75 per cent or $103.62 of this can be relieved.[81]

Since, for those households with income over $1,000, the percentage of constrained income increases for each additional $500 of income, the result is to create a larger dollar amount to be subtracted from the total property tax due and thus a smaller amount against which 60 per cent is multiplied to determine inordinate tax burden. This is another safeguard against taxpayer windfalls.

Perhaps the most unique feature of the Wisconsin statute is that it reaches elderly renters of property. In the first hypothetical situation above, assume that the household consisted of an elderly couple with an annual gross rent of $1,200 ($100 per month). The couple could consider 25 per cent or $300 of rent as "constituting property taxes accrued." [82] In other words, since it is assumed that landlords pass property taxes on to tenants in the form of higher rents, Wisconsin has permitted elderly tenants to consider 25 per cent of their annual rent as the equivalent of property taxes paid for the landlord. For the hypothetical, if the household were renter-occupied rather than owner-occupied and income was $1,700 with $300 as the equivalent in property taxes paid, the relief would be:

[$300 — [.00($500) + .03($500) + .06 ($500) +.09($200)]] .60 *or*

[$300 — [$0 + $15 + $30 +$18]] .60 = $237 × 60 per cent or $142.20

The amount of tax deemed inordinate is $237 and 60 per cent or $142.20 can be relieved.

One study of the Wisconsin statute's effect after one year of operation revealed that the original provisions were so rigorous that they would have to be liberalized in order to achieve the purpose of the legislature.[83] The study showed that it was difficult to qualify as a claimant, that the computations discouraged many from filing a claim, and that the computation procedure was so structured that rebates were in negligible amounts.[84]

Another problem with the statute, although not a problem determined in the study, is that the statute does not include public housing tenants among potential claimants under the rebate system, even though federally funded housing projects make a "payment of annual sums to local authorities in lieu of taxes." [85] This payment comes from rental receipts derived from the project and approximates "taxes which would be paid to the State and/or subdivision . . . upon such property if it were not exempt from taxation."[86]

Since this payment, which amounts to ten per cent of the annual shelter costs charged in the project,[87] is derived from or based upon rental receipts, it is likely that the payment is shifted to some extent to the public housing tenants. It would seem reasonable, therefore, that the portion of the individual tenant's rent that constitutes his proportion of the shifted payment should be eligible for relief under the rebate scheme. The test would seem to be whether the percentage of the individual's rent for a public housing unt that goes to pay for the shifted payment in lieu of taxes amounts to an inordinate burden. If the whole payment is shifted, then it would seem reasonable to allow for rebate treatment of that ten per cent passed onto the tenants, just as renters in the private market are allowed to treat 25 per cent of their annual gross rent as a basis for tax rebate. However, both the Wisconsin statute [88] and the proposed ACIR model act [89] exempt from coverage those eligible persons already receiving benefits under public housing and other specified programs.

Even though Wisconsin continued to exclude public housing tenants from those eligible for tax rebates, the statute was liberalized to some extent in 1966, and by 1968 approximately 70,000 low-income elderly households were receiving a total of $6.5 million in property tax relief.[90] Besides accomplishing its original objectives, studies have shown that the Wisconsin statute has had the beneficial effect of reducing the overall regressivity of the property tax [91] and itself has been equitable in impact, since the taxes of those qualifying for relief have been reduced by a larger percentage for those in lower income groups than for those in higher groups.[92] In dollar terms, the $1,000 to $1,499 claimant class, for example, had an average household income of $1,259 and paid an average of $199 or 16 per cent of income in property taxes before relief.[93] After relief, they paid an average of $98 in taxes for a percentage of relief of 51 per cent.[94] The after-relief tax burden still amounted to 8 per cent, but the overall conclusion is that the statute "has transformed the regressive property tax into a proportional tax." [95]

A study led by the late Professor Groves, one of the architects of the Wisconsin statute,[96] described the rebate as "negative taxation." [97] Since the income of the household rather than the individual is the ultimate determinant of the rebate and since nearly all household receipts are aggregated, Groves described the Wisconsin scheme—with respect to its income aspects—as "welfare rather than tax legislation." [98]

In the only court test of the validity of the Wisconsin statute, the state supreme court in *State ex rel. Harvey v. Morgan* [99] adopted the Groves characterization of the statute. In upholding the constitutionality of the statute in 1966, the court in *Harvey* held that the statute was a "relief law in its purpose and in its operation and as such is not subject to the rule of uniform taxation." [100] Whether other state courts would adopt precisely that point of view is open to doubt, but there is, nevertheless, useful language in *Harvey* for suggesting that expansion of property tax relief to all low-income families along the lines of the ACIR proposal would have a good chance of being upheld, at least in Wisconsin.

For a statute pertaining to taxation to be held constitutional under most state constitutions, it must meet certain requirements of uniformity and equality.[101] These requirements vary from state to state, depending on the exact wording of the particular constitution and the manner in which it has been interpreted, but the general object is to assure that similar kinds of property or subjects of taxation are treated alike in terms of taxability or nontaxability and in terms of the amount of liability incurred, if taxable.[102]

Harvey was a suit by a Wisconsin citizen and taxpayer, challengeing the validity of the Wisconsin statute on the following grounds: (1) it denied equal protection of laws as required by the fourteenth amendment; (2) it did not comply with the state constitutional rule of uniformity of taxation.[103] The equal protection argument focused on the age criterion, which was portrayed as an arbitrary classification "not germane to the ostensible purpose of the law."[104] The plaintiff contended that the statute discriminated between persons similarly situated and was not uniform because it granted a partial exemption of property taxes to some persons and not to others.[105]

In rejecting *Harvey's* arguments and upholding the validity of the statute, the Wisconsin Supreme Court concluded:

"Basically and in fact this is a relief measures, enacted under the police power of the

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state. The act takes shelter, a major cost-of-living item, as a factor upon which relief is predicated. Important components of shelter cost are alternatively rent or property taxes. Additionally, assistance is available only to those elderly persons on the very verge of poverty . . .

"This is in no way property tax law, for if the claimant does not in fact pay taxes, but instead pays rent, he is still entitled to relief. His landlord, however, pays taxes on the property occupied without abatement, since the relief is keyed to the individual and not to the property. If he does owe property taxes, he is obliged to pay them in full, and his property tax liability and the amount collected by the municipality is in no way reduced by this legislation. In the event tax relief is granted to the claimant, the payment is made either as a credit against income taxes or from an appropriation of the state's general fund, whose connection with any property tax is remote. Property tax receipts and disbursements are unaffected. The relief granted is to the aged needy and is not property tax relief.

"The administration of this law is in no way related to the collection of property taxes; rather, the granting of relief is tied in with the mechanics of the income tax administration. A tax return must be filed to prove eligibility, but the claimant need not be an income taxpayer to receive relief from the general fund. The fact he may receive a rebate of his income taxes is merely a convenient method of the state meeting its relief obligation under the act.[106]

If the property tax relief provided by the Wisconsin statute to the elderly can be justified as a general relief enactment for a disadvantaged segment of the population, expansion of property tax relief to all low-income groups, regardless of age, would seem equally justifiable on the same grounds. Certainly, to a considerable extent, the elderly may be better able to live on a fixed low income than a young family.[107] Young families' expenditures for food, clothing, recreation, and education may be considerably more than those of the elderly.[108]

Additionally, there is a need to save money for retirement and future education of children on the part of young families.[109] Therefore, expansion of this kind of property tax relief would seem to be justifiable along the same constitutional arguments as were developed in *Harvey*.

CONCLUSION

In summary, the approach to property tax relief suggested by the Wisconsin statute has several important advantages that make it deserving of careful consideration. The advantages that have been cited are:

"(1) gives relief only to those in need whether homeowners or renters; (2) does not involve the local assessment policy in any way; (3) does not require any local government to increase its locally determined level of property taxation to compensate for the revenue that would be lost under an exemption agreement; (4) provides state appropriations for the relief which are subject to review and rejustification periodically just as other state expenditures are; (5) recognizes that state and local taxes are all part of one tax system; and (6) does not violate the tax uniformity provisions usually found in state constitutions.[110]

In the abstract, a careful consideration of these advantages suggests that this kind of property rebate statute is an attractive way of relieving the extraordinary portion of the low-income taxpayer's burden. Certainly extending relief to renters and structuring the rebate so that it provides the most money to the poorest families is laudible. Additionally, by allowing the rebate to serve as a credit against the state income tax, the state can provide for central administration and considerable control over the program. Since the rebate is a form of indirect housing subsidy, this central administration provides opportunities to evaluate the system at each step—an advantage not usually expected in an indirect subsidy program.[111] Also operation of the rebate scheme does nothing to damage the local property tax base, since the rebate comes from a central fund, the state treasury.

But the questions remain. Does the rebate return enough money to claimants to make it a really effective housing subsidy? Won't landlords simply raise rents again when they know that the tenants are getting a rebate geared to rent paid for property taxes? What about the relationship of the rebate to other housing subsidies, including public housing programs? Unfortunately, the literature leaves a lot of these questions unanswered, but some tentative conclusions may be drawn.

Certainly, if the Wisconsin experience is any indicator, unless the computations are greatly liberalized in terms of what is includable in income and what percentages are used, the rebate is not likely to be more than a token subsidy.[112] Unless this liberalization occurs as it did in Wisconsin, the average rebate for those in the lower-income brackets probably will remain well below $100.[113] But if the subsidy could be raised on an average to about $150–$200, it would help. A $200 rebate would enable a low-income family to purchase an average of $17 more per month in terms of housing. This could mean the difference in, for example, renting a four-room apartment rather than a three-room dwelling.[114]

For an elderly couple, it could mean a savings on housing costs averaging $17 a month. Such an amount of money is not likely to be of much help to a totally destitute family, but for a family with a stable breadwinner who makes a steady albeit low income, a $200 rebate could be a real stimulus. Of course, that amount may not be the deciding factor as to whether a family makes the "major shift" that Netzer sees as occurring when a family goes from rental to owner-occupied housing.[115]

As for landlords' further shifting taxes onto renters once a rebate system is in operation, the outlook is mixed, but there is reason to believe that this would not happen. The literature on forward shifting of taxes from property owners to tenants is complicated, and as one observer notes, the conventional theory that such a shift occurs has been accepted without a great deal of empirical research on its validity.[116] A study of 31 communities in the Boston area suggests that the conventional theory does not always operate, although a recent re-examination questions some of the premises of the Boston study.[117]

More dangerous than tax shifting is the inflationary effect on the housing market that the rebate could have if not accompanied by an increase in housing units available. Without the availability of additional housing units in the central city, the poor who receive rebates simply would have more money to spend on the same housing. Such a situation would be a windfall for landlords who could raise rents and, if tenants vacated, be assured that there would be a better tenant market than there would have been without the rebate.

Another economic effect that the rebate might have is in the area of capitalization of taxes into the value of land. According to economists, the tax capitalization theory holds that taxes imposed on income-producing properties are offset by a compensatory reduction in the price for which these properties are exchanged.[118] Therefore, if taxes for homeowners are eased by means of the rebate, the drop in taxes would seem to call for a rise in property prices. But, as in the case of forward shifting of taxes to tenants, empirical evidence on this theory is scarce, and the proof lies more in theoretical reasoning.[119] But even if the theory is valid, the final determination of the impact of tax capitalization would depend on the demand and supply of housing at the time a rebate statute is implemented.

Finally, the rebate scheme under consideration raises serious questions concerning its relationship with public housing. To allow public housing tenants to become eligible for the rebate no doubt amounts to a double subsidy for them, since they are already receiving the benefit of living in subsidized housing. And, as discussed earlier, such a double subsidy would seem to be contrary to the intent of the Wisconsin statute as it now stands[120] as well as the proposed ACIR model act.[121] Yet, if the rebate is not going to be available to those already receiving some other form of direct housing subsidy, it is likely to miss a large number of otherwise needy persons upon whom the real property tax burden or its equivalent[122] may be equally great. The result of avoiding double subsidies may be to so limit the number of beneficiaries that the added costs of administration, no matter how efficiently centralized, may not be justified. Of course, as in any other form of public assistance, the difficulty with the rebate scheme is where to draw the line, but if the line is drawn too tightly, the overall object of the program may be vitiated.

Obviously, then, all of the problems implicit in a property tax rebate scheme have not been worked out. Perhaps more study of the Wisconsin experience, especially with respect to tax shifting, capitalization, and double subsidies, will reveal ways to solve the problems raised here. As it now stands the rebate idea seems to be a good one if the actual amount of money credited or returned to the taxpayer is sufficiently large to be an effective indirect subsidy and if the number of potential recipients is not arbitrarily or unthinkingly limited.

FOOTNOTES

*B.A., Northwestern University, 1965; J.D., Washington University, 1971.

[1] *See* Wis. Stat. Ann. § 71.09(7) (1969), *as amended*, (Supp. 1971). Minnesota has a similar rebate scheme. *See* Minn. Stat. Ann. §§ 290.0601–0617 (Supp. 1971). Vermont has a statute with a similar purpose, but because of a wholly different scheme of computation, is not considered here. *See* Vt. Stat. Ann. tit. 32, §§ 5961–75 (1969). Since the Minnesota scheme is so similar to Wisconsin's, it will not be considered in detail in this paper.

[2] Advisory Commission on Intergovernmental Relations, 1970 Cumulative ACIR State Legislative Program § 15–62–48 (1969) [hereinafter cited as ACIR State Legislative Program].

[3] For a concise history of the property tax and its weaknesses as a source of revenue in the United States see G. Benson, H. McClelland, & P. Thomson, The American Property Tax: Its History, Administration, and Economic Impact 11–82 (1965) [hereinafter cited as The American Property Tax]. Useful bibliographies covering various aspects of the property tax may be found in Tax Institute of America, The Property Tax: Problems and Potentials 461–85 (1967), and in Council of Planning Librarians, Exchange Bibliography No. 172 (Vance ed. 1971—available from P.O. Box 229, Monticello, Ill., 61856).

[4] *See* Yung-Ping, *Present Status and Fiscal Significance of Property Tax Exemptions for the Aged*, 18 Nat. Tax J. 162 (1965).

[5] *Id.* In other words, there are some low-income families who are "property rich but income poor." Quindry & Cook, *Humanization of the Property Tax for Low Income Households*, 22 Nat. Tax J. 357, 359 (1969).

[6] *See* ACIR State Legislative Program § 15–62–48.

[7] *See, e.g.*, D. Netzer, Impact of the Prop-

erty Tax: Its Economic Implications for Urban Problems, Joint Comm. Print, 90th Cong., 2d Sess. 18–45 (National Comm'n on Urban Problems Report to Joint Economic Comm., 1968 [hereinafter cited as Netzer—Douglas Comm'n Rpt.].

[8] W. Morton, Housing Taxation 37 (1955).

[9] *Id.* at 4.

[10] *Id.*

[11] For the problems of modern property tax administration see A. Lynn, Jr., The Property Tax and Its Administration (1969). Detailed criticisms also may be found in Tax Institute of America, The Property Tax: Problems and Potentials (1967) and in The American Property Tax.

[12] The American Property Tax at 58–59, 72. The shift caused much tax fraud and subsequent loss of revenue, which eventually forced some states to forego altogether taxes on intangibles so that there is no such tax in 11 of the 23 states with the largest Standard Metropolitan Statistical Areas in the 1960 Census. Of the 47 states with SMSA's in the 1960 Census, 20 had no property tax on intangibles. Netzer—Douglas Comm'n Rpt. at 5.

[13] The American Property Tax at 72. *See also* Groves, *Property Tax—Effects and Limitations,* in The Property Tax: Problems and Potentials 17–18 (1967), wherein it is stated:

"The tax did not perform well during the Great Depression when it was embarrassed by tax delinquencies, rate limitations, and tax revolts of one sort or another. This was the time when taxpayers took legislators by the scruff of the neck figuratively and literally and told them to find something to tax besides real estate. This was the period of wholesale enactment of state sales and/or income taxes; many municipalities, particularly cities, similarly broadened the local tax base. Meanwhile the federal government had adopted its income tax and developed it into the backbone of a vastly expanded revenue system. Along with it went a satellite levy on payrolls to finance social security. The property tax which had supplied 55.5 per cent of overall tax revenues as late as 1932 sank to 13.2 per cent in 1955."

[14] The American Property Tax at 72.

[15] *Id.* "[S]ince World War II the tax . . . appears easily able to . . . [keep] pace with the growth of the gross national product . . . ." *Id.* at 113. The revival of the property tax as a source of revenue has been explained this way:

"Perhaps the outstanding feature of the recent behavior of the property tax is the way in which in the past decade its revenues have kept pace with increases in state-local expenditure and thus its decline in relative importance has been arrested. Although the evidence is inconclusive, it does appear that part of the reason for this behavior is that the economic base of the property tax—the market value of taxable types of property—has been extremely responsive to growth in national output in the postwar period, an apparent interruption to the long decline in capital-output ratios. In any event, property tax *revenues* have exhibited a responsiveness or "GNP elasticity" far higher than earlier expectation."

D. Netzer, Economics of the Property Tax 8–9 (1966) (footnotes omitted) [hereinafter cited as Economics of the Property Tax].

[16] The American Property Tax at 72–73.

[17] Netzer—Douglas Comm'n Rpt. at 12–14 (note especially tables 6, 7, & 8). *See also* Economics of the Property Tax, where it is noted:

"Property classes which are especially urban in character—notably housing and commercial realty, such as stores and office buildings—appear to produce more revenue than their shares of assessed values would suggest. This is to be expected since property tax rates are higher in urban areas than in rural areas; the farm realty share of tax revenue is appreciably lower than its share of assessed values."

Id. at 19. The estimate of a 50 per cent share of total property tax revenue generated by housing was figured this way:

"Since 1957, housing has increased substantially as a proportion of assessed values for general property taxation, while acreage and farm property have declined; so have state assessed property and locally assessed personalty. Meanwhile, both nominal and effective property tax rates have risen; quite evidently this rise has been largest in urban areas and therefore on urban-type properties. In all probability, therefore, very close to 50 per cent of total property tax revenues is now collected from nonfarm households, about 40 per cent from nonfarm businesses, and less than 8 per cent from agriculture."

Id. at 21–22 (footnotes omitted).

[18] According to Professor Netzer, the traditional complaint followed this form: [T]he property tax worked out in practice to be quite regressive in incidence; that is, the tax as a percentage of the incomes of those who bear the ultimate burden declines as income rises. Other critics supported the regressivity argument with empirical evidence, and found that the incidence of the tax was not only regressive but also poorly related to the benefits received from public expenditure financed by the property tax. Yet another shortcoming was considered to be the tax's discouragement of investment in that social necessity, housing.

Economics of the Property Tax at 5 (footnotes omitted). Detailed discussion of some of the more technical reasons for property tax regressivity may be found in *id.* at 56–57.

[19] Groves, *Property Tax—Effects and Limitations,* in The Property Tax: Problems and Potentials 17, 20 (1967).

[20] *Id.* The "newer evidence" to which Professor Groves refers may be found in Economics of the Property Tax at 55–56.

[21] Economics of the Property Tax at 164.

[22] *Id.*

[23] *Id.* at 164–65. A more detailed discussion placed in the context of incidence by income class, may be found in Economics of the Property Tax at 42. The shift to "high return human investment" is also given detailed consideration. *Id.* at 67–69.

[24] For instance, Groves noted:

"According to the 1960 census of housing there were 1,669,000 families living in substandard or deteriorating housing, although they devoted 35 per cent or more of their income to rent."

Groves, *Property Tax—Effects and Limitations,* in The Property Tax: Problems and Potentials 17, 21 (1967). Netzer made this comment on regressivity and renters:

"Rather good evidence on incidence by income class of property taxes on owner-occupied houses strongly indicates that this component of the tax is even more regressive than the nonresidential component. Somewhat less direct evidence indicates that the tax on rented housing is still more regressive. However, because renters tend to be poorer and decidedly smaller consumers of housing (and hence pay less property tax, via rents) when the two series are combined, the picture is less clear.

Economics of the Property Tax at 40 (footnotes omitted). Since the publication of the above two comments, the following statistical data was reported:

"The Law of Diminishing Returns has been overtaking private rental housing for years, even in the moderate income housing market.

In 1966, average rent per room per month ranged from $22 in the South to $49.50 in the West. . . . U.S.A. averages were $46.50 for elevator apartments, $26.50 for low rise buildings with 12–14 units, $30.50 for low rise buildings with 25 or more units, and $25.60 for garden type apartments. But only 43.1 per cent of gross possible income (GPI) for the large low rise apartments remained after expenses to cover debt service, depreciation, and return on investment. The corresponding figure for elevator buildings was 48.3 per cent and for garden type apartments, 49.5 per cent. (Debt service alone took, 58.7 per cent of the monthly housing expense of the FHA 203 new homeowners in 1966.)

"Real estate taxes, up 9.2% since 1966, in 1966 took 15.7% of GPI from privately owned rental elevator buildings, an average of 16.6% from low rise apartments, and 13.3% from garden type apartments. Also, as a percentage of gross possible income, payrolls range from 6.3% on the smaller low rise apartments to 8.4% on elevator buildings. Loss from vacancies and delinquent rents in the area of 4% to 5%. Maintenance and repairs account for 4.3% to 6.3% and management for 4.3% to 5.2%.

"The long lag in rent rises and the sharp increase in real estate taxes are putting increasing pressure on rental rates."

E. Eaves, How the Many Costs of Housing Fit Together, National Comm'n on Urban Problems Rpt. No. 16, 8 (1969) (emphasis added).

[25] Netzer—Douglas Comm'n Rpt. at 16.

[26] Economics of the Property Tax at 30.

[27] Netzer—Douglas Comm'n Rpt. at 16. Professor Netzer notes as one "chief" exception that "owners of rental property cannot shift the burden of that portion of the tax which falls on the land underlying their buildings." *Id.*

[28] *Id.*

[29] *Id.* at 17.

[30] *Id.* at 18.

[31] President's Committee on Urban Housing, A Decent Home (1968).

[32] *Id.* at 99.

[33] *Id.*

[34] Netzer—Douglas Comm'n Rpt. at 16.

[35] *Id.* at 19. A second discouraging effect is explained this way:

There is ample evidence that consumers will buy more and better housing if its price is lower, just as they do with regard to most other objects of consumption. It can be and has been argued persuasively that one of the most effective ways of helping the low-income population (with respect to housing) is to rapidly increase the total supply of housing in a particular city and metropolitan area; a decrease in prices (rents), while having no immediate effect on total housing supply, does create a larger effective housing market for those who now suddenly can afford more of the existing housing. The evidence from the 1950's strongly suggests that the housing conditions of the poor improved most radically in those areas in which the total supply of housing rose most rapidly. The process by which this occurs is related to the rate of turnover of housing. . . ."—*Id.* at 19–20.

[36] *Id.* at 21–22. This is explained by the fact that in "suburban communities, particularly bedroom suburbs, the public services that a family receives or has access to are very closely tied to the local taxes that same family pays." *Id.* at 21. Netzer describes this as similar to an income tax in its effect and concludes that it is "unlikely to be a deterrent to consumption of housing; that is, to the expenditure of consumer income for housing." *Id.* at 22. The deterrent effect of property taxes for suburbanites may be further weakened by other factors, as Netzer explains:

"Perhaps the biggest single type of quality upgrading which occurs in the housing market is the shift from rented to owner-occupied housing. Since high property taxes on housing are far more apparent to present or prospective owner occupants than to renters, the short-term deterrent effects of increased property taxes should be particularly important in this regard. However, there has clearly been a vast amount of this type of upgrading in the past twenty years in the face of high and rising property taxes. One explanation of this apparent anomaly lies in the many offsetting factors at work in this same period: the liberalization of mortgage terms; the inflation hedge aspect of investment in housing (or in other real property); the advantageous income tax treatment of home ownership for better off families; and, for apartment housing and non-residential construction, the favorable depreciation/capital gains treatment of real estate investment under the federal income tax, especially since 1954."

Economics of the Property Tax at 73–74. For a different look at the characterization of the property tax in the suburbs as a "benefit tax" see J. Heilbrun, Real Estate Taxes and Urban Housing 156–62 (1966).

[37] Netzer—Douglas Comm'n Rpt. at 22. There is a trend toward giving more favorable tax treatment to property improvements in central cities in order to preserve housing in still healthy neighborhoods, preserve existing housing stock, and improve housing overall. *Id.* at 21. On the "wide variety of services" central cities provide, Netzer notes that:

"For many years—in fact, ever since there have been suburban populations living beyond central city boundaries but economically tied to the city—central city governments have been faced with problems arising from the concentration of needs for public services within their jurisdictions. They have, throughout this period, provided a variety of services on behalf of their entire urbanized areas. The poor and the disadvantaged tend to cluster downtown, giving rise to high welfare, health, educational, and similar expenditures. Moreover, many specialized services have been provided only by central city governments simply because only the central city had the size necessary to support activities with markedly increasing returns to scale, many of them "natural monopolies," ranging from water supply to zoos."

Economics of the Property Tax at 116. Evidence that the central cities can no longer provide these "natural monopolies" without support from suburban taxpayers was provided in St. Louis recently. St. Louis County taxpayers were asked to approve a special tax district to support the St. Louis zoo, art museum, and museum of science and natural history. The tax district was approved, but just barely. St. Louis Post-Dispatch, Apr. 7, 1971, at 1, col. 1.

[38] Netzer—Douglas Comm'n Rpt. at 22. Netzer points out that taxes might even be higher in the suburbs than in the central city, but the advantages the suburban taxpayers get may be more visible to them so that the taxes do not "seem" so expensive. *Id.* The ultimate solution of the central city tax problem probably is in moving away from relying on real property taxes, as one observer has suggested:

"[T]he anomalities in the structure and operation of the property tax in an environment of governmental fragmentation are hardly more serious than those traceable to the whole process of urban decentralization and the resulting cleavage between the big city and its suburbs. The outlying communities gain the higher income families, while the poorer underprivileged remain behind in the core city, and the suburbs fall heir to the costly increments to the community's capital while the city's physical plant steadily deteriorates or falls victim to the wrecker's ball. Thus forces at work to influence the income side of the public ledger to a marked degree are at odds with those impinging on the expenditure side. Here again the tax cost/tax resources relationship is exposed to heavy strain, and in this case the corrective seems to clearly lie in the direction of increasing resort to nonproperty tax financing, for the prospect of merger as a remedy must be regarded as unlikely, at the least."

Stiles, *Some Possibilities for Meeting Property Tax Problems Arising from Multiplicity of Governmental Units,* in The Property Tax: Problems and Potentials 417, 425–26 (1967).

[39] Netzer—Douglas Comm'n Rpt. at 21. This is assuming, of course, that the property owner could pay for or finance the improvements; that is a big assumption in view of the attitude of many banks toward loans for inner-city home improvements. *Id.* For some other interesting comments on the property tax and its effect on urban renewal see Economics of the Property Tax at 83–85. The Kaiser Report came out strongly for a policy on the part of the cities to remove the property tax as a deterrent to good maintenance and rehabilitation by assessing property on the basis of its earning ability as measured by annual gross rent. President's Committee on Urban Housing, A Decent Home 103–04 (1968).

[40] Netzer—Douglas Comm'n Rpt. at 19. An interesting treatment of the subject of central city taxes and rehabilitation is J. Heilbrun, Real Estate Taxes and Urban Housing (1966).

[41] Netzer—Douglas Comm'n Rpt. at 29. According to Netzer the property tax has the following effects on urban housing and development:

"1. The tax amounts to a very high consumption tax on housing expenditure and thus tends to reduce consumer demand for housing. This in turn tends to limit growth in the stock of urban housing and to limit improvements in the quality of the existing housing stock.

"2. These effects are not likely to be very evident in the suburban communities, especially the better-off ones, for two reasons. First, the connection between property tax payments and local public services provided homeowners is a clear one in most suburbs. Second, the Federal income tax advantages of homeownership, for relatively well-off taxpayers, offset the property tax in large measure.

"3. However, the deterrent effect of high taxes on consumption of, and investment in, housing in large central cities are serious. This is likely to be more true for tenants than for homeowners, and more so for lower income groups. For upper income groups, the outcome may be marginal encouragement to the observed trends toward suburban residential locations; for the poor the outcome will be less and poorer housing."

Id. An interesting theoretical observation along these lines may be found in Harris, *Property Taxes: Outlook and Effects,* in The Property Tax: Problems and Potentials 28 (1967). Harriss points out that the property tax may lead to smaller room size in residential construction because it increases the cost of housing—"the higher the price, the smaller the quantity purchased." *Id.* at 35–36. Netzer has cited the following as "obvious and frequent criticisms" of the property tax that are crucial for housing consumers:

"The tax may redistribute income in a desired direction, but it does this with great unevenness, both among and within tax jurisdictions. It is, in many metropolitan areas, regressive as between high income and low income governmental units.

". . . [T]he tax . . . is defective from the standpoint of horizontal equity, 'equal treatment of equals. . . .' [This is so because] . . . gross inequalities in assessments relative to property value are the rule rather than the exception. . . . [and] either because of tastes or circumstances, consumption patterns vary widely among individuals with similar incomes. This affects taxes on both housing and non-residential property. Within narrow income groups, housing consumption is quite variable; for example, in metropolitan areas in 1960, the coefficient of variation of house values for single-family homeowners with incomes of $6,000–$7,000 (the median range) was over .50. As a consequence of this, plus geographic differentials and assessment practices, real estate taxes as a proportion of income vary widely within income classes; in the 1960 Census of Housing, for homeowners in the $3,000–$5,000 range, 37 percent paid real estate taxes equal to less than 2 percent of income, 30 percent paid taxes equal to from 2 percent to 4 percent of income, and 33 percent paid taxes equal to more than 4 percent of income. . . ."—Economics of the Property Tax at 165–66 (footnotes omitted).

[42] Netzer—Douglas Comm'n Rpt. at 31. The most progressive of all state taxes is, of course, the personal income tax. *Id.*

[43] *Id.*

[44] Pickard, *Evaluating Tax Concessions for Urban Renewal,* in The Property Tax: Problems and Potentials 295, 298 (1967).

[45] *Id.*

[46] *Id.*

[47] Advisory Commission on Intergovernmental Relations, 1 Fiscal Balance in the American Federal System 124 (1967). *See also* Cook, Quindry, & Groves, *Old Aged Homestead Relief—The Wisconsin Experience,* 19 Nat. Tax J. 319 (1966).

[48] Advisory Commission on Intergovernmental Relations, 1 Fiscal Balance in the American Federal System 124 (1967).

[49] *Id.* at 130.

[50] Netzer—Douglas Comm'n Rpt. at 32.

[51] *Id.*

[52] Advisory Commission on Intergovernmental Relations, 1 Fiscal Balance in the American Federal System 128 (1967).

[53] *Id.* at 130.

[54] Netzer—Douglas Comm'n Rpt. at 37. *See also* Netzer, *Some Alternatives in Property Tax Reform,* in The Property Tax: Problems and Potentials 386 (1967).

[55] *See* J. Heilbrun, Real Estate Taxes and Urban Housing 156–57 (1966).

[56] Professor Groves has stressed the point that the poor should not be relieved of all tax burdens; he has noted that where there is hardship, the welfare department is available, but he does come out strongly for relieving the "extraordinary burden." *See* Cook, Quindry, & Groves, *Old Aged Homestead Relief—The Wisconsin Experience,* 19 Nat. Tax J. 319 (1966).

[57] The argument for proceeding with caution in this field of reform is well-stated:

"Much of the widespread concern with the property tax is perhaps generated by an increasing awareness of hardship cases on the part of citizens. Property owners with fixed or sharply reduced income flows offer the strongest argument for property tax relief. There has been a proliferation of proposals to grant property tax concessions to special groups, such as homeowners, farmers, and the elderly; and to special classes of property such as new industries, urban renewal, and open space property. Such exemptions and special treatment increase the tax burdens on the rest of the community and, if allowed to multiply, can make their burdens oppressive. In addition, they greatly complicate the administration of the tax. In view of both the fiscal and administrative effects of property tax exemptions, it is time to take a long hard look at this increasing trend.

"The much discussed use of the property tax to achieve social and economic ends, such as to encourage development or to prevent urban sprawl, needs more analytical study than it has had to date."—Back, *The Property Tax Today,* in The Property Tax: Problems and Potentials 2–3 (1967).

[58] *See* note 1 *supra* and accompanying text.

[59] *See, e.g.,* Stocker, *Property Tax Exemption for Farmers and the Aged,* in The Property Tax: Problems and Potentials 283 (1967).

[60] *See* Cook, Quindry, & Groves, *Old Aged Homestead Relief—The Wisconsin Experience,* 19 Nat. Tax J. 319 (1966); Cook & Quindry, *Humanization of the Property Tax for Low Income Households,* 22 Nat. Tax J. 357 (1969) [hereinafter cited as *Humanization of the Property Tax*].

[61] The statutory definition of income says:

"1. 'Income' means the sum of adjusted gross income . . . . net income from sources outside the state, alimony, support money, cash public assistance and relief (not including relief granted under this subsection), the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act and veterans disability pensions), nontaxable interest received from the federal government or any of its instrumentalities, workmen's compensation and the gross amount of 'loss of time' insurance. It does not include gifts from nongovernmental sources, or surplus food or other relief in kind supplied by a governmental agency."—Wis. Stat. Ann. § 71.09(7)(a)(1) (1969).

[62] *Humanization of the Property Tax* at 358–59.

[63] The applicable sections of the statute are Wis. Stat. Ann. § 71.09(7)(a)(6)–(7) (1969), which state:

"6. 'Rent constituting property taxes accrued' means 25% of the gross rent actually paid in cash or its equivalent in 1964 or any subsequent calendar year by a claimant and his household solely for the right of occupancy of their Wisconsin homestead in such calendar year, and which rent constitutes the basis, in the succeeding calendar year of a claim for relief under this section by such claimant.

"7. 'Gross rent' means rental paid at arms-length, solely for the right of occupancy of a homestead, exclusive of charges for any utilities, services, furniture, furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether expressly set out in the rental agreement or not. In any case in which the landlord and tenant have not dealt with each other at arms-length and the department is satisfied that the gross rent charged was excessive, the department may adjust such gross rent to a reasonable amount for purposes of this subsection. 'Gross rent' includes the space rental paid to a landlord for parking of a mobile home, exclusive of any charges for utilities, services, furniture and furnishings or personal appliances furnished by the landlord as a part of the space rental. Twenty-five per cent of such annual gross rental plus the monthly parking permit fees paid during the year shall be the annual 'property taxes accrued.'"

[64] Wis. Stat. Ann. § 71.09(7)(c) (1969).

[65] *Id.*

[66] *See Humanization of the Property Tax* at 360–61.

[67] *See* 1970 ACIR State Legislative Program § 15–62–48.

[68] Wis. Stat. Ann. § 71.09(7)(a)(5) (1969):

5. "Claimant" means a person who has filed a claim under this subsection and was both domiciled in this state and 65 years of age or over during the entire calendar year preceding the year in which he files claim for relief under this subsection."

[69] *Id.*

[70] Wis. Stat. Ann. § 71.09(7)(a)(3) (1969).

[71] *See* note 61 *supra* and accompanying text.

[72] *See, e.g.,* Cook, Quindry, & Groves, *Old Aged Homestead Relief—The Wisconsin Experience,* 19 Nat. Tax J. 319, 324 (1966).

[73] 1970 ACIR State Legislative Program § 15–62–48.

[74] *Humanization of the Property Tax* at 358.

[75] Wis. Stat. Ann. § 71.09(7)(g)(1)–(2) (1969).

[76] *Humanization of the Property Tax* at 358.

[77] *Id.*

[78] *Id.* The table in the text has been modified from that in *Humanization of the Property Tax.*

[79] Wis. Stat. Ann. § 71.09(7)(h) (1969), *as amended* (Supp. 1971).

[80] *Humanization of the Property Tax* at 358.

[81] The sample computations were suggested by similar descriptions and computations in *Humanization of the Property Tax* at 358–59.

[82] *See* note 63 *supra* and accompanying text.

[83] Cook, Quindry, & Grooves, *Old Aged Homestead Relief—The Wisconsin Experience,* 19 Nat. Tax J. 319, 323–24 (1966).

[84] *Id.*

[85] 42 U.S.C.A. § 1546 (1969).

[86] *Id.*

[87] *Id.* § 1586(c)(5).

[88] *See* Wis. Stat. Ann. § 71.09(7)(p) (1969) in which it is stated that no claim for relief can be allowed to anyone who is a recipient under state provisions pertaining to aid to the blind, county old age assistance, and aid to totally and permanently disabled persons. *See also* ACIR State Legislative Program § 15–62–48.

[89] ACIR State Legislative Program § 15–62–68. Section 16 of the model act states that "no claim for relief under this act shall be allowed to any person who is a recipient of public funds for the payment of taxes or rent during the period for which the claim is filed." *Id.*

[90] *Humanization of the Property Tax* at 358–59.

[91] *Id.* at 360–64.

[92] *Id.*

[93] *Id.* at 361.

[94] *Id.*

[95] *Id.*

[96] *Id.* at 359 & n.7.

[97] Cook, Quindry, & Groves, *Old Aged Homestead Relief—The Wisconsin Experience,* 19 Nat Tax J. 218, 320 (1969).

[98] *Id.* at 322.

[99] 30 Wis. 2d 1, 139 N.W. 2d 585 (1966).

[100] *Id.* at 10, 139 N.W.2d at 589.

[101] *See generally* J. Hellerstein, State and Local Taxation: Cases and Materials 36–65 (3d ed. 1969).

[102] *Id.*

[103] Wis. 2d at 4, 139 N.W.2 at 585–86.

[104] *Id.* at 4, 139 N.W.2d at 586.

[105] *Id.*

[106] *Id.* at 13–14, 139 N.W. 2d at 591.

[107] *Humanization of the Property Tax* at 365.

[108] *Id.*

[109] *Id.*

[110] Myers, *General Appraisal of the Effect of Exemptions on the Tax Base,* in The Property Tax: Problems and Potentials 267, 276, (1967).

[111] For a discussion of the advantages of indirect versus direct subsidies see Sengstock & Sengstock, *Howeownership: A Goal for All Americans,* 46 J. Urban L. 317, 503–06 (1967).

[112] *Id. See also* Cook, Quindry, & Groves, *Old Aged Homestead Relief—The Wisconsin Experience,* 19 Nat. Tax J. 319, 322 (1966).

[113] *Id.*

[114] Netzer—Douglas Comm'n Rpt. at 19.

[115] Economics of the Property Tax at 73–74.

[116] Orr, *The Incidence of Differential Property Taxes on Urban Housing,* 21 Nat. Tax J. 253, 254, (1968).

[117] *Id.* Orr's thesis was recently challenged in Heinberg & Oates, *The Incidence of Differential Property Taxes on Urban Housing: A Comment and Some Further Evidence,* 23 Nat. Tax J. 92 (1970). Orr replied to the challenge in Orr, *The Incidence of Differential Property Taxes: A Response,* 23 Nat. Tax J. 99 (1970).

[118] *See* Woodard & Brady, *Inductive Evidence of Tax Capitalization,* 18 Nat. Tax J. 193 (1965).

[119] *Id.*

[120] *See* note 88 *supra* and accompanying text.

[121] *See* note 89 *supra* and accompanying text.

[122] *See* notes 85–87 *supra* and accompanying text.

IMPROVING VETERANS' EDUCATIONAL BENEFITS

Mr. MATHIAS. Mr. President, as the sponsor of legislation to increase the educational assistance benefits for veterans, I was particularly pleased to read an article in Friday's Washington Evening Star by Columnist David Lawrence advocating greater educational benefits for our veterans and I wish to commend him for his interest in this most important area.

I have introduced the Vietnam Veterans Act of 1971, S. 2163, which would provide up to $1,000 per academic year for tuition, books, fees, and related supplies to eligible veterans as well as a $175-per-month subsistence allowance. I am pleased that 17 of my colleagues have cosponsored this legislation.

I ask unanimous consent that Mr. Lawrence's article, my testimony before the Senate Veterans' Affairs Committee on my bill, and related correspondence be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Evening Star, Apr. 14, 1972]

The GI Bill Should Be Updated

(By David Lawrence)

When World War II was over, the young veterans were helped in returning to civilian life through what was known as the GI Bill of Rights. It provided benefits for various purposes and particularly for education. Millions were able to go to college on the funds granted by the federal government.

Today a similar law is in effect, but the amounts being furnished to the veterans of Vietnam do not cover the tuition and living expenses except at a few low-cost colleges. The sums are higher than those given 25 years ago, but the money does not have the same purchasing power. The result is that the men who have served in Vietnam are being deprived of benefits comparable to those advanced a quarter of a century ago.

Congress has overlooked its obligation to the veterans of the Vietnam war in the face of the greater expenses that prevail today. Not only has there been a rise in the cost of living generally but the costs of a college education have gone up even more sharply.

This is a familiar story. Bureaucracy, too, waits until troubles are widespread and are hurting the citizens. Steps are not taken in advance. The GI bill has been amended several times for the benefit of Americans who have fought in Vietnam, and the amounts have been increased. But they still are not adequate. Tuition and fees for education often exceed the monthly payments, leaving nothing for living expenses.

A large number of men served in the Indochina war. Some have volunteered but most have been drafted. In any event, military service has prevented their attendance at college. With the return of the troops to the United States, many undoubtedly wish to resume their studies, and the sum available under the GI bill of rights is not enough.

This is something that should have had the attention of Congress ever since the size of the American forces in Southeast Asia reached the half-million mark. The total who have been in the war area far exceeds that number. It was evident that a big group of American veterans would be needing the benefits of the GI bill to continue their education.

But, as often happens in governmental affairs, such things are not anticipated, and the plight of the veterans has been neglected until it has become acute.

In a government as complex as that which has grown up in Washington, the administrative side is very busy struggling with questions that come up every day. Too little thought is given to the legislation that will be necessary six months or a year later. The tendency is to wait until a crisis is at hand and the needs are pressing.

Some day there will be a reorganization of the federal departments so that many of the problems that are scattered among different parts of the government will be placed under the chief of some agency whose duty it will be to look ahead and anticipate the difficulties which may come in the future and which it is the obligation of the government to begin to prepare to meet.

Most of the outcries about current developments which displease the people arise after decisions have been made which bring protests by numerous groups.

Thus, for instance, the present controversy about the rise in food prices and the failure of the government to control them leaves the public wondering whether there were steps that could have been taken earlier to keep down the cost to the consumer. But the government has no machinery big enough to watch all the food chains and the distributors of the different products which come under the heading of "food."

The federal government endeavors to control prices but cannot police all the transactions that take place in every store in the country.

The complexity of governmental operations is increasing as population is growing. But certainly the nation has a special obligation to its veterans who have given up months and years of their lives in military service, particularly in fighting a war. They have been unable during that time to pursue their careers or to continue their education. They have the right to expect their government to see that their benefits will provide the means to return to civilian life without additional burdens.

MATHIAS ASKS $3 BILLION PROGRAM FOR VETS EDUCATION, URGES EDUCATION FUNDS FOR DEPENDENTS OF POWs

(Testimony of Senator CHARLES McC. MATHIAS, JR., before the U.S. Senate Committee on Veterans' Affairs, Friday, March 24, 1972)

Mr. Chairman and Members of the Committee, I am very pleased to testify this morning on a matter of great importance and priority to me—increasing educational assistance benefits for our veterans.

I wish to commend the Chairman of this Committee and all of its members for their efforts in improving the plight of our veterans, not only in education, but in other areas such as health, housing, insurance and treatment and rehabilitation for disabled veterans. The record of this Committee and its Chairman is worthy of praise.

I come here this morning to urge this Committee to adopt legislation that would institute the concept of direct payment for tuition, fees, books, and related supplies by the Veterans Administration to educational institutions where veterans are enrolled on a half-time or more basis.

There are many tragedies in a war. And not all of the tragedies end when the war ends. Some of them continue for many, many years after the fighting stops. And one of the tragedies is, of course, all the pain and suffering that continue, long after a war is over, to afflict the men who fight a war—the veterans. In every society and in every age, the problem of how to ease the re-entry of veterans into society, has always been one of the difficult aftermaths of fighting a war. As long ago as the days of ancient Rome, the question of how best to compensate veterans has been a vexing political problem.

My view is that we should not have any problem at all about the kind of treatment that we give to the young Americans who went to Vietnam and who carried out the orders of their government and who conducted the war in Indochina. What these men did as patriotic young citizens, carrying out the orders of their government, has nothing to do with what American society may ulitmately decide about the war in Vietnam.

I have for some years urged that we end the war in Vietnam but that does not affect my feeling of admiration and respect and appreciation and gratitude for the members of our armed forces who actually went to Vietnam and carried out their duties there. We owe these men a great deal and the frank situation is that we are shortchanging them. We are not giving them what they deserve. We are not helping them to re-enter society with the same educational background and the same opportunity for employment that they would have had had they pursued their ordinary high school and college or vocational training in a peacetime situation. This Committee has recently held hearings which revealed how unscrupulous businessmen were cheating veterans on the sale of burial plots. These are only a few examples of how we not only deny our veterans the ordinary advantages other citizens enjoy, but subject them instead to special hardships and handicaps above and beyond those they must endure on the battlefield.

I think it is the duty of every American to see that the young men who fought in Indochina for us at our orders get the same chance in life as those who stayed home and I am glad that the Senate Veterans Committee has finally turned its attention to this problem and is looking at what is fair for the young men who fought the war in Vietnam. For myself, I think a very reasonable standard is the same kind of opportunity that I received and that millions of others received at the end of World War II. This was the opportunity to get an education under the GI Bill of Rights.

The standards are simple. The Veterans Administration at the end of World War II provided tuition, textbooks and a small allowance on which to live while we were full-time students. This made it possible for me to go to law school and it made it possible for me to get a law degree in a minimum amount of time. I think that the same standards should be applied to the Vietnam veterans, that we should give them tuition, their books and enough to live on while they are now in school. We are doing far less today. We are shortchanging them. We have got to stop it. We have got to give them the opportunity to re-enter society with all the advantages that every American has. That is the essence of a bill I have proposed and I hope the veterans committee recommends it to the whole Senate.

My bill would provide up to $1,000 per academic year for tuition, books, fees and supplies directly to the educational institution from the Veterans Administration, plus a monthly subsistence allowance of $175.

To these who say that this cost is too much, or that the cost of the American Legion proposal, S. 3345 is too much, I remind them that we did not tell our veterans we could not afford to train them for combat. We could afford to have them risk their lives in combat. We could afford to have them lose an eye, an arm, or leg or both. We could afford to take them away from their loved ones for years and we could afford to produce the guns, rockets, missiles, and planes which they had to use and we could afford to train them to kill and to defend themselves. After all of this, we cannot say, "We are sorry, Mr. Veteran, but we cannot afford to give you the educational assistance that you deserve and which you need because it costs too much and we cannot afford it." To do so would be hyprocrisy.

The time has come to let the veteran know that we care, and to let his family know that we care. I feel that my bill would go a long way toward showing the veteran that we really do care while at the same time providing him with the means to obtain an education.

My bill, S. 2163, "The Vietnam Veterans Act of 1971" would:

1. Provide for direct payment by the Veterans Administration to educational institutions where veterans are enrolled on a half-time or more basis up to $1,000 per academic year for the cost of tuition, books, fees, and related supplies;

2. Provide a $175 per month subsistence allowance with a sliding scale for dependents to help meet other expenses;

3. Retain the current educational assistance allowance for individuals on active duty pursuing a program of education or for those pursuing exclusively a correspondence course, so that they would be entitled to the lesser of either the cost of tuition, and fees or $175 per month.

The Veterans Administration estimates that the total cost of the first five years of this program would be nearly $3 billion. However, according to the VA, we spent $14.5 billion under the old GI Bill to send World War II veterans, including me, back to school.

There is no question in my mind that the veteran of today, in addition to the many other problems and obstacles facing him, cannot provide for his own subsistence and also meet the rising costs of tuition, fees, books, and supplies in most of our colleges and universities. Despite the diligence of this Committee and the House Veterans Affairs Committee which have worked in behalf of our veterans, and the approval of the Veterans Readjustment Assistance Act of 1966 which led to increased payments in educational assistance, the cost of living increases and the rising costs of education continue to exclude many veterans from using their eligibility. When they can go to school, they do so at considerable financial cost to themselves and their families.

For example, in my own state of Maryland, the University of Maryland charged a total of $613 for tuition and fees for Maryland residents during the current school year. Beginning next fall, the cost will rise to $653. For out of state residents, the cost is $1,413 and will be $1,453 next year. At the community college level, the costs are also great. The Montgomery County Community College is charging $350 for tuition for county residents, $770 for non-county residents, and $900 for non-state residents during this school year. Beginning next fall, these figures will rise to $380, $850, and $1,200 respectively. It is clear, Mr. Chairman, that in Maryland, the rising costs of education are becoming so great as to be prohibitive for veterans under the current educational assistance program, when other needs such as housing, food, and clothing are also added to the veteran's budget.

However, Maryland is not unique, in this trend. These increasing costs are reflected all over our nation. In testimony before the Subcommittee on Educational and Training of the House Committee on Veterans' Affairs, last year, spokesmen for the American Legion referred to a report by the U.S. Office of Education on "Projections of Educational Statistics to 1976–77" which stated:

"The estimated average basic student charges (tuition, required fees, board and room) by publicly controlled institutions of higher education, in 1966–67 dollars, increased from $874 in 1956–57 to $1,034 in 1966–67. The charges are expected to reach $1,211 by 1976–77. The estimated average basic student charges by nonpublicly controlled institutions of higher education were $1,486 in 1956–57, $2,125 in 1966–67, and are expected to reach $2,748 in 1976–77."

From these estimates Mr. Chairman, it is clear that current benefits are inadequate.

My bill would cover almost all of the tuition cost in publicly controlled schools based on these estimates and almost half of the tuition cost at the non-publicly controlled schools for the 1976–77 school year.

One of the main objections to the direct payment plan is that a similar plan under the old GI Bill led to abuses. Many of these were caused by so-called "fly-by-night" schools which took advantage of the rather lax laws relating to accreditation of schools. My bill provides that no school could receive the payment for tuition, fees, and related supplies, until the Veterans Administration received certification that the veteran was actually enrolled, the number of semester hours of attendance, the customary cost of tuition and fees and other such information as the Administrator may require by regulation. This provision will give the VA the leverage to establish adequate procedures and safeguards to insure that there are no abuses in this program.

Furthermore, the Federal government now has the expertise, sophistication, and know-how of years of experience in monitoring and auditing various grant programs to educational institutions to insure that any abuses under a direct payment program would be limited, and even non existent. I am certain that the Veterans Administration could develop the appropriate safeguards against abuses so that this objection to a direct payment could be put to rest. Billions of dollars in federal aid is already going to institutions in the form of research grants, fellowships, and other programs from a variety of federal agencies. Such programs require proper accounting and auditing to insure that funds are spent and used according to the intent of the agency and Congress. The same procedures could be utilized and developed for the program which I advocate in my bill.

I would like to mention briefly the American Legion proposal, S. 3345, which also includes the concept of direct payment for tuition, books, and supplies. The Legion bill is a good one. I can say that, if my bill were not viewed favorably in this Committee, that I would wholeheartedly support the American Legion proposal. This bill also includes Veterans Administration guaranteed loans and direct Veterans Administration loans for veterans who cannot obtain the guaranteed commercial loans. Although I favor my concept, I want this Committee to know that I will join with the American Legion and support its proposal if that is the only way to obtain some form of direct payment.

My last recommendation of this Committee is that it consider making funds available *to the states for the education of the dependents of "Prisoners of War" at state institutions. I think that this is only a small token of the appreciation that we can show for the sacrifice of the POW's and their families*

In conclusion, Mr. Chairman, I am proud to say that I have discussed my proposal with many veterans organizations which represent millions of veterans throughout this nation. I have received letters and other communications of support for the concepts in my bill from the American Legion, the Veterans of Foreign Wars, the Military Order of the Purple Heart, which incidently urged adopting a $1,000 per year tuition benefit concept at its 1971 convention, and which has informed me it wholeheartedly received from the Military Order of the Purple Heart for the record. In addition to these organizations, I have received letters of support from the Vietnam Veterans Against the War, the Vietnam Veterans for a Just Peace, and from the National Association of Collegiate Veterans. I am pleased that my bill has received such praise and I am hopeful that this Committee will adopt the direct payment of tuition and subsistence allowance as part of its legislative proposals this year.

Finally, I wish to say that I am not asking anything for our veterans that I do not think they deserve. As I stated before, we have treated them as "second-class citizens" too long. Over 100 years ago, Abraham Lincoln stood on the battlefield at Gettysburg and urged that—

"We give increased devotion to that cause for which they gave the last full measure of devotion."

He was speaking of those dead who fought and died in the Civil War and was reminding his generation of Americans not to forget what that generation of veterans had done. Today, we have a new generation of Americans who fought in a bitterly contested and unpopular conflict. I come here today to ask this Committee and the Senate, not to forget that this generation of veterans has done its duty. They have sacrificed much for us. We must give increased devotion to the task of helping those who have given so much in the service of their nation. I think that my bill is a good start and a good down payment toward providing our veterans with all that they are due. It is a cause for which all Americans, rich and poor, black and white, northerner, and southerner, hawk and dove alike can and must unite. Thank you.

MILITARY ORDER OF THE PURPLE HEART,
Washington, D.C., February 21, 1972.
Hon CHARLES McC. MATHIAS, Jr.
Old Senate Office Building,
U.S. Senate, Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for your letter acknowledging our National Convention mandates and discussing your S. 2163.

The Military Order of the Purple Heart wholeheartedly supports your S. 2163. It was resolution 41–C at our National Convention.

We take a strong stand on the belief that our veterans who served honorably should be given the opportunity to pursue a well-rounded education without the encumberances of financial turmoil, burdens of loans and loss of precious class attendance or study hours due to the necessity of part time work.

At present I am requesting all Chapters to write their Congressmen to support S. 2163 in addition to publishing my Press Release locally on this subject.

I have asked each Commander to conduct a survey of veterans attending college as to their financial needs hopefully to be able to provide you with additional ammunition to obtain passage of S. 2163 in its original form. I will be in touch as soon as possible on this.

Please keep me informed on the progress of S. 2163 and when the hearings will be held.

Thank you so much for your interest in this most vital investment in our young veterans.

Yours in patriotism,
KENNETH R. HUBBS,
National Service and Legislative Director.

VIETNAM VETERANS FOR A JUST PEACE,
Brooklyn, N.Y., June 24, 1971.

DEAR SENATOR MATHIAS: Vietnam Veterans For A Just Peace is most pleased at your initiative in proposing an addition to the present GI Bill for education of up to $1000 towards tuition and fees. We believe that no better investment could be made in the future of a free America than that young Americans who have honorably served their country be aided in furthering their education so that they can continue serving America as responsible, productive, informed citizens. The need is great and the hour late, and even much more is called for than can be contained in one piece of legislation, but we hope that your veterans Bill will be only the first of many leading to full parity for Vietnam era veterans with the benefits afforded veterans of other wars, in addition to new legislation meant to deal with the unique problems of Vietnam veterans.

With our thanks and best wishes,
Most Sincerely Yours,
BRUCE KESLER,
National Coordinator.

STATEMENT OF SKIP (G. D.) ROBERTS, NATIONAL EXECUTIVE COMMITTEE, VIETNAM VETERANS AGAINST THE WAR

The Vietnam Veterans Against the War is gratified to see concrete action being taken in regards to enacting our legislative proposals. We applaud the actions of Senator Mathias and his colleagues.

The principle of his amendment is one of equity for the contemporary veterans. Senator Mathias' amendment would do much to restore the benefits utilized by both World War II and Korean veterans. That there is a need for such legislation, there can be no doubt. While over a third of earlier veterans used the G.I. Bill, currently only a quarter of Vietnam Era veterans can manage to survive on the pitiful small amount provided today.

Vietnam Veterans Against the War calls for the speediest possible enactment of the principles embodied in the Mathias amendment to allow veterans to use it for the coming fall school term.

DOMESTIC COMMUNICATIONS SATELLITE SYSTEM

Mr. GRAVEL. Mr. President, the importance of NASA's space program to the people of this country and more particularly to the people of Alaska was recently demonstrated again by using one of NASA's applications technology satellites as a communication system to relay medical advice to Alaskans in remote areas. It resulted in the saving of two lives.

Communications in the State of Alaska are not as good as they are in the other 49 States; in fact, in vast areas of the State communications, as understood in the other 49 States, do not even exist. But they should exist because they are needed and good communications for Alaska are both technically and economically feasible.

Mr. President, a domestic communications satellite system would provide the people of Alaska with the same point-to-point communications that are enjoyed by the people of the other 49 States. The importance of such a satellite communications system to the health and welfare of the people of Alaska and to the very lives of those who live in remote areas can hardly be overestimated as demonstrated only recently through the use of a NASA satellite which resulted in the saving of the life of an 11-year-old girl and a severely injured Alaskan native.

The technical feasibility of such a communications satellite system has been demonstrated and there can be no question about the economic feasibility in terms of the resources available to this Government. Mr. President, I urge the executive branch of the Government, and particularly the Federal Communications Commission, to speed up its consideration of granting the appropriate licenses for domestic satellite systems. Just as strongly, I urge that the appropriate agencies make sure that any domestic satellite system that is permitted to be put up meet the needs of the people of all areas of this great country and not only in terms of the economic justifications of the great corporations that propose them. The establishment of good communications is important to the life and happiness of the people of my State. Not to proceed with the establishment of a domestic satellite communications system that will provide good communications inside Alaska and other points of the Union is unconscionable.

Mr. President, I ask unanimous consent that NASA News Release No. 72-74 describing the missions of mercy I mentioned earlier be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

ATS AIDS IN ALASKAN EMERGENCIES

A five-year-old NASA satellite which helped save the lives of two Alaskans last year has again played an important part in helping two Alaskans meet medical emergencies.

From the remote village of Allakaket (population 125) in northern Alaska, a medical aide tried last month to contact the U.S. Public Health Service Hospital in Tanana using the local Applications Technology Satellite—(ATS–1) ground station antenna system to report on the condition of a seriously ill 11-year-old girl.

Unsuccessful, he then got in touch with the Mojave, Calif., ATS control station with the result that Public Health Service physician Dr. Brian Beattie answered his call from Anchorage, and Dr. David Duncan responded from Tanana.

During Dr. Duncan's consultation with the Allakaket medical aide, the little girl, Sally Sam, was diagnosed as suffering from acute appendicitis. An evacuation aircraft with PHS doctor, Robert Brown, aboard was airborne within 15 minutes.

Sally was evacuated safely to the Fort Wainwright Hospital. She is reported as progressing, but still under observation.

In a second case, the NASA satellite tracking facility at College received word from another tiny hamlet in northwestern Alaska, Huslia, that Lincoln Mark, an Alaskan native, had been severely injured in a snowmobile crash. He was suffering from lacerations, abrasions, dislocations and fractures. Through ATS–1, College contacted Tanana and again Dr. Duncan provided the needed advice. The injured man was immediately airlifted to Tanana Hospital where he received the necessary medical attention.

ATS–1 functions as a switchboard in the sky in a state-wide communications experiment with Alaska, the U.S. Department of Health, Education and Welfare and NASA. Twenty-six terminals provided by HEW are located in remote villages and hospitals, providing quality communications to medical, educational and programming personnel five hours a night, five days a week.

Goddard Space Flight Center, Greenbelt, Md., has ATS project management and the spacecraft was built by the Hughes Aircraft Co., Culver City, Calif. It was launched from Cape Kennedy, Fla., in December 1966.

THE GENOCIDE CONVENTION: NO EFFECT ON THE CONNALLY RESERVATION

Mr. PROXMIRE. Mr. President, some people who oppose the Genocide Convention do so because they believe that American ratification of this treaty will nullify the Connally reservation. This is not the case.

The Connally reservation applies only to our acceptance of Article 36(2) of the Statute of the International Court of Justice, the so-called "optional clause" providing for compulsory jurisdiction across the board. Article 36(2) gives the International Court the jurisdiction to hear cases between States in certain instances except when the case is within the domestic jurisdiction of a nation. The Connally reservation says that in cases involving the United States, the United States will decide what is within our domestic jurisdiction.

Cases arising as a result of our adherence of the Genocide Convention would come under Article 36(1) which covers the Court's jurisdiction as provided for in specific treaties. Since this is not the article to which the Connally reservation applies, the Genocide Convention does not effect the reservation. At this point we are talking about two different cases.

The spirit of the Connally reservation is that no case to which the United States is a party would be referred to the International Court without the express consent of the United States. By ratifying the Genocide Convention we would be giving our express consent. Thus we would be fulfilling the spirit of the Connally reservation even though the reservation does not apply to the convention.

Individuals have no standing before the International Court, only nations. No individual or group of persons can "haul" us before the Court. If some country disagrees with us as to the meaning of the convention they can ask the Court to settle the dispute and make clear the meaning of the Convention. No other power, and certainly not the power to try individuals for alleged acts of genocide, is granted to the Court or any other international tribunal.

Mr. President, I call upon the Senate to ratify the Genocide Convention without delay.

HOUSEWIVES DESERVE BETTER BREAK IN MARKETPLACE

Mr. TAFT. Mr. President, most American housewives are painfully aware of the fact that rising food prices have strained family budgets almost to the breaking point. The price of hamburger, for example, in February rose at an annual rate of 46.8 percent. During that same month sirloin rose at an annual rate of 33.6 percent. Seasonally adjusted, the price of meats, poultry, and fish rose in February at an annual rate of 52.3 percent.

The sharp rise in food prices is not limited to meats. Between October and January, the price of celery rose at an annual rate of 252.4 percent and from October through February the price of cucumbers shot up at an annual rate of 123.9 percent.

These increases present a difficult problem for the American wage earner. For those who are retired or living on fixed incomes, these price increases may present an almost impossible burden.

Certainly one thing is clear. The American farmers are not the source of the difficulty. Prices farmers receive today are only 7-percent higher than they were 20 years ago. Most family farmers are not reaping a financial bonanza. In January, for example, the actual farm parity ratio was only 72 percent. This ratio, as we all know, reflects the index of prices received by farmers and prices paid by farmers based upon a 1910–14 base of 100.

But to absolve the farmers is not to eliminate the problem. The American housewives will not content themselves with excuses and long explanations when they find they cannot provide the usual type of meals for their families.

I share the hope of the members of the Price Commission that food controls will not be necessary. Food chains have agreed to either lower or maintain their prices. In addition, wholesale food prices declined slightly in February. This should indicate that food prices will level off or decline in the weeks ahead.

Unquestionably, our experience with food price controls in World War II was less than satisfactory. Unquestionably, item-by-item controls would be difficult to enforce. If, however, food prices do not begin to decline but continue their upward surge, we will have no alternative but to undertake some type of controls on food prices.

The American housewives have had enough, and I agree with them that the time has come for them to get a better break in the marketplace.

THE GREAT PORPOISE MASSACRE

Mr. HARRIS. Mr. President, I call attention to an article entitled "The Great Porpoise Massacre" written by Scott McVay and published in the New York Times of March 19.

Anyone who has ever seen a porpoise would not want to kill it. These animals are harmless, they are graceful, they are intelligent. Yet, as Mr. McVay states, "200,000 to 300,000 porpoises must perish uselessly every year." This is the gist of his article. In what he calls wanton slaughter, he describes the way these porpoises are massacred each year by the tuna industry, not because anyone wants to kill them, but simply as something incidental to the tuna catch.

So far as I am concerned, Mr. President, this is a case of gross negligence. I have spoken against it in the past, and I shall continue to speak against it until this senseless killing has been stopped altogether. During the hearings on the Ocean Mammal Protection Act of 1971, which Representative PRYOR of Arkansas and I cosponsored, I said,

> We've got to stop this slaughter of the dolphin before it goes any further.

I hold to that statement today. I will not be satisfied until the massacre has been ended once and for all.

On February 22 the Senator from Minnesota (Mr. HUMPHREY) submitted an amendment which will take us a long way toward achieving this goal. Mr. HUMPHREY's amendment, which will among other things, give the fishing industry 1 year to stop the killing of porpoises, is the kind of tough, forceful, and effective legislation that we need now. I strongly urge that all Senators support Senator HUMPHREY's amendment.

Returning to Mr. McVay's article, I sincerely hope that it will help to bring out a sense of outrage in Congress and in the people of the United States sufficient enough to end the killing of dolphins and porpoises. Mr. President, I ask unanimous consent that Mr. McVay's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The New York Times, Sunday, Mar. 19, 1972]

THE GREAT PORPOISE MASSACRE

(By Scott McVay)

PRINCETON, N.J.—Many of the bounties of the sea have been tainted by man's profligate ways: mercury in swordfish, hepatitis virus in clams and shrimp. Our tables have long been graced with unblemished tuna, one of our children's favorites. Now we learn that our tuna is contaminated by the death of thousands of porpoises. How come? Since the late 1950's American tuna fishermen have been capturing tuna by setting their purse-seine nets on schools of porpoises.

Five major canneries and a number of independent companies operate 132 vessels from southern California in the tropical waters of the eastern Pacific—twelve more vessels are under construction. The fishermen first spot a cluster of birds winging in and out of an area of great activity. Drawing nearer, they sight the familiar porpoise or dolphin fins, usually of the spotted porpoise (*Stelella graffmani*) or the "spinner porpoise" (*Stenella longirostris*) which is known for its spectacular aerial gyrations. Upon closing in, the tuna can be seen as a great dark mass below the porpoises, where they are also feeding on the smaller fish. In high-powered skiffs the fishermen round up the porpoises, which may number up to 1,500, and attempt to drive them into a tight circling school. Then the half-mile long purse-seine is set around the porpoises and the tuna below. The circle is constricted as the net is drawn together. Many of the porpoises panic, hit the net and drown.

In the early 1960's nearly all the porpoises entrapped with the tuna in the net died and were simply discarded to the sharks. The annual mortality is estimated to have run to many hundreds of thousands. For the last few years, a technique called backing down is permitting some three-quarters of the porpoises to escape, but the number that perish uselessly is still between two and three hundred thousand annually.

Three papers on this problem, written in 1968, 1969 and 1970 by William F. Perrin, a fishery biologist, caused a minor stir, but it was not until the public Congressional hearings last July on the proposed International Moratorium of Ten Years on the Killing of All Species of Whales that the problem began to reach a sizable segment of the public domain.

Porpoises are small members of the whale tribe. Thus, a revision in the bill's wording which now calls for a ban on the intentional killing of whales means that the passage of the legislation would exempt the American tuna fishery on the basis that the killing of porpoises in connection with catching tuna is accidental.

Also, one of the most troublesome problems facing the authors of the legislation now before Congress to ban the killing of all marine mammals is how to deal with the tuna fishery. Two of Mr. Perrin's conclusions illuminate the gravity of the problem: (1) the number of porpoises killed currently may exceed their reproductive capacity. How will fishermen catch tuna "if and when the porpoise disappear?" (2) the structure of the catch (number of males, females, juveniles) resembles the catch of the Soviet porpoise fishery in the Black Sea in 1963 and 1964—just before it collapsed.

Although various solutions have been proposed: using gates for releasing porpoises from the net, or using a small-mesh net that can supposedly be dropped to greater effect, these proposals have yet to be satisfactorily tested. Much still remains to be learned about the behavior of porpoises and tuna. Furthermore, the tuna industry—which grosses hundreds of million of dollars annually—has responded sluggishly to Federal efforts to reduce or eliminate the porpoise mortality. Most of the tuna operators have answered requests for observers on their vessels grudgingly or by complete refusal.

One thing seems clear: efforts at research on, and regulation of, the tuna industry are moving very slowly. Aroused and informed public opinion and Congressional reaction will not permit the wanton slaughter of porpoises and dolphins in the future as in the past. If the tuna industry is interested in retaining a prime place in the American home, it will have to pursue with openness, due speed, and determination the resolution of a problem that will require genuine cooperation between fishermen and scientists. Solutions must be found in a matter of months, not years.

THE FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, in response to the problems of high unemployment and a narrowing industrial base, I introduced the Foreign Trade and Investment Act of 1972. Designed to impose comprehensive trade quotas and to plug a variety of tax and tariff loopholes, the bill has brought forth howls of anguish from a horde of transnational companies.

In the past quarter century, there has been an astounding growth of these transnational companies. Responding in part to tax incentives at home and tariff barriers abroad, there are now more than 8,000 foreign subsidiaries of American based firms. Some of the largest and best known American corporations actually earn more than 50 percent of their income abroad. Such names as Standard Oil of New Jersey, Uniroyal, Gillette, and IBM have more at stake in their foreign operations than in their original American base. Our direct investments overseas $78 billion—a staggering amount by any standard.

The impact of these transnational corporation is enormous. In the world currency crisis, that is not yet behind us, transnationals played a major role. Hedging against expected changes in the value of different currencies frequently made devaluations and revaluations mandatory. It was the case of massive currency flows engineered by a few firms overruling the desires of even large European states. In smaller countries, the activities of these transnationals often have an even broader scope. The recent escapades of International Telephone & Telegraph in Chile come immediately to mind.

What the transnationals do not realize is that they still live in a world of nation states. It is these states that are charged with protecting their citizens welfare. It is these states that must lead the fight for domestic full employment, stable currencies, and regulated international trade. The growing challenge to their sovereignty is bound to bring to a backlash—and that can mean tough restrictions and even nationalization.

Nor are these expressions of national interest limited to a few Latin American countries. Right next door in our good neighbor to the North there are growing complaints against the power of foreign—mostly American—controlled corporations. Last week in the New York Times a letter to the editor alluded to a proposal made by Eric Kierans, the former president of the Montreal Stock Exchange. Kierans urged that Canada:

> Through a program of currency devaluation and differentiated corporate tax rates, eliminate U.S. ownership over the next decade.

Because of its important implications for the security of billions of dollars of direct American investment, I ask unanimous consent that the letter be printed in the RECORD following my remarks.

By encouraging American corporations to concentrate on their domestic responsibilities, my bill may well save them from disastrous foreign losses in the not too distant future.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CANADIAN OPINION ON CAPITAL INFLOWS

TO THE EDITOR:

The U.S. Government is pressing the Canadian Government to agree to measures which would eliminate the Canadian trade surplus with the U.S. This ignores the fact that before 1968, Canada ran huge deficits with the U.S., averaging over $1 billion a year, and that it was obliged to expand its foreign indebtedness from $7 billion in 1945 to over $50 billion now, in order to finance those deficits.

It further ignores the fact that Canada is spending over $2 billion a year to service its external debts ($1.881 billion in 1970, an increase of $234 million over 1969) and must run current account surpluses to finance the payment of these servicing costs. Canada, therefore, must run sizable trade surpluses to finance the costs of run deficits, largely with the U.S., for almost a quarter of a century.

Canadian public opinion is decisively shifting on the subject of capital inflows, and the costs of foreign ownership. According to the Canadian Gallup organization, the percentage of Canadians opposing continued capital inflows from the U.S. has risen from 46 per cent in 1964 to 67 per cent now. It is not without significance that the percentage approving in 1964 was a scant 33 per cent, or far lower than those opposed.

In the advanced province of Ontario, the proportions are now 73 per cent opposed and only 18 per cent supporting, which is a ratio of almost four to one. This trend has not been a volatile movement, which might easily and dramatically abate again, but a steady and relentless upcreep.

Canada is in many ways an élitist society, and the élite of "mandarin" civil servants, university professors, bankers and big businessmen who pushed Trudeau into the position of Prime Minister is not distinguished for it deference to popular opinion, but the quiet, angry resolve forming among Canadians is likely to prevail even against these, so ordinarily impregnable, bastions.

Among the middle echelon executives in U.S.-owned corporations there is bitterness of unparalleled scope at the constant betrayals of Canadian national interest in such areas as manufactured exports, avoidable imports of U.S. machinery, components, services and the suppression of Canadian research. Among these knowledgeable people the concept is widespread and growing that foreign ownership should be displaced.

Eric Kierans, the former president of the Montreal Stock Exchange and former national Minister of Communications, an unexceptionably responsible leader, has urged that Canada, through a program of currency devaluation and differentiated corporate tax rates, eliminate U.S. ownership over the next decade. The New Democratic party, which forms the government in Manitoba and Saskatchewan and is the official opposition in British Columbia, has embraced a full program of economic repatriation, while progressive elements in the Progressive Conservative and Liberal parties favor the eradication of U.S. ownership.

The insistence of Treasury Secretary Connolly that the U.S. must run exports surpluses at the expense of Canada, which Canada will then be compelled to pay for through increasing its nonresident indebtedness, is greatly strengthening the hand of those opposed to the perpetuation of the status quo. As the costs of foreign ownership and the repeated payment deficits which made it necessary are increasingly brought home to Canadians, they are turning against foreign control and demanding a program of national economic emancipation.

Edward Carrigan,
Research and Policy Development Committee, Committee for an Independent Canada, Toronto, March 18, 1972.

THE BOMBING IN NORTH VIETNAM

Mr. CASE. Mr. President, the bombing points up the essential importance of ending American involvement in Southeast Asia. We must renew our effort to get Congress to fix a firm date for the final termination of all U.S. military involvement, subject only to the release of American prisoners of war. So long as we are involved, the bombing will continue.

TAX PENALTY AGAINST MARRIAGE

Mr. PROXMIRE. Mr. President, since the passage of the 1969 Tax Act and the 1971 Revenue Act, working married couples have found themselves in a difficult tax position. For example, a married couple each making $10,000 would have to pay $300 more in taxes than an unmarried couple making the same income. Some believe this may even promote divorce or common law marriages in order to avoid the tax increase.

An economist at the University of Wisconsin in Milwaukee, Kenneth J. White, has done considerable research on this subject, I ask unanimous consent that an excellent article published in the Madison, Wis., Capital Times of Monday, February 7, 1972, which is both clear and self-explanatory about this situation, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

UW Economists Sees Tax Bias Penalizing Marriage

(By Charlotte Robinson)

The federal government has unwittingly created a situation that might conceivably encourage working married couples to get a divorce and encourage unmarried couples living together to steer clear of matrimony.

The encouragement comes in the Federal Income Tax Code which requires a working married couple to pay a substantially higher personal income tax than if they were living together unmarried and filed as single taxpayers.

The so called "marriage penalty" is the result of the 1969 Tax Reform Act and the Revenue Act of 1971 which were designed to reduce the tax burden on single individuals.

University of Wisconsin economist Kenneth J. White, who has done extensive research on the subject and prepared a series of charts showing the level of tax differential, notes that the penalty reaches several thousand dollars in the upper income tax brackets.

White points out that the tax differential, which can run as high as $4,000, is due to the income splitting provision which is available to married couples filing joint returns and the nature of the tax schedules and standard deduction which tends to favor single persons.

"Each year since 1969 the tax laws have been changed to increase the tax penalty on marriage," White said.

According to White, the marriage penalty appears in practically all instances where both individuals have adjusted gross incomes exceeding, $2,000 and are taking the standard deductions.

For example, a couple making a combined $28,000 would have to pay nearly $1000 more in taxes for the privilege of being married.

A couple who both make $10,000 would have to pay over $300 more in taxes than two unmarried individuals.

A couple with the wife making $6,000 and the husband making $10,000 would pay $150 more in taxes if they were married.

A couple both making $8,000 would pay $200 for their marital bliss.

A couple with the wife making $4,000 and the husband making $8,000 would pay $100 more.

A couple with the wife making $12,000 and the husband making $14 or $15,000 would forfeit $500 if they stayed married.

A couple both making $12,000 would pay $250 more.

It is only when one married partner is making less than $2,000 that being married will not create a tax penalty. Then there is no advantage, married or unmarried.

The married state becomes an advantage when the wife is making more than $3,000 and the husband is making less than $2,000. Then, the family would pay $100 less than an unmarried couple.

The problem was recently brought to the attention of Congress by Rep. Martha Griffiths (D-Mich.) who produced a letter from a Detroit man who claimed he was getting a divorce to save $200 in taxes.

Rep. Griffiths demanded a change in the tax law and she may get some results. Sources have reported that staff tax experts are working on the proposal to adjust the situation.

OLD WYE MILL

Mr. MATHIAS. Mr. President, it is often valuable to take a trip into our own past, and we are fortunate in having so many reminders of America's past close at hand.

One such is the Old Wye Mill on Maryland's Eastern Shore. This mill, more than 300 years old, was restored in the 1950's and operated intermittently until last summer when it resumed regular operation under a program involving students at nearby Chesapeake College.

Among the early millers who owned the Old Wye Mill was Col. William Hemsley, who ground wheat there for George Washington's army. Colonel Hemsley later served in the Continental Congress, and one of his direct descendants, William S. Hemsley Jr., is currently a member of the staff of the Senate Judiciary Committee Subcommittee on Separation of Powers.

The mill now produces unbleached, stone-ground flour in cornmeal, wholewheat, rye, and buckwheat, as well as white flour. Under the Chesapeake College program, the mill is operating again and is open to the public as a working museum piece of early American agricultural industry.

The Wye Mill was recently featured in an article in the travel section of the Washington Post. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Wye Mill: Trip to the 17th Century

(By Barbara Guinn)

As the interest in natural food grows, men as well as women are bragging, "I baked it myself from scratch!"

My husband is a typical example. He shows off a crusty, brown round of sourdough saying, "San Francisco never produced better," or as a guest samples a thick slice of warm wholewheat, "If you think that's good, wait until you try my four-way loaf with rye. white, wholewheat and cornmeal."

I've tried them all and I am solid proof the homemade bread is irresistible. Once the ardent breadmaker has mastered the mysteries of yeast or a crock of sourdough starter, the next step is to locate unbleached and unadulterated stone-ground flour and meal.

One source, which involves crossing the Chesapeake and offers as a bonus a visit to a 17th-century village, is the Old Wye Mill, which has been operating at the same site on the Eastern Shore of Maryland since 1664. Owned by eight millers, including Col. William Hemsley, who ground wheat for Washington's army in April 1779, the mill is now the property of the Society for the Preservation of Maryland Antiquities.

After a four-year restoration and rehabilitation in the 1950's, Old Wye Mill was operated intermittently until last summer when John O. Bronson, Jr., librarian at nearby Chesapeake College, made arrangements with the society, the college and the government for students to run the mill under a federal work-study grant. Profits from the sale of flour and meal go to the Chesapeake College student financial fund.

Jeff Sarvey, 20, a history major, and David Mielke, 19, became apprentices under A. V. Lovelace, who was the head miller. After a brief period, Lovelace could not continue, but the students met the challenge. With the help of books and old-timers with milling experience, they learned to master the machinery that's powered by a giant water wheel.

When Sarvey and Meilke first opened the mill last summer, they were only grinding yellow corn. As they've become more experienced and word of Old Wye's operating has spread, they've expanded to meet the demand of customers who also want white cornmeal, unbleached white flour, wholewheat, rye and buckwheat. They have an 1889 grits machine, which they expect to start operating this summer. All of the grains are locally grown and the corn is removed from the cob in a hand-turned 1910 corn sheller.

In addition to his work at the mill and studies at Chesapeake College, Sarvey is doing historical research for the Wye Institute (dedicated to educating young people about rural opportunities. The institute was founded by Arthur Amory Houghton Jr., major financier for the restoration of the mill and the Old Wye church. Houghton, who is president of Steuben Glass, owns the plantation, which was the historic home of Maryland's Gov. William Paca—a signer of the Declaration of Independence.

Although only the tiny office is heated by a pot-bellied stove, the mill is open for tours and on an unscheduled basis on Saturdays and Sundays throughout the year. Arrangements can be made by contacting John O. Bronson, Jr., Old Wye Mill Society, Inc., Hopkins Hall, Chesapeake College, Wye Mills, Md. 21679. Beginning the last weekend in April, however, it will be open from 9 a.m. to 5 p.m six days a week, and from noon to 5 p.m. on Sundays. There is no admission charge.

This is a pleasant one-hour, 15-minute drive from the Washington Beltway, with a $1 toll (car, driver and all passengers) each way on the Bay Bridge

DIRECTIONS

Take Exit 31 from the Washington Beltway and follow Rt. 50 (John Hanson Highway) east past Annapolis, over the Chesapeake Bay Bridge. Approximately 11 miles past the bridge, routes 301 and 50 divide. Stay on Rt. 50 to the right for approximately six more miles and then turn off to the right on Rt. 213, which is marked for Wye Mills. The oak and church are reached by continuing down the same road past the mill. This is interesting rural country—you will find it rewarding to explore some of the backroads with your car. Watch for the V-shaped flights of honking wild geese as they start their long flights back to summer quarters in Canada.

MISS SUSAN RAY, PERRY, GA., ADMITTED TO MEMBERSHIP IN NATIONAL LEAGUE OF AMERICAN PEN WOMEN, INC.

Mr. TALMADGE. Mr. President, I was very much pleased to learn that a young lady from Perry, Ga., Miss Susan Ray, has been admitted to membership in the National League of American Pen Women, Inc., an organization dedicated to arts, letters, and music.

Miss Ray, the daughter of Mr. and Mrs. Richard B. Ray, of Perry, Ga., and the niece of Miss Thelma Williams, former secretary to the late Dr. Frederick Brown Harris, Chaplain of the U.S. Senate, was accorded this high honor at the league's diamond jubilee convention meeting in Washington this week. Eighteen years of age, Miss Ray is one of the youngest women ever elected to membership in this outstanding organization of artists. She writes for the Houston County Home Journal, at Perry, a weekly column entitled "So What's New," that was particularly singled out for its excellent reflection of the younger generation.

Miss Ray will graduate from high school in May and plans to attend Wesleyan College in Macon. I personally congratulate her on this award and wish her every future success in her studies.

WYOMING'S MOUNTAIN MEN

Mr. HANSEN. Mr. President the National Geographic's School Bulletin for March 6 contains a delightful story by Ralph Gray about Wyoming's mountain men.

Each year, residents of southwestern Wyoming don the dress of the 1830's to reenact life in wonderful Wyoming in those days.

When Wyoming was but a territory, and the fur traders bargained for beaver pelts trapped along the Green River, mountain men like Jim Bridger, William Sublette, Kit Carson, Jedediah Smith, and Joe Meek explored the magnificent country and made their indelible mark on the history of the West.

As Mr. Gray says, Wyoming had men to match her mountains, and the story of their contributions and their colorful lives is skillfully retold each year by Wyoming citizens who reenact the Green River rendezvous.

Mr. President, I ask unanimous consent that Ralph Gray's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUR TRAPPERS RIDE AGAIN TO GREEN RIVER RENDEZVOUS

(By Ralph Gray)

With a hoorah and a yahoo, the "mountain men" swoop down to rendezvous. It is their one time of the whole year to howl—to swap yarns with fellow trappers, powwow with Indian friends, and haggle with traders from St. Louis over the price of beaver pelts.

Once a year mountain men like John Hoback (above) come to the rendezvous to trade, to talk, to raise cain—making up in one brief outburst for the year-long loneliness of the trapping trail.

The time: the 1830's.

The place: the upper Green River country of Wyoming.

Last summer, as though I had stepped back in time 140 years, I saw the rendezvous come to vivid, roistering life, resurrected from the dust of history by the citizens of Sublette County.

I was there for the once-a-year pageant staged by ranchers, cowhands, and townspeople of one of the least populated areas in the United States. With the snow-capped peaks of the Continental Divide as a backdrop, these modern-day mountain men gave the spectators a show long to remember.

Almost within view of the Pinedale, Wyoming arena lay half a dozen actual rendezvous sites. Each year fur companies would select the location for next year's get-together. The beaver-rich tributaries of the Green River headwaters provided a favorite region for these movable supermarkets of the moutains which were held from 1824 to 1840.

The spot was different each year, but the scene and often the characters were the same.

Watch as they gallop out of history, the kings of the mountain men—Jim Bridger, William Sublette, Kit Carson, Jedediah Smith, Joe Meek, Joe Walker—a reckless, restless breed. They live by their wits in the wilderness and are a cornerstone of North America's first continental industry, fur-trapping. Harvesting beaver as they move, they push to the source of every creek in the West, cross every height-of-land, and trap their way downstream on the other side.

Maps scratched in the dirt beside their campfires speak the geography of the West long before "Pathfinder" John C. Frémont appears, long before the first wagon trains roll westward to Oregon and California.

Here they come. Jim Bridger, later to be a wagon-train guide, is the curly old he-wolf of the mountain men. His rifle "Honey Gal" can knock down a buffalo farther than most folks can see. Jim knows all the tribes and how to get along with them. Many tall tales of the West originate with him. He tells about the huge "Echoing Canyon" where, when he beds down for the night, he yells, "Jim, git outen them blankets." Exactly seven hours and 10 minutes later the echo comes back to wake him up.

Bill Sublette, "Old Cut Face," is, like Bridger, a product of the Kentucky and Missouri frontiers. He is from a wealthy family, but he broke loose, pawned a few possessions, and struck west with Ashley in 1823. He will help buy Ashley out and make a neat pile in the fur trade.

Kit Carson, a little crittur, doesn't weigh much over 110 pounds soaking wet, but he's equal to 10 catamounts and half a dozen grizzlies. When 15, he ran away from a saddler in St. Louis, lit up the Missouri River with a trapping outfit, and never looked back. Later to be John C. Frémont's guide, Kit has an incredible memory for geography and can backtrail himself in the dark of a bad storm so easily that the others take off their battered hats to him.

Jed Smith is a strong Methodist and can quote the gospels as well as he can trap beaver or get downwind of a Sioux. Jed is restless, and he's covered more country from the Missouri to the Golden Gate than any other man of his time or for some time to come. He's 28 years old, but they still call him "Old Jed Smith."

Joe Meek is the merriest mountain man. Life is one grand rendezvous to him. He says, "I've got a powerful lot of friends and I sure like to be with 'em. But if thar ain't none handy, why old Maw Nature herself is a mighty swell gal to travel with."

Joe Walker learned his mountain craft from Tennessee woodsmen, but once he had hard luck and wandered half-starved into a Hudson's Bay Company post on the Columbia River. He was well treated, but the man in charge would not sell, lend, or give him a dime's worth of equipment when it came time to leave. "Why you doggoned Britisher," Joe fumed, "I got a rich uncle whose name is Sam, and some day he'll throw your whole outfit out the window."

These indeed are men to match the mountains. Add to them the hard-bitten traders, the friendly Shoshonis, the missionaries passing through, and you have the incredibly colorful mix of the Green River Rendezvous.

As I watched the action unfold I felt almost like that first dude to come west, the Scottish nobleman Sir William Drummond Stewart, who attended the Rendezvous of 1837. While he depended on his expedition artist, Alfred Jacob Miller, to document his trip, I relied on my cameras to bring scenes of the pre-settlement West to *School Bulletin* readers.

THE RICHARD B. RUSSELL FOUNDATION

Mr. TALMADGE. Mr. President, Georgians have formed a Richard B. Russell Foundation in honor of the late Senator Dick Russell, our departed friend and colleague who served with distinction and leadership in the Senate for 38 years.

The purpose of the foundation is to raise funds to establish a Richard B. Russell Memorial Library on the campus of the University of Georgia at Athens to preserve the personal and official papers of the late Senator. Never before in history has a Senator who was in the highest councils of Government for so long a period saved his papers and made them available for students of history. It is a rare and unique collection which will bring scholars to our State for study as long as contemporary history is being written.

Our goal is $2,075,000, and the campaign was started by an anonymous $500,000 grant from a local foundation which we are on the verge of matching. Dick Russell was Georgia's own, and the memorial library will be a Georgia project. Campaign organizations are active across the entire State of Georgia in an effort to give every Georgian, at every level of life, an opportunity to participate in this extremely worthwhile project.

On a recent trip to Atlanta to address a student body assembly at Georgia State University, I was presented $500 for the Russell Memorial Library from the Alpha Phi Sorority there. I was very impressed by the energy and hard work of these young ladies in giving of their time to assist us in our project, as well as by their enthusiasm about the great historical legacy Senator Russell left to our State.

The sorority fundraising project was organized by a committee headed by Miss Paula Johnson, and it was conducted in connection with Alpha Phi's centennial year. Each chapter of Alphi Phi in the country was asked to do something worthwhile as part of the centennial observation, and the Georgia State University chapter chose the Russell Library because of the value of the Russell papers to history and education.

As chairman of the Russell Foundation, I am deeply grateful for their contribution, and I commend these young ladies for their interest.

MAKING EVERYDAY ENGLISH THE OFFICIAL LANGUAGE OF THE INTERNAL REVENUE SERVICE

Mr. MATHIAS. Mr. President, millions of Americans are emerging today, haggard and worn, from the labryinth of form 1040 and its related forms, schedules, declarations, and instructions.

Although the Internal Revenue Service—contrary to popular belief—does not deliberately make its forms obscure and its instructions baffling, I believe that substantial improvements are badly needed.

A year ago, I introduced a bill to authorize the establishment of a 15-member Advisory Commission on Federal Tax Forms, composed of taxpayers. This Commission would assist the Commissioner of the Internal Revenue Service in making Federal tax forms and materials easier for the average American taxpayer to understand and use. The bill would prohibit the Internal Revenue Service from distributing or requiring taxpayers to complete any individual or joint income tax forms which have not been approved by a majority of the Advisory Commission. The bill would subject all future income tax material—forms, schedules, returns, declarations, manuals, instructions, and tables—to the scrutiny and editing of a panel of average taxpayers before the materials are printed by the millions and released to the general public.

The Advisory Commission on Federal Tax Forms created by my bill would be appointed by the President. Each of the Commission's 15 members would be an American taxpayer who had filed returns for at least 5 years. The bill requires that the Commission as a whole shall be broadly representative of the great majority of American taxpayers, and shall include members representative of all major geographic regions of the United States, all major taxpaying economic brackets, all major taxpaying age groups, and all major occupational groups.

To insure that a majority of the Commission will be laymen in the tax jungle, the bill requires that no member shall be a Federal employee and that no more than two members may be attorneys at law or certified public accountants.

Congress has passed and the President has signed a bill I introduced last year as a companion measure to this one, which makes it unlawful for income tax preparation services to sell tax information. This was a major step, although it appears that we may have to take others, which benefits those taxpayers who have tax services prepare their tax forms. Now we must help the millions of others who, like me, try to fathom the forms, schedules, and regulations to do their own returns.

I do hope we will be able to act on this bill this year.

Mr. President, I ask unanimous consent to have printed in the Record an article on this subject published in the Washington Post Sunday, April 16, which dramatizes the particular dilemma of the elderly in facing income tax time.

There bieng no objection, the article was ordered to be printed in the Record, as follows:

Income Tax Hits Elderly Hard—Forms Seen Complicated; Exemptions Inadequate

(By Oscar Kiessling)

Many government and private agencies are showing concern with the serious problems facing the swelling ranks of the over-65 age group but little attention is being given to a field of vital importance—taxation.

While the government has allowed exemptions for the 21 million elderly persons in that group—now nearly 10 per cent of our total population—that relief has been too little and much too late because the government still collects nearly 10 per cent of all personal income taxes—about $7.5 billion—from them.

At the same time, the tax forms have been getting more complicated for the elderly, requiring, for example, computation of the retired income tax credit. The Internal Revenue Service offer to compute the tax for those using the standard deduction does not help most of the elderly because 62 per cent of them itemize their deductions for obvious reasons. They have extraordinary medical, dental and personal care expenses and many owning homes have heavy property taxes. They would be unable to make ends meet if they took the standard deduction.

The tax return season at our house, I believe, is becoming more and more typical. My wife and I still are working and have kept in training, so to speak, although five junior Kiesslings in the tax-age bracket contribute somewhat to the strain. But Aunt Marge and Uncle Will, both over 70, add a new dimension. Aunt Marge's vision is clouded by diabetes and Uncle Will's arthritic hands no longer can hold a pencil. Like millions of nearest relatives all over the nation, we gather the necessary information and fill out their returns, too.

The U.S. Treasury reports receiving 7.2 million returns from persons over 65 but more than 4 million of them were joint returns so that they cover about 11.2 million individuals, approximately 54 per cent of the entire over-65 clientele. How many are in better or worse health than Aunt Margie and Uncle Will is uncertain, of course, but more than one-third of the over-65 age group are past 75 and 750,000 of them are in nursing homes. Old people also occupy a disproportionately large share of the 1,600,000 beds in regular hospitals.

But the filing problem is relatively minor compared to the effect of inflation. Pensions, interest and dividends constitute about 55 per cent of the income of the elderly compared, with only 10 per cent for the total population. Their pensions were earned and savings accumulated well before inflation had gathered its modern momentum and long before automatic cost-of-living increases were heard of.

A person who retired in 1960 with some nest-egg savings had a loss of 24 per cent in the purchasing power of such savings by 1970. Recent acceleration of inflation assures that more rapid erosion is already in the cards. With the average life expectancy of all persons at 65 being 14.6 years (12.8 years for men, 16.3 years for women), retirees can expect a loss of 50 per cent or more in the purchasing power of their savings over the next 15 years.

Aunt Marge and Uncle Will are more fortunate than many. Although they are largely confined, they have enough income from pensions and savings to get along. And since their expenses for medical and various other services are relatively high in most years, they have little or no taxable income. Nevertheless, tax regulations require them to fill out the forms with all the items listed. The Treasury reports that one-third of the returns from the over 65 age group are non-taxable, approximately 2.4 million returns reporting no-owe.

For all the returns filed in the elderly age group, the average adjusted gross income per person (1969 figures are the latest available) was $4,476 and the average taxable income was only $2,637. Moreover, 60 per cent of the returns showed adjusted gross incomes of less $5,000 and only 16 per cent showed incomes of $15,000 or more.

Some very rich people are included in the over-65 group but they do not figure significantly in the total returns, doubtless due to earlier arrangements made by clever tax advisors and attorneys. Reporting of oldsters in the $100,000-and-up bracket was a mere 0.3 per cent of the total.

Why isn't it time to provide a simplified, more operable one-page tax form for the over-65 age group and one with more liberal exemptions, say, a flat $10,000 per person with a flat 5 per cent tax above that amount with no deductions?

BILLINGS GAZETTE SIGHTS NAVY TARGET

Mr. PROXMIRE. Mr. President, the Billings, Mont., Gazette of April 11 editorialized about the Navy's orders "to spend $400 million more than was anticipated or else."

The editorial continues:

The "or else" provision is that unless the Navy can get rid of the $400 million extra before the end of the fiscal year the Congress will not think that much more money is needed next year.

Noting that the revelation was made in hearings before the Joint Economic Committee, which were spread on the Record of March 30, the Gazette editorial concluded:

> We do not advise reading it. You will get sick.

That is exactly right. One has to see the order in cold print to get a sickening feeling of spending money just to get more. That is waste that hurts.

Mr. President, I ask unanimous consent that editorials from the Billings Gazette be reprinted in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Billings Gazette, Apr. 7, 1972]

Wrong Subject

The U.S. Chamber of Commerce has rushed us another one of its Washington Report bulletins which has the headline "Chamber urges new steps to curb big spending."

Of course it can be safely assumed the C of C is referring to—

A $543.3 million contract the Army has given Raytheon for engineering development of the SAM–D.

The $40 million Navy correction to Grumman Corp. for a flub on the F–14.

The $48.9 million for 166 M60 tanks.

The $102.5 million for refitting 316 others for missiles.

And the $6 million President Nixon has requested for the Overseas Private Investors Corp. to guarantee U.S. business investments in Yugoslavia.

The list could go on, but it hurts too much.

[From the Billings Gazette, Apr. 11, 1972]

Navy Target—Spend!

Our U.S. Navy has its guns trained on a major target of great strategic importance this year. It has to spend $400 million more than was anticipated or else.

The "or else" provision is that unless the Navy can get rid of the $400 million extra before the end of the fiscal year the Congress won't think that much more money is needed next year.

This isn't a pipe dream, a fantasy stemming from some radlib or peace flag waver. That's the gist of an official memorandum that Admiral Zumwalt, chief of naval operations, sent to Admiral I. C. Kidd, chief, naval material command.

The memo came to glaring official light when Sen. William Proxmile of Wisconsin conducted a hearing of the Joint Economic Committee.

Zumwalt's official wording was "difficulty of achieving these targets during the remaining months of fiscal year 1972 fully appreciated but importance of avoiding shortfall in meeting newly established fiscal year 1972 targets to avoid resultant adverse effects on anticipated fiscal year 1973 outlay ceilings dictated need for top management attention."

Proxmire's summation was more to the point, "In other words, we have to spend up to the hilt this year so we can have more funds to spend next year."

The hearing covers 11 pages of the March 30 Congressional Record.

It constitutes a strong indictment on "How Defense Department Beats the Taxpayers."

We don't advise reading it. You'll get sick.

MODEL CITIES PROGRAM

Mr. BROCK. Mr. President, I ask unanimous consent an article entitled "Model Cities: Millions Spent but Little to Show for It," published in the Los Angeles Times of Sunday, April 9, 1972, be printed in the Record at the conclusion of my remarks. The article portrays in the most vivid terms the strengths and weaknesses of the model cities program.

Designed as the Nation's most creative answer to urban living, and currently funding community development programs of physical as well as cultural renewal, this program continues to hold out much hope for the future.

In its strengths I have found the common denominator of much of all legislation today, the strengthening of local community determination of priorities. In its weakness I have found the weaknesses of much of the legislation which Congress continues to pass today—the confusion that results from rewarding the most vocal agents in a community rather than the most responsible.

I hope that Senators and Secretary Romney will give the article their most serious attention.

There being no objection, the article was ordered to be printed in the Record, as follows:

Model Cities: Millions Spent But Little To Show for It

(By Ray Hebert)

Los Angeles has been funneling millions of dollars into Model Cities projects but the city has little to show for it after wrestling with the federally sponsored program for nearly a year.

Starting sooner but working with less money, Los Angeles County and Compton—the metropolitan area's other two jurisdictions with Model Cities community upgrading programs—have made slightly better showings.

But the programs' overall impact, so far, has been almost negligible among the more than 425,000 persons living in the metropolitan region's five model neighborhoods.

The three programs—the city's, the county's and Compton's—have touched the lives of a few people.

More than 200 persons, for example, have received help at a one-stop immigration service in Los Angeles' Lincoln Heights area and 400 or so have been given free advice at a legal services center.

Model Cities money also has provided some new facilities, such as a neighborhood youth center, a detoxification center and a drug rehabilitation unit.

The money has been used to clean up alleys and vacant lots. The county has program-funded street sweeping units operating and Los Angeles expects one any day.

Even so, some officials close to the programs believe they will have no lasting effect, even though millions of dollars more will be pumped into them before they are phased out in four to six years.

If they last the full five years of their projected lifetimes, the metropolitan area's three Model Cities programs will pour nearly $180 million—probably more—into the deteriorating neighborhoods. All of it is federal money which Congress has promised to earmark for a concentrated attack, as Model Cities administrators put it, on the neighborhood's social, economic and physical problems.

Generally, the money is being used along with some state, county and local public funds, as well as private resources.

In Los Angeles alone, more than $125 million in federal Model Cities money will go into the city's two model neighborhoods—the Greater Watts area and communities in the east-northeast section of the city—over the five-year period.

The Greater Watts area has a population of nearby 120,000. The eastnortheast section, including Lincoln Heights, Boyle Heights, El Sereno and other neighborhoods, has a population of more than 140,000.

"The tragedy is that very few people will know (after five years) what these programs were all about," says Los Angeles City Councilman Thomas Bradley.

His City Council committee has the job of monitoring each project developed as part of the city's $26.3 million-a-year Model Cities spending program.

Bradley's pessimism is echoed by some other city officials, as well as by a number of outside observers. "Give it another year, maybe two," said a former program employe. "Then Los Angeles will have to shut down the program."

COUNTY VIEW ROSIER

County officials take a rosier view of what their programs are doing in the unincorporated Florence-Firestone and Willowbrook neighborhoods.

Together they have a population of nearly 90,000. The county's yearly Model Cities grant is $8.1 million.

"Everyone is benefiting," a county official insists. "Everyone!"

That appraisal, however, is tempered by the fact that the programs are shielded within the county's massive bureaucratic system.

They do not receive the same close day-to-day scrutiny given Los Angeles' Model Cities program.

Compton, on the other hand, has the advantage of operating in the shadow of the Los Angeles and county programs. Its Model Cities projects are funded at $1.3 million a year.

In approving grants for the city of Los Angeles, the county and Compton, federal officials said the three government agencies were to coordinate their programs.

But queries to each agency showed that none knew what the others were doing. Nor did they seem to care.

Even so, the three programs are in a competition to see how fruitfully they can spend the money Congress is handing out.

It has not been easy.

Even Los Angeles Dep. Mayor Joe Quinn, head of the Los Angeles Model Cities board, is unhappy with some phases of the city's program. He put it this way:

"It's not going as well as I hoped. I had hoped we would try more innovative projects. We have the brains and ideas here. . . ."

Nationally, there are 144 other cities and counties—from New York City to Seattle—with Model Cities programs. Almost all, according to U.S. Department of Housing and Urban Development officials, are having some problems.

The federal program has built-in failings. Despite the size of some grants, the program is underfunded.

New York City has the nation's largest Model Cities program. The city gets a block grant of $65 million a year. Yet Mayor John V. Lindsay has said it would take more than $50 billion to correct New York City's ills.

Based on dollar value, Los Angeles has the nation's third largest program. It was slow getting started and just did get in under the wire when HUD selected the final group of cities to take part in the program.

Bungling, ill-conceived applications for Model Cities funds as well as a lack of rapport between Mayor Sam Yorty's administration and Washington were blamed for the poor start.

YEAR OF PLANNING

Los Angeles, just as other cities did, spent a year planning how it was going to spend its Model Cities money. Last May it started its first "action year" to implement those plans.

Some cities are now in their third "action year" and most are well into their second.

Los Angeles has had problems common to many of those cities, ranging from dissatisfied community participants (community participation is a basic part of the Model Cities program) to administrative wrangles.

It has been troubled by charges of conflict of interest, complaints that the money is not being spent in the right way and allegations that some Model Cities officials were using dictatorial tactics.

The cumbersome Model Cities machinery is responsible for some problems. The program is new and federal guidelines are more a matter of interpretation—and guesswork—than hard and fast.

With $26.3 million flowing in annually, the Los Angeles Model Sities agency is committed to a $500,000-a-week spending program.

It has been unable to keep up the pace. Getting citizen approval for individual projects, contracting with public and private agencies to run them and going through the city's review process have often brought the program to a near halt.

As a result, the city has received a two-month extension of its first "action year," lengthening it to 14 months. HUD is now insisting on another extension to 17 months.

Los Angeles County and Compton also were given more time for their first-year programs.

HUD officials pointed out that such delays are not unusual. For example, Cleveland, notorious for its inability to handle federal programs, spent two years getting through its first Model Cities year.

The Los Angeles City program involves 68 separate social, economic and cultural improvement projects. In theory, but not always in practice, they were selected by citizen groups on the basis of community need.

WIDE RANGE

They range from a neighborhood beautification project and drug information center in the Greater Watts area to a multipurpose service center and youth training and employment project in the east-northeast area.

They are administered, through contracts with the Model Cities agency, by city departments or other public agencies or by community or neighborhood organizations.

The city's Department of Recreation and Parks and Board of Public Works, for example, served as contracting agencies for an east-northeast portable pool program last summer. The same type program was provided in the Greater Watts area.

"You can spend thousands of dollars on programs like this and they're forgotten the next day," a city official complained.

After 11 months, only 45 of the city's 68 planned projects actually have been implemented. This means they are operating, although in many cases visible results may not show for months.

For example, one of the major projects in the east-northeast neighborhood is the Lincoln Park Latin-American Cultural Center. It involves restoration of the old Lincoln Park boathouse and construction of other facilities.

The Los Angeles Model Cities agency earmarked $147,000 as part of the project's cost last June, yet ground was broken only a few days ago.

BIG HEADACHE

One of the agency's big headaches has been its inability to get planned housing and economic development corporations—one for each of the two model neighborhoods—started.

They are among the Los Angeles program's most ambitious—and most expensive—projects. Many people feel they could have a significant impact on the neighborhoods.

Yet, after 11 months, because of community wranging, inexperience of the Model Cities staff and other problems, the four corporations only now are ready to function. A few days ago they cleared the city's approval-review mill.

Financed up to $1.2 million for the first "action year," they will provide some new housing and aid to established and new business.

For example, in the Greater Watts area, where new housing was given top priority, one neighborhood set a goal of significantly reducing the area's 10,000 substandard dwelling units.

The housing corporation was to be the catalyst. So far nothing has been done. Some citizen groups have complained about the lack of action, as well as a cutback in the corporation's planned financing from $1.1 million to less than $378,000.

But by now such complaints have become at most routine for the city Demonstration Agency, the department created to administer the model Cities program.

Circumstances have made it a bureaucratic pressure cooker. On one hand, it has the 15-member CDA board, with Quinn as chairman, and the City Council to satisfy. HUD is also watching.

EXPERIENCED HELP

Administration is nerve-wracking. Federal guidelines say employes hired at salaries up to $1,000 a month much come from the model neighborhoods. But experienced help is hard to find.

The Model Cities staff has grown from 60 a year ago to 160 now and the payroll—$2.8 million a year—is about 12% of the HUD grant. However, this is not considered excessive.

Many staff members have quit—discouraged, frustrated or unable to do the work.

Laurence Whitehead, 39, the CDA administrator, often has shared their frustration. Not long ago he urged an executive session of the CDA board to consider whether he should continue running the program.

In addition to all its other problems, the agency was in a turmoil for many weeks over where to locate an administrative center for the Greater Watts area.

OLD JAIL

Administration of the east-northeast area was already centered in the old Lincoln Heights jail.

The Greater Watts center became an angry issue.

A site at 108th St. and Central Ave. finally was chosen. But it seemed incongruous to some observers that $293,000—all but $15,000 of it federal funds—should be used to buy land and put a portable office on it for a program that would last only four more years.

Other facets of the agency's spending program have caused concern.

Last November the City Council called for a quarterly report on its financial operations.

Whitehead's first report, issued in December, showed that nearly one-third of the money spent up to that time was for administration.

This was due, he explained, to the time lag—three months or longer—in getting projects started.

Later, at a March review session with HUD officials, he reported expenditures of $8.3 million for the program's first 10 months.

By June 30, the end of the extended "action year," all but $692,000 of the original $26.3 million grant would be spent or committed, his report promised.

This would be accomplished by channeling $7.6 million to not-yet-financed projects and reprogramming others.

But the report also showed that Los Angeles would fall far short of spending all its $26.3 million the first year.

More than $8 million is eligible for "carry-over," as the balance sheet put it, into the second "action year."

Too many appearances in the spotlight have given Whitehead the look of a harried administrator.

GIVES IMPRESSION

His county counterpart, Adam Burton, is just the opposite. He gives the impression of a model executive, the relaxed administrator running an efficient operation.

A former aide of Supervisor Kenneth Hahn, Burton has only Hahn and HUD officials to worry about.

Hahn is involved because the county's two model neighborhoods, both spotted with blight, are in his district.

Burton's agency has managed to mount some projects that are having a visible—but perhaps only temporary—effect in the county's Florence-Firestone and Willowbrook communities.

The two areas are predominantly black and abut, on the north and south, the city's Greater Watts model neighborhood.

It took Burton's staff 14 months to get through the first year. The emphasis for its programs is on strengthening services already provided by county departments rather than developing new projects.

This year, for example, 75% of the county agency's projects—52 holdovers and seven new ones—will be administered by county departments.

Most of the projects are aimed at improving the physical environment of the two depressed neighborhoods or bettering educational, health and other social facilities.

During the first year, for example, the agency provided $175,000 to the weed abatement section of the County Department of the Forester and Fire Warden to clean up 1,000 vacant lots.

In addition to street and alley maintenance and other "high visibility" projects, the agency helped intensify the county's animal control services, impounding more than 5,000 stray animals and picking up 2,600 carcasses.

Despite the county agency's newspaper and magazine, which are part of the program's $338,440 annual Citizens Participation Corp. to keep model neighborhood residents informed, there is a sad lack of community knowledge about the programs.

Most persons, a sidewalk sampling showed, either have never heard about the projects or if they have, they identify them with urban renewal programs.

Compton's program, also in its second year, is unique because it has been expanded from the original model neighborhood on the city's northside to include the entire city.

The original area has a population of 10,000. It was broadened because city officials felt the projects were too restrictive and should serve all of Compton's 78,000 residents. Seventy-five per cent are black.

Compton city officials consider their program, with such projects as park improvements and Operation Clean Sweep, an alley-vacant lot cleaning effort, one of the best in the nation.

Among its 13 operational projects, the city, in cooperation with Compton Community College, has a manpower resources program which has trained and counseled nearly 380 persons for jobs.

Compton's Model Cities officials are trying now to get more money since the program has been reshaped to serve almost as many people as there are in the county's two model neighborhoods.

Even so, Compton's appraisal of its own program may be over-optimistic. Twenty cities were selected among the nation's 147 with Model Cities programs to try different variations of block grant funding.

Most are being given an opportunity to

use increased federal help on a citywide scale. Compton was not selected as one of those "planned variation" cities.

In the meantime, the proximity of the Compton, Willowbrook, the Greater Watts area and the Florence-Firestone neighborhood to one another has posed peculiar problems for HUD's Model Cities overseers.

The four neighborhoods run together, forming a giant community with many common problems. Yet there is the lack of coordination.

One attitude was summed up by a Los Angeles Model Cities official who, tallying the $131.5 million the city will get over a five-year period, said:

"Hell! The money's going somewhere. We've got our's. Why share it?"

Model Cities—Test in Slum Rebuilding

The Model Cities program is a test for city and county governments, as well as federal agencies, in slum rebuilding.

It was conceived during President Johnson's Administration as a new way, using the total attack approach, to upgrade depressed neighborhoods and improve the lives of people living in them.

Congress passed an act in 1966 in an attempt to coordinate and speed up the flow of federal help through block grants—massive doses of financial aid for many different uses—to deteriorating inner cities.

Coordinating help for new slum area housing, transportation, education, welfare and other neighborhood problems was difficult at the federal level.

The idea was to give cities a free hand—as well as more responsibility—in making the best use of federal programs and funds.

With slums as the target areas, federal incentives were to be used in conjunction with some state, local and private resources.

The concept was lofty. The vision, as one observer put it, was to transform the face of the nation.

At first it was called the Demonstration Cities program. Basically it is still a demonstration.

It is an opportunity for cities, counties and even an Indian reservation to demonstrate what they can do on their own to halt and turn around a depressed neighborhood's downward spiral.

How the 147 demonstration cities will handle their Model Cities programs under current plans for future revenue sharing programs to return more money to state and local governments is questionable.

Some observers believe both the Model Cities program, as well as the Office of Economic Opportunity's war on poverty, also a product of the Johnson Administration, are headed for relative obscurity.

But others view the start the Model Cities program has made, however haltingly, as a foundation other cities could follow in dispersing new federal revenue sharing funds, provided Congress approves the concept.

A WYOMING FATHER ASKS TO BE HEARD ON THE HANOI OFFENSIVE

Mr. HANSEN. Mr. President, I received a very moving telephone call from Mr. Houston Martin, one of my Democratic friends in Green River, who wanted to express his support for the action President Nixon has ordered in response to the invasion of South Vietnam by the Communists.

Mr. Martin is 75 years old and himself a veteran of military service to our country. Six of his sons have served in the uniform of our country, two of them in Vietnam. One of his sons currently is serving a third tour of duty in Vietnam—an assignment for which he volunteered.

Mr. Martin asked that I convey to other Members of the Senate the following thoughts in his words:

> I have been a Democrat all my life, but I am ashamed and disgusted at the statements some Democratic Senators have made criticizing the action President Nixon has taken in support of our troops, when they should be supporting him.
>
> Anyone with a son in Vietnam wants to be sure that everything possible is done to assure his safe return.

Personally, Mr. Martin added:

> I would favor the use of any weapon including those in our nuclear arsenal to assure my son's safe return.

Mr. President, my friend and constituent, Mr. Martin, believes, as I do, that most Americans are behind the President in his decisions. We do want our American troops out of Vietnam, and believe that the sooner this massive attack with troops, armor and artillery by Hanoi is repelled, the better will be the prospects for getting Americans out of Vietnam safely, in accordance with the withdrawal plan laid down by the President.

Mr. Martin feels that we should not engage in a war that we do not intend to do what is necessary to win, and I believe this reflects the feeling of a lot of the American men presently in Vietnam, and the feeling of families that have members in Vietnam.

Mr. President, the wholesale invasion of South Vietnam by North Vietnam is a clear admission of failure by the Hanoi dictators of their efforts to take over the south merely by convincing the people of the merits of communism.

In the past, the Communists' attempts at a takeover of the south have largely been through subversion and covert attacks by scattered force. But the attacks of the past several weeks have been much more than that. Militarily, they indicate that Vietnamization has been working.

The North Vietnamese are engaged in open warfare more blatantly aggressive than ever before. This invasion poses a crisis for the American troops yet in Vietnam. The success or failure of this latest attempt by Hanoi to make captive South Vietnam may mean life or death for some Americans.

Some have sought to blame the President for the blood shed by the invaders in a war which the President had no part in starting or escalating. The President's role has been just the opposite. He has done the will of the American people and brought all but about 95,000 Americans out of Vietnam. These men now are in danger, and I believe it is President Nixon's duty to order whatever is necessary for their safety.

I believe these American troops are entitled to the support of every American, including those of us in the U.S. Senate.

NO FAULT INSURANCE

Mr. MOSS. Mr. President, the image building attempted by some trial lawyers has reached an all-time low, but I refused to fall into their trap and be used as a public relations ploy, a fate which has unfortunately befallen some others. Friday in New York, the American Trial Lawyers Association held a gala luncheon and established a group called Action for Consumers Today. In order to capitalize on the public's concern for consumer safety, and to whitewash its miserable performance in "no-fault" insurance, these trial lawyers set up this group with the hopes of regaining the respectability which members of the profession should possess.

Our distinguished colleague from the other body, John Moss, had been invited to address the luncheon on product safety. At one point last week, it became evident that he could not attend, and thus I was asked to fill in for him at the gala luncheon.

But before I had even accepted, discussion arose as to subject matter and press coverage. Herman Glaser called my office and left word that I was not to speak on no-fault insurance. Moreover, if questioned by the members of the press expected at the luncheon as to my views on no-fault, I was to offer a "no comment" in response. Now it happens that I do have some views on no-fault. I have studied the proposed legislation and I have sat in Senate hearings on the matter. But I am directed to stay mum—to respond "no comment" if asked about no-fault.

Mr. President, no one is ever going to dictate to me what to say or not to say. Furthermore, as chairman of the Consumer Subcommittee, I consider no-fault insurance to be one of the most important consumer issues which the Congress can undertake and solve. Billions of dollars are going down the drain due to the inefficiencies of our old tort liability system.

In any case, I will not be a party to the public relations activities of these men. I ask unanimous consent to include in the Record a number of documents which I believe will be found particularly interesting. They include, "A Trial Lawyer's Legislative Workbook," a form of primer on lobbying; a press release from these trial lawyers; a memorandum on lobbying from the trial lawyers; and several articles on the subject.

There being no objection, the items were ordered to be printed in the Record, as follows:

A Trial Lawyer's Legislative Workbook

Q. "What do you feel is the best method to establish and keep rapport with sympathetic legislators and how do you suggest bill introductions, legislative advocacy and hearings be conducted?—Do you have an active 'Legislative committee' in your state trial lawyers organization and how does it work?—Do any trial lawyer groups make campaign contributions to candidates to legislative office, or is this done on an individual basis? Outside of finance, do they aid him in vote-getting? How do you go about encouraging bright young plaintiff-oriented lawyers to seek legislative office? In general, how does your state organization handle 'legislative advocacy', appearance before committees, and follow-up on bills? Do you think it is necessary to have a full or part-time man on the job at the state capitol to keep members informed?"

(Texas: William R. Edwards)

We have found that the best method of establishing and keeping rapport with legislators whether sympathetic or not (hopefully securing the help of those who are not necessarily sympathetic by so doing) is what I like to call the "buddy system". By this we mean the real responsibility for each of the legislators is placed on the trial lawyers located within their respective districts. We expect our members to befriend the legislators, to get to know them not only as political friends, but as personal friends. We endeavor to secure representative trial lawyers' membership in the district of each legislator. By virtue of such personal contact, we are able to secure the help and understanding of many legislators who are not lawyers and who have not had any real experience with our problems. Additionally, in the past year, we have made some progress toward securing help from non-lawyers convincing them that our programs are right and that by contributing their money and influence through us, persons may be able to be of much greater influence in securing passage of such legislation than they could otherwise. One such non-lawyer from Dallas was of extreme help to us in our recent passage of the Texas Tort Claims Act, his interest in the matter having accrued by virtue of the death of a daughter caused by governmentally-immune conduct. Generally speaking, if a bill to be introduced is on its face one which is of a public nature, that is for the good of the people, as opposed to the good of the lawyers, we do not hesitate to have one of our strong supporters in the legislature, even one of our members, introduce the legislation, and in fact encourage it. However, as to strictly lawyer legislation, we prefer to get a non-lawyer member, one whose interests are not apparently aligned with ours to introduce the bill if possible. Because of our continued twelve-month-a-year program of legislative contact, we have never had any difficulty in securing introduction of any bills by the "proper" people. With respect to legislative hearings, our experience has indicated conclusively that if we will work closely with those committee members who agree with our position as to any particular legislation, and actively participate in the preparation of the case for our side of the bill, much as we would prepare a court case, that by virtue of careful preparation, including expert witnesses, statistics, etc. that we are ordinarily in a position to place before the committee hearing the bill a far better picture and far more effective case than the other side has usually taken the time or the effort to prepare. *Careful preparation* of the case for or against the bill cannot be overemphasized.

We have a legislative committee and it is very active. It is the function of our legislative committee to see to the election of representatives who will support our positions, to formulate our legislative programs, to secure introduction of the bills we propose to pass and to shepherd those through to final passage and signature by the Governor. During the legislative session, in our office in Austin [state capital], we maintain a continuous program of public relations including an open bar and a buffet luncheon. During the last session of the legislature, we averaged in the neighborhood to twenty or twenty-five representatives and senators for lunch each day the legislature was in session. We have *one cardinal rule* with respect to the office we maintain in Austin across the street from the Capitol grounds: No lobbying may be done in the office. No pending bills may be discussed unless a particular legislator brings up the subject and asks that it be discussed. We have tried to make our office a place where the members of the legislature can come to escape the continual bombardment of lobbyists—where they get a drink or a good meal and relax. We are convinced that the legislators appreciate this rule.

Approximately two years ago we instituted a bank-draft plan whereby our members and anyone else we can persuade to do so contributes $10.00 a month to a fund maintained in Austin. The fund has been recently renamed and designated LIFT (Lawyers Involved For Texas). This fund is available for use in election contests for either State Senator or State Representative—it is not available for use in the campaign of any candidate seeking state-wide office. The fund is administered by the legislative committee and the President of the Texas Trial Lawyers Association. It is distributed carefully to secure the greatest effect by the use of the money. We expect contributions wherever possible to be made on an individual basis. This program is in line with the "Buddy System" outlined above. However, there are obviously areas in which our membership is not in a position to adequately finance a candidate. Funds are made available on such a basis. Occasionally, there will be an extremely important race between a good friend and a bad enemy of the Association. In such instances we may apply rather substantial amounts of money to the particular contest. Our members are encouraged to participate actively in the campaigns of legislators and candidates. We do all that is within our power—financially and otherwise—to support actively the election of candidates who are philosophically attuned to our goals. This is the only way it can be done.

The best encouragement that can be given to any candidate for elective office is the chance of winning. We find that our program in Texas has enabled us to secure candidates—both trial lawyers and non-lawyers—to run for office. The non-lawyers are only too ready to assist us when they fully understand our goals and programs. After all, what we are attempting to secure in the way of legislation is in the final analysis good for the people. So long as we continue to that posture, we do not feel it is important to lawyer as opposed to non-lawyers represent us in Austin. So long as our representatives are properly attuned to our programs, the non-lawyers are often more effective in securing the passage of our legislation, than are lawyer members.

With respect to each bill that is introduced, a subcommittee of the legislative committee of the Texas Trial Lawyers Association is appointed. This subcommittee has the primary responsibility for the particular bill. The subcommittee is charged with: (1) drafting the bill, (2) securing the sponsors in both the House and Senate, and (3) shepherding the bill through the legislature. The subcommittee is responsible for the preparation and presentation of evidence at committee hearings. The subcommittee is also responsible for keeping the association informed of the bill's progress so that the association may—if necessary—put on a "show of force" at hearings or votes, etc., by calling the membership to Austin at appropriate times. We maintain a constant review of bills introduced to assure that no legislation simply slips by us without our knowledge. This is another task of the legislative committee. Regular reports on what is happening in Austin is disseminated by letter to all the members of the Texas Trial Ass'n.

[Because of space limitations, only the Texas responses have been reproduced. They appear to contain in more comprehensive form most of the ideas mentioned by other states' Key Men.]

Additional Texas ideas mentioned at regional Key Man Meeting, Denver, June 19, 1970:

"We have approximately 1,200 members in the TTLA. The only requirements for membership are that (1) one pay $100 a year in dues and (2) be a lawyer who does not habitually represent insurance companies.

"We have had an executive director since 1962. The present Executive Director is a *professional lobbyist*, not a lawyer. He teaches us "To have a successful trial lawyers' legislative program:

1. You have to have an appealable piece [pieces] of legislation.

2. You have to have a significant number of people who are able to discuss completely and intelligently the merits of that legislation.

3. Your program should be neither a Democratic nor a Republican program; neither a Populist nor an American-ist program. It must be a program for the public.

4. The scope of the legislative program should be very narrow: to get more justifiable money into the hands of claimants.

"Legislative advocacy is a complicated art; there are no simple routes to effectiveness. The most unsuccessful lobbying group at the last session of the Texas legislature was a group that left a fifth of best-quality whiskey in every legislator's car. Reaction: "Huh, those ——— think they can buy my vote with a bottle of booze. ——— them." Subtlety and hard, intelligent work are *essential.*

UP, UP AND AWAY

Lift is the latest effort of Texas Trial Lawyers Association. It stands for Lawyers Involved for Texas, and it's a runaway success . . . The *El Paso Times* reported in its Capital Column June 14th, that Lift was responsible for the Democratic nomination in this year's primaries of six of the eight candidates it backed for the *State Senate.*

Lift is a legislative kitty which is paying off. Most of your officers are contributing $10 per month on a bank draft authority to Lift.

If you want to be a part of the movement for *comparative negligence* in Texas, for statutory authority to let jurors know what they are doing in *special issue verdicts,* and for a successful rejection of *Keeton-O'Connell* schemes, in other words, if you want your practice to *survive,* better get with it.

Send a check, any amount to *Lift, 201 Westgate Bldg., Austin!*

Observation by Nebraska State Senator [Nebraska has only one house of legislature—49 Senators] at Denver Key Man meeting, June 1970:

"We *never* hear from the lawyers of Nebraska except when we are about to vote on a bill that is of interest to them. Thus, it is not surprising that when we voted on repeal of the automobile guest statute, there were only 8 votes out of 49 in favor of repeal. Contrast the trial lawyers whom we never see with the bankers who are the most highly organized group in the State. The Nebraska Bankers Association is always around to lobby and to help and to answer questions—including questions totally unrelated to legislation affecting banks. We build up confidence, rapport, friendship with the bankers. The lawyers are unknowns whom we ignore in turn."

AMERICAN TRIAL
LAWYERS ASSOCIATION,
Cleveland, Ohio, January 11, 1971.

MEMORANDUM

To: Selected ATL Leaders
From: Richard M. Markus, President.

Approximately one month ago, I wrote you requesting the names of trial lawyers in your area who are believed to have close relationships with certain specified key senators and congressmen. Thus far, I have not received any suggested contacts for the following:

California—Congressman John E. Moss
Kentucky—Congressman Tim Lee Carter
Michigan—Congressman John D. Dingell
Nebraska—Congressman Glenn Cunningham
New York Congressmen James F. Hastings and John M. Murphy
North Carolina—Congressman James T. Broyhill
Ohio—Congressman Clarence J. Brown
Pennsylvania—Congressman Fred B. Rooney
Rhode Island—Senator John O. Pastore
Tennessee—Congressman Dan H. Kuykendall
Texas—Congressman J. J. Pickle

Utah—Senator Frank E. Moss

Virginia—Senator William M. Spong, Jr., Congressman David E. Satterfield

Wyoming—Senator Clifford P. Hansen

Please direct your attention to this subject as soon as possible, since it is urgent that we have such contact for the senator or congressman from your geographical area as soon as possible.

American Trial Lawyers Association,
Cleveland, Ohio, January 11, 1971.

MEMORANDUM

To: Selected ATL Congressional Contacts

From: Richard M. Markus, President.

We are informed that the Congress will probably hold hearings on "no fault" legislation sometime after the beginning of March this year. It is extremely important that we contact Senators and Congressmen on the Committees which will hold those hearings—preferably before any of the hearings occur. I understand that you know the Senator or Congressman identified above so that you would be in a position to arrange an appointment to discuss the matter with him.

If you feel sufficiently knowledgeable to discuss the subject with him, please arrange an appointment to see him at a time when he is in his own home state. You may well wish to take one or more other trial lawyers with you when you visit him. If so, try to select lawyers who are knowledgeable about the subject. This may include defense lawyers if they are available and cooperative.

While you may not be able to obtain any commitment from him, try to form an impression as to his reaction to this subject, after you have spoken with him about the problems lurking behind so-called "no fault" proposals. We must determine the general attitudes of these legislators in order to effectively fashion our legislative approach. Please let me know as soon as you have formed any such impression.

If you plan to attend the Midwinter meeting at Las Vegas, you may wish to arrange the appointment for a time following that Convention, since I plan to hold a meeting of all of the key legislative contacts to whom this letter is addressed. That meeting will occur at Caesar's Palace Hotel in Las Vegas on Wednesday, February 24, 1971, from 7:00 p.m. to 8:00 p.m., in a room which will be posted in the hotel. If you are able to attend the Midwinter Convention, please try to attend that meeting, whether you have contacted your Senator or Congressman or not. There may well be later contacts which are necessary, and we will certainly want to discuss our general legislative approach during that meeting.

Your cooperation in this effort is critical. The faith and trust of trial lawyers across the nation rests with you. Please do not fail us in this essential project.

Key Contacts

SENATE

Warren G. Magnuson (Washington-D)—Hugh Horton (Kennewick), Leon L. Wolfstone (Seattle)

John O. Pastore (Rhode Island-D)—

Vance Hartke (Indiana-D)—David Matthews (South Bend), Leonard Kinkaid (Terra Haute), Donald Brunner (Shelbyville), Paul Hirsch (Indianapolis), Charles Williams (Paducah, Ky.), Sydney L. Berger (Evansville), John Jennings (Evansville), Theodore Lockyear, Jr. (Evansville)

Philip A. Hart (Michigan-D)—Eugene D. Mossner (Saginaw)

Howard W. Cannon (Nevada-D)—Toy Gregory (Las Vegas), Neil G. Galatz (Las Vegas), David Goldwater (Las Vegas), Louis Wiener (Las Vegas), Howard McKissick, Jr. (Reno), C. E. Horton (Ely), John W. Diehl (Fallon) Paul A. Bible (Reno), Peter Echeverria (Reno), Paul A. Richards (Reno)

Russell B. Long (Louisiana-D)—Lawrence Smith (New Orleans), Henry A. Politz (Shreveport)

Frank E. Moss (Utah-D)—David E. Bean (Layton)

Ernest F. Hollings (South Carolina-D)—D. Kenneth Baker (Darlington), Richard J. Foster (Greenville), Henry H. Edens (Columbia), Senator James P. Mozingo, III (Darlington), Ellis I. Kahn (Charleston), G. Ross Anderson, Jr. (Anderson), Walter G. Charles B. Bowen (Greenville)

Daniel K. Inouye (Hawaii-D)—Chuck & Fujiyama (Honolulu), Meyer C. Symonds (Honolulu), Frank Padgett (Honolulu), James H. Ackerman (Long Beach, Calif.)

William B. Spong, Jr. (Virginia-D)

Norris Cotton (New Hampshire-R)—Paul Rinden (Concord)

Hugh Scott (Pennsylvania-R)—Watzman & Watzman (Pittsburgh), Milton D. Rosenberg (Washington)

Winston L. Prouty (Vermont-R)—Robert K. Bing (Burlington)

James B. Pearson (Kansas-R)—Don Smith (Dodge City), John Shamberg (Kansas City); Don Concannon, 120 W. 8th, Hugoton (not member)

Robert P. Griffin (Michigan-R)—Robert Van Leuven (Muskegon)

Clifford P. Hansen (Wyoming-R)

Howard H. Baker, Jr. (Tennessee-R)—Joe Guess (Knoxville); Joseph M. Boyd, Jr. (Dyersburg); Robert Crossley, Valley Fidelity Bank Bldg., Knoxville (not member);

Ernest F. Hollings (South Carolina-D)—James R. Turner (Spartanburg), Isadore E. Lourie (Columbia), DeRosset Myers (Charleston), William McG Morrison (Charleston), Edward E. Saleeby (Hartsville), William K. Charles (Greenwood)

Howard W. Cannon (Nevada-D—Robert D. Stitser (Reno), Virgil H. Wedge (Reno), William N. Forman (Reno), Thomas R. C. Wilson, II, (Reno)

HOUSE

(Influential (X))

X Harley O. Staggers (West Virginia–D)—Michael Tomasky (Morgantown), Sam Angotti (Morgantown)

Torbert H. Macdonald (Massachusetts–D)—Abner R. Sisson (Boston), William J. Lee (Boston)

John Jarman (Oklahoma–D)—Floyd Martin (Oklahoma City)

X John E. Moss (California–D)

John D. Dingell (Michigan–D)

X Paul G. Rogers (Florida–D)—Bill Colson (Miami), Al Cone (West Palm Beach), Ward Wagner, Jr. (West Palm Beach), James M. McEwen (Tampa), Bill Frates (Miami)

Lionel Van Deerlin (California–D)—Thomas Golden (San Diego)

J. J. Pickle (Texas–D)

Fred B. Rooney (Pennsylvania–D)

X John M. Murphy (New York–D)

David E. Satterfield (Virginia–D)

Brock Adams (Washington–D)—Camden Hall (Seattle), Leon L. Wolfstone (Seattle)

X W. S. Stuckey, Jr. (Georgia–D)—Robert Elsner (Atlanta), J. S. Hutto (Brunswick), Cullen M. Ward (Atlanta), Hon. Will Ed Smith (Eastman) Hon. Harry L. Cashin (Atlanta), Ben B. Mills, Jr. (Fitzgerald)

X Peter N. Kyros (Maine–D)—Charles W. Smith (Saco), Herbert Bennett (Portland), Severin M. Beliveau (Rumford)

X Bob Eckhardt (Texas–D)—John Collins (Dallas), Herman Wright (Houston), John Patterson (Houston)

Richardson Preyer (North Carolina–D)—J. W. Clontz (High Point)

X William L. Springer (Illinois–R)—Philip Zimmerly (Champaign)

Samual L. Devine (Ohio–R)—Harold Wonnell (Columbus)

Ancher Nelson (Minnesota-R.

X Hastings Keith (Massachusetts-R), George Wainwright (Brockton).

X Glenn Cunningham (Nebraska-R).

X James T. Broyhill (North Carolina-R).

X James Harvey (Michigan-R), Eugene D. Mossner (Saginaw), Richard G. Smith, 1212 Phoenix Building in Bay City, Michigan, 48706 (not member, was in same defense law firm).

Tim Lee Carter (Kentucky-R).

Donald G. Brotzman (Colorado-R), Harold Feder (Denver), John O'Hagen (Greeley), Williams, Taussig & Trine (Boulder), James G. Martin (Boulder), Gerald A. Caplan (Boulder), Jim R. Carrigan (Denver).

Clarence J. Brown (Ohio-R).

Dan H. Kuykendall (Tennessee-R).

Joe Skubitz (Kansas-R), Davis Carson (Wichita); Dan Skubitz (son), 530 North Market, Wichita; Darb Ratner (Wichita), Ora McClellan (Neodesha, brother-in-law).

X Fletcher Thompson (Georgia-R), J. S. Hutto (Brunswick), Cullen M. Ward (Atlanta), Alfred Wall (Atlanta)

James F. Hastings (New York-R).

CONTACTS WITH OTHER CONGRESSMEN AND SENATORS

Congressman Melvin Price, John E. Norton (Belleville, Illinois).

Senator Charles Percy, John E. Norton (Belleville, Illinois).

Senator Herman E. Talmadge, Cullen M. Ward (Atlanta, Georgia).

Congressman Keith Sebelius, member of ATL and at one time active in Kansas Trial Lawyers Association, "good man to carry ball for Kansas" (Patrick F. Kelly, Wichita).

American Trial Lawyers Association,
Cleveland, Ohio, March 22, 1971.

Charles T. Hvass, Esquire
Cargill Building, Minneapolis, Minn.

Dear Charlie: Dick Jacobson sent me a copy of your letter of March 11, 1971. Your letter suggests that the Minnesota State Bar and the Minnesota Trial Lawyers Association might consider supporting the N.A.I.I. While superficially, that proposal may meet some of the goals which you discuss in your letter, I think you will find upon further, reflection that it is in fact a very bad Bill. Moreover, although I can understand the fatigue which follows a long defensive battle against such proposals, I want to reassure you that I personally feel the end is in sight.

Turning first to a review of the N.A.I.I. proposal, I suggest that this makes a very poor effort at eliminating the so-called small cases. The standard for determining whether an action for general damages is still available depends largely upon the artificial $1,000 medical bill threshold. I am sure you are familiar with a multitude of cases involving relatively serious injury (without dismemberment, disfigurement, or death) involving less than $1,000 medical expenses. Consider the cases involving a nonoperated herniated disc, a non-operated torn meniscus, or post-traumatic epilepsy without prolonged hospitalization. These and many other cases might well involve less than 1,000 medical expense. The DOT studies inform us that ½ of all automobile injury claims are settled for a total of $500 or less. This is not $500 medical expense, but $500 total settlement value. The Economic Consequences Study by the DOT shows the following somewhat remarkable statistical data. 89.2% of injured auto victims have medical expenses of less than $500. 95.8% were not hospitalized at all or were not hospitalized for as much as two weeks. 94.4% missed no time from work or less than 3 weeks work. For those not employed, 98.2% were disabled from their regular activities for less than 6 weeks. The DOT studies defined persons as "seriously injured" for their purposes as anyone who had medical expenses of $500 (not including hospital) *or* 2 weeks of hospitalization *or* 3 weeks of lost work *or* 6 weeks disability from regular activities for those not employed.

Using those definitions, the DOT found that only 19.8% of the injured victim population would be described as "seriously injured". This means thaat the N.A.I.I. threshold (at least $1,000 medical expense) would limit the tort remedy even further, so that there might only be 10% of the injured victims who would have any right of recovery. Further, many of the persons described as "seriously injured" by the DOT studies would not be eligible to maintain a tort action under the N.A.I.I. plan. Frankly if any threshold concept made sense on the basis that it is necessary to eliminate the "smaller claims", more than ½ of all the claims could be eliminated with a threshold requirement of $100 expense for medical bills and wage loss together. In other words, more than ½ of all tort claims from auto accidents involve special damages of less than $100. For this reason, I say that the N.A.I.I. proposal is grossly miscalculated for the goals which you describe in your letter.

In my first paragraph, I suggested that the end of this controversy may well be in sight. I say that because it is becoming increasingly obvious that the real struggle is between the alternative proposals of "no-fault" automobile insurance and national health insurance. These remedies are at least in part mutually exclusive. Certainly, a general health insurance program would eliminate the need for any first party insurance for medical expense arising from automobile accidents. The DOT studies tell us that medical expense represents fifty-three percent of all special damages for accident victims. Moreover, if compensation for medical expense is removed from the auto insurance picture, the insurers now pushing "no-fault" will be virtually forced to reverse their present position drastically. If they eliminate most general damages, and if medical expense is taken away from them, there is very little left for them to insure. Therefore, a national health insurance program may well require every insurer now supporting "no-fault" to become its vigorous opponent—at least if they wish to remain in business. This is particularly true if the Kennedy-Javits form of health insurance (governmentally funded through social security) is adopted.

Since I consider that national health insurance has a huge head start on auto insurance in Congress, I have optimism that the present controversy will die of its own weight within the next two years. For all these reasons, I ask you to reconsider the position suggested in your letter, for your own good, the good of the Minnesota bar, and for the good of the public in Minnesota. I think you will agree with me that generalized health insurance is a worthwhile social remedy—far more important than a social remedy that seeks to assist the 16% of accidental injuries which are represented by automobile victims or the even smaller percent of total accident and illness victims which are represented by automobile injuries. Therefore, I say let's make the liberals support true liberal legislation. The auto insurance proposals are phoney liberal legislation that is being pushed by auto insurers that are desperately frightened about the potential consequences of a generalized health insurance program.

Very truly yours,

RICHARD M. MARKUS.

[From the Baltimore News American, Feb. 22, 1972]

NO-FAULT WITNESS TIED TO LAWYERS

(By T. Lee Hughes)

ANNAPOLIS.—A special legislative no-fault auto insurance committee has failed to identify as a top executive of the American Trial Lawyers Association (ATLA) a key witness whose testimony apparently had considerable influence on the committee's position on the no-fault issue, it has been learned.

The witness, William Schwartz of Massachusetts, is identified in the committee's final report only as a professor of Boston (University) Law School.

Minutes of a committee hearing held early last month in Massachusetts state only that Schwartz "wanted to make it clear that he was not an actuary nor representing any organization or institution . . ."

However, Schwartz is general director of the ATLA, which has an economic interest in defeating no-fault auto insurance legislation and is conducting a nationwide campaign against it.

Virginia H. Knauer, special consumer affairs assistant to President Nixon has said the techniques used in the ATLA campaign "would appear to be so devious, misleading and blatantly self-serving as to cast a long shadow over the integrity of the entire legal profession."

Timothy Clark, legislative assistant who arranged Schwartz's testimony, said he did not know of Schwartz's ATLA position.

He said Schwartz told the committee before his testimony that he was not representing the ATLA or anyone else. No one on the committee pursued the issue any further, he said.

Five of the committee's eight members were lawyers earning income handling accident cases under the present "fault" insurance system.

The committee was described early last month as particularly impressed with Schwartz's testimony against the no-fault concept, and it later recommended a very weak no-fault bill.

Schwartz has been criticized elsewhere for using his teaching post at Boston University to further the ATLA cause.

The issue surfaced again last week when Del. Alan M. Resnick, D-Balto. 5th, disclosed he had asked Schwartz to testify before the Senate Economic Affairs Committee, which has recently taken up study of the no-fault issue.

Resnick, a lawyer with a lucrative auto accident practice, said he had issued the invitation on behalf of a lawyer's group known as the Foundation for Insurance Reform and Education (FIRE).

Schwartz couldn't come and recommended instead a Boston University colleague named Neil Hecht, said Resnick.

Hecht, too, began his testimony before the Senate committee by insisting that he was "not speaking on behalf of any organization or institution." Only under questioning did he admit his expenses were being paid by FIRE.

Resnick was also a member of the special no-fault committee that went to Massachusetts.

[From Business Insurance, Feb. 14, 1972]

LAW PROFESSOR CALLS NO-FAULT A GIMMICK

HOUSTON.—A critic of no-fault auto insurance, Prof. David J. Sargent of Suffolk University Law School, Boston, said, "I think there is something wrong with the brand of no-fault insurance which the public has been presented thus far which takes benefits away from innocent victims in order to finance the same kind of benefits to the wrong-doers who caused that injury."

Prof. Sargent was in Houston speaking at the University of Houston Law School convocation and before the Houston Trial Lawyers Assn.

Citing the pioneer Keeton-O'Connell no-fault plan, Mr. Sargent said, "Under the plan, compensation will be paid to the drunken driver, to the dope addict operating under the influence of narcotics, to the escaping criminal who crashes his motor vehicle while trying to elude police, and to the driver who is guilty of willful, wanton and reckless misconduct in the operation of his car."

Mr. Sargent called no-fault a "gimmick" and said that legislation of the type now proposed is not in the interest of the consuming public.

"My basic objection is the reduction of benefits," he said, "and the public is not generally aware of this portion of the plan. People believe they will have auto insurance at cheaper rates. But they do not realize that even if you do give them a cheaper policy, which is highly questionable, you are guaranteeing that they are going to get a very small fraction of the benefits that they receive under the traditional system (of justice)."

Mr. Sargent opposes present no-fault proposals because of the elimination of the right to recover general damages. In a reference to U.S. Senate Bill 945, Mr. Sargent stressed that a complete exemption from liability for property damage is contained in the bill. "We can hit each other's car and there is absolutely no liability," he noted, "which means that we then have to go out—unless we are going to take an awfully big gamble—and buy at some high prices some collision insurance.

"That's one of the great misnomers of these no-fault plans," said Mr. Sargent "in that by and large they deal with the bodily injury aspect. Nationwide, only one-third of the insurance premium dollar of the traditional motorist is consumed by the bodily injury coverage; two-thirds is for property damage."

NEW YORK STATE TRIAL LAWYERS ASSOCIATION NEWSPAPER ADVERTISEMENTS

I. All references to increases in the *over-all* cost of auto insurance in Massachusetts since no-fault became effective are intentionally misleading; a "guilt-by-association" kind of attack.

It would have made just as much sense—and have been just as inaccurate a barometer of no-fault—to ask people if their *home-owners* or *life insurance* premiums had gone up since no-fault auto insurance became law.

A. Fact: The Massachusetts state insurance department has estimated that Massachusetts motorists realized a savings of $76 million because of no-fault based on what 1971 compulsory rates would have been under the fault system.

B. Fact: Because the Massachusetts courts sustained a long-delayed increase in rates for property damage, collision and comprehensive coverages, many Massachusetts motorists did experience a rise in the *over-all* cost of their auto insurance last year, as they reported. But that had *nothing to do with the no-fault law,* which then applied only to bodily injury insurance.

C. Fact: *Every* Massachusetts motorist received a 15% *decrease* in 1971 in the rate for bodily injury insurance because of the no-fault law.

D. Fact: If no-fault had not been enacted, rates for bodily injury coverage would have had to be *increased* by about 20%. (That represents a net difference of some 35% in rates for bodily injury insurance.)

E. Fact: Because of no-fault, premiums for medical payments coverage were *reduced* 25% for those who purchased that optional coverage.

F. Fact: As a result of the first year's experience under no-fault, premiums for bodily injury insurance have been *reduced* another 27.6% for 1972, an additional savings of $30 million for Massachusetts motorists.

Thus, in terms of the typical Boston driver the savings look like this: In 1970—before no-fault—a young male driver paid $375 for the compulsory bodily injury insurance. In 1971—under no-fault—his rate was reduced to $318 and in 1972 it was further reduced to only $237. The average driver over 25 years of age paid $117 in 1970, $99.50 last year and only $74 in 1972 for bodily injury insurance.

G. Comment: It is pure distortion to make it appear that the increases in cost for property damage insurance in 1971 were *in any way related* to no-fault insurance. No-fault did not apply to property damage coverages in 1971. Because of the success of no-fault in bodily injury insurance and in an effort to slow the rise in premiums for property damage coverages, the legislature extended the no-fault concept to property damage, effective January 1, 1972.

In announcing rate increases in property damage coverage for 1972, Commissioner of Insurance John Ryan stated that he would have fixed higher charges for those coverages if no-fault had not been extended to property damage.

II. Figures in the "graph" are subject to question. Originally presented in late fall of 1971, they purport to show payments to accident victims for 1970 and 1971. 1971 data has to be incomplete—could have represented nine month figures at best. Question: is the comparison valid? No time periods are divulged.

III. The charge that insurance companies gained from no-fault at the expense of the public in not paying for "genuine pain and suffering" is misleading on several counts.

A. First, insurance companies themselves *received* over $50 million *less* in premiums on bodily injury insurance in 1971 than they did in 1970.

B. Second, the Massachusetts no-fault law clearly is having the effect of reducing, if not eliminating, ersatz claims for bodily injury. The Massachusetts Registrar of Motor Vehicles states that there were 50,000 *fewer* personal injuries reported in 1971 under no-fault than in 1970 (101,000 vs. 151,000), while the number of accidents reported dropped by only 17,000 (152,000 vs. 168,944). This, of course, is a prime factor in reduced over-all payout.

C. Third, the trial lawyers ignore the fact that the Massachusetts law permits people to sue for intangible losses whenever their medical expenses exceed $500 or they suffer certain, defined serious injuries, including fractures. Thus, people are recovering for "genuine pain and suffering" every day in Massachusetts, just as they did before no-fault. On the other hand, many obviously needless and inflated claims that formerly were made under the fault system at the expense of the public as a whole are being eliminated under no-fault.

IV. It is a gross distortion to try to show that Massachusetts accident victims received less back per personal injury premium dollar under no-fault than under the fault system, and a clear deception to imply that the "statistics" come from the U.S. Department of Transportation.

A. The only actual Department of Transportation statistic in this example is that under the fault system only 44 cents of the premium dollar goes for benefits on the average, because 56 cents is consumed in legal fees, claims adjustment expenses and overhead associated with trying to determine legal liability, and with other company administration and sales costs.

B. It is a false and misleading computation to reduce the 44 cent return per premium dollar under the fault system by the 73 *percent* reduction in average claim costs in *dollars*. Because bodily injury insurance premiums, legal and claims adjustment expenses all have been *reduced* under no-fault, injured motorists are now receiving a greater return in benefits on their premium dollar under no-fault than they were under the fault system. The trial lawyers' computation is an apples-and-oranges type of sham.

V. Because the lawyers themselves propose payment of medical expenses and wage loss to all injured victims on a no-fault basis—without restricting or modifying damage actions or payments for intangible losses—the only place where savings can be achieved in their system is in the large deductible on property damage. This, of course, removes none of the high frictional costs of the fault system and simply leaves the public underwriting a higher percentage of its actual losses.

If You Think "No-Fault" Will Save You a Lot of Money . . . Think Again

The figures have been flying fast from all directions . . . and by now you may even feel convinced that if "no-fault" becomes a reality in New York State . . . your auto insurance will cost you a lot less. Forget it! You're being hoodwinked. The fact is, with "no-fault" insurance . . .you lose . . . insurance companies win.

MASSACHUSETTS "NO-FAULT": MANY PEOPLE ARE PAYING MORE MONEY!

On January 1, 1971, "no-fault" went into effect in Massachusetts.

72% of all Massachusetts accident victims interviewed between November 29–December 19, 1971 reported that the over-all cost of their auto insurance has gone *up* or stayed the same. Only 6% reported a reduction! (Source: Opinion Research Corporation, Princeton, N.J.)

So-called premium "savings" apply to only ⅓ of the total premium (for bodily injury) and *only on the basic minimum required.* (Only 30% of the people take basic coverage . . . *70% require more.*)

The cost of the other ⅔ (property damage insurance) is going up 4½ times faster than bodily injury insurance.

In Massachusetts, under "no-fault", premiums for property damage and collision have gone *up* and are still going up!

Who gained? Insurance companies. They paid out 73.3% *less* under "no-fault" because accident victims were not paid for genuine pain and suffering.

Who lost? People hurt in accidents. They were paid 73.3% less. They received 12¢ back per personal injury premium dollar compared with 44¢ before "no-fault". (Based on statistics of the U.S. Dept. of Transportation.)

In other words . . . in Massachusetts to get the kind of insurance they need . . . "no-fault" costs many people more money . . . and their fundamental rights have been severely limited or wiped out completely!

WE SUGGEST A CHANGE FOR THE BETTER—AT 40% LESS COST!

Auto insurance reform is long overdue and necessary . . . but the "no-fault" bills now in the New York State Legislature are stacked against you. If any one of them gets through . . . you lose . . . you lose big. You lose your rights and you will be forced to buy the highest profit type of insurance in exchange for the least amount of benefits.

The "no-fault" proposals represent a high-profit guarantee for the big auto insurance companies. They are "no-benefit/no pay" plans wrapped in an appealing name . . . designed by the same companies which have arbitrarily cancelled your policies, refused you coverage and raised your rates.

We oppose "no-fault" as it has been presented because it *takes away basic rights* and would nullify the effect of progressive legislation which protects you.

We have drafted an insurance reform plan which provides for prompt and just compensation to all victims at a savings of 40% in *total* insurance costs.

Our proposed "Automobile and Consumer Protection Program" provides for *immediate* payment for medical expenses and loss of income on a no-fault basis.

Our program would increase your minimum protection. It would promote car, driver and highway safety . . . and eliminate costly, discriminatory and unfair insurance company practices.

Don't be forced to swallow a "no-fault" pill before you know what's really in it.

With today's proposed "no-fault": You lose. Insurance Companies win!

Let's have a change for the better . . . for a change.

New York State Trial Lawyers Association, 401 Broadway, New York, N.Y. 10013, (212) 925–0009.

[From the Journal of Commerce, Feb. 8, 1972]

AIA Lauds NYC Bar on Its No-Fault Plan

A proposal of a total no-fault auto insurance by the Association of the Bar of the City of New York has won the endorsement of the American Insurance Association.

T. Lawrence Jones, president of the AIA, said yesterday: "The report and conclusions of the Association of the Bar of the City of New York on no-fault auto insurance proposals should remove any remaining doubt that the existing lawsuit system of auto insurance must be abolished."

The bar's plan contains not only the usual no-fault of compulsory insurance, recovery for lost wages and medical expenses, and avoidance of duplication of benefits, but also calls for the complete abolishment of auto negligence lawsuits.

The New York bar, considered one of the most prestigious in the country, thus places itself in opposition to the American and New York State Trial Lawyers Association both vigorous opponents of any type of no-fault program.

The American Bar Association, at its semiannual meeting in New Orleans this week, is expected to review various no-fault proposals. But, indications are that the national organization will not take a stand on no-fault until its annual meeting in August.

In his statement on the New York Bar's proposal, Mr. Jones said: "When a group of the nation's lawyers in one of the country's most distinguished bar association so thoroughly condemn the existing system and completely endorse the no-fault principle, it should be clear to everyone that the merits of the issue and plain truth and justice demand a change in the system.

"The bar's report completely refutes the arguments of those who would seek to preserve the fault concept as a means of compensating auto accident victims.

"We commend the Association of the Bar of the City of New York for its fair and objective study and its forthright analysis and conclusions."

If you think "no-fault" will save you a lot of money . . . think again.

Under the "No-Fault" Law in Massachusetts, Many People Are *Paying More Money!*

On January 1, 1971, "no-fault" went into effect in Massachusetts.

72% of all Massachusetts accident victims interviewed between November 29–December 19, 1971 reported that the over-all cost of their auto insurance has gone up or stayed the same. Only 6% reported a reduction! (source: Opinion Research Corporation, Princeton, N.J.)

So-called premium "savings" apply to only ⅓ of the total premium (for bodily injury) and only the basic minimum required. (Only 30% of the people take basic coverage (. . . 70% require more).

The cost of the other ⅔ (property damage insurance) is going up 4½ times faster than bodily injury insurance.

In Massachusetts, under "No-fault", premiums for property damage and collision have gone up and are still going up!

Who gained? Insurance companies.

They paid out 73.3% less under "no-fault".

Who lost? People hurt in accidents.

They were paid 73.3% less. They received 12¢ back per personal injury premium dollar compared with 44¢ before "no-fault". (Based on statistics of the U.S. Dept. of Transportation.)

Foundation for Insurance Reform & Education, 222 St. Paul Place, Baltimore, Maryland 21202 (301) 385–0950.

[From New York Sunday News, May 2, 1971]

"No-fault" auto insurance is a hoax!

You've heard about a proposed "no-fault" auto insurance law. The New York State Legislature in Albany is now considering various 'no-fault" proposals. We believe that you have to know much more about them and that, in the public interest, the Legislature should not take hasty action on any proposal.

A law which penalizes a union member so that he may lose full use of his fringe benefits is a bad law.

A law which says that a poor man may not be able to recover full payment for pain and suffering but a rich man might—because his medical bills might be higher for the same injuries—is a bad law.

Under the New York State insurance department plan:

A housewife, a child, a retired Senior Citizen, or any unemployed person, will get NOTHING for the loss of a leg, an eye, or other bodily mutilation. Only some medical bills may be paid.

You will no longer be able to sue for damage to your car caused by a careless driver.

If you're employed, you will get nothing for bodily mutilation. You will only be paid for lost earnings and medical bills if the insurance adjuster sees it your way.

You will need more insurance. NOT LESS.

In order to protect yourself, you will need high priced collision insurance . . . Extra insurance for accidents outside of New York State and other special coverage . . . all at additional cost.

Under other "no-fault" proposals:

You are not guaranteed payment of your expenses.

You may have to bring two lawsuits to get paid.

Your right to full recovery for pain and suffering may depend on an arbitrary minimum of approved medical expenses.

None of the "no-fault" plans guarantee payment of your medical bills and lost earnings.

Property damage (car damage, clothing, etc.) eats up 2/3 of your auto insurance premium (71 to 73% in New York City). Only ⅓ deals with bodily injury.

None of these proposals deal with property damage.

In Massachusetts, the only state with a "no-fault" law, property damage premiums are up 38%.

If you are a family man . . . with a decent income . . . you may have to pay more for insurance . . . than a single persons . . . a younger person . . . a "hot-rodder" . . . in order to protect yourself and your family.

The "no-fault" idea relieves the reckless driver of the responsibility for his own negligence and can often be more generous to the guilty party than to the victim of an accident.

There are a lot of pitfalls in all of the "no-fault" plans.

Don't let your legislators take hasty action! Write or call your State Senator and assemblyman *now!*

Sample: Hon John Doe, State Senate (Assembly) Albany, N.Y. 12224

Help halt "No-fault"!!

"Citizens against No-fault," Room 392, Hotel Commodore, New York, N.Y. 10017, (212) 683-6694.

Chairman: Max Condiotti, Co-chairmen: Leonard R. Cuevas, Mary Duda, Ron Gold, Anthony Goncalves, Diane Goncalves, Kathy Harms, Aaron Lebow, Leonard Meyerson, Sarah Plen, Edward Shiller, Miriam Shulman, Alan P. Silver, Alvin Solomon, Irving Spivack, Rosalind Spivack.

[From the Cincinnati (Ohio) Post, June 7, 1971]

IN MY OPINION

(By Walter Bortz)

(NOTE.—This is another in a series of guest columns written by Cincinnatians on any topic they choose. Our purpose is to stimulate thought by presenting a wide range of diverse local opinion.)

Today's guest is Walter Bortz, attorney and 1955 graduate of the University of Cincinnati College of Law. He is chairman of the Cincinnati Bar Assn. Committee on Improvement of the Administrative of Justice, former executive committeeman and chairman of the Common Pleas Court Committee and is on the board of governing trustees and treasurer of the Ohio Academy of Trial Lawyers.)

There is much talk about so-called no-fault plans these days. Unfortunately, there is very little substance to what appears in news accounts on the subject—too much heat, and too little light!

No-fault is a misnomer and a fraud on the public promoted by a powerful segment of the insurance industry for only one reason: to earn guaranteed high profits! By simply supporting the no-fault concept, instead of printing factual material on the subject—The Post violates the masthead promise "To give light" so that "the people will find their own way."

A recent Gallup Poll found that 81 per cent of the public is uninformed or undecided on the merits of no-fault plans.

No-fault is a plan to overcompensate the wrongdoer, and undercompensate the innocent—not because it is right but because it might be cheaper.

In America today, we enjoy a procedure which has evolved over centuries of human experience, and has withstood the ultimate test of time. Our system is based on the proposition that individual freedom and individual rights are balanced by individual responsibility.

Here is how no-fault would work. Assume a reckless driver runs a red light causing a violent collision, critically injuring the driver and passengers in the car that was proceeding properly, and demolishing their car. Applying the concept of no-fault, this reckless driver is not at fault. He is not liable for the hospital-medical bills of the victims, for their lost earnings, nor the car damage. He is not accountable for the permanent disfigurement, disability, pain and suffering—the "human losses."

He will receive—within the limits of the plan—a percentage of his lost wages and payment of hospital-medical bills. The reckless driver will receive exactly the same benefits under the no-fault plan as will the innocent victim! If the policyholder has other sources of protection, however, for example Blue Cross-Blue Shield, or group insurance at work that provides medical-hospital plus wage continuation benefits, these sources must be used up first—before the no-fault policy would even be applicable.

The victim will recover nothing for the property damage to his car. (He will have to buy a separate insurance policy at additional cost for car damage protection.) He will recover nothing for loss of limb, loss of sight, disfiguration, disability, and the pain and suffering.

The above is a basic outline of the no-fault concept. There are now more than 50 different varieties. A few have added provisions for retaining the current liability system through the courts for death or disability, in an attempt to make the schemes more palatable—but the hard-rock features of no-fault remain constant.

Because of special circumstances, in Massachusetts (highest nationwide auto insurance rates; no required auto damage liability insurance), the politicians, during an election year, were able to "sell" the vulnerable public through the Madison Avenue slogan that: "Everyone will be paid, and it will cost less." These entrancing phrases played on the public's naive quest for a bargain. Of course, the public wasn't told that in order to make equal payments to the negligent wrongdoer, the innocent victims would have to forfeit some of the compensation to which they are entitled under the present system. The result: justice for nobody.

And the promised reduction in premium costs never materialized. The Massachusetts no-fault law called for an across the board reduction. The insurance industry petitioned the Massachusetts Supreme Court and won a Court ruling that the forced reduction in property damage and collision coverage was unconstitutional. They then asked for and received increases of 38 per cent on property damage coverage and 26 per cent on collision coverage. The net result is an overall increase in insurance costs for the people of Massachusetts.

The public's concern over rising auto insurance costs is understandable. Yet, it must be stressed that these costs are increasing at a lesser rate than many other consumer needs! The way to attack these increasing costs is not through socially revolutionary no-fault schemes which would throw the baby out with the bath water!

Consider these statistics: (1) Two-thirds of premium dollars goes for car damage coverage, and more than 10 times as many people suffer car damage as personal injuries. (2) The snappy new cars are fragile. They sustain about $200 damage in front-end collision at 5 mph, and $650 damage in a front end crash at 10 mph. (3) 63,000 persons were killed on the highways last year—and alcohol was a factor in 55 per cent of the deaths.

We must work to reduce the real cause of increased premiums, the auto accidents themselves: by designing cars that can withstand damage at low speeds, and suffer reduced damage at high speeds; by improving safety features on cars; by providing better highway design; by reducing the number of car thefts; by enforcing higher standards for driver training and licensing; by requiring better traffic law enforcement, and in particular, eliminating the drunk drivers from the highways.

While it may be true that trial lawyers have a special interest, they also have a first-hand understanding of the virtues in our present system. To favor no-fault because lawyers oppose it is nonsense! Lawyers also favor freedom of speech and the press—as does this newspaper—but certainly that is no basis for opposing free press and free speech! Let us test no-fault on its merits and forget personalities.

Responsible groups of trial lawyers are working to improve our present system, to make it productive of the highest quantity and quality of justice. Recommendations include: more judges; arbitration of smaller claims without prolonged litigation; legislation to remove the drunk driver, and make cars more crash resistant; comparative negligence, rather than contributory negligence, so that a driver only 5 per cent negligent as compared to the other driver's 95 per cent negligence, will recover 95 per cent of his losses (whereas he is now barred from recovering anything). Incentives for earlier settlements by insurance companies, such as interest from date of suit to run until settlement.

Surveys indicate that when fully informed on the facts, the public overwhelmingly prefers our present fault system over the no-fault proposals!

[From the (Ohio) State Underwriter, June 1971]

CALLED ADOPT: ATTORNEYS ESTABLISH FUND WHICH WILL FIGHT NO-FAULT

A group of Ohio attorneys is forming a special trust fund to aid political candidates who push legislation that the attorneys feel is in the best interest of the general public. Among the first issues to which the attorneys will address themselves is that of no-fault insurance.

The group intends to fight no-fault in whatever form it may be presented—pure no-fault or partial no-fault, a spokesman said.

Most of the group is expected to be made up of members of the Ohio Academy of Trial Lawyers. It was members of the organization who started the fund. But the trust fund will not be part of the academy itself because the academy could lose its tax exempt status if it engaged directly in political activities.

Walter Bortz, a Cincinnati attorney who is secretary and trustee of the academy, said that attorneys outside of academy membership are expected to join in contributing to and working for the fund which is officially designated ADOPT (Attorneys Dedicated to Ohio People Totally).

Mr. Bortz denied the expected allegations that the trial lawyers were merely fighting no-fault to preserve a source of income for themselves.

He said the motivations for forming the fund goes much deeper than that. "We simply are not in favor of eliminating the liability tort system," which Mr. Bortz feels is a cornerstone of the society that must be preserved.

But most of the no-fault plans that have been proposed are really only partial no-fault plans that do not really eliminate the tort system. In light of that why would the attorneys want to fight the idea?

Mr. Bortz said that attorneys generally fear that even a partial no-fault system represents a first step in the eventual destruction of the tort system. For that reason the trustees of the fund intend to fight even partial no-fault plans.

Besides, there is a great deal of room for reform of the automobile reparations system in its present form, Mr. Bortz suggested. And he indicated that such reforms would be welcome—reforms such as streamlining of the court system which, he noted, the Chief Justice has called for.

While repeating the oft heard criticisms of no-fault plans—such as the possibility that insureds will artificially blow up claims in order to reach a level where someone can be sued—Mr. Bortz emphasized that the attorneys' chief concern in this matter is the attack on the jury trial system that he thinks is implicit in all no-fault plans.

"These are really no-responsibility plans which are merely steps toward the socialization process," he said.

The Cincinnati attorney said that if the society tears down—either partially or wholly—the jury trial system, the society will, in effect, be separating its citizens from the only personal contact that it has with the jury trial system. The citizenry would thus lose all contact with the system of justice, Mr. Bortz said.

But wouldn't the element of responsibility be preserved in criminal law, even if civil trials should become less of a factor in our society? Also if a defendant has large liability limits in his automobile policy can he really feel a sense of responsibility or fault when he knows that any large settlement against him will be paid by his insurer?

A Cleveland attorney, John Martinsdale, answered "no" to both questions. (Mr. Martinsdale made his comments several weeks ago apart from any consideration of the new trust fund.)

Mr. Martinsdale said that eliminating the civil case jury trial would, in effect, eliminate a majority of the jury trials and would thus effectively separate the citizen from experience with our system of justice. He feels as strongly as Mr. Bortz about the importance of keeping the citizen in contact with our system of justice through jury trials.

And even though the insurer is going to pay any settlement that may be imposed by a jury against a defendant, Mr. Martinsdale said it has been his experience that the element of responsibility still remains with the defendant. "I have seen many defendants breath a large sigh of relief when the jury comes in and rules in his favor," even though that defendant was not likely to suffer any financial loss, Mr. Martinsdale recounted.

Sources close to the Ohio General Assembly indicate that no-fault legislation is not likely to get passed at least during the next two years. Even Gov. John J. Gilligan has indicated he is not anxious to see the state rush into such a plan without first seeing the experience of other states which may adopt a no-fault plan.

In light of this, why have the attorneys formed a fund to fight no-fault so vigorously?

Mr. Bortz said it was merely an indication of attorney's desire to do something tangible on an issue they consider of vital importance to citizens of Ohio. Also he noted that the fund (which is not a lobbying tool as described in at least one other publication) cannot be influential until the political campaigns of 1972. Ohio legislators do not run for office this year.

But in 1972 the trustees intend to use whatever money is available in the fund to support candidates who the trustees feel support issues that are in the best interest of Ohians. The issue of no-fault will probably preoccupy the trustees in the early stages of the fund activities, Mr. Bortz indicated. But he added that other issues will also come into play.

Funds will also be used in attemps to defeat candidates who the trustees feel will not act in the best interest of Ohioans, the Cincinnati attorney added.

Expressing only his own personal feelings and not those of the trustees, Mr. Bortz suggested that the fund may eventually align itself with issues that are of vital concern to the insurance industry right now—such as seeking tougher laws against drunk drivers and seeking high standards for automobile design.

Mr. Bortz said he was not aware of any goal that has been set for the size of the special fund but that it will welcome contributions from any source including insurance organizations.

He said he was aware of only one other such fund in the country, one that was established in Texas which is also designed with no-fault in mind.

Mr. Bortz' comments came a day before the Wall Street Journal described the no-fault plan of Puerto Rico as a large success. Nevertheless, the newspaper article, like many articles before it, did not concern itself with the issue that will be presented by Mr. Bortz and his associates in the ADOPT fund, namely the issue of the possible undermining of the nation's system of justice relative to the citizenry.

[From the Erie (Pa.) Times-News, Apr. 25, 1971]

WE BELIEVE "NO FAULT" INSURANCE IS A HOAX!

Pennsylvania's "No Fault" Insurance plan . . .

It will increase your automobile insurance premiums.

It will pay the negligent and careless driver while limiting what the innocent and faultless driver will receive.

It will deny the innocent victim (man, woman and child) the right to a jury decision of what just determination for an injury should be.

It will encourage more claims . . . more unjustified claims, more malingering and more payments. This must result in higher costs for all motorists, including the careful driver.

Do not be misled! No fault insurance sounds good, but it certainly should be called "pay out insurance" since it will pay the faulty drivers and limit benefits to the innocent victims of automobile accidents.

Before your state legislator votes for a no-fault insurance plan, ask him why . . .

Why shouldn't the careless and negligent driver be the one to bear higher insurance rates rather than all drivers . . . the great majority of whom are careful and safe?

Why shouldn't the innocent victim have a just day in court . . . and let a jury of his peers find the careless driver negligent and force him to pay in full?

Why shouldn't your automobile insurance premium be based upon your own record of safe driving . . . not on the total record of all drivers, including both the careless and the innocent?

Think about the proposed no-fault plan. Do you . . .

Do you want your automobile insurance premium used to finance the "red-light runner", the "speed merchant", the "tail-gater" and the "non-lookers"?

Do you want your own record as safe and careful driver to mean nothing, for your record to be lumped with the irresponsible and careless driver?

No-fault insurance serves the interests of the driver "at fault", not the safe driver with "no fault". You can have health and accident insurance—Blue Cross and Blue Shield, group insurance—of your choice. You now have an automobile insurance policy. Why pay more premiums than you already do?

The time to act is now! Call or write your assemblyman and state senator. Tell them you want positive programs in Pennsylvania that will place the burden on the "At-fault" driver, not you the "No fault" victim. Tell them you do not want the No-Fault Automobile Insurance program now being considered.

Committee Against Higher Insurance Rates in Pennsylvania, John E. Britton, Chairman P.O. Box 1744, Erie, Pa. 16512.

[From the Chicago Sun-Times, May 12, 1971]

NO-FAULT REFORM IN THE STATES?

(By Charles Bartlett)

DENVER.—Lawmakers in the state capitol here have made the point that they are improbable instruments of reform on a tricky issue like auto insurance.

The White House counted on the Colorado legislature to support President Nixon's contention that the initiative on no-fault auto insurance can safely be left to the states. The Republican legislature seemed to be moving aggressively enough to enact the no-fault principle before it adjourned in late April.

The White House insurance expert, George Crawford, came out here twice to help push the bill through. The Colorado Bar Assn. joined in aiding the chief sponsors, house leader Carl Gustafson and Democratic Rep. Donald Horst, to draft legislation that would seem to reform the system without eliminating the trial lawyers' opportunity to bring suits.

"I honestly believe," Denver attorney Kenneth Kripke wrote Richard Jacobson of the American Trial Lawyers Assn. on April 1, "that it is not only a no-fault bill but that it is the real answer to the no-fault system, at least in Colorado, and I have given a personal commitment to the legislature to back it all the way."

Kripke's correspondence has come to light through the defection of Robert Joost, an employee of the American Trial Lawyers Assn. The letter describes how Kripke persuaded the legislators to draft a law that would require insurance companies to pay first party benefits up to $15,000 but enable accident victims to sue for damages above that.

The measure swept through the Colorado House 53 to 2. The sponsors knew that much of the momentum derived from apprehension of the legal fraternity that if Colorado did nothing Congress would be more disposed to pass a stiff federal measure, perhaps even the Hart-Moss bill which rules out liability suits unless the damage is catastrophic.

But the momentum suddenly evaporated in the Judiciary Committee of the Colorado Senate. The bill was bottled up by the votes of Republican lawyer-legislators and the legislature adjourned after passing a change in rate regulation which had no bearing on no-fault reform. The House sponsors discovered in conference with the Senate that they were butting against a stone wall.

The explanation is that the American Trial Lawyers Assn. had persuaded Kripke to change his position. The president of the association, Richard Markus, wrote him on April 13 that "the proposed legislation may not be as favorable as you seem to feel."

Markus pointed out that the legislation "will eliminate all special damages from virtually all cases" because the statistical record shows that medical expenses and wage losses exceed $15,000 in less than 1 per cent of all cases. The effect, he warned, will be to cause the insurers to discourage their insured against retaining counsel to file claims.

"Perhaps," Markus concluded, "the Colorado Trial Lawyers Assn. could reconsider and determine whether they wish to push this legislation. Without the push of the bar, I don't believe that this legislation will get anywhere in your state senate."

The lesson of the episode is that Congress cannot in good faith leave the enactment of no-fault auto insurance to the total discretion of state legislatures.

A Reply to WCAU–TV Editorial

Subject: No-fault auto insurance.
Speaker: James E. Beasley, President of the Philadelphia Trial Lawyers Association.

Announcers. A WCAU–TV Editorial supported the concept of no-fault auto insurance. In response, here is Attorney James E. Beasley, President of the Philadelphia Trial Lawyers Association.

There is a lot of fault with no-fault. "Everyone wins", "no one loses", "no delay", and "payment now" are catch phrases used to generate acceptance by the public of a bargain-basement sale tagged no-fault insurance. It is apparent that for everyone to be paid and there to be no losers, benefits must be taken from the innocent and used to pay the wrongdoer.

Insurance Commissioner Denenberg clearly stated on March 27, 1971 that if no-fault becomes the law of Pennsylvania, insurance premiums will remain the same and probably increase in the future.

No-fault will not reduce insurance premiums, it will only reduce the compensation due the innocent accident victim. Obviously, if everyone is to collect, including the drunk and the hot-rodder, the money must come from somewhere, and that somewhere is your premium dollars or a reduction in your benefits or both. Under all the no-fault schemes, the innocent are punished and the wrongdoer rewarded. No-fault is a compensation plan for the benefit of the insurance industry, not the people.

You decide—do you want your insurance premiums to be used to pay drunks' claims and in exchange you have less coverage for your wife and children? Do you want to trade in the benefits that you presently enjoy for a Mickey Mouse type insurance program where the innocent victim gives up benefits to insure that wrongdoers are paid? That is the fault with no-fault, and there is a lot more.

We Believe "No-Fault" Auto Insurance Is a Hoax

We believe that a law which would penalize a union member so that he may lose full use of his fringe benefits is a bad law. We believe that a law which says that a poor man may not be able to recover full payment for pain and suffering, but a rich man might—because his medical bills may be higher for the same injuries—is a bad law.

You've probably heard about a proposed "no-fault" auto insurance law. It sounds like everybody gets fully paid, faster, at less cost—and without having to sue.

The whole thing sounds pretty simple . . . *if that's all you know.*

The New York State Legislature in Albany is now considering various "no-fault" proposals. We believe that you have to know much more about them and that, in the public interest, the Legislature should not take hasty action on any proposal.

The New York State Insurance Department plan:

Did you know that a housewife, a child, a retired Senior Citizen, or any unemployed person, will get nothing for the loss of a leg, an eye, or other bodily mutilation? Only some medical bills *may be paid.*

Did you know that if you're employed, you will get nothing for bodily mutilation? You will only be paid for lost earnings and medical bills *if the insurance adjuster sees it your way.*

Did you know that you will no longer be able to sue for damage to your car caused by a careless driver?

Did you know that you will need more insurance—not less?

Did you know that in order to protect yourself, you will need high-priced collision insurance . . . *Extra insurance* for accidents outside of New York State . . . *and other special coverage . . . all at additional cost?*

Other "no-fault" proposals:

Did you know that you are not guaranteed payment of your expenses?

Did you know that you may have to bring two lawsuits to get paid?

Did you know that your right to full recovery for pain and suffering may depend on an arbitrary minimum of approved medical expenses?

Did you know that none of the "No-Fault" Plans guarantee payment of your medical bills and lost earnings?

Did you know that property damage (car damage, clothing, etc.) eats up 2–3 of your auto insurance premium (71 to 73% in New York City)? *Only 1–3 deals with bodily injury.*

Did you know that none of these proposals deal with property damage?

Did you know that in Massachusetts, the only state with a "no-fault" law, property damage premiums are up 38%?

Did you know that if you are a family man . . . with a decent income . . . you may have to pay more for insurance . . . than a single person . . . a younger person . . . a "hot-rodder" . . . in order to protect yourself and your family?

Did you know that the "no-fault" idea relieves the reckless driver of the responsibility for his own negligence and *can often be more generous to the guilty party than to the victim of an accident?*

There are a lot of pitfalls in all of the "no-fault" plans.

If you believe you can get something for nothing . . . If you still like the idea of "no-fault" insurance . . . *You probably don't know much about it.* Let us give you the facts.

If you've read enough . . . Write, wire or call *your* State Senator and State Assemblyman or Hon. Earl W. Brydges, Senate Majority Leader, Albany, New York 12224, Hon. Perry B. Duryea, Jr., Speaker of the Assembly, Albany, New York 12224, Hon. Joseph Zaretzki, Senate Minority Leader, Albany, New York 12224, Hon. Stanley Steingut, Assembly Minority Leader, Albany, New York 12224.

Help halt "No-fault"!! Peoples' Committee Against No-Fault, Room 392, Hotel Commodore, New York, N.Y. 10017.

[From the Washington Post, May 7, 1971]

Lawyer's Plan To Beat No-Fault Aired on Hill

(By Morton Mintz)

An official of the American Trial Lawyers Association, in surprise testimony on Capitol Hill, exposed yesterday what he said was his group's strategy for using money and persuasion to defeat federal and state legislation that would compensate victims of auto accidents regardless of fault.

Submitting internal documents to support his "act of conscience," Robert H. Joost testified that ATLA opposes no-fault bills not for the high-minded reasons it professes, but to enable it to go on feed-automobile negligence work."

ATLA's 25,000 members earn a substantial share of their fees by litigating auto accident claims, a practice that no-fault legislation would drastically impair. The fees from auto cases are estimated at $1 billion a year, or about one-quarter of the total income of the legal profession.

One of the papers Joost produced is a letter included in "A Trial Lawyer's Legislative Workbook," a 408-page guide that he edited and compiled for ATLA's campaign against no-fault insurance.

The letter, written by William R. Edwards of ATLA's tax-exempt Texas affiliate, tells about the state group's unit for financing campaigns. About 600 Texas lawyers each contribute $10 a month.

Edwards said the unit, called LIFT (Lawyers Involved for Texas), is concerned exclusively with state legislators. Last June the trial lawyers' news letter in El Paso claimed credit for nominating six of the eight state senators they backed in the Democratic primary.

When the legislature meets in Austin, Edwards said, his state association maintains "an open bar and buffet lunch" in its offices. Each day, he said, 20 to 25 legislators stroll across the street from the capitol grounds to lunch there.

Joost, 33, joined ALTA in 1962, became assistant to the chairman of its legislative section in 1968 and is the only lawyer on the staff of TRIAL, its bimonthly legal newsmagazine. He calls himself "a trial lawyer's lawyer."

He appeared before the Senate Commerce Committee. Chairman Warren G. Magnuson (D-Wash.) termed his testimony "very potent." Sen. Philip A. Hart (D-Mich.) praised him for an act "of considerable courage."

Joost's testimony may improve the outlook for no-fault bills sponsored by Hart and Magnuson and, in the House, by Rep. John E. Moss (D-Calif.).

Joost also has dealt a blow to the White House and those segments of the insurance industry that favor an alternative route to reform of an industry that, each year, collected $14 billion in premiums while paying out $7 billion to policy-holders and claimants.

That alternative route is a proposed congressional resolution appealing to the states to enact no-fault laws of their own.

Testifying 24 hours after ATLA appeared before the committee to denounce the Hart-Magnuson bill as "heartless," a threat to "civil rights," a bonanza for insurers and a bargain for "the guilty," Joost said that a decision to leave no-fault legislation to the states "is in fact a decision to retain the automobile negligence system with all its waste. . . ."

ATLA's spokesmen, Richard M. Markus and Craig Spangenberg, both of Cleveland, could not be reached last night.

In support of this assertion, Joost described meetings of ATLA "key men"—members interested in influencing state legislatures. The sessions were exclusively dedicated to defeating no-fault, at both the federal and state levels, he testified.

At an April 24 session in Chicago, Joost said, the "key men" discussed LIFT, which the El Paso news latter called "a legislative kitty that is paying off" for lawyers who oppose no-fault and want their practices "to survive."

Joost said he learned at the meeting that at least one other ATLA affiliate, the Academy of Ohio Trial Lawyers, has a counterpart to LIFT called ADOPT.

The academy's Thomas A. Heffernan of Cleveland, Joost recalled, "unequivocally predicted that the Ohio legislature will never enact any no-fault . . . in any form." In addition, Joost said:

Joost's boss in the legislative section of ATLA, Jerry Finn of Newark, N.J., summed up "by saying, 'Let's all adopt LIFT.' No one objected."

Jon Carlson of Belleville, Ill., said that "every member of the St. Clair County Bar Association has been assessed $100 for a fund to fight Gov. (Richard) Ogilvie's insurance-reform legislation." Carlson and Leonard Ring of Chicago said the Ogilvie proposal "doesn't have a chance to become law because we control the Senate . . . "

On the same day in Chicago, ATLA's executive committee unanimously voted to create a "department of federal-state relations" to be financed with a dues increase and with dismissals—including Joost's. He said the committee had not known of his secret decision to testify against ATLA's "party line." He was given two weeks' notice which expires today.

Joost indicated that the new department—which will have a $322,500 budget, 25 per cent of ATLA's total—will be mainly an anti-no-fault public relations effort. Its head will be Alan Locke, brother of a special assistant to Secretary of Transportation John A. Volpe, and its Washington representative will be Wayne Smith. Neither, Joost emphasized, is a lawyer.

At the first meeting of "key men, on April 17 in ATLA headquarters in Cambridge, Mass., Leon Roscassi of Hartford, Conn., reported that trial lawyers in his state "had had good luck in raising funds from the sheriffs and constables who serve legal papers," Joost testified. "Apparently the deputies are fearful that no-fault would mean fewer legal papers to serve . . ."

[From the KSL AM-FM-TV]

NO-FAULT

It has been a few years since KSL drew your attention to something called "no-fault" auto insurance. It was a new concept then and we said it was worth watching.

A little while after that Massachusetts adopted laws permitting the no-fault concept. With interesting results. The state recently ordered a premium reduction of 27½%. And the industry has been told to set aside reserve funds to provide a further 27½% credit against 1972 rates. These cuts will apply to bodily injury insurance only. Now, we should also remember that there was a 15% reduction of these premium rates for last year.

These figures are startling. And there are more. Testimony at public hearings in Massachusetts was that the average cost per claim to the insurance industry declined by 60% last year, the first year of no-fault.

Now this does not mean that all no-fault plans are good. KSL does not believe that to be the case. Some of them could be disastrous by leaving a person injured in an auto accident without remedy in the courts. That is a matter for careful scrutiny and regulation by state government.

But on the basis of present evidence no-fault can do this. It can eliminate the legal wrangling which takes place before settlement of a substantial proportion of claims. These court costs and legal fees come out of premiums of course and the injured party never sees this money. A spin-off benefit is to relieve the pressure on our court system, which has become clogged by these cases.

No-fault appears to be an idea whose time has come. KSL hopes the Utah State Legislature will examine its possibilities.

[From the Journal of Commerce, Aug. 17, 1971]

NEW ATLA HEAD MAPS ANTI-NO-FAULT DRIVE

SAN FRANCISCO, Aug. 16.—The American Trial Lawyers Association will beef up its public education program concerning what it terms "the perils of rationing justice under the no-fault auto liability system" and will more fully evaluate the current Massachusetts limited program in order to form its strategy to preserve the existing tort law industry.

Nor does ATLA fear very immediate danger of Congress and—or most state legislatures moving to enact new legislation from the "more than 200 varieties of no-fault already put forward, even though some legislators are getting very hot under the collar about it and a few insurance industry people think the change is inevitable."

These are views of Marvin E. Lewis of the San Francisco law firm of Lewis, Rouda & Winchell, installed early this month as ATLA president.

In an interview with The Journal of Commerce, Mr. Lewis said he considers his three-to-one election majority "a mandate by the 25,000 attorneys of ATLA and its 25-year-old predecessor, the National Association of Claimants Counsel, to continue this battle to preserve the inherent right of every citizen to have his full day in court."

He plans to "key in on the no-fault concept, which is spreading like wildfire, even though it is a bill of goods being oversold to the public," when he addresses Oregon and Washington ATLA groups next month prior to several nationwide speaking tours. But he stresses that car liability is only a single issue troubling trial attorneys, albeit a war involving million of dollars of insurance claimant payoffs and attorney fees are at stake.

SOARING RATE

The general public has no idea what is involved in its skyrocketing insurance rates, nor of the reasons behind unjustified policy cancellations, Mr. Lewis said, adding that "it has just been sold on this miraculous plan, providing full compensation, reduced rates and a Santa Claus visit, and this just isn't going to be so."

Referring briefly to what he called an "intra-industry infight" between old line stock companies and mutual insurance firms as having brought on the no-fault liability "stampede," Mr. Lewis said the swing behind the growth of the American Insurance Association (AIA) appears aimed at putting either the separate states or the federal government into the insurance business in a way that will do away with the need for trial lawyers, and ultimately, he warns, "a significant portion of the underwriting industry."

The ATLA plans to ask public questions, and get some answers, at every type of public forum and hearing on legislative proposals, concerning what the insurance companies have been doing. This will be in such questionable areas as the need for laws to curb some of their bookkeeping practices, investment returns accounting, wrongful cancellation of policies, the fallacies involved in reports of division of awards between claimants and attorney fees, the attorneys financing of claimant costs for seeking legal redress, and others, he said.

"The public is going to find out who the villains are. We aren't. The insurance companies are," Mr. Lewis said, while adding that "the trial lawyers don't consider themselves unfriendly to or opposed to a true free enterprise insurance industry.

"The big question is whether the trial lawyer can be eased out of the auto liability arena, first, to be followed by the same treatment in areas of, say, medical malpractice, product liability, property liability, and so on. We think when the women of the country realize they are to be left out completely by locked courtroom doors from recovery for pain, suffering, lost earnings and earnings capabilities, they will have more to say on the matter of their legislators," Mr. Lewis said.

Of particular interest in ATLA's battle, he said, will be the outcome of the pending legislation in Massachusetts requiring the state insurance commissioner to determine each firm's "excess profit" for purpose of returning that amount to auto liability policyholders, if legally possible. Without commenting on the bill enacted by the lower house, Mr. Lewis said the hard infighting between that state's governor and some legislators over the first six month statistics "represents the crux of the entire no-fault issue."

ATLA expects the statistics will show clearly that fewer benefits are being paid and the so-called excess profits are being dearly acquired at the expense of many injured parties clearly being denied benefits that are justified, Mr. Lewis claimed.

NO-FAULT SAID TO BE A HOAX, A "BIG FRAUD"

PORTLAND, OREG., Aug. 5.—The new president of the American Trial Lawyers Association sees plans for no-fault automobile insurance as a "hoax and a giant fraud being perpetrated on the public."

San Francisco Attorney Marvin E. Lewis took the reins as president of the group Wednesday and used the occasion to lambaste no-fault bills, which he said "erode the system of justice in this country."

He called on the 28,000 member organization to assume responsibility for educating the American people about this type of insurance plan.

200 VARIATIONS

He said no-fault insurance was being proposed across the country in more than 200 different variations. The policy basically provides that bodily injury claims are paid by the policyholder's own insurance company, regardless of who is at fault in the accident.

Proponents of no-fault auto insurance say it will cut insurance rates and relieve congestion in the courts by eliminating the costly and lengthly court suit battles.

The new president said that rather than cutting rates, the plan will only revise the rate structure "so that the careful driver will end up paying for the hotrodder."

The no-fault insurance plan, Mr. Lewis said, will ony hurt the innocent traffic accident victim "who will probably end up in a semi-private hospital room, with compensation for a portion of his lost wages and nothing more."

NUTLEY, N.J.,
November 13, 1971.

Senator WARREN G. MAGNUSON,
Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing to tell you how much no-fault Auto Insurance is needed in New Jersey.

I was a passenger in a car that was involved in a three car accident on Jan. 9, 1971—I received a back injury and partial loss of the use of my right arm and hand (I am not a south paw). I have not been a minute without pain since the accident and have been going to an Osteopath twice a week since Jan.

This Doctor wants me to see an Orthopedist and go into a Hospital for at least a week in traction. I have learned that Orthopedists and other doctors refuse to treat victims of accidents—they do not want to become involved in insurance cases. Although all the cars involved in the accident were insured, none of my medical bills have been paid—my doctor is on my back about his bill $625. As a result of this accident I lost my job and all Hospitalization and long term disability insurance carried by my employer.

I have an Attorney who is conveniently "in conference" or out of the office when I call—his secretary will take a message but needless to say he doesn't return calls. I do not know the names of the auto insurance companies or whether any action has been taken—my Attorney's Secretary doesn't have this information. The court calendars here are so crowded it takes from two to three years for a case to come up.

What is a person in my position supposed to do? I am 60 years old and have worked for nearly 40 years. I am alone and must support myself. It will take months of therapy for me to try and regain the use of my arm so I can get another job. Must I wait until my case is heard before I can get the necessary medical treatment—prolonging treatment I am risking complete loss of the arm. I haven't been without pain since the accident.

I wish a No-Fault Insurance bill covering disability insurance could be promoted. I have carried this type of insurance for years and cannot collect now.

Thank you for your effort to help victims like me.

Sincerely,

(Mrs.) Charlotte M. Petersdorf.

CAPITAL TIMES CITES "INCREDIBLE REPORT"

Mr. PROXMIRE. Mr. President, the Capital Times of Madison, Wis., said editorially on April 11 that "a majority of Wisconsin voters are sick and tired of the way the country is being run and the way their taxes are skyrocketing."

The editorial goes on:

> That discontent has been underscored by the incredible report from Washington that the Navy's top admiral has urged his command to hurry up and spend $400 million by June 30 lest their budget for next year be slashed by Congress.

I agree, that this attitude is, indeed, incredible. Making our country No. 1 in defense is an insurance policy that we cannot afford to be without. But, wasting money in the process is a good way to negate the benefits of such a policy.

Mr. President, I ask unanimous consent that the editorial of the Capital Times be reprinted in its entirety in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Proxmire: Pentagon Watchdog

> If last week's Wisconsin presidential primary did nothing else, it told the rest of this country that a majority of Wisconsin voters are sick and tired of the way the country is being run and the way their taxes are skyrocketing.
>
> That discontent has been underscored by the incredible report from Washington that the Navy's top admiral has urged his command to hurry up and spend $400 million by June 30 lest their budget for next year be slashed by Congress.
>
> The nation is indebted to Sen. Proxmire, the watchdog of the Pentagon, for this latest shocker. The "spend, spend, spend" directive came from Adm. Elmo R. Zumwalt, chief of naval operations, in an unclassified message to Adm. Isaac C. Kidd, chief of Naval Material, with copies to other top officers, Proxmire reported.
>
> Proxmire disclosed the incredible Zumwalt memo last week. But before the taxpayers start going after Zumwalt's hide, they ought to realize that he is merely carrying out orders that obviously came directly from President Nixon.
>
> The Defense Department issued a predictable denial of Proxmire's charge that it is out to "spend, spend, spend this year," so that it can spend "even more" next year. It acknowledged that it will do its best to "obligate" $2 billion extra in the fiscal year ending June 30.
>
> In his memo Zumwalt suggested various ways for his subordinate commands to hurry outlays of the $400 million by "expediting provisional payments on claims" and possible "unlimited overtime."
>
> Is it any wonder the electorate is listening to George Wallace?
>
> Thank heavens for Bill Proxmire.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time allotted for the transaction of routine morning business has expired.

BLACK LUNG BENEFITS ACT OF 1972

The PRESIDING OFFICER. At this time, in accordance with the previous order, the Chair lays before the Senate the unfinished business, H.R. 9212, which the clerk will report.

The legislative clerk read as follows:

> Calendar No. 712, H.R. 9212, a bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Debate on the bill is controlled and limited. Three hours has been specified, the time to be equally divided between the Senator from West Virginia (Mr. Randolph) and the Senator from New York (Mr. Javits). Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. RANDOLPH. Mr. President, I yield myself such time as I may desire.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

PRIVILEGE OF THE FLOOR

Mr. RANDOLPH. Mr. President, I ask unanimous consent that Gerald M. Feder, Eugene Mittelman, Richard Siegel, and Robert R. Humphreys of the staff of the Committee on Labor and Public Welfare, and Philip V. McGance, my legislative assistant, be permitted on the floor during the consideration of and voting on H.R. 9212.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will my distinguished senior colleague yield for two unanimous-consent requests before he begins his opening remarks?

Mr. RANDOLPH. I am happy to yield.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON THURSDAY, APRIL 20, 1972.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, April 20, 1972, immediately following the remarks of the two assistant leaders or their designees, the distinguished Senator from Wisconsin (Mr. Proxmire) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL WEDNESDAY AT 9 A.M. AND POSSIBLE ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, if the Senate completes action today on the pending business, it stand in adjournment until 9 o'clock a.m. on Wednesday morning; but, if the Senate does not complete action today on the pending business, it stand in adjournment, at the close of the day, until 11 o'clock a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK LUNG BENEFITS ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 9212) to amend the provision of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

Mr. RANDOLPH. Mr. President, we begin in this Chamber a discussion, and later today a determination, of important legislation that concerns itself with the further commitment of the Members of this body to justice and equity. We shall make such a commitment if we approve today what we call the Black Lung Benefits Act of 1972. "Pneumoconiosis" is a rather long word and, indeed, for some persons difficult to pronounce, but pneumoconiosis or black lung is a dread disease which has stricken tens and tens and tens of thousands of the miners of this country who go beneath the earth to bring forth coal which has been necessary for fuel to energize this Nation and to provide for our people.

I think we have an overdue debt that we are going to be able to pay in part with the passage of this legislation. It will be paid to a vital working population in our country. I believe my colleagues agree it is a debt which our society as a whole—not one segment, not one section, but society as a whole—owes to the coal miners who for so many years worked in the underground mines to bring forth millions and millions of tons of coal to, as I have said, energize this Nation.

The stark realization of the total inadequacy of Government policy and programs to protect the health and safety of the coal miner came to us—the distinguished Presiding Officer in this Chamber will recall—once again with a tragic and sorrowful period after November 20, 1968. That was a day of tragedy and of disaster. I hope we shall never forget the violent explosion that occurred on that date near Farmington, W. Va. The lives of 78 miners were lost in that disaster.

In a sense, in this country we so often act after the fact. That is human nature. But what took place then was the impetus for the Congress to enact the Federal Coal Mine Health and Safety Act of 1969, giving proof to the adage that "dead miners have always been the most powerful influence in securing mining legislation." Under the leadership of the Senator from New Jersey (Mr. WILLIAMS)—the Senator from New Jersey is chairman of the Labor and Public Welfare Committee at the present time; at that time he was chairman of our Subcommittee on Labor—and the leadership of the Senator from New York (Mr. JAVITS), we worked within the Subcommittee on Labor and we brought here to the Senate Chamber a strong and effective and a fair measure.

That was the way I characterized the legislation at the time it was considered. It was to protect the lives of miners and to improve their working conditions. If ever we had a milestone in this type of legislation, that was it. This was an effort—a very real effort at the national level—to insure the safe working conditions for a large segment of the working men and women of this country.

No longer, I believe, do officials of Government tend to dismiss incidents of unhealthful or unsafe conditions as being isolated. Rather, there has been generated by the Federal Coal Mine Health and Safety Act of 1969 a real responsiveness to possible dangers in the lives of the working men and women in all industries—not only in this type of industry but, later, in other industries through the Occupational Health and Safety Act. It is right that we should not falter or relax until we have provided, not just the minimum, not even the median, but the maximum degree of safety and health protection for the workers in industry throughout this Nation.

With this specific legislation, Congress has responded to more than just the immediate disaster which caused the death of 78 miners, for in that legislation Congress laid the groundwork for eliminating from the lives of the Nation's coal miners the threat of the dread disease called coal workers' pneumoconiosis, commonly known as black lung, and we have provided, under title IV of the act, a system of benefit payments and minimum compensation standards for miners and the widows of miners who had been totally disabled by that disease.

It was my responsibility and privilege to sponsor with the cosponsorship of my colleague from West Virginia (Mr. ROBERT C. BYRD) and Senators WILLIAMS, PROUTY, JAVITS, COOPER, SCOTT, COOK, SCHWEIKER, and SAXBE, the amendment accepted unanimously on the Senate floor to provide a program of payments to miners totally disabled by black lung.

I remember the support, the response of the Senators here to the challenge to do what was right, and to do it then.

This was the first time, Mr. President, that Federal legislation recognized the inadequacy of compensation for this dread disease which afflicts coal miners. I want to be very fair: Not all coal miners, but it afflicts many, many coal miners.

As the Senate report on the original act stated, this irreversible disease was "believed to have afflicted 100,000 of the Nation's active and retired miners." President Nixon, in his March 1969 message which called for a new coal mine health and safety act, said:

> Death in the mines can be as sudden as an explosion or a collapse of a roof and ribs, or it comes insidiously from pneumoconiosis, or black lung disease.

Mr. President, this is a disease which creeps into the body progressively and leads to that period, sometimes several years away, sometimes in years near at hand, when the miner becomes incapacitated, even though many, many times he is a relatively young man.

At the time the Coal Mine Health and Safety Act was signed into law, only 2½ years ago, it was generally thought that coal miners' occupational breathing disabilities were encompassed by the term "pneumoconiosis." I so thought, Mr. President, and most Members of Congress, I believe, so understood the situation. The knowledgeable press—and there was close attention to this legislation—and many physicians believed that that was the case. It was generally believed that title IV of the act relating to black lung benefits would be a satisfactory means of compensating miners who were incapacitated by respiratory diseases, as well as the surviving widows and children of miners who had died from the dread black lung.

Since the passage of that basic, necessary, desirable, urgent act, however, experience has taught us that all is not as we expected. As of March 3, 1972, 356,857 claims had been filed since the effective date of the act, December 30, 1969. According to the Social Security Administration, 91,784 disabled miners and 74,809 widows have received benefits, for a total of 166,593 claims, while 169,999 claims have been denied.

The total of those receiving benefits, I repeat, is 166,593.

Not only have the number of claims far exceeded those earlier expectations of Congress, indicating a more widespread and more serious problem than they anticipated, but also the rate of denials—more than 50 percent nationwide, and as high as 72 percent in some States—suggests strongly that the solution has not been nearly as complete as we in Congress had believed and expected it would be.

Clearly the implementation of the black lung benefits of the Coal Mine Health and Safety Act is not—I repeat, is not—reaching and aiding the large number of miners and survivors who urgently need assistance and whom Congress in 1969, I think, intended to aid.

The approval or denial of black lung benefits—the determination of disability—for a miner in many instances constitutes a matter of life and death. It very often determines whether a miner and survivors will be able to maintain a halfway decent standard of living. Black lung benefits can mean the difference between adequate or substandard housing; sufficient diet or undernourishment; and minimal medical care or no medical care for a miner and his family. An issue having such a bearing on the lives of people—thousands of people—demands thorough and timely attention of Congress and affirmative action.

Mr. President, may I ask the Chair how much time I have consumed?

The PRESIDING OFFICER. The Senator has 62 minutes remaining.

Mr. RANDOLPH. How much time have I consumed?

The PRESIDING OFFICER. Nineteen minutes in all, and the quorum call consumed 9 minutes of the Senator's time. 62 minutes remain.

Mr. RANDOLPH. That the Congress intended a significantly more substantial degree of aid under black lung benefits is, I believe, entirely clear. As chief sponsor of the amendment, title IV, I believe I know what the thinking of the sponsors of the amendment was and what was intended. We did not anticipate the circumstances of the existing program under which so many disabled miners and survivors are unable to secure assistance.

At the time of the enactment of the black lung benefits program, the Congress was required to make a medical decision based on a limited amount of what we call hard information and under severe time limitations. That decision to base a program on the determination of "complicated pneumoconiosis" was thought to take into consideration the unique and extensive health problems created by the frequency of pulmonary or respiratory diseases among coal miners—these impairments working their way to the final result, pneumoconiosis or black lung disease—and the resultant inability of miners to continue working due to these diseases. This record is open and well known.

We know today that the legislation as written did not encompass the complexity or scope of respiratory diseases among miners. It did not recognize the unusual and dramatic problem so well described by the ranking minority member of our subcommittee, Senator JAVITS, when he called attention to "our sublime insensitivity to what is probably the worst occupational disease in the country—black lung" and stressed that "there exist today in the United States literally thousands of former coal miners who have reaped, as their sole reward for long and faithful service underground, ravaged lungs, enlarged hearts, and retirement years spent as semi or complete invalids, slowly choking to death. All because of coal dust."

We know today in far greater detail the case histories of miners whose work in the mines has resulted in totally disabling respiratory diseases. I have listened to these case histories. I have reviewed them carefully. I have attempted to document them with the Senator from Pennsylvania (Mr. SCHWEIKER). We have gone into the field, into West Virginia and Pennsylvania. We have heard the testimony, and we have talked with these people.

These respiratory impairments not only prevent miners from engaging in gainful employment but also cause a continued physical deterioration which makes normal daily activity extremely painful, if not impossible.

We know today, based on extensive hearings in Washington and in the coal fields of West Virginia, the terrible burden being borne by disabled miners whose claims are being denied after 35 and 40 years in the mines. When you meet and talk to these men, you know without doubt that they are disabled by respiratory diseases. Many of them—and this is not an exaggeration—do not have the breathing capacity to carry on a normal conversation.

The degree of suffering of these men is attested to by the following statement of a miner the Subcommittee on Labor interviewed in Beckley, W. Va. He said:

> I have worked in the coal mines 37 years. I started in there when I was 16 years old. I ran motors for about 37 years, and in the last work I had done, I worked about 8 years. My lungs went bad on me, and I had to go into the hospital. I did not know what was the matter with me. I could not get no breath, I would get tired, I would work a half a day, and that is all I could stand, I would have to go home.
>
> I had to crawl to work, and with the smoke, the bad air, I then went into the hospital, and they told me, they said your lungs were peeling off, so I said all right. They made me stay there in the hospital, I expect for 10 days, and I got a little better, and they went down in me, and they found inside a growth.
>
> For about 6 weeks, they could not take it out, and I come to Beckley Hospital to have it taken out, and they told me in Beckley, they said, "You know what is the matter with you, you say you worked 37 years in the coal mines, you know what is wrong with you." I said, "Yes, I know," and I ain't never been able to do a thing since.
>
> I signed up on this, and I did not think I would have any trouble at all, getting my black lung. I then signed up for 2 years. I have been turned down twice.
>
> I cannot eat, I cannot sleep. I have got to prop up in the bed. I cough that stuff up all night long. Sometimes I get full of it, and it is that it shuts my wind off. I have got to get up.
>
> I sleep 2 hours a night, just about on the average. Sometimes not that much. If I get a little bit of cold, I have to sit up and put a quilt around me. When I lay down, I just rasp, and there is nobody around me that can sleep. I cannot sleep either. Sometimes around in the morning, I will get coughed out, and maybe I will doze off and sleep a little bit. When I get up, I ain't got enough wind left.
>
> I spit coal dust up for about 5 years, and now it just looks like cotton, big balls of stuff, just looks like white cotton.

Mr. President, I want to be fair. I said at the outset that not all miners become afflicted with black lung. I want to make that very clear. But what I do say with emphasis today is that when a miner has contracted the dread disease, black lung, pneumoconiosis—and Congress has provided in the 1969 act, title IV, benefits for that miner and the widow—we have a right to expect that he will not be denied benefits by the Social Security Administration. In the pending legislation, we provide that a miner will not be denied black lung benefits solely upon the basis of an X-ray. We want other matters to be considered. Many, many people can help in the determination of whether he has or does not have black lung.

Mr. President, what I have just said about one miner is not an isolated case. I wish there were fewer stories such as that, but they are, over and over again, the case histories we have heard.

The miners of this country and their families have paid a terribly high price to provide us with the fuel and energy which our industrial society has demanded. I believe it our responsibility as a Nation to insure that they receive deserved and urgently needed compensation for their labors.

I think we should remember today that about 54 percent of all the thermal power in this country used to fuel and energize our industrial society comes from coal.

All over America, in every State, the results of what the miners have done relative to the production of coal has been vital to the well-being of this country and its people—even to the security and the safety of its men and women.

An estimated 10 percent of each individual personal income expenditure goes for energy, either directly or in the production of consumer goods or the furnishing of consumer services. Coal represents, as I stated, some 54 percent of this energy or 600 million tons each year—3 tons for each person. Approximately 28 percent of the increased household use of electricity in the last 10 years was due to new air conditioning and space heating, and this demand has been most difficult to satisfy in such large urban areas as New York City. Whereas early man consumed about 2,000 calories per day, the average U.S. citizen today uses more than 200,000 calories per day to feed himself and to account for the consumption by various industries that support him. We have increased our energy consumption by a factor of at least 100 in providing the machinery, so to speak, that relieves us of physical burden.

This fantastic increase in our standard of living has been accomplished through abundant sources of low cost and reliable energy with more than half of today's energy being derived from coal.

Miners are absolutely essential to the production of this energy. They and their families have suffered agony in satisfying the energy needs of our industrial society. The miner will be absolutely essential to meeting future energy needs.

But the miners will not be there in the future unless the Congress and our Nation continue to take affirmative action to minimize the risks of this dangerous occupation and to lessen the suffering and anguish when injury and disease strike.

Mr. President, we must remember that today we have a strong country because of the strength of these men that I have mentioned.

I shall talk about it a little more later on, but someone might say the black lung program is costing more than was anticipated. Early today, I heard the distinguished Senator from Wisconsin (Mr. PROXMIRE) talk about some of the physical hardware of this country where the costs are above what was anticipated. We know that this takes place time and time again. For example, the "cost growth" of many defense contracts is well known. I would like, at this point in the RECORD, to place a chart of some cost overruns.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

"COST GROWTH" IN CERTAIN GOVERNMENT PROGRAMS

[In millions]

Defense Department	Navy S3A aircraft	C5A aircraft	F-111 aircraft	DD963 destroyer	Improved Hawk missile	Seavan 8 and 9
Planning estimate	$1,763.8	$3,423.0	$4,686.6	$1,784.4	$335.5	$946.5
Current estimate through completion	3,138.8	4,555.2	6,667.9	2,715.2	752.1	1,233.8
"Cost growth" or overrun	1,375.0	1,132.2	1,981.3	903.8	416.6	287.3

Source: General Accounting Office.

Mr. RANDOLPH. Mr. President, we attempt to cope here, however, with the heartbeat of a human being rather than the hard facts of physical hardware of one kind or another.

This legislation is very important to people in all parts of our Nation, and I know that it is considered so in this body.

I have said that it is not sectional. It is not. I would point out that we have cosponsors other than the original cosponsors and the members of the committee who joined in reporting this measure to the Senate. I recall the cosponsorship of the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), and the Senator from Minnesota (Mr. HUMPHREY).

Now, Mr. President, I should like very quickly to state the scope of this program and have placed in the RECORD as I have the opportunity to do so, some charts, graphs, figures, and statistics relating to this measure. I should say now that we have a table showing the State-by-State breakdown on current beneficiaries. This table also includes counties in the various States.

Are the claims being paid only in the Appalachian region? Is it in Ohio? Is it in Pennsylvania? Is it in West Virginia or Kentucky? Yes, it is all of these areas. But they are also being paid in New York. They are being paid in New Jersey. In New Jersey 1,900 were paid. So we know that the benefits, based upon the determination of black lung, the dread disease, are being paid throughout the 50 States; 62 in Manhattan alone. We emphasize, of course, that this legislation is to help those who need help, those who have given of themselves in the production of the necessary fuel, almost to the point of life and death.

Mr. President, I ask unanimous consent to have printed in the RECORD these statistics.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NUMBER OF BLACK LUNG CLAIMS ALLOWED, TOTAL CUMULATIVE PAYMENTS SINCE ENACTMENT AND TOTAL MONTHLY PAYMENTS, BY STATE OF CURRENT BENEFICIARY RESIDENCE, AND COUNTIES, WITH 50 OR MORE CLAIMS ALLOWED—AS OF DEC. 31, 1971

State and county	Claims allowed	Monthly payment amount	Total cumulative amount
Alabama	6, 301	$1, 237, 762	$24, 503, 194
Bibb	207	40, 886	842, 503
Cullman	61	12, 776	215, 707
Etowah	56	11, 280	159, 300
Jefferson	3, 581	701, 474	14, 387, 897
Marion	162	32, 549	625, 974
St. Clair	82	17, 247	269, 929
Shelby	179	36, 232	675, 436
Tuscaloosa	158	32, 439	618, 748
Walker	1, 463	284, 284	5, 714, 670
Alaska	5	918	19, 834
Arizona	241	46, 445	764, 618
Maricopa	153	29, 461	484, 169
Arkansas	659	126, 055	2, 455, 765
Franklin	88	16, 874	307, 772
Johnson	146	28, 024	549, 238
Logan	121	24, 398	520, 687
Sebastian	219	41, 091	799, 953
California	765	137, 495	2, 277, 267
Los Angeles	302	53, 850	877, 837
Orange	61	11, 054	191, 690
Colorado	582	106, 949	1, 805, 568
Boulder	86	15, 684	308, 658
Denver	72	13, 500	219, 721
Huerfano	65	12, 619	205, 905
Las Animas	134	25, 235	461, 456
Connecticut	426	75, 120	1, 327, 734
Fairfield	200	35, 613	638, 455
Hartford	76	12, 879	228, 593
New Haven	121	21, 072	377, 283
Delaware	141	24, 803	470, 152
New Castle	120	20, 749	385, 841
District of Columbia	77	13, 875	231, 692
Florida	1, 313	253, 270	4, 397, 997
Brevard	77	14, 055	229, 514
Broward	101	18, 824	321, 121
Dade	96	17, 366	290, 241
Hillsborough	130	25, 496	442, 276
Orange	102	19, 591	341, 143
Pinellas	168	32, 808	606, 779
Volusia	64	12, 484	223, 645
Georgia	117	21, 007	349, 720
Hawaii	3	473	10, 393
Idaho	20	3, 746	69, 561
Illinois	8, 533	1, 591, 468	25, 437, 026
Christian	274	48, 606	831, 870
Clinton	73	13, 383	139, 939
Cook	266	45, 753	718, 787
Franklin	2, 119	399, 454	7, 339, 462
Fulton	162	29, 531	445, 365
Jackson	186	34, 698	575, 113
Jefferson	52	10, 248	172, 230
Macoupin	362	63, 342	892, 573
Madison	171	30, 331	369, 730
Marion	109	20, 688	256, 880
Montgomery	110	20, 154	248, 289
Peoria	75	12, 964	188, 097
Perry	376	69, 612	1, 107, 175
Randolph	173	31, 947	475, 677
St. Clair	152	28, 592	358, 116
Saline	817	157, 224	2, 502, 623
Sangamon	349	62, 899	904, 383
Tazewell	51	9, 330	134, 689
Vermilion	430	80, 848	1, 091, 267
Williamson	1, 579	303, 621	4, 945, 549
Indiana	2, 058	372, 463	6, 187, 114
Clay	73	13, 454	210, 304
Gibson	100	18, 165	335, 151
Green	160	27, 783	489, 919
Knox	250	44, 460	802, 604
Lake	63	11, 473	193, 560
Marion	96	17, 323	286, 318
Sullivan	206	36, 481	587, 008
Vanderburgh	51	8, 834	130, 634
Vermillion	159	28, 424	449, 401
Vigo	288	51, 590	857, 539
Iowa	849	158, 410	2, 202, 012
Appanoose	299	57, 160	813, 320
Marion	82	14, 799	196, 203
Monroe	113	21, 152	284, 196
Polk	107	19, 432	250, 657
Kansas	161	27, 448	396, 811
Crawford	77	12, 928	208, 667
Kentucky	10, 789	$2, 094, 994	$41, 370, 293
Bell	873	173, 425	3, 756, 029
Boyd	77	14, 080	230, 277
Breathitt	62	13, 035	264, 905
Clay	160	35, 277	695, 779
Fayette	57	10, 172	186, 238
Floyd	1, 065	196, 046	4, 032, 981
Harlan	1, 453	283, 015	6, 290, 206
Hopkins	600	117, 118	1, 987, 637
Jefferson	93	16, 373	254, 041
Johnson	265	51, 323	968, 733
Knott	168	33, 123	659, 814
Knox	244	47, 839	939, 007
Laurel	127	25, 509	476, 359
Lawrence	75	15, 009	292, 480
Leslie	91	18, 903	393, 226
Letcher	692	134, 052	2, 567, 475
McCreary	293	58, 297	1, 201, 277
Martin	108	21, 524	460, 539
Muhlenberg	521	100, 004	1, 612, 540
Ohio	80	15, 318	218, 493
Perry	588	117, 361	2, 382, 965
Pike	1, 627	311, 618	6, 547, 849
Union	102	19, 504	264, 600
Webster	223	41, 972	695, 256
Whitley	366	71, 899	1, 410, 857
Louisiana	23	4, 012	64, 789
Maine	1	123	5, 756
Maryland	1, 708	281, 530	4, 666, 496
Allegany	846	131, 545	2, 164, 858
Anne Arundel	69	11, 572	186, 280
Baltimore	113	19, 022	314, 886
Baltimore City	124	20, 743	348, 138
Garrett	222	38, 706	628, 207
Montgomery	73	12, 710	223, 156
Prince Georges	142	25, 006	404, 291
Massachusetts	54	9, 806	150, 153
Michigan	1, 264	226, 882	3, 593, 511
Genesee	54	10, 034	146, 565
Macomb	88	15, 832	255, 246
Oakland	133	24, 519	275, 376
Wayne	750	133, 258	2, 084, 895
Minnesota	11	2, 284	44, 814
Mississippi	26	4, 539	68, 702
Missouri	212	38, 524	494, 616
Montana	109	18, 110	269, 997
Nebraska	10	1, 835	15, 705
Nevada	30	5, 382	77, 331
New Hampshire	7	1, 147	11, 115
New Jersey	1, 891	337, 234	5, 841, 844
Bergen	112	18, 858	323, 025
Camden	112	20, 521	374, 430
Essex	328	60, 888	1, 038, 100
Hudson	127	22, 422	391, 775
Mercer	94	16, 552	303, 549
Middlesex	209	35, 929	653, 421
Morris	70	11, 865	228, 172
Passaic	128	22, 381	387, 118
Somerset	118	20, 194	363, 426
Union	273	50, 340	821, 109
New Mexico	232	44, 954	788, 041
Colfax	79	15, 335	247, 636
McKinley	68	12, 665	270, 315
New York	1, 263	223, 707	3, 793, 005
Broome	144	25, 449	430, 801
Erie	176	31, 210	509, 805
Kings	126	22, 578	377, 169
Monroe	65	11, 702	204, 035
Nassau	50	8, 752	154, 676
New York	62	10, 863	178, 831
Niagra	68	11, 949	182, 033
Queens	117	21, 933	386, 944
Westchester	60	10, 556	181, 477
North Carolina	321	58, 737	1, 081, 897
North Dakota	10	1, 863	24, 390
Ohio	5, 392	993, 019	15, 714, 114
Athens	356	65, 623	941, 942
Belmont	663	118, 438	1, 772, 266
Butler	83	16, 064	243, 926
Cuyahoga	769	139, 588	2, 224, 755
Franklin	445	83, 079	1, 503, 831
Gallia	110	20, 686	348, 567
Hamilton	220	40, 046	663, 926
Harrison	65	11, 845	181, 484
Jackson	59	11, 366	183, 884
Jefferson	295	53, 616	769, 807
Lawrence	61	12, 160	200, 506
Lorrain	103	18, 234	291, 365
Lucas	96	17, 750	295, 299
Mahoning	67	11, 819	191, 563
Meigs	93	19, 271	295, 083
Montgomery	308	54, 948	883, 857
Muskingum	73	14, 864	230, 912
Perry	123	21, 826	307, 263
Stark	125	24, 471	373, 596
Summit	159	27, 632	445, 562
Trumbull	74	13, 960	222, 826
Tuscarawas	72	12, 620	228, 349
Oklahoma	506	93, 195	1, 598, 396
Le Flore	105	20, 157	364, 647
Okmulgee	86	15, 454	273, 869
Pittsburg	146	27, 164	475, 837
Oregon	41	7, 353	117, 714
Pennsylvania	64, 587	11, 612, 898	228, 400, 826
Allegheny	1, 809	324, 173	6, 098, 613
Armstrong	475	89, 629	1, 671, 239
Beaver	59	10, 625	159, 880
Bedford	249	$46, 715	$850, 950
Berks	132	22, 686	416, 591
Blair	60	10, 097	182, 114
Bucks	252	44, 789	827, 628
Butler	143	25, 675	455, 497
Cambria	4, 263	771, 103	15, 504, 509
Carbon	1, 564	282, 001	5, 984, 535
Centre	206	38, 611	697, 657
Chester	81	13, 569	254, 043
Clarion	218	41, 622	688, 781
Clearfield	1, 113	206, 966	3, 729, 892
Columbia	469	87, 146	1, 752, 666
Cumberland	78	13, 908	240, 648
Dauphin	550	92, 985	1, 839, 865
Delaware	222	38, 928	707, 907
Elk	187	34, 209	627, 970
Erie	83	14, 579	256, 959
Fayette	3, 215	594, 970	11, 114, 235
Green	739	136, 014	2, 528, 238
Huntingdon	220	41, 192	775, 459
Indiana	1, 436	262, 579	5, 005, 371
Jefferson	450	85, 349	1, 508, 380
Lackawanna	8, 517	1, 528, 068	29, 085, 071
Lancaster	79	13, 957	252, 807
Lebanon	70	11, 989	220, 463
Lehigh	115	19, 587	342, 212
Luzerne	17, 883	3, 184, 221	64, 567, 144
Mercer	64	12, 137	217, 704
Montomery	210	36, 735	645, 568
Montour	59	9, 963	189, 461
Northampton	118	21, 073	398, 652
Northumberland	2, 893	520, 168	10, 314, 090
Philadelphia	430	77, 796	1, 399, 381
Schuylkill	8, 228	1, 447, 322	30, 332, 164
Somerset	2, 016	380, 126	7, 563, 380
Sullivan	69	12, 025	197, 940
Susquehanna	287	51, 382	990, 403
Tioga	97	16, 788	330, 585
Washington	2, 410	433, 580	8, 542, 534
Wayne	164	30, 610	558, 362
Westmoreland	1, 927	351, 294	6, 152, 291
Wyoming	150	27, 686	498, 478
Puerto Rico	3	535	9, 926
Rhode Island	10	1, 682	25, 484
South Carolina	54	10, 462	177, 072
South Dakota	4	917	16, 094
Tennessee	4, 205	834, 904	15, 659, 545
Anderson	554	110, 699	2, 250, 030
Campbell	783	156, 676	3, 238, 018
Clairborne	183	36, 506	768, 054
Cumberland	74	13, 993	213, 555
Fentress	77	14, 831	236, 542
Grundy	280	56, 378	1, 083, 635
Hamilton	197	37, 534	550, 635
Knox	191	39, 710	718, 907
Marion	262	53, 104	984, 086
Morgan	104	20, 585	394, 550
Putnam	63	13, 314	274, 335
Roane	394	78, 050	1, 444, 242
Scott	112	23, 683	493, 469
Sullivan	216	40, 931	722, 549
Washington	52	10, 439	176, 100
White	188	35, 308	510, 399
Texas	116	22, 387	353, 434
Utah	479	91, 855	1, 423, 400
Carbon	293	56, 741	885, 306
Salt Lake	72	13, 475	192, 623
Vermont	3	535	8, 144
Virginia	6, 727	1, 358, 528	27, 055, 936
Alexandria City	55	9, 753	174, 499
Bristol City	80	15, 952	309, 300
Buchanan	566	124, 088	2, 448, 168
Dickenson	442	91, 525	1, 897, 099
Lee	633	129, 928	2, 830, 822
Montgomery	61	11, 206	167, 950
Norton City	228	43, 357	873, 967
Roanoke City	75	13, 904	248, 615
Russell	457	94, 337	1, 881, 805
Scott	90	17, 343	390, 280
Smyth	88	17, 909	326, 494
Tazewell	1, 404	286, 368	5, 950, 792
Washington	96	20, 058	377, 685
Wise	1, 347	266, 021	5, 455, 258
Wythe	166	33, 255	487, 061
Washington	200	35, 729	511, 706
King	50	8, 377	120, 272
Kittitas	76	13, 742	170, 325
West Virginia	26, 365	5, 251, 455	103, 894, 646
Barbour	304	57, 602	1, 003, 068
Boone	867	173, 065	3, 363, 137
Braxton	66	13, 589	269, 879
Brooke	78	15, 568	289, 137
Cabell	152	28, 578	527, 489
Clay	149	30, 720	556, 278
Fayette	2, 902	566, 406	11, 698, 026
Greenbrier	397	77, 038	1, 451, 449
Harrison	691	133, 764	2, 324, 227
Kanawha	1, 686	319, 579	5, 980, 266
Lincoln	190	39, 442	763, 562
Logan	2, 362	483, 579	10, 410, 224
McDowell	3, 090	629, 969	13, 732, 967
Marion	1, 177	225, 202	3, 804, 988
Mason	53	9, 950	155, 008
Marshall	121	23, 042	366, 583
Mercer	1, 575	317, 894	6, 184, 294
Mineral	101	19, 849	316, 454
Mingo	1, 713	364, 611	7, 599, 089

State and county	Claims allowed	Monthly payment amount	Total cumulative amount
West Virginia—Continued			
Monongalia	738	$141, 349	$2, 503, 725
Monroe	69	13, 447	257, 266
Nicholas	322	64, 321	1, 138, 568
Ohio	217	42, 114	688, 450
Preston	285	59, 532	969, 750
Putnam	107	20, 550	315, 015
Raleigh	3, 887	764, 973	16, 377, 341
Randolph	215	42, 332	811, 202
Summers	73	14, 675	275, 749
Taylor	124	24, 219	421, 030
Tucker	125	23, 546	456, 908
Upshur	125	25, 707	426, 463
Wayne	136	28, 262	524, 545
Webster	208	43, 931	853, 453
Wyoming	1, 771	355, 716	6, 083, 637
Wisconsin	51	8, 992	145, 000
Wyoming	525	97, 590	1, 828, 792
Lincoln	54	10, 104	200, 419
Sweetwater	378	71, 062	1, 359, 875
Total claims allowed	149, 595	27, 995, 037	532, 609, 728

Mr. President, I cannot overstress the great urgency in securing the enactment of this responsible legislation. This sense of urgency is something I share with you and thousands of miners, their widows, and children who are anxiously awaiting what we are doing here. Those of us who went into the coalfields to hold hearings on improvements to the black lung benefits program know the anxiety felt by the coal miners and their families. Those of us who were in Beckley, W. Va., or Scranton, Pa., came away heartsick after hearing the quiet, anguished, but proud pleas for help from miners and wives and widows and children. They came to us not seeking a handout; they came seeking a helping hand. They came with the high purpose of the widow whose husband worked 28 years in the mines, and since his death she had raised seven children on her own. I call this woman gallant. I shall never forget what she said:

> I have been denied and I am testifying not to help myself, perhaps, but to help the miners of the future and their families.

Mr. President, when you hear such a story and you know what the expenditures for our physical hardware are in this country, you realize that we in Congress have a responsibility, as we have never had it before, to do now, without delay, what should be done to help these persons.

Our subcommittee returned from those hearings with a deep determination to assist the miners and families who now wait for the results of our action here in the Senate. We cannot and must not disappoint them.

We cannot and must not ignore the needs of thousands of persons who have been shocked when they are advised that they do not qualify for benefits under the black lung program. Many of these persons have spent 20 and 30 and sometimes 40 and 50 years working underground in the dark and damp atmosphere bringing forth coal which has enabled the people of this country to achieve a per capita energy consumption rate six times higher than the world average.

Mr. President, day in and day out, under the threat of roof falls, electrical fires, rock falls, poison gas, penetrating moisture, and always the ever-present coal dust, these men have performed loyal and faithful service. Although the mines have been improved—and I commend those companies and their officials who have worked so diligently for improvement—these same conditions continue to exist in many areas. We cannot ignore the needs of these men.

So now we earnestly desire to help those that need our help, those who form the mining population of this country. We will not ignore in this body the health and well-being of these people. I do not believe, when we can so easily turn on a light, press the television button, or adjust the air conditioner, that we will not realize the terrific flow of power for all Americans, which has been coming from the miners of this country through the production of coal—a production which will necessarily have to be increased in order to meet the future energy requirements of this country.

Mr. President, I said at the beginning that I think society—not a part of society but all of society—has a real debt to those thousands of miners who have been fueling the Nation. H.R. 9212, as reported by the Committee on Labor and Public Welfare—given very careful attention by the subcommittee and the committee, given attention by the distinguished member of the committee who is now presiding over this Chamber, the distinguished Senator from Iowa (Mr. Hughes), given the attention of men regardless of party, and reported unanimously to this Chamber—is the legislation on which I hope in a few hours we will have a positive determination.

I urge the passage of the bill.

Mr. President, although the estimates of cost are eminently fair, certain of the coal associations have expressed displeasure with the committee bill through telegrams to Members of the Senate. I would like at this point to insert in the Record a copy of that telegram, along with a telegram which I have sent to all Members of the Senate.

Washington, D.C.,
April 17, 1972.

Hon. Jennings Randolph,
Senate Labor and Public Welfare Committee,
Washingotn, D.C.:

The undersigned associations, representing more than 80 percent of U.S. bituminous coal production, respectfully request the Senate Committee on Labor and Public Welfare to reconsider its amendments to H.R. 9212, the so-called black lung extension bill, for the following reasons:

1. To secure and give careful consideration to the estimates of additional costs to both government and industry of liberalization of the present program as provided in the senate amendments. At present we are advised only that the projected costs would be a staggering 12 to 15 billion over the next 10 years, with a large but undetermined portion of that to be borne by the coal industry, the total volume of coal sales in 1971 amounted to less than $4 billion.

2. To ascertain the effect of such increased costs of the thousands of small companies that produce almost half the nation's coal. The 20 largest coal companies produce almost half the nation's coal. The 20 largest coal companies produce 55 percent of the annual coal tonnage from 350 mines. The remaining 45 percent is produced in 5,200 mines most of them run by small independent coal producers. Thus, a major share of the cost of liberalized program would fall on the small and medium-sized producers.

3. To reevaluate the proposed standards for diagnosing black lung. The expanded standards of the House bill, H.R. 9212, are adequate to take care of those applications already rejected by what is regarded to be an overly restrictive interpretation of the 1969 law by the Social Security Administration.

4. To reexamine enlargement of the program to cover respiration and pulmonary diseases, such as chronic bronchitis and emphysema.

5. To give further consideration to the proposed extension of this program to brothers, sisters, parents, and other collateral relatives. The number of beneficiaries under the present program already exceeds 240,000 including 91,000 miners and 74,000 widows. To put this is perspective, it must be noted that only about 120,000 miners are currently employed in the coal industry.

6. To give careful thought to whether a disaster-type program originally conceived as a temporary measure to terminate in 1976 should be converted into a permanent program under what amounts to a federalized workmen's compensation plan. The Senate bill would give the States only one additional year to adjust their compensation laws to provide for assumption of this complex and costly program.

To fully assess the effects of this program on the continued economic viability of the coal industry, on the national economy and the consumer who, in the end, would have to pay the bill in the form of higher rates for electricity and other essential goods and services.

We again respectfully request the committee to reconsider its amendments to H.R. 9212. The coal industry generally is on record as supporting the House bill. But the Senate amendments not only could be disastrous for the coal industry—they would have a profound effect on the U.S. economy.

Joseph E. Moody, President, Bituminous Coal Operators Assn. Inc., Carl Bagge, President, National Coal Assoc., Louis H. Hunter, Executive Secretary, National Independent Coal Operators Assn., Allen Overton, Jr., Executive Vice President, American Mining Congress.

Telegram

I am very, very deeply disappointed that the coal industry associations are opposing the black lung benefits bill that will be brought to decision in the Senate on Monday. I refer to Senate Labor and Public Welfare Committee amendments to H.R. 9212. Four associations representing the bituminous coal industry have circulated a telegram to Senators decrying the costs of the black lung benefits program, and in doing so they have grossly overestimated the costs.

Both the Federal government and the coal operators will pay for the benefits provided and proposed to be provided for those persons and their dependents who have directly and indirectly mined the coal which has fueled and energize this country. In 1970 alone 54 percent of all the thermal power generated was from coal. I believe that coal's opposition to an equitable payment of the costs of this program is unwarranted.

Jennings Randolph,
U.S. Senator.

Mr. President, the committee bill reflects a fair and equitable distribution of cost responsibility for the program, both as to Government and industry.

The cost estimates for both the Federal and the industry portions of the program so reflect. I ask unanimous consent that cost figures provided by the Social Security Administration be inserted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COST EFFECTS OF H.R. 9212 AS REPORTED BY THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

(Memorandum from Lawrence Alpern, Deputy Chief Actuary, Social Security Administration)

The table below shows estimates of additional benefit payments under Title IV of P.L. 91-173, over and above expenditures under present law, that would result from enactment of H.R. 9212 as reported by the Senate Committee on Labor and Public Welfare, by jurisdiction of source of payments, fiscal years 1972-81 (in millions).

Fiscal year	Additional benefit payments[1] under title IV of Public Law 91-173, resulting from H.R. 9212 as reported		Additional benefit payments from the Federal disability insurance trust fund
	Pt. B	Pt. C[2]	
1972	$10		
1973	989	-$14	$7
1974	441	-47	3
1975	389	30	3
1976	369	79	2
1977	354	206	2
1978	340	407	2
1979	326	479	2
1980	313	547	2
1981	300	609	2
Total, 1972-81	3,831	2,296	25

[1] The estimates reflect the increase in black lung benefits that results from the 5.5-percent increase in the annual salary rate of Federal Government employees at step 1 of GS-2, effective in January 1972 and are based on the assumption that there will be no future increases in black lung benefit rates after January 1972. It is recognized that Federal salaries may increase in the future. It is not possible, however, to predict either the rate of increase or the timing when such increases would be reflected in salary scales and hence in benefit rates.

[2] It is recognized that there may be Federal jurisdiction over some payments under pt. C. It is not possible, however, to separate these expenditures from the total expenditures under pt. C. Negative amounts represent reductions in costs that result from the 1-year extension of Federal jurisdiction over initial claims under pt. B.

ESTIMATES OF BLACK LUNG BENEFIT PAYMENTS UNDER PRESENT LAW

(Memorandum from Lawrence Alpern, Deputy Chief Actuary, Social Security Administration)

Current estimates of benefit payments under present Title IV of P.L. 91-173 (black lung), by jurisdiction of source of payment, are shown below in millions.

Fiscal year	Black lung benefit payments[1] title IV, by jurisdiction of source of payment	
	Pt. B	Pt. C[2]
1972	$401	
1973	470	$14
1974	457	75
1975	413	124
1976	393	166
1977	375	123
1978	358	
1979	342	
1980	327	
1981	312	
Total	3,848	502

[1] The estimates reflect the increase in black lung benefits that results from the 5.5-percent increase in the annual salary rate of Federal Government employees at step 1 of GS-2, effective in January 1972 and are based on the assumption that there will be no future increases in black lung benefit rates after January 1972. It is recognized that Federal salaries may increase in the future. It is not possible, however, to predict either the rate of increase or the timing when such increases would be reflected in salary scales and hence in benefit rates.

[2] Under sec. 422(e)(3) of present law, no payment of benefits shall be required for any period after 7 years after the date of enactment (Dec. 30, 1969). It is recognized that there may be Federal jurisdiction over some payments under pt. C. It is not possible, however, to separate these expenditures from the nder pt. C.

ESTIMATED NUMBER OF PERSONS WHO BECOME IMMEDIATELY ELIGIBLE FOR BENEFITS UNDER PROVISIONS OF H.R. 9212 AS REPORTED BY SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

(Memorandum from Lawrence Alpern, Deputy Chief Actuary)

The number of persons who become immediately eligible for benefits as a result of the proposed changes in present law that are contained in H.R. 9212 are shown below, by category:

Survivors of deceased miners who were disabled at time of death:	
Orphans	2,000
Widows, based on relaxed eligibility requirements	10,000
Dependent parents, brothers, sisters	3,000
Children, where widow has remarried	8,000
Liberalized requirements for establishing pneumoconiosis	35,000
Expanded definition of disability	71,000
Surface miners and their widows	20,000

Mr. SCHWEIKER. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, as a Senator from Pennsylvania and as the sponsor of this legislation in its original stage and as a member of the Subcommittee on Labor which drafted this legislation, I strongly urge that the Senate adopt H.R. 9212, the Black Lung Benefits Act of 1972. This bill, as the Senator from West Virginia, my good friend, so ably outlined, is of vital importance to the coal miners of this Nation, their widows, and their children.

It moves to correct the shortcomings of the original black lung compensation program enacted as part of the Federal Coal Mine Health and Safety Act of 1969. That legislation has proved to be an excellent first step in paying this Nation's enormous obligation to the men who have mined the coal. But it is only a first step, for under the law as Congress wrote it in 1969, the coal miners and their widows have had only a 50-50 chance nationwide of having their claims approved.

As of March 3, 1972, out of 336,592 claims filed and processed, 166,593 have been approved, and 169,999 have been denied.

In my State of Pennsylvania alone, 24,579 coal miners and 11,071 widows have been denied benefits under this program. Fortunately, another 71,999 coal miners and their widows in Pennsylvania have been awarded their benefits.

Pennsylvania does have the highest rate of approval of claims—67 percent—among all major coal producing States. There is some reason for this, and it relates to the nature of coal mining in Pennsylvania. In Pennsylvania we have deposits of anthracite, hard coal, as well as bituminous, soft coal. In fact, the hard coal causes more cases and more serious cases of black lung than does soft coal. The anthracite coal areas in Pennsylvania have a higher incidence of the disease and have a higher rate of claims approved because the smaller size of the hard coal particles makes these particles easier to be inhaled into a miner's lungs. These particles literally cover the lungs with a black coating. Hence, we have the name black lung. That is really the cause of this disease that so tragically brings havoc and ruin to the lives of those who have mined the coal for our Nation. But the fact that Pennsylvania does have a 67 percent approval rate, the highest among the coal-producing States, does not help the 35,650 miners and widows in Pennsylvania who are going without their black lung benefits today.

In most cases that is because of the deficiencies and inequities of the present law. And it is certainly no comfort to the many who have been denied their claims for black lung benefits in the other States that also have extensive coal mining operations.

Mr. President, that is why I joined with my subcommittee and committee in recommending beneficial changes in the black lung program. Our subcommittee was headed ably and with such strong dedication by my friend, the distinguished Senator from West Virginia (Mr. RANDOLPH).

This version of H.R. 9212 is the result. The subcommittee held several days of hearings in different locations, two of them in the coal fields themselves—in Beckley, W. Va., on January 6, and in Scranton, Pa., on January 10.

I regret, I point out to my friend, the Senator from West Virginia, that our colleagues could not have been in some of those hearing rooms to see and hear the individuals who testified. The first thing that one noticed about the hearing rooms was that everyone in the hearing room was coughing because they have some degree of the disease of coal miners—miner's asthma, pneumoconiosis, black lung, or whatever one chooses to call it, that is an impingement on the heart-lung process. One could not help noticing that the people in the room were different from average Americans. They have already paid the price for mining our coal. As pointed out so ably by the Senator from West Virginia, 54 percent of our Nation's fuel supply is produced from coal. When we flick that switch to turn on the disposal or go to the refrigerator, we should all realize that someone had to go into the coal mines for 20 or 30 years and breathe the coal dust and get the black lung disease and have his life cycle and that of his family disrupted in order to produce that power.

I get a little bit short of patience with those people who say that this is a bill for West Virginia, Pennsylvania, or Kentucky, because those States happen to have coal mines located in them. I point out to those individuals that when one leaves the Pennsylvania borders, there is no Berlin Wall to stop the power that has been made possible in Pennsylvania from going to other States where it is utilized to the benefit of people in other States. There is no Berlin Wall across the railroad tracks to stop coal produced in Pennsylvania from leaving the borders and being of benefit to the people in other States.

We all benefit from the labor of those people who have sacrificed so much to give us that power. Only belatedly is the Nation having its conscience awakened to what these people have been doing for the Nation and what they have been suffering for all these years.

I get a little concerned when I hear

people say that this is a bill that benefits only a few coal-producing States, when the truth is that if those people had not been willing to mine coal and to sacrifice their limbs and their lives—and that is the plain truth—we never would have had the great industrial progress that this country has enjoyed. Certainly to say that this is a sectional bill is the furthest thing from the truth.

Today, the electricity made possible by the coal miners affects everyone who turns on an electric switch, everyone who enjoys the benefits of the modern technology in which we live.

There are no boundaries to stop the power produced by the coal that is mined from going out to the other States. The people in the other States enjoy the product for which the coal miners have paid such a tragic price. It is our desire to make sure that we afford some compensation, if not to those who cannot survive, at least to their survivors.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I would be delighted to yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I think that the distinguished Senator from Pennsylvania might be charged with speaking emotionally. However, it would be a charge which should be one of honor. Here there are not only the humanitarian questions involved, but there are also the facts which make him speak out as he has.

One should think not only of turning the switch on the television, but he should also think of the willing hands of surgeons who operate under intense lights in thousands of hospitals all over the country in an attempt to ease pain and sustain life for literally thousands and thousands of people every 24 hours of the day in this country.

We should get closer to home where we turn on the power to realize what the power produced by these miners is used for.

It is a matter of life and death and the strength of the Republic and the well being of all our people.

I thank the distinguished Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I thank the distinguished Senator.

I am reminded very much of one hearing we held in Washington that was not a very pleasant hearing. Perhaps that is why I did raise my voice a moment ago. One cannot have a hearing on a disease that is the largest occupational killer in the world today without it having some impact on him.

I remember Dr. I. E. Buff, who was from the Senator's home State, when he came before our committee in 1969. He came in a rather unorthodox way—a way that I am sure put us all on the edges of our chairs—when he very dramatically brought out a lung from one of the latest autopsies he had to perform.

He placed it before us. It was completely colored black, to the point that if one had not been advised what it was he would not even be able to understand what it was that he was trying to tell us. He was trying to tell us he was getting tired of being the sole spokesman, the sole leader in this field. He told of autopsy after autopsy being performed that showed a lung so covered with coal it had become black, and had stopped the vital functions of life to the point where it could not pump blood. It was a sensational way to relate a message to the committee. One cannot attend committee hearings, see the pictures, and hear the witnesses, including miners themselves, without getting the message that these Americans have been neglected for years. Only belatedly are we beginning to realize that we all have a responsibility, the industry, the unions, and most important of all, the country.

Mr. President, that is what this bill is about and what it tries to do. It is a national bill; it is not a sectional bill, it is not a regional bill; it is a national bill. I hope we keep that in mind.

In our field hearings this year, we heard the miners and the widows tell their stories directly to us, while hundreds of other miners and widows sat as spectators, but no doubt with similar stories to tell if time had permitted.

In Scranton, for example, we heard testimony from miners who have worked 40 to 50 years in anthracite mines, who cough and wheeze continually, who cannot climb the stairs at night because their breathing is so impaired. They have to sleep in their living rooms because they cannot go upstairs to their bedrooms at night; it is too hard on their lungs.

This is a forgotten side of America. It is a problem we have forgotten and pushed under the rug. They have to bring their beds downstairs to the living room because they cannot climb the stairs to go to the bedroom at night. That is the kind of story we heard at the hearings, and it is the kind of story the Senator from West Virginia (Mr. RANDOLPH) and I are trying to tell to our colleagues today, and it is why we get somewhat emotionally involved in telling the story.

Those people cannot climb the stairs at night because their breathing is so impaired. They need to go to clinics three times a week for oxygen, and for one technical reason or another they have been unable to collect black lung benefits under the present law. They have to go to the clinic to get a concentration of oxygen because their black lungs filter out the normal oxygen we use; they cannot get by with normal oxygen and they have to get a high concentration of oxygen to get it past the imbedded particles of black dust in their lungs. That is why they need this treatment.

Just as impressive, if not more so, was the testimony in Scranton of several widows of miners. Their husbands had displayed all the same symptoms during their lifetime. Yet the widows, because of the way existing law is written, were barred from receiving benefits they justly deserve under the intent of the original law.

In H.R. 9212, then, we have made several key changes to existing law to make it more equitable.

I. MORE INDIVIDUALS COVERED

First of all, we have extended the law to many more individuals who were overlooked when the 1969 law was written.

Surface—or strip—miners and their families will be covered by the program for the first time. Under present law, only underground coal miners and their families are eligible for benefits.

Children of coal miners who have neither their father nor mother living will be eligible to receive benefits for the first time. Up to now, benefits have gone only to a living parent and these benefits were increased on behalf of the children.

And finally, in an amendment I introduced in the committee, a miner's surviving parents, brothers or sisters will be eligible for benefits if, when the miner dies, he leaves no surviving wife or children and if his parents, or brothers or sisters were dependent on him for support.

A number of cases in Pennsylvania came to my attention in which the miner had died leaving no wife or children, but was survived by a dependent sister who lived with him and kept house for him. I felt that in such cases, for example, this dependent sister should not be disqualified from receiving benefits.

II. "BLACK LUNG" AND "TOTAL DISABILITY" CRITERIA LIBERALIZED

Second, we have liberalized the criteria for determining whether a miner has black lung and whether he is totally disabled from it.

No miner applying for benefits will be turned down solely because of a negative X-ray. Other tests for pneumoconiosis will have to be employed. Under present law, as administered by the Social Security Administration, the principal test used has been the X-ray, even though medical opinion is divided on how reliable the X-ray is as a test for black lung. So in H.R. 9212, we have given miners the benefit of the doubt.

In addition, if a miner has worked 15 years in the mines and is disabled from emphysema, chronic bronchitis or another respiratory ailment, he will be presumed to have black lung, even if he cannot show a positive X-ray. This will allow many more veteran miners, thus far turned down because of negative X-rays, to qualify for black-lung benefits.

The distinguished Senator from West Virginia was most helpful in sponsoring this amendment which I shared with him as a cosponsor, because it is rather ironic the way we operate now. A Social Security examiner can find that a person has a pulmonary disfunction and is entitled to pulmonary disability benefits and has an excellent case and can prove it; his heart and lungs are not working correctly. However, simply because those black specks do not show up on an X-ray—and they may only show up on an autopsy—the worker is not eligible for benefits. A man by our standards fails the pulmonary test but he is disqualified simply because the X-ray does not show these particles. Fortunately, this bill will rectify that problem, and the Senator from West Virginia played a very important role in connection with the measure.

Finally, the bill takes a new look at the criteria for "total disability" as applied to coal miners. The bill provides that a coal miner with black lung will be deemed totally disabled, and thus eligible for black lung benefits, if he is unable to do work similar to his work in the mines. Up to now the rule has been that a disabled miner who could still do "any substantial gainful activity" on some other job could not qualify for benefits. This may be a fair rule nationally, but coal miners, in their 40's and 50's, simply do not find many alternative jobs outside coal mining in their home areas. So we felt it was only fair to simplify the disability test for coal miners with black lung.

III. SPECIAL PROVISIONS FOR WIDOWS

Third, we have made two important changes in the law to eliminate technical and procedural roadblocks that have kept thousands of Pennsylvania widows from receiving their rightful black lung benefits.

In the bill, widows will have to establish only that their husbands were totally disabled from pneumoconiosis at the time of his death. Under present law, the widow has to show that the miner has actually died from pneumoconiosis or the widow receives no black lung benefits. This unnecessarily onerous test alone has kept thousands of widows in Pennsylvania from qualifying. As the committee report states at page 8:

> Under the operation of the law as it now exists, a widow is at the mercy of circumstance. Although her husband clearly had totally disabling pneumoconiosis, and would have been eligible were he alive, he may have died in a rock fall, an accident, or even a heart attack which may not be established medically to be causally related to pneumoconiosis. Under these circumstances his widow would not be eligible. However, the widow's neighbor, whose husband died of natural causes after receiving title IV benefits, is entitled to the widow's benefits of title IV. Such a result would seem to be unduly harsh with respect to widows whose husbands gave their health, and in many cases their lives, in the service of the nation's critical coal needs.

Another provision of importance to widows is the guarantee of a widow's right to submit lay medical evidence on her husband's condition when she applies for black lung benefits. Many widows in Pennsylvania and elsewhere have been simply unable to produce physicians' documents in support of their claim.

Pneumoconiosis, although it has been with us for years, has not been known by that terminology until recently, and still the medical experts cannot agree on just how it can be diagnosed and what tools are needed. Yet we have put the burden on widows to go back 5 or 10 years and try to prove medically what happened before, when in fact we are just learning at this time what the medical implications of this dread disease are—a rather inequitable provision of the law.

There are many reasons why widows are unable to produce physicians' records. In the case of miners deceased for several years, there is a good chance that the doctors they went to are also deceased and their office records are not intact. Even in cases where physicians' records may be retrievable, they may be of little value. After all, for decades black lung was not recognized by any physicians as either an illness or a contributing cause of death.

Thus I felt it essential, and pressed for appropriate language in the bill, to guarantee a widow a right to file affidavits from herself, from fellow workers of her husband, neighbors—anyone, in short, with knowledge of the husband's condition that would have some bearing on whether or not he was disabled.

IV. AID TO NEW AND EXISTING BLACK LUNG CLINICS

Fourth one of the most important findings our subcommittee made in its hearings was of the need for additional funds for examination and treatment clinics for miners with black lung and other pulmonary and respiratory diseases.

On February 10, I made a personal visit to the Anthracosilicosis Treatment project at Wilkes-Barre General Hospital, in the heart of the Pennsylvania anthracite region. This clinic is headed by Dr. Charles Myers, a dedicated and widely respected lung and chest specialist.

As an indication of the community support for this clinic, the Anthracosilicosis League of Pennsylvania, a grassroots organization of black lung victims, has collected funds from its members in 25 cents and 50 cents contributions and has donated over $25,000 to the project since it began in 1966.

In this clinic the visitor sees patient after patient taking dosages of pure oxygen on a several-times-a-week basis—the aftermath of all the years these men have spent toiling underground in anthracite mines, where the dust comes in smaller particles than in soft coal mines, and thus is more lethal to the miner.

Dr. Myers has done pioneer work at Wilkes-Barre, often in spite of meager resources. It is our aim in the bill to make it a direct Federal commitment to bring clinical services such as these to all the black lung victims who need them, both by helping existing projects go on and by expanding services to outlying areas not now being served.

Dr. Myers himself, in a statement contained as part of our subcommittee's hearing record, proposes new satellite clinics for black lung examination and treatment, using established centers such as his project as a central point of reference. He points out that many of his 400 current patients at the clinic have transportation problems reaching the clinic for their routine visits. Furthermore, there are certainly thousands of additional patients who need such care but are not getting it either because of transportation problems or the limitations of the size of the project.

Seeing this clinic in operation in Wilkes-Barre convinced me all the more of the importance of direct Federal aid to black lung clinics, and I was pleased to support inclusion of this section in our bill.

V. FEDERAL PHASE OF PROGRAM EXTENDED 1 YEAR—WHOLE PROGRAM MADE PERMANENT

Fifth, and finally, this bill extends, for 1 year, the Federal Government's full liability for all new black lung claims filed and approved. This means that through the end of 1972, claims filed will, if approved, be paid for life by the Federal Government. For claims filed during 1973, the Federal Government will pay benefits only during that year, and for later years, the coal industry employers will be liable for these 1973 claims. After January 1, 1974, all claims will be paid by the coal industry employers.

I favor this additional extension of Federal responsibility, and in fact, cosponsored, with the Senator from West Virginia (Mr. RANDOLPH) his bill S. 2675, which included a 2-year, rather than a 1-year, extension of the Federal Government's liability for black lung claims. The committee, however, adopted only a 1-year extension. State governments need additional time to gear up their workmen's compensation systems for this additional caseload and financial burden. This is the position of my own State of Pennsylvania, which, incidentally, has done more than any other State thus far to compensate black lung victims, out of general taxpayer funds as well as through the regular workmen's compensation system, which relies on employer contributions.

This program also becomes, by action of this bill, a permanent program, instead of expiring in 1976. This will assure all future applicants for benefits that their benefits, like the ones already awarded under the program, will be for the miner's or widow's lifetime. It eliminates the possibility that if there is no suitable State action by the end of 1976, benefits being drawn by that time would be cut off.

Mr. President, in summary I feel that this bill is a worthwhile one, as a further response to our obligation, as a Nation, toward the coal miner and his family, who have sacrificed so much in life and limb, in this most hazardous of occupations, so that all of us in this Nation could have heat and energy for our daily needs.

In 1969, Mr. President, Congress saw the need to take direct Federal action to compensate the victims of black lung. By this legislation, Mr. President, we continue in that spirit to improve and make the Federal Black lung benefits program fairer to all. I urge that the Senate act promptly to pass H.R. 9212.

The PRESIDING OFFICER. Who yields time?

Mr. SCHWEIKER. Mr. President, I yield such time as he may consume to the Senator from Ohio (Mr. TAFT).

The PRESIDING OFFICER. The Senator from Ohio.

Mr. TAFT. Mr. President, I am pleased today to rise in support of H.R. 9212, the Black Lung Benefits Act of 1972. This measure will eliminate inequities that have arisen under title IV of the Federal Coal Mine Health and Safety Act of 1969.

The bill now before the Senate represents a compromise which I helped to fashion out of the original bill introduced by the distinguished Senator from West Virginia (Mr. RANDOLPH).

There are basically two issues under this bill. The first goes to the question of what benefits shall be available and the second goes to the question of who shall pay the cost of this program.

None of us in this Chamber would do anything other than to subscribe to the very strong and very appropriate remarks already made by the distinguished Senator from West Virginia (Mr. RANDOLPH) and my distinguished colleague from Pennsylvania (Mr. SCHWEIKER) as to the need for this bill, as to the justification for it, and as to the equities that are involved.

As to benefits, the existing law provides that benefits shall be paid only to miners or their widows. Under this law if a miner and his spouse are both deceased, the surviving children are not able to claim any benefits. I do not believe that this problem was foreseen by the drafters of the 1969 act, and there has been no question on the part of committee members about extending the act in this regard.

The bill also expands the ability of widows to secure benefits under the act. Under this bill, if a coal miner was totally disabled by pneumoconiosis at the time of his death, his widow may obtain benefits, notwithstanding the fact that his death was from a cause unrelated to pneumoconiosis and notwithstanding the fact that he was not receiving benefits at the time of his death. In effect, what this law says is, if a miner was totally disabled and could have been receiving benefits if the present law had been in effect during his lifetime, then his widow shall be entitled to benefits under this act.

It seems to me that the present rule to deny benefits to a widow whose husband had not applied under the act but to allow benefits for a comparable widow whose husband had made application for benefits is very harsh and arbitrary. The mere fact that a coal miner totally disabled by pneumoconiosis failed to make an application for benefits, perhaps not even knowing of them or of his condition, should not of itself deny his widow the benefits to which she would have otherwise been entitled.

The most important feature of this bill is the provision that benefits can no longer be denied solely on the basis of a negative X-ray. This X-ray rule has also proven to be a harsh and unfair requirement under the existing law. Testimony is clear that a negative X-ray does not establish the absence of pneumoconiosis. Autopsies of coal miners indicate that pneumoconiosis does exist in a great numer of cases where the chest X-ray was negative. Testimony has indicated that there is an error factor of approximately 25 percent in diagnosis when the X-ray alone is used.

The distinguished Senator from West Virginia has already mentioned that we have had a turndown of almost 50 percent of the claims nationwide, with 160,000 claims being turned down. If you take 25 percent of that figure, you can see we are dealing with a not insubstantial number of claims which have been denied on the basis of the X-ray.

On the other hand the evidence is also clear that there is no medical test, other than an autopsy or biopsy that will determine the presence of pneumoconiosis with certainty. If we are to recognize that the X-ray alone will not reveal all cases of pneumoconiosis and if we are to go beyond X-ray evidence, then we must honestly admit that we cannot differentiate with precision between pneumoconiosis and other respiratory and pulmonary ailments.

The committee was faced with a seemingly difficult dilemma. On one hand we could continue to rely on the X-ray knowing that we would not be providing benefits for all miners who were disabled with pneumoconiosis. On the other hand we could utilize other tests of respiratory and pulmonary disability knowing that we would be thereby providing benefits for some miners who were suffering from disabilities other than pneumoconiosis.

I developed and secured Senator RANDOLPH's agreement to a compromise approach which is largely embodied in this bill. This compromise in general terms is as follows. Under this bill benefits are to be paid to those who are suffering from pneumoconiosis and its sequelae. Second, benefits will be paid to all miners with a positive X-ray whether they have worked underground or in strip mines.

I might say I feel this to be particularly important in my own area of Ohio, where a great many strip mining operations have been carried on, and where, due to high coal dust concentrations and for other reasons, some of the jobs create conditions very similar to those created in underground mines. Third, if miners have a negative X-ray, if they have worked for a period of 15 years or more in an underground mine or above ground at a job with a high coal dust level and if they can establish other evidence that they are suffering from pulmonary and respiratory disability, there shall be a rebuttable presumption that they are disabled, because of pneumoconiosis. This presumption can be rebutted upon showing either that they do not have pneumoconiosis or that their disability is not occupationally related. Lay evidence alone will not be sufficient to raise the presumption of pneumoconiosis. As the committee report states on page 13, as to miners who have worked fewer than 15 years in a coal mine, "a mere showing of a respiratory or pulmonary impairment will not be sufficient to establish a claim for benefits." Miners with less than 15 years' service in the mines may receive benefits but only if they establish the burden of proof that they are totally disabled from pneumoconiosis. They shall not have the benefit of the rebuttable presumption that the miners with 15 years of service will enjoy. This compromise is based upon the testimony of the Surgeon General in 1969, who stated:

> For work periods less than 15 years underground, the occurrence of pneumoconiosis among miners appears to be spotty and showed no particular trend. For work periods greater than 15 years underground, there was a linear increase in the prevalence of the disease with years spent underground.

With respect to the definition of total disability, the committee has determined that a miner shall be considered totally disabled when he is unable to engage in gainful employment in the mines, because of pneumoconiosis. We recognize that some former miners may now be employed in other occupations and agree that this shall not preclude them from obtaining benefits under this act. They will, however, be subject to the earnings offset which will reduce their benefits to the point where a former miner, otherwise eligible, earning $6,000 a year, will obtain only $164 in benefits under this act.

The second major issue under this bill is the question of who should pay how much of the cost of the program. Under the present law beginning on January 1, 1973, all claims were to be the responsibility of the coal operators. This responsibility was to be undertaken through States' workmen's compensation laws if they meet the criteria established in title IV or under Federal law if such criteria are not met. As the distinguished Senator from New York (Mr. JAVITS) and I stated in our individual views:

> Under normally accepted principles of workmen's compensation, benefits for disability due to black lung should have been made the responsibility of the operators under workmen's compensation long ago; under the compromise agreed to in 1969, however, the law provided that the Federal government would bear the lifetime cost of claims filed prior to January 1, 1972. The Federal government also was to pay the cost during 1972 of claims filed in that year. What the compromise really amounted to was that the Federal government would pick up the lifetime cost of the huge backlog of claims that had accumulated over decades, while the industry would pick up the burden of paying the claims of those still working.

The bill introduced by the distinguished Senator from West Virginia (Mr. RANDOLPH), however, would have extended the Federal program for 2 years. The effect of this would be to bail out the large coal operating companies from what should be their financial responsibilities and throw the cost of the program on to the Federal taxpayers. I believe that such an extension would have been indefensible.

What American corporations would be the principal beneficiaries of such a bail out? The Department of Health, Education, and Welfare has furnished me with a list of the largest bituminous coal producers in the United States for the year 1970. I ask unanimous consent to have printed in the RECORD at this point a reproduction of that chart showing the eight largest bituminous coal companies, the names of the parent corporations, the annual sales of the parent corporations, and the number of employees.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Name of coal company	Parent corporation	Parent annual sales (millions)	Parent total employees
U.S. Steel Corp	(U.S. Steel Corp.)	Over $4,000	200,730 (5,290 miners in 1968).
Bethlehem Miners Corp	Bethlehem Steel Corp	$2,900	130,000 (4,090 miners in 1968).
General Dynamics Group	General Dynamics Corp	Over $2,000	85,000.
Pittsburgh & Midway Coal Mining Co.	Gulf Oil Corp	Over $3,000	54,200.
Republic Steel Corp	(Republic Steel Corp.)	Over $1,000	47,726 (1,505 miners in 1968).
Island Creek Coal Co	Occidental Petroleum Corp.	Over $2,000	33,000.
Peabody Coal Co	Kennecott Copper Co	$1,000 to $1,200	25,000.
Ayshire	American Metal Climax	$600 to $850	17,000.

Mr. TAFT. Preferably the cost of this program should have been carried by the industry all along, but the knowledge of the disease was not sufficient to bring it about. The 1969 law was a compromise that quite frankly recognized the financial burden that would be imposed upon the industry in picking up the backlog of claims that had arisen from decades of injury. Even if we pass no extension at all the Federal Government will still pay lifetime benefits to all those whose claims have been filed prior to January 1, 1972, and would pay during 1972 the cost of benefits to those whose claims had been filed during that year.

These amounts certainly are not insubstantial. I think it is important that the Senate have before it some estimate of the costs under this bill, the costs under the present law, and the costs under the House version of the bill as it came to the Senate from the other body.

I ask unanimous consent to have printed at this point in the RECORD three tables provided by the Deputy Chief Actuary of the Social Security Administration, Mr. Lawrence Alpern, which set out these figures in detail.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ESTIMATES OF BLACK LUNG BENEFIT PAYMENTS UNDER PRESENT LAW

Current estimates of benefit payments under present Title IV of P.L. 91–173 (black lung), by jurisdiction of source of payment, are shown below in millions:

Fiscal year	Black lung benefit payments[1] under title IV, by jurisdiction of source of payment	
	Pt. B	Pt. C[2]
1972	$401	
1973	470	$14
1974	457	75
1975	413	124
1976	393	166
1977	375	123
1978	358	
1979	342	
1980	327	
1981	312	
Total	3,848	502

[1] The estimates reflect the increase in black lung benefits that results from the 5.5-percent increase in the annual salary rate of Federal Government employees at step 1 of GS–2, effective in January 1972 and are based on the assumption that there will be no future increases in black lung benefit rates after January 1972. It is recognized that Federal salaries may increase in the future. It is not possible, however, to predict either the rate of increase or the timing when such increases would be reflected in salary scales and hence in benefit rates.

[2] Under sec. 422(e)(3) of present law, no payment of benefits shall be required for any period after 7 years after the date of enactment (Dec. 30, 1969). It is recognized that there may be Federal jurisdiction over some payments under pt. C. It is not possible, however to separate these expenditures from the total expenditures under pt. C.

BENEFIT PAYMENTS UNDER PUBLIC LAW 91–173, MODIFIED BY H.R. 9212 AS PASSED BY THE HOUSE OF REPRESENTATIVES

The table below shows estimates of total benefit payments that would result if Title IV of P.L. 91–173 were modified by the enactment of H.R. 9212 as passed by the House of Representatives. The estimates are presented by fiscal year of payment and by jurisdiction of source of payment (in millions):

Fiscal year	Total benefit payments[1] under title IV of Public Law 91–173, as modified by House-passed H.R. 9212		Additional benefit payments from the Federal disability insurance trust fund
	Pt. B	Pt. C[2]	
1972	$411		
1973	921		$15
1974	734		6
1975	736	$15	6
1976	674	80	5
1977	640	132	5
1978	612	176	5
1979	584	128	4
1980	558		4
1981	532		4
Total	6,402	531	54

[1] The estimates reflect the increase in black lung benefits that results from the 5.5-percent increase in the annual salary rate of Federal Government employees at step 1 of GS–2, effective in January 1972 and are based on the assumption that there will be no future increases in black lung benefit rates after January 1972. It is recognized that Federal salaries may increase in the future. It is not possible, however, to predict either the rate of increase or the timing when such increases would be reflected in salary scales and hence in benefit rates.

[2] Under sec. 422(e)(3) of present law, as modified, no payment of benefits shall be required for any period after 9 years after the date of enactment (Dec. 30, 1969). It is recognized that there may be Federal jurisdiction over some payments under pt. C. It is not possible, however, to separate these expenditures from the total.

COST EFFECTS OF H.R. 9212 AS REPORTED BY THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

The table below shows estimates of additional benefit payments under title IV of P.L. 91–173, over and above expenditures under present law, that would result from enactment of H.R. 9212 as reported by the Senate Committee on Labor and Public Welfare, by jurisdiction of source of payments, fiscal years 1972–81 (in millions):

Fiscal year	Additional benefit payments[1] under Title IV of Public Law 91–173, resulting from H.R. 9212 as reported		Additional benefit payments from the Federal disability insurance trust fund
	Pt. B	Pt. C[2]	
1972	$10		
1973	989	−$14	$7
1974	441	−47	3
1975	389	30	3
1976	369	79	2
1977	354	206	2
1978	340	407	2
1979	326	479	2
1980	313	547	2
1981	300	609	2
Total, 1972–81	3,831	2,296	25

[1] The estimates reflect the increase in black lung benefits that results from the 5.5-percent increase in the annual salary rate of Federal Government employees at step 1 of GS–2, effective in January 1972 and are based on the assumption that there will be no future increases in black lung benefit rates after January 1972. It is recognized that Federal salaries may increase in the future. It is not possible, however, to predict either the rate of increase or the timing when such increases would be reflected in salary scales and hence in benefit rates.

[2] It is recognized that there may be Federal jurisdiction over some payments under pt. C. It is not possible, however, to separate these expenditures from the total expenditures under pt. C.

Mr. TAFT. I will outline these tables briefly for the Senate.

As for the present law, under part B of title 4, the total estimated cost is $3,848 million. Under part C, this would be an additional $502 million, of which it is estimated that one-third probably would be picked up by the Federal Government for companies that have gone out of business.

As to the House bill, the total cost we are talking about, as outlined in this estimated table would be as follows: Under part B, the total cost under the House bill would be $6,402 million. Under part C, it would be $531 million, of which it is estimated that approximately one-third would be picked up by the Federal Government.

As to the Senate bill—the one before us at this time, without changes—the table prepared by Mr. Alpern estimates that the additional benefit under title IV, part B, picked up by the Federal Government, would be $3,831 million. For part C, that amount would be $2,296 billion, of which it is estimated that approximately one-third would be picked up by the Federal Government.

Of the changes being made in this bill, by far the heaviest load is being picked up by the Federal Government, as compared to the private carriers or the workmen's compensation coverage, the ratio being approximately $3.8 to $2.2 billion.

The compromise reached in the committee, to which I subscribed, if anything goes too far in the direction of bailing out the coal industry from the responsibilities which it has under the present law and which it should have had all along. The agreement, reached on this issue, was part of an overall compromise on the bill, and consequently I support this 1-year extension as now contained in the committee bill. I would, however, vigorously oppose any effort to have the American taxpayers relieve this industry of any more of its obligations than is done under the present law.

Finally, let me outline very briefly the modifications agreed to by the distinguished Senator from West Virginia in working on the compromise under this bill. I commend him for his cooperation and his statesmanship in working out these details. I think he has done so with a great deal of diligence and knowledge that he obviously has accumulated over many years of service and many years of concern in this very difficult area.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. RANDOLPH. Mr. President, I feel that within the committee there was an understanding by the members of the need for careful consideration of the proposed legislation. There also was an understanding of the need, where it was necessary, for accommodation of viewpoints. I think it has been done in a well-reasoned way in this bill. I thank the Senator from Ohio for having made his contribution within the committee, and I thank him for his very gracious words directed toward me at this time.

Mr. TAFT. I thank the Senator from West Virginia.

I should like to review briefly what those modifications were.

First, we have limited the extent to which coverage will be applicable to surface miners. Unlike the bill as introduced, this compromise will be applicable to surface miners only if they have a positive X-ray, or if they have worked in an underground mine or surface occupation with a high concentration of coal dust for a period of 15 years and have other evidence of pulmonary and respiratory disability. Under this compromise such surface miners will be afforded the same presumption of pneumoconiosis as underground miners. The bill will not, however, apply to truck drivers, power shovel operators, and other strip mine employees who do not have a positive X-ray or who do not meet the requirements for the presumption. I believe that this limitation is very important. If we were to have a benefit program for all respiratory and pulmonary impairments of truck drivers working at strip mines, there is no reason why the same benefits should not apply to all truck drivers everywhere in America. What this compromise is attempting to do is to provide benefits for pneumoconiosis which is occupationally related to coal mine employment.

Second, the bill is on its face, limited to pneumoconiosis and its sequelae. Unlike the original Senate bill as drawn, this bill does not cover all pulmonary and respiratory disabilities. To have done so would have been grossly unfair to other industrial employees, such as foundry workers, textile workers, and beryllium workers who have respiratory ailments associated with their employment. By limiting this bill to pneumoconiosis we have made a conscious effort to protect the State workmen's compensation concept.

Third, we have limited the Federal program extension to 1 year instead of 2, as I have indicated. I am informed by HEW that this will involve a saving of approximately $620 million to the American taxpayers.

Fourth, we have succeeded in obtaining a 100-percent offset for social security disability benefits when, combined with benefits under this act, they would exceed average hourly earnings.

Fifth, we have stricken the provision that would have prohibited the denial of benefits solely on the basis of breathing tests.

Sixth, we have limited the use of lay evidence and prohibited the use of a wife's affidavit to create a presumption in the case of living miners.

These limitations which have been accepted as a part of the compromise, in my judgment, do not restrict the ability of coal miners to obtain benefits for pneumoconiosis and its sequelae. We have sought to reach to the fullest extent the particular medical problems of coal mine employees. But we have done so in a way that will not cover ailments which are not occupationally related.

I believe that this bill, with these modifications, should be accepted by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time be charged equally against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Tunney). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ON WEDNESDAY, APRIL 19, 1972, FOR A DISCUSSION OF HOSTILITIES IN SOUTHEAST ASIA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, immediately after the recognition of the two assistant leaders on Wednesday next, or their designees, the following Senators be recognized in whatever order shall be convenient to their discussion of hostilities in Southeast Asia, and for the amount of time as indicated, as follows:

Senator Cranston, 15 minutes.
Senator Allott, 15 minutes.
Senator Fulbright, 15 minutes.
Senator Dole, 15 minutes.
Senator Symington, 15 minutes.
Senator Griffin, 15 minutes.
Senator Church, 10 minutes.
Senator Gravel, 10 minutes.
Senator Hart, 10 minutes.
Senator Hartke, 10 minutes.
Senator Hughes, 10 minutes.
Senator Kennedy, 10 minutes.
Senator Mondale, 10 minutes.
Senator Tunney, 10 minutes.
Senator Taft, 10 minutes.
Senator Hansen, 10 minutes.
Senator McGee, 10 minutes.
Senator Brock, 10 minutes.
Senator Baker, 10 minutes.
Senator Percy, 10 minutes.
Senator Gurney, 15 minutes.
Senator Goldwater, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9395. An act to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts; and

H.R. 9900. An act to amend section 112 of the Internal Reveue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

The enrolled bills were subsequently signed by the President pro tempore.

BLACK LUNG BENEFITS ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 9212) to amend the provision of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

Mr. JAVITS. May I check on the time, Mr. President? Who has the time and how much is it?

The PRESIDING OFFICER (Mr. Tunney). The time is divided between the distinguished Senator from West Virginia (Mr. Randolph), who has 37 minutes, and the distinguished Senator from New York (Mr. Javits), who has 30 minutes.

Who yields time?

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, I support this bill as amended by the Committee on Labor and Public Welfare. It makes highly desirable changes in the provisions of title IV which will enable thousands of totally disabled miners who have heretofore been denied benefits, to receive benefits under the black lung program. At the same time, the bill is consistent with the compromise embodied in the 1969 law under which new claims for benefits after a certain date were made the responsibility of the coal mine operators.

As many of those who were here when the Coal Mine Health and Safety Act of 1969, was enacted may remember, the issue of who should bear the cost of the black lung program was one of the most difficult to resolve in the conference on the bill.

Under a compromise which I offered, and which was embodied in the conference bill which became law, the Federal Government was made responsible to pay lifetime benefits to those whose claims were filed before January 1, 1972, and the cost during 1972 of claims filed during that year. Commencing January 1, 1973, the responsibility for payment of benefits was placed on the operators under State workmen's compensation laws or, if State laws did not meet the criteria of title 4, under Federal law. If no solvent operator liable for benefits could be found, then the claims were to be paid by the Secretary of Labor.

Under a proposal offered by myself and Senator Taft, which was accepted by the committee, the date for this assumption of liability on the part of the operators is extended for only 1 year, rather than 2 years proposed in the House bill.

At the same time, a rebuttable presumption of disability due to pneumoconiosis is created in favor of the miner who is totally disabled as a result of a respiratory or pulmonary impairment, and who has had 15 years experience in underground mining, or comparable experience in surface mining, notwithstanding the absence of a positive X-ray showing of pneumoconiosis.

Now, Mr. President, the industry has come in—and that is the heavy and important factor in this bill—and asked for a 2-year extension. I will discuss this 2-year extension in greater detail later. We have made it for 1 year.

I wish to make it crystal clear that on this 1-year proposition, we are, and I am sure the Senator will agree with me, absolutely firmly fixed. We will do our utmost, if this bill goes to conference, to sustain the 1-year proposition. We believe that otherwise there is grave danger of a most unconscionable overreaching of the U.S. Government and the taxpayers of the United States. We shall do our utmost to fight against it and prevent it.

Mr. RANDOLPH. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. RANDOLPH. The Senator from New York correctly states the situation within the committee as to the understanding and the compromise. When the bill would conceivably go to conference, as reported from the committee and passed by the Senate, I will stand with the Senator from New York and the Senator from Ohio, as I know others will stand with him who are conferees, to work diligently for the Senate version.

Mr. JAVITS. On the 1 year?

Mr. RANDOLPH. Yes.

Mr. JAVITS. That is very helpful and I am deeply obliged to the Senator from West Virginia for having said it so early in this debate.

Mr. President, I know that the Senator from West Virginia has resisted the pressure now being brought by the industry to gain another year's delay in assuming responsibility for paying their claims, and I commend him for the statement he issued yesterday in reply to the industry's telegram. I ask unanimous consent that Senator RANDOLPH's release of April 16, 1972, be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

WASHINGTON, April 16.—"I am very, very deeply disappointed that the coal industry associations are opposing the black lung bill that will be brought to decision in the Senate on Monday," Senator Jennings Randolph (D-W. Va.) said here Sunday.

Four associations representing the bituminous coal producers, Randolph revealed, "have circulated a telegram to Senators decrying the costs of the black lung benefits program, and they have grossly overestimated those costs.

"This legislation is fair and equitable in its distribution of responsibilities," the Senator remarked, and added:

"Both the Federal government and the coal operators will pay for the benefits to be provided those persons and their dependents who have directly and indirectly mined the coal which has fueled and energized this country. In 1970 alone, 54 percent of all the thermal power generated was from coal.

"I believe that coal's opposition to an equitable payment of the costs of this program is unwarranted."

JENNINGS RANDOLPH.

Mr. JAVITS. Mr. President, though this is a very good bill, even the 1-year extension is not so hot for the U.S. Government.

The committee report on the House bill indicated that such was not the intent of the House bill.

According to the Social Security Administration's original estimates, the cost of the changes in existing law which would be made by the committee bill would have been shared approximately 50–50 between the Federal Government and the operators over the next 10 years. However, the Social Security Administration has recently submitted revised cost estimates which indicate that the incremental cost of the committee bill will amount to $3.831 billion for the Federal Government, and $2.296 billion for the operators over the next 10 years.

Mr. President, I emphasize that because the original cost as estimated to us by the Social Security Administration was $3,412,000,000 for the Federal Government and $3,479,000,000 for the operators. So already there has been an adverse development here of about $400 million so far as the Federal Government is concerned; but, nonetheless, we have made a compromise and we will stick with it.

Even this new, lower estimate of cost to the industry does not take into account that a substantial number of claims filed after January 1, 1974, are not really going to be paid by the industry at all, but rather by the Secretary of Labor, because there is not going to be any operator around who can be charged with liability.

That is due to conditions in the industry, so we will go through with our proposition even though it is more adverse than originally represented to us. But we will certainly fight tooth and nail against any further extension—to wit, the 2-year basis. This is costing a great deal of money. No one would deny that fact, least of all myself. The Senate should be thoroughly aware of what is involved here in terms of annual expenditures.

Estimating it on a 1-year basis, Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the expenditures year by year of the United States and of the operators under the 1-year extension proposition. The table shows the United States expending a high of $989 million in 1973 down to a low of $300 million in 1981. It goes down quickly after 1973, but the 1973 bulge, attributed to retroactivity, places a high price tag on this proposition.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MEMORANDUM

From: Lawrence Alpern.

Subject: Cost Effects of H.R. 9212 as Reported by the Senate Committee on Labor and Public Welfare.

The table below shows estimates of additional benefit payments under Title IV of P.L. 91–173, over and above expenditures under present law, that would result from enactment of H.R. 9212 as reported by the Senate Committee on Labor and Public Welfare, by jurisdiction of source of payments, fiscal years 1972–81 (in millions).

Fiscal year	Additional benefit payments [1] under title IV of Public Law 91–173, resulting from H.R. 9212 as reported: Part B	Part C [2]	Additional benefit payments from the Federal disability insurance trust fund
1972	$10		
1973	989	−$14	$7
1974	441	−47	3
1975	389	30	3
1976	369	79	2
1977	354	206	2
1978	340	407	2
1979	326	479	2
1980	313	547	2
1981	300	609	2
Total, 1972–81	3, 831	2, 296	25

[1] The estimates reflect the increase in black lung benefits that results from the 5.5-percent increase in the annual salary rate of Federal Government employees at step 1 of GS–2, effective in January 1972, and are based on the assumption that there will be no future increases in black lung benefit rates after January 1972. It is recognized that Federal salaries may increase in the future. It is not possible, however, to predict either the rate of increase or the timing when such increases would be reflected in salary scales and hence in benefit rates.

[2] It is recognized that there may be Federal jurisdiction over some payments under part C. It is not possible, however, to separate these expenditures from the total expenditures under part C. Negative amounts represent reductions in costs that result from the 1-year extension of Federal jurisdiction over initial claims under part B.

Mr. RANDOLPH. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. RANDOLPH. I believe that the Senator would want to indicate that that figure included the retroactive figures for 1972.

Mr. JAVITS. I just have. The bulge figure is the attributed retroactivity for 1972. In fact, the figure in the table is only $10 million for 1972, so that for the 2 years, it averages out within the order of magnitude that it does for the succeeding 10. But the price tag is high. We so state that clearly.

At the same time, we feel that the workers who have suffered for no reason of their own, but because, somehow or other, this is a backward industry and serious questions are presented by it, should not be made to bear the burden. We simply have to proceed, as we have neglected them for many years in Congress, within the realm of possibility. So there are some desirable changes incorporated in the bill.

We believe, the Senator from Ohio (Mr. TAFT), I, and others on the committee, that the 1-year extension under the circumstances is warranted, but we see no ground for any more. I think it would be unconscionable to have more.

Here are the changes, the liberalizing changes, of which we highly approve, that have been made, naturally increasing the cost of the bill, and we think justifiably so. A rebuttable presumption of disability due to black lung is created in favor of the miner totally disabled as a result of pulmonary or respiratory impairment, who has had 15 years' experience in underground mining or comparable mining experience in surface mines, and this notwithstanding the absence of a positive X-ray showing the absence of black lung.

In addition, amendments were adopted by the committee which make it clear that the liberalizing changes made by the committee in favor of orphans and miners with negative X-rays are fully applicable when the operators assume liability for the program starting January 1, 1974. That is not the intent of the House bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 additional minutes.

Mr. JAVITS. Finally, the committee adopted an amendment which made the operator's responsibility to pay benefits under this program under either State workmen's compensation laws or pursuant to the Longshoremen and Harbor Workers' Act, if State law is inadequate, permanent. Under existing law their responsibility to pay such benefits ended on December 30, 1976.

Mr. President, that is critically important because under the existing law the responsibility to pay benefits would be ended December 30, 1976. I count that as one of the most important things that this measure does.

Mr. President, by way of a short summary as to the provisions of the bill which are materially improved, I ask unanimous consent that a chart showing nine main provisions which constitute material improvements be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS OF BLACK LUNG BILL

1. Eliminates X-ray as sole criterion and establishes presumption that total disability is due to pneumoconiosis of miner is totally disabled from respiratory or pulmonary impairment and has worked 15 years in underground mine or comparable surface work.

2. Covers orphans.

3. Covers surface miners whose employment was comparable to underground miners.

4. Relates criteria for determining "total disability" by keying it to ability to work as miner (rather than perform any work).

5. Delays assumption of responsibility by operators for one year.

6. Makes operator responsibility permanent. (Part C of present law expires December 30, 1976.)

7. Changes social security disability offset to 100% of earnings, rather than 80%.

8. Allows widows to claim benefits if miner was totally disabled due to pneumoconiosis when he died (present law covers only death due to pneumoconiosis).

9. Provides for establishment of clinical treatment facilities.

Mr. JAVITS. Mr. President, we must take a look now at this situation which we face so far as employers are concerned, because there is a provision in the House bill that would allow 2 years instead of a 1-year extension. I would like to give the cost figures with reference to that.

Mr. President, the Social Security Administration estimates that granting an additional 1-year reprieve to the industry would cost the Federal Government $600 million. That is the money difference to the Federal Government itself, the difference between a 1- and a 2-year extension.

We understand that the coal mining industry is opposed to the Senate amendments which would reduce the extension from 2 years to 1 year. They also oppose making the program permanent. They themselves would not like to see the liberalized changes made by the bill applicable to what they have to pay as well as to what the Federal Government has to pay. We make it applicable to both.

Mr. President, I wish to emphasize again that the bill in its present form represents the absolute outer limit to which we in good conscience can go in having the Federal Government pay for decades of utter neglect by the coal mining industry of the life and health of the coal miners.

As long ago as 1942 it was known that coal mining was a hazard to the health of the coal miners. In that year Great Britain began paying compensation to miners who had contracted what is known as black lung or pneumoconiosis. Along with recognition of black lung as a compensable disease in European countries came efforts to limit the amount of respirable coal dust to which miners were exposed during their working lives.

For over 25 years the hazardous nature of coal dust was simply ignored in this country. No efforts were made to control it in the mines, nor was compensation available for the thousands of miners who became respiratory cripples because of it. It was not until we wrote the Coal Mine Health and Safety Act of 1969 that industry was forced to come to grips with the problem, and even then, it is worth noting that the industry vigorously resisted efforts to establish a level of respirable coal dust which would guarantee that no miner would become disabled because of black lung. And while it is not directly relevant to the problem with which this bill seeks to deal, it is certainly interesting to note that notwithstanding the industry's contention that the reduction is dust levels mandated by the new law would not be feasible, according to the latest information released by the Bureau of Mines, 90 percent of U.S. coal mines are meeting the 3 milligrams standard established by the 1969 act, and 75 percent are meeting the 2 milligrams standard.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. There is no justification whatsoever for us now to agree to the 2-year extension which would amount to a bail-out of the industry. On the contrary, the time is long past for this industry to start meeting its responsibilities to its employees.

Mr. President, the coal mining industry is not a weak industry. It is a very strong industry.

Mr. President, I ask unanimous consent that a list of coal mining companies, including some of the most powerful corporations in the United States, together with the total number of their employees and their annual sales, be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Name of coal company	Parent corporation	Parent annual sales	Parent total employees, 1972
U.S. Steel Corp	(U.S. Steel Corp.)	Over $4,000,000,000	200,730 (5,290 miners in 1968).
Bethlehem Miners Corp	Bethlehem Steel Corp	$2,900,000,000	130,000 (4,090 miners in 1968).
General Dynamics Group	General Dynamics Corp	Over $2,000,000,000	85,000.
Pittsburgh & Midway Coal Mining Co	Gulf Oil Corp	Over $3,000,000,000	54,200.
Republic Steel Corp	(Republic Steel Corp.)	Over $1,000,000,000	47,726 (1,505 miners in 1968).
Island Creek Coal Co	Occidental Petroleum Corp	Over $2,000,000,000	33,000.
Peabody Coal Co	Kennecott Copper Co	$1,000,000,000 to $1,200,000,000	25,000.
Ayshire	American Metal Climax	$600,000,000 to $850,000,000	17,000.
Pittston Co	(Pittston Co.)	$505,000,000	16,000 (3,650 miners in 1968).
Consolidation Group	Pittsburgh Consolidation	$13,000,000	12,100.
Eastern Assn., Coal Corp	(Eastern Assn. Coal Corp.)	$215,000,000	5,500.
Westmoreland Group	Westmoreland Coal Co	$150,000,000	3,750.
North American	North American Coal Corp	Over $56,000,000	3,400.
Old Ben Group	Old Ben Coal Corp	$60,000,000 to $70,000,000	2,000.
Utah Construction	Utah Construction & Mining Co	$90,000,000 to $100,000,000	1,900.
Valley Co	Valley Camp Coal Co	$80,000,000	1,600.
Rochester & Pittsburgh Coal Co	(Rochester & Pittsburgh Coal Co.)	$25,000,000 to $50,000,000	1,350 (790 miners in 1968).
Bell & Zoller Coal Co	Zeigler Coal Co	$15,000,000 to 25,000,000	993.
Carbon Fuel Sales Co., Inc	Carbon Fuel Co	$30,000,000	800.
Southwestern Illinois	(Southwestern Illinois Corp.)	$24,000,000	349.

Mr. JAVITS. Mr. President, it is sad to say, but the coal industry has up to now hardly exemplified the best aspects of our system in terms of conservation of the lands, the health and safety of the lives of thousands of coal miners, and competition and free collective bargaining like other American industries; on the contrary, its conduct throughout the years of its business and labor relations, as shown by a whole series of court decisions, and our own committee's present investigation, presents one of the worst examples of our system.

Certainly, the coal industry has serious problems, not all of its own making, nor do I deny that this bill and the new health and safety standards are going to cost the industry money. Some of these costs are going to have to be passed on to the consumer, but that is also true of other industries with serious problems. The point is that the coal industry ought to pay its way just like the others, including whatever it may cost to insure that disabled coal miners are adequately compensated for physical impairment suffered in getting out the coal.

Thus, I hope very much that no attempt will be made to strike out of the Senate bill the 1-year provisions I have mentioned. There is no justification I cannot see for more than a 1-year delay in the assumption of liability for new claims by the operators. Nor is there any reason not to make the part C program permanent; miners who are totally disabled by black lung are not going suddenly to regain their health in 1977, and will need benefits just as much during and after that year as they do now.

Finally, there is certainly no warrant for exonerating operators from the liberalizing changes made by this bill in connection with the coverage of orphans, the elimination of the X-ray and the establishment of a rebuttable presumption after 15 years of experience in underground mines or comparable employment in surface mines, upon a showing of total respiratory or pulmonary impairment. In connection with the presumption, it bears emphasis that under many workmen's compensation laws, including the Longshoremen and Harbor Workers' Compensation Act, the burden is on the employer to establish that a disability is not occupationally related. The worker is thus normally given the benefit of the doubt, and that is really all that this bill does for coal miners.

The differences in medical opinion which exist on the question of whether such a presumption is justified, and the incidence of disabling respiratory impairment among coal miners, as compared to the general population, are merely evidence of our almost total neglect, until very recently, of occupational health problems generally—and coal workers' health problems in particular. In the absence of definitive evidence one way or the other, the committee, properly, in my judgment, has resolved the issue in favor of the totally disabled miner.

Some of the costs of this bill are going to have to be passed on to the consumers. However, other industries with serious problems have had the same situation. The point is that the coal mining industry ought to pay its way just as other industries have to pay their way. If that means that it will cost more for coal to insure that the health of coal miners is adequately treated, then I would say that a sense of fairness and justice of the American people will indicate that the increased cost is justifiable.

As I said before, this is not necessarily a weak industry. Surely, there are a lot of small operators.

They have no more eloquent champion than the Senator from Kentucky (Mr. Cooper), the Senator from West Virginia (Mr. Randolph), the junior Senator from West Virginia (Mr. Robert C. Byrd), the Senator from Pennsylvania (Mr. Schweiker), and other Senators similarly situated. But it is also a very big part of the industries that pride themselves on labor-employee relations. So I hope the Senate will pass the bill.

I know the Senator from Ohio (Mr. Taft), I, and others on the committee will be "dug in" on this matter of the 1-year extension. I am very pleased that the manager of the bill, Senator Jennings Randolph, who made this literally a life's work, affirmed his belief in the same formula. I hope very much the chairman of our committee, the Senator from New Jersey (Mr. Williams) who is here, and who will be heard from shortly, will be able to do the same thing. In that way we can serve the miners, the United States and its taxpayers, and the industry, and do justice to these thousands of men who have given the best part of their lives and health to producing for the Nation a natural resource which is absolutely indispensable to its operation and survival.

Again I would like to emphasize the great job that I think has been done by the Senator from West Virginia (Mr. Randolph) in connection with this matter. He was able to get this bill out of the subcommittee almost by his personal prestige. He got it through the main committee through the dint of hard labor and application of an individual Senator, with the elucidation for which he is uniquely capable.

Now, he is bringing to the floor of the Senate this matter and I hope he will be successful. It should be a great day for him and I hope the bill is acted on favorably.

Mr. RANDOLPH. Mr. President, I am grateful for the generous remarks of the able Senator from New York on the general subject matter of the legislation that now is before the Senate.

Personally, of course, I am appreciative for the words he has spoken with respect to my application in the subcommittee and on the committee in bringing, together with him and others on the committee, legislation which meets the needs, distributes fairly the cost, and does what Congress must do in committing itself to the health and safety of the coal miner. I shall long cherish what he said in the Senate today in respect to my work.

Mr. President, I yield such time as he may desire to the distinguished chairman of the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, I thank my colleague and I commend him for the long history of his dedication to justice for coal miners and their families. This has been a work of long duration for the Senator from West Virginia. I can recall the history as vividly as if it were just yesterday, the beginning in 1969 when we started legislating to do justice for these particular workers in our economy who are so vital to our Nation.

Mr. President, I would like to include in the Record a statement from Andrew J. Biemiller, Department of Legislation, AFL–CIO, who states that the AFL–CIO supports H.R. 9212, the black lung bill. He states that "this legislation is badly needed to improve the plight of thousands of American workers whose health and well-being has been irreparably damaged on the job."

Our legislative response to the needs of both workers and their families, in the legislation that passed and was signed in the closing weeks of 1969—and I cannot recall any other legislation that has produced so much interest—show many expressions of gratitude as a result of the bill meeting the harshest kind of economic problems of families. The State of New Jersey that I am honored to represent is not a coal mining State, and yet we are neighbors to the State of Pennsylvania that is. I have thousands of constituents who have retired from the mines or who have been forced from employment because of disabilities contracted in the mines. Many of them, who live in New Jersey, have expressed to me what the original legislation has meant to them in being able to maintain the integrity of their families, because the black lung legislation has brought benefits to them which otherwise they would not have had and they would have been subjected in many other cases to being recipients of welfare payments. These payments are a matter of right for people who have labored long and hard in hazardous employment. This program we now extend is vital to people who certainly have earned it.

On November 20, 1968, an explosion in the Consolidation Coal Co. No. 9 mine in Farmington, W. Va., snuffed out the lives of 78 coal miners. Many of those miners are still buried in that mine. That disaster shook the Nation and reminded all of us of our major debt to the Nation's coal miners. Congress, the following year, took a major step in repaying that national debt by enacting legislation designed to provide safer working conditions for the Nation's miners, to guarantee a healthier work atmosphere to insure against the dread disease, black lung, and to bring a minimum standard of decent surviving years to the miners and the survivors of miners who had been disabled by black lung. This major piece of legislation, the Coal Mine Health and Safety Act of 1969, in this body, was the result of the work of many, many Members. As chief sponsor of that act, it was gratifying to have the tireless support of the members of the Labor Committee and the overwhelming approval of the Members of this body.

During the debate on the floor, the Senate added a new title 4 to the Federal Coal Mine Health and Safety Act, which established the first Federal black lung benefits program. The chief sponsors of the amendment creating that program were my two distinguished colleagues from West Virginia, Senator RANDOLPH, the ranking majority member of the Labor and Public Welfare Committee and Senator BYRD, the assistant majority leader. They led the unanimous effort to provide financial security to victims of pneumoconiosis, black lung disease.

Coal workers pneumoconiosis is caused by the inhalation of fine particles of respirable coal dust. It is a chronic respiratory disease for which there is no known treatment. Once contracted, its progression is irreversible. And, it only affects men who work with coal.

During our deliberations on the 1969 act, it was estimated by the Surgeon General that approximately 20 percent of the Nation's inactive miners and 10 percent of the active miners suffered from this disease. He also testified that "data from postmortem examinations would indicate an even higher prevalence of this disease."

There were those who scoffed at these figures and accused the members of the Labor Committee of statistical gamesmanship. Unfortunately, the Surgeon General, if inaccurate, erred on the conservative side. To date, over 91,000 miners and 74,000 widows have obtained black lung benefits. And, despite these totals, tens of thousands of disabled miners, men who cannot walk up a flight of stairs because of breathlessness, have been denied benefits.

This legislation, which I was proud to cosponsor, will relieve these men and their survivors of the insurmountable technical burdens which unjustifiably bar them from benefits.

Before I proceed further with a discussion of the desperate need, in my judgment, for the pending legislation, I will say that we all recognize the Nation's special responsibility to the coal miner. Indeed, the jurisdiction of the Labor Committee, which of course is concerned with the welfare of all working men, specifies that the "welfare of miners" is a special responsibility of the Labor Committee. I think we all know why.

Death faces the coal miner every day of his life. It faces him in the mines as well as out of the mines. If he survives the Farmington type disasters, he must also survive the daily risk of death by roof-fall, death by small-scale explosion, death by electrocution. He must survive the pitfalls of the most hazardous occupation in this country. But even if he survives those disasters, and survives the safety hazards, he is indeed the fortunate exception if he can live out his life without, to put it bluntly, coughing up his own guts every day of the week.

Members of this body know well that very few of the miners are not touched, one way or the other by the devastating health and safety conditions in the mines. But those very few miners know that when their work day is over, they are not free from the hazards of coal mining. For even in the middle of the night, as they rest in their beds, or as they prepare for breakfast, they must fear the onslaught of the rampaging refuse piles. They must fear the Buffalo Creek type disaster—which has so far taken at least 120 lives, with dozens of persons still missing and unaccounted for.

Life is extremely hazardous for the coal miner 24 hours a day. So his lot in life is, and should be, of special concern to the Congress and to the Nation.

As of December 31, 1971, over 330,000 black lung cases have been processed under the Federal Coal Mine Health and Safety Act of 1969. Of those processed cases, more than 50 percent have been denied. Undoubtedly, some of them have been denied because the claimants were not the intended beneficiaries of that legislation. But, our committee has learned during the course of hearings chaired by Senator RANDOLPH, of the frustration of the intent of Congress by defects in the original law, as administered by the Social Security Administration. Tens of thousands of intended beneficiaries have been found ineligible. So, for example, although we knew in 1969 that the failure of a coal miner to be able to produce positive X-ray evidence of pneumoconiosis did not necessarily mean that he was not suffering from that disease, we find today that thousands of coal miners are being denied benefits solely on a basis of that negative X-ray. We find miners who, although they are theoretically capable of performing some lightweight task someplace are being denied benefits in spite of the fact that in real life they are not able to earn a livelihood for their families.

We found miners and widows who could not prove eligibility because the hospitals which had their medical records no longer exist. And we found that orphans were regrettably not included within the language of the original act.

Mr. President, the original black lung benefits program was passed in this body by a roll call vote of 91 to 0. Every State in this Nation was recorded in favor of the legislation. And this was appropriate. For this is not a West Virginia or Pennsylvania or Kentucky problem. It is not a burden which exists solely in the 19 coal producing States. It is a national problem and, therefore, the black lung benefits program is a national program. Residents of each of the 50 States receive benefits under this program. Indeed, in my State, where no coal is produced, almost 1,900 claims have been allowed. In my own county, Union County, in the northern part of the State, almost 300 families are obtaining black lung benefits. And if we cross the Hudson River, over 60 families in Manhattan alone are benefiting under this program.

As an aside, I would say to my colleague from New York, that he and I, apparently, are not the only Broadway coal miners.

Mr. President, the bill before the Senate is estimated to benefit immediately 149,000 miners or their survivors. But some would argue that neither the Nation nor the industry can afford to provide these benefits. And, it will be noted today that the black lung benefits program is an expensive program.

I suggest that neglect is always expensive.

If industry and government had recognized and fulfilled their responsibilities decades ago and had cleaned up the mines we all might have been paying slightly higher electricity bills but we would not be faced suddenly with the need for a costly benefit program.

But let us each look at this very same problem from the miner's perspective. If industry and government had fulfilled their responsibilities decades ago, he might be enjoying the retiring years of his life instead of suffering each day till his death.

Who can put a price tag on another human being's pain and suffering? To my colleagues in this body, I say, we owe an enormous debt to the coal miners. And we must pay that debt. More importantly, we must no longer expect the coal miner to subsidize our energy bill with his life.

Mr. President, I strongly urge that the Senate approve the extension and expansion of this program.

As chairman of the Labor and Public Welfare Committee, I cannot close my remarks without a special note of congratulations and appreciation to four members of the committee. Senator RANDOLPH gave of himself untiringly in moving the bill through the legislative process. At my request, he assumed the obligations of chairing the Labor Subcommittee hearings and guiding the bill through the committee. The fact that the committee amendments were reported to the Senate unanimously is a tribute to his efforts.

To Senators JAVITS, SCHWEIKER and TAFT, we also owe our appreciation. Their conscientious attention to the needs of the miners and their cooperative efforts enabled this legislation to move with both complete consideration yet with dispatch.

Mr. JAVITS. Mr. President, I would like to ask the Senator from New Jersey a question. Will the Senator yield for that purpose?

Mr. WILLIAMS. I yield.

Mr. JAVITS. I would like to ask the Senator about the feeling that the Senator from West Virginia (Mr. RANDOLPH) expressed, and which I and the Senator from Ohio have expressed, about the 1-year extension. Will the Senator feel a rather special obligation to stay with that? I will explain to the Senator our problem.

This bill is more expensive than the bill that came from the House, even though we have cut the cost by the 1-year extension. It is still more expensive to the Federal Government because of the presumption we introduced of black lung and other liberalizing provisions; and so it is much more fair and much more understanding with respect to the cumulative years of the worker.

But if this 1 year were allowed to go to 2 years it would really break the back of what we are trying to do and be too costly. So I would greatly appreciate any expression of the chairman of our committee, who will be the principal conferee, and any statement he will be prepared to make respecting a 1-year extension in the Senate.

Mr. WILLIAMS. I support it for all the reasons expressed here in debate, although I have not been able to hear the full debate. This legislation has my strong support.

Mr. JAVITS. I thank the Senator.

Mr. WILLIAMS. I am familiar with all or most of the reasons that prompted it and I will join my colleagues, the Senator from West Virginia and the Senator from New York, in maintaining and fighting for the Senate position on this matter.

Mr. JAVITS. Good. I thank my colleague very much.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. What is the time remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 29 minutes remaining and the Senator from New York has 10 minutes remaining.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Kentucky but first I make this parliamentary inquiry. Is not time also available to the Senator from New York on the first amendment?

Mr. RANDOLPH. I have not said anything. I will give him some of my time.

The PRESIDING OFFICER. It is not stipulated that the Senator would have time.

Mr. RANDOLPH. I will yield him time.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have a number of questions to ask, and it may take more than 5 minutes. I do not know that I will offer an amendment, but if I am limited in time, I may offer an amendment to yield myself time.

Mr. RANDOLPH. Mr. President, I will yield to my colleague.

Mr. COOPER. If I do not have enough time, I will offer an amendment, not necessarily to be voted on, but to secure time to address some questions to the sponsors of the bill.

Let me say I appreciate very much the statements of the Senator from New York (Mr. JAVITS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. TAFT).

As I said, I do not expect at this time to offer any amendments, but this is a very expensive and a very important bill. I believe there should be an explanation of at least two sections.

I refer first to title IV which continues the present program for 1 year rather than 2 years provided by the House bill; and, second, the sections dealing with beneficiaries or dependents who would receive benefits under the bill.

Let me say at the outset I do not think I have to argue my interest in the plight of the miners of this country, who work in perhaps the most dangerous industry in the United States, and who for years, with few exceptions in some States, have not been receiving relief from the dread disease, pneumoconiosis. I have a difficult time pronouncing the word pneumoconiosis.

The original title—title IV providing benefits to miners was not a title developed in the Labor and Public Welfare Committee in 1969. It was adopted on the floor of the Senate as a result of an amendment to the coal mine safety and health bill offered by the two Senators from West Virginia (Mr. RANDOLPH and Mr. ROBERT C. BYRD), myself, and other cosponsors. I do not think there is any necessity for this debate to portray a great battle between the operators and the miners. Both have a common interest in the success of the industry—for its survival and for jobs for miners.

The overtone always seems to run in these debates. Perhaps I have used it in the past. During my service my interest has not been the big operators, although they are entitled to justice as much as any other person. My interests have always been with the thousands of small operators who are steadily being driven out of business.

In the 1950's I was the author of an amendment, the first substantive amendment to the original Mine Safety Act, for protection of mining. It was reported by the Committee on Labor and Public Welfare, but when it came to the Senate it suffered the fate of most of such amendments, because we could not get the support of the United Mineworkers and some operators. Be that as it may, I do want to indicate my interest in this bill.

I do raise the question of the provision for 1 year as against 2 years. When our original black lung amendment was adopted in 1969, that amendment provided that a period of 3 years should be given to industry and the States to assume a share or perhaps the total cost of the bill. We provided that for the first 3 years the cost was to be borne by the Federal Government. It has run 2½ years. There are 6 months left. The bill introduced by the Senators from West Virginia (Mr. RANDOLPH and Mr. ROBERT C. BYRD), myself, and other Senators, provided a 2-year extension of the original bill.

Let me say this to the Senator from New York, who is temporarily absent. Whether it is 1 year or 2 years, the result is the same——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. RANDOLPH. Mr. President, I am glad to yield 10 minutes to my colleague, the Senator from Kentucky.

Mr. COOPER. An extension of 2 years would not increase the total cost of the program, but it does, of course, increase the cost to the Federal Government for the additional years. If it is extended 2 years, I want to make it plain that it has no effect on the benefits secured for the miners. It would provide to them the same benefits whether a federally subsidized program for 2 years, or if after 1 year the cost is divided between the Federal Government, and either the operators or through a workmen's compensation program.

The reason why I argue another year should be provided is upon the following grounds: The committee has made extensive changes, and in the main I support those changes. The first extensive change is in broadening the class of beneficiaries and their ability to secure benefits. A large part of this amendment is in the bill which the Senators from West Virginia (Mr. RANDOLPH and Mr. ROBERT C. BYRD) and I and other Senators introduced. It provides that the test of disability shall not be limited to X-ray, but to other methods, if those methods could reach reasonably the same conclusion where the miner has been subjected to certain conditions, and a presumption arises of total disability from pneumoconiosis.

Another extension provides that if conditions which might lead to a diagnosis of pneumoconiosis were found, if there are other pulmonary diseases, disability can be adjudged.

Mr. RANDOLPH. That would be after 15 years in the mines.

Mr. COOPER. After 15 years. That is correct.

Thus the bill would allow benefits for thousands of miners who thus far have been found ineligible for benefits. I do not join those who say it is the fault of the Social Security Administration. It is a consequence of the fact that the bill we passed 3 years ago did not provide the necessary criteria. I support these provisions, but the effect will be to enlarge immediately the classes which will be able to secure relief in the form of benefits because of the incidence of this awful disease.

The second section—section 402—would enlarge the class of "dependents." Under the present law, as I recall, the social security law—and I am recalling most of this, because this bill came up hurriedly by a unanimous-consent agreement—would provide benefits to the man, to his widow, and to his children for certain specified conditions.

This amendment, which I am sure was offered in the committee—it was not in any bill, as I remember—would extend benefits not only to children for whom the head of the family is responsible, and to the widow—both classes—for whom, of course, he has the chief obligation, but to parents, brothers and sisters, and as I read the explanation—if I am wrong I hope I will be corrected—to any other persons who, by reason of the devolution laws of the State, would be considered heirs. One could, of course, expand that to any degree.

My thought is that it should be limited to the widow, to the children, to the parents, to a sister, or to a brother if disabled. I am informed that the Senate Committee on Finance is about to report out social security amendments, which would have those provisions, I have no doubt it will be approved, and there are humanitarian reasons for it. If a widow is left without means—whether she is or not, she is a widow—parents, old and aged, sisters, certainly, but I do not see why a brother should be a beneficiary, unless he is unable to take care of himself—disabled and dependent.

I am simply arguing that we ought to follow the social security system, so we would have this question of beneficiaries, whether it is for veterans' benefits, social security recipients, or black lung victims, the same.

I shall not offer any amendment. I know it would be useless to offer it, for several reasons: first, because the

Chamber is nearly empty; second, because you cannot get anyone to listen to you on an amendment of this type; and, third, that when you mention health and safety, you cannot get anyone to listen to you, and there is no way to impress anyone with the impact of the amendment. I had that trouble several years ago, when we considered the mine health and safety bill.

I hope, though, that the RECORD will show that questions have been raised about these amendments, so that perhaps in conference the conferees will know that everyone in Senate does not agree wholly with every provision of this bill. We have a right to raise these questions.

So I should like again to make my position clear, first, that as far as dependents are concerned, I would like to see the same categories of dependents for this bill that, I understand, will be provided in the social security bill by the Finance Committee. I make this argument because I think it is just, and I think it is fair. I do not think that this measure is intended to take care of every working brother or aunt or uncle according to the laws of devolution of estates. It does not necessarily represent the will of the Senate; and so I believe that should be very strongly considered in conference.

The second point goes to the 1- to 2-year extension. It would not change the total cost. and, also, it does not deny any benefit to any miner or dependent if it is extended for 2 years. It would, of course, cause the Federal Government to bear the burden for an additional year.

I speak for no operator; I want the Senator to know that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. I ask for 1 more minute.

Mr. RANDOLPH. I yield the Senator 2 additional minutes.

Mr. COOPER. I say that, with this unknown cost, in a short period of time, thrown on an industry, which does not affect, in any way, the benefits of these miners, I believe that it would be better to make it 2 years instead of one.

Of course, as Senators know, my State is the largest coal producing State in the Union today, and naturally, I am interested in that industry, not alone for the operators, but for the miners who work in the industry and for the economy as a whole. There are great problems as to how we will be able to take care of the energy needs of this country. Additional burdens have been thrown upon the industry by the large amounts which go into the miners' welfare fund, by the costs of the health and safety program which was passed by Congress, and for the benefit of the industry—which comprehends the miner as well as the operator—I think this extension should be considered.

Let me tell the Senate what is happening in the mining industry. I do not take any great joy in it, although I predicted it when we had the safety bill before us 2 or 3 years ago. We are driving the deep mine operators out of business, who employ large numbers of miners, and they are all going into strip mining, with the consequent threat to the environment of this country. So I hope Senators will consider the relation of these problems to each other, and in conference extend the time to 2 years.

That is about all I have to say. At some time later, I should like to ask further questions on this question of dependents. But I shall not take the time of others to do so now.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, there is no reason for me to take more time. However, I shall not yield back my time at the moment.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. RANDOLPH. Yes, I do.

Mr. COOPER. Is the Senator yielding back the time on the amendment?

Mr. RANDOLPH. I said I would not yield back my time now. I am simply holding my time, so that we may have a colloquy between the Senator from Kentucky and the Senator from Pennsylvania (Mr. SCHWEIKER), who is familiar with the subject matter. He offered the amendment which was adopted in the committee. He has now come to the Senate floor, and I am sure would accommodate himself to a colloquy on this subject.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. I yield to the Senator from Kentucky. Would it be agreeable to yield the Senator 7 minutes at this point?

Mr. COOPER. I thank the Senator. I should like to address questions concerning the meaning of section 402, on dependents. Just for the record, I notice it says "a wife who is a member of the same household." Does that include married wives and common law wives, as well?

Mr. SCHWEIKER. This would be covered in the current social security definition of wives. We did intend our amendment to conform to the social security law in this respect.

Mr. COOPER. I just wanted to know for interpretation. Does it include a common law as well as a wedded wife?

Well, I have raised the question. The Senator says it is in accordance with the definition under social security.

Second, section 402 does include a divorced wife if she receives at least one-half of her support from her former husband.

Now I should like to ask about children. I understand it follows social security. Am I correct that it means an orphan, an unmarried child under 18 years of age or under disability; and in some cases, a student?

Mr. SCHWEIKER. That is correct.

Mr. COOPER. I find no fault.

The amendment of the Senator from Pennsylvania also would include a mother and a father. Would that mean a mother and a father where there is no widow or no children living, or orphan?

Mr. SCHWEIKER. Yes. I should like to explain that.

Mr. COOPER. I am not against it.

Mr. SCHWEIKER. It would only go to these other beneficiaries if the miner dies leaving no wife or children. So that in 99 percent of the cases, my amendment would not even apply, because if a wife or a child is living, that would preclude any further beneficiary from receiving it. They only receive benefits if there is no wife or child. Only then, if there is no wife or child living, would these other members of the miner's immediate family get it if they have been dependent upon that person. So just having a mother, father, brother, or sister alive is not the criterion. The test is whether they have been dependent and whether they have been supported by that coal miner. So it just does not include all people who have surviving brothers and sisters. The brothers and sisters must be dependent; and if they are working, they obviously are not dependents. It would only include families with no wife or child living and in which an immediate member of the family has been a dependent, under the conditions as covered.

Mr. COOPER. I understand. If there is no widow, the mother and father would be eligible. If there is no mother and father, then the brothers and sisters would be eligible. Is that correct?

Mr. SCHWEIKER. Only if they were dependent.

Mr. COOPER. I know that. I am just getting the description of the beneficiaries.

Would it go beyond brothers and sisters?

Mr. SCHWEIKER. No, it would not. It would stop there.

Mr. COOPER. I believe that I read in the explanation that beneficiaries shall be determined by the law of devolution in the State, with respect to personal property? Does the amendment go only to the brothers and sisters, or does it go beyond brothers and sisters?

Mr. SCHWEIKER. In a legal dispute over whether a person is a brother or sister or parent, the State law would help determine that. That is what it means.

Mr. COOPER. The criterion uses the term "dependent"; but it is a fact, is it not, that under the present social security law, or the proposed social security amendments that we have heard will be presented by the Finance Committee, the benefits would be limited to a widow, children, parents, sisters, and disabled brothers? Am I correct?

Mr. SCHWEIKER. The present social security law?

Mr. COOPER. No; it does not go far in the social security law. I am speaking of amendments which I understand will be reported to the Senate.

Mr. SCHWEIKER. The Senator is correct in that that is the present law; but the bill coming from the Finance Committee, H.R. 1, does extend social security coverage to dependent sisters and dependent disabled brothers. Parents are already covered under social security survivors' benefits.

So I am applying the same principle to this black lung bill.

If we do not put it in this bill, we will once again have put the coal miners and their families behind the rest of the population. H.R. 1, as amended by the Senate Finance Committee, now covers sisters and brothers, and that is the principle I am applying. We are corresponding to the new measure coming out of the Senate Finance Committee and making is similar to that provision of the bill H.R. 1.

Mr. COOPER. I hope that if the bill is reported by the Finance Committee, the conference will stick with whatever provision they use. My information is somewhat different from that of the Senator from Pennsylvania, but he may have more direct information.

Is it also correct that in a case in which there are more than two children, the amount available in benefits shall be enlarged?

Mr. SCHWEIKER. Will the Senator repeat that, please?

Mr. COOPER. Is it correct that in the case of a miner or his widow, the full 100 percent benefit would be made available; but if the dependents increase in number—that is, a larger class available for benefits—the benefit which the miner would have secured is enlarged? I read here that in one case it would be enlarged by 50 percent, in another case by 75 percent. Is that correct?

Mr. SCHWEIKER. That is correct. If there is one beneficiary alone, that person receives the base amount. If there are two beneficiaries, the base amount is incresed by 50 percent, and the two people split the amount. If there are three beneficiaries, the base amount increases 75 percent and this is split the three ways. For over three beneficiaries, the base amount is raised 100 percent and split as many ways as there are beneficiaries.

Mr. COOPER. My point in raising all these matters is to go back to the point I made earlier. I am not objecting to the class of dependents except that I believe that in conference it ought to be made compatible with the same standards which will be contained in H.R. 1.

Second, because of the increase in the class of beneficiaries, and because of the new definition of the tests by which we can secure benefits, and because the amount available to beneficiaries can be enlarged by 50 or 75 percent, I think all these things ought to be taken into consideration. I believe, because of this additional cost, which is inevitable, to be placed on an industry which is under large strain from various causes, that it would be fair and not at least a bit harmful to continue the Federal program as passed by the House, for an additional year, as the bill which Senator RANDOLPH, Senator BYRD, and I and others introduced provide.

We are suddenly becoming concerned about the cost to the Federal Government. But the bills that come out of the Senator's committee, a great committee, account for a large share, I would say, of the increasing cost of the Government of the United States. I do not know why the Committee is so suddenly concerned about the cost of an additional year. I think it is a question of fairness.

I have made my case, and I am finished.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TAFT. The time to be divided equally.

The PRESIDING OFFICER. Is there objection?

Mr. RANDOLPH. Mr. President, how much time do we have?

The PRESIDING OFFICER. The proponents have 6 minutes, and the opponents have 5 minutes.

Under Senate precedents, there is not enough time for a quorum call, except by unanimous consent.

Mr. RANDOLPH. I yield myself such time as I may require.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

Mr. TAFT. Mr. President, I am constrained to object at this point.

The PRESIDING OFFICER. Objection is heard.

Mr. TAFT. Mr. President, I might explain to the Senator my reason for objecting. The Senator from New York (Mr. JAVITS) wished to be present at the time the committee amendments would be offered. I do not believe that he will come up with any objection and believe that I will be able to withdraw my objection by that time. As has been indicated at an earlier point, the purpose of the discussion we have had today relating to the 1-year or the 2-year extension is affected by the question of the committee amendments, and that is the question of whether a separate vote should be asked for on those committee amendments. I would simply say that I will hold the floor until the Senator from New York is ready to comment.

Mr. RANDOLPH. I appreciate the understanding of the Senator from Ohio during the absence of the Senator from New York. I renew my request and ask unanimous consent that the committee amendments be considered en bloc.

Mr. JAVITS. Mr. President, reserving the right to object, as I understand it, all that means is that when the vote comes on the committee amendments, they will be considered en bloc; is that correct?

The PRESIDING OFFICER. (Mr. ROTH). The Chair would like to state that is correct. However, amendments to the amendments must be considered while the committee amendments are pending.

Mr. JAVITS. In other words, as I understand the situation, one vote on all the committee amendments, but each committee amendment may be amended on a motion from the floor, and there would be a separate vote on that amendment to a committee amendment.

The PRESIDING OFFICER. That is correct.

Mr. COOPER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield to the Senator from Kentucky.

Mr. COOPER. I understand that this would embrace all the amendments that refer to the one or two year extensions. I have already stated that it will prevail but, nevertheless, I want to express my views about the 1- and 2-year extensions. If they are being voted on separately, I would vote for the 2-year extension. I know there is no possibility of that.

The PRESIDING OFFICER (Mr. ROTH). Is there objection to the request of the Senator from West Virginia (Mr. RANDOLPH)? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the bill, as amended, be considered as original text.

Mr. JAVITS. Mr. President, reserving the right to object, does that in any way change the previous amendment—the previous unanimous consent?

The PRESIDING OFFICER. Yes, it does change it.

Mr. JAVITS. In what way?

The PRESIDING OFFICER. If this request is agreed to, the committee amendments will still be open to amendment.

Mr. JAVITS. Even if this unanimous-consent is agreed to, how does it change the previous unanimous consent?

The PRESIDING OFFICER. It does not change the previous unanimous consent.

Mr. JAVITS. The effect remains the same except that the amendments may now be offered in the first and second degrees to any committee amendment if this request is agreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I thank the Chair. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the committee amendments are agreed to and the bill as thus amended will be considered as original text.

The amendments agreed to en bloc are as follows:

On page 1, at the beginning of line 3, strike out "That (a) (1) section 412(a) of the Federal Coal Mine" and insert "That (a) this Act may be cited as the 'Black Lung Benefits Act of 1972' "; at the beginning of line 6, insert "(b) (1) Section 412(a) of the Federal Coal Mine"; on page 2, line 2, after the word "death,", strike out "and who leaves no widow," and insert "or who was totally disabled by pneumoconiosis at the time of his death,"; in line 17, after the word "section", strike out "402(g)." and insert "402(g): *And provided further,* That no entitlement to benefits as a child shall be established under this paragraph (3) for any month or which entitlement to benefits as a widow is established under paragraph (2)."; in line 23, after the word "new", strike out "paragraph" and insert "paragraphs"; after line 24, insert:

"(5) In the case of the dependent parent or parents of a miner whose death is due to pneumoconiosis, or of a miner who is receiving benefits under this part at the time of his death, or of a miner who was totally disabled by pneumoconiosis at the time of his death, and who is not survived by a widow or a child, or in the case of the dependent surviving brother(s) or sister(s) of such a miner who is not survived by a widow, child, or parent, benefits shall be paid under this part to such parent(s), or to such brother(s) or sister(s), at the rate specified in paragraph (3) (as if such parent(s) or such brother(s) or sister(s), were the children of such miner): *Provided*, That no benefits shall be paid to any parent for any month for which a widow or child has established entitlement to such benefits and that no benefits shall be paid to any brother(s) or sister(s) for any month for which a widow, child, or parent has established such entitlement. In determining whether a claimant is a parent, brother, or sister of a miner for purposes of this paragraph, the Secretary shall apply such law as would be applied in determining the devolution of intestate personal property by the courts of the State in which such miner was domiciled at the time of his death, or, if such miner was not so domiciled in any State, by the courts of the District of Columbia. Claimants who according to such law would have the same status relative to taking intestate personal property as a parent, brother, or sister, shall be deemed such. Any benefit under this paragraph for a month prior to the month in which a claim for such benefit is filed shall be reduced to any extent that may be necessary, so that it will not render erroneous any benefit which, before the filing of such claimant, the Secretary has certified for payment for such prior months. As used in this paragraph 'dependent' means that such parent, brother, or sister was receiving at least one-half of his support from such manner, as determined in accordance with regulations prescribed by the Secretary, for at least one year immediately preceding the miner's death. Proof of such support shall be filed by such claimant within two years after the month in which this amendment is enacted, or within two years after the miner's death, whichever is the later. Any such proof which is filed after the expiration of such period shall be deemed to have been filed within such period if it is shown to the satisfaction of the Secretary that there was good cause for failure to file such proof within such period. The determination of what constitutes good cause for purposes of this pargraph shall be made in accordance with regulations of the Secretary.

On page 4, at the beginning of line 22, strike out “(5)” and insert “(6”; in line 23, after the word “under”, strike out “clause” and insert “paragraph”; on page 5, line 4, after the word “him”, insert “accept an application therefor from such dependent, where necessary, and”; at the beginning of line 13, strike out “(b)” and insert “(c)”; in the same line, after “1)”, strike out “Section” and insert “Sections”; in the same line, after (b)”, insert “414(e), and 424”; in line 14, after the Word “Act”, strike out “is” and insert “are”; in line 15, after the word “following”, strike out “or child” and insert “child, parent, brother, or sister”, and section 421(a) is amended by inserting after 'widows' the following: “, children, parents, brothers, or sisters, as the case may be.' ”; after line 18, strike out:

(2) Section 402 of such Act is amended by adding at the end thereof the following new subsection:

"(g) The term 'child' means an individual who is unmarried and (1) under eighteen years of age, or (2) incapable of self support because of physical or mental disability which arose before he reached eighteen years of age or, in the case of a student, before he ceased to be a student, or (3) a student. Such term includes stepchildren, adopted children, and posthumous children. For the purpose of this subsection the term 'student' means an individual under twenty three years of age who has not completed four years of education beyond the high school level and who is regularly pursuing a full-time course of study or training at an institution which is—

"(1) a school or college or university operated or directly supported by the United States, or by a State or local government or political subdivision thereof;

"(2) a school or college or university which has been accredited by a State or by a State recognized or nationally recognized accrediting agency or body;

"(3) a school or college or university not so accredited but whose credits are accepted, on transfer, by at least three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; or

"(4) an additional type of educational or training institution as defined by the Secretary of Health, Education, and Welfare.

Such an individual is deemed not to have ceased to be a student during an interim between school years if the interim is not more than four months and if he shows to the satisfaction of the Secretary that he has a bona fide intention of continuing to pursue a full-time course of study or training during the semester or other enrollment period immediately after the interim or during periods of reasonable duration in which, in the judgment of the Secretary, he is prevented by factors beyond his control from pursuing his education. A student whose twenty-third birthday occurs during a semester or other enrollment period is deemed a student until the end of the semester or other enrollment period."

And, in lieu thereof, insert:

(2) Section 402(a) of such Act is amended to read:

"(a) The term 'dependent' means—

"(1) a child as defined in subsection (g) without regard to subparagraph (2)(B)(ii) thereof; or

"(2) a wife who is a member of the same household as the miner, or is receiving regular contributions from the miner for her support, or whose husband is a miner who has been ordered by a court to contribute to her support, or who meets the requirements of section 216(b) (1) or (2) of the Social Security Act. The determination of an individual's status as the 'wife' of a miner shall be made in accordance with section 216(h) (1) of the Social Security Act as if such miner were the 'insured individual' referred to therein. The term 'wife' also includes a 'divorced wife' as defined in section 216(d) (1) of the Social Security Act who is receiving at least one-half of her support, as determined in accordance with regulations prescribed by the Secretary, from the miner, or is receiving substantial contributions from the miner (pursuant to a written agreement), or there is in effect a court order for substantial contributions to her support from such miner.".

(3) Section 402(e) of such Act is amended to read:

"(e) The term 'widow' includes the wife living with or dependent for support on the miner at the time of his death, or living apart for reasonable cause or because of his desertion, or who meets the requirements of section 216(c) (1), (2), (3), (4), or (5), and section 216(k) of the Social Security Act, who is not married. The determination of an individual's status as the 'widow' of a miner shall be made in accordance with section 216(h)(1) of the Social Security Act as if such miner were the 'insured individual' referred to therein. Such term also includes a 'surviving divorced wife' as defined in section 216(d) (2) of the Social Security Act who for the month preceding the month in which the miner died, was receiving at least one-half of her support, as determined in accordance with regulations prescribed by the Secretary, from the miner, or was receiving substantial contributions from the miner (pursuant to a written agreement) or there was in effect a court order for substantial contributions to her support from the miner at the time of his death."

(4) Section 402 of such Act is amended by adding at the end thereof the following new subsection:

"(g) The term 'child' means a child or a step-child who is—

"(1) unmarried; and

"(2)(A) under eighteen years of age, or

"(B)(i) under a disability as defined in section 223(d) of the Social Security Act,

"(ii) which began before the age specified in section 202(d)(1)(B)(ii) of the Social Security Act, or, in the case of a student, before he ceased to be a student; or

"(3) a student.

The term 'student' means a 'full-time student' as defined in section 202(d)(7) of the Social Security Act, or a 'student' as defined in section 8101(17) of title 5, United States Code. The determination of an individual's status as the 'child' of the miner or widow, as the case may be, shall be made in accordance with section 216(h) (2) or (3) of the Social Security Act as if such miner or widow were the 'insured individual' referred to therein."

On page 9, at the beginning of line 24, strike out “(3)” and insert “(5)(A)”; on page 10, line 1, after the word “sentence,” strike out “ “In carrying out his responsibilities under this part, the Secretary may prescribe regulations consistent with the provisions of sections 204, 205(j), 205(k), and 206 of the Social Security Act.” ” and insert “ “The provisions of sections 204, 205(a), (b), (d), (e), (f), (g), (h), (j), (k), and (l), 206, 207, and 208 of the Social Security Act shall be applicable under this part with respect to a miner, widow, child, parent, brother, sister, or dependent, as if benefits under this part were benefits under title II of such Act.” ”; after line 10, insert:

(B) Only section 205 (b), (g), and (h) of those sections of the Social Security Act recited in subparagraph (A) of this paragraph shall be effective as of the date provided in subsection (d) of this section.

At the beginning of line 15, strike out “(4)” and insert “(6)”; at the beginning of line 17, strike out “paragraph” and insert “paragraphs”; in line 18, after the word “a”, where it appears the second time, strike out “child,” and insert “child”; on page 11, line 4, after the word “eligible”, where it appears the second time, insert “at any period of time”; in line 17, after the word “eligible”, insert “at any period of time”; after line 21, strike out:

"(C) Any benefit under subparagraph (A) or (B) for a month prior to the month in which a claim is filed shall be reduced, to any extent that may be necessary, so that it will not render erroneous any benefit which, before the filing of such claim, the Secretary has certified for payment for such prior month.

On page 12, at the beginning of line 3, strike out “(D)” and insert “(C)”; in line 4, after the word “child”, strike out “of a miner or widow (as described in section 412(a)(3))”; in line 6, after the word “of”, insert “his father or mother”; in line 7, after the amendment just above stated, strike out “such miner or widow”; in line 8, after “December 31”, strike out “1972” and insert “1973”; after line 9, insert:

"(D) Any benefit under subparagraph (A) or (B) for a month prior to the month in which a claim is filed shall be reduced, to any extent that may be necessary, so that it will not render erroneous any benefit which, before the filing of such claim, the Secretary has certified for payment for such prior month.

"(3) No claim for benefits under this part, in the case of a claimant who is a parent, brother, or sister shall be considered unless it is filed within six months after the death of the miner or by December 31, 1973, whichever is the later."

(d) Except as otherwise provided in this section, the amendments made by this section shall be effective as of December 30, 1969.

After line 22, strike out:

"(5) Subsections 422 (c) and (d) of such Act are amended by striking out 'section 412 (a)' wherever it appears and inserting in lieu thereof 'section 412(a) (1), (2), and (4)'."

On page 13, line 5, after the word "following", strike out "This part shall not be considered a workmen's compensation law or plan for purposes of section 224 of such Act." and insert "In applying the provisions of section 224(a) of the Social Security Act to benefits under this part, paragraph (5) thereof shall be deemed to read '100 per centum of his "average current earnings" ', or ."; after line 12, strike out:

Sec. 3. (a) Sections 401, 411(c) (1), 411(c) (2), and 422(h) of the Federal Coal Mine Health and Safety Act of 1969 are each amended by striking out "underground".

(b) Sections 402(b), 402(d), 422(a), and 423(a) of such Act are each amended by striking out "an underground" and inserting "a" in lieu thereof.

(c) The amendments made by this section shall be effective as of December 30, 1969.

And, in lieu thereof, insert:

Sec. 3. (a) Section 402(b) of the Federal Coal Mine Health and Safety Act of 1969 is amended by striking out all after the word "lung" and inserting the following new phrase:", including its sequelae, arising out of employment in a coal mine."

(b) Section 402(f) is amended to read as follows:

"(f) The term 'total disability' has the meaning given it by regulations of the Secretary of Health, Education, and Welfare, except that such regulations shall provide that a miner shall be considered totally disabled when pneumoconiosis prevents him from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he previously engaged with some regularity and over a substantial period of time. Such regulations shall not provide more restrictive criteria than those applicable under section 223(d) of the Social Security Act."

(c) (1) Section 411(a) of such Act is further amended by adding at the end thereof the following: "or who at the time of his death was totally disabled by pneumoconiosis."

(2) Section 401 is amended by inserting after the word "disease" each place it appears the following: "or who were totally disabled by this disease at the time of their deaths."

(3) Section 411(c) (3) is amended by inserting after "pneumoconiosis," the following: "or that at the time of his death he was totally disabled by pneumoconiosis."

(d) Section 411(c) of such Act is amended by striking the word "and" at the end of paragraph (2), by striking the period at the end of paragraph (3), inserting "; and", and by adding at the end thereof the following new paragraph:

"(4) if a miner was employed for fifteen years or more in one or more underground coal mines, and if there is a chest roentgenogram submitted in connection with such miner's, his widow's, his child's, his parent's, his brother's, his sister's, or his dependent's claim under this title and it is interpreted as negative with respect to the requirements of paragraph (3) of this subsection, and if other evidence demonstrates the existence of a totally disabling respiratory or pulmonary impairment, then there shall be a rebuttable presumption that such miner is totally disabled due to pneumoconiosis, that his death was due to pneumoconiosis, or that at the time of his death he was totally disabled by pneumoconiosis. In the case of a living miner, a wife's affidavit may not be used by itself to establish the presumption. The Secretary shall not apply all or a portion of the requirement of this paragraph that the miner work in an underground mine where he determines that conditions of a miner's employment in a coal mine other than an underground mine were substantially similar to conditions in an underground mine. The Secretary may rebut such presumption only by establishing that (A) such miner does not, or did not, have pneumoconiosis, or that (B) his respiratory or pulmonary impairment did not arise out of, or in connection with, employment in a coal mine."

(e) Section 411(b) is amended by inserting immediately after the penultimate sentence thereof the following new sentence: "Final regulations required for implementation of any amendments to this title shall be promulgated and published in the Federal Register at the earliest practicable date after the date of enactment of such amendments, and in no event later than the end of the fourth month following the month in which such amendments are enacted."

(f) Section 421(b) (2) (C) of such Act is amended by striking the word "those" and inserting in lieu thereof "section 402(f) of this title and to those standards", and by substituting for the words "by section 411" the words "under part B of this title".

(g) The first sentence of section 413(b) of such Act is amended by inserting before the period at the end thereof the following: ", but no claim for benefits under this part shall be denied solely on the basis of the results of a chest roentgenogram. In determining the validity of claims under this part, all relevant evidence shall be considered, including, where relevant, medical tests such as blood gas studies, X-ray examination, electrocardiogram, pulmonary function studies, or physical performance tests, and any medical history, evidence submitted by the claimant's physician, or his wife's affidavits, and in the case of a deceased miner, other appropriate affidavits of persons with knowledge of the miner's physical condition, and other supportive materials."

(h) The amendments made by this section shall be effective as of December 30, 1969.

On page 17, line 10, after the word "thereof", strike out "1973" and insert "1972"; in line 13, after the word "thereof", strike out "1974" and insert "1973", other than in section 421 (b) (1),"; in line 16, after the word "thereof", strike out "1975" and insert "1974"; in the same line, after the amendment just above stated, strike out "and"; after line 16, strike out:

(4) by striking out "seven" where it appears in section 422(e) and inserting in lieu thereof "nine".

And, in lieu thereof, insert:

(4) by adding a new subsection (c) to section 421 thereof as follows:

"(c) Final regulations required for implementation of any amendments to this part shall be promulgated and published in the Federal Register at the earliest practicable date after the date of enactment of such amendments, and in no event later than the end of the fourth month following the month in which such amendments are enacted.",

On page 18, after line 2, insert:

(5) by amending section 426(a) of such Act to read as follows:

"Sec. 426. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to issue such regulations as are appropriate to carry out the provisions of this title. Such regulations shall be issued in conformity with subsections (b), (c), (d), and (e) of section 553 of title 5 of the United States Code.",

After line 10, insert:

(6) by inserting immediately after section 426 thereof, the following new section:

"Sec. 427. (a) The Secretary of Health, Education, and Welfare is authorized to enter into contracts with, and make grants to, public and private agencies and organizations and individuals for the construction, purchase, and operation of fixed-site and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in active and inactive coal miners. The Secretary shall coordinate the making of such contracts and grants with the Appalachian Regional Commission.

(b) The Secretary of Health, Education, and Welfare shall initiate research within the National Institute for Occupational Safety and Health, and is authorized to make research grants to public and private agencies and organizations and individuals for the purpose of devising simple and effective tests to measure, detect, and treat respiratory and pulmonary impairments in active and inactive coal miners. Any grant made pursuant to this subsection shall be conditioned upon all information, uses, products, processes, patents, and other developments resulting from such research being available to the general public, except to the extent of such exceptions and limitations as the Secretary of Health, Education, and Welfare may deem necessary in the public interest.

"(c) There is hereby authorized to be appropriated for the purpose of subsection (a) of this section $10,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975. There are hereby authorized to be appropriated for the purposes of subsection (b) of this section such sums as are necessary.",

On page 19, after line 15, insert:

(7) by adding at the end thereof the following new section:

"Sec. 428. (a) No operator shall discharge or in any other way discriminate against any miner employed by him by reason of the fact that such miner is suffering from pneumoconiosis or other respiratory or pulmonary impairment. No person shall cause or attempt to cause an operator to violate this section. For the purposes of this subsection the term 'miner' shall not include any person who has been found to be totally disabled.

"(b) Any miner who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section, or any representative of such miner may, within ninety days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein.

"(c) Whenever an order is issued under this subsection granting relief to a miner at the request of such miner, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by such miner for, or in connection with, the institution and prosecuting of such procedings, shall be assessed against the person committing the violation.",

On page 21, after line 10, insert:

(8) by adding at the end thereof the following new section:

"Sec. 429. There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary to carry out his responsibilities under this title. Such sums shall remain available until expended.", and

After line 16, insert:

(9) by adding at the end thereof the following new section:

"Sec. 430. The amendments made by the Black Lung Benefits Act of 1972 to part B of this title shall, to the extent appropriate, also apply to part C of this title."

After line 21, strike out:

Sec. 5. The first sentence of section 413(b) of such Act is amended by inserting before the period at the end thereof the following: ", but no claim for benefits under this part shall be denied solely on the basis of the results of a chest roentgenogram".

And, in lieu thereof, insert:

Sec. 5. (a) Sections 401, 411(c)(1), 411(c)(2), and 422(h) of the Federal Coal Mine Health and Safety Act of 1969 are each amended by striking out "underground."

(b) Sections 402(b), 402(d), 422(a), and 423(a) of such Act are each amended by striking out "an underground" and inserting "a" in lieu thereof.

(c) The amendments made by this section shall be effective as of December 30, 1969.

On page 22, after line 10, insert a new section, as follows:

Sec. 6. Title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended by adding "or" at the end of section 422(e)(1) thereof, by striking "; or" at the end of section 422(e)(2) thereof and inserting a period, and by striking section 422(e)(3) thereof.

After line 15, insert a new section, as follows:

Sec. 7. Title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended by adding at the end thereof the following new section:

"Sec. 431. The Secretary of Health, Education, and Welfare shall, upon enactment of the Black Lung Benefits Act of 1972, generally disseminate to all persons who filed claims under this title prior to the date of enactment of such Act the changes in the law created by such Act, and forthwith advise all persons whose claims have been denied for any reason or whose claims are pending, that their claims will be reviewed with respect to the provisions of the Black Lung Benefits Act of 1972."

On page 23, after line 2, insert a new section, as follows:

Sec. 8. Title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended by adding at the end of part B thereof the following new section:

"Sec. 415. (a) Notwithstanding any other provision in this title, for the purpose of assuring the uninterrupted receipt of benefits by claimants at such time as responsibility for administration of the benefits program is assumed by either a State workmen's compensation agency or the Secretary of Labor, any claim for benefits under this part filed during the period from January 1, 1973 to December 31, 1973, shall be considered and determined in accordance with the procedures of this section. With respect to any such claim—

"(1) Such claim shall be determined and, where appropriate under this part or section 424 of this title, benefits shall be paid with respect to such claim by the Secretary of Labor.

"(2) The manner and place of filing such claim shall be in accordance with regulations issued jointly by the Secretary of Health, Education, and Welfare and the Secretary of Labor, which regulations shall provide, among other things, that such claims may be filed in district offices of the Social Security Administration and thereafter transferred to the jurisdiction of the Department of Labor for further consideration.

"(3) The Secretary of Labor shall promptly notify any operator who he believes, on the basis of information contained in the claim, or any other information available to him, may be liable to pay benefits to the claimant under part C of this title for any month after December 31, 1973.

"(4) In determining such claims, the Secretary of Labor shall, to the extent appropriate, follow the procedures described in sections 19 (b), (c), and (d) of Public Law 803, 69th Congress (44 Stat. 1424, approved March 4, 1927), as amended.

"(5) Any operator who has been notified of the pendency of a claim under paragraph 4 of this subsection shall be bound by the determination of the Secretary of Labor on such claim as if the claim had been filed pursuant to part C of this title and section 422 thereof had been applicable to such operator. Nothing in this paragraph shall require any operator to pay any benefits for any month prior to January 1, 1974.

"(b) The Secretary of Labor, after consultation with the Secretary of Health, Education, and Welfare, may issue such regulations as are necessary or appropriate to carry out the purpose of this section."

And, at the top of page 25, insert a new section, as follows:

Sec. 9. Section 422(f) of title IV of the Federal Coal Mine Health and Safety Act of 1969 is amended by inserting "(1)" after "(f)" and by adding a new paragraph (2) as follows:

"(2) Any claim for benefits under this section in the case of a living miner filed on the basis of eligibility under section 411(c)(4) of this title, shall be filed within three years from the date of last exposed employment in a coal mine or, in the case of death from a respiratory or pulmonary impairment for which benefits would be payable under section 411(c)(4) of this title, incurred as the result of employment in a coal mine, shall be filed within fifteen years from the date of last exposed employment in a coal mine."

Mr. JAVITS. Mr. President, is the bill open to further amendment?

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 1 minute.

Mr. RANDOLPH. Mr. President, I know from the discussion with the chairman of the committee that he has an amendment, which we have discussed with the ranking minority member of the committee. I know that he will proceed in his own way in a moment but I want to say that we have discussed the matter and we have an understanding on it.

Mr. WILLIAMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read the amendment as follows:

On page 20, between lines 16 and 17 insert the following:

"Each hearing examiner presiding under this section and under the provisions of Titles I, II and III of this Act shall receive compensation at a rate not less than that prescribed for GS–16 under section 5332 of Title 5, United States Code."

Mr. WILLIAMS. Mr. President, the legislation now before the Senate represents a long-overdue governmental recognition of the suffering and the perils faced by the men who provide an indispensable part of this Nation's need for fuel and energy. This bill, together with the amendment I propose today, completes a circle of protection begun with the Coal Mine Health and Safety Act of 1969.

The Federal Coal Mine Health and Safety Act, like the Occupational Safety and Health Act of 1970, is plainly so complex and vital to our national welfare as to require the highest qualified hearing examiners for its enforcement. Such statutes, which require a determination of critical safety questions in complex and technical basic industries, clearly must be implemented by persons of mature judgment and great technical competence. It is for this reason that we in the Congress expressly provided that hearing examiners administering the Occupational Safety and Health Act be classified, at no less than grade GS–16.

Through an oversight, however, the Coal Mine Health and Safety Act failed to include a similar provision. The result has been a gross inequity that severely hampers the effective administration of the law designed for the protection of the very same coal miners whose fair treatment is our concern today.

The Interior Department, which enforces this vital legislation, is now faced with a pressing shortage of hearing examiners caused by a more than hundredfold increase in the penalty charges assigned for hearing in the past 12 months alone.

To recruit and retain examiners qualified to determine complex questions of law and fact in the coal mining industry, and to resolve questions involving the amendment of the act itself in individual cases, that Department must compete with all other agencies administering Federal health and safety programs, but it must compete on an unequal footing.

Every safety program administered by the Federal Government offers a minimum grade of GS–16 to hearing examiners, with the sole exception of the coal mine safety and health program. These areas include safety and health standards, for public contracts and public works, railway, motor carrier, and air transportation, and pesticides, as well as the Occupational Safety and Health Act itself which covers virtually all American industry.

We in Congress who have investigated the complex and difficult circumstances surrounding the work of the miner know—as well as one can possibly know—that our Nation's miners need and deserve the best protection offered by the Federal administrative judicial system. There can be no question of the parity of importance, complexity, and responsibility that exists between safety and health issues in the mines and those in other Federal safety and health programs.

To complete the protection we have begun, this unintended pay differential must be eliminated.

Continuance of this inequity will prevent the Interior Department from competing with other agencies in attracting GS–16 examiners, who are vitally needed for coal mine cases. It will also severely weaken the ability of that Department to retain the eleven fully experienced examiners, six of whom now work exclusively on coal mine safety and health cases but are classified at grade GS–15.

Recognizing this dilemma, the Interior Department has repeatedly, but unsuccessfully, sought the upgrading of this position in applications to the Civil Service Commission. Corrective action by the Congress is thus critically needed, since the Civil Service Commission has failed to recognize the importance and complexity of coal mine safety and health cases. Indeed, in its November 1971 evaluation of this matter the Commission concluded that such cases "do not involve complicated questions of law and fact, and the cases do not appear to be of a precedent-setting nature."

If we in Congress now refuse to correct this manifest inequity, we will be saying, in effect, that safety in the mines is a less important or less complex matter than the safety of any other working place in the Nation. Such a result would be unacceptable, since it would reflect a major misconception of the coal mining industry and the complex safety and health dangers that threaten the Nation's miners. Nor could such a result stand in the face of the overwhelmingly contrary findings of Congress and the President in connection with the Coal Mine Health and Safety Act. As clearly recognized in its legislative history, this act is "not only one of the most important pieces of legislation" ever written, "it is one of the most complex." Surely the coal miners and their families are entitled to no less than the same level of qualifications of hearing examiners as that of hearing examiners in all other fields of Federal safety and health enforcement.

Putting aside the success of an important part of our system for protecting the miner, I also ask my colleagues to note that the hearing examiners of the Department of the Interior are depending on us to correct a clear violation of the principle of equal pay for equal work. To correct this inequity, and to quarantee this right of the miner, the amendment I propose prescribes that such hearing examiners will be classified at no less than grade GS–16.

Mr. President, as I have just stated, the explanation of the amendment is simple. It puts the examiners under this legislation on the same footing as examiners under the Occupational Health and Safety Program. It is a matter, I think, of basic fairness and equity to those who are engaged in comparable employment.

Mr. COOPER. Mr. President, may I ask the Senator from New Jersey one or two questions?

Mr. WILLIAMS. I yield.

Mr. COOPER. How many examiners are now employed?

Mr. WILLIAMS. The last available number I have, at this point, would be six, here in Washington.

Mr. COOPER. How many?

Mr. WILLIAMS. Six.

Mr. COOPER. What would be the effect of the amendment. Does it relate only to compensation?

Mr. WILLIAMS. That is all. Yes. This designates the grade so that the only change would be as to their compensation. All other aspects of their employment would remain the same.

Mr. COOPER. It has no effect except to increase the compensation, is that correct?

Mr. WILLIAMS. That is the only effect.

Mr. COOPER. But there are six examiners?

Mr. WILLIAMS. That is right—six.

Mr. COOPER. I am not in a bad humor today, I know, but I would like to say, I wish the Senate could increase the number of examiners, and also tell the examiners to do their duty. I assume these are the same people who are supposed to pass upon violations of the Health and Safety Act and to impose fines and, if there are appeals, to hear them; is that not correct?

Mr. WILLIAMS. I agree with the Senator. This is a necessary step. I recognize that there are inadequacies, too. We try, in our oversight activities in the committee, where there may be lapses of judgment, perhaps, that the Bureau of Mines should pay greater attention to the——

Mr. COOPER. Are these the men who hear the cases arising from alleged violations of the Health and Safety Act, and then to hear the appeals—is that correct?

Mr. WILLIAMS. That is correct. There has been a problem of recruiting. I understand that one of the ways to help the whole recruiting process is to upgrade the examiners.

Mr. COOPER. The Senator says there are only six examiners. I know the program is not going well but I am astounded to be told that there are only six examiners to hear the cases involving penalties proposed for violations of the act, and appeals.

Mr. JAVITS. Mr. President, I ask unanimous consent that it may be in order to ask for the yeas and nays on final passage.

The PRESIDING OFFICER (Mr. ROTH). Unanimous consent is not required.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, this is one of the problems which has arisen. The fines have been imposed arbitrarily on people without having any appearance or due process. That is the reason that very few appeals are taken. They cannot take a true appeal because they are under a veiled threat of harsher fines. I must say that there should be due process, in all fairness, but arbitrary rulings are now the rule.

I will vote for the amendment. I hope that it will encourage due process, and give to both the operators and the miners.

Mr. RANDOLPH. Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 21, line 16 strike "and".

On page 21 between lines 16 and 17, insert the following new paragraph:

"(9) by striking "7" in Section 422(a), and". Renumber the succeeding paragraph.

Mr. JAVITS. Mr. President, I ask unanimous consent that the two amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the purpose of this amendment is to make it clear that the provisions in section 7, Longshoremen's and Harbor Workers' Compensation Act, which require employers to provide medical benefits to injured or disabled employees are applicable to operators under part C. Under the present law, the Secretary of Labor has authority to prescribe regulations under part C "not inconsistent" with section 7 of the Longshoremen's Act, and I am informed that regulations which would apply section 7 to operators under part C are under active consideration by the Department of Labor at the present time. All this amendment would do would be to establish, as a matter of law, that the provisions of section 7 are applicable under part C.

Mr. President, I point out that there

may be resort to the Longshoremen's Act in the bill. I believe that this is a very intelligent model to follow in this regard.

I hope that the Senate will act favorably on the amendment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield to the Senator from New York.

Mr. COOPER. Mr. President, under the bill reported to the Senate by the committee, would the parties involved—whether the Government, the operator or whomsoever it may be, or whether it comes under the workmen's compensation law—be required to pay such benefits as the Senator has been discussing?

Mr. JAVITS. Mr. President, assuming that the regulations are issued according to the contemplation of the Secretary of Labor, the answer would be "yes". And by adoption of the amendments, we would assure that.

Mr. COOPER. Was this taken up in the committee?

Mr. JAVITS. My recollection is that it was not. However, I will explain to the Senator that we proposed to deal with it in the conference in 1969. The reason that we did not do so is because we were unable to do it because it was not dealt with in either the House or the Senate bill.

The committee staff on both the majority and minority side have gone into the matter very thoroughly and believe that it is necessary.

Mr. COOPER. Mr. President, is there any other applicable statute, other than the Longshoremen's Act, that could be used?

Mr. JAVITS. State laws are a good precedent for this matter as well. Incidentally, the Federal Department has called to our attention the desirability of including this section. Although the administration does not agree with the bill, they call to our attention the fact that this is a desirable change.

Mr. COOPER. Mr. President, is that a matter which would be compatible with the Workmen's Compensation Act?

Mr. JAVITS. The Senator is correct.

Mr. COOPER. Mr. President, is this an amendment to federalize the Workmen's Compensation Act with respect to this particular provision?

Mr. JAVITS. No. It is just an effort to apply in this case the lessons we have learned from the Workmen's Compensation Act.

Mr. COOPER. This is merely another illustration of the problems that we face. We have a tremendously important bill, which I will vote for, and one which, as I said before, was first introduced and became law 3 years ago. All kinds of amendments added in committee are before us which, for the most part, are very good amendments. However, we propose to keep on adding amendments. I must say that I do not know anything about this amendment and I doubt if one-tenth of the Senators know a thing about it.

I do not know what its consequences would be. I just wish that we would not continue to add on amendments when they have not been considered in committee, and force them on those of us who have an interest in the coal industry, and, I repeat, not alone in the operators, but in the miners as well.

I must register my opposition to blindly accepting amendments that we do not know anything about and that may impose great liability on the industry. The amendments may be good. I do not know. I really do not know what will happen.

Mr. JAVITS. Mr. President, I say in explanation to the Senator that this is rather a traditional workmen's compensation model. It does not federalize workmen's compensation. It merely does something which the Department of Labor was going to do by regulation anyhow. It is in the Senate bill. If the Senate approves the amendment, it will be subject to conference and the Department will have adequate opportunity to look into the matter. So will the Senator from Kentucky.

I can assure the Senator from Kentucky that this does not reach any major aspect with respect to the bill. Many such bills have so many specialized details connected with them.

I am sure that the Senator will vote for the bill, even though it is a matter with which the Senator is not uniquely equipped by expertise to judge—and, for that matter, neither am I.

Mr. COOPER. I am probably more familiar with coal problems and operations than is the Senator from New York.

Mr. JAVITS. I am sure the Senator is.

Mr. COOPER. I have been concerned with them ever since I came to the Senate. I served as a member on the Committee on Labor and Public Welfare that dealt with mining problems and am familiar with them as a practical matter.

Mr. JAVITS. Mr. President, I am sure that the Senator from Kentucky knows a great deal more about the totality of all of the provisions in this measure and the expertise involved very much more than I do. My only function has been as the ranking minority member of the committee. Precisely because I do not have a sectional interest, I have been able to serve a very useful purpose and to actually pound out the legislation.

I assure the Senator that this is exactly the same tradition involved in workmen's compensation. Indeed, it is a deficiency which the department itself picked up. If anything, I think it will promote and assist the worker who, I know, is the dearest consideration of the Senator from Kentucky and other Senators as well.

Mr. President, I am ready to yield back the remainder of my time if the Senator from West Virginia is. Is the Senator from West Virginia willing to accept the amendment.

Mr. RANDOLPH. Mr. President, I have discussed the amendment not only with the Senator from New York but also with members of the majority on the committee. We do believe that it is a program that possibly would have been brought into the bill by the Labor Department without legislation.

I do agree that it is appropriate to do at this time what the amendment seeks to do. I therefore am willing to accept the amendment and point out that I have consulted with other Members.

I do want fully to state by way of reinforcement what the Senator from New York has said. We have the very highest respect for the knowledgeability of the Senator from Kentucky in all aspects of legislation that attempt to cope with the strengthening of the fabric of coal mine health and safety in this country.

In conference we shall continue possibly to probe the situation. We feel it is a matter of the utmost importance in connection with the overriding issues involved in this measure. I, therefore, support it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. JAVITS. I yield back my time.

Mr. RANDOLPH. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 9212) was read a third time.

Mr. RANDOLPH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 2 minutes remaining and the Senator from New York 1 minute remaining.

Mr. RANDOLPH. Mr. President, I yield my 2 minutes to my distinguished colleague from Kentucky (Mr. COOK).

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, it was my intention to introduce an amendment to extend this act for 2 years rather than for 1 year. Under the circumstances and the tenor of the debate it would not be possible to get such an amendment agreed to. However, we have worked on it, and we did draw it up.

Briefly, I would like to acknowledge the work of my esteemed colleagues of the Committee on Labor and Public Welfare and congratulate them for their expeditious handling of H.R. 9212, "The Black Lung Benefits Act of 1972." Basically, the act would provide for an extension of black lung benefits to orphans whose fathers have died of pneumoconiosis. It would also redefine the term, "total disability" so to surely negate the previously insurmountable burden of proving disability. Such corrective measures as contained in H.R. 9212 are essential in returning justice to a system which, unintentional though it may be, has been languishing since the passage of the original act in 1969. I urge all of my colleagues to lend their unanimous approval to these measures.

For years the millstone has hung around the miner's neck. The conditions under which a miner was expected to work were extremely hazardous. He inhaled, choking coal dust, endured extreme physical hardships, and risked the rate of cave-ins.

While the 1969 act has attempted to improve these conditions, the misfortunes of our coal miners have not abated. It seems that for all of their toil and hardship, they have been rewarded with a crippling disease known in laymen's terms as "black lung." It is a painful disease causing deterioration of the lung tissue. No cure is available, and no pills lessen the pain. President Nixon, in his March 1969 address which called for a new Coal Mine Health and Safety Act, said:

> Death in the mines can be as sudden as an explosion or a collapse of a roof and ribs, or it comes insidiously from pneumoconiosis . . .

Recognizing its responsibility to compensate those coal workers who became incapacitated with the dreaded black lung, Congress enacted the Federal Coal Mine Health and Safety Act of 1969. Again Congress is considering, and hopefully will pass, legislation which will satisfy the intensions of 1969. As of March of this year, 355,000 claims had been filed. Of this number, 50 percent have been denied. However, in my State of Kentucky, the denial rate has been devastating—75 percent. I am hopeful that the measure before us today will correct this problem.

However, there are two provisions which I believe need to be examined more thoroughly.

Title IV of the Federal Coal Mine Health and Safety Act of 1969 provides for benefits to coal miners totally disabled due to pneumoconiosis, and to widows and dependent children. The cost of claims filed prior to December 31, 1971, is to be borne by the Federal Government under part B of title IV, and claims filed thereafter to be borne by the coal industry under part C of title IV, either under a State workmen's compensation law or under procedures established by the Secretary of Labor.

In 1969, the total cost of coverage for black lung benefits as reflected in the legislative history was variously estimated from $40 to $170 million. HEW has projected the 10-year cost of this original program at $4.792 billion from Federal revenue funds, and $2.225 billion to coal operators, a total of $7.017 billion, or more than 40 times the original highest estimate.

The Department of Health, Education, and Welfare reports that as of March 3, 1972, approximately 356,857 claims have been filed and that claims have been approved covering 91,000 miners and 74,000 widows, plus dependent children, reflecting a total of 240,000 beneficiaries. To put this in perspective, employment in the coal industry currently approximates 120,000 miners. This program has incurred costs of more than $500 million in benefits paid, with monthly payments currently in excess of $28 million. Approximately 2,500 new claims are being approved each month.

In 1971, the House passed H.R. 9212 by the overwhelming vote of 312 to 78. This measure provided for benefits to orphans, inadvertently omitted from the original act, and further provided that no claim shall be rejected solely on the basis of a negative X-ray. It also extended the obligation of the Federal Government to claims filed prior to December 31, 1974, with the coal industry assuming the cost of claims filed after that date.

Last October, S. 2675 was introduced in the Senate incorporating many of the provisions of the House-passed bill, but also containing many sections which vastly enlarged the number of potential beneficiaries as well as tremendously increasing the cost of the program by redefining "total disability," and including coverage for all respiratory and pulmonary impairments, such as chronic bronchitis and emphysema.

The Senate Labor and Public Welfare Committee during its consideration of this measure reduced the period of future Government liability from 2 years to 1 and further liberalized the criteria under which claimants qualify for benefits, and included parents, brothers and sisters as potential beneficiaries. The committee also approved provisions to make permanent the obligations of the industry, thus converting a temporary benefit program to the equivalent of a federalized workmen's compensation plan.

The full economic impact of title IV of the 1969 act and the expanded provisions of the House-passed bill, coupled with those of the Senate-reported version, have been projected by HEW to cost over $10 billion in a 10-year period.

The Senate Labor Committee report lists the sum of $571 million covering retroactive payments for 1972 and 1973 under the Senate amendments. It then lists the projected cost of new claims for 5 years as follows:

1973	$428,000,000
1974	441,000,000
1975	389,000,000
1976	369,000,000
1977	354,000,000

These projected costs to the Government for the 5-year period 1973–77 total $1.981 billion. Adding to this the $571 million covering retroactive payments, reflects a 6-year total of $2.552 billion to be paid from General Revenue Funds. But the report does not refer to HEW's projected 6-year cost to the Federal Government of claims under title IV of the original act of $3.151 billion. Thus, the 6-year projected total of Federal liability, as amended by the Senate Labor Committee, is $5.413 billion.

There is no estimate in the committee report of additional operator costs liability under the Senate Committee amendments. However, HEW, as of this morning, estimated operator costs under title IV of the 1969 act to be $502 million. An additional $2.296 billion will be added by the Senate committee version of H.R. 9212.

The consideration of a measure with so great a financial liability to the coal industry has resulted in the introduction of a resolution in the Kentucky General Assembly urging Congress to assume the entire responsibility for financing black lung benefits. I ask uanimous consent that Senate Resolution No. 94 be printed at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION NO. 94

A resolution urging the Congress of the United States to assume the entire responsibility for financing black lung benefits.

Whereas, Payments into the workmen's compensation Special Fund for Black Lung Benefits in Kentucky constitute a significant drain on all other industries in the Commonwealth; and

Whereas, Sudden imposition of the entire burden of Black Lung Payments on the underground coal industry of Kentucky could lead to extinction of that industry; and

Whereas, Any balancing of the burden between the coal industry in Kentucky and other industries must take into account conditions in competitive states; and

Whereas, Too great a burden on general industry could lead to a loss of industry to other states, while too great a burden on the underground coal industry could lead to increased strip mining in Kentucky, and loss of mining to other States; and

Whereas, The miners in Kentucky and other coal mining states who have black lung contracted the disease while mining coal that was used almost entirely by the residents of the other 49 states to produce their electricity, steel, necessities and luxuries of life, and by the nation to provide energy and materials for three major wars; and

Whereas, The price of coal over the past four decades, the period when miners became infected with black lung, never included an amount to rightly compensate coal miners for the disease; and

Whereas, The federal government through the 1969 Federal Mine Safety and Health Act has required the coal producing States to assume the financial obligation for financing black lung benefits although most of the coal-producing states, including Kentucky, have neither the funds nor the resources for assuming this obligation, such a request being a threat to the financial stability of state government; and

Whereas, The continued prosperity of the coal industry and other industry is needed to help finance State government in Kentucky, the welfare of its people, and to help maintain the security of the United States; Now, therefore,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, That Governor Wendell Ford be, and he hereby is, requested to urge the Congress of the United States to take whatever action is necessary to relieve the Commonwealth of Kentucky and the other coal-producing states and industry of all responsibility for financing black lung benefits for any and all persons employed in the coal mines of the nation on or before December 31, 1969, said obligation for financing black lung benefits being a deferred social obligation of the entire nation rather than of the individual states.

Mr. COOK. Mr. President, many feel the contention lies that a sudden imposition of the entire burden of black lung payments on the underground coal industry in Kentucky could lead to the extinction of that industry, especially the small operators. Thousands of people in Appalachia who depend for their livelihood on coal would lose their jobs. Strip mining would sharply increase resulting in the further destruction of our environment. It would also affect the shortage of an energy producing commodity which currently is the source of 70 percent of all fuel.

The underground production of coal has, in the past, far exceeded the surface production. Only recently has surfaced mined coal drawn close to coal produced from underground mines. In 1970, for the first time, the tonnage of surfaced mined coal actually surpassed the production of underground mined coal. The statistics for the year 1971, show an ever-widening gap between underground and surface produced coal. In that year, 66.5 million tons of coal were produced from surface mines while 52.6 million tons were extracted from underground mines.

This disheartening conclusion is that underground mines are closing their doors because operating costs are forcing them out of business under the 1969 act. If the assertion is correct, under the Senate version the operator liability will eventually result in the extinction of underground mines, especially the smaller ones. An assessment of future energy needs appearing in yesterday's Washington Post states that by 1990 our needs for energy will quadruple. At a time when oil and gas supplies are being depleted. A measure which could affect the production of coal so as to eliminate one-half of the entire supply is a serious matter.

I do not intend to imply that the payment of benefits to coal miners afflicted with an occupational disease is a social obligation that belongs to all 50 States instead of just the coal industry. Rather, I believe there is much to be said of the statement by Mr. Stephen Kurzman who, testifying on behalf of the Department of Health, Education, and Welfare before the Committee on Labor and Public Welfare, said:

> In short, except for the residual federal responsibility provided under the present Act, the cost of payments of benefits to coal miners and their dependents should be placed where it belongs—on the industry as part of its production cost. To do otherwise would weaken the incentive of the coal mining industry to improve conditions in the mines in order to remove pneumonoconiosis as an occupational disease.

Yet, to place this burden upon the industry within too short a period without sufficient study may not be desirable. Therefore, I planned to introduce two amendments to the Black Lung Benefits Act of 1972. The first would have extended the Federal responsibility of picking up black lung claims for an additional 2 years. I still feel this is worthy of consideration. I also considered sending to the desk an amendment which would have created an interdepartmental commission composed of representatives from the Department of Health, Education, and Welfare; the Department of Labor, and the Department of the Interior. This commission would have been charged with the responsibility of assessing the cost, and the effects thereof, of the Coal Mine Health and Safety Act as amended which would be imposed upon the various States, the coal industry, and specifically, the small coal operators upon the expiration of part B of the act.

The reasons for considering introducing these amendments are, I think, clear. When Congress enacted the Coal Mine Health and Safety Act in 1969, the intention was for the sharing of responsibility between the Federal Government and the coal industry. The Government would pick up the backlog of claims filed under part B of the act, and thereafter the state and industry through acceptable Workmen's Compensation laws would assume the responsibility for claims filed thereafter. Those cases which form the backlog of claims—both those which have been denied previously and those which are newly covered under these amendments will be the responsibility of the Federal Government. All future claims will be the responsibility of the coal industry.

However, because 2,500 new claims are being approved each month, I am convinced that the backlog may not have been adequately picked up. Furthermore, the liberalized criteria for determining disability as contained in the Senate bill will immediately result in an additional increase of 149,000 new claimants who would qualify for benefits. Therefore, it would appear that the consideration should be given to extending the Federal responsibility for claims from 1 year to 2 years. This, I feel, would not only provide sufficient time for all backlogged claims to be processed, but it would also give the State workmen's compensation systems an opportunity to meet the dire needs of the disabled miners and their survivors.

Many in the coal industry are fearful of the consequences that this legislation will have not only upon themselves, but also upon the economy as well. It is important that we acknowledge these apprehensions and explore this potential problem so that it cannot be said that Congress acted blindly.

With a cost projection in the neighborhood of nearly $3 billion, it is clear that the costs to the coal industry will be staggering. But at this time, it is impossible to ascertain its total liability under this new legislation. All of the figures, estimates, and projections are just what they imply—only estimates. We can only make offhand guesses. At this time, no one knows for certain what the actual costs will be. However, there is considerable room for doubt in the present $3 billion estimate, particularly when one recognizes that the original HEW cost estimate of the black lung program turned out to be 40 times below what was actually incurred. If this situation applies to HEW's new estimates, can it be true that the $3 billion cost projection is, in reality, 40 times below what the actual cost will be?

Mr. President, the point is that the full financial impact on the coal industry, particularly with respect to the survival of smaller producing units, the impact on the national economy, and the effect on the consumer, as reflected in the costs of the goods and services, has never been thoroughly considered. The 20 largest coal companies employing half the work force produce 55 percent of the annual tonnage from 350 mines. Forty-five percent of the annual tonnage is produced by the other half of the work force in the smaller 5,200 mines. Thus, a major portion of the cost of this legislation will fall on the small independent coal producers who may not be able to afford insurance to cover his expected costs under this program. Moreover, the ability of all coal producers, large and small, to meet the present and future energy demands of the Nation may be seriously impaired. Also, the much-needed coal export market may be threatened. No one has assessed its impact on the balance of payments.

In conclusion, let me say once again, that I am totally in favor of liberalizing the requirements of proving disability and extending benefits to orphans. But at the same time, I urge that fairness apply in this situation and that Congress initiate a study to ascertain the full ramifications of this act.

Mr. President, I did discuss my amendment with the distinguished Senator from New York. In perusing the membership it became very obvious that the amendment would not pass and merely would take up a great deal of time.

Mr. ROBERT C. BYRD. Mr. President, I wish to urge the speedy passage of H.R. 9212, the black lung benefits bill which was reported by the Senate Committee on Labor and Public Welfare on April 10, 1972. I am a cosponsor of S. 2675, which is incorporated in this measure, and I have appeared before the committee to testify in support of the legislation here in Washington, D.C., and at a field hearing which was held in Beckley, W. Va. The full text of my statement at this hearing in Beckley, which is my hometown, can be found on page 221 of the CONGRESSIONAL RECORD of January 19, 1972. In that testimony, and previously, I urged the Congress to correct the serious defects and omissions of the Federal Coal Mine Health and Safety Act of 1969. Specifically, I urged approval by the committee of S. 2675, which would amend the 1969 act to correct these deficiencies in the existing law. Some of the major provisions of S. 2675 were:

Extension of the life of the program, since many States have not yet established adequate programs.

Extension of benefits to eligible children or orphans of miners disabled by black lung.

Establishment that black lung benefits are not a form of workmen's compensation for purposes of social security, in order to prevent unfair offsets from social security benefits of black lung payments.

An absolute prohibition against denying black lung benefits solely on basis of X-ray evidence.

I will not detail every provision of this legislation, but I am pleased to note that H.R. 9212, as reported by the Senate Committee on Labor and Public Welfare, includes most of the provisions of S. 2675. I believe H.R. 9212 will correct many of the inequities and oversights of title IV of the Federal Coal Mine Health and Safety Act of 1969, as it is being presently administered.

The legislation extends until January 1, 1975, the timetable for the Federal Government to transfer to the States the responsibility for processing benefit claims for miners who have contracted pneumoconiosis—black lung—and for their surviving widows and dependent children. It was felt that present circumstances indicated the need for an additional year for the States to enact legislation and develop programs to handle black lung claims. In addition, this bill makes the Federal and non-Federal aspects of the Federal black lung program permanent, so that all black lung claimants and beneficiaries, now and in the future, will be eligible for, and entitled to, lifetime benefits.

Another serious omission of title IV of the Federal Coal Mine Health and Safety Act of 1969 relates to the rights of orphans. In instances where both a miner and his spouse are deceased there is no basis under existing legislation for claiming benefits on the part of the children, and in cases where the miner and his widow were receiving benefits—which may have been increased by dependent children—the benefits have ceased when both the miner and his widow died. This was a tragic oversight which should not have occurred and I am pleased that this bill includes provisions to correct this inequity.

H.R. 9212 will also limit and eliminate the existing policy of the Social Security Administration of treating black lung benefits as workmen's compensation. I do not believe that the Congress ever intended the black lung benefits program to be considered a workmen's compensation plan and I am pleased that H.R. 9212 clarifies the language in the present act to prevent these unfair offsets.

Now, Mr. President, I come to what I consider one of the most important aspects of this bill and that is the provision which will eliminate the heavy dependence on X-ray evidence by the Social Security Administration for approving black lung benefits. It has been demonstrated, time and time again, that a negative X-ray is not proof positive of the absence of pneumoconiosis. I hope that this bill will put an end to the unjust treatment of those unfortunate miners who have been denied benefits based on inconclusive X-ray evidence.

This bill also writes into law a rebuttable presumption that disabled miners who have worked in underground mines for 15 years, or on surface mines, when employed under environmental conditions similar to those experienced by underground mines, are presumed totally disabled by pneumoconiosis if they have a totally disabling respiratory or pulmonary impairment. When I testified before the Committee on Labor and Public Welfare in support of this legislation, I stated:

> Let us stop quibbling with dying men as to whether their lungs are riddled with black lung or whether they are affected with miners asthma, or silicosis, or chronic bronchitis.

That is still my position, and I sincerely hope that H.R. 9212 will insure that all of these disabled and needy miners and their dependents will not be deprived of their much deserved benefits because their respiratory disability does not fit into a particular scientific category.

This bill contains many other corrections, clarifications, and improvements to the 1969 act, all of which are designed to assist the eligible miner and the eligible dependent in obtaining his or her black lung benefits.

Two years ago, the Congress, with both wisdom and compassion, enacted the Federal Coal Mine Health and Safety Act to help eliminate hazardous working conditions in the mining industry and to attempt to compensate those miners who had the misfortune to fall victim to pneumoconiosis. This was a good law which brought many new and needed safety and health regulations to the mining industry. However, like any new program, there have been opportunities, since its enactment, to assess the need for improvements—due to both oversight in the original act and to misinterpretation by those administering the program. I believe that H.R. 9212, if enacted into law, will correct many of these shortcomings, and provide the Government agencies administering the black lung benefits program with a clear indication of congressional intent regarding the interpretation of this program.

I have always believed that the American people owe a tremendous debt to the miners of this country, who have labored in the mines during war and peace to provide fuel and energy with which to run this Nation. The passage of H.R. 9212 will be another step toward payment of this just debt, and I urge its passage.

BLACK LUNG AMENDMENTS

Mr. HARTKE. Mr. President, this is an historic day for the coal miners of America—2 years ago, Congress established a compensation program for miners afflicted with black lung disease—pneumoconiosis. Today, H.R. 9212, as amended, makes it possible for us to take action to assure that most of the inequities and omissions of the basic law are corrected.

On July 15, 1971, I introduced S. 2289. This legislation sought to broaden the disability definition for purposes of title IV of the Coal Mine Health and Safety Act to assure that any miner could receive disability payments if it can be shown by medical or nonmedical evidence that he is no longer capable of using his skills as a miner.

I am pleased to note that, in the report of the Committee on Labor and Public Welfare on H.R. 9212, it is recognized that the current disability definition being applied for black lung purposes is inadequate. That definition, "inability to engage in any substantial gainful activity," is the same one applied in the case of social security disability applications. It is an inappropriate definition for coal miners, and I am happy that the committee so termed it.

It is unrealistic to expect that a person who has spent all of his adult life working in the mines and who is now medically unfit to return to that work, to seek employment elsewhere when there are no reasonable employment opportunities available to him.

To meet this problem, both S. 2289 and H.R. 9212, as amended, use the test of inability to engage "in gainful employment in a mine or mines in which he previously engaged with some regularity and over a substantial period of time." Thus, any miner who cannot return to mines for the medical reasons authorized by title IV, as amended by H.R. 9212, will be eligible for disability benefits.

Mr. President, I fully support H.R. 9212, as amended, and I also wish to congratulate the distinguished senator from West Virginia (Mr. Randolph) for his leadership and dedication to the cause of justice for this Nation's coal miners.

Mr. ALLEN. Mr. President, I support H.R. 9212 as amended by the Committee on Labor and Public Welfare. This is good legislation, and it is urgently needed legislation.

The State of Alabama produces a substantial amount of coal. In 1969, a total of 15,486,000 tons of this vital energy source were extracted from Alabama soil.

Where coal is extracted from the earth, there, too, are those who spend their lives mining that mineral. And where there are coal miners, there is also that terrible occupational disease known to the miner, his family, and all too often to his widow as "black lung."

Since the enactment of the Federal Coal Mine Health and Safety Act in 1969, there have been more than 17,589 claims for black lung benefits processed in my State. It is a matter of deep concern to me that only 6,702, or 38.1 percent, of those claims have been granted, while 10,887 have been denied—a denial rate of 61.9 percent.

As it has been so eloquently expressed by the distinguished senior Senator from West Virginia (Mr. Randolph), the black lung benefits title of the Federal Coal Mine Health and Safety Act of 1969 clearly is not meeting the need that Congress intended for it to meet.

The Committee on Labor and Public Welfare, with the expert guidance of its ranking majority member, Senator Jennings Randolph, has fashioned a bill which will improve the existing law and more accurately reflect Congress' intent in providing for those miners who gave their health and their lives for the Nation's energy needs, along with the widows, children and orphans of those coal miners.

At the same time, the measure would fairly divide the responsibility for payment of such benefits between the Federal Government and the employers of the miner, the coal industry.

I endorse H.R. 9212 and fully support its enactment.

Mr. MUSKIE. Mr. President, today the Senate has acted to force the administration to give coal miners suffering from black lung disease and their families the care and treatment they deserve. Since 1969 the administration has callously been denying benefits under the 1969 Coal Mine Safety Act with the use of narrow regulations and procedures. Now we have acted, over the opposition of the coal industry and the administration, to do what is just.

This Nation owes much to the men of coal. The creative comforts that most of use enjoy today rest largely upon the energy which coal supplies to America. But our Nation has used and abused the men who mine the coal, and their families.

Today we have taken a step which will in some small measure provide equitable treatment to this neglected group of American workers.

The dread black lung disease has afflicted men who work in the coal mines of our Nation since coal mining began. For several decades the connection between the inhalation of coal dust by the miners and the high incidence of severe respiratory disease in these men has been well known. But not until the Federal Coal Mine Health and Safety Act of 1969 did the Government of the United States take a significant step toward appropriate recognition of and compensation for this deadly serious work-related disease. In 1969, the Congress of the United States saw fit to deal with the problem and did so by passing legislation designed by Congress to alleviate the suffering of those coal miners, and their families and survivors, who fall victim to black lung disease.

But, in what has been an all-too-familiar pattern for the last 3½ years, the Nixon administration deliberately and callously chose to interpret and enforce the black lung disease provisions of the Federal Coal Mine Health and Safety Act of 1969 as narrowly and conservatively as possible. The Social Security Administration was directed by the Nixon administration to hide behind an X-ray machine and to deny benefits in all cases except those in which positive proof of black lung disease could be ascertained through X-ray. As a result, more than 50 percent of the claims for compensation for black lung disease which have been filed under the 1969 act have been rejected by officials constrained by the callous Nixon administration regulations and interpretations.

Furthermore, the 1969 legislation itself left too many gaps. For example, orphaned children and dependent parents, brothers and sisters, of coal miners who succumb to work-related respiratory ailments were not eligible for benefits under the 1969 legislation. In addition, only underground miners were covered in any way by the 1969 legislation, although there is no medical dispute about the fact that surface coal mining also subjects the miner to the risk of black lung disease.

All of these problems and more will be alleviated by the tough legislation which the Senate has passed today. Notwithstanding efforts of the Nixon administration and the coal industry to deny to the coal miners of America the simple justice of compensation for black lung disease, the Senate has today done what is right.

Mr. BEALL. Mr. President, as a member of the Labor and Public Welfare Committee, I strongly urge the enactment of H.R. 9212, the Black Lung Benefits Act of 1972.

Before commenting on the bill, I want to congratulate our respected colleague and friend, the distinguished Senator from West Virginia (Mr. RANDOLPH) for his diligence and devotion to the miner and his family. The Congress and the country are indeed fortunate to have as the floor manager of this important legislation one who is so intimately acquainted with mining and the miners My home is in the western part of Maryland which at one time was a major coal producing center, and I also know the miners and their work.

Mining is a difficult and often dangerous occupation. The occupational health and safety legislation which is now on the books is designed to make major improvements in the working conditions of miners and hopefully prevent some of the health and safety problems that have resulted from working in this demanding environment.

The Nation owes a great debt to the miners. For these men who have worked in this difficult but proud occupation have helped to supply a critical source of energy essential for the growth of our economy and the prosperity of the country. Although the benefits to the Nation have been great, the cost to the miner in many cases has been his good health.

In recognition of this problem in 1969 the Congress passed Public Law 91–173, the Federal Coal Mine Health and Safety Act of 1969. This measure recognized for the first time the inadequacies of compensation to miners disabled by coal workers' pneumoconiosis, or as it is commonly called black lung. This bill would:

Eliminate oversight in present law by extending benefits to orphans and also to dependent parents, brothers, and sisters where no widow or children survive the miner;

Relax the burden of proving eligibility by prohibiting a denial of claims based solely on a negative X-ray and by presuming that miners with 15 years experience who are disabled by respiratory or pulmonary impairment are disabled by pneumoconiosis or black lung;

Changes the definition of total disability to an occupational definition based upon an inability to work in a mine. Present requirement of being able to engage in any gainful employment was found to be unrealistic in many areas of Appalachia;

Extends benefits to surface miners who work under conditions equally as dusty as those endured in underground work;

Allow a widow to claim benefits if her husband was totally disabled by pneumoconiosis when he died;

Make available to widows other means of establishing claims such as providing of affidavits of the husband's disability and allow the use of relevant additional tests, medical and lay evidence to establish eligibility for benefits;

Authorize the construction of clinical treatment facilities for miners with lung impairments;

Accelerate research to develop tests to be used in the analysis of pulmonary and respiratory diseases and impairments;

Prohibit discrimination against a miner solely because he has pneumoconiosis or other respiratory ailments, and;

Require notification of prior claimants that their claims are being considered in view of new amendment.

As of March 3, 1972, 356,857 claims have been filed since the effective date of that act. Of these filed, 166,593 claims have been approved. I am certain these payments have been welcomed by the eligible miners and dependents. But, more than half, or 169,999 claims have been turned down. In some States the rejection rate has been as high as 72 percent. For my State of Maryland, the latest figures I have available show that 51 percent of the 3,715 black lung claims that have been processed have been allowed for a rejection rate of 49 percent.

My office has worked on many of these claims, and, therefore, I am aware of the difficulties that miners and their families are having in securing benefits under the 1969 act. An overly restrictive interpretation of the act has resulted in rejection of too many meritorious claims. This has occurred because of the heavy dependence on the X-ray. Under present social security procedures, if an X-ray does not show totally disabling pneumoconiosis, no further processing of the claim takes place and the claimant is not allowed to present further evidence of disability.

Sixty-two percent of claims denied have been based on the inability to demonstrate black lung by X-ray. Although the X-ray is and will remain an important tool in diagnosing black lung, it is not infallable. For example, research at the Appalachia Hospital at Beckley, W. Va., indicated that X-rays may fail to detect black lung in at least 25 percent of the cases. Also evidence presented to the committee indicated that an X-ray may be clouded by the presence of emphysema so that black lung does not appear on the X-ray. The committee thus felt medical doubt did exist and that more of these doubts should be resolved in favor of the miner and his dependents. The bill thus prohibits the denial of benefits solely on the basis of an X-ray.

Another problem that my office has encountered in helping to process these claims is the plight of the widow as she attempts to prove her claim. The committee amendment providing that claims for benefits may be established through one or more of a number of tests should help in this regard. By making available to the widow other means of establishing her claim such as providing affidavits of her husband's disability, I believe that more widows' claims will be approved and I certainly hope so. Thus, the legislation would make certain that claims based on affidavits filed by a miner's widow would be considered.

The amendment requiring notification of prior claimants is very important. Under this amendment the Social Security Administration will be required to notify black lung claimants who have been denied benefits or whose claims are still pending through both the communication media and by mail of the new benefits of the Black Lung Benefits Act of 1972. It is contemplated that the Social Security Administration will advise the above claimants that their claims are being automatically considered and reviewed. As a result there will be no need for these claimants to file an application for review.

In summary, Mr. President, the 1969 act has not accomplished its purpose because of too narrow interpretation. This legislation is designed to remedy these situations and to help deserving miners get the benefits for work related pneumoconiosis and respiratory or pulmonary impairments.

Mr. SPONG. Mr. President, I am pleased that this bill has been called up for consideration so soon after being reported favorably by the Senate Committee on Labor and Public Welfare. The measure is of great importance to thousands of Virginia coal miners and their families. I hope it will be enacted.

My interest in the legislation stems from a substantial number of complaints that black lung claims have been unfairly denied, because of the heavy reliance of the Social Security Administration on X-ray evidence alone. I have personally talked with miners and their widows in the coal-producing areas of Virginia. It is disheartening to hear their accounts of disabilities and hardships, to see their living conditions, and to know that under existing law and procedures they have been unable to obtain full consideration of their efforts to become eligible for black lung benefits.

Mr. President, the committee report on the bill points out that 62 percent of the claims denied by the Social Security Administration are based upon the claimant's failure to demonstrate by X-ray evidence the presence of black lung. On the other hand, there is undisputed testimoney from the Surgeon General that data from postmortem examinations indicate a higher prevalence of black lung than can be diagnosed from X-ray examinations.

In addition, Paul Kaufman, of the Appalachian Research and Defense Fund, has testified that research done by ARDF in cooperation with the Appalachian Regional Hospital at Beckley, W. Va., indicates an error of 25 percent in X-ray diagnoses. Mr. Kaufman said:

> It was found that approximately 25 per cent of a random sample of some 200 coal miners whose medical records based on X-ray findings showed no coalworker's pneumoconiosis were found on post mortem examination to have the disease.

I discussed this problem at some length in testimony submitted for the record of a hearing earlier this year at Beckley, W. Va., and I am pleased that the bill under consideration would:

Prohibit the use of chest X-rays as the sole basis for denying claims for black lung benefits;

Require the Social Security Administration to use tests other than the X-ray to establish the basis for a judgment that a miner is or is not totally disabled due to pneumoconiosis; and

Establish a presumption that miners with 15 years of experience who are disabled by a respiratory or pulmonary impairment are disabled by pneumoconiosis.

Mr. President, the committee also is to be commended for including provisions in the bill which will make it simpler for widows to establish claims. The hearing record contains many examples of the difficulties encountered by widows in their efforts to obtain medical records and other evidence of the disability of their husbands. The amendment requiring the Social Security Administration to consider affidavits from persons who knew the miner, evidence submitted by a miner's physician and other supporting evidence, should be helpful to widows.

These and other provisions in the bill would enable miners and their families to have at their disposal every available tool to assist them in pursuing their claims for black lung benefits. That is as it should be. That is what Congress intended when it originally enacted the Federal Coal Mine Health and Safety Act of 1969.

I wish to thank the committee members for their efforts to correct several unintentional oversights in the 1969 statute, particularly with respect to benefits for orphans, and to express my support for the bill they have developed.

Mr. RANDOLPH. Mr. President, at this point I want to take time to express appreciation to my colleagues on the Labor and Public Welfare Committee who have toiled so diligently to make this an outstanding legislative effort. The distinguished ranking minority member of the Committee on Labor and Public Welfare, Senator JAVITS, has my deep thanks. My appreciation also goes to Senator SCHWEIKER and to Senator TAFT, who so ably assisted in the development of the legislation.

The able chairman of the committee, Senator WILLIAMS, provided valued guidance and assistance on this measure.

Outside the committee, I extend special thanks to my distinguished colleagues, the assistant majority leader, Senator ROBERT C. BYRD, and to Senator JOHN COOPER.

Additionally, Mr. President, as Senators know, capable and conscientious staff work is essential in the formulation of any legislation which is brought to the Senate floor. That staff work must be the combined efforts and cooperation of majority and minority staff of the concerned committee and the staffs in Senators' offices.

I particularly call attention to the work of the staff members of the Committee on Labor and Public Welfare: Gerald Feder, Eugene Mittleman, and Robert Humphreys; and the following staff personnel of Senators: William Wickens, office of Senator TAFT; Richard Siegel, office of Senator SCHWEIKER; W. R. Haley, office of Senator COOPER; and my staff members, James Harris and Philip McGance.

I extend to them my sincere appreciation and commendation for their assistance on this vital measure.

Finally, I want to express my deep appreciation to certain personnel of the Social Security Administration and the Department of Health, Education, and Welfare who provided unstintingly of their time in giving the committee the benefit of their valuable assistance in technical matters.

These persons whom I single out for special commendation are: Bernard Popick, Director, Bureau of Disability Insurance, Social Security Administration; Samuel E. Crouch, Deputy Director, Bureau of Disability Insurance; Lawrence Alpern, Deputy Chief Actuary, Social Security Administration; Gerald G. Altman, Jr., Cash Benefits Branch Chief, Social Security Division, Office of General Counsel; and Dr. Marcus M. Kay, Director, National Institute of Occupational Safety and Health.

I would also like to express my thanks to Edward L. Binder, technical adviser to the Director, Bureau of Disability Insurance; Harry C. Ballantyne, Assistant to the Deputy Chief Actuary, Social Security Administration; Geraldine Walter, secretary to the Deputy Chief Actuary; Edward Steinhouse, attorney, Office of General Counsel; Dr. J. William Floyd, Occupational Studies Unit Chief, National Institute of Occupational Safety and Health; Hugh L. Johnson, Assistant to the Commissioner, Social Security Administration; Henry Lynn and William Levine, Division of Coverage and Disability Benefits, Office of Program Evaluation and Planning.

Mr. RANDOLPH. Mr. President, do I have 30 seconds remaining?

The PRESIDING OFFICER. Yes.

Mr. RANDOLPH. I wish to state in an earnest manner as we close this debate that the passage of this bill, which is in the form of amendments to the House bill, will bring to conference a fair and equitable measure, fair to the Government that has the responsibility, fair to the coal industry, which has a responsibility, and fair also to the people who need this assistance.

I believe on all counts not only is a Senator justified in voting for this measure, but I believe he should eagerly cast his vote in favor of this important legislation, humanitarian in nature, but based on facts. I would hope that the Senate will repeat its fullest support for this measure as it did in 1969.

I thank my colleagues for their attention to the subject and for their support of the measure.

The PRESIDING OFFICER. All time has been yielded back. The question is on final passage of the bill as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. LONG) and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of a death in the family.

I further announce that, if present and voting, the Sentor from Louisiana (Mr.

Ellender), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from North Carolina (Mr. Jordan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), and the Senator from New Hampshire (Mr. McIntyre) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Oregon (Mr. Packwood), the Senator from Ohio (Mr. Saxbe), the Senator from Vermont (Mr. Stafford), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from Connecticut (Mr. Weicker) is absent on official business.

If present and voting, the Senator from Vermont (Mr. Stafford) and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 151 Leg.]

YEAS—73

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Magnuson
Mathias
Miller
Mondale
Montoya
Moss
Muskie
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Smith
Spong
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Williams
Young

NAYS—0

NOT VOTING—27

Bellmon
Bentsen
Eastland
Ellender
Harris
Humphrey
Jackson
Jordan, N.C.
Long
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mundt
Nelson
Packwood
Pastore
Pell
Ribicoff
Saxbe
Scott
Sparkman
Stafford
Tower
Weicker

So the bill (H.R. 9212) was passed.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical corrections in the engrossed bill.

The PRESIDING OFFICER. Without objection, the Secretary of the Senate will be so authorized.

Mr. RANDOLPH. I ask unanimous consent that the bill (H.R. 9212) be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today. The Senate will not be in session tomorrow. The Senate will convene at 9 o'clock on Wednesday morning, when there will be a series of 15-minute speeches. Following routine morning business on Wednesday the Senate will proceed to the consideration of the rural development bill.

NATIONAL SICKLE CELL ANEMIA CONTROL

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2676.

The PRESIDING OFFICER (Mr. Roth) laid before the Senate the amendment of the House of Representatives to the bill (S. 2676) to provide for the control of sickle cell anemia, which were to strike out all after the enacting clause and insert:

SHORT TITLE

Section 1. This Act may be cited as the "National Sickle Cell Anemia Prevention Act".

FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. (a) The Congress finds and declares—

(1) that sickle cell anemia is a debilitating, inheritable disease that afflicts approximately two million American citizens and has been largely neglected;

(2) that the disease is a deadly and tragic burden which is likely to strike one-fourth of the children born to parents who both bear the sickle cell trait;

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to prevent sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved; and

(6) that the attainment of better methods of prevention, diagnosis, and treatment of sickle cell anemia deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the diagnosis, prevention, and treatment of, and research in, sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Sec. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title X the following new title:

"TITLE XI—SICKLE CELL ANEMIA PROGRAM

"SICKLE CELL ANEMIA SCREENING AND COUNSELING PROGRAMS AND INFORMATION AND EDUCATION PROGRAMS

"Sec. 1101. (a) (1) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities, for projects for the establishment and operation of voluntary sickle cell anemia screening and counseling programs as part of other existing public health care programs.

"(2) The Secretary shall carry out a program to develop information and educational materials relating to sickle cell anemia and to disseminate such information and materials to persons providing health care and to the public generally. The Secretary may carry out such program through grants to public and nonprofit private entities or contracts with public and private entities and individuals.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

"PROJECT GRANTS AND CONTRACTS FOR RESEARCH AND PROGRAMS FOR DIAGNOSIS, PREVENTION, AND TREATMENT

"Sec. 1102. (a) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals, for projects for (1) research in the diagnosis, treatment, and prevention of sickle cell anemia, and (2) the development of programs for diagnosis, prevention, and treatment of sickle cell anemia.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $10,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"Sec. 1103. The participation by any individual in any program or portion thereof under this title shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

"APPLICATIONS; ADMINISTRATION OF GRANT AND CONTRACT PROGRAMS

"Sec. 1104. (a) A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information, as the Secretary deems necessary. Each applicant shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) describe with particularity the programs and activities for which assistance is sought;

"(3) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(4) provide for appropriate community representation in the development and operation of any program funded by a grant until this title;

"(5) in the case of a application for a grant under section 1101(a)(1), provide assurances satisfactory to the Secretary that (A) the screening and counseling services to be provided under the program for which the application is made will be directed first to those persons which are entering their child-bearing years and secondly to children under the age of 7, and (B) appropriate arrangements have been made to provide counseling to persons found to have sickle cell anemia or the sickle cell trait;

"(6) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(7) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"(b) In making any grant or contract under this title, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"PUBLIC HEALTH SERVICE FACILITIES

"Sec. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such Public Health Service to any person requesting screening, counseling, or treatment, and shall include appropriate publicity of the availability and voluntary nature of such programs.

"REPORTS

"Sec. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

And amend the title so as to read: "An Act to amend the Public Health Service Act to provide for the prevention of sickle cell anemia."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the House amendment with an amendment in the nature of a substitute which I now send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

SHORT TITLE

Section 1. This Act shall be cited as the "National Sickle Cell Anemia Control Act."

FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. (a) The Congress finds and declares—

(1) that sickle cell anemia is a debilitating, inheritable disease that afflicts approximately two million American citizens and has been largely neglected;

(2) that the disease is a deadly and tragic burden which is likely to strike one-fourth of the children born to parents who both bear the sickle cell trait;

(3) that efforts to prevent sickle cell anemia must be directed toward increased research in the cause and treatment of the disease, and the education, screening, and counseling of carriers of the sickle cell trait;

(4) that simple and inexpensive screening tests have been devised which will identify those who have the disease or carry the trait;

(5) that programs to control sickle cell anemia must be based entirely upon the voluntary cooperation of the individuals involved; and

(6) that the attainment of better methods of control, diagnosis, and treatment of sickle cell anemia deserves the highest priority.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to estabish a national program for the diagnosis, control, and treatment of, and research in, sickle cell anemia.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Sec. 3. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to X" and inserting in lieu thereof "titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act is further amended by adding after title IX the following new title:

"TITLE XI—SICKLE CELL ANEMIA PROGRAM

"SICKLE CELL ANEMIA SCREENING AND COUNSELING PROGRAMS AND INFORMATION AND EDUCATION PROGRAMS

"Sec. 1101. (a)(1) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities, for projects for the establishment and operation of voluntary sickle cell anemia screening and counseling programs, primarily through other existing health programs.

"(2) The Secretary shall carry out a program to develop information and educational materials relating to sickle cell anemia and to disseminate such information and materials to persons providing health care and to the public generally. The Secretary may carry out such program through grants to public and nonprofit private entities or contracts with public and private entities and individuals.

"(3) In making any grant or contract under this title, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $35,000,000 for the fiscal year ending June 30, 1975.

"PROJECT GRANTS AND CONTRACTS

"Sec. 1102. (a) The Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals, for projects for (1) research and research training in the diagnosis, treatment, and control of sickle cell anemia, (2) the development of programs to educate the public regarding the nature and inheritance of the sickle cell trait and sickle cell anemia, and (3) the development of sickle cell anemia counseling and testing programs and other programs for diagnosis, control, and treatment of sickle cell anemia.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $10,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975.

"VOLUNTARY PARTICIPATION

"Sec. 1103. The participation by any individual in any program or portion thereof under this title shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

"APPLICATIONS; ADMINISTRATION OF GRANT AND CONTRACT PROGRAMS

"Sec. 1104. (a) A grant under this title may be made upon application to the Secretary at such time, in such manner, containing and accompanied by such information, as the Secretary deems necessary. Each applicant shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) provide for strict confidentiality of all test results, medical records, and other information regarding screening, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) consents to be released; or (B) statistical data compiled without reference to the identity of any such patient;

"(3) provide for appropriate community representation in the development and operation of any program funded by a grant under this title;

"(4) in the case of an application for a grant under section 1101(a)(1), provide assurances satisfactory to the Secretary that (A) the screening and counseling services to be provided under the program for which the application is made will be directed first to those persons who are entering their child-producing years, and secondly to children under the age of 7, and (B) appropriate arrangements have been made to provide counseling to persons found to have sickle cell anemia or the sickle cell trait;

"(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require.

"(b) In making any grant or contract under this title, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons in need of the services provided under such programs.

"PUBLIC HEALTH SERVICE FACILITIES

"Sec. 1105. The Secretary shall establish a program within the Public Health Service to provide for voluntary sickle cell anemia screening, counseling, and treatment. Such program shall be made available through facilities of the Public Health Service to any person requesting screening, counseling, or treatment, and shall include appropriate publicity of the availability and voluntary nature of such programs.

"REPORTS

"Sec. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this title.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary."

Mr. KENNEDY. Mr. President, I am pleased to report for approval by the

Senate, S. 2676, as amended. This bill, the National Sickle Cell Anemia Control Act, was unanimously approved by the Senate December 8, 1971, by a vote of 81 to 0. On March 22, 1972, the House of Representatives unanimously approved amendments to the bill by a vote of 391 to 0. Thus, the amended bill that we are adopting authorizes $115 million for a 3-year program to begin attacking the problems of sickle cell anemia. Enactment of this measure will launch federally supported programs for treating, screening, and counseling those Americans who are afflicted with sickle cell anemia. In addition, the legislation assures that funds will be available for institutions to develop programs for research in the prevention, treatment, and control of sickle cell anemia, supplemented with well developed public education and awareness projects.

Although the amended bill does not include authorizations for research programs to be conducted by the Veteran's Administration or for screening and counseling of active duty military personnel by the Department of Defense officials, such measures are expected to be contained in legislation to be reported by appropriate committees.

I am especially pleased that the Senate has taken the initiative to provide Federal assistance in the battle against this tragic affliction. Last November during 2 days of hearings before the Subcommittee on Health, medical officials testified that the crippling effects of sickle cell disease strike as many as 50,000 black Americans. And at least 2.5 million Americans are estimated to bear the sickle-cell trait.

Like many conditions that only affect black people, sickle cell anemia has been largely ignored and neglected. Probably no other disease has affected as many people in this country as sickle cell anemia and has been as unattended as this disease.

Dr. Roland B. Scott, the noted Howard University medical specialist, told the committee he has struggled to relieve the sufferers of sickle cell anemia for more than 20 years. In that time, Howard University has received no more than $70,000 from Federal funds to combat the toll wrought by this disease.

But, thanks to the wisdom and dedication of people like Dr. Scott, parents, and volunteers like the Black Athlete's Foundation have organized campaigns and information services to help increase efforts to control the ravaging effects of sickle cell anemia.

Information about sickle cell anemia has not been widely available. Lack of knowledge about this disease has prevented proper diagnosis. As a result, too often, victims receive the wrong treatment. Members of the Health Subcommittee were deeply moved by testimony from a mother whose infant daughter was treated with quinine. By one doctor who believed her child had malaria. Other doctors prescribed medication for respiratory infections, tuberculosis, and other illnesses because none of them had been taught the diagnosis for sickle cell anemia. For the first 6 years of that young child's life not one doctor properly diagnosed her symptoms. But by that time, the parents had four children. Two of those children suffer the painfully agonizing crises of sickle cell anemia. One child carries the sickle cell trait and can therefore transmit it to his own children. And the fourth child is not affected. But the parents' struggle and eventual good fortune in obtaining proper guidance and medical help has paid off.

They have been able to help their children develop useful lives. The mother who described for the subcommittee her family's campaign against this disease was accompanied by her 26-year-old daughter who is now a hospital laboratory technician and herself the mother of a 5-year-old daughter.

The National Sickle Cell Anemia Control Act will provide valuable assistance in the battle against this disease. The bill authorizes $85 million over a period of 3 years. It authorizes the Department of Health, Education, and Welfare to conduct screening and counseling programs to seek out those who may suffer from the effects of sickle cell anemia. In addition, this bill provides that $30 million will be authorized for research programs to seek effective relief for sufferers of sickle cell anemia.

I believe this is the most direct way to catalyze the enormous potential of our health resources to help solve the problems of those who are affected. The mysteries of sickle cell anemia must be examined with all the power and might that our national medical resources will allow.

Since this is an inherited disease, those who bear the trait deserve to know that the disease may be controlled with proper counseling and with expert guidance.

For the 50,000 Americans who are believed to suffer from the pain and other debilitating effects caused by sickling, we must extend our research efforts to obtain the best help we can. Medical authorities know that some children under age 6 require hospitalization up to 10 times a year. Sickle cell anemia crises are so painful that its victims are rendered helpless and totally dependent upon professional medical care. And the burden of pain and agony for the victim's family is compounded by the costs of hospitalization, treatment, and medication.

Mr. President, I urge the Senate to accept this bill as amended by the House. This package of $115 million authorizes more money in the battle against sickle cell anemia than has been spent by the Federal Government throughout the 60-year history of the disease in this country. Until it is effectively controlled, this is clearly a health need that deserves the fullest investment of our national medical resources.

Mr. JAVITS. Mr. President, I am pleased to support the chairman of the Health Subcommittee of the Committee on Labor and Public Welfare in his motion that the Senate concur with the House amendment with an amendment in the nature of a substitute in regard to sickle cell anemia legislation, S. 2676, the National Sickle Cell Anemia Control Act.

As we conclude our consideration of this most important legislation—of which I am pleased to be a cosponsor—I think it is important to note that it was President Nixon, in his 1971 health message, who first focused national attention on this tragic disease. He said:

> A second targeted disease for concentrated research should be sickle-cell anemia—a most serious childhood disease which almost always occurs in the black population. It is estimated that one out of every 500 black babies actually develops sickle-cell disease.
>
> It is a sad and shameful fact that the causes of this disease have been largely neglected throughout our history. We cannot rewrite this record of neglect, but we can reverse it. To this end, this administration is increasing its budget for research and treatment of sickle-cell disease fivefold, to a new total of $6 million.

This measure will achieve two great purposes: First, it will authorize the appropriation of $115 million to combat sickle cell anemia—more in 3 years than has been spent throughout the known 60-year history of the disease—which was recognized in 1910 when J. B. Herrick first noted the peculiar "sickle" shape of the red blood cells. Second, it will serve to catalyze the enormous potential of all our health and public education resources to help solve the problems of those who are afflicted by this dread disease.

For too many years sickle cell anemia has been ignored; it has been the forgotten disease. Most Americans do not know the tragic statistics on the prevalence of sickle cell disease, the nature of the affliction, and its toll upon its victims.

It is estimated that about 2 million black Americans are carriers of the trait. About 1 in 500 black infants is born with sickle cell anemia. This means that approximately 1,000 black infants are born each year with sickle cell anemia and it is estimated that between 25,000 and 50,000 individuals are currently afflicted with it. Sickle cell anemia kills many of its victims before the age of 20, few survive beyond the age of 40, and most are disabled before death. Because sickle cell disease is caused by a genetic abnormality, there is no way known at present to cure the disease in these individuals; current methods of treatment are aimed primarily at alleviating the pain.

Sickle cell anemia is a debilitating disease that deserves all available support from our national medical resources and I believe that S. 2676—the National Sickle Cell Anemia Control Act—is the appropriate legislative response. We will now be able to institute the needed programs—screening, counseling, research, diagnosis, and treatment—to combat and control this disease, programs that should have been instituted many years ago.

Mr. President, I want to commend the chairman of the Senate Health Subcommittee, the distinguished Senator from Massachusetts (Mr. KENNEDY) and the chairman of the House Public Health and Environment Subcommittee, the distinguished Representative from Florida (Mr. ROGERS) for their leadership in reconciling the differences between the Senate- and House-passed sickle cell anemia legislative measures and bringing this legislation to the Senate today. This bill represents a combination of the best features of the House- and Senate-passed bills. Also, I would like to commend the staff of the Senate Health Subcommittee—Mr. Leroy Goldman, professional staff member, and Jay B. Cutler, minority counsel—and the staff of the House Interstate and Foreign Commerce Committee—professional staff member, James M. Menger and Stephan E. Lawton, counsel—for their effort and skill in preparing the legislation and reconciling the differences.

Mr. TUNNEY. Mr. President, on October 8, 1971, I introduced S. 2676, the National Sickle Cell Anemia Act. Joining me as sponsors of that bill were the distinguished chairman of the Senate Health Subcommittee, Mr. KENNEDY, his colleague from Massachusetts, Mr. BROOKE, and the chairman of the Senate Labor and Public Welfare Committee, Mr. WILLIAMS, and 33 other Senators.

Just 3 months later, showing a most impressive awareness of the importance and the need for this legislation, the Senate passed S. 2676 by a vote of 81 to 0. The massive support which this bill has commanded in the Senate I think indicates in a most graphic way that the tragic disease of sickle cell anemia will no longer stand near the bottom of our priorities.

Mr. President, this disease kills half of its victims before the age of 20. Few survive beyond the age of 40 and most are crippled long before death.

It was found to be a deadly killer more than 60 years ago. It strikes approximately one of every 500 black persons in this country. Medical researchers estimate that over 2 million Americans carry the so-called sickle cell trait. And yet the vast majority of Americans have no idea what sickle cell anemia is; they have never heard of it.

The people who suffer most from this disease do not live in the suburbs; they do not belong to country clubs; they do not go to private schools; many of them do not have family doctors; many of them never receive any adequate health care. They are black and they are being ignored.

If this country can vaccinate millions of schoolchildren against the threat of polio, if we have the facilities to perform the major medical miracles that we have all witnessed within the last 15 years, then I say that there is absolutely no excuse why the talent and research facilities of the Federal Government and the commitment and the dollars of the U.S. Government should not be expended toward eliminating the threat of sickle cell anemia from every black home in America. To do any less is unacceptable.

I think it is time that we as a nation make a commitment to end this tragedy. On December 8, 1971, we took the first step by passing this bill unanimously. The House of Representatives has now responded in like manner and has passed a similar measure by unanimous vote. The House amendments are less extensive than the Senate bill, but I believe that the remaining features of the Senate bill can and will be acted upon by the appropriate House committees in the near future. Those provisions call for new and expanded programs in the Department of Defense and the Veterans' Administration to provide voluntary screening, counseling, and treatment.

I am confident that the need for such programs can be met even in advance of legislative action as a result of the increase awarness brought about by this bill. Thus, while I would obviously prefer to retain the original version as introduced by me and passed by the Senate last December, I support acceptance of the House amendments. The need for immediate action to provide the funds for increased research, screening, counseling, and public education can be met now by acting favorably today. Delay resulting from the necessity for a Senate-House conference can be avoided and we can move promptly for the appropriation needed to make this bill work.

Regrettably, there is no known cure for this disease, and there is none as yet on the horizon. But we can begin to offer the opportunity to learn the nature and risks of this disease. And we can persist in and increase research to combat it. This legislation offers those opportunities and the sooner we take them up, the sooner we may be able to offer new hope to the thousands of victims of this tragic disease.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate concur in the amendment of the House with an amendment.

The motion was agreed to.

Mr. KENNEDY. I move that the Senate concur in the House amendment to the title, with an amendment as follows: Strike out the word "prevention" and insert in lieu thereof the word "control" to conform the title to the legislation.

The motion was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

RURAL DEVELOPMENT ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, for the purpose of making it the pending business for consideration on Wednesday next, that the Senate proceed to the consideration of Calendar No. 703, S. 3462.

The PRESIDING OFFICER (Mr. ROTH). The bill will be stated by title.

The legislative clerk read as follows:

S. 3462, to provide for the development of rural areas.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR S. 3462 TO BE LAID BEFORE THE SENATE ON WEDNESDAY, APRIL 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, following the various unanimous consent orders for the recognition of Senators, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with the statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING THE ADJOURNMENT OF THE SENATE TO WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees be authorized to file reports during the adjournment of the Senate over until Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will reconvene on Wednesday next at 9 a.m. After the two assistant leaders, or their designees, have been recognized under the standing order, the following Senators will be recognized, each for the amount of time indicated, but not necessarily in the order listed, for the purpose of discussing the hostilities in Southeast Asia: Senators CRANSTON, ALLOTT, GURNEY, FULBRIGHT, DOLE, SYMINGTON, and GRIFFIN, each for not to exceed 15 minutes, and Senators CHURCH, GRAVEL, HART, HARTKE, HUGHES, KENNEDY, MONDALE, TUNNEY, MCGEE, TAFT, HANSEN, GOLDWATER, BROCK, BAKER, and PERCY, each for not to exceed 10 minutes.

Following the recognition of the aforementioned Senators, there will be a period for the transaction of routine morning business for not to exceed 15 minutes with the statements made therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 3462, a bill to provide the development of rural areas.

Rollcall votes may occur.

ADJOURNMENT TO 9 A.M. WEDNESDAY, APRIL 19, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 9 a.m. Wednesday next.

The motion was agreed to; and at 3:11

p.m., the Senate adjourned until Wednesday, April 19, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 17, 1972:

DEPARTMENT OF JUSTICE

Douglas M. Gonzales, of Louisiana, to be U.S. attorney for the Middle District of Louisiana for the term of 4 years, vice the new position created by Pubic Law 92–208, approved December 18, 1971.

U.S. AIR FORCE

The following officer to be assigned to a position of importance and responsibility requiring the rank of general, under the provisions of section 8066, title 10, United States Code:

Lt. Gen. Russell E. Dougherty, [redacted]R (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Abbott, Lael J., [redacted].
Ackerson, Robert L., [redacted].
Adair, Thomas W., [redacted].
Adams, Floyd C., Jr., [redacted].
Adams, William A., [redacted].
Ahearn, David C., [redacted].
Albrecht, Jack R., [redacted].
Albright, William L., [redacted].
Alderman, Craig, Jr., [redacted].
Aleong, Fletcher A., [redacted].
Allee, Robert J., [redacted].
Allen, Harry E., [redacted].
Allen Loma O., Jr., [redacted].
Allen, William M., [redacted].
Ames, William F., [redacted].
Anderson, Thomas E., [redacted].
Anderson, David J., [redacted].
Anderson, George B., [redacted].
Anderson, James L., [redacted].
Anderson, Robert N., [redacted].
Anderson, Thomas E., [redacted].
Anhalt, Walter C., [redacted].
Anson, Richard W., [redacted].
Anthony, Richard D., [redacted].
Aoyagi, Toshio, [redacted].
Arena, Darrell R., [redacted].
Armstrong, James E., [redacted].
Arnold, Harvey L., Jr., [redacted].
Asensio, Manuel J., [redacted].
Ashhurst, James H., [redacted].
Atkinson, Frank W., Jr., [redacted].
Attaway, Hubert H., Jr., [redacted].
Austin, Maynard A., [redacted].
Ayers, Thomas D., [redacted].
Bacci, John J., [redacted].
Bailey, Broadus, Jr., [redacted].
Bailey, Harry R., [redacted].
Bakarich, Michael N., [redacted].
Baker, Fred I., Jr., [redacted].
Ballard, Lowell L., Jr., [redacted].
Baltzell, Lowell F., [redacted].
Barkley, George F., [redacted].
Barnard, Talbott, [redacted].
Barnett, John H., [redacted].
Barrens, Clarence G., [redacted].
Barrett, Otrie B., Sr., [redacted].
Bartel, George B., [redacted].
Barth, Richard L., [redacted].
Bartholomew, Theodore, [redacted].
Bass, Sampson H., Jr., [redacted].
Bates, William R., [redacted].
Battenfield, Kenneth, [redacted].
Bauer, Charles J., [redacted].
Bauer, Frank L., [redacted].
Beardsley, Stephen, [redacted].
Beasley, Horace B., [redacted].
Bechamp, Edward J., [redacted].
Beckwith, William J., [redacted].
Beekman, Gerald R., [redacted].
Campbell, James E., [redacted].
Beelman, Dale C., [redacted].
Behneman, John F., [redacted].
Beil, James N., [redacted].
Bellochi, Joseph F., [redacted].
Belt, Charles M., [redacted].
Belteau, Robert J., [redacted].
Bennett, Hal C., Jr., [redacted].
Benson, Carl G., [redacted].
Bergeron, Noel L., [redacted].
Bergeson, Raymond D., [redacted].
Berke, Henry H., Jr., [redacted].
Bernard, George L., [redacted].
Berrier, Jerry A., [redacted].
Berry, James A., [redacted].
Berry, Ray W., [redacted].
Berry, William E., [redacted].
Bethea, John D., [redacted].
Bickerstaff, Hugh J., [redacted].
Bieber, Werner F., [redacted].
Billman, Erwin L., [redacted].
Bing, Tom L., [redacted].
Black, Charles S., Jr., [redacted].
Black, Vernon R., [redacted].
Blair, John M., [redacted].
Blair, John S., [redacted].
Blakely, William R., [redacted].
Blankenship, James, [redacted].
Blaser, Charles O., [redacted].
Block, Theodore S., [redacted].
Blumenthal, Donald, [redacted].
Bobinski, Chester J., [redacted].
Bomar, Lesil S., Jr., [redacted].
Bond, Robert G., [redacted].
Bonifacio, Robert A., [redacted].
Boos, Michael A., [redacted].
Booth, James W., [redacted].
Bouffard, Robert L., [redacted].
Bovard, John O., [redacted].
Bowers, Richard K., [redacted].
Boyd, Donald E., [redacted].
Boyles, William B., [redacted].
Brackett, Charles R., [redacted].
Bracy, Alfred M., [redacted].
Bradford, Edward M., [redacted].
Bradley, Joseph S., [redacted].
Brakenridge, Edward, [redacted].
Brantley, Edward G., [redacted].
Bray, Gaither C., [redacted].
Brazil, Hal B., [redacted].
Bremer, James H., [redacted].
Bretz, Robert D., [redacted].
Breunig, Joseph T., [redacted].
Brewer, John F., Jr., [redacted].
Bridges, Bennie R., [redacted].
Brillhart, Allen T., [redacted].
Broadhurst, Hugh H., [redacted].
Broady, William, [redacted].
Brocato, Cyrus V., [redacted].
Brockington, John S., [redacted].
Brockman, Harry J., [redacted].
Brodin, Thomas T., [redacted].
Brooks, Standish O., [redacted].
Brooks, Thomas V., Jr., [redacted].
Browder, John M., [redacted].
Brown, Brisbane H., Jr., [redacted].
Brown, John P., [redacted].
Brown, Paul J., [redacted].
Brown, Richard W., [redacted].
Browne, Edward M., [redacted].
Brownfield, John F., [redacted].
Brownlee, Robert W., [redacted].
Bryan, Lawrence E., [redacted].
Bryan, Louis C., Jr., [redacted].
Bullock, Richard S., [redacted].
Burckert, James F., [redacted].
Burdick, Leonard R., [redacted].
Burgess, Robert L., [redacted].
Burke, Robert L., [redacted].
Burkhalter, Thomas, [redacted].
Burkhard, Alfred E., [redacted].
Burkheimer, Jack W., [redacted].
Burns, Gilbert L., [redacted].
Burns. Peter J., Jr., [redacted].
Burress, James H., Jr., [redacted].
Burt, Donald L., [redacted].
Butler, Elbert L., Jr., [redacted].
Cade, Alfred J., [redacted].
Calcatera, Kenneth, [redacted].
Callahan, Joseph J., [redacted].
Campbell, Bruce B., [redacted].
Campbell, Joseph L., [redacted].
Cannon, John L., [redacted].
Cardinalli, Guy F., [redacted].
Carey, Milton G., [redacted].
Carlson, William E., [redacted].
Carmichael, Robert, [redacted].
Carnie, Sidney K., [redacted].
Carr, John M., [redacted].
Carroll, Anthony, [redacted].
Carson, Ray M., [redacted].
Carter, Frank A., [redacted].
Carter, Robert H., [redacted].
Carter, William D., [redacted].
Cartland, Harry E., [redacted].
Casey, John H., [redacted].
Cash, William G., [redacted].
Cassels, Kenneth G., [redacted].
Cate, William F., Jr., [redacted].
Cavaleri, Edwin F., Jr., [redacted].
Cesar, Edison M., Jr., [redacted].
Chase, Marvin K., Jr., [redacted].
Chavez, Joseph D., [redacted].
Cheaney, Frank H., Jr., [redacted].
Chriss, James V., [redacted].
Christensen, Douglass, [redacted].
Christy, Deryck G., [redacted].
Chung, Donald Y. B., [redacted].
Ciccolo, William N., [redacted].
Clark, Donald E., [redacted].
Clark, John R., Jr., [redacted].
Clark, Roy C., Jr., [redacted].
Clark, Walter B., [redacted].
Claybrook, John H., [redacted].
Cleary, Alexander B., [redacted].
Click, Charles E., [redacted].
Clinton, Frederick, [redacted].
Close, Malcolm R., [redacted].
Cluck, Charlie E., [redacted].
Clyne, Norman G., Jr., [redacted].
Coad, William F., [redacted].
Cochran, James F., III, [redacted].
Cochran, William J., [redacted].
Coffman, King J., [redacted].
Cole, Thomas F., [redacted].
Coleman, Richard C., [redacted].
Collier, Thomas W., [redacted].
Collins, John G., [redacted].
Colombo, James L., [redacted].
Comish, Leo S., Jr., [redacted].
Comstock, Keith L., [redacted].
Condina, Ernest F., [redacted].
Connelly, Donald W., [redacted].
Conner, Donald H., [redacted].
Constance, Harbin A., [redacted].
Cook, James R., [redacted].
Cook, Peter H., [redacted].
Cook, Robert S., [redacted].
Cooke, John W., Jr., [redacted].
Corbridge, Leith J., [redacted].
Corley, Robert J., [redacted].
Cosper, Manley H., Jr., [redacted].
Cottey, Robert J., [redacted].
Courant, Thomas E., [redacted].
Covington, Albert A., [redacted].
Covington, Edward B., [redacted].
Cowan, Kenneth D., [redacted].
Cox, Alden L., [redacted].
Cox, Rodney E., [redacted].
Cravens, James O., [redacted].
Creed, William H., [redacted].
Cress, William, [redacted].
Crittenden, Forest, [redacted].
Crosby, John W., Jr., [redacted].
Crow, James E., [redacted].
Crowell, Chester D., [redacted].
Crutchley, Donald O., [redacted].
Culbertson, Roger A., [redacted].
Cullen, Victor A., [redacted].
Cully, Frederick R., [redacted].
Culpepper, Grady A., [redacted].
Culton, William H., [redacted].
Cummings, Eldon L., [redacted].
Curtis, Robert L., [redacted].
Cuta, Weston W., [redacted].
Cutter, Williams S., [redacted].
Daly, James J., [redacted].
Danford, Howard H., [redacted].
Daniel, Samuel E., [redacted].
Danzeisen, William, [redacted].
Daugherty, Lucius L., [redacted].
Davaz, Carl G., [redacted].
Davey, Robert A., [redacted].

Davidson, Jay A., [redacted].
Davis, Addison D., III, [redacted].
Davis, Alvah B., Jr., [redacted].
Davis, Dale T., [redacted].
Davis, George R., [redacted].
Davis, Ken A., [redacted].
Davis, Raymond T., [redacted].
Davis, Richard K., [redacted].
Dawdy, Charles A., Jr., [redacted].
Day, James D., [redacted].
Day Robert L., [redacted].
De Shazo Thomas E., [redacted].
De Ville David A., [redacted].
De Wald, Arthur B., [redacted].
Deadwyler, Earnest, [redacted].
Dean, James C., [redacted].
Dean, Reginald L., Jr., [redacted].
Dechert, Louis T., [redacted].
Deiss, Herbert, [redacted].
Delaune Elton J., Jr., [redacted].
Dermatis, Walter G., [redacted].
Des Roches Bernard, [redacted].
Desmarais, Arthur J., [redacted].
Dethlefs, Henry J., [redacted].
Deverill, Arthur P., [redacted].
Dietderich, Wallace, [redacted].
Dirkx, Gerard M., [redacted].
Dixon, Charles E., Jr., [redacted].
Dombrowsky, Albert, [redacted].
Donahue, Joseph E., [redacted].
Donovan, Paul, [redacted].
Dooley, Michael J., [redacted].
Dowler, Thomas W., [redacted].
Downer, Robert G., [redacted].
Drake, Ralph R., [redacted].
Dresch, Denny D., [redacted].
Driskill, John G., [redacted].
Dufresne, Ernest J., [redacted].
Dukes, Harry L., Jr., [redacted].
Duncan, Dorman L., Jr., [redacted].
Dunmire, Thomas S., [redacted].
Dunn, Robert H., [redacted].
Dupke, Carl F., Jr., [redacted].
Dutchyshyn, Harry V., [redacted].
Dyson, William E., [redacted].
Earle, Marsden P., Jr., [redacted].
Earnest, Clyde T., Jr., [redacted].
Easler, Charles J., Jr., [redacted].
Ebel, William E., [redacted].
Eckert, Edward N., [redacted].
Eckhart, Amil J., [redacted].
Edgington, Rober N., [redacted].
Edwards, Richard D., [redacted].
Edwards, Robert A., [redacted].
Edwards, William H., [redacted].
Elliott, John R., [redacted].
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Emrick, George E., [redacted].
England, Marion F., [redacted].
Englesby, Howard E., [redacted].
Erickson, Arne B., [redacted].
Evanchick, John, [redacted].
Evans, John C., [redacted].
Evans, Timothy L., [redacted].
Evans, Winston K., [redacted].
Everhart, Tommy L., [redacted].
Evers, Richard E., [redacted].
Fahey, James P., Jr., [redacted].
Fairey, John M., [redacted].
Federhen, Herbert M., [redacted].
Feeney, Raymond E., [redacted].
Fendler, Donn C., [redacted].
Ferebee, David W., Jr., [redacted].
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Fleigh, Raymond L., Jr., [redacted].
Fleming, Jack R., [redacted].
Fleming, James M., [redacted].
Flint, Roy K., [redacted].
Floro, Lawrence A., Jr., [redacted].
Foley, John V., [redacted].
Fonshell, William R., [redacted].
Foster, John K., [redacted].
Fox, John K., [redacted].
Frampton, Henry G., Jr., [redacted].
Francisco, Allan J., [redacted].
Frankeberger, John, [redacted].
Frankhouser, Enoch, [redacted].
Frederick, Austin, [redacted].
Fricke, Charles J., [redacted].
Fried, George W., [redacted].
Friend, Donald F., [redacted].
Frith, Kenneth A., [redacted].
Frydendall, Jerry D., [redacted].
Fuesel, Stanislaus, [redacted].
Fugit, Daniel S., [redacted].
Fulwyler, Niles J., [redacted].
Fuqua, Harold, E., [redacted].
Furuya, Charles S., [redacted].
Gallagher, George M., [redacted].
Ganevsky, Walter J., [redacted].
Gardner, Frank C., [redacted].
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Garland, Donald E., [redacted].
Garrant, George F., [redacted].
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Greene, De Reef A., [redacted].
Greene, Dorsey B., Jr., [redacted].
Greer, George D., [redacted].
Gregory, Theodore O., [redacted].
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Guertin, J. A. Richard, [redacted].
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Gustafson, William, [redacted].
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Harageones, Angelo, [redacted].
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Hauser, Ferdinand H., [redacted].
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Hoey, Edison V., [redacted].
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Holmes, Robert S., [redacted].
Holt, Winfield A., [redacted].
Honeycutt, Weldon F., [redacted].
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Hubbard, Samuel J., [redacted].
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Johnson, Vernon E., [redacted].
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Jones, Eugene N., [redacted].
Jones, Frank A., Jr., [redacted].
Jones, Richard L., [redacted].
Jones, Robert W., [redacted].
Jones, Wesley G., [redacted].
Jordan, Pendleton A., [redacted].
Joy, Robert S., [redacted].
Judah, Floyd G., Jr., [redacted].
Juvenal, Michael P., [redacted].
Kamstra, Robert H., [redacted].
Kaser, William T., [redacted].
Kasson, Darrell D., [redacted].
Katz, Abraham D., [redacted].
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Kenney, John F. C., Jr., [redacted].
Kennington, Joseph, [redacted].
Kenyon, Nathaniel C., [redacted].
Kern, John H., [redacted].
Kersey, Walter G., [redacted].
Kidwell, Birtrun S., [redacted].
Kiefer, Homer W., Jr., [redacted].
King, Henry J., [redacted].
King, Jimmie, [redacted].
Kingery, Thomas E., [redacted].
Kirklighter, Gerald, [redacted].
Kirkwood, Clifford, [redacted].
Kitchens, Ernest, Jr., [redacted].
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Knipp, Fred M., [redacted].
Kochanek, Louis J., [redacted].
Komar, George, [redacted].
Koos, Frank S., [redacted].
Kotite, Richard S., [redacted].
Kovach, James H., [redacted].
Kozlowski, Stanley [redacted].
Kramer, George R., Sr., [redacted].
Krause, George W., [redacted].
Krogh, Richard V., [redacted].
Kuick, Stanley J., [redacted].
Kurek, Robert A., [redacted].
La Barbera, Albert, [redacted].
La Barrie, John H., [redacted].
Lamas, Albert A [redacted].
Lambert, David R., [redacted].
Lamp, Harold R., [redacted].
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Lang, Richard N., [redacted].
Lang, Vaughn O., [redacted].
Lang, William F., Jr., [redacted].
Langford, Richard J., [redacted].
Lank, Joseph M., [redacted].
Larkin, Richard X., [redacted].
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Lepper, Lewis, [redacted].
Lewis, Robert G., [redacted].
Lewis, Vernon B., Jr., [redacted].
Lewis, William D., [redacted].
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Lightenwalter, Leon E., [redacted].
Liles, Donald E., [redacted].
Little, Andrew E., [redacted].
Livingston, Otis V., [redacted].
Livsey, William J. [redacted].
Lloyd, Elwood A., [redacted].
Locke, Donald K., [redacted].
Lodge, Warren J., [redacted].
London, James E., [redacted].
Long, Harold B., Jr., [redacted].
Longmore, Myron J., [redacted].
Loshbough, Robert P., [redacted].
Lott, Robert P., [redacted].
Lowder, Henry I., [redacted].
Loy, William M., [redacted].
Lubold, Guy B., Jr., [redacted].
Luck, Robert H., [redacted].
Lund, John R., [redacted].
Lupton, Edward R., [redacted].
Lush Rolla S., [redacted].
Lutz, Bradley T., [redacted].
Lycan, Daniel L., [redacted].
Lynch, Thomas P., [redacted].
Lynd, Robert F., [redacted].
Lyon, David K., [redacted].
MacDougall, John B., [redacted].
MacMillan, William, [redacted].
Magill, Henry F., [redacted].
Mallet, Henri G., [redacted].
Malone, Albert W., [redacted].
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Manjeot, Lloyd H., [redacted].
Mann, John E., [redacted].
Mantooth, William H., [redacted].
Maples, Floyd M., [redacted].
Marine, George E., [redacted].
Marlatt, Tommy D., [redacted].
Marlow, Thorne H., [redacted].
Marsh, Todd S., [redacted].
Marshall, Billy E., [redacted].
Martin, Frederick L., [redacted].
Mashburn, Wilbur F., [redacted].
Matthews, Alfred W., [redacted].
Maxham, Robert L., [redacted].
Mayse, Harvey C., [redacted].
McBride, Thomas F., [redacted].
McCaffrey, Charles, [redacted].
McCracken, John R., [redacted].
McDowell, Chester, [redacted].
McGarry, Robert S., [redacted].
McGlade, Joseph G., [redacted].
McGlone, John E., [redacted].
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McKnight, Clarence, [redacted].
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McMahon, Patrick B., [redacted].
McManus, Richard J., [redacted].
McMurrer, James E., [redacted].
McMurry, Donald R., [redacted].
Meeker, Ernest L., [redacted].
Meighen, George A., [redacted].
Mennona, Edward, [redacted].
Mensch, Donald H., [redacted].
Merritt, Fred J., [redacted].
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Michel, Werner E., [redacted].
Miles, Edgar G., [redacted].
Miller, Edwin N., [redacted].
Miller, Frank O., [redacted].
Miller, George W., [redacted].
Miller, Henry B., [redacted].
Mitchell, Aubrey, Jr., [redacted].
Mitchell, Corwin A., [redacted].
Mittenthal, Lothrop [redacted].
Mode, Albert K., Sr., [redacted].
Monoriti, Elidio, [redacted].
Monshower, Alvah C., [redacted].
Mooney, Charles W., [redacted].
Moore, Ernest W., [redacted].
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Myers, Joe B., [redacted].
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Myfelt, Kenneth F., [redacted].
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Neal, Robert W., [redacted].
Neely, Albert D., [redacted].
Nelms, Norman S., [redacted].
Nelson, Thomas W., [redacted].
Nestler, Karl E., [redacted].
Neumann, Harold B., [redacted].
Newton, Aubrey H., [redacted].
Nichols, Stephen E., [redacted].
Nix, Edward J., [redacted].
Nixon, Donald A., [redacted].
Noakley, Don H., [redacted].
Noble, Edwin L., Jr., [redacted].
Nord, Alan A., [redacted].
Norton, Charles W., [redacted].
Nunn, David H., [redacted].
O'Bach, Ronald M., [redacted].
O'Boyle, Peter A., [redacted].
O'Brien, George F., [redacted].
Ochis, Ronald F., [redacted].
O'Connor, Theodore E., [redacted].
Oddi, Vincent J., Jr., [redacted].
Oglesby, Lenox W., [redacted].
Ogrady, Patrick J., [redacted].
Oksa, Reino O., [redacted].
O'Malley, Robert M., [redacted].
O'Mary, Paul R., [redacted].
Omps, Avon R., [redacted].
Orr, Carson D., [redacted].
Osborn, George K., III, [redacted].
Osborne, Paul R., [redacted].
Ossorio, George J., [redacted].
Osteen, Ernest C., [redacted].
Otis, Paul H., [redacted].
Overby, Lauren M., [redacted].
Overdahl, Norman L., [redacted].
Pack, Ishmael, [redacted].
Palmer, George E., [redacted].
Paparone, Cono R., [redacted].
Paquette, Dean R., [redacted].
Parker, Richard F., [redacted].
Parks, Walter G., [redacted].
Parmenter, Russell, [redacted].
Parmentier, Stanley, [redacted].
Patrick, George H., [redacted].
Patterson, Bruce E., [redacted].
Patterson, James H., [redacted].
Patton, Robert S., [redacted].
Paul, Lloyd H., [redacted].
Peel, Vernon, [redacted].
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Perkins, Thomas C., [redacted].
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Petitt, Homer, Jr., [redacted].
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Petro, Peter P., [redacted].
Petty, Carlisle R., [redacted].
Petty, Thomas B., [redacted].
Phillips, Harold B., [redacted].
Phillips, Shepperd, [redacted].
Pierce, Forest E., [redacted].
Pierce, Samuel M., [redacted].
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Pilk, Jack R., [redacted].
Pinckard, Robert L., [redacted].
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Pollard, Arnold R., [redacted].
Potter, Floyd E., [redacted].
Potts, William L., [redacted].
Poulnot, James O. [redacted].
Powell, Bill C., [redacted].
Powell, Royce M., Jr., [redacted].
Presson, Charles W., [redacted].
Price, James E., [redacted].
Pride, Daniel H., [redacted].

Primis, Nick J., [redacted].
Prince, Ivan R., Jr., [redacted].
Prince, John R., Jr., [redacted].
Pruett, Kenneth E. [redacted].
Putnam, Lawrence H., [redacted].
Quigley, E. M., Jr., [redacted].
Quinn, John T., [redacted].
Rackley, Everett W., [redacted].
Radcliffe, Jack W., [redacted].
Rafferty, Robert R., [redacted].
Ragano, Frank P., [redacted].
Ramirez, Willard A., [redacted].
Rathbone, William A., [redacted].
Rathburn, Thomas K., [redacted].
Raunswinder, Richard, [redacted].
Ray, Leonard C., [redacted].
Reagor, James L., [redacted].
Reeder, Claire J., [redacted].
Reeve, John H., [redacted].
Reid, Richard L., [redacted].
Reilly, William F., [redacted].
Reish, Richard D., [redacted].
Relyea, George R., [redacted].
Repetto, John W., [redacted].
Rhiddlehoover, Loyd, [redacted].
Rhoads, Arthur A., [redacted].
Richards, Abraham L., [redacted].
Richards, Everett D., [redacted].
Riese, Paul E., [redacted].
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Rife, William T., Jr., [redacted].
Riggs, Theodore S., [redacted].
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Ritter, William H., [redacted].
Roberts, Lee W., [redacted].
Robertson, Victor M., [redacted].
Rockhold, Howard R., [redacted].
Rodney, Richard M., [redacted].
Rodolph, Carl F., [redacted].
Rodriguez, Joseph C., [redacted].
Rogerson, William T., [redacted].
Rollins, Robert L., [redacted].
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Royals, Gerald E., [redacted].
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Runion, Roger C., [redacted].
Runquist, Joseph J. [redacted].
Rupert, Rodney T. [redacted].
Russell, Donald N., [redacted].
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Sanford, Eugene S., [redacted].
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Sluga, Leonard A., [redacted].
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Snyder, William P., [redacted].
Soberick, Thomas, [redacted].
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Stewart, Alex, Jr., [redacted].
Stewart, Harvey E., [redacted].
Stockman, Bonny R., [redacted].
Stokes, Eugene J., Jr., [redacted].
Stone, Lawrence J., [redacted].
Storey, William J., [redacted].
Story, Richard E., [redacted].
Stottle, Leslie J., [redacted].
Stoverink, Robert I., [redacted].
Strange, Loren C., [redacted].
Strong, William R., [redacted].
Stubblebine, Albert, [redacted].
Sullivan, John J., [redacted].
Sullivan, Robert A., [redacted].
Sutton, Larry L., [redacted].
Sveiven, Desmond D., [redacted].
Swann, H. L., Jr., [redacted].
Swarts, Sidney M., [redacted].
Swygert, Donald R., [redacted].
Sykes, Cecil F., [redacted].
Szalwinski, Ambrose, [redacted].
Szymczyk, Norbert J., [redacted].
Talley, Richard P., [redacted].
Tanner, Eugene P., [redacted].
Taner, William T., [redacted].
Tausch, William H., [redacted].
Taylor, Arthur E., Jr., [redacted].
Taylor, George E., [redacted].
Taylor, James R., [redacted].
Taylor, Julius C., Jr., [redacted].
Tedford, John B., [redacted].
Tenore, Jacob A., [redacted].
Terry, Vaughn L., [redacted].
Thieme, Alfred L., [redacted].
Thomas, John W., [redacted].
Thomas, William E., [redacted].
Thomason, Dana L., [redacted].
Thompson, Dwight S., [redacted].
Thompson, Edmund R., [redacted].
Thomson, Francis A., [redacted].
Thoreson, Dale B., [redacted].
Threadgill, Frank G., [redacted].
Threlkeld, Donald H., [redacted].
Thuston, William O., [redacted].
Tipton, John H., Jr., [redacted].
Toepel, Adalbert E., [redacted].
Tombaugh, William W., [redacted].
Tousley, Horace W., [redacted].
Tow, James L., [redacted].
Trapp, Turner J., [redacted].
Traylor, Robert J., [redacted].
Trimble, Rae C., [redacted].
Trinkler, Kenneth T., [redacted].
Tronsrue, George M., [redacted].
Trotti, Robert S., Jr., [redacted].
Tucker, Jesse F., Jr., [redacted].
Turek, Charles E., [redacted].
Turner, Frank D., Jr., [redacted].
Turner, Robert C., [redacted].
Tyler, William H., [redacted].
Tyson, Wallace S., [redacted].
Ulmen, Patrick A., [redacted].
Ulmer, Walter F., Jr., [redacted].
Underhill, George R., [redacted].
Utegaard, Rolf W., [redacted].
Utzman, Charles D., [redacted].
Van Ness, Richard E., [redacted].
Van Netta, Ernest A., [redacted].
Vanderlike, Robert, [redacted].
Varljen, Frank F., [redacted].
Vass, Marshall B., [redacted].
Vaughn, Edward J., [redacted].
Vermillion, Russell, [redacted].
Vincent, Samuel M., [redacted].
Viterna, Robert O., [redacted].
Vitetta, Eugene J., [redacted].
Vogel, Herbert D., Jr., [redacted].
Von Dach, Robert F., [redacted].
Vuley, Ernest A., Jr., [redacted].
Wagers, Robert W., [redacted].
Wagner, Julian F., [redacted].
Wakefield, Jack E., [redacted].
Walden, Don E., Jr., [redacted].
Waldron, Edward E., [redacted].
Waldron, Garald L., [redacted].
Walker, William A., [redacted].
Walker, William A. J., [redacted].
Walker, William O., [redacted].
Wallace, Raymond E., [redacted].
Wallace, Robert J., [redacted].
Waller, Ephraim E., [redacted].
Walsh, Daniel J., [redacted].
Walter, Eugene H., [redacted].
Walters, Thomas E., [redacted].
Ward, Norman E., Jr., [redacted].
Wardinski, Michael, [redacted].
Warren, William R., [redacted].
Wasiak, Joseph E., [redacted].
Watkins, Charles E., [redacted].
Watkins, Walter L., [redacted].
Watt, Gus H., [redacted].
Watts, Bobbie M., [redacted].
Watts, David E., [redacted].
Watts, Harry L., III, [redacted].
Weaver, Gene A., [redacted].
Webb, Harold T., [redacted].
Weber, Edmund G., [redacted].
Weed, Mahlon G., [redacted].
Weeks, Charles R., Jr., [redacted].
Weidhas, Albert N., [redacted].
Weil, John D., [redacted].
Weinert, Donald G., [redacted].
Weisflog, James H., [redacted].
Welch, James S., [redacted].
Welch, Robert L., [redacted].
Wensyel, James W., [redacted].
Werner, Donald R., [redacted].
West, Wilfred W., [redacted].
Wetherington, Andreul, [redacted].
Wetzel, Robert L., [redacted].
Whalen, Thomas B., [redacted].
Whalen, Thomas R., [redacted].
Wheeler, Bernard D., [redacted].
White, Herbert L., [redacted].
White, James R., [redacted].
White Loren J., [redacted].
White, Richard L., [redacted].
Whitener, Hubert J., [redacted].
Whiting, Frederick, [redacted].
Wiegand, Lynn W., [redacted].
Wilcomb, Gerald A., [redacted].
Wiles, Richard I., [redacted].
Willcox, Edward C., [redacted].

Willet, Paul J., [redacted].
Willey, Donald E., [redacted].
Willey, Oliver, A., Jr., [redacted].
Williams, Allen C., [redacted].
Williams, Bruce F., [redacted].
Williams, Donald L., [redacted].
Williams, Harvey D., [redacted].
Williams, Joel J., [redacted].
Williams, Lewis A., [redacted].
Williams, Maurice C., [redacted].
Williams, Robert S., [redacted].
Williams, William F., [redacted].
Wilson, Drake, [redacted].
Wilson, Harry S., Jr., [redacted].
Wilson, Leland A., [redacted].
Wirth, Gustav A., Jr., [redacted].
Wirth, Paul R., [redacted].
Witherell, John R., [redacted].
Woeber, Frank A., [redacted].
Womack, Richard J., [redacted].
Wood, Raymond D., Jr., [redacted].
Wood, Robert L., [redacted].
Woodill, William R., [redacted].
Woods, Jack C., [redacted].
Wooldridge, William, [redacted].
Wooley, Wilson C., [redacted].
Wright, Benjamin C., [redacted].
Wright, Gilbert P., [redacted].
Wuthrich, Edward E., [redacted].
Wyllie, Clement A., [redacted].
Yarbrough, Charles, [redacted].
Young, Harold G., [redacted].
Young, Robert S., [redacted].
Yuille, Ryan S., [redacted].
Zimmerman, Lawrence, [redacted].

CHAPLAIN CORPS

To be lieutenant colonel

Beasley, Joseph H., [redacted].
Casey, Walter E., [redacted].
Fosmire, William L., [redacted].
Hayes, James R., [redacted].
Lively, Carlos J., Jr., [redacted].
Ostrovsky, Jack, [redacted].
Saylor, Daniel T., [redacted].
Shevlin, John G., Jr., [redacted].

WOMEN'S ARMY CORPS

To be lieutenant colonel

Busse, Norma V., [redacted].
Chaffin, Frances V., [redacted].
Fea, Jennie W., [redacted].
Fraser, Betty R., [redacted].
Grimes, Mary J., [redacted].
Heinze, Shirley R., [redacted].
Hinton, Edith M., [redacted].
Hopfenspirger, Nancy, [redacted].
Isham, Ruth M., [redacted].
Jebb, Margaret M., [redacted].
Jefferies, Vashti V., [redacted].
Lambeth, Maida E., [redacted].
Madden, Margaret J., [redacted].
Polk, Doris D., [redacted].
Sansing, Mary J., [redacted].
Smith, Elizabeth R., [redacted].
Stauber, Ruby R., [redacted].
Stearns, Dorcas, [redacted].

MEDICAL CORPS

To be lieutenant colonel

Alstatt, Leslie B., [redacted].
Arbiter, David, [redacted].
Becker, Quinn H., [redacted].
Benson, Jack O., [redacted].
Blair, Lawrence C., [redacted].
Burk, Billy D., [redacted].
Carter, Samuel C., [redacted].
Chamberlain, Frank H., [redacted].
Dangerfield, Harry, [redacted].
Day, Robert E., [redacted].
Du Bois, James J., [redacted].
Earll, Jerry M., [redacted].
Ellis, Donald L., [redacted].
Elton, Richard C., [redacted].
Evans, Oliver N., [redacted].
Galas, Stanley M., [redacted].
Geer, Thomas M., [redacted].
George, Richard E., [redacted].
Gillespie, James T., [redacted].
Gimesh, John S., [redacted].
Gorczyca, Casimir A., [redacted].
Green, David C., [redacted].
Harding, Clarke T. J., [redacted].
Himma, Einar, [redacted].
Horan, Dennis P., [redacted].
Hyland, Eugene P., [redacted].
James, Frank K., Jr., [redacted].
Johnson, Merrill C., [redacted].
Jones, Leeroy G., [redacted].
Juden, Alexander G., [redacted].
Kaku, Michio, [redacted].
Legters, Llewellyn, [redacted].
Leighton, Henry A., [redacted].
Lindell, Maurice E., [redacted].
Llorens, Alfred S., [redacted].
Magruder, Levin F., [redacted].
Mangus, Samuel J., [redacted].
Mittemeyer, Bernhard, [redacted].
Mutz, Sterling B., [redacted].
Nelson, William P., [redacted].
Ognibene, Andre J., [redacted].
Olsson, Ray A., [redacted].
Otterson, Warren N., [redacted].
Parsons, Robert W., [redacted].
Peard, William G., [redacted].
Reid, Robert L., [redacted].
Richards, John C., [redacted].
Rogers, Robert E., [redacted].
Schreiber, Otto J., [redacted].
Snyder, Donald L., [redacted].
Sommer, Albrecht F., [redacted].
Spees, Everett K., Jr., [redacted].
Stracener, Carl E., [redacted].
Tisdale, Patrick D., [redacted].
Tompkins, Forrest G., [redacted].
Wallace, Raymond D., [redacted].
Ward, John E., [redacted].
Wilson, William B, [redacted].

DENTAL CORPS

To be lieutenant colonel

Acevedo, Alejandro, [redacted].
Andrews, Dale H., [redacted].
Bird, William C., [redacted].
Bleicher, Philip A., [redacted].
Boyers, Robert C., [redacted].
Call, Robert I., [redacted].
Coats, William C., Jr., [redacted].
Corso, William A., [redacted].
Cutright, Duane E., [redacted].
Eagan, Clement D., [redacted].
Fuller, Walter W., [redacted].
Gerhard, Roy C., [redacted].
Goska, Francis A., [redacted].
Griffith, John G., II, [redacted].
Gross, Arthur, [redacted].
Guilford, Harold J., [redacted].
Holt, John E., [redacted].
Hose, Gene C., [redacted].
Kelly, James J., [redacted].
Kontner, Rudolph J., [redacted].
Landolfe, Frank R. J., [redacted].
Lane, Charles E., Jr., [redacted].
Larson, Harold R., [redacted].
Layman, David E., [redacted].
Martin, James E., [redacted].
McDermott, Michael, [redacted].
McFarland, Paul H., [redacted].
Mertz, Harry L., Jr., [redacted].
Mullins, Harold A., [redacted].
O'Conner, Tod W., [redacted].
Chlenbusch, Robert, [redacted].
Older, Alva H., Jr., [redacted].
Parris, Sam. H., [redacted].
Poprik, Michael, Jr., [redacted].
Reif, Charles W., [redacted].
Reynolds, Kenneth T., [redacted].
Schiele, Raymond J., [redacted].
Shannon, Charles J., [redacted].
Staffanou, Robert S., [redacted].
Stave, Rodney L., [redacted].
Strong, Wilbur W., [redacted].
Sweeney, Thomas P., [redacted].
Volkmann, James A., [redacted].
Warren, Elbert A., [redacted].
Weber, Dale L., [redacted].
Ziegenfelder, Rush, [redacted].

VETERINARY CORPS

To be lieutenant colonel

Fischer, George F., [redacted].
Ramsey, Frank A., [redacted].
Warne, Robert J., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Arnold, John W., [redacted].
Becknell, George P., [redacted].
Borg, Lavern G., [redacted].
Cardenas-Lartigue, Gilberto, [redacted].
Cofield, Leaton C., [redacted].
Foegen, George J., [redacted].
Hall, Ellis F., Jr., [redacted].
Haskins, Stanley R., [redacted].
Heath, Charles V., [redacted].
Henley, Stephen, [redacted].
Huncharek, John [redacted].
Huntsman, Howard A., [redacted].
Jacox, Gilbert L., [redacted].
Kiel, Richard A., [redacted].
Kneessy, Alfred D., [redacted].
Krise, Edward F., [redacted].
Lail, Eugene, [redacted].
Lask, Alphonse F., [redacted].
Learnard, Donald L., [redacted].
Leven, Fred Jr., [redacted].
McDonald, Neil J., [redacted].
McNab, James F., [redacted].
McSwain, Earl C., Jr., [redacted].
Molli, Louis J., [redacted].
Moore, Lynn B., [redacted].
Oestereich, Orlyn C., [redacted].
Patch, Charles E., Jr., [redacted].
Pearson, William G., [redacted].
Prince, Roy C., [redacted].
Pursley, Robert J., [redacted].
Reeves, Joseph, [redacted].
Rezendes, Ernest F., [redacted].
Rigney, Max E., [redacted].
Rutkowski, Roman B., [redacted].
Slack, Dana S., [redacted].
Stein, Dale R., [redacted].
Taft, Hunter G., Jr., [redacted].
Thompson, John H., Jr., [redacted].
Warnes, Allan T., [redacted].
Watkins, Robert E., [redacted].
Wilks, Norman E., [redacted].
Williams, Glenn M., [redacted].
Williams, Vern M., Jr., [redacted].
Wilson, Kenneth R., [redacted].
Yarbrough, Charles, [redacted].
Young, William W., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Anderson, Linnette, [redacted].
Bachmeyer, Janet A., [redacted].
Bagin, Isabelle J., [redacted].
Burlack, Marion F., [redacted].
Butcher, Anna M., [redacted].
Calcagni, Doris M., [redacted].
Coleman, Patricia L., [redacted].
Cooper, Jacqueline, [redacted].
Costello, Barbara R., [redacted].
Davis, Betty L., [redacted].
Dever, Dorothy M., [redacted].
Diggs, Gloria M., [redacted].
Dolan, Gertrude A., [redacted].
Dupree, Lydia, [redacted].
Dyson, Barbara J., [redacted].
Ferebee, Constance, [redacted].
Fink, Barbara P., [redacted].
Gipson, Marguerite, [redacted].
Gunn, Ira P., [redacted].
Gunuskey, Dolores L., [redacted].
Hankins, Cecile J., [redacted].
Hooks, Doris, [redacted].
Lane, Barbara E., [redacted].
Lloyd, Katherine M., [redacted].
McHugh, Mary C., [redacted].
Minter, Marion L., [redacted].
Nelson, Dorothy I., [redacted].
Nelson, Margaret B., [redacted].

Nickel, Elsie G., [redacted].
Nouchi, Mitsue M., [redacted].
Rodgers, Marie L., [redacted].
Simons, Elizabeth A., [redacted].
Smyth, Anna M., [redacted].
Stephenson, Elizabeth, [redacted].
Tirado, Gonzalez C., [redacted].
Vance, Vivian J., [redacted].
Wells, Ruby E., [redacted].
Young, Mary G., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Barr, Virginia M., [redacted].
Dyer, Arvilla L., [redacted].
Gray, Barbara D., [redacted].
McKinley, Harriet, [redacted].
Reynolds, Cora D., [redacted].
Rosengreen, Julia A., [redacted].
Rosenthal, Viola L., [redacted].

ARMY PROMOTION LIST

To be major

Aimi, Alfred C., [redacted].
Arnold, Robert W., [redacted].
Badger, Ralph E., [redacted].
Barber, Larry W., [redacted].
Blake, Robert E., [redacted].
Clary, William P., Jr., [redacted].
Clemons, Charles H., [redacted].
Densford, Charles F., Jr., [redacted].
Esher, John D., [redacted].
Fazio, Robert A., Jr., [redacted].
Gardner, David L., [redacted].
Hawley, Eric B., [redacted].
Hosmer, William, [redacted].
Knapp, Peter T., [redacted].
Lackie, Leo D., [redacted].
McCarty, Robert T., [redacted].
Mitchell, Sim C., [redacted].
Ramsey, Bobby A., [redacted].
Rhodes, Remus C., III, [redacted].
Riggan, Raymond B., Jr., [redacted].
Roger, Norvel G., [redacted].
Rose, Buel T., [redacted].
Snopek, Robert G., [redacted].
Steedly, Ronald E., [redacted].
Sturdivant, Thurman O., III [redacted].
Turner, James E., [redacted].
Vincent, Charles J., [redacted].
Walker, Prosper N., [redacted].
Watke, Frederic W., [redacted].
Williams, Jimmie L., Jr., [redacted].

CHAPLAIN CORPS

To be major

Frosberg, Paul O., [redacted].
Petersen, Gordon H., [redacted].

DENTAL CORPS

To be major

Todd, Robert A., [redacted].

MEDICAL SERVICE CORPS

To be major

Dodd, Edwin N., Jr., [redacted].
Kramer, James S., [redacted].

ARMY NURSE CORPS

To be major

Hart, John B., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be major

Stewart, Vivian L., [redacted].

ARMY PROMOTION LIST

To be captain

Alexander, Lynn P., [redacted].
Beegle, Charles L., [redacted].
Bell, William J. III., [redacted].
Bouknight, Glenn E., [redacted].
Brewer, Donald L., [redacted].
Brown, Milton E., [redacted].
Buhmann, William G., [redacted].
Cabaniss, Edward H., [redacted].
Caggins, Myles B., Jr., [redacted].
Chartier, Larry M., [redacted].
Ciliberti, Edward T., [redacted].
Cisternino, John G., [redacted].
Cobb, Richard L., [redacted].
Corson, John R., [redacted].
De Gyurky, Szabolcs, [redacted].
De Moor, Maurice A., [redacted].
Forville, David R., [redacted].
Foster, Jean A., [redacted].
Friel, George E., [redacted].
Frye, Ivan D., [redacted].
Gallinaro, Alfred S., [redacted].
Garner, Douglas V., [redacted].
Graham, James E., [redacted].
Hadden, Majo A. III., [redacted].
Heck, Larry D., [redacted].
Hewlett, Palmer A., [redacted].
Holliday, Jay D., [redacted].
Hollis, Joseph E., Jr., [redacted].
Hughes, William D., [redacted].
Jones, Frank T., Jr., [redacted].
Kenny, Michael R., [redacted].
Knapp, Robert D., [redacted].
Konieczny, Jerome J., [redacted].
Leach, Edward D., [redacted].
Lenhart, Michael E., [redacted].
Letzer, Larry L., Sr., [redacted].
Lind, Herbert E., [redacted].
Mielke, Charles L., [redacted].
Moore, William G., [redacted].
Mullek, Paul J., [redacted].
Oszczakiewicz, Walter, [redacted].
Piper, Paul A., [redacted].
Powell, James R., [redacted].
Reh, Donald C., [redacted].
Robinson, James R., [redacted].
Rosenberg, Ralph G., [redacted].
Scialdo, Claudio J., [redacted].
Siemon, Patrick G., [redacted].
Sirace, Joseph A., Jr., [redacted].
Smith, David R., [redacted].
Solomon, Mendel S., [redacted].
Stammer, Nelsen F., [redacted].
Stewart, Thomas L., [redacted].
Turner, George H., [redacted].
Voelker, Edward M., [redacted].

CHAPLAIN CORPS

To be captain

Bolton, Paul J., [redacted].
Zimmerman, Matthew, [redacted].

MEDICAL CORPS

To be captain

Becker, Larry E., [redacted].

DENTAL CORPS

To be captain

Oleskevich, James M., [redacted].
Tesch, Thomas N., [redacted].

VETERINARY CORPS

To be captain

Chapple, Frank E., [redacted].
McLaughlin, Ronald, [redacted].
Staley, Leo G., [redacted].
Vescovi, Ronald E., [redacted].

MEDICAL SERVICE CORPS

To be captain

Boggs, John A., [redacted].
Bratt, Robert A., [redacted].
Clark, Jerald, [redacted].
Hutcherson, James D., [redacted].
Meek, Thomas, [redacted].
Seefeld, Herman W., [redacted].
Ward, Larry G., [redacted].

ARMY NURSE CORPS

To be captain

Hanna, Jerry N., [redacted].
Hill, Maurine L., [redacted].
Hooper, William R., [redacted].
McCamley, John J., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate April 17, 1972:

DEPARTMENT OF TRANSPORTATION

John L. Hazard, of Michigan, to be an Assistant Secretary of Transportation.

IN THE COAST GUARD

The nominations beginning John D. O'Malley, to be captain, and ending Arthur A. Whiting III, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 4, 1972.

HOUSE OF REPRESENTATIVES—*Monday, April 17, 1972*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, president, Home Mission Board of the Southern Baptist Convention, and, pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

O God, Thou art my God, early will I seek Thee.—Psalms 65: 1.

We pray together.

As we come to Thee today, we pray, our Father, that the men and women who meet here and have responsibility in decisionmaking for our Nation will be given:

The energy needed to face their work;
The diligence needed to do it well;
The strength to conquer temptations that will come.

In these days of momentous events give to them and all our leaders:

Wisdom to know when to speak and when to keep silent;
When to act and when to refrain from action.

Help all of us to live today in such a way that our world will be a better place. In Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 9395. An act to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts;

H.R. 9900. An act to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; and

H.R. 10344. An act to authorize the District of Columbia to enter into the Interstate Compact on Mental Health.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1346. An act relating to benefits for employees of the government of the District of Columbia, and for other purposes;

S. 1998. An act relating to educational personnel in the District of Columbia;

S. 2956. An act to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

The message also announced that the Vice President, pursuant to Public Law 86-420, appointed Mr. MANSFIELD, Mr. ELLENDER, Mr. LONG, Mr. PASTORE, Mr. CANNON, Mr. HART, Mr. NELSON, Mr. MONTOYA, Mr. HOLLINGS, Mr. CHILES, Mr. ALLEN, Mr. JAVITS, Mr. FANNIN, Mr. COOK, and Mr. WEICKER as members, on the part of the Senate, of the U.S. delegation to attend the Mexico-United States Interparliamentary Conference, May 16 to 21, 1972.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

ELIMINATION OF SURETY BONDS FOR FEDERAL PERSONNEL

The Clerk called the bill (H.R. 13150) to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 13150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ELIMINATION OF SURETY BONDS FOR FEDERAL CIVILIAN AND MILITARY PERSONNEL

ELIMINATION OF FEDERAL PERSONNEL SURETY BONDS

SEC. 101. (a) No agency of the Federal Government may require or obtain surety bonds for its civilian employees or military personnel in connection with the performance of their official duties.

(b) The personal financial liability to the Federal Government of such employees and personnel shall not be affected by reason of subsection (a) of this section.

(c) For the purposes of this title, the term "agency of the Federal Government" means any agency, department, or other entity of the legislative, executive, and judicial branches of the Government of the United States, and includes each entity listed as a "wholly owned Government corporation" in section 101 of the Government Corporation Control Act (31 U.S.C. 846).

RESTORATIONS AND ADJUSTMENTS OF ACCOUNTS OF ACCOUNTABLE OFFICERS AND AGENTS FOR LOSSES TO THE UNITED STATES

SEC. 102. (a) Whenever—

(1) it is necessary to restore or otherwise adjust the account of any accountable officer or his agent for any loss to the United States due to the fault or negligence of such officer or agent, and

(2) the head of the agency of the Federal Government concerned determines that the amount of the loss is uncollectable,

such amount shall be charged to the appropriation or fund available for the expenses of the accountable function at the time the restoration or adjustment is made. Such restoration or adjustment shall not affect the personal financial liability of such officer or agent on account of such loss.

(b) The restorations and adjustments provided for by subsection (a) of this section shall be made in accordance with regulations which the Comptroller General of the United States shall prescribe and issue.

REPORTS OF SECRETARY OF THE TREASURY

SEC. 103. (a) For each of the first five full fiscal years following the date of enactment of this Act, the Secretary of the Treasury shall transmit to the Congress, on or before the 31st day of December first following the close of such fiscal year, a report of the experience of agencies of the executive branch under this Act in such form as may be necessary to enable the Congress to determine the results of operations under this Act.

(b) Each agency of the executive branch shall furnish to the Secretary of the Treasury such information as the Secretary may require to carry out the purposes of subsection (a) of this section.

EXISTING SURETY BONDS AND LIABILITIES

SEC. 104. Each surety bond procured before the date of enactment of this Act for any of the civilian employees or military personnel of the Federal Government and in effect on such date shall remain in full force and effect for all periods provided in the bond subject to the cancellation and other provisions therein. Any change made by this Act in existing law shall not affect—

(1) any liability of a surety to the Federal Government arising under the provisions of any such bond;

(2) any responsibility of a surety upon any such bond of a consular officer under former section 1735 of the Revised Statutes (22 U.S.C. 1199); or

(3) the jurisdiction of the United States district courts, concurrently with the courts of the several States, over any action brought on any such bond of an internal revenue officer or employee.

TITLE II—CHANGES IN EXISTING LAW

PART 1—CHANGES IN TITLES OF THE UNITED STATES CODE ENACTED AS POSITIVE LAW

TITLE 3, UNITED STATES CODE

SEC. 201. The first sentence of section 109 of title 3, United States Code, relating to the bond required of the employee placed in charge of certain property in the Executive Mansion, is amended by striking out ", and shall, before entering upon the duties of the office, give bond for the faithful discharge thereof, said bond to be in the sum of $10,000, and to be approved by the Director of the National Park Service".

TITLE 5, UNITED STATES CODE

SEC. 202. Section 5512(b) of title 5, United States Code, is amended by striking out "and his sureties".

TITLE 6, UNITED STATES CODE

SEC. 203. Title 6, United States Code, relating to official and penal bonds, is modified as follows:

(1) sections 1, 2, 3, 4, 5, and 14 are repealed;

(2) the last sentence of section 6 is amended by striking out "Except with respect to bonds obtained under section 14 of this title, no" and inserting in lieu thereof the word "No";

(3) the table of sections of such title is amended by striking out the items relating to sections 1, 2, 3, 4, 5, and 14; and

(4) the title of such title 6 which reads "Title 6—Official and Penal Bonds" is amended to read "Title 6—Surety Bonds".

TITLE 10, UNITED STATES CODE

SEC. 204. (a) Section 4834, relating to fidelity bonds of commissioned officers of the Quartermaster Corps, United States Army, and section 6026, relating to bonds of officers in the Supply Corps, United States Navy, of title 10, United States Code, are repealed.

(b) The table of sections of chapter 453 of such title 10 is amended by striking out—

"4834. Fidelity bonds: accountable officers; Quartermaster Corps.".

(c) The table of sections of chapter 555 of such title 10 is amended by striking out—

"6026. Supply Corps officers: bonds.".

TITLE 17, UNITED STATES CODE

SEC. 205. (a) Section 204 of title 17, United States Code, relating to the bond required of the Register of Copyrights, Library of Congress, is repealed.

(b) The table of sections of chapter 3 of such title 17 is amended by striking out—

"204. Same; bond.".

TITLE 28, UNITED STATES CODE

SEC. 206. (a)(1) Section 564 of title 28, United States Code, relating to the bonds of United States marshals, is repealed.

(2) The table of sections of chapter 37 of such title 28 is amended by striking out—

"564. Bond.".

(b) Section 566 of title 28, United States Code, relating to the default or misfeasance of a deputy in connection with the bond of a deceased United States marshal, is amended—

(1) by striking out "(a)"; and

(2) by striking out subsection (b) thereof.

(c) Section 671(b) of title 28, United States Code, relating to the bond of the Clerk of the Supreme Court, is repealed.

(d) The last sentence of section 674(d) of title 28, United States Code, relating to the bond of the librarian of the Supreme Court, is repealed.

(e)(1) Section 952 of title 28, United States Code, relating to the bonds of clerks and deputies of Federal courts other than the Supreme Court, is repealed.

(2) The table of sections of chapter 57 of such title 28 is amended by striking out—

"952. Bonds of clerks and deputies.".

(f)(1) The second paragraph of section 954 of title 28, United States Code, relating to the default or misfeasance of a deputy in connection with the bond of a deceased clerk of a Federal court, is repealed.

(2) The section heading of such section 954, and the item relating to such section 954 in the table of sections of chapter 57 of such title 28, each is amended by striking out "and remedies against".

TITLE 32, UNITED STATES CODE

SEC. 207. Section 708(b)(1) of title 32, United States Code, relating to the bond required of property and fiscal officers of the National Guard, is repealed.

TITLE 35, UNITED STATES CODE

SEC. 208. (a) Section 5 of title 35, United States Code, relating to the bond required of the Commissioner of Patents and other officers of the Department of Commerce, is repealed.

(b) The table of sections of chapter 1 of such title 35 is amended by striking out—

"5. Bond of Commissioner and other officers.".

TITLE 38, UNITED STATES CODE

SEC. 209. Section 4204(4) of title 38, United States Code, relating to fidelity bonds of employees of the Veterans' Canteen Service, is amended by striking out "and premiums on fidelity bonds of employees".

TITLE 44, UNITED STATES CODE

SEC. 210. (a)(1) The last sentence of section 301 of title 44, United States Code, relating to the bond of the Public Printer, is repealed.

(2) The section heading of such section 301 is amended by striking out "; bond".

(3) The item relating to section 301 in the table of sections of chapter 3 of such title 44 is amended by striking out "; bond".

(b) Section 308(b) of title 44, United

States Code, relating to the bond of a disbursing officer of the Government Printing Office, is amended—

(1) by striking out in the first sentence ", his estate, or the surety on his official bond," and inserting in lieu thereof "or his estate"; and

(2) by striking out in the second sentence "and the sureties upon his bond are" and inserting in lieu thereof "is".

Part 2—Changes in Provisions of Law Contained in Titles of the United States Code Not Enacted as Positive Law

TITLE 2, UNITED STATES CODE

Sec. 220. (a) Section 57 of the Revised Statutes (2 U.S.C. 65), relating to the bond of the Secretary of the Senate, is repealed.

(b) Section 58 of the Revised Statutes (2 U.S.C. 75), relating to the bond of the Clerk of the House of Representatives, is repealed.

(c) Section 59 of the Revised Statutes (2 U.S.C. 65 and 75), relating to the depositing of the bonds of the Secretary of the Senate and the Clerk of the House of Representatives, is repealed.

(d) Sections 4 and 5 of the Act entitled "An Act defining certain duties of the Sergeant at Arms of the House of Representatives, and for other purposes", approved October 1, 1890 (26 Stat. 645, 646; 2 U.S.C. 82), relating to the bond of the Sergeant at Arms of the House of Representatives, is repealed.

(e) Section 5 of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes", approved March 2, 1895 (28 Stat. 897, 2 U.S.C. 82), is amended by striking out the second, third, and fourth paragraphs.

(f) The last sentence in the fourth paragraph under the center heading "Library of Congress" and with the side heading "Custody, Care, and Maintenance of Library Building and Grounds" in the first section of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes", approved February 19, 1897 (29 Stat. 546; 2 U.S.C. 136, second sentence), relating to the bond of the Librarian of Congress, is repealed.

(g) The last paragraph under the heading "Senate" in the First Deficiency Act, fiscal year 1926 (84 Stat. 810; 2 U.S.C. 64a), relating to the bond of the Financial Clerk of the Senate in case of the death, resignation, or disability of the Secretary of the Senate, is amended by striking out ", under his bond as Financial Clerk,".

(h) That part of the Act entitled "An Act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof", approved May 11, 1928 (45 Stat. 497; 2 U.S.C. 142a), which reads ": *Provided,* That the person who shall disburse the appropriations for the Library of Congress and the Botanic Garden shall give bond payable to the United States in the sum of $30,000, with sureties approved by the Secretary of the Treasury for the faithful discharge of his duties", is repealed.

(i) Section 7 of the Legislative Branch Appropriation Act, 1943 (56 Stat. 350; 2 U.S.C. 75a), relating to the bond of the Clerk of the House of Representatives and the disbursing clerk of the House, is amended—

(1) by striking out in the third sentence ", his estate, or the sureties on his official bond," and inserting in lieu thereof "or his estate";

(2) by striking out in such third sentence "but such disbursing clerk and his sureties shall be responsible therefor under their bond" and inserting in lieu thereof "but such disbursing clerk shall be responsible therefor"; and

(3) by striking out the last two sentences which read as follows:

"The bond for the disbursing clerk of the House of Representatives shall be in the same amount as the bond required of the Clerk of the House of Representatives. The Secretary of the Treasury may, from time to time, require such disbursing clerk to renew his bond to the United States.".

(j) Section 105(n) of the Legislative Branch Appropriation Act, 1957 (70 Stat. 372; 2 U.S.C. 123b(n)), relating to the bonds of the Director of the House Recording Studio and the Director of the Senate Recording Studio, is repealed.

(k) Clause (2) of that part of the first section, preceding the first proviso in that section, of the Act entitled "An Act to fix the responsibilities of certifying officers and disbursing officer of the Library of Congress", approved June 13, 1957 (71 Stat. 81; 2 U.S.C. 142b), which reads "(2) be required to give bond to the United States, with good and sufficient surety approved by the Secretary of the Treasury, in such amount as may be determined by the Librarian of Congress, pursuant to standards prescribed by the Secretary of the Treasury, and under such conditions as may be prescribed by the Secretary of the Treasury;", is repealed.

TITLE 7, UNITED STATES CODE

Sec. 221. (a) Section 524 of the Revised Statutes (7 U.S.C. 2216), relating to the bond of the chief clerk of the Department of Agriculture, is repealed.

(b) Section 507(a) of the Federal Crop Insurance Act (52 Stat. 73; 7 U.S.C. 1507(a)), relating to the personnel of the Federal Crop Insurance Corporation, is amended—

(1) by inserting "and" immediately before "delegate"; and

(2) by striking out ", require bond of such of them as he may designate, and fix the penalties and pay the premiums of such bonds".

TITLE 11, UNITED STATES CODE

Sec. 222. (a) Section 50 of the Bankruptcy Act (30 Stat. 558; 11 U.S.C. 78), relating to the bonds of referees, receivers, and trustees, is amended—

(1) by striking out subsection (a), relating to the bonds of referees;

(2) by striking out "referees," in subsection (g);

(3) by striking out "referees," in subsection (h);

(4) by striking out "referee," in subsection (k); and

(5) by striking out subsection (1), relating to the period during which proceedings may be brought upon referees' bonds.

(b) Notwithstanding the amendment made by subsection (a) (5) of this section, proceedings upon referees' bonds procured before the date of enactment of this Act and in effect on such date may be brought at any time during the period ending two years after the alleged breach of the bond, but not thereafter.

TITLE 12, UNITED STATES CODE

Sec. 223. (a) Section 326 of the Revised Statues (12 U.S.C. 3), relating to the oath and bond of the Comptroller of the Currency, is amended by striking out "; and he shall give to the United States a bond in the penalty of $250,000, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office".

(b) Section 327 of the Revised Statutes (12 U.S.C. 4), relating to the Deputy Comptroller of the Currency, is amended by striking out ", and give the United States a surety bond in the penalty of $100,000, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office,".

(c) Section 309(d) of the National Housing Act (68 Stat. 621; 12 U.S.C. 1723a(d)), relating to the personnel of the Government National Mortgage Association, is amended by striking out "Bonds may be required for the faithful performance of their duties, and the Association may pay the premiums therefor.".

TITLE 15 UNITED STATES CODE

Sec. 224. (a) Section 5(a) of the Small Business Act (72 Stat. 385; 15 U.S.C. 634(a)), relating to the general powers of the Small Business Administration, is amended by striking out "to provide bonds for them in such amounts as the Administrator shall determine;".

(b) Section 10 of the Commodity Credit Corporation Charter Act (62 Stat. 1073; 15 U.S.C. 714h), relating to the executive staff of the Commodity Credit Corporation, is amended by striking out—

(1) ", require that such of them as he may designate be bonded and fix the penalties therefor"; and

(2) "The Corporation may pay the premium of any bond or bonds."

TITLE 16, UNITED STATES CODE

Sec. 225. (a) Section 3 of the Tennessee Valley Authority Act of 1933 (48 Stat. 59; 16 U.S.C. 831b), relating to personnel of the Tennessee Valley Authority, is amended by striking out "require bonds of such of them as the board may designate,".

(b) Section 4(f) of such Act (48 Stat. 60; 16 U.S.C. 831c(f)), relating to the bonds of the treasurer and assistant treasurers of the Tennessee Valley Authority, is amended by striking out ", which treasurer and assistant treasurers shall give such bonds for the safekeeping of the securities and moneys of the said Corporation as the Board may require".

TITLE 19, UNITED STATES CODE

Sec. 226. Sections 2619 and 2620 of the Revised Statutes (19 U.S.C. 31, 32), relating to the bonds of customs officers and authorizing regulations therefor, are repealed.

TITLE 22, UNITED STATES CODE

Sec. 227. (a) Section 1735 of the Revised Statutes (22 U.S.C. 1199), relating to the liability of consular officers for neglect or malfeasance generally, is amended—

(1) by striking out "and his sureties upon his official bond" and "of the penalty" in the first sentence thereof; and

(2) by striking out ", under such bond," in the last sentence thereof.

(b) Section 35 of the Act entitled "An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor", approved February 23, 1931 (46 Stat. 1216; 22 U.S.C. 813), is amended—

(1) by striking out "bonded" immediately before "officers" in the fourth sentence thereof; and

(2) by striking out the sixth sentence thereof which reads as follows:

"Said district accounting and disbursing officers and their agents shall be bonded respectively to the United States for the faithful performance of their duties in such penal amounts as the President may require.".

(c) Section 1011 of the Foreign Service Act of 1946 (22 U.S.C. 808), relating to bonds of officers and employees of the Foreign Service, is repealed.

(d) Section 239(d) of the Foreign Assistance Act of 1961, as added by the Foreign Assistance Act of 1969 (83 Stat. 816; 22 U.S.C. 2199(d)), relating to the general powers of the Overseas Private Investment Corporation, is amended by striking out "to require bonds of officers, employees, and agents and pay the premiums therefor;".

TITLE 24, UNITED STATES CODE

SEC. 228. (a) Section 7 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes", approved March 3, 1883 (22 Stat. 565; 24 U.S.C. 43), relating to the bond of the treasurer of the Soldiers' Home, is amended by striking out ", and the treasurer of the home shall be required to give a bond in the penal sum of $20,000 for the faithful performance of his duty".

(b) Section 4839 of the Revised Statutes (35 Stat. 592; 24 U.S.C. 165), relating to the bonds of the superintendent and disbursing clerk of Saint Elizabeths Hospital, is amended—

(1) by striking out ", and shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Secretary of Health, Education, and Welfare" in the first sentence thereof; and

(2) by striking out "who shall give a bond satisfactory to the Secretary of Health, Education, and Welfare," in the second sentence thereof.

(c) The second paragraph under the subheading "Saint Elizabeths Hospital" under the general heading "Department of the Interior" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes", approved June 5, 1920 (41 Stat. 920; 24 U.S.C. 166), is amended by striking out "who shall give a bond satisfactory to the Secretary of Health, Education, and Welfare, and".

TITLE 25, UNITED STATES CODE

SEC. 229. (a) Section 2075 of the Revised Statutes (25 U.S.C. 51), which reads "Sec. 2075. The President may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of Indian affairs.", is repealed.

(b) Section 4 of the Act entitled "An Act to legalize the deed and other records of the Office of Indian Affairs, and to provide and authorize the use of a seal by said office", approved July 26, 1892 (27 Stat. 273; 25 U.S.C. 7), is amended by striking out "who shall give bond in the sum of one thousand dollars,".

(c) The Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes," approved April 21, 1904 (33 Stat. 191; 25 U.S.C. 66, 52a), is amended—

(1) by striking out, in the twenty-fifth paragraph under the center heading "Current and Contingent Expenses", the sentence relating to the bond of superintendents of Indian training schools which reads "And the superintendent upon whom such duties devolve shall give a bond as other Indian agents."; and

(2) by striking out, in the thirty-second paragraph under the center heading "Current and Contingent Expenses", the proviso which reads ": *Provided*, That hereafter when it becomes necessary to make large per capita payments to Indians, the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, is hereby authorized to require any disbursing officer of the Indian Department to file a special bond in such amount as may be necessary to make such payment in one installment, the expenses incurred in procuring such special bond to be paid by the United States from this appropriation".

(d) Title II of the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and eight", approved March 1, 1907 (34 Stat. 1020; 25 U.S.C. 66), is amended by striking out in the first paragraph thereof the following: "And the superintendent upon whom such duties devolve shall give a bond as other Indian agents."

(e) The second paragraph under the subheading "Secretary" under the general heading "I. General Provisions" in the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and nine", approved April 30, 1908 (35 Stat. 71; 25 U.S.C. 52), which reads—

"Hereafter when the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Commissioner of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults of the principal which may be done or committed from and after the day on which the new bond was approved." is repealed.

(f) The proviso in the second paragraph under the center heading "Advertisement for Sale of Indian Lands (Reimbursable)" in the Act entitled "An Act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921", approved February 14, 1920 (41 Stat. 414; 25 U.S.C. 53), is amended—

(1) by striking out "the official bond given by the disbursing agent to the United States shall be held to cover and apply to the acts of the employees authorized to act in his place, who shall give bond to the disbursing agent in such sums as the latter may require, and with respect to any and all acts performed by him while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents."; and

(2) by inserting in lieu thereof "such clerk, while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents.".

TITLE 26, UNITED STATES CODE

SEC. 230. (a) Section 6803(a) of the Internal Revenue Code of 1954, relating, in part, to bonds for postmasters who are furnished certain stamps and other devices, is repealed.

(b) Section 7101 of such Code, relating to the form of certain bonds, is amended by striking out "sections 7485 and 6803(a)(1)" and by inserting in lieu thereof "section 7485".

(c) Section 7103(e) of such Code, relating to cross references to provisions for personnel bonds, is repealed.

(d) Section 7402(d) of such Code, relating to actions brought on the official bond of certain internal revenue officers or employees, is repealed.

(e) Section 7803(c) of such Code, relating to the bonds of internal revenue officers and employees, is repealed.

TITLE 31, UNITED STATES CODE

SEC. 231. (a) The first sentence of section 176 of the Revised Statutes (31 U.S.C. 419–1), relating to the bonds of disbursing clerks of executive departments, is amended by striking out "; and shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Secretary of the Treasury, and with sureties to the satisfaction of the General Counsel for the Department of the Treasury; and shall from time to time renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct".

(b) Section 302 of the Revised Statutes (31 U.S.C. 142), relating to the bond of the Treasurer of the United States, is repealed.

(c) Section 304 of the Revised Statutes (49 Stat. 1238, 68 Stat. 496; 31 U.S.C. 144) is amended by striking out ": *Provided, however*, That no appointments shall be made under the provisions of this section until the official bond given by the Treasurer shall be made in terms to cover and apply to the acts and defaults of every person appointed hereunder".

(d) Section 375 of the Revised Statutes (31 U.S.C. 1012), relating to false reports of collectors with respect to bonds delivered for suit, is repealed.

(e) Section 378 of the Revised Statutes (31 U.S.C. 1013), relating to the report of the General Counsel for the Department of the Treasury to the officer from whom a bond was received, is repealed.

(f) Section 3501 of the Revised Statutes (31 U.S.C. 270), relating to the bonds of certain officers, assistants, and clerks in the Bureau of the Mint, Department of the Treasury, is repealed.

(g) Section 3555 of the Revised Statutes (31 U.S.C. 281), relating to officers of the New York assay office, Bureau of the Mint, is amended by striking out "the oaths to be taken, and the bonds and sureties to be given by them," and inserting in lieu thereof "and the oaths to be taken,".

(h) Section 3600 of the Revised Statutes (31 U.S.C. 475), relating to the bonds of officers in mints or assay offices authorized by law to act as depositaries, is repealed.

(i) Section 3613 of the Revised Statutes (31 U.S.C. 480), relating to certain deputies in the Department of the Treasury, is amended by striking out the second sentence thereof which reads as follows: "The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases.".

(j) Section 3614 of the Revised Statutes (31 U.S.C. 481), relating to the bonds of special agents employed by departments, is repealed.

(k) Section 3625 of the Revised Statutes (31 U.S.C. 506), relating to distress warrants against sureties of certain officials who receive public moneys and fail to render proper account and payment, is amended—

(1) by striking out "and his sureties" wherever such words occur in the first sentence thereof;

(2) by striking out, in such first sentence, the word "reside" and inserting in lieu thereof the word "resides";

(3) by amending the second sentence thereof to read as follows:

"Where the officer resides in a district other than that in which his estate may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively.".

(l) Section 3628 of the Revised Statutes (31 U.S.C. 509), relating to the execution of a distress warrant against the sureties of a delinquent finance officer, is repealed.

(m) Section 3629 of the Revised Statutes (31 U.S.C. 510), relating to liens on lands of delinquent officers and their sureties, is amended by striking out "and his sureties" and "or them".

(n) Section 3630 of the Revised Statutes (31 U.S.C. 511), relating to the sale of lands of delinquent officers and their sureties, is amended by striking out "or his sureties," and "and his sureties".

(o) Section 3631 of the Revised Statutes (31 U.S.C. 512), relating to the validity of the conveyance by a United States marshal of lands of a delinquent officer and his sureties, is amended by striking out "or his sureties".

(p) Section 3632 of the Revised Statutes (31 U.S.C. 513), relating to the return to a delinquent officer or his surety of moneys in excess of amounts needed to satisfy distress warrants, is amended by striking out "or surety, as the case may be".

(q) Section 3634 of the Revised Statutes (31 U.S.C. 516), applying the distress-warrant provisions of the Revised Statutes to all Government officers charged with disbursement of public money and to their sureties, is amended—

(1) by striking out "and to their sureties,"; and

(2) by striking out "they" and inserting in lieu thereof "he".

(r) Section 3639 of the Revised Statutes (31 U.S.C. 521), relating to the duties of officers who are custodians of the public money, is amended by striking out the last sentence thereof which reads as follows: "The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all United States attorneys, collectors of customs, comptrollers of customs, and surveyors of customs, Navy agents, Quartermaster General, registers of public lands, paymasters in the Army, and by all other officers employed in the disbursement of the public moneys, under the direction of the Department of the Army or the Navy Department.".

(s)(1) Section 3646(a) of the Revised Statutes (31 U.S.C. 528(a)), relating to issuance by the Secretary of the Treasury of duplicate checks for lost, stolen, destroyed, mutilated, or defaced original checks, is amended by striking out "or his sureties" wherever such words occur in the proviso contained therein.

(2) The last sentence of section 3646(c) of the Revised Statutes (31 U.S.C. 528(c)) is amended by striking out "or his sureties" wherever such words occur in such sentence.

(t) The second proviso under the heading "United States Courts" and with the side heading "Payment of fees in postal cases" contained in the Act entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for prior years, and for other purposes", approved February 26, 1896 (29 Stat. 25; 31 U.S.C. 110), which reads "; *Provided further,* That hereafter all fees for United States attorneys, marshals, clerks of courts and special counsel necessarily employed in prosecuting civil suits instituted by the Auditor for the Post Office Department through the Solicitor of the Treasury against the sureties on the official bonds of late postmasters, as provided for by section two hundred and ninety-two, Revised Statutes of the United States, shall be paid from the appropriations for expenses of the United States Courts", is repealed.

(u) The second proviso under the heading "Miscellaneous" and with the side heading "Silk Investigations" contained in the Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and three", approved June 3, 1902 (32 Stat. 303; 31 U.S.C. 533), which reads "*And provided further,* That advances of public money from the appropriations for the Department of Agriculture shall be made by the Secretary of Agriculture only to such chiefs of field parties, agricultural explorers, special agents, and others as shall have given bonds in such sums as the Secretary of Agriculture shall direct", is repealed.

(v) That part of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 259; 31 U.S.C. 534), relating to bonds required of chiefs of field parties who are advanced public moneys for fighting forest fires, which is under the heading "Forest Service" and with the side caption "General Expenses, Forest Service", and which reads "and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the General Accounting Office;" is amended by striking out ", who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct,".

(w) Section 8 of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes", approved March 4, 1909 (35 Stat. 1027; 31 U.S.C. 494), relating to the bond of an acting disbursing officer in case of sickness or absence of disbursing clerk or disbursing agent, is amended—

(1) by striking out the second sentence thereof which reads as follows:

"The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases.";

and

(2) by striking out in the third sentence thereof the following: ", and such acting officer shall be required by the head of the department, independent bureau, or office to give bond to and in such sums as the disbursing clerk or disbursing agent may require".

(x) The paragraph under the heading "Treasury Department" and the sideheading "Offices of disbursing clerks" in the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eleven, and for other purposes", approved June 17, 1910 (36 Stat. 487; 31 U.S.C. 1015), relating to the bond of the deputy disbursing clerk of the Treasury Department, is amended—

(1) by striking out "he shall give bond to the disbursing clerk in such sum as the said disbursing clerk may require,"; and

(2) by striking out ", and the official bond of the disbursing clerk executed hereunder shall be made to cover and apply to the acts of the deputy disbursing clerk".

(y) The first paragraph immediately above the center heading "Life Saving Service" and with the sideheading "Compensation for disbursements restricted to bonded appointees" contained in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and twelve, and for other purposes", approved March 4, 1911 (36 Stat. 1387; 31 U.S.C. 546), is amended by striking out "and who have qualified by giving bonds".

(z) The first proviso under the heading "Department of Commerce" and under the subheading "Coast and Geodetic Survey" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes", approved July 1, 1918 (40 Stat. 688; 31 U.S.C. 550), relating to the bond required of chiefs of parties under the Coast and Geodetic Survey who are advanced public moneys, is amended by striking out ", who shall give bond under such rules and regulations and in such sum as the Secretary of Commerce may direct,".

(aa) The Act entitled "An Act making appropriations for the Diplomatic and Consular Service for fiscal year ending June thirtieth, nineteen hundred and nineteen", approved April 15, 1918 (40 Stat. 523; 31 U.S.C. 535), and the Act entitled "An Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922", approved March 2, 1921 (41 Stat. 1210; 31 U.S.C. 535), relating to the bond required of the commissioner on the part of the United States who is advanced public moneys in connection with activities regarding the United States-Canada boundary, which is under the heading "Boundary Line, Alaska and Canada, and The United States and Canada", are each amended by striking out in the first proviso thereto the following:", who shall give bond under such rules and regulations and in such sum as the Secretary of State may direct,".

(bb) The Act entitled "An Act to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies", approved July 3, 1926 (44 Stat. 888; 31 U.S.C. 103a), is amended—

(1) by striking out "and the consent of their surety or sureties, if any"; and

(2) by striking out ": *Provided,* That every deputy so designated for a disbursing officer who is bonded shall, if not already under bond, give bond as required by the head of the department concerned".

(cc) Section 2 of the Act entitled "An Act to fix the responsibilities of disbursing and certifying officers, and for other purposes", approved December 29, 1941 (55 Stat. 875; 31 U.S.C. 82c), is amended by striking out "(2) be required to give bond to the United States, with good and sufficient surety approved by the Secretary of the Treasury, in such amount as may be determined by the head of the department, agency, or establishment concerned, pursuant to standards prescribed by the Secretary of the Treasury, and under such conditions as may be prescribed by the Secretary of the Treasury; and (3)" and inserting in lieu thereof "and (2)".

(dd) The Act entitled "An Act to provide for the orderly transaction of the public business in the event of the death or of the resignation or separation from office of the Chief Disbursing Officer", approved December 24, 1942 (61 Stat. 717; 31 U.S.C. 1014), is amended—

(1) by striking out in the third sentence "his estate, or the surety on his official bond" and inserting in lieu thereof "or his estate";

(2) by striking out in such third sentence ", and his surety," and "under his bond"; and

(3) by striking out the last two sentences which read as follows:

"The bond of the Acting Chief Disbursing Officer or acting regional disbursing officer shall be an amount at least equal to the minimum amount of the bond required of the Chief Disbursing Officer or the regional disbursing officer, respectively. The Secretary of the Treasury may, from time to time, require the Assistant Chief Disbursing Officer, or the assistant regional disbursing officer, to renew and increase his bond to the United States.".

(ee) The first proviso in the Act entitled "An Act to limit the time within which the General Accounting Office shall make final settlement of the monthly or quarterly accounts of fiscal officers, and for other purposes", approved May 19, 1947 (61 Stat. 101;

31 U.S.C. 82i), is amended by striking out "or his surety".

(ff) The Act entitled "An Act to provide for the orderly transaction of the public business in the event of the death, incapacity, or separation from office of a disbursing officer of the military department", approved July 31, 1953 (67 Stat. 296; 31 U.S.C. 103b), is amended—

(1) by striking out in the third sentence ", his estate, or the surety on his official bond," and inserting in lieu there "or his estate";

(2) by striking out in such third sentence "and his surety," and "under his bond"; and

(3) by striking out the last two sentences thereof which read as follows:

"The bond of the deputy disbursing officer shall be an amount at least equal to the minimum amount of the bond required of the disbursing officer. The Secretary of the military department concerned may, from time to time, require the deputy disbursing officer to renew and increase his bond to the United States.".

(gg) The proviso contained in the first section of the Act entitled "An Act to provide for sundry administrative matters affecting the Federal Government, particularly the Army, Navy, Air Force, and State Department, and for other purposes", approved June 4, 1954 (68 Stat. 176; 31 U.S.C. 95b), is amended by striking out "disbursing officer, agent, or surety of the United States" and inserting in lieu thereof "disbursing officer or agent of the United States".

TITLE 33, UNITED STATES CODE

Sec. 232. Section 4(a)(7) of the Act entitled "An Act for creation of the Saint Lawrence Seaway Development Corporation to construct part of the Saint Lawrence Seaway in United States territory in the interest of national security; authorizing the Corporation of consummate certain arrangements with the Saint Lawrence Seaway Authority of Canada relative to construction and operation of the seaway; empowering the Corporation to finance the United States share of the seaway cost on a self-liquidating basis; to establish cooperation with Canada in the control and operation of the Saint Lawrence Seaway; to authorize negotiations with Canada of an agreement on tolls; and for other purposes", approved May 13, 1954 (68 Stat. 94; 33 U.S.C. 984(a)(7)), relating to the power of Corporation to require fidelity bonds of its employees, is amended—

(1) by inserting "and" immediately before "delegates"; and

(2) by striking out ", require bonds of such of them as the Administrator may designate, and fix the penalties and pay the premiums on such bonds".

TITLE 47, UNITED STATES CODE

Sec. BCC. The Act entitled "An Act to authorize payment of expenses of the Washington-Alaska Military Cable and Telegraph System out of receipts of such system as an operating expense", approved May 20, 1926 (44 Stat. 576; 47 U.S.C. 16), is amended by striking out "; and the expenses of procuring necessary official bonds, as determined by the Secretary of the Army, of enlisted men employed in connection with such money transfers, shall be paid out of the receipts of such system as an operating expense".

TITLE 48, UNITED STATES CODE

Sec. 234. Section 4(1) of the Virgin Islands Corporation Act (63 Stat. 352; 48 U.S.C. 1407c(1)), relating to personnel of the Virgin Islands Corporation, is amended—

(1) by inserting "and" immediately before "without regard to the provisions of any other law," and

(2) by striking out "; and to require bonds from such of them as the Corporation may designate, the premiums therefore to be paid by the Corporation".

TITLE 50 APPENDIX, UNITED STATES CODE

Sec. 235. Section 6 of the Act entitled "An Act to define, regulate, and punish trading with the enemy, and for other purposes", approved October 6, 1917 (40 Stat. 415; 50 App. U.S.C. 6), relating to the bond of the alien property custodian, is amended by striking out "The alien form and amount, and with such security as the President property custodian shall give such bond or bonds, and in such shall prescribe.".

Part 3—Changes in Provisions of Law Contained in the Canal Zone Code

TITLE 2, CANAL ZONE CODE

Sec. 240. Section 121(a) of title 2 of the Canal Zone Code (76A Stat. 15; 2 C.Z.C. 121 (a)), relating to the bonds of certain personnel of the Panama Canal Company, is amended—

(1) by inserting "and" after the semicolon in paragraph (1);

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

Part 4—General Repeal Provision

GENERAL REPEALER

Sec. 250. All laws or parts of laws not amended or repealed by part 1, 2, or 3 of this title and providing for surety or fidelity bonds for civilian employees and military personnel of the Federal Government for the faithful performance of their duties are repealed.

Part 5—Reenactment of Former Provision of Title 6, United States Code

NOTIFICATION OF DEFICIENCIES INCURRED BY FEDERAL OFFICIALS

Sec. 260. Whenever any deficiency is discovered in the accounts of any official of the United States or in the accounts of any officer disbursing or chargeable with public money, the accounting officers making such discovery shall notify immediately the head of the department having control over the affairs of such official or officer of the nature and amount of such deficiency.

With the following committee amendments:

Page 2, line 6, strike out "and" and insert "or".

Page 8, line 7, strike out "branches" and insert "branch".

Page 10, line 2, strike out "897" and insert "807;".

Page 19, line 13, strike out "a".

Page 20, line 7, strike out "thereof" and insert "under the heading 'Indian Agents—Proviso' ".

Page 20, line 9, strike out "a".

Page 21, line 14, strike out "employees" and insert "employee".

Page 27, lines 10 and 11, strike out "and with the side heading 'Payment of fees in postal cases' ".

Page 31, line 24, strike out "visio" and insert "viso".

Page 36, strike out lines 13 and 14 and insert the following:

(1) by inserting "and" immediately before "without regard to the provisions of any other law," and

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO THE CHARTER OF THE PACIFIC TROPICAL BOTANICAL GARDEN

The Clerk called the bill (H.R. 9135) to amend the Act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden.

There being no objection, the Clerk read the bill as follows:

H.R. 9135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Act entitled "An Act to charter by Act of Congress the Pacific Tropical Botanical Garden", approved August 19, 1964 (Public Law 88–449), is amended by striking out the second sentence.

Mr. MATSUNAGA. Mr. Speaker, I am pleased to express my support for H.R. 9135, a bill I authored and cosponsored, which would remove the limit on the number of trustees permitted to serve on the board of the Pacific Tropical Botanical Garden.

This measure, also sponsored by my distinguished colleague from Hawaii (Mrs. Mink), has been expeditiously brought to the floor for consideration through the efforts of the Judiciary Committee and its Subcommittee No. 4, chaired respectively by the gentleman from New York (Mr. Celler) and the gentleman from California (Mr. Edwards). I am grateful for their diligent efforts, and those of the other members of those panels.

Mr. Speaker, this is a simple bill to accomplish a simple purpose. In 1964, Congress passed a bill which I introduced and which granted a Federal charter to the Pacific Tropical Botanical Garden for the purpose of establishing for the American people an educational and scientific center in tropical botany and furthering research and study with regard to the uses of tropical botany in agriculture, forestry, horticulture, medicine, and other sciences. The garden is located on the Hawaiian island of Kauai, within walking distance from where I was born. Despite the Federal charter, no Federal funds, only private resources, have been expended for the development of the garden.

The 1964 charter establishes a maximum membership for the garden's board of trustees at 15. For a variety of reasons, the present board feels that the limitation should now be removed, and that is the sole purpose of H.R. 9135.

Representatives now serving on the board of trustees come from the Mid-Atlantic States, the District of Columbia, the Midwest, California, the Southwest, and Hawaii. In terms of interests and professions, the Board now has representatives of the medical profession, the business community, the education community, garden clubs, and nonprofit institutions. I shall offer for inclusion at the conclusion of my remarks a list of the current board members. Prudent expansion of the board would enable the garden to draw interest and support from a wider geographical and professional background, contributing inestimably to its further development.

Mr. Speaker, this is a relatively minor measure in terms of the often weighty matters which concern this House, but its approval and enactment would substantially improve the capacity of the Pacific Tropical Botanical Garden to achieve its worthy goals. I urge its unanimous passage.

I offer at this point a list of the present membership of the garden's board of trustees and a Honolulu Star-Bulletin editorial explaining the garden's work in the RECORD:

Pacific Tropical Botanical Garden

BOARD OF TRUSTEES, MARCH 1972

John Gregg Allerton, Lawai-Kai, Hawaii.
Robert O. Anderson, Roswell, New Mexico.
I. W. Colburn, Chicago, Illinois.
Harold J. Coolidge, Washington, D.C.
Lowell S. Dillingham, Honolulu, Hawaii.
Mrs. Nicholas R. du Pont, Greenville, Delaware.
Deane W. Malott, Chairman, Ithaca, New York.
Mrs. William Wood McCarthy, Honolulu, Hawaii.
Milton McGreevy, Kansas City, Missouri
H. Bruce Palmer, New York, New York.
S. Dillon Ripley, Washington, D.C.
Edward H. Rynearson, M.D., Rochester, Minnesota.
Herbert C. Shipman, Hilo, Hawaii.
Mrs. Gardiner Symonds, Houston, Texas.

[From the Honolulu Star-Bulletin, Feb. 15, 1971]

Nature Preserved

Off and growing on Kauai is an asset that is under-appreciated: The first unit of the congressionally-chartered Pacific Tropical Botanical Garden.

A 200-acre slice of the island adjoining and just mauka of the private 150-acre Allerton Gardens is to be preserved, hopefully, for all time—for garden development.

Here nature will be preserved instead of destroyed.

Here at a time of urgent concern over environment a very positive step has been taken entirely with private funds.

The 200 acres were acquired from McBryde Sugar Co. with a $1 million grant from the late Robert Allerton, whose lush gardens lie below the site.

Mr. Allerton was a Chicago resident who more than 30 years ago fell in love with Kauai and decided to use his considerable fortune to preserve and enhance a part of it.

His adopted son, John Allerton, now continues the development of the private gardens at sea level and is, as well, a leading worker for the Pacific Botanical Garden project on the high slopes.

On Jan. 30 the Pacific Botanical Garden administration headquarters at Lawai was officially dedicated and announcement was made of a national drive to raise $5.8 million to expand and enlarge the project so that the "mother garden" at Lawai will eventually have satellite gardens elsewhere in Hawaii and perhaps outside the State as well.

The project won a congressional charter in 1964 which gives it national recognition and assures its tax-exempt status but leaves its financing to private philanthropy.

The price of preserving nature, fortunately, is still on a square foot basis only a millionth of the cost of owning a painting by an old master—and much more rewarding to most.

On this basis it is hoped the appeal of the Botanic Garden will spread and that its national board of directors will manage to raise the funds to carry it forward and expand it.

At Lawai's dedication Thomas Jefferson was quoted on the importance of botanical gardens and mention was made of gardens elsewhere in the world that are hundreds of years old.

Lawai can well join this list. It is starting, under the direction of its scientific director, William S. Stewart, to immediately protect and preserve endangered Hawaiian plant species. It will move on from there to collect tropical plants which show indication of having medicinal value, and later will search out tropical plants of potential economic or ornamental value.

The emphasis, it will be noted, is on tropical—an area where Hawaii can make a unique contribution to the U.S. and where Lawai can make a special contribution to Hawaii.

Colin Lennox, former territorial forester, said at the dedication that there is no place in the world the size of Hawaii with such a diversity of plants and that Lawai is the best of all Hawaii sites for the "mother garden."

W. W. G. Moir, Mrs. Loy Marks and the late Mr. Allerton were singled out at the dedication as the Islanders who have had most to do with the creation of the garden.

They have rallied around them distinguished national and international support.

The project has been building for almost 18 years but finally is reality. It can be a monument to all its founders that can and should endure for centuries.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECALL OF RETIRED COURT OF CLAIMS COMMISSIONERS FOR TEMPORARY ASSIGNMENTS

The Clerk called the bill (H.R. 12979) to amend title 28, United States Code, to authorize the recall of retired commissioners of the U.S. Court of Claims for temporary assignments.

There being no objection, the clerk read the bill as follows:

H.R. 12979

Be it enacted by the Senate and House of Represented of the United States of America in Congress assembled, That the chapter analysis of chapter 51 of title 28, United States Code, is amended by adding thereto the following new catchline:

"797. Recall of retired commissioners."

SEC. 2. Chapter 51 of title 28, United States Code, is amended by adding thereto the following new section:

"§ 797. Recall of retired commissioners

"(a) Any commissioner who has retired from regular active service under the Civil Service Retirement Act shall be known and designated as a senior commissioner and may perform duties as a commissioner when recalled pursuant to subsection (b) of this section.

"(b) The United States Court of Claims, whenever it deems such action advisable, may recall any senior commissioner, with the latter's acquiescence, to perform such duties as a commissioner and for such period of time as the court may specify.

"(c) Any senior commissioner performing duties pursuant to this section shall not be counted as a commissioner for purposes of the number of commissioner positions authorized by section 792 of this title.

"(d) Any senior commissioner, while performing duties pursuant to this section, shall be paid the same allowances for travel and other expenses as a commissioner in active service. He shall also receive from the Court of Claims supplemental pay in an amount sufficient, when added to his civil service retirement annuity, to equal the salary of a commissioner in active service for the same period or periods of time. Such supplemental pay shall be paid in the same manner as the salary of a commissioner."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RENEWAL OF CERTAIN STAR ROUTE CONTRACTS

The Clerk called the bill (S. 1989) to amend title 39, United States Code, to provide for the renewal of certain star route contracts.

There being no objection, the Clerk read the bill as follows:

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5005(b)(2) of title 39, United States Code, is amended by inserting immediately after the word "holder" the words "or an individual performing the mail transportation services under such a contract".

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That section 5005(b)(2) of tite 39, United States Code, is amended by striking out 'holder' and inserting in lieu thereof 'contractor or subcontractor'."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DISPOSITION OF JUDGMENT FUNDS IN FAVOR OF MIAMI TRIBE OF OKLAHOMA AND THE MIAMI INDIANS OF INDIANA

The Clerk called the bill (H.R. 5199) to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255, 256, 124–C, D, E, and F, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Indians in the Commissioner's docket numbered 251–A, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 5199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of July 22, 1969 (83 Stat. 49), to pay judgments awarded to the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255, 256, 124 C, D, E, and F, and to the Miami Tribe of Oklahoma in the Commission's docket numbered 251 A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be distributed as provided in this Act.

SEC. 2. The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act.

Sec. 3. The Secretary of the Interior shall bring current to the date of this Act the roll prepared pursuant to section 4 of the Act of October 14, 1966 (80 Stat. 909), by (a) adding the names of children born to enrollees on or prior to and living on the date of this Act, (b) by adding the names of persons living on the date of this Act who were eligible for enrollment under said section 4 but were not enrolled, and the names of their children born on or prior to and living on the date of this Act, and (c) by deleting the names of persons who are deceased as of the date of this Act.

Sec. 4. An application for addition of a name to the roll pursuant to section 3 of this Act must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, on forms prescribed for that purpose. The determination of the Secretary regarding the eligibility of an applicant shall be final.

Sec. 5. On completion of the roll by the Secretary of the Interior, the balance of the funds appropriated to satisfy the judgments in dockets numbered 255, 256, 124 C, D, E, and F, and interest accumulated thereon, shall be distributed equally to the individuals enrolled.

Sec. 6. The funds on deposit in the Treasury of the United States to the credit of the Miami Tribe of Oklahoma that were appropriated by the Act of July 22, 1969 (83 Stat. 49), to pay a judgment by the Indian Claims Commission in docket numbered 251–A, together with the interest thereon, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body of the Miami Tribe of Oklahoma, and approved by the Secretary of the Interior.

Sec. 7. (a) Except as provided in subsection (b) of this section, the Secretary of the Interior shall distribute a per capita share payable to a living enrollee directly to such enrollee, and shall distribute a per capita share payable to a deceased enrollee directly to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons.

Sec. 8. Any part of such funds that may be distributed per capita shall not be subject to Federal or State income tax and shall not be subject to any lien, debt, or attorney fees except delinquent debts owed to the tribe or the United States.

Sec. 9. The Secretary of the Interior is authoried to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

With the following committee amendments:

Page 1, line 3, through Page 2, line 4, strike out all section 1 and insert in lieu thereof the following:

"That the funds appropriated by the Acts of July 22, 1969 (83 Stat. 49), and January 8, 1971 (84 Stat. 1981), to pay judgments awarded to the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and to pay a judgment awarded to the Miami Tribe of Oklahoma in docket numbered 251–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be distributed as provided in this Act."

Page 3, lines 1 through 5, strike out all of Section 5 and insert in lieu thereof the following:

"Sec. 5. On completion of the roll by the Secretary of the Interior, the balance of the funds appropriated to satisfy the judgments in dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and interest accumulated thereon, shall be distributed equally to the individuals enrolled."

Page 3, line 18, strike out "thall" and insert "shall".

Page 4, lines 4 through 8, strike out all of Section 8 and insert in lieu thereof the following:

"Sec. 8. None of the funds distributed under the provisions of this Act shall be subject to Federal or State income taxes."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 5199, as amended, is to authorize the distribution and use of four judgments in favor of the Miami Indians totaling in excess of $5.25 million.

A prior judgment in favor of the Miami Indians of Indiana and the Miami Tribe of Oklahoma has been distributed pursuant to a roll prepared under a 1966 statute—80 Stat. 909—and the pending bill provides that the 1966 roll will be brought up to date and used for the distribution of these new judgments. This roll is a descendancy roll covering about 3,066 Miami Indians of Indiana and 816 Miami Indians of Oklahoma. It will be updated by deleting the names of deceased persons, by adding the names of children born since 1966, and by adding the names of persons who were eligible for enrollment under the 1966 Act but were not enrolled.

The entire judgment fund will be distributed per capita to the Indians on the updated roll, with the exception of $10,000 which belongs exclusively to the Miami Tribe of Oklahoma and will be retained by the tribal organization.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes."

A motion to reconsider was laid on the table.

DISPOSITION OF JUDGMENT FUNDS OF THE OSAGE TRIBE OF INDIANS OF OKLAHOMA

The Clerk called the bill (H.R. 7093) to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma.

There being no objection, the Clerk read the bill as follows:

H.R. 7093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized and directed to distribute per capita to all persons whose names appear on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior September 24, 1921, pursuant to the Act of June 28, 1906 (34 Stat. 539), all funds which were appropriated by the Act of January 8, 1971 (84 Stat. 1981), in satisfaction of a judgment that was obtained by the Osage Nation of Indians in the Indian Claims Commission against the United States in dockets numbered 105, 106, 107, and 108, together with interest thereon, except the sum of $1,000,000 and any funds that revert to the Osage Tribe to be expended for an education program or other programs beneficial to the Osage Tribe of Indians of Oklahoma under rules and regulations to be prescribed by the Secretary of the Interior and except the amount allowed for attorney fees and expenses and the cost of distribution.

(b) The Secretary of the Interior may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act.

Sec. 2. (a) Except as provided in subsections (b) and (c) of this section, a share or proportional share payable to a living original Osage allottee shall be paid to such allottee.

(b) A share of a deceased Osage allottee having died prior to or after the passage of this Act shall be distributed to his heirs of Osage Indian blood pursuant to an order determining heirs by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, and such distributions by the Secretary of the Interior shall be final and conclusive. In the event the heirs of Osage Indian blood of an Osage Indian having died prior to or after the passage of this Act have not been determined by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, such share shall be distributed to the heirs of Osage Indian blood upon the filing of proof of death and inheritance in accordance with the Oklahoma law of intestate succession in a form satisfactory to the Secretary of the Interior whose findings and determinations upon such proof shall be final and conclusive: *Provided*, That when a person of Osage Indian blood receives an amount totaling less than $20 from one or more shares of one or more Osage allottees, that amount shall not be distributed to the individual, but will revert to the Osage Tribe.

(c) A share or proportional share payable to a person of Osage Indian blood under eighteen years of age and any person under guardianship pursuant to an order of a court of competent jurisdiction notwithstanding the fact he has received a certificate of competency shall be disbursed under rules and regulations to be prescribed by the Secretary of the Interior.

Sec. 3. All claims for per capita shares by heirs of Osage Indian blood shall be filed with the Superintendent, Osage Agency, Pawhuska, Oklahoma, not later than eighteen months from the date of approval of this Act. Thereafter, all claims and the right to file same shall be forever barred and the unclaimed shares shall revert to the Osage Tribe. Unclaimed shares of distributees shall revert to the Osage Tribe six months after determination by the Secretary of the Interior of their right to share.

Sec. 4. No part of any funds which may be distributed under this Act shall be subject to Federal and State income tax, nor subject to any lien, debt, or claim of any nature whatsoever against the Osage Tribe or individual Indian. Payments made under this Act shall not be held to be "other income and resources" as defined by the Social Security Act, laws relating to pensions and benefits payable to veterans, and pensions and benefits paid by any State.

Sec. 5. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendments:

Page 1, line 6, strike out "September 24, 1921," and insert in lieu thereof "April 11, 1908,".

Page 2, lines 4 to 7, strike out "to be expended for an education program or other programs beneficial to the Osage Tribe of Indians of Oklahoma under rules and regulations to be prescribed by the Secretary of the Interior."

Page 2, following line 9, insert a new subsection (b) as follows, and reletter the succeeding subsection accordingly:

"(b) The sum of $1,000,000 plus any funds that revert to the Osage Tribe may be advanced, expended, invested, or reinvested for the purpose of financing an education program or other socioeconomic programs of benefit to the Osage Tribe of Indians of Oklahoma, such programs to be administered as authorized by the Secretary of the Interior."

Page 4, lines 3 to 10, strike out all of Section 4 and insert in lieu thereof:

"SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 7093 is to authorize the distribution of a $13,250,000 Osage judgment. All except $1,000,000 will be distributed per capita. The $1,000,000 will be used for education and other tribal programs.

The judgment is final and the money has been appropriated. There is a dispute, however, about how the per capita distribution should be made. The Osage Tribe has a closed roll that was prepared in 1908. The bill provides that the money will be distributed equally among the persons who are on that roll. A living enrollee will take his full share. The share of a deceased enrollee will go to his Osage heirs, regardless of the amount of Osage blood they have. An heir who is not an Osage is excluded. Under this plan all living Osages will not share. The children and grandchildren of their living heir will be excluded, because they are not heirs of the deceased enrollee.

The alternative urged by some of the Osage Indians is to prepare a new roll of all living Osages of one-quarter degree blood, or more, and to distribute the judgment among them equally. The official tribal organization and the Department of the Interior oppose this alternative.

The 1908 roll has the names of 2,229 persons. Only 447 are alive. These 447 living enrollees have 2,384 descendants, who will not be able to share in the judgment through their living ancestor. Some of them may, however, be able to qualify as the heirs of deceased enrollees.

In addition to the 447 living enrollees and their 2,384 descendants, the descendants of the deceased enrollees number 5,413. The total Osage population is 8,244. The available information does not show how many of these 5,413 may qualify as heirs. Many of them are children and will not qualify because their parents are living. Some of the children may, however, qualify as heirs of other deceased relatives.

The amounts of the per capita payments will vary widely, depending upon whether the individual is a sole heir or one of multiple heirs of a deceased enrollee. Some of the 447 living enrollees, who are entitled to a full share, may also be heirs of deceased enrollees.

Mr. EDMONDSON. Mr. Speaker, H.R. 5199 authorizes the long over-due distribution of over $5.25 million in funds awarded the Miami Indian Tribe. For more than 2 years, members of the tribe in my own State have anxiously been waiting for the Congress to determine the method for payment of the awards, and I believe the bill which we have before us will help to expedite that payment. The Subcommittee on Indian Affairs, as well as the full House Interior Committee, have unanimously recommended passage of H.R. 5199, and I urge its adoption at this time.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PREPARATION OF A ROLL OF PERSONS OF CALIFORNIA INDIAN DESCENT AND THE DISTRIBUTION OF CERTAIN FUNDS

The Clerk called the bill (H.R. 12404) to amend section 5 of the act of September 21, 1968—82 Stat. 860—relating to preparation of a roll of persons of California Indian descent and the distribution of certain funds.

There being no objection, the Clerk read the bill as follows:

H.R. 12404

Be it enacted by the Senate and House of Representatives of the United States America in Congress assembled, That section 5 of the Act of September 21, 1968 (82 Stat. 860), is hereby amended by deleting the dollar figure of $325,000, in the last sentence and substituting the dollar figure of $475,000.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 12404 is to increase by $150,000 the ceiling on the amount of money that may be spent in compiling a roll of California Indians for the purpose of distributing a $29,100,000 judgment. The cost of preparing the roll is paid out of the judgment.

A 1968 statute (82 Stat. 860) directed the Secretary of the Interior to prepare a roll of the Indians of California for the purpose of distributing the $29,100,000 judgment, but provided that the cost may not exceed $325,000.

The Bureau of Indian Affairs has reached this ceiling and has not finished the roll. The reasons are understandable because of the large number—more than 75,000—of applications that must be processed. By way of comparison, a California Indian roll prepared pursuant to the act of May 24, 1950, cost $245,000 and contained 36,094 names. The roll currently under preparation is a completely new roll, based on different eligibility standards, that will contain almost twice as many names, and that will be prepared under a consumer price index that increased from 81.6 in 1950 to 132.1 in 1969.

If the $325,000 ceiling on the use of the judgment fund to complete the roll is not raised, the money that is necessary to complete the roll wil' have to be appropriated from the general fund of the Treasury.

Mr. EDMONDSON. Mr. Speaker, I rise in support of H.R. 7093 and urge that it be passed. H.R. 7093 provides for the distribution of $13,250,000 in funds awarded members of the Osage Indian Tribe by the Indian Claims Commission nearly 2 years ago. The Subcommittee on Indian Affairs conducted public hearings on H.R. 7093 in November of 1971, and subsequently both the subcommittee and the full House Interior Committee unanimously recommended approval of the bill which is before us today. I believe members of the tribe are deserving of prompt and expeditious action from the Congress with respect to the funds which they have been awarded, and I urge that H.R. 7093 be approved without further delay.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING A COMMISSION ON REVISION OF JUDICIAL CIRCUITS

The Clerk called the bill (H.R. 7378) to establish a commission on revision of the judicial circuits of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know why we should establish another commission, what the full intent of the amendments are, and specifically why the additional expenditure when it would seem to me that the conference in being and the courts and their administrative mechanism could handle this problem.

Mr. Speaker, hearing no response, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LAND TRANSFER TO THE STATE OF TENNESSEE

The Clerk called the bill (H.R. 9676) to authorize the conveyance of certain lands of the United States to the State of Tennessee for the use of the University of Tennessee.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING RELEASE OF LAND TO STATE OF OREGON FOR HIGHWAY PURPOSES

The Clerk called the bill (H.R. 4634) to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway.

There being no objection, the Clerk read the bill as follows:

H.R. 4634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 2 of the Act of August 1, 1956, the Secretary of the Army is authorized and directed to release on behalf of the United States the condition in a deed dated November 9, 1956, conveying land in Clackamas County, Oregon, to the State of Oregon (as reflected on drawing 4540, filed with the district engineer, Seattle, Washington) which requires the land so conveyed to be used for military purposes only and provides for reversion of such land to the United States if at any time it ceases to be so used, but only with respect to a sixty-foot right-of-way cutting across the northeast corner of such land for a distance of approximately three hundred and forty feet, and only if the State of Oregon or an authorized agency of the State conveys such right of way (subject to section 2 of this Act) to Clackamas County to be used as a public highway to provide a direct intertie between Clackamas County Road 40 to the west and Mother Road to the east.

SEC. 2. The right-of-way conveyed to Clackamas County under the first section of this Act shall be used only as a public highway and for related purposes, and if such right-of-way at any time ceases to be so used, title thereto shall immediately revert to the United States, and, in addition, title to all improvements made by Clackamas County during its occupancy shall vest in the United States without payment of compensation therefor.

SEC. 3. The Secretary is authorized to impose such additional terms and conditions on the release and conveyance authorized by this Act as he deems necessary to protect the interests of the United States.

SEC. 4. The cost of any surveys necessary as an incident of the release and conveyance authorized by this Act shall be borne by the grantee.

With the following committee amendment:

Strike all after the enacting clause and substitute in lieu thereof, the following:

"That, notwithstanding the provisions of section 2 of the Act of August 1, 1956, the Secretary of the Army is authorized and directed to release or modify on behalf of the United States the reservation and conditions in a deed dated November 9, 1956, conveying land in Clackamas County, Oregon, to the State of Oregon (as reflected on drawing 4540, filed with the district engineer, Seattle, Washington) one of which requires the land so conveyed to be used for military purposes only and provides for a reversion of such land to the United States if at any time it ceases to be so used, but only with respect to a sixty-foot right-of-way cutting across the northwest corner of such land for a distance of approximately three hundred and forty to four hundred feet, and only if the State of Oregon or an authorized agency of the State conveys such right-of-way (subject to section 2 of this Act) to Clackamas County to be used as a public highway to provide a direct intertie between Clackamas County Road 40 and Mather Road.

"SEC. 2. The release and the deed of conveyance of the right-of-way to Clackamas County as authorized under the first section of this Act shall provide that the right-of-way shall be used only as a public highway and for related purposes, and if such right-of-way at any time ceases to be so used, title thereto shall immediately revert to the State of Oregon, together with any improvements made by Clackamas County without payment of compensation therefor, and in which event the right-of-way shall again become a part of Camp Withycombe and be subject to the same reservation and conditions set forth in the aforementioned deed of November 9, 1956.

"SEC. 3. The Secretary is authorized to impose such additional terms and conditions on the release and conveyance authorized by this Act as he deems necessary to protect the interests of the United States.

"SEC. 4. The cost of any surveys necessary as an incident of the release and conveyance authorized by this Act shall be borne by the grantee."

The committee amendment was agreed to.

Mr. BENNETT. Mr. Speaker, the purpose of this bill is to authorize and direct the Secretary of the Army to release on behalf of the United States certain land use restrictions with respect to a proposed right-of-way of approximately 60 by 340 to 400 feet, constituting a portion of a 233.91-acre parcel of land in Clackamas County, Oreg., heretofore conveyed by the United States to the State of Oregon for military purposes pursuant to the act of August 1, 1956 (70 Stat. 793), so that the State may convey this right-of-way to Clackamas County for use as a public highway.

The proposed release involves the lands of Camp Withycombe, formerly the Clackamas National Guard target range, located in Clackamas County, 9 miles southeast of Portland, Oreg. This facility, comprising 233.91 acres of land with improvements, was conveyed to the State of Oregon by deed executed by the Secretary of the Army, dated November 9, 1956, pursuant to the act of August 1, 1956 (70 Stat. 793). Both the act and the deed made the conveyance subject to certain reservations, restrictions and conditions, to wit:

First, reserved to the United States all minerals, oil, and gas with rights-of-entry; second, the property is to be used only for military purposes, and if not so used, title thereto shall revert to the United States with all improvements and without compensation; and third, in event of national emergency or declaration of war, the Secretary of Defense may reoccupy and use the property without payment. Camp Withycombe has, since its establishment, been used for National Guard purposes and currently is utilized by the Oregon National Guard for military academy operations in small unit tactics, a firing range, and storage depot.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMITTING PERSONS FROM COUNTRIES ASSISTING THE UNITED STATES IN ITS EFFORTS IN VIETNAM TO RECEIVE INSTRUCTIONS AT THE THREE SERVICE ACADEMIES

The Clerk called the bill (H.R. 8209) to amend and extend for a temporary period the act of November 9, 1966, permitting persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes.

There being no objection, the clerk read the bill as follows:

H.R. 8209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of November 8, 1966, Public Law 89-802 (80 Stat. 1518), is amended as follows:

(1) Subsections (b) and (c) are amended to read as follows:

"(b) A person may not be admitted to an Academy for instruction under this Act unless his country, after November 9, 1966, has assisted the United States by providing manpower or bases in connection with hostilities in Vietnam.

"(c) Not more than twenty persons may receive instruction under this Act at any one Academy at any one time."

(2) Subsection (d) is amended by striking out "1970" and inserting in place thereof "1975".

With the following committee amendment:

On page 1, line 3, delete the number "8" after November, and insert in lieu thereof the number "9".

The committee amendment was agreed to.

PURPOSE

Mr. BENNETT. Mr. Speaker, the purpose of the proposed legislation is to extend until October 1, 1975, the authority under the act of November 9, 1966, Public Law 89-802—80 Stat. 1518—to admit foreign nationals to each of the service academies. The proposed legislation also would increase the number of persons who may be admitted to each academy by authorizing a maximum of 20 enrolled at any one time.

PRESENT LAW

Present Law—10 U.S.C., 4344, 4345, 6957, 9344, and 9345—provides permanent authorization for each service academy to admit 20 students from the American Republics, including Canada, and four additional students from the Republic of the Philippines.

EXPLANATION AND JUSTIFICATION FOR THE LEGISLATION

Students from other foreign countries have been admitted from time to time by virtue of special legislation enacted by the Congress. The act of November 9, 1966, Public Law 89-802—80 Stat. 1518—authorizes the admission of up to four students from foreign countries to each of the service academies, provided that the student's country was at the time of his admission assisting the United States in its efforts in Vietnam by the provision of manpower or bases. That act further specifies that no person may be admitted to an academy under the provisions of the act after October 1, 1970.

The bill, H.R. 8209, as proposed by the Department of Defense, would therefore amend Public Law 89-802 to: First. Extend from October 1, 1970 to October 1, 1975, the authority contained in the act, and, second, increase the number authorized in attendance at each academy at any one time from four to 20.

In view of the expiration of the delimiting date of existing law and the desire of the executive branch to continue their temporary program for the admission of foreign nationals to the service academies, the Department of Defense has requested favorable congressional action on H.R. 8209.

It is considered that the admission to the service academies of citizens of friendly foreign nations, regardless of geographic location, is in the national interest of the United States. The goodwill and the fellowship created among all the cadets and midshipmen is deep and abiding, and, although difficult to measure, is undoubtedly cumulative, favorable, and enduring. The military expertise instilled in foreign cadets and midshipmen, coupled with their exposure to American ideals and principles, provides a much needed asset, particularly in those less developed countries where the United States is seeking to encourage stability, meaningful progress, and reasonable leadership. The U.S. alliance system and military assistance programs underscore the extent to which the U.S. politico-military relations are conducted in an allied environment. Academy education for selected foreign cadets and midshipmen could contribute to a better understanding of military concepts, standardized procedures, logistics, strategy, and tactics, and even democratic ideals and goals.

BACKGROUND

Set forth below is information concerning foreign students currently attending service academies and those who have previously attended the academies since 1954.

FOREIGN STUDENTS CURRENTLY ATTENDING SERVICE ACADEMIES

Naval Academy, total	19
Peru	3
Philippines	2
Nicaragua	1
Colombia	3
Chile	3
Honduras	2
Costa Rica	1
Uruguay	1
Jamaica	1
New Zealand	1
South Vietnam	1

Military Academy, total	24
El Salvador	2
Philippines	4
Nicaragua	2
Honduras	2
Guinea	3
Bolivia	1
Guatemala	1
Uruguay	2
Panama	2
Colombia	1
Costa Rica	2
South Korea	1
South Vietnam	1

Air Force Academy, total	16
Philippines	2
Costa Rica	2
Chile	1
Jamaica	1
Panama	1
Uruguay	3
South Korea	2
Mexico	1
Dominican Republic	1
El Salvador	1

GRADUATES OF FOREIGN STUDENTS FROM THE SERVICE ACADEMIES

Naval Academy, since 1954, total	77
Malaysia	1
Belgium	6
Ecuador	8
Peru	12
Philippines	17
Venezuela	5
Cuba	2
South Korea	1
Nicaragua	3
Colombia	
Panama	4
Argentina	3
Chile	7
Honduras	1
Costa Rica	5

Military Academy, since 1961, total	23
El Salvador	1
Philippines	6
Guatemala	1
Panama	3
Jamaica	2
South Korea	1
Nicaragua	1
Honduras	1
Uruguay	1
Costa Rica	3
Chile	2
Thailand	1

Air Force Academy, since 1962, total	13
Bolivia	1
Philippines	4
Chile	1
Panama	1
China (Taiwan)	1
New Zealand	1
Thailand	1
Venezuela	1
Jamaica	1
Uruguay	1

FOREIGN STUDENTS AT AIR FORCE ACADEMY (SINCE 1962)

Country	Graduated	Resigned or discharged	Now attending	Total admitted
Bolivia	1			1
Peru		1		1
Thailand	1			1
Philippines	4	2	2	8
Costa Rica		1	3	4
Venezuela	1			1
Chile	1	1	1	3
Jamaica	1	1	1	3
Panama	1		1	2
Uruguay	1		3	4
China (Taiwan)	1			1
New Zealand	1			1
South Korea			2	2
Mexico			1	1
Dominican Republic			1	1
El Salvador			1	1
Total	13	6	16	35

FOREIGN STUDENTS AT MILITARY ACADEMY (SINCE 1961)

El Salvador	1		2	3
Philippines	6		4	10
Nicaragua	1	1	2	4
Honduras	1		2	3
Guinea			3	3
Bolivia			1	1
Guatemala	1		1	2
Uruguay	1		2	3
Panama	3		2	5
Colombia			1	1
Costa Rica	3		2	5
Jamaica	2			2
Chile	2			2
South Korea	1		1	2
Thailand	1			1
South Vietnam			1	1
Total	23	1	24	48

FOREIGN STUDENTS AT NAVAL ACADEMY (SINCE 1954)

Malaysia	1			1
Belgium [1]	6			6
Ecuador	8	1		9
Peru	12		3	15
Philippines	17	1	2	20
Venezuela	5	2		7
Cuba	2	3		5
Nicaragua	3		1	4
Columbia	2		3	5
Panama	4	4		8
Argentina	3			3
Chile	7		3	10
Honduras	1		2	3
Costa Rica	5	1	1	7
Uruguay		1	1	2
Jamaica			1	1
New Zealand			1	1
South Vietnam			1	1
South Korea	1			1
Total	77	13	19	109

[1] Under the terms of the special laws by which the Belgium students were admitted to the Naval Academy, the cost of their education was paid by the Belgium Government. For all of the other students at the 3 service academies, the U.S. Government paid for the entire amount of their education.

There are currently 59 foreign students attending the three service academies. These students are attending under legislation previously enacted by the Congress and includes permanent legislation authorizing students from the American Republics, including Canada, the Philippines, and those eligible countries as defined under Public Law 89-802.

This bill would permit no more than 20 persons at any one academy at any one time from those countries who have assisted the United States by providing manpower or bases since November 9, 1966 in connection with hostilities in Vietnam.

The determination of eligible countries under this bill would be made by the Department of State. The State Department would make a formal notification to the Ambassador of the eligible country. At the present time Australia, Nationalist China, Japan, South Korea, Malaysia, New Zealand, South Vietnam and Thailand are eligible under H.R. 8209.

Students appointed to the service academies under H.R. 8209 will be in addition to those presently authorized for appointment from U.S. citizens. The Department of Defense assured the committee that under no circumstances would a citizen of the United States be denied entrance to the service academies under the provisions of this act which increases the total spaces available at the academies. Past experience has indicated that all authorized spaces are not utilized, thus enabling the academies to accommodate the authorized foreign nationals.

H.R. 8209, a temporary law, would authorize a maximum of 20 additional foreign students at each Academy at any one time. This would increase the total to 44 foreign students eligible to attend each service academy at any one time.

It is to be noted that under permanent provisions of law the Philippine Government is already permitted to send four students to the service academies. In discussing the possible application of this bill to the Philippine Government, witnesses from the Department of Defense advised that although the bill does not specifically exclude the Philippine Government, there was no present plan to use the authority of this bill to increase the number of Philippine students who may be eligible to attend the service academies.

NOMINATION PROCEDURES FOR FOREIGN NATIONAL AT SERVICE ACADEMIES

The State Department makes a formal announcement to the foreign Ambassador of the countries that are eligible to make nominations. The U.S. Ambassador in each eligible country then receives the nominations and conducts the initial screening for security. The nomination is then sent by the service attaché (Army, Navy, or Air Force) of the U.S. Embassy to the service academy for which the nomination has been made. The nomination is then processed by the service academy. The nominee is tested upon the same basis as other nominees to the academy. The final approval of each foreign nomination is made by the Department of Defense through the various service Secretaries. The Ambassador of the Nation of the successful applicant is then informed of the student's selection. The student is then given a physical examination and travel orders to travel at U.S. Government expense to the service academy.

COST AND BUDGET DATA

The average cost, including pay and allowances costs, will be approximately $3,500 per year per student. The students would be paid the same as other midshipmen and cadets, which is the equivalent to one-half of an ensign or second lieutenant's pay, plus the appropriate subsistence allowances.

The overall average cost, which includes all the overhead cost of operating the service academies, the cost associated with the staff, the summer training, the travel cost, and the summer field duty in the case of West Point cadets, is approximately $52,000 at West Point, $53,000 at the Air Force Academy, and $51,000 for the Naval Academy. This cost covers the entire period of 4 years.

It is not anticipated that enactment of this proposal will result in any substantial increased budgetary requirement of the Department of Defense.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF ZINC FROM NATIONAL STOCKPILE

The Clerk called the bill (S. 766) to authorize the disposal of zinc from the national stockpile and the supplemental stockpile.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, reserving the right to object—and I shall not object, of course—I wish to commend the committee handling this legislation for the fine cooperation I have personally had with the committee and also the cooperation given to the Committee on Interior and Insular Affairs generally. It has been a great contribution.

Mr. Speaker, it is not my purpose to speak in opposition to this measure. Under present circumstances it is appropriate that it be approved.

It is important and appropriate, however, that this record shows clearly to the Congress and the public exactly how and under what terms the disposal will be made.

This bill states in broad terms that:

> The time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable disruption of their usual markets.

The quantity of 515,200 tons is large in relation to annual consumption of zinc metal being equivalent to approximately 50 percent thereof on an annual basis at present consumption rates. In earlier proceedings before Subcommittee No. 3 of the House Armed Services Committee, it was pointed out that authorization to dispose of such a relatively large quantity without some well-defined method of disposal might well have an adverse effect on usual markets.

To avoid this possibility, the Administrator of the General Services Administration entered into negotiation with all of the producers of primary zinc metal in the United States seeking a definitive method of disposition that would meet the criteria broadly expressed in this bill.

I am informed that these negotiations have now been successfully concluded, resulting in agreements by substantially all of the producers of primary zinc in the United States to purchase the excess zinc and move it into consumption through normal marketing processes at rates of not less than 50,000 tons nor more than 150,000 tons per year until the excess has been exhausted. Prices to be paid for the various grades and qualities of zinc metal available from the stockpiles will in all cases be related to average market prices at the time of withdrawal, and will not result in any profit to the purchasers. Some of the metal available from the stockpiles is of specification that has been outdated in commercial use, or in simple terms, below current commercial grades, since it was put into the stockpiles. The producers have agreed, where feasible, to reprocess such metal into currently acceptable commercial grades, returning to the Government any increase in the value thereof through reprocessing. The program provides for a set-aside of 75,000 tons that may be withdrawn for Government use or purchased by others, but in the event any part of it is not so disposed of at the end of the program, it will be purchased by the primary producers.

Those concerned with these complex negotiations are to be congratulated on the successful conclusion of them and authorization for disposal of 515,200 tons of zinc through S. 766 may now be made with greater assurance that the intimate disposal will be made in an orderly manner, without avoidable loss to the United States and without disruption of usual markets.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. EDMONDSON. Mr. Speaker, further reserving the right to object, I wonder if the author of the bill or a representative of the Committee on Armed Services could advise what the status of the stockpile will be following this disposal with regard to zinc.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am pleased to yield to the gentleman.

Mr. HALL. I will say to the gentleman that I formerly served on the subcommittee of the Committee on Armed Services handling surplus stockpile problems, but I am not currently so assigned nor have I been designated to handle the bill on the floor for today; but, based on that past experience and the information provided to me, I will simply add to the statement saying that at the present time there is an inventory of over 1,117,000 short tons whereas the present stockpile objective is 560,000 short tons.

This bill would dispose of the difference between those two figures in the amount of 515,000—rounded figure—short tons, bringing us down to what the OEP requested we have in the two stockpiles controlled by the Congress.

Furthermore, the GSA will, on the basis of experience and past programs, put this on the market in such a way as to allow an upset price, but not to upset the market itself.

I believe it will be very adequate to handle it in this manner.

From the beginning, and back in the first 6 years that I was in the Congress, when I served on the Armed Services "Stockpiles" Subcommittee I also had the vital and provincial interest that the gentleman from Oklahoma (Mr. EDMONDSON) has in lead and zinc production. I also recall that at one time after the OEP said we needed no further stockpiling of lead, that we controverted that and took necessary and successful action on the floor of the House.

I hope that answers the gentleman's question.

Mr. EDMONDSON. Mr. Speaker, I would like to ask the gentleman from Florida (Mr. BENNETT) who is in charge of the bill, if in his judgment the amount that would be continued in the stockpile under this bill is sufficient to meet the security requirements of the United States?

Mr. BENNETT. Mr. Speaker, if the gentleman will yield, we went into that in some detail and I have no doubt that it will and this is supported by the announced policies of the Joint Chiefs.

Mr. EDMONDSON. As the gentleman knows, there has been a steady downgrading of the stockpiling requirements over a number of years. I am one of those who fears that we have cut these stockpiles to a dangerously low level on a number of strategic items.

However, I have great confidence in the judgment of the gentleman from Florida (Mr. BENNETT) and the gentleman from Missouri (Mr. HALL) and shall not object.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the clerk read the bill as follows:

S. 766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five hundred and fifteen thousand two hundred short tons of zinc now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

(Mr. BENNETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BENNETT. Mr. Speaker, as of January 31, 1972, the total inventory of zinc held by General Services Administration was approximately 1,117,673 short tons. The present stockpile objective, established December 3, 1969, is 560,000 short tons. Of the 42,437 short tons previously authorized as excess, 22,097 short tons are available for transfer to Government agencies under Public Law 89–9 (approved April 2, 1965), and 20,340 short tons are available for commercial sale under authorization of Public Law 89–322 (approved November 4, 1965). The additional excess of 515,200 short tons is covered by S. 766.

The average acquisition cost of the zinc in the national and supplemental stockpiles was $278.77 per short ton of metal. The present published market price for prime western grade zinc is $340 per short ton, or 17 cents per pound. This material has been in the stockpile for a period of 7 to 25 years. The annual storage cost is $46,368.

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 515,200 short tons of zinc from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

NATIONAL STOCKPILE

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

SUPPLEMENTAL STOCKPILE

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

DISPOSALS FROM THE NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

As indicated in the statues cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of zinc is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of zinc upon enactment of S. 766.

ZINC

Zinc is a bluish white metal, which is hard and brittle and has a high crystalline structure when broken. At about 250° F., it is ductile and can be rolled into thin sheets. Special high-grade zinc, which is 99.99 percent pure, is used for making diecastings and for some brass. High-grade zinc is 99.98 percent pure; brass special is 98.7 percent pure; and prime western is 98 percent zinc with up to 1.60 percent lead as the chief impurity.

Zinc is extensively used in diecasting and galvanizing. It is alloyed with copper to form brass and its electrogalvanic properties make it useful in protecting steel and iron from corrosion. It is also used in the manufacture of batteries.

Sources: Canada, Japan, Australia, Peru, and Mexico.

METHOD OF DISPOSAL

The General Services Administration proposes to make the zinc available (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c), to the extent authorized by law, as payment for expenses—including transportation and other accessorial expenses—of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. app. 2093(d)).

RATE OF DISPOSAL

GSA proposes to make the 515,200 short tons of excess zinc available for commercial sale over a period of years. The quantities and timing of disposals will be determined upon evaluation of prior sales and current market conditions. Quantities of this material required for transfer to Government agencies will be over and above those involved in the commercial sales program.

PERIODIC REVIEW OF PROGRAM

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

PRODUCTION AND CONSUMPTION

World mine production of zinc (metal content) in 1970 amounted to 5,594,136 short tons, of which the United States accounted for 534,136 short tons. For slab zinc U.S. production was 1,111,158 short tons in 1969, decreasing to 954,967 short tons in 1970. U.S. consumption of slab zinc in those 2 years was 1,368,323 and 1,186,951 short tons, respectively. Imports of slab zinc were 329,008 short tons in 1969, and 270,413 short tons in 1970. Import of ores in 1969 were 602,120 short tons and 525,759 short tons in 1970. Import sources in 1970 for slab zinc were Canada (45 percent), Japan (12 percent), Australia (11 percent), Peru (12 percent), and other countries (20 percent). Import sources for zinc ores in 1970 were Canada (60 percent), Mexico (25 percent), Peru (9 percent), and other countries (6 percent).

FISCAL DATA

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the zinc now held in the national stockpile and the supplemental stockpile.

Mr. Speaker, I have been advised by the General Services Administration that all available zinc in the national stockpile and the supplemental stockpile authorized for disposal for commercial use by previous legislation has been disposed of, and the approval of this bill will permit the General Services Administration to begin immediate disposal of the excess contained in this legislation.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING CERTAIN LANDS IN THE CEDAR KEYS NATIONAL WILDLIFE REFUGE IN FLORIDA AS WILDERNESS

The Clerk called the bill (H.R. 736) to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness.

There being no objection, the Clerk read the bill as follows:

H.R. 736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Cedar Keys National Wildlife Refuge, Florida, as depicted on a map entitled "Cedar Keys Wilderness—Proposed", and dated August 1967, is hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Sec. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

Sec. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of motorized transport, and no structure or installation within the area designated as wilderness by this Act.

With the following committee amendments:

Page 1, line 7, after "August 1967," insert the following: "revised October 1, 1971,"

Page 1, line 8: Strike out "wilderness" and insert "the Cedar Keys Wilderness".

Strike sections 2 and 3 and insert the following:

"Sec. 2. As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map and a legal description of the Cedar Keys Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

"Sec. 3. The Cedar Keys Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act."

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record).

Mr. ASPINALL. Mr. Speaker, H.R. 736 would designate as wilderness approximately 375 acres of the Cedar Keys National Wildlife Refuge, in the State of Florida.

The proposed Cedar Keys Wilderness consists of four small islands in the Gulf of Mexico which are located approximately 3 miles seaward of Levy County, Fla. These four islands are known as Seahorse, Snake, Deadman's and North Keys.

These islands are of great value as a nesting ground for colonial birds and provide a sanctuary for many of the more abundant species as well as several that are threatened such as the bald eagle, brown pelican and the osprey.

The islands consist of narrow white sand beaches, salt marshes and mangrove swamps. There is no commercial timber or grazing of livestock and the mineral potential is slight.

On Seahorse Key there is an inactive lighthouse and an active marine laboratory adjacent to the lighthouse that is used and maintained by the University of Florida as a base for scientific research of marine resources. Because the daily use of these facilities, together with adjacent boat docks, would be incompatible with the concept of wilderness, a small 3-acre tract containing all these improvements was excluded from the area to be designated as wilderness. This exclusion does not bisect the island, but it does eliminate from wilderness designation all man-made improvements on the islands.

Because of its small size and the importance to colonial birds, the Cedar Keys Wilderness will support only limited public use. It can, however, be effectively used for wildlife-oriented recreational activities, shell collecting and beach combing during periods when nesting birds will not be disturbed.

Mr. Speaker, I recommend favorable consideration of H.R. 736.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the eligible bills on the Consent Calendar.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill S. 766.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PRESIDENT NIXON CHOOSES TO ENLARGE THE WAR IN AN EFFORT TO SALVAGE HIS UNWISE AND ILL-CONCEIVED CONCEPT OF "VIETNAMIZATION"

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURLISON of Missouri. Mr. Speaker, it is now apparent that the President has chosen to enlarge the war with the bombing of Haiphong and Hanoi, in an effort to salvage his unwise and ill-conceived concept of "Vietnamization." Many of us said during the Johnson administration that since our leadership had determined that we would not or could not win the war in Vietnam that we should get out. This continued to be the consensus of the American people, I believe, when President Nixon assumed office in January 1969.

During the 1968 election campaign, Mr. Nixon assured the American people on the No. 1 political issue of Vietnam that he had a solution to it. Upon assuming office, he told us this solution was "Vietnamization," a doctrine that was to keep American forces fighting in Vietnam for an indeterminate period. This period was to end whenever the South Vietnamese were adequately trained and equipped to defend themselves.

Vietnamization has cost our Nation the lives of 20,000 of our finest young people and permanently disabled well over 100,000. This is a price much too high to justify the nonexistent benefits which many of us predicted. This is in evidence now as the South Vietnamese falter without the presence of American ground forces.

The President, however, has merely accentuated and compounded the folly of Vietnamization by responding to its apparent failure by now enlarging the war in bombarding Haiphong and Hanoi.

This may very well trigger an enlargement of the war by Russia and China.

This last action seems utterly inexcusable. Surely the President could not conceivably have taken such action unless he has knowledge of dramatic events and facts which are unknown to us and the American people. If he does have such, I now implore him to level with us and tell us what he knows to justify what appears to be such a monumental blunder.

THE PRESIDENT IS RIGHT ON VIETNAM

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, in extending the bombing to additional military targets in North Vietnam, President Nixon is following the only sound course open to him. In this he should have nothing but support from the American people. South Vietnam is in serious trouble. The North Vietnamese have thrown virtually all their resources into an all-out effort to destroy the Thieu government or to seize and seal off significant areas of the country. Either will represent a blow at Vietnamization and a loss of prestige worldwide for the United States and its administration. By this action the perfidy of the North Vietnamese Government is again revealed in stark detail. They continue to show contemptuous disregard for all attempts for a peaceable settlement of the war on honorable terms.

The only effective help the United States now can give in the fighting is through airpower. The full potential of this support should be applied. We are still in this war only because we failed long ago to make a full effort for victory. A halfhearted effort will not do the job now.

Airpower cannot win for South Vietnam but it can help them to win. It will not be effective unless the South Vietnamese stand and fight. This they are doing in creditable fashion in most instances but the real showdown is still ahead. It could come in weeks or even days. The South Vietnamese are already hard pressed on several fronts and the North Vietnamese forces are not yet fully committed.

It is not sufficient to use airpower at the fighting front. By extending the war to targets which have long been sanctuaries, much damage can be done to the logistics support which is essential to the North Vietnamese. It is much easier to destroy tanks, trucks, guns, and rockets in storage yards at Haiphong harbor; or on railroads coming out of China, than it is to destroy them singly on the Ho Chi Minh Trail.

Our concern at the moment must be for the survival of South Vietnam, not for the feelings of Red China or Russia. The President is doing what he must do. All of Indochina not now in Communist hands will fall swiftly if South Vietnam does. It is for the right of self-determination that we have already expended lives and treasure almost beyond measure. America cannot quit now.

ESCALATION OF WAR IN SOUTHEAST ASIA

(Mr. RYAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the supreme issue before the House today must be the escalation of the war in Indochina.

The events in Southeast Asia over these past few days have ripped away whatever remaining doubt there may have been as to the President's Vietnam policy. It is a failure and a fraud. Vietnamization is not a policy of peace. It is a program of continued death and destruction. Rather than ending our involvement in Indochina, the administration has fueled the fires of war.

As we meet here today, American bombers are spreading the ravages of war throughout Southeast Asia. The fighting has increased. An American armada is being amassed off the coast of North Vietnam.

These actions are directly contrary to the desires of the American people and the law of the land. Section 601 of the Military Procurement Act of 1971—Public Law 92-156—declares it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina and to provide for the withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners of war.

Yet this administration has cast this mandate of the Congress and the American people aside and has opted for military adventurism by escalating the war, ordering American air strikes against Hanoi and Haiphong.

This callous disregard for the law and the desires of our people cannot be tolerated. It is the Congress—and only the Congress—that has the authority over war and peace. And the Congress must now face up to that responsibility.

I call upon all Members of the House to join with me in demanding that the President order an immediate halt to all American bombing missions in Southeast Asia and that he order an immediate resumption of the Paris negotiations.

And I urge my colleagues in the strongest possible terms to join with me in supporting legislation to cut off all funds for his disastrous conflict by legislative action.

This war must end. And it is the Congress that must end it—now.

THE SITUATION IN VIETNAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I understand that Hanoi has offered to resume the Paris peace talks if we will halt the bombing. Our answer to that should be that we will stop the bombing if Hanoi will stop the invasion across the DMZ. That is a most logical quid pro quo.

After all, it was the invasion across the DMZ into South Vietnam that triggered the bombing. We should also be mindful of the fact that the North Vietnamese and Vietcong negotiators have been meeting with the allies in Paris for 3 years, with no appreciable results. Resumption of such stalemated talks is an inadequate exchange for a bombing halt. Nothing less than a halt in this invasion across the DMZ into South Vietnam would justify a halt in the bombing.

Mr. Speaker, despite this invasion by some 12 divisions out of their 13 divisions by the North Vietnamese, the South Vietnamese have in effect stopped this military operation. Because we have been able to undertake the bombing that has been done we have been able to continue the withdrawal of American forces from Vietnam. In the last 7 days the United States has withdrawn an additional 5,000 U.S. military personnel from South Vietnam and those withdrawals will continue, and they will continue only in safety if we are able to continue air and sea military operations such as we have been doing. Those airpower and seapower operations will be continued for the safety and the security of the American troops still in Vietnam.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I will be glad to yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, it has always been thought that the only way to win this war is by an invasion and by massive bombing, and that the only reason we never did that was because this country did not want to take the calculated risk of starting another world war III.

Has there been a change in the policy, and now this country is willing to take that calculated risk of injecting this Nation and possibly the world into world war No. 3?

Mr. GERALD R. FORD. That is a complete red herring that has no relevancy to what the President has done.

Mr. O'NEILL. You might think it is a red herring.

Mr. GERALD R. FORD. The President initiated the bombing in order to blunt an invasion of South Vietnam across the DMZ by regular North Vietnamese troops, and I suspect he will continue the bombing until they stop the invasion. The United States is not going to sit down and idly let this invasion involve the jeopardy and the safety of the American troops that are being withdrawn from South Vietnam.

Mr. O'NEILL. That has always been the answer of the gentleman from Michigan, that what I stated was just a red herring.

The SPEAKER. The time of the gentleman has expired.

IRRESPONSIBILITY UNCHECKED BY CONGRESS

(Mr. DOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOW. Mr. Speaker, I rise to vehemently protest the resumption of wide-scale bombing of North Vietnam. The President has turned back the clock 6 years to 1966. He has made a significant decision about U.S. foreign policy evidently without so much as a by-your-leave to Congress. The alarming confrontation of superpowers has come back to haunt us while the Congress sits by.

According to reports, the recommendation for escalation of U.S. bombing was made by a committee headed by Mr. Henry A. Kissinger, the President's adviser on national security.

The Constitution lays upon Congress a substantial responsibility for foreign affairs and war making. Congressional committees have been established for these purposes. Yet it appears that the President has embarked on a fateful new course upon advice, not of Congress, but of Mr. Henry A. Kissinger, the elusive mentor who cannot be brought to confer with Congress.

Mr. Speaker, I wonder how the distinguished minority leader can explain that.

Mr. Speaker, were I possessed of your responsibility in the leadership of the House, I should be doubly anxious, not only for the prerogatives of this body, but also for the fate of this Nation and all peoples. I hope, Mr. Speaker, that we will hear from you some reassurance as to our grave concerns.

WHO IS REALLY ESCALATING?

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, to charge the President with escalation of the war is unbelievable and incredible. The North Vietnamese escalated the war with all-out aggression, committing 12 of 13 divisions plus sophisticated equipment, tanks, missiles, rockets and everything in their military arsenal. Hanoi has launched a full-scale attack on four fronts, in addition to continuing its aggression against Laos and Cambodia.

The all-out aggression, coming at a time when the President is continuing withdrawal of our troops, is unwarranted stark aggression comparable to that of Hitler and Mussolini.

The President has made every honorable move toward peace through his visit to Peking, an announced continuation of withdrawal and the proposed journey for peace to Moscow. President Nixon absolutely had no alternative but to protect the withdrawal of our men or run the risk of the withdrawal forces being overrun or cut off. It would be utter folly to go to Moscow in a few weeks on our knees when Soviet Russia is the principal supplier of the North Vietnamese aggression.

I support the President in this forthright action and believe he will have the support of a great majority of the American people. No peace with honor can be consummated unless North Vietnam ceases this aggression against its neighbor and manifests some desire to release American prisoners of war.

The peace talks in Paris were used by Hanoi to prepare for this new diabolical, sinister and outrageous aggression. The President should have the support of Congress, the American people and free nations the world over.

WAR IN VIETNAM

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, it seems incredible that this thing has happened; that the United States is once again bombing in heavily populated areas deep in the interior in North Vietnam.

The issue, I would submit to this House, is not whether there was an invasion across the demilitarized zone, but whether the policy that the United States Government has been following—that the President has been following—is a valid policy.

I think what has happened here in the past few weeks demonstrates that it is a bankrupt policy and is bound to fail. We have been trying to defend the maintenance in power of a particular regime in South Vietnam, and it is for that reason and that reason alone that we have not been able to negotiate an end of this war.

Mr. Speaker, I am happy to join with the distinguished gentleman of the Armed Services Committee (Mr. HARRINGTON) in a resolution sponsored in the other body by Senator MUSKIE and others, calling for the cessation of U.S. military activity against North Vietnam.

The bombing will accomplish nothing but death and destruction. Have we not learned by now that the North Vietnamese cannot be punished into submission?

And what of our prisoners of war and missing in action in North Vietnam, What does this brutal renewal of bombing do to them and their chances of rejoining their loved ones?

The American people are sick of this war. Bombing will never end it. Let the Congress demand that the bombing stop, and after that the war.

THE MASS BOMBING OF NORTH VIETNAM

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, the fact is that the bombing is not new. The President has been conducting it for a long time. To say that we are bombing because of an attack by the North Vietnamese is wholly inaccurate; the bombing has been going on and on, even during the negotiations, and it was evident that the Vietcong and the North Vietnamese would not stand around indefinitely being bombed at home and ignored in Paris.

We cannot hope to secure peace, to successfully withdraw our troops, and to have our prisoners of war come home if we continue to engage in the massive bombing of North Vietnam.

On the opening day of this session I introduced a resolution to censure the conduct of the President because of his resumption of mass bombing raids on North Vietnam and his announcement that he would ignore section 601 of Public Law 92-156.

Three months have passed, and the President once again flaunts the will of the American people and the Congress by escalating the war to dangerous new heights. The bombing of Haiphong and Hanoi is a reckless act that deserves the condemnation of the Congress, and I urge my colleagues to consider the censure resolution as a necessary restraint on the conduct of the President.

The President continues to inflict savage bombing upon the people of Indochina, for the purpose of restraining in power the dictatorial regime of General Thieu. It is the responsibility of Congress to call a halt once and for all to this seemingly unending war.

A number of courses of action are open to us today. The most appropriate and effective would be to call up and pass the Gravel-Drinan bill, of which I am a sponsor. This bill would cut off funds for the bombing, and would terminate funds for all U.S. military operations in Indochina 30 days after its enactment, with an extension of 30 additional days if POW release has not been effected by the end of the first 30-day period.

Vietnamization is a fraud, and the South Vietnamese Government remains completely dependent upon American airpower. It is time for the Congress to find out for itself exactly what is going on in Indochina and who is responsible for the collapse of the negotiations in Paris. I would urge the House to approve my resolution of inquiry, House Resolution 918, which will be considered tomorrow before the Armed Services Committee and here on the floor sometime next week.

We have a right to know the facts. We have a responsibility to act.

THE BOMBING OF VIETNAM

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to address these remarks to the Members of the House, but particularly to the distinguished minority leader (Mr. GERALD R. FORD) for whom I have great affection. I have worked with him and have great respect for him, though many times I have not agreed with him.

I should like to ask the gentleman to consider the following question. Some of us are opposed to our involvement in the war in Vietnam. I oppose that war. Others in this House support the war. I ask the minority leader, "Will you not bring before the House a declaration of war resolution and have the House vote on it?"

What has happened is that the President has declared war without the Congress doing so. We are now bombing the capital and major port of North Vietnam. We are playing Russian roulette. The escalation of the bombing may involve us in a third world war. If the House is willing to do that, let it have the courage to stand up and vote for such a war. But I do not believe that the minority leader or those of my colleagues on the majority side who support this war are willing to put the issue to a vote in the House because you would not dare go to the country in November with such a vote on the record.

Do you not think that you owe it to the House of Representatives because of the respect that all of us owe to the House and its constitutional prerogatives to put it to a vote?

REORDERING OF PRIORITIES

(Mr. HAYS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HAYS. Mr. Speaker, I want to talk about another war that is going on in the State of New York. I was very much surprised to notice that the gentlewoman from New York (Mrs. ABZUG) had chosen to run against the foremost and first of the reform candidates to come down to Washington, Mr. Fitz-Ryan. There is a lot of talk about reordering priorities around here. I had thought that her priority was to displace conservatives with reform candidates. But I think they have now become reordered so that the first priority is to keep the gentlelady (Mrs. ABZUG) herhelf in Congress, come what may.

WEST VIRGINIA WALKATHON FOR MARCH OF DIMES

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, my feet are very sore today. Every muscle in my body aches a little bit today. On Saturday 480 teenagers and a small handful of adults started out on a 25-mile walkathon to raise money for the March of Dimes and the Mason County, W. Va., Youth Center. It was raining and we had to keep off the hard roads and walk in the mud most of the way. After walking 10 miles I was ready to quit, especially because I had several political meetings I was supposed to address. But what would you do if a group of 400 skeptical teenagers asked you, "Congressman, you are not going to quit now, are you?" Of course, the answer had to be negative, so I did walk all 25 miles with these muddy shoes to prove it.

I promised to round up 10 Members of Congress who will each pledge a dollar a mile for each mile I walked. If any additional colleagues would like to pledge a dollar a mile for the Mason County March of Dimes, we would be very grateful for these contributions.

VIETNAM

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. WOLFF. Mr. Speaker, I take this time to ask the minority leader, now that the Tonkin Gulf resolution has been repealed, under what authority from the Congress is the President taking the new action that he has—not in the context of protecting our troop withdrawals, but in protecting something that obviously has not worked called Vietnamization?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I will be very glad to respond. Vietnamization has been successful and is working. We have taken our commitment in 1968 in Vietnam from 544,000, which President Nixon had when he came into office, down to 80,000 at the present time. This has been the result of Vietnamization, and the continued withdrawal of American troops by President Nixon will continue as long as we are able to insure the safety of those left and the safety of those who are being withdrawn. Does the gentleman want to put in jeopardy the lives of those who are being withdrawn and those who are left?

Mr. WOLFF. Certainly not. I have specifically in my statement excluded the protection of the troops for I give the highest priority to the safe return of our POW's and information on our MIA's. However, the President has not said that the present action is to protect the withdrawal of our troops. He has said it is to protect the South Vietnamese Government. To once again come to their rescue, to begin again the whole process, and reverse our policy of disengagement.

NO ONE IS FOR WAR, BUT WE MUST FACE REALITY

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, if one would sit idly by and listen to everything that is said here today, he might conclude that there are some in this body who are for war. Nobody in his right mind is for war—this war or any other war. But there are times when we must face a situation as it is, not as we would like it to be—and I consider this to be one of those times.

Let the record show—and I defy anybody to dispute it otherwise—that the invasion under discussion and now underway comes in the form of an attack, an invasion by the regular forces of the North Vietnamese on South Vietnam, and in the process the North Vietnamese have shelled cities and military installations where our military people are. And are we to sit idly by and allow our men to be attacked without having the ability to respond to that attack? I think not.

Now, does it make any real difference whether a bomb is dropped from an airplane on North Vietnam or whether it is shelling from some long-range land-based gun on South Vietnam?

I say we must respond or see our troops who are withdrawing killed and I commend the President for having the fortitude to do it to protect American troops. The war has been escalated by North Vietnam, not the United States. Why, if you want to be fair, do not those of you who demand a bombing halt at least ask the North Vietnamese to stop their invasion of South Vietnam?

POLICY IN VIETNAM

(Mr. HARRINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HARRINGTON. Mr. Speaker, with the expertise born of 7 days in Southeast Asia and all the limitations which that implies, I would say to the minority leader and to those of my own party who defend the policy in Vietnam, that our policy is a fraud—a fraud in the sense that while we measure our decline by the number of troops withdrawn, the bombings have regularly occurred and dramatically increased, and so has the naval buildup, to the point that we are back where we were in 1968.

I think it is time for the air of calm that permeates the White House and those who defend this policy to be shattered in an effort to make the Congress face reality and to make the American public face reality and grapple with it. We must face the reality that if Vietnamization is going to succeed, it means it will succeed only with a heavy and costly commitment of air and naval power for an indefinite period of time. It is this open-endedness that we have not yet faced and which we must face now.

Let us not measure success based on a direct effort to support a South Vietnamese Government that at best has only halfhearted support from those it professes to lead, a government which I do not think we would like to defend in this country.

AMERICAN POLICY IN NORTH VIETNAM

(Mr. PEYSER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. PEYSER. Mr. Speaker, I am amazed at the statements made by the leading Democratic candidates for the Presidency and by some of my colleagues concerning the bombing of Haiphong and Hanoi. Are these men and women willing to sacrifice the lives of nearly 85,000 American soldiers who are still in Vietnam, who are facing this attack? Are they really willing to let the North Vietnamese, through their absolute disregard for human life, try to dictate the course of an American presidential campaign? The United States has been withdrawing and will continue to withdraw its troops as scheduled in spite of this unprovoked massive invasion from the north.

I suggest we will all see Mr. HUMPHREY, Mr. MUSKIE, and Mr. MCGOVERN change their tune when they recognize that the American people are not about to have their national leadership managed and manipulated by Hanoi.

RETALIATION AGAINST NORTH VIETNAMESE AGGRESSION

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, I believe we all are aware that the invasion has been underway for roughly 2 weeks now. As I recall, at the beginning of the invasion there was a great silence throughout the land. Candidates for the Presidency made no demand for withdrawal of North Vietnamese forces. There were no demonstrations in our cities or North Vietnam for the withdrawal of North Vietnamese forces.

But then about a week ago the North Vietnamese delegation in Paris requested their "friends" in America to take steps to stop the President's retaliation against North Vietnam. I would say that their "friends" have gotten the message.

APPROPRIATE RESPONSE TO NORTH VIETNAMESE AGGRESSION

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, when the tumult and the shouting dies an objective military historian, I believe, would have to record the fact that the renewed bombing in the north is an appropriate and logical and probably necessary response to the aggression of the North Vietnamese.

There are American forces threatened by this aggression, and I feel the President would be less than responsible if he did not take whatever action is necessary to protect their lives.

The North Vietnamese are aggressors of long standing in Laos, in Cambodia, and in South Vietnam. Even the Vietcong divisions, so called, are now comprised 75 or 80 percent of North Vietnamese regulars.

This is in response to an invasion and aggression, to protect the right of the people of South Vietnam to self determination and to protect American soldiers, and it is appropriate and it is right.

THE SECRET PLAN OF THIS ADMINISTRATION TO END THE WAR

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, after everything is said that can be said, we now know that the secret plan of this administration to end the war turned out to be a bomb—1 ton for every 60 seconds since this administration came into office.

The monthly average of Americans killed in the U.S. intervention in Indochina during the previous administration was 586. The monthly average under this administration so far is 515.

RELIEF FROM RESTRICTIONS ON SOVIET JEWS

Mr. ROSENTHAL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 471) to seek relief from restrictions on Soviet Jews, as amended.

CALL OF THE HOUSE

Mr. O'KONSKI. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. HOLIFIELD). Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 107]

Alexander
Archer
Badillo
Belcher
Blanton
Blatnik
Bolling
Brademas
Burton
Byron
Carney
Cederberg
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Colmer
Corman
Coughlin
Crane
Culver
Daniels, N.J.
Davis, S.C.
de la Garza
Dellums
Dent
Devine
Diggs
Dowdy
Dwyer
Eckhardt
Edwards, La.
Erlenborn
Esch
Eshleman
Flowers
Ford, William D.
Fountain
Fraser
Frey
Galifianakis
Gallagher
Hébert
Helstoski
Hosmer
Hutchinson
Ichord
Johnson, Pa.
Jones, Tenn.
Kee
Landgrebe
Long, La.
McClure
Macdonald, Mass.
Madden
Martin
Mills, Ark.
Minshall
Mitchell
Monagan
Moorhead
Morse
Moss
Nix
Pryor, Ark.
Rees
Roy
Ruth
St Germain
Schmitz
Schwengel
Seiberling
Shoup
Sisk
Skubitz
Smith, Calif.
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Symington
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Vigorito
Whalley
White
Wilson, Bob
Wright

The SPEAKER pro tempore (Mr. HOLIFIELD). On this rollcall 339 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RELIEF FROM RESTRICTIONS ON SOVIET JEWS

The SPEAKER pro tempore. The Clerk will read the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 471

Whereas in the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world, indeed by the Soviet Constitution; and

Whereas the Jews and other religious minorities of the Soviet Union are being denied the means to sustain their identity inside that country and the opportunity to maintain that identity by moving elsewhere; and

Whereas the right freely to emigrate, which is denied Soviet Jews, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution; and

(2) utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities; and

(3) request of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and

(4) raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

The SPEAKER pro tempore. Is a second demanded?

Mr. FRELINGHUYSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HALL. Mr. Speaker, I would inquire of the gentleman who brings the bill to the floor from our Committee on Foreign Affairs whether or not it would be his intent to yield for the purpose of an amendment.

Mr. Speaker, I am well aware of the rules of the House wherein the gentleman would sacrifice control of the remaining time if he did yield for such an amendment, but I am also aware of the tradition and precedents of the House wherein we customarily strike the whereases and even the nonappropriate resolves, so I merely make that inquiry of the gentleman from New York.

Mr. ROSENTHAL. I believe the parliamentary inquiry would have to be answered by the Chair rather than by myself.

Mr. HALL. The gentleman is correct, of course. Mr. Speaker, would it be in order for the Chair to recognize other than the leadership handling the bill on the floor under these circumstances for the purpose of an appropriate amendment?

The SPEAKER pro tempore (Mr. HOLIFIELD). The Chair will inform the gentleman from Missouri that no amendments can be offered when the House is considering a bill under suspension of the rules.

Mr. HALL. I thank the Chair.

Mr. ROSENTHAL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, in the 92d Congress 162 Members introduced 48 bills and resolutions covering the status of Soviet Jews and their rights of emigration. All of these were referred to the Committee on Foreign Affairs.

The committee reports out today a modified version of the principal resolution which was introduced by the gentleman from Illinois (Mr. ANDERSON) and the gentleman from Massachusetts (Mr. O'NEILL).

BACKGROUND

Jews in the Soviet Union have suffered both legal and social discrimination for many centuries. Antisemitism has been used both under the tsars and since the revolution of 1917 as a political instrument. In recent years, the repudiation of some of the harsher elements of Stalinism resulted in some improvement in the status of Jews but this period ended with the internal Soviet reaction to the 6-day war in 1967. Since that date, there has been a return to official antipathy toward Jews as an expression of Soviet hostility toward Israel, and, correspondingly, of friendship toward the Arab countries. There has also been a renewed sense of cultural identity and self-assertion by many Jewish citizens of the Soviet Union. The combined force of these two elements forms the painful record of Soviet Jewry in the past 5 years.

A series of trials in 1970 and 1971 of Soviet Jews charged with antistate activities, including the attempted hijacking of a Soviet commercial airplane, served to focus world attention on policies of the Soviet Union toward its Jewish citizens. This international interest, in turn, accelerated the development and expression of solidarity among many Soviet Jews. Several public demonstrations by Soviet Jews illustrated this new expression of solidarity. A sharp interest in emigration, particularly to Israel, was another expression of that solidarity which was especially difficult for Soviet authorities to handle. For not only was world attention now directed to Soviet Jews but their desire to emigrate raised a wider problem: If Jews are allowed to leave, other Soviet minorities may seek the same right, perhaps using similar public expressions which might greatly embarrass Soviet authorities and possibly, if unchecked, create genuine problems of public order. The possible tension with Arab countries which fear the influx of many thousands of Soviet Jews into Israel gave the Soviet's still another dimension. The final element in the dilemma was the obvious temptation of succumbing to the pleas for emigration visas to get rid of the troublemakers.

Against these conflicting pressures, Soviet authorities tried to build a variety of defenses. The trials in 1970 and 1971 of Soviet Jews accused of the Leningrad hijacking and of printing antistate tracts were probably intended to show trials to warn other Jews of the dangers of agitation. The increase in emigration visas issued in 1971 over preceding years—a trend continued so far into 1972 also—was apparently an attempt to counter some of the hostile world press attention caused by the trials. Yet the continued restrictions against the thousands of Soviet Jews who wanted to emigrate—many of whom undoubtedly were encouraged to apply because others had received vias—kept world attention focused on the problems of Soviet Jews and not on the very limited attempts by the Soviet Union to solve them.

Although it is difficult to assess the effects of the pressures on Soviet Jews in the last 5 years, it seems that two strong, and sometime conflicting, elements are present: First, Soviet Jews are increasingly aware of their identity as a separate group within the Soviet Union which the world is watching. This group of self-awareness makes certain cultural expressions of increasing importance. The lack of available books in Hebrew, of matzohs, and other cultural and religious articles, of synagogue services and rabbis are deeply resented deprivations which Soviet Jews are prepared, in growing numbers, to protest. Second, a different trend is to abandon the Soviet Union as a country hostile to Jews and start a new life elsewhere, particularly in Israel. This is a solution which appeals to more and more Soviet Jews, especially younger ones.

PROVISIONS OF THE RESOLUTION

The preliminary clauses describe briefly and in summary form the background outlined in the preceding section. The resolved clauses then state that it is the sense of Congress that the President should take immediate steps to—

> (1) Call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution.

All citizens of the Soviet Union are guaranteed, in their Constitution, the rights of freedom of expression and of the exercise of their religion. These rights, as indicated in the preceding section, are often denied citizens in practice. Soviet Jews, for historical and political reasons, have been among the most frequent and consistent victims of this denial among the many ethnic and religious minorities of the Soviet Union, all of whom are deprived, to some extent, of these freedoms. This clause asks the President, through intercession with the Soviet Government, to seek the exercise of these basic human rights of freedom of expression and of religion for all citizens of the Soviet Union.

> (2) Utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities.

This clause refers to the special problem for Soviet citizens who seek to practice their religion. Such practice is discouraged, with a great variety of devices, as part of the Communist ideology. This is a matter which affects millions of Soviet citizens besides the 2 to 3 million Soviet Jews. But Soviet Jews bear a special burden. They are discriminated against both because of their religion and because of their nationality. The President is encouraged to use whatever channels are available to him to intercede on behalf of all Soviet citizens seeking to practice their religion.

> (3) Request of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the counries of their choice as affirmed by the United Nations Declaration of Human Rights.

The U.N. Declaration of Human Rights, passed in December 1948 by the General Assembly, expressed in article 13 the right of everyone "to leave any country, including his own, and to return to his country." The exercise of this right is among the most basic defenses of an individual against a repressive government. Without this right in force, all others become clouded since departure from repression to some point beyond that repression often remains the only hope for those unable to obtain the exercise of other rights. The declaration also expresses, in article 14, the right of everyone "to seek and enjoy in other countries asylum from persecution." Article 15 affirms the universal right to change one's nationality.

The exercise of these rights is a difficult matter for the Soviet Union which undoubtedly fears, with some justification, that allowing Jews to emigrate will encourage other minorities to seek the same rights. This problem is among the most fundamental facing the Soviet Union, for its existence contradicts the tenets of that country's official ideology whose promise of ultimate human freedom must always remain disputed when citizens are unable to perform the most simple and direct act open to men under government: to step away from the jurisdiction of that government.

The committee's only amendment to House Concurrent Resolution 471 changed the first word of this clause to "request" instead of "demand," which the committee deemed an inappropriate word to describe the approach requested by the President to the Soviet Government.

> (4) Raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

This clause, unlike the preceding three, expresses no new concern nor does it call for any new approach with the Soviet Government. Rather, it seeks to use the United Nations as the proper forum for the discussion by our Government of the denial of rights of Soviet Jews and other minorities. The United Nations represents the aspirations of the most basic human hopes and ideals. Its General Assembly, where all countries meet as equals, and whose Declaration of Human Rights is the most basic and universal expression of those rights, is the proper place within the United Nations for this discussion.

SPIRIT OF THE RESOLUTION

The resolution, in the form approved unanimously by the committee, builds on the considerable interest in the problems of Soviet Jews within the Congress and on the belief, which seems to have a strong foundation, that the Soviet

Union's attempts to improve the status of its Jewish citizens has been in direct relation to the world attention given this problem.

The first resolution introduced in this Congress in the House of Representatives on Soviet Jewry was House Concurrent Resolution 8, sponsored by Hon. FRANK ANNUNZIO. It was a greatly modified version of Mr. ANNUNZIO's resolution which the Department of State endorsed in 1971. The committee felt, however, that a more detailed resolution was appropriate, especially as the situation within the Soviet Union developed in the course of 1971. The Anderson-O'Neill resolution, with minor modifications, was judged the most appropriate vehicle for that expression.

The committee is aware that a resolution concerning Soviet Jews, particularly one which calls upon the President to take specific steps with the Soviet Government, might be misinterpreted by those who feel such an approach is inconsistent with the spirit of detente and with the President's coming visit to Moscow. These views, however well-intentioned, seem to the committee to neglect several important facts: First, detente does not and cannot mean the submergence of genuine issues of concern to either the United States or the Soviet Union. Rather, detente should mean the active exploration by both countries, with good will and understanding of solutions to the problems dividing the countries.

Second, the record of the protests by and concerning Soviet Jews indicates that the Soviet Government, like our own Government and that of all other countries, does indeed respond to public opinion. The expression of concern by Congress, representing a wide segment of American public opinion on this issue, will, judged by the past, have a salubrious effect on Soviet policies toward its Jewish citizens.

Third, instead of limiting the President's coming to Moscow visit, the committee hopes that the President will use that visit to discuss Soviet Jewry among those issues which presently limit the cooperation and development of better relations with the Soviet Union.

The resolution is presented with this spirit of realism and idealism: that the United States must accept its responsibilities to speak with concern for victims of oppression and discrimination wherever they exist; that mutual understanding between all countries, including that existing between the Soviet Union and the United States, must be marked by a fidelity to the highest aspirations of human freedom no matter what the record of performance by any country might be; and, finally, that the Congress, representing the popular voice within Government, has a special role in expressing those aspirations independent of the particular government in charge in any country at the time.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I am happy to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, we have before us a resolution expressing the sense of the Congress that the President of the United States take certain definitive steps to ease the plight of Soviet Jews. This resolution merits the support of each and every Member of the U.S. Congress. It is in keeping with our own concept of the dignity of man, as well as the prevailing international concept as expressed by the United Nations Declaration of Human Rights.

The resolution would have the President:

First. Call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all citizens in accordance with the Soviet Constitution.

Second. Utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities.

Third. Request the Soviet Government to permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

Fourth. Raise in the United Nations General Assembly the issue of the Soviet Union's transgressions of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

The persecution of minorities under czarist Russia is well known. The 1917 revolution and the establishment of the present Soviet Government and its Constitution was designed and intended to prevent and preclude those practices. However, modern Soviet history, particularly under Stalin and Khrushchev, are replete with the systematic actions of discrimination and persecution of Soviet minorities, particularly the Soviet Jews. Documentation of present Soviet practices is somewhat more difficult to provide. However, we do know of the continued efforts to subjugate and discriminate against the Soviet Jews—in the practice of their religion, traditions, and daily living.

The increase in the Soviet people's awareness of human dignity in the past few years, as expressed by many members of the Soviet intelligentsia, has given rise to increased efforts by many Soviet citizens to obtain greater personal freedom. This has in turn given impetus to many thousands of Soviet Jews to seek to emigrate from the Soviet Union to the countries of their choice. This principle is set forth in the United Nations Declaration of Human Rights. Urging the President to call upon the Soviet Government to honor those principles is clearly called for at this time.

The increase in the issuance of exit permits to Soviet Jews in the past year most certainly must be in part attributed to the international expressions of concern. The forthcoming visit of President Nixon to Russia presents a unique opportunity for the President, in behalf of the American people, to further express our concern over the treatment of Soviet Jews by that Government.

At the same time it would appear to be most fitting and appropriate to raise the issue in the United Nations General Assembly of the Soviet Union's transgressions of the Declaration of Human Rights, particularly against Soviet Jews and other minorities. Such action would serve to express the concern of the international community over Soviet policies toward its people.

Mr. Speaker, I cannot too strongly express the need for unanimous approval of this resolution. The milk of human kindness and concern for our fellow man calls for its support.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, I merely want to congratulate the gentleman from New York for this resolution, and also to comment that within the past week I have been in France and have had the opportunity of meeting with some people very much involved with the problems of the Soviet Jews. They point out very clearly to me the fact that there is a quota system now in the universities affecting the Jews, limiting them to 10 percent of the universities, and there are no Jewish newspapers allowed and there are no rabbinical schools. I think this speaks very much to some of the issues being suggested by this resolution, and I certainly support it and congratulate the gentleman for it.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I express my appreciation to the gentleman for coming forth with this resolution. I am in hearty support of it.

For a very long time, many of us in the House have sought practical means by which our Government can assist in alleviating the plight of the thousands of Jews in the Soviet Union who wish so dearly to go to Israel and other countries.

It has been my strong belief that the problems suffered by Jews in the Soviet Union and elsewhere are not difficulties to be faced by them alone. These are fundamentally questions of human rights and human dignity of importance to all men everywhere. These are matters between all governments and not simply questions for people of a single religious and ethnic strain.

That is why, Mr. Speaker, I wholeheartedly join my distinguished colleague, Mr. ROSENTHAL, in cosponsoring the House Concurrent Resolution 471 which asks that the Soviet Union grant these basic rights to their Jewish citizens. The text of the resolution is as follows:

H. CON. RES. 471

Whereas in the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world, indeed by the Soviet Constitution; and

Whereas the Jews and other religious minorities of the Soviet Union are being denied the means to sustain their identity inside that country and the opportunity to maintain that identity by moving elsewhere; and

Whereas the right freely to emigrate, which is denied Soviet Jews, is a right affirmed by the United Nations Declaration of Human

> Rights, adopted unanimously by the General Assembly of the United Nations: Now therefore, be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—
>
> (1) call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution; and
>
> (2) utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities; and
>
> (3) request of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and
>
> (4) raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities

To assure that some assistance will be forthcoming, it is the hope of many of my colleagues and myself that the President of the United States will raise this important issue of the right of emigration of Soviet Jews who desire to leave the Soviet Union. A text of a letter currently being circulated—and which I have signed—is as follows:

> President RICHARD M. NIXON,
> *The White House,*
> *Washington, D.C.*
>
> MR. PRESIDENT: In the interest of peace and the easing of world tensions we, the undersigned, welcome your forthcoming trip to Moscow. We also urge you to take advantage of this unique opportunity and to help redeem Soviet Jews, thus fulfilling the hopes of millions of Americans who have labored on their behalf.
>
> Mr. President, we respectfully petition you on behalf of three million Soviet Jews. We urge you to be their advocate and to convey to Soviet leaders the concern of millions of Americans, and people of good will everywhere, over an oppressed minority which faces discrimination, and is prevented from perpetuating its history, its culture and its ancient religious heritage. Nearly forty of its finest young people are in Soviet prison camps because they sought to live as Jews, while others seeking to emigrate are harassed. If some succeed in departing it is only after months of struggle and of deprivation.
>
> Mr. President, we urge you to exert your influence to help free Jewish prisoners of conscience and to help Soviet Jews achieve the fundamental right to live as Jews and to leave for Israel and elsewhere.

A similar letter is being circulated throughout the Greater Cleveland community pleading with President Nixon to raise these issues with the leadership of the Soviet Union.

It is only when questions like these regarding Soviet Jewry become matters between great nations and not matters solely among ethnic or religious groups, that moral enforcement of the human rights and dignity of all mankind will become a meaningful reality.

The Jews in the Soviet Union who wish to leave used to have to pay 80 rubles for an exit permit or about $100. To meet such payment, household effects were sold to friends and others at cut rates.

Now the rate for exit has been raised to 800 rubles or about $1,000 per person. This is not a tax—it is a ransom. It is unconscionable that a civilized and mature member in the family of nations should require such tribute for the right to emigrate—so fundamental a right in every civilized country. The Soviet Constitution clearly recognizes that right, but the Government still refuses fully to recognize that right, and then requires so impossible a fee—a tribute—to exercise that right.

The Jewish people has survived under harsh, impossible circumstances over thousands of years. This spring is marked by two events of importance in the recent history of the struggle of the Jewish people to survive: A new date of remembrance has just been designated to honor those who perished in the holocaust of the uprising of the Warsaw ghetto, followed in a few days by the celebration of the anniversary of the rebirth of the Jewish people through the creation of the democratic State of Israel. These events should remind all Americans of the costs in lives and in intellectual treasure of the 6 million Jewish people annihilated—not centuries ago, but within the lifetime of most of us. These reminders should serve to rededicate ourselves to a course of action which will prevent, forever, the return of such monstrous barbarity. It must remind us that the repression of men anywhere is a threat to men everywhere.

It is remarkable to recall that from the time of the fall of the Warsaw ghetto to the rise of the new State of Israel only 5 years elapsed. It is a tribute to this valiant people that such survival was feasible.

That those qualities continue to be tested by the Soviet Union seems ludicrous. That there should be demands of tribute of $1,000 per person who desires to leave is ironically reminiscent of the plight of the Jews who were traded for trucks during World War II.

It is time that our Nation show its allegiance and belief in the fundamental rights which have been embodied in our own founding documents, the United Nations Charter on Human Rights, and in the religious principles by which we say we live. For the Soviets' part, they would do well to practice those similar principles which are expessed in their constitution.

Our President can demonstrate a clear commitment to these basic human rights by concurring with our resolution and by raising this vital issue of emigration of Soviet Jewry with the leadership of the Soviet Union when he meets with them in May.

Then it would become clear that our Nation's commitment to such ideals are of the very highest diplomatic order and importance. We owe that to this valiant people, and to ourselves and the freedom-loving peoples of the world.

All of these ideals, hopes, and prayers can and will be expressed more fully on Solidarity Day for Israel and Soviet Jewry on April 30, 1972, throughout the United States.

It will be with a great deal of pride that I will join my friends and neighbors, non-Jews and Jewish people, to show our entire community's support of fundamental human rights for our Jewish brothers in the Soviet Union.

Mr. ROSENTHAL. Mr. Speaker, I yield to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I commend the gentleman from New York for bringing forth this resolution and wish to associate myself with his remarks.

Mr. Speaker, I rise in support of House Concurrent Resolution 471 which expresses the sense of the Congress against the oppression of Soviet Jews and others who are being denied their basic international human rights. I speak in favor of this resolution as a cosponsor of the legislation and as one who believes the Congress has a moral responsibility to speak out against the kind of oppression which destroys the cultural, religious, and social freedoms of any people.

House Concurrent Resolution 471 calls upon the President to make known to the Soviet Union our Nation's opposition to the discrimination against minority groups in Russia. The resolution urges the President to seek relief for those who do not have freedom of expression of ideas or the exercise of religious views. The resolution also urges the President to demand that the Soviet Government permit its citizens the right to emigrate to countries of their choice, a right which is affirmed by the United Nations Declaration of Human Rights.

The above positions are basic human rights and are not the province of any nation to repress. That is why the resolution finally calls upon the State Department to raise in the General Assembly of the United Nations the issue of Soviet violation of the Declaration of Human Rights. This last section of the legislation is in my opinion the most important for it calls upon our Nation's representatives in the U.N. to enforce that body's own declarations—to test the willingness of that world body to stand by the basic rights it has set forth. There can be no excuse for turning our backs on the substantial violations of human rights which have taken place in the Soviet Union.

I urge my colleagues to vote for House Concurrent Resolution 471 and to take a strong position in support of Soviet Jews and against oppression of any people.

Mr. ROSENTHAL. Mr. Speaker, I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I want to thank the gentleman and his committee for their efforts in behalf of this noble cause.

This is not just a question of Jewish rights, but it is a question of human rights, the rights of all people oppressed throughout the world.

Yesterday, on the 24th anniversary of the State of Israel, I had the opportunity of attending services in my area and listening to the Counsel General of Israel, Mr. David Rubin, who spoke to us about this great cause. He told of those Jews who are fortunate enough to get to Israel that when they first get off the plane they kneel and kiss the ground of their fathers and forefathers with tears of gratitude in their eyes.

The SPEAKER. The time of the gentleman has expired.

Mr. ROSENTHAL. Mr. Speaker, I yield myself 2 additional minutes.

I yield further to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman yielding further to me. I want to continue for just a few more moments.

However, the next day these emigrees are faced with the harsh realities of the new life they have to lead plus the reality of obtaining a home, a job, and other necessities they so desperately need.

While this resolution is very much in order, we must also address ourselves here in the United States to helping Israel cope with the difficult problems of handling this immigration from Russia in terms of additional economic assistance.

Mr. Speaker, at the end of my remarks I will include the concurrent resolution on the right to emigrate from and to one's own country which I introduced last year. My colleagues will note in the preamble that I made mention of the case of Rita Gluzman whose husband had been precluded from joining her in Israel. I am pleased to say that her husband now has joined her and I am happy to have helped bring this about. Her letter which I include at this point made my efforts all worthwhile:

NATANYA, ISRAEL
February 13, 1972.

Congressman JACK KEMP,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KEMP: I am glad to tell you that we are getting settled—my husband and I are studying. We are both working very hard and our little boy is growing up as a healthy and robust "Sabra".

I am writing to you as I would like to share my happiness with you. I remember that when I was miserable I turned to all those who were ready to listen to me and asked them to help me in getting my husband back. You like many of your copatriots, have helped me a lot. And I know that I am not the only one whom you helped. The Jews in the Soviet Union, feeling the support of the public opinion in Europe and especially in the U.S.A., can fight for their right to live in Israel, and can even be successful in this fight of theirs.

The first fruits of this fight can already be seen—many people come from there. However, I cannot forget that many thousands of my brothers and sisters are still awaiting the happy day when they will be able to go to Israel. They feel the moral and effective support of such people as you. They know that the pressure of the West on the Soviet Authorities brings positive results—and they expect this help from you. I know this from my personal experience when I went to the U.S.A. to ask for your help.

I wish much happiness to you personally and to all those in America who had helped me as well as to all those who are still helping my numerous friends in the U.S.S.R. God bless you all.

Sincerely yours,
RITA GLUZMAN.

And in conclusion, I am also very happy to see that the concept of bringing this issue of the right to emigrate before the United Nations General Assembly, which we initiated and promoted publicly and in testimony before the Foreign Affairs Subcommittee, has been adopted today.

I appreciate the fact that the distinguished chairman of that subcommittee, Mr. ROSENTHAL, took additional time which he yielded to me.

The resolution follows:

H. CON. RES. 462

Whereas the Congress is concerned about the fact that some nations have not adhered to the United Nations Declaration of Human Rights which specifically recites that all people have a right to expatriate themselves—to pass freely from state to state, to remove themselves from a jurisdiction which they find destructive or offensive to their rights; and

Whereas the vengeful trial of Jews attempting to leave Leningrad, the plight of hundreds like Rita Gluzman whose husband has not been allowed to emigrate from Ukraine to join her and their baby son in Israel, the killing of approximately sixty-five people trying to flee East Berlin, the brutal beating, recapture, and subsequent prosecution of the Lithuanian seaman on an American Coast Guard vessel, the expressed fear of Solzhenitsen that if he accepted the Nobel prize in Stockholm, he could be barred forever from his Russian homeland are all evidence of the fact that some nations have not honored the aforementioned basic and internationally recognized human right, the right of everyone to leave any country and return to his own country; and

Whereas both authoritative world opinion and international law consider the right to leave and to return as a fundamental human right binding on all governments; and

Whereas this extremely important moral issue has never been brought before the United Nations General Assembly: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United Nations, should present to the United Nations General Assembly in fitting manner the issue of the right to emigrate from and also return to one's country.

Mr. ROSENTHAL. Mr. Speaker, I now yield to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I thank the gentleman from New York, the distinguished chairman of the subcommittee of the Committee on Foreign Affairs, for yielding to me.

I had the privilege and opportunity to visit in January of this year in the State of Israel and observe firsthand the arrival of the emigres from the Soviet Union in Israel. No words of mine can describe properly the impact in terms of hopes and expectations that can be witnessed by anyone who sees what is going on there.

We know, of course, the valiant venture of the State of Israel and how they have welcomed these new citizens wholeheartedly. I hope we can go forward with the kind of support that is needed in order to assist them in this great effort, so that they may have not just an opportunity to return to a land of hope and freedom but have the opportunity which they need once they arrive in Israel.

I commend the gentleman for bringing this resolution up.

Mr. ROSENTHAL. Mr. Speaker, I yield to the gentleman from New York, my colleague on the Committee on Foreign Affairs, Mr. WOLFF.

Mr. WOLFF. Mr. Speaker, I rise in support of House Concurrent Resolution 471 which seeks relief from restrictions on Soviet Jews. I have continuously spoken out to urge that the Soviet Union ease its harsh restrictions and permit Jewish citizens to preserve and practice their cultural heritage without harassment and to emigrate if they so choose. I have sought relief for Soviet Jews through other legislation which would provide for the issuance of emergency immigration visas for Soviet Jews.

On March 6, in anticipation of the President's impending visit to the Soviet Union, I sent a letter to the White House urging that the plight of Jews in the Soviet Union be given the highest priority in the President's meetings with Soviet leaders. The text of my letter to the President is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 6, 1972.

THE HONORABLE RICHARD M. NIXON,
The President,
The White House.

DEAR MR. PRESIDENT: Despite the recent easing of restrictions on emigration from the U.S.S.R. to Israel, harassment and incarceration of Soviet Jews continues. Members of this minority are regularly deprived of cultural and religious rights; discrimination in education and employment is rampant.

A vigorous reaction to this intolerable situation has been voiced by the Congress, in debate and in resolution, and by the American people in public meetings and in the national press. Expressions of deep concern have been conveyed by the leaders of several Western nations to Soviet officials. You are the spokesman for a nation which has traditionally espoused the concept of minority rights and which now demands humane treatment for Soviet Jewry. Your intercession with regard to this matter when you visit with Soviet officials later this spring would be appropriate as well as effective.

I therefore respectfully urge you to use the occasion of your forthcoming visit to the Soviet Union to discuss with Soviet leaders the plight of Russian Jews. Any quest for honest and productive relations with the Soviet Union demands the satisfactory resolution of this fractious issue. I trust you will carefully consider placing this item on the agenda of your discussions with Soviet leaders.

Sincerely,
LESTER L. WOLFF,
Member of Congress.

The resolution before us today, as was my letter, is addressed to the President and, as did my letter, calls upon him to urge the Soviet Government to permit free expression of ideas and religion and the right of citizens to emigrate. These basic rights and freedoms are affirmed in our own traditions and in the United Nations Declaration of Human Rights. The President now has the opportunity, hopefully with the endorsement of the Congress, to bring this important issue directly to the leaders of the Soviet Union. I urge my colleagues to join in support of this resolution and I hope that the President will be able to report some substantive progress on this deeply disturbing problem which can only be described as a human tragedy.

Mr. ROSENTHAL. Mr. Speaker, I now

yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I rise to join my colleagues in support of House Concurrent Resolution 471, which expresses the sense of this body that this Nation must make every effort possible to urge an end to the restriction of Soviet Jews.

The persecution of members of the Jewish faith in the Soviet Union is not a recent development. The people in that country have been discriminated against both under the czarist regime and in the years following the revolution of 1917. Over the years the rights of Soviet Jews, which are supposedly guaranteed to them in the Soviet Constitution, have in practice been denied. In recent times this minority has been used by the Soviet Government as a tool to express dissatisfaction with certain international events.

Following the 6-Day War in 1967, for example, there was a return to official antipathy toward Jews by the Soviets reminiscent of the harsher elements of the Stalinist era. In this way the Soviets were expressing dissatisfaction with Israel and at the same time expressing their support of the Arab nations.

The abuse of rights of the Soviet Jews was also evident in the series of trials in 1970 and 1971, when they were charged with antistate activities, including the attempted hijacking of a Soviet commercial airliner. These trials served to focus world attention on the policies of the Soviet Union toward its Jewish citizens. I have not remained idle during this period.

We as the foremost legislative forum in the world cannot just stand idly by while the rights of the Jewish citizens of the Soviet Union are denied. We must voice our strong opposition to the policies of that nation toward its almost 3 million Jewish citizens and accept our responsibility to speak out concerning the victims of oppression and discrimination wherever they exist.

This is a timely measure in view of the President's upcoming visit to Moscow. We cannot allow detente to mean the submergence of genuine issues of concern to both nations. In this regard, we must impress upon the President the concern and determination of this body that the problems of Soviet Jewry should be high on the list of issues discussed during his upcoming talks with Soviet leaders.

Mr. Speaker, it is my hope that my colleagues will join with me in voting for this resolution. It is a strong statement in support of those of the Jewish faith living in the Soviet Union and it seeks to provide them with the opportunity of self-expression, including the right to emigrate to any nation they wish.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I, too, rise in support of House Concurrent Resolution 471.

This resolution was approved unanimously by the Committee on Foreign Affairs, and offers a timely reflection of the concern both of Congress and the American people over the plight of the Soviet Jews.

Hearings of the Subcommittee on Europe were held on this resolution in November of last year. That resulted in the legislation before us.

Mr. Speaker, in approving this resolution, the Committee on Foreign Affairs has focused attention on the restrictions encountered by Soviet Jews.

These restrictions are detailed in the committee report. They are generally known to Members of the House, many of whom have followed this problem with concern in recent years.

The resolution we are considering here cannot, of course, guarantee a change in the Soviet Government's attitude toward its citizens. But, on occasion, the Soviet leadership has shown that it is responsive to world opinion.

Mr. Speaker, this resolution states that it is the sense of Congress that the President should take immediate steps to:

First. Call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution.

Second. Utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities.

Third. Request of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

Fourth. Raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

I believe that this resolution is constructive, realistic, and responsive to the aspirations of all who value human freedom. Let us demonstrate here today our concern for human freedom by voicing our approval of this resolution.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I rise in strong support of House Concurrent Resolution 471, a "sense of Congress" resolution urging President Nixon to use all of this country's powers, directly and through the United Nations, to relive the oppression of Soviet Jews and to allow their emigration.

The record is full of examples of harassment and persecution of Soviet Jews. Despite continued oppression, many thousands of Jews in Russia have stood up for their own heritage and for their own human rights. As a nation founded on principles of basic freedoms, we can do no less than to support, in every way possible, their struggle for freedom.

One right, especially important to Jews in Russia, which has been arbitrarily denied, is emigration. This important right is embodied in the United Nations Declaration of Human Rights and in the International Convention on the Elimination of All Forms of Racial Discrimination.

This resolution is largely symbolic, but it can have two important effects. First, it is an important, public, official statement which again tells the world of the Soviet Union's oppression of Jews. World opinion will not dictate policy to Russia, but it cannot be totally ignored either.

Second, it encourages the President to present this subject forcefully to the Soviets during his proposed visit. A congressional resolution, showing wide public interest, will make this an issue of national consensus, rather than one of personal diplomacy.

Therefore, Mr. Speaker, I urge speedy, and unanimous passage of House Concurrent Resolution 471, which is identical to House Concurrent Resolution 39, of which I am an author.

Mr. McKEVITT. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Colorado.

Mr. McKEVITT. Mr. Speaker, I would like also to compliment the sponsors of this resolution.

Mr. Speaker, as the Committee on Foreign Affairs noted in its report on House Conference Resolution 471, Jews in the Soviet Union have suffered both legal and social discrimination for many centuries.

In fact, the Soviets have used anti-semitism as a political device. Today we see in the Soviet Union official antipathy toward Jews which reflects the Kremlin position regarding Israel.

I found it most interesting that the committee called attention to the fact that the Soviet Constitution states that all citizens of the Soviet Union are "guaranteed" the rights of freedom of expression and the exercise of their religion. In practice, of course, these rights are often denied Soviet citizens.

House Conference Resolution 471 reflects our concern for the plight of Soviet Jews who are being denied their very identities in the U.S.S.R. and who are prevented from moving elsewhere. The right to freely emigrate is a basic human right and one that has been affirmed unanimously by the General Assembly of the United Nations.

By asking the President of the United States to call upon the Soviet Government to honor these rights and others we are also affirming our commitment to these rights.

Jews in the Soviet Union bear a special burden. They suffer because of their religion and their nationality. We in Congress have a special responsibility in expressing the aspirations of our citizens who are dismayed at the treatment of Soviet Jews. I urge our total support of this resolution.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Speaker, I rise in support of this resolution.

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. LENT. Mr. Speaker, I thank the gentleman for yielding and I wish to commend him and the committee for sponsoring this resolution which I wholeheartedly support.

Mr. Speaker, as a sponsor of a similar House resolution to the one we consider today, and as a firm advocate for full freedoms for Soviet Jews, I urge speedy consideration and passage for House Concurrent Resolution 471, which expresses the sense of the Congress that the President call upon the Soviet Union to take immediate steps to correct the many inequities and discriminations perpetrated against Soviet Jewry.

Mr. Speaker, the people of Long Island are unanimous in their call for an end to the repression of Soviet Jews by the Russian Government, and I have taken every opportunity to make their views plain here in Washington. I have worked closely with the many Long Island groups who have devoted their energies to ending this repression, and will continue to lend my efforts to that worthy purpose.

For while limited freedom for all Soviet citizens is itself deplorable, the policy of "no freedom at all" for Soviet Jews is an abomination which must be dealt with in the most forceful way we know how.

Chief among those normal freedoms which other peoples of the world enjoy but which are denied to Soviet Jews, is the freedom to emigrate to a nation of their choice.

Because I was so concerned about this basic denial of rights, I long ago wrote President Nixon asking that he address this repression at the first opportunity with Soviet officials and lend the full weight of the office of the Presidency to this struggle for human rights.

So, today, Mr. Speaker, in speaking for the people of Long Island, I call for immediate passage of this worthy legislation so that Soviet Jews will enjoy the full freedoms which they so richly deserve. I feel certain I have the full backing of all Long Islanders on this important matter, and I hope my colleagues in the Congress consider this legislation as important as I do.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Ohio.

Mr. KEATING. Mr. Speaker, I rise in support of this resolution.

As one of the 162 Members of Congress who introduced bills concerning the status of Soviet citizens to emigrate, I am glad to see that House Concurrent Resolution 471 is coming up for a vote today.

We in America often forget that behind the Iron Curtain citizens are deprived of the most basic of human rights. This resolution clearly states the resolve of Congress to have the Soviet Union change its policy toward Soviet Jews and other Soviet minorities.

In this past Saturday's Washington Post, an article appeared concerning a leading dancer with Leningrad's Kirov Ballet.

The dancer, Valery Penov, was dismissed for trying to emigrate to Israel.

The right to emigrate, the right to worship, the right to hold private views and freedom of assembly are basic human rights that are deprived citizens of the Soviet Union.

I urge that the President take this resolution as a mandate to raise this issue during his talks with the Russian leaders at the May summit meeting.

Today we are approaching an era of detente, however, those who feel that differences between our two great nation's should be submerged in the search for detente are wrong. Where violations of basic human rights occur, the United States has an obligation to speak up and strongly condemn them. It is my hope that the Soviet Union will be moved by the full weight of world public opinion and abide by the United Nation's Declaration of Human Rights which was unanimously adopted by the U.N. General Assembly.

Debate on this issue also points out another serious problem which the Congress will be facing in the coming weeks, the continuation of Radio Free Europe. For the Jews of the Soviet Union and for the other oppressed minorities behind the Iron Curtain these world broadcasts give them the strength to carry on while they are denied their basic freedoms.

While the passage of this resolution is a small step, let us hope that it will lead to the day when the citizens of the Soviet Union can freely express their ideas, exercise their choice of religion, and have the right to emigrate freely.

Mr. ROSENTHAL. Mr. Speaker, I yield myself such time as I may consume.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the distinguished gentleman from New York.

Mr. RANGEL. Mr. Speaker, I rise in support of this resolution. This is a time when Congress must be concerned about the rights of minorities, in this country and abroad, as well as with the rights of suppressed majorities in Africa.

I think this Congress should express its sentiments in opposition to the continuing repression faced by Soviet Jews and their denial of human rights in the U.S.S.R.

We must call upon the Soviet Government to permit the free expression of ideas and the freedom of religion that is now missing. The President must use all channels open to him, formal and informal, to press for the end of discrimination against Soviet Jews. On his forthcoming trip to Moscow, I hope the President will press the Soviet Government to permit its citizens to emigrate to the country of their choice, as endorsed by the United Nations Declaration of Human Rights. Furthermore, the President and the U.S. Ambassador to the United Nations should raise the question of Soviet abridgement of these basic rights in the General Assembly.

Mr. Speaker, we cannot in good conscience sit silently and condone this continued persecution.

Mr. PODELL. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to my colleague from New York.

Mr. PODELL. Mr. Speaker, I wish to congratulate the distinguished gentleman from New York (Mr. ROSENTHAL) as well as all of the members of the subcommittee and the sponsors of this resolution.

Mr. Speaker, House Concurrent Resolution 471, requesting that the President take up the issue of the oppression of Soviet Jews with Moscow comes at a particularly opportune time.

The President's trip to Russia rapidly approaches, contacts with the Soviet Union increase with steady regularity as detailed arrangements begin to take their final form.

It is important that Congress inform administration officials now, just as such contacts expand, that it is deeply concerned about the plight of Soviet Jews. It is important that all Members of Congress stand today with moral people all over the world and speak out. It is important that as representatives of this great democracy, we resolutely declare that oppression of Jews just because they are Jews should not and will not escape notice and condemnation.

As the elected chief of a freedom-loving people, our President must vehemently protest the treatment of Jews, their persecution and deprivation. He cannot stand by as Jews, against their will and in violation of United Nations agreements, are sentenced to life in a vast wasteland devoid of culture and religious sensitivity.

Our overwhelming passage of this bill makes the record clear: the United States will not falter in its demands that the Soviet Government end its oppression of Jews, no matter what the diplomatic situation.

Our resolution today demonstrates unequivocally that Soviet attempts at cultural genocide of Jews will not escape our condemnation, even in the thick vapors of a thawing cold war.

In the months since I introduced a resolution on urging the President to speak out on behalf of Soviet Jews, their situation has changed somewhat. Emigration has increased, and thousands of Jews deluge government offices with visa applications. Only a small proportion are lucky enough to have their requests granted.

Some members of our State Department urged that Congress lower the tone of its concern, in light of some easing of restrictions. However, while more Jews have been able to escape the tyranny of the Soviet Government and settle in Israel, the KGB has adopted a vigorous policy of severe repression of activists who agitate for visas and Jewish rights after their applications have been rejected.

In the past, the Moscow KGB has led Russian secret police in persecuting Jews with its example of confinement to mental institutions, jail sentences, and unexplained arrests.

But as of last week, the Leningrad KGB has decided not only to emulate the dastardly record of its Moscow counterpart but to surpass it as well. Sergei Gurevitz, a Jewish physicist who was fired from his teaching position when he applied for a visa to Israel and then threatened with institutionalization when he walked in the street with a yarmulke, a skull cap, has been informed that he will either take a job in a concrete factory or spend a year in jail for parasitism.

Friends who spoke to him on Saturday found him ready to accept any menial job in the hope that his visa might come through.

However, he told his callers that two unnamed friends would be tried on charges of parasitism now being trumped up by the Leningrad KGB and will be sentenced to spend a year in labor camps.

These new incidents of repression herald an intensifying of persecution and a worsening of the situation of Jews, although a fortunate minority are now able to escape.

When the President is in Moscow, he must make it clear to the Russian Government that the plight of Jews must only get better, not worse.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. KOCH. Mr. Speaker, I rise in support of House Concurrent Resolution 471, reported out by the Subcommittee on Europe, chaired by my distinguished friend and colleague, BENJAMIN R. ROSENTHAL. I am proud that I am a cosponsor of the resolution and that it has been brought to the floor so quickly so as to permit the House of Representatives to state its position in support of the Soviet Jews and other minorities repressed and discriminated against in the U.S.S.R. before the President meets with Soviet authorities next month in Russia.

Soviet Jews and other minorities in the U.S.S.R. in ever-increasing numbers are seeking to emigrate from the Soviet Union to other countries willing to accept them. That right to emigrate is one accorded to Soviet citizens under the constitution of the U.S.S.R. as well as under the United Nations Declaration of Human Rights to which the U.S.S.R. is subject.

There are many Jews and other minority members who will never leave the U.S.S.R., but will live out their lives there, and this resolution concerns itself also with their condition. It is vital that the Soviet Union accord to all of the minorities in its boundaries the religious and cultural rights guaranteed under the very constitution which governs the U.S.S.R. I know of my own knowledge, having visited the Soviet Union in March 1971, that Soviet Jews at that time, and I understand the situation has not changed, were subject to what can only be described as cultural genocide. Leaders of the Jewish community were falsely accused of crimes against the Soviet Union. These crimes consisted of such acts as translating Russian textbooks into the Yiddish and Hebrew languages so as to acquaint Jewish children with the languages of their ancestors. And another alleged anti-Soviet act for which men and women have been sent to Soviet jails was the sending of a petition to the United Nations asking for assistance to emigrate from the Soviet Union to Israel.

However, world pressures do have an effect on the actions of the Soviet Union. As a result of these pressures, the Soviet Union has relaxed to some degree its obstacles to the emigration of Jews from the Soviet Union. However, while the emigration has increased, it is still a trickle compared to the great number of Jews who wish to leave.

I am proud that our own Government in October 1971 by a letter of commitment issued by the then Attorney General opened its doors so that any Soviet Jews wishing to leave the U.S.S.R., and permitted to do so by the U.S.S.R. will be given sanctuary here without regard to quota restrictions. I am privileged to have been the original sponsor of the bill which led to the issuance of that letter.

I hope that President Nixon will take up the matters outlined in the resolution, when he visits Moscow next month. I pray that the Soviet Union will open wide its door so as to allow those who wish to leave to do so and that it will provide equal religious and cultural freedom to Soviet Jews who remain in the U.S.S.R. now granted other nationalities in the Soviet Union. There is no question in my mind that the Soviet Union is an oppressive state vis-a-vis its own people, but the very least that can be asked of that state is that it provide whatever justice does exist, equally to all of its people, including its Jewish minority.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Speaker, I want to congratulate the gentleman from New York (Mr. ROSENTHAL) and the other members of the committee for their leadership in this matter.

Mr. Speaker, I rise in support of House Concurrent Resolution 471.

As the report accompanying the resolution notes, over 48 bills and resolutions concerning the status of Soviet Jews, including one that I introduced on December 1, 1971, with 46 colleagues, were introduced and referred to the Committee on Foreign Affairs. I want to commend the chairman of the subcommittee, my colleague from New York (Mr. ROSENTHAL) and the members of the full committee for their diligent efforts to produce a fine resolution which deserves the support of all Members of this body.

Mr. Speaker, many times throughout our history, we, as Americans, have expressed our sympathy for oppressed citizens of other countries. Examples from our early days as a Nation include American sympathy for and support of the French Revolution. More recently, we have voiced concern and support for the people of Greece and Vietnam, and for the minorities in Rhodesia and South Africa.

These expressions of sympathy have occasionally been made at times when here at home we have failed to live up totally to our deeply held ideals of freedom, opportunity, equality, cultural diversity, and justice under law. Nevertheless, it is the policy of all branches of our government—legislative, executive, and judicial—to abide by these ideals at home and we have done much to ensure a greater enjoyment of these rights in other lands.

It is perfectly appropriate and consistent for the United States to express its sympathy for Soviet citizens of the Jewish faith.

Last January, I visited the Soviet Union together with several of my colleagues with whom I serve on the Select Subcommittee on Education of the Education and Labor Committee.

Each night, after my official business had been concluded for the day, I visited with a number of Jewish scientists and engineers whose names I had obtained prior to my departure.

On Wednesday, January 12, I attended a farewell dinner at the home of Dr. Alexander Lerner, an internationally reknowned computer expert. Dr. Lerner had invited several of his close friends, all of whom had applied for permission to emigrate and all of whom I had met before at some time during my stay.

Just as we started the first course, two Soviet KGB men appeared at the door stating they were looking for a "desperado" masquerading as a foreigner. When I was unable to produce my passport, which was at my hotel, the two men took me into custody.

The police kept me in a bare room with a single light bulb for about 45 minutes. They did not question me or harm me in any way. When they informed me that they had satisfied themselves as to my identity, they released me with an offer to hail a taxi to take me back to my hotel.

Shortly after I left Dr. Lerner's apartment in the company of the two KGB agents, Mrs. Lorel Pollack, a member of a Chicago Chapter of Hadassah, placed a call from Chicago to Dr. Lerner. Listening in on the call was a Chicago CBS-TV affiliate reporter. He was there at Mrs. Pollack's request as part of an effort to focus world public attention upon the plight of Soviet Jewry.

Mrs. Lydia Koreneld, a guest at Dr. Lerner's dinner, told Mrs. Pollack that I had just been taken away by the police. Immediately, thereafter, CBS News in Chicago flashed the word to the news media throughout the country.

Forty-eight hours later, due, perhaps to the publicity generated by my detention, a decision was made, "at the highest levels of the Soviet Government," according to our State Department, to expel me from the Soviet Union.

Mr. Speaker, I learned first-hand in the U.S.S.R. the type of conditions under which Soviet Jews are living.

There is no doubt that the three and a half million Jewish citizens of the Soviet Union are suffering from a policy of oppression and discrimination which denies them certain basic human freedoms and the full package of rights and privileges enjoyed by the other 120 officially recognized minority groups in the Soviet Union.

Many Jews in the Soviet Union are placed in physical danger solely because of their ancestry, although they are not in the danger of the mass murder that Jews all over Europe faced during the infamous holocaust of the Third Reich.

Soviet Jewry today is threatened with cultural and religious genocide from a policy of forced assimilation—a deliberate government-sponsored effort to stamp out all vestiges of Jewish religious and cultural heritage.

Synagogues have been systematically closed down for the past 30 years. Less than 70 synagogues remain to serve a population of three and a half million Jews. This compares with the 120 synagogues in Chicago which serve a Jewish population of only 200,000. Moreover, through the use of police informers, those Jews who wish to attend the remaining synagogues are intimidated and made afraid to do so.

The study of Hebrew is systematically and forcibly discouraged. Recently, Moscow's only Hebrew teacher was imprisoned on vague charges of "hooliganism."

The Soviet government rigorously bans the manufacture or importation of Jewish religious objects.

Jews who manifest a desire to emigrate to Israel are fired from their jobs, their kids expelled from schools and universities, and parents harassed both officially and unofficially.

Finally, Mr. Speaker, recent phone calls I have made to my new friends in the Soviet Union, indicate that the Soviets have begun a new campaign designed to stem the desire of thousands, perhaps millions, of Soviet Jews to emigrate to Israel.

The Soviets failed to stop this rising tide through mass trials of alleged "leaders," such as the conspiracy trials in Leningrad approximately 1 year ago, due to the tremendous adverse worldwide publicity these trials generated. They similarly failed when they attempted to create a headless "movement" by permitting the "leaders" to leave for Israel.

Now, the Soviets have apparently decided to threaten individual Soviet Jews with trials for economic crimes as a means of intimidation. Two individuals with whom I have spoken in the past several days, Vladimir Slepak and Serge Gurvits, both highly respected scientists, have been informed that unless they take jobs as manual laborers in a cement factory outside of Moscow, they will be charged with "economic parasitism"—a "crime" which carries a maximum sentence of 2 years in prison plus banishment to Siberia.

Mr. Speaker, I could go on, but the broad outlines of the situation are clear. Jews are the subject of intense cultural, religious, and job discrimination in the Soviet Union not visited on any other single minority group.

This cruel fact is hardly news. The Soviet Union has a long history of prerevolutionary anti-Semitism under the czars manifested by bloody pogroms in all sections of Russia and Eastern Europe.

What is new today, however, is that peoples of all nations are viewed as possessing individual rights which were unthought of years ago. This new consciousness of human dignity is exemplified by the U.N. Charter, the Universal Declaration of Human Rights, and the constitutions of many nations, including that of the Soviet Union. World opinion will no longer tolerate violations of these rights, let alone the murderous pogroms of a hundred years ago in Russia and Poland, and a generation ago in Germany.

It is also true that discrimination against all forms of religion in the Soviet Union is not particularly new. Beginning with the Bolshevik Revolution, the Soviet Union has discriminated against those who are religious or otherwise viewed as dissenters from official policy.

Here again, what is new is the changed state of affairs. Shortly after the 6-day war in the Middle East, Jews in the Soviet Union experienced a tremendous interest in Israel, accompanied by a renaissance of concern and interest in Jewish religious culture and tradition. In part, the Soviet Government viewed this increased interest as it views any expression of dissent—as a threat to its authority to govern. In part, the government viewed this revived interest as contrary to the government's policy of support for the Arabs in the Middle East.

These two forces converged and led to an intensified campaign of discrimination against Jews, with the result that today they are victims of far more intensive discrimination and oppression than that experienced by any other religious or cultural group in the Soviet Union.

Jews, unlike other minority groups, are not permitted to establish their own schools. Jews, unlike Muslims, for example, are not permitted to leave the Soviet Union for religious study. Jews, unlike other minority groups, have systematically been placed on trial for "hooliganism," and other crimes. All of these facts indicate that the Jews have been singled out for "special treatment."

At a crucial point in Russian history, Lenin wrote a tract entitled, "What is to be Done?" We ask the very same question today.

I have spoken with hundreds of Jews—both in the Soviet Union and who recently left the Soviet Union. They all indicate that the Soviet Government is sensitive to world opinion, that unofficial expressions of concern do have a beneficial effect upon the policy of the Government if they are peaceful and lawful, and do not involve violence or destruction of property. It is unmistakably clear that official expressions of concern would be even more meaningful.

The time has come, therefore, for the United States to make known its disapproval of the Soviet policy towards Russian Jews.

Thus far, the President, has not made his views on this subject forcefully or well known.

Upon my return from the Soviet Union, I contacted Dr. Kissinger, the President's adviser on foreign affairs, in order to meet with him prior to the President's trip to Moscow. I received a letter from one of Dr. Kissinger's assistants informing me that Dr. Kissinger would be unable to meet with me.

Mr. Speaker, the President should make his deep personal concern as well as the concern of all Americans, Jews and non-Jew alike, known to the leaders of the Soviet Union when he visits Moscow. The passage of this resolution will give the President support for this type of discussion.

Mr. Speaker, passage of this resolution and a deep searching discussion of this matter between the President and the leaders of the Soviet Union are not the only two actions which our Government can take to help ameliorate the plight of Soviet Jewry. There are many other ways in which our country could make its concern known.

I therefore support the resolution before this body which calls upon the President to take immediate and determined steps to call upon the U.S.S.R. to end religious discrimination and to permit its citizens to exercise their right to emigrate.

The Soviet Union must be made to realize that, as an established power which does not face any real external threat, it need not fear competitive ideas; it need fear neither those who criticize Soviet society nor those who seek to recall their cultural heritage.

Finally, the Soviets must be made to realize that the detente it apparently seeks with the United States can only be furthered, not stymied, by granting to Soviet Jewry as well as others in the Soviet Union, the full rights of worship, cultural diversity, and migration enjoyed by citizens in all freedom-loving nations.

Mrs. GRASSO. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentlewoman from Connecticut.

Mrs. GRASSO. Mr. Speaker, House Concurrent Resolution 471 has my strong support.

For many years, the Jews of the Soviet Union have been denied basic rights accorded other people. Yet, they yearn for religious and cultural identity. They plea for the opportunity to give free expression to their faith.

Could anyone doubt the depth of their conviction when yearly, during the High Holy Days, they press into Moscow's Central Synagogue by the thousands, despite the risk involved?

Could anyone doubt the extent of their suffering when, less than a year ago, we read accounts of the trials at Riga and Leningrad?

For years the Jews of the Soviet Union—considered a nationality in the U.S.S.R.—have pleaded for the first-class citizenship guaranteed to them by the Soviet Constitution. They want the right to celebrate the traditions of their forefathers—a right of other nationalities—and the right to study the history, language and literature of their people. They want newspapers and periodicals, schools and textbooks and the opportunity to come together freely with their fellow Jews in the U.S.S.R. They also want to associate with Jewish organizations beyond their borders. Hundreds of thousands of Soviet Jews want above all the opportunity to join their families abroad.

In the past, free people around the world have expressed their concern about the treatment of Soviet Jews. From time to time, a glimmer of hope was kindled, as small concessions—often temporary—were granted. Yet, only recently, with thousands of their number permitted to emigrate to Israel, could we take encouragement for our efforts of the past. For many of us have been deeply involved in this cause for many years.

This is why, as cochairman of the Democratic Platform Committee in 1946 and again in 1968, I was able to have a provision included in our Party's statement protesting communist oppression of Jews and other minorities.

This is why, as U.S. Representative-elect, I addressed the President on behalf of Soviet Jews, and as a member of the House of Representatives, cosponsored legislation to provide 30,000 special immigrant visas to Soviet Jews wishing to enter the United States.

It is also why I wrote to Frank Shakespeare, Director of the U.S. Information Agency, requesting that the Voice of America add Yiddish to the other language services for Eastern Europe.

Because of my concern, I joined 43 colleagues in the House last June in writing to President Nixon, asking him to make a public statement protesting the trial of Soviet Jews in Kishinev, Moldavia, for an alleged skyjacking attempt. We urged the President to press the Soviet Government to take affirmative action to grant Soviet Jews the full rights enjoyed by citizens of all freedom-loving nations.

It is also why I joined my colleagues last summer in urging Secretary of State William P. Rogers to see that every possible effort be made by the U.S. Government and Embassy officials in the Soviet Union to help members of the U.S. press corps attend the trial. "Their presence," our letter stated, "not only will alleviate the growing concern which the secrecy of these trials has caused, but it is also the one guarantee that the defendants will receive a fair trial."

On August 6, 1971, I cosponsored a resolution virtually identical to the bill we are considering today, and on February 8, 1972, I cosponsored another, extremely important bill—one which would provide $85 million to help Israel care for Soviet Jews while they are being settled.

Earlier this month, I joined over 75 colleagues in writing to President Nixon asking that on his forthcoming trip to Moscow that he urge Soviet officials to release some 40 religious prisoners—Jews incarcerated for practicing their faith.

Today, the House must pass House Concurrent Resolution 471. Our moral duty is clear. As a legislative body representing a free people, this act is our responsibility on behalf of our brethren who yearn to have the blessings of a free land.

Indeed, it is imperative that the President know of our strongly held desire that, when he goes to Moscow in May, he call upon the Soviet Government to permit free expression of ideas and the exercise of religion by all citizens in accordance with the Soviet Constitution. It is our hope that he will take the opportunity to try and secure an end to discrimination against religious minorities, and allow them to emigrate at will. We are also expressing our determination that the issue of the Soviet Union's transgression of the Declaration of Human Rights—particularly against Soviet Jews and other minorities—be raised in the General Assembly of the United Nations.

Man's inhumanity to man must be everybody's business—wherever it occurs. So long as discrimination in the Soviet Union remains, we cannot give up the fight. We will protest injustice.

We will shout forth the clarion call of the Book of Exodus, "Let My People Go." We will not stop until Soviet officials affirmatively respond to our cry.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield 3 minutes to my colleague on the Foreign Affairs Committee.

Mr. BINGHAM. Mr. Speaker, I, too, would like to commend the chairman of the subcommittee for his splendid work on this resolution as well as all members of the subcommittee. I believe that this resolution, in eminently reasonable and statesmanlike form, does express the sentiments long felt by Members of this House that Americans must protest the treatment of Jews and other religious minorities in the Soviet Unon.

This resolution comes as a welcome and logical follow up to the joint statement of protest signed by over 300 Members which I had the honor of initiating back in 1967.

There is no doubt, Mr. Speaker, that the Soviet Union has been responding to the pressures of the world community to make some improvement in the situation of the Jewish community in the Soviet Union, and to permit numbers of Jews to leave. It is important, indeed it is imperative, that we maintain that pressure.

There is today, as the Members know a substantial flow of Jewish families from the Soviet Union running somewhere between 2,000 and 3,000 a month, most of them going to Israel. This is an extraordinary development. It is, in a way, an historic lifting of the Iron Curtain. Nobody knows quite why it is taking place, but it is taking place, and we want to be sure that in a reasonable and not in a provocative way we maintain the pressure to keep this flow coming from the Soviet Union, and toward improving conditions for those who remain.

I would also like to touch upon a phase of the problem that some of the other Members have mentioned, and that is that this resolution should be followed soon by action of the Congress to make some provision toward assisting the State of Israel in absorbing this large number of refugees.

I had the honor recently of being on an official mission from the Committee on Foreign Affairs, along with the able gentleman from New York, (Mr. HALPERN) during which we visited the staging area, the refugee center in Vienna, where the Jewish refugees come in from the Soviet Union, and then went on to Israel to inspect at firsthand the problems involved in this resettlement effort there. There are gigantic problems. The expenditures that the Israelis are making, the sacrifices they are making to accommodate these people, are a perfectly extraordinary and inspiring thing to witness. But they cannot do it alone. The American Jewish community on a private basis is generously responding to the need, but I believe it would be also in the interest of the United States and incumbent upon us from a moral and practical viewpoint that the Government of the United States assist also in aiding Israel to carry this very great burden of providing homes, apartments, jobs, language training, and all the rest of the things needed by these refugees from the Soviet Union.

I want to make one other point about them, and that is that they are not, as has sometimes been described, primarily older people, the infirm, or children. On the contrary, these refugees come from all walks of life, they are of different ages and from different backgrounds. Many of them have valuable skills which makes it all the more remarkable that they are being allowed to leave the Soviet Union.

I hope the resolution before us will be adopted overwhelmingly.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. BINGHAM) has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Speaker, I rise in enthusiastic support of this resolution. I commend the chairman of the European Subcommittee, my distinguished colleague from my neighboring district, the able gentlemen from New York (Mr. ROSENTHAL) on his sponsorship of this legislation and on his superb stewardship in guiding it to the floor today.

This resolution expresses in no uncertain terms America's abhorrence of the Soviet Union's treatment of its Jewish population and reaffirms our commitment for basic human rights.

From the earliest times, Jews in Russia have been subjected to various pressures and forms of discrimination. For the Russian rulers, anti-Semitism often proved to be a convenient instrument of policy. During the tsarist period a variety of laws were used against the Jewish population and often resulted in widespread programs—the goal being eradication of the Jewish ethnic identity—culture, religion, and language.

The current wave of discrimination against the Jewish population in the Soviet Union illustrates the degree to which anti-Semitism is still promoted and exploited by the Soviet Government. The status of Soviet Jews has in many cases deteriorated to that of second-class citizens in a society that espouses equality as a basic tenet of its national life. The Jews in Russia have been denied religious and cultural freedom as well as the right to emigrate freely. Today, I hope this body will act to reaffirm our commitments to oppressed people throughout the Soviet Union and express its indignation regarding the treatment of Soviet Jews.

Only last week I returned from a study mission on the subject of the emigration of Russian Jews with our fine and capable colleague from New York (Mr. BINGHAM). We observed firsthand the arrival of hundreds of Jews from the Soviet Union in Vienna en route to the State of Israel. We saw them as they arrived. We met with them, talked with them, and witnessed their reactions as they stepped off planes and trains and touched for the first time, land other than their native Russia soil. We saw the look in their eyes and could sense the joy in their hearts. But we could also sense their apprehension. Nevertheless, their determination to face the challenges of their new life was most apparent. It was without doubt the most moving experience in my life.

The day after these emigrants arrived, we visited them at a temporary shelter where we sat in groups, and through interpreters, talked informally about their plights in the Soviet Union. If ever anyone had doubt of the suppression of freedoms in the Soviet Union, I only wish they could have listened to these refugees. Among them were doctors, engineers, teachers, journalists, tailors, shoemakers, farmers, housewives, elderly men and women, children and young couples. They all came with but one goal: to find new life within the concepts of their spiritual and moral beliefs and to be free of repression and fear.

We also visited an absorption center in Israel where highly sophisticated programs were planned for the constructive readjustment of Israel's newest citizens. We saw typical housing units for Russian refugees and we spoke to many of the residents. Not all were newcomers, some had lived there for months; others for years.

Later on in our mission we were privileged to be on hand at the airport in Tel Aviv to meet the plane which carried the same groups we met at the train station and at the airport in Vienna and at their temporary residence there before they embarked for Israel.

Several of the refugees recognized us as they stepped off the plane with their bright eyes and broad smiles—surely more outgoing than when they arrived in Europe—more confident and more determined. We exchanged hearty "shaloms" and warm handshakes. This was a touching scene, one that I wish every Member of this House could have experienced.

Our hearts were enlightened by what we saw, what we learned and what we experienced. This experience evidenced the great hope ahead for people who wish to be free.

The Russian Jews we met were the fortunate ones, for their applications were approved by Soviet officials based on supporting affidavits from relatives in Israel. There have been an average of 2,000 such emigrants a month coming to Israel since the beginning of this year.

But out of 3 million Jews in the Soviet Union this number is small indeed, yet it is a good beginning and points to the effectiveness of responsible action. The consensus of all of those to whom we spoke is that responsible United States attitudes and world opinion has helped motivate the Soviet Union to relax its policy toward an effort to allow these numbers to migrate.

Clearly though, this is not enough. We must not rest until all those who seek religious and cultural freedom are able to achieve it.

That is why legislation like this, expressing the will of the American people through their representatives in the Congress, is so imperative. That is why I was so delighted when our committee approved this resolution unanimously and why I trust this entire body will also give it such resounding approval.

I trust the adoption of this resolution will be the forerunner of favorable action by this Congress to provide special U.S. assistance to Israel to help in the tremendous and costly effort to absorb these refugees from Communist suppression. This, I believe, would be in keeping with our repeatedly pronounced humanitarian policy of providing refugee relief and consistent with the principals of justice and freedom.

(Mr. HALPERN asked and was given permission to have his remarks appear in the RECORD following those of Mr. BINGHAM.)

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, many of us in this Chamber today attended religious services in the church or synagogue of our choice over the weekend and probably gave little thought to the rights and the freedom we, as Americans, exercised in so doing.

But there are millions of people within the Soviet Union who are denied this basic human right.

Even where the state has permitted churches to remain, the Soviet Government frowns on attendance at worship services and pursues repressive tactics to discourage religious observances.

Perhaps the people most gravely injured by these oppressive policies of the Soviet Government are the Jews who find their rights severely limited on ethnic as well as religious grounds.

This blatant denial of human rights to Jews and other religious and ethnic minorities is the basis for this resolution before us today, Mr. Speaker.

The evidence offered our committee during consideration of this and other legislation regarding Soviet Jews stands as awesome testimony to the courage of this people, who, despite the repressive actions of the Soviet Government and the reprisals they face for merely acknowledging their Jewishness, continue to strive to maintain their religion, culture, and faith.

And so, Mr. Speaker, the first provision of this resolution would urge the President to press the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution.

In this resolution we are expressing our concern not only for the rights of Soviet Jews, but for Soviet Baptists, members of the Russian Orthodox Church, Catholics, and others who are similarly repressed.

It has recently come to my attention, for example, that children have been taken from their rightful parents and placed in orphanages merely because the parents sought to take their children to Baptist churches. Children under 14 years of age are not permitted to attend services in the church and their parents face economic reprisals for attending church or holding worship services in their homes.

And this brings me to the second provision of this resolution, which urges the utilization of formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities.

We have heard testimony of Soviet Jews being denied jobs, education and the free expression of their culture. Baptists have lost their homes because they held worship services there. Many additional acts against religious groups are documented, including imprisonment for the exercise of freedoms of speech and of conscience.

Many of those within the religious minorities, but particularly the Jews, have sought to immigrate to other lands, such as the effort by many Jews to go to Israel. Until recently when pressure from within and without the Soviet Union forced some modification of that Government's policy, these requests were denied.

Even now, the numbers permitted to leave are very small.

In the past year I have met with a number of Soviet Jews who have fled their country and I have become personally and painfully aware of the intransigence of the Soviet Government where emigration rights are concerned.

Thus the third provision of our resolution deals with this basic right accorded by all freedom-loving nations to their citizens, the right to emigrate.

The United Nations Declaration of Human Rights acknowledges the right of citizens to emigrate to the countries of their choice and the Soviet Union is a signatory to this declaration. Yet it flagrantly violates this right daily.

The fourth provision would, therefore, call on the President to raise in the General Assembly of the United Nations the issue of the Soviet Union's violation of the Human Rights Declaration.

There is substantial evidence to indicate that outside pressure has been instrumental in bringing about changes in Soviet policy with regard to discrimination and persecution of minority groups.

Mr. Speaker, the enactment of this resolution will put the U.S. Congress on record in opposition to the violation of human rights presently being perpetrated within the Soviet Union.

It will also serve to call to the attention of the rest of the world the plight of our fellow human beings behind the Iron Curtain in their quest for freedom to follow the dictates of their conscience and their God.

Mr. ROSENTHAL. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I support this resolution. I want to commend the gentleman from New York (Mr. ROSENTHAL) for bringing it to the floor. Also I want to commend the principal sponsors of the resolution, the gentleman from Illinois (Mr. ANDERSON) and the gentleman from Massachusetts (Mr. O'NEILL).

The cause of Soviet Jews, Mr. Speaker, has been taken up by people of all religions—Protestants, Jewish, and Catholic. They are joining together trying to help to persuade and urge the Soviet authorities to approve the immigration visas that have been requested by Soviet Jews.

Only a few weeks ago in the city of Chicago, the cause of Soviet Jews was the subject of a conference of representatives of all religious faiths, a meeting that culminated an assembly in a Roman Catholic cathedral under the personal sponsorship of Cardinal Cody.

As I say, Mr. Speaker, this cause is the pride of all good men of good will.

A few weeks ago during the Easter recess, I traveled to Israel and spoke to a number of Russian Jews who only recently had arrived there. Their story is both a grim one and a glorious one—grim in their description of the harsh treatment they received from authorities in the Soviet Union for stating their desire to leave the Soviet Union for Israel—glorious in their courage and fortitude in standing up against the Soviet authorities and demanding their legal right to leave the Soviet Union—and I say their legal right because it is their legal right under the Constitution of the Soviet Union and their various conventions of the United Nations to which the Soviet Union has subscribed.

For the first time in the 50-year history of the Soviet Union, a group of its citizens has dared to challenge the Government. This is not an isolated confrontation as has happened on occasion by freedom-loving individuals and intellectuals. Rather, it is a position taken by thousands of Jews who have requested visas to leave the Soviet Union. More than 70,000 affidavits have been sent from Israel to Soviet Jews seeking exit permits. Hundreds of others are watching to see what happens to their countrymen who have dared to challenge the Soviet authorities.

As it has been pointed out so well in the report, those who apply for exit permits, Jews who seek to emigrate to Israel are harassed and mistreated and they lose their jobs. Their children are dismissed from college, if they happen to be there. Some are confined to jail and some are confined to mental institutions. In many cases the Soviet postal authorities have refused or have failed to deliver affidavits from relatives in Israel, who must acknowledge applications for exit permits. Those who receive their visas to leave the Soviet Union must first pay the equivalent of $1,000 per person before they can leave the country.

Mr. Speaker, this is indeed an important resolution because the pressure of world opinion must be brought to bear upon this problem. This resolution will help to bring the force of public opinion to help Soviet Jews and I urge the adoption of the resolution.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. BOLAND. Mr. Speaker, I rise in support of this resolution. The plight of Soviet Jewry, alarming throughout the 1950's and 1960's, is now even worse. All but institutionalized, the Soviet Government's bigotry strikes out at Jews everywhere in Russian life: in jobs, housing, education, travel, cultural activities of every kind.

We, in the Congress, have a moral responsibility to help alleviate their plight.

The resolution now before us, honoring that responsibility, urges President Nixon to take these steps:

First. Call upon the Soviet Union to allow the free expression of ideas and the free exercise of religion.

Second. Exhaust our diplomatic contacts with the Soviet Union, formal and informal, in an effort to end discrimination against religious minorities.

Third. Ask the Soviet Union to permit its citizens the right to emigrate to the countries of their choice.

Fourth. Raise in the United Nations General Assembly the issue of the Soviet Union's transgression of the U.N. Declaration of Human Rights, particularly against Jews and other religious minorities.

More than 2,300,000 Jews now live under the Kremlin's yoke. Yet no newspaper—indeed, virtually no publication whatever—is published in Yiddish. No school teaches in the Jews' tradition or tongue. No theater celebrates their cultural heritage. No central organization binds them together in common purpose. Even food, the kosher dishes Jews have savored in a tradition still surviving after thousands of years, is denied them. Few shops, if any, carry these foods or their principal ingredients.

Soviet Jews endure persecution almost reminiscent of the 18th century czarist pogroms that left hundreds of thousands hanged and pilloried throughout Russia.

It is hardly surprising, Mr. Speaker, that many Soviet Jews want to emigrate to Israel. But the Kremlin grants few exit visas—perhaps 10 percent of those sought, and even these slowly and grudgingly. Their cost is nothing short of extortionate; about $1,000, a fabulous sum to any Russian citizen. After years of groping through the redtape strewn in their path by Soviet officialdom, Jews granted visas face still more vexing obstacles. Their departures are delayed—often for months, sometimes for years. And, since they must explicitly renounce Soviet citizenship to become eligible for visas in the first place, they are suspended in a kind of eerie political limbo—without jobs, without permanent living quarters, without official status of any kind. They become, as the newspapers whimsically say, "nonpersons."

We in the Congress must continue to make their plight known to the world. We must continue to make speeches. We must continue to sponsor resolutions. We must continue to plead with worldwide organizations like the United Nations.

Even the Soviet Union, no matter how glacially aloof to the world community, cannot ignore public outrage.

I want to congratulate the distinguished chairman of the Foreign Affairs Committee, THOMAS MORGAN, for bringing this resolution to the floor.

I urge its prompt adoption.

Mr. ROSENTHAL. Mr. Speaker, I yield 2 minutes to the gentleman from New York, Mr. RYAN.

Mr. RYAN. Mr. Speaker, I commend the chairman of the subcommittee for having brought to the floor today this very timely, very appropriate resolution which puts Congress on record as recognizing the plight of the Jews in the Soviet Union, and calls upon the President to take actions which will reaffirm the commitment of this Congress and this Nation to freedom and justice.

House Concurrent Resolution 471 is a measure designed to bring to bear the influence of the United States on behalf of the persecuted Jewish minority in the Soviet Union.

The harsh plight of all minority groups in the Soviet Union is well known. The mistreatment of Soviet Jews, however, is especially severe because they are discriminated against both because of their religion and their cultural heritage. The resolution which is before us today addresses this intolerable situation.

First, the resolution requests the President to call upon the Soviet Government to permit the free expression of ideas and exercise of religion by all of its citizens. And there can be no doubt that Soviet Jews are being denied these fundamental human rights. Judaism is not permitted in any central or coordinating structure; unlike the other 10 recognized religions in the Soviet Union, each congregation must function in isolation. Publication of religious literature and Bibles is not permitted nor is the manufacture of religious articles. Synagogues have been closed in almost systematic fashion as a result of both direct and indirect governmental action—in 1956, there were 450 synagogues, in April of 1963, 100 and today the figure has dwindled to less than 60. And unlike most other nationalities, the distinctive language, activities, and community institutions of Jews have also been severely restricted. There are no longer any Jewish publishing houses, newspapers, theaters, or communal institutions. As Leonid Rigerman, a 30-year-old physicist whom I aided in entering this country by intervening with the State Department in order to confirm his U.S. citizenship, stated:

> A Jew cannot be a Jew in Russia. We are deprived of all forms of Jewish culture; you cannot study the language; Jewish religious literature is forbidden.

Although the rights of freedom of speech and religion were written into the Soviet Constitution, they have never been honored. Those of us who are fortunate enough to enjoy these freedoms have a responsibility to work for the relief of oppressed people the world over.

The resolution calls on the President to use all available channels, formal and informal, to convey this position. This provision is particularly timely, in light of the President's expected visit to Moscow. I think it is essential that the President talk face-to-face with Soviet leaders about the treatment of Soviet Jews, for this will show these officials that Americans are truly concerned about the welfare of Soviet Jewry.

The resolution also calls upon the President to request of the Soviet Government that it allow its citizens the right to emigrate to the countries of their choice, as affirmed by the United Nations Declaration of Human Rights. The Jews in Russia are struggling to maintain their cultural and religious identity in an atmosphere of suppression. The tragedy of this situation is compounded by the Soviet Government's refusal to grant its citizens the right to emigrate to countries where religious and cultural diversity are tolerated. Yet, just as they are not permitted to exercise their religion and sustain their cultural identity in the Soviet Union, they are, at the same time, being denied the right to leave the very society that is stifling them.

There are some who have had the good fortune to be allowed to leave Russia—in 1970, less than 1,000 Jews emigrated from Russia; in 1971 roughly 13,000 emigrated; and this year it is estimated that, if the current rate of emigration is maintained, 30,000 Jews will be permitted to leave the Soviet Union.

Most Soviet Jews who have expressed a desire to emigrate have indicated their strong wish to settle in a land where they are truly welcomed—the State of Israel. Israel, which is already heavily burdened with the cost of maintaining her own defenses, is now faced with the problem of absorbing the influx of Soviet Jews. Therefore, I am cosponsoring a bill to provide up to $85 million in assistance to Israel in the resettlement of those Soviet Jews who are granted the right to emigrate.

Finally, the resolution calls on the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, a declaration adopted unanimously by the United Nations. I believe that the United Nations is an appropriate forum for raising this issue of international concern, for it is a body that was organized to promote peaceful relations between nations as well as personal liberty within nations.

The struggle of the Jews in the Soviet Union to attain religious and cultural freedom, an issue which should be of paramount international concern, must be assisted simultaneously on many fronts. Therefore, I have introduced a resolution 454, which expresses the sense of Congress that the Voice of America should undertake broadcasts in the Yiddish language into the Soviet Union. After I introduced this measure in the House, where it was cosponsored by over 100 of my colleagues, 22 Senators introduced an identical measure in the Senate. Yiddish is the primary language of many Jews living in the Soviet Union and is an integral part of Jewish culture. Voice of America broadcasts in Yiddish would provide an immeasurable psychological uplift to Soviet Jews and would provide them with unquestionable evidence of genuine American concern.

I have long been actively involved in the effort to assist Soviet Jewry. In past Congresses, I have introduced resolutions, similar to the one we are considering today, to condemn religious persecution in the Soviet Union. In the 91st Congress, I introduced a bill requesting the President to urge the Soviet Union to process the requests of 50,000 Soviet citizens for reunions with their families outside the Soviet Union.

In December of 1970, nine Soviet Jews were among 11 persons tried and convicted in Leningrad of the attempted hijacking of an airliner. The fact that two death sentences and harsh prison terms were imposed prompted me to urge then-Speaker McCormack, then-Majority Leader Carl Albert and the chairman of the House Committee on Foreign Affairs, to bring to the floor, in the closing days of that Congress, a resolution condemning the persecution of Soviet Jews and urging the Soviet Union to provide fair and equitable justice for its Jewish citizens, as I had introduced. On December 31, the House leadership brought to the floor, and the House passed, House Resolution 1336 which put the House on record in support of religious freedom and equal justice for all Soviet citizens.

We have had some other success. For instance, congressional pressure on the administration led to the announcement by Attorney General Mitchell on September 30 of last year, that he would exercise his parole authority to enable Soviet Jews to enter our country.

If Soviet Jews are to win their struggle for survival, their cause must be kept center-stage. It is widely believed that worldwide concern and pressure on Soviet officials is responsible for the increase in the number of Jews being permitted to emigrate. This shows the necessity of increasing and intensifying the pressure of world opinion. I believe that the resolution under consideration today will serve to focus world attention on the problem of Soviet Jewry and will intensify the pressure on the Soviet government to grant basic rights to the oppressed people of the Soviet Union.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Speaker, I rise in complete support of the spirit of "determined step No. 4," in this House Concurrent Resolution No. 471.

I suspect that although not traveled as much, I have as much concept of human kindness and equality in my soul as most, and certainly I would decry discrimination anywhere. However, I think "determined" step No. 4 in the resolution would easily and properly handle step No. 3—which is not quite so determined—particularly if we implement determined step No. 4 under the United Nations Declaration of Human Rights to which both our Nation and the other sovereign nation under consideration are signatory.

What I really rise for today—and if I had a bosun's whistle, I would sound out loud and clear and say, "Now hear this":

One, I think this legislation should not have come out of the Committee on Foreign Affairs in the first place, because it is segmental and discriminatory legislation.

Two, I object violently to the procedure of bringing it up under suspension of the rules wherein, as determined by parliamentary inquiry a while ago by myself, there are no amendments allowable whether before or after consideration of the text or the preamble under the present rule on suspension.

Third, there are absolutely no departmental reports—favorable or otherwise.

Finally, Mr. Speaker, I suspect that this will be about as effective, insofar as determined steps No. 1 and 2 are concerned in a demand—or petition—to the U.S.S.R., as the proverbial fifth teat on a boar to a suckling pig.

If this is not segmental and separate legislation for individuals, why did we not do the same thing for the Congo in Kinshasa or Biafra? Why would it not be just as effective to expect the representatives of the Soviet Union to have a concurrent resolution of their Presidium and implore us to solve our religious or ethnic problems? Indeed, is determined step No. 2 not a very basic mixing of religion and state, of the secular and the religious? Read those "determined steps" again, I implore my fellow Members.

I think we should not send unadorned ambassadors around the world, in violation of the amendments to our Constitution, assuming the functions of the Department of State or the executive branch, and I think that we should strike all the whereases in this legislation under consideration plus the first three "resolves," because the fourth one would handle that which is apropos and pertinent nicely—especially the third.

I cannot imagine us countenancing the going to the Republic of Ireland or to the British Commonwealth at this time with such a resolution, let alone an individual self-appointed member.

I ask again, why should we do it in this particular case, as well intentioned as the final results may be? But think of the legislative situation under which we act, think of the paradox of the proponents' objecting to the defense of the South Vietnamese and their religion, and their desire for individual liberty; when the self-same people are such strong proponents of this legislation.

Mr. ROSENTHAL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. Abzug).

Mrs. ABZUG. Mr. Speaker, I want to commend the Foreign Affairs Committee and the Europe Subcommittee chairmen and members for bringing out this resolution. I might suggest that this kind of resolution and other manifestations of world opinion have had a salutary effect upon the problem of treatment of Jews in the Soviet Union. I think they have created important changes in many of the policies of the Soviet Union. We most certainly should seek to express the weight of this body and the views of this country with respect to abuses of the rights of individuals all over this world.

The joining together of Jews and non-Jews alike in the court of world opinion has effected a change in the Soviet policy toward emigration of those Jews who desire to emigrate and toward greater freedom for those Jews who wish to remain, but to live their lives as Jews, with a Jewish identity, and with full access to Jewish cultural and religious institutions.

I think that Congress does well to support this resolution. I hope that Mr. Nixon will bring it to the attention of the leaders of the Soviet Union when he visits there.

The 3 million Soviet Jews represent the third largest Jewish community in the world, yet the last Hebrew language book published in the Soviet Union was published in 1928. While this single fact does not tell the entire story, it speaks volumes about the general state of Jews and Judaism in the Soviet Union.

House Concurrent Resolution 471 calls upon the President to take the following four steps with regard to the plight of Soviet Jews:

First, call upon the Soviets to permit free expression and the free exercise of religion by all of its citizens;

Second, utilize our contacts with Moscow to seek an end to discrimination against religious minorities;

Third, ask that the Soviet Government permit free emigration by its citizens, as guaranteed by the United Nations Declaration of Human Rights; and,

Fourth, raise in the U.N. General Assembly the question of Soviet violations of the U.N. Declaration of Human Rights, especially against Jews and other minorities.

In considering the issue of Soviet Jews, it is important to keep in mind the fact that there are two groups to which we refer. The essential distinction between them is that some Soviet Jews wish to leave the Soviet Union, to emigrate to Israel, the United States, or other nations, while some wish to remain there and be allowed to live as Jews and to practice the Jewish religion.

Jews who have sought to leave for Israel or to rejoin broken or scattered families elsewhere have encountered difficulty, harassment, and imprisonment. Jobs and educational opportunities may be denied as soon as application for an exit visa is made. The pressure of world opinion, including resolutions such as this one, has had a salutary effect upon this problem, however, and it has eased somewhat in recent months.

During my visit to Israel last summer, I was informed by officials at an absorption center providing temporary homes and training facilities for immigrants that the number of Soviet Jews migrating to Israel is now at the rate of 1,000 per month. Despite this stepup, many Soviet Jews are still seeking exit visas and enduring considerable hardships, including imprisonment, in the meantime.

There have also been grave obstacles placed in the path of Jews who desire to remain in the Soviet Union, but who want the right to identify and live as Jews and to have free access to the Jewish language, cultural, religious, and educational institutions. Yiddish-language cultural and educational publications, which flourished during the early years of the Soviet regime, barely exist today. Only occasionally are Yiddish books published; only 16,000 copies of the Yiddish monthly magazine, Sovietish Heimland, are printed and many of these are exported.

Although ideologically the Soviet Government is committed to atheism, its laws—as written—do allow for freedom of religious worship. In actuality, however, and unlike other recognized religious sects, Judaism is not permitted any central or coordinating structure in the Soviet Union, and publication of Bibles and prayer books is severely limited. Despite these restrictions, tens of thousands of young Jews gather to sign up with and engage in the activities of Jewish synagogues across their nation.

We must demonstrate our concern for those Jews who would remain in the Soviet Union as well as for those who wish to leave, and I am pleased to note that this resolution does that. It is gratifying to see the Congress of the United States join with the millions of people dedicated to human rights in urging that Soviet Jews be granted all of the rights of other Soviet citizens, be permitted to live as Jews and to practice the Jewish religion, and be permitted to emigrate if they so desire. I urge the adoption of this resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, the facts which have confronted us concerning the Soviet Union are indisputable. In a nation where there are over 3 million Jews, the lack of religious facilities is scandalous. In a land of many nationalities, each permitted its own schools, books, language, and culture, there is one nationality which is denied these rights—the Jews. In a nation which represses all religions, one group is singled out for special and vindictive abuse—the Jews. They cannot freely live their lives as Jews.

In House Concurrent Resolution 471, we have before us an opportunity to express our collective concern over the plight of these innocent victims of religious persecution. Gratified by the President's recent expression of commitment to the rights of free emigration and religious liberty for all, let us now call upon him to do all that he can to insure that the Soviet Government permit the free expression of ideas by all its citizens, utilize formal and informal contacts with Soviet officials to secure an end to this discrimination, demand the right to emigrate for these people, and raise this issue in the United Nations.

Certainly, there is much more that we in Congress can do. For example, I have cosponsored with Congressman BINGHAM and others, a bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel. It appears that the Soviet Union is, indeed, responsive to public pressure. Recent developments indicate a change in Soviet policy on emigration. They fear pressure and will respond, if it is strongly and widely expressed.

But this resolution is most timely in view of the President's upcoming trip to the Soviet Union. It is my sincerest hope that the President will go to Russia in the knowledge that the entire Congress has expressed its deep concern in this matter and that he will include the plight of Soviet Jewry along with the many other vital topics on the agenda.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I rise in support of this resolution and take this opportunity to commend the gentleman from New York (Mr. ROSENTHAL) for his leadership in bringing this resolution to the floor.

I also take this opportunity to commend the gentleman from New Jersey (Mr. FRELINGHUYSEN) for his leadership in bringing this resolution to the floor.

Mr. Speaker, with the passage of House Concurrent Resolution 471, Congress will be calling on our Government to lend its full weight to ending Soviet oppression of its Jewish minority. Specifically, the resolution urges the President to take the following four actions: First, to call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution; second, to utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities; third, to request of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and fourth, to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

Mr. Speaker, a number of us, myself included, sponsored legislation virtually identical to the resolution under consideration. We did so in the belief that the Soviet Union's treatment of its Jewish citizens is directly related to the world attention which has focused on this problem. Certain actions of the Soviet Government appear to substantiate this contention. For example, the recent increase in the number of Jews allowed to emigrate from the Soviet Union appears to be a deliberate attempt by the Soviets to counter hostile international reaction to the repression of its Jewish minority.

The President's forthcoming trip to Moscow offers a unique opportunity for talks with Soviet leaders concerning the plight of Russian Jews and other religious minorities. Passage of the resolution before us could significantly enhance the prospect of Soviet Jews coming under discussion at that summit as well as the prospect of further concessions resulting from the outcry of world public opinion.

Mr. O'NEILL. Mr. Speaker, the House considers today a measure which is of monumental importance to millions of Jews who reside in the Soviet Union, and who are virtually held captive by a government which will not recognize the rights bestowed by either its own constitution, or the declaration of human rights which every member of the United Nations has pledged to support and uphold. The deplorable inhumanity and indifference which has been visited upon the Jewish people is a disgrace not only to the leaders of the Soviet Union, but to every freedom-loving people on the face of the earth. As I have often remarked, it may be said that as a democracy it is our responsibility to make the world community aware of the injustices which are occurring on a daily basis. It is important that we continue to speak out lest we in America take our freedom for granted.

But what is more imperative is that we match our words with action. House Concurrent Resolution 471 accomplishes that objective. Through the auspices of the President of the United States and the Soviet Union, House Concurrent Resolution 471 calls upon the Soviet Government in its own words:

> To permit the free expression of ideas and exercise or religion by all its citizens in accordance with the Soviet constitution.

For centuries, the Jews in Russia, as well as elsewhere in Europe, suffered extreme persecution and oppression at the hands of tyrannical czars and monarchs. With the emergence of communism, the plight of the Soviet Jew has not improved. Yet today there is no excuse for the endurance of such hardships and humiliations, for with the creation of the State of Israel, the Jews have at last secured a homeland. Israel is ready, willing, and able to accept Russian Jews. Yet, while they remain imprisoned within the Soviet Union, Israel is powerless to provide these people with the homeland for which they long.

While the Russians have permitted increasing numbers of Jews to leave the Soviet Union, they have been extremely selective. While the unskilled and the uneducated are permitted to leave, thousands of technicians, scientists, teachers, and professional people have not been allowed to leave. This practice is in clear violation of the declaration of human rights, which affirms the right of every man and woman to emigrate freely and without restriction.

Recently, I received a letter from a young man in the Soviet Union who stated that he had tried, unsuccessfully for a year, to obtain an emigration visa. The consideration of this resolution is very timely. Next month the President will visit the Soviet Union and confer with top officials there. Should the House and Senate pass this measure, the President must recognize the importance of this issue to the people of the United States. To my mind, this resolution is of utmost urgency, as it speaks to the core of human existence: the desire to be free. By enacting House Concurrent Resolution 471 the House will be taking a positive and decisive step to aid the Jewish citizens of the Soviet Union whose only purpose is to attain the freedom to emigrate to their homeland. I call on my colleagues to act favorably upon this measure.

Mr. ANNUNZIO. Mr. Speaker, when the Ninety-second Congress convened on January 22, 1971, my first act was to introduce House Concurrent Resolution 8 which expressed the sense of Congress against the persecution of Soviet Jews by Soviet Russia because of their religion.

Since that time many similar resolutions have been introduced by my colleagues in the Congress, and I commend the gentleman from New York (Mr. ROSENTHAL) who is the outstanding chairman of the Subcommittee on Europe of the Foreign Affairs Committee, for holding hearings on my bill as well as on other bills seeking relief from restrictions on Soviet Jews.

The result of those hearings is the bill we have before us today, House Concurrent Resolution 471, which urges the President to call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens, to utilize contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities, to request the Soviet Government to permit its citizens the right to emigrate from the Soviet Union to the countries of their choice, and to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

The religious, social, cultural, and legal discrimination against the Jews in the Soviet Union has been in evidence for hundreds of years. However, in recent times there has been a rebirth of cultural identity of Soviet Jews, and with this rebirth has come a greater willingness for self-assertion by many Jewish citizens of the Soviet Union. The Soviet Jews, in growing numbers, are protesting being deprived of Hebrew books, cultural and religious articles, synagogue services and rabbis, and, increasingly, the Soviet Jews have indicated their strong desire to start a new life elsewhere—particularly in Israel—and to abandon the Soviet Union because of its hostility to Jews.

With the advent of the President's trip to Moscow, next month, the timeliness of the legislation before us today becomes even more apparent. It is my hope that the President will raise the subject of Soviet Jewry and will speak in behalf of the Soviet Jews who have for so long been victims of oppression and discrimination in the Soviet Union. The United States has long been an advocate of the highest aspirations of human freedom, and Congress, by the passage of this legislation, will indicate to the President and to the Soviet Union that Americans are keenly aware of the plight of Soviet Jews and are hopeful that the meeting in Moscow will result in greater recognition of the human rights of Soviet Jews and also freedom for Soviet Jews to emigrate to the country of their choice.

At this point in the RECORD, I would like to include a letter I directed recently to the White House urging the President to speak in behalf of Soviet Jewry during his forthcoming trip to Moscow, as well as an article which appeared a few months ago in the Washington Post outlining the growing sentiment in the United States in behalf of the Soviet Jews:

APRIL 7, 1972.

HON. CLARK MACGREGOR,
Counsel to the President for Congressional Relations, The White House, Washington, D.C.

DEAR CLARK: I am enclosing for your information a memorandum as well as an attached letter I have received from the Committee on Soviet Jewry in Chicago.

The Committee asks that the President, during his forthcoming trip to Soviet Russia, do all within his power to secure some relief for the persecuted Soviet Jews in their struggles for repatriation to Israel. The 48 Jewish families in the Soviet Union who have signed the enclosed letter ask that the President include in his itinerary a meeting with them as a step toward bringing about some solution of this urgent problem.

I do hope in the interest of peace and the easing of world tensions it will be possible for the President to extend all possible consideration to this request during his forthcoming trip to Moscow.

I shall look forward to hearing from you and appreciate your cooperation.

With every best wish, I am

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

[From the Washington Post, Nov. 1, 1971]

PRELUDE TO NIXON TRIP: SOVIET JEWS DRAW NEW U.S. ATTENTION

(By Stephen S. Rosenfeld)

Delicately mixing diplomacy and a dab of politics, the Nixon administration is deepening its intervention into a particularly sensitive area of Soviet domestic life—the condition of Soviet Jews—even while the President is preparing for the major diplomatic project of his trip to Moscow next May.

The effort has its ironic aspect: The last two Democratic Presidents, presumably much more responsive to Jewish voters and advisers than a Republican chief executive, did very little of substance or political visibility to help the cause of Soviet Jews. Some memos on the issue which he did not use were prepared for John Kennedy: in his lone public reference, he condemned synagogue closings in passing during a speech to the U.N. General Assembly—without naming the Soviet Union. Lyndon Johnson's attention seems to have been only private.

Richard Nixon presumably counts less on Jewish voters and expects less from them. His Mideast policy, for instance, has distressed many American Jews: his pro-suburbs policy appears to be directed only incidentally at them. But he has done a great deal—enough to privately astonish some of his Jewish critics on other issues—in respect to Soviet Jews.

In fact, he is no stranger to the issue.

He has a little known but long term record of concern. As Vice President in 1959, he responded to a request from American Jews and successfully undertook to have President Eisenhower take up the Soviet Jewish question privately with a visiting Kremlin official, Anastas Mikoyan. In his own trip to Moscow that year. Mr. Nixon inaugurated the practice of having high American officials request the Russians to review the cases of those residents, including many Jews, who had tried and failed to join close relatives in the United States.

His administration's record is curiously little known. First, he has identified himself with American Jews and others who want to help Russian Jews, by publicly receiving delegations and lending White House status to their appeals.

Reversing a tough American immigration policy dating back to World War II, the administration announced on Sept. 30 that it would admit without limit Soviet Jews who might want to immigrate. Attorney General Mitchell said he had decided so to use his "parole authority" (used in the past for Czech and Cuban refugees) because of "mounting evidence that Soviet Jews have unsuccessfully sought permission to emigrate from the Soviet Union." Congressional sponsors of legislation to grant 30,000 non-quota emergency visas to Russian Jews halted their efforts, acknowledging that the Nixon initiative was more generous and effective.

Congress has prepared scores of resolutions over the years urging the Soviet Union to end discrimination against its Jewish citizens and to allow those so minded to leave. The Annunzio resolution, one of several currently being studied by the House Foreign Affairs Committee, is the first to receive presidential endorsement. In offering support, the State Department set aside its customary aloofness from such an "internal" matter and explicitly accepted the resolution's purpose of "helping focus world attention on the plight of Soviet Jewry."

Finally, in a series of State and White House pronouncements, the administration has protested specified Soviet acts, such as the death sentences handed down last year to some Jews who had hijacked a plane to go to Israel—the sentences were later commuted. It has had American representatives at the United Nations turn from generalized appeals for "human rights" to specific appeals for Soviet Jews' right to emigrate—emigration to Israel is reaching new highs this year. In a 21-page statement to a House Foreign Affairs subcommittee on Nov. 8, Deputy Assistant Secretary of State Richard Davies made a comprehensive indictment of Kremlin policy toward Russian Jews.

Events then took an odd turn. The New York Times ran the Davies story on the front page under the headline "U.S. Asserts Soviet Jews Are Not Living in Terror." Actually, Davies didn't so "assert"; he said carefully that "with respect to the majority, claims that Soviet Jews as a community are living in a state of terror seem to be overdrawn."

Reacting just to The Times, not to the text, however, the American Jewish Congress at once said it was "shocked and outraged by the attempt of the U.S. State Department to diminish the severity of the situation facing Soviet Jews." Also reacting just to The Times, Pravda can dispatch from its New York correspondent quoting Davies as saying, "The statement that Soviet Jews live in conditions of terror is not valid." Davies had refuted "the fantasies of the Zionists," Pravda concluded.

The result is that an official statement on Soviet Jews of unprecedented fairness, sympathy and toughness was presented to two important audiences—the readers of The Times and the readers of Pravda—as an official deprecation of the plight of Soviet Jews. At one end, the administration was attacked by weighty groups in the United States for heartlessly and bureaucratically selling out Soviet Jews. At the other end, its purposes were gleefully distorted by the Russians in their continuing attempt to minimize the international political costs of the way they treat their Jews.

That leaves President Nixon headed for Moscow next spring. If past performance is any guide, he will surely raise the subject of Soviet Jewry. This prospect does trouble some diplomats, who fear that Moscow's extreme sensitivity on the Jewish issue makes it risky for the United States to press it. But the facts argue otherwise. Mr. Nixon has vigorously involved the American government in the plight of Soviet Jews and simultaneously he has moved to explore better relations with the Kremlin. His record so far shows the two do fit.

Once again, I would like to commend Congressman ROSENTHAL, chairman of the Subcommitte on Europe, as well as the able and distinguished chairman of the Committee on Foreign Affairs, Hon. THOMAS E. MORGAN, from Pennsylvania for taking prompt action in reporting this much-needed legislation and I urge my colleagues to join in bipartisan support of House Concurrent Resolution 471 expressing the sense of the Congress regarding relief from restrictions on Soviet Jews.

Mrs. HICKS of Massachusetts. Mr. Speaker, I commend the gentleman from New York for bringing this matter before the House and wish to associate myself with his remarks.

In declaring that the United States recognized 1971 as the International Year for Action to Combat Racism and Racial Discrimination, President Nixon called upon all Americans to join in observing the year "through deeds and words which promote a spirit of brotherhood and of mutual respect among all peoples".

It is in keeping with this spirit enunciated by the President that I would like to lend my whole-hearted support to House Resolution 394 regarding persecution of Jews and other minorities in the Soviet Union. House Resolution 394 declares it to be the sense of Congress that the President urge the Soviet Union to permit free expression of ideas, and discrimination against religious minorities and allow Soviet citizens the right to emigrate. The State Department is called upon to raise in the General Assembly of the United Nations the issue of the U.S.S.R.'s transgression of the Declaration of Human Rights.

I feel that the President's visit to Moscow next month would be a most opportune time to discuss the problem of Soviet Jews The government of the U.S.S.R. is sensitive about what world opinion thinks of its treatment of Jews and other minorities. World public opinion was clearly a factor, for example, in the commutation of the death sentences passed on Jews convicted of treason in Leningrad in December 1970 for seeking to leave the U.S.S.R. allegedly by plotting to commandeer an aircraft. World public opinion in general has restrained the Soviet authorities from broadening the use of quasilegal punishment against Jewish activists in the U.S.S.R.

I feel that the President has not only an opportunity, but also a duty to discuss with Kremlin leaders both the degree to which feeling is aroused in the United States regarding the plight of Soviet Jewry and the necessity for an improvement in their existence before true detente can occur between the U.S.S.R. and the United States.

Restrictions against Jewish religious and cultural life in the Soviet Union have been amply documented and need little repetition here; these include entirely inadequate religious facilities, harassment for synagogue attendance, lack of Yiddish or Hebrew language teaching, exclusion from careers considered sensitive and from important political jobs. These are well-known and longstanding abuses. In addition anti-Zionism reaches alarming levels periodically and is usually tied to the degree of tension existing in the Middle East.

All Soviet citizens suffer from the Soviet policy of militant atheism and the government's refusal to consider emigration as a right rather than a rare privilege. But the limitations on Jews have been even more severe. This is perhaps because Jews invite Russian suspicion due to their international connections—many of them have relatives abroad in Israel, the United States, and Western Europe. This heightened Soviet hostility is made even more difficult by a renewal of Jewish consciousness and pride especially among Jewish youth. "The Jews of silence" have found their voices and have been in the forefront of a growing civil rights movement. As a result, these outspoken Jewish activists have been dealt with arbitrarily and harshly. A number have been sentenced to terms in forced labor camps. Individual applicants for emigration are harassed. Even so, thousands publicly demonstrate pride in their heritage and large numbers have the hope that they, too, like Jews elsewhere, will not only be able to persevere as Jews but also to occupy a place of honor in the world. Thousands of Jews—and mainly Jewish youth—crowd the synagogues on Jewish holidays.

My colleagues and I in the Congress are continually reminded of the plight of Soviet Jews and have introduced numerous bills and resolutions expressing our concern and urging that steps be taken to persuade the Soviet Union to liberalize its policies regarding human freedoms as well as emigration. I would like to reiterate that President Nixon's upcoming trip to the Soviet Union may well be a unique opportunity to express the concern of the U.S. Government and to urge the Soviet leadership to temper its policies toward its Jewish citizens.

I firmly believe that the U.S. Government must continue to pressure the Soviet Union in the hope that this will result in the Jewish minority being able to live in peace and freedom in their country and that those wishing to emigrate may be allowed to do so without fear.

Mr. FASCELL. Mr. Speaker, as a sponsor of legislation identical to House Concurrent Resolution 471, I urge the unanimous support of our colleagues for this expression of congressional concern for the treatment of Jews in the Soviet Union.

No group in history has been discriminated against as widely and as persistently as the Jews. In clear violation of its own constitution, which recognizes the right of national self-determination and cultural and religious freedom, the Soviet Government has consistently pursued a policy of forced assimilation of its minorities, which has been especially severe with regard to Soviet Jews. The pending resolution calls on the President to urge the Soviet Government to "permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution."

Because of the policy of forced assimilation, many Soviet Jews see no future for them as Jews in Russia, and see no alternative open to them but to emigrate. The Soviet Union, however, has disregarded its own laws and violated a number of international agreements and conventions to which it is a signatory, concerning the right to emigrate. The right to emigrate has been denied to thousands of Soviet Jews. In fact, the Soviet Government has treated those who have submitted applications for visas as "enemies of the Soviet people."

The pending resolution calls upon the President to request the Soviet Government to permit its citizens the right "to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights."

In addition, the resolution calls on the President to "utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities," and to "raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities."

Evidence suggests that the Soviet Union is sensitive to world opinion and particularly the protests against its treatment of Soviet Jews. The number of Jews allowed to emigrate in 1971 exceeded the number in 1970 and 1969. The House of Representatives and the Congress should continue its contribution to the body of world protest.

I think it is particularly important that the Congress make its strong position clear on the eve of the President's scheduled trip to Moscow. With the mandate outlined in House Concurrent Resolution 471 there can be no question of the support of the U.S. people for the Soviet Jews. While this is a difficult issue indeed, I think it is important that the President include it on the agenda of matters to be discussed with the Soviet leaders.

Again, I urge our colleagues to give House Concurrent Resolution 471 their unanimous support.

Mr. EILBERG. Mr. Speaker, life in the Soviet Union for Russian Jews continues to be a matter of great concern to all of us. In many cases Soviet Jews have been relegated to the status of second-class citizens in a nation that professes the ideal of equality as basic and paramount. They have been denied the right to exercise their religion freely, their right to emigrate is seriously abridged, and many other basic human rights that we here in the United States take for granted, are known in theory but not in reality by the Jews and other Soviet minority groups.

As a Member of the Congress of the United States and as an American Jew, I am cosponsoring House Concurrent Resolution 471 with the hope that the conscience of mankind in general and certain parties in particular, will lead to action that will alleviate the plight of the Jews and other minorities in the U.S.S.R.

This resolution declares it to be the sense of the Congress that the President urge the Soviet Union to permit free expression of ideas, end discrimination against religious minorities, and allow Soviet citizens the right to emigrate. The State Department is called upon to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights.

I believe, in addition to the general feeling we all have that human beings everywhere regardless of creed, color, or other distinctive characteristics, should be accorded basic rights on an equal basis, that there are specific points that argue strongly in favor of a liberalization of minority treatment by the Soviet Union.

First, the free expression of ideas and the ability to practice one's religion in a unrestrained manner, are rights guaranteed to Soviet citizens by articles 124 and 125 of the Soviet Constitution.

Second, persecution of minorities is a humanitarian problem with universal importance. By expressing its concern and recommending actions to be taken to eliminate this problem, the American Congress is acting in a manner fitting to the world role of the United States.

Finally, since the resolution includes not only Soviet Jews but all other Soviet religious minorities, it expresses concern not for a limited sector of a given population, but for a very large number of people. The universality of this resolution is certain to have wide domestic and global appeal.

A restricted existence in the Soviet Union has for long been a fact of life for Jews. If these restrictions are not lifted the alternatives for the future of a Jewish community are not bright. Silent acceptance of their status is becoming increasingly hard to bear as it becomes evident that a way of life, a culture and a religion are in the process of being eliminated.

We must rededicate ourselves to assist Soviet Jews as well as other oppressed minorities throughout the world.

Mr. KUYKENDALL. Mr. Speaker, I am privileged to be able to rise in support of House Congressional Resolution 471 today in behalf of Soviet Jewry and the cause of human rights. With President Nixon's forthcoming trip to Moscow, I feel it is the duty of us, the Members of Congress, to pass unanimously this resolution calling upon the Soviet Government to permit the exercise of freedom of speech and religion, and to permit its citizens the right to emigrate to countries of their choice.

I am proud to identify with this cause of human rights and urge that my colleagues do the same. We can do nothing less for a people who have certainly paid the price.

Mr. SCHERLE. Mr. Speaker, when President Nixon travels to Moscow in May, the agenda for his discussions with the Kremlin leaders should include one topic which will probably be absent from the list—the status of Soviet Jews. Every Russian citizen, regardless of religion or national origin, is denied certain freedoms which we in the West take for granted, but the plight of Jews in the Soviet Union has captured the sympathy of the world for two reasons. Religious and ethnic minorities in Russia have always been singled out for special persecution, and the Jews in particular symbolize the sufferings which all minority groups have endured.

The long tale of Jewish history in their wanderings through Europe, Asia, and Africa has been a continuous chronicle of oppression. In our own supposedly more enlightened century, the chosen people survived the worst holocaust of all under the Nazi terror. It seems particularly unjust, therefore, that they should be restricted in the practice of their faith and forbidden to return to the religious homeland from which they were driven so many centuries ago.

In the conviction that religious liberty for Soviet Jews represents the basic freedoms to which the whole human race aspires, I urge my colleagues to support this resolution with an overwhelming vote of affirmation, so that the President of the United States and rulers of Russia will know that we stand behind our brothers in spirit. So long as any human being is denied the right to worship God as he chooses, our own profession of religious faith and faith in the ideals of democracy is diminished.

Mr. DRINAN. Mr. Speaker, as a sponsor of the proposal before us today to place the U.S. Congress on record as opposing the cultural genocide being waged against the Jews of the Soviet Union, I rise to urge its enactment.

This concurrent resolution, Mr. Speaker, expresses in clear and brief language our commitment to human dignity and religious freedom and our absolute refusal to tolerate that kind of religious persecution which has already cast a grotesque scar on the history of our time.

The operative language of this resolution is as follows:

> Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—
>
> (1) call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution; and
>
> (2) utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities; and
>
> (3) request of the Soviet Government that

it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and

(4) raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

Mr. Speaker, I have been invited to go to Israel next month as a consulting fact-finder on behalf of the National Interreligious Consultation on Soviet Jewry. I hope that on that occasion I will be able to bring with me the message that here in the United States, our highest legislative body has proclaimed unequivocally its opposition to the persecution of the Soviet Jews, by enacting this resolution.

I wish to insert at this point in the RECORD, Mr. Speaker, the text of my testimony before our Committee on Foreign Affairs in support of this bill:

STATEMENT OF HON. ROBERT F. DRINAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. Chairman, I greatly appreciate this opportunity to present my views on the conditions which confront the Jews of the Soviet Union. Your committee is performing an excellent public service in its deliberations on this situation.

I pray that the experience of the Jews in the 20th century—and indeed, the experience of persecution of Jews over 5,000 years—will never be forgotten. Antisemitism is a malignancy which is periodically suppressed, but unless we are constantly vigilant, it will proliferate. Unless Americans of every background and, particularly, those of us in Congress, bring to the attention of people throughout the world the plight of Soviet Jewry, we shall pay a terrible price for our negligence.

A dispatch from Moscow in the November 14, 1971, New York Times by Hedrick Smith contained the following account:

"Striding along the treelined streets of the Moldavian capital of Kishinev a few days ago, a Jewish chemist quietly described how his fervent desire to emigrate to Israel was frustrated by fear. If he applied for an exit visa, he said he might lose his job, and there would be trouble for his wife and two small daughters.

"In a Ukrainian city, members of a large Jewish family complained that they had been waiting eight years to get out of their cramped, one room apartment. When new apartments become available, they said, Jews never seem to get them."

Accounts such as these are typical of the often-subtle, often-obvious discrimination levied against Jews by government agencies in the Soviet Union.

A constituent of mine who recently returned from an extensive tour of the Soviet Union reported that he had enormous difficulty in making contact with Soviet Jews. "They fear to talk with Americans in public places, or even in their own homes," he said, "because they have reason to believe that secret service agents are watching and listening."

SECRET PRACTICES

Some Americans who travel in Russia have adopted the practice of secretly depositing ritual prayer shawls and copies of the Hebrew scriptures in Russian synagogues. Ritual objects of the Jewish faith are systematically destroyed by anti-Jewish elements in the Soviet Union.

Jewish synagogues have been closed, and only a comparative few remain. More than 90 percent of the remaining synagogues have no rabbis today because there is no Jewish seminary for training rabbis. The few remaining rabbis are old men in their seventies and eighties.

In his excellent study, "Soviet Jewry Today and Tomorrow" (New York: Macmillan Co., 1971), the distinguished correspondent Boris Smolar reports that the Jewish heritage in Russia is being extinguished:

"On the whole, it can be said that the average young Jew in the Soviet Union feels like an orphan who is eager to find out more about the parents he has never seen. There is very little that his father or mother can tell him about the meaning of being a Jew, because most of the Jewish parents in the U.S.S.R. today are either Soviet-born themselves or they were raised under the Soviet regime. He looks, therefore, to his Jewish grandparents for Jewish guidance—if they are still alive."

Those of us in the Congress who have long supported heavy pressures by our Government to make the Kremlin change its policies with respect to Jewish emigration continue to be appalled by the callousness of the Soviet regime. Notwithstanding the unequivocal language of article 13, paragraph 2 of the United Nations Declaration on Human Rights—officially ratified by the Soviet Union—that "everyone has the right to leave any country, including his own," Soviet Jews are simply not permitted to leave, at least not in substantial numbers.

At a time when prison reform is becoming a high national priority in our country, we should pause and reflect on the effective imprisonment of Soviet Jews. As our Supreme Court has forcefully indicated in *Kent* v. *Dulles* and a long line of other decisions, the freedom to travel outside of one's own country is a fundamental human right. Forbidden to leave Russia, the Soviet Jews are, in effect, incarcerated in a place where, for the most part, they are the victims of invidious class discrimination.

STATE DEPARTMENT VIEWS

I realize that State Department employees have come before your committee and said, in effect, that there is no pervasive anti-Jewish discrimination in Russia. Such statements, I submit, are untrue and reflect badly upon our Government. I recognize that we are currently engaged in complex negotiations with the Soviet Union. And I realize President Nixon wants nothing to detract from the success of his planned trip to the Soviet Union. And I realize that the SALT talks are in a critical phase. However, the State Department and other Federal agencies, in their attempts to keep the Kremlin at ease, have bent the truth to the point of obliteration.

To those who claim there is no systematic discrimination against the Soviet Jews, I would present Boris Smolar's account of employment opportunities for a Jew in Russia:

"The Soviet economic machine, in need of all kinds of labor, no longer makes any distinction between Jew and non-Jew, as was the case during the latter years of the Stalin regime, or even in the early years of the Khrushchev regime. Promotion of Jews to higher positions is a different thing. This may explain why Jewish engineers . . . feel they do not receive the same recognition they see given to others."

Months ago I joined with Congressman William Ryan and many others of our colleagues in a resolution urging inclusion of Yiddish broadcasts over the Voice of America. The evidence is clear that a substantial portion of Soviet Jews speak Yiddish as their principal or secondary language. Yiddish broadcasts, even if only a few minutes a day, would indicate in a concrete way our compassion and warm feelings toward the Soviet Jews.

It was a very modest request.

Although it is hard to believe, the Director of the U.S. Information Agency, Mr. Shakespeare, and high-level representatives of the State Department refused to comply. They summoned a variety of largely misleading and irrelevant data in their arguments. At briefings, they stated and implied that Yiddish broadcasts, no matter how innocuous in content, were inconsistent with our Government's policy of not disturbing the Kremlin.

Is this the moral fiber which characterizes American history? Is this the broad dissemination of differing points of view piously claimed by the Voice of America? I think not.

Mr. Chairman, I believe that in matters affecting the social status of an ethnic or religious group in any country, we must speak out when there is pervasive injustice. The evidence of such injustice in the case of the Soviet Jews is overwhelming. If we fail here to protest, then we will have made a mockery of those principles upon which our Nation was founded. The lesson of Nazi Germany must never be forgotten: If we ignore this problem, it most certainly will not go away. By enlisting the force of world opinion against class discrimination in Russia, we can hope to get results. History demonstrates that the Russians are at least as sensitive to our opinion of them as we are to their opinion of us.

FIVE SPECIFIC DEMANDS

I therefore urge our Government to endorse the five specific demands upon the Soviet Government made by the American Jewish Conference on Soviet Jewry:

1. To permit Jews throughout the U.S.S.R. freely to develop Jewish communal and religious life and institutions and to associate and work with comparable Jewish communities and religious groups inside and outside the Soviet Union.

2. To make available the educational institutions, schools, teachers, textbooks, and scholarly materials necessary to teach Soviet Jews the heritage, the languages, the history, the beliefs, the practices, and the aspirations of the Jewish people.

3. To permit its Jewish citizens freely to practice, enhance, and perpetuate their culture and religion by the establishment of appropriate institutions including places of worship, and other religious facilities, theaters, publishing houses, newspapers, and journals, and to remove all discriminatory measures designed to restrict this freedom.

4. To use all means at its disposal to eradicate anti-Semitism and discrimination against individual Jews and to require, as the first step in this program, the immediate cessation of the virulent antisemitic propaganda that has suffused the Soviet mass media since the Six-Day War between the Arabs and Israel in 1967.

5. To permit Soviet Jewish families, many of whom were separated as a result of the Nazi holocaust, to be reunited with their brethren abroad and to implement the Kosygin promise of family reunion.

These demands are just. They were first promulgated several years ago and were adopted on February 25, 1971, by the World Conference of Jewish Communities on Soviet Jewry, held in Brussels. The conference was attended by 750 Jewish leaders from 27 countries, and was addressed by, among others, former Justice Arthur Goldberg, and David Ben Gurion, former Prime Minister of Israel.

Mr. Chairman, I applaud your committee's concern with these problems and I appreciate this opportunity to express my views.

Mr. MAILLIARD. Mr. Speaker, having just returned from Israel, I am especially aware of the problems of Soviet Jews and, in particular, the problems they encounter in attempting to exercise their right to emigrate from the Soviet Union.

While in Israel, I talked with many people about this problem, which is very real to the Israelis. Some Soviet Jews have been allowed to emigrate. Others have not. As a result, families have been separated in some cases.

This restrictive, inconsistent, and inhuman policy as regards emigration cannot be justified on any civilized basis by the Soviet Union. The policy should be changed. This resolution as a reflection of American public opinion may help to persuade the Soviet leaders that their emigration policies must be changed.

We are all aware of the other areas of discrimination against Soviet Jews that are dealt with in this legislation. Certainly if the Soviet Union proposes to exercise any moral leadership in the international community it should first permit all its citizens to enjoy the benefits of those provisions of its own constitution which permit the free expression of ideas and the exercise of religion.

I urge approval of this resolution.

Mr. BROOMFIELD. Mr. Speaker, I am proud to rise today to express my support for this resolution which calls upon our Government to exert all possible diplomatic pressure for the relief of the oppressed religious minorities within the Soviet Union.

In particular, this measure addresses itself to the special burden which more than 3 million Soviet Jews carry in the face of Soviet oppression. Soviet Jewry is discriminated against not only on the basis of religion, but because of their nationality as well.

In the past 5 years we have witnessed a growing sense of cultural and religious identity among Russian Jews. Their government has reacted with increased social and legal restrictions against their basic rights. We only have to recall the Leningrad show trials of 1970 and 1971 to understand how strong the religious convictions of the Soviet Jewry are and how cruel the response of the Soviets has been.

Mr. Speaker, there may be some who would doubt the effectiveness of this resolution, who would say what is the use, why should we bother.

I would hope that none of us here today will fall prey to such pessimism. The record shows that world public opinion has in the past had a great effect on the internal policy of the Soviet Union. Since those infamous Leningrad trials 2 years ago, we have witnessed an unprecedented increase in the number of emmigration visas given to Jews.

Therefore, Mr. Speaker, I feel that this resolution is extremely important. It is important for those religious minorities who still hope to be free, it is important for Jews all over the world who share the suffering of their less fortunate brothers and it is important for all men of good will.

For if we were to remain silent, if we were to ignore the plight of these people who so desperately and courageously struggle against tyranny, then history would judge our silence as a serious and grievous sin against the principles of freedom and equality which we hold so dear.

Mr. Speaker, Soviet Jews have borne the burden of their oppression with gallant patience and endurance. As President Nixon prepares for his trip to Moscow next month, I can think of no better time for us to reaffirm our support for the relief of Soviet Jews.

In a very real sense, Mr. Speaker, we, as Americans, have a duty to respond to the plight of the Jews as well as the Catholics of Eastern Europe who have been denied their basic human rights. For my part, I am proud to accept that duty and I know that my colleagues will join me by passing this resolution today.

Mr. SPRINGER. Mr. Speaker, I am glad that we finally have this resolution before us and that it now has the support of most of those Johnny-come-latelies in the Congress who a few years ago could see no reason for expressing any concern over the denial of basic freedoms to millions of Russian Jews.

In supporting this concurrent resolution, I am reiterating a position that I made known some 5 years ago to the Soviet Embassy in Washington, to the Soviet Government in Washington, and to our own State Department. Essentially, that position is that every man and woman in an open society should have the right to move about freely, to leave a country and go to any other country that lays out the welcome mat. Our resolution defines this as "the right freely to emigrate," a right affirmed by the United Nations Declaration of Human Rights, yet a right that has been denied to many Jews wanting to leave their Russian homeland for the State of Israel.

In response to the ancient cry, "Let my people go," the modern Pharaohs in the Kremlin have relaxed their rules to the extent of granting exit permits to a few thousand Russian Jews in the last 2 years. However, those allowed to leave were mostly the aged, the infirm and the unskilled. Few Jewish doctors, or lawyers or skilled craftsmen have been allowed to emigrate to Israel. What the Soviet Government has done, in fact, has been to throw a mere sop to critical world opinion, which demands the right of free movement for Soviet Jewry.

The resolution before us, Mr. Speaker, is a slightly modified version of one which I and several colleagues joined in sponsoring on August 6, 1971. Specifically, it expresses the sense of Congress that the President of the United States shall take these four steps:

First. Urge the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet constitution;

Second. Utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities;

Third. Demand that the Soviet Government let its citizens emigrate to the countries of their choice; and

Fourth. Raise in the United Nations General Assembly the issue of the Soviet Union's transgression of the U.N. Declaration of Human Rights, particularly against Soviet Jews and other minorities.

I am not so naive as to believe that the mere passage of such a resolution in the Congress of the United States will bring any immediate relaxation of the policies of repression which the Soviet Government has long practiced against Jews and other minority groups. However, I do hope and believe that such expressions by ourselves and others will over the long run lead Soviet officials to adopt policies more compatible with the U.N. Declaration of Rights and indeed with the principles espoused by the Soviet Union's own constitution.

Mr. HARVEY. Mr. Speaker, today, the House is considering under suspension of the rules House Concurrent Resolution 471, a resolution that urges the Soviet Union to recognize the basic human rights of its Jewish population. I hope that all of my colleagues in the House will support this measure, for the United States has long stood as the champion of oppressed peoples throughout the world.

The Jews of the Soviet Union, I am sad to say, are being repressed and denied the basic human dignity that should be associated with such a proud and energetic people. Jewish culture is being suppressed in Russia today: Synagogues are being closed, the teaching of Hebrew is discouraged, and emigration to Israel is made exceptionally difficult, if not denied altogether. All of these actions run contrary to the United Nations Declaration of Human Rights, a document that the United Nations General Assembly unanimously adopted.

The passage of this resolution will greatly assist the President in his upcoming and historic journey to the Soviet Union. In his conversations with Soviet leaders, President Nixon will be able to express the sense of the Congress that the religious and cultural identity of all peoples should not be denied. Only in this way can we build a world free from hatred and repression, and a world that affords human dignity to all of its citizens.

Mr. BURKE of Florida. Mr. Speaker, I rise in support of House Concurrent Resolution 471, a bill which I consponsored and which, if enacted, will proclaim the sense of Congress that the President of the United States should take immediate steps to:

First, call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution;

Second, utilize formal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities;

Third, demand of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and

Fourth, raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

Mr. Speaker, we in the United States take many of our freedoms for granted. Two in particular that we take for granted are—freedom of religion, and freedom to emigrate. These like many of our rights seem unimportant until they are taken away from us. In the Soviet society, however, where there are more than 100 nationalities, many of whom scorn and discriminate against each other, and where it has state policy of atheism, the story is different. Simple things such as Yiddish books on library shelves, kosher food, schools where Yiddish is taught, and the freedom to come and go to a synagogue without being harassed, which are taken for granted in the United States, are denied to Soviet Jews.

In fact, in our country, there is a popular bumper sticker that says "America Love it or Leave it." This is a simple statement of a freedom which we enjoy, but one that is denied Soviet citizens; namely, the right of emigration.

In one sense in the Soviet Union the Jew is an eternal stranger. In some ways the Jews' situation is worse than that of any other minority. There is the question of whether he belongs to a nationality, an ethnic group, or a religion. Further, since the inception of Israel, the Jew has two homelands that compete for his loyalties, his native land, and his spiritual homeland, a concept that is contrary to the tenets of communism.

The fact that Jews through the world are very good citizens of their countries is unimportant in the Soviet Union. Jews, no matter where they live, have been assimilated, prospered, and consider themselves citizens of their native land first and Jews second.

Currently, Jews in the Soviet Union are subjected to a delicate system of quotas designed to maintain a balance of proportional representation of all nationalities in the economy, in high government, and in party organs such as the central committee. He is scorned and discriminated against in a society where this is a century old tradition. Moreover, the Jewish religion is one that has come under new condemnation because of the 6-day Arab-Israeli war in 1967, and the following hostilities. Israel is at war with a group of countries whose principal ally and supporter is the Soviet Union and because of the propaganda against Israel, anti-Semitism has again become acceptable, if not fashionable, in the U.S.S.R.

The Jew is doubly damned in the U.S.S.R., first for being ethically Jewish and second, for being culturally Russian. They are suspected of harboring dual political and psychological loyalties to a homeland other than the U.S.S.R., a suspicion that anti-Israel and anti-Zionist propaganda, has not allayed but, rather fostered.

Most of the nationalities have their own territories, where the language is their own and where most officials are of their nationality. Theoretically the Jews have Biro-Bidzhan on the Chinese border. However, culturally and politically the dominant role in Biro-Bidzhan has been played by Russia, not Jews.

There are other minority groups in Russia who face the same harsh policies as the Jews. The Jews it seems, however, are always singled out and must bear the brunt of religious persecution, and their plight signals trouble for all who would practice religion in the oppressive, atheistic atmosphere of the Soviet Union today.

Ever since the Communists came to power and atheism became a national policy of the Soviet Union, there has been suppression of all religion, yet many pursue the faith of their fathers and are willing to leave their native land in order to continue doing so, much as our pilgrim fathers first left England to come to America.

A quick review of the history of the Jews in Russia under the Communists will show that the present situation is part of a pattern of ongoing persecution. Jews flocked to the revolutionary banner in the early 1900's. The overthrow of the tsar gave them a chance to leave the settlements and the chance to escape the threat of death and being forced into work progams. Jews like Totsky, Zinoviev, Kameney, Svedlov, and Litvinov were indispensable to Lenin in the revolution, and as long as Lenin was alive anti-Semitism was held to a minimum.

By 1939, however, Stalin had purged the party leadership of most of its Jewish members. After the Hitler-Stalin pact, foreign Jewish Communists who had found refuge in Moscow suddenly found themselves being shipped to Germany and Hitler's concentration camps, and Soviet propaganda swung to the Nazi line.

After World War II, Stalin cracked down on what he termed "rootless cosmopolitans" and shut down virtually all Yiddish cultural institutions. In 1952, nearly 30 Jewish writers and intellectuals were liquidated and Stalin set the stage for the "anti-Zionist" purges in Hungary, Czechoslovakia, and East Germany. If Stalin had lived this surely would have led to mass murder of the Jews in the Soviet Union and other Communist countries.

Khrushchev once denied publicly that anti-Semitism exists in Russia, yet even under Khrushchev dozens of Jews were shot as economic speculators, and the furor began over Yevtushenko's poem "Babi Yar."

What Stalin started, and Khrushchev finished, was the destruction of Jewish cultural life.

Under Brezhnev, as a result of the 6-Day War Between the Arabs and the Israelis, and the Soviet commitments to the Arab countries, anti-Zionism and official anti-Israel policy has been instituted.

Until 1967, the Jews in the Soviet Union solved their dilemma by ceasing to be Jews. After the 6-day war, however, and as a consequence of Moscow's campaign against Israel and Zionism, some assimilated Jews have been reimbued with a sense of their own Jewishness. Scores of Jews have sent and signed petitions to the Kremlin demanding exit visas; others have staged hunger strikes and sit-ins. This has resulted in mass arrests, intimidation, convictions, and jail sentences for some.

Inadvertently, the Kremlin has fostered Jewish awareness and has thereby created a demand by Jews and others for emigration visas, but Soviet leaders see the desire to leave as an expression of disloyalty to the Soviet Union. It is estimated, however, that actually only about 5 percent of Soviet Jews have expressed a desire to emigrate. It is further estimated that if all restrictions were removed, and Jews could emigrate without difficulty, that only about 10 percent would do so. The reason is that the Soviet Jews professionally are very well off in many fields—such as art, music, science, literature, engineering, and law. Although Jews represent less than 1 percent of the total Soviet population, they account for 14.7 percent of all the physicians, 8.5 percent of the writers and journalists, 10.4 percent of all the judges and lawyers, and 7.7 percent of the actors, musicians, and artists. In addition, 14 percent of the Jewish population in the Soviet Union has a higher or specialized secondary education which almost triples the rate of other Russians. Many Jews, therefore, feel they have a vested interest in the Soviet Union and would not leave under any circumstances.

It is difficult, therefore, to understand the Soviet Union's denial of such basic human rights, such as the expression of ideas, the exercise of religion, and the right of dissident Jews to emigrate. To me, the passage of House Concurrent Resolution 471 is essential, since it sets forth the outrage of most Americans over the plight of religious minorities in the Soviet Union, and its passage will show that public opinion in the United States opposes the actions of the Brezhnev government in this regard. Perhaps, through this moral persuasion by the Congress in passing H.R. 471, we and other free nations of the world will be able to influence the Soviet leaders to relax the policies in the Soviet Union in this vital area of human rights.

Mr. Speaker, I urge that House Concurrent Resolution 471 be passed by the House of Representatives today, since we are virtually on the eve of President Nixon's trip to Moscow scheduled for next month. The passage of this will afford the President the opportunity to carry out the expression set forth in this bill.

Mr. Speaker, on November 16, 1971, I wrote President Nixon urging that he make the plight of the Soviet Jews a part of his agenda in his talks with Soviet leaders. My letter to the President stated:

CONGRESS OF THE UNITED STATES,
Washington, D.C., November 16, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: As a member of the United States Congress and as a member of the House Committee on Foreign Affairs, I would like to respectfully submit a proposal relative to your forthcoming visit to the Soviet Union.

I feel that your trip early next year offers a propitious opportunity for you as the President of the United States, in your talks with Soviet leaders to discuss the issue of the serious plight of the Russian Jews and other religious minorities in the U.S.S.R. This action would be in keeping with the Republican platform adopted at the 1968 Republican Convention, and would be responsive to feelings of the American people as shown by public opinion polls. I am sure that this serious situation will be a matter of great interest when the platforms of the two major political parties are reviewed and redrawn next summer.

I note that Prime Minister Pierre Trudeau of Canada discussed the Soviet Jewish question with Russian authorities when he last visited Moscow. Similar intercession has been made by a number of European leaders. It seems to me, therefore, that you as the President of the United States, speaking with the prestige of our great nation, could very appropriately request that discussions on this serious problem be made a part of the agenda of matters to be discussed at your meeting.

The Communist bloc nations have, in my opinion, made a practice of seeking United Nations' actions to suit their convenience, and I, therefore, feel that we can cite with impunity the United Nations Declaration of Human Rights to the Soviet leaders, especially in light of the desire for compliance thereof by the U.N. member states.

It is my conviction, also, that a significant alleviation of the Soviet Jewish problem through your intercession might well strengthen your hand in the ultimate hope for a mutually-acceptable peace settlement in the Middle East.

United States Attorney General John Mitchell has already stated that under existing law Soviet Jewish refugees could be admitted to the United States under the parole authority provided by our immigration laws, in case of those persons who do not elect to immigrate to Israel. Under existing authority religious refugees from the Soviet Union are entitled to seek sanctuary in the U.S. on the same basis accorded the escapees from Hungary and the more recent Cuban refugees, who came to the U.S. following the Castro revolution.

It is my hope that such discussions would encompass not only the Jews of the U.S.S.R., but also Christians and other minorities who most certainly are faced with oppression and certain indignities. I feel it would be helpful, also, if you requested a meeting with the leaders of the various religious faiths when you are in the Soviet Union, thereby demonstrating the friendship of the people of the U.S. for those seeking religious freedom.

As you know, the Congress has in its many resolutions and other expressions, requested and authorized you, as our President, to take some action in these matters. In fact, you, when you were a member of the House, Senate and even Vice President were one of the pioneers who years ago sought this very goal. I'm sure you recall that during President Eisenhower's Administration, in 1953, the Congress condemned the persecution by the U.S.S.R. of all minorities. In 1954, the Congress asked the churches and synagogues of America to set aside a portion of their services on Easter Sunday and Passover for special prayers for deliverance of all those behind the Iron Curtain who are denied freedom of worship.

Since the Six Day War the anti-Jewish policy of the Soviet Union has been obvious. Our Government has detailed the reports on how, in the U.S.S.R., Jews are imprisoned on trumped-up charges; the anti-semitic propaganda in the Soviet press and radio; the deprivation of cultural and religious rights; discrimination in education and employment; and the drastic restrictions on the Jews and the deprivation of the right of many Jews to emigrate from the Soviet Union.

There seems little doubt that the Jews have been singled out for special restrictions and that they are denied certain limited considerations accorded other minorities.

The publicity of the treatment of the plight of the Soviet Jews has made the Communist leaders very sensitive to this issue. This conduct has undermined the Communist propagandized pretensions of equality and justice for the oppressed. It is true that there have been some indications of limited Kremlin concessions resulting from the rising outcry of world public opinion and some Jews have finally been permitted to emigrate from the Soviet Union. I feel, however, that your personal intervention, as our country's President, might bring about a major revision of the present existing Soviet anti-religious policies.

I feel that there is much that might be gained by your intervening and that such action would not result in any diplomatic complications or embarrassment, even though I am aware that the issue of Soviet Jewry has become one of explosive political potential in the Middle East, as well as in the unaligned "third world."

I feel that any action by you in this regard would receive the full support of the members of Congress and all of the American people interested in the rights of all people to fair and humane treatment.

Your consideration of these suggestions will be greatly appreciated not only by me and the members of Congress, but by people of goodwill throughout the world.

With kindest wishes,

Sincerely,

J. HERBERT BURKE,
Member of Congress.

Mr. ANDERSON of California. Mr. Speaker, as the author of a similar bill, I rise in support of House Concurrent Resolution 471.

This measure calls for a governmental commitment to use formal and informal channels to express our great concern about Soviet Union oppression of religious and cultural freedoms as well as restrictions on the right to emigrate.

Specifically, the President is asked to request that the Soviet Government honor the words of its constitution by permitting the free exercise of religion and the expression of ideas by all of its citizens.

In addition, this resolution states our desire for the President to request of the Soviet Government, that it permit its citizens the right to emigrate to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

For centuries, Jews in the Soviet Union have suffered both legal and social discrimination. In recent years, however, their status improved, but this liberalization ended with the internal Soviet reaction to the six-day war in 1967. Since that date, there has been a return to official antipathy toward Jews as an expression of Soviet hostility toward Israel. This reaction, coupled with the renewed sense of cultural identity and self-assertion by many Jewish citizens of the Soviet Union, has formed the painful record of Soviet Jewry in the past 5 years.

World attention was focused on Soviet policy toward its Jewish citizens after a series of trials in 1970 and 1971 of Soviet Jews charged with antistate activities, and after the attempted hijacking of a Soviet commercial airplane by Soviet Jews.

To counter some of the hostile world press attention caused by the trials, Soviet officials increased the number of emigration visas issued in 1971, and thus far in 1972 has continued this trend.

Yet the continued restrictions against the thousands of Soviet Jews who wanted to emigrate have kept world attention focused on the problems of Soviet Jews and not on the very limited attempts by the Soviet Government to solve the problems.

Mr. Speaker, it is our duty to serve as a beacon of hope and encouragement to the oppressed people of the world. We must take steps to encourage the Soviet Union to allow Soviet Jews to express themselves through cultural and religious activities. Soviet Jews should not be deprived of books in Hebrew, of Matzohs, and of synagogue services. They should be allowed to emigrate and start a new life elsewhere.

The bill before us, House Concurrent Resolution 471, urges the President to use his influence, and to use the powers of his office to encourage the Soviet Government to take steps to relieve the discrimination that presently takes place against Soviet Jews.

I urge my colleagues to support this measure and, thus, offer a promise of hope to the oppressed people of the world.

Mr. FISH. Mr. Speaker, over the past few years, in particular since the 1967 Israeli-Arab war, the plight of Soviet Jews, denied the means to sustain their religious and cultural identity inside Russia, and denied the ability to move elsewhere, has been brought forcefully to the attention of the American public and people of the world.

As we consider Concurrent Resolution 471 today, I think it well to look for a moment at the background—well as it is known by many—which led to the drafting and introduction of this resolution of which I am a cosponsor.

In Russia, the anti-Semitism which flourished under the czars resulting in the pogroms of 1905 and 1906 officially ended with the Revolution. Within the Soviet ideology, under the Soviet Constitution and embodied in Soviet law, all nationalities are encouraged to participate in their group existence through cultural and educational institutions and activities in their own language.

During the first three decades of the Soviet regime, there was no question that the intent of this ideology of a union of many cultures included the Jews as well as the other 107 nationalities that make up the U.S.S.R.

But over the years that intent has clearly changed. While as late as 1940, 100,000 Jewish children attended Yiddish school, today there is not a single Yiddish school or a single Yiddish class in the entire U.S.S.R.—this in spite of the Soviet law which permits the organization of such classes at the request of 10 parents. This systematic cutting off of Russian Jews from Jewish culture pervades other areas. No Judaic periodicals or devotional literature can be published, no prayer shawls or phylacteries, essential to the services, can be produced, no meaningful official contact with coreligionists abroad can be held.

Take all these steps together and one begins to understand the term "spiritual genocide" which has been used to describe the Soviet policy toward their Russian Jewish minority. And this policy appeared to be working. A gradual dying of interest in Judaism was predicted, for it seemed quite logical that, denied access to synagogues, reading no Jewish books and having no Jewish cultural life, the Russian Jew would become less and less Jewish and gradually be lost sight of in the Russian society.

But then came the six-day war. With it came a revival of pride in being Jewish for many Russian Jews. With this revival of a sense of pride in identity came the drive by many to emigrate to Israel—their state, their spiritual home.

At first these requests were denied Then emigration was a mere trickle. Last year, under mounting pressure of world opinion in opposition to this Soviet policy, 13,000 Jews were allowed to leave the Soviet Union. The trickle has become a stream.

It was against this background that House Concurrent Resolution 471 took shape, to state the sense of Congress that the President of the United States should take steps to call upon the Soviet government to permit free expression of ideas and the free exercise of religion by all its citizens in accordance with Soviet law—in short, end this drive toward "spiritual genocide" of the Jewish minority.

Passage of this concurrent resolution will also put the United States on record as demanding that the Soviet Government permit its citizens the right to emigrate from the Soviet Union to countries of their choice as affirmed by the United Nations Declaration of Human Rights, to which the Soviet Union is a signatory. It also calls upon the State Department to raise in the General Assembly of the United Nations the question of the Soviet Union's disregard of the Declaration of Human Rights.

House Concurrent Resolution 471 was conceived and introduced prior to the President's announcement of his trip to Russia this May. As a cosponsor of this resolution, I would urge its adoption at any time.

But what better time to pass it than now, as the President prepares for his historic trip. How better to arm our President as he enters into discussion with the Soviet leaders, than to present him with this clear declaration of the conscience of the American people that the rights to religious freedom guaranteed under the Soviet Constitution, and the right to emigrate subscribed to by the Soviet Union in the United Nations Declaration of Human Rights should and must be adhered to.

Mr. Speaker, the pressure of world opinion has raised the trickle of emigrants from the Soviet Union to a stream. With passage of this concurrent resolution, we here today can perhaps help turn that stream into a flood.

Mr. KYROS. Mr. Speaker, I rise in strong support of House Concurrent Resolution 471, which I cosponsored in its original version.

This resolution calls for a firm commitment on the part of the Government of the United States to the expression of our deep concern for the treatment of Jews, and, indeed, of all religious minorities, in the Soviet Union. It calls upon the President to utilize both formal and informal channels, including the United Nations, to express this concern.

By passing this resolution, Mr. Speaker, the Congress will call upon the President to request that the Soviet Government honor the words of its own Constitution, by allowing all of its citizens to practice the free expression of religious beliefs and cultural ideas. In addition, the President would be requested to plead for the right of Soviet citizens to emigrate to the countries of their choice. I think that all of us have been greatly heartened in recent months by the Soviet Government's relaxation of its attitude toward the emigration of Jewish citizens to Israel. This development, in large measure, is due to the overwhelming effort to mobilize world opinion in behalf of Soviet Jews. This effort must not be relaxed.

Mr. Speaker, I can think of no more appropriate time for the Congress to be acting on this resolution. The President is now preparing for his very important and much-publicized visit to Moscow. It is my fervent hope that he will have this congressional mandate to carry with him.

Mr. SISK. Mr. Speaker, as a sponsor of a similar resolution I wish to support the bill before us today and express my concern for Soviet treatment of its Jewish citizens.

There is ample evidence that Jews in the Soviet Union suffer discrimination in a number of ways. They have been forbidden the free practice of their religion, they are not allowed to leave the country to emigrate to other countries, and they have been systematically excluded from the Soviet Government.

Last year more than 100 colleagues of both parties expressed their concern by supporting a House resolution for congressional action. The day for that action is before us now. I think it is appropriate that we pass this bill so that the President can present this message from the people of the United States and their fairly elected legislators to Soviet leaders in Moscow.

There are those who protest that our voice is but a cry in the wilderness, that it will do no good, that it will fall on deaf ears, that it will be ignored by the Soviet Government which will go on its way.

There is some reason to doubt that assessment, although we know Russia will be more motivated by what is in its own interests rather than moral considerations.

The fact is Soviet leaders are sensitive to world opinion, especially as some voices of that opinion are Communist parties in other countries which have shown their willingness to risk Soviet censure by striving to demonstrate that tenent of communism is social justice.

Private citizens in the United States and the Government are unanimous in supporting humanitarian fair treatment for the minority peoples, religions, and creeds in the world. We are not indifferent to repression within our borders, and without. We are especially sensitive to repression by government whether by official decree or tacitly acknowledged. We provide our own people with the means to redress these wrongs and we are not indifferent to those in other countries.

The history of two great genocides in this century demonstrates what can happen when minority oppression is not vigorously opposed.

There is further reason to believe our expression of concern here today will be heeded by Russian leaders.

The Russian constitution provides for the free expression of ideas and exercise of religion by all of its peoples. It may be that our action is the nudge which will spur their leaders to the literal observance of their constitution.

For us in this Chamber this is an opportunity to renew our faith in the ideal of religious freedom on which our country was founded and because of which our forebears suffered hardship and privation.

Thank you, Mr. Speaker.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of House Concurrent Resolution 471 which was originally introduced by Mr. O'NEILL and myself last August along with 117 House cosponsors. This resolution recognizes the repression of Jews and other religious minorities in the Soviet Union and calls upon the President of the United States to do three things: First, to urge the Soviet Government to permit the free expression of ideas and exercise of religion; second, to utilize formal and informal contacts with Soviet officials in an effort to secure an end to religious discrimination; third, to request of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice; and fourth, to raise in the United Nations General Assembly the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

Mr. Speaker, with the President scheduled to visit the Soviet Union next month, I think today's discussion of this resolution is most timely, and I would hope that prior to that visit, this resolution will have received the overwhelming endorsment of both bodies of the Congress. It is our hope that the President will use the occasion of his visit to discuss the plight of Soviet Jews and other religious minorities and to make a special plea for their relief on the behalf of the American people and in the spirit of the Universal Declaration of Human Rights.

In a message to American Jewish leaders on January 11, 1971, President Nixon made the following statement:

> You may be certain . . . that this Administration, reflecting the traditional liberties upon which this country was founded, joins with you in urging freedom of emigration as explicitly provided in Article 13 of the Universal Declaration of Human Rights and in

its commitment to cultural and religious freedom at home and abroad.

Writing in the Washington Post last year, columnist Stephen S. Rosenfeld noted that President Nixon "has a little known but long-term record of concern" for the plight of Soviet Jews. Mr. Rosenfeld went on to write:

> Mr. Nixon has vigorously involved the American government in the plight of Soviet Jews and simultaneously he has moved to explore better relations with the Kremlin. His record so far shows the two do fit.

So the resolution under consideration here today is certainly in keeping with the policy and concern of this administration for Soviet Jews and therefore in no way can be construed to have an undermining effect on the President's forthcoming visit or as an embarrassment to the administration.

Mr. Speaker, in my testimony before the House Foreign Affairs Subcommittee on Europe last fall, I pointed out that:

> The mistreatment of Jews in the Soviet Union is especially severe because they are discriminated against both because of their religion and their nationality.

Unlike the other 10 recognized religions in the Soviet Union, each Jewish congregation must function in isolation. The publication of religious literature and Bibles and the manufacture of religious articles are forbidden. There can be no replacement of aging rabbis because there are no religious schools or rabbinical seminaries, nor are theology students permitted to study abroad. Synagogues have been closed in almost systematic fashion as a result of both direct and indirect governmental action. The number of synagogues in the Soviet Union has steadily declined from 450 in 1956, to 100 in 1963, until today there are less than 60.

It is little wonder then that thousands of Soviet Jews requested permission to emigrate in order to maintain their religious and cultural identity. And while the Soviet Government has allowed for an increased outflow of Soviet Jews in recent months in the face of international attention and pressures, its record is still abysmal, and still runs in direct contravention to article XIII of the Universal Declaration of Human Rights which states:

> Everyone has the right to leave any country, including his own, and to return to his country.

Mr. Speaker, I recently received a copy of a letter which was transmitted to President Nixon on March 20 of this year, signed by 48 Jewish families from all over the Soviet Union. In that letter these families pointed out that more and more applications have been made to Soviet authorities requesting the right to emigrate to Israel, and yet, in their words, "all our applications were unreasonably refused." The letter went on to state most eloquently, and I quote:

> We see in your forthcoming visit to the USSR a happy possibility to use our influence, not only in solution of urgent international problems, and in the name of general humanitarian purposes, not only for the improvement of Soviet-American relations, but also for the sake of those people who are expecting sympathy to their destinies from everybody who can help them.

M. Speake, I think we owe it to these families and thousands like them in the Soviet Union to demonstrate our humanitarian concern for their plight by the passage of this resolution today. I think we owe it to the President to give him the full backing of the Congress to raise the twin issues of religious freedoms and free emigration in his forthcoming discussions with the Soviet leadership. This resolution offers an excellent vehicle for that purpose and I urge my colleagues to join me in voting for it.

At this point in the debate, I wish to include the full text of the letter signed by the 48 Soviet Jewish families. The letter follows:

MARCH 20, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recently, more and more Soviet Jews applied to you with a request to help them in their struggle for repatriation to Israel.

We have also repeatedly addressed the Soviet authorities, asking them to let us repatriate to Israel, but all our applications were unreasonably refused.

We see in your forthcoming visit to the U.S.S.R., a happy possibility to use your influence, not only in solution of urgent international problems and in the name of general humanitarian purposes, not only for the improvement of Soviet-American relations, but also for the sake of those people who are expecting sympathy to their destinies from everybody who can help them.

Your recent answer to the appeal of Ruth Alexandrovich strengthened our assurance in your support. Our problem is the problem of freedom to display one's national feeling, freedom to choose a mother tongue and culture, freedom to choose the country to live.

Addressing your attention to the problem, we are feeling at the same time that, should you get interested in it during your visit to the Soviet Union and express the wish to meet Soviet Jews, you will be offered meeting and interviews with such people of Jewish nationality which do not share our national feeling.

And again we shall be spoken for, and represented by people who have the right to do it only on behalf of themselves and those who authorize them.

For this *not* to take place, we ask you, Mr. President, to include in your itinerary in the USSR, a meeting with the people who sign this letter. We applied to the Soviet authorities with a similar request. . . . (heavy telephone interference at this point). . . .

We hope that the request will not be followed by preventive measures aimed at our isolation, and your visit will not be darkened by repressions against the Jews for their wish to meet the President of the United States of America.

Yours very truly,
Signatories to the letter to President Nixon.

FROM MOSCOW

Lydia Korenfeld, Lazar Lubarsky, Stella Goldberg, Alla Smilianskaya, Gavriel Shapiro, Leonid Tsipin, Boris Kogan, Alexander Lerner . . . (interference) . . . Vladimir Gershovich, Yakov Pisarevsky.

Vladimir Slepak, Viktor Polsky, Pavel Abramovich, Yuri Kosharovsky, David Markish, Boris Orlov, Levi Libov, Anatoly Galperin, Leonid Kosovoy, Boris Binbinder.

Mussia Zeichik, Vladimir Prestin, Illya Kurasin, Vladimir Markman, Yosef Begun, Mikhail Klaitchkin, Sergei Gurwitz, Anatoly Yudakov (?), Isaak Penson, Roman Rutman.

FROM LENINGRAD

Izrail Varnavistky, Mira Kornblit, Lev Lerner, Genrikh Mirkin, Daniel Teitelbaum.

FROM SVERDLOVSK

Mark Levin.

FROM VILNA

Zelik Gafanovich, Anatoly Herhkovich, Yelena Illyovich (?), Boris Shapiro, David Olshavang, Mikhail Pakterman, Rashel Zaksider, Arkay Baazhin, Etain Finkelshtein . . . (interference) . . .

ANDERSON HAILS PASSAGE OF SOVIET JEW RESOLUTION, URGES PRESIDENT NIXON TO RAISE ISSUE IN MOSCOW

WASHINGTON, D.C.—Congressman John B. Anderson (R-Ill.) today hailed House passage of his resolution calling for the relief of Soviet Jews as "a solid showing of Congressional concern for the plight of Soviet religious minorities" and as "a vehicle of support for the President in raising the twin issues of religious persecution and free emigration in his forthcoming discussions with Soviet leaders."

The resolution, H. Con. Res. 471, urges the President to call upon the Soviet Government to permit the free exercise of religion in the Soviet Union and the right to emigrate, and to raise the issue of Soviet transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities, in the U.N. General Assembly.

Following passage of the resolution, Anderson and Rep. Thomas P. O'Neill, Jr. (D-Mass.), co-authors of the measure, held a press conference with Rep. Benjamin S. Rosenthal (D-N.Y.), chairman of the House Foreign Affairs Subcommittee on Europe, and Miss Katia Palatnik, a recent Soviet Jewish emigre to Israel. Miss Palatnik's sister, Raiza Palatnik, remains imprisoned in the Ukraine for anti-Soviet activities which include the possession of Hebrew poems and literature about Israel.

In Anderson's words, "The story of Raiza Palatnik is but one example of the type of Soviet government persecution being practiced against its citizens of the Jewish faith. Official restrictions against Jewish and cultural life in the Soviet Union have been amply catalogued in recent years. These include inadequate religious facilities, pressures against synagogue attendance, the prohibition against publication of religious materials, including Bibles, and the refusal to permit rabbinical training."

Anderson went on, "It is little wonder that thousands of Soviet Jews have requested permission to emigrate in order to maintain their religious and cultural identity. And yet the Soviet record to date on emigration has been abysmal and only token, in clear contravention of Article XIII of the Universal Declaration of Human Rights." Anderson revealed that he had received a copy of a letter to President Nixon from 48 Soviet Jewish families in which they protest Soviet rejection of their applications to emigrate and urge the President to raise this matter in his May visit.

Mr. McCLORY. Mr. Speaker, I rise in support of House Concurrent Resolution 471, seeking relief from restrictions on Soviet Jews, and I commend my distinguished colleagues from New York (Mr. ROSENTHAL) and New Jersey (Mr. FRELINGHUYSEN) on their leadership in this effort to draw attention to the plight of Soviet Jews.

The resolution which we are discussing today is virtually identical to House Concurrent Resolution 394, which I cosponsored in August of last year. That resolution received wide bipartisan support here in the House of Representatives. There is an urgent need to speak out against the oppression of a minority with whom we feel a great kinship. Furthermore, we realize that in our dealings with the Soviet Union we cannot afford to silence our own beliefs.

Mr. Speaker, in testifying on behalf of House Concurrent Resolution 394 before the House Foreign Affairs Committee last November, I made reference to the experiences of four of my constituents from Highland Park, Ill., in the Soviet Union when they visited there last year. In the course of their visit, Mr. and Mrs. Bert Braverman and Mr. and Mrs. Bernard Alpert had occasion to meet a small number of Soviet Jews some of whom were seeking to emigrate from the Soviet Union.

Mr. Speaker, these honorable and law-abiding American citizens were detained and harrassed at the Moscow airport at the time of their intended departure from the Soviet Union. They were searched, interrogated for a period of several hours, detained for a total of 30 hours, and suffered the confiscation of a tape recorder, a camera, and other personal items. The sole offense of these honorable American citizens was a genuine and compassionate concern for those embracing their religion who were being oppressed by officials in the Soviet Union.

Mr. Speaker, the actions taken already by our citizens have contributed to the sharp increase in the number of Soviet Jews who have been permitted to emigrate from the U.S.S.R. to Israel, and elsewhere. It is my feeling that passage of this concurrent resolution will provide further relief to these beleaguered persons whose only offense is that they seek to worship God in their own way—and according to their deepest beliefs. It is unthinkable that we would fail to speak our forcibly and in unmistakable words as we are doing in this brief resolution.

Mr. Speaker, I urge an overwhelming vote in support of this measure—House Concurrent Resolution 471.

Mr. DERWINSKI. Mr. Speaker, I joined the other members of the committee in urging House approval of House Concurrent Resolution 471.

It is important that we dramatize the plight of the Soviet Jews and that of all peoples in the Soviet Union who are persecuted for their religious beliefs.

Soviet involvement in the Middle East when related to the foreign policy goals of the Tsars and their constant expansionist programs points out the need for the free world to be ever alert to Soviet foreign policy machinations. It is also important that the domestic political dictatorship within the U.S.S.R. be continually called to the attention of free world citizens. The government pressure, intimidation, and denial of civil rights to Soviet Jews is an international disgrace.

Therefore, I am pleased to see this resolution receive such overwhelming support, and I am hopeful that this affirmative step by the House will demonstrate to the Kremlin the need for its providing Soviet citizens with religious freedom which has been so long denied them.

Mr. FULTON. Mr. Speaker, William Shakespeare some 400 years ago wrote:

> There is a tide in the affairs of men,
> Which taken at the flood, leads on to fortune;
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries.

Perhaps Shakespeare, seer of truth in the human existence, with these words was foretelling the current plight of Soviet minorities, particularly Soviet Jews. "Bound in shallows" if they seek to remain both Soviet and Jews, the 2 to 3 million members of this minority are restricted in their public, private, and religious lives. Contrary to stipulation in the Soviet Constitution, they are not allowed to be either Soviet or Jew. They are instead placed in a fishbowl when they strive to live as Soviet citizens and harassed when they attempt to worship as Jewish celebrants. They constantly stand in the eye of surveillance, beneath an unveiled, threatening shadow of arrest.

Such prejudice for many years has been the case. Recently, however, a new form of officially proscribed intolerance has dictated that Soviet Jews wishing to emigrate to Israel or elsewhere are finding themselves "bound in miseries." Perhaps the Soviet government is fearful that emigres would later speak out against policies in their former homeland, or perhaps it is just concerned that a mass exodus would bespeak dissatisfaction by itself. Perhaps it worries over the opinions their strategically situated Middle Eastern allies might develop if the rights of humanity and freedom of national choice were extended to Jews—thus perhaps adding the human resources of thousands to the besieged state of Israel. It could be for any of numerous reasons that the Soviet government, until the spotlight of world attention in recent months focused on the problem, deemed proper the disregard of a 1948 United Nations' civil rights declaration and clamped a tight lid on Jewish population exit visas.

However, Mr. Speaker, within the next 6 weeks, the tide can, should, and must roll in to submerge the shallows and miseries of Soviet Jews and float them to the higher ground of more fortunate life. By our overwhelming vote for House Concurrent Resolution 471 today, this body is telling the President, the American people, and the world that the waters of concern are rising. By using this and the dictates of conscience as his base, the President can thus present in his discussions with Soviet government leaders next month the dismay of the American people at the inhumane treatment accorded these Jews and other minority groups.

Mr. HARRINGTON. Mr. Speaker, events of the past year have demonstrated that the Government of the Soviet Union, despite its protestations to the contrary, is in some degree sensitive toward public opinion on the subject of its treatment of the Jewish population of that nation. The increase in emigration over the past year—while it is still shamefully below what ought to be permitted—would not have come without the constant pressure that those in Congress and outside have applied.

It is time for the Congress to go on record as declaring formally that the fundamental violations of basic human rights which the Jewish population of the Soviet Union suffer are intolerable to civilized men and women.

The resolution before us today is commendable and I urge the House to pass it overwhelmingly so that those in power in the Soviet Union will understand how deeply the American people feel about the questions of religious and personal freedom.

This resolution expresses the sense of the Congress that the President should take the following steps to ease the plight of Soviet Jews:

Call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all citizens in accordance with the Soviet Constitution.

Utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities.

Request the Soviet Government to permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

Raise in the United Nations General Assembly the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

We are not here asking the Soviet Government to do anything that is not routinely and regularly done within our own country. The rights of Soviet Jews as of other oppressed people across the globe must be forcefully supported by this body.

Mr. COTTER. Mr. Speaker, our forefathers, in the Bill of Rights, guaranteed the freedom of religion, of speech, of the press, and the right of peaceful assembly. These are among our most cherished liberties—an essential part of our lives. However, in many countries, people are frustrated in their desire to practice their religion. Among these groups are many minority peoples in the Soviet Union, particularly the Jews.

Jews in the Soviet Union have been persecuted over many centuries. Toward the end of the czarist days, the pogroms of the late 19th and early 20th centuries made these times among the darkest for Russian Jewry.

With the Bolshevik Revolution, a new form of government and a new constitution came into being in 1917. The new Soviet Constitution secured for Soviet citizens religious freedom and the freedom of development of national minorities and ethnic groups. Article 123 of this Constitution states:

> Equality of rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, government, cultural, political and other social activity, is an indefeasible law. Any direct or indirect restriction of the rights of, or conversely, the establishment of any direct or indirect privileges for citizens on account of their race or national exclusiveness or hatred or contempt, are punishable by law.

However, in reality, Soviet practices have not fulfilled these guarantees.

In recent years, the plight of the Soviet Jew has become more apparent to the outside world. And for many Soviet Jews who have not been fully assimilated into the Soviet way of life, a new awareness, a new sense of Jewishness, has developed. The lack of cultural and religious items and the lack of synagogues are deeply resented deprivations.

The Soviet Jew, particularly the younger one, is often desirous of starting a new life outside of the Soviet Union most frequently in Israel. This development has stimulated a wave of applications for permission to emigrate. These courageous people have risked their jobs, their personal freedom, and their physical safety to go to Israel. And thousands are being allowed to leave. But these thousands are only a small fraction of the estimated 2.6 million Jews who are Soviet citizens.

For Russian Jewry, a few positive signs exist. For the first time in decades, Jewish training for the rabbinate was allowed by Soviet officials. In Moscow a school was opened informally last fall with 10 students, although offiical authorization did not come until later. Jews are employed in all sectors of the Soviet economy which is another change brought by the Bolshevik Revolution. Also, Jews represent 10 percent of the scientists, intellectuals, and scholars in the Soviet Union, although they comprise only 1 percent of the population of the nation.

Yet the Jews in the Soviet Union are victims of anti-Semitism. For example, Jews are now in Soviet prisons and labor camps on various charges, often without trial. If we believe in religious liberty, we cannot tolerate this anti-Semitism.

I again urge the President, as I have done in private correspondence, to take up the matter of the Soviet Jews during his upcoming visit to the U.S.S.R. next month. I ask President Nixon to convey to the Soviet leaders the consensus of the House of Representatives and the American people that the Soviet leadership treat all their citizens with dignity and respect.

The resolution before the House today expresses the concerns of many citizens of the United States and my own convictions. It places the U.S. House of Representatives on record against this continuing injustice.

This resolution does the following:

It calls upon the Soviet Union to permit freedom of expression and ideas as guaranteed by the Soviet Constitution itself.

It urges the U.S. Government to use both formal and informal means to persuade Soviet officials to move to end discrimination against Soviet Jews.

It requests the Soviet Union to allow all Jewish citizens to emigrate if they desire.

Finally, it suggests that the United Nations undertake the problem of Soviet Jewry and the treatment of other minorities in the Soviet Union.

I support this resolution and hope my colleagues will also.

Mr. COUGHLIN. Mr. Speaker, I join with millions of concerned Americans to protest the actions of the Soviet authorities against their Jewish citizens. It is American-Soviet relations, we always recognize the Soviet Government is basically totalitarian and demonstrates this by depriving Jewish citizens of elemental human rights.

I know that the cause of world peace is overwhelming and I want the President to be most successful in his visit to Moscow. But since the Soviet Government always attempts to gage American public opinion, I feel it is vital that we let them know the full measure of our thinking over their treatment of their Jewish citizens.

As cosponsor of a resolution asking the President to exert his influence to encourage the Soviet Government to permit its Jewish citizens to practice their religion without interference and to emigrate if they choose, I hope that the concerted efforts of many groups and individuals throughout the United States will help impress upon the Soviet authorities the folly of their policies.

I cite one example of what is happening to Jews in the Soviet Union today.

Since the Soviet Government makes it as difficult as possible for effective communications with Soviet Jewry, the Cleveland-based Union of Councils for Soviet Jews depends on telephone conversations for much of its information. The following was received from Roman Rutman, of Moscow, over the telephone on April 4, 1972, by Dr. L. Rosenblum, Union of Councils chairman:

> Less than a month has passed from the time that we last appealed to you pertaining to the illegal actions of the Soviet authorities against the Jews of Kiev desiring to meet in front of the synagogue. We wanted you to know that such actions are ominous indications of coming violent anti-Semitic activities. The actions of the militia and the KGB in front of the Moscow Synagogue, on Archipava Street, during the first night of Passover, Wednesday, March 29, was a continuing indication that the religious oppression has reached Moscow as well.
>
> Police and KGB prohibited Jews from congregating in front of or even near the Synagogue. Following services as Jews left the synagogue the authorities resorted to violence. Jews who stopped for a moment to wish one another a happy Passover were pushed off the synagogue steps. The spirit of the holiday was further distorted by loud speakers blaring, "immediately leave the area, leave the street clear for traffic, stop singing and dancing." The police diverted heavy traffic down narrow Archipova Street, thus creating a very tense atmosphere around the Synagogue. A human chain of police pushed and forced old and young alike who came out of the synagogue. This action culminated in a number of Jews being arrested.
>
> Not wishing to obstruct traffic and listening to the commands of the police a number of young people gathered in a nearby park. They were immediately attacked and beaten and a few dozen were arrested. While the police attack was taking place, a number of enraged officers screamed and made anti-Semitic statements, "this time let's finish them off, catch the damn Jews." The entire episode had the smell and feeling of a pogrom.
>
> We hope that the world Jewish Community and free men everywhere will listen and hear our plea.

The letter was signed by Mr. Rutman, Victor Polsky, Vladimir Slepak, Alexander Lerner, Natan Feingold, Vladimir Prestin, Pavel Abramovitch, Eugeni Gerser, Boris Olov, Victor Yachot, Mikhail Klatchin, Gergei Gurvitz, Ilia Korenfeld, Anatoli Galperin, Vladimir Kovel, Leonid Koshevoi, Lev Libov, Gabriel Shapiro, Valeri Krizhak, Yuri Wasserman, Boris Kogan, Boris Einbinder, Vladimir Roginsky, and Yosef Begun.

This telephoned letter gives another glimpse into Soviet tactics against its Jewish citizens.

As an American who visited the Berlin wall not too long after it was erected, I know somewhat of the terror and frustration under which people can live. I, along with other Americans harbor that basic hate of oppression and compassion for the underdog. There may be many things wrong with our country, but we still maintain this love of freedom and the need to share it with those less fortunate.

So our campaign waged against the Soviet authorities is not unusual nor unique. It is in keeping with a history and heritage that have served us well and, God willing, will continue to do so.

To what do we object in the Soviet Union's treatment of Jews?

The news media have given us some indication of the criminal trials and the charges that have been levied against Jews for alleged plots and other "crimes." Some of these so-called crimes consisted of possessing books on Jewish history and the Hebrew language.

Sentences to prison camps for these "offenses" have been cruel and lengthy. I understand from reliable sources that there are at least 65 Jewish political prisoners serving in Soviet labor camps.

We know, for instance, that once a Jew makes application to immigrate to Israel that he loses his job. Other things may follow such as harassment and surprise visits and searches by Soviet authorities.

If a Soviet Jew finally does receive permission to leave, he goes almost destitute since the government takes as its "fee" almost all his money and possessions. The steps leading up to permission to emigrate are horrendous and inhumane with humiliating and punitive procedures imposed.

The public pressure upon these people is terrific. Of course, the news media in the Soviet Union all are government controlled. Public denunciations of Jewish citizens are part and parcel of the overall Soviet policy to harass and to discourage.

I have been afforded the opportunity to hear from Soviet officials their explanation of all these things. It does not impress me that their Jewish citizens reportedly have as much religious freedom as anyone else in Russia. That does not answer the basic facts of persecution and denial of human rights.

I am not impressed that the Soviet Government does not permit any other able-bodied individuals, scientists, and professors to emigrate. Permitting only the aged and feeble to emigrate is a cruel policy that discriminates unjustly no matter what individuals' religions may be.

And, last of all, I am not impressed

with the contentions that the Soviet Jews are fomenting their problems in an effort to gain a worldwide audience. The answer to this is even simpler: let them go.

What does impress me is the fact that there are some 70,000 application requests representing about 250 million people on file from Soviet citizens who want to leave. I understand requests are increasing by 2,000 to 3,000 monthly.

And all of this in the face of the knowledge that the Soviet Government will use every means at its command to harass, persecute, and even imprison individuals who want to leave, particularly for Israel.

Therefore, I believe that action by the House of Representatives, organizations and individuals is imperative in letting the Soviet Government know that we know what is the truth.

I urge the President to impart these feelings to the Soviet Government. I would hope the State Department would agree to discussing these important issues of human rights with Soviet officials. I think we constantly should remind the Soviets that the United Nations Declaration of Human Rights affirms the rights of people to immigrate to countries of their choice.

Perhaps, we can convince the Soviet Government to change. And if we cannot, then we must continue to speak out for basic human rights and religious freedom. We can do no less.

Mr. KARTH. Mr. Speaker, there are five compelling reasons for the House resoundingly to affirm our commitment to religious freedom by overwhelmingly approving House Concurrent Resolution 471 today.

One obvious reason is the reality confronting the Soviet Jew. We know that Jews are officially recognized as a nationality in the Soviet Union—the ninth largest among 142 nationalities—yet they do not have the same rights as have been granted to other nationalities. We know that the Soviet Union is hardly a free country. But with the major exception of the Soviet Jew this lack of freedom is dispensed on a nondiscriminatory basis. We recognize the fact that there are Jews in the Soviet Union today who simply seek the same rights, limited as they may be, as their fellow citizens. They consider themselves good Russians, good patriots and they want to be good Jews. They seek no special treatment, simply the same equality under Soviet law extended to other Soviet citizens. We should support their quest for equality.

At the same time we know that there are Russian Jews who want to leave their country and we also know that there is a country willing to accept them—Israel. At the great risk of employment and personal safety, many thousands of Russian Jews have registered with the Israeli representative in the Soviet Union—the Dutch Embassy—for permission to leave. Because of the Soviet policy of harassment of Russian Jews, it does not seem unreasonable to seek for them the opportunity to leave a repressive society that has singled out the Jew for special repression.

And we also speak today in behalf of other religious minorities who seek the freedom to worship and to live their lives as Soviet citizens or to emigrate.

How is Congress to respond to this reality?

There are those who say that it is not right for Congress to apply pressure to a foreign government. I disagree. For this is a question not of military pressure, not of economic pressure, but of moral pressure. And I say our most proper course of action is moral pressure. Plain and simple and civilized pressure. Not because it might leave us with a clear conscience, but because pressure works.

I specifically refer to an example of this by reading a portion of an editorial from the respected Manchester Guardian Weekly:

> General Franco finally listened to the world-wide appeals for a reprieve of the six condemned Basques . . . international protest worked this time. It was also effective in the other brutal case—the Leningrad "hijack" trial.

A second compelling reason is that the time is now for the Congress officially to spell out our country's policy. We must take advantage of the thaw in relations among the leaders of the world today.

Third. With the President going to Moscow, now is the time to give him the benefit of a congressional resolution demonstrating that our government recognizes and condemns the discriminatory policy of the Soviet Union.

Fourth. We have a proud legacy to maintain. Passage of this resolution would be in the best tradition of our country as a leader of the free world.

Fifth. We must act as a Congress to attempt to stop the senseless violence by some in our society who seek to inflame passions against the Soviet Union through misguided acts of violence.

Continued violence against Soviet property and citizens in our country as well as against some of our own citizens who seek to bridge the gap between our two countries is abhorrent to us all. This kind of action will only result in a chilling of the thaw we so earnestly seek to continue.

I want to make my reasons clear on this subject. I do not say that Congress should act because of, or in response to these senseless acts—this is not the way our government operates. Nor am I saying that our passage of a strong resolution would stop vandals from further acts of violence. But a firm resolution from the floor of this chamber would signal to those who may sympathize with this type of extreme action exactly where this government stands on this moral issue.

In summation, I believe that for these five reasons Congress should accept this resolution.

We have signed letters to the President urging that this matter be on his Moscow agenda. We have testified before the Subcommittee on Europe on this question. We have responded to the great many letters from concerned citizens of our districts. Now we must pass this resolution.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I take the floor with great enthusiasm to support this resolution which we are considering today. I urge the widest possible support; indeed, I hope for a unanimous vote from this body for these actions which call upon the President to exercise a number of initiatives involving the Soviet Union.

It comes just about a month before the President is due to meet with the rulers of the Kremlin. I have no doubt that the strength of our actions today will in no small measure determine the intensity of the President's talks in relation to this resolution when he meets with the Soviet leaders.

We ask the President to urge the Soviet leaders to give the peoples of that nation freedom of expression and religion, freedom to emigrate. We ask him to instruct the State Department to prefer charges before the General Assembly of the United Nations for the continuous, repeated and unending violations by the Soviet Union of the Declaration of Human Rights, to which, ironically, it is a signator.

Mr. Speaker, my greatest sympathy goes out to all of these persecuted minorities of the Soviet Union—to the Ukrainians, the Estonians, the Latvians, the Lithuanians, the White Russians—to all of them.

And although this resolution addresses itself to all of the persecuted minorities of the Soviet Union, I am sure all of us know that our direct target is the Jews of the Soviet Union.

While there are no free people in the Soviet Union, while all nationalities and religions are being discriminated upon, in truth it must be stated that no group faces a more bitter present or a more uncertain future than the 3 million Jews of the Soviet Union.

It is the Jews that are being sentenced to prison and even death for the "crime" of wishing to leave. It is the Jews who are being barred from the doors of their synagogue in Kiev. It is the Jews who have faced the systematic destruction of their religion and culture.

It is very true that for the first time substantial numbers of Jews are being permitted to leave the Soviet Union, mostly for Israel. But at the same time we must recognize and realize that they represent only a small fraction of the Jews who wish to leave—to go where they can be free people.

And also we must know that the vast majority of those being released are from the Baltic nations held in captivity by the Soviets since 1940 or from Georgia. Few, very few, are given exit permits from Russia, from the Ukraine, from Byelorussia.

Just the mere request for an exit permit results in imprisonment, harassment, loss of employment and expulsion from organized society.

And this applies to every segment of the Jewish population—professionals, artists, and laborers. Just the other day, a premier dancer of Russia was deprived of his work and subjected to the worst harassment because he applied for an exit permit to Israel.

This is not an exception; this is the rule. Words cannot describe the plight of Soviet Jewry.

Therefore, while I fully support all of the actions described in this resolution, while I sincerely hope and pray that some day all of these tormented people in the Soviet Union will some day enjoy true liberty, I am pragmatic enough to know that the mere intervention of the President will not change the total course of events in the Soviet Union.

But there is one area in which there is possible movement—further release of Jews from the Soviet Union. I would urge that the greatest emphasis be put on this area by the Congress and the President.

May I echo the prayer, the wish, the hope of many of my Jewish friends when I say:

Let my people go.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope that this measure, House Concurrent Resolution 471, to seek relief from restrictions placed upon Jews in Soviet Russia, will be resoundingly approved by this House this afternoon.

As most Members are aware the resolution, with one amendment, was unanimously recommended by the House Committee on Foreign Affairs and it expresses the sense of the Congress that the President should substantially execute the following actions to help to ease the plight of Soviet Jews:

First. Call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all citizens in accordance with the Soviet Constitution.

Second. Utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities.

Third. Request the Soviet Government to permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

Fourth. Raise in the United Nations General Assembly the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

Mr. Speaker, I believe that the President should be requested to initiate these actions because of the intense interest that is manifest in the country and the Congress in the problems of Soviet Jews, because of the overwhelming evidence that has been presented here demonstrating that Soviet Jews are being unduly and unjustly deprived of normally accepted freedoms and privileges and because it has become obvious that Soviet Union officials correctively react almost in direct proportion and relation to the well-founded and documented criticisms of the United States and other free world peoples.

Mr. Speaker, the adoption of this resolution will be, in my conviction, a timely reiteration that the United States, as the free world's leader willingly and openly accepts and responds to our duty to speak with concern for victims of illegal and unjust oppression and discrimination wherever they exist and I hope, therefore, that this measure will be overwhelmingly endorsed by this House without extended delay.

Mr. DULSKI. Mr. Speaker, I rise in support of the pending bill.

I am cosponsor of a similar measure (H. Con. Res. 393).

I urge approval of the pending resolution by the House.

Mr. BADILLO. Mr. Speaker, as the cosponsor of a number of measures aimed at aiding the repressed Jewish community in the Soviet Union, I am pleased and proud to rise in support of House Concurrent Resolution 471 this afternoon.

Both under the tsars and the Communist rulers the Jews in the Soviet Union have historically been the victms of the most vicious campaigns of anti-Semitism. One need only recall the brutal pogroms conducted during the reigns of Alexander III and Nicholas II and the acts of terrorism conducted during the 1930's by Stalin and his henchmen. The campaign to weaken and destroy the Soviet Jews is only overshadowed by the terrible years of Hitler's Germany.

A proud, educated, industrious and cultured community, the Russian Jews have long been denied basic rights and human dignity guaranteed to them by the Soviet Union's own constitution and various international pacts. Jews are denied full access to all aspects of Soviet life. Jews are forbidden their own schools and the teaching of Hebrew and Yiddish is severely restricted; since the 1940's the world famous Hebrew and Yiddish theater has been almost completely closed down; Jews are the victims of strict quota systems in the universities and more advanced technical schools; they are forbidden to exercise any degree of cultural autonomy although other nationalities are permitted to do so.

The current wave of abuse and intimidation has intensified since the end of the 1967 6-day war. Not only are vast numbers of Soviet Jews denied permission to emigrate, but they are increasingly victimized by economic discrimination. Many older Jews are being discharged from their jobs and young Jews are finding it much more difficult to secure suitable employment. In addition, police surveillance and harassment have risen markedly and a significant number of raids on Jewish homes have been conducted. Those seeking to emigrate to Israel and other countries are particularly singled out and suffer many severe forms of discrimination and persecution.

The resolution before us this afternoon clearly puts the Congress on record as favoring meaningful efforts by our Government to ease the plight of Soviet Jews. Further, by passing this measure we will help to focus worldwide opinion on the brutal and totalitarian tactics being employed by Soviet authorities to carry out their ill-conceived campaign to destroy the centuries-old Jewish community. Clearly, as a member of the family of free nations, the United States cannot stand mute as hundreds of thousands of men, women, and children are cruelly denied the right to practice their religion; to have freedom of movement; to have full and free access to the political, social, and economic institutions of the Soviet Union; and to observe their own rich culture and language.

It is particularly appropriate that we take favorable action on this resolution today as the President and his advisors prepare for their forthcoming trip to the Soviet Union. Certainly the issue of the repression of Soviet Jews must be a priority item on Mr. Nixon's agenda and the Congress has the unique opportunity to express our official sentiment on this vital question. We must clearly indicate that we will accept nothing less than full religious freedom for Soviet Jews and an immediate end to barbarous acts of discrimination against them as well as other religious minorities.

I urge that our colleagues participate in this important endeavor and join in supporting this resolution. The plight of the 3.5 million Soviet Jews who daily suffer job discrimination, racial slurs, and the anxiety that arises from being regarded as outcasts by fellow citizens must not be ignored. We must reinforce our words with affirmative action on House Congressional Resolution 471.

Mr. RIEGLE. Mr. Speaker, as one of the original sponsors of a resolution seeking the relief from restrictions for Soviet Jews, I applaud the Foreign Affairs Committee's efforts to bring House Concurrent Resolution 471 to the House floor for a vote today—and I am confident it will receive overwhelming support.

As a Congressman, I have taken every opportunity available to me to state the concern of my constituents over the unfair treatment of Soviet Jews—and to make extra visas available to Soviet citizens trying to emigrate to the United States.

Further, believing that our governmental and diplomatic officials should use every avenue available to them to urge the Soviet Government to grant all its citizens the rights due them under the United Nation's Declaration of Human Rights, I cosigned a letter sent to Commerce Secretary Stans asking him to bring up the matter of Soviet Jews during his trade talks in Moscow.

We are going to pass this resolution today, and the concern of the House will be made crystal clear. So I believe it is an appropriate time for us to urge President Nixon, in behalf of the Congress and all concerned American citizens, to convey to the Soviet leadership our concern for the millions of Soviet citizens who face discrimination, who are prevented from perpetuating their cultural and religious heritage, and who are denied the right to emigrate. Certainly, these should be the rights of any individual.

Mr. HOGAN. Mr. Speaker, I rise in support of House Concurrent Resolution 490 calling on the President to take action with respect to repressive treatment of citizens of the U.S.S.R. by the Soviet Government. This resolution expresses the sense of the Congress that the President should call upon the Soviet Government to abide by its own constitution and permit the free expression of ideas and the exercise of religion by all its citizens. Also, efforts are called for to bring about an end to discrimination against religious minorities. Furthermore, the President is urged to request of the Soviet Government that it permit its citizens to emigrate to the countries of their choice in accordance with the United Nations Declaration of Human rights and to raise in the General Assembly of the United Nations the issue of the Soviet Union's violation of the declaration.

We have long been aware of the disregard of the Soviet Government for the rights of its citizens. There is, of course, little we can do to effectively direct Soviet policy. However, we have learned that Soviet leaders are not entirely insensitive to public opinion. Late last year for example, there was some relaxation of restrictions on the emigration of Soviet Jews as a result of the pressure of world opinion. The President now has a unique opportunity during his planned trip to the Soviet Union to bring pressure to bear on Soviet authorities to clarify policy with respect to ethnic and religious minorities within the U.S.S.R. and to encourage conformance with the U.N. Declaration on Human Rights. This resolution urges the President to sieze this opportunity.

Last December on my return from Israel, I wrote to the President in regard to the plight of Soviet Jews. I include my letter in the RECORD at this point:

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 23, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During my recent visit to Israel, I was most impressed with the intense love of country and willingness to sacrifice all to insure the nation's survival on the part of the Israelis. The spirit of her people is undoubtedly Israel's greatest asset in her struggle and survival amid her hostile neighbors.

This patriotic spirit has, I believe, spread to encompass the whole of Soviet and American Jewry who share the hopes and desires of their relatives in Israel. As a result, in the last year, the American Jewish community has combined with the Israelis to seek a resolution of the plight of the Soviet Jews.

We should be encouraged by recent events. I understand that, as a result of the increased pressure of world public opinion, the Soviet Union in recent weeks has granted exit visas in large numbers and without too much difficulty. Approximately ten planeloads of immigrants arrive weekly in Vienna, Austria, enroute to Israel or other destinations around the world.

Certainly this is an encouraging sign but these same immigrants who have already been released warn that such beneficence may be cut off at any time. In the words of one immigrant, "what tomorrow may bring—nobody is ready to predict."

For this reason, Mr. President, I request that the issue of Soviet Jewry be placed high on your agenda when you visit the Soviet Union in 1972.

Soviet authorities are to be commended for relaxing tensions in this area during the past few weeks and the gratitude of the American Jewish community should be extended to them. Certainly this is an indication of goodwill on their part.

However, the possibility of an instantaneous revocation of this relaxation of controls hovers as an ugly specter over an otherwise joyful situation. It is to be hoped that your visit to the Soviet capital may clarify our understanding of the Soviet policy with regard to the emigration of Soviet Jews to Israel or elsewhere in the world.

I hope, Mr. President, that it will be possible for you to give an affirmative reply to this request. The American Jewish community shares my concern as do many of my colleagues in the Congress.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

Mr. BENNETT. Mr. Speaker, I rise in support of the resolution before us. Some months ago I wrote the President in support of the general policies outlined in this resolution. I am happy to support and vote for the resolution which puts approximately the same substantial thrust in the more formal and public language of House Concurrent Resolution 471.

Mr. PEPPER. Mr. Speaker, I wish to endorse as strongly as possible House Concurrent Resolution 471 and its call for justice for Soviet Jewry.

As a cosponsor of this proposal, I feel it is imperative that the President take with him to Moscow the deep concern of the American people for the plight of Jews and other religious minorities who are denied the basic freedom of sustaining their identity in the Soviet Union and are refused the alternative of moving to lands where they would be welcome and could maintain their identities.

It is the obligation of the Congress to articulate this strong feeling of the American people and to lay upon the President this humanitarian obligation which could make his trip to the Soviet Union meaningful for all men and women who love freedom, value it for themselves and wish to assure that others have an opportunity to share this basic human liberty.

House Concurrent Resolution 471 expresses our concern for the plight of Soviet Jewry. It is timely, in view of the President's impending trip, and it is timelessly right in view of this Nation's great commitment to the inalienable right of freedom of worship.

The resolution calls upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution. It urges our own Government to utilize all formal and informal contacts with Soviet officials to see that this is done, to secure an end to discrimination against religious minorities.

It requests the Soviet Government to permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights. And it calls upon our own Government to raise in the General Assembly of the United Nations the issue of the Soviet Union's trangression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

These are the methods of persuasion and of public pressure. We cannot use force on a greater power. But these methods can be effective if they are backed by a determined public opinion in the United States and in the rest of the free world, and if our official agencies, especially the Congress and the President, persist in seeking a greater measure of justice for oppressed religious minorities in the Soviet Union.

The victims of Soviet oppression cannot raise their voices without fear. But we can voice their cries for justice for them and we should not be still until they have been accorded the basic human rights declared by the nations of the world.

Mrs. HECKLER of Massachusetts. We have a special obligation as Americans, Mr. Speaker, to speak out against repression, suppression, and oppression wherever and whenever they exist.

Unfortunately, all three exist today in regard to Jewish citizens of the Soviet Union. The measure before us today, House Concurrent Resolution 471, speaks out in the name of the American people against this Soviet denial of Jewish rights.

In denying its Jewish citizens the rights of freedom of speech and religion as well as emigration, the Soviet Union denies both its own constitution and the United Nations' Declaration of Human Rights.

Soviet Jews have issued a cry for help to the world. It is necessary that the world respond.

In approving this legislation, we are calling upon the President to give this Nation's answer by raising the matter with the Soviets and with the United Nations.

Only by expressing our disapproval to the Soviet Union in every way open to us, and by getting the other nations of the world to join us in the United Nations can we impress upon the Soviet Union the full impact of world opinion.

There are indications the Soviet attitude towards its Jewish citizens is softening—witness increased emigration visas in the past year—which in itself demonstrates that world opinion has some effect in the Kremlin.

That is all the more reason, Mr. Speaker, for us to constantly reiterate our objection to the existence of such a repressive policy at all. I urge approval of this resolution.

Mr. RARICK. Mr. Speaker, I support this legislation and plan to cast my people's vote for it.

The deprivation of human rights within the Soviet Union has long been a festering grievance to all her many ethnic and religious minorities.

I understand reluctance to interfere in the domestic policies of another sovereignty, but then in reality are we so doing or are we merely asking that reported human rights violations be placed on the agenda of the United Nations to be aired by the oratorical expertise of that oracle? In passing, I might comment that the Soviets have not hesitated to get involved in our domestic problems, viz, the freeing of Angela Davis.

I have introduced many resolutions similar to the one under consideration, namely:

House Resolution 496, covering human rights violations of all minorities in the Soviet Union.

House Concurrent Resolution 61, to place the question of denial of the right of self-determination and other human rights of Soviet-occupied Lithuania on the agenda of the United Nations.

House Concurrent Resolution 62, Byelorussia.

House Concurrent Resolution 63, Estonia.

House Concurrent Resolution 64, Ukraine.

House Concurrent Resolution 161, the Jewish minority in the Soviet Union.

House Concurrent Resolution 341, Latvia.

House Concurrent Resolution 555, to perpetuate the existence of the Ukrainian Orthodox and Catholic Churches within the Soviet Union.

A strong vote in favor of passage of this resolution will be most timely in telegraphing to the Soviets the feeling of this body as the representatives of the American people against the further escalation of the war in Vietnam by invasion and aggressive action of the North Vietnamese Communist troops armed with Soviet weaponry. It should also serve as a reminder of the deprivation of human rights and further exploitation of the North Vietnamese people by the Russians who have turned North Vietnam into a weapons proving ground resulting in provoked resumption of U.S. bombing.

Mr. BELL. Mr. Speaker, I rise in support of House Concurrent Resolution 471, to provide relief from restrictions on Soviet Jews.

The great need for such an expression by the Congress was made stunningly clear to me during my recent trip to Russia with the Select Subcommittee on Education. While there, I took the opportunity to visit and talk with a number of Jews about their life. I believe it unnecessary to recount the details of the coverage our activities on the trip received. But the attention we elicited clearly illustrates the extreme sensitivity of the Soviet Government to one of their more serious domestic problems.

My trip convinced me that it is now quite possible to live happily and successfully as a Jew within the Soviet system, if religion and cultural heritage are abandoned. And even though emigration policies have become significantly less rigid in Russia in the last few years, I think the free world has an obligation to keep informed about the situation and to manifest its concern by unanimous passage of House Concurrent Resolution 471 by the House of Representatives.

Mr. CLANCY. Mr. Speaker, I urge passage of Concurrent Resolution 471 to seek relief from restrictions on Soviet Jews.

This resolution would bring to the attention of the United Nations that Russia does not abide by the U.N.'s Declaration of Human Rights. It would point out, for all the world to see, that Russia, which affirmed the declaration, denies the right to its citizens to emigrate from the Soviet Union to countries of their choice.

This resolution would urge our President to represent America in appealing to the United Nations and the Soviet Government.

With this resolution of Congress concern, the President would explain that the Soviet Constitution guarantees to its citizens free expression of ideas and the exercise of religion—but that the Soviet Government has denied those freedoms to Jews.

With this resolution, the President could request Soviet officials to end discrimination against religious minorities and permit those who wanted to, to move out of Russia.

While this resolution is designed to relieve immediately the oppression of Soviet Jews, it would offer relief to all religious minorities in Russia. It would once again proclaim that America stands for freedom to all people. It would demonstrate clearly that the Union of Soviet Socialist Republics speaks out for freedom, but acts for oppression.

Mr. MINISH. Mr. Speaker, I rise in strong support of House Concurrent Resolution 471, a resolution seeking relief from restrictions on Soviet Jews. The measure is identical to House Concurrent Resolution 393 which I cosponsored on August 6, 1971.

The pending resolution points out that "in the Soviet Union men and women are denied a freedom recognized by all civilized countries of the world." This is the right to emigrate, a right affirmed by the United Nation's Declaration of Human Rights adopted by a unanimous vote of the General Assembly.

With passage of this measure, the Congress will be expressing its belief that the President should immediately:

First, call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution;

Second, utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities;

Third, request of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the U.N. Declaration of Human Rights.

Fourth, raise in the General Assembly of the U.N. the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

The visit by President Nixon to the Soviet Union next month presents a unique and valuable opportunity for discussions of the status of Soviet Jews. It is inconceivable to me that the continued cultural and spiritual genocide against 3 million Jews would not be an item for serious deliberation at this summit meeting.

On January 26, 1972, I wrote President Nixon to point out that his trip:

> Offers a propitious opportunity for the President of the United States, in your talks with Soviet leaders, to discuss the issue of the serious plights of the Russian Jews.

In my letter to the President, I also wrote:

> Your personal intervention, as our country's President, might bring about a major revision of the present Soviet antireligious policies against Jews and other religious minorities as well.

Today, I renew this request to the President and I urge all my colleagues to join me in asking the President to list the question of Soviet Jewry high on his agenda for the May visit to Moscow.

Mr. Speaker, it is necessary for us as free people to remain constantly aware of the terrible invasion of human rights perpetrated by the Soviets against their Jewish citizens. We must also see that the pernicious antisemitism of the Russian Government if brought to the widest possible attention in the hope that the glare of the public spotlight will assist in mitigating the plight of Soviet Jewry.

Mr. LONG of Maryland. I rise in support of House Concurrent Resolution 471, calling on the President to take steps to ease the plight of Soviet Jews.

I introduced two similar bills which call upon the President to urge the Soviet Union to permit the free expression of ideas in accordance with the Soviet Constitution, utilize contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities, and demand that the Soviet Government permit its citizens the right to emigrate.

The 3 million Soviet Jews suffer discrimination in practicing their religious and cultural traditions, access to education, and the right to fair trial. They also are not allowed to emigrate freely to countries which would allow them these freedoms.

As the President prepares to travel to the Soviet Union to discuss matters of mutual concern, this is a very opportune time to call on him to ask the Soviet Union to end this religious discrimination and grant the Jews who are obliged to remain the rights guaranteed to them in the United Nations Declaration of Human Rights and two human rights conventions.

Mr. SCHWENGEL. Mr. Speaker, we are all aware of the plight of millions of Jews in the Soviet Union. They have suffered legal and social discrimination for many, many years. Today, we have an opportunity to urge the President to address himself to this serious problem. House Concurrent Resolution 471, identical to a resolution I cosponsored, would establish as the sense of this distinguished body, that President Nixon call upon the Soviet Union to end its discriminatory practices against all its citizens.

What better time for this widely supported resolution than on the eve of President Nixon's historic journey to the Soviet Union. A journey for peace among men, and to encourage the entire world that two powerful nations are willing to sit down together and discuss matters of great significance.

I urge my colleagues to join in supporting House Concurrent Resolution 471. We, as representatives of the greatest free nation in the world, must express our sentiments clearly and do what we can to put an end to discrimination throughout the world.

Mrs. DWYER. Mr. Speaker, the time has come for this House to publicly express its concern over the plight of Jews in the Soviet Union, who for years have been persecuted, relegated to second-class citizenship, and denied the right to freely emigrate to the countries of their choice as affirmed in the United Declaration of Human Rights.

The legislation before us today, House Concurrent Resolution 471, is an entirely appropriate vehicle to express this concern. As a cosponsor of the original legislation, I feel it is important to focus attention on the discrimination practiced against the Jewish community in the Soviet Union, and it is entirely proper for our great Nation to do all in her power to rectify the situation as it exists in the Soviet Union today.

The four-pronged approach contained in this measure—calling upon the Soviet Government to permit free expression of ideas and exercise of religion by all citizens; utilizing formal and informal contacts with Soviet officials in an effort to secure an end to discrimination; requesting that the Soviet Government permit its citizens to emigrate freely; and raising in the General Assembly of the United Nations the issue of the Soviet Union's transgressions against the U.N.'s Declaration on Human Rights—provides for a comprehensive method of bringing attention to the problem and laying the groundwork for a solution as well.

I believe this measure merits the support of all, and I certainly hope that it receives the overwhelming endorsement of this body today.

Mr. MIKVA. Mr. Speaker, I rise in support of House Concurrent Resolution 471, which calls on the President to seek relief for oppressed Jews in the Soviet Union. I want to commend the chairman of the subcommittee, Mr. Rosenthal, for his tireless efforts on behalf of the oppressed Soviet Jews, and for bringing this important resolution to the floor.

This Nation was founded and populated by the religious refugees of an earlier time, and we should not forget our heritage now—especially when so much is at stake for the Jewish people of the Soviet Union.

The resolution before us would call upon the President to do four things:

First. Call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution;

Second. Utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities;

Third. Request of the Soviet Government that it permits its citizens the right to emigrate from the Soviet Union to the countries of their choice, as affirmed by the United Nation Declaration of Human Rights; and

Fourth. Raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights, particularly against Soviet Jews and other minorities.

During the past several years, I have been privileged to cosponsor a number of bills and resolutions similar to the measure before us today, and I am hopeful that passage of this resolution will help to bring public pressure to bear on behalf of the cause of oppressed Soviet Jews.

The upcoming trip by the President to Moscow presents a unique opportunity to impress upon the Soviet leaders the depth of concern around the world for the religious freedom of Jews and other minorities in the Soviet Union. A number of Members of the House have joined me in the past few weeks in sending letters to President Nixon, urging him to include this issue in the agenda for his trip. The text of my letter follows:

President RICHARD M. NIXON,
The White House,
Washington, D.C.

Mr. PRESIDENT: In the interest of peace and the easing of world tensions we, the undersigned, welcome your forthcoming trip to Moscow. We also urge you to take advantage of this unique opportunity and to help redeem Soviet Jews, thus fulfilling the hopes of millions of Americans who have labored on their behalf.

Mr. President: We respectfully petition you on behalf of three million Soviet Jews. We urge you to be their advocate and to convey to Soviet leaders the concern of millions of Americans, and people of good will everywhere, over an oppressed minority which faces discrimination, and is prevented from perpetuating its history, its culture and its ancient religious heritage. Nearly forty of its finest young people are in Soviet prison camps because they sought to live as Jews, while others seeking to emigrate are harassed. If some succeed in departing it is only after months of struggle and of deprivation.

Mr. President: We urge you to exert your influence to help free Jewish prisoners of conscience and to help Soviet Jews achieve the fundamental right to live as Jews and to leave for Israel and elsewhere.

Mr. Speaker, passage of the resolution before us today will not be the first action this House has taken to ease the plight of Soviet Jews. In 1971 I cosponsored H.R. 6698, a bill to provide 30,000 additional special visas for Soviet Jews who wished to emigrate to the United States. After considerable pressure by the Judiciary Committee the Attorney General agreed in October 1971 to invoke his special "parole" authority to admit Soviet Jews into the United States regardless of whether any refugee visas were available. This was an important demonstration. America would continue to open its arms to the oppressed religious minorities of the world, in the best tradition of religious freedom and human compassion.

The resolution before us today is an important statement of principle. It hopefully will add to the mounting public awareness and concern over the oppression of the Jewish citizens of the Soviet Union. But it does not have the force of law. It is an expression of concern. Other bills have been introduced, however, in areas where we do have power to do something legislatively. In February, I cosponsored legislation which would provide foreign aid to Israel to assist that nation in resetting the increasing numbers of Soviet Jews who are finding their way out of the Soviet Union and are emigrating to Israel. I have also been privileged to join with my distinguished colleague from New York, WILLIAM FITTS RYAN, in introducing legislation which would authorize the Voice of America to broadcast in Yiddish to the nations of Eastern Europe and the Soviet Union. To the Jewish people of that part of the world who have been denied the right to free expression of their beliefs and their heritage, such broadcasts could provide a meaningful psychological boost.

Mr. Speaker, there is an ancient Jewish custom which calls for the groom, at a point in the wedding ceremony, to step on and break a wine glass. This is intended to remind the celebrants that even in their supreme moment of joy, there are people in the world who are suffering. In that spirit, we must be mindful today that even on this happy occasion when we move toward passage of this important resolution expressing support for Soviet Jews, the fight is not over yet for those brave people.

There are still millions of Jews in the Soviet Union who are being denied full expression of their religious and cultural heritage. Jews are forbidden their own schools and the teaching of Hebrew and Yiddish is severely retricted. Since the 1940's the world famous Hebrew and Yiddish theater has been almost completely closed down. Jews are the victims of strict quota systems in the universities and more advanced technical schools. They are forbidden to exercise any degree of cultural autonomy although other nationalities are permitted to do so.

Many older Jews are being discharged from their jobs and young Jews are finding it much more difficult to secure suitable employment. In addition, police surveillance and harassment have risen markedly and a significant number of raids on Jewish homes have been conducted. Those seeking to emigrate to Israel and other countries are particularly singled out and suffer many severe forms of discrimination and persecution.

A tragic example of that oppression has been the case of Prof. Alexander Lerner. He has been stripped of his professional standing and his job, all because he asked to go to Israel. It was during a visit to Professor Lerner's apartment that Congressman SCHEUER was arrested by the Soviet police. Last month, I addressed a letter to Secretary of State William Rogers, calling upon him to inquire of the Soviet Ambassador concerning the status of Professor Lerner's request to emigrate, and the deprivations to which he has been subjected in his homeland. A copy of that letter and an article from the Chicago Sun-Times describing his plight follow:

MARCH 30, 1972.

Hon. WILLIAM F. ROGERS,
Secretary of State,
Department of State, Washington, D.C.

DEAR MR. SECRETARY: We are writing to ask you to inquire about the status of Professor Alexander Ya. Lerner, a scientist and computer expert living in Moscow. He has been a trusted and respected member of the

Soviet scientific community, a professor at the Scientific and Technical University in Moscow, and a director at the Institute of Control Sciences for the Academy of Sciences of the U.S.S.R. However, that has all changed since he applied for and was denied permission to leave the Soviet Union and to emigrate to Israel. We understand that he has been expelled from all of his academic positions, has been barred from doing scholarly work outside the Soviet Union, and has lost his membership in the Communist Party. Apparently, his son and daughter also have been fired from their jobs.

Professor Lerner's situation has been receiving world-wide attention since the arrest of Congressman Scheuer at Lerner's apartment last month. So far, the Soviet authorities have not honored the request of Professor Lerner to leave the country—a request supported by many scientists throughout the world and, we might add, a request supported by common sense. As a prisoner in his own home, Professor Lerner's talent and intellect are being wasted. If the Soviet Union permitted him to leave, it would serve the cause of international scientific cooperation.

There are reports that this year alone the Soviet Union will permit more than 40,000 people to emigrate to Israel. World public opinion was a major factor in the Soviet Union's decision, and it might be helpful again in the case of Professor Lerner.

We know you share our concern, and would urge the State Department to express that concern by inquiring into the status of Professor Lerner and his chances for emigration.

We would appreciate hearing from you at your earliest possible convenience.

Sincerely,

Bella S. Abzug, Herman Badillo, Alphonzo Bell, Jonathan Bingham, Ronald V. Dellums, Robert F. Drinan, Don Edwards, and Donald M. Fraser.

Mitchell Harrington, Henry Helstoski, Abner J. Mikva, Parren J. Mitchell, Roman C. Pucinski, Benjamin S. Rosenthal, William F. Ryan, James Scheuer, and Sidney R. Yates.

[From the Chicago Sun-Times, Jan. 17, 1972]

STARTS DRIVE TO HELP SOVIET SCIENTIST

(By Dennis D. Fisher)

A Northwestern University mathematics professor is helping mount a drive here and abroad to persuade the Soviet Union to let a Jewish cybernetics expert emigrate to Israel.

Avner Friedman, 39, who was born in Israel, is campaigning with other scientists around the world to obtain permission for Alexander Lerner and his family to leave Russia.

"We are trying to raise world interest in his case so that the man will not be silenced and his work will not be terminated," Friedman said in an interview in his Evanston office.

"He has been denied a visa and has lost his positions, and this is not just," Friedman

VISITED BY CONGRESSMAN

Worldwide interest in Lerner's plight developed last Wednesday when Soviet police arrested U.S. Rep. James H. Scheuer (D-N.Y.) in Lerner's Moscow apartment. Scheuer, although detained for only 40 minutes, was expelled Friday from the Soviet Union for engaging in "improper activities" during his visit.

The scientists' campaign has taken the form of letter writing and placing telephone calls supporting Lerner's emigration request to the president of the Academy of Sciences in the U.S.S.R. and to the director of the institute in which Lerner worked.

Friedman and other editorial board members of the journal of the Society for Industrial and Applied Mathematics are involved in the "moral suasion" drive to get the necessary visas issued.

Lerner had been director of the Department of Large Scale Systems of the Institute of Control Sciences of the Academy of Sciences of the U.S.S.R. and a professor at the Scientific and Technical University in Moscow.

But as a result of his requests to leave Russia, he was removed from both positions and he lost his Communist Party membership. In addition, his son and daughter were fired from their jobs.

Friedman said the family has been living with the aid of friends. He said he met Lerner at a scientific conference in Italy 18 months ago.

"We swam together and the day before leaving he told me about his two children and how they were raising his Jewish consciousness. The way he talked the children feel much stronger about their being Jews than he does," Friedman said.

He said the Lerners have lived well in Moscow with a five-room apartment and two cars, "which is unheard of for most professors."

It would seem that Lerner was trusted as well as respected by the Soviet scientific community, Friedman said, because he was allowed to travel freely abroad to conferences and speaking engagements. "Some of their best scientists don't get out of the country," Friedman observed.

In spite of his position and standard of living, Friedman said, "they have not been able to live a Jewish life and that is why they want to leave."

As it is now, he said, the man's productivity has been curtailed. "He is a valuable man and I suppose that is one reason the Soviets don't want to let him go," he said.

Lerner's work in cybernetics, the study of communication and control in living organisms and machines, has been applied in the Soviet Union to predicting supply and demand for steel and to problems associated with the allocation of scarce resources.

Friedman telephoned Lerner early last December in his Moscow apartment and invited him to an unspecified professional gathering in the United States.

At the time, Lerner said that he would be delighted and that he would "come as an Israeli citizen."

Mr. Speaker, the Jewish people of the Soviet Union have a better chance today than they did a year ago to get out from under the yoke of religious persecution. The gains that have been made are due in no small part to humanitarian efforts of people around the world to bring attention and criticism to bear on the actions of the Soviet Government. We must do our part to keep the pressure on. It is the only hope for millions of Soviet Jews, until the Pharaohs of Asia finally agree to "Let my people go."

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on House Concurrent Resolution 471.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, I have no further requests for time.

Mr. ROSENTHAL. Mr. Speaker, I yield myself my remaining time.

I merely want to respond briefly to my distinguished and extremely able colleague from Missouri (Mr. HALL).

The reason why this was brought up under a suspension-of-the-rules procedure was that 162 Members had introduced resolutions of this type, and the principal resolution from which this one flowed was introduced by the gentleman from Illinois (Mr. ANDERSON) and the gentleman from Massachusetts (Mr. O'NEILL).

It was my sense of the legislative timing that there was general approval of this legislation and an earnest desire on the part of the sponsoring Members to bring it promptly to the floor.

Twelve of the 14 Members of the subcommittee, under the leadership of the gentleman from New Jersey (Mr. FRELINGHUYSEN), cosponsored this resolution, and gave the matter, including the style and text, a great deal of attention.

Knowing full well that no amendments could be offered, we believed we had exhausted all remedies.

I believe this resolution is an important tool in the world-opinion contest in which we are constantly engaged. This kind of action by the House of Representatives is an assumption of its responsibility to mankind throughout the world.

What we do here today, I believe, will be a step forward in an enlightened policy in the assumption of a keen and earnest interest in what happens to people all over the world.

I urge the adoption of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ROSENTHAL) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 471), as amended.

The question was taken.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 360, nays 2, answered "present" 1, not voting 70, as follows:

[Roll No. 108]

YEAS—360

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Cotter
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney

Dellenback
Denholm
Dennis
Derwinski
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Stratton
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Flynt
Hall

ANSWERED "PRESENT"—1

Bow

NOT VOTING—70

Alexander
Blanton
Blatnik
Burton
Byron
Carney
Chappell
Chisholm
Clausen, Don H.
Clay
Colmer
Corman
Coughlin
Crane
Culver
Curlin
Davis, S.C.
de la Garza
Dellums
Dent
Devine
Diggs
Dowdy
Dwyer
Eckhardt
Edwards, La.
Erlenborn
Eshleman
Fountain
Fraser
Galifianakis
Gallagher
Hansen, Wash.
Hébert
Helstoski
Hosmer
Hutchinson
Ichord
Johnson, Pa.
Jones, Tenn.
Kee
Landgrebe
Long, La.
McClure
Macdonald, Mass.
Madden
Mills, Ark.
Minshall
Monagan
Morse
Nix
Pryor, Ark.
Roy
St Germain
Schmitz
Schwengel
Seiberling
Skubitz
Smith, Calif.
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Symington
Thompson, Ga.
Whalley
Wilson, Bob
Wright

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Devine.

Mr. Blatnik with Mr. Coughlin.

Mr. Burton with Mr. Don H. Clausen.

Mr. Dent with Mr. Johnson of Pennsylvania.

Mr. Helstoski with Mrs. Dwyer.

Mr. James Stanton with Mr. Minshall.

Mr. Stubblefield with Mr. Hutchinson.

Mr. Macdonald of Massachusetts with Mr. Bob Wilson.

Mr. Jones of Tennessee with Mr. Crane.

Mr. Monagan with Mr. Morse.

Mr. St Germain with Mr. Schwengel.

Mr. Stokes with Mr. Gallagher.

Mr. Nix with Mr. Symington.

Mr. Corman with Mr. Hosmer.

Mr. Carney with Mr. Eshleman.

Mr. Chappell with Mr. Dickinson.

Mr. Stuckey with Mr. Landgrebe.

Mr. Fountain with Mr. McClure.

Mr. Fraser with Mr. Dellums.

Mr. Diggs with Mr. de la Garza.

Mrs. Chisholm with Mr. Galifianakis.

Mr. Alexander with Mr. Whalley.

Mr. Wright with Mr. Skubitz.

Mr. Culver with Mr. Erlenborn.

Mr. Seiberling with Mr. Steiger of Wisconsin.

Mr. Stephens with Mr. Thompson of Georgia.

Mrs. Hansen of Washington with Mr. Smith of California.

Mr. Colmer with Mr. Ichord.

Mr. Davis of South Carolina with Mr. Schmitz.

Mr. Madden with Mr. Long of Louisiana.

Mr. Blanton with Mr. Mills of Arkansas.

Mr. Byron with Mr. Dowdy.

Mr. Curlin with Mr. Pryor of Arkansas.

Mr. Eckhardt with Mr. Clay.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTERIM NUCLEAR LICENSING

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13752) to amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermoelectric generating plants, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13752

A bill to amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermoelectric generating plants, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 106. (a) Notwithstanding any other provision of this Act, in any proceeding subject to section 102(2)(C) of this Act for the issuance by a Federal agency of a license to operate a thermal electric generating plant, the Federal agency, if—

"(1) the application for such license was filed with such agency on or before September 9, 1971, and

"(2) the application for the permit to construct such plant was filed with such agency on or before January 1, 1970.

may issue an interim license to operate such plant.

"(b) Any interim license issued pursuant to this section—

"(1) may authorize the operation of the plant concerned only—

"(A) to the extent necessary to carry out appropriate testing of the plant, and

"(B) to provide emergency power, but in no case may the plant be operated for this purpose beyond 20 per centum of its rated capacity without the specific prior approval of the head of the agency;

"(2) shall state the period of time for which it is effective and may contain provisions for the extension of such period, but in no event may such permit be valid after (A) completion of the agency's review process with respect to the application for the license referred to in subsection (a)(1) of this section, or (B) October 30, 1973, whichever first occurs; and

"(3) be subject to such other terms and conditions as the Federal agency deems necessary and appropriate to carry out this section.

"(c) No interim license may be issued pursuant to this section until after the Federal agency consults with the Council on Environmental Quality and the Administrator of the Environmental Protection Agency with respect to the terms and conditions of the license. The issuance of any such interim license shall be consistent with an appropriate regard for environmental values in accordance with such rules and regulations as the agency may deem necessary, and shall be without prejudice to any subsequent licensing action with respect to the plant concerned which may be taken by the agency. No interim license may be issued unless the Federal agency—

"(1) determines that the issuance of the interim license will not have a significant impact on the quality of the environment; or

"(2) considers and balances—

"(A) whether it is likely that the conduct of the activity under the interim license will give rise to a significant impact on the environment; the nature and extent of such impact, if any; and whether redress of any such environmental impact can reasonably be effected should modification or termination of the interim license be required;

"(B) whether the conduct of the activity under the interim license would foreclose subsequent adoption of alternatives in facility design or operation; and

"(C) the effect of delay in issuance of the interim license upon the public interest."

The SPEAKER. Is a second demanded?

Mr. McCLOSKEY. Mr. Speaker, I demand a second.

PARLIAMENTARY INQUIRY

Mr. FLOOD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FLOOD. Is the gentleman from California opposed to the bill?

Mr. McCLOSKEY. I am opposed to the bill, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan will be recognized for 20 minutes, and the gentleman from California will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in support of H.R. 13752 which was introduced after lengthy discussions with the Council on Environmental Quality, the Environmental Protection Agency, the Joint Committee on Atomic Energy, the Atomic Energy Commission and other Federal agencies.

Briefly, the function of the legislation is to permit the issuance of interim operating licenses for facilities under construction before the passage of the National Environmental Policy Act where the only remaining obstacle to the operation of the facility is the procedural requirements of the National Environmental Policy Act, in which event the Atomic Energy Commission could issue interim operating licenses up until the 30th of October, 1973, or until such time as the environmental impact procedures in due and proper form were completed.

The Atomic Energy Commission is the only agency affected by the bill, and it must consult with the Council on Environmental Quality and the Environmental Protection Agency before issuing any interim license.

It was clearly stated in the hearings that the Atomic Energy Commission will require retrofitting of any of the facilities concerned in the legislation to require full compliance with any requirement with regard to the protection of air, water or the environment.

One thing which must be stressed for the benefit of some of the opponents, who apparently have not chosen to read the bill as they should, is that the bill gives no exemption whatsoever from any requirement of any law other than that cited above under the National Environmental Policy Act. In no way does it affect the requirements for radiological safety or anything else under the Atomic Energy Commission Act.

Mr. Speaker, I agree that the National Environmental Policy Act should not be amended unnecessarily.

I should point out that every executive agency—the Federal Power Commission, the Atomic Energy Commission, the Council on Environmental Quality and the Environmental Protection Agency—testified in favor of the bill.

One thing which should be plain is that we have not given the electric power industry the size exemption which they wanted, but in the view of all who were concerned we have given them all that is necessary to prevent the requirements of the National Environmental Policy Act from contributing to blackouts or brownouts.

As everyone knows, Mr. Speaker, it has been very clear in the mind of every responsible citizen that there is grave peril of blackouts, brownouts, and significant power shortages in most of the areas of the country, particularly in the Northeast. I therefore urge my colleagues who want to protect the National Environmental Policy Act to recognize that the procedures we are using today are appropriate to assure that the National Environmental Policy Act not be unwisely amended and not be emasculated. It is my hope my colleagues will recognize that there is an emergency impending and that there is a need to move expeditiously toward the enactment of this bill.

This bill does assure the requirements or the National Environmental Policy Act will not be used to prevent full and adequate utilization of power facilities in the country during the summertime and that it will not contribute to any blackouts or brownouts during this coming summer.

The purpose of this legislation is to reaffirm that the National Environmental Policy Act provides sufficient flexibility to permit the issuance of temporary operating licenses to nuclear powerplants prior to completion of the full environmental review under section 102, if temporary licensing is required to meet an unavoidable electric power demand and if the temporary operation of the plants will neither cause substantial injury to the environment nor foreclose future alternatives to minimize adverse environmental impact.

The passage of the National Environmental Policy Act of 1969—NEPA—has had a profound and substantial effect upon practically every agency of the Federal Government. The Atomic Energy Commission has been very much involved in discussions on the implications of NEPA, some of them with this committee. The question of the responsibility of the AEC to consider on its own matters covered by State water quality certifications was the subject of considerable comment in the first oversight hearings held by this committee in December of 1970, and our report on those hearings—H. Rept. 92-316—strongly criticized this position taken by that agency.

Less than 1 month later, the U.S. Circuit Court of Appeals for the District of Columbia resolved this particular controversy, in the well-known *Calvert Cliffs* opinion—*Calvert Cliffs' Coordinating Committee* v. *AEC*, 499 F 2d 1109, District of Columbia Circuit, 1971. That decision clearly stated that it was the responsibility of the Commission to satisfy the requirements of NEPA, and that this responsibility could not be abdicated.

To its credit, the Commission has accepted the holding of Calvert Cliffs', and has made a sustained effort to conform its policies to that decision. Its revised regulations, published as appendix D on September 9, 1971, attempted to deal with the difficult transition period between the Calvert Cliffs' decision and a future time when the new procedures could be made fully effective as to all projects for which construction permits and operating licenses were sought. Those projects for which construction permits had been granted, and for which hearings had commenced for issuance of operating licenses, were to be treated under the provisions of paragraph D of appendix D of the AEC regulations. The substantive requirements of paragraph D2 and D3 are very similar to the requirements of H.R. 13752.

On December 17, 1971, the District Court for the District of Columbia handed down its opinion in the case of *Izaak Walton League* v. *Schlesinger* (— F. Supp. —, D.D.C., December 17, 1971), also known as the Quad Cities decision. Judge Barrington Parker concluded that the AEC had failed to comply with the statutory mandate of NEPA, and had first, refused to issue an impact statement in that case and, second, had refused to permit public participation in the licensing decision. On the basis of this conclusion, the judge issued a preliminary injunction against the issuance of a temporary operating license for the Quad Cities plant.

The decision involved a plant for which no public hearing on matters of radiological safety was to be held as a prerequisite to issuance of an operating license. Thus, the case arose under paragraph D3 of appendix D but the logic of the decision would apply equally to paragraph D2. Under paragraph D2 the Commission does provide for a hearing prior to issuance of the temporary operating license but only after preparation of the Statement of Environmental considerations for which no formal public comments are permitted prior to its completion. The case was complicated by the fact that the AEC had not yet completed its compliance with the provisions of paragraph D3. In particular, the AEC had not issued its statement of environmental considerations with respect to the temporary operating authority requested. The plaintiffs prevailed in that litigation because the court concluded that the statement of environmental considerations would not comply with NEPA due to the failure to afford any formal opportunity for comment by the public or by Federal and State agencies with special environmental expertise.

The AEC could apparently have relieved itself of the quad cities decision by minor amendments to paragraphs D2 and D3 to insure public participation and consultation with expert agencies within time limits consistent with the urgent electric power needs which were the initiating cause for consideration of the temporary operating authority. The AEC feared that this course of action did not guarantee that it would not be subject to court attack on the validity of the new regulation and possible further delay in its attempt to take prompt action on the temporary operating license request. It, therefore, sought relief in the form of legislation which would confirm the validity of its basic approach to the problem.

The thrust of the AEC position has been that the full NEPA review required prior to the issuance of an operating license might prevent the earliest possible commencement of operation of 13 nuclear powerplants which were now near completion, some of which would be needed in the summer of

1972, the winter of 1972–73 and the summer of 1973. To alleviate these near-at-hand electric demands, the Commission wished to issue temporary operating licenses for relatively short periods.

The testimony received by the committee in the course of the hearings disclosed that both the AEC and environmentalists agreed that—in the words of AEC Chairman Schlesinger:

> The general power situation that we face in this country comes from slippages in schedules which are not a direct consequence of the activities of environmental groups.

There also appeared to be general agreement that the requirements of NEPA do not impose upon the AEC the obligation to ignore legitimate electric power demands in the course of its full NEPA review of the full term operating license application but permit a more limited environmental review consistent with a more limited—in power level or time or both—operating license.

The current AEC regulations—paragraphs D2 and D3 of appendix D—impose an implicit limit on the power level as well as the duration of the license issued. It appeared to the committee that the requirements of section 50.57 of 10 CFR part 50—authorizing operation at less than full power—when read in conjunction with paragraphs D2 and D3 indicate that the AEC was limiting its authority to issue temporary operating licenses to power levels substantially below 100 percent of full power. In discussions with the committee the AEC had urged that legislative relief go further than paragraphs D2 and D3 in this regard and authorize temporary operating licenses at 100 percent power for limited time periods.

The areas of disregard centered around whether there was in fact an energy crisis for which nuclear powerplants—some of which involve new designs not previously operated—could provide a solution. The committee believes there is substantial evidence to contradict AEC and industry claims on this subject but believes the resolution of this issue should be in the context of a specific application for a temporary operating license where the issue can be explored in a full adjudicatory hearing. The committee understands that the AEC intends to hold such hearings—if timely requested—to explore the allegations regarding the need for power as well as all other relevant factors prior to issuance of a temporary operating license.

There has also been substantial controversy about the need for legislative relief.

Environmental lawyers took the unusual step of proposing regulations to the AEC which, if adopted, would in their view render this legislation unnecessary. The core of their proposal rested in shortened hearing procedures, coupled with a liberalized disclosure process, in order to encourage the speedy resolution of issues in dispute between the parties to emergency licensing cases.

To the credit of the AEC, it raised no objection to the theory underlying this proposal; indeed it indicated that it would in any case follow these or similar procedures on a case by case basis without adopting formal regulations to this effect. The Commission did, however, express considerable concern that these or any other proposed regulations would not afford sufficient assurance that court action to have the new regulations declared illegal would not occur and be successful. For this reason, the AEC expressed hope that the Congress could provide a more formal and clear directive in the form of a committee report and/or legislation.

The justification for congressional action is the possible protection against three conditions:

First, the occurrence of a power shortage;

Second, one of the plants covered by the bill being in a position to ease the shortage, and

Third, the time constraints being such that normal NEPA procedures could not be completed in time to permit the plant to operate and the possibility of court action declaring temporary operating license authority to be illegal.

In the event that all three of these conditions were to obtain, the committee expects that the authority provided by this bill would and should be used. In such case, the AEC would be expected to document its findings that the circumstances required action under this authority—i.e. that the three conditions exist—would make public the evidence upon which it proposed to act before the time that it took action and would permit the public, in an adjudicatory hearing, to challenge this finding as well as to contest the issuance of a temporary operating license. This is, we understand, fully consistent with its current regulations, although perhaps not spelled out in detail. The time schedule for such hearings and receipt of the view of expert Federal and State agencies could be controlled in the manner suggested by environmental lawyers with the protections provided therein. We understand the Commission is prepared to accept these proposals in substance.

In the view of the committee, the endorsement of this bill should in no way be taken as implying a lessened sense of importance of the public review process as an integral part of the NEPA review. Full and open public review of the factors that underlie decisions with environmental consequences, is entirely consistent with this bill, just as it is with NEPA as originally passed.

NEPA clearly requires agency consideration of the environmental implications of proposed actions to the fullest extent possible. If, for example, it is proposed to fire up and run a powerplant at a given level of operation, the implications of running that plant at that level both the costs and the benefits must be considered. To the extent that time will permit, the adverse environmental consequences of full and long-term operation must also be considered, but if an emergency exists, it may be necessary to postpone more complete consideration until the emergency is past. Where, as here, the agency retains the authority to go into sufficient detail at a later date, and if necessary, to require additional treatment—backfitting—it does not appear to us to be a violation of the language, history or intent of NEPA to permit the agency to take emergency action on the basis of the best available knowledge at that time. This viewpoint has received judicial approval in *EDF* v. *Corps of Engineers* (E.D. Ark.) 325 F. Supp. 749 and the Calvert Cliffs' case.

In discussing the reasons for H.R. 13752, it is as important to note what it does not do, as what it does. A number of these concepts come immediately to mind:

First, it does not represent an "erosion" of the basic principles of NEPA. In effect, the AEC is told to follow the full NEPA procedures whenever possible, and where this is not possible, to do everything that can be done consistent with the act and with the emergency nature of the problem confronting it. This merely reconfirms what we have always believed NEPA to require.

Second, and no less importantly, H.R. 13752 does not act in any way to relieve the AEC of any responsibilities that it may have to be certain that no safety problems or hazards will be created by operation of the plant at any level. There has been extensive controversy and litigation over this issue, much of it over concerns with the operation or failure to operate of emergency core cooling systems for these plants; passage of this bill should not be construed as approval or disapproval of steps taken to minimize the problem, nor to authorize any level of operation prior to satisfactory resolution of safety problems.

Third, the bill in no way diminishes the authority or responsibility of the AEC to do everything necessary and appropriate to fully comply with NEPA, including providing the full environmental impact statement contemplated under section 102(2)(C) as soon as this can be done. The AEC has made it abundantly clear that they will reserve the power to require backfitting of necessary equipment, such as cooling towers or ponds, even though this necessity might appear after the interim authority granted under H.R. 13752 had been provided.

Fourth, the committee is aware that there is a substantial dispute regarding the proper scope of any environmental review conducted by the AEC. This has centered on, first, questions of the environmental impact of the mining, manufacturing, and reprocessing of fuel, and the ultimate disposal of nuclear wastes and, second, questions of the benefit to be obtained by meeting electric power needs and alternatives to meeting those needs. This legislation does not attempt to resolve these disputes and the committee expresses no opinion on the disputes at this time.

Fifth, this bill in no way affects any substantive requirements of State or Federal law with respect to air and water quality standards and environmental protection generally. If those laws would prevent the plant from operating without the bill, the plant could not operate with it.

We should also note that the record before this committee suggests that there may not be any situations in which the authority here confirmed will have to be exercised and that the three previously discussed conditions will never be met.

If the bill is in fact unnecessary, it will remain unused; if it does prove to be necessary, then in the view of the committee—and indeed of all witnesses at the hearings; Federal agency utility executive and conservationist—it should be used. In short, the legislation provides a form of insurance against such an occurrence, however unlikely this may be.

It is our view that this legislation merely confirms the authority granted by NEPA to the AEC. The temporary operating license represents a limited Federal action for which a less detailed environmental statement is required. However, the statement prepared pursuant to section 106(c) is really no different than a statement pursuant to section 102(2)(c) of NEPA. The section 106(c) statement is merely scaled down to coincide with the limited Federal action being considered and with the limited time available for a full review of the limited action. Thus the statement to be prepared under section 106(c) represents compliance with section 102(c) "to the fullest extent possible." We hope other Federal agencies that feel they need special procedures for compliance with NEPA in emergency situations will focus on the flexibility built into section 102 of NEPA and avoid creating administrative emergencies.

Mr. Speaker, I reserve the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I am opposed to enactment of this bill for a number of compelling reasons.

In the first place, I feel this legislation is not necessary. The court challenge to the AEC regulations which immediately prompted this matter, the Quad Cities decision, has now been settled, and we are being asked to pass this bill in order to preclude further challenges to the Atomic Energy Commission's regulations.

In my opinion, this would be an unwise precedent. The Quad Cities holding that the EPA statement must be prepared with respect to the issuance of operating licenses for existing nuclear generating plants today may or not be a proper view on the part of EPA. We should not, however, arbitrarily preclude judicial review of this issue as a matter of congressional policy.

Second, Mr. Speaker, it is unrealistic to assert that suspension of the National Environmental Policy Act even on the limited basis authorized in this bill will not prejudice the outcome of the ongoing environmental review process with respect to these nuclear powerplants. While the committee report stresses that the Atomic Energy Commission will continue to be bound by the National Environmental Policy Act and will be required to order whatever retrofitting the environmental impact statements reveal as necessary to fully protect the environment, it will be infinitely more difficult for the Atomic Energy Commission to shut down a plant which has become an integral part of the power grid than it is to delay the operation of a plant which has not yet made any contribution to our energy needs. We cannot foresee what the environmental impact statements on these plants might conclude in the absence of such pressure to avoid a shutdown.

The National Environmental Policy Act requires a balancing of economic, environmental, and other considerations, and we must not stack the deck in advance against a full, impartial balancing of these statements. Interim licensing of the plants, I fear, may do just that and therefore place an intolerable pressure on the AEC licensing staff to keep these plants on line, no matter what the environmental cost might be.

Mr. Speaker, the House is being asked to protect the Atomic Energy Commission from a potential court challenge which may never come and over which the Atomic Energy Commission may well prevail.

This is not only bad law and bad precedent, but also may not even be necessary. On the other hand, this legislation has the very real potential of undermining the National Environmental Policy Act review process, both during the period of interim licensing for the powerplants involved, and, also, as an example to others who might seek exceptions to the requirements of the act.

The circumstances at present do not support such tampering with the National Environmental Policy Act. This precipitous effort, I believe, should be rejected.

I would, further, point out that the National Environmental Policy Act was adopted in its inception because of the failure of the administration to include the Atomic Energy Commission and the Department of Defense in the original Presidential Council on Environmental Quality.

For these reasons, it seems to me that to make an exception to this act at this time is to emasculate the intent of the act and lay it open to future such exceptions whenever any Federal agency may be powerful enough to request it.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from California, the senior Democratic member of the Joint Committee on Atomic Energy (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I rise in support of H.R. 13752. The bill has the support of the administration.

Enactment of this bill together with an amendment to the Atomic Energy Act are needed to enable the Atomic Energy Commission to license the operation of already constructed nuclear powerplants on a temporary basis, only if the plant is needed to supply energy requirements in the area served by the plant and then only provided the Commission makes the necessary safety and environmental determinations for purposes of the temporary license.

H.R. 13752 would amend the National Environmental Policy Act to provide, in effect, that an interim environmental statement will be satisfactory for purposes of interim operation needs during a period which will expire on October 30, 1973, provided the interim operation is needed to supply emergency power.

Bills are now before the joint committee which would amend the Atomic Energy Act—the source of the Commission's licensing authority—to give the Commission the authority to issue temporary operating licenses; to specify the findings which have to be made by the Commission for purposes of such license; and to give guidance on the procedures which the Commission must follow in deciding whether to issue a temporary operating license.

Bills are now before the Joint Committee, H.R. 14065, complements H.R. 13752. I have consulted with the distinguished gentleman from Michigan and with his staff to assure that each of the bills, which relate to the same problem, deals only with the aspects of the problem in the area of each committee's particular area of jurisdiction. I am satisfied that this goal has been accomplished. I wish to thank Mr. DINGELL and his staff for their splendid cooperation in these matters.

I am confident that the Joint Committee will reach its decision to report out a bill which will be either identical or very simliar to H.R. 14065 later on this week.

Mr. Speaker, until comparatively recently the Atomic Energy Commission's authority was statutorily limited substantially to radiological and common defense and security matters. In recent months the Commission's licensing authority has been extended to cover the consideration of all environmental matters associated with the operation of a nuclear powerplant under the National Environmental Policy Act, which became law on January 1, 1970, and subsequent judicial interpretations thereof.

Dr. Schlesinger, since his appointment as Commission Chairman last fall, has labored to make the Commission's licensing program fully responsive to the new environmental requirements. The question is no longer whether that will be the Commission's policy, but what additional resources are needed to carry out the new responsibilities and the difficult transitional problems associated with the licensing and operation of plants which were substantially constructed before the new requirements were imposed.

The Commission has assured the committee that it will be able to deal with all of these new responsibilities adequately and on a timely basis in the very near future. At the present time, however, the Commission has not been able to complete the final environmental impact statements for full-term, full-power operation for all of the plants which have been constructed and are ready to operate. They will be able to complete an interim environmental statement for the temporary operation of such plants. As a matter of fact, some of the interim statements have been completed.

Before nuclear fuel can be placed in a nuclear powerplant and before it can be operated, the Atomic Energy Commission must issue a license authorizing those activities. Initially after fuel loading, the plant must go through a period of low-power testing which takes at least 2 months. These tests are for the purpose of demonstrating and assuring safety of the reactor.

H.R. 13752 would accommodate that transition problem which will end on October 30, 1973.

Mr. Speaker, I would like to get to the heart of the matter and inform my colleagues why I believe that this authority is urgently needed.

At the hearings conducted by the Joint Committee on March 16 and 17, both the administration and the utility witnesses testified to the threatened power shortages commencing this summer in certain parts of the country. Essentially the same testimony was presented at the joint hearings of the Senate Committees on Public Works and Interior and Insular Affairs, and before the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries.

NATIONAL ELECTRIC RELIABILITY COUNCIL REPORT

A February 1972 report of the National Electric Reliability Council presents the results of an assessment of the impact on the adequacy of electric bulk power supply of potential delays of 12 months in the operation of all new nuclear and fossil-fired, steam-generating plants—display the exhibits. The red area on the charts mean that the reserves are critical. The gray area means the reserves are below normal.

Based on a 12-month delay in the operation of new nuclear and fossil-fired steam-generating capacity, an aggregate of 25,000 megawatts, or one-third of the scheduled generation reserves in NERC, would be unavailable during the summer 1972 peak-load period. In the winter 1972–73 peak-load period, 32,000 megawatts or about 30 percent of the scheduled generation reserves would not be available. In the summer 1973 peak-load period, there would be a reduction in scheduled generation reserves of about 29,000 megawatts, or 35 percent of these reserves.

The normal rule is that reserves from 15 percent to 20 percent are required to assure reliability of power supply. For some systems, if the reserves were cut in half—from 20 to 10 percent—the probability of insufficient capacity to carry the load increases sixtyfold. In other words, if a 20-percent reserve level results in only one occasion in 10 years when generating capability might be insufficient to carry the load, a reduction to a 10-percent reserve level would be expected to result in six occasions per year when load curtailment would occur.

The impact of such delays is analyzed for each of the nine regions of the National Electric Reliability Council—NERC—encompassing the entire bulk power supply in the United States and parts of Canada. The study is directed to an evaluation of the adequacy of region reserves for the peak-load periods of summer 1972, winter 1972–73, and summer 1973—see exhibits 1, 2, and 3. The conclusions of this study have been substantially supported by data supplied by the Federal Power Commission and interested State agencies:

SUMMER 1972 (EXHIBIT 1)

The impact of such delays would be considerably more severe in some regions than in others. In five of the nine regions—ECAR, ERCOT, MAIN, MARCA, and SERC—generation reserves would drop to 10% or less in the summer of 1972, reaching levels so low that periodic load curtailment would be expected. Reserves in the Main region would fall to less than 5%, and in SERC to 6.3%, values which are extremely low for any semblance of reliability.

WINTER 1972–73 (EXHIBIT 2)

Reserves during the winter 1972–73 peak-load period, while somewhat higher generally than during the previous summer, would still be critically low at 12% in the SERC region and 10.3% in the Rocky Mountain Power Pool area of the WSCC region. Furthermore, if essential maintenance requirements during the winter period are taken into account, the ECAR and MAIN regions, as well as the New York-New England subregion, would drop to marginal and submarginal reserve levels (see Exhibit 2).

SUMMER 1973 (EXHIBIT 3)

In the summer of 1973, five regions—ECAR, MAAC, MARCA, SERC and SPP—would fall again to 11% or less, with reserves in the MARCA region actually dropping to 4.6%. In addition, the MAIN region and the New York-New England subregion may well be critical in view of the fact that a substantial part of the generating capacity subject to a twelve-month delay would then be scheduled for service just prior to or during the summer of 1973. Should difficulties arise in start-up and this capacity become unavailable, reserves would drop in MAIN and New York-New England to 10.4 and 10.7%, respectively, a level which is critical. (Exhibit 3.)

No one can say with certainty that the expected power shortages in these areas will materialize or, if they do, that they could be avoided by a temporary licensing of these plants. Responsible officials of the Government and officials of the utilities have testified both before the Joint Committee and before other committees that threatened power shortages stand a good chance of being avoided or ameliorated by the passage of this legislation. The administration has recommended the urgent need for the passage of such legislation.

The undisputed testimony received by the committee indicates that at least 2 months' leadtime is needed for testing before completed nuclear powerplants can operate at useful levels.

I would like to again express my support for H.R. 13752 and urge that it be enacted. Also at this point I would like to place in the RECORD excerpts from the NERC February 1972 study and data from the Federal Power Commission on the power shortages which are expected in certain areas of the country commencing in the summer of 1972 and continuing into the winter of 1972–73 and the summer of 1973.

This bill has the support of the administration. It has the support of the Federal Power Commission and the National Environmental Policy Administration as well as the National Environmental Council.

Mr. Speaker, this bill is a modification, a temporary modification, and if my friends will just look at these charts here they will see the reasons why.

I am not on Mr. DINGELL's subcommittee, but I am on the Joint Committee on Atomic Energy and we have a complementary bill that will go with this bill. If both of these bills are passed, we will have an opportunity to stop what I think would be a tremendous hazard this coming summer.

On the far right you see a map of the United States. You see the red part is that part where the reserves are critical. If we have a hot summer we will have brownouts and possibly blackouts in all that part of the United States.

The gray part, which is Texas, is below normal reserves, but not necessarily critical unless a big system goes out, a big generator goes out, or something like that. That is for the summer of 1973 on the far side.

Here is the summer that is approaching this year and you can see it is almost as bad. The red section is where the reserves are below 10 percent—5 percent, 6 percent or 7 percent.

If we have a few days of heat above our normal summer season, a few days of hot weather than we ordinarily have, we are going to have brownouts in these areas.

Mr. Speaker, the hazards that come about as a result of brownouts and blackouts to our economy, both to the industrial use of electricity and the electricity that goes to hospitals and nursing homes and other operations like that, can actually become a severe detriment to the health of the people.

Let me say that this bill, H.R. 13752, and the bill which will shortly be reported out of the Joint Committee on Atomic Energy, H.R. 14065, are complementary bills.

This will relax some of the environmental requirements on a showing of emergency need. The environmental requirements that it relaxes is the requirement of a complete environmental statement. These are very complicated and it takes months and months for a utility to come up with these environmental impact reports. They are possibly diligently working on their final report, and some of them have been completed, but most of them will need more time this summer to finally complete them so they can be filed.

Mr. Speaker, there are 13 nuclear plants that have been constructed, some of them at a cost of $300 million or $350 million or $250 million each. They represent something like 30,000 megawatts of power when in full operation. However, this bill does not provide for full operation.

This bill provides for partial operation related to the actual needs to keep a generating systems distribution area free from brownouts and blackouts. That is what it does. Now, 20 percent of these plants or 30 percent or even 40 percent of these plants during certain emergency periods—this is not a permanent operating license but temporary, based upon an urgent need established by figures which can be produced so that anyone can see them. These plants have to conform to the certification of safety and the level at which the plant is operating and that is all certified to the AEC that there is a dire emergency, an urgency, where these systems will be subject to emergency brownouts and possibly blackouts.

Mr. Speaker, I ask for the support of the bill.

Mr. McCLOSKEY. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. Flood).

Mr. FLOOD. Now, Mr. Speaker, this is as plain as the nose on your face. Why am I down here at a time like this? Against nuclear power? Nonsense. I was for nuclear power and nuclear energy before these breast-beating proponents of nuclear power could spell uranium, with Admiral Rickover, years on the Department of Defense for nuclear-powered submarines, for nuclear-powered carriers, and for a nuclear-powered fleet. If I am against nuclear power then somebody is out of their mind.

But this is an end run. And when I played fullback end runs were suckers for me, and they are now. And of all people, did you ever think you would live long enough to see this committee, the Committee on Environmental Protection, coming in here to release—to release what this Congress and the Nation want them to have—environmental control.

My friend, the gentleman from California, spoke of power, but not a word about the environment. Power, temporary.

Let me read you this:

> The purpose of this legislation is to provide interim authority to the Atomic Energy Commission to permit the operation of certain nuclear power generating facilities——

So is your old man. Temporary? Temporary what?

What is more permanent in Washington than a temporray building or a temporary agency, or a temporary license? Temporary—oh, dear, dear, dear. They use the words "interim," "temporary," and that they will generate this power in 13 plants. And you know what will happen when they come into a court of equity? Billions are involved. They will break down and cry, and appeal to the conscience of the Chancellor of the Equity Court; they will say, "Save our billions."

Nuclear power? Temporary license?

This is a question of the environment. What I want you to do is to vote this down. These poor fellows on the committee here are in a jam. I know them. They have done more than anybody, but they cannot say what I am saying, for a lot of reasons—and I do not blame them. If I was sitting there so would I.

I am against nuclear power? I am not. But this is an end run.

Do you know when we got this report? The 14th—Friday. All right. When did we get this report on the floor for use? The 15th—Saturday.

Did you ever see such an end run?

And this is no reflection on the gentleman from Michigan. I love him, and he knows it. And I love his whole family. But look at the spot he is in. I am just trying to take him off that spot. So help me help Dingell knock this thing down.

Mr. Speaker, I repeat, and I again direct the attention of the Congress to this document—the report to accompany H.R. 13752—and I quote from that report:

> The purpose of this legislation is to provide interim authority to the Atomic Energy Commission to permit the operation of certain nuclear power generating facilities.

As can be seen by the language of the report, this bill is an attempt to amend the National Environmental Policy Act as a prelude to further action. That further action will take the form of a bill to amend the Atomic Energy Act of 1954 to allow the AEC to license temporarily nuclear powerplants—a power which the AEC does not now have.

The bill now before the House is an attempt at an end-around, a means of circumventing the normal careful consideration which such a measure should have and deserves. The Joint Committee on Atomic Energy has already met in executive session to consider a bill, which I have testified against, to permit temporary licensing—that committee is "waiting in the wings"—waiting for this bill before us to pass so that they might then step in with their bill.

If Machiavelli were here, no matter what your opinion of Machiavelli, I am sure he would look on approvingly at such goings on.

I am not here today to oppose nuclear power—every Member of this body is well aware of the close relationship I have had with Admiral Rickover in my many years as a member of the Defense Appropriations Committee. When the matter of nuclear-powered submarines was first brought before the Congress—and that was a thousand years ago—Admiral Rickover and I worked hand-in-glove together to assure that the first consideration in the use of nuclear power is safety.

What I do oppose is the bypassing of the safeguards established by this body to assure that any nuclear powerplant brought into service, temporary or otherwise, is safe and, indeed, in the public interest.

This brings me to the question of what is temporary. As every Member of the Congress well knows, nothing in Washington is as permanent as a temporary building, a temporary committee, a temporary agency, or a temporary license. Though the bill states authorization only through October of 1973, it is a "foot in the door." And would not the power companies love to step through that open door considering their billions of dollars invested in the building of nuclear power facilities.

Mr. Speaker, the integrity of the National Environmental Policy Act must be maintained—the regular processes of the House of Representatives for controversial legislation must be followed—and remember I was involved with nuclear power before its current champions could spell uranium.

Mr. McCLOSKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Eilberg).

Mr. EILBERG. Mr. Speaker, I rise in opposition to H.R. 13752, which would amend the National Environmental Policy Act of 1969 to permit interim licensing of nuclear powerplants.

I wish to make it clear from the outset that I do not oppose the reasonable use of nuclear energy to meet the Nation's power needs. I am in favor of the safe use of such energy resources.

However, the ultimate issue before us today and the key question in the licensing of nuclear powerplants—on an interim or permanent basis—is the safety of such plants.

This House must not replace the questionable possibility of blackouts and brownouts for the real dangers involved in avoiding the problem of the safe operation of nuclear powerplants.

And, I submit that there is grave cause for concern and serious second thought as to present policy in this area when high level Atomic Energy Commission personnel state that the regulatory staff of the AEC does not have, and I am quoting:

> Knowledge sufficiently adequate to make licensing decisions for the approximately 100 reactors operating or under construction.

This, from Dr. Morris Rosen, technical adviser to the director of the Division of Reactor Licensing and Robert J. Colmar, a senior nuclear engineer in the same Division of the Atomic Energy Commission who testified just this past week at AEC hearings in Bethesda concerned with emergency core cooling systems for nuclear powerplants.

Hazards of nuclear powerplants must be examined from the standpoint of serving the public safety first. This certainly should be above the interests of the power companies.

It is regrettable that, with serious questions concerning the limits for release of radioactive materials into the environment, the safety of emergency core cooling systems, and the siting of nuclear powerplants in populated areas remaining unresolved, this House is being called upon to act under suspension of the rules, with next to no notice to the membership on a measure which proposes to bypass the impact statement required of the National Environmental Policy Act.

I, for one, am not willing to compromise public safety more than our present policy already does, by insuring against an alleged brownout with a potential disaster.

This House ought to realize before passing on this matter that there is far from a united opinion as to the alleged power emergency confronting the country. I have also been informed that with the recent out-of-court settlement of the Quad Cities case at most three plants would be affected by H.R. 13752.

To set the precedent which this amendment implies in order to place a few plants on line this summer—even if the very substantial safety questions I have alluded to did not exist—is rather like using a broad sword where a knitting needle would do. Should a power crisis truly be impending, the two or three plants this legislation would authorize are not going to meet it.

Then, too, the crisis is not supposed to occur this afternoon, or this weekend, but rather this summer. Now summer is not far off, but surely the House could have been granted a few days to consider this matter and study the committee report—which I have received only hours ago. Why the haste? What is the rush?

It occurred to me in considering this proposal that legislation might not be necessary at all. I have always considered that one of the National Environmental Policy Act's strongest points was its flexibility. It was not drafted to place too heavy and unreasonable a burden upon the agencies of our Government, but rather to be a general policy guide.

I wonder if the committee considered the possibility of regulatory promulgation, with appropriate safeguards, as a means of meeting proven emergency situations. Surely this would be a more fitting way to meet any real but limited emergency—and that is allegedly the situation confronting us.

Certainly this approach would be preferable to needlessly setting the precedent of amending the Environmental Policy Act which process once established could lead to its demise as a useful instrument of policy.

Certainly, I agree with the view expressed by my colleague from Michigan (Mr. DINGELL) in his letter of last Friday that Congress ought to demonstrate that it can move quickly "when it has to." But I seriously question that it has to in the present matter. It would be better, I think, for the membership to study this proposal and consider its implications.

As was indicated, I feel that the most important issue ultimately before us is the health and safety of the American people. However, it seems that the House should be concerned about the present use of the suspension of the rules procedure. It has been my understanding that the suspension process is intended as a means of expediting noncontroversial legislation with a view to saving the valuable time of this body. I, for one, do not consider H.R. 13752 to be noncontroversial and therefore question the appropriateness of its present consideration. I hardly think that 40 minutes of debate is adequate time in which to intelligently consider this proposal.

I also very much object to this measure being considered on such short notice and the unavailability of the committee print of the bill and the report accompanying it.

Finally, Mr. Speaker, during hearings leading to the proposal before the House, the Honorable Russell E. Train, Chairman of the Council on Environmental Quality, stated that—

> The National Environmental Policy Act represents one of the most significant policy-making reforms in recent history. We believe it, "he said" most unwise at this time to tamper in any way with the fundamental, substantive provisions of the National Environmental Policy Act.

Mr. Train then somehow went on to indicate that H.R. 13752 was not such a "tampering."

But for those of us, Mr. Speaker, who look upon the environmental impact statement requirement of NEPA as much more than a mere procedural requirement, the proposed legislation amounts to a fundamental and substantive change in the Policy Act. We are not confronted with a "very narrow, limited addition to NEPA," as alleged by the committee.

With substantial questions of public safety surrounding the matter of nuclear powerplants, I respectfully submit that a relaxation of licensing requirements is no minor matter. This House must reject this bill as ill-advised legislation brought before this body in an improper manner.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman.

Mr. DINGELL. Let me just point out to the gentleman, I would like to have him show me where in this bill, H.R. 13752, there is any exemption that appears from the hearing process under the Atomic Energy Act?

Mr. EILBERG. No where does it refer to that.

Mr. DINGELL. The gentleman made a flat statement that it does.

For the benefit of the gentleman, I will say that this does not in any way do that and the report so states on page 5, H.R. 13752 does not act in any way to relieve the AEC of its responsibilities to be certain that no safety problems or hazards will be created by operation of the plant at any level of power production.

This is the language in the report.

Mr. EILBERG. If I may respond to the gentleman. The gentleman talks of the responsibility of the agency, but he does not talk of the requirement of public hearings which is what concerns me.

Mr. DINGELL. I would point out to my friend from Pennsylvania that there is nothing in the bill before this body that deals with whether or not there should be public hearings. This issue is dealt with in other pieces of legislation before other committees.

The SPEAKER. The time of the gentleman has expired.

Mr. DINGELL. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. Speaker, I would point out that there are other pieces of legislation dealing with that matter. This bill does not. I am not prepared to tell the gentleman from Pennsylvania what my position may be on other legislation that is pending before any other committee because no such legislation has yet been reported to the House.

This bill does nothing with regard to radiological and safety requirements under the Atomic Energy Act and does nothing with regard to public hearings. That is the mistake that the gentleman is making.

Mr. EILBERG. Would the gentleman say that this law would remain the same if this becomes the law as to the obligation of a public hearing?

Mr. DINGELL I am making that flat statement. If the gentleman would read the report, he would be better informed.

Mr. EILBERG. I read the report and I do not see that anywhere.

Mr. DINGELL. I refer the gentleman to page 5 of the report.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, we have heard our good friend, the gentleman from Pennsylvania (Mr. FLOOD), give his usual rhetorical appeal. The verbiage was far more colorful than the facts.

The facts are that there are 13 of these nuclear plants either finished or in a process of being finished. They are vital to the distribution systems of the various networks on which they have been built.

The hearings for a complete environmental hearing is not waived. There is a temporary order which would be allowed under acts, the two acts, and the other one has yet to be looked at. You can take a look at the atomic bill next week when it is brought to the floor. It would allow in an emergency, when there is impending a brownout or a blackout, the utilization of these almost $1½ billion worth of plants that are on these distributive lines or systems for an emergency period—in the meantime hearings would go on, on the creation of environmental impact for the permanent operational license. H.R. 13752 terminates in October of 1973.

Mr. McCLOSKEY. Mr. Speaker, I yield 8 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Speaker, the bill now under consideration authorizing the Atomic Energy Commission to grant interim operating licenses for certain nuclear power generating facilities has its genesis in the landmark Calvert-Cliffs decision.

In that decision, the U.S. Court of Appeals for the District of Columbia rejected the AEC's narrow interpretation of the National Environmental Policy Act and, in particular, the Commission's decision to rely totally upon State certification of compliance with applicable water quality standards.

The court rightly held that the National Environmental Policy Act mandates a case-by-case balancing and a judgment on the part of the Federal agencies. In each case, the particular economic and technical benefits of a planned action must be assessed and then weighed against the environmental costs. This process the court held cannot be delegated expressly or implicitly to any other Federal or State agency.

To its credit, the AEC responded to the Calvert-Cliffs decision in a most positive fashion. It adopted detailed regulations governing the evaluation of environmental factors within the context of its overall licensing procedure. The revised AEC regulations make that agency directly responsible for evaluating the total environmental impact, including thermal effects of nuclear powerplants, and for assessing this impact in terms of available alternatives and the need for electric power. This, of course, is the balancing process mandated by the National Environmental Policy Act and the Court of Appeals in Calvert-Cliffs.

The Commission did, however, attempt to distinguish between the procedures to be applied to future licensing applications and those which would govern nuclear generating facilities already under construction and nearing the operating license stage. The AEC thus attempted to deal with the difficult transitional period between the Calvert Cliffs decision and a future time when these new procedures could be made fully effective as to all projects subject to AEC licensing.

The Calvert-Cliffs decision was followed by the so-called Quad Cities decision, which struck down the AEC's newly adopted regulations insofar as they attempted to bridge this transitional period.

It cannot be disputed that the AEC's delay in recognizing its responsibilities under the National Environmental Policy Act contributed substantially to the situation which confronts us today. Nevertheless, the AEC during the past 9 months has made an honest attempt to meet its responsibilities, and although it might be argued that by enacting this legislation we are letting the AEC off the hook, and while it may satisfy a number of people to keep the AEC on that hook, the broader national interest requires that the Congress act. While the Calvert-Cliffs decision rightly stressed the fact that the National Environmental Policy Act is a flexible tool designed to insure that environmental factors are given due consideration, the Quad Cities decision tended to cast the National Environmental Policy Act in a much more inflexible role. Those of us who were most intimately involved in the development of the National Enviromental Policy Act must apparently stress again and again that this legislation was not intended to block or frustrate major Federal programs which have a substantial impact upon the environment. The purpose of the act was to insure that the environmental impact be considered fully and in good faith, and that a decision be made weighing all of the factors for and against a given project, including potential adverse impact upon the environment. A corollary of this is that where reasonable steps can be taken to minimize adverse environmental impact, they must be taken, but again I stress the act was not intended to be a roadblock—an insuperable barrier.

Mr. Speaker, we are confronted with a potential power crisis in the United States, particularly in the Midwest. It is pointless to attempt to pinpoint where the responsibility for this crises may lie, nor need we dwell at length on just how bad this crisis may be. The point is we cannot afford to take the chance that one of these nuclear plants will be unavailable to meet an emergency simply because the NEPA review process has not been concluded.

Mr. Speaker, I do not wish to see the National Environmental Policy Act become the whipping boy should essential public services in the power field have to be cut back. Regardless of where the true responsibility for such a cutback may lie, I am afraid that NEPRA will become the easy scapegoat. It is vital to the long-range protection of our environment that public confidence in the statutory mechanisms that we have created is preserved. Continuing public support for NEPA requires a balanced view which some activists who have done a commendable job in the past seem now to have lost sight of.

The legislation before us in no way diminishes the responsibility of the AEC as so clearly enunciated in the Calvert-Cliffs decision. It in no way alters the AEC's responsibilities with respect to the safety of nuclear generating plants. It in no way absolves the AEC of its responsibility to comply fully with NEPA, including requiring whatever alterations to these plants may be found necessary following completion of the NEPA review process.

The need for this legislation is disputed, and yet I have listened to the testimony of the Atomic Energy Commission, the Federal Power Commission, the Environmental Protection Agency, and the Council on Environmental Quality, all of which support this bill and urge that it is needed. The distinguished chairman of the Subcommittee on Fisheries and Wildlife Conservation, Mr. DINGELL, has explained clearly the provisions of this bill, and I need not repeat them here. I will only reiterate in closing that the overwhelming weight of evidence presented to the committee is in favor of passage of this legislation, and I urge my colleagues to be guided accordingly and support the bill.

Mr. McCLOSKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York.

Mr. BINGHAM. Mr. Speaker, I have great admiration for the devotion to the environment of the gentleman from Michigan who has brought this legislation before us, but I think he has been pressured into a situation here which is most unfortunate, and I think, as the gentleman from Pennsylvania suggested, we would be doing the gentleman from Michigan a favor by defeating this bill.

The point is that the difference between the legislation here and the administrative procedure that could be taken is very slight. That appears very clearly from page 3 of the committee report, that the Commission could have chosen the administrative route if it had wanted to. It also appears very clearly from a statement made on behalf of the Sierra Club the other day in which it was stated:

> After the agreement was reached at Quad Cities Chairman Schlesinger stated that the pressure was now relieved from the situation. In order to determine precisely the AEC's position on the legislation now several representatives of environmental organizations . . . went down to the H Street Headquarters last Monday and met with Dr. Schlesinger. He told us that the Quad Cities settlement had eliminated the need for an amendment to the National Environmental Policy Act.

The fact is that for the particular plants that are a problem, the settlements have been reached. The two Quad Cities settlements have been reached to a point where they are not being held up. The Point Beach is another one in question. In Point Beach the safety hearings have now been concluded, and the Commission and the Board have the matter under advisement. There is no emergency, Mr. Speaker.

We are faced with an entering wedge in a very dangerous process of breaking down the NEPA Act. That is what we are confronted with, the beginning of a slippery slope. There are lots of bills waiting in the wings to cut down on NEPA. This is the first one. Let us stop it.

The following, Mr. Speaker, are some additional remarks I have prepared in opposition to H.R. 13752:

Mr. Speaker, I rise today to oppose H.R. 13752, a bill which would amend the National Environmental Policy Act of 1969—NEPA—to permit interim licensing of thermonuclear powerplants. This bill represents a regrettable catering to special interests. It is an attempt to rush through the Congress a proposal after only a bare bones consideration of critical environmental policy and public safety issues. It has been pushed through Committee and brought to the House floor with distressing haste—the final version of the bill and its report were available for Members' perusal only this morning. How does the committee expect the House to digest the report, analyze the complex energy issues and vote intelligently on the proposal with one brief morning's thought?

When the Congress passed NEPA, it required that Federal agencies, starting January 1, 1970, evaluate environmental factors and prepare an impact statement prior to taking significant Federal actions which would affect the environment. The AEC, by regulation, delayed implementation of this requirement for nuclear powerplants until mid-1971. The regulations were challenged in several important court cases which overturned those rules and required the AEC to issue an environmental impact statement prior to licensing nuclear plants for operation. It is the holdings of these cases and the policy they enunciated which H.R. 13752 attempts to subvert.

First, and most importantly, although proponents of the legislation claim the crisis which prompted this legislation is extraordinary, and there will no other retreat from NEPA, I see this as but the first step in a backsliding on our commitment to the environment which could render NEPA a hopelessly weak and meaningless document. Already, bills have been introduced to link NEPA to Federal "inaction" during an "emergency" and diminish its influence. For example, one bill would give the President wide discretion to exempt agencies from NEPA's provisions. If the Congress passes this bill, it opens NEPA up to attacks from many special interests, all crying "emergency" while they openly wage war on the environment.

Second, I ask those who propose H.R. 13752: Is this hasty retreat from a clear commitment to protect the environment necessary? Are there not clear and reasonable alternatives to the committee's approach?

NEPA is a flexible law which only requires an agency to prepare an environmental impact statement detailed "to the fullest extent possible." Why has the

AEC not prepared such NEPA reports? I understand that attorneys for some environmental groups have urged the AEC to use NEPA's flexibility and have drafted model AEC regulations which could be employed during an energy crisis and which comply with NEPA while speeding consideration of relevant environmental issues. Rather than adopting a broad interpretation of NEPA, proponents of this legislation have unwisely construed NEPA too narrowly and thus seek legislation to bypass its requirements.

Further, Mr. Speaker, I ask the supporters of this legislation to tell the Congress and the Nation what plants would go into operation sooner, because of this legislation. As I understand the matter, the only plants which would be affected for this coming summer are three—the two Quad Cities plants and Point Beach 2. Over 2 weeks ago, the Quad Cities case was settled and the Point Beach safety hearings have been concluded and the Commission and the Board have the matter under advisement. These events eliminate the basis for any justification for an amendment to the National Environmental Policy Act. Thus, this legislation is not only unwise, it is unnecessary.

Mr. McCLOSKEY. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Speaker, it is a special irony that this bill is being rushed through during the week designated Earth Week, a week during which the American people will be recommitting themselves to the preservation of their environment. Now we are, the House of Representatives, diluting that commitment on the first day of that special week. We are urged to act on the basis of potential emergency. Well, Mr. Speaker, we have ignored for years an accelerating emergency, the emergency of our environmental degradation. Finally, we faced up to that emergency, and now having faced it, are prepared to turn away. We are acting in unseemly haste. We are setting a dangerous precedent. I urge defeat of this bill.

Mr. McCLOSKEY. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Speaker, H.R. 13752 provides a responsible solution to an unhappy, and difficult situation.

From reading and listening to testimony before the Subcommittee on Fisheries and Wildlife Conservation, I am impressed with the power problems facing much of our country.

I can understand the substantial interest the utility industry has in obtaining permission for temporary licensing of some existing power facilities in order to help alleviate this problem.

When legislation was considered by the Joint Committee on Atomic Energy to issue operating licenses to nuclear powerplants even if the Atomic Energy Commission has not issued detailed environmental impact statements for the plant—as required by law—I was extremely concerned.

I was further disturbed by accompanying provisions which would substantially reduce the right of the public to question the safety and environmental aspects of plants during proceedings concerning applications for operating permits.

I do not like tampering with the National Environmental Policy Act of 1969, even to the point—the reduced point—of H.R. 13752. But even more dangerous were the restrictions placed in the other legislation concerning public participation.

Our esteemed colleague, Congressman DINGELL, and the other members of our committee who are equally concerned about protecting our environment, have sought to find a way to also provide the electric power that we will need in the months ahead.

The bill before us today has been described by Mr. DINGELL as "a neat surgical incision that would be self-sealing."

What this means, of course, is that interim operating licenses for facilities under construction before the passage of NEPA, for which a license application had been filed as of the date the AEC adopted its new regulations, will automatically expire in October 1973.

This will provide time for some existing plants to help meet the heavy needs of the summer. It will also prevent any lasting effect on NEPA, and it will not jeopardize public participation in proceedings in which the public has a right to participate.

It is my view that H.R. 13752 is needed legislation. It is carefully drawn. I hope my colleagues will support it.

Mr. McCLOSKEY. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. I rise in opposition to H.R. 13572, despite the fact that this bill comes to us with the hint that, if it is not passed, stronger legislation, more destructive of the principles of the National Environmental Protection Act, will be forthcoming.

The National Environmental Policy Act was a major achievement of the 91st Congress. It established policies and procedures which have come to be understood and accepted by the people of this country. To set it aside in the name of emergencies which are not expected for 3 months would be an unwise precedent which would only encourage further encroachment.

I have already criticized, in this chamber, the dual role of the Atomic Energy Commission as promoter of nuclear energy and setter of nuclear safety standards. The National Environmental Protection Act is the only real backstop for the safety standards solely established by AEC. These standards have been subjected to considerable criticism and, even if that criticism is not wholly justified in every case, it should be investigated through the procedures of NEPA on which the American people have come to rely.

The NEPA procedures are the only way by which the American people can get specific information on nuclear power facilities. To eliminate the compliance with NEPA would take away the public's one tiny method by which it can gain information from the deeply rooted AEC bureaucracy. The public must have information to participate in decisionmaking.

A vote against H.R. 13572 is not a vote against the development of nuclear power. It is simply a vote against shortcutting procedures that have been developed to protect the public interest and the public welfare. This bill should be decisively defeated.

Mr. McCLOSKEY. Mr. Speaker, I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, this measure—H.R. 13752—should not be considered on the Suspension Calendar. This bill involves far too important an issue to be debated under the rule which limits debate to 20 minutes per side. Mr. Speaker, the need for electric power is great—perhaps critical. I support the granting of interim and permanent licenses for nuclear and other types of generating plants. But, Mr. Speaker, to authorize the deferral or omission of steps needed to protect the environment is untenable. It should—and must be possible to produce the additional power requirements—consistent with a clean environment. To push full speed ahead without adequate regard for the effects of water or air pollution—or thermal change—is quite inconsistent with the policy of this Congress and this administration. The time to measure up to our environmental responsibilities is now. Temporary delays, interim licenses and other such devices are a poor way to approach the genuine and permanent power needs of the Nation.

Mr. McCLOSKEY. Mr. Speaker, I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to this proposal.

Mr. Speaker, I would preface my opposition to this bill by expressing my deep concern over an adequate and reasonably priced supply of electricity for New York City. As a Representative from that city, I am very much aware of the role that ample electrical power plays in the industrial and commercial future of New York. I can assure you that I wish I could in clear conscience take the easy way out, and remain silent, or even jump onto the nuclear bandwagon. But I cannot. There are good reasons why, given the present state of the art, I doubt the safety of nuclear power and thus doubt the wisdom of any steps that would bypass and weaken legislation for AEC licensing standards and procedures which already are too weak to safely govern the enormous risks of a proliferation of large nuclear powerplants.

REASONS FOR OPPOSING INTERIM LICENSING

Mr. Speaker, in the spring of 1970, I was an intervenor before the Atomic Safety and Licensing Board that held hearings on the construction permit for the Shoreham nuclear powerplant. During the 2 intervening years, the available evidence strongly indicates the reasons for questioning the safety of very large nuclear powerplants are stronger than ever. For me some of the more disturbing factors include the following:

First. The controversy over emergency core cooling. It is all too evident from the AEC's own hearings on the emergency core cooling issues that many responsible scientists and engineers are substantially divided in opinion on the adequacy of our understanding of what might go on in the core of a very large nuclear powerplant should it suffer a loss-of-coolant accident, and whether present designs for emergency core cooling are anywhere near adequate to deal with the enormous thermal forces that could be loosed by such an accident. The Union of Concerned Scientists at Massachusetts Institute of Technology deserves our lasting gratitude for exposing to the public the questions, the issues, the details that are being smothered within the AEC.

Second. The unacceptable lag in AEC-funded nuclear safety research. Mr. Speaker, today it is commonplace to say that a country which could send a man to the moon to land there, work there, and return safely, should be able to resolve this or that particular problem. It does seem strange to me that, with this demonstration of our technological capabilities and skills, the AEC's loss-of-flow test experiment—LOFT—is nowhere near complete, and keeps slipping further into the future. This very committee heard the AEC in 1964 testify that the experiment was scheduled for test operation in late 1966. That was 8 years ago. Just last year you heard the AEC state that LOFT was 60 percent complete and would not be in operation until late 1973. From what I have heard, the date has slipped again. How can anyone in the AEC, or any Member of Congress, accept AEC assertions of nuclear safety of the enormous new nuclear power reactors when the vital information about loss of flow will not be experimentally available until well after seven or more large reactors come into operation—that is, if this legislation is enacted.

Still worse, we read of discord between the Advisory Committee on Reactor Safety and the AEC as to what nuclear safety research is still underfunded in comparison with the money being appropriated to foster design and construction of new nuclear powerplants. Worse than that, the money is not under the direct control of the regulatory staff, but rather under the control of that part of the AEC which has a vested professional and other interests in developing nuclear power. I am well aware of Chairman Schlesinger's strong remarks at the Atomic Industrial Forum in which he disclaimed a promotional role for the AEC. I am also only too well aware of the inner drives of well-established bureaucracies, and I remain to be convinced that the accumulated promotional momentum of the AEC can be so easily diverted from its previous course. For me, there remains a serious, discrediting conflict of interest in keeping the AEC's nuclear safety research and development under the direction and control of the same man whose feet will be held to the fire by nuclear power advocates if he does not quickly produce a breeder reactor demonstration for them. None of us, including Mr. Shaw, are supermen, and we cannot expect an Olympian sense of detachment from him as his right hand plans nuclear power research while his left hand plans the research that could raise new questions, even barriers to further acceleration of commercial nuclear power.

Therefore, this conflict of interest is another good reason not to make licensing of huge nuclear powerplants any easier. If anything their licensing should be made more difficult—ideally there should be a moratorium on licensing until the LOFT is built and has been in operation long enough to obtain valid information. Other safety research has gone far enough to conclusively answer the questions that are generating so much controversy today.

Third. A major accident with a large nuclear powerplant could be an enormous catastrophe.

I know in some circles it is passe to bring up the Brookhaven report on theoretical possibilities and consequences of major accidents in large nuclear powerplants, better known by its report number, WASH–740. Nonetheless, it is the only yardstick we have, for the AEC has persistently refused to update it and to take into account the rapid growth in size of nuclear powerplants well beyond that contemplated in 1957. Fortunately, members of the Union of Concerned Scientists have done their own updating of the Brookhaven report and their findings were published in the Nuclear News of September 1971. I would call attention to the range of possible hazards as shown in their analysis. Under the least dangerous meteorological conditions they estimate lethal injuries could be expected up to 2.5 miles from a power reactor, with radiation injuries likely to 5 miles, assuming only 20 percent of the fission product inventory is released. But under unfavorable weather conditions, lethal effects could extend 75 miles downwind in a strip as wide as 2 miles, with injuries likely up to 100 miles. In some accidents, no evacuation of the neighborhood of a nuclear point might be required. In other cases, urgent evacuation could be required within 15 to 20 miles, and some evacuation up to distances of 80 to 100 miles.

I shudder when I think of those distances in terms of the locations of the many nuclear powerplants being built or planned in crowded New England and New York.

These estimates of what could happen in a nuclear accident provide ample reason to go very slowly upon building and operating large nuclear powerplants near our densely populated areas.

Fourth. Nuclear powerplants are designed to emit radioactive wastes. While the AEC is arguing that its recently published guidelines that nuclear powerplants emit as low levels of radioactive wastes as is possible, these plants will still be increasing the amount of radioactivity in the environment. Additionally, there will be secondary effects at the fuel reprocessing plants, and at the waste disposal facilities. Now I know that proponents of nuclear power assert these amounts are so minuscule as to be unimportant. However, I know too that the scientific community has reservations about adding to nature's existing inventory of radioactive materials.

The National Academy of Sciences warned in 1956 that anything that adds radiation to this naturally occuring background rate causes further mutations and is genetically harmful. The Academy reported:

> There is no minimum amount of radiation which must be exceeded before mutations occur. Any amount, however small, that reaches the reproductive cells can cause a correspondingly small number of mutations.

It emphasized that:

> A little radiation to a lot of people is as harmful as a lot of radiation to a few.

That same year the Medical Research Council in the United Kingdom reported that radiations are potentially dangerous, that their use should be subject of constant and close scrutiny, and that adequate justification should be required for their employment on however small a scale.

Our own Federal Radiation Council, before it was abolished in the name of organizational theory, cautioned in 1960 that—

> Every use of radiation involves the possibility of some biological risk either to the individual or his descendent.

The United Nations Scientific Committee on the Effects of Atomic Radiation in 1966 acknowledged our incomplete understanding of the effects of low level exposure to radiation and cautioned against any increase of radiation levels. It reported:

> Although there are insufficient data for making satisfactory estimates of risk, it is clear that, with any increase of radiation levels on earth, the amount of genetic damage will increase with the accumulated dose.

For me these statements from the scientific community—and note they are not from the "kook and nut contingent"—give good reason to oppose legislation that would make licensing of nuclear powerplants any easier, and that could serve to limit effective intervention in it.

Also, and relevant, I am disturbed by the news report that the Environmental Protection Agency has decided not to issue its own standards for radioactive effluent. This leaves the setting of exposure standards too much to the AEC which for years has been in an untenable position of conflict of interest in its dual role of promoter and regulator of commercial nuclear power.

NEPA REASONS FOR OPPOSING THE PROPOSED LEGISLATION

For the past 2 years environmentalists have been fighting an uphill fight against almost unimaginable odds to force the electricity industry to recognize that environmental policy as laid down by Congress in the National Environmental Policy Act of 1969 is here to stay. Agency after agency has sought to impose limitations on their fulfillment of NEPA obligations. There is no groundswell of Federal agency support for NEPA. Congress was fully aware that many Federal agencies did not want to consider environmental matters in agency decisions. It was in recognition of this situation that section 102 of NEPA was adopted with its action-forcing provisions. Now with 2 years of hard fighting and intervening, there is a body of case law that gives guidance in complying with NEPA and emphasizes that NEPA is here to stay. It would be a major defeat for environmental policy if at this point Congress should succumb to the pressures it resisted in 1969 when it enacted NEPA.

Judge Skelly Wright in his Calvert Cliffs decision was emphatic in his defense of section 102 of NEPA:

> Considerations of administrative difficulty, delay or economic cost will not suffice to strip the section of its fundamental importance.

Going further he said:

> Whether or not the spectre of a national power crisis is as real as the Commission apparently believes, it must not be used to create a blackout of environmental consideration in the agency review process. NEPA compels a case-by-case examination and balancing of discrete factors.

Mr. Speaker, the proposed legislation, in my opinion, would start a most unfortunate chipping away of what we have worked so hard to accomplish.

Mr. Speaker, I am painfully aware of the inconveniences and the serious problems that could attend a chronic electricity shortage in New York City. My constituents would be right in the center of it. It would be so very easy to yield to short-term expedience and say: "Go ahead, license the nuclear plants," and then pray every night that no accident happens. Yet, if I am to fully represent the long-term interests of the people in my district, then I must conclude that the enormous potential dangers of large nuclear powerplants of unproven safety, outweigh by far the unfortunately real possibilities of power shortage. I hope the day will soon come when nuclear power will come into its own as a safe, reliable, environmentally acceptable source of electricity. But that day is not here as yet and we must pull back before we become so fully committed to unproven nuclear power that we will have to live with its hazards whether we like it or not.

Mr. McCLOSKEY. Mr. Speaker, I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of the bill—H.R. 13752—introduced by the distinguished gentleman from Michigan (Mr. DINGELL) which would amend the National Environmental Policy Act of 1969 to provide for an environmental statement procedure in connection with the interim licensing of the operation of certain thermoelectric generating plants. The bill is well conceived, timely, and has been reported out by the Merchant Marine and Fisheries Committee following intensive hearings conducted by Mr. DINGELL's subcommittee during which testimony was received from representatives of the Federal agencies concerned, the utility industry, and organizations whose principal interest lies in assuring the protection and enhancement of our environment.

The committee's action in recommending this legislation is founded upon careful study of a special situation which confronts us during a relatively brief period of transition as we continue work toward achieving our goal of a clean environment through careful prestudy of the potential impacts various activities may have on the quality of our environment. It provides for an interim arrangement during a brief, defined period of time.

Specifically, the problem arises in that a number of nuclear powerplants were already sited, designed, and well-advanced in construction in January of 1970 when NEPA became effective. Subsequently, a series of court decisions have caused to be brought into play a broader scope of consideration concerning the factors to be considered by the Atomic Energy Commission during the preparation, processing, and review of environmental impact statements associated with the granting of operating licenses for these nuclear plants. These statements cannot and should not be hastily prepared. They must be preceded by careful indepth study of the present state of the environs of the specific plant site and the potential impacts which may result from plant operation. The applicant for license must perform certain initial studies, technical experts acting on behalf of Federal and State review bodies must perform their own evaluation, and the inputs of all must be weighed and balanced in the final environmental impact statement which must be completed before there can be obtained full conformance with NEPA, in its content and its intent.

H.R. 13752, in recognition of this situation, amends the National Environmental Policy Act to provide that an interim environmental statement will be satisfactory for the purposes of interim operating needs, provided that a determination is made and is fully supportable that the interim operation of the specific plant under consideration is necessary to meet emergency power needs. Enactment of this bill together with an amendment to the Atomic Energy Act—appropriate legislation for the latter is now before the Joint Committee on Atomic Energy—would make possible temporary licensing of nuclear plants whose electrical supply is urgently needed but only after the required safety and environmental impact determinations are made for the purposes of the proposed temporary operation.

The principal characteristic of the problem before us is one of timing. In many cases under consideration or soon to be considered, conformance with procedural requirements of NEPA rather than dispute over environmental impact could cause continuing delay where such delay would be costly to power availability and would continue little toward improving our environment.

On February 29 before this body—volume 118, page 6094—I discussed the impending shortage of electrical generating reserve capacity which plagues broad regions of our country. I shall not repeat those remarks at this time. I will simply point out that in the operation of electrical generating systems there is a continuing need to perform scheduled maintenance on equipment. This calls for planned outages of the various units on the system. In addition, unanticipated failures of items of equipment—lubricating pumps, relief valves, switchgears, even turbines and generators cause forced outages of individual stations. For these reasons reserve generating capacity is needed to compensate for both types of outages. The rule of thumb is that to meet peak loads adequately one should have almost 20 percent reserve capacity. Some systems, through reliable interconnection to a neighboring system or because of other characteristics can tolerate a lower reserve—say, 15 percent. However, as I pointed out on February 29, one study—by the National Electric Reliability Council—predicts that delays being encountered in bringing new fossil and new nuclear plants on the line might well result in dangerously low reserves throughout our country this summer, next winter, and the following summer. I cited the low 4.9-percent reserve predicted for the network serving my own State of Illinois and neighboring States. The southeast region would have only 6.3-percent reserve and the east central region only 10.1 percent.

Under such conditions brownouts could become common and occasional prolonged blackouts may occur. This situation has serious public health and safety implications. Some are obvious, others less so. In this age of high mechanization and reliance upon electrical energy in dairy farming, poultry farming, and large-lot cattle feeding, intermittent electrical supply could have disastrous impact in farming States.

Most large dairy herds are milked by electrically powered milking machines. Hand milking is impractical except for small herds; it is not a lost art but is rapidly becoming so. Failure to milk cows at normal intervals could cause substantial decrease in milk production as well as diseases such as mastitis in the herd. Milk stored in bulk tanks on dairy farms would be endangered by loss of electrical supply and the dependence upon reliable pumped water supply could be critical to meeting cattle needs as well as for milk handling operations.

Interruption of electrical service in our large Midwestern feedlot operations could have adverse impact on the full availability of this food source. Power is needed for feed preparation, feeding, water supply, manure disposal and other related activities. Tens of thousands of animals are handled in a typical feedlot and the substitution of hand labor on short notice would result in a virtually unmanageable situation.

The Midwest is a major egg-producing area. The Southwest is a major broiler-producing and egg-producing area. Most hatcheries are semiautomated for automatic feeding, egg collection, egg grading, ventilation, lighting, cooling, et cetera. Loss of electric power for a few hours could result in total mortality of laying hens or broilers.

My point is—many of us think of power shortage or interruptions as having major impact on the health and safety of those in cities and urban areas. Let us not overlook the effects of such shortages on farm operation and income as well as the products of such operations upon which we all have dependence.

In my view this legislation is necessary and I urge its enactment. It is a temporary measure. It sets no precedents. It recognizes the magnitude of the tasks with which we are presently faced and provides that an interim environmental statement can meet the need for the evaluation of the effects of interim operation.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Speaker, I concur wholeheartedly in the views just expressed by my colleague (Mr. HOLIFIELD). It is only prudent to enact this measure since it could help assure that this Nation will not suffer the consequences of serious interruptions of our vital electrical power supplies.

As my colleague stated, enactment of complementary legislation to H.R. 13752 in the form of an amendment to the Atomic Energy Act is also needed to authorize the Atomic Energy Commission to license already completed nuclear powerplants on a temporary basis. Such temporary licenses could only be used when critical energy supply conditions are imminent in the region served by the plant, and then only in the event safety and environmental findings are made for purposes of the temporary operation. The opportunity for hearing on the full-term license would be preserved, including an opportunity after the environmental statement is available. The temporary license is just that—a temporary license to deal with an emergency situation—and it is not a substitute for the procedures applicable to the full-term license.

The Joint Committee on Atomic Energy has scheduled a meeting for Thursday afternoon to complete consideration of the necessary amendment to the Atomic Energy Act.

I want to express my appreciation to the members of the Committee on Merchant Marine and Fisheries and its Fisheries and Wildlife Subcommittee, which conducted the hearings on this bill. I especially want to commend the chairman of the full committee (Mr. GARMATZ) and the subcommittee chairman (Mr. DINGELL) for their most responsible action in recognizing and offering this solution to such a national problem.

The need for this legislation has not changed because of a recent agreement involving the Quad Cities situation. An explanation of this is contained in the following letter to the Joint Committee on Atomic Energy from Chairman James Schlesinger of the Atomic Energy Commission:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., April 17, 1972.

MR. EDWARD J. BAUSER,
Executive Director, Joint Committee on Atomic Energy, Congress of the United States

DEAR MR. BAUSER: This will respond to your request for a statement of the Commission's position with respect to the interim licensing legislation now before the Joint Committee, and the letter written to the Joint Committee by the Sierra Club dated April 11, 1972.

The need for legislation has not basically changed since the time of our testimony on the pending bills on March 22. The immediate Quad Cities situation has eased, but other plants still remain in uncertain status vis-a-vis the licensing process with respect to availability in the coming summer, the winter of 1972–1973, and the summer of 1973. The cloud on the Commission's *Calvert Cliffs* NEPA regulations remains. And while we continue to take the position that these regulations are, in fact, consistent with NEPA—including continued reliance on them in the licensing process—the Commission believes the need for legislative clarification continues.

Contrary to certain comments or statements attributed to me, my position on the need for legislation is unchanged. I have repeatedly stated that a bill is necessary, and that action on legislation is necessary well before summer. The bill pending in the Committee on Merchant Marine and Fisheries, while it technically amends NEPA, is not so much an amendment of the basic purpose of NEPA as it is a clarification of the application of NEPA in the interim licensing of nuclear plants. The Commission does not lightly seek legislative relief. Were there alternatives to the passage of a bill that would be as effective in responding to the public interest in this situation, we would not have taken the affirmative position that the legislative course represented by interim licensing proposals is a necessary and proper one.

The implications with respect to the safety hearing process of the AEC inherent in the interim licensing legislation are most salutary, in our view. The interim licensing proposal would allow an enhanced degree of discretion to the Commission in its review of those safety and radiological issues put into issue by an interim operating license application. The procedures can be tailored to the circumstances, to the duration of interim operation sought, and to the power needed, pending the full hearing before the Board on the full operating license. This is a necessary option for the Commission in cases where the public interest may require and the practicalities of an individual case (and the issues raised in connection therewith) may properly allow such interim licensing without detriment to the public health and safety. The basic findings of the Act relating to public health and safety—including the ACRS letter and staff findings—would be made prior to interim operation. This is to say that all relevant findings would be made as a prerequisite to interim operation that would be made in respect to the same operation plant as to which there was no licensing contest.

The amendment in and of itself would not license a plant, and the Commission would regard its responsibilities under the amendment to be no less in respect to interim licensing than they are with respect to any other licensing action taken by the Commission upon which the public health and safety depend.

Sincerely,

JAMES R. SCHLESINGER,
Chairman.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, I rise in strong support of H.R. 13752. This legislation, which was unanimously approved and ordered reported to the House by my committee, is designed to avoid or minimize the possibility of serious power shortages—in the form of blackouts or brownouts—especially during the coming summer.

I realize that my explanation may be an over-simplification of a complex subject, but I think there is a need for providing a brief and simple explanation of the bill—especially since a more detailed and technical account of this legislation is being provided today by my distinguished colleague, Representative DINGELL, who chaired the hearings on the bill.

Although this legislation would amend the National Environmental Policy Act, it must be emphasized that this amendment is intended to be only temporary in nature, and that it would only be used in an emergency. Testimony presented during our committee hearings indicated it is most unlikely that this legislation would be used—even if enacted; this testimony also verified that, even during an emergency, it would only be used after it has been determined that such action will not have an unnecessarily adverse impact upon the quality of the environment.

Mr. Speaker, I realize that there is strong and sincere opposition to any attempt to open up NEPA to any amendments. But I hasten to add that NEPA originated and emanated from our committee on the House side—and I know for a fact that Congress did not intend for NEPA to be so rigid or so authoritarian that it might ignore or callously brush aside other urgent needs of the Nation.

We must recognize that this new era in which we all find ourselves so profoundly involved with improving and protecting the environment is a transitional era; we are making our first exploratory, fumbling steps. And in our haste to protect and enhance the environment, we must make certain that we remain sufficiently flexible, in order to promote and protect our Nation's total welfare.

Mr. Speaker, H.R. 13752 is an example of the kind of realistic and flexible approach to complex problems that is needed to cope with the dynamic changes of our times, and I urge its rapid passage.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to my good friend from Pennsylvania (Mr. CLARK), a member of the committee.

Mr. CLARK. Mr. Speaker, I rise in support of H.R. 13752.

I will be brief.

The bill provides temporary relief to allow utilities which have already constructed electric generating plants to turn these plants on and run them in order to prevent or minimize a power blackout or brownout. There are several plants in this country which might be affected by this bill; in most cases these are plants in regions of the country that may be dangerously short of power during the next months. If we sit by and prevent these plants from helping out in a potential blackout or brownout situation, the Congress would—and I would say should—be properly blamed as responsible. This I think no one wants.

The AEC will make the ultimate judgment as to when an emergency is so severe as to require one of these plants to operate. The Congress has properly delegated this responsibility to them. Whether the plants are to be operated to provide reserve capacity, or are actually to be put on the line is a matter which must be left to the AEC. I have no doubt that they will consult with the FPC and with the regional reliability agencies in making their determinations.

Mr. Speaker, the bill should be passed, and it should be passed now.

Mr. DINGELL. Mr. Speaker, I believe I have 1 minute and a half left. Is that correct?

The SPEAKER. That is correct.

Mr. DINGELL. Mr. Speaker, I yield the 1½ minutes remaining to the distinguished gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker and Members of the House, I support this legislation wholeheartedly.

The Committee on Interior and Insular Affairs, of which I am chairman, has just concluded 6 days of hearings on the matters of energy fuel resources and possible shortages in our current energy situation. We have at least 1 or perhaps 2 more days of hearings to go.

We have been brought to the conclusion, I think almost unanimously, that we believe that we do have the possibility of a serious energy shortage in this Nation; that it is immediate; and, that we do not have to wait for several months or several years elapse in order to realize what is going to happen throughout this country if we do not take some steps, which are sensible and logical, in order to protect ourselves against the damages which may occur to us because of brownouts and blackouts and the consequent injury to facilities on which all of us depend so much.

I see no effort made here whatsoever to lessen the effectiveness of the National Environmental Policy Act. I think by approving this legislation that we are taking advantage of a situation where we can protect ourselves, and at the same time protect the environment and the ecological values, which mean so much to all of us.

Mr. DOW. Mr. Speaker, I rise in opposition to the instant legislation.

My primary concern with the legislation is that it authorizes the Atomic Energy Commission to issue interim licenses for nuclear power reactors where a full environmental review is not yet complete.

In essence, my objection is that at a time when alarms and doubts about the safety of nuclear reactors are at their peak, this legislation would have us head off in the opposite direction.

While I recognize that under this interim license a plant would only be authorized to operate at 20 percent of capacity, in my mind if there is any threat at all to the environment, the possibility should be fully resolved before we allow the operation to proceed. I doubt if the safety of a nuclear plant operating at 20 percent of capacity is assurance of a happier accident than the accident which might occur at 100 percent.

Now in the spring of 1972, there are 15 large reactors located on the borders of densely populated and industrial areas throughout the country, seeking operating licenses. Citizens groups have time and again shown in contested proceedings that applications have been faulty, quality control deficient, and obvious safeguards to lessen environmental impact omitted in design.

In the Calvert Cliffs, Md. decision it was held that the AEC had not fully explored the putative dangers.

In the instance of the Indian Point Plant No. 2 of the Consolidated Edison Co. of New York, one of the subcontractors for components of the main structure, has said it was not safe. Valves, too, at Indian Point have been challenged for safety. It was one of the plants which the AEC itself would not clear for operation because of questions about safe functioning.

The need for new power, offered as a reason for licensing before completion hearings by interveners is no criterion of safety. That need does not solve the principal question that must be answered for every reactor. The need may not be gainsaid, but it does not answer the critical question of safety.

There are still dozens of unanswered questions: Can we with 100 percent surety transport these deadly wastes? Can they be reprocessed without widespread environmental pollution and health hazards? Is it realistic to think that salt mine burial solves the problem of ultimate storage? There was little happiness in Kansas when salt mines there were selected for burial of radioactive wastes.

In light of these unanswered questions and the potential danger of putting a nuclear plant on line before its full environmental impact has been revealed in detail, I must oppose the pending bill. It is incumbent on Congress to guard the public's interest and create a process for seeking the real and perhaps painful truth about the dangers that may be associated with nuclear power.

Mr. VANIK. Mr. Speaker, the bill before the House of Representatives today, H.R. 13752, proposes to exempt nuclear powerplants from standards established by the National Environmental Policy Act of 1969. The exemptions provided by this bill pose potential threats to our country which cannot be authorized.

Proponents of H.R. 13752 have stated that reactors which have been constructed and are ready to begin operations should be given "interim" permission to begin limited operations. These limited operations could possibly be useful if power is needed due to a local blackout. Yet the risks of operating these plants, which have not received full approval, far outweigh the possible benefits, which are tentative at best.

Past performances of nuclear powerplants have been marked by flaws. As recently as March of this year, a Westinghouse subcontractor for the Indian Point No. 2 plant north of New York City urged the AEC to halt operations of the plant until errors in structure could be corrected. Frequent delays in construction of these plants is testimony to our lack of knowledge concerning the total workings of the nuclear process. A few days ago the Department of the Interior stated its dissatisfaction with the safety of such plants. AEC hearings in January revealed that professionals in the nuclear energy field think that there is the possibility of accidents in which the radioactive core of a reactor can melt. If this were to happen, it would release the deadly radioactive fuel material into the environment and create a massive catastrophe. The AEC hearings left unresolved many of the mysteries of nuclear safety.

The safety of nuclear reactors and their impact on the environment remains a grave problem for all of us. The AEC even seems to have doubts about the safety of these powerplants, as indicated in its continued support of the Price-Anderson Act—an act which limits the Government's liability in cases of nuclear accidents.

Should an error in a plant go undetected, the danger to the surrounding population is tremendous. The effects of excess radiation and thermal pollution on humans and on the rest of the environment are well-documented. One nuclear accident could kill hundreds of thousands of humans. A lesser accident could destroy the natural environment. The chances of an accident are small, but the potential for disaster is too great to be put aside.

The claimed benefits of this legislation cannot possibly outweigh the ever-present threat to humans and their surroundings. These decisions on the operations of nuclear powerplants must be delayed until their safety is certified under provisions of the National Environmental Policy Act? We must not rush headlong into operating these plants when their safety and environmental impact is so uncertain.

Mr. KEITH. Mr. Speaker, over and over again we have heard the utility industry ask for this or that from the Federal Government. At the same time we have heard the environmental groups say that "this or that" was bad for the air, for the water or for the land. The time has come, I believe, for us to see what is good or bad for the people. The proposed legislation is good—I would venture to say absolutely necessary—for the people of this Nation.

We all, by this time, know what Mr. DINGELL's bill is about. Briefly, it would allow nuclear powerplants to go into operation on a temporary basis if there has been declared an emergency power shortage.

I received this morning a mimeographed letter from some two dozen environmental groups. Were we to vote based on this, it would be nothing more than total disregard for our constituents and nothing more than "mimeographed legislation." It is interesting to note that two groups were not named on the letter—the Sierra Club and the Izaak Walton League. These are two national organizations that are most qualified and intimately involved in the licensing of nuclear powerplants that did not sign that letter urging us to vote "no." Having been involved with the Sierra Club, I know of their practicality and their interest in insuring that best possible lifestyle for Americans. To deny these 15 plants an interim operating license would not be in accord with the ideals of this largest of all environmental groups.

Unless the summer is mild, we stand the chance of experiencing brownouts and/or blackouts. It would be foolish to try and stop the American public from using all their air conditioners and fans for the next 6 months. It would be just as foolish to deny them their rightful access to an adequate supply of power.

In my district we have a completed nuclear plant. It is within several months of operation. If the expected peak load is exceeded by even 200-thousand kilowatt hours, the reserve capacity of the existing generating facilities would be cut out. That makes very real the possibility that Southeastern Massachusetts will have its streets lighted with brown lights while those thrown out of jobs wait in extended welfare lines. To look at it in another light, if the completed plant is not on the line—even on an interim basis—it will cost consumers over $3 million a month. Absent this legislation, in the New England area alone, consumers will be paying nearly $9 million monthly to keep idle plants.

One of the main contentions against this interim licensing proposal is that the rules of the National Environmental Policy Act would be infringed upon. This is definitely not the case. The provisions of NEPA state that the Atomic Energy Commission must follow the NEPA regulations whenever possible. When it is not possible, the AEC must do everything it can do that is consistent with the act and with the emergency nature of the problem confronting it. I would think a sudden loss of power and of essential services and jobs would be such an emergency situation.

The provisions of the proposed bill state that only plants with construction permits issued before January 1, 1970, and plants that have applied for licensing prior to September 9, 1971, are eligible for interim licensing. There are approximately 15 nuclear plants in this category. If those plants gain the interim license, they can only operate in an emergency situation and at 20 percent of their capacity. Finally, they will not be permitted to operate indefinitely. As soon as the impact statement is released or October 30, 1973, arrives—whichever comes first—plants under this provision must cease operation.

The other area of opposition deals with the question of public hearings. In accord with NEPA, when the impact statement is released there will be public hearings. Asking for a public hearing in an emergency power situation is like asking for a full debate following the bombing of Pearl Harbor. In addition, environmental groups stand to incur the most public wrath when these brownouts and blackouts occur.

I have already stated that two of the most prominent and responsible environmental groups have not initiated action for a "no" vote on this measure. All of the existing laws in this area are being fully complied with. Mr. Speaker, the pending legislation provides safeguards so that our constituents will have the power they need this and next summer and winter. We owe it to our constituents and the Nation as a whole to see to it that they have this power. I therefore ask your support for H.R. 13752.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. Dingell) that the House suspend the rules and pass the bill H.R. 13752, as amended.

The question was taken.

Mr. FLOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 285, nays 78, not voting 70, as follows:

[Roll No. 109]

YEAS—285

Abernethy
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bell
Bergland
Betts
Bevill
Blackburn
Boggs
Boland
Bolling
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Byrne. Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Cotter
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Denholm
Derwinski
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Esch
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McCollister
McCormack
McCulloch
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Moorhead
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Pelly
Perkins
Pettis
Pickle
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Runnels
Ruppe
Ruth
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—78

Abourezk
Abzug
Adams
Addabbo
Badillo
Bennett
Biaggi
Biester
Bingham
Brademas
Bray
Conte
Conyers
Delaney
Dellenback
Dennis
Dow
Drinan
du Pont
Edwards, Calif.
Eilberg
Fascell
Fish
Flood
Frenzel
Frey
Green, Pa.
Gude
Halpern
Harrington
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Howard
Jacobs
Koch
Kyros
Long, Md.
McClory
McCloskey
McDade
McKinney
Mallary
Mikva
Minish
Mink
Mitchell
Mollohan
Morgan
Patten
Pepper
Peyser
Pike
Rangel
Rees
Riegle
Robison, N.Y.
Rodino
Roe
Rosenthal
Roybal
Ryan
Sandman
Sarbanes
Saylor
Staggers
Stratton
Thompson, N.J.
Tiernan
Vander Jagt
Vanik
Veysey
Waldie
Wolff
Yates
Zwach

NOT VOTING—70

Abbitt
Alexander
Blanton
Blatnik
Bow
Burleson, Tex.
Burton
Byron
Carey, N.Y.
Carney
Chisholm
Clausen, Don H.
Clay
Corman
Coughlin
Crane
Culver
Davis, S.C.
de la Garza
Dellums
Dent
Devine
Diggs
Dowdy
Dwyer
Eckhardt
Edwards, La.
Erlenborn
Eshleman
Fountain
Fraser
Galifianakis
Gallagher
Hawkins
Helstoski
Hosmer
Hutchinson
Ichord
Johnson, Pa.
Jones, Tenn.
Kee
Landgrebe
Long, La.
McClure
Macdonald, Mass.
Madden
Mills, Ark.
Minshall
Monagan
Morse
Nix
Patman
Pryor, Ark.
Roy
St Germain
Scheuer
Schwengel
Seiberling
Skubitz
Smith, Calif.
Stanton, James V.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Symington
Whalley
Wilson, Bob
Wright

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Nix and Mr. Davis of South Carolina for, with Mr. Burton against.

Mr. Carney and Mr. Long of Louisiana, for, with Mr. Dent against.

Mr. Abbitt and Mr. Blanton for, with Mr. Coughlin against.

Mr. Hosmer and Mr. Blatnik for, with Mr. Diggs against.

Mr. Burleson of Texas and Mr. Carey of New York for, with Mrs. Chisholm against.

Mr. Dowdy and Mr. Fountain for, with Mr. Kee against.

Mr. Jones of Tennessee and Mr. Macdonald of Massachusetts for, with Mr. Stokes against.

Mr. Patman and Mr. Stephens for, with Mr. Scheuer against.

Mr. Stubblefield and Mr. Byron for, with Mr. St Germain against.

Mr. Wright and Mr. Monagan for, with Mr. Dellums against.

Mr. Crane and Mr. Bob Wilson for, with Mr. Gallagher against.

Mr. Smith of California and Mr. Devine for, with Mr. Clay against.

Until further notice:

Mr. Culver with Mr. Don H. Clausen.
Mr. Corman with Mr. Schwengel.
Mr. Hawkins with Mr. de la Garza.
Mr. Helstoski with Mr. Whalley.
Mr. James V. Stanton with Mr. Esch.
Mr. Stuckey with Mr. Hutchinson.
Mr. Madden with Mrs. Dwyer.
Mr. Fraser with Mr. Morse.
Mr. Roy with Mr. Skubitz.
Mr. Galifianakis with Mr. Eschleman.
Mr. Alexander with Mr. Landgrebe.
Mr. Ichord with Mr. Minshall.
Mr. Eckhardt with Mr. Erlenborn.
Mr. Symington with Mr. McClure.
Mr. Mills of Arkansas with Mr. Steiger of Wisconsin.

Mr. COLLINS of Illinois changed his vote from "nay" to "yea."

Messrs. DELANEY and THOMPSON of New Jersey changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermal electric generating plants, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the legislation just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERSONAL EXPLANATION

Mr. CHAPPELL. Mr. Speaker, I was absent when the vote was taken on House Concurrent Resolution 471. Had I been in the Chamber and voting, I would have voted "yea."

PERSONAL ANNOUNCEMENT

Mr. PETTIS. Mr. Speaker, on rollcall No. 92 I am recorded as absent. Had I been present I would have voted "yea."

EQUITABLE WAGE ADJUSTMENTS FOR CERTAIN GOVERNMENT PREVAILING RATE EMPLOYEES

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13753) to provide equitable wage adjustments for certain prevailing rate employees of the Government.

The Clerk read as follows:

H.R. 13753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Prevailing Rate Equalization Adjustment Act of 1972".

SEC. 2. (a) Notwithstanding any other provision of law or any provision of an Executive order or regulation, a wage schedule adjustment for employees of the Government of the United States whose pay is fixed and adjusted from time to time in accordance with prevailing rates—

(1) if based on a wage survey ordered to be made on or after August 15, 1971, but not placed into effect before November 14, 1971, by reason of the provisions of Executive Order 11615 or Executive Order 11627; or

(2) if based on a wage survey which had been scheduled to be made during the period beginning on September 1, 1971, and ending on January 12, 1972, and which was ordered to be made on or after January 13, 1972;

shall be effective on the date on which such wage schedule adjustment would have been effective under section 5343 of title 5, United States Code, had the fiscal year 1972 schedule for wage surveys for such employees been followed.

(b) Retroactive pay made under the provisions of this section will be made in accordance with section 5344 of title 5, United States Code.

SEC. 3. (a) The last sentence of section 4(a) of the Act of January 8, 1971 (84 Stat. 1952: Public Law 91–656), is amended to read as follows: "Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the month in which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.".

(b) Paragraph (1) of section 5(a) of the Act of January 8, 1971 (84 Stat. 1952; Public Law 91–656), is amended to read as follows:

"(1) Effective on the first day of the month in which such pay adjustment by the President is made effective as described above, shall adjust—".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HENDERSON. Mr. Speaker, the primary purpose of H.R. 13753 is to authorize retroactive wage adjustments for approximately 214,000 Federal blue-collar employees whose regular pay adjustments were delayed either by the 90-day wage-price freeze or by the President's postponement of blue-collar wage surveys.

I cosponsored this bill with Chairman DULSKI and Mr. HOGAN on the basis of an official recommendation of the Civil Service Commission.

On August 15, 1971, the President announced his program for economic stabilization, which included a 90-day freeze on wages and prices. At the same time, the President announced that pay adjustments for all Federal employees would be delayed for a period of 6 months.

Subsequently, the President took the action necessary to delay for 6 months the pay adjustments for Federal employees who are paid under the various statutory pay systems, such as the General Schedule, and to defer for 6 months all wage surveys for blue-collar employees.

On December 22, 1971, Public Law 92–210, the Economic Stabilization Act Amendments of 1971, was signed into law.

Section 3 of that act had the effect of rescinding the 6-month deferment of salary increases for General Schedule employees and employees paid under other statutory pay systems. Consequently, those employees experienced no delay in pay adjustments.

Section 3 of Public Law 92–210 did not apply to blue-collar employees. However, on January 11, 1972, the President canceled his previously ordered 6-month deferment of blue-collar wage surveys, which had been in effect since September 1, 1971.

Most of the Government's 600,000 blue-collar employees have received or will receive their pay increases as originally scheduled.

However, as a result of the 90-day freeze and the postponement of wage surveys during the period from September 1 to January 12, 1972, there are approximately 214,000 blue-collar employees whose pay adjustments will be delayed for varying periods up to 12 weeks.

Since wage increases cannot be made retroactively effective in the absence of specific statutory authority, this legislation is needed to authorize retroactive pay increases for those 214,000 employees. Such authority will result in a one-time expenditure of $12 million.

Mr. Speaker, this bill was ordered reported by a unanimous voice vote of the Post Office and Civil Service Committee. The committee sincerely believes that this legislation is both necessary and proper in view of the previous action taken by the Congress under Public Law 92–210 with respect to General Schedule pay increases.

I urge the passage of this legislation to insure that all of our Federal employees will have received fair and equal treatment with respect to their annual pay adjustments.

Mr. Speaker, I will insert in the RECORD, as a part of my statement, a press release of the Civil Service Commission giving background information on this matter:

NEWS RELEASE

The Civil Service Commission has submitted an Administration proposal asking Congress to approve legislation which would remove inequities in the effective dates of pay increases for Federal blue-collar employees whose pay adjustments were affected by the August 15–November 14 freeze, or by the 6-months deferral of wage surveys which was subsequently rescinded.

Approximately 214,000 workers would receive retroactive pay adjustments for period ranging from two weeks to three months if the proposal is enacted.

The proposed bill provides that whether the wage increases were held up by the freeze itself or by the deferment of surveys, pay adjustments would be made retroactive to their normal effective dates.

BACKGROUND

On February 23, 1972, the Comptroller General ruled that Federal blue-collar workers whose pay adjustments had been held up by the freeze should receive their pay adjustments retroactively, if the wage survey for the local wage area was ordered prior to August 15, 1971.

Of some 35 wage areas involved, eight areas did not qualify for such retroactive payments. The wage areas and dates on which the pay adjustments normally would have been due are: Northwestern Michigan (Oct. 24, 1971); Oscoda-Alpena, Mich. (Oct. 24, 1971); Oklahoma City, Okla. Oct. 24, 1971); Valdosta, Ga. (Oct. 31, 1971); Scranton-Wilkes Barre, Pa. (Oct. 31, 1971); Madison Wisc. (Oct. 31, 1971); Wichita Falls-Southwest Oklahoma (Oct. 31, 1971); and Washington, D.C. (Oct. 31, 1971).

Earlier, on January 11, 1972, the President had cancelled the 6-month deferment of Federal blue-collar wage adjustments and approved the resumption of local wage surveys. Surveys were conducted on an expedited basis in the areas affected, but all increases resulting from the surveys were required by law to be paid prospectively rather than retroactively.

Blue-collar workers in some 39 wage areas where surveys would have been ordered between September 1971 and January 1972 have thus had their increases delayed for periods up to 12 weeks.

Should Congress enact the proposed law, the wage areas and normal effective dates to which retroactive pay increases will be effective are as follows:

Los Angeles, Calif. (Nov. 28, 1971); San Bernardino, Calif. (Nov. 14, 1971); Santa Barbara, Calif. (Nov. 14, 1971); New London, Conn. (Nov. 28, 1971); Cedar Rapids, Iowa (Nov. 14, 1971); Boston, Mass. (Nov. 28, 1971); Las Vegas, Nev. (Nov. 14, 1971); Portsmouth, N.H. (Nov. 28, 1971); Seattle, Wash. (Nov. 14, 1971); San Diego, Calif. (Nov. 28, 1971); San Francisco, Calif. (Nov. 14, 1971); Cocoa Beach, Fla. (Nov. 14, 1971); Orlando, Fla. (Nov. 14, 1971); Panama City, Fla. (Nov. 14, 1971);

Pensacola, Fla. (Nov. 14, 1971); Pittsburgh, Pa. (Nov. 28, 1971); Chicago, Ill. (Dec. 26, 1971); Bloomington, Ind. (Dec. 26, 1971); Indianapolis, Ind. (Dec. 26, 1971); Baltimore, Md. (Dec. 12, 1971); Omaha, Neb. (Dec. 26, 1971); Asheville, N.C. (Dec. 26, 1971); Champaign-Urbana, Ill. (Dec. 12, 1971); Davenport, Iowa (Dec. 12, 1971); Des Moines, Iowa (Dec. 12, 1971); Dubuque, Iowa (Dec. 12, 1971); Biloxi, Miss. (Dec. 26, 1971);

Philadelphia, Pa. (Dec. 26, 1971); Kansas City, Mo. (Jan. 9, 1972); St. Louis, Mo. (Jan. 9, 1972); Southern Missouri (Jan. 9, 1972); Eastern South Dakota (Jan. 9, 1972); Dallas, Tex. (Jan. 9, 1972); Wilmington, Del. (Jan. 16, 1972); Topeka, Kan. (Jan. 16, 1972); Wichita, Kan. (Jan. 16, 1972); Richmond, Va. (Jan. 23, 1972); Roanoke, Va. (Jan. 23, 1972); and Milwaukee, Wisc. (Feb. 6, 1972).

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 13753 which I sponsored. The bill will authorize retroactive wage adjustments for approximately 214,000 blue-collar employees of the Government. This is a simple but very important piece of legislation that is needed to correct an inequitable situation.

Last August the President announced that pay increases for all Federal employees would be deferred for 6 months. As a part of his plan the President proposed to delay from January 1972 until July 1972, the comparability pay adjustments for all employees paid under the General Schedule and other statutory pay systems.

The Congress, however, rejected the President's proposal and enacted legislation authorizing pay increases for all General Schedule employees to become effective in January 1972.

As a result of this action the President canceled his previously ordered postponement of blue-collar wage surveys.

However, since a number of the wage surveys had already been delayed and since some of the blue-collar wage adjustments were caught by the 90-day wage-price freeze, approximately one-third of the Government's blue-collar employees had their pay adjustments delayed for varying periods up to 12 weeks.

This legislation will provide the specific authority that is necessary to authorize retroactive pay adjustments for those employees and thereby place them on a level with all other blue-collar and General Schedule employees.

Mr. Speaker, this legislation was recommended by the administration and received the unanimous vote of the Post Office and Civil Service Committee. I know of no opposition to the bill, and I trust that it will receive the unanimous support of this body.

Mr. GROSS. Mr. Speaker, I intend to vote for this bill and I will do so only because it corrects an inequity that now prevents a small group of Federal employees from being treated fairly with respect to the effective dates of their pay raises.

However, I am deeply distressed at the events and circumstances which led to the need for this type legislation—a dismal record in both the Congress and the administration making a complete shambles of a significant part of the so-called "economic initiatives" of last August.

What started last August as a noble and worthy effort by the President to reduce the Federal budget and to hold the line on inflation as it relates to Federal personnel costs has now ended in almost total failure.

The erosion began with the enactment of the Economic Stabilization Act Amendments in December of last year which forced the President to set a pay raise 6 months earlier than he had proposed; it continued with a series of orders, regulations and decisions of the Civil Service Commission, the Comptroller General, the Pay Commission, and the Office of Management and Budget—wiping out all previous orders, regulations and decisions which had sought to stabilize Federal pay and reduce the Federal budget; and it ends now with the enactment of this bill which removes the one remaining legal obstacle to relieving every single Federal employee from any possible effects of the wage-price freeze of last August.

From the point of view of the individual Federal employee and as far as Federal employment and the Federal payroll are concerned, the so-called wage-price freeze simply did not exist.

The "bold new economic initiative" as it relates to Federal employment and the reduction of the Federal budget never got off the ground.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 13753, a bill to authorize retroactive pay for Federal blue-collar employees whose pay adjustments were delayed by either the 90-day wage price freeze, or by the postponement of wage surveys.

On August 15, 1971, the President announced his 90-day freeze on wages and prices, and also announced that pay adjustments for all Federal employees would be delayed for a 6-month period.

While I initially favored the wage-price freeze, I was opposed to action which discriminated against Federal employees by requiring them to forego wage increases for 6 months while, at the same time, the pay of their brothers and sisters in private industry was frozen for only 90 days.

To partially correct this inequity, the Congress enacted the Economic Stabilization Act of 1971 which rescinded the 6-month deferment of salary increases for General Service employees. Consequently, salary increases for those employees went into effect in January 1972.

In addition, wage increases in 27 wage areas which had wage surveys ordered prior to August 15, 1971, were placed into effect retroactive to their normal effective date.

But, the eight wage areas which did not have a survey pending at the time of the August 15, 1971, announcement, and the 43 other wage areas in which wage surveys were deferred until January 13, 1972, were not specifically authorized retroactive pay adjustments.

The bill before us today, H.R. 13753, would correct this inequity.

Mr. Speaker, as a result of the enactment of this bill, blue-collar Federal employees in San Bernardino, San Francisco, and Santa Barbara will receive pay increases retroactive to November 14, 1971.

Those Federal blue-collar employees in Los Angeles and San Diego will receive pay increases retroactive to November 28, 1971.

Mr. Speaker, I endorse H.R. 13753, and strongly urge my colleagues to adopt this bill and thus correct the inequities which now exist with respect to the pay of 214,000 Wage Board employees.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 13753, which would provide equitable wage adjustments for a large number of Federal blue-collar workers whose regular pay adjustments were delayed, either by the 90-day wage-price freeze or by the administration's postponement of blue-collar wage surveys.

Consideration of the bill now before this body would not be complete without a word of commendation for the chairman of the Manpower and Civil Service Subcommittee, the gentleman from North Carolina (Mr. HENDERSON). If Federal employees throughout the Nation were to be asked to give him a name based on his work in Congress, the name that I am sure they would consider most appropriate would be "Mr. Equity." As he has done so frequently in the past whenever an inequity among Federal employees needed to be rectified, he has again, in spearheading consideration of this bill in committee, sought to correct another inequity—this time, in wage adjustments for certain prevailing rate employees.

The situation marked by inequity was the result of a series of events commencing with the 90-day wage-price freeze ordered under Executive Order No. 11615 of August 15, 1971. Under the order, wage increases for blue-collar employees in 35 local wage areas were frozen until November 14, 1971. Further, under the President's memorandum of September 1, 1971, wage surveys were deferred until January 13, 1972, in 43 other wage areas.

Subsequently, after enactment of the Economic Stabilization Act Amendments of 1971—Public Law 92–210—the Comptroller General ruled that that law authorized retroactive payment of wage increases which would have gone into effect during the freeze period pursuant to a wage survey that was ordered prior to August 15, 1971. Under this ruling, workers in all but eight of the original 35 local wage areas were paid retroactive wage increases. There is no existing legal authority under which the workers in these eight local wage areas and in the 43 other wage areas in which wage surveys were deferred until January 13, 1973, could be paid.

H.R. 13753 would provide the specific statutory authority that is needed to give retroactive pay increases to the blue-collar employees in these remaining wage areas.

Passage of this measure therefore would help to provide equality of treatment among all blue-collar employees of the Government.

Mr. Speaker, I strongly urge a favorable vote for H.R. 13753.

Mr. HOGAN. Mr. Speaker, I rise in support of H.R. 13753. This bill will provide the legislative remedy necessary to assure equitable treatment for certain prevailing rate employees of the Government.

H.R. 13753 will authorize retroactive wage adjustments for approximately 214,000 blue-collar employees whose regular pay adjustments were delayed, either by the 90-day wage-price freeze, or by the administration's postponement of blue-collar wage surveys.

Although both of these actions have been rescinded, the Comptroller General has ruled that increases in these instances cannot be made retroactive except where specifically provided for by law.

Therefore, this bill, if enacted into law would correct an existing inequity created by these situations, and would equalize wage adjustments among the prevailing rate employees of the Government.

This legislation was proposed by the Civil Service Commission, and the Office of Management and Budget advises that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

I ask for the support of my colleagues on this bill, and trust it will have unanimous approval.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous matter on the bill H.R. 13753.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HENDERSON. Mr. Speaker, I have no further requests for time.

Mr. GROSS. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. HENDERSON) that the House suspend the rules and pass the bill H.R. 13753.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INCREASING AUTHORIZATION FOR APPROPRIATION FOR UPPER COLORADO RIVER BASIN

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13435) to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior, as amended.

The Clerk read as follows:

H.R. 13435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for fiscal years 1973 through 1977 the sum of $352,195,000 for continuing work on the Upper Colorado River project and participating projects authorized by the Act of April 11, 1956 (70 Stat. 105) plus or minus such amounts, if any, as may be required by reason of changes in construction costs, as indicated by engineering cost indices applicable to the type of construction involved. No part of the funds hereby authorized to be appropriated shall be available to initiate construction on any participating project not under construction on June 30, 1972; nor to prosecute construction of the Bostwick Park and San Juan-Chama projects authorized by the Act of September 2, 1964 (78 Stat. 852) and the Act of June 13, 1962 (76 Stat. 96), respectively.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield to the gentleman from Colorado (Mr. ASPINALL), the chairman of the full committee, such time as he may consume.

Mr. ASPINALL. Mr. Speaker, I commend the gentleman from California (Mr. JOHNSON) for making the motion and I commend my colleague, the gentleman from Iowa (Mr. GROSS) for asking for a second so that we can explain the legislation.

Mr. Speaker, the matter is a simple matter but the amount of money involved is a large amount and I think I should take just a few minutes to explain to my colleagues what is involved in this legislation.

Mr. Speaker, I take this time to speak in favor of H.R. 13435, to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior. This is an important measure yet it is uncomplicated and easy to understand. In short, it will authorize $462,195,000 for appropriation during the 5-year period of fiscal year 1973 through fiscal year 1977 and if the funds are not appropriated during such 5-year period, the authorization will lapse.

The purpose for which these funds wil be utilized will be to prosecute construction on the storage units and participating projects authorized by the act of April 11, 1956, for development in the States of the Upper Colorado River Basin. That legislation authorized four major storage units on the Colorado River and its principal tributaries—and 11 participating projects. The storage units had, as their primary purpose, the regulation of water for delivery to the Lower Colorado River Basin as required by the Colorado River compact—and the production of power as a source of repayment income. The participating projects are multipurpose water resource development projects in the States of Colorado, Utah, Wyoming, and New Mexico.

At the time the authorizing act was passed, it was recognized that the program would cost considerably in excess of the $760,000,000 then authorized to be appropriated. In fact, the estimated cost in 1956 was $850,000,000—excluding the Curecanti unit and ancillary fish and wildlife and recreation facilities. I recite this history to illustrate, Mr. Speaker, that the requirement for this legislation has been in the picture for many years and that, by no means all of the present authorization requirement can be attributed to either inflation or poor estimating. In 1956, the Congress purposely limited the appropriations authority in order to preserve a degree of legislative oversight of the program.

By the same token, we are now only authorizing a five-year program despite the fact that $610,000,000 are required to complete the work remaining to be done under the 1956 legislation. This is, of course, to preserve an option for the Committee on Interior and Insular Affairs to look at the program, from the legislative standpoint, at least one more time before it is completed.

Members will be interested to hear, I think, that our committee has taken a careful look at the quality of management which has gone into the construction of the work thus far. We have noted some changes in plan but they seem to be clearly within the latitude conveyed to the Secretary by the original act. Further, we find that the cost increases, in the overall sense, are well within the range of what we would expect to happen due to inflation.

Mr. Speaker, I would like to make one or two other points that may be of concern to my colleagues, particularly as they consider the magnitude of this authoriaztion. We have heard a great deal about the backlog of unfunded water resource development authorizations and can understand the reluctance of many to add to that backlog. This legislation does not contribute to the problem inasmuch as the projects and units for which these funds will be used are already included in the accounting.

It should also be emphasized that the legislation has been drawn to specifically limit the use of these funds to the programs I have described. They may not be applied to other programs which have been authorized since 1956; and there is no compulsion so to use them. Each participating project authorized for the Upper Colorado River Basin in recent years has been provided with appropriations authority in its basic legislation.

In summary, we find that the original legislation which was most carefully drawn has been administered prudently and we have a high level of confidence in the plans for completing the work. The operational facilities which have been built under this legislation are functioning admirably and there is no reason why the remaining facilities will not be equally effective.

My colleague, the chairman of the Subcommittee on Irrigation and Reclamation, who is handling the bill, will report on the work that has been done and give other details of the pending legislation. Suffice it to say, I strongly endorse this legislation and urge its speedy enactment.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from Missouri.

Mr. HALL. Mr. Speaker, I appreciate my friend from Colorado yielding, the distinguished chairman of the Committee on Interior and Insular Affairs. Furthermore, I appreciate his clear and concise statement about the intent of this bill, involving some $352 million of additional authorization.

In addition to that, Mr. Speaker, I would like to compliment the Committee on Interior and Insular Affairs for limiting the number of new starts on the basis that we can always make additional investigations, study, and authorizations as the Congress may will. Second, for reducing the total amount requested; and third, for recovering back into the Treasury that which was unused.

There is just one thing I would like to ask about as a point of information. Could the distinguished gentleman advise us as to whether or not this is a new clause, a new "catch phrase" so to speak, that we can expect in future legislation where it is stated "plus or minus such amounts as may be required by reason of fluctuating price levels"?

Mr. ASPINALL. It is not a new clause. It is a repetition expressed perhaps in a little different way. Usually we refer to cost indexes, the fluctuation of cost indexes. This phrase gives no more latitude than we have given for many years in the past.

Mr. HALL. I thank the gentleman.

Mr. Speaker, as I understand it, then, it merely inculcates a cost-of-living increase in the authorization through the effective time of the legislation?

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I yield to the gentleman from Utah such time as he may consume.

Mr. LLOYD. Mr. Speaker, I rise in support of H.R. 13435, a bill to increase authorization ceilings of reclamation projects authorized by the Colorado River Storage Act of 1956.

This legislation is necessary to the continuance of work on major water development projects in my own State of Utah which will allow our State to put to beneficial use its entitlement of water from the Colorado River.

Of the total $352 million authorized by this bill over the next 5-year period, Utah will receive approximately $207 million. This breaks down as follows:

Bonneville unit, $184 million. This is the largest reclamation project ever undertaken in the State of Utah, and will supply a new source of water for the rapidly growing Wasatch Front area around Salt Lake City. This unit has been under construction for about 6 years, and is only 10 percent complete.

Jensen unit, $5.4 million.

Upalco unit, $14.7 million.

Vernal unit, $1 million.

Emery County project, $1.6 million.

Mr. Speaker, this legislation, if approved, will authorize continued construction of these Utah reclamation projects and others in the Upper Colorado River Basin.

While I would like to have seen authorization of the full amount required to complete these projects, I agree with the distinguished committee chairman, Mr. ASPINALL, that the 5-year authorization provided by the bill before us will allow continued congressional oversight and review as these projects move toward completion.

I fully endorse this legislation. It is vitally important to the continued growth and development of my own State, and respectfully urge that the House give its immediate approval.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may require to speak in favor of H.R. 13435, to increase the authorization for continuing work in the Upper Colorado River Basin by the Secretary of the Interior. The gentleman from Colorado, the chairman of the full committee, has explained the background and need for this legislation. While I shall not repeat the history of this legislation, I think it is important to emphasize that the essential decisions were made on this development 16 years ago when Congress authorized the upper Colorado River storage project and participating projects. Except for the fact that the customary language, providing for increasing authorizations as required by changing cost indexes was purposely omitted from that legislation, there would be no requirement for this bill. As the chairman further pointed out, this language was omitted to create the opportunity for our committee and the House to take a look at the implementation of the program from time to time.

During the hearings before the Subcommittee on Irrigation and Reclamation we were given the opportunity to examine the stewardship of the Department of the Interior over this program.

We received testimony to the effect that two of the three authorized storage units are completely finished and in service. They are Flaming Gorge Dam and Reservoir on the Green River, near the Wyoming-Utah boundary and Navajo Reservoir on the San Juan River in northwestern New Mexico. Glen Canyon Dam and Reservoir, forming the famous Lake Powell astride the Utah-Arizona border, is essentially complete and is gaining storage to enable it to assure delivery of compacted water deliveries to the Lower Colorado River Basin. The fourth storage unit, Curecanti, consists of three dams and reservoirs—two of which, Blue Mesa and Morrow Point, are practically finished and are operational on the Gunnison River in western Colorado. The third element of the Curecanti unit is Crystal Dam, Reservoir, and powerplant. This element is just getting underway and constitutes one of the major requirements for construction funds authorized to be appropriated by this legislation.

Of the 11 authorized participating projects contained in the 1956 legislation, two of them—the Pine River extensions in New Mexico and the La Barge in Wyoming—have been found to be lacking in economic justification and work has been discontinued on them. On the remaining nine projects, three projects have been fully completed and placed in operational status. They are Paonia, Fla., and Smith Fork projects in Colorado. Work is underway on all of the other six projects and is essentially complete on the Hammond project in New Mexico, the Silt project in Colorado and the Emery County project in Utah. There is deferred work to be completed on the Seedskadee project and the Lyman project in Wyoming and a major continuing fund requirement on the central Utah project.

The estimated continuing fund requirement for each of the major elements of the program is set forth in detail in our committee report and can be examined there by those who are interested.

Cumulatively, the completed units and projects and operational facilities on partially completed units and projects are capable of delivering irrigation water to 145,300 acres of land—delivering

303,600 acre-feet of municipal and industrial water—and generating 1,248,000 kilowatts of hydroelectric power. The works under construction will, when completed, serve an additional 247,900 acres of land—provide an additional 97,000 acre-feet of municipal and industrial water—and generate 161,500 more kilowatts of power.

In conclusion, Mr. Speaker, I would like to state that this program is fulfilling the expectations held for it by those who supported it for passage in the Congress in 1956 and is generally on schedule.

It is making a major contribution to the economic and social well-being of a large portion of rural America and is, for these reasons, deserving of the support of all Members who believe as I do that the strength of our Nation lies in continuing wise management and husbandry of our earth resources.

Accordingly, I urge that the House agree to suspend the rules and pass the bill H.R. 13434.

Mr. HOSMER. Mr. Speaker, the purpose of this legislation is to increase the appropriation authorization for continuing work on the Upper Colorado River project and participating projects. The amount being authorized for appropriation is $352,195,000 for fiscal years 1973–77, subject to changes in construction and engineering cost indices.

The act of April 11, 1956, authorized the construction and maintenance of the Upper Colorado River storage projects, comprised of four storage units, the Curecanti, Flaming Gorge, Glen Canyon, and Navajo units; 11 participating projects being the central Utah—initial phase—Emery County, Fla., Hammond, LaBarge, Lyman, Paonia, Pine River extension, Seedskadee, Silt, and Smith Fork units; related power transmission facilities, and recreation and fish and wildlife programs. The initial authorization was for $760 million on an authorized program having an estimated cost of $852 million at that time.

A total of $754,873,000 has been appropriated through fiscal 1972. The appropriation increase of $352,195,000, authorized by this bill, will permit work to be continued or completed on two of the major storage units, six of the participating projects, the power transmission system, and the recreation and fish and wildlife facilities. To complete all the work authorized, a subsequent increase in the appropriation authorization of $257,153,000 will be necessary based upon current estimates.

The bill prohibits use of the funds authorized for appropriation to initiate construction on any project in the Upper Colorado River Basin authorized subsequent to April 11, 1956, and specifically the Bostwick Park and San Juan-Chama projects authorized in other legislation.

Mr. Speaker, I support the passage of H.R. 13435.

Mr. SAYLOR. Mr. Speaker, the purpose of H.R. 13435, is to increase the appropriation authorization for continuing work in the Upper Colorado River Basin. The bill was introduced pursuant to an executive communication to support the administration's request for fiscal 1973 appropriations.

The administration request was for $610 million, based upon a current estimate of the amount required, to complete construction of the storage units, participating projects, and related power transmission facilities authorized by the Colorado River Storage Project Act—Public Law 87–483. An analysis of the Department of the Interior estimate of requirements to complete construction indicates that over 80 percent of the funds required are in five items which will extend over a considerable period of time. Funds to complete the Curecanti unit which is 70 percent complete will be required in the next 4 to 5 years, but completion of the work on the Bonneville unit of the central Utah project will require some time before completion. The same is true for completing the power and transmission facilities, the Indian program, and the recreation fish and wildlife programs.

There is also some question as to the need for the funds on the Seedskadee project. A total of $754,873,000 in appropriations have been received to date leaving a balance of $5,127,000 of the present appropriation authorization under the act.

The Committee on Interior and Insular Affairs in reporting H.R. 13435 reduced the administration request from $610 million to $352,195,000 for fiscal years 1973–77, in order to continue its legislative oversight responsibility. The amount authorized to be appropriated by this legislation will be used to complete work on the Glen Canyon storage unit and continue work on the Curecanti storage unit; to contiue work on six participating projects, the related power transmission systems and the recreation, fish and wildlife facilities.

The $352,195,000 increase in appropriation authorization provided for in this legislation is limited in that the funds authorized cannot be used on other projects or programs in the Upper Colorado River Basin if authorized subsequent to the act of April 11, 1956. The committee by reducing the level of appropriation requested will retain its legislative oversight of the program and will exercise that responsibility on the request for increased appropriation authorization after fiscal 1977 if not before.

Mr. Speaker, I support the passage of H.R. 13435.

Mr. McKAY. Mr. Speaker, the House has, today, considered a bill of special importance to Utah and the Mountain West. That bill extends the authorization for funds for the Upper Colorado River project. Developing water resources and reclaiming land in the Upper Colorado River Basin area were goals of Utah people long before the Upper Colorado project was authorized in 1956. Since that authorization, the pace of development has been agonizingly slow, and each year Utah people—Members of Congress as well as interested citizens—have stressed this case in hearings on the public works appropriations bill

In recent years, the administration has been reluctant to ask for funds enough to move ahead with the project at a reasonable rate of speed. My first speech in the House dealt with this problem and, thereafter, I pressed the case in committee and elsewhere to the point of being repetitive.

I mention this because the bill before the House was deliberately drafted to authorize less than will be needed to complete the entire project. I understand that this was done, because the Interior Committee is also concerned about the time it is taking to complete this work. The committee, apparently, felt that the administration might be more responsive to congressional desires if, in 5 years, further hearings were certain to be held. The bill also directs that authorized funds which are unused will lapse after 1977. This, also, is a means for enforcing the congressional mandate. If these two projects have the effect of accelerating progress on the project, they deserve our support.

I was concerned about the language in the bill limiting the authorization to participating projects under construction on June 30, 1972. I have been assured by Mr. JOHNSON and other members of the committee that this language means that if any unit of a project is under construction, then all units of that project authorized by the 1956 act are eligible for money under this bill. I have been particularly assured that the bill authorizes appropriations for the Upalco Unit of the Central Utah project, and my support for the committee bill is based on that understanding.

I believe H.R. 13435 is an important piece of legislation. As a decendent of the pioneer group which introduced irrigation to the Great Basin area, I am especially mindful of the value of reclamation projects. It was the goal of our early pioneers to make the desert "blossom as a rose"; they accomplished this task by careful management of water resources: And we continue to reclaim barren lands with far-sighted projects like the Upper Colorado project.

In addition, our cities have shown a need for the water to be conserved by the Central Utah project. Both Provo and Salt Lake City will face shortages of culinary water if we do not complete this work expeditiously.

I am pleased and encouraged by the warm endorsement the Upper Colorado project has received today. It is now our task to see that the project receives the appropriations it deserves.

GENERAL LEAVE

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill H.R. 13435.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill H.R. 13435, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. BIAGGI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman's point comes too late. The gentleman should have made that point before the result of the vote was announced.

Mr. BIAGGI. I made it at the completion of the Speaker's remarks.

CALL OF THE HOUSE

Mr. BIAGGI. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 110]

Alexander
Anderson, Ill.
Anderson, Tenn.
Ashley
Barrett
Blanton
Blatnik
Bow
Burleson, Tex.
Burton
Byron
Carey, N.Y.
Carney
Chisholm
Clark
Clausen, Don H.
Clay
Collins, Ill.
Corman
Coughlin
Crane
Culver
Davis, S.C.
de la Garza
Dellums
Dent
Devine
Diggs
Dowdy
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Edwards, La.
Erlenborn
Eshleman
Evins, Tenn.
Ford, Gerald R.
Fountain
Fraser
Fulton
Galifianakis
Gallagher
Hansen, Wash.
Hawkins
Hébert
Heinz
Helstoski
Hosmer
Hutchinson
Ichord
Johnson, Pa.
Jones, Tenn.
Kastenmeier
Kee
Kuykendall
Landgrebe
Long, La.
McClure
McMillan
Macdonald, Mass.
Madden
Mikva
Mills, Ark.
Minshall
Morse
Mosher
Nix
Patman
Poff
Pryor, Ark.
Rees
Reid
Rosenthal
Roy
Satterfield
Scheuer
Schwengel
Seiberling
Skubitz
Smith, Calif.
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Symington
Teague, Tex.
Ware
Whalley
Widnall
Wilson, Bob
Wright

The SPEAKER. On this rollcall 337 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REQUESTED CORRECTION OF ROLLCALL

Mr. HEINZ. Mr. Speaker, on the last rollcall I was on my feet but was not sufficiently in the well to be recognized. But I was on my feet trying to be recognized so that the Clerk could call my name.

The SPEAKER. Did the gentleman address the Chair and seek recognition?

Mr. HEINZ. Yes; I was trying to do so.

The SPEAKER. Did the gentleman address the Chair and ask to be recorded?

Mr. HEINZ. I am doing so now.

The SPEAKER. The gentleman's request comes too late. The Chair has already announced the result of the quorum call.

USE OF REAL PROPERTY FOR WILDLIFE CONSERVATION

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13025) to amend the Act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes.

The Clerk read as follows:

H.R. 13025

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That clause (2) of the first sentence of the first section of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purpcses", approved May 19, 1948 (16 U.S.C. 667b), is amended by striking out "chiefly".

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the purpose of H.R. 13025 is to make more accessible to the States surplus Federal lands that are valuable for wildlife conservation purposes.

Under present law, real property under the jurisdiction and control of a Federal agency no longer required by such agency may be transferred without reimbursement to the appropriate State agency or to the Secretary of the Interior for utilization for wildlife conservation, provided the property is "chiefly valuable" for such use, and if GSA determines it is available for such use.

Consequently, under present law, if the highest value of a particular property is for something other than wildlife conservation—such as for ranching or farming—then the property generally could not be determined by GSA to be "chiefly valuable" for wildlife conservation.

As a result of the retention of this restrictive language under present law, valuable pieces of property which were valuable for wildlife conservation or which could have easily been adaptable to such use were conveyed to other eligible local interests for other uses, such as for health, education, park, or recreation programs.

Mr. Speaker, H.R. 13025 would have the effect of putting wildlife conservation on an equal footing with alternative public uses for the surplus property and each proposed use of the property would then be judged on its merits.

To accomplish this purpose, H.R. 13025 would merely eliminate from present law the word "chiefly," thereby removing the requirement that Federal lands available for transfer to a State under the law would have to be "chiefly valuable" for such purposes.

Mr. Speaker, H.R. 13025 has the support of the Department of the Interior, the General Services Administration, wildlife conservation interests throughout the country, and more than 50 other Members of this distinguished body, who cosponsored this legislation or bills identical to it.

Mr. Speaker, H.R. 13025 was unanimously reported by the Committee on Merchant Marine and Fisheries and I urge its prompt passage.

The Members who have joined me in sponsorship of this valuable and useful conservation legislation are as follows:

LIST OF COSPONSORS

Mrs. Abzug, Mr. Alexander, Mr. Badillo, Mr. Baker, Mr. Bevill, Mr. Bingham, Mr. Burton, Mr. Chappell, Mr. Cleveland, Mr. Conte, Mr. Coughlin, Mr. Davis of Georgia, Mr. Dow, Mr. Dulski, Mr. Edwards of California, Mr. Flynt, Mr. William D. Ford, Mr. Forsythe, Mr. Frenzel, Mr. Frey and Mr. Garmatz. An identical bill, H.R. 12334, was also introduced by Mr. Dingell. Another identical bill, H.R. 13026, was introduced by Mr. Dingell and 20 other Members of the House. The cosponsors of the bills are as follows: Mrs. Griffiths, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mr. Hicks of Washington, Mr. Hungate, Mr. Karth, Mr. Leggett, Mr. Lent, Mr. McCloskey, Mr. Matsunaga, Mr. Mazzoli, Mr. Moorhead, Mr. Morse, Mr. Nedzi, Mr. O'Hara, Mr. Pickle, Mr. Pike, Mr. Rodino, and Mr. Roe.

Also, H.R. 13027, an identical bill was introduced by Mr. Dingell and cosponsored by 11 other Members of the House. The cosponsors are as follows: Mr. Rosenthal, Mr. Ryan, Mr. St Germain, Mr. Sandman, Mr. Sarbanes, Mr. Schwengel, Mr. Sikes, Mr. Symington, Mr. Tiernan, Mr. Vander Jagt, and Mr. Williams. Another identical bill, H.R. 13149, was introduced by Mr. Dingell and cosponsored by Mr. Saylor and Mr. Aspin. Mr. Brown of Michigan introduced an identical bill, H.R. 13786, and Mr. Ruppe introduced an identical bill, H.R. 13819.

Mr. PELLY. Mr. Speaker, the Act of May 19, 1948, authorizes Federal agencies to transfer surplus real property to State wildlife conservation agencies, or to the Department of Interior in the case of migratory bird conservation, when such property is chiefly valuable for wildlife or migratory bird conservation purposes.

H.R. 13025 simply strikes the word "chiefly" from the act so that surplus Federal property can be transferred for wildlife management purposes upon a finding that it is valuable for such purposes.

This determination will continue to be made by the Administrator of General Services, and in the event such property should no longer be used for wildlife management purposes or is needed for national defense, title reverts to the United States.

The effect of this legislation will be to make more surplus Federal property available for wildlife management by placing this use on an equal footing with other approved public uses of surplus property.

At this time when so much land is being converted to commercial and industrial use, the Federal holdings in military reservations and a variety of other areas constitute major reserves of relatively unspoiled land. This is particularly true in the Eastern States. This act, as amended today, will create an additional tool in our continuing efforts to preserve the greatest possible amount of wildlife refuge and conservation land in the face of ever-increasing commercial competition for our remaining open spaces.

Mr. Speaker, I therefore urge the passage of H.R. 13025.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 13025, which would encourage the more extensive use of Federally owned property for wildlife conservation and recreation purposes. As a cosponsor of this measure and having testified before the Merchant Marine and Fisheries Subcommittee to urge its passage, I want to commend that committee for its prompt approval of this legislation. Commendation is also due the very able chairman of the Fish and Wildlife Subcommittee—my good friend and colleague (Mr. DINGELL) for his guidance of this legislation to the floor of the House.

A rather restrictive interpretation by GSA of the Federal Property and Administrative Services Act has resulted in the need for this corrective legislation. In the past, when land under the jurisdiction and control of a Federal agency was no longer required by that agency, GSA often proceeded to sell such land to private interests. This action was taken despite the fact that such agencies as the Fish and Wildlife Service, the State Fish and Game Commission, and the Migratory Bird Conservation Commission—on which I serve along with Mr. DINGELL—have urged that these lands be set aside for wildlife and recreation purposes.

GSA felt justified in selling off this land because of a supposed requirement imposed by the 1949 act that the land be found to be "chiefly" valuable for wildlife conservation purposes. If no such finding was made, the land was summarily sold. The measure which the committee is considering would eliminate the word "chiefly" from the above mentioned act and thus close a loophole in its administration.

Hence this change will make it easier to transfer surplus land under Federal control to wildlife conservation and recreation uses. In view of the increasing shortage of lands for such purposes, I would hope that my colleagues in the chamber will promptly approve this measure.

Thank you, Mr. Speaker.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 13025.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INCREASING AUTHORIZATION FOR APPROPRIATION FOR MISSOURI RIVER BASIN

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13434) to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for fiscal years 1973 through 1977 the sum of $94,000,000 for continuation of work in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress, plus or minus such amounts, if any, as may be required by reason of changes in construction costs, as indicated by engineering cost indices applicable to the type of construction involved. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Pick-Sloan Missouri Basin program, whether or not included in said comprehensive plan; nor for prosecution of the Garrison diversion unit, reauthorized by the Act of August 5, 1965 (79 Stat. 433).

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, I rise in support of H.R. 1343, to increase the authorization for appropriations for the Missouri River Basin by the Secretary of the Interior. This bill is one of a series that the Committee on Interior and Insular Affairs has brought to the House in alternate sessions since 1964—and my colleagues will be pleased to note that we can look forward to the eventual discontinuance of this procedure in the near future with a fairly high degree of assurance.

The measure authorized appropriations in the amount of $94,000,000 for use on a carefully limited number of units and divisions of the Pick-Sloan Missouri Basin program for the fiscal years 1973 to 1977, inclusive. If the amounts authorized are not actually appropriated during this period, the authorization for the unappropriated portion will lapse. The activities for which the authorization is granted by H.R. 13434 are set forth in specific detail in our committee report which also carries the admonition that departures from the individual amounts, by more than 5 percent, must be justified in writing to the Committee on Interior and Insular Affairs.

Mr. Speaker, this legislation will practically complete a venture in water resource development that was characterized by an almost complete lack of responsible legislative overview. The programs that will be funded pursuant to this bill were authorized by name only, in a wartime, omnibus bill in 1944 which contained no plans, responsible estimates or legislative guidelines to control their development. After almost $1 billion was appropriated and spent, the Congress seized the opportunity, in 1964, to limit appropriations to such amounts as would be subsequently authorized in biennial authorizing acts—and to forbid the use of such authorized amounts in the initiation of any more new units. H.R. 13434 is one such biennial measure.

The amount authorized by this act will not completely finish the programs being developed under the 1944 legislation as present estimates indicate that there will be a requirement for approximately $20,000,000 to be authorized, subsequent to fiscal year 1977. The Committee on Interior and Insular Affairs gave a great deal of consideration to including this added amount in the present bill, as requested by the administration. We felt, however, that it was in the interest of all concerned that the option be preserved to the legislative committee to look at this program one more time; and that the interval of 5 years was a reasonable one in the circumstances.

The chairman of the subcommittee handling the bill will give additional facts concerning this legislation and its justification. Before yielding, however, I would like to emphasize that the legislation is appropriate, it has been carefully reviewed in the subcommittee and the full committee and deserves to be passed. Moreover, it should be passed at an early date to permit the Subcommittee on Public Works Appropriations to proceed with its work on the fiscal year 1973 budget in a timely manner.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my colleague, the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I rise simply for a point of information. Recently we passed the Upper Colorado increased authorization for appropriations. It had a savings clause therein as to the cost of living fluctuation about which the gentleman and I remarked. My query is simply why is there no such saving clause in this additional authorization?

Mr. ASPINALL. It is my understanding the amounts required are so definite that perhaps this is an exceptional one which is not likely to require during this legislation any need for any additional cost to be considered. However, it is my understanding that the language is identical.

Mr. HALL. Mr. Speaker, I thank the gentleman from Colorado.

Mr. SAYLOR. Mr. Speaker. I rise in support of this legislation. The purpose of H.R. 13434 is to increase the appropriation authorization for continuing work in the Missouri River Basin pursuant to the act of December 22, 1944, as amended and supplemented. For this purpose, the bill provides an appropriation authorization of $94 million for fiscal years 1973 to 1977.

The Flood Control Act of 1944, as amended and supplemented, authorized a comprehensive plan of development which resulted in the construction of 33 multipurpose water resource development projects, costing $1,105 million to date. This bill provides the increased appropriation authority in the sum of $94 million to continue work on the 19 projects which have work remaining to be done. A further increase in appropriation authorization will be necessary after fiscal 1977, estimated at $20 million, to complete all the work remaining on units under the 1944 authorization.

The Committee on Interior and Insular Affairs in 1964, in the report on similar legislation, adopted the practice of a 2-year appropriation authorization program for projects authorized under the Flood Control Act of 1944, for the purpose of legislative oversight, and required all units to be initiated after that date to be specifically authorized. In 1970, the committee requested the Secretary of the Interior to propose a program to complete all work remaining to be done and permit termination of biennial appropriation authorizations.

The administration on February 25, 1972, submitted an executive communication in accordance with the 1970 committee request, asking for an appropriation authorization of $114 million to complete work in the Pick-Sloan portion of the Missouri River Basin program.

The Committee on Interior and Insular Affairs, in its wisdom, in reporting H.R. 13434, is departing from its 1970 position by authorizing the appropriation of $94 million of the $114 million requested and necessary to complete all work remaining to be done. The committee does so for the purpose of assuring "a measure of continuing legislative oversight with respect to the work—particularly that dealing with the transmission and marketing of hydroelectric power."

Mr. Speaker, I am pleased to see the committee recognize, at last, a point which I have continually emphasized and brought up in committee on similar legislation over the years, and that is, that the Federal power rates in the Missouri River Basin are not adequate to repay the Federal investments in the system within the 50-year period required by law. A recent report to the Congress by the General Accounting Office, dated February 28, 1972, on "Improvements Needed in Financial Activity of the Federal Hydroelectric System in the Missouri River Basin" states that the repayment deficiency could be $41.8 million or $131.2 million depending upon the method of amortization. A digest of the General Accounting Office report is as follows:

Digest

(Comptroller General's Report to the Congress)

WHY THE REVIEW WAS MADE

In 1962 the General Accounting Office (GAO) made several recommendations for improving the accounting policies and practices of the Federal hydroelectric system in the Missouri River Basin. GAO made this follow-up review of the financial activities of the system to determine the adequacy of the current policies and practices.

The system consists of projects constructed and operated by the Bureau of Reclamation, Department of the Interior, and the Corps of Engineers, Civil Functions, Department of the Army.

FINDINGS AND CONCLUSIONS

Rate and repayment studies

Since 1963 the Bureau has not published annual rate and repayment studies showing whether electric power rates are adequate to repay the Federal investments in the system within the required 50 years. These studies should be published and should include comparisons of actual repayments with scheduled repayments established on an orderly basis.

GAO compared actual repayments with what the repayment would have been under two methods of amortization. Under a compound-interest method—requiring the lowest installment in the first year and progresssively increasing installments in each succeeding year—the deficiency in repayment would have been $41.8 million. Under a straight-line method—requiring equal annual installments—the deficiency would have been $131.2 million. (See p. 9.)

Consolidated financial statements

The Bureau does not prepare consolidated financial statements for the hydroelectric system. On the basis of information in the accounting records of the Bureau and the Corps, GAO prepared such statements for projects in the system. In GAO's opinion, however, the statements do not present fairly the financial position of projects in the system or the results of system operations, because the Bureau and the Corps recorded costs of similar items differently (see p. 13), because the Corps did not record revenues of about $138 million that had been allocated to the Corps projects by the Bureau (see p. 21), and because all costs applicable to all project purposes were not recorded (see p. 27).

Consolidated financial statements for the Federal hydroelectric system in the Missouri River Basin are needed for full disclosure of its financial condition and the results of its operations. (See p. 24.)

RECOMMENDATIONS OR SUGGESTIONS

The Department of the Interior should publish annual rate and repayment studies for the Missouri River Basin Project, which should include comparisons of actual repayments of the Federal investment with scheduled repayments established on an orderly basis. (See p. 12.)

The Departments of the Interior and the Army should develop uniform and consistent accounting practices for the Federal power program.

The Department of the Interior also should prepare annual consolidated financial statements for the Federal hydroelectric system in the Missouri River Basin and should establish a formal departmental policy for all Federal power systems for allocating system revenues for repayment of the Federal investment in the various projects and for determining the investment base for computing interest payable to the U.S. Treasury (See p. 25.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

Although the Department of the Interior agreed that consideration should be given to the practicability of publishing annual rate and repayment studies, it did not agree with the need for including comparisons of actual with scheduled repayments of the Federal investments. The Department stated that the additional scheduling of repayments "may or may not be useful to management." (See p. 11.)

GAO believes that a comparison of actual repayments of the Federal investment with scheduled repayments established on an orderly basis is needed for evaluating the adequacy of revenues in meeting repayment requirements. (See p. 12.)

The Army agreed—with one exception—to GAO's recommendations concerning the need for comparable and consistently applied accounting policies and practices (See pp. 18 and 20.)

The Department of the Interior agreed with the need for resolving differences in several accounting practices (see pp. 15, 18, and 22) and appointed a committee, comprising representatives of the Corps and the Bureau, to study financial reporting problems, with a view toward preparing an annual consolidated financial statement. (See p. 25.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report contains no recommendations or suggestions requiring action by the Congress. It is submitted to inform the Congress of the financial operations of the Federal hydroelectric system in the Missouri River Basin and of our recommendations for corrective actions.

Mr. SPEAKER. In anticipation that our continuing legislative oversight will address this deficiency, I urge the rules be suspended and H.R. 13434 be passed.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may require to speak on behalf of H.R 13434 to increase the authorization for completing work in the Missouri River Basin by the Secretary of the Interior.

The gentleman from Colorado has explained the purpose of H.R. 13434, its background and its general policy provisions. I would like to endorse his remarks in these regards and point out the additional fact that enactment of the legislation is urgently needed to provide authorization for the amount of $8,840,000 which has been requested in the President's budget for fiscal year 1973—and which is now pending before the Committee on Appropriations.

Mr. Speaker, the Subcommittee on Irrigation and Reclamation conducted full and complete hearings on this measure. Our record indicates that the amounts authorized to be appropriated by this measure are the minimum amounts required to assure that an impressive inventory of water resource programs are brought to final completion. Hence, this bill could be characterized as representing a modest investment to make certain that the more than one billion dollars already invested by the Secretary of the Interior actually accomplishes the benefits and purposes for which it was spent.

The record shows that we have 19 remaining program elements requiring some additional work—and which will share in the $94,000,000 authorized by H.R. 13434. About two-thirds of this amount will go into completion, refining and strengthening of the power transmission and marketing system. This system is the high-voltage, background grid through which the Bureau of Reclamation distributes, to preference customers and others, more than 1 million kilowatts of hydroelectric power and from which it realizes a return of upward of $40 million annually.

The remaining requirement for about $34 million is needed to accomplish minor cleanup and drainage activities on 18 units of the Pick-Sloan Missouri Basin development. This development, which has been under construction for more than 25 years, has resulted in facilities for service to 420,000 acres of irrigated land in nine States; for the delivery of 722,000 acre-feet of municipal and industrial water; and the generation of more than 400,000 kilowatts of hydroelectric power. I believe that it can be said with complete safety that this program has done more to stabilize the economic and social health of the Great Plains and adjacent States than any other public undertaking in our time.

With the funds authorized by this act, other elements will be brought to operational status and the efficient functioning of those units now operational will be underwritten.

Mr. Speaker, I personally believe very deeply in programs such as the Pick-Sloan Missouri Basin development and therefore unhesitatingly recommend this measure to my colleagues. I therefore respectfully urge that the rules be suspended and that the bill H.R. 13434 be passed.

Mr. HOSMER. Mr. Speaker, I rise in support of this bill H.R. 13434, as reported by the Committee on Interior and Insular Affairs, authorizing an increase in appropriations of $94 million, for fiscal years 1973–77, for continuing work in the Pick-Sloan portion of the Missouri River Basin program.

The Pick-Sloan portion of the Missouri River Basin program was initiated by the Flood Control Acts of 1944 and 1946. The Pick-Sloan portion of the Missouri River Basin program has resulted in the construction of 33 multipurpose water resource development projects. Fourteen of these projects are completed and 19 units have some remaining work to be done. The increased appropriations authorized by this legislation will be allocated to complete the work remaining on 19 projects leaving an estimated $20 million to be authorized for appropriation after fiscal 1977, to complete work on all units authorized by the Flood Control Acts.

The bill provides that the appropriation authorization of $94 million is subject to increases or decreases as required by changes in construction and engineering cost indices, and the amount authorized for appropriation will expire if not appropriated within the period authorized. The bill also provides that the appropriations authorized shall not be available to initiate construction or work on the Garrison division unit, authorized by the act of August 5, 1965.

The committee adopted two amendments to the bill. The first amendment reduces the administration request from $114 million over 5 years to $94 million over 5 years. The second amendment is an expansion of the limitation on the use of the funds.

Mr. Speaker, I urge that the rules be suspended and H.R. 13434 be passed.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill H.R. 13434, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "To increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior."

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the Senate bill (S. 3284) to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3284

An act to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That there is hereby authorized to be appropriated the sum of $114,000,000 to provide for completion of work in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law No. 534, 78th Cong.), as amended and supplemented by subsequent Acts of Congress, plus or minus such amounts, if any, as may be required by reason of changes in construction costs, as indicated by engineering cost indices applicable to the type of construction involved. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Pick-Sloan Missouri Basin program, whether included in said comprehensive plan or not.

AMENDMENT OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: Strike out all after enacting clause of S. 3284 and insert in lieu thereof the provisions of H.R. 13434, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 13434) was laid on the table.

GENERAL LEAVE

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that I be permitted to include extraneous matter with my remarks and that all Members have 5 legislative days in which to extend their remarks in the RECORD on the legislation just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONVEYANCE OF CERTAIN LANDS TO THE UNIVERSITY OF UTAH

Mr. BARING. Mr. Speaker, I move to suspend the rules and pass the bill (S. 978) authorizing the conveyance of certain lands to the University of Utah, and for other purposes.

The Clerk read as follows:

S. 978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to establish, equip, operate, and maintain a metallurgy research center on approximately 35 acres of land located on the Fort Douglas Military Reservation, Utah, which facility will serve as a replacement facility for that now located on the campus of the University of Utah, Salt Lake City, Utah.

SEC. 2. To carry out the provisions of this Act, there is authorized to be appropriated such sums not to exceed $6,000,000 as may be necessary for the engineering, design, and construction of the research facility referred to in the first section of this Act, together with such equipment and apparatus, roads, and other improvements as may be necessary.

SEC. 3. (a) Upon completion of the research facility authorized herein, the Secretary of the Interior is authorized to convey to the University of Utah the following described land situated on the campus of the University of Utah at Salt Lake City: Beginning at a point 480 feet south of the United States stone monument numbered 6 (monument numbered 6 is 876.31 feet south and 2,453.795 feet east, more or less, from the northwest corner of section numbered 4, township I south, range 1 east, Salt Lake meridian), running west 664.5 feet; thence north 640 feet; thence east 864.35 feet; thence south 0 degree, 00 minute, 50 seconds east 503.9 feet; thence south 55 degrees, 45 minutes, 00 second west 241.92 feet, more or less, to the point of beginning and containing 12.39 acres, more or less.

(b) The conveyance authorized by this Act shall be subject to the condition that the State of Utah pay to the United States an amount equal to the fair market value, as determined by the Secretary of the Interior, of the fixed improvements on such land to be conveyed.

The SPEAKER. Is a second demanded?

Mr. LLOYD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BARING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 978 would authorize the Secretary of the Interior to establish and maintain a metallurgical research center on approximately 35 acres of land on the Fort Douglas Military Reservation, Utah, as a replacement for the present facility now located on the campus of the University of Utah, Salt Lake City, Utah. The bill also provides for the sale of the fixed improvements, at fair market value, and the conveyance of approximately 12.39 acres of land adjacent to the improvements, at no cost, to the university. The bill also authorizes not more than $6 million for the construction of the replacement facility.

As early as 1913, a Bureau of Mines laboratory and research facility was established on the campus of the University of Utah under a cooperative agreement under which the university provided quarters. In 1939, the Bureau started construction on 5 acres of land donated by the university. Subsequently, an additional 10 acres were obtained from the Department of the Army, and in 1958 the university exchanged 2.3 acres of its land for 5 acres of Federal land from the original 15 acres. The end result was the 12.39 acres on which the present Bureau of Mines facility is now located.

These present facilities are located in the middle of the university campus. The area is congested and provides insufficient space for future expansion. The land is also needed by the university for its own future expansion.

Recently, when certain public land within the Fort Douglas military withdrawal was declared surplus, some 35 acres were reserved as a site for a new research center for the Bureau of Mines. This tract, because of its larger size and better location, is ideally suited for the new facility.

S. 978 provides that upon completion of the new facility on the 35-acre tract, the site presently occupied by the Bureau of Mines, consisting of 12.39 acres, will be conveyed to the university without cost. However, the conveyance is conditioned upon payment by the State of Utah of the fair market value of all fixed improvements.

S. 978 authorizes not more than $6 million for the design and construction of the replacement facility.

Mr. Speaker, I firmly support S. 978, and I recommend its enactment.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BARING. I yield to the gentleman.

Mr. HALL. I have studied the report thoroughly, Mr. Speaker, and I have had some discussions on the floor and I have listened intently to my distinguished friend from Nevada's usual excellent explanation of what S. 978 does.

As I understand it, it authorizes the Secretary of the Interior, acting for the U.S. Government, to establish and maintain a new metallurgical research center on about 5 acres of land at Fort Douglas as a replacement for a facility now located on the campus of the University of Utah which they originally gave to the Government for that purpose, amounting to about 12.39 acres, for which they will replace the cost of buildings at fair market value but for which the Federal taxpayer will spend an initial $6,000 in order to complete.

Is that a fair statement of the situation?

Mr. BARING. If the gentleman from Missouri will permit, I would like for the gentleman from Utah to answer this question for him.

Mr. LLOYD. May I say to the gentleman from Missouri this is land which was originally ceded to the State of Deseret and later the State of Utah and later occupied by Fort Douglas, and little by little this property has gone back to the University of Utah, so that now, instead of 5 acres, all but a 13-acre island is left there, which is very inadequate for the work to be done by the Bureau of Mines.

Fort Douglas itself has now been declared surplus, so that the Bureau of Mines has taken something like 35 acres where Fort Douglas now is and will eventually build a laboratory.

At such time as those facilities are replaced at the present Fort Douglas reservation, then this bill provides that the Federal Government will grant to the University of Utah only the land, which is something under 13 acres, and which originally was given to the State as a grant, anyhow, back in 1885.

However, as to the improvements, which are valued at somewhere in the neighborhood of $6 million, I believe, when that change is made, the fair market value of those improvements, the buildings, and so forth, will be paid to the U.S. Government. Just the fair market value of the improvements.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, quite outside of the question of whether we need to continue this research laboratory or not, in addition to the one at Rifle, Colo., and the institutes such as the University of Missouri School of Mines, and metallurgical research centers, and so forth, all I am interested in is being assured that either in kind or in fair market value the University or the State of Utah shall reimburse the Federal Government for all except the difference in improvements they will have as a result of this transfer.

Mr. LLOYD. That is specifically provided for in the bill, that the fair market value for all improvements will be paid by the State of Utah or by the University of Utah.

Mr. HALL. All we are doing is yielding 13 acres of land for the land which we presently own ourselves and which, of course, the State of Utah will not participate in?

Mr. LLOYD. As a matter of fact, it will not participate.

Mr. HALL. But, nevertheless, there has been fee simple ownership on the part of the U.S. Government and, so, we are making a generous gesture to the great State of Deseret as the gentleman so fondly likes to refer to it or to the State of Utah?

Mr. LLOYD. There may be, although I think there is a legal point that has not been legally contested as to whether or not the Federal Government is entitled to a fee simple title.

Mr. HALL. Is the gentleman claiming that there is a reverter clause herein?

Mr. LLOYD. The bill provides that the fair market value and all improvements, exclusive of the land, will be paid to the Federal Government.

Mr. HALL. I am talking about the fair market value of the land.

Mr. LLOYD. The land itself would be a direct grant.

Mr. HALL. That is what I thought. I thank the gentleman.

Mr. LLOYD. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 978. The bill authorizes the Secretary of the Interior to establish and maintain a metallurgical research center on approximately 35 acres of land of the Fort Douglas Military Reservation, in the State of Utah. The new facility will be in lieu of the existing facility on the adjoining University of Utah campus. For the purpose of establishing and maintaining the new metallurgical research center, the bill provides for an appropriation authorization not to exceed $6 million.

The bill also authorizes the Secretary of the Interior, after completion of the new center, to convey to the University of Utah some 12.39 acres, more or less, upon which rests the present Bureau of Mines metallurgy research center. This Bureau of Mines facility was established in 1938 and made possible by a series of land grants between the University and the Federal Government. The bill provides that the conveyance is without compensation for the land but subject to payment of the fair market price of the fixed improvements.

The operation and maintenance of the present Bureau of Mines facility, which is located in a congested area of the university campus, is inhibiting the university's plans for expansion and future development. The conveyance authorized by this legislation will remedy this situation by removing the impediment to the university's future expansion and development plans and by providing the Federal Government with a new, modern, up-to-date metallurgical research facility.

Mr. Speaker. I support the legislation and urge my colleagues to support its passage.

Mr. LLOYD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I submit this statement in support of S. 978. I have sponsored a companion bill in the House authorizing the conveyance of certain lands to the University of Utah.

On February 21, 1855, the 33d Congress, Second Session, approved a land grant to the University of the State of Deseret—now the University of Utah. Ten months later the legislature of the territory of Utah granted and confirmed a campus tract of 560 acres for the university. Approximately 7 years later, in 1862, Col. Patrick Edward Connor of the U.S. Army led Federal troops in the Great Salt Lake Valley and established a camp east of Salt Lake City on the university grounds. Although designated by a rock wall and generally spoken of as "the university grounds" no university buildings as yet occupied the site. As the commanding officer of the 3d Infantry of California volunteers, he issued an order establishing Camp Douglas on a 4-square-mile tract at this point. On September 3, 1867 this was officially designated a military reservation by the President of the United States.

In the years since this time the Army and the U.S. Government have relinquished a major portion of this land and a great deal of it has been restored to the University of Utah. However, a small plot of nearly 13 acres located almost in the very center of the present University of Utah campus was retained by the Government for the establishment of the U.S. Bureau of Mines. Laboratory facilities were constructed there by the Government in 1939. Supplementary buildings consisting of a garage, a shop building, and a warehouse were subsequently constructed. The U.S. Bureau of Mines facility has been, and still is, a welcome part of the university community. Actually, since 1913 the Bureau of Mines has been on the campus and until 1939 occupied a university building.

However, in the ensuing years since 1939 the university has experienced tremendous growth. It has surrounded the Bureau of Mines property with university buildings on three sides and contemplates additional development on the fourth side. Student automobile traffic contributes to what might be considered engulfment of the Bureau of Mines property by university activity.

In October of 1968 when the Army declared surplus a major portion of its Fort Douglas properties, the U.S. Bureau of Mines acquired 34 acres on what is designated as the Fort Douglas Rifle Range. This site is adjacent to the University of Utah campus and immediately contiguous to property acquired by the university for the establishment of a university research park. The establishment of this research park has the wholehearted cooperation and support of the Governor and the people of the State of Utah. Several industrial organizations are presently negotiating for site locations on the research park area. Planning is proceeding to designate a "mining area" which will lie contiguous to the new U.S. Bureau of Mines property.

The proposed legislation authorizes appropriations for a new Bureau of Mines facility, and provides for the sale of the existing U.S. Bureau of Mines improvements located on the University of Utah campus to the University of Utah at such time as the U.S. Bureau of Mines has obtained new facilities and is removed from its existing site.

Passage of this bill, then authorizes and implements a highly desirable and improved situation for the Bureau of Mines in the new location with adequate development space. The bill also provides for restoration of land to the university which the Government gave to it in 1855 and provides for the sale of existing improvements at a fair market value to the University of Utah.

It should be noted that in the report of the Department of Interior on this legislation, it was pointed out that the present facility is adequate for current program needs of the Bureau of Mines, and that the new facility authorized by this bill is based on anticipated future requirements. The funding of a replacement facility is subject to budget priorities that exist in the future.

I respectfully urge that this be approved by the House.

GENERAL LEAVE

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill S. 978.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Nevada (Mr. BARING) that the House suspend the rules and pass the bill S. 978.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GULF ISLANDS NATIONAL SEASHORE

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11839) to amend the act of January 8, 1971—Public Law 91-660; 84 Stat. 1967—an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967) is amended as follows:

(1) In section 2(a) revise the second sentence by deleting "one hundred thirty-five" and inserting in lieu thereof "four hundred" and

(2) In section 11 delete "$3,120,000" and insert in lieu thereof "$3,462,000" and delete "$14,779,000 (1970 prices)" and insert "$17,774,000 (June 1970 prices)".

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the legislation before the House at this time was introduced by our friend and colleague from Mississippi (Mr. COLMER). It is the product of his continuing effort to perfect the Gulf Islands National Seashore as a national outdoor recreation area for the people of the Nation.

BACKGROUND, EXPLANATION AND COST

As the Members of this Chamber will recall, during the last Congress, we approved the initial authorizing legislation for the Gulf Islands National Seashore which is located in the States of Mississippi and Florida. As originally conceived, the seashore included several island units along the Mississippi coast, as well as a small area on the mainland which was needed for administrative purposes.

This legislation focuses exclusively on the Mississippi mainland unit. Present law provides that the maximum size of that unit of the seashore shall not exceed 135 acres. Of that amount, it was anticipated that the State of Mississippi would donate about 59 acres from its parklands located in the Davis Bayou and about 72 acres was to be purchased from private landowners. Instead of donating only 59 acres, however, the State legislature agreed to make available the entire State park—consisting of 266 acres—without cost.

If this donation is accepted, then the acquisition program for this unit would be significantly altered. It would no longer be necessary to acquire the privately owned lands originally needed for the administrative facilities, since they could be constructed on the donated lands, but about 100 acres of land would have to be acquired for the construction of an appropriate access roadway into the area; consequently, while we are increasing the size of the basic unit by donation, there will also be an increased cost for land acquisition. It is estimated that these additional acquisition costs will total $342,000. This money, of course, would be appropriated from the Land and Water Conservation Fund.

The anticipated development of the area would also have to be revised if H.R. 11839 is enacted into law. Instead of locating only the basic administrative facilities at the mainland site, the development concept would be enlarged to include interpretive and other public facilities for visitors in the area. The incremental costs associated with these development changes is expected to total approximately $2,995,000.

The principal advantages of this revised program, Mr. Speaker, are:

First, it will remove all possibility of duplication and conflict of services and facilities in side-by-side Federal-State areas.

Second, it will enable the National Park Service to develop facilities and to provide an interpretive program in an area accessible on a year-round basis for the visiting public.

Third, it will provide a more suitable land base for the mainland unit of the seashore.

CONCLUSION

In short, Mr. Speaker, H.R. 11839 offers us an opportunity to improve upon the work of the 91st Congress. Naturally, few worthwhile programs of this kind can be accomplished without increased costs, but in terms of future public needs at this seashore, I am convinced that this will be a great improvement and a sound investment.

As chairman of the Committee on Interior and Insular Affairs, I am pleased to recommend the enactment of this legislation to my colleagues and I urge its adoption.

Mr. SAYLOR. Mr. Speaker, the purpose of this legislation is to amend the act establishing Gulf Islands National Seashore, Public Law 91-660, in order that the Secretary of the Interior will have the requisite authority to accept the State of Mississippi's generous offer to transfer all of the Magnolia State Park to the Federal Government for national seashore purposes.

The State park consists of 266 acres, which is 131 acres more than the Secretary is presently authorized to acquire. In addition to the State park, a National Park Service study indicates that the acquisition of about 100 acres of contiguous private lands would round out the park unit, provide a more manageable unit, and permit the construction of an appropriate parkway connection to U.S. Highway 90 from the park, a distance of about 1 mile. Not incidentally, acquisition of the additional lands here authorized will remove the necessity to acquire five year-round residences and 59 acres, originally planned for acquisition.

The mile long parkway connection will provide safe and easy public access to the park. Donation of the Magnolia State Park will permit development of visitor facilities at a central location and the additional acreage will provide space for the development of environmental educational opportunities at an easily accessible year-round locale.

To accomplish these goals, H.R. 11839 authorizes the appropriation of an additional $342,000 for land acquisition and increases the amount of land authorized to be acquired from 135 to 400 acres.

I think it well to emphasize a point made in the report accompanying this bill—that the lands originally contemplated for acquisition but which will not be acquired if this bill is enacted will offset part of the cost of right-of-way acquisition for the proposed parkway.

Development costs too must be increased in order to construct the necessary highway connection and visitor facilities at the park. H.R. 11839 authorizes an increase in funds to be appropriated for development purposes to $17,774,000, an increase of $2,995,000.

The Department of the Interior has recommended enactment of this legislation. The Committee on Interior and Insular Affairs carefully considered this legislation and recommends enactment with only minor amendments.

The generosity of the State of Mississippi and development and management of the Seashore by the U.S. Park Service in its usual fine manner will enhance the visitor's experience at Gulf Island National Seashore. I urge that the rules be suspended and the bill do pass.

Mr. TAYLOR. Mr. Speaker, the bill now before the House (H.R. 11839 by Representative COLMER) would modify the Gulf Islands National Seashore Act enacted by the 91st Congress.

This legislation is not complex. It simply expands the authorized size of the mainland unit of the Mississippi portion of the seashore from a maximum of 135 acres to 400 acres. In conformity with this change, it authorizes a revised appropriation ceiling for land acquisition and development.

BACKGROUND AND NEED

As the Members of the House will recall, Mr. Speaker, the Gulf Islands National Seashore was to be composed of various island components and mainland bases in the States of Mississippi and Florida. On the Mississippi end of the seashore, the mainland unit was limited to no more than 135 acres—including approximately 59 acres of donated State park land and about 72 acres of adjacent privately owned lands. In this area, essential administrative facilities were to be developed.

At the time that we considered the authorizing legislation, however, the committee recommended and the Congress approved the deletion of an expensive offshore area—Cat Island—from the Mississippi portion of the seashore. Although some of the public facilities contemplated for the area were to be located in that area, no corresponding changes were made in the legislation to locate them elsewhere, because it could not then be determined where they should be relocated.

Since the enactment of the authorizing legislation, the legislature of the State of Mississippi has authorized the donation of its entire State park, rather than just the 59 acres originally contemplated. By that action, the State has made it possible for the Federal Government to install all of the needed public facilities on donated lands in the mainland unit. Not only will this solve the problem of providing the needed interpretive facilities, but it will eliminate the need to acquire the 72 acres which were to be purchased for the administrative facilities. In addition, it will make it possible for the basic public facilities to be located where they will be reasonably accessible throughout the year, instead of on a relatively remote island accessible only by water.

COST

Mr. Speaker, as I have already indicated, all of the parklands will be donated so that the entire Magnolia State Park—consisting of 266 acres—can be acquired without cost. It will be necessary, however, to improve access to this area from the existing highway network.

While it will be unnecessary for the National Park Service to acquire the 72 acres of privately owned land contemplated originally, it will be necessary to purchase about 100 acres of lands for the construction of the access roadway. For this reason, the bill provides for the appropriation of an additional $342,000 for land acquisition purposes.

The development of the additional public facilities within this unit, including the construction of the access parkway, will undoubtedly be funded over a period of years. At present estimated costs of construction, all of the additional development can be accomplished for $2,995,000. If enacted as recommended, H.R. 11839 will increase the appropriation limitation for development by this amount.

CONCLUSION

I am pleased to support the bill introduced by my colleague from Mississippi (Mr. COLMER). He has worked long and hard to make this seashore a reality and I think that we owe him our appreciation for his efforts in successfully convincing the State to donate this additional land.

By increasing the acreage limitation so as to accept the donation of Magnolia State Parks; by improving the road access as planned; by carrying out the development program made possible by the Magnolia Park donation, we are making the Gulf Islands Seashore Area a finer and more useful facility, and we are placing it in position to better serve the visiting public in the years ahead.

Mr. Speaker, I urge the adoption of H.R. 11839, as amended.

Mr. COLMER. Mr. Speaker, I greatly appreciate the opportunity to present this statement in behalf of H.R. 11839, which provides for amendments to the Gulf Islands National Seashore authority. This bill, in the nature of an amendment to Public Law 91–660, calls basically for the acquisition of additional State-owned lands and some private lands on the mainland of Mississippi, and for the related minimal additional acquisition and development costs.

It will be recalled that the National Park Service originally requested 135 acres maximum on the Mississippi mainland to be used for the principal visitors center and headquarters. In order to hold down the overall cost of the project, we were able to induce the State of Mississippi to donate, free of cost, some of this necesssary acreage which is located in the vicinity of Ocean Springs, Miss., to the U.S. Government.

However, in so doing, the value of the property, which is Magnolia State Park, as a State facility, would be minimized if not lost as such since the conveyance of the maximum of 135 acres requested by the National Park Service would only include 59 acres of this park property. With this in mind, the Mississippi State Legislature passed a bill authorizing the transfer of the entire Magnolia State Park, consisting of 226 acres to the U.S. Government. It should be noted that this property is beach front acreage and, therefore, some of the more valuable of the gulf coast properties.

This amendment would eliminate the need to acquire some private lands previously included and would include other private lands, not designated in the original 135 acres, necessary for the development of the center, and a safe and adequate access road leading from the park to Mississippi Highway 90. The present owners of the private lands involved have been contacted and they are in agreement with these proposed changes. H.R. 11839 would further provide for the necessary additional acquisition funds in the amount of $342,000 and for the addition of $2,995,000 in development funds.

A great deal of work has been done on the Gulf Islands National Seashore project. The land acquisition work has been listed as a priority matter during 1972, with some of this action being underway. Since the largest portion of the property to be acquired by the National Park Service is owned by the State of Mississippi, particularly as regards the area to be developed as the main visitors center, this legislation is essential to the orderly development of this seashore project.

Finally, Mr. Speaker, I request favorable consideration of this bill which will bring to final consummation the preservation of these barrier islands along the Mississippi and Florida coasts for the full enjoyment of the present and future generations as the Gulf Islands National Seashore.

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 11839, a bill which would amend the act establishing the Gulf Islands National Seashore in the States of Florida and Mississippi.

Last Congress, legislation establishing this National seashore became Public Law 91-660. Approximately 18,082 acres of land, including several offshore islands, in both Florida and Mississippi were designated seashore lands to be preserved, developed and used for recreation. At that time, it was estimated that the lands needed to be acquired could be obtained for $3,120,000 and that development of the seashore would require an investment of $14,799,000. The original development plan contemplated that 135 acres on the Mississippi mainland would be acquired to establish a park headquarters and the principal visitor center for the seashore.

The State of Mississippi agreed to donate its lands, but found that in doing so its State Park property would be diminished by 59 acres seriously diminishing the value of the remaining State Park property. The State, therefore, has generously agreed to donate all of its Magnolia State Park to the Federal Government for National Seashore use.

The National Park Service has studied this proposal and has revised its planning for this section of the seashore to include the entire Magnolia State Park. In doing so, planners found that existing road connections from the State Park to a nearby interstate highway were insufficient to accommodate the expected seashore visitation and therefore have proposed the construction of a new 1-mile parkway connection. Incidentally, planners found that 5 year-round homesites, previously slated for acquisition, could remain under this new plan.

Public Law 91-660 limits the Secretary's authority to acquire lands for administrative purposes to 135 acres. One principal purpose of this bill is to amend that law to increase that acreage limitation to 400 acres thereby providing the Secretary with the authority requisite to accept the State's condition of its 266 acre park and to acquire the necessary right of way for the mile long parkway. The other purposes of this bill is to amend Public Law 90-660 to increase the appropriations ceilings therein contained. The ceiling on land acquisitions will be increased by $342,000 and on development by $2,995,000. Development cost increases are due principally to parkway construction costs and increased visitor and administrative facilities.

These amendments to the Gulf Islands National Seashore Act are needed in order that the seashore may be properly developed for projected annual visitations in excess of 10 million people. I am confident that with the additional authority contained in this bill, Gulf Islands National Seashore will be developed in such a manner that visitor experience will be truly exceptional. I therefore urge your support for passage of H.R. 11839.

GENERAL LEAVE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this legislation, H.R. 11839.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 11839, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the futher consideration of the Senate bill (S. 3153) to amend the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3153

An act to amend the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), an Act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), is amended by deleting from the second sentence of section 2(a), "one hundred thirty-five," and inserting in lieu thereof "four hundred," and by deleting from section 11, "$3,120,000," and inserting in lieu thereof "$3,462,000," and by deleting "$14,779,000," and inserting in lieu thereof "$17,774,000 (June 1970 prices)."

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: Strike out all after the enacting clause of S. 3153, and insert in lieu thereof the provisions of H.R. 11839, as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11839) was laid on the table.

PUUKOHOLA HEIAU NATIONAL HISTORIC SITE, HAWAII

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1462) to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to restore and preserve in public ownership the historically significant temple associated with Kamehameha the Great, who founded the historic Kingdom of Hawaii, and the property of John Young who fought for Kamehameha the Great during the period of his ascendancy to power, the Secretary of the Interior is authorized to acquire, by donation or purchase with donated funds, such lands and interests in lands, together with structures and improvements thereon, not to exceed one hundred acres, in the vicinity of Kawaihae, Hawaii, as generally depicted on a map entitled "Boundary Map, Proposed Puukohola Heiau National Historic Site," numbered 20,002, dated February 1970, which shall be on file and available for public inspection in the offices of the National Park Service, Washington, District of Columbia. The Secretary of the Interior may from time to time revise the boundaries of the proposed historic site, but the total acreage of the site shall not exceed one hundred acres.

SEC. 2. The Secretary of the Interior shall establish the area as the "Puukhohola Heiau National Historic Site" at such time as he deems sufficient interests in lands have been acquired to constitute an administrable unit. Pending and after establishment, the Puukohola Heiau National Historic Site shall be administered, developed, preserved, and maintained in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 3. Notwithstanding the acreage limitation contained in section 1 of this Act, the Secretary of the Interior is authorized to acquire by donation, purchase, or exchange, such additional lands and interests therein outside the boundary of the site as he deems necessary to relocate portions of State and county roads which are currently within the boundary of the site, and he may construct roadways on the lands so acquired and convey the same, subject to such terms and conditions as he deems necessary, to the State of Hawaii or its appropriate political subdivision. Any relocation of State and county roads shall be undertaken in accordance with an agreement between the Secretary and the State or county concerned, which shall provide, among other things, for the continued maintenance of the relocated portions of road by such State or county.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act not to exceed, however, $1,040,600 (May 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, I am pleased to have this opportunity to recommend to the Members of the House a bill introduced by the gentlewoman from Hawaii (Mrs. MINK).

H.R. 1462 provides for the establishment of the Puukohola Heiau National Historic Site on the Island of Hawaii. If approved, this new unit of the National Park System will include three important Hawaiian temples—including Puukohola Heiau, which is perhaps the most famous temple of all of the Islands—and the house which belonged to John Young.

HISTORICAL INFORMATION

This area is closely associated with the life and times of Kamehameha the Great, who rose to power near the end of the 18th century and who succeeded in uniting all of the various chiefdoms in the area into the Kingdom of Hawaii. It is generally concluded that this historic accomplishment made it possible for Hawaii to remain free of foreign domination until its annexation to the United States.

Hawaiian history of the temples in this proposed historic site indicates that King Kamehameha constructed Puukohola Heiau and dedicated it in 1791 to his war god. Subsequent to the dedication—which included the sacrifice of the body of his chief rival for control of the Island of Hawaii—Kamehameha consolidated his control over Hawaii, reconquered the other islands, and ultimately established the kingdom which he and his sons and grandsons ruled successively until 1872.

COST

Because of its association with the history of the people of Hawaii, this area is considered to offer a prime opportunity for the interpretation of the early Hawaiian culture and history. Except perhaps for the modest costs which might arise as the result of the relocation of two roadways that presently traverse the proposed site, land acquisition costs are nil. All of the lands directly involved are owned by the Queen's Medical Center or by the State of Hawaii and are to be made available without cost. Other than the usual costs for operation and maintenance, the investment in this site will be limited to the development of necessary public facilities and to the restoration, stabilization, and protection of the historic improvement located within the historic site. Under the terms of the bill, appropriations for this purpose are limited to no more than $1,040,600.

CONCLUSION

Mr. Speaker, H.R. 1462, as amended, offers us an outstanding opportunity to provide for the preservation and interpretation of an area of great historic interest. It will help tell the story of the evolution of this part of our Nation to the visiting public and it will contribute to the overall historic panorama presented in the various units of our national park system.

As chairman of the Committee on Interior and Insular Affairs, I urge the adoption of H.R. 1462, as amended.

Mr. SAYLOR. Mr. Speaker, I rise in support of this proposal to establish an historic site on the Island of Hawaii in our 50th State—H.R. 1462 seeks to preserve and interpret a significant part of Hawaiian history through restoration and stabilization of a grouping of Heiaus, or temples and associated structures.

There are three temples. Puukohola, the most commanding temple and the one for which this proposed national historic site will be named, and the one built in 1791 by King Kamehameha, stands on a hill overlooking Kawaihae Harbor. Lower on the hill, between Puukohola and the shore, is another temple, Mailekini, which Kamehameha repaired at the time he constructed Puukohola. Just off shore, now under water, is the third temple, dedicated to shark gods. Nearby, are the remains of the home of an Englishman, John Young, an adviser and confidant, who later became Governor of the island.

H.R. 1462 AUTHORIZES THE ACQUISITION OF UP TO 100 ACRES

Not incidentally, the impact of enactment of this bill and establishment of this historic site will be to create a large open space of about 77 acres within a developing resort community on Hawaii's south Kohala coast, adjacent to an established county park.

Major changes proposed and authorized by this bill include removal of roads and other development not in keeping with the purposes of the historic site; construction of facilities for visitor accommodation and interpretation of these unique ruins; and, as has been indicated, restoration and stabilization of the temples and associated structures. Most of the acreage, three-fourths in fact, including the shoreline will remain open space and be restored as nearly as can be to the condition it was in 1791 when King Kamehameha offered his chief opponent for control of the Hawaii Isles as a sacrifice to his war gods at Puukohola.

The Committee on Interior and Insular Affairs carefully considered this legislation, holding hearings here in Washington during December of 1971 and field hearings on Hawaii during January of this year. The committee has recommended enactment of the legislation with its usual amendment limiting the amounts authorized to be appropriated—in this case, authorizations are only necessary for development costs as the owners of the acreage and structures within the boundaries of this proposed site have indicated that they will donate their holdings.

I have seen the good work the National Park Service has done at City of Refuge National Historic Park, in the State of Hawaii. This bill offers the promise of added opportunity to preserve and interpret Hawaii's unique history. More than 250,000 visitors are expected annually at this proposed addition to our national parks system.

Mr. Speaker, I urge that the rules be suspended and that H.R. 1462 do pass.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. HALL. Just for information, I would like to know if the distinguished gentleman, the ranking minority member, the chairman, or our colleague from Hawaii could locate this particular area, the Puukohola Heiau area? Is it the one down on the big island near the City of Refuge?

Mr. SAYLOR. This is on the big island, it is not near the City of Refuge? It is over on the other side of the island. This place is, as near as history can tell us, probably the most important spot so far as the people of Hawaii themselves are concerned and their historic tying together and becoming a nation, because it was at this point Kamehameha was finally voted King of the entire islands.

Mr. HALL. If the gentleman will yield further, is it near the city of Hilo itself or is it up on the islands above the waterfalls?

Mr. SAYLOR. It is not, it is on the opposite side or the dry side of the island.

Mr. HALL. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. GROSS. I notice it says that there would be three fish ponds and a toboggan slide. Are these all together or is this another bill?

Mr. SAYLOR. No; they are all together. This is a part of what has happened in the development of their culture and this is a shining example.

Mr. GROSS. Perhaps I have the wrong bill.

Mr. SAYLOR. You have the wrong bill. The next one is the one which discusses the study.

Mr. GROSS. Oh, that is the next bill?

Mr. SAYLOR. The next bill discusses that.

Mr. GROSS. I thank the gentleman.

Mr. TAYLOR. Mr. Speaker, the bill now before the House is one which was introduced by our colleague from Hawaii, the Honorable PATSY T. MINK. It provides for the establishment of the Puukohola National Historic Site on the Island of Hawaii.

BACKGROUND

If H.R. 1462 is enacted, it will provide authority for the protection and stabilizatin of Hawaii's most famous Beiau or temple—Puukohola Heiau. This temple is a massive structure built of lava stones. It was constructed or reconstructed by Kamehameha the Great and and dedicated by him to his war god. At the time of its dedication. King Kamehameha consolidated his political control over the Island of Hawaii by offering 11 human sacrifices to the gods—the principal one being the body of his primary rival for control over the island. This event in history is considered to be the beginning of the unification of all of the various chiefdoms, scattered throughout the islands, into the Kingdom of Hawaii.

Closely flanking Puukohola Heiau are two other temples which were probably constructed in earlier times. In addition the house of John Young, an Englishman closely associated with King Kamehameha, is located nearby and will add a different perspective to the historic interpretation of the area.

The historic value of this site has been recognized for many years. In 1962, the Secretary's Advisory Board on National Parks, Historic Sites, Buildings and Monuments classified the area as having national significance and in 1966 Puukohola was dedicated as a national historic landmark.

Combining the historical association of the various structures on the site with its commanding view overlooking Kawaihae Harbor will provide the National Park Service with an outstanding opportunity to interpret the early history of the Hawaiian kingdom for the visiting public.

COST

Except for lands which may possibly be acquired for the relocation of roadways that presently cross the proposed historic site, no land acquisition costs are involved. The lands involved are presently owned by the State of Hawaii and by the Queen's Medical Center and will be conveyed to the United States without cost.

There will, however, be some costs associated with the development of the area. The relocation of the roadways, the construction of visitor facilities, and the restoration, rehabilitation, and stabilization of historic structures is expected to require an investment of slightly more than $1 million. Such an investment will, of course, be spread over a period of years and can be justified by its contribution to a site which will add a new dimension to the story being told throughout the country in our National Park System.

CONCLUSION

Mr. Speaker, I have had the privilege of visiting this area and seeing it first hand. In addition, I have seen what the National Park Service can do—and is doing—with sites such as these. I think that this legislation offers the Members of the House an outstanding opportunity to preserve a little bit of the culture of the past which all Americans would like to have an opportunity to better understand.

It is a pleasure for me to support the bill of my friend and colleague from Hawaii and I urge the adoption of H.R. 1462 as reported by the Committee on Interior and Insular Affairs.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 1462, legislation to authorize the establishment of the Puukohola Heiau National Historic Site on the Island of Hawaii. The land is to be donated free of charge to the Federal Government.

This site is of great historical importance to the people of Hawaii. Its significance is due to the close association of this area with the rise to power of King Kamehameha the Great. Kamehameha was the great chief who united the entire Hawaiian island chain into one kingdom. He is looked upon as the Father of the Hawaiian Kingdom. He is considered to be the single most important person in the history of the Hawaiian people. His statute may be viewed in our Capitol's Statuary Hall.

The area with which this legislation is concerned contains four significant structures which are in remarkably good condition and will lend themselves well to restoration. Three of the structures are heiaus—or sacred temples—and one is the remains of the historic John Young house which is the finest example of an early Western-type structure constructed in the islands.

Puukohola Heiau is the main temple. It was built by Kamehemeha the Great and dedicated by him to his war god, Kukailimoku, in 1791. According to accounts of the dedication, several human sacrifices were offered to the war god, including Kamehameha's chief rival for power. This temple is one of the most famous in the islands and certainly one of the most important, for it is closely associated with his ascendancy toward power and eventual control of all the islands.

A second heiau or temple is the Mailekini Heiau, located a short distance away. It is mentioned prominently in legends concerning earlier Hawaiian history which was never recorded. In Kamehameha's reign it served as a religious site. Priest and chiefs were situated nearby, and it is said that Kamehameha occasionally retired to these sacred grounds. Human sacrifices were never permitted at this temple. There is also an undersea heiau just off shore which will also be part of this historic site.

A third significant structure, the house of John Young, offers evidence that it was one of the first Western structures in the islands. John Young, an Englishman, became the most important foreign adviser to Kamehameha and helped him to conquer and unite the islands. Kamehameha appointed him Governor of the big Island of Hawaii, which he ruled from 1802 to about 1812.

This bill represents a rare opportunity for the Federal Government to acquire an extremely important historical area at virtually no cost for land acquisition. The land for this site is presently owned by the State of Hawaii and the Queen's Medical Center, a private nonprofit organization. The lands are being offered as a donation since both owners are very interested in seeing this important area preserved for future generations. Adoption of this legislation is necessary to assure acceptance by the Federal Government of the donated lands.

Development costs for the site, including restoration and visitor facilities, are estimated to be $1,040,600, of which $820,600 is programed for expenditure during the first 5 years after enactment. This is an extremely modest investment for such a significant addition to our national historic sites system.

The historical importance of the area has already been attested to by the Federal Government. The area was designated as a Registered National Historic Landmark in 1966. Its designation as a National Historic Site will enable its protection and preservation for future generations.

All those who are in any way associated with this site are enthusiastic in support of the bill. It is supported by the administration. The owners of the land clearly recognize the need for the bill and have generously offered this valuable site as a donation. I urge passage of this measure.

Mr. SKUBITZ. Mr. Speaker, I rise in support of H.R. 1462 the purpose of which is to restore and preserve a historically significant Heiau, or temple, built by King Kamehameha the Great, the founder of the Kingdom of Hawaii, the property of John Young, an Englishman, who aided Kamehameha in his rise to power, and other assocated structures all of which are in close proximity, located on the Island of Hawaii. I understand that the king, in dedicating his newly constructed temple, offered the remains of his chief rival for control of the Island of Hawaii, as a sacrifice to Kukailimoku, his war god. To paraphrase Gen. Douglas MacArthur, in those days there certainly was no substitute for victory.

The temple is located on a hill, 135 feet high and commands an excellent view of the west coast of Hawaii. It is a massive structure made of piled lava rocks measuring 100 feet by 224 feet. Partial restoration of the structure has been completed and it is open to the general public. From the top of the temple, one can see another temple of the high-walled-court-type, also in good repair, and yet another temple which is partially submerged in the sea.

H.R. 1462 would insure an open space of about 77 acres, encompassing these historical structures, within a developing resort community on Hawaii's south Kohala coast. Significantly, all of the lands within the proposed site will be donated by the Queens Medical Center and the State of Hawaii. The only costs associated with land acquisition will be those required for administrative expenses and the Real Property Acquisition Act of 1970 which are estimated at $6,500. H.R. 1462 limits appropriations for development to $1,040,600 plus or minus fluctuations in construction costs indicated by engineering cost indices applicable to the types of construction involved. That figure conforms to departmental estimates submitted to the Committee on Interior and Insular Affairs. The principal developments proposed for the historical site will be reconstruction of the Puukohola Heiau, stabilization of the other temples and construction of a visitor center. A State highway and a county road now cutting through the proposed site will be relocated.

The historical significance of the proposed site has already been recognized. The principal temple was dedicated as a national historic landmark in 1966. The Secretary of Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments has reported that it heartily endorses this proposal and believes it to be a splendid opportunity to interpret the military and political ascendancy of Kamehameha the Great and the formation of the Kingdom of Hawaii. In that connection, I understand that the Bishop Museum, which has played a significant role in research and preservation of Hawaiian archaelogical, historical and natural resources, plans to establish a combination interpretive and research center adjacent to Puukohola.

I think this site will be a valuable addition to our National Parks system and I urge the support of my colleagues for the passage of this bill.

GENERAL LEAVE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 1462.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina, (Mr. TAYLOR), that the House suspend the rules and pass the bill, H.R. 1462, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING A STUDY OF THE SITE OF HONOKOHAU NATIONAL HISTORICAL LANDMARK, HAWAII

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11774) to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds the site of Honokohau National Historical Landmark in the State of Hawaii encompasses unique and nationally significant cultural, historical, and archeological resources and believes that it may be in the national interest for the United States to preserve and interpret those resources for the education and inspiration of present and future generations. The Congress further believes that it is appropriate that the preservation and interpretation at that site be managed and performed by native Hawaiians, to the extent practical, and that training opportunities be provided such persons in management and interpretation of those cultural, historical, and achaeological resources.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall study the feasibility and desirability of establishing as a part of the national park system an area, not to exceed one thousand five hundred acres, comprising the site of Honokohau National Historic Landmark and adjacent waters.

(b) As a part of such study other interested Federal agencies, and State and local bodies and officials shall be consulted, and the study shall be coordinated with other applicable planning activities.

SEC. 3. The Secretary shall submit to the President and the Congress within one year after the effective date of this Act, a report of the findings resulting from the study. The report of the Secretary shall contain, but not be limited to, findings with respect to the historic, cultural, archeological, scenic, and natural values of the resources involved and recommendations for preservation and interpretation of those resources, including the role of native Hawaiians relative to the management and performance of that preservation and interpretation and the providing to them of training opportunities in such management and performance.

SEC. 4. (a) There is hereby established a Honokohau Study Advisory Commission. The Commission shall cease to exist at the time of submission of the Secretary's report to the President and the Congress.

(b) The Commission shall be composed of fifteen members, at least ten of whom shall be native Hawaiians, appointed by the Secretary, as follows:

(1) Two members, one of whom will be appointed from recommendations made by each of the United States Senators representing the State of Hawaii, respectively;

(2) Two members, one of whom will be appointed from recommendations made by each of the United States Representatives for the State of Hawaii, respectively;

(3) Five public members, who shall have knowledge and experience in one or more fields as they pertain to Hawaii, of history, ethnology, anthropology, culture, and folklore and including representatives of the Bishop Museum, the University of Hawaii, and organizations active in the State of Hawaii in the conservation of resources, to be appointed from recommendations made by the Governor of the State of Hawaii;

(4) Five members to be appointed from recommendations made by local organizations representing the native Hawaiian people; and

(5) One member to be appointed from recommendations made by the mayor of the county of Hawaii.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall consult with the Commission with respect to matters relating to the making of the study.

SEC. 5. During the period commencing with enactment of this Act and ending with submission of the Secretary's report to the President and the Congress and any necessary completion of congressional consideration of recommendations included in that report (1) no department or agency of the United States shall, without prior approval of the Secretary, assist by loan, grant, license, or otherwise in the implementation of any project which, in the determination of the Secretary, would unreasonably diminish the value of cultural, historical, archeological, scenic, or natural resources relating to lands or waters having potential to comprise the area referred to in section 2(a) of this Act and (2) the Chief of Engineers, Department of the Army, shall not, without prior approval of the Secretary, undertake or assist by license or otherwise the implementation of any project which, in the determination of the Secretary, would diminish the value of natural resources located within one-quarter mile of the lands and waters having potential to comprise that area.

SEC. 6. The term "native Hawaiian", as used in this Act, means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to the year 1778.

SEC. 7. There are authorized to be appropriated not to exceed $50,000 to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. KYL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the bill now before the House (H.R. 11774) was cosponsored by our colleagues from Hawaii, Representatives MINK and MATSUNAGA.

PROVISIONS OF THE BILL

This legislation contains three key elements:

First, it authorizes and directs the Secretary of the Interior to conduct a study of the area on the Island of Hawaii known as the Honokohau Settlement National Historic Landmark. The purpose of this study is to determine the feasibility and desirability of establishing a unit of the national park system in the landmark area.

Second, it creates an advisory commission to consult with the Secretary during the course of study.

Third, it prohibits any Federal agency from aiding by loan, grant, permit, license, or otherwise any activity which would directly affect the values at the site.

NEED

As we all know, specific authorization of studies of this kind is not required; however, from time to time, the Congress has found that this procedure evokes action that would otherwise be delayed. In this case, testimony before the Subcommittee on National Parks and Recreation indicated that it was unlikely that this study would commence in the foreseeable future, notwithstanding the fact that development plans in the area clearly contemplate the disruption of the values found there. The enactment of this legislation does not commit the Congress to any course of action in the future, but it does assure us of an opportunity to consider the merits of a possible program to preserve the values existing in this area.

While no legislation is required in order to conduct a study of this kind, the other two features of the bill could not be accomplished without enabling legislation. It seems highly appropriate for the native Hawaiian people to have an opportunity to contribute to this study and for this reason H.R. 11774 authorizes the creation of an advisory commission whose members would serve without compensation. It also seems logical to establish, in effect, a moratorium on Federal activities which might result in diminishing the historical and cultural values within the landmark area before the Congress has an opportunity to evaluate its potential as a future unit of the national park system.

On this latter point, Mr. Speaker, I might add that I directed a letter to the Secretary of the Army requesting that the Corps of Engineers take no action on any permits which would alter the character of this area until this legislation could be considered. In response, I received from the Secretary a letter agreeing to withhold action while this legislation is under consideration.

Mr. Speaker, I am including in the RECORD at this point my letter to the Secretary and his reply to me:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, D.C., December 8, 1971.
Hon. STANLEY R. RESOR,
Secretary, U.S. Department of the Army, Washington, D.C.

DEAR MR. SECRETARY: On December 2, the Subcommittee on National Parks and Recreation conducted hearings on H.R. 11774. As a result of those hearings, it was learned that an application is pending before the Corps of Army Engineers with respect to certain developments in the vicinity of the Honokohau historic area.

In view of the Congressional interest in conducting a comprehensive study of this area, I am taking this opportunity to request that action on the application be deferred pending a decision on the legislation.

With kindest regards, I am,
Sincerely yours,
WAYNE N. ASPINALL, *Chairman.*

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., January 10, 1972.
Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the Secretary of the Army, I am replying to your recent letter regarding an application to the Corps of Engineers for a permit to construct in navigable waters within the Honokohau Historic Area, Hawaii.

I have forwarded your letter to the Division Engineer, Pacific Ocean Division, and requested that he defer action on the application pending a decision on the legislation.

Sincerely yours,
F. J. CLARKE,
Lieutenant General, U.S.A., Chief of Engineers.

THE AREA

Mr. Speaker, several members of the committee have inspected the area involved in this legislation and field hearings were conducted concerning it. It is my understanding, although I am not personally present, that a large number of witnesses expressed great interest in the preservation of this area. While those who propose to develop these lands apparently have attempted to take into consideration the values of the area in their overall plan, it is apparent that some features of their program would disrupt the historical and cultural values for which the historic landmark was established.

CONCLUSION AND COST

Undoubtedly, Mr. Speaker, the Members of the House will be hearing more about this matter in the future, but at the present time the committee does not have—and the Department of the Interior has not developed—the basic data that is necessary in order to determine if a unit of the national park system should be located in this region. This is the information which H.R. 11774 requires the Secretary to develop and to submit to us so that we can make our decision on the basis of solid facts. The cost of the study is limited by the bill to no more than $50,000—a relatively modest investment in comparison with the land values in this area.

Mr. Speaker, I urge the Members of the House to approve H.R. 11774, as amended.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the gentleman says the establishment of this Commission is in no wise a commitment to anything, and then a few words later my friend, the gentleman from Colorado, says we will probably be hearing more about this.

Mr. ASPINALL. I think, if I may say to my friend, he must keep in mind that we have two commissions involved in this. We have the Board of the U.S. National Park Historic Sites. There is the provision for the Commission in this bill which, as I understand it, will be composed mostly of people of Hawaii who have their wish to find certain information before any decision is made. So two steps will be necessary before there is any direction to the Congress of the United States. The first would be the participation by the Board or Commission referred to in this legislation, and the second would be the study and factfinding decision by the National Historic Sites Board itself before any legislation would come to us.

Mr. GROSS. I just want to observe it will be the reddest letter day in the history of the Congress when we appoint a commission for a purpose of this kind and then that does not involve any kind of commitment, implied or otherwise. I say again that will be a great big red letter day in Congress when we do not hear from them.

Mr. ASPINALL. I have known of one or two commissions making studies, concerning which I wish I could get more emphasis, information, or interest.

Mr. KYL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 11774, a bill to authorize a study of the feasibility and desirability of establishing a unit of the National Park System in order to preserve and interpret the site of Honokohau National Historic Landmark in the State of Hawaii.

The National Historic Landmark for which this bill authorizes a study is located on the west coast of the Island of Hawaii. It was designated as such in December of 1962.

Within the landmark area are a significant number of archeological sites. There are 50 ancient house sites, four heiaus, or temples, one of the few remaining holas or toboggan slides, several tombs, and three fish ponds. One fish pond, Kaloko Fish Pond, because of its size, excellent canoe landings, and sheltered location was in productive use until 1929. One of the heiaus, or temples, consists of two great upright stone slabs. These slabs, I am told, served as fishermen's gods. Scattered among the ruins and ancient lava beds are many petroglyphs and what many today assume were bathing pools. There are also the remains of royal highways traversing the lava beds. In short, there are the tangible remains of a highly civilized ancient culture, unique to this country.

The Kaloka Fish Pond and Honokohau have become the focal point of citizens of Hawaii and of this Nation concerned with preserving the vestiges of ancient Hawaiian culture. The site too has become a focal point of those intent upon developing the residential, commercial, and recreational potentials inherent in the Island of Hawaii.

Parenthetically, you might wonder what historical significance there is in a toboggan slide.

The State of Hawaii has approved plans for a major recreational development which would encompass the Honokohau National Historic Landmark and the lands along the coast have been zoned for such development. Here, progress threatens to destroy that which some think worthy of protection. And, in the minds of others, development is being impeded by overzealous protectors of a long past and heretofore forgotten culture.

Mr. Speaker, I would like to direct a comment to my friend, the gentleman from Iowa, who asked in some prior bill whether or not it had toboggan slides. I would like to remind the gentleman from Iowa that these slides were used by high-caste or princely Hawaiians to demonstrate their daring and to settle political disputes and rivalry. In the older days these slides were very similar to the ones we might find now in a modern ski area, but with, however, quite a great deal of difference.

A slide was built of stone and was several hundred feet long, much like those used on today's winter games, except that it was covered with straw, greased, in a straight line and ended in the sea. On both sides, there were natural hazards such as sharp lava rock. A winning tobogganer, or survivor, generally was assured that there would be no minority views to distract from his own.

The resolution of the apparent conflict is not within the scope of this legislation. The purpose of this legislation is to determine the feasibility and desirability of preserving and interpreting that which is there and is worthy of preserving and interpreting. I feel sure that the passage of this bill and the execution of the study authorized by this bill is the sort of progress that will not and should not unnecessarily impede development of other equally desirable objectives.

The Department of the Interior has stated that the Secretary already has the authority under existing law to conduct studies such as this, and that, therefore, no new legislation is required. The Committee on Interior and Insular Affairs considers that passage of this legislation will serve to catalyze that procedure. This bill specifically directs initiation of the study. More importantly, this bill authorizes the appointment of a predominantly Hawaiian advisory committee to advise and consult with the Secretary during the course of the study. This bill also contains a measure of insurance to prevent activities which might adversely affect the site pending determination of the central issue: Whether to add the site as an additional unit of the National Park System—$50,000 is authorized to be appropriated for study purposes and, as is noted on the report accompanying this bill, expenses attributable to the advisory commission would presumably be charged against that ceiling.

I urge that the rules be suspended and that H.R. 11774 do pass.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Did the chiefs do a little fishing in those ponds on the way down?

Mr. SAYLOR. No, not on the way down. That was only afterward, after they survived.

Mr. TAYLOR. Mr. Speaker, I rise in support of this legislation.

The legislation now before the House, Mr. Speaker, is H.R. 11774 a bill introduced by Representatives MINK and MATSUNAGA. Its basic purpose is to authorize and direct the Secretary of the Interior to conduct a study of the area generally known as the Honokohau National Historic Landmark in order to determine the feasibility and desirability of establishing a unit of the National Park System at this location.

BACKGROUND

In the early 1960's, an area located on the west coast of the Island of Hawaii was designated by executive action as a national historic landmark. At that time, the historic value of the Honokohau Settlement was recognized as being nationally significant. It contains many ancient house sites, four Hawaiian temples, fishponds, and numerous tombs and petroglyphs are found there.

Unfortunately, the site is now in danger of significant alteration because it has been zoned for urban development and a plan for a large recreation complex on it has been completed. If implemented in its present form, the development plan would alter some of the places considered to be most important to the historic landmark.

National historic landmark designation does not, in itself, assure any Federal control over activities which might adversely affect the site; however, the National Historic Preservation Act does provide a mechanism which guarantees that Federal agencies will not, by their actions, encourage or assist activities which will adversely affect such sites.

THIS LEGISLATION

This legislation requires the Secretary of the Interior to complete the study of the landmark and to report his findings and recommendations to the Congress within 1 year after the date of enactment of the bill. At that time, the Congress can examine the details of the recommendations and determine whether it is in the national interest to establish a unit of the national park system in this area.

Of course, Mr. Speaker, the Secretary of the Interior can initiate studies if he has adequate funds available. He could, in fact, undertake this study without this specific legislation; however, during our hearings we were informed that present plans do not call for the initiation of such a study in the foreseeable future. Because of impending developments, it seems reasonable to emphasize the importance of getting this study underway as promptly as possible.

In addition to the importance of having the study completed promptly, the bill provides authority for the creation of an Advisory Commission which is to be available to consult with the Secretary or his designee concerning the study and it establishes a complete moratorium on any activities requiring Federal assistance, licenses, permits, and the like, until it is completed and given a reasonable period of time for consideration by the Congress.

CONCLUSION

Mr. Speaker, along with several other members of the Subcommittee on National Parks and Recreation, I visited this area. We conducted extensive field hearings on the proposed legislation and heard many witnesses argue for its preservation. I think that most of us were convinced that a thorough study of the area is merited and that the relatively modest investment required—$50,000—would provide us with the kind of information that we need in order to make a final determination on the action to ultimately be taken.

I want to emphasize that H.R. 11774 does not in any way commit the Federal Government or the Congress to any specific course of action, but it does indicate our interest in this area. As we have found in the past, this is the only direct method that is available to the Congress to indicate its priorities with respect to studies of this kind.

As chairman of the Subcommittee on National Parks and Recreation, I am pleased to recommend the enactment of H.R. 11774.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 11774, legislation to authorize a study of the feasibility and desirability of establishing a unit of the National Park System in order to preserve and interpret the site of Honokohau National Historic Landmark in the State of Hawaii.

As the principal sponsor of this legislation, I can state without qualification that I believe it is the most important bill I have yet had the honor of submitting in the Congress on behalf of the people of Hawaii.

This is a bill to protect a very vital, and very precious piece of property in the State of Hawaii. The land involved is an integral part of the history and the culture of the native Hawaiian people who inhabited these islands long before the advent of the white man and his civilization.

The islands of Hawaii were first united by a great leader, King Kamehameha the Great, whose statue now stands in our Capitol's Statuary Hall.

This famous leader of the Hawaiian people was secretly buried in a sacred fishpond on the shore of the Island of Hawaii, largest island in the Hawaiian chain. The fishpond was used by the native Hawaiians for raising a food supply, using techniques which now have been lost. The fishpond was an indentation in the coast, enclosed by construction of a seawall with lava rocks to block off the ocean waves.

All of this was part of a thriving Hawaiian community on the big island which included other areas going back from the coast to the mountains inland. Adjacent to the fishpond was an area where Hawaiian royalty lived.

Today the rugged seawall still stands, and the fishpond exists intact, one of the finest specimens of Hawaiian culture still left in the islands. In the surrounding area are other prime archaeological specimens including ancient house sites, four heiaus or sacred temples, tombs, and a holua or lava toboggan slide used by royalty for sport.

The historical importance of these sites was recognized by their designation as the Honokohau National Historic Landmark in 1969.

More recently, the area has attracted the attention of a private developer who wishes to build a hotel and resort development in the area. This developer, based in the mainland United States, has purchased the land and is ready to build. But part of his plan includes the tearing down of the seawall so that the cove behind it can be converted into a beach. He states that there is no other suitable beach site on the rugged lava-strewn coastline.

In order to tear down the seawall the developer needed the approval of the Army Corps of Engineers. The proposal involved an alteration to the navigable waters of the United States.

As required by law in the case of an area which has been designated as a national historic site, the Corps of Engineers requested an advisory opinion by the National Advisory Council on Historic Preservation. After extensive hearings and field trips to inspect the site, the Council found that preservation of the landmark and Kaloko Pond "is in the national interest." It recommended that the Hawaiian people, through Congress, be afforded "reasonable opportunity to provide for the preservation under public ownership for present and future generations."

The purpose of my bill is to permit such an opportunity. The bill calls for a 1-year study by the Department of the Interior, after which the Congress would have the opportunity to consider its recommendations.

In the meantime, the Corps of Engineers is instructed to withhold issuance of the permit for desecration of the seawall.

I consider preservation of this pond, the burial place of the founder of the Hawaiian kingdom, essential if there is to be any remnant of the Hawaiian heritage.

Recently this Congress adopted legislation providing more than $1 billion and thousands of acres of land for the natives of Alaska. I supported this legislation, but let us remember that we have done nothing to help the native Hawaiians.

Today the Hawaiians are declining in numbers. They have been overwhelmed by the intrusion of others. They have lost their land.

The Hawaiians need desperately to maintain their history and culture—the ties to the past that are their birthright. Every destruction of this legacy of achievement erodes their identity. Soon they will be cut off completely in a modern civilization they had no part in forming.

This destruction of history need not be. We can, and we must, preserve the birthright of the Hawaiians, not only for themselves but for us as well. We need to know and appreciate their contributions. They are part of our national history and our heritage.

I fear that the destruction of Kaloko Pond would be a killing blow to this great cause. I earnestly ask my colleagues to adopt this important legislation. It is not large in terms of dollars or area affected. But it is large in terms of the future of the Hawaiian people.

Mr. MATSUNAGA. Mr. Speaker, will my colleague yield?

Mrs. MINK. I yield to my colleague from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of this measure, which we cosponsored.

Mr. Speaker, I urge swift approval of H.R. 11774, of which I am a cosponsor with my distinguished colleague from Hawaii (Mrs. MINK). As the committee has outlined in its report, the bill would provide for a study of the merits of including as a unit of America's national park system the site of the Honokohau National Historical Landmark in the State of Hawaii. It would also prohibit any Federal agency from issuing permission for any commercial development within the designated area during the period of the study.

The primary purpose of the bill is merely to provide a breathing spell during which a proper decision on the ultimate fate of this historical landmark can be reached. The legislation is made necessary by moves to convert major parts of the landmark area into a commercial resort area.

Located on the western coast of the Island of Hawaii, the Honokohau National Landmark area contains what the U.S. Department of the Interior describes as "a significant grouping of archeological sites that are virtually intact and date from prehistoric times." That is a correct, if understated, estimate of this area's historic value.

Mr. Speaker, the entire landmark area, stretching over an area 2 miles long and a half mile wide, is rich in Hawaiian history and lore. Included in the area is ancient Kaloko Fishpond, which was the center of life in the ancient village, the burial site of King Kamehameha the Great, who united all the Hawaiian Islands into one kingdom, and that of his father.

The unique culture and music of Hawaii have been fast disappearing under the onslaught of modern trends. One of the aspects of that ancient culture most endangered is the very history of the native Hawaiian people. The preservation of Kaloko Pond and the entire Honokohau Settlement is imperative if that history is to be properly recorded for ourselves and our posterity.

H.R. 11774 provides the best method for attainment of that objective, and I, therefore, urge its overwhelming approval today.

Mr. SKUBITZ. Mr. Speaker, I rise in support of this study bill and I urge the support of my colleagues for its passage.

H.R. 11774 authorizes the appropriation of $50,000 to conduct a study of the feasibility of establishing the Honokohau National Historic Landmark as a unit of the National Park System and directs that the study be completed and a report thereon be submitted to the President and to the Congress within 1 year.

In order that the study will reflect the expertise of native Hawaiians, a Study Advisory Commission consisting of 15 members is established by the bill. That Commission is to have at least 10 members who are native Hawaiians and that means a descendent of the races inhabiting the Hawaiian Islands previous to the year 1778.

The purpose of the Advisory Commission is to advise and assist the Secretary in his study duties.

I do not want to prejudge or influence the Secretary's study. There are conflicting interests in the Honokohau area. Developers own and want to develop the lands on which the several fish ponds, ruins of ancient houses, temples, and a toboggan slide are located.

To many of the people of Hawaii, the fish ponds, ruins, and temples at Honokohau represent a cultural heritage that is fast disappearing. Many believe the bones of Kamehameha the Great, the unifier of the Hawaiian Isles, lie somewhere in the vicinity. Undoubtedly, there are many relics and prehistoric petroglyphs worthy of preservation.

The State of Hawaii, under the land use law of 1961, zoned all land for either urban, rural, agricultural, or conservation uses. In 1969, the Honokohau area was zoned for resort, residential, commercial, and open use. In that same year, the State land use commission approved a plan for the development of a major recreation community on the shore of the Kaloko fish pond at Honokohau. A new coastal highway leading to a new jetport has been constructed a few hundred yards inland from this proposed study area.

In 1962, however, the area was declared eligible to be a national historic landmark.

There certainly will be much to study, and, I suspect, more to resolve.

Although the Secretary of the Interior presently has the authority to conduct the study envisaged by this bill, the Committee on Interior and Insular Affairs was of the opinion that passage of this bill would serve to give this study a measure of priority. The Committee on Interior and Insular Affairs is of the opinion that the study is worthwhile and recommends enactment of H.R. 11774.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 11774, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KYL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

OBSERVANCE OF VERRAZANO DAY—MONDAY, APRIL 17, 1972

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, today marks the anniversary of the birth of that great Florentine navigator, Giovanni da Verrazano whose explorations along our eastern coast produced the first factual maps and information concerning this rich new hemisphere. Because of his intrepid probing of our shores from South Carolina to Newfoundland in 1524 the world learned of important navigation areas, the most important of which today are known as New York Harbor and Narraganset Bay.

To those of us who were born and reared in Brooklyn, Verrazano has a special place in our gallery of heroes. It was his unusually accurate and detailed charting of the areas which his small ship visited that stimulated the concentrated flow of European shipping for trade and settlement to the New World through the safe waters of New York Harbor and made it a veritable gateway to be used for generations to come.

We are proud of Verrazano. We are proud that the bridge which today spans the narrows between Staten Island and Brooklyn bears his name. We are proud also that largely because of our efforts, a commemorative stamp was issued in tribute to this magnificent navigator whose 492d birthday we observe today.

Mr. Speaker, in 8 short years we will be celebrating the 500th anniversary of the birth of Giovanni da Verrazano. This celebration should be one of great magnitude and widespread observance. It should have adequate preparation and long-range planning, not only on the part of the Italo-American organizations for whom it will hold great interest but by the Congress of the United States. We should begin immediately to consider the types of honors which this body considers fitting for the man who has meant so much to our country's development. Surely, some of the most important coastal areas and waterways which we shall be converting into national parks or sancturaries should bear the name of Verrazano.

Mr. Speaker, as we join our fellow citizens of Italian birth or heritage in observing the birthday of this great citizen of Italy, we should remind ourselves of the scores of other great Italians who have also made great contributions to this Nation.

Members of this body will recall that over a period of time, I have frequently set forth my strong objection to the all too frequent tendency for so many Americans to link the criminal acts of a few Italian mobsters with the great body of loyal American citizens who can justly be proud of their importance and their gifts to all of their fellow Americans. It would do well for all of us to remember the vast number of great Americans—who, proud of their Italian blood, have made heroic contributions to the welfare and successful development of this their country. Let us not lose sight for even a moment of the Femis, the Rizzuttos, the Marchisios, the Peccoras, the La Guardias, the Espositos, the 'Toscanninis, the Verdis, the Moffos, the Lanzas, or any of the thousands of great people to whom we owe so much. To so remind ourselves of the role Americans of Italian birth or descent have played in our land would be a fitting tribute to Giovanni da Verrazano on this his birthday.

RADIO FREE EUROPE AND RADIO LIBERTY

(Mr. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKINNEY. Mr. Speaker, in the near future, the House will take under consideration the 1972 funding appropriation for Radio Free Europe and Radio Liberty.

According to the conference report prepared by the Senate Foreign Relations Committee and the House Foreign Affairs Committee, we will be asked to appropriate $36 million for the 1972 fiscal year operations of the radios.

Mr. Speaker, I find this sum to be insufficient and at the appropriate time, I will ask that $14 million be added to that figure for a total of $50 million for fiscal 1972.

This request may come as a surprise since in recent weeks doubt has been cast on the continued existence of the two organizations. In some quarters, their function has been described as an "anachronism" of the cold war. I would contend, however, that now more than ever before, there exists a need for truth in the world community.

If, as some would suggest, the cold war has thawed, then the Soviet Union should welcome an expansion in the free flow of information.

If there is to be true meaning to the new détente in Europe, Willy Brandt's "Ostpolitik," it will only come through mutual understanding, a mutual understanding based on truth.

If the President's pursuit of peace in the Eastern Hemisphere is to bear fruit, it can only be accomplished through a two-way exchange of ideas.

Sadly, Mr. Speaker, I harbor serious doubts about the aforementioned "ifs." Frankly, I yearn to be proven wrong, but until these Western initiatives are matched by Eastern sincerity, I will continue to hold the doubts I do.

If these beacons of truth are out of date relics, then why does the Soviet Union continue to make every effort to jam their broadcasts. Must the dove of peace be muzzled? We are told that government officials in the Eastern bloc countries find the broadcasts offensive and their continued operation could upset the delicate balance of improved relations. But what of reciprocity? The Communist governments seem to give little thought to Western sensitivity.

By contrast, in terms of international broadcasting, Radio Free Europe and Radio Liberty beam some 1,000 hours per week toward the Iron Curtain while the transmitters of the Communist nations are on 6,500 hours per week.

And how are Radio Free Europe and Radio Liberty received? According to the Russian author and Nobel Prize winner, Aleksandr Solzhenitsyn:

> If we learn anything about events in our country, it's from them.

I do not suggest, Mr. Speaker, that these organizations mimic their competitors by launching a wave of propaganda. They must simply continue to supply the desired commodity: Unfettered information.

The people of the Communist nations have demonstrated this desire time and again. Recent surveys conducted by Austrian, Danish, French, English, and Swedish research firms revealed the following: In response to the question what is the most important function of RFE, the response "to inform" led the list by more then 2 to 1 in Poland, Hungary, Czechoslovakia, Rumania, and Bulgaria.

This trust must be maintained, and as I have indicated, expanded. On-the-air time must be increased. Staffing must be increased and the challenge of jamming must be met.

Mr. Speaker, this is a small price to pay for the voice of freedom.

A FLEECING OF THE PUBLIC

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, last night the CBS television program "60 Minutes" showed the disgraceful manner in which transportation cargo theft has been so commonplace that young hoodlums can laugh at lawmakers and the court system.

In the program, "The Great American Train Robbery," Mike Wallace, CBS reporter, showed how boxcars are broken into with complete abandon, goods stolen, and then distributed by young criminals so they can have ready cash.

And the young hoodlums we viewed on the program last night seem to be only the tip of the iceberg costing the American consumer hundreds of millions of dollars each year in higher prices. The public is being fleeced at the loading ramp while we stand idly by.

At the close of the program, Mr. Wallace said, "The Congress seems ready to do something about it." I hope Mr. Wallace is right.

The Senate passed a cargo theft study commission over a year ago, but the House has not yet held any committee hearings on the subject.

Cargo theft tallied a whopping estimated $2 billion in losses for all transportation industries last year. The industry largely has turned its head; the law enforcement officials are frustrated. Let not the Congress add to the snarl.

I hope and urge that the House Commerce Committee will hold immediate hearings on cargo security.

FEDERAL RESEARCH PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 30 minutes.

Mr. MICHEL. Mr. Speaker, during the fiscal year 1973, which will begin on July 1, the Federal Government will provide $18,576,630,000 to carry out its numerous research programs. This figure compares with $18,146,918,000 for the fiscal year that has but a little over 2 months left and $16,350,139,000 for fiscal year 1971. Some programs have been omitted inasmuch as the budget does not always separate funds for research from other items, but I am confident that the compilation which I will insert in the RECORD at the conclusion of my remarks is about as exhaustive as it is possible to make it.

Over half of the money which the budget obligates for 1973 will be earmarked for the Department of Defense, which will receive $10,409,279,000. Other large amounts will be allotted to the National Aeronautics and Space Administration, which is down for $3,480,950,000, and the Department of Health, Education, and Welfare, which will get $2,008,913,000.

One of the reasons our National Government was established was to provide for the common defense. If we are to be able to defend ourselves, we must be the strongest power on earth—not No. 2, but No. 1. In order to be No. 1, we must develop the best means for responding to attacks by enemy powers. Situations may arise where we would be forced to strike first in order to forestall an attack. We cannot successfully defend ourselves with yesterday's weapons—we must have weapons that are as good as and better than those of potential enemies. I want the United States to be first in its ability to defend itself against all enemies.

As a result of the huge sums spent on space exploration, Americans were the first to reach the moon. We must now decide whether we should remain first in this new, exciting, and challenging field of human endeavor, or whether we should rest on our laurels while other nations catch up or surpass us. I want the United States to be first in space exploration.

We have spent and will continue to spend large sums in our war against crippling and killing diseases, in our efforts to mitigate and lessen human suffering, and in our attempts to lengthen the lifespan. While guarding against undue optimism, let us hope that our researchers win a victory over the ancient enemy of mankind called cancer. I want an American to be the first to discover a cure for cancer.

Mr. Speaker, while I feel that we in the Congress should appropriate whatever sums are necessary to provide the best possible defense for our Nation, to enable us to remain first in space exploration, to intensify the campaign against cancer and other major diseases, and to continue other important research programs, this does not mean that I am not concerned about the cost of all this research. While providing the money needed for worthwhile programs, we ought to simultaneously scrutinize each of them, seeking out places where we can economize. Overlapping and duplication of functions must be eliminated and, wherever possible without harm to the Nation, postponements must be ordered for programs that can be deferred until the budget has been balanced. Many research activities can be performed by State and local governments or at the expense of private individuals or organizations.

As the various appropriations measures move through the legislative mill, we ought to keep in mind some words that Dwight D. Eisenhower directed to his fellow Americans on January 17, 1961, but 3 days before he laid down the burdens of the Presidency. Let me read to you the pertinent paragraphs of President Eisenhower's farewell address:

> In the technological revolution, research has become central; it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal government.
>
> Today, the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.
>
> The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded.
>
> Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

Mr. Speaker, let us heed Mr. Eisenhower's advice as we act on the appropriations measures during the next few weeks.

The list of research and related programs follows:

LEGISLATIVE BRANCH—LIBRARY OF CONGRESS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Congressional Research Service, salaries and expenses:			
Policy analysis and research	3,781	4,845	6,538
Documentation and status of legislation	338	500	631
Information and reference services	1,261	1,482	1,773
Administration and support services	270	336	400
Total obligations	5,650	7,163	9,342

Policy analysis and research. The Congressional Research Service provides research, information, and consultative services to Members and committees of Congress, assisting them in the analysis, appraisal, and evaluation of legislative issues and proposals, and of recommendations submitted to the Congress by the President or executive branch agencies. This support comes in the form of research reports, in-depth policy analyses, consultations, briefings, legal research, assistance with committee hearings, background studies, and related data and materials. Lists of subjects and policy areas which might profitably be pursued are periodically made available to each congressional committee. These services are directed toward assisting Members and committees in determining the advisability of enacting legislative proposals, in estimating the probable results of such proposals and of alternatives to them, and in evaluating methods for accomplishing the results sought.

Documentation and status of legislation. The Services prepares and publishes on a periodic basis for distribution to Members and committees the Digest of Public General Bills, which includes summaries of all public bills and resolutions introduced in the Congress, the changes made therein during the legislative process, the status of bills receiving action, and various pertinent indexes. The Service also prepares and distributes weekly reports on the status of selected major legislation. Upon request from Members and committees, the Service provides legislative history memoranda with respect to measures on which hearings have been announced, and it compiles and makes available to each committee reports on legislatively authorized programs and activities which are within that committee's jurisdiction and which are scheduled to terminate during the current Congress.

Information and reference services. The Service assists Members in the performance of their representative duties. Reference files, containing clippings, pamphlets, and documents, are maintained for rapid informational use. Staff researchers and Members are alerted to current articles and publications in their fields of interest by computer produced citations. Lists of multilithed reports prepared by CRS staff for use of congressional offices providing information on legislative issues are circulated, and reader services are provided by the Congressional Reading Room.

[In thousands of dollars]

	1971 actual	1971 estimate	1973 estimate
Advances and reimbursements: Congressional Research Service, congressional committees and commissions	46	54	54

THE JUDICIARY—COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

[In thousands of dollars]

	1971 actual	1971 estimate	1973 estimate
Administrative Office of the United States Courts:[1]			
Study of rules of practice and procedure	80	80	90

[1] This Office, among other things, is conducting a continuous study of the rules of practice and procedure in the Federal courts.

EXECUTIVE BRANCH—EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL OF ECONOMIC ADVISERS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Economic studies and analyses	45	9	

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Environmental study contracts		587	

NATIONAL COMMISSION ON PRODUCTIVITY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Recommend policies to increase productivity, including educational, research, and regional activities		454	4,416
Change in selected resources		80	50
Total obligations		534	4,466

Basic research and statistical projects will include development of price and productivity measures for individual industries and development of a general wage index.

A new research initiative will be oriented to improving the productivity of industry and government within the authority available in the Economic Stabilization Act Amendment of 1971.

OFFICE OF TELECOMMUNICATIONS POLICY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:[1]			
Research and development	833	980	1,205

[1] A contractual program is conducted to provide in-depth studies and research in areas of national importance.

PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION[2]

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Study of the organization of the executive branch of Government	483	21	
Change in selected resources	15	−21	
Total obligations	498		

[2] The Council, which reviewed the organization of the executive branch, completed its work on May 7, 1971.

FUNDS APPROPRIATED TO THE PRESIDENT—OFFICE OF ECONOMIC OPPORTUNITY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Economic opportunity program: Research, development, and evaluation	55,337	45,200	68,000

Projects supported under research and development provide the basis for planning national programs to alleviate poverty and promote equality of opportunity. These consist of systematic analyses of the causes of poverty, identification of need, design of social experiments, development of accepted hypotheses into working models, expanding successful concepts to demonstration scale, and developing mechanisms for moving these programs to full-scale operation. The 1973 research and development effort will center around experiments designed to test the effectiveness of private market mechanisms for delivering social services to the poor and continuation of the most promising services begun in prior years.

Evaluation activities included in this component are of two types: those providing an overall assessment of the impact and effectiveness of antipoverty programs, with emphasis on the extent to which programs are successful in achieving basic objectives, and those aimed at assessing the relative effectiveness of different program strategies, approaches, and techniques used by antipoverty programs.

DEPARTMENT OF AGRICULTURE—AGRICULTURAL RESEARCH SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Farm research	119,020	127,158	125,490
Utilization research and development	39,759	40,539	39,947
Nutrition and consumer use research	4,970	5,156	4,902
Marketing research	10,272	10,830	10,747
Research and development on the eradication of narcotic-producing plants		2,100	2,100
Coordination of departmental and interdepartmental activities related to pests and their control	64	158	158
Construction of facilities	3,493	7,740	2,556
Contingencies		1,000	1,000
Total research	177,578	194,681	185,900

The Service conducts basic and applied research in the fields of livestock, plant sciencies, entomology, soil and water conservation, agricultural engineering, utilization and development, nutrition and consumer use, marketing, and on the development of methods to eradicate narcotic-producing plants.

Farm research. Improved breeding, feeding, and management practices, including management of animal wastes, are developed for farm livestock, poultry, and domestic fur animals. Practical methods are sought for control of diseases, parasites, and insect pests affecting them and to protect them from chemical toxicity and other hazards.

Investigations are conducted to improve varieties of food, feed, fiber, and other plants, and to develop new crops; to improve crop-production practices, including methods to control plant diseases, nematodes, and weeds, and reduce cost of production; and to develop safe chemical, biological, and other methods for control of harmful pests affecting farm production.

Investigations are conducted to improve the management of natural resources, including investigations to improve soil and water management (including salinity and saline soils), irrigation, and conservation practices; to study hydrologic problems of agricultural watersheds; to determine the relation of soil types and water to plant, animal, and human nutrition; and to apply engineering principles to improve efficiency and reduce costs of agricultural production.

The research is aimed at the profitable production of an adequate supply of food, feed, fiber, and other agricultural products of desired quality at minimum costs. Increased attention has been given to studies on protection of plants, animals, and natural resources from harmful effects of soil, water, and air pollution. Research also concerns the application of remote sensing techniques in meeting agricultural problems.

The 1973 program provides for complete staffing, equipping, and operation of pesticide laboratories for research on biological and other alternate methods of pest control and for additional testing of nonchemical means of pests control.

Utilization research and development. Chemical, physical, and biological research is conducted to develop increased industrial uses of farm products, and new and improved foods, feeds, and fabrics; and to develop improved methods for processing agricultural commodities.

The research aim is to expand the demand for farm products by developing new and improved products and economical processes tailored to the requirements of the domestic and foreign markets. The research conducted includes studies to protect food and feed products from harmful microbial organisms and naturally occurring toxins and studies of health-related problems of tobacco. Increased effort is being given to the processing of agricultural commodities to minimize waste formation and to utilize waste products to avoid pollution.

Nutrition and consumer use research. Studies are made of human nutritional requirements, composition and nutritive value of foods, and consumer and food economics. The research aim is to determine nutrient requirements and how foods can supply these to best assure nutritional well-being of people throughout their lifespan; to provide up-to-date information about food consumption and nutrition of the population; and to develop improved procedures for household preparation, care, and preservation of foods which will preserve their nutritional, sanitary, and wholesome quality.

Marketing research. Practical answers to reduce costs and maintain product quality in moving products from farm to consumer are sought through research. For farm products as they pass through marketing channels, efforts are made to develop safe methods to determine quality, reduce losses from waste and spoilage, and improve efficiency in physical handling and transportation. The work includes research at each stage of marketing, such as assembly points and storage facilities, and of transportation at terminal or central markets, and at wholesale and retail markets. Research is also concerned with mycotoxins in agricultural products in relation to off-farm handling, conditioning, and storage.

Research and development on the eradication of narcotic-producing plants. Research under this activity was started in 1972 as outlined under the Omnibus Drug Control Message of June 17, 1971. The research conducted under this activity is directed toward the development of technology for the detection and destruction of illicit growth of narcotic-producing plants without adverse ecological effects. The development of this eradication technology is carried out in cooperation with research institutions in foreign countries.

Coordination of departmental and interdepartmental activities related to pests and their control. The 1973 estimates provide for the availability of $158,000 for the use by the Secretary to meet emergency situations relating to the safe use of pesticides. The project provided for coordination with the Department of Health, Education, and Welfare, Department of the Interior, Environmental Protection Agency, and other agencies of the Federal Government in development of measures to protect the public health, products, and resources.

Construction of facilities. The 1973 estimates include $250,000 for planning an addition to the Plum Island Animal Disease Laboratory and $1,060,000 for planning and construction of an incinerator and waste water treatment facilities at the Plum Island Animal Disease Laboratory. The proposed increase is offset by the nonrecurring amount of $70,000 provided for planning a soil and water laboratory at Beckley, West Virginia, in 1972.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Scientific activities overseas (special foreign currency program):			
Market development research	987	1,400	2,300
Agricultural and forestry research	4,605	5,600	8,100

Foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States are used for expenses of carrying out programs of the Department of Agriculture as authorized by law. Research is carried on through agreements negotiated with research institutions and organizations in foreign countries. The research must be of importance to American agriculture. It serves to preserve and expand existing markets and develop new ones for agricultural commodities. It provides for research supplementary to domestic programs on problems of farm, forest, marketing, utilization, agricultural economics, and human nutrition, and makes possible the conduct of research on exotic insect pests and diseases of plants and animals which could not be done in the United States.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Research	2, 601	3, 864	4, 298

COOPERATIVE STATE RESEARCH SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Payments to agricultural experiment stations under the Hatch Act	59, 856	63, 118	67, 332
Grants for cooperative forestry research	4, 438	4, 782	5, 172
Contracts and grants for scientific research	1, 604	6, 506	6, 982
Grants for facilities	1, 427	446	392
Penalty mail	160	209	264
Federal administration	2, 135	2, 307	2, 235
Total program costs funded	69, 620	77, 368	82, 377
Change in selected resources	−112	5, 526	5, 464
Total obligations	69, 507	82, 894	87, 841

The Service administers funds for payments and grants to State agricultural experiment stations and other eligible institutions for the support of research in agriculture, the rural home, the rural community, and forestry. This administration involves supervision of the funds, and close advisory relations with the State agricultural experiment stations, schools of forestry, and other institutions eligible to receive funds. The Service participates in the planning and coordination of research programs among the States and between the States and the Department.

Payments to agricultural experiment stations under the Hatch Act. Grants under the Hatch Act are allocated to agricultural experiment stations of the land-grant colleges in the fifty States and Puerto Rico for agricultural research including investigations and experiments to promote a permanent and efficient agricultural industry and improvements in the rural home and rural community. The increase requested for 1973 will provide for increased costs of research.

Grants for cooperative forestry research. These grants are allocated to land-grant colleges or agricultural experiment stations in the fifty States and Puerto Rico and others offering training in the sciences basic to forestry and having a forestry school. In 1973, additional funds will provide increased costs of research.

Contracts and grants for scientific research. These funds are for the support of grants on specific research problems at nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of such research. Every research proposal selected for funding must be evaluated and classified as outstanding and appropriate to the needs of the designated problem area. The increase will be used for pest management research.

Penalty mail. Funds to cover the cost of penalty mailings for State agricultural experiment station directors are provided under this activity.

Federal administration. A coordinating and review staff is maintained to examine research projects and assist State institutions and Federal agenices.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements:			
Miscellaneous services to other accounts		28	9
Agencyfor International Development	43	1	1
Current research information system	172	420	412
Total program costs funded	215	449	422
Change in selected resources	5		
Total obligations	220	449	422

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Miscellaneous contributed funds:[1]			
Program costs funded	3	4	3
Change in selected resources	1	−1	
Total obligations	4	3	3

[1] Miscellaneous funds received from States, local organizations, and others are available for work under cooperative agreements

STATISTICAL REPORTING SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Statistical research and service	866	785	830

This work includes review of all statistical forms, survey plans, and reporting and recordkeeping requirements originating in the Department which require Office of Management and Budget approval; liaison within the Department and with other agencies for coordination of statistics; research on and development of sampling, forecasting, and other basic statistical techniques and methods to improve the crop and livestock estimates of the Department; provision of technical consulting services on new or improved statistical techniques to other agencies of the Department; use of and consultation on automatic data processing, to develop and adapt this technology to the improvement of the accuracy and timeliness of crop and livestock estimates; and conduct of special surveys relating to the marketing of agricultural products.

ECONOMIC RESEARCH SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Farm economics	7, 625	7, 325	8, 015
Marketing economics	4, 062	3, 942	3, 993
Domestic and foreign economic analysis	4, 546	4, 781	5, 240
Total program costs funded	16, 233	16, 048	17, 248
Change in selected resources	−299		
Total obligations	15, 934	16, 048	17, 248

The Service develops and carries out a program of economic research designed to provide economic intelligence for the Department of Agriculture and other Federal decisionmakers, farmers and related industries, and the general public. The findings of this research are made available to these users through research reports and through economic outlook and situation reports on major commodities, the national economy, and the international economy. The Service carries out the following major activities:

Farm economics research consists of a nationwide program of research dealing with the economic problems of agricultural production and resource use. Farm production economics research includes analyses of farm production costs and efficiency, use of capital, labor, and other resources in agriculture, profitable adjustments in farming, and financial problems of farmers. Natural resources economics include studies of the use and management of land and water resources, including the quality of these resources, resource institutions, and watershed and river basin development problems. Economic development research includes a broad program of economic studies on development of rural areas, employment opportunities for farm and other rural people, and availability and factors affecting the availability of public and private facilities and services necessary to improve the quality of rural life, including local governments and their organization.

The increases requested in fiscal 1973 will be used for research in design of strategies for rural development projects and research on the cost of controlling and adapting agricultural production to meet environment standards.

Marketing economics research includes economic analyses and research relating to the marketing of agricultural commodities, the organizational structure, practices, and performance of commodity markets from the farm to the consumer, costs and margins involved in the marketing of agricultural products, farmers' bargaining power, the economics of product quality and grade, market potentials, distribution and merchandising of agricultural products, and the economics of transportation.

Domestic and foreign economic analysis. Domestic economic analysis consists of economic and statistical research on agricultural prices, farm income, commodity outlook and situation, supply and consumption of farm products, and agricultural history. Foreign economic analysis includes: Studies of supply and demand and trade in farm products in foreign countries and their effect on prospects for U.S. exports; analysis of farm export programs, progress in economic development and its relationship to sales of farm products, assembly and analysis of agricultural trade statistics; and analysis of international financial monetary programs and policies as they affect the competitive position of U.S. farm products.

The increase requested in fiscal 1973 will be used for research on the comparative advantage of the United States in world agricultural trade.

The Service functions through a central office in Washington, D.C., and a small field staff at each of 64 locations, principally the Land Grant Colleges and Universities, throughout the United States. Much of the research is carried on in cooperation with State agricultural experiment stations.

ADVANCES AND REIMBURSEMENTS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Economic research:			
Agriculture	671	756	248
Other agencies	186	194	92

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Technical assistance abroad (Agency for International Development)	589	750	360
Total obligations	1,446	1,700	700

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Miscellaneous Contributed Funds:[1] Obligations	15	17	7

[1] Miscellaneous funds received from States, local organizations, and others are available for economic research and analysis under cooperative agreements.

FARMER COOPERATIVE SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research and technical assistance for agricultural cooperatives	1,736	1,866	1,866
Change in selected resources	79	----------	----------
Total obligations	1,815	1,866	1,866

Farmer Cooperative Service conducts research, advises directly with cooperative leaders and others, promotes cooperative organization and development through other Federal and State agencies, and publishes reports, *News for Farmer Cooperatives,* and other educational material. This work is aimed to help farmers get better prices for their products and reduce operating expenses, to help rural and small-town residents use cooperatives to develop rural resources, to help these cooperatives expand their services and operate more efficiently, and to help all Americans understand the work of these cooperatives.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Research and technical assistance to cooperatives	34	8	----------

FOREST SERVICE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Forest protection and utilization:			
Forest research:			
Forest and range management	21,446	21,842	21,639
Forest protection	11,870	14,143	16,668
Forest products and engineering	9,859	10,275	10,185
Forest resource economics	6,372	6,775	6,593
Forest research construction	891	----------	----------
Total forest research	50,438	53,035	55,085

Research is conducted at regional forest experiment stations, the Forest Products Laboratory, and the Institute of Tropical Forestry.

Forest and range management. Research provides land managers and owners with a sound basis for management of timber, forage, wildlife, recreation, and watershed lands. Studies are conducted to maintain a sustained yield of products at least cost; improve forage and habitat for livestock and wildlife without damage to soil, watershed, or other values; assure maximum regular flow of usable water, and reduce floods and sedimentation; improve methods for developing and managing recreation resources; and provide management methods for all uses that will insure environmental protection.

Forest protection. Research is conducted to develop measures for the protection of forests from damage by fire, insects, and diseases. Forest fire and atmospheric science research provides improved methods of preventing fire, predicting fire danger, and preparing for and combating fire by combinations of ground and aerial methods. Insect and disease research develops direct control, cultural measures, and biological agents to combat forest pests.

Forest products and engineering. Studies are conducted to develop new and improved forest products, to reduce and utilize waste, and to use low-quality wood and less-desirable species. Research is also conducted to advance the mechanization and efficiency of forestry operations, and to develop and evaluate machines and similar equipment for such operations as harvesting, planting, timber stand improvement, and protection of forests.

Forest resources economics. Investigations are conducted to inventory and appraise the condition of forest lands, volume and quality of standing timber, ownership of timber resources, annual growth and depletion, and the potential need for timber products. Economic studies are made of forest crop production, resource productivity, and the marketing potentials of forest products.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Construction and land acquisition: Research construction[1]	166	4,932	1,175

[1] This provides for construction, alteration, and improvement of research laboratories and related facilities, and for procurement and installation of necessary initial equipment needed to put the facility into operating condition.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Forest research at experimental forests and ranges, and for foreign countries	1,334	1,440	1,370

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Cooperative work (trust fund): Research investigations	775	800	900

DEPARTMENT OF COMMERCE—BUSINESS ECONOMICS AND STATISTICS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Social and Economic Statistics Administration:			
Salaries and expenses: Research and development	614	432	433

Research and development is conducted on survey methods and techniques, including sample survey methods and theory, questionnaire design, response errors, equipment design and utilization, computer editing and administrative control, operations, and analytical techniques including techniques of geographic analysis, for the purpose of increasing accuracy, output, and usefulness of statistical data per unit of cost.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements:			
Economic research in water resource development	535	560	----------
Input-output study	103	200	150

ECONOMIC DEVELOPMENT ASSISTANCE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Economic Development Administration: Planning, technical assistance, and research: Research	2,109	2,360	1,528

Economic development research, which focuses on the determination of the causes and remedies of unemployment, underemployment, and low income, is performed through contracts and grants. This permits the use of the best talent available in universities, other governmental agencies, and private institutions. The studies are then made available for use by government and community leaders to help guide the formulation and evaluation of remedial programs.

SCIENCE AND TECHNOLOGY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
National Oceanic and Atmospheric Administration, Research, Development, and Facilities:			
Operating costs:			
Environmental prediction and warnings	13,500	20,667	28,063
Mapping, charting, and marine description	4,508	11,859	11,603
Solid earth monitoring and services	1,666	2,167	2,931
Ocean fisheries and living resources	16,281	35,990	39,956
Environmental satellite	1,928	3,408	3,824
Sea grant	5,271	18,510	22,292
Data buoy	10,899	18,265	14,788
Topical experiment	----------	1,595	4,029
International field year for the Great Lakes	427	2,480	3,541
Executive direction and administration	2,461	3,921	4,453
Total operating costs	56,941	118,862	135,480
Unfunded adjustments to total operating costs: Depreciation included above	−2,434	−4,400	−5,500
Total operating costs funded	54,507	114,462	129,980
Capital outlay:			
Environmental prediction and warnings	4,369	3,352	6,903
Mapping, charting, and marine description	3,051	2,087	1,289
Solid earth monitoring and services	586	300	868
Ocean fisheries and living resources	4,471	----------	3,986
Tropical experiment	----------	807	----------
Executive direction and administration	----------	----------	358
Total capital outlay	12,477	6,546	13,404

SCIENCE AND TECHNOLOGY—Continued

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Unfunded adjustments to capital outlay: Depreciation included above	−23	−30	−160
Total capital outlay funded	12, 454	6, 516	13, 244
Total program costs funded	66, 961	120, 978	143, 224
Change in selected resources	16, 162	−1, 624	
Total obligations	83, 123	119, 354	143, 224

This appropriation provides for the research and development and acquisition of facilities to support the operational programs of the National Oceanic and Atmospheric Administration.

Environmental prediction and warnings. This activity includes programs to increase understanding of the composition and dynamics of the atmosphere; to develop better instrumentation and techniques for weather observation, analysis, and forecasting; to provide atmospheric and river observational devices and instrumentation; and to equip specialized meteorological and hydrologic laboratories and observatories. Increases for 1973 will provide for field station automation, operation of Kodiak, a fifth-generation computer, Project Stormufry weather modification reporting, aerosol physics and chemistry, airborne mesomets display system, precipitation enhancement, GOES ground equipment, tornado and severe storm research, establishment of three EMSU's flash flood warnings, aircraft instrumentation, and relocation of facilities.

Mapping, charting, and marine description. This activity includes the research and facilities directed toward continued improvement of the National Oceanic and Atmospheric Administration's mapping and charting data acquisition, analysis, processing, and production capability and toward increasing our understanding of ocean and lake properties, processes, and environmental interactions. Increases for 1973 will provide for automation of aeronautical and nautical charting, water pollution abatement, tide gages for seaward boundary, tide observations and predictions, trans-Atlantic geotraverse and equatorial plate investigations, environmental impact statements, manned underseas technology, a multi-purpose calibration facility, ship bases and program support, and mid-ocean dynamics experiment.

Solid earth monitoring and services. This activity includes research directed toward understanding the intricate processes and phenomena of the solid earth, such as determining the size and shape of the earth and seismological studies and warnings; also included is the procurement of equipment, facilities, and the equipping of these facilities. Increases for 1973 will provide additional crustal movement investigations, earthquake research and services, activation of Point Barrow, and additional data processing and analysis.

Ocean fisheries and living resources. This activity includes research directed toward living marine resources and toward improved methods of sportfishery management; also the procurement of equipment, facilities, and the equipping of these facilities. The 1973 increase provides for biological research on living marine resources, ecological change and modification, and mariculture. Funds are also requested for grants-in-aid and pollution abatement facilities.

Environmental satellite. This activity provides for research to determine the most beneficial method of obtaining environmental satellite data and using it in environmental service programs. In 1973 emphasis is on application to marine resources and oceanographic service programs.

Sea grant. The talents and knowledge of academic scientists and engineers are utilized in the practical problems of marine resource development and management. Increases in 1973 will provide for expansion of this program.

Data buoy. The data buoy project was established to develop a system of automatic ocean buoys for obtaining oceanic and atmospheric data. This network of automatic buoys throughout the ocean is designed to bridge an information gap. The 1973 increase will provide for hardware development.

Tropical experiment. This project is a part of the Global Atmospheric Research Program—an international research program to provide scientific knowledge to improve the techniques of weather forecasts, to determine the feasibility of large scale weather modification, and to assess the long-term effects of atmospheric pollution. The tropical experiment is designed to provide an understanding of the mechanisms by which energy locked in water vapor of the air is release and then applied to driving the global atmospheric circulation. Increases for 1973 will provide continued planning and procurement of aircraft and shipboard equipment and long lead time supplies.

International file year for the Great Lakes. NOAA is the U. S. lead agency for this special one-time program which is a joint United States-Canadian contribution to the International Hydrologic Decade. Lake Ontario has been chosen for study under the IFYGL program whose central objective is to provide a sound scientific basis for the development of an economical, efficient, and healthy water management plan to meet the needs of the United States and Canadian citizens living within the drainage basin of the Great Lakes-St. Lawrence region. The 1973 increase provides funds to continue the field operations, technical contracts, and data handling, reduction, and analysis related to the program that was initially funded under NOAA in 1972.

Executive direction and administration. This activity provides for the overall technical leadership and top management functions of the National Oceanic and Atmospheric Administration and for administrative management and support activities at headquarters and in the field. Increases in 1973 will provide support for the expanded and additional 1973 programs.

RESEARCH AND DEVELOPMENT (SPECIAL FOREIGN CURRENCY PROGRAM)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Environmental prediction and warnings	284	62	101
Mapping, charting, and marine description	10	140	27
Solid-earth monitoring and services	32	298	71
Ocean fisheries and living resources	49	30	72
Environmental satellite	110		
Total program costs	485	530	271
Change in selected resources	−71		140
Total obligations	414	530	411

This program uses foreign currencies which are in excess of the normal requirements of the United States to supplement domestic research and development and to encourage international cooperation in environmental research and allied sciences.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Satellite operations:			
Spacecraft and launching	12, 072	20, 909	14, 450
Operations	14, 579	18, 631	27, 693
Executive direction and administration	487	636	844
Total program costs	27, 138	40, 176	42, 987
Deprecation included above	−1, 063	−1, 000	−1, 000
Total program costs funded	26, 075	39, 176	41, 987
Change in selected resources	−402	−5, 874	−1, 886
Total obligations	25, 673	33, 302	40, 101

This appropriation provides for the acquisition and operation of a national satellite system to observe worldwide environmental conditions and to process, analyze, and archive the data for use in environmental services and research.

The first operational satellite system, the Tiros operational satellite, began operation in 1966, providing global observations during daylight hours. Replacement of the TOS system by the Improved TOS began in 1970 with the launch of the National Aeronautical and Space Administration's ITOS 1. This satellite added nighttime observing to the system; in 1973 it will add global sounding and high resolution day and night observing. Funds to initiate the geostationary operational environmental satellite were provided in 1970; funding to establish this system continued in 1971 and 1972. This system is designed to provide nearly continuous observation of the earth and its environment, initially of the Western Hemisphere.

Space craft and launching. This covers the design, construction, and launching of operational spacecraft. Funds are required in 1973 to complete procurement of one ITOS spacecraft, continue procurement of two ITOS and one GOES spacecraft, and to initiate procurement of another ITOS spacecraft. Funds are required also in 1973 to complete procurement of one launch vehicle and one launch service and to continue procurement of two launch vehicles.

Operations. Includes establishment and operation of facilities to command the spacecraft, acquire the data, and relay the data to the processing and analysis center; operation and maintenance of facilities for converting satellite signals to forms usable in the environmental service programs and for dissemination, display, and application of the high resolution data from ITOS and GOES; and technical management and engineering support.

The 1973 request provides for continued around-the-clock operation and maintenance of facilities related to the ITOS operation; continued operational use of NASA's synchronous applications technology satellites ATS 1 and ATS 3; personnel and equipment to acquire, apply, and distribute data from a single geostationary operational environmental satellite; and to expand the capability of ground facilities to operate a two-satellite GOES system.

NATIONAL BUREAU OF STANDARDS

[In thousands of dollars]

	1971 actual	1972 estimated	1973 estimated
Research and Technical Services:			
Basic for Nation's physical measurement system:			
Measurement methods, standards, and research	21, 511	20, 963	22, 309
Transfer services	3, 632	4, 552	4, 980

[In thousands of dollars]

	1971 actual	1972 estimated	1973 estimated
Scientific and technological services for industry and Government	9,983	11,790	16,086
Technical basis for equity in trade	1,931	1,759	1,718
Technical services to promote public safety	1,650	2,842	6,807
Technical information services	1,145	1,008	1,124
Central technical support	2,475	2,579	2,616
Experimental technology development and application incentives			14,400
National technical information service	1,244	1,395	1,635
Total program costs funded	43,551	46,888	71,675
Change in selected resources	353	112	394
Total obligations	43,904	47,000	72,069

Basis for Nation's physical measurement system. The purpose of this activity is to insure that the users of science and technology in the United States will be able to make physical measurements which are meaningful (measure the desired property), reliable (measure properly and as accurately as needed), reproducible (yield the same results time after time), and compatible (will be reconcilable with other like measurements made elsewhere at different times).

Measurement methods, standards, and research. Programs include development, maintenance, and improvement of the standards of physical measurement which, by common agreement, are compatible with those of other nations. This involves national standards for measurement of some forty physical quantities (including the "basic six" of physics: mass, length, time, temperature, electric current, and luminous intensity).

Research is conducted to learn new and improved ways to measure the physical and chemical properties of matter, materials, and natural phenomena. The 1973 increases will provide for development of national reference neutron standards and research on reference materials related to clinical analysis, water pollution, and industrial quality control.

Transfer services. This involves developing and making readily available a range of specialized products and services, including calibrations and standard reference data, that will effectively transfer the results of the Bureau's work to other elements of the Nation's measurement system. The 1973 increase will be applied to the standard reference data program for coverage of additional technical areas including pollution abatement technology and failure avoidance engineering.

Scientific and technological services for industry and Government. The purpose of this activity is to facilitate effective use of science and technology by governmental institutions and by industry. In the United States most of the effort devoted to developing and using technology is in the private sector. A variety of problems exist in certain areas of technology, however, where the Government has a substantial investment or where complexity, cost, or scope of impact are such as to require a national-level effort.

Programs in this field include: Biomaterials, metals, alloys, polymers, inorganic, and composite materials technology; evaluation and improvement of measurement methods in support of environmental pollution abatement programs; building science and technology; computer science and technology; electronic technology; cryogenic technology; failure avoidance analysis and engineering; technology utilization analysis; and the application of analytical techniques to operations analysis and the management of research. The 1973 increase will be applied to development of measurement methods and standards related to pollution abatement, services to improve the effective application of computers, applying cryogenic technology to more efficient power generation, and development of methods to reduce material, product, and structural failures.

Technical basis for equity in trade. The purpose of this activity is to provide a common technical basis for a fair exchange between buyers and sellers in commercial dealings with minimum legal regulation at the the Federal level. Programs in this area include: Voluntary engineering standards services to assist private sector groups to develop national and international engineering standards and disseminate information on such standards; measures of quantities important to commerce to insure a proper degree of measurement accuracy in commercial quantity determinations, including development and promotion of better weights and measures technology; standards to measure the performance of industrial and consumer products; test services to promote the application of product standards and standardized product test methods by Federal, State, and commercial testing laboratories; and fair packaging and labeling programs to reduce undue proliferation of commodity package sizes by voluntary means.

Technical services to promote public safety. Programs of this activity provide standards, test methods, information, and specialized services as required by law to protect the public from certain specified hazards. Subjects included are: flammable fabrics, which provides the technical basis for reduction of the hazard of fire involving fabrics and related materials: fire research and safety, which involves research, information, and services aimed at reducing loss of life and property due to fire; product safety, which provides the technical basis of assessing hazards and aids in setting standards for consumer product safety; and radiation safety, which deals with standards for sources of potentially hazardous nonionizing radiation. Increases in 1973 will extend the fire research and safety program in the areas of public education, fire fighting tactics, improved equipment for firemen, and fire protection in buildings. Under the radiation safety program, measurement methods and standards will be developed for control of hazards from laser and electromagnetic radiation.

Technical information services. The purpose of this activity is to disseminate information on research results and services to users through a variety of appropriate, easily accessible channels. Programs employed to achieve this objective are: central reference services, such as National Bureau of Standards information analysis centers which provide highly specialized technical information; symposia, technical meetings, and training courses; research and development in information sciences including employment of experimental hardware/software configurations to improve the response time and adequacy of the Bureau's information-providing services; and consulting and advisory services which are made available, usually at no cost to the user.

Central technical support. The purpose of this activity is to provide technical supporting services to other Bureau programs. These services include operation of research tools such as the NBS research reactor, linear electron accelerator, and other high energy accelerators. Also included are mathematical and statistical services.

Experimental technology development and application. This activity will encourage private research and development oriented toward attaining national goals, such as increased productivity. Funding will be by contracts with industry, associations, and universities emphasizing demonstrations of technology applications.

The National Technical Information Service collects and distributes scientific, technological, business, and demographic information generated by the Federal Government. The 1973 increase will be applied to the establishment of a central point of easy access to all Department of Commerce information products and development of new ideas.

RESEARCH AND TECHNICAL SERVICES (SPECIAL FOREIGN CURRENCY PROGRAM)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Basis for Nation's physical measurement system	645	851	719
Scientific and technological services for industry and Government	135	283	223
Total program costs funded	780	1,134	942
Change in selected resources	−40	−500	58
Total obligations	740	634	1,000

The responsibilities of the National Bureau of Standards for basic and applied research, improvement of standards, collection and dissemination of standard reference data, and the certification and distribution of standard reference materials are of sufficient breadth to encourage utilization of research capabilities in other countries. The foreign currency program supplements the Bureau's existing program, allows an acceleration of research effort in selected areas, and permits economies to the Bureau's regular appropriations over the long term.

Foreign currencies determined by the Treasury Department to be excess to normal requirements of the United States will be used in countries where scientific talent is available to augment the in-house capabilities of the Bureau in the areas of standard reference materials, standard reference data, building research, research to improve measurements on materials, and exploratory research.

OFFICE OF TELECOMMUNICATIONS [1]

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research and analysis for policy formulation	151	1,650	2,450

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[1] The Office of Telecommunications provides technical and economic research and analyses required by the Office of Telecommunications Policy to develop telecommunications policies and programs that will promote the public interest and to assist in formulation of executive branch views on selected telecommunications policy matters. During 1973 research and analysis will be undertaken.

OCEAN SHIPPING

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Maritime Administration:			
Research and Development:			
Maritime science and technology	913	9,313	7,258
Shipping systems analysis and requirements	993	1,255	1,437
Advanced ship engineering and development	2,780	7,505	10,950
Improvement in ship operations and shipping systems	2,869	7,029	13,013
NS Savannah	2,372	3,229	
Total program costs funded	9,927	28,331	32,658
Change in selected resources	13,508	−4,566	−2,658
Total obligations	23,435	23,765	30,000

The 1973 program provides for continuation of a program designed to serve the needs of the entire maritime complex, including Government, shipbuilders, shipowners, and labor. The program will operate in the following areas:

Maritime science and technology. Research conducted herein is planned to raise the level of marine scientific knowledge in order to advance the technological base upon which ships are designed, built, and operated. Primary research will be in hydrodynamics for the development of new naval hull types, new propulsion concepts, ship maneuvering, ship structures, navigation-communications electronics, and facilities and systems to collect and disseminate technical information.

Shipping systems analysis and requirements. This activity is concerned with forecasting trade and technology and with the economics and technical analyses of total transportation systems. Included are studies of transportation demands as a means for projecting ship numbers and characteristics, advanced vehicles, intermodal aspects, and special economic studies.

Advanced ship engineering and development. This activity is concerned with the development of advanced ship concepts and their design as well as construction methods. The nuclear and nonnuclear advanced propulsion systems including new transmission systems and propellers are involved. Improved shipyard operations and management systems are included in the program, as well as development of computer-aided design programs.

Improvement in ship operations and shipping systems. Included in this activity is applied research for all aspects of the maritime field concerned with ship and port operations. Consideration will be given to related operational equipment and procedures for navigation, cargo handling, automated control systems, containerization, manning, training, maintenance and repair, ship generated pollution abatement, and other aspects of the field. Research aspects will include prototype design and construction of offshore terminals for super size vessels.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses: [1]			
Research and development administration	917	969	1,140

[1] Provides for the cost of technical and administrative support required for research and development contractual activity.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Vessel operations revolving fund: Experimental ship NS Savannah [1]	1,655	100	

[1] The $100,000 represents the finalizing of costs for the operating portion in reference to the layup of the NS Savannah. These costs are reimbursable in full from the research and development appropriation.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Maritime Administration: Research and development	327	450	203

DEPARTMENT OF DEFENSE — MILITARY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Military personnel:			
Army, research and development	65,276	78,661	81,153
Navy, research and development	64,031	68,477	67,572
Marine Corps, research and development	566	561	548
Air Force, research and development	201,022	200,732	195,865

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Programs in this title fund the development, test, and evaluation of new and improved weapon systems and related equipment carried out by the Army, Navy, Air Force, and Defense Agencies. They also provide for scientific research supporting defense functions and operations. Work is performed by Government laboratories, universities, industrial contractors, and nonprofit organizations. Research and development programs are as a rule funded so that each year's resources support one year's increment of the total program cost.

The budget plans and estimated obligations under appropriations in this title for the Army, Navy, Air Force, Defense Agencies, and the emergency fund are summarized as follows:

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Military sciences	510,428	553,379	551,720
Aircraft and related equipment	1,727,459	2,043,964	1,974,141
Missiles and related equipment	2,050,606	2,052,830	2,370,690
Military astronautics and related equipment	448,127	428,650	459,950
Ships, small craft, and related equipment	285,369	417,000	425,000
Ordnance, combat vehicles, and related equipment	303,361	356,581	340,470
Other equipment	1,393,775	1,593,394	1,683,341
Programwide management and support	539,823	601,913	637,288
Emergency fund		50,000	50,000
Total obligations	7,258,948	8,097,711	8,492,600

Military sciences. This activity supports research of potential military application in the physical, mathematical, environmental, engineering, biomedical, and behavioral sciences. The objective of this research is to provide the basic understanding necessary to efficiently develop new systems and improve military operations. For example, research in electronics will provide more reliable and higher performance components for sensors, weapons, and communications systems; research in oceanography will increase the effectiveness of antisubmarine warfare systems; research in the behavioral sciences will improve methods of personnel training and selection.

The principal support for in-house organizations such as the Aerospace Research Laboratory and some of the Federal contract research centers is also provided here. In addition to the amounts directly provided for in this activity, applied research is also supported in industry by certain allowable indirect costs which may be permitted under contracts funded by both the research, development, test, and evaluation and procurement appropriations.

Aircraft and related equipment. This activity funds research, development, test, and evaluation related to airframes, engines, avionics, and other installed aircraft equipment, as well as applied research in supporting aeronautical technologies. It also funds the development of major aircraft systems.

In 1973, major increases are programed for prototype development of lightweight fighter candidates for the Air Force, vertical/short takeoff and landing aircraft for the Navy, shot takeoff and landing transports for possible C–130 replacement, and the Air Force SCAD strategic bomber penetration decoy. In addition, prototype development will begin on engines for future transport and fighter aircraft. Systems continuing full scale development in 1973 include the joint service heavy lift helicopter, the Army logistic helicopter, the Navy F–14B fleet air defense fighter/interceptor, and the Air Force F–15 air superiority fighter, B–1 advanced strategic bomber, and A-X close air support aircraft. Programs nearing completion in 1973 include the Navy S–3A antisubmarine warfare carrier-based aircraft, the F–14A intercepter, and the Air Force F–5E international fighter.

Also funded in this activity are research and development centers such as the laboratories located at Wright-Patterson Air Force Base, Ohio, the Naval Air Test Center at Patuxent River, Maryland, and the Army Air Mobility Centers in Virginia, Ohio, California, and Missouri.

Missiles and related equipment. This activity provides for research, development, test, and evaluation of missile systems of all types. Increases will be provided for improvement of our sea-based deterrent in order to assure the continued invulnerability of our strategic retaliatory capabilities. To maintain the sufficiency of our strategic forces, effort will continue on the Safeguard antiballistic missile system, the Project Hardsite prototype system for Minuteman defense, and on technology efforts underlying possible future antiballistic missile systems. Tactical missile systems continuing development include the Army SAM-D air defense system, the Navy Aegis fleet defense missile system, Harpoon antiship missile, Agile air-to-air dogfight missile, and the Air Force Hound Dog II nuclear missile. Army prototype terminal homing missile programs will continue to receive emphasis. Systems whose development is nearing completion include the Minuteman and Poseidon ballistic missile systems, the Navy Condor and Air Force Maverick air-to-surface missile systems, the Navy Phoenix air-to-air missile system, and the Army Lance surface-to-surface missile.

In addition to funding contracts with industry in the missile research and development program, this activity is a major source of financial support for the operation of certain test and evaluation facilities such as the Western Test Range, the White Sands Missile Range, the Naval Weapons Center at China Lake, and the research and development programs at the Army's Redstone Arsenal.

Military astronautics and related equipment. This activity provides for programs directed toward the improvement of space technology for military purposes and the development of space vehicles for specific military applications. Major programs include military communications satellite systems and the first spaceborne ballistic missile early warning system. Continued support will be provided for flight experiment programs and for applied research and technology development programs. This includes the development of advanced navigation, guidance, sensor, reentry, and propulsion systems. This activity funds both in-house laboratories such as the Air Force Rocket Propulsion Laboratory and contractual efforts related to space technology.

Ships, small craft, and related equipment. This activity provides for applied research, development, test, and evaluation of ship structures and equipment, including propulsion, communications, navigation, and surveillance systems directly affecting ship operations. It includes the design, prototype fabrication, and performance evaluation of new types of ships, sonars, countermeasure devices, marine gas turbines, and nuclear propulsion plants. Increases will be provided for surface effect ship prototypes and for an advanced attack submarine. There will also be increases for antisubmarine warfare sensors, nuclear propulsion plants, and antiship missile countermeasures systems. A significant portion of the effort at the Naval Ships Research and Development Center is funded under this activity.

Ordnance, combat vehicles, and related equipment. This activity provides for the development, test, and evaluation of improved artillery, guns, rocket launchers, mortars, small arms, mines, grenades, torpedoes, nuclear and chemical munitions, and conventional air-launched weapons, as well as exploration and evaluation of new fuzes, propellants, explosives, detonators, dispensers, and armor.

Programs increasing in 1973 include the Army mechanized infantry combat vehicle and the armored reconnaissance scout vehicle. Programs to explore the feasibility of laser applications will continue in the three services. Development will continue on Army mine and countermine systems. Air Force improved aircraft gun systems, and the Navy CAPTOR mine. The Army will pursue development of a new prototype main battle tank. Systems completing development are the MK-48 torpedo and the Dragon antitank weapon.

This activity provides principal support for research and development activities at several Army centers and the Naval Ordnance Laboratory at White Oak, Maryland.

Other equipment. This activity provides for research, development, test, and evaluation of equipment not separately provided for under other activities. Examples of the types of programs funded here are ocean engineering systems and technology development chemical and biological agent detection and protective devices, combat clothing, tactical data processing systems, communications equipment, improved logistics and materiel handling equipment, mapping and geodetic systems, and biomedical projects. Major continuing programs include the airborne warning and control system, electronic countermeasures, tactical sensor systems for battlefield surveillance, and undersea surveillance systems. This activity funds the entire exploratory development effort of the Navy, and also provides much of the support at the Army Electronics Laboratories, the MITRE Corporation, and the Lincoln Laboratory.

Programwide management and support. For the Army and the Navy, this activity provides for those costs of operation, management, and maintenance of research, development, and test facilities which are not distributed directly to other budget activities. This activity also provides for an expanded joint service effort in the initial operational test and evaluation of new systems. For the Air Force, it provides for certain costs of central administration such as the Air Force Systems Command headquarters and divisions, as well as several large research, development, test, and evaluation centers.

The emergency fund enables the Secretary of Defense to support the exploitation of new scientific developments and technological breakthroughs and to provide for other unforeseen contingencies in the research, development, test, and evaluation programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION—ARMY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Military sciences	169, 324	192, 419	178, 000
Aircraft and related equipment	73, 612	209, 722	270, 000
Missiles and related equipment	832, 602	972, 753	960, 000
Military astronautics and related equipment	6, 843	9, 970	14, 000
Ships, small craft, and related equipment	100		
Ordnance, combat vehicles, and related equipment	157, 026	169, 581	200, 000
Other equipment	320, 487	369, 801	375, 000
Programwide management and support	57, 510	66, 339	54, 100
Total direct	1, 617, 504	1, 990, 585	2, 051, 100
Reimbursable (total)	124, 871	124, 000	115, 000
Total obligations	1, 742, 375	2, 114, 585	2, 166, 100
Aircraft and related activities		8, 000	
Ordnance, combat vehicles, and related equipment		8, 000	
Other equipment		12, 000	
Total obligations		28, 000	

These proposed supplemental appropriations will be used to speed up near term programs aimed at responding to potential challenges, to accelerate operational test and evaluation, to attack the problem of the high cost of weapons, and to strengthen the technology base by initiating exploratory development in particularly promising areas.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION—NAVY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Military sciences	133, 762	142, 000	149, 000
Aircraft and related equipment	779, 221	639, 842	384, 900
Missiles and related equipment	442, 164	533, 000	950, 000
Military astronautics and related equipment	26, 609	41, 000	90, 000
Ships, small craft, and related equipment	285, 269	417, 000	425, 000
Ordnance, combat vehicles, and related equipment	65, 124	64, 000	45, 000
Other equipment	365, 725	450, 000	507, 000
Programwide management and support	142, 290	153, 000	156, 000
Total direct	2, 240, 164	2, 439, 842	2, 706, 900
Reimbursable (total)	131, 931	120, 000	54, 000
Intrafund obligations	−24, 410	−10, 000	−10, 000
Total obligations	2, 347, 685	2, 549, 842	2, 750, 900
Aircraft and related equipment		4, 000	
Missiles and related equipment		44, 000	
Military astronautics and related equipment		10, 000	
Other equipment		5, 800	
Total obligations		63, 800	

These proposed supplemental appropriations will be used to speed up near term programs aimed at responding to potential challenges, to accelerate operational test and evaluation, to attack the problem of the high cost of weapons, and to strengthen the technology base by initiating exploratory development in particularly promising areas.

RESEARCH, DEVELOPMENT, TEST, AND EVUALATION—AIR FORCE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Military sciences	133, 998	143, 100	147, 720
Aircraft and related equipment	874, 626	1, 166, 400	1, 319, 241
Missiles and related equipment	709, 141	411, 060	382, 590
Military astronautics and related equipment	414, 675	367, 680	355, 950
Ordnance, combat vehicles, and related equipment	81, 211	115, 000	95, 470
Other equipment	403, 865	422, 606	498, 141
Programwide management and support	329, 522	362, 740	378, 288
Total direct	2, 947, 038	2, 988, 586	3, 177, 400
Reimbursable (total)	176, 330	211, 736	181, 200
Total obligations	3, 123, 368	3, 200, 322	3, 358, 600
Aircraft and related equipment		16, 000	
Missiles and related equipment		8, 000	
Other equipment		15, 000	
Tota lobligations		39, 000	

These proposed supplemental appropriations will be used to speed up near term programs aimed at responding to potential challenges, to accelerate operational test and evaluation, to attack the problem of the high cost of weapons, and to strengthen the technology base by initiating exploratory development in particularly promising areas.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research, development, test, evaluation, defense agencies:			
Military sciences	73,344	75,860	77,000
Missiles and related equipment	66,699	84,017	78,100
Other equipment	303,698	307,987	303,200
Programwide management and support	10,501	19,834	48,900
Total direct	454,242	487,698	507,200
Reimbursable (total)	3,628	5,675	6,719
Total obligations	457,870	493,373	513,919
Research, development, test, and evaluation, defense agencies: Other equipment			10,200

These proposed supplemental appropriations will be used to speed up near term programs aimed at responding to potential challenges, to accelerate operational test and evaluation, to attack the problem of the high cost of weapons, and to strengthen the technology base by initiating exploratory development in particularly promising areas.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Emergency fund, Defense:			
Research and development contingencies		50,000	50,000

CIVIL DEFENSE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research, shelter survey, and marking: Research and development[1]	3,027	3,875	3,500

[1] This provides for improvement of the technical basis for ongoing and potential future civil defense programs and operations.

SPECIAL FOREIGN CURRENCY PROGRAM

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research[1]	1,070	1,300	6,600

[1] This appropriation provides dollars to be used exclusively for purchase from the Treasury of excess foreign currencies to finance undertakings which are of benefit to the Department of Defense.

REVOLVING AND MANAGEMENT FUNDS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Navy Industrial Fund:			
Research	944,920	1,143,201	1,155,743
Air Force industrial fund:			
Research activities	143,272	140,555	

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Corps of Engineers—Civil, general investigations:			
Surveys:			
Navigation studies	4,115	5,938	7,053
Flood control studies	10,014	14,475	12,077
Beach erosion studies	435	445	552
Comprehensive basin studies	3,662	3,550	3,500
Special studies:			
Chesapeake Bay study	535	2,175	4,500
Coordination studies with other agencies	1,040	1,125	1,515
Lake Erie-Lake Ontario Waterway, N.Y	153	240	120
National shoreline study	268	200	8
Northeastern U.S. water study	985	2,300	2,000
Review of completed projects			400
Texas coast hurricane study	548	730	745
Texas water supply and pollution study	215	490	230
Water levels of the Great Lakes	212	430	365
Studies not budgeted in 1973	9	322	13
Collection and study of basic data:			
Stream gaging	355	480	400
Precipitation studies	487	240	230
Fish and wildlife studies	667	680	1,100
International water studies	189	263	280
Flood plain management services	6,522	6,800	9,840
Research and development:			
Coastal engineering research and development studies	5,385	4,300	4,400
Hydrologic studies	247	300	260
Civil works investigations	1,918	7,000	8,380
Mississippi River basin model:			
Construction	4		
Maintenance	58	74	
Computer application studies	32	131	
International hydrological decade	237		
Studies not budgeted in 1973	1,395	900	88
Total program costs funded	39,687	53,561	58,056
Change in selected resources	−223	−2,482	−407
Total obligations	39,909	51,079	57,649

Surveys. Navigation and flood control studies are made to determine the need and economic justification for proposed water and related land resource developments. Beach erosion control studies are undertaken to determine the need for shore protection and remedial measures at specific localities.

Comprehensive river basin studies provide for broad consideration of water and related land resource needs of river basins. They are coordinated with the related river basin planning efforts of the Departments of the Interior and Agriculture and other concerned agencies.

Special studies are made to resolve unique or especially complex water resources problems.

Funds also are provided to review the operation of completed projects constructed by the Corps of Engineers when found advisable due to significantly changed physical or economic conditions. Physical and operational plans for completed projects are reviewed to determine whether structural or operational modifications should be made in the overall public interest and recommendations are made to Congress.

Surveys are made in coordination with Federal, State, and local agencies and interests. They give appropriate consideration to present and future requirements for all beneficial uses of water and related land resources, including navigation, flood control, water supply, irrigation, water quality control, power, recreation, and fish and wildlife conservation.

Collection and study of basic data. Funds are transferred to the Geological Survey for installation, operation, and maintenance of stream gaging stations; to the Weather Bureau for hydrometeorlogical studies; and to the Bureau of Sport Fisheries and Wildlife for preauthorization studies of the effects of proposed projects upon fish and wildlife. The Corps of Engineers participates on a number of engineering and control boards that study and control international streams mutually affecting the United States and Canada. Information about the flood hazard, advice, and assistance are furnished to the States and local governmental agencies, upon their request, and to other Federal agencies for guidance in the management of flood plain areas to assure the best and safest use of such areas.

Research and development. Coastal engineering research and development studies deal with physical phenomena, techniques, basis principles, and remedial or control measures related to shore protection and improvement. The results of these studies are disseminated to interested Federal, State, and local agencies and individuals.

Civil works investigations are conducted to improve procedures for analysis of engineering data; to conduct research and training activities; to refine design methods; to develop better materials and practices for the construction, operation, and maintenance of water resource facilities; to investigate rapid excavation techniques by use of explosives in the construction of civil works projects; and to improve procedures used in formulating plans for water resources development. A hydrologic engineering center embraces the functions of hydrological research, training, methods systemization, and special project assistance. A scientific and technical information center prepares and distributes literature to scientists and engineers to improve their knowledge of new developments in their fields.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Construction, general:			
Coordination act studies (Fish and Wildlife Service)[1]	644	648	840

[1] This program provides for detailed studies and reports by the Bureau of Sport Fisheries and Wildlife to determine the effects on fish and wildlife resources of water-control projects of the Corps of Engineers.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
General expenses: Coastal Engineering Research Center[1]	246	283	290

[1] The Center plans and conducts research in the field of coastal engineering, develops standards, and reviews technical reports as directed by the Chief of Engineers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Mental health research:			
Grants	74, 134	97, 400	101, 400
Direct operations	22, 964	42, 151	43, 268
Total	97, 098	139, 551	144, 668

Grants. There are two major grant programs included in this subactivity. First, the regular research grants program provides support on a project basis for behavioral, clinical, psychopharmacology, and applied research. The 1973 increase will support grants in areas of special interest such as drug abuse, alcoholism, child mental health, minority mental health, crime and delinquency, and services development research. Approximately 1,485 grants will be supported in 1973, including 455 grants for the special interest areas. Second, the hospital improvement program supports project grants to State mental hospitals for improvement in the care, treatment, and rehabilitation of patients. This program will support 71 projects in 1973. $6,000,000 formerly included in this category for drug abuse research grants are now included under Direct operations for drug abuse research contracts.

Direct operations. The funds in this subactivity will support laboratory and clinical research in the behavioral and biological sciences; for example, psychiatry, socioeconomic studies, health problems of narcotic addiction, alcoholism, neuropharmacology, and clinical psychopharmacology. This subactivity also supports Institute staff who are responsible for the planning, development, and administration of the grant programs identified in the previous paragraph. A portion of the funds is used to support research on a contract basis. One such activity is the marihuana contract program designed to determine the behavioral and biological effects of marihuana. Payments to the National Institutes of Health management fund are also supported in this subactivity. For 1972 and 1973, funds to operate the Clinical Research Center at Lexington, Kentucky, formerly presented in Rehabilitation of drug abusers, will be included here.

HEALTH SERVICES PLANNING AND DEVELOPMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Health services research and development:			
Grants and contracts	39, 105	56, 118	58, 018
Direct operations	4, 869	5, 898	6, 325

The major problems in the health care delivery system that are given priority in the National Center's research and development program are: Rising costs of medical care, unequal distribution and utilization of health services, inadequate data for health services planning and decision making at local and national levels, and relative shortages or maldistribution of professional health personnel.

Grants and contracts. Research and development. Grants and contracts are awarded to public or private agencies, academic, and other research organizations to conduct analyses of economic, social, and technological factors which affect the organization, financing, and utilization of health services. Large-scale research and development projects are directed primarily at containing the rate of increase of medical care costs, developing community-based systems for delivering health services, improving the availability, utilization, and quality of care, and developing a cooperative Federal-State-local health statistics system.

Research and development training. Grants and contracts are awarded to institutions and to qualified scholars for supporting research and managerial training in the health services field. A major emphasis in 1973 will be the development of training programs and opportunities in health services planning, implementation, and operation.

Direct operations. This activity supports the staff required to design and direct the National Center's strategic program of research and development. The staff obtains high-level evaluation of all proposals, closely monitors contracts, reviews results, informs the professional community of significant progress, and identifies the next steps in research and development.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Preventive Health Services: Disease control: Infectious diseases: Research grants	827	2, 144	2, 215

Note: Research grants are awarded to organizations, institutions, and individuals for research concerned with epidemiology, prevention, laboratory diagnosis, and treatment of infectious diseases at the community level. Approximately 52 research projects would be supported in 1973 as compared to 50 in 1972 and 48 in 1971.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Research grants	1, 223	1, 770	1, 228

NATIONAL INSTITUTES OF HEALTH

In 1973, the NIH research institutes will initiate or expand activities in several high-priority programs. The National Cancer Institute will expand its efforts in all areas of cancer research, to continue the administration's accelerated cancer research program. The National Cancer Act of 1971 authorizes a national cancer program which will be initiated during 1972 and further developed in 1973 by the National Cancer Institute. The National Heart and Lung Institute will increase research in sickle cell anemia, arteriosclerosis, hypertension, thrombosis, and pulmonary diseases.

The National Institute of Dental Research will enhance the goals of the national caries program through increased research grant funding. The National Institute of Arthritis and Metabolic Diseases will give special emphasis to research in the area of digestive diseases—peptic ulcer, ileitis, and diseases of the liver, gallbladder, and pancreas. The National Institute of Neurological Disease and Stroke will provide increased support for research in the fields of stroke, acute spinal cord injury, Parkinsonism, and communicative disorders. The National Institute of Allergy and Infectious Diseases will give increased attention to research concerning cellular and clinical immunology, hepatitis, the biology of the gonococcus, and to allergic diseases. The National Institute of Child Health and Human Development will strengthen its research programs in the areas of family planning, child health, and aging. The National Institute of Environmental Health Sciences will increase research efforts in areas such as chemical mutagenesis, teratology, pesticides, food toxicants, air pollutants, and physical factors such as noise. The National Institute of General Medical Sciences will support research in the basic medical sciences. The National Eye Institute will continue its research efforts in the diseases and disorders of the eye.

The activities of the research institutes and divisions are carried out through extramural grant programs and through operations conducted directly by NIH and through contracts. Extramural grant programs are of three types:

Research grants—the principal activity of the institutes—are awarded to individuals for heath-related research projects which are chosen on the basis of their scientific merit.

Fellowships are awarded to promising individuals preparing for research careers in the biomedical sciences.

Training grants are awarded to academic or research institutions which have demonstrated the ability to design and conduct successful training programs in the biological sciences.

In addition to grants, the NIH research institutes and divisions support biomedical research through direct operations which include the following components:

Laboratory and clinical research is conducted in the institutes' laboratory facilities and in the commonly shared clinical center facility.

Research and development contracts are conducted by NIH researchers in collaboration with other Federal and non-Federal institutions and are strongly oriented toward the solution of specific health problems where the state of knowledge is sufficiently advanced to permit a more directed approach.

Research management and program services provide such operational requirements as program direction, review and approval of grants, and intramural training programs.

Other activities under direct operations include biometry, epidemiology and field studies, biologics standards, and international research.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Biologics standards: Research and development contracts[1]	2, 627	2, 100	2, 100

[1] This activity represents that portion of the total biologics standards program aimed at the acquisition of knowledge for the improvement of standards utilizing the contract method.

NATIONAL CANCER INSTITUTE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research	98, 400	126, 719	160, 874
Fellowships	4, 067	3, 548	4, 750
Training	11, 807	12, 874	15, 750
Total grants	114, 274	143, 141	181, 374

NATIONAL CANCER INSTITUTE—Continued

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Direct operations:			
Laboratory and clinical research	19, 894	19, 443	21, 624
Research and development contracts	81, 802	122, 303	137, 787
Collaborative research and support	21, 137	27, 542	29, 882
Research management and program services	4, 893	9, 276	10, 539
Total direct operations	127, 726	178, 564	199, 832
Construction		16, 000	49, 000
Total program costs funded	242, 000	337, 705	430, 206
Change in selected resources	−9, 144		
Total obligations	232, 856	337, 705	430, 206

The National Cancer Institute conducts, fosters, and assists research and training directed toward preventing, diagnosing, treating, and controlling cancer in man. The institute will strengthen the cancer research center program. Expanded research of viruses and chemicals will be effected for the ultimate prevention of cancers in man. Cancer therapy methods will be expanded to utilize to a greater extent those drugs and combinations thereof that have proved effective in the treatment of cancer; and application of knowledge gained in treatment of fast growing tumors to the slow growing ones such as breast, lung, colon, bladder, prostate, and pancreas. Task forces will be emphasized in order to concentrate on the causes and preventions of cancers.

Grants. Research. Approximately 1,574 regular research grants will be supported in 1973 as compared to 1,268 in 1972 and 979 in 1971. In addition, funds are provided for cancer research centers (clinical centers and program centers), leukemia research support centers, large bowel and bladder task forces, general research support grants, and cancer control competitive demonstration projects.

Fellowships. Approximately 224 postdoctoral and special fellowships will be supported in 1973 as compared to 151 in 1972 and 191 in 1971. Also, some 100 career award and career development fellowships will be supported in 1973 as compared to 78 in 1972 and 82 in 1971.

Training. Grants are awarded to accredited schools for the improvement of instruction in the curriculum; clinical training grants are awarded for training in such fields as surgery, pathology, radiobiology, radiotherapy, and internal medicine; and grants are awarded to research training centers for individual traineeships. The following table summarizes those grants:

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Graduate training	86	90	102
Cancer clinical training	85	102	113

Direct operations. Laboratory and clinical research. Research includes laboratory research in the fields of biology, biochemistry, and physiology; and clinical research in the fields of surgery, immunology, radiation, dermatology, pathology, and metabolism.

Research and development contracts. This activity includes the funds for that portion of the research programs described under Laboratory and Clinical Research and Collaborative Research and Support, utilizing the contract mechanism.

Collaborative research and support. Research is conducted in the areas of etiology and chemotherapy. Several task forces, for example, breast cancer and lung cancer, are also included within this activity. This activity contains the research effort carried on directly in Government laboratories and clinical facilities for these integrated programs. The programs are focused on the causes of cancers and their occurrence patterns and prevention, as well as funding the best methods of treating cancer through the screening, testing, and clinical evaluation of drugs. That portion of the effort of these targeted programs conducted through the contract mechanism is included in the above activity Research and Development Contracts.

Construction. Cancer research centers will be constructed which are a critical component of the expanded cancer research program. Etiology research facilities will be constructed for the expansion of carcinogenesis and viral oncology research. Plans are being developed for the addition of outpatient and laboratory facilities.

NATIONAL HEART AND LUNG INSTITUTE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	108, 370	133, 794	141, 628
Fellowships	5, 094	7, 371	7, 371
Training	15, 630	17, 643	17, 643
Total grants	129, 094	158, 808	166, 642
Direct operations:			
Laboratory and clinical research	16, 927	17, 721	18, 132
Research and development contracts	21, 872	46, 497	59, 374
Biometry, epidemiology, and field studies	1, 215	1, 506	1, 582
Research management and program services	5, 861	7, 603	8, 686
Total direct operations	45, 875	73, 327	87, 774
Total program costs funded	174, 969	232, 135	254, 416
Change in selected resources	19, 857		
Total obligations	194, 826	232, 135	254, 416

Grants. Research. Approximately 1,470 grants will be supported in 1973 as compared to 1,472 in 1972, and 1,447 in 1971. In addition, funds are provided for specialized research centers and the heart cooperative drug study.

Fellowships. Approximately 345 awards will be supported in 1973 as compared with 345 in 1972 and 340 in 1971.

Training. Funds will provide for 250 grants for cardiovascular and pulmonary research and clinical training for 1,000 trainees. Comparable numbers of grants and trainees are 365 and 996 in 1972, and 366 and 1,000 in 1971. The pulmonary academic award was instituted in 1971 to four trainees. It will be continued at this level in 1972 and expanded to 60 trainees in 1973.

Direct operations. Laboratory and clinical research. Research encompasses work which aids in the understanding of the cardiovascular and pulmonary systems and their diseases, with emphasis in therapeutic agents, diagnostic instrumentation, surgery, and clinical medicine.

Research and development contracts. Funds will support programs in the research and development of the application of cardiovascular and pulmonary medical devices, in myocardial infarction, blood resources, sickle cell diseases, lipid research, respiratory diseases, and clinical trials in hypertension and in multiple-risk factors.

Biometry, epidemiology, and field studies. This activity conducts and supports therapeutic evaluations, epidemiological, and biometrics research.

NATIONAL INSTITUTE OF DENTAL RESEARCH

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	15, 746	21, 504	22, 152
Fellowships	1, 455	1, 601	1, 601
Training	5, 225	5, 270	5, 270
Total grants	22, 426	28, 375	29, 023
Direct operations:			
Laboratory and clinical research	6, 192	6, 751	6, 745
Research and development contracts	795	5, 500	5, 500
Collaborative research and support	260	314	339
Biometry, epidemiology, and field studies	666	938	977
Research management and program services	1, 154	1, 382	1, 492
Total direct operations	9, 067	14, 885	15, 053
Total program costs funded	31, 493	43, 260	44, 076
Change in selected resources	3, 718		
Total obligations	35, 211	43, 260	44, 076

Research grants support fundamental clinical and applied research studies in such areas as dental caries, periodontal disease, oral-facial growth and development, dental restorative materials. Support is furnished for studies designed to advanced scientific frontiers and exploit emerging research opportunities, including: investigation of the interplay of host, dietary, and microbiotic factors in dental caries; development of more effective therapeutic and preventive measures in periodontal disease; development of treatment procedures and determination of preventive measures for oral-facial anomalies; and work on the immediate problems of dental treatment through development of new and improved restorative materials and clinical methods.

The activity in support of dental research institutes (centers) in university settings, now entering its fifth year and requiring support at the current level of $6,200,000, continues to close the gap between dental and other biomedical research, and is significantly influencing the progress of dental education.

The recently initiated Special Dental Research Award program is designed to help newly trained investigators remain active in research during the formative stages of their careers, and thereby assure a vital input to the dental investigator pool. Emphasis will continue to be in the basic and clinical problem areas of dental caries, periodontal and mucosal diseases of the mouth, oral-facial defects of development, and dental pain.

Approximately 248 project grants will be supported in 1973, compared with 249 in 1972, and 217 in 1971.

Fellowships. Funds for fellowships are used for support of clinical and basic research training. Applications under this program are for special fellowships, postdoctoral fellowships, and career development and career awards. In 1973, 91 fellowships will be supported, compared with 96 in 1972 and 95 in 1971.

Training. Training funds are the principal means of meeting the need for dental research and academic personnel in the dental schools to teach clinical and basic sciences, and to conduct research. Increased costs per grant will make it necessary to support only 81 grants in 1973, compared with 85 in 1972 and 93 in 1971.

Direct operations. Laboratory and clinical research studies conducted in Institute facilities are concerned with the causes, treatment, control, and prevention of such dental diseases and disorders as caries, periodontal disease, oral-facial anomalies, and oral cancer. Three primary approaches are used: Basic research directed at the acquisition of new knowledge as a means of solving dental health problems; field studies and clinical trials of new therapeutic and prevention concepts coming out of basic research; and further studies on the definition and distribution of oral-facial diseases and disorders on an epidemiologic or geographic basis. Much of this research will make direct contributions to the recently initiated National caries program.

Research and development contracts. The programs in this activity involve contracts with public and private research and development organizations. Primary objectives include support of the National caries program and the development of new and improved dental restorative materials.

Collaborative research and support. This activity provides administrative, contract, and clerical personnel necessary to administer the research and development contracts supported by this Institute.

Biometry, epidemiology, and field studies. This activity is concerned with the planning, conduct, and analysis of epidemiological and field investigations concerning such matters as prevalence of oral disease, and effectiveness of new or improved methods of diagnosis, control, and prevention. A number of the studies conducted will be integral parts of the National caries program.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	85, 252	101, 917	105, 903
Fellowships	5, 470	5, 740	5, 740
Training	15, 060	15, 072	15, 072
Total grants	105, 782	122, 729	126, 715
Direct operations:			
Laboratory and clinical research	18, 460	18, 235	19, 052
Research and development contracts	4, 693	5, 954	6, 224
Collaborative research and support	843	1, 128	1, 213
Biometry, epidemiology, and field studies	860	1, 146	1, 298
Research management and program services	3, 069	3, 776	3, 892
Total direct operations	27, 925	30, 239	31, 679
Total program costs funded	133, 707	152, 968	158, 394
Change in selected resources	4, 240		
Total obligations	137, 947	152, 968	158, 394

Grants. Research. Approximately 2,167 grants will be supported in 1973 as compared to 1,957 in 1972 and 1,880 in 1971. In addition, funds are provided for general research support grants and clinical research centers.

Fellowships. Approximately 323 fellowships will be supported in 1973 as compared to 342 in 1972 and 357 in 1971.

Training. During 1973 it is estimated that 246 grants will be awarded to accredited schools for the improvement of instruction. This compares to 260 grants in 1972 and 276 grants in 1971.

Direct operations. Laboratory and clinical research. Research is conducted in the fields of arthritis, rheumatism, diabetes, and other metabolic disorders, as well as studies in the major disciplines including pharmacology, physiology, biochemistry, nutrition, chemistry, pathology, endrocinology, physical biology, molecular biology, chemical biology, gastroenterology, hematology, and biomathematics.

Research and development contracts. Projects are conducted under contract with individuals and institutions primarily in support of the artificial kidney/chronic uremia, the digestive diseases and nutrition, and the hormonal development programs.

Collaborative research and support. Comprehensive programs are conducted in methods to improve hemodialysis and to develop simpler, more economical, and less cumbersome artificial kidneys in the preparation and distribution of hormonal substances in the analysis and evaluation of Institute programs and in scientific communications, such as the preparation of abstracts on specific areas of research interest.

Biometry, epidemiology, and field studies. Research and epidemiological studies are conducted on arthritis, diabetes, cholecystitis, iodine metabolism, and hyperuremia in special population groups, primarily long range studies in the southwestern United States.

Research management and program services. General direction, coordination, and administration of the resources of the total Institute are provided by the Institute Director, his immediate staff, and the office of administrative management, including contract negotiations and awards. The review and approval of grants functions includes review for scientific merit and program relevance and maintenance of surveillance over each grants project. Scientific information functions are also conducted under this activity.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	56, 543	69, 460	69, 763
Fellowships	2, 523	2, 782	2, 782
Training	12, 696	14, 300	14, 300
Total grants	71, 762	86, 542	86, 845
Direct operations:			
Laboratory and clinical research	11, 474	10, 654	10, 846
Research and development contracts	5, 800	8, 219	8, 285
Collaborative research and support	6, 550	7, 936	8, 004
Research management and program services	2, 809	3, 168	3, 318
Total direct operations	26, 633	29, 977	30, 453
Total program costs funded	98, 395	116, 519	117, 298
Change in selected resources	5, 050		
Total obligations	103, 445	116, 519	117, 298

Grants. Research. Approximately 1,250 grants will be supported in 1973 compared to 1,377 in 1972 and 1,258 in 1971. In addition, funds are provided for specialized research center grants.

Fellowships. Approximately 147 fellowships will be supported in 1973 compared to 148 in 1972 and 190 in 1971.

Training. Approximately 187 graduate training grants will be supported in 1973 compared to 198 in 1972 and 221 in 1971. These grants are made to training institutions to establish and improve programs to train teachers and clinical investigators in neurology and otology. Also, approximately 144 traineeships will be awarded to individuals for specialized postgraduate training in 1973 compared to 153 in 1972 and 195 in 1971.

Direct operations. Laboratory and clinical research. Research is being conducted on disorders of the brain, spinal cord, and peripheral nerves, such as epilepsy, multiple sclerosis, apoplexy, and Parkinson's disease; on communicative disorders and neuromuscular disorders, such as muscular dystrophy.

Research and development contracts. Contracts for directed research are used for collaborative and intramural programs including epilepsy, head injury and sensory prosthesis, and other neurological disorders.

Collaborative research and support. These studies include the coordination and central service activities for the collaborative perinatal project on cerebral palsy, mental retardation, and other neurological and sensory disorders of childhood. Also included are the Institute's research programs on head injury, spinal cord injury, epilepsy, cerebral death, and sensory prosthesis research. In sensory prosthesis research, the goal is to develop devices using suitable sensors, data processors, and stimulating electrode arrays implanted against the brain of a blind or deaf person to permit the subject to abstract meaningful information from his environment.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	56, 097	62, 986	65, 089
Fellowships	3, 290	3, 579	3, 579
Training	8, 323	8, 922	8, 922
Total grants	67, 711	75, 487	78, 090
Direct operations:			
Laboratory and clinical research	18, 275	17, 717	18, 304
Research and development contracts	7, 879	11, 050	10, 928
Collaborative research and support	2, 055	2, 153	2, 198
Research management and program services	2, 144	2, 326	2, 387
Total direct operations	30, 353	33, 246	33, 817
Total program costs funded	98, 064	108, 733	111, 917
Change in selected resources	3, 989		
Total obligations	102, 053	108, 733	111, 917

Grants. Research. Grants are awarded to universities and to other institutions on a project basis to conduct research needs which have been identified as of national importance. Funds available for 1973 will support approximately 1,271 awards compared to 1,185 awards in 1972 and 1,154 awards in 1971. In addition, funds are provided for general research support grants, clinical research centers, and international centers for medical research and training.

Fellowships. Funds for fellowships are used to train professional researchers in research areas within the categorical interests of the Institute. The program supports postdoctoral, special, career development fellowships, and career awards. An estimated 206 awards will be made in 1973 and 1972, compared to 151 grants and 906 individuals in 1971.

Direct operations. Laboratory and clinical research in microbiology and immunology, in its broadest sense, nourishes the entire field of biomedicine and affects the programs of all the other Institutes. The Institute research effort embraces both basic and applied research. Laboratory scientists and clinical investigators at NIH and field installations are directing their efforts to the discovery and exploitation of new knowledge leading to the eventual prevention and treatment of diseases caused by infection with microorganisms or abnormal immunological mechanisms. The diseases under intensive study are those caused by viruses, bacteria, mycoplasma, fungi, protozoa, and helminths.

Research and development contracts. The activities carried out under this program are through research contracts with industry and other Federal and non-Federal institutions. Primary objectives include translation of significant basic research data into practical achievements of clinical applicability in immunologic and infectious diseases. The program also conducts and supports developmental research in the prevention, control, and treatment of diseases caused by infectious agents including bacteria, viruses, and parasites and abnormalities in the body's immune mechanisms.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	101,321	103,676	105,626
Fellowships	16,951	15,609	15,609
Training	43,746	43,746	43,746
Total grants	162,018	163,031	164,981
Direct operations:			
Research and development contracts	3,263	4,816	5,016
Research management and program services	4,664	5,488	5,719
Total direct operations	7,927	10,304	10,735
Total program costs funded	169,945	173,335	175,716
Change in selected resources	−10,104		
Total obligations	159,841	173,335	175,716

Grants. Research. Approximately 1,278 grants will be supported in 1973 as compared to 1,277 in 1972 and 1,142 in 1971. In addition, funds are provided for general research support grants, pharmacology-toxicology research centers and research centers in genetics, diagnostic radiology, and anesthesiology.

Fellowships. Approximately 1,085 fellow ship awards will be made in 1973 as compared to 1,221 in 1972 and 1,735 in 1971.

Training. Approximately 467 grants and 3,952 trainees will be funded in 1973 as compared to 468 grants and 4,160 trainees in 1972 and 521 grants and 4,360 trainees in 1971.

Direct operations. Research and development contracts. This activity supports the research contract program in the biomedical sciences and supportive areas and is utilized to achieve specific research and training objectives that cannot be accomplished appropriately through the research and training grant mechanisms.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

[In thousands of dollars]

	1971 actua	1972 estimate	1973 estimate
Grants:			
Research	48,780	63,836	72,001
Fellowships	4,471	3,786	3,786
Training	13,867	10,142	10,142
Total grants	67,118	77,764	85,929
Direct operations:			
Laboratory and clinical research	7,611	11,685	10,558
Research and deveopment contracts	6,934	21,021	24,242
Collaborative research and development	374	686	797
Biometry, epidemiology, and field studies	536	602	616
Research management and program services	3,862	4,403	4,554
Total direct operations	19,317	38,397	40,767
Total program costs funded	86,435	116,161	126,696
Change in selected resources	8,309		
Total obligations	94,744	116,161	126,696

Grants. Research. Approximately 965 regular research grants will be supported in 1973. This compares with an anticipated 811 in 1972 and 748 in 1971. Additionally this activity provides funds for general research support grants and mental retardation research centers.

Fellowships. In 1973 approximately 210 awards will be supported as contrasted to 214 in 1972 and 220 in 1971.

Training. In 1973 the Institute will support approximately 98 training grants. This compares with 99 anticipated for 1972 and 112 supported in 1971.

Direct operations. Laboratory and clinical research. The laboratories of this activity conduct research in five major program areas of child health and human development. Reproduction and population research includes research in reproductive biology, endocrinology, and ecology. Perinatal biology and infant mortality includes research relating to maternal-child interactions, maturation of motor and behavioral systems, nutrition, and development. Growth and development includes research in the areas of neurophysiology, neurochemistry, and nutrition. Adult development and aging includes research in cellular biology, biochemistry, physiology, and psychological development. Mental retardation includes biochemical, neurophysiological, and behavioral research.

Research and development contracts. This activity, primarily through the contract mechanism, supplements the Institute's five research programs. The research conducted is usually Institute initiated and is directed toward gaps in existing research or to expand on current studies of either the intramural program or the research grant program. This activity provides one of the most effective ways for coordinating program development in the Institute's five program areas. The main thrust of the Institute's population research program is accomplished through contract efforts within this activity.

Collaborative research and support. This activity supports the Center for Population Research which was established in 1968 to administer the Institute's population research program. Research and training is conducted in the biomedical and behavioral sciences of population. The goals of such research are to develop and evaluate methods of contraception and fertility regulation and to support acquisition of knowledge on determinants and consequences of population growth.

Biometry, epidemiology, and field studies. This activity supports the Institute's scientific staff in planning and in conducting studies dealing with the incidence, distribution, and control of health problems in certain populations. It supports development of more effective and reliable means for measuring health problems, collects and analyzes health data, and makes statistical studies for use in initiating and evaluating scientific programs.

NATIONAL EYE INSTITUTE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	12,550	24,984	24,950
Fellowships	1,058	1,676	1,676
Training	2,819	2,998	2,998
Total grants	16,427	29,658	29,624
Direct operations:			
Laboratory and clinical research	1,454	3,277	3,419
Research and development contracts	425	2,225	2,225
Biometry, epidemiology, and field studies	305	446	454
Research management and program services	968	1,416	1,479
Total direct operations	3,152	7,364	7,577
Total program costs funded	19,579	37,022	37,201
Change in selected resources	10,406		
Total obligations	29,985	37,022	37,201

Grants. Research. The research grants programs of the National Eye Institute supports the acquisition of new knowledge to combat the widespread incidence of visual disability. Projects range from basic investigations of the visual process to the clinical application of knowledge acquired in the laboratory. Glaucoma, retinal disease, disorders of the cornea and lens, cataract, and infectious eye diseases are among the specific conditions undergoing intensive investigation. In addition, funds are provided for vision clinical research centers and general research support grants. During 1973 the Institute plans to award approximately 418 research grants as compared to 423 awards in 1972 and 411 in 1971.

Fellowships. The fellowship program supports the national vision research effort through the provision of postdoctoral research training to individual investigators working on problems of visual health. Awardees receive training in the wide variety of scientific disciplines associated with vision research. Approximately 101 fellowships will be awarded in 1973 as compared to 101 in 1972 and 88 in 1971.

Training. Training grants are awarded to academic institutions for the establishment, improvement, or expansion of vision research training programs. The grants provide sophisticated training environments for more advanced investigators who wish to pursue academic careers in vision research. Approximately 42 training grants will be awarded in 1973 as compared to 45 in 1972 and 48 in 1971.

Direct operations. Laboratory and clinical research. This activity supports laboratory and clinical investigations conducted by staff of the National Eye Institute. Talented investigators representing a broad spectrum of scientific disciplines strive to increase our knowledge and understanding of glaucoma, retinal disorders, inflammatory diseases of the eye, embryology of the retina and cornea, and the coding of visual information from the eye to the brain. A close association between the laboratory and clinic facilities the rapid translation of research findings to the care of eye patients.

Research and development contracts. This program supports research contracts with universities, other Federal agencies, and industrial research organizations for projects that require close direction and surveillance by Institute staff and offer high probability of rapid payoff. Projects have been initiated to improve the diagnosis and treatment of glaucoma, retinal disease, and developmental abnormalities of the visual system.

Biometry, epidemiology, and field studies. This activity constitutes a program for the collection and analysis of data on the incidence and prevalence of vision disorders in selected population groups, and for the study of environmental and hereditary factors in the etiology of eye disease. The program also provides biometric and epidemiologic support to intramural and collaborative programs, including clinical trials to evaluate the efficacy of various regimens in the prevention of blindness.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	10,093	12,750	14,404
Fellowships	240	264	264
Training	3,233	3,117	3,117
Total grants	13,566	16,131	17,785
Direct operations:			
Laboratory and clinical research	5,585	7,206	7,673
Research and development contracts	442	2,054	2,354
Research management and program services	818	936	1,005
Total direct operations	6,845	10,196	11,032
Total program costs funded	20,411	26,327	28,817
Change in selected resources	−318		
Total obligations	20,093	26,327	28,817

Grants. Research. Approximately 177 regular research and center grants will be supported in 1973 as compared to 146 in 1972 and 118 in 1971. This activity supports research on the phenomena associated with the source, distribution, mode of entry, and the effect of environmental agents on biological systems through grants to universities, research institutes, and other public or private nonprofit institutions.

Fellowships. Approximately 17 awards will be supported in 1973 as compared to 17 in 1972 and 18 in 1971. Under the fellowship program, postdoctoral, special, and research career development awards are made to physicians and scientists for training in the field of environmental health sciences.

Training grants. Approximately 30 grants will be supported in 1973 as compared to 35 in 1972 and 42 in 1971. The graduate research training program supports the availability of high quality training opportunities in environmental health. It has a threefold goal: To increase the number of highly qualified scientists primarily concerned with environmental health; to enable training institutions to strengthen and enrich the research training capabilities; and to expand opportunities for environmental health research training in a greater number of graduate institutions throughout the United States.

Direct operations. Laboratory and clinical research. This activity constitutes the in-house research programs in environmental health sciences at the National Environmental Health Sciences Center in the Research Triangle Park, North Carolina. Included are research efforts in cell biology, pharmacology and toxicology, analytical and synthetic chemistry, biophysics and biomedical instrumentation, animal science and technology, pathologic physiology, epidemiology, and biometry. Scientific communication, as well as the supporting services for these laboratories and branches, are also included.

Research and development contracts. This activity supplements and complements the Institute's intramural research program. Research in this activity is supported through contracts in collaboration with other Federal agencies, university research centers, and industrial research organizations.

RESEARCH RESOURCES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants:			
Research	63,622	71,079	71,079
Fellowships	146	126	126
Training	387	352	352
Total grants	64,155	71,557	71,557
Direct operations:			
Research and development contracts	1,697	1,459	1,430
Research management and program services	1,975	1,912	1,942
Total direct operations	3,672	3,371	3,372
Total program costs funded	67,827	74,928	74,929
Change in selected resources	−1,640		
Total obligations	66,187	74,928	74,929

The programs administered by the Division of Research Resources provide for the creation of specialized research settings for use by grantees and contractors of the National Institutes of Health categorical programs and for the generation of new knowledge to aid the general progress of biomedical science in the treatment of human disease and disability.

The discrete research resources include: general clinical research centers which are prominent features in many of the Nation's leading medical schools and which make extensive, controlled studies of human patients possible; biotechnology resources which bring powerful instrumentation and physical sciences expertise within reach of the biomedical scientist; and animal resources, which not only give investigators access to expertly maintained colonies of rare animals for those studies which cannot realistically be undertaken in humans, but also represent standards for the most advanced facilities and procedures for high quality animal care. The Division also administers the general research support program.

Grants. Research. Funds in 1973 will provide the following special research resources: General clinical research centers—approximately 82 centers will be supported in 1973 including three new high priority centers, with some diversification for further expansion of research on ambulatory subjects, as compared to 82 in 1972 and 81 in 1971; biotechnology resources—approximately 48 resources will be supported in 1973 as compared to 48 in 1972 and 47 in 1971; animal resources—approximately 75 animal resources including seven primate centers will receive support in 1973, the same as 1972, as compared to 71 in 1971.

Fellowships. Approximately 14 fellowships will be supported in 1973, the same as 1972 and 1971.

Training. Grants are awarded to institutions to support training in the field of laboratory animal medicine. Approximately eight training grants will be supported in 1973 as compared to nine in 1972 and 1971.

Direct operations. Research and development contracts. This activity is carried out primarily through research contracts with industry, universities, and other Federal and non-Federal institutions. Included are contracts in the areas of chemical/biological information handling, biotechnology, and laboratory animal care.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Grants—Research [1]	500	500	500

[1] Research funds will support the Gorgas Memorial Institute.

BUILDINGS AND FACILITIES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research facilities	348	1,920	1,300

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Foreign health research	27,094	27,686	25,619

This program is supported by foreign currencies owned by the United States which have been determined by the Treasury to be in excess of normal U.S. needs.

The general objective of this program is to support health research and research related activities overseas that are within the program interests of the Department's health agencies and of mutual interest to the host country, its institutions, and its scientists. The Department anticipates that the support of health research potential overseas will ultimately enhance the status of the health sciences in the United States. To meet these general objectives, approximately 350 projects are currently active in eight excess currency countries: Ceylon, Egypt, India, Israel, Pakistan, Poland, Tunisia, and Yugoslavia. Areas of research include: The improvement of the organization and delivery of health services, environmental health, nutrition, manpower development, population and family planning, disease prevention and control, food and drug consumer protection, biomedical research, and health science communications.

Increased involvement in the worldwide problems of environmental health, population and family planning, and disease prevention and control is planned for 1973. Emphasis will be placed on matching high priority U.S. health needs with salient areas of concern in the host countries in order to achieve domestic goals and also promote U.S. foreign policy.

It is planned to support an estimated 170 new projects in 1973. Specific objectives are: $2,250,000 for environmental health, $4,860,000 for studies to improve the organization and delivery of health services, $1,015,000 for population and family planning research, $1,900,000 for nutrition studies, $580,000 for manpower development, $1,930,000 for disease prevention and control, $5,526,000 for studies in food and drug consumer protection, and $7,550,000 for biomedical research and scientific health communications.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
General research support grants: Total obligations	54,200	55,212	54,624

In 1973 funds are provided for the following general research support programs. General research support grants enable institutions heavily engaged in health-related research greater control over the quality, content, emphasis, and direction of their research activities than is possible exclusively under the categorical research project system. Approximately 346 grants will be supported in 1973 as compared to 338 in 1972 and 326 in 1971. The biomedical science support program provides funds to academic institutions other than health professional schools for support of their health-related research and research training activities. Approximately 117 grants will be supported in 1973 as compared to 115 in 1972 and 112 in 1971. Health sciences advancement awards program—in 1973 continuation awards will be made to two institutions compared to four in 1972 and nine in 1971. The minority schools biomedical support program is designed to strengthen institutional biomedical research and research training capability at institutions where the student enrollment is drawn mainly from minority ethnic groups. Approximately 49 institutions will receive support in 1973 as compared to 26 in 1972 when this program was initiated.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
National Institutes of Health Management Fund:			
Research services	5,377	5,591	5,714

Research supporting services provide the central administration and operation of services for the conduct of research activities such as providing laboratory animals, culture media, and glassware; design and fabrication of laboratory instrumentation; operating the NIH medical reference library, including the translation of medical literature; scientific photography and medical arts; and environmental engineering services.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Service and supply fund: Research animals:			
Cost of goods sold	140	151	163
Other	1,446	1,551	1,578

The National Institutes of Health animal facilities provide small and large research animals to the research laboratories. The facilities include breeding, holding, and conditioning facilities for mice, rats, guinea pigs, rabbits, hamsters, dogs, cats, primates, and ungulate animals. Bleeding services are also provided.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Medical research	883	8,499	8,716

OFFICE OF EDUCATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Education for the handicapped: Innovation and development	11,079	11,255	9,916

Grants and contracts are awarded for the development of new curricular materials, teaching techniques, research and development centers, and other research and demonstration projects. The 1973 budget includes additional funds for these activities. The estimate also reflects the transfer of basic research support to the proposed National Institute of Education.

VOCATIONAL AND ADULT EDUCATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Vocational research:			
Innovation	13,762	21,977	16,000
Curriculum development	4,000	4,000	6,000
Research—Grants to States	35,651	18,000	18,000
Special projects		18,000	

Grants are made to States, colleges, universities, and other institutions to develop new models for upgrading vocational education programs and for stimulating new ways to create a bridge between school and earning a living for school dropouts and youth who graduate from high school lacking employable skills. Grants are also made for the development of curricula for new and changing occupations and to provide the information essential to make necessary improvements and changes for more effective vocational education programs. In 1973, this activity will be part of a career education demonstration effort. Special projects will be transferred to the National Institute of Education in 1973.

PROJECTS SUPPORTED

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Innovation	197	356	281
Curriculum development	20	25	28
Research: State grants	273	181	186

EDUCATIONAL RENEWAL

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research and development:			
Experimental schools	12,000	15,000	
Institutional support	31,996	32,100	
Career education		2,000	
General research and development	15,934	11,000	

In 1973, the existing research and demonstration programs discussed below are to be transferred to the proposed National Institute of Education.

Experimental schools. This program tests, develops, and demonstrates ways to improve the learning of children in actual school situations. Support will be provided to schools which will implement, in a comprehensive manner, ideas already verified as feasible by prior research as well as ideas yet to be evaluated. Over the next several years the program will generate a series of experimental school sites that will represent a full range of alternatives to current educational practice. Three schools were chosen in 1972 and four more will be added in 1973.

Institutional support. This program is building a network of educational research and development institutions capable of solving pressing educational problems by supporting specific research and development efforts. In 1973, eleven educational laboratories and nine research and development centers will be supported.

Career education. Grants and contracts are made to support the research and development for four model career education programs. Career vocational education, and work experience so that all students will understand their potential career choices, have saleable skills, and understand the world of work. The four models are for school, industry, home, and residential vocational programs.

General research and development. These funds support a variety of multidisciplinary research and development activities and also grants for dissemination, and evaluation activities.

SOCIAL AND REHABILITATION SERVICE

[In thousands of dollars]

	1971 actual	1973 estimate	1973 estimate
Grants to States for Public Assistance: Research and training projects	17,080		
Social and Rehabilitation Services: Research	46,318	64,063	64,063

Projects are supported to develop and improve the administration and services of the Social and Rehabilitation Service programs. Research and demonstrations are conducted in the areas of rehabilitation and employability service, community services, medical assistance, child welfare, and services for the aged. Income maintenance experiments are supported to assess the alternative methods of income supplementation. Research and training centers are supported to provide for testing of methods of rehabilitation in critical areas such as stroke, paraplegia, and circulatory problems. Regional research centers provide for analysis of such areas as the factors relating to client dependency, problems of the rural poor, and health delivery systems for the poor. The 1973 program will emphasize methods to provide coordinated services at the local level, testing of methods of rehabilitation of the disabled receiving assistance payments, and improving the health care delivery system under the Medicaid program.

RESEARCH AND TRAINING ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

[In thousands of dollars]

	1971 actual	1973 estimate	1973 estimate
Research and demonstrations	4,011	8,629	10,000

Research, demonstrations, and research training programs are supported with foreign currencies accruing to the United States through the sale of surplus agricultural commodities and through other sources. The estimate for 1973 proposes an appropriation of $10,000,000 for the purchase of foreign currencies in excess currency countries to support research activities which complement, supplement, and strengthen domestic research and service programs. This program enables the U.S. to benefit from progress that other countries are making in dealing with social and rehabilitation and social security problems, and to utilize the talents of foreign scientists working in these fields.

The request in 1973 will be used to support integrated service delivery systems, testing various combinations of health, welfare, rehabilitation, and other community services and new methods in manpower training and development. Priorities will be continued in fields of rehabilitation medicine, rehabilitation engineering, sensory disorders, mental disabilities, and rehabilitation services for alcoholics and drug addicts. The interchange of U.S. experts and their counterparts in the cooperating countries will also be stressed as an indispensable adjunct to the SRS international research program. Comparative studies abroad will supplement the domestic research efforts in the evaluation of the old-age, survivors, disability, and Medicare provisions of the Social Security Act.

OFFICE OF CHILD DEVELOPMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Child Development: Research and demonstration	5,494	11,500	12,500

Support is provided for research projects and grants designed to increase our knowledge of effective early childhood programs, to develop evaluation instruments and norms for young children, to improve foster care and adoption systems, and to develop better statistical reporting on current services provided to young children. Under this same activity, projects will be designed to carry out the child research and reporting mandates of the Children's Bureau Organization Act of 1912 and to follow up on the recommendations of the White House Conference on Children and Youth. In 1973, research will be expanded in the areas of the family and youth.

OFFICE OF THE SECRETARY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: National goals research staff	30	---------	---------

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Community planning and management: Comprehensive planning grants: Studies, research, and demonstrations	2,466	2,500	2,500

Studies, research, and demonstration projects are aimed at the development and improvement of techniques and methods used in comprehensive planning, and for advancing the purposes of the Comprehensive Planning Grants program.

COMPREHENSIVE PLANNING GRANTS (SUPPLEMENTAL NOW REQUESTED)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Studies, research, and demonstrations			1,000

FEDERAL INSURANCE ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
National Insurance Development Fund: Studies and surveys	61	100	100

This item includes expenses of continuing reviews of market availability of basic property insurance and of crime insurance, as required by law.

FLOOD INSURANCE—NATIONAL FLOOD INSURANCE FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Studies and surveys	3,633	5,460	9,195

At this juncture, the major aspect of the program is the studies to determine areas having special flood hazard and to determine appropriate actuarial premimum rates which are conducted by other Federal agencies and, in some instances, by private contractors.

RESEARCH AND TECHNOLOGY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research and technology:			
Operation breakthrough	26,715	16,284	4,500
Other contracts, studies, and performance of research	5,533	32,775	45,070
Administrative expenses	1,824	3,771	3,330
Total program costs funded	34,072	52,830	52,900
Change in selected resources	9,369	−2,046	10,000
Total obligations	43,441	50,784	62,900

Title V of the Housing and Urban Development Act of 1970 directs the Secretary to undertake programs of research, studies, testing, and demonstrations related to the missions and programs of the Department. These functions may be carried out both through contracts and grants. Additional authority for such a research program is provided by the Department of Housing and Urban Development Act of 1965.

Operation Breakthrough is a program designed to develop and test innovations in housing design, construction, land use, financing, management, and marketing. The objective of the program is to improve this Nation's housing process in order to develop a self-sustained mechanism for providing volume production of marketable housing at stable or reduced costs for all income groups. In 1972 the construction and testing of Operation Breakthrough prototype projects will be virtually complete. Marketing of the prototype sites should be essentially completed in 1973. During this period, increasing emphasis will be given to encouraging large volume production of industrialized housing including the systems and methods developed under Operation Breakthrough.

Other contracts, studies, and performance of research. The activities in this category are carried out primarily through contracts with industry, nonprofit research organizations, educational institutions, and agreements with other Federal agencies. In 1973, experimental programs in the areas of housing allowance, abandoned housing, and housing management, all developed in 1972, will be continued, consistent with the results of prior research activity. Other program areas receiving continued emphasis include: Developing municipal and regional information systems, gathering and evaluating data on housing and mortgage markets, applying university resources to urban problems, improving the environment of communities, and strengthening State and local government capabilities to deal with urban problems. The 1973 program also provides for continuation of a demonstration of homeownership counseling for low- and moderate-income families, funded under Housing management in 1972.

Administrative expenses. This activity covers the cost of general planning, supervision, and direction of the research program in the central office and field.

SPECIAL STUDIES AND LOW-INCOME HOUSING DEMONSTRATION PROGRAMS

[In thousands of dollars]

	1971 actual	1972 estimated	1973 estimated
Low-income housing demonstration programs	1,646	2,246	---------
Study of housing and building codes, zoning, tax policies, and edvelopment standards	1	---------	---------
Natural disaster study		17	---------
Total program costs funded	1,647	2,263	---------
Change in selected resources	−1,647	−2,256	---------
Total obligations		7	---------

Low-income housing demonstration programs. The Housing Act of 1961, as amended, authorized $15,000,000 in contract authority for grants to develop and demonstrate new or improved means of providing homes for low-income persons and families, including handicapped families. The unobligated contract authority was rescinded by the Housing and Urban Development Act of 1970.

Study of housing and building codes, zoning, tax policies, and development standards. The Housing and Urban Development Act of 1965, as amended, required a study of housing and building codes and zoning and tax policies which was completed by a presidential commission.

Natural disaster study. Section 5 of the Southeast Hurricane Disaster Relief Act of 1965, as amended, authorized a study of alternative programs which might help provide financial assistance to those suffering property losses in flood and other natural disasters, including alternative insurance programs. These have been completed and an insurance program for flood hazards has been enacted by Congress.

DEPARTMENTAL MANAGEMENT

[In thousands of dollars]

	1971 actual	1972 estimated	1973 estimated
Urban transportation:			
Research, development, demonstrations, and technical studies	1,586	713	900
Change in selected resources	−1,586	2,951	−900
Total obligations		3,664	---------

The Urban Mass Transportation Act of 1964, as amended, authorizes grants in support of research, development, and demonstration projects focusing on the relationship of urban transportation systems to the comprehensively planned development of urban areas. Reorganization Plan No. 2 of 1968 transferred all but Sections 6, 9, and 11 of the 1964 Act from the Department of Housing and Urban Development to the Department of Transportation. Subsequent to this, both agencies agreed that the latter shall have responsibility for administering Sections 6, 9, and 11 as well.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses, Model Cities and governmental relations: Special studies	460	---------	---------

The amount shown above for 1971 is for the former Model Cities and governmental relations organization, the activities of which are included in the new organization for community development programs.

ADMINISTRATIVE OPERATIONS FUND

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research and technology	2,937	3,771	3,330

DEPARTMENT OF THE INTERIOR—PUBLIC LAND MANAGEMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Bureau of Outdoor Recreation:			
Salaries and expenses:			
Planning and research	2,492	2,083	1,871

Funds are provided for: Nationwide outdoor recreation resources provided by the Federal, State, and local governments and the private sector and to assess relative priorities for allocating available public resources to help satisfy unmet demands for outdoor recreation; evaluation of the estimated recreation benefits of proposed Federal water development projects, participation in comprehensive river basin planning studies, and studies of potential wild and scenic rivers, national trails, and wildernesses; and review and dissemination of research on factors which influence outdoor recreation demands.

MINERAL RESOURCES—BUREAU OF MINES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Conservation and Development of Mineral Resources—Research:			
Coal	7,709	8,974	13,351
Petroleum	2,725	3,117	3,080
Oil shale	2,639	2,560	2,526
Metallurgy	13,066	13,967	14,845
Mining	6,979	4,998	4,930
Marine mineral mining	387		
Explosives	672	715	706

Coal. Coal research is carried out to maintain the technological competence necessary to achieve maximum utility from this vast resource and help satisfy increasing national energy requirements. To this end, the research effort is directed toward advancing coal utilization technology, developing economic and more efficient methods of converting coal to cleaner energy forms, and improving methods to manage coal wastes and reduce coal-related pollutants. The 1973 program provides funds to design and begin construction of a demonstration plant to prove the technology and economies of the Bureau's "synthane" process for coal gasification.

Petroleum. Research is devoted to providing more petroleum and natural gas and greater efficiency in the extraction and utilization of these energy resources in the interest of the national welfare. Attention is directed to increasing the resource base through improved technology, developing new uses and products from oil and gas of higher quality and lower cost, and improving the environment by identifying and combating the causes of pollution. A research program will be continued to evaluate the problems and potentials of disposing of industrial wastes by injection underground. Such research is based on knowledge gained in research on recovery of petroleum by fluid injection and investigations of oil and gas reservoir properties.

Oil shale. Oil shale research is conducted to provide the scientific and engineering competence needed to establish and administer a national oil shale policy to insure its efficient development. Additionally, the program will help stimulate industry to initiate the commercial production of shale oil and associated oil shale minerals. Of particular interest are in situ techniques for retorting ungraded shale, problems dealing with the disposal of resultant wastes, and the chemical and physical properties of kerogen and shale oil.

Metallurgy. Research is carried out seeking new and improved processes to extract, recover, purify, fabricate, and recycle metallic and nonmetallic minerals for the most efficient utilization of the Nation's resources attainable through increased production, reduced costs, and a minimum of waste. Of particular interest are research leading to advanced metallurgical technology, abatement of pollution from metallurgical process effluents and gases, management of mineral wastes, improvement of mineral materials, and research on effective recovery and reuse of mineral materials from urban wastes. The 1973 program provides for demonstrating technology and economics for the abatement of SO_2 from smelter operations.

Mining. Mining research is conducted to develop improved extractive systems through technological advancement of fundamental subsystems elements to increase significantly total mining output at less cost. An integral part of this objective is provision for the maintenance of health and safety and preservation of the environment.

Explosives. Explosives and explosions research is conducted to provide technologic information and guidance to Federal, State, and local government agencies, and industry on: Safe handling and use of commercial explosives and blasting agents; safety characteristics of explosives certified for use in underground mines where gas/dust explosions might occur; hazards associated with flammable liquids and gases and potentially explosive chemicals of commerce; and the means of combating and controlling fires and explosions occurring in minerals and mineral fuels.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Health and safety: Health safety research	14,752	30,971	30,820

Fundamental and applied research will be conducted to overcome current health and safety problems and future problems that will accompany deeper mining, increased mechanization, and other technological changes in mining methods to meet increasing mineral demands. Research is directed toward mining procedures and devices to avoid, detect, or control those aspects of mining and the working environment which involve potential personal hazards to mine workmen. The continuing effort to assure a much safer environment and working conditions for miners involves research to develop new and improved technology for inherently safe mining methods, equipment, techniques and systems to cope adequately with mining conditions. Research is conducted in the areas of: Support of mine roof and control of overburden, ventilation of mines, methods of allaying harmful and combustible dusts and methane and of coping with other mine air contaminants, prevention of underground fires and explosions, provisions of safe electrical equipment and installations, improvements in mining machine design to reduce noise and optimize other man/machine interrelationships to enhance health and safety, and development of improved postdisaster survival and rescue technology for coal mining.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Helium fund: Research and development	546	53	

OFFICE OF COAL RESEARCH

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Administration and contract supervision	492	598	843
Contact research	17,075	30,472	44,462
Total program costs funded	17,567	31,070	45,305
Change in selected resources	1,183		
Total obligations	18,750	31,070	45,305

The Office of Coal Research contracts for research and development of new and more efficient methods of mining, preparing, and utilizing coal. It contracts for, sponsors, cosponsors, and promotes the coordination of, research with recognized interested groups (including, but not limited to, coal trade associations, educational institutions, and agencies of States and political subdivisions).

The Office of Coal Research is responsible for developing the full potentiality and versatility of coal as the Nation's largest energy resource to the maximum benefit of the United States. Insuring a clean environment while minimizing or eliminating pollution-causing energy products is an important consideration in all of the research projects. The Office is devoting efforts to expand the existing use of coal through development of new uses. The scientific and technical aspects of the program are performed through a program of contract research.

Administration and contract supervision. This portion of the program performs all necessary functions relating to contracts. This includes drafting, negotiation, and execution of the contracts, together with review and monitoring of technical and administrative phases of the contract work. Proposals are evaluated to ascertain technical and economic feasibility and eliminate possible duplication with other work.

Contract research. The entire research activity cited above as the responsibility of the Office is represented in the contract aspect of its operation. Proposals received from, or discussions with, potential contractors relate to a prospective area of activity in which the proposer has expressed interest, and for which the organization is qualified. Careful review and controls preclude duplicative research efforts. Contract research activities are conducted with profit and nonprofit research organizations and vary from complete Government funding to joint funding. No grant research projects are carried on, and basic research is limited only to projects that support other ongoing research. Only applied research and development projects are undertaken. Several have now reached the pilot plant phase of their development, such as the coal gasification program. In accordance with the President's energy message of June 4, 1971, the administration has initiated a cooperative program with industry to continue funding the Office's three existing pilot plants and to provide additional funding of several new Office of Coal Research projects for developing more efficient methods of coal gasification in preparation for construction of a large-scale demonstration plant beginning in 1975.

FISH AND WILDLIFE AND PARKS—BUREAU OF SPORT FISHERIES AND WILDLIFE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Management and investigations of resources:			
Fishery research	5,128	5,395	6,195
Wildlife research	9,382	9,587	9,787
River basin studies	2,057	3,789	5,956

Fishery research. Research is conducted to provide information needed for improved methods of sport fishery management. The program includes the following studies: factors governing sport fish productivity in the natural environment, how hatchery fish can be produced more efficiently and used more effectively to augment natural production, the effects of environmental contaminants and modifications on fishery resources, and methods of controlling fish that are pests. Results are used by Federal, State, and private fishery managers.

Wildlife research. Research is conducted on game and nongame resident and migratory forms of wildlife. Results are used by the Bureau as well as cooperating Federal, State, and private agencies to improve wildlife management and conservation practices and to determine the effects of pesticides and pollutants on the environment. Wildlife units are also maintained at twenty locations to give technical training in wildlife management, conduct research, and demonstrate improved management practices.

River basin studies. The activity covers studies of the effects on fish and wildlife resources of proposed oil and gas transmission pipelines and of water-use projects of Federal agencies and licensees. Recommendations are made for measures to protect and improve these resources. Emphasis is given to impacts of channelization, dredge, and fillwork performed under Corps of Engineers permits, and nuclear power projects. Additional funds totaling $2,800,000 in 1973, are provided for this activity from the Bureau of Reclamation, Alaska Power Administration, and the Corps of Engineers for water-use studies.

WATER AND POWER RESOURCES—BUREAU OF RECLAMATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
General investigations:			
General engineering and research	8,824	10,498	8,900
Fish and wildlife studies	374	431	400

General engineering and research. Studies are directed toward improvements in planning procedures and in engineering methods and materials. Included are studies of atmospheric water resources, of alternative uses and re-use of water, of rapid tunneling techniques, and continuing activities in waste water reclamation opportunities in the Western States.

Fish and wildlife studies. These funds are transferred to the Fish and Wildlife Service for studies of the fish and wildlife aspects of reclamation projects in the planning stage, authorized for construction, or under construction.

ALASKA POWER ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
General investigations: Fish and wildlife studies	63	42	10

These funds are transferred to the Bureau of Sport Fisheries and Wildlife for studies of the fish and wildlife aspects of the Alaska Power Administration's general investigations program.

OFFICE OF SALINE WATER

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Saline water conversion:			
Research and developmental expenses:			
Research expense	6,551	5,500	5,800
Development expense	12,327	10,100	8,000
Construction, operation, and maintenance:			
Test beds and facilities	5,863	6,200	7,000
Modules	1,077	4,400	2,800
Administration and coordination	2,428	2,564	2,700
Total program costs funded	28,246	28,764	26,300
Change in selected resources	384	−1,836	680
Total obligations	28,630	26,928	26,980

This program finances the research on and development of low-cost processes for converting saline water to fresh water in quality suitable for municipal, industrial, and agricultural uses.

Research and developmental expenses. Both basic and applied research, engineering and development, and evaluation work are accomplished by means of contracts or grants to Federal or non-Federal agencies, institutions, commercial organizations, and consultants.

Construction, operation, and maintenance. This activity provides for the design, construction, acquisition, operation, maintenance, and modification of saline water conversion test bed plants, facilities, and modules to determine the practical application of the conversion processes under development.

Administration and coordination. This activity provides for the necessary planning, supervision, and administration of the saline water conversion program.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements:			
Research and development	160	103	----------
Change in selected resources	----------	−65	----------
Total obligations	160	38	----------

OFFICE OF WATER RESOURCES RESEARCH

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Assistance to States for institutes	4,890	5,100	5,100
Matching grants to institutes	3,373	3,000	3,000
Additional water research	2,159	4,300	4,300
Scientific information center	699	925	925
Administration	699	933	932
Total program costs funded	11,820	14,258	14,257
Change in selected resources	1,405	----------	----------
Total obligations	13,225	14,258	14,257

The objective of this program is to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of scientists in the fields of water and of resources which affect water, in order to assist in assuring the Nation at all times of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population.

Assistance to States for institutes. This activity provides for specific grants to all fifty States and Puerto Rico for assistance in carrying on the work of a competent and qualified water resources research institute at one college or university in each State. The function of such institute is to conduct research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources and to provide for the training of scientists through such research, investigations, and experiments. States may elect to use their grants in support of regional institutes in which several States participate.

Matching grants to institutes. This activity provides for grants to match, on a dollar-for-dollar basis, funds made available to institutes by States or other non-Federal sources to meet the necessary expenses of specific water resources research projects which could not otherwise be undertaken.

Additional water research. This activity provides for grants to, and contracts and matching or other arrangements with, educational institutions, private foundations, or other institutions, with private firms and individuals whose training, experience, and qualifications are adequate for the conduct of water research projects, and with local, State, and Federal Government agencies, to undertake research into any aspects of water problems related to the mission of the Department of the Interior which are deemed desirable and which are not otherwise being studied.

Scientific information center. This activity provides for the operation of a water resources scientific information center. The objectives of center operations are to be responsive to the needs of water resources officials and organizations by making information available concerning water resources research results and developments, to avoid replication of research, and to improve communications and coordination of efforts among all those engaged in federally sponsored water-related research.

Administration. This activity provides for the administration of the Water Resources Act including the prescribing of rules and regulations, review and appraisal of institute programs and research proposals, making and monitoring of allotments, contracts, and grants; establishment and maintenance of cooperation and coordination among the centers and between the centers and Federal and other organizations concerned with water resources.

SECRETARIAL OFFICES—OFFICE OF THE SECRETARY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses (special foreign currency program):			
Research		300	1,000
Change in selected resources		200	
Total obligations		500	1,000

Under this program, the Department of the Interior will provide leadership and support in the conduct of selected research projects carried out by foreign nations. Payments will be made in foreign currencies which the Treasury determines to be excess to normal requirements of the United States.

UNDERGROUND ELECTRIC POWER TRANSMISSION RESEARCH

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Administration and contract supervision	25	65	65
Contract research	77	935	1,035
Total program costs funded	102	1,000	1,100
Change in selected resources	51	472	−100
Total obligations	153	1,472	1,000

The Department of the Interior will participate in a joint private-public research program to reduce the costs of placing high-voltage transmission lines underground.

Administration and contract supervision. The Office of the Secretary will perform all necessary functions related to the administration of research contracts.

Contract research, in cooperation with the Electric Research Council, will be conducted with commercial organizations, educational institutions, nonprofit research organizations, and other governmental agencies where expertise may exist.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Buildings and facilities: New construction: Behavioral Research Center, Butner, N.C	307	8,800	4,000

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses: Law enforcement: Supporting research	1,096	1,484	1,484

This activity encompasses research programs directly related to enforcement of laws concerning controlled substances and includes, but is not limited to, studies designed to compare the deterrent effects of various enforcement strategies, assess and detect accurately the presence of controlled substances in the human body; evaluate the nature and sources of supply of dangerous substances; develop more effective methods to prevent diversion of controlled substances into illicit channels, develop information necessary to carry out functions of Section 201, Public Law 91-513, Authority and Criteria for Classification of Substances.

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Manpower Training Services: Program support: Contractual research, demonstration, and evaluation	442	17,800	19,000

BUREAU OF LABOR STATISTICS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses: Economic research	1,295	1,122	1,130

Long-range projections of U.S. economic growth are prepared. Analytic studies of the impact of economic changes on employment are made. Special economic and social studies are undertaken and special reports prepared for the Commission of Labor Statistics, the Secretary of Labor, the Council of Economic Advisers, and other Government agencies.

[In thousands of dollars]

	1971 acutal	1972 estimate	1973 estimate
Advances and reimbursements: Special economic and statistical studies:			
Agriculture	33	41	41
Atomic Energy Commission	66	84	84
Civil Service Commission	85	96	96
Classified	86		
Equal Employment	5		
Health, Education and Welfare	33	2	
Housing and Urban Development	51		
Maritime Commission	23		
Labor:			
Employment Standards Administration	1,284	1,347	1,347
Departmentlmanagement	140	63	63
Labor Management Services Administration	212	400	165
Manpower Administration	1,876	2,966	4,112
Occupational Safety and Health Administration	141	2,400	3,294
National Science Foundation	11	198	
Navy	7	7	7
Office of Emergency Preparedness		148	148
Productivity Commission		450	450
Special statistical work:			
Department store inventory price index	12	44	44
Apartment house operating cost index	51	122	122
Compensation and labor cost studies	76	110	110
Wage surveys		66	
Total obligations	139	342	276

All funds are advanced from sources outside the Federal Government to finance special statistical studies requested. During 1973, the Bureau will collect and analyze store inventory prices for the American Retail Federation, conduct surveys on compensation and labor cost studies for the State of New York, and will develop an index of cost of operating uncontrolled apartment houses for the city of New York.

DEPARTMENT OF TRANSPORTATION—OFFICE OF THE SECRETARY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Transportation planning, research, and development:			
Transportation policy and planning	5,411	9,241	9,475
University research			5,000
Transportation systems development and technology	8,217	20,927	33,100
Transportation facilitation	243	250	350
Special programs	206	441	1,075
Total program costs funded	14,077	30,859	49,000
Change in selected re-sources	1,174	2,000	
Total obligations	15,250	32,859	49,000

The Department of Transportation Act of 1966 assigns to the Secretary broad responsibilities for the development and coordination of national transportation policies and programs. This appropriation finances those research activities and studies which directly support the Secretary's responsibilities and which can more effectively or appropriately be conducted in the Office of the Secretary rather than by the operating administrations within the Department. The program is carried out primarily through contracts with other Federal agencies, educational institutions, nonprofit research organizations, and private firms.

Transportation policy and planning. Studies and analyses are conducted on a broad range of transportation policy, economic, and environmental problems to determine national transportation requirements and to provide the Secretary with the information and analyses needed for effective decisionmaking on national transportation policies, plans, and programs. Included are programs to forecast transportation demand, to develop models and other analytical devices that will help assess alternative courses of action, to conduct economic and statistical studies designed to assess the effects of economic regulation, and to examine the interrelationship of transportation with changing economic, social, and environmental programs.

University research. Scientific and technological research and interdisciplinary studies conducted under this activity are designed to assure that resources of the higher education community are effectively brought to bear on transportation problems and to encourage greater involvement of universities and colleges with the Department, State and local governments, and the transportation industry. In addition to mission-oriented research, university based seminars and conferences will bring university, industry, and government representatives together for joint study of transportation needs.

Transportation systems development and technology. Projects are carried out to advance transportation technology generally; to seek solutions to transportation problems which are intermodal in nature; to provide information and forecasts on new technology required as a basis for planning and development of transportation systems, policies, and programs; to conduct research on longer range technical problems in transportation; and to manage research programs of such priority that they demand secretarial emphasis. Funds requested in this activity will continue and expand advanced research and development efforts to improve air transportation (to be financed from the Airport and Airway Trust Fund), to develop multimodal and intermodal systems and technology, and to promote environmental and ecological improvements. In general, projects are designed to complement research and development programs of the operating administrations and to stimulate industry efforts to advance transportation technology.

Transportation facilitation. Research and studies in this area are aimed at removing the impediments to the rapid and efficient flow of passengers and cargo by modernizing our systems of transportation documentation and procedures.

Special programs. Projects in this activity are chiefly to provide technical studies and other data in support of the Department's programs in the areas of consumer affairs, hazardous materials, pipeline safety, and transportation security.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Transportation research activities overseas (special foreign currency program):			
Overseas research		500	500

Foreign currencies which are in excess of the normal requirements of the United States will be used in 1973 to support research projects in Poland and Yugoslavia, such as those relating to improve urban transportation systems.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Consolidated working fund, Transportation Systems Center:			
Transportation research	20,230	31,757	46,318
Change in selected resources	3,868	2,500	4,300
Total obligations	24,098	34,257	50,618

The Consolidated Working Fund was established to facilitate the conduct of operations of the Transportation Systems Center. The programs of the Center are funded from advances received from the Office of the Secretary and the operating administrations in the Department of Transportation in accordance with general working agreements and specific project plan agreements.

The Transportation Systems Center serves as a technical resource for the Office of the Secretary and the operating administrations. Its specific projects planned for 1973 are grouped generally along the following lines:

Transportation safety. The chief effort under this heading is in the highway safety field with additional efforts in aviation, marine, and railway safety.

Pollution reduction. This grouping includes both aircraft and automotive pollution, with a smaller effort in marine sources.

Noise abatement. Special problems of noise propagation related to transportation systems are covered in this area, with emphasis on development of right-of-way noise barriers.

Air transportation. This grouping of the Center's projects is primarily directed to air traffic control. The balance of the effort is split between navigation and systems development.

Ground transportation. High utilization and traffic control, new urban transportation systems, advanced high-speed systems, and conventional rail systems are the main project areas under this category.

Marine transportation. This grouping supports the Coast Guard mainly in marine navigation aids.

Multimodal systems. Projects which are not directed towards a single mode of transportation are included here, with the primary effort in modeling, analysis, and intermodal systems technology.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Transportation research	1,772	900	900

COAST GUARD

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research, development, test, and evaluation:			
Direct program:			
Search and rescue	1,265	1,568	2,178
Aids to navigation	798	1,308	1,890
Marine safety	770	1,660	2,500
Marine environmental protection	2,452	8,064	9,402
Ocean operations	3,795	1,015	693
Program support	1,727	1,772	1,937
Total direct program costs funded	10,807	15,387	18,600
Change in selected resources	−1,482	1,863	−500
Total direct obligations	9,325	17,250	18,100
Reimbursable program:			
Search and rescue		156	
Ocean operations	35		
Total reimbursable program costs funded	35	156	
Change in selected resources	54	−54	
Total reimbursable obligations	89	102	
Total obligations	9,414	17,352	18,100

This appropriation provides for the management and conduct of research, development, test, and evaluation, including the necessary support requirements, facilities, services, and personnel.

Search and rescue. The 1973 program continues efforts designed to increase effectiveness of methods to detect, locate, and rescue persons in distress. Major projects include continued development and testing of a prototype distress alerting and location system, final flight testing of a prototype improved search radar, preliminary design and model testing of a high performance surface craft and initiation of the development of a prototype search and rescue helicopter sensor system.

This program area also covers activities which support the Coast Guard's responsibility for maritime commerce in ice-covered waters including those directed toward extending the winter shipping season on the Great Lakes–St. Lawrence Seaway. The 1973 efforts follow prior years' work for tests and evaluation of alternative ice-cutting and ice-handling techniques. This 1973 work will also include ice research to identify ice effects on ship design and transit, and continued work to develop navigation aids for ice-covered waters.

Aids to navigation. The 1973 activities are a continuation of a multiyear program designed to reduce the operation and maintenance costs and to increase the effectiveness of our buoyage system and to provide a precision navigation system for use in harbors and confined waterways.

Development of a lightweight buoyage system will continue in 1973. Emphasis will be on instrumented tests of a number of exposed water buoys of various shapes and materials, tests of various buoy mooring concepts, and development of a fast water buoy for use in the rivers. Work will be continued and expanded to develop new pollution free power supplies and improved lighting components for the total aids to navigation system.

Marine safety. Activities in this program area support both recreational and commercial vessels.

The 1973 research and development efforts in support of recreational boating will concentrate in the following areas: Development of design guidelines and test procedures to support the safety standards such as those relating to powering, fuel systems, and electrical and ventilation systems; testing of selected recreational boats and equipment.

The major work in support of commercial vessel safety during 1973 will include fire safety tests of cargo and pump room extinguishment systems, hazardous materials research on shipboard ventilation systems, chlorine vapor dispersion models, and research and development efforts aimed at providing knowledge in support of regulation and standards affecting ship design and operations.

Maritime environmental protection. A major endeavor in 1973 will be aimed at the elimination of pollution causal incidents. This research and development effort will provide the basic knowledge and prototype components for marine traffic systems for congested ports and waterways.

In 1973 improvements in the performance of the lightweight oil containment system will be carried out as well as initiation of the design and development of a heavy duty containment system. Two prototype high seas oil recovery systems will be completed in 1973 and a prototype oil-water separator system will be designed, contructed, and tested. Development, modification, and testing of a prototype airborne oil surveillance and detection system will continue. Work will also continue on development and testing of alternative chemical and biological techniques for oil spill cleanup and amelioration.

Installation of a prototype marine traffic system will be completed in mid-1973 with the balance of the year devoted to initial test and evaluation. Work will also be started on large screen displays, improved vessel detection identification techniques, and the use of shore to vessel data links.

The second phase of the development of a precision navigation system will be initiated in 1973. This includes tests of subsystem components to resolve technical uncertainties, such as propagation vagaries, special antenna tests, and system control. Environmental pollution research will include continued work to develop a better understanding of the fate, behavior, and dispersion of pollutants (particularly oil) in the marine environment. These efforts will include trends of oil pollution on selected beaches and in major ports, ocean sampling for oil pollution levels and trends, identifying parameters which may be measured as a part of a monitoring system.

Sewage and air pollution abatement efforts in 1973 will include at sea testing of newly developed 50-man and 10- to 20-man sewage treatment plants, further research and development of a 1- to 10-man sewage device, and development of shipboard air pollution and monitoring devices. Hazardous materials research and development in support of our port security functions will continue at an accelerated rate.

Ocean operations. This program includes ongoing research in support of International Ice Patrol, as well as efforts to develop improved techniques and equipment for determining ice conditions and efforts as they relate to ship design and transit of ice-covered waters.

Program support includes administrative and general support personnel at headquarters and all personnel at laboratory facilities.

FEDERAL AVIATION ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research and development:			
Air traffic control	33,534		
Navigation	6,206		
Aviation weather	637		
Aircraft safety	2,140		
Aviation medicine	2,130		
Systems technology		15,033	
Payment to trust fund	39	353	
Total obligations	44,686	15,386	

This appropriation finances the technology completion program which is defined as the completion of certain projects which represent significant advancements in aircraft technology and which will benefit governmental and private industry groups.

All of the effort involves testing, analyses, test results, and documentation. More specifically, activities include titanium metallurgy, flutter phenomena studies, improved instrumentation and control development, new concepts of generating electrical power, and various noise reduction techniques studies.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Civil Supersonic Aircraft Development: Civil supersonic aircraft research and development	178,119	2,900	
Civil Supersonic Aircraft Development Termination: Civil supersonic aircraft development	85,868	65,426	4,506

This appropriation finances the termination of the supersonic transport development program. Included in these costs were payment of contractor claims and closeouts, airline refunds, and the necessary administrative costs incidental to the activities.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Safety regulation: Research and development	1,000	10,942	4,200

This account will be phased out in 1972 and the activities will be shown in the Operations account in 1973.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Development, test, and evaluation facilities	1,072	1,500	2,600

This activity provides for the construction and improvement of plan and facilities primarily at the National Aviation Facilities Experimental Center in Atlantic City, New Jersey. It also covers the procurement of capital items of equipment for use in the engineering and development program.

ENGINEERING AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Air traffic control	18,284	48,998	50,130
Navigation	4,782	11,529	20,485
Aviation weather	203	2,159	2,400
Aviation medicine		675	985
Obligations previously incurred	19,792	14,572	
Total obligations	43,061	77,933	74,000

The Federal Aviation Administration conducts engineering and development programs to improve the national air traffic control system and to increase its capacity to meet air traffic demands of the years 1975 to 1985. The effort to increase capacity is based on exploiting current technology and applying system engineering techniques to the development and integration of new equipment into the total system. The agency also administers aviation medical research aimed at increasing the personal effectiveness of traffic controllers.

These programs are conducted, under the direction of the agency's technical personnel, through contracts with private firms, universities, individuals, and other Government agencies.

Air traffic control. This provides for system improvements and the major upgrading of those systems required to perform modern traffic control functions. This traffic control program also provides for increasing the capacity of major airports to safely and efficiently handle larger, faster aircraft through the development of new computerized airport traffic control systems which will enable more efficient metering and spacing of terminal traffic under all weather conditions. The objective of these development programs is to double airport/airway capacity by 1980.

Navigation. This provides for the development of ground-based systems which insure the precision navigation of aircraft, including new navigation equipment and sophisticated landing systems capable of handling increased air traffic. These activities are an integral part of the effort to double system capacity by 1980.

Aviation weather. This provides for a program, coordinated with the Departments of Defense and Commerce, to modernize the acquisition, processing, dissemination, and display of weather information tailored to the needs of aviation users.

Aviation medicine. This provides for conducting aeromedical research directed toward identifying and eliminating those physiological and psychological factors inimical to personnel engaged in operating the traffic control system.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operations (Airport and Airway Trust Fund): Development direction		10,974	

This account will be phased out in 1972 in accordance with Public Law 92-174. The activities will be shown in the Operations account in 1973.

FEDERAL HIGHWAY ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and Expenses: General program support: Research and development	11,375	11,518	19,833

Conducts direct and contract research and development relating to traffic operations, new construction techniques, highway safety, and the social and environmental aspects of highways.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Other Federal Highway Administration Trust Funds: Contributions for highway research programs	2		

In association with the General Services Administration and the Department of Defense, tests of highway equipment are conducted for the purpose of establishing performance standards upon which to base specifications for use by the Government in purchasing such equipment.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Traffic and Highway Safety: Research and analysis	23,202	26,631	28,000

This activity provides for motor vehicle and highway safety research and development, for the collection of data to determine the relationship between motor vehicle or equipment performance characteristics and crashes or the occurrence of death or personal injury as a result of such crashes, and for operation of the National Driver Register, which provides centralized information on license revocations. Increases are requested to improve the crash survivability features of motor vehicles, to continue research and testing on experimental safety vehicles, and to expand field accident investigation activity.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Trust fund share of highway safety programs (liquidation of contract authorization): Highway safety research and development		25,750	31,900

FEDERAL RAILROAD ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Railroad research:			
Railroad research	537	7,327	8,000
Change in selected resources	681	5,421	2,600
Total obligations	1,218	12,748	10,600

This appropriation provides for research which deals exclusively with railroad matters. The program effort is directed at solving critical safety problems, protecting and enhancing the environment, and promoting national transportation efficiency. During 1973, major emphasis will continue to be placed on conducting research and development related to train accidents caused by highway-rail grade crossings, defective equipment, and human error.

HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Research and development	11,743	19,400	27,000
Demonstrations	12,000	9,000	17,000
Administration	1,178	1,508	1,900
Total program costs funded	24,921	29,908	45,900
Change in selected resources	−808	−4,368	14,962
Total obligations	24,113	25,540	60,862

This appropriation finances research, development, and demonstration programs in high-speed ground transportation.

Research and development. This includes research of conventional and advanced technology rail systems; including vehicle propulsion, control guidance, communication, guideways, and aerodynamics. The increase is to continue development and testing of an experimental, tracked air cushion research vehicle.

Demonstrations. This provides for conducting demonstrations of improved intercity rail passenger systems to determine the contributions that can be made to more efficient and economical service. The increase is to continue the Metroliner and Turbotrain demonstrations and to modify Metroliner cars to improve ride quality and reduce operating costs.

Administration. This provides for the personnel and related administrative costs for conducting the high-speed program, including the test center at Pueblo, Colorado.

URBAN MASS TRANSPORTATION ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Urban Mass Transportation Fund:			
Capital outlay:			
Technical studies grants	4,847	13,100	22,700
Research, development and demonstration, grants, and contracts	24,165	32,700	92,800

Technical studies grants. Under this activity, State and local public agencies are assisted in carrying out studies relating to management operations, capital requirements, economic feasibility, and conducting similar activities in preparation for the construction, acquisition, or improved operation of mass transportation systems, facilities, and equipment. In 1973 the program level for new projects will be $33,500,000, with 160 estimated projects. This compares with $25,000,000 in 1972, with 197 projects, and $14,400,000 in 1971, with 163 projects.

Research, development and demonstration, grants, and contracts. This activity involves research, development and demonstration projects, which includes the development, setting, and demonstration of new facilities, equipment, techniques, and methods which assist in reducing urban transportation needs, improving mass transportation services, or in meeting total urban transportation needs at a minimum cost. In 1973 the program level for new projects will be $115,000,000. This compares with $62,000,000 in 1972 and $39,500,000 in 1971.

ATOMIC ENERGY COMMISSION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operating expenses:			
Physical research	270,765	264,800	281,800

This program comprises basic and applied research in the physical sciences. By major categories, the costs are as follows (in thousands of dollars):

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
High energy physics	118,466	116,400	126,400
Medium energy physics	12,990	13,100	16,000
Low energy physics	27,579	25,300	25,300
Mathematics and computer research	5,309	4,800	4,650
Chemistry research	51,403	49,000	46,950
Metallurgy and materials research	26,693	25,200	24,500
Controlled thermonuclear research	28,325	31,000	38,000
Total physical research	270,765	264,800	281,800
Additional amounts for Controlled thermonuclear research included in proposed 1972 supplemental		3,000	1,000

The Commission serves as executive agency for the Nation's high energy physics research. An increase is required for the National Accelerator Laboratory to support some experimental operations of the 200 Bev accelerator. An increase is also provided for partial exploitation of the modified AGS accelerator. Costs for the remainder of the high energy physics program are at about the 1972 level, requiring reductions in other program activities to accommodate these increases.

Support of the medium energy physics program will increase by $2,900,000. Within this total, an increase is required to bring into operation the Los Alamos Meson Physics Facility and to proceed with a broad research program utilizing the accelerator. A corresponding increase at the Massachusetts Institute of Technology provides for bringing the 400 Mev electron linear accelerator into operation at full energy. Other activities in medium energy physics will be reduced to offset these increases.

The objective of the controlled thermonuclear research program is to determine whether the energy released by thermonuclear reactions can be controlled and developed into an economical and environmentally attractive source of energy. This research will be increased in 1973 using experimental devices to test recent concepts for improved plasma confinement, density, and temperature necessary to achieve plasma conditions in which fusion can occur.

Other activities of the physical research program—low energy physics, mathematics and computer research, chemistry research, and metallurgy and materials research—are continued at somewhat below the 1972 level.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operating expenses (Supplemental now requested):			
Physical research		3,000	1,000

These amounts are needed for additional efforts related to the controlled thermonuclear fusion research program.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Plant and capital equipment: Physical research	121,885	91,448	92,050

ENVIRONMENTAL PROTECTION AGENCY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operations, research, and facilities: Research and development	134,013	167,966	178,601

Activities deal with causes, sources, transport, fate, and effects of pollutants in ecological systems and development of monitoring technology and pollution control criteria used in establishing standards and regulations. Several new efforts will be undertaken to define pollution control objectives and cost-effective solutions. Research will be expanded in health effects of air pollution and urban-regional scale modeling of relationships among air pollution emissions, atmospheric conditions, and ambient air quality. Funds will also support cost-sharing arrangements with industry to develop sulfur oxide control technology. Solid waste activities are being reoriented to focus upon economic and institutional constraints. A new strategy will be developed to encourage greater private sector involvement in the development and application of pollution control technology. Activities are conducted under grants, contracts, and other agreements involving universities, industry, nonprofit organiaztions, State and local governments, other Federal agencies, and through activities at the Environmental Protection Agency's laboratories and field locations.
of environmental pollution.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Foreign environmental pollution research	2,705	7,795	7,000

Excess foreign currencies derived through the sale of surplus agricultural commodities and from other sources are used to support research on the sources, effects, and control

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: Research and development	300	969	973

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—RESEARCH AND DEVELOPMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Direct program:			
Manned space flight:			
Apollo	1,012,379	750,000	257,000
Space flight operations	566,333	641,000	976,100
Advanced manned mission studies	2,416	2,000	1,700

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—RESEARCH AND DEVELOPMENT—Continued

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Direct program—Continued			
Scientific investigations in space:			
Physics and astronomy	112, 891	121, 500	160, 850
Lunar and planetary exploration	175, 524	272, 593	322, 189
Bioscience	14, 758	8, 700	----------
Launch vehicle development and support	84, 694	91, 937	86, 000
Space applications	187, 267	226, 270	205, 011
Space and nuclear research and technology:			
Space research and technology	122, 852	90, 000	79, 350
Nuclear power and propulsion	55, 300	35, 000	26, 000
Aeronautical research and technology	109, 500	105, 000	125, 800
Supporting activities:			
Tracking and data acquisition	277, 586	265, 000	295, 700
Sustaining university program	11, 553	10, 000	3, 000
Technology utilization	5, 337	5, 000	4, 700
Total direct program costs funded	2, 738, 390	2, 624, 000	2, 507, 400
Reimbursable program:			
Manned space flight:			
Apollo	1, 782	3, 727	2, 120
Space flight operations	625	631	350
Scientific investigations in space:			
Physics and astronomy	1, 942	2, 963	900
Lunar and planetary exploration	----------	250	----------
Bioscience	80	----------	----------
Space applications	64, 769	110, 219	57, 530
Space and nuclear research and technology:			
Space research and technology	1, 415	1, 205	----------
Nuclear power and propulsion	24, 883	9, 191	----------
Aeronautical research and technology	2, 376	12, 141	8, 800
Supporting activities:			
Tracking and data acquisition	159	371	300
Technology utilization	229	84	----------
Total reimbursable program costs	98, 260	140, 782	70, 000
Total program costs funded	2, 836, 650	2, 764, 782	2, 577, 400
Change in selected resources	−175, 392	−23, 784	93, 500
Total obligations	2, 661, 258	2, 740, 998	2, 670, 900

The National Aeronautics and Space Administration was established for the conduct of the nonmilitary space programs of the United States, including the exploration of space and its utilization for peaceful purposes, and to conduct and support advanced research and development related to space and aeronautics in support of both civil and military requirements. This appropriation provides for research and development activities of NASA as follows:

Manned space flight. These estimates provide for all manned space flight missions conducted by the United States. These programs include completion of the Apollo mission schedule with Apollo 16 in the spring of 1972 and Apollo 17 in late 1972; completion of Skylab development and beginning of flight operations in the spring of 1973; detailed design and development effort on a manned earth-to-orbit shuttle vehicle; studies and component development on future orbital payload systems; life sciences; and studies and research on future manned missions.

Apollo. The Apollo program will complete the current phase of lunar exploration with Apollos 16 and 17. Apollo 16 is scheduled for launch in the spring of 1972 and is to land in the Descartes area. Exploration of this area will complement data from previous missions with samples from two distinctive lunar formations, by emplacement of another scientific experiment station, and by conducting experiments during lunar orbit and translunar flight. Apollo 17 is scheduled for launch in late 1972. These missions are configured to obtain maximum scientific return since they are the last planned U.S. exploration of the moon for this decade.

Space flight operations. This activity consists of this country's post-Apollo manned flight programs and includes Skylab, space shuttle, work on future manned orbital systems and payloads, space life sciences, and the basic operations and engineering activities required to support the manned and unmanned space flight efforts at manned space flight centers. Skylab represents a major progression into manned earth orbital missions directed toward accomplishing life sciences, astronomy, earth resources, and technology objectives. Flight operations will begin in the spring of 1973 using a Saturn V to launch an unmanned orbital workshop cluster with its associated experiment systems. Three manned missions using Saturn 1B's and modified Apollo command and service modules will be conducted over an eight-month period to activate and operate the workshop cluster. The major scientific focus of Skylab will be directed toward an extensive study of the sun, especially in those wavelength regions not readily visible from the ground; a study of the application of space in surveying and monitoring the resources and environmental interactions of the earth; and the biomedical study of the effects of long-duration flight on man, as individual astronauts remain in orbit for as long as two-month periods.

The development of a space shuttle transportation system is the key element in future space operations in earth orbit. The earth-to-orbit shuttle will provide a recoverable, reusable space vehicle for placement and retrieval of satellites, satellite servicing and maintenance, short-duration manned orbital missions, and delivery of propulsive stages and payloads for high-energy missions. The shuttle will have the capability to support a wide range of future missions, including space station logistics support and rotation of scientific personnel. In addition to radically reducing transportation costs, operational capabilities of the space shuttle are expected to produce significant savings in the cost of design, development, manufacture, and operations of space payloads. These savings will result primarily from maintenance and retrieval capabilities provided by the shuttle system. The 1973 budget provides for proceeding with detailed design and development of a space shuttle based on the definition studies now nearing completion.

Effort on orbital systems and payloads is directed toward definition, preliminary design, and technology verification for experiments and supporting systems to be launched by the earth-to-orbit shuttle. Experiment definition activities will focus on materials science, advanced technology, and experiment integration planning. Definition and preliminary design will be accomplished on systems and subsystems required for advanced manned experiment operations on short-duration earth orbital missions. Life sciences activity includes research and technology efforts on operational requirements for the shuttle and other manned flight systems, definition and development support on flight experiments, and definition effort on a future bioresearch module.

Advanced manned mission studies. This program examines advanced manned space flight program concepts and develops technical information and other data upon which future program decisions can be based.

Scientific investigations in space. This program utilizes a variety of flight systems and ground-based observations to increase man's knowledge of the universe. The earth, sun, moon, interplanetary space, solar system, other stars and galaxies, and the interaction among these bodies and systems are all objects of these investigations.

Physics and astronomy. Coordinated research with national and international participation is conducted through this program and directed toward an increase in our knowledge of the space environment, of the earth and the sun, and the relationship of these bodies to each other and to interplanetary space, other stars, galaxies, and nebulae. Laboratory and theoretical research, ground-based observations, aircraft, balloons, sounding rockets, and explorer and laboratory spacecraft all contribute to this knowledge. The solar observatory program will continue with OSO–I scheduled for a 1973 launch. Interstellar gases will be studied by an Orbiting Astronomical Observatory, OAO–C, to be launched during 1972. The development effort on a High Energy Astronomy Observatory to provide identification and observation of gamma ray, X-ray, and cosmic ray sources will be in progress.

Lunar and planetary exploration. This program concentrates on exploration of the moon, planets, and other bodies in the solar system, such as asteroids and comets, using both ground-based research and observations from automated spacecraft. The current program of lunar investigations includes ground-based and in situ measurements of lunar materials and phenomena and planning for further investigations utilizing the remaining lunar missions in the Apollo series. The 1973 planetary program encompasses effort leading toward observations of a major portion of the solar system including Mercury, the region near the sun, the Asteroid belt, Jupiter and the interplanetary regions beyond Jupiter, while continuing to expand knowledge of Venus and Mars. Mariner 9, launched in May, 1971, was placed in orbit around Mars on November 13, 1971, and is returning information about a variety of Martian characteristics and phenomena.

A single Mariner will be in preparation for a 1973 launch to Venus and Mercury, utilizing a gravity assist from the Venus flyby. The Pioneer F & G missions will be launched in 1972 and 1973 to provide the first observations and measurements of the interplanetary medium beyond Mars. They will fly through the Asteroid belt and continue to the vicinity of Jupiter, providing the first measurements and observations of that planet from space. Work will continue in 1973 on the U.S. experiments to be launched on the West German Helios spacecraft. One Helios spacecraft will be launched by the U.S. in 1974 and one in 1975, to investigate and observe the interplanetary medium two-thirds of the distance from earth to the sun. In 1975, two Viking spacecraft will be launched to Mars. Each spacecraft will include both an Orbiter and a Lander, thus providing additional measurements from Mars orbit as well as making direct measurements of the atmosphere and surface features of Mars. Effort will continue on an outer planets exploration program using a Mariner-class spacecraft.

Bioscience. Activities formerly included in this program have been distributed among other program categories beginning in 1972.

Launch vehicle development and support. This program includes launch vehicle activities such as launch operations, and engineering and maintenance necessary to sustain launch activities. It also includes support for providing specific reliability and performance improvements to existing vehicles. Neither of these types of activities is specifically allocable to automated spacecraft missions.

Space applications. The objective of this activity is to expand the beneficial use of space. Specific applications areas include meteorology, earth resources, geodesy, communications, and navigation. Activity during 1973 includes continued effort on earth resources technology satellites directed toward providing tests of the spacecraft and sensors which would be required for an operational system to survey the earth's resources from space.

In meteorology, launch of a Synchronous Meteorological Satellite will provide an operational prototype of a geostationary satellite. Work will proceed on additional Nimbus spacecraft to provide for flight experiments with advanced meteorological sensors. Development of Tiros-N, a prototype for a third generation of operational meteorological satellites, will begin focusing toward a 1976 launch. Effort will continue on applications technology satellites, including preparation for the launch of ATS-F in 1973 to flight test a space-erectable, parabolic antenna, and conduct a number of scientific and technology experiments. The Canadian Cooperative Applications Satellite effort will be continued with a launch planned in 1974 to provide data on use of frequency ranges above 10 GHz.

Space and nuclear research and technology. This activity provides for expansion of the technology base for development efforts supporting NASA space mission objectives.

Space research and technology. Research will be conducted in the areas of materials and structures, power and propulsion, information sciences, guidance, control, and communications. Major effort will continue on laser communications and on reliable, long-life and high-speed/density components for space electronics systems. There will also be a strong focus on advancing the technology needed to produce large amounts of electric power in space and to develop high-specific impulse propulsion systems. Specific technology requirements for near-term objectives, including the space shuttle and planetary flight programs, will continue to be supported in the critical areas of thermal protection, aerothermodynamics, entry technology, and long-lifetime componentry.

Nuclear power and propulsion. Nuclear power technology effort will focus on advanced reactor and isotopic power systems. Basic research in electrophysics will continue. In the nuclear propulsion program for 1973, NASA and the Atomic Energy Commission will define a small nuclear rocket system in the 15–20,000 pound thrust class. This effort will be a part of a broader program to define and make trade-off studies of alternative types of advanced propulsion systems, including chemical, solar-electric, nuclear-electric, and nuclear rocket systems for possible future missions to Uranus, Neptune, and Pluto. Supporting research and component testing for nuclear systems will also be undertaken. Development of the NERVA 75,000 pound thrust engine is being terminated in favor of the program reoriented as above.

Aeronautical research and technology. The aims of the aeronautics program are to provide and expand the technological base in aeronautical research to facilitate the development and production of improved civil and military aircraft. A technology program coördinated with other Government agencies is being conducted that will increase aeronautical systems safety, reduce undesirable environmental effects, and contribute to future generations of aeronautical vehicles. Program emphasis in 1973 will be on Short Take-Off and Landing and Vertical Take-Off and Landing aircraft systems for short-haul transportation, improvements for medium- and long-haul jet transports, and on improved flight procedures and noise reduction. Work to be undertaken in 1973 includes fabrication of two experimental STOL transport research airplanes employing turbofan power and propulsive lift. The objective of this program is to develop quiet, clean propulsive lift technology for community noise reduction, terminal congestion relief, improved civil short-haul transport, and advanced military tactical airlift.

Supporting activities. The program grouped in this activity provide general support for the attainment of NASA mission objectives.

Tracking and data acquisition. Operation and equipment of the stations of the NASA tracking and data acquisition networks are provided for here, as well as research and development to increase the capability of the specialized ground equipment.

Sustaining university program. This program included grants for graduate studies in interdisciplinary space-related fields. Costs incurred reflect use of funds previously appropriated.

Technology utilization. The objective of this program is to accelerate the transfer into the economy of new advances in technology generated by NASA and NASA contractors.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Construction of facilities:			
Manned space flight	6, 738	18, 000	20, 000
Scientific investigations in space	2, 402	4, 500	7, 500
Space applications	1, 695	2, 000	2, 000
Space and nuclear research and technology	1, 966	1, 000	1, 000
Aeronautical research and technology	3, 792	7, 500	9, 000
Supporting activities	27, 150	17, 000	22, 500
Total program costs funded	43, 743	50, 000	62, 000
Change in selected resources	−3, 504	34, 000	27, 750
Total obligations	40, 239	84, 000	90, 750

This appropriation provides for contractual services for the design, major rehabilitation of facilities; the construction of new facilities; minor construction; the purchase of related equipment and advanced design related to facilities planned for future authorization. The principal projects in the 1973 program are described below:

Manned space flight. This activity includes funds for space shuttle facilities at various locations.

Scientific investigations in space. This activity will provide funds for modifications and additions to the spacecraft assembly facilities and modifications of Titan Centaur facilities at the John F. Kennedy Space Center, and rehabilitation and modification of aeronautical, airborne science, and support facilities at the Ames Research Center, Moffett Field, California.

Space applications. No projects for 1973.

Space and nuclear research and technology. No projects for 1973.

Aeronautical research and technology. This activity includes funding for rehabilitation of unitary plan wind tunnel mode supports, control systems, and model preparation areas at the Ames Research Center; rehabilitation of the full-scale wind tunnel at the Langley Research Center, Hampton, Virginia; and modification of high temperature and high pressure turbine and combustor research facility at the Lewis Research Center, Cleveland, Ohio.

Supporting activities. The estimates for this activity provide for rehabilitation and modification of utility systems at the Goddard Space Flight Center, Greenbelt, Maryland; rehabilitation and modification of the roadway system at the Jet Propulsion Laboratory, Pasadena, California; modification of central air supply system and environmental modifications for utility operations at the Langley Research Center; modification of fire protection system at the Manned Spacecraft Center, Houston, Texas; warehouse replacement at the Wallops Station, Wallops Island, Virginia; rehabilitation and modification of facilities not in excess of $500,000 per project and minor construction of new facilities and additions to existing facilities not in excess of $250,000 per project, at various NASA installations and at Government-owned plants operated by contractors; and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Direct program:			
Manned space flight	345, 198	338, 100	320, 600
Scientific investigations in space	91, 125	98, 300	94, 200
Space applications	34, 672	43, 300	44, 900
Space and nuclear research and technology	98, 454	87, 500	84, 300
Aeronautical research and technology	107, 517	118, 800	118, 900
Supporting activities	38, 647	39, 000	37, 900
Total direct program costs funded	715, 613	725, 000	700, 800
Reimbursable program:			
Manned space flight	1, 398	2, 502	2, 500
Space applications	954	1, 442	5, 100
Space and nuclear research and technology	624	755	800
Supporting activities	132	426	300
Total reimbursable program costs	3, 108	5, 125	8, 700
Total program costs funded	718, 721	730, 125	709, 500
Change in selected resources	6, 568	1, 387	---------
Total obligations	725, 289	731, 512	709, 500

This appropriation provides for expenses of research in Government laboratories, management of programs, and other expenses for the operation of NASA installations.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Miscellaneous trust funds:			
International cooperation	9, 628	12, 740	9, 800
Change in selected resources	−1, 500	---------	---------
Total obligations	8, 128	12, 740	9, 800

U.S. dollars are advanced from foreign governments to allow the National Aeronautics and Space Administration to procure, in the United States, nonmilitary space-oriented materials and services on their behalf.

VETERANS' ADMINISTRATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Medical care:			
Direct operating costs funded: Maintenance and operation of VA facilities: Research and development in health services	2, 333	2, 189	---------
Capital outlay funded: Maintenance and operation of VA facilities; Research and development in health services	1	1	---------

In 1973, there will be a $250,000 increase over 1972 to expand and diversify research and development for improved delivery of health care services. The 1973 funds of

$2,541,000 for this activity are included under the appropriation Medical administration and miscellaneous operating expenses. Medical care appropriation costs for 1973 are reduced by $2,190,000 from 1972.

MEDICAL AND PROSTHETIC RESEARCH

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Direct operating costs funded:			
Medical research	53,088	56,538	62,760
Prosthetic research	2,019	2,078	3,053
Total direct operating costs funded	55,107	58,616	65,723
Capital outlay funded:			
Medical research	6,613	9,079	9,410
Prosthetic research	26	40	160
Total capital outlay	6,640	9,119	9,570
Total direct program costs funded	61,746	67,735	75,293
Reimbursable program:			
Medical research:			
Cancer chemotherapy research	921	1,906	1,950
Other	560	550	550
Total reimbursable program costs	1,481	2,456	2,500
Total program costs funded	63,227	70,191	77,793
Change in selected resources	1,038		
Total obligations	64,265	70,191	77,793

Medical research. In 1973, the funding of Veterans Administration medical research operations will rise to $62,700,000—about 18% higher than the 1971 level. The 1973 program provides for additional research in drug addiction, sickle cell disease, psychiatry, pulmonary disease, and other areas of V.A. specialization.

Prosthetic research. The budget provides a 50% increase in 1973 funding of research, development, and testing of prosthetic, orthopedic, and sensory aids for improving the care and rehabilitation of disabled eligible veterans, including amputees, paraplegics, and the blind.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Operating costs funded: Research and development in health services	99	101	2,301
Capital outlay funded: Research and development in health services			240

This provides for studies designed to facilitate improved delivery of health care services. The major portion of this activity was funded under the appropriation Medical care prior to 1973.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Studies to improve administrative procedure	306	458	480
Change in selected resources	72	−50	−30
Total obligations	378	408	450

The Conference is responsible for conducting studies of the efficiency, adequacy, and fairness of present procedures by which Federal administrative agencies and executive departments determine the rights, privileges, and obligations of private persons.

ARMS CONTROL AND DISARMAMENT AGENCY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Arms control and disarmament activities: External research and field testing	1,708	1,567	2,200

These activities are conducted through grants contracts with nongovernmental research organizations and through reimbursement agreements with other U.S. Government departments and agencies. The proposed 1973 program will emphasize the control, limitation, and reduction of strategic offense and defensive weapons systems in support of bilateral and multilateral negotiations on strategic arms limitations.

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: External research and field testing	20		

FEDERAL POWER COMMISSION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements:			
Studies, Corps of Engineers	8		
Studies, National Air Pollution Control Administration	1		
Studies, Department of Agriculture	5		
Studies, Water Resources Council	5		
Studies, Geological Survey	4		

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements: In-depth study of characteristics of a high quality State-local revenue system	29	57	

NATIONAL SCIENCE FOUNDATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Scientific research project support	180,369	246,600	275,300
National and special research programs	49,858	85,600	109,100
National research centers	37,174	40,400	42,500
Research applied to national needs	33,955	55,931	80,000

The principal emphases of the Foundation's programs in 1973 will, among other things, be to: Expand and strengthen basic research efforts which are essential to advancing man's understanding of himself, his society, and his natural environment; and increase basic and applied research efforts to help provide the science and technology needed to enhance environmental quality, improve economic growth and productivity, and deal more effectively with significant social problems.

The increase in funding for the Foundation's basic research program activities in 1973 will permit a continued healthy growth in basic research efforts in the various disciplines, such as chemistry, physics, and biology. The significant expansion in problem-related research activities will permit more intensive and comprehensive research efforts on problems such as improving municipal services, preventing environmental degradation, improving availability of energy through solar power, developing advanced tunneling technology, and designing earthquake-resistant buildings.

A significant new program will be initiated in 1973 to explore ways of increasing industrial and other non-Federal investment in research and development, speed up the application of research and development results to improve products and services, and increase productivity through the application of science and technology. Also, a new national research and development assessment program will be initiated with the principal objective of improving our knowledge of how research and development can improve economic growth and productivity and enhance our international competitive position.

Scientific research project support. This program provides support for research directed at finding answers to unresolved scientific questions concerning fundamental life processes, processes that influence man's environment, and the forces impacting on man as a member of society and on the behavior of societies.

National and special research programs. These programs include large-scale research efforts to understand the physical environment, such as conducting ecological studies under the international biological program and expanding our understanding of the ocean environment under the international decade of ocean exploration. New programs will be started in 1973 to explore ways of encouraging greater research and development efforts applicable to the needs of industry and State and local governments, and to speed up the application of science and technology to improve economic productivity and more effectively deal with social problems. Other programs in this activity include the Arctic and Antarctic research programs and the ocean sediment coring program.

National research centers. The five NSF-sponsored national research centers support advanced research in astronomy and the atmospheric sciences. These centers provide specialized facilities, equipment, staffing, and operational support which are beyond the capabilities of single educational or research institutions to provide.

Research applied to national needs. This program focuses on selected problems of national concern to help provide the scientific knowledge base for their solution. The program supports research and engineering efforts concerning the applications of advanced technology, social systems and human resources, environmental systems and resources, exploratory research, and problem assessment. The program supports the exploration of technological opportunities which may have the potential for increasing economic productivity and creating new industries and marketing for U.S. goods and services.

SECURITIES AND EXCHANGE COMMISSION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Institutional investor study	296		

NATIONAL COMMISSION ON MARIHUANA AND DRUG ABUSE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Conduct of a study of marihuana and the causes of drug abuse	76	1,962	1,090
Change in selected resources	5	85	40
Total obligations	81	1,847	1,120

The Commission will conduct a study of marihuana including the extent of its use, the efficacy of existing laws, its pharmacology and effects, its relationship to crime and other drugs, and its international control. The Commission will also conduct a study and investigation into the causes of drug abuse and their relative significance.

On the basis of its study, the Commission will make recommendations to the President and the Congress, for legislation and administrative action.

COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Conduct and sponsor studies and research on programs of population growth and their implications for America's future	669	940	

Research is being concentrated on population size and distribution, implications for the economy, demands in social service sectors, political and governmental implications of population change, environmental and natural resource problems, moral-ethical considerations, and historical and political aspects of immigration.

COMMISSION ON RAILROAD RETIREMENT

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Study of the railroad retirement system and its financing	256	527	98

The Commission was established to conduct a study of the railroad retirement system and its financing for the purpose of recommending to the Congress changes which would provide adequate levels of benefits on an actuarially sound basis. The Commission is required to submit its final report on or before July 1, 1972, and is allowed sixty days thereafter for orderly termination of its activities. The appropriation for 1973 provides for the termination period.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Study the organization of the District of Columbia government	47	703	
Change in selected resources	87	−87	
Total obligations	134	616	

The Commission is to study and investigate the organization and operation of the agencies of the District of Columbia in order to promote economy, efficiency, and improved services.

NATIONAL COMMISSION ON MATERIALS POLICY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Materials policy study		450	1,240
Change in selected resources		50	60
Total obligations		500	1,300

The Commission is conducting a study of domestic and foreign raw materials supplies and requirements for the purpose of developing recommendations for a comprehensive national materials policy. The intent of the policy will be to insure adequate supplies of raw materials for U.S. industry and at the same time preserve environmental quality.

The Commission will submit a report on its findings and recommendations to the President and the Congress by June 30, 1973, and terminate ninety days thereafter.

PRESIDENT'S COMMISSION ON CAMPUS UNREST

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Advances and reimbursements:			
Study of dissent, disorder, and violence on the college campuses	676	2	
Change in selected resources	2	−2	
Total obligations	678		

The duties of the Commission were to: Identify the principal causes of campus violence; suggest procedures through which grievances can be resolved by means other than force; suggest ways to obtain an education free from improper interference, and preserve the right of peaceful dissent and protest; and propose practical steps which can be taken to minimize dangers attendant upon expressions of dissent.

The Commission terminated in October, 1970.

PUBLIC LAND LAW REVIEW COMMISSION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Salaries and expenses:			
Study of existing land laws and procedures	466	96	
Change in selected resources	−63	−96	
Total obligations	403		

The Commission ceased to exist in December, 1970.

TENNESSEE VALLEY AUTHORITY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Payment to Tennessee Valley Authority fund: Operating costs funded: Regional development program: Experimental research and development	156	216	160

Environmental research and development utilizes TVA resources and Tennessee Valley research opportunities toward meeting pressing needs of the Nation. The program is designed to deal with the full range of variables which affect environmental quality and utilization of natural resources.

U.S. INFORMATION AGENCY

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Acquisition and construction of radio facilities: Research and development	120	166	100

Research will continue in engineering development, equipment design, and radio propagation techniques specifically applicable to the Voice of America.

WATER RESOURCES COUNCIL

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Water resources planning: Comprehensive studies	200	120	531
Advances and reimbursements: Comprehensive study (Long Island Sound)	22	78	

Funds are transferred from other agencies for the management and coordination of comprehensive studies.

RECAPITULATION

[In thousands of dollars]

	1971 actual	1972 estimate	1973 estimate
Department of Defense	9,135,281	10,238,494	10,409,279
National Aeronautics and Space Administration	3,434,914	3,569,250	3,480,950
Department of Health, Education, and Welfare	1,610,230	1,945,308	2,008,913
National Science Foundation	301,356	428,531	506,900
Department of Transportation	493,262	418,916	471,119
Atomic Energy Commission	392,650	359,248	374,850
Department of Agriculture	328,325	369,522	369,045
Department of Commerce	183,700	231,306	292,709
Department of the Interior	138,713	171,446	191,919
Environmental Protection Agency	137,018	176,730	186,574
Veterans' Administration	66,698	72,482	80,334
Department of Housing and Urban Development	52,998	66,286	79,025
Office of Economic Opportunity	55,337	45,200	68,000
Department of Labor	5,929	27,466	30,413
Library of Congress	5,696	7,217	9,396
White House (other than Office of Economic Opportunity)	1,376	2,110	5,671
Department of Justice	1,403	10,284	5,484
Arms Control and Disarmament Agency	1,728	1,567	2,200
National Commission on Materials Policy		500	1,300
National Commission on Marihuana and Drug Abuse	81	1,847	1,120
Other agencies (none Over $1,000,000 per year)	3,444	3,208	1,429
Grand total obligations	16,350,139	18,146,918	18,576,630

PRISONERS OF CONSCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 20 minutes.

Mr. BELL. Mr. Speaker, in light of this week's conference sponsored jointly by the Union of Councils for Soviet Jewry and the Women's Interfaith Action for Freedom of Soviet Jewry, I think it appropriate to relate the story of Miss Raiza Palatnik.

Miss Palatnik's sister, Katia, a recent Russian Jewish emigree to Israel, is here in Washington to participate in the conference.

Raiza is presently a prisoner in a slave labor camp in Odessa, Russia. In the latter part of 1970, she applied for an exit visa to Israel. Shortly thereafter, her apartment was searched and Hebrew textbooks were found. Because of possession of these materials, Raiza was arrested in December 1970, and held incommunicado until her trial on June 22, 1971, when she was found guilty of "slander against the regime," and received a 2-year sentence.

Since her imprisonment, Miss Palatnik has suffered severe dental problems, a hearing loss, undernourishment, and a heart attack which resulted in paralysis of her left hand.

Katia visited her sister in August of 1971 before emigrating to Israel and reported her shock and dismay at Raiza's rapidly deteriorating physical condition. Despite having her requests for proper medical attention ignored and her increased disabilities, Raiza is still required to complete her daily work quota—if she fails to do so, her food ration is reduced.

Another complaint of the "prisoners of conscience" is that they are harbored in the same camp with Soviet criminals and ex-Nazis. The Jewish prisoners have requested to be relocated in order to reduce threats to their lives. It is reported that Soviet authorities are making arrangements to comply with this request by deliberately relocating the Jewish prisoners in a slave labor camp in Siberia, where the average temperature is 76° below zero. The relocation imposes an additional hardship by making it virtually impossible for families to visit prisoners since the journey takes 1 week by train, one way.

Katia Palatnik has come to Washington not only to tell of her sister's plight, but also to underline the injustice of a government that makes the desire to live as free Jews a crime punishable by deportation to labor camps. She seeks to draw attention to this deporable situation and to focus American consciousness on it.

After my trip to Russia earlier this year, I believe that Miss Palatnik's poignant description of her sister's plight and that of similar political prisoners should be given thoughtful consideration, and that both women should be noted for their courage and endurance.

SUPPRESSION OF SOVIET JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, today the Congress voted upon a measure urging the President to take immediate action to permit the free expression of ideas and the exercise of religion by all the citizens of the Soviet Union in accordance with the Soviet Constitution; to utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities; to demand of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and to call upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights.

I voted for this resolution, part of which was a concept which I initiated—the right to emigrate as a basic human right. The Women's Association for the Defense of Four Freedoms for Ukraine, Inc. wrote to me including a statement by the association in protest against the recent arrests of Ukraine intellectuals. I will include this at the end of my remarks.

We know of the Soviet's brutal record of suppression of dissent. Robert Conquest, author of the authoritative work, "The Great Terror," estimated that 20 million Soviet citizens were killed between 1929 and 1939 alone.

From the beginning, religious groups have been singled out for special treatment. Less well known than the systematic oppression of Soviet Jews, but equally brutal, is the suppression of Catholics in the Soviet-conquered Baltic State of Lithuania.

This oppression has become so intolerable that recently 17,000 Lithuanian Catholics submitted a petition to the U.N. asking for assistance to ease their plight.

The Washington Post recently described this dramatic incident in a March 28 article which I am inserting in this special order at this point.

OVER 17,000 BALTIC CATHOLICS CITE SOVIET PERSECUTION

MOSCOW, March 27.—More than 17,000 Roman Catholics from Lithuania have sent petitions to the United Nations, charging Soviet religious persecution. It was the largest open protest of its kind in the Soviet Union.

An inch-thick stack of petitions, bearing over 17,000 signatures of "believers," was sent to U.N. Secretary General Kurt Waldheim last month after Soviet officials in Moscow ignored their earlier protests, according to dissident Russian sources who made copies of the papers available to Western newsmen today.

Lithuania, a small republic on the Baltic Sea that was annexed by the Soviet Union in 1940, is known as an area where traditional religious beliefs persist despite official harassment by the Communist regime.

The petitions suggest continued strength of the Catholic Church in Lithuania despite steady anti-religious propaganda. It also seems to be a part of a growing effort by religious communities to induce the government to implement religious freedoms guaranteed by the Soviet constitution.

Last September, 2,000 persons from the town of Prenai, which has less than 10,000 population, signed an open letter to the Soviet leadership charging that freedom of religion was being curbed by local authorities in Lithuania.

Three other open letters with a total of 5,000 signatures were sent last fall to Party leader Leonid Brezhnev but police "using threats, arrests and handcuffs prevented the mass collection of signatures," the letter to Waldheim said.

"Such action by the authorities prompted the conviction that the present memorandum, signed by 17,000 believers, will not attain its aim if it is sent by the same means as previous collective declarations," the letter said.

The Catholics were taking their complaints to the United Nations, the letter went on, because "believers in our republic cannot enjoy the rights set out in Article 18 of the Universal Declaration of Human Rights." The declaration, passed by the United Nations with the Soviet Union abstaining, calls for the recognition of religious freedom by all countries.

[At the United Nations, a spokesman had no comment on the petitions today.]

In their petition, the Lithuanians complained that Soviet officials limit the number of new priests to be trained and control the assignment of priests to parishes. They said no more than 10 youths a year can enter the seminary.

There are so few priests in Lithuania, the letter charged, that one must often serve two or three parishes and that "even invalid and aged priests must work."

The Lithuanian authorities do not enforce a law which would punish those who persecute church-goers, the petition claimed.

In addition, Catholics have not been allowed to rebuild churches destroyed during World War II and have difficulty in getting permission to hold services in private homes.

"At the same time, a dance hall was allowed to be built in the parish of Andreivas where the church stood," the petition said.

It repeated charges made last November that two parish priests were sent to labor camps for providing religious instructions to youngsters. Two bishops were also exiled without trial, it said.

More signatures would have been included in the 123 separate, identical typed petitions if the Soviet police had not reacted so strongly against the dissidents, the letter said.

"If in the future, the organs of the State take the same attitude toward believers' complaints as they have until now, we will be obliged to address ourselves to international bodies, the Pope, the head of our church, or the United Nations as an authoritative institution defending human rights."

In addition to repressing religion, the Catholics said, the "forcible atheistic upbringing" of Soviet society has also caused increases in juvenile crime, alcoholism, divorces, abortions and suicides.

The Lithuanians' protest comes at a time of improving relations between Moscow and the Vatican. Soviet President Nikolai Podgorny and Foreign Minister Andrei Gromyko have called on Pope Paul VI, and the Most Rev. Agontino Casaroli, who is tantamount to a Vatican foreign minister, visited Moscow last year.

There are an estimated 3.5 million Roman Catholics living in the Soviet Union, most of them Lithuanians and Poles. Catholics are situated in Lithuania, and in western parts of Byelorussia and the Ukraine.

Lithuania is the largest single Catholic area, with nearly 500 churches still operating there.

WOMEN'S ASSOCIATION FOR THE
DEFENSE OF FOUR FREEDOMS FOR
UKRAINE, INC.,
Buffalo, N.Y., March 17, 1972.

Hon. JACK F. KEMP,
Member of Congress, House of Representatives, Washington, D.C.

DEAR SIR: During the years of 1969, 1970, and 1971, we have communicated with you regarding the unrest in Ukraine caused by the Soviet Russia's occupation of Ukrainian territory, and the constant violation of human rights of the Ukrainian citizens.

Once again we are taking the liberty of bringing to your attention the current situation in Ukraine with details contained in the enclosed statement.

We are convinced of your interest in the Captive Nations Freedom movement and consider you a friend of millions of Ukrainian Americans, many of whom are now your own constituents who have relatives in Ukraine and for whom they have great concern.

We appeal to you to raise the question of injustice in Ukraine on the floor of Congress and ask the Secretary of State, Honorable William P. Rogers and United Nations Ambassador George Bush to take proper action toward the Soviet government to release all political prisoners, particularly the intellectuals, ailing, aged, and young mothers who have been torn away from their infants who need them so desperately, restore their full rights of citizenship, and return them to their homes in Ukraine.

Sincerely yours,
KATERYNA MOROZ,
Chairman.
KATERYNA PRYSTAJKO,
Secretary.

WOMEN'S ASSOCIATION FOR THE DEFENSE OF FOUR FREEDOMS FOR
UKRAINE, INC.,
New York, N.Y., February 27, 1972.

STATEMENT OF MRS. ULANA CELEWYCH, NATIONAL PRESIDENT

On behalf of the Women's Association for the Defense of Four Freedoms for Ukraine, Incorporated, of which I have the privilege of being the National President, I hereby state my shock and indignation and protest against the wave of arrests in Ukraine performed by the Russian Secret Police Force (KGB).

In these restless times many individuals, groups, and statesmen, including President Richard M. Nixon, in order to establish long-lasting peace and prosperity for generations to come, are exhibiting a new approach to satisfy human needs, individual and national rights, and identity.

At the same time, the Soviet Russian Colonial government, founder member of the United Nations Organization, signatory of the Universal Declaration of Human Rights, and so-called "volunteer missionary of good will" for world community, is for Ukrainians, a brutal invader who occupied the Sovereign Ukrainian Republic and by force is holding it in the USSR system.

In conjunction with the existing reality of Russia's constant violation of human rights of the 48 million native Ukrainians on their own territory, (majority of the population, 79%), our organization, in November 1969 presented a petition supported by 5,000 signatures to Ambassador Finger, who accepted on behalf of Ambassador Charles Yost, in which we expressed our concern of the increased terror, russification, restriction for continued education, deprivation of private property, as in the case of Mrs. Valentyn Moroz in Ivano-Frankivsk, a city in West Ukraine, mass arrests of the people in 1961, 1965, 1967, 1969, and 1970, particularly among young scholars who grew up under Soviet occupation and who oppose the Soviet way of life imposed upon them; thus all these things creating an alarming situation in Ukraine for a long time.

In our opinion, Brezhnev is restoring the neostalinism and is again practicing genocide in the Ukrainian nation, particularly on the Ukrainian intellectuals.

Now again, on January 14, 1972, over two million Americans of Ukrainian descent in the U.S.A., as well as all Ukrainians throughout the free world were shocked by the news via the UPI and Reuters Press Agencies about the arrest of 11 leading Ukrainian dissident intellectuals on charges of "nationalistic agitation" and deliberate false fabrications defaming the Soviet State. The arrests were carried out on January 11, in the cities of Kiev, Lviv, and Odessa. Later, reports raised the number of arrested to 19, then to 36, and at the present time the figure has grown to 200, and there are possibilities that the number is much higher and it is questionable if the exact number will ever be known in the free world.

Sources said that the arrests were preceded by a series of raids by the Soviet Secret Police Forces (KGB) on the homes of the dissidents in Kiev, Lviv, and Odessa. Several European newspapers also stated that the KGB had begun a series of raids and interrogations in other large industrial and university cities in Ukraine, including Czernivtsi, Poltava, Kharkiv, Riwne, and Dnipropetrovsk. There the action was directed mainly against younger students, professors and writers, especially those who had been active in demanding Constitutional and national rights for Ukraine.

Because of the censure and russification policy forbidding free expression in existing government sponsored publications and newspapers, the Ukrainians were forced to establish their own news media for the purpose of objective information.

According to reliable sources, the KGB latest arrests were meant to destroy the writing and circulation of the underground newspaper "Ukrainian Herald" which carries information about secret trials and arrests of Ukrainians, russification, intentions of anti-Ukrainianism, national discrimination, and religious persecution. The latest issue of the Herald contained over 100 typewritten pages of detailed information about Soviet repressions in Ukraine.

Among the arrested on January 11, are Vyacheslav Chornovil, writer and author of the Chronovil Papers; Ivan Dziuba, author of Internationalism or Russification (a study in the Soviet nationalities problem); Ivan Switlychnyj, a literary critic; Wasyl Stus, poet; Ihor Kalynec, poet; and others. Among those arrested are also women. Larissa Karavansky, M.D., wife of Swyatoslav Karavansky who was recently sentenced to many years imprisonment; Irene Stasiv-Kalynec, poetess and wife of Ihor Kalynec; Stepheny Shabatura, artist and designer; Stephanie Hulyk, a mother of an 8-month old infant and member of the association to preserve historical monuments; and Raisa Moroz, wife of Valentyn Moroz, whose fate is unknown.

We, the members of the Women's Association for the Defense of Four Freedoms for Ukraine, Inc., on behalf of the millions of voiceless Ukrainians in the homeland of Ukraine, and on behalf of Ukrainian prisoners and their families appeal to President Richard M. Nixon, Secretary of State, William P. Rogers, U.S. Ambassador to United Nations, Honorable George Bush, Secretary General of United Nations Organization, Honorable Kurt Waldheim, to the majority and minority leaders of both Houses, and to the Honorable Senators and Congressmen, to raise their voices in support of rights for Ukrainians, and to take proper action towards the Soviet government to release all political prisoners, particularly the intellectuals, ailing, aged, and young mothers who have been torn away from their infants who need them so desperately. It is time to stop the Russian interference in the way of life and of the Constitutional rights of the people of Ukraine.

WZZM-TV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 5 minutes.

Mr. GERALD R. FORD. Mr. Speaker, when hometown people are honored for a notable achievement, it is natural for the Congressman representing that community to crow with pride.

So it is that I call the attention of not only this House, but the Nation, to the honor bestowed on WZZM-TV, channel 13, Grand Rapids, Mich., by their peers in the television industry—a 1971 Emmy Award for best documentary produced by a television station.

This award should excite particular interest in the Congress, because both Houses recently approved legislation launching a major attack on sickle cell anemia, the terrible hereditary disease which afflicts so many blacks in America. The documentary, which is entitled "Paradox of Neglect," pictures the research being carried out on sickle cell anemia and the work done at Blodgett Memorial Hospital in Grand Rapids by Dr. Robert Nelbandian and his team in devising a simple mass screening method to detect the disease.

To make clear the intense competition for the Emmy Award won by WZZM, I might mention that there were 76 entries in the best documentary by a television station category and 10 finalists. WZZM received the Emmy at the National Association of Broadcasters Convention last Monday in Chicago.

I would like to single out at this time those WZZM staff members who made up the team that turned "Paradox" into a splendid achievement. They are: William D. Corder, executive producer; John L. Bailey and Bill Prins, directors; Werner Schneider and Robert Cross, cameras; and Jim Jensen and Rod Caszatt, producers-writers. Bailey is manager of the Production 13 team, the WZZM-TV film unit which produced the film.

In view of the action recently taken by the Congress on sickle cell anemia, I wish that every Member of Congress could see the excellent documentary made by WZZM-TV, "Paradox of Neglect."

NATIONAL SCHOOL LUNCH ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, enactment of Public Law 91-248 in 1970, amending the National School Lunch Act and the Child Nutrition Act of 1966 has resulted in Federal regulation of the sale of soft drinks in the public schools participating in these programs.

The language in the law from which this situation results states that the Secretary of Agriculture shall prescribe regulations "including regulations relating to the service of food in participating school and service institutions in competition with the programs authorized under this act and the National School Lunch Act."

Frankly, I do not think that the sale of items such as soft drinks constitutes a threat to the success of the school lunch programs or that such sales should be subject to Federal regulation. Furthermore, some school officials have complained that the present regulations with respect to competitive food services actually discourage students from eating in the school lunchrooms. Many prefer to bring lunch from home or to eat at establishments off the school grounds. With this diminished participation, some schools find it difficult to sustain the school lunch program, financially. Some school officials in Maryland told me they would have had to discontinue the lunch program completely, because of lack of participation. However when soft drinks and some ala carte options were offered, it resulted in more students eating in the school lunchrooms and increased participation in the school lunch program.

In any case, as long as the students stay away from the lunchrooms in droves, there is little likelihood that they will derive much benefit from the nutritional programs offered under the Child Nutrition Act and the National School Lunch Act.

The bill which I am introducing today, however, by no means mandates the sale of soft drinks or any other specific item in schools or school lunchrooms. Nor does it seek to place the Federal stamp of approval on such items. I realize that there may be different situations from State to State and even among school districts within a State or schools within a district. I believe this proposal takes cognizance of these differences. This bill would simply make more explicit the sort of competitive food services to be regulated by the Secretary of Agriculture.

Under this proposal a school or an organization within a school could not offer a complete alternative lunch service, could not, for example, open a McDonald's franchise right next to the school cafeteria line, but could have a soft drink vending machine in the cafeteria or its environs if permitted by the school authorities.

I believe that this is reasonable and would in no way interfere with the purpose of the school lunch programs.

PRESIDENT'S RESPONSE TO ESCALATION OF VIETNAM WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPENCE) is recognized for 30 minutes.

Mr. SPENCE. Mr. Speaker, I have taken this time, because I want it known that I am unequivocally in support of the action the President has taken in response to renewed escalation of the Vietnam war by the North Vietnamese army and the Vietcong.

Everyone is screaming about our bombing of military installations in the north. Yet the Communists have been engaging in almost constant mortar attacks on cities and civilian populations throughout the course of the war and no one among those who decry the bombings seems willing even to recognize that fact, let alone talk about it.

The North Vietnamese escalation of the war was a calculated move. They gambled that there would be no retaliation—no consequences. No nation worth its salt can permit that kind of gamble to pay off in the current international climate. The President's action is a restrained and perfectly reasoned—indeed, it is an entirely necessary—response to that calculated move by the North Vietnamese.

It is further necessitated by the upcoming trip to Moscow which those who now decry the bombing have all along been praising. Only a fool would go into negotiations in the weakened kind of bargaining position that would have faced the President if we had made no response to this new escalation of the war by North Vietnam. Our own strategic interests were at stake and required this kind of response, without regard to any obligations of support we may still owe to the Republic of South Vietnam.

Our withdrawal of ground forces from Vietnam never included any kind of commitment on the part of the President not to use our airpower to maintain necessary support for the South Vietnamese army while Vietnamization of the war was being brought to fruition. This is no violation of a pledge, but rather the fulfillment of a pledge resulting from a strategic error on the part of the enemy. I commend and support the President for this forthright response to a tragic failure on the part of the North Vietnamese leaders to understand either their own best interests or the means to peace for the entire world.

TAX WITHHOLDING LAWS NEED REVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, as most Americans are all too well aware, today is the last day to file their income tax statements with the Internal Revenue Service. For the average American this has meant sleepless nights; consultation with friends, lawyers, and relatives; and worry, frustration, and aggravation as he tried to figure out the amazing complexities and technicalities of the Internal Revenue Code.

Mr. Average American is not the only one to be confronted with and confounded by the difficulties prescribed by our tax laws. Small businessmen, large corporations, charities, State and municipal governments, and even school districts often need a Philadelphia lawyer to wade through the depths of the law.

Because this is a special day, it seems particularly appropriate for me to discuss one of the small, but especially bothersome, technicalities in the tax laws which imposes a significant burden upon the Nation's public schools.

Section 403(b) of the Internal Revenue Code exempts from income tax of employees of section 501(c) organizations or public schools payments made by the employer to acquire certain annuities for its employees, within specified limitations. In Revenue Ruling 70-453, IRB 1970-35, 18, issued in September 1970, the Internal Revenue Service ruled that withholding of income taxes was required on the costs of life insurance protection under such section 403(b) annuities.

In order to administer a withholding tax system, the schools will have to: first, revise their payroll systems, whether they be by computer or by hand, so as to provide for the additional deduction of withholding taxes from the salary payments; second, incorporate the amount withheld in the receipt to each employee; and third, explain each change in the amount of taxes withheld.

According to one of my Illinois constituents, who has surveyed a representative sample taken from section 403(b) annuities, the annual premium for 173 annuities varied from $50 to $2,772. The average annual cost of life insurance was $40.65. About one-half of the 173 annuities involved annualized premiums ranging from $50 to less than $400 with annual cost of life insurance ranging from $3.05 to $32.12. Based upon withholding at a 14 percent rate from monthly payments of salary over a 12-month school period, this would amount to withholding of taxes on the cost of life insurance protection of 3½ cents to 37 cents per month. Based upon an average annual payment of $40.65, the withholding tax per month would be about 47 cents.

If the withholding is done once on an annual basis, the amount of tax withheld at a 14-percent rate would vary from $.43 to $6.59 on annual costs of life insurance protection varying from $3.05 to $40.65.

All of this will impose a substantial burden during the year if the withholding must be on a periodic basis, or at the end of the year if the withholding is on a one-short basis at the end of the year. A similar burden would be encountered if a less exact method were allowed of withholding on the basis of the cost for the previous year.

I am told that although the cost of life insurance protection in these cases is almost nominal in amount, it is not static. Since the life insurance element changes each year with a change in risk at the anniversary date of the policy, at least one change would be required each year. Moreover, the anniversary dates of the policies vary—depending on the date the policy was issued—so that changes are required throughout the year. Also, it is estimated that about 25 percent of the policyholders made other changes in life insurance component of the annuities during the year. The changes occur for a variety of reasons, including sabbatical leave, pregnancy, sick leave, financial inability, or greater financial ability. The annuitant can also discontinue the plan at any time, temporarily or permanently, requiring additional changes. Furthermore, since the employee's contract year may run from September 1 to August 31, there may be two contract years during each calendar year.

Each change in the cost of life insurance would require the school to change its payroll reporting to reflect the revised deduction of the amount of income taxes withheld and to report the change in the W-2 forms to the employees. There is also a complication in that there is a lag, which may amount to as long as 2 months, between the application for a change in the coverage and the time when it is approved. If the risk applied for differs from that determined, the amount of coverage for the cost of the life insurance would have to be revised. Any such change would require further adjustments to be made by the school in the amount of taxes already withheld and to be withheld.

It does not seem reasonable to me that the Treasury should require withholding under these circumstances. The costs and administrative burdens in reflecting these changes through withholding can hardly be justified. This is particularly true since it is very unlikely that there is any tax escape. The amount of compensation by way of life insurance costs is reported on the W-2 forms given to each school employee.

Moreover, the additional expense to State and local government agencies, as the employers, runs counter to the policy of the Federal Government to improve their fiscal situations.

In similar instances, tax withholding has not been required. For example, income tax withholding is not required with respect to payments made on behalf of an employee or his beneficiary to a qualified section 401(a) employee trust, and under a qualified employee annuity plan. Payments made under a qualified bond purchase plan described in section 405(a) of the Internal Revenue Code are also exempt from withholding under section 3402(a)(12)(c) of the code by a provision adopted in section 7 of the Self-Employed Individuals Tax Retirement Act of 1962.

When the present statutory provision for section 403(b) annuities was adopted in 1958, the Congress provided "that the other major benefits accorded in the case of industrial plans should also be made available to the educational, charitable, and religious organizations whose pension payments qualify under the 20 percent rule—or to the extent they qualify under the 20 percent rule." Therefore, it extended three provisions to these annuities: the $5,000 income tax exclusion for amounts paid with respect to an employee's death; an exclusion from the estate tax base of a decedent employee with respect to an employer's contributions; and an exclusion from the gift tax base with respect to an employer's contribution provided in the case of exercise by an employee of an election as to survivor benefits.

The overall congressional intention substantially to equalize the tax benefits of an annuitant of a section 403(b) annuity with those of annuitants under qualified plans should be applied equally to exempt from withholding payments under section 403(b) annuity plans to employees of schools and school districts.

The amount of tax involved in section 403(b) annuities is much smaller than that for qualified annuities, the administrative burdens of withholding under section 403(b) plans are inordinately great, and they fall for the most part on State and local government agencies.

The withholding tax system has its practical limitations. Withholding of income taxes is clearly an important device by which the government insures that taxes are collected. However, where such assurance is otherwise available, withholding should not be required if the administrative burdens of withholding do not yield better tax collection results commensurate with the added burden of withholding. For example, the law does not require withholding on dividends and interest because it was felt that the reporting of such income was adequate and, therefore, that the administrative burden of withholding would not be justified.

Similarly, "unnecessary" withholding burdens have been taken into account by excepting from withholding group term life insurance premiums paid on behalf of employees which would otherwise be subject to withholding because they are in excess of the applicable limitations. Instead, the employer is required to file information returns as to the income element with the Government, and provide a copy to the employee. Again, the insurance component of 403(b) annuities is reflected as other compensation on the W-2 forms to be filed with the Government, with a copy to the employee.

Exemption from withholding on the life insurance component of section 403(b) annuities would be consistent with past practice and would recognize that administrative burdens far outweigh the miniscule protection of the revenue, if any, involved.

For that reason, Mr. Speaker, I am today introducing a bill to amend section 3401 of the Internal Revenue Code to exempt section 403(b) annuities from withholding. I hope that the House Ways and Means Committee will act quickly to bring this measure to the floor, and that the Congress will enact it into law.

TV VIOLENCE AS A CAUSE OF CHILD AGGRESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, one of the outstanding pieces of research conducted for the Surgeon General's study of the effects of televised violence was conducted by a team headed by Dr. Monroe M. Lefkowitz, principal research scientist of the New York State Department of Mental Hygiene. His associates in this effort include Dr. Leonard D. Eron of the University of Illinois at Chicago Circle, Dr. Leopold Walder of Behavior Research Consultants, Greenbelt, Md., and Dr. L. Rowell Huesmann of Yale University.

This was a landmark piece of scientific research. It involved a large number of children over an extended period of time using one of the more sophisticated research techniques in the behavioral sciences. The findings, simply put, found a highly significant relationship between viewing violent television and aggressive behavior in later years. Because such a finding was so damaging to the TV networks, certain members of the Surgeon General's 12-man committee which had been loaded with individuals who worked for or had ties with the TV networks, saw fit to try to denigrate not only the findings of the Lefkowitz team, but actually sought to impeach the scientific capability of one of the team members.

Failing this, the "industry five" as they became known to the other advisory group members wrote the section of the report having to do with the all important question of the relationship of TV aggression to adolescent behavior. Here again, the Lefkowitz study was given short shrift—despite the fact that independent researchers contracted by members of the "industry five" to dismantle the study endorsed it instead. The release of the report of the Surgeon General in January so disturbed Dr. Lefkowitz that he wrote me, other Members of Congress, and those concerned with the Surgeon General's project and characterized the efforts to downgrade his study as "a serious fraud—perpetrated on the American public and particularly on American children."

Fortunately, because of the courage of Dr. Lefkowitz and many of his colleagues, the true findings of the researchers on the disastrous effects nightly televised mayhem, brutality, and savagery are having on our society are being made known to the American public. But he and his colleagues have had to undergo a great deal of embarrassing harassment from the TV industry and the so-called Industry Five on the Surgeon General's panel. For example, Dr. Lefkowitz wrote to me that—

> Of the three written critiques I received of my study from committee members the one which was destructive, and in my opinion irresponsible, was rendered by an individual (who had) affiliations with the television industry.

Another member of the Lefkowitz team was Dr. L. Rowell Huesmann, assistant professor of psychology at Yale University. Dr. Huesmann wrote to me when he learned that I was trying as he put it "to see to it that the findings from the studies on television and aggression do not get swept under the rug because of the Surgeon General's wishy-washy report." In referring to the attempts of the industry plants on the committee to disparage him and his qualifications, Dr. Huesmann wrote:

> From the start they expressed a great deal of skepticism about our results including questioning my qualifications as a statistician. I feel no need to defend my qualifications, since my background would speak for itself, and I was quite happy to discover that the committee had asked two independent researchers to critique my analyses. (David Kenney of Northwestern and John Neal of Stony Brook). It would have been nice if the committee had told us they were doing this, (we only discovered it when David Kenny called and asked for more data), but that was not too bothersome. What is upsetting is that the two critiques are not mentioned anywhere in the body of this summary. As you might guess, both critiques, while finding some points of contention, were generally very supportive of our techniques and findings. Apparently, the committee ignored them. They are mentioned in the list of reports submitted, but no where else in the summary. At the same time the committee included all sorts of comments about "statistical problems" and innuendos about "methodological difficulties" when discussing our report. Why did they not include their own consultant's comments on these topics?

Dr. Huesmann concluded his letter with a statement with which I find myself in agreement. He wrote:

> The biased nature of the committee membership seems to have led to a compromise where the truth was lost.

Mr. Speaker, because the whole effort of the "Industry Five" in my opinion was "destructive" and "irresponsible" I feel the Lefkowitz study should receive wide study in its undiluted form. That is why I insert for the RECORD following my remarks the entire statements of Drs. Lefkowitz, Eron, Walder, and Huesmann in addition to Dr. Lefkowitz's letter of January 27, 1972, to me and Dr. Huesmann's letter to me of March 6, 1972. I am convinced that much more needs to be done to enlighten the American people on the dangers of TV violence and to forcefully impress on the TV networks the idea that Congress is fed up with their 18-year record of selling crime and violence to the Nation's children. To that end, I have asked the chairman of the Interstate and Foreign Commerce Committee, HARLEY O. STAGGERS, to call hearings on this subject as quickly as possible by the Subcommittee on Communications and Power.

The items follow:

TELEVISION VIOLENCE AS ONE OF THE CAUSES OF AGGRESSION: OBSERVATIONS ON THE REPORT OF THE SURGEON GENERAL'S SCIENTIFIC ADVISORY COMMITTEE ON TELEVISION AND SOCIAL BEHAVIOR

Our presentation today to the Senate Subcommittee on Communications will consist of a brief statement of the salient aspects of our research: "Television Violence and Child Aggression: A Follow-up Study (Lefkowitz, Eron, Walder and Huesmann, 1971). Subsequently, we will present a critique of the interpretation of our findings by the Surgeon General's Scientific Advisory Commmittee on Television and Social Behavior. Finally, we will present to the present Committee a recommendation concerning the Surgeon General's Report and some observations and suggestions pertaining to violence on television.

Longitudinal data were collected on 427 teenagers of an original group of 875 children who were participating in a study of third grade children in 1960 (Eron, 1963; Eron, Walder and Lefkowitz, 1971). The original 875 constituted the entire third grade population of a semirural county in New York's Hudson River Valley, while the 427 subjects were those who could be located and interviewed ten years later.

The information collected about these subjects in both time periods falls into two classes: (a) measures of aggression, and (b) potential predictors of aggression. During the third grade interviews four different data sources had been used: the subject, his peers, his mother, and his father. Ten years later, the data sources were the subject and his peers. For convenience this later time period will be designated as the 13th grade.

In the third grade, peer-rated aggression scores were obtained by asking each child to nominate any of his classmates on ten "guess who" items describing aggressive behavior; e.g., "Who pushes and shoves other children?" "Who takes other children's things without asking?" "Who starts a fight over nothing?" These aggression items were interspersed among a series of other peer nomination questions. The validity and reliability of the aggression measure have been discussed elsewhere (Walder, Abelson, Eron, Banta and Laulicht, 1961; Eron et al., 1971).

The peer rating instrument was revised slightly for the 13th grade study. Since the subjects were no longer in school, the procedure was administered individually in a face-to-face interview. The number of posssible peers any subject could nominate was widened beyond his own third grade classroom to include his classmates through high school. Thus each subject was rated by a larger set of raters in the 13th grade which included many of the raters from the third grade.

In the third grade the children's preferences for violent television were obtained by asking each mother for her child's three favorite TV programs. All programs were then categorized as violent or nonviolent by two independent raters with 94% agreement in their ratings. Each subject received a score according to the number of violent TV programs he was reported by his mother as favoring.

In the ten year follow-up study, each subject *himself* was asked for his four current favorite TV programs. All programs were then categorized for presence or absence of violence by two independent raters who agreed on 81% of 125 programs mentioned by the subjects. The score for each subject was the sum of the violence ratings of the four programs mentioned.

The judgments of our raters were in close agreement with the results obtained by Greenberg and Gordon (1970), who did an extensive rating study in which they used as raters both established TV critics (approximately 45) and 300 subjects randomly selected from the Detroit telephone book. Of the 20 programs which Greenberg and Gordon indicated had the highest violence ratings, 19 were selected as violent by our raters. For the 427 cases in the ten year follow-up study, there was a correlation of .94 between the Greenberg-Gordon average ratings and our ratings.

The 427 subjects studied in both the third and 13th grades consisted of 211 males and 216 females whose modal age at the time of the 13th grade interview was 19 years. The sample was at the higher end of the average range in intelligence with a mean IQ of 109 and was somewhat middle class in social status. Preliminary analysis indicated that the measures of aggression distinguished the males from the females. Because of these findings the data for males and females were analyzed separately.

From Figure 1 one can see that there is a highly significant relation between boys' preferences for violent television programs in the third grade (TVVL3) and their peer-rated aggression in the 13th grade (AGG13). Similarly, there is a significant contemporaneous relation between the boys' TV preferences in the third grade and peer-rated aggression in the third grade (AGG3). While the correlation between third grade preferences and 13th grade peer-related aggression "explains" only ten percent of the variance in aggression, ten percent is impressive when one considers the large number of variables affecting aggression and the ten year lag between measurement times. The extremely low likelihood of achieving such a correlation by chance is a good indicator of the strength of the relation between preference for violent TV at age eight years and peer-rated agression at age 19.

When distributions are unusual, an analysis of variance may, more clearly than a correlation, reveal the relation between the two variables. Hence, the male subjects were categorized into low, medium, and high television violence groups, representing approximately the lowest 10%, the middle 80%, and the upper 10%, respectively (see Table 1). This analysis shows that the increase in these mean values of aggression is 59 percent as violence preference increases from low to medium and is 102 percent as violence preference increases from medium to high. Thus, ten years later, the group preferring a small amount of television violence at age 8 was significantly *less* aggressive than the group preferring a moderate amount of television violence. While the group preferring a large amount of television violence was significantly *more* aggressive than the moderate preference group. Rarely, if ever, does a scientific finding hold for every member of a population. In this case the finding holds for *both* the high and low ends of the preference scale amounting to at least 24 percent of the sample.

Having established that there exists a highly significant relation between a preference for violent television in the third grade and aggressive habits in the 13th grade, one can consider the alternative casual explanations for this phenomenon. Of course, one cannot demonstrate that a particular hypothesis is true. One can only reject untenable hypotheses and present evidence on the plausibility of the remaining hypotheses.

Consider the pattern of correlations diagramed in Figure 1; the correlations on the diagonals are called cross-lagged correlations. The cross-lagged correlation between a preference for violent television in the third grade and aggression in the 13th grade is highly significant. When coupled with the lack of a relation between third grade aggression and a preference for violent television in the 13th grade, this significant correlation supports the hypothesis that preference for violent television is a cause of aggressive behavior.

Several rival explanations have been offered for this pattern of cross-lagged correlations; however, each of these alternative explanations has been analyzed statistically and found to be less plausible than the above hypotheses. A consultant (Kenny, 1971) retained by the Committee to render a critique of our analysis, concluded that, "However, the data do suggest that watching violent television shows does cause later aggression" (p. 140).

On the basis of the cross-lagged correlations one concludes that the single most plausible casual hypothesis is that a preference for watching violent television in the third grade contributes to the development of aggressive habits. This does not mean that other variables are not of equal or greater importance in stimulating aggression, but only that a preference for TV violence and the viewing behavior that the preference indicates probably are independent and important causes of aggressive habits.

None of the data presented up to this point suggests that another variable such as IQ, social class, parental punishment, or parental aggression, might have stimulated both the child's preference for violent television and his aggressiveness. However, one can test some of these hypotheses by computing the partial correlations between television violence and aggression with such variables controlled. It was found that neither the child's aggression in the third grade, social class, mobility orientation of parent, IQ, parental punishment, parental aspirations for child, nor parental aggression accounts for the relationship. Nor can the relation be explained by the total number of hours of TV watched by the subject in either the third or 13th grades.

Several modern statistical techniques lend further credence to the observation that violent television is a cause of aggressive habits. A multiple regression analysis revealed that among all the third grade variables that were not direct measures of aggression, preference for violent television was the best predictor of 13th grade aggression and the greatest contributor to changes in 13th grade aggression. A path analysis provided even stronger evidence of the causal nature of the relationship between television violence and aggression (Neale, 1971).

The above results indicate that TV habits established by age eight to nine years influence boys' aggressive behaviors at that time and at least through late adolescence. The more violent are the programs preferred by boys in the third grade, the more aggressive is their behavior both at that time and ten years later. This relation between early TV habits and later aggression prevails both for peer-rated aggression and self-ratings of aggression. Actually, these early TV habits seem to be more influential than current viewing patterns since a preference for violent television in the 13th grade is not at all related to concurrent aggressive behavior.

Our criticism of the Committee's presentation and interpretation of our data pertains to the tone, style, and substance of the report (1972). Our opinion of the report is that it is misleading, watered down and contains inaccuracies. Generally, statements about data concerned with the causal effect on aggression of television violence are over qualified whereas statements supporting the point of view that television violence and aggression are related to a third variable are presented in a straightforward manner without qualification.

For example, on page 75 of the report are the following statements:

"*Under certain circumstances* television violence *can* instigate an increase in aggressive acts. The accumulated evidence, however, does not warrant the conclusion that televised violence has a *uniformly adverse effect* on the majority of children. It cannot *even* be said that the majority of the children in the various studies we have reviewed showed an increase in aggressive behavior in response to the violent fare to which they were exposed. The evidence does indicate that televised violence *may* lead to increased aggressive behavior *in certain subgroups* of children, who *might* constitute a small portion or a substantial portion of the total population of young television viewers." (Italics mine.)

In the foregoing quotation, seven qualifying words or phrases were used. But on the same page (75) a statement implicating a third variable is as follows:

"There is evidence that among young children (ages four to six) those most responsive to television violence are those who are highly aggressive to start with—who are prone to engage in spontaneous aggressive actions against their playmates and, in the case of boys who display pleasure in viewing violence being inflicted on others."

Not a qualifier in this statement. Another example of over qualification is given on page 94 of the report:

"The correlation coefficient between the index based on mother's report of program preference when the child was about 8 years old and the peer rating of past aggressive behavior when the boy was about 18 years old depends *almost entirely* on a *small* number of boys at the *extreme* high end of the preference scale who scored *extremely* high on the peer rated measure of aggressive behavior (a measure with *virtually* no upper limit). Without question, these boys would justify individual case study, but there *appears* to be *hardly* any relationship elsewhere in the range." (Italics mine.)

This statement of our findings is so over qualified that its meaning becomes vague if not lost. Moreover, it is incorrect! There is a very definite upper limit to the measure of aggression, namely, one. The Committee fails to cite in their report the analysis of variance of these data (see Table 1) which shows that mean scores of aggresive behavior at age 19 increase significantly from low through medium to high as preference for violent television increases along the same dimension. The Committee claims that the relationship between television violence and later aggressive behavior "depends almost entirely on a small number of boys." The question is how small is small? In this case approximately 24 percent of the sample is affected by watching television. Considering the phenomenon under study and placed within the context of social responsibility what does small mean when approximately 1 out of every 4 boys is influenced to behave aggressively by early viewing of violent television. If cigarette smoking were to cause lung cancer in 20 to 25 percent of the population would that number be termed small?

The omission of the analysis of variance just mentioned is related to the larger issue of the inclusion and exclusion of data from our study on a seemingly arbitrary basis. From the time we submitted our report in March of 1971 to about December of 1971, a period of approximately 9 months, the Committee asked many questions about the data. These questions were raised during telephone conversations and in writing. Whenever possible we answered the questions either from our knowledge of the research findings or by performing more statistical analyses. At one point the Committee even raised questions about the qualifications of our statistical consultant. Since we tried as best we could to respond to all questions raised by the Committee, certain statements in the report can only be viewed as pejorative and as an attempt to derogate the findings. For example on page 80 of the report the Committee states "the father's reports were apparently not used but reason for this is not stated" there are indeed very good reasons but the Committee never asked. Another example of such innuendo is presented on page 83 of the report as follows: "Lefkowitz et al. report, without citing supporting data . . . ." The Committee could have had such supporting data had they only requested it. With only 11 months to complete this study including the report to the Committee, we could hardly have included the voluminous body of data and the tables of thousands of correlation coefficients we had generated.

At one point towards the end of requests made for more data by the Committee, we were asked for the cross-lagged correlations between TV violence and aggression for subjects in the eighth grade. Although these data are of questionable validity and reliability we complied with this request. In a letter dated November 2, 1971 to Dr. George A. Comstock in which I describe the data being forwarded I say,

"Because of the absence of support during the eighth grade phase of this study, data collection methods were used which were not in direct control of the investigators; moreover, the sampling was spotty and unsystematic. Consequently, the eighth grade data are of dubious quality and proper caution should be used in their interpretation. I am not sure how the Committee plans to use these data but I hope some of their questions are answered. If I can be of further help please let me know."

The Committee then reports the eighth grade data and uses them in an attempt to show inconsistencies in our measures. Nowhere in the report is it stated that these data are of highly dubious quality, or that they should be interpreted with caution. Moreover, the Committee gave us no opportunity to answer any of the questions they raise in the presentation of these eighth grade data on pages 93–95 of their report.

Another example of important data being omitted or ignored relates to the Committee's observations on predisposition to aggression. The Committee states "that any such causal relation operates only on some children (who are predisposed to be aggressive; . . ." With respect to our data the only information the Committee could have had—as concerns predisposition to aggression—was just in the opposite direction. Specifically we showed that childhood aggressiveness was unrelated to preference for violent television ten years later. If our subjects were predisposed to be aggressive, one would expect a significant positive relationship to have occurred between these two variables. Furthermore, when aggressiveness is statistically controlled for the third grade subjects by partial correlation technique, the relationship between preference for television violence at age 8 and aggressive behavior at age 19 still remains significant. These data, which argue against predisposition to aggression for the subjects in our study, are ignored by the Committee.

It is small wonder, therefore, that even educated laymen such as newspaper reporters would misinterpret the Surgeon General's Report, or excerpts from that report, as was done in a front page headline of the New

York Times on January 11, 1972. This headline stated "TV Violence Held Unharmful to Youth." The same article published in the Berkshire Eagle, Pittsfield, Massachusetts, January 11, 1972 was headlined "It's Safe to Let Kiddies Watch TV Mayhem Study Finds."

Taken by itself any one of these criticisms of the Committee's report could be termed picayune, out of context or nit-picking. When taken as a whole, however, it is our unmistakable impression that the report systematically includes and excludes certain kinds of data. It ignores other data completely and dilutes and over qualifies certain research results. Moreover, the report contains inaccuracies. Whether or not these actions can be attributed to inadvertent bias, deliberate bias or for that matter bias at all is really immaterial. The salient question is really the effect of the report on the behavior of parents and children as concern the watching of violence on television. A report which had treated the data straightforwardly may have had a restraining influence on the television diet permitted to children by their parents. When parents are led to believe that only children already predisposed toward aggression will be adversely affected by TV violence, the restraints on a violent television diet have, in effect, been lifted. How many parents are ready to believe that their children are predisposed towards aggression?

For the reasons we have stated we do not believe that the Committee's Report accurately represents the research findings. Therefore, we would suggest that the body of data generated by the 23 principal investigators be reevaluated. Such a reevaluation should be done by a group whose credentials are unimpeachable. The group we suggest is the National Academy of Science.

Television violence is only one of a large number of substances in our society which has noxious effects. Methods, with varying degrees of success, have been developed to control substances which have proven harmful. Generally, in our pluralistic society, censorship is becoming less and less respectable as a form of control. In this particular case we are in unanimous agreement that Government censorship is undesirable. The television industry must police itself but will do so, we feel, only when the public exerts sufficient pressure. Rigorous consumer action would probably have a maximum effect. If parents do not permit their children to watch the objectionable programs which portray unnecessary violence and refuse to buy products advertised by such programs, the networks will quickly receive this message and develop programs which are more acceptable. But no consumer action will occur, we fear, as long as the public continues to be misinformed by misleading Government reports.

Other approaches which might effect a change in a child's television diet should be considered. One would be the presentation of spot announcements on television about the deleterious effects of violence viewing on a child's development. Another would be a systematic effort—probably by the U.S. Public Health Service—to educate parents about the deleterious effects on children of television violence.

All portrayal of violence should not be eliminated, since violence is indeed part of life. However the violence portrayed on the television screen both during prime time and childrens' hours is usually far removed from what happens in real life. TV violence is much more sanitary and clean cut. Both heroes and villains acquire material possessions, vent their frustrations, and mete out punishment by use of violence. But the real life consequences of violence are never portrayed: the guts and gore, the mangled bodies and dismembered limbs, and the long term misery and suffering perpetrated on the victim of violence and his family. Children, thus, eventually become satiated without becoming aware of the real and persistent consequences of violence. Their threshold for violent acts is raised and their sensitivity to cues of violence is diminished. That children retain their sensitivity to violence is essential. Less saturation and more measured doses of exposure both to TV violence and its real life consequences should work to maintain a sensitivity to cues of violence and to their repelling implications.

Further recommendations are to provide violence ratings of all TV programs and require that broad TV offerings, violent and nonviolent, be made available without regard to the profit earned by the TV station. Persons with child development responsibilities should be provided with methods for determining their child's aggression level. These persons should be helped to understand, or assess, the supports, i.e., payoffs, for aggression in the child's natural environment. Behavior management should be treated as important an academic subject at all levels of compulsory school as are the required subjects.

The foregoing recommendations are immediately relevant to the child, his parent, and to television programing. Yet, there are broader actions that could and should be taken. It is clear that the TV industry has great power, both financial and educational. It seems that the interests of the citizenry are poorly protected by the regulatory agencies such as the Federal Communications Commission. The composition and/or the functions of the FCC should be modified to represent better the citizenry whose airways the TV stations borrow.

Another set of actions deals with seeking additional information. We need to have an annual social report which might answer the question "Are we becoming a more violent society?" This annual report could explore how our society, or segments of it, responds to violence on the national and local level as well as on the international level. What are societies' values with respect to nonviolent solutions? Do we offer the potentially violent person a reward for nonviolence or for prosocial behavior?

The foregoing recommendations are both general and specific. We are aware that certain of these proposals, at this point in time may be idealistic. But if concerned citizens are serious in their attempt to stem the tide of violence which pervades our society nothing less than such a program and very likely much more are necessary. Inaccurate and misleading Government documents such as the Surgeon General's Report, serve only to misinform the public and circumvent needed action.

TABLE 1.—MEAN AGGRESSION SCORES AS A FUNCTION OF TV VIOLENCE RATINGS OF PROGRAMS PREFERRED BY BOYS IN 3D GRADE

AGG13

TVVL3	N	Mean	Percent increase
Low	31	51.39	
Medium	139	81.39	59
High	14	164.64	102
Total	184	82.67	

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DEPARTMENT OF MENTAL HYGIENE,
Albany, N.Y., January 27, 1972.
Hon. JOHN M. MURPHY,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN MURPHY: The Surgeon General's Scientific Advisory Committee on Television and Social Behavior in my opinion ignores, dilutes, and distorts the research findings in their report "Television and Growing Up: the Impact of Televised Violence." As a contributor of one of the technical reports whose study dealt with television violence and aggressive behavior in a causal context, I feel that the Committee's conclusions about the causal nature of television violence are hedged by erroneous statements, are overqualified, and are potentially damaging to children and society. In its treatment of my study, the Committee seemingly includes and excludes data contingent upon whether the data support the Committee's viewpoint.

I was distressed to find that the Committee apparently employs innuendo and insinuation in an attempt to discredit the research findings. More astonishing however, was the Committee's attempt to downgrade the magnitude of the relationship between a diet of early television violence and later adolescent aggression by claiming that the statistical relationship ". . . depends almost entirely on a small number of boys at the extreme high end of the preference scale who scored extremely high on the poor-rated measure of aggressive behavior (p. 154)." The Committee failed to note, avoided, or misinterpreted an analysis of variance of the same data in which mean scores of aggressive behavior in late adolescence are significantly related to preferences for low, meduim and high levels of television violence during childhood. The increase in these mean values of aggression is 58 percent as violence preference increases from low to medium and is 102 percent from medium to high. Thus, ten years later, the group preferring a small amount of television violence at age 8 was significantly *less* agressive than the group preferring a moderate amount of television violence. While the group preferring a large amount of television violence was significantly *more* aggressive than the moderate preference group. Rarely, if ever, does a scientific finding hold for every member of a population. In this case the finding holds for *both* the high and low ends of the preference scale amounting to at least 24 percent of the sample. It is simply untrue, therefore, that the relationship between preferred television violence and aggressive behavior holds only for an extremely small number of boys at the high end of the preference scale for television violence.

The Committee's conclusion ". . . that any such causal relation operates only on some children (who are predisposed to be aggressive;) (p. 19)" is unwarranted in the face of the evidence and potentially harmful in its effect. The data demonstrate that not only is preference for television violence synchronously related to the expression of aggressive behavior but also longitudinally. Now, if predisposition to aggression were involved in these results, one would expect to find a significant relationship between two particular variables in this study: childhood aggressiveness and preference for violent television ten years later. The fact is that this relationship did not occur ($r = .01$) which argues against an hypothesis of predisposition. However, at no point in the Committee's discussion of predisposition to aggression was this lack of relationship between these two variables noted. Furthermore, when aggressiveness at age 8 is statistically controlled (by partial correlation technique) the correlation between preference for television violence at age 8 and aggressive behavior at age 19 still remains significant. Thus, it is unlikely that predisposition to aggression enters into the causal relation. The danger to children from the Committee's conclusion is that mothers—understandably ready to believe that their children are not predisposed to be aggressive—now have "scientific" license to permit their children a violent televsion diet.

The first question which must be faced is what event or condition would best account for the Committee's behavior. Since its formation, the Committee has been surrounded by controversy. The spectre of bias in favor of the television industry has been raised and given substance by a well-documented article in *Science*.* A former Committee staff member believed that ". . . the scientific independence of this study has obviously been subverted to some kind of political consideration (p. 949)." The article points out that 5 of the 12 appointees to the Committee have close ties with the television industry whereas the industry, seemingly, was able to veto the Committee membership of seven candidates on the basis of their presumed lack of objectivity. In this respect it seems more than coincidental that of the three written critiques I received of my study from Committee members the one which was destructive, and in my opinion irresponsible, was rendered by an individual mentioned in the article in *Science* as having affiliations with the television industry.

If deliberate bias has indeed entered into the Committee's interpretation and reporting of the research findings, then a serious fraud has been perpetrated on the American public and particularly on American children.

Sincerely yours,
MONROE M. LEFKOWITZ, Ph.D.,
Principal Research Scientist.

YALE UNIVERSITY,
New Haven, Conn., March 6, 1972.

Hon. JOHN M. MURPHY,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE MURPHY: In talking to Monroe Lefkowitz on the telephone this week, I learned that you are trying to see to it that the findings from the studies on television and aggression do not get swept under the rug because of the Surgeon General's wishy-washy report. I am very happy to have taken up this cause and would like to offer whatever assistance I can. If the New York Time's has quoted you correctly, you have expressed many of the thoughts that I have had.

I am enclosing a copy of a short article about our study which Len Eron and I prepared for *American Psychologist*. You may find this somewhat easier to follow than the more technical full report that Monroe has sent you.

My speciality is multivariate statistics, and my role in the research has been primarily that of a mathematician and computer scientist. Hence, if you have questions regarding the mathematical technique invoked in extracting implications about causation from correlational data, I might be able to help you.

Incidently, Monroe may not have mentioned one of the particularly frustrating experiences we had with the Surgeon General's committee. *From the start they expressed a great deal of skepticism about our results including questioning my qualifications as a statistician. I feel no need to defend my qualifications, since my background would speak for itself, and I was quite happy to discover that the committee had asked two independent researchers to critique my analyses* (David Kenny of Northwestern and John Neal of Stony Brook). *It would have been nice if the committee had told us they were doing this,* (we only discovered it when David Kenny called and asked for more data), *but that was not too bothersome. What is upsetting is that the two critiques are not mentioned anywhere in the body of this summary. As you might guess, both critiques, while finding some points of contention, were generally very supportive of our techniques and findings. Apparently, the committee ignored them. They are mentioned in the list of reports submitted, but no where else in the summary. At the same time the committee included all sorts of comments about "statistical problems" and innuendoes about "methodological difficulties" when discussing our report. Why did they not include their own consultant's comment on these topics?*

I do not mean to impugn the integrity of the committee. I am sure they were all trying to do the best they could. However, *the biased nature of the committee membership seems to have led to a compromise where the truth was lost.*

Sincerely,
L. ROWELL HUESMANN,
Assistant Professor of Psychology.

SELF-DETERMINATION FOR TAIWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, on April 1, 1972, I was honored to address a rally before the Lincoln Memorial dedicated to the proposition that Formosans—Taiwanese—should be allowed to determine their own political destiny.

My brief remarks on that occasion were based upon a simple proposition—the United States ought not be in the business of bargaining away other people's rights.

My statement echoes what many other Members of this body have said about many other peoples on many other occasions. But in the case of the Taiwanese, U.S. policies can directly affect how the Taiwanese are governed in the immediate future. I look for growing congressional support for a Taiwan for the Taiwanese. And by this I mean just that—not a Taiwan for Americans, nor a Taiwan for the Japanese, nor a Taiwan for the Chinese, either Communist or Nationalist. And in preparation for giving the people of Taiwan a free choice and a Taiwanese Government if that is what they want—and I think it is—we should encourage the political liberalization of the Chiang regime.

My April 1 remarks follow:

SPEECH BY REPRESENTATIVE DONALD M. FRASER

Many call the Republic of China "Free China." But we know that "Free China" is neither "free" nor "China." A rally like this could not be held today on the island of Formosa. This fact alone tells us that Taiwan is not free. Neither the People's Republic of China, nor the present government of the Republic of China favors letting the citizens of Taiwan freely determine their own political future. These governments fear what we strongly suspect—the Taiwanese, given a free choice, may well choose a political future separate from China and separate from the Chinese regime that now oppresses them.

I strongly support self-determiation for the Taiwanese. We must permit the people of Taiwan to express themselves on their political future. We must not deal over their heads as the Nixon administration appears willing to do. And in preparation for a free choice we should encourage the political liberalization of the Chiang regime.

It should not surprise us that the Taiwanese, given the choice, may choose a destiny separate from China and the Chinese. The link between the mainland and Formosa has never been strong. During the past seventy-five years, Taiwan has been ruled for only a few years by a Chinese regime concurrently ruling the mainland. Consider the bloody events immediately following February 28, 1947, and the years of Nationalist misrule that followed. With these events in mind, the recent few years of political linkage with China or the Chiang years are hardly justification for rule from the mainland or for continued rule by the Nationalist Chinese.

The fate of Taiwan has become a more urgent matter on the agenda of the world community. The recent visit by the President to Peking has concluded with an assertion by the President that since both Chinese governments accept the view that Taiwan belongs to China, it is to those governments that the future of Taiwan should be entrusted.

The attitude of the present U.S. government is spelled out in the President's 1972 Report to the Congress. In that report he says that "With the Republic of China, we shall maintain our friendship, our diplomatic ties, and our defense commitment. The ultimate relationship between Taiwan and the mainland is not a matter for the United States to decide." I fully agree with this last proposition. The President goes on to say, "A peaceful resolution of this problem by the parties would do much to reduce tension in the Far East." One cannot quarrel with the President's prescription for peace. But one of the parties directly involved is the Taiwanese people. No American President ought to suggest the issue can be resolved without recourse to Taiwanese opinion. Neither the government of the PRC nor the Chinese dominated Nationalist government on Taiwan can represent the Taiwanese in any negotiations between the Chinese and Taiwan.

Unfortunately President Nixon has not been the only American policy maker who has ignored the Taiwanese. The Mutual Defense Treaty between the United States and the Republic of China contains a pledge that "The Parties undertake to strengthen their free institutions and to cooperate with each

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*Boffey, P. M., Walsh, J. Study of TV Violence: Seven Top Researchers Blackballed from Panel. *Science*, 1970, 168, 949–952.

other in the development of economic progress and social well-being and to further their individual and collective efforts toward these ends."

Free institutions have *not* been strengthened in Taiwan since the defense pact was ratified by the United States in 1955. And the social health of Taiwanese society cannot be said to be good while Taiwan's sons and daughters languish in Chinese Nationalist jails because they dissent from existing policies and question the legitimacy of the existing rulers.

The United States has little voice or influence on the manner by which the PRC is governed. But the United States bears responsibility for helping to establish and perpetuate on Taiwan the existing repressive Nationalist Chinese government.

We continued massive support for this totalitarian government in the face of a solemn treaty commitment to foster free government. It is time that all the terms of the U.S.-Nationalist China mutual-defense treaty be complied with. It is time for this nation to meet its obligations to the Taiwanese people by encouraging the establishment and growth of free institutions in Taiwan.

Some argue that we shouldn't worry about the Taiwanese. They say that PRC rule of Taiwan would be benign. Others say it would not be worse than the existing dictatorial rule. None of this is very clear. What is perfectly clear, however, is that the President of the United States should not support, as he apparently has, the idea that Taiwan belongs to China without consulting the people whose political fate he proposes to dispose of.

Until such time as the people of Taiwan are given full political rights, we should reconsider continuance of aid to the regime which denies these rights.

It is not necessary to American national security to provide moral and material support to dictatorships of the right. It is, in fact, destructive of the fundamental strength of those parts of the world not subject to Communist rule for the U.S. to give support to regimes such as those that presently misrule Greece, Spain, Portugal and Formosa. Support for these regimes ignores the citizens of these nations who support social progress and the well-being of the common people.

Many of you here today are self-exiled from Taiwan. Your appearance here today, if known to Nationalist authorities, would subject you, if you were lucky, to harassment, or more likely, imprisonment if you returned to your homeland. The government that would inflict this harm upon you, that keeps you from Taiwan, is the government whose friendship President Nixon seeks to maintain.

No resolution of the political impasse now extsting between China and Taiwan can be considered peaceful if it is accomplished by two Chinese regimes that refuse to acknowledge that thirteen million Taiwanese are entitled to determine their destiny. I cannot believe that peaceful U.S.-Chinese relations depend upon our surrendering these thirteen million to a rule they do not want. The United States must make clear that our interest in the Taiwanese is humanitarian. It is not aimed at subverting the PRC.

But we ought not support a deal that ignores the Taiwanese for the sake of limited American foreign policy interests. Nor ought we continue to support the present regime that rules Taiwan. Taiwan for the Taiwanese means just that. It is not Taiwan for the Americans. It is not Taiwan for the Japanese. It is not Taiwan for the Chinese, either Communist or Nationalist. Taiwan for the Taiwanese means that a long suffering people should now be given a chance to govern with their own considerable talents the land they have so long occupied under the cloud of foreign domination.

Only when the Taiwanese are truly represented at a negotiating table will this problem be resolved, not only peacefully, but also in a manner consonant with America's historical commitment to freedom and justice.

THE ENVIRONMENTAL PROBLEMS: SELECTIONS FROM HEARINGS OF THE ENVIRONMENTAL EDUCATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, today marks the beginning of Earth Week, 1972, and it is, therefore, appropriate that I call to the attention of Members of the House of Representatives and Senate an unusual document.

The publication to which I refer is entitled, "The Environmental Problem: Selections From Hearings on the Environmental Education Act of 1970."

The volume is published by the Social Science Education Consortium, Inc., and the ERIC Clearinghouse for Social Studies/Social Science Education, Boulder, Colo.

The editors explained their reasons for publishing these hearings in the following words:

> The editors undertook to prepare this volume in the belief that the extensive reservoir of government documents in this country could provide a valuable learning resource. Unfortunately, such documents, in their original forms are quite unmanageable for normal classroom and study group use. They are exceedingly voluminous and lack detailed reading aids such as indices and content summaries. The editors have attempted to develop an example of how such documents—in this case, the record of the hearings before a House Subcommittee on Education on the Environmental Education Act of 1970—might be made more usable. They have pared the original 856-page document to a more readable length while taking care to retain its essential ideas and flavor. Through summaries in the general and chapter introductions, and by indexing the content of the volume they have sought to give the reader additional help in using the record of the hearings.

The editors of this volume were Irving Morrisett and Karen B. Wiley of the Social Science Education Consortium.

THE ENVIRONMENTAL EDUCATION ACT: WHY

Mr. Speaker, as chairman of the Select Education Subcommittee of the House Committee on Education and Labor, the subcommittee which considered the legislation which resulted in the Environmental Education Act, I should like to explain, in the same words I used in a preface to "The Environmental Problem," why members of our subcommittee and, ultimately, the Congress of the United States wrote this significant new law.

Mr. Speaker, the awakening concern, especially among young people, of the dangers to our environment goes far beyond protests against the pollution of land, air, and water. I believe that the rapidly rising awareness of the environmental crisis in America today reflects a deepening sensitivity to the fundamental values of human life.

Indeed, it seems to me not too much to say that if we do not allow the current intense preoccupation with the issues of ecology to fizzle out and wither away, the new awareness of the deteriorating environment and of its implications for the future of human life can have a profoundly regenerative effect on every aspect of our society.

There have been many descriptions of the ways in which we have befouled the environment of which we are a part. Yet few persons have so eloquently summed up the situation than did the distinguished contemporary American painter, Robert Motherwell, when he testified before my congressional subcommittee during the hearings which are the subject of this book. Here is what Mr. Motherwell said:

> I suppose America began as a few people on a vast tract of land, so vast that one could be as greedy and wasteful as one wanted, and there was still more. That time is gone. Now there are millions of people and millions more in the offing, and the vast land is a park filled with waste—rusting cars, bottles, garbage, enormous signs seducing you to buy what you don't want or need, housing projects that don't show a rudimentary sense of proportion in any shape or line or material—suburbs that are a parody of the barrenness of the Bronx and the gaudiness of Las Vegas.
>
> Indeed, if God had said to a group of men, "Here is a vast park of millions of square miles. Let's see how quickly you can cover it with everything that is an affront to the human spirit, and above all be certain that it is done on a scale of such extravagance and waste and lack of regard for the sensibilities of the inhabitants of the other parks in the world," then we might by definition call that group of men that God so addressed Americans.
>
> No wonder our youth are up in arms!

Mr. Speaker, in recent years the Congress of the United States and successive Presidents have moved to respond to this frontal assault on what Kenneth Boulding has called spaceship earth. Senators EDMUND S. MUSKIE of Maine and GAYLORD NELSON of Wisconsin and many others in Congress have helped write a whole series of measures aimed at enhancing our capacity to protect the environment and prevent its pollution.

Yet I believe—and I do not think that champions of clean air, land, and water would disagree—that if we are to be able to make substantial progress in meeting our ecological crisis, we are going to need a citizenry informed and educated about the whole spectrum of issues that are called environmental; and we are going to require as well changes in basic attitudes toward the environment and man's place in it.

That is why, Mr. Speaker, on February 17, 1970, several colleagues and I in the House of Representatives introduced the Environmental Education Act, a bill to authorize Federal funds to support elementary and secondary school courses on ecology, as well as curriculum development and teacher training for environmental studies.

On October 30, 1970, President Nixon signed this measure into law, but not until after 13 days of the public hearings, which are the subject of this book and after several more "markup" sessions on the part of the Select Education Subcommittee of the Education and Labor Committee of the House of Representatives.

THE LEGISLATIVE PROCESS

Mr. Speaker, we all know that the process by which an idea for a legislative proposal finally becomes a law varies from measure to measure but within broad outlines the steps are similar.

Initiatives for new bills come from many sources: someone in the executive branch of the Government, a spokesman for an interest group, a professor, or a businessman. In the case of the Environmental Education Act, however, the concept was generated from within Congress. Four Members of the House of Representatives—two Democrats, JAMES SCHEUER of New York and I, and two Republicans, OGDEN REID of New York and ORVAL HANSEN of Idaho—collaborated to draft the bill. The four of us, all concerned about the environmental crisis and all members of the congressional committee with responsibility for education legislation, became convinced that new approaches and new content in education could play a significant role in producing the informed citizenry we need to meet the spectrum of problems we call environmental.

Senator GAYLORD NELSON, our distinguished colleague from Wisconsin, who has established himself as a principal spokesman in the Senate on environmental questions, introduced an identical bill for to become law, of course, a bill must be passed by both Houses of Congress.

The House bill was referred to the Education and Labor Committee and by its distinguished chairman, the Honorable CARL D. PERKINS of Kentucky, to the Select Education Subcommittee, which I chair.

Because the bill originated in the House, we gave it extended consideration, starting with hearings in Washington on March 24, 1970, and continuing in New York City, San Francisco, and Los Angeles.

These hearings, like other congressional hearings, serve to inform the committee members of key issues raised by the legislative proposals; afford a forum for suggestions for improvement by expert witnesses; and give public visibility to a significant national problem.

OUTSTANDING WITNESSES

Mr. Speaker, among those testifying on the Environmental Education Act were ecologists like LaMont Cole; educators such as Edward Weidner; the economist, Kenneth Boulding; the anthropologist, Margaret Mead; and students like Karen Buxbaum, Bryce Hamilton, and Denis Hayes, for young people have contributed richly to the new sensitivity to ecology.

We listened as well to some voices that might not have been expected to testify before Congress on such a bill. The painter, Robert Motherwell, and Joseph Sittler, a theologian from the University of Chicago, were invited to lead off the hearings because we wanted to establish at the outset that in discussing the environmental crisis, we were talking about far more than dirty air, land, and water. Rather, we were discussing the fundamental values of human life.

As Professor Sittler said:

> What man does with the world-as-nature is a result of what he thinks about nature; it is shaped in the profoundest care of what he feels about the natural world, what evaluation he has of the world of things and plants and animals.
>
> And when man so uses nature as to deny her integrity, defile her cleanliness, disrupt her order, or ignore her needs—the reprisals of insulated nature often take a slow but terribly certain form. Nature's protest against deflement is ecological reprisal.

If there was one theme, then, that emerged again and again during our hearings, it was that we must have basic changes in our values and in our attitudes toward the environment of which we are a part, and that education, especially in schools, could play a significant part in shaping those values and attitudes.

Mr. Speaker, I should like here to pay tribute to the able legislators whose initiative and effort were chiefly responsible for writing the Environmental Education Act into law—to Congressmen JAMES SCHEUER and OGDEN REID of New York, one an urban, the other a suburban legislator, but both men deeply sensitive to the environmental challenge, as were two other outstanding Representatives, both from the West, LLOYD MEEDS of Washington and ORVAL HANSEN of Idaho. As I have said, principal credit for Senate approval of the legislation must be assigned to Senator NELSON.

I must also here not fail to pay tribute to the splendid work of the staff of the Select Education Subcommittee, in particular to the subcommittee counsel, Jack Duncan, and to Arlene Horowitz, Ronald Katz, Martin LaVor, and Maureen Orth. Miss Orth made an especially valuable contribution through her imaginative scheduling of witnesses for the hearings.

The actions of congressmen in hearing testimony before the subcommittee and then in amending and modifying the original bill where necessary and appropriate during "markup" sessions are usually the most detailed work done in writing new laws.

STRONG BIPARTISAN SUPPORT IN CONGRESS

After a subcommittee has approved a bill, as the Select Education Subcommittee approved the Environmental Education Act on June 24, 1970, the measure is "reported out" to the full committee, which can further amend it. A favorable vote by the Committee on Education and Labor sent this bill to the floor of the House of Representatives, which passed it by a vote of 228 to 28, on August 3, 1970. The Senate approved it, 68 to 0, on September 9, 1970.

When the Senate and House pass different versions of a bill, it is common for a conference committee, composed of members of the Senate and House committees which handled the legislation, to write a compromise bill. In the case of the Environmental Education Act, however, the Senate accepted the House bill in its entirety, and it became the law of the land with the President's signature.

I should here make clear that the signing of a law authorizing a program does not mean that funds to carry it out automatically become available. Congess must then pass a seperate bill appropriating the money.

Mr. Speaker, last year Congress approved an expenditure of $2 million for the current 1971 fiscal year for programs authorized by the Environmental Education Act. The administration of President Nixon, which originally opposed passage of the Environmental Education Act and subsequently opposed any appropriations for it, is now, I am pleased to say, considering applications for grants under the new law.

Unfortunately, however, Mr. Speaker, the present administration has not yet given any evidence of long-term commitment to adequate financial support of environmental education. It is also, however, accurate to state that we in Congress, both Democrats and Republicans, have, with passage of the Environmental Education Act, made clear our conviction that sound environmental action presupposes a citizenry informed and educated about the environment.

But, even given adequate funds, a law to be effective must be more than ink on paper. The efforts of business and industry and government on all levels, the commitment of citizen groups and the actions of concerned individuals, are what make laws have real effect on the society in which we live.

I hope, therefore, that this book of selections from the hearings will encourage and inspire its readers to make their own contributions to the education of Americans about our environment.

THE VOLUME

Mr. Speaker, I should like here to note that those who wish to purchase "The Environmental Education Problem: Selections From Hearings on the Environmental Education Act of 1970" may do so—paperback, $6.95; hard cover, $8.95—from either of its publishers, both nonprofit organizations:

Social Science Education Consortium, Inc., 855 Broadway, Boulder, Colorado 80302, Order No.: Publication No. 140.

ERIC Document Reproduction Service, P.O. Drawer 0, Bethesda, Maryland 20014.

SIXTY-NINE DAYS, AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, more than 2 months ago, on February 7, Chairman Wilbur Mills of the House Ways and Means Committee wrote President Nixon asking him to forward to the Congress by no later than March 15, a comprehensive tax reform package that would eliminate "preferences and so-called loopholes in the Federal income, estate, and gift tax system." Without wholehearted Presidential leadership there is great doubt that such a package could be enacted.

March 15 has come and gone, without a word from the President on tax reform.

We are left with the worst budget deficit since World War II, with continued unemployment and inflation, with a request to increase the national debt by $50 billion, and with a taxpayers' revolt clearly brewing. That taxpayers' revolt comes from the realization by the average taxpayer that while the burden of local property taxes, State sales taxes, and Federal payroll taxes gets constantly worse, a few well-to-do taxpayers are able to escape their just share of taxes—and then some—by taking advantage of various loopholes in the Federal tax structure.

The voters must judge whether Mr. Nixon really wants to plug tax loopholes.

The voters must judge whether the contributions Mr. Nixon's campaign has received from the very interests which benefit by tax loopholes leave him in a position to decide fairly and objectively whether to close those loopholes, at the risk of biting the hand that has just fed him.

Let us take a look at some of the most flagrant tax loopholes, at some of the special interests that benefit from them, and at some of the campaign contributions those special interests have made to Mr. Nixon's campaign. It may help the voter determine whether they can afford Mr. Nixon as their President for the next 4 years.

Not long ago, Vice Adm. Hyman Rickover testified before the House Appropriations Committee:

> The events that led to the French Revolution can teach us a lesson.

America today may not have noblemen as in the time of Louis XVI, but it does have "privileged segments of the population" who enjoy great wealth while bearing only "a small share of the burdens of citizenship."

Rickover declared:

> Capital gains, depletion allowances, and tax-free bonds provide loopholes for the upper class taxpayer who is able to take advantage of them. The middle classes rarely can . . . Those who benefit most from present tax laws are also those best able to make large campaign contributions.

Let us see whether Admiral Rickover is on the right track:

CAPITAL GAINS

Well-to-do taxpayers deprive the Treasury of at least $3 billion a year by taking advantage of the capital gains at death loophole. Under this loophole, someone who has bought stock in a corporation for $10 which is now selling at $100, of course must pay a tax on the $90 gain if he sells it. But if he holds it to his death, he escapes entirely any taxation whatever on the $90 gain, and whoever inherits the stock from him can later sell it for $100 without any tax whatever. It is this loophole which is of particular value to the wealthiest people of this country.

In the 1968 campaign, 40 out of 66 individuals with a net worth of $150 million or more contributed to Republican campaigns, totaling $1,377,313 as opposed to 12 contributing to Democratic campaigns, totaling $106,488. That is 13 to 1.

The following list includes many of the largest GOP contributors, according to net worth. This and later data is taken from campaign contribution records compiled by the Citizens' Research Foundation of Princeton, N.J., and from Congressional Quarterly. As Congressional Quarterly notes:

> Because of loopholes in the Federal Corrupt Practices Act of 1925, these figures must be considered the minimum contribution for each individual. The Act does not apply to state elections, primary campaigns or campaign committees operating within one state.

Those worth $500,000,000 to $1,000,000,000 (4)

Name	*GOP contribution for 1968*
H. L. Hunt	$4,000
Asa Melon Bruce (dec)	30,000
Paul Mellon	47,000
R. King Mellon	65,000
$3,000,000 to $5,000,000 (1)	
William L. McKnight (Minnesota Mining & Manufacturing)	44,000
$200,000,000 to $300,000,000 (16)	
Mrs. W. Van Alan Clark (Avon)	6,000
John T. Dorrance, Jr. (Campbell Soup)	20,101
David Packard	11,000
Amory Houghton (Corning Glass)	19,500
Forrest E. Mars (Mars Candy)	4,000
Mrs. Jean Mauze (Abby Rockefeller)	8,000
David Rockefeller (Chase Manhattan)	20,500
John D. Rockefeller III	17,500
Laurence Rockefeller	23,500
Nelson Rockefeller (includes $356,000 to own campaign)	483,500
Winthrop Rockefeller	6,500
Cornelia Scaife Mey (Melon)	52,000
Richard Mellon Scaife	55,462
DeWitt Wallace (Reader's Digest)	35,900
Mrs. Charles Payson (Joan Whitney)	28,000
John Hay Whitney	57,500
$150,000,000 to $200,000,000 (11)	
Lammot DuPont Copeland	14,000
Henry B. DuPont	3,000
Benson Ford	41,000
Mrs. W. Bihl Ford II	4,500
Helen Clay Frick	19,500
William T. Grant (W. T. Grant)	4,000
Bob Hope	16,000
Peter Kiewit (construction)	9,000
Mrs. Lester J. Norris (Dellora F. Angel)	7,000
E. Claiborne Robbins (A. H. Robbins Drugs)	2,500
W. Clement Stone (insurance)	200,000

The 1,013 officers and directors of the 25 largest industrial corporations listed in the 1968 Fortune Directory favored the GOP by a 6-to-1 margin in 1968 campaign contributions. The GOP received a total of $782,839 from these tycoons, while the Democrats got $132,150.

DEPLETION ALLOWANCES

The depletion allowances given the oil and other extractive industries continue to be a scandal. In 1970—after the Tax Reform Act of 1969—Gulf Oil Co. had an income before taxes of almost $1 billion—$990 million. On this it paid a tax at the rate of 1.5 percent, because of the depletion allowance and other tax loopholes. Meanwhile, the widow at Gulf who cleans the president's office, and makes $6,500 a year, pays a Federal income tax at a rate of around 7 percent—nearly 5 times higher. How is that for tax justice?

The oil industry's 1968 campaign contributions to the Republicans were very substantial.

Three of Standard of California's board members contributed a total of $5,500 to the 1968 GOP campaign—treating the contributions of wives as attributable to their husbands—with the largest contribution $3,500 from Mr. and Mrs. J. A. McCone of San Francisco.

Two Mobil directors contributed $1,000 each to the GOP campaign.

Seven of Texaco's directors contributed a total of $31,500 to the GOP, including contributions of $18,000 from Mr. and Mrs. Ogden Phipps, of New York, and $7,500 from George Parker, Jr., of San Antonio, Tex.

Three of Gulf's directors contributed a total of $13,500 to the GOP, including contributions of $10,000 from Mr. and Mrs. Edwin Singer and $2,500 from J. M. Walton. All told, Gulf executives contributed $73,800 to Republicans and nothing to Democrats.

In addition to the above, 52 directors and honorary directors of the American Petroleum Institute contributed a total of $429,366 to the 1968 GOP campaign, while 13 directors and honorary directors contributed $30,606 to the Democrats.

Of particular interest, Robert O. Anderson, board chairman of ARCO—the company with the most critical interest in developing Alaska's North Slope—contributed $44,000 to the GOP in 1968, nothing to the Democrats. ARCO directors contributed a total of $65,000 to GOP committees that year and nothing to the Democrats.

Mr. Anderson shares the honor of top GOP contributor in 1968 with another oilman, Californian Henry Salvatori, who—with wife—contributed $90,000 to the GOP, nothing to the Democrats.

TAX-FREE BONDS

A particular bonanza to wealthy investors is the tax-free municipal bond. This loophole could be plugged under legislation proposed by House and Senate Democrats whereby the municipalities would retain their exemptions if they wished, but an additional option would be open to them of issuing taxable interest-subsidized bonds. Such a reform would, it is estimated, save the Treasury $100 million a year by cutting down on this preference for wealthy taxpayers.

Treasury Secretary John Connally recently denounced tax reform, specifically defending the oil depletion allowance and the tax-exempt status of municipal bonds.

By far the largest holders of municipal bonds are the banks, particularly the big ones.

The 12 largest banks in the country from the standpoint of their holdings of tax-free State and municipal obligations as of December 31, 1970 are:

State and municipal obligations (12)

Bank	*Millions*
Bank of America, San Francisco	$2,488,846
Chase Manhattan Bank, New York	1,591,108
First National City Bank, New York	1,117,995
Security Pacific National Bank, Los Angeles	800,158
Continental Illinois National Bank & Trust Company, Chicago	765,664
Morgan Guaranty Trust Company, New York	719,180
Chemical Bank, New York	688,470
First National Bank of Chicago	662,789
Manufacturers Hanover Trust Co., New York	659,271
Mellon National Bank and Trust Co., Pittsburgh	642,338
Crocker-Citizens National Bank, San Francisco	607,334
Wells Fargo Bank, San Francisco	574,302

Recorded contributions of $500 or more to the Democratic and Republican campaigns of 1968 by the directors and principal officers of these 12 banks total:

Bank	Contributions— Democratic	GOP
Bank of America	0	$15,500
Chase Manhattan Bank	$2,500	113,266
First National City	4,000	43,100
Security Pacific National	1,000	29,500
Continental Illinois	500	18,000
Morgan Guaranty Trust	0	44,601
Chemical Bank	0	36,232
First National Bank of Chicago	0	25,000
Manufacturers Hanover Trust Co.	0	8,000
Mellon National Bank & Trust Co.	0	131,062
Crocker-Citizens National Bank & Trust Co.	5,000	24,000
Wells Fargo Bank	1,450	19,500
Total	14,450	478,261

Other prime beneficiaries from the municipal bond business are the law firms which assist the underwriters of such bonds.

The most active such law firm is the New York firm of Mudge, Rose, Guthrie, and Alexander, whose partners until 1968 included Mr. Nixon and John Mitchell, later Attorney General.

For doing the legal work on bonds issued by the new Post Office, according to Time magazine for April 10, 1972:

> Mudge, Rose may collect $1 million or more in fees over ten years if it acts as counsel for all $10 billion of bond offerings. What the whole affairs seems to illustrate is an old-school-tie network in operation among financiers, Wall Streets lawyers, and Administration officials.

These Post Office bonds, incidentally, were not tax-exempt.

With Mr. Nixon running again, and with Mr. Mitchell as his campaign manager, any threat from the White House to the tax-exempt bond loophole is remote.

One could go on to many other loopholes. Another loophole which is in the various Democratic loophole-plugging packages has to do with the present law, whereby a foreign subsidiary of a U.S. corporation pays a U.S. income tax only on that portion of its income which is repatriated to the United States. Thus, the XYZ electronics plant in Philadelphia is tempted to close down its plant, there and set up a plant making the same widgets across the Rio Grande in Mexico; in Europe; or in Korea, Taiwan, Hong Kong, or Singapore. Machines and know-how are readily transferred, and the wage rate there is a fraction of the U.S. rate. But the last straw is the tax law. If the XYZ electronics company operates in Philadelphia, it must pay a U.S. corporate income tax, at 48 percent, on all its net income, whether paid in dividends or not. To the extent that it operates abroad, and allows its income to accumulate there, it pays no U.S. income tax whatever.

The large multinational corporations which benefit by this loophole were especially generous to the 1968 Republican campaign. Thus, officials of General Motors gave $114,675 to the Republicans and $1,000 to the Democrats. DuPont officials gave $42,800 to the Republicans, nothing to the Democrats. International Business Machine officials gave $140,250 to the Republicans, $32,000 to the Democrats. Olin Mathieson Chemical Corp. officials gave $58,300 to the Republicans, $3,000 to the Democrats. Pan American World Airways officials gave $34,500 to the Republicans, nothing to the Democrats. Standard Oil of New Jersey officials gave $12,000 to the Republicans, nothing to the Democrats. Trans World Airlines officials gave $45,200 to the Republicans, $2,500 to the Democrats.

A vote for Mr. Nixon looks like a vote for leaving tax loopholes unplugged.

LITTON SHIP PROGRAMS IN TROUBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, today I am asking the General Accounting Office to undertake an investigation of a claim by Litton Industries for $455 million in inflation charges on the 30 ship DD-963 destroyer program. Currently, the Navy estimates that escalation and other cost growth will account for a $310 million increase in the program. However, Litton says that the total on its contract alone will be $455 million.

Thus, there is a discrepancy of at least $145 million between the Navy's estimate and Litton's estimate. In addition, it is important to note that the Navy's estimate of $310 million is all inclusive. It takes into account not only the contract with Litton but other contracts and costs incurred inside the Navy. Thus, $145 million is, in fact, the minimum discrepancy between the claims of Litton and the estimate of the Navy.

The original contract price for 30 ships to be built at Litton signed on June 23, 1970, was for $1,789.2 million. That cost has now risen according to Litton to $2,244.2 million. Apparently Litton Industries is asking for a 25 percent increase in the cost of each ship based on inflation only. As a result I am requesting that the General Accounting Office thoroughly investigate the possibility that Litton Industries is planning to request some unjustified escalation claims.

As many of my colleagues may already know, the Defense Department's own audit agency discovered that between 1969 and 1971 Litton charged to the Government $7 million worth of work that was actually done on commercial vessels.

This 25-percent increase is also in marked contrast to very recent estimates by the Navy. Last November, Assistant Secretary of the Navy, Mr. Frosch, estimated that 14 percent of the program cost would be the result of escalation. What is even more disturbing is that the 25-percent increase is more than eight times the escalation charges on the DE-1052 class, the newest destroyers in the Navy's fleet.

As many of my colleagues know, the House Armed Services Committee, today is beginning a series of hearings on shipbuilding costs particularly at Litton Industries, Pascagoula, Miss., yard. I am pleased the Armed Services Committee had decided to conduct this investigation. The decision by the distinguished gentleman from Louisiana, the chairman of the Armed Services Committee (Mr. HÉBERT) and the distinguished gentleman from Illinois, the ranking minority member of the committee Mr. (ARENDS) is a very wise one. I have been most concerned that these costly and important Navy programs were running into serious difficulty at Litton's facility in Mississippi.

On this first day of hearings by the House Armed Services Committee, I would like to take the opportunity to review with my colleagues some of the major problems with these programs.

The original landing helicopter assault ship—LHA—contract provided for the building of nine ships at an estimated program unit cost of $153.4 million. The Navy estimated that the total cost of the program would be $1,380.3 billion. In January 1971, the Navy decided to cut back the number of LHA ships from nine to five. The Navy claims that the cutback was the result of changes in force level requirements. However, it is clear that when the Navy made its decision in January 1971 that major problems were developing at Litton Industries, Pascagoula, Miss., shipyard.

As the result of the Navy's cut, the total estimates cost of the program has decreased to $960 million but the cost per copy of the LHA ship has risen to $192 million. The Congress last year appropriated $109.7 million as a cancellation fee for not building four ships.

Thus far the Congress has appropriated $941.7 million for the LHA program. However, the Congress must now appropriate at least an additional $19 million to cover the estimated program cost of $960 million. In addition, Litton Industries has informed the Navy that they expect to reach ceiling on the LHA contracts incurring additional costs totaling $104 million. Thus, the Congress will be required to appropriate at least an additional $123 million.

There are also significant delays in the delivery of the LHA ship. Adm. I. C. Kidd, the Chief of Naval Materiel Command, has told Sen. PROXMIRE's Subcommittee on Economy in Government, that the first LHA ship will be 19 months late. The latest information provided by the selected acquisition reports indicates the program will be 18 months late. There are reliable reports that the last and fifth LHA will be delivered 2 years late. Original plans called for delivery of the first ship in November 1973 and now the ship may not be delivered until late 1975.

In its staff study in February 1972, the General Accounting Office reported that the Navy had undertaken an independent audit to determine exactly how late the LHA ships would be because the information provided by Litton Industries was—in the Navy's view—not satisfactory. The report of that audit was due last month but the results have not been announced.

At the beginning of this month Litton Industries submitted a proposal to the Navy concerning changes in the LHA contract. Subject to negotiation are late deliveries, claims, increased escalation costs, and all events that had an impact on the cost of the LHA. At the moment it is not clear what Litton Industries negotiating position is or what the position of the Navy is. According to the current contract, the Navy may collect up to $600,000 for each ship that is delayed beyond the contractors proposed guaranteed delivery dates. However, guaranteed delivery dates are not entered into until 9 months prior to the original dates contained in the contract. Also during that 9-month period guaranteed delivery dates are established. Failure to meet those dates can result in a charge of $20,000 per day up to a maximum of $1.2 million per vessel. The original date for LHA 1 was March 30, 1973 but that date has been change to April 1, 1974 through an interim memorandum of agreement between the Navy and Litton Industries. Thus, according to the contract itself, the Navy will only be able to collect delivery delay charges if a specific date is set 9 months before the dates contained in the memorandum of agreement and the ship is not delivered on time.

The result of the memorandum of agreement has been to provide a giant cushion of more than a year protecting Litton from paying the Government liquidated damages.

It is my belief, Mr. Speaker, that Litton Industries must compensate for its delays in the LHA program. I hope that the Navy will require that Litton Industries propose guaranteed delivery dates 9 months prior to the original dates in the contract not the dates contained in the memorandum of agreement. This would mean that on June 30, 1972 Litton would be required to propose a guaranteed delivery date on LHA 1. The failure to meet that proposed guaranteed delivery date or a guaranteed delivery date would result in the payment of liquidated damages totaling at least $600,000 and possibly $1.2 million.

Rather than scramble the dates and provide additional time to the contractor, the Navy must make Litton Industries compensate for its own inability to perform the job as outlined in the contract.

It is my hope that during these hearings before the House Armed Services Committee the Navy will fully inform the Congress of its position and Litton's position in the current negotiations. Furthermore the Navy should provide the committee with a proposed final settlement between the two parties for the committee's review.

Having discussed delay deliveries and cost problems on the LHA program, I would now like to turn my attention to the DD-963 program.

As I stated earlier, the most shocking development in that program is the $145 million discrepancy between Litton's estimated escalation cost and escalation cost estimated by the government. As a result, I have asked the General Accounting Office to investigate.

As with the LHA program, Litton Industries is accounting both cost problems and delays on the DD-963. The Chief of Naval Operations Admiral Zumwalt, has told me that he guesses that the DD-963 will be 6 months behind schedule. Litton Industries, despite the delays on the LHA program and problems at its Pascagoula yard, maintains that it can meet the schedule on the DD-963. One of the major questions that I hope the hearings before the Armed Services Committee will disclose, is exactly how great the delay on the DD-963 program will be. The Navy has readily admitted that delays on the LHA program might easily impact on the DD-963 program, creating significant delays possibly even greater than 6 months.

The design phase of the DD-963 was scheduled to be complete in August 1971. At the moment all of the design phase has not yet been ended. This kind of delay could easily impact on the actual production of the ship and the DD-963 could wind up as late or possibly later than the LHA.

The first DD-963 is scheduled for completion in October 1974. From October 1974 to July 1976, 9 DD-963's are scheduled to be launched. Then during the period July 1976 to July 1978—that is 2 years—21 ships are scheduled to be completed. The problems that the Pascagoula shipyard have encountered thus far raise serious doubts about the ability of Litton Industries during a 2-year period to produce 21 ships. The Navy should inform the Armed Services Committee whether the current schedule for the DD-963 is realistic or not.

The DD-963 has also encountered serious cost problems. Original estimates of the cost of the DD-963 was as low as $19.7 million. Presently the ship is estimated to cost $90.5 million. The original contract price of the DD-963 was $86 million. Thus, the price of the ship has already risen by $4.5 million per copy since the contract was signed with Litton Industry in June 1970.

Careful study of the DD-963 program also indicates that there may be additional problems developing. According to Assistant Secretary Frosh, $75 million was originally set aside for the electronic warfare suit on the DD-963. On August 12, 1971, the Navy signed a letter contract with Hughes Aircraft in Fulerton, Calif. for research and development and the purchase of two ANSQL-17 threat reactive subsystems. This threat reactive subsystem will be one of three major components in the electronic warfare suit. The cost of the first two SANSQL-17 subsystems is $6.5 million. If this per copy cost on the SQL-17 holds then it will take $97.5 million to pay for this one subsystem. When R and D money is added, the total cost comes to $108 million. Hence, the Navy's original estimate of $75 million for electronic warfare is incorrect and a $24 million cost overrun has already occurred.

In addition, the electronic warfare suit will consist of 2 other systems—the AN-WLR-8 surveillance receiver and the Mark 48 mod Four CHAFFROC system. The cost of these items are not known and the Navy has not yet signed any contract for the purchase of this equipment for the DD-963. Hence, electronic warfare suit which according to the latest selected acquisition report, has not been finalized will be the victim of a major cost overrun. In fact, that report indicates that the Navy has "a funding reservation" about the inclusion of the CHAFFROC system.

The Navy also may wish to backfit certain systems on the DD-963 which are not currently included in the cost. Among them are the Standard Missile and a heavier gun. The Navy has not announced any definite plans about the Standard but its inclusion could further raise the cost of the DD-963. The original plans for a DX which was the original designation of the DD-963, called for an eight inch gun. Now the ship is mounted with two five inch guns. There is a real possibility that the Navy hopes to backfit an eight gun on the ship which again would increase costs.

When the original contracts for the DD-963 were in negotiations, it was clear that the cost of the ship might rise far beyond what the Navy hoped to pay. In order to keep costs down, the Navy switched a great deal of material for the ship from contractor furnished to government furnished equipment. While there was a temporary savings in the original cost of the contract as a result of this switch, the Navy undertakes a series of risks. If the Navy fails to deliver any single piece of equipment on a given day for a given ship, either the cost will rise or Litton will be entitled to file a claim against the Navy. Hence, the Navy has set up for itself hundreds of delivery dates. Missing any one of these dates could result in increased cost and claims. The following items were switched from contractor furnish to Government furnished equipment: guided missile launching system, guided missile fire control system, ship board ASROC launching system, radar air search, and underwater command set. The total savings involved between these switches was $1.8 million according to the GAO. Any single slippage could probably wipe out that savings overnight and result in huge cost overruns.

Delays and cost problems on both the LHA and the DD-963 have been the result of startup problems at Litton's new facility. In terms of concept and design, Litton has taken a revolutionary approach to shipbuilding that if successful, would greatly improve both efficiency and costs in our shipbuilding industry. However thus far the experience of Litton has resulted in neither increased efficiency or lower costs.

In October 1968 Litton won a contract for 7 merchant marine ships including four container ships for the Farrel Line. Three weeks after launching, the superstructure of the first Farrel container ship sank by ½ inch. There is no doubt the Farrel Line is very dissatisfied with the shoddy construction on the ship and delays in its delivery.

There have also been significant labor problems at the Pascagoula facility. Difficulty has been accounted in recruiting both skilled labor and managerial personnel. The turnover rate at the new west bank facility has been twice that at the old east bank facility reaching levels as high as 50 percent per year. Litton has also undertaken a major recruitment program of skilled managerial personnel which I understand has been quite successful.

In addition to labor problems, there have been production problems at the yard forcing the movement of some ships from the new west bank yard to the east bank facility. Several of the merchant marine ships which initially were scheduled to be built in the west bank yard are now being constructed on the other side of the river. In addition, some of the LHA ships have been moved to the old yard and some DD–963's may be constructed in the older and traditional facility.

In sum, Mr. Speaker, we have a huge mess on our hands. The Navy chose during a 13-month period to pour more than $3 billion for 39 ships into a brand new and untested shipyard. The result thus far has been nothing less than disastrous. Cost overruns, delays, and now a series of complex negotiations between the Navy and Litton have been the result. It is no secret that now Litton expects a major increase in the cost of the LHA program.

It is my hope that the Navy will answer all these serious questions that I have raised during the next several weeks. It is also my hope that the Navy will hold Litton to its original contract, and not grant huge price increases to Litton. The Navy and the Congress must resist the temptation to bail Litton out.

The letter to Mr. Staats follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 17, 1972.

MR. ELMER STAATS,
Comptroller General of the United States, General Accounting Office, General Accounting Office Building, Washington, D.C.

DEAR MR. STAATS: I am writing to you to request the General Accounting Office undertake a study of escalation charges in the 30 ship DD–963 program. In its latest Selected Acquisition Report (SAR) for the DD–963, the Navy estimates that the cost of escalation will be $309.6 million. In the same report the Navy also indicates that it has revised its method of computing escalation and the result has been an increase of $136.5 million in estimated cost growth. Later in the same report an increase of $455 million as recorded "due to including contractors estimate of escalation". Apparently there is a discrepancy in the estimate of escalation cost by the Navy and Litton of approximately $145 million.

Specifically, I hope that the General Accounting Office will evaluate:

1. Has Litton Industries realistically evaluated the escalation charges for the DD–963 program? Are all the costs reflected in the $455 million the result of escalation and cost growth?

2. Why is there a discrepancy of $145 million between the Navy's estimate of escalation and Litton's estimate of escalation? Is the Navy including escalation charges under other items in the Selected Acquisition Report (SAR)?

I also hope that the General Accounting Office will be able to determine if all of the escalation estimates by both the Navy and Litton Industries seem to be reasonable and within guidelines established by the Bureau of Labor Statistics.

A member of my staff, William Broydrick, is ready to discuss details of the studies with any member of your staff.

Thank you very much for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

THE BOMBING OF NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 60 minutes.

Mrs. ABZUG. Mr. Speaker, the American people have made it clear time and time again that they want this Nation to get out of Vietnam and to get out now.

They want this withdrawal to include not only our men, but our planes, and our bombs, too.

They want it to be contingent solely upon the release of our prisoners of war.

They do not want it to be contingent upon the continued existence of the corrupt Thieu dictatorship or upon the destruction of the North Vietnamese people and nation.

It has been so long since the will of the American people became apparent that it is truly incredible to see this administration reescalating the death and destruction and returning us to the dark days of 1967 and 1968.

The Pentagon's own studies have stated that massive bombing of the North has no noticeable effect upon the flow of supplies to the South. Why then are we bombing? The fact of the matter is that Vietnamization has been an abject failure, as it was doomed to be from the beginning. The South Vietnamese military is no better able to defend itself from the people of Vietnam than it was 2, or 3, or 10 years ago. Mr. Nixon, recognizing the political impossibility of recommitting American ground forces to this futile conflict, thinks that if he devastates North Vietnam from the air, he will somehow secure the position of the Thieu government. There is no other conceivable reason for his action. The Defense Department's own studies show that the bombing will not stop the flow of supplies, and will, therefore, be of no use in "protecting" the American troops who remain in Indochina.

Mr. Speaker, this morning's New York Times carried an editorial which notes that:

> Every new air raid means more pilots shot down and captured.

Since it is clear at this point that our prisoners will not be returned while we bomb North Vietnam and maintain a substantial military presence in the South, it is plain that Mr. Nixon's primary interest in the POW's is their use as pawns, for his actions only serve to prolong their detention and to increase their numbers. The Times editorial is an excellent one, and I wish to read it in full at this time:

[From the New York Times, Apr. 17, 1971]

OF BLOOD AND SLOGANS

Slogans can have a fateful significance.

Taking office in 1969 on a pledge "to end the war and win the peace," President Nixon made a fateful decision concerning the true content of that vague but beguiling campaign slogan. "Winning the peace," he decided, meant that an anti-Communist Government had to be consolidated in power in South Vietnam. Otherwise the "peace" would be lost because additional military effort by the Communists would soon bring them the victory they have long sought.

Since the United States and its South Vietnamese allies had not conclusively defeated the Communists on the field of battle, there was no immediate visible way to "win the peace" in Mr. Nixon's special sense of that term. As a result, "ending the war" had to be indefinitely postponed and the subtly but significantly different objective of "winding down the war" had to be substituted. Even this phase had to be defined in a special sense. The war itself was not wound down; on the contrary, it was extended to Cambodia and Laos and American bombing greatly increased. What was "wound down" was the scale of American involvement in the ground fighting.

When these special Nixonian interpretations have been decoded, that 1968 promise "to end the war and win the peace" translates into ordinary English as a promise "to continue the war until the enemy concedes defeat and accepts American peace terms."

Would the American people have accepted Mr. Nixon's leadership four years ago if they had understood the true import of his slogan? The question is unanswerable. What can be said is that the Communist forces in Vietnam are not prepared to accept Mr. Nixon's special definitions. The bloody fighting of the last ten days demonstrates that the war was not ended.

South Vietnam's Army has been able to achieve at least a temporary stalemate but on terms that have ominous implications for long-term American involvement. Only massive American bombing, including heavy raids in North Vietnam itself, enabled the South Vietnam forces to halt the Communist advance. And it is the precarious position of South Vietnam's embattled forces that has led to the weekend's American escalation of the air war near Haiphong and Hanoi.

If American air support on a large scale is the essential prerequisite for staving off a South Vietnam defeat, the United States may be fighting an air war in Southeast Asia for several more years—on and on into the indefinite future in an elusive effort to "win" an ever-receding "peace."

America's involvement in the Vietnam war cannot be satisfactorily ended until this country obtains the release of its prisoners of war. Every new air raid means more pilots shot down and captured. The number of American prisoners steadily grows. Thus, every raid not only brings death and devastation to Vietnam but postpones the end of the war.

> The war is being fought to determine the political future of South Vietnam. Since the United States cannot win the war by means acceptable to the American people, it has to achieve peace by a political compromise with its Communist adversary. A negotiated settlement is the only alternative to more bombing, more bloodshed, more prisoners. Deceptive slogans can no longer obscure that harsh choice.

I regret that Secretary Rogers has refused to accept the proposal made by the Vietnamese today that they would negotiate if the United States would stop the bombing.

Even if past air raids had proved effective in interdicting the flow of military supplies to the South, which they most emphatically have not, the latest raids cannot be justified. A study of the new raids, prepared by the staff of Project Air War, notes that while the Johnson raids were directed at certain prohibited areas and were carried out by relatively low-flying, accurate jets, the new attacks are being carried on by dozens of high-flying B-52 bombers and carried on over a wide area at a saturation level. As this study points out:

> Bombing from 30-35,000 feet, B-52s leave craters 35 feet deep by 45 feet in diameter.... A typical B-52 strike involves 6 B-52s saturating a selected grid square, leaving a swath of destruction half a mile wide by 3 miles long.

With this kind of attack, it is plain that thousands of civilians will be killed or wounded in such heavily populated areas as Haiphong and Hanoi. In fact, this is the only reason why the attacks are being carried on. Having failed to break the will of the Vietcong and the North Vietnamese by less direct means, the Nixon administration is determined to do it by the senseless slaughter of their women and their young children. No more pretenses about "military targets" or "protective reaction strikes." Mr. Nixon is going directly after the civilian population of North Vietnam and is making no bones about it.

For the sake of humanity, we must make him stop.

There are a number of steps that we can and should take immediately. The Gravel-Drinan bill, H.R. 14055, which would end the bombing upon enactment and require final withdrawal within a month thereafter, conditioned only upon the release of the prisoners of war, must be brought to the floor of this House and passed. I note in this connection that when the Democratic caucus meets on Wednesday, a number of us will ask it to take a firm position in support of this legislation.

I hope and trust that the Democrats will truly respond to the majority of the people and the majority of Democrats and will pass this resolution in the Democratic caucus.

As we are all aware, the Constitution gives Congress the exclusive power to declare war. With the repeal of the Gulf of Tonkin resolution, which occurred some time ago, the only conceivable justification for an action such as this would be the protection of our troops. It is obvious that that is not part of the reason for this vicious bombing, and it is equally obvious that in initiating these new attacks, the President is violating the Constitution. He has no legal authority whatsoever to bomb North Vietnam, and we must make him stop by asserting our constitutional powers immediately.

My resolution of inquiry, House Resolution 918, which seeks information on the scope of the raids, the target date—if any—for South Vietnamese independence of American military might, the additional number of POW's taken as the result of our new escalation, and the steps which the administration has taken to comply with the mandate of section 601 of the Military Procurement Act of 1971, will be considered tomorrow before the Armed Services Committee. I would hope that when this resolution comes to the floor next week, we will pass it, so that we can get the facts and act accordingly.

Congress has a right to know. The American people have a right to know why in the face of three-quarters of the American people saying that they want to be out of the war in Vietnam, we have an escalation of war in Vietnam.

I might add that the censure of the President, which I proposed back in January, is even more in order now than it was then. We must let the President know that we, as the representatives of the American people, will not stand for his violation of their will and of the law of the land.

The bombing must be stopped.

The troops must be withdrawn.

Once these two steps are taken, our prisoners of war will be permitted to return to their families, and we will be able to turn our attention to the desperate needs of our people here at home.

I include the following:

[From the New York Times, Apr. 11, 1972]

BOMBING HOTLY DEBATED IN THE JOHNSON PERIOD

(By Terence Smith)

WASHINGTON, April 16.—The merits of the air war over North Vietnam, and particularly the question whether to bomb targets in the Hanoi-Haiphong area, were fiercely debated within the Johnson Administration from the outset of the air strikes in the spring of 1965.

The Pentagon's history of the Vietnam war reveals that there was a constant tugging match at the highest levels in the Administration between those who doubted the value of the bombing and feared its political repercussions and those who regarded it as an invaluable weapon that should be employed to the fullest.

The Pentagon history, an account of which was published by The New York Times in a series of articles last year, disclosed that the intelligence community was generally skeptical about the efficacy of the bombing while the military and others supported it and urged its expansion.

Ultimately, President Lyndon B. Johnson, resolved the debate by suspending the entire bombing campaign, known as Operation Rolling Thunder, on Oct. 31, 1968.

THE CENTRAL QUESTION

The question whether to strike at Hanoi and Haiphong, the so-called "top of the funnel" through which North Vietnam's war materiel flowed, was always at the center of the debate.

As early as October, 1966, Robert S. McNamara, then Secretary of Defense, was urging that the United States end its bombing of North Vietnam or at least shift the targets from the capital and its port to the staging areas and infiltration routes to the South.

In a memorandum to the President on Oct. 14, he argued that shifting the targets "would narrow the bombing down directly to the objectionable infiltration areas and would reduce the international heat on the U.S."

To support his argument, Mr. McNamara appended an appraisal of the bombing by the Central Intelligence Agency and the Pentagon's Defense Intelligence Agency that asserted: "As of July, 1966, the U.S. bombing of North Vietnam had had no measurable direct affect on Hanoi's ability to mount and support military operations in the South."

The intelligence estimate concluded that this situation was "not likely to be altered by reducing the present geographic constraints, mining Haiphong and the principal harbors of North Vietnam or otherwise expanding the U.S. air offensive along the lines now contemplated in military recommendations and planning studies."

JOINT CHIEFS DISAGREE

In a memorandum to Mr. McNamara, the Joint Chiefs of Staff took direct objection to this assessment and to his recommendations. They argued that "to be effective, the air campaign should be conducted with only those minimum constraints necessary to avoid indiscriminate killing of population."

Specifically, the Joint Chiefs recommended an expansion of the campaign that "would decrease the Hanoi and Haiphong sanctuary areas, authorize attacks against the steel plant, the Hanoi railyards, the thermal power plants, selected areas within Haiphong port and other ports."

BUNDY OPPOSED EXPANSION

The Joint Chiefs maintained that the air campaign was "an integral and indispensible part of our over-all effort."

Mr. McNamara was not persuaded. In a memorandum to the President a month later, on Nov. 17, 1966, he observed that "at the scale we are now operating, I believe our bombing is yielding very small marginal returns, not worth the cost in pilot lives and aircraft."

Another significant voice in the debate was that of McGeorge Bundy, the President's national security adviser, who was not opposed to the bombing, but objected to its expansion. He argued in a memorandum to the President in May, 1967, that the real value of the campaign had been its detrimental effect on North Vietnamese infiltration and beneficial effect on South Vietnamese morale and concluded that "Ho Chi Minh and his colleagues simply are not going to change their policy on the basis of losses from the air in North Vietnam."

Noting that "There is certainly a point at which such bombing does increase the risk of conflict with the Soviet Union and China," he added, "I think it is clear that the case against going after Haiphong harbor is so strong that a majority would back the Government in rejecting that course."

Mr. Bundy's successor as national security adviser, Walt W. Rostow, picked up the debate in a subsequent memorandum entitled "United States strategy in Vietnam," which circulated throughout the top level of the Administration. Sensitive to the criticisms of the bombing, Mr. Rostow wrote of the North Vietnamese."

"We have never held the view that bombing of the Hanoi-Haiphong area alone would lead them to abandon their effort in the South. We have never held the view that bombing Hanoi-Haiphong would directly cut back infiltration. We have held the view that the degree of military and civilian cost felt in the North and the diversion of resources to deal with our bombing could contribute marginally—and perhaps significantly—to the timing of a decision to end the war."

THREE OPTIONS CITED

As Mr. Rostow saw it, the United States had three options.

"Closing the top of the funnel" was the first. He wrote that "Under this strategy, we would mine the major harbors and, perhaps bomb port facilities and even consider a blockade."

"Attacking what is inside the funnel," was second. This option included continued bombing of the Hanoi-Haiphong area, which was underway at the time.

"Concentration on route packages 1 and 2 the infiltration routes to the South."

Mr. Rostow, rejected No. 1 as incurring too many risks with too little return and urged the adoption of No. 3, while holding open the option of raids on Hanoi and Haiphong "when they make sense." He added the comment, "I believe we are wasting a good many pilots in the Hanoi-Haiphong area without commensurate results."

Secretary McNamara's disenchantment with the bombing campaign continued to grow. In a draft memorandum written for Mr. Johnson in 1967, he observed: "There continues to be no sign that the bombing has reduced Hanoi's will to resist, or her ability to ship the necessary supplies south."

M'NAMARA NOTES THE COST

Mr. McNamara rejected the various suggestions for expanded air activity as involving unacceptable risk and urged, once again, a staged reduction of the bombing of North Vietnam above the 20th Parallel in an effort to persuade Hanoi to compromise. It argued.

"The air campaign against heavily defended areas costs us one pilot in every 40 sorties. In addition, an important but hard-to-measure cost is domestic and world opinion: there may be a limit beyond which many Americans and much of the world will not permit the United States to go.

"The picture of the world's greatest superpower killing or seriously injuring 1,000 noncombatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one."

INDOCHINA RESOURCE CENTER

The current high level of fighting in Indochina is an inevitable consequence of U.S. policies. As long as both sides continue to pursue a military solution, the fighting will continue and will escalate. The Nixon administration's answer to the insurgents' protracted struggle is air war and Vietnamization. It is logical that the other side will work to defeat both of these. It is also logical in this narrow military context for the Nixon administration to escalate the air war to prevent such a defeat. But this is precisely the same sort of logic that led us into Indochina and trapped us there. It can only lead to more war when the American people want peace. A March 13, 1972 Harris Survey shows that "by better than two to one, Americans say they are opposed to leaving U.S. bombers and fighters to (provide) air support for the South Vietnamese."

In the 39 months since Nixon took office, 3.2 million tons of bombs have been dropped on Indochina; 20,000 Americans have died and another 110,000 wounded; 340,000 Asians have died; and there have been more than 600,000 civilian casualties and 4,000,000 people made refugees. These 5,000,000 people have not seen the war winding down.

It is true that the Nixon administration has nearly ended American ground combat involvement and reduced the scale of the bombing somewhat. Secretary of the Air Force Robert Seamans said on December 16, "No matter how you look at the air activity of the U.S. over there, the trend is downward." He pointed with pride to the fact that during 1971 the U.S. dropped only three-quarters of a million tons of bombs versus 1.4 million during the peak in 1968 and 1969. But this downward trend stopped in July of 1971, stabilized for 5 months at 5,000 tons per month, and has begun again to grow, 68,000 tons were dropped in February, 1972, and there has been a dramatic escalation in April. The number of bombing attacks ("protective reaction strikes") on North Vietnam increased 600 percent in 1971 over 1970 (121 vs. 20) and the first three months of 1972 show a 500 percent increase over the first three months of 1971 (102 vs. 20). It is important to note that both of these escalations occurred well before the current moves by the other side.

The current offensive is used to justify a further dramatic escalation and the resumption of sustained large scale bombing of North Vietnam which President Johnson halted in 1968.

The number of U.S. warplanes deployed in Southeast Asia has increased from slightly more than 400 in November, 1971 to more than 700 today. There are now four aircraft carriers off the coast of Vietnam—equal to the maximum at the peak of the war. Two more carriers have been ordered to Indochina. Several American-based squadrons of F–4 Phantom jets have been put on alert for Indochina duty.

What can this massive amount of airpower do? If experience is any indicator, the answer is, very little. It can only stave off defeat, but at what cost? On December 16, Secretary Seamans spoke of the great success of the bombing in interdicting supplies needed to wage large-scale war, but now large-scale war is being waged. Many government studies have shown that the bombing alienates the uncommitted and, rather than demoralizing the other side, it serves as a rallying point and helps them recruit more soldiers. A RAND Corporation report concludes that the North Vietnamese cannot be defeated at a cost acceptable to the U.S.

The current offensive points out the failure of the U.S. intelligence apparatus. DoD intelligence was predicting an offensive in the Central Highlands, first at Tet, and later timed for Nixon's visit to China. DoD was wrong on the timing and the locale of the attacks as well as on ARVN's ability to defend its territory. The scope of the offensive on four fronts indicates that both men and material have been transported in large quantities despite the bombing.

Recently the administration has been putting much of the blame for the fighting on the Russians for supplying the North Vietnamese with military equipment and aid. It is instructive to note that, as the Nov. 22, 1971 Newsweek reports, the total military aid to North Vietnam for this year is estimated by the Pentagon to be $170 million. This is to be compared to more than $1.5 billion in U.S. military aid to South Vietnam. In addition, according to the Cornell study on the air war, another $11 billion will be spent for American forces, including up to $4 billion for the air war.

On April 7, Secretary of Defense Laird called the North Vietnamese offensive a "massive invasion" across the DMZ. He gave three reasons to justify the resumption of the bombing of the North. The NVA offensive was a "flagrant violation" not only of the 1954 Geneva Accords, but also of the "understandings" which led to the bombing halt in November, 1968. He also said that the bombing was to protect the remaining American forces as they withdrew.

It is worthwhile to examine this reasoning. First, the Geneva Accords of 1954 established the 17th Parallel as a "provisional military demarcation line" which should not in any way be interpreted as constituting "a political or territorial boundary." This provisional separation was to be erased by free elections to be held in July, 1956 to reunify the country. The U.S.-supported Diem government violated these agreements by refusing to hold the elections. From that point on, their value has been very limited. The Geneva Accords do not substantiate an "invasion" for they do not recognize a frontier. The use of the term "invasion" seems to be a dramatic device. When the U.S. "invaded" Cambodia, it was downplayed as an "incursion."

Second, according to Maxwell Taylor in his memoirs, *Swords and Plowshares,* the 1968 "understandings" on the bombing halt were "unilateral understandings on our part" and that the North Vietnamese never gave "any indication of accepting these understandings."

Third, the justification of bombing to protect the remaining American troops is becoming ludicrous. On May 1, 1972 there will be 69,000 U.S. men in Vietnam. Of these, 16,000 will be airmen and 53,000 ground forces. In Thailand there are 32,000 Americans, 26,000 of them airmen. Presently there are 15–30,000 men assigned to the Seventh Fleet off Vietnam 11–26,000 of them on aircraft carriers. Extrapolating this picture to May 1, there will be more airmen in the theater than ground forces.

Since the stated justifications for the bombing do not stand up under even preliminary scrutiny, it must be assumed that there are other unspoken reasons that are even less palatable to the public. The most obvious unspoken reason for continuing and escalating the bombing is to continue to prop up the Thieu government.

The recent upsurge in fighting has cost a heavy toll in Americans killed, missing or captured. Although only sketchy information is available, the incomplete tally totals 40 U.S. airmen in the last two weeks. This is the largest number of U.S. casualties in more than 6 months. The price tag in dollars for the last 12 days of bombing is more than $200 million (based on $15 million per day operating costs, plus plane losses). Each fighter-bomber sortie carries 2 to 3 tons of bombs and cost $9,400. Each fighter-bomber shot down costs more than $2 million to replace. B–52 sorties carry 25 to 30 tons of bombs and cost more than $41,000 each. Two AC–130 electronic gunships have been lost at a cost of $7 million each.

The costs in American lives and dollars is great, but the cost to the peoples and lands of Indochina is far greater. What benefit is reaped that justifies such a price?

U.S. AIRCRAFT DEPLOYMENT IN SOUTHEAST ASIA

	1965	1966	1967	1968	1969	1970	November 1971	April 1972
Attack fighter-bombers	730	1,000	1,000	1,140	950	590	355+	600–900
B–52's	NA	NA	NA	100+	NA	NA	45+	120+

Sources: The Air War in Indochina, Cornell University; New York Times, Apr. 10, 1972; Evening Star Apr. 10, 1972.

AIR WAR: THE THIRD INDOCHINA WAR

OVERVIEW

A giant apparatus of destruction is today firmly installed in and around Indochina.

Fifty thousand American airmen and 500 strike aircraft ranging from the huge B–52 to the killer gunship, located at a dozen mammoth airbases and aircraft carriers, are waging full-scale aerial warfare.

The Nixon Administration, while removing U.S. foot soldiers, remains fully committed to a 20-year-old goal of American leaders: keeping U.S.-supported regimes in power in Indochina.

For this reason the Administration has invaded Cambodia and southern Laos, doubled the bombing of Laos and introduced 10,000 new Thai soldiers there, renewed the bombing of North Vietnam, dropped over 3 million tons of bombs on Indochina and killed, wounded or made homeless over 3 million civilians (source: SRS). For the same reason the Administration's newest negotiating stance still insists that the U.S. government have a say in determining who will rule in Indochina, the very reason the war has been fought for over two decades.

Tactics have changed, but the goals have not. The Nixon Administration took office committed both to maintain pro-American Indochinese governments and to withdraw American ground troops from Vietnam. Under the Nixon Doctrine the Third Indochina War (1969–?) began, substituting American air power for American ground troops. The First Indochina War (1946–54) was primarily a French colonial war; the Second Indochina War (1961–68) was the Kennedy-Johnson commitment of American ground troops. The Second Indochina War proved too costly to maintain.

The Nixon Administration has thus turned to a new form of war, one in which machines do most of the killing and destruction, unknown to the American people; a war in which an American President can claim to be bringing peace even as he continues to wage a full-scale and bloody war from the air.

Militarily, this new war is a variation of former Gen. James Gavin's "enclave" strategy. A majority of the people of Indochina has been concentrated in and around the major towns and bases. Within these American-controlled zones, a wide variety of political, economic and cultural measures are undertaken to break the spirit and culture of resistance which has thus far proved the main obstacle to U.S. military success. The vast regions outside the American-controlled zones—including two-thirds of Laos, three-quarters of Cambodia, all of North Vietnam, and much of South Vietnam—are basically free-fire zones, subject to American bombing any time of the day or night. Well over two-thirds of Indochina has thus been turned into a virtual free-fire zone where the new warfare is being tested.

This new war is automated war, waged by machine with ground troops playing a secondary role; it is total war, making no distinction between military and civilian targets, destroying everything below; and it is secret war, carried out without the knowledge of the American people.

This new war is the air war, the Third Indochina War.

Automated war

Always in the past air power has been used to supplement a large expeditionary ground force sent abroad. Substantial bombing has, of course, been carried out before: during World War II, the Korean War, the Second Indochina War. But in the past such bombing has always been meant to support an expeditionary ground army which did the bulk of the fighting and dying. Between 1965 and 1968, for example, most American bombing was employed to aid the half million strong American ground force in South Vietnam by weakening NLF rear bases, supply lines, and strike teams.

What is new today is that bombing is the heart of American military policy; ground forces play a secondary, though still important, role. American air power today does more fighting, costs more, and involves more men than the dwindling force of U.S. foot soldiers still engaged in combat. Asian foot soldiers are used to support American bombers by: (1) "showing the flag" when going in after bombing has caused guerrilla retreat and taking out supplies and refugees: (2) providing static defense for the major towns and bases; and (3) serving as "live bait" to draw guerrilla fire so American pilots will have some idea where to bomb.

Total war

The air war, by its very nature, is destroying everything below: homes, schools, gardens, pagodas, rice fields, forests, animal life and, of course, any people caught in the open.

When American leaders chose to massively bomb the poor, rural lands of Indochina, they inevitably undertook war against the society as a whole. The only strictly "military" targets regularly locateable from the air were roads and bridges, with the exception of a few North Vietnamese factories destroyed early in 1965. Other "military" targets, such as soldiers, trucks, arms depots, or anti-aircraft batteries, are but sporadically found and are assumed to be intermixed with the civilian population. The Air Force and Navy have introduced hundreds of aircraft into the skies of Indochina, ordering that aircraft must be used as often as possible and cannot return to base without dropping their bombs. As a result, pilots inevitably wind up systematically destroying the civilian and social infrastructure.

One of the most striking examples of this total war from the air is the Plain of Jars in northeastern Laos. The Plain of Jars was a thriving, vibrant community of 50,000 when the Pathet Lao guerrilla movement occupied it in May 1964. The United States then began bombing it, striking in ever-increasing intensity until September, 1969, when U.S.-supported Meo guerrillas took the survivors off the Plain. During these years, everything on the Plain was leveled. Today it is a deserted wasteland. There was almost no ground fighting on the Plain during those 5½ years. It is the first society in history to be erased from the map by total, automated war.

Secret war

Through blatant news management, the Nixon Administration has been able to wage a full-scale war while convincing most Americans that it is attempting to end the war. Secrecy is the means of keeping the war politically "acceptable."

The public was first informed of the Laos air strikes in March, 1970, six years and 350,000 sorties after they began. Sen William Fulbright complained at that time that, "The President does not have the authority, nor has the Congress given authority to engage in combat operations in Laos, whether on the land or in the air." The Nixon Administration has unilaterally expanded the air war into Cambodia and recently reinitiated massive bombing of North Vietnam. With the air war's funding scattered in the general budgets of the services and the CIA, it eludes effective control by Congress.

The Nixon Administration has prohibited the press from observing most of the air war first-hand, by refusing to allow newsmen to go on bombing raids outside South Vietnam, keeping unsympathetic journalists off Thai airbases, and not allowing free access to American pilots in Udorn, Thailand. Since such censorship was not practiced in Vietnam (newsmen were always permitted to go out on bombing raids, and have free access to bases and pilots there), it is clearly not due to any need for military security. Rather, the goal seems to be to keep the truth from the American people.

Before 1969, 70 percent of the tonnage fell within South Vietnam (source: Cornell study) and most of the bombing was carried out from South Vietnamese airbases. Since 1969, two-thirds of the tonnage has fallen outside South Vietnam (*Ibid.*), mostly from Thai airbases. The Administration has refused to fly newsmen to scenes of battle in Laos and Cambodia, where most of the fighting has taken place. Newsmen are only infrequently taken in on short, packaged tours, and are invariably kept away from freshly bombed areas. Thus newsmen usually have been unable to observe newly bombed regions taken by American-supported troops. Once again, this was not the policy in South Vietnam, where first-hand reports of aerial devastation did much to create sentiment against the war in this country.

Administration officials have successfully created the illusion of a sterile, antiseptic air war waged only against "military" targets. They have done this by: (1) classifying all information about the air war besides overall tonnage and numbers of airmen out of public and congressional reach; (2) coining such euphemisms as "protective reaction" and "limited duration protective reaction" strikes to mask massive and sustained bombing raids; and (3) maintaining time and time again, in press conferences, speeches, and congressional hearings, that civilian targets are never bombed.

Reports are filtering back to the states that the U.S. has begun clandestine bombing in northern Thailand. The reports may or may not be true, but the point is that unless Congress and the press are permitted to investigate such claims, there can be no effective check on the President's power to bomb anywhere, at any time.

The future

The Nixon Administration has made it clear on numerous occasions that it has no intention of ending this automated, total, and secret war.

Indeed, all prospects are for further intensification and escalation of the Third Indochina War. In February, 1972, for example, it was revealed that the number of B–52s and aircraft carriers in the Indochinese theater would be doubled.

By November, 1972, the Third Indochina War will be the second longest in American history (surpassed only by Johnson's ground war). Unless Americans elect a President committed to total withdrawal, there is no end in sight.

The agony of Indochina may have only begun.

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DIMENSIONS

The air war continues at a high level. During 1971, 763,000 tons—the equivalent of 35% of all American air ordnance expended during World War II—were dropped on Indochina (DoD). The potential for sudden escalation remains great, as exemplified by the 5-day Christmas raids against North Vietnam and the more than ten-fold increase in strikes within South Vietnam during February.

The Cornell study cites Pentagon plans to continue the air war at the current level. B–52 sorties, for example, down from a peak of 1,600 a month to 1,000 a month, are programmed to continue indefinitely at the current rate. In defending the bombing, Administration spokesmen invariably point to reductions from 1969 levels, thus laying the groundwork for permanent prosecution of an air war at "acceptable levels."

The operational heart of the bombing has shifted from South Vietnam to land bases in Thailand and aircraft carriers in the South China Sea. Already 45,000 of the 73,000 U.S. air personnel directly involved with the bombing are located outside of Indochina proper. May 1, 1972 will mark the first time that the number of American airmen and American ground troops in Indochina will be equal in the history of this war or perhaps any war.

Geographically, the brunt of the bombing has shifted from inside North and South

Vietnam to Laos and Cambodia. Under Nixon the bombing of Laos has doubled, and all of the 150,000 tons over Cambodia have fallen since May 1970. Recently, for all practical purposes, the Johnson bombing halt over North Vietnam has ended.

During the last three years the technology of the automated battlefield has escalated and the size of the South Vietnamese Air Force has been increased until it now stands as the sixth largest air force in the world.

The ¾ million tons of bombs dropped on Indochina in 1971 represent:

a) The explosive equivalent of 38 Hiroshimas (one Hiroshima = 20,000 tons);

b) 80% of the air ordnance expended during the 3 year Korean War (966,000 tons);

c) 5 times the tonnage dropped on Japan during World War II (154,000 tons);

d) 23 times the total tonnage dropped by the British during their successful ten year counter-insurgency in Malaya (33,000 tons).

(Library of Congress Report to the Senate Foreign Relations Committee, *Impact of the Vietnam War*, 6/71, and the Cornell study)

The total of 6.3 million tons of bombs (DoD) dropped on Indochina from 1965–1971 represents:

a) 250 pounds for every man, woman, and child in Indochina (population 49 million);

b) 22 tons for every square mile of territory in Indochina (area 284,000 square miles or about the size of Texas);

c) More than twice the 3.1 million tons of bombs dropped during World War II and the Korean War combined.

(*Impact of the Vietnam War*)

The majority of the bombs dropped on Indochina have been dropped since President Nixon took office (3.2 million tons since 1969—DoD). The current bombing rate, 50,000 tons during November and 61,000 tons during December represents:

a) More than 2½ Hiroshimas a month;

b) More than 3 million pounds a day;

c) More than 2,000 pounds or a ton a minute.

* * * * *

ORDNANCE

The 2,000 tons of bombs dropped daily on Indochina constitute an unparalleled and sophisticated variety of weapons designed to maim and kill those below. These bombs can be divided into five distinct categories:

1. High explosives, ranging in weight from 250 pounds to the massive "Commando Vault" 15,000 pound bomb. (See also "Environmental Destruction")

2. Anti-personnel bombs are designed for use against unprotected human flesh. According to a paper delivered to the American Association for the Advancement of Science by Prof. E. W. Pfeiffer and Prof. Arthur Westing, at least 50 percent of all bombs dropped on Indochina are anti-personnel bombs:

A. 1,000 Pine Bomblets can be dropped by one aircraft in a single flight. When dropped, the pineapples send 250,000 steel pellets spewing in a horizontal pattern across the land.

B. The Guava can explode on impact, in the air, or with a time delay fuse, with each aircraft throwing 400–500,000 ball bearing pellets in a 360 degree pattern. The guava can inflict casualties on those who are hiding in holes, or in bunker or cave entrances because of this spraying pattern. The equivalent fire power in terms of conventional land war would make the 1,000 pineapples equal to 13,160 infantrymen each firing one clip from an M–16 rifle; the guavas are equivalent to twice that, or 26,320 infantrymen firing a standard clip from an M–16.

C. The Flechette, or "nail" bombs, contain several hundred 1 inch barbed nails in each 3 inch bomblet. The flechette is designed to enter the body, shredding muscles and body organs as it passes through the body, by the path of least resistance, i.e. the ricochet effect. Both pellets and flechettes are difficult to remove, sometimes necessitating exploratory surgery in order to insure removal.

"Often the nails [flechettes] will knife right through the target, although at certain angles they do have a tendency to tumble immediately on impact, and after piercing the skin a tumbling nail can cause a gaping wound." (Dean Morton, CBS News, 3–29–71).

3. Incendiary bombs, designed to burn their victims, vary as to temperature, adhesiveness, and effective range. These include napalm, super napalm, napalm B, napalm paragel, thermite, magnesium, white phosphorus, and NPT.

A. Napalm variants are characterized by their large range of effectiveness—sheets of flame envelop everything for hundreds of yards.

B. White Phosphorus is characterized by the fact that it burns on contact with oxygen. "Willie Peter," as pilots refer to it, cannot be extinguished, which means that it usually has to burn its way to the bone before it goes out, and has more localized dispersal pattern than napalm.

C. NPT, napalm-phosphorus-thermite, dispersed over a wide area, burns at a high temperature, and is difficult to extinguish. It is a combination of the deadliest characteristics of the other incendiary agents.

"In the civilian hospital at Can Tho, I saw a man who had a piece of white phosphorus in his flesh. It was still burning." (Harvey)

4. Air to ground missiles have come into greater use in recent years. The most common are either laser guided or teleguided missiles, called "smart bombs." Conventional bombs with laser guidance systems are dropped from an aircraft, and then home in on a beam that guides the bomb to its target. Teleguided missiles include the "Walleye" and "Bullpup," which fall on the image projected on the pilot's screen. The latter are used particularly against caves or suspected underground complexes, and are accurate within 6 feet when dropped from 4 miles away.

5. Area denial mines are designed to make large areas of land uninhabitable for human life. These weapons include:

A. The Dragontooth and Gravel mines, which are camouflaged to blend in with the land, and are dropped by the thousands every month. The gravel and dragontooth are designed to blow the foot off the person who steps on it, or the hand off anyone who picks it up, but neither one will destroy a truck tire if rolled over.

B. The Spider Mine or the WAAPM (Wide Area Anti-Personnel Mine) has eight fine wires that extend from it. When a wire is tripped, ball bearing-like pellets are thrown for a distance of 60 meters. Unlike other weapons, area denial weapons are not dropped on a specific target, but rather entire areas are flooded with them.

"It [the gravel mine] is purely anti-personnel. If a person steps on it, it will blow his foot off. If a truck rolls over it, it won't blow the tire." (Maj. R. D. Anderson, USAF, Electronic Battlefield Hearings, 11/70.)

Examples of ordnance used in Indochina

BLU 24/26: Guava bomblets, each holding 260–300 pellets, and 50 grams of explosive. Different fuses determine if the bomblet will detonate on impact, in the air, or with time delay. 360 degree spray pattern when detonated.

BLU 31: 750 pound mine dropped from a plane, armed with a seismatic sensitive fuse. The mine buries itself on impact, and can be detonated by the vibrations from a single truck.

BLU 52: 270 pounds of CS II riot control agent. The chemical CS causes vomiting, nausea, tears, and muscle spasms. It can cause death to the elderly, infants, and the sick.

M–36: 800 pound casing containing 182 incendiary bomblets.

PAVE PAT II: 2,500 pound propane gas bomb, used as an incendiary device.

CBU 28: Dragontooth mine. Anti-personnel, area denial mine.

CBU 34/42: WAAPM, Wide Area Anti-Personnel Mine. WAAPM is an area denial weapon with a spraying pattern of 60 meters.

CBU 24/49: Anti-vehicular bombs. The CBU 24 detonates on impact; the 49 is dropped ahead of a convoy and uses a time delay fuse.

CBU 46: Flechette bomblets. Each bomblet has hundreds of 1 inch barbed "nails" that are designed to enlarge wounds and shred body organs. Hundreds of bomblets can be dropped in a single sortie.

XM–41E: Gravel mine. 3 inch cloth bag containing explosive powder and two plastic pellets. Operation is similar to the dragontooth. An added feature is the use of plastic, which necessitates exploratory surgery.

(The above data was gathered from the hearings of the Electronic Battlefield Subcommittee of the Preparedness Subcommittee, of the Senate Committee on the Armed Forces, Nov., 1970.)

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COSTS

Conservative estimates place the annual costs of the air war at some $3 billion. Actual costs probably run much higher.

However, in terms of the cost of the air war to the Indochinese people and compared to pre-1970 war costs for the U.S., this is a relatively inexpensive war, intended to be a protracted and perhaps a "permanent" war.

Costs have shifted from maintenance of a ground army to military aid and development of electronic counterinsurgency weaponry. "Smart bombs cost . . . $12,500 for T.V. bomb kit. Conventional bombs cost anywhere from $224 for a 500 pounder to $1,864 for a 3,000 pounder" (AP dispatch in the *Philadelphia Bulletin*, 1/14/72). One Walleye missile costs $25,000. The Pentagon acknowledged that the cost of the sensor detection system alone had reached $1.6 billion by November 1970.

Some figures

1966–71: *Total Air War Costs.* $27.5 billion, or approximately ¼ of the war's overall costs. (Cornell study.)

1971: $2.79 billion, or approximately $60 per family of four. Operating costs: $2.2 billion. Aircraft attrition: $.6 billion, (*ibid.*)

Cost per day, 1971: $7.64 million.

Projected costs: $2 to 4 billion annually (Cornell study).

Production costs

1 B–52: $8 million (AP dispatch, 1/9/72).

1 F–4: $4 million (Sec. Seamans, 1972 Air Force Appropriations Hearings).

1 Huey Helicopter: $250,000 (*Ibid.*).

1 Shrike air-delivered missile: $35,000 (CBS News, 1972).

1 aircraft carrier: $960 million (Sen. Allen Ellender, *CR*, 1/25/72).

Operational costs (average costs)

1 B–52 sortie: $41,000 (Cornell study).

1 fighter-bomber sortie: $8,500 (*Ibid.*)

1 truck destroyed on Ho Chi Minh Trail: Over $100,000 (Sen. Mike Gravel, *CR*, 10/5/71).

Christmas raids against North Vietnam

Estimated cost of plane losses Dec. 17–Jan. 1: $24 million (conservatively tallied at $2 million/plane, 12 planes lost, DoD).

Sortie costs: $8.5 million (based on DoD figure of 1,000 sorties).

Electronic battlefield

Total costs: $3.25 billion (Sen. William Proxmire, *CR*, 3/23/71, based on Senate Electronic Battlefield Hearings).

Future costs: As high as $20 billion (Sen. William Proxmire, *CR*, 7/13/70).

DoD acknowledged cost of sensor program, FY 1967–71: $1.68 billion (Senate Electronic Battlefield Hearings, 11/70).

Operating cost of Thai based computers:

$625 million (Orville Schell, *AmRep*, 9/24/71).

Developmental cost of Wide Area Antipersonnel Cluster Bomb (WAAPM): $86.3 million (*Ibid.*).

COST OF AMERICAN AID TO INDOCHINESE AIR FORCES

[In millions of dollars]

	VNAF	RLAF
Fiscal year 1970	245	46
Fiscal year 1971	340	79
Fiscal year 1972	337	83

Source: DOD, CR, Aug. 3, 1971, p. 12938.

Some trade-offs

The cost of one month's 1,000 B-52 sorties would approximate the Administration's 1971 attempted $47 million cutback in the school lunch program, reducing the number of students assisted by nearly 600,000. (PAW)

The cost of one fighter bomber sortie equals the annual salary of one teacher. One week of no fighter bombing would reserve enough funds (approx. $24 million) to reopen the Dayton public schools, and finance for one year the Independence, Missouri public schools, both closed last November for lack of money (SANE)

The $52.5 million cost of the helicopters lost in the Laos invasion in 1971 equals the cost of 17 local health centers, each treating 40,000 patients annually. (*Ibid.*)

The air war's $350 million helicopter operating costs for 1971 (Cornell study) represent twice the estimated federal outlays in 1971 for the operation and support of the Federal Court System, assistance to state and local courts, and legal aid to low income citizens. (The Urban Coalition)

The fuel for one jet for one hour equals 2½ months of food for a family of four. (*Science for the People*, 11/71.)

One aircraft carrier costs the same amount as public housing for 270,000 people. (Sen. George McGovern, *NYT*, (12/6/71)

On the other hand

While the Administration spent nearly $3 billion on the air war in 1971, the President:

(1) Vetoed the $2.1 billion daycare-childcare bill;

(2) Vetoed the Public Works Bill due to its allocation of $2 billion for federally financed jobs in areas of high unemployment;

(3) Called for an OEO cutback of $545 million in its FY 1972 budget;

(4) Called for a cutback of $50 million in aid to elementary and secondary schools in its FY 1972 budget;

(5) Called for a cutback of $88 million for the school milk program in its FY 1972 budget;

(6) Called for a cutback of $28 million in aid to public health centers and clinics in its FY 1972 budget;

(7) Called for $132 million less than Congress had previously authorized for solid waste disposal programs in its FY 1972 budget;

(8) Called for $129 million less than Congress previously authorized for the fight against air pollution in its FY 1972 budget;

(9) Called for $92 million less than Congress previously authorized to combat alcoholism in its FY 1972 budget;

(10) Announced that it had spent only $422 million of the $1.25 billion allocated by Congress in FY 1971 for the construction of solid waste treatment facilities;

(11) Called for expenditures of $900 million less than recommended by the Urban Coalition for federal assistance to urban areas in its FY 1972 budget.

The above figures are less timely now due to the Administration's recent release of its proposed FY 1973 budget. While this budget contains generally moderate increases for domestic programs, it still allocated only $430 million for the war on cancer. "[The] National Cancer Institute got far less than it felt it needed." (Post, 1/25/72.)

HUD's budget for 1973 was below its 1972 level, containing a $50 million cut in federal subsidies for private apartment rentals.

The FY 1973 budget contained no new money requests for water and sewer grants. Congress has appropriated $850 million since mid-1970, of which only $550 million has been spent by the Executive branch.

Implications—War on the cheap

"A continuing air war, largely conducted and entirely supported by the U.S., will inflict ever-widening costs on the peoples of Indochina while reducing U.S. costs to little more than a normal peacetime readiness level for 'permanent war.' When one takes into account the future technological possibilities for warfare-from-a-distance and when one considers the relative cheapness of this kind of mechanized war for the U.S., there emerge far-reaching implications for the possible future conduct of American foreign policy." (Cornell study.)

* * * * *

POW'S—PAWNS OF WAR

An American has been shot out of the sky and captured or listed as missing in action once every three days since President Nixon took office. Hundreds more were prisoners when he began his administration. None will be freed as long as the air war continues.

There are those in this country who argue that the POW's must remain in prison, rather than be released through some "unglorious" total withdrawal, so that others will not have fought in vain. But this argument assumes that we can "win" some sort of victory that will make our sacrifices in Indochina justifiable.

What if we must at some time withdraw anyway? We will at such a point have subjected these men and others yet uncaptured to more unnecessary years of imprisonment.

It is clear that further air raids will only increase the numbers and prolong the imprisonment of American POWs. One thing is certain: As long as the air war continues, more men now free will be shot out of the sky, killed, wounded, or captured until the bombing ends.

INEFFECTIVENESS

The bombing does not stop guerilla advances on the ground or significantly impair the flow of supplies. It is militarily and politically counterproductive because of its tendency to alienate civilians and assist insurgent recruitment.

The guerrilla nature of the fighting neutralizes much of the traditional combat role of air power. American planes can rarely locate enemy forces who move in small groups by night under the cover of the forest. The number of stationary "military" targets in a guerrilla war are relatively few and strategically unimportant. Those that are struck are quickly repaired. DoD statistics indicate that less than 10 percent of all sorties are flown in close air support of embattled troops. The vast majority of the raids involve "harassment and interdiction" missions against an unidentifiable enemy and elusive logistical networks.

Efforts at interdiction have proven extremely costly and ineffective, undermined by the very low level of externally supplied materials necessary to fuel the insurgency and by the willingness of the Russians and the Chinese to provide the level of aid necessary to replace any losses. The DoD has estimated that the insurgency requires only 15–30 tons daily of imported material to maintain a moderate level of activity. This amount of supplies can be transported in 10–15 trucks or on 75–150 bicycles each fitted with an A-frame. As Dr. Marvin Golderberger director of the 1966 DoD evaluation of the air war, has pointed out, it is impossible to prevent 150 bicycles from moving through the jungle.

Secret Jason study conclusions—1967

"As of October 1967, the U.S. bombing of North Vietnam has had no measurable effect on Hanoi's ability to mount and support military operations in the South. North Vietnam supports operations in the South mainly by functioning as a logistic funnel and providing a source of manpower, from an economy in which manpower has been widely under-utilized. Most of the essential military supplies that the VC/NVA forces in the South require from external sources are provided by the USSR, Eastern Europe and Communist China. Furthermore, the volume of such supplies is so low that only a small fraction of the capacity of North Vietnam's flexible transportation network is required to maintain that flow.

"It has become increasingly less vulnerable to aerial interdiction aimed at reducing the flow of men and materiel from the North to the South because it has made its transportation system more redundant, reduced the size and increased the number of depots and eliminated choke points.

"The second objective of the bombing, to raise South Vietnamese morale, has been substantially achieved. There had been an appreciable improvement in South Vietnamese morale immediately after the bombing began and subsequent buoyancy always accompanied major new escalations of the air war. But the effect was always transient, fading as a particular pattern of attack became a part of the routine of the war. There was no indication that bombing could ever constitute a permanent support for South Vietnamese morale if the situation in the South itself was adverse.

"Shortages of food and clothing, travel restrictions, separations of families, lack of adequate medical and educational facilities, and heavy work loads have tended to affect adversely civilian morale. However, there are few if any reliable reports on a breakdown of the commitment of the people to support the war. Unlike the situation in the South, there are no reports of marked increases of absenteeism, draft dodging, black market operations or prostitution. There is no evidence that possible war weariness among the people has shaken the leadership's belief that they can continue to endure the bombing and outlast the U.S. and SVN in a protracted war of attrition." (*Pentagon Paper summary of 1967*, Gravel edition, reprinted in F.A.S. newsletter, 2/72)

CIVILIAN CASUALTIES

The air war causes a high degree of civilian casualties

The heavy civilian toll taken by the bombing in the past has been well-documented, though the Department of Defense said in April, 1971 that it had never attempted to study the number of civilians wounded or killed by American bombing. Although there is no way of knowing actual numbers of killed and wounded at the present moment, we may assume that they are quite high. There are still several million civilians living in areas under bombardment, and still 50,000 tons of bombs falling monthly. The drop in monthly bombing tonnages which has taken place under Nixon does not reflect a decline in civilian casualties. His Administration has switched the focus of the bombing to Laos and Cambodia, where there are even fewer military targets than in Vietnam.

A recent Government Accounting Office report shows that the air war has been a major factor in producing nearly 2 million refugees in Cambodia, or one-third of the population. The Cornell study shows that the U.S. has dropped 140,000 tons on Cambodia, compared with over 1.5 million tons on Laos, where nearly a fourth of the population, or 700,000 have been refuged.

The air war causes far more civilian than military casualties

The U.S. bombers cannot locate guerrilla soldiers who sleep by day and move through the forest at night in small groups. Bombers usually wind up striking at the only signs of human life they can see from the air: fires, cultivated fields, footprints, cut or trampled grass, etc. These are located in and around villages. They are most often produced by civilians, who are tied down by their families and cannot live a life on the move. Those fixed targets designated as "military"—roads, ferry crossings, bridges—are precisely where the highest concentrations of civilians are. In rural lands such as Indochina, it is the roads, bridges and ferry crossings which attract civilian concentrations.

THE CRISIS OF CONFIDENCE IN GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, Americans are losing confidence in the ability of their Government to govern and their leaders to lead. They just are not sure that government today can act with the force and the imagination necessary to meet current problems. They know that government is not working as well as it should.

This loss of confidence in government may be the most serious problem facing government today.

There are many recent indications that public confidence in government is lacking:

First. Only about one-third of American citizens indicate satisfaction with the way this Nation is being governed, according to a February, 1972, Gallup poll.

Second. In early 1971, another Gallup poll showed urgent public concern about national unrest and leadership. Many of those polled felt that governmental leaders were not trying hard enough to solve the problems the country faces.

Third. A survey last fall by the Washington Post showed that our political system faces a crisis of confidence, with voters complaining that public officials are unresponsive, unpredictable, and untrustworthy.

Fourth. A recent Harris poll indicated that the public believes, by a 65 to 25 percent margin, that "only a few men in politics are dedicated public servants." They also believe, by an 81 to 11 percent margin, that most elected officials promise one thing and do something different once in office. Almost 60 percent believe that most politicians take graft. Harris poll results over a period of 4 years reveal a diminishing trust in politics and politicians.

The current attitude toward our political leadership is typified by the comment made by the midwestern farmer:

> I wouldn't trust a politician if he told me the sun rose in the East.

This distrustful attitude extends not only to the men who exercise power, but also to the quality of the information upon which they act, and the efficiency of the organizations they direct.

Any public official can confirm that people are suspicious of his motives, wary of his words, and cynical about getting action on their own requests.

Columnist Joseph Kraft has commented that:

> The crisis of confidence is probably the prevailing fact of American public life.

Reporter David S. Broder writes:

> What must concern us now is the rising level of public frustration with government-and-politics-as-usual. For it is not just a few radical students who say and believe that the political system is not working. Millions of ordinary, hardworking Americans recognize that government is not dealing with the problems that are uppermost in their lives: crime and drugs and war and inflation and unfair tax loads and fear of unemployment.

The President put it more bluntly when he said that people are simply fed up with government.

The gravity of this public attitude toward government is that a democratic government depends on people who believe in it. Without an attitude of trust and confidence toward the government, a democratic government will not work. Our tax collection system depends primarily upon people willingly assessing themselves; it will collapse if people come to believe that taxes are basically unfair.

This Government is based on the consent of the governed. If the American people lose confidence in their Government, believing it is unfair or unresponsive or just plain incompetent, they will soon withdraw their consent to be governed. Clearly, public distrust, suspicion, and cynicism about government corrode the foundations of free government.

WHY IS CONFIDENCE LACKING?

There are several reasons for the people's lack of confidence in government.

First, few people really feel a part of the political system. They feel that the system has passed them by, and that they no longer have an impact on decisions. A feeling of powerlessness grips them.

One evidence of their feeling is the high number of non-voters in the United States. The United States, the leader of the free world and the world's greatest democracy, lags far behind many other free countries in voter participation.

Any public official is familiar with the remark, "What difference does it make whether I vote or not? It doesn't seem to do any good." A favorite story of many politicians is about the lady who responded to the question about why she did not vote by saying that she did not want to encourage any of the candidates.

People no longer see a clear relationship between what they think, support, and work for, and what actually happens. They doubt the responsiveness of the system.

Second, people believe that government officials do not tell them the whole truth. This apparent inability of political leaders to come clean with the public is another reason for their distrust of government. Anxious to espouse popular rather than effective solutions, politicians are strong on rhetoric, weak on candor, and skillful at half truths.

Credibility is a favorite word in politics today because of the long list of recent experiences which have taught the American people to doubt the statements of their political leaders.

Third, government has become too big for understanding or efficiency. Government is no longer plain, simple, and intelligible. Its vastness defies comprehension; it baffles and confuses people. Not understanding it, they do not have confidence in it.

And no wonder. The Federal Government spends a quarter trillion dollars a year, employs one out of every 16 working Americans, administers one-third of the Nation's land, occupies over 42,000 buildings, consumes over 1 trillion pieces of paper a year, and operates according to 12,000 pages of laws.

No one expects it to run as smoothly as the neighborhood grocery, but even making allowances, the public sees too much bureaucratic confusion, delay, and general mismanagement.

Fourth, the Government operates too secretly. Any reasonable person recognizes the necessity of secrecy in Government in a number of situations, including intelligence information, diplomatic negotiations, military plans, and secret weapons. But secrecy has become an accepted way of doing business in Washington, with a presumption of nondisclosure of Government papers, and an absurd classification system. The Nixon administration, not the first offender, is currently denying the public World War II documents of 27 years vintage.

The people do not like secrecy or a government that practices it.

Fifth, people expect more of government.

Their standards of performance for integrity, efficiency, accountability, responsiveness, and results have soared. People expect government to solve most problems, and when action does not come, or is ineffective, they become critical because their expectations are not met. As the gap between the people's expectation and the government's performance widens, distrust of government escalates.

With the long and difficult agenda of national problems, the democratic process is in for some rugged testing in the years ahead. That process cannot succeed if people lack confidence in it.

Like most things these days, the remedy for the people's distrust of government is complex, but these several steps would help restore public confidence.

STEPS TO RESTORE CONFIDENCE

First, increased voter participation. The single most critical, personal act in a democracy is when individuals elect their public officials to shape the broad outlines of government policy.

The more people vote, the more government reflects their wishes and satisfies their needs, and the more vital is the principle of the consent of the governed. New strength can be brought to the democratic process by broadening participation in it. This is the key to the future vitality and vibrancy of the system. People who are involved in the process have a stake in the system, and they are not so quick to yield to cynicism, despair, or distrust.

Persons who do not vote are often

alienated from the system, and, by their simple act of not voting, they threaten the survival of democracy itself.

The distasteful fact is, of course, that millions of Americans do not vote:

First, in the 1968 presidential election 31.8 million people voted for Richard Nixon, 31.3 million for HUBERT HUMPHREY, and 47 million—or 40 percent of the electorate—did not vote at all.

Second, the number of nonvoters has been increasing sharply, from 39 million in 1960, to 43 million in 1964, to 47 million in 1968. If this trend continues, in 20 years we will have from 70 to 90 million nonvoters in an election for President.

Dissolving voter apathy will not be easy, but, at the very least, the barriers between the citizen and the voting booth must be removed.

Richard Scammon, the elections analyst, has said that "voting ought to be as simple as making a telephone call." Today it certainly is not.

Residential requirements for voting, registration procedures, and election day inconveniences are the major barriers that can be reduced or removed.

RESIDENTIAL REQUIREMENTS

Five million citizens were prevented from voting in 1968 in the Presidential election merely because they moved from one State to another just before the election.

The Supreme Court has now ruled that it is unconstitutional to deny the vote to anyone merely because he has not lived for a particular period of time in the State or locality where he seeks to vote. The decision may enfranchise millions of citizens, and it is a major step in increasing voter participation in the electoral process.

REGISTRATION PROCEDURES

The finest voting system in the world would not work if registration procedures discourage voters.

Present registration procedures can require registration at the Court House, or some other office miles from home, or allow registration only occasionally.

In Indiana, it takes a rather sophisticated student of politics to know when, where, and with whom to register.

Registration becomes an obstacle course for the voter rather than an assistance to voting. In 1968 over 3 million people did not get the chance to vote because they found registration procelures too inconvenient.

A universal voter enrollment plan would get more people registered, and, since almost 90 percent of the Americans registered to vote cast their ballots in 1968, such a plan would sharply increase voting participation.

ELECTION DAY INCONVENIENCES

In 1968, an estimated 6 million Americans did not vote because they could not leave work or they were away from home. We make it tough to vote by:

Voting in the middle of the work week.

Voting the same hours we always have, even though the population has doubled.

Shortening the hours for voting from time to time in some States, including Indiana.

Voting in places that are often jammed with voters, that are often cold or wet, and with no places for the old or disabled to sit down while they wait.

Voting should not be a burden, and most of these inconveniences could be easily removed. Designating Federal Election Day a national holiday would also help.

OPEN AND MORE HONEST CAMPAIGN FINANCING

The most important facts about campaigning today are that political campaigns are frightfully expensive and that most of the expenditures go unreported. From the public record, people cannot tell where the money comes from or how it is spent.

The democratic process requires a system that is open and honest. The present system is neither.

Campaigning costs have reached the stage where they threaten the lifeblood of the democratic system. They simply must be gotten under control.

The outstanding political upsets of 1970 were made by men of great wealth, using television and spending their way from obscurity to fame in a matter of weeks; candidates like Ottinger, Metzenbaum, Buckley, Bentsen, and Shapp.

Fifteen candidates ran in the 1970 Senate races in seven large States. Eleven of the 15 were millionaires, and all of the seven winners were millionaires.

The amount of money spent per vote cast in presidential campaigns has more than doubled in the past decade:

In 1960, 32 cents per vote cast.

In 1968, 67 cents was spent for each vote.

While the costs of campaigns has exploded, the number of contributions shrinks with 90 percent of all campaign funds contributed by less than 1 percent of the American population.

Honest and open elections for public offices will restore public respect for the political processes.

The new campaign finance reform law, providing for limitations on the amount candidates can spend on the news media, disclosure of contributions and expenditures, and frequent reports by candidates will, if strictly enforced, be a major step forward, and hopefully will begin to restore integrity to the financing of political campaigns. The recent example of presidential candidates making known their contributions is heartening and hopefully will encourage other candidates to do the same.

INCREASED CANDOR

Examples of lack of candor by public officials can be gathered almost daily:

President Nixon spoke publicly of neutralism toward India and Pakistan in their war last December, when his instructions to his military and intelligence heads were to "tilt" toward Pakistan.

Secretary Connally repeatedly said prior to last December 18 that the dollar would not be devalued, when that was precisely what he was planning to do.

President Nixon indicated on June 17, 1970, that "I will not take this country down the road of wage and price controls." A little over a year later, that was the road the Nation was on.

A Secretary of Defense blandly explained why the President escalated bombing of North Vietnam in December 1971, by stating that it was done to reduce American casualties and protect American troops. That week only one American had been killed.

A Secretary of Commerce, and the chief fundraiser for the President, innocently stated on nationwide TV, that he had no knowledge of large contributions to the President's campaign fund from dairy associations shortly after the President sharply increased the price support for milk.

These examples are chosen because they are recent. The Nixon administration, however, has no monopoly on a lack of candor.

The Pentagon papers of last June jolted public confidence in the utterances of the leaders of the Johnson administration. Those papers demonstrated that Government did not act in a manner to earn the confidence of the people. While policymakers were involved in raging debates over the Vietnam conflict, very little of it surfaced. The American people, who had the most at stake, were given little or no opportunity to understand the stakes, the difficulties, and the options.

When elected leaders hesitate to deal with the difficult issues of the day with candor and honesty, the opportunity for the dialog upon which a democracy depends is denied. Under such circumstances the people do not get reliable information and cannot perform their rolls in a democratic society. The Pentagon papers showed that Vietnam policy was made by so few officials that it was not sufficiently exposed to debate and discussion, especially on the fundamental question of objectives.

Soaring rhetoric by public officials often contributes to the lack of candor. In their enthusiasm for a proposal, and in an effort to sell it, their words ensnare them into exaggerations. All of us in public life should know by now that poverty, discrimination, and polluted water will not yield to fancy words, and we should focus on the really pertinent question of whether we are willing, or able, to provide the resources, both human and material, over a long period of time to achieve our exalted goals.

It is not being candid with people to proclaim unlimited goals and then use limited resources to try to achieve them. So long as public officials are not candid with the people about the size and difficulty of the problems, and the cost of solving them, people will be misled and their distrust of government will grow.

The sentiment is building that no high official in Washington is to be taken at his word. With the record of performance in recent years, the average citizen cannot really be blamed if he doubts the candor of American officials.

The remedy for all this is to reaffirm the fundamental aspects of a democracy: its openness and its reliance on public discussion.

Candor means to acknowledge that we do not have all the answers to all the problems that beset us, that we acknowledge the difficulties and the costs of the advocated proposal, that we admit errors, that we use experimentation and pilot programs more extensively, and that we restrain our rhetoric. Candor by public officials requires an act of faith in the ability and the judgment of the people, but it is essential to the proper functioning of the democratic system.

INCREASE ACCESSIBILITY AND ACCOUNTABILITY OF PUBLIC OFFICIALS

Another step to improve public confidence in Government is to increase the accessibility of public officials. Public officials unfortunately enjoy being in the public eye, but not under public scrutiny.

Government is responsible only if the decisionmakers are accessible to the people and accountable for their decisions. They must be where they can be asked tough questions, and made to give the best answers they can.

The President's press conferences are a good example of executive isolation. The President held only nine press conferences in 1971, and four of these were called on short notice and attended by only the regular White House press corps. By comparison, Presidents Eisenhower and Johnson averaged 21 each year. The decline of the use of press conferences deprives the public of its best opportunity to examine the President at close range.

Many top policymakers simply are not accessible or accountable to the people in any direct way. The doctrine of executive privilege cloaks from view many of the Government's most important officials. Dr. Henry Kissinger is widely acknowledged to be the President's foremost foreign policy adviser, yet he is not available to appear before congressional committees, and only rarely is available to the press. Mr. Peter Flanigan, a Presidential adviser, who is apparently intimately involved in the Government's antitrust policy, likewise is not available to public scrutiny.

In their conduct of the public's business congressional leaders as well are often inaccessible to the public. Part of the problem in the Congress is that power is anonymous, resting in the hands of few men who, so far as the public is concerned, are unknown. The chairmen of the most important committees could walk into most gatherings in America and be unrecognized. If we are to have open decisions, openly arrived at, men with such vast power must be open to public view, accountable to the public, and the opportunities for free exchange of opinions between the people and their leaders must be maximized.

LESS SECRECY

A government that prefers to do its business in secret will not have the public's confidence.

Over the past decade, Congress has appropriated an average of more than $130 billion a year to run the Federal Government, fund public programs, and carry out national priorities. In each instance, the appropriations process has been dominated by secrecy, from closed committee hearings to secret House and Senate conferences. This process makes a farce of the principle of open government.

Fortunately, some reforms have occurred, which are beginning to open the congressional appropriations process to public examination. The House Appropriations Committee held a few open hearings last year, although 92 percent of its hearings were closed. With the recorded teller vote the House is recording publicly more of its votes; 320 record votes occurred in 1971; the largest number ever taken in a single year.

In the executive, a comprehensive classification system for public documents keeps information from the people. This perverse system lessens the flow of full information and inhibits the public's understanding of current events. It allows policymakers to operate with blinders on. The historical record offers no proof that officials protected from public scrutiny by the classification system make wiser decisions than they would otherwise, and the democratic process argues just the opposite.

Distinctive marks of democracy are its commitment to an open society, and the assumptions that policy can be improved by steady public examination and debate.

Few things should be immune from public scrutiny and criticism, because only by such examination and criticism can mistakes be corrected.

To achieve these objectives of a democratic society, several basic alterations should be made in the classification system. Some propose that any paper stamped secret should become public in 2 years, and top secret papers should be made public in 3 years, with a congressionally appointed commission to make exceptions. Others suggest a more extended period of 5 to 10 years.

At the very least, disclosure should be the rule, not the exception, and the burden should be placed on the Federal agency, not on the party seeking disclosure, to justify denying information to the public.

The recent Executive order to limit secrecy in Federal documents states some salutary principles, urging that classification be used with utmost restraint, but the real test will come in the administration of the order to see if the tendency of the bureaucracy to overclassify can be corrected.

INCREASE FAIRNESS IN GOVERNMENT

Many people have lost confidence in government because they feel that their Government does not give them a fair shake. They are right.

Our laws are full of provisions that result in special treatment for special interests. A recent congressional report showed that direct and indirect Government subsidies cost the American taxpayer at least $63 billion a year, an amount equal to $308 for each citizen, and about one-fourth of all the Federal Government spends each year. More than half the total, or $38 billion, is in tax subsidies, indicating the extent to which special privileges dominate our tax laws.

Although tax burdens for individuals are thought to vary according to an individual's ability to pay, the reality is vastly different because a variety of special exemptions, incentives, and privileges weaken the progressive nature of the income tax, and fill the tax law with inequities:

The stated tax rates are from 14 to 70 percent, but the real rates range from less than 2 percent to a maximum of 32 percent of income at levels of $1 million and over—112 persons with incomes of $200,000 and over paid no taxes at all in 1970.

While the ordinary taxpayer pays around 20 percent of his wages in taxes, the oil companies paid an average of 8.7 percent of their income in taxes in 1970.

People earning less than $2,000 annually pay about 50 percent of their income in all types of taxes while people earning over $50,000 pay a lower rate of 45 percent.

Studies show that the higher a taxpayer climbs above the middle income brackets, the better chance he has of paying no income tax at all.

In 1970, 1,338 persons with incomes above $50,000 paid no Federal income tax and the percentage of people who escape all taxes rose steadily in every income bracket from $15,000 to $1 million.

In addition to the tax subsidies, there are cash, credit, and benefit-in-kind subsidies. All of these special provisions are not detrimental, just as all of the tax subsidies are not. But there are enough of them to arouse growing feelings among more and more Americans that their Government is not as "fair" as it ought to be.

A concern for fairness requires a searching and continuing examination into these subsidies, asking the tough questions about their economic benefits and real costs, whether alternative approaches can do the job better, and whether more reliance on the marketplace would be a more efficient way to achieve the goals.

Most Americans would feel better about the fairness of their Government if they knew that this kind of examination was taking place on a sustained basis.

At the very least Government should launch a major effort to bring fairness and equity to the tax and subsidy programs.

STRENGTHEN THE FEDERAL SYSTEM

Part of the reason people lack confidence in government is because government is too big, complex, and inefficient. To recapture that confidence an unrelenting effort must be made to make government and all its various institutions work better.

A distinguishing feature of the federal system has been its remarkable capacity to adapt to changing circumstances, because the rate of change is so swift today we face problems of totally different magnitudes. Many institutions of government cling to policies and practices that hardly satisfy the modest requirements of the 1930's and 1940's and are grossly unsuited to cope with the kinds of challenges we have today. The result is that our federal system is on trial as never before.

All levels of government in the federal system must be strengthened and reformed. Exclusive action by any one level of government will simply not solve the problems. The burden of governing is too big and too complex for one branch of government to handle efficiently.

The basic question is how to organize to deal efficiently and effectively with the complexities and the burdens of a dynamic America.

State governments need to be modernized and strengthened. In 1967, the Committee for Economic Development compiled a list of outmoded State government structures which has changed little in recent years:

Only a handful of States have adopted new constitutions since 1945. Most of the State constitutions were drafted in the 1800's—Indiana's was adopted in 1851.

More than half of the State legislatures still meet at regular sessions once each 2 years, and under wholly inadequate time limits in most cases.

Many State legislatures are unwieldy in size. Less than half of lower chambers have fewer than 100 members.

Only a few States give their Governors sufficient administrative authority to meet fully the responsibilities of the office.

Almost half the States, including Indiana, deny their Governors a second or third consecutive term, which reduces the Governor's ability to provide political, as well as administrative, leadership.

To strengthen State governments several steps should be taken to:

Reduce the number of elected officials.

Provide Governors with the authority they need to deal with their responsibilities, and sufficient staff to meet the responsibilities.

Limit the size of State legislatures and upgrade their facilities, strengthen their staffs and improve their sources of information.

Local governments, too, need to be reshaped, including steps to:

Reduce the number of elected officials.

Enlarge the areas served to provide the resources for effective action.

Strengthen their authority to act.

State and local governments have made progress in increasing their effectiveness and strengthening their ability to act, but the question remains whether they have moved ahead rapidly enough in view of the problems.

Reform is also needed in the U.S. Congress. Although it is one of the more successful political legislatures in the world, it has not faced the demands upon it, and unless major changes are made in the way it operates, it will become increasingly ineffective. The objective must be to make it more responsive to the majority of its Members, more efficient by abolishing obsolete procedures, and more deliberative by strengthening democratic procedures.

Procedures of the House and Senate are time-consuming and antiquated; they encourage delay and discourage deliberation. The filibuster allows a minority of Senators to talk a bill to death.

Committee jurisdictions are seemingly set in concrete with no review of the divisions of work to assure that the committee jurisdictions correspond with the actual problems facing the Congress.

The Congress has committees on Merchant Marine and Fisheries, Post Office and Civil Service, Interior and Insular Affairs, but none on environment, health, population, and economic affairs.

Today at least 10 committees work on the environment; over 17 committees work on foreign affairs. And about one-half of the 268 House subcommittees claim some share of urban policy issues.

There is no organized procedure for the Congress to systematically review the entire national budget. Although expenditures are examined in detail by subcommittees, no full committee spends more than 2 days reviewing the complete revenue and expenditure proposals of the President.

The work schedule of the Congress wastes time, causes conflict, inconvenience, and delay.

The Congress needs to strengthen its leadership, reduce anonymous power, and develop a system which chooses its leadership on the basis of merit rather than political survival. It also needs to adopt modern business practices in employment, office management, use of computers, and data processing machines.

The people's confidence in government will rise to the extent that the institutions of government become more responsive, efficient, and effective.

CONCLUSION

These several suggestions by no means exhaust the steps government should take to restore the confidence of the people. It is not required that government take all these steps at once, but it is necessary that people know about government's concern for their lack of confidence and its willingness to take some of the steps needed to restore confidence.

My observation is that people generally are rather understanding of the complexity of the problems with which the government deals, and tolerant of government's lack of success in solving them. But there are limits to the margin of tolerance people extend to their Government, and my feeling is we are approaching these limits today.

The danger signals are apparent for all to see, and it is the time for the Congress, and all public officials, to first think seriously about what steps must be taken to restore the confidence of the people in democratic government, and then to act with the force and the resolution needed to accomplish them.

THE CONTINUING TRAGEDY IN VIETNAM: BRINKMANSHIP IS A DANGEROUS AND AWFUL RISK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

Mr. BOLAND. Mr. Speaker, the hundreds of bombing sorties against Hanoi and Haiphong yesterday are a mockery of what President Nixon calls "Vietnamization." The U.S. role in the war, steadily diminishing up to a month ago, has taken on almost astonishing new dimensions. Indeed, the weekend bombing missions recall the mid-1960's—an era when the American high command still entertained illusions about a "military victory," still clung to the hope that North Vietnam could be pummelled into submission. At the very least, we were then assured, the bombing would halt the enemy's infiltration into South Vietnam. Like most of the military's comforting assurances during that era, this one proved false—almost wholly false.

Yet, President Nixon has now exhumed the corpse of that thinking, using war tactics that have long since been recognized as futile. Significantly, Mr. Speaker, administration spokesmen have abandoned the jargon they have been using to describe air strikes against North Vietnam—cryptic phrases such as "limited duration protective reaction." They now speak bluntly of "reducing the enemy's capability to continue military activities in South Vietnam," language chillingly reminiscent of that used at the peak of the conflict 6 years ago.

It has already been demonstrated—plainly and indisputably—that bombing North Vietnam merely steels its resolve to continue pressing the war effort. A tiny agrarian country, North Vietnam can easily weather bombing attacks that would devastate an industrial nation. The targets of yesterday's missions—petroleum depots, warehouses, truck yards, other logistic facilities—can be shifted to new sites virtually overnight. Once camouflaged and scattered about the countryside, they would be all but invulnerable to air attack.

Beyond the palpable futility of such bombing, President Nixon's new strategy broadens the U.S. role in the war. What ever happened to "Vietnamization?" America has already done everything that could be expected of her to assure South Vietnam's self-sufficiency, sacrificing 45,000 lives and hundreds of billions of dollars. As Senator MIKE MANSFIELD has said, South Vietnam must now "fish or cut bait."

Almost an entire generation of American youth has shed its blood on Vietnam's battlefields.

It must stop, Mr. Speaker.

We must get out.

The renewed bombing of North Vietnam not only threatens to slow—perhaps stop altogether—our disengagement from the war. It is also brinksmanship of the most unsettling kind, bringing the United States and the Soviet Union close to a direct confrontation. The Washington Post, in an editorial published today, said this:

> What President Johnson and his predecessors steadfastly tried not to do over 15 years or more, President Nixon has managed to do almost overnight: he has brought the war in Indochina to the brink of a head-on confrontation with the Soviet Union by his decision to send American bombers over the suburbs of Hanoi and the port of Haiphong and to amass an American naval armada off the North Vietnamese coast . . .

The Post argued further:

> You have to assume that he, President Nixon, is prepared, for lack of any other leverage, to throw Soviet-American relations into the scales, to put the SALT talks and the European detente and Russia's alleged

anxiety over China and East-West relations in general on the table, for the sake of salvaging whatever precisely it is that Mr. Nixon would conceive of as an "honorable" way out of the war . . .

It seems clear, Mr. Speaker, that this approach is a flirtation with disaster.

I am today joining other Members of the House in introducing a resolution calling for these actions:

First. All American military activities, whether land, sea or air, against the territory of North Vietnam, be terminated at once;

Second. The President now order our representatives at the Paris peace talks to resume negotiations, in order to achieve the return of our personnel held captive in Indochina and an accounting for all those missing there, in return for the total withdrawal of American military forces from Indochina and the cessation of all American military activity in that region; and

Third. Meanwhile there be no interruption in the withdrawal of American military forces from Indochina.

THE U.S. BOMBING OF HANOI AND HAIPHONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 30 minutes.

Mr. MIKVA. Mr. Speaker, for almost 10 years now, this country has been entangled in an immoral and reprehensive war in Southeast Asia—a "dirty little war" that has become very big, demanding a very high price. More than 50,000 Americans have died there since 1963, untold Vietnamese lives have been lost, billions of dollars have been wasted, and the moral fabric of this country has been torn—its soul sacrificed for expediency and a terrible refusal to admit that, as a country, we have been wrong. Several years ago, it became apparent that the people knew a tragic mistake had been made, and they wanted out of Southeast Asia—soon. The President was elected on the strength of that sentiment. He had a plan, a secret plan, to end the war. Soon, American troops started coming home and, every so often, there was another televised announcement to say how many would be leaving—to say how well Vietnamization was working—to talk about a generation of peace.

Saturday night, less than 48 hours ago, we found out that something was terribly wrong. The war was not winding down. Instead, it was spreading out—spreading like it did in 1965 and 1966. Saturday night, U.S. B–52 bombers struck deep inside North Vietnam. For the first time in the long and sad history of the Vietnam war, U.S. planes indiscriminately attacked targets near the port of Haiphong. Sunday, they struck targets in Hanoi. The North Vietnamese said hundreds of civilians were killed, and the Soviet Union said two of its ships in Haiphong harbor were damaged. It was an eerie reminder of an earlier time when U.S. planes bombed cities in North Vietnam—after the incident in Tonkin Gulf. The repercussions from those first raids were devastating—to the chances for peace, to the safety of American troops—and the repercussions from the new raids over the weekend could be far more tragic.

As long as a year ago, there were signs that as the ground war "wound down," the air war was escalating. The dirty war on the ground was being replaced with a cleaner, automated war, that dealt in white phosphorous, tiny steel fleshettes, and giant "Daisycutter" bombs. As the troops came home, more planes and more bombs came to Southeast Asia for more "interdiction" and "protective reaction" strikes. Of course, the victims did not change. The civilians continued to die, much as they died at Mylai. No one replaced them.

All of this became quite obvious over the last few weeks, since the North Vietnamese invasion of the south. The South Vietnamese Army is fighting back, and the Army has won a stalemate, however tentative. It is clear, however, that "Vietnamization" is a hollow phrase without the massive and unprecedented use of American air power that props it up. As a result, the air war has become as intense and as deadly as the ground war. It has expanded the war, taking it to the north and increasing the civilian casualties.

The American people have been cruelly deceived. The war is not winding down. Vietnamization has not worked as the administration said it would. The American presence in Southeast Asia is not going to end soon. The pledge to end the war—to deescalate, to work for peace—has been a forgery. Despite the rhetoric, the last 48 hours have shown that this country is very much in the war—more than ever. The people of Vietnam do not want it. The people of the United States do not want it, and we have the right to ask "Why?" More than that, we have the right to an answer, not from the U.S. Command, not from the Joint Chiefs of Staff, not from the Pentagon—but from the President.

The bombing of Hanoi and Haiphong is a reckless, unreasoned, immoral act that jeopardizes not only the chances for peace in Southeast Asia—it jeopardizes world peace. For years the Pentagon urged the large scale bombing of these two cities but the Johnson administration, for all its stubbornness, did not order the attacks because it knew the attacks would escalate the war. Now, 6 years later and theoretically on our way to a generation of peace, we have ignored once again the terrible lessons of the past. Once again, the Government has committed the sin of pride, the sin the Bible tells us is the fundamental weakness of mankind. The bombing of Hanoi and Haiphong, the escalation of the air war, the increase in civilian death and destruction—they have set this country back 7 years—to 1965 and the insanity of military escalation.

The bombing must stop now. As a nation, we cannot tolerate it if only because so much is at stake:

There are no pretenses about this latest round of bombing. It is not protecting American troops. There is no guise of "protective reaction." Instead, the bombing of Hanoi and Haiphong is likely to jeopardize even more the safety of U.S. troops because the North Vietnamese now have a cover to increase their attacks on U.S. military installations.

From a military standpoint, the bombing is not effective. After Tonkin, this Government vowed to "bomb the North Vietnamese into submission." It did not work. It generated more fighting and death, more resistance and delay. It was a waste of money—and it killed a great many civilians. Incredible as this may seem—after all we have learned in the last 10 years about the ineffectiveness of massive airpower in a guerrilla war—the Pentagon continues to promote and employ World War II tactics. The sin of ignorance compounds the sin of pride.

The bombing cannot be restricted to the military targets on the map. Millions of people live close to the targets. The Pentagon's avowed pledge to avoid civilian areas is little consolation to the civilians who are killed or injured by the bombing. An attack on Hanoi and Haiphong by B–52's is quite different from an attack by lower flying planes on trucks and SAM missile sites in theoretically unpopulated areas. When the decision was made to bomb Hanoi and Haiphong, it was done with the knowledge that there would be extensive civilian casualties.

The bombing may well generate an international crisis. There is speculation that the administration ordered the attacks to "convince" the Soviet Union to stop supplying weapons to the North Vietnamese. With the President's mission to the Soviet Union only 5 weeks from now, it is a curious way of asking the Soviets to stop. The bombing is sending them a message, but it is not the right one. It has created an incredible and totally unjustified risk of nuclear confrontation.

The bombing has jeopardized once again the safety and the chances of release for our prisoners of war. North Vietnam is not likely to consider the plight of the POW's when its cities are being bombed, while its civilians are being killed, however inadvertently. As more planes attack the north, more planes are shot down, and the number of POW's increases. In the process, we are moving away from peace—and release of our prisoners—with a vengeance.

The bombing is yet another indicator of the Military Establishment's overwhelming control over the administration. The Pentagon and the Joint Chiefs now have their way and, when peace hangs in the balance, that is not a comforting thought.

Instead of peace, instead of winding down the war, we have been given another example of the vengeance, venality, and viciousness that has characterized this country's presence in Southeast Asia for so long. By any standards—moral, political or military—the events of the last weekend give us little basis for pride or hope.

There may be one positive result from the President's latest exhibition of brinkmanship. It may convince some of our doubting colleagues in Congress that we can no longer evade our clear responsibility to end the war now. Time and time again, the Congress has deferred respectfully to the judgment of the President. But if bombing Hanoi and Haiphong and escalating the air war represent this administration's best judgment, that judgment simply is not good enough.

We have the ability to stop the bombing, to end the war. In the past, we have lacked only the will. Three weeks ago, I joined the gentleman from Massachusetts (Mr. Drinan) in introducing H.R. 14055 which calls for an immediately end to the bombing and the withdrawal of all U.S. military personnel from Southeast Asia, conditioned only on the release of our prisoners of war. This represents the will of most of the people in this country and, as Congress, we have a responsibility to carry out the people's will. We have deliberated long enough. We have deferred long enough. Now, we must have the courage to do what the President will not.

On Wednesday, Congressman Drinan will place a resolution before the Democratic caucus calling for prompt legislative action on H.R. 14055. That resolution ought to have the support of every Democratic member who believes the war must end and that Congress ought to end it. We owe the American people that much—after all these years, after all the lives that have been lost. Supporting the Drinan resolution is the first step. It is time we took it.

Mr. Speaker, I would like to insert in the Record three newspaper editorials on the escalating air war in Southeast Asia and this country's position there. The editorials in this morning's Washington Post and New York Times discuss the bombing of Hanoi and Haiphong. The third editorial, from the Des Plaines Herald, was written before the new air strikes. The editorials follow:

[From the Washington Post, Apr. 17, 1972]

Vietnam: "Getting Out" By Way of the Brink

What President Johnson and his predecessors steadfastly tried not to do over 15 years or more, President Nixon has managed to do almost overnight: he has brought the war in Indochina to the brink of a head-on confrontation with the Soviet Union by his decision to send American bombers over the suburbs of Hanoi and the port of Haiphong and to amass an American naval armada off the North Vietnamese coast.

There does not seem to be any other way to interpret what he has done. One could understand—if not accept—the monumental air support given to the South Vietnamese during the ongoing North Vietnamese offensive of the past few weeks, and the systematic substitution of our air power for our manpower in the months before that. One could see this as having something to do with bolstering the South Vietnamese forces, and even with "saving the lives" of our remaining troops. Leaving aside the cynical euphemism of "protective reaction," there were enemy tanks to be hit, and SAM missile sites to be taken out and trucks and roads and bridges to be blown up. You could even believe, but just barely, that most of this was being carried on in remote, unpopulated areas so that civilians were pretty much out of the way of it.

But you cannot believe that anymore about a reversion to bombing tactics which plainly endanger population centers and which cannot be related in any immediate sense to the fighting now under way south of the Demilitarized Zone and in the Central Highlands and around Saigon. Nothing that is blown up in Hanoi or Haiphong today is going to influence, in any direct way, the course of battle in the South for a good many months, pehaps even a year; we have ample evidence of that, out of long experience.

And you cannot seriously believe that this revival of the thumbscrew is directed at "the will of Hanoi" for we have more than enough evidence on this score, too: the thumbscrew, sometimes called "rolling thunder" (by the military) or "graduated response" (by the professors in residence in government), has never really worked. In the days of Dean Rusk and Walt Rostow, it didn't persuade the North Vietnamese to "leave their neighbors alone"—if anything it stiffened them—and there is no reason to believe that the effect would be any different now. Moreover, there is nothing "graduated" about what is going on.

So you have to assume that the Russians who are the main suppliers of the heavy weaponry now in use by the North Vietnamese, are the main object of the weekend bombing strikes around Hanoi and Haiphong; that the President is reviving and applying what John Foster Dulles described as "the necessary art" and which his critics called "brinkmanship"; that he is seeking to persuade the Russians to use their benefactor's influence on Hanoi either to slow down the current offensive or to promote negotiations, or both; and that he is prepared, for lack of any other leverage, to throw Soviet-American relations into the scales, to put the SALT talks and the European detente and Russia's alleged anxiety over China and East-West relations in general on the table, for the sake of salvaging whatever precisely it is that Mr. Nixon would conceive of as an "honorable" way out of the war.

There is a grim logic in this assessment. It fits the President's long-standing concepts about the utility of air power, particularly in Indochina; it is quite in keeping with his oft-expressed admiration for the way President Eisenhower supposedly achieved a Korean truce—by threatening the Chinese with nuclear attack. It accords with the Administration's own proud account of how Jordan was saved and a Middle East conflagration averted—by the maneuvering of American sea power in the eastern Mediterranean. It would be, in short, almost a classic exercise in balance-of-power politics of the sort that Mr. Nixon and Dr. Henry Kissinger have long espoused.

In other words, it figures—which leaves you to wonder only by what set of values, or what sense of American obligations or security interests, or what reading of American sentiment, it is necessary at this stage of the game to go to the brink with the Russians over Vietnam?

We were told long ago of a plan "to end the war." Can this be it? Can the Russians. in fact, maintain their position in the world while telling their sister socialists in North Vietnam to abandon what they have been fighting for these forty years?

We were told that the South Vietnamese could "hack it by themselves." Are we now to believe that what this really means is that this country must not only continue to provide massive combat air support but also to confront the Russians with the twin threats of aerial and naval blockades against North Vietnam? Is this what "Vietnamization" is all about? Or isn't the real meaning of the Hanoi-Haiphong raids that "Vietnamization" doesn't work well enough to guarantee the President the kind of outcome of the current Vietnam fighting he could feel comfortable with, either in Moscow at next month's summit, or in the election campaign next fall?

This, in our view, is the nub of it—the sort of outcome the President wants and the risks that are worth taking to bring it about, for the risks involved do not seem to us to bear any relationship to the possible gains. If the President's "Vietnamization" policy is as successful as he would have us believe, we have done all that we could reasonably have been expected to do for the Saigon government and we ought to fix a date for our total military disengagement, negotiate as best we can for the return of our prisoners, and get out.

If "Vietnamization" turns out, in fact, to be less than it has been proclaimed to be, the end of it all in Vietnam may then be something well short of what we set out to accomplish, and some might even see it as "dishonorable." Against that ultimate, and still hypothetical judgment, however, you have to weigh the honor, not to say the sanity of trying to influence the outcome in Vietnam at this late date by resuming bombing in or around population centers in North Vietnam for the indirect and largely theoretical effect this may have on the actions of the men in power in Moscow or Peking or Hanoi.

[From the New York Times, Apr. 17, 1972]

Of Blood and Slogans

Slogans can have a fateful significance.

Taking office in 1969 on a pledge "to end the war and win the peace," President Nixon made a fateful decision concerning the true content of that vague but beguiling campaign slogan. "Winning the peace," he decided, meant that an anti-Communist Government had to be consolidated in power in South Vietnam. Otherwise the "peace" would be lost because additional military effort by the Communists would soon bring them the victory they have long sought.

Since the United States and its South Vietnamese allies had not conclusively defeated the Communists on the field of battle, there was no immediate visible way to "win the peace" in Mr. Nixon's special sense of that term. As a result, "ending the war" had to be indefinitely postponed and the subtly but significantly different objective of "winding down the war" had to be substituted. Even this phase had to be defined in a special sense. The war itself was not wound down; on the contrary, it was extended to Cambodia and Laos and American bombing greatly increased. What was "wound down" was the scale of American involvement in the ground fighting.

When these special Nixonian interpretations have been decoded, that 1968 promise "to end the war and win the peace" translates into ordinary English as a promise "to continue the war until the enemy concedes defeat and accepts American peace terms."

Would the American people have accepted Mr. Nixon's leadership four years ago if they had understood the true import of his slogan? The question is unanswerable. What can be said is that the Communist forces in Vietnam are not prepared to accept Mr. Nixon's special definitions. The bloody fighting of the last ten days demonstrates that the war was not ended.

South Vietnam's Army has been able to achieve at least a temporary stalemate but on terms that have ominous implications for long-term American involvement. Only massive American bombing, including heavy raids in North Vietnam itself, enabled the South Vietnam forces to halt the Communist advance. And it is the precarious position of South Vietnam's embattled forces that has led to the weekend's American escalation of the air war near Haiphong and Hanoi.

If American air support on a large scale is the essential prerequisite for staving off a South Vietnam defeat, the United States may be fighting an air war in Southeast Asia for several more years—on and on into the indefinite future in an elusive effort to "win" an ever-receding "peace."

America's involvement in the Vietnam war cannot be satisfactorily ended until this country obtains the release of its prisoners of war. Every new air raid means more pilots shot down and captured. The number of American prisoners steadily grows. Thus, every raid not only brings death and devastation to Vietnam but postpones the end of the war.

The war is being fought to determine the political future of South Vietnam. Since the United States cannot win the war by means acceptable to the American people, it has to achieve peace by a political compromise with its Communist adversary. A negotiated settlement is the only alternative to more bombing, more bloodshed, more prisoners. Deceptive slogans can no longer obscure that harsh choice.

(From the Des Plaines Herald, Apr. 13, 1972)

IT MUST BE THEIR WAR

The current four-front Communist offensive in South Vietnam—which sharply threatens the security and well-being of that country—again points out an often-evident contradiction in American foreign policy.

On one hand, the United States has maintained a military presence in South Vietnam—but a presence which has been sharply reduced in recent years. Currently there are 95,000 American troops in that country—a figure which could drop to 35,000 men by Election Day in November.

In the meantime we have aggressively promoted the Vietnamization concept—the development of a self-sufficient South Vietnamese fighting force. Such development has been based on the belief that a friendly South Vietnamese government is vital to our self-interest.

Military, there is no contradiction if peace comes to Vietnam and we can continue to withdraw our troops.

Today, however, Vietnamization is beginning to appear as a partial failure. In the past two weeks the North Vietnamese offensive has pushed the South Vietnamese troops in some cases into a wild retreat. It would be generous to say that the performance of the South Vietnamese military has been unimpressive.

American air power is the only element which has had an obvious effect in stemming the onslaught of Communist tanks and firepower. Our air power even failed during the first three days of the invasion; bad weather cut into our flight schedule and allowed 10,000 men and Communist tanks to flood across the DMZ.

Is more American troops the answer to stemming the floodtide? President Nixon has steadfastly rejected "more troops" as an option, but it is unclear what are his other options.

But if the invasion continues to be successful, will the pressure for help from the South Vietnamese government be too great to resist? We doubt it; political pressure in this country against reescalation is all-powerful in this election year.

Nonetheless, the United States military machine is still in Vietnam, through its troops and its massive air power—and still it is not the South Vietnamese war to win or lose. There will still be American casualties, whether through the loss of aircraft or through the occasional deaths of some of our 95,000 "military advisers" (a term which takes us ominously back to 1961 and 1962.)

We termed Vietnam a "quagmire" in a Herald editorial on Feb. 3, because the U.S. foreign policy logic held us in Vietnam as a dominant military and political force. It is a logic which continues to pull us inexorably further and further back into the conflict.

Withdrawal is the only realistic solution for us. We should not allow our basic sympathy for the South Vietnamese government (a sympathy which has allowed us to prop it up time after time) to confuse us about the basic nature of the conflict.

Today, it is South Vietnam's war to win or lose. American air support will only result in deeper American involvement (although it may temporarily ease the military pressure on the south).

In short, Vietnamization must rise or fall on its own. Americanization—in any military sense—will not aid the people or the government of South Vietnam. It is their war, to win or lose.

HAZARDOUS OPEN CANALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, today I am introducing a bill which would have the Interior Department fund up to 50 percent of the cost of converting existing open canals in urban areas to closed conduits or of providing safety fencing along these canals.

The Bureau of Reclamation has recognized the need for improving safety conditions on federally constructed canals but has failed to recommend appropriate legislation which would fulfill this need. Meanwhile, children continue to drown in these waterways.

This month, two young New Mexico children drowned in a canal operated by the Middle Rio Grande Conservancy District. Forty-one other New Mexicans have drowned in canals operated by this district in the last 13 years. I understand that similar deaths across the Nation now number in the hundreds. The time is long overdue for action to be taken to eliminate the safety hazard these reclamation projects present to our children.

The costs of implementing the bill I am introducing today may be high; however, when this Nation can spend over $400 million to send three astronauts to the moon, it can also afford to spend what is needed to save the lives of hundreds of its children.

I am not wedded to the 50–50 cost sharing formula in my bill and will wholeheartedly welcome any reasonable amendments which the Bureau of Reclamation or anybody else has to offer relating to this proposal.

In closing, let me point out that our children will soon be out of school for the summer vacations. Time is of the essence and I urge that this legislation be acted upon as soon as is reasonably possible.

The following is the text of the bill I am introducing today:

H.R. 14403

A bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the intent of Congress that the United States encourage safety to the public in urban areas by sharing in the cost of converting open canals to closed conduits and of safety fencing of large canals which are economically infeasible to enclose in conduits.

SEC. 2. (a) The Secretary of the Interior may provide funds not to exceed 50 per centum of the cost of converting existing open canals in or adjacent to urban areas to closed conduits or of providing for safety fencing of large canals in or adjacent to urban areas. Except as provided in subsection (b), the assistance provided under this Act shall be under terms and conditions satisfactory to the Secretary of the Interior.

(b) The portion of the cost of projects described in subsection (a) not provided by the United States may be provided by labor and materials, as well as by money. The costs of labor and material so provided shall be determined by their fair market value.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

THE CONTINUING VIETNAM DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, since 1967 I have been communicating to American Presidents my deep belief that it was not in America's self-interest to continue the war in Vietnam. I suggested many years ago that we would now be able to obtain our prisoners of war and account for our missing in action as part of a total withdrawal from the Vietnam war.

Those of us who have followed the progress of the fighting in Vietnam closely for the past 5 years have repeatedly indicated that Vietnamization was not a viable military policy because a stalemate which involved the South Vietnamese supported by 500,000 American troops and massive air power would certainly deteriorate once the American military forces were reduced. It has also been clear that massive bombing would not stop the war since we have dropped over 2½ times the tonnage of bombs on Vietnam than was used in both the European and Pacific theaters of World War II.

This is also unconstitutional, because it exceeds the President's constitutional powers. Any possible authorization for a new war in North Vietnam by the President was withdrawn with the Gulf of Tonkin resolution by the Congress.

I have tried during the past 2 years to make these views known both by public statements and by my votes on the various resolutions designed to provide for withdrawal of our troops, the return of our prisoners of war, and a termination of our participation in this war.

I shall this week participate in those activities in Congress which are designed to remove the United States from the war in Vietnam. This is the only way I know to stop further killing of Americans and Vietnamese and the horrible devastation of the whole Vietnam countryside. This will also achieve the release of our prisoners of war.

I have this day communicated these views by letter to the President of the United States.

Whether Cambodia, Laos, and Vietnam will be under one form of government or another will be decided by the people indigenous to those areas as was true in the beginning, is now and ever shall be.

POSTAL SERVICE IN ALASKA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. Begich) is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, at this time, I submit into the Record a transcript of my testimony before the House Subcommittee on Postal Service. The State of Alaska has been the forgotten child of the Postal Service and as a result has had inadequate service. My remarks describe a number of specific problems and an expression of the general needs for improvement. I hope my colleagues and my constituents will be interested in these remarks:

Statements on the Performance of the U.S. Postal Service

Mr. Chairman: I would like to thank the committee for this opportunity to express my feelings on the problems and progress of the new U.S. Postal Service. It was my hope that the new service would be able to avoid the mistakes and difficulties of the old. Unfortunately, they have not.

I believe that a basic problem of the Post Office Department, under the old system in the State of Alaska, was aligning the various agencies and private interests responsible for service and coordinating their activities. Among other agencies, postal service in Alaska depends upon the Coast Guard for delivery to island and coastal villages; upon the many commercial carriers under Post Office contract, and upon the Federal Aviation Administration for a wide variety of services. It was in the realm of the postal service to overcome these inter-agency difficulties, seek to eliminate unnecessary red tape and provide the kind of service that Alaskans deserve. However, after almost a full year of existence, the United States Postal Service has not managed to substantially alter the pattern of bureaucratic non-cooperation among contract carriers or to secure dependable branch-post office operation.

There are villages that get mail only one in three months during the winter. Mail from the outskirts of Anchorage and Fairbanks can take as long as ten days to reach the city. In a state virtually without television and very limited radio facilities, mail takes on unprecedented importance. The residents of many communities have an even greater dependence on the mails than just communication. For them, the mails are the only source of medicine and the major source of groceries and other essentials.

This new agency gives the same excuses as the old. "Alaska is too far, too large and too cold," they tell us. "Alaska does not have enough customers, so it is not good business sense to spend money there." I wonder if this agency was designed to exert good business sense at the cost of good service? Must Alaskans be denied regular communication because it isn't profitable? I should say that the old excuses have some merit. Alaska is indeed far away, and very large and very cold in the winter months. While this can serve as the basis for some adjustments, I believe mail service in Alaska must be as nearly equal as possible.

In spite of the difficulties, the need for tremendously improved service cannot be disputed. I would hope that the imagination of the Postal Service could be directed towards coping with those difficulties, using the increased freedom of the new service!

From a file of scores of complaints, I have selected a few cases that serve to show the general situation.

(1) St. George Island—Bering Sea:

One example of service difficulty is the Island of St. George, population 250. Last year, direct service was by a two-engined carrier under contract with the Post Office Department. It made direct deliveries from the mainland a total of four times. All other deliveries were either by air drop or by boat from St. Paul Island. The Federal Aviation Administration then decided to limit carrier service from the mainland to four engined crafts, too big for St. George's runway. Thus, all air service, including airdrops, abruptly ended. Now, St. George receives no direct mail at all and must await boat delivery from St. Paul. In bad weather, service does not exist. In all, St. George receives letters and parcels about ten times a year, mostly in summer months. This is far more distressing considering that the residents of the island depend upon parcel deliveries as their main source of fruit and groceries, and their only source of medicine. Meanwhile, according to the Postal Service, it would cost only $12,000 to increase service to twice a month, and $25,000 to make delivery once a week.

(2) Ketchikan—Southeastern Alaska:

The following letter was received in my office from a resident of Ketchikan:

"December 6, 1971.

"Dear Nick: Could you please tell us what has gone so completely wrong with our mail system?

"Why can't the postal system operate with at least the efficiency that it did 15 to 20 years ago? Now we realize that in the winter airmail is delayed 2 or 3 days at a time between Seattle and Alaska. We know when the planes land here and when they don't, and we take this into consideration.

"In the old days of the steamships every week or ten days we had first class mail the day after the steamer arrived and packages and the like the second day.

"Now days they get 3 vans of mail a week and the vans are seldom full. The transfer company takes the mail to the post office in a smaller truck yet it sits in the post office for several days.

"One of the Avon dealers in town went to the post office and asked why her order was not delivered as she knew when it was shipped. The postal clerk told her that when it arrived it would be delivered. This woman could see Avon packages with her name on from the counter where she stood asking about them.

"The zip code numbers were supposed to speed up delivery. We have noticed that letters without the zip code numbers get to us quicker, and we get more of other peoples mail in our box than before the zip code numbers were used.

"Now for the local mail such as council, borough, lodge and special meeting notices mailed in the post office from 3 days to a week ahead of time arrive after the meeting night. In days past, these notices mailed one day were delivered or in the PO boxes the next day.

"As far as we are concerned, we would rather have the mail handled in the P.O. the same as it was 38 years ago when we came here. We have always been under the impression that modernizing a system was not to slow down or make it inefficient.

"If a letter with a few hundred names on it to someone in the postal system would help straighten this matter out I assure you it will be quite easy to get.

"Yours truly,

"Jean and Edwin Meador.

"Ketchikan, Alaska."

[The village of Alakanuk—Southwestern Alaska—article from the Tundra Times, Jan. 26, 1972]

"Rain, Snow, Sleet, Hail Delay Mail—Alakanuk Accuses Wien for Not Delivering Mail

"Traditionally, neither rain, snow, sleet or hail will keep the postman from his appointed rounds but something sure is delaying him in Alakanuk.

"Villagers are so concerned they've passed a resolution on the subject.

"During the last several weeks and many period before that, Wein Consolidated Airlines has been seemingly neglecting regular mail and air freight services to Alakanuk.

" 'There have been many times when the airfield here was open during good weather but Wein didn't come or would send a small chartered plane with the mail instead.

" 'For an example: On January 4, 1972, a council member and about 11 other passengers were waiting for transportation to Bethel. Some had urgent meetings to attend and others were going to the hospital, etc. The airlines canceled the flight for no apparent reason.

" 'That same day, January 4, 1972, there was a flight into Emmonak and they left the mail. This is a distance of about eight miles to the north.

" 'On many occasions when the mail has been left off at Emmonak, thereby laying up for sometimes a week at a time, and the Postmaster here has made many trips up to bring mail back by snowmobile and sled, which he is doing at his own will so the people can get the much needed mail. If he did not do this, the backlog of mail would be very great.

" 'This does not make any sense when Wien Consolidated Airlines has the mail contract from the U.S. Postal Service to service the village at a regular schedule.

" 'This is a small example of the very irregular air-service this village has been getting during the past, and this village feels that it is past due for some changes in our service.' "

"This resolution is dated January 8, 1972 and arrived at the Tundra Times post office box in Fairbanks on January 21."

The story of these three villages reflects the situation in much of Alaska. It not only effects general communications, but can seriously impair business operations such as "Pictures, Inc." A letter from Dick Norman General Manager, explains his difficulties and those of other Alaskans similarly situated.

"Pictures, Inc.,

"Anchorage, Alaska, February 15, 1972.

"Dear Nick: Not wanting to hound you with repetitious information, I have not written you in months regarding the deteriorated U.S. Mail service in Alaska. My silence, however, should not be taken as an indication of improvement in this service. Mail service in the bush continues to be the worst we have experienced since the improvement that followed the end of World II. It is not uncommon for a motion picture to take four to eight weeks to reach a village after mailing from Anchorage. I attach a copy of the Tundra Times article regarding mail service at Alakanuk, which I feel to be a fair description of the situation in many villages today.

"We regularly provide the Anchorage Post Office with information on specific cases of mail delay and with copies of complaint letters from our customers. On February 9, 1972, we provided a list of *110* motion pictures which had been out more than five weeks to fill a one-day playdate and still had not returned. A few of these had been out more than ten weeks.

"I think it wrong to criticize individuals in the postal system in Alaska in connection with this breakdown in service. Postal officials here, for the most part, are trying their best under nearly impossible conditions. It seems to be the system itself which has broken down. With no postal service officers in Alaska to monitor carrier performance, with postal officials having neither the manpower nor the authority to penalize the carriers for letting mail sit day after day, sometimes week after week, at bush transfer points, how can one blame the postal officials within Alaska for the collapse in service? I wish to add my voice to those of the people of Alakanuk and other communities in praying that action be taken by the U.S. Postal Service in Washington to give postal officials in Alaska the *means* to render adequate service.

"Sincerely yours,

"Dick Norman,

"*General Manager*."

Other villages and businesses raise similar complaints with carriers and post offices. Miss Patricia Oakes of Circle City writes to complain about post office window hours being completely incongruous with the needs of the community. She also complains that Star Route services were cut in mid-winter, cutting the central area of Alaska without warning. Harry K. Evon, President of the Kwigillingok Village Council, complained on January 20th that the air carrier was not only missing pick-ups and deliveries, but that agreed airdrop policies were not being enforced in "freeze-up" conditions. The carrier contracted by the Post Service was refusing to perform its responsibilities to make drops when landing was impossible.

It is apparent that the postal service is trying to improve on its predecessor's record. In a letter to my office dated March 21, 1972, John W. Powell, Congressional Liaison for the Postal Service, informed me that

["The Postmaster General has stated that the U.S. Postal Service exists to serve its customers . . . Toward this end, a pilot program known as 'Operational Speedy' has been launched in the Western Region, including Alaska, for improvement in our special delivery service."] In an enclosed information booklet, items stated that this speed-up project began on February 14, 1972, and that 'Operation Speedy' is expected to provide immediate improvements in the processing and delivery of Special Delivery mail in the Western Region."

Much to my disappointment, the following appeared in an article in the February 28th U.S. News and World Report. "Particularly frustrating, some mailers say, is that special delivery seldom seems to speed-up letters." "A West Coast firm recently mailed 68 special delivery letters, matched by first class and air mail letters to the same address. Only two of the 68 specials beat the regular first-class or air mail and 38 arrived in the same delivery with the regular mail. Twenty-eight came later, with two special delivery letters taking two days longer."

Mr. Chairman, the theme of my remarks is simple and straightforward. I applaud and support the new Postal Service; I believe it promises better postal service in the future. My hope is that improvement comes at the earliest possible time, and I pledge my own cooperation toward that end. Further, I am convinced that, in Alaska and elsewhere, the personnel of the Postal Service is dedicated and hardworking.

Still, I must in all honesty report to this committee that, in my view, the mail service to and within Alaska has not appreciably improved under the new system. In two specific cases, I find this particularly disappointing. First, I believe postal service in Alaska requires flexibility and unique methods, things that a private and independent service should be able to provide.

Second, I believe postal service for Alaska requires a sensitive understanding of the special role mail has in areas where there are no roads, no telephones, and no radios. Again, I believe such an understanding should be forthcoming from the new private and independent service.

Alaskans find it difficult to continue to hear that Alaska is "too far, too large and too cold" to get proper service. They are expecting improvements, and so am I.

HEARINGS ON NONIMMIGRANT VISA ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce to my colleagues that Subcommittee No. 1 of the Committee on the Judiciary will hold 1 day of hearings on H.R. 6366, a bill to facilitate the entry of foreign tourists to the United States.

These hearings will be held on Thursday, April 20, in room 2237, Rayburn House Office Building and will begin at 10 a.m.

H.R. 6366 would authorize the Secretary of State and the Attorney General to issue regulations exempting visitors to the United States for 90 days or less from the visa requirement and from certain grounds of ineligibility.

Governmental and private witnesses have been scheduled to testify at the hearing.

VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Badillo) is recognized for 60 minutes.

Mr. BADILLO. Mr. Speaker, during the past year and a half, whenever the subject of Vietnam arose in this House, I warned my colleagues that we must not let Richard Nixon lull the American people into believing that the war was over, that it was no longer an issue. I pointed out time and again that only the nature of the U.S. role in that war had changed, not the substance of our policy and certainly not our open-ended commitment to keep the Thieu regime in power. I argued that the so-called Vietnamization program was not a means for ending American involvement in Indochina, but rather a cynical vehicle for perpetuating our military presence in Vietnam, Laos, Cambodia, and Thailand.

Recent events in Vietnam and the administration's response to them have provided ample proof of the validity of my assessment and the urgency of the need for Congress to legislate an immediate end to our costly and tragic role in the war.

First, the North Vietnamese offensive demonstrated beyond any doubt that despite our massive military support and active involvement with the Government of South Vietnam, the capability of the North to carry on the war is undiminished. While I profess no great military expertise, it seems apparent that the sole result of our expenditure of American lives and dollars has been to merely postpone the inevitable.

Second, President Nixon's decision to resume the massive bombing of North Vietnam demonstrates that his policy is not to get out of the war, but to win it militarily. Bombing Haiphong and other targets in North Vietnam really gives no added protection to the U.S. troops being withdrawn. The bombing has little if any connection to the North Vietnamese offensive, since that was aimed primarily at areas held by the South Vietnamese Army. And it has no connection with protecting either our ground troops, our pilots, or our prisoners of war.

It is interesting that the Chairman of the Joint Chiefs of Staff at a closed briefing for certain Members of Congress last week revived the discredited theory that if the United States just turned loose its military might we could end the war in short order. This is a terrifying development, not because Congress or the American people would stand for a return to that line of thought, but because it is still being advocated at the very highest levels of this administration.

Finally, it seems incredible to me that some administration sources have justified the bombing attacks on the ground that they are intended to be a warning to the Soviets against increasing military support to North Vietnam. The fact of the matter is that the United States, on the basis of those figures the White House has not kept classified, is actually providing South Vietnam with 10 times the military aid being given North Vietnam by the Soviet Union and Communist China combined. And it seems to me that our renewal of the bombing can contribute nothing to establishing a receptive atmosphere for the President's trip to Russia or to progress in reaching agreement on strategic arms limitation.

And so we find ourselves back where we were 4 years ago—inextricably caught up in a war in which we have no real national security interest, pouring billions of American dollars down an Asian rathole and further widening the credibility gap between our Government and the people.

It is past time to reawaken the American people to this war. It is time to mobilize again the armies of peace. It is time for Congress to assert its constitutional responsibilities. It is time to end the war.

Mr. ADAMS. Mr. Speaker, will the gentleman from New York (Mr. Badillo) yield?

Mr. BADILLO. I yield to the gentleman.

Mr. ADAMS. Mr. Speaker, since 1967 I have been communicating to American Presidents my deep belief that it was not in America's self-interest to continue the war in Vietnam. I suggested many years ago that we would now be able to obtain our prisoners of war and account for our missing in action as part of a total withdrawal from the Vietnam war.

Those of us who have followed the progress of the fighting in Vietnam closely for the past 5 years have repeatedly indicated that Vietnamization was not a viable military policy because a stalemate which involved the South Vietnamese supported by 500,000 American troops and massive air power would certainly deteriorate once the American military forces were reduced. It has also been clear that massive bombing would not stop the war since we have dropped over 2½ times the tonnage of bombs on Vietnam than was used in both the European and Pacific theaters of World War II.

This is also unconstitutional, because it exceeds the President's constitutional powers. Any possible authorization for a new war in North Vietnam by the President was withdrawn with the Gulf of Tonkin resolution by the Congress.

I have tried during the past 2 years to make these views known both by public statements and by my votes on the various resolutions designed to provide for withdrawal of our troops, and the return of our prisoners of war, and a termination of our participation in this war.

I shall this week participate in those activities in Congress which are designed to remove the United States from the war in Vitnam. This is the only way I know to stop further killing of Americans and Vietnamese and the horrible devastation of the whole Vietnam countryside. This will also achieve the release of our prisoners of war.

I have this day communicated these views by letter to the President of the United States.

Whether Cambodia, Laos, and Vietnam will be under one form of government or another will be decided by the people indigenous to those areas as was true in the beginning, is now and ever shall be.

Mr. HARRINGTON. Mr. Speaker, I am pleased to join in this special order because it is essential at this time to demonstrate that there are people within the American Government who have not lost all connection with the reality that exists in Southeast Asia today.

By ordering one of the most massive air armadas in human history to resume the bombing of North Vietnam, the administration has destroyed the last vestige of pretense that it is interested in getting out of our military involvement in Indochina. It has demonstrated beyond dispute that Vietnamization is a fraud; that neither in the White House nor in Saigon is there any serious intention of withdrawing our massive military presence from Indochina. If there were any who failed to perceive the growing gap between the rhetoric of Vietnamization and the reality of our involvement in the fighting, they must now see that the President has no more intention of withdrawing from Indochina than he has of withdrawing from Florida or California.

The tragic fact is that the President—ignoring the overwhelming lesson of the past 10 years—remains determined to impose a political settlement of his own devising in South Vietnam. Ten years, more than $100 billion, the lives of more than 50,000 young Americans and millions of Asians have failed to impress this administration. Not until the American Government accepts the fact that the future political complexion of South Vietnam is beyond our capacity to determine will there be an end to the war in Indochina, and it is now clear beyond any dispute that not until the Congress of the United States asserts its constitutional right as a coequal branch will be Government take that position.

As Members of Congress, we are complicit in the devastation of Indochina as long as we fail to exercise our unquestioned right to end our participation in the war. The reckless and senseless reescalation of the bombing should bring home to all of us the need for legislating an end to the war immediately. Our obligation as the representative branch of Government cannot be met by anything else.

Mr. RYAN. Mr. Speaker, the President's Vietnamization program has not only been a failure—it has been a fraud. While the President has attempted to reassure the American people with a scene of a war dwindling away, the truth is that the administration is engaged in a massive escalation of the war in Southeast Asia.

Behind the facade of such terms as "Vietnamization" and "protective reaction," the facts of Vietnam remain as brutal and ugly as ever.

No amount of Presidential rhetoric can mask the fact that the President's policy is not one of peace—but of continued death and destruction.

We have not prevented a bloodbath in Vietnam. We have created one.

This dreadful war has drained our resources and stained our conscience. It has sacrificed thousands of our most precious possessions—our young men—to the jaws of death. It has warped our priorities. It has brought the twin plagues of unemployment and inflation to our economy. It has brought alienation, division, and bitterness to our people.

The President's policy of military adventurism is in direct violation of the will of the people and the letter of the law.

Section 601 of the Military Procurement Act of 1971—Public Law 92–156—declares it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina and to provide for the withdrawal of all U.S. military forces at a date certain subject to the release of all American prisoners of war.

Not only has the President ignored this—the law of the land—but he has embarked upon a policy in direct opposition to it.

As we meet here today, American war planes are ravaging Southeast Asia, spreading the conflict to the North including Hanoi and Haiphong. An American armada is being assembled off the coast of North Vietnam. As the Washington Post editorialized in this morning's paper:

> What President Johnson and his predecessors steadfastly tried not to do over 15 years or more, President Nixon has managed to do almost overnight: he has brought the war in Indochina to the brink of a head-on confrontation with the Soviet Union.

The people of this Nation have repeatedly demonstrated their steadfast opposition to such a policy: in the public opinion polls, in the voting booth, and in the streets. They want peace, and they want it now.

Yet the President—as deaf as his so-called majority is silent—continues to fuel the fires of conflict, involving us ever deeper in the devastation of Vietnam, Laos, and Cambodia.

Such callous disregard for the will of the people and the laws of the United States cannot be countenanced.

As I have pointed out time and time again since I stood on this very floor and cast my vote against the very first appropriation bill to support American military intervention in Indochina in May of 1965, it is the Congress which has the constitutional responsibility over war and peace. And the Congress must exercise that responsibility—now.

We are the elected representatives of the American people. This House cannot close its eyes to their desires any longer.

This House cannot close its eyes to the horrors of war any longer.

This House cannot shirk its responsibilities any longer.

The war must end. And we must end it.

We have an obligation to our country and to ourselves to do everything within our power to bring the bloodshed and devastation in Vietnam to an immediate halt. I call upon my colleagues to join with me in demanding that the President order an immediate halt to all American air strikes in Southeast Asia; that he immediately order a resumption of the Paris negotiations and instruct our delegates to offer a commitment for the total withdrawal of all American troops by a prompt date certain in return for the release of our prisoners of war. And I ask my colleagues to join with me in supporting any and all legislation to cut off funding for this immoral and brutal war.

As I stated on May 5, 1965:

> We cannot bomb people into democracy, nor can we bomb people into negotiations.

It is high time that our policy in Southeast Asia reflect this fact.

The President's policy is only perpetuating the mistakes of the past, the horrors of the past. That policy must change. And it is the Congress that must change it.

On Saturday, April 15, I sent a telegram to the President on behalf of myself and the over 1,000 citizens participating in the Twelfth Annual West Side Community Conference which I sponsored. I include the text of that telegram at this point in the Record.

> House of Representatives,
> *Washington, D.C., April 15, 1972.*
>
> The President,
> *The White House,*
> *Washington, D.C.:*
>
> Over 1,000 citizens assembled for the 12th Annual West Side Community Conference, sponsored by the Democratic and Liberal Clubs of Manhattan's West Side and Representative William F. Ryan, demand the immediate cessation of all American bombing in South East Asia, the immediate resumption of the Paris peace talks, the immediate end of all American military adventurism, and the immediate withdrawal of all American forces from South East Asia.
>
> Representative William F. Ryan.
> *(Member of Congress on behalf of participants of the 12th Annual West Side Community Conference and himself.)*

Mr. MATSUNAGA. Mr. Speaker, the recent U.S. air strikes on Hanoi and Haiphong are strange phenomena, indeed. On the one hand, the Congress and the public have been informed by the Nixon administration that the so-called Vietnamization program has been highly successful, an assertion which has been repeated with each announcement of American troop withdrawal from Vietnam. On the other hand, we have been unwilling parties de facto to periodic escalations of the war. Winding down a war by taking the United States "to the brink of a head-on confrontation with the Soviet Union," to use a phrase from today's Washington Post lead editorial, demonstrates once again the underlying fallacy and weakness of the administration's Vietnam policy.

Mr. Nixon's highly touted plan of 4-years ago to end the war must today be relegated to the Emperor's new clothes—simply nonexistent. The hopes of the American people for the promised end of U.S. military involvement can be fulfilled only by complete cessation of our military participation. Peace in Vietnam will be attained not by the might of arms but by negotiation at the conference table. Why did President Nixon order our withdrawal from the peace talks in Paris? Is he oblivious to the lessons we learned from bombing North Vietnam during the Johnson administration? He must realize that we must talk peace and act peace if we are to attain peace.

Since President Nixon's professed march toward total military disengagement from Vietnam seems to falter with every seeming though indecisive step forward, and we find ourselves engaged in the greatest bombing raids in the war with great risks of greater involvement, the Congress must now take the initiative to end the war. I believe that H.R. 14055, a bill that I cosponsored, would do this. Subject to certain conditions regarding the release of prisoners of war and the accounting of the missing in action, the proposed legislation would, immediately upon enactment, terminate funds for air and naval bombardment of North Vietnam, Laos, Cambodia, and Thailand, and also terminate funds for bombing in South Vietnam unless the President determines such missions necessary to protect American troops during withdrawal and informs the Congress within 48 hours of such missions.

The proposed legislation deserves speedy and favorable consideration by the Congress.

"Brinkmanship," as evidenced by the recent Hanoi-Haiphong air strikes, is perilous at best. It also ignores the overwhelming sentiment of the American people, who just do not want any part of the continued war in Vietnam. As their representatives let us take the ball away from the President, who seems to be running the wrong way, and end a war which nobody wants.

Mr. DRINAN. Mr. Speaker, for four reasons, the President's newest escalation of the Indochina war—his decision to bomb the North Vietnamese cities of Hanoi and Haiphong—is tactically disastrous and unspeakably immoral.

These four reasons are outlined in "The Bombing of Hanoi and Haiphong: Beyond the Brink," a paper prepared by Project Air War, an information and research center in Washington, D.C.

First, the massive American B–52 bombing raids against these cities mark a dramatic and unprecedented increase in the level of violence in this war. The air raids over Haiphong on April 15, 1972, were the first time B–52's were ever used in the Hanoi-Haiphong area, and were also the first saturation bombing raids ever launched by American warplanes in that area.

Second, the use of B–52's against the heavily populated cities of Hanoi and Haiphong has necessarily led to the slaughter of civilians—a slaughter which it was our intention to avoid even at the height of American air involvement in North Vietnam in 1966 to 1968. Evidence from the Pentagon Papers shows that air bombing of North Vietnam results in casualties which are "about 80 percent civilians."

Third, the increased level of bombing in North Vietnam serves no useful military objective whatsoever. A front-page story in this morning's Baltimore Sun quotes American officials as acknowledging that the bombing of Haiphong "will have little impact on the current battlefield situation. U.S. officers say that the Hanoi-Haiphong area would have to be bombed continuously on a saturation basis for several months to cripple North Vietnam's war-making capabilities in the South perceptibly."

As early as 1967, a CIA study concluded that—

> Prospects are dim that an air interdiction campaign against LOC's (lines of communication) leading out of Haiphong alone could cut off the flow of seaborne imports and isolate Haiphong.

Fourth and finally, far from performing an essential military function or bringing our involvement in Indochina any closer to an end, the use of B–52 bombers in an escalated air war over North Vietnam prolongs the war, produces new prisoners of war, jeopardizes the well-being of Americans already held captive, and raises the prospect of additional, uncontrollable escalation by both sides, as well as military intervention by other countries. Can we honestly believe, after 10 years of every conceivable kind of evidence to the contrary, that we can defeat North Vietnam or settle this war by escalating the bombing? Obviously, this administration has learned nothing from the Pentagon Papers, which observed that—

> The expectation that bombing would erode the determination of Hanoi and its people clearly overestimated the persuasive and disruptive effects of the bombing and, correspondingly, underestimated the tenacity and recuperative capabilities of the North Vietnamese.

Why, then, has President Nixon ignored the lessons of our involvement in Indochina and ignored the overwhelming public sentiment against escalating the air war?

Because Vietnamization has turned out to be an unmitigated failure.

Because the political and military integrity of South Vietnam are apparently untenable.

Because the administration's abandonment of the peace negotiations in Paris has left the President no recourse except military escalation.

Because the President believes he can capitalize on what he apparently imagines to be a pervasive mood of apathy and unconcern among the American voting population.

Because of a decade of immorality and violence in our dealings with the nations of Indochina.

Mr. Speaker, at this time I wish to insert in the Record the transcript of Project Air War's paper "The Bombing of Hanoi and Haiphong: Beyond the Brink." I urge every Member of Congress to consider the evidence offered herein. We must now act.

THE BOMBING OF HANOI AND HAIPHONG: BEYOND THE BRINK

(A paper prepared by Project Air War, April 16, 1972)

Project Air War, 1322 18th St. N.W., Washington, D.C. is one of the major information centers in the country studying and analyzing the ongoing war, a conflict which has escalated in the air even as U.S. foot-soldiers have been withdrawn. Project Director is Fred Branfman, who spent four years in Laos and interviewed several thousand refugees from the bombs as well as dozens of American pilots and air war officials.

The Nixon Administration's decision to carry out surprise B52 raids in and around Haiphong is one of the most reckless and serious escalations of the war in the last 25 years. It is not only that the sudden, high-level, night-time, carpet bombing of an area inhabited by 300,000 people is an act of uncommon savagery, necessarily bringing death and injury to thousands. It is that until now Haiphong has stood as a symbol of ultimate American restraint in the face of intense domestic and worldwide criticism of the U.S. air war against Vietnam. By bombing Haiphong, the Nixon Administration is serving clear notice that it will stop at nothing in its attempt to maintain its position in Indochina.

Until now conventional wisdom has held that the Administration would keep to a low profile in Vietnam in this crucial Presidential election year. The bombing of Haiphong, however, makes it clear that Nixon places a far greater priority on victory in Vietnam. It is no longer unrealistic to suggest that only massive domestic and international protest and resistance may halt the total destruction of Hanoi and Haiphong, the mining of Haiphong harbor, devastation of the North's dike system, or even more blatant acts of mass murder.

The following facts must be noted:

1. *The B52 bombing of Haiphong was massive, indiscriminate and unprecedented.*

The Johnson Administration bombed Haiphong regularly from 1966 through 1968. But these strikes were limited in the "Prohibited Areas" of 4 nautical miles around Haiphong center. As a March 1968 Joint Chiefs of Staff memo noted, "The prohibited areas were created in December, 1966. Numerous strikes, however, have been permitted in these areas over the past two and one-half years, e.g., dispersed POL, SAM and AAA sites . . ." (Source: Pentagon Papers, Gravel Ed., IV, p. 255)

These past raids, however, were carried out by jet bombers with a relatively limited radius of bombing destruction. April 15, 1972 was not only the first time that B52s were sent over Haiphong, the use of dozens of these giant bombers ensured that saturation bombing occurred for the first time in the Haiphong area.

B52s are huge 8-engined aircraft with a crew of 6 and two 2,500 gallon wing tanks. Each sortie carries 25–30 tons of bombs, either as 108 five hundred pound bombs or 66 seven hundred fifty pound bombs or some combination thereof. Bombing from 30–35,000 feet, B52s leave craters 35 feet deep by 45 feet in diameter with their 500 pounders. A typical

B52 strike involves 6 B52s saturating a selected grid square, leaving a swath of destruction half a mile wide by 3 miles long. On April 14, the New York Times reported that about 150 B52s were in the Indochina theater, 50% more than were present at the very peak of the air war in 1968.

It may not be unreasonable to assume that at least 100 of these, along with dozens of assorted jet aircraft, were loosed on Haiphong on the night of April 14th.

The fact that these raids were carried out at night ensured that saturation and indiscriminate bombing of this heavily populated area was carried out. For at night, even the light spotter planes which sometimes guide B52 raids in the daytime for greater precision were unavailable. Neither, of course, were the ground spotters who made more precise B52 bombing possible during the siege of Khe Sanh.

2. *The use of B52s over Haiphong has necessarily led to the large-scale slaughter of civilians.*

Even when the air war against North Vietnam was carried out only by jets, the bombing caused heavy civilian casualties. As the Cornell Air War Study notes, "Targets . . . in a strategic bombing campaign are situated near predominately civilian areas. . . . The bombing inflicted severe civilian damage on the civilian society as a whole. . . . In 1967 the noncombatant casualty rate was quoted at 1,000 per week (Robert MacNamara) . . . and the equivalent casualty rate in the U.S. would be more than 600,000 per year."

The official population of Haiphong and its suburbs in 1960 was 369,248. Although many children and others were removed from the city during the mid-60s, many returned after the November, 1968 bombing halt. Given the population growth and surprise of the April 14th bombing attack, there may have been well over 300,000 people in the area hit by the B52s.

The Pentagon Papers make clear, moreover, that the heavy civilian casualties expected to occur from bombing Haiphong—and the worldwide protest they would entail—were the main reasons that Johnson did not agree to level it. As a memo of the ISA, prepared in Under Secretary of Defense Warnke's office reported: "Experience has indicated that systematic operations particularly against road and rail routes (in the Hanoi-Haiphong area) adds simply and slightly to repair burdens, while at the same time involving substantial civilian casualties in the many suburban civilian areas located along these routes."

Civilian casualties from the bombing, moreover, are by far the greatest portion. As a summary of the bombing of North Vietnam noted in 1966, "Estimated civilian and military casualties in NVN *also went up from 13,000 to 23–24,000. (About 80% civilians.)*" (Emphasis added, Pentagon Papers, Gravel Edition, IV, p. 136)

But although the Joint Chiefs of Staff did not dispute the heavy damage to civilians, they did not stop pushing for bombing Haiphong in any event. As the Pentagon Papers reported in October, 1967, "In addition to mining the harbors, the chiefs requested that the comprehensive prohibition in the Hanoi/Haiphong areas be removed with the expected increase in civilian casualties to be accepted as militarily justified and necessary."

The attitude of the military was put somewhat more pungently by Marine Commandant Gen. Wallace Greene in testimony before the Senate Preparedness Investigating Subcommittee, October 23, 1967: "We are at war with North Vietnam right now, today, and we shouldn't be so much interested in their anger as we are in bringing the war home to everyone of them up there." Army Chief of Staff Harold Johnson, testifying at the same hearing, was even more explicit: "I put 'innocent' civilians in quotation marks," he stated.

The B52 bombing of Haiphong clearly illustrates that the military has succeeded beyond its wildest dreams. Even at the height of the air war in 1968, there was no talk of loosing B52s on the Hanoi/Haiphong area.

There is no need to wait several months for the inevitable reports by American visitors to Haiphong of heavy civilian casualties from the April 14th raids. The official report of widespread use of B52s in the most heavily populated area of Indochina is evidence enough.

3. The B52ing of Haiphong serves no useful military end; its primary goal is to terrorize the Vietnamese into submission.

Preliminary reports on the Haiphong bombing indicate that the harbor itself was hit; however, it would be of limited military significance and have little effect on the fighting in the South.

An October 1967 CIA study clearly stated that a bombing campaign against lines of communication (LOCs)—such as roads and railroads—leading out of Haiphong would be useless. "Prospects are dim that an air interdiction campaign against LOC's leading out of Haiphong alone could cut off the flow of seaborne imports and isolate Haiphong."

The same report went on to conclude that even mining Haiphong Harbor would be militarily ineffective: ". . . The combined interdiction of land and water routes, including the mining of the water approaches to the major ports and the bombing of ports and transshipment facilities. . . . would . . . not be able to cut off the flow of essential supplies and, by itself, would not be the determining factor in shaping Hanoi's outlook to the war."

The reason is simple. Most of North Vietnam's military supplies do not come through Haiphong, but through China. As a study carried out under Defense Secretary Clifford noted in March, 1968, "The remaining issue on interdiction of supplies had to do with the closing of the port of Haiphong. Although this is the route by which some 80% of NVN imports come into the country, it is not the point of entry for most of the military supplies and ammunition. These materials predominately enter via the rail routes from China . . . the closing of Haiphong port would not prevent the continued supply of sufficient materials to maintain North Vietnam military operations in the South."

Indeed, the Clifford group concluded that an attack on Haiphong would actually be counter-productive: "Apprehensions about bombing attacks that would destroy Hanoi and Haiphong may at some time help move them toward productive negotiations. Actual destruction of these areas would eliminate a threat that could influence them to seek a political settlement on terms acceptable to us."

Why then was Haiphong attacked by B52s on April 14th?

The answer was put rather delicately by a New York Times article of April 14, 1972: "In a comment on the report of B52s going north: 'administration officials disclosed today that . . . the objectives were diplomatic and political as well as military.' "

Since the evidence is overwhelming that the attacks against Hanoi serve little useful military purpose, the only conclusion is that they are primarily "diplomatic" and "political".

In fact, John McNaughton put it more clearly in a January 18, 1966 memo: "To avoid the allegation that we are practising 'pure blackmail' the targets should be military targets and the declaratory policy . . . should be that our objective is only to destroy military targets." (Pentagon Papers, Gravel Edition, Volume IV, p. 45).

The B52ing of Haiphong and the later attacks against Hanoi are clearly little more than "pure blackmail".

Faced with a deteriorating military situation in South Vietnam, the Nixon Administration has responded by launching sneak terror attacks against Haiphong and Hanoi in an attempt to terrorize the Vietnamese into submission.

4. There is no evidence whatsoever that these attacks can succeed; On the contrary, they prolong the war, bring more POWs, and open up the prospect of far greater escalation.

The notion that bombing Hanoi and Haiphong will break the will of the Vietnamese is patently absurd. In October 1967, after the United States had already dropped nearly 300,000 tons of bombs on North Vietnam, a top-level Jason study of the bombing concluded: "The expectation that bombing would erode the determination of Hanoi and its people clearly overestimated the persuasive and disruptive effects of the bombing and, correspondingly, underestimated the tenacity and recuperative capabilities of the North Vietnamese. That the bombing has not achieved anticipated goals reflects a general failure to appreciate the fact well-documented in the historical and social scientific literature that a direct, frontal attack on a society tends to strengthen the social fabric of the nation, to increase popular support of the existing government, to improve the determination of both the leadership and the populace to fight back, to induce a variety of protective measures that reduce the society's vulnerability to future attack and develop an increased capacity for quick repairs and restoration of essential functions. The great variety of physical and social countermeasures that North Vietnam has taken in response to the bombing is now well documented but the potential effectiveness of these countermeasures has not been adequately considered in previous planning or assessment studies. (Pentagon Papers, Gravel Ed. IV, p. 223, 224.)

It must be understood that Nixon has left the Vietnamese no choice but to continue their present offensive. He has already dropped over 3.2 million tons of bombs on Indochina, more than any other leader in history; he has invaded Cambodia, doubled the bombing of Laos while invading it with 10,000 Thai soldiers in the North and 20,000 ARVN in the south, and had already hit North Vietnam on 328 admitted occasions before the March 30th offensive began; clearly he had no intention of negotiating an end to American involvement in Indochina, and had instead settled into a stable air war which extended indefinitely into the future. The Vietnamese have clearly concluded that they have no alternative to a military offensive to see the United States leave Indochina. To suggest that they will halt their offensive now that it has begun under the threat of bombing strains the imagination.

The desperate and reckless quality of the bombing is, moreover, no more dramatically illustrated than by its effect on the sensitive issue of captured American pilots.

To begin with, such bombing drastically increased the number of American pilots who are shot down and captured. Over 350 men who were alive and well when Richard Nixon took office are now listed as captured or missing in action. The great escalation in bombing over Hanoi and Haiphong—a heavily defended area—greatly enlarges their number. On April 15 alone Hanoi radio reported shooting down 4 jets and one B52, for a total of 14 men. In the week ending April 11, 19 men were listed as missing in action, most of them airmen.

In addition, an escalation of the bombing like this ensures the prolongation of internment of those men already captured, men who could be brought home were the Nixon Administration to negotiate an end to American involvement in Indochina.

And, most seriously, attacks against Hanoi/Haiphong greatly endanger the lives of those pilots now in captivity. As the study prepared under Clark Clifford reported in March 1968 states: "Although the NVN do not mark the camps where American prisoners are kept . . . heavy and indiscriminate attacks in the Hanoi area would jeopardize the lives of these prisoners and alarm their wives and parents into vocal opposition." (Pentagon Papers, Gravel Ed., IV, p. 251–252).

The Nixon Administration's willingness to even risk drastically inflaming the delicate POW issue in this Presidential election year ominously suggests that it has abandoned reason.

In this situation, anything is possible.

The most frightening but real prospect at this point is that it may go so far as to bomb North Vietnam's dike system.

Within a few weeks, the waters of the Red River Delta will be swollen by rains, and the danger of flooding will be at its greatest. North Vietnam's greatest vulnerability has always been the ease with which the U.S. bombing could flood the country's rice-growing area and cause massive famine which could kill millions of people. High Air Force officers pressed hard for the bombing of the dike systems in the North during the Johnson Administration, and although bombing policy never went so far as an all-out effort against the system, the dikes were often hit as part of the effort to raise the cost for the civilian population. In May and July, 1966, for example, authorities of Nam Dinh city told New York Times correspondent Harrison Salisbury that U.S. planes had dropped 6 bombs on 2 kilometers of dikes which protected the city against floods, causing damage to many sections. Asked to comment later, the Defense Department did not deny the charge. According to Christopher Beal of the moderate Republican Ripon Society, some "punitive bombing" of Red River delta dikes was reported to him by "reputable non-Communist sources" in the summer of 1967, when the waters were at their seasonal high.

Whether or not this happens, however, present realities are ugly enough. A dramatic escalation has taken place, with American B52s and jets carrying out no-holds-barred bombing against the North.

Much of what will happen will be blacked out. On April 12, the Pentagon announced that from now on it would "probably not" give information to the public on U.S. bombing raids on any "regular" basis.

But unless public pressure is raised, when we do find out it may well tear this country apart.

Mr. HALPERN. Mr. Speaker, the recent invasion of South Vietnam by the North Vietnamese and the subsequent intensification and expansion of bombing by the United States make it necessary to define again our goals and policies in Indochina and to ask some pertinent questions about their very nature. Is our current reaction—the massive introduction of B–52 bombing raids on major populated centers of North Vietnam—likely to further our goals as they have been articulated by the President? Or are we in danger of falling into a pattern of actions whose implications are radically revising those goals?

In his third annual foreign policy report to Congress in February of this year, the President described his vision of U.S. policies designed "to shape a new American role in the world—to move from confrontation to negotiation with our opponents."

In a statement of April 7, 1971, he said that—

> The American involvement is coming to an end. The day the South Vietnamese can take over their own defense is in sight. Our goal is a total American withdrawal from Vietnam. We can and will reach that goal through our program of Vietnamization.

He also stated upon entering office the realization that—

> Further escalation of our military efforts would deepen the division in our society, could not assure success in a conflict which was as much political as military, and could risk a wider war.

Are the current bombing attacks on Hanoi and Haiphong designed to fulfill this vision of a new role in the world, to implement the goal of withdrawal via Vietnamization, to prevent a deepening of the divisions in our society, to assure success in a political conflict, or to avoid the risk of a wider war? Clearly they are not; indeed quite the opposite would appear to be the case. Rather than moving from confrontation to negotiation, the U.S. ambassador to the Paris peace talks unilaterally suspended further meetings at the end of March. Resumption of the talks, he said, would only be considered by the United States at such time as the North Vietnamese would express a sufficiently "serious" desire to negotiate on a meaningful basis. As a result, the only publicly known negotiating forum has ceased to exist for consideration of issues on any basis, meaningful or otherwise.

Rather than implementing our goal of withdrawal accompanied by Vietnamization, the degree of concentration of bombing and the return to those areas which had not been bombed since 1968 cannot help but give the observer a sense of déjà vu. Are we once again using the kind of rationale given at that time—that these strikes will "help reduce the enemy's capability to continue military activity in South Vietnam?" If so, how many years will it be until the enemy's capability is finally reduced, and how is this decreasing South Vietnam's continued dependency on U.S. military power?

Rather than preventing further division of our society, this latest reescalation of bombing will serve only to heighten the already widespread cynicism and distrust felt by major portions of our population. It is difficult for people to accept ground combat troop reduction figures as a reliable index of our disinvolvement when at the same time aircraft carriers and hundreds of airplanes are being deployed from other areas to Vietnam. It is difficult for families of prisoners of war to take to heart statements of concern for their relatives' plight when each plane that is shot down over North Vietnam adds a few more to the prisoner of war count. We can only hope that the statement promised by the President before May 1 will not call for a freeze on the process of troop withdrawals and will in fact announce continued withdrawals at the previous rate.

Rather than assuring success in a conflict which is political as well as military, our calling off of the Paris talks coupled with the bombings of the North is only producing an excruciating prolongation of the military aspect of the struggle. Failures of previous efforts to cut off the supplies, or to thwart the will of the North Vietnamese to fight, have shown that the other side is prepared to bear much greater sacrifices than are we in this war. Furthermore, it must be obvious to the South Vietnamese that all they have to do to insure our continued military presence is to make a few strategic withdrawals in the face of the Communist troops. It should be obvious to all that any political settlement must be negotiated between the North and the South. Our current actions are doing anything but encouraging that type of settlement.

Rather than avoiding the risk of a wider war, our bombing of the harbor of Haiphong seems to be dragging us close to the "brinkmanship" methods of the 1950's. As pointed out in a Washington Post editorial of April 17, the Russians and their aid to North Vietnam are undoubtedly the real target of the bombing strikes around Hanoi and Haiphong. And it appears quite possible that the President is willing to jeopardize Soviet-American relations, the SALT talks, the Europe detente, and Russia's alleged anxiety over China and East-West relations, all for the sake of salvaging whatever he envisions as an "honorable" way out of the war.

Thus, in comparing the fit of the current reescalation of hostilities with the goals which we must assume the reescalation is supposed to further, it is hard to avoid the conclusion that the fit is a poor one at best. It the goals which the President has declared are indeed to be further, it is necessary for us to deescalate and to continue the withdrawal of U.S. forces from Vietnam. In the words of the President's February message to Congress:

> It is long past time to still the sound of war, to return the men of both sides to their families, and to devote the energies of all to the fruitful tasks of peace.

GENERAL LEAVE

Mr. BADILLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mrs. MINK). Without objection, it is so ordered.

There was no objection.

WATER RESOURCES DEVELOPMENT

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, the water resources development community of the country has rarely been in such ferment as we find it at this time. This is typified by the confusion, claims and counter-claims surrounding the standards and principles for evaluating water and related land resources projects.

This issue, of course, has been with us—in one form or another—for many years but never before has it gained the visibility and attention that has been shown to it in the last 2 years during the hearings held by the Water Resources Council in San Francisco, St. Louis and Washington, D.C.

I cannot remember when anything has so polarized the water resources community as the question of discount rates as they are used in the "benefit-cost" analysis of water programs.

I doubt if there is a Member of this body who has not been approached on the question of whether the "opportunity cost of money" should be adopted for measuring benefits. So far as this Member is concerned, such a concept has no place in public decisionmaking and should be abandoned forthwith. One of the better and more cogent explanations of why this is so may be found in the statement prepared by Mr. Fred G. Simonton, executive director, Mid-West Electric Consumers Association, and by Mr. Ken Holum, former Assistant Secretary of the Interior.

I subscribe completely to the thrust and detail of this statement and commend it to my colleagues for careful consideration.

Mr. Simonton's statement along with comments by Mr. Ken Holum and a resolution adopted by the Mid-West Electric Consumers Association follow.

STATEMENT OF MID-WEST ELECTRIC CONSUMERS ASSOCIATION

The Mid-West Electric Consumers Association is the service organization of the rural electric cooperatives, municipal electric utilities and public power districts of the Missouri River Basin states. On December 7, 8 and 9 of 1971, the Association conducted its annual meeting in Denver, Colorado.

The 500 delegates in attendance considered the Administration's apparent attitudes towards water resource development projects. As a result of their deliberations, they unanimously adopted a resolution entitled "National Water Resources Development". Copies of that resolution are attached to this statement.

On February 10, 1972, the directors of the Association reconvened in special emergency session. At that time they reaffirmed their opposition to the proposed principles and standards, particularly as these standards recommend a 7% discount rate. They directed us to make that opposition known to the Water Resources Council with all of the force and vigor available to our Association.

The consumer-owned electric utilities affiliated with the Mid-West Electric Consumers Association support resource development because they know what these splendid programs have accomplished in the past and because they know what they can mean in the future for the social and economic well being of the High Plains States.

You understand, of course, that the members of the Mid-West Electric Consumers Association maintain a keen interest in water resource development because the hydroelectric power generated at multi-purpose projects is an essential element of our power supply. In much of our area, rural electrification was not feasible until the enactment of the Flood Control Act of 1944. The decision to build the great dams on the Missouri River, together with the preference clause in the Flood Control Act, assured the Rural Electrification Administration that bulk power would be available to REA cooperatives at reasonable cost. With these assurances, rural electrification became a reality.

Similarly, our many small municipal members depend upon the Federal hydro program for bulk power supply. While it is true that the Federal System cannot meet their total needs after 1977, the Bureau of Reclamation program and the leadership available from that power marketing agency will be a real asset as they seek ways to meet growth needs economically and on a basis that is consistent with good environmental practices.

The Corps of Army Engineers is currently studying the potential addition of a million kilowatts of generation to the Federal System. Naturally, we are keenly interested in this substantial amount of completely clean and environmentally attractive electric power. We want this potential evaluated under standards and procedures and at discount rates that encourage the development and use of the resources.

We believe that proper evaluation is in the national interest and that construction of these facilities is an essential element of a good, environmentally sound conservation program.

Having identified Mid-West's power supply interest in the proposed standards and procedures and the 7% discount rate, let me hasten to add that our deepest concerns are related to economic and social problems in our region and across the country. We will not have served the region well if we concentrate our effort on low cost power supply while permitting the economy of the region to collapse as a result of ill-conceived Federal resource policies.

Because the electric utilities that make up our membership are all owned by their customers, they have a real commitment to economic growth, social well-being and healthy and attractive surroundings. We are completely convinced that policies and discount rates that unreasonably inhibit resource development adversely affect all three objectives.

Although we speak for an economically distressed, under developed region of the country, we are convinced that the proposals under consideration here today represent disaster both for the High Plains States and the congested areas of the country.

The seaboard states already have more people and higher level of economic development than their resources can support, producing social and economic problems in the central cities and polluted air, dirty water and generally unattractive living conditions.

The High Plains States have under-utilized resources and a declining economy. The two Dakotas have both lost population during the last decade, as did the entire region if you exclude three or four major metropolitan centers. More people live in the District of Columbia than live in either Dakota, and twice as many people live in Washington, D.C., as make their home in Wyoming.

The Council has proposed that the future benefits from water resource development be discounted at a 7% annual rate. You speak of the cost of money to the Treasury and the opportunity cost of money. The whole effort assumes that projects will not be built unless they can produce a favorable benefit-cost ratio, with future benefits discounted at a 7% rate.

The Mid-West Electric Consumers Association disagrees completely with the Council's entire approach to economic evaluation. We believe that decisions to proceed or not to proceed with publicly-financed projects and programs should be based on social and economic needs and the total national interest—not contrived economic evaluations.

We fail to understand why the future benefits from Federal investments in water resource projects should be discounted at rates substantially higher than the actual cost of money to the Treasury. Why is our generation, and particularly this Administration, so reluctant to make significant investments in the country's future well being?

We have no quarrel with economic evaluations if Federal decision makers understand that the economic evaluations are one of many tools that can and should be utilized to determine the public programs that will go forward and the level at which they should be financed.

Speaking for our Association, former Assistant Secretary of Interior Ken Holum discussed economic evaluation of water resource projects at a hearing conducted by the Water Resource Council in Omaha, Nebraska, August 14, 1969. To refresh your memory, we want to make that entire statement a part of this record and we wish to call particular attention to one statement:

"We must understand, before we even begin the calculations, that it is possible, and in fact quite likely, that projects with marginally favorable or even unfavorable benefit cost ratios are meritorious from the standpoint of the total national good. The total good includes social effects such as employment, more equitable income, gains for all groups, community stability, small business opportunity, and improved prospects for orderly growth among all basins, regions, and states."

Frankly, we consider the Council's approach to resource related decision making quite unsophisticated. Apparently you wish to rely on complicated and imprecise economic evaluations because you have been unable to develop more appropriate guidelines for policy development and decision making. You require economic evaluations because you lack confidence in your ability to identify the public good without artificial measuring devices. Your economic guidelines apparently are developed as a substitute for good judgment and public interest evaluation on the part of individuals who are supposed to be decision makers.

With all of your short-falls you look good, however, when compared to the thirteen organizations that have circulated a so-called "Citizens Alert" which says in part:

"A high discount rate will make economic evaluations more realistic and will eliminate many destructive water projects which are economically unsound."

The Mid-West Electric Consumers Association doesn't want "destructive projects" built regardless of their economic attractiveness. By the same token, we don't want imprecise economic evaluations to stop the country from meeting its social, economic and environmental obligations.

We urge you to remember that the criteria used for making economic evaluations is much more important than the discount rates applied to future benefits.

Discounting future benefits from land and water projects at a 7% rate is certain to result in benefit cost-ratios below unity for most projects in the thinly populated areas of the country.

We would expect the same result with respect to most public activities if they were to be evaluated on a basis similar to the criteria for water resource projects that we are discussing here today. This, of course, is the reason these activities are conducted by public agencies and not by the private, profit-motivated sector of the economy.

Should we abandon Rural Free Delivery because the benefit-cost is better in New York City? Should we discontinue mail service to small mid-western towns because the service does not produce economic benefits comparable to the yields that might be expected if we invested our tax dollars in steel mills?

The Association maintains its office in Denver, Colorado. Does the Council propose an economic evaluation to determine the merits of maintaining Rocky Mountain National Park as compared with logging its forests and mining its minerals? Of course you don't, and neither do we.

We applaud the new emphasis on urban parks and Federal recreation areas close to big cities. We see no need whatsoever to apply economic evaluations to programs designed to make wholesome, outdoor recreation available to the urban poor.

The thirteen organizations sponsoring "Citizen Alert" demand that beneficiaries pay a greater share of the projects' costs. We wonder how they propose to have the beneficiaries of Federal fish hatcheries, wild rivers and national parks and recreation areas reimburse the Treasury for these splendid public activities. Will they install toll gates at Federally financed urban parks and charge the float fishermen for enjoying the wild rivers system?

The Mid-West Electric Consumers Association is convinced that the high discount rates under consideration will produce results completely different from the results assumed by their sponsors and supporters.

Does the National Administration really want to adopt and pursue policies that will force more and more people into the nation's congested metropolitan centers? Will doing so achieve desirable social or economic goals? Will it enhance the national environment?

Do the thirteen organizations really want to stifle economic growth in the High Plains States by terminating Federal participation in resource development? Are they willing to see the stringent standards they advocate applied to all public programs and activities? Do they really advocate giving the Executive Branch authority to overturn Acts of Congress by executive rule making? Can it really be that they oppose Federal assistance to those regions of the country that have failed to share in economic growth?

Are our public officials and citizen organizations so unsophisticated and lacking skills that they must terminate water resource development completely to stop the construction of "destructive projects"? Will we proceed on this basis against all public programs where questionable decisions have been made? Do we terminate urban redevelopment because of the program's shortfalls? We can all identify freeways that should have been left unbuilt—does their construction justify terminating the farm to market road program?

We have heard it said that a few units in the National Park System do not meet the high standards we like to expect of National Parks. Does their existence justify liquidating the System? Rubbish!

The Mid-West Electric Consumers Association is willing to agree that there are potential benefits from the re-examination of resource development that has been stimulated by the Council's studies and proposals. Like all other public activities, these programs have had their great successes. We have little doubt that there are instances more sophisticated planning and decision making would have produced better results.

The Council's proposals have obviously stimulated interest in and attracted attention to an important item in our public activity that can benefit from constructive re-examination. By doing so, you have rendered a public service and deserve commendation. However, we urge the Council to recognize that the course of action you have identified on a tentative basis is not the answer to the problem you are trying to solve.

We are equally convinced that the thirteen organizations that have circulated "Citizens Alert" cannot really be satisfied with the course of action they have suggested. We cannot believe that they care to be identified with the termination of a great program because they are dissatisfied with a few decisions made by public officials responsible for administering the program. They have found themselves re-acting to another group's proposal, when they are really seeking an opportunity to participate in developing better methods of public decision making. They must have a higher degree of sophistication than the positions taken in "Citizens Alert" suggests.

Under the circumstances, the Mid-West Electric Consumers Association urges the Council to set aside its proposed standards and procedures and its high discount rate and begin a new evaluation of Federal water resource development programs. We urge you to seek out more modern and more sophisticated techniques with the help of a wide variety of citizens and citizens groups.

We hope that we are right in assuming that all individuals and organizations, including the National Administration, that have been involved in this re-examination are looking for better directed Federal resource development programs rather than their termination.

COMMENTS OF KEN HOLUM

The statement you have just heard presents the views of the Mid-West Electric Consumers Association. I have participated with Mr. Simonton in its preparation and I agree completely with the point of view that it expresses. This short supplemental statement indicates why I have come to these conclusions.

In 1961 I came to the Department of Interior from a farm home in South Dakota. As Assistant Secretary of Interior for Water and Power Development, from 1961 to 1969, it was my duty to provide secretarial direction to the Bureau of Reclamation and the Power Marketing Agency. After the Congress created the Water Resources Council, I worked with the Council as the Secretary of Interior's alternate and as a member of the Council of Representatives.

As a South Dakota farmer and as a public official, I have had the opportunity and the responsibility of being involved with Federal water resource activities over a long period of time. My South Dakota background compels my continuing support for a well-managed, adequately funded Federal water resource development program. My experiences as a public official force me to conclude that contrived economic evaluations, no matter how well they are prepared, cannot and should not supplement good judgment and wise decision making by public officials.

As a citizen, I am equally concerned that over emphasizing the importance of economic evaluations and the application of high discount rates will diminish rather than increase the opportunity for citizen and citizen groups to participate in and influence the decision making process as it affects resource development.

Bad projects shouldn't be built because a computer says it will produce a favorable benefit cost ratio, and an urgently needed one shouldn't be discarded because its long-term benefits cannot survive discounting at 7%. Do we propose to measure all of our obligations to the nation's future well being in terms of current dollars?

Mid-West suggests utilizing the interest and citizen concern developed by the Council's studies to begin a concerted effort, with maximum citizen participation, to develop more sophisticated methods of decision making in the resources field. I concur enthusiastically in that suggestion.

Our suggestion assumes that the Council is not advocating discount rates that are substantially above the cost of money to the Treasury as an indirect method of terminating resource development.

If we are correct, I find it impossible to believe that the involved cabinet members and the officials of the Office of Budget and Management want to relinquish their decision making responsibilities to computers and contrived mathematical formula. By the same token, I cannot believe that citizen groups really want that result.

We are learning in dramatic fashion that maintaining a livable world and decent economic standards is a tremendously complicated and difficult matter. We will find the answers we need in sophisticated decision making with public participation, not in mathematical equations.

THE CASE FOR A NATIONAL AMNESTY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, as you know, I have introduced legislation to provide for conditional amnesty for draft resisters. The issue of amnesty has spawned a wide variety of opinion, some of it highly emotional. A most reasonable assessment of the situation was recently set forth in an editorial of the March 18 edition of "America," a magazine published by the Jesuits of the United States and Canada, entitled, "The Case for a National Amnesty," the commentary stresses the need for a "reconciliation" in this country. With the thought that it would be of interest to our colleagues, I am appending a copy of the editorial.

[From America Magazine, Mar. 18, 1972]

THE CASE FOR A NATIONAL AMNESTY

The word "amnesty," we are told with increasing frequency these past few months, derives from a Greek word meaning "to forget." It is a sad irony that one of the greatest obstacles any proposal of amnesty faces today is rooted precisely in our desire to forget, to blot from the mind the painful memories of the Vietnam war. We should like to forget about the constant bombing missions in Indochina and the weekly toll of dead bodies, including those not our own. At home, we should like to forget the punishment still to be paid by those who opposed the war by refusing to participate.

There are, we are told, more than 500 draft resisters in federal jails, about 3,900 under indictment and some 70,000 young exiles who voted with their feet against the draft and the war. To attempt to forget them is only to nurture delusion. Like the bombed-out terrain of Indochina, the disjointed existence of these draft resisters does not cease to exist because we hear relatively little about it.

The forgetting that we need—and that the word amnesty refers to—has little in common with this switching off of the mind. It must be active and deliberate, the offspring of a strong and generous heart. Along with its twin, "forgive," amnesty aims primarily at a healing of wounds after a divisive conflict.

The practice of amnesty has had a long and distinguished career, stretching back to the Greeks in 40 B.C., and including a series of precedents in our own brief history. Five American Presidents, including Washington, Madison and Andrew Johnson, issued amnesty proclamations in connection with armed rebellions against the government. And in 1947, President Truman granted amnesty to 1,523 violators of the Selective Service Act during World War II.

If President Truman could extend forgiveness to men who violated the draft laws during a war considered just by the vast majority of Americans and their political leaders, how can we find it impossible to grant amnesty after a conflict that has divided the American conscience as much as it has devastated Indochina?

On this level the problem is essentially a simple one; we must choose between a policy of reconciliation and one of rigid adherence to the law. Certainly it is far easier to be generous after a victory, especially if we feel that truth and justice have triumphed along with our arms. But to turn national self-doubts about the Vietnam war against many of those who first questioned the wisdom of our policies would be cruel and unconscionable.

On another level, of course, the amnesty question bristles with complexities which must be sorted out. Chief among them is the task of devising, if one can, a way of determining who "resisted" the draft and who merely "dodged" it.

The objection, voiced by Selective Service Director Curtis W. Tarr among others, that amnesty would undermine the draft system by appearing to condone the actions of thousands who fled the country has a certain plausibility. But a questioning of the draft is an already accomplished fact in the eyes of many. To place all the blame for this state of affairs on the shoulders of draft resisters is unrealistic. The war itself must bear a large share of responsibility for any present disarray of the Selective Service.

Moreover, the question of conscience cannot be ignored here. The American Catholic bishops, among others, have gone on record supporting the right of selective conscientious objection, a right not recognized by existing draft regulations. Continued punishment, by exile or imprisonment, of men who followed their conscience in this matter hardly reflects glory on American justice.

The suggestion, also voiced by opponents of amnesty, that the pardoning of draft resisters would dishonor the American dead and wounded in Vietnam also misses the main point. Amnesty aims simply at reconciliation. If we wish to heal our national division, we must presume—there is nothing else we can do—that those who fought and those who refused to fight on grounds of conscience acted in good faith. The dead will not be served by the hardening of our hearts.

Another question remains: How sweeping should the amnesty be? If an amnesty proposal is to be equitable it should certainly look to all those who have refused in conscience to serve in the war. What about deserters? True, before the law, their situation differs significantly from that of draft evaders. Excluding them all from amnesty on principle, however, may fail to take cognizance of the peculiar complexities of this war. Certainly amnesty for deserters will not sit well with a great part of the nation. They will remain troubled that conscience in some cases prompted the questionable response of desertion. Still, the issue is not strict justice but pardon; some provision for deserters seems necessary.

Framing an equitable and coherent amnesty plan will clearly tax the ingenuity of our most gifted Solomons. More important at the moment is a commitment on the part of a large number of Americans to the goal of reconciliation through a generous use of the President's amnesty powers.

ANOTHER LOYALTY OATH RESCINDED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, 2 months ago a constituent brought to my attention the practice by Metromedia, Inc., of asking references for prospective employees whether they consider the applicant to be loyal to the United States. The question of the loyalty of an individual to our country as judged by another individual is so subjective that it has no value and is a question that should not be asked.

On March 27, I wrote to Metromedia expressing my concern and asking for their comments on the matter. Today I received a response from Metromedia's director of personnel administration, Robert E. Pantell, stating that the question will be eliminated in the next printing of their form. I believe that Metromedia should be commended for its flexibility and responsibility in taking this action, and at this time I should like to place in the CONGRESSIONAL RECORD my letter of March 27 and Mr. Pantell's response.

Mr. Speaker, I believe that in this era of extensive dossier collections by public and private agencies, great care must be given to the soundness of the information that is put into these files—to be available for instantaneous retrieval years later. A misfounded comment on a person's loyalty—given by one who had only superficial knowledge of a person's politics or having some extreme political bias of his own—might ruin a person's employment opportunities for the rest of his life. A great responsibility lies with the collectors of information to guard against the inclusion in personal files of information that is not well founded or which may be misinterpreted years later when taken out of context. Unfortunately, I do not believe that this responsibility is being met in most instances by either public or private agencies.

Again, I would like to commend Metromedia for its response to this question. My correspondence with the company follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 27, 1972.
DIRECTOR PERSONNEL DEPARTMENT,
METROMEDIA, INC.,
New York, N.Y.

DEAR SIR: I have had an inquiry from a constituent concerning the question included in your reference form for prospective employees that asks, "Do you consider the applicant loyal to the United States?"

I should appreciate your sharing with me the basis for this question, the answer to which is so subjective in nature.

I must say candidly that I question the fairness or even the usefulness of asking such a question when the person making the judgment might have only superficial knowledge of a person's politics, or the basis for his politics; furthermore, you must often know little or nothing about he or she who is making this sort of judgment.

In this day and age of exchange of dossiers on individuals, I think it becomes important that great care be given in the collection of personal information, particularly when that information is in the form of subjective judgments by others.

I look forward to your comments on this matter.

Sincerely,
EDWARD I. KOCH.

METROMEDIA, INC.,
New York, N.Y., April 14, 1972.
Hon. EDWARD I. KOCH,
Longworth Office Building,
Washington, D.C.

DEAR SIR: This is in response to your letter to me of March 27, 1972, inquiring into a question which appears on our reference form for respective employees, to wit: "Do you consider the applicant loyal to the United States?"

I am well aware of the possibility that the person offering an opinion in answering that question may have superficial or no knowledge of the applicant's politics and that we often know little or nothing about the person who is responding. I may add that we are presented with a similar problem when evaluating responses to questions calling for an opinion of the applicant's performance, initiative, personality, dependability, and attitude towards prior employer. All of these require value judgments by the respondent. They may often be based on anything but hard facts and any intelligent employer will necessarily weigh them in that light.

We certainly agree wholeheartedly with you that great care must be given in the collection of any personal information, particularly when it is in the form of subjective judgments by others. You can be sure that we exercise such care in its evaluation and certainly with respect to further dissemination.

In this connection, in the last revision of our employment application, we took pains to examine the application currently being used by the United States Government and several of our questions are predicated thereon, although we do not ask whether the applicant is now or has for the last ten years been a member of the Communist Party or any organization which to the applicant's knowledge seeks the overthrow of the constitutional form of government of the United States by force or violence. Nor have we, as distinguished from the Government, investigated into those questions beyond the above quoted inquiry made to persons whose names happen to be given as reference. Viewed in that light, our inquiry is probably meaningless, that is, of very little practical value in eliciting the truth which, if seriously pursued, could best be obtained by other means.

Therefore, while I do not agree with your contention that the question is unfair, upon reflection I can and do agree that its usefulness is doubtful. We will eliminate it on the next printing of our form.

Sincerely,
ROBERT E. PANTELL,
Director of Personnel Administration.

TREATMENT OF JEWS IN THE SOVIET UNION

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD).

Mr. HANLEY. Mr. Speaker, every one of us has a heritage that is dear. Emotional ties exist between ourselves and the homelands of our ancestors. No one can deny that there is a unique spirit common to those of a particular family of man.

Most of us do not have to rely on this spiritual tie alone. We have a nation; a homeland. For 19 centuries the Jewish people did not have a physical home. They were in exile, and they settled in many nations.

Today they have won their nation, but those Jews who settled in the Soviet Union are denied access to their Israel. The borders of the Soviet Union have become prison walls to Soviet Jews, and although their faith can transcend these walls, they cannot leave the soil of the Soviet Union.

The hypocrisy of the Soviet Union is known to us all—indeed the Soviet Constitution grants the right to emigrate—and it is a right acknowledged by all civilized nations on earth. It is a right guaranteed by the United Nations Declaration of Human Rights.

I joined in cosponsoring this resolution because I feel strongly that we have a moral obligation to raise our voices when justice is denied to our countrymen's countrymen. I have spoke on behalf of the other captive peoples of the Soviet Union, and I have raised my voice in protest of the situation in Northern Ireland. I will continue to do so. Not to urge intervention, but to spur action in the offending nation that will correct the injustice.

Certainly we have our own problems, our own hypocrisy, and we must never relent in the fight against them. But we are a nation containing many nations, and we cannot ignore that fact. We must not commit the crime of silence in the name of isolation.

It is my sincere hope that the President will impress upon the Soviet leadership the points of this resolution, and our solidarity with the cause of Soviet Jewry. If this resolution is passed, the timing of it related to the President's trip to Moscow will indeed be fortunate.

But we do not have to rely on the executive branch to make our voices heard. The simple passage of this resolution alone will make our sentiments known. I urge its passage in the name of humanitarianism.

CRIME PREVENTION PROGRAM DEVELOPED AT SYRACUSE UNIVERSITY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, an effective and innovative crime prevention program has been developed at Syracuse University, and I would like to share it in the hope that it might serve as a model for other institutions of higher learning.

In the current political rhetoric, "law and order" does not usually conjure up a picture of students patrolling their own campuses in order to prevent crime. But this is what "law and order" is coming to mean at the Syracuse campus, thanks to student Phillip Gross and administrators Ronald Brady and Robert Flaherty.

I think this is a laudable example of student initiative in a field that badly needs more dedicated and able young people. This campus patrol program cuts through the tired "law and order" rhetoric for a realistic response to a problem that concerns every segment of our society.

I would like to enter in the RECORD an article from the Syracuse Alumni News written by Maria A. Pafundi which describes the student crime prevention patrol. I commend it to your reading, and I commend the young people who brought this program into being:

A NEW LOOK AT CAMPUS SECURITY: STUDENT FORCE CUTS CRIME

(By Maria A. Pafundi)

The official reports put the time at 9:40 p.m. The fall night was clear as Jason Israel and Paul Sikes, armed with their clipboards, flashlights and 2-way radios, made their routine rounds of Sadler and Lawrinson living centers.

They inspected the Lawrinson garage, looking for broken lights, trespassers, or thieves in search of valuable car accessories. Satisfied that all was normal, they retraced their steps. Suddenly they heard a burglar alarm sound, and they raced to Sadler in time to see three young men loading their car with University furniture.

As Israel radioed the University's security department, Sikes got a complete description of the men, and copied down their license plate number. The thieves were startled to see the two patrolmen, and sped off. Less than a minute later, a security car arrived, but through Israel and Sikes' "observe and report" tactics, the furniture thieves were tracked down the next day.

What makes this routine security operation different is that Jason Israel and Paul Sikes are not employees of the regular Security and Safety Department at Syracuse University. They are members of a 65-man student security force who work closely with campus police in preventing crime and vandalism, and in ensuring the safety of students on the campus.

Statistics all across the nation reflect major increases in the number, type and ferocity of crimes. Even the once-cloistered groves of academe have not escaped this frightening development.

The rising incidence of campus crime in recent years ranges from bicycle theft (15–20 per week at the University of Arizona) to rape (5 at the University of California in Santa Barbara during the last academic year).

The most frequent problem on the nation's campuses is theft. In 1971 at UCLA, 107 cars were stolen, and 163 broken into with property losses; at the University of Florida in Gainesville, 131 cases of breaking and entering were reported in a nine-month period.

For protection, most colleges rely mainly on small campus police forces who are usually unarmed. Security officers complain of low salaries, manpower shortages, and the lack of across-the-board jurisdiction. Faced with all this—a sharp rise in crime, shortage of funds, and limited security departments—university administrators across the country welcome innovations that will help them keep campus crime in check.

Syracuse University has all the crime problems of most large universities, but a heavy reliance on crime prevention appears to be making head-way. One important addition to this program of prevention is Student Safety Services.

The initiator of the student security force at Syracuse is Philip J. Gross, a sophomore from Maplewood, New Jersey. Gross got the idea from a similar program set up by a friend at Seton Hall University. Gross formulated a plan, and introduced it to Ronald W. Brady, vice chancellor for administrative operations. Specifics were worked out with Robert Flaherty, director of security and safety, and the force took to the campus walkways late last February.

According to the student supervisor, increasing safety to students and their property is the main objective of the operation. "I would personally rather prevent 10 percent of all crime than catch 10 percent of all criminals," Gross says.

Members of the student security force travel in pairs, wearing identifying armbands, and carry flashlights, clipboards and 2-way FM radios. To qualify for this well-paid position, a student must be at least a second semester freshman, and be in good academic and disciplinary standing. Gross has a long waiting list of applicants.

The patrol, in operation eight hours a day in two shifts, has expanded its initial coverage of three major districts to coverage of all the major living centers: Sadler and Lawrinson; the Brewster-Boland-Brockway complex; the north campus apartments; the east campus residence halls (Haven, Booth, Dellplain, and Kimmel-Marion); Mt. Olympus, Shaw, Day and the Women's Building.

At the orientation and training session at the beginning of each semester, the student teams are told that their main role is to "observe and report" any unusual circumstances or persons. Gross insists that the students are not to try to capture any prowlers or thieves; they are to use their radios to contact the main security office.

The mere physical aspects of the university are open invitations for criminal activity. Narrow, twisting, secluded pathways through wooded sections—the Mt. Olympus area, for example—are aesthetically pleasing in the daylight, but dangerous at night. Thus, they present ideal conditions for potential muggings and rapes. Gross says that the force's real concern is for "females travelling across the campus to the library or to the Mount." He names one important advantage of the program: "girls who were hesitant to go to the library at night can feel more secure."

Carol Williamson, director of Shaw, a women's residence, affirms this opinion, saying that the student patrol has helped the living situation of the girls in her building: "their presence alone has added a measure of relief."

Another factor in the university crime situation is unfortunately simplistic: students as a whole are too trusting.

Students who live in dormitories don't worry about locking the main doors. When it comes to their own doors, they don't think it necessary to lock them; they feel they know everyone on their floor, and they are not suspicious of them.

"A guy steps out of his room to make a phone call, leaves his door unlocked, and when he comes back, his wallet is gone." This, says Gross, comes as a shock to most students who learn the hard way. He estimates that better than 75 percent of crimes committed at SU are due to unlocked doors.

Leo Graszler, assistant director of security and safety, becomes upset because "students are too free in handling outsiders. They allow them to prowl around their residence halls, and they never question the presence of strangers."

The student security force is trying to make up for this naive, trusting attitude of students. An important duty is to check for unlocked dormitory and apartment doors as they walk through their districts. Carol Williamson is grateful for this; many students use Shaw as a shortcut to the Westcott Street area, and they invariably leave open doors behind them.

Gross makes it a policy to have the same men cover the same district each night. He contends that a familiarity with an area improves the team's performance, and this is proving to be correct. Jim Lee, a first year student at the Law College, has been patrolling the university-owned apartments in the University Avenue area since September. He claims that he knows about 70 percent of the people in the area; he is familiar with their cars, the girls' boyfriends, and the neighborhood's residents. It is usually easy for him to recognize an outsider.

All concerned with crime on the campus agree that most of the problems are caused by outsiders. Speaking about the expensive stereos, tv sets, musical instruments, and many other student possessions that can be sold easily on the streets, Graszler says that "undesirables consider this place a smorgasbord." Victor J. Colway, vice president for business management, puts the percentage of outsiders at 90 percent of the total crime situation.

Residence hall directors are aware of roaming bands of youths who have no place to go, and who are attracted by college activities. Lawrinson, sees a decrease in the number way complex are closest to the outside community and have in the past experienced the worst problems. But Peter Stace, director of Lawrinson, sees a decreaes in the number of incidents over the last year and credits the student patrol with alleviating much of the problem.

Gross reports that male students most frequently complain about the outbreak of thefts from university-owned garages. One dorm director had his car stolen twice last year. Graszler is pleased to note this year the number of instances where the student patrol has surprised criminals at work in the garages.

The most common problem among SU women, according to Gross, is the possibility of rape and assault. In 1965, says Graszler, there were three vicious rapes—one on campus, one in a dorm, and one on Ostrmo Avenue—and one attempt. In 1971 there were two—one in Day Hall, and one in front of Brewster. So far this year, there have been none. Colway asserts that three things stand out in his mind as having a marked impact on this decreasing record: the K–9 dog patrol, the mini shuttle bus which provides free transportation around the main campus at night, and most recently, the Student Safety Services.

Again, the emphasis is on prevention rather than law enforcement. "It makes no difference to a girl after she is raped whether the guy is caught or not," says the student supervisor. "What we want is to discourage the rape itself."

Like many of his colleagues across the country, Leo Graszler believes that "no police organization or semi-police force ever has enough people." Vice-President Colway, whose jurisdiction includes the security department, thinks that SU's 35-men staff is "minimal." And figures support Colway's evaluation. The city of Syracuse has one policeman for every 403 citizens. The University averages one security officer for every 655 members of the Hill community. Much of the department's time is taken up with parking violations and driving some 50 students per day to the health service center.

For these reasons, Graszler, Flaherty, and Colway are extremely pleased with the work of the student safety service. Graszler looks upon them as "extra eyes and ears for the detection of crime on campus, and for the location of hazardous conditions."

A big plus that the student force brings to the security operations is the fact that they travel on foot and check inside living centers, whereas the security officers patrol only in cars. They are able to detect many physical aspects that are potential crime or safety problems; in a one month period last semester, the student patrol made a total of 559 reports that included discharged fire extinguishers, broken lights, open and unlocked doors, acts of vandalism, and fire hazards, such as trash accumulation. Gross compiles the reports daily, and the safety and security office turns them over to maintenance crews, the physical plant department, or the Office of Residential Life for corrective action.

Campus security officers frequently suffer from the typical low regard of students for police. In the year since the Student Safety Services was organized, it is generally agreed that student patrol teams relate better to other students than the uniformed officers. Students often complain of "being hassled" if a regular security officer comes into a living center on official business; they will, however, accept other students. For example, during a bomb scare at Haven last fall, several girls refused to move outside at the order of the security officers. Students passing through on their foot patrol were able to talk them into cooperating.

Carol Williamson theorizes that this good relationship between students and the Student Safety Services is a result of the force's high visibility. "While the regular officers are in cars, these fellows are on foot—they stop in at the desk, or they take a break with other students in the lounge." Shaw's director contends that students look upon the two forces differently: the security office is where they go *after* an incident has occurred, to report a theft or an assault; the students are looked upon as *preventive* agents.

The University's approval of this program is shown in its strong support. Initially, the student patrol was "nothing more than an experiment" between the security department and the Office of Administrative Operations. But early in its development, it was the recommendation of both Flaherty and Graszler that the student patrol be continued. Gross says that $45,000 will be paid out this academic year in student salaries, and another $15,000 will go for operations. Graszler considers the appropriation "justifiable—although it's not shown in the university books, it will show in student pockets."

One way such preventive programs as the Student Safety Services does show up on university books is in insurance rates. *The Chronicle of Higher Education* reports that the increase in campus crime has led to rate hikes for many universities, sometimes as high as four times the old rates. At Syracuse University, the situation is exactly the opposite; rates paid for casualty, fire and property in 1967–68 were $222,259; in 1968–69, $182,636. In 1969–70, SU paid $127,279. Colway asserts that the Student Safety Services have a "definite impact" on lowering liability rates.

What's ahead for this innovative program? Its operation is smooth, it has proven its usefulness, and university administrators are pleased with it. Several improvements have been planned, and others have been suggested.

Gross is now in the process of having the daily crime reports computerized in order to indicate the number, locations and times of campus crime. Such a project will aim at pinpointing campus trouble spots.

The student supervisor is also considering the possibility of expanding the present force with a team to make spot rounds of the whole academic campus for such activities as Film Forum, People's Place, and the men's gym. At this time, no funds are available for such expansion.

One expansion that has been authorized is a public education program. A major objective of Student Safety Services is to make other students more security-conscious. This semester the force will attach stickers to all public phones listing numbers to call in case of fire or emergency; posters have been designed to warn students of crime problems.

The Student Safety Services is by no means the total solution to all of SU's crime problems. But, added to the regular officers, off-duty plain-clothesmen, the mini shuttle bus, and the K–9 dog patrol, the new student-manned program unites more people in the same function of crime prevention. Vice President Colway answers for SU's successful record very simply: "We have improved our housekeeping."

PROSPECT FOR ECONOMIC RECOVERY

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, recently there has been continuing discussion with regard to the prospects for the recovery of the economy. The Department of Labor has issued figures showing that the average for weekly hours of overtime has increased to 3.3 hours per week. This is the highest level for the past 2 years and shows the continuing demand for goods from the manufacturing sector of our economy.

Increasingly, we have also seen signs that the President's wage and price controls have been effective. The average hourly earnings of production workers rose only 2 cents in March to $3.47. This compares to a year ago March when the wage rate rose 21 cents, or 6.3 percent in just a single month. Furthermore, it should be pointed out that the average weekly earnings have risen 6.5 percent since March 1971, while consumer prices have risen only 3.7 percent. It is obvious that the President's wage and price control program has been effective in placing a lid on inflationary pressures. Even though unemployment increased slightly last month, we find that the total employment picture is the best that it has been in a number of years. In goods-producing industries, employment increased by 155,000 workers for the January to March quarter. This is the highest level of increase since the end of March 1970.

Furthermore, factory jobs rose by over 110,000 over the quarter. In the service-producing sector of the economy, there was an increase of 570,000 jobs over the first quarter. This is the largest quarter to quarter increase since the end of World War II.

Beyond the shadow of a doubt, the policies of this administration are providing jobs for the American worker and ending the inflationary spiral which has been wracking our economy.

TAX DEDUCTIONS FOR INTEREST PAYMENTS ON LOW-INCOME HOMES

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, in 1968, the Congress passed section 235 of the National Housing Act. This section authorized the Federal Government to subsidize the interest payments on homes purchased by low-income families. The Government, under the program, can subsidize interest down to 1 percent depending upon the income of the recipient. This subsidy payment is made by HUD directly to the lender.

Recently, the Internal Revenue Service has ruled that even though the interest payments on 235 homes are being paid by the Federal Government, the taxpayer—235 homeowners—has the right to take the interest payments, including the portion paid by the Government, as a deduction on his Federal income tax. The net effect of this ruling has been to give this homeowner a double subsidy.

As a member of the House Banking and Currency Committee, I can state that when the committee reported this bill to the House floor it never was envisioned that this type of deduction would never be allowed. In order to correct this misinterpretation of congressional intent by the Internal Revenue Service, I am today introducing legislation which would prohibit the taxpayer who lives in a 235 home to take the portion of his interest payments made by the Government as a deduction on his Federal income tax.

VICTIMS OF CRIME ACT OF 1972

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, during the past few years crime has been one of the foremost political issues facing the Nation. The courts have taken steps to guarantee and protect the rights of persons accused of criminal activity. This Congress and the many State legislatures have passed stringent laws in order to attempt to curb the spiraling crime rate. However, throughout this whole process no mention has ever been made of the innocent victims of crime. Many times criminal activity has led to innocent persons being maimed, permanently disabled, killed, or psychologically affected, all of which has to have a direct impact upon their lives. No consideration has been given to the pain, suffering, loss of time, and wages which these victims suffer. I believe it is time that the Congress of the United States recognized these victims' situation and provided them with due compensation. In reality, these victims are the price the society pays for not being able to control crime.

The Constitution of the United States and the Declaration of Independence both were intended to protect the right to life, liberty, and pursuit of happiness of all our citizens. However, the skyrocketing crime rate has shown that all three branches of our Government have been negligent in meeting this mandate.

In modern law there is a sharp contrast between criminal and civil proceedings. The criminal is always thought to owe a debt to society which must be paid, and in the context of criminal prosecution the sole purpose of this prosecution is to protect the public safety from continual harassment by the offender. In these proceedings the victim is supposed to be a disinterested witness whose relief is to be found only in private tort action. This solution has been found to be highly inadequate. The first nation to perceive this problem and act affirmatively was New Zealand. In 1963 the parliament of that country established a crime compensation tribunal with power to award compensation to victims or their dependents where the victim had been injured or killed through the commission of certain crimes.

In 1964 the Tory Government of England enacted a similar program. The first American jurisdiction to adopt the compensation principle was California. Its program was enacted in 1965 and put into operation 2 years later. Since that time programs have been established in New York, Hawaii, Massachusetts, Maryland, Nevada, and New Jersey. Several State legislatures now have proposals before them which would create compensation boards. It is obvious that the Congress will be called upon to act in this area in the very near future. Adequate precedent for this action has been set since two English-speaking parliamentary governments plus the legislatures of several of our States have enacted compensation laws. Definitely, the time has come for compensation for the innocent victims of violent crimes to be adopted. Society has a moral obligation in this area and I believe that the legislation I am introducing today will meet that obligation.

My bill establishes within the Department of Justice the Federal Compensation Board which will make direct awards to or in behalf of innocent victims of violent crimes in financial need.

The jurisdiction of the Board would be limited to primary Federal jurisdiction such as maritime and territorial areas, and the District of Columbia.

The Board would be of a quasi-judicial nature, composed of three appointed members who would serve 8-year terms. They would have the authority to compel the attendance of witnesses, but the strict rules of evidence would not be followed and hearings would not be of an adversary character.

In determining the amount of the award, the Board would be authorized to investigate all aspects of the case, including private and public sources of funds to meet the victims' financial needs. A very important factor in the awarding process would be the victims' cooperation with police. Also, recovery would be limited to $50,000 and the payments could be made in a lump sum or by periodic disbursals. Criminal conviction would not be a prerequisite for recovery. However, when an award were made by the Board, it would not subrogate the rights of the victim against the offender. Furthermore, when the offender were prosecuted, the court would be authorized to direct that any part of any fine paid by him be placed in an indemnity fund which would be administered by the Board.

The second part of my bill would amend the Omnibus Crime Control Act of 1968 to provide a new grant program to be administered by the Law Enforcement Assistance Administration to encourage States to set up compensation boards. Any State which would meet the minimum requirements of this act would receive matching grants up to 75 percent of the cost of establishing a State compensation board.

Mr. Speaker, I believe that the proposal which I am presenting today is realistic and will help solve one of the more glaring needs in our society. I believe that this legislation warrants the support of all Members of this body.

LIVESTOCK PRODUCERS UNFAIRLY BLAMED FOR RETAIL MEAT PRICES

(Mr. MAYNE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MAYNE. Mr. Speaker, four of my constituents from northwest Iowa made a significant contribution clarifying recent confusion about meat prices in their testimony before the Price Commission last week. They are Frank R. Buryanek, Glenn Gregg and Ed Ladd, farmers from Sioux and Lyon Counties, and Mayor Harlan Hummel of Hawarden, Iowa. They told the commission and the American people that present day livestock prices are inadequate to give farmers anything like a fair return for their labor and investment, and their testimony very eloquently established that livestock producers are being unfairly blamed for recent increases in retail meat prices at a time when retail food chains have been increasing their profit margins and refusing to pass the benefit of reductions in wholesale meat prices on to the consumer.

Buryanek and Ladd also testified on the same subject the previous day before the Subcommittee on Livestock and Grains and I have heretofore asked unanimous consent that my introduction of these witnesses and their highly persuasive testimony be set forth at this point in the Record, together with the testimony of Mayor Hummel before the Price Commission the following day. The portions of the subcommittee's and Commission's proceedings to which I have referred are as follows:

Beef Prices

Mr. Mayne. Mr. Chairman, I'm very happy to introduce a typical Northwest Iowa farmer to give us firsthand information on some of the problems confronting pork producers on the farm today. Frank Buryanek rents 320 acres in Sioux County, Iowa, which is the nation's largest producer of corn fed cattle with over 250,000 head delivered yearly. It is also a top producer of hogs.

Frank is one of a group of Northwest Iowa farmers and businessmen, principally from Sioux County, who came to Washington at their own expense on March 27 and 28 to protest adverse and unfair publicity about livestock prices. They were specifically and justifiably indignant about the very misleading newspaper advertisements placed in Washington newspapers by the Giant Food Store chain blaming lack of controls on livestock prices for high retail food prices and telling consumers to buy less meat. I had the pleasure of taking these hard working Americans to the Department of Agriculture to confer with Secretary Butz and Assistant Secretary Palmby on March 28. They proved to be such eloquent spokesmen for agriculture at this meeting that the Secretary and I urged them to return to Washington for the Price Commission hearings on food prices which begin tomorrow. Frank Buryanek and three other Northwest Iowans will accordingly testify before the Commission tomorrow and Frank is here to give us the benefit of his practical experience today.

STATEMENT OF FRANK R. BURYANEK

Mr. Buryanek. Thank you, Congressman Mayne. Mr. Chairman, I am 38 years old, married and have three children. I farm 320 acres of land in Sioux County, Iowa. I am what is usually termed a diversified farmer. That is, I raise corn and also feed hogs and cattle for market. In a good year I will try to feed 500 hogs and 250 head of cattle. Sometimes I don't produce quite those numbers due to a short corn crop or other factors.

I belong to a group of 190 Northwest Iowa farmers who use the services of the Northwest Iowa farm records association. This firm does a complete breakdown of our records and through the use of computers is able to show us just where the money is being made or lost. By using this service I can tell what my costs are on the various phases of my operation. Without bragging, I can honestly say that the 190 who belong to this group are considered either average or above average farmers.

Gentlemen, last year my net farm income was $3445. That isn't much for a family of five to live on. This figure does not allow me anything for labor. This was my total wages for working 13 months last year. This 13 month figure is based on the average American who buys the products I produce, work week of 40 hours. Using USDA hourly averages on how much time it takes to raise a hog, an acre of corn, etc. I work 56 hours per week. By this you can see that I'm not sitting on my can raking in the money. With wages like these it's no wonder that young men want no part of agriculture. My son is 12 years old. While I'm here talking to you he is responsible for the care of over 200 hogs. He can handle the job and he likes to do it. But when the day comes that he asks me, "Dad, should I stay in farming?", I could no more answer yes than I could tell him to go fly a kite.

The thing that concerns me is that the average age of an Iowa farmer is 56. Where are we going to get the young men to replace these men about to retire. With the profits we have been getting the last few years, no one can blame young men for leaving the farm for jobs in the city. Take these men off the family farm and it leads down only one path. Corporate farming. The family farm has been a way of life in America since before the revolution. Don't take it away now.

Last year I raised and marketed 297 hogs. This was way below my 500 goal and thank goodness for that. I received an average of $16.83 per cwt. My cost of producing 100 pounds of pork was $17.80. This was before figuring labor. Adding my labor at the minimum wage of $1.65 per hour, this pork cost me $19.18 per 100 pounds. This is a loss of $2.35 per cwt, or $5.16 for every hog marketed.

This is why I get mad when the newspaper quote the so called authorities who blame the farmer for high food prices.

You're not listening to a bad farmer either. The average production costs in Illinois is $19.50 per cwt. The average in Iowa is $20.00. Using family labor I managed to hold my costs below the average and I still lost money. You can see I'm definitely in the ball park when it comes to raising hogs.

Gentlemen, I didn't come to the city to cry and beg for sympathy. I know how my hogs did last year. The producer is used to these ups and downs. We just bite our lips and hope that next year will be better. It has every indication of this when I sold hogs in February for $28.50. Then all this fuss started about the farmer getting rich and stores advertising to tell people not to buy meat. Since that time the price of hogs has really dropped. As of last Thursday, the Sioux City Central Public Market had a hog top at $22.75. This is roughly a $6.00 drop per hundred or $12 per hog. Pork is not that much cheaper today in the store, so whose getting it. It sure isn't me.

Of these 190 farmers I spoke of, in 1969 their average total investment was $263,638 and the average net income was $8,331.00. In 1971 their total investment average had risen to $308,427 and their average net income had dropped to $7,717.00. Investment up $44,789.00 and the income down $614. Something's out of line here. You probably wonder why I farm?

Gentlemen, I think that the family farm is the best place in the world to raise children and I love to farm. But I don't know how much longer I can afford these luxuries. We in rural America do not ask for the moon. All the majority of us want is the opportunity to earn a decent living and the chance to supply our children with a few of the good things in life such as education.

All we ask is a fighting chance. We are a minority—feeding the majority. Drive us off with bad prices and rising costs and you will be taking the backbone out of America. Too many people don't know our life style or realize our problems and many more could care less.

I thank you for the opportunity to tell my story. If only a few of you understand us better, my task is accomplished. Tell your voters you heard it from a farmer. No man is farther from a phone booth but closer to God.

Mr. MAYNE. Mr. Chairman, another outstanding Northwest Iowa farmer who will testify here today and before the Price Commission tomorrow is Ed Ladd of Rock Rapids in Lyon County.

Ed was one of four Iowa farmers chosen as a Master Farmer by Wallace's Farmer in 1971. He has served in many positions of farm leadership, such as County ASCS Committeeman and Soil District Commissioner and is presently Vice President of the Lyon-Sioux member and an officer of his county Livestock Feeders Association. I am also very proud of the fact that he has been a member of my district farm advisory committee since 1966. This is a group of actual farm operators with whom I consult frequently on farm policy and programs.

It is a real pleasure to introduce Ed Ladd to my colleagues on this Subcommittee.

STATEMENT OF ED LADD

Mr. LADD. Honorable Chairman Mr. Purcell and members of the Livestock and Grains Subcommittee on Agriculture, I am here today as an active farmer involved in a diversified farming operation located in the northwestern most county of Iowa. My age is 50 and for the past 25 years my family and I have worked toward the goal of putting together an efficient farm unit. By sacrificing most other wants and some imagined needs, we have been able to gain control of a unit that economists tell us has most of the efficiencies that can be obtained in a farming enterprise.

For this to happen we were fortunate enough to have adjoining land become available for sale, and to be able to obtain financing to accomplish the expansion. We now farm 640 acres—renting 160 acres and having title to 480 acres.

For the past seven years my wife has worked as an Extension Home Economist in a two county area. Her feeling was that she could contribute more to the enterprize this way than by working on the farm and her wisdom has been sound. The added income has enabled us to make farm payments and keep two children in college while I have concentrated on developing a good farming programs. We feel that with good health and the Lord willing, we will now be able to survive the revolution that agriculture has been going through for the past 20 or so years.

I am sad to report, however, that a lot of my friends and neighbors have not been so fortunate. Some of them because of conditions they were not able to control are no longer farming. Many others because of limited volume and increasing costs are finding it more difficult all the time.

With this type of situation continuing there is very little incentive for young men to be attracted to farming as a career and with the average age of the Iowa farmer at 48½ years, we will be faced with a problem that in my mind could be disastrous. Unless the long term profit potential in agriculture improves, young people will continue to choose careers outside of agriculture and the family farm as we know it will be a thing of the past.

I claim no great knowledge of farm problems on a national scale and can only report to you what is occurring in my community and what my own records show. My banker expressed a similar concern for their business. He said that of the active farm loan customers they serve that only 10% were below the age of 30. Of the 6 farm sales they clerked the past year, 3 were farmers retiring, 2 were foreclosures and one was forced out because the land was sold. He reported that they had no new starts.

We have been concerned for some time that the farmers share of the consumers dollar remains relatively stable while our costs keep skyrocketing. In the past 5 years my machinery repair cost has gone up 44%. Shop time for implement and machinery repair has gone from $4.50 per hour in 1967 to $7.00 per hour in 1971—up 64%. Taxes on two quarters have gone from $904.02 in 1966 to $1271.62 in 1971—an increase of 29%. You name it and if it is anything not produced on a farm, you can be sure it will be higher.

Where have we gone so wrong as to think that it should be the consumer's inalienable right to buy meat for the same price as it was twenty years ago when their own disposable income has more than doubled in the same period? Somehow it is alright for automobiles to go up $150 to $200 every year and it's alright for medical costs to go up 400% in the past 20 years, but it is not alright for farm products to go higher. Whenever prices start to go up in the livestock industry, we get hit with higher import quotas or some other device designed to hold down meat prices.

I recently attended the National Livestock Feeders Convention in Omaha where Mr. Raymond Ioanes, Administrator of USDA's Foreign Agricultural Service told us we must "get cracking" if we are to keep up with the booming demand for beef. He said that every industrialized country is itching to consume more beef, and the economic growth we are seeing around the world is making it possible for more and more people to satisfy their demand for more beef. He closed by saying that the most impressive feature of the current situation by far is the price strength we are seeing. Record beef production is being marketed at attractive prices almost everywhere.

This means only one thing to me—trying to keep a lid on domestic prices by importing more beef may be setting the stage for a real beef shortage in the future. It takes a producer two years from the time he decides to supply more beef until there is meat for the consumer's table. If we are not allowed a reasonable profit potential that will pay the capital investment, risk and give a management return, there will be no real herd expansion.

I belong to the Northwest Iowa Farm Business Association and my records tell me that in 1971 my weaned calf cost me $39.18 per hundred weight. By applying my 1971 feeding enterprise costs and selling price I should realize $11.15 per head return for risk and management—a total of $791.65 for the total cow-calf enterprise. That's hardly enough to attract many people into a cow-calf operation.

The midwest is the only real hope for further herd expansion. We have abundant supplies of low cost feed in the form of corn stalks and crop residues that now go to waste. Unless there is a profit incentive to diversify into livestock production the midwest farmer will continue to raise only corn and soybeans that create problems in the market and great expense to the government.

Wouldn't it be better to let meat prices seek their own true level in an atmosphere unclouded by artificial restraints?

Thank you.

STATEMENT OF MAYOR HARLAN HUMMEL, HAWARDEN, IOWA

I'm Harlan Hummel, Mayor of Hawarden, Iowa, a rural community of 2800 in Northwest Iowa. I represent a coalition of cattle feeders, pork producers and businessmen in 10 Northwest Iowa counties with a population of 300,000 people. It is a fact, that I can prove with figures and graphs, that a substantial segment of the nation's population is threatened with an unwanted and unneeded change in life style. Through undeserved publicity and political rhetoric, the farmer is being blamed for today's inflationary food prices.

Eighty per cent (80%) of the population in the ten county area that I represent is engaged in farming, agribusiness, or is directly dependent on the farmers income to maintain over 100,000 small town jobs.

My home county, Sioux County, Iowa is the nations largest producer of corn fed cattle in the world with over 250,00 head delivered yearly.

Just to the south is Plymouth County, Iowa's largest producer of pork products. We have a stake in any deliberations about food price controls because you are threatening our way of life. If you depress the price that the Iowa farmer receives for his products, the only alternative you leave is commercialized farming.

Give Mr. Meany a shot at 100,000 workers on just a few large farms and see what the price of labor can do to farm prices. Drive 10,000 Iowa farmers and their children off the farm and see how more complex your city problems can become.

We're not here to defend the prices that beef and hog producers are getting, but to show that in relationship to inflationary prices that are being paid for other consumer products, plus the increased cost of production that the food producer has been forced to absorb, that the food producer should and does feel deserving to be receiving a decent price for his products, because if he had continued much longer at dealing in a market that has been stagnant for at least twenty years, America would be looking elsewhere for its food supplies.

Let's talk inflation, and decide who has been the victim.

Out of the last 15 years, only the last two have given the beef producers a chance to realize a price for their products in relation to the rise in other consumer products. In 1951 one hour's labor purchased 1 and ½ pounds of beef for the family table. Today, one hour's labor will place 3½ pounds of a better quality more nutritional beef on the same family's table. If the beef producer is responsible for rising prices, I don't know the meaning of inflation. We feel that you as a price board responsible for controlling inflation, will direct your attention to those segments most responsible for the unwarranted spread between the feed lot and the table.

Let's talk price increases and degrees of spread. I have figures here taken from USDA miscellaneous publication 74. In 1952, the retail market showed the average price of a pound of beef at 85.7¢ per pound. Of this 85.7¢ the farmer-producer received 74% or about 63.4¢. Nineteen (19) years later the retail average for the same pound of beef was $1.04. The farmer producers percentage dropped to 65% of the price paid or a return of 67.8% of the price Mrs. Housewife paid. The retail price of a pound of beef increased 22% while the farmers share decreased almost 12%. This 12% decrease was occurring while the farmers cost of production rose 125%. Wherein lies inflation?

We are here to tell our story because we are appalled to think that people believe that government controls are the answer to lower food prices. In all the history of American food production there has been no better control on food prices than supply. The American farmer has always supplied the country's table at a reasonable price. Granted this price has fluctuated, but consider the fact that only a few years ago, food purchases took about 22% of the average American's disposable dollar. Today food purchases take only 15% of that same dollar. Food has become a target only because by his makeup, his desire to be independent, the farmer tried to go it alone, standing on his own two feet, without any type of unionization. His lack of desire for organization made him a convenient scapegoat.

Give the farmer enough reason to organize and you will see the start of a union that will make the AFL-CIO look like a Sunday School Picnic.

The beef producer has no complaints with a 33–35¢ cattle market. He only wants to impress you that his margin of the last several years is not excessive—and he feverishly resents any of the suggested synthetic means of price depression. He needs this present margin to keep his family farm and for all of us to keep rural America as it is today.

One of these friends, a Sioux County hog raiser, revealed to me that in 1971 he marketed almost three hundred head of hogs at an average selling price of $116.83 per hundred weight. He is a good recordkeeper and his books showed that his average cost of production before labor, was $17.80 per hundred. This was a net loss of 97¢ per hundred before he was paid for his labor. Now using the minimum wage advocated by the Dept. of Labor, $1.65 per hour, his average production cost was $19.18 per hundred. Now a $1.65 per hour wage is barely above the poverty level, and a lot lower than the average wage paid to the husband of Mrs. Housewife who thinks pork prices are too high. But at a labor figure of $1.65 per hour, this hog producer lost $2.35 per hundred. His production costs were not out of line. The average cost of production per hundred weight in Illinois was $19.50. The average in Iowa was $20.00 per hundred weight. Through the use of family labor, this producer held his production costs under the average in either state, yet he lost money.

In closing I would like to touch once more on the fact that your decisions will affect not only the farmer, but the people who prefer small town, rural America to life in the city. It's a fact, that for every 8 family farms that cease to exist, one small town businessman closes his doors.

Not only farmers, but packers will attest to the fact that in the very near future the country will face a shortage of meat because of a lack of capital and interested producers. The capital will be in short supply because no banker can risk his depositers money in a market where returns are so questionable.

Producers will soon be in short supply. Young men are reluctant to remain on the farm because of the low return for their labor. Based on a 40 hour work week, the Northwest Iowa farmer worked 14 months in 12 months time last year. The average age of the Iowa farmer is over 56. In 1969, we had only 53 men under age 25 on the farm in Sioux County. During the same period we had 429 farmers between the ages of 55 to 64.

Instead of replacing those men about to retire from the farm we are losing ground. We are losing producers in the face of the fact that the midwest offers the only real potential for economical expansion of pounds of beef production. Remember that the more pounds produced, the greater the supply, the lower the price. Take these factors into consideration. Lack of producers, shortage of capital, and it leads you down only one path. Nobody is going to produce food for the consumers table. A Detroit auto worker doesn't produce a car without a fair wage. We're rapidly approaching a time when the farmer is going to feel the same way about food production.

I've touched upon the alternative to the family farm, expressed what I think are my fellow rural Americans sentiments on what these hearings can do to a way of life that we are fighting to maintain. There must be a favorable long term profit outlook before the family farm can continue to be a reality. These farmers cannot continue to make the investment, assume the risk, and supply the labor and still deny their families those things that many other Americans consider part of their way of life. Food prices have risen sharply. If this is due to excessive profit, the blame lies elsewhere. Prices paid for raw food products are finally reflecting what America's farmer deserves for his work and investment.

REPORTS ON NURSING HOMES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am constantly amazed at the amount of fiction which passes for fact among the Federal agencies and is delivered to an unsuspecting public as being "the word" from on high.

The most recent example is a letter from the Assistant Secretary for Public Affairs of the Department of Health, Education, and Welfare. Mr. Robert O. Beatty, in a letter dated March 28, 1972, advised among other things that section 1106 of the Social Security Act "states that all information obtained in the administration of the social security program shall be kept confidential." Now Mr. Beatty must know that that statement is not accurate.

On March 27, at page 10296 of the CONGRESSIONAL RECORD, I inserted a legislative history of section 1106 prepared by an objective source, the Congressional Research Service of the Library of Congress. That study conclusively shows that nursing care cases were not included in the original act or covered by subsequent amendments. Yet Mr. Beatty goes forward spreading his fiction thereby effectively keeping the public uninformed about the real conditions which exist in too many nursing homes.

Mr. Speaker, as of this date, I have not received any acknowledgment or reply from Secretary Richardson to my letters of February 3 or March 2 to which I referred in my remarks before the House on March 27. I am sure that the bureaucrats in HEW are busy—but so busy they cannot answer a congressional inquiry?

I hope the Department will be forced to respond to the suit which has been filed against it on the matters I have raised. A copy of the complaint and supporting documents are appended to my remarks at this point:

[U.S. District Court for the District of Columbia]

COMPLAINT FOR INJUNCTIVE RELIEF

Malvin Schechter, 6529 Elgin Lane, Bethesda, Maryland (301) 229–0636, Plaintiff, v. Elliot L. Richardson, Secretary of the United States Department of Health, Education and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201, Defendant—Civil Action No. 710–72.

1. This is an action under the authority of the Freedom of Information Act, 5 U.S.C.

552, to order defendant to produce certain documents entitled Extended Care Facility Survey Reports (Form SSA-1569) (hereinafter "Survey Reports") which have been unlawfully withheld.

2. This Court has jurisdiction over this action pursuant to the Freedom of Information Act, 5 U.S.C. 552 (a)(2) and (a)(3) (hereinafter "the Act").

3. Plaintiff is Senior Editor of *Hospital Practice*, a national magazine with its Washington office located at 1230 National Press Building, which is concerned primarily with the practice of medicine in hospitals, nursing homes, extended care facilities, related other institutions and in the community.

4. Defendant Elliot L. Richardson is Secretary of the United States Department of Health, Education and Welfare and under 42 U.S.C. 1395kk he has the chief responsibility for the administration of the Medicare Program. Extended care facilities may receive payments under the Medicare Program if they meet the requirements of 42 U.S.C. 1395X.

5. By letter dated March 1, 1972, a copy of which is attached hereto as Exhibit A, Plaintiff requested that the Defendant make available copies of or grant access for inspection to the most recent Survey Report on Harmar House, a Medicare approved extended care facility in Marietta, Ohio, as well as Survey Reports for fourteen additional Medicare approved extended care facilities as listed in the attachment to Exhibit A.

6. By letter dated March 28, 1972, a copy of which is attached hereto as Exhibit B, the Social Security Administration, an agency of the Department of Health, Education, and Welfare by its Assistant Secretary for Public Affairs, Robert O. Beatty denied Plaintiff's request.

7. Defendant has repeatedly denied access to the Survey Reports based upon an interpretation that 42 U.S.C. 1306 prohibits disclosure of any file, record, report or other paper obtained by the Secretary of Health, Education, and Welfare in the performance of his duty, and hence disclosure is exempt under 552 U.S.C. (b)(3).

8. Defendant's interpretation by 42 U.S.C. 1306 is erroneous, and the documents requested by Plaintiff are required by 5 U.S.C. 552(a)(3) to be made available for copying and/or inspection.

Wherefore, Plaintiff prays (1) for an order directing Defendant to produce the documents requested by Plaintiff for inspection and copying by Plaintiff (2) that this Court award Plaintiff his costs and disbursements in this action, and (3) that this Court grant such other and further relief as the Court may deem just and proper.

ALAN B. MORRISON,
Attorney for Plaintiff.

HOSPITAL PRACTICE,
March 1, 1972.

Commissioner ROBERT H. BALL,
Social Security Administration,
Baltimore, Md.

DEAR COMMISSIONER BALL: On Jan. 9, 1970, a fire at a Medicare-approved nursing home in Marietta, Ohio, took 32 lives. In preparing a story at the time, I became aware of SSA policy, based on Section 1106 of the Social Security Act, to hold confidential the Extended Care Facility Survey Report. I was denied access to the report on the Marietta facility, Harmar House.

I am now preparing a follow-up report bearing on Medicare inspections of extended-care facilities.

Hoping that your confidentiality policy may have changed, I ask to be permitted to inspect and copy the latest Extended Care Facility Survey Report on Harmar House.

In addition, I ask to inspect and copy the survey reports on ECF's named in the attachment.

I would appreciate a reply within 30 days. If you must reject my request, I would like a clear statement of the statutory basis for the rejection. Lacking a reply in the 30 days, I shall assume and report to my readers that such reports continue to be withheld under the old policy based on Section 1106.

My thanks for your consideration.

MAL SCHECHTER.

LETTER FROM MAL SCHECHTER, HOSPITAL PRACTICE, TO SSA COMMISSIONER ROBERT M. BALL

Extended Care Facility Survey Reports covering the latest inspections are requested for the following facilities:

1. Grosvenor Lane Nursing and Convalescent Center, 5721 Grosvenor Lane, Bethesda, Md. 20014.
2. Resmor Sanitarium, 5721 Grosvenor Lane, Bethesda, Md. 20014.
3. Westwood Nursing Home, 5101 Ridgefield Rd., Bethesda, Md. 20014.
4. Kensington Gardens Nursing Home, 2000 McComas Ave., Kensington, Md., 20795.
5. Potomac Valley Nursing Home, 1235 Potomac Valley Rd., Rockville, Md. 20850.
6. Sylvan Manor Health Care Center, 2700 Barker St., Silver Spring, Md. 20907.
7. Silver Spring-Wheaton Nursing Home, 11901 Georgia Ave., Wheaton, Md. 20902.
8. Hebrew Home of Greater Washington, 6121 Montrose Road, Rockville, Md.
9. Ada B. Payton Home, 1307 Emerson St., N.W., Washington, D.C. 20011
10. Baptist Home, 3700 Nebraska Avenue, N.W. Washington, D.C. 20016.
11. Mar-Salle Convalescent Home, 2131 O St., N.W., Washington, D.C. 20037.
12. Ruth E. Cavanaugh Home, 507 44 St., N.E., Washington, D.C. 20019.
13. Stoddard Baptist Home, 1818 Newton St., N.W., 20010.
14. Presbyterian Home Infirmary of D.C., 3050 Military Road, N.W., Washington, D.C. 20015.

MARCH 28, 1922.

Mr. MAL SCHECHTER,
Hospital Practice,
Washington Office,
Washington, D.C.

DEAR MR. SCHECHTER: This is in response to your letter of January 5. I must apologize once again for the delay in responding to your inquiries but hope that you will understand that it was occasioned by Stewart Hunter's retirement and the need to shift the responsibilities so ably carried by him to another member of my staff. Russ Roberts, whom I understand you've already met, has assumed Stew's duties, and now that the dust has begun to settle from that transition, I hope that we can be more prompt in responding to you in the future.

Concerning your questions about our Social Security Administration, Section 1106, as I believe you are aware, states that all information obtained in the administration of the social security program shall be kept confidential—except as the Secretary of Health, Education, and Welfare may by regulation prescribe. (Section 1106, incidentally, is one of the existing stautory provisions exempted under the Freedom of Information Act.)

Regulation No. 1, which you described in your October 28 letter as a "confidentiality authority" is really quite the opposite. This regulation specified the exceptions that will be made to the blanket prohibition against disclosure contained in Section 1106.

At this time, Regulation No. 1 does not provide for the release of the internal records of State agency inspections of providers of services under the Medicare program. But the question of whether a modification should be made to permit the disclosure of certain information important to consumers regarding established provider deficiencies is now under consideration.

Regarding our Food and Drug Administration and Abbott Laboratories, the decision as to whether criminal action is to be taken has not as yet been made. At the present time the matter is being given serious consideration under procedures found in Sec. 305 of the U.S. Food, Drug and Cosmetic Act. This is public knowledge inasmuch as Abbott Laboratories recently issued a statement to the press stating the firm has been cited. This process is a forerunner to a final decision as to whether court action will be recommended to the Justice Department.

As far as HEW's policy regarding "fullest disclosure" is concerned, it is stated in our Public Information Regulation (45 CFR, part 5) which is enclosed, and is fully endorsed by Secretary Richardson in the attached memorandum of November 12, 1971. In application, we are concerned with ensuring that both the letter and the spirit of the Freedom of Information Act prevail. That is why the Secretary's memorandum requires that "No denial for records under the Freedom of Information Act be made except in accordance with the Public Information Regulation, and then only after consultation with the Office of the General Counsel." Often these consultations result in disclosure of information which might have been denied under one or more exemptions but for which agreement is reached that there is no practical need to withhold.

I know that you are as interested as we are in ensuring that information about the Department, its programs, policies, and activities is made available to all those who have a right to know or a need to know.

We are most appreciative of your interest and your continuing efforts to foster the free flow of such information.

Sincerely,

ROBERT O. BEATTY,
Assistant Secretary for Public Affairs.

HUD AND CHILDHOOD LEAD POISONING

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, each year some 400,000 young children between the ages of 1 and 6 are subjected to a devastating, yet totally preventable, disease· childhood lead poisoning.

The prime cause of this vicious crippler and killer of children is the ingestion of lead-tainted paint and plaster fallen from the walls and ceilings of dilapidated dwellings. As these lead-poisoned chips flake and peel off tenement walls youngsters have a tendency to pick them up and eat them. The result can be blindness, cerebral palsy, mental retardation, and even death.

In an effort to mount a meaningful Federal assault on this dread disease, the Congress passed the Lead-Based Paint Poisoning Prevention Act (Public Law 91-695) of which I am the original sponsor. This legislation provides for the establishment of a comprehensive program of grants to screen and treat the victims of this silent epidemic and to identify and eliminate lead-based paint. It also prohibits the use of lead-based paint. It also prohibits the use of lead-based paint in Federal and federally assisted dwellings.

On December 16, 1971, the Department of Housing and Urban Development set forth its program to implement the Lead-Based Paint Poisoning Prevention Act. That program, embodied in HUD Circular HPMC–FHA 4500.5, specifically mandated that—

> In public housing, in HUD-owned properties, and in rehabilitation work, any old lead-based paint remaining on walls and ceilings shall be removed or completely concealed with a suitable covering . . .

Full implementation of this provision is integral to mounting an attack on this devastating disease. Yet in an appalling—previously undisclosed—action on February 18, the Department amended this provision to exclude HUD-owned properties. HUD Circular HM4310.7.

This deliberately initiated policy will needlessly expose thousands of young children to the disease of childhood lead poisoning. It is estimated that HUD owns or is in the process of acquiring some 160,000 units, subjecting 500,000 youngsters to the possibility of this menace.

This unconscionable disregard for the health of the children of this Nation cannot be countenanced.

Therefore, I have today called upon Secretary of Housing and Urban Development George Romney to order immediately the eradication of all lead-based paint on the walls and ceilings in public housing, in HUD-owned properties, and in any other dwellings in which Federal assistance is involved in any form. There is no excuse for excluding HUD-owned properties from the necessity of eliminating lead-based paint.

That this disease continues to plague the children of America is a stain on our national conscience. It is not some rare malady awaiting the discovery of a new cure. We know how to identify it. We know how to treat it. We know how to eradicate its causes. It exists only because we have let it exist.

We have an obligation to the children of this Nation to protect them from this totally manmade and totally preventable disease. The reversal of the Department of Housing and Urban Development's policy excluding HUD-owned properties from the necessity of eliminating lead-based paint is a major step in that effort.

I include at this point HUD Circular HPMC–FHA 4500.5 of December 16, 1971, setting forth the Department's original policy and HUD Circular HM4310.7 of February 18, 1972—eliminating HUD-owned properties from the necessity of eradicating lead-based paint:

PROHIBITION OF THE USE OF LEAD-BASED PAINTS

1. *Purpose.* This circular sets forth the Department's position with regard to the elimination of the use of lead-based paints.

2. *Policy:*

(a) *Prohibited Use of Lead-Based Paints.* Effective January 1, 1972, the use of paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints is prohibited on HUD projects in accordance with paragraph 2b.

(b) *Applicability.* All new construction and rehabilitation of HUD assisted, owned, and mortgage insured residential properties come under this restriction. The maintenance of low-rent public housing also is covered by this restriction. The prohibition applies to all exposed interior surfaces and to all portions of exterior elements and surfaces readily accessible to children—decks, stairs, porches, railings, doors, windows, etc. Concealed work such as structural steel is excluded.

In public housing, in HUD owned properties and in rehabilitation work, any old lead-based paint remaining on walls and ceilings shall be removed or completely concealed with a suitable covering such as drywall, hardboard, plywood, etc. before these surfaces are redecorated.

3. *Implementation:*

(a) Local Housing Authorities, Local Public Agencies and Local Public Bodies shall be responsible for the implementation of the prohibition with respect to any structures which they are developing, own or lease with HUD assistance.

(b) Regional, Area and Insuring Offices shall make this prohibition known to individuals and entities responsible for the construction or rehabilitation of HUD assisted or mortgage insured properties or for the maintenance of low rent public housing.

(c) *Cooperation with Other Agencies.* The Department of Housing and Urban Development and the Department of Health, Education, and Welfare have executed a Memorandum of Understanding for implementation of Public Law 91–695, the Lead-Based Paint Poisoning Prevention Act. It provides that HEW and HUD will cooperate, where necessary, in developing policy, program procedures, standards and guidelines for carrying out their respective responsibilities under the Act.

4. *Compliance.* Current industry practice is to label paint consisting of more than 1% lead with the warning "CONTAINS LEAD, HARMFUL IF SWALLOWED" or similar words. Such paint shall not be used on the surfaces described in paragraph 2b.

The inspector shall examine paint containers and make appropriate inquiries to assure that there is compliance with this policy. Any observed noncompliance shall be reported on the appropriate inspection report.

5. *Incorporation into handbooks and standards.* Appropriate material on this matter will be incorporated into handbooks and standards as soon as possible. In the interim, this Circular should be kept accessible for ready reference.

LEAD-BASED PAINTS—HUD-OWNED PROPERTIES

1. *Purpose.* To eliminate the reference to HUD-owned properties in the second subparagraph of Paragraph 2b of Circular HPMC–FHA 4500.5 dated 12–16–71.

2. *Background.* The second subparagraph of paragraph 2b of Circular HPMC–FHA 4500.5 provides that:

"In public housing, in HUD-owned properties and in rehabilitation work, any old lead-based paint remaining on walls and ceilings shall be removed or completely concealed with a suitable covering such as drywall, hardboard, plywood, etc. before these surfaces are redecorated.

3. *Nonapplicability to HUD-owned properties.* The provisions cited in paragraph 2 above are not applicable to HUD-owned properties at this time. There is currently underway a federal demonstration and research program to determine the methods by which lead-based paints can most effectively be detected and removed. When the results of this study are known, instructions will be issued regarding implementation of appropriate procedures dealing with HUD-owned properties.

THE VIOLENCE IN VIETNAM

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, I am stunned by the resumption of bombing of the cities of North Vietnam. It restores the war to its pre-1968 level of intensity and cruelty.

Each escalation results in a corresponding retaliation. It is a shift toward more war with grave consequences.

We are entering a dangerous new phase—"Vietnamization by bomb." It is likely to result in the massive deadly slaughter of countless innocent civilians. It is certain to result in a "heating up" of the conflict.

Again, I call for the passage of H.R. 14056, which requires a complete withdrawal from Vietnam by all American Armed Forces 30 days after the enactment of the legislation, contingent upon the release of our prisoners of war.

H.R. 12202, RELATING TO HEALTH INSURANCE COVERAGE FOR FEDERAL EMPLOYEES AND RETIREES

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, this week my bill, H.R. 12202, relating to health insurance coverage for Federal employees and retirees will be debated on the floor of the House.

When the bill reaches the floor, I plan to introduce an amendment to the bill to clarify an area of vital importance.

During hearings on this bill before the Subcommittee on Federal Employee Retirement, Insurance, and Health Benefits, which I chair, the members of the subcommittee were largely of the opinion that postal workers, supervisors, and other personnel of the Postal Service were to be included under the provisions of the bill.

These hearings were held on September 28, 1971. On January 26, 1972, shortly before the Post Office and Civil Service Committee acted on the bill, Chairman DULSKI received a letter from Mrs. Louis A. Cox, General Counsel of the Postal Service, claiming that H.R. 12202 would not be applicable to the Postal Service or its employees.

By a vote of 13 to 12, the full committee chose to refer the issue of Postal Service application back to the subcommittee, and to report H.R. 12202 out of the committee without clarifying the postal matter.

Subsequently, Mr. Speaker, the subcommittee held a hearing on this matter and heard representatives of the postal employees and the Postal Service management.

From those hearings, Mr. Speaker, I am of the opinion that the representatives of the workers were of the distinct impression that although health benefits were to be under the collective bargaining provisions of the Postal Reorganization Act, the level from which the rate was to be discussed would be the current level being applied to Federal employees.

Thus, if H.R. 12202 were to pass, the increased Government contribution to the health insurance premium of all Federal employees would constitute the basis of negotiations, if any, between the Postal Service and the bargaining agents for the Postal employees.

In signed affidavits presented to the subcommittee, by Mr. Bernard Cushman, chief negotiator for the postal unions during the collective bargaining negotiations, Mr. Chester W. Parrish, chairman of the Council of American Postal Employees, Mr. James H. Rademacher, president of the National Association of Letter Carriers, and Mr. Francis S. Filbey, president of the American Postal Workers Union it is apparent that all parties agreed that "current" levels of contribution by the Federal Government would be the base figure for all future bargaining on the issue of health benefits.

Mr. Speaker, the establishment of a base for negotiations is an important part of any collective bargaining agreement. It would appear that there is a serious area of misunderstanding and confusion that can only be resolved by firmly establishing the legislative intent in this matter.

Thus, I am proposing an amendment to H.R. 12202 which will clarify this matter once and for all. This amendment will include postal employees under the provisions of H.R. 12202 and will enable postal workers to thus bargain from a set and defined base.

The amendment reads as follows:

SEC. 5. The rates of Government contribution for health benefits determined under section 8906 of Title 5, United States Code, as amended by the first section of this act, and the inclusion, for health benefit purposes, of certain unmarried children as family members under section 3 of this Act, shall apply to the United States Postal Service and its officers and employees and to the Postal Rate Commission and its officers and employees.

PRESIDENT NIXON ESCALATES THE WAR

(Mr. YATES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATES. Mr. Speaker, President Nixon's sudden decision to bomb Haiphong came as a rude shock to the American people. For months they had heard the message being broadcast from the White House that our ground forces were being withdrawn from that embattled country, and they had assumed we would soon be out of the war. Now they have received another message: that we are still very much in the war and will remain there until it is ended on Mr. Nixon's terms.

It would be well, Mr. Speaker, to remind ourselves what those terms are. There are two conditions that President Nixon has imposed for our total withdrawal. The White House now speaks only of the first, that this action was necessary to protect American lives. Nobody opposes that purpose. We all insist that the lives of American boys in Vietnam must be protected.

But one must question whether that reason is valid. Certainly history moves us to a contrary view, for even at the height of the American intervention in Vietnam when more than 500,000 American ground troops were embattled there in various locations, President Johnson refused to bomb Haiphong. He considered it too extreme, too dangerous, a possibility for inviting much greater Soviet intervention against us. Certainly, if protection of our troops were required by bombing Haiphong, he would have done so.

Now President Nixon has plunged ahead to take the risk President Johnson would not take. The war has been escalated again.

There is a second requirement for ending the war established by President Nixon which is hardly mentioned by the White House: that is the assurance that the South Vietnamese Government will be able to sustain itself against enemy attack. There is no time limit imposed. Apparently, President Nixon intends to stay in Vietnam with large naval and air units as long as it is necessary to protect the present Government.

Thus, Mr. Speaker, the message that comes through loud and clear from the bombing of Haiphong is that we will not be out of the war even when all of our land forces are withdrawn. The bombing was not a step toward peace. It reiterated Mr. Nixon's firm intention that the war will be continued until North Vietnam and its forces give up the fight.

Mr. Speaker, it appears that the fighting and killing will go on for a very long time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DENT (at the request of Mr. BOGGS), for today, Monday, April 17, and the balance of the week, on account of official business.

To Mr. ESHLEMAN (at the request Mr. GERALD R. FORD), for today and the balance of the week, on account of medical reasons.

To Mr. CORMAN, for Monday, April 17, on account of illness.

To Mr. DAVIS of South Carolina (at the request of Mr. BOGGS), for today, on account of official business.

To. Mr. HELSTOSKI (at the request of Mr. O'NEILL), for today, on account of illness.

To Mr. HOSMER (at the request of Mr. GERALD R. FORD), for today, on account of official business.

To Mr. WRIGHT (at the request of Mr. PURCELL), for April 17 and 18, 1972, on account of official business.

To Mr. MCKEVITT (at the request of Mr. GERALD R. FORD), for today, and April 20, 1972, on account of official business.

To Mr. JONES of Tennessee (at the request of Mr. ASPINALL), for today, Monday, April 17 and Tuesday, April 18, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MICHEL, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. KOCH, today, for 1 hour, to revise and extend his remarks and include extraneous matter.

Mr. BADILLO, for 60 minutes, today.

(The following Members (at the request of Mr. RUTH), to revise and extend their remarks and include extraneous matter:)

Mr. DUNCAN, for 10 minutes, today.
Mr. BELL, for 25 minutes, today.
Mr. KEMP, for 15 minutes, today.
Mr. GERALD R. FORD, for 5 minutes, today.
Mr. HOGAN, for 5 minutes, today.
Mr. SPENCE, for 30 minutes, today.
Mr. FINDLEY, for 5 minutes, today.

(The following Members (at the request of Mr. BADILLO), to revise and extend their remarks, and to include extraneous matter:)

Mr. MURPHY of New York, today, for 5 minutes.
Mr. FRASER, today, for 5 minutes.
Mr. BRADEMAS, today, for 5 minutes.
Mr. GONZALEZ, today, for 10 minutes.
Mr. EILBERG, today, for 10 minutes.
Mr. REUSS, today, for 30 minutes.
Mr. ASPIN, today, for 10 minutes.
Mrs. ABZUG, today, for 60 minutes.
Mr. HAMILTON, today, for 20 minutes.
Mr. BOLAND, today, for 10 minutes.
Mr. MIKVA, today, for 30 minutes.
Mr. RUNNELS, today, for 5 minutes.
Mr. ADAMS, today, for 5 minutes.
Mr. BEGICH, today, for 10 minutes.
Mr. RODINO, today, for 10 minutes.
Mr. REUSS, on April 18, for 30 minutes.

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ASPINALL prior to passage of H.R. 736.

Mr. ROONEY of New York and to include a newspaper article.

Mr. BENNETT, to extend his remarks immediately preceding passage of H.R. 4634.

Mr. BENNETT, to extend his remarks immediately preceding passage of H.R. 8209 today.

Mr. MATSUNAGA immediately prior to the passage of H.R. 9135.

Mr. DINGELL and to include extraneous matter during the consideration of H.R. 13752.

Mr. PRICE of Illinois during consideration of H.R. 13752 and to include a letter.

Mr. HOLIFIELD during consideration of H.R. 13752 and to include pertinent material.

(The following Members (at the request of Mr. RUTH) and to include extraneous matter:)

Mr. CONTE.
Mr. HORTON.
Mr. HALL.
Mr. PEYSER in five instances.
Mr. DERWINSKI in two instances.
Mr. WYMAN in two instances.
Mr. BETTS.
Mr. KEATING in two instances.
Mr. HASTINGS.
Mr. KEMP in three instances.
Mr. SCHWENGEL.
Mr. FORSYTHE in two instances.
Mr. BROTZMAN.
Mr. RIEGLE in two instances.
Mr. KUYKENDALL.
Mr. SCHERLE.
Mr. LUJAN.

Mr. NELSEN in two instances.

Mr. ASHBROOK in three instances.

Mr. SEBELIUS.

Mr. HUNT.

Mr. MCCLORY in two instances.

Mr. FREY.

Mr. COLLIER in five instances.

(The following Members (at the request of Mr. BADILLO) and to include extraneous matter:)

Mr. FRASER in five instances.

Mr. ASPIN in 10 instances.

Mr. DOW.

Mr. BEGICH in three instances.

Mr. HAMILTON in three instances.

Mr. CARNEY.

Mr. HARRINGTON in five instances.

Mr. COLMER.

Mr. ROE in three instances.

Mr. MOORHEAD in seven instances.

Mr. GONZALEZ in three instances.

Mr. HAGAN in three instances.

Mr. RARICK in three instances.

Mr. STEED.

Mr. KLUCZYNSKI in two instances.

Mr. JOHNSON of California.

Mr. BOGGS in two instances.

Mr. UDALL in eight instances.

Mr. BADILLO.

Mr. HAWKINS in four instances.

Mr. WOLFF in four instances.

Mr. HUNGATE.

Mr. CELLER.

Mr. BRASCO.

Mr. EDWARDS of California.

Mr. LENNON.

Mr. CLAY in six instances.

Mr. ANNUNZIO in two instances.

Mr. VANIK in two instances.

Mr. WALDIE in six instances.

Mr. DELLUMS in six instances.

Mrs. GRIFFITHS in two instances.

Mr. KARTH in two instances.

Mr. ROSTENKOWSKI in two instances.

Mr. CAREY of New York.

Mr. GRIFFIN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1346. An act relating to benefits for employees of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 1998. An act relating to educational personnel in the District of Columbia; to the Committee on the District of Columbia.

S. 2956. An act to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9395. An act to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts;

H.R. 9900. An act to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; and

H.R. 10344. An act to authorize the District of Columbia to enter into the Interstate Compact on Mental Health.

ADJOURNMENT

Mr. BADILLO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 18, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1861. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; to the Committee on Agriculture.

1862. A letter from the Secretary of Defense, transmitting a semiannual report on funds obligated in the chemical warfare and biological research programs during the first half of fiscal year 1972, pursuant to section 409 of Public Law 91-121; to the Committee on Armed Services.

1863. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of Department of Defense procurement from small and other business firms for July 1971 to January 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1864. A letter from the U.S. Commissioner of Education, Department of Health, Education, and Welfare, transmitting an interim report on the process of funds allocation under title I of the Elementary and Secondary Education Act of 1965, pursuant to section 102 of Public Law 91-230; to the Committee on Education and Labor.

1865. A letter from the Secretary of the Interior, transmitting the first annual report on the state of the domestic mining, minerals, and fuels industries, pursuant to the Mining and Minerals Policy Act of 1970; to the Committee on Interior and Insular Affairs.

1866. A letter from the Assistant Secretary of the Interior, transmitting a report on the activities of, expenditures by, and donations to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, N. Dak., for calendar year 1971, pursuant to 62 Stat. 85; to the Committee on Interior and Insular Affairs.

1867. A letter from the Chairman, Indian Claims Commission; transmitting the final determination of the Commission in docket No. 322. *The Ponca Tribe of Oklahoma, and William Overland, Metha Collins, and John Williams, as representatives of the Ponca Tribe, and all the members thereof, Plaintiffs* v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

1868. A letter from the Assistant Secretary of Commerce, transmitting a copy of an amendment to the Standard for the Flammability of Childrens Sleepwear to provide for a sampling plan; to the Committee on Interstate and Foreign Commerce.

1869. A letter from the Chairman, Federal Power Commission, transmitting part I of the 1970 national power survey, containing the report of the Commission and the Commission's Task Force on Environment; to the Committee on Interstate and Foreign Commerce.

1870. A letter from the Acting Administrator of General Services, transmitting revised prospectuses for projects planned within the Federal Triangle, Washington, D.C., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

1871. A letter from the Administrator, National Aeronautics and Space Administration; transmitting a list of the present and former NASA employees who, subsequent to December 31, 1971, have filed reports with NASA pertaining to their NASA and aerospace-related industry employment for fiscal year 1971, pursuant to section 6 of Public Law 91-119, as amended by section 7 of Public Law 91-303; to the Committee on Science and Astronautics.

1872. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

RECEIVED FROM THE COMPTROLLER GENERAL

1873. A letter from the Comptroller General of the United States transmitting a report on efforts to employ disadvantaged persons in the Federal Government, Civil Service Commission, Department of Labor; to the Committee on Government Operations.

1874. A letter from the Comptroller General of the United States, transmitting a report on efforts of the Bureau of Narcotics and Dangerous Drugs of the Department of Justice to prevent dangerous drugs from illicity reaching the public; to the Committee on Government Operations.

1875. A letter from the Comptroller General of the United States, transmitting a table showing the voting age population of the States, the District of Columbia, and the Commonwealth of Puerto Rico, the dollar spending limitations allowed by the Federal Election Campaign Act of 1971 in each State for use of communications media based on the voting age population figures, and the dollar amount of the portion of that limitation (60 percent) which may be spent for use of broadcasting media; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to an order of the House on April 13, 1972, the following report was filed on April 14, 1972*]

Mr. BLATNIK: Committee on Public Works. H.R. 10488. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes; with amendment (Rept. No. 92-989). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to an order of the House on April 12, 1972, the following report was filed on April 14, 1972*]

Mr. GARMATZ: Committee on Merchant Marines and Fisheries. H.R. 13025. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes. (Rept. No. 92-990). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to an order of the House on April 12, 1972, the following report was filed on April 14, 1972*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 13752. A bill to amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermo-electric generating plants, and for other purposes; with amendments (Rept. No. 92-991). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted April 17, 1972*]

Mr. HAGAN: Committee on Armed Services. H.R. 12846. A bill to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes; with amendment (Rept. No. 92-992). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 14369. A bill to amend the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

By Mr. MILLS of Arkansas (for himself, Mr. Ullman, Mr. Burke of Massachusetts, Mr. Green of Pennsylvania, Mr. Carey of New York, Mr. Karth, Mr. Betts, Mr. Collier, and Mr. Conable):

H.R. 14370. A bill to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes; to the Committee on Ways and Means.

By Mr. ABOUREZK:

H.R. 14371. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. ANDERSON of California:

H.R. 14372. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER:

H.R. 14373. A bill to exempt from certain deep-draft safety statutes a passenger vessel operating solely on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. BLACKBURN:

H.R. 14374. A bill to provide for the compensation of innocent victims of violent crime in need, and to make grants to States for the payment of such compensation; to the Committee on the Judiciary.

H.R. 14375. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such mortgagor; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 14376. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. CHAMBERLAIN:

H.R. 14377. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 14378. A bill requesting the President to proclaim the week of May 7 through 13, 1972, as "Municipal Clerks' Week"; to the Committee on the Judiciary.

By Mr. DULSKI:

H.R. 14379. A bill to authorize the construction of 40 liquefied natural gas carriers to meet the energy crisis; to the Committee on Merchant Marine and Fisheries.

By Mr. FINDLEY:

H.R. 14380. A bill to amend section 3401 of Internal Revenue Code; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 14381. A bill to amend title XVII of the Social Security Act to provide coverage under the supplementary medical insurance program for prescription drugs, hearing aids, eye examinations, glasses, and treatment, dental care, and the services of chiropractors; to the Committee on Ways and Means.

H.R. 14382. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.R. 14383. A bill to establish a contiguous fishery zone (to the outer limits of the Continental Shelf) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ (for himself, Mr. Pelly, and Mr. Dingell):

H.R. 14384. A bill to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended; to the Committee on Merchant Marine and Fisheries.

H.R. 14385. A bill to amend section 7 of the Fishermen's Protective Act of 1967; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRIFFITHS:

H.R. 14386. A bill to continue until the close of June 30, 1974, the existing suspension of duties on certain forms of copper; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 14387. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HECHLER of West Virginia:

H.R. 14388. A bill to prohibit the Tennessee Valley Authority from acquiring or utilizing, in carrying out its operations and functions, any coal mined by strip mining methods; to the Committee on Public Works.

By Mrs. HICKS of Massachusetts:

H.R. 14389. A bill to provide for Federal lotteries to raise funds to finance a newly-established guaranteed annual income program for the Nation's elderly, blind, and disabled citizens; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 14390. A bill to amend the Child Nutrition Act of 1966 to limit the scope of regulations respecting service of food in competition with the programs authorized under that act and the National School Lunch Act; to the Committee on Education and Labor.

By Mr. KASTENMEIER:

H.R. 14391. A bill to enact title 49, United States Code, "Transportation"; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 14392. A bill to establish a system of Wild Areas within the lands of the National Forest System; to the Committee on Agriculture.

By Mr. LINK:

H.R. 14393. A bill to amend the Occupation Safety and Health Act of 1970 to delete the provision imposing penalties where violations are corrected within the abatement period prescribed; to the Committe on Education and Labor.

By Mr. McCULLOCH (for himself and Mr. Poff):

H.R. 14394. A bill to remove the limitation on payments for consultant services in the Community Relations Service; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 14395. A bill to amend title 5, United States Code, with respect to the pay of prevailing rate employees assigned or detailed to perform duties of positions in grades or pay schedules higher than the grades of pay schedules of their existing position; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 14396. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 14397. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RIEGLE (for himself and Mr. Udall):

H.R. 14398. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. ROBISON of New York:

H.R. 14399. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

H.R. 14400. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Harrington, and Mr. Eilberg):

H.R. 14401. A bill to amend titles 18 and 39 of the United States Code, to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by State agency; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 14402. A bill to establish an executive department to be known as the Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. RUNNELS:

H.R. 14403. A bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 14404. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. SPRINGER (for himself, Mr. Rogers, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 14405. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 14406. A bill to amend the Federal Meat Inspection Act to increase the amount of Federal financial aid with respect to State meat inspection programs; to the Committee on Agriculture.

H.R. 14407. A bill to provide for the development of Federal standards for youth camp safety; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Andrews of North Dakota, Mr. Aspinall, Mr. Brinkley, Mr. Brown of Michigan, Mr. Cleveland, Mr. Colmer, Mr. Daniel of Virginia, Mr. Flynt, Mr. Forsythe, Mr. Griffin, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. King, Mr. Landgrebe, Mr. Lennon, Mr. Mayne, Mr. McMillan, Mr. Melcher, Mr. Poage, Mr. Price of Texas, Mr. Randall, Mr. Rarick, Mr. Robinson of Virginia, and Mr. Scherle):

H.R. 14408. A bill to amend the Occupational Safety and Health Act of 1970 to define the term "employee" more precisely; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Schwengel, Mr. Steiger of Arizona, Mr. Taylor, Mr. Thomson of Wisconsin, Mr. Waggonner, Mr. Veysey, Mr. Hammerschmidt and Mr. McCormack):

H.R. 14409. A bill to amend the Occupational Safety and Health Act of 1970 to define the term "employee" more precisely; to the Committee on Education and Labor.

By Mr. WHITE (for himself and Mr. Lujan):

H.R. 14410. A bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing; to the Committee on Interior and Insular Affairs.

By Mr. YATRON:

H.R. 14411. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

By Mr. ASHLEY:

H.R. 14412. A bill to establish a Council on International Economic Policy, and for other purposes; to the Committee on Banking and Currency.

By Mr. BELCHER, (for himself, Mr. Camp, Mr. Edmondson, Mr. Jarman, and Mr. Steed):

H.R. 14413. A bill to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. DELLUMS (for himself, Mr. Rosenthal, Mr. Kastenmeier, Mr. Rangel, Mrs. Abzug, Mr. Ryan, Mr. Mitchell, Mr. Diggs, Mr. Bingham and Mr. Conyers):

H.R. 14414. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to participation in war may elect to have his income, estate, or gift taxpayments spent for nonmilitary purposes; to create a trust fund (the World Peace Tax Fund) to receive these taxpayments; to establish a World Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Mr. Adams, Mr. Anderson of California, Mr. Aspin, Mr. Bergland, Mr. Brademas, Mr. Celler, Mr. Clay, Mr. Conte, Mr. Danielson, Mr. Donohue, Mr. Gray, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Karth, Mr. Kyros, Mr. Obey, Mr. O'Neill, Mr. Reuss, Mr. Tiernan, Mr. Thompson of New Jersey, Mr. Schwengel, and Mr. Yates):

H.R. 14415. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. FISH:

H.R. 14416. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENZEL:

H.R. 14417. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 14418. A bill to provide emergency loans to the District of Columbia to carry out the expansion and renovation of the Blue Plains Sewage Treatment Facility; to the Committee on the District of Columbia.

By Mr. GUDE (for himself), Mr. Broyhill of Virginia, and Mr. Hogan):

H.R. 14419. A bill to make permanent the temporary provisions of law under which assistance is provided for the construction and operation of schools in federally impacted areas; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mrs. Chisholm, Mr. Dow, Mr. Robison of New York, Mr. Stokes, and Mr. Veysey):

H.R. 14420. A bill to amend title II of the Social Security Act to provide that the remarriage of a widow, widower, or parent shall not terminate his or her entitlement to widow's widower's, or parent's insurance benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. PEYSER (for himself, Mr. Halpern, Mr. Rosenthal, Mrs. Hicks of Massachusetts, Mr. Collier, Mr. Hathaway, and Mr. Charles H. Wilson):

H.R. 14421. A bill to amend the Elementary and Secondary Education Act to insure greater safety for students in getting to and from school; to the Committee on Education and Labor.

By Mr. PIKE (for himself and Mr. Carey of New York):

H.R. 14422. A bill to amend the act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966; to the Committee on Merchant Marine and Fisheries.

By Mr. POAGE:

H.R. 14423. A bill to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; to the Committee on Agriculture.

By Mr. SPRINGER (for himself, Mr. Rogers, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 14424. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 14425. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378; 84 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes; to the Committee on Education and Labor.

H.R. 14426. A bill to provide for the comprehensive development of correctional manpower training and employment, and for other purposes; to the Committee on Education and Labor.

By Mr. ASHBROOK:

H.J. Res. 1162. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. Dickinson, Mr. Frelinghuysen, Mr. Whalen, Mr. Annunzio, Mr. Boland, Mr. Dow, Mr. Gibbons, Mr. Eilberg, Mr. Horton, Mr. Matsunaga, Mr. Forsythe, Mr. Bob Wilson, Mr. Taylor, Mr. Burton, Mr. Rodino, Mr. Denholm, Mr. McClure, Mr. Begich, and Mr. Kemp):

H.J. Res. 1163. Joint resolution designating the third week week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. Bennett, Mr. Halpern, Mr. Derwinski, Mr. Rostenkowski, Mr. Pryor of Arkansas, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Charles H. Wilson, Mr. Duncan, Mr. Morse, Mr. Frenzel, Mr. Bevill, Mr. Fish, Mr. Dingell, Mr. Tiernan, Mr. Macdonald of Massachusetts, Mr. Sarbanes, Mr. Madden, and Mr. Anderson of Tennessee):

H.J. Res. 1164. Joint resolution designating the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. Scheuer, Mr. Symington, Mr. Anderson of Illinois, Mr. Kastenmeier, Mr. Podell, Mr. O'Hara, Mr. Link, Mr. Bell, Mr. Fraser, Mr. Badillo, Mr. Harrington, Mr. Steiger of Wisconsin, Mr. Wolff, Mr. Thompson of New Jersey, Mr. Roe, Mr. Heinz, Mr. Long of Maryland, Mrs. Grasso, and Mr. Ruppe):

H.J. Res. 1165. Joint resolution designating the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mrs. Abzug, Mr. Mann, Mr. Kyros, Mr. Roush, Mr. Jacobs, Mr. Seiberling, and Mr. Bingham):

H.J. Res. 1166. Joint resolution designating the third week of April of each year as "Earth Week"; to the Committee on the Judiciary.

By Mr. PATMAN (for himself, Mr. Ashley, and Mr. Widnall):

H.J. Res. 1167. Joint resolution to extend the authority conferred by the Export Administration Act of 1969; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.J. Res. 1168. Joint resolution authorizing the President to proclaim annually the day of May 21 as "National Women in Education Day"; to the Committee on the Judiciary.

By Mr. QUIE:

H.J. Res. 1169. Joint resolution to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

By Mr. HARRINGTON (for himself, Mrs. Abzug, Mr. Badillo, Mr. Bingham, Mr. Boland, Mr. Celler, Mr. Clay, Mr. Drinan, Mr. Fraser, Mr. Hamilton, Mr. Hechler of West Virginia, Mr. Jacobs, Mr. Koch, and Mr. Kyros):

H. Con. Res. 579. Concurrent resolution to stop the bombing of North Vietnam; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. METCALFE, Mr. MIKVA, Mr. MOSS, Mr. REES, Mr. ROSENTHAL, Mr. ROUSH, Mr. RYAN, Mr. SCHEUER, Mr. SEIBERLING, Mr. STOKES, Mr. TIERNAN, Mr. UDALL and Mr. WALDIE):

H. Con. Res. 580. Concurrent resolution to stop the bombing of North Vietnam; to the Committee on Foreign Affairs.

By Mr. HOWARD:

H. Con. Res. 581. Concurrent resolution urging the review of the United Nations Charter; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

368. By the SPEAKER: A memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment of health centers for the elderly within the Office of Economic Opportunity; to the Committee on Education and Labor.

369. Also, a memorial of the Legislature of the State of Oklahoma, relative to prisoners of war in Southeast Asia; to the Committee on Foreign Affairs.

370. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DANIELSON:

H.R. 14427. A bill for the relief of Sun Hwa Koo Kim; to the Committee on the Judiciary.

By Mr. HAGAN:

H.R. 14428. A bill for the relief of Joseph E. Litman; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 14429. A bill for the relief of Maimonides Medical Center, Brooklyn, N.Y.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

213. By the SPEAKER: Petition of Johnny Holmes, Jr., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

214. Also petition of the city council, Pacific, Wash. relative to Federal-State revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

PROJECT SANGUINE: A DISTINGUISHED EXPERT SAYS IT HAS NO PROVEN SCIENTIFIC MERIT

HON. GAYLORD NELSON

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Thursday, April 13, 1972

Mr. NELSON. Mr. President, it seems that the more the scientific community studies the Navy's proposed Project Sanguine communications system, the more serious doubt there is expressed about whether this very large and very complex system will work.

Previous studies by Dr. Albert Biggs, a distinguished electrical engineer at the University of Kansas at Lawrence, and by the Wisconsin Committee for Environmental Information, cautioned that the Sanguine system advanced by the Navy could not generate an interference-free, jam-proof signal over large distances as envisioned.

Now we have another report, this one by Dr. Charles W. Harrison, Jr., of the Sandia Laboratories at Albuquerque, N. Mex. This report is a most serious indictment of scientific data used by the Navy to demonstrate the technical feasibility of Project Sanguine.

From the record of floor debates last September 22 and 29 on Project Sanguine, the Senate is aware of statements by the Navy regarding Sanguine.

Essentially, the Navy views this project as a backup for communications with nuclear submarines and other military outposts throughout the world. However, there is serious doubt whether it is needed and whether it would be effective. The Navy says that at least 6,400 square miles of northern Wisconsin would be covered with a transmitting antenna consisting of up to 1,000 miles of crisscrossing cable buried 6 feet deep. Some 30 megawatts of electricity would run continuously through the system, according to the Navy, to generate an extremely low frequency radio signal—in code and one-way only—to the submarines.

Because of the serious questions raised by Dr. Biggs and by Drs. Michael McClintock, Alwyn Scott, and Mr. Paul Rissman, of the Wisconsin Committee for Environmental Information, I asked the Navy to undertake an independent scientific review by a select group of highly qualified scientists.

The Navy notified my office on May 14, 1971, that a panel of scientists would be established by the National Academy of Sciences and the National Academy of Engineering. In the letter of May 14, Assistant Secretary of the Navy, Robert A. Frosch said, in part:

> The Navy will supply the theoretical and experimental data on Sanguine to this Committee to permit them to make a thorough technical assessment of the validity of the Navy's computations of the expected systems power requirements, and ability to transmit messages to submerged submarines within the specified time, with the stated reliability, and in the presence of jamming.

Dr. Harrison is a member of the review panel selected by the National Academy of Sciences and the National Academy of Engineering. As such, he has spent countless hours studying all data on Project Sanguine supplied to the technical review panel by the Navy and by independent scientists, including Dr. Biggs and members of the Wisconsin Committee for Environmental Information.

Dr. Harrison is a distinguished scholar and practitioner of applied physics. His service to science, both with Sandia Laboratories since 1957 and prior to that with the U.S. Navy, from which he retired with the rank of Commander, has earned him recognition in "Who's Who in the West" for the past 8 years, in the "Dictionary of International Biography" and in "The Two Thousand Men of Achievement."

The paper by Dr. Harrison was reviewed by Dr. Ronald W. P. King, a Gordon McKay professor of applied physics at Harvard University. Dr. King, whose numerous achievements and contributions in the field of science have earned him recognition in "Who's Who in America" for the past 12 years, concurs in the report authored by Dr. Harrison.

Biographical sketches of both Dr. Harrison and Dr. King appear at the conclusion of the report.

The report is highly disturbing for what it reveals about the performance by the Navy in assessing the scientific merit of Project Sanguine. It is even more disturbing when it is considered that the Navy has spent 14 years and over $50 million on research and development of Sanguine.

The report says, in essense, that the Navy still is in only the genesis of research on this project.

That being the case, the Navy, according to Dr. Harrison, simply cannot provide a scientific basis for its assertion that the Sanguine antenna will work.

The Navy says that Sanguine will require a power input of 30 megawatts. Dr. Harrison says this estimate quite probably is 100 times too low—that at least 3,000 megawatts of power may be required. This would require the construction of at least six or more power plants the size of some of the largest power plants being built today.

And this much power dispersed into the Sanguine antenna could turn northern Wisconsin into an environmental no-man's land.

The Navy says that the Sanguine antenna would cover 6,400 square miles. Dr. Harrison has serious doubts, and he privately believes the system will have to be several times larger.

The Navy says that Sanguine would cost $750 million. But on the basis of the error margins exposed by Dr. Harrison, the cost could end up being many billions of dollars.

The Navy says the Laurentian shield bedrock of northern Wisconsin is the best suited for Sanguine because of its low conductivity. However, Dr. Harrison says in his paper that little is known of the Laurentian shield from a geological standpoint and that studies have indicated that pockets of very high conductivity may be found in areas of mineral deposits or in vertical fractures of the rock formation that are filled with water.

In short, Dr. Harrison says the Navy does not really know much about its Sanguine system or about the Laurentian shield. Certainly, he says, not enough is known to prove whether the system will work.

Dr. Harrison suggests that to ascertain

the scientific feasibility of Sanguine, the Navy should assign competent individuals to conduct three simple and inexpensive experiments. The experiments he suggests are in the body of his report.

In his desideratum, Dr. Harrison says:

> The writer feels that many subproblems of this gigantic project—the Sanguine communication system—should be assigned to competent individuals for solution. Several investigators should solve the same subproblem as rigorously as possible and publish their results in leading scientific periodicals for debate by the scientific community. The writer feels that the currently available results were obtained by over simplified methods. The over-all problem has probably been approximated to death.

Mr. President, these words represent a serious indictment of Project Sanguine. It is my hope that the scientific community of this country will examine the paper by Dr. Harrison to provide the Congress with their judgment on the scientific merit of this project.

This paper, prepared by Dr. Harrison at my request, already has offered some valuable insight into the problem with Sanguine. It is in the interest of preventing this country from embarking on yet another military boondoggle.

It should be borne in mind that the Navy apparently is satisfied that the necessary research and development work on Sanguine is very nearly finished. Pending before the Congress is a budget request for Sanguine for $12 million, with more than half of the money to be used to advance the project to the so-called validation phase.

This is when detailed engineering designs of the huge antenna and power-generating system will be prepared for prototype development. Tests and evaluation from this work will be used, according to the Navy, to make final production decisions. The Navy has indicated that the decision for fullscale development of Project Sanguine likely will be made in 1974 or sooner, if the pending budget is approved.

I already have notified the Senate Armed Services Committee that I believe this budget should not be approved. The report by Dr. Harrison, with concurrence by Dr. King, provides an additional reason why this budget should not be approved.

Mr. President, I ask unanimous consent that the report by Dr. Harrison, entitled "Note Relating to Project Sanguine Antenna for Communication with Submarines at Operational Depth," be printed at this point in the RECORD, to be followed by biographical sketches of Drs. Harrison and King.

There being no objection, the paper and biographical sketches were ordered to be printed in the RECORD, as follows:

NOTE RELATING TO PROJECT SANGUINE ANTENNA FOR COMMUNICATION WITH SUBMARINES AT OPERATIONAL DEPTH

Summary: The purpose of this note is to question the adequacy of the studies thus far made regarding the feasibility of the Sanguine antenna for communication with submarines at operational depths and to suggest simple, inexpensive experiments that should reduce the uncertainty.

PROLEGOMENA

For a number of years the Navy Department has sponsored research relating to communication with submerged submarines by means of electromagnetic waves launched and collected by antennas totally immersed in sea water. A very extensive experimental research program was undertaken as a joint venture by the Scripps Institution of Oceanography, La Jolla, California, and the U.S. Navy Electronics Laboratory. Point Loma, California. The theoretical work was done by A. Baños and J. P. Wesley of the University California, Los Angeles.[1] A book devoted to the theory of bare (noninsulated), electrically short submerged antennas was written by A. Baños.[2] Later, the Navy Department contracted with RCA Research Laboratories, Rocky Point, Long Island, New York, for further experimental studies concerning extremely low-frequency (ELF) communication with submarines. It is believed that the results of all of the experimental researches were classified. The writer is of the opinion that a perusal of existing literature on the subject of communication with submerged submarines at operational depth by means of electromagnetic waves would be of great value to persons concerned with the evaluation of Project Sanguine. The various contractors on the project are urged to review the material referred to above if they have not done so.

In this note the writer directs attention to questions concerning the feasibility of the Sanguine transmitting antenna that should be answered prior to large-scale funding of the project. If an electromagnetic wave of adequate amplitude cannot be launched without the dissipation of unreasonable and hazardous power, there is little point in considering the other aspects of the proposed communication system.

PROPOSED SITE OF SANGUINE ANTENNA

The site selected for the final version of the Sanguine transmitting antenna is near Clam Lake, Wisconsin. It was chosen because it is over a part of the Laurentian Shield, a 30-mile-thick rock layer about 100 feet below the surface of the earth. (This 100 feet of earth is termed the overburden.) The rock layer is reported to have a conductivity $\sigma \simeq 10^{-4}$ mho/m, an order of magnitude lower than dry earth for which $\sigma \simeq 10^{-4}$ mho/m. The overburden is supposed to have a low average conductivity of 5×10^{-4} mho/m. Recent magnetotelluric measurements of the apparent conductivity by Dowling[3] throughout northern Wisconsin confirm this low value. The observed frequency dependence of the conductivity was interpreted by him as indicating that a moderately conductive basic lower crust underlies a granite crust with very low conductivity. However, this conclusion is disputed by Porath,[4] who points out that Dowling's measurements merely reflect the proximity of an anomolous conductor in the form of the very large sedimentary Michigan basin which is characterized by relatively high conductivity, in sharp contrast with the low conductivity of the basement rocks in the Wisconsin arch. It has been suggested that the presence of minerals in the rock increases the conductivity to as high as $\sigma=1$ mho/m at some locations. It has also been stated that water-filled vertical sheer zones exist which could increase the conductivity. In any event, the choice of the Wisconsin site and the operation of the proposed Sanguine antenna depend critically on the presumed very low conductivity of the 100-foot-thick overburden and the 30-mile layer of rock below it.

EXPERIMENTAL SANGUINE ANTENNA

The antenna presently located at the Wisconsin Test Facility (not the proposed final version of the Sanguine antenna) consists of two horizontal wires at right angles center-driven in phase quadrature with currents of equal amplitude to achieve omnidirectional coverage. Each antenna is constructed of dual wires connected in parallel and terminated at their ends in a vertical down lead that connects to a radial ground system. The individual antennas are approximately 15 miles in length and supported by poles 20 feet above the surface of the earth. The ELF frequencies in use are approximately 45 and 75 Hz. Monitoring (receiving) sites are maintained in Utah, Hawaii, California, Massachusetts, North Carolina, Virgin Islands, Nova Scotia, Greenland, and Trumso, Norway.

CONCEPT OF A GOOD CONDUCTOR AND SKIN DEPTH

A material that satisfies the inequality

$$\sigma \gg \omega\epsilon_0\epsilon_r \qquad (1)$$

is by definition a good conductor. In (1), σ is the conductivity in mho/m; the radian frequency is $\omega=2_{\pi}f$, where f is the frequency in Hz (f=45 Hz in the present instance); $\epsilon_r=8.85\times10^{-12}$ farads/m is the permittivity of space, and ϵ_r is the relative permittivity of the material. ϵ_r varies from about 7 for "dry" (low conductivity) earth to about 30 for a "moist" (high conductivity) earth. The relative dielectric constant for water is about 80. Thus, the overburden ($\sigma\simeq5\times10^{-4}$ mho/m) and the Laurentian Shield ($\sigma\simeq10^{-4}$ mho/m) are good conductors at the frequencies of interest, since for them $\sigma/\omega\epsilon_e\epsilon_r\sim10^4$.

Another useful concept is the "skin depth." For good conductors satisfying (1), the skin depth δ is given by the formula

$$\delta=\sqrt{\frac{2}{\omega\mu_0\sigma}}, \qquad (2)$$

where $\mu_0=4_{\pi}\times10^{-7}$ henries/m is the permeability of space. (In defining the symbols appearing in (1) and (2), the rationalized mks system of units is employed.) The magnitude of the current density induced in an infinite conducting half space by a normally incident plane wave decreases exponentially with distance perpendicularly into the conductor. The skin depth δ is the depth, in meters, at which the current density has decreased to about 36.8 percent of its value at the surface. Alternatively, the skin depth is the radial distance into a current-carrying conductor with circular cross section of radius a at which the current density has decreased to 36.8 percent of its value at the surface, provided that the radius a and the skin depth δ satisfy the inequality $\delta<<a$. For a plane wave in a dissipative medium the complex wave number is $k=\beta+ia$, where β is the phase constant and is the attenuation constant. The wavelength in the medium is $\lambda=2\ /\beta$. In a good conductor $\propto=\beta=1/\delta$, so that $\lambda=2_{\pi}\delta$. One may now construct the following table for skin depths in various media at 45 Hz:

SKIN DEPTH IN VARIOUS MEDIA AT 45 Hz

	Conductivity (mho/m)	Skin depth δ(meters)	Wavelength (meters)
Sea water	4	3.751×10^1	2.357×10^2
Wet earth	30×10^{-3}	4.337×10^2	2.722×10^3
Damp earth	12×10^{-3}	6.849×10^2	4.303×10^3
Dry earth	10^{-3}	2.373×10^3	1.491×10^4
Overburden	5×10^{-4}	3.355×10^3	2.108×10^4
Laurentian shield	10^{-4}	7.503×10^3	4.7140×10^4

Note: The wavelength in free space for f=45 Hz is 6.667×10^6 m, or 4,142.7 miles.

USE OF THE SKIN DEPTH CONCEPT IN EVALUATING THE FEASIBILITY OF THE SANGUINE ANTENNA

Consider a center-driven insulated wire terminated at each end in an infinite perfectly conducting plate perpendicular to the wire as shown in Fig. 1. The region between the plates is filled with a dissipative medium with conductivity σ, permittivity ϵ, and

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Footnotes at end of article

permeability μ. The generator operates at an angular frequency ω so that (1) is satisfied. The length s of the wire is sufficiently short that $k_d s << 1$, where k_d is the wave number of the coaxial line formed by the wire, the insulation, and the surrounding infinite dissipative medium. The currents in the medium are parallel to the insulated wire; their flow lines form concentric cylinders between the end plates. The complex wave number of the dissipative medium is

$$k=\sqrt{i\omega\mu\sigma}=(1+i)/\delta.$$

The current in the earth out to a radius ρ is

$$I(k\rho)=\frac{1}{k^2}\int_{\mathrm{kb}}^{\mathrm{k}\rho} J(x)2_\pi x dx$$

where

$$J(k\rho)=J(kb)H_0^{(1)}(k\rho)/H_0^{(1)}(kb)$$

is the volume density of current. The ratio of the current to radius ρ, to the total current to radius infinity, is

$$\frac{I(k\rho)}{I(\infty)}=1-\frac{\rho H_1^{(1)}(k\rho)}{bH_1^{(1)}(kb)}\doteq 1-\frac{i_\pi k\rho}{2}H_1^{(1)}(k\rho)$$
$$=1-\frac{i_\pi}{2}x\sqrt{i}H_1^{(1)}(x\sqrt{i}),$$

where

$$x=\rho\sqrt{\omega\mu\sigma}\cdot$$

The second expression above assumes that with

$$kb\ll 1, H_1^{(1)}(kb)\doteq -i2/(_\pi kb).$$

When, for example,

$$\mathrm{x}=1 \text{ or } \rho=\delta/\sqrt{2}, \sqrt{\mathrm{i}}H_1^{(1)}(\mathrm{x}\sqrt{\mathrm{i}})=0.22-\mathrm{i}0.44,*$$

so that

$$\left|\frac{\mathrm{I}(\mathrm{k}\rho)}{\mathrm{I}(\infty)}\right|=|1-(\mathrm{i}_\pi/2)(0.22-\mathrm{i}0.44)|=0.463.$$

This shows that over half of the current is outside a circular cylinder of radius $\rho=0.707\delta$. Thus, when $\delta=3.555$ km (for the overburden), $0.707\delta=2.37$ km. Hence, slightly more than half of the current is *outside* a cylinder of radius 2.37 km (a large distance). On the other hand, when $\delta=37.51$ m for sea water, $0.707\delta=26.5$ m, so that almost half of the current is within the relatively small cylinder of radius 26.5 m.

It is important to note at this point that the distribution of current described above is a good approximation only when the insulated wire is connected between parallel grounding plates that extend out as far as there is any significant current. It has been shown[5] that the admittance of an insulated antenna *in sea water* with bare extensions at the ends, each a quarter wavelength long, differs only slightly from that of the same antenna with large parallel end plates. This is because the electromagnetic field and the currents quite near the antenna are similar in the two cases. On the other hand, the currents at more distant points differ greatly from those that obtain between the parallel grounding plates. In particular, with the bare monopoles as ground connections, there will be very significant currents in the regions beyond the ends of the antenna, whereas there are none with the end plates.

If the insulated conductor is placed near the surface of a semi-infinite earth and the metal ground plates at each end extend only from the surface down an infinite distance, the distribution of current is necessarily different, inasmuch as there are no currents in the half space filled with air. Since rotational symmetry does not obtain, an accurate solution is difficult to carry out. However, it is reasonable to suppose that, except quite near the antenna and the interface with air, no very significant changes should occur in the conducting half space. Except between the insulated antenna and the surface and within comparable radial distances in other directions, the fraction of the total current within a half cylinder of radius ρ should be roughly comparable to that within a full cylinder of the same radius as determined above for the infinite medium. This means that if the wire is in a fairly good conductor, such as salt water, the return currents will be in filaments close to and surrounding it, as indicated on the left in Fig. 1. Since they are opposite to the current in the insulated wire, the fields generated by them in the air above the surface almost cancel the fields maintained by the current in the wire. Therefore, the resultant field in the air is extremely small. On the other hand, when the conductivity of the medium is low and the skin depth is large, the return currents are, on the average, quite far away from the insulated wire, as shown schematically on the right in Fig. 1. Whereas the filaments of current near the surface will generate electromagnetic fields in the air, which at large distances cancel the fields of a part of the current in the wire, the filaments of current down deep in the earth are sufficiently far away that the fields they generate in the air are not exactly in opposite phase with the field generated by the corresponding parts of the current in the wire. As a consequence, the cancellation is much less complete, and the resultant field (while still relatively small) is very much greater than when the medium is more highly conducting.

In summary, the reasoning of Navy contractors is presumably as follows: The fields generated in air by antennas submerged in sea water have only small amplitudes because the skin depth is small, the return currents are near, and an effective cancellation of fields takes place. If the antenna is buried in the earth at a location where the skin depth is large, the return currents are far away, the cancellation is greatly reduced, and a much larger resultant field can be maintained with a prescribed maximum current in the antenna. This is a reasonable conclusion when the insulated antenna is connected between parallel metal ground plates that extend many skin depths down into the earth and outward laterally. *However, this is not the ground system proposed.* Is it legitimate to assume that the above conclusions are valid for other, very different ground connections? The writer does not think so.

USE OF THE THEORY OF GROUND ELECTRODES TO EVALUATE THE FEASIBILITY OF THE SANGUINE ANTENNA

Instead of consisting of two infinite (or semi-infinite) parallel metal plates, the proposed ground connections are limited to relatively small radial networks of wires parallel to the surface of the earth. In effect, they constitute a pair of electrodes across which a potential difference is maintained by a voltage source connected between them by means of an insulated wire in the earth near its surface. If each radial ground connection is replaced by a metal hemisphere of comparable radius with its flat side at the air/earth interface, as shown in Fig. 2, an accurate determination of the distribution in the earth of the currents entering and leaving it through the hemispheres can be carried out for an applied DC voltage and, to a good approximation, for an AC voltage if the distance between the electrodes is sufficiently small compared with the skin depth.

The scalar potential Φ at the point P in Fig. 2 is given by[6]

$$\Phi=\frac{I}{2_{\pi\sigma}}\left(\frac{1}{r_a}-\frac{1}{r_b}\right),$$

where I is the total current leaving one hemispherical electrode and entering the other, σ is the conductivity of the medium, and r_a and r_b are the distances to the electrodes from the point where the potential is calculated as shown in Fig. 2. The electric field is $E=-\Phi$, and the volume density of current is $J=\sigma E$. These can be calculated at all points P. When the point P is moved to P′ on the neutral plane, the electric field and the current density are directed perpendicular to this plane and are given by

$$J=\sigma E=\frac{Is}{2_\pi r^3}, r=\sqrt{d^2+(s/2)^2},$$

where d is the distance below the surface. The total current across a semicircular disk of radius d is

$$I(d)=\int_0^{\mathrm{d}} J_{\pi p}d_p=I\left(1-\frac{1}{\sqrt{1+(2d/s)^2}}\right)\cdot$$

Half of the current crosses a disk of radius d=0.866s.

Note that the depth of penetration of the current into the earth now depends on the distance s between the electrodes, which is also the length of the insulated wire. As long as s is small compared with the skin depth, the depth of penetration is independent of the conductivity of the medium.

For an earth with $\sigma=5\times10^{-4}$ and with a skin depth $\delta=3.355$ km, the length s must be no greater than 0.01δ or 33.55 m. This is very much shorter than the presently used antenna, but the analysis used to anticipate its behavior is as rigorous for this length as for the actual length. Thus, for an insulated antenna of length s=33.55 m grounded at each end by infinite plates, the previous results show that at 45 Hz about half of the current is *outside* a radial distance of 2.37 km. When the same antenna is grounded to hemispheres, instead of infinite plates, one-half of the current is *within* a radial distance d=0.866s=29 m. The difference between the two results is enormous and both are correct. They apply to the same antenna with very different ground connections at the two ends. With the infinite metal plates the return current is determined by skin effect; it is quite far away, and only incomplete cancellation of fields in the air takes place. With the hemispherical ground connections the return current is so close that almost complete cancellation of the fields in air is to be expected.

Which of these results applies to an insulated buried wire that is many skin depths long and is terminated at each end in a radial ground system? The answer is neither. Only within a half cylinder which has the insulated wire as its axis, extends between points not too close to either end of the wire, and has a radius that is small compared to the length of the wire is the distribution of current in the earth similar to that for the same wire when infinitely long or when terminated in infinite parallel plates. Outside of this cylinder the distribution depends on the type and extent of the terminations and on the distance between them. However, the available DC, low-frequency solution does not apply. A solution which takes into account the actual ground connections and the earth/air interface for insulated wires of unrestricted length is not available. There is no reason to suppose that a useful approximate solution could not be derived. For present purposes it is sufficient to note that arguments based on infinitely long insulated wires or on such wires con-

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Footnotes at end of article.

nected between infinite parallel grounding plates are not adequate to describe the properties of wires of finite length terminated in other types of ground connections.

RADIATION PROPERTIES OF AN ANTENNA SUSPENDED IN AIR COMPARED WITH ITS PROPERTIES WHEN BURIED IN THE EARTH

If the insulated wire with length s is small compared to the skin depth $(s \ll \delta)$ is raised above the earth on poles and connected to the hemispheres by vertical down leads, little is changed with regard to the distribution in the earth of the currents entering and leaving the metal hemispheres that serve as ground connections. However, the electromagnetic field in the air will be much greater. The elevated wire with its vertical ground connections and the return currents in the earth now form a rectangular loop antenna that can maintain a distant field which is very much greater than that of the same wire when buried in the ground. The return currents which vertically enveloped the insulated wire when in the earth are now separated from it by the height of the poles, and the cancellation of fields is much reduced.

For the same wire, provided with semi-infinite parallel ground plates and connected to these by vertical down leads when it is raised above the earth, the effect will be quite small. Since the return currents are between the plates and, on the average, far down in the earth, the added reduction in cancellation of fields obtained by raising the wire above the surface of the earth will be insignificant.

Neither of these apparently contradictory conclusions is alone adequate to describe what will happen when a wire that does not satisfy the condition $s \ll \delta$ and is connected to a relatively small radial ground system is raised above the earth. The operation will depend on the distribution of current in the earth (in particular, its proximity to the surface). This distribution is determined not only by skin effect but by the nature of and distance between the ground connections.

EXPERIMENTS FOR DETERMINING THE FEASIBILITY OF THE SANGUINE ANTENNA

Since no theoretical analysis of the actual configuration of antenna and ground connections is available and since conclusions based on the analyses of the two special cases which have been studied are not reliable, a complete investigation of the problem using modern analytical, computational, and experimental techniques is indicated. The correct solution must take into account both the skin effect and the effect of the finite size and separation of ground connections that are near the surface. Evidently, the longer the buried wire and the farther apart its ground connections, the deeper the return currents in the earth should be. This is suggested by the fact that the skin effect distribution is valid over a greater volume and the observation that increasing the distance between the ground connections is accompanied by deeper return currents.

An estimate of the effective depth of the currents associated with the test antenna and its ground connections can be obtained from simple experiments. If the currents are deep, the effect of lowering the antenna from 20 feet above to just below the surface of the earth should have little effect on the transmitted signal received at distant points. On the other hand, if the return currents are near the surface, such a lowering should be accompanied by a significant reduction in the transmitted signal with the same input current. If the latter should happen, the Sanguine antenna could probably not operate without excessive input power.

It appears that to decide whether the present Sanguine antenna will operate the same when buried as when suspended in air, one must insist that three simple, inexpensive experiments be carried out by the Navy contractors:

(a) Center-drive an insulated cable buried about 6 inches in the earth, terminated in the radial ground systems presently existing at the Wisconsin Test Facility. Measure the field strength at one of the monitoring sites and compare with the field currently observed there.*

(b) When test (a) is completed, use the buried cable as the current return path of the loop. Measure the field strength at a monitoring site, as before, and compare these measurements with those previously made at the same site. (It would be instructive to make measurements with and without the radial ground systems connected to the lower corners of the loop.) *

(c) Determine whether the signal from the various antenna configurations can be detected by a submerged submarine at operational depth.

From these experiments it can be deduced whether the Laurentian Shield is effective in improving the efficiency of the present antenna with its radial ground system at each end. The possibility of obtaining the current flow lines in layered media for the Sanguine antenna by simple laboratory tank experiments, using modeling techniques, should not be overlooked.[7-10] It is of great importance to know the extent to which the return currents penetrate into the earth as a function of the distance between ground connections and the conductivity.

The proposed operational form of the Sanguine antenna is an array covering approximately 50×50 miles, with wires spaced 5 miles apart. The buried insulated wires at each grid intersection are driven in phase quadrature. Each conductor is truncated in a radial ground system. It is said that this antenna is "hardened," inasmuch as there is so much redundancy built in that a nuclear detonation in the vicinity would probably not impair the operation too much.

Physically, the antenna is complicated because it consists of numerous multiply driven insulated wires terminated by bare electrodes embedded in a conducting half space near the earth/air boundary. It appears that when all the other complicating factors of the problem of field calculation are considered (such as the length of the wires between ground connections, the nature of the ground connections, coupling between wires, and the interaction of the antenna with the power supply lines), one faces a Sisyphean task in estimating (analytically) the field to order-of-magnitude accuracy. This means that the power input to the antenna might have to be increased by 2 orders of magnitude (a hundredfold) above that anticipated because of uncertainties in the field calculations and in the accurate prediction of the effective conductivity in a wide area to great depths.

CONCLUSIONS

The writer recognizes the importance of a system for communication with submarines at operational depths. It may be that the proposed Sanguine antenna will operate efficiently and without hazard, as planned, but evidence available to the writer is sufficient only to make this possible, not probable. Therefore, further investigation of some of the facets of the design appears mandatory. To make sure that the Sanguine antenna is feasible, several inexpensive experiments that should clarify the issue are proposed.

DESIDERATUM

The writer thanks Dr. Ronald W. P. King, Gordon McKay, Professor of Applied Physics munication system—should be assigned to competent individuals for solution. Several investigators should solve the same subproblem as rigorously as possible and publish their results in leading scientific periodicals for debate by the scientific community. The writer feels that the currently available results were obtained by oversimplified methods. The overall problem has probably been approximated to death.

Generally speaking, it has been the experience of the author that full confidence in another investigator's work is not gained until he has worked through the problem himself, so that he gets a feeling for the errors introduced by the approximations made.

* * *

The writer thanks Dr. Ronold W. P. King, Gordon McKay Professor of Applied Physics at Harvard University, for review of and concurrence in the contents of this note.

CHARLES W. HARRISON, Jr.
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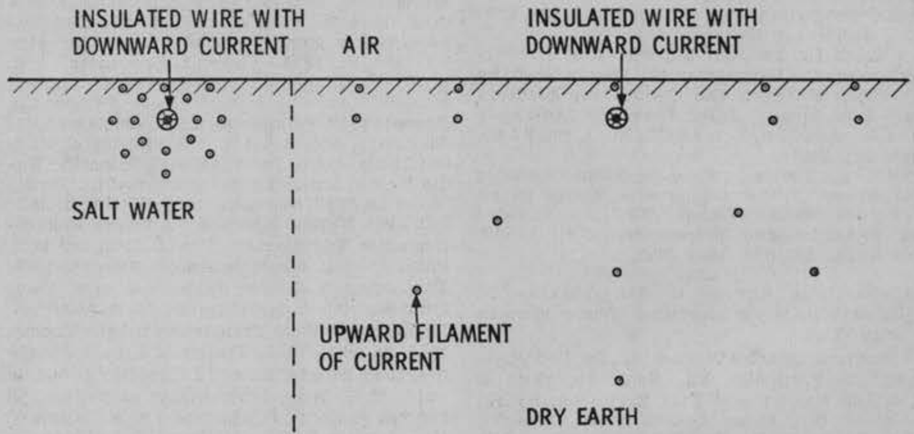
INSULATED WIRE WITH DOWNWARD CURRENT
AIR
INSULATED WIRE WITH DOWNWARD CURRENT
SALT WATER
UPWARD FILAMENT OF CURRENT
DRY EARTH

FIGURE 1. Schematic diagram to show distribution of currents around insulated wire in salt water and dry earth when terminated in infinite grounding plates.

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*(In tests (a) and (b) the input current to the antenna is maintained constant.)

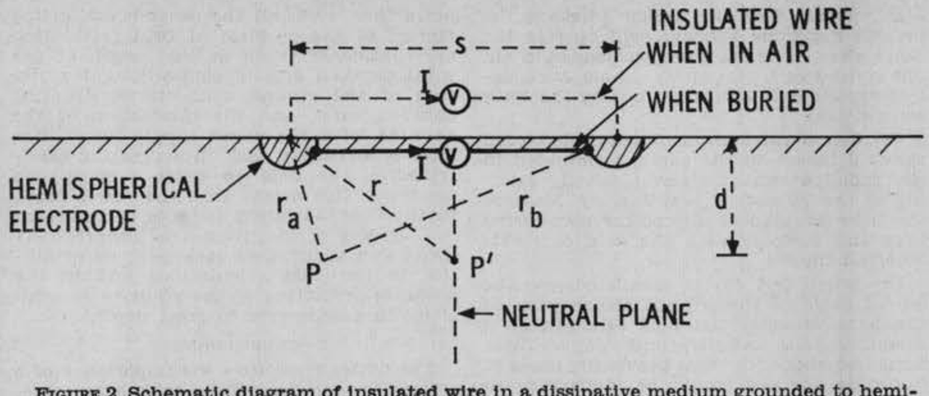

FIGURE 2. Schematic diagram of insulated wire in a dissipative medium grounded to hemispherical electrodes.

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BIOGRAPHICAL SKETCH OF DR. CHARLES W. HARRISON, JR., AS LISTED IN "WHO'S WHO IN THE WEST"

Harrison, Charles Wagner, Jr., applied physicist; b. Farmville, Va., Sept. 15, 1913; s. Charles Wagner and Etta Earl (Smith) H.; student U.S. Coast Guard Acad., 1934–36; B.S. in Engring., U. Va., 1939, E.E., 1940; M.S., Harvard, 1942, M.E., 1952, Ph.D. in Applied Physics, 1954. m. Fern F. Perry, Dec. 28, 1940; children—Martha R. Charllotte J. Commd. ensign USN, 1939, advanced through grades to comdr., 1948; research staff Bur. Ships, 1939–41, asst. dir. electronics design and devel. div., 1948–50; research staff U.S. Naval Research Lab., 1944–45, dir's. staff, 1950–51; liaison officer Evans Signal Lab., 1945–46; electronics officer Phila. Naval Shipyard, 1946–48; USN Operational Devel. Force Staff, 1953–55; staff Comdg. Gen., Armed Forces Spl. Weapons project, 1955–57; ret. 1957; cons. electrodynamics Sandia Corp., Albuquerque, 1957–; instr. U. Va., 1939–40; lectr. Harvard, 1942–43, Princeton, 1943–44. Mem. N.M. Bd. Child Evangelism Fellowship, since 1963. Registered profl. egr. Va., D.C., Mass. Fellow I.E.E.E. (Electronics Achievement award 1966); men. Research Soc. Am., Am. Phys. Soc., Creation Research Soc., Soc. Harvard Engrs. and Scientists, Internat. Sci. Radio Union, Sigma XI. Mem. Grace Ch. (mem. exec. bd. 1968——). Author; Electromagnetic Radiation and Antenna, (with R. W. P. King) 1965; also contbr. numerous articles to profl. jours. Home; 2808 Alcazar St. N.E., Albuquerque, NM 87110 Office; Sandia Corp., Sandia Base. Albuquer, NM 87115

BIOGRAPHICAL SKETCH OF DR. RONALD W. P. KING, AS LISTED IN "WHO'S WHO IN AMERICA"

KING, Ronald Wyeth Percival, educator; b. Williamstown, Mass., Sept. 19, 1905; s. James Percival and Edith Marianne Beate (Seyerlen) K.; A.B., U. Rochester, 1927, S.M. 1929; Ph.D., U. Wis., 1932; student U. Munich, Germany, 1928–29, Cornell U., 1929–30; m. Justine Merrell, June 22, 1937; 1 son, Christopher Merrell. Asst. in physics U. Rochester, 1927–28; Am.-German exchange student, 1929–30; White fellow in physics Cornell U., 1929–30; U. fellow in elec. engring. U. Wis., 1930–32, research asst., 1932–34; instr. physics Lafayette Coll., 1934–36, asst, prof., 1936–37; Guggenheim fellow, Berlin, Germany, 1937–38: with Harvard U., 1938—, successively instr., asst. prof., asso. prof., 1938–46, prof. applied physics, 1946– —. Guggenheim Fellowship, Europe, 1958. Fellow Am. Acad. Arts and Scis., Am. Phys. Soc. A.A.A.S., I.E.E.E.; mem. Modern Lang, Assn., International Scientific Radio Union, American Association Univ. Profs., Bavarian Acad. Sciences (contributing mem.), Phi Beta Kappa/Sigma Xi. Author: Electromagnetic Engineering, Vol. I. 1945, 2d edit. Fundamental Electromagnetic Theory, 1963; Transmission Lines, Antennas and Wave Guides (with A. H. Wing and H. R. Mimmo), 1945, 2d edt., 1965; Transmission-Line Theory, 1955, 2d edit., 1965; Theory of Linear Antennas, 1956; Scattering and Diffraction of Waves (with T. T. Wu), 1959; Arrays of Cylindrical Dipoles (with R. B. Mack and S. S. Sandler), 1968; (with C. W. Harrison, Jr.) Antennas and Waves. A Modern Approach, 1969; also articles in field. Home; 92 Hillcrest Pkwy., Winchester, Mass. 01890. Office: Gordon McKay Lab., Harvard U., Cambridge, Mass. 02138.

NEW IRS TAX SIMPLIFICATION STUDY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ASPIN. Mr. Speaker, today I am publicly releasing a heretofore secret Internal Revenue Service study entitled "Attitudes of Taxpayers Toward the 1970 Form 1040." The study was prepared at the IRS's request by Crossley Surveys, Inc., and is dated June 1971. It is based on extensive interviews with 2,761 taxpayers.

It is interesting to note that while the IRS stanchly maintains that any fifth-grader can correctly fill out the standard income tax form, over 97 percent of the taxpayers who have had only some elementary school education have others fill out their tax returns, according to the IRS's own study.

The IRS study also reveals that 70 percent of all taxpayers had someone else prepare their tax return for 1970. The study also shows that the better educated taxpayers—even though their tax returns are more complicated—are much more likely to fill out their own tax returns than are less well-educated taxpayers.

The IRS-consultant study reveals that 92 percent of taxpayers whose education went no further than elementary school had others fill out their tax forms, while 70 percent of those who graduated from high school turned to outside help. Fifty-nine percent of those with some college education and only 43 percent with a college degree used outside help in completing the forms.

Surprisingly, the study also reveals that the great majority of taxpayers do not object to the task of filling out tax returns. Almost 60 percent said they were "neutral" about the job of filling out their returns, while 29 percent were "negative" and 6 percent were "positive."

The study also reveals that taxpayers, by a margin of 2 to 1, believe that Form 1040 "is a lot more complicated than it has to be." But, by a 4 to 1 margin, they also believe that the complexity of Form 1040 is "largely a result of our complicated tax laws." But the great majority of taxpayers who have had their returns audited by the IRS recently, felt by a 4 to 1 margin that the IRS was fair in its dealings with them.

This study shows that the people are dissatisfied with the tax system. They are angry at all the loopholes which benefit the wealthy and which make the form so complex, and they are not very satisfied at all with the form itself. In other words, what this study shows is that the middle and lower income taxpayer gets it both coming and going. He pays too much in taxes because of all the tax breaks and loopholes in the code for the rich and special interest groups. And then he has to pay what is, in effect, an added tax by being forced to pay for professional tax assistance.

Mr. Speaker, I am hopeful that the public release of this study, and other data that has recently come to light, will increase the chances for significant simplification of the Federal income tax return process in the near future.

The IRS study will appear in tomorrow's RECORD.

AN IMAGINATIVE DELAWARE PROGRAM: RECYCLING CLAMSHELLS TO FOSTER OYSTER PRODUCTION

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Monday, April 17, 1972

Mr. BOGGS. Mr. President, the State of Delaware, in cooperation with the Federal Environmental Protection Agency, has undertaken an imaginative environmental enhancement program involving waste clamshells.

It is a program that is recycling in every sense of the word.

Supported by Federal, State, and private funds, more than 56,000 tons of waste clamshells have been deposited at oyster spawning grounds over the past 2½ years. These grounds are in Delaware Bay and at the mouths of several rivers, such as the Broadkill, the Murderkill, the Mispillion, and the Leipsic.

On the floor of the river or bay, the shells provide the hard surfaces to which oysters must attach themselves if they are to survive.

In the process, of course, a major source of solid waste pollution has been eliminated in southern Delaware.

The Delaware Department of Health and Social Services is to be congratulated for its leadership in developing this program, for it is an effort that will repay many dividends. It means new economic benefits to our coastal areas, and greater oyster production for millions of Americans who enjoy this seafood delicacy.

Oyster production in Delaware, I am happy to note, has increased sharply in recent years. Production in 1969 was a mere 7,800 bushels. By last year, production had increased to 44,757 bushels.

This new program, from which oysters will be harvested beginning later this year, should bring new gains in the years ahead.

I know that all Delawareans share my hope that the Federal Government will be able to continue its support for this innovative and commendable project after the current demonstration contract expires later this year.

The Environmental Protection Agency recently issued its own description of the impact of this waste clamshell program. I ask unanimous consent that the EPA statement be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WASTE CLAMSHELLS AID OYSTER GROWERS

(Prepared by Environmental Protection Agency)

State officials in Delaware are demonstrating in a federally-sponsored project that broken clam shells make an excellent growing bed for young oysters.

William D. Ruckelshaus, Administrator of the U.S. Environmental Protection Agency, said today he hopes this project will help make it possible to expand oyster production on the East and Gulf Coasts, where clam shells are plentiful.

The EPA and the Delaware Division of Physical Health are sponsoring the solid waste disposal project.

The project has already shown an economic use for some of the 112.5 million pounds of waste shells left over from the harvesting and processing of shellfish in the mid Atlantic region.

Waste shells dumped on land are troublesome, since they emit odors, are attractive to flies, and are extremely difficult to bury and compact in a sanitary landfill. They are left in huge piles with the general vicinity of shellfish processing plants and present a difficult solid waste management problem.

The project is of particular interest to Delaware and New Jersey oystermen. An organism called MSX Blight that kills oysters caused great damage to the Delaware Bay oyster industry in 1957.

In the demonstration, a private boat contracted by the state for the past two and one-half years has gone out each day from a clam processing plant in Lewes, Delaware, with a load of broken clam shells. Over 500,000 bushels of shells have been distributed to date on 200 acres of state-owned oyster beds in the Upper Bay.

The demonstration costs the State of Delaware six and three-fourths cents per bushel to transport the shells out to the Bay. The state in turn will charge the oystermen 15 cents a bushel to remove the two-year-old oysters from the state beds to the commercially-owned beds in the Lower Bay, where they will be harvested within a year.

It is hoped that this operation will be extended to other portions of the Bay and become a completely self-supporting state project.

Delaware health officials have been collaborating with the University of Delaware's Marine Laboratory and the State Department of Natural Resources and Environmental Control. These agencies have monitored the quality of the water where the shells are deposited. It has been established that scavengers, such as eels and crabs, clean the shucked shells within hours after deposit and prevent increased water pollution.

The EPA is sponsoring the three-year project with $90,517 in Federal funds. The State of Delaware is providing $45,250.

NIXON TEAM MAKES LIGHT OF WORKING WOMEN'S ROLE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. FRASER. Mr. Speaker, Hobart Rowen points out in the Sunday, April 9, Washington Post business and finance section that the Nixon administration sees unemployed female workers as being less important than unemployed males.

Rowen offers impressive documentation that, as he puts it:

> The simple fact is that what happens to working women is more important than ever before.

More women with family responsibilities are working and seeking employment. Women are making an ever-expanding and essential contribution to the economy.

But, as in so many other areas of domestic concern, the Nixon administration has not gotten the word. I suspect that women and men who recognize the continuing problem of sex discrimination in our society will be heard loud and clear in November 1972.

The Rowen article follows:

[From the Washington Post, Apr. 9, 1972]

NIXON TEAM MAKES LIGHT OF WORKING WOMEN'S ROLE

(By Hobart Rowen)

The Nixon administration has been trying to grapple with the unemployment problem by redefining it. The last Economic Report, for example, complains that the estimate of 4 per cent employment as the equivalent of "full" employment was more or less an historical accident, the "result of repetition, even though the 4 per cent rate was seldom achieved."

Both Economic Council Chairman Herbert Stein and Treasury Secretary John Connally have indicated they think that 5 per cent unemployment is a more realistic definition of full employment in the context of today's labor force because more women and teenagers (who have higher unemployment rates than men) are involved.

In March, in the figures just reported by the Labor Department (overall rate: 5.9 per cent), adult male unemployment was at a rate of 4.1 per cent, while the jobless level among women was 5.4 percent and, for teenagers, 17.9 per cent, or roughly the highest level in 9 years.

How to reconcile full employment and reasonable price stability has been the central economic dilemma perplexing this nation (and other major industrial countries) since World War II.

It has been the subject of a great deal of learned literature in the last couple of years, typified by George Perry's Brookings paper at the end of 1970, suggesting that the "trade-off" between inflation and unemployment has worsened in the last decade.

But the difference between Perry and other academic analysts on the one hand, and the administration on the other is that Nixon's men have thrown up their hands and quit. As Walter Heller said a few weeks ago in a letter to Rep. Henry S. Reuss, supporting Reuss' "Jobs Now" bill, just because it's tougher to get down to 4 per cent than it used to be is "no excuse for ignoring the social costs and tensions" created.

But what Mr. Stein & Co. have now decided is that to strive for the full potential of the economy too quickly will cause a dangerous inflation. But the honest thing for them to say, if that's the policy, is that the country can't afford full employment for a couple of years. Of course, they don't have the nerve to put it that way.

Instead, the administration is trying to make us believe that the present prospective situation isn't too bad, because the women and young people employed aren't as important as men.

The simple fact is that what happens to working women is more important than ever before. An article in the current Monthly Labor Review of the Department of Labor shows, for example, that increasing numbers of women with family responsibilities are looking for jobs. By 1971, the Review says, one-third of the women in the labor force had both husbands and dependent children.

Dr. Carolyn Bell Shaw, a Wellesley College economics professor, suggested in a recent speech that the administration is slandering "the contribution of women to the economy."

Dr. Bell took particular umbrage at a hypothetical table in the latest economic report which shows that, if the age-sex composition of the 1971 labor force had been the same as it was in 1956 (that is, fewer women), the unemployment rate for the year would have been only 4.5 per cent instead of 5.9 per cent.

"The projection that women will continue to constitute a high proportion of the labor force," the Stein council said, "suggests a continuing relatively high level of transitional unemployment."

For Dr. Bell, the real translation of the above paragraph is that "we (should) get used to a high level of unemployment. They are only women . . .

"If, they suggest, you pretend that the labor force today was 70 percent male and only 30 per cent female, the way it used to be, then you could see that, in fact, the economic policies followed by the administration have succeeded. If it weren't for all those troublesome women, the unemployment rate (the CEA is saying) today would be very close to the goal of 4 percent."

Dr. Bell then marshaled some interesting facts, which Messrs. Stein and Connally would do well to consider:

Since 1950, the labor force has increased by only 7 million men and by about 13 million women. Thus, women account for a major hunk of the rise in national output. "The people who recalculated the labor force to get unemployment down," Dr. Bell observes, "conveniently forgot that such a recalculation would also, inevitably, result in a smaller national output and income."

Although the myth is widely-held that most women are part-time workers, 4 out of 5 adult women (over 20) are full-time workers. And the same 80 per cent ratio applies to unemployed women: 4 out of 5 are looking for full-time jobs.

Contradicting the notion that only adult married men are the "breadwinners," over half of the married men in the U.S. had wives who worked at some time during 1971. The Labor Department's own statistics show that almost 8 million wives in 1970 earned between $4,000 and $7,000, and two-thirds of them were married to men who earned less than $10,000. These working wives contribute more than $1 out of every $4 in total family income. That's a lot of bread by anyone's definition. As a matter of fact, more than 20,000,000 persons look upon a woman as "breadwinner" in the family, including 6,000,000 households which depend solely on a woman for their means of support. Besides, there is an unknown number of families with the man listed as "head of household," but with the woman actually the breadwinner because the husband is ill or unable to work.

Most of these female breadwinners are poor, and an important percentage is black. Black or white, the choice of jobs is not the same as available to men. (The Urban Coalition's Counterbudget, published last year, provides a supporting analysis of the "blatant discrimination against women in the labor market.")

This critique of the administration, for an anti-social, crass attitude toward women, applies as well to teen agers. We can't complain about the radicalization of youth if we tell them as they approach manhood that whether they have a job isn't economically significant.

No one denies that Messrs. Nixon and Stein have a problem on their hands (which they helped to create with an excessively depressing "game plan" in 1969 and 1970). But it won't go away just by changing the definition of full employment.

UNSETTLING NEWS OF HARDSHIP IN VIETNAM

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. DOW. Mr. Speaker, unsettling news has been transmitted to me from the Saigon Student Union. This concerns the arrest and torture of Huynh Tan Mam, chairman of that union. After his arrest and disappearance word was given out that he had escaped to the NLF. But this is denied and it is understood he has been imprisoned and tortured since that time.

Mrs. Ngo Ba Thanh, according to a New York Times report of March 23, a leading critic of the Saigon government and the war, was brought from prison to court on a stretcher and in need of medical attention. It was impossible to continue her trial.

Anywhere from 100,000 to 200,000 political prisoners are said to be held by the Saigon government. It must be difficult to conduct a democracy, when the majority of opposition leaders are in prison.

I append below, reports and a tabulation of political and academic persons who have been or are incarcerated in South Vietnam. These recitals reflect little credit on our Saigon ally, or on the United States of America, which underwrites that regimen. The data follows:

INFORMATION ABOUT PRISONERS IN SOUTH VIETNAM

The following are informations about seventy-eight prisoners in Vietnam who have been arrested by the South Vietnamese Government. They are students, teachers and journalists. Also a list of women prisoners who are seriously ill mentally, for whom there is no adequate care.

We shall continue to publish more of these informations when we are able to get them. If our readers wish to send help to the prisoners, they can send it to the Reverend Sister Thich Nu Huynh Lien of the Committee for The Improvement of Prisons in Vietnam. The Vietnamese Buddhist Peace Delegation will serve as mediator and will see that all donations reach Sister Huynh Lien.

Sister Huynh Lien said that the prisoners need towels, medicaments, milk and food.

WOMEN PRISONERS WHO ARE SERIOUSLY ILL MENTALLY FOR WHOM THERE IS NO ADEQUATE CARE

1. *Chi Nguyen thi Que*, 45 years old, arrested in November 1959, has mental trouble as the result of suppression and torture in the prison. She was sentenced to 10 years' imprisonment, and was moved from one prison to another—Thu Duc, Chi Hoa, Phu Loi and all the prison administrators know that she is a mental case. But for more than 11 years already she has been in prison and no care is taken for her health.

Her husband died in 1967 and her daughter was killed during bombing in 1968.

Now she is still in the prison of Chi Hoa.

2. *Chi Nguyen thi Phe*, 35 years old, arrested on August 3rd, 1963 and sentenced to 5 years' imprisonment. Her home-town is far away in Binh-Dinh and her son, 3 years old was taken care of by other people. The poor child, without father or mother, cared for by others, died after several months.

Thi Phe has serious stomach trouble, for which no care is taken. She has been given injections of Atropine and is becoming blind. Even the German doctors in the prison of Con Dao saw that her condition was serious and suggested that she should be moved to the mainland for treatment. Today, her period of imprisonment has been exceeded by 2 years and 7 months, and her condition becomes more and more serious, but the government does not agree to her release.

She is still in the prison of Chi Hoa.

3. *Chi Nguyen thi Xuoc*, 45 years old, arrested in 1962. Her home district is Binh-Dinh. She was arrested with her son, 11 years old. After several months of investigation, her son was released. He wandered about in Saigon, and after 8 years she does not know if her son is alive or dead, or if he may have returned to Binh-Dinh.

As a result of torture and the dampness of the prison, today her lungs are affected and she is given no treatment.

She was sentenced to 4 years imprisonment, but today, she has served already for 8 years. The day of her release, when she hopes to see her mother and her son, is still far away.

4. *Chi Ton thi Anh*, 47 years old, arrested in Binh-Dinh on July 26th, 1961. She was sentenced to 7 years' imprisonment. Now she has TB and stomach trouble and no care is taken of her so that she cannot walk, nor eat and drink properly. For the last two years the government refuse to release her.

She is still in Chi Hoa prison.

5. *Chi Nguyen thi Kheo*, 36 years old, was arrested in 1960, in An-giang. In the local prison she was tortured so that she vomited blood and was moved to the hospital. When an attempt was made to force her to sign a false confession, and she refused, she was again beaten by the police.

She was unmarried when sentenced at 26 years of age to 7 years' imprisonment. Today, she has been in prison for more than 10 years and the government does not agree to release her, although an official in Thu Duc prison told her in 1964 that her sentence had been reduced by 1 year. During the 10 years she has been moved to all the prisons in the south: An-giang, Chi Hoa, Phu Loi, Go cong, Thu Duc, Phu Loi, Con Dao, and now is the third time she returns to Chi Hoa.

No competent doctor has diagnosed her illness—she is very weak and thin and old-looking and menstruation has ceased.

6. *Chi Nguyen thi Thao*, 47 years old, arrested on May 2nd, 1960 and sentenced to 10 years' imprisonment, when her daughter was just 7 months old. During the time of investigation she was moved from prison to prison: Gia Dinh, Chi Hoa, Phu Loi, Thu Duc, Con Dao and back to Chi Hao. She tried hard to keep the child with her, because she did not want her to be sent to an orphanage. After hearing from her family, she sent the child to her sister, but unhappily her sister died. The child was then sent to the grandparents who also died. For ten years the little girl has wandered from house to house in the village, without family affection and without education, showing how corrupt South Vietnamese society has become.

In August 1970, thi Thao was taken from Con Dao to Chi Hoa and was able to see her daughter, who cried: 'Mother, do not die, you have to live with me. Your sentence is finished, why are you not released? Do the administrators of the prisons not have any children? Why do they not know how to love children who have no mothers?'

But thi Thao cannot hear—she has become deaf.

She has TB, but the prison nurse always gives her quinine. So that, after ten years in prison, the TB is very advanced and the deafness is extremely serious.

The day of release and the reunion of mother and daughter is far away.

These are some cases among the 83 women prisoners now in Chi Hoa. They are proof that the prisons of South Viet Nam today are savage and inhuman and must be reformed.

DIEU THUY.

May 1971.

LIST OF STUDENTS, TEACHERS, JOURNALISTS ARRESTED BY THE SOUTH VIETNAMESE GOVERNMENT

[Note: UV—University student; HS—High school student; W—Woman; Van hanh—Buddhist University]

Name	Date of arrest	Prison	Sentence	Served	Prison No.	Conditions	Parents or relatives	Contact address
1. Nguyen Truong Con, UV, electronics.	July 1968	Con Son	5 years	2 years, 10 months.	205/MTLD	No contact with family	Nguyen Thi Nhu Thien.	50A Bui Thi Xuan, Saigon.
2. Luong Si Ho, UV, science	February 1969	do	15 years	Over 2 years		No contact with family, no visits or gifts, very weak.		
3. Cao Duy Tuan, UV, electronics.	do	do	20 years	do	C. 20648	do	Nguyen Thi Can	20 Dao Duy Tu, Da Lat.
4. Le Tan Viet Nam, UV, forestry, zoology.	do	do	3 years	do	A. 4608	No family contact, no visits, no gifts.	Nguyen Thi An	129/189 Nguyen Trai, Cholon.
5. Nguyen Ba Kha, UV, technical.	do	do	5 years	do		No family contact, no visits, no gifts, weak.	Duong Thi Nguyet	Da Lat.
6. Dang Minh Chi, UV, law	do	do	3 years	2 years		No family contact no visits or gifts.		
7. Nguyen Truc, UV, Van Hanh.	do	do	5 years	do		No family contact, no visits or gifts, weak.		
8. Nguyen Tan Tai	May 3, 1970	Chi Hoa	No judgment	1 year	2439/2428/ MTLD.	Mental case, weak		
9. Nguyen Thanh Cong, UV, medicine.	do	do	do	do				
10. Le Van Hoa, UV, arts	do	do	do	do	2431/MTLD	Weak		
11. Nguyen Van Son, UV, medicine.	do	do	do	do	2430/MTLD	do		
12. Nguyen Ngoc Phuong, UV, arts.	May 3, 1970	Chi Hoa	No judgment	1 year	2523/MTLD	Weak		
13. Le Dinh Dieu, UV, arts	Sept. 3, 1970	do	do	do				
14. Nguyen Xaun Hien, UV, forestry, zoology.	July 3, 1970	do	do	do				
15. Do Van Man, UV, medicine.	March 1970	do	do	do				
16. Tran Si Lieu, UV, Van Hanh.	do	do	1 year surveillance.	do				
17. Nguyen Dinh Tao, UV, Van Hanh.	January 1968	Con Son	Released	2 years	Room 3, camp I	No family contacts	Nguyen Dinh Nam	260 Phu Tho Hoa, ap Phu Trung.
18. Lam Thi Xuan, UV, W	October 1970	Thu Duc	No judgment	1 year, 7 months.	1272/CTQS	do	Le Thi Cue	122 Duong Ba Trac, Saigon.
19. Ngo Ngoc Dung, UV, Van Nanh.	April 1968	Con Son	2 years surveillance.	3 years		TB, stomach trouble	Nguyen Thi Ty	62/17 Nguyen Thong, Saigon.
20. Luu Ngoc Trang, UV, pharmacy.	May 1968	do	do	do	Camp I, room 4	No family contact	Nguyen Thi Van	146 Bui Thi Xuan, Saigon.
21. Phan Son Xa, UV, architecture.	April 1969	do	3 years	2 years		do	Dinh Thi Noi	231/18/1 ap 3, Gia Dinh.
22. Mac Nhu Suong, UV, science.	January 1969	do	5 years	do	C. 1238	do	Mac Nhu Ba	12 Pham Hong Thai, Qui Nhon.
23. Tran Quoc Thuan, UV, science.		Chi Hoa	No judgment	do	1919/MTLD	Ill and weak	Tran Van Nam	66 Cuong De, Qui Nhon.
24. Ngo Tan Xuan, student	March 1965	Con Dao	5 years	6 years	C. 19723	No family contact, no visits, or giffs.	Ngo tan Phat	70 Viny Kim Long, Dinh Tuohg.
25. Le anh Ton	December 1968	Con son	No judgment	3 years		Ill and weak	Vo thi Tu	363 Nguyen Trai, Cholon.
26. Trinh Dinh Khuong, UV	November 1968	Tan Hiep	1 year	do	20519	Weak, liver trouble	Quach thi Lieu	Lo B 105 Cu xa, Nguyen thien Thuat.
27. Tran giao Hoa, UV, dentist, 2d. year.	November 1969	Chi Hoa	do	2 years	1033/MTLD	No family contact		
28. Ha Van Dung, HS	April 1969	Con Son	2 years	do		do		
29. Tran van My, UV		do	10 years			do	Tran thi Thua	
30. Le van Phong, HS	1968	do	12 years	3 years	C. 400	do	Tran thi Loi	113/56 Nguyen Thong.
31. Thieu thi Tan, HS, W, Marie Curie.	1968	Tan Hiep	Surveillance	do		Ill and weak	Nguyen thi Binh	15 Cong Troung, An Dong, Cholon.
32. Thieu thi Tao, HS, W, Marie Curie.	1968	do	2 years	do		Very weak	do	Do.
33. Nguyen tuong Phuoc	1962	Con Son	15 years	9 years	C. 1092	Arms and legs paralysed	Vo van Hen	153/44 Cao Thang, Saigon.
34. Nguyen tan Mam	April 1968	do	3 years	3 years	A. 0922	Weak		
35. Nguyen ai Dan	1961	do	No charge	10 years		Unable to move	Nguyen thi Vang	Kien Hoa.
36. Phan Thl Bach, Tuyet, HS, W.		Thu Du	No judgment		1144	No family contact		
37. Le van Hoa, HS	September 1968		3 years	2 years, 8 months.		do	Huynh Tin Phuong	101 ap Trung 8, Phu Tho Hoa.
38. Nguyen Thi Loan, HS, W	Dec. 20, 1967	Tan Hiep	do	3 years, 6 months.		No family contact, no visits, or gifts.	Nguyen thi A	20F/1 ap Trung I., Phu Nhuan.
39. Nguyen Van Toan, HS, Petrus Ky.	May 1966	Con Dao	4 years	5 years	A. 619	Very weak, acute TB	Nguyen van Chuan	12 duong 23, Pham, The Hien, Saigon.
40. Nguyen thi Man, HS, W	April 1968	Con Son	1 year surveillance.	3 years		No family contact	Luong thi Dinh	
41. Huynh Thi Kien Thu, HS, W.	May 1969	Thu Duc	10 years	2 years	2113/CTTA	Arms and legs paralyzed, mental.	Huynh Thi Mien	118/63 Hung Vuong, Thi Nghe.
42. Nguyen Ngoc Anh, HS, Bo De.	1968	Con Dao	5 years	3 years	778/CTTA	No family contact	Nguyen thi Hai	505/3 Petrus Ky., Saigon
43. Ha Duy Hung, UV	April 1969	do	3 years	2 years	A. 0919	No family contact, no visits or gifts.	Vu thi Suu	513 Le Van Duyet, Saigon.
44. Mac Nhu Dau, HS, Cuong De QN.	September 1969	do	2 years	Almost 2 years	13511/HC	No family contact	Mac Nhu Ba	12 Pham Hong Thai, Qui Nhon.
45. Vo Van Sau, HS	December	do	10 years	3½ years		do	Phan thi Nhi	46/4 Long Hung, My Tho.
46. Phan Van Son, HS, Mac Dinh Chi.								
47. Nguyen Van Phuc, HS, Cao Thang.	May 1970	Chi Hoa	5 years	1 year	2257/MTLD	Ill and weak	Ha thi Loc	18 Ton that Thuyet, Saigon.
48. Nguyen Sinh, HS, Quang Nam.	June 1969	Tan Hiep	No charge	2 years	12929	Very weak	Nguyen Nhiem	80 Nguyen thei Hoc, DN.
49. Cao Thi Ngoc Rot, HS, Gia Long, W.	1969	do	do	do		Ill and weak	Vo thi Ty	493/55ter, Le Van Duyet, Saigon.
50. Huynh Thi MinhNguyet, HS, W	1969	do	do	do	do	do	Huynh thi Hoa	148bis De Tham. Saigon,
51. Hang He Quyen, HS	June 1968	Con Dao	do	3 years	960/HC	No family contact, no visits or gifts.	Hang He Phuong	14H/9 Do Van Suu, Saigon.
52. Nguyen Cong Thanh, HS	March 1965	Tan Hiep	Surveillance	6 years	20825/HC	Mental case, very weak	Nguyen Cong Nguyen.	169 Nguyen Thong noi dai, Saigon.

Footnotes at end of table.

LIST OF STUDENTS, TEACHERS, JOURNALISTS ARRESTED BY THE SOUTH VIETNAMESE GOVERNMENT—Continued

[Note: UV—University student; HS—High school student; W—Woman; Van hanh—Buddhist University]

Name	Date of arrest	Prison	Sentence	Served	Prison No.	Conditions	Parents or relatives	Contact address
53. Vo Ai Dan, HS	1969	Con Dao	No charge	2 years	12305/HC	Very weak	Nguyen thi Hoang	Thanh Phu, Bien Hoa.
54. Phan Tan Minh, HS	July 1968	Tan Hiep	1 year	3 years		Weak		
55. Trinh Minh Bach	August 1968	Con Dao	2 years	Almost 3 years	19202/A	No family contact	Trinh Kim Ngoc	25/27 Bui Chu.
56. Huynh Van Yen, HS	1964	do	3 years	7 years		Unable to move	Huynh thi Ngung	137/70 Ben Van Don. Saigon.
57. Do Trong Hieu, UV	November 1968	Tan Hiep	1 year	2 years, 6 months.				
58. Trinh Cong Ly, UV	do	do	do	2½ years				
59. Le Dinh Tham, UV, Science.	May 1968	Con Dao	5 years	3 years			Le Dinh Bon	441/27 Phan Dinh, Phung, Saigon.
60. Pham Van Nhon, journalist.	December 1968.	do	do	2½ years	A. 0170	No family contact	Pham Thi Nhien	90/26 Hoanh Hoa, Tham, Gia Dinh.
61. Dang Thien, UV, Van Hanh.	1968	do	7 years	3 years				
62. Ho Hung Van, UV, law	September 1968.	Con Son	5 years	do		Very weak		
63. Vu Ngoc Dinh, UV, Van Hanh.	May 1968	do	18 months surveillence.	do				
64. Nguyen Nho Thuong, UV, Van Hanh.	1968	Chi Hoa	2 years	do		Very weak		
65. Nguyen Van Chin, UV, law.	do	Con Son	7 years	do		No family contact		
66. Pham Sang, UV, science.	do	do	5 years	do		do		
67. Do Duc, UV, science	do	do	2 years	do		do		
68. Le thi Kim Hanh, HS, Pleiku, W.	1969	Nha Trang	No judgment	2 years				Pleiku.
69. Le Thi Thu Huong, HS, Pleiku, W.	do	do	do	do			Le thi Hin	Do.
70. Hoa Vinh Quang, HS, Vo truong Toan.		Con Dao	20 years		19227	No family contact	Hoa Thi On	174/15 Luc Tinh, Cholon.
71. Nguyen Boa Son, UV, Van Hanh.	August 1969	Chi Hoa	1 year	2 years	2247/MTLD	TB	Nguyen Kim Toan	120/25 Ton That Thuyet, Cholon.
72. Le Van Khoa, HS	September	do	3 years	2½ years		No family contact	Huynh Thi Phuong	161 ap trung 3, Phu tho Hoa, GD.
73. Hoang Manh Tien	August 1969	Tan Hiep	1 year	Almost 2 years		Ill and weak	Vu Thi Dan	9/2 Ly thai To, Dalat.
74. Nguyen thi Cam, Huong, W.	March 1970	do	No charge	1 year, 3 months.	17 33/HC	do	Lam thi Quoi	157/146 ben Ba Dinh, Cholon.
75. Le thi Ngoc Trang, HS, W.	1967	Thu Duc	7 years	4 years		do	Nguyen thi Hai	38/140 Nguyen Kim, Cholon.
76. Nguyen Hong Son, UV, Van Hanh.	1968	Con Dao	5 years	3 years		Ill and weak, no family contact, no visits or gifts.	Nguyen Kim Toan	120/25 Ton That Thuyet, Cholon.
77. Huynh Cong Truc, HS	1959	do	20 years	12 years	C. 0972	Stomach trouble, TB		35 Nguyen Dinh, Chieu Phu Nhuan.
78. Le Van Nghiem	1958	do	do	13 years	C. 15107	Liver trouble, paralysis.	Le thi The	Binh Hung Hoa, Tan Binh, Gia Dinh.

Note: Total number of students, journalists, professors now in prison about whom we have some information, 78.

EXTENSION OF THE MANPOWER DEVELOPMENT AND TRAINING ACT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1972

Mr. QUIE. Mr. Speaker, the action of the House of Representatives in agreeing to the conference report on S. 3054 to extend the Manpower Development Act for 1 year will enable this valuable program to continue in operation while Congress continues its consideration of comprehensive manpower reform, now before the Education and Labor Committee.

During the 10 years since its enactment in 1962, MDTA has enabled many thousands of Americans to obtain the training or retraining necessary to find a job and become self-supporting. MDTA expanded during the 1960's with effective bipartisan support in the Congress from $70 million in fiscal year 1963 to a current funding level for fiscal year 1972 of $750 million.

Paralleling the growth of MDTA has been the development of additional programs created to meet the needs of special groups experiencing difficulties finding jobs. The Neighborhood Youth Corps and the Job Corps were set in motion under the Economic Opportunity Act to assist young people. Operation Mainstream to provide work opportunities for older Americans was also added to EOA.

As we all know, in the summer of 1971 the Emergency Employment Act was passed to provide public service job opportunities for those in need of work.

Inevitably this diversity of manpower programs has led to a measure of duplication and overlap, and it was to unify all training programs under a single statute that President Nixon proposed the Manpower Revenue Sharing Act, designed to unify and coordinate Federal training efforts.

The Select Labor Subcommittee has held extensive and thorough hearings on the President's manpower proposal and recently completed these hearings. I have every hope and expectancy that manpower legislation will appear from the Education and Labor Committee in time for floor consideration during this session.

Extension of MDTA for 1 year will provide a valuable period of time during which the Congress can work toward enactment of a new comprehensive manpower act, as proposed by the President.

ON BUSING

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. MIKVA. Mr. Speaker, the question of schoolbusing has generated a furor of confusion and fear and antagonism in this country. None of it is necessary. Busing is an important issue, and it is a complex issue—one that does not lend itself to simple "yes" or "no" answers. The question demands analysis and reasoned discussion. There can be neither in an atmosphere charged with emotion and fear.

No one used to be appalled by the sight of yellow schoolbuses. Two out of every five public school students ride buses and, of that number, less than 3 percent are riding them under court order to achieve desegregation. Busing is neither the cause nor the solution of the problems of education in America. With busing or without busing, there still is a monumental crisis in our schools, and it would be tragic if the rhetoric of busing distracted the country's attention from the desperate need to improve the quality of education for all of our children.

I am opposed to a constitutional amendment prohibiting busing, and I am opposed to the President's proposal for a moratorium on busing decisions by the courts.

The courts should have the option of using busing to protect the rights of schoolchildren in communities where the schools are still segregated by law. More than 16 years ago, the Supreme Court declared the principle of "separate but equal" school systems unconstitutional. This is not the time to take a step backward in civil rights. Busing is one way, and only one way, of guaranteeing constitutional rights.

Congress has no business telling local communities how to run their schools. If a community wants to bus its children, it should be able to do it. Congress has no power, under our system, to tell the courts how to interpret the Constitution—yet the proposed "moratorium" legislation would do precisely that. The President's proposal may well be unconstitutional. A constitutional amendment to prohibit busing would demean and cheapen the Constitution. The Constitution is an eloquent summary of the fundamental principles that guide this Nation, and it was not written to serve the purposes of every political faction that opposes a particular series of judicial decisions. None of us agrees with every decision made by the courts, including the Supreme Court, but that does not mean we should use the constitutional amending process to overturn their decisions.

Local school districts should have the option of using busing to improve educational opportunities for children. Some communities—like Evanston, where I live—bus children so they will get a better education. By and large, it works. Studies have shown that their abilities in reading and other areas have improved in the new schools, the integrated schools, without adversely affecting the education of students who are not bused to the schools.

I would favor legislation similar to the Scott-Mansfield proposal in the Senate that sets outer limits on the time and distances involved in schoolbusing. I would also favor legislation that would prohibit busing students from a good school to an inferior school. No one wants that kind of busing—it is counterproductive—and no one seriously has suggested that kind of busing. Unfortunately, some of the opponents of busing are trying to imply this will happen unless there is a constitutional amendment to prohibit busing. They are appealing to our worst fears, and we should reject such appeals. We deserve better. Our children deserve better.

This country's goal must be quality education for all of our children. In some cases—and only in some cases—busing can help achieve that goal. There are other ways of reaching the goal—in the long run, better ways. To begin with, we have to increase Federal aid to education to improve our schools without increasing the burden of property taxes. I have proposed legislation, the Fair School Funding Act of 1972, which offers a new approach in this area.

Nothing is more important that insuring the best education possible for our children. The future of the United States rests with them, and it would be the cruelest disservice to them and to this country's future, if we let the furor over schoolbusing distract us from achieving quality education. Education must become this country's first priority. It must take precedence over fighting a war in Southeast Asia or developing a Space Shuttle—or trying to "buy" votes with an outright condemnation of busing.

Millions of words have been written and spoken about the busing question. There has been no want of editorial comment. One of the most perceptive and lucid discussions of busing was presented recently on WMAQ–TV–NBC in Chicago. In a three-part series on busing, the station examined "the most emotional political issue in this country today."

I commend the series to my colleagues. A transcript of the editorial broadcasts follows:

Editorial—Busing Issue by Station WMAQ–TV

These big yellow vehicles are symbolic of the most emotional political issue in this country today: Busing.

This is the first of three editorials we'll present on busing. No one used to be appalled by the sight of buses. They are practical. Most Americans have ridden them at one time or another with no harmful effects. For many youngsters, the bus ride is the social event of the day.

But, busing becomes an issue when it is used to promote racial integration. Most Americans say they favor integration, but, busing is very unpopular. The vote in Florida show that; 74 per cent of the people favored an unbelievably extreme measure, a constitutional amendment to outlaw racial busing.

The reason for all this, in one word, is fear. If you believe all the terrible things being said about busing, you're sure to be afraid of it. We're convinced that a lot of this fear is being spread by dishonest people. And, unfortunately, too few of the responsible leaders in this country are willing to expose the outright lies about busing.

President Nixon's attempts to exploit the busing issue contribute to the national misunderstanding. Even many liberals and moderates are hopping on the bandwagon. With this political climate in an election year, congress is expected to do something to satisfy the anti-busing mood.

Amid this hysteria, we want to make one important point: Busing is not a simple issue. Busing programs have run smoothly in parts of this country for five or six years, helping black students and increasing racial understanding. The students—black and white—have no objection to busing. But, some forms of busing, like the 40-mile trips envisioned by the propagandists of fear, could indeed be unwise.

As intelligent people, let us not be conned into accepting the myths and scare tactics. Busing is not really a threat to the American way of life, as we'll discuss in our next editorial.

(This editorial was broadcast at various times on March 18, 19 and 20, 1972).

Editorial—Busing Issue by Station WMAQ–TV

This is the second of three editorials we are presenting on the busing issue.

Here in the city of Evanston, 450 black pupils ride school buses to predominately white areas. Busing is just one part of the community's total school integration program that was started five years ago. The most important step was the change school boundary lines to put blacks and whites in the same districts.

There's evidence this modest busing program has been successful. It has not worked any miracles, but in Evanston, as in other communities, tests show that black students who are bused to integrated schools learn more than the blacks who stay in segregated classrooms. And, it doesn't hurt the white students.

Evanston is not unique as a city with community support for school integration. In 1966, Hartford, Connecticut began sending black youngsters out to suburbs that agreed to accept them. By the fourth grade, the children who ride the buses are reading at a level nine months ahead of black students who stayed in the city. This project now involves four major cities and 27 suburbs in Connecticut.

Berkeley, California started a busing program four years ago. Some critics said white parents would pull their children out of the public schools and that teachers would leave, too. These things have not happened.

These cases are examples of voluntary busing. When forced busing is imposed on a community, there can be some hazards. Five years ago, Federal Judge Julius Hoffman ordered desegregation of the school district serving the Chicago suburbs of South Holland and Phoenix. Now, black students from Phoenix are bused to the district's elementary schools, which are in South Holland. The junior high schools are in Phoenix, so the whites get there on buses.

The black students are profiting educationally from this program. But, some white parents transfer their children to private schools after the fifth grade so they don't have to travel into black neighborhoods.

The busing programs we have cited have all helped stimulate the learning of black pupils. Youngsters attending integrated schools are not concerned about the skin color of their friends. Whatever opposition there is comes from the parents.

When you consider these actual cases, busing does not seem very terrifying. But it is no cure-all. It has some disturbing aspects, which we'll discuss tomorrow

(The editorial was broadcast at various times on March 21, 1972).

Editorial—Busing Issue by Station WMAQ–TV

This is the final editorial in our series on busing.

We've said that some busing programs have successfully achieved racial integration with no ill effects. In fact, if you leave the decision up to the youngsters involved, chances are they'd vote for busing because they enjoy it.

But, not all kinds of busing are desirable. This busing concept, potentially, has some serious drawbacks. That's why there is so much fear of busing in areas like Chicago's suburbs.

We appreciate why families who have worked hard to afford homes in suburbs with fine schools don't want their children taken back into the city to attend substandard Chicago schools. This isn't a racist fear. Parents just don't want their children to get an inferior education for any reason. We totally agree with them on that.

But, we're not sure there's any real threat of massive, widespread busing. Nothing like that is planned for the Chicago area. The real problem in many people's minds may be the decision by a federal judge in Virginia. He told Richmond and its suburbs to merge their separate school systems into one. If that order is upheld, students will be bused across city and county lines. It's important to realize, though, that the judge made this decision only after finding that the Richmond schools were segregated intentionally and that the black schools are clearly inferior.

Even so, the U.S. Supreme Court may not want to let things go quite that far. It has said busing can be required in some cases—but only when it is reasonable and when it does not place an undue burden on school children.

This busing question gets so emotional that it diverts attention from something more important: our committment in this country to provide a decent education for everyone on an equal basis. Equal means unsegregated. The Supreme Court said that in 1954, and studies have shown that black children, at least, learn better in integrated schools. So some busing may be necessary within cities like Chicago where housing patterns maintain racial segregation.

But, our commitment to quality education is not going to be helped by busing any children from good schools to bad ones. Not even the most busing-happy judge will disagree with that. That's why we believe a lot of the fears about busing are unjustified. We should be more concerned about how well our children are educated and less concerned about how they get to school.

(This editorial was broadcast at various times on March 22, 1972).

ENVIRONMENTAL LEGISLATION

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. SYMINGTON. Mr. Speaker, in the wake of the water pollution bill's passage and in light of the defeat of most amendments which would have strengthened that bill, it may be time to reassess the environmental efforts of those of us in Congress. For if the 1970's are to be the years in which Americans end their misuse of resources, the Members of Congress should lead this most highly industrialized, consumption-oriented Nation in the fight against pollution.

Toward this end, I supported the Dingell-Reuss-Saylor effort to strengthen the water pollution measure. In April, I sponsored a water hygiene bill identical to the one introduced by most members of our Public Health and Environment Subcommittee. Under the able leadership of PAUL ROGERS, the subcommittee will shortly act on water hygiene legislation. I cosponsored H.R. 808, H.R. 7846, and H.R. 6722 which provided additional money for water treatment plants and regulated dumping into coastal waters, lakes, and rivers. Fortunately, these bills were incorporated in the legislation which recently passed the House. In terms of congressional reorganization for the environment, I cosponsored House Resolution 64 and H.R. 387 which would set up a committee devoted to environmental legislation. Pollution is now a worldwide problem, for the earth is a single ecosystem. As chairman of the Subcommittee on Cooperation in Space and Science, I am very aware of the international aspects of pollution.

For these reasons, I cosponsored H.R. 13116 to promote the U.N.'s environmental programs and the National Commission on Trade and Environment. We may also note that existing tax, contract, and land use laws can be utilized to protect the environment. In this regard, I cosponsored H.R. 10446 which would compel those having contracts with the Government to adhere to environmental laws and agency protective regulations. Moreover, I joined in sponsorship of H.R. 2382 to allow tax incentives to indivduals and companies of certain sizes involved in the collection and recycling of abandoned automobiles.

Another key component of our ecological system is wildlife. To conserve this element, I cosponsored H.R. 10016 which became Public Law 92–195 and protects wild horses and burros. I also was a cosponsor of H.R. 6801, the Ocean Mammal Protection Act that would end the slaughter of baby seals and protect dolphins from harm; earlier, I had supported H.R. 77 for this same purpose. There is a particular geographic area is need of protection. It is Alaska, our last frontier. I cosponsored H.R. 7039, now Public Law 92–203, the Alaska Native Claims Settlement Act and I signed a congressional petition to the White House urging full and open review of the oil pipeline controversy. I also supported H.R. 13885 to create a commission to monitor timber cutting in Alaska and the other States.

Finally, I was one of the cosponsors of H.R. 11021, the Noise Pollution Control Act which has already passed the House and is moving toward final action in the Senate. In sum, I have been a part of a good many legislative attempts to save the environment. In the end, however, legislation alone will not preserve our ecology. Often, legislation cannot rectify past ecological damage. Individuals and groups, acting independent of Government can accomplish a great deal in cleaning up the areas in which they reside. I would feel legislative and nongovernmental efforts are needed to preserve our limited resources.

LABOR AND MANAGEMENT BOTH HAVE A STAKE IN THE FUTURE OF FREE ENTERPRISE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. KEMP. Mr. Speaker, we are going to have to work together—business, labor, and Government—to increase our productivity, wind down the inflationary spiral and revitalize the competitive spirit that changed America from a small backward agricultural Nation to the world's foremost economic and industrial power.

The column "Outlook" written by John O'Riley, in today's issue of the Wall Street Journal points out that labor and management—all people in America—have a vital stake in the future of a healthy private enterprise system. I include the article at this point:

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Every election year brings such ringing oratory referring to, on the one hand, "big business," and, on the other, "the working man." Somehow or another, the two supposedly represent enemy camps. But do they? As the quadrennial business-vs-working man crescendo mounts in the months ahead, the question may well be pondered. The record suggests that the welfare of business and the welfare of the people on the payroll are almost one and the same thing. And to the extent that they can be separated—letting dividend income represent "business"—the rewards of business are small, and growing relatively smaller year by year.

As good a definition as any of a big business is just a big payroll—and a generator of other payrolls. When, out of all the money it takes in, you take out what it pays its employes and what it pays for things it has to buy (thus providing payrolls for its suppliers), there just isn't much left to it.

Take, for example, the biggest business of them all—the General Motors Corporation. Here are some highlights from its recently released annual report for 1971, showing all the money General Motors took in—and where the money went. Dollar figures represent millions.

GM received	$28,328
This Revenue Went	
To suppliers	13,512
To employes	9,448
For taxes	2,560
For depreciation, obsolescence	873
To GM stockholders	985
For expanding, modernizing, etc	950

The tax collectors alone got more than two and a half times as much of the GM money as went to stockholders. And the employes received just a whisker under ten times as much as the stockholders—who got only a tiny 3.5% slice of the pie. On a dollars-and-cents basis, the people on the payroll thus have ten times as much at stake in the corporation's welfare as those who receive the stock dividends.

The image of the U.S. as a land of individual private enterprisers has lost much of its underpinning. The populace today is overwhelmingly one of paycheck-drawers. All told there are 78 million non-farm people employed in the country. And 72 million of them are on payrolls. All the doctors, lawyers, owners of private businesses, and so on, together only add up to about six million.

If you look inside the total personal income figures of some 40-odd years ago in pre-depression 1929, you find that the wage-and-salary income was only eight times the income received in dividends. Today it is 23 times as great as the dividend income. And the trend continues.

The table below, running back to the mid-1960s, shows the recent year-by-year record on (1) personal income received as wages and salaries and (2) personal income accounted for by dividends. Dollar figures, compiled by the Department of Commerce, represent billions. The 1972 figures are annual rates.

Year	Wages and salaries	Dividends
1965	$358.9	$19.8
1966	394.5	20.8
1967	423.1	21.4
1968	464.9	23.6
1969	509.6	24.4
1970	541.4	25.0
1971	574.2	25.5
72 (February)	605.8	25.9

What the growth in the two columns, since 1965, adds up to is:

Dividend income: Up 30%.

Wage-salary income: Up 60%.

The comparisons between the early 1972 rates and those for all of last year show: dividend income up 1.5%, and wage-salary income up 5.5%.

Nor does the paycheck tell the full story of the working man's stake in the revenues of his company. In recent years, to an ever increasing degree, he has received a "hidden income" in the form of so-called fringe benefits. Covering many of the high cost of living aspects of life, they have long-since outgrown the "fringe" label.

The anxiety-relieving comforts of "social security" are popularly thought of as coming from the government. Actually, their financing comes for the most part from the employer-businesses for whom most people work. Life insurance, medical insurance, dental insurance, surgical insurance, private pension plans for retirement—all are paid for more and more by the same hand that writes the paycheck. And all, of course, must be paid for by revenues earned in the market place.

The growth of all these hidden income sources can not be chronicled here, but a few figures on private pension funds will serve to show the trend. Relatively new as history goes, these private pension plans are in some cases marred by inequity, but their growth is huge. The table below (Securities and Exchange Commission figures) shows book value assets of all private pension funds over the past decade. Dollar totals represent billions.

Year:	*Value*
1961	$57.8
1962	63.5
1963	69.9
1964	77.7
1965	86.5
1966	95.6
1967	106.3
1968	118.0
1969	128.5
1970	138.2

That's a growth of nearly 140% in just one decade. Total reserves of these funds are some ten times as large as they were as recently as 1950.

Part of the contributions to some private pension funds, of course, is provided by employes themselves, but their relative share of total contributions is shrinking. For all private plans as a whole, dollar contributions of employers outweighed employe contributions five-to-one in 1950. By 1960 the ratio was six-to-one. And the latest tally is above eight-to-one.

A recently reported Labor Department survey found the proportion of plant workers covered by noncontributory (employer-paid) hospitalization plans rose from 48% in 1960 to 66% in 1970. The percentage covered by employer-paid life insurance plans jumped from 50% to 67% over the same period.

Yes, many a punch will land in the "business" eye in this as in all election years. But somewhere along the line, employe-voters may begin to wonder more just whose eye is really being punched.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

UNITED STATES-RUSSIAN OIL TRADE PROPAGANDIZED AGAINST BECAUSE ARABS TOO SOVIET ORIENTED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. RARICK. Mr. Speaker, if we believe the present organized hysteria, our people are threatened with an acute energy crisis. The manipulation, to arrive at such a stage, represents classic development of public opinion by conditioning rather than informing.

In my State of Louisiana, three environmental groups from outside our State filed suit in the Federal courts in Washington, D.C., to block oil and gas leases resulting in the blockage of additional energy sources. Interestingly enough, the bird-watcher groups suggested as an alternative increased oil imports. Similar interference and harassment has been encountered by the various power companies attempting to meet the public's demands by the development of atomic energy facilities.

Now that the oil and energy producers' hands have been tied by the environmentalists' overreaction, the answer might be to resort to oil from Alaska. But, then the Alaska pipeline has been made controversial by the hysteria created by the extremist cries of some ecologists.

Then we have our friends in the Middle East, a dozen or so Arab States, which sit on 70 percent of the world's readily available oil supply, much of which has been discovered and developed by American capital and know-how. But, we are propagandized against expanding oil trade with the Arab States because they are said to be pro-Soviet.

So, we find the U.S. Secretary of Agriculture dispatched to Moscow like a common commission agent to deal with the Soviets—our grain for their oil. The emotional explanation being given is that our administration leader is solving the critical energy crisis for the Americans and the Soviets are solving the feed crisis in that country to improve the diet of the Russian citizens.

Relatively unmentioned is the fact that the grain being sold from the CCC stocks is owned by the American taxpayers. Nor is it widely known that it will be the international grain cartels like Continental and Cargill—not the U.S. farmers—which will reap the harvest in profits. Grain, as oil, is like money. The international bankers seek not only control of the world's currency and credit, but now also the international grain bankers want control over the world's food supply as well as the energy supply.

I include several related news clippings:

[From the Washington Star, Apr. 12, 1972]

U.S. OFFERS SOYBEANS FOR RUSSIAN OIL, GAS

Moscow.—An agreement to sell $200 million worth of American soybeans and grain a year to the Soviet Union may be completed when President Nixon visits Moscow next month, U.S. Secretary of Agriculture Earl Butz indicated today.

Butz said he suggested to Soviet Communist party chief Leonid I. Brezhnev that the Russians deliver Siberian oil and natural gas in payment for the American farm produce.

"I got the impression Mr. Brezhnev would be willing to do this," he told a news conference.

POOR CROP YIELDS

The Russians, plagued with erratic crop yields at home, want a 10-year grain purchase agreement, Butz said. A U.S. trade delegation now in Moscow has pointed out to them U.S. congressional restrictions on foreign credits and offered a three-year pact, he added.

"We are offering at the present time the same credit terms we give to western nations . . . it's the first time we've ever done this here," the secretary said.

The trade delegation led by Clarence D. Palmby is scheduled to end its talks this weekend and would produce no "consummation of sale" at this time, Butz reported. Asked if the grain deal would be announced during Nixon's visit, he smiled and said, "I would think that President Nixon would refine some of the things under discussion."

The deal now under discussion "may well involve annual purchases of $200 million worth of soybeans and coarse grains," Butz said. But this year's sale could be even larger because of Russian's poor winter wheat harvest.

DUST BOWL CONDITIONS

Butz said he had seen dust bowl conditions during a visit to the Crimea this week and the Soviet minister of agriculture, Vladimir V. Matskevich, had spoken to him of the severe killing of winter wheat by frost and inadequate snow cover this year.

At their 90-minute Kremlin meeting yesterday, Butz said, Brezhnev had raised the possibility of Most Favored Nation treatment, meaning the maximum possible tariff concessions, for Soviet exports. This would require congressional action. Several Communist countries have complained that their products cannot compete with western goods in U.S. markets because Washington denies them Most Favored Nation treatment.

Brezhnev also said he wants a "minimum of ceremony and a maximum of substantive discussions" during Nixon's visit, the secretary said. "He indicated he was looking forward to President Nixon's visit . . . and said he would extend every courtesy to him."

[From the Washington Post, Apr. 13, 1972]

BUTZ OFFERS BREZHNEV MASSIVE GRAIN DEAL

(By Murray Seeger)

Moscow, April 12.—The United States has offered a long-term commitment to supply the grain needed to improve the Soviet Union's food supply and suggested it might take Siberian natural gas and oil in payment.

The proposal was made in a highly-unusual 90-minute meeting yesterday evening between Leonid Brezhnev, the Soviet leader, and U.S. Agriculture Secretary Earl Butz accompanied by Ambassador Jacob D. Beam.

It was the first time Brezhnev had received a U.S. official since he replaced Nikita Khrushchev in 1964 as head of the Soviet Communist Party and the nation's most powerful man.

The meeting, held at Communist Party

headquarters, indicated that the Soviet leadership was trying to project a favorable atmosphere for President Nixon's forthcoming visit.

Discussing his meeting with Brezhnev, Butz told a press conference prior to his departure for Washington today that he delivered a personal message from Mr. Nixon to Brezhnev.

Butz said he took back with him a message that Brezhnev was looking forward to meeting with the President and that he hopes their sessions would emphasize business and minimize social functions.

Brezhnev's meeting with Butz also indicated the high priority placed by Soviet leaders on agriculture and trade.

Farm exports have been among the strongest items in American foreign trade for many years. By selling more farm products overseas, the Nixon administration could reduce the big deficit in the U.S. international payments accounts and also improve its standing with farmers in the Middle West where the Republican party suffered setbacks in the 1970 elections.

During his five-day visit here, Butz attended the opening of trade negotiations between U.S. and Soviet agriculture experts, dealing specifically with purchases of U.S. surplus grains and soybeans. Butz said the United States offered for the first time to sell grain to the Soviet Union on three-year credit terms.

Plagued by agricultural failures, the Soviet Union has been forced in the past to buy wheat from Canada and Australia. The Russians are now trying to get low interest rate credits for its grain purchases from the United States, even though they made past purchases on a cash basis.

Butz said he told Brezhnev that U.S. agriculture must "export to live," noting that the United States has 70 million acres of good farm land laying idle. Because of good soil and climate conditions the supply of fodder grains, especially corn and soybeans, "will always be there," Butz added.

U.S. experts now believe that Russia has lost even more winter wheat this year because of bad weather than they estimated earlier. The Soviets have already made a big wheat purchase from Canada to make up for the losses and U.S. officials expect to close a deal of their own in the current talks. The outlines of the agreement may be ready for announcement when Mr. Nixon arrives in Moscow.

In his conversation, Butz said he suggested that the Soviets make a 10-year commitment to buy about $200 million worth of U.S. fodder grains annually. The single 1972 deal is expected to be considerably larger.

The United States has already cleared the way for export this year of more than $135 million worth of feed grains to the Soviet Union, which is hard pressed to grow enough feed for its expanding livestock industry. The Russians grow enough bread grains for their needs.

The Russians want to spread payments over 10 years for their major purchases, but U.S. law allows only three-year credit on farm exports. The United States had not previously offered even these terms to Moscow.

"It is not easy for some living in this society to understand the difficulty of changing a law the United States," Butz said. "One man in the meeting said 'You are the agriculture secretary, why don't you change the law.' "

The secretary said he agreed that trade with the Soviet Union should be a two-way transaction and suggested the United States would be interested in buying gas and oil in the near future.

"In the last half of the 1970s," Butz said, "the United States is going to need new energy sources."

The Soviet Union is rapidly developing huge new oil and gas fields in Siberia and is exporting fuels to Eastern Europe. To develop overseas trade in natural gas, however, would require expensive arrangements for liquifying the product and shipping it in special tankers.

Butz suggested that the United States could depend on oil supplies from the Soviet Union as safely as it depends on oil from the Middle East. He said Brezhnev also promised to provide a list of possible manufactuerd goods the Soviet Union could sell in America.

The Soviets are "credible traders in the world—their credit is good and their performance is good," Butz said.

Butz was highly complimentary of Brezhnev and of the officials who guided him to showplace farms. "I quickly established rapport with him," Butz said. "He is an extremely intelligent and perceptive individual."

[From Parade magazine, Apr. 16, 1972]

MIKE FRIBOURG

Q. Who is Mike Fribourg? I understand he is one American who has more money than J. Paul Getty, Howard Hughes, and all the Rockefellers put together. The source of his wealth, please, and something about him, if you will.—Andrew Levy, Ventura, Calif.

A. Michel Fribourg, 58, born in Antwerp, Belgium, into a distinguished European Jewish family roughly comparable to the Rothschilds, is president and chief owner of Continental Grain Company which is worth somewhere between $2 and $5 billion. Continental last November sold the Soviet Union 900,000 tons of U.S. barley, 2 million tons of U.S. corn, generally handles 25 percent of the world's total grain shipments.

Fribourg, who served in U.S. Army Intelligence in World War II as a private first class, is a sedate, charitable, French-educated-and-reared, renaissance man who resides in New York City, has other residences in Paris, Switerland, Connecticut, the French Riviera. His first wife died about 20 years ago. He later married the former Mary Ann Steinweg, daughter of a New York physician. Fribourg has fathered five children, three sons and two daughters. His oldest son, Robert, attends Eisenhower College in Seneca Falls, N.Y. Fribourg is an extremely private individual who, until a recent interview with Business Week, stayed clear of the public press.

[From the Washington Star, Apr. 12, 1972]

ACTION TO AVOID DEPENDING ON IMPORTED FUELS IS URGED

The director of the Office of Emergency Preparedness, George L. Lincoln, says the United States is in the midst of a sobering energy revolution and inevitably faces the hazards of at least some dependence on foreign sources.

Lincoln said yesterday it would be a serious error to take the cheapest solution and import fuels to meet sudden at-home shortages rather than to begin the admittedly costly investment in new domestic energy.

"We have to recognize that absolute energy security is no longer possible in the foreseeable future," Lincoln said, "and that we have to accept some degree of hazard while arranging to avoid a situation which could be crippling."

Lincoln testified before the House Interior Committee, which is studying U.S. energy problems.

"Energy change is here now, leading us to short-run and mid-term actions which could, however, mortgage or even foreclose the longer-term national-security future," Lincoln said.

Barry J. Shillito, assistant secretary of Defense, predicted 10 to 15 years of increasing dependence on fuel imports from insecure areas of the world and after that the possibility that even these sources will be inadequate.

"During the second phase only our best efforts, begun now, offer hope of alleviating energy problems," Shillito said.

Lincoln said that since the oil-import situation was studied three years ago by a Cabinet task force there have been several unexpected developments:

A massive upward shift in energy consumption wasn't foreseen then, but now it is projected that by 1975 there will be a gap of 3 billion barrels per day between oil supply and demand.

Environmental complaints about the Alaska pipeline and offshore drilling were not anticipated; nor was a drop in the use of coal, which further taxes oil and gas reserves.

Most dramatic, Lincoln said, is that no one envisioned "the effective international cartelization on the part of the oil-producing countries" which has boosted world crude-oil prices one-third higher than the task force predicted and increased the likelihood of some concerted action against oil-dependent countries like the United States.

[From the Christian Science Monitor, Apr. 14, 1972]

U.S. CORN LOOKS GOOD TO SOVIETS

(By Charlotte Saikowski)

MOSCOW.—American corn is making headway.

It may even be a topic of conversation when President Nixon meets with Soviet leaders in May.

U.S. Secretary of Agriculture Earl Butz, who has just completed a five-day visit here, says that Soviet-American farm talks now under way could result in long-term American feed-grain and soybean sales amounting to $200 million a year or more.

The talks are described as exploratory at this stage, but they clearly are part of the preparation for the summit visit and announcement of an agreement while Mr. Nixon is here.

In a clear gesture to the President, party leader Leonid I. Brezhnev himself saw Mr. Butz this week.

This is the first time the burly Soviet leader has received an American official since he came to power. (U.S. Communist Party leaders are the only other Americans who have met with him in this time.)

Mr. Butz described his unusual talk with Mr. Brezhnev as a "frank, warm, and open discussion of some of the problems involved in expanding trade between our two countries."

Disclosing he had a message from him for the President, the American secretary would not go into the contents. But he said Mr. Brezhnev indicated he looked forward to Mr. Nixon's visit and would extend every courtesy to him and provide transportation to whatever place he wanted to visit.

The head of the Politburo also said he wanted a "minimum of ceremony" and a "maximum of substantive discussion" during the summit, Mr. Butz told newsmen before his departure Wednesday.

The Russians' keen interest in American feed grains is motivated by the urgency of realizing their ambitious five-year plan for boosting livestock production in order to improve the Soviet people's diet. So far, the plan is not off to a good start.

The harvest of grain and other crops in 1971, first year of the plan, was less than the previous year. Because of a shortage of fodder, Soviet farmers continued to feed large quantities of wheat to livestock, and this reduced bread-grain reserves.

Adding to the Kremlin's concern is the gloomy outlook for this year's harvest because of heavy damage to the winter grain crop. And, aside from rising domestic needs, the nation has large grain-export commitments to East European and other countries.

It is against the background of such difficulties that the Soviet Union says it now is prepared to import feed grains for many years to come. Last year it already made substantial purchases, including some 3.5 million tons from the United States in a one-shot cash deal. (Only once before, in 1964, has it imported American grain.)

PAYMENT TERMS A PROBLEM

An accord for regular purchases of U.S. grain poses obstacles, however.

Any long-term agreement—and the Russians indicate they are thinking in terms of 10 years—would require either credit (now limited to three years under U.S. law) or the export of Soviet commodities, such as raw materials, to the United States in return.

Mr. Butz said the American side is realistic enough to know such a big agreement is not possible "unless the Russians sell something to the United States."

Hence the importance of the general trade talks now being conducted between the two sides. Under discussion, among other things, is a joint venture for the delivery of vast quantities of Soviet natural gas to the Eastern United States (a commodity the Americans are interested in because of mounting power requirements).

COARSE GRAINS NEEDED

What the Russians want to buy in the agricultural field are coarse grains, including corn, as well as soybeans. The latter would provide cooking oil as well as protein for livestock feed.

Regular grain sales would also benefit American farmers, of course. And there is no doubt that U.S. economic considerations have been a factor in the Nixon administration's moves to liberalize trade.

Washington, for instance, has lifted the U.S. regulation that required 50 percent of all exports to be shipped in American vessels.

The Russians still view the absence of most-favored-nation treatment for Soviet imports as well as restrictions on credit as impediments to an expansion of trade. But, judging from the optimism conveyed by Mr. Butz, the desires of both sides to do business will surmount them.

[From the Washington Post, Dec. 5, 1971]

THREE GROUPS SUE TO BLOCK SALE OF GAS AND OIL LEASES OFF LOUISIANA

Three environment groups have filed suit to block the Interior Department's Dec. 21 sale of oil and gas leases on the outer continental shelf off Louisiana.

The Natural Resources Defense Council, Friends of the Earth, and the Sierra Club filed suit Wednesday in U.S. District Court here, contending the Interior Department's environmental impact statement on the planned sale was inadequate.

The groups said the statement does not discuss adequately the possible alternatives to further offshore leasing, such as increased oil imports or an end to the prorationing system by which Texas and Louisiana limit their oil production.

Secretary of the Interior Rogers C. B. Morton expressed surprise at the suit.

A spokesman quoted Morton on Friday as saying: "We gave very serious and intensive study to alternatives and we believe we fully complied with the letter and the spirit of the National Environmental Policy Act, which requires the preparation of environmental statements.

"Further, for good environmental reasons, we deleted eight tracts from the sale and attached special stipulations to 16 of the remaining tracts that are being offered for lease.

"We anticipate the sale will alleviate the critical and increasing energy shortage in keeping with the President's energy message to the Congress on June 4."

The department spokesman said Interior's environmental impact statement said discussion of oil import policy or other energy sources was beyond its scope. It did not mention the Louisiana and Texas prorationing systems.

The department was planning to hold bidding on 78 offshore tracts on Dec. 21 in New Orleans. Eight tracts originally proposed for leasing were withdrawn because of their proximity to waterfowl sanctuaries.

The environment groups requested, in their suit, a declaratory judgment that Interior failed to comply with the legal prescription for environmental statements.

They also asked for a preliminary injunction to prevent the lease sale until the department is judged to have complied with the law.

[From the Washington Post, Apr. 5, 1972]

BUTZ TO HOLD MOSCOW TALKS ON GRAIN

(By Elsie Carper)

Secretary of Agriculture Earl Butz will open talks in Moscow Monday on the sale of surplus U.S. grains and feedstuffs to the Soviet Union, the White House announced yesterday.

Butz, who will be returning the visit here last December of Soviet Agriculture Administrator V. V. Matskevich, will be in the Soviet Union from April 8 to 12.

Deputy White House Press Secretary Gerald L. Warren said Butz also will continue discussions that began here with Matskevich on ways to improve livestock and poultry production to improve the diet of the Soviet people.

While in the Soviet Union, Butz will take the opportunity to open talks on the sale of the grains and feedstuffs, Warren said. The negotiations will be carried on by Assistant Secretary of Agriculture Clarence D. Palmby.

Two U.S. firms, Continental and Cargill, sold 3 million tons of corn and feed grains to the Soviet Union for $135 million last November. It was the first major sale to the Soviets in eight years and followed presidential action in removing a requirement that 50 per cent of grains be carried in U.S. ships.

The Soviet Union has been trying to upgrade the protein diet of its citizens by producing more cattle, hogs and poultry. While the Soviet Union grows feed grain, it cannot produce enough to improve the diet because of climate, political or ideological, the Agriculture Department said.

The talks will cover both private and publicly held stocks of grains.

This country has a surplus of grains resulting from overproduction. In 1970, the corn blight wiped out 15 per cent of the crop. Fearing a repetition, farmers planted heavily in 1971, expecting 15 per cent of the current crop to be destroyed. When the blight did not spread, the farmers ended up with a record production. There are indications of another bumper crop this year, the Agriculture Department has reported.

The Nixon administration has tightened 1972 crop subsidy programs by requiring farmers to take a larger acreage from production of key crops.

Farm exports during the year ended last June 30 set a record value of $7.8 billion. Barring dock strikes this spring, the current year's value could set another record.

LYNN CITY COUNCILORS SPEAK OUT ON AMERICAN INVOLVEMENT IN THE VIETNAM WAR

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HARRINGTON. Mr. Speaker, the evidence that the American people want an immediate end to our direct and indirect military involvement in the senseless and cruel war in Indochina grows daily. As an indication of that sentiment, I wish to insert here a letter from the city council of the city of Lynn, the largest city in my district. This letter, passed unanimously by the members of the council, represents, I am certain, not just the feelings of the councilors themselves, but of the people they represent.

I commend the city councilors of Lynn for speaking out on this matter; I wish more elected officials would follow their lead; and I wish most of all that the President of the United States would begin to listen to them, and the millions and millions of Americans who agree with them.

The letter follows:

CITY COUNCIL,
Lynn, Mass., April 12, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: The Lynn City Council adopted an Order at their meeting of April 11, 1972 that a letter be sent to you requesting that you end American involvement in the Vietnamese War on the land and in the air and that the Vietnamese be allowed to determine their own destiny.

Your consideration of this request will be appreciated by the Lynn City Council.

Respectfully yours,
JOSEPH F. MARTIN,
City Clerk and Clerk of the City Council.

RACIAL DISCRIMINATION FOSTERED BY STATE HIGHWAY PATROLS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. CLAY. Mr. Speaker, it is obvious to even the most casual observer that the Federal Government is supporting racist institutions with taxpayers money even though these institutions are in violation of the law. Perhaps the most flagrant case is that of the State highway patrols.

Forty-nine States of the Union have highway patrols. Those States employ 40,000 State policemen. For some strange bigoted reason though, only 250 are black and approximately 450 officers are from other minorities. The State of California has 174 from other minorities and Oklahoma has about 102 Indians.

But, Mr. Speaker, there are 10 States that have no black troopers and only five States have as many as 10 black troopers. This kind of racial exclusion is not confined solely to the South. Among those States with no black troopers are Idaho, Iowa, Massachusetts, Nebraska, South Dakota, Vermont, and Wyoming. In addition, 10 States have only one black officer each. They are Delaware, Florida, Georgia, Minnesota, Oregon, Rhode Island, Utah, Virginia, West Virginia, and Wisconsin.

Mr. Speaker, Michigan has 1,704 troopers, but only six are black. New York has 3,275, but only eight are black. Ohio has 1,077 and only six are black. In my own

State of Missouri, there are 733 of which only two are black.

Mr. Speaker, the problem is most serious. The Missouri State NAACP, recently passed a resolution focusing on this matter. The resolution calls upon the Governor of Missouri to eliminate these inequities by immediately issuing a directive to fill the existing vacancies with blacks and setting up an affirmative action program to conform with Federal affirmative action programs that are policed to include blacks in every area and insure fair hiring practices and upgrading procedures.

I bring this resolution to the attention of my colleagues:

RESOLUTION—MISSOURI HIGHWAY PATROL

Whereas, the Missouri Highway Patrol was created by the Fifty-sixth General Assembly of Missouri in 1931 to serve and protect the citizens of Missouri; and

Whereas, since its inception it has consistently discriminated against black Missourians in its treatment and hiring policies; and

Whereas, the Patrol hires more than 1,300 persons in the nine Highway Patrol districts and only two patrolmen are black; and

Whereas, black Missourians have shared in the developments and accomplishments of Missouri; and

Whereas, from time to time the Missouri Highway Patrol is the recipient of federal funds, and the superintendent, the thirteen departmental chiefs and nine district captains are white; and

Whereas, Title Seven of the 1968 Civil Rights Act and the Missouri Law prohibits discrimination in employment regardless of race; and

Whereas the Missouri State Conference of NAACP Branches has long been a champion for equality for all people of Missouri.

Therefore be it resolved, that the Missouri State Conference of NAACP Branches at its executive session held in Cape Girardeau, Missouri on February 19, 1972 requests Governor Warren E. Hearnes of Missouri to act forthwith to eliminate these inequities in the Missouri Highway Patrol by immediately issuing a directive to fill the existing vacancies with blacks and set-up an affirmative action program to conform with federal affirmative action programs that are policed to include blacks in every area and insure fair hiring practices and up-grading procedures; and

Be it further resolved, that copies of this resolution be directed to the following individuals and agencies for their support:

The National NAACP.

The Missouri Commission on Human Rights.

The Missouri Attorney General's Office.

The U.S. Justice Department.

The Missouri Law Enforcement Assistance Council.

The Federal Law Enforcement Assistance Program.

The Region V Law Enforcement Assistance Council.

The Missouri Senators.

DAUGHTERS OF THE AMERICAN REVOLUTION PAY TRIBUTE TO MRS. EMILY NELSON RITCHIE McLEAN

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BYRON. Mr. Speaker, on April 22, Mrs. Donald Spicer, president general of the Daughters of the American Revolution, Mrs. Jacob W. Vorous, Maryland State Regent, and other officials of the DAR will pay tribute to Mrs. Emily Nelson Ritchie McLean, a native of Frederick, Md., and sixth president general of the DAR.

The tribute to Mrs. McLean will take place in Mount Olivet Cemetery in Frederick where Mrs. McLean is buried. The officers and guests of the DAR will travel by bus from Washington and dedicate a marker at Mrs. McLean's grave. Mrs. Emily Ritchie McLean was one of Frederick's most distinguished citizens who spent her life in Maryland and New York working diligently for civic causes. I would like to join the DAR in their well-deserved tribute to this distinguished lady.

SATURDAY WAS CARL ALBERT DAY IN McALESTER, OKLA.

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. EDMONDSON. Mr. Speaker, spearheaded by the local chapter of the American Federation of Government Employees, CARL ALBERT's hometown of McAlester honored its outstanding favorite son Saturday.

CARL ALBERT, our colleague and our Speaker, holds the highest governmental position ever held by an Oklahoman, and his hometown has every right to be proud. We all know Speaker ALBERT and his work in Washington. But I am convinced that the real key to CARL ALBERT is the close tie he has always maintained with his people at home.

CARL ALBERT has been majority whip, majority leader, and now Speaker of the House, but he has never forgotten that first and foremost he is the Congressman from the Third District of Oklahoma. His record of service to that district should make more than a few of us envious.

To illustrate the way the people at home feel about CARL ALBERT, I insert an editorial from Saturday's McAlester Democrat in the RECORD, along with a compilation of remarks by other southeastern Oklahoma editors from the same paper:

MR. SPEAKER

This is Carl Albert Day in McAlester and we at The Democrat would like to join the American Federation of Government Employees in honoring Oklahoma's favorite son.

The "Little Giant" is a source of special pride to persons in this area and we will never be able to repay him for his many years of service to this area. Carl Albert is a true legend of modern times, but legends don't just happen.

Carl Albert has risen to the highest position of any Oklahoman in history but has retained a great personal feeling for the people of his home district and state. His memory, his intelligence and his forensic abilities have carried him far, but he has never failed to remember his constituents. We could never forget Carl Albert.

House Speaker Albert is a great American, a great Oklahoman and most important, a great friend to persons here. It is this friendship which promoted this special Carl Albert souvenir edition. Thanks for everything Mr. Speaker.

OTHER EDITORS PRAISE ALBERT

(By John Lokey, Johnston County Capitol Democrat)

"Carl Albert is one of the most outstanding and brilliant persons of Southeastern Oklahoma," says John Lokey, editor of the Johnston County Capital-Democrat in Tishomingo.

"We're all mighty proud of him and I don't think the 'eastern establishment' has given him enough credit for the leadership he really has . . . but they'll come around to it."

(By Jim Nicholson, Talihina American)

Talihina American newspaper editor Jim Nicholson says that the people of this area "have the highest esteem for Carl Albert."

"He has been very kind to the people of the Kiamichi and Talihina Valley and has assisted us in many projects," says Nicholson.

He attributed part of his area's feeling for the House Speaker to the Carl Albert Lake which gives rural water service to three different counties.

The highest tribute Nicholson had for Albert was that when people of this area have a problem "they can write a letter to Washington and get a response . . . that's more than can be said for many officials," says Nicholson.

(By Fred Stovall, Latimer County News)

Latimer County News Tribune editor Fred Stovall says that House Speaker Carl Albert "is one of the greatest living Americans of this century," and continued, "he's more than a good statesman . . . he is a fine man."

Stovall says he has known Albert since he first ran for office, "and I've had a friendship with him since that time." Stovall and his paper gave Albert full press coverage recently when the House Speaker was the speaker at the dedication of a public housing project last year.

(By Bob Kidd, Poteau News)

Bob Kidd, editor of the Poteau News, says Carl Albert and his political career "has been of definite value to the state of Oklahoma."

The editor, who calls himself "an opinionated old codger," says he came to his feelings of the House Speaker through his knowing Albert for some 25 years.

"Carl Albert has supported all legislation that pertains to higher education . . . and he is an ardent supporter of library services," says Kidd.

Kidd says that through Albert's influence, "Congress has at times been lenient with funds," which he says is partly responsible for the building of a library in Poteau about five years ago.

(By Gene Nesbit, Hugo Daily News)

Gene Nesbit, news editor of the Hugo Daily News reports that his paper "has a high regard for Carl Albert."

"He certainly has done a tremendous job in numerous ways for the people of our area," says Nesbit.

One of the top items Nesbit says Albert has helped with is the building of the Hugo Dam which will serve the area as a water supply and recreational lake. The project is slated for completion in about another year.

(By Albert (Bud) Rieson, Jr., Ardmore Daily Ardmorite)

"I think Carl Albert is doing a great job for the people of this district," says Albert (Bud) Riesen, Jr., publisher of the Daily Ardmorite at Ardmore.

"I think he's great," he added. "We're certainly happy he holds such a responsible position as Speaker of the U.S. House of Representatives and wish him much luck and continued success."

(By W. D. Little, Ada Evening News)

"Politically, Carl Albert is one of the most powerful men in Oklahoma and the world," says W. D. Little, publisher of the Ada Evening News.

Little says that the House Speaker "symbolizes the frontier story of rising on his own merit and utilizing his inherited talents to the benefit of Oklahoma."

The daily newspaper publisher says that Albert has helped "with a tremendous number" of problems directly and indirectly affecting Ada residents. He cited his "fantastic recall of all he has ever known of any community," and his "uncanny insight into all kinds of problems" as reasons for Albert's success.

"He has the most unusual grasp of any importance in his district or the world at large . . . he's just as much on call by presidents on international problems only indirectly affecting Oklahomans as he is on call in his district," says Little.

FLAGRANT VIOLATION OF INTERNATIONAL LAW

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. DERWINSKI. Mr. Speaker, from a quick review of the wire reports this morning, I find that the perennial critics of our efforts to produce a just and lasting peace in Vietnam are at it again, completely ignoring the fact that the invasion of South Vietnam by the North Vietnamese Communists is a flagrant violation of international law and a callous disregard of the long negotiations which have been conducted in Paris.

The Soviet involvement in this North Vietnamese invasion of South Vietnam is very effectively analyzed in an editorial in the San Diego Union of April 8 which I insert into the RECORD in part to balance the antiadministration items thát have received publicity far out of proportion to their logic.

The editorial follows:

PRELUDE TO SUMMIT: RUSSIA USES HANOI IN POWER BID

The tanks, missiles, artillery and other weapons pouring across the Demilitarized Zone into South Vietnam in the hands of an invading army are on a journey that began half a world away—in the arms factories of the Soviet Union and Communist East Europe. That much is obvious. We are left to conjecture why the Russians have chosen this moment to be so bold and visible in their support of North Vietnam's all-out effort to bring down the Republic of South Vietnam.

As sponsors of India in the December invasion of East Pakistan, the Russians may well have learned that they need fear no scolding or reprisal from the United Nations for aiding and abetting the violation of borders. Neither the U.N. nor the International Control Commission set up to police the 1954 Geneva Agreement has shown the will to react when North Vietnam has violated the DMZ in the past. Now more than ever, we see that the Demilitarized Zone has meant nothing to the Communists as a symbol of international law.

It is impossible to view the Soviet role in the North Vietnamese offensive without considering the figure of Communist China in the background. The Chinese Communists would like to be the chief sponsors of revolution in Asia. With their own borders menaced by Soviet armies, however, they have precious little to spare in the way of heavy arms for an ally—as the Pakistanis learned.

The Russians may be showing the world—and Peking in particular—that they are prepared to assert their power in Southeast Asia as well as elsewhere. They would deny the impression left by President Nixon's visit to Peking that Communist China is the principal power to be reckoned with in charting the course of events in the Far East.

The North Vietnamese offensive has fallen midway between Mr. Nixon's China trip and his visit to Moscow scheduled to begin May 22. An obvious question is whether the Russians are hoping to make their support of North Vietnam a bargaining chip in the Moscow talks, and have taken this opportunity to enhance its value.

The armed forces of South Vietnam are now struggling to meet a three-pronged invasion of their country, stripped of the aid of the American troops and relying desperately on U.S. air power for support of their ground forces. We can now see that the scaling down of the U.S. commitment to South Vietnam has been paralleled by a scaling upward of the Soviet commitment to North Vietnam.

The American people have hoped and prayed that an underlying desire for peace on all sides would bring a negotiated settlement to Indochina with the withdrawal of our troops. With a power like the Soviet Union using its allies to keep the fires of war ablaze, the outlook for real peace—in Indochina and elsewhere—is gloomy indeed.

JOHN C. SEVERINO MERITS FIRST ANNUAL DANTE AWARD

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ANNUNZIO. Mr. Speaker, I take this opportunity to congratulate Mr. John C. Severino, vice president of ABC and general manager of WLS-TV, channel 7, in Chicago, who will receive the first annual Dante Award of the Joint Civic Committee of Italian Americans on May 5 at a luncheon in his honor at the Sheraton-Chicago Hotel.

The Dante Award has been established to extend recognition annually to an individual in the mass media communication field who has made a positive contribution toward fostering good human relations.

As the person responsible for the format and presentation of news on channel 7, John Severino has demonstrated sensitivity to the concerns and special needs of ethnic groups. Under his direction, WLS–TV has presented the news objectively, has recognized specific issues of concern to various ethnic groups, and has defended the civil and human rights of all groups.

By encouraging forthright coverage of news events and current issues, John Severino has made a substantial contribution to his fellow citizens and he has rendered outstanding service to all races, nationalities, and creeds. He is indeed a deserving recipient of the first annual Dante Award.

Mr. Severino joined the American Broadcasting Co. as an account executive in 1965, and over the years held increasingly more responsible positions until 1970 when he was appointed as an ABC vice president and general manager.

He was born and grew up in Connecticut. He earned both his B.A. degree in economics and business administration and his M.A. degree in business education from the University of Connecticut. After winning honors as an outstanding tackle while an undergraduate, John Severino served as an assistant football coach for the university during the spring and fall of 1960. He also received the Kappa Delta Phi Honorary Education Fraternity Award as the male graduate student having the highest academic average and was on the university's dean's list for graduate academic accomplishments.

At one time he served as head football coach of the Portland Seahawks of the Atlantic Coast Professional Football League, as an account executive in Boston for Westinghouse Broadcasting Co., and also as an account executive for the Maine Broadcasting Co., Portland, Maine.

Dante Alighieri, author of "The Divine Comedy," in whose name the Dante Award was established by the Joint Civic Committee of Italian Americans—an umbrella organization comprised of more than 40 civic organizations in the Chicagoland area—was a champion of truth in his time. John Severino, by his innovations in the format and presentation of news on WLS–TV, has become a champion of truth in our time.

Again, I congratulate him, his devoted wife, Sally Anne, and their two sons, J. Mark and David, on meriting this recognition and honor, and I extend my best wishes to John Severino for abundant good health and continuing success in his endeavors in the years ahead.

ADAM C. POWELL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. WOLFF. Mr. Speaker, as an individual and a Congressman, Adam Clayton Powell was the symbol of hope for millions of black Americans. He was a man of enormous courage, unafraid, and willing to fight for what he believed in. He served as a spokesman for the poor and oppressed in a nation of abounding affluence. In this capacity he represented a national constituency, reaching beyond the barriers of race, creed, and national origin.

For many years to come, Adam Powell's landmark legislation in the fields of education and civil rights will stand as a living memorial to this dynamic fighter for equal justice for all men. As chairman of the House Education and Labor Committee, Adam Clayton Powell was the dominating influence in securing passage of the Elementary and Secondary Education Act, the Higher Education Act, the Equal Employment Opportunity Act, as well as numerous civil rights bills during the 1960's. These are merely a few of the major pieces of legislation that passed through Chairman Powell's committee during his tenure. Adam Clayton Powell's impressive legislative record will long remind us of his diligent and distinguished service as a Member of Congress. I mourn his passing.

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the text of my third weekly report on "Crime and Criminal Justice in the United States":

CRIME AND CRIMINAL JUSTICE IN THE UNITED STATES

America's prisons have been described as the stepchildren of the criminal justice system. They rank at the lowest level of priority for funds and, instead of serving as rehabilitation centers, they are little more than human warehouses. Fully 80 percent of their inmates come back again, convicted of another crime. (This is the most important statistic on crime, say the experts).

The best hope to reduce crime is to reduce the number of "repeaters," and no other single effort within the system, other than an effective corrections program, holds a fraction of the potential to reduce crime. Cutting the recidivism, or "returnee" rate to prisons, by half would mean a reduction of about 50 percent in the nation's crime rate.

Our prisons tend to be places of meaningless work, violence, drugs and despair. About 95 percent of all expenditures for corrections facilities is for custody, and only 5 percent is for education and training. State prisons, especially, tend to have as first priorities work programs to bring income to the system, and inmates are thrust into license plate manufacturing, or some similar effort, which fails to equip them for "outside" employment.

While federal and state corrections facilities usually have some form of rehabilitation, local jails are greatly deficient in this area. These jails usually lack the funds for any effective program of work or education, and the inmates become a jumble of short-term and first-term offenders, hardened criminals awaiting trial, appeal or conviction, and other inmates being held for other authorities. Of the 4,037 jails in the nation, 89 percent have no facilities for exercise, 89 percent no educational facilities, 49 percent have no medical facilities, 26 percent are without visiting facilities, and 1.4 percent do not even have toilet facilities.

All through the system there is a critical lack of specialists such as caseworkers, psychiatrists, psychologists and counselors. There is a shortage, too, of adequately trained and adequately paid guards. Corrections officers average less than $6,000 a year, and only about 20 percent of them work at rehabilitation.

Penologists agree that about 20 to 30 percent of the present inmates are a danger to society and not capable of rehabilitation. If the remaining inmates can be corrected in less volatile, less restrictive local institutions, fewer maximum security prisons will be required. Rehabilitation, then, must be the goal of the corrections system. Following conviction:

1. Such prisoners must be screened and classified and rehabilitation procedures developed for them which are flexible enough to deal with the prisoners individually—the drunk driver, the bank robber, the embezzler and the rapist require vastly different rehabilitation methods.

2. A broader range of alternatives for dealing with offenders must be developed. Options should range from total release to total confinement, including work releases, halfway houses, pre-release guidance centers, community supervision, and most importantly, separate facilities for juvenile offenders.

3. Vocational training in high employment fields should be expanded and meaningful work experience in prison industries made available to the inmates.

4. More emphasis should be placed on small correctional centers, located in the community or the area they serve and offering flexible treatment which includes partial release, job training and counseling. These centers place offenders near the stabilizing influences of family and work.

5. Indeterminate sentences should be considered under certain circumstances.

6. Skilled manpower in corrections must be increased at all levels of the system.

With 19 out of every 20 persons sent to prison eventually returning to society, it is apparent that reforms in the present system, and a change in the public's attitude about the system, are needed if we are going to "turn around" the rising crime rate.

POSTAL SERVICE IS BEING NUDGED

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. KARTH. Mr. Speaker, I am hopeful, as many of our colleagues are, of seeing a new success story written by the U.S. Postal Service. While the Service's first few months were rocky, and mistakes were made in several areas; the new attitude of determination demonstrated by Postmaster General Elmer Klassen is encouraging.

With this in mind, I place in the RECORD at this time an editorial from the March 31, 1972, edition of the St. Paul Pioneer Press. I believe we all can agree with the conclusion:

> If he (Postmaster General Klassen) succeeds in staving off another rate increase at year's end it will be a record in which the postal service can take justified pride.

[From the St. Paul (Minn.) Pioneer Press, Mar. 31, 1972]

POSTAL SERVICE BEING NUDGED

Postmaster General Elmer Klassen, who formerly was president of American Can Co., is trying to promote efficiency practices and policies in the postal service.

In a special message to the 740,000 postal workers, he warns that high mailing costs and sloppy service are injuring post office prestige.

Klassen ordered a 90-day freeze on new hirings and called for more efficient operations in the hope of avoiding a $450 million increase in postal rates now in prospect for next January.

Noting that first-class stamps have jumped from a nickel to 8 cents in the past 14 years, he said, "The public is not ready to absorb another postal rate increase unless we can clearly demonstrate that we have improved our service and that our costs have been dramatically reduced. We must learn to live within our income."

He also pointed out that some utilities companies now deliver their own bills instead of mailing them, and that airlines and bus companies are moving more packages. He cited public complaints of package damage in the postal service. This means, said Klassen, that private carriers are giving real competition to the post office, and it behooves postal employes to realize that their jobs and careers are at stake in the future.

Moving the nation's vast flow of mail has become a tremendous task. Progress is being made on mechanization and adoption of new technologies, fields which hold out hope for the future. But general increases in efficiency also are important. Klassen evidently is making determined efforts in these directions. If he succeeds in staving off another rate increase at year's end it will be a record in which the postal service can take justified pride.

IN RUSSIA, FAITH IN THE SCALPEL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. KEMP. Mr. Speaker, today the Wall Street Journal reviewed a novel called "Forever Flowing" which is one of the most devastating attacks yet on Communist political attitudes by a resident Russian.

The author, Vasily Grossman, suggests that communism is not unattractive, but in fact, too attractive, because it is usable as a utopian ideal with which to justify political oppression.

As the Wall Street Journal states:

> What Grossman learned along with so many other unhappy Russians was that when a society and its leaders cannot perceive that the realities of human existence in the present are more important than romantic and utopian concepts, they can become the victims of their concepts. Perhaps the thing that Westerners should most fear from Russia is the discontent and frustration of a nation that has paid a fantastic price for its illusions and having mistakenly measured their worth in terms of the price rather than the value, would like to foist them on others.

I commend to the attention of my colleagues the Wall Street Journal article "In Russia, Faith in the Scalpel," which follows:

IN RUSSIA, FAITH IN THE SCALPEL

(By George Melloan)

One of the riddles of international politics, and one that has considerable importance, has to do with the national character and the national aspirations of the Soviet Union.

Is there some inherent force within the nation that drives it on a course of imperialism and thus makes it a threat to world peace? Or does it merely react to what it sees as a threat to its own security from the Western democracies? The question has special interest now as President Nixon prepares to treat with the Russians against a backdrop of renewed fireworks in Vietnam.

Some Americans challenge the assumption that there is such a thing as a national character, but Europeans give more currency to such generalizations and Russians particularly so, as a reading of some of the best writers Russia has produced will attest. One of the greatest preoccupations of Russian authors has been with the Russian character.

Among the latest and most interesting such introspections to come to the West is a novel called "Forever Flowing" (Harper & Row, $6.95, 247 pages, English translation by

Thomas P. Whitney). The book, written by a relatively obscure Russian novelist named Vasily Grossman before his death in 1964, has been a long time finding its way from Russia's literary underground to the West. The reason is understandable. It is one of the most devastating attacks yet on Russian political attitudes by a resident Russian.

In Grossman's view, there is a vast and often unrecognized chasm that separates essence of Russian life and life in the Western democracies. The differences, he says, is that in the West development was based on a growth in freedom, while Russia's development has been based on the intensification of slavery. In 1917, Grossman writes, Russia had its chance to escape its 1,000-year history of slavery but in choosing Lenin as its leader actually chose a continuation of the historical process.

"The shattering of Russian life carried out by Lenin was thoroughgoing," according to Grossman. "Lenin destroyed the way of life dominated by the outlook of the landed nobles; he destroyed the factory owners and merchants. Yet Lenin himself was the slave of Russian history and he preserved that link between progress and slavery which has historically been Russia's curse."

Moreover, contends Grossman in a pessimistic note for Western readers, Lenin's tragedy was more than a Russian tragedy. The 1,000-year Russian law of development through slavery now has become a worldwide law as numerous other political leaders have witnessed its efficacy and simplicity. .

That is indeed a somber view, and "Forever Flowing" is a somber book, written with substantial power. It is set in 1957 and its protagonist, Ivan Grigoryevich, has returned to some of his old haunts after having spent 30 years in Soviet prison camps. His crime had been an espousal of political freedom in a speech when he was a university student.

Through the memories of Ivan Grigoryevich and the old and new friends he meets, Grossman recounts the horrors of post-revolutionary Russia—the prison-camps, the mass liquidations, the mass evictions and starvation of the peasant "kulaks," the treachery among onetime friends and associates. This Stalin era is one of the greatest horror tales of mankind's history and few writers tell it better than Grossman, one of its survivors. In the end Ivan Grigoryevich, as Grossman's alter ego, draws a singular conclusion:

"When Ivan Grigoryevich thought about 1937, or about the women who were sentenced to hard labor on their husbands' account, or about total collectivization and the famine in the countryside, or about the laws that imposed prison sentences on workers who were 20 minutes late to work or condemned peasants to eight years in camp for taking a few stalks of grain, he did not see in his mind's eye the mustached man in jackboots and field shirt—Stalin.

"He saw Lenin. . . . All the triumphs of party and state were bound up with the name of Lenin. But all the cruelty inflicted on the nation also lay—tragically—on Lenin's shoulders. . . .

"The history of the Russian state did not choose for its purposes Lenin's endearing, humane and human qualities, but cast them aside as unwanted trash. . . Throughout the whole history of the Russian revolutionary movement, such qualities as love of the people, inherent in many of the revolutionary intellectuals, whose meekness and readiness to endure suffering, seemed unequaled since the epoch of the first Christians, mingled with diametrically opposed attributes, and these, too, were inherent in many Russian revolutionaries—contempt for and disregard of human suffering, subservience to abstract theories, the determination to annihilate not merely enemies but those comrades who deviated even slightly from the particular abstraction in question."

The key to the personalities of the revolutionaries, in Grossman's view, was what he describes as "sectarian determinism, the readiness to supress today's living freedom for the sake of an imaginary freedom tomorrow and to violate universal canons of morality for the sake of the world to do. . . ."

The sources of this type of personality lie deep within the 1,000-year depths of Russia, Grossman says, but the 20th century brought such men from the wings onto the main stage. "This sore of person behaves among other people as a surgeon does in the wards of a hospital. His interest in the patients, their fathers, wives, mothers, his jokes, his conversations, his taking part in fund-raising drives on behalf of homeless children or retired workers living on their pensions—any and all of this is meaningless and superficial, a mask. His soul is really in his knife.

"And the essence of these people lies in their fanatical faith in the surgeon's knife. The surgeon's knife—that is the great theoretician, the archphilosopher of the 20th century."

In such allusions, Grossman offers a profound indictment of radical politics based on idealistic and romantic concepts. Since Grossman suffered along with millions of other Russians at the hands of a system created by men with such concepts, the indictment carries great weight and authority. In post-revolutionary Russia, the combined power of the romantic ideal of communal harmony and equality and 1,000 years of experience in the techniques of political control have been enough to keep a nation of 240 million people in a state of political bondage when millions outside its boundaries enjoy enormous freedoms of speech, travel and social intercourse.

It is a profound lesson for our times partly because of the confusion that exists in so many Western minds over what it is about Russia that represents a threat to people outside Russia. To many Westerners the ideal of communism is as seductively attractive as it was to Russians. Significantly, communism as an ideal has had some of its strongest followings in some of the most romantic of nations—in Italy, and, with tragic results, in Spain of the 1930s.

What Grossman's novel suggests is that communism is not unattractive, but, in fact, too attractive, because it is usable as an ideal with which to justify political oppression. Every nation, of course, must have its ideals and perhaps even its national illusions. But in free societies it is possible to refine the ideals and examine the illusions so as to strike some balance between illusion and reality.

What Grossman learned along with so many other unhappy Russians was that when a society and its leaders cannot perceive that the realities of human existence in the present are more important than romantic and utopian concepts, they can become the victims of their concepts. Perhaps the thing that Westerners should most fear from Russia is the discontent and frustration of a nation that has paid a fantastic price for its illusions and, having mistakenly measured their worth in terms of the price rather than the value, would like to foist them on others.

MEMORIAL TRIBUTE TO AMERICAN POW'S AND MIA'S

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. FREY. Mr. Speaker, in keeping with President Nixon's proclamation earlier this month recognizing National Week of Concern for American POW-MIA's, Glen Haven Memorial Park in Winter Park, Fla., has erected a memorial to give tribute and recognition to the American POW's and MIA's of all wars. The memorial will serve to bring to mind the plight of our men now being held captive or who are missing in action, and also to bring to mind the plight of their families and loved ones here at home.

The significance of the bronze plaque, 7 feet by 4 feet, showing in base relief the figures of two POW's behind barbed wire, clearly shows their bondage. The bronze tablet is attached to an 8-pound granite pillar signifying the solidness and strength of our Nation.

A bronze bald eagle with its wings outstretched symbolizes the freedom found only in our great country and is placed atop the monument. The bald eagle is looking down at the POW's as if to say "We have not forgotten; we care and we want you home."

The words inscribed on the bronze plaque—"Dedicated to the prisoners of war and those missing in action whose supreme sacrifice has helped keep our Nation ever free"—and our gratitude to these men will remain in the minds and hearts of all of us at home.

The overall height of the memorial is 13 feet, symbolizing the thirteen Original Colonies that gave the start to this great Nation.

ESCALATION OF THE AIR WAR IN SOUTHEAST ASIA

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. RIEGLE. Mr. Speaker, I have recently read two excellent articles concerning the bombing escalation in Vietnam which I believe are very much to the point. The first, entitled "All the Way Only Way in Vietnam," was written by James Reston and appeared in the Washington Evening Star on April 12, 1972. The second article entitled "Even Illusions Gone—Nothing Left for the U.S. in Vietnam" was written by Anthony Lewis and appeared in the Detroit Free Press on April 12, 1972, also. I am inserting both these articles so that they may be read by all concerned Americans.

The articles follow:

ALL THE WAY ONLY WAY IN VIETNAM

(By James Reston)

The military crisis in Vietnam has at least clarified the policy of the Nixon administration. In the name of protecting the withdrawal of American troops and prisoners from the battlefields, the President is now directing a massive air offensive against the enemy in order to prevent the defeat of the South Vietnamese army and the overthrow of the Saigon government.

This is at least a policy, but it is not a policy for getting out, but a policy for staying in, not a policy for defending our troops, but a policy for defending Gen. Thieu's command and his regime.

It is easy to see the political logic for Nixon in this course of action. Without the intervention of the American Air Force, the

South Vietnamese, though they have an army of 1,200,000 men and a militia half that size, might very well be overrun by the North Vietnamese and the Viet Cong, and this would be a spectacular failure for the President's policy and a blow to his chances of re-election.

It is even easy to see the logic of his determination to smash the North Vietnamese invasion of South Vietnam and avoid the final crash of his policy of his allies, but at least the President should state these objectives for the Congress and the people, and not pretend that he has to revive this savage counterattack in order to get the troops and prisonesr back home.

The argument for the air war, like the arguments for the U.S. invasion of Cambodia and Laos, is that this operation will not only assure the withdrawal of our last 90,000 men, but force the enemy to settle on our terms, but even after the enemy's offensive is turned back, as it undoubtedly will be, he will be free to retreat into Cambodia and Laos and across the DMZ.

To achieve the President's war aims, the enemy's main units must be destroyed and cut off from future supplies from the Soviet Union and China, and even the most optimistic planners here do not expect that.

Barry Goldwater has at least seen the flaw in the President's policy. He would carry the bombing to Haiphong. He would risk trying to cut the Soviet and Chinese war materiel before it could get to the battlefield, and also get behind the enemy divisions, now all but one in the south, and block their line of retreat.

Of course, this could risk war with both Moscow and Peking, but at least he does not fool himself that the enemy will quit and negotiate on our terms unless Hanoi has no way to retreat and supply itself for another offensive later on.

Short of trapping and destroying the enemy and cutting him off from more Soviet and Chinese arms later on, the President's policy of backing the South Vietnamese with air power whenever they get in trouble does not "end the war," which was Nixon's promise, or free the United States, which is his hope, but traps him and the air force in a war that is directed by Hanoi and Saigon.

If his objective is simply to end the war and get the troops and the prisoners back home, he can negotiate that very quickly. It would be dangerous and embarrassing, and there are solid arguments against it, but that is the policy of most of the Democratic candidates for the presidency, and it could be done.

But if his policy is to prevent the conquest of South Vietnam and the defeat of the Thieu government, then the consequences of that policy should be faced. For if Nixon is not really going to put the South Vietnamese on their own, giving them the tools to see if they can finish the job, but is going to back them with air power whenever they get in trouble, then all the South Vietnamese have to do to assure our continued presence in the air over the battlefield, is to demonstrate their inability to defend themselves.

This has been so obvious for so long that it is almost embarrassing to go over it once more, but the fact is that the administration is now dispatching more and more naval and air power to Vietnam—without telling the Congress what it is doing—and complaining about the Soviet supply of arms to Hanoi, while negotiating disarmament agreements, and cultural agreements, and trade and space agreements with the Soviets, so that the President can announce them in triumph when he goes to Moscow on May 22.

The contradictions in all this are both obvious and painful. You can defeat the North Vietnamese if you cut off their retreat and their supplies, and you can get your troops and your prisoners back home if you agree to get out all the way, but you can't defeat them or get out by withdrawing part way and leaving them to retreat, while you run for re-election on the ground that you can do business with the Soviets and the Chinese. The President's answer to this dilemma is that he is merely hitting them hard because this will bring them to their senses and make them compromise, and that anyway he has to do all this to get the troops and the prisoners back home, but this is not a policy. It is a campaign argument, and a good one so far, but unless he can destroy the enemy, or persuade the Soviets to stop shipping arms to Haiphong, the war will go on, even if the present battle is won.

EVEN ILLUSIONS GONE: NOTHING LEFT FOR THE UNITED STATES IN VIETNAM

(By Anthony Lewis)

Vietnam will not be an issue in the campaign as far as this administration is concerned, because we will have brought the American involvement to an end.

—Richard Nixon, December, 1971.

LONDON.—The Nixon withdrawal from Vietnam has always had something of an illusory character. While American ground troops left, other military involvement continued or intensified. From carriers and from enlarged bases in Thailand, American bombers attacked Laos and both parts of Vietnam. American planes and supplies supported a larger war effort in Cambodia. The phantom CIA army fought in Laos.

Many Americans nevertheless believed—because their President said so and because they wanted to believe—that their part in the Indochina war would soon be over. Now that belief must be dead—gone the way of all the other officially propagated illusions about Vietnam.

The South Vietnamese, we had been told, were making remarkable progress, their million-man army confident, their political situation stable. The communists had never rebuilt their southern infrastructure after the losses of Tet 1968. The war was going better than we had hoped.

It took less than a week for the new communist offensive to shatter that picture and to send President Thieu of South Vietnam crying for help.

Of course he cried to Richard Nixon. The response was the familiar one: More B52s, more destroyers, more carriers, more close air support, more bombing of the North, more U.S. involvement.

Surely now there cannot be any informed person on earth who fails to understand what is the result of the Nixon-Kissinger formula for "peace" and "stability" in Indochina: Perpetual war and perpetual American involvement. Unless the war ends on our terms, with communist acceptance of the Thieu government, we shall keep killing the inhabitants of Indochina—from a distance.

The communist offensive did put Nixon in a difficult position. No American president wants to be seen abandoning a policy under duress, this one least of all.

But it was Nixon and Henry Kissinger who painted themselves into the corner where they have no options except more of the destruction that everyone knows is morally outrageous and politically useless.

When Nixon took office three years ago, he could have recognized the political realities of Vietnam and left the internal forces there to work out their own balance. Instead, he has continued to make the attempt to impose our solution.

He did so, according to report, on the advice of Henry Kissinger that the other side could not indefinitely withstand our superior force and would have to agree to terms. In short, he could bomb them into settling.

But that was the oldest, most tattered official illusion of them all. From Lyndon Johnson's tragedy came the lesson that in a limited war the United States has limited power to impose its terms. If Henry Kissinger did indeed ignore that lesson, he will have a heavy reckoning to pay in history for three more years of pointless death in Indochina—or four or five or ten.

The Kissinger-Nixon justification for going on in Vietnam is that we must preserve our credibility as a world power. But a great country can justify such relentless destruction of another only if its own safety, its vital strategic interest, is urgently at stake. And virtually no one believes that about Vietnam any more.

THE GREATER EVIL

A leading British student of international security and war, Michael Howard, has some apt comments in the April issue of Encounter. It is a tough-minded article, cautioning idealists that world stability will always require "the acceptance of necessary injustice"—for example dealing with the Greek military regime.

But as a realist, Howard says of Vietnam: The evils that would result from communist domination there are "purely national and arguable," while "the evils which are perpetuated in preventing it appear so actual and so evident that the order in whose name they are carried out stands . . . condemned."

He concludes: "Whatever the arguments may be about regional or global stability, about dominoes or deterrence, what the United States has been doing in Vietnam is wrong and ought to be stopped."

The American people have evidently believed for some time that President Nixon's objective—preserving Nguyen Van Thieu—is not worth what we are doing to Indochina and to ourselves. They want an end to American involvement, with its corrupting effects on our reputation abroad and our peace at home. They would say what Cromwell said in dismissing the Long Parliament: "In the name of God, go."

CEREMONY STARTS COVERED BRIDGE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. CONTE. Mr. Speaker, everyone talks about individual initiative and volunteer effort these days, but too few people follow through on it. Today I would like to share with my colleagues an outstanding example of what can be accomplished by voluntary community cooperation. I am speaking of the work of the Green River Pumping Station Covered Bridge Restoration Committee in Greenfield, Mass.

The Green River Pumping Station covered bridge was one of only four remaining covered bridges in Massachusetts. In 1968 it was destroyed in a fire set by vandals. The community of Greenfield, however, was unwilling to let the few remaining symbols of our New England heritage perish. Franklin County mobilized for a 3-year campaign of fundraising activities, which led finally to the groundbreaking ceremony held recently at the site of the bridge.

May I stress here that the majority of the materials and labor has been donated by area businesses and workers. All the organizations and individuals which made this possible deserve our praise. At this time, I include in the

RECORD the Springfield Sunday Republican article of April 9, 1972, describing that groundbreaking ceremony and the outstanding effort that led to it:

CEREMONY STARTS COVERED BRIDGE

(By Norman Russell)

GREENFIELD.—More than three years of fundraising drives by the Green River Pumping Station Covered Bridge Restoration Committee culminated Saturday with a groundbreaking ceremony at the site.

The historic bridge, one of only four left in the state, was destroyed by a fire caused by vandals on Halloween in 1968, causing a public outcry that immediately started fundraising activities. Over the years, charity dinners, a pancake breakfast, a talent show, a Happy Louie polka dance and a walk for funds all benefitted the building fund.

The original cost of the bridge was set at $150,000, but donations of materials, labor, and heavy equipment have reduced the price tag for the new bridge to about $15,000, half of which has been collected, with another $7300 promised by the Massachusettes Historic Sites Commission.

Committee executive Secretary Patricia Fitz of Shelburne served as mistress of ceremonies at Saturday's event, for which nearly 100 people braved chill windy April weather, including state Sen. John Barrus of Goshen.

Barrus served as general chairman of the event in consideration of his hard work for the fund drive. Barrus, a lumberman, helped to get the Massachusetts Wood Producers to donate all of the lumber that will be used to build the bridge with the exception of the timber. All of the wood is Massachusetts grown.

Absent but honored were H. Robert Gallison and Robert Wolanski, both of Greenfield, who spearheaded the first fundraising drive, which was later picked up by the Mohawk Trail Association after it had started to falter.

It was the MTA of which Mrs. Fitz is a member, that coordinated the efforts of many local and state committees, government departments and private citizens that made the restoration possible.

"Dozens of people all over Franklin County and outside the county helped make the bridge possible," Mrs. Fitz said. "We feel that they have not just helped the Green River Bridge, but all of New England."

After the groundbreaking ceremony in which several people took part, turning the earth with a gold-painted shovel that had been used for a groundbreaking ceremony at the Montague Fish Hatchery many years before, volunteer workers from Carpenters Union Local 549 started construction.

The bridge is expected to be completed early this summer, with most of the work being done on Saturdays. Anyone interested in donating his services is asked to contact Jim Galipo at Wyman, Inc., in Greenfield.

A humorous sidelight to the affair was added when it was discovered that restroom facilities for the workers had not been provided. Charles Gray of Bernardston, who runs a sanitary service, stepped forward to offer the donation of a mobile outhouse.

Persons active in the effort who were present at the ceremonies included Vincent Caroleo, director of the Western Massachusetts office of the state Department of Commerce and Development, which aided in the drive, and his representative for the bridge committee, Felix Borowski; Mrs. Orrin Lincoln of Greenfield, president of the Connecticut River Valley Covered Bridge Society; Walter Kostanski, Mathew Ruggerri, Gerald McCarthy and Timothy Stanham, restoration committee members; John Johnson, treasurer; project engineer David Bartlett and Donald Williams, architect; Jim Galipo of Wyman, Inc., building chairman; Wilton Stone of the Massachusetts Wood Producers Association, and Gerald Levitch, representing Greenfield selectmen.

COTTAGE CITY FIRE CO.

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HOGAN. Mr. Speaker, the volunteer fire company in Cottage City, Md., recently celebrated its 50th aniversary, and I would like to pay tribute today to those who have contributed so much time and effort to the noble community service of protecting lives and property.

Such unselfish dedication to a service as crucial as firefighting is truly commendable. It is people like the members of the Cottage City Fire Co. who have made our country great.

Those dedicated citizens were recently honored at an anniversary banquet where I was privileged to speak. At that time, a company history was published, and to further honor the achievements of the past and present members of the company, I insert the company history in the RECORD.

The history follows:

GOLDEN ANNIVERSARY BANQUET OF THE COTTAGE CITY FIRE COMPANY AND LADIES AUXILIARY, MARCH 24, 1972

COMPANY HISTORY

(Summary)

On the night of March 23, 1922 a store directly opposite the present fire station was completely destroyed by fire. Consequently, a small but representative group of citizens with vision recognized the absolute need for fire protection in their community. On the following evening, March 24th, twenty-seven men sat down to organize the Cottage City Fire Company and elected Mr. Charles Barrick as its first Fire Chief.

Thus fifty years ago tonight, our continuing goal of the protection of life and property from fire was put forth by these diligent men. With the aid of $144.50 given to them by the Cottage City citizens association, they were able to purchase a hand-drawn hose reel, several lengths of hose, nozzle, and a small electric siren. The hose reel, not having a station, was kept at several different locations throughout the town. In April of that year Chief Barrick resigned for personal reasons and T. W. Scott, Sr. was elected the department's second Fire Chief and held the capacity until 1927.

The drive that began the organization never died out and in January of 1923 the company's first campaign was under way to purchase motorized apparatus. By April of the same year the truck had been secured and placed in service. Another important landmark occurred, also in January of that year, when the company and three neighboring departments organized the Prince Georges County Volunteer Firemen's Association. Thus the department became known as Company 2. In May of 1923 the company joined the Maryland State Firemen's Association.

In 1924 the company purchased the old Barney Street site, now called 38th Avenue, and completed the building in early 1926 with most of the labor performed by the membership. The building is still intact and remains a landmark in the community. In the fall of 1924 T. W. Scott, Sr. was installed as president of the county firemen's association and in December 1924 the Ladies Auxiliary was organized only to disband in 1939.

In 1925 neither money nor supplies were plentiful, but nonetheless a second pumper was purchased, bringing the department up to par of any other in the county. In August of that year the company hosted its first county convention. In April of 1926 another truck was purchased to replace one of the aging vehicles. On May 1st of that year the company incorporated and became a private enterprise. Funds for operation of the company came in the usual hard-won way—solicitations, but welcome aid was forthcoming when the state legislature and the voters of Cottage City, in 1929, approved a town fire tax.

With the expansion and growth of the two towns as well as the surrounding area, the need arose for ladder equipment. This need was satisfied when in 1931 a cities-service ladder truck was purchased. This was one of the first ladder trucks in this area and during its service made many runs to the far parts of the county as well as outside the county.

Due to the increase of administrative business conducted by the company a decision was made to create business officers. As a result in 1938 Mr. Donald Pitts was elected the department's first President. In 1939 the company approved plans and authorized the construction of the present Bladensburg Road location. Once again, as in the case of the Barney Street building, most of the labor was performed by the men of the department. A group of these men, contrary to their nickname—"the playboys"—contributed significantly in the construction of the fire station. On February 22, 1940, the building was dedicated by Dr. 'Curly' Byrd. With the new building the company also put in service a new Seagrave 500 gallon pumper.

During the 1940's, as the war drained the manpower of the department, auxiliary firemen were admitted and became the forerunners of our present day Junior firemen. As the war ended the need for specialized equipment in the fire service developed. Perceiving this need the department in 1945 purchased a new Seagrave hydraulically operated 65′ aerial ladder truck. In June of 1948 the company took delivery of its first 1000 gallon pumper, one of the originals of its type in the area. In 1953 the second such purchase was made giving the company and the county one of the best fire suppression attacks in the metropolitan area.

In 1953 the '39 pumper was converted into a heavy duty rescue truck. The combination of the ladder truck and squad responded to all areas of the county in its service to the public. The Ladies Auxiliary was re-established in 1954 with Mrs. Ethel Beck as its president. They have become an integral part of the department since that time. In 1955, keeping with our tradition of the finest equipment ready for response, the company purchased a new Seagrave squad truck to replace the aging converted vehicle. Along with the new truck the company invested and placed in service a 16′ boat with motor, which was needed because of the constant flooding of the Peace Cross area.

During the 1940's and 50's, in order to raise the necessary monies to finance our enlarging equipment requirements, many fundraising functions were sponsored. These included bingos, raffles, dances, shrimp and crab feasts and the highlight of the year—the annual carnivals. Any monies that were left over sent the deserving men to the State conventions and on some memorable ocean-fishing cruises.

The building boom in the early sixties created the need for bigger and more modern ladder equipment. In March 1961 the department took delivery of a new Seagrave 85′ aerial ladder truck. The truck continues to help us give the finest ladder truck service available. In July of 1964, seeing the need to augment the daytime response, the department hired its first paid man and in March 1965 the second man was hired. September and December 1967 brought two additional men, and in January 1968 the first paid officer was placed on duty. The volunteer system of the department, supplemented by the paid personnel, continues to provide outstanding service to the community at minimum cost. In October 1967 the department accepted its first 750 gallon cab-ahead pumper.

As we enter the 1970's the department faces many new problems and challenges. July of 1971 saw the implementation of a budget system for the fire service. The department in 1972 will take delivery of a new squad truck and co-host the county firemen's convention. But no matter what the future brings, our department will remain prepared to bring the community the best in fire and rescue service which was the undying goal of those twenty-seven men, who on this date 50 years ago organized the Cottage City Fire Company.

THE RIGHTS OF PRISONERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BADILLO. Mr. Speaker, as many of my colleagues know, on several occasions I have been called upon to serve as an observer or negotiator during disturbances and disputes in New York prisons. On each occasion, it turned out that basic questions involving the rights of prisoners lay at the heart of the matter and it is encouraging that broader national attention is being focused on this important issue.

On April 6, an article by Alan L. Otten, chief of the Wall Street Journal's Washington bureau, explored the efforts of the Center for Correctional Justice, a new organization composed mainly of lawyers and law students dedicated to the proposition that although a person may be serving a jail sentence for having committed a crime, he still is entitled to the protection of his basic human and civil rights.

With the hope that before too much longer the Congress will begin to enact legislation setting up a prisoners' bill of rights and the means to enforce it. I present for inclusion in the RECORD Mr. Otten's article. I commend it to the attention of my colleagues:

AN EXPERIMENT IN 'PRISONERS' RIGHTS'

(By Alan L. Otten)

WASHINGTON.—The guards at the youth prison here were supposed to search mail only for contraband. The young prisoners were convinced, however, that the guards were reading much of the mail too, and even destroying some of it.

So they complained to the Center for Correctional Justice, and the center negotiated an agreement with the prison officials. There would be no more search of outgoing mail, and incoming mail would be examined only in the presence of an inmate representative.

The center, a half-dozen dedicated lawyers and other professionals plus another half-dozen equally dedicated law students, has for almost a year now been carrying on a unique and widely watched experiment here: Trained outsiders listen to the legal problems of youthful offenders, and then negotiate solutions directly with prison authorities.

THE ONLY HOPE?

"We are trying to develop some mechanism to resolve grievances and change the correctional system without extensive litigation and without violence," declares Linda Singer, the dynamic young lawyer who heads the project. It's still too early to assess results with certainty, but she believes the project is making good headway, and at least a few District of Columbia government officials agree. "This approach may even be the only hope of working our way out of the prison mess," asserts one Singer partisan.

In a way, the center's team, which includes a former offender who has proven particularly valuable in understanding prisoner attitudes and winning prisoner confidence, fills the role of the ombudsman or inspector, which a number of foreign countries have long provided their prisoners. The idea is just beginning to be tested in U.S. prisons, however, and the District experiment is the only one where outsiders do the job. Some 20 states and cities have written or sent officials for more information about its operations, and a couple are in the process of setting up programs modeled on the D.C. pattern.

"When we went to the Office of Economic Opportunity a year ago for money to finance this, it was a revolutionary idea," says Mrs. Singer, who with law partner Ronald Goldfarb spent three years researching a forthcoming book on American prisons. "It's amazing how much attitudes have changed in a year—even before Attica, but especially since." She cites Chief Justice Warren Burger on the need for "a simple and workable procedure by which every person in confinement who has, or thinks he has, a grievance or complaint can be heard promptly, fairly and fully."

Right now, there's little law or administrative practice governing prisoner rights, and while the volume of individual prisoner suits and class actions is rising rapidly, these are still a frustratingly slow and often expensive remedy. Even when judges do order some very specific changes, there's frequently little follow-through. Prisoners are understandably loath to complain when these orders are ignored, and judges are understandably loath to order sanctions against prison officials.

The center, a non-profit organization set up specifically to carry on this experiment, won cooperation from the District Youth Services Division to work with the young (18 to 26) offenders in the local prison system, about 1,100 in all. The team, both full-timers and law student aides, go through intensive preparation, including (for the men) a day and a night as "prisoners" in each facility they will cover.

So far, they have handled more than 500 cases, and the workload trend is steadily increasing. The young law students, who do most of the initial interviewing and screening, have set office hours for listening to complaints in each prison, halfway house or parole office, and inmates can also phone the center for help. Still other cases are referred by parole officers or prisoners' relatives or friends.

Basically, the program offers three types of legal services. Prisoners may feel they were tried or sentenced unfairly; if the interviewer agrees, he refers them to the district-supported Public Defender's Service for action. Or prisoners need help with some civil problem—to win or contest a divorce, protect property from repossession, check on custody arrangements for children. Here the center's law students refer valid cases to the government-supported Neighborhood Legal Services for help.

The most novel part of the program, however, deals with individual or group complaints about prison conditions. Here the project team investigates and tries to work problems out directly with prison officials. Though the program provides for outside mediation or binding arbitration if needed, these haven't yet been used.

Most individual prisoner complaints are handled by the law students and the ex-offender with supervision from the full-time center staff. A prisoner wants to transfer to another institution, or he doesn't want to be transferred. Another isn't getting out when he thinks he was supposed to, or wants more information than he has been given about his parole conditions. In one case, a student arranged a long, therapeutic talk session between an inmate and an official who the inmate thought was persecuting him.

Group complaints are normally handled by Mrs. Singer and one or two colleagues, meeting with a committee of prison officials and selected inmate representatives. Written agreements have actually been negotiated in a dozen different areas—allowing Black Muslims to hold religious services, extending visiting hours at the youth facilities lengthening hours for sick call and guaranteeing more direct access to doctors in emergency cases, getting soft drink and candy vending machines in visiting areas.

GETTING RESULTS

"We have to produce results rapidly enough to convince the prisoners it's to their advantage to work with the system," Mrs. Singer notes, "but we also have to show the prison authorities that the kind of changes that are made are ones they can live with."

She gives high marks to most of the officials who have worked with the project, "because it's never comfortable or easy to have outsiders come in and tell you what you're doing wrong." One basic argument she uses to win their cooperation is that change is coming anyhow—that courts will force it on them if they don't do it themselves.

She also contends that negotiations will greatly reduce the number of suits that prison officials would otherwise have to take time and effort to defend. "Absolutely because of us," she proudly proclaims, Youth Services is the only part of the district prison system that hasn't yet been hit with a prisoner class action to change disciplinary procedures.

Another argument that she employs only occasionally and obliquely may, however, be even more persuasive with the authorities: Intercession of this sort can provide a vital safety valve to prevent explosion and violence. "Correctional officials all over the country are terribly nervous about riots," she declares, "and would be willing to cooperate with any means we can figure out to get outside help to prisoners and to create legal alternatives to what we have seen."

Relations with officials haven't been uniformly easy. "The staff would clearly prefer that we spend more time on prisoners' personal legal problems, and less on administrative complaints," Mrs. Singer concedes. Most D.C. government officials shy from discussing the project, an admittedly controversial subject among many prison personnel, but one high-ranking official gives it top marks, "Linda has handled things pretty well," he says. "The great appeal is that this helps with inmate tranquility and it helps keep things out of the courts. Those aren't bad helps."

As for project relations with the prisoners, Mrs. Singer believes "they realize we will find some of their complaints unjustified, and that sometimes we won't be able to do anything even about some of those we find justified. But they also realize we're getting quite a bit done." And, she contends, "it's giving people who have only seen law as an enemy a chance to use it for their own benefit."

More will be known soon, when the project takes a detailed poll of prisoner attitudes and does other evaluation of first-year results. Of one thing Mrs. Singer is already sure, however: The ombudsman role must be carried on by outsiders. "No group that works for the prison system is going to have any credibility with the prisoners," she flatly asserts.

Can the ombudsman approach work equally well with adult prisoners? Perhaps even better, Mrs. Singer suggests. Older men not only are more sophisticated and better used to bargaining and negotiation, but they have far more at stake. Young offenders are in here for an average of only nine months, and may fear that complaining will jeopardize chances for early departure. Most older men are serving substantially longer terms, and thus are usually more interested in trying to improve their conditions.

NEW LEGISLATION NEEDED

New legislation may be needed to clarify the access rights of outsiders, Mrs. Singer is inclined to believe. The local project, she says, operates in one of the country's better prison systems; "the greatest need is obviously in the worst systems, and that's probably exactly where they'll be most resistant to letting in outsiders."

Can the ombudsman-outsiders remain neutral, or will they inevitably become automatic advocates for the prisoners, and thus build resistance among the prison personnel? One theory is that they might become increasingly impartial as the worst conditions are gradually remedied, and the prisoner complaints move into grayer areas. So far, though, the project's experience has been the reverse, Mrs. Singer says; the law students and other project members resolved to be impartial, but often have become more and more partisan "as they don't see enough happening fast enough."

"This is the crucial question we must answer before we're through," Mrs. Singer observes. And she honestly adds: "I don't think we've really answered that ourselves yet."

SOVIET JEWS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. PEYSER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

As a cosponsor of identical legislation introduced August 6, 1971, I am pleased that the House has today overwhelmingly passed House Resolution 471 calling on the Soviet Union to permit its citizens of the Jewish religion to emigrate from the Soviet Union.

We are all aware of the oppression under which the Jews of the Soviet Union suffer. These courageous people have been exposed to a course of religious and cultural repression, which is aimed at destroying the Jewish identity of the almost 3 million Jews now living in the Soviet Union.

Much has been said of the impact of world opinion in attempting to ameliorate this tragic situation. For this reason, I feel that it is particularly important for Members of Congress to continue to express their outrage at this mistreatment.

On March 1, 1972, I sent the following letter to Premier Alexei Kosygin to further express my feelings in this matter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 1, 1971.

ALEXEI KOSYGIN,
Council of Ministers,
The Kremlin,
Moscow, U.S.S.R.

MY DEAR PREMIER: I am taking the liberty, as a United States Congressman of writing you directly to plead with you to use your great influence to bring relief to those Soviet Jews who wish to return to their homeland in Israel.

Today, your country is in a unique position to demonstrate to a troubled world, a genuine humanitarian concern for the rights of those Jewish people who wish to join their countrymen and live in accordance with their rich and ancient traditions.

Such a policy of free emigration would not only be consistent with basic humanitarian concepts, but it would also be consistent with Article 13 of the Universal Declaration of Human Rights passed unanimously by the United Nations General Assembly in 1948, the International Covenant on Civil and Political Rights signed by the U.S.S.R. in March of 1968, and the International convention on all forms of racial discrimination signed by the Soviet Union in March 1966.

Allowing Jews to emigrate to Israel would be consistent with your own stated policy first announced in 1966 of permitting reunification of families in Israel.

Many of my Congressional colleagues believe you are insensitive to a problem that deeply concerns men of all faiths and from all countries. I cannot accept the view that a man who has achieved one of the most powerful positions in the modern world is callous and indifferent to the cries of a few thousands helpless Jews who wish nothing more than to enjoy their cultural heritage.

The world community craves for new humanitarian initiatives for those people living in second class citizenship and at the same time demands that all nations live up to their international commitments. I earnestly believe that your personnal commitment to allow Soviet Jews to emigrate to Israel would represent the statemanlike leadership so desperately needed to produce peace and understanding among all nations. I generally hope that this will be your mark on the history of modern world leaders.

Respectfully yours,
PETER A. PEYSER,
Member of Congress.

THE EVENTUAL LOSER

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. NELSEN. Mr. Speaker, Sander Olson, editor of the St. Peter Herald in Minnesota recently warned of the danger of permitting the pendulum to swing past the point of reasonableness insofar as "consumerism" is concerned. As Mr. Olson wisely points out, if we permit simple commonsense and reasonableness to be overruled, driving small and independent business to the wall, it will be the consumer who winds up the biggest loser.

In view of the fact that a proposed Consumer Protection Agency remains under active consideration in Congress, along with numerous other so-called consumer proposals, I would like to bring Mr. Olson's warning to the attention of congressional colleague. The full text of the editorial is included at this point:

THE EVENTUAL LOSER

One of the most significant of the pendulum swings in national intent and attitude toward whatever field of interest one might mention has been in the area of "consumerism".

The broad area of consumer protection . . . of which Ralph Nader is only the most voluble spokesman among many . . . has effectively reversed that once accepted basic principle of English and American common law, caveat emptor, "let the buyer beware".

That principle, under the pressure of consumer groups and advocates such as Ralph Nader and the more-than-willing cooperation of elected lawmakers who see . . . among other more noble motivations . . . consumerism as a vote-maker, has been replaced by another.

It is the seller and manufacturer of goods and services upon whom the burden of seeing to it that those goods and services are safe and perform as they should now falls.

That seems to be a fairly reasonable principle.

Most consumers, we would guess, have complained at one time or another about just plain shoddy merchandise, or paid-for services which just have not been performed.

To the degree that we are all protected from those who sell that kind of goods and that kind of service, consumerism is to the best interest of both those who buy and those who legitimately sell.

But, as with most changes of national attitude and intent, there is danger that the pendulum is swinging past the point of reasonableness in its cycle.

In a parallel development, the enactment of the recent national Health and Safety Act has within it the potential, literally, for putting small business out of business . . . if bureaucratic agencies empowered to enforce the Act has unbending, literal in its interpretations. And the operational history of federal agencies gives little reassurance that enforcement will be reasonable.

There is already afoot in the national Congress a move to operate what appears to be a sort of bureau of consumerism. Those organizations, admittedly business-oriented, which have studied the bills designed to create the agency and who are doing the most talking about it, are raising the question of whether small and independent business can survive in the seventies.

There is little doubt in our mind that if the pendulum swing in favor of consumer protection continues unchecked by simple common sense and reasonableness, it will be the consumer, in fact, who will eventually become the loser.

HOOTEN NO-HITS PHILLIES

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, in Chicago's Wrigley Field yesterday afternoon, Burt Hooten, the Chicago Cubs masterful rookie sensation, struck out seven Philadelphia Phillies en route to the season's first no-hit performance. Hooten's impossible dream occurred in just the second game of this strike-delayed baseball season.

While it may have taken the owners and the players several extra days to get the financial aspects of our national pastime in playing shape, I am glad to see that Chicago's representative in the National League took little time in asserting its claim for the top spot in its division.

Mr. Speaker, I would like to congratulate the Chicago Cubs, and in particular Mr. Burt Hooten, on their auspicious beginning. I would hope that this performance will set the tone for the remaining games of the Cubs' baseball season.

TELEPHONE PRIVACY—XIII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the Telephone Privacy Act (H.R. 14097) with 28 cosponsors.

This bill would give the individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 11th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

PENDLETON, IND.,
April 1, 1972.

Representative LES ASPIN,
Cannon House Office Building,
Washington, D.C.

DEAR SIR: It has come to my attention, via the *Congressional Record,* that you have introduced a bill to restrict the use of telephones for business solicitation purposes. We commend you highly for your effort in this, and we will be writing to the Indiana Representatives urging them to support your bill.

The time is coming when a pre-taped message will be given to the person forced to answer the advertisement-invasion calls, and computers will be doing all of the dialing for the large companies. Before that becomes widespread, restrictions must be implemented.

Will you please send us a copy of the bill referred to above—H.R. 13267, I think it is. And, when hearings are held on this subject, we would very much like to receive a copy of them.

Keep up your insightful work!

Sincerely,

——— ———.

WILBUR WRIGHT COLLEGE,
Chicago, Ill., March 29, 1972.

Hon. LES ASPIN,
Representative from Wisconsin, House of Representatives, U.S.Congress, Washington, D.C.

DEAR SIR: This is written in support of your pending house bill to allow Americans to place a no solicitors' sign on their telephone. We have personally experienced numerous calls to sell carpeting, siding, newspaper subscriptions and retirement real estate. We have almost threatened some solicitors, hung up on others, and tried many other devices in order to be left alone.

Now, we recently moved and would have requested an unlisted phone, but because of two teen age daughters, could not do that. However, I have only an initial before my last name. So far, solicitations have been down.

May I suggest that the telephone companies be made to audit soliciting firms to make certain they abide by a no soliciting sign?

Still another area that is a breach of privacy is that of name lists. Is it right that firms with which one does some business, as department stores, sell a customer's name to so-called "list brokers"? Magazines may sell names of subscribers, credit-card services (as American Express) also apparently sell names. Shouldn't we have a right to restrict the use of our names to firms *we* choose and not be flooded with "junk mail"?

This may surprise you, but I am a business professor and I believe in free enterprise. Many businesses and industries as the direct mail industry have a right to exist, but not a right to be a pest. Good luck to you, sir.

Sincerely,

——— ———.

MOBILE, ALA.,
March 28, 1972.

DEAR MR. ASPIN: I read in the March 27 issue of the Christian Science Monitor of your efforts to stop unsolicited telephone advertising. This has been a great source of annoyance to me for years and I am writing to urge you on and wish you well. I shall ask our Congressman, Jack Edwards, for his interest and support.

Sincerely,

——— ———.

SANTA CLARA, CALIF.

Re telephone solicitors.

I'm so glad someone is thinking about telephone solicitors. I have resented the interruptions during the day and evening and do not enjoy being rude to those callers only doing a job. Even with an unlisted phone number we are not free from such unwanted calls. My husband and I heartily support restrictions on telephone solicitations.

Very truly yours,

——— ———.

UNITED STATES WIDENS TIES TO AFRICAN WHITES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. FRASER. Mr. Speaker, daily newspaper reading is by definition a disturbing task. Good news is no news and each of us finds ourselves exercised daily by events reported in our newspapers.

On April 2, Terrence Smith of the New York Times did a background piece on U.S. Southern Africa policy.

Quite frankly, Mr. Speaker, the Nixon policy in Southern Africa, as reported by Mr. Smith, is deeply disturbing. What we are doing in Southern Africa, and my sense is that Mr. Smith is perceptively reporting administration moves, confirms my belief that the Nixon government has factored out humanitarianism from our foreign policy. Nowhere is the little man—the Greek intellectual, the black South African, the East Bengali, the Taiwanese—and his interests encountered in Nixon policymaking.

This is a sad commentary on the policies of a nation which once beckoned to the world's dispossessed in the words of Emma Lazarus inscribed on a tablet in the pedestal of the Statue of Liberty:

"Give me your tired, your poor,
Your huddled masses yearning to break free,
The wretched refuse of your teaming Shore.
Send these, the homeless, tempest-tost to me.
I lift my lamp beside the golden door!"

Today, we ignore what in a less-sensitive age could be called wretched refuse, but at that time we did consider the common people of the world in our national policies. Today we may refer to the oppressed by less odious names but we ignore them. It is time to heed again the needs and cries of the oppressed.

[From the New York Times, Apr. 2, 1972]

U.S. WIDENS TIES TO AFRICAN WHITES

(By Terence Smith)

WASHINGTON, April 1.—The Nixon Administration is quietly pursuing a policy of deliberately expanded contacts with communication with the white governments of southern Africa.

Although this appears to have been Administration policy for the last two years, it is only in recent months that its implementation has become evident.

In practical terms, the policy has resulted in a number of concrete developments, ranging from major new economic undertakings, such as the recent Azores agreement with Portugal, to the authorization of previously forbidden sales of jet aircraft to Portugal and South Africa.

In contrast with the Kennedy and Johnson Administrations, which sought to ostracize the white governments because of their racial policies, President Nixon has taken a series of steps to improve political and economic contacts with South Africa and with Portugal, which controls Mozambique and Angola.

In recent months the Nixon approach has begun to stir significant controversy among an informal lobby of civil rights, church and academic groups interested in Africa. Their protest has become more vocal and visible as the outlines of the policy have emerged.

The Administration's moves to improve its "communication" with the white governments have drawn criticism in Congress, protest demonstrations and widespread concern among a broad range of groups interested in Africa. Every indication is that this movement is likely to gain momentum in the months ahead.

At the same time the policy had had another result: It has generated unconcealed delight among corporate and other interests that make up the powerful Rhodesian and South African lobbies here.

Neither result was the intention of the Administration's policy makers. Rather, the new policy was the end-product of an exhaustive and critical review of the Kennedy and Johnson policies toward southern Africa.

The unpublicized review, begun at the President's direction in April, 1969, was completed and put before the National Security Council at the end of that year.

It contained, according to authoritative sources, three basic options:

The "Dean Acheson" option, which the former Secretary of State had often urged in public and in his writing. This proposed the treatment of South Africa as any sovereign, friendly nation, without regard to her internal policies.

The "tarbaby" option, so dubbed by its critics is the State Department who feared that, once it was adopted, Washington would find it impossible to let it go even if the policy proved a failure. This proposed increased communication and "selective involvement" with the white governments on the theory that friendly persuasion rather than constant condemnation would be more likely to make them modify their racial policies.

The "more of the same" option, which, essentially, called for continuation of the Kennedy-Johnson policies of vigorous verbal attacks on apartheid, of arms embargoes and of limited official involvement. (Private American investment had never been discouraged, however; American holdings in South Africa, in fact, increased by 80 percent from 1963 to 1969.)

DEBATE LONG AND HEATED

The debate within the Administration over the different options was long and heated, according to those who participated in it. The career Africanists at the State Department pressed for the third, while officials in the Defense Department, concerned about South Africa's strategic naval position, favored the first.

The National Security Council staff, represented by Roger P. Morris, a specialist on Africa, plumped for a variation of "tarbaby" that would combine partial relaxation toward South Africa with cooler language at the United Nations and elsewhere.

The conceptual basis for this approach was an idea known as the "green bay tree theory," first outlined in an article in the British weekly, The Economist, in 1968. The theory holds that like the hardy green bay tree, which flourishes in a hostile environment, the black majority in South Africa will ultimately break the barriers of apartheid because of the blacks' vital role in the expansion of the country's booming economy.

Another factor in the decision was the view reportedly held by Mr. Nixon and Henry A. Kissinger, his national security adviser, that the theory moral and political problems of South Africa are basically beyond the control of the United States, which has only marginal influence in the area.

THE INVOLVEMENT ELSEWHERE

The President and his advisers were said to be in agreement also that the United States, with its involvements in Indochina and elsewhere, could not take on the problem of southern Africa.

Finally, the vast American corporate interests in South Africa were a consideration. Some 300 American companies, including 12 of the 20 largest, have investments in South Africa valued between $750-million and $1-billion. The average yearly return is about 17 per cent per year and contributes handsomely to the plus column of the United States' balance of payments. Some of these companies, such as the Union Carbide Corporation and the Foote Mineral Company, have openly advocated a more "businesslike" relationship with southern Africa.

All of these factors contributed to the decision, finally made by President Nixon in January, 1970, to opt for "tarbaby." It was embodied in a National Security Council decision memorandum signed that month.

AS THE STORM GATHERED

As are all such memorandums, the paper outlining the new approach to southern Africa was classified and remains classified. This National Security Council decision memorandum appears to have been more closely held than most. For more than a year, officials in the State Department's African bureau appeared to have only the vaguest notion of its contents; they insisted, to the few reporters who asked, that no real change in policy had been made.

To the critics of the policy, this amounted to an evasion for fear of the political storm that might arise, once the significance of the change was widely perceived.

This view was supported by John Chettle of the South Africa Foundation. Mr. Chettle wrote in the foundation's magazine, Foreign Report, that a Nixon policy maker had told him that the "ambition of the Administration's southern Africa policy was to cover itself so thickly with grease that nobody could get hold of any part of it." That was written in January, 1971, a full year after a clear-cut Presidential decision had been made.

The outlines of the policy began to emerge slowly in the public statements of key Administration officials. The Assistant Secretary of State for African Affairs, David D. Newsom, dropped a clue in a speech in Chicago on Sept. 17, 1970, when he said that the United States was seeking constantly "to find ways to encourage trends which will lead to peaceful change" in southern Africa.

A year later, making a speech in Atlanta, Mr. Newsom declared: "Isolation can breed resistance to change. Open doors can accelerate it."

He added that in the Administration's view, "economic and demographic pressures make change in southern Africa inevitable."

More significant, however, were the Administration's practical decisions on substantive matters affecting Africa. They included the following:

A re-definition of embargoes on strategic and military equipment to Portugal and South Africa that permitted the sale of two Boeing 707 airliners directly to the Portuguese Government and authorized the sale of small civilian jet aircraft to South Africa.

A decision to grant the Union Carbide Corporation's request to import from Rhodesia in 1970 a shipment of chrome allegedly purchased before the embargo. That request had been denied in 1968 and 1969, before the new policy was adopted.

The agreement with Portugal to renew the long-elapsed lease on the American air bases in the Azores. In conjunction with the two-year renewal, the United States agreed to authorize Export-Import Bank loans to Portugal up to $400-million, a total equivalent to four times all the ExImBank's assistance to Portugal since 1946.

An agreement under which South Africa was permitted, after a suspension of 21 months, to resume selling gold to the International Monetary Fund. The result was a boon to Pretoria, which was facing a serious foreign exchange deficit. South Africa earned some $307-million from gold sales to the fund in the first six months of 1970.

A series of abstentions and negative votes in the United Nations on motions condemning apartheid and the southern African regimes. These included the first use by the United States of its veto in the Security Council, in March, 1970, against a resolution expanding the sanctions against Rhodesia, and the negative vote, for the first time in many years, in 1969, against the General Assembly's annual resolution against apartheid.

The appointment, as United States Ambassador to South Africa, of a Texas oilman, John G. Hurd, a man who, in the words of one State Department officer, "could be expected to establish a rapport with the South African establishment that his predecessors deliberately avoided."

The decision by the Administration not to lobby as vigorously as it might have against the so-called Byrd amendment. That amendment, tacked on to the Military Procurement Act of 1971 and proposed by Senator Harry F. Byrd Jr., Democrat of Virginia, effectively ended the ban on the importation of Rhodesian chrome that was part of the over-all United Nations embargo. The Administration officially opposed the amendment, but the White House failed to send to Congress what Representative Charles C. Diggs Jr., Democrat of Michigan and a former chairman of the Black Caucus, said might have been "the clues that sophisticated people look for to determine the seriousness of the Administration's interest in defeating a particular measure." The amendment carried and was signed into law by Mr. Nixon on Nov. 17.

Mr. Newsom, the Assistant Secretary of State for African Affairs, argues on behalf of the Administration that many of these moves were made for reasons unrelated to African policy. He cites the Azores agreement as an example of a decision based on considerations of European security, rather than African policy.

He noted in an interview that South Africa had not yet purchased any of the civilian jets it was authorized to buy. "The restrictions we placed on their use are too stringent," he said.

Discussing the voting record in the United Nations, Mr. Newsom noted that in recent years, the resolutions on Africa had become more militant than those the United States had supported in the past. "Some have posed legal problems for us," he said; "others would have increased the United Nations budget at a time when we are under Congressional pressure to reduce our contribution to the U.N."

"I get hit hard on many of these questions when I speak around the country, particularly on the campuses," he added. "Few people realize or appreciate the role Congress plays in these decisions. In many ways, our votes in the U.N. reflect the changed attitudes about that body on the hill."

U.S. STAND ON NAMIBIA CITED

Mr. Newsom also feels that the Administration has failed to get full credit for its strong opposition to continued South African control of South-West Africa, and for its policy of urging American businessmen to consider investment possibilities in neighboring black states before they invest in South Africa. South-West Africa is a trust territory controlled by South Africa under a 1920 League of Nations mandate and South Africa has refused to relinquish her control. The territory is known in the United Nations as Namibia.

As a sign that South Africa is beginning to respond to the Nixon policy of communication, Mr. Newsom noted that Pretoria had granted visas to Representative Diggs, to the newspaper columnist Carl T. Rowan, to Roy Wilkins, executive director of the National Association for the Advancement of Colored People, and other prominent black Americans.

Mr. Rowan, who is a former head of the United States Information Agency scoffed at the notion that his visa was granted as a result of the Administration's policy. "South Africa let me in to encourage their own independently-arrived-at policy of contact with the black African nations," he said in a recent interview. "It had nothing to do with Nixon."

The opposition to the policy in this country began to build slowly. One prominent act of protest was the resignation last December of Mr. Diggs from his post as a member of the United States delegation to the United Nations General Assembly.

In a statement at the time, Mr. Diggs objected to the United States record in the world organization, the relaxation of the arms embargoes, and the Azores agreement, which he said continued "an open alliance with the forces of racism and repression in southern Africa."

SPREAD OF THE PROTESTS

Last month, several hundred students from Southern University, Baton Rouge, picketed the arrival of the first shipment of Rhodesian chrome at Burnside, La.

The opposition found another voice in Gary, Ind., in the first National Black Political Convention, held March 11–12. The convention adopted a platform that called for an end to American "complicity" with European colonialism and repression in Africa. It also demanded the transfer of American investments from South Africa to the black African nations.

Last weekend, 300 representatives of 25 Protestant, academic and civil rights organizations assembled in the Sheraton Park Hotel here in Washington for a two-day conference on the role of United States investments in southern Africa.

Participants in the conference called on the Security Council to condemn the United States (along with Portugal and South Africa) as a "persistent violator" of the economic sanctions imposed on Rhodesia. The delegates also endorsed the Black Caucus' efforts to repeal the Byrd amendment and obtain an injunction against further imports of chrome.

In black Africa, a number of leaders have denounced the Nixon Administration's relaxed policy. The leaders included President Kenneth D. Kaunda of Zambia, who warned at an Africa-American conference in January in Lusaka, his capital, that the policy could have a crucial impact on relations between the United States and the African continent.

The conference was attended by a nine-man Congressional delegation including Senator Adlai E. Stevenson 3rd, Democrat of Illinois. He said in a recent interview here that he and his colleagues had come away "battered and bloody" as a result of African criticisms of the Administration's policy.

"They really hit us over the head on it," Senator Stevenson said. "My fear is that the United States is on the verge of losing its influence and the reservoir of goodwill it has always had in Africa."

CHALLENGES IN CONGRESS

The Administration is going to be faced with a number of domestic challenges to its policy. There are bills pending in Congress or about to be submitted, calling for denial of tax credits to American companies that operate in South-West Africa and calling for extension of fair employment practices to the local employes of American companies operating in South Africa.

Another bill calls for submission of the Azores agreement to the Senate for its approval and ratification. Other protests have been promised over the importation of Rhodesian chrome, and a major anti-Administration rally is planned for May 25 in Washington.

All these factors will make it more difficult for the Administration to pursue its policy of improved communication with southern Africa and keep peace, at the same time, with critics of its policy.

While the controversy over the policy may not be a significant issue in this Presidential campaign, Representative Diggs, for one, says:

"The tide of events in Africa is all in one direction, and this Administration is running against it. Africa may not be a central issue in 1972, but it may well be in 1976."

WE CAN DO NO LESS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BRASCO. Mr. Speaker, all thinking men and women have been shocked and dismayed in the last year or so to read of the behavior on the part of the Soviet Government toward groups of Soviet citizens determined to assert their cultural and religious identities within Russian society. No group has made more determined efforts than the Jews.

Soviet society is essentially monolithic. Those at its pinnacle, swollen with power, fear any deviation from the norm. Rules of behavior are enforced by the secular arm of the state.

Some of the finest flowerings of Soviet culture and the Russian character have been trampled forthwith because they dared expose some of the realities of Russia's daily life, and how they affect the average person.

No group has voiced stronger views on behalf of retaining their ethnic identity than the Jews. As a result, no group has been on the receiving end of more brutal treatment by the regime than the Jews. Yet they persist.

In some few cases, the ultimate sanctions have been applied. In many other cases, Jewish citizens of the Soviet Union have been flung into labor camps reminiscent of the Stalin era. In still other cases, such individuals have been incarcerated in lunatic asylums, as the Government exerts its full force to discredit them in the eyes of their fellow citizens and a watching world.

Like all tyrannies, this one reacts in the same way. Like all tyrannies, this one fails to achieve its goals. Like all those oppressed who seek and struggle for the life freedom, these people have refused to give in. And like all those who believe in the dignity of the individual, we here in America have admired and sympathized with such a noble struggle.

It is certain that they shall prevail. It is certain the Soviet regime's efforts to silence them will fall short. Truth stands by itself. Only lies require artificial support.

Yet they cannot do it alone. It is vital that all free men everywhere stand up on their behalf and make their feelings known. In such a way, the combined voices of those who will not suffer such oppression to the afflicted with impunity can and will be focused upon this brutal regime. And eventually and inevitably, the hand of the tyrant will be removed from the neck and the mouth of his victim.

We have here before us a resolution expressing the sense of this House in this regard. It will place us on record as protesting the disabilities and discriminations practiced against Jewish citizens of the Soviet Union by the Government of that country. As the most representative body of the largest democracy on earth, we can do no less.

It is absolutely essential that those who struggle for liberty know that they do not fight alone. Let them know by our action that long night of oppression will eventually culminate in an inevitable dawn of freedom.

TESTIMONY ON H.R. 850 BEFORE THE HOUSE WAYS AND MEANS COMMITTEE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BEGICH. Mr. Speaker, for too long, certain inequities have existed in the Federal tax structure. The tax burden on single persons stands out as one of those inequities in the present tax laws. While those filing joint returns receive favorable tax bracket scheduling, citizens filing single tax returns must face higher schedules. H.R. 850, which I have cosponsored, would end this inequity and provide relief for the single taxpayer.

As a cosponsor of H.R. 850, I recently testified before the House Ways and Means Committee, and with your permission, I submit that testimony into the RECORD so that the people of Alaska might know my position on this issue. I might add that the statistics I found on this topic for Alaska are very interesting, and I hope my colleagues will take time to consider them:

TESTIMONY ON H.R. 850 BEFORE THE HOUSE WAYS AND MEANS COMMITTEE

Mr. Chairman: I am pleased to comment today on H.R. 850, which will provide long overdue tax relief for single taxpayers. As a co-sponsor of this bill, I believe it represents both a statement in favor of general reform of the tax structure, and a specific attempt to bring equity to one group of taxpayers who certainly deserve relief. I am very well aware that both the Chairman, and the Members of this Committee, share in the commitment to review the entire tax system to insure that the revenue burden of our Nation is distributed fairly, and I believe that this is a fine beginning point.

Mr. Chairman, I can see that many of our distinguished colleagues are prepared to offer testimony on this legislation, and I do not wish to burden the Committee with information it will certainly gain in other testimony. I do think that the Committee will be interested to learn of the effect of the legislation on my State of Alaska.

The fact is that Alaska has an extremely high percentage of single persons. Last year, Federal income tax returns for Alaska proved this fact conclusively. Of a total of 90,953 tax returns filed, 32,324 were "single" returns, constituting well over one-third of all returns filed. An additional 6,000 returns were filed in categories other than "joint" returns, leaving only about 52,000 joint returns. What this means is that nearly half of the taxpayers in Alaska are paying taxes in a higher bracket because they are single, widowed, divorced, or because both the husband and wife work. The national figures reflect a somewhat lower percentage of single filings. Of 75.8 million tax returns filed, 27.5 million were single and 2.7 million were returns of married couples where both members worked.

There are important reasons for this unusually high percentage of single taxpayers in Alaska, a percentage which must be among the highest in the Nation. First, Alaska is by nature a state which attracts young, adventurous and often single people to share in its lifestyle. The average age of all Alaskans is about 23 years of age, and 55% of all Alaskans are under the age of 24 years.

Alaska has always had an excess of male citizens, a fact which, not surprisingly, produces single taxpayers. In 1960, only 43% of Alaska's population was female. In the recent census, that figure has risen to 46%, still far below national norms. Although the female population has increased 41% in ten years, and the figure for single returns has dropped accordingly, Alaska still maintained the high number of single taxpayers I set out earlier.

Distressingly, Alaska continues to have a high divorce rate, in most years about 50% to 75% above the National average. Finally, Alaska has a substantial accident rate, undoubtedly a factor of difficult living conditions in some areas, and a high percentage of persons are widowed.

In summary, Mr. Chairman, the figures show that, for all these reasons and others, Alaska has an extremely high percentage of single persons. The 1960 census showed that of the male population over 14 years of age 40.4% of Alaskans were "single" for some reason. For 1960, the same figure for other states was from 25% to 34%.

For females over 14 years of age, Alaska showed 23.2% single, while other states were higher, up to 30%. I apologize for not having the 1970 figures for these categories.

Mr. Chairman, I hope that your Committee finds these statistics for Alaska useful and interesting, and I offer them to show that Alaska feels a special impact of inequities for single taxpayers. Still, I want to make it abundantly clear that I make no special pleading on this matter, for the lot of every single taxpayer is the same. Although Alaska ranks 50th in the Nation in percentage of taxpayers over 65, having only about 3% of its population in this category, I argue just as strongly for the many taxpayers who find themselves alone at this age, and I know that my colleagues from the many states having high percentages of retired persons share my view of the present tax inequity.

I simply believe that the revenue gathering system of our government must not function at the expense of those who cannot afford to pay, and should not be discriminated against for lack of a valid basis. Like the Committee, I shall be eager to learn the revenue implications of this reform, but I must say that I cannot conceive of a revenue report which could dissuade me from my commitment to this legislation.

THE ARCHIE BUNKER VOTE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HARRINGTON. Mr. Speaker, one healthy result of the recent series of Democratic primary elections has been that many of our commentators have rediscovered American working men and women, and their problems. It is ironic that it should have taken some of our national opinion leaders so long to recognize the very serious problems that beset those who work for a living in the United States. The disastrous economic policies of recent years, which brought unemployment to intolerably high levels even as inflation was skyrocketing, have greatly aggravated these problems. And the wholly one-sided and unfair manner in which the economic stabilization program has been administered had added even further to the worker's burdens.

Unfortunately, however, many of those who have just discovered that hardworking men and women have deep-rooted and legitimate grievances against the inequitable economic structure of America have done so in a distorted fashion. At this point many union members must be wondering whether neglect is not to be preferred to the bemused condescension which has replaced it. Symptomatic of this is the use of the Archie Bunker stereotype to describe those workers genuinely outraged—as they should be—at inequitable tax structures which favor the wealthy, or at law enforcement of antitrust laws, or of a price control system that allows meat prices to leap upward at the highest rate in more than 20 years. The following article from the Washington Report of the United Auto Workers hits this point head-on, and I commend it to every Member of this body.

The article follows:

THE ARCHIE BUNKER VOTE

Let's establish first that Archie Bunker is a company foreman. He's not a clockpunching worker.

Despite all this Archie has become an easy sterotype to explain why a lot of people are voting against establishment candidates these days.

"The Archie Bunker" vote is supposed to be made up of blue collar, anti-busing, outraged taxpayers. It's a terribly over-simplified idea, which, of course, has some truth.

Archie Bunker, the star of "All in the Family" is a slob. But he's not a typical worker—far from it.

Last week the new Teamster newsletter "Focus" made national headlines with an open letter to presidential candidates and with an attack on the easy assumption that American workers are bigots and slobs. We'd like to join in with our two cents.

The results of the Wisconsin primary show a great deal of discontent among voters about the national tax situation and the impact of the local property tax.

Wisconsin's two U.S. Senators—Bill Proxmire and Gaylord Nelson—have been proponents for national tax reform. Nelson is on the Senate Finance Committee and has come up with a neat plan to plug tax loopholes and lower local property taxes. Democratic candidates were flocking to that bill in the last days of the Wisconsin primary.

Milwaukee's Congressman Henry Reuss has been a persistent supporter for tax reform in the House. It was his report that 112 rich families escaped paying any federal income tax which gave impetus to the current drive to do something about the unfair tax burden placed on working people.

The New York Times—very eastern and very establishment—did look beneath the surface of last Tuesday's voting in Wisconsin to find out why people voted the way they did. The Times survey is based on personal interviews with 382 voters in 36 precincts in nine randomly selected counties across the state.

The top issues among both Democrats and Republicans were "tax reform, inflation, high property taxes, ending the war and reducing crime." Republicans who crossed over to vote for either McGovern or Wallace did so because they were angry about economic issues.

The Times surveys shows that voters cast Democratic crossover vote if they were mad about Nixon's economic policies, not because they were trying to louse up the Democratic primary.

Among those who considered themselves firmly Republican, the Times survey showed that two-thirds felt the Nixon wage-price policies were failures. And Governor Wallace of Alabama got a third of the GOP crossovers, while Sen. George McGovern, the Wisconsin winner, got a quarter of the crossover.

Interestingly a third of the Republicans thought Wallace "a racist" while half the Democrats did. The Times said pocketbook issues were the dominant issue in the Wisconsin primary, and this was true among both Democrats and Republicans, as well as independents.

McGovern, reported The Times "outdistanced even Governor Wallace by margins of 2 to 1 among the large proportions of voters deeply troubled by economic issues."

Louis Bean, a Washington student of voting trends, observed last week that the Wisconsin primary points to a Democratic win in 1972. He said that when more people vote in the Democratic primary than in the Republican primary, the trend in past years has been for a final Democratic victory in the November general election. He also warned about counting out either Sen. Humphrey or Sen. Muskie, on the basis of the Wisconsin primary alone.

"There are a lot of workers who are thin, think everyone deserves a truly equal opportunity, are sincerely compassionate and essentially intelligent," said the Teamster publication last week, "smart enough to know when they are being bs'd to death.

"We think that increasingly the resentment runs deep and that the resentment helps account for reactions in the voting booths during this hot presidential year.

"Maligned in public," the article says, "he knows he's being made fun of by the so-called opinion makers. Increasingly hurt, angry and resentful he is quite ready to voice his feelings in the voting booth."

DON'T LEGALIZE MARIHUANA

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ROONEY of New York. Mr. Speaker, under the permission heretofore granted me by unanimous consent of the House, I include the following newspaper article written by Rev. Daniel Lyons, S.J. and published in the National Catholic Register of Sunday, April 16, 1972:

[From the National Catholic Register, April 16, 1972]

DON'T LEGALIZE MARIJUANA!

(By Father Daniel Lyons, S.J.)

Only two nations in the civilized world have cut down on the use of drugs in the past few years: Sweden and Japan. Sweden's 27-year-old drug epidemic is slowing down for the first time because of much tougher narcotic laws.

Japan is cutting down on the use of narcotics by ruthless enforcement of laws against both users and suppliers. Japan also has a massive rehabilitation program and a nationwide government information policy. It has produced almost universal hostility toward drugs and a willingness on the part of the people to help police deal with the problem.

Red China has also cut down on the use of drugs, but it has done so by widespread use of capital punishment against anyone involved. I do not include China, since we cannot emulate her methods. Nor can we approve of the fact that she supplies at least 65 per cent of the world's illicit narcotics, according to a recent report from Australia.

According to Dr. William Baird, who has worked for 20 years with addicts in New York's Harlem, most of the heroin in this country comes from Communist China. "Letting down the trade barriers with Red China," he said, "will unlease a holocaust of drug addiction in this country."

"Heroin has exploded on us like an atomic bomb," said a noted pharmaceutical spokesman recently. There are at least 250,000 heroin addicts in the U.S. Four people die of heroin addiction every day in New York City alone, half of them under 23 years of age.

The important fact to remember about heroin addicts is that 90 per cent of them started on marijuana. Despite the lesson of success in Sweden and Japan, there is a concerted drive on in this country to deceive the public and legalize marijuana. The National Commission on Marijuana and Drug Abuse released a report on March 22 that ridiculed the harmful effects of marijuana and urged the President to remove any restraint on the use of marijuana "in small amounts."

Huge, powerful industries like tobacco and liquor would love to get their hands on yet another addictive product. According to reports, two U.S. tobacco companies have already purchased land in Mexico for growing marijuana if it is legalized.

How do we find out the facts? Not from M.D.'s who work for companies who want to legalize marijuana. Far better to rely on insurance companies, whose profits depend on keeping people healthy. According to Metropolitan Life, marijuana causes psychological addiction, leads to loss of energy and motivation, and causes hallucinations. "It makes him or her a good-for-nothing bum," in the words of the New York Daily News.

Every year 30,000 Americans are killed and 500,000 injured because of alcoholic drivers. Legalization of marijuana and widespread promotion of the drug could double the number of persons killed and injured on our highways.

Dr. D. Harvey Powelson, director of the Student Psychiatric Clinic at Berkeley, has treated 500 student marijuana smokers over the last five years. It appears to have a cumulative effect, he said, causing chronic changes "similar to those seen in organic brain diseases—islands of lucidity intermixed with areas of loss of function."

According to Dr. Frank Ayd, many of those who want to legalize marijuana disregard expert medical opinion that it is "a dangerous drug." Nor do they tell the public that there are at least six different types of marijuana. While increased doses may induce stupor, semicoma or coma, any dose "may cause anxiety, depression with suicidal tendencies, confusion, depersonalization, temporal disorientation, impaired judgment, panic reactions, paranoia and psychosis."

The President's Committee tried to pooh-pooh all that. On behalf of your children and grandchildren, send President Nixon a note and tell him what you think about it.

A NICE SOUND—FROM THE POSTMASTER GENERAL

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BRAY. Mr. Speaker, the following editorial from the Indianapolis Star of April 3, 1972, should come as welcome news to tired taxpayers. This is a start; may Postmaster General Klassen's tribe increase. The editorial follows:

A NICE SOUND

What Postmaster General E. T. Klassen said last week is music to a lot of ears.

He announced plans to cancel a $450 million rate increase scheduled for next January, saying the public is not ready for it.

He said, "We must learn to live within our income."

He ordered a freeze on hiring.

He called for a dramatic reduction in costs.

He ordered a renewed emphasis on service and customer courtesy.

He told a meeting of United States Postal Service management:

"All of us must understand that the survival of the U.S. Postal Service depends upon everyone giving service. Service is the only thing we have to sell."

Bravo! He is our kind of bureaucrat, if he will pardon the expression. It is likely he is almost everyone's.

Let's hope what he has—and it looks like a terrific case of good sense—is catching.

HOUSE OF REPRESENTATIVES—*Tuesday, April 18, 1972*

The House met at 12 o'clock noon.

Rev. L. G. Lipscombe, Allen Chapel AME Church, Washington, D.C., offered the following prayer:

Jesus said unto them, I am the light of the world; he that followeth me shall not walk in darkness, but shall have the light of life.—John 8: 12.

Almighty God, under the all-embracing canopy of Thy goodness and mercy, we come as children in our Father's house.

In our deep concern for the Republic and for mankind everywhere, strengthen, we pray Thee, our grim resolve at any cost to push back the forces of darkness which threaten the dearly heritage of friends.

These anxious days we remember gratefully the armed battalions of our youth who have inherited so sorry a world—the Americans boys in our uniforms called to contend with the ruthless powers of tyranny. The cheerful courage of these knights of the treacherous land and trackless air, long leagues from home, in the face of deadly peril, shames our petty complaints and our magnified discomfitures here in their homeland and ours.

Give us, pray, prophetic glimpses of the different earth we can construct after the pattern of Thy kingdom, if together we harness the sacrifices and the costly ingenuities of conflict to the service of Thy children everywhere on this spinning globe.

We ask it in the name of the one who declared that the field is the world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9212. An act to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to joint resolutions of the Senate of the following titles:

S.J. Res. 117. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; and

S.J. Res. 169. Joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2676) entitled "An act to provide for the control of sickle cell anemia," with amendments in which the concurrence of the House is requested.

CUTTING THE CAKE AND EATING IT TOO

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, the North Vietnamese evidently think they can have their cake and eat it, too.

The Communists have invaded South Vietnam with brutal fierceness. This is an invasion to crush the South Vietnamese and to push the remaining Americans into the sea.

The President has the responsibility to protect our remaining American servicemen. Air strikes in North Vietnam are absolutely necessary to do this. We really have no other alternative since airpower is the only military might we have.

The air strikes have hurt the enemy. Now they say they want to reopen negotiations, but on their own terms.

The North Vietnamese are a cruel and inhumane enemy, Mr. Speaker. They only understand and respect force. In my opinion, the President is making the right decisions to protect the last Americans in South Vietnam.

RISE IN INDEX OF INDUSTRIAL PRODUCTION FOR THE 7TH CONSECUTIVE MONTH

(Mr. RHODES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RHODES. Mr. Speaker, this week the Federal Reserve Board reported that for the seventh consecutive month there was a rise in the index of industrial production in our economy. From February to March the index advanced 0.6 percent to a seasonally adjusted 109.6 percent of the 1967 average. This monthly increase is equal to a susbtantial 7.2 percent annual rate, and the rate at the end of March was 3.9 percent above a year earlier.

This good news regarding industrial production was matched by the report last Friday that construction contracting in 1972 is expected to reach $85 billion, up from 1971's $79.64 billion. This latest estimate, made by the F. W.

Dodge division of McGraw-Hill Information Systems Co., is about $2 billion higher than the initial 1972 forecast by McGraw-Hill last October. The new projected contracting total puts the 1972 gain over the 1971 level at 7 percent, up from last October's 4 percent.

According to the new estimate nonresidential construction contracting should register an 8-percent gain in 1972 over 1971. Public works and industrial and commercial building construction over 1972 should be around $27.65 billion, up $2 billion from 1971. Highway, sewer, and water facilities are also expected to register big gains. Residential building is expected to increase 4 percent in 1972, to $36.30 billion.

Mr. Speaker, this strong growth in two such basic areas as industrial production contracting will contribute to a favorable performance for the economy in 1972.

APOLLO 16 STATUS REPORT

(Mr. MILLER of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, at 8 a.m. central standard time this morning, the Apollo 16 spacecraft was approximately 150,000 miles away from the earth on its journey to the moon. During the last evening, a midcourse correction burn with the service propulsion system was successfully performed producing a velocity change of 12.5 feet per second.

Captain Young and Colonel Duke entered the lunar module and checked on the lunar module communications systems and general condition of the lunar module. During the evening, the command module computer received an indication that the inertial measuring unit gimbal lock had occurred. Ken Mattingly successfully realigned the spacecraft platform, and the guidance system is again functioning properly. Subsequent to this problem, a command control problem developed and Mission Control Center has been unable to switch spacecraft antennas from the ground.

The spacecraft will go into orbit around the moon during the afternoon of Wednesday, April 19, with lunar landing scheduled for Thursday afternoon at approximately 2:41 p.m. central standard time.

FEDERAL ELECTIONS CAMPAIGN ACT OF 1971

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the Federal Elections Campaign Act of 1971 went into law on April 7. At a time when public confidence in governmental institutions is shaken, this bill shows the good faith and self-restraint of the U.S. Congress. The law requires all candidates to make regular reports of campaign contributions and expenditures and, perhaps more importantly, makes these reports available to the general public and to the news media through the offices of each Secretary of State and the clerk of the U.S. House of Representatives. The public has a right to know more about the electoral process and making available knowledge about the sources of financial support for a candidate is a giant step in the right direction.

Some people have, with tongue in cheek, called the act the Self-Destruction Act of 1971 because the law imposes so many disclosure rules on Members of Congress. But the overwhelming majority of Congressmen and Senators have always conducted their campaigns without the slightest hint of impropriety, and this act will allow the public to become aware of this first-hand.

A democrat government cannot be fully effective without the trust and confidence of the people. This act should reinforce and build anew the public trust in the leadership of our Federal Government.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FRANK J. McCABE

The Clerk called the bill (H.R. 1862) for the relief of Frank J. McCabe.

There being no objection, the Clerk read the bill as follows:

H.R. 1862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Frank J. McCabe, of Hampton, Virginia, is relieved of liability to the United States in the amount of $497.95, representing an overpayment (made by reason of administrative error) of his per diem travel allowance for the period March 5, 1967, to May 5, 1967, in connection with his participation in a training course at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Ohio, as an employee of the Department of the Army. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank J. McCabe, of Hampton, Virginia, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 12, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I as unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMPARO CORONADO VIEUDA DE PENA AND HER THREE MINOR CHILDREN

The Clerk called the bill (H.R. 4679) for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena.

There being no objection, the Clerk read the bill as follows:

H.R. 4679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Mrs. Amparo Coronado Vieuda de Pena and her minor children. Yolanda Pena, Marisela Pena, and Lorenzo Pena, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of section 101(a)(27)(B) of the Immigration and Nationality Act, Amparo Coronado Vieuda de Pena, Yolanda Pena, Marisela Pena, and Lorenzo Pena shall be held and considered to be returning resident aliens."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JERRY L. CHANCELLOR

The Clerk called the bill (H.R. 7946) for the relief of Jerry L. Chancellor.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there any objection to the request of the gentleman from California?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR CONVEYANCE OF CERTAIN REAL PROPERTY OF THE UNITED STATES

The Clerk called the bill (H.R. 1915) to provide for the conveyance of certain real property of the United States.

There being no objection, the Clerk read the bill as follows:

H.R. 1915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall convey, to Mrs. Julian Souvenir of Cathlamet, Washington, all right, title, and interest of the United States in and to the real property described as the southeast quarter of the southwest quarter of section 26, township nine north, range six west of the Willamette meridian, except that portion thereof conveyed by deed from Richard Dick to A. D. Birnie and recorded in Book "D" of Deeds, page 357, records of Wahkiakum County, Washington, containing approximately thirty-three acres, more or less.

SEC. 2. The Secretary of the Interior shall convey to William D. Auld, of Ridgefield, Washington, all right, title, and interest of the United States in and to the real property described in the deed from Richard Dick to A. D. Birnie recorded in Book "D" of Deeds, page 357, records of Wahkiakum County, Washington, containing seven acres more or less.

SEC. 3. Conveyances under section 1 and 2 hereof shall be made upon payment of an amount determined by the Secretary of the Interior. Such amount shall be based upon an appraisal on the basis of the value of such land at the time of appraisal, exclusive of any increased value resulting from the development or improvement of the land by the applicant or his predecessors in interest, and in such appraisal the Secretary shall consider and give full effect to the equities of any such applicant.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. SPRINGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 111]

Anderson, Tenn.
Ashley
Badillo
Barrett
Belcher
Blackburn
Brown, Mich.
Carney
Chisholm
Clark
Clausen, Don H.
Clay
Coughlin
Culver
Curlin
de la Garza
Dennis
Dent
Diggs
Dowdy
Downing
Dwyer
Edwards, La.
Eshleman
Fountain
Fraser
Galifianakis
Gallagher
Gettys
Griffin
Hanna
Hawkins
Hébert
Heckler, Mass.
Hutchinson
Johnson, Pa.
Jones, Tenn.
Karth
Kee
Kyros
Landrum
Long, La.
McKevitt
Macdonald, Mass.
Mills, Ark.
Moorhead
Morse
Nix
Patman
Pelly
Pepper
Poage
Pryor, Ark.
Scheuer
Seiberling
Smith, Calif.
Stanton, J. William
Stanton, James V.
Steed
Stephens
Stokes
Stubblefield
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Vander Jagt
Wright
Zwach

The SPEAKER. On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 897 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 897

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 45) to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may consume, and at the conclusion of my remarks I yield 30 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. Speaker, House Resolution 897 provides an open rule with 1 hour of general debate for consideration of H.R. 45 to establish an Institute of Continuing Studies of Juvenile Justice.

The purpose of H.R. 45 is to establish an Independent Institute of Continuing Studies of Juvenile Justice, comprised of a director, an advisory commission, and a staff.

The Institute would collect, prepare and disseminate data bearing on juvenile justice and would train personnel in the juvenile justice area.

The advisory commission, composed of 21 persons, will have supervision of the overall policy and operations of the institute. The Director of the Institute will act as chairman of the commission.

Two million dollars are authorized for fiscal year 1972 and $2 million annually are authorized for each of the 3 succeeding years.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Could it be possible that the proponents of this legislation were serious when they came before the Rules Committee and asked for a rule on a bill providing an authorization of $2 million for the fiscal year 1972, which has less than 2 months to run? Could it be possible they were serious? Did they look serious?

Mr. O'NEILL. Well, you will have to ask the gentlemen from the committee on that. Yes, they certainly did.

Mr. GROSS. I was only questioning the demeanor of the sponsors was when they came before the Rules Committee.

Mr. O'NEILL. They were exceptionally serious, and they convinced the Committee on Rules.

Mr. GROSS. They must have.

Mr. O'NEILL. I now yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, let me hastily point out to my friend from Iowa that they did not impress this member of the Committee on Rules, as I am not in support of this legislation. I think it is duplication and is not needed.

I am supported in this by the Attorney General of the United States and in the person of Elliot Richardson, the Secretary of Health, Education, and Welfare. I would like to read a couple of paragraphs from the report of the Attorney General on this bill:

> It is the opinion of this Department that the existing statutes discussed above, the programs conducted under them, and the administrative coordination measures that have been taken constitute an adequate and effective program of action in the juvenile justice field. For this reason, the Department of Justice recommends against enactment of this legislation.

Mr. Richardson reported to the committee in summary:

> In summary, we believe that the authority now existing in the Department as well as that existing in the Department of Justice under the Omnibus Crime Control and Safe Streets Act is sufficient to carry out the objectives of H.R. 45. We are working with the Department of Justice in determining the types of training to be carried out by each of our authorities and the type of data collection and dissemination in which each Department should be involved. The establishment of another independent agency in the form of an Institute would fragment Federal efforts in the field.

Mr. Speaker, I do not think we ought to fragment our efforts in this particular field, it is too important that our efforts succeed. I do not think we need an outside and largely independent institute working on and I might say confusing the issues which are involved here.

The two major purposes of the institute would be, first, to collect, prepare, and disseminate data bearing on juvenile justice. At that point I might inquire as to who is better able to collect, prepare, and disseminate this information than the Department of Justice.

Second, to provide training to Federal, State, and local personnel in the juvenile justice area. At this point I might add we have already taken care of this. We did it adequately in the Omnibus Crime Control and Safe Streets Act.

The Department of Justice already has authority to be given this institute, and I for one cannot understand why we need an outside group to fragment our efforts.

As the gentleman from Iowa already stated, they want $2 million each year for the next 3 years to do something that is already being done.

For these reasons, Mr. Speaker, I might say that I oppose the rule and oppose the bill.

Mr. GROSS. Will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman.

Mr. GROSS. They not only want $2 million for each of the succeeding fiscal years after July 1, but they want $2 million for the 2½ months which remain of this fiscal year.

Mr. LATTA. I could not agree more with the gentleman.

I might say, also, on December 6, 1971, this bill failed for passage under suspension of the rules, and I hope that it fails today.

Mr. Speaker, I now yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I urge immediate passage of H.R. 45, legislation to establish an Institute for the Continuing Studies of Juvenile Justice, because I am thoroughly convinced it will greatly assist us in solving our juvenile crime problem.

As a cosponsor of the bill, I have been pleased by the overwhelming support it has received. Over 100 Congressmen and 24 Senators have sponsored the legislation. Strong endorsements of H.R. 45 have come from such impressive organizations as the American Bar Association, the National Council on Crime and Delinquency, the National Council on Juvenile Court Judges, and the American Parents Committee. Also, many hundreds of letters from concerned citizens have been sent to congressional offices, in the hope we will pass this bill to create an institute to deal with the complex problem of juvenile crime.

Besides establishing a coordinating center for the collection and dissemination of data on the subject of juvenile crime and preparing studies on this subject, the Institute would provide training programs and facilities to those individuals concerned with the prevention, control, and treatment of juvenile justice. These training programs of short-term instruction modeled after the highly successful FBI Academy would make a significant contribution to the effectiveness of those persons who play such an important role in the young offender's life. The institute would also conduct regional workshops and seminars and develop technical training teams to aid State and local groups in setting up their own training programs. All of these activities would be open to the whole range of individuals involved in the juvenile justice system—including, but not limited to, law enforcement officials, judicial personnel, welfare workers, and probation officers.

Mr. Speaker, such an institute could provide very valuable assistance in my home community of Rockford, Ill., where the Council of Community Services and the League of Women Voters are currently working together on a survey of the juvenile crime problem and the need for additional services to deal with that problem. The purpose of the institute is not to assume local responsibility for dealing with juvenile crime, but rather to encourage and assist local authorities and groups in improving their own programs.

There are, no doubt, many excellent reasons for the kind of personnel training and upgrading envisioned in this legislation. However, I would like to underscore one in particular. This is the growing trend toward more precise definition of both individual rights and responsibilities and the procedures and due processes of our law enforcement, judicial and correctional institutions. As Congressman RAILSBACK pointed out in the hearings, currently only five States have complete juvenile justice systems; less than one-half of the States afford the right to trial by jury; and many others do not even have specialized juvenile judges. But all of this is beginning to change. More States are now moving toward a full system of juvenile courts and a more formalized, professionalized, and effective system of complimentary institutions and personnel. This development obviously will put an enormous strain on the supply of competent manpower, and thus will make all the more necessary the kinds of training activities proposed in H.R. 45.

Let me conclude, Mr. Speaker, by saying if we are to root out a problem so stubborn and complex as juvenile delinquency, we must have an effective vehicle, and I hope we delay no longer on its passage.

Mr. Speaker, I urge my colleagues to support the rule and the legislation which it would make in order.

Mr. LATTA. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, in order that it does not go unnoticed that the Federal Government is already deeply involved in this area that is going to be covered when this Congress creates this institute, I think it is important that we look at page 6 of the report, and understand that the Department of Justice is already carrying out the very things that the gentleman from Illinois has pointed to, that this bill will do:

> Under the Safe Streets Act the Department's Law Enforcement Assistance Administration is authorized to make grants and contracts to improve police, corrections and the courts, to conduct research, and to provide information and technical assistance. These programs are applicable to juvenile as well as adult law enforcement and delinquency problems. In addition, with the recent amendments to the Safe Streets Act, added emphasis is placed on making grants to States for juvenile delinquency prevention and correctional programs.

Then, skipping down a little in the report, it reads:

> In the area of training, education, and technical assistance LEAA has funded a number of programs. For example, an award of $68,565 has been made to the Federal Bureau of Prisons to conduct a series of workshops on "Innovative Programming for Youthful Offenders" to increase the adequacy of institutional rehabilitation. A $200,000 award has been made to the Massachusetts Department of Youth Services to develop a training center in that State for representatives of the juvenile agencies in the New England area. In addition to these examples of discretionary grants—

Now, get this—

> $20,314,000 has been allocated by the States in their State block action funding for fiscal year 1971 for training and education in the juvenile field.

And this bill, as has already been pointed out, is only for $2 million each year, under the act that is already the law, $20,314,000 has already been allocated in this fiscal year for the same purposes.

> Also, in Fiscal Year 1970 over $400,000 in LEAA technical assistance funds were expended or obligated in connection with corrections technical assistance programs, many of these funds going to provide technical assistance to aid in the developmnt of training programs in the area of juveniles and juvenile offenders.

Mr. Speaker, I believe we ought to give the legislation we have already passed, and is already being funded, an opportunity to work before we create an outside institute to fragment its work.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I listened with great interest to the gentleman from Illinois (Mr. ANDERSON) speaking in support of this measure. I am always amazed by the increasing number of devotees to the theory that all you have to do to make a problem disappear, no matter how large or small, is to throw several millions or billions at it that will eliminate all worry about it in the future. And it does not make any difference how much duplication, overlapping or how much money is already being spent. Just throw some more millions at it, and it will disappear.

Mr. Speaker, I thank the gentleman from Ohio for yielding to me, and compliment him on his excellent statement in opposition to this bill.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. O'NEILL. Mr. Speaker, I might point out to the House that this bill was reported originally last November, and came out of the subcommittee and the full committee unanimously. It was placed on the suspension calendar on December 6, and the vote on that day was 238 for the bill and 135 against, obviously not receiving the required two-thirds vote under the rules.

Mr. Speaker, we are asking for 1 hour of general debate on this bill. I trust that the rule will be adopted.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. KASTENMEIER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 45) to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 45, with Mr. DORN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. RAILSBACK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the measure before the Committee, H.R. 45, would establish a much needed, independent, and permanent institute to be known as the Institute for Continuing Studies of Juvenile Justice.

The Institute would be comprised of a director, staff, and an advisory commission.

Under the bill, as introduced, the Institute would perform two salient functions. First, it would prepare and disseminate data bearing on the juvenile justice system. Second it would provide for the training of persons working in the juvenile justice area.

Under the bill, as amended, the Institute would have a third principal function, being given authority to prepare, in cooperation with bar associations and other agencies, studies on juvenile justice and related matters.

A further committee amendment eliminates what had been an open-end authorization to appropriate, as has been observed earlier in the House. The amount authorized by the amended bill is $2 million in the present and each of 3 succeeding fiscal years. I will refer to that a little bit later.

We believe that, especially with regard to the new programs like that of the Institute, there is a real advantage in terms of legislative oversight to maintain some limit on appropriations. As amended, as I have suggested, the measure would authorize appropriation for fiscal 1972 of not more than $2 million and the same amount for each of the three succeeding fiscal years.

When the bill was first considered by the House, that provision was in it, and it remains in it today, notwithstanding the fact that very little time remains in the fiscal year 1972.

Assuming favorable action by the House and Senate, the Senate might well change that decision depending on the timing of their action.

I would assume, of course, that while $2 million is authorized under this bill, it would not be appropriated for the balance of the fiscal year 1972.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman.

Mr. GROSS. The gentleman assumes that the $2,000,000 will not be appropriated. Why not take it out of the bill and at least give the taxpayers that much of a small sized break?

Mr. KASTENMEIER. I think the gentleman well understands that on any bill of this sort which might be considered during the course of the fiscal year, depending on what time it is brought up, if one were to construe that it would be $2 million for an entire fiscal year and you are 6 months into that fiscal year, you might make it $750,000 or $250,000. But that judgment has to be operationally left to the Committee on Appropriations because one cannot anticipate what you would do when you have a bill of this sort.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. KASTENMEIER. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. It is interesting to know the Judiciary Committee is capitulating to the Appropriations Committee in a matter of judgment of this kind. I do not understand it, but perhaps that is the state to which we have fallen in the House of Representatives. Either the Judiciary Committee believes the $2,000,000 is warranted or it does not.

Mr. KASTENMEIER. I think the gentleman misunderstands me. We have not capitulated to the Appropriations Committee. We have authorized not more than $2 million for this and the succeeding fiscal years. I think we fully understand that $2 million, practically speaking, will not in fact be appropriated during fiscal 1972.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. KASTENMEIER. I yield.

Mr. GROSS. By any stretch of the imagination is it anticipated that this new commission would be appointed and in operation by July 1 of this year? Is that possible?

Mr. KASTENMEIER. It might have been had it proceeded in December. That is hard to foretell. This is the same bill that the House already voted on, as the gentleman well knows, in December and which narrowly failed passage by a two-thirds vote.

Mr. GROSS. Today is what? April 18. This fiscal year is almost over. I am talking about legislating in the light of this date, not last November.

Mr. KASTENMEIER. Well, we are legislating during this fiscal year 1972 and we have made provision for this Institute in this fiscal year. That is what the House I think is appropriately confronted with.

The need for an independent body that would perform these vital functions has been the subject of considerable congressional concern. In both the 91st and 92d Congresses more than 100 Members of the House have either introduced or cosponsored legislation identical to the measure now before us. Hearings were held in July 1970 and April 1971.

It would indeed be difficult to question the need for legislative action to review and strengthen our policies and practices in the area of juvenile justice. Too often do our existing procedures appear to turn youthful offenders into hardened criminals. This does not result from cynicism or indifference on the part of those who share responsibility for the administration of existing systems. The area does not lack devoted professionals. Rather, our juvenile justice procedures suffer from lack of coordination. There is a great need for an organized program for sharing expertise, disseminating data, and undertaking studies in depth.

I should stress the fact that the Institute proposed to be established by H.R. 45 will be outside and largely independent of the executive branch. The unsatisfactory state in which the administration of juvenile justice finds itself is the product of a system in which the Departments of Justice and Health, Education, and Welfare have shared, but have not too successfully discharged, the Government's responsibility for dealing with problems of the aberrant young.

It is for this reason that those concerned most deeply with the administration of the juvenile justice system, the National Council of Crime and Delinquency, originally expressed their support for only the objectives of the bill but not the establishment of the Institute. They have turned around and, on the basis of the performance of HEW and Justice, have come to support H.R. 45 in its precise form as we have it today.

Furthermore, the American Bar Association in commending support of H.R. 45 to its membership, said in its report that in spite of the millions of dollars referred to by the gentleman from Ohio spent during the past decade on innovative delinquency programs and research, much of the information remains in bureaucratic files, and apparently the information has not been disseminated into the Nation's juvenile justice program for implementation in the local courts.

That is why juvenile justices support H.R. 45. It is understandable that the HEW and Justice Departments, while espousing the goal of H.R. 45, still think that they, themselves, and their own bureaucracies should attend to the problem.

However, the Committee believes that an independent agency is essential if we are to achieve effective new methods of copying with the juvenile offender problem in an organized coordinated way.

The principal author of the bill is my good friend on the committee, my colleague, the gentleman from Illinois (Mr. RAILSBACK) and the principal coauthors of the bill are our colleagues, the gentleman from Illinois (Mr. MIKVA) and the gentleman from Pennsylvania (Mr. BIESTER). The work of all three of these gentlemen is appreciated. I am glad to note their presence. I am sure they will assist in answering any questions.

Mr. Chairman, I reserve the balance of my time.

Mr. RAILSBACK. Mr. Chairman, the soaring crime rate is of overriding concern to all Americans. In 1970, the most recent year for which figures are available, one murder took place every 33 minutes; a forcible rape every 14 minutes; an aggravated assault and a robbery—both—every minute and a half. In the last 10 years, the number of serious crimes has almost tripled while our population has increased by only 13 percent.

The most distressing aspect of all of this is the number of young people who are involved. Almost 50 percent of the individuals arrested in connection with serious crimes in 1969 were 18 or under. Also, youth crime continues to increase rapidly. In the last decade, the population of persons 18 or under increased by 27 percent, while the number of arrests in this age group jumped by almost 100 percent. Further, the recidivism rate among young offenders is shocking. An FBI study revealed that 72 percent of those arrested who are under 21 will be rearrested within 5 years.

It is obvious that until we solve our juvenile delinquency problem, we will make little progress in overcoming the national crime problem.

For many years, the Youth Development and Delinquency Prevention Administration of the Department of Health, Education, and Welfare, and the Law Enforcement Assistance Administration of the Department of Justice have been provided with generous funds by Congress to combat crime.

However, the statistics on juvenile crime give evidence of the disappointing failure of present programs to have any measurable positive effect on juvenile crime. According to the National Council on Crime and Delinquency, which analyzed the 1970 programs in this area by the Departments of Justice and Health, Education, and Welfare:

First, there is a lack of coordination and concerted planning among the Federal agencies;

Second, the continual shifting of organizational structure and requests for small appropriations has shown little commitment by HEW leadership over the years to mount and sustain a Federal delinquency program commensurate with the problem;

Third, in 1970, about one-third of the limited HEW appropriations were spent for planning and supportive services and the remainder were scattered throughout the country in small, underfunded, and uncoordinated programs; and

Fourth, it was the expectation and possibly the intention of many that LEAA would give priority attention to those areas of delinquency where HEW had failed; but, in 1970, LEAA committed only 14.3 percent of its resources to plans for delinquency programs. Because many approved plans do not develop into programs, far less than even this amount was actually spent to prevent and control juvenile delinquency.

Although the National Council on Crime and Delinquency has not as yet completed its investigations of the 1971 programs of LEAA and HEW, preliminary findings indicate that nothing more promising will be discovered.

For example, in 1971, 16.1 percent of LEAA's resources were committed to plans for delinquency programs—an increase of only 1.8 percent over the previous year.

Even more distressing is the fact that in 1971, the Department of Health, Education, and Welfare spent only 12.9 percent of its total juvenile delinquency funds on training programs at a time when 31 States had no training programs at all funded by HEW.

It is clear that a new approach to our crime problem is desperately needed. I am convinced the legislation before the House today provides at least a partial answer.

Briefly stated, H.R. 45 creates an independent Institute for Continuing Studies of Juvenile Justice. The primary functions of the legislation are threefold:

First, to provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency;

Second, to provide a coordinating center for the collection and dissemination of useful data on treatment and control of juvenile offenders and the juvenile justice system in general; and

Third, to prepare studies on juvenile justice including comparisons and analyses of State and Federal laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The Institute would be under the supervision of a director appointed by the President. Overall policy and operation would be set by the Director and his Advisory Commission composed of members of appropriate Federal agencies and experts on juvenile crime from the private sector.

The training program which the Institute would operate is a matter of the highest priority. One of our greatest problems is the lack of adequate training for those who deal with young people who have run afoul of the law.

The first contact with the juvenile justice system for most offenders is usually the policeman. His role is an important one for it is he who must make the initial decision as to how to treat the juvenile offender. He has a range of options—arrest, warning, dismissal, meeting with the parents to name but a few. It is imperative, therefore, that the police officer be aware that arrest is not his only option.

Unfortunately, according to a recent survey conducted by the International Association of Chiefs of Police, the average police recruit receives only 7½ hours of training on the problems of juveniles and delinquency. This says nothing, of course, about the quality of that training.

On-the-street contact with juveniles is a daily occurrence—and in-depth understanding of the particular problems of this age group is critical. Yet little in-service training is provided. In the cities with populations of one-quarter to one-half million surveyed by the police chiefs, only 15 percent of the officers assigned to special juvenile units had received any specialized training necessary for them to function effectively in their assignments.

This lack of special training in handling juvenile offenders is also true of juvenile court judges and probation officers, both of whom play a critical role in the young offender's first contact with the law.

The National Crime Commission reported that:

> Less than 10% of all juvenile court judges in the country were full time, three-fourths devoted less than one-fourth of their time to juvenile matters.

Further, half of the juvenile court judges have no undergraduate degree; one-fifth no college education at all, and one-fifth were not members of the bar.

Probation personnel, perhaps more than any other segment of the juvenile justice system, need specialized training to provide each and every offender with an opportunity to become a well-adjusted and productive member of his community. Unfortunately, education and training requirements for probation officers vary from jurisdiction to jurisdiction. Many require high school diplomas, some require college degrees, and some have no educational requirements at all.

The American Parents Committee questioned each of the State directors of juvenile justice programs on their priority needs for delinquency prevention and control. Almost without exception it was found that States desperately need trained probation officers for juvenile courts.

An offender's contact with the juvenile justice system can mark a turning point in his life. In far too many cases it marks the beginning of a life of crime.

Under the legislation before this subcommittee, the Institute will conduct short term courses on modern methods of dealing with delinquent youth. The enrollees would return to their States and communities with valuable information they can mold to their particular needs and circumstances.

Another priority of the Institute would be to provide a center to gather and disseminate information on the various programs being used throughout the country to combat juvenile dilequency. In the past, we have been plagued by existing fragmentation of Federal and State agencies and programs dealing with juvenile offenders and the lack of coordination among them. As Judge James Gulotta of the National Council of Juvenile Court Judges stated:

> Historically, there has been a lack of organization among the states in the areas of coordinated research, planning communication, and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information—or even completely misunderstood the resources and knowledge available to only a few.

Thomas G. Pinnock, deputy director of the Department of Institutions for the State of Washington, has called for a "central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of the information to those of us directly involved with the problems of youth." This bill provides the clearinghouse.

Finally, the Institute is directed to analyze State laws on juvenile crime and develop model laws and codes. The American Bar Association and the American Law Institute have achieved striking results with a similar approach.

Support for the Juvenile Justice Institute bill has been gratifying. On the

House side, over 100 Members joined Congressmen BIESTER and MIKVA and me in introducing H.R. 45. Twenty-four Senators have sponsored companion legislation.

Support for the bill has also come from some of the best known authorities on the subject of juvenile delinquency in the country. At the time of its hearings, the House Judiciary Subcommittee received many telegrams and letters from around the country, supporting H.R. 45. I will now read a few of these.

On October 28, 1971, Milton Rector, Director of the National Council on Crime and Delinquency, wrote Subcommittee Chairman Robert Kastenmeier the following letter:

> We are writing you to express our strong support for H. R. 45, the bill to establish an Institute for Continuing Studies of Juvenile Justice.
>
> As you know, we testified before your committee on July 29, 1970, concerning H. R. 14950, H. R. 45's predecessor in the 91st Congress. At that time we strongly supported the concept of the bill and continue to do so. However, in our testimony before the committee we suggested that the Institute be lodged in either H.E.W. or L.E.A.A. This suggestion was based on the then existing plans of those two agencies.
>
> Since that time our hopes for H.E.W. and L.E.A.A. were not realized. In the last fiscal year L.E.A.A. only planned to spend 14.6% of their state block funds in the area of Juvenile Delinquency. Of this pitifully low amount only 14.1% was spent on training.
>
> H.E.W.'s performance has been equally disappointing. In the last fiscal year they expended only 12.9% of their resources on training. We have been informed by officials from H.E.W./Y.D.D.P.A. that in the present fiscal year they do not plan to spend any funds in the training area. This decision, made apparently in the face of the 1968 Juvenile Delinquency Act, is most discouraging.
>
> Therefore, we would like to modify our previous testimony and urge that the Institute as described in H.R. 45 be enacted by Congress.

Judge James H. Lincoln, president of the National Council on Juvenile Court Judges, said in his telegram of October 26, 1971:

> It is not the purpose of this telegram to again make a detailed statement. It is my purpose as President of N.C.J.C.J. to again reiterate our very strong support of H. R. 45. We have had long experience with dealing with the present departments and agencies in Washington concerning matters relating to juveniles. We have an abundance of grass roots knowledge at the local level. We know that H.R. 45 is long overdue legislation.

Orman W. Ketcham, judge of the Superior Court of the District of Columbia, in a letter on October 26, 1971, wrote:

> At the request of the Committee on Family Law Judges (of which I am chairman) the Family Law Section of the American Bar Association adopted a resolution last July in New York City, endorsing in principle H. R. 45, and urging the establishment of an independent Institute for Juvenile Justice.

Byron B. Conway, Wood County judge, explained to me in his communication of October 22, 1971:

> I am a past president of the National Council of Juvenile Court Judges and that organization has taken a deep interest in the passage of this bill since it (H. R. 45) was introduced. The bill is also supported by the National Council on Crime and Delinquency, the Association of Parents, and many other sincere organizations that deal with the problems of children.

Hope Eastman, acting director of the American Civil Liberties Union, wrote on October 26, 1971:

> The American Civil Liberties Union strongly supports H.R. 45, a bill to establish an Institute for Continuing Studies of Juvenile Justice.
>
> This legislation represents an imaginative effort to deal with this problem (lack of resources). It would provide training programs and facilities for persons connected with prevention, control and treatment of juvenile crime and delinquency. It would also establish a national clearinghouse of information and studies on juvenile delinquency and the juvenile justice system.
>
> Trained personnel and greater knowledge are essential to achieving the specialized treatment and rehabilitation of juvenile offenders which is necessary to halt the alarming increase in juvenile crime and delinquency.

Mrs. Barbara McGarry, executive director of the American Parents Committee, has stated:

> The enormity of the juvenile delinquency problem clearly calls for a new approach, in view not only of financial drain, but most importantly, in reclaiming the misdirected young lives of that segment of the nation's most important natural resource—its children. This new approach is soundly realized in H.R. 45.
>
> Precisely because of lack of departmental inertia toward the mounting problem of juvenile delinquency, it is necessary to establish an independent Institute of Juvenile Justice, where Federal funds can be targeted directly to alleviating this problem—both by the training of special probation officers, intake and aftercare personnel, and by determining which programs show the greatest promise in controlling juvenile delinquency and in effectively rehabilitating the youthful offender.

More recently, the National Congress of Parents and Teachers—PTA—released a legislation memogram which urges immediate enactment of H.R. 45:

> To: State Chairmen for Legislation, National Board of Managers
>
> From: Mrs. Walter G. Kimmel, Coordinator of Legislative Activity
>
> CALL FOR IMMEDIATE ACTION
>
> H.R. 45 Institute for Continuing Studies of Juvenile Justice
>
> H.R. 45, a bill to establish an Institute for the Continuing Studies of Juvenile Justice, is expected to be heard on the floor of the House very soon. The purposes of this legislation are threefold:
>
> (1) to provide training programs and facilities for personnel involved in the prevention, control and treatment of juvenile crime and delinquency;
>
> (2) to provide a coordinating center for the collection and dissemination of useful data on treatment and control of juvenile offenders and the juvenile justice system and;
>
> (3) to prepare studies on juvenile justice including comparisons and analyses of state and federal laws and such model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.
>
> Statistics underscore the urgency of the problem. Representative Thomas F. Railsback (R. Ill.), who first initiated this legislation in the House, writes of some of these alarming facts in an article in the September/October issue of *Trial* magazine:
>
> "Juveniles commit about one-half of all offenses.
>
> "In the inner city 70% of the young people find themselves in trouble with the law.
>
> "The juvenile crime rate is rising more rapidly than the adult rate; in the sixties juvenile arrests increased 90%.
>
> "Recidivism of youthful offenders is staggering; almost 75% are rearrested within five years.
>
> "The addition of such statistics to the overall crime rate is alone cause for great concern, but as tragic as this may seem, it is yet more serious when we consider that these figures represent only the beginning of a life at odds with society and, more than likely, a career in crime. What it means in human terms is the immeasurable loss to society of productive, integrated citizens and to the juvenile offender of a normal future."
>
> It is believed by the sponsors of this bill that an efficient and effective method of training personnel to work with juvenile offenders can be developed. This legislation is supported by the Council of Juvenile Court Judges, with which the PTA has been cooperating for many years and with which we are now co-sponsoring regional conferences to train volunteers to work with juvenile courts in an effort to help children in trouble.
>
> Please contact your congressman *immediately*—and urge him to suport H.R. 45 when it reaches the floor in the near future.

The American Bar Association unanimously endorsed H.R. 45 on February 8, 1972, as explained in a letter to Senator ROMAN L. HRUSKA. The text of that letter follows:

> FEBRUARY 14, 1972.
>
> Hon. ROMAN L. HRUSKA,
> *United States Senate,*
> *Washington, D.C.*
>
> MY DEAR SENATOR: I am pleased to inform you that the American Bar Association, through its governing body, the House of Delegates, unanimously approved the following recommendations submitted by its Section of Criminal Law at the Mid-winter meeting at New Orleans, Louisiana, February 8, 1972:
>
> Resolved, That the American Bar Association approves and supports in principle legislation represented by H.R. 45, 92d Congress, First Session, a bill "To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice"; and
>
> Be it further resolved, That the Section of Criminal Law be authorized to indicate support of the Association for such legislation by appearances before Committees of the Congress or in such other ways as may be appropriate.
>
> Recommendations to the same effect were submitted by the American Bar Association Section of Family Law and likewise unanimously approved by the House of Delegates.
>
> For your further information, I am enclosing a xerox of our Section's Report which contained those recommendations and a report in support thereof.
>
> We trust this information will be of some assistance in the final enactment of this piece of legislation.
>
> Sincerely,
>
> WILLIAM H. ERICKSON,
> *Chairman.*

AMERICAN BAR ASSOCIATION—SECTION OF CRIMINAL LAW RECOMMENDATIONS

The Section of Criminal Law recommends the following:

Resolved, That the American Bar Association approves and supports in principle legislation represented by H.R. 45, 92d Congress, First Session, a bill "To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice"; and

Be it further resolved, That the Section of Criminal Law be authorized to indicate support of the Association for such legislation by appearances before Committees of the Congress or in such other ways as may be appropriate.

REPORT

In spite of the millions of dollars spent during the past decade on innovative delinquency programs and research, much of the information remains in bureaucrats' files. Very little information has been disseminated to the nation's juvenile justice personnel for implementation in local courts.

There is an urgent need for a national coordinated effort for systematic, evaluated information and training on proven effective programs. Legislation is now before Congress which would provide this coordination through the establishment of the Institute for Continuing Studies of Juvenile Justice, as proposed in H.R. 45 and companion bills.

Such an Institute would help to capitalize on the value of the millions of dollars already spent from Federal, State and private sources. More importantly, priceless human values could be preserved or rehabilitated by the selective publication of successful methods and by providing training in those methods.

H.R. 45 was introduced by Congressman Thomas F. Railsback (Illinois) on behalf of himself and many others. It has extensive bipartisan support. It attacks the problems referred to above.

H.R. 45 authorizes the Institute to (a) serve as an information bank by systematic collection of data from all sources re juvenile delinquency; (b) publish data in useful forms; (c) disseminate published data to interested persons; (d) conduct seminars and workshops; (e) provide short-term training of law enforcement officers, juvenile welfare workers, juvenile judges, probation officers, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders; and (f) send out training teams to work at State and local levels.

The Institute would be under the supervision of an Advisory Commission consisting of the Administrators of the Law Enforcement Assistance Administration, the Bureau of Prisons, the Youth Development and Delinquency Prevention Administration, the National Institute of Mental Health, and the United States Judicial Center, plus fifteen persons having training and experience in the various areas of juvenile delinquency, thus assuring helpful services, directly applicable to practical field problems.

H.R. 45 has been reported out favorably by the Committee on the Judiciary of the United States House of Representatives, with a "do pass" recommendation. On December 6, 1971, during a House session working under a suspension of rules, H.R. 45 came within 11 votes of the required two-thirds majority. Sponsors will now work with the Rules Committee to bring the Bill on the floor for a regular vote.

H.R. 45 was recommended to the Section of Criminal Law by the Committee on Juvenile Delinquency. It was discussed at the Council meeting held in San Francisco, California, November 13, 1971, and voted upon favorably by a unanimous vote of the Council.

The Section's Committee on Juvenile Delinquency and its Council strongly feels that approval of the Recommendations contained in this Report would substantially contribute to the American Bar Association's nationwide leadership in the improvement of justice, and give appropriate needed attention to justice for the child; hence urges Association approval of these Recommendations.

A copy of this Report has been sent to the Section of Family Law because of its logical interest in the subject matter.

Respectfully submitted,
WILLIAM H. ERICKSON,
Chairman, Section of Criminal Law.
December, 1971.

Mr. Chairman, America's best hope for reducing crime is to reduce juvenile delinquency and youth crime. That is the purpose of H.R. 45. I urge its immediate passage.

Further, the American Bar Association and, I might add, both its criminal justice section as well as its family law section, have now strongly endorsed H.R. 45.

I hope that the House will now pass this much needed and widely supported bill.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I am glad to yield to the gentleman.

Mr. CONTE. Mr. Chairman, I would like to take this opportunity to associate myself with the remarks of the gentleman from Illinois in his very clear, concise, and powerful statement that he has made. I know how hard he has worked on this legislation.

Mr. Chairman, as a cosponsor of this legislation in both the 91st and 92d Congresses, I wholeheartedly endorse its immediate passage. I was disappointed that it did not pass under suspension of the rules when it was before the House on December 6 and I am glad that we now have the opportunity to rectify this error.

I will not repeat the remarks I made then except to point out that at a time when juvenile crime is reaching staggering proportions, a unified, coordinated Federal effort is clearly called for. As a needed answer to an urgent social problem, this bill merits our immediate endorsement.

Thank you, Mr. Chairman.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to my good friend from Illinois.

Mr. FINDLEY. Mr. Chairman, the immense irony resulting from our country's increasing crime rate has been effectively shown by the fine work on this bill of my friend and colleague from Illinois, Congressman RAILSBACK. Apartment tenants peer from behind protective window bars instead of criminals confined by jail bars. In some areas of our cities, life for some people resembles the existence of animals in a zoo. More and more Americans are hiding behind locked and bolted doors, buying dogs for protection, and constantly fearing that they may be crime's next victim. In fact, each person in the United States has one chance in 36 of becoming a victim of a serious crime such as murder, rape, or robbery. Private citizens do not deserve such an existence.

The gun-toting hoodlum has made people afraid to walk their neighborhood streets at night. He instills terror in those innocent individuals he confronts and untold suffering and pain in those he decides to harm.

Statistics seem so impersonal, but they do convey the staggering increases in crime. In the 10 years from 1960 to 1970, serious crimes nearly tripled. Murders went up 76 percent, aggravated assaults rose by 117 percent, and robberies increased 224 percent. What makes these figures even more significant is that in 1970, guns were used in 65 percent of all murders and 63 percent of all robberies.

Congress is today considering a bill creating an institute for continuing studies of juvenile justice. This action recognizes the immense need for improving the systems through which juvenile delinquents can be helped—before they turn into hardened criminals. Juvenile welfare workers and judges will have a chance to learn more about treating and controlling young offenders through creation of a training center similar to the FBI Academy. The most advanced techniques in dealing with juvenile delinquency will be compiled and distributed to law enforcement officials nationwide. I am especially proud to be listed as a cosponsor of this bill.

However, when all of our best efforts are unable to deter some from a life of crime, something must be done to protect the innocent members of society.

With the passage of the Gun Control Act of 1968, hopes ran high that criminals would have a hard time obtaining weapons. But statistics for 1968–70 show that the use of guns in murders increased by 16 percent. Assaults committed with a gun rose 23 percent and armed robberies shot up by 34 percent.

If you add up the 10,300 firearms murders in 1970, the 3,000 annual domestic victims of gun accidents, and the some 10,500 gun suicides, you get almost 24,000 gun victims. This figure, for a single year, represents more than one-half of all U.S. combat deaths in Vietnam during the last 10 years.

It seems to me that the Gun Control Act of 1968 has not and will not be effective. The act did not prohibit the importation of parts for making the cheap "Saturday night specials," the criminals' favorite, accounting for no less than 50 percent of all crimes involving guns.

The act provides no sure way for a gun dealer to check the background of the purchaser, and, there is nothing to stop a legal purchaser from reselling the gun to any other individual—even a criminal.

And right now in the United States, a new handgun is sold every 13 seconds and used handguns are being traded at more than two a minute.

We need to quit molly-coddling these gun-toting criminals who more and more seem to derive sadistic pleasure from using a gun. Often, money or revenge seem to be the primary goal of the criminal. Inflicting bodily harm and even death seem to be the mode for today.

Here in the Washington area, we have witnessed the D.C. Transit Co. adopting a "no change policy" after the shooting of a busdriver. Many gas station attendants no longer make change for purchases and place money into concrete drop boxes to which they have no keys. But what about the criminal who refuses to believe the attendant does not have a key?

The burden has shifted to the innocent citizen, and the criminal now feels free to roam anywhere—perhaps to your neighborhood grocery clerk or movie cashier. If he shoots the clerk or kills the cashier, he has not committed a Federal offense, but he has certainly committed the greatest of atrocities to the victim and his family.

The Gun Control Act of 1968 recognized the gun as the primary means of criminal violence. But the act was ineffective as a means of controlling that violence.

I am, therefore, introducing a bill which would amend the laws now on the books to make it a Federal crime to use a gun to commit a felony where a State's legislature has made such use a State offense. This bill would also require a mandatory jail sentence for anyone convicted, and the sentence could not run concurrently with any sentence for another offense. The bill is identical to one I drafted and introduced with 16 cosponsors in April 1970.

This bill recognizes that criminal law has been primarily a State concern. It does not require any State to pass a law making it an offense to carry a gun during commission of a crime; but where States do, the offense automatically becomes Federal as well as State in character.

The intent of this legislative approach is to place the burden of criminal use of guns on those who use them, not on law-abiding citizens. A man would think twice before using a gun to commit a crime if what was previously only a State offense is now made a Federal offense also. The resources of the Federal Government could be utilized to rid America of the gun-toting criminals who have permitted the lawlessness of the dark ages to permeate our cities and rural areas.

The stiff, new penalties provided in this bill for using a gun to commit a crime should help to deter some, and those who will not be deterred will be detained. This may be bitter medicine for the criminals in our society, but it is far better than the pain and suffering they inflict upon their fellow citizens.

I would like to ask the gentleman further, in regard to his explanation as to the Department of Justice's attitude. There is a little trouble in the Department of Justice that is reported in the committee report as being opposed to the bill. Can you give us an explanation of that?

Mr. RAILSBACK. Let me state to the gentleman that when we began, before the legislation was even introduced, I, along with Congressman BIESTER and Congressman MIKVA, visited the Department of Justice and met and spoke with the then Attorney General John Mitchell. It was my belief that there was a good chance at getting support from that Department as well as from the Department of Health, Education, and Welfare, because we also met with Secretary Robert Finch. We had further meetings with, among others, Pete Velde of LEAA as well as John Dailey, who was then with the Department of Justice. They made some of what I believe to be valuable contributions as far as suggesting language is concerned.

If you are asking me my opinion, my opinion about why the Department of Justice and HEW are opposed, I would say that there has been a traditional jurisdictional dispute between HEW and the Department of Justice over who has primary jurisdiction over juvenile affairs. I think that is pretty well established. As a matter of fact, there has been something like three different letters of cooperation that have been exchanged between departments cited because of criticism of the continuing friction between the two governmental agencies.

My belief is that when we chose to give this an independent character, that is, we did not rest it with Justice and did not put it under the jurisdiction of HEW, because we thought we would get into exactly the same problems that occurred, namely, the friction that I mentioned previously. The two departments decided to oppose this legislation. I think they regard it as kind of an infringement on their separate jurisdictions.

Mr. PUCINSKI. Will the gentleman yield?

Mr. RAILSBACK. Yes. I yield to the gentleman.

Mr. PUCINSKI. I would like to point out to my distinguished colleague from Illinois that I disagree with him. I do not believe that statement is consistent with the facts. We have a Juvenile Delinquency Prevention Act now on the books and we have a Safe Streets Act.

Mr. RAILSBACK. We amended the Juvenile Delinquency and Control Act on the floor.

Mr. PUCINSKI. That is right.

Mr. RAILSBACK. If the gentleman will recall, it was my amendment that completely changed the structure of that act.

Mr. PUCINSKI. If the gentleman will read in the report, when we extended the Juvenile Delinquency Prevention and Control Act of 1971 we spelled out the jurisdiction, and in the report the committee stated prevention programs in juvenile crime would belong to the Juvenile Delinquency Prevention Act and be administered by HEW. That is what is being done. The criminal justice aspect of juvenile crime would remain within the LEAA, and that is being done.

So I am wondering if the gentleman would be good enough to tell the House how does this program that is before us today differ both from the Juvenile Delinquency Prevention Act and the Safe Streets Act.

Now, the Safe Streets Act has jurisdiction over dangerous crime reposed in the Department of Justice and the Juvenile Delinquency Act has jurisdiction of preventive programs.

How will this act before us today differ from those two acts?

Mr. RAILSBACK. Let me say to the gentleman that there has been a recent study with which I am sure the gentleman from Illinois is familiar with by the National Council on Delinquency and Crime. That study, frankly, has found, as I mentioned earlier, that there has been a glaring lack of commitment.

Let me tell the gentleman how I think this legislation differs.

Let me also mention to the gentleman that there are some programs that you would think would be under HEW but which are still being funded by LEAA; namely, some training programs which the bill would be primarily concerned with.

At the present time there is no central place where local law enforcement, probationary, judicial and correctional personnel can come to share expertise, to discuss what has been successful in some States and what has not been successful.

There is no central place to train people nominated by the local and State governments.

I would say that the primary purpose of this bill is patterned after what I think has been a very successful institution and that is the FBI Training Academy which began with about 200 people who had been nominated by the State and local governments and sending them to a central place where they receive short-term training—a 6-week training program—and they have returned to their local communities and it has had the ripple effect of letting them share with their colleagues what has been successful in the field of law enforcement.

Mr. BIESTER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. I think an additional answer to the question which has been asked by the gentleman from Illinois is contained on page 30 of the hearings on this bill in the testimony of Judge James C. Gulotta, president of the National Council of Court Judges, working in the field. The testimony we had during the hearings came from people working in the field dealing with the practical problems involved here. He said:

> We respect the opinions of representatives of the existing Federal agencies who state that their existing services can best solve the problems of delinquency. We do not doubt the sincerity of their intentions. Oceans of studies and projects have been conducted. But they need specific goals and guidelines such as those contained in this legislation for a Juvenile Justice Institute, in order to draw together the conclusions and expertise that are available and convert them into useful, practical publications and training programs that youth workers can immediately apply right on the job.
>
> And I can assure, gentlemen, that as a president of a national organization representing every State and Territory in our Nation, the most vital area within this proposed legislation is that of a singular Federal agency to serve as a clearinghouse for all matters concerning youth and delinquency in these United States.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I am glad to yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

The gentleman has talked about those things which, hopefully, the institute, if created, could do.

Would the gentleman tell me whether or not there is anything prohibiting these things being done under the provisions of the Law Enforcement Assistance Agency?

Mr. RAILSBACK. It is my belief that when you read the so-called Omnibus Safe Streets Act, and when you read the Juvenile Delinquency Control Act, it is my belief that the language under either act is not written, really, to encompass what we believe is a central focus on the problems of juvenile delinquency.

Let me just add one thing. It is my belief that an important part of this bill which we have not mentioned is the establishment of a full-time director to deal with these training programs. Perhaps, even more important, we provide by statute for the first time an advisory commission that would not be limited to government people but would rather have some people from the private section including juvenile court judges, probationary personnel, correctional personnel and other interested people from the private sector.

Mr. WAGGONNER. Mr. Chairman, would the gentleman yield further?

Mr. RAILSBACK. Let me yield to my friend here, the gentleman from New York (Mr. PEYSER) first.

Mr. PEYSER. Mr. Chairman, I would like to say one thing, the LEAA, which has been brought into this discussion, and that we are now putting millions of dollars into that the LEAA is using for juvenile delinquency prevention programs, and establishing juvenile delinquency prevention programs around the country, that I believe this merely highlights the desperate need for this type of legislation at this time, because of the great lack of coordination and understanding on how to treat juvenile problems. This bill directly speaks to that situation, and as to how it should be conducted.

I also noticed, if I may continue, in the report filed here by HEW where it speaks of title I money in education being used for this purpose. I would certainly not depend on title I money under the Education Act being used to coordinate and handle the juvenile delinquency prevention programs. I believe this again clearly highlights the desperate need for this legislation.

Mr. KASTENMEIER. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, I wholeheartedly support this bill which was reported out by the Committee on the Judiciary by a unanimous vote. The bill already has received the support of a majority of the membership of this House.

Juvenile crime and delinquency throughout the country is indeed staggering. The hearings bear me out in that regard. Our future depends on our youth. The present system does not work. Juvenile crime plus youth drug addiction plague our Nation. Our State and municipal processes are varied, and greatly fragmented, and are not productive. There is an appalling lack of knowledge and expertise on the subject. State procedures are often chaotic, and at times antediluvian, and they must be brought up to date. There must be a greater spreading of the good gospel of rehabilitation which is woefully absent under the present system, and much can be done in that regard by the setting up of this institute.

For these purposes there must be a center from which knowledge can emanate for the prevention and cure of juvenile offenders. A national bank of information is required and is essential.

Much talk has been heard concerning the Department of Justice and HEW objections. There is only one explanation, and that is jealousy. They do not want anyone to poach on their preserves.

I admire the parsimony of the gentleman from Iowa (Mr. GROSS). He has very frequently saved this Nation considerable sums of money. He now objects because this may cost so many dollars, but I assure him that anything worthwhile costs money.

I am reminded of the Scotch story about a lad who comes to his father after he had come home from school, and he said, "Daddy, I came home from school, and I ran after the bus, and I therefore saved 3 pence." The father whacked him over the jaw, and the boy said, "Wherefore do you punish me, Father?" The father said, "You should have followed a taxi, and saved a shilling."

So I would say to the gentleman from Iowa, we do not seem ever to satisfy him. No matter what sums we agree to pay for some things that are worthwhile, we are always confronted with his objection.

Now this is a worthwhile project, and if it is worthwhile, and the majority of this House thought it was worthwhile— it is going to cost money and we have to pay that money for that which is worthwhile.

Mr. KASTENMEIER. Mr. Chairman, I yield to the principal sponsor of the bill on the majority side, the gentleman from Illinois (Mr. MIKVA) 10 minutes.

Mr. MIKVA. Mr. Chairman, first of all I want to assure my distinguished colleague, the gentleman from Illinois (Mr. PUCINSKI) that the bill is in the exact form in which he asked to be paired for it when it came up the first time some months ago.

I hope nothing has happened to his views on the bill to keep him from voting for it this time.

As was explained by the distinguished chairman of the Subcommittee of the Judiciary, this is exactly the same bill that the majority of the House approved when it was before the House under suspension of the rules.

Let me also say to the distinguished gentleman from Iowa, because the bill has been before the House before, because it has had a long and tedious journey through the committee, waiting for reports from the various departments involved and then finally through the Committee on Rules the second time—the authorization remains the same even though less time is remaining. Obviously, $2 million will not be spent and it will not be appropriated during the balance of this fiscal year. But, of course, he is aware of that.

Mr. Chairman, if I were to put my finger on any single factor that has caused difficulty with some of the departments of Government—I believe my colleague, the gentleman from Illinois (Mr. FINDLEY) asked about the basis of the opposition and of the Department of Justice—it is not as to the substance of the bill and it is not as to the need for an agency which will collate and pull together all of the research that is being done and act as a clearing house. Indeed, I feel that our distinguished colleague, the gentleman from Illinois (Mr. RAILSBACK) could have eliminated the opposition of at least one of the agencies if he would have been willing to choose up sides on what is basically a jurisdictional dispute.

The Department of Justice thought it could handle it. HEW thought it could handle it. As a result, it was not handled.

I recall from a meeting with the Attorney General, there was no disagreement on the need for this kind of central agency. There was no disagreement on the proposition of substantive law.

Indeed, there was no disagreement when we sought to analogize this kind of agency to the successful FBI Academy. As I recall, the Attorney General agreed that was a pretty good analogy.

There have been a lot of agencies in this field and they have overlapped. No one agency at this point is willing to say—we agree it ought to be taken from us.

In fact, the problems of juvenile delinquency, and really this concern has been voiced again and again, have not lent themselves to a solution.

So some of our colleagues say, "Well, the proposals we have tried do not work. Therefore, let us forget about the problems. Obviously, that ought not to be the attitude of the Congress and it cannot be the attitude of the Congress.

When one looks at the total crime statistics that are existing in this country, even after some of the dramatic declines in places like Washington, D.C., one finds juvenile crime has continued to increase by a startling 42 percent since 1965 and an even more startling 113 percent since 1960.

The present law says when a juvenile is delinquent, we will use the penal institutions and the reform institutions ostensibly to correct them. But we are missing that first signal light of trouble to realize that this is the time when we ought to be able to try to turn those people from a life of crime, long before the years of unemployment, alcoholism, dope addiction, and time in penal institutions, all of which confirm the life of a hardened criminal.

We suggest that the present pattern allows them to start this life as a criminal without any meaningful interference by the agencies of Government and without Government even being aware which kinds of interference will be meaningful and which kinds will not.

I would suggest that the FBI statistics bear this out. On the whole, 63 percent of those people released from prison are rearrested within 4 years. This is the tragic recidivism rate we all have to remember and as to which we bear the freight. But for juveniles, the figure is even higher. Nearly 75 percent of those under 21 at the time of their release get in trouble again. The need for action I do not think needs argument to this House.

We do believe that reduction in juvenile crime will produce a disproportionate reduction in total crime by taking out of circulation the youngsters who might otherwise commit crime over and over and over again.

We just do not have all the answers to juvenile delinquency, but we do have some. The problem is that we are not making effective use of the knowledge we do have. We are not making effective use of the many programs that are already on the books, but scattered through the Federal bureaucracy dealing with different aspects of juvenile crime.

Let me cite briefly the Government agencies which have jurisdiction in the juvenile crime field: They are the Department of Labor; the Department of Health, Education, and Welfare; and the Department of Justice. They all have proliferating programs under various legislative mandates, seeking to develop effective new techniques to stem delinquency. All of them paddle their own canoes. As my distinguished colleague from Illinois (Mr. RAILSBACK) said, we have reached the point of great embarrassment on the third attempt to cooperate in trying to get some coordination on research programs that they are engaged in together.

Unfortunately, the knowledge that these various departments have developed just does not get out into the field where it is needed. That is basically what H.R. 45 will do.

We have already heard our distinguished colleague from Pennsylvania (Mr. BIESTER) refer to the testimony of one of the witnesses from the Department of Justice who stated he thought there were many programs on the books that did work which were worth pursuing but unfortunately they did not get to him and to his colleagues; the judges are unable to find out which ones were the good ones and which ones were the bad ones.

The second important function of the Institute would be the training of personnel working in the field. Too many judges and probation officers and juvenile correction people around the country are years behind the current state of knowledge in their field. Every single study that has been made of the needs of the juvenile justice system has pinpointed lack of trained personnel as a serious problem.

In searching for a vehicle to meet this need, the model which stands out is the Federal Government's FBI Academy. It has been a model for law enforcement professionalism, training thousands of State and local law-enforcement officials, and it has not resulted in the takeover of local law enforcement by the Federal Government. If we are to begin solving the serious problem of juvenile crime which we now face in this country, we have to make a comparable effort in training, motivating, and providing information to juvenile justice specialists.

In 1966 the Task Force on Juvenile Delinquency and Youth Crime of the President's Crime Commission recommended that juvenile specialists should be present and aid in the disposition of juvenile first-offenders, when we can still reach these potential subjects of a long and unfortunately productive criminal life. Yet the Commission found that barely 5 percent of all the personnel employed in State juvenile facilities in 1965 were professionally trained treatment personnel. This is the challenge which H.R. 45 is designed to meet.

H.R. 45 offers a kind of revenue-sharing plan, if you please, for redistributing to the States and local governments the wealth of knowledge collected by the Federal Government in the juvenile-justice field. Through the various action and research programs spread throughout the Federal bureaucracy we are finding answers to some of the problems. But we are not getting those answers back to the people who must apply them—the judges and probation officers who must deal with juvenile offenders on a daily basis.

The Institute for Continuing Studies of Juvenile Justice will bring that knowledge to the people who need it, through continuing education programs and a centralized information source. That is why I urge my colleagues to join in supporting the enactment of H.R. 45.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to my colleague from Illinois.

Mr. PUCINSKI. I wish to support my colleague on this measure, but the speech which he has just made is almost a rewrite of the same speech I made here when this House unanimously adopted the Juvenile Delinquency Prevention Program of 1971, which I sponsored in the House. Would my colleague be good enough to tell this House what you cannot do under title II or the other titles of the Juvenile Delinquency Act that you could do under this act?

In other words, what we are doing here, whatever we are proposing to do—and I am not going to quarrel with the statistics, because, of course, we have juvenile delinquency problems in this country—but let me point out the House reduced the appropriation for the Juvenile Delinquency Act from $15 million by $5 million, to an amount of $10 million in 1972. The only problem with the Juvenile Delinquency Act is that it is underfunded. What can we do in this bill, H.R. 45, that we cannot do in the existing law? If the gentleman can convince me of that, I will support his bill.

Mr. MIKVA. I want to apologize to the gentleman from Illinois for any unintentional plagiarism of my colleague's speech. I was not aware of it. I am flattered that our minds run in the same trajectory.

I would point out the last time the bill was up for House consideration, the gentleman was shown as paired for the bill, and I hope nothing has happened in the interim to change his mind about support of the bill.

Mr. PUCINSKI. Will the gentleman answer my question?

What can we do under H.R. 45 that we cannot do under existing law?

Mr. MIKVA. Let me answer my colleague from Illinois by saying very simply there is nothing in title II which would authorize the kind of academy for training that would pull together all the expertise—State, local, and Federal as is done in the FBI Academy.

Mr. PUCINSKI. Is there anything that prohibits either the Juvenile Delinquency Act or the LEAA from doing that? Is there anything in either one of the existing laws that says if they decide they want such an academy, they cannot fund it?

Mr. MIKVA. There is nothing that prohibits it, and there is nothing in the Constitution that prohibits it, and yet, like the Constitution, these programs must be implemented. There is nothing in either of those two bills which contemplates anything like the central research or academy visualized in this bill. That is why we are here with this bill.

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, as a cosponsor of an identical bill, I am pleased to rise in strong support of H.R. 45, which would establish an Institute for Continuing Studies of Juvenile Justice.

The expression of alarm over the increase in juvenile crime has become almost a cliche in recent years, but the statistics are truly alarming. In our inner cities, for example, an almost incredible 70 percent of our young people find themselves in trouble with the law before they reach the age of 19 years. Moreover, about three-fourths of these same youngsters are arrested a second time within 5 years.

One other fact deserves mention: almost one-half of those arrested in 1968 for serious criminal offenses were under the age of 18; in other words, juvenile crime constitutes about one-half of the Nation's total crime problem.

These hard statistics lead us to the inescapable conclusion that existing programs to combat juvenile delinquency are just not working. Experts tell us present efforts are fragmentary and ineffective. What is needed is not new and harsher laws, but better coordination of existing laws and programs.

Mr. Chairman, H.R. 45 is designed to serve that end. It would initiate a two-pronged attack on juvenile crime. The proposed Institute for Continuing Studies of Juvenile Delinquency would establish a clearinghouse for existing information about juvenile crime, information which is not now being properly analyzed or disseminated. Uncoordinated studies and programs at various levels of government have accumulated substantial amounts of relevant data, but we have not been able to put that data to its best use.

The second function of the Institute would be to provide training and education to those directly involved in State and local efforts to control juvenile delinquency. The training would be patterned after a similar, highly successful program for regular law enforcement personnel now being conducted at the FBI Academy.

Among those who will benefit from this legislation will be family counselors, who have the first—and sometimes the only—chance to correct family situations which frequently force a child into delinquency. Some years ago, I was instrumental in establishing a family counseling court in Hawaii. The court has proved most successful in Hawaii, and I believe the Institute envisioned in H.R. 45 could help develop this promising idea. At the proper time I will offer an amendment to include family counseling specifically as within the scope of this bill.

Mr. Chairman, H.R. 45 would go far toward resolving a problem which continues to plague our society in increasing intensity—the problem of juvenile justice. I urge its overwhelming adoption.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. I was impressed by the gentleman's statement that this bill is going to help to coordinate programs. But section 407 of existing law provides:

> There is hereby established an Interdepartmental Council on Juvenile Delinquency, hereinafter referred to as the Council, whose function shall be to coordinate all Federal juvenile delinquency programs.

That is the law now. In the 1971 act we authorized $75 million for juvenile delinquency prevention and the House voted only $10 million.

If the gentleman is suggesting the program is not working, the answer is not in another program but in fully funding the existing program. Would the gentleman not agree?

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

Mr. MATSUNAGA. I am sorry, my time has expired and I am unable to respond to the gentleman.

(Mr. QUIE, at the request of Mr. Railsback, was granted permission to extend his remarks at this point in the Record.)

Mr. QUIE. Mr. Chairman, as a cosponsor of this legislation, I urge my colleagues to support the passage of H.R. 45, which would create the Institute for Continuing Studies of Juvenile Justice.

I am sure everyone is alarmed at the trend in criminal statistics which shows that the average age of persons committing crimes is continually reaching into lower age brackets. The failure of juvenile justice institutions is demonstrated by the fact that almost three-fourth of the youths who are arrested are again arrested within a few years. This society cannot stand a continuation of this trend.

Some techniques are proving beneficial in rehabilitating juvenile offenders and restoring them to a useful life in society. We do not have adequate methods of informing the various officials around the country concerned with juvenile justice about these new techniques. One of the primary purposes of this new Institute would be to collect current data on juvenile delinquency treatment and control and to disseminate it to appropriate persons throughout the Nation.

A second purpose of the Institute would be to conduct training programs for persons involved in the juvenile justice system.

The overall direction of the Institute would be the responsibility of an advisory commission which would set forth policy with the actual administration of the Institute under control of a director.

I am hopeful that the House of Representatives will approve this bill overwhelmingly today.

Mr. RAILSBACK. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Fish).

Mr. FISH. Mr. Chairman, I rise in support of H.R. 45, which I am proud to cosponsor. In particular, I want to commend my very able colleagues from Illinois (Mr. Railsback and Mr. Mikva) and the gentleman from Pennsylvania (Mr. Biester) for their untiring efforts on behalf of this important measure.

This legislation would establish an Institute for Continuing Studies of Juvenile Justice, to compile and distribute relevant data and provide personnel training in the juvenile delinquency field. The Institute would constitute a clearinghouse for information presently fragmented among 50 States and numerous Federal agencies. Innovative juvenile court experiences and legislative recommendations would be collected and disseminated. Also, the Institute would train individuals for State and local juvenile justice positions such as probation officers, law-enforcement and welfare workers. These are the officers most directly concerned with the juveniles.

I need not dwell too long on the serious problem this country faces with youthful offenders which has been recounted by others. Persons under 18 account for 50 percent of the offenses committed nationally. The rate of increase in juvenile crime is four times that of the increase of the juvenile population itself. Just as shocking is the number of repeat offenders—almost three-quarters of these youths are rearrested within 5 years, as the gentleman from Illinois has pointed out. The fact is that juvenile crime and delinquency are not under control.

It would be improper to contend that overnight H.R. 45 would materially change the recidivism rate with regard to the juvenile offender. However, it is proper to contend that whatever is being done today has not changed the serious problem of the juvenile lawbreaker—a problem that was clearly brought to this Nation's attention by the President's Commission on Law Enforcement and the Administration of Justice in 1967.

H.R. 45, Mr. Chairman, is a beginning at meeting a major crime problem. Its focus is on that age group which ultimately swell the population of our prisons.

Today, existing agencies emphasize adult offenses and adult offenders. Testimony before our subcommittee by practicing juvenile judges was clear on the need for a central agency to speak for the child.

H.R. 45 is a redirection. It would provide a coordinating and unifying force that would bring together what is now a multifarious and disjointed attack on juvenile delinquency.

H.R. 45 is an experiment and a relatively inexpensive one when balanced by the gravity and the importance of the situation which it confronts.

Mr. Chairman, support for H.R. 45 has been expressed by numerous authorities and organizations including the American Parents Committee, the National Congress of Parents and Teachers, the American Civil Liberties Union, and the National Council of Juvenile Court Judges.

I hope the Members will support the enactment of H.R. 45.

Mr. RAILSBACK. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. Forsythe).

Mr. FORSYTHE. Mr. Chairman, I was pleased to be a cosponsor of the juvenile justice bill, and I am hopeful that my colleagues will join me in support of this legislation.

Every year in this country, about 100,000 children under 18 are locked up in jails.

What happens to them there? When they go back to the streets, are they better, or are they worse?

Are our prisons really colleges of crime?

The juvenile justice bill is intended to provide training and information for persons working to combat juvenile delinquency at the State and local levels.

The program would provide short-term training of law-enforcement officers, juvenile welfare workers, juvenile judges, probation officers, correctional personnel and other persons connected with the treatment and control of juvenile offenders.

Rather than simply further study juvenile delinquency, this bill attempts to establish a clearinghouse, or data bank, for all the valuable information presently existing—but not in any one convenient location—a function that could not be easily fulfilled except at the Federal level.

Moreover, as a result of changes in committee, the Institute would develop model legislation and model codes for the States to deal with juvenile delinquency problems.

The program proposed in this legislation is an important one. It is a program to really help coordinate State efforts to save children.

This, in my view, is certainly worthy of our support.

Mr. RAILSBACK. Mr. Chairman, I now yield 5 minutes to our distinguished ranking member of the committee, the gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Chairman, I regret that I feel compelled to oppose H.R. 45, but it would add little to the existing legislative authority in the area of prevention and treatment of juvenile delinquency. However, by establishing another independent agency in the form of an Institute, the bill would further fragment Federal efforts in this field.

The Institute provided for in the bill would be authorized to establish an information bank for the collection and dissemination of useful data regarding the treatment and control of juvenile offenders. The Institute is also authorized to devise and conduct a training program of short-term instruction, including seminars and workshops for a variety of personnel engaged in juvenile delinquency programs.

The authority to collect and disseminate information and to train personnel was granted to the Justice Department and to HEW by the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968. Additional authority for these purposes has been granted under legislation in several different areas such as education, child welfare, and social services, mental health, and vocational rehabilitation. At the present time, Justice and HEW support projects which include training for professionals and nonprofessionals from a number of agencies, including educational, health, law enforcement, parole and probation, juvenile courts, correctional institutions, youth employment, social welfare, and recreation. The Justice Department is also supporting original research at various universities which is aimed at preventing delinquency and rehabilitating youthful offenders.

HEW will continue to fund juvenile delinquency research under the authority granted in sections 1110 and 426(a) of the Social Security Act.

It is far better to continue to support the numerous colleges and universities which have training and research programs than to establish a National Institute. These institutions of higher education can train the recipients close to their place of activity, and therefore, can stress the particular needs and problems of a State or local community.

Ample authority exists for the collection and dissemination of information as well as for the training of personnel. Under title III of the Juvenile Delinquency Prevention and Control Act, the Secretary of Health, Education, and Welfare is authorized to collect, evaluate, and disseminate information relating to research and projects conducted under the act in addition to any other matters relating to the prevention and treatment of delinquency. The National Institute of Mental Health also compiles and disseminates information to those involved in research, law enforcement, and correctional work. In addition, Justice is currently developing a National Criminal Justice Reference Service which will include the most comprehensive information bank in the country in the criminal justice area. A substantial portion of the research findings included in this reference service will deal with juvenile delinquency, since delinquency constitutes such a significant portion of the Nation's crime problem.

Both the Omnibus Crime Control and Safe Streets Act, administered by Justice, and the Juvenile Delinquency Prevention and Control Act, administered by HEW, were passed in 1968. As I have pointed out, both acts provided for the training of personnel and the dissemination of information. At first, these overlapping authorities caused confusion and bureaucratic in-fighting between the two Departments. The Congress then recognized the need to minimize this kind of overlapping and duplication of the Federal Government's efforts in the juvenile delinquency prevention area. It amended the Juvenile Delinquency Prevention and Control Act to establish an Interdepartmental Council to coordinate all Federal juvenile delinquency programs. Since the Council's inception, significant progress has been made in coordinating the effort of Justice, HEW, and the other agencies involved in the juvenile delinquency area, with the result being a much more effective use of resources. Both, Justice and HEW are opposed to this legislation.

If another independent agency is established, the task of reducing this duplication of effort and of focusing the existing resources to achieve maximum results will become even more difficult.

Perhaps a greater effort should be made to accomplish the purposes of H.R. 45. But, these efforts clearly can be made under the existing legislation. What is necessary now is to continue the effort to utilize the considerable resources which currently exist in a cohesive manner.

Mr. RAILSBACK. Mr. Chairman, I yield the remaining time on this side to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, probably one of the easiest things for all of us in the Congress of the United States to do is to vote "yes" for every program that comes along the line.

It is very difficult for a Member to take a position against a bill that has to do with possibly solving some of the problems relating to juvenile delinquency.

Mr. Chairman, I am not a complete stranger to law enforcement, having been a FBI agent for 5 years and a prosecuting attorney in the capital city of my State for a number of years. I recognize the very, very serious problems of juvenile delinquency. I would hope that we in the Congress have made strides toward solving the problem. I do not, however, agree that this legislation which we are considering today will solve it. In fact, I think it will compound the problem which we now have in the Government and that is putting another layer on another layer and on another layer by attempting to solve all of our problems by covering them with money.

I am perfectly mindful of the fact that the distinguished gentleman from Illinois, a very able lawyer on the Judiciary Committee, made a reputation for himself in the State legislature in Illinois in this very field and I can understand the gentleman's interest in it.

However, Mr. Chairman, when we look at this legislation we find that the Department of Justice is opposed to it and that the Department of Health, Education, and Welfare is opposed to it. I would ask the question: "Why?" There have been all kinds of reasons given as to why they were opposed to it, but I think the possible key to the matter appears on page 6 of the report wherein there is stated the following:

> The Department is of the opinion that enactment of this legislation would result in overlapping and duplication of efforts in the juvenile delinquency field by federally funded organizations because all of the functions proposed for the Institute of Continuing Studies of Juvenile Justice presently can be performed under existing law.

Mr. Chairman, that is one of our great problems in government. We keep putting program on top of program, on top of program, and it still does not solve the problem.

Already, $20 million has been committed to the States in State grants for fiscal year 1971.

Further, I would invite the attention of the Members to the fact that under the Safe Streets Act the LEAA is authorized to make grants and contracts to improve their methods of law enforcement, to train personnel, to perform research, and to provide technical assistance.

Mr. Kleindienst states the Department of Justice is in opposition to the bill and Mr. Richardson, Secretary of HEW, states his opposition as follows:

> The bill would provide for the establishment of an Institute for Continuing Studies of Juvenile Justice. The Institute is authorized to establish an information bank for collecting, publishing, and disseminating data relating to the prevention and treatment of delinquency.

Mr. Chairman, if this bill is enacted you are going to build buildings and all of these things that we have already provided the funds to do in each of these programs we are talking about and that is the LEAA and Safe Streets Act. If they are so bad and are failing to accomplish the results, even though we have spent millions upon millions on those programs, why are not the sponsors of this legislation attempting to repeal those so-called bad acts because they are not solving the problem, rather than putting another layer on these already existing programs.

Mr. Chairman, I would like to point out the fact that the ranking Member from Ohio (Mr. McCULLOCH) takes a very courageous, logical, and objective approach to this legislation.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, I compliment the gentleman from Ohio on his stand and his very enlightening remarks today.

Is it not true that we have already in this Congress appropriated over $20 million to the States for the very same thing that this bill now attempts to accomplish? We already have over 40 Federal programs dealing with juvenile problems—why this boondogle?

Mr. DEVINE. I appreciate the contribution of the gentleman from New Jersey. He, too, has been engaged in the law enforcement field for over 20 years and he knows the problems of juveniles and has worked with them, as has the gentleman from Iowa (Mr. Kyl).

When you look through this act you will see that we have another one of these $100 a day per diem setup. It even goes so far in section 5043 to provide for applictions for admission to the institute, and authorizes allowances for travel and per diem for students and enrollees to the institution. This could become so large that it could almost approach HEW.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Devine) has expired.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I rise in opposition to H.R. 45, the proposal which would establish an Institute for Continuing Studies of Juvenile Justice. Probably no one in this body would dispute the continuing need for collecting, coordinating, and disseminating information on how juvenile delinquency may best be prevented and controlled, nor would anyone dispute the continuing need to upgrade the professional competence of personnel making important decisions about juveniles coming into contact with the juvenile justice system. But, while the substantive objectives of H.R. 45 are laudatory, and I commend the great vigor with which the distinguished Member from Illinois (Mr. Railsback) and other proponents defend this legislation, I am obliged to oppose this legislation.

Enactment of H.R. 45 would result in an overlapping and duplication of efforts in the juvenile delinquency field by several Federal agencies. All of the Institute's proposed functions can now be performed under existing statutory authority by existing Federal agencies, under laws including the Juvenile Delinquency Prevention and Control Act of 1968, as amended, and the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

The Department of Health, Education, and Welfare's Youth Development and Delinquency Prevention Administration has made significant progress in its administration of the Juvenile Delinquency Prevention and Control Act. This office under title II of the act is authorized to support training programs for persons connected with the treatment and control of juvenile offenders. The Secretary of Health, Education, and Welfare is authorized by title III of the act to collect, evaluate, publish, and disseminate information related to the prevention of delinquency and the treatment of juvenile offenders.

The Omnibus Crime Control Act authorized the Justice Department's Law Enforcement Assistance Administration to provide funds for training persons who are connected with the treatment and control of juvenile delinquency. In fiscal year 1971, the Law Enforcement Assistance Administration, or LEAA, funded at least 100 projects totaling almost $8 million, all aimed directly at upgrading the competence of persons who work with youngsters who become involved and get in contact with the juvenile justice system. This does not include other millions spent by LEAA in other projects that deal with both adults and juveniles and affecting juveniles.

The LEAA has broad legislative authority in the training area, under which it can spend funds for training through block and discretionary funds, through National Institute moneys, and through funding technical assistance programs. These moneys are being used to train the wide range of professional disciplines and skills needed throughout the system of juvenile justice, and to train paraprofessional and volunteer lay people to work in juvenile justice programs. The proposal for a new Institute for Continuing Studies of Juvenile Justice would duplicate these efforts already in being.

The proposed Institute's information transfer function would also duplicate several LEAA programs. For example, the LEAA is developing a National Criminal Justice Reference Service, including the most comprehensive information bank in the country in the criminal justice area. This computerized information system will contain most of the available research information on crime, on criminal justice, and on juvenile delinquency. Furthermore, the Statistics Division of the National Institute of Law Enforcement and Criminal Justice is now performing many of the functions of the proposed Institute's coordinating center for the collection and dissemination of useful data regarding the treatment and control of juvenile offenders.

Not only does LEAA collect and disseminate information in the juvenile delinquency and juvenile justice area from existing sources, it also supports original research aimed at preventing delinquency and rehabilitating youthful offenders and at upgrading the various component parts of the juvenile justice system. These projects are supported by the research and development arm of LEAA, the National Institute of Law Enforcement and Criminal Justice.

An example of such an LEAA research project aimed at improving the effectiveness, efficiency, and fairness of society's dealings with troubled children is the juvenile justice standards project conducted by the New York University Law School's Institute of Judicial Administration.

Another LEAA-supported project at the University of Michigan is evaluating the effectiveness of juvenile corrections programs throughout the United States. The study is designed to develop minimum performance standards for corrections personnel who work with juvenile offenders. Once these minimum standards have been arrived at, it should be helpful to develop more effective training programs enabling juvenile corrections personnel to function with higher levels of competence.

Still another LEAA National Institute supported study is attempting to identify those types of volunteer workers who function most effectively in juvenile probation work, with the thought that the findings should assist in selecting better volunteer probation workers and in providing them with the type of training and skills which will make them more effective.

In addition, the Law Enforcement Assistance Administration has established the National Advisory Commission on Criminal Justice Standards and Goals, working with the Institute of Judicial Administration and other LEAA funded agencies to establish standards for juvenile delinquency prevention, control and rehabilitation through its task force on community crime prevention, police courts, and corrections.

Certainly these ongoing LEAA projects well illustrate the fact that the LEAA does have broad authority for juvenile justice research. Not only does it collect and disseminate existing information, but it also has authority to collect needed new information that can be disseminated quickly to juvenile justice personnel.

Depending on how the juvenile delinquency problem is defined, there are about 40 Federal programs at present with some direct or indirect involvement in the juvenile delinquency area. Recognizing the great overlapping and duplication in governmental efforts in the juvenile delinquency area and seeking better coordination, Congress amended the Juvenile Delinquency Prevention and Control Act of 1968 to establish the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. That Council, chaired by Jerris Leonard, Administrator of LEAA, has moved aggressively in its efforts to coordinate all Federal, State, and local efforts in the juvenile delinquency area. These coordination efforts have been strongly bolstered by the written agreement between the Attorney General and the Secretary of Health, Education, and Welfare. That agreement has minimized the overlapping and the duplication of Federal efforts in the juvenile delinquency area. It is no wonder that both the Department of Justice and the Department of Health, Education, and Welfare strongly oppose H.R. 45, which would tend to add to rather than minimize this overlapping of programs and which would tend to proliferate expenditures and to work against rather than promote coordination of efforts.

Mr. Chairman, as I stressed in the House Judiciary Committee deliberations on this bill, and again in the House floor debate last December 6, there is very little similarity between the FBI National Academy and the Institute for Studies of Juvenile Justice proposed in this bill before the House. I regret the effort to wrap the proposed Institute in the mantle of the very successful National Academy through which the Federal Bureau of Investigation trains State and local law enforcement officers.

The FBI National Academy is operated entirely with FBI agents, occasionally supplemented with volunteer nonsalaried guest speakers. The trainees come from the police and sheriff departments from all over the United States. Until recent years when Law Enforcement Administration grants provided assistance to the trainees, either the trainees themselves or their State or local law enforcement agency employers paid their travel expenses and living costs while in the National Academy. The FBI budget now includes funds paying for the travel expense of each trainee and a $16 per diem which enables the trainees to live rather spartan lives, two to each bachelor apartment, while receiving training at the National Academy in Washington. The trainees live in barracks at Quantico, Va. for at least 2 weeks of their course. I understand that the next FBI National Academy class, the 99th, will start in June, and will be occupying the new facilities constructed at Quantico. Thereafter all trainees will receive room and board, and will receive all their training at Quantico. No per diem will be paid. I am advised that it is estimated that the FBI will be able to meet the costs of each trainee for $6. Certainly this is far, far less than what is involved in the proposed Institute.

The proposed Institute is not going to have a faculty immediately at hand, it will have to recruit them and pay them. It will have to build its entire facility from the ground up. The students will not be living the comparatively spartan existence of law enforcement officers who come here and to Quantico as trainees in the FBI National Academy. You may be sure that the lawyers, judges, law professors, and others that H.R. 45 apparently contemplates bringing together will not be living in barracks or be satisfied with less than $25 per diem. Those who become members of the Commission for the proposed Institute will receive $100 per day per diem.

Obviously this bill proposes a far more costly and expensive institution than the FBI National Academy, and it is going to create still another layer of bureaucracy which is duplicative of ongoing efforts, is unneeded, and should be defeated. Enactment of H.R. 45 will still further fragment Federal efforts to reduce recidivism and to prevent and control juvenile delinquency. Mr. Speaker, I strongly urge my colleagues to join in defeating this legislation.

Mr. KASTENMEIER. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The Chair will state that the gentleman from Wisconsin has 4 minutes remaining.

Mr. KASTENMEIER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. Mikva).

Mr. MIKVA. Mr. Chairman, I thank the gentleman for yielding.

In response to some of the Members who opposed this legislation, and who insist that there is present authority that could be used through the LEAA program, I went back and looked at the authorizing language, and, with all due deference to the thinking of my distinguished colleagues, I do not believe that the authorizing bill reads quite the way that they say it does.

The LEAA program specifically refers to grants to be made to State and local agencies, and to educational institutions, but nowhere does the LEAA have the authority, and it was never intended to give them the authority, to set up this kind of an institute. Even with the amounts of money that we have appropriated for them they simply do not have the authority to create the kind of agency we are talking about here. It would be very much the same as if we would suggest that the FBI could have set up its Academy without any authorizing language within the bill; they need specific authorization, and as I recall they utilize a line item within the Department of Justice appropriation when they come in each year.

So I must say to my colleagues that they can authorize the programs that do exist, but they simply cannot authorize or envision the establishment of an Academy such as we are talking about which will be the central clearinghouse both for all the Federal and State research programs, and in addition will be a training academy to seek to handle and instruct all of those who are working in the field of the juvenile problems at all levels of government.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to my colleague, the gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Mr. Chairman, I wonder if the gentleman could address himself to one concern and fear that I have. As I said earlier, I want to support this bill, but we know that the Juvenile Delinquency Prevention Act of 1971, which authorized $75 million, was only funded at the $10 million level this year.

What assurance is there that if this authorizing legislation should pass, whatever money is appropriated for this bill will not further deteriorate appropriations for the Juvenile Delinquency Prevention Act, which was put together, if I may recall for my colleagues, after we had spent some $40 million over a number of years on research into juvenile delinquency. And it was as a result of that research over a number of years that the Juvenile Delinquency Prevention Act emerged, and was approved by this House by a unanimous vote.

What assurances do we have that if this legislation is adopted that it will not siphon off funds that normally ought to be appropriated for the Juvenile Delinquency Prevention Act?

Mr. MIKVA. Of course, every time we pass an appropriation bill it could be acknowledged that we are siphoning off funds from one purpose for some other more needed field.

But I would merely point out to my distinguished colleague, the gentleman from Illinois (Mr. Pucinski) that our track record in the juvenile delinquency field has been far from one that would suggest that Congress has already been spending too much, or even enough money in this field, because we clearly are not handling this problem.

As indicated before, even as we can point with some pride to the lowering of the overall crime rates in some of the large cities—and not very many of them—we still have to acknowledge the fact that juvenile delinquency and juvenile crime continues to rise. We simply have not found the answers. I am hoping that this $2 million, very little of which will be spent this year, but at the rate of $2 million a year, will enable us to get some good out of the other money we are spending by getting the results of that research out into the field where it is needed. Right now we are chasing ourselves by not even using what we are finding.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield further?

Mr. MIKVA. I will be glad to yield to the gentleman.

Mr. RYAN. Mr. Chairman, I support the legislation before us today, H.R. 45, which will establish an Institute for Continuing Studies of Juvenile Justice. I have cosponsored this bill; and, as a member of the subcommittee that considered it, I can attest to the need for legislation that will deal effectively with the problem of juvenile crime.

To illustrate the severity of this problem, it has been shown in various studies that arrests of juveniles for serious crimes increased by 78 percent from 1960–68, while the population of individuals below the age of 18 increased by only 25 percent. Juveniles are responsible for one-half of all serious crime in this country, and between 50 and 75 percent of those arrested will be arrested again.

In an attempt to design a solution to this problem, H.R. 45 will establish an Institute for Continuing Studies of Juvenile Justice. The Institute will provide a data coordinating center for the collection and distribution of the information regarding the preparation of studies, and the operation of training programs for the treatment and control of juvenile offenders. An important aspect of the Institute's work will be the training and information it will provide for local as well as State and Federal personnel connected with the treatment and control of juvenile offenders.

The Institute will be under the operational guidance of a Director, appointed by the President, who will employ and supervise a staff, acquire property, receive donations, and appoint consultants.

The overall policy and operations of the Institute will be supervised by an Advisory Commission composed of 21 persons who will be appointed by the President. These 21 individuals will be comprised of people from the Federal and local level who have had experience with juvenile crime.

A major aspect of the Institute's organization is its administrative independence. Matters regarding juvenile crime are currently administered by the Justice Department and the Department of Health, Education, and Welfare. Under the provisions of H.R. 45, the Institute, aside from the utilization of Federal personnel and facilities, will have individual control over the administration of juvenile justice.

Judging from the lack of success at reducing juvenile crime in the present system, it seems evident that new methods are needed. The problem should be studied from a new vantage point. I believe there is a necessity to establish an independent framework that would study new approaches and develop new programs to deal with juvenile crime. This legislation will establish an Institute that will help fulfill this function, and I urge the House to support it.

Mr. ANNUNZIO. Mr. Chairman, I rise today in support of H.R. 45, the juvenile justice bill.

More than 100 House Members have cosponsored this legislation including myself. It also has the support of such distinguished organizations as the National Council of Juvenile Court Judges, the National PTA, the National Council on Crime and Delinquency, the American Parents Committee, the American Bar Association, and the Americal Civil Liberties Union.

Last December, under suspension of the rules, H.R. 45 was approved by the overwhelmingly affirmative vote of 246 ayes to 127 nays. However, this fell three votes short of the required two-thirds, and therefore, we have the opportunity today to vote again on this important measure.

The bill now before us would establish an independent institute for continuing studies of juvenile justice charged with the responsibilities of collecting, preparing, and disseminating data bearing on juvenile justice and providing training to personnel in the juvenile justice area. H.R. 45 authorizes appropriation of $2 million annually for each of four fiscal years, beginning in fiscal year 1972, to carry out these provisions.

Presently, the Department of Justice and the Department of Health, Education, and Welfare are sharing responsibility for dealing with problems involving juveniles. Despite the efforts of these two agencies, however, statistics show that approximately 50 percent of all individuals arrested on criminal charges in the United States are juveniles, and almost three-fourths of youths once arrested are rearrested within a few years.

In testimony submitted to the Judiciary Committee, Milton G. Rector, Director of the National Council on Crime and Delinquency, said:

> In the last fiscal year the Law Enforcement Assistance Administration (in the Department of Justice, only planned to spend 14.6% of their state block funds in the area of juvenile delinquency. Of this pitifully low amount only 14.1% was spent on training. HEW's performance has been equally disappointing. In the last fiscal year they expended only 12.9% of their resources on training.

It is apparent from the foregoing that strengthening our policies and practices in the area of juvenile justice is urgently needed. An independent agency would be more effective in determining and implementing new methods for coping with the juvenile offender problem. It would also bring greater coordination and more efficient functioning to our juvenile justice system by training people at the State and local levels in the newest and most effective methods of treatment and control of juvenile offenders and by disseminating information and expertise in the field of juvenile delinquency treatment and control.

The urgent problem is apparent. A meaningful solution is offered by H.R. 45. I urge my colleagues to join in bipartisan support and early enactment of H.R. 45, the juvenile justice bill.

Mr. TIERNAN. Mr. Chairman, I rise to express my strong support for H.R. 45, of which I am a cosponsor. This bill would establish an Institute for Continuing Studies of Juvenile Justice which would have two basic purposes. It would first disseminate information and expertise in the field of juvenile delinquency treatment and control. Secondly, it would train people at the State and local levels in the newest and most effective methods of treatment and control of juvenile offenders.

One of the major problems which must be dealt with in the area of crime is that of repeat offenses by juveniles. I understand that almost three-fourths of the youths once arrested are rearrested within a few years. This is completely unacceptable.

The juvenile justice system has for far too long suffered from a lack of coordination. To date the Departments of Justice and Health, Education, and Welfare have unsuccessfully shared the responsibility for dealing with these juvenile problems. H.R. 45 would establish an Institute which would be entirely outside of and largely independent of the executive branch. It will for the first time provide for an organized program of sharing expertise and disseminating information.

I urge all of my colleagues to support this very important legislation.

Mr. KUYKENDALL. Mr. Chairman, today we have before us H.R. 45, a bill to establish an Institute for Continuing Studies of Juvenile Justice. I am happy to say that I am a cosponsor of this bill which I feel meets the need for an organized program for sharing expertise and disseminating information in the area of juvenile justice.

If we are serious in attempting to overcome our national crime problems, then we must take advantage of this opportunity to pass H.R. 45 as a positive approach to juvenile corrections; providing the expertise, training, and education to all of the persons who deal with the juvenile daily. I would like to express my strong support of this legislation and at the same time urge that my colleagues do also.

Mr. DRINAN. Mr. Chairman, I rise in support of H.R. 45, a bill to establish an independent Institute for Continuing Studies of Juvenile Justice. I am a cosponsor of this measure and have given it my active support in the Judiciary Committee.

I wish to commend my friend and colleague, Congressman Tom Railsback, for his determined efforts on behalf of this bill during the last several sessions of Congress. I also wish to commend Congressmen Abner Mikva and Edward Biester for their leadership on this issue.

The "reform" schools, trade schools, and youth prisons have failed in their efforts to rehabilitate juvenile offenders. The depth of that failure is revealed by shocking statistics from my own State of Massachusetts: Half the inmates of adult prisons served time during their youth in reform or trade schools—including almost all those serving life sentences—most reform school graduates end up in adult prisons, and between 60 and 80 percent of youthful offenders serve more than one term in reform schools or juvenile prisons. For the Nation as a whole, one study showed that 79 percent of all offenders under the age of 20 released from correctional institutions in 1963 were rearrested by 1969

The growing literature on prison reform, by and about convicts, indicates that the criminal "style" is often, if not invariably, defined during youth. According to Dr. Jerome Miller of the Youth Services Department in Massachusetts, boys become hardened criminals because of the treatment they receive in the State's so-called youth correctional institutions.

> The boys had their heads shaved and were required to go naked 24 hours a day. When they arrived the guard told them to bend over, spread their cheeks to "show their brains". When they did so they were whacked with a stick.

If you want to produce criminals, Dr. Miller suggests—

> You would design a training school or penitentiary.

H.R. 45, which would establish an independent institute to study juvenile justice, is an essential part of the reform movement which must be undertaken to cope with the pattern of perpetual criminality which tragically characterizes the prison population of our country.

This bill would provide training programs for individuals involved in the juvenile delinquency control and treatment fields. It would provide facilities to collect and disseminate data on juvenile crime. It would fund studies of the operation of the juvenile justice system.

These functions are not now being performed in any coordinated manner. As I listened to the testimony regarding this measure in the Judiciary Committee, the frequent descriptions of the gap between prudent proposals and the current state of juvenile justice made a deep impression on me. We simply do not have a responsive institutional framework to train individuals or to study and propose reforms in this field.

I greatly regret that this bill comes here today under the shadow of controversy. The executive agencies which are responsible for the control of juvenile crime—the Departments of Justice and Health, Education, and Welfare—claim they have been doing, or are capable of doing, an adequate job. Unfortunately, the statistics belie their claims. Milton G. Rector of the National Council on Crime and Delinquency, who 2 years ago suggested in testimony that the proposed Institute be under HEW-Justice Department control, has since written to the Judiciary Committee expressing his disappointment at the performance of these two departments, and supported the independent institute concept embodied in H.R. 45. Other experts have expressed similar sentiments.

Finally we must realize, with Dr. Jerome Miller of Massachusetts, that by reforming the juvenile correction system, we can apply a pressure by implication to the American penal system as a whole.

Dr. Miller observes:

> Historically, reform comes through the juvenile door. If I close the training schools, it'll be harder for them to say they must have closed settings for adults.

As a much-needed reform in the dispensing of juvenile justice, and as a long-overdue first step in the overhaul of the entire corrections system, H.R. 45 deserves the support of every Member of the House. The Judiciary Committee has studied existing programs with great care and has concluded that we need a new approach. I urge my colleagues to support that recommendation.

I wish to insert at this point the following article from the Boston Globe of April 9, 1972, entitled "Could Society Cope Without Prisons?" by Deckle McLean:

Could Society Cope Without Prisons?

Before the end of 1972, the Commonwealth of Massachusetts will probably have no prisons for non-adult offenders. Three counties, however, will maintain training schools: thus the year will not be as remarkable as it might. And yet, as quiet and unnoticed as the step is, it will be a genuine landmark.

With it, the state in effect allows—although individual judges may use the county schools to circumvent this purpose—that young criminals will no longer be institutionalized in any enduring way, in fact, that crime by then will no longer lead to what we have come to think of as punishment. This is a precedent, and it obeys a curious truth about penal systems: that they may effectively achieve certain ends, but have not worked to control crime.

Credit for closing the state schools will go foremostly—if he will take it—to Dr. Jerome Miller of the Youth Services Department, a reformer who has had some success inside the prison system. Committed to eliminating cruelty and to moderating the effects of institutionalization, he has rather decisively altered his corner of the prison network. In his three years as Youth Services Commissioner he has also, as one would expect, run afoul, particularly, of some of his staff and of punitive minded legislators. Miller has closed several youth prisons already—the boys' quarters at Bridgewater and the Boston Girls Home. He has moved children into foster homes, established a cottage system to replace the single inmate population at the Lyman School in Westboro, sent spies into the detention centers, and developed something like an Outward Bound program. Now, he will put all of his kids into half-way houses and foster "group" homes, no more than ten per location; in some cases, better situations than they were in before their crimes. And he has done this well aware that he is applying a pressure by implication to the whole system. "Historically, reforms come through the juvenile door" he observes. "If I close the training schools, it'll be harder for them to say they must have closed settings for adults." The unrevealed purpose of closed penal institutions, says Miller, is to create criminals.

But what kind of provocation is this? Everyone knows, do they not, that the purpose of prisons is to eliminate criminals, either by forcing them out of their criminality or by locking them away for other people's security.

This attitude, however—holding that prisons are devices of crime control—can be maintained only through the acceptance of the most blatant contradiction. To reject evidence, of course, is not necessarily bad, nor is contradiction itself: sometimes these are necessary—truth may be nice, but it's the untruths that sustain. Yet, rejections of the order of magnitude here, suggest that something very important, if undisclosed, is at stake. The evidence, for example: In Massachusetts, at least half the inmates of adult prisons served time in "reform" schools when younger; the available figure is that about 40 percent of adult convicts have been in Massachusetts youth service division training schools, plus an undetermined number in county training schools and out-of-state reform schools. Furthermore, according to informal polls, almost all lifers in Massachusetts have come through in-state training schools. Furthermore, a majority of reform school graduates to go on to grown-up prison; and between 60 and 80 percent have returned to youth service prisons after a first sentence. Furthermore, although the United States hands out the longest sentences of any Western country, it has the highest rate of recidivism: 74 percent return within five years. In terms of their stated purposes, then, prisons don't work.

"Professionally, adults could be handled without institutions," says Miller, "but, politically, probably not. Maybe within my lifetime, I will see prisons regarded as stupid. Because as a way to control crime, they are really nonsense. Prisons give no real security to a community because usually the prisoner will come back. But I seriously question whether society is ready for a world without prisons. Can society tolerate the rehabilitation of prisoners?" Miller, who comes from Minnesota, and trained for five years in a Maryknoll seminary before turning to his present work, has made certain discoveries. We call them discoveries: they are ideas which came to him as discoveries; and might be taken similarly by others. The discoveries, then, boil down to a single theme: that penal institutions serve a social need which is not physical security; but is instead, the desire to externalize our own ogreishness.

"The evidence is," he says, "that we need a certain number of scapegoats, and the penal systems have produced them. Actually, there aren't that many terribly dangerous people. And people that produce dangerous situations are not necessarily dangerous, given other options. A purse snatcher is, I suppose a dangerous person, but not if he can see life in terms of alternatives to purse snatching. Even if you took a regular well run penitentiary and opened the doors, added some new programs and talked to the inmates about them, most of the prisoners would stay, probably 70%. So you have to sort out how much of the dangerousness we have created ourselves. For example, a boy came to us (the Youth Service Board) on a murder charge He had been part of a group that robbed a store, and one of the other boys shot the storekeeper. Eventually, he went to court as a material witness in the trial of one of the others, and the judge wanted to know what he was doing out walking the street. The boy was thrown in jail and stayed there for nine months. When he got out we hired him to work in the office here. Usually, the way to handle him would be to put him in jail for three or four years: and he would be more dangerous when he came out.

"It is easy, though, to institutionalize someone. It lets everyone off the hook. Then the psychiatrist comes along with something that makes you feel better: 'Oh, he's a psychopath.' Actually out of every 1000 prisoners, there are probably no more than 20 who couldn't be safely out on the street. They're not all mad dogs."

The role outside professionals in providing labels is one of Miller's peeves. "Diagnosis, particularly of the criminal of whatever type," he has written, "is in part a social control mechanism that provides the dominant social system with the means of disregarding the products of its own internal contradictions . . . The movement, for instance, from moral models of delinquency ('moral imbecile') to medical models ('constitutional psychopathic inferior') to psychological models ('character disorder') to behaviorist models (the individual who is unresponsive to verbal conditioning) has hardly altered the violent treatment of such defined persons . . ."

He offers a description of the Massachusetts training schools as they used to be. "The love had their heads shaved and were required to go naked 24 hours a day. When they arrived the guard told them to bend over, spread their cheeks to 'show their brains'. When they did so they were whacked with a stick. If you wanted to produce psychopaths," he suggests," you would design a training school or penitentiary."

But what is ultimately wrong with these institutions is their capacity—let's say this is an identifying characteristic—to convert the dreams of well intentioned reformers into nightmares, a result, Miller says, of not allowing the participation of prisoners and of getting no feedback from them.

"The California prison system was once considered one of the most enlightened psychologically, but now the psychological adjustment center at San Quentin has become the worst place in that prison." The most benign devices can become punitive when made available within a setting defined as punitive. This is particularly true in prisons, Miller says, because inmates have no say in what happens to them. "Consideration and decisions include only staff and administrative concerns. Recently a guard at Norfolk revealed the mishandling of prisoners, and then he and his family had to move because they were threatened; but it wasn't the inmates that threatened him. Yet there wasn't any interest in finding out who was threatening him. Prisoners are basically a captive population, at best treated paternally, at worst exploited. But unless you're going to turn them out into a totalitarian society, you must give inmates some say in their lives."

Perhaps this is easy talk for Miller. He is, after all, concerned with youth, who by his own acknowledgement, are less threatening to those who oppose reforms. It is perhaps remarkable that he has almost deinstitutionalized his own shire. But if it became a distinct possibility tomorrow morning that adult penitentiaries would be replaced by decentralized, community based, small group rehabilitation programs without locked doors; the public reaction would likely be close to panic.

Ultimately, among the truly Boschian images that haunt the timid and well-scrubbed, there is that one of escaped convicts in the night, packing like wolves and doing their worst. The options then loom to extremes, to either cage the prisoners or have them wild in the streets, even though, and Miller makes this point, they may be less dangerous than persons who have never been incarcerated.

The local ledger, then, reads somewhat as follows: The youth service prisons—the Shirley School in Shirley, the Lyman School in Westboro, and the Girls Industrial School in Lancaster—will be closed. Miller will collect the locks and mount them as souvenirs, as he did with the Bridgewater lockwork. About 350 kids will be scattered. Meanwhile the Essex, Hampden, and Middlesex county training schools where abuses have recently been reported—such as forced calisthenics in manure piles—will continue indefinitely, as will also the youth service department's own three detention centers in Roslindale, Worcester and Westfield, where nearly 1000 kids await trial, and where Miller found staff abuses as recently as six months ago. And beyond that, 5500 grown persons will remain institutionalized in the state's penitentiaries and county jails. For Miller, then, small gains, to be sure: but the change has clear direction.

Ignoring even questions of humaneness or charity, most people who want less crime will eventually have to account for this kind of argument—it's coming on strong now—you cannot produce public security by recoiling from criminals, or by using punishment to distinguish them from yourself.

Mr. PODELL. Mr. Chairman, the time for this legislation is now. It is in fact long overdue. The interests of our youth have for too long been sandwiched in between the bureaucratic concerns of super agencies, the Department of Health, Education, and Welfare, the Justice Department, and the Law Enforcement Assistance Administration. Even when legislative authority exists juvenile justice is the recipient of more talk than action.

Establishing an institute for continuing studies of juvenile justice will help us attain the goals we have set. I have long supported the aims of this leglislation, and am a cosponsor of H.R. 46 a duplicate bill with the same aims as the matter before us now.

I contend that we are getting only minimal benefits for the hodgepodge of laws now on the books whose principal aims are to secure adequate, swift, and effective juvenile justice. And the reasons for that is that the agencies charged with administering these laws are too busy with other matters to give them the attention they require.

Too often, the needs of the juvenile are considered as an afterthought to the main concerns of these agencies. The study and administration of juvenile justice is a highly specialized field. The effective handling of juvenile offenders is the last best hope of making a serious and an effective dent in the crime problem as a whole. There is a pressing need for an organized program for sharing expertise and disseminating information in this field. By no measure have the Federal, State, or local governments successfully discharged their responsibility for dealing with problems of the aberrant youth. To the contrary, things have been getting worse instead of better.

I contend that the answer is not money alone. A good deal of the money we have already spent has been wasted through inefficiency, poor planning, duplication of and triplication of studies, and by embarking on long range and expensive studies that are not among the most urgent needs in this field.

And, Mr. Chairman, I am at a loss to understand the negative view the administration takes of this bill. Their reluctance to go along with the long-range economies that will result from the efficient administration of juvenile justice finds itself today was achieved in a system in which the Departments of Justice and Health, Education, and Welfare have shared but which has failed miserably in dealing with the problem.

I say we should not continue to send good money after bad. Let us do it now before another generation of youth is lost.

Mr. Chairman, as an example of the third and fourth rate priorities given juvenile matters by these two giant Departments of Government, I would like to cite the letter of Richard G. Kleindienst, Deputy Attorney General, contained in the report of this bill. In the letter, Mr. Kleindienst, for the administration, opposes this legislation, and in so doing he says of Justice and HEW:

> In particular they have agreed to work together and with the States to develop procedures to enable each State to submit a single comprehensive criminal justice plan which will comply with the statutory requirements of both the Omnibus Crime Control and Safe Streets Act and the Juvenile Delinquency Prevention and Control Act! . . .

This is proof of my argument. Now, some 3 years after both of the acts he mentions have become law, the two principal agencies involved have finally agreed to "work together." Wonder of wonders that little is accomplished. Since these acts became law and were funded to the tune of millions of dollars, several million more young people have become teenagers and have come into contact with the law, have become a burden on law enforcement, the courts, and the detention facilities. But the aims and the purposes of these laws were bogged down with third, fourth, and fifth rate priorities in the super agencies and there were little or no hard results for the public.

Elliot L. Richardson, Secretary of HEW, in a similar letter for the administration in disapproving of this bill, says:

> We are working with the Department of Justice in determining the types of training to be carried out by each of our authorities and the type of data collection and dissemination in which each department should be involved . . .

Again, Mr. Chairman, Justice and HEW seem to be involved in a tug-of-war over who will do what while juvenile justice deteriorates even further. There has been enough of this bureaucratic infighting, fumbling, and confusion. Let us get on with it. The best way to do that is to establish and institute for continuing studies of juvenile justice, find out what is wrong with the present system, get the results to the people where they will do some good.

Mr. ROSTENKOWSKI. Mr. Chairman, once again I rise in support of the establishment of an Institute for Continuing Studies or Juvenile Justice. I was strongly in favor of this legislation when it first came to the floor last December under suspension of the rules. The bill before us today, as introduced by my distinguished colleague TOM RAILSBACK, would provide much-needed specialized training for juvenile court judges, probation officers, and others who work with juvenile offenders. More specifically, the bill would authorize $2 million per year for implementation of these studies for fiscal years 1972 through 1975. Certainly, this is a small price to pay to strengthen a system that presently is far from successful.

We have, in this country, a "prison crisis" of major proportions. Our rate of successful rehabilitation of criminal offenders is a meager 5 percent. Our prisons and our penal institutions suffer from neglect, waste, and human degradation. If we are to start reform anywhere, surely our juvenile system is the logical and most needy area in which to begin.

I am very proud, Mr. Chairman, to be a cosponsor of H.R. 45. It is my opinion that this legislation could be the initiatory force for a new type of national criminal justice system—a system that would have as its main objective the rehabilitation and reassimilation of our juvenile offenders into society as productive citizens.

Mrs. HECKLER of Massachusetts. Mr. Chairman, it is a great privilege to rise today in support of H.R. 45, which would establish an Institute for Continuing Studies of Juvenile Justice. This was the first piece of legislation which I introduced during the 92d Congress, and I think it is one of the most important.

Our Nation is now attempting to grapple with a serious crime problem. The root of this problem has been attributed to a number of causes: increased drug usage, breakdown in morality, poverty, urban congestion, and the like.

But an important factor that is often overlooked is the effect of incarceration on juvenile offenders. The irony of the present situation lies in the fact that our society does not know how to treat these young people. At times they are treated differently from adults, and given harsher penalties in juvenile institutions than an adult offender would receive in a traditional jail for a similar offense. Only recently has it been recognized that juveniles possess the same rights under the Constitution as do their adult counterparts.

In contrast, these youngsters are sometimes treated as adults, and incarcerated along with adults in overcrowded prison facilities. This experience allows these young people to become acquainted with some of society's most hardened criminals, and teaches them the lessons they need to know to continue in that profession.

Of course, the problems which we experience in juvenile justice are but mirrors of the problems with correction facilities throughout the country. Lack of adequate personnel, facilities, and counseling services are all part of this pathetic picture.

Our Nation must begin to realize that unless we commit ourselves to taking an early interest in young offenders and their problems, we are almost certain to force them into lives of crime, drug abuse, and despair.

I urge passage of this legislation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Part IV of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 404.—INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

"Sec.
"5041. Establishment; purpose.
"5042. Functions.

"5043. Director and staff.
"5044. Powers.
"5045. Advisory Commission.
"5046. Location; facilities.
"5047. Curriculum.
"5048. Enrollment.

"§ 5041. Establishment; purpose

"There is hereby established an Institute for Continuing Studies of Juvenile Justice (hereinafter referred to as the 'Institute'). It shall be the purpose of the Institute to provide a coordinating center for the collection, and the dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, juvenile welfare workers, juvenile judges, and judicial personnel, probation personnel, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders.

"§ 5042. Functions

"The Institute is authorized—

"(a) to serve as an information bank for collecting systematically the data obtained from studies and research by public and private agencies on juvenile delinquency, including, but not limited to, programs for prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders;

"(b) to publish data in forms useful to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

"(c) to disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

"(d) to devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

"(e) to devise and conduct a training program of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for law enforcement officers, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders; and

"(f) to develop technical training teams to aid in the development of training programs within the several States and with the State and local agencies, which work directly with juveniles and juvenile offenders.

"§ 5043. Director and staff

"(a) The Institute shall be under the supervision of an officer to be known as the Director of the Institute who shall be appointed by the President, by and with the advice and consent of the Senate, to serve for a term of four years. The Director of the Institute shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(b) The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Advisory Commission. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

"(c) If the Office of Director is left vacant, by resignation or otherwise, the President shall appoint a successor who shall serve for the unexpired portion of the term of office.

"§ 5044. Powers

"The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere or within any executive department unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute is authorized—

"(a) to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute;

"(b) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel or facilities or equipment of such departments and agencies;

"(c) to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

"(d) to enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any of the functions of the Institute;

"(e) to compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director of the Institute but not exceeding $75 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

"(f) to report to the Congress at appropriate intervals on programs which have been implemented with the cooperation of the the Institute within and among the several States, and to recommend to the Congress further legislative action which may appear desirable.

"§ 5045. Advisory Commission

"(a) The overall policy and operations of the Institute shall be under the supervision of an Advisory Commission.

"(b) The Advisory Commission shall consist of the Director of the Institute, the Attorney General (or his designee), the Director of the United States Judicial Center (or his designee), the Director of the National Institute of Mental Health (or his designee), and fourteen persons having training and experience in the area of juvenile delinquency appointed by the President from the following categories:

"(1) law enforcement officers (two persons),

"(2) juvenile or family court judges (two persons),

"(3) probation personnel (two persons),

"(4) correctional personnel (two persons),

"(5) representatives of private organizations concerned with juvenile delinquency (four persons), and

"(6) representatives of State agencies established under the Juvenile Delinquency Prevention and Control Act of 1968 or under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (two persons).

"(c) Members of the Advisory Commission shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Commission, one-third of the members shall be appointed to one-year terms, one-third to two-year terms, one-third to three-year terms, thereafter each member's term shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect, or malfeasance in office.

"(d) While performing their duties, members of the Commission shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full time by the Federal Government shall receive in addition a per diem of $100 in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The Director shall act as Chairman of the Advisory Commission. The Commission shall establish its governing rules of procedure.

"§ 5046. Location; facilities

"(a) A suitable location for the Institute shall be selected by the Advisory Commission.

"(b) Following the selection of a location for the Institute, the Director, with the approval of the Advisory Commission, shall—

"(1) acquire such property as has been selected pursuant to subsection (a), and

"(2) make such arrangements as may be necessary or desirable for the construction, equipping, and physical organization of the Institute.

"§ 5047. Curriculum

"The Advisory Commission shall design and supervise a curriculum utilizing a multidisciplinary approach (to include law enforcement, judicial, correctional, and welfare as well as probation disciplines) which shall be appropriate to the needs of the Institute's enrollees.

"§ 5048. Enrollment

"(a) Each candidate for admission to the Institute shall apply to the State agency established under the Juvenile Delinquency Prevention and Control Act of 1968 (82 Stat. 462; 42 U.S.C. 3801 et seq.), or the State agency established under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.), in the candidate's State. The State agency or agencies shall select an appropriate number of candidates and forward their applications for admission to the Director of the Institute. The Director shall prescribe the form of all applications for admission to the Institute and shall make the final decision concerning the admission of all students or enrollees.

"(b) While studying at the Institute and while traveling in connection with his study, including authorized field trips, each student or enrollee in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code."

SEC. 2. The table of contents to "PART IV—CORRECTION OF YOUTHFUL OFFENDERS" of title 18, United States Code, is amended by inserting after

"403. Juvenile delinquency .... 5031"

the following new chapter reference:

"404. Institute for Continuing Studies
of Juvenile Justice.......... 5041".

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. KASTENMEIER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 7, after "collection" insert ", the preparation."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 7, after "studies" insert "(including a periodic journal)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 11, insert:

"(d) to prepare, in cooperation with bar associations, Federal, State and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to juvenile justice and related matters including comparisons and analyses of State and Federal laws and model laws and recommendations designed to promote an effective and efficient system of juvenile justice:"

Mr. PUCINSKI. Mr. Chairman, reserving the right to object——

The CHAIRMAN. Does the gentleman move to strike out the last word?

Mr. PUCINSKI. I reserve the right to object.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the author of the amendment, the committee chairman—how will this amendment that is now pending before the Chamber, the committee amendment, affect the existing provision of the juvenile delinquency act, section 407(a) which reads as follows:

"SEC. 407. (a) There is hereby established an Inter-Departmental Council on Juvenile Delinquency (hereinafter referred to as the 'Council') whose function shall be to coordinate all Federal juvenile delinquency programs.

"(b) The Council shall be composed of the Attorney General, the Secretary of Health, Education, and Welfare, or their respective designees, and representatives of such other agencies as they shall designate.

"(c) The Chairman of the Council shall be elected by the members of that body at their first meeting which shall occur not later than 30 days after the enactment of the Juvenile Delinquency Prevention and Control Act Amendments of 1971.

"(d) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report as required by section 408(4) of this Act."

(b) The first sentence of section 408 is amended by striking out "who are consulted and".

Now how will this advisory council with the bar associations and various agencies that are provided in the amendment—how will all of that affect the coordination program of existing law?

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. RAILSBACK. It would be my belief that to the extent that the language is inconsistent and preemptory, it would supersede the language to which you referred, if this is enacted into law.

Mr. PUCINSKI. In other words, if I am correct, then the bill now before us and the amendment being offered by the committee to the bill, H.R. 45, the amendment now being offered by the committee would supersede existing law?

Mr. RAILSBACK. What it would do, since it would be enacted at a later time, if it is enacted, to the extent that it would be inconsistent or contradictory—it would supersede previous enactments of law. I am not certain, however, if the committee amendment is inconsistent or contradictory.

I might mention to the gentleman, this information comes from the recommendations of the Select Committee on Crime which held hearings concerning the problems of juvenile delinquency and this is precisely the language recommended by the gentleman from Florida (Mr. PEPPER).

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PUCINSKI. Mr. Chairman, if this amendment which is now before us is going to supersede language in an existing bill which is under the jurisdiction of another committee on which there has been no hearings—is it in order then to raise a point of order on this amendment?

The CHAIRMAN. A point of order is not in order. The amendment has already been reported and debated.

Mr. PUCINSKI. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PUCINSKI. Mr. Chairman, in the light of the explanation by the author of the bill that the amendment before the House now is going to supersede the language in an existing bill by another committee, I had no way of knowing that this was the intention of the committee in offering the amendment that is now before the House, that is, the committee amendment.

But if they are going to supersede an existing law, I want to know whether it is proper to make a point of order against the amendment, and I was on my feet trying to protect the reservation.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I think the gentleman misunderstood my remarks. I did not say it was superseded. I said if it was inconsistent. I am not at all sure from what the gentleman read that anything would be inconsistent, but as the gentleman knows, to the extent that it would be inconsistent, it would be superseded. I am not saying that that is the case.

Mr. PUCINSKI. It seems to me if that is, indeed, the case, we are going to find at some subsequent time that by adopting this amendment, which is a committee amendment, we shall have negated a very substantial portion of an Act previously enacted or passed by the House which came out of another committee, a committee having jurisdiction of the subject matter. I am raising the question of whether or not a point of order lies on this particular amendment.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield further?

Mr. PUCINSKI. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. The bill before us does not amend the act that you refer to, and does not eliminate or otherwise strike out the Advisory Council you refer to. Accordingly, it is not eliminated or struck down in this particular bill.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAGGONNER. Is it not a fact that when the committee amendment was offered the gentleman from Illinois was on his feet, that he stated while on his feet that he reserved the right to object, and the Chair refused to recognize him to make that reservation, but the Chair did recognize him under the last word provisions of the rule?

The CHAIRMAN. It is the understanding of the Chair that the gentleman was recognized for 5 minutes on the amendment.

Mr. WAGGONNER. Mr. Chairman, I would like to have the reporter read back the gentleman's request wherein he reserved the right to object and he was not recognized for that purpose.

The CHAIRMAN. The Chair did not recognize the distinguished gentleman from Illinois to reserve a right to object because there was nothing pending to support such a reservation.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WAGGONNER. Does the Chair then admit that he refused initially to recognize the gentleman to state his reservation?

The CHAIRMAN. The Chair has the right to recognize.

Mr. WAGGONNER. Does the Chair refuse now, having initially refused to recognize the gentleman, to permit the gentleman to state his reservation? Does the Chair now recognize him for that purpose?

The CHAIRMAN. The Chair will not recognize the gentleman from Illinois for that purpose at this time.

Mr. WAGGONNER. Mr. Chairman, the RECORD will show tomorrow that the Chair refused to recognize him for that purpose.

Mr. PUCINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state it.

Mr. PUCINSKI. Two previous committee amendments were accepted and adopted by the Committee of the Whole after the Chair asked if there were any objections to the committee amendments, and having heard no objections the Chair ruled that the two amendments were adopted.

This is the third amendment, and it is my understanding that it takes unanimous consent to adopt a committee amendment. The Chair having asked for such unanimous consent, I at that point said I reserved the right to object and asked for recognition. The Chair declined to recognize me for that purpose but rather recognized me for 5 minutes under the procedure striking the last word.

The CHAIRMAN. The Chair at that time had not put the question on the committee amendment and there was no unanimous consent request pending.

Mr. PUCINSKI. I thank the Chair.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will state it.

Mr. WAGGONNER. For the record, did not the gentleman from Illinois state his reservation immediately upon the reading of the amendment by the Clerk?

The CHAIRMAN. Yes, however the Chair at that time had not put the unanimous consent request on the committee amendment.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will state it.

Mr. WAGGONNER. Is it then illegal under the rules of the House for the gentleman from Illinois or any other Member of the House to state a reservation upon the reading of a proposed committee amendment?

The CHAIRMAN. The Chair had not put the question, and therefore there was nothing to reserve.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will state it.

Mr. WAGGONNER. If that be the case, then it will be in order for the gentleman from Illinois to state his reservation and make that reservation when the question is put. Am I correct?

The CHAIRMAN. It is too late at this point to raise it.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will state it.

Mr. WAGGONNER. How can it be too late if it is required that the question be put before the House before an objection can be made?

The CHAIRMAN. The Chair will put the question on the amendment now pending.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will state it.

Mr. WAGGONNER. Will the Chair please advise the House then under such proceedings at what time a reservation can be made to object to a proposed committee amendment?

The CHAIRMAN. The gentleman could have raised a point of order against the amendment.

Mr. PUCINSKI. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Illinois will state it.

Mr. PUCINSKI. Mr. Chairman, in the light of the explanation of the Chair just now, how could the gentleman from Illinois voice a reservation when the Chair had not even put the question to the House?

The CHAIRMAN. The Chair had not put the question; after the amendment had been read the gentleman could have reserved a point of order or make a point of order against the amendment.

Mr. WAGGONNER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will state it.

Mr. WAGGONNER. Would the Chair please respond to my last question, wherein I asked that the Chair advise the House exactly when and how such a reservation could have been stated by an objector?

Mr. Chairman, the parliamentary inquiry is simply this: Where then does the point of order become allowed?

The CHAIRMAN. At the time the committee amendment was reported.

Mr. WAGGONNER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman from Louisiana will state it.

Mr. WAGGONNER. Is that not the point at which the gentleman from Illinois asked for recognition to state a reservation?

The CHAIRMAN. The gentleman could have raised a point of order.

Mr. WAGGONNER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman from Louisiana will state it.

Mr. WAGGONNER. Mr. Chairman, do not the rules of the House allow a prospective objector to reserve a point of order, to institute, to make an inquiry, and at the conclusion of that inquiry either withdraw his reservation of objection or make an objection?

The CHAIRMAN. The Chair did not allow a reservation to object since there was nothing pending to object to, or to reserve the right to object. The Chair was trying to recognize the gentleman, so he could speak for 5 minutes.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. There was no point of order.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will state it.

Mr. WAGGONNER. Would the Chair respond to my last question as to whether or not the rules of the House allow a potential objector to a proposed amendment to state a reservation, to conduct an inquiry, and at the conclusion of that inquiry to withdraw his reservation or make an objection?

The CHAIRMAN. The Chair did not let the gentleman from Illinois reserve the right to object since there was nothing pending to object to.

Mr. SISK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from California will state it.

Mr. SISK. Mr. Chairman, is it not a fact that the Record would show, if it were read back, that the gentleman from Illinois rose desiring to reserve an objection to the amendment and did at no time mention a point of order?

The CHAIRMAN. The Chair believes it was to a unanimous-consent agreement to the committee amendment, but the Chair had not put the unanimous-consent request.

Mr. SISK. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from California will state it.

Mr. SISK. Is it not a fact that there was no objection that would have lain on that particular occasion? There was no unanimous-consent request pending, and therefore an objection was not in order.

The CHAIRMAN. The gentleman is correct.

Mr. SISK. I thank the Chair.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and the chairman being in doubt, the Committee divided, and there were—ayes 28, noes 22.

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: On page 3, line 19, redesignate subparagraph "(d)" as subparagraph "(e)."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: On page 3, line 23, redesignate subparagraph "(e)" as subparagraph "(f)."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: On page 4, line 6, redesignate subparagraph "(f)" as subparagraph "(g)."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: On page 6, lines 20 and 21, strike out "Congress at appropriate intervals" and insert in lieu thereof "President and the Congress annually".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

> Committee amendment: On page 7, strike out lines 4 through 20 and insert in lieu thereof the following:
>
> (b) The Advisory Commission shall consist of:
>
> (1) the following officials of the Federal Government:
>
> (A) the Director of the Institute;
>
> (B) the Administrator of the Law Enforcement Assistance Administration;

(C) the Director of the Bureau of Prisons;

(D) the Administrator of the Youth Development and Delinquency Prevention Administration;

(E) the Director of the National Institute of Mental Health;

(F) the Director of the United States Judicial Center; and

(2) 15 persons having training and experience in the area of juvenile delinquency appointed by the President from the following categories:

(A) law enforcement officers (two persons);

(B) juvenile or family court judges (two persons);

(C) probation personnel (two persons);

(D) correctional personnel (two persons);

(E) representatives of private organizations concerned with juvenile delinquency (five persons); and

(F) representatives of State agencies established under the Juvenile Delinquency Prevention and Control Act of 1968 or under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (two persons).

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, strike out line 26 and on page 9 strike out lines 1 through 11 and insert in lieu thereof the following:

"(c) Members appointed by the President to the Advisory Commission shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Commission, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each of these member's terms shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member appointed to the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 12, lines 1 and 2, strike out "such sums as may be necessary" and insert in lieu thereof "$2,000,000 during fiscal year 1972, and $2,000,000 annually for the three succeeding fiscal years".

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Chairman, whether or not we can under the provisions of the LEAA legislation and the Juvenile Delinquency Act do the things proposed by this legislation, to me is really not in question because the Department of Justice and the Department of Health, Education, and Welfare, who administer those two proposals, believe that they can.

I am sure most of you have had some experience with changing the minds of the bureaucracy. We need this proposal like we need another hole in the head, because we have to have one to begin with in order to be creating such a new institute. It will overlap.

If Mr. RAILSBACK's answer to me earlier about prohibitions is good, then the only thing we need to do—and I do not know whether we need to do this or not, but it was his answer—is to provide more money under existing programs.

However, now Mr. RAILSBACK makes the argument that we ought to create a new, separate and apart institute for continuing studies on juvenile delinquency and pattern it after an institute in the Federal Bureau of Investigation for education and training purposes.

Let me point out to those of you who have any doubt that the institute to which he refers is domiciled in and supervised by the Federal Bureau of Investigation, which is domiciled in and controlled by the Department of Justice.

Now, if this Institute elects to use as a pattern an institute which is domiciled in and functions under the Department of Justice, why in heaven's name cannot this job be done in the Department of Justice under the provisions of existing legislation?

But, I am going to tell you why it will not work.

You can pass all of the institute legislation you want to pass. It never can work under the conditions which exist.

First of all, no President is going to sign a piece of legislation into law that is opposed by his Attorney General and by his Secretary of the Department of Health, Education, and Welfare. But, even if he did, the language of the bill is so poorly drawn that it can never work.

They say that HEW and the Department of Justice will not now cooperate with each other. Under the language of this bill, how on earth can you expect they would cooperate with this Institute if life were breathed into it?

I want you to take the bill and turn to page 5, paragraph 5044, which has to do with "powers" of the Institute. on line 14, the last two words on line 14, there is the following language:

In addition to the other powers, express and implied, the Institute is authorized—

And listen to these two other words—

To request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

There is no mandate here that gives any authority to this Institute to transfer any existing legislation to supersede laws already resting with the Department of Justice and with the Department of Health, Education, and Welfare.

You are laminating another layer on the Federal bureaucracy. You are accomplishing absolutely nothing. You are creating a consultants' paradise. This $2 million if you spend every penny of it, will never get down where it will do any good. You are going to subsidize these highly paid consultants to travel, to come to Washington and talk about studies.

Mr. Chairman, it is time to stop studying and start doing something about the problem. We must let the courts do something about it and mete out punishment where punishment is required under the law and you will see something then that is done about it.

But, legislation and government cannot do it. The people in the homes of this country can do more to stop juvenile delinquency than you and I will do if we live to be 10,000 years old and if Congress lasts forever. It simply cannot be done by this mechanism.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have had my doubts and have debated with myself about this particular measure, because I think perfectly reasonable and legitimate arguments can be made and have been made on both sides of the issue.

Everything the gentleman from Illinois (Mr. RAILSBACK) said about the horrifying conditions which this measure is designed to meet is absolutely true—absolutely true.

Everything that the distinguished gentleman from Iowa (Mr. GROSS) says to the effect that money alone will not cure it is equally true.

The real question is how effective will this measure be?

If it is going to be truly effective, to reach even in part the evils the gentleman from Illinois speaks about, then the money involved, although a substantial sum, is really no object, because if we could meet those problems to a substantial agree, we really would be accomplishing something most worthwhile.

Mr. Chairman, no one can really say whether this bill will be effective or to what extent it will be effective. I am one who tends to be a little skeptical about how effective legislation can be in many cases.

But, nevertheless, we have to make an effort, and there are a few things that are true. One is that juvenile justice has pretty much, both locally and federally, been a stepchild so far as criminal justices and the courts are concerned. Another is that the juvenile is where we begin; if we have any chance to do anything constructive in this field it is to begin with the juvenile, the person who first gets into trouble while he is young. This measure here, so far as I know, is the first measure presented to us which is professionally tailored toward the specific problem of the juvenile.

These other programs that we have been talking about could do some of the things which are sought to be attempted in this bill, but the fact is they do not do them, and they do not intend to do them, as I understand it. There is no suggestion that under any of these other programs would this type of an institute, this type of a clearing house, this type of a training school be set up. This is an effort to specifically address ourselves to this particular problem in this particular way.

I do not know how well it will work, but I have spent a fair part of my working life in the wasteland of the present juvenile justice system and I, unlike some others, have spent it on both sides of the table, both the prosection side and the defense side. I say that if this legislation presents any reasonable hope, or if it will do any substantial good, it is certainly worth a try, because we are not doing anything now, and we have not been doing anything for the past 20 years, to my personal knowledge.

Therefore, Mr. Chairman, I support the bill.

Mr. PEPPER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to announce that a memorial service will be held in the Supreme Court for the late Justice Black, at 3 o'clock.

Mr. Chairman, I rise in support of H.R. 45. I feel that this bill as it now stands is an excellent and much-needed piece of legislation.

As you know, when the Select Committee on Crime was created, I pledged to conduct a thoroughgoing investigation of the root causes of juvenile crime and delinquency, and to seek preventive measures to thwart that burgeoning problem. Throughout our committee's hearings and investigations there was one recurring theme—the Federal Government just was not doing its share in the prevention and elimination of juvenile crime.

These findings coming after the creation of LEAA and the Office of Juvenile Delinquency were indeed surprising. The reasons, however, shortly became clear. There were many agencies within the Federal Government charged with dealing with the delinquency problem—perhaps too many. Indeed, we found 11 different bureaus and agencies with primary authority in some area of juvenile justice.

Where then was the problem? The major problem involved seemed to be the low priority these bureaus were given by their parent agency. The problems of juvenile crime took a back seat to the other affairs with which these agencies were involved.

Additionally, communication between the various agencies involved was minimal if at all existent. This led to serious problems of duplication and unwarranted and needless competition.

Assisted by a noted panel of experts including Judge Orman Ketcham of the District of Columbia Superior Court; Ralph Susman, former Acting Director of the Office of Juvenile Delinquency; Patricia Wald, former Head of Legal Services for the District of Columbia; Norman Lefstein, Associate Director of the Public Defender's Office, and Dean Monrad Paulsen of the University of Virginia Law School, the committee undertook the preparation of legislation to streamline the bureaucratic responsibilities in the juvenile justice system. In the third report of the Select Committee on Crime—Juvenile Justice and Corrections—the committee strongly emphasized the need for legislation such as this. At the same time, my distinguished colleagues, the gentleman from Illinois (Mr. MIKVA), the gentleman from Illinois (Mr. RAILSBACK), and the gentleman from Pennsylvania (Mr. BIESTER) were preparing their versions of similar legislation. After both bills were introduced, each with many cosponsors, the proponents of the bills held extensive discussions. The bill before the committee now contains the best portions of both measures.

I am proud of the part the Select Committee on Crime and I personally, have played in the preparation of this bill, and I am pleased with the support it has received. The research work being done in juvenile justice must be coordinated if it is to have maximum effect. The heads of each bureau or agency involved in juvenile justice must have a common forum they can meet to exchange ideas and information about their respective activities. Professionals in the field must have the opportunity to communicate to each other new ideas and concepts as they evolve. In this way, useless duplication and counterproductive competition will be avoided, and the true objects of our concern—the young people who urgently need guidance and assistance—will finally receive the attention to which they are entitled.

Mr. Chairman, H.R. 45 is an important and necessary piece of legislation. I heartily endorse it and urge its passage.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to vote against this bill primarily because I believe we are again engaging in that frequent practice of rocking-chair philosophy which gives us a feeling of motion while going nowhere. I do not want to further frustrate the juvenile delinquency program with additional fragmentation.

I do not have much faith in this bill before us today. I think if we look at the District of Columbia itself I can best describe my lack of faith. I do not personally know any place in the United States where we have a higher rate of juvenile delinquency per capita, nor a place where we at the same time have as many experts on juvenile delinquency as we have here, or more employees working on the problem. And yet we have the problem.

Why do we fail to make progress? I think we fail because we try harder to excuse delinquency than to treat it. I think we have tried to study rather than to implement, and to name rather than to explain. I hasten to add at this point that I speak against the bill not because I am disinterested, but because I am sincerely interested in fighting delinquency; not because I am parsimonious, but because I believe we ought to spend our money more meaningfully.

On Saturday night last I visited three different youth aid division centers in the District of Columbia. I visited the detention center for juveniles, where modern practices accepted are in operation.

For instance, on Saturday night in one corner of the detention center they had a motion picture show. At the other end of the building, there was a dance and the boys and girls, both of whom are quartered there, were engaged in recreation with a good live band furnishing the music.

The rooms are clean. The food is good. I do not think anyone could point a finger of criticism at this juvenile home. There is not a better juvenile bureau in any police department anywhere. Yet, we have a problem and it seems to grow. Why?

In this bill we seek again a national answer to what has to be a local problem. I think we have to move away from trying to get a standard answer to delinquency and put it on an individual basis.

The gentleman from Florida has done tremendous work in regard to the drug abuse problems of the country. He would tell you very emphatically the drug problem is a psychological matter.

I think the gentleman from Ohio (Mr. McCULLOCH) really came closer to trying to solve this problem than any other speaker today when he pointed out that the answer to delinquency does not lie in the kind of thing that is proposed today, but it does lie rather in education and social work, in economics.

We spent $40 million to study delinquency. With what was learned we established a juvenile protection agency. Then came LEAA. Let us make those programs work, and if they cannot work, let's find out why? Let us not add another layer of the same on top.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I note in section 5043—and I ask the attention of the sponsors of this bill—I note in section 5043 the bill provides for a director of the Institute to be appointed by the President for a 4-year term. Yet, the financing of this new Institute is for 3 years—that is 3 years and some 2 months.

I wonder if the gentleman could explain why there is a 4-year term for the Director under the financing provisions?

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. MIKVA. Initially, as I indicated before, the bill started with 4 full years, but as the gentleman from Iowa correctly points out, there are only 3 years and a couple of months left.

If the Institute continued beyond that, the authorization then would be for the 4-year period.

But as the gentleman from Iowa knows, if it does not—then the person who holds the office goes out of office by the time the authorization for the Commission ends.

Mr. GROSS. This would not be used as a nice little lever to come in at the end of 3 years, if we are so unfortunate as to see this bill passed, and use this as a lever to continue this organization?

Mr. MIKVA. I assure the gentleman that under previous examples when a commission expires, the man who held the office there—his office expires with it.

Mr. GROSS. Again, with respect to the director, on what basis did you arrive at a level 5 executive job and that kind of pay for this bureaucrat?

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I would say to the gentleman that that was arrived at after several meetings with people who had

had experience in this kind of thing and suggesting to us that this would be the appropriate executive level for such a director. It was patterned after some existing Institute, the name of which I am sorry I do not have before me right now. But I remember the gentleman raising the question before about his committee's jurisdiction.

Mr. GROSS. The gentleman did get into a field foreign to the Judiciary Committee, did he not, in establishing this job as a level 5?

Mr. RAILSBACK. Let me say that both in establishing the funding and in selecting the personnel and in selecting a director, in my opinion it was done carefully. We tried to come up with the proper amount of authorization. We do not think it is as luxurious, expensive, or expansive as many programs have been. As the gentleman knows, we have an itemized breakdown in the hearings which I shall be glad to refer the gentleman to.

Mr. GROSS. I seem to get the impression from the gentleman's answer that it is fashionable to establish directors for new institutes at a salary of a level 5 in the executive branch of government. It seems to be fashionable to do this. I suspect that that is the real answer to the question.

Section 5046 of the bill provides that the Institute can acquire property and enter into the construction of buildings. What is envisioned by the sponsors of this bill with respect to the acquiring of property and the construction of buildings for this brandnew Institute?

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, of course.

Mr. RAILSBACK. Let me tell you my hope, and I hope that the gentleman believes me when I mention that I have been impressed with the FBI Training Academy and with the general format there. I used that as the genesis of the idea. It seems to me one of the reasons the Academy had been successful was that it involved sharing facilities and sharing personnel. When I went to the Justice Department and asked, for instance, how much money was involved in setting up the Training Academy, both the FBI and the Justice Department never did give me accurate information about what personnel compensation would be involved, and the reason is they are sharing both personnel and facilities. It would be my hope that this Institute we are talking about with $2 million would have the same kind of experience where they would try to either rent—we do not envision building any kind of empire or any kind of bureaucracy. Rather, it would be my hope that they would live as frugally as they could. They would rent or get facilities that are in existence. That is the intent of this sponsor, and I am sure it is the intent of most sponsors.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Well, we have been given a lot of hope but not much promise from the gentleman from Illinois that this thing will stop short of more Government buildings with all the expenditure that goes with it. I wonder who is going to express some hope and sympathy in behalf of the taxpayers of this country?

When I was at home during the Easter recess one of the consistently angry protests I heard was to spending and taxes—taxes and more taxes—yet here today is a bill providing for a new commission in Government and the explicit provision that the Institute that will also be created can acquire property and construct buildings on it. When, I ask again, is there to be some hope—some regard for the taxpayers?

The House ought to have meaningful assurance here and now that this Institute is not going to embark upon a multi-million-dollar building program.

Mr. RAILSBACK. Will the gentleman yield further?

Mr. GROSS. I yield to the gentleman very briefly, because I want to yield to my colleague, the gentleman from Iowa, (Mr. MAYNE), if he wishes me to do so.

Mr. RAILSBACK. Let me say in the itemization, if the gentleman checks it, I think he will get the answer to the question as far as the intent of the sponsors when we requested $2 million. Furthermore, let me say to the gentleman what I expressed to him was my hope and belief, that this will not build any kind of bureaucracy.

Mr. GROSS. The gentleman told me that previously. That is a hope and only a hope.

Mr. MAYNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the fact is that the Institute to be created, which has been spoken of so hopefully by a number of our Members, obviously will be very dissimilar to the FBI Law Enforcement Academy. I do not think our colleagues have been quite candid with us in seeking to cloak this Institute in the mantle of the highly successful and respected FBI Law Enforcement Academy. That Academy did not start out with any $2 million appropriation per year, nor with a level V director at $36,000 per year and other high salaried officials such as are being asked for this Institute. At first, law enforcement officers from all over the country were sent to the FBI Academy by their own departments at local expense. They lived in the barracks down at Quantico, in the existing FBI Academy building there and they received their instruction from the regular FBI training staff with very little additional expense to the Government. These trainees now receive a per diem of only $16 per day while in Washington. Starting with the next class, they will not receive any per diem as they will reside in the new facilities at Quantico throughout their entire period of training.

Having lived and worked in those barracks at Quantico myself, I can tell my colleagues that it is indeed a Spartan existence. It is not something set up to start with a $2 million annual appropriation, with $36,000 salaries and per diem for Commission members of $100 per day plus travel expenses.

It is misleading and inexcusably presumptuous to compare this lavish operation with the highly efficient FBI National Academy, which has been managed at minimum expense to the taxpayers while achieving outstanding results. No, my colleagues, it is clear that the Institute proposed in this bill is not going to be any Spartan operation similar to the FBI Academy.

It is not all surprising that lawyers in the American Bar Association who work in the juvenille field and a number of juvenile court judges have been lobbying for this bill. I can understand their thinking they could do a great many things with $2 million a year. They could attend institutes and seminars and conventions and act as consultants and instructors and commissioners, all of course at Government expense.

I have attended a great many American Bar Association meetings myself through the years, and I can assure you that the lawyers and judges who attend are not quartered in barracks like those used by FBI trainees at Quantico. It is not a Spartan existence.

They occupy very comfortable and expensive hotels, but that is their business so long as they are paying their own expenses. But this bill is so loosely drawn that a good many of the people who are writing and urging that it be adopted will in due course wind up having their expenses to a wide variety of meetings, institutes, and conferences paid by the Federal Government. It may be useful but it will also be very expensive. But I suppose if I were a juvenile judge, I, too, might think it useful to be sent all over the country to meet with other judges and lawyers at the taxpayer's expense.

I think if we are going to put this additional money to work for judges, it would be more straightforward and effective to put it into improving judicial salaries rather than into these very attractive fringe benefits which are included here.

The FBI has provided the faculty for its Academy out of existing appropriations and out of FBI personnel, and the FBI Academy is under the supervision of the Department of Justice. But the Institute provided for in this bill will be wholly independent of the Justice and Health, Education, and Welfare Departments. Will it get the kind of cooperation from HEW and Justice that has characterized the FBI Law Enforcement Academy when it is being set up in opposition to and independent of these Departments? Do you think HEW and Justice will provide personnel for the new Institute? I do not.

We have enough demands on the taxpayers of this country not to set up a new $2 million program to start with when responsible departments of this Government which are already dealing with juvenile problems are opposed to the bill. Depending on how the juvenile delinquency problem is defined, Mr. Chairman, there are already about 40 Federal programs with some direct or indirect involvement in the juvenile delinquency area.

The Congress recognizing how much competition and overlapping there was among these programs, moved to coordinate them in the 1968 Juvenile Delinquency Prevention and Control Act. In that act we established an interdepartmental council to coordinate all Federal juvenile delinquency programs. That Council, now chaired by Jerris Leonard, Administrator of the LEAA, has been working hard to coordinate all these Federal, State and local programs.

But the Institute which this bill calls for will be still another body, wholly independent, which will be extremely hard to coordinate. It is going to work at cross purposes with existing programs.

As the gentleman from Illinois (Mr. Pucinski) has very ably pointed out, we already have enough programs in this critically important juvenile field. We do not need a proliferation of more programs. We need to make the ones we have work more effectively. I, therefore, intend to offer a motion to recommit the bill to the full Judiciary Committee for further consideration, and I ask all Members to join me in support of that motion.

Mr. BIESTER. Mr. Chairman, I move to strike the requisite number of words.

I will not presume on the time of the committee to take the full 5 minutes, but I believe it is imperative that the record be set straight with respect to the remarks of the distinguished gentleman from Iowa (Mr. Mayne) in whose opinion I frequently respect and agree with as he is a valued colleague on the Judiciary Committee, but I cannot agree with him in this instance.

I was very personally impressed by the remarks of the gentleman from Iowa (Mr. Kyl), who spoke of his visitations to juvenile centers. I know, from speaking with him often before on this subject, that he has a deep interest in the matter of the problem of juvenile crime.

I believe to characterize the men and women who work with respect to this most frustrating problem of how to solve juvenile crime on the day-to-day action level, such as the juvenile court judges, the juvenile court correction people, the probation officers, as supporting this legislation simply to take trips is unfair to the dignity of hundreds and hundreds of hard-working people in the criminal justice field.

The people who are at the action level, working as judges, know better than anybody else that the criminal justice system in the juvenile area is a failure. They are confronted not with just theoretically talking about the fact that it is a failure, but they are confronted on a day-to-day basis with trying to resolve individual cases, looking young people in the eye, knowing there is no real relief available for them yet struggling to dispose of these cases one after the other.

With respect to the cost involved here, I believe the cost in terms of possibilities for improvement is modest. We hear about taxes. Crime exacts its own tax. How many millions or billions of dollars are lost by society because of juvenile crime? How much anguish, how much pain and suffering will occur today and tomorrow among the peaceable citizens of our country as a result of juvenile crime?

How much eagerness to work well waits in the minds, of the juvenile court forces, to apply real programs of true relief to the problem of juvenile crime?

This is so important that we need to get it coordinated by this kind of institute and this kind of legislation.

I wanted to get the record straight on those matters.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Iowa.

Mr. KYL. About how many people does the gentleman suppose could be trained under this legislation in the course of a year's time?

Mr. BIESTER. That would depend on the extent of the training involved. It could be as many as 1,000.

Mr. KYL. Would the gentleman be surprised to find out that today, this week, more than 500 members of the Metropolitan Police Force of Washington are going to college classes, learning police administration, juvenile jurisdiction, and so on in this one city?

Mr. BIESTER. No, I am not surprised by that figure at all. The point is that unless we get training to the personnel who work in probation, in the very tough and difficult juvenile field, we are not going to touch that field.

Of all its programs today, LEAA spends 16 percent of its resources in the juvenile field, yet 50 percent of the crimes committed in this country are committed by juveniles. That is a misallocation of resources and demonstrates less than a full awareness of the true extent of the problem.

Mr. KYL. Is the gentleman aware, if he will yield further, that in the Metropolitan Police Force, in the Juvenile Division, in Washington we have now a social agency working with police 24 hours a day every day of the week?

Mr. BIESTER. I am aware of that, and I think the men and women in those sections are searching as hard as they can to try to find a way in which they can positively address themselves to this problem. They will be the first to recognize that while they have made some progress in this field, they have not yet found a way in which to do it as successfully as they would like but they would hope in their efforts to find better facilities and better programs that they will be treated with something more than a statement that their interest in the institute if they have such interest is in trying to take a trip to some other city.

Mr. KYL. If the gentleman will yield further, what I am trying to get at here is we are talking about sending additional people to get training when we have thousands of such people taking training all over the country today.

Mr. BIESTER. But the training is not in a manner consistent with a fully coordinated arrangement, as was testified to before our committee. The whole problem is a lack of coordination. This is the one thing that is not being done and is the one thing which needs to be done.

Mr. KYL. Will the gentleman bring in a bill shortly to do away with the coordinating council we now have established in the Federal Government to coordinate all juvenile delinquency efforts?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sure every Member of this House wants to support any legislation which will make an effective contribution toward dealing with America's most serious problem, the problem of juvenile crime.

The legislation already approved by the House will be coming up for renewal very shortly, that is, the Juvenile Delinquency Act. It occurs to me perhaps—and I would like to ask the sponsors of this legislation—if there are deficiencies in the Juvenile Delinquency Act which is now on the books and the guidelines which have been established for it, would it not be wiser to offer this bill as an amendment to existing law?

I am the first to point out, as we did in our report last year when we brought up the bill, one reason why the Juvenile Delinquency Act did not work as well as it should have or could have is because there were some possible delays in implementing it. It was 18 months before a director was appointed. Guidelines were not issued for more than a year. So there were many things that had to be done to crank up the Juvenile Delinquency Control Act of 1971.

But that bill is now operating. It occurs to me if there are some shortcomings in that bill, the place to put this proviso, if there is some justification for an academy or some form of coordinating the activities of the juvenile delinquency research, then it ought to be offered as an amendment to the existing law rather than starting de novo with a whole new set of guidelines and a new director.

I say this because we have a letter which was sent to the Congress by Attorney General Mitchell, which is addressed to Secretary Richardson, who wrote as follows:

Office of the Attorney General,
Washington, D.C., May 25, 1971.

Hon. Elliot L. Richardson,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: I share the view expressed in your letter of today that our Departments must work together to improve the national effort toward solving the problem of juvenile crime and delinquency. It is imperative that we effectively coordinate programs that are outside as well as those within the traditional juvenile justice system.

The Department of Justice, through the Law Enforcement Assistance Administration (LEAA), will cooperate in making any administrative adjustments that are necessary to achieve the best overall effort in this field. LEAA will work with HEW and the States to develop procedures to enable each State to submit a single comprehensive criminal justice plan which will comply with the statutory requirements of both the Omnibus Crime Control and Safe Streets Act and the Juvenile Prevention and Control Act. In addition, LEAA will encourage the State to include on their State and regional planning councils representatives of agencies with expertise and responsibilities in the area of juvenile delinquency prevention and control, including those aspects of the subject that are outside of the traditional criminal justice system.

Here you have the Department of Justice and HEW trying to combine their efforts and their resources to do a job which should have been done many, many years ago.

I am just wondering—and I just want the sponsors of this legislation to assure me—that with the passage of this legislation we are not going to derail the efforts that are now being made by LEAA and the juvenile delinquency people through the Department of HEW to come along with a comprehensive, meaningful program of dealing with this problem.

May I remind this House that in 1960 President Kennedy proposed to the Congress a proposal for a $10 million research program for juvenile delinquency and the causes of juvenile delinquency.

We spent $40 million on research into juvenile delinquency and its causes. There were Members of this House who spoke, one after the other in support of it, and as a result of this legislation we finally thought we would get the answers. We thought we would get the answers when we passed the Juvenile Prevention and Control Act of 1971.

I ask the gentleman, why not give this law a chance to work?

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. Yes; I yield to the gentleman from Illinois.

Mr. RAILSBACK. Let me say to the gentleman that I do not think this institute is in any way going to derail what I think we can refer to as the bloc grant program, but I do want to say to the gentleman with reference to that legislation that there has been criticism of HEW and the Justice Department programs themselves. But let me say that in the year 1961 HEW spent 12.9 percent of its juvenile delinquency money on training programs at a time when 31 States had no training programs at all in the field of juvenile delinquency.

Mr. PUCINSKI. Surely, but the reason for that was that you do not need any more research. You can go into every single part of your congressional district and the police will tell you, the teachers will tell you, the religious leaders will tell you, the parents will tell you and the educators will tell you precisely what they need. What they need is money with which to develop effective programs. They know what the problems are. What we need is some help, and when we tried to provide that help with a $70 million authorization in the juvenile delinquency bill, this Congress voted only a $10 million appropriation.

If you really want to help deal with this problem, you do not need to build another building or to inaugurate a research program or another law. Give these people the money they need and they will show you how they can deal with juvenile delinquency crime. This is another instance of concentrating everything in research institutions in Washington.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. Pucinski was allowed to proceed for 1 additional minute.)

Mr. PUCINSKI. I remember when I had the poverty program under consideration in my subcommittee and I remember testimony before that committee that there would be no more than 300 people involved in the administration of the poverty program, that its purpose was to coordinate existing programs.

I remember the Commission on the Aging and the same thing happened.

There are constantly proposals being made in this Congress to create new agencies and new programs instead of making the programs work.

That is why I am asking these questions. I will support the legislation if I am assured with all the criticisms that have been heaped upon HEW—that that program is not going to be derailed by the passage of this legislation and that there will not be added just another agency.

Mr. Chairman, the people of America are sick and tired of creating new agencies instead of making existing programs work.

For that reason, I would like to ask my colleague from Illinois (Mr. Mikva) or my colleague from Illinois (Mr. Railsback) whether or not we can have some assurance that this is not going to derail existing programs?

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(By unanimous consent, Mr. Pucinski was allowed to proceed for 1 additional minute.)

Mr. PUCINSKI. Mr. Chairman, I have asked for this additional time in order for one of the gentlemen to answer my question.

Mr. MIKVA. Let me assure my colleague from Illinois that this does not seek to replace any substantive grant programs that are in any of the other programs. This is not intended to gut those provisions of either LEAA or title II, but seeks to help the States help themselves. This is supplementary to and not replacement to the States.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. RAILSBACK. As the gentleman knows, when we first passed the Juvenile Delinquency Prevention and Control Act, I was very interested in it and discussed it with the gentleman and amended it on the floor.

I would be the last to try and sidetrack that program. I do not think this is duplicative. I hope, in fact, we will continue to work toward the solution of what has been a most serious problem, with which I know the gentleman agrees.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Matsunaga: On page 2, line 13, after, "correctional personnel," insert "family counselors,".

On page 4, line 3, after "correctional personnel," insert "family counselors,".

Mr. MATSUNAGA. Mr. Chairman, the amendment which I offer is a very simple one. It is intended merely to clarify the language now in the bill which was intended to include family counselors among those who will enjoy the benefits of the training programs.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman from Hawaii yield?

Mr. MATSUNAGA. I gladly yield to the distinguished gentleman from Wisconsin, chairman of the subcommittee.

Mr. KASTENMEIER. Mr. Chairman, as I understand, the amendment offered by the gentleman from Hawaii does not provide for any additional member of any commission or any additional personnel; is that correct?

Mr. MATSUNAGA. That is correct.

Mr. KASTENMEIER. It merely tends to characterize that sort of expertise which can be used in the field?

Mr. MATSUNAGA. For training purposes, yes.

Mr. KASTENMEIER. For devising and conducting training programs and the like. Is that correct?

Mr. MATSUNAGA. The gentleman is correct.

Mr. KASTENMEIER. Mr. Chairman, I am pleased to say that on our side we will be willing to accept the amendment.

Mr. BIESTER. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I gladly yield to the distinguished gentleman from Pennsylvania.

Mr. BIESTER. Mr. Chairman, we also on this side of the aisle are pleased to accept the amendment.

Mr. MATSUNAGA. I thank both the gentleman from Wisconsin and the gentleman from Pennsylvania.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii (Mr. Matsunaga).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Dorn, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 45) to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice, pursuant to House Resolution 897, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MAYNE

Mr. MAYNE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MAYNE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MAYNE moves to recommit the bill H.R. 45 to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 46, noes 35.

Mr. KASTENMEIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 133, nays 252, not voting 48, as follows:

[Roll No. 112]

YEAS—133

Abbitt
Abernethy
Alexander
Andrews, Ala.
Arends
Ashbrook
Baker
Baring
Bennett
Betts
Biaggi
Bow
Brinkley
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Cabell
Camp
Carlson
Carter
Casey, Tex.
Chappell
Clancy
Clark
Clawson, Del
Collier
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Denholm
Derwinski
Devine
Dorn
Downing
Evins, Tenn.
Fisher
Flynt
Ford, Gerald R.
Fuqua
Garmatz
Gaydos
Giaimo
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hébert
Henderson
Hicks, Wash.
Hull
Hunt
Hutchinson
Ichord
Jonas
Jones, N.C.
King
Kyl
Latta
Lennon
Lent
Lloyd
McClure
McCollister
McCulloch
McEwen
McKay
McMillan
Mahon
Martin
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Passman
Pelly
Pike
Pirnie
Powell
Price, Tex.
Purcell
Quillen
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Runnels
Ruth
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Sikes
Slack
Snyder
Spence
Steed
Steiger, Ariz.
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Veysey
Waggonner
Wampler
Whalley
Whitten
Wydler
Wylie
Wyman
Young, Fla.
Zion

NAYS—252

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Aspin
Aspinall
Badillo
Begich
Bell
Bergland
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Carey, N.Y.
Cederberg
Celler
Chamberlain
Chisholm
Cleveland
Collins, Ill.
Collins, Tex.
Conte
Conyers
Corman
Cotter
Coughlin
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dickinson
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kuykendall
Landgrebe
Leggett
Link
Long, Md.
Lujan
McClory
McCormack
McDade
McDonald, Mich.
McFall
McKinney
Madden
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Schwengel
Seiberling
Shipley
Shoup
Shriver
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Steele
Steiger, Wis.
Stratton
Stuckey
Sullivan
Symington
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NOT VOTING—48

Ashley
Barrett
Belcher
Blackburn
Brown, Mich.
Carney
Clausen, Don H.
Clay
Culver
Curlin
Dent
Dowdy
Dwyer
Edwards, La.
Eshleman
Ford, William D.
Fountain
Galifianakis
Gallagher
Gettys
Griffin
Gude
Hanna
Johnson, Pa.
Jones, Tenn.
Kee
Kyros
Landrum
Long, La.
McCloskey
McKevitt
Macdonald, Mass.
Mills, Ark.
Moorhead
Nix
Pepper
Poage
Pryor, Ark.
Scheuer
Smith, Calif.
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Ware
Wilson, Charles H.
Wright

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Long of Louisiana for, with Mr. Dent against.

Mr. Fountain for, with Mr. Charles H. Wilson against.

Mr. Griffin for, with Mr. James V. Stanton against.

Mr. Davis of Georgia for, with Mr. Kyros against.

Mr. Dowdy for, with Mr. Stokes against.

Mr. Gettys for, with Mr. Moorhead against.

Mr. Stephens for, with Mr. Gude against.

Mr. Landrum for, with Mr. Eshleman against.

Mr. Jones of Tennessee for, with Mr. Brown of Michigan against.

Mr. Blackburn for, with Mr. Macdonald of Massachusetts against.

Mr. Don H. Clausen for, with Mr. Carney against.

Mr. Smith of California for, with Mr. Ashley against.

Mr. Johnson of Pennsylvania for, with Mr. Barrett against.

Mr. Stubblefield for, with Mr. Ware against.

Until further notice:

Mr. Scheuer with Mr. Belcher.

Mr. Pepper with Mrs. Dwyer.

Mr. William D. Ford with Mr. McCloskey.

Mr. Gallagher with Mr. McKevitt.

Mr. Mills of Arkansas with Mr. J. William Stanton.

Mr. Culver with Mr. Nix.

Mr. Curlen with Mr. Kee.

Mr. Galifianakis with Mr. Hanna.

Mr. Pryor of Arkansas with Mr. Clay.

Messrs. PERKINS, RODINO, REID, DOW, FRASER, PATTEN, NELSEN, LANDGREBE, and CHAMBERLAIN changed their votes from "yea" to "nay."

Messrs. MCMILLAN and HARSHA changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 45.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ACCOUNTABILITY FOR POW–MIA'S

(Mr. SIKES asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, one of the most distressing things about the continuing problem of American POW–MIA's is the lack of accountability for Americans who are not listed as prisoners of war.

To date, the North Vietnamese have hold us they have over 400 Americans in POW camps. Yet, official U.S. lists indicate over 1,600 Americans either being held as POW's or who are missing in action.

The endless waiting and the harrowing uncertainty for the families of the 1,200 who are as yet unaccounted for is beyond the comprehension of most of us. There simply must be a better effort to learn the fate of these men.

Surely when a plane goes down there is some way of determining the fate of the crew. Those men who survive the crash are somewhere, Mr. Speaker. There are records and identification which would identify most of those who perished. The thoroughness with which the Communists operate would indicate that they have this information obtained from villagers or from the scene of the crash itself.

That the Communists have not released this information is further evidence of the perfidy and lack of humane consideration with which they have treated the entire question of American POW–MIA's. Whatever the situation we must exert a greater effort to find where 1,200 of our men now are and if they are alive or dead. The families of these men must not be kept hanging on faint shreds of hope.

Despite the rigors of the Vietnam war and despite the confusion which always surrounds combat operations, I just cannot believe these men have disappeared from the face of the earth without a trace.

It is possible that many of them are in the hands of the enemy—an enemy which, for reasons of its own, refuses to acknowledge their existence.

Every possible pressure, including world opinion, must be brought to bear in stronger measure on the enemy to fully disclose the names and condition of all Americans now held prisoner, and at the same time an accounting of those they know to be dead. We cannot overestimate the importance of providing in this way some small measure of comfort to the families of these men—families who have been called on to bear more heartache and pain for more time than any other group in our Nation's history.

SEVENTY DAYS, AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, it has now been 70 days since House Ways and Means Committee Chairman Wilbur Mills wrote President Nixon asking for the tax reform proposals the President promised last September.

From the sound of Secretary of the Treasury Connally's testimony before the Senate Finance Committee, it is doubtful that the administration intends to make any commitent, beyond a rhetorical one, to tax reform.

The Chicago Sun-Times recently carried an editorial exposing once again how the 1969 Tax Reform Act has proved to be a farce in seeking to impose a minimum tax to prevent millionaires from escaping their fair share of the tax burden. A copy of that editorial is appended to my remarks.

The minimum tax is not the only gaping hole in our tax laws. I have a bill, the Fair School Funding Act (H.R. 13333), which lists seven major inequities in the income tax structure and proposes to seal them off. That alone would generate more than $12 billion a year for the Federal Treasury, funds which could then be available to improve the quality of elementary and secondary education as provided in title I of the same bill.

The social problems of the Nation are growing, not shrinking. But the middle-income wage earners, who have for so long borne the brunt of an inequitable income tax system will not stand still for increased taxes to find solutions to those problems. A taxpayer revolt is brewing, but the news does not yet seem to have reached the White House.

ESCAPING THE TAX COLLECTOR

The big reform of the 1969 Tax Reform Act was intended to prevent individuals with large incomes from escaping all federal income taxes. The reform resulted in the collection last year of nearly $117 million from 18,646 wealthy individuals which they otherwise would have kept. But this amounted to an estimated 6.7 per cent of their 1970 incomes as compared to 13.8 per cent paid by all Americans. And 3,314 persons with incomes over $30,000 a year paid no tax at all. Obviously the "minimum tax" reform is not working as the public was led to believe it would.

Many persons with large incomes are able to show no adjusted gross income because of deductions allowable under the law. The intention of the "minimum tax" provision was to insure that everyone pays something, even after the legal deductions. It provides a special tax at a flat rate of 10 per cent on certain income that is tax free under other provisions of the law, provided that the tax-free income exceeds $30,000.

A quick glance at the provision might leave the impression that Congress intended wealthy persons to pay a tax on at least $30,000 of income. But in setting the rate at only 10 per cent it permits a payment less than many persons in the $30,000 bracket pay. As Rep. Henry S. Reuss (D-Wis.) points out the estimate of 6.76 per cent paid by the 18,646 is less than the 7 percent paid by a worker who earns $6,500 a year. These statistics shoot holes in the concept that payment be based on ability to pay.

And then there's the 3,314 who paid no tax at all; included in these were 22 who had incomes over $500,000. Apparently they had no incomes from sources covered by the "minimum tax" law.

Congress obviously needs another go at the minimum pay concept. We do not suggest, as some have, that all "loopholes" be abolished. The word is misleading. Many exemptions serve a useful purpose, such as encouraging capital investment to promote business and industry. And, of course, deductions for charity and the arts deserve encouragement. A quick way to make the minimum law pay a bigger minimum would be to increase the 10 per cent figure, but this would not affect the nonpayers. A study of nonpayers' returns might suggest reforms.

NATIONAL SECURITY AND SPACE

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, in the next few days the NASA authorization bill for the 1973 fiscal year will come before the House for our consideration. This year the Science and Astronautics Committee will report out a NASA space bill which is the second lowest budget level in the last decade. But in spite of the severe financial constraints under which our space program must operate, the American taxpayer continues to see a strong return of many times on his investment in space.

The public is now more aware than ever before of the many benefits which have come out of the space program including new scientific information about our earth and universe, better communications, more accurate weather forecasting, and more effective pollution detection and control, not to mention the space byproducts in such diverse fields as medicine, education, transportation, and many other nonaerospace fields.

Another indirect byproduct of the space program which the American public fails to recognize is its contribution to our national security. Toward this end, much of NASA's research has contributed to providing our armed forces with better communications, improved navigation systems, higher precision reconnaissance, and better early warning. The vast majority of this work is not so much in the form of a threat to the security of other nations, but rather limited to assisting our own armed services in maintaining a more effective deterrent force.

I, therefore, feel that examination of this relationship between NASA space work and that of the Department of Defense is necessary to permit a more thorough understanding of the Nation's civilian space activity. All too often this subject is avoided—sometimes due to a lack of understanding of the relationship between the programs, but perhaps more often because it is considered politically expedient to ignore the support NASA provides to this country's military space program.

Unquestionably, the mission of NASA is dedicated to the peaceful pursuit of space for the benefit of all mankind. But we as a nation cannot turn our back on the usefulness of NASA work to the national defense and the importance of superiority in space to our national security.

Nor can it be denied that NASA's activities are now taking on an even greater significance. This is due in particular to the recent cutbacks in the U.S. military space budget and the continued increases in Soviet space spending.

During the NASA authorization hearings last fiscal year, I brought to the attention of my colleagues the sharp disparity between the annual outlays for space by the Soviet Union and the United States. The NASA outlay which is presently at a figure of $3.4 billion per year, ranks a poor second to that of the Soviet civilian space program which is operating at over $5 billion per year. Furthermore, in the area of military space, for 1971 we spent $1.5 billion while the Soviets spent almost $3 billion. In terms of total dollars spent, the U.S. space budget of $4.5 billion represents less than 60 percent of the $8 billion total Soviet space budget.

But what should also be emphasized is that as the U.S. space budget continues to decline, the budget of the Soviet Union shows a history of steady growth. In fact, Soviet space spending for last year represented an increase of approximately 11 percent over spending in 1971.

The disparity between the space budgets for the United States and U.S.S.R. clearly gives cause for concern—not only because of the existing dollar gap but because of the worsening trend. At a time when dollar support for the U.S. space program is being withdrawn, the Soviet Union is accelerating its investment, undoubtedly the result of their realizing significant benefits directly in proportion to their investment.

Many NASA programs are being canceled outright; programs which have been underway are being drastically cut back; and virtually no new essential programs are being approved. Even the shuttle—the key to our manned and unmanned future in space—is not free from the threat.

In contrast, the Soviet Union last year exceeded its record launch rate of 81 set in 1970. Much of this activity by the U.S.S.R. is felt to represent precursor missions for the large-scale development of both major defensive and offensive space systems. The actual number of launches of the United States and U.S.S.R. follows:

Soviet Union:	
1966	44
1967	66
1968	74
1969	70
1970	81
1971	83
March 1972	2
1972	8
Total	558
United States:	
1966	73
1967	58
1968	45
1969	40
1970	29
1971	31
March 1972	3
1972	6
Total	555

But the numbers tell only part of the story; it is perhaps more meaningful to analyze the philosophical approach of both countries to space. This, in part, accounts for the wide statistical disparity.

The Russians in years past had recognized their distinct lack of technical strength. But the U.S.S.R. met this handicap with a firm determination and a dedicated drive to achieve parity with even the most technically developed nations of the world. Their successes in space have therefore been a matter of great national pride—a pride shared by the vast majority of the population.

The Soviet space feats have served to demonstrate to the world that the U.S.S.R. should not be placed second to anyone in the field of modern science and technology. And today there is no question but that the prestige of the Soviet Union has grown immeasurably as a result of their many space successes. The U.S.S.R. has taken great pride in space accomplishments and the country has not been reluctant to exploit the attention it has been accorded with each of its triumphs.

Another point should also be made regarding Soviet support for their space program. Philosophically, the Soviet concern with space goes well beyond matters of national pride and prestige, and even the desirability or necessity of civilian and military applications. Within the U.S.S.R. there is a solid historical tradition of interest in basic science. This interest is no less intense in the present Soviet state.

An example of this is the unique position of power enjoyed by the U.S.S.R. Academy of Science. The Academy clearly operates from a special position of influence which far exceeds the peripheral and advisory role of our U.S. National Academy. Stemming from the Soviet Academy's interest in space is much of the continued support in the basic geophysical, solar, and cosmological areas as well as work in space biology and medicine.

A further important factor is that the leadership of the U.S.S.R., which is often technically educated, recognizes the economic benefit, and in fact necessity, in pursing an expanded program of space exploration and application.

What we must recognize, therefore, is that while the U.S.S.R. continues to disavow any interest in the "space race" or in engaging in direct competition with the United States in space achievements, it has in no way slackened its support of a strong and aggressive space program. Admittedly, no one can be sure of the future course of Soviet achievements, but there is presently every indication of a firm Soviet commitment to maintain a high level of activity in space science and technology.

The reaction of this country, however, has been mystifying. I will not deny that we have "kept an eye" on the situation; but I will insist that we seem to have ignored the implications.

The Soviet space effort continues to be pursued in an orderly fashion in meeting major goals with the support of a substantial investment. In contrast, as U.S. decisionmakers waver, our space program continues to flounder.

The situation is well summed up by considering the recent words of the President's Science Adviser. In a magazine interview in October of 1971, he pointed out that:

> We as a society have not been willing or able to face up to what the future of the space program will be . . . and at this point in time your guess is as good as mine.

He further emphasized that although space activity has been very worthwhile, the situation is now changing. He stressed that:

> Priorities are changing and just exactly where we want to go and what we want to do in space is something that is going to have to be decided in this larger social context.

It is surely a poor situation when the best the President's Science Adviser can say is that even he does not know.

Let us look further at what some of the major implications are if the United States further downgrades its space effort. This very same point has been touched upon a number of times by Dr. James Fletcher, the new Administrator of NASA. He has periodically warned that the United States is now on the brink of losing its technological lead. He has further predicted that it will only be a matter of time before this country will once again be forced to regroup its space industry team and outrace another Sputnik. His arguments are persuasive and firmly documented in pointing out the shortsightedness and costliness in having to reinitiate a massive space program mobilization in comparison to continuing in a logically conceived and well-balanced plan.

I would further emphasize that the technological lead to which Dr. Fletcher refers has impact in areas far greater than merely science and technology. In fact, it vitally affects areas concerned with virtually every segment of our national society—science, commerce, industry, education, agriculture, aviation, communications, medicine, and national security. All are closely tied to and strongly influenced by our space achievements. But let me limit my discussion to the national security or military implications of our space work and comment further on the NASA-DOD activity.

The relationship between the NASA effort and our national security can best be demonstrated by examination of the current U.S. defense posture. Within the next decade, this Nation will be faced with the prospect of an ever-increasing vulnerability of earth-based strategic systems. This includes land, sea, and air based systems. Vulnerability is not the case with the spaceborne system, however, and for this reason the United States is now seeing it as imperative to move forward in developing a spaceborne defense posture as rapidly as possible.

To stipulate the precise configuration of a spaceborne defense would be very difficult and perhaps somewhat academic. But it is possible to define the general scope and character of such a system. Accordingly, a number of major developmental efforts must be successfully pursued including:

First, perfection of a suitable weapon—that is, nuclear bomb, giant laser, et cetera.

Second, development of a spaceborne delivery/intercept system for use against satellites and missiles.

Third, development of a spaceborne detection/command and control system.

Fourth, development of space support vehicles including a reusable booster stage, space shuttle, space tug, and taxi.

Fifth, development of semipermanent space stations capable of supporting extended manned operations.

Sixth, development of manned space operations expertise.

From an examination of the system elements listed above it is immediately evident that the work of NASA could be further developed by our defense community if so desired, especially with items 3, 4, 5, and 6.

This illustrative discussion of our future space posture emphasizes my point—the NASA mission must be evaluated in terms of the Nation's total space capability and space needs. The entire NASA complex of industries, Government operations, facilities, and procedures, as it has displayed to the world a technological excellence without equal, is as vital to our future security as the American foot soldier. It must also be emphasized that this relationship is only indirect; in no way should or will NASA violate its direction to stay out of the military arena.

But now this same complex is dying a lingering death due in part to a general lack of recognition of the relationship between the civilian space program and the overall defense posture of this Nation.

As we witnessed in the Apollo program, merely setting the initial goal is a minuscule portion of the total task. And just as it took an entire decade to achieve our objective, it may very well take a full 10 years to achieve a superior spaceborne military system. I feel I am quite safe in predicting that such a system will never be developed if the civilian space program is not permitted to continue to contribute. Viewed from another angle, the military simply does not have the budget, the expertise, and, in fact, even the charter, to develop the total system. Clearly, by cutting back the NASA program we are relegating such an essential system to the status of a pipedream.

A spaceborne defense system is achievable in terms of current technology and presently foreseeable advances. The first nation that seriously undertakes to develop and put into operation such a system will undoubtedly bring about a shift in the entire balance of global power. The nation with such a capability at its command could conceivably represent the single major international power for the next decade if not through the rest of the century.

I emphasize that the sufficiency of our investment in space cannot be determined merely in terms of domestic priorities but, as my discussion illustrates, by such major considerations as global power relationships. We must keep in mind that we cannot operate in the vacuum which takes into account only internal needs. In the real world, this Nation's priorities must be established not only in terms of domestic priorities but with regard to achieving an effective foreign policy—a major ingredient of which is our military strength and capability. Without our military strength, and it goes without saying, a superior capability in space, this country will reach the point where we will no longer be able to emerge from a political confrontation with our foreign policy objectives intact. It is immaterial whether the confrontation be in the Middle East or Western Europe or the Caribbean.

These factors have long been appreciated by the Soviet Union. We have seen it in the sustained drive by the U.S.S.R. to truly increase and modernize her technological and scientific capability. And most assuredly we have seen it in the Soviet dedication to space. Where our strategic military posture has been one of defense in order to assure the necessary balance and capability, the Soviet Union has continued in a driving pursuit of not only defensive systems but major offensive systems—not the least of which have included some highly sophisticated and advanced spaceborne systems.

Although the Soviet Union continues to claim that its space effort is scientific in character, it is clear that many of the missions pursued carry military applications. Soviet work in two fields, communications and meteorology, comes immediately to mind. Specifically, the Soviet Union was the first nation in the world to put into operation a domestic communications satellite system. The system has now been functioning since 1965. While in the field of meteorology, the Soviets have achieved international recognition for their work in sensor technology. In fact, many of the Russian weather pictures originally exchanged between the United States and the Soviet Union contained pictures of higher resolution than the U.S. meteorological satellites were able to produce.

By integrating the meteorological and communications satellite systems, the Soviet Union now has available a weather reporting and prediction system as advanced as any throughout the rest of the world. Furthermore, the next generation of sensors which are now under development in the U.S.S.R. are thought to be aimed at measuring temperatures and moisture at various altitudes in addition to permitting the complete depiction of ground features through cloud cover. We must recognize that accurate weather data is absolutely vital to the optimum utilization of military forces. It is no secret in fact that weather service is as essential to army, navy, and air force movements as it is to the agricultural industries. Clearly, this activity, although represented in a commercial or civilian vein, has heavy carryover into military applications.

The military value of Soviet work in the fields of navigation, traffic control, geodesy, and mapping is no less evident. Again, effort on these systems is not specifically labeled as military, but this activity certainly relates to the military mission. As an example, work on geodesy could contribute directly to developing the data base for precision missile targeting. And it is no secret that military operations are large volume users of highly accurate maps.

It is also of major consequence that the Soviet's military observation satellite activity under the Kosmos program represents the largest single element in Soviet space operations. These photographic reconnaissance missions fly throughout most of the year and provide the U.S.S.R. with virtually continuous global coverage. Although the Kosmos program flies unmanned or automated satellites, there continues to be speculation that even the manned Soviet spacecraft carry extensive mission work associated with military observation research and development tasks. The point is worth reemphasizing—the Soviet Union flies the largest number of photographic payloads of any world nation and there is every reason to suspect, given the high priority these satellites continue to enjoy, that the Russians are receiving a sizable "dividend" on their investment.

Two of the Soviet space systems, however, have thrust the U.S.S.R. far beyond this country in terms of U.S. capability: the Soviet Union has both an orbital bombardment system and a space-based interceptor/destruct system for which there are no U.S. counterpart systems. The fractional orbital bombardment system—FOBS—has been flown in the Soviet Union since 1966 with a total of 16 flights being recorded through last year. Although U.S. experts have doubted the cost-effectiveness of the FOBS system, its presence in the Soviet inventory greatly complicates U.S. planning. The advantage of these vehicles is that they are able to fly multiple routes including using a depressed trajectory. This advantage both reduces early warning, and complicates detection system operation and location.

The same large launch vehicle which puts up the FOBS is also used to launch satellites capable of making a close pass by another satellite, presumably for purposes of flight inspection and potentially for destruction. The Soviet Union has undertaken several of these intercept missions on its own spacecraft. The threat of such a capability is to be able to deny the use of space to other nations. And what must be recognized is that the United States has no capability comparable to either the FOBS or interceptor/destruct system. Furthermore, the Russians can be expected to continue to fully exploit these two concepts.

But the Soviet Union is also expected to pursue the development of space systems and space technology on a much wider basis than the FOBS and interceptor/destruct satellite series. The work will be aimed at further enhancing the military usefulness of space in a number of ways which are nonaggressive and in complete accord with existing space treaties. There is, therefore, strong likelihood that the Soviet space capability will be greatly expanded through introduction of the use of high-energy fuels, nuclear propulsion systems, reusable shuttle vehicles, and permanent orbiting stations.

In fact, one of the most urgent questions of the future direction of the Soviet program relates to the pace of their development of reusable ferry vehicles equivalent to the American space shuttle. The U.S.S.R. is repeatedly on record to the effect that single-use rockets are obsolescent and that ultimate economies in space lie in the reuse of booster vehicles. The question of their developing a space shuttle is thus one of timing. But considering the large dimensions of the Soviet space program, there is excellent justification for the early investment in this type of a reusable vehicle.

In all the preceding discussion, I have tended to ignore the major emphasis the Soviet Union has placed, and will continue to place, on manned space flight. In spite of the setback in the Soyuz program with the death of the three Russian cosmonauts, the U.S.S.R. has stated that the Soyuz/Salyut effort has in no sense reached its limit of usefulness in the Soviet manned program. There are additional indications that these two vehicles will continue to serve as both an experimental test bed and a preoperational manned station. These vehicles are expected to pave the way toward the construction of a permanent manned station in the mid-1970's. Furthermore, the long-term support of manned operations which will be required should provide additional impetus to the early development of the fully reusable space shuttle

I emphasize, therefore, that manned planetary flight consistently remains the avowed Soviet goal year after year. I can only speculate that the ultimate purpose in such activity is to make the solar system a Soviet domain and any potentially habitable bodies Soviet outposts.

A number of points should be emphasized in summary.

The Soviet Union has now built up a complex of industry, experience, and manpower talent which is fully capable of supporting their present high level of space activity. There is also no reason to expect that the Soviet Union has any plans for retrenchment in this field. In fact, even further growth should be expected considering that over the 15-year lifetime of the Soviet space program each subsequent year has seen greater activity than the year preceding.

We should also recognize that to a considerable degree, the U.S. and U.S.S.R. space programs have interacted, and will continue to interact, very closely with one another. As a result, there is speculation that the current debates within this country on space stations, space shuttles, unmanned application flights, military space, and deep space exploration have been raised as points for major debate within the Soviet Union.

But beyond these points, much of the similarity ends. In terms of the number of flights, the Soviet Union has surpassed the United States in annual missions in both civilian and military space flights every year for the past 6 years. And with regard to dollars budgeted, the continuing reduction in space investment in this Nation contrasts sharply with the budget increases the U.S.S.R. has enjoyed every year since their program's inception.

In some respects, the primary difference between the United States and U.S.S.R pursuit of space is one of spirit and attitude. In total, the space achievements of the United States have been by far the more prestigious, spectacular, and socially useful. And this does not even begin to take into account the technology the NASA program has injected into the DOD space effort. Yet the United States continues to waver in its commitment to space with the resultant deterioration of our technical and scientific capability.

In contrast, and in spite of the Soyuz 11 deaths, the U.S.S.R. continues with its comprehensive space research addressed to a broad number of manned and unmanned mission goals. In fact, at the very time when the U.S. manned space program will be winding down in 1973, the Soviet manned program is expected to resume once again in a comprehensive research effort encompassing earth resources, space phenomena, spacecraft systems development and biomedical studies.

Unless the full consequences of the U.S. space program cutbacks are recognized, this country will be faced with the most severe of consequences. In terms of peaceful economic competition in high technology industries this country will relinquish its leadership. The disadvantage the United States is now experiencing in the field of aviation will soon characterize its conduct in space as well. But potentially the most tragic outgrowth of space cutbacks could be the ultimate threat to our national security.

It will matter little that priorities were reordered or domestic injustices redressed if the balance of global power is no longer controlled by this Nation. In some respects we have already chosen a path destined to imperil our national security. But through fuller realization of the facts, I am confident the course can be reversed.

AMERICAN MILITARY SYSTEM REINTRODUCING U.S. CARCASS BEEF IN MILITARY COMMISSARIES

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, as a long-time supporter of "Buy American," I have been extremely concerned to learn that our own American military purchasing system has at times been derelict in this field. During a visit with other members of the House Committee on Armed Services last summer when we toured military commissaries, we were amazed and alarmed to find that an extremely small quantity of American beef was being offered for sale to our own American military servicemen and their dependents.

Looking further into this matter, I requested from our military purchasing authorities the exact quantities of U.S. procured beef versus the quantities of offshore procured beef sold in our military commissaries over the past year. I was distressed to learn that during the period, we purchased from the countries of Ireland, Denmark, Germany, Austria, the United Kingdom, and Yugoslavia, over 23,253,000 pounds of beef compared with only 2,257,626 pounds of beef grown by the American cattle farmer.

In other words, Mr. Speaker, we are buying more than 90 percent of the beef sold in American military commissaries to our American troops stationed in Europe from sources other than the United States. Something is definitely wrong here, for it is the American cattleman who pays the taxes to operate this Government and—I might add—support our military throughout the world.

I was pleased to receive a letter today from Lt. Gen. Charles W. Eifler, commanding general, U.S. Theater, Army Support Command, Europe, advising me that the military is in the process of reintroducing U.S. carcass beef in some military commissaries. This action will be in addition to the present quantities of U.S. beef which are currently offered for sale as primal cuts. General Eifler has assured me that, if prices of U.S. beef and in-country beef remain comparable, U.S. carcass beef will be extended to all military commissaries.

This is a step in the right direction; I commend the Army and other agencies responsible for rectifying a situation which, in my judgment, was badly out of balance.

Mr. FLOWERS. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Speaker, I commend my distinguished colleague, the gentleman from Alabama, for his long-time interest in this subject. Indeed, the beef and cattlemen of America are fortunate to have his attention and representation in this body.

Mr. NICHOLS. Mr. Speaker, I thank the gentleman for his comments.

PRESIDENT IS EXCEEDING POWERS OF HIS OFFICE

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. WOLFF. Mr. Speaker, I rise again to oppose, in the strongest manner possible, the current reescalation of the war in Southeast Asia by both North Vietnam as well as the United States. We cannot exert any power of decision over the North Vietnamese, however, we are empowered to exercise control over the decision-making of the United States. The United States is currently committed, by the Executive, to a new course of action in this war that no longer has the sanction of the Congress, which passed and rescinded—under legislation which I introduced in March of 1968—the Gulf of Tonkin resolution. Furthermore, the President has ignored the provisions of the Mansfield amendment, passed by both the Senate and the House and thereby ignored the expressed direction of this body.

The President has conducted this adventure in a dictatorial fashion, acting on his own without prior consultation with the Congress, which violates the constitutional powers of the Congress which has the sole right to "declare war" and "to make rules for the regulation of the land and naval forces" of the United States. Unless the President comes before the Congress to seek specific legislative authorization for the continued prosecution of the war, he has exceeded the powers of his office. We in the Congress must undertake steps to prevent the further erosion of our constitutional duties and powers.

Mr. Speaker, all wars have their horrors and shocks. However, in this war which Americans have watched and read about in their homes every night for the past 10 years, we have had to endure one cruel shock after another. The Gulf of Tonkin incident, the Tet offensive, the Mylai massacre, the Cambodian invasion, the clandestine war in Laos, the drug abuse problem, the Pentagon papers, and now this latest reescalation have all profoundly shocked the American people. The Nation has been divided by the war, national priorities have been altered drastically, our deficit balance of payments has increased dangerously and even the sacred balance between the branches of the Federal Government has been damaged by this war. The Indochina war has caused the United States to lose its preeminent position of moral leadership in the family of nations and has caused a serious lack of trust in the American people for their public officials.

I need not review at this late date the scaling down of our objectives in Vietnam. The record shows that it has been a long process necessitated as much by our failure on the battlefield as by our failure at the negotiating table. Our Government is supposedly committed to a prompt withdrawal, yet we are now involved in a massive air war which can only mean that our involvement is changing the arena from one on the ground to one in the air. We are continuing to fight a war that, if fought at all, should be fought by the Vietnamese. All the studies which I have read indicate that the kind of heavy bombing which we are doing at this very moment is of questionable strategic value at best.

The President is apparently willing to jeopardize the lives of additional Americans, jeopardize the lives of the growing ranks of our POW's and MIA's, and risk the involvement of other nations in this conflict in the hope of achieveing the elusive goal of winning the war. We cannot afford these risks. The ultimate outcome of this ill-fated war will be the same whether we stay 1 more day or 1 more year. The best way for us to protect our remaining troops is to get them out now.

More than 25 years ago an American statesman said:

> Older men declare war. But it is the youth that must fight and die and it is the youth who must inherit the tribulations, the sorrows and the triumphs that are the aftermath of war.

A generation of young Americans has fought and died in this war; we have already inherited the bitterness and the divisiveness of this cruel war. The suffering can only be deepened by the President's prolonging of the war.

During the past 2 weeks I have spent the majority of my time working to develop methods that we, the representatives of the American people, could utilize to alter the current policies of the Executive. The American people, according to every sampling of opinion, want velop methods that we, the Representatives we must totally involve ourselves with this important task. It is time, high time, for the Congress to reassert its role in the field of foreign affairs and to be responsive to the will of its electorate. It is time for us to say enough and to end this war and to end it now.

TRIBUTES TO THE HONORABLE F. BRADFORD MORSE

The SPEAKER pro tempore (Mr. SEIBERLING). Under previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 60 minutes.

Mr. CONTE. Mr. Speaker, I have obtained this special order to attempt to do the impossible—to give adequate recognition to the accomplishments of our friend and colleague, F. BRADFORD MORSE, of Massachusetts. How can we sum up in 1 hour his 11 years in the Congress and his long and distinguished career of public service?

As you know, BRAD MORSE will leave this Chamber in a few days to accept the position of Undersecretary General for Political and General Assembly Affairs at the United Nations.

Mr. Speaker, only one man has held this position in the past—the late Dr. Ralph Bunche. We all know the record of commitment to peace and human understanding which distinguished that great American. I believe there could be no better choice to fill those spacious shoes than BRAD MORSE.

BRAD has been a conscientious and effective legislator and representative of the people during his tenure in the Congress. As a fellow member of the Massachusetts congressional delegation, I know firsthand the hard work and dedication which has characterized his every endeavor.

Early in his career, BRAD singled out the area of foreign affairs as one of primary importance—and one which desperately needed the logic and clearheaded analysis which BRAD brought to every issue. The combination of objectivity and commonsense we saw every day in the Congress will, I believe, insure his success in his new and crucially important position at the United Nations.

BRAD MORSE's overriding concern in the Congress has been the quest for peace. First elected to the Congress in 1960, BRAD has been an early and ardent advocate of a settlement of the tragic conflict in Southeast Asia. He was widely credited as the principle architect of the deescalation strategy for lessening our involvement in Vietnam, with which President Johnson drew the North Vietnamese into negotiations in the spring of 1968. During the 91st Congress, he was the chairman of Members of Congress for Peace Through Law. BRAD also served as a congressional adviser to the U.S. delegation at the 18-Nation Disarmament Conference in Geneva, and has contributed valuable time as a member of the Council of Foreign Relations, as director of the Pan American Development Foundation, and as a delegate to many U.S. interparliamentary conferences.

But above all, BRAD MORSE is a man of character. Born in the mill town of Lowell, Mass., BRAD grew up to serve his country in the infantry during the Second World War. After the war, he graduated from Boston University Law School, and taught at BU for 4 years.

BRAD came to Washington as counsel for the U.S. Senate Armed Services Committee and later was chief assistant to Massachusetts Senator Leverett Saltonstall. In 1958, he was appointed by President Eisenhower as Deputy Administrator of the Veterans' Administration.

The expertise he gained in these positions earned him the respect and esteem of the voters, as demonstrated by his election to the Congress in 1960. Since then, that esteem has grown as the Fifth Massachusetts District returned him consistently to the Congress.

We in the Congress have benefited from the wisdom of the voters of the Fifth District. BRAD's thoughtful and well-articulated arguments have always carried great weight in this body and throughout the Nation.

BRAD's departure will diminish the luster of the House of Representatives, but cannot help but increase the stature of the United Nations. BRAD, on behalf of all of our colleagues, godspeed in this most recent stage of your illustrious career.

Mr. Speaker, I am including at this point in the RECORD a statement from George Bush, and other material, as follows:

STATEMENT OF AMBASSADOR GEORGE BUSH

I am very pleased to learn of Secretary General Kurt Waldheim's selection of Representative Bradford Morse as Under Secretary General of the United Nations.

As a former colleague in the House of Representatives, I know him as an extremely able, dynamic and personable individual. His strong and decisive nature and a long-time interest in foreign affairs should get him off to a good start in carrying out the best traditions of international civil service. With a rich background in the legal, academic and legislative fields, Brad Morse will work well with the Secretary General and his other executive appointees. I wish him well in his new career.

[From the New York Times]

"NEW LIFE" AT THE U.N.

The appointment of Representative F. Bradford Morse of Massachusetts to be an Under Secretary General of the United Nations arouses mixed feelings. As top-ranking American in the U.N. Secretariat, Mr. Morse will be replacing the late Ralph J. Bunche, though his duties will not be identical with Mr. Bunche's. Many at Turtle Bay and elsewhere will regret that President Nixon did not designate an experienced diplomat for the post.

Another cause for regret at home will be the further depletion of the ranks of liberal, internationalist Republicans in the House, where Mr. Morse had built an impressive record and twelve years of seniority. The qualities that made him an able and useful member of the House and of its Foreign Affairs Committee will serve Mr. Morse well as Under Secretary General for Political and General Assembly Affairs.

Mr. Morse will be joining the Secretariat under the new Secretary General, Kurt Waldheim, who says he wishes to "breathe new life" into the organization. Mr. Waldheim has offered to the People's Republic of China the job of Under Secretary General for Political Affairs and Decolonization and has named the U.N.'s first woman Assistant Secretary General—Mrs. Helvi Sipila of Finland.

With experience, Mr. Morse no doubt will discharge his U.N. duties with distinction but he will be missed on Capitol Hill.

EDITORIAL

Subject: Brad Morse of the U.N.

Republican Congressman F. Bradford Morse is leaving the Massachusetts Congressional delegation. On May 1st, the veteran lawmaker will become the highest ranking American within the framework of the United Nations.

WEEI congratulates Brad Morse on his appointment to the post of Undersecretary General for Political and General Assembly Affairs and thinks President Nixon did well in recommending Morse for the important job. The outgoing Congressman's achievements have been recognized by WEEI in the past. On a number of occasions, we found Brad Morse in the vanguard of thought on important international issues.

It was January 16, 1969, and Washington and Peking seemed worlds apart. Face to face diplomacy was out of the question, but not to Brad Morse. Speaking in Haverhill, the Congressman called for opening conversations with the Chinese. Morse said he was sure his proposals would raise some eyebrows, but that he still felt the talks "would be good for the United States and for the cause of world peace." As they say, the rest is history.

Fully a year before President Johnson limited American bombing of North Vietnam as a means of getting the Paris peace talks underway, Congressman Morse had already proposed offering a gradual lessening of the air raids provided negotiations got underway.

Forward looking proposals like these and an all-round progressive philosophy made Brad Morse a very good Congressman. Now he moves on to U.N. headquarters in New York to fill the position left vacant by the death of Dr. Ralph Bunche. Replacing the late Dr. Bunche is a large task, but WEEI feels F. Bradford Morse of Massachusetts is up to the job.

MAN IN THE NEWS: F. BRADFORD MORSE—A MORE WORLDLY VIEW

(By Michael J. Berlin)

WASHINGTON.—Why would a 50-year-old Congressman with pleasure in the role, pride in the craft and a super-safe district want to exchange all that for the serpentine upper reaches of the United Nations bureaucracy?

Ask F. Bradford Morse, a liberal Republican moving to New York on May 1 to become UN Undersecretary General for Political and General Assembly Affairs. He tells you of his conviction that "international relations have a greater effect on the lives of Americans—or Ghanaians, for that matter—than anything else," and goes on to explain that while he feels he has left his mark "in a modest way" on the House, "this job will be a job of a different sort . . . and clearly larger."

Ask a colleague, and you learn that after 11 years as the Representative from Lowell, Mass., Morse was bored. Put the same question to still another tenant of the lower chamber, and you are also instructed that not every ambitious, hard-working liberal Republican can find happiness in a House run by Democrats—a frustration compounded by the fearful passage of time.

"At 50, you tend to stop being the House's bright young man," a neighboring legislator says.

At 50, Frank Bradford Morse seems a bright middle-aged man, friendly, open, plump, and bearing an uncanny resemblance to the comedian, Jonathan Winters. The major wall decoration of his office here testifies to Morse's consuming concern with foreign affairs: an immense map, perhaps 8 by 20 feet, of the world, which will travel with Morse to his new quarters on the 38th floor of the UN.

The office—the rank, if not the precise place—last belonged to the late, celebrated Ralph Bunche, and Morse got it because he asked for it. And because three other candidates reportedly turned it down, apparently discouraged by the vagueness of the duties.

The State. Dept. had proposed two former UN Ambassadors, William Buflum, now our envoy to Lebanon, and Richard Pedersen, now State's counsel. UN Secretary-General Kurt Waldheim himself, asked Christopher Phillips, the No. 2 man in the U.S. delegation, to take the job.

President Nixon finally proposed Morse for it, but the post is formally Waldheim's to bestow, and that is what he did on Monday after the two men had their first extended talk in New York the week before.

Back in his office here the next day, Morse seemed hazy about much of his role, did not expect to know more "until I talk further with the Secretary-General. We talked of the job only in broad brush strokes."

But the Congressman exuded a quiet confidence about the qualities he feels he will carry with him to New York, speaking of his "peculiar talent" for finding areas of agreement among representatives of widely divergent views.

Another gain for the world organization will be Morse's splendid energy, the sort of capacity for overwork that often carries poor struggling upwardly mobile boys to the seats of power.

Bradford Morse's first name suggest the usual important old family connections, and people often assume, without even asking, that he is descended from the Mayflower Bradfords. Actually, he is a third-generation American named after the Bradford House apartments in his native Lowell. "My mother liked the name."

His father, Frank, died when Morse was 9, and he and an older brother were reared by their mother Inez. "We weren't poor, we weren't rich," Morse related. Nevertheless, economic necessity sent him to work at the age of 15. "I was an usher for a while."

In his late teens, Morse, a product of a wholly apolitical family and upbringing, made a critical discovery. "I decided that public affairs had importance. Vanity was part of it, I guess. Any politician who doesn't admit vanity is kidding himself."

The Army got him before the electorate, however. During World War II, Morse progressed from infantry private to lieutenant. Afterwards, he went to Boston University and then to its law school, graduating in 1949. He taught law there, as well as practicing it, for the next three years.

Early in the 1940s, Morse had registered as a Republican, the quickest way up for a young Protestant politician in that time and in that place. In 1952, he won his first election to the Lowell City Council. The next year, Morse came to Washington as counsel to the Senate Armed Services Committee, later moving into the office of Sen. Leverett Saltonstall to become the Massachusetts Republican's chief assistant. Morse's predecessor in the job was Eliot Richardson, now HEW Secretary.

(Richardson was and remains a friend and mentor; it was he who is said to have pushed Morse's name to the White House for the UN post.)

From the Senate job, Morse moved over to the Dept. of Veteran Affairs to become deputy administrator for two years. In 1960, he went home to run for Congress, seeking election in a district that was largely Catholic and Democratic. Lowell has sent him back to Congress five more times with generous pluralities. In 1968, for example, he got 60 per cent of the vote while Richard M. Nixon could muster no more than 33 per cent.

There are many reasons for this. For one thing he is a happy-natured, friendly man who openly relishes the incessant camaraderie of politicking. For another, Morse never loses sight of his constituents; he has always gone back to Lowell on regular visits to tend to their needs.

"I'm the itinerant politician from Massachusetts," is a favorite Morse line. Itinerant, says a colleague, describes his verve and animation: "Brad loves to roam and talk and shake hands."

There is a contrasting side to his character, however. Colleagues on the House Foreign Affairs Committee and State Dept. people who deal with him there know him as a legislator who always does his homework. He has earned respect for an ability to come up with "good, solid proposals" in executive sessions and as an able, careful engineer of compromise.

Early in his career, Morse was a founder of the Wednesday Group, a collection of liberal House Republicans; he is the last surviving founder. "There are not many liberal Republicans left," says Rep. Jonathan Bingham (D-Bronx), a friend and admirer. "We're gonna miss him."

Foreign affairs attracted Morse from the beginning of his House career. He has attended international conferences as a legislative delegate, worked with groups involved in African and Latin American affairs and played a leading role in stimulating the debate on defense spending—"my proudest achievement"—and against American involvement in Vietnam.

There is no legislation bearing Morse's name, but it is generally agreed that he was an important figure in mobilizing Congressional opposition to the war. He led the Members of Congress for Peace Through Law, and drafted the 1967 proposal for a partial bombing halt which President Johnson put into effect in April, 1968. And he was a supporter of the unsuccessful McGovern-Hatfield Amendment which would have set a date for withdrawal of American forces.

It came as a surprise to many of his friends, therefore, when Morse turned up as a strong Nixon man early in 1968. Morse, himself, admits he felt pretty lonely in Massachusetts GOP circles for a while. But he argues that Nixon was the only candidate who could persuade conservatives that America must withdraw from Vietnam.

After the convention, Morse became New England coordinator for the Nixon campaign. Early in the new administration, his colleagues thought they detected a shift away from his liberal foreign policy position, particularly on the question of Vietnam—"sort of smoothing off the sharp edges," says one Democrat.

Then, the word was out that Morse was hoping for a State Dept. office as an Assistant Secretary. He failed there, but perseverance paid off with the UN post, one that leaves him free to exercise his liberal inclinations. Morse's contract runs for three years and it will be up to Waldheim to decide whether to renew it.

The job Morse has in the UN does not encompass the duties assigned to Bunche, who was chief political adviser and troubleshooter in special charge of UN peacekeeping operations.

Morse will be just one of several advisers the American one—as there is a Russian one, and others. He will run the fall General Assembly session. Other "political work" will be added to his assignments, Waldheim has said, without specifying its nature.

Whatever has to be done, a number of important people seem to feel that Morse, despite a lack of diplomatic experience can do it.

Says Andrew Cordier, president emeritus

of Columbia University, who was the most powerful American on the staff of the UN in its early years, "Brad's intelligent enough to pick up the necessary expertise."

Bingham, a diplomat at the UN a decade ago, thinks it is significant that Morse's "knowledge of foreign affairs is wide, and (that) he has a deep belief in the UN and its importance."

In that role, Bunche was effective as an international civil servant who happened to be American. Morse comes to the office in the same costume, but as an old Washington hand who can cue Waldheim on how Washington might react to controversial UN moves.

"I'm not going there as State's man or as Nixon's man," Morse says insistently. "My own conscience dictates—and this is the only service that the U.S. should or would want—that I be my own man. There is no ambiguity. The Secretary-General gives the assignments."

Morse, who is "cordially" separated from the former Vera Francesca Cassilly, whom he married in 1955, looks forward to living in Manhattan. "I never have enough time when I'm visiting." (But, he says, the money—a base of $43,750 a year—"will be tight.") He will, of course, continue to see his daughter, Susanna, 10, and son Anthony, 10, frequently. And then there's his music.

"I write music—melodies, you know. I've been doing it for 25 years for my own enjoyment—and this is without being able to read or write notes—but now I've just finished the score for a musical. It's totally first-rate. But you can't say what it's about . . . the man who writes the words gets kinda nervous about that. We hope to get it produced. I'm afraid I won't have time now, though. What are the hours over there? Nine-to-midnight, I guess."

He faces it all without fear. "I have no apprehension. I hope I can do a job according to standards I'll set which will be pretty high. I've reasonable intellectual equipment that will enable me to grasp the essentials. And it's a job I'll do as long as I'm convinced I can make a worthwhile contribution."

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from New York.

Mr. HORTON. I appreciate the gentleman from Massachusetts (Mr. CONTE) for yielding. First, I wish to commend the gentleman in the well for taking this time to commend our colleague from Massachusetts, Mr. F. BRADFORD MORSE. I have worked closely with Mr. MORSE since I have been in Congress, and this is my 10th year.

He has been a stalwart, one of our leaders, and a very close personal friend of mine. I want to take this time to laud him for the service that he has rendered to his Nation and to his district.

I have been fortunate to work closely with BRAD MORSE, not only in the formal structures of Congress but in various informal organizations to which we both belong. I can truthfully say that I have never known a Member of Congress who has possessed or expended more energy in behalf of his constituents and the causes in which he believes.

Whenever BRAD MORSE became involved in something, his mere presence was a unifying agent. He refused to accept the attitude that it cannot be done and he succeeded in accomplishing what few men would even try. As a result, he earned the admiration and respect of all who knew him, regardless of party identification or ideological persuasion.

BRAD will soon assume a post of high leadership at the United Nations. Certainly his expertise in foreign affairs and his committee work within Congress make him ideally suited for this challenging position. I take great comfort in knowing that BRAD MORSE will be giving to the United Nations what he has given us—an amazing capacity to solve differences of opinion and get things done.

Mr. Speaker, it is difficult for me to put into words how much I think of BRAD MORSE—as a statesman and as a friend. He ranks among the finest men ever to serve in this body and we will miss him very deeply. But BRAD MORSE taught us to think positive, to look forward. Though we hate to see him go, let us thank him for so much and wish him continued success.

Mr. CONTE. I thank the gentleman from New York.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, as a member of the Foreign Affairs Committee, I have come to know Mr. MORSE very well. I have been associated with him closely since he began his service here in Washington, and I mean by that his service in Washington even prior to the time that he became a Member of Congress. I have come to have the highest respect for his capabilities. I am quite sure he will be missed here in the House, and particularly on the House Foreign Affairs Committee.

At the same time I cannot help but take a certain pride in the fact that a Member of this body is going to a position of very considerable responsibility at the United Nations. His service will be different, but I am sure it is going to be substantial. He will have an opportunity to contribute in a significant way to his country. I would like to wish him well.

I want to thank the gentleman from Massachusetts (Mr. CONTE) for giving us this opportunity to express our best wishes to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I thank the gentleman from New Jersey.

Mr. HARVEY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Speaker, it is with the deepest sense of pride that I join in this special order today to honor my very good friend and colleague, F. BRADFORD MORSE. In his appointment as Under Secretary General of the United Nations for Political and General Assembly Affairs, Brad has been given the highest rank held by an American in this international organization. By naming him to replace the late and extremely able Dr. Ralph Bunche, President Nixon has recognized BRAD's hard work, undying energy and commitment to his Nation and to his fellow man.

When BRAD and I first came to Congress almost 12 years ago, the House of Representatives was a much different place. Today, 12 years later, the House has changed dramatically, and I would not be exaggerating if I attributed at least some of that change to BRAD. With untiring energy and devotion, BRAD has charged into the thick of almost every major piece of foreign affairs legislation to be considered by the Congress since 1961. His great knowledge of foreign affairs and his great mind have impressed everyone that has ever worked with him in this area, and he has established himself as one of the House's leading experts not only on Latin America, but on foreign affairs in general. He was one of the first to suggest and therefore must be considered primarily responsible for the de-escalation strategy for lessening American involvement in Vietnam which, of course, resulted in the beginning of the Paris Peace Talks in 1968.

BRAD has not confined his energies to the House. He has found the time to serve on almost a score of extracurricular activities of significance to both the House and the Nation, and he has brought the same brilliance and dedication to all of these organizations. I have been privileged to serve with him on the Canada-United States interparliamentary meetings, the Mexican-United States interparliamentary meetings, and the Anglo-American Study Group on African Affairs. I can say without hesitation that he has been a primary force in the success of these groups.

Above everything else, BRAD is a gentleman and a friend. It has been said of him that he could never take a leisurely vacation because if he stayed in one spot long enough, he probably would be elected mayor. His warmth and charm are well known, and when he greeted you on the way to the floor with his "hi ya, good friend," you knew that these were not just hollow words.

As BRAD steps into the leadership of the United Nations, I will miss him as a friend. The House will be giving up one of its most hard-working and knowledgeable Members. The people of Massachusetts' Fifth District will be losing a dedicated and able Congressman. The world, however, will be gaining an outstanding leader.

Mr. CONTE. Mr. Speaker, I thank the gentleman from Michigan.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, I thank the gentleman for yielding. I thank the gentleman from Massachusetts for offering us this opportunity to express our gratitude for the service of the gentleman from Massachusetts (Mr. MORSE), in this House. I have worked with him closely on the House Foreign Affairs Committee, and I have found him to be one of the most imaginative and creative Members with whom I have had the pleasure of working in my 10 years of service. He has evidenced a bipartisan approach to the problems of our Nation. The talent and judgment he has displayed in the House perhaps explains why he has been selected for this most important and sensitive assignment at the United Nations. I think the gentleman from Massachusetts will serve the United Nations very well. His will be an excellent voice, not as a U.S. representative, but as an international civil servant. He will represent the finest qualities in the American tradition of selfless public service.

Mr. CONTE. Mr. Speaker, I thank the gentleman from Minnesota.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. BURTON. Mr. Speaker, I, too, would like to join with my colleagues to thank the gentleman in the well, the gentleman from Massachusetts (Mr. Conte) for giving us the opportunity to express the affection and approbation which all of us feel toward our distinguished colleague, the gentleman from Massachusetts (Mr. Morse).

I share with all of his friends here as well as friends at the United Nations the joy at the judgment that is reflected in the appointment of this outstanding human being, a man who has served his country in the Halls of Congress nobly and well, and a man who all of us are certain will serve mankind nobly and well in this new and most important assignment.

Mr. CONTE. I thank the gentleman from California.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman for yielding.

In my opinion, the gentleman from Massachusetts (Mr. Morse) is one of the finest Members of this body. He is imaginative, he is creative, he is a spur, and he is a stimulus. We are sorry he is leaving and we are going to miss the gentleman here.

There is no one in this body with whom any one of us will agree 100 percent of the time, but even on those occasions when I found myself substantively in disagreement with Brad, there was never an occasion in my mind about his integrity or about the fact that he had reached his conclusions for reasons that were, as he saw it, in the best interest of the people whom he represented. This meant not only the people of his district of Massachusetts, but also the people in the rest of Massachusetts and in the United States and in the world.

The breadth of knowledge he has brought to this body is going to be sorely missed, because we can never have too many able men—I think unfortunately we are losing one of the best. We can always console ourselves, as we do in this type of situation, with the fact that we are not mourning his death, but we are merely regretting the fact that he goes from this job to another one, and in this other job he will have a chance to bring to bear the same capacities which I and other Members today have noted. We are sure the job on a worldwide basis at the United Nations will be better handled because Brad Morse is joining that organization. So, we are saying not goodbye but we are saying with regret as he leaves us, au revoir.

Mr. CONTE. I thank my friend, the gentleman from Oregon, for his comments.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding and for giving us an opportunity to express our admiration and a well-deserved tribute to our good friend and most honorable colleague, the distinguished Representative of the Fifth District of Massachusetts, the Honorable F. Bradford Morse.

I have known and worked with Brad Morse since he first came to this House and took his oath of office in the 87th Congress on January 3, 1961. I was then just beginning my second term and felt like an old hand.

During my first year in Congress, I was one of the 16 Members of a bipartisan, bicameral group which founded Members of Congress for Peace through Law on July 15, 1959, in the Senate wing of the Capitol.

I mention this event because Brad Morse joined this group shortly after coming to the House and our mutual activity in MCPL has been my primary association with Brad Morse during the past 11 years. While I served as chairman of this group during its formulative years, it was under Brad Morse's chairmanship during the 91st Congress that Members of Congress for Peace through Law recorded its greatest growth and won wide respect.

The steering committee which Brad chaired included Senators Mark O. Hatfield and George S. McGovern, vice chairmen, myself as secretary-treasurer, Senators Edward W. Brooke, Philip A. Hart, Walter F. Mondale, Richard S. Schweiker, and Congressman Brock Adams, Jonathan B. Bingham, John Dellenback, Paul Findley, Paul N. McCloskey, Jr., Benjamin Rosenthal, Morris K. Udall, and Charles W. Whalen, Jr.

Under Brad Morse' leadership this bipartisan, bicameral group of Members of Congress grew from 62 to 105 members. During his administration, the group also moved from a study group to an action group focusing on legislation and set up committees on aspects of foreign policy on which members serve voluntarily because of their interest and concern.

On this occasion, as he departs our ranks to take up his new and prestigious post as Under Secretary General for Political and General Assembly Affairs of the United Nations, it is relevant to recall that it was Brad Morse, who, as chairman of MCPL, hosted a historic luncheon on Capitol Hill honoring the distinguished Secretary General of the United Nations, His Excellency U Thant. This luncheon was held in the New Senate Office Building on July 10, 1970. It was attended by Members of Congress, the executive branch, the foreign press, and the United Nations Secretariat. It may well have been the last visit of the late beloved Ralph J. Bunche to this Capitol. That evening, the President of the United States entertained the Secretary General at a black tie dinner at the White House.

Mr. Speaker, I ask unanimous consent to have inserted at the conclusion of my remarks the text of the Honorable F. Bradford Morse's welcome to the Secretary General of the United Nations on that occasion and the text of the letter of thanks that Brad Morse received from U Thant.

It has been a genuine privilege for me to know and work with Brad Morse. He is a man of vision, imagination, patience, and wisdom. He has brought the finest in diplomacy to this body, often playing the mediator and the harmonizer in bringing diverse views and factions together for the greater good. He has displayed immense energy and has given generously of his time and wisdom to the causes in which he believed. And, despite all the pressures which we know so well, he has always maintained a warm, human, personal interest in the people around him and in their lives and fortunes.

He will be sorely missed in this body, in the Congress, and in this Capitol. Our loss, however, will be the world's gain as Brad Morse assumes his high post as an international civil servant of the family of man. His qualities of mind and spirit, to which we here can bear witness, will henceforth serve a higher cause and a far wider constituency—world peace through law for all the people of the world. I, for one, have every confidence that that cause and that constituency will be well, faithfully, and diligently served by Brad Morse, and I wish him Godspeed.

The remarks and letter follow:

REMARKS OF CHAIRMAN BRADFORD MORSE

On behalf of Members of Congress for peace Through Law, I welcome all of you to this historic luncheon. Never before has a Secretary-General of the United Nations so honored Members of the Congress. It is our very great pleasure to have you with us, Mr. Secretary-General.

Members of Congress for Peace Through Law have arranged this luncheon to pay honor to you, Mr. Secretary-General, for your long, patient, and effective efforts in your high office. We wish not only to honor you, sir, but to demonstrate our desire, as American lawmakers, to work with you to raise the United Nations to a position of accepted power and authority.

1970 marks the 25th anniversary of the United Nations. Two weeks ago today, in San Francisco, the 25th Anniversary of the signing of the Charter of the United Nations was commemorated.

The world of 1970 is very different from the world of 1945. Too many of the high hopes of San Francisco, too many of the solemn commitments of the Charter have yet to be fulfilled.

It is the purpose of MCPL, as friends of the United Nations, to focus on the future potential of the U.N., rather than laud its past accomplishments or bemoan its past failures.

Some of us are inclined to believe that

U.N. supporters have been too protective of the United Nations. Too often, excuses have been devised for not using the machinery of the U.N. and for not honoring both the spirit and the letter of the Charter. Machinery which is not used rusts and charters which are not used atrophy.

We Members of Congress for Peace Through Law number 28 members of the Senate and 70 members of the House of Representatives. We are unique in that we are both bipartisan and bicameral. We work through a number of committees, devoted to the study of foreign policy issues, on which members serve voluntarily.

We believe in the United Nations, Mr. Secretary-General, and we pray that this occasion may bring new understanding and greater cooperation which will help advance your important work.

THE SECRETARY-GENERAL,
July 24, 1970.

Hon. F. BRADFORD MORSE,
Chairman, Members of Congress for Peace Through Law, Washington, D.C.

DEAR CONGRESSMAN MORSE: I thank you for your kind letter of July 16. In fact it was a rare privilege for me to be invited to address such a distinguished gathering of Congressmen, and I am most grateful to you for having initiated that invitation. I shall always retain happy memories of my visit with you and sharing some of my thoughts with you.

For me it is most gratifying to know that many distinguished Americans genuinely believe in peace through law and in the need for an effective and authoritative United Nations. You, Mr. Morse, and your dedicated colleagues are a real source of inspiration to me in the discharge of my responsibilities. Let me look forward to a period of continuing contact and co-operation.

With warm regards and best wishes,
Very sincerely,
U THANT.

Mr. CONTE. I thank the gentleman from Wisconsin.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I appreciate the gentleman's yielding, and I appreciate his suggesting that BRAD MORSE's colleagues take this time to reflect upon his contribution in the Congress and his future contribution to the international body.

BRAD's departure from Congress comes at a time when there has been continual doubt as to the very nature, function and structure of this body; and a suggestion that perhaps the events of the time, and indeed time itself, may overwhelm us.

BRAD MORSE's qualities are those which are most needed in reasserting a vital role for this body in solving those critical national problems which face our Nation. His ability to reach out to those pressure points, which all of us need to recognize; his ability to have perception where others may lack perceptivity; his ability to work quietly, directly but intensely on the major problems that face our country and the world. It is this quality more than any other, perhaps, that will be missed in the Halls of Congress.

Personable though he may be, persistent though he may be, it is the quality of perception that will be missed as BRAD MORSE leaves for the United Nations.

I would suggest to my colleagues here, that is the very quality which is so sorely needed likewise at the United Nations, at a time, too, when the United Nations will be on trial, during this next decade. There is so much to be done by a man who has the vision and perception of our colleague from Massachusetts, BRAD MORSE.

So we wish him well, fellow colleagues in the House of Representatives, but more significantly we wish well the United Nations as he goes into a position of new responsibiilty, always keeping his persistence, his dedication, his recognition of pressure points, his ability to perceive when others lack perception, and his persistence then to act when others merely wait.

Mr. CONTE. I thank the gentleman from Michigan.

Mr. Speaker, I yield to my good friend from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Speaker, BRAD MORSE will be leaving the House soon, and I know all of us who have served with him will miss this very capable and dedicated legislator. His appointment as U.N. Under Secretary General for Political and General Assembly Affairs is an indication of the very high regard felt for him not only by the President, but by his House colleagues as well.

It has been my privilege to observe the dedication and conscientious effort put forth by BRAD since he came to the House in 1960, during which time he has become one of the most knowledgeable and highly respected Members of the House Foreign Affairs Committee.

BRAD and I first worked closely together when the concept of a "Great White Fleet" was originally proposed—a concept which included establishment of a fleet of naval vessels painted white and designed and equipped to render prompt emergency aid and assistance to people of other nations upon the occurrence of famine, epidemics, earthquakes, floods and other natural disasters. BRAD was quick to recognize the tremendous potential for such a fleet, and the many peaceful and beneficial projects which could be accomplished through just such an effort. From the beginning, he has been a strong and consistent supporter of the "Great White Fleet" concept, and I feel sure he will continue to advocate the project from his new position at the United Nations.

BRAD's hard work and long hours in behalf of his Fifth District has been the key to the very effective and successful representation his Massachusetts constituents have consistently received during his 11 years here in the House, and I for one feel sure that this same hard work and dedication will be the mark of our next Under Secretary General for Political Affairs at the United Nations.

BRAD has been a good friend, and I know he will continue to be looked upon as one of the finest Members the House could have. He will be missed by all of us who have relied so heavily on his thorough analysis and evaluation of matters under the jurisdiction of the House Foreign Affairs Committee, and yet we all wish him well in his new endeavor. His outstanding record thus far leaves little doubt the United Nations will be receiving an equally outstanding new Under Secretary General in BRAD MORSE.

Mr. CONTE. I thank the gentleman from Oklahoma.

Mr. Speaker, I yield to my good friend from Ohio (Mr. WHALEN).

Mr. WHALEN. I thank the gentleman for yielding.

Mr. Speaker, the Honorable F. BRADFORD MORSE is a good friend and a great Congressman. I feel fortunate indeed to have been his colleague these past 5 years.

For over 11 years, he has served the Fifth District of Massachusetts with distinction. The attention which he has given to his constituents has been matched only by the interest and active participation which he has exhibited in carrying out his responsibilities to the Nation.

Massachusetts and the House of Representatives are losing a servant whose every undertaking is accompanied by an inexhaustible drive and energy. Over and above the usual congressional duties, which for BRAD have included the ranking minority position on the Foreign Affairs Subcommittee on Inter-American Affairs, he has served as Chairman of Members of Congress for Peace Through Law. He also has represented Congress and the Nation at innumerable international conferences.

Despite his many and varied interests, BRAD always has been unstinting in "lending a hand" to his colleagues.

Let me cite three personal examples.

In January 1971, I served as program chairman of the International Seminar sponsored by the Dayton Council on World Affairs. Aware that this meeting would be enhanced by BRAD's background and articulateness, I invited him to serve as one of the program's speakers. He accepted with alacrity. Despite his hectic schedule, he took 2 days of his time to come to Dayton, Ohio, to help a friend.

Last fall I arranged for a group of Dayton businessmen to come to the Hill to discuss economic issues with Government officials. At the conclusion of the day, I asked several colleagues to meet with my constituents. BRAD again went out of his way to cooperate. He introduced himself to every member of the group and then, upon departing, addressed each guest by name as he made his farewells. This feat of total recall, coupled with his cordiality, enthusiasm, and thoughtfulness, won by BRAD, warm spot in the hearts of the visiting Daytonians.

On that same day, I was appointed a member of the House Committee on Foreign Affairs. Since that time, I have besieged BRAD with requests for information and advice. He has never failed to respond.

Incidentally, this great humanity also is evidenced in his relations with staff personnel. When BRAD enters the office of a colleague, he invariably acknowledges the presence of every member of the staff. This quality has made "Morse fans" out of all of the members of my staff.

His associates at the United Nations immediately will realize that their new colleague is not only an extremely capable individual but a very gracious and warm human being.

Brad, I again wish you much success and happiness as you begin your service as Under Secretary General for Political and General Assembly Affairs. Congratulations and Godspeed.

Mr. CONTE. I thank the gentleman from Ohio.

I now yield to my good friend and colleague from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to thank my esteemed colleague from Massachusetts for yielding to me.

I wish to associate myself with the remarks being made on the floor of the House today about Brad Morse.

Brad Morse has had a very distinguished career to date: A career in the Veterans' Administration where he did outstanding work as a staff member; a career on the Hill where he distinguished himself in the service of a distinguished Senator, our good friend, Leverett Saltonstall. He came to Congress in 1960 uniquely equipped to represent the people of his district.

I found him very easy to work with. He was very cooperative and a man who could disagree with you without being disagreeable.

Brad is a dedicated and devoted public servant. He represented his district very well and, in fact, served the whole Commonwealth of Massachusetts with great dignity.

I know I speak on behalf of all of his colleagues from Massachusetts when I say we will miss him here in the House. He is going to leave a void in the House's delegation from our area of the country.

New England, as you perhaps know, is one of the older regions of the country and has many, many problems. Brad Morse always gave unstintingly of his time to try to solve those problems and he helped solve many of them.

We will miss him, but take comfort in the knowledge that he is going on to another brilliant career. I know he will do outstanding work with the United Nations, and in behalf not only of the entire Nation but in behalf of the whole world.

I wish to congratulate him and wish him well and Godspeed.

We, individually and as a group, are going to miss you, Brad. You are one of the greatest.

Mr. CONTE. I thank the gentleman from Massachusetts.

I now yield to the gentleman from New York (Mr. Smith).

Mr. SMITH of New York. Mr. Speaker, I would like to associate myself with the remarks and the accolades for Brad Morse that have been made here this afternoon.

I would say perhaps it will be a long time before we have another gentleman from Massachusetts by the name of Bradford, an old Massachusetts name that comes ringing down the highways of time, but I think Brad Morse's perception which has been noted here today, his sensitivity and his ability to compromise and his ability to move forward and get action are qualities that will be sorely missed. While they will be missed here where we have appreciated them, they will now be for the benefit of the world at large in his new position at the United Nations.

Brad, we all wish you well and we congratulate the United Nations and the world for having your services.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Speaker, it is reassuring that notwithstanding the effusiveness of all these remarks, our good friend is alive and well and is going on to a new career. That is the most reassuring part of all of it.

Mr. Speaker, I would like to associate myself with all of the remarks which have been made by my colleagues in tribute to Brad Morse.

I had the good fortune of coming into the House when Brad was a Member. I gratefully recall the number of times he took the time and effort to help a newcomer learn some of the things that needed to be learned.

I was also impressed that I have never seen Brad Morse lose his temper. I know he feels very deeply and passionately about matters, but he has always kept an even disposition and manner about him. That quality will stand him in good stead in his new assignment.

Brad Morse has been a good legislator, a tireless and effective worker for the good of all, and I wish to take this opportunity to congratulate him upon his appointment.

Mr. CONTE. I thank my distinguished colleague from Illinois.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my colleague from Massachusetts.

Mr. KEITH. Mr. Speaker, I, of course, share the sentiments that have been expressed here today by our colleagues about Brad Morse.

He has, in fact, always had a worldwide constituency.

I remember one time, while walking with Brad back to the Old House Office Building, when we were asked for directions by a couple of visitors to the Capitol. They were wondering where they should go next, and Brad stopped to give them instructions and spent, perhaps, 20 minutes describing to them the features of this glorious Capitol of ours. They came from some far-off land, and I am sure they will always remember him for his courtesy.

Mr. Speaker, I remember another occasion when my daughter had to prepare a term paper on the United Nations bond issue. She asked me what I thought she should say and I confessed, "Well, I really do not know. Call Brad Morse." She called him and Brad talked to her for 25 minutes over the phone that night. In the midst of his very busy life he has always been willing to help people, regardless of their age, nationality, or station in life.

Mr. Speaker, it is this kind of spirit that we must have on the world scene. President Nixon has made a very wise choice in selecting Brad Morse for this most important position. I am very glad for him, for our country, and for his new colleagues in the U.N.

Mr. CONTE. I thank my colleague from Massachusetts.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

I would like to join in paying my respect to Congressman Brad Morse on the occasion of his promotion from the House of Representatives to the United Nations.

I do not serve on any committee with Brad and, therefore, I do not have any reason to work closely with him. However, Brad Morse is the kind of man on whom one instinctively homes in for advice and counsel because of respect, admiration, and trust in him.

This is what happened to me, as a freshman coming into this body, and without having the opportunity to meet all of the Members and become as well acquainted with them as I would like to be.

I find myself repeatedly observing how much I admire him, and how I appreciate the advice and counsel he has given to me. I know many other Members of both parties share my feelings. It is with a great deal of pleasure that I congratulate Brad Morse on his promotion to the United Nations.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am delighted to yield to the distinguished gentleman from Texas.

Mr. MAHON. Mr. Speaker, I wish to join in the remarks of commendation and good wishes for our distinguished colleague, Brad Morse. He has served his people well in the Congress, and he is now to assume a very important responsibility in the United Nations. He will do a good job for the United States and I wish him a great abundance of happiness in his important work.

Mr. CONTE. Mr. Speaker, I now yield to the gentleman from Pennsylvania (Mr. Biester).

Mr. BIESTER. Mr. Speaker, I have learned, even in the short time I have been a Member of this body, that the quality of our system and the quality of our work product and the quality of our institution is not determined by abstractions, but is determined by and is defined by the quality of the men and women who make up our House of Representatives, and the quality of our work product together. Brad Morse's contribution to that quality has been enormous. I have always respected him. I have a great deal of affection for him. And I congratulate the United Nations upon having his services in the future. The world will gain from his creativity, his commonsense, and his energetic devotion to peace.

Mr. CONTE. Mr. Speaker, I now yield to my good friend and colleague, our majority whip, the gentleman from Massachusetts (Mr. O'Neill).

Mr. O'NEILL. Mr. Speaker, for 11 years Brad Morse has served in the Massachusetts delegation as a dedicated and able legislator, a highly respected and admired colleague, and a servant of the people of the fifth district of Massachusetts. Everyone is familiar with BRAD's affable and good-natured manner, and of course, we will all remember him for his friendly demeanor. But, BRAD's contribution to the Congress goes beyond his fine personal qualities. It was a pleasure and a privilege to work with BRAD on the many problems facing the State. For in him the people of Massachusetts had a tireless champion, and a man who understood the needs of the workingman as well as the white collar worker; the professional as well as the trade unionist. In all areas of domestic concern, whether it was the problem of unemployment, the energy crisis, or the import quota, BRAD devoted himself to the task at hand with an enthusiasm and fervor that is rare even among the most energetic public servants. While his departure from Congress will leave this Chamber diminished in stature and ability, BRAD is moving on to a job for which he is supremely qualified.

Foreign policy and foreign affairs have been his forte, his expertise, and his specialty. As everyone is aware, BRAD has been appointed Under Secretary of State at the United Nations, becoming the highest ranking American in the Secretariat. This is a position of importance not only to the United States, but to the entire world community of nations.

I know that BRAD MORSE will make an outstanding contribution to the United Nations, for after serving in Congress for these past 11 years, he has demonstrated his ability to extract the basic issues, to examine and evaluate the pros and cons, and to make a decision based on sound judgment and thorough consideration. The United Nations is fortunate to receive the benefit of his talents and his experience. I want to express my sincere and deep appreciation for the opportunity to serve with such an extraordinary individual, and at the same time offer my congratulations to BRAD on his new post as Under Secretary.

BRAD possesses that rare determination which will serve him well in the coming months, as he faces the new and exacting challenges of his job in the United Nations.

I am sure that everyone here today joins me when I say best wishes and thanks for your great friendship.

Mr. CONTE. I thank the gentleman very much.

Mr. Speaker, I yield to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Speaker, I commend the gentleman for taking this time in order that Members who have served with BRAD MORSE may join in paying tribute to him.

I received the news of BRAD's elevation with, I am sure, the same mixed emotions experienced by other Members who have had the pleasure of serving with him.

While we rejoice in the good fortune of the United Nations, we acknowledge a sense of deep personal loss. I want to acknowledge the debt all Americans owe the people of his district for making BRAD's exceptional talents available to serve the Nation. Much has been said about BRAD's skill as a lawmaker. It has been characterized by a creativity, a positive and constructive approach to real problems.

When he speaks and acts as a legislator, it always reflects sincere convictions and high purpose. But we have also come to know, to love, and respect BRAD MORSE—the man. His actions and service are characterized by a kindness and a compassion and understanding, and a sensitivity to human problems. But perhaps among the memories that will linger longest is the freshness and good humor, and a sense of optimism for which there is a great need in a troubled world.

I think BRAD has proved the value of a smile and its therapeutic effect on all of us. He leaves a legacy of distinguished service in the House of Representatives. He embarks upon a new career which I am confident will create another legacy of even greater service.

In his new career we wish him well. He will have an opportunity to put his extraordinary talents to good use in the service of a wider constituency, the service of all mankind.

Mr. CONTE. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I was interested in the remarks of the gentleman from Illinois (Mr. MIKVA) because I wondered if our colleague, Mr. MORSE, might recall the words of Will Rogers, when the great Will Rogers had been in the hospital for a couple of weeks and recovered and was back on the job again and he said:

> People could not have been any nicer to me if I had died.

The truth is it is impossible to be nice enough to so distinguished and so refined and, above all, so civil a human being as BRAD MORSE.

The President has chosen precisely the right person at the right time at the right place to advance humanity's unfinished objective toward peace and progress for all. I congratulate the President, I congratulate our colleague, Mr. MORSE, and, as Tiny Tim might have said, I congratulate us all.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my friend from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, I was acquainted with BRAD before he came to Congress and since that time we have become close friends. During all the time I have known BRAD MORSE I have never known him to say or do an unkind thing toward anyone. Yet he has always been a tower of strength for those things in which he believes.

We are going to miss BRAD here in Congress. We do not have enough like him. He was capable, sincere, energetic, and friendly. He is a great guy. The gain of the United Nations is our loss in Congress.

Mr. CONTE. I thank the gentleman.

I yield to my colleague from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, first I would like to congratulate the distinguished gentleman from Massachusetts (Mr. CONTE), for taking the initiative in giving us a forum for expressing our point of view and our feelings of regret and joy and good wishes to our friend and colleague, BRAD MORSE, who goes on to larger responsibilities.

While my predominant emotion at this point is one of a begrudging sense of loss that we should be without the wise counsel and unfailing friendship of one of the kindest men I have ever met, I also feel quite frankly that our loss is indeed the United Nation's gain. I would hope that the remarks made today, as genuine as they are, from so many different Members from many different States, will be forwarded to Mr. Wadlheim, the Secretary General of the United Nations.

It seems to me that BRAD MORSE offers more to that forum than even he could offer to us, primarily because there is such a need in the United Nations for his unique ability, his personal characteristics and strengths, his understanding of foreign affairs, his sense of diplomacy, his understanding of the need for giving consideration to differing and divergent points of view in pursuing the path of peace in the world, which is indeed the principal function of the United Nations.

No one in this House has pursued the path of peace more diligently, creatively, or innovatively, than has BRAD MORSE through his many initiatives in the last few stormy years. Consequently, it seems to me that he is choosing another forum at a very appropriate time, for the interests of the United Nations are the interests of the United States as well. While I personally will deeply miss him as a friend, I feel that this step is not only a wise one, but it is perhaps a necessary one. If any Member of this body wonders now whether or not the United Nations will survive, they will have to reassess their present position in view of the fact that we will have such an effective spokesman for the American point of view, for an international sense of understanding in the person of our distinguished colleague.

BRAD MORSE has been several men here. He has been a valued colleague of mine, representing a neighboring district effectively, and, in so doing, serving the State of Massachusetts and the United States with distinction.

He has been a conscientious and wise legislator and statesman, leaving his mark on the issues in committee rooms and on this floor, contributing immeasurably to the interests and advancement of this country and its people.

And to me he has been a warm and close friend. I value his advice and counsel, his assistance and his encouragement. He has been a help in need, a listening post, a counselor. It is this side of him I will miss the most.

BRAD MORSE is not just intellectually committed to this or whatever course commands his attention. He is also prepared to finish what he starts, to follow through on promises, to make both practicality and brilliance a part of the U.N. process.

He is a part of the House and the House is a part of him. So as he goes to the larger stage, he does not leave us. We go with him.

Mr. CONTE. I thank the gentlewoman from Massachusetts.

Mrs. HICKS of Massachusetts. Mr. Speaker, today it is indeed an honor for me to rise and pay tribute to the distinguished Representative from the Massachusetts Fifth Congressional District—the Honorable F. Bradford Morse.

Mr. Morse has been appointed to the post of United Nations Under Secretary General for Political and General Assembly Affairs by the President of the United States. With a responsibility for political affairs in the General Assembly—and a direct responsibility to the Secretary General of the United Nations—he will find his political talents, his legislative skills, and his ability to bring together those with often conflicting viewpoints, put fully to the test.

Brad Morse is equal to the challenge. I have known and respected him for many years, and his record in the Congress of the United States is a testament to his devotion to principle. He has never wavered in voting his convictions, nor has he ever failed to place the emphasis of his legislative activities upon the bedrock of principle. Indeed, if there is any one thread that we have seen running through the fabric of Brad Morse's record since he arrived in the House in 1962, it is that of principle. I can think of no more important quality for him to take to the United Nations.

In addition, his service on the Foreign Affairs Committee—including the time he has spent as the ranking minority member of the Subcommittee on Inter-American Affairs—will bring to the United Nations a wealth of expertise in foreign relations.

We wish Brad Morse the best in his new post and trust that the future will see him making the same significant contributions that he has made during his years in the House of Representatives.

The President has made a splendid choice in the person of the Honorable F. Bradford Morse—good luck Brad, our prayers go with you.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I would like to join with the Massachusetts delegation and those other Members of Congress who are today paying tribute to Brad Morse for his long years of service in the House.

I have had the great privilege of serving with Brad for the 12 years that he has been in Congress, but I can recall the earlier years as well. Brad was active in politics in his home city of Lowell. He served as a member of the Lowell City Council for 2 years before coming to Washington as a staff member on the Senate Armed Services Committee.

I remember well the years that Brad Morse served as the chief aide to one of Massachusetts' most distinguished statesman, Senator Leverett Saltonstall. And Brad has carried on in the Saltonstall tradition here in the House. Brad also served as the deputy administrator of the Veterans' Administration before being elected to Congress for the first time in 1960.

His reputation here in the House over the past decade is well known. He has represented his constituents well and at the same time developed tremendous expertise in the field of foreign affairs. I have served beside Brad in two senses—first, here in this Chamber, and second, as the Congressman from the neighboring congressional district in Massachusetts. It has been both a privilege and a pleasure.

I feel certain that when Brad assumes his new responsibilities next month as Under Secretary General of the United Nations he will bring the same enthusiasm, initiative, and expertise to bear on his duties in New York as he has to his duties in Washington.

Those of us who pay him tribute today will be among those who will feel his loss in the most personal sense. However, this body as a whole will suffer from his departure. He has left his marks here, and I am confident he will be just as successful in his new endeavor. My best wishes for that success go with him.

Mr. DRINAN. Mr. Speaker, today I join with our colleagues in expressing to Congressman Brad Morse warmest wishes for great success in his new position as United Nations Under Secretary General for Political and General Assembly Affairs.

Brad brings to his new responsibilities broad and deep experience in foreign affairs. His work here in the House over the last 11 years has demonstrated a deep and real commitment to the concept of world order and international understanding.

All of us agree that the United Nations has a potentiality for effectiveness in resolving international disputes and uplifting the human condition which has not been realized. In Brad Morse, the U.N. is receiving a tremendous asset and a new hope for realizing that potential.

The work of Dr. Ralph Bunche, Brad's predecessor at the United Nations, is internationally known and acclaimed. I hope that all of us will soon have the occasion to congratulate my colleague and friend, Congressman Brad Morse of Massachusetts, with the same accolades which his distinguished predecessor has received.

Godspeed, Brad.

Mr. ADDABBO. Mr. Speaker, I am pleased to participate in this tribute to our colleague and friend, Congressman Brad Morse, who leaves this Chamber for service as United Nations Under Secretary General for Political and General Assembly Affairs.

For the past 11 years, I have had the privilege of serving in the House with Brad Morse. In counting him as a friend, I have been fortunate and now I am confident the United Nations will be equally fortunate in receiving the services of so fine a man. Brad has been a conscientious and dedicated Member of the House, earning the respect of Members on both sides of the aisle for his ability as a legislator. In the field of foreign affairs, Brad has developed his expertise to the point where he will be a great asset to the world body.

We honor Brad today for his past service, for his friendship, and for the future service which we know he will give to his country. We will miss you here in Washington but your work at the United Nations will keep us in close contact. We wish you success in your new career and in the goal of world peace which we share with you.

Mr. GERALD R. FORD. Mr. Speaker, my feeling of pleasure over the appointment of our colleague, Brad Morse, as United Nations Under Secretary General for Political and General Assembly Affairs is offset by a sense of loss.

All of us regret the departure of Brad Morse from this Chamber because certainly he is one of the most outstanding Members of the House, a most capable legislator who has made many valuable contributions to the overall performance of the House of Representatives during the more than 11 years that he has served in this body.

We are all familiar with Brad's capabilities. We know him to be intelligent and articulate, keen and aware, sensible and sensitive, probing and perceptive, solid but willing to experiment. In short, he is the kind of man we need in the Congress, and his absence will be deeply felt.

Brad Morse takes with him to the U.N. a rich background. An attorney, he has served successively as law clerk to a Massachusetts Supreme Court chief justice, a Boston University Law School faculty member, a Lowell, Mass., city council member, attorney to the Senate Armed Services Committee, executive secretary and chief assistant to former Senator Leverett Saltonstall, U.S. Deputy Administrator of Veterans' Affairs, and member of the House Foreign Affairs Committee.

We are all sorry to see Brad go. To employ a cliche, our loss is the U.N.'s gain. We know Brad will do well in his new post. He enters upon his new responsibilities with the well wishes and the blessing of every Member of this House.

Mr. BAKER. Mr. Speaker, on this occasion, it is an honor to join my colleagues in paying tribute to Representative Morse. His appointment as United Nations Under Secretary General for Political and General Assembly Affairs comes as a great personal honor and speaks eloquently for his fine career in this body.

Brad will be missed here in the House of Representatives, but he will leave behind a great legacy of the work he carried on for the people of Massachusetts and of the United States.

Brad has served in the U.S. House of Representatives for 11 years. As a freshman Member, I have had the opportunity to work with him for only a small portion of his legislative career. But in that short time, I have come to know and admire Brad as a hard-working, knowledgeable, and popular Representative.

I will especially remember Brad for his warmth and friendliness in greeting me by my first name shortly after my election to Congress. This concern for others marked Brad's career as a U.S. Representative.

As the seventh-ranking Republican on the House Committee on Foreign Affairs, Brad is a highly respected expert in the international field. His knowledge and judgment in this area have been valuable to me and to other less experienced Members.

Always helpful and cooperative, BRAD is well liked and admired by his colleagues here. He is equally popular with the voters back home. The people of Massachusetts' Fifth Congressional District, who have returned BRAD to the U.S. Congress in five successive elections, reelected him in 1970 by a 2 to 1 margin.

Former professor at the Boston University School of Law; attorney to the Massachusetts Supreme Court and Senate Committee on Armed Services; and executive assistant to former U.S. Senator Leverett Saltonstall of Massachusetts, BRAD brings a high degree of legal expertise to his new post. This, coupled with his extensive background in foreign affairs, makes BRAD an excellent choice for the United Nations position.

The shoes vacated at the United Nations by the late Dr. Ralph Bunche will be large ones to fill. But I am confident that BRAD will carry on his work in the same dedicated, competent manner he has displayed in Congress.

I wish BRAD MORSE continued success as he enters this new chapter in his career of public service.

Mrs. GRASSO. Mr. Speaker, let me take this opportunity to extend a reluctant farewell to our dear friend and distinguished colleague, BRAD MORSE. The record of 11 years commends BRAD highly as an outstanding legislator of conviction, dedication, and sound judgment. He will be as sorely missed in this Chamber as in the Fifth Congressional District of Massachusetts which he so ably represented.

Through the years BRAD has maintained a high interest and effective role in the area of foreign affairs—service which well qualifies him for his new position as Under Secretary General of the United Nations. Because of his experience, Brad will be an industrious and effective catalyst for constructive action. Our loss is indeed a monumental gain for that organization which John Kennedy called the "last best hope" of mankind.

This is a vital position for the activities—indeed, the future—of the U.N., and will demand that measure of service which we, in the House, have had the good fortune to recognize as typical of this amazing man. The void left by the passing of a great American statesman, Ralph Bunche, has loomed large for many months. However, with the appointment of BRAD, we have been assured that the tradition of excellence in that office will be carried on.

Today, we review BRAD MORSE's 11 outstanding years in the House, as well as his earlier role as serviceman, attorney, and educator. His courage in assuming a new and challenging position which will further tap his energies and talents—and, no doubt, further tax his good nature—is to be commended.

It is my hope that BRAD's life will always be rich with meaning and happiness. A man who has given so much of himself to his work and the people around him deserves no less.

Mr. BYRNE of Pennsylvania. Mr. Speaker, this is a bittersweet moment for many of us—saying hail and farewell to our respected and able colleague, F. BRADFORD MORSE, who has rendered distinguished service to the people of the Fifth District of Massachusetts for the past dozen years.

In effect, however, BRAD has been serving since he was a very young man, in the infantry in the Second World War, in the Lowell County City Council, as a senatorial aide, in the Veterans' Administration, and in this House.

He now continues that tradition of service—but now his sphere of service is the world. As Deputy Under Secretary General of the United Nations, he will be the highest ranking American in the Secretariat. His duties will be worldwide.

He is not moving into a sinecure; in fact his will be a most sensitive position in a highly volatile body representing a world beset by conflict—conflict of purposes and conflict of ideals.

But I have nothing but confidence in his ability to handle these almost insoluble problems. We know he takes with him a wealth of experience, ability, and idealism.

We shall miss him and I know we all admire him for his courage in accepting this gargantuan challenge.

Mr. HATHAWAY. I am pleased to join with my colleagues here in the House in paying tribute to my good friend and colleague from Massachusetts, the Honorable F. BRADFORD MORSE, for his outstanding service in the House for the past 12 years.

It has been a privilege and an honor to serve with BRAD. He has been most active in the efforts of the New England congressional delegation to help solve some of our regional problems such as the fuel shortage and the shoe import crisis.

BRAD is a dedicated servant of the people, and he takes this dedication to the United Nations where he will have an excellent opportunity to continue in service to the people of this country as well as to our foreign neighbors. BRAD's experience on the Foreign Affairs Committee will prove useful to him in carrying out his new duties. I have no doubt that BRAD will perform in the United Nations with the same enthusiasm and vigor which has won him the respect and admiration of his colleagues in the House.

I wish him every success in his new position.

Mr. DOW. Mr. Speaker, as our colleague, the Honorable F. BRADFORD MORSE, leaves the Congress to serve in the sensitive position of a U.S. Minister at the United Nations, one cannot but reflect that here is an ideal choice.

Mr. MORSE is a forthright and positive person who impresses you at once with his hearty good will. Of course, all his colleagues know that he is a most capable legislator, and his jovial exterior should not lead anyone to suppose that BRADFORD MORSE is not a skilled lawyer and statesman.

Mr. MORSE is particularly notable, because he is especially admired on the other side of the aisle by us of the opposite political persuasion. It is not only that he quite often embraces the progressive views which are more characteristic of Democrats than of Republicans, but his high standing across the aisle is due also to our perception that he is a broad-gauge thinker, and one well able to judge all facets of an issue.

This quality of understanding was responsible for Mr. MORSE's elevation to the leadership of the "Members of Congress for Peace through Law." For me it was a pleasure to work in the ranks under Mr. MORSE's guidance. I know full well that his special capacity for understanding leadership assures that he will exert effective leadership in the United Nations. It will be perceptive as well as progressive and will enlist support from many quarters that may not characteristically follow the U.S. lead.

We will be sorry that BRAD is leaving us, but happy that he can work greatly for a splendid purpose.

Mr. FINDLEY. Mr. Speaker, Representative BRAD MORSE and I were first elected the same day and have been close friends throughout the 12 years of our service in the House. During that time I have come to respect him for many fine qualities, the greatest of which is his genuine friendship. He has been a help, as well as an inspiration, to me on many an occasion. I have always admired his superb courage, his willingness to stand alone if need be for a point of conviction.

He has demonstrated over and over his tremendous energy and I have also been highly impressed with the quality of staff that has been attracted to his service. Many a fine young person has received training in his office and then gone on to even greater achievements.

I know he will bring the same qualities to his new position as Under Secretary General at the United Nations. In fact, his appointment to that position is one of the most promising developments in many years at that institution.

Mr. EDWARDS of California. Mr. Speaker, one of the most pleasant parts of my decade here in the House of Representatives has been my friendship with Congressman F. BRADFORD MORSE, of Massachusetts. His indefatigable efforts for international cooperation and for world peace have been a constant inspiration to me.

I will miss—every Member of Congress will miss—BRAD MORSE. He is honored by appointment as United Nations Under Secretary General for Political and General Assembly Affairs replacing Dr. Ralph Bunche.

I am sure that BRAD will bring even more honor and distinction to this important position.

Mr. REUSS. Mr. Speaker, when the President chose BRAD MORSE to succeed the late Dr. Ralph Bunche as Under Secretary General of the United Nations, it was good news for the U.N., but sorry news for the House of Representatives.

In more than a decade of service in the House, Mr. MORSE has made his mark in the area of international affairs. He has distinguished himself as a member of the Foreign Affairs Committee, and as ranking member of the Subcommittee on Inter-American Affairs.

His background—one which includes leadership of the Members of Congress for Peace Through Law, service with the U.S. delegation to the Geneva disarmament talks and, notably, his advocacy of deescalation in Vietnam—has suited him well for his post with the great peacekeeping body which he now joins. He has shown the imagination and enthusiasm so necessary if the goal of world stability is to be achieved.

Mr. Speaker, I add my commendation of Brad Morse for a job well done in Congress and, for all our sakes, I wish him all possible success in his new U.N. assignment.

Mr. GALLAGHER. Mr. Speaker, I will miss Congressman Morse of Massachusetts when he leaves this Chamber at the end of the month to assume his important responsibilities as Under Secretary General for Political Affairs of the United Nations where he will replace the late Dr. Ralph Bunche.

I will miss him as an idealistic but pragmatic—if that combination is possible, Congressman Morse has achieved it—colleague on the Foreign Affairs Committee. He always took an intense interest in the work of the committee. He was forever asking why should this be so, and does that policy make sense, in the process acting as a useful spur to us all.

A particular concern of his was that title of the Foreign Assistance Act that deals with political development. Always the realist he recognized that economic development does not proceed in a vacuum but instead its very pace and character is determined at bottom by the political institutions of the country. So he set about and succeeded in making the officials at AID more aware of the need for grassroots political development—for the agricultural cooperatives, workers banks, credit unions, and agrarian reform that forge important links between the little people of the developing countries and so make them a potent political force whose needs and aspirations can no longer be ignored.

But it would be wrong to talk of the loss represented by the departure of Congressman Morse strictly in terms of his high caliber of performance as a lawmaker. Of equal weight to all who had the pleasure of knowing him were his great human qualities. He was never too busy to stop and chat and give of his boundless well of good cheer and simple decency to his colleagues, but also to secretaries, guards, students, indeed almost anyone who crossed his path.

I do not want to make this into a sob story. The House will go on without Congressman Morse, as it always does.

But I do want to let him know as a friend and colleague from the opposite side of the aisle how very much we think of him and how much he will be missed. I hope he will come back and visit with us from time to time as his responsibilities at the United Nations permit.

I wish him the best of luck and am confident that he will pour his considerable talents into his new job and prove an altogether worthy successor to Dr. Bunche.

Mr. SPRINGER. Mr. Speaker, I am glad to have this opportunity to join in tribute to my good friend and colleague, Brad Morse, as he leaves us to become Under Secretary General of the United Nations.

During his 11 years of service in this House, Brad has been a conscientious and hard-working legislator and one who was able to articulate his foreign policy views with clarity and force.

His appointment to one of the highest posts in the United Nations, a post which has been occupied by only one other man, the late Dr. Ralph Bunche, marks a turning point that began as a city councilman in Lowell, Mass., 20 years ago. During the intervening years Brad served as a staff attorney for the Senate Armed Services Committee, as chief assistant to Massachusetts Senator Leverett Saltonstall, and as deputy administrator of the Veterans' Administration, until his first election to the House of Representatives in 1960.

Brad Morse, throughout his career, has worked capably and with dedication to the principles he holds dear. We regret losing him as a Member of this body and congratulate the United Nations on his new role as an international public servant.

Mr. COLLINS of Texas. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. Conte) for yielding. We are all proud to see Brad Morse move up to this responsibility in the United Nations.

Brad has one of the best backgrounds in Congress on international affairs. His years of service have given him the broad picture of the needs and challenges facing our neighbors.

And he puts his heart and spirit into it. My daughter lives down in South America. When I visited her in Medellin, Colombia, the city leaders asked me if I knew Congressman Brad Morse. They spoke of his interest and work in helping Colombia build stronger education and more progressive medical facilities. Many in Congress are talkers, but Brad is a man of action.

His tolerance and understanding will be a great asset to the United Nations. I am proud of the United Nations in choosing the best man for this political and general assembly affairs leadership assignment.

Mr. SCHNEEBELI. Mr. Speaker, Brad Morse is a colleague for whom I have great respect and he is a dynamo in getting accomplished many of the things on which he holds strong convictions regarding this country's welfare. Brad is a strong and continuing influence in trying to promote the "moderate" position of the Republican Party on the Hill, and he has taken and stated his positions firmly, even at the cost of strong criticism from some of his Republican colleagues. For this forthright expression, you certainly must admire and respect his high purpose.

The respect for which the people in his district hold him is most evident, since he wins by large majorities despite the fact the registration in his district is overwhelmingly against his party affiliation. The people back home know the strength of Brad's convictions and are happy to support his sense of independence, which they feel is a good influence in the Congress.

Many of us here in the House will miss Brad's counsel and advice and honestly stated convictions, but we realize he will be serving our country more importantly in his newly appointed position as United Nations Under Secretary General for Political and General Assembly Affairs. I feel I am losing a good friend, but I wish him increasing success in a position in which I know he is going to be very happy as well as immeasurably more productive.

Mr. COTTER. Mr. Speaker, it is with great regret that we meet today to say goodby to one of our most distinguished colleagues, Brad Morse. Brad is leaving us to take up his new duties as the Under Secretary General of the United Nations.

Our loss is the U.N.'s gain.

Although I have had the opportunity to work with Brad for only a year, I have been impressed with his legislative and analytic abilities. These skills will be sorely missed by the House of Representatives, but I am confident that the U.N. will be a better place because of Brad Morse. For 11 years, Brad has served with distinction the Fifth District of Massachusetts and his expertise in foreign affairs has won him bipartisan admiration.

I join with the other Members in wishing Brad well in his new and challenging assignment. I know that he will share with his colleagues the insights he gains in the United Nations.

Good luck, Brad, we will miss you.

Mr. KYROS. Mr. Speaker, it is with great pleasure that I join in this tribute to my friend and distinguished New England colleague, Congressman Brad Morse, who will soon be leaving us to take an important post at the United Nations. At the outset, may I say that the Congress will suffer a very great loss by his departure. I only hope that the United Nations will benefit as much by its very significant gain.

Mr. Speaker, as we in this Chamber know so well, Brad Morse has proved himself, in his six terms in the House, an able and exceedingly conscientious legislator. His acute intelligence and insight into the problems of our times have caused him to be recognized as a truly outstanding Congressman—not only by the people of his congressional district but also, and perhaps more significantly, by his own colleagues and peers. Both in the field of foreign affairs, for which he is nationally known and respected, and in domestic matters as well, Brad has consistently demonstrated the highest quality of progressive and enlightened leadership.

The people of Massachusetts' Fifth Congressional District are losing an outstanding Representative. But the qualities which have enabled Brad to excel here in the House will follow him to his new and important position at the United Nations. As Under Secretary General for Political and General Assembly Affairs, he will have ample opportunity to make good use of his very considerable gifts in the field of international relations. I know that BRAD is pleased by his new appointment, and we are certainly pleased for him.

We wish him well.

Mr. EILBERG. Mr. Speaker, I would like at this time to extend my best wishes—and, I am sure, the best wishes of the entire House—to the Honorable F. BRADFORD MORSE, the distinguished Representative from the Fifth District of Massachusetts.

BRAD, as many of us have come to know him, will soon be taking up his new duties as United Nations Under Secretary General for Political and General Assembly Affairs. The President of the United States has chosen BRAD for this important position, and we wish him well at the U.N.

He brings to his new office a record of interest and accomplishment in international affairs. We have come to know and respect his knowledge, and to appreciate his abilities while we have seen him engaged in the substance of foreign affairs deliberation as he served on the Foreign Affairs Committee. He also has been the ranking minority member of the Subcommittee on Inter-American Affairs, a position that has been enhanced by his analytical ability and willingness to work long and hard on the problems before him.

Much as we feel a loss at the departure of our distinguished colleague, we know that BRAD will be taking on duties that are of great importance to the United Nations. He will be in personal touch with the Secretary General of that world organization and his actions will contribute to its effectiveness as a forum for the community of nations.

The President of the United States has placed great trust in F. BRADFORD MORSE, and we in the House are gratified to see one of our own so recognized. To you, BRAD, we wish good luck and a full measure of success at the United Nations.

Mr. SHRIVER. Mr. Speaker, it is a privilege to join in this deserving tribute to our friend and able colleague, F. BRADFORD MORSE of Massachusetts. Our warmest congratulations and best wishes go out to him on his appointment as United Nations Under Secretary General for Political and General Assembly Affairs. He is highly qualified to assume this position of international responsibility. We shall miss him very much in the House, however.

BRAD and I came to the Congress at the same time. I have deep respect for his knowledge of foreign affairs. He has been a leader, too, in the effort to redirect defense-oriented industries to peacetime endeavors. He has been an effective legislator. The people of his congressional district in Massachusetts have been well represented by BRAD MORSE; and now he is prepared to serve the people of the world in the pursuit of peace. We wish him the best of luck.

Mr. ROBINSON of Virginia. Mr. Speaker, I thank my distinguished colleague for yielding me time to add my few words of appreciation for the service of our highly regarded colleague from Massachusetts (Mr. MORSE) and to wish him well as he prepares to take up his new duties as Under Secretary General of the United Nations for Political and General Assembly Affairs.

When I came to the House last year, he extended to me his friendship and counsel, and I have had recurring reason to be grateful for his generous assistance and advice. His kindness to a new Member, was characteristic, of course, and reflected the high order of human concern which has marked his service here.

His well-deserved reputation here is as an expert on international affairs, but always evident has been his conscientious attention to the problems and needs of his Massachusetts constituency. His moving on to broader responsibilities represents a particular loss to the Fifth District of Massachusetts which, recognizing ability and dedication, has elected him six times as its Representative in Congress.

Because of his helpfulness to me, I acknowledge a personal regret that he has been called to another assignment by the President. On reflection, however, I take comfort from his acceptance of the call, because I know he has in full measure the capacity to deal diplomatically and effectively with the diverse administrative and policy decisions with which he will be confronted in the United Nations.

I have no doubt that his intelligence, integrity, and energy—together with his earnest commitment to world peace and the uplifting of human dignity—will combine to make an important imprint on the day-to-day operations of the United Nations establishment.

Within the limitations imposed by his new responsibilities, this House will hope to have the benefit of the continuing counsel of a trusted alumnus.

Mr. FASCELL. Mr. Speaker, I join our colleague, SILVIO CONTE, in paying tribute to our good friend F. BRADFORD MORSE and add my congratulations on his appointment to the position of United Nations Under Secretary General for Political and General Assembly Affairs.

It has been my pleasure to serve with BRAD MORSE on the Foreign Affairs Committee, and specifically on the Inter-American Affairs Subcommittee where he is the ranking minority member. Congressman MORSE has consistently demonstrated his keen interest in the very vital problems of inter-American relations, actively participating in the formulation of legislation, and bringing to the attention of the administration the problems of the hemisphere.

He has, indeed, distinguished himself as a leader in the field of foreign affairs. Through the years he has demonstrated his exceptional ability to analyze problems, to formulate legislative and policy solutions to those problems, and to follow through to insure implementation. We will certainly miss his contributions both on the subcommittee and in the full Foreign Affairs Committee.

I know BRAD MORSE's enthusiasm and dedication on the committee are indicative of the outstanding representation he has given the people of the Fifth District of Massachusetts during the 11 years he has served in the House of Representatives. While I am sure his constituents joint in commending him on his appointment to the United Nations, they too will miss his able assistance as their voice in Washington.

So, Mr. Speaker, it is with mixed emotions that I see this dedicated, effective legislator leave the House of Representatives. As the top U.S. official in the U.N. Secretariat, we can be confident, however, that his enthusiasm and ability will continue to be directed toward the solution of international problems.

Mr. McCLORY. Mr. Speaker, I am pleased to join this afternoon in paying tribute to our colleague from Massachusetts, F. BRADFORD MORSE, who has been appointed as U.N. Under Secretary General for Political and General Assembly Affairs, a position held most recently by the late Dr. Ralph Bunche.

This appointment is most encouraging—as it gives assurance that a well-informed and highly motivated public official will be serving in this critical post in the United Nations.

Congressman BRAD MORSE's long and distinguished service on the House Foreign Affairs Committee, his active participation in numerous international conferences, including meetings of the Inter-Parliamentary Union and the Inter-American Parliamentary Organization as well as his attendance at several conferences sponsored by the Ditchley Foundation, are but samples of his experienced and prominent activities in the complex and critical arena of international affairs.

It is well known that BRAD MORSE is first of all a student of foreign policy and international relations. Beyond that, he is a forthright spokesman for the educated views which he holds and which he articulates so ably.

Mr. Speaker, in the loss of Congressman MORSE to the U.S. House of Representatives, the United Nations is experiencing a corresponding gain. As one of his longtime colleagues in this Chamber, I extend to BRAD MORSE every good wish for rewarding and meaningful service and for good health and success in his new and important U.N. post. In this expression I wish also to include his faithful Francesca who will be at Congressman MORSE's side in many of the exciting and dramatic days of international debate and diplomacy in which he will be involved.

Mr. VAN DEERLIN. Mr. Speaker, it is with considerable regret that I rise to note the imminent departure from this body of our esteemed friend and colleague, BRAD MORSE.

We can all, however, take consolation in his new appointment as Under Secretary General for Political and General Assembly Affairs, in the United Nations.

In this post, he will be a worthy successor to the late, great Ralph Bunche. In fact, at a time when the United Nations is under heavy fire from a great variety of critics, the world body can only be strengthened by the addition of men of the stature and competence of BRAD MORSE to the top staff positions.

My friendship with BRAD dates back to the beginning of my own congressional service, nearly 10 years ago. In 1968, I was honored to be a delegate at the annual Anglo-American Ditchley Foundation conference, in England, an event, drawing parliamentarians from both nations, which Brad helped establish.

Our colleague is, of course, justly renowned for his expertise in foreign affairs. He is a senior and most valuable members of the House Committee on Foreign Affairs—background that should serve him, the Nation and the world well as he embarks on his new career.

Mrs. MINK. Mr. Speaker, at the end of this month, we will lose the services of the Honorable F. Bradford Morse, of Massachusetts. Brad is leaving the House to assume his new assignment as Under Secretary General for Political and General Assembly Affairs of the United Nations.

As a colleague of Congressman Morse, I can only say that I will miss his friendship and contribution to our mutual legislative goals. On the other hand, I know that the United Nations will benefit greatly from his wide knowledge and experience.

I have worked closely with Brad as a member of the Members of Congress for Peace Through Law, an unofficial organization of persons from both political parties working jointly toward the goal of world peace. Certainly, his efforts within this organization have been both energetic and productive.

Through our participation in this organization and in the general business of the House, I have admired Brad's expertise in foreign relations and international diplomacy. I know he is an outstanding advocate of the goal of international peace.

As a member of the House Committee on Foreign Affairs Brad has worked to implement his belief in a peaceful world, and his contribution will long stand as an example for others to emulate.

I am happy to join the many friends and colleagues of Brad Morse who wish him well at his new position.

Mr. MOSHER. Mr. Speaker, I welcome this opportunity to testify that I am indebted to Brad Morse, more than any other individual colleague of mine in the Congress, for most frequently stimulating my thinking on matters of national policy and legislation in positive, progressive ways.

I feel tremendously grateful to Brad for the remarkable warmth of his personal friendship, his constant helpfulness and inspiration, the many, many times he has gone beyond the call of duty in assisting me and so many of our other colleagues in welcome ways.

I believe it is true that Brad Morse, more than anyone else, is responsible for founding and energizing the informal organization of minority Members which we know as the Wednesday Group, and I can testify that my own privilege in participating in that group has been very valuable and enjoyable. The Wednesday Group, frequently under Brad's leadership, has made a series of very important contributions.

Similarly, Brad's leadership in the organization known as Members of Congress for Peace Through Law represents a notably innovative contribution on his part, a benefit to the Congress and to the Nation, and of individual benefit to so many of us as his colleagues.

The Wednesday Group and Members of Congress for Peace Through Law are only two of numerous examples that can be cited of Brad's creative energy.

It was my good fortune to arrive in the House of Representatives at the same time with Brad, in January 1961, and throughout these almost 12 years we have served together I have increasingly and more profoundly appreciated his extraordinary qualities as a human being, an excellent legislator, as a great patriot in the very best sense.

Therefore, personally, I view with mixed emotions his decision to become an international civil servant. I understand his impatient desire to make a broader use of his tremendous energies and innovativeness, his skills in negotiating with others for positive accomplishment of benefit to all mankind. I enthusiastically wish him well in such new endeavors.

However, it is with personal sadness that I see him about to leave our midst.

Mr. O'NEILL. Mr. Speaker, for 11 years Brad Morse has served in the Massachusetts delegation as a dedicated and able legislator, a highly respected and admired colleague, and a servant of the people of the Fifth District of Massachusetts. Everyone is familiar with Brad's affable and good-natured manner and, of course, we will all remember him for his friendly demeanor. But Brad's contribution to the Congress goes beyond his fine personal qualities. It was a pleasure and a privilege to work with Brad on the many problems facing the State. For in him the people of Massachusetts had a tireless champion, and a man who understood the needs of the workingman as well as the white-collar worker, the professional as well as the trade unionist. In all areas of domestic concern, whether it was the problem of unemployment, the energy crisis, or the import quota. Brad devoted himself to the task at hand with an enthusiasm and fervor that is rare even among the most energetic public servants. While his departure from Congress will leave this Chamber diminished in stature and ability, Brad is moving on to a job for which he is supremely qualified.

Foreign policy and foreign affairs have been his forte, his expertise, and his specialty. As everyone is aware, Brad has been appointed Under Secretary of State at the United Nations, becoming the highest ranking American in the Secretariat. This is a position of importance not only to the United States, but to the entire world community of nations.

I know that Brad Morse will make an outstanding contribution to the United Nations, for after serving in Congress for these past 11 years, he has demonstrated his ability to extract the basic issues, to examine and evaluate the pros and cons, and to make a decision based on sound judgment and thorough consideration. The United Nations is fortunate to receive the benefit of his talents and his experience. I want to express my sincere and deep appreciation for the opportunity to serve with such an extraordinary individual, and at the same time offer my congratulations to Brad on his new post as Under Secretary.

Brad possesses that rare determination which will serve him well in the coming months, as he faces the new and exacting challenges on his job in the United Nations.

I am sure that everyone here today joins me when I say best wishes and thanks go with him.

Mr. HALPERN. Mr. Speaker, the House of Representatives has been honored by having had one of our most distinguished colleagues, the Honorable F. Bradford Morse, of Massachusetts, named by the President of the United States to a position of great trust at the United Nations.

Brad Morse will be the new Under Secretary General for Political and General Assembly Affairs. He will have a responsibility for many political affairs personally referred to him by the Secretary General of the U.N.

We may feel justly proud that the President has chosen a Member of the House for this high honor. Those of us who have known Brad these many years are not surprised, however, that he was so honored. Brad has brought to the House a combination of qualities so outstanding that recognition in the form of his new office was almost inevitable.

His background in matters of foreign policy is extensive, and his service on the Foreign Affairs Committee has given him a firm grasp of the problems he will encounter at the United Nations.

We regret that Brad must leave us, but we are pleased that a man of such well-considered abilities should be chosen by the President. And we feel especially pleased that the honor fell upon a Member of the House of Representatives.

We wish you well, Brad, and hope that the years you were with us are as significant a part of your memories as they are of ours.

Mr. BUCHANAN. Mr. Speaker, it is with mixed emotions that I join my colleagues today in paying tribute to the gentleman from Massachusetts (Mr. Morse).

I am delighted that he has been selected as our United Nations Under Secretary General for Political and General Assembly Affairs, but I am sorry that we in the House, and particularly on the Foreign Affairs Committee where it has been my distant pleasure to work with him, are losing a good Congressman.

In both the committee and on the floor of the House, he has proven himself to be a man of high ability, possessing both integrity and diplomatic skill. This rare combination makes him most highly qualified for this important post.

The position as a Representative to the United Nations will undoubtedly prove a challenge, but Brad Morse, in my judgment, has the ability and unimpeachable integrity to serve the United Nations and his country well.

Mr. O'HARA. Mr. Speaker, I would like to add my voice to those of my colleagues in paying tribute to the gentleman from Massachusetts (Mr. Morse).

I have counted myself privileged to have served in this Chamber with Brad Morse during his 11 years as a Representative of the Fifth District of Massachusetts. During this period I have found him to be not only a personable and thoughtful man, but also a conscientious and hard-working legislator. He has served here ably, and like my colleagues, I shall miss his presence in the House.

Brad Morse takes on an assignment of enormous magnitude as he assumes his new post as Under Secretary General for Political and General Assembly Affairs of the United Nations. His expertise in the field of foreign affairs, as demonstrated so ably in this body, will stand him in good stead as he joins the great deliberative body of the world.

All of us wish Brad Morse much success in his new undertaking and I, for one, feel that the future of the United Nations will be a little more secure, for having a man of Brad Morse's stature in the post of Under Secretary General.

Mrs. ABZUG. Mr. Speaker, in this time of increased international tension and escalation of the terrible conflict in Indochina, it is unfortunate that the House is losing Brad Morse, who has been a great fighter for peace in his 11 years here. And now for the good news—he is leaving us to take up the post of United Nation Under Secretary General for Political and General Assembly Affairs. With his great compassion and his expertise in the field of foreign affairs, I am certain that he will be an important figure in the United Nations quest for world peace.

We will miss him here, and we all wish him the best of luck in his new job.

Mr. DONOHUE. Mr. Speaker, it is a particular personal pleasure to join with my fellow Members here this afternoon in extending congratulations to Congressman Brad Morse, my very dear friend, distinguished associate and esteemed colleague from the Fifth Congressional District in Massachusetts for the additional honor conferred on him through the President's selection of him for Under Secretary General for Political and General Assembly Affairs at the United Nations.

Naturally, we as his fellow Members here, obviously feel that we had observed and found superlative the courageous character and eminent ability of our colleague long before the President formally confirmed our collective opinion by appointing him to this position of the highest global trust.

For nearly 12 years we have seen first hand the continuously growing legislative stature of Brad Morse as he has steadily climbed to a position of leadership on the all important House Foreign Affairs Committee. In a relatively brief period he has shown himself to be one of the Nation's most learned foreign affairs experts and outstanding lawmakers.

For those of us who have known Brad through the years, this is by no means a surprising development. As a student, law clerk, teacher, city council member, attorney, administrator and Member of Congress, he has consistently demonstrated his extraordinary talents and unlimited commitment to public service.

Happily for his community, his State, his country, and now the global community, his people instinctively recognized their great fortune in having such a gifted man in their service. In return for their confidence, Brad Morse has dedicated himself to the fullest discharge of his legislative challenges with a sincerity, an energy, a vigor and a determination that is unsurpassed by any Member of this House.

He is a man who conducts his life in the truest traditions of a gentleman, scholar, diplomat and patriot.

Mr. Speaker, the most urgent priority on earth is the pursuit and attainment of peace. In joining that mission I am certain that Brad Morse will exhaustively devote the fullest concentration of his great mind, great heart, and great energy toward its earliest possible success for the benefit of his fellow Americans and fellow men everywhere.

I know all of you share in my prayer that the Lord will continue to bless Brad and his family with good health and fortune throughout his new responsibility and all future endeavors.

Mr. REID. Mr. Speaker, I wish to commend the gentleman from Massachusetts (Mr. Conte) for reserving this time to pay tribute to our good friend and colleague, Brad Morse.

As a Member of the House and a friend to all who worked with him, Brad will be sorely missed. His ebullience and enthusiasm were matched by his judgment, and will, I know, be irreplaceable in the halls of the Congress.

Brad's distinguished service on the Foreign Affairs Committee, his close personal involvement with Members of Congress for Peace Through Law and the Africa Group, and his service as a member of President Eisenhower's cabinet eminently qualifies him for the position to which he has so justly been nominated: As Under Secretary General of the United Nations for Political and General Assembly Affairs. His faith in the United Nations has been unswerving, and I am certain it will be equalled by his performance.

In addition, as the foremost founder of the Wednesday Group, Brad Morse stood in the vanguard of the progressive wing of the Republican Party, while at the same time he worked closely with the White House whenever possible.

Personally, I want very much to add that Brad was and will remain a wonderful friend. I wish him the very best, and I feel certain that the United Nations will be a better place for his presence there. Moreover I am sure Ralph Bunche would be particularly happy over his successor.

Finally, Mr. Speaker, I include in the Record an excellent piece by former U.N. Ambassador Charles W. Yost on Brad's appointment, and also an editorial:

NEW MAN AT THE UNITED NATIONS

The present era is characterized by a certain foreboding sense that things don't work as well as they used to. Among other devices of convenience and salvation, that judgment is applied by most people to the United Nations. The view may be somewhat of an oversimplification, but there is no doubt that, with age, the United Nations secretariat has tended to choke on its own sense of convention. It has dyed itself in the pale grey of international conformity proscribed by the outer limits of the great powers' conflicting views.

Whether that is a permanent condition of the UN secretariat is something about to be tested. President Nixon has nominated as the new Undersecretary General for Political and General Assembly Affairs an energetic, brilliant and aggressively optimistic Republican Congressman from Massachusetts named F. Bradford Morse. News reports of Mr. Morse's appointment have stressed over and over again a warning that he will not have the full dimension of powers enjoyed by the late Ralph Bunche whom Morse succeeds. That, however, is a tentative judgment. Dr. Bunche came upon the United Nations scene in the morning of the organization's years. He forged his own concept of the job and exercised it largely through the force of his own character and skills.

What we really want to know about institutions as they grow old is whether human character can reverse the turgidity of their ways. Congressman Morse is a formidable man whose intellect matches his adrenalin—and the latter is in a constant state of overflow. If there is still room for will to maneuver in the civil service-calcified corridors of the secretariat, his is the sort of will that can maneuver. Mr. Morse has had a distinguished career so far; in the House he tended more and more to specialize in foreign affairs. He is good at many things but sitting still and keeping passively quiet aren't among them.

It has been a long time since the UN pulled off such virtues of activism as mediating for 1949 Arab-Israeli negotiations and mounting peace-keeping operations in Kashmir, Jerusalem and Cyprus. What is missing is a sense of initiative in the secretariat which makes the activism plausible. Aside from pleasing people who have known and watched Congressman Morse over the years, his appointment may represent the last best opportunity for force of character to revitalize the convention-atrophied will of the UN secretariat. Whether character *can* manifest itself in those cloisters of caution on the east river in New York may be a measure of the United Nations itself as things stand now.

This is Rod MacLeish in Washington.

A TOP GUY FOR A SENSITIVE JOB

(By Charles W. Yost)

Few appointments could give more encouragement to those concerned for the future of the United Nations than that of Rep. Bradford Morse of Massachusetts as undersecretary general for political and general assembly affairs, the senior post occupied by a United States citizen in the UN Secretariat. President Nixon is to be congratulated for nominating, and Secretary General Kurt Waldheim for appointing, so able and well-qualified a man to this important post.

The new secretary general confronted immediately upon taking office a series of difficult decisions in regard to his senior staff. Each of the five permanent members of the Security Council feels entitled to and has usually held an important undersecretaryship.

The entry of the People's Republic of China and the death of Ralph Bunche at the end of last year upset arrangements and balances which had grown up over the years. On the one hand, Peking no doubt expects to play more of a role and hold a more significant senior post than did Nationalist China. On the other hand, no American could expect to wield the influence which Dr. Bunche, a Nobel Peace Prize winner in his own right, had built up over the quarter century of his tenure.

The fact was that, while a Soviet citizen has always been undersecretary for political and security affairs, and this post has been filled by such distinguished Soviet diplomats as Arkady Soboltv and Anatoly Dobrynin, Bunche nevertheless was, under the rather nebulous designation of undersecretary for special political affairs, a more trusted and influential adviser of the first three secretaries general than was any of his Soviet counterparts.

The reason was not only Bunche's outstanding personal qualities, but the fact that the secretaries general soon found that Bunche was more scrupulous in observing the cardinal UN Charter prescription regarding its officials—that they "shall not seek or receive instructions from any government or from any authority external to the Organization"—than any of the Soviet undersecretaries was permitted by his own government to be.

By virtue of these two qualities—competence and impartiality—responsibility gravitated to Bunche over the years. He came to be responsible in fact, under the secretary general, for the UN's most important political activities—those in the field of peacekeeping in the Middle East, the Congo and elsewhere.

Presumably these responsibilities will now be more widely shared. The incumbent and able undersecretary for special political affairs, Roberto Guyer, an Argentinian who also takes most seriously his obligations as an international civil servant, is likely to continue to be the Secretary General's chief adviser in the peacekeeping field, as be has been since Bunche was incapacitated by illness a year ago.

It is to be hoped that Brian Urquhart, an Englishman who has been with the UN since 1945, who was for years Bunche's principal most perceptive and most dedicated assistant, will be given increased status and responsibilities, particularly in regard to the Middle East which he knows so well.

No doubt other senior appointments, including that of a Chinese undersecretary, will be announced shortly. The secretary general's most ticklish task, however, will be to determine how to obtain political advice from his American, Soviet and Chinese under-secretaries in a manner which will both preserve an appropriate balance among them and at the same time will have none of the flavor of a "Troika" which would seek to monopolize power to the exclusion of the other 129 member states.

This task will challenge the new Secretary General to display to the fullest the diplomatic qualities and the indefatigable energies for which he has long been notable.

The new United States undersecretary is therefore moving onto a shifting scene marked by both pitfalls and opportunities Fortunately no better man to avoid the former and seize the latter could have been found.

His 12 years in Congress, his service in the Interparliamentary Union, his devotion to the principle of the United Nations as demonstrated by his leadership of the Members of Congress for Peace Through Law, will all stand him in good stead.

While he will be primarily in charge of the organization of the annual meetings of the General Assembly, the full scope of his responsibilities will depend in the longer run on his personal qualities, his usefulness to the secretary general, the confidence he generates among all the member states and, perhaps most of all, on the leadership which his own government chooses to exercise or not to exercise in and through the United Nations.

If the United States administration chooses to bypass the UN in its handling of the great international political issues of our time, if the Congress chooses while voting billions for armaments to be niggardly in providing for the very modest needs of the world's chief peacekeeping organization, then neither the United Nations nor its American undersecretary is likely to play the significant role in the world our troubled times demand.

Fortunately the nomination to this post by the administration of a Republican member of Congress who deeply believes in the United Nations is a happy augury that henceforth both the executive and legislative branches of our government may be induced to resume that United States leadership in the UN which contributed so much in its earlier successes and which remains so profoundly in our national interest and in the interests of the world community.

Mr. MEEDS. Mr. Speaker, I am delighted to rise in honor of a distinguished colleague, Congressman BRAD MORSE, of Massachusetts, who will be leaving us at the end of the month.

As a Member of Congress, Mr. MORSE has made notable contributions in both domestic and international affairs. He was a congressional adviser to the U.S. delegation to the 18-nation Disarmament Conference in Geneva and a member of the U.S. delegation to both the Mexican-United States and the Canada-United States Interparliamentary meetings.

He first entered public service as a member of the Lowell City Council in Massachusetts, later to serve as counsel to the U.S. Senate Armed Services Committee, and in 1958, President Eisenhower named him Deputy Administrator of Veterans' Affairs for the United States. He has been a strong advocate of civil rights and served as chairman of Anglo-American Study Group on African Affairs. He is also a member of the House Foreign Affairs Committee.

As an advocate of world peace through law, Mr. MORSE is widely credited as the principal architect of the deescalation strategy for lessening U.S. involvement in Vietnam, with which President Johnson drew the North Vietnamese to the negotiating tables.

Congressman MORSE leaves with us a lasting impression of loyalty, devotion, and service, and carries with him to his new position in the United Nations, the talents of an informed and effective public servant.

I wish him the best of luck and every success in his new position. I am sure the everlasting mark he has left on the Congress will follow him throughout his endeavors.

Mr. BROOKS. Mr. Speaker, for over a decade, a most distinguished and able Member from Massachusetts, F. BRADFORD MORSE, has contributed great expertise in the difficult and often frustrating area of international relations to the Committee on Foreign Affairs and to the Congress.

As United Nations Under Secretary General for Political and General Assembly Affairs, he will have the opportunity to utilize his immense talents on an even grander scale. I know that he will serve the United Nations with the excellence that has marked his career.

Although we in the Congress will miss the benefit of his counsel, I believe his presence in the United Nations will enhance the interest of the United States, and I wish him the best in that most challenging task.

GENERAL LEAVE

Mr. CONTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MORSE. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my dear friend, the gentleman from Massachusetts (Mr. MORSE).

Mr. MORSE. Mr. Speaker, I want to thank my good and close friend, the gentleman from Massachusetts, Mr. SILVIO CONTE, for taking this time today, and I thank all of my colleagues for the gracious and generous things they have said this afternoon.

As Adlai Stevenson used to say, a little flattery will not do any harm provided you do not inhale. Mr. Speaker, I promise that I shall not inhale.

But, Mr. Speaker, I will leave this Chamber with a feeling of deep regret. The experience I have had here has enriched my life.

To all of my colleagues with whom I have been privileged to serve, to the members of the House staff who have been so cooperative day after day, to my own loyal staff, some of whom are in the gallery this afternoon, whose tireless effort on my behalf have made my work in the House so much more effective, and to the members of the press with whom I have worked so long, my deep appreciation. I shall be forever grateful for the friendship which all of you have given me.

MORE SUPPORT FOR "JOBS NOW" PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, on December 2, 1971, I introduced a bill, H.R. 12011, which would create vitally needed public service jobs for 500,000 Americans. This "Jobs Now" bill has 62 Democratic cosponsors. It was introduced in the Senate on January 31, 1972, by Senator WALTER MONDALE and 20 other Democratic cosponsors.

Sixty-two House cosponsors are:

LIST OF COSPONSORS

James Abourezk (S. Dak.), Brook Adams (Wash.), Les Aspin (Wis.), Herman Badillo (N.Y.), Nick Begich (Alaska), Jonathan B. Bingham (N.Y.), Edward P. Boland (Mass.), John Brademas (Ind.), Frank J. Brasco (N.Y.), Phillip Burton (Calif.), Hugh L. Carey (N.Y.), Charles J. Carney (Ohio).

Frank M. Clark (Pa.), George W. Collins (Ill.), William R. Cotter (Conn.), George E. Danielson (Calif.), Ronald V. Dellums (Calif.), Robert F. Drinan (Mass.), Thaddeus J. Dulski (N.Y.), Don Edwards (Calif.), Joshua Eilberg (Pa.), Walter E. Fauntroy (D.C.).

William D. Ford (Mich.), Donald M. Fraser (Minn.), Sam Gibbons (Fla.), Ella T. Grasso (Conn.), William J. Green (Pa.), Richard T. Hanna (Calif.), Michael Harrington (Mass.)., William D. Hathaway (Maine), Ken Hechler (W. Va), Henry Helstoski (N.J.).

Joseph E. Karth (Minn.), Peter N. Kyros (Maine), Robert L. Leggett (Calif.) Romano L. Mazzoli (Ky.), Lloyd Meeds (Wash.), Ralph H. Metcalfe (Ill.), Abner J. Mikva (Ill.), Parren J. Mitchell (Md.), Morgan F. Murphy (Ill.), David R. Obey (Wis.)

Edward J. Patten (N.J.), Claude Pepper (Fla.), Bertram L. Podell (N.Y.), Melvin Price (Ill.), Charles B. Rangel (N.Y.), Peter W. Rodino, Jr. (N.J.), Robert A. Roe (N.J.), Benjamin S. Rosenthal (N.Y.), Edward R. Roybal (Calif.), William F. Ryan (N.Y.).

Fernand J. St Germain (R.I.), Paul S. Sarbanes (Md), John F. Seiberling (Ohio), B. F. Sisk (Calif.), Louis Stokes (Ohio), Frank Thompson, Jr. (N.J.), Robert O. Tiernan (R.I.), Charles A. Vanik (Ohio), Jerome R. Waldie (Calif.), Lester L. Wolff (N.Y.).

The 21 Senate sponsors of S. 3092 are:

List of Senate Sponsors

Walter Mondale (Minn.), Alan Cranston (Calif.), Birch Bayh (Ind.), Quentin Burdick (N. Dak.), Fred Harris (Okla.), Philip Hart (Mich.), Vance Hartke (Ind.), Harold Hughes (Iowa), Hubert Humphrey (Minn.), Henry Jackson (Wash.), Edward Kennedy (Mass.), George McGovern (S. Dak.), Lee Metcalf (Mont.), Frank Moss (Utah), Edmund Muskie (Maine), Gaylord Nelson (Wis.), Claiborne Pell (R.I.), Jennings Randolph (W. Va.), Adlai Stevenson (Ill.), John Tunney (Calif.), and Harrison Williams (N.J.).

I have been gratified by the extremely positive response the "Jobs Now" proposal has received from many of the Nation's leading economists, public officials and newspapers. I have just received the text of an excellent address by Mr. Andrew Brimmer, a member of the Federal Reserve Board, delivered at Memphis, Tenn., on April 13, 1972, to the Joint Boards of Directors of the Federal Reserve Bank of St. Louis in which Mr. Brimmer calls for a greatly expanded public employment program to attack the national unemployment rate which remains at more than 5 percent. A fine editorial column, "Was the WPA Really So Awful," by Paul Lancaster also appeared in the Wall Street Journal on April 18. And my article comparing the direct "Jobs Now" approach to the administration's "trickle-down" economics appeared in the Washington Star on April 16, 1972.

The Wall Street Journal and Washington Star articles and excerpts from the Brimmer address follow:

Was the WPA Really So Awful?

(By Paul Lancaster)

New York.—Through a program that gives local goverments money to add workers, Washington is moving gingerly into the business of combating unemployment directly by creating jobs. But proposals for broader job programs, including public works, still trip up on a ghost from the 1930s, the WPA.

Implicit in warnings against "another WPA"—the initials stand for Works Progress Administration—is the notion that when a government program is motivated by the desire to make work, the participants won't make anything useful. But a glance around this city, where an army of WPA workers labored in the Depression, shows that's not necessarily the case.

The businessman arriving in town at LaGuardia Airport is making use of a major WPA project. So is the visitors arriving at Newark Airport, which the WPA expanded and modernized. The Wall Street executive who takes a cab from midtown Manhattan to his office travels down the East River drive, another undertaking in which the WPA had a hand.

Sports-minded New Yorkers enjoy golf courses and tennis courts built by workers employed by the WPA and earlier New Deal job programs. Residents who frequent Central Park have such workers to thank for the playgrounds around the edge of the park, the delightful little zoo, the bridle path, the red brick boathouse where they rent rowboats—even the concrete benches. Besides these visible reminders of federal "make-work" programs, there is much that is less obvious now but that kept the city from falling apart during the Depression, such as new sewers and sidewalks and repairs to museums, libraries and other public buildings.

DESPERATE WORKERS

Today's unemployment rate of under 6% looks insignificant by the standards of the 30s, when as many as a quarter of all workers were jobless. Nevertheless, a substantial number of the five million Americans now classed as unemployed are growing just about as desperate as their Depression counterparts—perhaps more so in some cases because they see so much affluence around them.

Many have been out of work for long stretches and seemingly have little prospect of landing a job in industry soon even if the pace of business continues to pick up. Their ranks include unskilled urban blacks as well as highly trained engineers and technicians displaced by defense and aerospace cutbacks. For some of the hard-core unemployed, public employment may offer the only hope.

So far, Washington's efforts to create public jobs have been sharply limited. The bill enacted last summer to expand local government payrolls by providing federal funds for the hiring of new teachers' aides, policemen and the like creates only 150,000 jobs all told, and critics say many of these aren't going to the people who need them most. Before accepting this relatively modest program, President Nixon twice vetoed bills that would have created many more jobs. One veto message assailed "WPA-type jobs."

It's not hard to find grounds for criticizing the WPA. Some of the $10 billion that agency cost the federal government between its launching in 1935 and the closing of its books in 1943 went for such questionable items as the wages of local politicians' household help. In a number of instances WPA funds financed the construction of facilities that wound up in private hands. There were also frequent complaints that the Democrats used WPA jobs to buy support in elections.

Nor is there any denying the waste and inefficiency that gave rise to the term "boondoggle." A final government report on WPA activities conceded that some of the agency's airport and dam construction had proved "ill-advised" and "overdone." The same report notes that the WPA built 2,309,000 public privies, raising the question of whether privy building might not have been overdone, too.

The cartoons depicting WPA workers leaning on their shovels had a basis in fact. Indeed, in 1938 a crew of WPA ditch-diggers here in New York walked off the job because the foreman wouldn't let them lean on shovels. The men had been in the habit of working in pairs, one with a pick and one with a shovel. When the pick man was working, the shovel man rested, and vice versa. The foreman ordered each man to use pick and shovel interchangeably to speed the work. The workers called the order "inhuman" and struck before eventually complying.

Given the immense scale of its operations, however, perhaps the remarkable thing is that the WPA managed as well as it did. At one time or another, 8.5 million Americans were on its payroll, earning an average of $54 a month. And the list of their accomplishments is impressive.

WPA workers built 67,000 miles of urban streets and built or improved 572,000 miles of rural roads. They built or improved 8,000 parks and 12,800 playgrounds. They erected 5,900 schools and renovated 31,000 others, and they built or improved more than 1,000 libraries.

Some of their efforts at least moderated the environmental problems that concern Americans so much today. WPA crews built or modernized more than 1,500 sewage treatment plants. Unemployed miners on the WPA rolls in West Virginia, Ohio, Pennsylvania and Kentucky sealed thousands of abandoned coal mines, thereby reducing the stream pollution caused by acid drainage from the mines. Other conservation projects included the reseeding of depleted oyster beds and the planting of 177 million trees.

No section of the country failed to benefit. Jersey City got a 22,000-seat stadium, and Whitley County, Ind., got a new cemetery. Los Angeles got golf courses and swimming pools, and Cumberland, Ky., got a new city hall. Chicago got help with its lakefront park, and Oregon got a ski lodge atop Mount Hood.

Construction accounted for the bulk of WPA employment, but the agency showed considerable imagination in putting jobless professionals and white-collar types to work in fields where they could use their talents. Laid-off teachers set up adult education programs. WPA clerical workers helped streamline record-keeping in municipal tax offices.

Best remembered are the projects in creative fields. WPA writers turned out the celebrated series of state guidebooks still prized as reference works today. WPA artists covered the walls of public buildings with 2,500 murals. Many of the murals have long since disappeared, but some of the painters employed by the art project went on to fame—Jackson Pollock and Willem De Kooning, to mention a couple.

The programs for writers and artists, as well as others for musicians and actors, were directed from Washington, but most of the WPA's construction and maintenance projects resulted from proposals made by local governments. A town said it needed a park. If the WPA approved, it issued tools and a tool shed from its supply section, and the jobless went to work.

THE NEEDS OF TODAY

Some cities' needs are as great today as they were in the '30s. Just as a starter, much of the work the WPA did needs to be redone; the parks it built are a mess and the public buildings it constructed or refurbished have become shabby. A major urban rehabilitation effort would be one way to employ many of the unskilled jobless profitably.

Finding jobs for the idle engineers and technicians might require imagination of the sort the WPA displayed in putting unemployed professionals to work. But men ingenious enough to build moon rockets could surely make a contribution somewhere. One likely possibility is in helping cities cope with the rising tide of waste through recycling programs and other means.

Today's conditions are not the same as those of the depths of the depression, of course, and there are questions as to whether the money for a major job-creating effort is available. A proposal by Rep. Henry Reuss, a Wisconsin Democrat, to create 500,000 public service jobs over two years carries a price tag of $6 billion, compared with $2.25 billion over the same span for the current program. But the achievements of the WPA, coupled with the glaring needs of the cities today, do suggest that money spent to make jobs would yield the nation at least some return in the form of concrete benefits. And aside from such tangible benefits, a larger public jobs program could hope to lift the spirit of some of those who have come to feel that society has no useful role for them to play.

THE "JOBS NOW" PROPOSAL VERSUS "TRICKLE-DOWN" APPROACH

(By Representative HENRY S. REUSS)

The national unemployment rate has been at or near 6 percent for almost a year and a half—since November 1970. More than 5 million people across the country are out of work and looking for jobs.

Throughout, the Nixon Administration has been predicting a decline in the unemployment rate. A year ago, the President's Council of Economic Advisers foresaw a decline to the 4½ percent "zone" by the end of 1971. It didn't happen.

Last January the Council predicted that unemployment would fall to the "neighborhood" of 5 percent by 1972's end. Council Chairman Herbert Stein has continued to stick by this prediction, despite the March figures showing the unemployment rate back up at 5.9 percent after a small one-month decline.

As Samuel Johnson once said of second marriages, such continued optimism suggests the triumph of hope over experience.

What is needed to reduce unemployment is a program that will create jobs now—not a year from now or two years from now. A "Jobs Now" bill to do just this has been introduced in the House by 63 Democrats (H.R. 12011), and in the Senate by Sen. Walter Mondale and 20 other Democrats (S. 3092). It would create 500,000 federally-funded public service jobs in state and local governments by amending and expanding the Emergency Employment Act of 1971.

The existing public service jobs program—the Emergency Employment Act—has put nearly 150,000 people to work since President Nixon reluctantly signed it last July. They are working as hospital orderlies and nurses, teachers and teachers' aides, policemen, firemen, gardeners, museum guards, sanitation men, state foresters, and in a host of other state and local government positions. They are performing the vital, everyday services that governments are expected to provide, but often can't because the money isn't there. And instead of drawing unemployment or welfare checks, they are working and paying taxes.

But 150,000 jobs don't go very far when there are more than 5 million unemployed people looking for jobs. The "Jobs Now" bill would more than triple the existing public service jobs program. This would create a total of 500,000 jobs directly and immediately.

In addition, there is a "multiplier" effect with programs such as this, which leads to two or three more jobs for every job directly funded. This multiplier effect comes about because those who receive jobs under the "Jobs Now" program will quickly spend all, or more than all, their earnings right away for the goods and services they need to support themselves and their families. This spending means higher consumer demand, more business spending to meet that demand, and more jobs at every step.

And as consumer and business spending goes upward and joblessness heads downward, consumer confidence is likely to be bolstered. Instead of saving 8 percent of their income, as they are now doing, consumers will worry less and spend more.

Reducing the saving rate somewhat would give another boost to consumer demand, leading again to more business spending and more jobs.

Taking this multiplier effect into account, the 500,000 jobs in the "Jobs Now" program could lead to a total of 2 million new jobs, reducing national unemployment below 4 percent.

The response of the Administration to this proposal, I regret to say, has been disappointing. I was heartened initially by the President's Economic Report and that of his Council of Economic Advisers. The President in his Report spoke kindly of the present public service jobs program, and seemed to have overcome his earlier distaste for "WPA-type jobs" and "dead-end jobs in the public sector." The Report of the CEA was even more encouraging, calling the Emergency Employment Act "a major step forward."

But then Administration witnesses began coming up to appear before the Joint Economic Committee, and it became clear that their taste for creating jobs has been sated by the present meager and inadequate 150,000-job program.

Herbert Stein, Chairman of the Council of Economic Advisers, opposed the "Jobs Now" program in his appearance before the JEC on Feb. 7. The next day, warming to his task, he went before the National Press Club to denounce the program as "rediscovering the WPA."

Treasury Secretary John Connally, in his appearance on Feb. 16, was just as emphatic. He did not like the idea of an expanded public service jobs program: "We are not proposing that. We are not going to propose it. We are not going to support it."

The Administration has a philosophical objection to such things, Secretary Connally said:

"It is the philosophy of this Administration that it is the primary responsibility of the private sector to provide jobs in the United States, and that this Government ought not to adopt the attitude that it is the responsibility of the Federal Government to hire all the people who don't have jobs in this country."

Labor Secretary James Hodgson, appearing on Feb. 17, continued the pattern. When asked whether he would favor an expanded public service jobs program, Secretary Hodgson said: "I would not support at this time going beyond where we are on public employment under the concept that we have now."

The Administration obviously does not think much of direct methods of job creation. But what, then, is their program for reducing unemployment?

As far as I can tell, it consists almost entirely of running gargantuan deficits in the Federal budget. CEA Chairman Stein positively gloried in this year's projected $38.8 billion deficit in his Feb. 8 speech to the National Press Club.

"We are running the biggest budget deficit ever, except for World War II," Mr. Stein boasted.

But John Maynard Keynes never said that huge budget deficits, just because they are huge, would take care of the problem of unemployment. The crucial issue is not the size of the deficit, but its composition—the kind of tax and expenditure policies which produce it. The Nixon Administration, a recent convert to Keynesianism, tends to miss subtleties of this sort.

The purpose of large deficits is to stimulate the economy and to create jobs. Accordingly, the taxing and spending policies that create the deficit should zero in on job-creating. But the Administration budget does not do this.

Instead, to take one example, it grants some $6 billion in tax reductions to business in fiscal 1973 in the form of the investment tax credit and rapid depreciation in the hope that businesses will thereby be induced to buy capital equipment which they otherwise would not. This does a good job of creating budget deficits for the Federal government and higher profits for corporations, but it is not much help in creating jobs for our 5 million unemployed.

Compare this indirect, trickle-down method of job-creating with the direct and immediate "Jobs Now" program. In order for trickle-down tax breaks to create jobs, they must first induce businessmen to invest more money in plant and equipment than they normally would.

But with businessmen only using 74 percent of the plant and equipment they already have, this is not likely to happen. Even if it does, the plant and equipment makers must then be induced to hire more workers to build the capital equipment before any new jobs will result.

But the workers in the capital equipment industry are not the kind of workers who are now having trouble getting jobs—young people, women, the less-skilled, the less-educated, and the less-motivated. Instead, they are highly-skilled workers who are often in short supply. Thus, stimulating demand in the capital goods industries at some point leads to labor bottlenecks, where the demand for labor exceeds the supply.

You end up not with more jobs, but with bid-up wages and more inflationary pressures.

Even if trickle-down methods do lead to a few more jobs in the long run, this is small consolation to the 5 million unemployed who need jobs now.

"Jobs Now" legislation is supported by leading economists across the country—Walter Heller, Chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson; Gardner Ackley, who succeeded Heller as CEA Chairman; former CEA members James Tobin and Otto Eckstein; Paul Samuelson of MIT; Professor R. A. Gordon of the University of California at Berkeley; George Perry of the Brookings Institution; Robert Eiser of Northwestern; Lester Thurow and Robert Solow of MIT; Dean Seymour Wolfbein of Temple University School of Business Administration; Robert Nathan; Irving Siegel; V. Lewis Bassie, director of the Bureau of Economic and Business Research at the University of Illinois; and Sar Levitan and Garth Mangum, both of the Center for Manpower Policy Studies at George Washington University.

I still hope that President Nixon will join their ranks.

A NEW AMERICAN DILEMMA—THE TASK OF RECONCILING GROWTH IN PRODUCTIVITY AND EMPLOYMENT

(Remarks by Andrew F. Brimmer)

At this juncture in our history, we are confronted with a vital question involving multiple choices: how can we increase the rate of real growth in the economy, reduce the persistently high rate of unemployment, and—simultaneously—press on with the campaign to check inflation? That we find an answer to the question is imperative. In its Annual Report for 1972, the Council of Economic Advisers anticipates that—although real output is expected to increase by about 6 per cent—the unemployment rate probably will still be in the neighborhood of 5 per cent as the year draws to a close. At the same time, the target set for the price stabilization program visualizes that the rate of inflation will decline to a range of 2–3 per cent by the end of 1972—compared with a rise in prices of 4.3 per cent in 1971.

Thus, achievement of the goal set with respect to the rate of increase in prices would represent a significant accomplishment in the fight against inflation. So too would the reduction in the unemployment rate represent genuine progress. In March, those without jobs but looking for work totaled 5.2 million, and unemployment has lingered in the neighborhood of 5 million for more than a year. And if the jobless rate should still be around 5 per cent at the end of the current year, it would mean that perhaps more than 4½ million people would be unemployed.

Why might we be facing that prospect? In searching for an answer to that question, I reached the following conclusion: the growth in employment this year may be greatly dampened by the rise in output per manhour (productivity) as the economy expands. Since the civilian labor force may also expand more rapidly, the level of unemployment can be expected to decline only moderately.

These conclusions were reached on the basis of a fairly detailed analysis of the interrelations among the growth in output, productivity, and employment during the last two decades. The highlights of the examination can be summarized here:

"Productivity in the private nonfarm economy rose at an annual average rate of 2.6 per cent during the period 1948–1971. However, while the rate of increase was just over 1.0 per cent in the years 1967–70, it jumped to 3.4 per cent last year.

"The dampening effect of reduced growth and declines in output on wage increases and unit labor costs during the recession phase of post World War II business cycles has been noticeable. But this impact was far less evident in the case of the 1970–71 cycle. Thus, employers have been counting heavily on increased productivity in the current recovery to help restrain upward pressure on labor costs.

"Consequently, last year, when the economy was achieving some expansion in output, a large share of the rise in production was accounted for by higher output per manhour, and only minor benefits accrued in the form of higher employment.

"The outlook is for a further large rise in productivity in 1972—perhaps in the neighborhood of 3½–4 per cent. The net results might be an increase in employment only moderately more than the growth in the labor force—and thus only a modest reduction in unemployment."

Since the nation definitely cannot afford to call a halt to improvements in productivity, we must search for alternative ways to stimulate employment—if we are to cut substantially into the persistently high level of unemployment. Among several alternatives which might be considered, an expansion of the Public Employment Program appears to be especially promising.

CYCLICAL BEHAVIOR OF PRODUCTIVITY

The behavior of productivity is greatly influenced by the phase of the business cycle through which the economy might be passing at a particular time.

In the construction phase of the cycle, growth in productivity typically slows down—and sometimes there is a decline. Several factors help to explain this pattern: these include the intentional and accidental hoarding of labor (especially white-collar labor), the time that lapses after the cyclical peak is reached in the economy and individual employers recognize this fact in their own businesses, and shifts in the industrial mix of output from high productivity sectors (which tend to be sensitive to cyclical variations) toward the more stable but relatively low productivity sectors. Employers need to maintain a minimum labor force to meet future production needs. Consequently, they tend to maintain employment even after the growth of output begins to moderate, and they persist in doing so until they are convinced that the economic slowdown is not temporary. Moreover, even after it is evident that a contraction is in process, employers have often been reluctant to reduce overhead labor—such as administrative and professional staff.

In the early recovery phase of a business cycle productivity growth tends to accelerate as overhead and other relatively fixed labor costs decline per unit of output. Having adopted cost-cutting programs to trim excess personnel during the recession, employers hesitate to add non-production employees when new orders and output begin to pick up, and there is little need for additional overhead personnel. This pattern of behavior is clearly evident in the statistical record. For example, in the 1958 recovery, employment of production workers in manufacturing rose by 8.8 per cent during the first four quarters after the cyclical trough was reached while employment of non-production workers increased by only 2.9 per cent. Similarly, in the recovery from the most recent recession, employment of factory production workers grew by 0.4 per cent between the fourth quarter of 1970 and the fourth quarter of 1971. Yet, over the same period, jobs held by non-production workers declined by a further 2.7 per cent.

The extent to which increases in productivity can be achieved during the recovery from a recession depends significantly on the rate of growth of real output. In general, the sharper the upturn in output during a recovery the larger the jump in output per manhour. However, the relationship has varied somewhat in each postwar recovery.

The magnitude of productivity increases achieved during the sluggish 1970–71 recovery was not typical of that recorded in other recovery periods. During the four quarters following the cyclical trough (which occurred in the last quarter of 1970), real output rose by only 3.5 per cent (substantially less than in earlier periods). Productivity rose by 4.1 per cent, and manhours rose by 1.2 per cent. Moreover, the growth of output and productivity during this period (1971) was stimulated by the recovery from the General Motors strike. After correcting the data to allow for this factor, the slower growth of productivity than in previous recoveries is more evident.

Another aspect of the cyclical behavior of productivity should be noted. During the second year of recovery, the rate of growth of output, productivity, and manhours slowed down appreciably in the three earlier periods. However, the typical second-year behavior may be different as the current recovery progresses: rather than a moderation in the rate of growth of productivity, we may witness an acceleration in output per manhour. This may come about because of the anticipated faster growth in real output this year—in contrast to the slowing in growth in the second year in each of the other periods. The implications of such an outcome for employment will be discussed at a later point in these remarks.

PRODUCTIVITY AND UNIT LABOR COSTS

Productivity growth is a key element in checking inflation. This is true because the relationship of the increase in output per manhour to compensation per manhour determines unit labor costs. The typical cyclical pattern has been for unit labor cost pressures to ease during the recession phase of the cycle as slack labor markets dampen the rise in compensation per manhour. During the recovery phase of the cycle, it has been the above-average productivity gains which have tended to offset rises in compensation and to limit unit labor cost increases.

However, the experience during the 1970–71 recession and recovery so far has not conformed to that typical pattern. Compensation per manhour continued to rise at a rapid pace throughout 1970 and into early 1971. This occurred even as unemployment rose. In addition, productivity showed little change in 1970, and it did not grow nearly as fast as is usually the case during the 1971 recovery period. As a result, unit labor costs continued to advance fairly rapidly prior to the imposition of the Wage-Price Freeze in August of last year.

PRODUCTIVITY AND EMPLOYMENT

As indicated earlier, the drive to improve productivity poses a dilemma: while productivity growth helps to dampen cost pressures, it also has a retarding impact on employment gains. The source of this dilemma is easily understood. For a given amount of expansion in production, the larger the increase in labor productivity the smaller the increase in manhours required. In a recovery period, strong productivity growth and increases in the workweek tend to limit employment gains.

In recovery periods, private nonfarm output tends to grow rapidly in the first few quarters after the cyclical trough is reached: but so does output per manhour. During the first half-year following the low point in output, productivity gains and increased hours tend to account for much of the output growth. But for a variety of reasons which need to be catalogued here, there is a limit to the increased production that can be obtained through higher productivity and overtime work. At some point, as the demand for output continues to expand, additional workers must be added to the payroll.

In general, one can visualize changes in productivity, hours of work, and employment at three sources of inputs required to generate the observed growth in output. The specific share of each in the increased output varied substantially, but several clear tendencies are observable. Among the three, increased productivity appears to take the lead, accounting for half or more of the output gain in the first six months of recovery. Increased employment was of somewhat less importance, and longer working hours accounted for the smaller proportion. As the recovery progresses, the share of output growth attributable to productivity and longer work weeks tends to diminish and the share contributed by increased employment climbs.

Again, however, the experience during the 1971 recovery varied significantly from the typical pattern sketched above. In the first six months following the trough of the 1970 recession, the rise in output per manhour accounted for three-quarters of the advance in output, and the proportion rose further over the next half year. The share attributable to longer working hours fluctuated considerably, but on balance the net results were a positive contribution of about one-sixth of the output gain in the first six months and an offset of roughly the same magnitude in the next half year. Higher employment provided less than one-tenth of the net rise in output in the first six months and just over one-fifth in the succeeding half year. Thus, from an analysis of the data presented here, one overriding conclusion emerges: last year, when the economy made only moderate progress in recovering from the 1970–71 recession, a disproportionate share of the rise in output was accounted for by higher productivity, and only minor benefits accrued in the form of higher employment.

OUTLOOK FOR PRODUCTIVITY AND IMPLICATIONS FOR 1972

Given these recent trends in productivity and employment, we ought to raise questions about the prospects for the future. I have raised some of these questions, and the answers I obtained can be summarized here. In undertaking this task, my purpose was not to make an independent assessment of the outlook for the economy as a whole. Rather, I took as a point of departure the general economic outlook contained in the Economic Report of the Council of Economic Advisers (CEA). That forecast is for an acceleration of real economic growth during 1972 to somewhere in the neighborhood of 6 per cent, compared to the 2.7 per cent rate of growth achieved in 1971. In particular, the expected strengthening of activity in the manufacturing sector (in which productivity growth is particularly high) is of special interest. Thus, the question to which I wish to address myself at this point is this: How will this outlook for the national economy as a whole affect productivity and employment?

In seeking an answer to this question, I pursued several avenues. First, on the basis of informal soundings among businessmen, I have gotten a clear impression that many manufacturing firms are moving cautiously in expanding their payrolls. Among other factors, a strong desire to control costs by meeting increased output demands through higher productivity rather than higher employment appears to have moderated the pace at which factory jobs grew throughout 1971 and into the early months of the year.

These qualitative impressions are reinforced by the statistics relating to employment. In March, 18.8 million people were employed in manufacturing industries. This was an increase of 310,000 from the low point reached in August, 1971. Yet, this was about the same number as a year earlier and still nearly 1.6 million below the peak set in the third quarter of 1969.

For the economy as a whole, the outlook this year is for considerable improvement in the job situation. However, the civilian labor force is also expected to rise appreciably, and the net effect on unemployment is cloudy. In March, the civilian labor force (seasonally adjusted) totaled 86.3 million. This was an increase of 2.4 million above the level a year ago. Total employment amounted to 81.2 million. This was also a year-to-year gain of 2.4 million in the number of people with jobs. The number of unemployed persons totaled 5.2 million in March, an increase of about 40,000 since March, 1971.

To look beyond the employment experiences during the early months of 1972 to the rest of the year is necessarily difficult. In their *Annual Report*, CEA noted that:

"Our estimate implies an increase of 6 per cent in real GNP between 1971 and 1972. This is about the rate of increase achieved in the fourth quarter of 1971. There is no easy way to separate the forecast rate of real growth into employment and productivity gains. Clearly, it should yield substantial increases in both. The extent to which the employment gains will reduce the unemployment rate depends on the size of the increase in the labor force. It is estimated that the unemployment rate should decline from the 6 percent level of December 1971 to the neighborhood of 5 per cent by the end of 1972." (*Report*, 1972, p. 108).

I agree that it is difficult to unravel the effects of gains in output, employment, and productivity. However, as shown above, the behavior of productivity has a significant bearing on the amount of employment we should expect to result from a given increase in real GNP. Thus, if we are to form a reasonable idea of the prospects for employment in 1972, we must search for even rough clues to the probable trend of productivity in the current year.

To aid in this search, I made use of computer-based econometric techniques which are becoming increasingly useful tools of economic analysis. The results of the analysis provide an insight into the productivity-employment contour which might be expected for 1972.

The statistical analysis took as a point of departure the CEA forecast of a 6 per cent increase in real GNP during 1972. Past experience suggests a 3½-4 per cent productivity growth consistent with a 6 per cent increase in real output. In using this estimate, I must emphasize that it is only a rought approximation. But it does seem to be broadly consistent with the growth of real output expected this year.

Using the 4 per cent figure for productivity it was estimated that nonfarm payroll employment might rise by about 2 per cent in 1972. This would mean an increase in jobs of roughly 1.5 million. Under these conditions, the growth of total employment would be greater than 1.5 million—because of increases in the number of self-employed workers, private household workers, and other workers not on nonfarm payrolls. In rough terms the rise in these categories might amount to 0.5 million. Thus, the increase in total employment implied by a 6 per cent growth in real GNP in 1972 might be in the neighborhood of 2 million.

What does this mean for the unemployment rate? Normal labor force growth of about 1½ million per year is currently estimated as a result of population growth and other demographic and economic factors. But labor force participation rates were relatively depressed in 1971—especially among adult males—due to slack labor market conditions. Consequently, a rebound in participation rates would lead to a somewhat larger than normal labor force growth. In addition, the Defense Department estimates some further reductions in the armed forces which would add an additional 100,000 to the civilian labor force. In total, the civilian labor force could be expected to grow by about 1¾ million in 1972. Thus, an increase in total employment of 2 million would mean a decline in unemployment of about 250,000. A decline of this magnitude might still leave the unemployment rate somewhat above 5 per cent.

The conclusion I reach from the foregoing analysis can be stated succinctly: the substantial growth in output expected for 1972 should also lead to a sizable expansion in employment. However, the significant increase in productivity which is also expected will dampen the growth of jobs, and only a moderate impact can be expected on the level of unemployment.

ALTERNATIVE APPROACHES TO EXPANDING EMPLOYMENT

Given this prospect, I asked myself whether anything could be done to quicken the growth of jobs. In posing the question, I obviously had to keep in mind the conflict that might emerge between additional efforts to stimulate employment and the continuing campaign to reduce inflation. Moreover, the substantial changes that have occurred in the structure of the labor force in recent years (i.e., proportionately more women and teenagers in the labor force) make the task of generating more employment even more difficult.

Nevertheless, I am personally convinced that we cannot simply take note of these difficulties: we should also be prepared to pursue alternative approaches which show promise of helping us reconcile our competing objectives. One such approach is to expand the public employment program.

The Emergency Employment Act of 1971 (EEA) established a two-year manpower program which is designed to provide transitional public service jobs in State or local governments for unemployed and underemployed persons. The Public Employment Program (PEP) is authorized by the EEA to make available up to 90 per cent Federal funding for a variety of temporary jobs to go into effect when the national unemployment rate equals or exceeds 4.5 per cent for a three-month period. A special program for local areas with jobless rates of 6 per cent or above for three consecutive months is also provided.

All unemployed and underemployed persons are eligible for the public service employment with priority consideration accorded to Vietnam veterans and low-income groups. Jobs created under this program must be transitional—that is, they must lead to permanent jobs in public service or in private industry, and they must provide prospects for skill development and advancement. The program incorporates safeguards which attempt to insure that funds are used to create new jobs that would not have been otherwise financed by local revenues or existing Federal programs.

The Federal funds are apportioned among the states by a formula which takes into account number of unemployed and the severity of unemployment in a given area. States and localities (acting as agents under the program) contribute 10 per cent matching funds.

Funding provides a total Federal outlay of $2.25 billion over a two-year period ending June 30, 1973, as follows:

(1) *General funds* are triggered by a national unemployment rate of 4.5 or above. A total of $1.75 billion has been appropriated: $750 million for fiscal 1972 and $1 billion during fiscal 1973.

(2) *Special funds* of $250 million in each of the two years are available for areas with particularly severe unemployment. According to data supplied by the Manpower Administration in the Department of Labor, $981 million (of total Federal funds) have been allocated. Agents' shares account for an additional $105 million.

In January of this year, there were a total of 134,374 funded job openings approved under the program. In the same month, current enrollment (people actually at work) under the program amounted to 102,858. There have been about 8,000 terminations to date. The Manpower Administration estimates that a total of 145,000 jobs will be created in fiscal 1972 at an average annual salary of $7,200.

A study of the first 45,000 people hired under the PEP indicated that 30 per cent were Vietnam veterans, and about 30 per cent were disadvantaged—including 10 per cent who were welfare recipients. Altogether, about 30 per cent of the newly hired were minorities, and about 88 per cent of the jobs were filled by unemployed persons who had never worked for the local government hiring them.

The jobs created reflect a wide spectrum of public service employment, although State and local agents must give highest priority to creating jobs in areas where the need for additional service is the greatest.

In order to maximize the number of jobs created, 90 per cent of the allocated Federal funds must be used for wages and benefits, so funds for training and supportive services are limited. However, the Manpower Administration estimates that about 16,000 participants will receive some training under the program. In addition, many more may receive training and supportive services through linkages between the PEP and other manpower programs.

Given this favorable experience with the PEP, I asked myself what impact on total employment might one expect if the amount of funds being spent on the program were increased significantly. As indicated above, the EEA is currently funded for $750 million in fiscal 1972 and at $1 billion in fiscal 1973—with an extra $500 million for exceptionally depressed areas.

To assess the consequences of such an expansion, I again made use of the computer-based econometric techniques available to us. In this case, the behavior of the economy was simulated on the assumption that Federal outlays would be raised by $1 billion above those already anticipated in the budget. This would represent an approximate doubling of the amounts currently available under the EEA. The simulations were made on the assumption that $1.0 billion were added to the existing level of Federal outlays for each of the fiscal years 1972 and 1973. Thus, the task was to estimate the differential effects on the economy of using the funds in several alternative ways. To start the simulations, a Base Projection was made by applying the GNP assumptions in the CEA Report for 1972. The effects of alternative policies could then be calculated by comparing the results of each successive simulation with the Base Projection. Four alternatives were studied: (1) a reduction in Federal personal income tax rates; (2) an increase in Federal procurement; (3) an increase in regular Federal grants-in-aid to

State and local governments, and (4) an increase in amounts available for the public employment program.

Several conclusions stand out in the results. The largest and most rapid, short-run-impact on employment would be produced by the PEP. The number of additional jobs provided would approximate 200,000—twice the number generated by each of the other alternatives at the end of one year. The PEP would also have the largest and most rapid impact on unemployment. By following this route, the unemployment rate might be reduced by 0.2 percentage point after one year; an increase in Federal procurement or an expansion in regular grants-in-aid might reduce the unemployment rate by 0.1 percentage point—while a cut in personal income tax rates would probably have little if any effect on unemployment.

However, the expansion in the PEP might also eventually exert relatively more upward pressure on prices. The fact that the unemployment rate declines earlier and falls farther under the PEP approach implies that the margin of unused capacity would be shaved earlier in the process. Consequently, as the process continues, available resources would eventually come under pressure. With a given availability of funds, interest rates would tend to rise—thus increasing the cost of investment. If permitted to continue long enough, the rate of growth in real GNP would be moderated. But in the near-term, given the substantial amounts of unused resources that actually exist, the main results of an expansion in the PEP would be an increase in employment and a decline in unemployment.

An increase of $1.0 billion in Federal grants-in-aid to States and localities would also produce a sizable rise in GNP ($1.9 billion vs. $2.4 billion for the PEP). However, the effects on employment would be much less (0.1 million vs. 0.2 million). The observed differences seem to be explained by the fact that—under the regular Federal grants-in-aid programs—States and localities would probably use the additional funds for less labor-intensive projects than under PEP. As indicated above, the PEP has provisions designed to limit this possibility. In practice, however, these limitations might not be completely effective, and the actual outcome might lie betwen the two alternatives involving larger Federal grants.

Under all of the alternative policies, the deficit in the Federal budget would be increased—but in no case by as much as the rise in Federal outlays. The expansion in the deficit would be about the same ($0.7 billion) for a tax reduction and an increase in the PEP; it would also be roughtly the same $0.4 billion) for a rise in Federal procurement and an increase in regular Federal grants-in-aid. The size of the increase in the deficit related to the tax reduction can be traced to the fairly small rise produced in the GNP as well as to the lower tax rates on a given level of personal income. Under the PEP, the ultimate expenditures by State and local governments would represent primarily wages and salaries paid to lower-income earners. Among these, effective tax rates would probably be lower than those applicable to those who would receive payments under either the regular Federal grants-in-aid programs or through increased Federal procurement of goods and services.

From the foregoing analysis, it is clear that an enlargement of the PEP would be a preferable route to travel—if the nation is searching for rapid progress in stimulating employment and making a further reduction in unemployment.

CONCLUDING OBSERVATIONS

As I stressed at the outset, we definitely need to foster a substantial increase in productivity. If we fail in that goal, we are unlikely to make much progress in checking inflation in the short-run and in improving our standard of living in the years ahead. On the other hand, the considerable rise in productivity expected this year may dampen the growth of employment. Thus, the major task immediately ahead of us is to assure—as a minimum—that we achieve the rate of real growth projected by CEA for the current year. But—if we want to make a larger dent in the persistently high level of unemployment—the PEP appears to offer a promising approach.

MULTIPLE SCLEROSIS, GREAT CRIPPLER OF YOUNG ADULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, on March 21 I introduced legislation which will assist in the fight against multiple sclerosis, known as the "great crippler of young adults." My bill, H.R. 13978, establishes a National Commission on Multiple Sclerosis which would act as a clearinghouse to inventory current efforts in the field of multiple sclerosis and related neurological diseases.

At this time, there is no known cause or cure for this disease. There is reason for hope now though that concerted efforts at this moment would be helpful. Breakthroughs have been made by members of the research community working under the auspices of the National Multiple Sclerosis Society and other private foundations, as well as the National Institutes of Health. Research has been scattered, however, and there is need to coordinate and evaluate efforts.

The commission is not a billion dollar institute nor is it intended to be the vehicle for unlimited Government spending. The commission would be charged with making a thorough study of current research with the hopes of identifying the most productive avenues of approach toward finding causes, cures, and treatments. It would then be required to report back to the President and the Congress concerning the need for enactment of new legislation with emphasis on funding needs and the levels and means by which the Federal Government can best participate in this effort.

I am today reintroducing this legislation with 46 cosponsors. They are: Bella Abzug, William R. Anderson, Nick Begich, Frank Brasco, William G. Bray, Edward P. Boland, John Buchanan, Don H. Clausen, James Cleveland, Thaddeus Dulski, Ed Edmondson, Don Edwards, Edwin B. Forsythe, Charles Griffin, Gilbert Gude, Lee Hamilton, Ken Hechler, Henry Helstoski, Louise Day Hicks, Andrew J. Jacobs, Jack F. Kemp, John J. McFall, Ray Madden, Romano L. Mazzoli, John Melcher, Ralph Metcalfe, Abner Mikva, Joseph G. Minish, Parren J. Mitchell, William S. Moorhead, Bertram L. Podell, Charles B. Rangel, Benjamin S. Rosenthal, J. Edward Roush, William R. Roy, Paul S. Sarbanes, James H. Scheuer, William Lloyd Scott, W. S. "Bill" Stuckey, James W. Symington, Robert O. Tiernan, Charles W. Whalen, William Widnall, Larry Winn, Wendall Wyatt, and John Davis.

Mr. Speaker, for too long the MS victims have borne their burden with dignity, but alone. With so many possibilities for success, we must be willing now to take the steps necessary to give direction and hope to the fight being waged by MS patients and their families. I am hopeful that the Congress will take this step during the 92d Congress.

ALL-VOLUNTEER ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Steiger) is recognized for 20 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, on March 23, I introduced a bill, the Uniformed Services Special Pay Act of 1972, which addresses areas which need to be addressed in the transition to an all-volunteer army.

That legislative package consists of a number of special pays and is designed to meet specific manpower needs in critical skill and low-retention positions. It is my sincere hope that it will receive prompt, serious consideration and early passage so that it might be of immediate benefit to our men and women in service and might encourage others to join.

But I recognize that the package I introduced is not enough—as the pay increases we voted last fall were not enough—when it comes to improving the quality of life for our Nation's defense forces.

It is for this reason that I am introducing the Volunteer Military Manpower Act of 1972. This bill, if enacted, would increase the attractiveness and feasibility of military service for thousands of young people.

Key features of the bill are these:

Extension of travel and transportation allowances to enlisted men and women in pay grades E–1 through E–4—under 4 years of service;

A study of military housing needs and proposal of 5- and 10-year plans to achieve adequate housing for all military personnel and their dependents;

Establishment of a fair housing allowance for military personnel living in substandard housing;

Further authorization for funding for recruitment and advertising;

Provision of discretionary funds for project volunteer programs; and

Manpower management and military compensation studies.

The need for enactment of these proposals is clear. On the most elementary level, the success of an all-volunteer military hinges on two factors—the number of men and women who volunteer and the number of them who reenlist.

The services have never really had to worry about this before. If the Army could not get enough men to meet volunteer or reenlistment quotas, it could increase the number of men drafted. And the other services relied on draft pressure to cause men to volunteer with them.

Thus, the manpower supply was always there. The Army, Navy, Marines, and Air Force did recruit—they did try to convince young men and women to spend some time in the military—but it was not a make or break situation. And if a serviceman or woman did not like his or her barracks, food, or poverty conditions after joining, tough luck. He or she was stuck with it for a few years, and had better realize it; 2, 3, or 4 years later somebody else would take their place, and that person too would have to realize that military life was not supposed to be easy, pleasant or in many cases just plain livable.

TRAVEL AND TRANSPORTATION ALLOWANCES

Furthermore, low-ranking enlisted men and women simply did not deserve better, according to the old rationale. Payment of travel and transportation allowances were seen as unnecessary—a man in the lower grades had no business being married. After all, how could he afford a wife and family on the money he got as a private, or even as a specialist?

Now, though, things are different. With the recent pay increases, men are earning enough in most cases to support a wife. More importantly, the number of married men in the military's lowest ranks has increased, and we must make provision for them.

The strikingly large group of married enlisted men and women in grades E–4 and below dramatizes the seriousness of the problem. Recent survey data shows, in the Army alone, some 202,000 enlistees in grades E–1 to E–4 are now married. This number equals about a third of all Army E–1 to E–4's. The total marks a dramatic 30 percent increase in married junior enlistees over the past 2 years. More strikingly, it is slightly less than a fourth of the projected Army strength level by mid-summer of this year.

Serviceswide, figures suggest an E–1 to E–4 married group of about 465,000. Generally, these men receive none of the necessities sought under the amendments of section 3 of this bill. These necessities are already accorded all other servicemen. A general's expenses for moving family and effects anywhere in the world are automatically paid. Meanwhile, low-ranking men and women—who make a spendable salary averaging less than $110 per week—must somehow meet the cost of a move forced by PCS orders transferring them to another unit and base. They are forced to do so, or face separation from husband or wife and family of up to 2 years. The inequity of not allowing junior enlisted personnel allowances for dependents' travel transportation or separation is apparent.

The justification given for this double standard is that recognition of the existence of dependents of first-term enlisted members would encourage marriage and "distracting" family obligations among junior enlisteds. The services have traditionally felt that the demands of the enlistee's service life at this point—irregular hours, continuous training, mobility requirements and the need for supervision and close control—are such that he or she ought not to be married. Hence, allowances have been structured to provide a negative incentive for married men enlisting, or marrying during an initial enlistment. An unspoken reason for not extending the allowances is that it saves money—and money not spent on low-ranking enlisted personnel can be spent elsewhere.

As the statistics I cited earlier show, though, absence of the allowances has not prevented hundreds of thousands from marrying. Rather, because of being drafted or simply because more young people marry earlier be they draftee or volunteer, it has forced them to live in hardship—and in many cases, especially prior to the pay increases, poverty.

Living under poverty conditions, of course, can only detract from the kind of job a serviceman or woman does. But perhaps even more debilitating to job performance is forced separation from family. Family separation is recognized by all services as one of the most serious irritants in military life and as one of the biggest reasons careers terminate prematurely. The Army's command and job stabilization program, the Navy's efforts to homeport Sixth and Seventh Fleet ships overseas to decrease family separations, and DOD's increase in the number of and decrease in the cost of overseas dependents' flights evidence attention to the problem.

A 1971 study of Army inservice living conditions by the Human Resources Research Organization—HumRRO—found a significant number of surveyed members citing family life problems as a most serious impediment to continuation of Army careers. Because of pay levels and the glaring absence of dependents' allowances, the problem is most acute and troubling among married junior enlisteds. The office of the Secretary of Defense notes that about half of surveyed youth have indicated family separation as a deterrent to potential enlistment.

My proposed amendment of the United States Code will entitle E–1 through E–4 enlisted personnel with PCS to transportation of dependents and effects to their new duty station or to reimbursement in lieu of Government-provided transportation. It will greatly reduce family separations by easing the onerous financial problems now faced by married junior enlistees who must move under orders. Similarly, amending the Code will ensure junior enlistees nearly the same financial set-off already granted all other military members moving under PCS orders where Federal housing is unavailable—a dislocation allowance equal to 1 month's basic allowance for quarters.

The code now authorizes payment of a nominal family separation allowance, designed to assist with dependents' living expenses, to service men and women separated from their families by assignment—excepting enlistees in grades E–1 through E–4. The amendment will make more equitable those necessary family separations bound to affect some men.

Amending the code to provide family separation allowances for all military members will remove financial prohibitions of marriage and dependency from junior enlisted personnel. Most importantly, it will ease severe financial and marital burdens on numerous already-married E–1's to E–4's in service. The amendments will reduce a significant barrier to enlistment and reenlistment and will demonstrate legitimate concern for the needs and problems of the many married junior enlistees.

HOUSING

Of real importance to both married and bachelor personnel in the lower grades is housing. Some personnel, living in substandard Government housing, feel their living conditions should be improved. Others have occasionally found themselves wishing they had housing—any housing. When the Military Intelligence School was moved from Fort Holabird, Md., to Fort Huachuca, Ariz., some men reportedly found themselves renting trailers in neighboring Sierra Vista for up to $250 a month, while others had to commute each day from Tucson—some 75 miles away—because of the housing shortage.

Like being with one's family, living in adequate housing is one of the highest priorities for service men and women. I do not feel that our service personnel are expecting too much when they request quality housing.

The study specified in my bill would specifically: establish the present inventory of adequate off-post housing; conduct a unit-by-unit analysis of the adequacy of all on-post housing; establish criteria to determine the extent personnel without dependents, particularly junior enlisted personnel, will be given the opportunity to live off-post; and establish alternate 5- and 10-year plans designed to achieve adequate housing for all military personnel and their dependents.

DOD housing officials have estimated a housing-deficit of 110,000 units services-wide. In addition, there are estimated to be some 20,000 to 25,000 inadequate or substandard units presently occupied by military personnel. This statistic points up a twofold need: First, to build sufficient numbers of new housing and to upgrade or replace substandard housing, and second, to provide a fair-housing allowance for those living in less than acceptable conditions.

Furthermore, why cannot low-ranking bachelor enlisteees live off-post when living on-post means living in a bay with perhaps 50 other soldiers in a barracks which has not been renovated in years? The total fiscal year 1973 construction and rehabilitation program for bachelor housing amounts to some $387 million, but in many instances a preferable solution to the housing problem would be to allow personnel to live off-base.

Equally important for personnel living in less than ideal conditions is the fair-housing allowance. They deserve to be paid the difference between the basic allowance for quarters—BAQ—and the determined rental value of the place in which they are living.

Housing officials in the Department of Defense have proposed a plan which would give all officers and senior NCO's the option of living offpost, the March 29 Army Times reported. This recommendation is admirable, in that it would open up bigger, more adequate housing for thousands of lower and middle grade enlisted men. But, a preferable alternative would be to provide this off-post option to all servicemen. The old attitude toward the junior grade enlisted man seen within the military in all too many instances must be tempered if we are to have a truly cohesive defense force with a high morale factor.

Reducing the housing deficit, lowering the number of substandard and inadequate quarters, increasing the housing options for military personnel, and insuring that they are not penalized by the absence of a fair housing allowance while living on base—all of these things are important. All of these things can be done under provisions of this bill. We must have the study, for through that we will be able to get a greater understanding of what we must do to meet the housing requirements of our military personnel.

ADVERTISING AND RECRUITING

A third key facet of the legislation is section 5, which recommends authorization of outlays for Armed Forces radio and television advertising and for improvement of the mobility and effectiveness of the recruiter force. The relatively small expenses authorized are primarily designed to assist DOD in reaching and having an impact on the June graduating classes, especially from high schools. This section address a critical and immediate need for stimulating voluntary enlistments at a particular time—it deserves the highest priority.

The recent history of Armed Forces advertising to stimulate enlistments is well known. Prior to 1971, the services had been relying, with little success, on radio/TV public service promotion time, which was generally available in relatively scanty amounts and was often given when commercial time was not selling. A study done by Broadcast Advertisers Reports, Inc., in the top 75 TV markets during a full week in August of 1969 revealed the following:

Only 32.5 percent of the TV stations ran any Army commercials.

An average of less than three commercials per market were telecast.

Only 4 percent of the spots telecast were on VHF network-affiliated stations during prime time—7:30 to 11 p.m.

The vast majority of all commercials were on during light-viewing periods.

The Army's Recruiting Command has noted that even if all TV stations increased the amount of public service time donated to the Army, they still would not likely approach the level needed. It reported that if every NBC–TV station carrying the "Tonight" show ran an Army commercial between 12 and 12:30 a.m., less than half as many men between the ages of 18 and 24 could be reached than would be with a single insertion in McCalls. This statistic hardly inspires confidence in the effectiveness of a strictly public-service-reliant advertising campaign.

Meanwhile, we have seen what a concerted advertising effort can do. From March to May 1971, the Army was permitted to purchase "prime-time" radio/TV advertisements in an attempt to reach as many enlistment-age people as possible to stimulate voluntary enlistments. Advertising time was purchased on something of a "crash" or saturation basis, and the shortage of time the Army had to prepare for the program limited its overall effectiveness. Still, careful study of the test's results showed it the most effective single method ever used to stimulate enlistments. Examples of that effectiveness:

TV alone impacted on 18- to 34-year-olds during the test period some 9,000,000 times per month—20 times as effective as public service advertising;

Radio coverage reached 18- to 24-year-olds some 109,000,000 times per month—500 times more effective than public service time;

Paid electronic advertisements produced 10,000 calls per week to the Army's toll-free "LISTFAX" number—70 times more than public service advertisements;

Awareness of advertised Army options among the target group skyrocketed 118 percent:

Eight thousand enlistments were directly attributed to the paid radio/TV advertising campaign;

True volunteer enlistments increased 28 percent;

Delayed entry enlistments increased 95 percent;

The 17- to 18-year-old enlistments increased 35 percent; and

Combat arms enlistments boomed 702 percent.

The need, then, for paid radio/TV advertising is obvious. It has proven its ability to produce dramatic results. The Army has made an effort to stimulate the amount and quality of free public service time granted it by the Nation's broadcasters, but there has been little positive response. And even increased public service time cannot have nearly the impact of a concerted advertising program. Such advertising has been tested under fire and has proven itself effective. It deserves promotion, to use the military vernacular, not a discharge or an early out.

Also important is a step-up in recruiting appropriations. Significant progress has been made in improving the structure and effectiveness of the U.S. Army Recruiting Command. Congress has recognized the need in this area. But again, problems persist in the face of the special effort needed this summer.

A particular problem at present, for example, is mobility of Army recruiters. Currently, one vehicle is available for transport per two recruiters. This limits effectiveness, especially for recruiters working outside of, or on the periphery of, cities. Providing more transportation for the 6,000-man recruiter force is necessary to insure the maximum utilization of personnel.

The effect of improved recruiting efforts is already evident. Lt. Gen. George Forsythe, General Westmoreland's special assistant for the modern volunteer Army, has pointed out that in December 1971, enlistments were up 20 percent over the same month the previous year, with an 80 percent quality improvement and 88 percent of enlistees high school graduates.

The Honorable Roger Kelley, Assistant Secretary of Defense for Manpower and Reserve Affairs, has said that seven of 10 enlistees thus far in 1972 have been true, nondraft-motivated volunteers. Further, enlistments for combat arms have risen from only 200 a month in 1970 to over 3,000 a month in 1971–72. He attributed this dramatic increase to the variety of enlistment options and improved recruiting efforts. We must continue and increase this effort. It is one of the most integral of components in the volunteer army program. Without a good recruiting program, we are not going to have the number of good, high-caliber volunteers who must rely on to defend the Nation.

This bill will give us maximum results of money expended. Radio/TV advertising will be purchased on the basis of careful market research, buying only from stations specifically programing to the target group, with time purchased during segments when the target group is known to listen or watch—not necessarily prime time—and with the amount of time purchased controlled by previous results measured against the services' specific enlistment goals.

The importance of authorizing outlays to assist the Armed Forces, recruiting effort cannot be overstated. Radio/TV advertising has proven itself to be an effective medium for stimulating enlistments. Recruiter mobility is an essential prerequisite to recruiter effectiveness. The most important single period of the year for a maximum recruiting effort is just ahead, as young men plan their activities after school graduation.

The number of involuntary inductions required in the next fiscal year and the ability to build a base of true volunteers in the services depends heavily on congressional support for this strong midyear advertising program.

DISCRETIONARY FUNDS

Provision of funds for Project Volunteer discretionary funds is another key section of the bill. The funds authorized for appropriation can be applied to those areas which the Secretary of Defense deems most important. The ability to use the funds selectively will increase their impact and be of far greater long-range benefit than would be moneys allotted for a specific program whose worth has not been effectively measured.

The first year of Project Volunteer funding has shown that what works at one military installation will not necessarily work at another. And what is desperately needed at one base may well be taken care of at another. If one fort needs improved recreational facilities, while another needs barracks improvement, why lock both into a job civilianization program that may be instituted on a serviceswide basis? Why not address each specific problem with a specific program? That is what this bill would make possible.

Commanders at installations where the Project Volunteer experiment has been instituted have come to a substantial consensus on where the bulk of their resources should go: 33 percent of VOLAR funds have been devoted to freeing soldiers from nonmission, nonmilitary, specialty related duties such as KP; 23 percent to repairing and maintaining troop facilities such as barracks and mess halls and community support facilities; 8 percent to avocational and recreational special services programs; and 4 percent to individual and unit training initiatives. The remainder of their funds, though, went to a variety of things commanders saw as necessary to enhance professionalism and improve Army life.

Maj. Gen. Orwin C. Talbott, commanding officer of Fort Benning, Ga., has been successful in making use of the VOLAR funds at his fort. Among the 10 highest ranked funded actions at Benning among first-term enlisted men were civilianization of KP, revising commissary operating hours, establishment of a shuttle bus service, and improvement of medical services for military servicemen and their dependents and of Special Service facilities. The general and his staff, after seeking out the programs which most needed being done, instituted those improvements. Creation of a discretionary fund would enable this kind of effort to be extended to posts and units throughout the world in all branches of the services.

General Forsythe said of the initial VOLAR experiments—

> Each VOLAR post commander has been charged to conduct his own evaluation of the usefulness of the measures he institutes. No rigid criteria of effectiveness have been provided, and none seem necessary or helpful at this time.

As the general said, no rigid criteria seem helpful; hence, no rigid plan should be established. Let us not increase defense costs; rather, let us get the most for our defense dollar.

MANPOWER MANAGEMENT

The goal of section 7, calling for a manpower management study, is basically the same, to insure maximum effectiveness per dollar spent. This section requires the Secretary of Defense to explain to Congress, in detail, the composition of the Armed Forces in terms of how its personnel are occupied. It is a report long overdue.

Congress needs to know the composition of the Armed Forces—and in considerably greater detail than is now available. Many Members have questioned the need in various offices, commands, or installations for the number of military personnel actually required for the national security mission. It is important to keep in mind that every slot occupied unnecessarily is a slot which only drives up defense costs while doing nothing for the defense cause itself.

At the advent of an all-volunteer force, and in the face of increasing military personnel costs, the Nation needs to be assured that it is protected by a trim and efficient national defense force. Any areas with surplus personnel must be identified to insure that excess troop strengths do not drain off scarce national resources while serving no good purpose and accomplishing nothing of substance.

Each year, the Secretary of Defense details to Congress the national security requirements as currently perceived and recommends whether or not American military resources need to be applied to meet problem or potential threat areas. The report is designed to promote, as currently described, a posture of realistic deterrence. This section does not propose to term it inadequate or to question its conclusions, for the report required herein does not address the merits of where the Nation applies its military resources. Rather, assuming the legitimacy of the varied worldwide applications of military resources, this study insists instead on justification to Congress of how many military personnel are actually needed to perform the required national security functions.

As proposed here, the section requires a report to the Congress once every 4 years which:

Specifically contains a position-by-position analysis of the function of each and every military job slot;

Specifically identifies those positions which might be filled by civilian personnel;

Enumerates in detail which positions might be filled by civilians, but which need to be reserved for legitimate military rotational requirements, along with a justification of the need for such rotational posts;

Earmarks those positions which might be amenable to staffing through the direct hire of skilled personnel into the Armed Forces; and

Outlines the manner in which any change in force size is to be accomplished, and which projects quarterly estimates of the number of personnel per pay grade and the number of expected accessions.

This mandated report will give Congress, for the first time, the information it needs to make the best education decisions in response to legislative requests for strengths and appropriations. It will be of great assistance to DOD in determining their areas of strength and weakness, better enabling them to meet their goal of fullest utilization of personnel. Most importantly, it will, as I have stated, insure by congressional scrutiny the maximum possible national defense for the tax dollar applied.

MILITARY COMPENSATION

Section 8 is another study proposal. Conjecture has been that members of the military undervalue their pay because of unseen factors such as the invisible tax advantage and certain allowances. Convert to salary, some say, and DOD would be money ahead.

My proposal is for a report, required to be submitted to the Secretary of Defense not later than the end of 1973, to recommend a modern structure for disbursing pay in the services. This section does not impose a new requirement—it merely reemphasizes the directive issued by Congress 7 years ago to complete the modernization of military pay.

The Military Pay Act of 1965 required the President to order a complete review of the military compensation system, and to forward to Congress results of that study, with any recommendations for changes.

The first report, delivered in 1967, was the first quadrennial pay review—commonly known as the Hubbell report. This analysis, conducted by the Office of the Secretary of Defense, with representation from all services, was clearly the most exhaustive study to then of the relative benefits and considerable deficiencies of the piecemeal military compensation system.

DOD's first quadrennial pay review found an enormously varying system of disbursing compensation to military members, including basic pay; quarters or quarters allowance, if eligible; various special, hazardous, unusual, hostile duty, scarce skill, superior performance, or incentive pays, if eligible; a host of other benefits, some visible and some invisible; with the entire sum of it partially exposed and partially protected from Federal income taxes.

As the 1967 draft study by Senators—then Congressmen—STAFFORD and SCHWEIKER and colleagues HORTON, SHRIVER, and WHALEN emphasized:

> Compared to civilian pay procedures, the military system of compensation appears to be inefficient and confusing. It defies concrete comparisons between civilian and military pay scales.

From surveys conducted by the Hubbell group, the confusion generated by the system became apparent. For example, survey data showed both officers and enlisted men with an average of 3 years on active duty, and leaving service, were consistently underestimating their then very low military earnings by 10 to 24 percent. In a series of queries to banks and finance companies to determine how they valued military compensation for lending purposes, salaries were underestimated at an average of 50 percent for an E–3; 34 percent for an O–1; 13 percent for an E–7; and 4 percent for an O–6.

As a result, the Pay Review recommended a new and simpler salary system for the Armed Forces, one which consolidated in a fair manner all variant income elements of the present system, but which, above all, made the compensation paid understandable to the military member.

In summarizing the recommendations, the DOD report said:

> Increased visibility and equity will be attained by replacing a confusing array of pays, allowances, and benefits that depend in part on family size, with a single taxable salary based on pay grade and longevity step. Increased credibility will come from adopting an objective, quantitative standard for deciding what salary levels should be and how they should be adjusted to keep pace with salary levels in the private sector.

These general recommendations—including revamping the retirement program into a cash contribution basis and establishing Federal comparability scales—never reached Congress in terms of proposed legislation. Observers said that despite executive branch enthusiasm for the concepts, too few dollars kept the report recommendations from the fiscal year 1970 budget proposals.

In February 1970, the President's Commission on an All-Volunteer Force reported its findings on key elements to eliminating reliance on the draft. In their report was a strong endorsement of the recommendations of the first quadrennial pay review, and for essentially the reasons the DOD report advanced.

DOD officials have estimated that it would cost some $2.6 billion to make the conversion to the salary system. Increased Federal income tax collections of $1.65 billion would reduce net Government cost to $95 million.

But the long-range effect would be economical:

By making military compensation more visible, more men and women will likely be influenced to remain in the military. Net savings in terms of recruitment and training of replacement personnel are considerable.

Bachelors will be paid the same as married service personnel. Present allowance criteria very definitely discriminate against single service men and women.

Adjustment of military pay can be done on a standard that is visible and credible. Congress will have a tool to measure the adequacy of pay and the need for pay boosts.

But we do need a final and authoritative report recommending a new structure for disbursing military pay. Strong congressional action has increased military pay to respectable levels. The amount now given in military pay must be seen and understood by persons in the service, and especially by those considering military service. Basic recruit pay of $288 a month, while double the level of a year ago, does not really sound like very much. Over an entire year, it comes to about $3,450. That is hardly enticing, even in these days of a tight job market. What the prospective enlistee probably does not realize is that a recruit's total military compensation comes to $5,407. And in half a year he is likely to make Pfc. That is worth $5,881 annually. These are the figures America's young men and women need to know.

As the reports have recommended, and as this section proposes, its key elements should include, in the framework of a volunteer force, a single taxable cash salary system, based on pay grade and longevity step which specifically:

Takes into account tax advantages now realized by servicemen because of "protected" allowances and fringe benefits, thus being visible and understandable to those who receive it;

Employs the Federal comparability scales, and concretely and competitively defines various stages of job responsibility and authority, hence is competitive; and

Provides for cash contributions to a retirement system similar to that for Federal civilian employees, thereby not penalizing those who do not fulfill some specific obligation period, such as 20 years, to attain eligibility.

In addition, the report is required to consider the advisability of what may be an even more appropriate system for uniquely military needs, one which is a three-dimensional pay table, varying compensation by rank, longevity step and skill differentials.

A report recommending such methods for disbursing military pay will directly address the pay problem areas today: credibility—military personnel understanding their salaries, and more importantly, Congress and the American people understanding them; visibility—military men and women seeing the amount paid them; and hence, true competitiveness—as the military can be on equal ground with the civilian sector in the employment market.

The entire package, then, with its mix of studies, discretionary and concrete programs, is the kind of legislation needed by and for the military. We can enact programs that need to be enacted and measure the feasibility of programs that it might be advisable to enact.

The combination will provide equity for all members of the uniformed services and will do so in a truly cost-effective manner. Conversion to an all-volunteer military is like putting together a puzzle. When you begin, you simply look for pieces that fit together, until finally you begin to get a feeling for the total shape and substance of the puzzle. Then, the pieces are put together more carefully, with the singular goal of effectively completing the whole. This bill can help to complete the whole.

A copy of the Volunteer Military Manpower Act of 1972 follows:

H.R. —

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled,

Sec. 1. Short Title.

This Act may be cited as the Volunteer Military Manpower Act of 1972.

Sec. 2. Policy and Interest of Congress.

Section 1(c) of The Military Selective Service Act of 1967 as amended is hereby amended to read:

The Congress further declares that in a free society the obligations of serving in the Armed Forces should be enforced through the provisions of this act only when necessary to insure the security of this nation, and the opportunities and privileges of serving in the Armed Forces and the reserve components thereof should be shared generally in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.

Sec. 3. Travel and Transportation Allowances, Dislocation Allowances, and Family Separation Allowances for Enlisted Members in Lower Grades.

Sec. 3. (a) Section 406(a) of title 37, United States Code, is amended by inserting ", including a member in pay grade E-4 (four years or less service), E-3, E-2, or E-1," immediately after "A member of a uniformed service."

(b) Section 407(a) of such title is amended by striking out "uniformed service—" and inserting in lieu thereof "uniformed service, including a member in pay grade E-4 (four years or less service), E-3, E-2, or E-1—".

(c) Section 411 of such title is amended by adding thereto the following subsection:

"(e) Notwithstanding any other provision of law, no member of a uniformed service shall be denied an allowance authorized by the sections of this title designated by subsection (a) of this section on the basis of rank or time in grade."

(d) Section 427(b) of such title is amended by striking the words "(other than a member in pay grade E-1, E-2, E-3, or E-4 (under 4 years or less service))".

Sec. 4. Housing and Quarters Allowances.

Sec. 4. (a) The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide adequate housing for every member of the Armed Forces and his dependents.

(b) As soon as practicable, the Secretary of Defense and the Secretary of Housing and Urban Development shall commence a joint study of military housing needs to be completed and transmitted to the Congress and the President no later than 1 October 1973. This study shall specifically:

(1) establish the present inventory of adequate post housing,

(2) conduct a unit by unit analysis of the adequacy of all on-post housing,

(3) establish criteria to determine the extent to which personnel without dependents, particularly junior enlisted personnel, will These criteria shall be designed for general be afforded the opportunity to live off-post. military requirements, and for the specific nature of the branch of service, duty station, and military occupational specialty,

(4) establish alternate 5 and 10 year plans designed to achieve adequate housing for all military personnel and their dependents. In making these plans, the adequacy of housing in the private sector, the relative costs of subsidized private construction, anticipated developments in experimental means of construction, and the use of mobile trailer facilities and relocatable housing in areas of possible significant fluctuation in the number of personnel should be considered. Such plans should be designed with annual increments so that members of each and every pay grade shall have an equal opportunity to obtain adequate family and bachelor housing. Such plans shall specify the annual budgetary requirements per installation by unit cost.

(c) The following criteria shall be used in defining "adequate" housing:

(1) Location.—The distance from administrative area of the installation can be transversed by privately owned vehicle in one hour or less during rush hours. Lesser time limits may be applied where clearly warranted by military necessity.

(2) Cost.—The average total cost—including rent plus utilities and other operating costs, except telephone, plus allowable transportation costs—per month does not exceed an estimated schedule of maximum allowable housing costs. Such schedule shall be estimated on the basis of 20 to 25 per centum of regular military compensation, plus the housing portion of station allowances where applicable. The cost of transportation to and from work will be considered only when the housing is located more than ten miles from the installation; costs will be computed at least at 7 cents per mile for round trip miles in excess of 20 miles for 20 days per month.

(3) Condition.—The unit must be a complete dwelling unit with private entrance, with bath and kitchen for sole use of the occupants, and so arranged that both kitchen and bedrooms can be entered without passing through bedrooms. The unit must be well-constructed and in a good state of repair, with heating and kitchen equipment provided, and it must be located in a residential area which meets acceptable standards for health and sanitation and which is not subject to offensive fumes, industrial noises, and other objectionable features. The unit must be adequate in bedroom count for military families. With respect to net floor area, one bedroom unit normally should not be less than 550 square feet, two bedrooms—750 square feet; three bedrooms—960 square feet; and four bedrooms—1,080 square feet.

(4) Bachelor housing shall meet the same criteria as family housing as to Location and Cost. In addition, the unit must be well constructed and in good state of repair, with heating and reasonable privacy and access to bath facilities. It must be located in a residential area which meets acceptable standards for health and sanitation and which is not subject to offensive fumes, industrial noises, and other objectionable features. Two persons per bedroom shall be

considered the maximum occupancy for enlisted bachelor housing, with a minimum floor space of 270 square feet for one person occupancy and 135 square feet each for two person occupancy.

(5) The housing must be available to all members of the uniformed services regardless of race, creed, or national origin.

(d) (1) Notwithstanding the provisions of any other law, members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service, with or without dependents, may occupy on a rental basis, without loss of basic allowance for quarters, military housing under the jurisdiction of a military department notwithstanding that such housing may have been constructed or converted for assignment as public quarters. The net difference between the basic allowance for quarters and the fair rental value of such housing shall be paid from otherwise available appropriations; however, no rental charge for such housing shall be made in excess of the basic allowance for quarters of a member of the mentioned services.

(2) The fair rental value of each unit of military housing shall be determined on the basis of regulations established by the Secretary of Defense.

(3) "military housing" as used in this section shall refer to both bachelor and family quarters.

(4) This section will become effective January 1, 1973.

(5) On the effective date of this section, section 407 of Public Law 85–241 (71 Stat. 556), as amended, (42 U.S.C. 1594j) is repealed.

(e) Section 403(c) of Title 37 is amended to read as follows:

"(c) A member of a uniformed service without dependents is entitled to a basic allowance for quarters while he is on field duty or sea duty. For purposes of this subsection, duty of a period of less than three months is not considered to be field duty or sea duty. Notwithstanding any other provision of law, no member shall be denied such allowance on the basis of rank or time in grade."

(f) Section 403(f) is amended by striking the words "who is in pay grade E–4 (four or more years' service) or above."

(g) Personnel in pay grades E–4 and below with dependents shall become eligible for on-post housing on an equal basis with personnel in other pay grades not later than six months after the date of enactment of this Act.

SEC. 5. RECRUITMENT AND ADVERTISING.

There is hereby authorized to be appropriated the sum of $92,000,000, of which $30,000,000 shall be used for recruitment activities of military personnel during Fiscal Year 1973. The sum of $62,000,000 shall be used for advertising in the recruitment of military personnel, $20,000,000 of which shall be restricted for the exclusive use of radio and television in such advertising program. The sums authorized by this section shall be in addition to any other sums which have been or may be authorized to be appropriated for the fiscal year ending June 30, 1973, for the purposes specified in the preceding sentences.

SEC. 6. PROJECT VOLUNTEER DISCRETIONARY FUND.

There is hereby authorized to be appropriated the sum of $40,000,000 as a discretionary fund for the Secretary of Defense to be allocated to the services for improvement of the condition of service life and management practices which are determined by the Secretary of Defense to contribute to the enlistment and retention of military personnel.

SEC. 7. MANPOWER MANAGEMENT.

SEC. 7. (a) Beginning with the fiscal year ending 30 June 1973, and every fourth fiscal year thereafter, the Secretary of Defense shall submit to the Congress a written report not later than 1 March of said fiscal year, which shall contain the results of a position-by-position analysis of each and every military position, to specifically identify—

(1) positions and services in the non-mission forces which might be filled by civilian personnel or by contract services;

(2) positions in the non-mission forces which might be filled by civilian personnel, but need be reserved for military personnel, primarily because of rotational requirements, along with evidence which supports these rotational requirements or any other requirements and continuation of the policies on which such reservations are based;

(3) occupations which might be filled through direct hiring of skilled personnel into the armed services at pay grades commensurate with their training and experience;

(4) all other non-mission forces and the basis for continuation of the policy of reserving these positions for military personnel; and

(5) any other information the Secretary determines relevant to a position-by-position analysis.

SEC. 8. MILITARY COMPENSATION.

SEC. 8. (a) Not later than December 1, 1973, the Secretary of Defense shall formulate and send to the Congress and the President a written report recommending a new pay structure for the uniformed services.

(b) The pay structure designated in subsection (a) of this section shall—

(1) be constructed by making an analysis of military and civilian incomes at various stages of responsibility and authority, including top management, management entry, and work force entry levels. Such analysis shall not only use the federal comparability process as a basic guideline but shall also specifically consider competitive wages at entry levels in the civilian labor market, and shall establish a salary schedule sufficient to maintain an armed force on an all-volunteer basis.

(2) provide salary schedules of pay which combine basic pay rates and allowances for quarters and subsistence;

(3) provide for cash contributions to a retirement system similar to the civil service retirement system provided for Federal civilian employees;

(4) take into account the amount lost as a result of the termination of separate allowance for quarters and subsistence and the amount which will be contributed to a retirement system, including the loss of any tax advantage realized under current law;

(5) include such other features in the new pay structure as necessary or appropriate to make such pay structure fair and equitable and to attract qualified personnel to the uniformed services. The Secretary of Defense shall consider and report to the Congress on alternative salary systems, including a three-dimensional pay table which would vary compensation by rank, time in grade, and skill differentials.

(6) The study shall include the preparation of final drafts to all legislation and regulations required to implement the amended changes.

(c) The report designated in subsection (a) of this section shall be initiated as part of the Department of Defense's regular quadrennial review required by Paragraph 1008, section 2 (a) of Chapter 19, Title 37, United States Code.

THE NEW FEDERAL GUIDELINES RELATING TO METHADONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, this month the Food and Drug Administration lifted the investigational status of the synthetic narcotic, methadone. Although there are presently some 450 methadone clinics in the country—all operating on temporary, investigational new drug permits—the decision to reclassify the drug legally establishes, for the first time, its safety and effectiveness as an agent for treating heroin addiction.

Ever since 1947, when methadone was officially certified as an investigatory new drug, it has proven both efficacious and safe as a maintenance drug when correctly administered. In fact, as the new FDA guidelines acknowledge, methadone is the only drug for which there is "substantial evidence of effectiveness" in heroin addiction treatment. Experiences reported by methadone maintenance treatment programs have shown that, on the balance, the successes far outweigh the failures. A majority of the patients complete their schooling or increase their skills and become self-supporting. Their pattern of arrests decreases sharply. Only a very small percentage of the patients who remain in these programs revert to regular heroin use. Now the new Federal regulations have paved the way for the creation of many more methadone clinics and for the recognition of methadone as a major tool in the battle against heroin dependency.

On the other hand, while the new plan does represent a major expansion of the methadone system, the FDA has wisely included guidelines to eliminate its diversion to illicit use. Under the new regulations, methadone will be available only through Government approved treatment program. Private physicians will be prohibited from prescribing it unless they are program participants, and it will be removed from all drugstores where it is now available as a prescription drug. The dual purpose of this new Federal initiative, then, is to disrupt illegal trafficking in methadone while at the same time making it available to an estimated 25,000 heroin users who have been denied the drug because of lack of facilities.

The FDA's new proposals are, of course, reasonable, necessary, and an important step forward—there are few authorities that will not now concede that methadone has a valuable role to play in the treatment of many addicts. However, we must not ignore the fact that, despite its tremendous usefulness, methadone still does not adequately solve the problem. It is deficient in that it creates its own addiction and dependence similar to that of heroin addiction. Research also indicates that accidental use of methadone is potentially more dangerous than accidental use of heroin. And authorities concede that the drug's long-range effects are unknown. Finally, in our enthusiasm for methadone maintenance programs, we cannot afford to ignore other antidrug procedures such as detoxification, counseling, psychotherapy, and vocational rehabilitation. So while methadone is an important weapon in the war against heroin addiction, it certainly is not a panacea. A variety of treatment methods should be supported. Research to develop a nonaddictive heroin antagonist should be expanded. And all methadone maintenance programs should include rehabilitative and supportive services. Above all, we must not allow these programs to consign a segment of American society of lives of permanent addiction.

WHY HANOI FIGHTS ON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, according to the New York Times, a hundred thousand South Vietnamese have been driven from their homes by the recent invasion from the north. They have all fled south—away from the invading Communist forces. They have fled only because they fear the invading forces.

It is as amazing to me, Mr. Speaker, as it was recently to Senator BUCKLEY that there are those among our colleagues who condemn not North Vietnam but President Nixon.

To those who say Vietnamization is a failure, let them explain why it is North Vietnam's Regular Army and not the South Vietcong which is carrying the battle. Let them explain how after more than a week of intensive fighting the South Vietnamese Army, without any U.S. ground support, is fighting vigorously to defend their people and their major cities.

To those who would say that the current invasion spells the doom of the Vietnamization program, let us await the outcome of the battle. The South Vietnamese Army is fighting the ground actions alone, whereas in 1968 the United States had 550,000 ground troops there. Today the United States has fewer than 90,000 and none of these ground forces are engaged in the combat, and further reductions are continuing on schedule.

To those who ask why President Nixon has not ended the war by now, let them consider how their statements have influenced Hanoi to continue the war and in their analyses of the recent massive invasion by the North Vietnam regulars, let them consider the following statement, "Why Hanoi Fights On."

The statement follows:

WHY HANOI FIGHTS ON

(By Edmund A. Gullion)

While Hanoi broadcasts its thanks to the Americans who march in protest against the war, there are other Americans who see the repetition of a grim and familiar pattern. Hanoi moves by the same calculations which paid off for it in the defeat of the French in 1954.

As the late Ho Chi Minh once told the French: "You will kill ten of our men and we will kill one of yours. And in the end, it will be you who will tire of it." French power was shaken but not shattered by the defeat at Dienbienphu. What broke France was the collapse of will on the home front. The French were fighting to preserve a hold in Vietnam. The Americans fight to preserve the right of the South Vietnamese—the vast majority of whom fear and reject Hanoi—to choose and live by their own government. But North Vietnam, having seen one Western power worn down by sapping tactics on the home front, is sure the same strategy will pay off again. Indeed, this is what the declarations in the Hanoi press and radio are all about.

In Vietnam today, the enemy grows weaker as our side grows stronger. The situation is still precarious but President Nixon's Vietnamization plan shows real signs of working. The bitter paradox is that Hanoi grows more resolute as American will *seems* to waver here at home. (This would appear to be wishful thinking on the part of Hanoi, in view of the recent Gallup poll and the resolution by the House of Representatives strongly supporting the President's plan.) If the enemy believes that public opinion will force an immediate American pullout, he has no reason to negotiate at Paris or anywhere else. So long as he believes the "peace-marchers" are marching not for peace but for him, he will carry on the fight, and more American and Vietnamese men will lose their lives.

Another article which I wish to bring to the attention of those who are one-sided in their condemnation of American efforts in Vietnam is a study I have of how to serve to prolong the war.

This article traces from 1966 in a condensed form the abundant evidence from North Vietnam's own information sources. The record shows that the enemy not only is closely informed about the demonstrations in the United States, but is also counting on them to help him win the war.

Mr. Speaker, the article from Reader's Digest follows:

FROM HANOI—WITH THANKS—A STUDY OF HOW AMERICAN ANTIWAR DEMONSTRATIONS SERVE TO PROLONG THE WAR

February 27, 1966: The North Vietnamese newspaper *Nhan Dan*.

"In America the debates on the Vietnamese problem will become increasingly fiercer. The U.S. imperialist rear will be the scene of great confusion, which in turn will exert great influence upon the morale of the U.S. servicemen on the front line. That is why the Johnson clique is very perplexed and afraid, faced with the ever stronger anti-war movement which, like a sharp knife, is stabbing them in the back."

November 6, 1966: Radio Hanoi.

"The Vietnamese people hail and support the struggle waged by the American people against the U.S. war of aggression in Vietnam," said Dr. De Dinh Tham, chairman of the Vietnam Peace Committee. "This struggle is a valuable encouragement and backing for the Vietnamese people, who sincerely thank the American peace fighters for their efforts to strengthen their solidarity with the Vietnamese people and coordinate their struggle with them."

November 8, 1966: Radio Hanoi.

"The Vietnamese people highly value the protest movement of the American people. We praise the American peace champions who courageously turned the courts which were trying them into forums to condemn the war. We praise the American journalists and writers who, in defiance of repression and threats, valiantly exposed the crimes of the Johnson clique in Vietnam."

February 15, 1967: Radio Hanoi.

"It is clear that the American people's protest movement has become a real second front against U.S. imperialists on the very soil of America. It is the largest, most stirring, and best organized mass movement in U.S. history."

October 17, 1967 (four days before the "peace march" on the Pentagon): Radio Hanoi.

"The South Vietnam People's Committee for Solidarity With the American People has announced its program to establish relations with and contact all progressive organizations and individuals in the United States who want to acquaint themselves with the situation in Vietnam. The committee sent a message to the National Mobilization Committee and the Students Mobilization Committee in New York:

" 'We warmly hail your struggle from 16 to 21 October. Our struggle will certainly grow more powerful, and in coordination with your struggle it will certainly be capable of compelling the U.S. government to put an end to its aggressive war. May the October 21 struggle [the day of the march on the Pentagon] mark a new development in the American people's movement for an end of the U.S. war. We wish you brilliant success.' "

August 1968 (approximate): Speech by Truong Chinh, chairman of the National Assembly of North Vietnam and No. 2 man in the ruling party Politburo.

"We are currently taking advantage of the contradictions between the doves and the hawks in the American ruling class."

January 23, 1969: Radio Hanoi message to the National Mobilization Committee to End the War in Vietnam.

"We were deeply impressed by the successful march on Washington during the Presidential inaugural day to welcome the victory of the South Vietnam National Front for Liberation and demand the withdrawal of all American troops. We extend to you sincere thanks. We hope that we would further coordinate our activities for peace and real independence in Vietnam."

October 6, 1969: Letter to American students from Tran Buu Kiem, former head of the Vietcong delegation to the Paris peace talks.

"We greatly admire the active and massive participation of the American youths and students in this fall movement. You are entering a new, seething and violent struggle phase. We hope that you all will pool your efforts in achieving great success, thus further accelerating the common movement of the American people against the war."

October 14, 1969: Message to American people from North Vietnamese Premier Pham Van Dong.

"This fall, the broad masses of the American people, encouraged and supported by many peace- and justice-loving American personalities, have again started a broad powerful drive to stop the war. The Vietnamese people fully approve and warmly hail your just struggle. We are firmly confident that with the solidarity and courage of our two peoples the struggle of the Vietnamese people will end in total victory. I wish your fall offensive a brilliant success."

October 14, 1969: Radio Hanoi.

"In response to Nixon's call for unity, the U.S. people have manifested a fierce opposition attitude. The U.S. people's autumn struggle is placing the Nixon Administration in an extremely difficult, embarrassing situation. We consider this struggle the most realistic support for the Vietnamese people's fight against the United States."

October 17, 1969: Message from Xuan Thuy, chief of Hanoi's negotiating team in Paris.

"I should like today to send warm greetings to all Americans and all persons who took part in the October 15 movement. We consider that these legitimate actions are of a nature both to make the Paris conference progress and to demand of the Nixon Administration the complete and rapid withdrawal of the GIs."

October 21, 1969: Broadcast from Hanoi to communist troops in the South.

"All deceitful tricks and threats of the Nixon clique cannot check the American people's will. In their valiant and persevering struggle, the American progressives will certainly win glorious victories. The Nixon clique will certainly be completely defeated in Vietnam."

November 6, 1969: Statement of the government of North Vietnam.

"The Vietnamese people hail the honest-minded Americans who, for the sake of peace, justice and the true interests of their people, have courageously denounced the plans for prolonging the war in Vietnam and strongly demanded a quick and total withdrawal of U.S. troops from South Vietnam."

November 11, 1969: Broadcast to the communist troops in South Vietnam.

"Deeply moved by the American progressives' struggle for the great cause, we can realize our great responsibility more clearly. The Americans are struggling for their own interests and Vietnam's interest right on American soil. As for us, what must we do to coordinate with the U.S. people's struggle? Let us further stoke the fire of victory on all battlefields. We must be determined to fight the U.S. aggressors until complete victory."

November 13, 1969: Broadcast to communist troops in the South.

"A struggle which took to violence on 15 October 1969 will break out even more fiercely on 15 November. It will be coordinated by the New Mobilization Committee to End the Vietnam War, one of the largest anti-war organizations in the United States. This struggle will have more violence and be on a much larger and more elaborate scale in all U.S. cities and state capitals. The seething struggle of U.S. youths, students and people is urging us to arise and win final victory for the fatherland."

November 14, 1969: Speech by Prof. Hoang Minh Giam, North Vietnamese minister of culture.

"We highly evaluate the great efforts of various U.S. anti-war organizations and well-known notables who had the initiative to organize the Moratorium Day, demanding the immediate return home of all U.S. troops with slogans suited to the American people's urgent needs and just aspirations. We enthusiastically welcome the peace-loving Americans who have stood up and struggled violently and bravely against the U.S. Administration's stubborn attitude in prolonging the war of aggression. Moreover, we regard the U.S. people as our comrades-in-arms, animated by the common goal of opposing the Nixon Administration's aggressive policy and war. The fall offensive drive of the American people has made more prominent our people's just cause and made our people more resolute."

November 15, 1969: Communist broadcast from South Vietnam.

"The 'fall offensive' is sweeping the United States of America. We express our militant solidarity with and gratitude to the true sons and daughters of the United States. With all of our hearts we wish to thank our American friends."

Mr. Speaker, the reasoning which impels congressional critics to interpret American resistance to the recent invasion as immoral escapes me. But I do know that on the occasion of the most blatant and clear-cut invasion of one nation by another since North Korea invaded South Korea on June 25, 1950, these critics did not condemn the invaders, they condemned the defenders; they did not condemn North Vietnam, they condemned the President as immoral.

At this point I would like to bring to their attention an outstanding editorial from the Washington Daily News which puts their election year political pandering in clear perspective:

BOMBING AND MORALITY

President Nixon's renewed air strikes against North Vietnam predictably have brought charges from the anti-war movement that he is acting in an "immoral" way.

For example, Sen. George S. McGovern, D-S.D., declared that Mr. Nixon is guilty of "a moral outrage" and has descended to "a new level of barbarism."

Since Sen. McGovern is now the left's leading contender for his party's presidential nomination his views on Vietnam deserve attention. We long have been disturbed by their one-sidedness.

Sen. McGovern and others in "the movement" behave as if anything the North Vietnamese do anywhere in Indochina is moral, patriotic and justified, but anything done to resist them is immoral, dictatorial and unjust.

The Vietnam War has roots going back a generation, and this isn't the place to discuss which side was "right" or "wrong" at the start—if it makes any difference at this stage.

What is clear is that there is a country called South Vietnam, whose sovereignty is recognized by most major non-Communist nations, and that its people have the right to be left alone. Whether they wish to be governed by President Thieu we're not able to say, but they obviously don't want to live under communism imposed by Hanoi.

If the Viet Cong had anything remotely approaching majority support in the South, it wouldn't need the services of almost the whole North Vietnamese army to defect the Thieu regime.

For years North Vietnamese regiments have marauded where they don't belong—in the innocent-bystander nations of Cambodia and Laos and in regions of South Vietnam many hundreds of miles from the North.

They have shelled cities, mined buses filled with peasants, massacred villagers, mortared market places, murdered school teachers in front their pupils and committed many other crimes too sickening to retell.

In all this, Sen. McGovern and his backers in the "peace" movement, some of them wavers of Viet Cong flags, fail to see immorality.

But when anything happens to disturb the sacred soil of North Vietnam, it is "a moral outrage."

When Hanoi's regular army, with the most modern tanks, self-propelled artillery and missiles, crunched thru the demilitarized zone separating the two Vietnams, it threw away the fiction of a guerrilla war. It was an invasion, patterned on World War II blitzkrieg techniques.

President Nixon's agonizing decision to bomb the northern supply bases that support the invasion was entirely justified. It was not "a new level of barbarism." Sen. McGovern's charge, however, may be a new level of political hypocrisy.

AN ENTIRELY NEW KIND OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Jacobs) is recognized for 30 minutes.

Mr. JACOBS. Mr. Speaker, some thoughts on Secretary Rogers' April 17 testimony before the Senate Foreign Relations Committee, which included the comment:

> This is an entirely new kind of war.

Mr. Speaker, my honorable and learned friend has truly said that the present is a new era in the war. The Honorable Secretary of State feels the justice of the remark; for by traveling back to the commencement of the war, and referring to all the topics and arguments which he has so often and so successfully urged to the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that, at the end of a 7-year conflict we are come but to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere.

All the topics which have so often misled us—all the reasoning which has so invariably failed—all the lofty predictions which have so constantly been falsified by events—all the hopes which have amused the sanguine, and all the assurances of the distress and weakness of the enemy which have satisfied the unthinking, are again enumerated and advanced as arguments for our continuing the war.

What, at the end of 7 years of the most burdensome and the most calamitous struggle that this country was ever engaged in, are we again to be amused with notions of finance and calculations of the exhausted resources of the enemy as a ground of confidence and of hope?

Gracious God. Were we not told, 5 years ago, that North Vietnam was not only on the brink, but that she was actually in the gulf of bankruptcy?

Were we not told, as an unanswerable argument, that she could not hold out another campaign—that nothing but peace could save her—that she wanted only time to recoup her exhausted finances—that to grant her repose was to grant her the means of again molesting . . ., and that we had nothing to do but persevere for a short time in order to save ourselves forever from the consequences of her ambition and her communism?

After having gone on from year to year upon assurances like these, and after having seen the repeated refutations of every prediction, are we again to be seriously told that we have the same prospect of success on the same identical grounds?

And without any other argument or security, are we invited, at this new era in the war, to carry it on upon principles which, if adopted, may make it eternal?

Mr. Speaker, those were not my words.

The above is in essence an address to the British Parliament on February 3, 1800, by Charles James Fox in his reply to Pitt concerning the war between England and France. Only names have been changed to reflect the situation of the United States on April 17, 1972.

One might add as a footnote to history that from that day and that speech and that eminent logic spoken by that member of the British Parliament, the unnecessary, unproductive, and thoroughly avoidable war continued for several years and was finally settled in India on precisely the same terms that had been urged that day by Mr. Fox.

END THE WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Podell) is recognized for 30 minutes.

Mr. PODELL. Mr. Speaker, for some time, we have all known that the President was taking his time getting us out of Indochina. With one excuse after another, Mr. Nixon has been proceeding with a now familiar routine of procrastination.

Several weeks ago, I along with several of my colleagues, introduced a final end-the-war bill. That bill would terminate funds for all military operations and bombing in Indochina and do so immediately.

At the time the end-the-war bill was introduced, we were told it was not necessary. None of us can believe that now.

We woke up yesterday to read that U.S. forces bombed Hanoi and Haiphong. The end-the-war bill then became a necessity for peace and the eventual freedom of our POWs.

We woke up this morning and read that four Russian ships were hit by U.S. bombs. The end-the-war bill is even more than a necessity.

At the very height of the Cuban missile crisis—when all the world was a moment from a nuclear holocaust—not a scratch was made on Russian ships. But today, this administration has learned to swagger easily under the nuclear threat.

We may wake up tomorrow to read that there is no more choice.

We used to believe we were fighting for democracy. But Vietnam is not a democratic France overrun by the Kaiser. Vietnam is not a democratic England facing Nazi rockets. Vietnam is not a democratic Israel surrounded by petty, fanatical tyrants. Vietnam, North and South is dictatorship.

There are no moral principles in this war. Besides that, we now know from this administration's policies throughout the world—from ITT to China, from tax reform to Indochina—that morality is not its first concern.

So let us discuss the pragmatic side. In all the years the strategy of "bombing them back to the Stone Age" has been tried, it has failed. The more we bomb, it seems, the more it fails. When will Mr. Nixon learn?

Mr. Speaker, every day that the current Indochina policy continues, we wreck not only five Asian nations, but our own Nation as well.

Every bomb that falls on Hanoi rips our society apart—while it only damages their factories.

I am sure that Mr. Nixon is bent on proving that we can defeat North Vietnam. I have no doubt that in the long run we can destroy them. But in the process, we will also destroy everything that is worth fighting for in this country. We will destroy our peace, we will destroy our freedom, we will destroy our POW's, we will destroy our youth.

Mr. Speaker, the President has never called upon us to declare war in Indochina. Well, let's send him a message. Let us declare peace in Indochina.

RESOLUTION OF INQUIRY ON BOMBING IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, last week, I introduced House Resolution 918, a resolution of inquiry seeking information on the bombing in Indochina. This morning, I had the privilege of appearing before the Armed Services Committee in support of that resolution, and I am appending the text of my remarks there at the conclusion of this statement.

Congressman MICHAEL HARRINGTON of Massachusetts also testified in support of the resolution, delivering an eloquent statement on the need to inform the public and to have the Armed Services Committee take a more adversary position vis-a-vis the Department of Defense.

Mr. Dennis Doolin appeared on behalf of the Department of Defense, and his testimony was remarkable, to say the least. In discussing the resolution, he delivered the same, old, tired administration line about how hard the President is trying to make peace. He went on to state that the DOD opposed the resolution, but that he could not state why in open session. Note—he was not saying that he would not give the information requested by the resolution, though he said that too, but that he would not even let the public hear why the DOD is opposed to passage of the resolution.

Under the Rules of the House, the resolution must be reported to the floor within 7 legislative days of its introduction, even if the recommendation of the committee is unfavorable. Accordingly, I expect that it will be considered sometime next week, and I hope that the House will pass it.

We must reassert our constitutional responsibilities to stop the bombing and to get out of Vietnam at once.

I am inserting House Resolution 918 and the text of the testimony at this point:

H. RES. 918

Resolved, That the President and the Secretary of Defense be, and they are hereby, directed to furnish the House of Representatives, within ten days after the adoption of this resolution, with full and complete information on the following—

(1) (a) The number of United States military personnel in South Vietnam at the present time;

(b) The number of these individuals who are combat personnel;

(2) (a) The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of March 1972;

(b) The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of April 1972;

(c) The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of March 1972;

(d) The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of April 1972;

(3) (a) The tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of March 1972;

(b) The tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of April 1972;

(c) The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of March 1972;

(d) The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of April 1972;

(5) (a) The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling.

(b) The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of April 1972, including the costs of bombs and shells, ships, and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(c) The cost of all bombing and shelling carried on by the United States in or over South Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(d) The cost of all bombing and shelling carried on by the United States in or over South Vietnam during the first ten days of April 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(6) List separately the number of United States military personnel (if any) killed, wounded or reported missing in action during (a) the first ten days of March 1972 and (b) the first ten days of April 1972, specifying how many in each such category were killed, wounded or reported missing in action in or over South Vietnam and how many in each such category were killed, wounded or reported missing in action in or over North Vietnam;

(7) Whether there is a target date for the achievement by the Army of the Republic of Vietnam of complete military independence of United States air, naval, and ground support and participation and, if so, what date;

(8) Whether there has been any bombing or shelling carried on by the United States in or over Laos or Cambodia since January 1, 1972, and, if so, the number of sorties flown by United States military airplanes, for bombing purposes, in or over Laos or Cambodia since that date, the tonnage of bombs and shells fired or dropped by the United States into or over Laos or Cambodia since that date, and the cost of all bombing and shelling carried on by the United States in or over Laos or Cambodia since that date, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(9) Whether there has been an increase in the movement of military airplanes, military ships, other military equipment, military supplies, or military personnel of the United States to Southeast Asia, including the islands of the South Pacific Ocean, since

March 15, 1972 (relative to the thirty-day period immediately preceding that date), and, if so, the nature and extent of the increase in each such category; and

(10) What actions, if any, have been taken to comply with the provisions of section 601 of Public Law 92-156, approved November 17, 1971.

TESTIMONY OF CONGRESSWOMAN BELA S. ABZUG

Mr. Chairman, Members of the Committee, four days ago, the Nixon Administration carried out massive B52 and jet strikes against Haiphong and Hanoi. Hitting late at night in the most densely populated areas in Indochina, these sneak attacks constitute the most dramatic proof yet that the Nixon Administration is entirely committed to a full-scale and long-term U.S. air war in Indochina instead of negotiating a full withdrawal in return for the release of our captured pilots.

I do not know if you will agree with me that such high-level saturation bombings of heavily-populated areas must necessarily have killed and maimed thousands of civilians.

Nor do I know if you will concur that these bombings serve no useful military end as we have learned from previous experience, that they lead to the capture of more of our airmen, the prolongation of the captivity of those already interned and endanger their physical safety, and that far from protecting our ground troops in the southern part of Vietnam, the bombing of Hanoi and Haiphong will increase the danger to them.

And finally, I do not know if you accept my belief that these bombings—and the air war in general—represent a totalitarian indifference to the clear desire of the American people to withdraw from Indochina if our captured pilots can be released; that by continuing these acts of indiscriminate aerial slaughter the Nixon Administration will irrevocably split this country in the months to come.

But I am certain that we can agree on one basic point—the American people have a right to know what Administration officials are doing in their name.

There is no principle more basic to our democracy than the separation of powers among the executive, legislative and judicial branches, underguided by an enlightened electorate with the right to select leaders who will represent their desires. Yet this concept of democracy demands that all branches of our society have access to the information on which policy is made. If Congress and the public are kept in the dark about matters of high policy, how can they participate in democratic decision-making?

The Vietnam war itself is one of the most dramatic examples of the horrors that can occur when this democratic process breaks down. The vast majority of the American people and their Congressional representatives are now agreed that our original involvement in Vietnam was a tragic error. The Pentagon Papers make it unmistakably clear, however, that our involvement in Vietnam did not arise out of the acts of Congress or the American people. It was, rather, top officials of the Executive branch who unilaterally plunged this country into Vietnam by systematically hiding the facts of our intervention from the rest of the country. Can anyone doubt that had Congress and the people been informed about the real nature of the regimes we supported in Vietnam, the facts of the Gulf of Tonkin incident, the popular appeal of our adversaries there, that we might well have avoided the Vietnam quagmire?

Of all the Executive deception about the war over the last decade, however, none has been more catastrophic in its consequences than the Nixon Administration's blatant management of information about its air war.

Since taking office, the Nixon Administration has dropped over 3.2 millions tons of bombs on Indochina, bombing more than any government has done in the history of warfare; it has doubled the bombing of Laos; it has initiated a full-scale air war in Cambodia; it had already bombed North Vietnam on 328 admitted occasions before the recent counter-offensive began in South Vietnam; it has spent well over $10 billion on this bombing; well over 300 airmen who were alive and well when the Administration took office are now listed as captured or missing in action.

The evidence is overwhelming that this air war under President Nixon has destroyed hundreds if not thousands of villages, killed and wounded tens of thousands of other civilians underground or into refugee camps, and that it has altered the very land of Indochina itself. (See appendix). There can be no doubt that far from winding down the war, the Administration has simply substituted highly sophisticated automated war for the ground warfare of the Johnson years.

Despite the massive dimensions of President Nixon's air war, however, few of us in Congress and even fewer of the general public have received more than the scantiest of information about it from official sources. On the contrary. The Nixon administration has made strenuous efforts to keep the facts about the bombing hidden from the American public so as to diminish its effects on domestic opinion.

Some of the means it has used to manage news about the air war include the following:

1. *It has prohibited newsmen from going out on bombing raids or being flown to the front outside of South Vietnam.* Until recent months, the vast majority of U.S. air sorties, and some of the bloodiest fighting, has taken place outside of South Vietnam. Newsmen, however, are prohibited from going out on bombing raids in these countries, or from flying to the front when U.S.-supported Asian armies retake bombed-out villages. As a result, the war has been largely taken off the front pages and TV screen, thereby deluding many Americans into thinking it has been "winding down." This prevention of newsmen from observing the war does not appear to be for fear that they would violate military security. Reporters had always been allowed into the air and to the front in South Vietnam under President Johnson. Rather it is clearly an attempt to muffle domestic dissent by waging an invisible war. And a recent New York Times story revealed that this policy is not only continuing, but being extended; that the Nixon administration is even now attempting to limit access of reporters to the war in South Vietnam.

2. *It has classified much important information, most of which is already known to our adversaries.* Such crucial issues as the amount of bombing going on outside of South Vietnam in any given month, the incidence of use of anti-personnel and incendiary weapons, the real cost of the air war, the locations and circumstances surrounding our aircraft and pilot losses in the skies over Indochina, and a host of other air war information such as that requested in my resolution of inquiry had been kept secret by the Administration. Once again, this is not information which would help our adversaries. They know what kind of weapons are being used against them, when attacks are escalated, how and where they shoot down our pilots. The only people to whom this information is "classified" are the American people. This policy, too, continues until this very moment. An April 12 *New York Times* dispatch revealed that the Administration had extended its "classification" policy to any details of the bombing of North Vietnam, even the few that had been revealed under President Johnson.

3. *It has deliberately created a false image of a sterile and antiseptic air war conducted solely against military targets*—Time and again administration officials tirelessly proclaim to Congress, the American people and the world that they do not bomb civilian targets in Indochina, that the only targets hit are military. They refuse to reveal any estimates of the civilian casualties caused by bombing, although the Pentagon Papers reveal that such estimates are available—as when Robert MacNamara estimated that the bombing was causing 1,000 civilian casualties a week in North Vietnam. They create such Orwellian terms as "protective reaction" strikes, implying that loosing 100's of tons of bombs on the rural society of North Vietnam is somehow defensive in nature. Even the massive Christmas 1971 bombings involving several hundred aircraft striking at North Vietnam for 5 days in succession, were classified as just one of these "protective reaction" strikes, termed a "limited duration protective reaction strike".

An authoritative study of the air war by the Center for International Studies of Cornell University noted that "in a strategic bombing campaign, strategic targets are located near predominately civilian areas". For the Administration to claim, as it has, that the recent saturation bombings of the Haiphong area, a region inhabited by over 300,000 people, were carried out only against military targets is more than just a half-truth. It is part of a conscious and Orwellian pattern of thought control about the air war which once again continues until the present moment.

Such management of information about the air war is antithetical to the principles upon which this country was founded. Such information control is not only unworthy of a great democracy, but presents a clear and present danger to it. Unless the American people and we in Congress can receive far more information than we are now getting about the air war, it will lead not only to even greater physical destruction of Indochina, but to an increasing trend to the destruction of democracy here at home as we now know it.

Accordingly, I have introduced this resolution containing a number of questions about the air war which I hope this committee and the House will in turn submit to the Executive branch for public answer.

These questions are simple and straightforward. They do not ask for information that could be of value to our adversaries. They do not reveal future plans that could endanger our pilots.

Indeed, these questions in and of themselves are but a *minimal beginning to fuller public understanding of the air war*. They deal primarily with the physical dimensions of our bombing and shelling and the areas in which they are being carried out. Far more important questions—such as the incidence of use of anti-personnel and incendiary weapons, the numbers of villages, schools and hospitals we have bombed, the estimated numbers of civilians who have been killed and wounded by the bombing and shelling—could and should be asked. But I have decided to begin with the rather basic and elemental questions in this resolution of inquiry, H. Res. 918.

I hope that you will assist me in attempting to get answers to these questions, not only for the sake of the people of Indochina, but for the sake of the continuation of democracy in this land.

Every word of every chapter of every book that has ever been written stresses that totalitarian control begins with the management of information. It is my belief that the present secrecy concerning the Nixon Administration's air war in Indochina is the most dramatic example of domestic authoritarianism in the history of this Republic.

Let us put aside partisan judgments and take this one small step to reverse this trend, this beginning step towards reviewing the freedom of information of which this country has been so justly proud.

Let us realize that if history may pass a harsh judgment upon those of us who have supported indiscriminate aerial slaughter in Indochina, it will surely have no forgiveness for those who would not even fully inform the American people about it.

If we cannot agree that this bombing is wrong, let us at least agree that the secrecy surrounding it is wrong.

This is the least we owe to our country.

YOUTH CAMP SAFETY

The Speaker pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 10 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, in a recent issue of the Ladies Home Journal consumer champion Ralph Nader devotes his column to a subject in which I have been interested for many years—youth-camp safety.

For almost 5 years we have been attempting to establish Federal safety standards to adequately protect children on their summer vacations. Parents send their children to camps believing that they will be safeguarded yet every year children drown, are injured and killed in bus and truck accidents and are allowed to participate in dangerous activities for which they have neither proper experience nor adequate supervision.

I commend the article to the attention of my colleagues. The article follows:

[From the Ladies Home Journal, April 1972]

RALPH NADER REPORT

(NOTE.—In the last six years, Ralph Nader, 37, has become America's foremost consumer defender. He is credited with the passage of at least six major laws that imposed new Federal safety standards on cars, meat and poultry products, coal mining, gas pipelines, and radiation from electronic devices. In 1970 Nader founded the Public Interest Research Group, which investigates and researches consumer issues. He is also a trustee of the Center for the Study of Responsive Law.)

Several years ago, Mr. and Mrs. Mitch Kurman of Westport, Conn., sent their 15-year-old son David to summer camp in Maine. In August, they got word that his canoe had overturned on the Penobscot River. It was three days before searchers found the boy's body in the whitewater rapids of a river that even experts won't tackle in canoes. The parents were told that the counselor who led the canoe trip "didn't know" the river was dangerous.

The Kurmans, like other parents, had expected the camp they selected for their son to take reasonable precautions. But unlike most other facilities for children, camps operate with virtually no outside regulations to help make sure they meet parents' expectations. About the only people testing camps today are the eight million children who attend them each summer.

The deaths and injuries that occur at camps are usually as unnecessary as they are tragic—as in the case of the campers who died in the Canadian Rockies several summers ago. This group of boys perished trying to scale a peak that even skilled mountain climbers avoid in warm weather, but the boys were allowed to continue the ascent even after their counselor stopped climbing. Seven were swept to their deaths when an avalanche of snow rumbled over them.

You want your children to learn new skills at camp, but you want them to learn in an environment where the risks are reduced. Reducing risks may involve proper equipment or a counselor's attitude toward teaching children. As one mother said, "I don't want a camp that emphasizes achievement to the degree that children try to do more than they know how to do."

Another mother was worried about a large wooden meeting hall that had only two exits. "I couldn't understand how the place met the state fire regulations," she said. Then she found out there weren't any regulations.

If your child is going to camp this summer, you want to know:

Are the counselors competent?

Are clear safety rules observed in hazardous area, such as the waterfront?

Are buildings and grounds safe?

Are medical personnel and facilities available?

Is the food nourishing and the kitchen clean?

Are sanitation rules followed?

But in no state are you assured of all these safeguards and in many states you are guaranteed none at all. Nineteen states have no camp regulations of any kind. Only 26 states have sanitation requirements for camps. Only 21 inspect camp facilities. Only 13 require that doctors be on call or that the camp have medical facilities. Only 15 have *any* safety regulations for camps. And only four states have any requirements for counselors.

Most camps don't even meet the standards set by the camping industry itself; only one-fourth are accredited by the nonprofit American Camping Association. According to the ACA's president, Dr. John S. Kirk, about 3,000 camps have passed inspections by his organization. The ACA says that it evaluates camps on the basis of administration, programs, personnel, camp site, sanitation and transportation.

Drowning is the leading cause of camp fatalities. Approximately 40 children are known to drown at camps each year, and the true number is probably higher because no one keeps camp injury statistics and many accidents go unreported. Yet only 10 states have requirements for counselors in charge of water activities.

In 46 states there are no regulations for vehicles that transport campers or for the people who drive them. Yet tragic crashes have killed campers in recent years. In California three years ago, four children were killed and 58 injured when a flatbed truck driven at excessive speed overturned on an expressway. Last year, seven day-campers from Long Island were killed and 51 seriously injured when their bus turned over in western Pennsylvania. Parents later found out that the driver had seven previous violations of traffic laws and the bus had numerous defects, including bald tires.

Camps are a growing, $3 billion business. There are more than 11,000 camps in America today. During the last eight years the overall number of camps has decreased slightly, but the number of campers has grown by more than 3 million—and it is expected to continue rising. Camps are an open field for anyone who wants to cash in on our children's need for outdoor fun. And there's nothing to prevent operators from increasing their profits by masking poor facilities as "rustic" or by hiring as counselors callow, untrained people who will work for low salaries.

For five years, Congress has ignored bills that would establish Federal camp safety standards. This year a bill is likely to be passed. But in accordance with the version of it already approved by the Senate, Federal standards would be merely voluntary, depending on a state's willingness to enforce them. To be effective, the law must require all camps to meet safety standards and must provide adequate penalties for camp operators who violate them. (Giving credit where credit is due, the chief Congressional proponents of camp safety legislation are Sen. Abraham Ribicoff of Connecticut, Rep. Dominick Daniels of New Jersey and Rep. Benjamin Rosenthal of New York.)

Since no law will be effective in time to help you this year, look carefully at any camp you consider. Find out the director's age and experience and the counselors' qualifications. Check the ratio of counselors (not total staff) to campers. (The American Camp Association says that a minimally adequate ratio is one cabin counselor for every 10 campers over the age of 8, with more counselors for children under 8.) Try to avoid camps not inspected by your state for safe facilities and proper diet and food handling. Ask specifically about safety precautions around water and near shooting and archery ranges. Make sure the camp has adequate medical facilities and requires medical examinations and records for all campers. Ask for the camp's accident record: if they won't give it to you, look for another camp.

No system can remove all the risks for your child—at camp or anywhere else. But it doesn't make sense to send children to places of which we know so little, either about their ability to keep children safe or their capacity for giving children worthwhile learning experiences.

PANAMA CANAL: LATEST INFORMATION ON PROPOSED BETRAYAL OF OUR TAXPAYERS HUGE INVESTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, from December 18, 1964, until completion of negotiations in 1967, the executive departments of the Governments of the United States and Panama were engaged in the formulation of three proposed new canal treaties to replace the existing 1903 Treaty under which the United States obtained full sovereign power and ownership of the Canal Zone in perpetuity for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation and protection.

Because the magnitude of the investment by the taxpayers' of our country in the Canal was not then known, I requested, and obtained, from the Secretary of the Army a statement of such investment from 1904 through June 30, 1966. In an address to the House of Representatives in the CONGRESSIONAL RECORD of May 10, 1967, volume 113, part 9, pages 12315–12319, on "Panama Canal: Betrayal of Our Taxpayers' Vast Investment Proposed," I quoted the indicated reports. That address, for the first time, gave our total investment in the canal enterprise—$4,889,051,000.

Publication of the proposed 1967 treaties sparked violent reactions against them in both Panama and the United States with the result that they were ever signed and never submitted for ratification. It was the hope of many informed citizens of both countries that those proposed agreements would be allowed to die but that was not to be. The Nixon administration accepted the

Johnson administration canal policies and retained the same chief negotiator, Robert B. Anderson, who also headed the sea-level canal study panel under Public Law 88–609.

Following the submission to the President on December 1, 1970, of the final report of this study panel recommending the construction in the Republic of Panama of a vast and extravagant sea level undertaking and negotiation of a new canal treaty with Panama, the Nixon administration on June 29, 1971, resumed treaty negotiations with Panama for new canal treaties with the same Robert B. Anderson as Chief Negotiator and two other participants in the abortive 1967 treaties in crucial positions: John N. Irwin II as Under Secretary of State and Robert M. Sayre as Ambassador to Panama.

To bring the previously mentioned 1966 reports on U.S. investments in the canal enterprise up-to-date, I again requested the Secretary of the Army for the needed information and he has supplied it in two reports.

From the data thus provided, the following are the sums that have been paid by our government:

DEFENSE OF THE PANAMA CANAL

	1904–June 30, 1966	July 1, 1961–June 30, 1971	Totals
Army	$2,874,361,000	$461,034,000	$3,335,395,000
Navy	853,190,000	93,126,000	946,316,000
Air Force	320,400,000	192,534,000	512,934,000
Total	4,047,951,000	746,694,000	4,794,645,000

ACQUISITION OF CANAL ZONE, CONSTRUCTION, MAINTENANCE, OPERATION, SANITATION, AND PROTECTION OF THE PANAMA CANAL

	1904–June 30, 1966	1904–June 30, 1971
Gross U.S. investment	$1,951,600,000	$2,247,100,000
Recoveries by U.S. Treasury	1,251,500,000	1,540,900,000
Unrecovered	700,100,000	706,200,000
Total investment	4,748,051,000	5,500,845,000
Retained earnings	141,000,000	194,9 0,000
Adjusted totals	4,889,051,000	5,695,745,000

In these connections, it should be noted that all the above figures do not reflect 1972 values. If the expenditures made in earlier years were converted into present day currency the total U.S. investment would be far greater, possibly by billions.

Mr. Speaker, the total book value of $5,695,745,000, is far greater than was expected and this is the investment that our country will lose by the currently proposed treaty or treaties—a shocking assault on the taxpayers of our country who paid for the acquisition of the Canal Zone, purchased all land and property therein, and have borne the costs for the construction of the Canal and its subsequent maintenance, operation, sanitation and protection. No wonder the hidden architects of this betrayal are using the treaty process in an effort to bring about what could never be secured by forthright legislation.

But they have overlooked an important safeguard placed in the Constitution through the wisdom of the Founders of our country. Article IV, section 3, clause 2 vests the power to dispose of territory and other property of the United States in the Congress, which includes the House of Representatives as well as the Senate.

Apparently, U.S. treaty negotiators and other officials of the State Department have concealed and not made use of the indicated constitutional provision as regards a new treaty with Panama despite the fact that any surrender of territory or other property of the United States would have to be considered by the House as well as the Senate before they could be surrendered or disposed of.

Such concealment from Panama in this connection amounts to duplicity and, ultimately, a gross disservice to Panama.

From long association with the canal question in the House of Representatives, I am sure that I reflect the feeling of most of my colleagues on both sides of the aisle when I say that they will never give their approval to the projected betrayal at Panama. It is obvious that those in the State Department who, by their inept handling of the Panama Canal situation helped to wreck the Johnson administration, are yet in command of canal policy matters and are pursuing the same methods with the Nixon administration.

Mr. Speaker, as the latest information on the investment of the United States in the canal enterprise will be of special interest to all Members of the Congress and the Nation at large, I quote the indicated reports as part of my remarks and commend them for study by all concerned with the canal question, especially the House Subcommittee on the Panama Canal, which, under the able leadership of my distinguished colleague from New York (Mr. MURPHY), is now engaged in the most comprehensive canal investigation by the Congress since 1906:

DEPARTMENT OF THE ARMY,
Washington, D.C., March 16, 1972.

DEAR MR. FLOOD: On 8 February I provided you an interim response to your letter of February 2, 1972, to Secretary Froehlke requesting tabulations on all sums paid for the protection and defense of the Panama Canal for the period July 1, 1966, to June 30, 1971. In a previous report dated April 10, 1967, we supplied you with similar information for the period 1904 through June 30, 1966.

The attached enclosures provide cost data relating to the protection and defense of the Canal in a chronological display as requested in your letter of February 2. You will note that these data cover all identifiable expenditures of the Department of the Army, Navy, and Air Force.

Sincerely,

G. E. BLAND,
Colonel, General Staff, Executive, Office Deputy, Under Secretary of the Army, (International Affairs).

COST OF PROTECTION AND DEFENSE OF THE PANAMA CANAL

CONSOLIDATED COST REPORT BY MILITARY DEPARTMENT

[Dollars are in thousands]

Fiscal year	Army	Navy	USAF	Total
1967	$94,013	$13,118	$34,476	$141,607
1968	84,792	16,049	36,158	136,999
1969	88,176	20,168	41,882	150,226
1970	93,574	20,512	40,694	154,780
1971	100,479	23,279	39,324	163,082
Total	461,034	93,126	192,534	746,694

DEPARTMENT OF THE ARMY—COST OF PROTECTION AND DEFENSE OF THE PANAMA CANAL

[Dollars are in thousands]

Fiscal Year (1)	Military strength (2)	MPA (3)	OMA (4)	PEMA (5)	MCA (6)	Total (7)
1967	8,351	$39,784	$48,711	$5,222	$296	$94,013
1968	7,422	36,405	40,991	5,117	2,279	84,792
1969	8,877	44,214	40,601	2,375	986	88,176
1970	$8,427	$53,137	$37,717	$1,267	$1,453	$93,574
1971	7,082	53,189	37,375	2,909	7,006	100,479
Total	40,159	226,729	[1] 205,395	16,890	[2] 12,020	461,034

Column headings:
2. Military strength in the Panama Canal Zone plus Department of the Army support personnel as of June 30, each year.
3. Millitary personnel, appropriation.
4. Operation and maintenance, appropriation.
5. Procurement of equipment and missiles, appropriation (PEMA replacement and training ammunition).
6. Military construction, appropriation.

[1] Includes costs for operation and maintenance of family housing units, as follows: Fiscal year 1967—$3,310; fiscal year 1968—$3,653; fiscal year 1969—$3,902; fiscal year 1970—$3,867; fiscal year 1971—$4,259.

[2] No funds were expended for family housing construction during this period.

DEPARTMENT OF THE NAVY—COST OF PROTECTION AND DEFENSE OF THE PANAMA CANAL

[Dollars in thousands]

Fiscal year: (1)	Military strength (2)	Military pay (3)	Operation and maintenance (4)	Procurement (6)	Military construction (6)	Total (7)
1967	706	$3,236	$8,963	$840	$79	$13,118
1968	764	3,622	11,513	669	245	16,049
1969	714	3,445	15,216	609	898	20,168
1970	767	3,878	16,223	387	24	20,512
1971	$784	$4,557	$16,639	$1,450	$633	$23,279
Total	3,735	18,738	[1] 68,554	[2] 3,955	[3] 1,879	[4] 93,126

[1] Includes operation and maintenance of family housing units, as follows: fiscal year 1967—$354; fiscal year 1968—$475; fiscal year 1969—$438; fiscal year 1970—$521; fiscal year 1971—$821.

[2] Represents the value of procurement contracts of $10,000 or more awarded to contractors in the Canal Zone.

[3] Includes family housing construction costs as follows: fiscal year 1967—none; fiscal year 1968—none; fiscal year 1969—none; fiscal year 1970—$24; fiscal year 1971—$132.

[4] All cost data and military strength information includes the Marine Corps.

DEPARTMENT OF THE AIR FORCE—COST OF PROTECTION AND DEFENSE OF THE PANAMA CANAL

[Dollars are in thousands]

Fiscal year (1)	Military strength (2)	MPA (3)	OMA (4)	PEMA (5)	MCA (6)	Total (7)
1967	2,919	$16,442	$16,790		$1,244	$34,476
1968	3,148	18,550	15,147		2,461	36,158
1969	3,101	19,662	16,404		5,816	41,882
1970	3,042	21,930	16,375		2,389	40,694
1971	2,930	$23,129	$16,110		$85	$39,324
Total	[1] 15,140	99,713	[2] 80,826		[3] 11,995	192,534

[1] Total for col. 2 is military man-years.

[2] Includes family housing management account, defense (57-97*0700), as follows: Fiscal year 1967—1,739; fiscal year 1968—1,730; fiscal year 1969—2,469; fiscal year 1970—2,140; fiscal year 1971—2,027.

[3] Includes family housing management account, defense (57-97X0700), as follows: Fiscal year 1968—836; fiscal year 1969—4,154; fiscal year 1970—1,169; fisca' year 1971—9.

DEPARTMENT OF THE ARMY,
Washington, D.C., April 6, 1972.

DEAR MR. FLOOD: On March 30, 1972 I provided you an interim response to your letter of 24 March to Secretary Froehlke requesting information on the remaining investment of the United States in the Panama Canal enterprise. This office had previously supplied you with similar information containing data current as of 30 June 1966.

The attached enclosure is a statement of funds and property received by the Panama Canal enterprise from the U.S. Government, interest costs thereon payable to the U.S. Treasury and funds repaid to the U.S. Government by the Panama Canal enterprise from inception to 30 June 1971. The enclosure provides you the updated information requested in your 24 March letter.

Sincerely,

G. E. BLAND,
Colonel, General Staff, Executive, Office Deputy, Under Secretary of the Army (International Affairs).

PANAMA CANAL ENTERPRISE (1)

[Unaudited summary statement of funds and property received by the Panama Canal enterprise from the U.S. Government, interest costs thereon payable to the U.S. Treasury and funds repaid to the U.S. Government by the Panama Canal enterprise from inception to June 30, 1971]

[In millions of dollars]

	July 1, 1951	June 30, 1971
Gross investment of U.S. Government:		
Funds and property transfers (2)	$1,013.9	$1,640.9
Interest on net investment of U.S. Government:		
From inception to June 30, 1951 (3)	373.4	373.4
From July 1, 1951, to June 30, 1971:		
Panama Canal Company (paid to U.S. Treasury) (4)		199.3
Canal Zone Government and Thatcher Ferry Bridge (5)		33.5
Total gross investment of U.S. Government	1,387.3	2,247.1
Recoveries by the U.S. Government: Deposits and deposit credits from all sources (6)	784.6	1,540.9
Total unrecovered balance, excluding retained earnings	602.7	706.2

Note: The total unrecovered net investment excludes retained earnings recorded in the accounts totaling $194,900,000. Of this amount, $71,000,000 was carried over from the Panama Railroad Company at June 30, 1951, and $123,800,000 was earned by the Panama Canal Company subsequent to July 1, 1951. If this amount is to be considered as an additional investment, it should be added to the amounts as follows:

	July 1, 1951	June 30, 1971
Totals as shown above	602.7	706.2
Add recorded retained earnings	71.7	194.9
Adjusted total	673.8	901.1

2. Funds and property transfers:	
(a) Funds appropriated directly for the enterprise:	
Original construction	$386,910,301.00
Maintenance, operation and additional capital expenditures	1,138,669,299.41
Total	1,525,579,600.41
(b) Funds appropriated for other U.S. Government agencies for the direct benefit of the enterprise:	
Construction annuity to employees (and their widows) engaged in the construction of the canal	49,745,592.62
Increased annuity to Panama	24,000,000.00
Annuities to employees retired prior to July 1, 1951	15,091,000.00
Salaries of military personnel assigned to the canal prior to July 1, 1951	9,307,002.00
Injury and death payments, Bureau of Employees Compensation	5,316,517.98
	103,460,112.60
Total appropriations	1,629,039,713.01
(c) Property transferred from other U.S. Government agencies	19,428,280.94
(d) Property transferred to other U.S. Government agencies	7,536,287.57
Total property transfers, net	11,891,993.37
Total funds and property transfers	1,640,931,706.38
3. Interest on net direct investment:	
From inception to June 30, 1951:	
Interest at 3 percent to Aug. 14, 1914, and at individual annual rates thereafter, (as determined by the Secretary of the U.S. Treasury), has been calculated on net withdrawals (total appropriations less deposits of canal tolls and other deposits) from 1904 to 1951	373,442,987.50
4. From July 1, 1951, to June 30, 1971:	
Panama Canal Company:	
Interest at rates from 1.95 percent for fiscal year 1951 to 3.761 percent for fiscal year 1971 (as determined by the Secretary of the U.S. Treasury) has been calculated on the Company's net direct investment, established in accordance with sec. 62 of title 2 of the Canal Zone Code, charged to Company operations and subsequently deposited into the U.S. Treasury as miscellaneous receipts, as required by law	199,274,014.53
5. Canal Zone Government and Thatcher Ferry Bridge: Existing law specifically exempts the net direct investment of the Canal Zone Government and the Thatcher Ferry Bridge from interest charges. However, it is considered that this element should be included in arriving at the unrecovered investment of the U.S. Government in the Canal enterprise. The interest cost reflected herein has been calculated at the same rates used for the Company as shown under paragraph 3 above, on the net direct investment of the Canal Zone Government and Thatcher Ferry Bridge as of June 30 each year through June 30, 1971	$33,458,660.95
6. Recoveries by the U.S. Government:	
(a) Actual deposits into the U.S. Treasury:	
Canal tolls prior to June 30, 1951	643,883,520.78
Net profits from business operations (activities corresponding roughly to our present supporting operations)	28,591,812.05
Licenses, fines, fees, and postal receipts	6,887,294.59
Proceeds from sale of construction equipment	6,990,681.75
Capital repayments and interest on public works in Panama and Colon	3,547,006.22
Dividends paid by the Panama Railroad from 1905 to 1950	23,994,905.00
Interest on net direct investment of the Company from July 1, 1951, to date	199,274,014.53
Capital repayments from July 1, 1951, to date	40,000,000.00
Net cost of Canal Zone Government, reimbursed by the Panama Canal Company	317,247,631.17
Canal Zone Government revenue and plant salvage	199,846,370.71
Total	1,470,263,236.80

(b) Deposit credits: Value of canal tolls on U.S. Government vessels to June 30, 1951	70,668,969.00
Total deposits and deposit credits	1,540,932,205.80

7. The Panama Canal enterprise consists of the Panama Canal Zone Government and their predecessor agencies. The enterprise does not include military agencies located in the Canal Zone.

AIRLINE COMMENTARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Adams) is recognized for 10 minutes.

Mr. ADAMS. Mr. Speaker, a most interesting column appears in the April issue of Airline Management, written by the senior and distinguished aviation writer Eric Bramley, that I would like to share with my colleagues.

My namesake, General Adams, the subject of the article, is also a distinguished Seattleite, lawyer and aviator.

Returning from Okinawa and World War II he was appointed the first Director of Aeronautics for the State of Washington. In this capacity he saw the State of Washington appropriate money to match Federal airport aid funds in the construction of emergency air fields for general aviation in the mountain passes of the Cascades.

He came to Washington, D.C. in 1951 as a Truman appointee to the Civil Aeronautics Board. In his 6 years of service he initiated consumerism in his long fight for low air fares and on his departure from the Board was acclaimed as the "Father of air coach."

[From Airline Management, April, 1972]

Airline Commentary

(By Eric Bramley)

Gen. Joseph P. Adams is the local airlines one-man gang in Washington. For years, as executive director of the Association of Local Service Airlines, he has covered all the bases for his members—Congress, CAB, FAA and any other agency that gets into the aviation act. And for each of the past 15 years he has put together, in January or February, an annual "Congressional appreciation luncheon." Year after year, it produces the doggonedest turnout you've ever seen. This year was no exception—about 300 guests including Senators, Representatives, Congressional aides, agency members, press, and the like. Sen. Howard Cannon (D-Nev), chairman of the Senate aviation subcommittee, attended along with three other Senators (all subcommittee members). The chairman, vice chairman and two members of the Civil Aeronautics Board showed up (the other member was out of the country). Rep. Harley Staggers (D-W Va), chairman of the Interstate & Foreign Commerce Committee was there. It's probably the only aviation affair attended by William M. "Fishbait" Miller, the well-known doorkeeper of the House of Representatives. There are no formal speeches and there is no head table. At the conclusion of the meal, Adams paces the floor as he introduces the chief executive of each of his member airlines and gives about a one-minute resume of each carrier's activities for the past year. He also introduces members of Congress, agency members and a few others, and the luncheon ends. It's a fun affair and it seems safe to say that no other aviation organization consistently turns out so many important folks. As the powerful Rep. Staggers told the airline execs: "This is one meeting I never miss."

THE BOMBING OF NORTH VIETNAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the bombing of North Vietnam authorized and directed by President Nixon is another outrage. I oppose the war in Vietnam, because I believe it to be immoral and unconstitutional. Those who support that war should have the courage of their convictions and introduce into the Congress a resolution declaring war. The Constitution specifically states that it is the Congress and only the Congress which may declare war. But Administration supporters on both the Democratic and Republican sides of the aisle are unwilling to introduce such a resolution, because they do not have the courage to stand up and vote for it and have their names spread upon the record for their constituents to see.

I am a sponsor of the Gravel-Drinan bill which not only would cut off funds for the bombing which is now taking place, but also would terminate all funding for U.S. operations in Indochina 30 days after its enactment, subject to release of our prisoners of war. Hopefully, that bill can be offered on the floor of this House as an amendment to the next appropriation bill containing money for continuing the war in Vietnam. And I would hope such an amendment will be supported not only by those who oppose the renewed bombing, but also by those Members who cannot bring themselves to openly oppose this new offensive, but who recognize the great damage done to our constitutional process by the President's escalation of the air war.

In the 91st Congress I was one of 21 Members to have voted against every appropriation bill containing moneys for the prosecution of the war in Vietnam. The 92d Congress is coming to a close and I hope that the American public will make it clear to its representatives that they want them to vote to end the war and to end it now. Innocent lives—American, Vietnamese, Cambodian, and Laotian—are being destroyed every day. It is surely madness for the United States to continue to participate in this bloodletting.

OCCUPATIONAL SAFETY AND HEALTH ACT

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, I am very hopeful that our colleague, Dominick V. Daniels, chairman of the Select Subcommittee on Labor which has jurisdiction over the Williams-Steiger Occupational Safety and Health Act, will begin hearings so that my amendment to this act can be acted upon before we adjourn this summer.

I am in receipt of a letter from Newell B. Sargent, president of Fremont Beverages, Inc., one of the few large scale operations in the low populated State of Wyoming, in my District.

It again shows that virtually gestapo tactics are being used by the Department of Labor of this Government in enforcing what ought to be an altogether decent law bringing about safer premises for employees. Good employees, like Mr. Sargent, have no intention of seeking to repeal the law. They are just as interested in having a safe place as is anyone in Government. They generally approve of what Congress had in mind in passing the act 2 years ago, but there must be an amendment to its provisions to allow a year or two for an education period, and to allow the inspectors to enter the premises to help with conformance and compliance with the act, not to levy fines categorically and to treat innocent people as if they were guilty before a hearing. The act does need modification. There is no question of that. I hope each Member of the House will call or write to our good colleague, Dominick Daniels, so that hearings can continue without delay.

The letter follows:

Fremont Beverages, Inc.,
Worland, Wyo., April 12, 1972.

Congressman Teno Roncalio,
Longworth Building,
Washington, D.C.

Dear Teno: I am today in receipt of your letter of April 7, addressed to "Federation of Independent Business Member", in which you enclosed a copy of an amendment to the Occupational Safety and Health Act of 1970, which you introduced into the House of Representatives on March 20.

This is to advise you that two inspectors of the Occupational Safety and Health Administration, regional office at Billings, Montana, made an inspection of the Fremont Beverages, Inc., premises on March 31, which resulted in citations and fines being assessed in the amount of $170.00. For your information I am enclosing photostatic copies of the citation that was issued to us. I am not so concerned with the fine that was assessed to us but I am upset by the fact that we are making an earnest effort to bring our premises into compliance with the law, and a number of things were in the process of compliance when the inspectors arrived.

You will recall that two years ago we installed a new canning facility here in Worland, and our equipment purchases amounted to over $300,000.00. It is highly automated and a high speed canning line requiring a number of electrical motors. At the time of the inspection, we were fined $85.00 because we did not have guards around the shafts running from the electric motors to the pumps, and in addition to the fines, we are going to the expense of installing guards on equipment that is only two years old—equipment manufactured by and purchased from reputable manufacturers. True, these OSHA requirements were not in existence at the time this machinery was manufactured; but I am sure that had the manufacturer thought this equipment hazardous, that they would have installed guards at the time it was installed in our plant. In other words, we are being fined for an omission by a manufacturer.

I am just as interested in having a place that is safe for our employees as is the Government. I approve of what they are trying to do but I object strenuously to the way they are doing it. I firmly believe that if the Department of Labor is really interested in protecting the employee, that the inspector should first meet with the various companies and discuss these requirements with them and give them an opportunity, within a reasonable time, to bring their premises into conformance with the requirements of the Act. If you will examine the manual that is furnished businesses, it contains about as many words as the Holy Bible, and it requires one man many, many hours to read it and to assimilate the information that is in it.

I think that there would be no opposition to what the Act is trying to do if it was presented in the light of assisting the various businessmen to conform rather than the Gestapo tactics now being used by the Department of Labor.

I am heartily in accord with your amendment and I hope that you can secure the support of other representatives as well as senators to secure a modification of this Act.

Yours very truly,

NEWELL B. SARGENT, *President.*

COMMAND DECISION A WISE ONE

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, I for one would like to commend our President and Commander in Chief, for his "gutty" decision to "untie the hands" of the American Air Force and Navy who together maintain air superiority and close ground support in Southeast Asia, and permit the bombing of the supply facilities, in the port of Haiphong, of the North Vietnamese regular army aggressor divisions.

Mr. Nixon has obviously learned a lesson, propounded by General MacArthur, that the enemy can never be permitted the privilege of sanctuary.

Let us make it clear that the war is being waged in South Vietnam by an invading force from the north. This is not a civil war.

The government of Hanoi has committed at least 12 combat divisions, fully equipped primarily by the Communist U.S.S.R. with the most advanced weapons system, armor, artillery, and antiaircraft. They struck across the demilitarized zone under a heavy cloud cover that denied the South Vietnamese Army close tactical air support by us, a situation that existed from 72 to 108 hours. During that time, the South Vietnamese bent, but held, and are now beginning to carry the battle back to the enemy, and throw them back. In wars for defense of freedom, success is paramount.

North Vietnamese tanks need oil and gas. We have bombed those supplies, since weather permitted, in line with the Nixon doctrine first set forth in Guam.

Their guns need ammunition, we have bombed those supplies.

Their troops need food and clothing, we have bombed those supplies. How appropriate if we could eliminate those transgressing regulars, since our C.I.C. has properly untied the hand behind the backs of our supporting military.

All of our sustaining efforts have been made at strategic targets, and the people of the North have not been made to suffer the ravages of war, as have the people of the South, because of the deliberate decision not to carry the war to them. In the past they have had it both ways. Now the invaders are suing for a resumption of the "peace talks" at Paris, and rightfully our reply has been that they should give us a demonstration of an honest desire to negotiate. I remind you that our comprehensive eight-point peace proposal is still on the table, quod erat demonstrandum Vietnamization and defense of liberty is succeeding. Let us not again "muff it."

Mr. Speaker, our ground combat troops are being withdrawn. They will continue to be withdrawn because the program of Vietnamization is working. Our course has been set, we are withdrawing our troops while leaving the South Vietnam Army in the position to defend itself. No one can deny that in truth or full judgment.

I think it is time for the "armchair quarterbacks" to stop diagnosing plays, and get behind the Commander in Chief, and support his action.

TO REVISE THE BOUNDARY OF CITY OF REFUGE NATIONAL HISTORICAL PARK, HAWAII

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing the bill to amend the act of July 26, 1955 (69 Stat. 376) which authorized the establishment of the City of Refuge National Historical Park, Hawaii, to give the Secretary of the Interior the authority to acquire additional lands and waters contiguous to the park.

The existing park, authorized in 1955, contains about 180 acres. It is the site of the best known and best preserved place of refuge in all of the Hawaiian Islands. A study made by the Bishop Museum in 1957 revealed that there are important archeological remains and historic values located outside the authorized boundary. The possibility of undesirable development inland but adjacent to the park threatens to diminish the values thought preserved by the 1955 act and threatens to destroy the archeological remains located by the Bishop Museum outside the boundaries.

This bill amends the basic authorizing act to add a fourth parcel for acquisition as part of the park.

This parcel includes 191 acres of land and 112 acres of water area. The land area extending inland will extend the boundaries sufficiently to protect the area thereby preserving the City of Refuge's setting in as nearly an original state as is possible. The water areas authorized for acquisition will serve to protect the City of Refuge's seaward approaches.

I am informed that the National Park Service has drafted a master plan for the City of Refuge National Historic Park and that the acreage here proposed to be acquired has been studied and recommended for addition to the park. I am also informed that the Park Service plans to hold public meetings on the master plan in Hawaii so that the public will have an opportunity to express its views.

My concern is that the unique values of the historical park, the superb interpretative facilities and the restoration completed by the Park Service be preserved for all to enjoy.

The text of the bill is as follows:

A bill to revise the boundary of the City of Refuge National Historical Park, in the State of Hawaii, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act approved July 26, 1955 (69 Stat. 376), which authorized the establishment of the City of Refuge National Historical Park, is amended by adding the following paragraph at the end thereof:

"PARCEL 4

"Being all those areas of land and water within the boundary generally depicted on the map entitled 'Boundary Map, City of Refuge National Historical Park,' numbered 415–20,007B, and dated March 1972, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, exclusive of Parcels 1, 2, and 3 described above."

CONGRESSIONAL CHARTER OF THE PACIFIC TROPICAL BOTANICAL GARDEN

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, yesterday the House voted approval of H.R. 9135, which would amend the Congressional Charter of the Pacific Tropical Botanical Garden.

The purpose of the bill is to amend the charter of the garden to remove the limit as to the maximum number of persons who may sit on the board of directors. Presently, the charter limits that number to 15 members.

The garden was chartered by Congress in 1964, Public Law 88–449. The purposes of the garden as set out in the charter are to establish and maintain a tropical botanical garden for educational, scientific, research, preservation, and recreational purposes. The garden has made great strides since its inception in moving toward fulfilling the mandates of the charter.

Because of the comprehensive nature of the garden's undertaking, the board, originally consisting of five members, has added to its membership as needs dictated. The garden, through progressively increasing steps of organization and preparation, is conducting a functioning program and moving toward the day when it will be operating to the full extent of its original congressional mandate.

During the first 5 years of its existence, the full concept of the garden as a 20th-century creation was developed. It was decided that the garden could best be implemented in Hawaii as a series of gardens on the different islands, each displaying a differing ecological and geographical variety of plants, flora, and terrain, thus allowing for a greater overall diversity than might be possible at one permanent site.

Year 1970 marked the year in which the garden moved from planning and conceptual development to acquisition and operational status. Arrangements were made on the different Hawaiian Islands for acquisition of land. The permanent headquarters and main site of the garden were begun on the Garden Isle of Kauai in Lawai Valley.

The staff concentrated on developing this site as the first phase of actual operations. Site preparations were carried out, headquarters buildings were constructed, and some actual collection and planting of tropical flora and fauna were accomplished, as well as beginning the access roads and trails for eventual development as the garden progresses to its full size.

As the garden has moved into these increasingly complicated areas of operation and planning for the future, the Board, now at full strength, has realized that these increasingly complex matters necessitate a greater knowledge and expertise from the Board itself. It finds that its membership maximum as set forth in the charter is proving to be a barrier to progressing at the desired pace in fully developing the garden.

The Board is presently geographically and professionally diverse. At each stage where the Board has found the need to increase its size, it has taken great care to do so in a manner that would appreciably enhance the quality of the Board and fill a recognized need. It has been most selective and cautious in doing so. The great progress the corporation has made since given its congressional mandate is evident proof of the Board's wisdom in expanding its own size.

Now the Board again realizes a need for further expansion in order to cope adequately with the myraid problems which inevitably confront such an ambitious undertaking. And that is the purpose of my bill, H.R. 9135. Section 5(a) of the congressional charter limits the Board to a maximum of 15 members. H.R. 9135 will merely strike out this clause and allow the Board to proceed in this matter as it deems desirable and consistent with the purposes of the garden. I am sure, that given such discretion, they will continue to display great wisdom and add only the number and diversity which will enhance the functioning of the Board, and ultimately the operations of the garden itself. When Congress chartered the garden, it was deemed to be a nonprofit organization which would finance itself through contributions, gifts, and endowments and not depend on public funds to accomplish its purposes. It has done this admirably. However, in order to continue to do this, the corporation has now reached the stage where far greater fund efforts are needed to finance its proposed program development. The ability of the Board to continue to raise sufficient funds for the garden is critical if the garden is going to achieve its potential.

The Board also strives to include members from as many different geographical locations in the country as possible. There are presently representatives from the mid-Atlantic States, the District of Columbia, the Midwest, California, the Southwest, and Hawaii. The Board feels that the national scope of the garden would be further enhanced by including members from additional areas of the country.

The Board also strives to present as great a professional and expert diversity as possible among the members. Presently there are members from the medical profession, the industrial community, garden clubs, and other nonprofit institutions. The Board would also like to include representatives from botany, horticulture, agriculture, education, drug manufacturing, philanthropy fund raising, administration, and others. Again, this desire to add this expertise is thwarted by the present charter limiting the number of trustees to 15.

Mr. Speaker, H.R. 9135 allows the garden to continue its impressive gains and achieve the purposes for which Congress issued its charter: To provide a national tropical botanical garden. I am therefore especially pleased to note the passage of H.R. 9135.

INTRODUCTION OF THE WOMEN'S EDUCATION ACT OF 1972

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, America has come to a crucial time in its development. On the brink of our 200th anniversary as a nation—a nation founded on the principles of equality for all—we must pause to consider our goals for the future.

Certainly, we have had our growing pains, and among the most visible problems in recent years is the failure of our educational system to meet the needs of a highly technological society. Unfortunately, we still operate under assumptions of a self-contained family unit, involved mainly in agricultural or primitively industrial pursuits. Clearly, this is no longer true. Ours is a highly technical and complex society. Each man, woman, and child is dependent on a myriad of others for his or her very existence.

We need the input of every individual to continue the progress we enjoy. All persons, regardless of their sex, must have enough opportunities open so that they can contribute as much to their lives and this society as they can.

Among the most critical problems in America today is our outmoded attitude concerning the role of women in this society. One clear example of this "societal doublethink" is the fact that critics of our welfare system perpetually claim that welfare recipients are looking for a free handout—welfare people do not want to work. When faced with the fact that most of these recipients are women with children in their formative years, these same critics insist that women's place is in the home with her children and not in the work force.

It is my contention that these women do not want to continue receiving welfare, but they have been kept from any alternative choice. They want to have the opportunities to find employment that will support their children as well as attain their human dignity that any card-carrying member of the proverbial white middle class says is their right.

To accomplish this, they need realistic training opportunities for existing job markets. This means training and retraining. All too often we expect women to be self-supporting, when their education, in schools, society, media, and other ways has been geared not to training but to finding a man who will support them.

I need not go into any lengthy dissertations about the abominable state of vocational training in this country, but it is especially bad for women. Indeed, it is almost nonexistent. Education costs money, a lot of money, but even if the money was there, the kind of education available is staggeringly inadequate.

Our educational system has divided the sexes into an insidious form of role-playing. Women provide the services and men exploit them. Women are the secretaries, nurses, teachers, and domestics, and men are the bosses, doctors, professors, and foremen. Textbooks, media, curriculum, testing, counseling, and so forth, are all based on the correctness of this division of labor, and serve to reinforce the sex-role stereotype that is so devastating for our postindustrial society. More importantly, this division of labor according to sex is a totally false assumption of roles.

Women are no longer going to accept being forced into a secondary role. Demands of family life in this century just are not all-consuming any more. Given the fact that our life expectancy is well into the seventies, that women live longer than men, they have fewer children than in an agricultural society, and that women will spend more than half their adult lives in the work force outside the home, it is essential to the existence of our country that sincere and realistic attention to the realinement of our attitudes and educational priorities be made. I suggest that education is the first place to start in a reexamination of our national goals.

Therefore, Mr. Speaker, I am introducing the following measure, the Women's Education Act of 1972, to revise and improve our educational programs for women. I hope all my colleagues will give this legislation their attention and support. The bill follows:

H.R. —

A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning women and for other related educational purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. This Act may be cited as the "Women's Education Act of 1972".

SEC. 2. (a) The Congress hereby finds and declares that present educational programs in the United States are in need of modernization of curricula, texts, vocational and physical education programs, techniques of teaching and counseling, and the administration and planning of educational programs, as they relate to women, in order that they shall fully participate in American society.

(b) It is the purpose of this Act, in order to enhance the status of women in this country, to encourage the development of new and improved curricula; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs concerning women at all levels of education (preschool through graduate school); to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, youth and guidance counselors, community leaders, labor leaders, industrial and business leaders, and government employees at the State, Federal, and local level; to provide for the planning of Women's Resource Centers; to provide for community education programs on the historical and present status of women in this society; and to provide for the preparation and distribution of all such materials by mass media.

(c) Nothing in this Act shall be construed as prohibiting men from participating in any of the activities funded.

SEC. 3. (a) There is hereby established within the Office of Education a Council on Women's Educational Programs (hereinafter referred to as the "Council") consisting of twenty-one members (including not less than twelve women) appointed by the President. The Council shall consist of persons broadly representative of the public and private sectors with due regard to their knowledge and experience relating to the role and status of women in American society, and with due consideration being given to geographical representation. The Director of the Women's Bureau in the Department of Labor, and the Chairman of the Citizens' Advisory Council on the Status of Women, shall serve as exofficio members of the Council.

(b) The President shall appoint one member of the Council to serve as its Chairman. The Chairman shall be compensated at a rate not to exceed the maximum rate prescribed for Grade GS-17 in section 5332 of title 5, United States Code.

(c) The remaining twenty members of the Council shall serve without compensation except that they shall be allowed travel and subsistence expenses while actually engaged in the business of the Council as authorized by section 5703 of title 5, United States Code.

(d) The members of the Council shall serve for terms of five years each, except that the initial appointments shall be made in accordance with procedures designed to allow for the staggering of appointments so that the member or members whose terms expire in any year will be approximately the same as the number of members whose terms expire in any other year.

(e) The Council shall—

(1) advise the Commissioner of Education (hereinafter referred to as the "Commissioner") and the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") concerning the administration of, preparation of, general regulations for, and operations of, programs assisted under this Act;

(2) make recommendations to the Commissioner and the Secretary with respect to the allocation of any funds pursuant to this Act, with due respect to the criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(3) develop criteria for the review of applications and their disposition; and

(4) evaluate programs and projects assisted under this Act annually, and disseminate the results thereof.

SEC. 4. (a) The Council shall be responsible for the administration of the programs authorized by this Act, and the coordination of activities within the Federal Government which are related to women's educational programs.

(b) The Secretary shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, regional education research organizations, and other public and private nonprofit agencies, organizations, and institutions (including libraries and museums) to support research, demonstration, and pilot projects designed to fulfill the purposes of this Act; except that no grant may be made other than to a nonprofit agency, organization, or institution.

(c) Funds appropriated for grants and contracts under this section shall be available for (but not limited to) such activities as—

(1) the development of curricula;

(2) dissemination of information to public and private elementary, secondary, higher, adult, and community education programs;

(3) the support of women's educational programs at all educational levels;

(4) preservice and inservice training programs;

(5) projects including courses of study, fellowship programs, conferences, institutes, workshops, symposiums, and seminars;

(6) research and development of curricula, texts and materials, non-discriminatory tests, and programs for adequate and nondiscriminatory vocational education and career counseling for women;

(7) development of new and expanded programs of physical education and sports activities for women in all educational institutions;

(8) planning of women's resource centers;

(9) community education programs concerning women, including special programs for adults;

(10) preparation and distribution of materials;

(11) programs or projects to recruit, train, and organize and employ professional and other persons, and to organize and participate in women's educational programs;

(12) research and evaluation of the effectiveness of such programs;

(13) research and development of programs aimed at increasing the number of women in administrative positions at all levels in institutions of education; and

(14) research and development of programs aimed at increasing the number of male teachers in elementary and preschool education programs with the aim of obtaining and maintaining an adequate distribution of both sexes teaching in our educational institutions.

(d) In addition to the activities specified in this section, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this Act.

(e) Financial assistance under this section may be made available only upon application to the Commissioner. Any such application shall be submitted at such time, in such form, and containing such information as the Secretary shall prescribe by regulation and shall be approved only if it—

(1) provides that the activities and services for which assistance is sought will be administered by, or under the supervision of, the applicant;

(2) describes a program for carrying out one or more of the purposes of this Act which holds promise of making a substantial contribution toward attaining such purposes;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be used so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds;

(4) sets forth policies and procedures which insure adequate evaluation of the activities intended to be carried out under the application;

(5) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this Act;

(6) provides for making an annual report, and such other reports, in such form and containing such information, as the Commissioner may reasonably require, and for keeping such records, and affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

(7) provides that no grant can be made to any agency or organization specified by this Act which discriminates on the basis of sex.

(f) For the purposes of this section, the Commissioner shall require evidence that an organization or group seeking funds shall have been in existence one year to the submission of a proposal for Federal funds and that it shall submit an annual report to the Commissioner on Federal funds expended.

(g) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

SEC. 5. The Secretary in cooperation with the heads of other agencies with relevant jurisdiction, shall insofar as practicable, upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, institutions at all levels of education, agencies of State, local, and Federal governments and other agencies deemed by the Secretary to affect the status of women in this society. Such technical assistance shall be designed to enable the recipient agency or institution to carry on education and related programs concerning the status and education and the role of women in American society.

SEC. 6. The Secretary is authorized to make grants to, or enter into contracts with, public or private nonprofit agencies, organizations, and other institutions for planning and carrying out community-oriented education programs or projects on women in American society for the benefit of interested and concerned adults, young persons, community and business leaders, and other individuals and groups within a community. Such programs or projects may include, among other things, seminars, workshops, conferences, counseling, and information services to provide advice, information, or assistance to individuals with respect to discrimination practices, and vocational counseling, and will include information centers designed to serve individuals and groups seeking to obtain or disseminate information, advice, or assistance with respect to the purposes and intent of this Act.

SEC. 7. (a) In addition to the grants authorized under section 4, the Commissioner, from the sums appropriated therefor, shall have the authority to make grants, not to exceed $15,000 annually per grant, for innovative approaches to women's educational programs.

(b) Proposals submitted by organizations and groups under this section shall be limited to the essential information required to evaluate them, unless the organization or group shall volunteer additional information.

SEC. 8. In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon. The Commissioner shall publish annually a list and description of projects supported under this Act, and shall distribute such list and description to interested educational institutions, citizens' groups, women's organizations, and other institutions or organizations and individuals involved in the education, status, and role of women.

SEC. 9. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of previously made overpayments or underpayments.

SEC. 10. As used in this Act, the term "State" includes (in addition to the several states of the Union), the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 11. There is authorized to be appropriated not to exceed $10,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $35,000,000 for the fiscal year ending June 1976, for carrying out the purposes of this Act.

REESCALATION IN VIETNAM—THE LOOK OF MADNESS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, in an effort to justify its massive reescalation in Vietnam, the administration is also engaging in a massive reescalation of the hypocrisy that has been from the beginning one of the most degrading and demoralizing hallmarks of our Government's conduct in this miserable adventure.

Unfortunately, the Congress cannot escape responsibility for this tragic turn of events. Repeatedly in the last year, the House of Representatives has turned back every effort to force the administration to negotiate the complete withdrawal of American forces from Vietnam by a specific date, in exchange for the American prisoners of war. It may still seem convenient to some Members of Congress to try to pin the responsibility entirely on the President. But the public is well aware that Congress voted the money that is making it possible for the administration to carry out military actions in Vietnam.

Since they share the responsibility for these policies, it is understandable that some Members of Congress are joining the chorus chanting the same wornout excuses that have been used from the beginning to justify escalations of American military activities in Vietnam. The people have heard all this before. They are not "buying" it. Is it not time we started leveling with ourselves and with the public?

Let us stop talking as though North Vietnam is a separate country that has committed aggression by invading South Vietnam. Every informed person knows that there is only one country, Vietnam, and that its division into north and south was recognized as temporary by the 1954 Geneva agreements and that the war is in fact a civil war. North Vietnam is no more guilty of "aggression" than were the Union armies that invaded the Confederacy in our own Nation's Civil War. The only foreign nation committing acts of violence against the inhabitants of Vietnam is the United States.

And while we are being honest with ourselves let us admit that, although Richard Nixon claims to be pursuing a policy of "Vietnamization," the Russians have followed such a policy from the beginning. Such a policy involves supplying weapons and advisers but not men. The President has just denounced Russia for supplying the weapons which have enabled North Vietnam to carry out its latest military operations in the war. But if that is wrong, then it is likewise wrong for the United States to have supplied the weapons for equipping South Vietnam's million-man army.

While we are being candid, let us also admit that the new escalation has an additional aspect even more frightening than escalations in the past. To the barbarity and hypocrisy has been added a new spectre—insanity. I do not use this word lightly or in a rhetorical sense. I am not alone in feeling that the new bombing policy is so bereft of any rational basis, so disproportionate to any conceivable benefits, so fraught with risk to the far greater stakes of world strategic arms limitation, so provocative of possible counter-escalation, and so clearly contrary to the overwhelming desires of the people in an election year, that one must suspect that the mind that ordered it is dangerously removed from reality.

As the headline in yesterday's lead editorial from the Akron Beacon Journal so aptly expressed it, "Hanoi-Haiphong Bombings Have a Look of Madness." The editorial concludes:

> It must make sense to somebody, but the outward look is murderous flailing in what seems like madness. This is no time to reescalate the war, spread death among Asian civilians, lose more Americans to prison camps and further endanger the men already held there—to no real purpose, as was established long ago. It's time to admit we were wrong and get out, with as little more loss of life as we can make possible.

The full text of the Akron Beacon Journal editorial follows:

HANOI-HAIPHONG BOMBINGS HAVE A LOOK OF MADNESS

This was Secretary of Defense Robert McNamara, in a memorandum to President Johnson almost five years ago, in 1967:

"There continues to be no sign that the bombing has reduced Hanoi's will to resist, or her ability to ship the necessary supplies south . . . The air campaign against heavily defended areas costs us about one pilot in every 40 sorties. In addition, an important but hard-to-measure cost is domestic and world opinion: There may be a limit beyond which many Americans and much of the world will not permit the United States to go.

"The picture of the world's greatest superpower killing or seriously injuring 1,000 non-combatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one."

At the moment President Johnson was not impressed, and Operation Rolling Thunder rolled on for quite some time. Some of its results have never become entirely clear—but at least a couple of things are evident: Johnson was in substance driven from office by popular disgust with the bankruptcy of American policy in the war. And now in 1972 the foe Rolling Thunder and the rest were intended to force into submission has mounted its largest general offensive in the war so far.

And now the man who won the presidency on the strength of his assertion that he had a plan to end the war has massed American planes once again bombing Haiphong and Hanoi.

This cannot be madness; these are all reasonable men. But on the basis of the explanations given so far—the President has been silent—it is certainly not easy for most Americans to understand the sense in it.

The purpose, we are told, is to demonstrate that American air power can still strike anywhere in North Vietnam. In other words, to "show them." It is hard to see how this was in any real doubt.

It is not in the hope of any immediate effect on the major battles now raging in the south, various Washington and Saigon spokesmen are explaining. The supplies affected would not in any case have a bearing on battlefield activity for several months yet.

Some were speculating, without official confirmation, that the strikes were intended to discourage the Russians from sending further supplies and equipment to their North Vietnamese clients, and to demonstrate to Hanoi's leaders that when they are busy in the South they are vulnerable at home.

But all these things sound as if the needle were stuck—as if the United States had not advanced one millimeter from the blindness carrying it to ever-swelling violence those years ago.

Further, at a time when it appeared that Washington was achieving some semblance of a breakthrough in getting signs of reasonable and peace-pitched responses from Peking and Moscow, it seems the move best calculated to induce a momentary truce in the hot hostility between these two Communist giants.

It would be no major logistical problem, once China and Russia agreed on it, to provide large-scale air support for North Vietnam—a "volunteer force" in the style of the Korean ground thing years back.

Chinese air force bases are as close at hand as Hainan, the island only 150 miles southeast of Haiphong—and within easy striking distance of American carriers operating in the Gulf of Tonkin. Even the B–52 base in Thailand would not be secure from a sudden skyful of "Vietnamized" Foxbats and other late Soviet aircraft.

The danger of this sort of reaction has no doubt been weighed at the White House; it must have been dismissed as too unlikely to trouble planners of the Haiphong-Hanoi raids. For the rest of us, guessing on less information, it doesn't seem that sure.

In any case, this new American fury addressed at North Vietnam's population centers seems an exact echo of the responses that built into massive escalation—in total futility—long ago, for all that Administration leaders insist this is no new Rolling Thunder.

It must make sense to somebody, but the outward look is murderous flailing in what seems like madness. This is no time to reescalate the war, spread death among Asian civilians, lose more Americans to prison camps and further endanger the men already held there—to no real purpose, as was established long ago.

It's time to admit we were wrong and get out, with as little more loss of life as we can make possible.

PROPOSED SUPPLEMENTAL APPROPRIATION RELATED TO DOLLAR DEVALUATION

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, on April 4 the President submitted to the House an urgent request for an appropriation of about $1.6 billion as a result of the recent passage and approval of the dollar devaluation bill. The President's message reads:

> SIR: I ask the Congress to give urgent consideration to a proposed supplemental appropriation for the fiscal year 1972 to enable the United States to maintain the value in terms of gold of the holdings of U.S. dollars of the International Monetary Fund, the International Bank for Reconstruction and Develoment, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank.
>
> The details of this proposal are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments and observations I concur.
>
> Respectfully yours,
>
> RICHARD NIXON.

The Committee on Appropriations is scheduled to meet next Monday, April 24, to consider the second supplemental appropriation bill, 1972, and will, at the same time, consider a special House joint resolution relating to the dollar devaluation matter. As now drawn, the joint resolution provides:

> For payments by the Secretary of the Treasury to maintain the value in terms of gold of the holdings of United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank, to the extent provided in the articles of agreement of such institutions, as authorized by Section 3 of the "Par Value Modification Act," such amounts as may be necessary (but not to exceed $1,600,000,000), to remain available until expended.

The explanatory letter of the Director of the Office of Management and Budget follows:

> The proposed supplemental appropriation would enable the United States to maintain the value of its subscriptions in terms of gold in the International Monetary Fund and the four international development lending institutions. Maintenance of the value of U.S. dollars held by these institutions is required under the several articles of agreement. Specific provision was not made in the 1973 Budget for this item, because the question of par value was subject to international negotiation at the time the budget was transmitted. The Par Value Modification Act, S. 3160, 92nd Congress, authorizes appropriations for this purpose. Although the total amount needed cannot be estimated precisely at this time, it is expected to be not more than $1,600,000,000.
>
> This request will not result in budget outlays until after fiscal year 1973; the outlay estimates in the 1973 budget are not affected.
>
> I have carefully reviewed the proposal for appropriations contained in this document and am satisfied that this request is necessary at this time. I recommend, therefore, that this proposal be transmitted to the Congress.
>
> Respectfully yours,
>
> GEORGE P. SHULTZ,
> *Director.*

Mr. Speaker, S. 3160, referred to in the foregoing, became Public Law 92-268. It reads as follows:

> SECTION 1. This Act may be cited as the "Par Value Modification Act".
>
> SEC. 2. The Secretary of the Treasury is hereby authorized and directed to take the steps necessary to establish a new par value of the dollar of $1 equals one thirty-eighth of a fine troy ounce of gold. When established such par value shall be the legal standard for defining the relationship of the dollar to gold for the purpose of issuing gold certificates pursuant to section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b).
>
> SEC. 3. The Secretary of the Treasury is authorized and directed to maintain the value in terms of gold of the holdings of United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association, and the Asian Development Bank to the extent provided in the articles of agreement of such institutions. There is hereby authorized to be appropriated, to remain available until expended, such amounts as may be necessary to provide for such maintenance of value.
>
> SEC. 4. The increase in the value of the gold held by the United States (including the gold held as security for gold certificates) resulting from the change in the par value of the dollar authorized by section 2 of this Act shall be covered into the Treasury as a miscellaneous receipt.
>
> Approved March 31, 1972.

Mr. Speaker, this material is included for the advance information of Members and others who may be interested.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FOUNTAIN (at the request of Mr. HENDERSON), for Monday, April 17 through April 20, on account of official business.

Mr. WRIGHT (at the request of Mr. BOGGS), for Monday, April 17 and Tuesday, April 18, on account of official business.

Mr. KYROS (at the request of Mr. BOGGS), for today, on account of official business.

Mr. GRIFFIN (at the request of Mr. BOGGS), for today and the balance of the week, on account of offficial business.

Mr. MCKEVITT (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. SAYLOR (at the request of Mr. GERALD R. FORD), for April 19, 1972, and April 20, 1972, on account of official business.

Mr. BROWN of Michigan (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LENT) were granted permission to address the House and to revise and extend their remarks:)

Mrs. HECKLER of Massachusetts for 5 minutes, today.

Mr. STEIGER of Wisconsin, for 20 minutes, today.

Mr. DUNCAN, for 10 minutes, on April 19.

Mr. HALPERN, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 10 minutes, today.

Mr. KEMP for 10 minutes, today.

Mr. ASHBROOK, for 15 minutes today.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, today, for 10 minutes.

Mr. MATSUNAGA, today, for 15 minutes.

Mr. JACOBS, today for 30 minutes.

Mr. PODELL, today, for 30 minutes.

Mrs. ABZUG, today, for 5 minutes.

Mr. DANIELS of New Jersey, today, for 10 minutes.

Mr. FLOOD, today, for 15 minutes.

Mr. GAYDOS, on April 19, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LENT) and to include extraneous matter:)

Mr. HASTINGS.

Mr. RHODES in five instances.

Mr. SCHWENGEL in two instances.

Mr. SHRIVER.

Mr. DICKINSON.

Mr. DU PONT.

Mr. HOSMER in two instances.

Mr. FRENZEL.

Mr. WYMAN in two instances.

Mr. BROOMFIELD.

Mr. HAMMERSCHMIDT.

Mr. PRICE of Texas in two instances.

Mr. COLLINS of Texas.

Mr. SCHMITZ in five instances.

Mr. HALPERN in two instances.

Mr. ESCH.

Mr. GUBSER.

Mr. LUJAN.

Mr. HOGAN in 10 instances.

Mr. PEYSER in five instances.

Mr. KUYKENDALL.

Mr. ASHBROOK in two instances.

Mr. MINSHALL.

Mr. WHALEN in two instances.

(The following Members (at the request of Mr. DAVIS of South Carolina), and to include extraneous matter:)

Mr. GONZALEZ in three instances.

Mr. KYROS.

Mr. GAYDOS in 10 instances.

Mr. MAZZOLI.

Mr. HAMILTON in three instances.

Mr. JACOBS in three instances.

Mr. BADILLO.

Mr. RARICK.

Mr. HAGAN.

Mr. WALDIE in six instances.

Mr. HARRINGTON in three instances.

Mr. HUNGATE in two instances.

Mr. SEIBERLING in 10 instances.

Mr. DINGELL in two instances.

Mr. RANGEL in two instances.

Mr. GRIFFIN.

Mr. ANNUNZIO in two instances.

Mr. SYMINGTON in two instances.

Mr. ROGERS in five instances.

Mr. MURPHY of Illinois in two instances.

Mr. HAWKINS in two instances.

Mr. STUCKEY in three instances.

Mr. FULTON.

Mr. LEGGETT in three instances.

Mr. BEGICH in two instances.

Mr. MAHON in two instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that the committee did on April 17, 1972 present to the President, for his approval, bills of the House of the following titles:

H.R. 9395. An act to authorize the Commissioner of the District of Columbia to enter into agreements with teachers and other employees of the Board of Education of the District of Columbia for the purchase of annuity contracts; and

H.R. 9900. An act to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 19, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1876. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 27, 1972, submitting a report, together with accompanying papers, on compilation of preliminary examination, survey, and review reports on rivers and harbors, flood control, and beach erosion control improvements, requested by an item on page 4 of House Report No. 91–1665, 91st Congress, second session (H. Doc. No. 92–191); to the Committee on Public Works and ordered to be printed.

1877. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

1878. A letter from the Director, Defense Security Assistance Agency, Department of Defense, transmitting a report of deliveries of excess defense articles at acquisition cost and at legal value, covering the quarter ended December 31, 1971, pursuant to section 8(d) of Public Law 91–672; to the Committee on Foreign Affairs.

1879. A letter from the Chairman, National Commission on Materials Policy, transmitting an interim report of the Commission entitled "Toward a National Materials Policy—Basic Data and Issues"; to the Committee on Interstate and Foreign Commerce.

1880. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MATSUNAGA: Committee on Rules. House Resolution 926. Resolution providing for the consideration of H.R. 13591, a bill to amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes (Rept. No. 92–993). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 927. Resolution providing for the consideration of H.R. 12202, a bill to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes (Rept. No. 92–994). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 928. Resolution providing for the consideration of H.R. 14070, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 92–995). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 929. Resolution providing for the consideration of H.R. 14108, a bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 92–996). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 930. Resolution providing for the consideration of H.R. 13034, a bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards (Rept. No. 92–997). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 931. Resolution providing for the consideration of H.R. 10488, a bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes. (Rept. No. 92–998). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 14430. A bill to prohibit discrimination on the basis of sex, and for other purposes; to the Committee on the Judiciary.

By Mrs. ABZUG (for herself, Mr. Badillo, Mr. Danielson, Mr. Halpern, Mr. Harrington, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, and Mr. Scheuer):

H.R. 14431. A bill to make needed housing available for the elderly; to the Committee on Banking and Currency.

By Mrs. ABZUG (for herself, Mr. Badillo, Mr. Halpern, Mr. Harrington, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, Mr. Riegle, and Mr. Scheuer):

H.R. 14432. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

By Mrs. ABZUG (for herself, Mr. Badillo, Mr. Halpern, Mr. Harrington, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, and Mr. Scheuer):

H.R. 14433. A bill to provide a comprehensive program of employment services and opportunities for middle aged and older Americans; to the Committee on Education and Labor.

H.R. 14434. A bill to establish a Department of Elder Affairs, and for other purposes; to the Committee on Government Operations.

H.R. 14435. A bill to amend title II of the Social Security Act and chapters 2 and 21 of the Internal Revenue Code, and to add a new title XX to the Social Security Act to provide for a minimum annual income of $3,375 in the case of single individuals, and $4,500 in the case of married couples, a 25 percent across-the-board increase with subsequent cost-of-living increases, to reduce social security tax rates and provide a more equitable method for their determination and apportionment, to increase old-age, survivors and disability insurance benefits to reflect the new tax and benefit base, to liberalize the earnings test, to eliminate the existing actuarial reduction in widow's and widower's benefits in cases of disability, to include within the term "disability" certain additional conditions requiring substantially continuous care, and to require that future social security benefit increases be disregarded in determining need under the various federally assisted public assistance programs; to the Committee on Ways and Means.

By Mrs. ABZUG (for herself, Mr. Badillo, Mr. Danielson, Mr. Halpern, Mr. Harrington, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Podell, Mr. Price of Illinois, Mr. Rangel, and Mr. Scheuer):

H.R. 14436. A bill to establish Federal reinsurance and portability programs to protect employees in the enjoyment of certain rights under private pension plans; to the Committee on Ways and Means.

H.R. 14437. A bill to provide relief to certain individuals 62 years of age and over who own or rent their homes, through income tax credits and refunds; to the Committee on Ways and Means.

By Mrs. ABZUG (for herself, Mr. Badillo, Mr. Halpern, Mr. Harrington, Mr. Metcalfe, Mr. Mikva, Mr. Mitchell, Mr. Podell, Mr. Price of Illinois, Mr. Rangel and Mr. Scheuer):

H.R. 11438. A bill to amend title XVIII of the Social Security Act to eliminate all the deductibles, coinsurance, and time limitations presently applicable to benefits thereunder, to eliminate medicare taxes as the method of financing hospital insurance benefits and premium payments as the method of financing supplementary medical insurance benefits (so that all benefits under such title will be financed from general revenues), to provide automatic enrollment in the supplementary medical insurance program for all hospital insurance beneficiaries (with open enrollment for all others eligible) and to provide payment for eye care, dental care, hearing aids, prescription drugs, prosthetics, and certain other items not now covered; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H.R. 14439. A bill for the relief of Cass County, N. Dak.; to the Committee on the Judiciary.

By Mr. ASPIN (for himself, Mr. Fraser, Mr. Adams, Mr. Anderson of Tennessee, Mr. Badillo, Mr. Begich, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Burton, Mr. Dent, Mr. Eckhardt, Mr. Eilberg, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Kyros, Mr. Link, Mr. McKay, Mr. Mollohan, Mr. MOORHEAD, Mr. MORSE, Mr. PRICE of Illinois, Mr. RANGEL, and Mr. RYAN):

H.R. 14440. A bill to amend the Trade Expansion Act of 1962 with respect to workers' readjustment allowances; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mr. FRASER, Mr. SCHEUER, Mr. SEIBERLING, Mr. STOKES, and Mr. SYMINGTON):

H.R. 14441. A bill to amend the Trade Expansion Act of 1962 with respect to workers' readjustment allowances; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 14442. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CORMAN:

H.R. 14443. A bill to amend the Internal Revenue Code of 1954 to provide a 5-year carryforward for unused medical expenses; to the Committee on Ways and Means.

By Mr. DRINAN (for himself, Mr. EILBERG, Mr. MACDONALD of Massachusetts, Mr. MEEDS, Mr. PEPPER, and Mr. ST GERMAIN):

H.R. 14444. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H.R. 14445. A bill to raise the present level of grades for U.S. deputy marshals; to the Committee on the Judiciary.

H.R. 14446. A bill providing for minimum grades for U.S. deputy marshals under chapter 51 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. FINDLEY:

H.R. 14447. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 14448. A bill to strengthen certain penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts (for herself, Mr. ANDERSON of Tennessee, Mr. BEGICH, Mr. BRASCO, Mr. BRAY, Mr. BOLAND, Mr. BUCHANAN, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. DULSKI, Mr. EDMONDSON, Mr. EDWARDS of California, Mr. FORSYTHE, Mr. GRIFFIN, Mr. GUDE, Mr. HAMILTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. KEMP, Mr. McFALL, Mr. MELCHER, Mr. METCALFE, Mr. MIKVA, and Mr. MINISH):

H.R. 14449. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts (for herself, Mr. MITCHELL, Mr. MOORHEAD, Mr. PODELL, Mr. RANGEL, Mr. ROSENTHAL, Mr. ROUSH, Mr. ROY, Mr. SARBANES, Mr. SCHEUER, Mr. SCOTT, Mr. STUCKEY, Mr. SYMINGTON, Mr. TIERNAN, Mr. WHALEN, Mr. WIDNALL, Mr. WINN, Mr. WYATT, Mrs. ABZUG, Mr. MADDEN, Mr. MAZZOLI, and Mr. DAVIS of Georgia):

H.R. 14450. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 14451. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning women and for other related educational purposes; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 14452. A bill to continue for an additional year at current levels the authorization of appropriations for carrying out higher education programs; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 14453. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property; to the Committee on Ways and Means.

H.R. 14454. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 14455. A bill to amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable disease; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 14456. A bill to revise the boundary of the city of Refuge National Historical Park, in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SEIBERLING:

H.R. 14457. A bill to ban the usage of diethylstilbestrol (DES) as a growth promotant; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 14458. A bill to extend for 3 years the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 14459. A bill to amend the Communications Act of 1934, as amended, with respect to Commissioners and Commission employees; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 14460. A bill: Volunteer Military Manpower Act of 1972; to the Committee on Armed Service.

By Mr. WAGGONNER:

H.R. 14461. A bill to exercise the authority of Congress to enforce the 14th amendment to the Constitution by defining for the purposes of the equal protection guarantee the term "unitary school system," and to declare the policy of the United States respecting certain voluntary transfers by students among certain schools of any school system; to the Committee on the Judiciary.

H.R. 14462. A bill to amend section 162 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 14463. A bill to amend the Internal Revenue Code of 1954 to provide that certain activities of charitable organizations shall not be considered to be carrying on propaganda or attempting to influence legislation; to the Committee on Ways and Means.

By Mr. ZION:

H.R. 14464. A bill to amend title 38 of the United States Code to promote the care and treatment of veterans in State veterans' homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NICHOLS:

H.J. Res. 1170. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month'"; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mr. FAUNTROY, Mr. NEDZI, Mr. McCLOSKEY, Mr. MACDONALD of Massachusetts, Mr. MITCHELL, Mr. PODELL, Mr. RIEGLE, and Mr. JAMES V. STANTON):

H. Con. Res. 582. Concurrent resolution to stop the bombing of North Vietnam; to the Committee on Foreign Affairs.

By Mr. QUILLEN:

H. Res. 932. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 14465. A bill for the relief of Lena S. Tillman; to the Committee on the Judiciary.

By Mr. COLLINS of Illinois:

H.R. 14466. A bill for the relief of Edith E. Carrera; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.R. 14467. A bill for the relief of John Raymond Witt; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 14468. A bill to grant a Federal Charter to the Mid-Continent Railway Historical Society; to the Committee on the District of Columbia.

EXTENSIONS OF REMARKS

DRUG ABUSE TREATMENT PROGRAMS MUST BE EVALUATED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. EDWARDS of California. Mr. Speaker, an interesting article by James M. Markham appeared in the New York Times of Monday, April 10, 1972. Entitled "Antinarcotic Programs Regarded as Another Business," the article describes the recent growth in what is called "the drug abuse industry." Much of this growth, as the article explains, is being fueled by the increase in Federal dollars going into drug abuse programing.

This increase in Federal funding is welcome. In fact, additional Federal funding for treatment and rehabilitation programs is desperately needed because overburdened State and local treatment programs are wholly unable to meet the great demand for treatment in States of relative high drug abuse incidence such as my home State of California. A recent inventory of California drug abuse treatment programs which I conducted revealed that many programs have long waiting lists and are forced to turn away addicts seeking treatment. Yet the great majority of treatment programs in California, and throughout the country, receive no Federal funding and have to rely on overburdened State and local governments for financing. I am hopeful that the new Special Action Office for Drug Abuse Prevention will give the problem of providing more Federal support for state and local treatment programs highest priority.

At the same time, we must keep in mind that the growing drug abuse industry, like any other effort in the private or Government sector, must be evaluated and regulated to insure that it is operating efficiency, effectively, and in the public interest. The experiences that I have had as chairman of Subcommittee No. 4 of the Committee on the Judiciary during our investigation into the implementation of the Narcotic Addict Rehabilitation Act of 1966 convince me that we in Congress cannot trust the Federal bureaucracy to monitor and evaluate its own performance in the drug abuse treatment area. Administrative policies have turned addicts away from treatment and sharply limited the scope and effectiveness of the Narcotic Addict Rehabilitation Act. I recommend that on-going evaluation of drug abuse treatment programs be built into all new Federal narcotics legislation or appropriations for narcotics treatment and rehabilitation so that Congress and the public can be informed on whether the treatment programs we establish are meeting their intended objectives.

I commend the article to the attention of my colleagues:

ANTINARCOTIC PROGRAMS REGARDED AS ANOTHER BUSINESS

(By James M. Markham)

Drug abuse treatment has blossomed into a billion-dollar national industry with an ambiguous clientele and an uncertain product.

In the capitalist tradition, this industry, born of a public perception of crisis, is fiercely competitive. Protagonists of different methods and philosophies—methadone vs. drug-free programs in treatment, telling-it-like-it-is vs. scare-'em-to-death in drug education—vie for public and private funds.

And government is just beginning to provide the money. Federal expenditures by a panoply of agencies have mounted from $77-million in 1969 to a projected $594-million for next year.

To bring some order and strategy into the scattered Federal effort, President Nixon recently signed a bill legitimizing his eight-month-old Special Action Office for Drug Abuse Prevention, headed by Dr. Jerome H. Jaffe. The agency has authority to spend $1-billion over the next few years.

LEGISLATURE SAVES PROGRAM

And the New York Legislature has just rescued $40-million in imperiled drug education funds from a general budget-cutting spree.

Clearly, at a time when belts are being tightened in many other areas, "drug abuse treatment" is an expanding fiscal rubric. And it is attracting bureaucrats, some physicians, former addicts who otherwise might be jobless, and a host of committed amateurs who frequently talk about the addicted in the way they talked about the poor several years ago.

"A lot of intelligent, energetic people are being drawn to the field because it's a challenge," commented Dr. Thomas E. Bryant, president of the newly created Drug Abuse Council, which is funded by foundations.

Yet, despite the commitment of some funds and considerable rhetoric, drug addiction remains as frustrating and intractable a medical problem as cancer or heart disease—comparisons that hard-pressed administrators often invoke to still the cries of impatient politicians.

An ambivalence hangs over the entire drug-abuse industry: To what extent is it serving the addict and trying to resolve his social, psychological and medical problems, and to what extent is it serving the larger public and trying to eliminate addict-committed crime?

Statistic-gathering on drug addiction is still a rudimentary art, but Federal officials estimate that there are 1,500 to 2,000 drug-treatment programs of varying descriptions around the country.

The Bureau of Narcotics and Dangerous Drugs, for its part, figures there are 300,000 heroin addicts in the country and many more abusers of other drugs such as amphetamines and barbiturates.

Raymond M. Glasscote of the American Psychiatric Association, who just published a survey of several drug programs in collaboration with other experts, says that, nationwide, drug-free therapeutic programs have enrolled only several thousand heroin addicts and abusers of other drugs—and have graduated only a tiny fraction with any likelihood of success.

Mr. Glasscote notes that the therapeutic programs are by far the most ambitious—aiming at the presumed psychic roots of addiction—but, historically, many have been hamstrung by poor bookkeeping. In addition, they have not shown themselves amenable to large-scale expansion.

The fastest-growing sector of the drug-abuse industry is methadone maintenance, which some proponents of the drug-free approach believe threatens their existence. Methadone is a synthetic, addictive narcotic that, when administered orally, has been found to eliminate some addicts' craving for heroin and to block the euphoric effects of injected heroin.

There are 434 methadone-maintenance programs in the nation, with a patient population estimated at 65,000. Figuring an annual cost of $1,300 a patient, this represents an $85-million business for services alone.

Some methadone programs have reported rather striking results: sharp decreases in criminality among some patients and, concomitantly, rises in levels of employment.

To some politicians, methadone seems a quick, rather efficient way to cut into the addict-committed crime that plagues and demoralizes urban neighborhoods. Administrators of methadone programs in Washington and New York have taken partial credit for reported drop-offs in certain categories of crimes in both cities.

Yet, critics charge, methadone maintenance's "product" is an uncertain one.

Some programs have vocational and psychiatric counseling, but few have the resources to attempt to alter their patients' antisocial behavior in the way the therapeutic-programs try to. And there is considerable evidence that large numbers of methadone-maintained patients continue to abuse alcohol, cocaine, barbituates—and even heroin.

The evidence linking methadone maintenance to a decrease in crime has been primarily conjectural, based on patients' arrest records.

Some authorities believe that many addicts' criminal behavior preceded their addiction and that their arrest records—which chronicle the number of times a person is caught—will measure only quantitative, not qualitative, change.

Paradoxically, while drug-abuse treatment is clearly a growth industry, it has not attracted in any important way two pillars of private enterprise: the pharmaceutical industry and the medical establishment.

In a survey of 46 pharmaceutical companies, Representative Claude Pepper, a Democrat of Florida who heads the Select Committee on Crime, discovered that only nine had done research on heroin antagonists—nonaddictive drugs that block the effects of heroin. Six of them said they had spent a total of $6.8-million on such research in the last decade; three had no estimates.

"The drug industry has not extensively pursued a program of research in the heroin-addiction field due to the anticipation that such a program would not be profitable," the committee concluded.

"From the standpoint of drug abuse, the pharmaceutical industry is working night and day to create products that will intensify the problem," commented a Ford Foundation-commissioned study entitled "Dealing With Drug Abuse," referring to the production of such drugs as barbiturates and amphetamines. "Many of these drugs, of course, have enormous medical value that far outweighs their abuse potential."

The American Medical Association has appealed to medical schools to include drug abuse in their curriculums—a subject they have virtually ignored.

Although narcotism has for some time been the leading single cause of death for New Yorkers between the ages of 15 and 35 years old, the New York University School of Medicine has only in the last two years systematically exposed its students to the medical issues of addiction.

THE EDUCATION OF THE MENTALLY RETARDED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. WALDIE. Mr. Speaker, one of the most neglected problems facing American educators and citizens in general is the training and employment of retarded human beings.

The mentally retarded need not be unproductive and wasted. We need not squander the contributions that they could make with training and assistance.

The following article from the Reporter, published by the Contra Costa County Association for the Mentally Retarded, was written by Mr. Jerry G. Cochran. The following is a condensed version of the article which was originally published in the Contra Costa County Labor Journal.

Mr. Cochran successfully explains the methods this country can utilize to find a place for these human beings—to provide them with the comfort and dignity of a job:

UNION LEADERS' COOPERATION HELD ESSENTIAL

The young people in Contra Costa County Schools Special Programs have been especially fortunate to have a combination of people and groups vitally interested in their vocational training. As a result, a variety of work-training situations have been arranged in bowling alleys, car dealerships, automotive service areas, small manufacturing plants, hotels, restaurants, etc.

Placement of trainable mentally retarded students in these situations would not be possible without a tremendous amount of special consideration and cooperation from the AFL-CIO leadership. Of particular help has been the secretary-treasurer of the Bartenders and Culinary Workers 595, James E. Calvarese. Mr. Calvarese has been very agreeable in cooperating with the schools in any way he can to offer training opportunity for these youngsters in restaurants, hotels, motels, etc. Mr. Calvarese has made a special point to become personally acquainted with the type of individual to be employed and has been very helpful in recommending possible employment situations.

The Teamsters' Union, Local 315, through their business representative, Michael (Jerry) Corniola, have also been very cooperative. Mr. Corniola has given written endorsement to the placement of trainable level mentally retarded students in specific union covered jobs and has pledged his personal cooperation as well as the cooperation of his union toward assisting these people in any way possible.

The two examples above of union participation are rather typical of the spirit and attitude of the Bay Area people toward helping mentally retarded. It is this willingness to help that has caused the programs in California and particularly in the Bay Area, to be some of the most outstanding educational efforts in behalf of retarded people anywhere in the world.

ARMED FORCES EPITOMIZE SEX BIAS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. FRASER. Mr. Speaker, Orr Kelly who covers the Pentagon for the Evening Star has done it again. He has written another incisive column concerning sex bias in the military.

Last December 13, I placed his "Male Chauvinism Remains at Helm" in the RECORD—see page 46758—and his latest effort on this subject which appeared in the Star, April 11, follows these brief remarks.

Mr. Kelly implores the military to see humans as individuals rather than as classes of people. If our military leadership follows this sage advice, race and sex bias will no longer be a problem for our uniformed services.

[From the Evening Star, Apr. 11, 1972]

ARMED FORCES EPITOMIZE SEX BIAS

(By Orr Kelly)

The armed forces certainly are not the only place in our society where male chauvinist pigs have imposed their folkways, but they may be the only place where the *female male chauvinist pig* flourishes.

Margaret Eastman, a staff writer for Family—the magazine supplement of Army/Navy/Air Force Times—recently finished a year's work on a series of articles on the status of women in uniform. She found built-in, back-of-the-bus regulations and prejudices that would cause riots at every military base in the world if they were applied on the basis of race or religion rather than sex.

And right at the top she found three women generals and a Navy captain blithely accepting some of the male prejudices that tell a girl there are limits on what service she can perform and how far she can rise in the armed forces—simply because she is a girl.

The limiting factor is combat duty. Women, they all agree, should be barred from combat duty—except perhaps in some dire national emergency.

"I don't want my women on the front lines, period!" Brig. Gen. Elizabeth P. Hoisington, who retired last year as head of the Women's Army Corps, told Mrs. Eastman.

"Women are noncombatants," Brig. Gen. Mildred C. Bailey, Gen. Hoisington's successor, said. "We do not receive any combat training nor are we assigned to combat duties. To put women in command positions over men, therefore, would be as senseless as using medics to operate a railroad."

Brig. Gen. Jeanne M. Holm, director of Women in the Air Force, took a similar position.

"I don't think of women as killers," she told Mrs. Eastman, "and I don't think women as a group would make good combatants. I don't see our country ever accepting women as combatants."

Perhaps there is some basis for questioning whether "women as a group would make good combatants." But look where this kind of reasoning leads you.

In the Air Force, women are not permitted to become pilots—the reason being that they might get into combat.

"I tell WAF who want to fly that unless the Air Force decides to take on limited duty pilots, there will be no WAF pilots," says Gen. Holm.

It's hard now to recall the exact arguments, but it all sounds unpleasantly like the beautiful logic, all stacked neatly on top of a ridiculous premise, that kept black men out of military cockpits for so long.

The prospects for advancement of anyone in the Air Force who is kept out of the air by discrimination are, of course, limited. The effect is the same whether the exclusion is based on color or on sex.

The same is true of the Navy. If you can't go to sea, if you can't get a command at sea, your chances of becoming an admiral are zero. The Navy now has a black admiral—who got there by way of command at sea—but it has yet to name its first woman admiral, as Capt. Robin L. Quigley, assistant chief of naval personnel for women, well knows.

But Capt. Quigley, according to Mrs. Eastman, is not about to fight the law that prohibits women from combat jobs—and thus bars them from service at sea except on hospital and transport ships.

In the Army, women are not only prohibited from combat assingments, but also barred from jobs that would seem to have practically no necessary relationship to combat.

They are barred, according to an article in the Family series by Berl Brechner, from two-thirds of the 460 enlisted jobs in the Army.

They cannot, for example, repair radar, microwave or television equipment or become carpenters, soil analysts, construction foremen, refrigeration specialists or terrain analysts.

The discrimination begins right at the recruiting office—and that is where it starts because all women entering the service are volunteers. Army Regulation (AR) 601-210 says it is immaterial whether a man is married when he joins the service but requires that a woman not only be unmarried but have no dependents.

If a man joins the Army and becomes a father-to-be, or even a father, the Army generally considers it his business. But a woman who becomes a mother-to-be, or a mother, must request a waiver just to remain in the Army.

The solution to this whole mess, of course, is to start thinking about individuals rather than classes of people. The armed forces should cast aside questions about the group a person belongs to, whether it be a racial, religious or sexual group, and ask one simple question: What can you, as a unique person, contribute?

CHILE GAINS AND U.S. TAXPAYERS LOSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. RARICK. Mr. Speaker, the International Telephone & Telegraph Corp. has announced to its stockholders that it expects to collect $89.6 million from U.S. taxpayers as an insurance claim for the telephone company which the Allende government of Chile confiscated from ITT.

Not only is the U.S. taxpayer being forced to provide billions for foreign aid and to supply the Export-Import Bank, IMF, World Bank, and other international cartels with funds to induce American investments and development in foreign countries with special long-term, low-interest rates, but under the Overseas Private Investment Corp. U.S. taxpayers are also being used to guarantee payment for the losses suffered by American industry if their foreign operation is seized or nationalized by a foreign government.

The end result in the case of ITT is that the American taxpayer has paid to establish a telephone company from the Communist government of Chile. OPIC, already overextended in its subscription rates, now intends to ask Congress for an additional $85 million funding. In actuality, taxpayers are being forced to subsidize communism.

Only a week ago I had pointed out to the House a reported link between the gossip columnist Jack Anderson and the Marxist government of Chile, which would result in the nationalization of ITT property by the Allende government. Events have but further strengthened the report.

The only remedy seems to be to abolish OPIC and let overseas investors bear their own losses just as they bear their own profits.

The related newsclippings follow:

[From the Washington Post, Apr. 13, 1972]

ITT PREDICTS WINDFALL IN CHILE FIASCO

The International Telephone and Telegraph Corp. has reassured its stockholders that ITT will collect $89.6 million from the U.S. government as an insurance claim for the telephone company taken from ITT by the Allende government of Chile.

But the U.S. insurance agency, the Overseas Private Investment Corp., said that no decision has been made on ITT's claim and cannot be made for at least another six months.

In its annual report, issued two weeks ago, ITT said the corporation would lose $70 million because of the Chilean property expropriated by the government there. But it assumes that $89,658,000 will be paid by OPIC, a government-backed agency which insures overseas investments against political risks such as revolutions, insurrections and expropriations where the foreign government does not pay fair compensation for the U.S. property.

ITT noted that earnings from Chiltelco were down sharply in 1971, mainly because the government of Salvador Allende had raised wages but refused to permit rate increases. The corporation predicted, therefore, that "the reinvested insurance proceeds of the Chilean divestment will more than replace the 1971 earnings."

The $89.6 million figure was listed under "current assets" as "receivable from OPIC." A spokesman at corporate headquarters in New York said this represents the company's estimate of "the minimum we could expect to recover" from the Chilean episode.

But the statements in the annual report are not meant to suggest that ITT has abandoned any effort to negotiate a settlement with the Chilean government, the ITT spokesman said. Chilean sources have claimed that ITT is not negotiating in good faith because it figured the government agency would pay its claim if there was no agreement, an accusation which ITT has denied.

Marshall T. Mays, general counsel for OPIC, declined to discuss the ITT claim, except to say, "There has not been any formal determination and there couldn't be until the year is up" from the date of the Chilean action. That means that officially OPIC could not grant ITT's claim before October of this year, according to the agency.

OPIC, Mays said, has not given any assurances to ITT about the status of its claim.

The ITT claim adds another element to the giant conglomerate's current problems with government, but it also complicates the status of OPIC, which depends on both company-paid premiums and congressional appropriations for its reserves.

This year, faced with mounting claims, OPIC has asked Congress for an additional $85 million appropriation.

[From the Evening Star, Apr. 14, 1972]

Chile Assails ITT and United States

(By Jeremiah O'Leary)

Chile today denounced what it called "obvious intervention" by International Telephone & Telegraph Corp. in that country's international affairs, and asserted that these acts were carried out with the tolerance of U.S. government officials.

Speaking to the General Assembly of the Organization of American States, Deputy Secretary of Foreign Affairs Walter Anibal Palma referred to action described in materials published last month by columnist Jack Anderson, who said the papers were ITT's own confidential communications.

FINANCIAL SUPPORT

According to the papers, ITT pledged financial support of up to millions of dollars, considered provoking an economic collapse in Chile to trigger a military coup, and contacted the White House, State Department, Central Intelligence Agency and Justice Department in an all-out campaign to block the election of Chilean President Salvador Allende.

"We are conscious that there is a great expectation about our reaction to the obvious intervention in the internal Chilean political process by foreign private interests represented this time by ITT," Palma said.

"NORMAL INSTITUTIONS"

"These acts are known and the maneuvers of ITT against the normal institutions of our country appear to have been carried out, to say the least, with the tolerance" of U.S. government officials.

"Chile denounces these deeds and raises its protest before the international community and on doing so it reaffirms the determination of its people and government to proceed with their revolutionary duties," Palma said.

He also charged that there has been U.S. interference with the efforts of Chile to refinance its external debt with the so-called Club of Paris by raising bilateral questions that have to do with the nationalization by Chile of U.S. copper companies.

"This involves not only a clear violation of Article 19 of the charter of the OAS but also the actual text of Article 34, which expresses that member states must make every effort to avoid political acts that have adverse effects on the social or economic development of another member state," Palma said.

He also said that the "pretended equality" of the Latin American nations with the United States and the presumed community of hemispheric interests are "not realities but fictions."

The structure of the OAS tends to support the continuation of power and "favors the economic, political and ideological subordination and dependence of the Latin countries to the great power of the north," he said.

If fundamental changes are not made, he said, the OAS will be outside the efforts and real interests of the Latin countries to channelize their aspirations and common objectives for redevelopment.

Palma leveled a specific attack against the OAS Special Commission of Consultation on Security Against Communist International Subversion. He said this commission is of an unacceptable anti-democratic character and represents a violent repression of the principles of both the OAS and the United Nations.

He called the commission an illegal mechanism for brainwashing the ideological and political pluralism of the OAS which seeks to harm the principles of non-intervention and self-determination of peoples and governments.

At the first opportunity, Palma said, the Chilean delegation will present a resolution to the OAS Council to put an end to the activities of the commission against Communist subversion.

Allende Takes Fight to U.N.

Santiago.—President Salvador Allende has put before a United Nations economic conference of 141 nations his quarrel with the International Telephone and Telegraph Co. and American copper corporations.

Addressing the opening session of the third U.N. Conference on Trade and Development yesterday, Allende called for condemnation of American multinational corporations that he said had sought to "upset its economic relations with the rest of the world."

He accused American copper companies, whose properties have been nationalized here without compensation in most cases, of putting pressure on the United States government to "prevent Chile from obtaining new terms and new time limits for the payment of its external debt."

The U.S. government is the major creditor among the Western countries with which Chile has been seeking a three-year postponement of payment on debts totaling $1.2 billion. The negotiations, which began in December, resume next week in Paris.

[From the Washington Post, Apr. 15, 1972]

Chile Criticizes United States and ITT

(By Jesse W. Lewis)

Chile yesterday accused the International Telephone and Telegraph Corp. and the U.S. government of working against Chile's interests and of violating the principle of nonintervention.

In a wide-ranging attack on U.S. policy in Latin America, Anaibal Palma, Chile's minister of state for foreign affairs, told the Organization of American States General Assembly:

"The pretended equality of Latin American nations with the United States and the assumption of a community of interests and purposes of all nations that make up the so-called Inter-American system are not reality but fiction."

Ironically, Palma's attack on U.S. policy in the Western Hemisphere was delivered on Pan American Day.

Palma accused ITT of "maneuvers aimed at rupturing the constitutional process in our country" which had "at least the tacit consent" of the U.S. government.

"Chile denounces these acts and brings its protests to the international community and in doing so reaffirms the determination of its people and government to proceed with their revolutionary task of liberation," he said.

Since Nov. 3, 1970, when the Marxist government of President Salvador Allende came to power, U.S.-Chilean relations have deteriorated. Allende has nationalized U.S.-owned copper mines and established ties with Cuba.

Recently, relations between Washington and Santiago have taken another nose dive since columnist Jack Anderson disclosed ITT documents indicating that the corporation tried to prevent Allende from taking power. The ITT memoranda said that there were contacts between its representatives and U.S. officials.

Despite the harsh tone of Palma's speech, many delegates to the conference were expecting a lot more in the way of fireworks. Several times during his address Palma jabbed the air with his right index finger and looked toward Assistant Secretary of State for Inter-American Affairs Charles A. Meyer, two seats away.

Palma's speech was followed with 30 seconds of applause, one of the longest responses to a conference speech. No one in the U.S. delegation applauded.

Later, however, a U.S. government source said Palma's speech was "Not that brutal."

The American delegation asked for an opportunity to reply to Chile's speech. The reply is expected today.

Palma said the United States is guilty of a "grave and direct" violation of the principle of non-intervention by exercising political and economic pressure to assure compensation for the copper mines nationalized last year.

On Cuba, he said, "we value and we are ready to aid all initiatives by other American nations that favor reestablishment of relations with the Republic of Cuba."

Chile, he said, reaffirms "our condemnation of all foreign and imperialist interference in our sovereign decisions, and we demand recognition of the inalienable right of our peoples to maintain normal relations with each other."

The Cuban question surfaced Wednesday, when Peru called for ending the OAS diplomatic and trade sanctions against Cuba.

Secretary of State William P. Rogers said that if Cuba altered its policy of supporting subversion in Latin America the U.S. position might change, but added that Cuba was still a "threat to the peace and security" of the Hemisphere.

The United States has reportedly given orders to use force if necessary to prevent Cuban gunboats from interfering with American shipping in the Caribbean. The instructions were issued after Cuba seized two merchant vessels, one of which had an American captain.

[From the Washington Post, Apr. 5, 1972]

Chile Puts ITT Documents on Sale

(By Lewis H. Diuguid)

Santiago, April 4.—Chile's government today put on sale a book called "The Secret Documents of the ITT," containing English- and Spanish-language versions of the purloined International Telephone & Telegraph Corp. documents published in the United

States by American columnist Jack Anderson.

News vendors declared the government volume an instant best-seller, competing well against the girlie magazines and screaming-headline newspapers that are the kiosks' standard fare. The purple-bound volume sells for 25 escudos—95 U.S. cents at the official rate of exchange or 35 cents at the black-market rate.

The papers which Anderson said had been taken from ITT's Washington office, describe the international conglomerate as encouraging the U.S. government to prevent Salvador Allende, a Marxist, from assuming Chile's presidency after his popular-vote victory in 1970.

The documents, sent by air from Washington by Chilean Ambassador Orlando Letelier, arrived in Santiago just 10 days ago. A team of army and government translators put a Spanish version of the 26 documents before President Allende, who ordered the recently acquired government printing house to get it on the streets at once.

Several news vendors said they had sold out their first shipments of the book, even though most Santiago newspapers also carried the Spanish version, or parts of it, in their usual editions this morning.

The official newspaper Nacion said that the documents show a relation between "jingo" and "gringo," and spelled out ITT as "Imperialism, Treason and Terror."

For Santiago's highly politicized readers, the ITT papers appeared to offer evidence supporting the spy stories that the Marxist press has bannered—usually without evidence—over the years.

Despite today's publication, President Allende has still not commented on the papers, nor has he indicated whether he plans to move against ITT's investments here, which the company values at about $170 million.

[The head of Chile's Christian Democratic Party, the country's principal opposition party, demanded last night that a forthcoming investigation of reported interference in Chilean affairs by U.S. interests be broadened to cover "all foreign influences to which the country is subjected today," specifically mentioning "many agreements and pacts with Socialist countries and the presence in Chile of 15,000 citizens of Russia, Cuba, East Germany and other countries," the Los Angeles Times reported.]

[From the Chile: La Verdad, Apr. 3, 1972]

Did Jack Anderson receive any money directly or indirectly through a conduit for his attempted compromising of U.S. government, ITT and CIA?

If so, is Mr. Anderson working for the best interests of the United States or in effect aiding or abetting a Marxist government under the guise of the U.S. public's "Right to Know?"

Mr. Wilson C. Lucom, publisher of Chile: La Verdad, (P. O. Box 34421, Washington, D.C. 20034) asks these questions because of a report received through usually reliable sources from Chile as follows: "A Chilean Congressman Victor Carmine stated that Chilean Ambassador to Washington, Orlando Letelier in his recent stay in Santiago, Chile, prepared a plan with communication media experts of Allende's Communist-Socialist government in order to involve the United States government, former President Eduardo Frei and General Roberto Viaux in a supposed conspiracy against President Allende. All this because Allende dramatically needs a foreign target to blame in this moment. Congressman Victor Carmine said that Ambassador Letelier took U.S. $70,000 for the information on the CIA operation, and the money was supposed to be given to Jack Anderson or an alleged Communist Venezuelan who works at the Latin Agency, 617 National Press Building. Congressman Victor Carmine also said that Andres Rojas, press attaché of the Chilean Embassy, Washington, D.C., celebrates periodical meetings with Jack Anderson and Rodolfo Schmidt in the National Press Club, Washington, D.C."

The publisher of Chile: La Verdad feels that this matter should be thoroughly investigated by the press, the United States government and Congress.

Also, is the Chilean government employing public relations or law firms to influence the U.S. government to grant or extend loans to Allende's Communist-Socialist government. If so, why are these firms not registered as foreign agents?

A COMMUNITY EFFORT TO FIGHT CRIME

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. MIKVA. Mr. Speaker, everyone is aware of the soaring crime rate in this country, especially in the big cities. Ironically, individual apathy and a desire "not to get involved" have become all too common symptoms of that growing crime rate and, as a result, many people are content with avoiding crime—moving away from high-crime areas and staying off the streets at night. If that tendency continues, the streets of our big cities will become totally deserted at night—except for the criminals and their victims.

There is a community organization in my district that is not content with avoiding crime. It has decided to fight the crime problem with a new program of community self-help. The Hyde Park-Kenwood Community Conference has begun two projects to make the streets of the neighborhood safe for the residents and very unappealing for the criminals.

The first program, Project Whistle Stop, was launched on March 1. Under this program, thousands of small whistles are being distributed to neighborhood residents to establish a signal system for trouble on the streets. When an individual is threatened by crime, he or she blows the whistle. Anyone who hears the signal immediately calls the police and then blows his own whistle to let the victim and the assailant know that they are no longer alone. The program originated in New York City, and my colleague, Congressman Ed Koch, has described its effectiveness there.

The second program, Operation Identification, is part of a nationwide effort to mark and identify valuable items in the home which are the prime targets for burglars and robbers. The program makes an engraving pencil available to community residents so they can mark their personal property. Permanent identification like this discourages the criminal who has to sell stolen goods to stay in business.

Both of these programs are cosponsored by neighborhood banks, and the programs' initial success is another example of the need for community cooperation and involvement in the fight against crime. Through Project Whistle Stop and Operation Identification, the people of Hyde Park-Kenwood are helping the police do their job, and they are making their community a better place to live.

These programs can be adopted successfully in communities across the country, and I am attaching some background information on them for any of my colleagues who are interested in the project.

The Hyde Park-Kenwood Community Conference is to be congratulated and commended for its efforts.

The material follows:

Hyde Park-Kenwood,
Community Conference,
Chicago, Ill., March 29, 1972.

Congressman Abner J. Mikva,
House Office Building,
Washington, D.C.

Dear Representative Mikva: We are enclosing information about Project WhistleSTOP and Operation Identification, two community action programs dealing with community security. The programs are sponsored by the Hyde Park-Kenwood Community Conference's Community Safety, Rights, and Justice Committee and are co-sponsored by two community banks.

The first program, Project WhistleSTOP, was launched on March 1st. It is co-sponsored by the Hyde Park Bank. It has to date distributed over 7,000 whistles to residents of our community as a new signal system for trouble on the street. When an individual is in distress, he or she blows his whistle; neighbors hear the distress signal, call the police, and then blow their own whistles so that the victim and would-be assailant know that they are no longer alone.

During the first three weeks of the program, the program has been greeted by the community beyond our greatest expectations. We have already sold twice as many whistles as we had planned to sell throughout the life of the project. There have been a number of incidents which have shown the speed with which residents are willing to respond when they have a practical way to do so and when their assistance will be appreciated. Similarly, the Chicago Police have been very cooperative both in the planning of the program and in extremely rapid response to telephone calls about whistles blowing. In fact, many residents have been urged to purchase their whistles by the local policemen.

The second program in the Conference's safety program is Operation Identification which will be launched on April 3rd. It is cosponsored by the University National Bank. Operation ID is a nation-wide program which has been adapted to our community. Engravers will be distributed to the community from a kiosk in the bank. Residents will engrave their drivers license number on valuable items which might be stolen. When they return the engravers, they will receive stickers for the front and back doors announcing to would-be burglars that their property is marked for ready identification by the police.

Both of these programs have a number of characteristics which lend themselves to the use in other communities. Both programs say loud and clear that security in an urban neighborhood can only be achieved through the concern of every neighbor for every other neighbor. WhistleSTOP especially provides a practical way for that sense of responsibility to be expressed.

Another significant factor is that both projects are jointly supported by a community organization and a community bank. The community organization brings to the project a practical formulation of a solution to a problem and the expertise in mobilizing its community. The bank brings the financial resources which it takes to launch a new community institution. This reciprocity between a community and its community banks is unique in our experiences. We very much appreciate it and hope that other banks will follow the lead of the Hyde Park Bank and the University National Bank.

We are enclosing a press kit which provides all the basic information on both projects.

Sincerely,

JAMES KAPLAN,
Chairman, Community Safety Committee.

HYDE PARK-KENWOOD
COMMUNITY CONFERENCE,
Chicago, Ill., February 22, 1972.

CHICAGO.—Hyde Park-Kenwood is blowing the whistle on crime.

On March 1, the Hyde Park-Kenwood Community Conference and the Hyde Park Bank will launch Project WhistleSTOP, an alert system to signal trouble on the street. Chairman of the project is Ross Lathrop, 5203 Kenwood Ave.

Project WhistleSTOP revolves around the mass distribution of whistles to community residents together with instructions and training in WhistleSTOP technique.

Basically, it works like this. If a person is in danger on the street, he blows his whistle. Hearing this sound other persons in the vicinity call the police and then blow their own whistles to frighten off the assailant and let the victim know help is on the way.

Or, if a person observes trouble from his home, he calls the police, states the nature and address of the crime, and then opens his window and blows the whistle.

Project WhistleSTOP was adapted from a successful program initiated by a block organization in the Greenwich Village area of New York City. Since the New York program began last July, three would-be robbers or muggers have been frightened off and one was apprehended.

Whistles, directions, and window stickers announcing the participation of an individual or family in the project will all be available at cost for 50 cents.

The major distribution point for whistles during March will be a kiosk in the Hyde Park Bank lobby, 1525 E. 53rd St. Stores and other institutions willing to put up a small display will serve as secondary distribution points. Whistles will also be sold at community meetings throughout March.

"To make WhistleSTOP work, we have to impress upon everyone in the community the seriousness with which we take this program," Lathrop said. "It's possible that some person will overreact, but we feel that a certain number of errors in judgment is a small price to pay for increased security."

Project WhistleSTOP is one of four programs sponsored by the Conference's Committee on Community Safety, Rights, and Justice, under chairman Jim Kaplan, 1331 E. 55th St. The others deal with property identification, community transportation, and building security.

HYDE PARK-KENWOOD
COMMUNITY CONFERENCE,
Chicago, Ill., March 17, 1972.

CHICAGO.—The Hyde Park-Kenwood Community Conference will launch its second major community safety program April 3.

The program, Operation Identification, follows closely on the heels of Project WhistleSTOP, an alert system to signal trouble on the street.

Operation Identification, co-sponsored by the University National Bank, 1354 E. 55th St., is an effort to reduce burglaries by etching identification on items most likely to be stolen.

High speed electric pencil engravers and instructions on using them will be available at a nominal rental charge for use in engraving a driver's license number or other identification on valuable items. At the same time, participants will receive a registration form on which to list and describe items which have been engraved.

Suggested items for engarving are radios, television sets, cameras and projectors, stereo equipment, tape recorders, luggage, typewriters, lawn mowers and snow blowers, and valuable jewelry.

A driver's license number is recommended because it is maintained in a computer bank by the state and is readily available to law enforcement officials.

Along with the engraving pencil and registration form, participants will receive stickers suitable for placing on the front and rear entrances to homes or apartments.

The stickers read: "All items of value on these premises have been marked for ready identification by law enforcement agencies."

Operation Identification originated in 1963 in Monterey Park, Calif. Of 5,000 homes that participated in the program, only 20 have been burglarized compared with 2,000 burglaries among the 6,000 nonparticipating homes.

The engraving pencils will be available April 3 through 29 at a kiosk located in the lobby of the University National Bank. The kiosk will be open Monday, Tuesday, and Thursday from 9 a.m. to 3 p.m., Friday from 9 a.m. to 6 p.m., and Saturday from 9 a.m. to 1 p.m.

A $1 fee covers the cost of using the engraving tool for two days, instructions on tool use, property registration forms, and door stickers. A deposit on the engraving tool, which will be refunded upon return of the tool, will be required. A 50 cent fee will be charged each day the tool is kept beyond two days.

Eugene Krell, chairman of Project Identification, said it is important that a large number of Hyde Park-Kenwood residents participate in the project. "If there are many participants, our community will get a reputation with burglars as being an undesirable area in which to ply their trade. Fences and potential off-the-street buyers will become increasingly leery about taking marked items from burglars."

"With the active support of the police throughout the city and state, law enforcement personnel will make a special effort to look for engraved numbers so that property may be returned," he added.

Assisting Krell with Project Identification are David Gutman, 953 E. Hyde Park Blvd., and Renee Bock, 5627 S. Drexel.

Jim Kaplan, 1331 E. 55th St., is chairman of the Conference's safety committee.

CIGAR TAX BILL WITHDRAWN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ASPIN. Mr. Speaker, the withdrawal today from the House calendar of a bill which would have given a $120 million tax break to the cigar industry is strong evidence that tax reform has become a very potent issue in Congress. This bill, which would have resulted in Federal revenue losses of $120 million through 1979 and $21 million per year thereafter through reductions in the excise tax of many cigars, was withdrawn, I believe, for the obvious reason that we had the votes to beat it.

The withdrawal of this bill shows that Congress has gotten the message that the taxpayer is fed up with expensive tax loopholes for the rich and the special interest groups. It is clear from today's action that Congress is not about to pass any more loopholes—at least for a while. But it is also probably true that the irony of passing one more loophole on the day tax returns were due was just too much for many congressmen to swallow.

In the future all bills containing tax breaks that come before the House will be very carefully scrutinized, no matter how small the revenue loss to the Federal Government, and will be opposed if they cannot stand on their own merits.

FOREIGN POLICY AND THE ENERGY CRISIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAMILTON. Mr. Speaker, the current energy crisis in the United States has many international implications, particularly in our relations with the countries of the Middle East and North Africa where over three-fourths of the world's proven oil reserves are located. The foreign policy ramifications of the energy crisis are discussed in a Washington Post article of April 16, 1972, written by Marilyn Berger. This good article calls attention to some of the dilemmas now facing the United States, and I commend it to my colleagues. The article follows:

[From the Washington Post, Apr. 16, 1972]

OIL, FOREIGN POLICY AND THE ENERGY CRISIS

(By Marilyn Berger)

Two decades ago, when the demand for oil in this country was a fraction of what it is today, the United States was sufficiently worried about the government of oil-rich Iran to have the CIA sponsor a coup there. Today, with U.S. imports of Middle East oil rising—and with projections suggesting that 30 to 40 per cent of U.S. consumption will have to come from that unstable area by 1985—Washington faces the probable nationalization of all American oil companies there within a decade.

The takeovers are expected to be made by governments more or less friendly, more or less "reliable" and with compensation that is more or less satisfactory. And the United States, with its "lowered profile" abroad, is not likely to be sponsoring any similar coups. The question of what the country can do is being widely debated in government and industry circles, especially since we are headed for an energy crisis.

While there are many ideas for alleviating the potential crisis by developing new sources of power, for the next decade and a half, in the words of one government consultant, there is "nothing but oil." And with domestic production having peaked, much of it will have to come from abroad. This is causing concern in dozens of government bureaus dealing in both foreign and domestic affairs and is currently the subject of a House committee hearing.

At the Commerce Department a major concern is the impact on the U.S. balance of payments. If current projections are correct, says Commerce Secretary Peter G. Peterson, the deficit on oil alone "could be $8 billion by 1975 and $15 billion by 1980."

State Department and Pentagon officials worry about the security of supplies from Arab countries that are in continuing confrontation with Israel. A day could come, they say, when the Arabs might act more forcefully on the proverb that the friend of their enemy is their enemy. Probably even more worrisome to them is the increasing Soviet influence in the Arab world.

The Treasury Department is concerned about the oil tax structure, the Interior Department about the development of alternate sources in shale and tar sands and on the continental shelf, and environmentalists are worrying even more about what that development would mean to the quality of American life.

"STUDYING IT TO DEATH"

It seems safe to say there is no basic raw material which so deeply affects American interests, domestic and foreign. It is unlikely that there is any industry that has had greater success in winning congressional support for its interests or greater entree into the highest levels of government, making any tampering with the existing system especially difficult during a presidential election year.

Perhaps this is one reason why everybody is talking about the energy crunch but nobody is doing much to solve it. As one lawyer working with a number of oil companies remarks: "They're studying it to death . . . The problem in the government now is that there are 43 agencies involved with energy."

The number 43 is not exaggeration; Interior Secretary Rogers C. B. Morton put the number at 61. Not only are studies being made by most of these agencies, but there are almost as many solutions as studies.

The State Department, in a still-secret report, has taken something of a lead in urging the government to take foreign and domestic actions ranging from development of alternatives to auto transportation to changing oil and gas price structures. So far no action has been taken on the study.

The President on June 4, 1971, sent Congress a message on energy resources. This, however, looks mainly toward a solution to problems in the 1980s and beyond and touches only peripherally on the oil shortage that's almost here.

The environmentalists suggest a solution that is attractive in its simplicity: Use less. "A lot of our energy problems will be solved if we stop doing what we're doing," says Stewart Udall, former Secretary of the Interior. "The country should look at its own resources and play the hand it was dealt . . . For environmentalists the gut reaction is to slow things down."

In fact, virtually every solution to the oil supply problem creates difficulties for the environmentalists. If the United States is to import more oil—which the experts say it must—more and bigger tankers, deeper ports and more refineries will be needed. The environmentalists like none of these, out of concern for oil spills and air pollution. To produce more domestic oil means offshore drilling, shale development, new pipelines which again bring with them the prospects of spills, sludge disposal and potential ecological imbalance.

THEY CAN'T DRINK IT

Even if domestic oil is developed, however, the Middle East will remain important for some time as a source of energy supply for this country. Imports from the Middle East in 1970 amounted to 1 million barrels a day. By 1980 that figure is expected to rise to 8 to 10 million barrels a day.

While even the most pessimistic planners are not predicting any total, long-term cutoff of oil from that region—the Arabs can't drink it as the saying goes—one State Department official suggested that it "would be absolutely insane to become dependent upon such a volatile area for energy supplies." Under Secretary of State John N. Irwin last week called petroleum "a finite commodity . . . essential to a country's well being and . . . the most political of all commodities."

Oil presents the United States with a double problem. The oil-rich Arab nations, along with most of the so-called "third world," are moving toward control of their own resources. This will affect American oil concessions. Secondly, American support of Israel has had the effect of opening the Arab world to Soviet influence. "We have oversubscribed to the Israel case," said one U.S. official, who is personally sympathetic to Jerusalem, "and turned the area over to Russian influence. The fact is that the Soviet position has been greatly enhanced, and part of it comes . . . from the fact we support Israel, right or wrong." The Soviet Union only last week announced a $300 million investment in Iraq, its first major inroad into Mideast oil production.

Whether the Russians would, or could, use their political influence with the Arabs to interrupt oil supplies to the United States or its allies in Western Europe or Japan is one question bothering American strategists. As one official put it, "I'd hate to be in a position in a crisis where the Russians have that capability." The Russians will for some time have enough oil of their own, so apart from the geographic-strategic interests in the region, one of the only other interests can be in the control of oil flows.

The tendency has been to try to remove causes of tension, as in Berlin—if the agreement is ratified—strategic arms limitations, trade. But the long-term picture in the Middle East has not been a gratifying one for American planners. "Twenty years ago, even less," said one State Department official, "the Sixth Fleet could call at any port in the Mediterranean. Now there is not a port on the southern shore that would welcome it."

STATE DEPARTMENT PROPOSALS

The State Department has undertaken a broad study of the whole oil-energy problem. It is aimed, in the words of one official, "at getting the United States to take economic and diplomatic actions now to cope with a crisis coming in 1975 to 1980." One of the reasons the Policy Analysis and Research Allocation (PARA) report has been labeled "secret" is that it calls for domestic measures that are not supposed to be any business of the State Department. Among the reports approximately 15 recommendations, it was learned, are proposals to:

Develop domestic sources on the continental shelf and in shale.

Encourage development in the Western Hemisphere, especially in Venezuela (where heavy capital expenditure would be necessary at a time when nationalization threatens) and in Canada.

Seek to conclude agreements with Canada on oil (and natural gas) supplies. (Canada so far has been reluctant to sign.)

Build the Alaska pipeline. Environmental interests must be taken into account, but, it is noted, every barrel of oil that does not come from the North Slope will have to come from the Middle East.

Change price structures on oil and natural gas to encourage reduced consumption of oil and conservation of reserves. This proposal is not expected to be very popular among a variety of domestic interests.

Use taxes from oil to develop other forms of mass transportation than the automobile and the highway.

Encourage the major oil companies to organize themselves for operations abroad with the kind of exemption from antitrust laws that they received during last year's negotiations with the Organization of Petroleum Exporting Countries (OPEC).

Urge the oil companies to go along with demands by the producing countries for participation, on the premise that it will happen sooner or later anyway and that they might as well try to get the best deal they can while postponing it as long as reasonably possible. (Aramco, the American-owned oil consortium, recently agreed to Saudi Arabia's demand for a 20 per cent share in its operations. Experts expect these demands to go to 50 per cent soon and to 100 per cent in 10 years.)

Assure the oil companies a profit sufficient to finance exploration here and abroad. (A recent Chase Manhattan Bank study projects that the oil industry outside the Communist world will require an investment of $500 billion over the next 10 years, $120 billion of which would be needed for development of new oil sources. This is more than has been spent in the entire history of the industry. The study also predicts that more oil will be consumed in the next 10 years than has been consumed up to now.)

Encourage a kind of consumers union of oil-purchasing countries. The producers have joined together in OPEC and presumably the consumers, under such an arrangement, could similarly increase their bargaining power. Such an arrangement would tend to limit the confrontation aspects of negotiations between U.S. firms standing alone and Arab countries. It could also tend to lessen the inevitable competition among the world's developed nations for the limited available supplies.

AN ENERGY "CZAR"

Oil industry experts have other suggestions. One heard frequently is a proposal to stockpile oil to provide reserves against unforeseen cutoffs—an extremely expensive proposition but no more costly, they say, than the oil import quota system has been to Americans.

Nearly all the experts, both in and out of government, agree on the need to have an energy "czar" to coordinate government policy. A related suggestion is to have an "oil diplomat."

"The problem today," said one U.S. official, "is that nobody is sitting down and saying, 'Here's where the oil is, here are our problems with, say, Venezuela, Ecuador, Saudi Arabia,' for example. Why don't we begin to decide how much we want from where and design a program that works on that basis? Now every little piece is seen as a separate unit . . . . I think we could sit down and confect a policy that the oil industry would buy and that the oil countries could accept." He is not suggesting it would be easy, only possible.

This same official suggested that an "oil diplomat" would have the task of harmonizing U.S. foreign policy with U.S. energy needs. "You can get more with charm than with threats," he said, "if you have someone with the presence and intelligence of a David Packard or a Cyrus Vance."

The suggestion to name an oil envoy grows out of the assessment that as the military option diminishes for the United States, diplomacy must take over to help preserve American interests. One U.S. official remarked: "The United States has traditionally operated on the assumption that the oil industry operates under a free enterprise system and that it has been up to the industry to tap Middle East resources to supplement our own oil . . . But the oil countries are blowing the whistle on this and the companies are going to be in trouble . . . We're going to have to operate as a nation or see the companies get dispossessed . . . We'll either have to let third-rate countries push us around or get the government behind the oil companies."

This would not require any great realignment of official thinking. "Concern for the plight of the oil companies," noted this official, "has always been considerable at the upper levels of government . . . There has always been concern, for example, to keep on good terms with the oil companies, but this has always run afoul of American support of Israel."

The concern about the impact on other oil countries of an Iranian takeover of British oil interests in 1951 and over possible Soviet control of that valuable piece of real estate clearly led to the overthrow of Mohammed

Mossadegh in a CIA-inspired coup in 1953. There is little doubt that oil was a major factor in the 1956 Suez crisis.

American oil companies have been spectacularly successful in getting favorable legislation domestically—oil import quotas, oil depletion, allowances, tax breaks. They lobby openly for domestic favors and have important friends in the Congress.

House Speaker Carl Albert for example, recently told the American Petroleum Institute that "nearly one-half of the gas and one-third of the oil produced in Oklahoma is produced in my congressional district." Rep. Hale Boggs, House majority leader, is from oil-rich Louisiana, as are Allen J. Ellender, chairman of the Senate Appropriations Committee, and Russell Long, head of the Senate Finance Committee. And Rep. George H. Mahon, chairman of the House appropriations Committee, is from Texas. This is to say little about John B. Connally Jr. of Texas, who is not known for a lack of sympathy with oil interests.

One oil expert remarked that oil's influence is not so strong as when Lyndon B. Johnson and Sam Rayburn were the powers in Congress, "but it isn't that bad."

Ironically, many oil experts say, it has been the very success of oil companies in winning issues domestically that has led to the current situation in which the United States is becoming increasingly reliant on foreign oil. The oil import quotas, for example, were designed to prevent cheap foreign oil from competing with more expensive domestic oil. (An average American well can produce 13 barrels a day while a well in the Middle East can produce anywhere from 3,000 to 50,000 barrels a day.)

The quotas were imposed in the "national interest" to improve American self-sufficiency and prevent undue reliance on a single foreign area. But while the quotas may have prevented domestic American oil companies from being forced out of business by cheap competition, they failed to encourage expansion of American domestic capacity. "The means used had no relationship to a very desirable end," said one lawyer.

What they clearly did do was to force the use of U.S. reserves. One authority remarks that they virtually mandated that we "drain America first."

Although the quotas remain, virtually everyone in the oil business agrees that there will have to be more imports this year. Thus the quotas will have to be raised—some think an emergency meeting will have to be called this summer—because domestic production cannot meet demand. But politics probably dictates that the quota system will not be dropped. In fact, there seems to be no one in either government or the oil industry who thinks there will be any basic change in oil policy in 1972.

AFFECTING FOREIGN POLICY

In contrast with the open domestic lobbying by independent oil firms based in the United States, the major international oil companies have been far more subtle in their efforts to affect American foreign policy. As one U.S. official said, "The people involved in political matters in the Middle East know how important the oil interests are." He added that officials of the international firms are "important people who know the important people in government . . . In Acheson's time there was the old school tie and they were very correct about it all . . . There were no Dita Beards."

The oil company interests, he said, coincide with U.S. strategic interests both in preventing Soviet control of a strategic region and in assuring energy supplies. "But to suggest that they are lobbying for a new political attitude would be wrong," he added.

Continued U.S. support of Israel, for example, is now considered one of the "givens" in international relations, and oil executives and officials start from that premise. But efforts are always under way to get what oil executives would call a more "evenhanded" policy. There are suggestions that the United States develop technical assistance programs for the oil countries, expand cultural programs and repeat as often as possible statements about the territorial integrity of all nations in the region, in order to keep lines open to the Arabs if not to get the Arabs to love America.

SOVIET GAS DEAL

Meanwhile, the United States is looking at the possibility of doing business with the Soviet Union for the import of liquefied natural gas. Commerce Department officials suggest that a joint venture could lead to as much as $1 billion a year in natural gas imports if studies now under way indicate that it is technically and economically feasible. They say it is doubtful, however, that anything can be done to import the Soviet gas without the grant to Moscow of Export-Import Bank credits and most favored nation treatment. And there is talk of trading off excess American grain for Soviet gas to begin an exchange relationship.

The United States would also have to decide just how much, from a national security standpoint, it can afford to import from a country that remains its main rival in the world. "Amounts of purchase," said one official, "should be dictated by the degree of dependency we're willing to allow. That might be 3 to 5 per cent of total gas use, which would mean about 30 per cent of West Coast consumption."

There are those who believe a deal with the Russians would enhance rather than detract from national security. "From the standpoint of foreign policy," said one former Pentagon official, "I would develop the maximum number of relations with the Soviets. Wouldn't we want to have the Soviets think of us as a customer? Don't forget, there's nothing as lovable as a good customer. Then they wouldn't create unnecessary tensions."

Soviet natural gas, along with Algerian natural gas, which is expected to start arriving soon, and increased gas from Canada would begin to diversify American energy sources. Impetus for development of new sources domestically is expected to come as world oil prices increase. This could ameliorate the potential balance-of-payments problem troubling Commerce officials.

The main problem today seems to be getting action on existing proposals. There is no lack of ideas for a coordinated energy program that could prevent a supply relationship with the Middle East from becoming a dependency relationship.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

MANHASSET, LONG ISLAND, BUILDS A RECYCLED ROAD

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HALPERN. Mr. Speaker, I recently learned of a new and imaginative way of how the people of Manhasset, Long Island, plan to build a new road and, at the same time, find a partial solution to the pollution problem.

The town is planning to build a road made of asphalt and recycled glass. Glasphalt, as it is known, is an inexpensive substance which has durability and practicability.

Manhasset Supervisor Michael J. Tully has called on the town's residents to collect glass bottles and bring them to the town's incinerator where they will be recycled and turned into glasphalt.

This idea is an example of just what a community can do if it wants to solve its own problems. The people of Manhasset have found a way to meet the need for growth and expansion and at the same time do away with one of its most pressing plights.

A recent article in Newsday described, in detail, just how this new and exciting idea will take shape. Because I believe the rest of the country can well profit from the giant steps taken by the people of Manhasset, I would like to include that article in today's RECORD:

RECYCLED ROAD IN NORTH HEMPSTEAD

(By Bradford W. O'Hearn)

MANHASSET.—North Hempstead Town plans to become the first community in New York State to build a public road paved with glasphalt, a paving material composed of ground glass and asphalt.

Supervisor Michael J. Tully Jr. said at a town board meeting that the town would build the road at its Hempstead Harbor incinerator to show residents how recycled materials can be made to work in unusual ways. The road, which will lead to the town's recycling center at the incinerator, is expected to be about 70 feet long and 12 feet wide.

Tully called on all town residents to collect voluntarily bottles and other glass containers to be used in the glasphalt mixture. Tully could not estimate the cost of the glasphalt road but Felix Andrews, commissioner of public works, said the glasphalt itself should not cost more than $350. Andrews estimated that four to five tons of glass would be needed to construct the road. Tully said the month of April would be designated North Hempstead Environmental Action Month in an effort to get local groups to participate in the collection of glass. The glass will be collected at the recycling center and at the town's incinerator on Denton Avenue in New Hyde Park.

The glasphalt process was developed by researchers at the University of Missouri in Rolla, Mo., and has been used experimentally in about 15 communities across the nation. Tully said he hoped that if glasphalt could be used successfully it might help to reduce the town's need for its rapidly diminishing landfill areas. He said, "Glass comprises 42 per cent of our incinerator residue and its removal would considerably reduce our landfill requirement."

John H. Abrahams Jr., environmental director of the Glass Container Manufacturers Institute Inc., said that sophisticated separation systems, as yet undeveloped, would be needed to separate glass from incinerator residue on a large scale. A small experimental separator is expected to be operating in Franklin, Ohio, in the fall. Abrahams also said it was unlikely that glass would ever replace stone aggregate in paving materials on a large scale since more than one billion tons of aggregate are used in roads each year and the total yearly output of all glass manufacturers is only 10,000,000 tons.

Richard L. Cheney, president of the glass institute, said that studies of the glasphalt now in use showed it to be as good or better than stone. "It holds up better than limestone and retains its nonskid characteristics much longer," he said. He also noted that since glass holds heat longer than stone, glasphalt might be used during cold periods when regular asphalt cannot be laid.

WORLD PEACE TAX FUND ACT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. DELLUMS. Mr. Speaker, today is the deadline for the filing of income tax returns in the United States. My colleague from New York (Mr. Rosenthal) and I, along with eight of our colleagues, are taking this opportunity to introduce legislation which we believe is essential to the integrity of this Nation's tax system.

The World Peace Tax Fund Act, as our bill is called, would amend the Internal Revenue Code to establish conscientious objector status for taxpayers identical to that established presently under our Selective Service laws. Under this act, any man or woman in the country who felt he or she could not, in good conscience, contribute to military expenditures would have the option of having their tax dollars routed instead to peace-related activities.

It has long been recognized in this body and throughout the Nation that thousands, perhaps millions, of our citizens are so strongly compelled to resist violence that participation in war in any form is morally and religiously intolerable. What our laws have not yet recognized is that many of these citizens are equally opposed to seeing their tax dollars spent on implements of death and destruction.

The World Peace Tax Fund Act recognizes this moral conviction and, without lowering anyone's total tax bill, removes the great dilemma now facing conscientious objectors—to disobey their own beliefs or to disobey the laws of their country?

The original authors of this measure are to be highly praised for their contribution to this very important effort Among those responsible for the drafting of this legislation were David R. Bassett, M.D., of Ann Arbor, Mich., Joseph L. Sax and G. Joseph Vining, members of the University of Michigan Law School faculty and Michael P. Hall, a law student there.

Joining Mr. Rosenthal and me in sponsoring this bill are Mr. Kastenmeier, Mr. Rangel, Mrs. Abzug, Mr. Bingham, Mr. Conyers, Mr. Diggs, Mr. Mitchell, and Mr. Ryan.

At this time I would like to insert into the Record a summary of the legislation, followed by the text of the bill and other related material:

SUMMARY

The World Peace Tax Fund Act proposes that the Internal Revenue Code of 1954 contribution to military spending for Federal taxpayers who are conscientiously opposed to participation in war, and that a Fund be established to receive and distribute to qualified peace-related activities the portion of such individuals' tax payments that would otherwise go to military spending. The remainder of qualifying individuals' income, estate, and gift taxes would be transferred to the general fund of the U.S. Treasury, to be spent only for non-military purposes.

The Act gives relief to those citizens conscientiously opposed to participation in war, who are presently forced to violate their beliefs by participating in war through tax payments. There is considerable precedent for such relief. The Selective Service System has long recognized and accommodated the beliefs of conscientious objectors. Tax exemptions have been provided for certain religious groups to avoid violation of their religious and conscientious beliefs.

The requested tax relief for conscientious objectors will not open the "floodgates" to similar relief for other groups. The conscientious objector's request for tax relief is exceptionally compelling because it is motivated by the widely-held and long-established fundamental religious and moral mandate—"Thou shalt not kill."

The Act provides taxpayers, who are conscientiously opposed to war and who might otherwise feel compelled to undertake illegal tax resistance, with a means of making a meaningful contribution to world peace consistent with their obligations of citizenship. It is particularly important that the Act extends the opportunity for conscientious objection to women and to men not eligible for conscientious objector status under the Selective Service System.

The amendments to the Internal Revenue Code of 1954 provide that a qualified taxpayer may elect to have his or her Federal income, estate, or gift tax payment transferred to a special trust fund, the World Peace Tax Fund. The amendments also explain how a taxpayer qualifies to have his or her tax paid to the Fund. Other sections of the Act provide for the creation of the World Peace Tax Fund, and for the appointment of a Board of eleven Trustees to administer the Fund. The Fund is modelled after the National Highway Trust Fund and the National Airport and Airway Trust Fund. The act provides that the General Accounting Office shall annually determine and publish the percentage of the Budget of the United States which was spent for military purposes in the fiscal year just ended. This percentage will be used to determine the portion of the qualifying taxpayer's tax which shall be received by the Board shall submit a budget to Congress for approval and appropriation, providing for channeling of these monies to specified peace-related activities. Monies not appropriated from the Fund for expenditures budgeted by the Board shall remain available for use in subsequent years by the Board, subject to Congressional appropriation.

H.R. 14414

A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to participation in war may elect to have his income, estate, or gift tax payments spent for non-military purposes; to create a Trust Fund (the World Peace Tax Fund) to receive these tax payments; to establish a World Peace Tax Fund Board of Trustees; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "World Peace Tax Fund Act".

SEC. 2. WORLD PEACE TAX FUND.

(a) CREATION OF TRUST FUND.—There is hereby established within the Treasury of the United States a special trust fund to be known as the "World Peace Tax Fund" (hereinafter referred to as the "Fund"). The Fund shall consist of such amounts as may be transferred to the Fund as provided in this section.

(b) TRANSFER TO FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—

(1) IN GENERAL.—There is hereby transferred to the Fund amounts equivalent to the sum of the amounts designated during the fiscal year by individuals under Section 6099 of the Internal Revenue Code of 1954 for payment into the Fund, and amounts during the fiscal year as estate tax payments designated for payment into the Fund under Section 2210 of such Code, and amounts received during the year as gift tax payments designated for payment into the Fund under section 2505 of such Code. Such amounts shall be deposited into the Fund, and shall be available only for the purposes provided in section 8 of this Act.

(2) METHOD OF TRANSFER.—The amounts transferred by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates by the Secretary of the Treasury of the amounts, referred to in paragraph (1), received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 3. INCOME TAX PAYMENTS TO WORLD PEACE TAX FUND.

(a) Subchapter A of Chapter 61 of the Internal Revenue Code of 1954 (relating to returns and records) is amended by adding at the end thereof the following new part:

"PART IX—DESIGNATION OF INCOME TAX PAYMENTS FOR TRANSFER TO WORLD PEACE TAX FUND

SEC. 6098. QUALIFICATION FOR PARTICIPATION IN THE FUND.

(1) Any taxpayer who has actually qualified as a conscientious objector for Selective Service or Immigration purposes shall be entitled to participate in the Fund.

(2) Any taxpayer not covered by Subsection 1 of this Section, who declares that he or she is conscientiously opposed to participation in war, within the meaning of the Military Selective Service Act, as amended, shall qualify to designate payment of his or her income taxes to the Fund, as provided in Sec. 6099.

(a) Qualification for participation in the Fund shall be demonstrated by an affirmative response to the following question, which shall appear on all personal income, estate, and gift tax forms: "Do you believe that you are conscientiously opposed to participation in war, within the meaning of the Military Selective Service Act, as amended?"

(b) Instructions provided to taxpayers by the Secretary to assist them in filing tax returns shall include an explanation of the purpose of the Fund; the essential features of the Military Selective Service Act, as amended, pertaining to conscientious objection to war.

(3) Persons shall acquire the status of conscientious objector by their affirmative declaration to the question specified in paragraph (2a) above, provided, however, that the Secretary may initiate an action in the U.S. District Court of the district in which the declaring taxpayer has his residence, to challenge his status as a conscientious objector.

"Sec. 6099. Designation by Individuals.

"(a) In General.—Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that his income tax payment for that year shall be paid into the World Peace Tax Fund established by section 2 of the World Peace Tax Fund Act.

"(b) Definitions.—As used in this section—

"(1) Income tax liability.—The term 'income tax liability' means the amount of the tax imposed by chapter 1 on an individual for any taxable year (as shown on his return) reduced by the sum of the credits (as shown on his return) allowable under section 33 (relating to foreign tax credit), section 35 (relating to retirement income), section 38 (relating to certain depreciable property), section 40 (relating to work incentive program credit), and section 41 (relating to political contributions).

"(2) Income tax payment.—The term "income tax payment" means the amount of taxes imposed by chapter 1 paid by or withheld from an individual for any taxable year not in excess of his income tax liability.

"(c) Manner and time of designation.—A designation under subsection (a) may be made with respect to any taxable year,

"(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, and

(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary or his delegate."

(b)(1) The table of contents of such Code is amended by inserting after the item relating to part VIII of subchapter A of chapter 61 the following:

"Part IX. Designation of Income Tax Payments for Transfer to World Peace Tax Fund."

(2) The table of contents of subtitle F of such Code is amended by inserting after the item relating to section 6096 the following:

"Part IX. Designation of Income Tax Payments for Transfer to World Peace Tax Fund."

"Sec. 6099. Designation by Individuals.

(3) The table of parts of subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following:

"Part IX. Designation of Income Tax Payments for Transfer to World Peace Tax Fund."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

Sec. 4. Estate Tax Payments to World Peace Tax Fund.

(a) Subchapter C of Chapter 11 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"Sec. 2210. Designation of Estate Tax Payments for Transfer to World Peace Tax Fund.

(a) In General.—An individual may elect that the tax imposed by section 2001 on his taxable estate shall be transferred when paid to the World Peace Tax Fund established under section 2 of the World Peace Tax Fund Act.

(b) The table of contents for subchapter C of Chapter 11 of such Code is amended by adding at the end thereof the following:

"Sec. 2210. Designation of Estate Tax Payments for Transfer to World Peace Tax Fund."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

Sec. 5. Gift Tax Payments to World Peace Tax Fund.

(a) Subchapter B of Chapter 12 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"Sec. 2505. Designation of Gift Tax Payments for Transfer to World Peace Tax Fund.

"(a) In General.—An individual may elect that the tax imposed by section 2501 shall be transferred when paid to the World Peace Tax Fund established under section 2 of the World Peace Tax Fund Act."

(b) The table of contents for subchapter B of Chapter 12 of such Code is amended by adding at the end thereof the following:

"Sec. 2505. Designation of Gift Tax Payments for Transfer to World Peace Tax Fund."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

Sec. 6. Authorization of Appropriations.

(a) As soon after the close of each fiscal year as may be practicable, the Comptroller General shall determine and certify to the Congress and to the President the percentage of all expenditures made by the United States during the preceding fiscal year which were made for a military purpose (see "Definitions", below). The certification shall be published in the Congressional Record upon receipt by the Congress.

(b) There is hereby authorized to be appropriated each year a certain portion of the Fund to the World Peace Tax Fund Board of Trustees (established by Sec. 7) for obligation and expenditure in accordance with the provisions of this Act. This portion is determined by applying the percentage figure derived in subsection (a) above to the monies transferred to the Fund in each fiscal year, and adding to that sum all monies in the Fund previously authorized to be appropriated to the Board of Trustees but not yet appropriated. Monies remaining in the Fund shall accrue interest according to the prevailing rate in long-term government bonds.

(c) The remaining portion of the Fund is authorized to be appropriated to the general fund of the Treasury of the United States. No part of the money transferred to the general fund under this subsection shall be appropriated for any expenditures, or otherwise obligated, for military purposes.

Sec. 7. Board of Trustees.

(a) There is established a World Peace Tax Fund Board of Trustees (hereinafter referred to as the "Board") which shall be composed of 11 members appointed as follows:

(1) nine members, not more than five from the same political party, appointed by the President, by and with the advice and consent of the Senate, from among individuals who have demonstrated a consistent commitment to world peace and international friendship and who have had experience with the peaceful resolution of international conflict; and

(2) two members, who shall also meet the above criteria, one of whom shall be appointed by the President pro tempore of the Senate from among the Members of the Senate, and one of whom shall be appointed by the Speaker of the House of Representatives from among the Members of the House. Members appointed under this paragraph shall serve ex officio.

(b) The term of office of each member of the Board shall be six years, except that the term of office for four members initially appointed under subsection (a)(1) shall be three years. Members may serve until their successors are appointed, except that if any member appointed under subsection (a)(2) ceases to serve as a member of Congress, his term of office on the Board shall terminate at the time he ceases to serve as a Member of Congress. Each member shall be eligible for reappointment for one additional term, but no person shall serve for more than 12 years as a member of the Board. Six Trustees shall constitute a quorum.

(c) Any vacancy in the membership of the Board shall not affect its powers and shall be filled in the same manner in which the original appointment was made. The term of office of any person appointed to fulfill the unexpired term of a member shall consist of the unexpired portion of such member's term.

(d) The Board shall elect a Chairman from among its members.

Sec. 8. Duties of the Board.

(a) The Board may make payments as authorized by Appropriation Acts, by way of grant, loan, or other arrangement, under such conditions and upon such terms as it considers necessary.

(b) Funds designated for the purpose of research may be directed to governmental or nongovernmental, national or international organizations. Funds for nondomestic programs involving the providing of goods and services shall be restricted in distribution to the United Nations and associated agencies.

(c) Activities eligible to receive money from the Board shall include but not be limited to:

(1) Research directed toward developing and evaluating non-military and non-violent solutions to international conflict;

(2) Disarmament efforts;

(3) International exchanges for peaceful purposes;

(4) Improvement of international health, education, and welfare; and

(5) Programs for providing information to the public about the above activities.

(d) The Board shall publish regulations for the submission of applications for funds by persons and agencies, and shall determine the eligibility of such persons and agencies to receive payments or loans. Before approving the application of any such person or agency the Board shall determine, after a comprehensive review of all the functions and activities of the person or agency requesting approval, that such functions and activities have a non-military purpose.

(e) The Board shall submit its budget to Congress as stipulated in Sec. 9, shall report to the President and to the Congress annually on its activities, and shall provide a complete accounting of all funds received and disbursed pursuant to this Act.

(f) It is the intent of this Act that the Fund shall not operate to release money for military expenditures which, were it not for the existence of the Fund, would otherwise have been appropriated for non-military expenditures.

Sec. 9. Submission of Budget.

Notwithstanding any other provision of law, the Comptroller General shall carry out the activities and review of the Board which would be carried out by the Office of Management and Budget if the Board were an agency within the executive branch of the Government; and may establish such requirements as he deems necessary to carry out his authority under this section. The Office of Management and Budget shall not have jurisdiction over the Board. The Board shall submit its budget, requests for appropriations, and related reports to the Congress in accordance with such requirements and procedures as the Comptroller General may establish.

Sec. 10. Powers and Administrative Provisions.

(a) Each department, agency, and instrumentality of the Federal Government, including independent agencies, is authorized and directed to cooperate with and furnish to the Board, to the extent permitted by law, upon request made by the Chairman, such information as the Board may require to fulfill its duties under this Act.

(b) Subject to such regulations as the Board may adopt, the Chairman may—

(1) appoint and fix the compensation of an Executive Director and such additional staff personnel as he deems necessary; and

(2) procure temporary and intermittent services to the same extent as authorized by section 3109 of title 5, United States Code.

(c) Members of the Board shall be compensated at the maximum rate permitted by law for government employees or consultants, on a per diem basis, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 11. AMNESTY.

(a) Any individual who incurs or has incurred a civil or criminal penalty for failing or refusing to pay all or a part of the tax imposed on him by chapter 1 of the Internal Revenue Code of 1954 (relating to income tax) for any taxable period with respect to which the time for filing a claim for credit or refund of overpayment has not expired on the date of enactment of this Act is granted amnesty if he—

(1) pays any tax due (with interest) which he failed or refused to pay (on the grounds set forth in paragraph (2)(A)), and

(2) establishes, to the satisfaction of the Secretary of the Treasury, that—

(A) his failure or refusal to pay was on the grounds that all or a part of his tax payment would be used by the United States for carrying out military activities, and

(B) he would have made timely payment of such tax and designated his tax payment for payment into the World Peace Tax Fund (established under section 2 of this Act) if this Act had been in effect at the time of his failure or refusal to pay the tax.

(b) Whenever any individual is granted amnesty under subsection (a), the Secretary of the Treasury shall transfer to the World Peace Tax Fund the amount of any tax payment made under subsection (a) by such individual, and remit to that individual the amount of any civil penalty (other than interest) for which amnesty was granted.

SEC. 12. DEFINITIONS.

For the purposes of this act—

(1) "Military purpose" means any activity or program conducted, administered, or sponsored by an agency of the Government which effects an augmentation of military forces, defensive and offensive intelligence activities, or enhances the capability of any person or nation to wage war, and

"Expenditures for a military purpose" includes but is not limited to amounts expended by the United States in connection with—

(A) the Department of Defense;

(B) the Central Intelligence Agency;

(C) the National Security Council;

(D) the Selective Service System;

(E) activities of the Atomic Energy Commission that have a military purpose;

(F) activities of the National Aeronautics and Space Administration that have a military purpose;

(G) foreign military aid, and foreign economic aid made available to any country for the purpose of releasing local funds for military activities; and

(H) the training, supplying, or maintaining of military personnel, or the manufacture, construction, maintenance, or development of military weapons, installations, or strategies;

(2) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress; or

(B) the courts of the United States; and

(3) "person" includes an individual, partnership, corporation, association, or public or private organization other than an agency.

SEC. 13. SEPARABILITY.

If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

MEMORANDUM IN SUPPORT OF THE WORLD PEACE TAX FUND ACT

INTRODUCTION

Many persons in this country are conscientiously opposed to participation of any kind or nature in war. For some religious denominations this is a fundamental part of the religious beliefs of the members. For example, the Handbook of the Pacific Yearly Meeting of the Religious Society of Friends urges its members:

"To recognize that the military system is not consistent with Christ's example of redemptive love . . . (and) to consider carefully the implication of paying those taxes, a major portion of which goes for military purposes."—page 28 of 1962 Rev. Ed.

The World Peace Tax Fund Act is designed to relieve individuals conscientiously opposed to participation in war from the obligation to participate in war through the payment of taxes for military spending. Also it frees them from the weight of conscience which comes from breaking the law, when they hold law and society important.

Freedom of conscience, whatever that conscience might be, is an integral part of our scheme of government. The Supreme Court of the United States, in March of 1965, quoted a statement made in 1919 by Harlan Fiske Stone, who later became Chief Justice of the Court:

"Both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep is its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a settled policy of violation of the conscience of the individual will not in fact ultimately lose it by the process,"—Stone, The Conscientious Objector, 21 Col. U.Q. 253, 269 (1919).

Although not all persons who are conscientiously opposed to participation of any kind in war base their convictions on religious training and belief, conscientious objection to war appears to be well recognized as an integral part of the religious beliefs of many people. Speaking of the struggle for religious liberty in this country, Chief Justice Hughes referred to:

"The large number of citizens of our country, from the very beginning, who have been unwilling to sacrifice their religious convictions, and in particular, those who have been conscientiously opposed to war and who would not yield what they sincerely believed to be their allegiance to the will of God . . ." *United States* v. *Macintosh*, 283 U.S. 605, 631 (1931).

Certainly to require significant participation in war, against the religious conscience of these people, would violate the spirit of the first amendment protection for the free exercise of religion. (See *West Virginia State Board of Education* v. *Barnett*, 319 U.S. 624 (1943); *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (1963); *Contran, Tyrrell* v. *United States*, 200 F. 2d 8 (9th Cir. 1953), *cert. denied* 345 U.S. 910.

Conscientious objection to war and military training is deeply imbedded in the traditions of this country. For example, the ratifying conventions of each of the six states that recommended the adoption of a Bill of Rights in ratifying the new Constitution approved specific amendments as a part of their recommendation; Virginia, North Carolina, and Rhode Island included a provision guaranteeing the right of conscientious objection. (See Elliot, *Debates on the Adoption of the Federal Constitution*, Vol. 3, p. 659, Vol. 4, p. 244 Vol. 1, p. 334—36 (reprint of 2nd ed. 1937).

A similar provision was suggested but rejected by the Maryland convention. (See Elliot at 553.) It is not surprising, therefore, that one of James Madison's proposed amendments presented to the first session of the first Congress included the following language: "but no person religiously scrupulous of bearing arms shall be compelled to render military service in person." *Annals of the Congress of the United States*, 434 (Gales and Seaton, 1934).

During the debates on the proposed amendment, it was suggested that the right be conditioned "upon paying an equivalent." To this suggestion Mr. Sherman of Connecticut remarked:

"It is well known that those who are religiously scrupulous of bearing arms are equally scrupulous of getting substitutes or paying an equivalent. Many of them would rather die than do either one or the other." *Annals* at 750.

A motion was then made to drop this clause altogether; the motion failed and the clause was included in the list of proposed amendments sent to the Senate for approval. The Senate omitted this provision and it never became a part of our Bill of Rights. Although no record of the Senate debates was taken at the time, the opposition to the proposal in the House would indicate that the Senate preferred to leave the matter to legislation instead of a Constitutional Amendment. *Annals* at 751.

Although Congress has recognized the right of conscientious objectors to refrain from participation in war and has enacted legislation to protect that right, conscientious objectors are still forced to participate in war through the payment of taxes, a substantial portion of which goes to military spending. Every person in this country who pays Federal income, estate, or gift taxes is forced to participate in war in this manner. They are forced to aid in the equipping and training of armies and in the purchase of bombs, ammunition, missiles, napalm and other instruments of destruction. This is a significant form of participation in war.

Tax refusal—refusal to pay taxes because the money was to be spent for things to which the taxpayers were conscientiously opposed—has a long history. Early Christians refused to pay taxes to Caesar's pagan temple in Rome. Quakers and Mennonites refused to pay taxes to pay for the war effort during the French and Indian Wars, the Revolutionary War, and the Civil War. Under Gandhi's influence, strugglers for independence in India refused to pay taxes to the British Empire. In many ways the Boston Tea Party and other attempts of the colonists to prevent the British from collecting taxes to pay for the French and Indian War and for the stationing of British troops in the colonies represent similar protests. (See 1 Malone, & Rauch, *Empire for Liberty* 126–36 (1960)). Just as pacifists are opposed as a matter of conscience to paying taxes that are used for military purposes, so were the colonists opposed as a matter of conscience to paying taxes without representation.

At the present time those who are conscientiously opposed to any form of participation in war can avoid violating their conscience in the matter of federal income taxation in only two ways. First, they can carefully avoid earning more than the minimum income required by federal law upon which income taxes must be paid. Second, they can simply refuse to pay the taxes due, or a certain percentage of them; this amounts to a criminal offense which could result in a maximum sentence of $10,000 fine and one year in prison. See Internal Revenue Code, Section 6502. Such a penalty could conceivably be imposed every year if the individual refused to pay the taxes due every year. In spite of the possibility of these extreme consequences, many people take this route because they feel it is a lesser evil than to violate their conscience.

To most American citizens who wish to make substantial contribution to the life of their community and who want to be law-abiding citizens these are not feasible alternatives. The liberty of conscience that Chief Justice Stone spoke about is not being preserved in the area of conscientious opposition to participation in war. In order to preserve this liberty of conscience and to preserve both the dignity and the fairness of law—to preserve it in a spirit intended by the founding fathers and the drafters of the Bill of Rights—legislation should be enacted to provide a legal and realistic alternative to participation in war through the payment of federal income, estate, and gift taxes.

PRECEDENT

There is sound precedent for such legislation giving tax relief to protect religious and conscientious beliefs. Section 1402(e) of the Internal Revenue Code provides an exemption from payment of self-employment taxes for duly ordained, licensed or commissioned ministers and members of religious orders, or for Christian Science Practitioners upon their filing an application for exemption together with a statement that they are conscientiously opposed to, or because of religious principles, they are opposed to participation in an insurance plan like that provided by the Social Security Act. Section 1402(h) of the Internal Revenue Code similarly relieves members of qualified religious faiths, primarily the Amish, of the duty to pay the Social Security tax. By this Code provision, enacted in 1965, Congress acknowledged and accommodated the conscientious objection of the Amish to participation in insurance plans. The tax exemptions provided by sections 1402(e) and 1402(h) of the Internal Revenue Code were modeled after the exemption of conscientious objectors from the draft.

By exempting individuals conscientiously opposed to participation in insurance plans from payment of Social Security taxes, Congress clearly extended the principle of Congressional accommodation of conscientious beliefs from the area of the draft to the area of taxation. Thus Congressional precedent for tax relief to accommodate the beliefs of conscientious objectors to war is firmly established. Congress has recognized both the right not to participate in war and the right of a tax exemption to avoid participation in a program to which the tax-payer is conscientiously opposed.

The proposed tax accommodation for conscientious objectors to war recognizes the unique and long-acknowledged right of an individual to refrain from participation in war. It reflects an honest acknowledgment that payment of taxes for military spending is a significant and, for conscientious objectors, intolerable form of participation in war. The proposed special tax status for conscientious objectors is a necessary device to avoid forcing their participation in war.

The tax treatment asked for conscientious objectors is less exceptional than that presently granted by sections 1402(e) and 1402(h) of the Internal Revenue Code. Those sections allow individuals "conscientiously opposed" to Social Security insurance to be entirely exempted from payment of a portion of their tax. In contrast, the World Peace Tax Fund Act does not propose exemptions from payment of a portion of the conscientious objector's tax. Under the Act, a conscientious objector is still required to pay his entire tax. The Act merely provides that an appropriate portion of the tax may be diverted from military spending to nonmilitary peace-related activities.

Like the exemption from payment of the Social Security tax, the proposed tax accommodation for conscientious objectors is based on religious and conscientious belief. The conscientious objector to war has a compelling justification for the special tax status he seeks. His concern is fundamental. He asks not to be forced to join in the deliberate killing of his fellow men. His desire not to participate in war and killing through any means, including taxation, is based upon a widely acknowledged religious and moral principle. Observance of the principle is essential to the integrity of the individual. By forcing the conscientious objector to war to contribute to military spending, Congress presently forces him to violate his conscience and severely denies his right of religious freedom.

The tax accommodation of conscientious objectors would be an affirmative gesture which would benefit society as well as the individual taxpayer. Especially today, when a faint hope of world peace precariously counterbalances the threat of unspeakable destructive war, it is important to society that the moral principle, "Thou shalt not kill," which underlies the conscientious objector's attitude towards war, be firmly and repeatedly asserted.

Fundamental fairness requires that the opportunity for making this affirmative gesture for world peace and against killing be extended to all people—not just those draft-age males who qualify for conscientious objector status under the Selective Service laws. Therefore another important aspect of this act is that it offers women and children an opportunity constructively to demonstrate their opposition to war through formal conscientious objection—an opportunity which at present is open only to draft-age men.

The proposed tax accommodation for conscientious objectors is required by uniquely compelling justifications. Granting this special tax status to conscientious objectors will not open the floodgates to other groups who claim to be "conscientiously opposed" to various uses of their tax dollars, because the concern of the conscientious objector is so fundamental, so widely acknowledged, and so essential to the integrity of individuals and our society.

The contemplated tax treatment of conscientious objectors does not establish a precedent for individual earmarking of tax dollars. Trustees appointed by the President with the advice and consent of the Senate will receive, for subsequent channeling to appropriate peace-related activities, a portion of the Fund's monies. This portion represents a sum of all qualifying individuals' income, estate, or gift tax payments, multiplied by the percentage of last year's Federal budget devoted to military spending. The spending decisions of the Trustees require Congressional approval and appropriation. Congress retains power over spending of the conscientious objector's taxes. The taxpayer who qualifies as a conscientious objector can only decide that his tax dollars will not be spent for one specific purpose—military spending. Distribution of monies by the Board to qualified peace-related organizations finds precedent in the qualified distribution requirements for private foundations under Section 4942 of the Code.

In summary, the conscientious objector's uniqueness rests first, in the long tradition of Congressional respect for and accommodation of conscientious objectors to war. Second, the standards for determination of conscientious objector status have been tried, proven, and refined by the Selective Service System and conveniently provide stringent and reliable requirements for determining conscientious objector status for tax purposes. Third, the conscientious objector to war bases his request for special tax treatment on a widely-held long-established fundamental religious and moral belief. Fourth, the declaration of conscientious objection for tax purposes is an affirmative and constructive act which could make a substantial contribution to world peace.

The great interest of individuals in the free exercise of their fundamental religious beliefs should weigh most heavily against the public interest in minimizing exceptions to the general tax laws. If the interest of the Amish in not participating in Social Security insurance was sufficient to outweigh this public interest, the compelling interest of the conscientious objector to war should also outweigh it.

EFFECTIVENESS

Individuals conscientiously opposed to war will be excused from tax contribution to military spending and thereby from a significant form of participation in war. The tax dollars diverted from military spending will be used to promote world peace. It is recognized that because of the nation's tax collection and budgeting process, the creation of the World Peace Tax Fund may not markedly reduce the money available for military spending. A serious curtailment of military spending would result only if a great many taxpayers participated in the Fund, thereby calling for a major shift in national priorities. The military will get the funding it requests until the success of the Fund helps persuade taxpayers and Congress to reduce the priority of military spending.

At present, many conscientious objectors are so determined to change this country's priorities that they have refused to pay their taxes. As an alternative to forcing conscientious objectors to pursue this difficult and unpopular course, this bill offers the conscientious objector a way of making a positive contribution to world peace in place of contributing to military spending. The Fund will provide a constructive means of citizen's protest for its contributors. The Fund will draw the attention of every taxpayer to the percentage of American tax dollars going to military spending. It will encourage Congress to recognize this percentage by publication of the Fund's annual reports. At present, for the most part, no effort is being made by the government to separate military spending from other spending. Individual taxpayers, in making out their annual returns, will be forced to decide whether or not they can conscientiously contribute to military spending. Those who become conscientious objectors for tax purposes will be voicing a significant vote against military policy. The bill provides that the number of contributors to the Fund, the amount of money contributed, and the expenditures of the Fund shall be published and reported to Congress each year.

Many conscientious objectors would like to take a firmer stand than that provided by this Act in opposition to their country's military operations, but in view of the political constraints imposed on them as a minority, they support the Fund as a meaningful, though not entirely satisfactory means of working for world peace.

The Internal Revenue Code amendments and the organization of the Fund are designed to accomplish their goals with a minimum of administrative effort. The individual taxpayer is given the initial responsibility for determining whether he or she is eligible for conscientious objector status. A taxpayer who is already classified as a conscientious objector for Selective Service or Immigration purposes is automatically eligible. A taxpayer, regardless of age or sex, who files a declaration of conscientious opposition to war, is eligible. False statements knowingly made in declaring conscientious objector status are grounds for prosecution for perjury. Willfull abuse of this claim of eligibility will therefore be discouraged. The Internal Revenue Service may conduct an examination, "For the purpose of ascertaining the correctness of any return," according to Section 7602 of the Code. Language in that section is broad enough to allow review of a declaration of conscientious objection to war. In formulating requirements for conscientious objector status and in reviewing returns of conscientious objectors, it is expected that the Secretary or his delegate will rely primarily on 50 U.S.C. App. 456(j), which exempts conscientious objectors from military service, and judicial interpretations thereof. Final rulings by the IRS against the taxpayer's status as a conscientious objector are appealable to the United States District Court.

The Fund itself will be self-sufficient. It is expected that the commitment of the Fund's Trustees to world peace and their appointment by the President with the advice and consent of the Senate will make the Fund self-policing so that contributors and other taxpayers and Congress will have faith in it, and it will accomplish the goals set for it. The operating expenses of the Fund will be paid out of the money the Fund receives from taxpayers. Because the Fund will encourage people who presently refuse to pay their taxes, to pay these taxes, the administrative costs of the Fund will be offset by the additional tax payments which the Fund is expected to generate.

A final point is that legislative relief is the only legal avenue available for resolving the conscientious objector's dilemma between his beliefs and his obligations of citizenship. Conscientious objectors have repeatedly lost their battle against war taxes in the courts. Despite the strong constitutional arguments which can be made in their defense, in deference to Congress the courts have repeatedly held against conscientious objecters who have refused to pay their taxes to military spending.

CONSTITUTIONALITY

(1) *Uniformity*. The proposed legislation conforms with the requirement of Article I, Section 8, Clause 1 of the Constitution which provides "All duties, imports and excises shall be uniform throughout the United States." The requirement of uniformity has been read to require geographical uniformity, *Knowlton v. Moore*, 178 U.S. 41 (1900); *Brushaber v. Union P. R. Co.*,—U.S. 1 (1916); *Fernandez v. Wiener*, 326 U.S. 340 (1945).

(2) *First Amendment*. The first amendment provides "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." The proposed tax payment accommodation of the religious beliefs of conscientious objectors is a mitigation of a general requirement for the purpose of allowing the free exercise of religion. This is not an establishment of religion.

According to the General Counsel of the Treasury, "The classic example of the application of the free exercise clause is the series of cases which have upheld Congressional exemption of conscientious objectors from military service. The validity of this exemption was first established by the *Selective Draft Law Cases*, 245 U.S. 366 (1918), upholding the exemption in the draft law of members of religious sects whose tenets prohibited the man's right to engage in war." The Solicitor General had argued (p. 374) that the exemption did not establish such religions but simply aided their free exercise. The court considered that the Congressional authority to provide such exemption was so obvious that it need not argue the point (pp. 389–390).

The present Universal Military Training and Service Act (50 U.S.C. app. 456(j)) provides, "(j) Nothing contained in this title (sections 451, 453, 454, 455, 456 and 458–471 of this Appendix) shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form." "Participation in war in any form" has been read by the courts to mean "participation in any form in war." *Taffs v. U.S.*, 208 F. 2d 329 (CA 8 (1953), *cert. denied* 347 U.S. 928 (1954)). In *U.S. v. Seeger*, 380 U.S. 163, 13 L. Ed. 2d 733 (1965) the court broadly interpreted "by reason of religious training and belief" to require no formal religious training, and suggested that a personal moral code would be sufficient grounds for conscientious objection if there were some other basis for the registrant's belief. The *Seeger* case did not reach the constitutional question of whether the state might require a belief in God as a condition for exemption. *Torcaso v. Walkins*, 367 U.S. 488 (1961) did hold that Maryland could not require an oath attesting to a belief in God as a requirement for becoming a notary public, because such a requirement would constitute an establishment of religion.

Another example of the use of Congressional authority to make exemptions from general laws to permit the free exercise of religion is the exemption from taxation of religious organizations, property and activities. These exemptions continue to be upheld against claims that they have the effect of establishing the religions benefited. *Swallow v. U.S.*, 325 F. 2d 97 (10th Cir. 1963).

Zorach v. Clauson, 343 U.S. 306 (1952) is another case affirming the validity of accommodations made by the state to allow the free exercise of religion. There the Court upheld New York legislation authorizing public schools to release children one hour early every week for religious instruction off school grounds.

That allowing conscientious objectors to pay a portion of their taxes into a non-military tax fund is an accommodation for the free exercise and not an establishment of religion is made clear by *Sherbert v. Verner*, 374 U.S. 398 (1963). The Court held there that Maryland could not deny unemployment benefits to a Seventh-Day Adventist who refused to take a job requiring work on Saturday, the Adventists' Sabbath. The Court held this conditioning of welfare benefits on compromise of individuals' religious beliefs was an unconstitutional restriction on the free exercise of religion. Therefore, the court ordered Maryland to make accommodation within its general unemployment law. A conscientious objector who is forced to pay taxes which help finance military spending, is being denied the right of free exercise of his religious beliefs. The conscientious objector's plight is worse than the Adventist's in *Sherbert* who paid a lesser price for free exercise of religion. In *Sherbert* the price exacted by the state for religious freedom was loss of unemployment benefits. The conscientious objector who refuses to pay taxes is not only fined but is forced to break the law and is liable to criminal prosecution. Contribution to military spending is a significant form of participation in war. It may be as offensive to religious beliefs as service in the Armed Forces. Congress has accommodated religious beliefs by exempting from military service those conscientiously opposed to participation in war. It is a small step for Congress to allow the conscientious objector not to participate in war through taxes. Clearly, such an accommodation is to aid the free exercise of religion and is permitted, if not required, by the first amendment.

The effect of the proposed accommodation for conscientious objectors would not be discrimination in favor of some religions at the expense of others. Rather, the present discrimination against those who are forced to pay taxes (a portion of which goes to military spending in violation of their religious beliefs), would be removed. See *Sherbert*, p. 406. Nor are the problems of administration and the possibility of spurious claims under the proposed accommodation justification for continuing the present burdens or the free exercise of religion. See *Sherbert*, p. 407.

Despite the constitutionality of the proposed amendments, it might be argued there is an overriding public interest which forbids accommodation. But in *In Re Jenison*, 375 U.S. 14(1963) the Court relying on *Sherbert v. Verner* vacated a ruling of the Minnesota Supreme Court, which held that jury duty, a primary duty of all citizens, was superior to a religious belief which forbade judging others and therefore forbade jury duty. After *Jenison* it is possible to argue that it is unnecessary to balance the public interest against the individuals' interest to determine whether an exception to the general law should be made to accommodate the free exercise of religion. Rather Congress or the courts could simply determine if an accommodation is necessary to allow free exercise of religion and if so, grant it.

(3) *The due process clause*. The due process clause of the fifth amendment requires that tax statutes be reasonable and apply to a reasonable class. However, the standards of reasonableness applied to tax statutes are more lenient than those applied generally; only clearly arbitrary tax classifications will be struck down. *Flemming v. Nestor*, 363 U.S. 603(1960); *Smart v. U.S.*, 222 F. Supp. 65 1963); *Leeson v. Celebrezze*, 225 F. Supp. 527 (1963). Therefore it is unlikely that the classification proposed by these amendments would be found unreasonable, especially since the classification is the same which has long been accepted as reasonable for draft exemption purposes.

WEEKLY REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my second weekly report on "Crime and Criminal Justice in the United States":

WASHINGTON REPORT OF CONGRESSMAN LEE HAMILTON

(EDITOR'S NOTE.—This is the second in a series of weekly reports on crime and criminal justice in the United States.)

The criminal justice system is increasingly hard-pressed just to contain the increasing crime rates, let alone reverse the trend. To make progress, the system must be reshaped and strengthened.

The system includes the police, the courts and the correctional facilities (prisons). It can work better than it does, but most experts agree that, by itself, it cannot turn the rising tide of crime across this country. The system's shortcomings are illustrated by these facts:

Barely one in every nine crimes which are reported results in a conviction (and most crimes go unreported).

Far in excess of one-half the number of robbery cases are not prosecuted, usually because of inadequate evidence.

Long delays in trials, now commonplace, weaken the deterrent of swift and certain conviction.

More than 40,000 different law enforcement jurisdictions in the U.S. make police efficiency hard to achieve.

Twice as much is spent in this country on tobacco as on the criminal justice system.

Only two Federal prisons have been built since World War II.

The criminal justice system's three components are highly interdependent. Police, courts and correction systems must each function efficiently or the whole system breaks down. If the police don't capture offenders, prosecuters cannot prosecute. If the prosecuters cannot get convictions, police are frustrated in their efforts. If the prisons do not rehabilitate, then more persons capable of crime are at large.

The policeman is the first line of defense in the effort to control crime. We expect him to be a law enforcer, lawyer, scientist, social worker, community relations expert, marriage counselor, traffic director and sharpshooter. We expect him to stop speeders, disarm robbers, sober drunks, get cats out of trees, stop riots, guard banks, check parking meters and instruct children to obey the law. We expect the policeman to accomplish all of this with long hours, little training, inadequate pay, and at the risk of life and limb. He is expected to deal wtih people at their worst, when tensions run high and violence often erupts.

One important step to strengthen the police is to relieve officers of duties which have little to do with crime control and are not the best use of their time, such as efforts to deal with the habitual drunkard, and the bookie. The policeman should not, for example, waste his professional skill enforcing safety codes and registering automobiles and pets.

To control crime, every effort must be made to professionalize police by initiating higher educational standards and continuous training. This is not inexpensive, but today the average American pays about $15 for all police services, and, even if we doubled the budget for the police, it would cost about one-thirtieth of our annual defense expenditures.

A major objective should be to improve the strength .and caliber of police manpower. Qualifications must be upgraded, pay increased, training programs expanded, and partisan politics eliminated. Special attention is needed to improve police relations with the community, to improve the facilities and techniques of police management through modern communications, records and equipment, and to increase the capacity of various police forces to pool services and functions.

Programs such as the Law Enforcement Assistance Act (LEAA) are beginning to achieve these aims. Through direct grants to local units for training, equipment and such, Ninth District police and sheriff's departments received $7,851 for twenty improvement projects in 1969, $123,465 for forty projects in 1970, and $505,146 for forty-eight projects in 1971.

Next: The Prison System.

INTEGRATION—IS IT A NO-WIN EDUCATION POLICY FOR BLACKS?

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAWKINS. Mr. Speaker, the brilliant legal mind of Derrick A. Bell, Jr., produced a clear and comprehensive statement on legal policies involved in school integration for the recent National Policy Conference on Education for Blacks held in Arlington, Va. I urge my colleagues to read this most able analysis of the legal implications and requirements:

INTEGRATION—IS IT A NO-WIN EDUCATION POLICY FOR BLACKS? *

(By Derrick A. Bell Jr.) **

Well, son, I'll tell you:
Life for me ain't been no crystal stair.
It's had tacks in it
And splinters,
And boards torn up,
And places with no carpet on the floor—
Bare . . . .

LANGSTON HUGHES.[1]

The opening lines of Hughes' famous poem, "Mother to Son", convey a sense of the deep weariness that those of us sincerely concerned about providing quality schooling for black children feel as we read, almost two decades after *Brown* v. *Board of Education*,[2] that while two-thirds of Americans support the concept of desegregated public schools, 69 per cent oppose busing as a means of achieving that long-sought goal.[3]

The seemingly contradictory findings pose less a paradox than a problem. Despite the growing racial isolation in the country's housing patterns which render effective school desegregation impossible without busing, there is no paradox in the survey conclusions. To the contrary, these findings reflect only the most recent manifestation of a predictable pattern of white America's racial behavior, the historical formula for which is: (a) a public posture in harmony with the nation's traditional democratic ideals, while (b) continuing actual racial policies that maintain blacks in a subordinate and oppressed status.

The phenomenon is not limited to schools, but there is perhaps no other area in which it is more apparent, or where it has more consistently served to frustrate the hopes and ambitions of black parents seeking to obtain for their children what since the decision in *Brown* has been denominated as an "equal educational opportunity".[4]

It may provide some perspective if little comfort to those embroiled in staying off today's anti-busing crusade to recall that white resistance to integrated schools did not begin in 1954, but 175 years earlier. In 1787, the Massachusetts legislature which was then establishing the first public schools to ensure the education of the poor, ignored a petition submitted by Prince Hall and others seeking schools for black children.[5]

A century later in 1899 The Supreme Court refused to honor the "equal" portion of its barely three-year-old "separate but equal" doctrine of *Plessy* v. *Ferguson*,[6] upholding the decision of a Georgia school board to close its black high school while continuing to offer a high school education to white students.[7] It later affirmed the "separate" aspect by approving a Kentucky statute forbidding a private school from operating on an integrated basis.[8] Both decisions asserted concern for the educational welfare of black children.

Throughout the nineteenth Century, black parents filed dozens of lawsuits to obtain public schooling for their children on any basis, then petitioned, litigated and protested to equalize or integrate their local schols.[9] Suits to provide schools for blacks where none existed were often successful, those seeking integration generally were not.[10]

Thus, by the start of World War II, nearly half the states still either required (as did all Southern states) or expressly permitted segregation in their public schools.[11] That these schools were inferior as well as separate states a truth that blacks well knew, but which the Supreme Court did not acknowledge fully until 1954.[12] The confession did not lead to immediate penitence. Resistance took new form to the same old ends. Racist passwords have evolved from "never", to "freedom of choice", to "neighborhood schools" and "busing", but the basic unwillingness to accept black children into public schools designated, officially or unofficially, for whites remains unchanged.

If there is little solace in history, there may be some reassurance in the fact that much of the current clamor in opposition to meaningful school desegregation is in reaction to the growing number of federal court orders requiring just that. Despite its new personnel specifically chosen to reflect the President's conservative view of the judicial function, the Supreme Court, albeit with some waivering that bodes ill for the future,[13] has protected and enhanced the Warren Court legacy in *Brown*, and lower federal courts under the never-ceasing prodding of civil rights lawyers, have enjoined one evasive scheme after another in a slow but steady stream of decisions requiring redrawing of school zone lines and busing to effectively integrate school systems in compliance with the Supreme Court's decision in *Swann*.[14] Several courts have become sensitive to the need to balance the burden of school desegregation and have prevented districts from closing formerly black schools where these facilities could be used in the integrated system.[15] Others have voided policies that would make school assignments on the basis of standardized achievement tests.[16] Formerly white schools have been required to discard "Dixie" and confederate flags as school symbols,[17] arbitrary expulsions and suspensions of black students have been successfully challenged,[18] and summary dismissal of black teachers have been reversed.[19]

In the most dramatic decision of the year, a federal district judge, as anticipated by Judge J. Skelly Wright in *Hobson v. Hanson* [20] several years ago, has sought to neutralize the flight of whites to the suburbs by ordering the consolidation of the Richmond, Virginia school district with those of two adjoining counties.[21] The case is on appeal and will likely reach the Supreme Court next year. The support for antibusing forces it has generated is apparent now. In the North, even though the Supreme Court has carefully avoided ruling on the oft-presented issue whether *Brown* could be applied to *de facto* segregation,[22] scores of cities have been ordered to desegregate their schools.[23]

These decisions have excited passions in the North where school desegregation had been thought a "Southern problem", and brought renewed hope to a South almost beaten down in its decades-long effort to avoid compliance with the *Brown* mandate. Now with nationwide support, and using election-year fears as a vehicle, integration opponents seek nothing less than a Constitutional amendment which while nominally aimed at "forced busing", could serve to repeal that aspect of the fourteenth amendment upon which the validity of black claims to equality are mainly based.[24]

The threat seems preposterous coming as it does at the end of almost two decades of often turbulent racial crisis through most of which blacks have made progress. But it was in 1876 that Rutherford B. Hayes (another Republican) secured the presidency by promising Democrats that, if elected, he would remove federal troops from the South, thereby insuring that the bloody disenfranchisement of blacks—already well underway—could be completed without federal interference.[25] Certainly, much has changed since 1877, but the essence of white racism that underlay the betrayal of black hopes a century ago is all too evident in the public hysteria and political posturing around the busing issue today.

The danger is real. Continued pressure for school integration not only risks the progress in this area made during the last two decades, but threatens as well the still precarious gains made by blacks in employment, voting, housing, and the other major areas of our lifelong efforts to secure equal opportunities to match the unequal burdens of American citizenship.

Footnotes at end of article.

Is the risk worth it? If we were to base our answer solely on the improvement in the quality of education obtained by black children, it would be a close question with an increasing number of black parents and their school-aged children answering with a resounding "No". For whatever the difficulties of desegregating the public schools, it has hardly compared to the hardships endured by those black students who have actually obtained "their rights". The physical, mental and emotional abuse heaped on black children enrolled in desegregated schools may have begun but certainly did not end with the Little Rock 9.

Black children are harrassed unmercifully by white students, are suspended or expelled for little or no cause (when they are not simply ignored) by white teachers, are taunted and insulted, segregated within classes, excluded from extracurricular activities, shunted off into useless courses, and daily faced with a veritable battleground of racial hostility, much of which is beyond the ability or willingness of courts to rectify. None of this bares the least resemblance to "equal educational opportunity".[26]

Not surprisingly, the educational achievement level of black children attending such desegregated schools has not improved noticeably, and even in those settings like Berkeley which are generally held out as the models of school integration, black achievement levels have been disappointing.[27]

Thus, considering the racial crisis it has caused, the endangering of gains made by blacks in other civil rights areas, the lack of real proof of educational advantage to blacks required to go the school with hostile white, there is an overwhelming temptation—not to quit—but to alter strategy, to perhaps seek a compromise on the "forced busing" issue, to accept the reality of all black schools, and trade away the possibility of their integration in return for additional funds that might enable them to do now what they were unable to do during "separate but equal" days; serve effectively the educational needs of black children.[28]

It was, after all, not simply to go to school with white children, that the desegregation cases were brought, despite the findings in *Brown* and later that integrated surroundings would enhance the education of black children. It was because from bitter experience with separate but equal, black parents and their lawyers knew that only by placing black children in white schools could they hope to obtain the same quality of education that white children received.

The quality of schooling received by blacks is far from perfect, but it is also far better than it was back in 1954. Should we not consolidate our gains rather than risk the passage during an election year of statutes or even a Constitutional amendment that might erase them? Should blacks not compromise on the school integration issue while whites seem so anxious to spend substantial sums of money as "educational ransom" for their children?

There are at least two factors that must be discussed before an answer can be given: (1) Is it racially-mixed schools that provide the basis for contemporary white resistance or integration-cum-busing plans? (2) Are there alternatives to school integration that offer a brighter hope of quality education to black children?

The first question is easy enough to answer. White resistance to integrated schools is little different in effect than that to fair employment opportunities for blacks, or to their proper representation on school boards, or jury panels, or their residence in the house next door. The principle is supported, but the practice is avoided and, when necessary, opposed. The North favored school desegregation as long as it was taking place in the South. Decent housing for blacks is a worthwhile goal, but not in the suburbs where its presence may threaten the decent living environment of whites. The examples are endless. The message is the same.

The relatively inferior social, economic, or political status of blacks in this country did not happen by accident. It was dictated and enforced by the relative advantage it provided to whites.

The status of blacks cannot be substantively upgraded without threatening and sometimes causing whites to surrender their superior social, economic, and political status. Most whites are simply unwilling to make or even risk making what they deem an unfair sacrifice. It is the manifestation of this unwillingness expressed in overt or institutional actions tending to perpetuate the subjugation of blacks that we currently define as "racism." It is this characteristic of American racial behavoir which gives continued validity to Reinhold Niebuhr's oft-quoted statement made 32 years ago:

"It is hopeless for the Negro to expect complete emancipation from the menial social and economic position into which the white man has forced him, merely by trusting in the moral sense of the white race. . . . However large the number of individual white men who do and who will identify themselves completely with the Negro cause, the white race in America will not admit the Negro to equal rights if it is not forced to do so. Upon that point one may speak with a dogmatism which all history justifies." [29]

Blacks have long known that whites were not going to eliminate racial bias because of their "moral sense", but the history Niebuhr refers to is instructive as to the dangers of attempted compromise on the "busing issue" or indeed on any aspect of full equality for blacks.

By the 1890's, blacks had lost most of their Reconstruction rights. They had been stripped of their voting power, most were in dire economic straits, the federal civil rights statutes had been either voided or negated by non-enforcement, and with the federal troops withdrawn, they were at the mercy of "Southern Justice".

One black leader sought to gain some benefit from what he viewed as unchangeable political realities. Booker T. Washington in his famous "Atlanta Compromise" speech in 1895 called for black men to stop seeking social equality with whites.

"Cast down your buckets where you are", he urged.

"In all things that are purely social", Washington said, "we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress."

"The wisest among my race," Washington continued, "understand that the agitation of questions of social equality is the extremest folly, and that progress is the enjoyment of all the privileges that will come to us must be the result of severe and constant struggle rather than of artificial forcing." [30]

When Washington finished the audience went wild with glee. They were on their feet yelling. Waves and waves of applause dashed against the building. But blacks in the audience are reported to have wept.[31]

Scholars tell us that Washington hoped to gain support for education, economic development and a curbing of killings and maiming of blacks in return for renunciation of social and political equality. As we know, he obtained none of these. Lynchings and murders reached new heights. Segregation and discrimination increased. The effort to compromise was interpreted by whites as an open invitation to further aggression.[32] Perhaps coincidentally, the Supreme Court the next year, issued its decision in *Plessy v. Ferguson*.

I thought of the Washington speech while reading of a black man who spoke recently at a national antibusing conference in Detroit. The report described him as the "star" of the meeting. He stated his opposition to busing and complained to the group that:

"I'm being used by white Federal judges. Some people don't understand that the hearts of black mothers and fathers bleed, too."

He was given a standing ovation, punctuated by (get this) yells of "Right On!" [33] The story is sad. Reading it, one understands why sensitive black men who witnessed the Booker T. Washington speech might weep.

The conclusion is clear. If blacks decide to cease their pursuit of integrated schools, it must be in favor of a more viable educational alternative, and not in expectation that whites out of appreciation will reward the surrender with other concessions that they are not forced to make.

But whether or not on the basis of compromise, abandoning school desegregation assumes the availability of a more attractive alternative. And there are alternatives, although experience has shown that initial hope for some of them was too optimistic.

COMPENSATORY EDUCATION

A few years ago, it was felt that programs of compensatory education would prove suitable substitutes to integration particularly in large urban areas where meaningful integration would be difficult, even without the massive opposition that has developed. Plans call for injecting special programs in ghetto schools, hiring extra teachers, utilizing the latest teaching aids, and generally committing additional resources to the target schools.

Some of these programs have been financed under Title I of the Elementary and Secondary Education Act of 1965.[34] But there have been serious problems with the administration of this Act. Civil Rights groups have charged incompetent and corrupt administration of Title I has led to misuse, waste, and diversion of a substantial percentage of the billions of dollars appropriated under the Act.[35] In addition, there is evidence that school systems have not, as the Act intended, supplemented target schools already receiving an equal share of state funds, but rather have used ESEA money to reduce the disparity that exists between have and have-not schools. Money has often been spent to spruce-up black schools so as to discourage integration, rather than improve the quality of education being provided.[36]

But even if efficient and honest administration of the program could be effected, there is serious doubt that there would be enough money to insure real and sustained effectiveness of compensatory education programs.[37] A society willing to deny black children a decent education in order to preserve segregation, is not likely to be willing to spend three or four times the cost of educating white children to improve the quality of schooling offered blacks, even if such programs kept black children out of white schools.

TUITION GRANTS

There is a similar problem threatening the future of tuition grants. A few years ago educators were excited by the possibility that the quality of education provided the poor could be improved by stimulating competition between existing public schools and private schools.[38] Parents would receive "tuition vouchers" which could be cashed at the school where they decided to enroll their child. The parent would become the customer in a real sense, and schools would theoretically become more sensitive to satisfying the educational needs of the children enrolled there than is so frequently the case under the present system.

But to be effective, the poor ghetto parent must receive a substantially larger grant than well-to-do parents both to entice schools to undertake the more difficult educational challenge presented by the ghetto child, and to offset the better off parent's ability to supplement his grant with private means. A program providing a sufficiently disparate grant to poor parents would likely

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be difficult to enact for political reasons. A program providing equal grants to all parents would provide an open invitation for the middle-class to supplement their grants with private funds and set up superior schools that would simply perpetuate present inequalities in school systems based on wealth.

EQUALIZED SCHOOL FUNDING

For years, educators have been futilely urging state legislators to eliminate serious disparities in funding between school districts amending school funding formulas that discriminate against poor districts.[39] The matter was taken to the courts, and after a shaky start,[40] a number of decisions have invalidated present plans and required state legislatures to restructure funding laws to provide at least an equal share of available money to all districts, without regard to the relative wealth of the districts.[41]

But even with the successes obtained thus far, litigation is expected to drag on for years. Meaningful implementation will require even more years of legislative debate, manipulation, circumvention, and delay. Again, it is likely that ghetto schools will need more than equal dollars to even approach the quality of suburban schools. No court has yet recognized a legal right to any such entitlement, while the Title I experience enables a prediction that poorer schools will be shortchanged if not by outright chicanery, then by the richer districts' superior ability to exercise political muscle with the legislature.

Finally, there is no proof that school input (dollars) has any relationship to school output (student achievement), and indeed no standard for defining much less measuring "achievement."[42] School funding reform is needed and appears on the way, but it doesn't represent a suitable substitute for school integration as a means for insuring a better education for black children.

COMMUNITY CONTROL

As white resistance to integration grew, black parents and their leaders, many of whom never enthusiastically embraced the idea of sending their children to white schools, changed strategy and sought decentralization and increased local control over the public schools as a means of obtaining the ever-elusive equal educational opportunity for their children. Spokesmen for the movement believe that if the black community could select school boards that would be genuinely concerned about their responsibilities, they in turn would hire administrators and teachers who would create atmospheres of mutual respect and pride in which learning could take place. Emphasizing black history, art and culture, teachers, selected for their sensitivity to the special needs of black children, would build pride and counteract the socially-perpetuated propensities for low self-esteem that sap achievement potential among black students.[43]

Some experiments in community control have returned impressive results.[44] But the obstacles are overwhelming. In addition to the challenges of efficiently administering such a project, gaining parental support, hiring effective teachers, securing adequate financing, there is the serious (some would say fanatical) opposition of teachers unions and other groups and interests with strong vested interests in the educational status quo. Mere mention of the New York P.S. 201 and Ocean Hill-Brownsville experiments should suffice to make this point.[45]

Because community control projects seem to represent a voluntary return to "separate but equal" education, they are likely to receive little judicial assistance from the courts, including those most unwilling to require elimination of *de facto* school segregation.[46]

In short, the white resistance to any potentially threatening change in racial policy, that retards school desegregation will also prove a barrier to blacks seeking meaningful control over ghetto schools.

Moreover, community control seems more a result than a program, a means of describing a status already achieved more than a means of acquiring it. The essence of community control is the sense of parents that they can and are influencing policy making in their children's schools in ways that are beneficial to their children. Parents in highly regarded suburban school communities have this sense, and in varying degree, teachers and administrators in those schools convey an understanding that their job success depends on satisfying not the school board or the teacher union, but the parents whose children are enrolled in the school.

Achieving this parental outlook in urban ghetto areas where parents lack the sense of power, that education and socio-economic status provide their suburban counterparts, will be extremely difficult, even in the growing number of urban areas, where the percentage of black residents is steadily rising.

FREE SCHOOLS

The real pioneers in the community control movement have given up on the public schools entirely and in recent years have established small private schools in ghetto areas.[47] Moving one of these schools from idea to reality requires great dedication Sponsors must overcome a myriad of problems including state and local educational requirements, health and safety standards, teacher certifications and, of course, ongoing financial problems. But a number of these projects have moved beyond the experimental stage, and have achieved not merely survival but impressive academic success. Perhaps significantly, many of these schools begun deep in black communities for black children, have waiting lists of white children whose parents are more than willing to pay to have their children share in the innovative and integrated educational programs that often characterize free school projects.

But again, almost by definition, free schools are small and require a degree of commitment, competence and courage which would be difficult to mass produce for the millions of black children whose schooling continues to reflect a separate and highly unequal character.

These are the major alternatives to integrated public schools for black children. How viable are they now that blacks in growing numbers are expressing their disenchantment with integrated schools, and seeking as they have in the past (by choice in the early 1880's and by law after *Plessy v. Ferguson*) for means to provide quality in separate, black schools?[48]

The answer, of course, is that for relatively small numbers of black children there are alternatives to integrated public schools which are both available and quite attractive. But none of them are attainable by the masses of blacks. Indeed, functioning alternative programs often owe some credit for their existence to the pressure for school desegregation.

Clearly the mixing of black and white children in a school does not guarantee a quality education for either racial group, and in some situations, the degree of racial hostility is such as to render even the suggestion a farce.

But, one may ask, if integration is not a guarantee of quality education, what is it? In summary, the right to an integrated education makes possible a legal and political climate in which the potential for quality education for black children can exist and grow. This potential is not lessened and may increase in the face of white opposition and hostility.

This is not to say that we should not be concerned about the racial fears, violence and harrassment that frequently mars public school integration efforts. But it would be a surprise if these schools did not mirror the racial antagonism of their communities. Sociologist Nathan Glazer suggests in a recent article that racial clashes among students in integrated schools, and the tendency of black and white students to remain separated in non-classroom activity, is an indication that school integration has failed, or at least is not worth pursuing.[49]

But while school officials must do more to cope with racial harrassment, and courts could certainly be more explicit about responsibilities in this area when writing integration orders,[50] it is not necessary that blacks and whites attending integrated schools love one another, or even get along very well. Given the status of race relations in our society, this would take a miracle. Indeed, it is little short of miraculous that there are as many interracial friendships as exist, to say nothing of the presence of a few of the greatly feared interracial romances.[51]

Education is more than achievement outputs on standardized test results. Education should prepare students for living. In the integrated school setting, whatever the academic value of blacks learning with whites or vice versa, the two groups are forced to cope with the very real problem of racial hostility, fear, and ignorance imposed on them by the society in which they so soon will have to take their places. One might even say that to the extent there are no racial conflicts, to that extent there is no worthwhile preparation for living in America as it is, and as it is likely to be for a long time.

The damage that can be done to children in these encounters, particularly black children who can't flee to the suburbs, should not be underestimated.[52] Often, for example, the harm resulting from suspension or expulsion for some racial indiscretion—real or imagined—is permanent. But is this risk of harm any worse than that experienced by so many black students over so many years in segregated institutions administered by men like Dr. Bledsoe, the classic example of this genre portrayed so memorably and accurately in Ralph Ellison's novel, "Invisible Man"?[53]

The honest among those who experienced the dictatorial atmosphere that so frequently pervaded the old segregated schools and colleges will agree that life in even a hostile integrated school can't be worse. And the conflict in desegregated schools may itself serve as a catalyst for student growth and racial maturity. This growth is hard to measure on standardized achievement tests, and it doesn't make the wire services, but it can be a crucial educational experience for students, black and white, who all too soon will be inheriting the product of our failure to solve our society's racial problems.

A black school board member in South Carolina recently reported an experience at an open, student forum in the assembly hall of a formerly all-black high school which was experiencing problems of racial distrust and resentment after complying with desegregation orders that resulted in a 50–50 racial balance in two years. The board member's report of the meeting is worth quoting at some length:

"The principal opened the meeting with a few well-chosen words about *getting along*. He told them all very bluntly that the time was past for arguing the whys and wherefores of school attendance lines, government regulations, busing, and the rest of it. The job now was to get on with the business of education—to learn to live with the situation as it was.

"Again, like prizefighters, the students began to feel each other out. Members of the bi-racial committee brought out some of the sore points on both sides, and the students began to say what they felt—many of them for the first time.

"A tall, strong black boy said, 'The whites

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act like they're too good to associate with us.'

"A small, earnest white girl said, 'I'm actually afraid to pass by a group of black boys in the hall. I don't want to be, but I am.'

"A sullen white boy with long hair said, 'Why should we take part in anything at this school? The government is making us come here against our will.'

"An equally sullen black girl said, 'I remember the things I had to put up with when I went to a predominately white school, and I'm not going to make a big deal out of being nice to them when they're in my territory.'

"And so it went. Tension was there, and it could have been explosive except for two things: the Principal is a tough-minded man who managed to keep down any uproars that got started, and the other thing was that I began to feel that the children themselves didn't want any trouble to happen.

"Almost as it was building, the tension seemed to be easing—as if the children realized that the things they were thinking, the prejudices and fears they had lived with all of their lives, sounded hollow when said out loud.

"Then it happened. A white boy about halfway back stood up and complained, 'How can we get along with the black kids when we don't know them? They stay to themselves. You always see them at lunch or recess standing together in groups.'

"A black child jumped up and said, 'Well, man, you whites act like we're going to jump on you with a knife every time we start to say something.'

"The white boy said, 'Well, how do you expect us to act? You stay together in groups and talk and laugh, and the only way we could join in would be to walk up and join the group. I'd feel funny being the only white in a big group of black kids.'

"Then down in front where at least 50 or 60 black children were sitting, a little tiny white girl stood up and turned to the boy and said, 'Here *I* am, and I don't feel funny. If I can sit down here with my friends, why can't you?'

"And somewhere else, a black child stood up to show she was sitting with a group of whites.

"Of course, there was a lot of applause and excitement throughout the auditorium; and the first thing you knew, the white boy and his girl friend moved from their seats and came down front to sit with some of the black children. That started the ball rolling, and all over the room black children and white children were shifting to sit with each other. Introducing themselves. Sharing the one excitement of a new experience as only young people can.

"A small thing. But when you think about the hundreds of years of distrust that have driven people apart, it doesn't seem small at all. White kids and black kids beginning to think of each other as *individuals* rather than as members of an opposing group."[54]

At the outset, this piece recalled that opposition to school desegregation is neither, new or novel. Because of its pathological components, this opposition is likely to continue. Because white resistance to integrated schools is symbolic, and represents the core of the philosophy that America is a white man's country, it must be fought by even those blacks convinced that the educational merits of integrated schools are overstated, misconceived, or simply untrue. For quite literally the right—whether exercised or not—of black children to attend integrated public schools is a right that is crucial not only to black success, but to black survival in this country.

Anyone doubting this need only re-read the proposed Constitutional Amendments designed, it is asserted, to curb "forced busing." With so much at stake, we can't afford to surrender, and dare not risk compromise. Our efforts may or may not be successful, but fighting for survival is never a "no-win" policy. It is much more a "for better or worst" situation in which, for all our weariness and frustration, we can only, as the current expression goes, "keep on-keeping on". But Langston Hughes said it better as he concluded his "Mother to Son" poem, capturing in his lines what is apparent heritage and inheritance of black America:

So boy, don't you turn back,
Don't you set down on the steps
'Cause you finds it's kinder hard.
Don't you fall now—
For I'se still goin', honey,
I'se still climbin',
And life for me ain't been no crystal stair.

FOOTNOTES

[*] This article was prepared for presentation at a "National Policy Conference on Education for Blacks" sponsored by the Congressional Black Caucus, and held in Washington, D.C. March 29–April 1, 1972.

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[1] A. Bontemps, ed., *American Negro Poetry,* 67 (1963).

[2] 347 U.S. 483 (1954).

[3] Newsweek, Mar. 13, 1972, at 24.

[4] 347 U.S. at 493.

[5] H. Aptheker, *A Documentary History of the Negro People in the United States,* 19–20 (Citadel ed. 1968). Subsequent efforts are reviewed in L. Litwack, *North of Slavery,* 113–52 (Phoenix ed. 1961).

Early efforts to educate slaves and free blacks in the South are traced in C. Woodson, *The Education of the Negro Prior to 1861* (1919).

[6] 163 U.S. 537 (1896).

[7] *Cumming v. Board of Educ.,* 175 U.S. 528 (1899).

[8] *Berea College v. Kentucky,* 211 U.S. 26 (1908).

[9] See cases collected in Bell, *School Litigation Strategies for the 1970's,* 1970 Wis. L. Rev. 257, 259, n. 9.

[10] The most famous of these was *Roberts v. City of Boston,* 59 Mass. (5 Cush.) 198 (1850), where the court refused arguments for school integration quite similar to those adopted a century later by the Supreme Court in *Brown.* Earlier, the Court had cited *Roberts* as a basis for its decision in *Plessy v. Ferguson,* 163 U.S. 537, 544 (1896).

Actually citation to the 1850 *Roberts* decision by the *Plessy* Court in 1896 is less than honest, for five years after the *Roberts* case, the campaign to end segregated schools in Massachusetts (of which the *Roberts* case was a part) succeeded in obtaining a state law to this end. See J. Daniels, *In Freedom's Birthplace,* 446–49 (Johnson ed. 1968).

[11] R. Bardolph, ed. *The Civil Rights Record,* 210 (1970).

[12] In the decades following *Plessy,* at least 60 objective factors of disparity were litigated involving physical facilities and equipment, number and qualifications of teachers, richness of curriculum and teacher's salaries. See Larson, *The New Law of Race Relations,* 1969 Wis. L. Rev. 470, 482–83.

[13] See Chief Justice Burger's effort to limit the scope of *Swann* v. *Charlotte Mecklenburg Bd. of Educ.,* 402 U.S. 1 (1971) while denying a stay in *Winston-Salem Bd. of Educ.* v. *Scott,*—U.S.—(1971).

[14] 402 U.S. 1 (1971).

[15] *Gordon* v. *Jefferson Davis Parish Sch. Bd.,* 446 F. 2d 266 (5th Cir. 1971); *Bell* v. *West Point Munic. Sep. Sch. Dist.,* 446 F. 2d 1362 (5th Cir. 1971); *Lee* v. *Macon Co. Bd. of Educ.,* 448 F. 2d 746 (5th Cir. 1971); *U.S.* v. *Bd. of Educ. of Clayton County,* 331 F. Supp. 446 (N.D. Ga., 1971).

[16] *Moses v. Washington Parish Sch. Bd.,* 330 F. Supp. 1340 (E.D. La. 1971).

[17] *Smith v. St. Tammany Parish Sch. Bd.,* 448 F.2d 414 (5th Cir. 1971).

[18] *Dunn v. Tyler Indept. Sch. Dist.,* 327 F. Supp. 528 (E.D. Tex. 1971).

[19] *Moore v. Bd. of Educ. of Chidester Sch. Dist.,* 448 F.2d 709 (8th Cir. 1971); *Rauls and Hammond v. Baker Co. Bd. of Educ.,* — F.2d — (5th Cir. 1971); *Smith v. Concordia Parish,* 445 F.2d 285 (5th Cir. 1971); *Cornist v. Richland Parish Sch. Bd.,* — F.2d — (5th Cir. 1971).

[20] *Hobson v. Hansen,* 269 F.Supp. 401, 515–16 (D.C.C. 1967), *aff'd sub nom. Smuck v. Hobson,* 408 F.2d (D.C. Cir. 1969).

[21] *Bradley v. Sch. Bd. of Richmond,* — F. Supp. —, 40 U.S.L.W. 2446 (Jan. 18, 1972). See also, *Lee v. Macon Co. Bd. of Educ.,* 448 F.2d 746 (5th Cir. 1971), where the court refused to allow a city to secede from a county and operate an independent school system where secession would adversely effect desegregation of the county school system.

But see, *Boyd v. Pointe Coupee Parish Sch. Bd.* 332 F.Supp. 994 (E.D. La. 1971), where the court refused to grant further relief after 1800 white students enrolled in private schools to avoid integration. The court deemed the resulting all-black schools "de facto segregated", stating, "This is simply an inevitable result of forced integration of schools." 332 F.Supp. at 995.

The Supreme Court has granted writs of certiorari to review two Fourth Circuit cases in each of which approval was given for the creation of new school districts for cities that were previously included in large county school districts. *U.S. v. Scotland Neck City Bd.* of Educ., 442 F.2d 584 (4th Cir. 1971), 92 S. Ct. 47 (1971); *Wright v. Council of City of Emporia,* 442 F.2d 570 (4th Cir. 1971), 92 S. Ct. 56 (1971).

[22] Note the Court's statement in *Swann v. Charlotte-Mecklenburg Bd. of Ed.* 402 U.S. 1, 15 (1972), that: "absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis."

[23] In the last few years, such orders have been entered in:

Los Angeles—*Crawford v. Bd. of Educ.,* Civ. No. 822854 (Sup. Ct. L.A. City, Feb. 11, 1970);

Pasadena—*Spangler v. Pasadena Bd. of Educ.,* 311 F.Supp. 501(C.D. Cal. 1970);

San Francisco—*Johnson v. San Francisco Unified School Dist.,* —F.Supp—(N.D. Cal. 1971).

Oxnard (Calif.)—*Soria v. Oxnard Sch. Dist. Bd. of Trustees,* 328 F.Supp. 155 (C. C. Cal. 1971).

Las Vegas—*Kelly v. Brown,* Civ. No. LV–1146 (D.Nev., Dec. 2, 1970).

Pontiac (Michigan)—*Davis v. School Dist.,* 309 F.Supp. 734 (E.D. Mich. 1970), aff'd, 443 F.2d 573 (6th Cir.) *cert. denied,* 92 S. Ct. 233 (1971). Detroit—*Bradley v. Milliken,* F.Supp. — (E.D. Mich. 1971).

South Holland (Ill.) —*U.S. v. School Dist. 151,* 404 F.2d—125 (7th Cir. 1968), Modified 435 F.2d 1147 (7th Cir. 1970), *cert. denied,* 402 U.S. 943 (1971).

[24] More than 50 amendments are under consideration, but one which has received substantial support in the House (H.J. Res. 620) provides:

"Section 1. No public school student shall, because of his race, creed, or color, be assigned or to or required to attend a particular school."

This measure, if adopted, would not merely eliminate busing for integration, but would void *Brown v. Board of Education,* except perhaps as to desegregation resulting from freedom of choice plans.

In the Senate, S.J. Res. 165 that would have a similar effect provides that:

"Section 1. The assignment of transportation of children to a region beyond that covered by the neighborhood school, unless such assignment or transportation is voluntary, is expressly prohibited."

[25] J. Franklin, *From Slavery to Freedom,* 330–32 (vintage ed. 1969); K. Stampp, *The Era of Reconstruction* 1865–1877, 186–215 (Vintage ed. 1967).

[26] Perhaps reflecting the racial hostility they see around them, reports indicate that

black students in some predominately black schools have beaten and harrassed the white children assigned to "their" schools.

[27] The U.S. Senate Select Committee on Equal Educational Opportunity has found that disadvantaged children without regard to race tend to perform better in schools with a majority of advantaged children. But in achievement test terms, black students in Berkeley, while improving, are still at an educational level five years behind their advantaged white classmate at the eighth-grade level.

[28] Even committed school integrationist, Dr. Kenneth B. Clark, has expressed support for emergency programs of compensatory education intended to benefit children in predominately black schools. Clark, "Alternative Public School Systems", 38 *Harv. Educ. Rev.* 100, 105 (1968).

[29] R. Niebuhr, *Moral Man and Immoral Society*, 252–53 (1932).

[30] B. Washington, *Up From Slavery*, 218–25 (1901).

[31] L. Bennett, *Before the Mayflower*, 227–29 (1966).

[32] *Id.* Washington's policies were vigorously challenged by other black spokesmen of the day. See, H. Apetheker, *A Documentary History of the Negro People in the United States*, 876–86 (1968).

Of course, the classic statement is, "Of Mr. Booker T. Washington and others", W. DuBois, *The Souls of Black Folk*, 42 (Premier ed. 1961).

The ideological conflict between Washington and DuBois is Reviewed in A. Meier, *Negro Thought in America 1880–1915* (1963).

[33] Newsweek, Mar. 13, 1972, at 21.

[34] 79 Stat. 27–35, *as amended*, 20 U.S.C. §§ 236–44 (1965). ESEA is the largest compensatory education plan ever attempted.

[35] "Title I of ESEA—Is it Helping Poor rights groups was reported in N.Y. Times, Nov. 9, 1969, at 1, col. 1.

[36] See, 1969 Civil Rights Comm'n. Report, 32.

[37] Cohen, "Policies for the Public Schools: Compensation and Integration," 38 Harv. Educ. Rev. 114 (1968). Sen. Walter Mondale, Chairman of the Select Committee on Equal Educational Opportunity, said recently, "With few exceptions, an annual Federal investment of $1.5 billion in compensatory education has little perceptible impact on mounting educational disadvantage." N.Y. Times, Feb. 27, 1972, Sec. E at 13, col. 8.

[38] 37 See Sizer and Whitten, "A Proposal for a Poor Children's Bill of Rights", Psychology Today, Aug. 1968, at 59; Sizer, "The Case for a Free Market", Saturday Review, Jan. 11, 1969, at 34.

For a thorough discussion of the legal, political and educational issues, see Areen, "Education Vouchers", 6 Harv. Civ. Rights-Civ. Lib. L. Rev. 466 (1971). Serious constitutional questions are posed in King, "Rebuilding the 'Fallen House'—State Tuition Grants for Elementary & Secondary Education", 84 Harv. L. Rev. 1057 (1971).

[39] See Coons Clune & Sugarman, "Educational Opportunity: A Workable Constitutional Test for State Financial Structurer", 57 Cal. L. Rev. 305 (1969).

[40] *McInnis v. Shapiro*, 293 F. Supp. 327 (N.D. Ill. 1968), *aff'd mem. sub. nom. McInnis v. Ogilvie*, 394 U.S. 322 (1969).

[41] *Serrano v. Priest*, 5 Cal. 3d 584, 487, P. 2d 1241, 96 Cal. Rptr. 601 (1971); *Van Dusartz v. Hatfield*, No. 3–71 Civ. 243 (D. Minn., Oct. 12, 1971); *Rodriquez v. San Antonio Indpt. Sch. Dist.*, No. 68–175–5A (W. D. Tex., Dec. 23, 1971).

Similar suits are pending in perhaps 20 other states. See Note, "The Evolution of Equal Protection-Education, Municipal Services and Wealth, 7 Harv. Civ. Lib. L. Rev 103, 200–13 (1972).

[42] See Cohen, "The Economics of Inequality", Saturday Review, Apr. 19, 1969, at 64.

[43] For what has become the classic exposition of the Community control philosophy, see Hamilton, "Race and Education: A search for Legitimacy", 38 Harv. Educ. Rev. 669 (1968).

The issues are thoroughly reviewed in A. Altschuler, *Community Control* (1970). See also Community Control of Schools (H. Levin ed. (1970); L. Fein, *The Ecology of the Public Schools* (1971).

[44] See, e.g., Fantini, "Participation, Decentralization, Community Control, and Quality Education" 71 The Teachers College Record 93 (Colum. Univ. 1969); Myers, "Schools: Morgan's Tentative Revolution," City Bi-Monthly Rev. of Urban America, Nov–Dec. 1968, at 6.

[45] *Confrontation at Ocean Hill-Brownsville* (M. Berube, B. Gittell, eds. 1968; D. Rogers, *100 Livingston Street* (1969).

[46] Community Control is constitutionally permissible. Kirp, "Community Control, Public Policy, and the Limits of Law," 68 Mich. L. Rev. 1355 (1970), but note the unreceptive opinion in *Oliver* v. *Donovan*, 283 F. Sup-958 (E.D.N.Y. 1968).

[47] G. Dennison, *Lives of Children* (1969); H. Kozel, *Free Schools* (1972).

[48] While the Newsweek poll, *supra* note 3 at 21 asserts that ". . . nearly half the blacks interviewed opposed busing." Their reasons go to the unfair burden placed on black children in many busing plans, and what some interpret as the subtle implications in all school integration plans that blacks cannot learn unless in the presence of whites.

This latter concern is reflected in a controversial antibusing resolution passed at the recent black political convention held in Gary, Ind. Boston Globe Mar. 13, 1972, at 2, col. 3.

[49] Glazer, "Is Busing Necessary?" Commentary (Mar. 1972) at 39.

[50] Some courts have required the establishment of biracial committees, but all too frequently this leads to the appointment of blacks who, once exposed to the school board's "problems", are coapted and join with the white members in opposing further legal action that may be needed to insure compliance with the plan.

[51] Petroni, *"Teen-age Interracial Dating"*, Trans-Action, Sep. 1971, at 54.

[52] R. Coles, *Children of Crisis*, (1964).

[53] R. Ellison, *Invisible Man* (1947).

[54] Excerpts from speech of Theodore Lester, board member, Florence County School District No. 1 School Board, Your Schools, Newsletter of the South Carolina Community Relations Program, American Friends Service Comm., 401 Columbia Bldg., Columbia, S.C. 29201.

VIETNAM—THE CYCLE OF STUPIDITY

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ABOUREZK. Mr. Speaker, it is a dirty war.

It is a hateful war.

It is a war which has hurt us at home more than we will ever know.

It is murder.

It is folly.

It is the second worst enterprise of which mankind has been capable in the 20th century.

It has shown the monumental stupidity of which mankind is capable.

It has shown our incredible capacity to swallow the same pack of lies time after time, knowing full well all the while that they are lies.

And it goes on, and on, and on.

The headlines we read this month from the war zone are a nightmare replay of the murder and blood and violence that have numbed our sense of humanity for a decade.

Those are human beings, Mr. Speaker, on our side, on their side. When a bullet rips the flesh, when a midnight explosion scatters the parts of the body, and when the blood runs on the ground, whether on our side or theirs, it is a part of the family of man that has been destroyed.

Are we cannibals? Do we propose to tame political passions in Vietnam by killing or crippling everyone there?

When does it stop, Mr. Speaker? When?

In 1965 we were told, "Just a little more time."

In 1966 we were told, "Just a little more time."

In 1967 we were told, "Just a little more time."

In 1968 we were told, "Just a little more time."

In 1969 we were told, "Just a little more time."

In 1970 we were told, "Just a little more time."

In 1971 we were told, "Just a little more time."

And now in 1972 we are told, "Just a little more time."

A little more time for what, gentlemen? For murder, for bloodshed, for violence, for tyranny, all in the name of the highest ideals mankind can espouse.

Is that not sick? How can that fail to make your guts wrench?

Here we are, the greatest and most powerful nation in the world, conned by a handful of military dictators to sacrifice hundreds of thousands of lives, to maim millions more, on a political premise of worthless validity.

Here we are, the greatest and most powerful nation in the world, made into fools and laughingstocks because we lack the guts to correct a monstrously obvious error.

Here we are, the greatest and most powerful nation in the world, rendered impotent and morally constipated by our pride and the egocentric notion that we must save our face as it is reflected in a sea of blood.

Here we are, the richest and most powerful nation in the world, analyzing the corpse count as if it were the score in a decade-long bowling tournament.

We have sent hundreds of thousands of people, including 50,000 of our own young, to their maker, and the best we can say of it is that we learned not to do it again.

All of this was done in the name of that all-purpose bogeyman, national security.

Does the security of the richest and most powerful nation really depend upon installing our choice of military dictatorships to preside over a land of peasants ravaged by civil war for decades tens of thousands of miles from our shores?

Does anyone really believe that a river of blood is the best messenger for the virtues of democracy?

Does anyone really believe that a river of blood is the best messenger for the virtues of freedom?

Can we not find a better instrument to deal with men when we are smart enough to go to the moon?

Mr. Speaker, we have paid a terrible price. We have ruined our economy. We have poisoned our own institutions. We have even corrupted our language because it will not harbor the truth in convenient terms.

We can pay no more. Our own land is war-ravaged. We must make amends if we are to survive.

Are a hundred cities rotten in the core the best advertisement of our way of life? They look like they have been bombed.

Are suburbs full of millions of frustrated, angry, debt-ridden, overtaxed, unhappy people the best advertisement for our way of life? They are the refugees.

What about our rural areas? Are they not rapidly becoming economic wastelands? What kind of advertising is that for the good life?

What do our people think? Does anyone believe they are pleased to shoulder grossly unfair taxes that favor the superwealthy, that underwrite this inflationary war madness, that enrich the military-industrial complex, that accelerate the concentration of power and money into fewer and fewer hands? And what do they think when we turn around and strap them with the burden of fighting that inflation without redressing the other grievances? How much longer can we push our luck with them?

Have we not done far, far more for Vietnam than is either reasonable or wise? Are we not very well down the road to undoing ourselves in all this process?

Are you ready for the crowning insult?

We persist.

The cycle of stupidity has begun to repeat itself now that we have once again undertaken massive bombing to give that crew of military tyrants one more chance one more time.

When will it stop, Mr. Speaker, when? When our own children will no longer look us in the eye, is that when?

JUSTICE AND FREEDOM FOR SOVIET JEWS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ROE. Mr. Speaker, on March 31, 1971, I along with other concerned Members of Congress sponsored legislation that would make immediately available 30,000 special nonquota refugee visas for Soviet Jews. H.R. 7038 was advanced as an expression of my support of the courage of the Soviet Jew and to help strengthen the petition of thousands of Jews who have risked their personal safety in applying to the Soviet Government for permission to emigrate. I was also hopeful that this measure would encourage a worldwide movement by other nations to force the Soviet Government to allow their Jewish citizenry to exercise their right of freedom to emigrate to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

Mr. Speaker, on September 30, 1971, I was pleased to learn that the Attorney General, acting in accordance with an administrative change in policy, committed, on behalf of the United States, the intent of this legislation, and offered the utilization of the executive parole authority to grant refuge in America to all Soviet Jews who are permitted to leave the Soviet Union and who wish to come to our country.

Mr. Speaker, this official manifestation of welcome to the Soviet Jews is indeed heartening, but the point must be clearly made that the ultimate responsibility for the achievement of the relief of the Soviet Jews rests solely with our ability to dissuade the Soviet Government from their policies toward their Jewish citizenry. It is a mammoth task, the inevitable measure of which sits squarely with the determination to utilize every available resource at our disposal. The Congress surely must contribute to the job; fully contributing our powers to the goal and enjoining the cooperation of others in meeting our responsibilities.

On August 6, 1971, I joined with 24 other Members of Congress in introducing House Concurrent Resolution 390 which states that it is the sense of Congress that the President shall take immediate and determined steps to call upon the Soviet Union to permit the free expression of ideas and the free exercise of religion by all its citizens; demand of the Soviet Union it permit its citizens to emigrate; call upon the State Department to raise in the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights; and request of all unofficial and official contacts with Soviet leaders to secure an end to discrimination against religious minorities. On July 7, 1971, I introduced House Resolution 524, urging the Voice of America to broadcast in Yiddish to the citizens of the Soviet Union. Clearly, this legislation requires the participation of every branch of the Federal Government to insure justice and reverse the policies of the Soviet Government for Soviet Jewry.

But the necessity to convince and persuade the Soviet Union of our determination and concern is tantamount to our legislative efforts to abrogate the policies of their Government.

Mr. Speaker, the complete participation and assumption of leadership by the President on behalf of Soviet Jews in his meeting with Soviet leaders this spring in Moscow is both opportune and necessary. The administration has expressed its willingness to participate in the relief of the Soviet Jew and opened the doors of this country to those who wish to immigrate. We request now that the administration assume its part in the leadership in this matter, lend credence to their expressed policies at home, express the will of this Congress, wholely commit the vast and powerful resources of the Office of the President, and honestly discuss on a face-to-face basis with Soviet leaders, the issue of Soviet treatment of Jews.

THE FAULTY SCHOOL BUSES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. ASPIN. Mr. Speaker, I would like to include in the RECORD today a truly remarkable article entitled "The Faulty School Buses", which appeared in the March 11 issue of the Saturday Review.

As you know I have introduced the School Bus Safety Act in the House along with 79 other Members. Anyone who is still skeptical about the need for such legislation should read the following article by Colman McCarthy:

THE FAULTY SCHOOL BUSES

(By Colman McCarthy)

In the board rooms of General Motors, the world's mightiest corporation, decisions are routinely made that affect the lives of Americans in ways that the actions of Congressmen in Washington seldom do. By the hard measure of dollars, little doubt exists about the comparative importance of Detroit and Washington. In a recent peak year, 1969, the board chairman of General Motors was paid $655,000, or fifteen times the salary of a United States Senator and more than three times what Americans pay their President. General Motors has $24-billion in gross annual sales (1969 figures), a sum larger than the budget of any of the fifty states or that of every nation except the United States and the Soviet Union. According to GM's records, its cumulative profit from 1947 to 1969 was $22-billion.

One reason for the corporation's Gargantuan size—it has 55 per cent of the American automobile market—is that its customers keep coming back to buy its products, especiall its cars, trucks, and buses available at some 13,000 GM dealerships. Many customers return because they have been conditioned to crave the chrome, horsepower, and gizmos that GM puts into its vehicles. Others are the trapped victims of a corporate philosophy candidly described in April 1970 by former board chairman James M. Roche, forty-two years with GM: "Planned obsolescence, in my opinion, is another word for progress."

It is unlikely that any GM executive ever sends out memos to his staff saying things like, "Make the exhaust systems out of cheaper metal this year," or "Order a lower-grade iron for the engine mounts." Yet in many cases he might as well, for underlings in the auto industry are quick to divine the intentions of their superiors. In February 1969, GM was obliged to notify 5.4 million owners to bring in their GM vehicles for correction of possible safety defects. Some 2.5 million of these were recalled to be checked for exhaust-system leaks. According to the Center for Auto Safety, the leaks were acknowledged by GM to have caused four deaths. The most recent GM recall, in January, set a national record: 6.6 million Chevrolets for possible engine mount failure. The Department of Transportation said it knew of 500 reports of such failures. The Public Interest Research Group, a Ralph Nader organization in Washington, reported at least six deaths and a dozen persons seriously injured in resulting crashes.

Down the line of corporate responsibility, someone had those thoughts about cheapening the exhausts and mounts, someone seconded those thoughts, and someone else carried them out. Death and injury resulted, and surely GM regrets it. Yet many millions of dollars of the $22-billion profit resulted also, and it is not likely that GM has regrets about that.

Consider the front bumper of the 1966 school bus, if a model in Washington, D.C., is representative. It is one-quarter-inch thick. On the 1969 model, it is one-eighth-inch. thick. Thus in three years the bumper's thickness was cut in half. Considering the thousands of buses manufactured with the thinner and cheaper bumper, the savings must have been considerable. But so was and is the risk of injury and death to the thousands of school children who might be better protected with the thicker bumper.

Incredibly, as if more juice could still be squeezed from these lemons, the bumpers on these vehicles were the object of further GM cheapening. Behind the front bumper of the earlier model is a piece of steel extending from the frame in each direction about one foot, reinforcing the bumper. From the 1969 model, however, this piece of reinforcing steel is gone. And anyone who wonders why the 1969 bus rides so roughly need only measure the leaf springs that support the body. Compared to those on earlier models, the springs are seven inches shorter.

If GM cheapens parts that a layman can detect, what may it have done to parts hidden under the hood and within the chassis? General Motors, and its brother corporations such as Ford, Chrysler, American Motors, and foreign motor companies, assure prospective buyers that they can get into their products and go tearing off at high speeds. Yet between 1966 and 1970, some thirteen million vehicles, or 38 per cent of all vehicles manufactured, were recalled for possible defects. With 55,000 persons killed by automobiles in 1971 and nearly five million injured, it is reasonable to believe that not all the carnage was caused by drunk or wild driving. Much was doubtlessly caused by defective cars, and many of those defects resulted from decisions to cut costs.

One citizen who has experienced the cheapness of a GM product is John Donovan. Unlike most owners, who have only themselves or their families to account for when they drive, Donovan has responsibility for some 250 school children, the elementary and high school students he transports to and from six private schools in the vicinity of Washington, D.C. Ever since the famous Huntsville, Alabama, crash in May 1968, when the brakes of a GM school bus failed, killing one child, Donovan has watched his vehicles closely, servicing them frequently and driving carefully. At the time of the Huntsville tragedy, he owned two GM buses, and he didn't want any injuries or deaths due to faulty equipment or anything else.

A short, broad-chested man of thirty-six, born in Oklahoma, a former Marine Corps drill sergeant, brusque in speech, John Donovan first went to Washington as a student at Georgetown University. He stayed on, married, and wound up teaching at a private school—Ascension Academy in Alexandria, Virginia. Students there describe him as a friendly, approachable man with a skill for fairness and discipline. The graduating seniors twice voted him Ascension's most popular teacher.

Donovan began in the bus business in 1963 when a neighbor in the northwest section of Washington asked him if, for a fee, he would take his child to and from Ascension every day. Donovan agreed and took out the proper commercial-carrier insurance. He soon had other requests for the same service. By the 1968–69 school year, Donovan's business had grown; he spent $5,000 to purchase a 1966 GM sixty-passenger bus and a 1959 Chevrolet thirty-seven-passenger model.

In the spring of 1969, the chance to expand still further came along, so that with more school buses he could transport 260 children. The average yearly fare was $200. Many of the children in Donovan's buses were the sons and daughters of Senators, Ambassadors, judges, prominent lawyers, doctors, and other important and powerful Washingtonians. Encouraged by his wife and with confidence in his capacity for hard work, Donovan decided to buy three new 1969 GMC-V-6 school buses. Each cost $8,146.80. The body of this model was made by an independent company; everything else—basically, the transmission, the wheels, the engine, the electrical system, the gas tank—came from General Motors Truck and Coach Division, Pontiac, Michigan.

Early in September 1969, Donovan went to High Point, North Carolina, to pick up his three new buses. Accompanying him were two drivers, as well as a GM dealer from Laurel, Maryland, from whom Donovan was buying the vehicles. On the return trip to Washington, Donovan had what he called at the time "a little trouble." One bus required sixteen quarts of oil for the 300-mile trip. On the second bus, things went fine until the accelerator spring snapped. This meant that the driver had to put the transmission into neutral, find a place to pull over, get out, lift the hood, and, with the engine still roaring, try to adjust the throttle spring with a pair of pliers. The third bus worked well until dusk, when the driver tried to switch on the headlights. They didn't work.

All of this irritated Donovan, but he understood that kinks are part of a new product and no cause for alarm. Except for rattling transmissions, Donovan's buses functioned normally for three days. He and his wife were proud of the buses. They had risked most of their savings on them and believed that no finer company existed than General Motors. Donovan named the buses after his wife, Virginia, and their daughters, Regina, who was three, and Colleen, just six months old.

In mid-September, as required by law, Donovan took the vehicles to be inspected before using them to carry children. One bus passed, two did not. One rejection was caused by a faulty brake-hose suspension. GM, Donovan believed, either had not installed the right part or had not installed any part. Thus, the brake hose, which is essential for stopping and which should be suspended several inches away from the wheel, was rubbing the wheel drag line on turns. Amazed that a slip like this could occur, Donovan was nevertheless grateful that the inspectors had caught it: "Thank God," he said to his wife. "Otherwise, the rubbing eventually would have broken the hose, and the brakes could have failed."

The second bus did not pass inspection because the exhaust-pipe hanger was faulty. It allowed the long exhaust pipe to dangle, thereby increasing the chances of its snapping. If it broke, carbon monoxide would seep out beneath the passenger compartment. "I thought the inspectors would be astonished, as I was," said Donovan, "that two brand-new General Motors buses, serviced by a GMC dealer, would fail to pass inspection. But they weren't surprised at all. They just said, 'Go get them fixed and come try again.' "

His amazement and annoyance slowly turned to dismay, for Donovan was serious about his responsibility for the lives of the children who rode his buses. Besides the Huntsville tragedy, Donovan knew of other failures of GM buses. Only the year before, eighteen children from the Accotink Academy in Springfield, Virginia, were riding in a new GM bus on Highway 236 in Annandale. The brakes failed. Somehow the driver managed to steer clear of traffic and coast the bus to a stop without an accident. The brakes were subsequently fixed three times by GM. The next year, another Accotink bus, a 1969 GM, was being driven along a highway in Fairfax County, Virginia, when the brakes failed completely. The driver steered into a pasture and the bus lurched to a stop. *Those were new GM buses,* Donovan thought to himself, *and these three buses I just bought are new GMs, too.* His mind easily pictured one of his buses, full of children, crashing into a tree or into an oncoming car or truck. He became even more determined to do all he could to keep his three new buses in the best condition possible.

That commitment was made early in Donovan's ordeal, even though he had no way of knowing exactly what it would cost him—in loss of money, time, and peace. Between September 6 and December 6, 1969, according to Donovan's diary, he spent more than 225 hours either repairing the buses himself or hauling them to Central Motors, a GM dealership in Alexandria, Virginia. This averaged out to more than two hours daily, seven days a week. Additionally, he had to pay three of his drivers to do an extra ninety hours of repair work and hauling. A pattern emerged. When the buses finished the afternoon run about 4:30 or 5 p.m. and came to the parking lot in Washington, Donovan would ask what, if anything, had broken or malfunctioned that day. The drivers would tell him, for example, that the clutch had burned out for the second time, or that the left rear tire had leaked air for a second day, or that the bolts were falling out of the motor mounts the way they had last week, or that the wheels were wobbling, or that a gas tank was leaking, or that the power steering had failed.

The waking nightmare would now begin. Donovan would get into the broken bus and head for Central in Alexandria. Donovan's wife and two daughters would follow in the family car, so they could take him home when the bus was dropped off. It was a half-hour trip each way from Donovan's apartment in northwest Washington to Central Motors. After telling the mechanics what needed repairing, Donovan and family would return home. The girls would be fed and put to bed. He and his wife, staring at each other numbly, would have supper and wait for a call from Central—which stayed open until 2 a.m. The Donovans would wake the girls—no sitters were available at that hour—dress them, get in the car, and head for Alexandria. Donovan would pick up the repaired bus and drive it to the lot in Washington, his wife and children tailing. Donovan's records show that they made this trip approximately twenty-five times in the first three months of ownership. When two buses malfunctioned on the same day, two round trips were needed. Sometimes, since he needed to be up at 5:45 in the morning to call the drivers for the morning run, Donovan slept only three hours. During this period, both he and his wife lost weight, and friends found them unusually snappish. Donovan and his wife went out to dinner only twice in three months, and to a movie not at all.

The repairs made at Central Motors were seldom covered by the warranty. Trying to plug the dike through which money was beginning to flood, Donovan traveled to Laurel to talk with the dealer from whom he had bought the buses "The dealer," said Donovan, "told me my buses were obviously special cases, that these problems certainly weren't universal." Nothing could be done, said the dealer, except to notify the factory representative. Donovan called the GM public relations office in Washington and was told the man who would help him was John Nickell, the truck-and-coach field representative for that area.

Between the breakdowns of his buses, Donovan tried locating Nickell. He called several garages that were, according to the local office, on Nickell's list of places to stop. The response was always the same: Nickell either had just left or was expected at any minute. Donovan never found his man this way. Finally, in a stakeout, he went one morning to the dealer's garage in Laurel, where, the owner had said, Nickell was scheduled to appear that afternoon.

He did. Donovan, momentarily elated at talking to a live GM face, detailed the problems, from the burned-out clutches to the leaky gas tanks. According to Donovan, Nickell's reaction at this meeting, and at several to follow, was astonishment—no other operators in his area were having these troubles; therefore, aside from warranty work, GM could not be held responsible. "It must be my drivers, Nickell told me," said Donovan.

Up against a wall and wanting his conscience to be clear if any of the buses ever crashed and perhaps killed someone, Donovan wrote a letter to the parents of the children he served. "In order to facilitate safe transportation for your children with a minimum of maintenance expense," said the letter, "I purchased three new 1969 GM buses in September of 1969. It verges on the impossible to run the routes safely and on time. The reason is that these three new GM buses continue to break down. The vehicles have been fixed, refixed, and re-refixed. These malfunctions are not minor. They are major mechanical failures that often involve the safety of your children." He listed the problems and concluded: "If this pattern continues, we will have to discontinue the service."

A copy of this letter happened to come my way. I called Donovan and asked if I could examine his records and look at his buses. After several meetings in his apartment, I concluded that his complaints were valid. In any event, his anguish was real. He and his wife had put their savings into the buses, and now they appeared lost. One evening after school, Donovan asked me to take a drive with him in one of his lemons. "I'm only going to get it up to twenty miles an hour," he said, "and then I'll put on the brakes." When he applied the brakes, the bus halted with an abruptness that threw me forward. "We were only going twenty," said Donovan, opening the door and going around back. On the road were two black skid marks. The two rear wheels had locked when Donovan put on the brakes. "Can you imagine what happens," he said, "when a bus is going fifty or sixty and the driver has to stop suddenly?"

After again looking through Donovan's material, I approached General Motors to get their side of the story and give them a chance to be heard. I tried contacting John Nickell. I left my name at his office several times, but my calls were never returned. I visited Central Motors one morning—"He'll be there all day," said a secretary in his office—but like Donovan before me, I did not find Nickell that day or any other day. Workers at Central said that Richard Lockwood, the service manager, coordinated with Nickell and that he perhaps could help me.

I approached Lockwood. He preferred not talking about Donovan's problems. "General Motors has official spokesmen for questions from the public. You ought to ask them." When pressed for an explanation of why so many parts on Donovan's buses kept breaking or malfunctioning, Lockwood said, "Some of Donovan's problems are real, some are fanciful." Asked for an example of Donovan's fancy, Lockwood recalled a visit to him by Donovan when he asserted the clutch on one bus needed fixing. "We drove it around for a road test," said Lockwood, "and there was nothing wrong with it." When informed of Lockwood's statement, Donovan agreed; the mechanic did drive it around. "So I took the bus home, with no repairs made. Maybe Lockwood was right that time. But two days later the clutch burned out."

At 6:45 on the evening of December 9, Donovan phoned me at home. "Guess what," he said with elation, the first happy note I had heard from him since our initial meeting. "GM finally knows I exist. Three of their men are coming over to see me in an hour. They said they want to talk things over with me about the buses. That's all they said." Donovan asked me if I could come over and sit in on the meeting; it might be interesting. I said that I'd be there in twenty minutes.

When I arrived, the Donovans were on the last bites of a meal of meat loaf, canned peas, apple sauce, bread, and milk. Their apartment, a third-floor walkup in a housing project, was in mild disorder, a crib in the middle of the room, a chair holding a drawer filled with Donovan's records, a filing cabinet in a corner, and a card table covered with invoices, receipts, and other papers. I asked Donovan why he thought GM wanted this meeting. "Hard to tell," he replied. "Maybe they see my complaints are real and they finally want to square it all up. I've heard of things like that happening."

"I haven't," cut in Donovan's wife, Virginia, "especially not from a bunch like this. The bigger they get, the less they care." A short, sandy-haired woman, second-generation Polish, a user of short, bright sentences, Virginia Donovan was perhaps the wearier of the two. Home all day with the girls, she had to phone the parents when a bus broke down and inform them that their children would either not be picked up in the morning or be late in the afternoon. She had typed the letter to the parents as well as earlier letters to GM president Edward N. Cole, President Richard Nixon, Virginia Knauer, the Presidential consumer adviser, the Federal Trade Commission, and the National Highway Safety Bureau. She also had opened and filed the depressing form-letter replies. "It'll be a snow job, John," she said. "Just wait and see. The drifts will be so high, not even a bus could drive through."

Donovan speculated that GM had heard, probably from Richard Lockwood or someone else at Central Motors, that I was looking into the problem. "They hate bad publicity," he said. "Just the thought of a possible story in a major newspaper has flushed them out. It's funny. GM hasn't really been so bad. They've done a faithful job on the work they say is covered by the warranty. The mechanics at Central are superb. I get fast service; they're courteous. The eerie thing is that I can't find anyone who'll take responsibility for what's gone wrong."

At 7:30 the GM men arrived. Donovan, putting the infant in the crib and the three-year-old on a chair, went to the door and opened it. "Hello, Mr. Donovan," said the out-front man. "I'm Webb Madery of General Motors." Round-faced, heavy in the waist, he rubbed his hands briskly and commented on the cold outside, Madery introduced Jerry Fender and John Nickell. Donovan invited them in. The three were cheery, almost bouncy. Donovan introduced them to Virginia. Madery, with a large smile, said that he was happy finally to meet Mrs. Donovan and that everything her husband had said about her certainly seemed true. The woman did not respond to Madery's pleasantry. She knew her husband had spoken with him on the phone several times, but she also was sure her husband wouldn't have mentioned her. "What a nice little place you have here," said Madery, not letting up. He was unaware that the housewife didn't consider her apartment "nice" at all; she had told me five minutes before that her family would have moved into a house that fall if repairing the three buses had not consumed so much of their money, time, and emotions. Still icy, she took the gentlemen's coats and hung them up.

Of the trio, Madery was the oldest—sixty-two—and, as the Washington zone manager, was highest on GM's ladder. His career in the automobile industry began in 1933. After one year of college at William and Mary, he worked for International Harvester, then Chrysler. In 1958 he accepted an offer from General Motors to become heavy-duty truck manager in the Detroit zone. A year later he moved to Washington.

Fender was a trim, short-haired man of fifty-eight, with the longest GM service of the three, having begun in Oakland, California, as a twenty-four-year-old factory helper. Slowly rising from the bottom, he became shop clerk, parts manager, and so on, eventually moving to Washington as zone service and parts manager.

Nickell, forty-nine and gray-haired, had started with GM in 1940 on the assembly line in the Pontiac truck plant. He also went to school at that time, earning a B.A. in history from the Detroit Institute of Technology. Then he became a parts supervisor and began his climb.

Standing in the uncarpeted living room of the Donovan apartment and not yet down to business, the three GM men continued their cheeriness. They said they had just come from a delightful meal whose main dish was pheasant under glass. "You'd really like pheasant," said Madery to Mrs. Donovan with an overwarm smile, apparently determined to thaw her somehow. The woman could still taste the meat loaf she had just cooked and eaten, so the news about pheasant had a contrary effect upon her.

Moving from the living room into the adjoining part of the L-shaped area, Donovan introduced the three officials to me. I stated clearly that I was a *Washington Post* writer and had begun investigating Donovan's troubles. Still engaged in the busy work of cordiality, the GM men did not seem to notice the significance of having a newsman on hand while they went about the work of customer relations. Only John Nickell, an alert, lively-eyed man, looked twice at me. My name may have been familiar, perhaps from the message slips of my phone calls. Yet, after shaking hands with me at the Donovan apartment, Nickell, lowest of the three in corporate power but closest to Donovan's daily problems, seemed to let the fact of my presence pass. If his superiors weren't concerned, why should he be?

Everyone gathered around a small dining room table, everyone except Mrs. Donovan. She sat on a living room chair within hearing and took out yellow scratch paper, ready to take down in shorthand the important remarks of the conversation. The GM men produced a folder of records covering what they said was the past twelve weeks of Donovan's ownership of the three buses. As the senior official, Madery led off, explaining amiably that the reason for calling the meeting was that "GM wanted to make things right." He said that his corporation had a long record of being concerned about producing safe vehicles, especially those that carry children, and that since Donovan was concerned about safety, GM was most concerned about him. GM, he said, likes to satisfy its customers.

Impatiently Donovan broke in. "I've heard all that talk before," he said. "What I'd like from GM right now is a detailed record of the repairs you've made on my buses and also the modifications you've made on them." Donovan's request, made in a quiet but firm voice, was based on a desire to keep an accurate maintenance record. He explained that "this is the same as wanting information from your surgeon about what he cuts or takes out while operating on your insides. How can you find out unless the surgeon tells you?"

Madery laughed, saying with a final, happy grin that he had undergone operations where the surgeon never told him what he had fooled with. Donovan didn't laugh. On seeing this, Madery nodded to Nickell. "Mr. Donovan should certainly have his records," said Madery. "That's only fair." Nickell said he would get them to Donovan later that week without fail.

As the GM-Donovan case unfolded during the next year, the company never supplied Donovan the records he repeatedly asked for and GM repeatedly promised. In the week immediately after the December 9 meeting in the apartment, Donovan says, he was told by Jerry Fender that high-level officials in Detroit had made a decision not to release the records "at this time in these circumstances." The circumstances were that the first of my series of articles on Donovan and his plight had just appeared in *The Washington Post* and had been circulated by its wire service. Donovan believed GM refused to release the enormous record of repairs and replacements on the grounds that the public—specifically other owners—would learn of it and expect similar treatment. Donovan never learned precisely who in GM ordered the embargo. The question came up again at a meeting in January 1970 in Falls Church, Virginia, with Robert Stelter, general manager for the GMC Truck and Coach Division, who entered the case when it became a public issue. Donovan says he asked Stelter directly why GM had refused to release the records. Stelter, the superior of Madery, said he himself never understood why. He directed John Nickell, also present at this meeting, to pass along the records. Nickell said he would, but he never has.

At the December 9 apartment gathering, the next topic was an itemized reading by Nickell of the repairs made at GM's expense. The list was long—including leaking oil gaskets, broken motor mounts, flawed gasoline tanks, ruptured rear-wheel seals, uneven brakes, weak tailpipe hangers. Anyone not knowing the whole story would wonder why Donovan was complaining when GM had done all of this work free of charge.

"What about those tailpipe hangers?" asked Donovan. Nickell, shooting a confident glance at his boss as if to say the question was a routine grounder and easily fielded, replied that GM had replaced them on warranty. "I know that," said Donovan, "but the replacements were of the same design as the original ones. So where does that take me?" For my benefit, and looking at me, Nickell explained in layman's terms the nature of a tailpipe hanger: a metal straplike device hung from the frame of the bus and attached to the exhaust pipe to keep it from dragging along the road and breaking.

At this point, the smooth GM presentation showed signs, like Donovan's buses, of falling apart. The customer insisted on getting across his point that replacing a flawed hanger with another flawed hanger, however new, is not really a victory for safety. Visibly annoyed at wrangling over such a small item and apparently sensing a no-win situation, Nickell broke into admit that "the hangers were just not strong enough. The factory made them too flimsy."

Madery looked sharply at Nickell—either startled or angered at this frank concession. He jumped in to say that studies of the hanger were already under way in Detroit and that a better one was being designed. Donovan said he was happy to hear that. He asked, however, if GM was going to warn other owners of 1969 GM buses around the country that this particular part was made "too flimsy." Madery said the decision would have to made by higher-ups in Detroit. "I'm sure they'll tell the public," said Donovan sarcastically, "because, as you say, GM cares about its customers and the safety of children." (The flimsy tailpipe hangers have never been recalled.)

All GM cheerfulness had now evaporated. The next topic involved the leaky gasoline tanks on Donovan's buses. Nickell reminded Donovan that three weeks earlier, to show GM's good faith, he had promised to repair the leaky tanks free of charge. That was a gesture of pure largess. Nickell made clear, because GM did not make the tank. Madery looked pleased. Nickell's statement backed up Madery's earlier one of wanting "to make things right."

"I'm not impressed," said Donovan, his anger growing. "After you told me that GM didn't make the gas tank that was leaking, I called up Thomas Body (Thomas Body company, High Point, North Carolina, the firm that had produced the bodies for Donovan's buses and fitted them onto the GM chassis). Mr. Thomas personally told me—categorically—that his company does not make the tank, GM does."

Nickell could do nothing but admit error. Coming back fast, however, Madery explained to Donovan that, even though Nickell was wrong about the maker of the tank, it actually didn't matter, because the leak was later found by mechanics not to be in the GM-made tank but in the extension from the tank to the exterior of the bus. "That is a Thomas product," said Madery firmly. He said that GM had nothing to do with it.

Donovan could not argue further, at least not then. The next morning, however, he was on the phone again to John Thomas. I also called Thomas within the week. Thomas said, with no equivocation, that his company did not make the tank-neck extension, that it was a GM product. To be certain, I asked him to check his file and read over the phone Donovan's order page for the bus bodies; it was number 9–12202, and the facts again fitted. A few days after the apartment meeting, Donovan reported to the GM men what he had learned from Thomas. The officials, according to Donovan, "just kind of passed it off, admitting they were in 'error' again but attaching no importance to it. But I attached plenty of importance to it. I was being lied to. Not by the men who had anything to gain from the lies, but because it was corporate policy. Put me down, brush me off, keep me happy—but don't ever tell me the truth or give me new buses."

As the meeting continued, Donovan running through his list of complaints, GM running through their list of solutions, the question came up of whether or not these problems were limited to Donovan's buses. They had to be, said Madery; otherwise, GM would have heard from other owners. "What about Tom Gist and Billy Jubb?" asked Donovan, referring to two owners of 1969 GM school buses in nearby Maryland, with whom he had spoken at length about their mechanical and safety problems. Donovan remarked that both were experiencing difficulties similar to his own and that both said they had seen John Nickell. His memory refreshed, Nickell said that was right, he had seen Gist and Jubb. Their problems, however, were different from Donovan's, said Nickell. Once again Donovan could not refute this with absolute surety. The following day I called Thomas Gist in Sykesville, Maryland, the owner of two '69 GMs. As was so with Donovan's buses, the power steering was bad, riding was rough, the clutch and brakes needed constant adjustment and fixing. I mentioned Donovan's name. Gist recognized it, laughingly saying they were fellow sufferers. Billy Jubb, in Pasadena, Maryland, owned four '69s and called them "the worst I've ever owned." Each had a broken clutch. What he said about clutches echoed John Donovan: "I'm always taking the damned things to the dealer to have them adjusted."

"How does GM explain all these failures of clutches?" Donovan asked Madery. "Driver abuse," replied the GM man, starting on a brief monologue about the many ways drivers ride the clutch, pump it unnecessarily, use it wrongly. Donovan replied, again with anger, that his drivers were not heavy-footed amateurs who loved clutch-riding but were veterans of the road with at least five years' experience in driving trucks and buses. None had ever burned out a clutch on earlier-year buses. Thus, said Donovan, it was unlikely they would have ruined the clutches at the rate they were being ruined on the new buses: Two had already burned out in each of two buses; three had burned out in the third.

The talk went back and forth, Donovan repeating his concern for safe buses because children's lives were involved, Madery cordially reassuring him that GM had made things right with its warranty work and that this was a fluke problem. He had a way of feigning surprise, as if to say wordlessly to Donovan, "You're not actually saying, are you, that GM is not 'the mark of excellence'?" Not once did Madery or his two companions offer sympathy to Donovan or ever admit there might be a safety problem. If a problem was admitted, it was inevitably "not safety-related." On specific points the reply was either, "Here, this is what GM has done, so why are you complaining?" or, "Here, you should have done this, and if you had, this problem would never have happened." Nor did the GM men ever mention that their buses had been the object of recalls two years running and that this year was an extension of patterns of work developed then.

As the hour neared 10 p.m., Donovan was still spirited, but Madery, Fender, and Nickell, the taste of pheasant long gone, were tiring. As they tried to wind things down the phone rang. Mrs. Donovan answered. "It's for you, John, from Detroit, person-to-person." Donovan took the phone and was greeted by Robert Stelter, Madery's superior. "He wants to know how things are going with my buses," Donovan remarked to the group. Answering Stelter, Donovan said the buses were just as much broken-down lemons as ever. The two talked for about five minutes, Donovan asking for his records and repeating that he worried about his brakes, clutches, gas tanks, wheels, and everything else that wouldn't stay fixed, no matter GM's diligence in repairing them.

I signaled Donovan that I would like a word with Stelter. Identifying myself and my intentions clearly, I asked Stelter how three new buses could be so flawed. The company, he replied, was doing all it could to make things right. Beyond making things right, I asked politely, would GM make things better and do as Donovan thought it should—replace the buses? The official seemed surprised that Donovan had even thought of such a solution.

After expressing curiosity about what kind of story I might be writing but careful to remain pleasant and assuring, Stelter asked to speak to Madery. As GM Detroit spoke to GM Washington, there was little but "Yes, sir" and "No, sir" from the latter. Madery concluded his conversation by saying he would call Stelter in the morning. The phone hardly back on the receiver, the GM official looked at me in astonishment: "You're a reporter?" I nodded. Nickell nodded too.

Abruptly, the GM men began putting away the materials they had spread out on the table during the evening. The phone call from Detroit, apparently meant as final proof to Donovan that GM really cared, because his troubles had reached the ears of high powers in Detroit, had had the opposite effect. GM had learned that rather than having put down a customer, it had instead fired up a customer, one who had the crust to interest a reporter in his troubles.

Madery rose, as did Nickell and Fender, and recapturing his earlier nerve, smiled broadly at Donovan and said that the evening had certainly well spent. Madery even had one last happy word for Mrs. Donovan, throwing her a compliment about "what wonderful boys" the Donovan's two baby girls were. Donovan got the men their coats and saw them to the door.

I remained for a few minutes. Mrs. Donovan said, "Let's get the snow shovels and clear out this place." Her husband saw the evening a little less bitterly. GM now knew, he said, that it could not talk its way out. "They didn't refute a fact I threw at them. That's the test. They would have slapped me down hard if one fact of mine, one record, or one document, was slightly off. But they didn't. Sure, they tried to scare me off, calm me down. What do you expect?"

After telling Donovan I would call him in a few days to check whether anything happened, I said good night.

My story of Donovan's ordeal appeared in the *Post* on December 15 and 22, 1969. On the day of the second installment, General Motors and the White House Office of Consumer Affairs held a joint press conference to announce two investigations of the 1969 buses, one by the government and the other by the company. The press conference statements of GM vice president Martin Caserio were oddly similar to the GM presentation at the Donovan apartment. Caserio said there were no complaints about the buses from other owners. Asked about the 1969 school bus that had suffered brake failure and careened into a pasture, Caserio said he believed the braking equipment on that vehicle was not the same as on Donovan's, adding, "I'm not certain about that yet." Like Madery, Caserio stressed GM's concern for safety. Thus, the faulty exhaust pipe hanger should not be classified as a safety-related defect, because if it broke the driver could hear the exhaust pipe clattering along the ground and have repairs made before any harm was done to occupants. (But what if merely cracked?)

Reporters pressed Caserio on Donovan's problems. For the first time the company gave a little, Caserio conceding that some of Donovan's complaints were legitimate. But always added to these admissions was the qualifier, "They are not safety-related." One reporter listed all of Donovan's problems—from brakes to clutches—and said Caserio's claiming these were non-safety problems was an "incredible observation." The press conference did produce one memorable statement: "GM," said Caserio, "does not duck any responsibility for the finished product that bears our name."

Two months later, on February 19, 1970, a total of 4,269 school buses were officially recalled by General Motors, including John Donovan's three. Also recalled were 21,681 trucks using the same model chassis. "Some of the vehicles," said the announcement, "will require installation of new brake-hose retaining springs. Some will require inspection and possible inspection and possible alignment or replacement of a rear steel brake line. A few will require both services."

At my request, GM sent me a list of forty-four owners around the country who operated more than five buses. When I called them (four people were not GM owners, and one owner couldn't be reached because he had been dead four years), I found that a recurring theme was clutch problems. One owner was a GM dealer who had so much trouble with his seven 1969s that in 1970 he bought Fords. Asked if he thought it odd for a GM dealer to buy a competitor's product, he answered, "What should I do—keep on buying buses that I know are nothing but trouble?"

Within the next year, the GM buses were recalled two more times. The second call-in involved the brakes again—possibly faulty brake-fluid reservoirs that caused the braking fluid to leak out. The third recall was for possibly flawed clutches; the clutch linkage was found to be weak—meaning, in lay terms, that the bus could lock in gear and thus be unstoppable.

In a simpler day a consumer with a complaint about, say, shoes, had only to visit the local shoemaker to get justice. "Here," the customer would say, "these shoes are falling apart." The shoemaker, because he was ethical or simply aware that word would spread through the village about his sloppy work, quickly repaired the shoes or replaced them. The exchange was straightforward and there were no evasions. What's more, the shoemaker was there, he had a familiar face, he breathed, and the only separation between the consumer and him was his shop counter.

Things have changed. Seeking relief or redress from GM with its 750,000 employees is an agony. So it is with any large bureaucracy. The vice presidents at the top are protected from the consumers' complaints at the bottom by the mass of employees between; the latter will catch it first if the brass learns that the consumers are mad. So the vice presidents do not measure the company's success by the consumers' voice, as the shoemaker did, but by sales reports, profit charts, and the smiles of stockholders. If tens of thousands of cars are sold every year, the high-ups conclude that the public must be happy. Otherwise, why are sales up? When profits aren't up, however, or when management thinks profits can be bigger, the decision often made seems to be to cheapen the product. When such a decision ends in death, then the ethical numbness encouraged by the profit system becomes grimly apparent, and the need for remedy becomes urgent.

John Donovan's friends jokingly called him a "giant killer," since he had taken on GM and won. "Won? How can they say that?" he asks. "I never got new replacements from GM for my buses. I never got a cent for my lost time. They never compensated my drivers for the overtime spent in hauling the buses to the garage. They never even apologized to my wife for all those nights she spent trailing me over to Central Motors. What's even more chilling, after three recalls, I have yet to hear from the GM crowd even the slightest hint admitting they may be doing something wrong in the way they build buses. But lives are involved; those are not alarm clocks that they're selling.

"That's the true horror of all this—not that they tried to screw one owner like me. It's the corporate callousness. If I were in the business of making school buses—an engineer, a vice president, a local representative like Madery—and someone came along with proof that dangerous defects were in my product, well, I think I'd jump pretty quick to correct them before I had any blood on my hands."

SOVIET JEWRY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. CAREY of New York. Mr. Speaker, I rise today in support of House Concurrent Resolution 471, a resolution to seek relief from restrictions on Soviet Jews.

This Nation has always been, and should always remain, a haven for the oppressed of other lands. Throughout our history we have voiced concern and support for the harsh plight of persecuted minority groups.

Consistent with this heritage are the several resolutions concerning the Soviet Jewry which are now before the Congress. Hopefully, the resolution passed by the Congress will be a part of worldwide efforts on behalf of this proud minority to make sure that the spiritual and cultural rights of Jews are not extinguished and that those who wish to emigrate are given a chance to do so.

Soviet Jews are being prosecuted solely for their wish to emigrate to Israel. Yet this right is guaranteed under article 13(2) of the Universal Declaration of Human Rights—a declaration that was unanimously adopted by the United Nations in 1948. The declaration specifically states:

> Everyone has the right to leave any country, including his own, and to return to his country.

Rights to emigrate are also provided for in the International Convention on the Elimination of All Forms of Racial Discrimination—1965—which was ratified by the Soviet Union, as well as in the International Covenant on Civil and Political Rights—1966.

Yet only a small number of those Jews who have applied for exit visas to Israel have been granted permission to leave. Further, almost all who have applied for visas have had their jobs threatened and have been subjected to harassment by police.

Rights to religious worship and cultural freedom are in fact provided for in articles 124 and 126 of the Soviet Constitution. Article 124 states:

> Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

The Soviet attitude toward this blatant violation of international treaties as well as the Soviet Constitution was summed up on September 20, 1971, by Albert E. Ivanov, the head of the Communist Party Central Committee of the Soviet Union which supervises the Department of the Interior, when he told a delegation of Jews in Moscow:

> The decision of whether to allow Jews to leave is not the right of Jews, but of the State . . . And in this matter, the interests of the State have been given primary consideration . . .[1]

Mr. Ivanov went on to explain that no exit visas would be given to Jews of military age or those with skills needed by the Soviet Union.

It is therefore unrealistic, Mr. Speaker, to expect that the Soviet Government will suddenly consent to the mass emigration of Jews.

Yet it is not unrealistic to expect that the Soviet Government will be sensitive to the force of worldwide pressures—those, I might emphasize, which are not of a violent, insulting, or undignified nature.

World pressure following the December 1970 Leningrad trial of Soviet Jews accused of hijacking an airplane led to the commuting of the death sentences.

World pressure has led to an increase in the number of Jews allowed to leave the Soviet Union. According to figures in the New York Times, the year's total may reach 9,000 although definite figures are difficult to ascertain. In January 50 Jews were allowed to leave; in February, 130; in March, 1,000; in April, 1,300; in June, between 700 and 1,000; in July, between 300 and 500; in August, between 400 and 600; in September, 1,000; and in October, 1,000. The upsurge in the months of March and April was probably due to the March meeting of the 24th Communist Party Congress; Jewish activists were allowed to leave for fear of embarrassing demonstrations. Premier Kosygin said that 4,450 Jews had left the Soviet Union for Israel during the first 8 months of this year, as compared with 4,667 who emigrated during the entire period from 1945 to 1963.

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[1] *The Christian Science Monitor*, October 19, 1971.

Clearly the number of visas granted is not enough, since it is estimated that close to 500,000 Jews would apply for visas if they could do so without fear of harsh social and economic reprisals. Yet the increase in visas granted demonstrates that the Soviet Union does yield to world pressures, particularly when the Soviet position in the world community would thereby be improved. Congress must therefore go on record as speaking out against the inability of Jews to receive exit visas, until all who wish to emigrate are able to do so. The Soviet Government must know that Americans of all faiths—acting through their elected Congress—deplore the Soviet treatment of Jews and make them welcome in this country.

On November 10, 1971, at the United Nations, a list of names said to include those of more than 1,000 Soviet Jews who want to emigrate to Israel was presented to Adam Malik of Indonesia, President of the General Assembly, by Yosef Tekoah, Israel's representative. Mr. Tekoah said it was the largest number of signers of any single appeal from Soviet Jews, although he said he had transmitted "several hundred such appeals" to the United Nations officials.

Efforts must be intensified to get a positive response to this request. At the very least, I would hope that the President will include this matter in discussions with Soviet officials when he visits Moscow next month.

I would like also to call attention to the petition signed by 900 Soviet Jews which was presented to the United Nations General Assembly at the time of the opening of the 26th session. Representing Jews from about 20 Soviet cities and towns, the appeal is believed to be the result of the most widely coordinated signed nature-collection effort since Soviet Jews began to campaign for emigration in recent years. Calling on the Soviet leadership to change its policy barring unhindered emigration, the petition said:

> The issue of free emigration of Jews to Israel is not a new one and is becoming more acute with every passing day. More and more Jews realize and then openly proclaim that they do not want to assimilate with other peoples. This movement has its historical causes and cannot be stopped by administrative directive.
>
> Here in the U.S.S.R., where there is no Jewish culture or national life, where there are no Jewish schools or Jewish theaters, where there is no possibility of studying Yiddish or the culture and history of the Jewish, where the unprecedently low percentage of Yiddish-speaking Jews is declining from day to day, in this country there is no future for us as Jews.[2]

Let me conclude my remarks by quoting from Ellie Wiesel's book, "The Jews of Silence":

> In comparing the present situation to that of the recent past, a rabbinical scholar quoted to me the commentary given by Rabbi Menachem Mendel of Kotsk on a verse from Exodus, "And the king of Egypt died, and children of Israel sighed by reason of their bondage." The question was raised: All the time Pharaoh was alive the Jews labored and suffered; why, then, did they sigh at his death? Rabbi Menachem Mendel answered that before Pharaoh died, even to sigh had been forbidden.
>
> "Do you understand?" the scholar said. "Today we are permitted to sigh—but only when no one is listening."

Mr. Speaker, I hope that the action that this body takes today will indicate that Americans are listening, and that the sighs are heard. Hopefully one day these sighs will become cries of joy when the Soviet Jews are permitted to go to Israel.

Mr. Speaker, I urge the passage of this resolution.

U.S. POLICY: SECRET AND INEFFECTIVE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HARRINGTON. Mr. Speaker, on my recent trip to Vietnam and Thailand, I was appalled to learn just how restrictive American information policy is in these countries. Members of the press are being hindered from collecting information of vital concern to the American people, not for security reasons, but for political ones.

I was accompanied on the trip by my former administrative assistant, William Wasserman. Himself a newspaper publisher, Mr. Wasserman is extremely well qualified by his varied experience to evaluate information policy. His forceful and well-reasoned indictment of our Government's censorship of the news in Southeast Asia is an important contribution to the current debate, and I endorse it wholeheartedly.

[From the Amesbury News, Apr. 13, 1972]

U.S. POLICY: SECRET AND INEFFECTIVE

On Friday the U.S. command at Saigon said, "U.S. Air Force tactical aircraft and Navy components are attacking military targets in the area north of the Demilitarized zone in order to help protect the lives of the diminishing U.S. forces in South Vietnam."

That's the rationale publicly applied to our policy.

It's a fiction.

Our government is as fully committed as it ever was to maintaining the present government of South Vietnam.

Only instead of doing it at a cost which cannot be concealed, namely the loss of American ground troops, we are trying to do it from airplanes based in distant places—in Thailand, and in the Yellow Sea.

The public is not given the cost of this war, nor is it told how many men are involved, how many aircraft are being used, what kind of bombs are being dropped, where bombs are being dropped, nor how many civilian casualties we have inflicted by this remote, electronically activated warfare.

Without this information—information which the North Vietnamese on the receiving end must know full well—it is difficult for the American public to determine whether or not the policy we follow is worth the cost in all its ramifications.

As for the policy itself, one certainly must understand that continued air support is the minimum price we must pay for maintaining President Thieu's government, and this week's hostilities suggest that even that may not be enough.

No one with whom Congressman Harrington and I talked during this past week in Vietnam and Thailand had any illusions about Thieu being able to stay in power without massive American air support.

So we are not staying in Southeast Asia to protect our withdrawing forces; we are staying there to protect President Thieu and the other wobbly and unresponsive governments to whom we are committed in Cambodia, Laos and Thailand.

And instead of winding down the war, we are shifting the war. Shifting it to high altitude bombers and supersonic fighters based in Thailand and the Yellow Sea.

On pragmatic grounds there is reason to question this effort.

First, can Thieu survive even with our help? This week may bring the answer.

Second, how effective is our sophisticated, high speed, high altitude air support in the kind of war being waged in Indochina. Do B-52's really stop bicycle traffic? Pilots themselves are frankly skeptical of the results they achieve from radar bombing at supersonic speeds.

Third, is the cost in dollars worth the effort? The massive B–52 bombings cost an estimated $45,000 per mission per plane. For the result they achieve against such small and dispersed targets, the money might be better spent somewhere else. One experienced reporter estimated the price tag for destroying one North Vietnamese truck on the Ho Chi Minh trail was about $1 million.

On moral grounds, there are abundant reasons to question this effort. It is not democracy which we are protecting, so how do we justify our killings? How many civilian lives are being lost, how many civilians being made homeless? And what is the cost to our own morality to drop bombs from great altitudes, then return to remote and comfortable air bases—far removed from involvement with the people actually suffering and fighting?

NIXON WOULD FORCE THE COURT OFF THE BUS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. EDWARDS of California. Mr. Speaker, it is becoming more and more apparent that Richard Nixon is employing the same political advisers in this Presidential campaign as he did in the 1968 one. For his latest antibusing proposals which would limit the authority of the Federal courts to enforce 14th amendment rights are merely variations on his 1968 theme of attacking the courts. In 1968 Mr. Nixon accused the courts of being responsible for a breakdown in law enforcement and the increasing rate of crime. Now after appointing four of his own Supreme Court Justices the President persists in blaming the current social crisis—this time the busing issue—on the courts. In a recent article in the St. Louis Post-Dispatch, James Deakin explains how this new attack on the courts has emerged as one of Mr. Nixon's campaign tactics. Mr. Deakin explains how the courts—by their very nature unable to provide timely rebuttals to political attacks—have become the scapegoat for the current crisis and a political football in another election year.

However, just as 3 years of the Nixon administration has failed to result in a decrease in the amount of crime—crime has increased 6 percent from 1970 to 1971 alone, with violent crimes rising by 9 percent—it is doubtful that this legislation can remedy the complex busing crisis while insuring the rights of all children to equal educational opportunities.

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[2] *The New York Times*, September 21, 1971.

Instead, as a Washington Post editorial pointed out, the President's proposed measures fail to deal with the question of policy, focusing instead on the conflict over power. As explained in a legal memoranda prepared by the Washington Research project and cited in the Deakin article, the proposals constitute a frontal attack on the independence and integrity of the Federal judiciary, the 14th amendment's guarantee of equal protection under the law, and the constitutional doctrine of separation of powers. This conflict over power rather than policy in the words of the Post can only be interpreted as "a challenge to the competence and authority of the courts" which "must necessarily undermine public respect for the validity of past desegregation orders."

Following is the Deakin article, the Washington Research project memo cited in the article, and the Washington Post editorial.

The articles follow:

[From the St. Louis Post-Dispatch, April 2, 1972]

NIXON WOULD FORCE THE COURT OFF THE BUS

(By James Deakin)

WASHINGTON, April 1.—Four years ago, presidential candidate Richard M. Nixon made the federal courts one of his main campaign issues. Permissive judicial decisions, he told the voters, had weakened the law-enforcement forces of the nation in their fight against crime.

This year, another attack on the courts appears to be emerging as one of Mr. Nixon's campaign tactics. This time, the President is blaming the courts for school integration decisions that he says have created a national crisis over school busing.

The new attack on the courts appears to go further than the 1968 strategy. That year, Mr. Nixon confined himself to promising to appoint "strict-constructionist" Supreme Court justices. His promise was understood by conservatives and liberals alike to mean more rights for the accuser and fewer rights for the accused.

In the busing issue, however, the President has proposed specific legislation to curb the powers of the federal courts. They would be prohibited from handing down any new school integration decisions involving busing until July 1, 1973. After that, their authority to order such busing would be sharply limited.

His proposal has encountered strong opposition from civil rights organizations and other groups. They consider it a far-reaching assault on the independence of the federal judiciary, on the Fourteenth Amendment's guarantee of equal protection under the law, and on the constitutional doctrine of separation of powers.

A major effort to defeat the Administration's plan and similar antibusing amendments already approved by the House is being led by the Leadership Conference on Civil Rights, representing more than 100 civil rights, labor, religious and citizens' groups, and by the AFL–CIO and the Washington Research Project, an organization concerned with the rights of poor persons and minority groups.

Mr. Nixon's proposal has intensified the congressional controversy over busing. The next big test on Capitol Hill will come in the Senate-House conference committee that is considering the Higher Education Bill.

Although this bill deals with college education, the House added a series of restrictions on busing of grade school and high school students, including an amendment to prohibit all court orders involving school busing from taking effect until the appeals procedure is completed. That process could take many years.

The Senate, after approving and then defeating a similar proposal, passed a compromise sponsored by the majority and minority leaders, Senator Mike Mansfield (Demo.), Montana, and Senator Hugh Scott (Rep.), Pennsylvania. This version would impose a stay until June 30, 1973, but only on busing orders involving transportation between school districts.

Civil rights leaders have promised to oppose the Higher Education Bill itself—an unusual position for them—if it emerges from the conference committee with either the House amendment, sponsored by Representative William S. Broomfield (Rep.), Michigan, or the anti-busing plan proposed by Mr. Nixon.

Because the Mansfield-Scott amendment would apply at this point only to interdistrict busing orders in Richmond, Va., and Detroit, it is somewhat more acceptable to the civil rights forcs. Even so, there is a strong feeling among those leaders that all three proposals are unconstitutional.

To those who recall Mr. Nixon's law-and-order attacks on the courts in the 1968 campaign, his statements on busing have had a familiar ring.

In a televised speech March 16, the President announced his busing decision and said, "Recent decisions of the lower federal courts . . . have gone too far—in some cases beyond the requirements laid down by the Supreme Court—in ordering massive busing to achieve racial balance."

Mr. Nixon said the decisions had created "confusion and contradiction in the law; anger, fear and turmoil in local communities, and, worst of all, agonized concern among hundreds of thousands of parents for the education and the safety of their children . . ."

In proposing that Congress limit the power of the federal courts in school desegregation cases, Mr. Nixon relied on the provision in Article 3 of the Constitution that gives Congress the power to make exceptions to the Supreme Court's appellate jurisdiction.

The President's position received support this week from the chief judicial officer of the United States, Chief Justice Warren E. Burger.

Although Burger's opinion was expressed in a case that had nothing to do with the busing controversy, it appeared to buttress the Administration's contention that Congress can curb the judiciary. In addition, it illustrated the profound suspicion with which conservatives view the federal courts these days.

The case involved the controversial Three Sisters Bridge project in Washington. The Supreme Court refused to intervene in the case, and Burger took the unusual step of saying in a concurring opinion:

"In these circumstances, Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives."

Burger did not suggest that his statement could be interpreted as a general comment on Congress's authority over the courts, but it was likely to be construed that way. The legal guideposts defining the relationship between Congress and the judiciary are few and far between, and the Administration presumably will be looking for whatever support it can find.

The White House and the Department of Justice contend that Article 3 of the Constitution and Section 5 of the Fourteenth Amendment give Congress at least enough authority to declare a moratorium on judicial remedies while it considers legislation to set a national policy on school integration.

This contention involves the complicated relationship between legal rights and legal remedies. The Administration contends that its busing moratorium proposal deals only with the remedies for unequal education, not with the basic right to obtain equal education.

Mr. Nixon's legal advisers accept the view that the Supreme Court, in its 1954 school desegregation decision, declared that equality of education was a Fourteenth Amendment right that Congress could not repeal. However, they assert that Congress retains the right to act with respect to proposed remedies for segregated schools or other unequal educational facilities.

Opponents of the proposed moratorium contend that rights without remedies are not rights at all. Unless citizens can appeal to the courts to remedy rights that have been denied, the rights are no more than promises that the nation does not intend to keep, the civil rights forces say.

"A black child could march into court and obtain a declaratory judgment that a school system was segregated, and that would be an end to the matter," said a study by the Washington Research Project. There would be no enforcement, no remedy—just a paper declaration, the study said.

"Pressed to its logical conclusion, the Administration's argument would justify a congressional bar of any relief in a school desegregation case and a legislative repeal of every decision after Brown I (the 1954 decision), since they involved only questions of 'remedies' and not a question of 'right,' " the study said.

Section 5 of the Fourteenth Amendment, which acting Attorney General Richard G. Kleindienst says gives Congress the power to impose a moratorium on court-ordered busing, states that "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Article 3, on which the Administration is also relying, defines the power of the federal judiciary. It gives the Supreme Court wide appellate jurisdiction—but "with such exceptions, and under such regulations as the Congress shall make."

Beyond these clauses, the Administration is relying on a number of judicial decisions, notably Ex Parte McCardle, an 1869 case involving a statute that withdrew the Supreme Court's appellate jurisdiction in habeas corpus cases.

The Supreme Court acquiesced in this exception to its jurisdiction, but only in the case of appeals. It retained the right to issue habeas corpus writs itself, meaning that habeas corpus access to the Supreme Court was preserved.

For this and other reasons, there is disagreement as to whether the McCardle case established unfettered congressional power to prevent the court from adjudicating constitutional issues.

Opponents of a busing moratorium concede that Congress has the power to make exceptions to Supreme Court jurisdiction. But they cite constitutional authorities in contending that "the power vested in Congress over the jurisdiction of the judicial department may not . . . be employed so as to destroy rights guaranteed by the Constitution itself."

"To hold otherwise would be to give the legislative department an all too easy way to circumvent the supreme law," the Washington Research Project study said.

"There has never been a law passed that expressly singles out a class of constitutional rights . . . and seeks systematically to bar judicial enforcement of the rights selected," the study said.

The argument that the rights guaranteed by the Fourteenth Amendment are overriding, and therefore cannot be abridged by Congress' exception power, was cited by the Democratic Study Group, an organization of liberal Democratic members of the House.

"Congress does not have the authority to deny a person due process of law or prohibit the courts from ordering remedies for denials of equal protection under the law as provided by the Fourteenth Amendment," the group said.

It cited the Supreme Court's decision in 1965 in the case of Katzenbach vs. Morgan, in which the court held that Section 5 of the Fourteenth Amendment "does not grant Congress power to restrict, abrogate or dilute" the guarantees of equal protection or due process.

The stage thus appears to be set for a battle over whether or to what extent the legislative branch can limit the jurisdiction of the judicial branch.

The battle probably will be conducted in legal terminology that will puzzle the layman, but one aspect will be easily understood: whether the federal courts will be made a scapegoat and political football in an election year.

[From the Washington Post, March 31, 1972]

DESEGREGATION, EDUCATION, AND THE LAW

In the current debate over school desegregation (if debate is not too high-flown a word to use for what has been going on), it seems to us that some very important truths have been mislaid. They concern the relationship of constitutional restraints and requirements to the formulation of social policy, and the first may be stated simply as follows: when you have established that something is not unconstitutional—that it is permissible under law—you still have not established that it is worth doing. Because the federal judiciary—by reason of the default of other branches of government—has been forced into so central a role in school desegregation over the years, however, this self-evident distinction between that which is merely permissible and that which is, in addition, desirable, has come to be blurred. Thus the test of any program's constitutionality is thought by many to provide a simultaneous measure of its worth. Just as it did with such questionable proposals as "no knock" and preventive detention, for example, the Nixon administration now seems to be arguing that its proposed moratorium on court-ordered busing is constitutional—and therefore automatically desirable as public policy.

Like so many others we have our doubts on the first score. But whether or not the moratorium—if it is enacted by Congress—withstands a constitutional challenge, it seems to us manifestly bad as policy. For one thing, it forces a confrontation between the federal courts and the other two branches—a confrontation not over the merits of busing but over the authority and jurisdiction of each branch, a conflict over power as distinct from a conflict over policy. For another, such a challenge to the competence and authority of the courts must necessarily undermine public respect for the validity of past desegregation orders—even those the administration would concede were entirely sound. This challenge could have been brought with much less potential damage by entering cases and arguing in the courtroom rather than by seeking to remove the courts' power to remedy constitutional violations.

There is another rather more practical consideration that should have discouraged the Nixon administration from recommending this move. It is that judicial proceedings are already well under way which are likely soon to stabilize the size and scope of court-ordered busing—and would have done so without any "help" from the Nixon administration. Many of the more recent federal court rulings on this question (including in certain respects that of Judge Mehrige) seem to go beyond the criteria established by the Supreme Court in the *Swann* (Charlotte, N.C.) case and to push at the limits of what the court implied it would find just grounds for court-ordered busing. Many of these cases are in the process of review by higher courts at the moment. More important, the Supreme Court has already accepted for review a case from Denver, which in all likelihood will see outer limits established on legally mandated busing. Judging by the strong hints provided in Chief Justice Burger's opinion for a unanimous court in *Swann*, the court now seems disposed to limit authority for such busing orders to school districts where they are deemed necessary to overcome the effects of de jure—or officially sanctioned—segregation of school-children by race. The Nixon administration may or may not be right in asserting that its own proposed moratorium on new busing is constitutional; it is, in our judgment, dead wrong in seeking such legislation just now—wrong in perhaps all but its own domestic political considerations.

The strong chance that the Supreme Court will find that so-called "racial imbalance" does not in and of itself require remedy where no official intent to segregate has been found, that it will rule that there is no constitutional requirement that it be broken up, brings us to the second of those self-evident truths we believe to have got lost in the shuffle. It is that everything the constitution does *not require* is not therefore automatically undesirable or unworthy of doing. This is a proposition that will certainly bear some thinking about if and when the federal judiciary interprets the constitution as not demanding the desegregation of racially imbalanced schools that are a product of causes other than deliberate official intent to separate children by race. We have long been of the opinion that the Supreme Court not only would not, but should not move to establish racial proportioning, per se, as an absolute value or a condition to be met by all school districts irrespective of any past intent to discriminate. And the reasons that have led us to think this unwise—the perils that flow from government's dealing with citizens *solely* on the basis of their race—have led us also to believe that racial balancing legislation (such as that which Senator Ribicoff, for example, has proposed) is unwise. But it is basic to this assumption that the absence of constitutional or statutory requirements should not be regarded as an endorsement of segregated schools, as evidence that it is sound public policy to leave our schools in their present condition or that there is not a role for government to play in encouraging the development of quality integrated education.

For with or without passage of the mischievous administration legislation, it is plain that the time is approaching—in some senses it is long overdue—that we as a nation and also as individual communities within that nation begin to focus not merely on what we must do in a legal sense, but on what we should do. Is it in the public interest to maintain our inner city racially isolated school systems as they are? What is the social cost to the children involved—black and white—proceeding from this very isolation? And what is the prospective cost to the larger society of which they will eventually be adult citizens? Are there not proper combinations of integration and compensatory education that may be specially suited to the individual communities that wish to take action? In a general sense we should now be asking ourselves whether passive resignation to things as they are in our troubled school systems is wise as public policy, what we in fact really want our school systems to look like, and what combination of steps can achieve the result. These are the things we should and must start thinking about in dead earnest. It is a grim bit of irony that had we done so sooner, we might have been spared the agony and the demagoguery of the present "antibusing" turmoil.

THE 220TH ANNUAL TOWN MEETING OF THE TOWN OF DANVERS, MASS.

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HARRINGTON. Mr. Speaker, last month I was privileged to be invited to address the town meeting of the town of Danvers which was held at the First Church of Danvers Congregational, on the occasion of the church's 300th anniversary.

The evening was an inspiring one, bringing together citizens who devote their own free time to their government in the best tradition of American democracy, in an institution which has long served the people of its area vigorously and well. I was honored to be included by the people of Danvers in that ceremony, and in order that it be appropriately commemorated, at this point I wish to place in the RECORD the documents describing that meeting, and the other activities planned to commemorate the church's anniversary:

RESOLUTION OF COMMEMORATION

Whereas: The first Church of Danvers, Congregational, was established in 1672 as the first House of Worship in this Community; and

Whereas: The Congregation thus established also became the first form of local government in the Community; and

Whereas: After many days of darkness and despair during the infamous witchcraft delusion, the light of peace and rays of hope emerged at the "Meeting of Peace" conceived by the Rev. Joseph Green, then the Minister to the Congregation; and

Whereas: The first schoolhouse in the Community was established by the Congregation of the Church; and

Whereas: The "District of Danvers," created in 1752, was built around the structure of the then-existing parish boundaries of the Church; and

Whereas: The Church and its Members contributed in great measure, both in human lives and other personal sacrifices, on the battlefield and in the public forum, during the Revolution, out of which was born this Great Republic; and

Whereas: The Church was served in Civic and Spiritual need by many Ministers over the past 300 years, whose dedicated work serves as the finest example which can be given by Men of God, and whose legacy to the present Members of the Church is constantly displayed to this Town; and

Whereas: This Church stands proudly as the FIRST of a present number of twelve Houses of God in the Town of Danvers, the existence of all of which enriches the lives of all of the citizens of the Town; and

Whereas: Over 300 years, many citizens of the Town, of all convictions, have sought and found friendship, counseling, and often solace, from those in the Ministry of the First Church of Danvers, Congregational,

Be it therefore resolved: That the 1972

Annual Town Meeting of the Town of Danvers, on behalf of all the citizens and officials of the Town, extends congratulations and best wishes to the Members of the First Church of Danvers, Congregational, on the occasion of the Three Hundredth Anniversary of the founding of the Parish, and instructs that these sentiments be duly inscribed in the permanent records of the Town, with a copy of these resolutions to be given to the Pastor, Rev. Edward H. Glennie, as an official document for the permanent records of the Parish.

Attest: A True Record.

March 20, 1972.

Daniel J. Toomey, *Town Clerk*, Francis F. Mills, *Town Moderator*.

TOWN MEETING PARTICIPANTS REPRESENTING ALL THE CITIZENS OF DANVERS

Town meeting members

Precinct I

Stanley F. Brown
James E. Cornell
Francis D. Dougherty
William N. Goldberg
Barbara L. Littlewood
Patricia G. Toomey
Richard W. Chase
Fred C. Martin
Wayne Marquis
Nelson F. Morin
Joseph Sherry
John L. Toomey
John J. Driscoll
John A. Finnegan
Joseph G. Mogavero, Jr.
Jean Romsavich
Russell E. Stevens
Nancy K. Swindell

Precinct II

William H. Clark, Jr.
William H. Clark, Sr.
Harold J. Eisenhauer
Paul F. Ferguson
Vernon C. Russell, Jr.
Richard C. Spaulding
William J. Connors
Richard A. Ferren
Barbara G. Flagg
Dwight W. Gates
James D. Harrington
Paul Coleman
Enoch Logan
William G. Merrill, Jr.
Majorie Watters Murray
J. Casey Olds
Robert W. Teal
Phillip M. Gonet

Precinct III

Leonard D. Bellows
Andrew P. Dabose
Andrea J. Daley
Charles E. McInnis
S. Roger Panunzio
David T. Rowell
John L. George
Albert R. Knights
Joseph F. Mello, Jr.
George A. Orechia
Owen D. Thompson
Lawrence P. Tormey
Robert A. Brown
Michael A. Daley
Linda Jane Nelson
Mildred Pillman
Frances T. Scoledge
Theodore C. Speliotis

Precinct IV

James W. Blanchard
Frederic C. Merriam
Olin D. Samson
Richard B. Trask
Dorothy F. Warren
John D. Woodberry
Arch T. Astolfi
Carl J. Gates, Jr.
Donald F. Innis
Joseph P. O'Connor
Harold B. Skinner
Carter White
Robert V. Hayes
Harvey M. Lewis
Norma Rooks
Edward J. Sabol
Marie E. Towey
Gardner S. Trask

Precinct V

Bruce P. Eaton
Robert E. Caliga
James J. Comstock
Frank W. Kimball
Paul Pecukonis
Lorenzo A. Raimondi
Earle B. Annis
Estelle T. Appel
Dominic C. Benedetto
Philip A. Driscoll
Stuart C. Goodnow
Shirley A. Wentworth
Ignatius C. Goode
Louis A. Green
Edward J. Harrington
Daniel J. Linehan
Stanley J. Mitchell
Peter John Talmadge

Precinct VI

Richard P. Bennett
Stephen B. Carlton
Robert F. Craig
William F. McKinnon
Alden W. Rider
Jane A. Taylor
Richard E. Caldarone
Philip W. Davis
James L. George
Robert J. Granese
Charles V. Hayes
Robert G. Osgood
Willard Allphin
Brain P. Cassidy
Lester F. Crossman
Quentin Eaton
George F. Gibbons
Howard J. Huemmler

Board of Selectmen

Wm. B. Sullivan, III, *Chairman*, J. Ellison Morse, Jr., Ann M. Bouchard, Thomas C. Kerans, Baron P. Mayer.

Finance Committee

Galo P. Emerson, Jr.
Robert E. Cordingley
Ralph E. Ardiff, Jr.
Thomas P. Flynn
Francis X. Grealish
Richard W. Holmes
Robert F. Essler
Walter H. Tipert
John A. Winskowicz

School Committee

T. Frank Tyrrell, Jr., *Chairman*, Roger C. Budgell, Robert E. Francis, Raymond H. Ayers, Leonard Sherry.

Student Representatives

Janice E. Campbell, Suzanne Contreas.

Town Clerk	*Town Counsel*
Daniel J. Toomey.	Daniel J. Donovan.

Moderator

Francis F. Mills.

6:30 p.m. Carillon Music from the Church Tower.

6:45 p.m. Organ Recital (from inside the Church) *Sterlyn Morgan*, Organist and Chairman of Music for the Anniversary.

7:00 p.m. Call to the Town Meeting—Signalled by the ringing of the Church Bell.

7:15 p.m. Assembly of Town Meeting Members in the Main Church.

7:25 p.m. Swearing of newly-elected Town Meeting Members *Daniel J. Toomey*, Town Clerk, administering the oath of office.

7:30 p.m. Pastor's Invocation for the Town Meeting, *Reverend Edward H. Glennie*, Pastor.

7:35 p.m. Presentation of the Colors: (Please remain standing and in silence) *Honorable Michael J. Harrington*, Member of Congress.

7:40 p.m. Pledge of Allegiance—Led by the Girl Scouts of Troop 228 (Sponsor—First Church of Danvers) "America the Beautiful," "A Mighty Fortress," (All please join in singing).

7:45 p.m. "Welcome" to the Town of Danvers Annual Town Meeting, *W. Hobart Clark, Sr.*, Deacon Emeritus, and Senior Member of the Town Meeting Body.

Congratulations from the Town of Danvers, *William B. Sullivan, III*, Chairman, Board of Selectmen.

Introduction of Honored Guests and Opening Remarks, *Francis F. Mills*, Town Moderator, Presenting . . . Hon. John G. King, *Representative, Sixth Essex District*, Hon. William L. Saltonstall, *Senator, Third Essex District*, Hon. Michael J. Harrington, *Member of Congress*, Hon. Robert H. Quinn, *Attorney General for the Commonwealth of Massachusetts*.

(Conclusion of Commemorative Exercise).

THE MEETING

Call to Order of the Town Meeting by the Moderator.

1. Roll call of members.

2. Declaration of a quorum.

3. Presentation of Commemorative Resolution: To the First Church of Danvers, Congregational, Offered by W. Hobart Clark, Sr.—Senior Town Meeting Member.

4. Presentation of Resolutions of Congratulations and Gratitude: To A. Kenneth Carey, Esq., former Town Counsel, Offered by Daniel J. Donovan, Esq., Town Council; To C. Everett Elliott, Board of Health, 25 Years, Offered by Barbara G. Flagg, Town Meeting Member; To Victor B. Tremblay, former Chairman, Board of Selectmen, Offered by J. Ellison Morse, Jr., Senior Member, Board of Selectmen.

5. Presentation of Memorial Resolutions:

William R. Lynch, former Town Moderator.

James J. O'Neil, Jr., former Member Finance Committee.

William B. Sullivan, Jr., former Town Counsel.

Percy L. Burnes, former Town Meeting Member.

Edward Cunningham, Department of Public Works.

Arthur Ford, Parks Department.

Elsie Godfrey, Hunt Memorial Hospital.

Harry Shepard, Buildings Maintenance.

Margaret Wood, School Department.

Elmer Wright, Department of Public Works.

6. Procedural Explanations by the Town Moderator.

7. Consideration of the Warrant Articles by the Town Meeting.

(Please, no smoking.)

OFFICERS OF THE FIRST CHURCH OF DANVERS

Moderator—Frederick L. Usher.
Clerk—Miss Esther Usher.
Acting Treasurer—J. Stanley Bennett.
Auditor—Alden W. Rider.
Collector—Mrs. Clyde H. Crofts.

Deacons

W. Hobart Clark, *Deacon Emeritus*, John W. Crofts, William H. Clark, Jr., Eric A. Payne, Alfred Hutchinson, Alden W. Rider, E. Melvin Demsey, Clark S. Sears, James G. Jenkins, George H. Martin.

Deaconesses

Mrs. Harry Curtis, *Deaconess Emeritus*, Miss Thelma M. Cross, Mrs. Frank J. Euzukonis, Mrs. Kenneth M. Hoyt, Mrs. Robert J. Belanger, Mrs. Clark S. Sears, Mrs. Kenneth G. Sidmore.

Cabinet at large

David Humphreys, Mrs. H. Wesley Currier, J. Stanley Bennett.

Prudential Committee

E. Curtis Giles, John G. Gale, Richard C. Spaulding, Harold J. Curtis, Robert A. Thompson, Welton I. Woodman.

Hospitality Committee

Mrs. E. Wayne Almon, Mrs. Alfred C. Trefry, Mrs. Donald J. Carr, Mrs. Sterlyn R. Morgan, Mrs. Richard C. Spaulding, Mrs. E. Curtis Giles, Mrs. William H. Clark, Jr., Mrs. Robert T. Cunningham, Mrs. John L. Newbegin.

Music Committee

Mrs. Harold A. Johnson, Donald E. LaFleur, Mrs. Edward H. Glennie, Mrs. William H. Clark, Jr., Mrs. Charles S. Poirier, Mrs. Chester E. Wheeler.

Missionary Committee

Mrs. Frank C. Crooker, Mrs. Gordon V. Sprague, Mrs. J. Charles Pennell.

Social Action Committee

Donald E. LaFleur, Mrs. Harold J. Curtis.

Religious Education Committee

Mrs. Alfred Hutchinson, Mrs. William H. Clark, Jr., Mrs. Arnold N. Weeks, Mrs. Earl A. Toof, Kenneth G. Sidmore, Edwin E. Sylvester.

Memorial Fund Committee

Mrs. Alfred P. Hutchinson, Mrs. E. Melvin Demsey, Mrs. Alden Rider.

Library Committee

Mrs. Robert G. Lounsbury, Mrs. Chester I. Bills, Miss Nancy Morgan.

Institutional Representative to Girl Scout Council

Mrs. Earl A. Toof.

Nominating Committee

Kenneth M. Hoyt, Mrs. Robert G. Livingston, Robert B. Sidmore.

Student Guides for the Town Meeting

Julie Caldarone, Anne McKinnon, Rich Spaulding, Jim Lounbury, Judy Appel, Beth Coleman, Tom Roy, Chris Taylor, Phil Szypko, Sue Green, Tim Rider, Mark Glennie, George Taylor.

OATH OF OFFICE

I, (*name*) do solemnly swear (*or affirm*) that I will faithfully and impartially discharge all the duties incumbent upon me as a Town Meeting Member according to the best of my abilities and understanding, agreeably, to the rules and regulations of the Constitution, and the Laws of this Commonwealth. So help me God.

AMERICA THE BEAUTIFUL

O beautiful for spacious skies,
For amber waves of grain.
For purple mountain majesties
Above the fruited plain.
America! America! God shed His grace on
thee,

And crown thy good with brotherhood
From sea to shining sea.

A MIGHTY FORTRESS

A mighty fortress is our God
A bulwark never failing;
Our helper he amid the flood
Of mortal ills prevailing:
For still our ancient foe
Doth seek to work us woe;
His craft and power are great,
And, armed with cruel hate,
On earth is not his equal.

A Note on the Colors . . . The flag of the United States, presented this evening to the Church by Congressman Michael J. Harrington, has been flown over the Capitol of the United States at Washington. May it always remind the Members of the Church, and all the Citizens of our Town, of the priceless freedom to worship which we all enjoy.

A Note on Recess . . . During the recess (usually about 9:00 p.m.) refreshments will be served in the basement of the Church through the kindness of the Highlands Circle. Please do not bring food of any kind back to the auditorium or Church proper.

A Personal Note . . . The Moderator wishes to express many and sincere thanks to William H. Clark, Jr., Town Meeting Member, for his boundless enthusiasm and invaluable assistance during the many weeks of preparation for this very special evening of commemoration. Thank you.

THE SECOND MEETING HOUSE 1702–1786

The "Second Meeting House" was the first building at the present location of the Church, the place for the 220th Annual Town Meeting. The description of this site was originally "the corner of Andover Road and Meeting House Lane . . . before Deacon Ingersoll's door." From this building and the neighboring "green" (now, "Ingersoll Park"), five companies of militia answered the call to Lexington, Concord and Bunker Hill. This Meeting House was also the House of the fifty-one year pastorate of the Reverend Peter Clarke (1717–1768).

Notwithstanding contemporary standards of the division between church and state, but ever mindful of the heritage and tradition of the Town Meeting form of municipal government, it is most fitting that our Annual Town Meeting be held here tonight. The original jurisdiction of the Parish was to "maintain the roads, supply the pulpit, and provide a house of worship." And, at that time, the first tax levy in the Town was "a single pence per acre of improved land and one-half pence, unimproved."

Yes, time passes and some things have changed, but the responsibility of the Members of the Town Meeting Body remains the needs of the community, including, among others, the roads, the seats of authority and the "pence" to be levied to pay for the government.

May all who rule within the honored Town Meeting, the purest of all democracies and the strongest of all citadels of civil liberty, recall the truth of log fires, lonesome treks through the evenings of March, and the priceless treasure of self government.

FIRST CHURCH OF DANVERS CONGREGATIONAL THE NORTH SHORE'S MOST HISTORIC CHURCH

The history of the First Church dates back to 1672 when, through convenience, the "farmers" of Salem Village, now Danvers Highlands, received permission from the First Church of Salem to worship in their own church, though still retaining membership in the mother church.

The parish has had six different meeting houses or churches in its history. These have varied from simple frontier buildings to majestic examples of Gothic and Victorian architecture. Two churches have burned, two were demolished, and the first was left to help rid the parish of the stigma of the Witchcraft Delusion which swept the parish in 1692.

During the nineteenth century members of varying faiths left the First Church to form their own denominational churches. Original members of most of the Protestant churches in Danvers were former members of the First Parish.

In the span of 300 years, the church has had 23 ministers, two of them, the Rev. Peter Clark and Dr. Benjamin Wadsworth, serving consecutively a total of 104 years.

The membership roll reveals names of many honored and respected citizens. The record of achievements during these years is truly remarkable. Today our membership is made up of men and women from all walks of life who have found that without a spiritual life, their lives are barren materialism, void of a guiding influence of love and understanding.

Much has been done at First Church—and with God's help we will do even more.

Historical Highlights

1672 Parish established.

1689 The Church of Christ at Salem Village is formed.

1692 Infamous Witchcraft Delusion, 20 killed, hundreds imprisoned.

1698 Meeting of Peace.

1708 First school house.

1717–1768 51 years Clark pastorate.

1775 First armed-resistance to British by people of the Parish at North River.

1775 Involvement at Lexington-Concord, and Bunker Hill.

1785 Samuel Holten, President of 2nd Continental Congress.

1814 Danvers Moral Society (Temperance).

1818 Sabbath School established.

1772–1826 53 year Wadsworth pastorate.

1832 Ladies Benevolent Society founded.

1839 White Church built.

1891 Present Church built.

ANNIVERSARY ACTIVITIES

January 15, 1972, Supper 6:30, Reception for Kallands.

January 16, 1972, Dr. Lloyd Kalland, Former Interim minister.

February 12, 1972, Supper 6:30, Reception for Duffeys.

February 13, 1972, Rev. Joseph Duffey, Minister 1957–1960.

March 11, 1972, Supper 6:30, Reception for Loesches.

March 12, 1972, Rev. Russell Loesch, Minister 1936–1939.

March 20, 1972, Annual Town Meeting.

Auril 8, 1972, Supper 6:30, Reception for Stearnses.

April 9, 1972, Rev. Howard O. Stearns, Minister 1960–1966.

May 13, 1972, Supper 6:30, Reception for Aeschlimans.

May 14, 1972, Rev. Adrien Aeschliman, Minister 1946–1953.

June 10, 1972, Supper 6:30, Reception for Mayers.

June 11, 1972, Rev. Paul Mayer, Minister 1930–1935.

July 4, 1972, Highlands Parade.

July-August, Historical Display at church. 1–4 p.m. daily.

October 8, 1972, Rev. Avery Post.

October 10, 1972, Youth Night U.C.Y.

October 12, 1972, Historical Presentation.

October 13, 1972, Reception for Glennies.

October 14, 1972, Tercentennial Banquet.

October 15, 1972, Tercentennial Service.

ANNIVERSARY CHAIRMEN

Steering committee, Frederic Usher, Harold Curtis, George Martin, Alfred Hutchinson.

Publicity, Margaret Crofts.

Open houses, Raymond and Mildred Swinerton.

Finances, Charles Ferguson.

Historical, William H. Clark, Jr.

Banquet, Ladies Benevolent Society.

Guests, Dorothy Martin.

Program book, Alfred Hutchinson.

Decorations, Melvin Demsey, Clyde Crofts, Edwin Sylvester, Margaret Hutchinson.

Music, Sterlyn Morgan.

Commemorative plates, Thelma Cross.

Program, Frederic Usher, George Martin.

Youth activities, Donald LaFleur.

THE RAPE OF CZECHOSLOVAKIA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BRAY. Mr. Speaker, it has now been 4 years since Russian military might stormed into Czechoslovakia and gave the world a truly hideous lesson in what power politics can mean. It is something that should never be forgotten by the rest of the world.

Two years later, Mr. Paul Beattie, minister of All Souls Unitarian Church in Indianapolis, preached a sermon on the incident. It is as timely today as it was then.

The sermon follows:

THE RAPE OF CZECHOSLOVAKIA

(By Paul H. Beattie)

Living in a day of perpetual social and political crisis we find our concerns more vast than our knowledge and it is hard to decide where to focus our attention. In a country like Russia where the press is controlled by a single ruling party, the party keeps always before the minds of the people what it wants them to consider. In a country of freedom, like ours, very often the latest news is given priority over events of somewhat greater vintage, even if some older events are more significant. During the Hungarian uprising, an event of great import, we almost ignored it when England bombed Suez. So it is with the Russian invasion of its own peaceful Puppet State on August 20th, 1968. The Russian system was greatly exposed by that event. One must remember such events when one talks about arms limitations, and other matters of life and death.

There is another reason why this event should be reviewed. Not long ago we had a Czech speaker, and I heard the same man speak to many of my Unitarian colleagues. He was a discreet gentleman, saying nothing against his regime, but I was appalled and disappointed how few Unitarians were capable of reading between the lines.

Since my extraction is half Czech this small nation commands my attention, and so I may be somewhat biased; but I discuss the Czech plight with you today because it seems to me that it represents a case history which is quite revealing.

Czechoslovakia is a small nation composed of Czechs, Slovaks, and Germans, the Czechs being the dominant group. Before the advent of modern history the land was known as Bohemia. The history of this small country, from earliest times to the present, has been one of perpetual rape and betrayal. The Czechs have always been an independent minded and freedom loving people. As early as the 9th Century, German Christian missionaries came to convert them, but met with little success. The Czechs have always been one of the most advanced countries in middle Europe. In 1348 the University of Prague was founded and not long afterwards became, for several hundred years, one of the great intellectual centers of Europe.

One of the early great national heroes was Jon Huss, who lived from 1370 to 1415. He was inspired in part by the writings of Wycliff, the English scholar and preacher, to preach a free religion which appealed to intelligence and the free conscience of mankind. Under promise of safe conduct he went to Rome to discuss his differences with the Church and was there burned at the stake. This was a betrayal by the west. His movement had the support of the Bohemian people and it took five crusades mounted by the Catholic powers of Europe to utterly root them out and destroy any hope of following a course independent from Rome. But from that day forth, free religion went underground and has always flowered when given an opportunity.

Later in 1619 when Luther's Protestant Reformation was afoot, many Czech's joined in the Reformation. A Catholic offensive was mounted against them, they were abandoned by their Protestant allies, and suffered a crushing defeat at White Mountain. This was a betrayal by the west. The victors were so stern that almost the entire Bohemian nobility was exterminated, and since that time the Czechs have been a middle class people without aristocracy.

Following that, there was a long period of Hapsburg rule which lasted until the end of World War I. During that period the Czech language was suppressed by the centralized German bureaucracy. But a kind of self-consciousness and loyalty to independence continued. Then in 1918, after Austria was defeated in the war, and due to the efforts of Thomas Garrigue Masaryk and others, a truly democratic republic was created. Masaryk had toured the United States gaining support and interest for the hopes of the Czech people. The Czech nation was patterned after the United States.

It was a republic which fostered the freedoms of thought and discussion, multi-political parties, and was in every way a model, stable, and prosperous democracy. The standard of living was never higher in Czechoslovakia than at the high point of the First Republic. Civil liberties were full and available to all. Masaryk, of course, had a love of America, and was married to an American woman from Brooklyn, who was a Unitarian. In the few years between world wars a very full democratic way of life became strongly ingrained in the Czech people.

But fate decreed that this democratic, industrialized, peace loving people would not be allowed to exist. Hitler had risen to power and in 1938 he demanded the northern part of Czechoslovakia in order to reclaim some three million Czechs of Germany descent. The Czechs were ready and willing to fight. But at Munich, a conference *the CZECHS were not allowed to attend,* both England and France agreed to the proposed dismemberment of their ally. Munich has since become synonymous with the concept of foolish appeasement. This was a betrayal by the west. The following year, having solemnly promised not to do so, Hitler occupied the rest of the small nation. Democracy was ended. All intellectuals who might prove to be difficult were liquidated or deported to German labor camps. The Nazi occupation was incredibly harsh.

Following World War II, Edward Benes, Jan Masaryk, the son of the great founder of the First Republic, and others, set about to re-establish the democratic republic. But Russian influence made it necessary to have a government of coalition between Communists and other parties. From the beginning the Communists had no other object but that of seizing control. When it became evident that the people might vote the Communists completely out of office, a Communist coup was staged, which relied upon the threat of Russian troops and tanks massed at the Czech border. Masaryk was found dead, probably pushed out of a window. No help from America, another betrayal by the west. Our ambassador was on a trip out of the country when the takeover was accomplished.

And so in 1948 this small nation slipped behind the grey blanket of conformity and hopelessness of the Communist satellite nations. Since they were one of the more highly industrialized and industrious peoples, they were robbed, systematically by economic controls, to pay for the developments of the more underdeveloped Communist nations. They are still playing this role of economic pawn. The Czechs, against their will, are paying most of the economic costs of the Russian involvement in Vietnam. The Czechs do not by any stretch of the imagination universally condemn our involvement in that part of the world, even though they pay a large part of the bill on the Russian side.

People have often commented on how depressed the Czechs seem to be under Communism. The reason is that they have known better, and have gained absolutely nothing from the Communist system that was forced on them. Much of the country's leadership had already been purged by Hitler, and under the Stalinist system resistance seemed hopeless. They saw the Hungarian and Polish revolts were to no avail. They, unlike the Poles and Hungarians, had a Munich in their history and so they harbor little hope of help from the west. The reform attempts by Alexander Dubcek begun in 1968 are incredible. Unable to throw out Communism the Czechs have subverted it from within! Had the reforms been established there would have been once again freedom of the press, the right to have opposition parties, a general humanizing of the system, and economic reforms. But in the few days of free press, too much came out. There are reports that at least 120,000 Czechs had been liquidated by the Communist regime since 1948. That is a lot of people to murder for political reasons. That would be every fifth person in the city of Indianapolis. That was only a matter of 6,000 people a year. The Russians and their lackeys have always been able to think big in this way. Long before Hitler, Stalin had established the first really massive concentration camps and slave labor camps in history.

There is an old argument as to whether freedom is innate in man, or only learned. Can you create a political system in which men would be utterly creatures of the state and unable to ever revolt? I suspect that such might be possible. But it seems that if a civilized people has ever had a real taste of freedom, it is almost impossible to erase it. It is somewhat encouraging, even as it is depressing, to realize that neither the Nazis nor the Soviets and their henchmen have been able to erase the democratic values that are appreciated and established in the Czech Republic from 1918–1938.

We were in Yugoslavia when the Russians invaded the Czechs. The very depressing lessons in all of this, and this is what people in Europe kept saying, is that big nations do what they want and small nations suffer what they must. Certainly the whole miserable history of the tiny Czech nation demonstrates that there is little justice in history, for the Czechs have suffered again and again, simply because they were too small a nation to defend their independence.

People in Yugoslavia in the summer of 1968 were saying that Russian involvement in Czechoslovakia was the same as U. S. involvement in Vietnam, and I have heard Americans agree! I cannot for the life of me understand such a statement. To begin with Russia has invaded one of her allies. She has broken her own Warsaw Pact in order to destroy the humanistic reforms that were coming to life in Czechoslovakia. For the U. S. to do anything equivalent we would have to invade one of the Nato countries like England, or perhaps France, when their internal policies did not suit us. Talk about strange reversals, the very Europeans who were saying that the United States should get out of Vietnam, said when the Czechs were invaded, "Why doesn't America do something!"

It is important to note that U. S. foreign policy is subjected to an almost merciless internal criticism. When our policy makers make a decision they must defend it before our people, and their decision can be criticized and even reversed. The Russian people do not have this right. They were never given the facts with regards to the Czech invasion. Some of the Russian troops were so misinformed as to the situation there that they had to be withdrawn once they saw the real intentions of the Czechs. There is no public, internal criticism of the party and the state in the Soviet Union. This makes the diplomacy of any free country, vis-a-vis Soviet Russia, most dangerous. For they can make sudden reversals with no explanation.

One cannot help reflecting on the cynical, calculating, and immoral nature of the men in power in the Kremlin. Not only did they break their own Warsaw Pact by invading Czechoslovakia, but they also pretended to confer with the Czechs and to have resolved their differences before the invasion! At Cierna (Chair-nah) and later at Bratislava (Brah-tee-slah-vah) they acted as if they spoke in good faith, signed joint statements, which indicated that compromise and peaceful coexistence were possible between different kinds of Communism. They appeared in public with the Czech leaders, smiling with bouquets, and then when the world and the Czechs thought the war of nerves was over, they sent in the troops.

The Czech passive resistance was incredible. Street signs were changed. As the radio stations were taken over illegal stations continued to keep the people informed. During the first days of occupation a party congress of over 1,000 delegates was held, which elected only liberals to the central committee, and the Russians could not find collaborationists anywhere in the country. But all to no avail, for there was and is no limit to the amount of force the Russians are willing to use.

The Russians have proven once again that they are absolutely incapable of signing an agreement or a treaty which embodies real compromise. Their idea of treaty making is not to follow the spirit of a treaty, but rather to use both the negotiations and the treaty as an instrument of diplomacy to achieve their goals. This is to be expected because they treat the internal laws of their society in the same cavalier manner. The Russians will break any treaty, any agreement or law, in order to get what they want. In this the Russians have not changed one iota since the heyday of Lenin and Stalin. World War II began with Russia signing a non-aggression pact with Hitler so that the two of them could divide Poland. Then Russia abandoned her commitments to France when France was invaded; seizing meanwhile the free peoples of Latvia, Estonia, and Lithuania.

Soviet foreign policy, from Stalin to the present, has been a series of imperialistic intrigues. American are rather naive, because we keep thinking that the Russians are capable of signing a treaty and then of keeping it. They will keep no treaty which is not enforced by external power.

During the Czech crisis it was reported that "the United States (had) advised the Soviet Union through private diplomatic contacts that an armed intervention in Czechoslovakia would imperil President Johnson's efforts for a rapprochement in relations between the United States and the Soviet Union." What insane naivete to think that the Russians would care! And, of course, they didn't.

In America we keep swinging back and forth between the insane paranoia of the McCarthy era, and an ignorant, uncritical acceptance of the current Soviet facade. To do this is simply to ignore the realities of Soviet history.

Many people have been counting on the evolution of Russia. This theory is that in Russia things will get better and better, more and more liberal. There will be reforms, and eventually freedom of discussion and even perhaps the right to differ in print. It would be nice. But the Czech incident shows how deeply the Russian leadership is committed to the closed society.

How can a one party system be reformed in a country that has never known freedom, has always known absolutism, and which strictly controls all information? In Russia there is not much basis upon which to build a society of law, law in our sense of that word, impartial laws, protecting people's rights.

Of course we must come to some kind of an understanding with the Soviets, but we must never turn our back on them. Every treaty with them must be enforceable by direct action of the contracting parties. They care much less about the world opinion than we do.

Sometimes I wonder how our nation can survive against forces which do not have internal processes of dissent. Our national processes are an open book for the world to see. Our defense budget is a matter of public discussion. Our leaders are under constant pressure, in these days especially from the left, but also from the right, as they try to meet the policies of countries that have very little, if any, internal conscience.

The most horrible factor in the Czech invasion is the burden of grey Communist conformity which the Czech people must bear for 10, 15, 20 more years, perhaps forever. What an appalling thing it is that here is a people that have been ready for, capable of, appreciative of democracy since 1918, and they have been denied it since 1938, first by Hitler and then by Russia.

They are not an overpopulated, underdeveloped, illiterate nation; they never had great capitalists who were living on the backs of the poor, but the Communist block nations will not let them live in freedom. What an indictment of the Communist system that this intelligent, peace loving people must be subjugated lest the whole Marxist house of cards come tumbling down. To be that afraid of opposition parties, freedom of the press and discussion, after fifty years of absolute power, is hardly comprehensible! Yet that is where the Soviet Union is today.

We must not forget Czechoslovakia and the rest of the unfree, unwilling Soviet satellites. Be thankful occasionally that you are not a member of a small nation which appreciates and is capable of democracy but which lives next door to the Soviet Union. And with regards to Russia, let us neither be paranoid, nor should we naively assume that they are always well intentioned. Their word of honor, to date, has been absolutely worthless.

ABE LINCOLN'S BIRTHDAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BEGICH. Mr. Speaker, 107 years ago April 14, this Nation underwent a real tragedy and endured a great loss. This past Friday marked the 107th anniversary of the death of an exceedingly strong yet simple man who steadfastly and wisely led our country through its most troubled period. On April 14, 1865, Abraham Lincoln, 16th President of the United States, was mortally shot by John Wilkes Booth at Ford's Theatre in Washington and died the next morning.

Lincoln, the man, possessed a greatness, a nobility of spirit, and a moral passion that lifted him above all other men. Yet he was a man of purest humility and extraordinary wisdom. This country has been, and eternally shall be, very much in Lincoln's debt for this leadership and strength of character utilized so wisely in mending our divided and crippled Nation.

Abraham Lincoln was born in a dirt floor log cabin in the State of Kentucky on February 12, 1809. As a child he absorbed a scanty frontier education—his formal education probably totaled less than 1 year. Books were scarce, but Lincoln taught himself to read and was a close student of the family Bible. His boyhood readings in it provided the store of Biblical quotations and references that later abounded, with great effect, in his addresses and writings.

Lincoln emerged in national politics when he was elected to the U.S. House of Representatives and on December 6, 1847, took his seat in Congress. In 1860 he was elected 16th President of the United States. Despite reaching such a high plateau Lincoln still retained a closeness with his fellowmen. In his deep and genuine humility, Lincoln would say to his audiences:

> I presume you all know who I am. I am humble Abraham Lincoln. If elected, I shall be thankful; if not, it will all be the same.

Of course, he was wrong, because if he had not been elected, this country would not be the same.

Lincoln's wartime presidency was a severe test of the human spirit, and it is a testimony to his greatness that he was able to bind so well the Nation's wounds. When he again took the oath of office—March 4, 1865—the end of the war was in sight, and in his inaugural address he outlined a postwar policy which will illuminate the type of individual he was—a good and kind man, yet endowed with an almost superhuman strength and visionary foresight to forgive and understand. Lincoln urged that instead of vengeance there be "malice toward none" and "charity for all."

Lincoln's words are as timely today as they were a century ago. His beautiful, moving prose brought to his presidency an eloquence that no other incumbent has matched. What he said of Henry Clay, a man he deeply admired, could well be applied to Lincoln himself, and well expresses the greatness of this unique individual:

> He loved his country partly because it was his own country, but mostly because it was a free country; and he burned with a zeal for its advancement, prosperity, and glory, because he saw in such, the advancement, prosperity, and glory of human liberty, human right, and human nature. He desired the prosperity of his countrymen, but chiefly to show to the world that freemen could be prosperous.

SOMETHING "GOOD" ABOUT NEW YORK CITY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HALPERN. Mr. Speaker, for many years now, New York City has been the point of a joke when someone laughing says, "It is a nice place to visit but I wouldn't want to live there." I get discouraged when I hear this because, New York like every other major urban area in the country has its problems, but ours are no worse. I have always believed that for culture, entertainment, fine shops, and endless excitement New York is the place to live.

Recently, an article in the Los Angeles Times and reprinted by the Association for a Better New York described one ex-New Yorker's impresssion of her hometown.

The article, written by Lila Garrett vividly describes her visit to our city and we can see, through her observations, what New York is all about. She is obviously perceptive to the people and things which surround her because her descriptions of the city say so much.

While her return was only for a short while, she has nevertheless captured New York as it is, lively, exciting and real. After reading Mrs. Garrett's article I could not help but think, once again what charm and uniqueness New York has and how much it is part of what is really happening. At this time I would like to share this article from the Los Angeles Times with my colleagues in the House.

[From the Los Angeles Times, Mar. 19, 1972]

VISITING NEW YORK CITY: YES, BUT NEVERTHELESS

(By Lila Garrett)

Try not to hate me but . . . I just visited New York after eight years away, and I loved it.

I didn't want to go; I had to. I gathered my hatpin and my can of hair spray and by the time I landed I was a coil of fear and an arsenal of defense.

But at midnight, Kennedy Airport felt like a hug. Masses of people—thrilled to see each other . . . for some strange reason thrilled to be there—were laughing and crying and kissing. And the criers and the kissers were all ages, sizes, colors . . . babbling in all languages. Maybe it was this spirit of an international party. Maybe it was the colorful walls, the gentle slope of the ramps which made the long walk to the baggage area so easy. Whatever it was, the coil unwound a little . . . but just a little.

After all I'm nobody's fool. I know a terminal does not a city make. And by the time I got to the Manhattan side of the 59th St. Bridge I was prepared for a sea of strewn garbage ("New York is dirty"), addicts in doorways ready to strike ("New York is depraved"), iron bars on store fronts ("New York is a jungle"). Well, I didn't see any iron bars or shadowy figures. And somebody must have pushed the dirt under a big rug across town, because these East Side streets looked scrubbed. If that sounds incredible, Third Ave., once a slum in the shadow of the "El," was now flooded with light and alive with young couples leaving first-run movie houses, full of opinions, telling each other. Why were they so carefree? Didn't they know they were about to be mugged?

Inspired by their luck, I dropped my bags at the hotel and went to the Brasserie, a casual and usually packed downstairs restaurant I used to love years ago. It was only four blocks away, but I took a cab (I wasn't that inspired). I almost fainted at the $1.50 fare. But when I got there, I was delighted to see that the place hadn't changed. I even ran into a couple I knew years ago. They were still married, still teaching (he was now a principal), still involved in the political life of the city. I asked if they had ever been mugged. They hadn't. We talked, we ate, we drank and laughed. When I left I was completely relaxed.

I decided to walk back to the hotel. What's four blocks? Think of the warm terminal, those carefree couples, my unmugged friends. Think of that cab fare!

DARK AND SILENT STREET

I chose Park Avenue. It's still an elegant street and all of that, but it is dark. And silent. I was all alone. I froze a smile and made it fine for two blocks. A man turned a corner and instantly was keeping pace behind me. He was black, and intent and gaining. I told myself, "Fool! Walk, do not run." He walked, did not run. Now I was running. I felt him running. I remembered what my 14-year-old daughter had said when she kissed me goodbye at the airport. "Don't worry, mom. Who would dare mug you?" Right! Confront the confronter! I turned to stare him down. And while I stared, the black, intent, pace keeper passed me with such indifference I wilted with rejection.

Maybe I was angry with myself. I know I was ashamed. Whatever it was, at that moment I lost my fear. That's when I really saw New York.

I saw those four blocks by day with old Gothic structures fully rented to ladies in lavender coats walking their Yorkshire terriers, as cool as if they were living in Dubuque. Haven't the muggers noticed these ladies? Or aren't there enough muggers to go around? I saw the garish, ancient dome of Grand Central Station dwarfed by the black glass and steel structure built around it, pouring into the sky, insisting "today." I remember when they wanted to tear that dome down. But a strong opinion kept it there. Another strong opinion built around. I felt the strength of the people behind those opinions. It made me feel stronger.

I saw Third Ave. by day, another mass of inconsistency, a potpourri. An elegant Italian boutique, next to an open vegetable stand, next to a chic French restaurant. A huge department store, Alexander's took up a whole block, except for the inch of corner that refused to sell out its orange juice stand. I stopped to have a glass. It was delicious. And up the street another new skyscraper which meant to rule the world—frustrated by the dumpy little bar on the corner that stood firm. The salty old lady who had been running that bar for 30 years simply liked it there. Individuality, and the courage to assert it. I like that. I missed it.

The street was jammed. People walking with intention, as though they were late for appointments, passed me. If the muggers were out that day (and I was told this particular corner was a big spot for them), they too were late because they surely didn't stop for me.

I went to Bloomingdale's, once my favorite store in New York, and as usual, it was jammed. The glove counter was four deep, but for some reason nobody was pushing. Resignation? Adjustment? I turned to the lady next to me. "Have you ever been mugged?" I asked. "No," she said, "but I'm careful. You hear so much about it." She knew she was supposed to be afraid. I dropped my new gloves. A young man with long hair and a beard bent down and picked them up. And on the Madison Ave. bus the driver let me on without exact change and two people moved over to make room for me on the bench. "You hear so much about it," that lady had said. Maybe that's it. Maybe people are responding to a common danger by being kinder to each other. I felt happy.

Madison Ave. itself was a visual orgy. Again shop upon shop, the delicatessen next to the art gallery . . . the whole thing. Every shop an expression of its owner, every owner a person, every person with conviction. What's a shopping center? Madison Ave. never heard of one.

Down the side streets it was another world again. Town houses snuggled next to each other . . . one with a New Orleans floral balcony, that seemed to say, "Come to the party and wear anything." Next to it, a flawless English Tudor type that clearly said "black tie only." And next to that an old apartment house that said, "We're rent controlled. Find a vacancy. We dare you!"

I had lunch at Maxwell's Plum . . . a restaurant, cafe, gathering place. I was dazzled. Its ceiling was blazing with an enormous expanse of Tiffany glass. It has endless sections with endless feelings. No two candelabra were alike. No murals matched. But the whole thing was very together. And the people were like the decor, none of them matching, but you felt an urge to table-hop. The owner, Warner LeRoy, lived in Los Angeles most of his life (he's the son of producer Mervin LeRoy). "I like New York," he said. "It's exciting. It's alive. I suppose it all depends on what you're interested in. I'm not interested in what a nice day it is out." He lives on the unchic West Side, two blocks from Needle Park (that's a big drug center). "I walk the streets freely at night. My wife does too. Neither of us has ever seen a mugging." Then who are all these people who are afraid of New York? "People who live outside the city. They know what they read. They know what they hear. They don't know New York."

It was the rush hour when I left, and the streets were full of people, but some of their faces had changed. They looked defensive. With the sinking of the sun I could feel the rising of the fear. I decided not to join it. I went into the street and called, melodiously, "Taxi darling." A cab stopped instantly . . . at rush hour. What a triumph!

The cabby was young, with long hair. There was a bulletproof glass between the driver and me. That sobered me. A lot of cabs have that . . . particularly night cabs. Was he ever mugged? "Yes," he said, "One night a junkie in the back of my cab pulled a gun. I took out my money . . . but before I gave it to him, I told him how much I needed it. He told me how much he needed it. By the time we finished the ride he admitted I needed it more. Not only didn't he take it, but he paid the fare and gave me a good tip."

GREAT FOR CHILDREN

I did a lot those two weeks in New York. I invaded Broadway, saw "The Prisoner of Second Avenue" (loved it), and "No, No Nanette" (eh) and "Twigs" (loved her, hated it). On Sunday I went bicycling in Central Park, along with everybody else . . . and I mean everybody else. There's no traffic through the park on Sundays (Mayor Lindsay did that).

All of us—the old, the young, the richer, the poorer, the muggers, the muggees—were riding bikes, skating in the park, listening to impromptu steel bands and guitarists that cropped up here and there, watching the softball games. "New York is a great place to bring up children," one couple told me, and they had four. "Our children aren't thrown by things. They've seen fights in the streets, they've seen people die. There's conflict in the city, but there's so much more."

They were right. There was so much more. I did everything those two weeks in New York, because it was there to do.

On the flight back to Los Angeles I sat next to a gentle blond young man who also was a former New Yorker, now a struggling artist in Hollywood. He hated New York. He could never get a cab and was mugged twice. We had a discussion on the moral decline in our country, felt most starkly in New York because it's a nerve center. We talked and analyzed. It was all very deep. I fell asleep. When I awoke the plane had landed. The gentle young philosopher had left. I opened my hand case to get my lipstick. The lipstick was there, but my jewelry was gone.

When I got back to my house it had been burglarized.

Why do I love New York? Maybe because it's so alive, so varied, so receptive to individuality. Maybe because it's my first home. Or maybe, just because it's so safe.

NEW IRS TAX SIMPLIFICATION STUDY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ASPIN. Mr. Speaker, I have publicly released a heretofore secret Internal Revenue Service study entitled: "Attitudes of Taxpayers Toward the 1970 Form 1040." The study was prepared at the IRS' request by Crossley Surveys, Inc., and is dated June 1971. It is based on extensive interviews with 2761 taxpayers.

It is interesting to note that while the IRS stanchly maintains that any fifth grader can correctly fill out the standard income tax form, over 97 percent of the taxpayers who have had only some elementary school education have others fill out their tax returns, according to the IRS' own study.

The IRS study also reveals that 70 percent of all taxpayers had someone else prepare their tax return for 1970. The study also shows that the better educated taxpayers—even though their tax returns are more complicated—are much more likely to fill out their own tax returns than are less well-educated taxpayers.

The IRS-consultant study reveals that 92 percent of taxpayers whose education went no further than elementary school had others fill out their tax forms, while 70 percent of those who graduated from high school turned to outside help. Fifty-nine percent of those with some college education and only 43 percent with a college degree used outside help in completing the forms.

Surprisingly the study also reveals that the great majority of taxpayers do not object to the task of filling out tax returns. Almost 60 percent said they were "neutral" about the job of filling out their returns, while 29 percent were "negative" and 6 percent were "positive."

The study also reveals that taxpayers, by a margin of 2 to 1, believe that Form 1040 "is a lot more complicated than it has to be." But, by a 4 to 1 margin, they also believe that the complexity of Form 1040 is "largely a result of our complicated tax laws." But the great majority of taxpayers who have had their returns audited by the IRS recently, felt by a 4 to 1 margin that the IRS was fair in its dealings with them.

This study shows that the people are dissatisfied with the tax system. They are angry at all the loopholes which benefit the wealthy and which make the form so complex, and they are not very satisfied at all with the form itself. In other words, what this study shows is that the middle- and lower-income taxpayer gets it both coming and going. He pays too much in taxes because of all the tax breaks and loopholes in the code for the rich and special interest groups. And then he has to pay what is, in effect, an added tax by being forced to pay for professional tax assistance.

Mr. Speaker, I am hopeful that the public release of this study, and other data that has recently come to light, will increase the chances for significant simplification of the Federal income tax return process in the near future.

The IRS study follows:

ATTITUDES OF TAXPAYERS TOWARD THE 1970 FORM 1040

Prepared for the U.S. Internal Revenue Service, June 1971, Crossley Surveys, Inc.

CROSSLEY SURVEYS, INC.,
New York, N.Y., June 30, 1971.

Mr. ALBERT W. BRISBIN,
Assistant Commissioner, Planning and Research, U.S. Treasury Department, Internal Revenue Service, Washington, D.C.

DEAR MR. BRISBIN: We are pleased to submit the attached summary of findings of a national study among taxpayers. This volume combined with the detailed cross tabulations, provided under separate cover, constitute our report of this year's study.

We hope that the IRS will find the results of value in the design of future forms and instructions as well as in its taxpayer relations programs.

We would like to acknowledge the cooperation and assistance received from your office, particularly on the parts of Messrs. Summers, Wilson and Perlmeter.

Do not hesitate to let us know if there is any way in which we can be of further help. We look forward to the possibility of working with you again.

Sincerely yours,
CROSSLEY SURVEYS, INC.,
FRANKLIN B. LEONARD,
President.

FOREWORD

Background and Purpose

Each year the IRS must revise its basic income tax forms, particularly Form 1040 for individuals, to take into account taxpayer experience, legislative changes and administrative requirements. For the tax year 1969 a major change was made in Form 1040 employing the "building block" approach wherein a simplified basic Form 1040 was supported by various separate detailed schedules.

To evaluate the new Form 1040, the IRS authorized Crossley Surveys to conduct an indepth attitude study among individual taxpayers. The results of that study were reported in June of 1970. By and large the findings were favorable to the new form. The main improvement indicated was for relocation of the instructions which had been printed on the backs of the schedules. For the 1970 Form 1040 this change along with some other revisions were adopted.

Accordingly the IRS authorized a second study of taxpayers to measure the progress that has been made in developing the best possible Form 1040.

The study also had the obectives of providing guidance for further improvement in Form 1040 and to help evaluate and plan IRS taxpayer relations and education programs.

Because of the increased scope of this year's study a broad range of taxpayer attitudes, practices and experiences were covered. Among taxpayers who prepared their own return the focus was on the form itself in terms of positive and negative reactions to individual parts, sections and schedules. In the case of taxpayers who had their returns prepared by others the survey explored the motivations for doing so, the considerations in selecting the preparer, the amount of fee, the kind of preparer used and the nature of the relationship between the taxpayer and the preparer. A specific objective in this respect was to determine what if any changes in Form 1040 might induce these taxpayers to prepare their own returns.

Method

A probability sample of individual taxpayers residing in private households in the conterminous United States was conducted immediately after the filing deadline of April 15, 1971.

The sample definition excluded residents of Alaska and Hawaii as well as those in prisons, hospitals, hotels, religious organizations, educational institutions and on military reservations.

All individuals residing in the selected households who filed a personal income tax return for 1970 were eligible for interview, regardless of who actually prepared the return. In joint return situations, the spouse who prepared the return, or assumed responsibility for its preparation, was the eligible respondent.

Scope

The sample was designed as an enlarged replicate of last year's to facilitate meaningful comparisons between the two studies and track trends.

The allocation of the sample was proportionate to the distribution of taxpayers in the defined universe. All geographic regions and population density areas were represented from large metropolitan areas with over a million population down to rural open country.

The sample was distributed over 80 primary sampling units which consisted of a single county or groups of contiguous counties. In total, about 180 counties were sampled. Within the primary sampling units about 500 clusters (small block areas or enumeration districts) were sampled covering several hundred minor civil divisions. A more detailed description of the sampling procedures is included in the Technical Appendix.

In total interviews were conducted with 2761 taxpayers. Comparison of the results of this survey with the IRS Taxpayer Usage Study on key characteristics shows a remarkably close correspondence thus lending increased evidence to the soundness of the entire survey procedure. This is discussed in more detail in the Technical Appendix.

A copy of the questionnaire is included at the back of this report. The final version was developed through consultation with representatives of the IRS. It was pretested with about 25 taxpayers to insure both its completeness and workability in the field.

SECTION A—REACTION OF TAXPAYERS TO THE 1970 FORM 1040

The charts which appear in this report have been abstracted from the detailed cross tabulations. In many instances only portions of the tables are included and therefore the percentage distributions may add to less than the totals or subtotals.

Where applicable, comparisons are made with the findings from the 1970 study which focused on the 1969 Form 1040.

In the heading of each column a number appears in parentheses representing the percentage of the total number of taxpayer interviews on which the percentage distribution is based. The number of taxpayers interviewed for the 1971 study was 2,761 compared to 1,862 in 1970.

Due to changes in the filing requirements the mean number of returns per household dropped from 1.12 for the 1969 tax year to 1.05 for 1970. A more detailed discussion of the incidence of filing is included in the Technical Appendix.

CHART I.—PERSON WHO PREPARED LAST TWO RETURNS

[In percent]

	1971 study—1970 and 1969 returns, (100)	1970 study—1969 and 1968 returns, (100)
Total taxpayers	100.0	100.0
This tax year, prepared by:		
Someone else	69.8	70.9
Self	30.2	29.1
Last tax year, prepared by:		
Someone else	69.1	63.6
Self	27.7	32.3
Did not file	3.2	4.1
2-year combinations:		
Someone else both years	65.3	61.9
Self both years	25.4	26.6
Someone else this year, self last year	2.3	5.7
Self this year, someone else last year	3.8	1.7
Someone else this year, none last year	2.2	3.3
Self this year, none last year	1.0	.8

Attitudes toward the Form 1040 are most meaningful for those taxpayers who do their own returns. As was found in the 1970 study only about three of every ten taxpayers do their own return.

The percentage of taxpayers who have someone else prepare their return appears to have leveled off this year. Whereas the 1970 study showed an increase from 63.6% for 1968 to 70.9% for 1969 the 1971 study showed 69.1% and 69.8% for the tax years 1969 and 1970 respectively.

CHART II.—INCIDENCE FORM 1040 PACKAGE BEING RECEIVED IN POOR CONDITION

	Base (percent)	Poor condition incidence
Total taxpayers	(100.0) 100	3.0
Prepared own return	(30.2) 100	4.3
Someone else prepared return	(69.8) 100	2.3

The reported incidence of the Form 1040 package arriving in poor condition by mail was higher among taxpayers who did their own return but overall was only 3.0%.

CHART III.—AWARENESS OF A DIFFERENCE BETWEEN THIS AND LAST YEARS' FORMS

[In percent]

Total taxpayers who prepared their own return this year	1971 study, 1970 and 1969 forms (30.2)	1970 study, 1969 and 1968 forms (29.1)
Total	100.0	100.0
This year's form was:		
Different	65.0	88.2
The same	25.1	11.2
Don't know	9.9	.6

Taxpayers who did their own return were asked a direct question as to whether the Form 1040 was the same or different from the previous one. Only about two thirds of these taxpayers said that the 1970 form was different from the 1969 one.

In last year's study 88.2% of those who prepared their own return were aware that the form was different from the previous one.

As might be expected detailed analysis revealed that taxpayers who do their own return and itemize deductions were more likely to be aware of the new form (72.0%) compared to those who take standard deductions (58.1%).

CHART IV.—PRINCIPAL DIFFERENCES NOTICED BETWEEN LAST 2 FORMS (UNAIDED)

	Percent
Total taxpayers who prepared their own return this year (30.2)	100.0
Neutral mentions:	
Questions/lines were in different order	10.9
Fewer forms	6.7
Instructions printed separately	4.6
Tax laws changed	4.4
Use of color	3.8
Positive mentions:	
Instructions/directions generally easy to follow	7.4
Easier, faster to complete	6.8
Negative mentions:	
Instructions/directions generally difficult to follow	4.2
No differences mentioned	33.9

A wide variety of differences between the 1970 and 1969 forms were noticed but no one thing was mentioned with any consistency. In fact about one third of those who prepared their own returns could find no difference between the two forms.

CHART V.—OVERALL PREFERENCE BETWEEN LAST 2 FORMS

[In percent]

Total taxpayers who prepared their own returns both years	1971 study, 1970 and 1969 forms, (25.4)	1970 study, 1969 and 1969 forms, (26.6)
Total	100.0	100.0
This year's form better	37.5	28.9
Greatly better	8.1	10.1
Slightly better	26.5	16.0
Last year's form better:	12.7	34.3
Greatly better	3.7	16.2
Slightly better	7.3	14.5
No perference	49.8	36.8

The 1970 Form 1040 was preferred to last year's by about a three to one ratio whereas the 1970 study showed a slight preference for the 1968 form over the 1969 one.

This year the degree of preference for the 1970 form was primarily "slight" (26.5%) and half of the taxpayers had no preference (49.8%).

CHART VIa.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

[According to type of return]

[In percent]

		Base	Prefer 1970 form	Prefer 1969 form	No preference
Total Taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Itemized deductions	(13.4)	100	36.0	13.8	50.2
Standard deductions	(12.0)	100	38.9	11.4	49.7
Filed joint return	(17.4)	100	40.1	11.4	48.5
Filed separate return	(8.0)	100	31.4	15.5	53.1

Charts VIa–e analyze the overall preference between the 1970 and 1969 forms according to a variety of variables relating to filing status, demographic characteristics and attitudes. The objective was to identify the variables that correlate with acceptance of the new form.

Except for a small segment of taxpayers (6.0%) who do their own return and who say they are bothered some or a lot by the year to year changes in Form 1040 (Table VIe) every group isolated shows a marked preference for the 1970 form. Although the preference ratios for the new form over the old one vary somewhat between segments of taxpayers the differences in most cases are not great. In fact the data support the conclusion drawn from the 1970 study that taxpayer reaction to a new form is largely a function of their attitudes or state of mind.

Table VIe shows that the greatest preference for the 1970 form is among those self preparers who: 1) have a positive attitude toward filling, 2) say they are not bothered by year to year changes in the form, 3) heard favorable publicity or no publicity about the new form.

CHART VIb.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

[According to sex, age, marital status and race]

[In percent]

		Base	Prefer 1970 form	Prefer 1969 form	No preference
Total taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Male	(16.5)	100	38.8	11.4	49.8
Female	(8.9)	100	35.0	15.0	50.0
Under 35 years of age	(9.7)	100	36.8	10.8	52.4
35 to 44 years of age	(5.0)	100	43.8	12.4	43.8
45 to 54 years of age	(5.7)	100	38.9	14.0	47.1
55 to 64 years of age	(3.2)	100	32.2	17.2	50.6
65 years of age and over	(1.8)	100	27.5	11.8	60.7
Married	(18.4)	100	40.6	11.6	47.8
Other	(7.0)	100	29.5	15.5	55.0
White	(23.9)	100	37.3	12.3	50.4
Nonwhite	(1.1)	100	48.4	12.9	38.7

CHART VIc.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

[According to occupation, education, and income]

[In percent]

		Base	Prefer 1970 form	Prefer 1969 form	No preference
Total taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Professional, technical and kindred workers	(5.0)	100	36.2	11.6	52.2
Managers, officials and proprietors	(3.0)	100	39.8	12.0	48.2
Clerical, sales and kindred workers	(5.5)	100	38.4	13.2	48.4
Craftsmen, foremen and operatives	(4.1)	100	41.2	11.4	47.4
Housewives	(2.9)	100	39.2	12.7	48.1
Less than high school graduate	(3.6)	100	35.0	11.0	54.0
High school graduate	(9.1)	100	40.1	15.9	44.0
Some college	(6.0)	100	35.5	12.7	51.8
College graduate	(6.6)	100	36.8	9.3	53.9
Income under $5,000	(4.1)	100	31.0	9.7	59.3
$5,000 to $9,999	(9.2)	100	37.5	13.8	48.7
$10,000 to $14,999	(6.8)	100	42.3	12.2	45.5
$15,000 and over	(4.6)	100	33.9	15.7	50.4

CHART VId.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

[According to region and population density]

[In percent]

		Base	Prefer 1970 form	Prefer 1969 form	No preference
Total taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Northeast	(7.1)	100	43.7	11.7	44.6
Northcentral	(6.9)	100	37.2	10.5	52.3
South	(7.2)	100	37.0	15.0	48.0
West	(4.1)	100	28.1	14.0	57.9
SMSA's over 1,000,000	(9.3)	100	40.9	12.8	46.3
Other SMSA's	(9.2)	100	31.0	14.9	54.1
Nonmetropolitan	(6.9)	100	41.6	9.5	48.9

CHART VIe.—OVERALL PREFERENCE BETWEEN 1970 AND 1969 FORMS

According to attitude toward filing year to year changes in form 1040, awareness of publicity about form 1040 and whether refund due]

[In percent]

		Base	Prefer 1970 form	Prefer 1969 form	No preference
Total taxpayers who prepared own return both years	(25.4)	100	37.5	12.7	49.8
Attitude toward filing:					
Positive	(2.0)	100	40.0	5.5	54.5
Neutral	(19.2)	100	36.9	13.0	50.1
Negative	(7.3)	100	33.2	16.3	50.5
Attitude toward year-to-year changes in form 1040:					
Bothered some or a lot	(6.0)	100	29.1	34.6	36.3
Hardly bothered at all	(19.1)	100	40.2	6.1	53.7
Aware of publicity about form 1040	(7.9)	100	36.2	17.4	46.4
Publicity was favorable	(2.2)	100	52.5	8.2	39.3
Publicity was unfavorable	(4.2)	100	27.8	22.6	49.6
Not aware of publicity	(17.5)	100	38.0	10.5	51.4
Refund due	(18.6)	100	38.8	12.0	49.2
Had to pay	(6.1)	100	34.9	14.2	50.9

SECTION B—ATTITUDES TOWARD SPECIFIC FEATURES OF THE 1970 FORM 1040

A number of different questions were asked to determine what, if any, difficulties taxpayers had with the new form, what they liked and disliked and how it compared with the previous one on a list of specific attributes. The preference questions were asked only of taxpayers who prepared their own returns for both 1970 and 1969. The other questions were asked only of taxpayers who did their own return this year since they were in a better position to evaluate the various elements of the new form.

CHART VII.—FEATURES OF NEW FORM THAT CAUSED DIFFICULTY

[In percent]

Total taxpayers who prepared their own return this year	1971 study, 1970 form (30.2)	1970 study, 1969 form (29.1)
Total	100.0	100.0
No specific feature or item caused difficulty	63.3	51.5
Mentioned some problem	36.6	47.9
Instructions/directions generally difficult to follow	11.2	8.9
Difficulty with a specific line	9.4	11.4
Specific instructions/directions difficult to follow	7.0	8.2
Difficulty with surtax	3.8	5.1
Not enough forms, space	3.2	3.4

Taxpayers who did their own return were shown a copy of the new form and asked to recall any specific features or items that caused them a problem.

More than six out of ten taxpayers claimed that no feature or item caused them difficulty. The percentage of taxpayers mentioning some problem was significantly less this year than last year.

No single item was mentioned by a large proportion of taxpayers. It is interesting to note that the list of difficulties reported for this and last years' studies paralleled each other closely.

There were no important differences between taxpayers who itemized versus those who took standard deductions. However, taxpayers with incomes over $15,000 were somewhat more likely to mention a difficulty than others (46.3%). A problem with some specific instruction or direction was mentioned by 13.2% of the upper income taxpayers.

CHART VIII.—MOST FREQUENTLY MENTIONED WAYS IN WHICH NEW FORM WAS BETTER AND WORSE THAN PREVIOUS ONE

[In percent]

Total taxpayers who prepared their own return this year	1971 study, 1970 form (30.2)	1970 study, 1969 form (29.1)
Total	100.0	100.0
Mentioned something better about new form	48.0	46.8
Instructions, directions	18.1	15.6
Easier, faster to complete	13.0	[1] 2.5
More space to itemize deductions, list income	[1] 2.1	15.6
Mentioned something worse about new form	18.9	55.7
Instructions, directions	6.0	18.1
More pages, longer form	[1] 2.7	14.5

[1] Not next leading mention but shown for comparative purposes.

Many more taxpayers mentioned something that was better about the 1970 Form 1040 than something that was worse. The instructions or directions were cited as better by 18.1% which was three times as many taxpayers as said they were worse (6.0%). The only other improvement mentioned with any regularity was the generalization that the 1970 form was easier or faster to complete.

The differences in responses between the 1971 and 1970 studies reflect the reality of the situation (the 1969 form had more pages and space to itemize than its predecessor) as well as the fact that the 1970 Form 1040 was better received than the one for 1969.

As might be expected taxpayers who took standard deductions were less likely to cite something worse about the 1970 form (14.4%) than those who itemized (23.2%).

CHART IX.—USAGE OF AND EXPERIENCE WITH PEEL-OFF LABEL

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Used peel-off label	86.2	93.4	79.1
Had some difficulty using	6.0	7.3	4.7

Respondents were shown a sample Form 1040 package with a dummy peel-off label. The peel-off label was said to have been used by 86.2% of the taxpayers who did their own return this year. Usage of the label was significantly higher among itemizers than among those who took standard deductions.

Only 6.0% said that they had a problem in peeling off the address label from the cover of the tax forms package and transferring it to the top front page of Form 1040.

CHART X.—USAGE OF AND TOWARD INDEX

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Used index	43.4	45.0	41.7
Index was helpful	42.3	44.1	40.6
Very helpful	24.0	24.6	23.5
Somewhat helpful	18.3	19.5	17.1

After having the index on the front of the Form 1040 package pointed out to them 43.4% of the self-preparers claimed to have used it. Usage was slightly higher among itemizers.

More than four out of ten self-preparers indicated that the index was helpful.

CHART XI.—AWARENESS OF AND REACTION TO QUESTION ON FOREIGN BANK ACCOUNTS

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Aware of question	37.5	43.8	31.3
No reaction to question	27.9	32.4	23.5
People with foreign investments should pay tax	4.3	4.9	3.8

On an aided basis 37.5% of those taxpayers who did their own return this year claimed to remember having seen the question on the top of page two of Form 1040 about foreign bank accounts. Awareness was somewhat greater among those taxpayers who itemized their deductions (43.8%) and among the highest income groups. Awareness was 43.5% and 54.9% in the $15,000–$19,999 and $20,000 and over income brackets respectively.

When asked to describe their reaction to the question, 27.9% said they had none. Only 4.3% seemed to get the idea that the question was designed to discourage tax evasion.

CHART XII.—USAGE OF AND ATTITUDE TOWARD PARTS ON PAGE 2 OF FORM 1040

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Parts used:			
II—Other income	28.7	43.6	14.0
III—Income adjustments	8.3	12.7	4.0
V—Credits	4.3	6.3	2.4
VI—Other taxes	7.8	10.7	5.0
VII—Other payments	6.5	10.5	2.6
None of the above	61.6	43.6	79.4
Used Part IV—Tax computation	51.3	75.7	27.7
	(11.3)	(8.2)	(3.1)
Total self-preparers who used one or more of the above parts (excluding IV)	100.0	100.0	100.0
Parts were:			
Helpful	70.0	68.7	72.
Not helpful	16.9	17.6	15.
No opinion	10.5	11.5	8.

Aided by a sample of the 1970 Form 1040 package relatively small proportions of self preparers claimed to have used each of the parts other than IV—Tax Computation (51.3%) and II—other income (28.7%).

Among those who used one or more of parts II-VII but excluding Part IV 70.0% found them helpful and only 16.9% said they were not helpful.

CHART XIII.—EXTENT OF TROUBLE WITH BACK-TO-BACK SCHEDULES, READING TABLES, AND READING INSTRUCTIONS

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Trouble with back-to-back schedules	14.1	15.4	12.8
A lot	2.8	3.2	2.4
Some	11.3	12.2	10.4
Trouble reading tables on pages 14 and 15 because of small print	8.4	9.7	7.1
A lot	2.2	2.2	2.1
Some	6.2	7.5	5.0
Trouble reading instructions on pages 3 to 13 because of small print	7.3	9.5	5.2
A lot	1.4	1.5	1.4
Some	5.9	8.0	3.8

In answer to direct questions only small proportions of taxpayers who prepared their own returns claimed to have any trouble with the back-to-back schedules or reading either the tax tables or instructions because of small print. There were no important differences between itemizers and those who took standard deductions.

Among taxpayers in the $20,000 plus income category 23.5% claimed to have some or a lot of trouble because of the schedules being printed front and back. Otherwise there were no significant variations by income.

CHART XIV.—COLOR PREFERENCE FOR FORM 1040

[In percent]

Total taxpayers who prepared their own return this year	Total (30.2)	Deductions: Itemized (14.9)	Deductions: Standard (15.3)
Total	100.0	100.0	100.0
Prefer color	65.2	63.3	67.1
Prefer black and white	6.0	7.5	4.5
No preference	28.8	29.2	28.4

Two thirds of the self-preparers indicated a preference for a Form 1040 with blue shading as well as blue and red print versus only 6.0% who would prefer black and white.

There was no important variation in the preference vote by type of deductions or income group.

CHART XV.—PREFERENCE BETWEEN 1970 AND 1969 FORMS FOR SPECIFIC ATTRIBUTES

Among the 25.4 percent of the taxpayers who prepared their own returns both years]

[In percent]

	Preference: This year's (1970)	Preference: Last year's (1969)	Preference: No preference
Overall preference	37.5	12.7	49.8
Clarity of instructions	43.6	12.4	44.0
Location of instructions in tax booklet (unaided)	46.6	11.4	42.0
Ease of following directions for making entries on tax form itself	50.7	11.5	37.7
Amount of time required to complete form	39.0	12.7	48.3
Amount of repitition in making entries	35.9	12.5	51.1
Adequacy of form in providing for deductions	41.0	6.6	52.3

	Preference		
	This year's (1970)	Last year's (1969)	No preference
Ease of comparing with previous year's tax return	33.2	12.0	54.4
Number of different schedules required	36.9	11.0	51.9
Amount of space provided for making entries	41.5	5.7	52.6
Length of form	37.5	12.7	49.9
Ease of making a duplicate copy for personal records	29.8	6.3	63.8
General organization and layout of form	50.7	12.8	36.5
Need for outside assistance	16.8	6.7	76.2
Similarity to previous year's form	32.9	16.5	50.3
Location of instructions (aided)[1]	65.0	15.2	19.7

[1] This preference vote is based on a direct question in which the taxpayer was reminded that last year's instructions were on the backs of the schedules whereas this year's were separate.

The 25.4% of the taxpayers who prepared their own returns for both 1969 and 1970 were asked to express their preference between the two Form 1040's on 14 specific attributes. In addition they were reminded that the 1969 instructions were printed on the backs of the schedules whereas for 1970 they were kept separate and then asked which method they preferred. Because of the nature of the aided question the degree of "No Preference" was lessened considerably. (See bottom line of Chart XV)

The 1970 form was preferred to the 1969 one on every attribute by a wide margin.

The size of the "No Preference" vote is somewhat of a barometer of the importance of an attribute. On this basis "Ease of following directions . . ." and "General organization . . ." would be the most important attributes with "No Preference" responses of 37.7% and 36.5% respectively. On both of these counts the preference for the new form is 4-5 times as great as for the 1969 form.

Either on an aided or unaided basis it is clear that the method of printing the instructions for 1970 was preferred by a wide margin over the system used for 1969.

There were no significant differences in detailed preferences according to kind of deductions and only a few minor differences by income category.

SECTION C—GENERAL ATTITUDES, PRACTICES AND EXPERIENCES RELATED TO FEDERAL INCOME TAXES

A wide variety of questions were asked to gain a better understanding of the attitudes, practices and experiences of taxpayers. Some of this information has already been used to analyze reactions to the new Form 1040.

Knowledge of this kind should also be of value to the IRS in both evaluating and planning its taxpayer relations programs.

CHART XVI.—ATTITUDE TOWARD ANNUAL JOB OF FILING FEDERAL INCOME TAX RETURN[1]

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Positive	6.2	8.0	5.3
Neutral	79.0	76.0	80.5
Negative	28.8	29.1	28.6

[1] The free responses to the question: "Generally speaking, what is your attitudes toward the annual job of filing Federal income tax return?" were classified as positive, neutral, and negative. The distributions add to more than 100 percent since some people gave mixed answers.

Analysis of the responses of taxpayers to the question on attitude toward filing reveals that about 8 out of 10 are neutral. Typical of the responses that were categorized as neutral were "Its the law", "Have to do it", "Necessary evil", "Don't mind filing", and "Something that has to be done". Of the remaining taxpayers most tended to have had a negative, rather than positive, attitude toward the annual job of filing their income tax return.

The group having the lowest percent with a negative attitude consisted of those who tock standard deductions and had someone else prepare their returns (22.9%). A negative attitude tended to correlate with income. Taxpayers with incomes of $20,000 or more had the highest incidence of negative attitude (38.0%).

CHART XVII.—AGREEMENT OR DISAGREEMENT WITH 3 STATEMENTS ABOUT FORM 1040

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
STATEMENTS			
Like most government things form 1040 is a lot more complicated than it has to be:			
Agree	52.8	46.5	55.6
Disagree	26.1	47.9	16.6
The complexity of form 1040 is largely a result of our complicated tax laws:			
Agree	61.4	64.1	60.4
Disagree	15.1	24.2	11.1
In changing form 1040 from year-to-year the IRS is trying to make it easier for taxpayers to use:			
Agree	59.3	77.0	51.7
Disagree	22.3	17.4	24.4

Taxpayers tended to agree with the statement that like most government things Form 1040 is a lot more complicated than it has to be. Agreement with this statement was higher among those who had someone else prepare their 1970 return especially those who itemized their deductions (60.1%).

A clear majority attributed the complexity of Form 1040 to the complicated tax laws. As income increased the more likely was the taxpayer to agree with this statement. About ¾ of those with incomes of $20,000 or more agreed that the complexity was a result of the tax laws.

Similarly, about 6 taxpayers in 10 appreciated the fact that in changing Form 1040 from year to year the IRS is trying to make it easier for taxpayers to use. Those who prepared their own returns were most likely to agree with this statement.

CHART XVIII.—EXTENT TO WHICH TAXPAYERS ARE BOTHERED BY THE YEAR TO YEAR CHANGES IN FORM 1040

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Bothered	16.8	23.3	14.1
A lot	6.7	5.9	7.1
Some	10.1	17.4	7.0

Only a small proportion of taxpayers indicated that they have been bothered by the year to year changes in Form 1040. Even among those taxpayers who prepare their own return and also itemize their deductions the incidence of being bothered by form changes was only 27.5%.

CHART XIX.—AWARENESS OF PUBLICITY ABOUT 1970 FORM 1040

[In percent]

		1970 Preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Awareness publicity	24.3	30.3	21.8
Aware of unfavorable publicity	17.2	20.2	15.9
Aware of favorable publicity	9.7	13.2	8.1

Only about one quarter of the taxpayers claimed to have been aware of any publicity concerning the 1970 Form 1040. In last year's study, 40.3% of the taxpayers were aware of publicity about the 1969 form. However, the ratio of awareness of unfavorable to favorable publicity was about the same both years.

Self-preparers were more likely to be aware of publicity than those taxpayers who had someone else prepare their returns. There was no consistent pattern of awareness by income group.

CHART XX.—INCIDENCE AND NATURE OF CONTACT WITH IRS IN PAST COUPLE OF YEARS ABOUT TAXES

[In percent]

		1970 Preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Contacted by IRS in past couple of years	8.8	10.4	8.2
Nature of contact by IRS:			
Correction of arithmetic	26.2	28.7	24.8
Questioning items on return	41.4	37.9	43.3
Audit	5.7	5.7	5.7
Miscellaneous	27.0	27.6	26.8
Fairness of IRS in its dealing:			
Fair	75.4	85.1	70.1
Unfair	18.4	11.5	22.3

Fewer than one taxpayer in ten has been contacted by the IRS in the past couple of years. The most frequently mentioned explanation for the contact with the IRS had to do with questioning items on the return followed by correction of arithmetic. Although the miscellaneous category was fairly large (27.0%) no single reason was mentioned by more than 2% of the respondents.

As might be expected the incidence of being contacted by the IRS was greater among itemizers particularly those who prepared their own returns (13.9%). As income increased the likelihood of being contacted by the IRS increased. Among taxpayers with incomes of $20,000 and over the incidence of being contacted by the IRS was 24.1%.

Although the nature of contact by the IRS was pretty much the same for self-preparers and others a higher percentage of self-preparers felt that the IRS had been fair in its dealings with them. Analysis by income group revealed no consistent pattern with regard to the fairness or unfairness of the IRS in its dealings with the taxpayer.

CHART XXI.—AWARENESS AND USAGE OF IRS TO COMPUTE TAX

[In percent]

		1970 Preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Aware of IRS	58.0	80.6	48.4
Was eligible	24.3	36.9	19.0
Had IRS compute tax	1.0	.8	1.7

Awareness that the IRS will compute the tax under certain circumstances was considerably higher among self-preparers (80.6%) than others (48.4%).

Further analysis suggests that there is a good deal of confusion on this matter. For example, 24.8% of the self-preparers who itemized claimed that they were eligible to have the IRS compute their tax. Similarly, 17.9% of the people who had someone else prepare their return and who itemized their deductions claimed they were eligible. Furthermore significant proportions of taxpayers in the income groups over $10,000 also claimed to be eligible to have the IRS compute their tax.

Interestingly, the 1.0% of the taxpayers who had IRS compute their tax is the identical percentage that the IRS calculated from its Taxpayer Usage Study, based on a sampling of actual returns.

CHART XXII.—INCIDENCE OF GETTING ASSISTANCE AND TIME REQUIRED TO COMPLETE RETURN

[In percent]

	1971 study, 1970 return (30.2)	1970 study, 1969 return (29.5)
Total taxpayers who prepared their own return this year	100.0	100.0
Incidence of getting assistance	53.8	52.3
Advice of friends, relatives	17.3	16.9
Articles in newspapers, magazines	16.7	18.3
IRS supplementary guides	12.8	14.4
Telephoned IRS	11.8	10.5
Privately published tax guides	11.6	11.0
Radio, television programs, or announcements	7.8	(*)
Advice of accountant, lawyer	7.7	4.8
Visited IRS	5.3	5.7
Speeches or articles provided by civic or other organizations	4.2	1.9
Mean time to complete return (hours)	3.74	4.33

Note: No such category included in 1970 study.

The incidence of getting outside assistance in preparing one's own return did not change from last year. Also, the sources of assistance were consistent both years.

The mean time taken to complete the 1970 return was slightly less than for the 1969 return.

The incidence of getting assistance was higher among itemizers (62.5%) than among those who took standard deductions (45.0%). Itemizers used all sources of assistance to a greater extent than others except in the case of "advice of friends and/or relatives" which was more often mentioned by taxpayers who took standard deductions.

CHART XXIII.—METHOD USED TO DECIDE WHETHER TO ITEMIZE OR TAKE STANDARD DEDUCTION

[In percent]

		Deductions	
	Total (30.2)	Itemized (14.9)	Standard (15.3)
Total taxpayers who prepared their own return this year	100.0	100.0	100.0
Knew deductions large enough/too small	60.2	58.6	61.8
Worked out tax both ways and used method that resulted in lowest tax	22.6	26.3	19.0
Always do it this way	9.2	10.2	8.3
Followed formula in instructions on bottom of p. 5	3.4	3.6	3.1
Was advised by someone else	2.6	.7	4.5

Only a very small proportion of taxpayers followed the IRS formula in the instructions on the bottom of Page 5 to determine whether to itemize or take standard deductions. The majority of taxpayers seemed to know instinctively, presumably based on past experience, whether or not their deductions would be large enough to itemize.

SECTION D—DECLARATION OF ESTIMATED TAX

A series of questions were asked of those taxpayers who made a declaration of estimated tax to determine what practices they follow and their opinions of the reminder notices and mailing envelopes.

CHART XXIV.—INCIDENCE OF FILING DECLARATION OF ESTIMATED TAX

[In percent]

		Base	Incidence of filing declaration
Total taxpayers	(100.0)	100	11.5
Itemized deductions	(55.7)	100	16.3
Standard deductions	(43.9)	100	5.4
Income:			
Under $5,000	(23.5)	100	6.2
$5,000 to $9,999	(36.7)	100	10.1
$10,000 to $14,999	(22.9)	100	10.7
$15,000 to $19,999	(8.1)	100	17.0
$20,000 and over	(5.0)	100	37.2

Overall, 11.5% of the taxpayers claimed that they filed a declaration of estimated tax for the 1971 tax year.

The incidence of filing a declaration of estimated tax is three times as great among those who itemized deductions than for those who took standard deductions. Similarly, there is a strong correlation between the incidence of filing a declaration and income.

CHART XXV.—PRACTICES IN FILING DECLARATION OF ESTIMATED TAX

	Percent
Total taxpayers filing declaration (11.5)	100.0
Objective:	
Try to estimate total tax accurately to minimize amount due at yearend	87.1
Make minimum payments necessary to avoid penalties	11.4
Practices:	
Declaration done at same time as form 1040	87.7
Same person does declaration and form 1040	91.1
Declaration done by—	
Self	26.2
Accountant	43.8
Tax service	18
Lawyer	5.7
Friend or relative	2.8

The vast majority (87.1%) of taxpayers who filed a declaration for 1971 claimed that they tried to estimate their total taxes accurately to minimize the amount due at the end of the year. Only a small proportion admitted that they tried to make the minimum payments necessary to avoid penalties. About 9 out of 10 of the declarations were done at the same time and by the same person as Form 1040.

As was the case with Form 1040 a relatively small proportion (26.2%) of the declarers did it themselves.

CHART XXVI.—HELPFULNESS OF QUARTERLY PAYMENT NOTICES AND EXPERIENCE WITH AND OPINION OF ENVELOPES

	Percent
Total taxpayers filing declaration (11.5)	100.0
Notices helpful	79.2
Very helpful	63.7
Somewhat helpful	15.5
Total taxpayers who prepared their own declaration (3.0)	100.0
Envelopes were a problem to use	12.0
Preferred envelope:	
1970 envelope pack	45.8
Regular business envelope	36.1

Eight out of ten declarers indicated that the quarterly notices reminding them of the next payment date was helpful.

Taxpayers who prepared their own declaration, who account for 3.0% of all taxpayers, were shown a sample of the 1970 envelope pack. Only 12.0% of this group said that the envelopes had been a problem to use.

In answer to a direct question as to whether they would prefer the envelope pack or a regular business envelope like the one provided with the Form 1040 package, a clear plurality chose the 1970 envelope pack.

SECTION E—RETIREMENT INCOME CREDIT

Only 2.9% of the taxpayers filed for a retirement income credit for the 1970 tax year. Among this group 44.3% claimed to be aware that under certain circumstances the IRS will compute the taxpayer's retirement income credit as well as his income tax.

Among the 1.8% of the taxpayers who filed for a retirement income credit for both 1969 and 1970 only about one third said that they noticed a difference between the retirement income credit forms for the two years. No one mentioned having a preference for the 1969 form over the 1970 one.

SECTION F—PRACTICES, EXPERIENCES AND ATTITUDES OF TAXPAYERS WHO HAVE SOMEONE ELSE PREPARE THEIR RETURN

A battery of special questions was directed at the 69.8% of the taxpayers who had someone else prepare their return for the 1970 tax year. As explained earlier this large group of taxpayers seems to have been growing as a proportion of total taxpayers until this year when it leveled off.

CHAPTER XXVII.—INCIDENCE OF HAVING SOMEONE ELSE PREPARE FORM 1040

[In percent]

		Base	Incidence of other preparer
Total taxpayers who had someone else prepare 1970 return	(100.0)	100	69.8
Itemize deductions	(55.7)	100	73.3
Standard deductions	(43.9)	100	65.2
Income:			
Under $5,000	(23.5)	100	76.1
$5,000 to $9,999	(36.7)	100	71.3
$10,000 to $14,999	(22.9)	100	64.6
$15,000 to $19,999	(8.1)	100	61.9
$20,000 or more	(5.0)	100	62.8

The incidence of having someone else prepare the tax return varied only slightly according to whether the taxpayer itemized or took standard deductions, the latter being slightly lower.

Interestingly, the incidence of having someone else do the return was inversely correlated with income. About three quarters of the taxpayers with incomes under $5,000 had their return prepared for them.

CHART XXVIIIa.—PREPARER OF 1970 RETURN

[In percent]

	1971 study 1970 return (69.8)	1970 study 1969 return (70.5)
Total taxpayers who had someone else prepare 1970 return (percent)	100.0	100.0
Tax service	37.7	35.2
Accountant	35.5	36.5
Friend or relative	17.3	15.8
Lawyer	6.1	6.5

The most frequently used preparers were tax services and accountants followed by friend or relative.

The distribution of preparers this year was about the same as last year.

CHART XXVIIIb.—PREPARER OF 1970 TAX RETURN

[In percent]

Total taxpayers who had someone prepare 1970 return	Total (69.8)	Deductions: Itemized (40.8)	Deductions: Standard (28.6)
Total	100.0	100.0	100.0
Tax service	37.7	37.3	38.4
Accountant	35.5	44.8	22.8
Friend or relative	17.3	9.8	27.7
Lawyer	6.1	6.2	5.8

There was no variation in the use of tax services according to whether the deductions were itemized or standard. However, taxpayers who itemized their deductions were twice as likely to use an accountant as those who took standard deductions. Similarly, the incidence of using a friend or relative to prepare the return was much greater for those who took standard deductions.

CHART XXVIIIc.—PREPARER OF 1970 TAX RETURN

	Total	Income (dollars): Under 5,000	5,000 to 9,999	10,000 to 14,999	15,000 to 19,999	20,000 or more
Percent of total taxpayers who had someone else prepare 1970 return	69.8	17.9	26.2	14.8	5.0	3.1
Total	100.0	100.0	100.0	100.0	100.0	100.0
Tax service	37.7	33.8	40.1	43.0	34.8	20.9
Accountant	35.5	24.3	32.6	40.8	47.8	62.8
Friend or relative	17.3	30.0	16.7	9.3	9.4	9.3
Lawyer	6.1	7.7	5.8	4.9	8.0	5.8

There was a considerable amount of variation in the types of preparers used when analyzed by income group. Those with incomes under $5,000 were most likely to use a friend or relative as the preparer.

Tax services were the most popular among those in the two middle income groups from $5,000 and $15,000. Thereafter, as income increases the use of tax services decreases and accountants become more popular. Among those in the highest income group 62.8% reported having used an accountant to prepare the 1970 return.

Use of a lawyer was low in all income groups.

CHART XXIX.—MOST IMPORTANT FACTORS IN SELECTION OF SOMEONE TO PREPARE TAX RETURN AND WHETHER USUALLY USE SAME TYPE OF PERSON

[In percent]

Total taxpayers who had someone else prepare 1970 return	Total (69.8)	Preparer: Tax service (26.3)	Accountant (24.8)	Friend (12.1)	Lawyer (4.3)
Total	100.0	100.0	100.0	100.0	100.0
Cax expert	75.9	81.8	84.4	48.3	72.9
Tonfidential dealings	11.7	9.6	9.8	18.0	20.3
Cost	11.0	8.8	6.3	25.5	7.6
Convenience	2.1	1.7	1.8	4.8	8
Incidence of usually switching type of person selected to prepare return	10.6	12.4	6.0	17.7	.8

Taxpayers who had someone else prepare their return were shown a card on which was listed the first three factors on the facing chart. They were then asked to indicate which one of the factors was most important in selecting someone to prepare their tax return. The vast majority selected "tax expert" as the dominant factor although this was less frequently mentioned by those who had their return prepared by a friend or relative.

"Confidential dealings" was mentioned about twice as often by those who used a friend or lawyer than by those who used a tax service or accountant.

Cost was mentioned with frequency only by those who had a friend or relative prepare their return.

There were no important differences in the factors considered between those taxpayers who took itemized versus standard deductions. Similarly, analysis by income group revealed nothing important although, as might be expected, cost was mentioned as a factor more often by those in the under $5,000 group (16.6%) and this group tended to mention "tax expert" less often (64.2%) than others.

About one taxpayer in ten indicated a tendency to switch the type of person selected to prepare the return from one year to the next.

CHART XXX.—MOST IMPORTANT REASON FOR HAVING SOMEONE ELSE PREPARE 1970 RETURN AND SATISFACTION WITH THE WAY IT WAS DONE

[In percent]

Total taxpayers who had someone else prepare 1970 return	Total (69.8)	Preparer: Tax service (26.3)	Accountant (24.8)	Friend (12.1)	Lawyer (4.3)
Total	100.0	100.0	100.0	100.0	100.0
Too complicated	59.5	59.4	56.2	64.9	60.2
To avoid bother	20.5	18.6	21.2	21.9	23.7
To minimize tax due	11.1	11.6	13.6	6.9	8.5
To avoid risk of paying too little	5.8	7.7	5.5	2.7	5.1
Would require help even if Form 1040 was made simpler	63.1	59.1	58.9	57.1	71.2
Fully satisfied with the way return was prepared	90.8	88.0	91.1	95.2	95.8
Somewhat dissatisfied	5.2	8.1	2.6	2.1	3.4
Very dissatisfied	2.4	2.9	2.0	1.8	------

Taxpayers who prepared their own return for 1970 were shown a card listing the first four categories on the facing chart and asked to rank them in order of importance as reasons for having someone else prepare their return rather than doing it themselves.

About 6 out of 10 taxpayers indicated that the main reason was that doing the return was too complicated. Only small proportions said that their goal was to minimize the tax due or to avoid the risk of paying too little.

There were no important differences in the responses between itemizers and those who took standard deductions. However, the proportion mentioning too complicated as the primary reason for having someone else prepare their return was correlated with income, being highest with the lowest income group (70.2%) and lowest in the upper two income groups in which about half of the taxpayers mentioned this as their main reason.

A clear majority of taxpayers said that they would still have someone do their tax return for them even if Form 1040 was made simpler. While there were slight variations, the majority held this viewpoint regardless of the type of preparer, type of deductions and income group.

Similarly, about 9 out of 10 taxpayers in all analytical groups indicated that they were fully satisfied with the way in which their 1970 return was prepared for them.

CHART XXXI. COST OF HAVING RETURN PREPARED BY SOMEONE ELSE

	Mean cost to those who paid [1]
1971 study—1970 return	16.44
1970 study—1969 return	16.07
Preparer:	
Tax service	13.66
Accountant	21.76
Friend or relative	9.88
Lawyer	18.65
Itemized deductions	19.75
Tax service	16.21
Accountant	23.25
Standard deductions	11.54
Tax service	9.88
Accountant	15.67
Income:	
Under $5,000	12.48
$5,000–$9,999	14.60
$10,000–$14,999	17.26
$15,000–$19,999	22.63
$20,000 or more	35.78

[1] The incidence of having to pay among all taxpayers was 58.3 percent for 1970 and 60.1 percent for 1969.

The mean cost of having a return prepared by someone else among those taxpayers who had to pay for it was just about the same for 1970 as for 1969.

As can be seen there were significant variations in the average amount paid according to the preparer, type of deductions and income.

It is interesting to note that even for returns involving standard deductions accountants charged their clients significantly more than did tax services.

CHART XXXII.—INCIDENCE OF PAYING MORE FOR PREPARATION OF RETURN THIS YEAR VERSUS LAST YEAR

[In percent]

	1971 study, 1970 return (65.3)	1970 study, 1969 return (61.9)
Total who had someone else prepare return for last 2 years	100.0	100.0
Incidence of paying more for most recent year	23.1 (15.0)	30.4 (18.9)
Reasons for paying more among those who did	100.0	100.0
Harder to fill out, complete	35.3	35.6
Price up on everything, inflation	32.0	27.1
Used a different preparer	16.1	15.1

While the difference is not great the incidence of paying more for "this year's" return than "last year's" was less in the 1971 study than in the 1970 study. This is probably a reflection of the new and more complex form that was introduced last year.

CHART XXXIII.—USE OF PEEL OFF LABEL

[In percent]

Total taxpayers who had someone else prepare 1970 return	Total (69.8)	Preparer: Tax service (26.3)	Accountant (24.8)	Friend (12.1)	Lawyer (4.3)
Total	100.0	100.0	100.0	100.0	100.0
Used label	45.0	45.4	41.5	50.2	49.2
Did not use label	25.6	30.5	24.4	20.7	16.1
Don't remember	29.4	24.1	34.1	29.1	34.7
	(38.4)	(14.4)	(14.5)	(6.0)	(2.2)
Whether or not label was given to preparer by those did not use the label or didn't remember	100.0	100.0	100.0	100.0	100.0
Label given to preparer	28.0	24.9	30.5	27.6	31.4
Label not given to preparer	19.9	24.2	20.1	12.0	14.4
Don't remember	52.1	50.9	49.4	60.4	54.2

Just under half of the taxpayers who had someone else prepare their return said that the peel-off label was transferred to the Form 1040 they filed.

Among those who did not use the label or couldn't remember 28.0% claimed to have given the label to the preparer. However, the majority of this group (52.1%) could not remember whether or not they had given the label to the preparer.

SECTION G—TAXPAYER PROFILE

A number of classification type questions were asked of taxpayers to determine their filing status and demographic characteristics. This information is summarized in this section in total and according to whether or not the 1970 return was self prepared.

CHART XXXIV.—FILING CHARACTERISTICS

[In percent]

Total taxpayers	100.0	100.0	100.0
Itemized deductions	55.7	49.3	58.7
Standard deductions	43.9	50.7	41.3
Joint return	65.4	65.7	65.5
Separate return	34.3	34.3	34.2
Schedules used:			
A—Itemized deductions	51.6	48.4	53.4
B—Dividends or interest	28.3	34.2	25.8
C—Own business	9.5	6.1	11.0
D—Capital gains	8.5	9.4	8.1
E—Annuities, pensions, etc	6.5	8.3	5.7
F—Farm income	6.5	4.0	7.6
R—Retirement income credit	2.9	2.8	2.9
None of the above	24.6	34.7	20.3
Entitled to refund	69.7	74.9	67.6
Had to pay	26.1	22.7	27.7

The remaining four charts contrast self-preparers and others on a number of different characteristics.

For example, self-preparers are less likely than others to itemize their deductions. However, on the matter of whether the return was joint or separate self-preparers and others were distributed about the same. Similarly, there were no major differences between the two groups in terms of the individual schedules they claimed to have used except that self-preparers were more likely to say that they used none of the specific schedules. This may be a reflection of the facts or it may represent a problem of recall.

Self-preparers were more likely than others to be entitled to a refund but the difference was not great.

CHART XXXV.—SEX, AGE, RACE, AND MARITAL STATUS

[In percent]

Total taxpayers	100.0	100.0	100.0
Male	60.2	61.6	59.7
Female	39.7	38.4	40.1
Under 20 years of age	6.7	6.6	6.8
21–34 years of age	28.8	36.7	25.6
35–44 years of age	18.0	18.5	17.8
45–54 years of age	20.3	20.2	20.3
55–64 years of age	15.6	11.5	17.4
65 and over	10.3	6.4	11.8
White	91.2	93.5	90.1
Black	5.7	3.6	6.6
Other	1.9	1.3	2.2
Married	69.1	70.0	68.8
Single	17.3	21.5	15.6
Widowed, divorced, separated, etc	13.4	8.4	15.5

The distribution of self-preparers and others by sex was about the same.

Self-preparers had a tendency to be somewhat younger than others and they showed a greater incidence of being single as opposed to widowed, divorced or separated.

CHART XXXVI.—INCOME, EDUCATION, AND OCCUPATION

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Under $5,000	23.5	19.6	25.6
$5,000 to $9,999	36.7	34.9	37.6
$10,000 to $14,999	22.9	26.9	21.3
$15,000 to $19,999	8.1	10.1	7.1
$20,000 or more	5.0	6.1	4.5
Some elementary school	4.3	.4	6.0
Graduated elementary school	8.8	2.4	11.6
Some high school	19.8	12.5	22.9
Graduated high school	36.0	35.7	36.2
Some college	17.1	23.4	14.4
Graduated college	13.5	25.6	8.3
Professional, technical, and kindred workers	11.0	19.7	7.3
Managers, officials, and proprietors	11.7	10.8	12.2
Clerical, sales, and kindred workers	15.0	21.2	12.3
Craftsmen, foremen, and operatives	24.0	16.7	27.2
Service workers	6.0	3.0	7.3
Laborers	6.3	3.0	7.7
Students	4.6	6.5	3.8
Housewives	12.4	12.0	12.4
Retired	6.6	4.9	7.1
Unemployed	1.6	1.3	1.8

Self-preparers tended to have high income and more education than taxpayers who had someone else prepare their return and this is reflected in the occupations of the two groups.

Although there were no important differences between self-preparers and others in terms of geographic location, self-preparers tended more than others to be located in areas of high population density.

CHART XXXVII.—GEOGRAPHIC REGION AND POPULATION DENSITY

[In percent]

		1970 preparer	
	Total (100)	Self (30.2)	Other (69.8)
Total taxpayers	100.0	100.0	100.0
Northeast	24.9	27.6	23.8
Northcentral	30.9	27.5	32.3
South	29.0	28.0	29.5
West	15.2	16.9	14.4
Standard metropolitan statistical areas	69.3	73.9	67.3
Over 1,000,000 population	35.5	37.2	34.5
Under 1,000,000 population	33.9	36.7	32.8
Nonmetropolitan areas	30.7	26.1	32.7

TECHNICAL APPENDIX

Sample Design

The universe of taxpayers was sampled using an advanced multistage stratified area probability technique. At each stage the probability of selection was made proportionate to population size. The method was such that the probability of taxpayers being draw into the sample was equal. The sample is therefore self-projecting to the universe within specific tolerance limits. Because of detailed stratification of the sampling frame by geographic area, population density and intercensal growth rate, the sample has high statistical efficiency. The sample was drawn from Crossley's master frame and consisted of fresh households not previously surveyed by us. Frequent relisting of the households within the master frame insures that newly built households are properly represented.

The first stage of sample selection was of primary sampling units and proceded along the following lines:

a. All counties in the conterminous U.S. were subdivided into nine census divisions.

b. The counties were then grouped into those in and out of Standard Metropolitan Statistical Areas. (SMSA's).

c. Counties in SMSA's were stratified into five population size groups from those in SMSA's over 1 million to those in SMSA's of less than 100,000 population.

d. Nonmetropolitan counties were divided into four groups according to level of urbanization from those that are 50% or more urbanized down to those with no urbanized place in the county.

e. Nonmetropolitan counties were further subdivided into several groupings reflecting the estimated rate of intercensal growth.

f. With probability proportionate to size, 80 primary sampling units (counties or groups of contiguous counties) were selected from the frame formed by the stratification described in steps a–e above.

The second stage of sampling consisted of selecting several hundred minor civil divisions within the 80 primary sampling units.

a. For those minor civil divisions for which the Bureau of the Census provides block statistics, blocks were selected with probability proportionate to the number of households. The objective was to yield block clusters of approximately equal size. Therefore, very small blocks were combined with adjacent ones and large blocks were randomly subdivided.

b. In minor civil divisions not covered by block statistics, enumeration districts were selected with probability proportionate to size. As in the case of blocks, small enumeration districts were combined and large ones were randomly subdivided to produce approximately equal sized clusters.

For selection of households block maps or enumeration district maps were used as aids to canvass and list all households in the sample areas.

In the designation of sample of households a starting unit was designated at random in each sample area and every *n*th household was selected covering the entire cluster.

Sample Execution

About 500 clusters consisting of 7 or 8 households in about 370 minor civil divisions were selected. No substitution was permitted for sample households that did not yield an interview.

In total 3,875 households were sampled. Of these, 498 (12.8%) contained no taxpayers; and 228 (5.9%) were unoccupied. In calculating the completion rate only these households were excluded.

The number of occupied households designated for interview was 3,148. In total, interviews were completed with 2,427 households (yielding 2,761 individual interviews) for a completion rate of 77.0 percent. Households refusing to be interviewed were 10.4%. The following table shows the completion rates for three major population groups:

[In percent]

	Total	Metropolitan areas over 1,000,000	Other metropolitan areas	Nonmetropolitan areas
Total occupied households	(3,148)	(1,271)	(934)	(943)
Total	100.0	100.0	100.0	100.0
Completed household interviews	77.0	72.3	79.2	81.4
Refusals	10.4	13.6	10.2	6.2
Not at home	9.8	11.8	8.6	8.2
Other[1]	2.8	2.3	2.0	4.2

[1] Including language barrier.

To obtain relatively balanced completions a differential callback pattern was used. In central cities of metropolitan areas over one million, 4 callbacks were made. Three callbacks were made in suburbs of metropolitan areas over one million and in all other metropolitan areas. In nonmetropolitan areas two callbacks were made.

The completion rates for the four geographic regions were as follows:

[In percent]

	Total	North-east	North-central	South	West
Total occupied households	(3,148)	(839)	(904)	(886)	(519)
Total	100.0	100.0	100.0	100.0	100.0
Completed household interviews	77.0	73.5	80.5	82.6	67.4
Refusals	10.4	12.5	9.1	7.7	13.7
Not at home	9.8	11.0	7.5	7.3	15.8
Other [1]	2.8	3.0	2.9	2.4	3.1

[1] Including language barrier.

The following table shows that the incidence of filing a tax return for 1970 and the mean number of returns filed per household both dropped compared to 1969.

Among the 3,059 returns filed in the households where successful contact was established the 2,761 completed interviews represents a completion rate of 90.3%.

INCIDENCE OF FILING FORM 1040 THIS YEAR

	1971 study, 1970 return		1970 study, 1969 return	
	Percent	Number	Percent	Number
Total successful household contacts	100.0	2,925	100.0	1,839
No return filed	17.0	498	12.6	232
One or more return filed	83.0	2,427	87.4	1,607
Mean number of returns filed	1.05	3,059	1.12	2,065

Controls at the field interviewing level

Complete written instructions were prepared for administrative, sampling and interviewing procedures in the field. They included full directions for interviewing and recording responses, as well as all details of sampling and selection processes.

All materials—questionnaire, questionnaire instructions, sampling instructions, call record sheets, etc.—were forwarded to local supervisors in each interviewing point. Prior to the scheduled starting date for interviewing, each supervisor held a group meeting of interviewers for training, study and practice. These training sessions generally ran for several hours. Instructions were read word for word, with discussion on any points requiring classification, to insure complete and uniform understanding by each interviewer. Practice interviews were conducted within the group, using the questionnaire.

Each interviewer received an assignment from the supervisor who was responsible for validation and careful examination daily of each person's work. Completed interviews were mailed to the office for editing and processing.

Verification

More than 20 percent of the interviews were immediately verified by phone by the local supervisor in the field. In addition, over 30 percent of all interviews were verified by long distance telephone from Crossley's New York office.

Controls at the processing level

All completed questionnaires were checked against a Call Record Sheet, kept by each interviewer to record the result of each attempt at interview. This is a control to insure strict adherence to the sampling procedures.

Each questionnaire was reviewed by a trained editor for completeness, accuracy, consistency and quality. The editor reviewed each interviewer's work, watched for statements in conflict with previous answers, nonverbatim recording of responses, for repetition of answers, questions asked unnecessarily, and omissions.

Upon completion of editing, questionnaires were selected at random for hand tabulations of questions which were not precoded. Codes were developed for these questions allowing for the later addition of other items that were mentioned with sufficient frequency.

Prior to coding, codes received thorough instructions. Check coding was performed on a 100 percent basis at the start, continuing until an acceptable coder difference level was reached. Thereafter, 10 percent of the work of each coder was checked.

Data and responses coded into miscellaneous categories were recorded verbatim, retained for later analysis, and identified by questionnaire number. The lists were reviewed frequently to determine whether a new category should be added to the code. "Other" categories did not include any items mentioned by as many as 2 percent of the respondents.

All data were transferred to IBM cards. A 100 percent verification check was made of all key punching. Complete consistency checks were made to uncover and correct any coding and punching errors. All statistical computation as well as consistency of bases were thoroughly checked on all tables.

The actual key punching and computer tabulations were subcontracted to Datatab, Inc., a New York service bureau firm that Crossley has used for many years.

Validation of results

Usually the only possible check of sample survey results is to compare the demographic statistics against Census figures. Often this method is not satisfactory since the population studied may differ from that reported by Census and/or the Census figures might themselves be subject to error or be out of date.

On this study there was a unique opportunity to evaluate the accuracy of the entire sampling, interviewing and data processing procedure.

The IRS conducted a Taxpayer Usage Study. This was a detailed analysis of a systematic, random sample of about 6000 tax returns. Other than for a small sampling error the Taxpayer Usage Study can be regarded as an accurate representation of the characteristics of taxpayer returns. Since the Crossley survey measured some of the same characteristics a direct comparison could be made.

As can be seen from the following illustrations the two studies have a remarkably close correspondence. The apparent discrepancy between the percentages reported using schedule E can be explained by the fact that the Crossley study excluded taxpayers living in institutions who represent a large portion of the schedule E users.

[In percent]

	Crossley study	IRS taxpayer usage study
Schedules used:		
A	51.6	46.6
B	28.3	28.7
C	11.0	8.5
D	8.1	9.0
E	5.7	15.3
F	7.6	4.6
R	2.9	1.8
Used preaddressed peel off label	57.4	57.1
Elected to have IRS compute tax	1.0	1.0

INTERNAL REVENUE SERVICE,
Washington, D.C., April 16, 1971.

DEAR TAXPAYER: This letter is to introduce a field representative from Crossley Surveys, an independent public opinion firm. We have commissioned this company to conduct a survey to learn more about the problems taxpayers have in filling out their Federal income tax returns, and the kinds of assistance they need.

Your household has been scientifically selected at random by Crossley to be part of a national cross-section of taxpayers. Your name and address will be held in strict confidence by the survey organization. The views you express will be combined with those of other people in the sample to produce a statistical report that does not identify you or any other taxpayers in the survey.

By conducting studies such as this, we can develop better tax forms to meet your needs, and improve our taxpayer assistance program.

I hope that you will cooperate with the interviewer. Thank you in advance for your help.

Sincerely yours,
ALBERT W. BRISBIN,
Assistant Commissioner,
Planning and Research.

FEDERAL TAX FORM STUDY

1. When you received your 1970 1040 tax forms package in the mail was it in good condition?

No.
Yes.
Did not receive in mail.

2. Did you prepare your own Federal tax return this year for 1970?

Yes.
No (Skip to Q. 3g).

3a. Was the form you used *this* year, for 1970 taxes, the same or different from the one you used *last* year for 1969 taxes?

Different.
Same.
Don't know.

(Actually this year's form was somewhat different from last year's.)

b. What differences, if any, did you notice between this year's and last year's forms? (Probe.)

c. Overall, from your point of view, was the 1970 tax form better, worse or the same as last year's?

Better.
Worse.
Same (Skip to Q. 3e).

d. Was the difference fairly great or only slight?

Great.
Slight.

e. In what ways, if any, was the new form better than the old one? (Probe.)

f. In what ways, if any, was the new form not as good as the old one? (Probe.)

g. To what extent, if at all, are you bothered by the year to year changes in the form 1040, a lot, some or hardly at all?

Bothered a lot.
Bothered some.
Hardly at all.
Don't know.

4. Please tell me whether you tend to agree or disagree with each of the following statements:

a. Like most government things Form 1040 is a lot more complicated than it has to be.

Agree.
Disagree.
No opinion.

b. The complexity of Form 1040 is largely a result of our complicated tax laws.

Agree.
Disagree.
No opinion.

c. In changing Form 1040 from year to year the IRS is trying to make it easier for taxpayers to use.

Agree.
Disagree.
No opinion.

5a. In the past six months or so have you heard any publicity, either favorable or unfavorable about the 1970 tax form?
Yes.
No (skip to Q.6a.)

b. Was what you heard favorable, unfavorable or both favorable and unfavorable?
Favorable.
Unfavorable.
Both.
Don't know.

6a. Have you been contacted by the IRS in the past couple of years about your taxes?
Yes.
No (skip to Q.7a.)

b. What was the nature of your contact with the IRS? Was it. (Read list.)
Correction of arithmetic.
Questioning items on return.
Or something else. (Specify.)

c. Did you feel that the IRS was fair in these particular dealings with you?
Yes.
No.
Don't know.

7a. *If 1970 return prepared by self (Q.2), skip to Q.7n.*

Who prepared your return for this year (1970)?
Friend, relative.
Internal Revenue Service.
Lawyer.
Accountant.
Tax preparation service.
Other (Specify.)

b. Do you usually have the same type of person or service do your return or do you switch around?
Same.
Switch.
Have prepared own in past.

(*Show card A.*)

c. Which of the factors on this card are most important to you in selecting someone to prepare your tax return?
Cost.
Tax expert.
Confidential dealings.
Other (Specify.)

(*Show card B.*)

d. Which *one* of these reasons was the most important reason for having someone else prepare your tax return this year? What was next most important? Third? Fourth?
Rank Order *1, 2, 3, 4, 5*.
Too complicated to do myself.
To minimize tax due.
To save myself the bother.
To avoid the risk of paying too little.
Other (Please specify.)

e. Would you still have someone do your tax return even if the form was made simpler?
Yes.
No.
Don't know.

f. How well satisfied are you with the way in which your return was prepared for you this year? Are you . . . (Read list.)
Fully satisfied.
Somewhat dissatisfied.
Very dissatisfied.
Don't know.

(*Show 1040 forms package and point to peel off label on front.*)

g. Was this peel off label transferred to the Form 1040 you filed this year?
Yes.
No.
Don't know.

h. Did you give the label or the forms package with the label on it to the person who prepared your return?
Yes.
No.
Don't know.

i. How much, if anything, did it cost to have your return prepared this year (1970)?
$———.

j. Who prepared your tax return last year, that is, for 1969?
Friend, relative.
Internal Revenue Service.
Lawyer.
Accountant.
Tax preparation service.
Other (specify.)
Self.

k. Why did you get assistance this year and not last?
(Skip to Q. 12a.)

l. Was the cost of having your tax done this year more, less or the same as last year?
This year (1970).
More.
Less.
Same (skip to Q. 12a.)

m. Why did you have to pay more/less this year than last year?
(Skip to Q. 12a.)

n. Who prepared your return last year, that is, for 1969 taxes?
Friend, relative.
Internal Revenue Service.
Lawyer.
Accountant.
Tax preparation service.
Other (specify.)
Self (skip to Q. 8.)

o. Why did you get assistance last year and not this year?
(Skip to Q. 9a.)

8. Now I would like to have you give me your opinion, if any, as to which form was better, this year's or last year's on a number of different specific characteristics. First, how about the instructions that accompanied the tax form. By this we mean the descriptions of the sources of income that must be declared, the deductions which you are entitled to take and the different methods of filing. Which instructions were clearer and easier to understand, this year's or last year's?

Q. 8 Preference: this year's (1970); last year's (1969); no pref./D.K.

Characteristics:
A. Clarity of instructions.
B. Location of instructions in tax booklet.
C. Ease of following directions for making entries on tax form itself.
D. Amount of time required to complete form.
E. Amount of repetition in making entries.
F. Adequacy of form in providing for deductions.
G. Ease of comparing with previous year's tax return.
H. Number of different schedules required.
I. Amount of space provided for making entries.
J. Length of form.
K. Ease of making a duplicate copy for personal records.
L. General organization and layout of form.
M. Need for outside assistance.
N. Similarity to previous year's form.

(*Show respondent 1970 Federal income tax forms booklet.*)

9. I would like you now to think specifically about the income tax form you used to prepare your return this year.

Looking through this booklet and the forms, do you recall a specific feature or item that caused a problem for you?
Yes.
No. (Skip to Q. 9b.)

a. What was it?

(*Point to peel off label.*)

b. Did you use this label?
Yes.
No.
Don't know (Skip to Q. 9d.)

c. Did you have any problem in peeling off the address label from the cover of the tax forms package and transferring it to the top front page of form 1040?
Yes.
No.
Don't know.

(*Point to index on front page of booklet.*)

d. Did you use the index when preparing your 1970 return?
Yes.
No.
Don't know (Skip to Q. 9f.)

e. Was the index very helpful, somewhat helpful or not helpful at all?
Very helpful.
Somewhat helpful.
Not helpful at all.

f. Do you remember seeing a question on this year's Form 1040 about foreign bank accounts?
Yes.
No.
Don't know (Skip to Q. 9h.)

g. What reaction, if any, did you have to the question on foreign accounts?

(*Point to second page (back) of form 1040.*)

h. This year the back of Form 1040 provided space for summarizing certain kinds of income (*Point to part II*), adjustments to income (*Point to part III*), credits (*Point to part V*), other taxes and payments, (*Point to parts VI and VII*). Which, if any, of these parts for summarization did you use?
Part II.
Part III.
Part V.
Part VI.
Part VII.
None (Skip to Q. 9j.)

i. Did you find this provision for summarizing helpful or not?
Yes—helpful.
No—not helpful.
No opinion.

(*Point to Part IV, tax computation.*)

j. Did you use this section to compute your tax or were you able to read your tax directly from the tables?
Used Part IV.
Did not use.
Don't know.

(*Turn to instructions pages 3 through 18 and leaf through them quickly.*)

k. Last year instructions were printed on the backs of the various schedules. This year the instructions have been kept separate and the schedules have been printed front and back. Which method do you prefer, this year's or last year's?
Prefer this year—1970.
Prefer last year—1969.
No preference.

l. To what extent, if at all, did you have trouble this year because the various schedules were printed back to back?
A lot of trouble.
Some trouble.
No trouble.

(*Point to tables, pages 14, 15 and back of package.*)

m. To what extent, if at all, did you have trouble reading these tables because of the small print?
A lot of trouble.
Some trouble.
No trouble.

(*Point to instructions, pages 3–13.*)

n. To what extent, if at all, did you have trouble reading the instructions because of the small print?
A lot of trouble.
Some trouble.
No trouble.

(*Point to front of Form 1040 (third page of booklet).*)

o. You will notice that the IRS has used blue shading as well as blue and red print. Do you find the use of color helpful or would you prefer a white form with black print?

Prefer color.

Prefer black and white.

No preference.

10. In total, about how much time did you spend in preparing this year's tax return?

Amount of Time (Hours).

11a. As you may know assistance and information concerning the preparation and filing of income tax can come from different sources. For each of the following please tell me if you used it as a source of assistance this year.

Telephoned the Internal Revenue Service.

Visited the Internal Revenue Service.

Internal Revenue Service Supplementary Tax guides.

Privately published tax guides.

Articles in newspapers or magazines.

Speeches or articles provided by civic or other organizations.

Advice of friends/relatives.

Advice of accountant/lawyer.

Radio or television programs or announcements.

None.

b. Who was the sponsor of the helpful information you got this year from radio or TV? (Do *not* read list.)

(*Ask all.*)

12a. When you file your Federal tax return you can either take a standard deduction or you can itemize your deductions for such things as contributions, medical expenses, interest and certain taxes. For *this* year, that is, for 1970 taxes did you take the standard deduction or itemize your deductions? Did you take the standard or itemized deductions last year?

Standard deductions. This year 1970; last year 1969.

Itemized deductions. This year 1970; last year 1969.

(*Show Card C.*)

b. Which of the statements shown on this card best describes how you decided on whether to itemize or take the standard deduction?

Followed formula in instructions on bottom of Page 5 (point to page 5 instruction).

Worked out tax both ways and used method that resulted in lowest tax.

Was advised by someone else.

Just knew deductions would be too small to itemize.

Just knew deductions were large enough to itemize.

Always do it this way.

Some other way (please specify).

13. Generally speaking, what is your attitude toward the annual job of filing your Federal income tax return? (Probe)

14a. Were you aware that under certain circumstances the IRS will compute your tax? All you have to do is fill in the information on Form 1040 about your income, exemptions and marital status and mail it to the IRS. They will compute the tax due and refund any overpayment or send you a bill for the amount owed.

Yes.

No. Skip to Q. 15.

b. As far as you know were you eligible this year to have the IRS compute your tax?

Yes

No. Skip to Q. 15.

c. Did you have your tax computed by the IRS this year?

Yes.

No.

d. Why not?

Skip to Q. 15.

e. Some people tell us that their main reason for having IRS figure the tax is to delay making their payment while others do it primarily to avoid having to make the computations. What was your main reason?

Delay payment.

To avoid computations.

Both important.

15. Were you entitled to a refund this year or did you have to pay?

Refund.

Pay.

16. Did you get a refund last year?

Yes.

No.

I would like to ask a few questions for the purpose of classifying your responses.

17. The income tax form you filed this year had different schedules which were to be attached to it. Please tell me which of the following schedules you used? (Show 1970 Form 1040 and read list)

Schedule A for itemized deductions.

Schedule B for dividends or interest over $100.

Schedule C for own business.

Schedule D for capital gains and mutual fund capital gain dividends.

Schedule E for annuities, pensions, partnerships, estates and trusts.

Schedule F for farm income.

Schedule R for retirement income credit.

18a. You mentioned that you filed Schedule R to get the retirement income credit. Did you also file for a retirement income credit last year?

Yes.

No.

Don't know (Skip to Q. 18d).

b. Were this year's and last year's forms the same or different?

Different.

Same.

Don't know (Skip to Q. 18d).

c. Which one did you find easier to work with?

1970 Schedule R.

1969 Schedule R.

No preference.

d. Were you aware that under certain circumstances the IRS will compute the taxpayer's retirement income credit as well as his income tax?

Yes.

No.

19a. For this year, that is, 1971 did you make a declaration of estimated tax on which you pay installments?

Yes.

No. Skip to Q. 21.

b. In filing their declaration some people try to estimate closely the tax that will be due in order to minimize what they will owe at the end of the year. Others try to pay the smallest required installments necessary to avoid penalties. Which situation would you say best fits your case?

Try to estimate total tax accurately.

Pay smallest installments to avoid penalties.

c. Did you do your Declaration of Estimated tax at the same time as your Form 1040?

Yes.

No.

d. Approximately one month before the 2nd, 3rd, and 4th quarterly estimated tax payments are due the IRS mails you a notice reminding you of the next payment date. How helpful is this notice to you? (Read list)

Very helpful.

Somewhat helpful.

Not necessary.

e. Do you figure your own Declaration of Estimated tax or do you have someone else do it for you?

Do by self.

Someone else does.

f. Who does it for you?

Friend, relative.

Internal Revenue Service.

Lawyer.

Accountant.

Tax preparation service.

Other. Skip to Q. 21.

g. What steps do you take to estimate your tax? (Probe)

h. What tax rate schedules, if any, do you use?

(*Shoe envelope set.*)

20a. Here is a sample of the envelopes IRS provides for mailing your declarations and installment payments. Did you find the envelopes easy to use or did they cause you some kind of problem?

Caused problem.

Easy to use.

b. Which kind of envelope would you prefer: the ones you got this year or regular self addressed loose envelopes like the one that comes with your Form 1040 package?

Prefer this year's.

Prefer regular business type.

21. Are you married, single, widowed, divorced or separated?

Married.

Single.

Widowed/divorced/separated.

22a. What is your occupation?

b. What business or industry is that?

23. What is the last grade of school you completed?

Some elementary school.

Graduated elementary school.

Some high school.

High school graduate.

Some college.

College graduate.

24. Approximately what is your age?

Under 20 years.

21 to 34 years.

35 to 44 years.

45 to 54 years.

55 to 64 years.

65 and over.

(*Show Card D.*)

25. What letter on this card represents your family income for 1970 before taxes?

A. Under $5,000.

B. Over $5,000 but under $10,000.

C. Over $10,000 but under $15,000.

D. Over $15,000 but under $20,000.

E. Over $20,000.

(*Record by observation.*)

26. Respondent's sex:

Male.

Female.

27. Respondent's race:

White.

Black.

Other.

Cluster Frame No.

Name.

Address.

City.

State.

Interviewer.

Household No.

Tel. No. Area Code.

Date.

Val. by.

Date.

THE LATE HONORABLE ADAM CLAYTON POWELL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. DULSKI. Mr. Speaker, the passing of Adam Clayton Powell is a time for both sadness and reflection.

Those of us who served with him in the House came to know him well for his persevering capability as a legislator. He served in this House for 13 terms and his legislative successes are a matter of record.

Dr. Powell was by vocation first a minister in the Baptist Church, having received his doctorate in divinity from Shaw University in 1934. For 40 years he was minister of the Abyssinian Baptist Church in New York City.

There is an appropriate relationship between Dr. Powell's two roles—minister and legislator. In both, he was striving to serve his people—and in this he succeeded very well.

As a member and later chairman of the Education and Labor Committee, Dr. Powell was outspoken and adamant in his support of legislation to help the working man, the uneducated, and the undereducated. He showed particular concern for the oppressed of every race, creed, and color.

Others, particularly members of the committee who served with him, can detail the areas and issues. But suffice it to say that Dr. Powell could take due credit for having brought to fruition some 50 major legislative programs in the fields of education, labor standards, and aid to the poor and the elderly.

There are few pieces of social legislation enacted since World War II which lack the imprint—to one degree or another—of Adam Clayton Powell. He was controversial, but so was nearly every subject with which he and his committee had to deal.

It is too soon to view with true perspective, but I venture to predict that when the history of the social changes of our times are evaluated, the initiative and leadership of Adam Clayton Powell will be most conspicuous and creditable. He was a man who knew his people and their problems and did his best to serve them faithfully in both his roles: as a minister and as a legislator.

UNIFORMED SERVICES SPECIAL PAY ACT OF 1972

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BROTZMAN. Mr. Speaker, I am pleased to join today with a number of my distinguished colleagues in introducing the Uniformed Services Special Pay Act of 1972. It is my conviction that the enactment of this legislation would give the military the authorization which will be necessary if the United States is to achieve its stated goal of an all-volunteer military force by the summer of 1973.

In the 90th Congress I introduced a resolution to express the sense of the House that an all-volunteer military was in the national interest and that such a force should be implemented at the earliest practicable date. Implementation is underway, Mr. Speaker, and I believe the provision of the Uniformed Services Special Pay Act will smooth the transition and assure the eventual success of attracting sufficient numbers of volunteers.

This legislation provides for four types of special pay. First, removal of the restriction on enlistment bonuses to those in combat elements will permit the Defense Department to apply special pay to high aptitude categories in short supply. Second, special pay would be authorized for those who enlist or reenlist into the Selected Reserve of the National Guard and the Reserves. Third, special pay would be authorized to officers with certain occupational skills. High bonuses could be provided to medical, dental, and other specialties. Fourth, the regular reenlistment program and the variable reenlistment program would be combined into a more cost-effective program designed to retain those in special skills.

Flexibility is what is needed to complete the transition to an all-volunteer force, and that is the aim of this bill. The Department of Defense would be allowed to selectively induce certain individuals to reenlist without being bound to a permanent, expensive, across-the-board bonus requirement. This should allow the military to cope with the problem expected to develop as large numbers of the last group of draftees leave the service.

As the economy of the Nation develops, the classes of occupational skills in which there are shortages constantly change. The bill would allow the Department of Defense to implement programs wherein the payment of wage differentials is based on the qualifications of the individual needed by the Armed Forces.

I have been advised, Mr. Speaker, that the Office of Management and Budget and the Secretary of Defense support this legislation which offers a cost-effective method of eliminating the need for draft calls.

SHARE REVENUE, GET OIL

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BOGGS. Mr. Speaker, on recent occasions I have taken the floor to discuss the need to establish a formula by which coastal States can be reimbursed for the public services they render in support of mineral production on the Outer Continental Shelf.

At the present time, 37.5 percent of the revenues derived from mineral production on Federal lands are directed to the States within whose borders the lands are located. This is manifestly fair, for it is the States that provide the roads, schools, hospitals and other public services which make mineral production possible.

Existing law does not provide for similar treatment of coastal States providing identical public services essential to mineral production on the Outer Continental Shelf.

This discrepancy in the treatment of inland States and coastal States has been studied and ably reported by the Times-Picayune and its distinguished executive editor, George W. Healy, Jr.

I am inserting the latest in a series of editorial reports by Mr. Healy, and calling it to the attention of my colleagues.

[From the New Orleans Times-Picayune, Mar. 29, 1972]

Share Revenue, Get Oil

(By George W. Healy, Jr.)

Evidence is mounting, it seems to us, that the Congress of the United States is going to have to begin treating offshore federal lands as it treats inland federal lands.

That is, it is going to have to share with coastal states revenues from offshore lands if it expects those lands to produce more needed energy and to generate billions of dollars for the federal treasury. Certainly, unless it does this, the prospect of increased offshore energy and revenue production is not bright.

During the past four years more than $200 million was shared by the federal government with states having inshore federal lands which produced mineral and other revenues. Louisiana, Texas, California and other coastal states off whose shores billions of dollars have been produced from federal lands have received no share of these revenues.

What are the mounting circumstances which, we believe, must effect change in this inequitable situation?

Many states are resisting proposals for minerals exploration and production off their coasts. Nine state senators and assemblymen from Long Island are pushing four bills in the New York Legislature which would attempt to prohibit drilling in continental waters off New York. Massachusetts, through its governor's office, has stated that it is the public policy of the state to resist drilling to prevent possible damage to its fishing industry.

The fact is that the fish catch off Louisiana has multiplied almost six times since the first oil well was completed off the coast of this state.

Legal action is being taken to seek for the Atlantic Coast states which were among the original American colonies boundaries extending 100 miles into the ocean.

The paramount consideration in the offshore situation, in our opinion, is acute need for more production of energy by the United States.

According to William A. Radlinski, associate director of the Geological Survey, domestic production now meets 76 percent of the nation's requirements for oil and natural gas. By 1985, he expects domestic production will account for only 44 percent of domestic needs.

Mr. Radlinski recently told representatives of the oil industry that whether or not production from the Outer Continental Shelf is expanded will depend largely on reducing public fears of environmental damage.

There is another important consideration. We believe it will depend also on whether the Congress passes legislation providing for sharing with coastal states of revenues which expensive services performed by those states make possible.

States other than Louisiana, Texas and California are beginning to take active interest in the definite need for sharing of the offshore revenues.

The New York State Petroleum Council took note of this need in expressing its opposition to action at Albany seeking to stop or hinder offshore drilling. It pointed out that a factor which should be considered by the New York Legislature before it acts on restrictive bills is "Potential revenue sharing by coastal states in the royalties and bonuses from marine resource development."

Coastal states, obviously, could make good use of this revenue in land reclamation and environmental protection work as well as in other activity for the good of the whole nation. And, of course, the federal government would be sharing with them revenues which they deserve.

As national interest is focused on the growing energy shortage and on ecology, it seems to us natural that more attention will be received by the plight of the coastal states.

What, in our opinion, will be a most important meeting is scheduled in New York April 19–20. It will be a conference on energy and public policy arranged by The Conference Board.

The call for the conference by Alexander B. Trowbridge, board president, is a clear, concise statement of a situation which should concern all Americans who don't desire to turn back the clock and again rely on the tallow candle for illumination, the pine knot for heat and the horse and buggy for mobility.

Mr. Trowbridge said:

"The security of any major nation depends upon its future supply of clean energy. For the first time in its history, the United States faces the problem of declining energy resources, conflicting concerns and philosophies about the use of energy, and mounting socio-economic expectations on the part of the public.

"This conference will attempt to identify the complexities of the problem and assess the costs and benefits involved in ordering the objectives and priorities of a public policy that will serve the best interests of all.

"The conference objectives are to document to the fullest practicable extent the energy supply-demand prospects of the United States; to set out the facts that suggest a problem of major national proportions for the period 1975–1985 and beyond; to distinguish what factors must be considered if we are to meet our energy requirements; to bring forcefully before the conferees, as energy users, the issues that will need resolution if we are to achieve a clean, economical and secure energy supply; and to provide to the public a clear understanding of the impact and tradeoffs that lie ahead in the management of our national energy resources."

Panelists will include representatives of government, industry and organizations directly concerned with protection and improvement of the environment.

The National Wildlife Federation will be represented. So will the Environmental Protection Agency. Producers of oil, gas and coal and distributors of energy will speak.

This conference, we hope and expect, will be one at which participants will listen to each other and look to the common good of all the people.

It should be an antidote for some of the shouting that has been done and still is being done about "energy versus environment."

As Dr. William M. Laird, director of the American Petroleum Institute's Committee on Exploration, has said, enormous amounts of energy are needed just to clean up the environment, "as well as to maintain our present standard of living."

Sharing with the states of revenues from federal offshore lands is becoming a more and more important part of the picture.

SAVE ST. ALBANS NAVAL HOSPITAL

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. PEYSER. Mr. Speaker, at a meeting on January 18, 1972, of the Retired Officers Association, Knickerbocker Chapter, an organization of over 500 retired officers of all services up to the rank of lieutenant general and admiral, the following resolution was passed regarding the rumored closing of the St. Albans Naval Hospital by the Bureau of Medicine of the Department of the Navy.

> Be it resolved that we view with great concern the rumored closing of the St. Albans Naval Hospital. We deem its services to be invaluable to us and our families, as they are no doubt, to the thousands of other retired personnel and their dependents in the metropolitan area. The closing of this hospital would cause irreparable harm to all of us who consider the services of this institution an essential and rightful privilege we have earned and are entitled to.

I remain very concerned about this situation and certainly endorse this resolution, and commend it to the attention of my colleagues in the House.

OHIO AND BOY SCOUTING

HON. WILLIAM J. KEATING

OF OHIO

Monday, April 17, 1972

IN THE HOUSE OF REPRESENTATIVES

Mr. KEATING. Mr. Speaker, Boy Scouting has long been a proud heritage in this country and has played a vital role in developing responsible young men who are able to meet the challenges of this Nation.

I would like to share with my colleagues certain information on the Boy Scouting programs in Ohio.

Ohio provides, of course, a location for important national and regional Scouting events and meetings. As one example, in this past July, Cincinnati served as a center for regional training in the use of the Scouting paraprofessional—a new Scouting concept. But Ohio has made its largest contribution to the Scout movement through its people who serve as leaders of the movement.

Five men from Ohio serve on the BSA executive board. Dwight J. Thomson of Cincinnati, director and special assistant to the chairman of the U.S. Plywood-Champion Papers, Inc., has served since 1962. He is also secretary of the U.S. Foundation for International Scouting. Jeffrey L. Lazarus of Cincinnati, honorary chairman of the board of the John Shillito Co., has served since 1956. Edward L. Kohnle, chairman emeritus of the Monarch Marking System Co. in Dayton, has served since 1953. John R. Donnell of Findlay, senior vice president and director of the Marathon Oil Co., has served since 1953.

Mr. Thomson, Mr. Lazarus, Mr. Kohnle, and Mr. Donnell have received scouting's three highest awards: the Silver Beaver, Silver Antelope, and Silver Buffalo. Lastly, Walter L. Lingle, Jr., of Cincinnati has served since 1954 and is a member of the U.S. Foundation for International Scouting. Mr. Lingle, executive vice-president of the Procter & Gamble Co., has received the Silver Beaver and the Silver Buffalo Awards for his distinguished service to boyhood.

The two men serving on the BSA advisory council are E. J. Thomas of Akron and Oliver P. Bolton of Cleveland. Mr. Thomas, chairman of the board and chief executive officer of the Goodyear Tire & Rubber Co., has been a member of the council for 7 years and is a former BSA executive board member, serving for 14 years. For his service to scouting and to boyhood, he has been presented with the Silver Antelope and Silver Buffalo Awards. Mr. Bolton, associated with Prescott, Merrill, Turben & Co., and an ex-Member of the U.S. House of Representatives, was also a member of the BSA executive board. He was presented with the Silver Beaver and Silver Antelope Awards.

Two men from Ohio are regional executive committee vice chairmen. They are Morris B. Martin of Springfield and Paul H. Pheiffer of Sandusky. Reuben Hitchcock, Jr., of Cleveland was chairman in region 4 for the promotional efforts for the XIII World Jamboree in Japan. Last year the Silver Antelope, for service to boyhood on a regional level, was awarded to William H. Graham of Galion, Judge Perry B. Jackson of Cleveland, Walter C. Langsam of Cincinnati, and Joseph A. Meek of Akron.

Scouting's contributions to Ohio are typified by its program to Save Our American Resources. On just the 1 day, June 5 of this year—Scouting Keep America Beautiful Day—10,000 adults and 60 Scouts collected 1,200 tons of litter, spruced up 15,000 acres of parklands, and cleaned up 2,700 miles of State highways and rivers. This part of the complete program has been so successful that the BSA Executive Board has extended Project SOAR for another year.

Operation Reach is Scouting's approach to the drug abuse problem. Begun by the Boy Scouts of America as a pilot program in a few areas, Operation Reach is now being instituted throughout Ohio and the rest of the country.

The Scout councils in Ohio maintain 38 camps, which cover more than 15,000 acres. Last year 41,000 Scouts and Explorers participated in long-term camping at these camps. The camps additionally hosted 1,173 disadvantaged non-Scouts. From all parts of the country, Scouts and Explorers come to use 70 camping facilities and historic trails in the Buckeye State and are part of the BSA National Campways tour program.

Ohio's 23 Scout councils serve a total boy membership of 232,000. Included are, as of the first of this year, 12,000 young adults in Exploring, 97,000 Scouts, and 123,000 Cub Scouts. Working with these youths are 80,000 adult volunteers and a professional staff of 231.

But Scouting in Ohio provides not just quantity, but quality as well. Scouting's Honor Medal for lifesaving at the risk of one's own life went last year to Eagle Scout Bruce Lamberson, age 16, troop 15, sponsored by the Plymouth Church of Shaker Heights, and Eagle Scout David Potter, age 17, of troop 186, sponsored by Saint Johns Lutheran Church of Columbus.

All in all, Ohio has been and continues to be valuable to the Boy Scouts of America; as Scouting has been and continues to be valuable to the State of Ohio.

THE AMERICAN MERCHANT MARINE

HON. ALTON LENNON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. LENNON. Mr. Speaker, in recent hearings before the House Merchant Marine and Fisheries Committee, Mr. O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy, testified on H.R. 12324, to amend the Cargo Preference Act on oil quota imports.

Mr. Strackbein makes a contribution toward an understanding of the problem of maintaining a viable U.S. Merchant Fleet, and I would like to share his testimony with other Members of Congress. His statement follows:

THE AMERICAN MERCHANT MARINE: EXTREMELY ENDANGERED SPECIES

The American public is properly concerned about the preservation of certain species of the animal world. We read much about the imminent extinction of the bald eagle, the great western condor, the sperm whale, the grizzly bear and other species regarded as ecologically valuable and worthy of preservation.

The American merchant marine is threatened with extinction no less surely and relentlessly than the animal species that are finding survival more difficult year after year because of the encroachment of civilization.

The conditions of competition under which our merchant marine operates are no less onerous and no less threatening to survival than those faced by the animal species that give us concern.

If the animal species about the survival of which we are concerned are really to survive we must create the conditions that will assure their survival. If our merchant marine is to survive we are equally obliged to create the conditions necessary for its survival. Present conditions do not augur well for such a result.

We have an unfortunate tendency in this country to indict an industry for inefficiency if it cannot compete with foreign rivals. Even if we ourselves, the public, by legislation or otherwise load onerous handicaps on an industry we expect it nevertheless to compete with foreign rivals that are not similarly burdened. It may indeed be true that the burdens we have laid on our industry is justified, or at least is so regarded by the electorate. This fact does nothing, however, to sharpen the competitive edge of any industry if its foreign competitors do not carry an equal or similar burden.

There has spread in the public mind the idea that American industry is no longer as dynamic, as eager to overcome obstacles and as ambitious, if you please, as in the past. There may be some truth in the indictment; but the quality of incentive may have as much to do as anything else with any decline in that respect. If domestic shipping is inefficient how do we explain the efficiency of our foreign flag vessels that often operate under the same management? Are the operators suddenly transformed when they operate under a foreign flag? If our industry as a whole has become slack, lack-lustre or even lazy, how do we explain the profitable operation of the numerous enterprises that have been built in recent decades through $80 billion in direct private American investment abroad?

No! American industry, be it shipping, mining or manufacturing, unquestionably still responds when the outlook for profits is sustained by foresight and informed calculation. When, however, the odds are so obviously negative that venture capital would be lost, the incentive necessary as motivation is gone. Then apparent apathy seizes our entrepreneurs. The deciding factor is really then a matter of degree of negative probabilities. If these are overwhelming, stagnation will unquestionably follow. If the outlook, though cloudy, still offers some hope, some venture capital will come forward, but not in torrents. The brighter the outlook, the freer will be the flow of investment capital.

Saying this is, of course, not to reveal some hidden truth. Yet it is necessary to say it in reply to the indictments constantly aimed at American industries that face ruinous import competition. Among these industries our merchant marine is perhaps Exhibit No. 1 in point of naked exposure to foreign competition.

Other industries may have some marginal offset through a tariff on imports. Moreover, much of the American market lies inland from ports of entry. Freight charges on imported goods moving to markets lying at varying distance from the ports of entry offer further competitive insulation. In some instances the heavy costs of moving imported goods far inland virtually delivers the market to domestic producers. Does that fact make such industries less efficient?

Ships do not pass through our customs and there is no tariff on the service they render even if they operate under a foreign flag. Therefore, to repeat, if the cost of *shipbuilding* in American yards is higher than in foreign yards there is no tariff and no inland freight charge to act as an offset. If the cost of ship *operation* is higher on American ships than the foreign, again, there is no offset. The competitive confrontation with foreign shipping is flat-footed. There is no cushion, no insulation.

If the higher costs of American shipping arise from the operation of national policy, such as wage and hour laws, obligatory collective bargaining, insistence on higher standards of living, in terms of space per crew member, food, sanitation, safety, etc., the resulting competitive weakness of the shipping enterprises is not their responsibility; and it is an unfair indictment to lay the blame on them.

The subsidies authorized by Congress, both for ship construction and ship operation, have been voted in recognition of the gaping cost-differential referred to. It is often said that subsidization itself leads to complacency and promotes indolence. While this contention appears to be logical it is solidly refuted by the amazing increase in productivity recorded by our agriculture under the system of price support that has been in effect over 35 years. In point of increasing productivity our agriculture has well outstripped manufacturing industry as measured by output per man-hour. An assured financial return might indeed produce the opposite effect if the income could not be increased by additional effort. The record of rising productivity of our agriculture clearly demonstrates that an assured income *combined with the possibility of enhancing it* if methods of production are improved and greater effort put forth, far from producting indifference or idleness, boosts output and productivity. What has this record of our agricultural program to do with merchant marine policy? We shall see.

It is indeed the policy of this country to maintain a merchant marine that is able to carry 100% of coastwise cargo and a substantial portion of its foreign commerce. This policy, imbedded in law, was reaffirmed in the Merchant Marine Act of 1970. Moreover, appropriations have been voted by Congress designed to inaugurate the implementation of the policy.

Yet, the fact is that capital is not rushing into the void. Venture capital should not be regarded as over-timid if it foresees chilling competitive realities. Foreign costs of shipbuilding have averaged less than half of our costs; and the same is true of ship operation. An average, of course, conceals both the costs that run above and below the average. This means that foreign builders and operators whose costs are even below the average of 45–50% of our costs are hidden among our competitors.

If we seek an explanation of the difference between the response of our agricultural producers to governmental incentive payments, on the one hand and that of our merchant marine, on the other, we have only to examine some of the collateral legislative or administrative measures that accompanied the agricultural subsidies. The subsidy of shipbuilding and ship operation itself falls far short of the support that was and is extended not only to agriculture, but to other segments of our economy.

The agriculture program of price support, acreage withdrawal and soil conservation, was accompanied by very restrictive import quotas on wheat, wheat flour, raw cotton, sugar, dairy products and other items. Wheat and wheat flour imports were limited to less than 1% of domestic production. Raw cotton imports were held to less than 5% of domestic production. Imports of dairy products are similarly limited. Most of those restrictions have been imposed under Sec. 22 of the Agricultural Adjustment Act.

Thus, in addition to a guaranteed price, supported by payments from the Treasury, these various crops were awarded a virtual monopoly of the American market.

Our merchant marine, it is true, enjoys 100% of our coastwise trade; but on the seaward side there is nothing other than limited cargo preferences that reserves a percentage share of our export trade to our merchant marine. In other words there is no counterpart to the import quotas on agricultural products which reserve nearly the whole of our market for our domestic producers.

In the field of transportation *other than ocean shipping* we encounter a monopoly of the domestic market similar to that accorded various agricultural products through import quotas. Air transportation, both passenger and cargo, is reserved for American airlines. This monopoly represents a very sharp difference in treatment of two arms of our extra-territorial transport system. Railroad transportation is a natural monopoly for domestic companies. Even trucking is immune to foreign competition. If air traffic within this country can properly be reserved to American airlines, why cannot at least a "substantial" share of ocean shipping in our import and export transactions also be reserved for American-flag ships, whether subsidized or not.

We may be sure that our airlines would soon fall to the low level of our merchant marine, which now carries only approximately 5% of our total import-export tonnage, should air transportation be opened without restriction to foreign airlines. In the case of the agricultural products enjoying import quota restrictions, there can be little doubt that despite our price support of agricultural products, our wheat, cotton, sugar, peanut growers, and or dairying would all be subjected to ruinous import competition should the import quotas be lifted. The price support of itself would not save them because huge unsold stocks would burst out of our warehouses with costly consequences to the Treasury.

For the same reason our maritime subsidies of themselves cannot rescue our merchant marine.

Beyond the monopoly of the domestic market enjoyed by our airlines, they also enjoy considerable Federal subsidies. In 1971 these came to a total of well over $900 million. By comparison the ship operation subsidy administered by the Maritime Administration totaled $277 million and the ship construction subsidy granted by the Department of Commerce reached a total of $140 million. The two combined were less than half the subsidy to air transportation. (Statistical Abstract of the United States, 1971, Table 583, p. 377). 1971 agricultural subsidies were $5.4 billion, est.).

The competitive position of our merchant marine is such today that but for cargo preferences (military and Foreign Aid shipments) our flag ships would have only negligible cargoes, if any, to carry. The Cargo Preference Act of 1954 prevented the final wrecking of our merchant marine. However, this preference is minuscule compared with the virtual monopolies of the domestic market bestowed on other forms of transportation and leading agricultural products.

Luckily in the field of our maritime activity, from shipbuilding to ship operation, we have a solid statistical base for our judgments and conclusions. The Federal government conducts surveys of actual costs both of ship building and ship operation, here and abroad. We are not reduced to guessing or theorizing when we speak of the cost differential of over 100%. It is a fact of life; and no amount of demagogy can hide the truth.

Moreover, as already said, the merchant marine, outside of the subsidy, enjoys no competitive cushioning in the form of a tariff or inland freight, such as many other industries do enjoy, albeit often to an insufficient degree in view of the wide cost-differentials they also suffer in their competitive confrontation with foreign producers.

To impugn the efficiency and vigor of our industry represents a gratuitous and baseless libel. As already observed, our agriculture which, according to economic or psychological theory, should have become fat, complacent and indolent, under Federal subsidy and import quota protection, has proved the complete opposite to the world, as we have seen.

The upshot of the foregoing is that H.R. 12324 which would amend the Cargo Preference Act by extending it to 50% of the petroleum imported by this country under the oil import quota program, is justified on all counts here considered and would represent a step toward removal of the highly discriminatory treatment that has characterized our management of the public aspects of the welfare of our merchant marine.

This is not to say that the extension of this preference as proposed would bridge the wide competitive gap that separates our merchant marine from its foreign counterpart. To do this will cost money just as surely as all other desirable economic and social objectives cost money; but very much less than many other programs in the public sector.

Alternatively we could regain our historic position in moving world trade if we should repeal the laws that have led to our increased costs. The possibility of doing so even if it were desirable approaches zero as a limit. Therefore, accepting the competitive consequences of our many enactments that raise costs, as fixtures, we must also accept the consequences and stop making a whipping boy out of our merchant marine unless we are bent on killing it. That would be in direct violation of national policy, as already noted. Extension of the cargo preference as proposed under H.R. 12324 would represent appreciable assistance and buy time for other and more far-reaching measures. The bill out of equity, fairness and the national interest, should be enacted.

DECISIVE ACTION IN SOUTHEAST ASIA SURPRISES HANOI: WILL SPEED END OF WAR

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HUNT. Mr. Speaker, the intense bombing of North Vietnam—including the strategic Port of Haiphong and military targets near Hanoi—over the weekend should not surprise anyone and, in fact, it should be welcomed as the kind of decisive action that will quicken the end of the war and insure the safety of our remaining troops as their withdrawal continues.

It is less than amusing that most of the Democrat contenders for the Presidency persist in their criticism of the President's Vietnam policies, because it is becoming increasingly clear that that kind of criticism manifests the devisiveness among our population upon which the North Vietnamese war effort has been sustained. Ironically, however, the North Vietnamese obviously overrated their propaganda successes of the past when they embarked on their massive invasion of South Vietnam across the Demilitarized Zone, because they must have felt sure their sanctuaries in the north would continue to be respected in committing 12 of their 14 regular army divisions to the invasion.

Frankly, I believe the decisiveness of the President's recent actions is the only assurance our remaining American troops in South Vietnam have that their orderly withdrawal will be protected and that their very lives will not be sacrificed by the likes of present-day war antagonists whose mealy-mouthed policies would have our men lay down their arms in surrender and become bunch of sitting ducks in a Sunday shooting gallery. It must indeed be puzzling to our men still in Vietnam, as it is to me and I am sure the large majority of Americans, that the massive North Vietnamese invasion of South Vietnam, including attacks on American men and facilities, was met with silence by the very same individuals who now characterize our response as a dangerous escalation of the war.

Perhaps the shallowness of that position is now revealed to the North Vietnamese and will no longer lure them into the false sense of security they have evidently relied upon in calling the shots so far. The language of decisive action is something about which there is no mistaking the meaning.

Whereas the "peace" talks at Paris have long been acknowledged as a propaganda forum serving only the interests of the North Vietnamese and the Viet Cong, it is now a curious turn of events that the North Vietnamese are begging to begin the talks again in earnest. This, I should think, is evidence of the strategic part the talks have played in the overall conduct of the war by the North Vietnamese. As the President said last January, in disclosing the secret negotiations with the North Vietnamese:

> If the enemy wants peace, it will have to recognize the important difference between settlement and surrender.

THE FARMER AS THE GOOD GUY

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BETTS. Mr. Speaker, recently there has been a great deal of discussion and controversy as to who is responsible for the increase in food prices. Fortunately the Secretary of Agriculture, Hon. Earl Butz, has made a great contribution in the way of explaining the farmers' position. I am inserting in the Record at this point an article he wrote which appeared in the New York Times, April 15, 1972. Those who are so anxious to blame the farmer for the high cost of food should read this and realize how little he contributes to the problem. The article follows:

The Farmer as the Good Guy

(By Earl L. Butz)

Washington.—So your food is costing you more these days, isn't it? And you know why. It's those farmers who are pushing their prices higher and who are grabbing an ever bigger chunk of your hard-earned family income, right?

Wrong.

Food prices have gone up. And farmers are getting more. It was recently reported on one of the national television networks—with the usual barely concealed tone of despair—that beef cattle prices have reached the level of twenty years ago. Can that be right—just up to levels of twenty years ago?

True.

The rancher is getting the same price for his beef that he was getting twenty years ago. What other products that the average family buys are only now reaching the 1952 price level? "But," you say, "I'm not buying beef at 1952 price levels. Beef costs me more—quite a bit more—at the store." Right again. Let's see both why food is costing more and why it isn't even higher:

As everybody knows, one of the most effective antidotes to high prices of anything is to increase productivity. The National Productivity Commission has singled farmers out out of their record on productivity:

A man-hour of work on the farm is producing 3.3 times more than it was twenty years ago. Output per man-hour in the industrial manufacturing sphere is only 1.6 times greater than twenty years ago. Thus, output per man on the farm is increasing twice as fast as it is in the industrial sector.

In 1951, one farm worker supplied sixteen people with food. Now he produces enough for 51 people—more than three times as many as two decades ago.

Twenty years ago the average American consumer paid $23 for food from $100 take-home pay. In 1971 he spent $16 from $100 of take-home pay for food, and he will pay out even less this year. Nowhere else in the world does food take up such a low percentage of the consumer budget.

These outstanding gains have been achieved against some pretty difficult obstacles for farmers. The pricing of farm products is very competitive in this country. Most foods are perishable products. Farmers have to sell them almost the day they are ready. Farmers can't hold milk or eggs very long—even meat animals have to go to market when they reach the right weight. Farmers can't wait for higher prices. And they are less able to pass along their costs than other major economic groups. They don't enjoy industry-wide contracts, franchises, patents, licenses or territories, nor do they have the economic ability to force higher prices and hold them.

Farmers are paying 2.3 times higher wage rates now than they were twenty years ago.

The level of all prices that farmers pay for all purchases has gone up nearly 50 per cent from twenty years ago, and farmers' total production costs have nearly doubled.

Real estate taxes on farms are 3.8 times higher than they were two decades ago.

Indeed, the evidence suggests that farmers, far from getting too much of the national income, are still getting far too little.

Nevertheless, the prices of many farm products have gone up lately, and many people are concerned about it. They have a right to be. But they should be directing their concern at the proper place. Check these figures:

Farm prices for food products are up 6 per cent from twenty years ago. On the other hand, wholesale food prices are up 20 per cent and retail prices a hefty 43 per cent.

Farmers receive only 38 cents from the dollar consumers spend for farm-raised food—down from 49 cents twenty years ago.

Employes in food marketing firms are getting 2.5 times higher wages than twenty years ago; wages for production workers in manufacturing industries are 2.3 times higher than twenty years ago.

The American farmer, far from the corporate landowner he is sometimes portrayed to be, is a hardy and hard-pressed family farmer struggling to earn an income. The rising costs that are really responsible for rising food prices are in the 62 cents of each food dollar that go to the middleman—they are the truckers, marketeers, packagers and retailers who operate between the American farmer and the American consumer.

Recently, one of the leading labor leaders in this country complained that food prices were going up, citing a story Secretary of the Treasury John Connally told about paying $5 for two eggs in a plush New York hotel. The labor leader noted that those eggs brought the farmers whose hen laid them exactly five cents. Maybe it's time he also took note of the fact that neither the prices of eggs in plush New York hotels nor the prices of anything else will stop rising until he and many others who are criticizing President Nixon's economic program while pressing for ever-higher labor costs stop making them go up.

NEW MUSIC COMPLEX IN CINCINNATI—THE PATRICIA CORBETT PAVILION

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. KEATING. Mr. Speaker, the Saturday issue of the Washington Post had an article by Mr. Paul Hume in the opening of the Patricia Corbett Pavilion of the University of Cincinnati's College Conservatory of Music.

The opening of the Corbett Pavilion is the most recent contribution that Mr. and Mrs. J. Ralph Corbett have made to the city of Cincinnati.

In 1967, the Corbetts donated two auditoriums which have brought their contributions to $5.5 million, and have created one of the world's finest centers for the training of young musicians.

The Corbetts were also responsible for the complete renovation of Cincinnati Music Hall by donating $3.5 million in matching grants.

The entire hall has been completely renovated and the stage and backstage area has been prepared for the Cincinnati summer opera.

In the past, the Cincinnati summer opera, which is the oldest summer opera in America, has performed in an open pavilion at the Cincinnati Zoo. Now the opera will be able to carry on its tradition in the beautiful new music hall.

With the Corbett Foundation's most recent grants, Cincinnati Music Hall is now the center for both the world renowned Cincinnati Symphony Orchestra and the Cincinnati Summer Opera.

The Corbett's have also given generously to the Cincinnati hospitals. They recently donated $250,000 to Cincinnati's General Hospital for continued cancer research.

At the request of the famous heart surgeon, Dr. Cooley, the Corbett Foundation donated $100,000 to the Texas Heart Institute in Houston to provide special equipment for their emergency recovery room.

The following article demonstrates the great generosity of Mr. and Mrs. Corbett and the contribution they are making to our city of Cincinnati and the Nation:

CINCINNATI: NEW MUSIC COMPLEX, U.S. PREMIERE

(By Paul Hume)

CINCINNATI.—In what is certainly one of the loveliest intimate opera theaters in the world, Cincinnati is enjoying this week the American premiere of "Callisto," by Francesco Cavalli, a Venetian genius who wrote his music 300 years ago.

The opera production is only one of the events in a week of dedicatory programs celebrating the opening of the Patricia Corbett Pavilion of the University of Cincinnati's College Conservatory of Music. Last Tuesday's ceremonies included a performance of "The Martyr," by Carlisle Floyd, a recital on the handsome Casavant organ that stands against one wall of the new theater, and two ballets by the Cincinnati Ballet Company.

The opening of the Corbett Pavilion in Cincinnati, with its superb facilities, exemplifies a new regional emphasis on opera, as the art expands into many promising new musical centers across the country.

The Pavilion, built at a cost of more than $5 million, is a stunning complex housing a 400-seat theater, facilities for dance training and performance, and a production shop for set design and building. It stands just beyond Corbett Auditorium and Mary Emery Hall, two buildings dedicated five years ago, that house the College Conservatory of Music. Also running more than $5 million, those buildings, given by Mr. and Mrs. J. Ralph Corbett of this city, provide one of the finest centers in the world for the training of young musicians in every branch of the art.

Planned as home for all kinds of music presentations, the Pavilion is an ideal size for intimate opera, dance of every era, chamber music and many other musical forms. Set in a hollow, its buildings, placed fanwise are surrounded by multi-level, landscaped plazas, designed for outdoor concerts as well as student recreation.

In the theater, concrete walls are broken up into myriad reflecting surfaces by slightly raised, abstract designs. The stage is moderately thrust into the house whose seats are on a sharp rise that gives perfect sight and sound to each one.

The whole thing is a striking tribute to its designer, Ming Cho Lee of New York City. The stage facilities easily handle the demands of Cavalli's grand baroque conventions.

"Las Callisto," as its Italian original had it, was revived in that language at England's Glyndebourne Festival in 1970. This week's four performances at the Corbett Pavilion mark the first time for it in this country and its first production in English anywhere.

As Washington knows from the Opera Society's recent performances of Cavalli's "L'Ormindo," operas of this era ask for superb vocal art concealed in a generally quiet pastoral style. Interrupting the quiet from time to time are angry outbursts, and humorous episodes in what today seem a naive manner, but one that was, originally, a highly sophisticated affair.

In the Pavilion's deep orchestra pit, conductor Carmon Deleone, an assistant conductor with the Cincinnati Symphony, turned in a masterful account. His student orchestra included two large harpsichords, and harp, plus the usual winds and strings of the period, supplemented by the organ, superbly played in total darkness—to avoid light distracting to the audience—by Sylvia Plyler.

The entire production was a student affair, with sets and costumes designed and built there, and dancers, chorus, and soloists all from the Conservatory. Cavalli asks today's singers for technical feats with which they have little acquaintance and no experience. By and large the singing was adequate to give a clear idea of how the music should go, without coming very close to real art or vocal style.

The English translation, handsomely done by Geoffrey Dunn, was clearly projected in every case, so that the audience could enjoy the wit, often biting, of the adaptation of the naughty episode from Ovid.

Thanks to the munificence of the Corbetts, the Cincinnati College Conservatory now has magnificent facilities of all kinds to offer its students opportunities to achieve complete command of the musical arts. If it all works out well, this city could become one of the great world centers for the entire art.

EQUAL OPPORTUNITY AT FPC

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. WYMAN. Mr. Speaker, the Nixon administration's policy to afford equal opportunity to women as well as minority groups is producing results. At the Federal Power Commission under the capable leadership of Chairman John Nassikas, the number of women in professional and technical positions has risen by more than 60 percent and nontechnical by 11 percent.

A recent column by Edith Roosevelt appearing in the Manchester, N.H., Union-Leader describes in some detail these creditable accomplishments of Mr. Nassikas at FPC, who, as Mrs. Roosevelt writes, merits commendation for his enlightened personnel policies.

The article follows:

EQUAL OPPORTUNITY AT FPC

(By Edith K. Roosevelt)

WASHINGTON.—The principle of equal opportunity for women in government is being unobtrusively implemented at the Federal Power Commission under the Chairmanship of John N. Nassikas of Manchester, N.H.

FPC personnel records show that since Nassikas took office, there has been during a two-and-one half year period an unprecedented increase of 55 per cent in the number of women employed. The increase has been specifically in the professional and technical categories, including the better paid positions where women are usually hired or promoted only in token numbers.

Between Aug. 1, 1969 and Jan. 1, 1972, the total number of women at the PFC in all categories rose from 325 to 360, an approximately 11 per cent increase. At the same time, the number of women in professional and technical positions at the FPC rose from 68 to 111, an increase of more than 67 per cent or by two thirds.

The total number of FPC employees was 1,093 on Aug. 1, 1961, as compared with 1,099 as of Jan. 1 of this year. Thus, the number of women employees have increased in proportion to the number of male employees while the total number of employees has been approximately constant.

"I'm not giving women any special treatment," Nassikas said when questioned about the change. "This would be patronizing. All I've been doing is simply allowing women to compete in this country, quite a few get hired and promoted strictly on their merits."

Who are the women in professional positions in the FPC? They include lawyers, financial analysts, public utilities and environmental specialists and statistical assistants.

Diverse in backgrounds and specialties, the professional women at the FPC, which this correspondent met, all agree on one thing: They had been given an equal opportunity to compete and they enjoyed their work.

Susan Thomas Shepherd, at the age of 30, makes a salary of $22,000-a-year as an attorney in the Office of the General Counsel.

With long blonde hair and wearing a leather mini-skirt, she has the "with it" appearance of a fashion designer or even a movie starlet rather than the trial lawyer in a technical field that she is.

Yet, according to FPC Executive Director Webster P. Maxson, "Mrs. Shepherd is generally considered to be one of the FPC's most competent litigators."

WOMEN HAVE ADVANTAGE

A young woman with a great deal of determination, Mrs. Shepherd recalls that she resigned from her job with a Des Moines law firm five minutes after the firm informed her that the most she could hope for when she had a law degree was to be the firm's head legal secretary.

Fortunately, she said, she found more enlightened attitudes elsewhere.

"Women lawyers are more accepted in the Eastern part of the country. In the Middle West law firms are afraid women have an advantage," Mrs. Shepherd said.

Does Mrs. Shepherd have any recommendations to would-be lady lawyers on how to get ahead in government or private industry?"

"I think it's a good idea to find out first hand how offices are run before you try to get a job with a law firm," she replied.

This is just what Mrs. Shepherd did herself. She attended a trade school where she learned stenography and, in this way, was able to work her way through both college and Drake Law School. Her knowledge of the nuts and bolts of law offices enabled her, on graduation, as a corporation council with the Iowa State Commerce Commission where she did both law work and supervised clerical work.

As in many modern marriages in which both husband and wife work—her husband, Roger, is a research mathematician studying for his Ph.D. at the University of Maryland. Mrs. Shepherd's husband does his share of the household chores and, in particular, handles the family budget.

"I just have a check book and a handful of credit cards," Mrs. Shepherd said. "My husband does all the figuring."

Mrs. Ruth G. Van Cleve is another attorney who has found that the FPC is glad to use her outstanding talents. She is employed in the Office of General Counsel as Special assistant to the Commission. Her $30,701-a-year job involves working with the Commissioners and preparing formal Commission opinions and decisions. Formerly Director, Office of Territories at the Department of the Interior, Mrs. Van Cleve, received the Federal Woman's Award in 1966.

Mrs. Van Cleve was hired by Nassikas late in 1969 because he was impressed by her qualifications and reputation. Before her arrival at the FPC, her job was formally contested by two male attorneys at the FPC who wanted the position, but Nassikas ruled that Mrs. Van Cleve should have the job.

NO DISCRIMINATION

"Discrimination? I never found any," said Mrs. Van Cleve. "As a matter of fact, since women in good jobs are still a novelty, the men tend to listen to you at meetings since you are something of a curiosity."

A mother of three school-age children, Mrs. Van Cleve, is married to another attorney. She says that she and her husband, Harry Van Cleve, "like to discuss our law work together."

The Van Cleves divide the household work along traditional lines with Mrs. Van Cleve doing the "fuss work—the shopping and taking the children to their dental appointments."

"He prefers the big picture," she said, "such as painting the walls of our home. He also takes responsibility for our share of community activities."

Her life style differs from that of Mrs. Shepherd in that, she said, "It's me that handles all the money matters. My husband doesn't like to spend money."

The Van Cleves own a house in Fairfax County, Va. Both enjoy gardening.

The FPC's Miss Mary Kidd has a different background than the other two in that she started at the bottom with the FPC—as a $2,500-a-year clerk in 1946. Today, Miss Kidd is making about $22,000 as an assistant to the secretary of the FPC, an office responsible for the orderly processing of all matters coming before the Commission under the Federal Power Act and the Natural Gas Act. The office also serves as liaison between industry representatives and FPC staff members.

Nassikas took a personal interest in Miss Kidd after having been impressed by her efficiency and competence in his contacts with her. When her present job became vacant, on Nassikas' iniative, she was jumped to a higher grade with the approval of the Civil Service Commission.

Miss Kidd has this advice to young girls wanting to climb their way up the executive ladder:

"You have to be willing to apply yourself and to do more than is required of you."

Even in her time off the job, Miss Kidd was preparing herself for a better position. Working days at the Commission, she attended George Washington University for several years until she got her Bachelor of Arts Degree.

But there are rewards when you finally make it up the executive ladder—both professional and personal. As a single woman, Miss Kidd's hobby is foreign travel and meeting people from all over the world.

WILLING TO LISTEN

Miss Kidd was formerly chairman of the Evening Group of Welcome to Washington, an international social organization dedicated to building friendships across international boundaries. When she goes to foreign countries on her vacation, she visits the many interesting friends that she has made in this way.

What do these women employees think of Nassikas as a boss? Interviewed separately, all of them singled out his one quality:

"He's always willing to listen."

A man with an open mind—who considers each person as an individual and on the basis of what he or she can produce—this description fits the FPC Chairman. It goes a long way towards explaining the enlightened personnel policies which prevail at the Federal Power Commission.

CARGO THEFT—A NATIONAL DISGRACE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. PICKLE. Mr. Speaker, earlier today on the House floor, I made comments on a television documentary that pointed out the magnitude of the cargo theft problem facing this Nation. I would like to follow up my floor statement by inserting for the information of the Members an article written by Gen. Benjamin O. Davis. This article appeared in the March 20 edition of Traffic World. General Davis is the Assistant Secretary for Safety and Consumer Affairs at the Department of Transportation. I salute General Davis and DOT for the efforts that they have made toward organizing and coordinating the actions of Government, industry, and labor to control cargo theft.

The article follows:

GOVERNMENT ACTION MAY HELP BUT INDUSTRY AND LABOR HOLD FINAL SOLUTION TO CARGO THEFT CRISIS

(By Gen. Benjamin O. Davis, Assistant Secretary for Safety and Consumer Affairs, Department of Transportation)

America's distribution system has a costly Achilles' tendon. Its weakness is theft—a weakness that has resulted in an estimated $1.5 billion in losses through cargo theft and pilferage in 1970.

Obviously, current security measures designed to detect and prevent these crimes of theft and pilferage are inadequate. So the vicious circle of higher insurance premiums, higher prices for the consumer and increasing confidence among criminals has resulted.

We all know that goods in transit are vulnerable to theft. But at the Department of Transportation, we believe that goods are only as vulnerable as people, like you and me, allow them to be. We also believe that an ounce of prevention is worth a pound of regrets. And we are concerned enough about the problems of cargo theft and pilferage to back up our words with action.

Cargo theft is a problem that demands action and concerted action by government, labor and industry now. We cannot afford to and will not wait for even greater drains on our economy from this invidious threat before we act.

Our first action at the Department of Transportation was to co-sponsor a series of conferences on cargo security in June and July 1971 with the Transportation Association of America designed to highlight the magnitude of the problem and to plan a course of action.

At the first conference, John A. Volpe, Secretary of Transportation, accepted leadership for government in dealing with cargo security. He announced the formation and initial meeting of the Interagency Committee on Transportation Security—the first committee designed to be a federal task force for combined effort in combatting crime in transportation. Fourteen government departments and agencies are represented on the committee and I am its chairman.

The secretary also revealed the formation of the Office of Transportation Security within my Office of Assistant Secretary for Safety and Consumer Affairs. The office has been structured to provide leadership and counsel in all phases of cargo security—a sizeable goal. But we are dedicated to that goal. We accept the challenge of improving cargo security.

Industry also heeded the call to action at these conferences by establishing the Transportation Industry Cargo Security Council under the sponsorship of the Transportation Association of America. On this council, shippers, carriers, freight forwarders, insurers and labor organizations are represented. Thus two committees—one government, one industry—went to work closing the loopholes that invite theft and developing deterrents to cargo larceny.

Soon after the conferences ended, the Department of Transportation, working closely with these two committees, developed a 12-part Cargo Security Program. In essence, each part of the program highlights an area in which conference participants felt action must be taken. Action committees have been established with working groups and specific responsibilities for each part of the program. An individual, whose department or agency is represented on the interagency committee, has been selected to head each of the action committees. Department of Transportation employes currently head seven of the 12 committees, with the Departments of Treasury, Commerce, and Justice, U.S. Postal Service and General Services Administration personnel heading the remainder. DOT's Office of Transportation Security provides support for each program leader and works with them closely.

The 12 focal points included in the Cargo Security Program are:

Cargo loss reporting. (Department of Transportation)

Cargo accountability and documentation. (Department of Transportation)

Packaging, labeling, containers and seals. (Department of Transportation)

Carrier liability, insurance and loss claims. (General Services Administration)

Physical and procedural security measures. (Department of Treasury)

Personnel security measures. (U.S. Postal Service)

Coordination of federal programs. (Department of Transportation)

Coordination of state and local government programs. (Department of Transportation)

Law enforcement and criminal prosecution. (Department of Justice)

Pilot projects. (Department of Transportation)

Security research and dissemination of technical data. (Department of Transportation)

Shipper and consumer activities. (Department of Commerce)

This program should give us a handle on the problem of cargo security, supply us with needed data and identify areas susceptible to theft. However, recommendations from these program studies will have to be adopted by industry and labor if an effective program of cargo security is to be realized.

Perhaps the most important part of the Cargo Security Program is the number one item: Cargo loss reporting: Due to the proliferation of current reporting systems, the accurate dimensions of the cost of cargo theft is virtually unknown. Although we all are indebted to Senator Alan Bible and his select committee on small business for providing us to date with dollar estimates, an accurate breakdown is needed to gauge the scope of the problem. So we initiated a study to develop a uniform loss reporting system. We have monitored the progress of the program carefully and are satisfied with the results thus far. We expect to have a report on this program available to all carrier modes by June 30, 1972.

The Office of Transportation Security has been working also on draft cargo security guidelines—a review and evaluation of current protection systems. About 1,500 copies of the draft report have been distributed for review by labor, industry and government. We expect this report to be available to all segments of the transportation industry by June 1 of this year.

The Office of Transportation Security has also implemented several pilot projects. The purpose of these projects is to test the effectiveness of a procedure or a piece of equipment on a cost effective ratio. We put technology to work with some promising results.

One east coast trucking company installed an electronic protection system using motion sensors, and losses have dropped dramatically. There have been no losses from any trailer protected by the system, although there have been several theft attempts—one of which involved a $225,000 load of electronic equipment. The cost of the new system is several thousand dollars less than the previous one. As a result the company is now attractive to firms shipping high risk merchandise; its insurance rates are lower, and higher earnings are predicted.

Another example recently received national publicity. A truck hijacking in New York City was prevented in a project involving truck marking and identification. When a marked truck was hijacked, it was spotted by a police helicopter surveillance team and the hijackers were apprehended.

Secretary Volpe didn't limit his efforts in cargo security to setting up committees or addressing conferences. Recognizing the interdependence of safety and security, he ordered the department's operating administrations to incorporate cargo security as part of their established safety functions. And the administrations responded.

The United States Coast Guard is now establishing security programs at five busy ports (Baltimore, New Orleans, San Francisco, Oakland, and Seattle) as an experiment to insure that the latest and best techniques are being used to combat loss, theft and pilferage.

The Federal Highway Administration has held seminars on cargo security for its Bureau of Motor Carrier Safety inspectors.

The Federal Railroad Administration's eight regional directors are working closely with the railroads in identifying and solving security problems. And FRA is working with the Association of American Railroads in developing pilot projects to improve cargo security.

The Federal Aviation Administration, with a civil aviation security program already in existence, has an office of air transportation security to deal with total ground security as well as antihijacking efforts.

Secretary Volpe also wrote to each of the 50 governors in October, urging immediate attention to the problem of cargo security at the state level. He enlisted the support of the governors in earmarking for cargo security a proportionate share of federal funds from the Justice Department's Law Enforcement Assistance Agency. The Secretary's letter was followed by one from Harold Hammond, president of the Transportation Association of America, and chairman of the Transportation Industry Cargo Security Council, urging the governors to support the Secretary's call to action. Over 30 governors have responded.

The Law Enforcement Assistance Agency also has provided the Department of Transportation with funds for the writing and publication of a handbook on the relationship of organized crime to cargo theft. The handbook should be available by June 30, 1972.

These are just highlights of some of the programs that the Department of Transportation is organizing and implementing to fight cargo theft. But whatever the federal government has done or will do does not diminish the importance of efforts by industry and labor. Cargo security begins at home—in production lines, loading platforms, and offices across the country. The manufacturer, the shipper, the carrier, the union—each and all have a responsibility to share the burden.

We cannot—as Americans—tolerate thievery of any sort. The attitude of certain elements in industry to write off cargo loss as an element of overhead must change or we are fighting a losing battle. And labor must do its part, too. Only by working together with complete commitment at the highest levels of government, industry and labor, can we expect to achieve our goal: Cargo security. I ask for your commitment. Our programs cannot help or succeed without it.

MISSISSIPPI'S VOICE OF DEMOCRACY CONTEST WINNER

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. COLMER. Mr. Speaker, I have long held that the true future of our country lies in the hands of our young people. I firmly believe that the majority of the so-called under-30 crowd is composed of very fine young men and women who want to contribute to the stable development of our country and the world.

Every day I have matters brought to my attention which further substantiate my feelings that our future leaders will be solid citizens who will strive, perhaps even harder than we have, to solve the many problems we are faced with in an orderly and dedicated manner—free of riots, bombings, and marches as we read about the most.

After reading the speech that was delivered by one of my young constituents, Miss Judith Lynn Young of Soso, Miss., on the theme of "My Responsibility to Freedom," my belief in our young people was strengthened even more. Judi was one of more than 500,000 secondary school students in the United States who participated this year in the Voice of Democracy Contest which is conducted each year by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. As the winning contestant from the State of Mississippi, Judi came to Washington recently to compete with the other State winners.

I wanted to share Judi's speech with you, with the thought that you, as did I, will find in it some very thought provoking statements on the freedoms which many of us take for granted. Miss Young's speech follows:

MY RESPONSIBILITY TO FREEDOM

(By Judi Young)

"Dear Mom and Dad, I've gone to look for America." Love, Your teenager.

Yes, how unlikely to imagine leaving home in search of America . . . Or calling, "America! America! Where are you?" Is America gone in search of her freedom? Have I lost America; and she, freedom?

Why couldn't this situation happen? The possibility that it could and someday might prompted me to do massive soul-searching. I found myself doing nothing to hold America in the grasp of freedom. I was hiding behind the glories of my country's founding fathers and concealing freedom in my heart—playing musical chairs with my loyalty! I fanticized that freedom was "yesterday" with the war of revolution and just a moment ago with the United States allying to fight for the freedom of others!

I concluded that you and I must share the responsibility of keeping freedom alive. It will take effort, and how we begin this effort will determine our ending. Can't I do more to preserve freedom in America than recite the pledge to the flag or know the framers of the Constitution? Where can I go for freedom from here? I must realize the potential behind the fact that I am a citizen of the United States of America. No one can take from me the promises of life, liberty, and the pursuit of happiness!! In today's world, though, we can hardly expect these promises without *education*.

Therefore, I can attempt to preserve freedom and democracy by studying to comprehend their principles and struggles. Educational freedom is my right and the responsibility of my parents. What can maintain a democratic habit of mind better than understanding democracy?

America began on an individual basis. The desire for liberty came from thinking Christians seeking religious freedoms. Handed to me from generations of free people is the urge to keep my freedom!

We live in a freely knit society where one might question why we need law. Our system of laws is not intended to restrain us, but rather to protect us from ourselves. History is full of reasons to assure us that law is needed, is effective, and in our country, laws are fairly based. I can motivate freedom's cause by the respect I have for law and order. We teenagers are often to blame for problems of unrest in America, but the draft-dodgers, dope-pushers, and rioters, "for the sake of rioting", are groups of freedom abusers! I wonder what use my freedom would be to me if it destroyed the freedom of others!

No minority governs my privileges and no one is dictating to me where I go or how I speak. I would be enraged if it became impossible for me to make choices! I can aid freedom then by encouraging my federal government to avoid communistic and socialistic influences. It is also my duty to vote in all elections, thus taking a stand in the decisions concerning my country's future freedom. John F. Kennedy offered Americans, young and old, a deep challenge when he said, "Ask not what your country can do for you; ask what you can do for your country."

I did not give my life fighting for freedom in American. Freedom and democracy owe me nothing for their existence. What have I given freedom, in comparison to what she has provided for me; and what was the price paid by the revolutionaries for liberty, when one stops to consider the amount America would pay for her loss of liberty?

I must contemplate my convictions. Do they honestly reflect the principles of freedom? America can not be allowed to forget her patriotic love of independence. Remember and recall the fight for freedom. Think! The day might dawn when we all will be searching for the America we once knew. America could be forced to seek her freedom all over again. I would like to be able to say that I shouldered by responsibility to freedom. Then, if perhaps we fail, I will only have myself to blame.

DELAY IN THE SALE OF OFFSHORE MINERAL LEASES

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. BOGGS. Mr. Speaker, the failure to resume the sale of offshore mineral leases is having a devastating effect upon the economy and people of Louisiana.

The petroleum industry is the heart of our State's economy, and it is essential both to our State and its people. It is our largest employer and largest single source of tax revenues. Approximately 75 percent of Louisiana's contribution to its public schools, for example, comes directly from its petroleum industry.

Today, because of delays in the sale of offshore leases, the petroleum industry is suffering. Investment and employment are down, and Louisiana is losing the personnel and equipment which have made it a world leader in the technology of offshore mineral production.

The full story is not yet known, but it is already clear that valuable production, revenues, and technology are being irretrievably lost.

The failure to conduct offshore lease sales is not only retarding our petroleum industry. It is also forcing cutbacks and lay offs among hundreds of smaller companies providing vital services to the parent industry.

Recently the Times-Picayune of New Orleans sent one of its ablest reporters, Clarence Doucet, on a tour through South Louisiana to survey the impact of the postponement of offshore lease sales. The result was a five-part series of articles, written by Mr. Doucet, which tell the whole story as it should be told.

I am inserting Mr. Doucet's articles in the Record and calling them to the attention of my colleagues:

[From the Times-Picayune, Apr. 4, 1972]

More Offshore Lease Sale Delay Perils Morgan City—95 Percent of Population Directly Dependent on Oil Activity

(By Clarence Doucet, Times-Picayune Staff Writer)

Morgan City, La.—Continued postponement of the sale of offshore oil leases could spell economic doom for this south Louisiana city where an estimated 90 percent of the population is directly dependent on the offshore oil industry for its livelihood.

Last week, a Houston, Tex., company announced it had shelved plans to construct a $2.5 million pipe coating plant here. The main reason: The delay in past offshore lease sales and postponement of the December, 1971, sale.

The impact of a curtailment in offshore operations would reverberate in a shock wave from here and it would be felt along the coast from Lake Charles to Plaquemines Parish.

But it was here that the "Oil Feeds My Family" bumper stickers first appeared, and perhaps no other Louisiana city understands that significance of the offshore oil business quite as well as the people here.

BREAD AND BUTTER

Quite simply, it is their bread and butter.

Already, a lot of expansion money has stopped flowing into the area because of problems related to the last lease sale. Originally scheduled to be held in 1968, it was postponed until 1970.

There are some 150 service companies in the area of Morgan City, Berwick and Patterson, businesses that furnish services for oil companies that operate offshore. Many of these companies are still painfully aware of the economic impact of the last delay.

When they consider that delay and view it along with the seeming uncertainty of future lease sales on a "timely and orderly" basis, they become downright cold.

In 1970, construction companies were able to keep men on the job by bidding for jobs at cost in an attempt to salvage the area's economy.

SPEND MILLION

Says H. W. "Bill" Bailey, vice president of J. Ray McDermott & Co. Inc., the area's largest employer:

"We bought our way through the last delay by spending $1 million. It's something we're not going to do this time. If there's no sale, I'm sure people will start hauling stuff out of here."

In 1970 at Avondale Shipyards' Bayou Black Division nearly 200 workers were laid off despite the company's bidding jobs at cost. Avondale has curtailed its expansion investment here since 1969 because of the uncertainty of the offshore business.

"FIRST EXPERIENCE"

Regarding losses incurred in 1970 in order to keep people working, Dupont says:

"Some people might say if we did this in 1970, we will do it again. But in 1970, it was our first experience with this kind of delay. If we could have known then that there would be another delay around the corner we might have acted differently.

"There is no doubt that we sacrificed a lot of profits to keep people on the job. But we also have a responsibility to our stockholders, and in view of the uncertainty, I don't think we will be as anxious to keep people on the job a year from now if the situation continues."

But Morgan City is experiencing the effects of the on-again, off-again lease sale in more ways than just predictions of what the future will or will not hold.

An example was last week's announcement that Plastic Applicators, of Houston, postponed indefinitely its plans to construct a $2.5 million pipe coating plant here.

SEVERAL FACTORS

L. Bryan, Plastic president, commenting on his company's decision to hold up on the plans that were two years in the making, said several factors combined in making the construction unwise.

Chief among these factors was delay in past offshore lease plans and the postponement of the lease sale scheduled for December, 1971. Further delays in the lease sales because of challenges by various environmental organizations and the willingness of the courts and others to allow indefinite delays in the name of environmental considerations, however far-fetched, have raised serious questions about the economic feasibility of a new, higher capacity plant in the Louisiana area. . . .

"In view of the uncertainty of the near future (and perhaps beyond that) in oil and gas exploration and development operations in offshore Louisiana, therefore, we have indefinitely postponed our plans to build a new pipe coating plant at Bayou Boeuf . . ." Plastic Applicators is a subsidiary of J. Ray McDermott & Co.

Industry spokesmen here and in other nearby areas that rely heavily on the oil industry, including Lafayette and Houma emphasize that the longer the lease sales are delayed, the more serious the economic problems will become.

ACTIVITY OFFSHORE

At present there is activity offshore—both exploration and development drilling—resulting from the 1970 lease sale.

The crux of the problem, though, is that oil companies which had budgeted money for exploration of leases they expected to buy last December must make decisions as to what to do with the money. There are several alternatives including the rechanneling of it into other offshore operations elsewhere in the world, rechanneling it into on-shore work, or just letting it sit.

The more time that passes before the sale is held, the more crucial the decision becomes.

When the sale might be held is still speculative.

The sale of the 366,000 acres of submerged lands was held up last December when environmentalists sued on the grounds that the U.S. Interior Department failed to comply with a law requiring an impact statement on pollution problems.

Thirty days later, when no settlement was reached, the Interior Department canceled the sale. On March 23, Assistant Secretary Hollis M. Dole of the Interior Department said the sale might be held in September or October. Then last week, the department proposed two sales, the first this summer and the second this fall.

"LATE SUMMER"

On Monday, however, a spokesman for the Interior Department indicated that only one sale is being considered at present, and that is being proposed for "late summer."

Men in the field are not at all optimistic.

"I'd settle for anything definite," said Bailey, emphasizing the word definite. "I'd just like to be told we're going to go out there and drill, or were not."

Others feel that if environmentalists are not satisfied with the impact statement on pollution, they will seek and obtain another court order postponing the sale again.

"If there is no sale this fall," said one official, "the work picture will worsen rapidly and there will be the worst depression in south Louisiana you've ever seen in your life."

[From the Times-Picayune, Apr. 5, 1972]

About 100,000 Jobs Ride on Louisiana Oil Industry—An Annual Payroll of Over $600 Million

(By Clarence Doucet)

Baton Rouge, La.—Louisiana is the second largest oil and gas producing state and the third largest refining state in the nation.

(It was incorrectly reported in Tuesday's story on the offshore oil industry that Plastic Applicators, the company that has postponed plans for building a plant in Morgan City, is a subsidiary of J. Ray McDermott & Co., Inc. It is a subsidiary of Schlumberger Ltd.)

Approximately 100,000 Louisianians are employed in the petroleum industry or in some related field. The valuable liquid supports payrolls in the state totalling more than $600 million annually.

Taxes on the petroleum industry and its products provide the state with almost half of its tax revenue, while the industry, itself, spends about $1.5 billion on production supplies and equipment in the state.

These figures, provided by the Louisiana Petroleum Council which is headquartered here, indicate the value of the industry to Louisiana, a state in which oil or gas has been produced in 61 of the 64 parishes.

Oil was discovered in Louisiana near Jennings on Sept. 21, 1901, and for the next 46 years the industry continued essentially as an on-shore activity.

But, on Nov. 14, 1947, the first offshore well was completed as a producer by Kerr-McGee, and a new frontier for mineral production was opened.

Today, oilmen are drilling in water depths of 600 feet with drilling platforms located more than 100 miles offshore.

Following the completion of the first productive on-shore well in 1901, North Louisiana was the center of interest until the late 1930s, even though several fields had been found in the South. Moving into the swamps and marshes of South Louisiana, the industry found oil and gas in sufficient quantity so that by 1940, South Louisiana outranked North Louisiana as the major petroleum production section.

And, just as the center of interest moved south by 1940, that interest has continued onto the Outer Continental Shelf (OCS), where the large offshore reserves have been developed over the past 25 years.

Hollis M. Dole, assistant secretary of the Department of the Interior, said recently that the OCS has been assuming an increasingly larger role in supplying the nation's oil and gas requirements.

In 1970, he said, the OCS was providing more than 10 percent (most of this off Louisiana), compared with about five percent in 1965.

Even more significant than the increase between 1965 and 1970 is Dole's prediction about 1980:

"We estimate that by 1980, 25 percent of the United States oil production and 19 percent of its gas production could be produced from the OCS, but to accomplish this, more OCS areas would have to be opened for leasing, more wells would have to be drilled, and many additional miles of pipelines laid to bring this vital resource to market."

Referring to alternatives to oil and gas as prime source of energy, he said:

"Until alternatives are developed which can replace oil and gas as primary contributors to our energy supply, it will be necessary to find and develop hydrocarbon resources in order to maintain our current level of living. This will obviously require expanding OCS oil and gas operations."

Hollis, who made his comments before a Congressional hearing on ocean resource policies, emphasized that the OCS can be developed in an orderly manner without sacrificing environmental quality.

But testimony before Congressional hearings and state statistics, aside, the need for energy in this country is essential and current.

The average American uses, or has used on his behalf, the energy equivalent of seven gallons of oil every day. National energy consumption is expected to double by 1985, and during this period, nuclear energy is expected to increase its share of total energy produced from less than 1 percent now to about 11 percent.

COAL IN TROUBLE

Coal is another source of energy, but it, too, is having trouble in the area of environmental objections. Industry sources indicate that if the technology can be developed to overcome some of these objections, coal should increase its share of total energy produced from about 18 percent now to some 20 percent by 1985.

Natural gas, already in short supply, is expected to drop from about 33 percent of the total today to some 21 percent by 1985.

According to the Louisiana Petroleum Council, it will be up to oil to fill the remaining gap, and its share of the energy market will remain relatively constant at about 45 percent, which means that if energy demands do double, then the supply of oil must double.

The LPC says that domestic reserves will not be developed at a pace that will come close to meeting new demands. As a result, imports of crude oil are expected to climb from about 23 percent of total oil consumption now to as much as 60 percent by 1980.

SOURCES INSECURE

Oil industry officials are quick to point out that oil production in the North Sea is being consumed by England and European countries, and that the governments with which the United States will have to deal have, in the past, been subject to political disruption.

For several reasons, the instability of the nations with which the U.S. would be dealing chief among them, officials close to the energy problem, are urging less dependency on relatively insecure sources of oil.

To provide more oil, which, in turn, would help decrease our dependence on crude oil imports, it is the offshore areas of the nation that are accented.

The U.S. Geological Survey estimates that the offshore recoverable reserves may be more than 200 billion barrels of oil and more than 1,000 trillion cubic feet of natural gas.

SMALL AREA DRILLED

So far, only about one per cent of the total offshore area has been tested with a drill bit, says the LPC.

And most of this exploration and production has taken place off Louisiana. More than 10,000 wells have been drilled.

Currently, production from offshore Louisiana totals about one million barrels of crude and condensate per day, about 10 per cent of total domestic production. This amounts to about eight per cent of the nation's consumption.

It is estimated that industry has invested nearly $9 billion in offshore Louisiana, and it is also estimated that the industry will realize an overall seven per cent return on these investments.

Aside from offshore financial investment and the energy crisis, there is an even more personal side for the people of south Louisiana to the on-again off-again aspect of recent offshore oil lease sales.

Some 67,644 of them are estimated to be employed directly to make offshore fields productive. These people buy groceries, clothes, furniture and cars in south Louisiana. They live in homes which they are either buying or renting. They have families and their children attend schools.

The stores from which they make their purchases in most cases did not exist prior to 1947. Nor did the homes and the schools. Or the streets and highways on which they travel.

In short, a great deal of the growth that has taken place in coastal Louisiana has taken place because of the offshore oil industry.

The rallying cry of these people is "Oil is beautiful."

[From the Times-Picayune, Apr. 6, 1972]

Postponement of Lease Sales Dealt Heavy Blow to Economy

(By Clarence Doucet)

Morgan City, La.—Drilling activity—the heartbeat of the offshore oil business—is already declining as a result of the postponement of the December, 1971, lease sale.

According to one drilling company official, the offshore drilling industry alone is currently losing about $47,000 a day in rentals because nearly 12 per cent of the mobile rig capacity is now idle.

As many as 350 workers are affected directly, and many others indirectly, because it is the activity of the drilling rigs in exploratory and development work that makes the offshore industry go.

And the situation will get worse before it gets better.

The official said that between now and late summer, the earliest last December's lease sale is expected to be rescheduled, drilling activity will continue to decrease and more and more rigs will be stacked.

He characterized the present situation in the Gulf off Louisiana as one in which very little exploratory work is being done, and development drilling is decreasing.

He said that of 59 mobile rigs in the Gulf, available to oil companies, seven are standing idle this week. As the rigs can also be used for development drilling, he said the idleness is indicative of a decline in that area, too.

"All drilling activity is declining because most of the prospects from the 1970 lease sale have been drilled. I know of one major oil company that was running about 12 rigs off the coast; now this same company is running only one rig—because it has no place to drill," said the official.

He said that if the December sale had been held, the seven rigs now idle would all be working, along with several other rigs constructed for work in the Gulf. And in some cases, newly constructed rigs have already been shipped to other offshore drilling hotspots around the world.

His own company, he said, currently has several rigs under construction and one of them was earmarked for the Louisiana coastal waters. Now, however, the company has committed it to the North Sea.

"In addition," he said, "I know of three rigs that have been scrapped in the past year because of a lack of employment in the Gulf. They had been stacked for about two years and the owners, facing an expenditure of a half-million dollars each to repair them without customers in sight, simply made a business decision."

For most drilling rigs, a team of 20 to 25 men is required to keep it operable. These include the drill crew, the welders, mechanics, caterers, etc. Each rig had two complete complements or teams, each working one week on and one week off.

ABOUT 350 IDLE

This adds up to as many as 350 men for the seven rigs now standing idle, but the problem does not end there.

When the rigs are drilling, men and supplies are transported to the rigs in specialized boats which are leased from boat service companies. The boat service companies, in turn, employ operators, mechanics, and office personnel, Then, there are the supply companies that deal in mud, explosives, casings and the various other types of equipment that go into offshore drilling. There are also diving firms, food catering businesses, and scores of other businesses all directly related to the operation.

When rigs become idle, there is a corresponding decrease in the demand for supplies, for boats, for food.

The smaller companies feel the pinch first; for purely economic reasons, they are the first to have to let employees go. The largest companies, especially those with international operations, are able to shift employees around.

Although it is difficult to pinpoint the number of men who may now be affected, it is a situation that many expect to become very apparent as the offshore activity continues to decline.

OBVIOUS CONCERN

In a city such as Morgan City, the concern is obvious. As the hub of the offshore industry, it would be the most directly affected area in the state. But spokes run from the hub. Rig workers and other connected with the offshore industry come from as far away as Alabama, Mississippi, Arkansas, Texas and Oklahoma, and from towns in Louisiana all along the coast and inland.

In nearby Terrebonne Parish, it is estimated that as much as 70 per cent of the economy may be dependent on the petroleum industry. In that parish alone, some 267 firms are engaged in the oil business, and these firms employ nearly 12,000 persons. They have a combined income of $102 million, more than 50 per cent of all personal income in the parish.

Of the top 20 taxpayers in the parish, 17 are oil companies.

To the west of Morgan City is Lafayette, another city that has seen and felt and continues to feel the impact of the offshore oil industry.

RECENT SURVEY

Lafayette is surrounded by some of South Louisiana's largest and richest oilfields and most productive offshore installations.

A recent survey of 14 oil and oil-related companies in Lafayette shows that when they first located there, 43.2 per cent of their business was devoted to offshore activity. Today, the same companies devote 73 1 per cent of their energy toward the oil-rich bottoms off the Louisiana coast.

But Lafayette, unlike Morgan City—which is almost wholly dependent on offshore activity—has onshore oil activity to fall back on when there is an offshore curtailment.

ONSHORE BOOM

"We're not depressed on balance," says Joe B. Clarke, Jr., a Lafayette businessman and chairman of the petroleum committee of the Lafayette Chamber of Commerce.

He says that while offshore activity has declined, some of the oil companies' money that was earmarked for offshore exploration had been rechanneled into onshore exploration. As a result, there is a boom of sorts in onshore activity.

"But it's not a legitimate boom," explains Clarke. "It's simply something that has resulted from the inability of oil companies to buy offshore oil leases last December. When the lease sales are resumed, I think, this somewhat inflated onshore activity will return to normal. Still, we are fortunate that it is still economically feasible to look for reserves onshore here, because if it wasn't the money from the oil companies would have gone to other regions."

He says there is some unemployment, but only in the sense that some drilling companies are not working as regularly as they would like. However, some effect will be felt, he says, when the land leased in the 1970 sale has all been drilled.

SUMMARIZES

In Houma, R. V. Pierce, an oilman and chairman of that chamber's petroleum committee, summarizes Terrebonne's situation as follows:

"It's hurting some of the service companies. There have been some layoffs, and some companies are carrying some people they don't need. And the postponement really upsets long-range plans. Once there has been a shutdown of sorts offshore, you can't just push a button and start up again; it takes time."

He says that many oil-related companies such as fabrication plants and marine repair yards are utilizing the slack period to do repair work, but he emphasizes that once this work is done, and unless the lease sale picture is definite, the employment picture could change.

[From the Times-Picayune, Apr. 7, 1972]

OIL INDUSTRY PUTTERING ALONG AT GREATLY REDUCED CAPACITY

(By Clarence Doucet)

MORGAN CITY, LA.—There are at least a dozen fabricating plants in the Morgan City area employing some 2,000 people. The head of the largest operation says new jobs for bidding are off 75 per cent.

H. W. "Bill" Bailey, vice-president of J. Ray McDermott Co., Inc., and head of the McDermott Fabricators facility here, says:

"Last year we were bidding at least three jobs a week. Now, we're lucky if we can bid three jobs a month."

He attributes it to the uncertainty of the offshore oil lease sale.

"The oil industry is not in a very rushed state," says Bailey. "It is puttering along at 65 to 70 per cent capacity onshore, and even less than that offshore."

The head of another fabricating plant puts it this way:

"The amount of construction work offshore is way off. All the pipeline is tied up in the yards. Once offshore exploration work stops, everything in the industry begins falling like a set of dominoes."

It is in the Morgan City area fabricating plants that the giant drilling structures and production platforms are constructed. Some of the companies, aware of what happened to the industry in 1970 because a 1969 offshore lease sale was postponed for more than a year, have attempted to diversify their operations.

At present the fabricating yards are generally busy, but this is due principally to backlogs and construction projects not necessarily connected with the Louisiana offshore industry.

For instance, the Bayou Black Division of Avondale Shipyards, Inc., is building three semi-submersible self-propelled drilling platforms that are committed to the North Sea.

McDermott Fabricators had a multi-million dollar backlog of domestic and foreign construction.

Smaller companies are not as fortunate.

EXPECTS TROUBLE

Says one official of his plant:

"Right now our fabricating yard is doing well and we will be busy until late summer, but if there is no lease sale by late summer then we might be headed for a period like we had last year when we were in serious trouble."

At the present time, this official said, his company is bidding on work for delivery up to November. As far as later decisions regarding "reducing overhead," he said this would have to be considered if lease sale prospects do not improve.

"We will attempt to remain at full force as long as we can without reducing overhead. In 1970 we tried to keep as many employes as possible."

There will definitely be a pinch for most plants. The degree of pain will vary.

DATE MENTIONED

The earliest date mentioned for the next sale is late summer. If it is held then, say in late August, it would be in late January or February, 1973, before the oil producers would be asking for construction bids on offshore production platforms. And it would be months later before fabricating plant work would begin peaking.

Thus, those companies with enough work to see them through the late spring of 1973 remain in fairly good shape as far as a late summer, 1972, sale is concerned. But, if additional problems arise and the sale is postponed again, then a very serious industry-wide work slump could present itself next year.

Kenneth Dupont, Avondale vice-president and head of the company's Bayou Black Division, says:

"Many peoples' memories are short-lived regarding the proposed early 1969 sale and the postponements that led to the situation in 1970. There was a shortage of work that is almost indescribable, and it all stemmed from the failure to hold an orderly and timely lease sale."

FIRE AND SPILL

The early 1969 lease sale was first postponed because of the Santa Barbara incident and the situation became more aggravated by the Chevron Oil Co. fire. Some say there were serious political implications connected to the moratorium.

"When the moratorium continued," explains Dupont, "we noticed our work starting to decrease gradually, and we could see a real economic slump coming."

The sale was finally held in December, 1970, but in the 12 months preceding the sale the fabricating plants had suffered because of a severe shortage of work.

It was the Spring of 1971 before the plants were able to begin construction stemming from the 1970 sale, and that construction now is almost all completed and delivered.

FORCE DECREASES

Because of the industry-wide slump for fabricating plants in 1970, the Bayou Black Division work force dropped from an average high of 560 just prior to 1970 to some 390, a reduction of over 30 per cent in personnel.

"It was such a shock that we have tried to diversify the nature of the type work we were doing, but it is not easy to take facilities designed primarily for the offshore oil industry and convert them."

To bridge the gap between the slowing down to work generated by the December, 1970 sales, and what was expected to be the peaking of work generated by the proposed December, 1971 sale, Avondale bidded on and was awarded contracts for the three semi-submersible self-propelled drilling platforms. Now, because of the postponement of last December's sale, the long-range picture changes somewhat.

Dupont agrees that new sizable jobs for bidding are off as much as 75 per cent.

Speaking of the industry, he says that if the lease sale is further postponed into 1973, fabricating yards will be competing "for every bread crumb."

Competition would become fierce, he adds, as companies weighed how badly they wanted to retain employees versus margin of profit.

Without timely and orderly sales, he said, a yo-yo policy develops in which businesses tend to gamble with investments and then try to recoup their investment and make a profit as soon as possible. This in turn, drives costs up, and in the oil industry, the higher costs paid by the oil producers are passed on, as in any industry, to the consumer.

As there are about 2,500 products currently produced wholly or in part from petroleum, what goes on in a fabricating yard in this south Louisiana offshore oil center as far as costs are concerned can ultimately affect the pocketbooks of people all over the country.

[From the Times-Picayune, Apr. 8, 1972]

South Louisiana Working Man Has Stake in Lease Sales

(By Clarence Doucet)

To the working man in South Louisiana who earns his living from the offshore oil industry, environmental efforts that affect or threaten his family's finances are difficult to equate with being in his interest.

One industry official put it this way:

"I think we have to pursue a rational course, and this means developing our resources in an orderly, timely fashion in accordance with our environment. But we must maintain economic stability, and the economic progress we've made should not have to come to a screeching halt."

On the environmental question, another man who earns his living from the offshore oil industry said:

"The fish and fur people go to bat for us. Edible and sports fish are being caught in greater numbers, and a lot of the increase in fishing is due to the better transportation into the oil field canals because that's where the fish are. There may be some ecology problems related to commercial fishing, but on the whole the fishing industry supports us."

An oysterman in Terrebonne Parish says there have been some changes to the ecology of the marshlands, but he says he is confident the two industries—fishing and oil—can co-exist.

"We are constantly learning more and more about how to operate without creating real problems," says another offshore oil industry official.

In the end, irregular sales of offshore oil leases affect the working man whose livelihood depends on the industry.

The oil companies look for stability that comes from regularly scheduled lease sales, but as one oil company official said:

"No matter how irregular the sales may be, we can't afford to stay out despite the problems. When the sale is held we will be there and after the sale, exploration and development drilling will take place even if it means hauling in equipment from all over the world. These things will be done. A real problem with this on-again off-again policy is the impact it has on the South Louisiana working man who is cast in an economy of feast and famine."

The point is, he explains, that the more than 67,000 people who are dependent on the offshore oil industry in South Louisiana want stability and security.

"What becomes important is not so much what he pockets this year as what are his expectations about next year," the official said.

The working man who wants to buy a new car or purchase a home must base his decision on the stability of his paycheck. If the lease sales are not held regularly, then the working man does not have that security.

Another factor that enters the picture because of the irregularity of recent sales is it causes a lot of workers to look elsewhere for jobs, locales where they will have the security so vital to raising families and making decisions about the future.

So the on-again off-again syndrome can create a drain in experienced manpower.

An oil company official explains it this way:

"It is closely in terms of resources because people are not able to build up their learning, and the more we learn the less things cost us. It's said that the first platform always costs the most, and that each subsequent platform costs less because the workers learn more with each platform they build. But when work becomes sporadic, you have a greater turnover and you get into a situation because of the turnover where you are always building your first platform."

As far as the oil company itself is concerned, it is in the business to produce the valuable liquid. If there is a curtailment in offshore Louisiana work because of postponed lease sale, the company will drill someplace else, and when the sale is rescheduled, it will be there ready to re-bid on the valuable tracts.

But during the interim, it has been the South Louisiana resident who makes his living from the offshore industry who has suffered.

Said an oil company official:

"It's not so much that we can invest elsewhere that's important, but what can we do here. I'm buying my home here and I want to stay here."

His comment is shared by all those who earn their living from the industry that exists off Louisiana's coast.

In Morgan City, where an estimated 95 percent of the population depends directly on the industry, a banker gave this summation:

"A few months delay in holding a scheduled sale doesn't seem to be beneficial to anyone. We would anticipate that the sale would be held in the near future. If not, we would be upset. The worker would be severely injured as far as pay is concerned; money to buy food and clothing. If we were to have unemployment in our area and there's no need for this.

"'There's a great demand for fuel, alone, and there's the shortage of oil that's been declared by the petroleum industry. We would just believe that our government wouldn't do that (postpone the sale even further). We would believe that our government would be more interested in the welfare of our people and the necessity of this fuel. I don't know of an oil company or a service company that is in favor of pollution."

THE FINANCING OF ELEMENTARY AND SECONDARY PUBLIC SCHOOL EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAWKINS. Mr. Speaker, I submit for the RECORD an excellent statement on the financing of elementary and secondary public schools by Richard G. Gilmore, presented at the National Policy Conference on Education for Blacks. The factual material in this statement will be of great use to us in the Congress as we seek solutions to the financial crisis in education during this session.

The statement follows:

The Financing of Elementary and Secondary Public School Education

(By Richard G. Gilmore)

Financial support for the 18,000 school districts and the more than 51 million school age children in the United States should be described as both inadequate and inequitable, and major urban systems in particular are virtually on the brink of bankruptcy.

In June of last year, school district officials in Philadelphia contacted seven large urban school districts to inquire as to their financial condition. The responses were remarkably similar differing only in the degree of distress:

New York—for the year then ending they had a $50 million deficit and expected it to grow to $200 million in the succeeding year.

Chicago—for the year they had a $58 million deficit and expected it to grow to $96 million in the 1971–72 fiscal year.

Los Angeles—at that time they were operating with a budget of $604 million, $21 million less than the previous year. And for the next year, they expected to confine spending to $607 million, an increase of only .5%, by making massive cuts in their programs.

The situation in Philadelphia was that although the 1971 deficit was only $5.9 million against a $312.4 million budget (deficits of prior years totalling $28 million had been funded by the sale of bonds) funds with which to pay bills, *including wages*, were exhausted in mid June. Currently the system is operating with a $41 million deficit. This is a sorry state of affairs for the four systems located in the nation's largest cities whose populations each exceed two million residents. No wonder that Mark Shedd, then Superintendent of Philadelphia public schools, would call for a Federal takeover of big city school systems.[1]

The financial situation in the smaller cities contacted, Baltimore, Buffalo, Minneapolis and St. Louis, ranging in population from one-half to one million, was almost as deplorable.

And the rural school districts are also plagued with inadequate funding exacerbated by population sparsity. At least 80% of the 18,000 districts have insufficient enrollments to provide minimally adequate education without excessive costs.

GROWTH IN SCHOOL EXPENDITURES

The present financial plight of public education might suggest that increased funding over the years has been minimal. That is not the case. The fact is that vast amounts of new funds have been pumped into public education. However, the input of new funds in the face of rapidly increasing educational costs was analogous to a greyhound chasing the mechanical rabbit at a race track. We have never caught up. As Table I indicates, expenditures for public schools have increased greatly in the past 40 years, from $2.3 billion in 1930 to $39.5 billion in 1970 and the percentage of the gross national product expended for the public schools almost doubled, increasing from 2.2% in 1930 to 4.2% in 1970. Note also that while the consumer price index rose 25.8% from 1960 to 1970, at the same time public school expenditures increased 155.2%—six times greater, even though the increase in pupil attendance was only 29.8%.

Footnotes at end of article.

TABLE I.—TRENDS IN TOTAL EXPENDITURES FOR THE PUBLIC SCHOOLS 1930-70

[Includes all items for current expense, capital outlay and interest on school indebtedness]

Year Col. 1	Expenditures in current dollars (millions) col. 2	Consumer price index (1957-59 prices=100) col. 3	Expenditures in terms of 1969 dollars (millions) col. 4	Average daily attendance (thousands) col. 5	Expenditures per pupil in ADA in 1969 dollars col. 6	Percentage of gross national product expended for the public schools col. 7
1929-30	$2,307	59.7	$4,935	21,165	$233	2.2
1939-40	2,331	48.4	6,149	22,042	279	2.6
1949-50	5,768	83.0	8,877	22,284	398	2.2
1959-60	15,613	101.5	19,641	32,477	605	3.2
1969-70	39,489	127.7	39,489	42,168	936	4.2
Percent increase 1929-30 to 1969-70	1,612	114.0	700	99	302	91.0

Source: Data on expenditures and average daily attendance from the U.S. Office of Education except for the year 1969-70 which was estimated by the National Education Association. The price index is for the calendar year in which the school year began. Also, the gross national product for the calendar year in which the school year began is used in computing the percentage of the gross national product. Data for the price index were obtained from the Survey of Current Business.

The trends reflected in the Table alarm citizens and represent one of the reasons for the taxpayers revolt that has caused school budgets and bond issues to be defeated in voter referendums. Other reasons are widespread dissatisfaction with the quality of education and the fact that the problems are greatest in the urban areas with high concentrations of the Black and the poor.

SOURCES OF SCHOOL REVENUES

In 1930, almost 83% of public school revenues were provided by local governments. But by 1970, this had decreased to about 53% reflecting greater contribution from state and federal governments. As indicated in Table II in 1960-70, federal, state and local governments contributed 6.6%, 40.7%, and 52.7%, respectively of the total revenues supporting public schools.

TABLE II.—TRENDS IN SOURCES OF SCHOOL REVENUE RECEIPTS BY LEVEL OF GOVERNMENT

[In millions of current dollars]

Year	Federal		State		Local		Total	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
1929-30	7	0.3	354	17.0	1,728	82.7	2,089	100.0
1939-40	40	1.8	685	30.3	1,536	67.9	2,261	100.0
1949-50	156	2.9	2,166	39.8	3,155	57.3	5,437	100.0
1959-60	649	4.4	5,766	39.1	8,332	56.5	14,747	100.0
1969-70	2,545	6.6	15,645	40.7	20,286	52.7	38,476	100.0

Source of data: U.S. Office of Education except for the year 1969-70 which was estimated by the National Education Association.

VARIATIONS IN SCHOOL REVENUES

Wide variations in revenue support exist among school districts and it is evident in the wide range of per pupil expenditures depicted in Table III which reflects the high, low, and average per pupil expenditure for the states in 1969-70. The highest per pupil expenditure is found in a Wyoming school district ($14,554); the lowest is in Missouri ($213); and the highest and lowest average per pupil expenditures are $1,330 in Alaska and $463 in Alabama.

The wide variations in revenue support within states is the situation that has generated the host of court suits challenging state subsidy distribution formulas; the most notable of which is the California case—Serrano vs. Priest. Two interrelated critical points have emerged from the litigation;

1. The dependence of school districts on local property taxes to support their schools has the effect of making the quality of the system a function of local wealth.

TABLE III.—PER PUPIL EXPENDITURES

[All districts 1969-70] [1]

State	High	Low	Student average
Alabama	$581	$344	[2] $463
Alaska	1,810	480	[3] 1,330
Arizona	2,223	436	775
Arkansas	664	343	549
California	2,414	569	753
Colorado	2,801	444	735
Connecticut	1,311	499	915
Delaware	1,081	633	891
District of Columbia			971
Florida	1,036	593	717
Georgia	736	365	589
Hawaii			984
Idaho	1,763	474	595
Illinois	2,295	391	872
Indiana	965	447	675
Iowa	1,167	592	955
Kansas	1,331	454	731
Kentucky	885	358	580
Louisiana	892	499	749
Maine	1,555	229	723
Maryland	1,037	635	893
Massachusetts	1,281	515	691
Michigan	1,364	491	858
Minnesota	903	370	818
Mississippi	825	283	495
Missouri	1,699	[2] 213	720
Montana	1,716	539	802
Nebraska	1,175	623	653
Nevada	1,679	746	753
New Hampshire	1,191	311	687
New Jersey	1,485	400	1,016
New Mexico	1,183	477	690
New York	1,889	669	1,245
North Carolina	733	467	607
North Dakota	1,623	686	665
Ohio	1,685	413	729
Oklahoma	2,566	342	560
Oregon	1,439	399	875
Pennsylvania	1,401	484	892
Rhode Island	1,206	531	885
South Carolina	610	397	615
South Dakota	1,741	350	667
Tennessee	766	315	568
Texas	5,334	264	601
Utah	1,515	533	611
Vermont	1,517	357	1,034
Virginia	1,126	441	753
Washington	3,406	434	873
West Virginia	722	502	646
Wisconsin	1,432	344	941
Wyoming	[3] 14,554	618	884

[1] Source of data: President's Commission On School Finance.

[2] Lowest.

[3] Highest.

2. The fact that a pupil's access to the educational dollar is a function of local wealth violates the equal protection clauses of state and federal Constitutions.

Although the court cases all deal with inequality within states, it is equally clear that inequalities among states are similarly violative of the constitution.

LOCAL REVENUE SUPPORT OF SCHOOLS

Of the approximately 53% of school revenues provided on the average by local sources, about 98% come from local property taxes. The major advantages of the property tax are: [2]

a. It is fairly stable.

b. Property is not easily moved to escape taxation.

c. Benefits go directly to residents of the district.

Some disadvantages are:

a. It bears little relationship to real wealth or to the ability to pay.

b. It tends to discourage rehabilitation of deteriorating property.

c. Assessment practices are inconsistent and these inconsistencies together with variables in market value from district to district create inequities in available resources per pupil.

Despite the failure of the property tax as a viable tax base for local school funds, about 28 states confine school districts to property taxes as a sole source of locally generated revenues. As a practical matter, however, there is not much revenue that could be produced by local non-property taxes imposed for local school districts.

Major producers of tax revenues have been reserved to the Federal, State, and Municipal governments, in that order. Even in the 22 states that authorize nonproperty local taxes for school districts, property taxes continue to be the major source of local school district revenues. The Philadelphia school district utilizes non-property taxes to a far greater extent than do the vast majority of school systems and the property tax still represented more than two-thirds of local school revenues in fiscal 1970-71.[3]

STATE REVENUE SUPPORT OF SCHOOLS

The percentage of school revenue derived from state sources climbed rather sharply from 1930 to 1950—17.3% to 39.8%. Since 1950, however, the increase was rather modest and in 1970 the level of support was at 40.7%. As reflected in Table IV, wide variations in state support have always existed and in 1970 the range was from a high of 87% in Hawaii, a state comprised of only one taxing district, to a low of 8.5% in New Hampshire. Three states, Delaware, New Hampshire, and Wyoming, provided a lower percentage of revenue in 1970 than in 1930.

Footnotes at end of article.

TABLE IV.—PERCENTAGE OF SCHOOL REVENUE DERIVED FROM STATE SOURCES, 1930-70

[In thousands

State	1930	1940	1950	1960	1970
U.S. overall	[1] 17.3	29.2	39.8	39.4	40.7
Alabama	40.8	54.1	71.6	65.3	63.0
Alaska					43.7
Arizona	19.6	18.8	33.8	34.0	47.5
Arkansas	33.7	43.2	58.1	46.6	45.5
California	25.6	45.9	41.3	40.6	35.0
Colorado	3.2	5.0	20.2	19.5	25.3
Connecticut	8.1	8.7	23.6	34.6	33.1
Delaware	87.9	84.4	83.5	82.5	70.6
Florida	22.8	50.4	50.8	56.5	56.5
Georgia	35.6	56.8	57.4	64.0	58.7
Hawaii					87.0
Idaho	7.7	10.7	23.5	27.6	43.2
Illinois	5.3	10.0	16.5	20.6	34.4
Indiana	5.5	32.2	37.4	29.9	34.9
Iowa	4.3	1.1	19.1	12.0	30.1
Kansas	1.7	10.9	24.0	19.2	26.1
Kentucky	26.1	40.0	35.1	45.8	52.5
Louisiana	26.9	52.3	69.6	70.2	58.3
Maine	28.6	15.6	27.8	25.8	44.9
Maryland	17.7	21.6	38.3	34.2	35.2

TABLE IV.—PERCENTAGE OF SCHOOL REVENUE DERIVED FROM STATE SOURCES, 1930-70—Continued

[In thousands]

State	1930	1940	1950	1960	1970
Massachusetts	9.5	10.0	20.5	20.0	20.0
Michigan	18.2	41.6	53.4	43.2	45.1
Minnesota	20.6	31.7	36.2	39.7	43.4
Mississippi	33.5	37.1	47.8	56.5	51.6
Missouri	10.6	32.1	38.9	31.0	34.5
Montana	14.1	7.2	25.3	23.6	30.9
Nebraska	5.4	1.0	6.2	6.5	20.0
Nevada	19.0	17.0	36.5	51.3	39.2
New Hampshire	9.0	5.1	6.2	6.3	8.5
New Jersey	21.2	5.5	19.0	23.7	28.5
New Mexico	21.8	45.3	86.0	74.4	62.7
New York	27.6	33.1	40.0	39.5	45.4
North Carolina	16.6	65.8	67.5	66.7	70.9
North Dakota	11.1	12.8	27.0	26.4	27.2
Ohio	4.1	35.3	31.4	27.7	31.6
Oklahoma	10.6	34.0	56.5	27.7	40.8
Oregon	2.3	.4	28.6	29.3	20.6
Pennsylvania	13.9	21.0	35.1	45.8	46.9
Rhode Island	8.6	10.3	20.2	23.2	34.5
South Carolina	25.5	48.6	55.2	66.6	61.6
South Dakota	10.1	7.6	12.1	8.9	13.6
Tennessee	24.7	33.3	56.9	58.0	49.3
Texas	42.6	39.4	61.8	50.0	42.8
Utah	33.6	37.3	50.3	44.0	51.4
Vermont	12.2	14.5	27.6	24.8	28.6
Virginia	27.9	31.2	39.6	37.0	36.6
Washington	28.9	57.9	65.6	61.6	58.8
West Virginia	8.3	50.7	62.7	52.9	48.2
Wisconsin	17.0	17.2	17.4	22.6	29.4
Wyoming	27.1	4.3	42.0	47.5	25.4

[1] Includes 0.3 percent of Federal funds.

Source of data: U.S. Office of Educal on excepl for the year 1970 which was estimated by the National Education Association.

Further, with respect to state financing of elementary and secondary education, it is interesting to note the extent of effort exercised by the states in revenue support of their school systems. A study conducted for the National Educational Finance Project[4] developed estimates of personal income per capita in the 550 states by deducting from total personal income (1) an allowance of $750 per person to cover basic expenditures for food, clothing, and shelter and (2) federal personal income tax paid. Table V ranks the states according to the percent of net personal income that was allocated for elementary and secondary education. The range is from a high of 8.9% in New Mexico to a low of 5.0% in Nebraska. Net personal income per capita ranges from a high of $3,369 in Alaska, also the least populous state, to a low of $1,292 in Mississippi. Net personal income per child in average daily attendance ranges from a high of $18,772 in New York to a low of $5,624 in Mississippi. Of course, the wide variations are influenced by cost of living differences but not to an extent that would be significant. It should also be pointed out that personal income per child in ADA is influenced by parochial and other private school enrollment and by pupil absenteeism, a significant problem in urban systems. The table also reflects some correlation between net personnel income and the percent of net personal income expended for elementary and secondary education: the higher the net personal income, the lower the percent of NPI spent on public education; the lower the NPI, the higher the percent NPI spent on public education.

TABLE V.—EFFORTS OF THE STATES TO SUPPORT ELEMENTARY AND SECONDARY EDUCATION IN RELATION TO THEIR FISCAL CAPACITY, 1969

States	Net personal income		Percent NPI expended for elementary and secondary education
	Per capita	Per child in ADA	
New Mexico	1,909 (40)	7,224 (48)	8.90 (1)
Utah	2,006 (39)	7,351 (46)	8.40 (2)
Montana	2,127 (33)	9,111 (36)	8.06 (3)
Oregon	2,473 (34)	11,662 (24)	8.02 (4)
Mississippi	1,292 (50)	5,624 (50)	7.84 (5)
Arizona	2,291 (29)	10,299 (30)	7.71 (6)
West Virginia	1,628 (46)	7,785 (44)	7.63 (7)
Vermont	2,239 (30)	10,489 (29)	7.53 (8)
Louisiana	1,784 (45)	8,386 (42)	7.45 (9)
Minnesota	2,538 (19)	11,072 (26)	7.36 (10)
Delaware	2,781 (10)	13,062 (13)	7.19 (11)
North Dakota	2,049 (36)	8,932 (38)	7.14 (12)
Idaho	1,875 (42)	7,890 (43)	7.13 (12)
Iowa	2,477 (23)	11,085 (25)	7.03 (14)
New York	3,170 (3)	18,772 (1)	6.99 (15)
Maryland	2,864 (9)	13,748 (10)	6.76 (16)
Kansas	2,493 (21)	12,253 (19)	6.67 (17)
South Carolina	1,623 (47)	7,242 (47)	6.66 (17)
Colorado	2,492 (22)	10,768 (27)	6.61 (19)
Wisconsin	2,549 (18)	12,566 (16)	6.61 (19)
Indiana	2,579 (17)	11,733 (22)	6.55 (21)
Wyoming	2,388 (25)	9,453 (33)	6.54 (21)
California	3,096 (5)	14,231 (7)	6.48 (23)
Maine	2,029 (38)	8,990 (37)	6.45 (24)
Michigan	2,767 (11)	12,414 (17)	6.44 (24)
Hawaii	2,689 (12)	13,263 (11)	6.37 (26)
Florida	2,338 (28)	11,694 (23)	6.33 (27)
Virginia	2,222 (31)	10,598 (28)	6.28 (28)
Washington	2,686 (13)	12,052 (20)	6.25 (29)
Alaska	3,369 (1)	14,027 (8)	6.21 (30)
Arkansas	1,582 (49)	7,629 (45)	6.15 (31)
Pennsylvania	2,538 (19)	13,861 (9)	6.15 (31)
Nevada	3,138 (4)	13,132 (12)	5.93 (33)
South Dakota	2,105 (34)	8,834 (40)	5.91 (34)
North Carolina	1,907 (41)	8,926 (39)	5.89 (35)
Tennessee	1,806 (44)	8,617 (41)	5.86 (36)
Kentucky	1,871 (43)	9,410 (34)	5.74 (37)
Georgia	2,031 (37)	9,304 (35)	5.74 (37)
New Jersey	2,992 (2)	16,654 (3)	5.72 (39)
Oklahoma	2,056 (35)	9,502 (32)	5.66 (40)
Connecticut	3,209 (2)	16,917 (2)	5.64 (41)
Missouri	2,373 (26)	12,403 (18)	5.52 (42)
Alabama	1,605 (48)	7,210 (49)	5.50 (43)
Texas	2,191 (32)	10,250 (31)	5.43 (44)
Illinois	3,077 (6)	16,567 (4)	5.39 (45)
New Hampshire	2,365 (27)	12,649 (14)	5.37 (46)
Ohio	2,633 (15)	12,637 (15)	5.30 (47)
Massachusetts	2,946 (8)	15,488 (5)	5.22 (48)
Rhode Island	2,644 (14)	15,223 (6)	5.15 (49)
Nebraska	2,580 (16)	11,870 (21)	5.00 (50)
Total United States	2,556	12,400	6.24

Footnotes at end of article.

The major sources of revenue at the state level are from sales taxes, personal income taxes, corporate income taxes and various excise taxes.

In 1970, 45 states containing 98% of the nation's population levied some type of sales tax. During 1969, sales tax collections by the states totalled $12.3 billion, 30% of all state tax revenue.[5] A sales tax tends to be regressive especially when basic necessities such as food are not exempted. An additional disadvantaged is the economic distortions that occur in neighboring states when one levies a sales tax and one does not. The advantages are ease of administration and collection and the fact that revenue growth is generally at about the same rate as the growth in income.

Personal income taxes were levied in 41 states in 1970. The exchange of information by federal and state government has greatly improved administration and has made tax evasion more difficult. The personal income tax ranks the highest in terms of elasticity and in terms of being directly related to the most generally accepted measure of tax paying capacity—the income of the taxpayer.

FEDERAL REVENUE SUPPORT OF SCHOOLS

Of the revenues supporting public elementary and secondary schools in 1970, it is estimated that federal funds accounted for 6.6%, representing $2.5 billion of the $38.5 billion total of school revenues. However, unlike revenues generated locally and unlike most of the state funding provided to school districts, federal funds are special or categorical in nature.

In 1969, federal funds expended under the provisions of Title I, Elementary and Secondary Education Act, 1965, amounted to $1.1 million, about 40% of total federal funds expended for elementary and secondary education. Title I funds support projects designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low income families. An examination of Title I funding for the fiscal years 1966 through 1969 suggests that Congress and the administration are not in agreement on the value of Title I programs; Congress almost doubled the authorizations from 1966 to 1969, while the administration actually increased appropriations only by about 20%. In 1968 and 1969, only slightly more than half the funds authorized by Congress were actually appropriated by the administration:

Fiscal year[6]	Authorization	Appropriation
1966	$1,192,981,906	$959,000,000
1967	1,430,763,947	1,053,410,000
1968	1,902,136,223	1,191,000,000
1969	2,184,436,274	1,123,127,000

To reiterate, federal funds for the most part are restricted as to use and are not permitted to supplant other funds. An exception is funds expended under the provisions of Public Laws 81-874 and 81-815 that authorize payments to school districts where enrollment are affected by federal activities.

SUMMARY OF REVENUE CHARACTERISTICS

In briefly summing up the characteristics of the three sources of funds available to school districts, the following can be stated:

Local funds depend primarily on property taxes and, as a consequence, the funds provided bear little relation to educational needs or population wealth. An added problem of urban school districts is competition with municipal government for the local tax dollar.

State funds also fail to adequately recognize need and most state subsidy formulas, because of the use of property tax as a measure of local wealth, distribute funds almost inverse to need. The use of special grants and equalization formulas has ameliorated but not rectified the problem of inequity.

Federal funds, for the most part, are categorical or for special purposes and provide little assistance to school districts in financing basic operating costs. The distribution of federal funds does correlate more closely to needs than does local or state funding.

PUBLIC EDUCATION FUNDING ALTERNATIVES

The problems of adequacy and especially equity in educational finance are not new as witness a statement made by Ellwood P. Cubberley in 1905:

> . . . . the present plans in use for the apportionment of school funds in fully three-fourths of the states of the union are in need of careful revision. And there is likewise need for more careful study of the problem that has been given it so far by most of the states if it is desired that future evolution shall take place along more intelligent lines than has been the case in the past.[7]

At this juncture in the history of public education, the little red school house is under fire from parents who claim with some justification that they are paying more and getting less; systems serving the urban and rural poor are on the verge of bankruptcy; and the courts are being inserted in the vacuum created by federal and state legislative inaction.

The range of alternatives are not unlimited; considering the three sources of funding for public school education, there emerges only seven possibilities to examine:

Full local funding.
Full state funding.
Full Federal funding.
Local and State shared funding.
Local and Federal shared funding.
State and Federal shared funding.

Local, State and Federal shared funding.

Total dependence of school districts on *local funds* would increase present inequities even if, on an overall basis, school districts had sufficient revenue raising capacity. School districts are confined to the property tax as a revenue base which would mitigate against both equality of funding and equity of funding. The funding of education would be almost totally dependent upon the value of local real estate.

Full state funding would have the potential of eliminating the disparities of financial support among districts within the same state. And it should be possible to develop distribution formulas that relate financial support to educational need.

There are those that would contend that one of the great strengths of our public education system has been the financial and programmatic leeway awarded local districts and there are those who argue directly to the contrary pointing to the interventions that have been necessary by the courts and by the federal government. However, local support and involvement could be management, planning, and implementation rather than fiscal.

Wide variations in the wealth of the states are also a deterrent to full state funding. If we believe that every child should have equal or equitable access to an acceptable level of education, then we cannot be satisfied with the differences that do exist and would continue to exist between, say, Mississippi and Oregon.

The major advantages of *full federal funding* would be the elimination of fiscal variations among the states. In fact, equalization of educational opportunity is not very likely of accomplishment without federal funding. Only the federal government has a tax base capable of funding a broad program of education. Even at the present time, the federal government collects almost 70% of the taxes in the nation yet pays less than 7% of the cost of education.

A combination of *local and state funding* is essentially what exists presently when we consider that these sources presently provide almost 94% of the funding for public education. However, in addition to the problem of fiscal variation among states, is the likelihood that this combination would not be fiscally capable of meeting the costs of equalizing education even within a state assuming that equalization would merely involve increased support to poor school districts to the extent necessary to match the financial input to wealthier districts.

A combination of *local, state,* and *federal* funding is precisely the situation that exists today. Because the federal government could eliminate variations between states and because the states, in turn, could eliminate variations between districts, it may well be that the present difficulties are resolvable by changing relative shares, i.e. decreasing local and state shares and increasing the federal share.

A combination of *local and federal funding* would have to involve nominal funding at the local level. The distribution of federal funds would have to be through the state governments if their traditional and constitutional responsibilities for public education were to continue.

State and Federal funding may well be the best approach. A state's tax resources could be augmented by a nominal statewide property tax and local property taxes for schools would be eliminated. The paramount purpose of state funds could be to equalize educational opportunity among its districts. Federal funds could be utilized to equalize educational opportunity among states.

Footnotes at end of article.

ARGUMENTS FOR AND AGAINST FEDERAL AID TO EDUCATION

Any solution to the problem of educational finance will undoubtedly require a massive increase in federal funding. The possibility of a new federal tax (the value added tax) coupled with the prospect of federal revenue sharing suggest that we may be at the advent of a new and significant role by the federal government in educational finance. It is important, then, to review the arguments for and against federal aid to education. The National Education Finance Project has organized those arguments generally considered to be the most cogent and powerful.[8]

ARGUMENTS AGAINST FEDERAL AID

Equalizing educational opportunity. Federal aid opponents believe that this is impossible to accomplish and that attempts to do so would only drag down educational standards and eliminate the outstanding schools.

Lack of need. Opponents of Federal aid claim that massive federal assistance is not needed and that present problems are resolvable by tightening up present curriculum, eliminating frills, and by getting more effective utilization of existing facilities. Further, the opponents claim that the states have the potential for doing the job if they have the will.

Federal control. To those who view public education as the last stronghold of states' rights, the threat that federal control inevitably follows any program of federal aid is an appealing argument.

Unconstitutionality. The 10th Amendment to the constitution is viewed as having made education a state responsibility. Article X states "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." Education is not mentioned specifically anywhere in the Constitution.

Cost. Opponents claim that the government already burdened with the costs of war efforts, past, present, and future, is in no position to take on the expensive cost of education.

Other arguments against federal aid are that it would tend to curb initiative at the local level and that expanding the role of the federal government in education would be another way of losing our political and intellectual freedom.

ARGUMENTS FOR FEDERAL AID

Local control. This is the first and strongest argument for both the proponents and the opponents of federal aid. However, experience with federal grants to school districts has demonstrated that it is possible to develop and administer federal legislation without inhibiting local control.

Equalization of educational opportunity. Data presented earlier in this paper documents the inability of states or districts to equalize educational opportunity. Proponents argue that equalization is critical to the nation's welfare and only the federal government has the potential for accomplishment.

Need. It is felt that the only way to insure that necessary improvements in education are accomplished in all fifty states is for the federal government to be an innovative agent.

The tax base. The national government is more able to effectively tax the real wealth of the nation—personal and corporate income.

Mobility of the people. Each year 40 million people change their addresses and about 1 million youngsters cross state lines. Since mobility is a fact of our society, place of residence should not be allowed to have the deleterious effect that it might on a person's future and, therefore, indicates the need for a strong minimum education program in every state.

Acceptance. An especially strong argument advanced by proponents is the fact that the majority of citizens are in favor of federal aid to education. The Lou Harris Poll in 1963 found that 70% of the voters favored federal aid to education.[9]

The Constitution. Against the claim that federal aid to education could be unconstitutional, proponents of federal aid offer the General Welfare Clause of the Constitution, Article I, Section 8, that reads, "The Congress shall have power: To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States . . ."

History. Edith Green, Representative from Oregon, stated that the issue of federal involvement in education was decided over 100 years ago and that presently we have at least 42 federal agencies providing aid to education in the amount of over two billion dollars a year.[10] We have had federal aid to education since 1785 (aid to territories for education by endowment of schools with public lands), and indications are that we are no closer to federal control of our schools now than we were in 1785.

OTHER CONSIDERATIONS

In addition to determining the best funding source for financing elementary and secondary public school education, there is also the task of developing distribution formulas that will provide every child sufficient access to the educational dollar to provide that child with an acceptable standard of education. Moreover, it is also critical that strategies and mechanisms be developed to deal with what has been an especially serious problem—rapidly escalating educational costs.

Aid to parochial schools is essentially a political question but warrants attention because of the impact potential on the cost of public education. The National Educational Finance Project has estimated that the cost of public education would increase about 10% if parochial students were to be merged with the public school population. Not a very significant increase considering that public education costs have increased more than 150% in the past 10 years.

The monitoring of educational expenditures, including the imposition of restraints on collective bargaining for teachers and other educational employees, will be necessary if extraordinary escalation in educational costs, unaccompanied with improvement in the quality of education, is to be avoided. A much stronger role on the part of Federal and State governments is called for rather than merely continued dependence on impotent local school districts in the collective bargaining process.

FOOTNOTES

[1] United States Senate, *Hearings before the Select Committee on Equal Educational Opportunity,* Part 16A—Inequality in School Finance. Washington, D.C.: U.S. Government Printing Office, 1971, p. 6618.

[2] *Future Directions for School Financing.* National Educational Finance Project, Gainesville, Florida, 1971, p.p. 9, 10.

[3] The School District of Philadelphia, *Annual Financial Report, 1970–71.*

[4] *Alternative Programs for Financing Education.* National Educational Finance Project, Volume 5. Gainesville, Florida, 1971, p.p. 66–69.

[5] Ibid, p. 63.

[6] United States Senate. Op. Cit. Part 17, p. 8970.

[7] Cubberley, Elwood P., *School Funds and Their Apportionment. New York.* Columbia University, 1905, p. 253.

[8] *Status and Impact of Finance Pro-*

grams. National Educational Finance Project, Volume 4. Gainesville, Florida, 1971, pp. 240–249.

[9] *Christian Science Monitor.* Lou Harris Poll, September 13, 1963.

[10] United States House of Representatives Committee on Education and Labor. *The Federal Government and Education.* Washington, D.C.: U.S. Government Printing Office, 1963.

MY RESPONSIBILITY TO FREEDOM

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. SEBELIUS. Mr. Speaker, in these times it is always refreshing to hear a young person speak out for freedom and what is right with America. Along this line, I would like to submit this essay by Douglas James Lahey for the perusal of my colleagues.

This was the winning essay in the Kansas Voice of Democracy contest sponsored by the Veterans of Foreign Wars. Douglas is a student at St. John's Military School in Salina, Kans.

The essay follows:

MY RESPONSIBILITY TO FREEDOM

(By Douglas James Lahey)

Freedom of speech, press, petition, assembly and religion are some of the basic privileges given to the citizens of these United States. Nowhere else in this world are all these freedoms given to the people—nowhere!

Knowing what freedom is and how much it has to offer, I could not live without it. What would life be like without freedom? Would it be dark and foreboding, restrictive and unrewarding, dull and miserable? I'll tell you why I asked this question. To me, freedom is almost the opposite. I treasure it for what it is—the most special gift ever given to any one of us.

Why is it so special? I know a man who has lived without freedom since World War II. By the time he reached thirty-eight years of age, he knew his life was missing something. Something deep down within him said, "I've had enough, I want out!" That something was his free soul. He was in chains, but his soul was not. He couldn't live a split life, so he followed his conscience. He plotted and planned and escaped from East Berlin on the underside of a car. I wonder what he was thinking as he rode beneath the car, looking up—to freedom. He struggled to America where his right of being free was guaranteed. Now, he is a whole man and realizes that he is more than just existing. Now, he is finally alive. He is free!

As an American, I was given my freedom the moment I cried out and took my first breath, but I was unaware that I had obligations to it. When I grew up, I realized how lucky I was to have it, and not wanting to lose it, I am now slowly realizing that it is my duty to preserve it. We must preserve freedom as we must protect those we love.

Then comes the question, "I know we must protect this freedom, but how?"

I believe the first thing we have to do to protect our freedom is to abide by the written laws of the land. The Constitution of the United States was not written for only a few of us to live by; it was made for all of us. Our laws aren't as strict as some people think, and they would seem much more lenient if all people would abide by them. All people need some restrictions if they are to live with one another. Can you imagine the chaos that would exist if people had no responsibilities? Some limitations are a necessity for a people to survive, and this nation imposes the least number of them. As Thoreau once said, "That government which governs least, governs best!" That is the basis on which this nation was founded.

Many have advocated and supported the slogan, "America, love it or leave it." Is this the way to make it better? I suggest that it is not. Love it and improve it. We must all do everything we can to make it even better or it won't get done.

Thus, to me, this issue becomes a personal question. How much time and effort am I willing to give to protect this privilege? How devoted am I to the idea that others could share the rewards I have found through being free—physically, mentally and spiritually. All these questions I've pondered time and time again until I found my answers.

Freedom is not a right given to every man. It is a gift which we must earn. We must take the responsibility to preserve it, or we will be forced to live without it.

I will devote my life to giving others their freedom because it means so much to me, and I want it to be a part of other's lives also. My responsibility to freedom is to think, speak, and act as a free American, to protect it with my life, if necessary—for myself and for the good of every man—and to guarantee these opportunities to all mankind, so others might have the same gift as we have in America—the land of the free.

SCHOOL DESEGREGATION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HARRINGTON. Mr. Speaker, I am pleased to note that since the President's ill-advised effort to make political capital out of the sensitive issue of school desegregation, more and more people have spoken out in opposition to his plans. Recently, many members of the faculty of Harvard Law School issued a logical and concise commentary on the President's proposals. Their carefully reasoned argument clearly demonstrates the irresponsibility of the President's performance in this matter: his gross exaggeration of the dimensions of the school-busing problem; his wholly misleading description of the Supreme Court's rulings in this matter; the deliberately deceptive nature of his proposal for spending money for upgrading inferior schools; and the dangerous constitutional implications of his proposed remedy for a problem which is largely of his own devising.

The spectacle of the President of the United States seeking to advance his political position by leading a retreat from the national commitment to abolishing the blot of racial discrimination which still blights the lives of million of black Americans is a tragic one. I am grateful to the signers of this document for speaking out forcefully and persuasively against this effort, and I hope the Members of the House will be encouraged by their example to eschew the temptation to sacrifice the Constitution to political expediency.

The document follows:

SCHOOL DESEGREGATION

The undersigned law teachers are strongly opposed to the two bills proposed by President Nixon for passage by Congress on the subject of busing of school children. We believe that the two bills, if enacted, would sacrifice the enforcement of constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children. More specifically, our reasons for opposition are as follows:

(1) The Supreme Court declared the segregated dual school system unconstitutional in the *Brown* case 18 years ago. For much of that period, opponents of the *Brown* decision have successfully avoided and delayed its enforcement. Only recently has the enforcement process achieved any momentum. Enactment of the two bills at this time will certainly be seen—by blacks and whites alike—as a major break in the Nation's resolve to realize the constitutional rights of black children under the *Brown* decision. Moreover, the very proposal of these bills—especially given the psychological impact of the President's speech—will seriously hamper and may well cripple efforts now under way to achieve compliance with *Brown.*

(2) The two bills call for a very substantial change in the standards and modes of enforcement of *Brown* by the courts. Their enactment by Congress under Section 5 of the Fourteenth Amendment invokes a rarely exercised power whose limits are not at all clear. Strong doubts of constitutionality exist, with constitutional lawyers differing as to the outcome if the bills were to become law and their legality tested in the courts.

Whatever may be the scope of the Congressional power, the proposed bills clearly would misdirect it. The President is encouraging Congress to react in a panic to busing, as though that were the key issue, when he should be exercising his leadership to calm the public and to call on Congress to deal with busing as one aspect of a comprehensive program for ending dual systems of segregated schools. This failure of leadership is highlighted by two key facts. According to Administration sources, while about 40 percent of the Nation's school children are bused to school, at most 1 percent or 2 percent of this total are bused for reasons of desegregation. Secondly, in calling for an expenditure of 2.5 billion dollars on "inner-city schools," the Administration has not added one dollar to existing programs or proposals it has previously made. The net effect of the present proposals is to cut back sharply on existing remedies for segregation while offering little or nothing in their place.

(3) The two bills involve a needless and dangerous disruption of the proper relationships between the President and the Congress on the one side and the Supreme Court and other federal courts on the other. As recently as one year ago in the *Swann* case, in light of almost 20 years of experience with enforcing *Brown,* the Supreme Court approved of court-ordered busing as one means of disestablishing dual school systems—a means which in particular cases might be necessary to bring about a unitary, desegregated school system. The Court did not insist that busing was required in any mechanical way or that its disadvantages should be ignored by federal judges.

The President has suggested that lower federal courts have gone beyond the Supreme Court—and in his view, improperly so. One would then expect the Administration to press appeals of these decisions to the Supreme Court, and perhaps to ask that Congress mandate stays of execution pending the appeals. Instead, the Administration presents proposals which amount to a declaration of no confidence in the courts and a repudiation of what they have done under the Constitution and laws of the United States. If we take the President at his word, this is premature and unnecessary. It risks the very undermining of the Supreme Court's standing that the President has on other occasions said should be avoided.

(4) One need not be an advocate of large-scale busing to see the harms and dangers in the proposed scheme. Serious questions about various aspects of busing have been raised by both blacks and whites. But the Administration has not asked Congress to regulate alleged excesses of busing in a selective, sensitive way. Rather, the Administration seeks to eliminate all busing as a remedy for desegregation by placing rigid, mechanical limitations on it. The practical effect is that busing could no longer be used even as a minor but necessary part of a desegregation plan that emphasized, for example, new geographic districts, or school pairings. It is in cases of this kind that the threats to the enforcement of *Brown* and to the proper role of the courts are clearest.

We call on Congress to reject two proposed bills on busing.

Paul M. Bator, Derrick A. Bell, Jr., Gary Bellow, Derek C. Bok, Stephen G. Breyer, Victor Brudney, Clark Byse, A. James Casner, Abram Chayes, Archibald Cox, John P. Dawson, Richard H. Field, Paul A. Freund, Charles M. Haar, Philip B. Heymann, Benjamin Kaplan, Andrew L. Kaufman, Lance Liebman.

Louis Loss, John H. Mansfield, Michael J. McIntyre, Karen S. Metzger, Frank I. Michelman, Arthur R. Miller, Albert M. Sacks, Frank E. A. Sander, David L. Shapiro, Richard B. Stewart, Arthur E. Sutherland, Donald T. Trautman, Laurence H. Tribe, Donald F. Turner, James Vorenberg, Lloyd L. Weinreb, Ralph U. Whitten.

A PIECE OF STUPIDITY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HUNGATE. Mr. Speaker, as my colleagues know, I opposed the "no-knock" portion for the District of Columbia Criminal Law Code when we enacted this legislation.

The following article describes some cases in which the dangers in such "no-knock" legislation have again been made plain.

A Piece of Stupidity

[From the Washington Post, Apr. 14, 1972]

(By William Raspberry)

A lot of us thought it was bad news when the District's no-knock law was enacted in 1970.

Some of us could sympathize a little with the rationale behind the law: that in some cases contraband and other criminal evidence may be destroyed if police raiding parties have to announce themselves.

But we were certain that more evil than good would come of a law that made it legal for police officers to break into a home without having to identify themselves as policemen, without waiting to be admitted, without even the necessity of wearing uniforms.

We knew, no matter what the intentions of those who drafted the legislation, that most of the legalized breaking and entering would not be done in the "good" sections of town.

The debate was over whether the police needed this frightening tool.

There just may be a number of local police officers who are wondering whether they want it. No-knock, as some of us suspected from the beginning, can be dangerous not just to those who are raided but also to those who are doing the raiding.

What brings this up now is a case that police say was not a no-knock raid. But it does give a good indication of what can happen.

The legislation was barely on the books when, in October, 1970, D.C. police raided Marvin Vincent's home on Hayes Street NE. They were looking for narcotics, they said.

What they found was not drugs, but slugs. Two of them, from Vincent's gun, struck one of the raiding officers. This week, Vincent was acquitted of all nine counts of the indictment growing out of the affair.

Police told the U.S. District Court that they knocked on Vincent's door and heard someone inside say, "Just a minute." When there was no further response, they said, they broke the door down. They were met by a hail of bullets.

Vincent said he opened fire because the officers had burst in without warning and he feared for his life. It's easy to believe he was frightened in light of the fact that two years earlier he had been shot six times by police during an altercation involving a motorcycle.

In any case, the officers retreated and called for reinforcements. The reinforcements came—including some three dozen policemen and an armored car—but Vincent held them off for nearly three hours until community leaders managed to work out a deal for his surrender.

You and I will never know whether Vincent was given adequate notice of what was happening, or whether he was the intended victim of an unofficial no-knock.

The interesting point is that a jury chose to believe Vincent, in spite of the fact that he hardly qualifies as a pillar of the community.

From what I know of the case, the acquittal makes sense. If you accept the assumption that a man has a right to defend his home against intruders, that puts some special burdens on the police when they are the intruders. And the most important of those burdens is that they make unmistakably clear who they are.

They didn't make it clear when they raided Kenyon Ballew's home in suburban Silver Spring last year, and as a result the young gun collector tried to protect himself and was nearly killed for his efforts.

They didn't make it clear in Northeast Washington, either, and as a result a policeman was lucky to escape with his life.

Vincent's acquittal doesn't make him any sort of tinhorn hero. As a matter of fact, he's in prison now doing 4 to 12 for armed robbery and assault, crimes that took place after the shootout.

The point is that no-knock is a stupid piece of legislation that can get you killed no matter on which side of a busted-down door you happen to be.

In view of Vincent's acquittal, the police might give thought to leading a fight to get that piece of stupidity off the books.

TUPAMAROS "LOSING THEIR WAR"

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HALL. Mr. Speaker, too often, significant events of the past are permitted to fade into oblivion, when they should become constant reminders of dedication and service.

I make specific reference to the late Dan Mitrione, who was assassinated while serving in his capacity of a U.S. Public Safety Adviser to the Uruguayan police.

In August of this year, the Uruguayan Government will issue an airmail stamp memorializing the second anniversary of Mitrione's brutal murder at the hands of the Tupamaro band of urban terrorists.

The following articles are offered for the enlightenment of those who may have forgotten about this U.S. citizen's work for the Agency of International Development, and the sacrifice he made.

The articles follow:

[From the Sunday Star, Apr. 9, 1972]

Tupamaros "Losing Their War"

(By Jeremiah O'Leary)

Montevideo, Uruguay.—Roy Driggers, the U.S. public safety adviser to the Uruguayan police, is so big he could hold out both fists and ask you to guess which hand is holding his .45 caliber pistol.

The .45 goes with him everywhere because Driggers is brave but not foolish. His predecessor as AID's public safety adviser here was Dan Mitrione, who was kidnaped and then murdered by the Tupamaro terror organization.

Not yet 50, and a grandfather, the 6-foot 3-inch, 220-pound former New Mexico police official is a reassuring figure of strength and serenity in a place where terror has forced American Embassy personnel to cleave together like the early pioneers in Indian territory.

Driggers volunteered for the Montevideo job after the death of Mitrione. He and the other Americans here never refer to the tragedy as "the death": they date happenings by referring to before or after "Dan went away."

Driggers came here from Columbia and his job is just what Dan's was: to help the Uruguayan police become more professional.

'BETTER ALL THE TIME'

"The Uruguayan policemen are getting better all the time," Driggers said. "I take my hat off to them. They lay their lives on the line for less than $30 a month and let me tell you they are a different force than when the Tupamaros went on the warpath.

"Some of the police have told me that it was almost unknown here for anyone to be shot in the back until the Tupes turned to murder a couple of years ago. They just weren't trained for the carefully planned murders, kidnapings, robberies and all the rest of it.

"They didn't have radios, squad cars or any of the sophisticated techniques for combating crimes of this kind. Most of them were either walking their beats or riding bicycles when the Tupamaro thing hit them."

Driggers said AID's public safety program of counsel and equipment, plus availability of AID's International Police Academy in Georgetown, has had a lot to do with the improved professionalism of the Uruguayan police. "They have learned how to do things that were outside their experience before," he said "like using informers, identification and interrogation techniques and modern equipment for crime detection."

NO DICTATORSHIP

"We are not running schools on how to get confessions through rough stuff," Driggers said, "That is counter-productive and besides this is no dictatorship; Uruguay gives suspects a better break than they'd get in a lot of states back home."

The low point in police morale came late last year when more than 100 Tupamaros tunneled to freedom from the Punta Carretas prison.

"A Uruguayan policeman heard about the jailbreak before the guards at the jail knew it," Driggers said. "One policeman went to the jail, looked at the cubic yards of dirt piled up in their cells and burst out crying. The poor man said he was thinking of all the policemen who had died in putting those Tupamaros into jail and now they had to do it all over again."

But Driggers said they have already gotten some of them back, maybe 10 or 15, and they have not lost heart.

The growing professionalism of the police has now been belatedly extended to the prison where for the first time there are body and cell searches at frequent intervals.

TRUCE DECLARED

Until the big jail break, the Tupamaro prisoners were probably the most pampered and protected in the Western Hemisphere.

The Tupes had declared a "tregua" (truce) before the Nov. 28 election here finally won by President Juan M. Bordaberry.

Since then, except for the big jail break, the Tupamaros have limited themselves to blowing up the Punta Carretas golf club and the murder of one prison security officer. It is difficult to say how much of the current quiet is due to increased police efficiency and how much to new divisions that have developed in the Tupamaro organization.

Driggers said one wing of the Tupamaros favors continuing the urban guerrilla war while another part wants to pursue a less violent political path through the Frentes Amplio leftist coalition which ran third in the election.

Whatever the reason, Driggers believes the Tupamaros are losing their war, especially in the countryside where Uruguayans resolutely turn them in on sight.

"This was a peaceful country until they got started and it wasn't prepared for their senseless violence," Driggers said. "Now the police are learning to outthink them and outsmart them. The Tupes are highly organized and they plan their operations in great detail. This is both a strength and a weakness because intricate plans can be upset by keeping them off balance."

URUGUAY TO ISSUE MITRIONE STAMP ON 2D ANNIVERSARY OF HIS MURDER

The Uruguayan Government will issue a 37 peso airmail stamp memorializing A.I.D. Chief Public Safety Officer Dan A. Mitrione August 10, 1972—the second anniversary of Mitrione's brutal murder at the hands of the Tupamaro band of urban terrorists. Announcement of the stamp issue was made by Dr. Raymondo Arbela, Director General of the Uruguayan Government's Office of Posts and Telegraph. Issuance of the stamp was directed some time ago by former Uruguayan President Pacheco Areco.

Dr. Arbela said that ceremonies will be held in Montevideo, the capital city of Uruguay, on the occasion of the stamp's issuance to commemorate the assistance to the Uruguayan police provided under the guidance of Mr. Mitrione, and to generate support for both Uruguayan and American police forces.

The Mitrone memorial stamp will be the first issued by the Uruguayan government honoring an American since February 1960 when it issued a stamp commemorating the visit to that country of President Dwight D. Eisenhower. Dr. Arbela said the first run of the Mitrione stamp will be 100,000.

A first-day of issue cover has been designed by the Philatelist Club of Uruguay and will show a likeness of Mitrione. First-day covers will be available for 30 pesos. In U.S. currency the stamp will cost 6¢ each, as will the first-day cover. Stamp and cover will cost 12¢. The stamps will be printed in the plant of the Uruguay official printer, Chromograph, under the direction of Postal Agent Ruben Copola, assigned by Dr. Arbela to insure that the Mitrione stamp issue date is met.

Stamps and covers may be obtained by sending U.S. postal money orders or U.S. bank money orders direct to Senor Elias Casal Gari, President, Club Filatelico del Uruguay, Casilla de Correo 518, Montevideo, Republic Oriental de Uruguay. Orders should be sent by June 10 to insure inclusion in the first run of the stamps, and should include 17¢ return postage.

FINANCING OF HIGHER EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAWKINS. Mr. Speaker, I am pleased to submit for the RECORD the remarks of the distinguished president of the National Scholarship Service and Fund for Negro Students, Hugh W. Lane. Mr. Lane's statement on Financing of Higher Education was presented at the recent National Policy Conference on Education for Blacks in Arlington, Va. on March 20 to April 1, 1972.

I urge my colleagues to read the following statement regarding the financing of American schools; especially higher educational institutions:

FINANCING OF HIGHER EDUCATION

I believe our purpose during this phase of the conference is to determine the level at which policy considerations should guide our actions as persons interesed in equality of access to higher education. Clearly it is impossible in the time allotted for us to come to grips with each single issue which affects this purpose. I wish, therefore, to use a few major issues to suggest the kinds of things about which we should reach understanding in order that we act separately and together guided by a common understanding and consequent purpose.

The area about which I am personally most knowledgeable is that of financial aid: scholarships, loans, work study for the students about whom we are most concerned; subsidy to higher educational institutions for the traditional student bodies of these institutions, that is, for all who can afford to pay.

First the issue of subsidy. By subsidy I refer to the sum total of all moneys from federal, state, and local government which go to the support of higher education. With the possible exception of those portions of research grants not related to instruction, this total can be seen as the direct subsidy of that portion of the student population now in college. If these monies were not currently being given to the colleges, each student and his parents would have to meet a higher cost. To the extent that this is true, every student at an institution partially supported by public funds is a scholarship student. The sum total of these funds thus benefits these students directly. This direct benefit is not participated in by the population of young persons denied admission to college.

It has been shown elsewhere that if this sum is shifted downward and added to the funding which would be required in the form of scholarships, loans and grants to enable those of lower income to attend college, it would be sufficient to cover the cost.[1] The continuance of this subsidy in its present form thus represents a public policy to support the children of those of middle income and higher prior to consideration of the needs of those who cannot meet the costs of higher education from their own resources.

Now it is quite possible that many of us here, indeed that most of us here, are comprised by our participation in this subsidy. We either are receiving or have received some benefit from public funds above and beyond that received by persons never on college campuses as students. This fact may well prevent our reaching the conclusion that the public subsidy of higher education should meet first the financial needs of those unable to pay and only later the needs of those presently subsidized in part who could afford to pay higher costs. And yet that choice is the policy issue.

We do, however, operate within an even prior constraint. This nation could as public policy decide that the total cost of higher education (for all) would be paid from public funds. It is not entirely clear that this would require an increase in taxation. Clearly a reordering of priorities within the present level of expenditure of public funds would go a long way toward filling the need. Are we here prepared to take such a position? Simply stated, such a policy would be that the costs of education have the first, the highest, the initial priority in expenditures from the tax dollar or, more broadly, that the needs of health, education and welfare for all are to be met without regard to cost as a right of citizenship and prior to expenditures for war, for highways, for farm subsidy, etc.

In higher education such a policy could be made manifest in many forms. Let me suggest only one: a universal G.I. bill type of scholarship fund open ended of which every student is assured upon completion of high school.

Consider it and consider it well. Cost it out. The costs may not be prohibitive. The costs of a year in college are after all less than the costs of a year in jail or of a year in the Job Corps for that matter. Which is our choice? What policy do we wish?

Consider now the possible costs. Were six million students to attend college at a cost of $5,000 per student per year paid from public funds, the total cost would be $30 billion dollars yearly. Can the nation afford it? How long can the nation afford not to pay it?

Consider some of the implications. If higher education is a right and not a privilege and if the cost of higher education is to be paid to the institutions through the student, then the student is empowered. Those institutions not responsive to the needs of students would change or go out of business. Curricular innovation, relevance, all of today's catch words would perhaps be tomorrow's reality.

If the costs of higher education are to be borne by the public and not assumed by the individual family, then even the offspring of the affluent will be freed to engage in free and open thinking unbound to the past by debt and gratitude.

Is it possible also that the poor, and the minority poor, assured that the costs of higher education would be met, would assume a different relation to primary schooling and secondary education? I think so. Then why don't we do it that way? Is it too simplistic simply to note that the higher learning emerged as the province of the affluent and that the financing of higher education simply still reflects its origins.

Note in contrast our present situation, the way we do it today.

We hold out to all students that promise that if they perform well in secondary education and are admitted to college, that the costs of college will be met from public funding, to the extent that their parents are unable to pay tuition and added costs. This support is made available through federal programs of financial assistance. This

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Footnotes at end of article.

assistance, in the forms of grants, loans and work, is administered through four federal programs, the Educational Opportunity Grants program, College Work Study, the National Defense Savings Loan program and the Guaranteed Loan program.

This year for the second consecutive year, the level of funding of the Educational Opportunity Grants program and of College Work Study is grossly below the level of demonstrated need for such funding.[2]

The regional panels convened by the United States Office of Education to consider institutional applications for funding under these programs approved as proper or needed some $340 million dollars in Educational Opportunity Grants.

The estimated available funding for the coming year is only $165 million dollars. Of this amount $125 million must first be used for renewals of EOG's for students already matriculated and using the program. This leaves $40 million dollars to meet the $215 million which would be needed for initial starts, students entering the program for the first time. This means that only 18.7% of the money needed for initial starts is presently available. That percentage is as low as 9.8% for the state of Mississippi.

What exactly does this mean? Well, each college, when informed of its alloted share, must either inform an average 81.3% of students who have applied for initial starts under the EOG program that there is insufficient financial aid for them to attend or the college must scale down each EOG award or the sum total of EOG awards by an average 81.3% of the dollar amount granted.

To many this will obviously mean an end to the dream of college. Some will join the military, others will get jobs, etc. All too many will leave the college going pool, never to return.

By fall, Congress in its wisdom may well appropriate some portion of the $175 million dollars required to meet the already demonstrated need. By the time that event materializes it will be all too late for many.

It is worth noting that the College Work Study program is also underfunded for 1972–73 by parallel criteria, with only 60.8% of the demonstrated need meetable under the present appropriation. I do not have the figures which would allot this proportion among renewals and initial starts, but suffice to say that 1972–73 will be a second consecutive hard year.

The picture is bleak. It hardly represents the President's seeming promise that no student should be unable to attend college because of lack of funds.

There is yet another level at which public policy as affects black youth and the black community is reflected in the shape of legislation concerning student financial aid. This issue is how and whether blacks shall be educated and trained and what roles shall they be equipped for in a society where power resides in the already affluent and secondarily in the managerial, the scientific, and the technological.

Clearly the four year college degree is presently the principal avenue to power and participation. It does not hurt. of course, to be born affluent. History suggests, however, that status is hierarchical, that is, there is no higher status unless there's a good deal of lower status. This raises the question of the value of the four year college degree—not if we lower standards—but if we enable everyone to attain it. No less a person than the Vice President of the United States has argued that college is not for everybody, that multiple other options must be kept available. He quotes Amitai Etzioni to the following effect: "If we can no longer keep the flood gates closed at the admissions office, it at least seems wise to channel the general flow away from four-year colleges and toward two-year extensions of high school in the junior and community college." [3]

Now I am sorely afraid that these extended high school options are designed for our black children and the children of other minorities and other poor.

Note as evidence the proliferation of junior and community colleges with their present attendant high attrition before the four year degree.

Note the provocative Newman Report on Higher Education which suggests innovation and cost effectiveness and Mr. Marland's selection of career education as that aspect of it most deserving of his support.

Note the philosophy of the administration which substitutes the term, post-secondary education, for the term, access to college.

Note the per student financial aid package in the House or Mrs. Green's bill and its differences from the basic grant proposal in the Senate or Mr. Pell's effort. Listen to the arguments advanced for each as the legislation moves through the House-Senate conference. The level of individual funding in the House Bill seems designed to channel the less affluent toward the less desirable post-secondary options.

It seems to me that the less affluent are once again being channeled toward less desirable jobs, lower social status, less technical and scientific skill, a generally lower level and position in any hierarchy you wish to describe.

Those enabled to enter programs leading to four year degrees have been tapped for access at least to posts involving decisionmaking and planning. Those entering the two year and community colleges with their higher overall attrition rate are being channeled toward lesser positions in the work world and in social status.

Note statistics reported elsewhere.[4]

"Of 60,000 freshmen to be admitted to the state University of New York, an estimated 42,000 will be admitted to two-year campuses and the remaining 18,000 to the university's senior campuses."

The National Association of State University and Land Grant Colleges . . . reporting that the rejection rate of in-state resident students is running 80.7% above a year ago—not because of standards for qualification—but "because of general financial constraints and classroom shortages," both of which indicate public policy.

(Note in this connection, the recently reported study from Educational Testing Service [5] indicating that black students receive on the average a higher amount of financial aid than white students, a study released while the Senate and House Committees are in conference. A total of 171 black students are represented in that study. Of these a total of 76 comprise the population of those reporting awards of financial aid. What statistician in his right mind would generalize from 76 students to the population of black students, let alone those rejected for admission because of inadequate available financial aid.)

The predominantly Negro College has been traditionally underfunded. It does not matter whether one looks at the private black institutions or the public black Land Grant Colleges. The bleak level of support has been thoroughly documented elsewhere.[6] These colleges have, however, created black leadership. They have formed that nucleus of trained talent which has brought the black community this far. Of this there is no question.

Recently published statistics suggest a major increase in both the number of black students attending college and the proportion of black students in predominantly white colleges. In the recent published BLS Report #394, "The Social and Economic Status of Negroes in the United States" it is indicated that by 1970 some 72.4% of black college students were enrolled in colleges . . . not predominantly Negro. 144,000 were indicated as enrolled in predominantly Negro Colleges or 27.6%. That suggests that some 378,000 were enrolled in predominantly white colleges for a grand total of 522,000. just over a half million. The same study indicated 234,000 or just under a quarter of a million as the number of black students in college in 1964 with 51.3% of that number in the predominantly black colleges.[7]

The 1970 figures for black college attendance may well be inflated to an unknown degree by the inclusion of non-degree credit students. This is true certainly of the two year institutions and I am led to understand it is also reflected in the counts for predominantly white 4 year institutions.

Yet these figures do represent a shift in attendance patterns for black youth. The major source of growth in black enrollment has been in other than the predominantly black colleges and most of this growth began with the Civil Rights sanctions written into the Higher Education Act of 1964.

What does this suggest as to a public policy to be designed in the best interests of our black youth?

Certainly, the predominantly black college needs increased money support as it continues to play its historic role. To the extent that it no longer has the same national captive audience or student body it once held as its exclusive domain, it must adapt and change, becoming perhaps more regional, certainly sharpening its ability to do things compensatory and supportive. Our need is for more explicit formulation of those attributes and techniques which have served the black community so well through the years as models to be emulated elsewhere.

Could the predominantly black college be encouraged through funding to relate more directly to the problems of the black community *through public service outreach* to the urban poor and to the rural and agricultural communities of the south? Could black colleges be helped so efforts like *Shaw-in-Detroit* to stake a claim in Watts, in Hough, in the Bottom in San Diego? Might either Knoxville College or Southern University open a branch campus in St. Louis? These are not far fetched schemes. They simply need adequate development and funding. If the majority of our black students can no longer get to the black colleges, can we provide funding to enable the black college to move to them?

While remembering and honoring the role of the black institution, we must still remember that the majority of black students at the college level are now elsewhere. It is not helpful when some speak of these students and of black professors who are also elsewhere as traitors. I am clear in my mind that the white university or college is in many and varied ways hostile to black students, indeed to any student not middle class and white. Yet our students *are there*. We must assert our claim to our black students by asserting also our claim to the predominantly white colleges. The black community, it seems to me, must assert its claim to every institution and structure participated in by our black kids. We must insist on full participation in any institution supported in any way by the tax dollar.

I have earlier suggested the efficacy of a Universal G.I. Bill type of funding meeting student costs for higher education. That idea is no more and no less radical than the idea of the free public school.

I would now urge the funding of all four year institutions for community involvement. If this is a good idea for the community colleges, it should be just as good an idea for our four year institutions. The resources of these institutions should be made more freely available to the general public. Students and faculty should not be the sole beneficiaries of the books, labora-

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Footnotes at end of article.

tories, lectures, ideas, meeting places, athletic facilities which comprise these institutions.

The idea of an educational park for primary and secondary education is, after all, adapted from the idea of campus. These—all of these—campuses should be available to the black community—*also*.

It should be a commonplace for black community organizations to assemble and meet in the halls and conference rooms of our colleges and universities. City planners, social scientists, other scholars should be encouraged to use their disciplines, interacting with the community in the design and delivery of needed knowledge and service.

The crucial point is that legislative authority for this opera via now must be used in such a way as to provide leverage for change. I do not believe we should favor general and direct institutional support for higher education because and only because it provides no such leverage for change.

Thus:

The public support of higher education should be in grants through students to the institution rather than through the institution for the student because it would then provide leverage for change.

The public support of institutions should be through programs designed to produce change rather than to institutions per se.

Those institutions most directly involved in tackling problems related to our public policy directives should be rewarded and those merely serving present affluence and power should not be beneficiary to the tax dollar.

Let me raise briefly other questions or issues deserving discussion and dissection at length.

There are by now a variety of special programs for the disadvantaged through higher education. These would seem to be concentrated in the predominantly white colleges. Among these I number Upward Bound, Special Services, Educational Opportunity Programs, Higher Educational Opportunity Programs, etc. One feature of many of these programs is that they are *not* integrated into the regular programs of the institution in terms of permanent funding, permanent tenured faculty or administration. Thus they exist in a position to be excised or dropped when and if special and public funding is no longer available. They serve as an accommodation of the institution to the needs of special populations and are able to exert very little leverage for real and permanent change in the institutions' modus operandi.

The predominantly black institutions may well be dealing with students of similar background and parallel disadvantage. They do it, however, without the benefit of special funding. This, of course, raises the question of whether these institutions deserve additional public funding as a function of their task which may now be to deal with total or near total populations of students of some disadvantage or faulty previous preparation.

Another issue centers around the development of reasonable student budgets to enable attendance at college. In this area we are concerned with all the cost of attending college, not just . . . tuition, the cost of instruction, and other student fees.

In a remarkable study surveying actual student cost at Kennedy-King College, Kermith Owens, Director of Financial Aid,[8] developed fifteen representative student budgets showing the actual cost to the student as a function of his situation. These budgets ranged from a total 12 months cost of $3,431.50 for a dependent student living at home to $5,316.50 for an independent single student with one child.

Costed out in each such budget were rent, utilities, fees, tuition, books, supplies, transportation, meals, clothing, recreation, cleaning-laundry, personal grooming, toilet articles, medical expenses, child care, and other miscellaneous costs including the cost of family debt.

How different this approach is from the consideration of only costs to be recovered by the institution. How strange that our present public policy is to support undergraduate students at—*and not one penny beyond*—the level of bare subsistence?

A friend raises the issue of public funding for research—an area which includes anything from the establishment of research institutes to the education of students for research careers. Present practice makes research in the main the exclusive preserve of the large university. How many black students are thus never aware of the various research careers as viable options, simply because they attend initially the small colleges and the predominantly black colleges? Should our public policy position favor shifting research funds toward smaller colleges either through establishment of research consortia in which various black colleges participate or through increased funding for research at the undergraduate level?

In discussing financial aid—I have tried to demonstrate some of the complexity of at least one issue relating to education as it concerns the growth and development of the black community. I mean to imply the need for continual study groups with experts rotated in and out at need as a functioning adjunct to the Congressional Black Caucus. There is too much in any single one of these issues for one legislator to be an instant expert. There is too much variety in the black community for any one expert to delineate its needs.

In assembling a study group in just the area of financing higher education with special reference to the needs of blacks, I would include experts from at least the following categories:

1. The black college presidents
2. Business managers at black colleges
3. Development officers at black colleges
4. Financial aid officers—black
5. Admissions officers—black
6. Legislators and legislative aides
7. Representatives of organizations UNCF, NSSFNS, SEF, NAACP
8. Black students
9. Black executives in foundations
10. Black parents
11. Representative Black community organizations

At least this much expertise should be made available to the Black Caucus on a regular basis if a sound public policy position is to be reached which will guide their individual and group effort. If this is to be done it must be done at the initiative of the Black Caucus. Many of the persons I cite cannot lobby yet each could and would participate if invited. Coordination must and should come from within the staff of the Caucus and not from the outside.

It is indeed late for the black community to commence such an effort. It is not, however, too late.

FOOTNOTES

[1] Mundel, David; Position paper prepared for the Minority Panel on Financial Aid, College Scholarship Service.

[2] Analysis prepared by Washington, D.C., Office of the College Entrance Examination Board.

[3] College Board Review, Spring 1970, No. 75, p. 12ff.

[4] Higher Education and National Affairs, Volume XXI, Number 11; American Council on Education, March 17, 1972.

[5] Haven, Elizabeth W. & Horch, Dwight H., How College Students Finance Their Education, College Scholarship Service of the College Entrance Examination Board, January 1972.

[6] Payne, William, The Negro Land-Grant Colleges, Civil Rights Digest, Vol. 3, No. 2, Spring 1970.

[7] BLS #394, The Social And Economic Status of Negroes in the United States, 1970.

[8] Private communication from Kermith K. Owens, Director Financial Aid, Kennedy-King College, Chicago, Illinois. Copies available by request to HWL.

PROPOSED STANDARDS FOR PLANNING WATER RESOURCE PROJECTS FAILING TO REFLECT TRUE NATURE OF THE NATION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. JOHNSON of California. Mr. Speaker, at the present time the National Water Resources Council is considering proposed standards and procedures for planning for the use of water and related land resources. The actions which this Council will take in the days and weeks ahead could very well determine the future of a water resource development for generations to come.

As originally developed by the Water Resources Council Task Force the proposed standards and principles expressed a need for analytical procedures and project reporting to reflect more nearly the real inputs that have actually controlled decisionmaking through the years. By this I mean—that Members of Congress who have consistently supported water and related land resource programs have done so out of a deep awareness that they contributed clearly to the four objectives set out by the task force:

The traditional objective of national efficiency that dollar benefits must exceed the dollar costs.

The objective of improving our environmental quality.

The objective of a favorable impact upon a regional basis.

The objective of benefits to the social well being of Americans.

This being the case, the multiple objective planning system held promise of furnishing more definitive date, in the form of quantitative and qualitative evaluations, for use by the Congress and the executive alike in processing water resource development plans toward implementation on the basis of sound and logical priorities.

Also the discount rate philosophy expressed in the task force report was acceptable to most reasonable people in that it bore some relationship to the actual cost of transacting public business, and was comprehensible to professionals and laymen alike. Moreover the task force report did not seek to intrude on the prerogatives of the Congress, in that it showed an affirmative appreciation for the authorizing laws which have heretofore been enacted.

While the purposes of multiple objective planning are generally supportable, the task force report did fall short of a realistic, meaningful guide for future action because it attempts to accomplish too much, too quickly. For instance there appears to be a lack of appreciation of the many areas of the analytical process for which it fails to establish guidelines for detailed application.

Nevertheless, the task force report is more acceptable and supportable than is the version of the standards and principles published in the Federal Register on December 21, 1971. The changes which were made by the Water Resources Council prior to publication failed to rectify the shortcomings of the multiple objective planning system, which, as pointed out above, is indescribably complex despite its lack of detail and guidance in many substantive areas.

There are, in the hearing record of the Water Resources Council, many thoughtful and enlightened statements which point out the weakness of the proposed standards and principles. It is nevertheless appropriate, at this point, to recapitulate a few of these and thereby add one more voice to those who seek to preserve our capability for economic growth and stability, particularly in rural America.

I would refer first to the Council action in eliminating from the list of objectives the "well-being of people" and the derogation of "regional developments" to the status of being applicable only where specifically authorized. The Council does not see fit to establish by whom "regional development" must be authorized. This must be clarified because I do not believe that anyone in the legislative branch of government, in which the authorizing power must vest, would accept an administrative action or declaration which would grant the executive broader discretion to dispense or withhold project benefits in accordance with the executive's view of where such action would do it the most good.

Concerning the "well-being of people" objective, it is difficult to comprehend the denial of an objective with such a valid role in public decisionmaking in our representative form of government. Representatives of the public know, full well, that the two paramount objectives sought to be served by all public investment are "well-being of people" and "regional development." National goals are relevant, but they are not predominant in the minds of most people for the reason that they are not readily perceived by the average man or woman. Surely the executive could not feel that it cannot trust the Congress to participate in the decisions affecting the lives and well-being of its constituents—but only in matters of national scope.

Turning now to the question of discount rates—I feel the existing formula, that set out in the Federal Register of December 23, 1968, yielding $5\frac{3}{8}$ percent at this time—is too severe. It does, however, have the virtue of bearing some relationship to the cost of transacting public business. In this sense, it is tenable. The so-called opportunity cost of money, on the other hand, has no place in public investment decisionmaking. Its impropriety has been amply documented. The Federal Government should under no circumstances undertake to engage in investments returning anything like the so-called opportunity cost of money. Such an hypothesis is so totally alien to the fundamental philosophy of the free enterprise system, that one cannot avoid wondering if it has its origin in a calculated decision to terminate forthwith all water resource development.

The Water Resources Council amended the task force recommendations to involve authorized projects. This, of course, implies that the executive branch can—by administrative fiat—"deauthorize" a project or nullify an act of Congress. While the executive branch may request funds with which to initiate authorized projects or withhold such requests at its discretion, it has no authority to require ex post facto justification of the acts of Congress simply because it has seen fit to change its own rules for decisionmaking. It may well be that the Congress will see fit to appropriate funds to start all future authorized water resource projects much as it has been obliged to do in recent years. Needless to say, I oppose the spirit and the letter of the 5-year rule and feel that it has no place in the administration of Federal programs.

These thoughts express my principal concern with the Water Resources Council's proposal as published on December 21, 1971.

I also have a general unease with the system of multiple objective planning set out in both the task force report and the Federal Register proposal. My problem in this area is more one of abruptness of timing than of substance. I agree that it would be ideal to have a planning and reporting system where every parameter of desirability is expressed in equivalent quantitative terms. Given enough staff and time, the task force might well have approached this ideal. Instead, however, we propose to install an imperfect, untried system in one stroke; bringing all studies in progress under its terms. This cannot fail to have the effect of slowing down the flow of proposals to the Congress by several years. During this time frame nothing of any consequence in the action context will likely take place. No new water supply will be delivered to the ultimate user. No new flood control facilities will be initiated and our unfulfilled water resources needs will become progressively greater.

For the good of the Nation and for the benefit of generations to come we cannot permit such a disruption in the conservation and wise utilization of one of the most precious of nature's resources—water.

NEWSPAPER, BUSINESSMEN LAUNCH WAR ON DRUGS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. FORSYTHE. Mr. Speaker, it is often said that the problem of drug use among our Nation's young is a problem that must be tackled at home, by all of us.

I believe this is true. While I support stiff penalties for the unscrupulous dealer in narcotics, these laws will be only as good as the efforts to enforce them.

A community newspaper in my district, the Burlington County Times, and the Willingboro, N.J., Chamber of Commerce, are demonstrating the importance of local, community cooperation, and action in the fight against narcotics abuse.

The newspaper recently announced a new program in cooperation with the chamber—a program to provide a $100 reward to persons who provide information leading to the arrest and conviction of dope pushers.

I am including at this point the Times article announcing this project:

WE WILL PAY $100 FOR TIP LEADING TO PUSHER CONVICTION

A new program aimed at halting—or at least slowing—dope traffic in Burlington County begins today with the start of Operation T.I.P. (Turn In Pushers).

Sponsored jointly by the Burlington County Times and the Willingboro Chamber of Commerce, TIP provides a reward of $100 to anyone who provides information leading to the arrest and conviction of any person selling hard drugs.

The $100 reward is made with a guarantee of complete anonymity for the person who provides the necessary information.

The project is a sincere effort to stop drug abuse among youth and to involve the public in this effort. And while it is recognized that the user of illegal narcotics is a sick person in need of help, it is also obvious that the path to addiction is paved by the pusher.

Drug users, under pressure to get money to finance their habits, will steal, commit assaults and even kill. Why? So that the supplier, the pusher, the seller—the big man—can get his money. No matter what street term you apply to a pusher, he is nothing more than a merchant of death.

That is why Operation T.I.P. has been initiated and is fully supported by State, County and local police officials.

At a recent meeting held at the Burlington County Times Building, "full cooperation and help" was promised by State Police officials, Burlington County Detectives and municipal police chiefs for the success of T.I.P. The project is also supported by the Burlington County Police Chiefs Association.

This is how Operation T.I.P. will work. Just write the information you have regarding a hard-drug pusher's activities, but do not sign the letter with your name. Instead, of signing your name, write any six-digit figure you choose. Write this same "code" figure twice on the letter, once on each corner of the lower part of your letter. Then tear off one of those numbers and save it. Send the remaining portion of the letter with all of your information to: Operation T.I.P. Burlington County Times, Route 130, Willingboro, New Jersey 08046.

The information will be turned over to the proper authorities for investigation.

If the person you report is convicted, call the Editor of the Times and when we match your number (the portion of your letter you tore off and kept) with the number in our T.I.P. files, confidential arrangements for payment of the reward will be made. All payments will be made in cash.

There are two important points to remember. When sending information, include as many details as possible about the pusher.

Official information such as name (if known) and nicknames, a physical description, where he is likely to be at various times; and if he has a vehicle, include all known information about it, such as license, model, etc.

The second point to remember is the probability that several months or even a year may elapse from the time you send in your T.I.P. to the time of a conviction. Investigations take time and, unfortunately, the current heavy court schedules delay trials.

Although unlikely, should more than one person claim the reward following a conviction, the editors of the Burlington County Times will have final say as to who has claim to the reward.

And both the Times and the Willingboro Chamber of Commerce are urging other organizations and groups to become involved in T.I.P. As the program gets under way, more money will be needed to pay T.I.P. rewards.

Remember, public involvement and cooperation is vital to the success of Operation T.I.P., so don't wait until tomorrow. If you suspect someone of pushing hard drugs, sit down right now and write that letter.

PLANNING YOUR FUTURE: A NEW KIND OF SCHOOL EXERCISE FOR WOMEN

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert in the RECORD an article, which appeared in the Detroit Free Press, written by staff writer John Askins. The article describes a recent exercise conducted by Lamphere High School in Madison Heights, Mich., for its women students, regarding their role, future, and responsibilities following graduation. It would be well if every Member of Congress would read this message. This is the most realistic exercise, directing students to think about their future, about which I ever have heard in any school.

The article follows:

"MARRIAGE IS NOT THE ONLY CHOICE"—HIGH SCHOOL ASSEMBLY WITH WOMEN'S LIB MESSAGE

(By John Askins)

One speaker wept. "I don't know how to tell you that it just isn't easy," she said. "I'm happy, but there's so many things I want.

"Don't just go out and get married. Think about what you're going to do before you do it."

Another speaker, a man, got a laugh from the audience of 600 Lamphere High School girls when he described a two-year stint of doing all the household chores because his wife was working while he got a graduate degree and he had more free time.

"I cooked, I washed the dishes, I made the bed, I vacuumed and I went bananas," he said. "I just about climbed the walls."

Perhaps for the first time anywhere, a high school was saying to its students what Women's Lib advocates have been saying for years: Marriage is not the only choice a young woman has when she's planning her future, and for some it may not even be the best choice.

But officials at the Madison Heights school were careful to say that they were not pushing Women's Lib on the students, only presenting them with information about "alternative choices."

"Our idea was to provide you with some things to think about," moderator William Haycock told the audience. "What you do with them is entirely up to you."

The girls, who mostly come from working class families, are not as strongly encouraged to go on to college as their more affluent counterparts in places like Birmingham and Grosse Pointe, said counselor Joan Walker. There was no room in the school auditorium for boy students, so only girls were allowed in.

The first speaker, attorney Julia Giller, 27, told the girls some economic facts of life:

If they get married to a young man just out of high school, they're going to have to work if they want any kind of life, because he'll be doing well if he brings home $100 a week.

If they decide to get divorced, the husband is not required to pay alimony in Michigan; only child support.

If the husband deserts them, and they have to go on welfare, the payments are about $25 per child per month plus housing.

If they had never worked before marriage and never had a charge account, they will have to pay large deposits for utilities after they are divorced.

Many of the same problems arise if they are widowed, Mrs. Gillis added, urging them to equip themselves to get a good job.

That means training of some sort beyond the high school diploma, though not necessarily four years of college.

"I wouldn't knock being a wife and mother," she added. "I have an 11-month-old daughter. But I know if I'm happy then I'm a better wife and mother."

Vera Cassise, 47 , a custodial worker at the school, told the girls she had never worked a day in her life until she came to Lamphere after the death of her husband from a heart attack five years ago.

"Why didn't I go to work earlier?" she said. "Maybe I was being a little selfish. Maybe he wouldn't have died if the burden wasn't so much on his shoulders.

"Well, that's all in the past now. But I wish you kids would stop and think when you get out of school. It isn't going to be a bed of roses."

Dr. John Walker, 36, a psychologist and marriage counselor, said that marriage "is to share and enhance a happiness, not create it." If you want to be happy, he told the girls, you have to spend at least some of your day doing productive work; routine housework is not included in that category.

Speaking from his own experience in housekeeping, he said: "How many ways can you creatively vacuum a rug? And when you make a bed, somebody sleeps in it and you have to make it again the next day."

"Thank God we didn't have any children. If I'd had to wash dirty diapers I probably never would have gotten my Ph.D."

Often women try to tell themselves they should enjoy housework, he said, and feel guilty when they don't. Others rebel and don't do the work, then feel equally guilty.

"Sometimes women repress * * *, and they wind up repressing all feelings. Many of the women who come to see me feel a dull sense of anxiety and little else."

Dr. Walker said women could get involved in productive work without going to college or having a career; he suggested gourmet cooking, sewing projects, interior decorating, art and volunteer work.

But, he said, housework alone destroys self-confidence and happiness.

Then two young women who graduated from Lamphere in 1969 and one from 1966 talked about their own lives since then. Michelle Urban, 21, who is married and working full time to supplement her husband's income, said she would like to work only part time in a few years and further her training in art or interior decorating.

"But right now I know that will be the time when we'll be wanting to start a family," she said ruefully. "Well, that's life."

Marlene Koreck, 20, the young woman who cried, stays home to take care of her 15-month-old daughter, and says she doesn't know if she'll ever go back to work again. Her husband doesn't want her to, she says, and the baby cries every time she goes out the door.

The first year, we really had it hard," she added. "We fought. He felt tied down, especially with the baby. I'd sit there and say, 'Don't go,' whenever he wanted to go out. I depended on him."

As if to illustrate that there are no surefire formulas for success, the last speaker, Marlene Siebenhaar, 24, said she has done "absolutely nothing for myself" although she remained single and finished college. She works as a clerk typist-secretary at a local bank.

School officials said they hope the students will sign up for discussion groups to consider further the issues raised at the assembly.

THE POLICY IMPLICATIONS OF COMMUNITY CONTROL OF BLACK AMERICAN SCHOOLS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HAWKINS. Mr. Speaker, I am pleased to insert in the RECORD a viewpoint statement presented at the recent National Policy Conference on Education for Blacks by Preston Wilcox, President of AFRAM Associates, Inc. His challenging views were in sharp conflict with others presented and deserve careful consideration as we seek to make American education more viable and relevant.

The statement follows:

THE POLICY IMPLICATIONS OF COMMUNITY CONTROL OF BLACK AMERICAN SCHOOLS

(By Preston Wilcox)

The internal problem of Black people as a group is our slave mentality brought about by our acceptance of the values, goals and ideology of the oppressor. This manifests itself in the way we treat each other and in the way we strive to emulate the oppressing group in all its ways. The internal problem of Black people as individuals is that we are totally corrupt and need to be purged from our own incorrect desires, motives, thinking and action.—John Churchville, Director, Freedom Library Day School, Philadelphia, Pa.

PREFACE

In order to understand this presentation, my listeners/readers will have to begin with the following assumptions:

(a) All Black students are human and educable.

(b) Black students exist as members of families and communities.

(c) Black students should study as members of Black families/communities first and as members of college communities second.

(d) Black students must be educated to build a Black nation in concert with their brothers and sisters.

(e) All Black students must be educated to acquire the capability/desire/knowledge to participate with others in building/creating relevant Black institutions.

(f) The only institutions which one can change or reform are those institutions of which one is a part.

There is no alternative to self-investment in the consequences of change. One observer notes:

In a celebrated essay, "The Yogi and the Commissar" written more than a quarter of a century ago by scholar and novelist Arthur Koestler, he described society as caught in continuing tension—between those believing in "change from within" the individual, and others believing in "change from without", imposed by some human authority. (1)

As Brother Chuck Stone notes:

Institutions are people and they are an operating entity with an independent and surviving life force beyond the collectivity of people. (2)

(g) Black men have but one role within white-controlled institutions; i.e. to subvert them or convert them to Black institutions. To try to "succeed" within a white institution or to reform it is to strengthen it.

(h) Black men can never make it as Black men within a white system. Hence, they can never become a part of the system or become the system itself. Black men in white-America are Black first, last and always.

(i) Black people must love themselves *first* before they can begin to love other Black people. The alternative is to give up their love of Black people and their love of themselves.

(j) The lives of Black people are inextricably tied to one another whether they acknowledge that truth or not.

(k) Black people have an instinctual natural "undying love" for each other. No Black man feels good when another Black man withholds love from him—or otherwise deny it to him.

(l) Values of cooperativeness—socially, politically, culturally, creatively and the like—are a part of the actual survival/history of Black people. Black people have survived as a group—not as individuals.

(m) Black men can never, never treat each other as terribly as Black people have been treated as a group by white America.

This presentation is an attempt to put in one place the author's notions about the right of Black people to control their own destinies—beginning with the Little Red School house. It will discuss how education has been utilized in this country to "divide and conquer" Black people as a group. A discussion of the concept of community involvement as differentially perceived/utilized by white-controlled systems and Black controlled systems follows. The wrap up section will attempt to identify and elucidate the policy implications from a Black perspective.

Never lose touch with your own soul.

PRESTON WILCOX.

March 23, 1972.

I. EDUCATING TO "DIVIDE AND CONQUER"

Black Americans have been consistently educated in two types of settings: one predominantly Black, the other overwhelmingly white; both characterized by the necessity to resist white dominance or to comply with white rules, values, goals and ideology. Hence, the field nigger/house nigger syndrome has been perpetuated within the Black community through the patterns of public education to which Black people have been exposed. The house niggers have tended to be educated to become *the system;* the field niggers were educated to fit into it by the "educated" house niggers and their white counterparts. The former group—the house niggers—were educated to believe in white domination, "the talented tenth" mentality. The latter group utilized white-dominated education to seek opportunities for quality education. The notion that quality education can be located under Black control and sponsorship within the Black community as a tool to build "operational unity" among Blacks remains a foreign idea to many Blacks. It is a threat to foreigners to the Black community.

It is clear from the above analogy that white Americans have never had any interest in educating Black people to *respect themselves,* to *define themselves,* to *nurture their own cultural heritage* and to participate on a collective basis in the joint resolution of the problems which Black Americans suffer on white American soil. Far too many Blacks have been educated to defer to white people, to accept oppressive definitions of themselves, to reject their own culture and to compete with each other for individual rewards dispensed by the Man. One-by-one entry into the mainstream has been a seeming goal.

The house nigger/field nigger syndrome has persisted because Blacks have not experienced the opportunities out of which one develops the *capabilities* to define himself—or the requisite opportunities to define the *internal fabric* of the Black community. The destinies of field niggers and house niggers are inextricably intertwined whether or not they acknowledge it. Field niggers and house niggers deserve the right to control their own collective destinies. They have a *natural* ability, right and responsibility to do so.

The opportunity for building "operational unity" between field niggers/house niggers does not exist as long as Blacks are educated within white-controlled institutions. The opportunity for enabling field and house niggers to respect each other cannot be provided within white-controlled institutions. The opportunity for Blacks to develop the capability to define themselves is not available within white-controlled institutions. The opportunities for developing collective thought/action/capabilities among Blacks and restoring a sense of one's own cultural identity do not exist within white-controlled institutions.

Within white-controlled institutions, it is illegal to be Black, to rebel, to love oneself as a Black, to care about a brother or a sister, to nurture one's sense of cultural identity or to educate for collective actions and nation-building. Blacks educated by whites are characterized by their need to *sneak* to freedom, to *seek permission* to be free, or to submit one's self-determination to the control of whites.

Discussion by Blacks, then, of any educational strategy short of *Black control of that education* is, in fact, the promulgation of a policy by Blacks to participate in dividing and conquering themselves. Open Enrollment, School Integration, Busing, Pairing, Princeton Plans, suburban/urban integration efforts and the like are designed to:

(a) destroy the concept of psychological and physical nationhood within the minds of Blacks.

(b) ensure that quality education for Blacks *never* takes place within the Black community and under Black control.

(c) educate Blacks to advocate on behalf of whites within the Black community.

It is no accident that Black nationalists expend their energies attempting to build "operational unity" among all Blacks while Black integrationists expend their energies turning Blacks against themselves and each other. (3) The former view their destinies as being tied to the destiny of Blackamericans and Blackafricans. The latter perceive their destinies as being tied to the destiny of white-americans and whiteafricans. The truth: Black Nationalists and Black Integrationists must come together or neither will survive. This theme was expressed by the Education Council, Congress of African People as follows: (4)

All Black educators (teachers, students, parents, administrators and community residents) should be held accountable to the Black community.

The education of Black people should be controlled by Black people whether it takes place within a white setting or a Black setting.

Education is a political act—its goals are people-building, community-building and nation-building. It should be directed toward the transmission of skills, knowledge, culture and values designed to produce the new African man.

There is a need to define what we mean by Black-controlled institutions, how to create Black educational institutions, how to subvert white institutions, how to convert white institutions to Black institutions, how Black people can learn to look out for each other, how to communicate with each other and to determine how education can be applied as a tool in the nation-building process outside of the formal educational institutions. (5)

For those brothers and sisters who feel that building quality educational institutions within the Black community under Black control is lending support to Governor Wallace and Albert Shanker, permit me to point out:

(a) Governor Wallace and Albert Shanker are incapable of respecting/believing/participating in ensuring quality education to Blacks where ever it takes place. Both would tend to favor the continued miseducation of Blacks, where ever it takes place.

(b) Black community control efforts are designed to remove racists from control over Black education.

(c) Black community control efforts are designed to establish Black sovereignty over Black education.(6)

If the education of Blacks does not, in fact, reinforce the *natural* "undying love" of Blacks for one another, if it does not enable the learner to *want* to contribute to nation-building, if it does not result in "operational unity"—Gary, Indiana-style—then, it serves but one function—to honkify Black folks! (7)

II. COMMUNITY INVOLVEMENT: NEW DEFINITIONS

Community involvement by Blacks in white-controlled institutions has ultimately meant the strengthening of the white institution. A second result is the inculcation within Blacks of the desire to be equal to whites—rather than the development of a desire for collective Black control over such institutions. It has required that parents and community leaders reinforce and support the goals of the existing institution: i.e., that they operate as "outsiders" to institutions in which their own children are being educated. Community involvement has been another game of name changing without any modification of the basic structure of the relationships. "Outsiders" are called upon to hold the "insiders" accountable when, in fact, the "insiders" are accountable to the larger school system and not to the local community.

White-controlled schools within Black communities have tended to approach the children as individuals or as members of pathological families and communities. The students were, then, educated to become refugees *from* the Black community. They were to become "naturalized citizens" within white america rather than to have their citizenship within Black america deepened and enhanced Local parents/community leaders were utilized as "company agents" for the school.

(a) to propagandize the "good works" of the school.

(b) to anesthetize any opposition.

(c) to legitimize the school within the community and

(d) to minimize any potential for change.

Community involvement within Black-controlled integrated programs is characterized as follows:

(1) *Children are perceived as being members of families and as individuals.*

Examples

(a) The classroom format is frequently modified into a family group concept wherein the transmission of love/security/consciousness/culture is given equal importance to the three R's. Importantly, the fourth R—

Footnotes at end of article.

racism—is dealt with as an integral part of the educational process.(8)

(b) Children are listed on school rosters as members of families, not as individual students.(9)

(c) Children are expected to teach each other and to teach the teacher about their own needs and interests.

(d) Parents and their families are perceived as having a *natural, non-negotiable* right to be involved in shaping the education of their own children. Parental rights are natural and God-given. If parental rights have to be legislated they have already been usurped. "You can't be free if someone lets you be free," (10)

The point: parental participation is not merely encouraged. The right to it is guarded/respected.

(2) *Black children are automatically perceived as being human and educable.*

Examples

(a) It's not illegal to be hungry or on welfare. It's viewed as being a crime of the society—a need to be met.

(b) The child is viewed as being a Black person *first*, and a student second.

(c) The assumption that the Black child *can* learn is taken for granted. The institution of which the student is a part guards/guarantees the opportunity to do so.

(3) *Children are perceived as being members of a community, not as refugees from it.*

(a) Non-Black teachers/administrators are expected to give up their tendencies to become generals within the Black community. They are urged to become "naturalized citizens" within the Black communities, i.e., turncoats against the system. (11)

(b) Black teachers/administrators perceive themselves as being *Black first* and as professionals *second*; as being members of the local community *first* and of the school system, *secondly*.

(c) The school—whether public or private—becomes an instrument of the local parent body with local community support *first*; and a member of a larger system *secondly*.

(d) The school and its program becomes an instrument for *preventing* the local community from being "divided and conquered". It becomes an instrument for building "operational unity". (12)

(e) Students are educated as members of the local community *first*: i.e., to acquire the interests/skills/desire to work on the problems imposed on the Black community by white America: sickle cell anemia, drug abuse, etc. Importantly they are educated to believe in their guts that Black people must acquire the skills to liberate themselves. White folks ain't going to/can't do it.

(f) Parents/families are treated as "insiders" as they really are. They are expected to help solve problems, not just identify them. They are encouraged to become articulate spokesmen, and not just to remain as aggrieved complainants. (13)

My point: community involvement is a term developed by some "outsiders" in the Black community who wanted to keep Black people disengaged from their own legitimate affairs. The term "accountability" was also developed by some outsiders who were controlling institutions which Black people should have been controlling themselves. The Black terms are *community control and mutual accountability*, i.e. self-determination/self government or collective/cooperative economic development.

III. IMPLICATIONS FOR BLACK PUBLIC POLICY

We have tried to state with a sense of affirmation that the major responsibility for *constructing* quality education programs for Black people rests with Black people. The obligation is absolute; it is inescapable.

The essential dialogue in education in this country prior to the controversy at Harlem's Intermediate School 201 dealt with whether or not it was more desirable to educate Black students to become white in racially mixed settings or within all Black settings. The issue of who was to control the educational processes seldom came up for discussion. It was presumed that Blacks would continue to submit to white-controlled education. DuBois noted this tendency in 1918 when he reacted to a study done on education in the down south. He wrote:

> There is not in the whole report a single word about *taxation without representation*. There is not a single protest about a public school system in which the public which it serves has absolutely no voice, vote, or influence. There is no defense of those colored people of vision who see the public schools being used as training schools for cheap labor and menial servants instead of for education, who are protesting against this by submitting to double taxation in support of private schools; who cannot see that these schools should (not) be turned over to the people who by their actions prove themselves to be enemies of the negro race and its advancement.*

Since that confrontation at Harlem's I.S. 201, however, a major shift has taken place in the thought and actions within the Black community.

(a) Black/Afro-American/African Studies Programs have developed on white college campuses. Efforts are now underway to absorb them into African Studies programs designated to turn Blackamerican warriors into "foreign" diplomats in Africa—or into missionaries.(14)

(b) Black Colleges in the down south have begun to recognize their own collective worth and to value their own historic contribution. They are now moving to prevent forced integration (domination) by their white controlled counterparts.(15) (There was a tendency here to refer to the counterpartners as "sister organizations" but Miss Ann and Mr. Charlie would be far too pleased with that.)

(c) Independent Black Educational Institutions are proliferating at a steady pace.(16) At last count, AFRAM's Action Library had a roster of 100 such organizations, not including a roster of nine (9) Black School Systems.(17)

(d) The number of Black School Superintendents (state, city and those in deputy positions) numbered 38 at last count.(18)

(e) The number of Black School Board members, Black Mayors and Black Elected Officials is also increasing.(19)

(f) Both locally and nationally, the Black Urban Alliances and National Black organizations are providing alternative vehicles for Black participation: an alternative to interracial councils and white controlled national organizations.

Structurally, the effort at Harlem's I.S. 201 was designed to involve a segment of the Black community—parents/families—in guiding a community development process in which parents were to be engaged in staff selection, the setting of policy and evaluating the educational programs in which their children were involved. In socio-political terms it was an effort to substitute their own control for that of the central system: to perceive the Black community as a part of the Black nation and not as a branch of the central city. It was an effort to increase the number of opportunities for local leaders to develop the *capabilities* to build their own institutions.

It was an attempt to develop a laboratory for the nurturing/conditioning of Black relevant leadership: a setting in which Black students could learn to participate in building collective Black leadership. It was a vehicle for returning to Black control the right/opportunity to define its own *internal relationships*, a place where field niggers and house niggers could begin anew to experience their common destinies.

The events taking place within the Black community since I.S. 201—the first introduction of incipient Black nationalism into the public school arena—began to transform the concept of Black education—and to penetrate other areas of Black thought.(20) Rather than desiring to achieve within white institutions, there is a growing desire to create Black institutions. Rather than desiring any longer to learn how to become white, there is an increasing desire to learn from whites how to subvert them. Rather than reacting to whiteness there is a growing desire to enact Blackness. Rather than learning how to dream of better days to come, there is a growing intent to translate those dreams into a reality.

The economic impact of parent control is where it really is however. I.S. 201 and Ocean-Hill Brownsville were undermined by the white union movement in New York City not because the community groups wanted control over the hiring and firing of teachers. They also wanted control over the procedures/processes by which schools were constructed. One way to involve parents in the education of their children is to locate employment for the parents, themselves. History will show that the Black professionals were willing to settle for an educational definition of the problems.(21) They were willing to settle for the right to hire and fire teachers. The parent leaders at least at I.S. 201 saw the educational problem as also being an *economic problem*. They chose to gain control over school instruction.

During the two years in which I.S. 201 Governing Board operated a Community Education Center, approximately 45% of their employees were ex-political prisoners who were the parents of children attending school in the complex. Over 90% of the the staff were local residents. A review of their contacts with the N.Y.C. school system as a bureaucracy reveals that they spent a disproportionate amount of their time dealing with and fighting with three departments: the Division of Personnel (staff certification), the Business Affairs office (payroll consideration) and the Bureau of Purchase (the purchase of equipment and supplies). (22) They had little or no contact with curriculum-oriented staff from central office. There was no need for such contact for two reasons a) the local community was involved in developing their own curriculum b) the problem is economic, not educational.

The retreat of the Congressional Black Caucus, since Gary, on the busing issues raises some fundamental questions as to whether Black people are prepared to act as a collective. It raises some fundamental question as to whether Black public policy on educational issues is achievable. Our experience with Black parents in seven cities over the past two years suggests that at the street level there is a developing capacity to want to be free within Blackamerica. AFRAM staff learned that if they behaved toward parents as though they could act on their own behalf; they began to do so. We also learned that Black parents cared about children other than their own:

One stated: If 50% of the parents are not interested in the education of their children, then, the other 50% must do for all of the children not just their own.

Another was quoted as follows: You have to be concerned with all of the children as though they were your own children. (23)

We learned that parents could begin to behave toward the schools as though they, in fact, belonged to them: they moved from the status of a psychological tenant to that of responsible landlord within the school setting.

What we have attempted to identify are the strengths and capabilities which are being nurtured within the Black community. These strengths and capabilities should be taken into consideration when one begins to consider policy issues. If Black public policy is to flow from a Black perspective it must draw heavily upon Black self-definitions. We have attempted to raise for discussion the possibility that the struggle for quality education is an issue of who controls the educational process, and not one of whether one integrates into it or is bused to it.

Were I asked about the busing issue I would ask who owns the busses?

Were I asked about building alternative educational systems, I would raise the question of building alternative political systems.

Were I asked whether to integrate or segregate, I would ask on whose team would I be expected to play?

Were I asked how to build "operational unity" among Black people, I would say it has to start in the home and continue throughout the educational process.

Were I asked whether the fight for quality education should be engaged within the framework of the public school system or outside of it, I would ask how we could take over the public schools that serve our children?

Were I asked if I wanted to be free, I would ask whether or not it was to be bestowed upon me—or whether I would have to struggle for it?

Struggle is educational.

There is nothing between freedom and slavery.

Be in charge of your own collective self-determination.

Gary on!

Attica no more!

Never regret that you were born.

There is no such thing as the abolition of slavery. You can only talk about the destruction of Masterhood.**

Never, never lose touch with your own soul,

> Don't be what you isn't
> Just be what you is
> Cause if you is what you isn't
> You isn't what you is.***

FOOTNOTES

(1) *U.S. News and World,* March 20, 1972. p. 64.

(2) Stone, Chuck. *Memo to Brother Preston.* Princeton: Educational Testing Service, March 15, 1972. p. 1.

(3) Wilcox, Preston. "From "Complainant" to "Spokesman" Changing Conceptions of Community" in *Educational Leadership,* May, 1972.

(4) *Workshop on Education and Black Students, Congress of African People.* Harlem: AFRAM Associates, Inc., Sept. 13, 1972. pp. 17–18.

(5) See Satterwhite, Frank J. *Planning an Independent Black Educational Institution.* Harlem: AFRAM Associates, Inc. January, 1972. 29 pp. + Appendix.

(6) *Preferences in School Organization Patterns.* Harlem: AFRAM Associates, Inc., January, 1972. pp. 2 and 9 (mimeo) See also Wilcox, Preston. "Integration or Segregation: K–12" in *Integrated Education: Race and Schools,* Issue No. 43, VIII: 1, Jan.–Feb., 1970. (reprints available via AFRAM Assoc., Inc.)

(7) This was written before the Congressional Black Caucus proceeded to disclaim any political/historical relationship to the National Black Political Convention which took place in Gary between March 10–12, 1972. After the convention, Senator Brooke, who is not a member of the CBC, came out against the convention's anti-busing position (see Lucas, Peter, "Brooke Hits Black Parley on Anti-Busing Stand" in *Boston Herald Traveler,* March 14, 1972. p. 3. *and* Sullivan, Mary X, "Good Scout Winmer Brooke Discusses Busing" in *Boston Record-American,* March 14, 1972. pp. 5 and 49). Mayor Richard Gordon Hatcher of Gary was also reported as having taken a softer position on busing. ("Hatcher Reviews Parley of Blacks: Seeks Softer Busing Stand—Deplores Vote on Israel" in *New York Times,* March 10, 1972, p. 34.)

The *New York Times* reported on March 14, 1972 ("Rights Leaders Ask Nixon To See Them on Busing Decision") that leaders of seven (7) National Black organizations requested an appointment with President Nixon to discuss the busing question. The CBC released a story on March 18, 1972 indicating their support of busing; the opposite position of that taken at the convention. (DuBois, W.F.B., "Negro Education" (1918) in *W.E.B. DuBois: A Reader,* edited by Meyer Weinberg. New York: Harper and Company, 1971, p. 169.) Finally, the CBC came out against the anti-Israeli views expressed by the convention—("Black Caucus Hits Anti-Israeli Views" in *New York Times,* March 23, 1972, p. 31.)

(8) *An Idea: A Family Assignment.* Harlem: AFRAM Associates, Inc., October 21, 1971. 2 pp. (mimeo)

(9) *Patent Directory: Follow Through Teams, Morgan Community School.* Washington, D.C.: Morgan Community School, April 3, 1971. 20 pp.

(10) *What is Parent Implementation: Toward a Definition, The AFRAM Interpretation.* Harlem: AFRAM Associates, Inc., September 12, 1971. 12 pp. (mimeo)

(11) "Technology or Tricknology: White Teachers in the Black Community" in *Social Policy,* November/December, 1970, p. 67.

(12) *How to Achieve "Operational Unity" Among Blacks: A Preface and a Bibliography.* Harlem: AFRAM Associates, Inc., August 21, 1970. 3 pp. (mimeo)

(13) Wilcox, Preston. op. cit. (Educational Leadership)

(14) *African Studies in America: The Extended Family, a Tribal Analysis of U.S. Africans, Who Are They, Why to Forget Them.* Cambridge: Africa Research Group, October, 1969. pp. 29, 31.

See also, Wilcox, Preston. "Liberal Arts and Teacher Training: A Pan-African Perspective" in *The Liberal Arts and Teacher Education: A Confrontation,* edited by Donald N. Bigelow. Lincoln: University of Nebraska Press, 1971. pp. 164–182.

(15) *Support For Black Land-Grant Schools.* Washington, D.C.: Washington, D.C. Delegation, Black National Political Convention, 1972.

(16) "The Rise of Independent Black Educational Institutions" in *Imani,* August/September, 1971. (entire edition)

(17) *Available Mailing Lists.* Harlem: AFRAM Associates, Inc., December 17, 1971.

(18) *Black School Superintendents: A Directory.* Harlem: AFRAM Associates, Inc., December 14, 1971. 3 pp. + Index.

(19) See *National Roster of Black Elected Officials.* Washington, D.C.: Joint Center for Political Studies, March, 1917. 125 pp. and *National Directory of Black School Board Members: Elected and Appointed.* New York: Scholarship, Education and Defense Fund for Racial Equality, Inc., November, 1971. 41 pp.

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(20) Carmichael, Stokley and Hamilton, Charles V. *Black Power: The 1 Politics of Liberation in America.* New York: A Vintage Book, October, 1967. 185 pp.

(21) McCoy, Rhody A. "Educational Issues Swamped by Politics", in *New York Amsterdam News,* December 11, 1971. P. A–7. Wilson, Charles. "School Problems Show We're in Deep Trouble" in *New York Amsterdam News,* December 11, 1971. A–7. Evans, Ronald, "Lessors Gained In the Struggle", in *New York Amsterdam News,* December 11, 1971. p. A–7. Edwards, Babette and Wilcox, Preston. "Community Control for whites only", in *New York Amsterdam News,* December 11, 1971. p. A–7.

(22) Taitt, Lenora. *Statement of Evaluation: Community Education Center of the Arthur A. Schomburg I.S. 201 Educational Complex.* Harlem: AFRAM Associates, Inc. August 31, 1971, p. 6.

(23) *Parental Proverbs.* Harlem: AFRAM Associates Inc., December 5, 1971. p. 1 (mimeo.)

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FATHER JOHN S. SMITH

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SCHWENGEL. Mr. Speaker, while I was home recently, I met with an impressive group of people who are interested in the United Nations and one of the most intelligent and perceptive statements was offered by Father John S. Smith of St. Ambrose College in Davenport.

I am inserting this statement in the RECORD with the hope that all my colleagues will read it and will benefit from it as I have:

STATEMENT BY FATHER JOHN S. SMITH

Vietnam has become the issue of saving American society and, perhaps, the world itself, for Vietnam is far more than the tragic military adventure it is now clearly recognized to be.

Vietnam has exposed the bankruptcy of an American foreign policy which disregards human life in favor of an outmoded, aggressive nationalism. Vietnam has revealed to us an American economy determined by iron laws of gross national product; exploitive, and insensitive to primary human needs, at home and abroad. And Vietnam is tearing American society apart as it relentlessly prompts the Federal Government, once the champion of human rights and social justice, to evade, to simulate, and to repress political dissent.

Immediately we must—if we seriously propose to turn American society around—end American involvement in Indochina, unconditionally; grant unconditional amnesty to all young men who have refused to cooperate in this war as a matter of conscience; establish a new set of domestic priorities which will restore human needs and human rights to the first position, be it a matter of guaranteed annual income, guaranteed employment, respected and protected political dissent, assistance to development countries, integrated education, adequate housing, security for the aged.

But what Vietnam has taught us, most of all, is that peace can never again be just the absence of war. Peace is the positive condition of things which must be the first objective of all our thinking, believing, deciding, acting, living and loving. Peace is the absolute condition for life, prosperity, goodness, justice.

JESS TAYLOR HANGS UP HIS SPURS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SHRIVER. Mr. Speaker, a distinguished and valuable member of the Kansas State House of Representatives, Jess Taylor, has announced his retirement from the State legislature after 24 years of valuable service to his constituents and the State. It was my privilege and honor to serve with Mr. Taylor in the Kansas Legislature prior to coming to Congress. I value his friendship and respect him for his legislative abilities. He will truly be missed on the Kansas legislative scene.

His legislative accomplishments have been many. His influence and popularity won him the top offices in the Kansas House. He was the first representative to serve two consecutive terms as speaker of the house. He was elected speaker pro tempore in 1969 and still holds that position.

A native of Tribune, Kans., he is a loyal Republican; and he is known as a man who gets things done.

I include the following editorials from the Hutchinson, Kans., News and the Wichita, Kans., Eagle and the Beacon which accord deserving tribute to Representative Taylor in the RECORD.

The material follows:

[From the Hutchinson, Kans. News]

HANGING UP THE SPURS

Rep. Jess Taylor, R-Tribune, won't have urbanites in the Kansas House of Representatives to kick around any more.

Jess is stepping aside this year after 24 continuous years in the House. He is 75.

He was the first man in the state's history to serve two terms as speaker, 1957–1960. After that, he walked softly in his high-topped shoes, but he carried a big stick—grained with experience, position and a tough-minded approach to getting a job done.

Jess was known to run a mean committee. Firm but fair was his motto, and to his State and Federal Affairs unit some of the most controversial issues of the past decade were funneled.

Jess often thought urban Kansans were "barking up the tall branches of the tree" in their ideas. He was a worthy opponent and a worthy advocate for many of the changes that have been wrought in the state.

One of Jess' darkest hours in the Legislature came on reapportionment of congressional districts. A group of "the boys" from Sedgwick County stood up to him when they thought there was gerrymandering going on.

"I'll have to go get me a new pair of spurs," Jess told the House the day his committee was overruled. He promptly went upstairs, and drew up a reapportionment map that cut Sedgwick County in two. The urbanites caved in, and the congressional districts of today are his.

For the past two years, Jess, who has a western string tie for every day of the week, has served as speaker pro tem. There hasn't been enough action in the job to suit him.

He announced the last day of the session his plans to retire "with much regret and a deep sense of duty. . ."

He's hanging up his spurs.

And, like his views or not, the House will never be the same.

[From the Wichita, Kans., Eagle and the Beacon]

A REALIST LEAVES THE LEGISLATURE

Rep. Jess Taylor, the Tribune Republican, said the other day he will not seek reelection from the west Kansas district he has served the past 24 years.

His leaving Topeka was not unexpected—he's 75—but it was a shock nevertheless.

Jess with his lined face, his string tie, his high-top shoes, and his wry sense of humor has symbolized the rural domination of the legislature which only in recent years has begun to decline.

Though he served two consecutive terms as speaker and wielded considerable power as chairman of the House State and Federal Affairs Committee, he got things done, not through sheer power, but rather through quiet persuasion and an intimate knowledge of how things worked.

Jess was a realist. He is no drinker, but he recognized that by 1969, prohibition was a dead issue in Kansas. He persuaded the committee to kill a bone-dry amendment proposal, and though he personally disapproved of liquor by the drink, he recognized it as the real issue and allowed his committee to pass the proposal out.

Taylor, who represents one of the state's most sparsely populated areas, was named chairman of the House Legislative Apportionment Committee in 1966. And, though a Kansas governor once said Taylor represented more cows than people, he did such a good job that the bill his committee devised breezed through the House.

Characteristically, he didn't vote for it himself because he said the bill cut representation in his area.

Over the years, Jess didn't always have his way, but as he once said, "I haven't lost any sleep over things I didn't get."

Some of his major accomplishments, as he recalls them, include the repeal of prohibition, reorganization of the Department of Administration and the opening up of the legislature so that people could get a better look at state government.

Taylor said of his retirement: "This place was running before I got here and it'll run after I'm gone."

Maybe so, but it won't be quite the same.

SOVIET JEWS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. LEGGETT. Mr. Speaker, in general I am skeptical of statements by one country which urge another country to improve its morality. Such statements are frequently little more than talking to hear the sound of your own voice; this is particularly true when the nations in question are on the opposite sides of the cold war fence.

However, I believe that House Concurrent Resolution 471 is one of the exceptions to this rule; I believe it may do some good, and for these reasons I shall support it.

There is no doubt that the Soviet Union is persecuting its Jews, as well as many of its finest writers, musicians, and scientists.

The latter is easier to understand—it is to be expected that outstandingly able people are going to think more than the average, and therefore reject and criticize an authoritarian society more than the average person will. The persecution and restriction of the Jews is harder to understand, unless the Soviets merely are afraid of the loss of face that would follow a mass Jewish exodus if they allowed it. It seems to me they would be better off removing the reasons for the potential exodus, but of course it is their problem.

For whatever reasons, the persecution and restrictions remain, and are inexcusable. The Soviet Union is anxious about China, and needs to keep good relations with us. Through this resolution, we will express the sense of Congress that the Russian behavior is unacceptable, and perhaps we can induce significant liberalization.

BUDGET SCOREKEEPING REPORT—NO. 1

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MAHON. Mr. Speaker, I am inserting, for the information of Members, their staff, and others who may be interested, a few excerpts from the first "budget scorekeeping" report of the staff of the Joint Committee on Reduction of Federal Expenditures for the current session. The report itself, which was rendered as of March 30, has been sent to all Members; it contains considerable information for those who have a need for details.

This is the fifth year these scorekeeping reports have been issued. They are the most comprehensive current source of information on what is happening legislatively to the President's budgetary recommendations. They are authoritative, being carefully prepared by an experienced staff dedicated to complete objectivity, reporting the facts as best as they can ascertain those facts. Some estimating is necessary, especially is respect to legislative actions affecting outlays (expenditures).

In terms of legislative actions, virtually all of the fiscal year 1973 budget recommendations are still pending. One supplemental bill with respect to the current fiscal year 1972 has been enacted and another will soon be acted upon. Floor processing of the major fiscal year 1973 appropriations bill is scheduled to take place in May and June.

SUMMARY OF BUDGET TOTALS

As a backdrop for the budgetary totals now confronting the Congress, the following tabulation, taken from the scorekeeping report, shows the budget authority and outlay estimates for fiscal years 1973 and 1972, as presented by the President in his budget message of January 24, 1972. It is designed to show, in brief format, the major areas requiring congressional action, the amounts not requiring congressional action, and the budget totals—first in the gross form in which the Congress acts, and then in the more publicized net form:

SUMMARY OF BUDGET AUTHORITY AND OUTLAYS, FISCAL YEARS 1973 AND 1972

[In thousands of dollars]

	Fiscal year 1972			Fiscal year 1973		
		Outlays			Outlays	
	Budget authority	From current authority	Total	Budget authority	From current authority	Tota
Requiring current action by Congress:						
Appropriation bill items [1] (table 3)	5,810,527	5,172,612	5,172,612	172,306,197	118,014,991	167,268,279
Basic legislation				1,889,000	(2)	(2)
Total, transmitted to date	5,810,527	5,172,612	5,172,612	174,195,197	118,014,991	167,268,279
Proposed for later transmittal (not transmitted to date):						
Proposed legislation:						
Proposals to reduce budget authority and outlays (table 4)	−163,094			−1,285,723	−889,720	−1,483,589
Proposals for new and expanded programs (table 5)	3,699,111	2,457,248	2,546,248	10,456,878	8,284,695	11,777,062
Subtotal, proposed legislation	3,536,017	2,457,248	2,546,248	9,171,155	7,394,975	10,293,473
Supplementals and allowances (balance not transmitted to date)	1,117,938	685,858	741,738	1,692,563	1,431,944	1,743,069
Total, proposed for later transmittal	4,653,955	3,143,106	3,287,986	10,863,718	8,826,919	12,036,542
Total, requiring current action by Congress	10,464,482	8,315,718	8,460,598	[3] 185,058,915	126,841,910	179,304,821
Not requiring current action by Congress:						
Previously enacted	158,879,842	111,086,230	161,848,728			
Permanent:						
Appropriations and other authorizations	25,663,863	24,096,832	23,918,043	26,737,661	25,586,742	25,895,372
Trust funds	75,423,149	18,100,493	64,264,173	83,016,042	19,417,683	66,487,431
Subtotal, permanent	101,087,012	42,197,325	88,182,216	109,753,703	45,004,425	92,382,803
Other: expenditures from revolving funds, expiring accounts, etc			−1,477,433			−1,516,238
Total, not requiring current action by Congress	259,966,854	153,283,555	248,553,511	109,753,703	45,004,425	90,866,565
Grand total, gross	270,431,336	161,599,273	257,014,109	294,812,618	171,846,335	270,171,386
Deduct, offsetting receipts:						
Interfund and intragovernmental transactions	−14,981,434	(4)	−14,981,434	−15,142,280	(4)	−15,142,280
Proprietary receipts from the public	−5,422,964	(4)	−5,422,964	−8,772,366	(4)	−8,772,366
Subtotal, offsetting receipts	−20,404,398		−20,404,398	−23,914,646		−23,914,646
Grand total, net	[5] 250,026,938		236,609,711	270,897,972		246,256,740

[1] Adjusted to budget basis; and including supplementals and budget amendments transmitted to date.

[2] Outlays reflected with appropriation bill items above.

[3] Reflects net adjustments of $249,000,000 due to mechanical errors in the budget and to conform to appropriation bills.

[4] Not available.

[5] Revised.

The following is taken from the report:

HIGHLIGHTS—SCOREKEEPING REPORT NO. 1

THE PRESIDENT'S BUDGET ESTIMATES

The President's fiscal year 1973 budget submitted to the Congress January 24, 1972, included net budget estimates of $270.9 billion in new budget authority, $246.3 billion in estimated budget outlays, $220.8 billion in estimated receipts, and a projected unified budget deficit of $25.5 billion. (The unified budget deficit reflects a deficit of $36.2 billion in Federal funds offset in part by a surplus of $10.7 billion in trust funds.)

SCOREKEEPING TO DATE—FISCAL 1973

Budget scorekeeping to date, March 30, 1972, reflects completed action for only one item—final enactment of the 1972 foreign assistance appropriations, which is estimated to decrease 1973 outlays by about $105 million.

One 1973 appropriation bill has been considered—the legislative branch bill in which both the House and Senate made reductions and which is now pending conference.

There is incomplete action on several legislative bills containing "backdoor" or mandatory spending authorizations. Most significant is the contract authority for facilities construction added to the pending Water Pollution Control Act above the $2 billion in direct appropriations requested in the budget. The House version has a total of $18 billion in contract authority, with $11 billion available in fiscal 1973 (consisting of $5 billion provided for fiscal 1973 and advance availability of $6 billion provided for fiscal 1974); and the Senate version has a total of $12 billion in contract authority, with $3 billion available in 1973. This and other actions are shown in the scorekeeping table (table No. 1, p. 6).

REVENUE ESTIMATES

No significant congressional action affecting fiscal 1973 revenues has occurred to date. However, the staff of the Joint Committee on Internal Revenue Taxation has estimated fiscal 1973 revenues at $5.2 billion less than the budget estimate. For fiscal 1972 the Joint Committee on Internal Revenue Taxation staff has estimated revenue at $1.1 billion less than the budget estimate. The committee staff advises that its estimates are on essentially the same basis as the President's budget estimates, at a somewhat lower level of economic activity, but without regard to current developments with respect to overwithholding for individual income taxes.

BUDGET DEFICIT

Completed congressional action to date on budgeted outlays and receipts, as shown in this report for scorekeeping purposes, has little significant effect on the projected deficits for fiscal years 1972 and 1973.

CONGRESSIONAL ACTIONS TO MARCH 30 ON BUDGET AUTHORITY AND OUTLAYS

Table No. 1 of the scorekeeping report following, shows the impact on budget authority and outlays, in terms of increases or decreases from the official estimates submitted by the President. In addition to action on individual appropriation bills, this tabulation includes action involving so-called "backdoor" contract and debt authority in substantive legislation, and it includes any other legislative actions by Congress of a mandatory nature—such as Federal pay raises and veterans benefits—where spending begins upon enactment:

TABLE I.—ESTIMATED EFFECT OF CONGRESSIONAL ACTIONS DURING THE 2D SESSION OF THE 92D CONGRESS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF MAR. 30, 1972)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1973:						
Appropriation bills (changes from the 1973 budget):						
1972 Foreign assistance and related agencies (Public Law 92-242)				[1] −105,000	[1] −105,000	−105,000
Legislative Branch (H.R. 13955)	−6,022	−4,625	(2)	−5,500	−4,300	(2)
Subtotal, appropriation bills	−6,022	−4,625		−110,500	−109,300	−105,000
Legislative bills with "backdoor" spending authorizations (changes from the 1973 budget):						
Higher education—student loans (borrowing authority) (S. 659)	(Indefinite)	(Indefinite)	(2)	(NA)	NA	(2)
Housing Act of 1972 (contract authority) (S. 3248)		+300,000			NA	
Water pollution control (contract authority) (S. 2770, H.R. 11896)	[3] +11,000,000	+3,000,000	(2)	NA	NA	(2)
Subtotal, "backdoor"	+11,000,000	+3,300,000				
Legislative bills with mandatory spending authorizations (changes from the 1973 budget):						
Wage board pay (H.R. 9092)	(+76,800)			(+76,800)		
Full District of Columbia Congressional representation (H.J. Res. 253)	[4] +960			[4] +960		
Federal employee health insurance (H.R. 12202)	[4] +267,900			[4] +267,900		
Grain reserves and price support (H.R. 1163)				(+2,276,000)		
Black lung benefits—orphans (H.R. 9212)	(+31,500)			(+31,500)		
Air traffic controller retirement (H.R. 8083)	(+25,000)			(+25,000)		
Early retirement—customs inspectors (H.R. 440)	[4] +3,200			[4] +3,200		
Veterans advance educational allowance (H.R. 12828)	+128,700			+128,700		
Veterans medical care (H.R. 10880)	(+29,813)			(+29,813)		
Veterans nursing home care (H.R. 460)	(+6,900)			(+6,900)		
Veterans paraplegic housing (S. 3343)		[4] +5,000			[4] +5,000	
Civil Service retirement—firemen (H.R. 7060)	[4] +6,700			[4] +6,700		
Subtotal, "mandatory"	+407,460	+5,000		+407,460	+5,000	
Subtotal, legislative bills [5]	+11,407,460	+3,305,000		+407,460	+5,000	
Total, fiscal year 1973	+11,401,438	+3,300,375		+296,960	−104,300	−105,000
Fiscal year 1972:						
Appropriation bills (changes from the revised 1972 budget):						
Foreign assistance and related agencies, 1972 (Public Law 92-242)	[1] −353,230	[1] −353,230	−353,230	[1] −50,000	[1] −50,000	−50,000

[1] Enacted figure used for comparability.

[2] Subject to or in conference.

[3] Consists of $5 billion provided for fiscal 1973 and advance availability of $6 billion provided for fiscal 1974.

[4] Committee action.

[5] Excludes actions taken in 1st Session of 92d Congress, shown in parentheses above.

NA—Not available.

V.A.'S EDWARD P. ONSTOT RETIRES

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. FULTON. Mr. Speaker, on April 23 one of the Federal Government's ablest and most dedicated Civil Service Employees will retire after 27 years of service.

He is Mr. Edward P. Onstot, who, for 7 years, has served as regional director of the Veterans' Administration at Nashville, Tenn. He leaves the Federal service at the mandatory age of 65.

Prior to assuming the regional directorship at Nashville, Mr. Onstot served as manager of the Regional Offices at Dallas, Tex., and Lincoln, Nebr.

While in my community Mr. Onstot has been an active and valuable citizen and leader. He has served as president of the Middle Tennessee Federal Executive Council; chairman of the 1966 Federal Employee of the Year program; and a member of the Interagency Board of U.S. Civil Service Examiners for Tennessee. He also is an active church member and teaches a Sunday school for young businessmen and women.

Mr. Onstot also served as a member of the Board of Directors of the Nashville-Davidson County Chapter of the American Red Cross.

During his many years with the Veterans' Administration Mr. Onstot has seen it grow and change. During his 27 years he has noted two major changes within the agency: a reduction in the staff necessary to serve the increasing number of veterans, and what he terms an "about face" in VA policy to seek out the veteran and explain benefits to him rather than wait for the veteran to ask.

As Mr. Onstot retires he leaves a host of veterans well served and a large number of friends and fellow workers who wish him well and many, many years of pleasant retirement.

EXTENSION OF THE MANPOWER DEVELOPMENT AND TRAINING ACT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ESCH. Mr. Speaker, I am gratified that the House has seen fit to extend the operation of the Manpower Development and Training Act. It has been 10 years since the enactment of MDTA. During that time thousands of Americans have been assisted by training so that they might obtain steady and gainful employment.

When enacted in 1962, MDTA represented a new venture for the Federal Government. Valuable experience has resulted from the administration of MDTA in a variety of situations and work needs. Congress, for its part, has added new training programs to supplement MDTA. The Economic Opportunity Act has been a major vehicle for building on these programs. The Neighborhood Youth Corps and Operation Mainstream are illustrative examples.

At the same time, however, the growth of Federal manpower programs has exhibited some duplication in program design and administration. Often the rigidity of training categories has prevented communities from fully utilizing programs that might be of value to their residents.

In his 1972 manpower report to Congress, President Nixon underscored the fact that even though manpower programs have grown in number the need for manpower training has outpaced the capacity of the older programs to provide services as needed.

To meet new needs the President has proposed enactment of the Manpower Revenue Sharing Act. On the President's proposals, as well as several others offered by Members of the House, the Select Labor Subcommittee, on which I serve, has now completed hearings. Extension of MDTA will give us the time necessary to shape a comprehensive manpower reform bill that will bring under one umbrella most of the Federal training programs created during the 1960's.

I believe it behooves the Education and Labor Subcommittee to report during this session a new manpower bill, one which will permit greater flexibility to State and local governments to design and administer programs leading to enhanced opportunities for Americans so that they might secure quality training and move into steady jobs matched to their new skills.

RURAL ELECTRIFICATION FUNDS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HUNGATE. Mr. Speaker, I am joining more than 35 of my colleagues in a resolution urging that the full amount appropriated for the rural electrification program for fiscal year 1972 be made available by the administration to carry out that program.

Congress appropriated $545 million for electric loans in fiscal year 1972, which was $216 million more than requested by the President. Of this total, $438 million has been allocated for use by the Office of Budget and Management—OMB—leaving $107 million impounded. We are concerned that the OMB contemplates carrying these impounded funds over and applying them to the fiscal year 1973 budget request of $331 million.

REA has estimated that there is a capital need of more than $800 million for the current fiscal year. The electric energy supplied through the REA program is absolutely necessary to the continued development of towns and rural areas in Missouri and throughout the Nation.

I would like to call to the attention of my colleagues an editorial from Rural Electrification magazine, April, 1972:

> NOW, ABOUT THAT MONEY
>
> Rural electric people across the country were highly pleased when the Nixon Administration's Office of Management and Budget released $109-million of funds appropriated for REA electric loans which had been impounded by OMB. Many people in Congress, state governors and others played a big part in getting that sum released.
>
> But on the other hand, OMB continues to sit on $107-million of badly needed loan funds which the Congress appropriated for use in this fiscal year. The Administration says it will release the $107-million in July.
>
> But that is next fiscal year. The loan fund money is needed now, this year. As this is written, there is no indication the Administration will relent and make the $107-million available this year.
>
> Senator Sam Ervin, Jr., takes a dim view of the impounding of funds appropriated by Congress and an even dimmer view of fiscal finagling which makes it appear to be something other than impounding. He had this to say in mid-March:
>
> "A total of $1.7-billion impounded seems small when compared to the $12.7-billion reported a year ago. However, OMB also has released a list of funds which it says have been placed in budgetary reserve 'for routine financial administration.' This 'routine' list totals more than $10.5-billion. When added to the $1.7-billion that OMB admits it has impounded, the aggregate or funds being withheld for one reason or another amounts to $12.3-billion, or nearly the amount reported to have been impounded at this point last year."
>
> From Senator Ervin's figures, it would seem that the OMB is making haste very slowly where the release from impoundment of funds appropriated by the Congress is concerned.
>
> Some members of the Congress seem to be getting a bit testy over the impoundment of funds. And well they might, for the ramifications of such withholding of appropriated funds lead in many directions.
>
> First, the Congress has the Constitutional responsibility for appropriating funds from the public treasury.
>
> Second, though the Executive branch is responsible for disbursing those appropriated funds, there is grave doubt that the Executive branch can—within the bounds of Constitutional authority—opt to NOT spend funds appropriated by the Congress.
>
> Third, the decision to impound appropriated funds must be the decision of the President within the Executive branch, for he is the head of the Administration and the one member of the Executive branch who must answer to the people by the way of the elective process.
>
> Fourth is a possible Presidential prerogative to delegate the impounding authority to an agency such as the Office of Management and Budget. Can the President delegate to OMB the power to thwart the will of Congress as expressed through appropriations? This would mean that an appointive officer responsible only to the President would have veto power over an action of Congress . . . and Congress gains its authority by way of the ballot box.
>
> A clash of Constitutional authorities has developed, the Legislative as against the Executive: the Congress expressing its will by way of appropriations; the President selecting from those appropriations those items he wishes to implement, while exercising what amounts to a pocket veto over portions of others.
>
> This may eventually lead to a Constitutional confrontation between those two branches of the government, with the Judicial making the final determination.

I should hope that with strong support of this resolution the administration will start a policy of releasing all funds appropriated by Congress and work to avert the possible confrontation discussed in the editorial.

LEGISLATION TO ASSIST TAX-EXEMPT GROUPS IN LOBBYING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. WALDIE. Mr. Speaker, I am pleased to introduce legislation today which will assist a number of tax-exempt organizations in their efforts to work for the passage, or defeat, of legislation vital to the interests of those groups.

This bill will broaden the legislative activities of tax-exempt organizations by allowing them "to appear before, submit statements to, or send communications to, the committees, or individual Members of Congress, or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization."

Mr. Speaker, the participation by such tax-exempt groups is of incalculable benefit to Members of Congress and other legislators. The expertise and resource material which comes from these organizations is valuable and important.

To widen the legislative activities of such groups will be a just and logical step. I am hopeful that this bill will be favorably acted upon by the Congress.

One outstanding group which would be directly affected by adoption of this legislation is the student lobby of the University of California.

The student lobby has been very active and has gained wide support of its legislative efforts in Sacramento.

Adoption of this bill would enable the student lobby to continue its activities and not jeopardize the university or any of its organizations from the benefits of section 501(c)(3) of the Internal Revenue Code.

SOME THOUGHTS ON SECRETARY ROGERS' APRIL 17 TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, WHICH INCLUDED THE COMMENT, "THIS IS AN ENTIRELY NEW KIND OF WAR"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. JACOBS. Mr. Speaker, my honorable and learned friend has truly said that the present is a new era in the war. The Honorable Secretary of State feels the justice of the remark; for by traveling back to the commencement of the war, and referring to all the topics and arguments which he has so often and so successfully urged to the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that, at the end of a 7-year conflict we are come but to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere.

All the topics which have so often misled us—all the reasoning which has so invariably failed—all the lofty predictions which have so constantly been falsified by events—all the hopes which have amused the sanguine, and all the assurances of the distress and weakness of the enemy which have satisfied the unthinking, are again enumerated and advanced as arguments for our continuing the war.

What, at the end of 7 years of the most burdensome and the most calamitous struggle that this country was ever engaged in, are we again to be amused with notions of finance and calculations of the exhausted resources of the enemy as a ground of confidence and of hope?

Gracious God. Were we not told 5 years ago that North Vietnam was not only on the brink, but that she was actually in the gulf of bankruptcy?

Were we not told, as an unanswerable argument, that she could not hold out another campaign—that nothing but peace could save her—that she wanted only time to recoup her exhausted finances—that to grant her repose was to grant her the means of again molesting—and that we had nothing to do but persevere for a short time in order to save ourselves forever from the consequences of her ambition and her communism?

After having gone on from year to year upon assurances like these, and after having seen the repeated refutations of every prediction, are we again to be seriously told that we have the same prospect of success on the same identical grounds?

And without any other argument or security, are we invited, at this new era in the war, to carry it on upon principles which, if adopted, may make it eternal?

The above is in esssence an address to Parliament on February 3, 1800, by Charles James Fox in his reply to Pitt concerning the war between England and France. Only a few words have been changed to reflect the situation of the United States on April 17, 1972.

MEAT PRICE INVESTIGATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. PRICE of Texas. Mr. Speaker, I am including into the RECORD at this point the text of a letter I am sending to Mrs. Esther Peterson, consumer adviser to Giant Food Stores, Inc.

The letter reads as follows:

HOUSE OF REPRESENTATIVES,
Washington D.C., April 14, 1792.

Mrs. ESTHER PETERSON,
Consumer Advisor to Giant Food Stores, Inc., Washington, D.C.

DEAR MRS. PETERSON: As Consumer Advisor to Giant Food Stores, Inc., you have used the slogan "you deserve to be informed." On April 13, 1972, you appeared in a full page Giant Food advertisement proclaiming that "no matter where you shop, you will find beef prices are down!" While that may be true at other stores, it is apparently not true at Giant Food. Your advertisement appears to be misleading and the consumer deserves to be informed.

Giant's advertised "special" prices on choice chuck steak and choice brisket are the same in this recent ad as they were two weeks previous. These prices are 10 cents and 20 cents more per pound than they were in August, 1971, before President Nixon announced his wage-price freeze. The price Giant Food pays for choice beef is as low or lower than it was at the beginning of the price freeze. The price for choice beef carcasses at the farm-gate this past week was in Iowa $51.75 per one-hundred weight. On August 13th it was $54.00.

Giant Food should withdraw and publicly apologize for its misleading and deceptive advertisements. In the meantime, I am writing to the Chairman of the Federal Trade Commission and the Price Commission asking that they investigate what, in my opinion, are deceptive advertising practices by your company.

Sincerely,

BOB PRICE,
Member of Congress.

INTEGRATION IN THE IUE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HARRINGTON. Mr. Speaker, the International Union of Electrical Workers, under the leadership of President Paul Jennings, has been a leader on several major issues of great social importance in recent months. The IUE is a union which not only does a first-rate job of vindicating the rights of its own members, it has never shirked from fighting for the basic economic and social rights of all Americans. Recently, the IUE led the fight against the outrageous decision of the Cost of Living Council to set the low-wage exemption for the Wage Board at the absurdly low figure of $1.90 per hour, a decision which flouted the will of Congress, and made a mockery of the administration's professed concern for economic justice. While many people criticized that action, the IUE and Mr. Jennings acted, by filing suit in Federal court to force the Council to accept the $3.30 figure that Congress had in mind when we wrote this provision.

Now Mr. Jennings is once again exercising moral leadership on a critical issue. He has spoken out courageously and rationally on the subject of busing, vigorously opposing the President's shocking effort to make political capital out of this sensitive matter. The IUE statement on this question admirably puts it into proper perspective, making clear that the President has grossly distorted the facts of this situation, and reaffirming the IUE's commitment to an integrated America.

Local 201 of the IUE is located in my district. Its leadership evinces the same kind of commitment to a better America evident in Mr. Jennings' statement. I am proud to represent men and women like this, and proud also to have the opportunity to work with the IUE in its fight to solve our domestic ills.

At this point, Mr. Speaker, I wish to insert Mr. Jennings' letter and the IUE statement:

INTERNATIONAL UNION OF
ELECTRICAL, RADIO AND
MACHINE WORKERS,
Washington, D.C., April 13, 1972.

To Members of Congress:

As President of IUE and as a citizen, I oppose any Constitutional amendment to prohibit school busing. I oppose the President's two anti-busing proposals. I support all measures and expenditures to achieve equality and integration in the schools and in society. Where busing is needed for those objectives, I support busing.

A more detailed statement on the issue is enclosed. Your consideration of these views is requested. Your opposition to pending legislative proposals, including the constitutional amendment, against school busing is urged.

Sincerely,

PAUL JENNINGS, *President.*

IUE AND THE SCHOOL BUSING ISSUE

By its Constitution, Convention resolutions and membership actions, IUE has a firm commitment to full citizenship for all.

Our Constitution states "that the preservation of our freedom and the advancement of our economic well being require that our democratic institutions and our civil rights and liberties be preserved, strengthened and extended . . ."

In 1954, the year the Supreme Court outlawed school segregation, the IUE Convention pointed out: "We will never be able to protect and improve our standards as workers unless we eliminate those artificial barriers that divide us."

Both because of its basic commitment and because a divided society can only hurt working people, IUE through the years has supported full implementation of the 1954 decision and opposed such anti-civil rights tactics as "massive resistance" and "freedom of choice."

We have also fought for equality and integration in other areas of American life, and we have recognized that the achievement of these ends—even within our Union—is not easy. IUE's 1969 Social Action Conference on "The Impact of the Civil Rights Revolution on the White Union Member" was an attempt to deal candidly with negative as well as positive feelings on racial matters.

This year, the fight for equality and integration has moved to a new level throughout the nation. The effort to achieve equal educational opportunity through integration has been clouded by the questions of whether and to what degree school busing shall be permitted.

Because busing is generally unpopular compared to alternative ways of getting children to school, it has served as a rallying point for opponents of busing and for opponents of integration. In response to their outcries, President Nixon has offered a program he describes as an answer to the question: "How can we end segregation in a way that does not result in more busing?" The program consists of:

(1) An Equal Educational Opportunities Act that would "require" equal educational opportunity—as is already required by the Constitution—while imposing severe limits on busing to achieve it. This proposal also would shift around $1.3 billion in funds to give more money to ghetto schools. Taken in toto, the measure would move the nation backward toward Jim Crow. It would revive the "separate but equal" concept of the outlawed and discredited Plessy-Ferguson decision.

(2) A Student Transportation Moratorium Act to provide a temporary—and unconstitutional—ban on new busing orders that would expire either when the above law was passed or on July 1, 1973, whichever came first.

The President also has tacitly endorsed the idea of a constitutional amendment to ban busing. He has said the amendment idea "deserves a thorough consideration by the Congress." The only thing he has said against an amendment is that "it takes too long." His proposals would buy time for such an amendment.

Mr. Nixon, an advocate of law and order, is resorting to lawlessness for political expediency. To be sure, he has not proposed to prevent busing already in operation. On his instructions, however, the Justice Department is seeking to delay pending busing orders, and the President would ban future orders even though these, like all such steps, are in response to suits brought by parents whose children have been denied their constitutional rights.

Governor Bob Scott of North Carolina said, "I think the President is exercising poor leadership . . ."

That is an understatement.

By failing to assert leadership, the President has helped make busing a major controversy.

In March 1970, he issued a statement pledging to abide by Supreme Court rulings on school desegregation and promising a $1.5 billion proposal to Congress "for improving education in racially-impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation." When he submitted his bill, it was in a form that permitted the use of these funds for busing.

In the years since, while the bill has twice been in differing versions (busing and anti-busing) by the Senate and House, Mr. Nixon has steadily moved to an anti-busing position. It has seemed popular to do so. On March 17, with the issue really heated up, the President sent his latest proposals to Congress. These proposals are more anti-integration and anti-busing than anything passed by either house or anything he has proposed before.

The shame is that the President could have asserted the leadership to keep the nation firmly on the path to equality and integration. It might have involved political risk, but so too did civil rights actions of his three predecessors, including the lukewarm Eisenhower.

With no leadership from the White House, with the ebbing of courage among some liberals in Congress, it is vital that word come from the grass roots. Congress must hear from IUE members that as citizens and as trade unionists we consider equality and integration primary and do not want the nation diverted from those goals on less vital grounds.

There are several points especially worth making.

—The courts generally have not imposed busing where it is not necessary to fulfill the Constitution. The Supreme Court has set reasonable guidelines which prohibit busing where other solutions are available. If lower courts do not follow those guidelines, the right of appeal is open.

—Busing is working where there is recognition of the need for it and where it is put into effect with leadership and good will.

—Senator Walter Mondale sums up the reality of busing today: "Twenty million elementary and secondary schoolchildren are bused. They rode 256,000 yellow buses 2.2 billion miles last year. The annual cost of busing last year was $2.5 billion. And 40% of our schoolchildren—65% when those riding public transportation are included—ride to school every day for reasons that have nothing at all to do with desegregation."

—No one offered a Constitutional amendment of special legislation in all the years that black children were bused *to maintain segregated schools*. No one now proposes to ban all busing, only busing that will integrate the schools!

—School segregation results in large part from segregated housing patterns. Isn't it time our nation attacked that situation? Subsidies for the purchase of homes in integrated neighborhoods are a possible answer. Vigorous enforcement of laws on the books requiring integration as a condition of receiving federal funds for housing construction is another. Perhaps we should have a congressional study of why Americans live where they do, and what will induce them to pick housing in cross section neighborhoods more frequently.

There are integrated urban neighborhoods today in which housing is less expensive, convenience is greater, schools are comparable, services are just as good and crime is no worse than in all-white suburbs. In these neighborhoods, there is little busing or prospect of busing. Yet few white families choose to live in them. Something positive needs to be done.

—We have a mixed society. If it is a separatist society, it will be unequal, as it has been for 100 years . . . as South Africa's is.

IUE as a union has a commitment. That commitment is to equality and integration. Letters to Congress are needed.

The best persuasion is example. Before asking IUE brothers and sisters to write such a letter, let each officer and social action committee member who receives this write his two U.S. Senators and his Congressman. Then ask another member to write and to ask a third person to write. And so on.

I will start by sending this message to each member of Congress: "As President of IUE and as a citizen, I oppose any Constitutional amendment to prohibit school busing. I oppose the President's two busing proposals. I support all measures and expenditures to achieve equality and integration in the schools and in society. Where busing is needed for those objectives, I support busing."

I commend to all IUEers these words of the Reverend Jesse Jackson:

"This country today needs jobs or income. That's what it needs. It needs health care. It needs medicine. It needs peace and non-racism. Jim Crow is not a substitute . . . The issue ain't no more to save the Democrats, the issue is not to save the Republicans, but the democracy and the republic are at stake and unless someone rises with the power to reconcile black and white, young and old, he is not qualified to save a nation. The issue in 1972 is not to save your party, not even your pride, but to save the Union."

PAUL JENNINGS.

A TAX LOOPHOLE FOR THE CIGAR INDUSTRY

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. LUJAN. Mr. Speaker, I rise in strong personal protest against H.R. 3544 which has been brought to the floor under an extraordinary suspension of the rules in order to grant a tax loophole for the cigar industry.

In past years, Mr. Speaker, it has been the custom to bring no bill to the floor on the suspension calendar which would cost the Treasury more than $10 million. This bill would give the cigar industry a $120 million handout by 1979 and a $21 million annual gift from the taxpayers every year thereafter.

The main argument advanced by the Ways and Means Committee in favor of this bill is that cigar industry profits have declined over the past 6 years from 12.6 percent to 9 percent, and the assumption is that the taxpayers, smoking and nonsmoking alike, should subsidize a profit increase through tax exemptions.

Because I disagree with that assumption, I would vote against the bill on its merits alone, but there is an even greater and more commanding reason why we should reject this measure. This Nation's finances are in a deficit position today, due to overspending by the House of Representatives. We are spending more than we are taking in, and just last month this House voted to raise the debt limit to permit us to borrow more. It is just such bills as this that have placed us in this position, and I say again that we must stop such practices before we bankrupt the country we are here to represent. The cigar industry has my sympathy, but the taxpayers have a prior claim on that sympathy. I urge my colleagues to join me in defeating this inflationary giveaway.

MERC MARAN

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. GUBSER. Mr. Speaker, on Saturday, April 22, a testimonial dinner will be held in San Jose, Calif., in honor of Mr. Merc Maran, who is the department commander, Department of California, Disabled American Veterans. He is also executive secretary of the Veterans Coalition League of California, Inc., Santa Clara County chapter.

Throughout the past 15 years, Merc has given unselfishly of his personal time, effort, and talents in behalf of veterans. In addition, he has played an outstanding role in the community, working successfully with disadvantaged, and unskilled individuals in a variety of training and rehabilitation programs. You will see from the following biographical sketch that Merc is employed as the supervisor of vocational services division in Santa Clara County. You also will see that his professional career is intertwined with his private and philanthropic endeavors to such an extent that they are close to inseparable.

As you read through the following biography you will realize the tremendous and unusual service Merc Maran has rendered to his fellow man, his community, and his country. I am sure you will all agree that this gentleman has earned hearty congratulations and an expression of appreciation on this occasion:

MERC MARAN, DEPARTMENT COMMANDER, DEPARTMENT OF CALIFORNIA DISABLED AMERICAN VETERANS

Department Commander, 1971–1972. Occupation, Supervisor Vocational Services Division, County of Santa Clara, Supervises a Division of 71 employees in five offices, has been in his present position 14 years. Responsible for setting up training programs for disadvantaged and unskilled approximately 1,200 persons in a variety of training programs. Is considered an authority in his field of Vocational Services. Many of the methods and programs developed have been implemented State-wide and Nationally. Developed the first programs in California.

JOB RELATED ACTIVITIES

A. Vice Chairman, of County Welfare Director's Association Rehabilitation and Training Committee.

B. Organizer and first State President of Vocational Counselors of California; presently serving as State Representative for Northern California and Vice President.

C. Board of Directors of Retirement Jobs, Inc.

D. Board of Directors of Ex-Squared Foundation (formerly 7 Steps Foundation).

E. Trade Advisory Council; Soledad Correctional Facility.

MILITARY SERVICE

Army WW II and Air Force during Korean War. Served as 1st Sgt. and Personnel Sgt. Major.

Went into Real Estate; Insurance and Construction (a partner) in 1945; in New Jersey. Sold out in 1950 to enlist during the Korean War. Following his return from overseas, he was stationed at Parks Air Force Base in California and decided to stay in California upon his discharge in 1954.

VETERANS ORGANIZATION ACTIVITIES

A. Disabled American Veterans:

1. Department Employment Director for two years; then Department Junior Vice Commander, Senior Vice Commander and Department Commander (served as S.E.C. one year).

2. Chapter Adjutant and Commander (149 and 114) total of 9 years (5 yrs. Commander and four years Adjutant of 149).

3. Past 5th District Commander.

4. District Adjutant 16 years.

B. Other activities (veteran organizations):

1. Member of American Legion, past Post Commander and Adjutant; member of Veterans of Foreign Wars and AMVETS.

2. Secretary, Treasurer and Parade Director, United Veterans Council of Santa Clara County 14 years.

3. Present Executive Secretary of Veterans Coalition League.

CIVIC ACTIVITIES

1. Appointed by Santa Clara County Board of Supervisors as a member of County Hospital Commission served four years.

2. Appointed by San Jose City Council as a member of National Guard Advisory Board; served four years as secretary, three years as Chairman; present office as Advisor to the Advisory Board.

3. Served as a member of the Personnel Board for Town of Los Gatos.

4. Member of and former Board of Directors of Santa Clara Valley Personnel Association.

5. Italian-American Club of Los Gatos, three years as President, three years as Secretary.

6. Santa Clara County Employees Association (3000 members representing 6000 County employees) five years on Board of Directors, as Chairman of Salary Committee, Public Relations Committee, Membership Committee and Grievance Committee and three terms as President.

EDUCATION

Attended John Marshall College; San Francisco Law School and Graduated University of Santa Clara 1958 (evening Division) with a major in Business Administration. Completed a Certificate Course in 1960 in Social Services at University of California in Berkeley. Since then has taken graduate Courses at University of Santa Clara.

OTHER ORGANIZATIONS

Member of Masons, Scottish Rite, Shriners; Past Director of Shrine Club and Director of Zouaves San Jose Shrine Club. San Jose Elks, present Chairman of San Jose Elks Veterans Committee.

MISCELLANEOUS

Has received many citations and awards for Community Service including the San Jose KXRX Gold Mike Award and was honored by California State Senate and Assembly Resolutions for outstanding Community Service.

Served on many local Committees with legal agencies. These included various Bond election Committees; Red Cross and represented Social Services Department on many local Committees.

HOBBIES

Writes for Spotlite, Veterans Newspaper and Golf (member of Oak Ridge Golf Club), member of Northern California Golf Association.

WOMEN'S CANCER, EXAMPLE OF HOPE AND FRUSTRATION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ROGERS. Mr. Speaker, under the provisions of the National Cancer Act of 1971, this Nation embarked on a major campaign to eliminate cancer as a major killer in the shortest possible time. Although heart disease is the number one killer in the United States, no disease is more feared by Americans than cancer. It strikes simultaneously at young and old, rich and poor, male and female, and all too often it leaves its victims helpless to do anything about the finality of their prognosis.

I recently read an article by Margo Harakas from the March 16, 1972, edition of the Fort Lauderdale, Fla., Sun-Sentinel. This article, entitled "Women's Cancer, Example of Hope and Frustration," emphasizes the curability rates for some predominantly female forms of cancer and the importance of periodic checkups. This is an excellent article and I am inserting it in the RECORD at this point for the benefit of my colleagues.

The article follows:

WOMEN'S CANCER, EXAMPLE OF HOPE AND FRUSTRATION

(By Margo Harakas)

Earlier this month a 15-year-old Broward County girl died of breast cancer. It's an unusual case. The disease, a major killer of women, doesn't usually strike until later in life.

But that's the thing about cancer. Everytime researchers think they're edging in on a piece of generalized information, they're slipped a curve.

There are just too many variables, too many elements involved. It's like an extreme game of blindman's bluff—where one bumps around in the dark trying to identify not the familiar but things never before seen.

"We are still at a primitive stage of understanding," a local radiologist admits.

Primitive though we may be, there is now cause for cautious optimism. The cures or controls are still hidden around a maze of corners. But never has the prospect been so encouraging.

"The outlook today is 50 times better for a cancer cure than it was a decade ago," said Dr. Roy Glass, president-elect of the Broward County Unit of the American Cancer Society and member of the state ACS board of directors and executive committee.

The reason of course is research. It may well be that more scientific minds have been deployed on cancer than on any other health problem in the history of medicine.

The climate is ripe and the funds are there. In 1971 the public contributed over $69 million to the education and research programs of ACS.

Last December Congress authorized $1.6 billion to be spent on cancer research over the next three years. Among other things, the funds provide for 15 new cancer research and treatment centers.

The cancers most prevalent in women illustrate both the hope and frustration of the crazy cell disease.

The bright side is seen in the successful attacks on uterine cancer. The death rate today is one-third of what it was 35 years ago.

"Cancer of the uterus is essentially preventable," a radiologist at Broward General Medical Center said. "The only women who die today are those who fail to get their periodic pap smears."

The test is so simple, laboratories are marketing do-it-yourself kits and it's so effective doctors can detect the possibility of uterine cancer up to 15 years in advance.

Changes that take place in the cells of the uterus clue doctors to high-risk patients.

Though uterine cancer is highly cureable, the American Cancer Society estimates 12,000 women will still die this year of the disease. And another 43,000 new cases will be diagnosed.

The reason women are still dying is because of their fear and ignorance.

"Less than 50 per cent of all women have the pap smear," Don Sweeney, noted. He's executive director of the Broward County ACS.

Success with uterine cancer is the bright side of the picture. Less promising is the current state of breast cancer.

It is the leading cause of death among women between 30 and 54. This year breast cancer will show up in 71,000 new patients and will be linked to 32,000 deaths.

Seven per cent of the female population will at one time another develop the disease.

Even men sometimes fall victim to this form of cancer, though it is unusual.

Locally one case of male breast cancer was reported in 1971, and one already this year.

In the past few decades, researchers have come up with a variety of new detection and treatment techniques. But none have proven to be a perfect weapon and that's the discouraging part.

"All of the detection has not significantly changed the outlook on cancer of the breast," the radiologist contends.

"The women treated early we hope will survive longer, but sufficient time has not elapsed to really tell."

Breast cancer is a particularly cruel and insidious disease. "It usually sneaks up on a woman and it hits at the worst time in her life when her children are grown and her husband is retired and she should be doing the things she's always wanted to do," the radiologist said.

As with most cancers, early detection is the key to successful treatment. If caught before it spreads to the lymphatic glands, a patient has an 85 per cent chance of survival.

Among the diagnostic tools developed within the past 15 years are mammography, a form of X-ray, and thermography, which measures heat given off by the breast.

X-RAY TESTS DETECT CANCER

Mammography is the more reliable of the two. While it cannot detect all breast cancers, it does point up some too small or embedded too deeply in the breast to be felt by the physician.

If 1,000 supposedly cancer free women over age 40 were to undergo mammographs, five would be found to have malignant growths in the breast.

Two of those cases would not have been detected during a physical exam.

Medical men and scientists, battling cancer with radiology, surgery and chemotherapy, are content at this point to talk about controls rather than cures.

"We know there are a certain number of women who have a localized collection of malignant cells that grow very slowly or don't grow at all," Dr. Joel Warren said. He is a cancer researcher and director of the Life Sciences Center at Nova University.

"This makes us think that nature is keeping it under control."

And that's the key. Why is it that three out of four people never develop clinical cancer?

"It must be some of us have a natural immunity," Dr. Roy Glass reasons, "Otherwise, everyone who smokes cigarettes would have lung cancer."

If we track down a natural check system in the healthy body, maybe we'd have the disease licked. We could chemically duplicate whatever it is that accounts for this immunity and administer it as a vaccine.

DISEASE CELL ISN'T NORMAL

But now all we know about cancer is that it does not resemble a normal cell. It appears to start out normally. But somewhere along the line it goes berserk. The cancer cell enlarges, multiplies, and most often develops into a tumor.

The diseased cells take over normal cells, invade and destroy healthy tissues. Beginning at a single site, they can make their way into the blood or lymph systems and travel throughout the body.

Blurring the picture is the probability of multiple causes for cancer. Radiation and chemicals for instance, are known to produce some types of cancer. Perhaps other things in the environment are equally guilty.

Many researchers are probing a viral link. Their theory is that a virus enters the cell and changes its make up. The newly arranged cell then duplicates itself like a Xerox gone mad.

It's feasible, Dr. Warren said, to come up with an artificial immunity if it is found for instance, that a virus or limited group of viruses causes cancer of the breast.

BREAKTHROUGH LIES AHEAD

When talking of controls, researchers think of something similar to the diabetes treatment. Insulin shots do not cure diabetes. They only control it. In the same way, perhaps in the future, cancer will be something we could live with painlessly.

The most immediate promise is not to hit upon the first cause, so to speak. But rather to more successfully identify those people most susceptable to cancer and to catch it in the pre-malignant stage.

"We know practically nothing about cancer. There have been a lot of discoveries in the past 25 years but all they've done is prove how wrong we were before," the radiologist said.

But the thing about science is you never know when the break will come. And many researchers feel today we are on the brink of a breakthrough.

As Dr. Warren explained, "In any kind of research there is a period when an influx of money isn't going to do much good. There simply aren't enough leads.

"But there also comes a time when there are really good leads that can be exploited. And that's where we are today."

SOLIDARITY DAY FOR SOVIET JEWRY ON APRIL 30

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DU PONT. Mr. Speaker, the President is about to embark on a trip to the Soviet Union. I ask the people of Delaware and the Nation to join me in urging the President to communicate to the Soviet leaders our concern for the plight of Soviet Jewry.

People throughout this country and the world are dismayed at the refusal of the Soviet Union to permit Jews to practice their religion or emigrate to Israel. It is imperative that Jews be granted the rights that all other national minorities enjoy. President Nixon must make it clear to the Soviet leaders that their actions have not gone unnoticed and their policies cannot continue if meaningful international cooperation is to be achieved.

I was happy to join with my colleagues in the Congress yesterday in approving a resolution seeking relief from restriction on Soviet Jews. It is with this in mind that I call on all Americans to support Solidarity Day for Soviet Jewry on April 30. In this way we can indicate the widespread support and need for action on the part of the President.

"THE RIGHT TO BE SOMEBODY"

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HAWKINS. Mr. Speaker, I include the following research paper entitled "The Right To Be Somebody" presented at the recent National Policy Conference on Education for Blacks by Dr. Arthur E. Thomas, director of the Center for the Study of Student Citizenship, Rights, and Responsibilities.

I am pleased to share with my colleagues the opinions expressed by Dr. Thomas:

THE RIGHT TO BE SOMEBODY

(By Dr. Arthur E. Thomas [1])

He is Black, and perhaps he isn't too bright—but no one can say what potential he once had. He came to our office because he had been suspended from his predominantly white high school for fighting.

His friends said he had been trying to break up a fight. The suspension, they said, was based on an unfair charge. But they agreed that the student had fought in school before.

The student's mother had accompanied him to a Board of Education meeting to appeal the suspension. Mother and son had not been answered by the Board. Instead, the Board president had referred them to an appointed administrator. (It was close to election time.)

This particular November day, the young man sat in a corner of the office of the Center for the Study of Student Citizenship, Rights, and Responsibilities, not really convinced that it was worth the trouble to fight any suspension. He played with his knit cap as he talked with one of the staff members.

"What I really want to do," he said, "is to get out of school and get me a good job, and then I won't have to be around people anymore. . . . Maybe I'll get a job driving a truck for a funeral home," he said after thinking it over. "I kind of like dead people."

They were literally desperate when they came to the director of the Student Rights Center. Some of them had spent 22 weeks in a course at a local junior college preparing for the Graduate Equivalency Diploma (GED) Test. They had failed it. Twenty adults—ranging in age from 25 to 50, all of them Black—had learned firsthand the debilitating aspects of failure.

They told the Center director that they needed to get high school diplomas to keep their jobs, even though they performed their jobs adequately. There was another reason they were desperate, however. They needed to succeed in the eyes of the diplomated society which purports to grade achievement.

They didn't think much of themselves. One

Footnotes at end of article.

woman felt she hadn't accomplished much in her life. She had beautiful children who did well in school, but she didn't feel she had contributed to her children's success.

"Didn't you at least give them some direction?" the Center director asked the woman, trying to make her think better of herself.

"No," she said, "I just tell them what to do and they do it." (After all, she seemed to be saying, how could an "uneducated" mother contribute to the success of her children?)

The Center is presently conducting GED classes for the adults. In preparation for these classes, Center staff members took tests similar to the GED test. The staff member with a bachelor's degree in English found the "correctness of expression" test confusing and not related to skill in writing. The attorney found the social studies test loaded with political values. The staff member with a master's degree in economics found the science tests ridiculous, and the staff member with a bachelor's degree in accounting found the mathematics test irrelevant to actual use of numbers.

He is Black and he is in the seventh grade, and he missed an entire year of school not long ago because he couldn't sit still in class. When he was younger, his mother said, the teachers from his school called her and told her her son had "psychological problems."

"That means," she said, "they thought he was crazy."

"Now I'm not saying that he's good all the time," the mother said, "because he's not good all the time at home. But he's not crazy." Psychological tests confirmed the mother's beliefs.

Although he is in the seventh grade, the student reads at what is considered the second grade level. He doesn't think much of himself. One day he told his mother that he felt like walking in front of a truck.

It has been said that to be young and Black in this country is to be angry all the time. To be a Black educator in this country is to be furious at the indignities Black children must endure daily.

School systems around the country are responsible for destroying children and their parents by twisting and crippling self-image. Schools have established criteria for judging people that are racist and not even related to intelligence. Acting as a tool of a racist society, schools are undermining attempts to instill pride and motivation in a people hampered by a history of slavery, poverty, and white-directed oppression.

If Black people are to make schools relevant to their own needs, they must redefine the word "violence," and prosecute violence when it occurs.

Teachers and administrators in local school systems are destroying the life chances of children with words like "dumb" and "bad." Words that can make a child believe that he is, in fact, "dumb" and "bad" are violent.

A teacher whose way of looking at a child transmits to the child a negative judgment which the child accepts is violent. A teacher who shies away from touching a child, leading the child to think he is not worthy of being touched, is hurting that child more than fist fights, tire irons, or wooden paddles ever could.

Adults, educated adults, indulge in these criminal practices daily and are not held accountable. They participate in and draw their livelihood from school systems which support such violence. Schools use violence as their contribution to maintaining racist institutions. The violence is directed toward Black, minority group, and poor white children to keep them in their place—to keep them as the unemployed, the shoeshine boys, and the dishwashers of this world.

The entire concept of school is used by society to make poor people feel inferior. Educator Ivan Illich writes:

"School instructs (the poor) in their own inferiority through the tax collector who makes them pay for it, or through the demagogues who raise their expectations of it, or through their children, once the latter are hooked on it. So the poor are robbed of their self-respect by subscribing to a creed that grants salvation only through the school. At least the Church gave them a chance to repent at the hour of death. School leaves them with the expectation (a counterfeit hope) that their grandchildren will make it." [2]

. . . And, while subduing the poor with the false hope that their grandchildren will succeed, schools make sure that the grandchildren will never make it. Not only will they never make it, but they will blame themselves for not succeeding. Schools do this by destroying positive self-image in Black children.

STUDENT RIGHTS—ANOTHER WORD FOR SELF-IMAGE

Most of the issues ordinarily grouped under the title "student rights" can be summarized in one sentence: Student rights is a process by which education, court action, and a variety of other activities protect a student's right to a positive self-image.

All other sub-issues, be they due process, corporal punishment, verbal abuse, educational accountability, or relevant curiculum, are part of that basic need of students.

To be a child enrolled in a public education system anywhere in this country is to be caught in a web of double think. Children must memorize the tenets of the Constitution and the Bill of Rights while being deprived of the basic rights these documents guarantee. Children in school are casually denied rights to due process, freedom of expression, and fair trial. They are denied the right to be who they are, to think they are worthwhile as human beings. They are deprived of the right to like themselves.

The experiences mentioned at the outset of this paper are not unique. The feeling of failure is so much a part of the school system that it could be listed as a part of the curriculum. If the abstract word "failure" had color, shape, and depth, it would be the picture of the blank face of a young Black man standing outside a local high school at third period. He's the young man who sits impassively through hours of meaningless instruction, ducking out occasionally for a smoke in the washroom or popping some pills that are readily available. He may not be able to articulate it, but he has absorbed the condition of failure. There is nothing to look forward to, nothing waiting outside. And so he sits, waiting for a future that will never come.

A mother expresses that feeling beautifully:

"I don't know how to keep my kids from getting stained and ruined by everything outside. They are alive and then they quit. I can tell it by their walk and how they look. They slow down and get so tired in their face, and they get all full of hate." [3]

Sometimes the hate boils over. A new kind of Black student is emerging. This student watched televised broadcasts of Selma. He knows the reality of the Black experience and has been able to analyze its meaning for himself. This student realizes the oppressed situation he is in. Frustration is a part of his life, and he feels compelled to prove his manhood by engaging in physical violence. (Both Frantz Fanon [4] and Paulo Freire [5] tell us that this is a typical response of oppressed people. They internalize the feelings of their oppressors. Oppressed people vent their feelings of frustration on their oppressed peers.)

Black students act out that frustration on other Black students or white students who are similarly oppressed. Because of this aspect of oppression, the frustration is rarely directed at the real culprit. Schools and the society which spawned them effectively (perhaps deliberately?) keep students fighting each other. Such waste of energy and commitment is a tool in the hands of the oppressors. It cements their control of these children, and effectively limits the children's ability to control anything—even their own lives.

Black students are rarely allowed to see that other students—Black, Chicano, Puerto Rican, or Appalachian white—face the same kinds of oppressive situations. Organization of students and parents is hampered as a result. Destruction of positive self-image reduces children to bullies.

Obviously, not all Black children fail. But the prospects of success are so drastically reduced by the lack of positive self-image prompted by the school system that the situation has assumed tragic proportions.

How does all this happen? There are two major reasons for the lack of self-image and self-love among Black children and children in general. One is old-fashioned white racism, which has permeated every institution of American life, most especially the schools. The other is a more sophisticated form of prejudice—a prejudice directed against children, regardless of status, color, or intellectual ability.

RACISM AND THE DESTRUCTION OF POSITIVE SELF-IMAGE

Read the words of Black Poet Margaret Burroughs:

What shall I tell my children who are black
Of what it means to be captive in this dark
  skin?
What shall I tell my dear one, fruit of my
  womb,
Of how beautiful they are when everywhere
  they turn
They are faced with abhorrence of everything
  that is black.
The night is black and so is the bogeyman.
Villains are black with black hearts.
A black cow gives no milk. A black hen lays
  no eggs.
Bad news comes bordered in black, mourning
  clothes black,
Storm clouds, black, black is evil
And evil is black and devils food is black.[6]

A racist society is reflected even in its language. Roget's Thesaurus of the English language contains 120 synonyms for the word black and most of them have negative connotations.[7] Black children have been denied the satisfaction of seeing members of their race written about in history books, or as characters in their childhood readers. Even with the advent of Black History courses, they find discussions of their race's contribution to history tacked on in a few paragraphs at the end of a discussion of White history. A more distressing fact is that Black History is often taught as a separate (and elective) subject. This allows school systems to avoid instituting a correct analysis of all history in their classes.

Even with the new boom in integrated readers Black children are slighted. As the New University Conference points out:

"These readers simply substitute some black faces for white ones. The black faces still manage to speak standard English and be 'just like' their little white friends. These phony images are as difficult for black kids to identify with as the white suburban images which preceded them. Occasionally an urban scene is included in the readers, but these too are attempts to transplant the scenery without any of the accompanying emotional or political life which ghetto kids understand so well." [8]

In addition to the racist learning materials foisted on them, Black children see the things that are not given them. They draw conclusions about themselves because of this. As one Black student at a Dayton high

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Footnotes at end of article.

school put it, "Our schools have the latest thing since Benjamin Franklin discovered the light and he was white with the best anyway."

Not only have Black children suffered the indignities of inferior school buildings and racist textbooks, they have learned a sense of inferiority from the lack of concern for their welfare frequently demonstrated by teachers and administrators.

The white principal of a majority Black junior high schol talked to one of the Center staff members about the discipline problems at her school. The children returned after Christmas vacation, she said, with firecrackers which they set off in the school. The principal treated it all as a joke. She mentioned that a few junior high school girls were found drinking liquor in the washroom. "They weren't drinking very much," she said. If the students setting off firecrackers and endangering their lives had been white, perhaps she would have been more concerned with their welfare. If the girls drinking liquor in the washroom had been white, perhaps the principal would have been more concerned with the health of those particular girls. Racism can be seen in the neglect of just and humane discipline—students are quick to realize when teachers and administrators do not care about their welfare.[9] The students think less of themselves because of it.

Along with neglect (benign or otherwise), Black students also must contend with overt teacher racism as well as the ingrained racial stereotypes held by white teachers.

How many Black children have had the experience of the late Malcolm X who dared to tell his seventh grade English teacher that he wanted to be a lawyer:

"Mr. Ostrowski looked surprised, I remember, and leaned back in his chair and clasped his hands behind his head. He kind of half-smiled and said: 'Malcolm, one of life's first needs is for us to be realistic. Don't misunderstand me, now. We all here like you, you know that. But you've got to be realistic about being a nigger. A lawyer—that's no realistic goal for a nigger. You need to think about something you *can* be. You're good with your hands—making things. Everybody admired your carpentry shopwork. Why don't you plan on carpentry? People like you as a person—you'd get all kinds of work.' "[10]

We know that such "realism" on the part of the white school system is of value to the white community, for it effectively keeps Black children from ever competing on an equal basis with whites for jobs. Not only is such "realism" valuable, but it is derived from other racist practices.

Black children are categorized by so-called intelligence or achievement tests, which are then used to prove their "inferiority." These tests are used to place Blacks in general courses or special education courses. The tests themselves are culturally-biased. William McDougall, supervisor of Special Education for the Dayton Public School system, estimated that if IQ tests alone were used to determine a student's placement, nearly 50 per cent of Dayton's inner city students would be classified as mentally retarded. Something, he concluded, must be wrong with IQ tests.[11]

Racist tests, loaded from the beginning, tell counselors Black children are inferior. The counselors, in turn, tell children, "You aren't smart enough to go to college." It isn't unusual for aware parents to have to fight to have their children be allowed to take the college preparatory course in high school, if the parents are informed at all about where their children are being placed. Counselors tell the children, "The general course is easier. All you have to do is sit there and be quiet and you can pass." The tragedy is that—because the children have already been told by the system that they are inferior—*they place themselves* in such a graveyard course.

Dr. Ray C. Rist proposes that:

"Given the treatment of low-income children from the beginning of their kindergarten experience, for what class strata are they being prepared for other than that of the lower class? It appears that the public school system not only mirrors the configurations of the larger society, but also significantly contributes to maintaining them. Thus, the system of public education in reality perpetuates what it is ideologically committed to eradicate—class barriers which result in inequality in the social and economic life of the citizenry.[12]

But a teacher doesn't have to be a screaming racist to prevent children from learning by destroying their positive self-image. He only has to be naive.[13]

For example, a white teacher in the Dayton school system, placed in an all-black school by an arbitrary 70–30 staff integration called a young Black "boy" because she couldn't remember the young man's name.[14] There are teachers who worry about disruptive children but never realize the cause of disruption. And there are those who try to understand, but are hampered by the racism they have lived most of their lives.

David Gottleib, in a study of attitudes of White and Black teachers toward Black pupils notes significant differences between the two groups.

A. Harry Passow's observation on Gottleib's study are revealing:

"When selecting from a list of 33 adjectives those which most accurately described their pupils in the inner city schools, Negro and white teachers differed in their choices. In order of importance, White teachers most frequently selected talkative, lazy, fun-loving, high strung, and rebellious. Negro teachers selected fund-loving, happy, cooperative, energetic, and ambitious. The white teachers tended to omit adjectives which are universial attributes of children and related to success.[15] "

Even such simple variables as the appearance or demeanor of a child affects the quality of education the child receives. When seen in the light of cultural and economic differences, this effect is tragic.

Donald H. Smith quotes Dr. Helen Redbird in a story that tells a great deal about teachers and appearances:

"Dr. Redbird, a professor at the Oregon College of Education, visited an elementary school to inquire about the progress of a little American Indian boy. She was told by the boy's teacher that he was doing poorly in class. The teacher explained that he appeared disinterested in learning, perhaps unwilling to learn. Dr. Redbird, who is an Indian, asked to remove the boy from the classroom for a few days to see if she couldn't get him "ready to learn." The teacher granted permission, and after a few days of motivating the student, Dr. Redbird returned him to his class.

"About a week later, Dr. Redbird inquired about the boy's progress. Not to her surprise, he was doing excellently and his teacher was amazed with the results. Unknown to the teacher, Dr. Redbird had taught the little boy two things. *To smile and nod his head in response to the teacher.* (emphasis his) When the boy had mastered these two acts of accommodation, his teacher was convinced of his willingness to learn.[16] "

Such naive attitudes on the part to teachers coupled with the racial stereotypes they already hold cement the self-fulfilling prophecy as a tenet of the public school system.

The self-fulfilling prophecy is seen in a study Robert Rosenthal made of teacher-attitudes. Teachers in a California school were told that 20 per cent of their students were "late bloomers" and were expected to spurt ahead. The students were randomly chosen, but they did in fact spurt ahead demonstrating that teacher expectations of children are an ingredient in their actual performance. A more serious effect was seen in the report, however. Although children who were not classified as "late bloomers" also improved, the teachers resented those particular children because they did not fulfill the teachers' expectations.[17]

Given these results, we see that a poor Black child is damned no matter what he does. Either he is not expected to do well and therefore fails, or—if he manages to overcome the poor effects of this economic condition and the lack of confidence in him displayed by teachers—he is resented by these teachers for not adhering to their racial or economic stereotypes.

Racist school systems are not content to make Black children submit to an inferior education. School systems go on to fix the blame for the failure of their own teaching methods on the shoulders of the victims—the children themselves.

A Black sophomore at a local all-Black high school considered the prospect of integration in a paper she wrote under the auspices of the Center. What she describes is a picture not only of a lack of direction by Black educators schooled in the ways of the system, but also the training the school system has given her to place blame on her own oppressed people:

"Well I think the ideal of busing us to a white school is giving us a chance to learn more not because of them being white but because it seems like they get a better Education and a better chance of learning than we do. They have more books, more useful subjects and better equipment to work with. The white teachers try to help you learn instead of telling you "I've got mine. You've got yours to get." White people want their kids to have an education. And there are Black people who don't care if their kids get one or not. Some Blacks don't care you learn all they want is their checks when pay day comes. And there are white teachers who encourage you to learn. And there are some students that feel like no one wants them to learn so therefore they don't come to school.[18]

The children who do not succeed blame themselves. The children who do manage to succeed are trained by the system to fix blame for failure on those who do not succeed.

Schools are taking our brightest children and molding them into an elite who see themselves as having more at stake in a racist society. Schools tell their "A" students that they are successful because they are great intellects. Children who are not doing so well (who are not conforming to some teacher's or administrator's view of "good citizenship" or good study habits) are inferior, they are told. By such methods, young Black students can be led to fear their own fellow students and to reject them out of hand. Not all students are taken in by such methods, obviously.

. . . Black and poor children are destroyed daily by what Daniel Fader calls "a conspiracy of teachers, methods, materials . . . (that) say clearly. 'You're dumb. You can't say it right so don't say it at all.' "[19]

When the masses are educated, Thomas Jefferson said, tyranny will disappear. I believe Jefferson was right. But instead of "educating" Black children, the public schools have hampered true education. They have programmed and trained our children into a self-debasement that ends in blank faces and wasted lives. When the masses are educated, tyranny may well disappear. But perhaps schools as we know them will have to disappear before the masses can be truly educated.

Footnotes at end of article.

DISCRIMINATION AGAINST CHILDREN IN A DEMOCRATIC SOCIETY

The second cause of the destruction of positive self-image is a prejudice not related to any race or any social caste; it is a pervasive and continuing distrust of all children.

It is easy, when something bad happens in this country, for people to turn to their children as the problem. Their children are soft, people say, their children are lazy, they have been given too much, they haven't lived through enough "hard times." Earl C. Kelley points out that after the Russians were first to launch hardware into orbit around the earth, the American people decided that it was their *children* who were to blame—even though the scientists then working had been educated in the "good old days." [20]

"The conflict between age and youth is one of the saddest aspects of our culture," Kelley says, "And the saddest fact of all is that age always strikes the first blow." [21]

This discrimination against children could be the outgrowth of a system of public schooling which has grouped children into a particular category, a lesser category. This grouping has made them easy prey to practically every social tinkerer who decides he has "the answer" and proceeds to use our children as guinea pigs.

Ivan Illich points out:

"School groups people according to age. If there were no age-specific and obligatory learning institutions, "childhood" would go out of production. . . . If society were to outgrow its age of childhood, it would have to become livable to the young. The present disjunction between an adult society which pretends to be humane and a school environment which mocks reality could no longer be maintained. Only by segregating human beings into the category of childhood could we ever get them to submit to the authority of a school teacher." [22]

We have made our children less than human, at least less than normal citizens. We have denied them a sense of control over their environment, and then expected them to be motivated for change.

Black psychiatrist Alvin Poussaint has noted that ". . . an individual's success in satisfying his need for self-assertion is to some degree determined by his sense of control of his environment." [23] Our children do not even have a control over their needs to use the bathroom or to move around at will, let alone some control of their environment as a whole.

It's about time to change. It's about time that our children are allowed to try to build a democracy where all others have failed. They must teach us about justice and truth. We must use their sense of commitment to change this country.

Margaret Mead believes we are fast moving into what she calls a "prefigurative culture" in which the old learn from the young.[24] Unfortunately, the old continually resist that movement.

The Constitution doesn't apply, it seems, to children under 18 or those enrolled in an educational institution. Children are exhorted to become involved in the political process but suspended when they demand decision-making power in school.

One curriculum expert at the Student Board of Inquiry sponsored by the Center two weeks ago, made the statement that he is concerned only with the "right decision" not necessarily "who makes the decision." We must disagree with that. This society must allow children to make their own decisions in school—to have some kind of fate control—or we can expect them to leave school institutions just as their parents did: Ready and willing to accept any authority simply because it is authority, learning how to turn both ways and never take a stand.

At the present time in Ohio, as well as other states, a student accused of breaking a school rule can be suspended from school and denied his basic right to an education without proof, without a hearing, without anything. The question in most suspension cases is not whether a student disobeyed the rules or not, but "why" he did it. He is placed in the unenviable position of having to prove his own innocence, rather than defend himself against accusations of guilt. Students marshal student witnesses to their own defense only to be met with the age-old truism: The teacher is always right; the student is always wrong.

The law of the state of Ohio (and other states) gives teachers the right to physically protect themselves against six year olds. It also gives them the right to attack children physically. It is almost impossible to legally question a particular teacher's right to strike a child. The law protects it, and the teachers' associations protect it, even in some instances urging their members to file assault charges against a child who may "attack" them.

Students are not allowed to express themselves in the most basic ways. Their newspapers are censored, their political activity is noted, and they must get prior approval to get a speaker to speak to them.

Although a student must be responsible for his own achievement regardless of the circumstances, a teacher can fail miserably to teach students and still be protected.

Postman and Weingartner point out that they often hear the statement, "I taught them that but they didn't learn it," which they compare to a salesman who says, "I sold them that but they didn't buy it." [25] Teachers are protected if they verbally abuse a child, tell him he is dumb, curse at him, and make him sit in a corner. They are a privileged class—they do not even have to do what they are hired to do to get paid.

"We have some teachers, however," says Kelley, "Who sneer at colleagues who try to introduce some democratic living in their classes. They block attempts to arrange any participation by students in the affairs of school. They proclaim that no little brat is going to tell them what to do. They say, 'I've tried democracy, but it doesn't work.'" [26]

As Ermon O. Hogan has written, "Although our schools have provided a quasi-common heritage, they have not provided a common experience out of which youth could learn to develop their responsibilities of freedom, to respect universal equality, and to acquire the skills necessary to guarantee prosperity through the years to come." [27]

The Supreme Court tells us that the American democracy is a society which must take risks in order to survive.[28] It says that fear of disruption or diversity is not enough to limit action.

Student rights is only that—democracy for everyone, including the young. The famous statement, "It can hardly be argued that either students or teachers shed their Constitutional rights to freedom of speech or expression at the schoolhouse gate" [29] was made by a government institution. But the rest of government institutions, including the schools, apparently haven't gotten the message.

A number of Black students, when asked to find a related word to "prison" on an achievement test, passed over the word "cell" and instead chose "school." Certainly this metaphor is closer to their own experience. A prison is a place in which rights are abridged, a prison is a place which keeps its inmates inside by the use of bars and locks. Schools are no less than prisons for many Black students, who are forced to attend by state law, and who are subjected to humiliation while they are there.

A prison is no place to learn about democracy.

"It seems to me . . ." Barbara Sizemore has said, "that if we do not get about the business of establishing these systems for participatory democracy in the institutions that socialize our youngsters for democracy, there will be little chance for having a true democracy." [30]

THE LAW AND EDUCATION [31]

One of the basic problems in protecting student rights by law is that school administrators and teachers—government employees—do not obey the laws already on the books. Law and order, it appears, is only acceptable when it is used to keep Blacks in their "place."

For example, the law has defined the right of all children to an education, yet government employees continue to abridge that right.

Most state constitutions contain a section similar to Ohio's guaranteeing a free public education or a system of common schools:

"The general assembly shall make such provisions, by taxation . . . as will secure a thorough and efficient system of common schools throughout the State . . .[32]"

The implementation of the constitutional mandate results in a bulky body of school laws having to do with compulsory attendance, powers of the board, school and teacher accreditation, etc. The codes of all states contain basically the same requirements.[33]

COURT CASES

The right to an education is often spoken of by judges in law suits in which a board of education is involved, both in federal [34] and state [35] courts. The strongest statement was made by the Supreme Court of the United States in *Brown* v. *Board of Education of Topeka:*

"In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a *right* (emphasis mine) which must be made available to all on equal terms.[36]"

The right to an education seems firmly entrenched in the law. Institutional and individual racism is also firmly entrenched in the law, however, and has denied Black children the "right" to an education. The cases which follow are documented in the files of the Center for the study of Student Citizenship, Rights and Responsibilities:

DUE PROCESS OF LAW

If education is a right, no one should be able to take it away. At the least, the person to be deprived of the right is entitled to due process of law [37] before his right is taken away.

But the laws of most states allow children to be excluded from school by administrators without any prior due process hearing.[38] Ohio's law does not even set forth the reasons for which a child may be suspended or expelled.[39] The effect is that children are suspended or expelled from school at the whim of administrators, white or "Black."

Many of the cases for which Black children have been suspended or expelled without the due process involve the exercise of Constitutional rights. In the case pending [40] in Montgomery County, Ohio, in which the Student Rights Center attorney represents the plaintiff, a child was suspended from school for "talking about students' rights." [41] As with the "right" to an education, the law is full of rhetoric about the requirement of a due process hearing before excluding a child from education.[42] But the laws are not self-executing. And boards of education and school administrators will not voluntarily set up due process hearing procedures because to do so would be a lessening of their own power. To vindicate the right, the student and his parents have to sue the school board. If the student doesn't have the money to pay

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a lawyer, or if he doesn't have access to Legal Services, he doesn't have the right.

CORPORAL PUNISHMENT

State laws in seven states make it perfectly legal for a teacher to assault a child.[43] Ohio's statute allows a school teacher, administrator, or even any school employee to "inflict reasonable corporal punishment upon a pupil" when it is "reasonably necessary to preserve discipline."[44] The common law of 42 states allows teachers to hit pupils by means of the concept of *in loco parentis*, meaning the teacher takes the place of the parent and possesses parental authority over the pupil. It matters little to the law if the child is Black and the teacher is a white racist. In fact, a study shows that school authorities administer discipline harshly and sometimes unfairly when dealing with poor children, but are lenient with children of wealthy parents.[45]

Paul Jones was a student at Westwood Elementary School in Dayton, Ohio. He had a bladder disease and his mother warned the principal on the first day of school that Paul was not to be paddled for fear of aggravating his condition. The principal "forgot" to tell the Physical Education teacher who hit Paul twice with a paddle for failure to wear gym clothes. (Parents must supply gym clothes at their own cost.) As a result, Paul had to spend a month in the hospital. He is now attending a private school in Dayton.

Mrs. Jones' experience in seeking redress from the law is typical in such cases. She could not get an attorney to file a suit for damages because, she was told, such suits against teachers and boards of education are "losers," especially when the state law protects the teacher.

A parent in a similar case sought to file a complaint against the teacher in the criminal court for assault and battery. She was told the judges always threw such cases out and that they were almost impossible to prove.[46] A case against a teacher doesn't make friends for the prosecutor, either.

Federal court cases brought against teachers and school boards have not been successful[47] with the notable exception of Boston. A suit against the Boston Board of Education was settled with the adoption of a board regulation forbidding corporal punishment.[48] Only New Jersey[49] and the District of Columbia forbid corporal punishment by statute as have some individual school boards.[50]

In Kettering, Ohio, a group of white middle class mothers petitioned their state legislator to introduce a bill in the legislature to abolish corporal punishment, except when necessary for a teacher to defend himself or another student. Months have gone by and the women are still waiting for an answer. The bill has not been introduced. . . . So much for change and parent power.

FREEDOM OF EXPRESSION

The case of *Tinker* v. *Des Moines School District*[51] decided by the U.S. Supreme Court in 1969, established the principle that students in secondary schools do possess constitutional rights, and may freely exercise them unless it can be shown that their conduct would materially and substantially interfere with the learning process. But, again, the laws are not self-executing, and this principal of constitutional law is violated every day in practically every school in the nation. The following are some examples:

A girl in Michigan complained in a letter to the Student Rights Center that her high school principal would not permit local members of the Vietnam Veterans against the War speak in the school, even though he received a petition from the students to do so.

However, pro-war speakers—returned local veterans and Army Public Relations people—spoke in the school's regularly scheduled classes.[52] The reason for forbidding the anti-war speakers to speak to students was that "then I will have to let the Black Panthers, the SDS, and the ACLU in."

In Dayton, a high school student sat on the front steps of Roosevelt High School and described in good Black language his views about racism in Americas society and the value of security police in school. The local security guard and two others escorted him into the school. The student, feeling threatened, took a swing at the security guard. The security guard cited the student to juvenile court for assault and disorderly conduct. The case is now being appealed by the student, who is represented by the Student Rights Center's staff attorney.[53] Freedom of expression and *Tinker v. Des Moines* don't mean much to students when it is necessary to go to the Court of Appeals to vindicate constitutional rights.

Attorneys Edgar and Jean Cahn describe the growth of public interest cases as the "Rights Explosion".[54] They estimate that, "In the criminal field, the newly-expanded right to counsel for those charged with a crime will require, conservatively estimated, a five-fold increase in the number of full-time public defenders. In the civil field, the crisis is even more acute . . . ."[55]

The situation in student rights is even more acute than the problem caused by lack of lawyers. Children and parents often do not realize their constitutional rights have been violated. Even if they do, and can find a lawyer to represent them, only their own situation is improved if they win the case.

Must lawsuits vindicating students rights be won in every community before they are extended to all children? And further, even if a case is won, will the change it promotes ever become a reality?

TITLE I AND THE RIGHT TO AN EDUCATION

Title I provides financial assistance "to local educational agencies service areas with concentrations of children from low-income families to expand and improve their educational programs by various means . . . which contribute particularly to meeting the special educational needs of educationally deprived children."[56] Title I funds are for compensatory education. They may not be used to replace local money which would otherwise be spent on education.

The failure of Title I to educate Black and poor children has been well documented.[57] The violations of federal law by local school officials in misappropriating Title I funds has been even better documented.[58]

Title I has failed. It has failed because money was given to racist, white-controlled education systems to educate Black children. Having failed to educate children in a regular program, how can the same racist bureaucrats expect children to learn in a "compensatory program"? We face a situation now where Title I, because of its failures, is being cited as proof by racists that Black children are "dumb" and can't learn.[59]

This is a perfect example of institutional and individual racism's success in education. Schools failed to educate children. The solution found for that failure was to give more money to teach these children. But it was given to the same people using the same methods which failed the first time around. When children still didn't know any more after six months, who was blamed? Who else? The system blamed the children, saying they were "culturally deprived", had an "unstable home situation" which was "not conducive to learning" created by parents who were "failure models". "See how dumb the niggers are?" the school system said. Eighty per cent of the Title I money goes to personnel. So the white education bureaucrat has a nice summer job. In Title I, a Black child's right is turned around and used to oppress him.

DESEGREGATION AND BLACK STUDENTS' RIGHTS

Brown v. The Board of Education of Topeka[60] has been the law for 18 years. Its mandate to desegregate the schools "with all deliberate speed" has been litigated ever since. *Swann v. Charlotte-Mecklenburg*[61] approved busing of children as a way to end racial segregation in schools. The national furor about busing which we now experience stems from the federal courts' attempts to implement *Brown II* and *Swann*.

I seriously doubt the utility of busing to improve the education of Black students. "Racial balance" and "desegregation" do not ensure that Black children learn; such goals do ensure that Black children will be in the minority in every school. These goals ensure that Black children will continue to be oppressed by the white-controlled racist school system.

Barbara Sizemore said in her testimony before the Mondale Committee that the first *Brown* decision was racist because it inferred that segregation does no harm to white children, segregated schools are seen as good schools for whites. "If an institution supports the folk who give the inference of authority to another folk, how can that institution help the so-called inferior folk?"[62]

Black children today are very different from the Black children of 1954. To tell a Black child today that he will profit by sitting next to a white child in a white-controlled school is to lie to him. And he knows it. The only thing that child will gain is more knowledge of white racism.[63] This is a learning experience for him but it does not help him learn how to read and write.

In light of this, and in light of the student's "rights" which have been shown to exist only in theory, three points can be made about busing children for "racial balance":

1. It appears that busing insures that Black children will always be in the minority, thus providing an ideal climate for the racist practices cited above to continue.

2. The terms "busing", "desegregation", and "racial balance", are used by the power elite in this country to keep poor whites and poor Blacks from joining together to demand a decent life and the right to survive. If the people who are paid to educate children don't do it, what better way to divert attention from their failures than by stirring up the folks, calling poor whites "racists" and forcing both white and Black to go to a school in which no one will ever learn anyway?[64]

3. "Racial balance" is used to curtail the authority of Black teachers and administrators. In Dayton, the community word is that, in balancing the staff of the schools to a 70–30 ratio, the good Black teachers went to the white schools and the incompetent white teachers came to the Black schools. Sizemore mentions the effect of "desegregation" on Black staff in her testimony before the Mondale Committee.[65]

Because of these effects of "desegregation", it is a denial of a Black student's right to an education to move him to a white school. We are putting the burden on children, both Black and white, to eradicate the mental illness of 400 years of American society. This "racial balance" is easy for the power elite to support because it puts the burden on the children, not on their own racist shoulders where it belongs. True integration, as Sizemore and Oscar Handlin say, would be an open society which demands solutions to eradicate segregated housing, eliminate economic racism on all levels, and eliminate unequal education and medical services.[66]

I believe in freedom of choice for Black people. If Black parents wish to send their children to white schools, the law should facilitate that wish. If, however, Black parents, having developed a sense of nationalism and racial pride, decide that Black-controlled schools would better educate their children, the law should protect that decision.

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THE EDUCATION MONOPOLY

The 50 States and the federal government have a stranglehold on education. Typically, state laws deal with the broad spectrum of education, from pupil control to finance. The following Ohio laws cited as examples illustrate how the state maintains its monopoly.

The legislature classifies school districts and sets election procedures for the local Board of Education, granting broad powers to the local board.[67] The state requires certain subjects taught.[68] The state law regulates the number of days and hours a child must spend in school, and even the length and frequency of recess.[69]

The state law requires that education be free [70] for residents of the school district, except that money may be charged for materials other than textbooks used in a course of instruction.[71] The state's stranglehold on education is most evident in the areas of compulsory attendance, regulations governing who may teach, and the power to set standards for and accredit schools. Compulsory attendance laws require that a child attend a school which meets minimum standards set by the state.[72, 73] If a parent fails to send a child to school, a complaint may be filed against him and he may be required to post bond to ensure the child's attendance.[74]

The state regulates who may teach in the schools by means of certification.[75] The state sets the standards and courses of study for the preparation of teachers.[76] If a local board of education wishes to terminate a teacher's contract, it may do so only after a due process hearing in which it is shown that the teacher is grossly inefficient or immoral.[77] It has become so hard to fire veteran teachers that the racists and the incompetents continue to victimize children in the classroom though everyone knows it is happening.

The power to set minimum standards for schools is held by the State Board of Education.[78] An elementary school will not be chartered by the State Superintendent unless these standards have been met. It would therefore be impossible for a group of poor private individuals to set up their own school to meet the state's standards and be accredited.[79] For example, an "equipped and well-maintained health clinic" is required.[80]

The ultimate stranglehold the states possess on education is the power to raise money through taxes [81] to support it. In almost every state, the money is raised by a local property tax. While the laws require the legislature to fund education,[82] it has never done so adequately, because there is little or no accountability to voters in the wasteland of the state legislatures. Hence, the federal government stepped in [83] with volumes of forms and a system of bureaucrats to process them.

The state laws dealing with compensatory education for children of poor families are as ineffective as federal laws, or more so. For example, money from the disadvantaged pupil fund in Ohio may be used to put armed guards in the Black schools.[84]

As a result of general discontent with the present method of school finance across the country lawsuits challenging it were filed. *Serrano v. Priest*,[85] the California case, was the first successful suit filed. As of January, 1972, some 28 suits in 18 states, all modeled on *Serrano* had been filed.[86] It is being discovered, however, that in state after state urban schools will receive less money per pupil in any equalization of expenditure per pupil plan proposed.[87]

The role of the education lobby, and its self-interest in any education expenditures, cannot be overlooked.

For instance, the Southwest Region of the Ohio Education Association gave an appreciation dinner for members of the state legislature who voted for the latest school appropriations bill in the state legislature. Had any other interest group done this for their legislative benefactors, there would have been a public outcry. Not so with the educators.

Also, the Ohio Education Association is the plaintiff in the Ohio suit [88] modeled on *Serrano*. Their legal fees, as in all these cases, are very high. So is the OEA's self-interest. . . . To equalize expenditure per pupil across the state would of necessity increase the teacher salaries across the state.

The effect of the states' monopoly in education is to deprive poor parents and children any choice in education. They are compelled to send their children to school. It must be a school accredited by the state. Costs prohibits the poor from setting up their own schools. Hence, poor Black children are condemned to spend their young lives in racist institutions which provide jobs for professionals but don't provide learning for them.

There is no way to hold the state or its agents accountable to the people. There are no poor parents' lobbies or children's lobbies to take legislators to dinner in gratitude for their vote. If a child can't read when he finishes high school, it is never the school's fault. The child is pronounced a "dumb nigger" who can't learn.

STRATEGIES FOR PROTECTING THE INMATES

Dealing with education for Black people necessitates compromises. Although the effects of public schooling are, for the most part, downright destructive, Black people are faced with the dilemma they have always faced—trying to make it as a Black in a white world.

The white world, tied to a complex system of credentialization, uses its own paralysis as a criterion for judging Black folks. The modern society has succeeded in cutting off whole areas of creativity because it demands diplomas and degrees before it will allow experimentation. There is an interesting commercial on television in which Abraham Lincoln applies for a job—an "executive position."

The job counselor interviews him only to find out that old Abe doesn't have a college diploma. No work for him. The commercial is supposed to promote a college credit test for people with experience—what it points up is the sorry state of an entire country which equates the number of hours spent in a classroom to learning.

Black educators faced with the corruption of school systems, yet realizing the emphasis currently placed on credentialization, are faced with a dilemma: Whose children must be sacrificed to achieve change? Therefore, Black educators must not only revolutionize the school system as an entity, but they must try to get Black children and poor white children through the present maze of violence and destruction if the children are to be allowed to participate in society.

The short term goal must be to protect children from the violence of the school system. The long term goal must be to make the institution less of an institution—to establish safeguards, checks and balances. In short, to achieve some sort of real control of schools. It is up to Black people to do this for the entire educational system. As Nathan Wright, Jr. has so aptly put it, the oppressed must save not only himself, but his oppressor as well.[89]

SHORT TERM

Short term goals in protecting Black children involve strategies to improve Black self-image, the introduction of real democracy in the public schools, education for rights, a recognition of the demands of the future and education for them, and institution of educational accountability through both civil and *criminal* sanctions.

SELF-IMAGE [90]

Black people should study educational models for Blacks already proposed by Imamu Baraka and Elijah Muhammed in beginning their quest for "quality education."

. . . A sense of self-worth is the most pressing need for Black children. *Programs must be developed to generate a positive self-image for children of oppressed people* if we are truly to educate them.

These programs need not be elaborate. All they need are a number of people who truly care, and a system of weeding out people who do not. There is a special kind of change that comes over children when they realize that they are loved. Black children must be told over and over again that they are the future of their people. Eight and nine years old is not too soon to teach children the pitfalls of a racist society, to inform them that the prospect of genocide is a reality, and that the most effective way to combat it is to learn all they can from schools as well as from the outside.[91]

Just and humane discipline—a discipline which generates self-discipline among students—can be instituted in classrooms where students know they are important and feel that the teachers and administrators want to help them. Such examples of the valuable effects of programs geared toward positive self-image can be seen in a journalistic study of a class at Irving School, Dayton, Ohio.[92] In this particular fourth-grade level class, students learned to police themselves, to protect the weaker students, and yet truly enjoyed their school. All this could be attributed to the love of a particular teacher and a program of positive self-image.

When I was assistant principal at MacFarlane School in Dayton, I found that if you show children that you love them, trust them, and respect them, they will respond with love, trust and respect. If you believe in them, they will learn to believe in both you and themselves. That general philosophy was the core of our entire experience at MacFarlane. Each morning I told 1,266 children over the public address system that they were good, they were beautiful, that knowledge was power and they should constantly strive to be the best of whatever they were. Unless a child is taught that he is somebody and unless he believes that you are honest and fair with him, you are wasting your time trying to teach reading and writing.

At MacFarlane, we invited many people to visit our school and talk to our teachers and observe our classrooms. We showed our teachers that their job was an important one and that we had confidence and trust in them also. Learning happened at MacFarlane. Across the board improvement was noted in terms of motivation on the part of students, staff morale, and a general improved behavior attributable to a humane, supportive discipline policy. The cornerstone upon which we constructed the entire program at MacFarlane school was that of self-image.

Parent participation is essential in developing programs of self-image. Ruth W. Burgin outlines the positive effects of Community School Councils in such projects in Dayton, Ohio in "An Evaluation of the Dayton Experience.[93]

Programs of self-image instituted in the lower grades of schools can provide some kind of psychological protection to students as they continue through the maze of public education. A woman who had attended an all-female school commented that her classmates were more ready to accept the basics of women's rights when they attended college and found jobs in the male-dominated society because, at that point in their lives, the women were allowed to be people. They did not have to conform to society-defined roles for women. They came to realize their own individuality because they were allowed to express it without feeling the social strictures against women being intelligent. This does not happen in all female schools, of course. But it points up the ef-

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fects of positive self-image programs for women. Such positive self-image programs for Black children in grade schools could protect students their whole lives, even when a racist society marshals its policies to degrade them.

Simple programs like the ones described above can go a long way toward preparing children for democracy. When children sense they have potential and that their successes or failures are impotrant to their people as a whole, they begin to realize that they have a responsibility to learn and to protect themselves and their parents from genocide.[94] Positive self-image programs can be the beginning of democracy and equality.

DEMOCRACY IN SCHOOLS

Since, in essence, the society expects children to solve age-old problems of racism and caste through busing and integration, why not give children the power in name as well as reality?

If some kind of democracy were established in the school systems, it would have to be more than a half-hearted attempt. What usually happens, unfortunately, is that adults try a certain program, give it half a chance, and then bemoan the lack of "responsibility" students show. Students are only human, after all. When offered a chance for real power, children react—with good reason—as if adults aren't serious about it. After teaching and programming children to accept authority unquestioningly, giving an inch won't make the children mature overnight.

Therefore, any attempt to establish student democracy must be an honest attempt. It must not be a temporary thing in which power may be extended and then retracted if the students start disagreeing with the adults. If a firm commitment to student democracy were made, a number of programs would be possible. The following are some suggestions:

Methods of allowing students to ask questions and find answers for them should be established. The Center for the Study of Student Citizenship, Rights, and Responsibilities has had some success with student fact-finding commissions. I believe that they should be adopted at a national level.

As part of the Center's Student Boards of Inquiry, students formed panels and publicly questioned a variety of expert witnesses on the subject they were studying. The first Student Board of Inquiry[95] looked into discipline and generated much public discussion of the methods of discipline presently utilized in area schools. The students questioned other students, state and local school officials, university personnel, and school teachers.

The recommendations formed by the Student Board of Inquiry into Discipline read like a bill of rights. Just as the general public was appalled at the simple humane rights the prisoners of Attica were requesting last fall, so the students' requests read like pleas for humanity from our own children:

The students requested a right to a fair trial. Students should be regarded innocent until proven guilty, they said. The student has a right to due process of law—the right to a hearing, right to counsel, right to face his accusers, right to call and cross examine witnesses.

The students requested that hearing boards be set up in each school that would consist of four or five teachers and students. Student judges, they said, should be elected by the student body.

The students asked that there be a written limit to the security guard power in school. Guards, they said, should be held personally and professionally accountable for any violation of their written powers.

All forms of corporal punishment should be abolished, the students said. They suggested replacing corporal punishment with contracts between the administrator and the offender.

The students agreed that the wearing of political buttons, armbands, and other forms of symbolic expression is a permissable activity for students. They also requested that Student Governments be given real, as opposed to symbolic power, to make the vital decisions that affect the lives of students in the school—curriculum, discipline, etc.

The second Student Board of Inquiry, held a few weeks ago, tackled a much more difficult, through no less important subject. Students looked into the area of curriculum and tried to find out what they were being taught and why. They questioned local teachers, school curriculum experts, university personnel, representatives of the state testing service and an expert on tracking in the schools.

The students are presently preparing their recommendations on curriculum.

The next Student Board of Inquiry, scheduled for May, will deal with busing for integration. The Center thinks it is valuable to give the children a chance to come to their own decisions on this important question.

Student fact-finding commissions could be integrated into any system of learning. Their recommendations should be implemented, and all students should, at some time in their school lives, have the opportunity to participate in them. We are duty-bound to listen to students and to try to follow their recommendations while trying to educate them to new ideas.

DECISION-MAKING

Beyond this, students must be a part of the decision-making process relative to any and all school community matters. The knowledge explosion has made the general populace, especially children, much more knowledgeable in all matters—from sex to finance—than they were 10 years ago.

Inside the schools, student courts should be instituted, allowing students to judge their peers and to take responsibility for the discipline in their schools—a discipline which will be more freely accepted by the students if it comes from their fellow students.[96]

Student Courts can work, if given real power by administrators. Recently a student court at Carlson school in Dayton was formed including fourth through eighth grades. The principal has followed all the court's recommendations, and the court itself is respected and serious.

Teachers who worry about student responsibility should check out what can be done—some of it is beautiful.

Reconsidering Poussaint's thesis that a person must feel he has some control over his environment to be motivated, it is essential that children be allowed to contribute to their own educations. Local school boards should be expanded to include students from the ages of seven to seventeen. These students should be voting members and should have real responsibility for deciding what should be taught in schools, how money should be spent, who should be hired and fired.

Perhaps this seems a bit wild. The adult response to such a suggestion usually brings claims that children would not be able to understand the complex methods of finance, state law and building maintenance that adults have to master while being school board members.

But perhaps the children might force school boards to rid themselves of ridiculous prattle and actually ask real questions: "Did the children at X school learn how to read?" "Why is the teacher allowed to hit students?" "Why don't the children get a chance to tell their side of the story?"

In her book, *Culture and Commitment: A Study of the Generation Gap,* Margaret Mead talks about something that is very important to me:

"The children, the young, must ask the questions that we would never think to ask, but enough trust must be re-established so that the elders will be permitted to work with them on the answers. As in a new country with makeshift shelter adopted from out-of-date models, the children must be able to proclaim that they are cold and where the drafts are coming from . . .[97]"

FEDERALLY FUNDED PROJECTS FOR CHILDREN

Frank Reissman, in a study of Title I programs, found that the only programs which seemed to have a positive effect were the programs where students or parents taught other students. Those that learned the most were the students who taught. Even the students who were taught learned more than other students taught by professionals. Peer group learning unleashes creativity and motivation that does not emerge from a teacher-student relationship. Strategies to allow students to learn from each other must be implemented.

Federal grants made directly to students could be a way to allow students to teach the old and the young. I cannot think of any area of American life—be it schools, welfare rights, housing, the problems of the old, the problems of the physically handicapped, etc. where students could not do as good or better job than adults. Think of Head Start-type programs completely staffed and run by students—older students teaching younger students, getting them ready for school or helping them read at the proper grade levels. Think of a federally-funded Student Board of Inquiry. Think of student-run recreation programs. Think of student-run VISTA or Peace Corps-type programs. Think of students helping the aged and the handicapped. Think of programs dealing with American Indian self-improvement. Thank of the same for Black students, Puerto Rican students, Mexican-American students. You can go down the list of federally-funded programs currently operating in the country and hardly find a one that responsible students are not capable of directing and running.[98]

Programs instituted to deal with democracy in schools can be instituted immediately. They will not have immediate effects. It is safe to say that adults will not be pleased with their immediate results, because students must be given an opportunity to realize the prospects of freedom. The first steps toward student self-government will be halting steps. But sincere adults must trust their children enough to let them make their own mistakes and learn from them.

EDUCATION FOR DEMOCRACY

The first basic essential to a true democracy is an aware populace. And so our students and their parents must be educated to what the law means for them. Only then will they be able to defend themselves against racial and cultural discrimination. Only with education to rights will they be able to protect themselves from the racist effects of school systems.

Knowledge is power. Access to information is the greatest determinant of discrimination. Kenneth Haskins emphasizes that education of Blacks has always been a concern of white people—for ulterior motives, of course. Whites, in their education of Blacks, have tried to keep them docile and conforming.[99]

Black people must break the monopoly of information that school and government hold over children. Schools, like other institutions, move quickly to rid themselves of advocates within their midst. Critics from the inside are disposed of quickly. It happened to me, and it has happened to others, making it virtually impossible to find those who have

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the financial status or true dedication to step out from the workings of the school system and say with certainty what is happening. They must be interviewed privately before they will talk.[100]

Additional sources of information for students and parents, then, must be established.

We know that some of our children have been damaged because they cannot read properly. They must be reached in other ways than simple pamphlets.

The Student Rights Center has just published a comic book dealing with juvenile rights in Ohio.[101] We've been told by students that they like the idea, and the process of reducing legal definitions to pictures has forced us to simplify our approach. Such comic books could be produced to explain information from consumer law to city government.

Since our children spend many of their waking hours listening to finger-popping music, we have to infiltrate that medium. We must find popular artists to record messages of student rights, ask them to write songs with subtle messages about self-image in school. We must press 45 rpm records and LP's and get them into the hands of children and their parents.

Attorneys Edgar and Jean Cahn, in their Yale Law Journal article, talk about the revolutionary use of cable television. They write that "a largely unexplored area for the creation of new 'legal' institutions is the potential provided by the mass media for informing people of their rights, bringing community disappoval to bear upon particular actions or particular officials, and generating support for norms eliminating the status of permissable behavior in a society where the 'legal norms' on paper may have little reality or authority in the community. Cable TV and community-owned and operated radio stations in particular have substantial potential for creating new legitimated forums for community debate. . . ."[102]

The new, awakening interest in Cable TV must be utilized. Students should be funded to produce television shows and radio programs that deal with their own problems. A proposal for a Cable TV program written last summer is an example of how this media approach can work:

"A seven year old comes into the Student Rights Center and says, "I'm tired of that teacher yelling at me. Next time she does it, I'm going to tear her up."

"A Center staff member instructs the child. "Listen. The next time that teacher is mean to you, be cool. Just sit there in the classroom and don't say anything for 20 minutes. Then, when you are completely calm and in control, raise your hand. When she calls on you, tell her cooly and calmly, "Mrs. X, what you did a few minutes ago, the way you talked to me, has psychologically dehumanized me, has made me feel like an animal, like a stupid animal. If that happens long enough, a child like me grows up thinking of himself as stupid and ugly and he can never function as a human being again. So unless you refrain from treating me in such a manner, I may have no alternative but to take you to the U.S District Court and explain all this to a judge. And let me remind you, Mrs. X, that there is a good possibility that I can win a $100,000 damage suit against you if I charge you with psychological tort."[103]

Programs on what a student can do about a counselor who won't help him prepare for college, who gets an unfair suspension, or who isn't learning what he wants to learn could be produced on Cable TV.

Inside the schools, education for democracy must be demanded. The fact that schools do not teach our children the basic essentials of reading, writing, and ciphering, while giving them diplomas that are meaningless, must be dealt with. Beyond this, schools must see that the world is changing so rapidly that any type of factual information they can give a child will be obsolete in a few years.

"To survive, to avert what we have termed future shock," says Alvin Toffler, "the individual must become infinitely more adaptable and capable than ever before . . . He must, in other words, understand transcience."[104]

Toffler tells us that at the rate at which knowledge is growing, by the time the child born today graduates from college, the amount of knowledge in the world will be four times as great. By the time that same child is 50 years old, it will be 32 times as great, and 97 per cent of everything known in the world will have been learned since he was born.[105]

"For education, the lesson is clear," says Toffler. "It's prime objective must be to increase the individual's 'cope-ability'—the speed and economy with which he can adapt to continual change."[106]

An oppressed people must educate its children to find ways to combat oppression. Black people at this point do not need experts in Shakespeare. Nor do they need experts in 17th Century British government. They need artists and technicians who can deal with the problems facing their people.

Right now we should be training children how to make their own worlds more livable. They should learn about the legal redress against slum landlords. They should learn about taxes and how they are levied. They should learn consumer law and credit and how to protect themselves in the marketplace. They should learn about due process so that they can protect themselves and their parents from a society that does not look kindly on them.

Besides this, our children must be schooled in the future. We must have architects who can plan low-cost housing. We must have children who can learn oceanography and assure our people a place in submarine communities. We have seen from experience that the white establishment will leave its decaying cities to Black people while fleeing into the suburbs. They will not automatically out of brotherhood indulge in integrated submarine communities. Our children must be taught about space flight—so that they will not be left on a pollution-clogged earth while whites hit the moon and beyond. Black children must learn the new medicine so that their children will not be used as spare parts when some white man needs a heart. Our children must learn genetics so that the race is not breeded out of existence when the era of test-tube babies becomes a reality. Our children must learn psychology so that they will not be manipulated back into slavery. They must learn about the new advances of media to protect themselves from a new kind of thought-police—a society in which privacy will not be so respected.

Most of all, our children must be protected against brainwashing, even to our own point of view. The talent for being brainwashed can turn against good people. Hitler became popular in a civilized, educated society. Our children must have the "cope-ability" to sort out the demagogues from the realists and make real, positive choices about their lives.

As Toffler says: "Today's facts become tomorrow's misinformation. . . . Schools must therefore teach not merely data, but ways to manipulate it. Students must learn how to discard old ideas, how and when to replace them. They must, in short, learn how to learn."[107]

EDUCATIONAL ACCOUNTABILITY

It has become fashionable to call for educational accountability.

The fashion makes the need no less great. A doctor must take an oath to preserve life, and it is possible to bring a case against him if, through criminal negligence, he fails to succeed in preserving life. An attorney can be prosecuted for breaking the law. But teachers are poorly trained in colleges and then let loose on children with few checks on their behavior—indeed, they are given privileges we would never afford doctors and lawyers.

I am not talking about the occasional teacher who is fired for misconduct or immorality with his students. I am talking about the teacher who receives the respect of fellow teachers and yet fails to teach.

A student should know more at 3 p.m. than he did at 8 a.m. that morning. A student should certainly know more in June than he knew the previous September. A student should definitely know more when he graduates from high school than when he started. There must be ways to hold teachers and administrators accountable for student performance.

Attorneys Edgar and Jean Cahn suggest that teachers and administrators—as well as other administrators of government programs—have achieved something that should be illegal in a democratic society—sovereign immunity:

"In the context of education . . . the question is whether effective legal advocacy combined with an independent grievance mechanism within the school system can shield a child from institutional practices which have long demonstrated their capacity to retard, discourage, and destroy a child's sense of confidence and his capacity to perform. Thus, one formulation of the role of the law in education might be to protect the presumption of educability of a child, just as in the criminal law, it protects the presumption of innocence. In short, the law might no longer permit the school system, like a prosecutor, to pronounce a verdict of of guilty and a sentence of failure, retardation or drop-out. Instead, the school system might be required to bear the burden of proof each step of the way, at each moment it sits in judgment of a child's attitude or performance or capacity. In many, many schools, the burden of proof now rests with the minority group or low income child. It rests there wrongly. Effective legal advocacy within the school system should have the purpose of shifting that presumption—of compelling accountability, of forcing the educator and the educational system to shoulder the burden of proof rather than make the child the scapegoat for an institutional record of failure."[108]

The Cahns go on to say that this "new sovereign immunity", the immunity of officials who administrate major government grant programs, must be dealt with by the addition of a third dimension to the rule of law. The legal system will have to be expanded and restructured. There are a few scattered beginnings in developing new legal and para-legal institutions, but much more investment in experimentation is needed. Programs to provide mediation and arbitration, lay advocates within the school system, special juvenile courts run by juveniles, citizens' advice bureaus modeled after those in England, ombudsmen offices where a public official serves as watchdog and investigator of legal conduct, are all possibilities which may serve a particular community's needs.[109]

CRIMINAL LAW

The traditional attitude holds the child accountable for his progress or failure. The school's contribution to that success or failure should be measured, and the administrators responsible for failure held accountable.

The following sections of the Ohio Revised Code have never been used in the way that I am proposing they be used. Most states have similar laws which have never been applied to educators and the education system:

Section 2919.05 of the Ohio Revised Code,

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concerning embezzlement by municipal and school officers says that no member of a board of education can "knowingly" divert, appropriate, or apply funds raised by taxation or otherwise, to any use or program other than that for which said funds were raised. . . . Violators receive one to twenty-one years in jail.

Boards of education receive public money to educate children. When children leave the school system after twelve years, unequipped to hold a job in our society, haven't the public monies been knowingly diverted "to any use or purpose other than that for which said funds were raised . . ."?

Section 2919.05, concerning usurpation of office, says that a person in office or place of authority "without being lawfully authorized to do so" cannot "willfully oppress another under pretense of acting in his official capacity."

A teacher who "under pretense of acting in his official capacity" forces a child to conform to the teacher's model or be punished is willfully oppressing that child. Violators of section 2919.05 can be fined up to $300 and imprisoned up to twenty days or both.

Section 2912.12 stipulates a fine of up to $200 for a "ministerial officer" who willfully injures, defrauds, or oppresses another person or attempts to do so. Do boards of education defraud parents when they say they are educating children, and when hundreds of clearly uneducated children receive diplomas that are meaningless?

Section 2911.41 provides a penalty of up to $200 and twenty days in jail, or both, for advertising "any assertion, representations, or statement which is untrue or fraudulent".

Are not boards of education and educators guilty of violations of this law? Is not every school tax levy campaign a violation? School people advertise quality education. If it can be shown that the education many children receive in the public schools is not what is advertised, then children and parents are being induced by false advertising.

Section 2907.21 covers larceny by trick, and provides a penalty of one to seven years in jail. "No person shall obtain possession of, or title to, anything of value without the consent of the person from whom he obtained it, provided he did not induce such consent by false, or fraudulent representation, pretense, token, or writing."

School boards and administrators take public money with public consent. The public consent is induced by representations made by administrators that children's education will improve, and the pretense that children learn in proportion to the dollars spent. These representations are false. The proof of their falsity is that high school diplomas are awarded to people who read and write at an eighth grade level or worse.

Section 2903.08 covers "Torturing or Neglecting Children", and stipulates that "no person having the control of . . . a child under the age of sixteen years shall willfully . . . torture, torment, or cruelly or unlawfully punish him . . ." Fines range from $10 to $200 and imprisonment up to six months.

Excessive use of corporal punishment, suspensions for ridiculous reasons, expulsion for ridiculous reasons, and the harassment of children who refuse to conform to the system's model of a perfect student is willful torture and torment. Also, keeping a child in school seven hours a day, and forcing him to listen to a teacher who has nothing relevant to teach him is cruel punishment.

School counselors are among the greatest violators of the equal protection granted to all people under the U.S. Constitution. They can deprive children of this protection with one statement: "You are not smart enough to go to college." When a counselor shoves a child into the general course, he often deprives that student of a good job, good housing, good medical treatment, and a happy and healthy life in general because the child isn't prepared to do the work that could earn him these things.

The use of these laws, and others like them, may be a few years away. But citizens may have to resort to the criminal law and use it in the way proposed here, to force constructive change in the education of our children.

LONG TERM GOALS

We must take a critical look at the entire school system in this country. Long term strategies may involve breaking the educational monopoly, instituting voucher systerms, and changing state minimum standards.

It has been suggested that the state's monopoly on education effectively prevents parents and students from starting their own schools. The problems of negative self-image, "rights" that are illusory, and white-controlled racist school systems could be easily dealt with a private school where the goal would be to educate children, not to incarcerate them until they reach the ages of sixteen or eighteen. The goal of "accountability" becomes simple when a committee of parents and students hires and fires teachers and administrators. If all the money already spent or to be spent on desegregation lawsuits, all the money the school boards pay for buses and transportation, all the money the federal government spends for compensatory education and desegregation workshops were given directly to parents and/or communities to set up such schools, the problems Black children have in getting an education would be lessened. Such a school need not be for Blacks only. It could be open for white parents and students who want to get a humanistic, realistic, useful education.

COMMUNITY CONTROL VS. DECENTRALIZATION

Two Black educators, Barbara Sizemore and Kenneth Haskins, testified before the Mondale committee last summer about community control of schools. Their statements emphasize many of the problems in attaining community control. Mrs. Sizemore, affiliated with the Woodlawn Community Experimental Schools District Project, stated that the project operated under a tripartite arrangement with three institutions, the Woodlawn Organization, the University of Chicago and the Chicago Board of Education.

"Under community control," Mrs. Sizemore states, "the Woodlawn Community Board would have made policy for the District, controlled finance and teacher hiring and firing and would have been completely composed and representative of the entire community. However, under Title II Program and its Memorandum of Agreement with the Chicago Board of Education, the Woodlawn Community Board was only a recommending body, for the former held approval veto powers. The WCB was a decentralized body, not one of community control." [110]

She goes on to state that, "Although the Chicago Board of Education never exercised its veto powers, middle management and the city civil service commission managed to veto often. Line staff ambiguities provided the school principals with avoidance routes for the delivery of their services and complicated the model also." [111]

Kenneth Haskins, formerly affiliated with the Morgan School in Washington, D.C., stated that in the establishment of so-called "community control" certain powers were almost always held in the hands of the white power structure.[112]

He noted that community boards were given few funds to develop staffs and consultants, ". . . In no instance was power given directly to the community," he states. In the case of Morgan School, Haskins says, Antioch College was given virtual control of the school in terms of staffing, curriculum, fiscal responsibility, outside resources, and physical plant. Although he states that the treatment given under the auspices of the college may have been better, the situation wasn't strict community control.

Both Sizemore and Haskins went on to show that, through the work of parent groups and continual pressure, both accomplished gains in community control. The Woodlawn Experimental School Project and the Morgan School managed to change in the direction that parents wished it to change—and as such community control was increased.

But both Sizemore and Haskins seem to be making the point that white-dominated education is not going to automatically let Black people control their schools in the areas that desperately need community control—curriculum, staffing, finance.

It would seem, then, that a kind of voucher system for education could go a long way to pushing the balance of power back into the community where it belongs. Although middle class white communities have always controlled their schools, a conspiracy of finances, state minimum standards and the necessity of credentialization has kept Black communities from organizing schools under their own control.

If the government were to make per pupil grants directly to parents in the form of vouchers which could be converted into payments to schools of the parents' choice, community control would be assured.

Communities under this system could band together and fund their own schools, hire their own teachers, administrators and consultants. Since the communities would control the schools, parents would have a hand in selecting and reviewing teachers, and educational accountability would be assured.

In the use of a voucher system, the monopoly of setting minimum standards that the state holds would have to be lessened. The state at this point can stipulate how many days a child has to go to school, how many hours he must sit in class to be educated. There must be a shift, as Paul Diamond, staff attorney for the Harvard Center on Law and Education puts it, from minimum standards which measure input to minimum standards which measure output.[113] Schools, to be accredited should be studied on the basis of their results, not their attempts.

If a beautiful school plant, expensive materials, and highly paid teachers do not have the effect of teaching children how to read and write properly, they should lose their accreditation. The dominant factor in rating schools should be student performance—adding another check to the powers of teachers and administrators.

Other favorable side effects to a voucher system of education would be the establishment of competition in the present school system. If a system of vouchers for education were to be instituted, many parents might still elect to send their children to the public education system. But the opportunity to set up alternative schools which would require only the amount of money guaranteed by the vouchers could effectively pressure the public schools to upgrade their standards, serving as a check on the monopoly of education that now exists.

Unfavorable side effects to a voucher system for education could be the formation of exclusive groups to educate their own children and exclude other children. Such a side effect could be overcome if the schools formed by integrated communities were effective. At present in Dayton, Ohio, a school which has a waiting list is Patterson Cooperative High School, which is situated downtown and is integrated. The reason that parents are willing to have their children bused into an integrated setting is that Patterson is a good school.

Catholic parents have had their children take public transportation to high schools situated in rundown neighborhoods because

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Footnotes at end of article.

the schools provided what they wanted their children to have—religious-oriented education. Too often, reaction against busing has arbitrarily been termed racist. Yet the real reason, though it may have racist overtones, may not be overt racism. We find that through years of white-domination of ghetto schools, these schools traditionally had poorer materials, more dangerous physical plants, poorer teachers. A white parent, or middle class Black parent for that matter, does not want his child bused to an inferior school. He may be reflecting the racism that has dominated the school system for so long, but he may not really be averse to having his children sit next to poor Black children. He just does not want them to go to inferior schools, inferior schools caused, of course, by white racism.

Innovative educators see another adverse effect of the voucher system. They believe that, given true community control, parents would take a reactionary course and that drug education, sex education, and certain political ideas would be banned. They fear the masses controlling education. Some of their fears may be well-founded. But it must be pointed out that given the many innovations of public schools in recent times, the schools are still failing to educate children. The superintendent of Dayton Public Schools admitted at a staff meeting last May that twenty per cent of Dayton School Children could not read up to grade level.

Parents may, in fact, revert to teaching the Three R's exclusively if given the power. But it is up to sincere educators and others concerned with real community control to be ready to accept the will of the people.

Paulo Freire writes:

"The man who proclaims devotion to the cause of liberation yet is unable to enter into communion with the people whom he continues to regard as totally ignorant, is grievously self-deceived." [114]

CONCLUSION

Methods of change for the public school system and in education for Blacks may be debated frequently. The only facts that cannot be debated are that schools must change, that student rights must be protected, and that education for Blacks must be completely overhauled, not merely tinkered with.

In the long and difficult road ahead, Black people trying to effect change must not lose sight of the fact that they must listen to the people when trying to decide a course of action.

No program for change and liberation can be successful, truly successful, in making equality and democracy a reality unless the people are involved from the beginning. As Freire puts it, a revolutionary movement cannot be started from the top by those in power and then presented to the people for their approval. It must come from them and they must be part of it all the way.[115]

Freire goes on to say, "A real humanist can be identified more by his trust of the people, which engages him in their struggle, than by a thousand actions in their favor without that trust." [116]

We must trust each other. In the end, the oppressed will save themselves and their oppressors. The children will lead the way.

FOOTNOTES

[1] The author thanks Student Rights Center Staff Attorney Peter M. Rebold for legal research included in this paper, and Center Staff Researcher Carol Towarnicky for assistance in the preparation of this paper.

[2] Ivan Illich, *DeSchooling Society*, (New York: Harper and Row, 1971), pp. 29–30.

[3] "Breaking the American Stereotypes," a study of the work of Psychologist Robert Coles, *Time*, (February 14, 1972), p. 38.

[4] Frantz Fanon, *The Wretched of the Earth*, (New York: Grove Press, Inc., 1968), p. 78.

[5] Paolo Freire, *Pedagogy of the Oppressed*, (New York: Herder and Herder, 1970), p. 48.

[6] Lines from the poem, "What Shall I Tell My Children Who Are Black," by Margaret Burroughs, quoted from *Black Self-Concept*, edit. by James A. Banks and Jean Dresdan Grambs, (New York: McGraw-Hill, 1972), p. 4. *Black Self-Concept* is an excellent collection of articles dealing with self-image.

[7] Nancy L. Arnez, "Enhancing the Back Self-Concept through Literature", *Black Self-Concept*, p. 97.

[8] Richard Rothstein for the Teachers Organization Project, New University Conference, *Down the Up Staircase: Tracking in Schools*, 1971, p. 9. This entire pamphlet is an excellent study of the methods used by school systems to maintain rigid class stratification.

[9] Arthur E. Thomas, "Of Scapegoats and Other Healthy Animals", a special section in *Rap Magazine* (Dayton, Ohio, November, 1971).

[10] Malcolm X, *Autobiography* (New York: Grove Press, Inc., 1966), p. 36.

[11] Remarks at the Student Board of Inquiry into High School Curriculum, sponsored by the Center for the Study of Student Citizenship, Rights, and Responsibilities, March 1, 1972.

[12] Ray C. Rist, "Student Social Class and Teacher Expectation: The Self-fulfilling prophecy in Ghetto Education," *Harvard Educational Review* (August, 1970) pp. 448–449.

[13] Donald H. Smith, "The Black Revolution and Education," *Black Self-Concept*, p. 47.

[14] Thomas, *op. cit.*

[15] A. Harry Passow, "Diminishing Teacher Prejudice", *Columbia University Teacher's Pamphlet*, quoted from *Let's Work Together* by Nathan Wright, Jr., (New York: Hawthorne Books, Inc., 1968), pp. 57–61.

[16] Donald H. Smith, *op. cit.*, p. 47.

[17] Robert Rosenthal, "Pygmalion in the Classroom" quoted in *Blaming the Victim* by William B. Ryan (New York: Pantheon Books, Random House), pp. 57–59.

[18] "Integration" a paper written as part of an enrichment program sponsored by the Center for the Study of Student Citizenship, Rights and Responsibilities, in cooperation with Project Emerge.

[19] Daniel Fader, *The Naked Children*, (New York: The MacMillan Company, 1971), p. 13.

[20] Earl C. Kelley, *In Defense of Youth*, (New York: Prentice-Hall, Inc., 1962), p. 11.

[21] *Ibid.*, p. 7.

[22] Ivan Illich, *op. cit.*, p. 27.

[23] Alvin Poussaint-Carolyn Atkinson, "Black Youth and Motivation," *Black Self-Concept*, p. 61.

[24] Margaret Mead, *Culture and Commitment: A Study of the Generation Gap*, (New York Natural History Press, Doubleday and Co., Inc., 1970), p. 1.

[25] Neil Postman, Charles Weingartner, *Teaching as a Subversive Activity*, (New York: Delacorte Press, 1969).

[26] Earl C. Kelley, *op. cit.*, p. 48.

[27] Ermon O. Hogan, "Racism in Educators," A Barrier to Quality Education," *Racial Crisis in American Education*, edit. by Robert L. Green (Follett Education Corporation, 1969), p. 149.

[28] *Tinker v. Des Moines School District*, 393 U.S. 503 (1969).

[29] *Supra.*

[30] See Barbara Sizemore's testimony before the U.S. Senate Select Committee on Equal Educational Opportunity, Part 13, "Quality and Control of Urban Schools," (U.S. Government Printing Office, 1971). This particular statement appears on p. 5848. However, the entire record of the hearing with testimony from Sizemore, Kenneth Haskins and Bernard Watson is excellent.

[31] The author thanks the Harvard Center for Law and Education and particularly Ms. Marian Wright Edelman, Director. The citations to cases in this section of the paper were gathered from publications and legal briefs of the Center.

[32] Ohio *Constitution*, Article VI, Sec. 2.

[33] *Supra*, Article VI, Sec. 3.

[34] For example, see Chapter 33, Ohio *Revised Code.*

[35] *Hoosier vs. Evans*, 314 T. Supp. 316, 319 (D. St. Croix, 1970); *Ordway v. Hargraves*, 323 F. Supp. 1155, 1158 (D. Mass. 1971); *Hobson I*, 269 F. Supp. 401, 507 (D. D.C. 1967); *Hatfield v. Van Dusartz*, 40 U.S.L.W. 2228 (D. Minn. 1971); *Rodriguez v. San Antonio Independent School District*, 40 U.S.L.W. 2398 (W. D. Tex. 1971); *Zavilla et. al. v. Masses*, (Colo. Sup.) 147 P 2d 823 (1944); *Woody v. Burns*, Fla. 188 So. 2d 56 (1966); *Manjares v. Newton*, (Cal. Sup.) 411 P 2d 901 (1966); *State v. Ganss*, 168 Ohio St. 174 (1958); *Serrano v. Priest*, 5 Cal. 3d 584 (1971).

[36] 347 U.S. 483, 493, 74 S. Ct. 686, 691 (1954).

[37] Procedural due process generally includes the following elements: notice of charges in time to prepare a defense; the right to call witnesses, friendly and unfriendly, and to cross-examine them; and the right to have the case heard by an impartial tribunal. Criminal due process requires more; here we are concerned with administrative due process.

[38] For example, see Section 3313.66, Ohio *Revised Code.*

[39] *Supra.*

[40] *Owensby v. Board of Education, et. al.*, No. 72–223, Court of Common Pleas, Montgomery County, Ohio.

[41] Complaint in *Owensby, supra.*

[42] *Dixon v. Alabama State Board of Education*, 294 F 2d 150 (5th Cir. 1961); *Woods v. Wright*, 334 F. 2d 369 (5th cer. 1964); *Esteban v. Central Missouri State College*, 277 F. Supp. 649 (W.D. Mo. 1967); *Vought v. Van Buren Public Schools*, 306 F. Supp. 1388 (E. D. Mich. 1969); *Sullivan v. Houston Independent School District*, 307 F. Supp. 1328 (S.D. Tex. 1969); *Tibbs v. Board of Education*, 276 A. 2d 165 (Sup. Ct. App. Div. N.J. 1971).

[43] Nat Hentoff, *ACLU* News, November, 1971.

[44] Sec. 3319.41, Ohio *Revised Code.*

[45] Hollingshead, *Elmstown's Youth.*

[46] *State v. Lutz*, 113 N.E. 2d 757 (C.P. Ohio 1955) sets forth what must be proven to find a teacher guilty of assault and battery on a student. (1) There is a presumption of a good faith and correctness of action on the teacher's side. (2) A teacher is not liable for an error in judgment. (3) Mere excessive punishment by the teacher is not a crime unless it produces or threatens lasting injury, or unless the State shows that it was administered with malice, express or implied, beyond a reasonable doubt. (4) A teacher has all the protection of the presumption of innocence.

[47] *Sims v. Board of Education*, 329 F. Supp. 678 (D.C. N.M. 1971).

[48] *Murphy* v. *Kerrigan*, Civil No. 69–1174–W (D. Mass. 1969).

[49] *N.J. Stat. Annot* 18A:6–1.

[50] Baechle, Thos. J., "Corporal Punishment in the Schools: An Infringement on Constitutional Freedoms," 20 *Cleve. St. L. R.* 560, 570 (1971). The four cities are Philadelphia, Baltimore, Pittsburgh, and Chicago.

[51] 393 U.S. 503 (1969).

[52] Student Rights Center files "Reaction to Phil Donahue Show Appearance."

[53] In re *Dunn*, No. 3918, Court of Appeals, Second Appellate District of Ohio, Montgomery County, Ohio.

[54] Edgar S. and Jean Camper Cahn, "Power to the People or the Profession?—The Public Interest in Public Interst Law," *The Yale Law Journal*, (May, 1970), p. 1008.

[55] *Ibid.*, p. 1008–9.

[56] Title I of the Elementary and Secondary Education Act of 1965, P.L. 89–10, now 30 U.S.C. 241(9) et seq.

[57] 20 U.S.C. 241a.

[58] Murphy, Jerome T., "Bureaucratic Politics and Poverty Politics," *Inequality in Education*, Number Six, Center for Law and Education, Cambridge, 1970.

[59] "U.S.O.E. Seeks Recovery of Misspent Title I Funds," *Inequality in Education*, Number 10, Center for Law and Education,

Cambridge, 1971; Julius Hobson, *The Damned Children*, August, 1970, *Parent Power and Title I NSEA*, National Urban League, New York, N.Y., 1971; *Title I of ESEA, Is it Helping Poor Children?* NAACP Legal Defense and Education Fund, Inc., New York, N.Y., 1970; *Making Title I Work for Your Children*, National Welfare Rights Organization, 1971.

[60] 349 U.S. 294 (1955).

[61] 402 U.S. 1 (1971).

[62] Prepared statement of Barbara Sizemore, Equal Educational Opportunity *Hearings*, Part 13, p. 5850.

[63] Author's statement to Mondale Committee, *Hearings*, pp. 5967–5969; also Ken Haskins' testimony, *Hearings*, p. 5887.

[64] Statement of Dr. Bernard Watson, *Hearings*, p. 5915.

[65] *Hearings*, p. 5850.

[66] *Hearings*, p. 5849.

[67] Chapter 3313, Ohio Revised Code (O.R.C.).

[68] Sec. 3313.60, O.R.C.

[69] Sec. 3313.48, O.R.C.

[70] Sec. 3313.48, 3313.64, O.R.C.

[71] Sec. 3313.642, O.R.C.

[72] Sec. 3321.20, O.R.C.

[73] Sec. 3321.20, O.R.C.

[74] Sec. 3321.38, O.R.C.

[75] Sec. 3319.22, O.R.C.

[76] Sec. 3319.23, O.R.C.

[77] Sec. 3319.16, O.R.C.

[78] Sec. 3301.07, O.R.C.

[79] Standard ED6–401–02 (E) *Minimum Standards for Ohio Elementary Schools.*

[80] *Ibid.*, Standard ED6–401–09 (J).

[81] Article VI, Section 2, Ohio *Constitution.*

[82] *Ibid.*

[83] Elementary and Secondary Education Act of 1965, P. L. 89–10.

[84] Minutes, Dayton Board of Education Meeting, March 3, 1972.

[85] 96 Cal. Rptr. 601 (1971).

[86] *Committee Report*, The Lawyer's Committee for Civil Rights Under Law, January, 1972, Report No. 7.

[87] Phyllis Myers, "*Second Thoughts on the Serrano Case*," City, (Winter, 1971), p. 38.

[88] *The Ohio Education Association et al. v. Gilligan, Governor, et al.*, filed December, 1971 in the U.S. District Court, Southern District of Ohio.

[89] Nathan Wright, Jr., *Let's Work Together* (New York: Hawthorne Books, Inc., 1968)—Speech, Cincinnati, Ohio, 1967.

[90] A number of these strategies were originally presented to the Select Committee on Equal Education Opportunity, August 5, 1971, and recorded in the hearings cited. They were summarized in "Can They Do These Things To Us? A Program for School Reform," a special section in *Rap* Magazine, (November, 1971).

[91] Carol Towarnicky, "Respect Each Other, Be Real Nice" a special section in *Rap* Magazine (January, 1972).

[92] *Ibid.*

[93] Arthur E. Thomas and Ruth W. Burgin, *An Evaluation of the Dayton Experience*, Institute for Research and Development in Urban Areas, 1971.

[94] A brilliant study of the possibility of genocide in this country is *The Choice*, by Samuel Yette, New York, 1971.

[95] Dan Geringer, edit., "3 nights in Dayton", a special section in *Rap*, (October, 1971).

[96] Ron Goldwyn, "Judgment by Their Peers", *Journal Herald*, (Dayton, Ohio, March 1, 1972), p. 27.

[97] Margaret Mead, *op. cit.*, p. 74.

[98] Speech, Career Opportunities Conference, Office of Education, Denver, Colorado, June, 1968.

[99] *Hearings*, p. 5867.

[100] Arthur E. Thomas, "Of Scapegoats and Other Healthy Animals."

[101] Center for the Study of Student Citizenship, Rights, and Responsibilities, "Juvenile Rights in Ohio", a special section of *Rap Magazine*, (March, 1972).

[102] Edgar S. and Jean Camper Cahn, *op cit.*, p. 1018.

[103] "Can They Do These Things To Us?"

[104] Alvin Toffler, *Future Shock*, (New York: Random House, 1970), p. 35.

[105] *Ibid.*, pp. 157–158.

[106] *Ibid.*, p. 402.

[107] *Ibid.*, p. 414.

[108] Edgar S. and Jean Camper Cahn, *op. cit.*, pp. 1020–1.

[109] *Ibid.*, p. 1019.

[110] Sizemore, Hearings, p. 5852.

[111] *Ibid.*, p. 5854.

[112] *Ibid.*, pp. 5869–70.

[113] Student Board of Inquiry in High School Curriculum, March 1, 1972.

[114] Freire, *op. cit.*, p. 47.

[115] *Ibid.*, p. 54.

[116] *Ibid.*, p. 47.

The research reported herein was performed pursuant to grants from the Office of Economic Opportunity, Washington, D.C. 20506. The opinions expressed herein are those of the author and should not be construed as representing the opinions or policy of any agency of the United States Government.

COMPENSATING AUTOMOBILE ACCIDENT VICTIMS

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. STUCKEY. Mr. Speaker, I have today introduced legislation that, when enacted, will provide the Nation's Capital with the most comprehensive and humane system in the United States for compensating automobile accident victims.

I believe that my bill, entitled "the District of Columbia No-Fault Automobile Insurance Act," incorporate the best features of all proposals aimed at serious reform of the existing automobile liability and insurance system, and thus can serve as the model for auto accident reparations reform throughout the United States.

It has long been my conviction that the system through which we now determine the distribution of benefits to persons injured in auto accidents needs drastic and thorough overhaul. After intensive study and consultation, I have concluded that only a first-party, no-fault insurance system will provide the users of the District's streets and highways with prompt, certain and complete compensation for their auto accident losses.

I have also long believed that it is the States, not the Federal Government, which should undertake reform of the auto accident reparations system. It is the States that regulate the insurance carriers whose policies undergird the present system, and it is the States whose legislatures have established the rules of law governing compensation of accident victims. The Congress should not, in the absence of willful failure by the States to meet their responsibilities, deprive the States of their traditional prerogatives in the auto accident reparations field.

The legislation I have introduced today is consistent with my firm commitment to meaningful reform of the auto accident reparations system at the State level. This Congress is the plenary legislative body for the District of Columbia, a jurisdiction we routinely define as a "State" in our acts. By enacting extensive no-fault reform for the District, we can make our commitment to a truly Federal system meaningful. We can hold out the District's law as evidence of our desire to have equally effective reforms enacted by the States.

My bill is also consistent with the views of the present administration that regulation and reform of our automobile insurance system should remain with the States, and that reform should be substantial. In his testimony before the New York State Joint Legislative Committee on Insurance Rates and Regulation on March 1, 1972, Federal Insurance Administrator George K. Bernstein concisely stated the extent of the Nixon administration's commitment to reform:

> This Administration specifically acknowledges the desirability of a comprehensive, compulsory system providing first party benefits for medical, hospital, and rehabilitation expenses to the fullest practical degree and mandatory first party benefits for wage losses and lost services subject only to reasonable limitations, with provision for insured to cover excess losses on a no-fault basis at their option. Further, we acknowledge the desirability and necessity to proscribe tort actions for economic loss to the full extent of no-fault benefits provided and for non-economic losses except in cases of truly serious injury as measured by permanent impairment or disfigurement or a reasonably high threshold of economic loss.

My bill meets every one of these criteria, and for this reason I believe it can serve as a model for other legislatures.

I urge my colleagues, particularly those who share my views about the importance of the States in our federal system, to give careful consideration to this legislation. Its passage, and the passage of equally strong legislation in the States, is essential to precluding the enactment of a single national no-fault law binding upon all the States. Let me quote Mr. Bernstein's New York testimony again:

> The hesitant progress of no-fault proposals in New York State is, unfortunately, typical of the national experience. . . .
>
> The no-fault principle has been endorsed by virtually every respected expert in the field of insurance, and preliminary experience from the State of Massachusetts has been particularly encouraging. It is indefensible to hide behind the lack of more extensive practical experience as an excuse for legislative inaction. . . .
>
> If special interests succeed in defeating meaningful no-fault legislation in States like New York, and if the States thereby prove incapable of protecting the consumer, Federal no-fault legislation, which will inevitably result, may be but the forerunner of more massive inroads on State prerogatives.

As a member of the Committee on Interstate and Foreign Commerce, and its Subcommittee on Commerce and Finance, I am acutely aware of the pressures being exerted for total Federal preemption of State regulation and reform of the automobile insurance system. As an acknowledged opponent of preemptive legislation pending in the Commerce Committee, I suggest to you that the question is no longer whether there will be no-fault auto insurance reform, but only whether that reform will come about at the hands of the States or by an act of Congress.

If, in our role as the District's legislature, we do not enact no-fault reform for the Nation's Capital, we will furnish potent ammunition to those who would prejudge the States and thereby renounce the values of federalism.

If, on the other hand, we enact meaningful reform for the District, we will provide needed impetus to the progress of auto accident reparations reform in the States and forestall the precipitate enactment of a national no-fault law. Because of the impact our action will have, we must take care that the District legislation meets the highest standards of auto accident reparations reform. I have drafted my legislation to achieve this goal.

My bill essentially creates a system that will compensate every victim of every auto accident in the District of Columbia for: First, all medical, hospital, and rehabilitation costs—from the first dollar to the last; second, wage loss of up to $1,500 a month for 3 years—more wage loss protection can be purchased as an optional coverage; third, the cost of services to replace those that would have been performed by injured housewives, up to $600 a month for 3 years; fourth, death benefits of up to $54,000 for the families of wage earners killed in auto accidents; fifth, service replacement benefits of up to $600 a month for the families of those killed in auto accidents; and, sixth, damage to motor vehicles, with any deductible the policyholder chooses.

These benefits will be payable without regard to who was "at fault" in the accident, and they must be paid within 30 days of notice to the insurer that the losses have occurred.

Because of the small size of the District of Columbia, its geographic location, the heavy use of its streets and highways by out-of-State commuters and tourists, and its current high number of uninsured motorists, my bill requires that every vehicle using the District's streets and highways carry insurance providing at the very least the benefits described above. Only in this fashion will all accident victims be assured of adequate compensation for their losses.

My bill also eliminates, in cases where losses do not exceed the insurance benefits available, all actions in tort arising out of auto accidents in the District of Columbia. And when losses do exceed insurance benefits, only those persons sustaining serious injury will be eligible to recover losses other than their economic losses.

These restrictions of the tort remedy and of what is now called "pain and suffering" or "general damages" are essential to a rational and efficient auto accident reparations system. Under today's lawsuit system, fully 55 percent of auto accident victims killed or seriously injured receive absolutely nothing—no medical expenses, no hospital expenses, no lost wages, and certainly no damages for pain and suffering. Even the seriously injured victims who do recover under the tort system are grossly undercompensated—those with economic loss of more than $25,000 recover on the average only one-third that amount, according to the Department of Transportation.

Meanwhile, those victims with little economic loss and no permanent injury, and who are eligible for tort recovery, receive, on the average, 2½ to 4½ times their actual economic loss.

To my mind, a system that leaves more than half of all accident victims with nothing, and overcompensates those with minor loss while undercompensating the seriously injured, is indefensible on its face.

It is even more indefensible when its cost is analyzed. Only 44 cents of the automobile liability insurance premium dollar is ever paid out in benefits. Of this amount, 8 cents duplicates other payment, and 21½ cents compensates for "pain and suffering," leaving only 14½ cents to cover otherwise uncompensated economic loss.

The other 56 cents goes to the system's middlemen—the insurance companies and their armies of adjusters and investigators, and to the lawyers who sue and argue over who's to blame for the accident. The lawyers alone eat up 25 cents, while other faultfinding personnel consume another 5 cents.

The only way to make sense out of this mess is to first, eliminate faultfinding as a basis for most compensation, and second, restrict pain and suffering awards to those who truly deserve them. By taking the great majority of the District's 50,000 accident cases out of the tort system, we can channel the resources saved thereby into benefits for all accident victims. By limiting pain and suffering awards to the truly serious cases, we can save enough additional money to cut auto liability insurance rates in the District by 18 percent immediately.

Indeed, my bill requires insurance companies to provide this rate reduction, so that the benefits of no-fault can be realized immediately by the District of Columbia policyholders. Furthermore, in recognition of the fact that out-of-State drivers will be free from tort liability in most cases when they drive in the District, my bill calls for consultation between District officials and those in Maryland and Virginia to assure that any savings for motorists living near the District are passed on to them in the form of rate reductions.

Because the insurance under my bill is compulsory, I feel it is imperative that insurers provide it to all licensed drivers willing to pay the premium, and that they keep it in force unless the insured loses his license, fails to pay the premium, or is found to have used fraud in procuring the policy. My bill makes these consumer safeguards explicit.

To assure to the greatest extent possible that all drivers using the District's streets and highways have the required coverage, my bill makes failure to possess it a misdemeanor punishable by a fine of up to $1,000. It further provides that any policy of motor vehicle insurance purporting to provide bodily injury coverage while the insured motor vehicle is operated in the District shall be deemed to provide benefits which satisfy the requirements of the bill, and that no insurer may write auto insurance in the District unless the policies it writes elsewhere in the United States provide the protection required by District law.

As things now stand in the District of Columbia under our antiquated tort law, every visitor who comes here risks being involved in an accident with one of the District's estimated 80,000 uninsured motorists and receiving no compensation for his loss. Under my bill, he will be protected by his own insurer, and any motorist who chooses to remain uninsured denies compensation only to himself. Those riding with him will usually have recourse to an assigned claims facility provided for in my bill.

As chairman of the House District Subcommittee on Public Health, Welfare, Housing and Youth Affairs, I hope to schedule hearings on this measure in the near future. My goal is to work in cooperation with the Senate Subcommittee on Business, Commerce and Judiciary, whose distinguished chairman, the Honorable Adlai E. Stevenson III, has sponsored legislation similar to my own, in order that our respective committees can report at the earliest possible date bills as identical as practicable, so as to avoid the need for a protracted conference after the respective Houses have passed the measures.

In view of the widespread support expressed for Senator Stevenson's measure (S. 2322) during his subcommittee's hearings last September, I feel confident that we can move quickly toward enactment of the Nation's finest no-fault law for the District of Columbia.

I include a fact sheet summarizing the salient features of the District of Columbia No-Fault Automobile Insurance Act to my remarks, and I urge my colleagues to give it their close attention:

Fact Sheet on District of Columbia No-Fault Automobile Insurance Act

Coverage. The Act requires each motor vehicle using the streets and highways of the District of Columbia and each motor vehicle registered in the District of Columbia wherever operated to have the following coverage:

Bodily injury: first party, no-fault coverage for the driver and passengers of all insured motor vehicles for accidents occurring in the District of Columbia, and for District-registered vehicles for accidents occurring anywhere in the United States or Canada, and for pedestrians injured by an insured motor vehicle in the District of Columbia (Section 5(a))

The required first party coverage compensates the victims for accrued net loss including *all* medical and rehabilitation expenses, burial expenses, lost earnings up to $1500 per month for up to 36 months, replacement services expenses of up to $600 a month, death benefits of up to $54,000, and survivors' replacement services benefits of up to $600 a month. Insurers are required to offer additional lost earnings protection on an optional basis. (Section 5(b))

These benefits are reduced only by the amount of benefits received from public health insurance plans or policies or from private health insurance policies or plans which do not contain deductibles or exclusions for auto accident injuries. (Section 5(c))

Residual bodily injury liability coverage (principally for injuries to motorists in out-of-state accidents where the D.C. motorist is at fault) is required in the amount of $25,000 per victim—the highest amount required under state financial responsibility laws.

Property damage liability coverage in the amount of $10,000 is also required. This coverage will apply primarily to damage to vehicles in out-of-state accidents where the D.C. motorist is at fault. (Section 5(d))

Damage to one's own vehicle: The Act adopts the Keeton-O'Connell "triple option" system in which the policyholder chooses one of the following three alternatives with respect to his vehicle: 1) first party "collision" insurance without regard to fault (this is the kind which is currently available); 2) a cheaper form of first-party collision insurance under which the motorist collects from his insurer only when he can establish that someone else was at fault; and 3) the full deductible option under which the motorist acts as self-insurer. (Section 6) The result of this is that in accidents involving only vehicle damage, all vehicle damage claims will be disposed of without the use of the courts.

Effect on tort actions. The Act sharply reduces the delay, expense, and strain on the courts associated with the fault system of processing auto accident claims. In all District of Columbia bodily injury accidents, actions in tort are permitted only to the extent that net economic loss exceeds policy limits. Actions for pain and suffering in these cases are limited to persons suffering certain forms of extreme injury. In vehicle damage accidents in the District of Columbia, the tort action is extinguished entirely. (Section 7)

With respect to bodily injury and vehicle damage accidents outside the District of Columbia involving a D. C. vehicle and an out-of-state vehicle, a D. C. insured who pays first party benefits to a D. C. insured is subrogated to the tort rights of that insured. (Section 7(b))

Payment of benefits. Benefits are payable as loss accrues and are overdue if claims are not paid within 30 days of submission to the insurer. Overdue claims bear interest at 1½% per month, and the insurer must pay the claimant's attorney fees. These incentives should bring about very prompt payment of meritorious claims. In cases involving claims which are not overdue, the claimant's attorney fees are shared between the insurer and the insured. In cases where the claimant perpetrates fraud, the insurer may be awarded attorney fees. (Section 8)

The Hit and Run Problem. To deal with hit and run problems, and with the small number of motorists who may operate uninsured vehicles in violation of the law, the Act establishes an assigned claims plan under which injured persons are put in the same position which they would have been in had the motorist been property insured under this Act. (Section 9)

Effect on premiums. Because first party no-fault coverage is less expensive than third party liability coverage, several states which have recently enacted no-fault bills (Massachusetts and Florida) have legislated a premium reduction. This Act follows that pattern by requiring an 18% reduction in the rate for bodily injury coverage. The Act also requires insurers to cooperate fully with Maryland and Virginia officials in the reduction of premiums in those states or portions thereof. (Section 10)

Required Security. Since all vehicles driven in the District must have the required insurance coverage, the Act states that any policy of motor vehicle insurance purporting to provide bodily injury coverage while the insured motor vehicle is operated in the District will be deemed to provide the required benefits.

In addition, no insurer will be allowed to write motor vehicle insurance policies in the District unless the policies it writes elsewhere provide the coverage required by District law when the insured vehicles are operated in the District. (Section 11(b))

Eligibility and disqualifications. Insurers may not reject the application of a licensed driver, nor may policies be cancelled except for loss of driver's license, nonpayment of premiums, or fraud in the procurement of the policy. (Section 12)

IMPROVING THE EFFICIENCY OF COAL BURNING POWER GENERATORS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. FRENZEL. Mr. Speaker, as a result of the House Interior Committee hearings which began this past week, national attention is finally being focused on the energy crisis in America. Coincidentally the current hearings in the Appropriations Committee on the Department of Interior budget also could have a direct and immediate impact on the energy supply in future years.

The Office of Coal Research within the Department of Interior is working on a program to improve the efficiency of coal burning power generators. The new process, called MHD, will also reduce pollutants below levels produced by any other generating system now in operation or under test.

This potential power system has tremendous significance in terms of energy resources, because coal supplies are far less limited than nuclear fuels.

Mr. J. Leonard Frame, president of FluiDyne Engineering Corp., indicated in testimony before the House Committee on Appropriations that development of MHD could be significantly accelerated through an increase in the MHD development program budget. In my judgment this would be money well spent. I would urge my colleague to review Mr. Frame's following remarks:

TESTIMONY BY J. LEONARD FRAME

SUMMARY

This submittal relates to the budget of the Office of Coal Research for development of MHD energy conversion systems. This submittal encourages the Committee to increase the budget for this work from $3,000,000 to $8,000,000. Recent technical developments make this increase feasible. The social values which can be realized by a successful development make this increase desirable.

I am here to encourage the Committee to provide more money for the research and development programs of the Office of Coal Research. I especially want to encourage much stronger support for the program to develop MHD power generation systems.

Three million dollars are requested by OCR for the fiscal '73 MHD program. I encourage the Committee to increase this funding dramatically to eight million dollars.

This Committee and the Congress of the United States have endorsed and supported a program directed at development of MHD power generation systems for several years. This support has been extended while dissident voices were raised regarding the technical potential and ecological impact of MHD. This has been bold and creative action by the Committee. I encourage you to continue this bold and creative action.

I believe that MHD development should be described as—power *for* the people. MHD power systems have the potential to burn coal, to convert the energy in coal to electrical energy at much higher efficiency than any other coal-burning system envisioned, to convert energy with much less ecological impact than any other generating system in operation or in development. As a result, MHD systems have the potential to create electrical energy which can be distributed to the public at low cost.

I am convinced that these potential benefits of MHD can be realized by a vigorous development program. I believe that MHD development can provide MHD systems in operation in early 1980. I believe that we will be able to add MHD legs to many existing power generating stations, thereby increasing their capacity without any increase in fuel use, with improved air quality, and without any increase in thermal waste.

If these benefits can be realized, then MHD certainly represents power for the people. Successful development will benefit every person in the United States. It will benefit them because:

1. Coal will continue to be an economically and ecologically sound source of heat for electric power generation. We have tremendous national reserves of coal.
2. MHD power generation will help hold down the cost of generating electric power.
3. Efficient and ecologically sound MHD systems will allow us to continue to have electric energy fo reach person—on demand—with minimum legislative limitations.
4. Availability of MHD systems will continue to allow local and regional communities a voice in the choice between fossil and nuclear power. In my mind, this aspect will be important for at least the next 30 years as breeder reactor development, siting, and commercial operation take place.

These are tremendous advantages to realize for our people for a total investment that has been estimated at less than $1/person and certainly will not exceed $2/person. In fact, I believe that one of the impediments to MHD development is that it can be accomplished for a relatively small total. Perhaps it is difficult to believe that we can have such broad social advantages from spending several million of $/year in support of technological development.

This Committee has had the vision to see these social advantages. They have undoubtedly been part of the basis for your support of MHD. However, during the past year and, in fact, since the time that OCR has put together its budget request, there have been technical and industry developments which have vastly improved the probability that the potential benefits of MHD can be realized and that MHD systems will be constructed when they are available.

There are three specific things that I bring to your attention:

1. Technical papers, presented to a critical technical audience within the past month, indicate that MHD systems will provide reduced air emissions per KW generated as well as reduced thermal waste. The reduction of thermal pollution resulting from the greatly improved efficiency has long been recognized. Also, the ability to design the system to provide sulfur dioxide levels much lower than those sought by EPA is recognized. However, control of NO_x emission has been of concern; in fact, there has been fear that NO_x emission levels might be higher than conventional plants because of the high operating temperature of MHD systems. Information recently reported to the technical community indicates, however, that NO_x emission can be substantially less than those associated with conventional plants. This indication is tre-

mendously important, especially in view of the fact that there is no available technology for economical control of NO_x emissions in the concentrations associated with power generating stations.

2. Also, recent technical papers presented to the technical community indicate the direction for development of coal combustion equipment for MHD systems. This is also very important.

Taken in concert with past work, these developments mean that there are now clear directions to proceed for each of the major development areas of the MHD system:

The air preheater.
The combustor.
The MHD channel.
The air emission control aspects.

There are also new research avenues to explore to provide ideas and information to assist the development program.

3. The third item of importance is that the electric utility industry has agreed on a set of goals and objectives for research and development valuable to the future of electric power generation. Development of MHD power generating systems has high priority within these objectives.

This means to me that the industry can be expected to quickly apply the fruits of the OCR development program and will participate in the future development effort.

However, the current program supported by OCR is really able to support primarily development work on the MHD channel and a small amount of university-related research. Organizations and individuals with substantial experience to provide for the air preheater, combustor, and environmental aspects are not being used or are only lightly loaded. The three million dollars requested by OCR for 1973 is not sufficient to direct the talent and experience already available to productive MHD development effort. I believe that the current level of knowledge and technology justifies a program that will bring nearly all of our experience to bear, and I believe that eight million dollars can be efficiently and effectively used in 1973.

In addition to the support that is contained in the present request, I believe that elements of work can use additional funds as follows:

1. Air preheater	$750,000
2. Coal combustors	1,000,000
3. Air emission, waste control, and seed recovery technique	1,250,000
4. Basic research and system-related studies (essentially at university laboratories)	1,000,000
5. Channel	1,000,000

I should note that the United States will be able to have some of the advantages which MHD will offer without supporting a vigorous development program. Almost certainly, we will be able to buy MHD equipment from either Russia or Japan. Both of these countries are pursuing fast-paced, well-funded development programs. The Russian effort, for example, is now estimated at the equivalent of fifty million dollars per year. However, I cannot see any reason to choose a course of buying equipment from one of these two countries. The U.S. has the experience and ability to execute a successful development program, and that experience and ability are now underutilized. A great deal of this experience is available through past programs in the aerospace field where, for example, the company I head has participated. Thus, we have experience and talent for MHD development which are not being utilized in any way at this time. We have the ability to manufacture and produce MHD systems when they are developed. Thus, it seems to me that any course which presumes or even allows for purchase from a foreign source will finally be the most expensive in both economic and social terms.

HIGHER EDUCATION STUDENT LOANS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. PEYSER. Mr. Speaker, I would like to bring to the attention of my colleagues in the House a potential crisis in student financial aid that is likely to result from delays in enacting the Higher Education Act of 1971. Authorization for the national defense student loans program expires as of June 30, 1972. Unlike the other institutionally based financial aid programs included in the legislation which will be under consideration by the Senate-House conference committee, NDSL is not forward-funded. Thus, under present circumstances there can be no appropriation for this program for 1972–73. The legislative process, including appropriations, combined with the fund distribution process by the Office of Education, is so time consuming that if House and Senate conferees do not agree on a higher education bill soon, it is more than likely that NDSL moneys will not be available for students who need them to meet their fall 1972 obligations.

A measurement of the seriousness of the situation that would ensue if fiscal year 1973 NDSL funds are either unavailable or very late, would be the size of the program required by students at the State colleges of the State University of New York. In the current year a total of more than $9.3 million is expected to be loaned to approximately 13,400 students. Of this total, a bit over $7 million represents new Federal funds. The remainder would be made up of one-ninth institutional matching and expected collections from previous loans.

In New York State, as a whole, the contribution of new Federal funds for all institutions has been approved at a level of $23.7 million. This will probably provide loans in the amount of $31.7 million to about 45,000 students.

Assuming that the level of appropriations for fiscal year 1973 can reasonably be expected to be about what they were for fiscal year 1972, the figures indicated above should provide a good indication of what our students stand to lose next year if new funds are not provided. These loans are not given to students as a matter of convenience. They are required by students to help them stay in school. At the State colleges, this loan helps students to meet from 25 percent to 40 percent or more of their expenses.

If there is any thought that the guaranteed loan program can make up for any serious loss of NDSL funds, the following figures for 1970–71 should help to cast doubt on this possibility. Last year some 12,700 SUNY students borrowed a total of $8.4 million from the NDSL program. At the same time, almost 33,000 SUNY students borrowed over $33 million through the New York higher education assistance program. At all colleges in the State, somewhat over 40,000 students used $28 million of NDSL funds to meet their expenses. In the same year, 103,000 students borrowed more than $103 million from the NYHEA program. New York State is already providing almost one quarter of the guaranteed loans granted throughout the country. To expect this program to make up for any significant loss of NDSL funds would be quite unrealistic.

It is because of the emergency situation which could be created if the House and Senate conferees do not come to final agreement on a higher education bill in the very near future, that I am today introducing a bill that would extend the authorization for NDSL loans for the next school year. It is my hope that the House will not have to act on my bill because the conferees will soon come to agreement; but in the event they do not report a bill out in the near future, then I would hope that the House would act on my bill to insure that NDSL loan money will be available to our students in order to enable them to attend school this fall.

NEED FOR INCREASED COMMUNICATIONS BETWEEN INDIAN AND AMERICAN PEOPLE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SCHWENGEL. Mr. Speaker, some time ago at an International Crossroads Breakfast of the YMCA, I was pleased when Frank J. Young, with Congressman McFALL's office, addressed the group on foreign policy.

He pointed out the fact that there was great need for increased communication between Indian and American people and the fact that we had not given the priority status to this Asian problem that we could and should have. He pointed out correctly that India is the world's largest democracy and should have a greater meaning to us. He pointed out further that because of their dedication to the basic principles that are ours and because many in that part of the world respect India, especially those in the underdeveloped world, that our identification with their interests and their goals would be very, very worthwhile to us as we seek to promote the basic freedoms and bring stability to the world.

Mr. Speaker, I believe this dissertation is of great value for all of us to read, so I take leave to place these remarks by Mr. Young in the CONGRESSIONAL RECORD so that all my colleagues and those who read the RECORD may ponder and learn from them as I have:

REMARKS BY FRANK J. YOUNG

"If there be a Heaven on earth, it is this . . . it is this . . . it is this . . ."

So proclaimed the Muslim emperors of their domain on the subcontinent of India. I suppose it is the only way by which to describe a nation, a culture and a people that represent the fusion of so many glorious yesterdays and so many doubtful tomorrows. What is India? It is an unusual composite of the best—and the worst—of 3 score centuries of human civilization; it is a hundred generations of a people learning to live with a conqueror; it is a 100,000 villages that have yet to be conquered by 20th century technology; it is a democracy and a member of the prestigious "atomic club"; it is a caste system and an economy built on the plow and the soil; it is a civilization 6,000 years old; it is mankind's last great adventure. A better question might have been, what isn't India?

The hardest task in describing India, lies not in finding what to say about her, but rather in attempting to describe her to Americans without fear of being misunderstood. We in America have tended to ignore India because she is a relatively quiet nation. Though she is presently undergoing severe crises and has essentially put the entire workings of her political and economic systems on the experimental chopping-block, she had managed, at least before the Bangla-Desh situation, to keep herself outside the arena of commitment in American-Soviet foreign policy rivalry, and has refused the grandiose invitations of huge American corporations to invest in her future. As a result of maintaining this very uneasy state of low-keyed neutrality. India has become the unsung hero among the developing nations of the world.

My objective this morning is to briefly touch upon 4 basic views or stereotypes, if you will, that Americans hold as regards India. My intention is not to discredit our perspectives, but rather to trim them of their superficialities in order to sharply focus on the true issues at hand.

I suppose the first thing an American thinks of when he thinks of India, is the city of Calcutta. Located on the brown waters of the Hooghly River, Calcutta for the past two decades has become the symbol of Indian decadence and poverty in the eyes of the affluent western world. Granted, Calcutta is no heaven on earth—but it is no real hell either. A man makes his own hell; God does not manufacture them for us. This is the cardinal rule of the Hindu faith.

There are many ways one could rationalize about Calcutta. For one, it is a former British capital city, built by the British according to European design. There is an "Indianized" or Indian-built section which, to us, would represent the epitome of slum degeneration. But we must remember that the "city" is a new element in the life of the Indian. He has lived most of his nation's history in a close-knit village structure, where actions, dress, food and occupation are determined by caste, tradition and kin. There can be no impersonal relationships in a village because one's dress, diet, occupation and even name, tell another at a glance his entire life history. It is no doubt that Indians consider privacy a luxury of the affluent . . . not for a nation whose economy is barely beginning to rise off its knees.

In a sense, that's what Calcutta says to me. I walk out onto the streets—Chowringhee Ave., say—at 6:00 AM and step over hundreds of bodies—some alive, a few dead—watching them get up to greet a day which may not offer a single paisa in charity or a grain of rice to eat—and realizing all the while that somehow, most of them will live to see the next dawn. To watch Calcutta wake up to a sultry Bengalese morning is virtually indescribable. Entire city blocks change character in a matter of minutes, as the few rags that were used to put a bed together are wrapped around one's shoulders as a shawl, and the people begin their morning bathing ritual. An hour later they all will have settled down on their little tracts of sidewak as shoe-shiners, fix-it men, barbers . . . or just beggars. This unappealing description notwithstanding, it should not be forgotten that Calcutta is not unique as Indian cities go—all Indian cities have their slums, beggars, cows, etc.—it's just that Calcutta has more of it, due to her location so close to what was formerly East Pakistan, than anyone else. It might also be significant to note that Calcutta has the most acreage of her city properties devoted to parks, per capita, than any other Indian city, as well.

The story of how most of Calcutta's impoverished residents come to the city is the same. The family in the village is approached by a man from the city, possibly at a time of crisis or famine. The picture this fellow will paint will not usually vary—a promise of wealth and instant success that only the city can offer. The man offers to be the young boy's or girl's agent (they usually take youngsters) and oversee their affairs personally. The glitter is more than can be resisted and the child leaves with the man for the big city. From then on, the road is one of pain, loneliness and humiliation, as the youngsters are turned into beggars, pimps, black market peddlers, prostitutes and the like. Approximately 60–75% of their earnings are turned over to the "dada" or agent, and escape back to the village from this existence is virtually impossible. The youngsters become adults and often die on the same plot of sidewalk on which they began their "careers."

There is a beautiful side to Calcutta, though . . . the gorgeous green parks, botanical gardens, the ritzy Park Avenue area, the marble like splendor of the Victoria memorial, the museums with their incredibly well-preserved art relics, the amazing Birla planetarium and, of course, the temples—notably the Jain Garden temple, an exquisite work in carving and jewels that would be a jeweler's dream come true. This too is Calcutta—just as visible and just as startling to the eye as its impoverished counterpart.

India is beginning to come to grips with Calcutta and all the problems her existence represents. Whether her presence and the European values she bespeaks are welcomed by the Indian people, Calcutta is there nevertheless, unfortunately being forced to cope with many problems which are not European in nature—the caste system, village-city migration, and a vast influx of refugees from East Pakistan (or what is now BanglaDesh). Calcutta is a victim—a victim of location—a victim of institutional misunderstanding of its functions as an urban center by those villagers who migrate to within its teeming borders, expecting wealth and instant success—and a victim of bad publicity.

A second dominant stereotype through which Americans view India concerns the problem of national unity and the caste system. Many people ask, and rightly so, how a nation with 17 official languages could ever become unified? Furthermore, if we were going to question the potentialities of Indian unification, we could cite the much more serious problems of Hineu-Moslem rivalry, the increasing frequency of border disputes and demands for the creation of new states for separate ethnic groups, not to mention the desire South India (Mysore, Kerala, Andhra Pradesh, and Tamilnad states) to secede from the Indian union.

Possibly our inability to recognize any single strain of unity in India is due to the influence of Hinduism itself. Cultural unity was never stressed by traditional Hindu culture, rather tolerance for different existing religions and ideas was given the emphasis. The realization was that no one man can know absolute truth, in all its aspects, but rather many men may grasp the same truth from different perspectives. Each man must go to his god in his own way. This creed probably explains why India today contains the followers, churches, shrines, and artifacts of every major religion the world has ever known.

It is true, though, that some underlying institution must exist to give a perpetuation to those basic ideas of tolerance. The institution is embodied in the concept of dharma (the way) and karma (the duty) and is expressed most cogently through the much stereotyped and often condemned caste system.

There wasn't always a caste system in India. Remnants of some sort of social stratification began to appear with the invasion of India by the Aryans some 3,000 years ago. But the caste system, as we know it today didn't begin to take shape until around the 9th century AD out of a necessity to protect the Hindu culture and faith from crumbling in the wake of the Muslim invasions. The caste system at that time served to solidify and fortify the Hindu culture against the Muslims, and to preserve their creed and traditions by assuring everyone a place and role in society. Had it not been for the caste system, India would most likely have lost its previous Hindu heritage forever.

And yet ironically, Hinduism, as originally expressed in the Vedic teachings, never described or discussed a caste system, simply because the function of casteism was that of a social preservative, excluding most religious responsibilities. And yet in preserving society, the caste system preserved the religion as well—i.e., if one can call Hinduism a religion. I suppose for lack of a better term that is all we can call it. But the serious student of theology will certainly recognize Hinduism for what it really is. The real Hindu will worship a god, but he will consciously be worshipping what the god stands for, not merely the god. He clings tightly to his Bible, the Bhagavad-gita, which incessantly reminds him of his responsibilities to his family, society, and the world, exhorting him that, whatever his role in society, he should do it well. He should perform his earthly tasks for the sake of those tasks, not for the rewards that may be involved; the latter would not be the yogic way. Thus Hinduism, is more than a religion—it is a philosophy, a way of life, and a mundane set of guidelines for responsible living.

It is true, though, that the caste system is suffering somewhat of a breakdown in today's modernizing India. But for hundreds of years reformers have been trying to do away with it completely, only to discover that it is still a viable, vibrant social force. It still provides an identity, psychological and physical, to those within its fold, in addition to a degree of economic security. And while the real problems of discrimination by society against certain lower castes (the untouchables and scheduled castes) does exist—often times offset by an equally detrimental policy of reverse discrimination by the government (e.g. laws granting preferential rights, privileges and opportunities for the lower castes)—we must not overlook three very pertinent facts . . . Mahatma Gandhi was a Vaisya (next to the lowest in the caste hierarchy), Nehru was a Kshatriya (still below a Brahmin) and the present President of India, Jagjivan Ram, is an untouchable.

A third dominant stereotype is that of appalling, endemic poverty throughout the Indian nation. Undoubtedly, there is justification for this view—but as always, there is another side to the problem of poverty in India. Any developing nation on earth would be proud of some of the vital statistics which India today can boast:

(1) Producer of 2% of the world's GNP

(2) Ranks 9th out of the 10 most highly industrialized nations in the world. (in 1969 she exported steel to USSR and Japan)

(3) Possesses one of the world's most elaborate and efficient systems of irrigation.

(4) Is one of the world's richest areas in terms of natural resources—22% of the world's iron reserves—large supplies of alu-

minium, manganese (70% of the world's supply) and high quality coal.

(5) Since 1946, the per capita income has risen almost 40%.

(6) She possesses free Asia's largest atomic reactor just outside Bombay.

As one might see, any underdeveloped country might well envy India's attributes. And yet what explains the often seeming (and many times real) poverty that keeps India in a depressed standard of living?

I have no doubts that if the Indian nation could take the above economic assets at her command, along with a score of others I neglected to mention, and coordinate them into the proper productive pattern (i.e., put it all together) she could take her place in the family of world powers.

As the situation stands today, though, India ranks in the lower ⅓ of the nations of the world in per capita income. In addition, 1 out of 3 Indians goes to bed each night either hungry or malnourished. Each Indian has a per capita 250 gms. of food grain to subsist on per day— much too low to maintain a minimum level of human efficiency. And to make matters worse, she is burdened with a 2.5% yearly population increase. By UDC standards, this percentage is not so terribly large—but in absolute terms it represents an increase of about 13 million mouths to feed and bodies to clothe each year—roughly equivalent to a yearly addition of the entire population of Australia.

Despite the gloomy statistics which are the favorite tools of authors and analysts, progress has been made in India—a progress considering her difficulties, of the most incredible magnitude. Today, as mentioned earlier, India owns and operates as a limited power source, free Asia's largest atomic reactor. I've mentioned her industrial capacity and her ability to export steel, not to mention her irrigation systems technology and her leading role as a film producer. But as well, she has produced two notable Nobel prize winners, one recently in science for his work on genetics and one in literature. In addition, India produces her own jet aircraft, not to mention her manufacture of liquid fuel rockets which she uses for meteorological surveys. Furthermore, India has also gone wild over transistors and has made it possible for virtually everyone (or village) to own a small, cheap radio. Television has its debut in New Delhi and by 1974 satellites will link the entire country by t.v. Finally, according to Indian officials, India should be able to feed herself in 1972 without the aid of U.S. PL 480 rice or wheat. Latest figures record an availability of about 110 million tons of food grain alone for this year. Combine this increase in grain tonnage with other foodstuffs and we see the Indians possessing the potential to feed herself without outside assistance.

To round out this brief analysis of India's economic situation we have the subject of population control. As recently as forty years ago, India had no population—in fact, there was a marked lack of population around 1930. Until 1921, the rise in population in India was so slow that it actually showed a decline. In 30 short years, however, that picture changed completely. By 1951, the decline had been more than overcome. The cause for this sudden shift was simple—improvements in medical technology causing a fall in the death rate with no corresponding effect on the birth rate. It's not that the birth rate in India had (or even to this day, has) gone up, in absolute terms, but rather it has remained steady while mortality, especially infant mortality, has been dramatically reduced.

Translated into statistics all this seems to suggest that there has been no measurable progress in population control by the Indians over the past 20 years. But the truth of the matter is that progress has been enormous. India was the first nation in the world to instill family planning as a state policy twenty years ago. Since that time, family planning programs have prevented an estimated 20 million births. Though that may not sound impressive in itself, it should be remembered those are merely primary births and do not figure in the potential children of those 20 million unborn, or even the third generation after them. Thus figured geometrically on that scale, 80 million births have already been prevented over the next 40–60 years.

An important of the family planning program has been the sterilization program. India had through June 1970 performed 6.5 million sterilizations—more than the rest of the entire world put together. There are many incentives offered to the Indian male who will undergo a vasectomy. First of all, not only is the operation free, but the patient is paid $6.75 to undergo it. In addition, a working man might find promotions and raises in store for him (not to mention a paid recuperative period) if he lets it be known of his intention to undergo a vasectomy. I remember being told of the university professor who requested a 10 day leave to undergo a vasectomy, and received not only the leave he requested—with pay—but also was given a promotion to dean. A colleague of his requested the same amount of leave because his wife was having a baby —and he was fired. Dr. S. Chandrasekhar, former family planning director for India once told a group of American students that it's important to understand why the Indian wants to have children. Having understood that, India may then be able to realize solutions to the problem she faces. It is true for many Indians that children do not represent extra mouths to feed as much as they mean an extra pair of hands in the field. But for most, it is the real desire to have a son. A survey found that couples who had at least one son in the family were more in favor of family planning than those who had no sons at all. As Chandrasekhar explained it, to have a son is to have a ringside seat in ancestral heaven; to have a daughter is to be in the second balcony in hell!

Fourth and finally, as may be suggested by India's recent closer approachment with the Soviet Union, is India on the way to becoming a socialist or even a communist nation? Ambassador John K. Galbraith once remarked that one could always tell when India was getting prosperous by merely counting the increase of bicycles on the city streets. True, he made the statement tongue-in-cheek but it illustrates the attitude India has toward socialist economic organization. Today India, despite a constitutional commitment to socialism, has actually less socialism than has America. Take, for example, India's recent experience with the nationalization of banks. Prime Minister Indira Gandhi decided late in 1969 to nationalize all the major banking institutions in the country, organizing them into a system similar to our Federal Reserve System. Her decision was made—Parliament concurred—and the Indian Supreme Court rejected it as unconstitutional. It wasn't until early 1970 that Mrs. Gandhi nationalized the banks again, this time within some of the Court's guidelines, but generally defying the Court to re-challenge her power. The Court did not.

Aside from how unconvincing this makes India's professed socialistic goals seem, it should be noted that as a political philosophy, socialism is no newcomer to India as it has been to the less politically-conscious nations of Southeast and East Asia. Early in this century the great scholar, Lala Lajput Rai, took a great interest in Marx, and attempted to adapt Marxist theory to the Indian situation. India had its first socialist party in the 1930's. But it was Gandhi's closest confidant, Pandit Nehru who set India upon the road to democratic socialism. He had a firm belief that in a true socialist state, no individual should be exploited. He carried socialism farther than the economic aspect, though, Nehru believed (evidencing a marked influence that Gandhi had had on him) that freedom from exploitation should be applied in the political, social, and religious spheres as well. Nehru was one of the few leaders of young, independent India to realize that prosperity in the form of industrialization affects the entire superstructure of society. Prosperity he felt is not only a state of being, but also a state of mind.

And yet today, almost a century after discovering the concept, India possesses merely the word, socialism, rather than the reality. Galbraith clearly describes India as having superimposed a smallish socialized sector atop the world's greatest functioning anarchy. Most of the instruments of production remain in private hands and therefore it is in the private sector where most of the national income is produced. And though all this may not sound like socialism, we must take into consideration that India's success at planning her economy has eclipsed that of all other non-totalitarian nations.

The supreme irony of the situation in India is that despite her general economic ill-health, Communism has never been a major political force in the country. The Communist Party' history in India before 1947 can be traced in terms of theoretical backtracking, ideological confusion and senseless violence. In a sense, the Communists in India were a party with the wrong tactics at the wrong time. They advocated violence at a time when the Gandhian influence of non-violence was at its height; they began by opposing a Congress Party which stood for nationalism and independence, only to later side with the Congress Party out of desperation, and be brutally suppressed by British authorities. Even the Communist party's platform of socialism could not be claimed by them to be ideologically unique as compared to that of the Congress party. In 1931, Congress itself adopted a moderately socialistic stand and within its own party structure gave birth to the Congress Socialist Party, a leftist organization.

Thus between India's already self-avowed intellectual orientation towards socialism on the one hand and to Mahatma Gandhi on the other, the Communists found themselves ideologically eclipsed and politically crippled. Since 1947, furthermore, the Communists have only succeeded in eroding the differences between them and the Congress party. By 1960, both parties stood on virtually the same political ground, their differences only a visible haze emitting from their respective party platforms.

What, then, in conclusion, are the realities behind the stereotypes that we Americans hold about India? They are simply this— First, the situation in Calcutta is bad; but not insurmountable—Second, India is poor by our standards, though by their standards the nation is achieving a sustained prosperity enviable among other Asian nation states (which seems to immediately question the American definition of "poverty")—Third, India is a deeply religious nation, but it is not a religion which blinds the adherent to social reality—and finally, India is socialist-oriented, but in no way in danger of becoming communist. What can be stated without qualification is that India is different; but being different doesn't make her any less real. She sees the world in a remarkably different light than does America, simply because she has seen and experienced a lot more world history as a single, unified culture, than has America. Conversely, though, the average Indian knows much more about America than his American counterpart may know about India, the Indian greatly misunderstands us. In a sense, we can blame ourselves for that. America wants herself to be understood only in a certain way by her foreign neighbors. The USIS centers in the consular cities of Madras, Bombay, Calcutta, and Delhi are precise reflections of this. Search the shelves of those libraries and you will detect a notable lack of balanced viewpoint. Cleaver is not there; neither is Marcuse or Oglesby; the absence of C.G. Jung among the volumes in the psychology section is terribly conspicuous, not to mention the unofficial ban on writings of many civil rights leaders. We Americans, therefore, cannot lay the entire blame for the feeling of distance between the Indian and American peoples merely on geographical distance . . . and little of it is to blame on the Indians or their media. Actually, the time has passed when we should afford to worry about who IS to blame. Now we must ask, who or what is to be the solution to future understanding?

PARTNERSHIP FOR HEALTH IS NOT WORKING FOR NEW YORK CITY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BADILLO, Mr. Speaker, those of us fortunate enough to have access to competent medical care, to live in safe and decent housing, and to eat nutritious food tend sometimes to regard tuberculosis as a disease of the past. Unfortunately, this is not the case. Our congested and poor central cities continue to be breeding grounds for tuberculosis and only constant efforts and massive commitment of funds can keep this disease under control.

Last year New York City ran eight clinics which ministered to tuberculosis outpatients. Total funds expended in the city for the maintenance of tuberculosis control programs amounted to $1,448,000; $684,000 of this was contributed by the State from formula grant funds, while $764,000, or more than half of the city's budget for this program, came from project grant and communicable disease funds from the Federal Government.

This year the administration has decided that responsibility for the control of this disease should properly rest with the States and localities. For this reason, no more funds will be earmarked for tuberculosis control under the communicable disease or the project grant programs. Instead, the States are free to allocate as much as they believe is necessary for this purpose from the formula grant moneys made available to them.

Whatever the philosophical merits of this approach may be, the practice of it is depriving our cities of desperately needed funds. New York City, for instance, will not receive increased allocations from the State. This means that in the absence of Federal programs specifically directed toward the control and eradication of this disease the city will lose more than half of the funds it needs to run its presently existing programs.

For the information of my colleagues, I insert here a very perceptive editorial from El Diario-La Prensa. It describes in vivid detail the consequences, as far as New York City is concerned, of a discontinuance of Federal commitment in this area:

A TB EPIDEMIC?

Another deadly plague hovers over us all. Compared with it, drug addiction, alcoholism, urban blight and crime on the streets would seem to be just petty shortcomings of our "fun city".

At the 1972 Spring Conference on Respiratory Diseases held last week in New York, eight experts on tuberculosis expressed the fear that there will be an epidemic outbreak of TB following budget cuts in key TB clinics throughout the city on June 30.

There are now about 6,500 persons under active treatment at these clinics, while living at home.

The elimination of these fully-staffed clinics could increase tremendously the cost of tuberculosis control by lengthening the hospital stay of many TB patients. At present, patients are usually discharged from the hospital after a short stay, because they are able to continue treatment at these clinics.

The clinics, based at the municipal hospitals, are the keystones on which much depends in the progression toward an ever better ambulatory care. The bulk of their present fiscal support will be terminated next July 1. New York City will be faced with the need of finding a replacement for these funds. They will have to come from a rather bare cupboard at the sacrifice of other expenses, or the whole core of the ambulatory program will dissolve.

If budgetary cuts bring about loss of personnel and facilities provided by the combined chest clinic, tuberculosis control and the community it protects will be dealt a very staggering blow. Physicians trained in pulmonary diseases presently attending the chest clinics and screening chest X-rays will be lost. The municpal hospitals will lose also the services of public health nurses, clerks and public health aides from the community and whose interest and excellent rapport with the patients are invaluable to the successful operation of the clinics.

The closing of these clinics would also mean that a significant number of cases which would have been detected earlier would not be discovered until they are far advanced. A large number of contacts who are already infected, or most likely to be infected, especially the children, will not be examined and treated early enough to avoid serious complications like meningitis. Delinquent patients would not be located and brought back to the clinics.

These latter cases pose a serious problem for they are incompletely treated patients. They can, and do, reactivate and would not only become sources of infection for others all over again, but worse, they would be sources of resistant organisms that are very difficult to treat.

In the whole city there would not be enough hospital beds to absorb all the active cases left without proper ambulatory medical treatment facilities. Many patients would remain at home, spreading the disease among the community.

Tuberculosis is a disease of poverty. Given the poor housing and overcrowding, the poor nutrition and the alcoholism and drug abuse that seems to be the scourge of our ghettoes, little imagination is needed to foresee what an untreated case of tuberculosis could do to a family and to a community.

Since approximately 90 per cent of the TB patients belong to minority groups, these would be the people mostly affected in the event of withdrawal of the federal funds. This could obviously be considered a serious act of discrimination against the minority groups of our city.

VETERAN OPHTHALMOLOGIST TO BE HONORED AT BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DULSKI. Mr. Speaker, having reached the mandatory retirement age of 70 years, Dr. W. Yearby Jones has retired from his hospital and university positions in Buffalo, but will continue to carry on the practice of ophthalmology.

Dr. Jones, the only black physician to head a department in our Meyer Memorial Hospital and the State University of Buffalo School of Medicine, will be honored at a testimonial dinner on May 3 by his many associates and friends.

I know Dr. Jones very well from his professional activity in my district in Buffalo and from my association with him in connection with eye surgery for one of my children.

Dr. Jones was one of the key specialists at the former Wettlaufer Eye Clinic which had gained a high reputation for its specialty.

I regret that the affair for Dr. Jones is being held during the week when my congressional duties will not permit me to participate. However, I am arranging to have a flag flown over the Capitol in Dr. Jones' honor and presented to him in my behalf at the dinner.

Mr. Speaker, as part of my remarks I include an article from the April 12 edition of the Buffalo Evening News:

EYE SPECIALIST WILL BE HONORED

Dr. W. Yerby Jones, the only black physician ever to head a department in both Meyer Memorial Hospital and the State University of Buffalo School of Medicine, will be honored at a testimonal dinner at 6:30 p.m. Wednesday, May 3, in the Executive Motor Inn, 4243 Genesee St., Cheektowaga.

Dr. Jones, who has reached the mandatory retirement age of 70, has stepped down from both positions, but is continuing to practice his specialty—ophthalmology (the study of the eye)—in his private office.

A graduate of the UB Medical School in 1924, Dr. Jones qualified as an eye specialist by meeting the requirements of the American Board of Ophthalmology in 1942.

Four years later he was named an instructor in the school. In 1961 he became a clinical professor, in 1967 cohead of the Division of Ophthalmology, 1968 head of the division and 1969 acting head.

In his 25 years on the faculty, he participated in the training of an estimated 85 per cent of the ophthalmologists practicing in the Buffalo area.

He did much of his own training at Meyer Memorial in the days when it was the Buffalo City Hospital, and continued to do volunteer clinical and pathological work in ophthalmology there through the 30s, investing some of his own money in equipment.

He was named an attending physician at the hospital Dec. 23, 1952, and promoted to chief attending Feb. 7 1956. When Dr. Ivan H. Koenig retired as head of the department he was named acting head in 1955, and later head.

In 1964 he was elected president of the hospital's medical staff.

In 1949 the Buffalo Urban League presented him with its Award for Occupational and Professional Achievement. At the time he was one of only 14 blacks to ever be admitted to membership in the American College of Surgeons.

WATER LEGISLATION: BROAD VIEW NEEDED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. NELSEN. Mr. Speaker, in the great controversy over water pollution control legislation, too little attention has been paid to the total impact of "zero discharge" on both the environment and industry.

Mr. Leonard Meschke, president of the Fairmont Chamber of Commerce in Minnesota, recently dealt with this question in a thoughtful editorial which appeared in the Fairmont Sentinel. Mr. Meschke cited one manufacturing case where the effort to comply with "zero discharge" was estimated to result in the production of considerably more waste material for disposal in the air or on land than the amount of original waste created in the first place, meaning the environmental impact would be detrimental. Additionally in this case, achieving the "zero discharge" goal would require the use of many times more scarce natural resources than would otherwise be required.

It is hoped that our Senate and House conferees will give proper consideration to such matters in working out final details of water legislation this year in order to avoid launching the Nation on an irresponsible environmental and industrial course, a course likely to force businesses and workers into the poor house.

I insert the full text of Mr. Meschke's editorial at this point in my remarks:

WILL MUSKIE'S BILL FOR "ZERO DISCHARGE" WASTE U.S. RESOURCES?

(By Leonard Meschke)

Clean water is a national priority that is supported by industry as well as the public. The only area of "disagreement" is how stringent the American public can afford to make the regulatory laws.

Presently, the United States Senate is debating whether or not to "water down" the controversial Muskie bill with its "zero discharge" requirement. There is confusion and disagreement on the cost and technological ability to totally eliminate effluents. There is also little factual information about what affect "zero discharge" would have on the consumption of natural resources and problems of air pollution and solid waste management—"everything has to go somewhere."

One manufacturer, a chemical plant with 1,250 employes, has recently assessed the impact of "zero discharge" on its operation. Here are the additional costs and effects of the Muskie bill:

Capital outlay for facilities—$25 million.

Annual operation and maintenance—$3.5 million.

The company also indicated that the environmental impact would be detrimental rather than beneficial because:

1) 4,000 tons of remaining pollutants would be removed from effluents requiring use of 9,000 tons of treatment chemicals and 19,000 tons of coal to produce required steam.

2) Production of the 9,000 tons of treatment chemicals would require 15,000 tons of raw materials plus electric power, and this operation would produce 6,500 tons of solid waste sludge per year.

3) 9,000 tons of chemical sludge, 1,200 tons of fly ash, 1,000 tons of sulfur dioxide and 200 tons of nitrogen oxide would be produced.

4) Production of electricity to operate discharge control facilities would burn 6,000 tons of coal, thus producing 350 tons of sulfur oxide, 60 tons of fly ash and 60 tons of nitrogen oxides annually, plus 100 million BTU's of waste heat.

In a nutshell, the annual removal of the remaining 4,000 tons of effluents to achieve "zero discharge" would require use of 40,000 tons of natural resources and produce 19,000 tons of waste material for disposal to the air or land.

Industry, like the public, is concerned about the environment and is taking the necessary steps to comply with federal and state laws.

However, unless waste treatment technology finds ways in which to economically comply with "zero discharge" laws, many American industries will be forced to close their doors—a frightening alternative in this time of high unemployment.

MEDICAID PROGRAM IN MISSOURI

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SYMINGTON. Mr. Speaker, I commend the Comptroller General and GAO for their report, B-164031(3), dated March 27, 1972, concerning the medicaid program in Missouri. The report indicates Missouri's medicaid program is adequately administered and, indeed, savings have been made. However, the report could be supplemented in a number of areas.

First, methods must be found to further cut paperwork and processing time in the medicaid program. Second, emphasis should be given to cost-benefit ratios which factor in the quality of care received as well as the burdensome administrative costs to doctors, State agencies, and HEW itself. Third, Missouri and the 24 other States and jurisdictions now giving medicaid services to only the "categorically needy" should find ways to assist all who are "medically needy."

Medically needy individuals are those who cannot afford the enormous costs of medical care, but who are ineligible to receive Medicaid or other public assistance payments under the various titles of the Social Security Act. For these people are middle class Americans considered by bureaucrats to be too rich for medicaid, and too young for medicare. Something must be done to aid these middle class people.

In this regard, I have cosponsored H.R. 11728, the Health Maintenance Organization Act. Representatives WILLIAM R. ROY and PAUL ROGERS have worked very hard on this measure. The Public Health Subcommittee on which we all serve has completed hearings on Health Maintenance Organizations. In addition to this legislation, some form of national health insurance is necessary to relieve middle class Americans from the financial hardship caused by rising health care costs. Finally, I favor some form of national health insurance which would relieve doctors and State agencies from cumbersome paperwork involved in the medicaid and medicare programs. It is my judgment that much of the difficulty we now face regarding health care can be relieved by enactment of H.R. 11728, the Health Maintenance Organization Act and of some form of national health insurance.

Finally, Congress would do well to ease two of the more critical problems faced by most Americans—the cost of medical care and restrictive regulations now tied to Federal health finance programs. At this point I insert into the RECORD a summary of the GAO report of medicaid in Missouri:

FUNCTIONING OF THE MISSOURI SYSTEM FOR REVIEWING THE USE OF MEDICAL SERVICES FINANCED UNDER MEDICAID—SOCIAL AND REHABILITATION SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE B-164031(3)

WHY THE REVIEW WAS MADE

This is the first of four reports by the General Accounting Office (GAO) on methods followed by States in reviewing the use of medical services which are financed under the Medicaid program. The reports were requested by the Chairman, House Committee on Ways and Means.

The purposes of State reviews of medical services under medicaid are to safeguard against unnecessary medical care and services and to ensure that payments financed by Medicaid are reasonable and consistent with efficiency, economy, and quality care.

State reviews of the use of medical services under Medicaid are referred to in this report by the technical term "utilization review systems."

This report covers the utilization review system followed in Missouri. Other reports will cover the systems followed in Florida, Maryland, and Massachusetts.

Medicaid is a grant-in-aid program administered for the Federal Government by the Department of Health, Education, and Welfare (HEW). Under the program the Federal Government pays part of the costs incurred by States in providing medical care to persons unable to pay.

Congressional concern over rapidly rising Medicaid costs led to the enactment of the Social Security Amendments of 1967 which included a requirement that each State Medicaid plan include a utilization review system.

The Chairman suggested that GAO inquire into such matters as the:

Identification and correction of excessive use of medical services,

Achievement of results under the utilization review systems,

Adequacy of State resources for utilization review systems, and

Extent of assistance given by HEW to the States in the development of the systems.

To obtain information on the first two of these matters, GAO evaluated (1) general utilization review controls applicable to all medical services, (2) general controls applicable to recipients, (3) specific controls applicable to institutional medical services, and (4) specific controls applicable to noninstitutional medical services.

HEW and Missouri officials have not formally examined and commented on this report; however, the matters discussed in the report have been discussed with these officials.

FINDINGS AND CONCLUSIONS

Missouri has developed a utilization review system which includes manual and computer controls. These controls are designed to assist in identifying and evaluating services exceeding established standards and in correcting utilization determined to be improper.

Missouri's utilization review system does not provide for the systematic accumulation of data showing the amounts of reductions in Medicaid cost or other benefits resulting from utilization review or of data comparing the costs of utilization review with the benefits that it provides.

Missouri's system, however, is producing positive benefits. Payments to hospitals were reduced by about $260,000 over a 1-year period. Payments to physicians were reduced by about $715,000 over a 1-year period.

During fiscal year 1971 Missouri paid about $60 million for medical benefits furnished to 273,000 welfare recipients. Of the $60 million, about $54 million was paid to 8,821 providers of medical services and about $6 million was paid to the Social Security Administration for Medicare insurance premiums. About $55 million was subject to Federal participation at 59.29 percent.

Controls applicable to all Medicaid services

Missouri has established procedures to ensure that:

Recipients and providers are eligible to participate in the program,

Services paid for are covered by the program,

Amounts paid are reasonable, and

Claims have not been paid previously.

GAO believes that these controls are adequate.

Controls applicable to Medicaid patients

Usage standards which identified patients receiving too much care under the program were established. Such patients were restricted to one physician and one pharmacist, except for emergencies. This procedure is effective.

* * * * *

Controls applicable to Medicaid institutional services

Missouri's utilization review system generally is effective in controlling the use of Medicaid institutional services.

Of the $60 million paid by Missouri for Medicaid services in fiscal year 1971, about $32 million, or 53 percent, was for institutional services. The State established controls over skilled nursing-home services to ensure that rates paid are reasonable and that persons in nursing homes require skilled nursing care.

During the 9-month period ended September 1971, the State determined that 662 of 5,529 applicants did not require skilled nursing-home care.

The State established controls over hospital care to ensure that:

Rates are reasonable,

Recovery is made of amounts due from other sources, and

Care provided is medically necessary.

The system is designed to identify providers and patients who exceed established limits of Medicaid service.

The State has limited payment for hospital care to a maximum of 14 days for each admission. Generally the need for continued hospital care is not evaluated until after recipients have been in the hospital for 14 days.

The need for continued hospital care should be evaluated earlier than 14 days after admission.

During a 1-year period, medical audits of hospitals which have relatively high daily costs and/or long average lengths of stay have resulted in the disapproval for payment of 2,425 hospital-days valued at $134,000.

Benefits obtained from these medical audits warrant their expansion to a greater number of hospitals.

Controls applicable to Medicaid noninstitutional services

Missouri has an effective utilization review system for Medicaid services provided outside of institutions. Many useful controls have been implemented. Periodic evaluations should be made of each control or group of controls, however, so that the more effective controls can be expanded and the less effective controls altered, discontinued, or replaced. State officials agreed with GAO's suggestion that such evaluations be made.

Most of the Missouri Medicaid payments for medical services received outside of institutions are for physician services and prescription drugs.

The State has established a number of specific controls aimed at controlling the use of physician services and precription drugs. For example, special analyses are made of the services provided by every physician whose claims for a month exceeded $500. A random test of claims for eight such physicians showed that the amounts of the claims had been reduced an average of 43.5 percent.

As another example, a State pharmacist travels throughout the State to visit pharmacies and physicians providing drugs to Medicaid patients. He reviews prescription files to verify claims, checks questionable claims referred to him by other staff members, and visits selected welfare recipients to verify that they received the kind and quantity of drugs indicated on the billings.

Five pharmacists have been removed from Missouri's Medicaid program because analyses of their claims indicated overuse and failure to cooperate in correcting the problem.

Adequacy of State resources

Missouri's utilization review system is operated by 85 full-time employees and six part-time employees. State officials expressed the view that State resources were adequate to perform effective reviews, and GAO's examination indicated that such was the case.

Extent of assistance by HEW

The Missouri Medicaid program began in October 1967. The development of its utilization review system appears to be primarily a result of the State's initiative, rather than a result of specific assistance by HEW. Regional employees of HEW were not given the guidelines or training necessary to adequately assist the State in developing its utilization review system.

In September 1971 HEW provided Missouri with a model system providing a broad framework within which the State could develop detailed system specifications to meet requirements particular to its own system. The Missouri system contains most of the key elements of the model system, and State officials felt that some of the detailed data generated under the model system would be superfluous.

RECOMMENDATIONS OR SUGGESTIONS

HEW should assist the State and should monitor State actions to:

Periodically evaluate the effectiveness of utilization review controls;

Expand the utilization review of hospital care;

Provide for the systematic accumulation of data enabling a comparison of the costs of utilization review with the benefits it provides, and

Study the HEW model system for the purpose of adopting design features offering opportunity for improvement.

FREEDOM OF JEWS

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MURPHY of Illinois. Mr. Speaker, America has traditionally been known as a freedom-loving people, supporting freedom for themselves and for others. The House of Representatives vote of 360–2 yesterday in favor of House Concurrent Resolution 471 was an expression of the need to extend human freedoms to Jews in the Soviet Union.

I cosponsored this particular resolution and commend Subcommittee Chairman ROSENTHAL for his leadership in committee and on the House floor. To remain silent in light of such oppression would be to ignore or, worse, to condone the suffering.

Members of the House and Senate have introduced innumerable resolutions relating to Soviet Jewry. Members of the press have articulated the legitimate wants and needs of these people who are constrained emotionally and restrained physically.

Passage of this resolution comes at an opportune time. The President journeys to the Soviet Union next month aware of overwhelming congressional support for a strongly worded resolution castigating present conditions for Soviet Jewry and asking for reforms.

Prior to the December meeting of President Nixon with French President Pompidou, Representative CHARLES RANGEL and I urged that narcotics be a top-priority item on the agenda of their meetings. Following the December meetings, there was a definite strengthening of French antidrug activities proving the effectiveness of diplomatic channels.

In this same spirit, I urge the President to note the plight of Soviet Jewry during his upcoming visit and ask for the comments and suggestions of the Soviet officials.

COORS REPORTS INDUSTRY'S SUCCESS IN RECYCLING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. COLLINS of Texas. Mr. Speaker, the Adolph Coors Co. has done an outstanding job of environmental improvement. Their emphasis on recycling their aluminum Coors beer cans is growing with strength.

California and Texas led the way in 1971. Coors has stressed community participation in collecting the used cans. An effective drive in California turned the funds over to leukemia research. University women's clubs, Girl Scouts, and others have teamed up to bring in the cans. You will be interested in a summary report of the 1971 Coors progress in their recycling:

RECYCLING BEER CANS

More than 425-million cans—three times the 1970 total—were collected for recycling during 1971 in Adolph Coors Company's cash-for-cans program.

William K. Coors, president of the regional brewery, termed 1971 results "highly encouraging" and predicted that the amount of aluminum the company expects to receive for recycling in 1972 would be "substantially higher" than in 1971.

Major factors supporting the prediction, he said, are threefold. He cited "growing public concern about the environment, increasing awareness of aluminum's high salvage value, and the fact that more manufacturers are packaging their products in aluminum."

IMPRESSIVE TOTAL

Coors noted that aluminum received last year by the company's distributors in 11 western states totaled 17,726,752 pounds. At an average 24 aluminum cans per pound, that is equivalent to 425,442,048 cans.

"All of those cans," Coors stressed, "are recycled for practical reuse instead of becoming part of the litter and solid waste problem."

The recovery total in 1970, first year the program was in operation, was about 6-million pounds.

FOR CIVIC CAUSES

Coors paid out $1,772,675 in 1971 to the individuals and organizations collecting the aluminum. Much of the money, brewery officials said, was used for civic causes. Youth groups, in particular, were active in the program.

Total payout since the program's start, in January, 1970, is more than $2.5-million.

The cash incentive program offers a dime a pound for clean aluminum. All aluminum cans—Coors or any other kind—are accepted.

THE FINANCIAL CRISIS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SCHMITZ. Mr. Speaker, the debauching of our currency by Federal deficit spending continues not only unabated, but with hardly any expression of official concern. The position of the dollar becomes more and more precarious, yet official spokesmen for our Government and too many Members of this body continue to pretend that the hard facts of a rapidly depreciating dollar no longer backed in any meaningful sense by gold, can be papered over by smooth talk and that vague, magic word "negotiations."

But the truth is that we are now in a financial crisis from which there is no way out short of taking the medicine, so unpalatable to many, of major Federal spending reductions. One of the best statements of this truth I have seen recently, appeared in the "Sensing the News" column by Anthony Harrigan, executive vice president of the Southern States Industrial Council, released March 30, 1972. The column follows:

THE FINANCIAL CRISIS

While the presidential primaries produce vast amounts of copy for journalists, the speeches of the candidates contain little that is relevant to America's worsening financial crisis. Neither the candidates nor the public seem interested in the fate of the U.S. dollar.

Eliot Janeway, the economist, made this point in a recent essay. "The defense of the dollar," he said, "is the forgotten issue of this year's presidential politics. The cliches of politics-as-usual will not save it from the demoralizing tragedy of still another devaluation."

The majority of candidates for the presidential nominations prefer to focus on give-aways, domestic or international. That is tragic, for there is pressing need of debate on financial issues. The United States has enormous debts and the proposed budget for fiscal 1973 contains a planned deficit of $25 billion, incredible as that sounds. The debt situation and the related fate of the dollar should be prime topics for discussion during the primaries. That isn't the case, however.

Politicians shouldn't be assigned all the blame. The voting public, it is clear, isn't willing to hear unpleasant truths, and nothing is more unpleasant than a discussion of the wounded U.S. dollar.

Immediately after Inauguration Day in 1973, the President of the United States will be faced with grave financial problems. Foreign countries, with large dollar holdings, aren't convinced that the American people or prominent leaders in either party have any serious intention of mending the ways responsible for the weakening of the dollar. They note the political talk about expansionary budgets and foresee grave financial problems ahead for the U.S.

Secretary of the Treasury John Connally is busy trying to assure Europeans that the U.S. has a tough anti-inflation policy, but the Europeans remain unconvinced. In a recent letter to *Barron's Financial Weekly*, Count Sixtus Plattenburg, writing from Spain, said in effect, "the U.S. is broke." He expressed doubt that Europeans will go on much longer accepting "the dollar as the ultimate yardstick of everyone else's value" and suggested that the U.S. credit structure will fracture.

The Nixon administration method in dealing with the crisis of confidence has been to impose wage-price controls that amount to a cartel approach to industry, labor and agriculture. This is roughly what President Franklin Roosevelt attempted to do with the NRA legislation in the 1930's and what Mussolini aimed at in his Corporate State plan. But the pay and price board system isn't working. The unions are smashing huge holes in the system, as in the case of the West Coast dock settlement.

Mr. Nixon's political opponents have nothing better to offer. In fact, they recommend stepped-up public spending, more government jobs. They ignore the crisis of confidence around the world that poses tremendous danger to the United States. Tragically, neither the administration nor anti-administration forces will accept free enterprise solutions to the nation's difficulties.

The sound, capitalist position has been ably set forth by Prof. Milton Friedman of the University of Chicago. He said: "Government spending is the problem, not the solution. We do not need new government programs. We need to abolish the old programs and let people spend their own money in accordance with their own values."

If the vast government programs were dismantled and new ones weren't established, foreigners who hold billions of U.S. greenbacks would regain confidence in those dollars. If curbs on unions were ordered, the world would regain confidence in U.S. productivity. Europeans and Asians would be convinced that the United States intends to fight inflation and protect its currency. But the political talk in the presidential primaries is of more government spending, not less. This political talk is not only unrealistic but dangerous. The countries holding U.S. dollars could signal no-confidence in America even before Inauguration Day.

Never in its history has the United States had such a need for statesmen. Unfortunately, only politicians seem to be on hand.

AMTRAK THREATENS FURTHER SERVICE CUTBACKS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. YOUNG of Florida. Mr. Speaker, Amtrak, our much publicized and highly subsidized effort to provide rail passenger service to the American public, is now quietly making studies aimed at cutting back further on what little rail service remains in this country.

Despite denials made only 4 days ago, I have learned that Amtrak is studying the possibility of halting service into St. Petersburg, Fla., in my home district—and I am sure it will interest my colleagues to know terminal facilities across the Nation are undergoing similar studies as well.

Amtrak is doing this, unannounced, at a time when the Congress is being asked to provide another $170 million in taxpayers' funds to purchase equipment and finance operations over the next 2 years. This, of course, is on top of the $40 million in Federal funds granted in the Rail Passenger Service Act of 1970—not to mention authorization for another $100 million as a debt guarantee.

I would suggest that these studies, with the implied threat of a further cutback in rail passenger service, may be timed to pressure the Congress to approve another $170 million in subsidies.

Amtrak seems to have an insatiable appetite for taxpayer funds, and demonstrates, once again, that when government pushes its way into the private sector, the public pays and pays and pays.

My fellow Congressmen, I am sure, will be interested in the following article from today's St. Petersburg Times:

AMTRAK MAY DERAIL BAY AREA SERVICE

(By Charles Stafford)

WASHINGTON.—Despite earlier denials, Amtrak is studying the possibility of halting service into downtown St. Petersburg, an Amtrak official said Monday.

"This is something Amtrak is considering," said James Bryant, director of information. "They have not yet decided."

A decision, which should come about May 1, will be included in a larger action affecting passenger terminals throughout the United States.

Amtrak, which began operating the nation's railroad passenger service last May 1, will have an estimated loss for its first year of operation of $133-million.

"Forty per cent of those losses will be in terminal costs," Bryant said. "They are just eating us alive."

Amtrak is trying to consolidate terminals wherever possible, he said. In some cases, it will get rid of high-cost terminals in crowded inner-city areas and will build smaller, more efficient, fringe-area terminals with an increased amount of parking space.

Terminals in Jacksonville, Miami, Tampa, and St. Petersburg all are under study, Bryant said. The Jacksonville terminal costs Amtrak $2-million a year to maintain and employs 500 persons fulltime, he said. Even though it is one of the busier ones on the system, it has only eight trains a day.

The Miami terminal is located in a poor section of the city and trains have to back into it. Bryant said. This is a time-consuming, and therefore costly, procedure.

The same is true, Bryant said, in Cincinnati where Amtrak must pay cost running into millions a year to maintain a terminal that serves only two passenger trains a day.

Although the Tampa and St. Petersburg terminals are only 17 miles apart as the gulf spans Tampa Bay, trains leaving Tampa must cover about 45 miles on their circuitous route around the northern end of the bay before reaching the end of their runs in St. Petersburg.

Bryant suggested that the study might arrive at one of three decisions:

Continuing to have terminals in both cities.

Ending service in Tampa.

Building a new, consolidated terminal for both cities.

At one time, when the Seaboard Coastline still operated passenger service into the Tampa Bay area, it considered halting runs at Tampa and providing connecting bus service to St. Petersburg. The idea was abandoned because of widespread complaints that it would be extremely inconvenient for elderly passengers bound for St. Petersburg who would have to get their luggage off the trains and onto the buses in Tampa.

When this was mentioned to Bryant, he said, "Convenience is nice, but when we are running such a deficit operation, we have to cut losses."

He emphasized, however, that no decision has yet been reached.

Last Friday, a member of the Amtrak public information staff denied that there was any move afoot to curtail service into St. Petersburg. Bryant said that unfortunately that staff member had not been aware of the terminals study.

U.S. WAGES OPIUM WAR IN LAOS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HALPERN. Mr. Speaker, I would like to alert my colleagues to an excellent article which recently appeared in Newsday entitled "U.S. Wages Opium War in Laos." This article describes the efforts being made both by American and Laotian officials to cut down on the rampant drug trade which courses through the Golden Triangle area of Burma, Thailand and Laos.

The opium which is grown in this sector of the world is the chief source of supply for addicted U.S. servicemen stationed in Vietnam. The triborder area is also the place where the black market operations which have for so long stationed themselves on the Turkey-Marseilles axis, and which up to now have supplied the illicit American drug market, will relocate.

The author, Arnold Abrams, also discusses the difficulty of persuading the native, Thai and Laotian farm population to substitute other crops for their lucrative and multipurpose poppy cultivation. In short, Mr. Abrams has succeeded in summarizing a complex problem which calls for grave policy decisions on the part of the U.S. Government. It is for this reason, Mr. Speaker, I have chosen to insert the attached informative article into the RECORD.

The article follows:

U.S. WAGES OPIUM WAR IN LAOS

(By Arnold Abrams)

VIENTIANE, LAOS.—American-directed teams of native spies are being staked along the mountain trails of northern Laos as part of a $1,000,000 campaign to stop the opium traffic from the opium fields of Laos, Thailand and Burma.

The anti-drug campaign is being waged by a task force that includes a narcotics attache from the American embassy here and at least 10 U.S. customs officers who act as advisers to local authorities at border crossings and airport facilities. Embassy officials say they harbor no illusion about stopping the flow of narcotics from the jungle area known as the "golden triangle." "Only a fool would say we'll be able to do that," one American said. "But if we can reduce the traffic and cause some opium dealers some trouble, we'll be doing something."

Some experts believe that Vientiane and Bangkok, the capital of Thailand, now rank as the world's largest producers of heroin, an opium derivative, and provide most of the heroin used by American servicemen in Vietnam. Little of the traffic from the golden triangle gets to the United States, federal officials say, but that could change. "As we cut off other sources [such as Turkey], the triangle is a ready-made source of opium," said Robert Nickoloff, acting regional director of the Bureau of Narcotics and Dangerous Drugs. "It's just a matter of developing the trade routes."

As part of the campaign, spy teams of Lao tribesmen trained by the Central Intelligence Agency are providing authorities here with information about drug-smuggling routes and the location of narcotics refineries. That information has led to a series of ambushes against drug-hauling convoys and raids on two large refineries. In Ban Houei Sai, a narcotics traffic center about 225 miles northwest of Vientiane, a refinery was destroyed by a mysterious fire last year, and last month a raid by Lao police netted large amounts of chemicals and semirefined heroin. American involvement in both actions was said to be significant.

The teams have conducted more traditional spy work, infiltrating south China's Yunan Province to spy on Chinese political and military activities. The Nixon administration ordered those operations stopped last summer. "They [the spies] are well trained for reconnaissance work," one high-ranking source said. "It makes no difference whether they are gathering intelligence on drug traffic within Laos or military traffic outside it."

Despite the successes of the spy teams, there remains huge obstacles to the success of the American anti-drug campaign, which is estimated to have cost about $1,000,000 so far. One is the involvement of high-ranking Lao military and government officials in drug traffic. Laos' "Mr. Big" allegedly is Ouan Rathikoun, a former army chief of staff, but many prominent figures still in office also have a hand in the action. The vice president of the National Assembly, for example, recently was stopped by airport police in Paris with a suitcase full of heroin. For political reasons, French authorities released the Laotian official, who claimed he had been framed. Knowledgeable observers here were certain, however, that it was less a matter of framing than a bribe backfiring.

Another obstacle is the fact that opium is the stuff of life for the fiercely independent mountain folk of eastern Burma and northern Thailand, who grow most of the opium that passes through Laos. It is their principal cash crop and is used in trade for household and farm utensils, salt, kerosene and silver for ornamentation. And, opium profits buy modern weapons: automatic rifles, grenade launchers, machine guns, which the mountain people use to defend their homes, villages and traditions against the increasing encroachment of the outside world. Laos had never had any anti-drug laws until last year when it approved some in reaction to American pressure.

In Thailand, authorities are pressuring the hill people to abandon opium for new crops, partly to please the Americans, but also because the soil-leaching effect of opium cultivation is ecologically destructive. Tea, coffee, fruits, chili peppers and nuts have been suggested as alternatives, but the hill folk are reluctant to change. "At first it looked good," said Dao Muong, a border police commandant who conducted demonstrations of the new crops. "The fruits and vegetables produced, in the beginning, a bit larger return than the opium. But when the hill people got into business, the market soon became overloaded and the price dropped. And, of course, the vegetables, more bulky than opium, are difficult to transport." Rural roadbuilding projects are under way in the valley regions of northern Thailand, but the hill people must still carry their harvests down the mountains on their backs or on mules or horses.

Anti-drug efforts in Thailand are further blocked by an unofficial border patrol run by the remnants of a Nationalist Chinese regiment that fled to Thailand from southern China after the Communist takeover in 1949. And the nationalists, who have since degenerated to robber-baron status, are the main jobbers, processors and distributors of opium.

One measure of how much is yet to be done is the continued availability of opium in Vientiane. The capital's morning market remains a ready, relatively cheap source of narcotics. Amid a vast clutter of produce ranging from squawking hens and grunting pigs to jade bracelets, and tortoise-shell backscratchers, opium derivatives can be purchased as casually as Coca-Cola.

In fact, drug consumption is a problem within the American community here. Several U.S. embassy employes have been transferred because of involvement by their dependents (either high school or college-age children); others have been allowed to stay, but choose to move their families elsewhere.

"If we have a problem with this ourselves," one member of that community remarked, "how can we expect the Laotians to control it?"

SHEDDING NEW LIGHT ON AN OLD SUBJECT—CRIME

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. CELLER. Mr. Speaker, I believe it is essential that both the city and State of New York seek and obtain their fair share of the Federal funds available for increased street lighting to combat crime. On April 4, 1972, therefore, I called the attention of New York State and city authorities to three funding provisions in the Federal Omnibus Crime Control and Safe Streets Act of 1968, under which Federal funds are available for this purpose. The texts of my letters to the executive director, State of New York Office of Planning Services, and to the director, Mayor's Criminal Justice Coordinating Council, follow:

APRIL 4, 1972.

Mr. ARCHIBALD R. MURRAY,
Executive Director, State of New York, Office of Planning Services, Division of Criminal Justice, New York, N.Y.

DEAR MR. MURRAY: The Omnibus Crime Control and Safe Streets Act of 1968 has for its prime purpose the improvement and strengthening of law enforcement.

Unquestionably, one extremely effective way to deter crime is to provide for increased street lighting in high crime areas. The mugger, rapist, purse snatcher, armed robber—in short, the street criminal—is a person who lurks in the shadows and whose courage is in inverse proportion to the lighting which illuminates his place of business. It is therefore essential that Federal funds available under the Act be earmarked for street lighting.

In the last three years, $83,000,000 of Law Enforcement Assistance Administration funds have been allocated to New York State for Part C block grants. Please advise whether any of this money has been used for street lighting in New York City or elsewhere in the State.

Also, please advise whether your office has requested any funds relevant to street lighting from the National Institute of Law Enforcement and Criminal Justice under Part D of the Act, another source of Federal funds for this vital means of making our streets safer.

As for discretionary funds, a third source for obtaining Federal money for street lighting, I am communicating with the Director of the Mayor's Criminal Justice Coordinating Council in New York City. However, are you aware of any large-scale discretionary fund grants elsewhere within the State?

Communities throughout the country have already had street lighting projects funded with block grant money, discretionary fund money, or Institute money under the Act, making it clear that the problem is not one of an inadequate law but, rather, of its implementation in other communities, including New York.

The need for increased and improved street lighting is urgent; the effectiveness of such lighting in crime control has been demonstrated; Federal funds are available; New York State and New York City should take immediate steps to seek their fair share of the Federal funds and promptly embark on major street lighting projects.

Sincerely yours,

EMANUEL CELLER,
Chairman.

APRIL 4, 1972.

Mr. HENRY RUTH,
Director, Mayor's Criminal Justice Coordinating Council, New York, N.Y.

DEAR MR. RUTH: Enclosed is a copy of a letter I have sent today to the Executive Director of the New York State Office of Planning Services, Division of Criminal Justice, concerning the need for improved street lighting in high crime areas and the efforts made by the State and the City to obtain Federal funds for that purpose under the Omnibus Crime Control and Safe Streets Act of 1968.

Apparently no large-scale effort has been made to obtain and use discretionary funds for lighting the streets of New York City. Please advise whether you have any current plans for making application for discretionary funds for this purpose or whether you plan to seek block grant or Institute money.

The Omnibus Crime Control and Safe Streets Act provides three methods through which street lighting money can be made available to the City of New York, and the Congress has appropriated a tremendous sum of money to carry out the objectives of the Act. I sincerely hope that street lighting will be given a high priority by the State and City planners.

Sincerely yours,

EMANUEL CELLER,
Chairman.

FINANCIAL AID NEEDED FOR HIGHER EDUCATION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MIZELL. Mr. Speaker, today I join with several of my colleagues in sponsoring legislation to help middle-class parents meet the cost of their children's higher education.

The need for this legislation is greater and more urgent today than it has ever been before. In the last 5 years, tuition costs of public institutions of higher learning have risen by 50 percent. Tuition at private colleges and universities has increased by 70 percent.

As a result, today it costs between $10,000 and $20,000 to obtain a bachelor's degree. The U.S. Office of Education tells us the end of this tuition cost spiral is not in sight, that instead tuition can be expected to increase by 25 percent in public, and 38 percent in private institutions of higher learning in the next 10 years.

The more affluent of our society can absorb these increases with little or no financial inconvenience. And 91 percent of the total financial needs of low-income students are covered by current Federal programs.

Left in the breach is the entire American middle class. Already, some middle-class children are being deprived of a college education because they and their parents are not rich enough to wholly finance the cost of higher education, nor poor enough to qualify for substantial government assistance.

The legislation I am sponsoring today, the Higher Education Funding Act, is designed to provide a measure of assistance to these millions of middle-class families.

The legislation provides that parents can set aside specific amounts of their income every year to be placed in a fund established by them for their children's college education.

The parents would then be allowed to deduct this amount from their gross income when making their Federal income tax payments. The bill limits the amount that can be set aside to $500 per child per year, with a maximum of contribution of $2,500; or 10 percent of the contributing taxpayer's adjusted gross income, whichever is less.

These contribution funds can be in the form of trusts or custodial accounts with banks, or as insurance or annuity contracts, nontransferable face amount certificates, and/or government bonds.

Several proposals have been made with respect to providing tax credits or deductions for parents now burdened with expenses of higher education for their children. These approaches are commendable, but they begin with the assumption that parents have sufficient resources to get their children in college in the first place. This is often not the case, despite a lifetime of saving for just that purpose.

The approach I am recommending today is a long-range, permanent approach, designed to anticipate and fund future needs and higher levels of educational expenditures.

Mr. Speaker, I am convinced this legislation has great merit and would enjoy the enthusiastic support of millions of American families who now are burdened with legitimate concerns about how they will get their children through college.

I urge immediate consideration of this legislation, in the appropriate committee, and recommend swift passage by the Congress.

WELCH FOODS, INC.: A SPECIAL SUCCESS STORY

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. HASTINGS. Mr. Speaker, it is with great pleasure and pride that I call to the attention of my colleagues one of the world's leading companies in the production of grape juice.

I refer to Welch Foods, Inc., of Westfield, N.Y., which is located in my congressional district. Welch Food has always been a forerunner in the industry and stands today as a symbol of that special kind of success story which had its humble beginning with a New Jersey dentist, Dr. Thomas B. Welch, more than 100 years ago.

Through the years, its central philosophy has been one of combining corporate responsibility with deep community concern. Today as Welch Foods crosses the threshold into another century of operations, I should like to offer my congratulations and best wishes to its officers and more than 1,500 employees. I insert in the RECORD, at this time, a story from the Buffalo, N.Y., Courier-Express, which recounts in detail the story of the beginning and growth of Welch Foods, Inc.:

FRONTIER INDUSTRIES NO. 45—WELCH FOODS SAVORS A VERY SWEET BEGINNING

(By William F. Callahan)

Just a little over 100 years ago, a New Jersey dentist with a strong religious background developed a process to make "unfermented sacramental wine" from grapes. From his process, and the company he founded, has evolved Welch Foods Inc. of Westfield, Chautauqua County.

Not only has Welch grown to become the leading producer of grape juice in the world but its annual gross sales are approaching the $100 million plateau; last year, sales reached $96.7 million.

The company has been headquartered in Westfield since 1897. In its first 100 years, the company was known as the Welch Grape Juice Co. But in 1969 the name was changed to Welch Foods Inc. to reflect the diversity of its products.

Since 1952, the company has been owned by the National Grape Cooperative Inc., an organization of 2,300 farmers. Also headquartered in Westfield, National Grape has about 900 members in Western New York and Pennsylvania.

Hand in hand with the development of Dr. Thomas B. Welch's process for pasteurizing grapes into grape juice was the development of the Concord grape, called the only true American grape, in Concord, Mass., by Ephraim W. Bull.

Bull worked with seeds and seedlings for 37 years, during which time he tried 22,000 crosses of 125 grape vines. Finally, in 1849, he came up with a grape with the quality he had sought.

Later in Vineland, N.J., Welch, communion steward for the Methodist Church, became acquainted with the American Concord grape and used it as a substitute for the traditional communion wine. He had studied the work of Louis Pasteur and applied the principles to pasteurize grape juice. He succeeded, and thus began a new industry.

He started his business with his sons, Dr. Charles E. Welch, also a dentist, to produce the grape juice for use in churches.

In 1890, the name was changed from Dr. Welch's Unfermented Wine to Dr. Welch's Grape Juice. By this time, drug stores and other outlets, besides churches, were customers.

Grape juice received national fame when it was sampled by thousands in 1893 at the Worlds Columbian Exposition in Chicago. Needing a better supply of grapes, the Welches moved their business that same year to Watkins, N.Y. in the Finger Lakes section.

In 1897, the operation was moved to Westfield and a plant was built. The cultivation of Concord grapes became the chief agricultural interest of the community, which eventually became the largest producer of Concord grapes in the country.

Today approximately 350,000 tons of Concord grapes are harvested in five areas in United States. The Westfield and Western New York area and sections extending through Erie County, Pa., and northern Ohio produce the most grapes.

There is a smaller growing area bordering the Finger Lakes, and other growing areas are in Van Buren and Berrien Counties in southwestern Michigan and the Yakima Valley section of the State of Washington.

In 1906, the present Westfield plant was constructed across the street from the first plant there, built in 1897. The original plant now serves as a printing and storage facility.

In 1910, the company constructed its general office building at Portage and Main in Westfield. The same year the company acquired the Walker Plant in North East, Pa., now the largest of all Welch Foods plants.

In 1918, the company introduced a new product, Grapelade. The U.S. army bought the entire initial supply of Grapelade.

In 1919, Welch, due to its continuing growth, obtained its first plant outside the Chautauqua-Erie "grape belt." The plant at Lawton, Mich., was purchased and Welch set up shop in the Michigan fruit growing area.

Four years later the company branched out again and built a plant in the southwest at Springdale, Ark. Also in 1923, the company put another new product on the market, Concord grape jelly. This was followed three years later by homogenized tomato juice.

Thomas Welch died in 1903. His son Charles, who had guided the growth of the company, died in 1926. The latter's son, Edgar, assumed the presidency of the company.

In 1929, the majority stock interest in the Welch company was sold to a group of private investors of Nashville, Tenn.

This group continued operation of the company until 1945, when controlling interest was purchased by J. M. Kaplan of New York City, who had entered the grape industry in 1933 when he purchased a small winery at Brocton.

The next year, 1946, the company acquired another plant in Brocton, owned by National Grape Corp. In 1949, it started to produce frozen juice concentrate.

The year 1950 saw the company make its first cross-country move when it purchased a plant at Grandview, Wash., in the center of great irrigated farmlands in the Columbia River Basin.

In 1952, national Grape Cooperative signed a contract with options for the acquisition of Welch Grape Juice; the final options were exercised in 1956. Douglas M. Moorhead, president of National Grape since 1950, then became president of Welch.

Welch continued its expansion in the West in 1953 when it purchased the Church Grape Juice Co. in Kennewick, Wash. Today, Church is a subsidiary of Welch Foods.

Surprisingly fast, by 1959 National Grape had paid off its $13.5 million mortgage on the Welch company.

In 1962, the company installed nine huge grape juice storage tanks, each with a capacity of 273,500 gallons and the largest in the industry at that time, at its Lawton, Mich., and North East, Pa. plants.

A construction project to double the size of its general office building in Westfield was begun in 1966.

The company undertook two major projects in 1968. One was the large-scale use of the mechanical harvester for harvesting Concord grapes. The other was the installation of what was termed "the world's largest grape storage facility," comprising eight 317,000 gallon tanks at the Westfield plant.

Raymond T. Ryan, a veteran employe of the company, became president in 1964 and held that position until he retired in 1970, after 25 years in the industry.

He was succeeded by the current president, R. Craig Campbell. Campbell has supervised two major construction projects, both in North East, Pa. They were a new 140,000-square-foot warehouse, due to be completed at the end of March, and the installation of 10, 317,000 gallon grape juice-storage tanks at the North East plant.

Today at its seven plants nationwide, Welch Foods employs about 1,500 persons. Of this number, about 500 are in the Westfield area and another 500 at North East, Pa.

Campbell, a native of Boston, Mass., began his business career in the sales department of Lever Brothers in 1936. Through the years he held responsible positions with several major food companies before becoming president of North American Foods, a division of Detec Panamerica Ltd., in 1967.

He was appointed to the board of directors of Welch Foods Inc. in 1969; in Jan., 1970 he became president and chief executive officer.

Harold W. Buchholz is president of National Grape Cooperative Inc. and also is chairman of the board of Welch Foods. He is a charter member of National Grape, which was founded in 1945, and has been a member of its board since 1954.

Buchholz has served on its executive committee since 1959 and was elected president in 1967. He owns and operates a 50-acre farm near North East, Pa.

Ned M. Brown is executive vice president of Welch. He is responsible for manufacturing, purchasing, quality control, traffic, employe relations and corporate communications.

He joined the company in 1950 as superintendent of the North East plant. He became operations manager in 1954, manager of manufacturing in 1963, vice president of manufacturing in 1964 and executive vice president in 1967. A native of Akron, Ohio, he attended the University of Akron School of Engineering.

Frank J. Guthrie recently was named senior vice president. He joined the company in 1961 as sales manager. He became assistant vice president of sales in 1965 and vice president a year later.

His duties include complete growth development of international markets, acquisitions and long-range planning. A native of Belmont, Mass., he attended Northeast Law School in Boston, Mass.

Robert L. Judell serves as vice president and treasurer. He joined Welch in 1952 as manager of internal audit and tax. He left Welch in 1956 and returned in 1962 as assistant treasurer and controller. He was elected treasurer in 1966 and two years later was made a vice president. He is a native of Minneapolis, Minn., and a graduate of Harvard University.

One of the major problems facing Welch Foods is the resolution of pollution problems caused by the discharge of waste into Lake Erie. Earlier this month, the company filed a report in federal court that it will be unable to meet the Sept. 1 court deadline to stop the discharges into Lake Erie.

The company had planned to tie into an expanded sewer system in Westfield. However, the village's expanded sewer system was one of 45 Pure Water Program projects withdrawn from consideration by Gov. Rockefeller last month after Congress failed to assure New York State that the federal government would pay its share of the cost of the project.

Campbell said he hopes a determination will be made soon as to whether the village will be able to proceed, or whether the company will have to install its own water treatment plant.

SOVIET-ARAB RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HAMILTON. Mr. Speaker, in recent years, many tensions and some distrust have characterized the relations between Arab States and the Soviet Union. Some Arabs are realizing that their interests are not the same as those of the Soviet Union and they are seeking to lessen Soviet influence. The Soviets, for their part, want to protect their investment in the Middle East. This task is delicate and full of risks and uncertainties. The evolving relations of the Soviet Union with the major Arab States are the subject of a good article by Walter Z. Laqueur which appeared in the April 1972 issue of Commentary and which I would like to bring to the attention of my colleagues. The article follows:

RUSSIANS VS. ARABS—THE AGE OF DISENCHANTMENT

(By Walter Laqueur [1])

Somewhere, undoubtedly, on the agenda of President Nixon's forthcoming talks in Moscow, is the subject of the Middle East. The Egyptians would like the subject to figure prominently, the Israelis would happily see it ignored. As for the superpowers themselves, they really have only one point in common on this issue, namely the desire to prevent a major crisis in which they themselves might have to become involved. Beyond that, it is difficult to envisage any possible deal of mutual benefit. The Soviets may try to exert a certain amount of pressure by pointing to the acute danger of war in the area—they are themselves under intense pressure of various kinds from their Egyptian clients—but since active Soviet military intervention in the Middle East seems to be ruled out for the time being, this pressure will necessarily fall short of outright threat and intimidation.

The Soviet attitude toward the Middle East is a curiously ambivalent one. Commentators in the Soviet press still refer to the area as the world's greatest danger zone, but at the same time there are clear indications that at least temporarily, the Middle East has been downgraded in the list of Soviet priorities. This is no doubt connected with recent political developments in other parts of the world. But it also has to do with the fact that no major advances have been made in Soviet-Arab relations in recent years. Ten years ago, or even five, Moscow expected steady progress and eventually spectacular results from its Middle East policy. At present, the most Soviet leaders can reasonably hope for is to hold on to what gains they have made. The confidence of the early and middle 60's has given way to a feeling of dissatisfaction and even to muted complaints. It is far too early to talk of a major

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setback, but there is certainly a great deal of soul-searching nowadays in Moscow, and with increasing frequency Soviet experts are asking what went wrong in the Middle East and why, and what, if anything, can be done about it.

The basic problem facing the Russians in the Middle East—but not, of course, only in the Middle East—is that while they have become heavily involved politically and in some instances also militarily, they are not in full control of the conduct of affairs. Only ten years ago, to quote a leading Soviet commentator, "the stormy breakup of the colonial system and the anti-capitalist slogans of many leaders of the national liberation movement created the illusion that in a very short period the overwhelming majority of the former colonies would go over if not to the socialist, then to the non-capitalist road of development." It was thought that the obvious inadequacy of free-market capitalism to solve the basic problems of the developing countries would inevitably compel the leaders of the new states to choose socialism instead. ("Socialism" in this context, needless to say, means the Soviet model—not democratic socialism, and not the Yugoslav or the Chinese or the Cuban model.) The process of disenchantment with this thesis, which began around 1964, is usually linked with the overthrow of such rulers as Sukarno, Ben Bella, Modibo Keita, Quassem, and Nkrumah, all of whom disappeared within a short time, almost without a struggle. Even in those countries in which radical regimes, run by the army and/or a state party, had emerged, no one showed the slightest willingness to cooperate with the local Communists.

This was a blow, but its full impact was realized only much later. At the time some daring spirits in Moscow developed an optimistic new theory: whatever their professed ideology, the new leaders of the developing countries were building the foundations of socialism. If the conditions for "proletarian" (i.e., Communist) leadership had not yet matured, there was nevertheless ample reason for close collaboration with the new elites. The Soviets insisted on only one precondition, "internal democracy for progressive elements," or as Western observers put it, "licensed infiltration." The Egyptian experience under Nasser gave much ground for hope in this regard; Egyptian Communists, formerly persecuted, were released from prisons and concentration camps and achieved fairly influential positions in the state and party apparatus, albeit not at the very highest level. Even now there are two Communist ministers in Syria and a Communist deputy minister in Cairo; in Iraq, too, Communists are part of the ruling national front.

The implications of the new Soviet Approach for the Middle East were most ably stated by George Mirsky, the author of an original and provocative study of military dictatorships which has unfortunately not yet been translated into English. Mirsky's work was met with both criticism and approval at home, and the general controversy over the "correct appraisal" of the new political forces still goes on.[2] Some Western observers have perhaps read too much into these exchanges, assuming wrongly that quarrels among experts inevitably reflect profound differences in the Soviet leadership; in fact there is reason to doubt that Brezhnev and Kosygin are at all familiar with the work of Mirsky and other specialists. On the other hand, the experts' views are of interest for the very reason that they cannot stray too far from the line: if they are not prophets, their publications can with due caution be used as barometers of opinion.

Of late an unmistakable note of skepticism has crept into the writings of these commentators. That they should react sharply to last year's disastrous events in the Sudan, where the Communists and their supporters were savagely suppressed, goes without saying. But there has been growing criticism as well of countries in which the Soviet Union suffered no such dramatic setbacks. One author writing about Algeria concludes sadly that the agrarian reform of 1966 is largely a paper fiction, and that the political activity of the peasantry is weak or nonexistent. Another complains that political life in Syria, Egypt, and Algeria has yet to be democratized and that all the slogans about "handing power over to workers and peasants" are empty of content. Yet a third notes the "slipshod ideology" of the "progressive" regimes, the weakness of their links with the masses, and the fact that the task of creating "vanguard parties of socialist orientation" has turned out to be far more complicated and arduous than was earlier anticipated. Out-spoken statements have been made on the need for inculcating habits of "systematic work" in the underdeveloped countries and there has been some questioning of the hitherto unquestioned obligation of a rich (socialist) country to help a poor one. The developing countries, it is being said, should learn to stand on their own two feet instead of taking it for granted that the Soviet Union will provide an unlimited amount of economic aid.

Some of these complaints, which reflect the strains and stresses in current Soviet relations with the Third World, are merely tactical in character, designed to serve warning and register displeasure. But others go much deeper, and it is with these that we are concerned here. One of the issues at stake is the role of nationalism in revolutionary movements, traditionally one of the weakest points of Marxist-Leninist theory. The Soviets underrated the powerful appeal of nationalism in Europe in the 1920's and 1930's, and they have made similar, possibly even more perilous, errors in administering their own empire. Their position on the matter is, to say the least, infused with conflict. According to Soviet doctrine, nationalism is a transitory phenomenon (a position which may well be true under the aspect of eternity, but which is demonstrably useless in analyzing current events). However, Marxist-Leninist theory also distinguishes between the bourgeois nationalism of the West, which is thoroughly bad and reactionary, and the nationalism of an oppressed people, which is a progressive force if properly harnessed and exploited for revolutionary ends. Of late this view too has come in for reexamination. For instance, one author has maintained that "revolutionary forces which use the nationalism of oppressed nations for their own purposes, historically justified as such use may be, have to take the consequences." This somewhat cryptic statement is made a little clearer when the author denounces the exploitation by ruling circles of the growing nationalist fervor in order "to dull class consciousness among the working people so that no discordant notes should sound in the general nationalist chorus. The concept of national unity as such is sometimes used to veil class contradictions and push them out of sight."

Among nationalisms, that of the Arabs in particular has long been regarded by Soviet observers as a harmless aberration, to be viewed with tolerance. But here, too, there are signs of a change in attitude. "Arab nationalism," writes Mirsky, "is a particularly strong ideology which bases itself on history, tradition. . . . It makes use of the Palestinian question which is singularly urgent and painful for the Arabs." Yet, Mirsky adds, this ideology, an admixture of political and religious strains, creates a negative attitude toward Communism which it regards as basically internationalist and atheist in character. According to Mirsky, even the revolutionary democrats in the Arab world are prisoners of this way of thinking, and only a very few—the brightest, ideologically most advanced among them—have so far escaped its pernicious consequences.

How can the singularly strong impact of nationalism in the Arab countries, and also elsewhere in the Third World, be explained? Even Mirsky falls back on the time-honored reflex of blaming the "petite bourgeoisie," although he admits (only as an afterthought) that nationalist sentiment may also be linked with the general cultural situation and with the new rulers' low level of political sophistication. But in fact, virtually the entire radical leadership of the Third World, *including* the Communists, is "bourgeois" in origin—petit or higher. On the other hand, Mirsky's explanation is not much help when it comes to a phenomenon like Colonel Qaddafi of Libya, perhaps the most extreme of the new crop of radical nationalists in the Arab world. Born in a Bedouin tent, Qaddafi now commands the disposition of billions of dollars in oil revenues; he may be mad, but he is hardly petit-bourgeois. The class origin of these elites cannot explain why they move with equal ease, first to the "Left" and then to the "Right," often in rapid succession. Insofar as they are socialists, theirs is some kind of national socialism, and the Soviet Union, which has noted this development with regret, does not exactly find itself in a good position to complain, in view of its own record of nationalist deviations.

Another issue which has greatly bothered Soviet policy-makers is that of military dictatorship. All the "progressive" countries in the Middle East are now ruled by army officers. In the beginning (i.e., during the early and middle 50's) the Soviets had a hard time adjusting to this new phenomenon; even Nasser was attacked at first as a fascist adventurer, in accordance with the Leninist doctrine that the army and the police should serve as the tools of the state, which is itself an instrument of class rule. But as Nasser began lining up against the West and increasingly began using socialist terminology in his speeches, Soviet ideologists were mollified. After all, they now argued, class differentiation had not proceeded very far in the Third World, and the army therefore had to comprise a relatively independent force. Thus the Soviet theory of the "progressive military intelligentsia" came into being.

According to this theory, native army officers, by virtue of having been forced by the imperialists to occupy underprivileged positions in the local army, had become agents of patriotic resistance against foreign domination and were therefore to be considered, when they subsequently seized power and declared their countries' independence, as legitimate rulers from the revolutionary point of view. These officers supposedly hailed from social strata much closer to the working class than to the upper-crust bourgeoisie (a debatable contention, incidentally) and they were not just anti-imperialist but also anti-capitalist in outlook. In the context of their societies, the argument continued, they constituted the most enlightened and dynamic and modernizing force.

One should perhaps not take too literally the various theories developed by Soviet authors during the 1960's to explain away the fact of military dictatorship in the Third World. Some of them at any rate had grasped the decisive point: the officer corps was the only group, however small, that had real power and did not hesitate to use it. Nor did these Soviet experts rule out the possibility of setbacks and betrayals. In Mirsky's six-part typology of military dictators, only one out of the six categories was considered more or less reliable from the Soviet point of view: the "revolutionary democrats with epaulets," men like Nasser, Boumedienne, and the Syrian colonels. Up to Nasser's death Egypt was the model country in which everything had gone right from the Soviet point of

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view, inasmuch as the "national-democratic revolution" had been extended and a "serious shift had taken place in the political thinking of the UAR leadership." (At the same time, a way out was always available in case of unpleasant eventualities, such as when a Nasser was succeeded by a Sadat. "Sometimes the leaders of a military coup are motivated less by patriotism than by a purely career-inspired desire to seize power," wrote one of the Soviet experts.) In general Mirsky predicted that not even "revolutionary democrats with epaulets" could cope in the long run with the tasks facing them, for their mental make-up was simply not attuned to developing the qualities necessary for political work and organizational activity on the highest level. Hence the conclusion that "purely military regimes cannot last long in the contemporary world." The progressive officers were bound to realize that the army was no substitute for political institutions, that they would have to secure the active participation of the "most progressive elements of the working class"—i.e., the Communists—and that they would have to mobilize the masses by establishing an avant-garde political party. At that stage their regimes would, in fact, cease to be military in character.

The assumption underlying this reasoning was that the political development in Egypt under Nasser (to refer to the most obvious example) was irreversible, despite the "ideological weaknesses" of the military leaders, their eclectic and inconsistent doctrines. Practical experience would guide them to the right path whether they liked it or not. For was it not true that in the UAR revolutionary practice had led the military leaders much further than they had originally intended to go, that the "logic of the class struggle" had compelled them to carry out far-reaching changes?

These arguments were widely accepted until a year or two ago, when major setbacks occurred in precisely those countries believed to have progressed furthest on the "road to socialism." One of the consequences of these defeats has been the upgrading in Soviet eyes, at least on the theoretical level, of the local Communist parties. Until recently, it was the fashion to accuse the Egyptian and the Algerian Communists of sectarianism in not supporting Nasser and Boumédienne. The Arab Communists, who had had their reservations about close collaboration with the dictators all along, now argue that the Soviets should have paid heed to their earlier warnings; they want no more nonsense about "military socialism."[3] The Soviet experts for their part now admit there have been errors, and are willing to concede that only the working class (in other words, the Communists) has been "objectively assigned" the role of the vanguard: no other class can replace it in that function.

This sounds very radical, but in practice it leads to "revisionist" policy recommendations. It is one thing to give theoretical support to the Egyptian Communists, and another, far riskier, thing to provide open political assistance which will antagonize the present rulers. The Soviet experts therefore remind the Arab Communists that the peasantry and the lower middle class make up 80 to 90 per cent of the population in every country, so that the Communists will have to make use of "the poor material that objective reality puts at their disposal." Unfortunately, petit-bourgeois ideology dominates the thinking of these masses "and will evidently do so for a long time to come." The revolutionary process is thus bound to continue for several decades, and the present "transitional stage" cannot be measured in terms of months or even years.

Short of direct intervention, it is difficult to imagine how the Soviet Union could install a leadership in the Arab states qualified to supervise the transition to the "dictatorship of the proletariat." Like the native Communists, the Soviets too will have to make use of the "poor material" available and cooperate with military regimes which pursue a foreign policy more or less in line with the Soviet Union only because they happen to depend in varying degrees on Soviet help. But unless the Communist movement is legalized and gains some freedom of action, the "vanguard party" on which Moscow still pins its hopes will simply not come into existence, regardless of the degree of industrialization and modernization achieved. It is of course possible that in some country or other the Communists might seize power; in view of the weakness of the political structures in the Arab world it is by no means certain that a mass party is really necessary for a takeover—a handful of determined junior army officers might suffice for the purpose. But would this necessarily be preferable from the Soviet point of view? The Soviet Union itself is no longer the leading model for other Communist countries, and a Communist regime is not *a priori* synonymous with a regime friendly toward the Soviet Union.

The meaning of all this can be summarized very briefly: whereas only a short time ago it was assumed that in a very few years power in the Arab world would pass into the hands of "avant-garde" (Communist) parties, and that these parties would accept Soviet leadership, it is now openly admitted that the process will take much longer. One can well imagine that in private Soviet commentators are even more pessimistic than this. What prevents them from growing altogether dejected, however, is their belief that the political influence and military power of the Soviet Union will grow in the years and decades to come, that there will be a decisive shift in the world balance of power, and that as a result the Soviet Union will eventually be in a position to exert direct pressure on events in the Middle East. Thus, one Soviet expert has guardedly mentioned the transformation of revolutionary-democratic rule into the dictatorship of the proletariat by means of "the international dictatorship of the proletariat in the form of the world-socialist system." The "system," needless to say, is that of Moscow, not of Mao or Castro or Ceausescu. To be sure, even such veiled hints as this are infrequent; for the time being at any rate, Soviet policymakers believe in the wisdom of speaking softly while carrying a big stick. They now understand that the situation is vastly more complicated than they had previously supposed, and that Arab nationalism, which on the one hand has abetted Soviet penetration into the Middle East, on the other has inhibited the further growth of Communism (a dialettical process if ever there was one). The Russians know that military dictatorships in the Middle East, however radical their rhetoric, cannot really be trusted—but they have to continue supporting them for the present, until the time comes when they can more forcefully assert their wishes.

What are the aims of the Soviet Union in the Middle East, and to what lengths is it likely to go in achieving them? Southward expansion has traditionally been one of the major points of Russian foreign policy, pre- as well as post-revolutionary. In addition, it is only natural that the present Soviet leadership should wish to assert its newly gained strength in the Middle East at a time when America has been showing an increasing inclination to cut its own commitments. Finally, the investment of effort and prestige has had a momentum of its own: having put their money on Egypt, the Soviets are not about to change horses in mid-stream.

Today oil is very important in this context, although ten years ago, or even five, the subject would hardly have come up. At that time the Soviet Union had all the oil it needed for domestic consumption and to supply Eastern Europe as well; it also exported some 50 metric tons per year to the West and to Japan. But consumption in Russia is increasing at a faster rate than production; drilling for new fields involves high investment costs, and transport is often prohibitively expensive, since most of the oil-fields are located far from the industrial centers. Soviet spokesmen have admitted that by 1980 their requirements will exceed the 650–70 metric tons they are likely to produce. And at this stage—to cut a very long story short—Middle Eastern oil comes in: not as yet a factor of paramount importance, but one that can no longer be ignored.

Then there is the matter of Soviet military bases. This is no longer a question, as it once was, of port facilities at Alexandria and Port Said. Egypt is now ringed with a net of Soviet air bases, one of the legacies of the Nasser era with which the current Egyptian regime is stuck: if anything, Egypt's dependence on the Soviet Union has increased during the past two years. That the bases fulfill a vital role in Soviet strategy in the Eastern Mediterranean goes without saying; they further represent an investment in money and equipment and personnel on which the Soviet Union would like some day to show a profit, political or otherwise. For if the prospects of installing reliable governments in the Arab capitals are not too good at present, the next best thing in Moscow's view is to consolidate and perpetuate a situation in which the Soviet presence gradually becomes an irreversible fact. It is possible (if not certain) that such a situation has already been reached in Egypt, and Western observers, not to speak of the Israelis, may be pardoned their skepticism when President Sadat announces his intention of ridding Egypt of Soviet soldiers once the Egypt-Israeli dispute is settled.

As for the Soviet leaders themselves, it is more than doubtful that they were aware of what they were letting themselves in for in terms of hard cash when they first became involved in Middle Eastern politics. They certainly did not foresee that over the years Egypt, Syria, and Iraq would consume some 55 per cent of the total military aid extended by Moscow to foreign countries: Egypt alone, the biggest single recipient, got some 40 per cent ($5-6 billion). The present annual flow of Soviet military aid to Egypt represents perhaps as much as 10 per cent of the total Soviet military-equipment budget, except for what is produced for the nuclear and space programs.[4] This includes the cost of maintaining some 15-20,000 Soviet experts in Egypt (but not that of keeping a fleet in the Mediterranean). The price is of course not beyond the capacity of a superpower to pay, but it is high enough to insure the likelihood of its being subjected to periodic reexamination in the light of changing Soviet priorities. The need to maintain a great and growing army in the Far East, as well as Soviet involvement on the Indian subcontinent, may cause new assessments of the allocations to the Arab world.

The job of protecting the Soviet investment in the Middle East is a delicate one, full of risks and uncertainties. Any offensive move against Israel on the part of Egypt would involve considerable danger; unlike the case of the India-Pakistan war, where it was clear that the Indians could win without Soviet help, Egypt by itself is incapable of mounting a victorious offense. The best the Soviets can hope for is a continuation of the Arab-Israeli conflict at its present level, or at a slightly lower one. Peace between Egypt and Israel would endanger the Soviet presence by removing its *raison d'être*, but escalation of the conflict would entail great expense and even greater risk from the Soviet point of view. Militarily, the Russians would feel more at ease if they knew the United States would not resist Soviet military intervention in the Eastern Mediter-

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ranean, and indeed hints in that direction have not been unforthcoming from Washington: Henry Kissinger was reported on one occasion as having said that America would not intervene in a war over Sinai. But Kissinger has also said that the Soviet presence should be removed from Egypt altogether, and anyway it is highly doubtful that a war could be restricted to Sinai alone. As for the political risks of escalation, they would include most notably the dampening effect on Russia's credibility as a peace-loving future partner in the European Security Conference, and just now the Soviets are pushing very hard to convince Western Europe of their good intentions in this regard.[5] It cannot, of course, be taken for granted that the European Security Conference will always figure as urgently as it now does in Soviet policy—the threat posed by China in the East may be reduced, or Western Europe may become neutralized without substantial Soviet concessions—and in such an eventuality Soviet military action in the Middle East cannot be excluded, not only as a way of teaching the Israelis a lesson, but also as a way of demonstrating to the whole world that the global balance of power has decisively shifted. Such a situation has not, however, arisen as yet, and provided that no major act of folly is committed in Washington and other Western capitals, it might even be prevented.

But given all these uncertainties and frustrations, can one rely indefinitely on Soviet patience and caution? The Russians have made a massive investment—military, economic, and above all political—in the Arab world. This investment has to be protected, and since the native elites cannot be trusted, what other way is there besides direct control? It is a near classic example of how empires come into being. The Russians have learned to their sorrow in other parts of the world that expansion beyond a certain point causes tremendous problems, but they are also accustomed to having full control over their clients, and they dislike being pushed around. Considering the intrinsic weakness of the clients in question, it would not come as a surprise if some Soviet leader sooner or later decided not to endure the situation any longer.

The Arabs on the other hand are no doubt sincere in their frequent professions of unswerving devotion to the goal of national independence. But many of them are not as yet versed in the intricacies of world affairs, and it has taken them a long time to accept some of the basic geopolitical facts of life. When, in 1948, the late Nahas Pasha, leader of the Egyptian Wafd, was asked about Soviet aims and intentions in the Middle East, he replied that the question was purely hypothetical since Russia was four thousand miles away. His geography was at fault Cairo—not to mention Iraq and Syria—is closer to the Soviet border than it is to Tripoli or Khartoum. But Nahas expressed the general mood prevailing among Arab nationalists: Russia could not possibly constitute a danger to Arab sovereignty and independence, and the issue of Soviet "designs" in the area was a red herring, invented for all-too-obvious reasons by Western imperalists and their agents.

Since then, Arab leaders have learned a little, but not that much. Some of them realize that growing dependence on the Soviet Union creates certain problems, and that whatever Israel's evil intentions, they have built-in limits. There is no "Israeli" party in Cairo, Baghdad, and Damascus, but there is a "Russia" party which, given the right circumstances, could become a serious contender for power. Although a growing if inarticulate anti-Russian mood can be discerned in the Arab countries, by and large Israel is still considered the main threat. The sorcerer's apprentices from the Nile still argue that they will one day get rid of the Russian demon, too, but only after Israel is defeated and the Arab world has gained full independence and freedom of action. It is a striking example of false consciousness, an inability to differentiate between threats of a very different magnitude. For the time being, Arab nationalists are reluctant to admit that the Arabs can destroy Israel only at the price of their own self-destruction or by ceding their independence for generations to come.

As for the United States, it, unlike the Soviet Union, does not aim at the victory of its "party" in the Arab capitals; there is no such party in the first place. One day it may even occur to the Arabs, that, geopolitics and history having thrust them into proximity with one superpower (and the one with the larger appetite at that), their only chance for survival in the long run is to have the support of the *other*. Time, in other words, may work in the interests of the United States, provided of course that a strong military presence is maintained by America in the Eastern Mediterranean to protect not only the existence of Israel but the future of all of Europe. If it were made clear that this presence *will* be maintained, and the ambiguity in the current U.S. position were thereby dispelled, the Middle East might very well cease to be a threat to world peace.

But what about the position of Israel in all this? It has been said that Israel has itself to blame for the current conflict with the Soviet Union and for the consequent instability in the Middle East. If Israel had only abstained from participating in the UN vote on Korea in 1950, if it had refrained from expressing its distaste for the Stalin regime, if it had placed greater stress on the progressive character of the Jewish national liberation movement, if it had adhered to a nonaligned posture, the conflict with Russia—so the argument goes—need never have arisen. Comments of this kind are still being voiced, which does not necessarily mean that they should form the basis of serious discussion. Given the fact that Israel is a state of three, not thirty, million inhabitants, no Israeli act of commission or omission could possibly have affected the Soviet alignment with the Arabs. Even now Israel's future does not really depend solely on its own actions. As long as the American military presence in the Eastern Mediterranean remains at its present level, the Soviet Union will not have full freedom of action, and the independence of Israel and the other countries in the area will be safeguarded. If this balance should be radically upset, the guarantee will vanish. But I do not wish to oversimplify a complex situation: certainly Israel's own posture toward the Soviet Union, as well as toward the Arab states, is of crucial importance, and a rash move on Israel's part would have the gravest consequences. It must be said that Israel military and political leaders have on the whole tried not to take unnecessary risks, and have attempted to reduce the amount of friction over and above what cannot be changed. Still, a settlement of some kind would be the most effective deterrent of all, for while the real military threat to Israel emanates from Russia, not the Arab countries, it is only by an accommodation with Egypt that this threat can be removed—or at least reduced.

Though Israel's present borders give her maximum military protection, the maintenance of tactical advantages cannot in the long run serve as the major criterion of foreign policy. The main argument against territorial concessions on the part of Israel is that Egypt would use the positions so won as a base for launching another attack against Israel at a future date. That such a possibility exists cannot be denied, but the more one hears about the situation in Egypt the less likely it appears. Once a settlement were reached, it is doubtful that the Egyptians would be eager to renew hostilities. Egypt and Israel have a common interest in retaining their independence in the face of Soviet designs in the area. If Egyptian leaders persist in denying this threat to their independence there is indeed little Israel can do, but it is by no means certain that Egypt will remain blind to the Soviet danger, and Israel may be able to do a great deal to shorten the learning process.

There is an uncomfortable historical parallel here. Between the world wars the countries of East and Middle Europe had two decades in which to settle their differences and rally their forces. For it was clear almost from the beginning that only by standing together could they maintain their independence against overwhelming pressure from the East and West. Instead, they fought one another tooth and nail—over Vilna and Teschen, over Slovakia and Transylvania, over the Dobrudja and Macedonia. And the end came as might have been predicted: first the Germans occupied their territory, and then it fell under Soviet domination. And now it hardly matters any longer which town or which province belongs to which country, for the whole area lies under the thumb of the Soviet Union. Like historical parallels in general, this one should not be stretched too far. But at the very least it may provide food for thought for those who still mistakenly believe that the conflict in the Middle East concerns only Arabs and Israelis.

FOOTNOTES

[1] Walter Laqueur, who is now writing regularly for Commentary on international affairs, is director of the Institute of Contemporary History in London and a professor at Tel Aviv University. Mr. Laqueur contributed "The Fall of Europe?" to our January number.

[2] The most interesting non-Soviet reviews are those by U. Ra'anan in *Problems of Communism* (January 1965); R. Lowenthal in *Survey* (January 1966); R. Kanet in *Russian Review* (January 1968); R. Yellon in *Mizan* (March, July 1967); and most recently in great detail, D. Morison in *Mizan* (October–December 1970).

[3] See the controversy in the *World Marxist Review* (1971), pp. 7–9.

[4] This is the estimate made by Dr. Gur Ofer of the Hebrew University of Jerusalem, in an unpublished paper, "The Economic Burden of Soviet Involvement in the Middle East," presented at a conference at Tel Aviv University, December 1971.

[5] See my "The Fall of Europe?" in the January COMMENTARY.

DEATH PENALTY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. SCHMITZ. Mr. Speaker, the Supreme Court of the State of California recently ruled—strictly on its own overextended authority, without any prior legal precedent or legislative action or constitutional amendment—that capital punishment is no longer permissible in California. A similar challenge to capital punishment is pending before the U.S. Supreme Court and many expect it to make a similar decision.

The continuing crime wave in the United States makes these opinions sheer folly—and worse than that, an actual and direct threat to the safety and well-being of our citizens. The value of capital punishment as a protection for our people is thoroughly documented in the following excellent article by Reed Benson and Robert Lee, entitled "Death Penalty: The Case for Capital Punishment," which first appeared in the November 1971 issue of American Opinion and was subsequently reprinted in the National Law Enforcement Academy Training Bulletin for February 1972:

DEATH PENALTY

THE CASE FOR CAPITAL PUNISHMENT

As we write, the Supreme Court is scheduled to hear oral argument in four cases challenging the constitutionality of capital punishment. The Court's eventual decision will accept or reject the contention that the death penalty constitutes "cruel and unusual punishment" and is therefore prohibited by the Eighth Amendment. The ruling, when it comes, will directly affect approximately 650 inmates currently on "death row" in American prisons, and might well influence the lives of law-abiding citizens everywhere.

Although capital punishment has been propagandized into disuse in recent years, it remains a just and proper penalty for certain terrible crimes, and a potentially effective deterrent to the commission of those crimes. With the number and rate of such crimes as murder and rape increasing rapidly, surely it is unwise to remove from our statute books all recourse to what may well be the most potentially effective *and just* means of dealing with the most brutal of criminals.

It has been alleged that a majority of Americans are now opposed to capital punishment. That assertion is certainly open to serious question, as it is usually based on nothing more substantial than small-sample surveys conducted by such impeccably "Liberal" pollsters as George Gallup, Lou Harris, and the successors of the late Elmo Roper. Such polls fly in the face of the hard fact that only nine of our states have abolished capital punishment completely, and at least eight states which at one time abolished the death penalty have restored it to their statute books. When citizens in Illinois had the opportunity to strike it down last December in a constitutional referendum, they instead voted to retain it by a nearly two-to-one margin.

And, there is very good reason for such a public response. Consider:

On March 17, 1971, during testimony before the House Subcommittee on Appropriations, F.B.I. Director J. Edgar Hoover cited some appalling statistics regarding the murder of policemen over the past recade. He reported:

During the 10-year period 1960–1969, 561 police officers met death at the hands of felons. Of the 741 known offenders involved in these murders, 75 percent had prior criminal arrests and, in fact, 54 percent of these offenders had been previously charged for a violent crime. One-fourth of the murderers were on parole or probation when they killed the police officer and 19, or 3 percent, had been previously convicted of a murder.

That last statistic, which we have emphasized, is especially pertinent to our present discussion. It should be quite obvious that, in at least those ninteen instances, innocent Americans died at the hands of murderers who, had they been executed for earlier killings of which they were convicted, could not have murdered again. Scores of other innocent people have been killed over the years by murderers who either escaped or were paroled instead of being executed. Many of those who advocate abolition of the death penalty try to minimize this grim fact by claiming that the instances are too rare to be significant. But, at the same time, they vigorously contend that even the possibility of executing an innocent man is justification for abolishing capital punishment. This despite the fact that, as a 1966 study by the Legislative Reference Service of the Library of Congress reported, "There have been no known cases of the execution of an innocent man in this country."

It would be difficult to name a single sphere of human activity which has not been marred on some occasion or another by a deplorable mishap. Yet few fields of activity are forbidden because of calculable danger. Bernard L. Cohen, in his useful book *Law Without Order*, observes: "We do not, for example, cry out against the erection of tall buildings and bridges, or the excavation of tunnels, because invariably a certain number of persons lose their lives in the course of these undertakings." And in his book, *The Great Prison Break*, G. Edward Griffin reminds us:

If we design a legal system that will be so generous to the suspect that there is absolutely no possibility of unjustly convicting that one out of ten thousand defendants who, in spite of overwhelming evidence, is really innocent, then we have also designed a legal system that is utterly incapable of convicting the other 9,999 about whose guilt there is no mistake.

Over the last 195 years human fallibility may, indeed, have resulted in an as yet undisclosed legal execution of an innocent man in our country.[1] But the point of such fallibility is clearly at the end of a two-edged sword. If lawyers and juries can make mistakes, so can psychiatrists and parole boards. A killer who is incorrectly determined to be "reformed" or "cured" can be sent back to society to kill again. That this has happened is indeed known. Consider this illustration from an article by J. Edgar Hoover in the *F.B.I. Law Enforcement Bulletin* for January of 1971:

After a recent gun battle, one suspect was arrested for two murders, a kidnapping, and the gunpoint robbery of his own mother. Citizens learned in disbelief that he had been freed from a mental hospital just a few months before, after six court-appointed psychiatrists had testified he had regained his sanity. In 1967 he had been found insane after the strangulation murder of a woman. . . .

Examples of innocent citizens dying at the hands of convicted murderers are many. Here are a few cases to consider:

(a) In 1931, "Gypsy" Bob Harper, who had been convicted of murder, escaped from a Michigan prison and killed two persons. After being recaptured, he then proceeded to kill the prison warden and his deputy.

(b) In 1936, J. Edgar Hoover reported the case of a Florida prisoner who committed two murders, received clemency for each, and then showed how much he had been "reformed" by murdering twice more.

(c) In California, between 1945 and 1960, at least five persons on parole from life sentences for murder were returned to prison after conviction for some form of criminal homicide.

(d) In 1951, Joseph Taborsky was sentenced to death in Connecticut for murder, but was freed when the courts ruled subsequently that the chief witness against him (his own brother) had been mentally incompetent to give evidence. In 1957, Taborsky was found guilty of another murder, for which he was electrocuted in May of 1960. Before his execution, he finally confessed to the 1951 murder as well.

(e) A man convicted of murder in Oklahoma pleaded with the judge and jury to impose the death sentence, but was given a life sentence instead. He later killed a fellow inmate and was executed for this second murder in 1966.

(f) In 1969, a state trooper in the Southwest was shot and killed by a man who had been paroled eight months earlier after serving a mere four years of a sentence received for another murder.

And the listing could go on and on.

Abolitionists would have Americans spend sleepless nights worrying about the possibility that our system of justice may misfire and execute an innocent man—a possibility for which there is no known precedent in all American jurisprudence—but they shed few tears for the many innocent people who die because of judicial leniency and erroneous psychiatric evaluation.

Is the death penalty an effective deterrent? Before we attempt to answer that question, it should be pointed out that deterrence should not be considered the *primary* reason for administering the death penalty (nor, for that matter, *any* criminal penalty). It would be both immoral and unjust to punish one man merely as an *example* to others. The basic consideration should be: Is the punishment *deserved*? If not, then it should not be administered, regardless of what its usefulness as a deterrent might be. After all, if deterrence supersedes justice as the basis for criminal sanctions, the guilt or innocence of the accused becomes largely irrelevant. Deterrence can be as effectively achieved by executing an innocent man as a guilty one (something which Communist leaders discovered long ago). You simply have to be sure that those to be deterred are convinced by propaganda that the accused is guilty.

If a punishment administered to one man deters another from committing a crime, all well and good. But such a result should be looked on as a bonus of justice properly applied, not as a purpose for the application of justice. The decisive consideration should be: Has the accused *earned* the penalty to be inflicted?

In at least one important respect, capital punishment is unquestionably an effective deterrent. It simply cannot be contested that a killer, once executed, is forever deterred from killing again. The deterrent effect on others, however, depends largely on how consistently and surely the penalty is applied in those cases justifying it. Since capital punishment has not been used with any degree of consistency in recent decades, it is quite impossible to evaluate accurately its deterrent potential statistically. Abolitionists often claim that a lack of significant difference between the murder rates for states with and without capital punishment *proves* that the death penalty does not deter murder. But this is nonsense. Even states with the death penalty have used it so little over the years as to preclude any meaningful comparison between states. All but nine of our states authorize capital punishment to one extent or another, yet the last execution in the United States occurred on June 2, 1967—over four years ago.

In 1935, a record 199 executions were carried out, yet this represented only eighteen executions for each 1,000 homicides committed. By 1963, that rate had dropped to three executions for every thousand murders. Any punishment—even death—will cease to be an effective deterrent once it is recognized as mere bluff. The death penalty has been made a paper tiger by the same sort of "Liberals" who now call for its abolition on the ground that it is ineffective as a deterrent.

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[1] Regarding the protections afforded those accused of murder, attorney Bernard Cohen notes: "The likelihood of judicial error has been diminished enormously through the institution of courts of appeal in all criminal matters. Invariably a verdict of murder is subject to a minute scrutiny through not one, but a series of appeals, and not infrequently by retrials. Stringent laws of evidence reduce still further the possibility of judicial miscarriage. The art of cross-examination skillfully used by able and experienced specialists in the art has itself made corrupt and perjured evidence more difficult than ever. Organized bodies of opinion, along with a vigilant press, stand in readiness to raise the alarm on any suspicion of judicial railroading." (*Law Without Order*, pp. 24–25.)

Although used very little during the last decade, there are some interesting, and perhaps significant, relationships between the murder rate and the extent to which the death penalty *was* used. For instance, the number of executions carried out in 1960, 1961, and 1962 were, respectively, fifty-six forty-two, and forty-seven. The F.B.I.'s 1970 *Uniform Crime Reports* shows that during those years both the number and rate of murders declined slightly. But in 1963, there was a record low of only twenty-one executions, and the murder statistics immediately escalated into an upward climb which continues to this day.[2] With no executions at all in 1970 there were 15,810 murders, compared to approximately 9,000 in 1960—a seventy-six percent increase! (The population increased less than fifteen percent during that same period.) The number of aggravated assaults (which are similar to murder because of the personal brutality of the victim-offender relationship and the murderous nature of the attacks) reached a level in 1970 which was 117 percent above that for 1960.

Opponents of the death penalty may perhaps rejoice that in 1970 there were fifty-six fewer court-ordered executions than in 1960; but what of the nearly *seven thousand* additional innocents who died at the hands of murderers in 1970 than was the case in 1960?

It is interesting to note the trouble England has been experiencing since abolishing the death penalty for murder. A United Press dispatch on September 3, 1967, reported that "London's crime rate is the worst ever." The story revealed that in 1966, the second year after the death penalty was abolished: "There were more murders . . . more rapes . . . more assaults . . . and more robberies in this city of 8.3 million . . . than in any previous year of its 2,000-year history." Similiarly, a column by Richard Wilson in the *Washington Star* for September 13, 1971, was headlined: "A New British Worry—Crime In The Streets," and declared:

"An assistant commissioner of Scotland Yard, in an unprecedented interview in the London Times, forecast that London's streets will be as dangerous as New York or Washington streets in five years unless severe measures are taken to make punishment fit the crimes. . . ."[3]

To allege that the death penalty, if enforced, would not be a deterrent to crime is, in essence, to say that people are not afraid of dying. If so, as columnist Jenkin Lloyd Jones recently observed, then warning signs reading "Slow Down," "Bridge Out," and "Danger—40,000 Volts" are useless and futile relics of a day when men were fearful.

This is not to say that the death penalty could ever become a one hundred percent deterrent to murder. Obviously it could not, because the fear of death varies among individuals. As Bernard Cohen observes:

"For the death penalty to be always a deterrent would be truly remarkable . . . the fear of an untimely death would equally bring to an end a large category of activities that are unquestionably lawful and proper. No one would then think of joining the army or the police force, or the fire-fighting force. There would be likewise a sudden stoppage of automobile racing, mountain climbing, stunt flying, acrobatics, hunting, parachute jumping, working on bridges, performing at circuses, detonating of explosives, and a host of other occupations and pastimes judged more than normally hazardous. However, the number of persons everywhere willing to assume these risks, be it for the sake of a livelihood, from recklessness, or pride, or devotion to some cause, is presently considerable."

Mr. Cohen then adds this pertinent observation: "It is equally certain, however, that there are even more people who refrain from participating in these activities mainly because risking their lives is not to their taste."

Now, consider the following:

(a) According to the *Uniform Crime Reports*, during the period 1966–1970, twenty-nine policemen were slain from ambush in the United States. No such murders from ambush ocurred during 1966 or 1967, the last two years during which the death penalty was actually used in this country. Seven police officers were murdered from ambush in 1968, three in 1969, and nineteen murdered from ambush in 1970.

(b) The Commissioner of Police in London reported a few years ago that when a member of a gang of armed robbers was apprehended and sentenced to death, but had his sentence commuted to life imprisonment, the gang continued its operations. But when, shortly thereafter, two other gang members were caught, convicted, and executed, the remainder of the gang promptly disbanded and disappeared.

(c) In February of 1960, the Los Angeles Police Department submitted a report to the California Senate Judiciary Committee which revealed that at least thirteen robbery suspects had, during the previous year, told police they had "(1) used toy guns; or (2) empty guns; or (3) simulated guns in robberies rather than take a chance on killing someone and getting the gas chamber."

(d) In March of 1959, newspapers reported the escape of a convict who carried hostages to the state line, and then let them go. He was later apprehended, and told police he had freed the hostages because the neighboring state had the death penalty for kidnaping, and he didn't want to risk his life by transporting the hostages into that state.

Clearly, the death penalty *is* a deterrent. Consider the matter on a far less serious level:

The fine today for driving through a red light is around twenty-five dollars. Some motorists continue to drive through red lights despite the threat of this relatively minor penalty, but most do not. Can it be assumed that the threat of the fine has no influence on this reticence of most drivers to run red lights? Should penalties for traffic violations be abolished because some people violate the law anyhow? The answers should be obvious, and far more so in cases where the possible penalty is death rather than a twenty-five dollar fine.

Is life imprisonment an adequate substitute for the death penalty? As we have seen, innocent people have died at the hands of men previously convicted and jailed for murder. And as the Reverend E. L. H. Taylor notes in the anthology *Essays On The Death Penalty:*

"The imprisoned murderer has everything to gain and nothing to lose by murdering his guards. Why should a murderer who has once been convicted of that offense be given the opportunity to add a second victim to his list?"[4]

The families of the guards murdered at the San Quentin and Attica prisons must be asking the same question. So are many others.

Recently, Philippines President Ferdinand E. Marcos abandoned a two-year moratorium on capital punishment in his country. Justice Secretary Vicente Abad Santos explained why: "The general reprieve has contributed to the decadence of order in our penitentiaries especially among those sentence [*sic*] to life because they know they cannot suffer any higher penalty regardless of the number of killings they commit." (*Washington Star*, July 21, 1971.)

Swift and certain punishment has long been recognized by law enforcement authorities as an essential element of crime deterrence. As J. Edgar Hoover has noted, "Law-abiding citizens have a right to expect that the efforts of law enforcement officers in detecting and apprehending criminals will be followed by realistic punishment." The severity of the punishment must match the seriousness of the crime if the interests of justice, the protection of society, and the maximum deterrent impact are to be realized. Suppose a bank robber is very swiftly and very surely sentenced to a month in the county jail, or a rapist swiftly and certainly given a $100 fine. Would such "punishment" be a deterent to either criminial? *Very* unlikely. The punishment must match the crime. Again quoting J. Edgar Hoover, "It is my opinion that when no shadow of a doubt remains relative to the guilt of a defendant, the public interest demands capital punishment be invoked where the law so provides." (*F.B.I. Law Enforcement Bulletin*, June, 1960.)

Why isn't capital punishment being used? It is interesting to note the significant influence which Leftist radicals now have in the movement first to thwart and then abolish capital punishment. Bills have been introduced in Congress which would either abolish the death penalty outright (H.R. 3243) or provide a compulsory two-year moratorium on use of the penalty (H.R. 8414). In both instances, they were introduced by House Judiciary Committee Chairman Emanuel Celler (D.-New York), who has over the years associated himself formally with over forty separate Communist organizations and enterprises.[5]

Earlier this summer, a mailing was sent to various parts of the country soliciting tax-deductible contributions for the N.A.A.C.P.'s Legal Defense Fund. Sponsor of the mailing was a group called "The 'Committee of 100' in Support of the N.A.A.C.P. Legal Defense and Educational Fund, Inc." The money collected was to be used to carry on the Fund's intensive fight to abolish capital punishment, and note was made of the fact that three of the four capital cases now pending before the Supreme Court were handled by the Fund, with the fourth being prepared with Fund assistance.

Of the seventy-seven members of the "Committee of 100" listed on one of the enclosures at least one-fouth have been associated with officially cited Communist Front organizations. The biographies of one-third are contained in the first two volumes of the authoritative *Biographical Dictionary Of The Left*.

Another aspect of the abolitionist movement is the incredible double standard that exists when it comes to the matter of abortion and capital punishment. With disturbing consistency, those working to save the lives of convicted murderers are also supporters of the movement to extinguish the lives of the innocent unborn young. On August

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[2] There were 15 executions in 1964, 7 in 1965, 1 in 1966, 2 in 1967, and none since.

[3] Parenthetically, of possible interest to advocates of gun controls is Mr. Wilson's report that "The immediate cause of a great soul searching in free and permissive England was the murder in Blackpool of a popular police superintendent and wounding of two constables by escaping jewel thieves. . . . The superintendent at Blackpool and his constables could not shoot back at the five jewel thieves absconding with $125,000 in their favorite merchandise. The police had no guns." As the bumper strips say, "When guns are outlawed, only outlaws will have guns."

[4] *Essays on the Death Penalty*, St. Thomas Press, Post Office Box 35096, Houston, Texas 77035, $1.95.

[5] A detailed summary of Congressman Celler's record appeared in *The Review of the News* for October 14, 1970, pp. 21–30.

28, 1971, the *Washington Post* carried an Associated Press dispatch headlined: "Groups Fight Death Penalty." Among the organizations listed were the American Friends Service Committee, the United Presbyterian Church, the Lutheran Church in America, the United Church of Christ, and the United Methodist Church. They were reported to have filed briefs with the Supreme Court urging that the death penalty be ruled unconstitutional. Yet on May 3, 1971, there was entered into the *Congressional Record* a list of organizations which have adopted resolutions condoning abortion. Among the religious groups listed were the American Friends Service Committee, the United Presbyterian Church, the Lutheran Church in America, the United Church of Christ, and the United Methodist Church.

Similarly, at least eleven members of the "Committee of 100" referred to above were listed as members of the International Sponsors Council of Planned Parenthood-World Population, an abortionist organization. One such individual was Dr. Karl Menninger. Despite his support of the abortionist Planned Parenthood-World Population, Dr. Menninger opposes the death penalty with the argument: "To a physician discussing this wiser treatment of our fellow men, it seems hardly necessary to add that under no circumstances should we kill them. It was never considered right for doctors to kill their patients, no matter how helpless their condition. Similarly, capital punishment is in my opinion morally wrong."[6]

Abolitionists often cite statistics which they claim indicate that capital punishment has been used in a discriminatory manner, so that the poor, black, friendless, *etc.*, have suffered a disproportionate share of executions. Even if this were true it is certainly not a valid reason for abandoning the death penalty. All criminal laws in all countries in all history have tended to be administered in an imperfect and uneven manner, with the resut that some elements in society have been able to evade justice more consistently than others. But because one person escapes justice, is it right that all should escape justice? Since justice nowhere prevails perfectly, should we abandon the attempt to attain it? Santa Ana, California, Police Chief Edward J. Allen helped put the problem in its proper perspective when he observed: "The deals which allow criminals to escape justice are consummated by courts[7] and attorneys. . . . Responsibility also devolves upon citizen jurors to return proper verdicts. If some citizens, courts, and lawyers fail in their duty, is the law itself to blame? Rather it is their administration of it."

Actually, the most flagrant example of discrimination in the administration of the death penalty does not involve race or economics at all. Women commit approximately fifteen percent of the murders in America, yet from 1930 to 1970, only 32 of the 3,859 executions (less than one percent) involved women. A governor of one state commuted the death sentence of a woman on the grounds that "Humanity does not apply to women the inexorable law that it does to men . . ." Perhaps the Women's Liberation Movement can do something about this glaring example of "inequality" and "injustice." In the meantime, we shall continue to support the death penalty despite the fact that a disproportionate number of men have paid the full penalty for their crimes.

Another question which arises is the degree to which justice should be tempered by mercy in the case of killers. Some will ask, "Is it not the duty of Christians to forgive those who trespass against them?"

In criminal cases, the two most responsible sources to extend mercy and forgiveness are (1) God, and (2) the victim of the injustice. This places the crime of murder in a unique category, because so far as this world is concerned the victim is no longer here to extend mercy and forgiveness. Does the State or any earthly party have the right or authority to intervene and tender mercy on behalf of a murder victim? The Reverend E. L. H. Taylor makes the point this way:

"Now, it is quite natural and proper for a man to forgive something you do to him. Thus if somebody cheats me out of $20.00 it is quite possible and reasonable for me to say, 'Well, I forgive him, we will say no more about it.' But what would you say if somebody had done you out of $20.00 and I said, 'That's all right. I forgive him on your behalf'?"

There is simply no way, in this life, for a murderer to be reconciled to his victim, and secure the victim's forgiveness. This leaves civil authority with no other responsible alternative but to adopt justice as the standard for assigning punishment in such cases.

A fascinating question was raised by Bernard Cohen in his Law Without Order. Abolitionists may want to wrestle with it. He asks: ". . . if it is allowable to deprive a would-be murderer of his life, in order to forestall his attack, why is it wrong to take away his life after he has successfully carried out his dastardly business?"

Does anyone question the right of an individual to kill an assailant should such an extreme measure be necessary to preserve his life or that of a loved one? Some muddled thinkers could conceivably question this right by asserting:

"If someone points a gun at you, what right do you have to decide in advance that he means you harm? You aren't a mind-reader, after all. It might be a cap gun. But even if it's real, how do you know he plans to pull the trigger? And even if he does, he might miss, or perhaps just wound you, and we don't take a man's life for a mere wounding, do we? And even if he's a good shot, and will undoubtedly kill you, what right have you to prejudge the case before your assailant has seen his lawyer, had a trial, and exhausted all legal appeals?"

If, then, it is legal and moral to take the life of an assailant before he kills you, why is it immoral for civil authority to take the assailant's life after he kills you?"

Sometimes those who defend the death penalty are pictured as being intolerant. But isn't it true that one of our real problems in America today is too much toleration of evil? Too many Americans accept acts of violence, cruelty, lying, fraud, and civil turmoil with all too little response in the way of righteous indignation. There are some who would brand such indignation a form of "hatred." But we think C. S. Lewis put that claim in proper perspective in his great book, Reflections On The Psalms. Commenting on the spirit of "hatred" which some critics claim to see in some parts of the Psalms, he wrote:

"Such hatreds are the kind of thing that cruelty and injustice, by a sort of natural law, produce. . . . Not to perceive it at all—not even to be tempted to resentment—to accept it as the most ordinary thing in the world—argues a terrifying insensibility. Thus the absence of anger, especially that sort of anger which we call indignation, can, in my opinion, be a most alarming symptom."

And C. S. Lewis then made this important observation: "If the Jews cursed more bitterly than the Pagans this was, I think, at least in part because they took right and wrong more seriously."

Perhaps it is time for all Americans to begin taking right and wrong more seriously.

We are all too aware that this brief look at the death penalty as punishment for heinous crimes is by no means exhaustive, nor could it be in less than a lengthy book. It has been necessary to pick and choose for analysis only a few key aspects of this important issue. But we hope that this discussion will help you to understand better the significance of the Supreme Court's forthcoming decision on this vital matter.

WYOMING LIBRARIES: THEIR CHALLENGE AND FUTURE

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. RONCALIO. Mr. Speaker, there are few national commitments more worthy of our pride and support than our determination to make free public library services available to all our citizens. This commitment should be emphasized during the celebration of National Library Week 1972, April 16 through April 22, when we pause to recognize the expanding definition of our libraries, from a "collection of books," to a vital link in the complex communications system which brings together the library user and the information he seeks. National Library Week is no longer just the time span of 7 days, but lasts throughout the year, developing services to involve the total community in the use of the library and its functions.

I am especially proud of the efforts and achievements of the 75 public libraries in my State of Wyoming. Working for the principles of intellectual freedom and the right to read, Wyoming libraries have developed into instruction centers where young and old can come to learn and enjoy the wisdom and beauty preserved by the arts. Programs are incorporated which reach from local history projects in Johnson and Platte Counties to expanded services to the handicapped, including large print books, special reading glasses, and volunteers to visit nursing homes and homebound invalids.

The Wyoming libraries, located in every town with a population over 500, provide room for art exhibits, audio-visual programs for children's projects and community use, and adult reading services.

Realizing the importance of teaching the young, special emphasis is placed on children's services. During the summer of 1971, the Albany County Public Library presented an hour of varied activities for children every weekday including crafts, story telling, and puppets. Thanks to the library the children in Laramie, Wyo., can Dial-a-Giraffe to hear fascinating stories over the phone.

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[6] See *To Abolish The Death Penalty*, Hearings before the Senate Subcommittee on Criminal Laws and Procedures; March 20, 21, and July 2, 1968, Page 13.

[7] A disgusting example of how "justice" is determined by some modern jurists is related by J. Edgar Hoover in the *F.B.I. Law Enforcement Bulletin* for January, 1971: "A young midwestern criminal who confessed beating to death a 75-year-old woman in a $5 street robbery was granted a 7-to-10-year term. Offered as an excuse for the light sentence was the advanced age of the victim, on the fanciful theory that, if the murdered woman had been younger, she might not have died from the brutal assault."!

Summer book circulation almost doubled over the previous year due to the trips made to every elementary class in Laramie by the children's librarian to explain the summer reading program.

Campbell County Public Library provides two regular story hours each week, while Converse County has initiated the practice of allowing the children to operate film strip projectors and record players anytime they wish. Sheridan County Public Library, with the help of 20 trained young adults dressed in appropriate costume, last summer provided a sidewalk folklore project which promoted active total community involvement.

School libraries join in making special efforts to provide current information on vital issues to our State. Recently Mrs. Grace Anderson, Pinedale High School librarian, requested material to help keep the citizens of that area posted on the proposed wagon wheel gas stimulation project. With the devotion of hard-working Wyoming librarians such as Mrs. Anderson, Mrs. Ethelyne Worl, Wyoming executive director of National Library Week 1972, and State Librarian Williams H. Williams, the libraries provide varied and useful services to the people of my State, for which I am both proud and grateful.

As we celebrate this week of commendation, let us remember the remark of the late President John F. Kennedy:

> Good libraries are as essential to an educated and informed people as the school system itself. The library is not only the custodian of our cultural heritage, but the key to progress and the advancement of knowledge. With increasing leisure, its resources can enrich the quality of American life.

Even as I commend the fine job being done by Wyoming libraries, I note that the proposed administration budget for fiscal year 1973 reduces Wyoming's funds from $405,699 in 1972 to $231,343, eliminating money for construction of libraries in Sheridan and Big Piney, and leaving the future of six additional projected Wyoming libraries uncertain.

Federal aid has been an important factor in the growth and development of libraries since the passage of the Library Services Act of 1945. This drastic cut in funds could be a disastrous trend for Wyoming libraries and citizens. All the rhetoric in the world will come to nothing if Congress refuses to shoulder its financial responsibility.

EARTH WEEK—1972

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ANNUNZIO. Mr. Speaker, as cosponsor of House Joint Resolution 1163, it is my pleasure to call our attention today to the importance of this week—a week that has been specially designated "Earth Week" by both Houses of Congress and by the President of the United States.

Across the country, at all levels of government people in all walks of life are in the process of renewing their commitment to environmental values. We in Congress must encourage such constructive activity, and that is why I have sponsored legislation which would proclaim the third week in April of each year as Earth Week. Coming as it does in the spring of the year, it is a fitting time to reassess the job we have done in preserving our natural heritage, and to think about the task still ahead.

We have a serious and challenging job ahead of us. The citizens of the United States have expressed their concern about environmental issues, and are looking to their legislators for decisive and sustained action. In a recent survey conducted by Northwestern University, for example, researchers found that 40 percent of the people questioned in Chicago and its suburbs cited pollution as a particularly important issue. Fifty-six percent of these people said they believed pollution is worse now than it was a year ago, and when asked what they would like to see done to make living better in the Chicago area, a majority answered, "Decrease pollution and dirt." The study found that no other issue was singled out by as many persons as being of such major concern.

I believe these findings illustrate the growing concern of the country with problems of air and water pollution, of solid waste disposal, of the lack of adequate open space in our more densely populated areas. All of these problems, plus numerous others, add up to the environmental crisis currently facing us. We have to fight many battles simultaneously, and with greater resolve than ever before.

The first Earth Day was proclaimed by the youth of this country just 2 years ago. Since then, the number of people concerned about the environment has grown; those actively doing something to preserve and restore our environment have also grown. Recycling efforts, for instance, have spread across the country. Countless local communities now have permanent facilities for the collection and recycling of certain solid waste materials. This may be just a first step, but it points the way for further initiative in this important area. And it surely demonstrates that we, as a nation, are in the process of moving away from our previously wasteful and ultimately damaging practices toward a more enlightened attitude about the world in which we live.

Since Earth Day of 1970, Congress has acted in defense of environmental values as well. The passage of the National Environmental Policy Act was a milestone in our effort to regulate these problems on a nationwide scale. Since that time, Congress also passed important and comprehensive clean air and water bills. But what we have done must not allow us to dwell on past achievements. Rather, we must concern ourselves with what remains to be done, because the job is just beginning.

There are those who would, today, warn us of an "environmental backlash." They would advise us to move slowly, and with great caution, lest we create worse problems than the ones we already have. Well-intended as such advice may be, it must not allow us to turn our backs on the environmental crisis. Our problems will not just go away; they cannot be solved by ignoring them. Americans are truly concerned with smog, congestion, polluted water, and inadequate transportation systems. And we must respond to that concern by attacking these problems with intelligence, knowledge, and commitment.

During this week, nationally proclaimed as Earth Week, let each of us therefore reflect on the problems that affect all of us, and let us renew our efforts at finding a harmonious balance between man's material progress and nature's own needs. For nature's needs are really our needs, as well.

CAN CANCER BE LICKED?

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DULSKI. Mr. Speaker, a new effort has been launched to find a cure for cancer.

Legislation, of which I am cosponsor, was enacted last December that authorizes spending up to $1.6 billion in the next 3 years on cancer research and treatment.

For nearly 75 years, scientists and physicians have been spearheading a widely-recognized cancer drive in Roswell Park Memorial Institute, located in my home city of Buffalo, N.Y. Roswell Park is the oldest and one of largest cancer institutes in the Nation.

Mr. Speaker, as its lead story in its current April issue, the American Legion magazine has published a detailed feature story on the prospects for finding a cure. As part of my remarks I include the text of the article:

CAN CANCER BE LICKED?

(By Harvey Ardman)

On Dec. 23, 1971, President Richard M. Nixon signed a bill to the tune of over a billion dollars, and also to the tune of great, suppressed excitement in scientific and political circles. The name of the bill is the Cancer Act of 1971. It authorizes $1.6 billion of federal funds to be spent attacking cancer over the three years 1972, 1973 and 1974.

This is far and away the greatest amount of money ever tossed into the cancer fight with one sweep of the pen. It turned the long, and often depressing, war against cancer into a crash program. And those who had the most to do with its passage, talk presently about being willing, after the three years are up, to pour as much as another billion a year into it, if need be by then.

Of course, there were political overtones in the writing and enacting of the law. (Who in politics wants $1.6 billion to go to a good cause without having a finger in the pie?) But this crash program is no politico-scientific boondoggle. The size of the bill truly reflects subdued excitement. The end of the cancer trail may be in sight, and the evidence of that—whether it pans out or not—justifies the effort.

While the Cancer Act will see its money spent on many fronts, it was passed—and made so big—because the boys with the microscopes and test tubes think they are hot on the trail of cancer in one particular elusive area, at last.

The most exciting recent discoveries are on the virus front. In fact, you can bet your boots that the Cancer Act might not have passed—and certainly not $1.6 billion of it—if it weren't for a parade of discoveries about the role of viruses in cancer that have pyramided in recent years.

DNA REVOLUTION

One of the new discoveries regarding the role of viruses in cancer depends, in turn, on work in a different field which has only come into its own in the last decade or so—the "DNA revolution," a new understanding of how living cells develop. This had nothing, directly, to do with cancer viruses until "DNA" and virus study merged to climax the motivation for a crash federal program against cancer, now.

When they merged, earlier discoveries that were just for "science bugs" suddenly became of great interest to everyone.

From now on you are hardly going to be "with it" if you don't dig the basics of DNA. You might not even be able to hold up your end of the talk at a cocktail party. DNA has emerged as one of the great directors of life itself.

"DNA" is the short form of the long name of that chemical, found in every living cell, which contains the genes. The chemical is a nucleic acid, if you please. The genes are those tiny bits of substances (each gene is only a small part of a DNA molecule) which control heredity, direct that your eyes will be made of eye cells, your lungs of lung cells, etc., and that you will be different in detail from your neighbor. They tell each cell just how to grow and fit itself to its job, and how to make new cells just like their parents.

We knew there were genes, and could say in general what they would do, long since. But we had little grasp of what they were, how they were structured, or how they managed their job until the "DNA revolution."

THE DNA MOLECULE

This really burgeoned only in recent years, when the work of hundreds of scientists came together to provide a model of the DNA molecule. Now, this model seems to be a map of life the way a globe is a map of the world. With the model in hand, researchers by the hundreds got busy investigating various characteristics of the DNA molecule, producing a series of new insights. Now, few scientific magazines come out without reports of fresh discoveries about DNA. Basically, the importance of DNA research to man lies in our new comprehension of the structure and workings of its molecule.

DNA's molecule is a huge one, a complex combination of atoms strung out in two strands which twine around each other keeping a respectful distance apart. Together they are called a "double helix" because of their shape. In plain language, a helix is a spiral.

The strands are connected at intervals by smaller crosswise strands, so that the whole molecule resembles a twisted rope ladder. It's so long that it is usually coiled up—with millions of identical molecules—to fit inside its cell. And this brings us to the meaning of this structure.

Each spiral strand is more like a chain than a rope, as it is made up of links of different substances that would have separate identities if they weren't all linked together to make one nucleic acid (DNA). These links are, in fact, the genes. One of the links which occurs here and there in the strands is hardly a stranger to anyone. It is sugar. Other links have fancier names, such as thymine and adenine.

Millions of different arrangements of these bits of sugar, thymine, adenine (and others we'll spare you) are possible along the strands, and any particular arrangement adds up to partcicular instructions to the living cell regarding its shape, size, makeup and function.

IDENTIFY EVERY ATOM

Will a cell be a hair cell? Will it be blond, brunette or red? The answer is inherent in the DNA pattern. And when the cell divides, the new cell gets a set of DNA carrying instructions that see to it that the new cell, too, is perhaps a human red hair cell, and not a rabbit's kidney cell growing on a human redhead's scalp.

Scientists—who can now identify every atom in a DNA molecule—call any particular arrangement of links in a DNA molecule the "template" (or master pattern guide) for the cell. If you consider the cell to be a computer insofar as it directs itself, its countless DNA molecules are its programers, and the instructions keyed in the DNA gene arrangement constitute the cell's program.

Laymen could be forgiven if they didn't get excited when the DNA molecule was first accurately described during the 1950's. It was, to them, horribly complex and mostly academic. But scientists were highly excited and Nobel prizes for DNA work flew left and right. Insatiable curiosity was being satisfied—and more. The work was correctly viewed as a giant step in understanding the life process. It was the biggest leap since Abbé Gregor Mendel laid down the rules of heredity and guessed the existense of genes from his simple garden work of crossbreeding sweet peas, and astutely observing the results. One of the discoverers, James Watson, wrote a personal book about the work, "The Double Helix."

Just one of thousands of possible future results of the earliest DNA work was seen immediately by many, who said, in effect: "If anything leads us to understand cancer, this may be it, for cancer is cell growth and one's DNA controls his cell growth."

DNA CONTROLS CELLS

The funny thing is that while this is most certainly true in general, it is wrong in one sense. Work on viruses came together with work on DNA to demonstrate the error and make it the most revealing thing yet about cancer. So now we must shift our glance to a bit of virus-cancer research as it plowed along on wholly different lines for a long time.

Once, hardly anybody would believe that cancer could be related in any way to either viruses or bacteria. It just wasn't an infectious disease. Then a few examples cropped up of viruses that were present in some cancers of experimental animals. As more were discovered, one had to admit that maybe some viruses had something to do with some cancers in some animals. Possibly they predisposed the animal to cancer that was caused by something else. There was no clear indication of direct cause.

At age 87, a scientist named Peyton Rous got a Nobel prize in 1966 for work he'd begun in 1910 suggesting that some chicken cancers were somehow infectious. In 1910, it didn't seem as convincing as it did in 1966.

But more and more viruses were found in cancers in all kinds of creatures—frogs, mice, guinea pigs, chickens, rabbits, cats, dogs and monkeys. Then experiments began to produce cancer in healthy animals if they were injected with viruses from a cancerous animal. No such test was performed on humans, because it is taboo to try to give people cancer experimentally. But a direct virus cause of cancer was being more strongly suggested all the time. This was highly confusing on many counts, two of which are:

1. A lot of other things seem to cause various cancers, such as a host of chemical irritants, including tobacco and many other inhaled compounds, as well as many substances if eaten. Even prolonged physical irritation—caused by rubbing or heat—might induce some kinds of cancer. These and other recognized cancer inducers are hardly viruses.

2. The viruses that cause common diseases—such as colds, flu, polio, chicken pox, smallpox, measles and mumps—*destroy* cells, they don't make them grow. If viruses cause cancer, in which the cells grow out of control, an entirely different process awaited to be explained.

VARIETY OF THEORIES

All kinds of theories could be devised to fit all these facts together, but without supporting evidence they'd only be theories.

One theory, which may still turn out to be true, is that viruses do indeed cause cancer, or many cancers at least—forgetting how for the moment. We may be exposed to them all the time, but our bodies may defend themselves against cancer viruses just as they fight back against the usual virus diseases with antibodies—which is the defense we stimulate artificially when we vaccinate.

In short, says this theory, immunity against cancer is possible and usual, and we only get cancer when our immunity machine breaks down. Perhaps what the known cancer-causing irritants do is merely to break immunity down, if only in a few cells, to give the viruses an opening.

This is an exciting theory. It opens the door to the possibility of vaccinations against various forms of cancer someday, or injections of serum to cure it—ringing in the field of immunology as a possible last blow at cancer as it has been against polio, smallpox, etc. If so, it will probably involve some new concept of vaccination.

As research grew, a theory that would have to give viruses a bigger and bigger role seemed mandatory. Researchers in the United States and India have found high concentrations of virus-like particles in the milk of women whose families are prone to breast cancer. These particles are indistinguishable from viruses known to cause cancer in animals. Their presence *might* mean a heredity weakness in immunity against viruses which other women resist.

"Every day we may develop some cancer cells, and every day we may reject them," says Dr. Robert A. Good, of the University of Minnesota. Or we may be invaded by cancer viruses every day which never get a foothold at all, thanks to natural defenses. Other scientists have come up with evidence to support such ideas. For instance, our bodies tend to reject transplants, as every newspaper reader knows. It's our immunity machinery against foreign substances that does the rejecting. So, when a transplant is made, a patient may be dosed with drugs that turn off his immune system, to help prevent rejection of the transplant. Dr. Thomas E. Starzl, of the University of Colorado at Denver, has found a higher than normal incidence of tumors developing in patients who have been so dosed in order to have transplants—a clear suggestion that normally our bodies successfully ward off cancer by defeating constant exposure to cancer viruses.

IMMUNE SYSTEM RESPONSES

So far, scientists have noticed immune system *responses* of one sort or another (even though they fail in cancer victims) to breast cancer, skin cancer, bone cancer, malignant melanoma, neuroblastoma and acute leukemia. As a result, a number of studies are now under way to see how such a response could be used to defeat cancer. Several natural and artificial stimulants of the body's natural defenses are being used in these studies. "Partial success"—an old story in cancer research—has been had in some cases.

Only a few years ago, no substance was known that would attack cancer cells without hurting normal cells, too. Then immuhad gone right from the oSviet point of guinea pigs and some of their South American cousins—as well as in our own intestinal bacteria—that would selectively destroy most cells of some forms of leukemia and sarcoma—when isolated and injected in the bloodstream. This was an eye-opener, though application of this discovery to treat human cancers—if possible—needs more work. A few cells survive to sire a return of the malignancy.

It might have been that the virus-immunology trail could have left DNA out in left field as far as cancer is concerned. But instead, a discovery that seems to demonstrate *how* viruses can make cells grow aimlesssly, instead of destroy them, suddenly brought DNA work and virus cancer work onto one track.

If there is natural immunity, our chances of doing anything to use such knowledge would depend on understanding how viruses cause cancer in the first place. It would be a great stroke of luck if we could develop an artificial immunity (as Jenner did with smallpox) without a pretty good idea of just what part of the virus' operation we were attacking.

UNDERSTANDING LACKING

Any such understanding was lacking until quite recently when two young scientists (Dr. Howard Temin at the University of Wisconsin and MIT researcher Dr. David Baltimore) simultaneously opened a door through which a great light shone. They were studying another nucleic acid which we haven't mentioned here yet, whose short name is RNA.

Now RNA is as necessary to cell development, in all its details, as DNA is. All kinds of ways have been devised to describe its basic operation without involving you in its chemical structure. You might say that if DNA is like the human programmer of a computer (the cell) then RNA is the tape he puts his instructions on. Scientists describe RNA in one of its roles as being DNA's "messenger." Or you could say that if DNA is the manager of the cell, RNA is the floor supervisor. At any rate, DNA runs the cell by impressing its pattern on single strands of RNA, and the RNA goes out to carry the orders throughout the cell.

Cancer-causing viruses are very largely made up of their own RNA, and it was this virus RNA that Temin and Baltimore were investigating. Of course, its business is not to make human cells, but to carry messages dear to viruses. What they discovered was that there was an error in the previous assumption that DNA *always* runs the show its own way in its own cell, and that RNA could *only* take orders from DNA.

The RNA of the virus, they discovered, could impose its pattern on the DNA of a cell it invaded. This was contrary to all previous theory and even to all logic that depended on what had been learned until then. In short, the virus RNA commits insubordination. It gives orders to the boss of an invaded cell instead of taking them from him. The messenger starts running the shop his way and even makes the boss alter his orders. The tape is programming the programmer. Put another way, what we have here is Vichy, France in WW2, with French leaders (DNA) issuing German (virus RNA) orders.

FUROR AMONG BIOCHEMISTS

The virus RNA doesn't give a hang for the usual instructions in the DNA of living cells. Its command, quite simply, is "Grow, multiply and don't listen to any messages to the contrary."

This discovery, which has now been authenticated by a number of other scientists, caused a furor among biochemists comparable to that among physicists when the first atom was smashed. But Temin and Baltimore didn't stop there.

They found that viruses associated with cancer apparently excrete an enzyme, and that without this enzyme the viruses' RNA is powerless to affect human or animal DNA. A British publisher called the enzyme "reverse transcriptase"—an apt name when you break it down. "Reverse" because it switches the usual DNA-RNA chain of command. "Transcript" because it allows virus RNA to put a transcription of its orders on the host cell's DNA. "Ase" because this ending designates an enzyme (as crossword puzzle fans know). But Temin thinks the name may oversimplify whatever it is that happens.

In the past year or so, three separate laboratories—at the University of Washington, Berkeley and the Salk Institute in La Jolla—have succeeded in showing in animals that reverse transcriptase allows a virus to turn a normal cell into a cancerous cell and keep it that way.

At Columbia University, the Temin-Baltimore experiments have been followed up in another way. Drs. Sol Spiegelman, Jeffrey Schlom and others have found that those viruses known to produce cancer in animals—about 110 of them—are always associated with reverse transcriptase.

TESTS AT COLUMBIA

Furthermore, the Columbia team was able to cause virus RNA to transform the normal DNA of mice in test tubes. Then they took RNA from human cancer cells (since they aren't allowed to inject cancer viruses in people) and put it together with the altered mouse DNA. The two blended, meaning that they carried the same instructions. This isn't true at all in normal human and mouse cells, and to make sure normal human RNA wouldn't match the altered mouse DNA in this experiment they tried it. The two did not blend.

This was powerful confirmation of Temin-Baltimore. The orders to cells in cancerous mouse tissue and in human cancers look like the same orders. Further, the instructions that matched in both instances were the instructions that virus RNA had given the mouse DNA. Conclusion: the human RNA got its orders via viruses, too.

The Columbia work panned out in 67% of the matchings of human breast cancer RNA with altered mouse DNA, and in 90% of matchings of human leukemia RNA. A strong correlation was also found in matchings of human RNA in sarcoma, another common cancer.

If all this was exciting enough after so many years on the cancer trail with little fruit, more soon came from Berkeley. There, Nobel prize winner Dr. Melvin Calvin piled another discovery on top of Temin's and Baltimore's. He found that a drug originally invented to combat TB can deactivate reverse transcriptase. With this, the new knowledge about how things work moved into a field of possible attack. The name of the drug is rifampicin. It had earlier been found to kill cancer cells in test tubes in some way that may not now be as mysterious as it was then.

LAUNCH NEW APPROACHES

These findings and others in this area have set the scientific community on its ear. Hundreds of scientists—many funded by the National Cancer Institute, some direct beneficiaries of the Cancer Act of 1971—are now busy in their labs trying to take further steps.

The work of Temin, Baltimore and the others is not a matter of individual heroics. Hundreds of scientists had to perform thousands of experiments before Temin and Baltimore could make their discovery. Continued progress toward either a dead end or a routine way to treat or prevent cancer will take nobody knows how much more work.

The subject is vastly more complicated than our simple description. Temin, for instance, was working on one strain of a chicken virus (the one Peyton Rous isolated between 1910 and 1920 which was then forgotten for 30 years). Baltimore's original work was done on a mouse leukemia virus. Far from having said the last word on the subject, the importance of their work is that they seem to have said the first word on it.

Still, the scientists think they're on to something big. And it was this conviction, communicated to Congress and to the President, that made passage of the Cancer Act of 1971 a near certainty.

The Cancer Act doesn't put all its eggs in one basket. Its largesse will be spread over other cancer fronts, too. The virus-RNA work holds enough promise to encourage a huge investment in following it up as far as possible as fast as possible. But what it can lead to or when it will get there is still hidden in a clouded crystal ball. It might take us all the way to licking cancer, but consume years and years. It might vastly increase our knowledge, but fall short of telling us some easy way to lick cancer with that knowledge. Will cancer say "Uncle" in a few months to some human application of rifampicin, or will it turn out that the drug works fine on test tube cancers but not in living bodies in any discoverable application? Will a curative drug that deactivates the enzyme be preferable to a vaccine—or many different vaccines? If not, perhaps as much or more work may have to be done in immunology as has yet been done on DNA or RNA. Will some new discovery about virus RNA or something else unveil a whole new line of attack that hasn't yet occurred to anyone? Will we find a way to cure three or 42 types of cancer with easy medication while many other types defy us? Will we discover, happily, some way of treating cancer by neutralizing reverse transcriptase that will handle the attacks of all 110 known cancer viruses and all yet to be discovered? Or will we have to battle many of them separately?

DOWN VIRUS TRAIL

Nobody knows the answers, but a good part of the Cancer Act funds will be spent accelerating the chase down the hot virus trail. The doors have been opening so fast, without such massive help, that there are great hopes that the Cancer Act will be a crash program as effective as earlier crash programs on the Manhattan Project (atomic bomb) and the Apollo moon program. Of course, the way to the end of cancer is not seen as clearly as the way to the moon or atomic reactions were. For them, all the theory existed—and that's not true of cancer, yet.

The Cancer Act funds will open up the magnificent laboratories at Fort Detrick, Md., for cancer research as part of the National Cancer Institute, and 70% of the funds spent there will probably follow the virus trail. Fort Detrick formerly housed the government's biological warfare labs, which are being converted to cancer research at a cost of $6 million.

However, millions of people might die of cancer before we get to the end of the virus trail, even if it pans out, since nobody has any idea how long it will take if it does pan out. So Cancer Act funds will further the war against the disease in many other areas.

The National Cancer Institute—part of the government's great National Institutes of Health headquartered at Bethesda, Md.—will get a big shot in the arm. The cancer institute began its work in 1938. As recently as 1956 it had $25 million a year to spend on cancer research and treatment. By 1971, it had $234.4 million. The new bill will allow it $400 million in 1972, $500 million in 1973 and $600 million in 1974. That's most of the $1.6 billion, but 80% of it, as usual, will be spread by the institute to private grants and contracts—the Temins, Baltimores, Calvins, Spiegelman's etc., and their university labs; to corporate labs of drug companies and the like, and so on. Even so, the cancer institute's

Fort Detrick, for example, is expected within two years to employ about 600 scientists and backup workers at a cost of $20 million a year. According to Dr. J. Roger Porter, Chairman of Microbiology at Iowa College of Medicine, who headed a scientific committee to evaluate Fort Detrick for cancer research, the old biological warfare lab is "one of a kind in the world and a national asset." It has sophisticated containment facilities for handling infectious materials, a maze of barriers to permit men, animals, equipment, air, liquids and solid wastes to move in and out without permitting passage of micro-organisms. It possesses pilot plants which can produce bacteria, viruses and tissue cultures on a scale which very few laboratories on earth—if any—can match.

SEEKING EARLY DETECTION

The Cancer Act of 1971 also authorizes funds for more work in the early detection of cancer. This will receive $20 million this year, $30 million next year and $40 million in fiscal 1974. Then, the bill also authorizes the establishment of 15 research centers. There, people who have cancer right now will be treated in conjunction with clinical research studies, benefiting from the best and latest knowledge about the disease. These centers, however, are not designed to replace existing hospitals and cancer clinics, most of which are providing the best cancer care now available.

In addition to this, the Cancer Act authorizes the institute to establish a computerized cancer data bank to collect, catalog, store and disseminate the results of cancer research in this country or abroad. The object is to make sure every scientist in the field knows what others have done—either to take advantage of it, or to prevent duplication. The same provision gives the institute the power to support promising foreign research projects, or American-foreign collaborative efforts.

The Cancer Act also instructs the institute to encourage and coordinate cancer research by industrial concerns (usually drug companies) involved in the field, to support the training of additional scientists, to establish or support the large-scale production and distribution of specialized biological materials for research (such as viruses, cell cultures and lab animals) and set safety standards for their use.

To make sure the institute doesn't narrow itself too much, the agency is also instructed to consult frequently with a panel of advisors composed of top research scientists and to investigate and use the results of any research in other health fields, should they have any bearing on cancer.

NEW SET OF PRIORITIES

Those who have been saying that our priorities are "wrong" (whether they are wrong or right themselves) should be very happy with the Cancer Act. It throws a moon-type effort at human misery, disease, fear and death. The use of the old biological warfare labs is sort of symbolic of the new priorities the Act provides.

In summary, the virus-RNA work which seems to justify the accelerated cancer fight more than anything else does, is so remarkable that it stands as a scolding to those who have been knocking technology. The role of viruses has emerged from being one more big question mark to a near certainty. The discovery of how they seem to cause cancer is an eye-opener. The identification of an enzyme on which they depend to cause many cancers, at least, is a breakthrough that came with remarkable swiftness on the heel of virus-RNA discovery. And when at least one drug was quickly identified that can undo the enzyme, the chase down the virus trail seemed to have packed more excitement into the cancer fight in a few short years than our previous pace provided in half a century. Of course, we should never forget that the new discoveries grew from the earlier groping.

Congressmen and senators on opposite sides of the aisle had their own ideas of the details of what the Cancer Act should be. But that didn't stop them, in the end, from agreeing on the most ambitious, and perhaps most significant, legislative health commitment in history. And as he signed the Act last December, President Nixon said:

"I hope that in the years ahead we can look back on this as being the most significant action taken during this administration. . . . We can say this, that for those who have cancer and are looking for success in this field, they at least can have the assurance that everything that can be done by Government, everything that can be done by voluntary agencies in this great, powerful, rich country, now will be done, and that will give some hope, and we hope those hopes will not be disappointed." Since he and the Congress were betting $1.6 billion for us that cancer can be licked, the words hardly seem to be an exaggeration.

COST OF REHABILITATION

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. GIAIMO. Mr. Speaker, a recent article in Medical World News describes some of the fantastic work being done in rehabilitation medicine, especially in the application of modern technology toward solving the problems of those without limbs or without the full use of those limbs.

This kind of work, as well as the "nuts and bolts" of rehabilitation done in the Nation's comprehensive rehabilitation centers, sheltered workshops, centers for the blind and other institutions, demonstrates the "payoff" that comes from our national investment in the future of the handicapped and disabled.

As Dr. Howard Rusk, director of New York University's Institute of Rehabilitation Medicine, points out in this article, the cost of these rehabilitation efforts is usually far less than the cost would be for mere institutionalization of the handicapped and disabled.

This investment in human potential pays off for both those who are served by the dedicated professionals in the rehabilitation field, and for the Federal and State budgets which would otherwise be strained by the dependency of the handicapped.

This is the kind of work that this House made a commitment to support last summer in our consideration of the Labor-HEW appropriations bill for fiscal year 1972, and I am glad to report that our investment in rehabilitation, in research and demonstration programs, in training and in all other aspects of rehabilitation is doing something of proven value for our handicapped as well as for our taxpayers.

I insert the following article from Medical World News to be included in the RECORD.

The article follows:

MAKING THE IMPOSSIBLE POSSIBLE—NEW TECHNOLOGY ADDS SURPRISING DIMENSIONS TO REHABILITATIVE MEDICINE

In a corridor of the Bronx (N.Y.) Veterans Administration Hospital, a man in his twenties sits strapped in a wheel chair, surrounded by other patients. He is flipping through the sports pages of the newspaper, using a tongue depressor held in his teeth. Suddenly, he calls their attention to two reporters' versions of the same story, and a scoffer down the hall questions the veracity of a particular point. Anxious to confront the skeptic, the young patient butts a pressure-sensitive box with his chin and goes whizzing off down the hall in his motorized wheel chair.

The hallway scene is reminiscent of the easy camaraderie of young men relaxing together anywhere in the world, except everyone present is a quadriplegic. Their ambulation through a number of ingenious devices is one of the newest achievements of the increasing cooperation between rehabilitation medicine and engineering.

"Anyone can see that electronic wheel chairs have made the difference between life and no life for many of our quadriplegics," says Dr. Peter Hofstra, chief of the spinal cord injury service at the Bronx hospital. As recently as about a year ago, most quadriplegics were still generally regarded as being permanently bedridden.

The extent of the problem in paralysis alone was pointed up by Dr. E. Shannon Stauffer, chief of the spinal injuries service at Rancho Los Amigos Hospital in Downey, Calif., a part of the University of Southern California School of Medicine. He told last month's meeting of the American Academy of Orthopaedic Surgeons that from 5,000 to 10,000 spinal cord injuries with significant paralysis occur yearly in the U.S. Currently, the country has about 125,000 traumatic paraplegics and quadriplegics. Moreover, their numbers are a consequence of medical progress; decades ago, most would not have lived.

"These patients represent new problems and new challenges to this generation of physicians and surgeons," says Dr. Stauffer. Before the antibiotic era, most of these patients suffered an early, rapid, and septic death due to atelectasis and pneumonia, or they suffered a slow lingering death due to chronic urinary tract infection, pressure-sore ulceration of the skin, hypoproteinemia, and cachexia. Few patients survived more than two years.

But death soon after injury in these patients is now rare, according to Dr. Stauffer. Physicians now promptly recognize early stages of various complications. More skilled nursing care is available, along with modern methods of medical resuscitation.

The result, says renowned rehabilitation authority Dr. Howard Rusk, is that most paralyzed patients can expect to live within a year or two of a normal life span, "if they follow the ground rules learned during their rehabilitation." The cost of rehabilitating a young quadriplegic, Dr. Rusk reports, is about $25,000. But he told the January meeting of MWN's Editorial Board, "we can't afford not to spend it." He compared the $25,000 rehabilitation cost with the cost of institutionalizing a 20-year-old patient with 50 years of life remaining. "Put in a second-rate nursing home with a modicum of attendant care, $15,000 a year would be a bargain. Multiply $15,000 by 50 and that patient will cost $750,000."

The scene at Bronx VA is duplicated in other centers across the country, including USC's Rancho hospital. There, a medicine-engineering team has developed a number of innovative devices that enable patients to make functional use of residual nerve and muscle. One device, that the staff and patients have come to call "the golden arm," is an externally powered brace, controlled by a tongue-operated switch, that provides finger, wrist, elbow, and shoulder motion for quadriplegics. The multichannel switch can also control an electrically powered wheel chair, and Rancho patients have 200 acres in which to "roam" on their tongue-controlled, motorized chairs.

These examples are typical of how biomedical engineering is joining electronics, miniaturization, and space-age materials to a growing knowledge of the physiology, anatomy, and psychology of handicapped patients. This technologic enhancement of rehabilitation medicine is increasing the function and thereby the prospects of relative self-sufficiency for paraplegics, hemiplegics, guadriplegics, amputees, and stroke victims.

One physician-designer, Dr. Wladimir T. Liberson, associate professor of neurology and orthopedics at the University of Miami School of Medicine, thinks the era of electronic rehabilitation is here. Others apparently agree with him. A manual on upper-extremity prostheses, issued by the Veterans Administration in New York, reports that several electric elbows and hands are under development in this country. Furthermore, such electrically powered prostheses are already prescribed in Europe. In Germany, some 600 hands as well as other electric components have been furnished to patients, in Italy, more than 500 electric hands are in use; and in Canada, more than 300 electric hands have been prescribed.

The number prescribed in the U.S., so far, is only a tiny fraction of the European number, the report says, primarily because of the difference in the prosthesis distribution systems in Europe and the U.S. "In this country, the preponderant majority of prostheses are fabricated by private commercial shops in a decentralized system requiring each shop to become fully informed on the nature and best application of each device."

There may be another typically American reason for the limited use of electrical prosthesis: Who's going to fix the gadget when it conks out? Unlike many other physicians, Miami's Dr. Liberson knows exactly what to do when a delicate piece of electrical equipment malfunctions. Since he designed it, he can also fix it.

Among his inventions is an electronically powered device that attaches to the impaired leg of a stroke patient. By stimulating the peroneal nerve, the device helps speed ambulation of stroke patients. Dr. Liberson reports that the stimulator has been used, with varying degrees of success, on 100 such patients. The device works best, he says on patients who are intelligent and highly motivated.

The Miami physician, who is also chief of the physical medicine and rehabilitation service at the VA hospital there, has designed a motorized brace for use by stroke patients in their first weeks of retraining.

But to Dr. Liberson, there are still more compelling reasons why electronic medicine will enhance the role of the physician rather than diminish it. "You simply cannot give a patient a new gadget and send him home with it," he cautions. "You have to be sure he really wants to use it. You have to listen to his complaints about it. You have to check to see what it does to his body. There is no such thing as electronic medicine. There are only electronic aids that can help a physician help his patients to live more fully."

Some of the new electronic aids on the horizon represent a complete departure from traditional thinking. For example: Why prop up wasted muscles with traditional crutches and braces? Why not use electrodes to stimulate nerves that control muscle movements? This idea already has clinical application with Dr. Liberson's peroneal nerve stimulator for which the electrodes are externally applied.

How about internal electrodes? Perhaps the most farout project exploring this idea at the moment is the animal study being conducted by Dr. Lawrence R. Pinneo of the Stanford Research Institute. Dr. Pinneo has implanted electrodes into the head of a rhesus monkey that was paralyzed in its right arm after two operations removed part of the animal's cortex.

In spite of the paralysis, the monkey could reach for food when a computer fired the electrodes in his brain in the proper sequence. The monkey even learned to direct his own motions electronically. He figured out how to press computer buttons that helped him feed himself, scratch his back, and make a fist. Dr. Pinneo has published the results of the Stanford project in *Stroke*. Nevertheless, it will be some time before a computer and implanted electrodes stimulate the human brain to move muscles in paralyzed extremities.

Well, then, why not try to control muscles by applying electrical charges directly to the nerves? Implanted electrodes are already doing this for heart patients. Couldn't some version of this idea help impaired persons walk?

A biomedical engineering project at USC's Rancho hospital is exploring just such questions. The team takes its cue from one of the most successful electric protheses to date—the cardiac pacemaker. Says Dr. Jacquelin Perry, chief of the kinesiology service and head physician on the stroke service: "The principle of stimulating nerves of the leg is the same as that for other parts of the body."

The hospital's "peripheral nerve stimulator" is a tiny radio receiver that is surgically implanted in the upper medial thigh. An electrode leads from the receiver down the thigh to the anterior crural region where it is anastomosed to the peroneal nerve. Stimulation is activated by a transmitter worn on the patient's belt and a heel switch installed in the shoe.

During the past three years, about 20 stroke patients have benefited in varying degrees from the nerve stimulator. But the results were not percisely quantifiable, says Dr. Perry, because equipment was being continually refined during the trial and the patients being tested did not have exactly comparable types of disability. She explains, "There is no such thing as a stroke patient. There are different types of stroke patients with varying levels of disability." Dr. Perry sees current knowledge of stroke on a par with knowledge of arthritis two decades ago, sees current knowledge of stroke on a par when "medicine classed arthritis as one entity. We now know that nearly 60 different conditions comprise the disease known as arthritis. Much of the same thing is true of stroke. We are finding that patients are left with various levels and patterns of disability following a stroke."

Dr. Perry is guardedly optimistic about the future of peripheral nerve stimulation. For one thing, the causes of paralysis have changed from the time when most stroke victims died and when polio was a major crippler. "Polio destroyed nerves," she points out, "so there wasn't much we could do for polio patients. But the stroke patient is left with the peripheral motor system intact, opening the possibility of electronic stimulation. Our next goal is to try stimulating the nerves that influence the muscles that extend the hip."

Right now, the Rancho team is beginning a study of 20 more stroke patients using the peripheral nerve stimulator. Equipment design has been standardized, says Dr. Perry. so patients will have comparable units. Moreover, patients with closely similar disabilities have been selected for the test.

Dr. Perry thinks there is a future in medicine for electronic stimulating of leg and hip nerves and muscles. "We're going to get more and more people walking in this fashion," she predicts. "We're probably even going to be able to help patients with some types of spinal cord injury. Right now, we have the equipment developed to a point where it may cost about $1,000, which is not inexpensive, but it is a realistic figure. We no longer talk in terms of highly expensive equipment costing thousands of dollars. This is a reasonable direction in which to go."

Still another team at Case Western Reserve University School of Medicine has published preliminary reports on its attempt to implant electromyographic sensors directly into neck and shoulder muscle of severely paralyzed patients with high-level spinal injuries.

According to an engineer connected with the project, the Ohio team currently finds it possible to control one muscle at a time. "But human movement is a highly complex interrelation between various groups of muscles" he points out, "so you can see we're still in a very early stage."

This caution is echoed again and again by clinicians and technicians at various rehabilitation centers. One researcher groaned when shown a newspaper photograph of Dr. Wernher von Braum, the National Aeronautics and Space Administration's rocketeer, reportedly demonstrating "a sight-switch-controlled wheel chair."

"I wish NASA would give us a couple of their engineers for our hospital, to work with patients," the researcher said. "Maybe those fellows could make some real contributions in a real hospital setting, work with real patients, instead of blue-skying this stuff out of think tanks or blowing it up out of lunar dust."

Yet progress has been significant. A case history of hope vs realism in one new electronic rehabilitation aid lies in the electronic device known as the sight switch that powered Dr. von Braun's wheel chair. According to a NASA booklet, "the sight switch, designed to be worn on standard eyeglass frames, actuates electrical control devices by sensing variations in reflected light. The light source is a low-intensity beam directed into the white of the eye. A photodetector mounted adjacent to the light source senses the intensity of light reflected from the white of the eye." When the eye moves, the darker iris intersects the beam, a sudden decrease in reflected light is sensed by the photodetector, and a signal is generated to initiate an action.

However, because of differences in iris pigmentation, reflectivity of the sclera, and other reflective differences of the area around the eyes, the sight switch must be calibrated for each operator. Once the sight switch is adjusted for the individual operator, says NASA, no further adjustments are required.

This is fine, in theory, but unfortunately further adjustments are constantly required, according to Anthony Staros, director of the VA Prosthetics Center in New York City. The center performs research, development, and evaluations of various prosthetics, orthotics, and orthopedic aids for 166 hospitals in the VA program. Engineer Staros reports that changes in the ambient light—the light that differs from room to room—can activate the sight switch so erratically that the quadriplegic may lose control of the wheel chair. VA tests also found that the chair does respond to the inadvertent eye motion, again causing the patient to lose control of the chair. One of the quadriplegics who volunteered to test the chair, reportedly needed a couple of days of bed rest after his experience. Nevertheless, the VA has not abandoned the principles. A sight switch prosthesis is now in the hands of engineer Ron Lipskin, at the Manhattan center, who is currently testing the instrument and conferring with engineers in government and industry in an effort to make the sight switch work as well for paralyzed veterans as it does on NASA drawing boards.

What's more, Lipskin already has a variety of electronic successes to his credit. One concerns an intra-oral tongue-activated electronic device that controlled a powered wheel chair.

The quadriplegic who tested the device complaint that the switches were too small and too close together, because the box had to be tiny enough to fit inside his mouth. The patient despaired of ever learning to differentiate among the tiny, close packed switches. He also found that the unit caused him to salivate more than usual and later he reported getting electrical shocks because saliva had somehow seeped into the mechanical appliance.

But those few days in the motorized wheel chair had also triggered the patient's desire to be up and about. He asked Lipskin to figure out some kind of electronic switch for him. Lipskin did. He converted the tiny compact to an external unit that could be activated by the patient's chin. The quadriplegic then joined the dozens of others whooshing through the Bronx VA corridors.

Lipskin, an earnest young man with degrees in biology, chemistry, and engineering, uses this case history to pinpoint the stage at which most electrical prostheses are at the moment in this country: Just about every powered prosthesis has to be custom-made for each patient, or at least it has to be custom-adapted. In addition, the service provided by some well-known wheel chair manufacturers can be compared to the service provided by some well-known automobile manufacturers—generally, far from ideal. "What can a patient do with an electrical device that malfunctions?" Lipskin asks rhetorically. "Malfunctions bug us, and we're set up for them. Most hospitals are not." The need right now, he says, is for American or European manufacturers to come up with an electrical wheel chair that can be repaired by a trained, semi-skilled worker.

"Or perhaps motor units might be made in a simple, take-out unit, something like a battery-pack that is put into a flashlight The patient could buy two units: one to run the wheel chair, and one to use as a spare for the time when the other is sent to the factory for repairs."

For each of Lipskin's problems, there is an eventual success story: One quadriplegic enthused with the success of learning to use a powered wheel chair, decided that he would spend much of his time exploring the streets of the Bronx around the VA hospital. To help him in traffic, Lipskin fitted him up with a chin-controlled back panel of flashing red lights. To help keep him supplied with the water that a quadriplegic's kidneys need, Lipskin ran a thin plastic tube, also electrically controlled, from a water dispenser on the back of the chair.

Meanwhile, Dr. Stauffer points out that most of these patients are in their late teens or early twenties when they are injured. "With medical knowledge now available, we can give them and their families a prognosis of looking forward to a relatively normal life span. With this possibility of longevity goes the responsibility of improving the quality of life. These patients deserve and require the skilled medical care necessary to prevent and correct medical complications. It is not justified merely to keep them living."

Medical priorities for such patients include maintaining a bacteria-free, automatically emptying urinary tract, Dr. Stauffer says. There is increasing evidence that surgical techniques like hypothermia and myelotomy may be effective in reversing some early stages of pathophysiology that can progress to spinal cord destruction. Steroids may also be effective.

But at the present time, says Dr. Stauffer, no clinical studies indicate that early surgical procedures produce more benefit than closed reduction and traction treatment of the fractured spine. At the present time, skeletal traction for reduction and healing is the preferred method of treating fracture dislocations of the spine.

In some instances, where prolonged recumbency enforced by traction therapy is not desirable, it is possible to stabilize the spine surgically, and allow the patient to be mobilized out of bed soon after his injury. This can eliminate the complications of long periods of bed rest: muscle atrophy, skin-pressure ulceration, and joint contractures. Meanwhile, the patient is rapidly taught to be as functionally independent as possible.

This type of concentrated, special care is most effectively accomplished in specialized centers with personnel skilled in aiding these patients Dr. Stauffer points out. And even after they are discharged from these special centers, such patients must be examined at least once each year for complications. The patients must also be checked to make sure that they are getting the help they need to adjust to their new lives.

For the family physician, perhaps the greatest hazard is thinking that a patient has been "rehabilitated" because an operation has saved his life and a prosthesis has been successfully fitted. Much more needs to be done. The prosthesis may need readadjustment, which may require a number of visits. The patient must be taught to use it with self-confidence, which may take months. Sometimes, the entire process has to be repeated several times, until the happy combination clicks into place—the right prosthesis and the right attitude on the part of the patient.

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AMPUTEE, NOW MD, TEACHES OTHERS TO SKI

The ways of reaching into a patient's psyche, and tapping hidden sources of strength and endurance that may lie there, are infinitely varied. One young surgeon who knows this from personal experience is Dr. Michael B. Mayor, clinical instructor in orthopedics at Dartmouth Medical School. Now 34, Dr. Mayor was just 17 when his right leg was amputated because of a recurring tumor.

A tall, intense young man, Dr. Mayor vividly recalls the psychological stresses and strains. The hardest problem for his father, a highly intelligent man, was to resist the temptation to seek out "medical miracles" and to accept his son's amputation. And for the son, the hardest problem was to accept the fact that his leg was gone. He had had some months to realize that the amputation was inevitable. Still, he never truly realized what the word amputation meant until after the actual operation.

But Dr. Mayor found the strength necessary to finish high school, college, and medical school, and he was aided by a mechanical artificial leg. Currently, he wears an above-knee, artificial limb with a Gracinger foot and ankle, and a Du Paco hydraulic swing-phase control unit.

In addition to his immediate family, Dr. Mayor found emotional support from an orthopedic surgeon who was a family friend. Consequently, Dr. Mayor functions today in spite of his handicap and, reminiscent of his family's physician and friend, he is anxious to help other amputees to find their way to a new life. Dr. Mayor is hoping to set up a course in the Dartmouth area to teach amputees to ski. Unlikely as it may sound, the young orthopedist taught himself to ski. And when he lived in Cleveland, prior to accepting the appointment in Hanover, N.H., he conducted such a course. Moreover, skiing holds numerous pleasant memories for Dr. Mayor: The exhilirating rush down the slope, the sense of participation and even competition. There is still another nice memory: He met the woman who is now his wife while returning home from a skiing trip.

"THE CASE AGAINST ABORTION"

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HOGAN. Mr. Speaker, as a longtime opponent of liberalized abortion laws, I was pleased to note a particularly well-thought-out article called, "The Case Against Abortion."

The article appeared in To the Point, a South African news magazine, and was written by Mrs. Jill Knight, a British stateswoman. Mrs. Knight systematically debunks the various proabortion arguments and emerges with a firm foundation for the case for the universal right to life.

Mr. Speaker, at this point I insert Mrs. Knight's "The Case Against Abortion" into the RECORD:

THE CASE AGAINST ABORTION

Abortion is the subject of controversy all over the world today. It is a pity that few people who are not personally involved bother to give the subject more than a cursory glance, because more careful consideration would completely reverse much of the superficial opinion surrounding the matter today. Mention the evils of illegal abortion—the sleazy operator, the frightened girl, the doubtful instruments—and the horrified listener usually takes the view that abortion had better be legalised, so that this ghastly state of affairs can be ended.

The whole subject is unpleasant, and not one on which most people like to dwell; which is precisely who legalized abortion reached the Statute Book in Britain in 1967. Most MPs did not vote on it, and the majority of those who did, admitted that they knew very little about it, but were merely anxious to end illegal abortions. The Labour government of the day refused to make any assessment of this immensely complicated matter, or even to take a look at the experience of other countries which had already made abortion legal. Thus the Act slid into British law with only a few protesters, and no hint of the vast difficulties which it was to bring in its train.

There are many religious arguments against abortion, but I leave those to others to employ. I do not know when souls enter bodies, and I doubt that anyone else does either. My concern is with the practical, down-to-earth objections to too-easy abortion; with the actual experience of what has happened in Britain since we brought it in; and with the need to help other countries to avoid the troubles into which we so carelessly blundered.

Our first mistake was to think that abortion figures would not rise because the procedure had received the blessing of the law. In fact, abortions have soared in Britain since the Act was passed. There were about 10,000 per year before 1967; today there are about 138,000 per year—nearly 380 a day—and the numbers are still rising.

This should have been foreseen, partly because it has been the experience of all countries and states which have made abortion legal, and partly because, while once there was a stigma attached to having one's baby aborted, now the process has been made socially acceptable by the highest authority in the land. Women who would never have dreamed of getting abortions before 1967 are now doing so with no more qualms of conscience than getting a tooth extracted.

Any doctor knows that it is a perfectly natural phenomenon of early pregnancy for a woman to go through a period of depression and rejection. Perhaps she feels sick all the time, perhaps she regrets spoiled holiday plans, perhaps, she did not intend to start a baby just then. Nevertheless, before the Abortion Act, it would never have entered her head to trot along to her GP and ask to have the pregnancy ended, and within a few weeks she would not only accept her condition, but usually begin to look forward with pleasure to the baby. Now, with the possibility of abortion firmly before her, the knowledge that even Parliament thinks nothing of it, *and* the fact that her temporary period of rejection coincides exactly with the most propitious time for a pregnancy to be ended, off she goes.

Parliament, at the time, thought the Act would mean abortion would be available on demand. In fact, the sponsors were anxious to assure fellow MPs that it would not. But it was found impossible to use too closely-defined wording in the Bill, and the resultant woolliness of the legislation is used to mean just what different doctors *want* it to mean, and anyone in Britain today who wants an abortion can get one.

The rising tide of abortions, not surprisingly, has put hospitals under a severe strain. No extra money has been allocated to the National Health Service for termination of pregnancies, and the gynaecological wards are so busy that women who need other kinds of obstetric care are often kept waiting for months, because abortion patients automatically go to the top of the queue.

Recently the Royal College of Obstetricians and Gynoecologists voiced concern about this, citing the cases of two patients, one of whom when finally admitted turned out to have been suffering from early cancer of the cervix.

"But a woman has to go into hospital to have a baby, anyway—so she isn't taking up any *more* hospital time if she is there for an abortion instead," say the pro-abortionists. Experience, however, has taught us that a woman can have two or even three abortions in the time she would take to have one baby; and furthermore NHS consultations on abortion candidates take far longer than the straightforward maternity case, for the NHS doctor will want to go carefully into precisely why the woman is seeking an abortion, and judge whether it is the right course for her.

Many senior hospital doctors strongly detest abortion operations. Some markedly leave this work to their juniors. Today rising numbers of young men who apply for hospital appointments do not get the job unless they declare that they have no objections to carrying out abortions.

Constant reports speak of the distress of nurses at having to take part in these operations. Disposal of a recognisable baby, however small, is a wretched business for a girl whose chosen vocation is to preserve life. Recently a nurse came to see me to tell me that she had decided, after months of indecision, to quit her job. She said she had made up her mind the day before, when she had been given the now-routine task of getting rid of an aborted baby. This one was a 25-week baby boy. In the premature baby unit she also had a 25-week baby boy. "I looked at the little live aborted child, and I just couldn't see how it was right that I should get rid of him, and yet do all in my power to save the other one—for no better reason than just the mother of first doesn't want him, and the mother of the second does," she said.

The effect of all this on recruitment of both doctors and nurses in the midwifery field is worrying both the Royal College of Nursing, and the Royal College of Obstetricians and Gynaecologists. Those who campaign for legalised abortion must face the fact that, without limitless funds for a hospital service, and a limitless supply of doctors and nurses, their aims will mean monumental problems. Almost all those who advocate easy abortion say that the unborn baby is just a blob—a messy bit of nothing. Yet by the time most abortions are carried out the "blob" is quite recognisable as a baby. In the first three years after the British Abortion Act was passed 528 babies were aborted at over six months gestation. One made the headlines when he cried as he was put into an incinerator.

London has become the abortion capital of the world. Foreign girls from the continent, Denmark, Holland, Sweden and even from America pour into Britain. Scotland Yard has had to take action against taximen at Heathrow Airport who regularly "touted" for some of the private abortion clinics. These private clinics have mushroomed to cope with the ever-rising demand, and their charges are steep. Usually it costs about £150 ($385), through some are as high as £250 ($687), while others, (operating, unbelievably, as registered charities) charge as little as £50 ($137). In Birmingham you can pay for your abortion on deferred terms. For doctors without strong principles about preserving life, the inducements to work in some of the private abortion clinics are strong. Full time aborting can earn even the recently-qualified doctor around £200,000 ($825,000) a year.

Because of the heavy emphasis on money, the question of the standard of care for the patient in some of these clinics is currently being investigated. Reports indicate that the first question asked of a patient has nothing to do with her medical condition. "Have you got the money, and is it in cash?" makes the priority clear. There have been many reported examples of poor or inadequate medical care, and some of the clinics have subsequently been closed.

Surely, contraception is the answer to family planning problems, not abortion. Yet because abortion is legal in Britain, there is a growing tendency not to bother with contraception. Understandable, in a way. To some it is a nuisance; to others it "destroys the mood." "I might not get pregnant anyway," thinks the woman, "and if I do, I can always have an abortion." Almost all our abortion candidates, when questioned, will admit that they were taking no precautions when they became pregnant. Family Planning Clinics in Britain today sometimes actually list abortion as a method of family planning. Yet contraception has never been so easy, or so foolproof, as it is today.

There are many facets to the abortion problem. What about handicapped children? Many kind and sympathetic people think that if a child is liable to be handicapped, it would be better to have it aborted. But do only perfect physical specimens have the *right to life?* I have worked with blind and crippled children, and with mentally handicapped ones, too, and I know that, while these youngsters cannot experience life as we can, they do find their own way to enjoy it. Life is a truly wonderful thing; because fate has denied them the ability to take all its advantages, ought man to deny them life itself? In advocating their cause, I am not saying that their mothers should be left to cope with all the problems of looking after them. That is something else again. Surely any civilised country must understand, and help with facilities—bear the burden of caring for its less fortunate members, not get rid of them.

Sometimes the argument advanced is the Women's Lib one: "I have a right to do what I want with my own body. I am a free agent; if I choose to undergo an abortion, it is no-one's business but my own." Well, of course she has a perfect right to lead her own life, and use her body however she wishes. When she has an abortion, however, it is not just her body that is involved—she is destroying another human being. One who has no possible chance of defending itself. These days we do not even kill murderers—how can it be right to kill the most innocent of all living things? And if it *is* right to destroy the child just because the mother does not want it, would the mother think it equally right that any other child of hers, when grown, should destroy her if, as old people sometimes do, she gets troublesome, or cantankerous, or makes work?

"Every child has a right to be wanted" has a fine, humanitarian ring about it. The pro-abortionists often use this argument. Yet how on earth can anyone tell *before a child is even born* that no-one is ever going to want it, or that it will lead a completely useless and miserable life for the next 60 or 70 years? Some women who did not want their baby at the start change their minds when they see the child. Others do not; but who would be arrogant enough to claim that they could tell, when the child was first conceived, that it was going to be so unlovable that it ought never to see the light of day?

There are still other points which should be considered. What about the psychological effect of abortion? Many women, as I know from my post-bag, go through a nightmare of conscience afterwards, particularly if subsequently they find they cannot have any more children. And the physical effects frequently lead to just this. It is a proven fact that the more abortions a woman has, the less likely she is to conceive when she wants to do so.

What about the demographic effects? There is talk of a population explosion, though there again that is a problem which ought to be tackled by birth control, not abortion. But we should consider carefully what *type* of people have the education to take ecological considerations into their plans as to the size of their families.

Russia was the first country to legalise abortion, in the early 1920s. The numbers of abortions rose to such high figures that the authorities began to be worried at the effects upon Soviet population. Amendment after amendment did nothing to check the rise, and finally the law was reversed. Today it is far from easy to get an abortion in the USSR. Japan's Prime Minister told his parliament last year that the growing disregard for the sanctity of human life, as epitomised in the abortion figures in that country, was "endangered the very survival of Japan." "We are," he said, "killing off our work force."

When human life is regarded as deliberately expendable, and no longer sacred, society is on a slippery slope indeed. In Britain, a Bill to bring in euthanasia was introduced very shortly after the Abortion Act went through. Luckily, we defeated it, but the writing is on the wall. Even the pious hope that legalised abortions, however unsavoury, would end back-street abortions, has not been realised. Because of the high cost of abortion in a private nursing home, and the necessity of giving one's name and address and personal details in an NHS hospital, back-street abortions still continue.

Barren women have, in the past, been able to adopt babies. There has just been an announcement in Britain that childless women had better resign themselves to taking up a hobby, or a job, for now there are no babies to adopt, largely because of our abortion legislation.

A Labour Cabinet Minister, speaking in the House of Commons in 1969, declared himself very satisfied with the working of the Abortion Act because, "had it not been passed, we should have had 120,000 more illegitimate babies alive today." And that, perhaps, finalises the argument. If, like him, you think that is a good thing, possibly you may think it a good Act. If, like me, you feel that society ought to help and accept illegitimate children instead of killing them off, then you will not.

DO WE NEED THE SPACE SHUTTLE?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ASPIN. Mr. Speaker, I would like to include an article from the New Leader, March 20, 1972, by Norman F. Smith in the RECORD today. It is entitled "Checking the Arithmetic: Do We Really Need the Space Shuttle?" and is particularly pertinent in view of the forthcoming vote in the House on the space shuttle program.

The author has served as Assistant to the Director of Engineering and Development at NASA's Manned Space Center in Houston. He raises the issues and questions that still stand in need of examination and hard answers.

I commend this article to my colleagues:

CHECKING THE ARITHMETIC: DO WE REALLY NEED THE SPACE SHUTTLE?

(By Norman F. Smith)

The space shuttle has been "readied for launch" by NASA, the aerospace industry and President Nixon, but the real mission director—Congress—has not yet pushed the final "go" button. Whether the six-year development project is approved or aborted will ultimately depend upon how well it is understood by the American people and where it is ranked in the order of the nation's priorities. Whatever the outcome, it is certain to rouse the hottest debate heard thus far about our relatively uncontroversial space program.

The shuttle obviously represents an enormous step in space technology and, not so obviously, a commitment to undertake greatly increased space activities in the future. Proponents see it as opening the door to space; critics, as opening the door to the treasury. NASA currently estimates the cost of developing the system at $5.5–6.5 billion, including two orbiters ($250 million each) and four boosters ($50 million each). That figure, however, excludes launch expenses—i.e., propellant, pad services, refurbishment between flights, etc.—and the price of the payloads that the shuttle will haul into orbit.

Because the shuttle is largely reusable rather than expendable like present spacecraft, NASA argues that it will provide "airline-type service" into space "for a small fraction of today's costs." Designed to ferry men and material between the ground and earth orbit, the vehicle has been under sporadic study by NASA, the Air Force and industry for several years. A recent intensive effort funded mainly by NASA has distilled dozens of preliminary designs into one that looks like a fat airplane with an oversized fuselage, tiny wings, and a huge rump stuffed with rocket engines. It *is* a plane, we are told, within the atmosphere, but a spacecraft once it enters the vacuum of space. Roughly the length and span of a Douglas DC–9 jet transport, it contains a payload bay capacious enough to swallow a Greyhound bus.

This airplane-shaped orbiter would mount piggyback on a launch vehicle, resembling a large airliner stuck to the side of a Saturn-sized booster. The six rocket engines of the first stage would lift it to an altitude of 35 miles and accelerate it to 3,500 miles per hour before being discarded. As the empty booster fell back to earth, some kind of landing aid—probably parachutes—would drop it gently into the sea. Waiting ships would tow the floating booster back to the launch facility to have it refurbished for another flight.

Meanwhile, the orbiter would have ignited its three engines, fueled by liquid hydrogen and oxygen propellant from a large tank strapped to its belly. Upon reaching orbit, the empty tank is to be cut loose; what does not burn up in reentry should flutter harmlessly down into the ocean. Once the orbiter's mission was completed, retrorockets would slow it into a descent trajectory. Air friction in reentry would then further reduce its speed until it could glide to its landing site. Each orbiter would be designed to make 100 round trips, while the boosters would be reused perhaps only 10–20 times, and the throw-away fuel tank would have to be replaced for each launch.

The shuttle, designated the Space Transportation System (STS) by the Air Force, naturally invites comparison with the supersonic transport (SST), whose defeat in Congress last year sent a cold chill through NASA and the aerospace industry. A larger, more expensive scheme with far more tenuous possibilities of financial return, the STS will inevitably receive the same hard scrutiny that scuttled the SST. In responding factually and futilely to the nebulous, emotion-laden charges of environmental damage, the industry missed by a supersonic mile the main point of the SST furor: the fact that it was the first major nonmilitary pie-in-the-sky program that the public could get its hands on since the popular eruption of social concern. The SST seemed unrelated to today's needs, a kind of "hobbyshop" effort, to use the term engineers sometimes hurl at projects pursued more for fun or excitement than practicality or necessity.

The SST's hobby-shop image was inadvertently highlighted by disclosure of aerospace proposals for a *hypersonic* transport, or HST. This one would travel at twice the speed of the SST, with passengers sitting inside a fuselage loaded with liquid hydrogen propellant, looking out at wings glowing red hot from air friction. "If you like the SST," quipped the *Wall Street Journal*, "you'll love the HST." NASA may not have done the shuttle a favor by linking it with the hypersonic transport through spinoff. "The shuttle," said NASA's Bob Voss, "will lead to future development of a . . . transportation system . . . capable of reaching speeds of perhaps Mach 12 and above."

From a strictly technical standpoint, NASA's decision to make the shuttle a priority project is backed by solid logic. It is a bold attempt to solve several central problems that were simply too great to tackle during the first decade of space flight, including the reusability of hardware. From the beginning of the space age, rocket men have grieved over the loss of their expensive boosters after only one quick firing. Still, every scheme to save their fragile craft from a watery grave entailed intolerable payload penalties or unjustifiable development costs. The agency now proposes to use stiff, heavy propellant tanks and simple rocket engines to make recovery and reuse more feasible, but one official admits that "we really don't know . . . the number of flights [to] expect out of these systems."

Another pressing problem is the replacement of helpless parachute drops into the ocean with pilot-controlled landings on solid ground. This would both eliminate the expensive recovery effort by the Navy and facilitate reuse of the spacecraft. Yet the winged configuration that is best for landing would create horrible difficulties during the fiery descent into the earth's atmosphere, while a simple cone-shaped design for easy reentry could hardly be worse when it comes time to land. As one might expect, the more a vehicle resembles an airplane, the harder it is to protect in reentry, and consequently the heavier and more expensive it will be.

The size and cost of the shuttle project has given it a turbulent history within NASA itself. During early studies, the agency went all-out for a full solution to all problems at once. The result was a monster vehicle, at least on paper. Weighing over 5 million pounds, it was similar in size to a Boeing 707 mounted vertically on a Boeing 747 or Lockheed C5A for a rocket-type launch. Between them, the orbiter and booster had 14 large engines for space propulsion, 48 small thrusters for attitude control, and 14 airbreathing jet engines for flying back within the atmosphere to an airplane-like landing.

Estimates of development costs generally ranged from $8–15 billion, not counting flight vehicles ($400 million per pair), launch and payload. When James Fletcher took over NASA in 1971, he saw that the shuttle, as then conceived, required too great an advance in the "state of the art." Under pressure from the Office of Management and Budget, he ordered a retreat from the all-recoverable two-airplane configuration to a less exotic partially recoverable version. With $5.5 billion as a target, the booster became a more conventional launching rocket designed for a parachute-and-tow-back recovery, and the orbiter was considerably reduced in size by strapping on a throw-away fuel tank. It is on this model that NASA now pins its hopes with the Administration and Congress.

How much support the White House gave the project during the planning stage is not at all clear. After the President's special task group, chaired by Vice President Agnew, mentioned the need for a shuttle in its 1969 report, the Administration was silent on the subject for over two years. Then last January 5, Nixon announced his decision to proceed with the development of the shuttle.

The full possibilities of space, the President said, "can never be more than fractionally realized so long as every single trip from earth remains a matter of special effort and staggering expense." The new system "may bring operating costs down as low as one-tenth of those for the present launch vehicles," he continued, and seems likely to "take the place of all present launch vehicles except the very smallest and very largest." He also spoke of technological and employment benefits, and the opportunity for international cooperation.

Reduced cost has long been NASA's chief sales pitch for the shuttle. Officials claim that in contrast to a conventional booster, a reusable one would lower the expense of placing a payload in orbit from $700–1,000 per pound to about $100 per pound, "with potential for an even lower figure." To reach that estimate, the agency divided the expected launch cost of $7–8 million by the vehicle's full payload capacity of 65,000 pounds. This is misleading on several scores.

First of all, the comparison is not really accurate. Because the Saturn boosters are not resuable, NASA has appropriately included their price in calculating conventional launch costs. Its estimate for the shuttle, on the other hand, does *not* take the cost of the resuable orbiter or booster into account. Whatever the reasoning here, it would seem appropriate to charge one-hundredth of the $250 million orbiter ($2.5 million) and one-twentieth of the $50 million booster (by coincidence, also $2.5 million) to each flight. Adding this $5 million brings the total expense of a launch to about $13 million—or roughly $200 per pound, if the shuttle is loaded to full capacity.

Secondly, NASA's figures fail to incorporate the $5.5 billion development cost of the shuttle. Accepting the agency's projection of 445 flights over 10 years, the development cost per mission comes to $12 million; adding the true launch and hardware cost of $13 million, each flight budgets out to $25 million. Of course, if the shuttle flies more than 445 missions, the per-flight cost decreases; with fewer missions, it rises accordingly.

Thirdly, it is unrealistic to presume that the shuttle will carry a full load on every flight, and with lighter cargoes the cost per pound increases in direct ratio. For a capacity load, a $25 million launch runs about $400 per pound; at half-capacity almost $800 per pound, in the same ball park as large throw-away boosters like Saturn and Titan III. If the shuttle lofted a single satellite of, say, 2,000 pounds (most are not even this heavy), the cost would be a disastrous $12,500 per pound. The agency has not said what proportion of the system's capacity it expects to utilize on the average, but to bring any real savings in space transportation, the shuttle will have to make frequent flights with very heavy loads.

Little support for such heavy traffic into orbit can be found in our past space program. NASA's annual unmanned satellite launches numbered about 18 in 1968 and 1969, down to about 14 in 1970 and 1971; the total since the program began in 1958 is approximately 200 (excluding booster development flights). The Mercury, Apollo and Gemini manned missions account for another two dozen launches.

Given that many satellites weigh only a few hundred pounds, it may be more important to look at the total weight placed in orbit. Except for Apollo, no satellite approached as much as a tenth of the capacity of the shuttle, and the annual weight of all NASA satellites for 1966–70 averaged about 15,000 pounds—less than a fourth of the system's capacity for one flight. At the agency's projected rate of 45 launches a year, the shuttle could lift into orbit nearly 3 million pounds annually.

In its guarded and very general prediction of space traffic, NASA has stated that 80 per cent of the shuttle's cargo will be unmanned satellites. The agency expects to save money on satellite development because the shuttle's great weight-lifting ability will permit the use of cheaper, heavier materials and "off-the-shelf" instrumentation, instead of exotic materials and expensive miniaturized gear.

Satellites have earned a permanent place in the skies, and their uses are expanding. But many of the suggested applications—such as spotting fish, forest fires, and pollution—are so far only interesting ideas. Neither the technology nor the need for attempting these things from orbit has been established.

Moreover, the shuttle cannot be counted on to do the entire job by itself: To retrieve or place a satellite, it would have to rocket its own great mass into the precise orbit desired, a maneuver requiring a tremendous quantity of propellant. Thus a small tug (carried into orbit by the shuttle) has been proposed for the task of chasing satellites. Not yet designed or developed, the tug is considered a possible venture for European participation in the project.

In any event, taken at face value, NASA's estimates for the shuttle imply an incredible amount of satellite traffic. If its 3-million-pound annual capacity is to be 80 per cent satellites, a fully loaded shuttle (necessary to maintain low operating costs) would haul 2.4 million pounds into orbit every year. Even if its load averaged only 50 per cent capacity (thereby raising hob with the cost per pound), the total would come to 1.2 million pounds—over 80 times the average weight put into orbit each year from 1965–71. At the going satellite price of $2,000–7,000 per pound, the cost would run in the billions of dollars.

The Shuttle's over-capacity for NASA's purposes (it originally desired a 25,000-pound payload limit) reflects the high price the agency paid for Air Force support. Although no details have been released on the type of cargoes planned, NASA has indicated that about 30 per cent wil consist of Defense Department equipment. Colonel John G. Albert, Director of Space Operations for the Air Force, has said that his service is planning to use the Shuttle for all of its future launch needs and that no new space boosters are being developed beyond the present Titan III.

A crucial question is whether the use of military payloads in space, whatever they may be, will lower or raise world tensions, promote or hinder arms limitations. If the shuttle could serve a surveillance system operated by an international authority for the benefit of all countries (an idea advocated by many, including Edward Teller) it might become a world-wide priority. To date, however, there has been no move in that direction.

No sooner did President Nixon endorse the shuttle in early January than the battle lines began to form. Senate Majority Leader Mike Mansfield denounced the project as a "misplacement of priorities" and predicted a major election-year fight over the space budget. Democratic Presidential hopefuls Edmund Muskie, George McGovern and John Lindsay have joined the opposition, while Henry Jackson and Hubert Humphrey are backing NASA. Senators Walter Mondale (D.-Minn.) and William Proxmire (D.-Wis.), leaders in the fight against the SST, are doing business at their old stand. Mondale has compared the shuttle's satellite repair function to "building a fleet of gold-plated Cadillacs to go out and fix a wheel on a wheelbarrow." Press reaction, meanwhile, has been generally favorable, but some writers are closely examining NASA's cost estimates Bill Hines, a columnist for the Chicago *Sun Times*, has declared flatly that "the goal of $100 per pound cannot be met."

The question of whether the shuttle is a legitimate requirement or a hobby-shop project cannot be answered in isolation. The design now proposed is an honest solution to the most pressing problems of space flight, though NASA may have weakened its case by overstating the argument of economy. It has also failed to acknowledge that the shuttle will save money only if the nation undertakes a vastly expanded space program. Therefore the program itself must first be defined and then examined to determine how well it pertains, directly or indirectly, to society's goals today.

Spokesmen for science and technology have always contended that "progress" must be allowed to continue unimpeded, lest our spirit as a people stagnate. Yet the critical issue, it would seem, is to channel the drive for progress toward solving the specific, urgent problems impairing the quality of life in the country. This is the issue that shot down the SST—and that not only the shuttle but the entire space program now faces.

STEVEN CIPOLLA IS FINALIST

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DULSKI. Mr. Speaker, I am pleased by the fact that a Buffalo youth, Steven J. Cipolla, Jr., of 55 Manchester Place, has placed third among 10 finalists in the 26th annual "Boy of the Year" competition sponsored by the Boys' Clubs of America.

Steven represented the New York region in the finals and made a creditable showing.

Mr. Speaker, as part of my remarks I include an article on the contest from the Buffalo Evening News of April 12:

BUFFALO YOUTH PLACES THIRD IN U.S. "BOY OF YEAR" EVENT

WASHINGTON, April 12.—A Buffalo youth today placed third among 10 finalists in the 26th annual "Boy of the Year" competition sponsored by the Boys' Clubs of America.

He is Steven J. Cipolla Jr., son of Mr. and Mrs. Steven J. Cipolla Sr. of 55 Manchester Pl. A member of the Massachusetts Unit of the Boys' Clubs of Buffalo, he represented the New York region in the finals.

Steven and the other regional winners received $500 awards at a breakfast meeting today.

A co-captain of the Seneca Vocational High School football team, Steven spent 10 weeks as an exchange student in Ecuador last summer and was credited with organizing that country's first boys' club.

Steven was accompanied here by Nick Mortellaro, director of educational and cultural activities for the Buffalo Boys Clubs.

Winner of this year's competition was Rodrigo Guerra Jr., 16, of Pasadena, Calif., who receives a $4000 award.

JUVENILE CRIME

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BIAGGI. Mr. Speaker, I rise in support of this bill to establish an independent Institute for Continuing Studies of Juvenile Justice. As a cosponsor of the bill, I strongly urge its passage as a necessary tool in reversing the upward trend of juvenile crime.

Over three-fourths of the juvenile offenders arrested this year will return to our criminal justice system within the next 5 years. We must provide the necessary tools by which these aberrant youth will not travel down the tragic road to a life of crime. Clearly, we must reverse the juvenile crime cycle and not allow that first youthful offense to become a take-off point for a life of arrest and imprisonment. This legislation provides the means to accomplish this worthwhile objective. It does not provide just another study of the problem, for example, but real action as well. It is obvious that our juvenile justice system is deficient in coordination and could be made to function more efficiently. I am certain that few in this body would question the urgency of legislative action that will review and strengthen our policies and practices in the areas of juvenile justice.

This bill provides a two-pronged action attack on juvenile crime. First, it provides a centralized source for pertinent information on control of juvenile delinquency. Second, it will be a training center for those who will deal with juveniles in the criminal justice system.

The closest parallel we have to this proposed institute is the Federal Bureau of Investigation Academy. No one will dispute the effectiveness of this academy in disseminating information and expertise on law enforcement techniques to our State and local law enforcement agencies. It has been well received on all levels of government as an important tool in the overall attack on crime.

Now we wish to extend a similar tool

to the problems of juvenile crime. With proper training, law enforcement officers, corrections officers, social workers, and court personnel who come into contact with juvenile offenders will have a better opportunity to turn these youths away from a life of crime. Also by strengthening our local and State ability to deal with juvenile crime they will become a more potent deterrent force.

Mr. Speaker, this measure deserves the unanimous support of this body, I sincerely hope all my colleagues will vote for it.

BOMBING AND MORALITY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MINSHALL. Mr. Speaker, today's lead editorial in the Washington Daily News regarding our retaliatory strikes against North Vietnam is the most perceptive I have seen:

[From the Washington Daily News, Apr. 18, 1972]

BOMBING AND MORALITY

President Nixon's renewed air strikes against North Vietnam predictably have brought charges from the antiwar movement that he is acting in an "immoral" way.

For example, Sen. George S. McGovern, D-S.D., declared that Mr. Nixon is guilty of "a moral outrage" and has descended to "a new level of barbarism."

Since Sen. McGovern is now the left's leading contender for his party's presidential nomination, his views on Vietnam deserve attention. We long have been disturbed by their one-sidedness.

Sen. McGovern and others in "the movement" behave as if anything the North Vietnamese do anywhere in Indochina is moral, patriotic and justified, but anything done to resist them is immoral, dictatorial and unjust.

The Vietnam War has roots going back a generation, and this isn't the place to discuss which side was "right" or "wrong" at the start—if it makes any difference at this stage.

What is clear is that there is a country called South Vietnam, whose sovereignty is recognized by most major non-Communist nations, and that its people have the right to be left alone. Whether they wish to be governed by President Thieu we're not able to say, but they obviously don't want to live under communism imposed by Hanoi.

If the Viet Cong had anything remotely approaching majority support in the South, it wouldn't need the services of almost the whole North Vietnamese army to defect the Thieu regime.

For years North Vietnamese regiments have marauded where they don't belong—in the innocent-bystander nations of Cambodia and Laos and in regions of South Vietnam many hundreds of miles from the North.

They have shelled cities, mined buses filled with peasants, massacred villages, mortared market places, murdered school teachers in front of their pupils and committed many other crimes too sickening to retell.

In all this, Sen. McGovern and his backers in the "peace" movement, some of them wavers of Viet Cong flags, fail to see immorality.

But when anything happens to disturb the sacred soil of North Vietnam, it is "a moral outrage."

When Hanoi's regular army, with the most modern tanks, self-propelled artillery and missiles, crunched thru the demilitarized zone separating the two Vietnams, it threw away the fiction of a guerrilla war. It was an invasion, patterned on World War II blitzkrieg techniques.

President Nixon's agonizing decision to bomb the northern supply bases that support the invasion was entirely justified. It was not "a new level of barbarism." Sen. McGovern's charge, however, may be a new level of poltical hypocrisy.

BONN-MOSCOW TREATY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. RARICK. Mr. Speaker, people are wondering who is responsible for the President's agenda. His visit to Moscow is so important to the Soviets that even the bombing of Russian ships in the Haiphong harbor does not seem to affect his plans for his Moscow visit in May. Many are suspicious that the Moscow trip must therefore be vitally important to the Russians.

It just so happens that the West German Government, presently controlled by the arch-socialist Willy Brandt by a very narrow coalition margin, will be voting on the so-called Bonn-Moscow treaties during the month of May. Ratification of the Moscow treaty by the Bonn government could well have serious consequences on the West Germans to the extent of involving the Bhreznev doctrine and irrevocably starting them on the road to reunification of all of Germany under communism. The Bonn-Moscow treaty is so important to the Brandt-Moscow coalition that the Russians first tried the public appeal persuasion by offering unprecedented Easter visitation rights for West Germans to visit their East German relatives. Communist spokesmen have even offered favorable trade agreements to induce popular support of the treaty. Having failed, the latest Soviet reaction has been to threaten the West German Government should it fail to ratify the Bonn-Moscow treaty.

Consideration of the Bonn-Moscow treaties commences on May 3 and 4, with a vote in the Lower House which is expected to be favorable. Thereafter the treaty will be considered on May 19 by the Upper House, which is considered to have a one-vote majority against the treaty. Should the treaty be defeated in the Upper House, a conference committee between the two Houses is expected to convene in early June and the Lower House can override the Upper House action by an absolute majority. An Unpredictable event which could well affect the close vote on the treaty is the elections in Baden-Württemberg scheduled for April 23 which could change the vote in the Upper House.

In the meantime, not only has President Nixon reaffirmed his plans to supply the Communists with accommodation propaganda by his determination to be in Moscow near the time of the treaty vote, but he recently announced as his new U.S. Ambassador to West Germany, Martin J. Hillenbrand, who is expected to be in Bonn to reassure the Germans during President Nixon's talks at the Kremlin.

In the meantime, the average West German citizen who has lived 27 years under occupation of foreign troops is rightfully concerned that his freedom and that of his children may be sold out to appease the Soviets and make way for future U.S. concessions to the Soviet Union.

I have just returned from Germany where I spoke at a national rally attended by delegates to the Deutsche Volksunion. These Germans reminded me of my own people inasmuch as they felt that neither the Brandt Social Democrats nor the minority Christian Democrats represented their best interests nor those of the German people.

The average German on the street is well aware that at the time the Nationalist Chinese were expelled from the United Nations to make way for the Red Chinese, President Nixon's personal advisor Henry Kissinger, was in Peking. They reaffirmed their desired goal of a reunified Germany, but not at the cost of communizing all Germans, they felt that the proposed visit by President Nixon to Moscow at the time of the all important Bonn-Moscow treaty vote was far too reminiscent of the U.N.-Peking deal merely to be a coincidence.

I include my speech to the Volksunion and related news clippings:

SPEECH BY HON. JOHN R. RARICK

Dr. Frey, members and friends of the Deutsche Volksunion, ladies and gentlemen, I am indeed privileged to have this opportunity to be in Germany and to address you. Twenty-eight years ago I came to Germany as a member of the United States Army. I was taken prisoner of war and worked in an arbeit commando in nearby Wurburg. In fact, April 1st marks the 27th anniversary of my escape while enroute to Nuremberg.

The last time I came to Germany to fight Nazis—this time I've come to fight Communists.

Some may wonder why as an American of German descent who fought the German Government and had been a prisoner in Germany in World War II, I would be interested in returning to speak to the German people. I do so because I am a free man and the mission that my country undertook following World War II has not been fulfilled; that is, a free unified Germany under a representative government of all the German people. This is especially tragic when we consider that today there are Germans 27 years of age who were not even born until after the war between your country and mine, yet there has been no formal negotiated peace settlement, to end the war. We must place the blame for this failure to achieve a formal peace settlement on the Soviet hierarchy who still regards the war as continuing and will continue doing so until they occupy and suppress freedom in all of Germany. I feel it is my duty to do all in my power to remove the seeds of discontent between our two countries.

As one of the many American minorities assimilated into the American majority, I am aware of the many great contributions the German people have made through the centuries and their influence on western culture, which is also the culture of the majority of Americans—in science, music, math, medicine, aviation, and our space program, which saw our Americans of German descent put a man on the moon far in advance of the Soviets of German descent.

I say in all honesty and sincerity that our mutual interests and aspirations far exceed our differences.

Like many of my fellow countrymen, I am aware that the image of America that your people receive accentuates the negative because we of the assimilated majority are presently dispossessed of the positions of control in our own country. We Americans are burdened under many of the same impediments that you experience here in Germany—suppression of unbiased facts, the dissemination of half truths, a national weakening process which favors an ever-growing menace of international communism. We Americans, like the majority of you German people, want peace—not peace Soviet style, that political vacuum which can be realized only when all anti-Communist opposition is suppressed—or to put it in another way, when all freedom is destroyed.

The peace we seek is the peace of mind in being left alone. The truths we seek are proven facts obtained in adversary proceedings and news that informs rather than opinonated theories used to condition and mold public opinion.

In our country, as in yours, disgruntled minorities and manipulate classes continue to disrupt our peace as they react to exploitation from the phoney promises of the communists to achieve class equality and sharing of the wealth. Those of the silent peaceful majority tolerate this hoping that by refusing to dignify them with resistance or confrontation, the challenges to freedom will extinguish quicker and without leaving residual scars.

Unfortunately, programmed assaults on freedom have developed into a nightmare as the peaceful citizenry despair from the psychopolitical war of nerves. The informed American can still separate manipulated communist exploitation of the masses from true oppression, deprivation and injustice.

It is truly unfortunate that the totalitarian leaders of Soviet Russia misinterpret our individual liberties, our free speech, and our tolerance of dissent as signs of weakness rather than freedom. If the Kremlin misjudges our resolute determination as free people, it will repeat the same mistake made by other dictators in the not so long past.

Today, around the world in almost every free country, class, youth, sex and racial turmoil are promoted for communist exploitation under the guise of achieving peace, justice, and freedom. Violence and turmoil are experienced in all countries except the Soviet Union and the colonies of the Soviet bloc. In the Soviet Union and her colonies, demonstrations are only tolerated in support of the communist system.

Those of you in Germany, especially those who have been to the Berlin wall or beyond, to the East, need not be reminded of the lies and hypocrisy of the revolutionists who can only find repression in the free world. For the difference between West Germany and East Germany is proof enough of the conditions existing in a country where the citizens of all classes are exploited and where repression of freedoms exist.

Those of us who have been born free or who have tasted that individual liberty which gives us some free voice in our present and future want no part of the Soviet plan. Yet, the Soviet masters continue to explain their weaknesses and shortcomings with the excuse that only after the world community is under complete communist domination, abolishing individual liberty, dissent, or opposition, can communism achieve its proposed aims—the Utopian classless state, the ant hill.

The majority of Americans who once thought that co-existence agreements with the Communists would result in peace are now realizing that to the Communists co-existence was but another battle in the long war for world conquest. Co-existence was but one step forward to consolidate its holdings from which to prepare for future aggression—all in the name of peace.

The American people, despite what you hear and have been led to believe, have never retreated from the front lines marking the co-existence barriers, South Vietnam, Korea, Nationalist China, and here in Germany, America's young men continue to serve on the frontiers that separate the free from the Communist police state. Nor has there been any retreat by the Soviets, who supply the weapons of war to North Vietnam and invade and subjugate Czechoslovakia and Poland, and who have armed Castro's Cuba.

Informed Americans are very aware that you in Germany live and work in the shadow of the co-existence front line in the long struggle to contain bolshevism from overrunning the heartland of Europe—the wellspring of national origin of the majority of American people. Your destiny is also ours—our freedoms as Americans are as dependent upon yours as yours are upon ours. For as Germany goes, so goes Europe, and eventually the world.

The American people who also suffered great losses and hardship in World War II want to be friends of the German people—for anyone to even suggest that Americans want Germany to go Communist is preposterous.

I speak to you today simply as one American citizen and not in any official capacity of my Government, nor my political party, nor any organized group. I say this because this is your country and the decisions are yours and not ours. I have no more right telling the German people how to run their country than you do mine. And to those who are anti-American, I would say the quickest way to send the American troops in Germany home is for ratification of the Bonn-Moscow Treaty. Something which would please some Americans as well as Moscow.

I feel it is fair and honest to tell you that our American President has likewise made no official statement nor adopted any policy toward Germany in this regard because he wants the political decisions to be yours. But just as he has not publicly disapproved the Bonn-Moscow Treaties, neither has he supported them. Don't confuse American politics with American foreign policy.

In the meantime, your people can expect to be bombarded by every conceivable propaganda method of persuasion, and diplomatic pressures to mislead your governmental representatives to play a German role of Neville Chamberlain in an attempt to achieve peace in our time.

Is the shakey promise of reunification of Germany such a bargain that it must be purchased at the price of Sovietizing all Germans? We the people of the world truly stand at the threshold of a new era, which way our leaders take us or we allow them to commit us remains for time alone to determine.

The Soviet Union in its imperialistic policies continues to overextend its political and economic controls. No country can occupy or sustain the world without creating dissatisfaction and losing control at home. As the Soviets extend, they weaken their home bases as their people continue to be exposed to new ideas and provocations. Every totalitarian form of government contains in its systems the seeds of its own destruction. The weaknesses of the Russian system are its undeliverable promises to its people and its violations of human rights to its own people.

In the ultimate, the decision to hold firm this bastion of freedom on the co-existence frontier rests with the dedicated efforts of you and other free German people like you.

Although we of the free world have no Brezhnev-type doctrine providing that any country which is free must remain free, Americans believe it is in the interests of free people to maintain rather than weaken psychological, political, legal, moral, economic, and military defenses against the Communists. Speaking bluntly, the decisions of the West German people could strengthen or weaken the free world. In the treaties in question, the existing Soviet domination over Central and Eastern Europe confirms the Communist system.

Although German Ostpolitik is said to be motivated by and directed towards decreasing tensions in Europe, reconciling differences with eastern neighbors and the hope for lasting peace and security in Europe, it has thus far but reinforced the status quo and strengthened the Soviet foothold in Europe.

Treaties concluded with the Soviet Union have failed to bear fruit in the past—in fact the Soviets comply only with treaties which further her purposes—yet, our leaders naively talk of hope for future success. Any successful implementation of pro-Soviet treaties cannot be predicted. However, judging the future from the past, we must constantly be aware of the consequences and must consider whether words on paper will change the present situation in Europe for the better, or whether they will only reaffirm European divisions and further complicate any sort of beneficial solution for the people. Germany must not be forced to play the role of the European balancer, nor become the object of confrontation between the East and the West. Ostpolitik initiatives are symbolic of Germany's and the world's desire for peace, yet symbolic gestures can be manipulated and exploited. Because of Germany's strategic location and important role, the decisions of your government will have great impact on the peace in Europe and the world. Consider the effect on Greece, Spain, Turkey, Portugal—to say the least.

Furthermore, the free world must be reawakened to the ever continuing Communist threat. As I said earlier, the Communist manner in attaining its imperialist goal of world domination has changed within the past years. We have seen a move towards diplomatic measures projected with so-called peaceful goals in mind, yet the ultimate, ever present Communist goals and motivations can clearly be seen behind the facade.

A new cover on a book does not change its contents; it just changes the initial impression until the page is turned. A Communist willingness to negotiate on problems which have plagued the free world for so long, must be viewed with the same caution as before. We must not be taken in by pleasing words and slogans. The road to slavery remains the same even if the road is renamed. The nations of the free world offer the only hope of eventual freedom to the peoples in Communist occupied countries. We have an obligation to continue this hope.

World War II was fought in order to eliminate a tyrannical force which subjugated the heartland of Europe. The post war years were spent reconstructing a shattered Europe and we can all be proud of the finished product—achieved by your efforts and America's aid. The differences between West Germany and East Germany should be obvious to all.

It is our common duty as citizens of the free world, Americans and Germans alike, to continue as a people united against Communist tyranny and aggression. Our united determination must be to maintain and perpetuate our cultural birthrights and our national institutions against the Soviet-Russian imperialism.

I compliment Dr. Frey and you members and friends of the Deutsche Volksunion for your efforts and leadership in the much needed reconciliation between our countries and our peoples.

Your struggle is our struggle.

[From the Washington Post, Apr. 18, 1972]

Nixon Adds Warsaw to Foreign Trip

(By Carroll Kilpatrick)

Both the White House and the Kremlin indicated yesterday that preparations for President Nixon's summit meeting in Moscow are proceeding on schedule despite the heightened conflict between the two powers over Vietnam.

While some observers were speculating that the Soviet meeting would fall victim to the bombing of Hanoi and Haiphong, Polish Ambassador Witold Trampczynski called on the President to deliver an invitation to visit Warsaw.

Press secretary Ronald L. Ziegler said Vietnam was not discussed during the Polish ambassador's meeting. The President will visit Poland May 31 and June 1 after visiting three Soviet cities and Teheran, Iran, the White House said.

Official sources made it unmistakably clear, however, that Mr. Nixon is deadly serious in his determination to prevent a Communist victory in Vietnam.

He is convinced that the American people support him in the actions he has taken and that they would not support him if he stood by while the Communists overran South Vietnam, the sources said.

Ziegler emphasized repeatedly in answer to questions that the President will take "whatever action is necessary to thwart this invasion" by North Vietnam of the South.

He even indicated that a congressional resolution calling on the President to halt the bombing would be ignored at the White House. Ziegler said critics are "aiming at the wrong target" when they criticize the President; they should aim at Hanoi, which is responsible for the escalation of the fighting, Ziegler said.

A few hours before the Polish ambassador called on Mr. Nixon, a White House advance team headed by the President's military aide, Brig. Gen. Brent Scowcraft, took off for a planning trip to the cities the President is scheduled to visit. It is expected to land in the Soviet Union Wednesday.

In Moscow, at about the time the Soviets were formally protesting the Haiphong attack, which they said hit Soviet ships, it was reported unofficially that the President will also stop in Leningrad and Kiev.

From Kiev, he plans to fly to Teheran and then to Warsaw. As Vice President in 1959, after visiting four Soviet cities, Mr. Nixon flew to Warsaw for one of the largest and most emotional welcomes he has ever received.

Further indications that both Moscow and Washington are trying to conduct business despite the new crisis were the start here yesterday of Soviet-American negotiations on a lend-lease settlement and in Moscow over maritime issues.

Also proceeding on schedule was the visiting Chinese table tennis team, which the White House announced will call on the President at noon today.

United Press International quoted "diplomatic sources" in Moscow as saying that the President and Mrs. Nixon will stay in the Kremlin Palace, a guest house within the red brick walls of the ancient fortress, during their four days in the Soviet capital.

The President is scheduled to arrive in Moscow May 22. The White House said last week that he would spend a day or two in Salzburg, Austria, resting after the transatlantic trip before flying to Moscow.

The White House yesterday confirmed reports that the President intends to nominate Martin J. Hillenbrand to be ambassador to West Germany. Hillenbrand has been Assistant Secretary of State for European Affairs since February, 1969.

[From the Washington Post, Apr. 15, 1972]

Nixon Chooses Hillenbrand As Envoy to Bonn

(By Dusko Doder)

President Nixon has chosen Martin J. Hillenbrand, assistant secretary of state for European affairs, as U.S. ambassador to West Germany, it was learned here yesterday.

The West German government has reportedly already approved the choice.

Hillenbrand would succeed Kenneth Rush, 61, who left Bonn in February to become deputy secretary of defense.

The selection of a top career State Department official with long experience in East-West affairs to the sensitive Bonn post appears to be administration recognition that the search for a settlement with the Communist half of Europe will continue to be at the center of German affairs for the foreseeable future.

Since he was appointed to his present job in February 1969, Hillenbrand has been intimately involved with the intricacies of Soviet-American relations. He backstopped the negotiation by Rush of the four-power agreement on Berlin last fall.

Earlier, Hillenbrand served as ambassador to Hungary in 1967–69 and as deputy chief of mission in Bonn from 1963 to 1967.

Hillenbrand's nomination comes as Chancellor Willy Brandt's policy of reconciliation with Eastern Europe is being severely challenged in West Germany's Bundestag.

A parliamentary defeat of Brandt's nonaggression treaties with Moscow and Warsaw could profoundly affect Europe's future and cause domestic political upheaval in West Germany.

Approval of the treaties, however, would place Hillenbrand in the midst of complex negotiations on such subjects as mutual balanced reduction of forces between NATO and the Warsaw Pact alliances and preparations for a conference in European security.

Hillenbrand, who is currently with Mr. Nixon in Canada, had been expected as senior official in European affairs to travel with the President to Moscow in May. But is now a distinct possibility that Hillenbrand would go directly to Bonn to be on hand to reassure the Germans during Mr. Nixon's talks at the Kremlin.

Hillenbrand, who has been coordinating Mr. Nixon's trip to Moscow, went to Brussels last month to brief the NATO allies on questions the President intends to raise in Moscow.

Hillenbrand's nomination is expected to win quick Senate approval. He is a familiar and respected figure in Congress, where he has frequently appeared as a spokesman for the administration. He is also highly regarded by Western diplomats, many of whom consider him one of the most competent American diplomats.

[From the Washington Post, Apr. 18, 1972]

Soviet Official Warns Bonn Against Failure to Ratify Pact

Moscow.—Mikhail Suslov, a leading Soviet Communist Party official said yesterday that if west Germany failed to ratify its treaty with the Soviet Union it would lose its significance as a serious economic partner for his country.

Suslov, the 69-year-old top ideologist of the party, was addressing a joint meeting of the two Supreme Soviet (parliamentary) foreign affairs commissions.

It must be said with absolute certainty, he stated, that failures to rarify the treaty would have "extremely negative consequences, above all for the Federal Republic of Germany itself and its people."

Suslov's speech, reported by the Soviet Tass news agency, wound up the commissions' discussion of the treaty, which ended with a recommendation that it be ratified.

It now passed to the presidium of the Supreme Soviet for final approval.

[From the Wall Street Journal, Mar. 15, 1972]

Jittery Germany: Legislators Endanger Brandt Policy of Easing East-Bloc Relations—If Pacts With Poland, Soviet Collapse, Shuffling in Bonn and Moscow Could Result; A Foe Who "Looks Too Nice"

(By Bowen Northrup)

Bonn.—Is Rainer Barzel nervous?

"No, no." Then a loud laugh and a nonchalant wave of the cigar emanate from the opposition leader and would-be federal chancellor of West Germany, along with a gibe: "It is the government that is nervous."

Actually, everybody in this capital city is on edge. "Ostpolitik," Chancellor Willy Brandt's policy of seeking reconciliation with the Soviet-dominated Eastern bloc, is in peril. Specifically, there is growing danger that the Bundestag, or lower house, of the West German parliament will decline to ratify the treaties negotiated by Mr. Brandt last year with the Soviet and Polish governments.

That automatically puts Mr. Brandt's coalition government in peril. Much more than that is at stake, however. The Russians have indicated that they won't sign the final protocol for the Berlin treaty also negotiated last year unless Bonn approves the Moscow and Warsaw treaties.

By the same token, the U.S. and other Western nations have indicated that if Moscow doesn't sign the Berlin protocol, then they won't be eager to sit down for the broad-scale European security conference that the Russians have been seeking.

EFFECT ON SOVIET LEADERSHIP?

Diplomats anxiously wonder what effect a Bonn rejection of the treaties would have on President Nixon's scheduled trip to Moscow in May—and on Bonn's relations with its other allies. Soviet leaders Leonid Brezhnev and Alexei Kosygin invested a good deal of personal prestige in the negotiations with Bonn—in the expectation that the German parliament would approve the pacts worked out by Mr. Brandt. Some observers speculate that rejection of the treaties might even precipitate an upheaval in the Soviet leadership, with "hard-liners" emerging in control.

The debate in West German politics, in other words, has assumed alarming significance for the entire fabric of East-West relations. That, in turn, has focused growing attention on the person and policies of Mr. Barzel, leader of the opposition to Mr. Brandt's treaties.

Mr. Barzel is a stocky and smooth-faced man of 47 with a deep tan, an assured manner and a natty wardrobe. As leader of the Christian Democratic Union, he has taken firm control of an opposition bloc that also includes the Christian Socialist Union.

Above all, Mr. Barzel vehemently disclaims the role of wrecker in the crisis besetting Mr. Brandt's Ostpolitik. "Brandt knew our position before he signed the treaties," Mr. Barzel says. "If they fail, he alone must bear the responsibility." On the danger of upsetting the Soviet leadership, the opposition leader again zeroes in on Mr. Brandt: "I deplore the fact that the chancellor has involved the prestige of the Soviet leaders in his policy, although he knew he might not have a majority for that policy."

A WAVE THAT COLLAPSED

Until recently Mr. Barzel's views might not have been considered crucial in the East-West debate. Although he has been long considered a "comer" in the CDU, he became chairman of the party and "shadow chancellor" only last Oct. 4.

A few months ago, no one could have foreseen that Willy Brandt would be in trouble. The chancellor was riding high on a wave of domestic and international popularity capped by the award last year of the Nobel peace prize. He looked invulnerable.

But now the parliamentary arithmetic is menacing. The opposition has a 21–20 majority in the Bundesrat, or upper house. By exactly that margin, the Bundesrat declined to ratify the Moscow and Warsaw treaties in a "first reading," or initial consideration, of the treaty legislation Feb. 9. Final consideration isn't expected for several months.

THE CRITICAL LOWER HOUSE

That margin is likely to continue, meaning that Mr. Brandt's coalition of his own Social Democrats and the Free Democrats must maintain an absolute majority in the lower house to overrule the Bundesrat and carry the treaties.

An absolute majority is 249 votes. Mr. Brandt's government began 30 months ago with a majority of eight, but this has declined steadily. Two deputies in Mr. Brandt's coalition defected earlier this month and joined the opposition, reducing his tally in the Bundestag to only 250. Various rightwing publications constantly warn of impending new defections.

Mr. Brandt claims, with heat and some justice, that his treaties would "open a new chapter in the postwar history of Germany." They would recognize the Oder-Neisse line in Poland and the frontiers of Communist East Germany as permanent borders. These pieces of territory have been in dispute since the end of World War II. The treaties also would include pledges of nonaggression.

Opposition leader Barzel is at pains to point out that he, too, supports the notion of rapproachment with the East. But he contends that Mr. Brandt hastily negotiated treaties giving the Russians and the Poles almost all they wanted while extracting very little for West Germany. In a recent parliamentary debate, he called the proposed treaties "incomplete, unbalanced and ambiguous."

Mr. Barzel wants the Soviet treaty to include mention of the possible future reunification of the two Germanys. And he contends that it doesn't obtain enough in the way of "human easements" for the people of the two Germanys. "There should be free movement of people, information and opinion," he says.

Mr. Barzel's third objection is that the treaties don't include explicit recognition of the Common Market. "People who deal in commerce can't bypass the Common Market," he says. "They must work through it."

The issue of free movement is emotive. Hundreds of thousands of West Germans have relatives in East Germany. In one recent critique of the treaties, Mr. Barzel said that "even if they did become effective, people in Leipzig would still not be able to travel to Cologne nor people in Hamburg to Dresden."

With that theme Mr. Barzel seems to have struck a receptive chord. "There has always been an undercurrent of opposition here to Ostopolitik—a suspicion of Soviet motives," one diplomatic analyst says.

The Russians lately have compounded the problem, through warnings in the state-controlled press of dire consequences if the treaties fail. "These are the kind of heavy-handed tactics that no one needs right now," the analyst says. Western diplomats have quietly been urging the Russians to lay off.

Last week the political debate here sharpened noticeably, amid speculation that Mr. Brandt might have to resign and call a general election well in advance of the scheduled ballot in September 1973. In a sarcastic speech last week, Mr. Brandt indicated that for the present he will soldier on.

"The chancellor has no intention of retiring," Mr. Brandt told a Social Democratic gathering. "I am not going to let myself be irritated by incidental difficulties."

Accepting the treaties, Mr. Brandt said, would mean a new era for West Germany and East-West dealings. Rejection, he warned would leave West Germany isolated in world politics, damage its relations with its Western allies, and imperil, among other things, the current talks with East Germany on access to Berlin.

In this great debate, Mr. Brandt said, the opposition has only one thing to offer: a "nein." The chancellor indicated that he would press on, expecting a "small but sufficient" majority in the Bundestag.

BRANDT'S PERSONAL POPULARITY

Some analysts think that Mr. Brandt might substantially increase his majority if he did call a snap election. Samplings of public opinion show about a 50–50 split on the issue of Ostpolitik, but Mr. Brandt's personal popularity remains high. A polling of 2,000 persons published last week by a Munich magazine showed Mr. Brandt with an 18% lead over Mr. Barzel.

Mr. Brandt has a rough-hewn quality that seems to inspire trust among German voters. The immaculate and quick-spoken Mr. Barzel, on the other hand, suffers from a reputation of being considered too smooth and glib, despite his obvious ability at debate.

"He just looks too nice," one analyst here says. Curiously, women voters seem sensitive on this point. A member of the Barzel camp recently confessed that women tend to turn the television set off when Mr. Barzel appears on the screen but maintained that women who meet him at a dinner party find him charming.

"But how," asked the Barzel intimate, "do we invite 30 million women to dinner?"

Although Mr. Brandt's popularity is strong, his administration's standing has been damaged by domestic setbacks. The economy has been in recession, although it has shown some signs of perking up recently. Inflation continues high. Tax reform has been postponed. There is concern about crime in the streets. Personal bickering in the Brandt cabinet recently surfaced amid reports that Karl Schiller, the "Supremo" minister for economics and finance, had come close to resigning.

Diplomats suspect that Mr. Barzel might breathe a sigh of relief if Mr. Brandt actually got his slender majority on the Ostpolitik treaties, so the opposition could fight a general election later on domestic issues. Indeed, Mr. Barzel seems most confident and voluble on domestic matters.

PROBLEM OF INFLATION

Mr. Brandt, he is told, has confessed failure so far on tax reform. Mr. Barzel laughs heartily. "I agree," he says. Tax reform, he maintains, must be integrated with other aspects of the financial and economic situation. In the meantime, Germany must conquer the problem of inflation.

"The same things apply to the state as to a private person," he says. "If I go into debt so that I can go on holiday, that is unreasonable." Invoking the memory of a Christian Democratic chancellor who presided over Germany during boom years of the 1960s, Mr. Barzel declares, "I would apply the pragmatism of (Ludwig) Erhard to the economic situation."

On the issue of peace and relations with the East, Mr. Barzel again is eager to place himself in the Christian Democratic tradition. "We are the party of (the late Chancellor Konrad) Adenauer," he reminds.

Although he opposes the Brandt treaties, Mr. Barzel says he, too, would seek agreements with the Russians. He insists that "the time will come when we can reach a reasonable compromise" despite the suspicion among diplomats that the Russians won't want to negotiate for a long time if the present treaties fail.

Mr. Barzel notes that he visited Moscow last December and talked with the Soviet leadership. "I explained our fears," he says. "The Soviet leaders know our objections to the treaties, and they know they can talk with us at any time."

Complicating the already tense German political scene is the fact that several months remain before final legislative consideration of the Ostpolitik treaties. The final "reading" of the legislation probably will take place in June.

Is Mr. Barzel really ready and eager to fight a general election now on the issue of Ostpolitik? "The opposition must be ready to fight a general election and take over the government at any time," he says. "We are ready to do both."

What does he expect to happen? "I am not the great oracle," he replies. "The only certainty is that things will continue to change."

[From the Washington Post, March 20, 1972]

BONN PARTY DEALS BLOW TO BRANDT

BONN, March 19.—West Germany's ultra-rightest National Democratic Party announced last night that it is withdrawing from the pivotal state elections to be held April 23 in Baden-Württemberg.

The National Democrats' chairman, Martin Mussgnug, said the withdrawal was intended to help prevent ratification of Chancellor Willy Brandt's treaties with the Soviet Union and Poland. The aim, he conceded, is to divert possible National Democrat votes to West Germany's principal opposition party. The Christian Democratic Union continued control of the Baden-Württemberg state government in the southwestern part of the country is vital to the Christian Democrats' hopes of defeating the treaties in the federal parliament.

This is because the Christian Democrats now have a 21-to-30 majority over Brandt's Social Democrats in the upper house of Parliament, the Bundesrat. That chamber's membership reflects the governments in the 10 West German states.

The Social Democrats and their coalition partners, the Free Democrats, are trying to win Baden-Württemberg in April to reverse the Bundesrat majority in the government's favor.

If the Christian Democrats retain control, the Bundesrat can be expected to maintain its present opposition to ratification. Then, Brandt could override its decision only by mustering an absolute majority in the lower house, Bundestag, a feat that many think beyond the capacity of the government coalition.

The Christian Democrats are expected to poll more votes than any other party in Baden-Württemberg. But, because of the possibility that the government parties might jointly win enough votes to control the legislature, the Christian Democrats will probably require an absolute majority of the popular vote to retain their hold on the state.

For the National Democrats, frequently charged with neo-Nazi sympathies, the withdrawal also marks their remover from Representative government. Baden-Württemberg is the last state where they are represented in the out of all the other states where it held seats.

During the 1960, the party won state parliamentary seats in seven states. Over the past two years, it has been wiped out of all the other states where it held seats.

[From the Washington Post, Mar. 20, 1972]

PROMISED REFORMS YET TO MATERIALIZE: BRANDT'S DOMESTIC POLICY HIT

(By John M. Goshko)

BONN, March 19.—At a time when foreign policy disputes have him fighting for his political life, Chancellor Willy Brandt is finding his fragile government coalition threatened from another quarter.

The trouble stems from rising dissatisfaction with Brandt's domestic programs. Many politicans here regard it as even more dangerous to his survival than the current struggle over ratification of his treaties with the Soviet Union and Poland.

Some even think Brandt would be wise to use the treaty controversy as an excuse to resign and seek new national elections this summer.

This, they argue would at least allow him to fight a camapign that would be largely a referendum on his policy of seeking detente with the East (Ostpolitik)—an issue where he seems to have public opinion in his favor.

By contrast, if he wins the treaty fight and survives until the elections scheduled for late 1973, the opposition Christian Democratic parties would be better able to challenge him on domestic issues. And, in such a campaign, the odds currently give them a very good chance of winning.

BRANDT'S PLEDGE

Brandt is vulnerable now because he won the chancellorship in 1969 by appealing to the large segments of the electorate unhappy with the inequalities of German life. When he was sworn into office, he made the now famous pledge that he would be "the chancellor of internal reform."

All of West Germany then settled back to see how he and his Social Democratic Party would translate their program of moderate, pragmatic socialism into a reality. After two and a half years, the country is still waiting.

The big reforms promised by Brandt in education, taxation, social welfare and equalization of opportunity have yet to materialize. At the same time, there is growing feeling within the electorate that the government has been unable to maintain West Germany's economic stability and is letting the country drift toward a unacceptable rate of inflation.

Lately, the rumblings about inflation have become especially ominous. As usual, they have been directed against Economics and Finance Minister Karl Schiller, the autocratic czar of the government's economic policy.

SCHILLER'S POLICIES

Schiller's policies have been subjected recently to harsh questioning and criticism by powerful figures within the Social Democratic Party and by Brandt's junior coalition partner, the Free Democratic Party.

Some political sources think that the storm building around Schiller is due less to discontent over his policies than to some well-publicized side issues.

In the last two weeks he has been embroiled both in personnel difficulties within his ministry and an alleged nepotism scandal involving his brother-in-law.

There is some truth to this. But it also is true that a lot of people who voted Social Democratic in 1969 because of faith in Schiller's ability to control the economy are starting to feel disappointed.

And, this disenchantment is spreading to other areas of domestic concern where the government's list of achievements is even more sparse.

It is not correct, as some charge, that the Brandt domestic record is "the worst" in West German history. In many fields—governmental reorganization, environmental protection, lowering the voting age, improving the rights of tenants and workers—his government has made some promising beginnings.

But, even when full allowance is made for these successes, they still fall far short of the sweeping overhaul of German life promised by Brandt in 1969.

To a large extent, the failure has been due to circumstances beyond his control.

UNEXPECTED BREAKTHROUGH

Although Brandt entered office intending to give priority to domestic programs, the unexpected break through of his reconciliation policy toward Eastern Europe immediately forced his government to concentrate a disproportionate amount of time and talent on foreign affairs.

Then, there is the fact that the government coalition has always been handicapped by a thin parliamentary majority—presently a minuscule four votes.

Perhaps most important of all is the fundamental incompatibility between extensive reform, which would cost a lot of money, and the need to assuage the almost obsessive German fear of inflation. As interpreted by Schiller, the fight against rising prices means the imposition of strict limits on governmental spending.

The way in which these factors come together to frustrate reform is illustrated by Brandt's problems with education—one of the areas of German life most sorely in need of overhaul.

SCHOOL SYSTEM

The government is pledged to introduce a more nationally uniform school system, mainly to give poorer children greater educational opportunities.

At present, most children from poorer families are destined to leave school after nine years, and only 5.7 per cent of West Germany's half million university students come from working class backgrounds.

But, control over the schools rests largely with the individual states. Of the 10 states, half are governed by the Christian Democrats, who jealously resist any attempt at loosening their control.

And Brandt's parliamentary majority is far too small to enact the legislation and constitutional changes necessary to give the federal government greater leverage over education.

The recalcitrant states could be won over somewhat with promises of greater spending on education. But here, the budgetary clamps decreed by Schiller come into play, with the result that the current federal budget fails to authorize any significant new spending on the schools.

This stalemate led to the resignation earlier this year of Brandt's education minister. Hans Leussink. His successor, Klaus von Dohnanyi is considered one of the most dynamic of the younger Social Democrats, but no one concedes him any real chance of breaking the impasse over education reform.

OTHER DOMESTIC SPHERES

In every other domestic sphere—housing, improved medical care, equalization of tax burdens—a similar situation exists. Government sources concede privately that even if Brandt does manage to finish out his term there is no longer any chance of a major breakthrough on any of these problems.

Instead, the present government strategy seems based on the hope that his Ostpolitik will succeed sufficiently to give Brandt a bigger victory in 1973 than he received in 1969. Then, with a strengthened parliamentary majority, he theoretically would be able to make a bigger push on reform in his second term.

This approach also presupposes that the economy will be in good shape by 1973, since that would be the single biggest campaign issue after the foreign policy battle is over. Here, the government must stand or fall with Schiller, and it is for that reason that the Social Democratic parliamentary caucus last week felt obligated to give him a vote of confidence.

Actually, Schiller did steer the economy through last year's international monetary crisis with considerable skill, and it has come through in better shape than many thought possible.

The question now is whether Schiller can steer a course leading to both full prosperity and sharply decreased inflation by next year. The answer is very important to the parallel question of whether Brandt is going to have a second chance to prove that he can indeed be "the chancellor of internal reform."

EXCERPT FROM ANNUAL REPORT OF FEDERAL-MOGUL CORP.

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BROOMFIELD. Mr. Speaker, Federal-Mogul Corp., a major domestic and international manufacturer located in Southfield, Mich., recently issued its annual report to its shareholders.

As in all reports of this type, there is the usual amount of facts and figures which describe in detail the corporation's past performances and prospects for the coming year. However, the distinguishing aspect of Federal-Mogul's report, an aspect which I feel merits its reproduction in the CONGRESSIONAL RECORD, is that it leaves the world of finance for a brief moment to express a sense of social responsibility and commitment to the community in which it operates.

Mr. Speaker, at a time when it has become increasingly apparent that all of us, government, business, and labor, must work together for the common good. it is refreshing to find a major corporation pledge itself to such standards.

As Thomas Russell and Samuel MacArthur, president and chairman of Federal-Mogul, respectively, have written:

> It is imperative that the U.S. government, labor unions and industry set aside self interests and work together to structure plans and programs to enable us to meet the international competitive challenge.

I might add, Mr. Speaker, that that is also sound advice for the challenges which we now confront on the domestic scene.

> Every management has a heavy responsibility constantly to evaluate products, markets, and the domestic and global competitive environment in light of immediate and long range trends. Part of this decision process prompted us, as we advised you earlier, to begin phasing out of the passenger car original equipment market for tapered roller bearings. It was this decision that resulted in a one-time write-off of $10 million or $1.81 per common share. At the same time in order to concentrate on the higher growth segments of the large size tapered roller bearing market, your Board of Directors approved a $20 million capital investment program to be used for a new facility and the expansion of existing facilities.
>
> In this program, as in all present operations, Federal-Mogul is mindful of its responsibilities to the environment. As new or expanded Federal-Mogul facilities are planned and then designed, our own sense of responsibility plus the many new governmental regulations serve as guidelines. It must be pointed out that many of the new

regulations regarding industrial pollution were written in haste and with inadequate, incomplete research. New legislation means additional expenditures. The consumer must eventually pay this cost or individual investors—such as you—will see companies post smaller earnings.

We consider the world to be our marketplace and this annual report, in other sections, reflects that stance. Our investments, therefore, are made around the world. We make these investments because there are opportunities for us to use our proven capabilities within a marketplace where a demand can be met profitably, or because a particular growing market can best be served competitively by placing our manufacturing facilities near our customers. Overseas investments in facilities are not generally made, as some would have you believe, in order to use cheaper labor—thereby increasing unemployment in the United States. Legislative efforts to decrease foreign investments by United States companies on such grounds are grave mistakes and are based, in great part, on misinformation. Income taxes collected in the U.S. and our national trade balance are greatly increased by income from overseas investments. Federal-Mogul, like many manufacturers, imports very little into the U.S. from our foreign-owned manufacturing operations.

On the subject of employment, it is noteworthy that more and more jobs in the U.S. are being lost because of unreasonable demands by labor and labor legislation. An example is minimum wage legislation which prices unskilled labor out of the market each time the minimum is raised.

The fundamental social responsibilities of business will, and must be met. Business will get the job done quicker and more efficiently if the shrill special interest groups, many of which disagree with each other, will turn their energies to more constructive pursuits.

While overseas markets are, in many cases, growing at a faster rate than those in the United States, and cannot be served competitively from U.S.-based operations, the picture for American business on the international front is filled with growing difficulties. In Japan—which each year becomes a more formidable competitor—there is a unity of purpose. Government, labor and industry all act together for the common good. This same unity will be evidenced in the expanding European Common Market. Additional international competition is arising from the opening of trade relations with the Russian bloc countries and with mainland China.

It is imperative that the U.S. government, labor unions and industry set aside their self interests and work together to structure plans and programs to enable us to meet the international competitive challenge. It is impossible to maintain acceptable standards of living in America, in comparison with what we have now, behind tariff barriers that restrict trading with the United States. We must export to survive and consequently we must therefore import.

We are now in the midst of an election year. Heavy spending at the Federal level has become a way of life and will continue. Unfortunately, fiscal responsibility seems to be out of style and of little concern. The Federal debt service cost $21 billion in 1971 and is growing. Social programs continue to mushroom with no regard for the fiscal well-being of our country.

We are concerned that the investor and the worker are not making their true feelings known to their elected officials. Special interest groups, which always tend to be very vocal, are dictating social change. Many of these changes are against the best interests of the majority. This year gives all of us great opportunity to make our feelings known where it counts—in the election booth.

REPRESENTATIVE HARRINGTON URGES NATIONAL HEALTH INSURANCE COVERAGE FOR HANDICAPPED CHILDREN

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. KOCH. Mr. Speaker, at present there is a debate being conducted throughout the country as to what we, as a nation, should do to alleviate the severe health crisis that we face today. This debate has shed some much needed light on the huge inadequacies of the present system of health care. The debate has also illuminated the fact that there exists widespread misunderstanding on the part of the public, and legislators as well, concerning the problems of handicapped and exceptional children. All too often these children are nothing more than another forgotten and ignored segment of our society. Because of their differences, they remain isolated from the mainstream of life, which thus adds social problems to the omnipresent physical and/or mental problems they already face.

Congressman HARRINGTON, of Massachusetts, has written an excellent article, appearing in this year's February/March issue of the Exceptional Parent, which shows his unusual understanding and rare insight into the plight of the exceptional child. His article, entitled "National Health Insurance Ignores Your Children," urges the parents of exceptional children to launch a campaign to educate the general public and public officials as to the realities of the problems they and their children face. He has also recommended that his readers press for the inclusion of long-term custodial and halfway house care in any national health insurance program enacted—as well as payments for the cost of special training and education of the mentally and physically handicapped. I wholeheartedly support this suggestion, and I insert his article for the benefit of our colleagues at this point:

NATIONAL HEALTH INSURANCE IGNORES YOUR CHILDREN

As exceptional parents you bear many burdens. You have the problems of finding adequate education and training for your children, of providing adequate care for the children, and of paying the exorbitant medical costs necessary for their well-being.

You have an additional burden—the problem of educating a somewhat unwilling public including Members of Congress to a knowledge of the problems of the millions of exceptional children in our scoiety. Once they understand the problems, some of the financial pressures *may* be lifted from you. Because so little is known in the Congress about special needs of the physically and mentally handicapped child, little is done for them in terms of legislation or appropriations for national programs. You have a unique opportunity *now* to get some of the help you need for your child.

This opportunity is available because of the debate presently raging in the Congress about National Health Insurance. At the end of 1971, the House Ways and Means Committee finished hearings on the various national health insurance proposals. The Committee has begun to write its own national health insurance bill. The Senate Finance Committee will then consider the subject and report out a bill to the Senate.

Many bills have been introduced to provide adequate health care. These bills range in concept from the retention and expansion of private insurance coverage with a system of tax credits to give some relief to the consumer, to a major overhaul of the entire health care system designed to make the government the insuror and to pay for the costs of medical care from employer and employee taxes. This latter proposal constitutes the Kennedy-Griffiths bill.

I have co-sponsored the Kennedy-Griffiths bill because I believe the problem of health care is so acute that only a comprehensive, compulsory national health insurance system will solve it. The abysmal failure of the present system to give proper health care to the poor, the elderly, and the middle class at reasonable costs necessitates a dramatic change. The Kennedy-Griffiths bill starts in the right direction. I commend Senator Kennedy and Congresswoman Griffiths for the leadership and initiative they show on this critical matter. Yet, even this excellent legislation does not cover long-term chronic illness—particularly in providing custodial care. Senator Kennedy would be the first to acknowledge this lack, but the omission is caused by two factors: cost, and our definition of "health care."

A FALSE NATIONAL IMAGE?

The image currently conveyed to the American public via the media is that the Congress is seriously considering legislation which will provide comprehensive health benefits for everyone. That image is false. It is very clear that these bills do *not* cover everyone. What is even more disgraceful is that those needing custodial care and home care are not *even being considered* for coverage under *any* of the national health insurance proposals.

If it is indeed too expensive, as some claim (although no reliable cost figures are available), to provide these individuals with adequate health coverage, then now is the time to admit to the American people that there will be strong limitations in the National Health Insurance program. That is, everyone cannot be covered because the cost is too great.

The proposals currently being debated would cover a wide range of illnesses. But some people have illnesses other than those covered. These people generally have the least political clout—the mentally retarded, the mentally ill, and the physically handicapped. Children, of course, are the weakest political group in the country.

In my discussions with medical groups, Congressional committee staffs, and members of Congress, I have become increasingly aware that custodial care for chronic illness is not considered a health problem. Our society consistently differentiates between health services and social services. According to the policy planners of our government, your children's problem is a "social" one. Health care is defined as the curing of illnesses over a relatively short period of time. Those who are disabled—those who will never be completely "normal"—are considered "social problems."

HEALTH, OR SOCIAL SERVICE?

The time has come to reevaluate our national priorities, and to recognize that the various health services and social services are not necessarily divisible. Some have defined custodial care as a social service. To me, such care is a medical service. No one in government has fought to change the concept. If adequate federal funding were allowed for the various custodial care centers, then decent treatment could be provided in such centers. At this time, no federal funds go to the maintenance of patients in institutions.

States, suffering under crippling tax burdens, struggle to maintain a minimum level of care in most of their institutions. If our *Federal* dollars could be used to pay for the care and treatment of the disabled who require custodial care in institutions, the quality of their treatment could be considerably improved.

On the other hand, better, and less expensive, health care may come for many in a middle ground between home and hospital. For instance, an estimated 10 per cent or more of the chronic long-term patients in the Massachusetts state mental hospitals could be released if they had halfway homes to which they could go, homes where adequate medical supervision is available at all times. Studies of the severely retarded have demonstrated that with adequate training and education, most can learn to function in protected, non-institutional settings. Yet, we spend twice as much as we need to keep such individuals in state facilities simply because we lack the funds and imagination to look for and use the alternatives.

Education and training for handicapped children and adults have also been relegated to the "social" service category, where few funds are available. Education of exceptional children has always been a difficult and expensive task. Nevertheless, this education *remains* the responsibility of the school systems and society.

I fail to see why education and training of the exceptional child is not a health problem, particularly if we define health care as the attempt to improve the well-being of a physically or mentally disabled person. The current education and training systems are both chaotic and inadequate, and are a severe emotional and financial burden for the parents of exceptional children. The October 7, 1971 landmark decision by the Pennsylvania Supreme Court [see *The Exceptional Parent,* DEC/JAN '72, PP. 8–12] has required that the public school system admit the mentally retarded.

But what of the physically or emotionally disabled child who is unable to go to a public school? Is he to be deprived of the education he needs to lead the best possible life? Is he to be deprived of this essential training because he has a "social" problem? The answer is no.

Schools for these children are tremendously expensive, and no federal funds provide their maintenance. If we pay for occupational therapy in a Veterans Hospital, why should we discriminate against needed services for exceptional children in special schools—residential or day? The answer of course is that we should not. A system of national health insurance should pay the costs of this care.

WHAT CAN YOU DO TO GET A FAIR SHAKE?

First, make very clear to your Congressman and Senators that you want your children covered under *any* national health insurance program considered and passed by the Congress. Write to the Congressman for your district at: Name, House of Representatives, Washington, D.C. 20215.

Write to both of your U.S. Senators at: Name, United States Senate, Washington, D.C. 20510.

Write also to Congressman Wilbur Mills, Chairman of the House Ways and Means Committee and to Senator Russell Long, Chairman of the Senate Finance Committee. These two men will have the most influence over the contents of national health insurance because they chair the Committees considering the legislation. Congressman Mills' and Senator Long's addresses are the same as above.

Here is a list of my suggestions taken from my testimony before the House Ways and Means Committee. I welcome your letters with additional suggestions. I recommend:

1. That national health insurance provide unlimited custodial care;
2. That national health insurance provide for transient and permanent halfway house care;
3. That national health insurance pay for the care of the severely and mildly retarded and that such insurance cover the cost of special training and education;
4. That national health insurance be redefined to include social services necessary for decent health care;
5. That the chronically ill, not in custodial care, be provided with the at home, constant services, medication and equipment they require to maintain themselves, and that such services be provided to everyone regardless of ability to pay;
6. The structure of the health care system and any requirements of the financial support mechanism must be subject to the needs of the patient whether they be physical, mental, emotional, or socioeconomic.

The main problem is that legislators are not sufficiently aware of the costs of care, the costs and problems of education, and the difficulty of getting any assistance as a result of the run-around between agencies. With health care one of the major political issues of the coming year, now is the ideal time for exceptional parents to undertake the job of educating Congressmen and Senators. These legislators must be informed of the needs and problems of adequate home care, custodial care, and education. These are the fundamental rights currently being denied your children. Your representatives in Washington should know it.

As individual parents of disabled children, your most effective tool in influencing legislators is your own experience. Let them know both the emotional and financial difficulties you face. Many Congressmen will be shocked at the actual cost and hardship you endure. I have received many letters from parents of autistic and brain damaged children. These letters opened my eyes to the extent of the problem, and I am sure that they will do so for others. These letters also serve another function. In a Congressional office most of the correspondence is bureaucratic, boring, statistical and intellectualized. But the letters from parents showed me the human side of the problem, a side too often neglected by government. Such letters do not allow your representatives to hide the reality of the situation by burying themselves in numbers.

The best action is collective. Letters by Presidents or Directors of groups are fine, but their effectiveness is increased by additional letters from members of the organization. Tell your Congressman and Senators the needs not only of your children, but of your group. Offer proposals. You know better than he does what needs to be done in this area. The proposals do not have to be in the best prose, nor need they be in legal form. Your representatives have staffs skilled in writing legislation. His biggest problem is in knowing what kind of legislation is needed. You have had the experience to point to the shortcomings of present programs.

I also suggest that letters be brief and to the point. Congressmen and Senators receive a large amount of correspondence daily. A concise letter is often read and answered much more quickly than a lengthy, rambling one.

Encourage professionals and para-professionals to write to the Congress with their recommendations. Many Congressmen and Senators are unaware of the types of treatment involved in the care of the mentally and physically disabled child. Some have no knowledge of what the diseases are, or of their effects. Parents and professionals make a powerful combination.

Arrange an appointment to talk with your Congressman. If you cannot easily come to Washington, remember that all of them have offices in the district they represent.

Invite your representatives to see the facilities available to your children. If the representative cannot go, ask one of his staff. They will never forget the experience.

When writing or talking with your Congressman or one of his staff, always remain polite. You may be faced with abysmal ignorance of your problems, but by losing your temper you lose the battle. By quietly and forcefully presenting your views, you may not prevail the first time, but you will gain a lot of respect and will be well-received the next time.

Because National Health Insurance will be a presidential election issue, I urge you to make your views known to the candidates of both parties. No candidate can afford to ignore the views of the public on health care and I would, in addition, make their responses known to your friends and relatives, and to the members of whatever organizations to which you belong.

Contact your delegates to the Democratic and Republican conventions, make them aware of your stand on health insurance and ask them to vote for the plank which best embodies your feelings on this matter. Delegates are rarely directly contacted by interested parties and could benefit by your comments and analyses.

Contact the members of the drafting committee for the party platform at the conventions. Let them know how you feel and get them to tell you their stand. Communicate that stand and your support or rejection of it to your delegate. The Republican and Democratic platform committees are appointed in the spring.

Contact your *state* senators and representatives. They also can influence the Congress.

Write to the President and tell him how you feel. This may not be the most effective technique, but it has its effect if the volume is large enough.

Make your views known to Elliott Richardson, Secretary of Health, Education, and Welfare, 330 Independence Avenue S.W., Washington, DC 20201.

Contact the press in your area and the newspapers of the city nearest you. Present them with a finished statement or release. Local papers will often print the statement or release verbatim, and this will get your views to a wider audience.

The contribution you have to make in this effort is very important. I cannot stress enough how much your experiences can affect the outcome of legislation. National health insurance is but one of many—albeit the most important—pieces of health legislation before the Congress and your efforts could be broadened to the whole field. Special legislation might be offered for your assistance if coverage under national health insurance should fail. The struggle will not be an easy one and recognition will not come swiftly, but I do believe that your tenacity will pay off.

THE "BOYS" AND THE "GIRLS"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. JACOBS. Mr. Speaker, the following are an editorial from the Indianapolis Star on April 16, 1972, and an excerpt from an article written by Sanford Ungar in the Washington Post on April 11, 1972.

Could there be a connection?

[From the Indianapolis Star, Apr. 16, 1972]

OH, COME NOW

The Equal Employment Opportunities Commissioon has ruled that a cosmetics firm is guilty of sex discrimination because it made official references to female employees as "girls."

The commission reasoned that since male employees invariably are called "men" the term "girls" implies female inferiority.

Evidently the commission is unaware of the fact that the females of the species in conclave at kaffeklatch, club meeting or bridge party often refer to themselves as "girls."

And, if the reasoning of the commission is to be followed, does it mean that the male members of a family may no longer have a night out with "the boys?"

[From the Washington Post, Apr. 11, 1972]

ITT EXECUTIVE DENIES HE GOT BEARD MEMO

(By Sanford J. Ungar)

The hearing room broke into an uproar at the end of the day when Merriam said, "I have 18 people working for me, plus 14 girls."

As the laughter subsided, Merriam corrected himself to say "18 men and 14 girls." Then he added, "At least it wasn't boring this afternoon."

"OLD POLITICS" DEFEATS PUBLIC AGAIN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DINGELL. Mr. Speaker, the Washington Evening Star of April 8, 1972, carried a column by Milton Viorst relating to the recently approved water pollution control legislation, S. 2770, which I would like to share with my colleagues. Therefore, I ask that the text of the column appear at this point in the CONGRESSIONAL RECORD:

"OLD POLITICS" DEFEATS PUBLIC AGAIN

(By Milton Viorst)

Now and then, I indulge myself a little—and take bits of scattered evidence to mean that the American government, or at least Congress, is beginning to shift from being a coalition of venal private interests to a guardian of the public weal.

Like a few months ago, the Senate passed a bill that promised, indeed, to do something important about water pollution. And passed it unanimously. Unanimously. All those senators seemed to care about cleaning up our rivers.

So, armed with such evidence, I flew to a small college in upstate New York and lectured the students on the "new politics," in which I argued that the system was reforming itself and that it might, after all, still save us.

And you know what those students did? With varying degrees of courtesy, they declared that I was an incurable jerk if I believed that, and if I didn't I shouldn't be lying to them. I was, I must confess, stunned by the depth of their cynicism.

And then, last week, POW!, along came the kind of evidence which suggests that they were right and I was wrong.

By an overwhelming majority, the House of Representatives rejected the Senate's rigorous water pollution bill and, in one of those "old politics" masquerades, passed by a 380–14 vote a piece of legislation that has all the force of day-old dishwater.

I wondered how that could happen. It's become a cliche that the environment is above politics, and as sacred as motherhood—and, yet a House majority dared vote against it.

Well, the answer is that the old venal private interests—having been caught unprepared a couple of years ago by the sudden surge of public concern for ecology—have now regrouped, retailored their tactics to reflect current public goals and are counterattacking fiercely.

Business Week magazine has pointed out, for example, that such major industrial concerns as B. F. Goodrich, Kennecott Copper and Gulf & Western have recently established Washington offices, while other big companies have contracted new ties with Washington legal and public relations firms.

No one doubts that among the major objectives of these unprecedented efforts is the defeat of effective antipollution legislation.

Characteristic of this kind of lobbying was the telegram sent to congressmen by U.S. Steel, one of the country's largest polluters. Unable to oppose environmental legislation outright, U.S. Steel asked for a vote for the "tough House bill," which it called "eminently fairer than that passed by the Senate earlier."

Of course, there is nothing "tough" at all about the House bill—but enough congressmen receive campaign contributions from the U.S. Steel executives that they paid attention.

The National Association of Manufacturers also put on a big campaign, addressing a plea to 20,000 local companies to apply pressure on their congressmen.

The House bill, said the NAM letter, "would establish a tough but realistic program for progress in water pollution control, whereas (the Senate bill) could actually impede such progress (by) imposing tremendous costs to manufacturers."

It's touching to know that the NAM wants progress against water pollution—as long as it doesn't cost industry any money.

As for the congressmen, it's the old story of their responding to highly concentrated, money-backed pressure against the amorphous, uncrystallized public interest. That's what the "old politics" is all about.

But it's also about how the House itself operates. This bill came out of the Committee on Public Works, whose chief preoccupation is the distribution of the contents of the congressional pork barrel. Pork barrel projects generate close committee ties with both big industry and labor.

The committee's attitude toward pollution legislation, then, is hardly affirmative. Yet, any congressman with an interest in the pork barrel—and who has not?—will think twice before disputing the committee's judgment.

It's committee's ties with labor that explain the indifference of the AFL–CIO to the Senate pollution bill—and, of course, it's the President's ties with business that explain why the administration fought the Senate bill ferociously.

So, the public lost again. And I wonder whether it's wishful thinking to hold that democratic politics—at least, before public officials are divorced from private money—can ever turn the country around.

THE TREATMENT OF WOMEN OFFENDERS IN THE DISTRICT OF COLUMBIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. FRASER. Mr. Speaker, consideration of the problems of our correctional system usually focuses on the treatment of male offenders. Rarely do we give special attention to women offenders. However, the D.C. Citizens Council for Criminal Justice last month issued a very informative report on "The Treatment of Women Offenders in the District of Columbia."

The report notes that little is known about women offenders, except that they are young, poor, undereducated, lacking in skills, heroin users, and often the products of a disintegrated family. While typically their crimes involve neither violence nor victim, their treatment is frequently harsh and even discriminatory. Realistic programs of correction, rather than mere punishment, are lacking.

The report recommends a number of reforms, many of which are aimed at diversion of the offender from institutional incarceration, and particularly pretrial detention. Among these are increased reliance on citation referrals in lieu of arrest, expanded use of third-party custody release, and review of criteria for conditional release which appear discriminatory. Other suggested reforms include improvement of the collection and analysis of data concerning woman offenders; establishment of a neighborhood resource center as a half-way facility housing 130 to 150 sentenced female offenders yearly and aiding another 100 to 120 probationers and voluntary clients in readjusting to an active community role; and institution of an "ombudswoman" program for the redress of women offenders' legitimate grievances.

The executive board of the D.C. Council for Criminal Justice includes several experts on criminal justice. Among them are Ronald Goldfarb, a lawyer and the author of many books and articles on criminal justice; M. Robert Montilla, an administrator in the corrections field for 14 years who has specialized in the development of community based corrections; David Austern, a lawyer and the executive director of the Office of Criminal Justice Plans and Analysis; and Phyllis Lake, the executive director of the Friends of the Superior Court. While their report concerns the District of Columbia, I suggest that my colleagues will find it useful in considering the treatment of women offenders in other jurisdictions as well.

I include the report at this point in the RECORD:

THE TREATMENT OF WOMEN OFFENDERS IN THE DISTRICT OF COLUMBIA

The D.C. Citizens Council for Criminal Justice is a not-for-profit corporation founded in June, 1970, after the LEAA-funded Shenandoah Conference on Crime and Corrections. It was formed as a citizen-based private group to work for the improvement of the criminal justice system; to promote sound methods for the prevention of crime and delinquency; to assist in deriving schemes and programs for the rehabilitation and adjustment to society of delinquents and offenders; to work toward developing community-based correctional services; and to foster programs of public education designed to increase the general understanding of problems of crime and its prevention.

I. INTRODUCTION

A pattern of neglect marks the treatment of women offenders in the District of Columbia. Guilty, in the majority, of such victimless crimes as prostitution and drug abuse, women generally receive second-class treatment in all phases of the at best flawed correctional process—from the pre-trial period through imprisonment to post-release support. They do less, but pay more.

The neglect is discernible in the following findings of an intensive study conducted during the last four months by the D.C. Citizens Council for Criminal Justice:

The Women's Detention Center is woefully overcrowded; built in 1956 as a temporary holding facility for no more than 55 women, it now houses a daily average of 95.3.

One third of those in the Center are awaiting trial; they are in detention simply because they cannot afford bail or meet bond conditions.

Personal recognizance release for women is harder to obtain than for men because women offenders generally are considered to present higher "risks of flight" before their trial. A housewife, not regularly employed, has fewer chances of pre-trial release than someone with a regular job.

The only outdoor recreational facility at the Women's Detention Center is a small, grim courtyard; indoor programs are extremely limited and crowded into inadequate space. Drug counselling is minimal.

The Detention Center is unable to segregate convicted women (two thirds of the overall population) from those awaiting trial.

Statistics about women in the Center are extremely sparse. Precise data on the treatment of women by the Bail Agency or the probation authorities do not exist.

Women sentenced to long terms of imprisonment are sent, when possible, to the Federal Reformatory at Alderson, West Virginia, far from Washington, and without significant pre-release access to the community to which they eventually will return. Presently 60 District women are at Alderson, either serving time or undergoing extensive pre-sentence investigations in narcotics or Youth Act cases.

Probation for women convicts has not yet developed into a viable alternative to imprisonment because Superior Court probation officers, with a 1971 average of 167 cases each, are overburdened, and because the probation program has no counselling services, clinical support services or day-care facilities which would be necessary for women probationers.

There is only one community correctional center for women in the District, and that halfway house is inadequate; it holds only 15 women, for whom there is no resident job counsellor and educational programs with extremely limited impact.

Pre-release work with women offenders to ease their return to the community is limited to one staff member of Efforts from Ex-Convicts working at the Women's Detention Center. A new program, One America, at Alderson and in the District is projected; it would include 30 women by September, 1972, and would provide job placement and counselling services.

The pattern of neglect is pervasive and discriminatory. To reverse it and begin a comprehensive correctional program emphasizing treatment and rehabilitation, the Council makes the following recommendations:

1. The establishment of a neighborhood Resource Center capable of housing between 130 and 150 sentenced females yearly and of aiding another 100 to 120 out-clients, among them both probationers and voluntary clients. This new halfway house would provide intensive individual, group, and family counselling, job placement help, referral to neighborhood education, training and assistance programs and drug treatment. Additionally, special health and child care will be provided by the facility while it concentrates on readjusting women offenders to an active, self-supporting community role.

The Council believes the new Center could operate at a cost below the present daily per capita cost of keeping a woman in the Detention Center, can make offenders into taxpayers even while they are serving sentences and, for an estimated investment of $340,000 can serve a more humane and efficient correctional purpose than can be achieved by the present plan to spend the same amount of money just to build a fourth floor on the Women's Detention Center in an area in the city slated for complete urban renewal by 1976.

2. A thorough, on-going statistical analysis of the treatment of women offenders in the District to provide the information without which present programs cannot be assessed, and from which new remedies and programs can be designed.

3. Expand and standardize the use of citation referral, and the issuance of a summons to appear in court, for women in misdemeanor cases in lieu of arrests that too often result in unnecessary pre-trial detention.

4. Expand third-party custody to increase the number of women who would be eligible for conditional pre-trial release to persons or organizations.

5. Provide expanded access to women of diversionary treatment programs whose success, before sentencing in individual cases, could lead to a dismissal of charges.

6. Lower the casework ratio for District probation officers and expand the social services offered through probation.

7. Improve conditions, facilities, and services at the Women's Detention Center while working for a long-range goal of totally discontinuing or at least minimizing the use of the Center for women offenders.

8. Transfer the long-term women offenders from the Federal facility at Alderson, West Va., to the women's prison at Jessup, Maryland, or to some new local facility nearer to their families and the community they will have to reenter and to possible work-release programs.

9. A full immediate, impartial evaluation of the performance, policies, programs and house rules of the Washington Halfway House for Women, now criticized by both its staff and clients.

10. Establish an ombuds(wo)man program for women offenders to redress prisoner grievances through arbitration, mediation, and conciliation, and when necessary, the slower processes of litigation and legislation.

II. BACKGROUND

The pattern of female criminal behavior in the District of Columbia is heavily weighted toward misdemeanors and those crimes which usually have no victim other than the offender herself. In fiscal 1970, for instance, women were charged with approximately seven per cent of the major crimes in the District. That year, 598 charges (of a total of 8,975) were filed against women offenders for the seven major crimes that make up the FBI Crime Index.

Excluding drunkenness and traffic offenses, a total of 3,359 charges against women for uniform crime offenses were filed here in FY 1970. Of these 71.9% were for misdemeanors and 28.1% were for felonies. The largest category (626 arrests or 18.7%) were prostitution arrests. Petit larceny (492 charges or 14.7%) came next, followed by disorderly conduct—usually streetwalking where charges for soliciting for prostitution cannot be proved—(465 charges or 13.8%); assaults (369 charges or 11.0%) and drug abuse (222 charges or 6.6%.)[1]

After arrest, another pattern emerges—that of confinement of women misdemeanors before trial. Of the 3,129 women arrested on misdemeanor charges in 1971 without a warrant, 544 (17.3%), spent varying lengths of time in the Women's Detention Center before preliminary court proceedings. These women were excluded from the citation release program for various reasons.

Of the others arrested in 1971, 1,056 (33.7%) posted collateral immediately and 435 (13.9%) received prompt citation releases. The remaining 675 (21.6%) were sent to court right after their arrests.[2] Statistics in 1969, the most current ones available, show that approximately 2,800 adult women spent an average of 6.7 hours each in detention at the Center before they either payed fines and were released, posted bond and were released (9%), or were released to the Superior Court (71%). In the latter category are many who return to the Center to await trial rather than obtaining bond or other arrangements for pre-trail release. Lack of data leaves unanswered the duration of these women's pre-trial detention.

Those in the Center—an average daily population in 1971 of 95.3 in a facility built in 1956 as a temporary lockup for no more than 55 prisoners—present a familiar profile of D.C. criminality. In the first six months of last year, approximately one Center resident in three was awaiting trial because, in most instances, the detainee could not meet bond conditions set by the court. Of those sentenced, nearly 30% were convicted of prostitution, 9% of disorderly conduct, approximately 17% of drug abuse and 5.5% of petit larceny.[3]

The population of the Women's Detention Center is approximately 84% black. Almost 70% are between the ages of 17 and 24, yet 86% are mothers. Of these women in jail 66% lack high school diplomas and 78% admit to having used drugs within the three years prior to their arrest.

Just over half (54%) were unemployed when arrested, and over half of the residents have prior criminal records. Eliminating women admitted for the first time, the WDC inmates have been admitted there a median number of four times.[4]

The sentences being served by the two-thirds of the population at the Center range from one month to life, although the ideal, according to WDC administrators, is to send offenders with sentences longer than one year to the Federal Reformatory at Alderson, W. Va. Since there are delays in getting space there through the aegis of the Federal Bureau of Prisons, many long term offenders stay at the Center. In February, 1972, 29 of the 63 sentenced women at WDC were serving sentences longer than one year, while another 60 were at Alderson either sentenced there or undergoing pre-sentence testing. Two District women sentenced under the Youth Act are confined at the Morgantown, W. Va. youth facility.

A survey of women in the Detention Center showed a pathetically low self esteem; 56% see their brothers and sisters as better off than they; nearly three-fourths (74%) believe they were better off five years ago than now. Yet, only 18% perceive the avoidance of crime as a problem they will face on release, and the major problems they list confronting them once they return to the community are employment (56%), drugs (34%) and family adjustment (26%).[4]

Neither the Center itself nor the alternate options proposed to date in the District of Columbia address these problems of women offenders in a significant remedial manner. The following sections of our report will detail the shortcomings we found and recommend the specific improvements we believe must be made.

III. PROBLEMS: ANALYSIS AND RECOMMENDATIONS

The thesis of this report is that the existing correctional procedures and facilities for

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Footnotes at end of article.

women offenders in the District of Columbia are inadequate and misdirected. In this section we will analyze the separate failures of the system: bail, probation, detention, and halfway house practices, and offer recommendations for correcting specific abuses and mistakes. In the final section of the report, two new recommendations are offered and discussed.

A. Information gathering

Analysis: In the course of the study summarized by this report, the Council was disheartened to discover the paucity of statistics relating to the treatment of women offenders in the District. The generally notorious inadequacy of record keeping in the field of corrections only hampers efforts to help offenders. The Women's Detention Center had no official record-keeping process at all before July, 1971. The Bail Agency keeps no records, even now that distinguish between the sexes; and probation officials, similarly, do not maintain separate records on their male and female clients.

Recommendation: All agencies of the Superior Court, the Metropolitan Police Department and the Department of Corrections must begin compiling accurate data specifically on the women offenders they handle. The information should disclose, among other things, the success of parole, the pre-trial disposition of cases, conviction rates, availability and conditions of probation, length of sentences and parole as well as instances of revocation of probation and parole.

There can be no objective judgments about the success of our practices until we know what we are and are not accomplishing. At present, we are operating in the dark.

Without such data, including some reference to the status of the offender's children, designs will have to be determined by the instincts and whims of the officials responsible for the existing conditions. When, for example, we cannot find out how well or how poorly women offenders do on probation or precisely what extra obstacles they face in seeking bail, it is next to impossible to present convincing programs of remedial action in these crucial areas. The number of women offenders is small enough so that a comprehensive system of analysis can be quickly instituted and, once at work, would aid officials by illuminating the process they are administering.

B. Citation release

Analysis: The Council discovered that in 1971 only 435 (13.9%) of the women arrested on misdemeanor charges without a warrant were given citation releases, freeing them on their personal recognizance to await trial in the community instead of in detention. Citation releases do not require a money deposit and are determined, with information from a Bail Agency interview, by the sole judgment of the desk sergeant or the magistrate that the defendant will appear in court.

Recommendation: The Council believes, along with the 1971 Deputy Mayor's Committee on Alternatives to Incarceration, that the Metropolitan Police could profitably expand its use of citation referrals for non-violent misdemeanors charged to men and women. The tendency now is to make an arrest rather than issue a summons to appear in court, where the second determination—release or incarceration before trial—is made.

C. Personal recognizance

Analysis: The largest conditional release category administered by the Bail Agency is that of personal recognizance release. D.C. Bail Agency personnel conduct the interviews that largely determine the possibility of personal recognizance release, and although they keep no statistics on the basis of sex, officials from the Agency admitted that women are considered to pose a higher "risk of flight" than men. A far greater percentage of women than of men, they said, is required to post money bonds, and many women offenders are unable to meet those money requirements.

The standards of the landmark Bail Reform Act appear to allow an unsuspected bias toward women offenders. The Act empowers a judge (the Bail Agency has the operative power) to substitute less tangible ties to the community—employment, family and friendship associations and residence patterns—for money as indicators of a suspect's reliability and likelihood of appearing in court. Because so many District women offenders are jobless and show the fluid living patterns characteristic of prostitution, they are considered poorer risks for conditional release.

Recommendation: The Council recommends a review of the criteria used in determining conditional pre-trial release to assess whether existing practices do discriminate against women. We believe that they do and that the discrimination can be corrected without endangering the process of criminal justice.

D. Third party custody

Analysis: Individuals and organizations like the Washington Pre-Trial Justice Program, Bonabond, and Blackman's Development Center offer the possibility of presentence release of offenders using third party custody as a condition of personal recognizance release. The organizational programs vary in the range of services offered from the actual release to counselling and the provision of shelter and food for persons placed in their custody.

Too few women are involved in the programs of third party custody release, and existing organizational programs do not include supportive services geared toward women offenders (childcare facilities and the like).

Recommendation: The Council recommends that steps be taken to expand the use of third party custody as a condition in the release of women on personal recognizance. We urge that existing organizational third party custody programs develop supportive services for women offenders, and that they increase the number of women involved in the programs as an alternative to pretrial incarceration.

E. Diversionary programs

Analysis: Organizations such as the Narcotics Treatment Administration, Project Crossroads and the Offender Rehabilitation Project offer the possibility of releasing presentence women offenders into diversionary programs. The system permits release for persons charged with misdemeanors who enter supervised treatment programs while the court grants a continuance in their cases.

The NTA included only 15 women in its drug therapy program in 1971. Project Crossroads, aimed at educating, counselling, and finding employment for first offenders, currently handles 55 women and involved 193 women out of a total of 531 intakes between February, 1971 and February, 1972. The Offender Rehabilitation Program, with 25 female clients and 314 men, uses public defenders to provide social, psychological and vocational services drawn from all available community resources to indigent persons between arrest and sentencing. These projects demonstrate that many of their clients can become contributing members of the community instead of prison inmates. Not enough women are involved in them.

One problem is time. Another is a lack of day-care facilities. In Project Crossroads, for example, a 90-day continuance is regarded as too short a period in which to train an unskilled women offender for productive, self-supporting work. Lacking day-care facilities, Project Crossroads and other counselling and training programs cannot effectively bring women offenders with children to participate in education and work projects.

Recommendation: We urge the adoption of such diversionary programs to handle more women offenders charged with non-violent misdemeanors. In the diversionary programs aimed at bringing offenders back into the community as useful citizens, we believe that success in treatment can be a guide to judges in deciding whether, at the end of a continuance, it is possible to dismiss the original charge. The expansion of diversionary programs, with the addition of day-care facilities where necessary, will cost money. But we feel that such funds would be better spent than what is now wasted on jailing prisoners under conditions which give them little help in adjusting to their real problems.

We further urge the adoption in the District of the special American Bar Association—Narcotic Treatment Administration proposal for women offenders. Too many women offenders with drug problems—60% of the 700 defendants studied by the ABA's Special Committee on Crime Prevention and Control—end up with overworked probation officers, receiving no treatment or help for their addiction, and almost inevitably, returning to criminal behavior. The ABA–NTA project proposed last December to the U.S. Attorney's office is an excellent diversionary program and we recommend that quick progress be made in setting the criteria for eligible defendants and the time period for treatment so that the project can be implemented soon.

F. Probation

Analysis: Lacking records that distinguish between the sexes it is impossible to measure the success of probation for women offenders in the District. Like other convicted persons, they may be released under suspended sentences to the supervision of the court probation officers for specified periods. We do know, however, that Superior Court probation officers already carry average caseloads nearly three times as high as the ratio of the U.S. District Court Probation Office, 167 cases per officer instead of 63.

Recommendation: It is clear that the Superior Court must continue and intensify its efforts to lower the casework ratio for probation officers if probation is to become a viable alternative to incarceration. It should further improve the quality of its pre-sentence investigations. And, the Probation Office should add child-care facilities for women offenders at the same time it improves counselling and clinical support services. Along with the development and the use of a probationary halfway house, the Office also must develop an adequate research and statistical unit.

G. Women's detention center

Analysis: The physical inadequacy of the central facility for women offenders in the District is not just a matter of overcrowded living space: 47 small rooms, 2 dormitories, 2 control centers, and one sick bay for an average daily population of 95.3 residents. Living conditions are unhygenic. Lighting is dim. Those convicted are housed with those awaiting trial. Sick women and healthy ones, lesbians and heterosexuals are crowded together. The stresses are great; the reliefs minimal.

One community room serves as the canteen, indoor recreation area, party room, and space for visitors. Interviews with lawyers must be conducted in a tiny room. The library is the only place for group counselling and the vocational, work training and drug counselling programs, and the GED programs and law seminar. Listing these programs make them sound more impressive than they can actually be with the Center's high turnover rate precluding any sustained participation. About one third of the Center's population actually takes part in any of the educational and vocational programs—typing, the monthly food budgeting course, the bi-monthly sewing class or the weekly health and drug seminar—and only 19% of the residents attend counselling sessions.

Along with the censorship of incoming and outgoing mail, including request for books and educational material,[5] the Center's rules for punishing misconduct appear primitive. Written rules, in fact, are not readily available to advise women what not to do so that they will not be put in dirty, poorly furnished "control cells", without access to regular baths, recreation, reading material, vocational training or telephone calls. Confinement in these cells is inflicted without the woman receiving adequate notice of charges, representation by a counsel or other spokes-person, confrontation of their accusers, the right to cross-examine or written records of the confinement hearing.

Regulations permit inmates two one-hour visits per week with social visits restricted to persons on an approved list and no special arrangements are made for the residents' children. All visitors are separated from the residents by a glass partition and must talk to them by telephone.

Recommendations: The Council, while urging the long-range goal of greatly reducing the Center's population by expanding the use of pre-trial and post-trial alternatives to imprisonment, endorses the objectives set out in the class-action suit filed in January, 1972, against the Department of Corrections officials on behalf of five Center inmates. The suit was filed by lawyers from the Public Defenders Service, The Lawyers Committee for Civil Rights Under Law and the Georgetown Legal Interns.

It proposes that living quarters in the Center be kept in safe and sanitary conditions, that no cell ward or dormitory exceed its designed capacity, that alcohol and drug abuse programs be instituted, that rehabilitation programs be developed for short-term offenders, that special consideration be given convicted and accused prostitutes, that prisoners receive essential preventive medical care and adequate and sound medical, dental, and mental health treatment, that the library be equipped with current legal materials and that decent comfortable private visiting conditions be established without limiting the persons a woman can see and communicate with.

The Council further urges the application to the women at the Center of the terms of the consent order entered in *Campbell* vs. *Rogers*, Civil Action No. 1462-71, U.S. District Court for the District of Columbia, applying to men confined in the D.C. Jail. That order states that men in the D.C Jail cannot be placed in treatment segregation unless the safety of one or more persons is threatened and without the inmate's receiving an administrative hearing within 24 hours of his confinement. At the hearing the inmate is entitled to representation, and his representative is furnished in advance with a brief description of the events which led to the confinement. Rules applicable to the rights of male offenders should also clearly fit women in a similar situation.

The Council regards as wasteful and misdirected the present plans of the Department of Corrections to spend $340,000 already appropriated by Congress to build a fourth floor on this inadequate facility with space for 32 more inmates. Adding to a terrible facility—when the goal should be its discontinuance—in an urban renewal area where buildings are marked for total demolition by 1976, is pointless and amounts to diverting efforts and resources from the real search for valuable alternatives to prisons.

The Dillingham Corporation in a report studying the existing correctional facilities in the District and including recommendations for improvements and new facilities said in December that: "The Women's Detention Center is overcrowded and lacking in space for recreation, counselling and medical services. Remodelling has been necessary to ameliorate the most pressing problems; extensive remodelling or additions, however, would be a poor investment."[6] We urge City Council to take steps to avoid this catastrophic error.

The Council is heartened to learn that officials have at least temporarily shelved plans to convert a warehouse at 4th and Edgewood Sts., N.E. into a facility for women offenders awaiting sentence. Projections showed the conversion would cost an estimated $500,000, and the facility, with a staff of 91 and a capacity of 100 women, would cost approximately $750,000 a year to operate, with little to show in improved programs or conditions.

The Council in principle approves the long-range plans to establish a halfway house for women under Project New Hope, a demonstration work-training and counselling program at WDC which has faltered in getting started inside the Center. Project New Hope was designed as a program for short-term offenders, and funded with a grant of $266,347 from the Department of Labor in June, 1971. A December, 1971, progress report by the Department of Corrections outlined the numerous planning and staff problems that have virtually halted the development within WDC. As of February, 1972, with an estimated $80,000 spent, the program is still in an embryonic stage with, at most, nine residents enrolled. The criteria for resident enrollment continue to change, program goals are vague, and the development of drug treatment programs, job commitments and child-care facilities is inadequate and incomplete. The Council feels that the handling of Project New Hope is a perfect example of the bureaucratic misdirection and misuse of funds which has characterized even the few innovative programs for women offenders in the District.

The Council is encouraged by the Department of Corrections' plans to open Jackson House, just outside the main gates of the Lorton, Va. reformatory complex, in April, 1972, for 15-20 women offenders serving 12-18 month sentences. The women, some of whom may be transferred to Lorton from Alderson, W. Va., will have access to the programs of treatment and rehabilitation conducted for male offenders at Lorton, and will be nearer their ultimate homes.

H. The Alderson facility

Analysis: Women serving long sentences or being tested before sentencing—60 as of February 10, 1972,—are now housed at the Federal facility at Alderson, W. Va., far from the District and from the community to which, on release, they will have to return and adapt. A closer facility for offenders with long sentences and those being tested exists at Jessup, Md., where it would be easier for prisoners to participate in education and work-release programs, maintain contact with their families and friends and demonstrate, if possible, their capacity to use supportive community and family ties. At Alderson, in a relative vacuum, such evidence of potential rehabilitation is far harder to obtain.

Recommendation: We urge the transfer of long-term offenders from Alderson to Jessup, where there is space for them and where costs would not differ markedly from those in the Federal prison.

The Council urges the Mayor, City Council, and Department of Corrections officials to use all possible influence to persuade the Maryland legislature—which we believe to be more receptive to the suggestion now than on two previous occasions it was unsuccessfully broached—to let the District contract to use space at Jessup until the city has proper facilities of its own.

I. The Washington halfway house for women

Analysis: The only halfway house for women offenders in the District was opened at 1816 19th Street, N.W., in March, 1971, as a work-release center with a maximum residential capacity of 15 women. All the residents are addicts, referred from the Women's Detention Center, and remain at the house for an average of three to six months. Initially funded with LEAA and NTA grants, the Washington Halfway House for Women is now operated under the contract to the Department of Corrections by the Washington Halfway House Association.

Most of the residents are employed. Few seem interested in participating or are encouraged by the staff to participate in educational programs available through the Roving teachers. There is no job counsellor on the staff of the house, and individual counsellors use Efforts from Ex-Convicts (EFEC) and the Department of Vocational Rehabilitation to obtain jobs for the residents, who are usually qualified to work only as maids or waitresses. One staff member told the Council that residents must often find employment themselves.

Along with the mandatory drug counselling sessions twice a week—accompanied by the taking of urine samples for analysis—the halfway house imposes strict limits on its residents' free time. Required to return to the house immediately after their work, they are entitled to see visitors for two hours Sunday afternoons and, depending on evaluations of their performance by the Senior Counsellor, to take eight-hour passes Saturday and Sunday. According to one staff member interviewed, these rules—far more restrictive than those applied to men in similar D.C. facilities—encourage defeatism.

"Snitching is encouraged at all levels of the house operations, both intra-staff and intra-residents," a Council investigator was told. "Volunteers including the YWCA, home economics teachers, church groups and the like have called to offer services to the residents, but they have been discouraged from conducting programs in the house."

The residents themselves have complained of these conditions including the policy that keeps them from using the second floor, reserved for the director, although the director, for some inexplicable reason, does not live at the house. Ten residents wrote a letter of complaint about the lack of privacy and the lack of leadership from the director last June to the Department of Corrections. Staff members say residents' morale is extremely low, and some residents—older than the staff and usually repeat offenders—say they would prefer to stay in the Womens' Detention Center.

Recommendations: With the expiration of the first year's LEAA and NTA funding ($145,355) this June and the good possibility that a new grant of $114,000 from LEAA will be refused (because it is in competition with regional diversionary requests from several states), the promise and problems of Washington Halfway House for Women require urgent attention. We recommend a full and searching evaluation of its policies, programs, house rules and staff be promptly conducted.

The Council strongly supports the development of community correctional facilities and is anxious that the desperate need for such facilities for women not be jeopardized by the poor direction and inadequate programs of the sole halfway house for women in the District.

J. St. Elizabeth's Hospital

The lengthy report by Rev. Albert Broderick[7] published the situation of offenders judged criminally insane and confined to the John Howard Pavillion at St. Elizabeth's Hospital. Twenty-three women offenders—16 from the District—presently are detained there with little attempt for treatment and

Footnotes at end of article.

subject to vague and inadequate criteria for release.

The Council can do more than urge a thorough investigation of the conditions at the John Howard Pavillion and the swift development of extensive legal criteria to ensure proper treatment and prompt release of those not mentally ill.

IV. RECOMMENDED NEW PROGRAMS

This report has shown the neglect and prejudice, under existing conditions, suffered by women offenders in the District and made suggestions on improving practices and facilities that now contribute to the poor functioning of the correctional system. Believing that the District must emphasize pre- and post-trial alternatives to imprisonment, must drastically improve the conditions of those incarcerated and must develop more and better community correctional facilities, the Council offers two recommendations for new initiatives in treating women offenders.

Ombuds(wo)man

The idea of non-judicial remedies to redress prisoner grievances has been tried successfully abroad and is taking hold now in the United States, in Philadelphia, Oregon, Hawaii and several other places. Correctional ombudsmen try to resolve prisoners' grievances by dealing with the administrators involved, only recommending the slower processes of litigation or legislation when necessary, but attempting arbitration, mediation and conciliation first.

There is no question of the need for such a person—preferably an independent and private citizen, not a governmental official—in the District correctional system. The Council urges that the first ombudsman program here be established for women offenders, a smaller percentage of the criminal population and hence an ideal experimental group. Having been neglected so long women offenders now deserve some preferential treatment. Indeed, we see no reason why the first appointee—, in a trial which may well aid the whole system—should be a male. Why not an ombudswoman.

The neighborhood resource center

Rehabilitation can be tested only in the community. Many women are needlessly confined in a security facility. Future official plans offer no viable alternatives for women offenders.

With these three unchallengeable statements in mind, the D.C. Citizens Council for Criminal Justice has developed its own proposal for a community center for sentenced women which it would operate under a contract to the D.C. Superior Court and the Department of Corrections. Residential in nature, the Neighborhood Resource Center also would maintain programs of support and help to probationers and voluntary clients; it would be capable of servicing an estimated 130–150 residents yearly and 100–120 outclients in premises similar to those of the Youth Project House at 1719 13th Street, N.W., a community center with room for 32 residents.

With professional and paraprofessional staff as well as volunteers—including former offenders—the Resource Center would handle as residents both those misdemeanants referred by the court as an alternative to traditional incarceration and long-term sentenced women being moved halfway back into the community for rehabilitation. Probationers could either be residents or outclients. In either case their involvement with the Resource Center would work to reduce the punishing overload of cases on the probation workers. Finally, through programs of voluntary involvement, the Center would reach out to those hundreds of District women desperately in need of guidance and assistance to to help them avoid future direct conflict with the system of criminal justice.

To all of them, the Resource Center would offer the services of caseworkers and counsellors in programs of individual, group, and family counseling, job placement, drug treatment and referral to neighborhood education, training and assistance programs. Additionally, with emphasis placed on utilizing community agencies with which women will maintain contact after release, the Resource Center would provide specialized health and child-care and counselling services for women with special needs.

The involvement of volunteers as counsellors and as clients fits the basic design of a community-based facility conceived as a demonstration that a single facility can serve as a resource center for the free community as well as its sentenced members, and can deter individuals from criminal behavior and prevent them from repeating it.

The Resource Center also benefits from a simple cost-effectiveness rationale. While reducing capital expenditures for incarceration (for example the planned $340,000 fourth floor on WDC would not be needed), the new program should be able to operate spacious and comfortable quarters for residents at $24–$28 per capita daily, at least one dollar below the steadily increasing per capita cost (now about $29.00) for those in the Detention Center. The savings to taxpayers annually would be significant.

Moreover the Resource Center would expect all its residents to create additional taxpayer savings by being or becoming self-supporting. Women in the house either would be employed or in community programs of academic or vocational training leading to employment. Except for those earning less than $50 a week, each resident would pay $2 for subsistence every work day after the first thirty days of residence, and these funds—running perhaps to $15,000 yearly—would be turned into the D.C. treasurer to be used as tax payments, payments to dependents, and even partially, as payments toward the room costs at the house.

A further tangible saving produced by the Center originates in its dual-purpose concept: community center and halfway house. Rooms used during the day for clients' children can be used at night for the children of community members engaged in Resource Center activities. The residential kitchen by day can cater to local groups at night, and meeting rooms for group activities need not be idle in the evenings. A public resource will give the public maximum use.

As part of the Metropolitan community, the Resource Center should seek to draw on existing service organizations, neighborhood groups, schools and churches both to aid its clients and to use its facilities in a way that no prison can. A neighborhood advisory council could be formed to facilitate this two-way involvement, another contribution to restoring offenders to regular community activity. Similarly, a citizens' advisory board for the Resource Center could have the dual function of bringing outside expertise to the house and interpreting the programs and activities to the general public.

As projected in a detailed outline which the Council will soon make public but not thought appropriate for inclusion in this short report, at overall economic savings the Resource Center staff would include the following trained personnel: a director and assistant director, a community placement specialist, two caseworkers, three counselors, a nurse, a cook and an assistant administrative aide.

This staff would provide residents—who would be accepted for a minimum stay of six weeks—and the changing group of 20 out-clients the services they need to re-adapt to a community in which they once failed. The house itself would contribute to that adaption process by making its residents responsible for maintaining their own quarters, their own clothes and their grooming. While meals would be provided, residents who stay in during the day will be expected to take an active part in their arrangement, from shopping through preparation.

With the projected ratio of staff to clients, it should be possible to give women in need the individual attention and encouragement that is crucial to their successful readjustment. With the interaction between the normal community and those temporarily outside it, the Resource Center should be able to bridge the gap between the regular life of the majority and the criminal pattern of the minority.

This Council was depressed and outraged by what we learned in our study of how women offenders are treated in the District of Columbia's so-called correctional system. We were depressed by the neglects and prejudices of the past; what is worse, we were outraged by the community's little attentions to and its misguided notions about the future. Thus, we present this report less as a sad history than as a hopeful prologue. Our hope is that serious and wide attention will be paid to this subject hereafter and that our proposals for reformitive improvements will be heeded. The present way is no longer tolerable.

Kathleen Gilligan, staff director, D.C. Citizens Council for Criminal Justice.
Ronald Goldfarb, president.
David Austern, vice president.
Robert Montilla, treasurer.
Phyllis Lake, secretary.
Mary Carroll Potter, board of directors.

FOOTNOTES

[1] Metropolitan Police Department: *Uniform Crime Reporting Program*, FY 1970.

[2] Metropolitan Police Department: *Citation Release Program Report*, Annual, 1971.

[3] Women's Detention Center Records, 1971.

[4] Information gathered February, 1971, for in-house planning purposes based on interviews with 50 women, approximately half of the daily average population of the Women's Detention Center.

[5] Inmates' Information Bulletin, February, 1971.

[6] Dillingham Corporation: *Summary Report*, December, 1971, p. 3.

[7] Broderick, Albert: *Justice in the Books or Justice in Action*, Catholic University Law Review, Vol. 20, No. 4, Summer, 1971.

TOASTMASTERS ADDRESS DEDICATED TO SENATOR EDMUND S. MUSKIE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. KYROS. Mr. Speaker, I am proud to commend to the attention of my colleagues a winning toastmasters address, dedicated to Maine's Senator EDMUND S. MUSKIE, which was recently given at the Woodfords Toastmaster in Portland, Maine.

This address, written by Portland Attorney Paul K. Stewart and entitled "A Man To Match Her Mountains," is a fitting tribute to our distinguished junior Senator, and an accurate lyrical portrait of those qualities which have made him one of Maine's and the Nation's, outstanding men. It demonstrates that the much-publicized comparisons between ED MUSKIE and Abraham Lincoln go far beyond the superficialities of appearance and manner to the very core of each man.

I know that my colleagues on both sides of the aisle will be interested in this excellent address:

A MAN TO MATCH HER MOUNTAINS

Nathaniel Hawthorne, one of the great storytellers of our New England heritage, recounts the legend of "The Great Stone Face." He tells how one afternoon, when the sun was going down, a mother and her little boy sat at the door of their cottage, talking about the Great Stone Face. They had but to lift their eyes, and there it was plainly to be seen, though miles away, with the sunshine brightening all its features.

"Mother," said the little boy, while the titanic visage smiled on him, "I wish that it would speak, for it looks so very kindly that its voice must needs be pleasant. If I were to see a man with such a face, I should love him dearly".

"If an old prophecy should come to pass", answered his mother, "We may see a man, some time or other with exactly such a face as that".

"What prophecy do you mean, dear mother" eagerly inquired the little boy. "Pray tell me all about it!"

So his mother told him a story that her own mother had told her, when she was a little younger than her little boy; a story, not of things that were past, but of what was yet to come; a story, nevertheless, so very old, that even the Indians, who formerly inhabited this valley, had heard it from their forefathers, to whom as they affirmed, it had been murmured by the mountain streams, and whispered by the wind among the treetops. The purport was, that at some future day, a child should be born hereabouts, who was destined to become the greatest and noblest personage of his time, and whose countenance should bear an exact resemblance to the Great Stone Face.

"O mother, I do hope that I shall live to see him", the little boy exclaimed. Wistfully, she only said to him, "Perhaps you may."

Scarcely a giant step away, in the same parallel of latitude, in the neighboring State of Maine, less than a century after this tale of Hawthorne, a body grew up in Rumford who resembled the lad in our story, a body who was quiet and studious, the son of an immigrant tailor who had early imbued this lad with the love of freedom and an appreciation of the opportunities of his father's adopted country. The boy increased in wisdom and stature. His rise from those simple beginnings to a position in the forefront of our nation's leaders has shown the finger of God, the hand of destiny. Valedictorian of his high school class, lead debator in a school famous for its forensic skill, a law school student who achieved despite working his way through school, occupant of a small law office, then honorable service in his country in time of war, a seat in the legislature, then the first Catholic Governor of Maine, the first Catholic Senator from Maine, then, the sweet reasonableness of his style in debate led to a candidacy for Vice-President in 1968, and then, resembling the prophet who admonished a king, in 1970, on the eve of the National Election, the wisdom and statesmanship of this man stood out in stark contrast to the strident rhetoric of the President. This lad who studied Lincoln's speeches in his youth, seemed a reincarnation of the man who said in a spirit of reconciliation "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in."

Intuitively grasping the thought of Lincoln that a "house divided against itself cannot stand", he voiced the gospel of reconciliation and healing, even at the risk of the accusation of inconsistency. This man who exemplifies the spirit of reason and reconciliation is in accord with Lincoln's letter that states: "I shall try to correct errors when shown to be errors; and I shall adopt new views so fast as they shall appear to be true views."

He has shown an acceptance of the views of another statesman who led his nation in battle, who stated "A war, even the most victorious, is a national misfortune," although he did not shrink from duty when honor called, when his nation called for men; nevertheless, he shared the view of Eisenhower that "our nation should never become mired in an Asian War," and of the Eisenhower farewell address which stated: "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex." This *man to match our mountains* of whom I speak tonight has told us that never a night has gone by since our Asian War commenced (against the admonition of our late Republican President) that he hasn't agonized and had foremost in his thoughts and study at his bedside table a concern for those who have given their lives, and for those still struggling in the quick-sands of Asiatic combat, and prayed that we may bring home our sons with honor.

God give our nation's highest office such a man. "A time like this demands strong minds, great hearts, true faith and ready hands. Men who possess opinions and a will, men who have honor, men who will not lie."

Such a man whose character is as the granite of the New Hampshire hills, whose kindliness and sun-topped grandeur match the winsome features of the Great Stone Face, who in these times that try men's souls has shown re-incarnate the majesty and magnanimity of a Lincoln, this Hawthorne legend prophetically come true in our day, this man whose greatness is camouflaged by his engaging smile and kindly disposition, this man for all seasons, but especially for the golden era before us, such a man will usher in the coming age of brotherhood. I give you this prophet of peace with honor, this man from the heart of Maine—*our own*—Edmund Sixtus Muskie.

THE CENTURY DIVISION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MAZZOLI. Mr. Speaker, in observance of the fact that April is "Army Reserve Community Month," I would like to take this occasion to call attention to the outstanding record of a unit in which I once was honored to serve, the 100th Training Division, headquartered at Louisville, Ky.

Best known to its many friends and members in the Louisville community as "The Century Division," this proud unit has compiled a laudable record of diverse accomplishments of great value to the local citizenry.

And back in the fall of 1961, the citizen-soldiers of the 100th Division, some 3,000 strong including my own brother, demonstrated their high state of military readiness when called to active duty during the Berlin crisis.

The "Centurymen," deployed for a full year at Fort Chaffee, Ark., performed admirably in their active-duty mission of training new Army recruits. The "100th" was the first reserve division placed on active duty for the Berlin crisis and is the only division-size unit of the U.S. Army Reserve called to duty since World War II.

Accordingly, I think it is most appropriate to submit for publication in the CONGRESSIONAL RECORD the following history of the 100th Division compiled by Division Information Officer William Willis:

KENTUCKY'S 100TH TRAINING DIVISION, U.S. ARMY RESERVE

The 100th Division was formed on paper July 28, 1918. In October 1918, at Camp Bowle, Texas, the first Centurymen were chosen and organization of the Headquarters and Headquarters Company began. But before the unit was fully formed, the Armistice came, and on November 30th the 100th was demobilized, its hour to come in another war.

In 1921, the Division was reconstituted as a unit in the Organized Reserves, with headquarters in Wheeling. Its units included the 400th Infantry Regiment in Louisville, organized in 1922.

On November 15, 1942, at Fort Jackson, S.C., the 100th was reborn for combat and began to ready itself for its place in history.

Under command of Major General Withers A. Burress, the Century Division arrived in France in October, 1944. Less than a week after the 100th's final elements arrived at the front, the Division became the first American unit to crack the German winter defensive line near Raon l'Etape. Two weeks later, the Century Division helped breach the German defenses in the Vosges Mountains.

On New Year's Day, 1945, a smashing German counterattack was aimed directly at the 100th Division sector. For several days the thin lines of the 100th Division were under heavy attack from three sides.

But the 100th Division, directly in the path of the German counteroffensive, was the only division in the entire Seventh Army front to hold its original ground. When the Nazi drive ended, the Century Division sector protruded beyond the rest of the American front.

In March, 1945, the 100th shattered military tradition by capturing the heavily fortified city of Bitche—the first time in 200 years that the French city had fallen in combat.

For their actions during 146 consecutive days in combat with enemy forces, Centurymen received 6,125 individual combat decorations, including three Medals of Honor.

After the war, in October 1946, the Division once again became part of the organized reserves—as the 100th Airborne Division, with headquarters in Louisville. In 1959 it was redesignated the 100th Training Division.

The 100th served its second tour of duty from September 1961 to August 1962 when it was the only Army Reserve Division called up by President John F. Kennedy in the Berlin Crisis. On that tour of duty, the Century Division activated Fort Chaffee, Arkansas, where it trained more than 30,000 soldiers. The Commanding General then was Maj. Gen. Dillman A. Rash.

President Kennedy expressed his appreciation to the 100th in these words:

". . . From the time when it was first alerted . . . the Century Division has achieved an exemplary record—one in which you may take great pride . . .

"The response and accomplishments of the Century Division have more than lived up to the reputation of the Division, and have been worthy of the fine tradition of the Army Reserve as a "citizen-soldier" emergency force . . .

"To you and your families, and to the communities from which you came, may I say, as Commander-in-Chief, 'Well done!' "

The Century Division continues to maintain its great traditions by innovations in inactive duty training throughout each year. In 1969 the 100th initiated a unique ROTC field leadership training program which today involves eight universities. The program is mutually beneficial for the ROTC students as well as the reservists. All ROTC students are given an opportunity to test their classroom instruction in the field on weekends. The Centurymen are provided an opportunity to give training similar to that which they would give if mobilized. The results have been an outstanding success as indicated by comments of ROTC students and the high reenlistment rate of the 100th. The unique program attracted Gen. W. C. Westmoreland, Army Chief of Staff, who visited the 100th on "Century News Day" in August 1970.

"Such cooperation between elements of our military establishment—in full view of the local inhabitants—," said Gen. Westmoreland, "is particularly commendable considering the problems ROTC is weathering on campus and the importance of ROTC to the Army. . . . The 100th Division has proved to be a valuable asset to ROTC in Kentucky. Their example is worthy of emulation. Indeed, I would hope that these types of programs can be conducted in ever-increasing numbers by both National Guard and Reserve units."

Recently, the 100th Division Commander, Maj. Gen. J. B. Faulconer, was called upon to brief the Reserve Forces Policy Board, which advises the Secretary of Defense on Reserve matters. Among those attending the February 1972 meeting was Army Secretary Robert F. Froehlke.

There are other areas the 100th is pioneering. The close association of the 100th and the Kentucky Army National Guard is illustrated by the fact that while Centurymen attend the Kentucky National Guard Officers Candidate School in Frankfort, National Guardsmen are receiving instruction in a Noncommissioned Officer's Leadership Development Course conducted by the 100th.

With these 100th Division projects as well as many other initiatives, the Men of the Century are constantly preparing themselves to answer the call if needed again.

PROF. PETER F. DRUCKER DISCUSSES THE ENVIRONMENT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. WHALEN. Mr. Speaker, in the Sunday, April 16, edition of the Washington Post, there appeared an article by Peter F. Drucker, professor of social sciences at the Claremont Graduate School, Claremont, Calif., and professor of management at New York University. This commentary on the environment was excerpted from the January 1972 issue of Harper's magazine by special permission.

In view of the great interest in this subject, I am inserting Professor Drucker's statement in its entirety. I believe his appraisal will add to the environmental dialog:

ECOLOGY: "ENVIRONMENTALISTS MAY BE AMONG THE CHIEF WRECKERS"

(By Peter F. Drucker)

Everybody today is "for the environment." Laws and agencies designed to protect it multiply at all levels of government. Big corporations take full-color ads to explain how they're cleaning up, or at least trying to. Even you as a private citizen probably make some conscientious effort to curb pollution. At the same time, we have learned enough about the problem to make some progress toward restoring a balance between man and nature. The environmental crusade may well become the great cause of the Seventies—and not one moment too soon.

Yet the crusade is in real danger of running off the tracks, much like its immediate predecessor, the so-called war on poverty. Paradoxically, the most fervent environmentalists may be among the chief wreckers. Many are confused about the cause of our crisis and the ways in which we might resolve it. They ignore the difficult decisions that must be made; they splinter the resources available for attacking environmental problems. Indeed, some of our leading crusaders seem almost perversely determined to sabotage their cause—and our future.

Consider, for example, the widespread illusion that a clean environment can be obtained by reducing or even abolishing our dependence on "technology." The growing pollution crisis does indeed raise fundamental questions about technology—its direction, uses and future. But the relationship between technology and the environment is hardly as simple as much antitechnological rhetoric would have us believe.

The invention that has probably had the greatest environmental impact in the past 25 years, for instance, is that seemingly insignificant gadget, the wire-screen window. The wire screen, rather than DDT or antibiotics, detonated the "population explosion" in underdeveloped countries, where only a few decades ago as many as four out of five children died of such insect-borne diseases as "summer diarrhea" or malaria before their 5th birthday. Would even the most ardent environmentalist outlaw the screen window and expose those babies again to the flies?

The truth is that most environmental problems require technological solutions—and dozens of them. To control our biggest water pollutant, human wastes, we will have to draw on all sciences and technologies from biochemistry to thermodynamics. Similarly, we need the most advanced technology for adequate treatment of the effluents that mining and manufacturing spew into the world's waters. It will take even more new technology to repair the damage caused by the third major source of water pollution in this country—the activities of farmers and loggers.

Even the hope of genuine disarmament—and the arms race may be our worst and most dangerous pollutant—rests largely on complex technologies of remote inspection and surveillance. Environmental control, in other words, requires technology at a level at least as high as the technology whose misuse it is designed to correct. The sewage-treatment plants that are urgently needed all over the world will be designed, built, and kept running not by purity of heart, ballads, or Earth Days but by crew-cut engineers working in very large organizations, whether businesses, research labs, or government agencies.

WHO WILL PAY?

The second and equally dangerous delusion abroad today is the common belief that the cost of cleaning the environment can be paid for out of "business profits." After taxes, the profits of all American businesses in a good year come to $60 billion or $70 billion. And mining and manufacturing—the most polluting industries—account for less than half of this. But at the lowest estimate, the cleanup bill, even for just the most urgent jobs, will be three or four times as large as all business profit.

Consider the most efficient and most profitable electric-power company in the country (and probably in the world): the American Electric Power Co., which operates a number of large power companies, including the government's own TVA.

Yet cleaning up American Electric Power's plants to the point where they no longer befoul air and water will require, for many years to come, an annual outlay close to, if not exceeding, the company's present annual profit of $100 million. The added expense caused by giving up strip mining of coal or by reclaiming strip-mined land might double the company's fuel bill, its single largest operating cost. No one can even guess what it would cost—if and when it can be done technologically—to put power transmission lines underground. It might well be a good deal more than power companies have ever earned.

We face an environmental crisis because for too long we have disregarded genuine costs. Now we must raise the costs, in a hurry, to where they should have been all along. The expense must be borne, eventually, by the great mass of the people as consumers and producers. The only choice we have is which of the costs will be borne by the consumer in the form of higher prices, and which by the taxpayer in the form of higher taxes.

It may be possible to convert part of this economic burden into economic opportunity, though not without hard work and, again, new technology. Many industrial or human wastes might be transformed into valuable products. The heat produced in generating electricity might be used in greenhouses and fish farming, or to punch "heat holes" into the layer of cold air over such places as Los Angeles, creating an updraft to draw off the smog. But these are long-range projects. The increased costs are here and now.

REDUCING OUTPUT

Closely related to the fallacy that "profit" can pay the environmental bill is the belief that we can solve the environmental crisis by reducing industrial output. In the highly developed affluent countries of the world, it is true that we may be about to de-emphasize the "production-orientation" of the past few hundred years. Indeed, the "growth sectors" of the developed economies are increasingly education, leisure activities, or health care rather than goods. But paradoxical as it may sound, the environmental crisis will force us to return to an emphasis on both growth and industrial output—at least for the next decade.

There are three reasons for this, each adequate in itself:

1. Practically every environmental task demands huge amounts of electrical energy, way beyond anything now available. Sewage treatment is just one example; the difference between the traditional and wholly inadequate methods and a modern treatment plant that gets rid of human and industrial wastes and produces reasonably clear water is primarily electric power, and vast supplies of it. This poses a difficult dilemma. Power plants are themselves polluters. And one of their major pollution hazards, thermal pollution, is something we do not yet know how to handle.

Had we better postpone any serious attack on other environmental tasks until we have solved the pollution problems of electric-power generation? It would be a quixotic decision, but at least it would be a deliberate one. What is simply dishonest is the present hypocrisy that maintains we are serious about these other problems—industrial wastes, for instance, or sewage or pesticides—while we refuse to build the power plants we need to resolve them.

I happen to be a member in good standing of the Sierra Club, and I share its concern for the environment. But the Sierra Club's opposition to any new power plant today—and the opposition of other groups to new power plants in other parts of the country—has, in the first place, ensured that other ecological tasks cannot be done effectively for the next five or ten years. Secondly, it has made certain that the internal-combustion engine is going to remain our mainstay in transportation for a long time to come. An electrical automobile or electrified mass transportation—the only feasible alternatives—would require an even more rapid increase in electrical power than any now projected. And thirdly it may well a few years hence cause power shortages along the Atlantic Coast, which would mean unheated homes in winter, as well as widespread industrial shutdowns and unemployment. This would almost certainly start a "backlash" against the whole environmental crusade.

2. No matter how desirable a de-emphasis on production might be, the next decade is the wrong time for it in all the developed countries and especially in the United States. The next decade will bring a surge in employment-seekers and in the formation of young families—both the inevitable result of the baby boom of the late Forties and early Fifties. Young adults need jobs; and unless there is a rapid expansion of jobs in production there will be massive unemployment, especially of low-skilled blacks and other minority group members. In addition to jobs, young families need goods—from housing and furniture to shoes for the baby. Even if the individual family's standard of consumption goes down quite a bit, total demand—barring only a severe depression—will go up sharply. If this is resisted in the name of ecology, environment will become a dirty word in the political vocabulary.

3. If there is no expansion of output equal to the additional cost of cleaning up the environment, the cost burden will—indeed, must—be met by cutting the funds available for education, health care, or the inner city, thus depriving the poor. It would be nice if the resources we need could come out of defense spending. But of the 6 or 7 per cent of our national income that now goes for defense, a large part is cost of past wars, that is, veterans' pensions and disability benefits (which, incidentally, most other countries do not include in their defense budgets—a fact critics of "American militarism" often ignore). Even if we could—or should—cut defense spending, the "peace dividend" is going to be 1 or 2 per cent of national income, at best.

But the total national outlay for education (7 to 8 per cent), health care (another 7 to 8 per cent), and the inner city and other poverty areas (almost 5 per cent) comes to a fifth of total national income today. Unless we raise output and productivity fast enough to offset the added environmental cost, the voters will look to this sector for money. Indeed, in their rejection of school budgets across the nation and in their desperate attempts to cut welfare costs, voters have already begun to do so. That the shift of resources is likely to be accomplished in large part through inflation—essentially at the expense of the lower-income groups—will hardly make the environmental cause more popular with the poor.

The only way to avoid these evils is to expand the economy, probably at a rate of growth on the order of 4 per cent a year for the next decade, a higher rate than we have been able to sustain in this country in the postwar years. This undoubtedly entails very great environmental risks. But the alternative is likely to mean no environmental action at all, and a rapid public turn—by no means confined to the "hard hats"—against all environmental concern whatever.

MAKING VIRTUE PAY

The final delusion is that the proper way to bring about a clean environment is through punitive legislation. We do need prohibitions and laws forbidding actions that endanger and degrade the environment. But more than that, we need incentives to preserve and improve it.

Punitive laws succeed only if the malefactors are few and the unlawful act is comparatively rare. Whenever the law attempts to prevent or control something everybody is doing, it degenerates into a huge but futile machine of informers, spies, bribe givers, and bribe takers. Today every one of us—in the underdeveloped countries almost as much as in the developed ones—is a polluter. Punitive laws and regulations can force automobile manufacturers to put emission controls into new cars, but they will never be able to force 100 million motorists to maintain this equipment. Yet this is going to be the central task if we are to stop automotive pollution.

What we should do is make it to everyone's advantage to reach environmental goals. And since the roots of the environmental crisis are so largely in economic activity, the incentives will have to be largely economic ones as well. Automobile owners who voluntarily maintain in working order the emission controls of their cars might, for instance, pay a much lower automobile registration fee, while those whose cars fall below accepted standards might pay a much higher fee. And if they were offered a sizable tax incentive, the automobile companies would put all their best energies to work to produce safer and emission-free cars, rather than fight delaying actions against punitive legislation.

Despite all the rhetoric on the campuses, we know by now that "capitalism" has nothing to do with the ecological crisis, which is fully as severe in the Communist countries. The bathing beaches for 50 miles around Stockholm have become completely unusable, not because of the wicked Swedish capitalists but because of the raw, untreated sewage from Communist Leningrad that drifts across the narrow Baltic. Moscow, even though it still has few automobiles, has as bad an air-pollution problem as Los Angeles—and has done less about it so far.

We should also know that "greed" has little to do with the environmental crisis. The two main causes are population pressures, especially the pressures of large metropolitan populations, and the desire—a highly commendable one—to bring a decent living at the lowest possible cost to the largest possible number of people.

The environmental crisis is the result of success—success in cutting down the mortality of infants (which has given us the population explosion), success in raising farm output sufficiently to prevent mass famine (which has given us contamination by insecticides, pesticides, and chemical fertilizers), success in getting people out of the noisome tenements of the nineteenth-century city and into the greenery and privacy of the single-family home in the suburbs (which has given us urban sprawl and traffic jams). The environmental crisis, in other words, is very largely the result of doing too much of the right sort of thing.

To overcome the problems success always creates, one has to build on it. The first step entails a willingness to take the risks involved in making decisions about complicated and perilous dilemmas:

What is the best "trade-off" between a cleaner environment and unemployment?

How can we prevent the environmental crusade from becoming a war of the rich against the poor, a new and particularly vicious "white racist imperialism"?

What can we do harmonize the worldwide needs of the environment with the political and economic needs of other countries, and to keep American leadership from becoming American aggression?

How can we strike the least agonizing balance of risks between environmental damage and mass starvation of poor children, or between environmental damage and large-scale epidemics.

AN ENVIRONMENTAL CRIME?

More than 20 years ago, three young chemical engineers came to seek my advice. They were working for one of the big chemical companies, and its managers had told them to figure out what kind of new plants to put into West Virginia, where poverty was rampant. The three young men had drawn up a long-range plan for systematic job creation, but it included one project about which their top management was very dubious—a ferroalloy plant to be located in the very poorest area where almost everybody was unemployed. It would create 1,500 jobs in a dying small town of 12,000 people and another 800 jobs for unemployed coal miners—clean, healthy, safe jobs, since the new diggings would be strip mines.

But the plant would have to use an already obsolete high-cost process, the only one for which raw materials were locally available. It would therefore be marginal in both costs and product quality. Also the process was a singularly dirty one, and putting in the best available pollution controls would make it even less economical. Yet it was the only plant that could possibly be put in the neediest area. What did I think?

I said, "Forget it"—which was, of course, not what the three young men wanted to hear and not the advice they followed.

This, as some readers have undoubtedly recognized, is the prehistory of what has become a notorious "environmental crime," the Union Carbide plant in Marietta, Ohio. When first opened in 1951 the plant was an "environmental pioneer." Its scrubbers captured three-quarters of the particles spewed out by the smelting furnaces; the standard at the time was half of that or less. Its smokestacks suppressed more fly ash than those of any other power plant then built, and so on.

But within 10 years the plant had become an unbearable polluter to Vienna, W. Va., the small town across the river whose unemployment it was built to relieve. And for the last five years the town and Union Carbide fought like wildcats. In the end Union Carbide lost. But while finally accepting federal and state orders to clean up an extremely dirty process, it also announced that it would have to lay off half the 1,500 men now working in the plant—and that's half the people employed in Vienna. The switch to cleaner coal (not to mention the abandonment of strip mining) would also put an end to the 800 or so coal-mining jobs in the poverty hollows of the back country.

There are scores of Viennas around the nation, where marginal plants are kept running precisely because they are the main or only employer in a depressed or decaying area. Should an uneconomical plant shut down, dumping its workers on the welfare rolls? Should the plant be subsidized (which would clearly open the way for everybody to put his hand in the public till)? Should environmental standards be disregarded or their application postponed in "hardship" cases?

If concern for the environment comes to be seen as an attack on the livelihood of workers, public sympathy and political support for it is likely to vanish. It is not too fanciful to anticipate, only a few years hence, the New (if aging) Left, the concerned kids on the campus, and the ministers in a protest march against "ecology" and in support of "the victims of bourgeois environmentalism."

WHERE TO START

Cleaning up the environment requires determined, sustained effort with clear targets and deadlines. It requires, above all, concentration of effort. Up to now we have had almost complete diffusion. We have tried to do a little bit of everything—and tried to do it in the headlines—when what we ought to do first is draw up a list of priorities in their proper order.

First on such a list belong a few small but clearly definable and highly visible tasks that can be done fairly fast without tying up important resources. Removing the hazard of lead poisoning in old slum tenements might be such an action priority. What to do is well known: burn off the old paint. A substantial number of underemployed black adolescents could be easily recruited to do it.

Once visible successes have been achieved, the real task of priority-setting begins. Then one asks: (1) what are the biggest problems that we know how to solve, and (2) what are the really big ones that we don't know how to solve yet. Clean air should probably head the first list. It's a worldwide problem, and getting worse. We don't know all the answers, but we do have the technological competence to handle most of the problems of foul air today. Within 10 years we should have real results to show for our efforts.

Within 10 years, too, we should get major results in cleaning up the water around big industrial cities and we should have slowed (if not stopped) the massive pollution of the oceans, especially in the waters near our coastal cities.

As for research priorities, I suggest that the first is to develop birth-control methods that are cheaper, more effective, and more acceptable to people of all cultures than anything we now have. Secondly, we need to learn how to produce electric energy without thermal pollution. A third priority is to devise ways of raising crops for a rapidly growing world population without at the same time doing irreversible ecological damage through pesticides, herbicides, and chemical fertiliers.

Until we get the answers, I think we had better keep on building power plants and growing food with the help of fertiliers and such insect-controlling chemicals as we now have. The risks are now well known, thanks to the environmentalists. If they had not created a widespread public awareness of the ecological crisis, we wouldn't stand a chance. But such awareness by itself is not enough. Flaming manifestos and prophecies of doom are no longer much help and a search for scapegoats can only make matters worse.

What we now need is a coherent, long-range program of action, and education of the public and our lawmakers about the steps necessary to carry it out. We must recognize—and we need the help of environmentalists in this task—that we can't do everything at once; that painful choices have to be made, as soon as possible, about what we should tackle first; and that every decision is going to involve high risks and costs, in money and in human lives.

Any course we adopt will involve a good deal of experimentation—and that means there will be some failures. Any course also will demand sacrifices, often from those least able to bear them: the poor, the unskilled, and the underdeveloped countries. To succeed, the environmental crusade needs support from all major groups in our society, and the mobilization of all our resources, material and intellectual, for years of hard, slow, and often discouraging effort. Otherwise it will not only fail; it will, in the process, splinter domestic and international societies into warring factions.

TOWN OF McCOMB, MISS., CELEBRATES 100TH ANNIVERSARY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. GRIFFIN. Mr. Speaker, the town of McComb., Miss., is this month celebrating its 100th anniversary. This prosperous town, founded as a key railroad link to New Orleans, has become a major trade and commerce center of southwest Mississippi.

McComb, in its colorful history has often been theatened with plagues, fires, and other disasters, but each time the hard-working and dedicated people of McComb have risen to the task. And through their great community spirit, which I certainly commend, McComb is a striving and expanding part of our State. I am certainly proud to have the opportunity to represent these fine people in Congress.

Included in my remarks is an article from the publication of the Mississippi State Highway Department, Roadways, telling some of the history of this expanding Mississippi community.

McCOMB CENTENNIAL—1872–1972

If you just happen to drive through McComb this month and you somehow get the feeling that you have just experienced a time change, like 100 years, don't be alarmed—Those people in long dresses and beards are celebrating their city's centennial.

To the casual visitor who enters McComb for the first time, the centennial costumes seem to brighten the drab atmosphere of the downtown area whose buildings are decaying with time. To one who knows nothing about the town he would judge it to be just another Mississippi town created by a railroad many years ago and then forsaken to exist as best it could. But despite its decadent appearance, McComb has all the marks of a progressive town-a new hospital, a youth center and 21 diversified industries. In addition McComb is a major trade and commerce center in Southwest Mississippi, being the center of a densely populated area of small towns and agricultural communities.

Unlike most Mississippi towns which have led a reasonably peaceful existence, McComb has experienced plague, fire and rioting in its 100 years. It has almost been wiped off the map several times yet it has continued to exist despite the hardships.

The people in McComb are woven of a strong resilent fiber, conditioned to adversity and grateful for good fortune. If you're very perceptive you can see this in the faces of the ones who come into town for an afternoon of Saturday shopping or to exchange gossip. Their centennial costumes they adorn are not only a symbol of the past their town has lived through but an optimistic gesture towards a new tomorrow and a 'promised posterity' as their centennial slogan says.

M'COMB'S EARLY YEARS

The Manche Decision in McComb in 1851 set the stage for McComb's beginning which was to occur 20 years later. The Manche Decision designated that a railroad come north and through Pike County. McComb came into the picture in 1872 when Colonel H. S. McComb who was the head of the New Orleans, Jackson Railroad founded the town. He built railroad shops 105 miles north of New Orleans in rural Mississippi so that his workers would not have to pay the high cost of city living in New Orleans.

Only six years after the town's creation, a yellow fever epidemic struck which caused countless deaths. The town was placed under strict quarantine.

After the yellow fever epidemic, the town managed to get back on its feet, only to be met by another tragedy in 1904. A coal lamp was overturned in a chinese laundry. The fire which had started there spread to a nearby livery stable on North Front Street and when the last sparks burned out most of the city's business area was demolished.

The same year Captain J. J. White brought another industry to the town composed mostly of railroad people who worked in the shops. The industry was the McComb Cotton Mills. Earlier White had built a sawmill which employed 500 workers. Other industry was brought to McComb by the McCoolgan Brothers, contemporaries of Captain White. They built a large ice plant which many say was the largest in the south. Strawberries, tomatoes and beans were iced along its ramps with a trainload of cars being iced in sometimes less than an hour.

But peace and prosperity didn't last for long. In 1911 a railroad strike hit every town in America. In McComb blood was shed over the strike and the National Guard remained in the town for six months until peace prevealed. Meanwhile many pioneer families who had been in McComb from its beginning left the town never to return.

Ten years later a modern steel car shop was built by the Illinois Central. At the shop, freight cars were repaired and manufactured and still are today.

Despite McComb's hardships in her early years, she has managed to build back and the future looks bright.

URBAN RENEWAL

The railroad shops aren't utilized as much as they were when the railroad was in its prime, and the town's principal revenue now comes from the downtown business district. McComb officials say that 30% of all tax money comes from the downtown area. Because of this McComb will begin urban renewal in the downtown area as an attempt to improve its tax base. Under the urban renewal program the whole downtown area will be converted into an open mall with colored canopies on each side of the street and benches and drinking fountains in the middle. According to Frank B. Stickney, Urban Renewal Director for the McComb project, all stores will be up-graded with an attempt to keep the appearance of the old buildings as much as possible to preserve the atmosphere. But many buildings beyond repair will be torn down to make room for newer ones. Under the program a two story parking facility which will house 202 cars will be built to take care of the customers who will be unable to park on main street because of the mall conversion.

"As of yet, we have not started on renovation," said Stickney. "We have just recently been funded for the project and our next step will be to acquire property and demolish the old buildings."

Stickney expects the McComb urban renewal program to be completed by 1977.

But there is more to McComb than the downtown area. If you take a leisurely drive on the outskirts of the town, you will find each yard filled with blooming azaleas. Azaleas have always been abundant in McComb and each April the city has a lighted azalea trail and an azalea festival. The town during this month becomes a panorama of color and beauty.

The people in McComb are friendly. According to the McComb Chamber of Commerce, McCombites "love flowers, trim their lawns, support their schools, obey their laws, attend their churches, love their friends and find joy in living."

A phrase has been coined by the people of McComb who love their town and take pride in it. "It is a privilege to live in McComb."

THE U.S. POSTAL SERVICE IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BEGICH. Mr. Speaker, recently I had the privilege of testifying before the Postal Service Subcommittee on the performance of the new U.S. Postal Service in Alaska. I took that opportunity to describe the inadequate service to many portions of my State and relay the complaints of many of my constituents. Alaska's postal problem is representative of many rural and bush areas in the United States, even though its size and climate is somewhat unique. I would like to submit a copy of that testimony into the RECORD so that it might be shared by my colleagues and constituents:

STATEMENTS ON THE PERFORMANCE OF THE U.S. POSTAL SERVICE BY CONGRESSMAN NICK BEGICH OF ALASKA

Mr. Chairman, I would like to thank the committee for this opportunity to express my feelings on the problems and progress of the new U.S. Postal Service. It was my hope that the new service would be able to avoid the mistakes and difficulties of the old. Unfortunately, they have not.

I believe that a basic problem of the Post Office Department, under the old system in the State of Alaska, was aligning the various agencies and private interests responsible for service and coordinating their activities. Among other agencies, postal service in Alaska depends upon the Coast Guard for delivery to island and coastal villages; upon the many commercial carriers under Post Office contract, and upon the Federal Aviation Administration for a wide variety of services. It was in the realm of the postal service to overcome these inter-agency difficulties, seek to eliminate unnecessary red tape and provide the kind of service that Alaskans deserve. However, after almost a full year of existence, the United States Postal Service has not managed to substantially alter the pattern of bureaucratic noncooperation among contract carriers or to secure dependable branch-post office operation.

There are villages that get mail only one in three months during the winter. Mail from the outskirts of Anchorage and Fairbanks can take as long as ten days to reach the city. In a state virtually without television and very limited radio facilities, mail takes on unprecedented importance. The residents of many communities have an even greater dependence on the mails than just communication. For them, the mails are the only source of medicine and the major source of groceries and other essentials.

This new agency gives the same excuses as the old. "Alaska is too far, too large and too cold," they tell us. "Alaska does not have enough customers, so it is not good business sense to spend money there." I wonder if this agency was designed to exert good business sense at the cost of good service? Must Alaskans be denied regular communication because it isn't profitable? I should say that the old excuses have some merit. Alaska is indeed far away, and very large and very cold in the winter months. While this can serve as the basis for some adjustments, I believe mail service in Alaska must be as nearly equal as possible.

In spite of the difficulties, the need for tremendously improved service cannot be disputed. I would hope that the imagination of the Postal Service could be directed towards coping with those difficulties, using the increased freedom of the new service!

From a file of scores of complaints, I have selected a few cases that serve to show the general situation.

ST. GEORGE ISLAND, BERING SEA

One example of service difficulty is the Island of St. George, population 250. Last year, direct service was by a two-engined carrier under contract with the Post Office Department. It made direct deliveries from the mainland a total of four times. All other deliveries were either by air drop or by boat from St. Paul Island. The Federal Aviation Administration then decided to limit carrier service from the mainland to four engined crafts, too big for St. George's runway. Thus, all air service, including airdrops, abruptly ended. Now, St. George receives no direct mail at all and must await boat delivery from St. Paul. In bad weather, service does not exist. In all, St. George receives letters and parcels about ten times a year, mostly in summer months. This is far more distressing considering that the residents of the island depend upon parcel deliveries as their main source of fruit and groceries, and their only source of medicine. Meanwhile, according to the Postal Service, it would cost only $12,000 to increase service to twice a month, and $25,000 to make delivery once a week.

KETCHIKAN, SOUTHEASTERN ALASKA

The following letter was received in my office from a resident of Ketchikan:

"KETCHIKAN, ALASKA,
"December 6, 1971.

"DEAR NICK: Could you please tell us what has gone so completely wrong with our mail system? Why can't the postal system operate with at least the efficiency that it did 15 to 20 years ago? Now we relaize that in the winter airmail is delayed 2 or 3 days at a time between Seattle and Alaska. We know when the planes land here and when they don't, and we take this into consideration.

"In the old days of the steamships every week or ten days we had first class mail the day after the steamer arrived and packages and the like the second day.

"Now days they get 3 vans of mail a week and the vans are seldom full. The transfer company takes the mail to the post office in a smaller truck yet it sits in the post office for several days.

"One of the Avon dealers in town went to the post office and asked why her order was not delivered as she knew when it was shipped. The postal clerk told her that when it arrived it would be delivered. This woman could see Avon packages with her name on from the counter where she stood asking about them.

"The zip code numbers were supposed to speed up delivery. We have noticed that letters without the zip code numbers get to us quicker, and we get more of other peoples mail in our box than before the zip code numbers were used.

"Now for the local mail such as council, borough, lodge and special meeting notices mailed in the post office from 3 days to a week ahead of time arrive after the meeting night. In days past, these notices mailed one day were delivered or in the PO boxes the next day.

"As far as we are concerned, we would rather have the mail handled in the P.O. the same as it was 38 years ago when we came here. We have always been under the impression that modernizing a system was not to slow down or make it inefficient.

"If a letter with a few hundred names on it to someone in the postal system would help straighten this matter out I assure you it will be quite easy to get.

"Yours truly,

"JEAN and EDWIN MEADER."

THE VILLAGE OF ALAKANUK, SOUTHWESTERN ALASKA

[From the Tundra Times, Jan. 26, 1972]

Rain, snow, sleet, hail delay mail?

Alakanuk Accuses Wein for Not Delivering Mail

Traditionally, neither rain, snow, sleet or hail will keep the postman from his appointed rounds but something sure is delaying him in Alakanuk.

Villagers are so concerned they've passed a resolution on the subject.

During the last several weeks and many periods before that, Wein Consolidated Airlines has been seemingly neglecting regular mail and air freight services to Alakanuk.

There have been many times when the airfield here was open during good weather but Weins didn't come or would send a small chartered plane with the mail instead.

For an example: On January 4, 1972, a council member and about 11 other passengers were waiting for transportation to Bethel. Some had urgent meetings to attend and others were going to the hospital, etc. The airlines canceled the flight for no apparent reason.

That same day, January 4, 1972, there was a flight into Emmonak and they left the mail. This is a distance of about eight miles to the north.

On many occasions when the mail has been left off at Emmonak, thereby laying up for sometimes a week at a time, and the Postmaster here has made many trips up to bring mail back by snowmobile and sled which he is doing at his own will so the people can get the much needed mail. If he did not do this, the backlog of mail would be very great.

This does not make any sense when Wein Consolidated Airlines has the mail contract from the U.S. Postal Service to service the village at a regular schedule.

This is a small example of the very irregular air-service this village has been getting during the past, and this village feels that it is past due for some changes in our service.

This resolution is dated January 8, 1972 and arrived at the Tundra Times post office box in Fairbanks on January 21.

The story of these three villages reflects the situation in much of Alaska. It not only effects general communications, but can seriously impair business operations such as Pictures, Inc. A letter from Dick Norman, General Manager, explains his difficulties and those of other Alaskans similarly situated.

"PICTURES, INC.,
"Anchorage, Alaska, February 15, 1972.

"DEAR NICK: Not wanting to hound you with repetitious information, I have not written you in months regarding the deteriorated U.S. Mail service in Alaska. My silence, however, should not be taken as an indication of improvement in this service. Mail service in the bush continues to be the worst we have experienced since the improvement that followed the end of World War II. It is not uncommon for a motion picture to take four to eight weeks to reach a village after mailing from Anchorage. I attach a copy of a Tundra Times article regarding mail service to Alakanuk, which I feel to be a fair description of the situation in many villages today.

"We regularly provide the Anchorage Post Office with information on specific cases of mail delay and with copies of complaint letters from our customers. On February 9, 1972, we provided a list of 110 motion pictures which had been out more than five weeks to fill a one-day playdate and still had not returned. A few of these had been out more than ten weeks.

"I think it wrong to criticize individuals in the postal system in Alaska in connection with this breakdown in service. Postal officials here, for the most part, are trying their best under nearly impossible conditions. It seems to be the system itself which has broken down. With no postal service officers in Alaska to monitor carrier performance, with postal officials having neither the manpower nor the authority to penalize the carriers for letting mail sit day after day, sometimes week after week, at bush transfer points, how can one blame the postal officials within Alaska for the collapse in service? I wish to add my voice to those of the people of Alakanuk and other communities in praying that action be taken by the U.S. Postal Service in Washington to give postal officials in Alaska the means to render adequate service.

"Sincerely yours,

"DICK NORMAN, *General Manager.*"

Other villages and businesses raise similar complaints with carriers and post offices. Miss Patricia Oakes of Circle City writes to complain about post office window hours being completely incongruous with the needs of the community. She also complains that Star Route services were cut in mid-winter, cutting the central area of Alaska without warning. Harry K. Evon, President of the Kwigillingok Village Council, complained on January 20th that the air carrier was not only missing pick-ups and deliveries, but that agreed airdrop policies were not being enforced in "freeze-up" conditions. The carrier contracted by the Postal Service was refusing to perform its responsibilities to make drops when landing was impossible.

It is apparent that the postal service is trying to improve on its predecessor's record. In a letter to my office dated March 21, 1972, John W. Powell, Congressional Liaison for the Postal Service, informed me that: "The Postmaster General has stated that the U.S. Postal Service exists to serve its customers . . . Toward this end, a pilot program known as 'Operation Speedy' has been launched in the Western Region, including Alaska, for improvement in our special delivery service." In an enclosed information booklet, items stated that this speed-up project began on February 14, 1972, and that "Operation Speedy" is expected to provide immediate improvements in the processing and delivery of Special Delivery mail in the Western Region.

Much to my disappointment, the following appeared in an article in the February 28th U.S. News and World Report. "Particularly frustrating, some mailers say, is that special delivery seldom seems to speed-up letters." "A West Coast firm recently mailed 68 special delivery letters, matched by first class and air mail letters to the same address. Only two of the 68 specials beat the regular first-class or air mail and 38 arrived in the same delivery with the regular mail. Twenty-eight came later, with two special delivery letters taking two days longer."

Mr. Chairman, the theme of my remarks is simple and straight-forward. I applaud and support the new Postal Service; I believe it promises better postal service in the future. My hope is that improvement comes at the earliest possible time, and I pledge my own cooperation toward that end. Further, I am convinced that, in Alaska and elsewhere, the personnel of the Postal Service is dedicated and hardworking.

Still, I must in all honesty report to this committee that, in my view, the mail service to and within Alaska has not appreciably improved under the new system. In two specific cases, I find this particularly disappointing. First, I believe postal service in Alaska requires flexibility and unique methods, things that a private and independent service should be able to provide.

Second, I believe postal service for Alaska requires a sensitive understanding of the special role mail has in areas where there are no roads, no telephones, and no radios. Again, I believe such an understanding should be forthcoming from the new private and independent service.

Alaskans find it difficult to continue to hear that it is "too far, too large and too cold" to get proper service. They are expecting improvements, and so am I.

THE ALASKA PIPELINE READING LESSON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DINGELL. Mr. Speaker, the Wilderness Society has published a commentary on the environmental impact statement relating to the proposed trans-Alaska pipeline, which I feel will be of interest to my colleagues. Therefore, I include the text of the Wilderness Society's pamphlet at this point in the RECORD:

THE ALASKA PIPELINE READING LESSON

"The Department of Interior feels that another public hearing at this time is not necessary . . . It is the Secretary's view that this complex report [on the trans-Alaska pipeline] needs to be read; needs to be understood; that a public hearing would be a *circus* in comparison to the kind of thoughtful, substantial comment that might come in to the Council on Environmental Quality or other offices.

Public hearings . . . would interfere with a more thoughtful and rational analysis of this complex document."—Statement of William T. Pecora, Under Secretary of the Interior, March 20, 1972.

Done any reading lately? Well, hold your spectacles. Because the Interior Department has just given you the reading assignment of your life.

You have until May 4 to:

Lay your hands on a copy of the nine-volume environmental impact statement on the proposed trans-Alaska pipeline. (Only 600 were printed.)

Read its 3,550 pages.

Render a "thoughtful, substantial comment." (See above.)

This is what the Interior Department considers public involvement in the decision-making process.

We hope you *will* be able to read the statement and render comments, but you should know the following:

1. There are exactly *seven* copies available for public inspection in the "lower 48" states. They can be seen during office hours in certain government agencies in Washington, D.C., Los Angeles, San Francisco, Portland and Seattle.

2. Sets can be purchased through the mail, but they cost $42.50, and delivery time is unknown.

3. The statement is not well organized or indexed, and finding what you're looking for may require days of tedious searching.

4. Secretary of the Interior Rogers C. B. Morton has said he may issue a pipeline permit on or after May 4.

Is it any wonder that conservationists are asking for more time and for public hearings to evaluate this "complex report"?

WHOSE GOVERNMENT IS THIS?

No doubt the seven oil companies which own the Alyeska Pipeline Service Co. are anxious to go ahead and impatient with what they view as delays. But we believe it's time they learned that the government of the United States isn't some third-level subsidiary which they can order around. And the public lands of the United States are not their private domain.

Two years ago they were shocked and outraged that conservationists could force the government to comply with the National Environmental Policy Act. Last year they were offended by the adverse public reaction to the first, abortive environmental impact statement, which had been submitted to them for editing before it was released to the public.

And now, though the new impact statement reveals strong reasons for building the pipeline through Canada rather than south to the Alaskan port of Valdez, they are anxiously awaiting a permit to go ahead with their original plans, using the pipe and equipment already placed presumptuously along the proposed route.

As a person concerned about the environment, *you* ought to blow the whistle on this whole charade of sanctifying previously-arrived-at conclusions. Why should the American people be frozen out of this critical environmental decision? Why, as we asked in an earlier alert, must "the public be damned"?

Note the words of Under Secretary Pecora, above: a public hearing would be a "circus." And note, too, the implication: hearings involving the public are not particularly thoughtful or rational.

WHY PUBLIC HEARINGS ARE NEEDED

Actually, the impact statement itself is one of the best arguments for public hearings. One of the strongest impressions one gets reading through it is of the number of unsolved problems which still exist—problems that the statement openly recognizes and for which it has no answers. These problems relate to untried and untested engineering methods, incomplete environmental research, deficient land-use control and planning, and other matters of critical importance.

Many important aspects of the proposed Prudhoe Bay-to-Valdez pipeline are described for the *first time* in the statement. Without hearings, the many interested scientists not involved in government or oil company research will have no meaningful opportunity to comment on this new material. Or, if they do, their communications can be safely filed away and ignored.

Here are some other reasons why public hearings are needed:

Gas transportation systems

The department says "it seems clear that a single gas line will be built through Canada to the United States markets." (Economic Analysis, Vol. I, p. C–22.) It says such a transportation system is an "essential" element (Vol. 1, p. 50) of any oil pipeline system and states that "less environmental cost would result from a *single* [gas and oil] transport corridor than from two separate corridors" (Vol. 1, p. 273). But no effort has been made to evaluate these savings in environmental cost, and on March 20 a department spokesman said, "We are completing such an analysis from the economic point of view only." Further, impact analysis is limited (Vol. 1, p. 176) because the "absence of any firm gas transportation proposal by the owner companies limits the amount of descriptive information available." (Vol. 1, p. 74.) Apparently Interior didn't even ask the oil companies for information on Canadian pipeline plans—despite the intensive studies going on in Canada.

Congressman Les Aspin of Wisconsin points out *why* the Interior Department hasn't received an application for an Alaska-Canada pipeline. "The same oil companies which dominate the Alyeska (trans-Alaska pipeline) consortium also dominate the Mackenzie Valley Pipe Line Co., and they are hardly likely to submit an application in competition with themselves." However, it's important to note that as recently as March 29 the Canadian government reiterated its long-standing interest in having the oil pipeline go through Canada rather than having tankers carrying oil from Valdez past and through Canadian coastal waters to the west coast of the United States.

Alternative oil pipeline through Canada

Acknowledging that potenial *gas* pipeline routes through Canada are also attractive *oil* pipeline routes, the report notes that the Canadian routes avoid the maximum earthquake threats, eliminate impacts and hazards to *west coast marine areas,* and have no greater terrestrial impact in many significant respects in spite of their greater overland lengths. (Vol. 5, p. 238.)

The report states that an oil pipeline through the Mackenzie Valley of Canada would be "an equally efficient [economic] alternative" to the trans-Alaska route (Economic Analysis, Vol. I, p. 1) *but also admits it did not consider the additional economies of building an oil pipeline through the same corridor as the gas line.* Economic Analysis, Vol. I, p. C–23.) Obviously, with such economies considered, the Mackenzie alternative would not be "equally" but "more" efficient. This gross error must not be allowed to stand!

Marine transportation system

Volume 3 (449 pages) contains extensive descriptive material on the marine environment and tanker transport of oil between Alaska and west coast ports. The evaluation of oil tanker traffic indicates unavoidable adverse effects from chronic oil pollution in port areas, from intentional ballast treatment discharge at Port Valdez, and from accidental discharge by collision or by negligence. Estimates of accidental discharge are as high as 140,000 barrels a year, but "the impacts of oil upon the various biological systems cannot be predicted in a quantitative manner." (Vol. 4, p. 196.)

Elsewhere the report (Vol. 4, p. 608) says an "irreversible commitment of some marine biotic resources would occur in Valdez Arm as a result of chronic oil pollution." But the actual area or extent can't be predicted. Even so, "permanent and far-reaching effects upon certain forms of plankton would occur," causing a "general decrease in primary productivity, which would in turn affect other organisms of the ecosystem, such as salmon, herring, razor clams, murres, auklets and other species of birds, fish and shellfish."

But all this was known before the statement was written. Is this the kind of solid, substantial and detailed information on which decision-makers can render a sober and objective judgment? With no more than this to go on, how could they know we would gain more than we lost by proceeding with the pipeline-tanker transportation system?

Pipeline breaks and contingency plans

The statement acknowledges that a "no-spill performance" would be unlikely." (Vol. 1, Summary.) It goes on to say that even under emergency shutdown procedures as much as 64,000 barrels (2.6 million gallons) of oil could escape from a pipeline break (Vol. 1, p. 23); and that "minor leaks are practically undetectable" (Vol. 4, p. 11). A "minor leak" turns out to be anything less than 750 barrels (31,500 gallons) a day (Vol. 4, p. 135). In spite of this, the effectiveness of surveillance, monitoring and cleanup procedures has not been fully discussed.

What effect would a pipeline break have on the environment and ecology? Throughout the report there is an unwillingness to quantify the damage. But occasionally one stumbles on a shocker like this: "For example, a significant spill into the upper Gulkana River during the peak of the salmon run would likely cause fishery damages of catastrophic proportions." (Vol. 4, p. 135.) And this is only part of the story, for as one can find in Volume 3, page 311, the Gulkana flows into the Copper River, which supports one of the greatest birdlife concentrations on earth. (Here lies one of the more irritating aspects of the impact statement; you have to search through the massive text and piece together many of its implications—one of the reasons public hearings are so necessary.)

Despite all these dire implications, the recently announced Interior Department engineering stipulations fail to require Alyeska to submit its contingency plans to the government before the construction permit is granted!

The alternative of deferral

Much of this voluminous statement consists of advocacy rather than a careful weighing of alternatives open to the U.S. government. Excluding Volume 6 (comments and attachments) and the three-volume economic and security statement, some 1,850 pages—77 percent of the first five volumes—are devoted to the environmental impact of *granting* the permit. Fewer than five pages—two-tenths of one percent—deal with the alternative of *deferring* the project. (Vol. 1, p. 258; Vol. 5, p. 1 and pp. 8–10.)

Yet the paragraphs devoted to deferral note these advantages: (a) an opportunity for studies of "innovative pipeline technology," (b) "operation of a pilot plant for ballast treatment," (c) "installation and operation of a large-scale hot oil pipeline experiment" in relation to permafrost terrain, (d) "pipeline lead detection research," (e) "more exact definition of the gas transportation system that would be proposed," and (f) more definitive studies of marine and arctic ecosystems.

ENVIRONMENTAL DANGERS CONFIRMED

Until the Interior Department released this statement it was still possible for pipeline advocates to say that conservationists were "extreme," "far out" and "fright-peddlers" when they warned of damage that could be inflicted by the trans-Alaska pipeline. But no longer. Here is what the Interior Department itself has to say about these environmental dangers:

"It is almost a certainty that one or more large earthquakes will occur in the vicinity" of the southern two-thirds of the pipeline. (Vol. 1, p. 97.)

"Construction scars would be visible for the life of the project and for years after the pipeline had been removed." (Vol. 1, p. 211.) These scars would occur at 12 pumping stations, seven airstrips, 26 permanent steel towers for microwave transmission, the main haul road and numerous access roads to the 234 gravel sites and 54 quarries; and 12 construction camps, as well as the pipeline itself. Excluding the Prudhoe Bay field, these would occupy an estimated 40,000 acres (Vol. 4, p. 257) and require nearly 70 million cubic yards of gravel (Vol. 4, p. 68).

In spite of oil industry claims to the contrary, including newspaper and television ads, experiments on revegetating the tundra that will be torn up by pipeline construction have not worked. (Vol. 4, pp. 102–3.)

A year ago conservationists were ridiculed for suggesting that buried pipe carrying hot oil would melt the permafrost, causing the pipe to collapse. Belatedly, Alyeska now plans to elevate 354 miles (44 percent) of the 789-mile pipeline (Vol. 4, p. 16)—compared to its original plan for only 40 miles (5 percent) of elevated pipe. But there is still no definite determination of how many miles of pipe will be buried. And there is an additional, unsolved problem: Wherever protective vegetation is destroyed on the tundra, the underlying permafrost will thaw, bringing drainage and erosion problems for years to come—at supports, construction pads, ditching, roads, buildings, etc.

As wildlife authorities have been saying all along, the report acknowledges that caribou and other animals will die needlessly from loss of habitat, the spilling of toxic substances on forage, and disruption of migration patterns. (Vol. 4, pp. 152, 171, 154–5.)

The report further acknowledges the possibility of catastrophic salmon losses (Vol. 4, pp. 135–36); the likelihood of "pronounced reductions" of grizzly bear populations (Vol. 4, p. 534); the certainty of "considerable" siltation of three rivers noted for their fish resources (Vol. 4, p. 527); the threat of "both locally and internationally significant losses to water-related birds due to oil" (Vol. 4, p. 538); the possibility of increased mortality rates among young moose, mountain sheep and caribou because of aircraft disturbance (Vol. 4, p. 149); the threat of "illegal and wanton shooting of peregrine falcons and the robbing of the young for falconry" arising from access to habitat (Vol. 1, p. 204); and the killing of indeterminate numbers of sea otters and fur seals, which are sensitive to even small amounts of oil. (Vol. 1, pp. 207–8.)

NATIONAL SECURITY AND OIL ECONOMICS

The final three volumes of the report deal with "An Analysis of the Economic and Security Aspects of the Trans-Alaska Pipeline." Congressman Aspin, a former member of the staff of the Council of Economic Advisers, has called the study "pseudo-economics, a sham and a hoax."

As noted above, the economic study fails to take into account the most obvious economy of all: constructing the gas line and oil line in the same corridor instead of separate corridors.

In addition, we note the following:

National Security

The contention is made that the United States can't afford to be dependent on oil from the Middle East. Yet the report admits that North Slope oil (2 million barrels a day) would supply only 9 percent of our projected oil needs in 1980 (22 million barrels per day, according to Economic Analysis Vol. I, p. B–1). Depending on the amount which Canada and South America might be able to supply by that time, we would still need 5 to 6 million barrels a day from the Middle East. (Vol. 1, p. B–12.)

Last year conservationists were ridiculed by the president of Alyeska and officials of the Interior Department when they suggested that some of the Prudhoe Bay oil, allegedly needed for "national security," would end up in Japan. Now we find in the Economic Analysis an admission that some of the Alaskan oil would indeed go to Japan and that British Petroleum (which owns about 50 percent of the Prudhoe Bay reserves) has signed an agreement with Japanese oil companies for marketing Prudhoe Bay crude oil in Japan. What is more, the Interior Department, having professed interest in the "national security" need for Prudhoe Bay oil, has not deigned even to ask British Petroleum how much North Slope oil it has already committed to Japan. (Economic Analysis, Vol. I, p. F–20.)

Can they really have it both ways? Surely the public should have a right to comment on these glaring inconsistencies.

Profitability

North Slope oil is low-cost oil. If delivered to the West Coast by tanker, it would reduce prices theoretically by 70 cents per barrel, saving consumers about $800 million per year. If delivered to Chicago by pipeline, prices could be reduced 40 cents per barrel, with similar savings to consumers. That's what the economic study says (Vol. I, pp. H-3, H-6).

But there's one catch to that argument. As the report itself points out, "Mechanisms of the oil import quota system would keep supply and demand in balance at current price, so that prices would not fall and there would be no consumer saving."

Who then, gets the benefit? The fog of figures is hard to analyze, but the answer is not. If the trans-Alaska route is approved, the profit will go to the oil companies. (Vol. I, p. H-5.)

WHO FAVORS PUBLIC HEARINGS?

For all its weight and girth, the impact statement fails to give deserved emphasis to the tremendous wilderness and wildlife values of Alaska and the menace to these values posed by the unprecedented pipeline project. For this and other reasons most of this country's major conservation organizations have joined in calling on the President to schedule public hearings on the pipeline impact statement. These organizations include: Boy Scouts of America, Citizens' Committee for Natural Resources, Defenders of Wildlife, Environmental Action, Environmental Defense Fund, Federation of Western Outdoor Clubs, Friends of the Earth, Izaak Walton League of America, John Muir Institute for Environmental Studies, National Audubon Society, North American Wildlife Foundation, National Parks and Conservation Association, National Rifle Association, Sierra Club, Sport Fishing Institute. The Conservation Foundation, The Wilderness Society, The Wildlife Society, Trout Unlimited, Wildlife Management Institute and Zero Population Growth.

Similarly, 82 members of the U.S. House of Representatives have joined in signing a letter to the President calling on him to hold pipeline hearings before a decision is reached. And on the other side of the Capitol 23 Senators have made the same request.

Finally, the three plaintiffs in *Wilderness Society et al vs. Morton*—the Alaska pipeline lawsuit—wired the President on March 29 renewing their request for public hearings. Besides The Wilderness Society, the plaintiffs are Environmental Defense Fund, Inc. and Friends of the Earth.

WHAT YOU CAN DO

In spite of this imposing array of conservationists, Congress members and private citizens, the Nixon Administration appears determined to bow to the demands of the oil industry and issue the pipeline permit. Your help is needed and it's needed now.

Unless this decision is reversed and hearings are held, Secretary Morton could ask the federal court on or after May 4 to lift the pipeline injunction and allow him to grant a permit to Alyeska.

We urge you to act today. Send a letter—or a telegram—to the President asking for 90 days to review the statement followed by full public hearings to bring the knowledge and wisdom of the American people into this important decision-making process. Write or wire:

President Richard M. Nixon
The White House
Washington, D.C. 20500

But don't stop here. Send information copies to your congressman and senators. Enlist your friends, neighbors, local clubs and organizations. And inform your local news media—including editorial writers—what you're doing. If you can use more copies of this flyer, ask for them. Get started today!

EUREKA SPRINGS RELIGIOUS CENTER

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HAMMERSCHMIDT. Mr. Speaker, Eureka Springs, in the northwest corner of Arkansas, is the site of some of the most visited Christian shrines in the world

It offers numerous attractions, including the massive "Christ of the Ozarks" statue, a religious museum, and an art gallery which presents more than 400 portrayals of Christ.

Each year, thousands upon thousands of visitors come from around the world, especially for the Passion Play which is presented during vacation months in a huge outdoor theater setting.

An informative article providing additional information about this unique endeavor of the Elna M. Smith foundation is contained in an article, "Oberammergau in Arkansas" by Msg. James J. Harper in the Our Sunday Visitor of April 2, 1972. I commend this report to my colleagues.

The article follows:

OBERAMMERGAU IN ARKANSAS

(By Monsignor James J. Harper)

Eureka Springs, Arkansas, is unique. Named on July 4, 1879, it is scattered over two mountains, and 20 hills. Its streets have more turns than a whirling dervish—238 of them with never an intersection or stop light. Street formations show one "C," 16 "S" 's, 50 "U" 's and 51 "V" 's. Carl Sandburg called it a place "where the hills don't get any higher but the hollows get deeper and deeper." It has 63 springs within the city limits; 1,200 within a radius of seven miles.

It was a favorite watering place for Jesse and Frank James and the Dalton gang. Cary Nation died here. You can still see her home, Hatchet Hall, over on East Mountain. You enter the local Catholic Church, St. Elizabeth's through the *bell tower*. The town was written up no less than five times by Robert Ripley, of "Believe It or Not" fame. The Basin Park Hotel has eight floors, *each on a ground floor*.

Because of the unusual terrain, Eureka Springs has been called by many names: "The Believe It or Not City," "The Stair-Step Town, "The Hill-Billy Capital of the World,' "The Little Switzerland of America" (it even has a Lake Lucerne).

But all these things are dust and ashes and the sound of lyres and flutes when compared to this Mona Lisa of the Ozarks. Why?

Because everyone is talking about two things these days: The Christ of the Ozarks on Magnetic Mountain, a statue as tall as a seven story building; and The Passion Play on Mt. Oberammergau.

Both were produced by the Elna M. Smith Foundation, a nonprofit organization dedicated to reminding Americans of their Christian heritage. The prime mover in this activities is Gerald L. K. Smith, after whose wife the foundation is named. Lieutenant of Huey Long (Long died in Smith's arms), former minister, presidential candidate, founder and espouser of rightwing movements, Smith has long been a controversial figure.

I drove up to his home at 36 Eureka Street to see Mr. Smith. He invited me to have breakfast. Smith is big and ruggedly handsome. He has bushy eyebrows and sharp blue eyes. His wife is pretty and greyhaired. Both are 70.

After breakfast I asked him, "What can you tell me about the Passion Play, Mr. Smith?"

Mrs. Smith chuckled and said, "Before he starts, let me tell you a story. When we first started talking about the Passion Play some people thought we were going to put on something salacious."

Mr. Smith laughed, "That's right. Well, Mrs. Smith and I are devout believers in the deity of Our Lord Jesus Christ. We had long been pained that there was no giant statue of Christ in America. Now, thanks be to God, there is. While we were working on the statue, I confided to one of the artists, Adrian Forette, my long-time dream of portraying on the stage the last week in the life of Our Savior. Forette told me that a man named Robert A. Hyde might be interested in this project."

"Did you contact Hyde?"

"He contacted *me*. He came down here and we had a long talk on a wide spectrum of subjects—script, cost, time. But neither of us made any commitment."

"What is Hyde's background?"

"He received his M.A., from Houston University where he majored in the theater and related subjects. He worked in pictures and TV and directed an outdoor drama on the life of Custer. He also produced movies about the Old West. But his burning ambition was to produce a drama on the last days of Christ. Anyway, time went on and Mr. Hyde came down to see me again. This time he had written a complete script. I read it. It was perfect. We commissioned Mr. Hyde. He directs the play and plays the part of the Christus."

That evening I was the guest of Mr. and Mrs. Smith at the play. In a natural amphitheater on Mt. Oberammergau, just east of Eureka Springs, a compact version of the city of Jerusalem and its environs has been created. In a staging area 100 feet longer than a football field and almost as wide, such scenes have been reconstructed as the Temple. Golgotha, Gethsemane, the upper room, the Palace of Herod, Via Dolorosa, the Tomb, and many others.

The dialogue is all pre-recorded by professional actors. So that actually the actors are pantomiming their parts. Thirty-six thousand dollars worth of stereophonic equipment has been installed for this purpose. A cast of 250 persons, mostly towns-people, performs. Some 425 costumes are used. Seats have been installed for 3,500 people. These facilities will be expanded to 10,000. They will be needed.

Of the actual drama itself I can only say, "Magnificent." As the play unfolded with the gigantic statue of Christ looming over us on nearby Magnetic Mountain. I carefully watched the audience's reaction. People were sitting on the edge of their seats completely enthralled. There were occasional sobs. When it was all over, the people just sat there as if overcome by some powerful emotion. They didn't clap. Mr. Cleo Miller, one of the local residents, explained it to me this way, "You want to applaud. But you can't. You feel it's too sacred."

Oh, yes. Some of the members of the cast wanted *me* to be in the play. I declined. I think they wanted me to be a camel driver. I even have trouble *smoking Camels*. I remember when I was in the Spearfish, South Dakota, Passion Play as a member of the mob. After that dramatic triumph one man remarked of me. "That was the most brilliant piece of acting I have ever seen." I'm going to have to quit talking to myself that way. People are beginning to stare at me.

NATIONAL LABOR RELATIONS BOARD ACTION AGAINST THE UNITED FARM WORKERS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. WALDIE. Mr. Speaker, a primary function of government at all levels, is to advance the condition of the powerless of this Nation through peaceful and orderly means.

After 4 years of orderly and peaceful protest by the United Farm Workers, in which they sought to improve the conditions of powerless farmworkers, the Government now seeks by a strained interpretation of the NLRA to cripple the United Farm Workers in this effort. Again, we are about to push a people to the edge of the cliff which, in turn, might encourage violent protest against the inhumane treatment farm laborers have endured for years.

As you are probably aware, on March 9, 1972, attorneys representing NLRB filed a petition in the Federal District Court of Fresno, Calif., requesting a nationwide injunction against the peaceful, orderly, and effective consumer boycott activities of the UFW union. For years, the interpretation by NLRB of the union was such that the union could not request Government intervention in acquiring minimum wages, child labor laws, or decent working conditions—the benefits of the NLRA.

Now after the appointment by President Nixon of Peter Nash to General Counsel of NLRB, a new interpretation has been made which would make the union subject to the restrictions of NLRB, but still exclude them from the benefits.

This attempt to destroy Cesar Chavez and a union which has held with the highest ideals of nonviolence in attempting to attain fair treatment from their employers is unwarranted, morally suspect, and unjustified. This lonely battle which Cesar Chavez has waged against the growers on behalf of the dispossessed is a striking example of the effect the perserverance one man can have in our democratic society.

I see this action as a response to the enlistment of the American consumer as an ally of the United Farm Workers in their struggle for human sustenance and equality. This enlistment of support through consumer practices, boycotting stores selling nonunion merchandise, is a strong endorsement of the union's activities by the people.

This repressive and seemingly politically motivated reversal of a longstanding position with respect to the status of the UFW deserves a total and complete explanation. Again, keeping in mind the peaceful and orderly approach this union has taken to improve the plight of farm laborers, this action evidences a blatant disregard for lawful, orderly protest. With the American consumer now allied with the UFW in their fight, and progress being seen from Florida to California in acquiring decent working conditions and wages, the inequity of this action is readily evident.

WHAT JEFFERSON MIGHT SAY TODAY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BRAY. Mr. Speaker, my good friend Wayne Guthrie has written a perceptive and enlightening article on Thomas Jefferson and what his reaction would be, today, to the problems we face. It appeared in the Indianapolis News of April 13, 1972:

WHAT JEFFERSON MIGHT SAY TODAY

(By Wayne Guthrie)

This is the 229th anniversary of the birth of Thomas Jefferson, who had a much closer tie with Indiana than many Hoosiers realize.

Although he never set foot in what is now Jeffersonville, he drew the original plat for it and it was named for him.

But if a statement attributed to him that came to hand the other day is true, this anniversary presents an interesting paradox.

That is that many who hold him and some of his philosophies in the esteem approaching that accorded to a patron saint advocate, support and do some things he not only opposed but against which he issued stern warning.

For instance what would he feel or say about deficit spending to which we in America have become so accustomed and which seems to have affixed itself to government like the barnacles on a ship? Quoting from that statement:

"I place economy among the first and most important virtues and public debt as the greatest danger to be feared. To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our choice between economy and liberty and profusion and servitude.

"If we run into such debts, we must be taxed in our meat and drink, in our necessities and in our comforts, in our labors and in our amusements."

At another time he said:

"Never spend your money before you have it."

What reaction might be expected from him with regard to the bureaucracy which, from Washington, dictates what people may or may not do in so many walks of life?

"Were we directed from Washington when to sow and when to reap, we should soon want bread."

How would he feel about the welfare state to which we are heading in the United States—if we are not in it already—at a rate that to many is critical and alarming:

"If we can prevent the government from wasting the labors of the people under the pretense of caring for themselves, they will be happy. The same prudence which, in private life, would forbid paying out our money for unexplained projects, forbids it in the disposition of public money."

What would he think or say about office holders who are guilty of malfeasance through acceptance of lucrative behind-the-back emoluments from private interests?

"When a man assumes a public trust he should consider himself as public property," and:

"I never did, or countenanced, in public life, a single act inconsistent with the strictest good faith, having never believed there was one code of morality for a public and another for a private man."

What would he say about those public officials, who, exposed by newspapers for unethical or questionable acts, complain about unfairness or would seek to curb the press?

"Were it left to me to decide whether we should have a government without newspapers or newspapers without a government I should not hesitate a moment to prefer the latter," and:

"When the press is free and every man is able to read all is safe, and:

"Our liberty depends on freedom of the press and that cannot be limited without being lost."

In a letter once to William Ludlow, Jefferson made clear his feeling about an ever-increasing large government with the resultant mounting number of persons on the payroll:

"I think we have more machinery of government than is necessary, too many parasites living on the labor of the industrious."

If he felt that way then, what would he think today?

CRISIS AT UNIVERSITY SETTLEMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mrs. ABZUG. Mr. Speaker, the University Settlement House, which is located in my congressional district on the Lower East Side of Manhattan, is facing a crisis. Unless it raises $60,000 by June 30 of this year, it will be forced to close, thus ending many years of service to the local community.

The settlement's three principal functions have been: First, to provide social utilities such as child development centers, recreational facilities, and family counseling; second, to provide opportunities for self-help, such as job training programs, educational services, and drug abuse prevention efforts; and, third, to foster social innovation through progressive programs in the fields of education, mental health, housing, and neighborhood revitalization.

The Save Our Settlement—SOS—Committee, with headquarters at 184 Eldridge Street, New York, N.Y., is spearheading the effort to raise the required $60,000. I am pleased to take note of their unselfish efforts and to urge that those who are a little more fortunate provide help to others who are not.

I am including in the RECORD at the conclusion of my remarks the fact sheet put out by the SOS Committee:

FACT SHEET

SAVE OUR SETTLEMENT COMMITTEE,
New York, N.Y.

UNLESS $60,000.00 IS RAISED BY JUNE 30, 1972 UNIVERSITY SETTLEMENT WILL CLOSE

That is the grim reality and it will happen unless we all get behind the Settlement and raise the funds needed to keep it open.

How did this come about?

University Settlement like many voluntary institutions in our society faces two economic facts of life:

1. Declining philanthropic contributions.
2. Rising costs.

Over the years the Board of Directors has raised funds through contributions and benefits to operate the programs and services at the Settlement. Over the past ten years the funds that were raised were insufficient to run these programs and the Board approved large annual deficits to maintain the Settlement's operation. In addition reserve funds were used to give birth or nurture new community programs such as Action for Progress, University Outpost, Family Day Care, Head Start, the Educational Assistance Center, and the Young Film Makers Workshop among others. These programs brought valuable new resources to the community and have rendered substantive services in addition to helping hundreds of people obtain training, education and employment and enter into the economic mainstream of American life. Over the years these deficits have exhausted the reserves and after June 30, 1972 it will not be possible to continue with the Settlement's programs and services unless an additional $60,000 is raised.

What does the settlement do?

Throughout its history the Settlement has had three major functions:

1. It provides social utilities to the neighborhood in the form of child development and after school centers, senior citizens center, camping services, recreation programs, cultural activities, and individual and family counseling.
2. It provides opportunities for self-help and for effecting social change with job training, remedial and supplementary education, college readiness programs, and cooperative efforts to improve school, health services, drug abuse prevention and housing.
3. It is a social innovator, being one of the few institutions that give birth to new programs and services many of which were seen as novel in their time but which are now accepted by the public-at-large. Programs in the fields of education, housing, mental health, street gang work, community participation, decentralization and neighborhood revitalization are areas in which University Settlement has made major innovations.

Why should it continue?

The Settlement serves approximately 2000 families in all of its programs. Without the Settlement these services will not continue and the people would be hopelessly abandoned to deal with problems beyond them.

The Settlement is one of few institutions which is designed to cooperatively help its neighbors move into the economic, social and political mainstream of American society. Today its work with the poor newcomers in the community from Latin America is as vital as it has been throughout the years with former immigrant groups.

The Settlement is an integral link between the community and larger institutions which affect their lives.

The Settlement has demonstrated its value as a means of delivering coordinated social services on a neighborhood level.

The Settlement has proven to be a training ground for future leaders both in the community, the helping professions and the society at large.

The Settlement is more than the sum of the services it renders. It is a force that galvanizes a community giving hope and substance to its highest ideals and aspirations, and is a vehicle through which people can express their common humanity.

The Settlement is a natural community resource which needs to be preserved, protected and enriched rather than destroyed.

The remedy

Community leaders, consumers of Settlement services, present and former staff and volunteers along with the Board of Directors have gotten together and organized a campaign to raise the needed $60,000. The community has set as its goal the raising of $30,000 of this $60,000 total. A community Save Our Settlement Committee (SOS) has been formed under the chairmanship of Francisco Ferrer, former Chairman of the Boards of the Community Corporation and Action for Progress. The Board SOS Committee is being chaired by Alan G. Rudolph.

Funds are being solicited from individuals, groups and businesses in the community and from the public-at-large. Many fund raising benefits are being planned to be held in the next few months. In addition ways and means are being explored to locate more permanent funding sources for the future.

How can one help?

You can help by making a contribution, by soliciting contributions from others and by volunteering your time.

We need all the help we can get!

Contact Save Our Settlement (SOS) Committee, 184 Eldridge St., Tele. 674–9120. For Fund Raising contact Tania Fontana, for Volunteers contact Polly Robkin.

THE DRUG CRISIS—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the drug crisis in our country. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON THE DRUG CRISIS

In my last opinion poll, citizens of the Sixth District indicated that next to inflation they considered crime and drug abuse as the next most important problem facing our country. So, today I though we'd talk about the drug abuse problem—just how serious it is, who is promoting it, and what is being done to counteract it.

There appears to be little doubt that the use of marijuana and heroin is on the increase. The U.S. Bureau of Narcotics estimated that there were about 50,000 heroin addicts in 1960. A decade later in 1970, the estimate had skyrocketed to 560,000 addicts—an increase of 1020 percent in 10 years. An addict is someone who has to have one or more doses of heroin per day. With regard to marijuana use, a Gallop Poll of 1967, just 5 years ago, showed only 5 percent of the nation's college students had tried marijuana. In 1969, the percentage had risen to 22 percent and last year to 42 percent. Estimates resulting from other studies place the percentage of marijuana users even higher.

If the present trend in drug abuse is not stopped and reversed, narcotics and dangerous drugs will soon become the major cause of death; exceeding cancer and heart disease.

About a quarter of a century ago, the drug abuse problem scarcely existed; or if it did, the public was unaware of it. So, the drug problem is a serious one. How did this problem develop to the serious state it has reached today? Being a realist, I believe that the events of history don't just happen accidentally—the inevitable wave of the future, as some say.

On the contrary, people make things happen. It is a well-known fact that Communists in their drive to dominate and control the world have called for the destruction of the traditional family unit and the eradication of religion. One of their means of achieving these ends is the corruption of the morals of youth—the adults of tomorrow—by getting them to become obsessed with dope and sex. Hence the avalanche of pornography, obscenity and dope may be more than a coincidence.

The tactic or patient gradualism is being utilized by communists, their dupes and allies to first get our youth started on marijuana by popularizing it as a drug which has no harmful effects. The second step is to get our youth on more potent drugs which are injected into the bloodstream with the hypodermic needle; and once on the needle, finally to graduate to becoming heroin addicts. The alarming increase in the use of marijuana, LSD, and heroin over the past decade attests to the success of this tactic.

The use of marijuana is promoted by a deluge of underground publications in large cities, universities and even in high schools throughout America. In the meantime, the already permissively tolerant public is conditioned to believe that laws against marijuana should be relaxed or repealed.

Some apologists would have us believe that marijuana is no more dangerous than a highball. Should you encounter such a person, remind him that only a small minority who drink do so to get intoxicated; but marijuana is used for no other purpose.

Also, consider that there are many adults in the 40–60 age bracket who use alcohol, but who can name one person in that group who uses marijuana? Could it be that there are no marijuana smokers in the 40–60 age bracket around any longer because, as a consequence of smoking marijuana, they committed suicide.

Some of the mass media aggravate the problem by giving the impression that using drugs is the fad—the thing being done by the "in-crowd." The use of marijuana, LSD and heroin are promoted by the clever lyrics of many popular songs whose language generally is understood by teenagers but not by their parents. Songs aimed at children and teenagers encourage youngsters to use drugs so as to shrug their responsibilities and forget the problems imposed by their elders and the unjust, cruel world.

The biggest promoter of heroin and other illegal narcotics is Red China, in spite of the fact that some would lead you to believe that Turkey is the main villain.

Although the production of heroin is outlawed by international treaty everywhere in the world, the evidence is overwhelming that Red China manufactures it in large quantities. Unlike Communist China, Turkey has stringent laws prohibiting the possession or export of opium poppies and heroin.

Former Director Harry Anslinger of the Federal Bureau of Narcotics said:

"Spreading narcotic addiction and obtaining funds for political purposes through the sale of heroin and opium is not just the policy of one man in the communist regime. It is the policy of the entire communist regime in mainland China."

He pointed out that this trade was a formidable and far-reaching plan to gain foreign exchange monies as well as to demoralize and confuse the people of the free world.

In 1955, Mr. Anslinger, former U.S. Bureau of Narcotic Chief, testified before the Senate Judiciary Committee that Red China "had singled out the United States as a primary target for its illicit traffic in opium and heroin". During the Korean War the communist Chinese waged "dope warfare" against American and U.N. troops.

The Free China Review of July, 1965 reported that "ninety percent of illicit narcotics reaching the free world comes from the communist-held Chinese mainland."

Reverend Father Raymond de Jaegher, a Jesuit priest with many years of labor and experience in China before and after the communist takeover, last year furnished a Congressional Committee with a list of the locations of more than 30 refineries that manufacture heroin in China. Red China produces an estimated $800 million per year of heroin and other narcotics. Annual exports of illegal drugs, which constitute Red China's principal export, approximates 10,000 tons.

Drugs are reportedly transported from Yunnan Province in China via Laos to world markets. Because of the importance of this drug traffic to Red China. Mao Tse-tung maintains a highway network through Laos.

Red Chinese agents make narcotics available to American servicemen in Vietnam at low prices and there are reports that cigarettes into which morphine was injected have been sold to our servicemen in Thailand to make them unknowingly become addicts to the drug habit.

Ed Reid, Pulitzer Prize winning author and crime researcher, feels "that American youth are victims of a conspiracy whose object is to get them on drugs and destroy the next adult generation." It is also his belief that Mao Tse-tung is financing cells to promote drug use in the United States. According to other responsible sources, Red China is pushing narcotics to damage the physicial and mental health of people in non-Communist countries.

In view of the fact that marijuana still enters the United States from Mexico, it is only reasonable to believe that the Red Chinese will use their Canadian consulates to move heroin across the Canadian border for sale in the United States—and the Red Chinese U.N. delegates enter the United States with their diplomatic powers and effects free from search.

A Russian news reporter in the September 13, 1964 issue of Moscow's Pravda described his visit to a Red Chinese poppy plantation:

"What surprised me was the whole extensive tract of opium poppies . . . The Mao regime is the biggest producer of opium, morphine, and heroin in the free world."

He also wrote that the narcotics trade "has become one of the basic sources of convertible currency for the leadership of China."

A highranking defector from North Vietnam recently gave American and South Vietnam intelligence officials in Saigon an eye-witnesses account of the large scale cultivation of poppies and of opium production in North Vietnam.

He revealed that North Vietnam is producing large quantities of raw opium for export to mainland China and Soviet Russia where it is processed for world wide distribution.

Red China, also, according to Nationalist Chinese sources, cultivates opium poppies on an immense scale.

The authoritative British "Intelligence Digest" reported in 1970 that Communist China's opium crop was valued at $800 million.

There is considerably more evidence to substantiate the charge that opium poppies are grown in North Vietnam and Red China and that Red China manufactures and exports huge amounts of heroin and other illicit drugs.

Yet in the light of all this evidence showing Red China as the chief culprit in promoting dangerous drugs, a State Department spokesman stated last year:

"So far as we are aware, opium is not grown legally in the People's Republic of China and none is exported by the Chinese Communists authorities."

It appears that the State Department is deliberately withholding the truth and issuing false information about Red China as the source of the increasing drug trade in order to assist President Nixon in his desire to effect a rapprochement with Red China. And, as Red China wages a new Opium War against the United States, including our servicemen in Southeast Asia, not one official spokesman of the Nixon Administration will admit on the record that Red China or any other communist country would even think of pushing narcotics on our servicemen in Vietnam or on American youth in this country.

The Nixon Administration's policy of liberalization of trade and travel between Red China and the United States will only facilitate the smuggling of hard drugs from the China mainland into our country.

I have stressed the heroin problem because it is the most dangerous. In fact, the Louisiana Legislature at its last session passed a concurrent resolution urging and requesting the Government of the United States to cease and desist from giving foreign aid to any country engaged in the commercial growing of poppies. The marijuana problem which continues to become more serious also deserves our attention because it is from the ranks of the marijuana smokers that most of the heroin addicts come.

One of the recommendations of the 1971 White House Conference on Youth, a group which was not representative of American young people, was the legalization of marijuana. Shortly after this recommendation was made, the U.S. House of Representatives by voice vote appropriated $4 million for the National Commission on Marijuana and Drug Abuse. On that occasion I made this prediction to my colleagues in the House:

"The American people should not be surprised when the $4 million study on marijuana and dope investigation concludes with a finding that there is no proof that marijuana is harmful and a recommendation that it be legalized."

Now one year and $4 million taxpayers' dollars later, the Commission has issued its report which concludes that—

"There is little proven danger of physical or psychological harm from the experimental or intermittent use."

Of marijuana and that "no organ injury is demonstrable." The Commission recommended the legalization of "possession of marijuana for personal use" and the "casual distribution of small amounts of marijuana for no remuneration, or insignificant remuneration, not involving profit."

While the studies of responsible scientists and physicians have shown that there is a dangerous potential in marijuana smoking for the human fetus, the Commission's report states that "at present no reliable evidence exists indicating that marijuana causes genetic defects in man."

The findings of noted geneticist Dr. Luis Diaz de Souza, who has devoted 18 years to research on the effects of drugs on human beings, show that even one smoke of marijuana damages the chromosomes. According to Dr. Diaz de Souza: "Damage to one chromosome may mean that the child will be hemophilian, or mongoloid, or afflicted with leukemia. The chromosome may pass on from one generation to another. The child of the marijuana user may show this damage, or his child may show it."

A recent study was made of the effects of marijuana smoking in 30 men and 18 women, ages 13 to 24, over a five year period in which most smoked 2 or more marijuana cigarettes each time, two or three times weekly. The results showed serious psychological problems in all 38. They also revealed that the patients showed poor attention span, poor concentration, confusion, anxiety, depression, apathy; slowed, slurred speech; sexual promiscuity; and indifference to personal cleanliness, grooming, dressing; and study and work habits. The authors of the study pointed out that marijuana is particularly harmful to adolescents.

The Narcotic Education Foundation of America concluded that the marijuana habit leads to physical wreckage, mental decay, and a degeneracy of character and morals.

Dr. Vincent De Paul Lynch of St. John's University concluded from his research studies that the use of marijuana can have "very serious consequences for human reproduction" and can produce "serious genetic defects."

Dr. William F. Genera of the Medical College of Georgia found "a dangerous protential in marijuana smoking for the human fetus."

The National Commission on Marijuana and Drug Abuse apparently labelled these research studies as unreliable by its finding:

"Although a number of studies have been performed, at present no reliable evidence exists indicating that marijuana causes genetic defects in man."

In spite of the fact that Mr. Myles Ambrose, head of the Justice Department's Office of Drug Abuse Law Enforcement, has stated that there is no evidence to convince anybody yet that utilization of marijuana by young people is not a significant danger and the fact that most users of LSD and heroin first tried marijuana and graduated to the hard stuff, the National Commission on Marijuana and Drug Abuse recommended legalizing the possession of marijuana for personal use while continuing the production and distribution of the drug as criminal acts.

Traditionally, science as well as law has followed a burden of proof practice which would require the proponents of marijuana to prove with ample evidence that marijuana was not harmful to humans. But under the new intellectual theories of change, even when the protection of society is at stake, it is now necessary for society to prove that marijuana is harmful.

These recommendations are inconsistent and would encourage users of marijuana to be a party to a criminal act. How are they to procure the marijuana if they do not produce it themselves or purchase it from a distributor? The marijuana user would be placed in the untenable position of being an accessory to crime.

What must we do in an effort to solve the drug problem? We should strive to cure those who have had the misfortune of having fallen cimtims to the drug habit and try to restore them as healthy, productive citizens. We should do all possible to discourage the use of all illicit drugs especially marijuana, LSD, and heroin and demand strict enforcement and penalties against pushers. Every drug addict of whatever age among our children is as a rotten apple in the barrel and can contaminate others by youth psychology like dares—try it—live bold. Also, the youthful addict serves as a contact for the pusher.

An educational program should stress the dangers of using any narcotics or drugs without a physician's prescription. Drugs do not react alike on all people.

The recommendation of the National Commission of Marijuana and Drug Abuse that marijuana possession for personal use be legalized should be rejected—as should the suggestion of former Supreme Court Justice Tom Clark that laws governing marijuana be investigated with any eye toward abolishment where they are not connected with organized crime.

Finally, and most important as a more permanent solution, we must do all possible to eliminate the sources of the cultivation, manufacture, and distribution of illicit drugs. The preponderant evidence shows that Red China is the principal source. World opinion should recognize this fact and world pressure should be brought to bear on Red China to cease its illicit drug operations. A good beginning toward creating this world pressure rests with the Nixon Administration. For unless Red China abandons its present operations in illicit drugs, we can expect to see an enlarged new Opium War with the added dimension of psychological warfare which will exacerbate the drug problem and will far surpass the Opium Wars of the past century in ruined lives, chaos and a return to barbarism.

REVENUE SHARING BILL COERCES STATES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. YOUNG of Florida. Mr. Speaker, the general revenue sharing bill just reported out of the Ways and Means Committee contains ill-considered provision that would effectively force States to adopt personal income taxes or face the loss of Federal revenues. These provisions would create a severe hardship on the people of many States, and do violence to the basic purpose for sharing revenues—to strengthen State and local governments and restore a measure of power and autonomy to the people.

In my home State of Florida, for example, there is a constitutional prohibition against personal income taxes, a prohibition strongly supported by the State's citizens and its leaders. As is their right, Floridians have chosen other means to finance their State government without levying a personal income tax.

Yet under provisions of the proposed general revenue sharing bill, Florida and other States with a personal income tax—such as Nevada, Texas, South Dakota, Washington, and Wyoming—would be forced to levy such a tax or suffer the loss of the States' share of Federal revenues under the bill's distribution formula.

In addition, other States which now have personal income taxes could be forced to raise them in order to gain the full share of Federal revenues to which they would be entitled.

It is not the business of the Federal Government to tell State governments how and which kinds of taxes to levy. This is the business of our State leaders and the citizens who elected them.

Determined to help decentralize big government and return power to our local communities, I have strongly supported the concept of revenue sharing. The proposed revenue-sharing formula, containing a factor based on State personal income tax collections, outrages the purpose intended by the general revenue sharing bill. It is a step backward, a step toward more—not less—Federal control of our State and local governments.

Therefore, I urge the Congress to strip from the general revenue sharing bill any requirements that would coerce the States to levy a personal income tax, or increase an existing income tax. How our States levy their local taxes is a matter for the citizens and those elected to represent them.

EQUITABLE WAGE ADJUSTMENTS FOR BLUE-COLLAR EMPLOYEES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. LEGGETT. Mr. Speaker, I urge the establishment of wage and price controls more than a year before President Nixon instituted them. I have criticized phase II as insufficiently comprehensive and insufficiently enforced. In short, at this time I favor a more tightly controlled economy.

But controls inevitably create certain inequities. Some of these have been sustained by blue-collar employees as a result of the 90-day freeze and as a result of the delay in wage surveys ordered by the President.

This bill will rectify these inequities by providing for retroactive wage increases. For this reason I support it, and I urge my colleagues to do likewise.

SERAFINA FERRARA—WOMAN OF THE YEAR

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ANNUNZIO. Mr. Speaker, on the evening of April 18, the Italics Club of Chicago honored Mrs. Serafina Ferrara as "Woman of the Year" for 1972.

Attending the dinner at the Chateau Royale in her honor were outstanding civic, community, and political leaders of the Chicagoland area. The mayor of Chicago, the Honorable Richard J. Daley, was present, as well as the mayor of Elmwood Park, the Honorable Elmer Conti; the president of the village of River Forest, the Honorable E. Edward Schmidtke; the mayor of the village of Melrose Park, the Honorable Jacob A. LaSpisa; the Honorable ROMAN PUCINSKI who is a candidate for the U.S. Senate; and many distinguished judges and aldermen. Members of the clergy, people from all walks of life, and a host of friends and neighbors all were on hand Sunday to participate in this tribute to Mrs. Ferrara.

Serafina Ferrara migrated to the United States at an early age, and grew up and married in the Taylor-Halsted area of Chicago. She and her husband established a pastry shop, and this shop—the Original Ferrara—is still in operation. In addition to the Original Ferrara, two catering houses—the Chateau Royale and the Ferrara Manor—have been added by Mrs. Ferrara to the original business venture. Today, the Ferrara catering business is a tremendous success and has earned a citywide and countrywide reputation for excellence.

Mrs. Ferrara's outstanding contributions to our community are legendary. She has been described on many occasions as an angel of the poet. For over 40 years, she has patiently contributed her time, money, and effort in alleviating the plight of the poor; in helping Villa Scalabrini, the Italian old peoples home in Melrose Park, Ill.; in assisting the foundling home; and in serving numerous churches and charitable causes.

She has given devoted service not only to humanitarian endeavors, but has distinguished herself by her participation in civic activities as well. The annual Chicago Columbus Day parade, the Joint Civic Committee of Italian Americans, and the Italo-American community newspaper in Chicago, Fra Noi, all have benefited from her untiring efforts and generous support.

Because of her steadfast and unselfish service over the decades, Serafina Ferrara has earned the high regard and heartfelt gratitude of her fellow citizens. Over the years, she has merited many awards and honors, some of which follow:

ACHIEVEMENTS, AWARDS, AND HONORS

Star of Solidarity of the Republic of Italy, 1956—Decorated by the Italian Government, for development of a better understanding of Italo-American relationship. She is one of the few women so honored.

Special Citation of the Mayor of Chicago, 1956—Mayor Richard Daley cited her for years of selfless service to her city and her neighborhood.

Amerital Unico's Citizen of the Year Award, 1959—Amerital Unico Club.

National Grandmother of the Year 1956—National Grandmothers' Club.

Immigrant Service League of Chicago 1963—Services performed in behalf of the Immigrants of Chicago.

Trustee, Villa Scalabrini's Old People's Home.

Trustee, Chicago Foundlings' Home.

Director, Cancer Prevention Society.

Guarantor, Lyric Opera of Chicago.

Benefactress: Mother Cabrini Hospital; Shriners Hospital for Crippled Children; St. Francis of Assisi Parish; St. Anna Church of Santa Maria Favore, Italy; Boys Town of Italy; Sacred Heart Seminary; Immigrants Protective League; American Committee of Italian Migration; Stritch School of Medicine—Loyola University; and St. Callistus Church.

Member and periodic officer of Italian Women's Club. Maria Adelaide Club, and Our Lady of Grace League.

Business: President, "Original" Ferrara Company; President, Chateau Royale Corporation; President, Ferrara Manor, Incorporated; and Partner, Ferrara Pan Candy Company.

Mrs. Serafina Ferrara is listed in Who's Who in Italian American Women.

Mrs. Annunzio joins me in extending to Serafina Ferrara—distinguished businesswoman and outstanding philanthropist—our sincerest congratulations on her selection by the Italics Club as "Woman of the Year" for 1972. I am proud of her achievements, and extend to her and the devoted members of her family my best wishes for abundant good health and continuing good fortune in the years ahead.

Mr. Speaker, at this point in the RECORD I include the program for the dinner given by the Italics in honor of Serafina Ferrara:

PROGRAM

Welcome, Mrs. Mary M. Mento, President, Italics Club.

Introduction of Dance Committee, Mr. Steven S. Sensi, Master of Ceremonies.

Our National Anthem, Mrs. Adeline Arrigo, Piano Accompanist, Dr. Mary Ellen (Mancina) Batinich.

Invocation, Very Rev. Armando Pierini, C.S., Administrator, Villa Scalabrini.

DINNER

Introduction of Officers and Guests, Mr. Steven S. Sensi.

Rev. Joseph Chiminello, C.S., Pastor, St. Michael's Church, Chicago, Illinois.

Rev. Paul Asciolla, C.S., Editor, "Fra Noi" Newpaper.

Mr. Charles Porcelli, President, Joint Civic Committee of Italian Americans.

Mr. Anthony Paterno, President, Italo National Union.

Hon. Philip Romiti, Judge, Circuit Court, Cook County.

Hon. E. Edward Schmidtke, President, River Forest, Illinois.

Hon. Roman Pucinski, Congressman, 11th District, Chicago.

Awarding of Honorary Italics Club Memberships, Hon. Frank Annunzio, Congressman, 7th District, Chicago.

1. Dr. Mary Ellen (Mancina) Batinich, Italics Club "1971 Woman of the Year."

2. Hon. Victor A. Arrigo, Italics Club "1971 Man of the Year."
3. Mrs. Adeline Arrigo.
4. Mr. Alex Batinich.
5. Mrs. Serafina Ferrara, Italics Club "1972 Woman of the Year."

Vocal Tribute to Mrs. Serafina Ferrara, Mr. Steven S. Sensi, Piano Accompanist, Dr. Mary Ellen (Mancina) Batinich.

Presenttaion of "1972 Woman of the Year" Award to Mrs. Serafina Ferrara, Mrs. Mary M. Mento.

Response, Mrs. Serafina Ferrara.

Benediction, Very Rev. Armando Pierini, C.S.

Benediction, Very Rev. Armando Pierini, C.S.

Dancing, Music by Mark Charles and Orchestra.

AWARD DINNER DANCE COMMITTEE

Mr. Carmello A. Blacconeri, Chairman.
Mr. Joseph S. Abbate, Jr., Co-Chairman.
Mr. Peter Martino, Co-Chairman.
Mr. Edward Orzeske, Public Relations.
Mr. Gregory Tomaino, Ass't. Public Relations.
Mr. Ernest F. Abbate.
Miss Eva Blacconeri.
Miss Evelyn R. Blacconeri.
Mrs. Rose Blacconeri.
Mrs. Mary Capizzi.
Mr. Carmelo Carpita.
Mrs. Victoria Carpita.
Miss Marietta M. Mento.
Mrs. Josephine Pinkowski.
Mr. Joseph R. Rizzo.
Mr. Francis Russo.
Mrs. Rose Russo.

DELEGATES TO THE JOINT CIVIC COMMITTEE OF ITALIAN AMERICANS

Mr. Peter Martino.
Mr. Edward Orzeske.
Mr. Michael J. Mento, Executive Committee Member.

ACKNOWLEDGEMENT OF CONTRIBUTIONS

Italics Club Award Plaques for 1971 and 1972 designed by Mr. Alex Batinich.

Door Prize—Admiral Television, 16-inch, black and white—donated by Rizzo Bros. Movers, Joseph R. Rizzo, President, 1750 Wrightwood Ave., Chicago, Phone: DI 8-3970.

Door Prize—Mink Fur Boa—donated by Flora Furs, Manfredi Family, 3040 W. 63rd Street, Chicago, Phone: PR 6–5472.

Corsages—donated by Rosary Florist, Rocco Sangiacomo, Owner, 602 S. Western Ave., Chicago, Phone: SE 3–6619.

Corsages—donated by West Chicago Florist, Frank D'Ambrosio, Owner, 1012 S. Western Ave., Chicago, Phone: CH 3–1070.

AMNESTY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. PEYSER. Mr. Speaker, I have stated on many occasion my opposition to granting amnesty to draft evaders and deserters while our men are engaged in conflict in Vietnam and therefore, I was pleased to see that at its April 4 meeting Alan F. Waite Post No. 299 of the American Legion in Yonkers, N.Y. adopted the following resolution in opposition to granting amnesty:

RESOLUTION

Whereas there is proposed legislation to grant amnesty to draft dodgers and armed forces deserters, and

Whereas, the American Legion at its National Convention has taken an official position in opposition to any sort of amnesty,

Therefore, be it resolved that the Alan F. Waite Post No. 299 fully supports the action at the National Convention.

WAS THE WPA REALLY SO AWFUL?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. HAMILTON. Mr. Speaker, the concept of public service employment has aroused a lot of emotion in the last 2 years or so. The President, in his message of December 16, 1970, vetoing the Employment and Manpower Act, referred to "dead end jobs in the public sector."

The other side of the coin is represented in an article by Paul Lancaster, former page 1 editor of the Wall Street Journal. His article, which points out the past and potential benefits of such employment, appeared in the April 18, 1972, edition of that newspaper.

I recommend his article, which follows, to my colleagues:

WAS THE WPA REALLY SO AWFUL?

(By Paul Lancaster)

NEW YORK.—Through a program that gives local governments money to add workers, Washington is moving gingerly into the business of combating unemployment directly by creating jobs. But proposals for broader job programs, including public works, still trip up on a ghost from the 1930s, the WPA.

Implicit in warnings against "another WPA"—the initials stand for Works Progress Administration—is the notion that when a government program is motivated by the desire to make work, the participants won't make anything useful. But a glance around this city, where an army of WPA workers labored in the Depression, shows that's not necessarily the case.

The businessman arriving in town at LaGuardia Airport is making use of a major WPA project. So is the visitor arriving at Newark Airport, which the WPA expanded and modernized. The Wall Street executive who takes a cab from midtown Manhattan to his office travels down the East River drive, another undertaking in which the WPA had a hand.

Sports-minded New Yorkers enjoy golf courses and tennis courts built by workers employed by the WPA and earlier New Deal job programs. Residents who frequent Central Park have such workers to thank for the playgrounds around the edge of the park, the delightful little zoo, the bridle path, the red brick boathouse where they rent rowboats—even the concrete benches. Besides these visible reminders of federal "make-work" programs, there is much that is less obvious now but that kept the city from falling apart during the Depression, such as new sewers and sidewalks and repairs to museums, libraries and other public buildings.

DESPERATE WORKERS

Today's unemployment rate of under 6% looks insignificant by the standards of the '30s, when as many as a quarter of all workers were jobless. Nevertheless, a substantial number of the five million Americans now classed as unemployed are growing just about as desperate as their Depression counterparts—perhaps more so in some cases because they see so much affluence around them.

Many have been out of work for long stretches and seemingly have little prospect of landing a job in industry soon even if the pace of business continues to pick up. Their ranks include unskilled urban blacks as well as highly trained engineers and technicians displaced by defense and aerospace cutbacks. For some of the hard-core unemployed, public employment may offer the only hope.

So far, Washington's efforts to create public jobs have been sharply limited. The bill enacted last summer to expand local government payrolls by providing federal funds for the hiring of new teachers' aides, policemen and the like creates only 150,000 jobs all told, and critics say many of these aren't going to the people who need them most. Before accepting this relatively modest program, President Nixon twice vetoed bills that would have created many more jobs. One veto message assailed "WPA-type jobs."

It's not hard to find grounds for criticizing the WPA. Some of the $10 billion that agency cost the federal government between its launching in 1935 and the closing of its books in 1943 went for such questionable items as the wages of local politicians' household help. In a number of instances WPA funds financed the construction of facilities that wound up in private hands. There were also frequent complaints that the Democrats used WPA jobs to buy support in elections.

Nor is there any denying the waste and inefficiency that gave rise to the term "boondoggle." A final government report on WPA activities conceded that some of the agency's airport and dam construction had proved "ill-advised" and "overdone." The same report notes that the WPA built 2,309,000 public privies, raising the question of whether privy building might not have been overdone, too.

The cartoons depicting WPA workers leaning on their shovels had a basis in fact. Indeed, in 1938 a crew of WPA ditch-diggers here in New York walked off the job because the foreman wouldn't let them lean on shovels. The men had been in the habit of working in pairs, one with a pick and one with a shovel. When the pick man was working, the shovel man rested, and vice versa. The foreman ordered each man to use pick and shovel interchangeably to speed the work. The workers called the order "inhuman" and struck before eventually complying.

Given the immense scale of its operations, however, perhaps the remarkable thing is that the WPA managed as well as it did. At one time or another, 8.5 million Americans were on its payroll, earning an average of $54 a month. And the list of their accomplishments is impressive.

WPA workers built 67,000 miles of urban streets and built or improved 572,000 miles of rural roads. They built or improved 8,000 parks and 12,800 playgrounds. They erected 5,900 schools and renovated 31,000 others, and they built or improved more than 1,000 libraries.

Some of their efforts at least moderated the environmental problems that concern Americans so much today. WPA crews built or modernized more than 1,500 sewage treatment plants. Unemployed miners on the WPA rolls in West Virginia, Ohio, Pennsylvania and Kentucky sealed thousands of abandoned coal mines, thereby reducing the stream pollution caused by acid drainage from the mines. Other conservation projects included the reseeding of depleted oyster beds and the planting of 177 million trees.

No section of the country failed to benefit Jersey City got a 22,000-seat stadium, and Whitley County, Ind., got a new cemetery. Los Angeles got golf courses and swimming pools, and Cumberland, Ky., got a new city hall. Chicago got help with its lakefront park, and Oregon got a ski lodge atop Mount Hood.

Construction accounted for the bulk of WPA employment, but the agency showed considerable imagination in putting jobless professionals and white-collar types to work in fields where they could use their talents. Laid-off teachers set up adult education programs. WPA clerical workers helped streamline record-keeping in municipal tax offices.

Best remembered are the projects in creative fields. WPA writers turned out the celebrated series of state guidebooks still prized as reference works today. WPA artists covered the walls of public buildings with 2,500 murals. Many of the murals have long since disappeared, but some of the painters employed by the art project went on to fame—Jackson Pollock and Willem De Kooning, to mention a couple.

The programs for writers and artists, as well as others for musicians and actors, were directed from Washington, but most of the WPA's construction and maintenance projects resulted from proposals made by local governments. A town said it needed a park. If the WPA approved, it issued tools and a tool shed from its supply section, and the jobless went to work.

THE NEEDS OF TODAY

Some cities' needs are as great today as they were in the '30s. Just as a starter, much of the work the WPA did needs to be redone; the parks it built are a mess and the public buildings it constructed or refurbished have become shabby. A major urban rehabilitation effort would be one way to employ many of the unskilled jobless profitably.

Finding jobs for the idle engineers and technicians might require imagination of the sort the WPA displayed in putting unemployed professionals to work. But men ingenious enough to build moon rockets could surely make a contribution somewhere. One likely possibility is in helping cities cope with the rising tide of waste through recycling programs and other means.

Today's conditions are not the same as those of the depths of the depression, of course, and there are questions as to whether the money for a major job-creating effort is available. A proposal by Rep. Henry Reuss, a Wisconsin Democrat, to create 500,000 public service jobs over two years carries a price tag of $6 billion, compared with $2.25 billion over the same span for the current program. But the achievements of the WPA, coupled with the glaring needs of the cities today, do suggest that money spent to make jobs would yield the nation at least some return in the form of concrete benefits. And aside from such tangible benefits, a larger public jobs program could hope to lift the spirit of some of those who have come to feel that society has no useful role for them to play.

SEE YOU DOWN AT NICK'S—NICK BANOS' FIRST 50 YEARS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. BRAY. Mr. Speaker, no one can really define or catalog all the things that constitute the heart and soul of a community. But, on occasion, we find that unusually touching and moving account of one man or one establishment who, by becoming an institution in the community they serve, are so very much a part of that, heart and soul.

The following from the Franklin, Ind., Daily Journal of April 10, 1972, tells the story:

They Came to Say Hello to Nick . . .

(By Robert Reed)

They came to say hello to Nick, Sunday.

And they came to remind themselves of those rich years long gone when life revolved around the small malt shop along Jefferson street in Franklin.

Nick was there 50 years ago when the first gangly kid bought a soda—or perhaps something less expensive—for his favorite girl.

Nick was still there Sunday.

Half a century of generations, young and old, streamed into Nick's Candy Kitchen Sunday afternoon in a hastily planned salute to the little Greek who shared the joys and sorrows of youth with them and sold a few cokes in the process.

"Aw, you shouldn't have," Nick said when the many began to clamor in, but he smiled all over himself.

And the past was not to be denied.

Clear back from the class of 1922 and on past the sophisticated '60's, the people came pouring in to shake the old man's hand and say "hello." Over 100 people signed the guest book, representing almost every class that ever graduated from Franklin high school.

They crowded into the unchanged and unadorned booths and ordered malts and cherry cokes, exchanging bits of talk and blaring the juke box.

A few, like Merle Williams (class of 1947), pitched in and began hopping tables for Nick-the-boss, like they had a long time ago.

For precious moments it was as though the years had never been.

Unlike the aged faces and paunchy bodies that filled the row of timeless booths, good-old Nick was unchanged.

Between smiles and handshakes, he was hurrying back to his chores behind the ancient counter with its dark oak and marble top. Hands pumping and his silver-gray head bobbing, Nick churned out the orders with an ageless zeal.

His two children, now grown, Nick Jr. and Patti, were there to help with the extra flow of business, but chances are the old-timer could have made it without them.

On the counter with the guest book was a brightly inscribed "certificate of recognition" from citizens of the community and hand-lettered by a high school student.

There was also a letter from presidential aide Max Friedersdorf, now in Washington, D.C. It read in part:

"You have a most remarkable record and there are thousands of Franklinites scattered around the globe that remember Nick's with great warmth and nostalgia.

"You have brought much pleasure to many people, and no man can ask for more."

Former Franklin city councilman Robert Tranter, Jr., wrote a 14-stanza poem to the days at Nick's and his 50 years in business. He ended it this way:

"Perhaps when 50 more roll past or maybe 56, You'll yell across a cloud to me, I'll meet you down at Nick's."

Well, there was a bit of unbridled joy down at Nick's Sunday afternoon.

They came to say hello to the little guy who, somehow through the years, has always been there for each eager new generation.

And, in the hearts of those sentimental high school kids of other days, he always will be there.

Nick Banos' 50th Anniversary

(Editor's note: Today's "County Chatter" column was written by Indianapolis attorney and former newspaperman John Fox who helped celebrate the surprise 50th anniversary "open house" for Nick Banos at the Franklin Candy Kitchen Sunday afternoon. Like many others John spent many hours at the Candy Kitchen while a student at Franklin College and had a tremendous respect and admiration for Nick.)

The syrup of humanity, even for those who have matured from chocolate sodas to vodka martinis, ran sweet and steady in its 50th year yesterday.

The address was 135 East Jefferson, Franklin, but the members were insignificant at the citadel known as "Nick's."

Gray now, and 50 years since opening as a 24-year-old newly naturalized Greek, was Nicholas Sideris Banos, Sr.

He had no time to do anything except that which has occupied his last half century.

"Two cherry cokes, one chocolate malt, one Tin-Roof."

Fifty years and one month from that day in March 1922 when Nick opened Nick's Candy Kitchen, the sign still reads "Fountain service, homemade candies."

Bank vice presidents, politicians, judges, newspaper editors, big city lawyers, White House attaches and State Department stalwarts paid their respect in person, by mail and by telephone.

"One chocolate coke, one plain coke, one chocolate sundae."

The chalked menu on the mirror was still there. The lattice-work divider, hanging from the ceiling, was gone. There was still a pinball machine in the back and jukebox out front, but neither still worked for a nickel.

Nick had two familiar and free counter helpers, Nick, Jr., holder of a Masters Degree, and Patty Banos Walters, just nine hours away from her own Masters.

Nick's bride of 35 years, customarily absent, was babysitting with their granddaughter. She was not far from her Whiteland birthplace despite the geographic distance from her husband's native Marmarion, Greece.

As they say at awards dinners, it's a long way from Nov. 18, 1898, to April 9, 1972, but the years and the miles have rested lightly on N. Banos, Prop.

"I'll have two cinnamon rolls and some maple nut sea foam."

The young folks, whose idea of nostalgia is a stained diaper, turned away from the smoky furor that marked 50 years of attention to the appetities and attitudes of three generations of Tin Roof loyalists.

The waiters, free and graying, tied white aprons around their waists and exchanged ancedotes about the '30's and '40's when they were waiters for pay.

A telephone call, on the pay phone just left inside the door, came from Phil Vandivier in Washington, D.C. The State Department and Nick's Candy Kitchen were both alive and well.

"Two chocolate sundaes, one chocolate soda, one lemon coke."

In the 50 years Nick has been in Franklin, he has moved from 168 Walnut street to 99 Herriott street with his bride of 35 years.

The wonder of Nick was complemented with two members of the Franklin Wonder Five, Fuzzy Vandivier and Burl Friddle, who knew each other "when."

It was shortly after Nick was discharged from the U.S. Army in September 1918, that he opened a rented store space after stops with fellow Greek candy wizards in St. Louis, Missouri, and Martinsville, Indiana.

Success and prosperity prompted the purchase of the building in 1955.

"One plain coke, one chocolate coke, two chocolate malts."

On the back-fountain read a sign "We reserve that right to refuse service."

It dealt with conduct, not race. The Crowe boys, George, Ray, Billy and others, all black and all Franklin, made Nick's their watering stop without comment.

Nick's gentle restraint on youthful enthusiasm manifest itself by pulling the plug on the jukebox when things afoot got out of hand.

"Daddy, how much on the peanut brittle?"

A bank vice president, older and balder, noted, without pleasure, that the same three girls who as teen-agers, would fit three to a booth, now sat snugly in singles.

Nostalgia and respect and the fondling of memory extended to the sidewalk where husbands of the older set leaned against the parking meters that had grown from the pavement since their youth.

"Sorry dad, I broke three glasses because I'm a little out of practice."

It was noisy nostalgia. One matron inquired if anyone had ear plugs, but added hastily that she did not notice it at age 18.

The under-20 set passed the word on the sidewalks: "No need to go to Nick's, there's a big bunch of old guys there and you can't get in."

The grandchildren of Nick's early customers pressed their noses against the candy case while grandpa commented, "This is like a Friday night after a ballgame."

The sweetness, tangible, was all still weighed on a Toledo scale after a bout with a butcher knife for the soft merchandise and a hammer for the hard.

The Franklin City Judge, in sweater and with wife, presented himself before the marble bench.

"Are potato chips 15 cents?"

The hinge on the chocolate pump broke under unexpectedly heavy use. Nick plucked a matchstick from the back-fountain and repaired it hastily.

"I'll have a quarter-pound of that vanilla nut sea foam and a quarter pound of that strawberry nut divinity."

Big, new automobiles slid into the curb and discharged the wrinkled and graying drivers and passengers that used to walk or bike to Nick's.

A bewildered teen-ager, in an undershirt and with a basketball, wandered to the back and shuffled out, wondering what had happened to the lazy Sunday schedule he had known.

The four-bladed electric fan, not working, capped the gray crown of Nick who was.

"One banana split, two chocolate sodas."

A letter from Washington from a high government official commented about the Tin Roof that he no longer dared to eat, but savored the memories he dared not forget.

A mayoralty candidate composed poetic tribute of 14 verses entitled "The First 50 Years."

The standing joke on leaving was, "We'll see you at your 100th, Nick."

And he just might make it.

TELEPHONE PRIVACY—XIV

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the Telephone Privacy Act (H.R. 14097) with 28 cosponsors.

This bill would give the individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phonebook who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 12th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow; the names have been omitted:

Findlay, Ohio,
March 31, 1972.

A ROSE FOR YOU, YOU DEAR MAN!

Tell those other fellows down there in Washington to please do something about those telephone callers. I have been bothered, angered, annoyed, pestered, and exasperated with them for years but had no idea that anything could be done about it.

I could write a couple pages about "the time when . . ." but I'm sure I don't have to. They have caught hundreds of us with wet babies, bread-dough fingers, and quick drying plaster. We have come running from the back of the yard, from the somewhat muddy carrot patch, from the ladder at the bedroom window.

So I'm going back to work.

Thanks for starting something!

——— ———.

Boston, Mass.,
March 29, 1972.

Hon. Les Aspin,
House of Representatives,
Washington, D.C.

Dear Representative Aspin: I would like to add my non partisan support to limit telephone solicitation.

Good Luck!

Respectfully,

——— ———.

Indianapolis, Ind.,
March 29, 1972.

Dear Congressman: I'm starting this letter like this because I intend to send one to each of the 27 members of congress who helped introduced the bill to make the telephone Company take peoples name off of telephone lists for companys or none profit foundations who pay people to do this sort of work—telephone solitication.

I have did this kind of work for 9 (nine) years and I know some about what the American public think about telephone solicitors—it is not good but as soon as someone gets to the core and lets the American public know the people that hire these people and the telephone company are the one who make the money from this the less the person who does the work on the telephone will be treated like dirt. More and more of these companys and Foundations are doing this on a commission basis so the person who works the phone will be the loser. those people who do hire people to work on a commission basis do not take out any taxes. Some people do only a small amount of this work and do not turn it in on their tax returns. Other people that do this work even if taxes are taken out never get a amount showing this.

We have a non Profit Foundation operating all over this country that so I have been told have eight hundred women doing this work in their homes on a commission basis. First of all this non profit foundation should not be able to have that many paid workers on their Payrolls. Second I have until the 24th of march worked fore this foundation for one year and I can show proof of how they do their solicitors anytime you want to see it. I have some photo copies and some original sheets that I worked for them. I will be glad to turn over to Andy Jacobs Jr office here any of this for you to see along with other things.

I have some suggestions that I would I like to make to all 27 of you People;

That companys or non profit foundations be made to use the most up to date directory that the telephone company in their city puts out; Why? this way the person on the telephone gets more good out of a number after dialing. the following statement that I am going to make I can prove. this non profit Foundation that I have been working for is now using a 1970 Haines criss cross directory or were the last work that I did for them. But yet the 1972 Haines criss cross has been out since Jan 1972.

To make the telephone company send notices for three months after this bill passes (and it will) stating they can have their number taken off these calling lists.

To make the telephone company stand complete charge of this and not to get a raise rate to cover it. If they want to charge the company or non profit foundation for it that would be alright, but the American public has paid thru the nose long enough to please the big companies and big non profit foundations and I might add here that this big foundation is a veterans' foundation and I'm not against it but against some of the people in its ranks. I served my country in the Second World War on a volunteer basis and can prove it with the American red cross in their blood bank.

That anyone using telephone solicitors not be allowed to purchase or use a crisscross directory. They can get every unlisted number in the country this way. People who have unlisted numbers pay for the unlisted number but yet get calls. The telephone company makes both ways.

That before the company or foundation that is calling be made to belong to the beter business bureau in their community—the foundation I worked for does not. Also that the person can report this company or foundation to the Labor Board without getting fired, laid off or made so little that they quit on their own accord.

In closing I will say if I can be of any help in putting the telephone co. in the place they belong (at the bottom of my list) I will be glad to do it.

——— ———.

Washington, Pa.
March 30, 1972.

Representative Les Aspin,
House of Representatives,
Washington, D.C.

Dear Representative Aspin: Congratulations on your bill to "place a no-solicitors' sign on telephones." The continued intrusion by solicitors is outrageous.

I have often wondered why, if a person does not wish to be disturbed, that a cutoff of all calls could be made, until such time as the person is ready to receive calls again.

Yours truly,

——— ———.

La Jolla, Calif.,
March 29, 1972.

Hon. Mr. Aspin.

Dear Sir: Having read in the Christian Science Monitor that you are introducing a bill to prohibit advertising calls on one's phone. This is to register my hearty support.

Being roused from a badly needed nap—or in the crucial few minutes of poaching an egg—well for years I have wondered what could be done about it.

Thank you and sincerely,

——— ———.